*AMENDED 5/11/11, 4:00 P.M.
AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
MAY 18, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE - Holly Hitchcock, Casas Adobes American Legion Auxilliary Junior Miss Poppy - Memorial Poppies Donation Program

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. Customer Feedback Form regarding Town Hall Solar Project

2. Public Safety Providers Quarterly Reports

3. DIS Infrastructure Section grading of Limewood Drive and Camino Del Plata

4. Library Staff Recognition Letter

5. Police Department Appreciation Letter

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

PRESENTATIONS

a. Dr. Peter Rhee

b. Presentation of Distinguished Budget Presentation Award from the Government Finance Officers Association for the Town of Oro Valley FY 2010/11 Adopted Budget

CONSENT AGENDA
(Consideration and/or possible action)

A. Metropolitan Tucson Convention and Visitors Bureau Quarterly Report: January 1, 2011 - March 31, 2011

B. Police Department - March 2011 Statistics

C. Court Report - April, 2011

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

E. Resolution No. (R)11-28 Authorizing and Approving a Line Extension Agreement for Construction of Protected Water Facilities Under Private Contract Between the Town of Oro Valley and Copper Canyon Development, LLC

F. Resolution No. (R)11-29 Authorizing and Approving a 2011 Community Economic Development Strategy for the Town

G. Tucson Regional Economic Opportunities, Inc. Quarterly Report: October 1, 2010 - March 31, 2011

H. Resolution No. (R)11-30 Authorizing and Approving an amendment to the Town Financial and Budgetary Policies to comply with governmental accounting standards board statement No. 54, committing the ending fund balance for certain special revenue funds for specific purposes, and authorizing the town manager or a designee to assign fund balance to a specific purpose **(AGENDA ITEM UPDATED ON MAY 11, 2011)**

I. Resolution No. (R)11-31, Authorizing and Approving an Electric Vehicle Project Host Agreement Between the Town of Oro Valley and Ecotality

REGULAR AGENDA

1. MOTION FOR RECONSIDERATION OF THE MAY 4, 2011 APPROVAL OF 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 WITH CONDITIONS

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

3. PUBLIC HEARING - RESOLUTION NO. (R)11-35 ADOPTION OF THE TENTATIVE BUDGET FOR FY 2011/2012 AND SETTING THE LOCAL ALTERNATIVE EXPENDITURE LIMITATION FOR FY 2011/12 (**AGENDA ITEM UPDATED ON MAY 13, 2011)**

4. *~~DISCUSSION AND POSSIBLE ACTION REGARDING ORO VALLEY ZONING CODE REVISED, CHAPTER 28, SIGNS, PERTAINING TO THE USE AND REGULATION OF A-FRAME SIGNS~~ **(THIS ITEM HAS BEEN REMOVED FROM THE AGENDA ON MAY 11, 2011)**

5. AMENDMENT TO ZONING CODE AND TOWN CODE RELATING TO THE ESTABLISHMENT OF THE CONCEPTUAL DESIGN REVIEW BOARD (CDRB) AND CONCEPTUAL DESIGN REVIEW PROCESS

   a. RESOLUTION NO. (R)11-33 DECLARING AS A PUBLIC RECORD PORTIONS OF THE ORO VALLEY ZONING CODE REVISED, CHAPTERS 21, 22, 23, 24, 25, 26, 27, 28, AND 31, AND THE ORO VALLEY TOWN CODE, CHAPTER 3, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK **(ATTACHMENT #3 & #4 ADDED ON 5/12/11)**

   b. PUBLIC HEARING: ORDINANCE NO. (O)11-15 AMENDMENTS TO THE ZONING CODE AND TOWN CODE RELATING TO THE ESTABLISHMENT OF THE CONCEPTUAL DESIGN REVIEW BOARD AND CONCEPTUAL DESIGN REVIEW PROCESS, REPLACING THE DEVELOPMENT REVIEW BOARD AND ART REVIEW COMMISSION, INCLUDING PORTIONS OF CHAPTERS 21, 22, 23, 24, 25, 26, 27, 28, AND 31, OF THE ORO VALLEY ZONING CODE REVISED AND CHAPTER 3 OF THE TOWN CODE, OV711-03

   c. RESOLUTION NO. (R)11-32 RULES AND PROCEDURES FOR THE CONCEPTUAL DESIGN REVIEW BOARD

   d. RESOLUTION NO. (R)11-34 AUTHORIZING AND APPROVING A RENAMED DEVELOPMENT SERVICES FEE SCHEDULE TO REFLECT THE NEW CONCEPTUAL DESIGN REVIEW BOARD AND PROCESSES

   e. APPOINTMENT OF SEVEN MEMBERS TO THE ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD (CDRB) WITH STAGGERED TERMS EFFECTIVE THROUGH DECEMBER 31, 2012 AND DECEMBER 31, 2013

   f. AMENDING THE TOWN COUNCIL LIAISON ASSIGNMENTS BY APPOINTING COUNCILMEMBER STEVE SOLOMON AS PRIMARY LIAISON AND COUNCILMEMBER LOU WATERS AS THE ALTERNATE LIAISON TO THE CONCEPTUAL DEVELOPMENT REVIEW BOARD (CDRB) AND REMOVING THE FINANCE AND BOND COMMITTEE FROM THE COUNCIL LIAISON ASSIGNMENTS

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: 5/6/11 at 5:00 PM by tlg
AMENDED AGENDA POSTED: 5/12/11 at 5:00 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: 05/18/2011

Submitted By: Arinda Asper, Town Manager's Office

Subject

Customer Feedback Form regarding Town Hall Solar Project

Attachments

Solar Project Customer Feedback Form

2

Customer Feedback Form

APR 19 2011

The Oro Valley Public Library staff welcomes your comments regarding the library.
Please complete this form and place in the Comments Box.

Date: Feb 10, 2011 **Time:** 4 pm

Comments: GREAT STEP BY O.V. in putting up SOLAR PANELS in parking lot! BRAVO! MORE of this sort of thinking would be appreciated.

May we contact you regarding your comments? Yes **(All customer information is confidential.)**

Please include your name and contact information:

Name: MARY EWERT **Phone Number:** 744 1687

E-mail: ngulube@dakotacom.net

ORO VALLEY ARIZONA FOUNDED 1974

Thank you for taking the time to provide us with your comments.
We value your feedback. Customer feedback and library staff responses will be made available to the public once a month.

ORO VALLEY PUBLIC LIBRARY

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

Meeting Date: 05/18/2011

Submitted By: Arinda Asper, Town Manager's Office

Subject

Public Safety Providers Quarterly Reports

Attachments

Public Safety Providers Quarterly Reports

TOWN OF ORO VALLEY

COUNCIL COMMUNICATION MEETING DATE: May 18, 2011

TO: HONORABLE MAYOR AND COUNCIL

FROM: JERENE WATSON, TOWN MANAGER

SUBJECT: PUBLIC SAFETY FIRE AND EMERGENCY MEDICAL SERVICE PROVIDERS QUARTERLY REPORT TO COUNCIL

SUMMARY:

Attached please find the Public Safety Fire and Emergency Medical Service Providers Quarterly Report covering January 1, 2011 through March 31, 2011. The report, prepared by the Golder Ranch Fire District, includes a summary of response criteria, call load, work activity, and public education with data from Golder Ranch Fire District, Rural/Metro Fire Department, and Southwest Ambulance.

ATTACHMENTS:

1. Public Safety Fire and Emergency Medical Service Providers Quarterly Report to Council by Golder Ranch Fire District (including Rural/Metro Fire Department and Southwest Ambulance).

Golder Ranch Fire District - FY 2010/11 Third Quarter (Jan - Mar 2011) - Oro Valley Report Summary

All GRFD Oro Valley Stations	Time	#of Calls	Adopted Standard %	Actual %	Description of Variance
Dispatch to At Scene - FIRE	< 6:00	9	90%	69%	Responding from temporary station
Time to achieve Adopted Standard of 90%	6:41				
Average Dispatch to At Scene Time	5:27				

Dispatch to At Scene - EMS	< 5:00	670	90%	79%	Far end in 1st due
Time to achieve Adopted Standard of 90%	6:01				Out of 5 minute response abilities
					Far from station
					Responding from temporary station quarters
					A lot of traffic
					Map showed incorrect access
Average Dispatch to At Scene Time	4:17				

2nd Fire Unit Dispatch to At Scene	< 8:00	6	90%	66%	
Time to achieve Adopted Standard of 90%	8:39				
Average Dispatch to At Scene Time	7:04				

SWA - Oro Valley Transport Units	Time	#of Calls	Adopted S	Actual %	Description of Variance
Dispatch to At Scene - ALS Transport Unit	< 8:00	350	90%	94%	Calls are in compliance
Time to achieve Adopted Standard of 90%	Achieved				
Average Dispatch to At Scene Time	7:34				

Golder Ranch Fire District – Oro Valley
Detailed Fire Response Report
FY 2010/11 Qtr 3 (Jan – Mar 2011)

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
1/4/11	271	HOUSE	16:57:04	EN376	16:57:45	17:01:25	**4:21**
St.376				EN377	16:57:49	17:05:40	**8:36**
Reported as a house fire with smoke and flames from the garage. Upon arrival fire was extended into the attic area from the garage. WORKING INCIDENT.							

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
1/13/11	860	HOUSE	16:42:47	EN374	16:43:36	16:49:13	***6:26**
St.374							
Reported by the next door neighbor as smoke coming from a residence. EN374 advised small fire in the kitchen now. EN374 can handle. NEGATIVE INCIDENT. *Responded from temporary station.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
1/18/11	1119	HOUSE	07:17:53	EN374	07:19:02	07:24:02	***6:09**
St.374							
Calling party is a neighbor that thinks there is smoke coming from a house. EN374 on scene with steam coming from dryer vent. NEGATIVE INCIDENT. *Responded from temporary station.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
2/5/11	2331	HOUSE	07:26:02	EN376	07:26:42	07:30:56	**4:54**
St.376				LT375	07:26:34	07:33:44	**8:42**
Resident reports faint smell of smoke and smoke detectors going off. After investigation it was determined to be gas furnace burning dust. NEGATIVE INCIDENT							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
2/10/11	2714	HOUSE	19:40:34	EN376	19:41:52	19:47:15	**6:41**
St.376				EN339			**6:25****
Reported as a kitchen on fire, residence evacuating. EN339 and 376 on scene with a pot burning on stove, cancel other units. NEGATIVE INCIDENT. **EN339 on scene as this is on the far west edge of the District between Station 376 and NWFD 339.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
2/19/11	3247	HOUSE	07:35:54	EN376	07:36:48	07:40:15	**4:21**
St.376							
Reported from a resident that states an odor of smoke and alarms going off inside house. EN376 on scene with nothing showing shut down other responding units to code 2. Found to be food burning in kitchen. NEGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
3/20/11	5213	HOUSE	11:08:09	EN374	11:09:14	11:14:56	***6:47**
St.374				EN370	11:09:29	11:15:24	**7:15**
Reported as a fire in the laundry room of a residence. After further investigation it was found that lint in the dryer had caught fire with no extensions into the structure. NEGATIVE INCIDENT. *Responded from temporary station							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
3/20/11	5232	HOUSE	18:06:52	LT375	18:08:27	18:11:48	**4:56**
St.375				EN374	18:08:27	18:11:50	**4:58**
Smoke coming from and electrical box on the side of a house. LT375 reported some type of electrical malfunction of the box itself without any further fire damage or extension. NEGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
3/26/11	5618	BUILD	21:31:58	EN377	21:33:43	21:36:32	**4:34**
St.377				EN376	21:34:08	21:38:47	**6:49**
Restaurant reported that they saw "something go off" then the alarm began to sound and the sprinkler system activated. Upon further investigation it was found that a fryer unit was pulled out for service and the steam activated the sprinkler. NEGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time

Golder Ranch Fire District - Oro Valley
Call Summary
FY 2010/11 Qtr 3 (Jan – Mar 2011)

Sun City Station 374	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	222	*61%
Dispatch to At Scene <6:00 minutes -FIRE	3	0%
Average Dispatch to At Scene Time	**4:25**	

Woodburne Station 375	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	145	88%
Dispatch to At Scene <6:00 minutes -FIRE	1	100%
Average Dispatch to At Scene Time	**4:39**	

Lambert Station 376	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	115	76%
Dispatch to At Scene <6:00 minutes -FIRE	4	75%
Average Dispatch to At Scene Time	**4:19**	

Oracle Rd. Station 377	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	188	89%
Dispatch to At Scene <6:00 minutes -FIRE	1	100%
Average Dispatch to At Scene Time	**3:50**	

Average Total All Oro Valley Stations	# of calls	%
Dispatch to At Scene <5:00 minutes -EMS	670	79%
Dispatch to At Scene <6:00 minutes -FIRE	9	69%
Average Dispatch to At Scene Time	**4:17**	

Average Total All Oro Valley Stations -2nd Fire Unit	# of calls	%
2nd Fire Unit Dispatch to At Scene <8:00 minutes -FIRE	6	66%
Average Dispatch to At Scene Time for 2nd Fire Unit	**7:04**	

Other Miscellaneous Fire Calls –All Oro Valley Stations	# of calls	%
Dispatch to At Scene <6:00 minutes -FIRE	18	72%
Average Dispatch to At Scene Time	**5:14**	

*Indicates Station 374 responding from temporary quarters in Splendido

Golder Ranch - Oro Valley Call Load Breakdown

FY 2010/11 Qtr 3 (Jan – Mar 2011)

CALL TYPE	Sun City	Woodburne	Lambert	Oracle	TOTAL
Aircraft					
Brush / Vegetation		1	1		2
Building			1		1
Electrical / Motor	1		3		4
Fires - All Other	1	1	2	1	5
Gas Leak			2		2
Hazmat	1	3		1	5
Trash / Rubish		1	1		2
Unauthorized Burning	1	1	1		3
Vehicle			3		3
Total Fire Calls	**4**	**7**	**14**	**2**	**27**
Animal Problem					
Animal Rescue		1			1
Assist -Other	7	3	3	5	18
Battery Change	30	13	26	16	85
Bee Swarm	1		1	1	3
Defective Appliance					
Invalid Assist	56	6	9	9	80
Snake	12	32	34	15	93
Lockout		3		4	7
Fire Now Out	1	1			2
Total Service Calls	**107**	**59**	**73**	**50**	**289**
Alarms (Fire, Smoke. CO)	10	12	18	17	57
Cancelled / Negative Incident	6	4	6	3	19
Smoke / Odor Investagation	1	2	2		5
Total Good Intent Calls	**17**	**18**	**26**	**20**	**81**
Motor Vehicle Accident	2	11	5	10	28
Rescue (high, trench, water)					
All Other EMS Incidents	220	134	110	178	642
Total EMS Type Calls	**222**	**145**	**115**	**188**	**670**
TOTAL ALL CALLS	**350**	**229**	**228**	**260**	**1067**

Mountain Vista Fire District - Oro Valley Call Summary 3RD Quarter 2010-2011

MVFD Response times	Time	#of Calls	Adopted Standard %	Actual %	Description of Variance
Dispatch to At Scene - FIRE	< 6:00	12	90%	100%	
Time to achieve Adopted Standard of 90%	Achieved				
Average Dispatch to At Scene Time	4:02				

Dispatch to At Scene - EMS	< 5:00	92	90%	88%	
Time to achieve Adopted Standard of 90%					
Average Dispatch to At Scene Time	3:36				

2nd Fire Unit Dispatch to At Scene	< 8:00	12	90%	92%	
Time to achieve Adopted Standard of 90%	Achieved				
Average Dispatch to At Scene Time	6:17				

SWA - Oro Valley Transport Units	Time	#of Calls	Adopted S	Actual %	Description of Variance
Dispatch to At Scene - ALS Transport Unit	< 8:00	92	90%	71%	
Time to achieve Adopted Standard of 90%					
Average Dispatch to At Scene Time	6:37				

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

Meeting Date: 05/18/2011

Submitted By: Craig Civalier, Development Infrastructure Services

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Subject

DIS Infrastructure Section grading of Limewood Drive and Camino Del Plata

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Attachments

DIS Email of Appreciation

From: jcdmatthews@dakotacom.net [mailto:jcdmatthews@dakotacom.net]
Sent: Wednesday, April 13, 2011 7:12 AM
To: Ricksecker, Shawn; Trenary, Phillip
Subject: Resident off Limewood.

Shawn and Phil, I just wanted to thank you for grading Limewood and Camino Del Plata the roads that leads to my house. The gravel that was put on Camino Del Plata makes it hard for the blade operator to cut out the wash board because I'm sure he doesn't want to push the gravel away; but this time he graded it pretty smooth which makes it much more enjoyable to travel on.

Thanks again it is much appreciated,

Joel Matthews
Bonita Steel Builders, Inc.
2439 W. Wetmore Rd.
Tucson, Az 85705
520-293-0440
jcdmatthews@dakotacom.net

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

Meeting Date: 05/18/2011

Submitted By: Arinda Asper, Town Manager's Office

Subject

Library Staff Recognition Letter

Attachments

Library Staff Recognition Letter

John R deCoville
P.O. Box 68906
Oro Valley, Arizona 85737

APR 25 2011

April 25, 2011

Major Satish Hiremath
Town of Oro Valley

Dear Mayor:

I am writing to compliment the Oro Valley Public Library for being my partner while making some transitions in my life. This library has got to be one of the most fun, welcoming and resourceful places I have ever availed myself to.

I have checked out books through the inter-library system from the University of Arizona Library, I have attended countless classes and enrichment exercises. And, I have discovered a lot of really engrossing reading. Thank you chief librarian, Jane, for your system's relentless purchasing of the New York Times reviewed books! You are world-class!

I purchased a non-resident library card in Ashland, Oregon (Jackson County) where the University of Southern Oregon is seated and can attest to the overwhelming superiority of source materials available in the Pima County System/University of Arizona system. The main branch of Ashland's Jackson County Library is just one block south of the Campus of the University of Southern Oregon.

Oh, and Mayor Hiremath, thank you for your forward-looking action of installing solar panels also giving shade to us visitors or the Town's campus!

Have a great day!

John R. deCOVILLE

Town Council Regular Session **Item # 5.**

Meeting Date: 05/18/2011

Submitted By: Catherine Hendrix, Police Department

Subject

Police Department Appreciation Letter

Attachments

PD Appreciation Letter

MARANA

POLICE DEPARTMENT

Terry S. Rozema
Chief of Police

March 28, 2011

Chief Daniel Sharp
Oro Valley Police Department
11000 N. La Canada Drive
Oro Valley, Arizona 85737-7015

Received by
APR 18 2011
Oro Valley Police Dept.

Dear Chief Sharp:

On September 25, 2010 and March 25, 2011, the Marana Police Department Volunteers in Police Services Program participated in two events, one being the *DEA National Take Back Initiative* and the other a Pima County Health Youth Safety *Kick Butt*. Both events were successful and new to our department and community.

Due to organization changes within our department, the Volunteers in Police Service Program has taken on a larger role in our community programs.

This letter is to express my sincere gratitude and appreciation to Sgt. Amy Sloane and Officer Shawn Benjamin for their untiring assistance and dedicated help with the creation and support of the Marana Police Department *Dispose a Med Program*.

On September 19, 2010, Oro Valley Police Department Sgt. Sloane and Officer Benjamin took time out of their busy schedules to meet with me to share their experience on how to establish a successful *Dispose a Med Program*. They encouraged me to attend the *Dispose a Med Program* monthly meetings held throughout Pima County. This was a great networking opportunity. Prior to the *DEA National Take Back Initiative* scheduled for September 25, 2010, Officer Benjamin worked with me on creating flyers and posters to inform the Marana community of our participation in the upcoming event. She also provided us with contact numbers of community businesses who might be helpful in providing us resources and assistance in making our involvement in the event successful.

The day of the event, I had an issue come up. When I called Sgt. Sloane she was working another event in Oro Valley but she took the time to answer my question. She provided me with timely information which pointed me in the right direction to resolve my issue.

11555 W. CIVIC CENTER DRIVE, BLDG. B ■ MARANA, ARIZONA 85653-7091 ■ PH: (520) 382-2000 ■ FAX: (520) 382-2001

In December 2010, prior to a special event permit being submitted to the Town of Marana, Sgt. Sloane advised us that Oro Valley Police Department was asked to participate with a Pima County Health Youth Event on March 25, 2011 in the Town, regarding their *Dispose a Med Program*. She suggested we establish a partnership to display the *Dispose a Med Program* for this event. Our collaboration resulted in a positive and beneficial event for Pima County Health and the Towns of Marana and Oro Valley.

Sgt. Sloane and Officer Benjamin should be commended for their continuous leadership of being instrumental with setting an exemplary standard, their untiring passion and supportive team work helping the successes of other departments, agencies and organizations build the *Dispose a Med Programs*.

Their attributes are the foundations of our police profession and are very much respected, valued and appreciated.

Please extend my appreciation to them and your agency; I am looking forward to a continued and dedicated partnership.

Sincerely,

Officer Lori Sheppard
Marana Police Department
Volunteer in Police Services Coordinator

Terry S. Rozema
Chief of Police

LS/TSR/jc

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

Meeting Date: 05/18/2011

Dr. Peter Rhee

Subject

Dr. Peter Rhee

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

Meeting Date: 05/18/2011

Requested by: Stacey Lemos **Submitted By:** Stacey Lemos, Finance

Department: Finance

SUBJECT:

Presentation of Distinguished Budget Presentation Award from the Government Finance Officers Association for the Town of Oro Valley FY 2010/11 Adopted Budget

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

For the 3rd consecutive year, the Town of Oro Valley has received the Distinguished Budget Presentation Award from the Government Finance Officers Association. This award is the highest form of recognition in governmental budgeting and represents a significant achievement by the Town of Oro Valley.

In order to receive the budget award, the Town had to satisfy a set of stringent, nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well the Town's budget serves as:

- A policy document
- A financial plan
- An operations guide; and
- A communications device

This award is the direct result of the hard work, dedication and commitment of Wendy Gomez, Management and Budget Analyst, and Art Cuaron, Finance Analyst, in the Finance Department. Without their skill, knowledge and teamwork, this award recognition would not be possible.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

For information only

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

Meeting Date: 05/18/2011

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

Department: Town Manager's Office

SUBJECT:

Metropolitan Tucson Convention and Visitors Bureau Quarterly Report: January 1, 2011 - March 31, 2011

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

The 2010/11 Financial Participation Agreement (FPA) between the Town of Oro Valley and the Metropolitan Tucson Convention and Visitors Bureau (MTCVB) stipulates that a quarterly report be compiled by MTCVB and submitted to the Economic Development Division and Mayor and Council. The enclosed report satisfies the FPA requirement for the third quarter of FY 10/11.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

The FY 2010/11 FPA between the Town of Oro Valley and MTCVB is $71,800.

SUGGESTED MOTION:

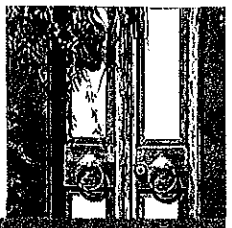
N/A

Attachments

MTCVB 3rd Quarter Report

FY2010-11 MTCVB FPA

Tucson
Real. Natural. Arizona.



METROPOLITAN TUCSON CONVENTION & VISITORS BUREAU

April 15, 2011

To: Jerene Watson, Town Manager
Town of Oro Valley

From: Jonathan Walker, President & CEO

Re: 3rd Quarter Performance Update

The 3rd quarter of the fiscal year began with the Tucson Invitational Games Golf Tournament held at the Hilton El Conquistador. It brought in 750 golfers and attendees and $715,900 in economic impact.

Also in the past quarter, we saw 18 future bookings confirmed for the Hilton and we hosted six site inspections for future business. The MTCVB website also counted 5,705 unique visits that hit the Town of Oro Valley website.

100 South Church Avenue Tucson, Arizona 85701
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METROPOLITAN TUCSON CONVENTION AND VISITORS BUREAU
Oro Valley

QUARTERLY PERFORMANCE REPORT – Third Quarter **January - March, 2011**

KEY MEASURES OF PERFORMANCE	ADOPTED FY 2011	CURRENT Quarter	YEAR TO DATE	COMMENTS
Convention Sales				
Sales Leads	350	73	206	
Site Inspections	44	6	34	
Future Bookings	16	18	48	
Room Nights of future bookings	3,500	5,735	17,999	
Convention Services				
Meetings/Conventions serviced	18	9	52	
Travel Industry Sales				
Leads/Services	32	9	54	
Promote to targeted tour operator clients	400	297	980	
Impressions via tour operator catalogs	500,000	1,367,000	1,706,500	
Communications				
Travel Articles	31	9	25	
Marketing				
Generate Inquiries from primary markets	100,000	26,805	74,796	
Unique visitors to MTCVB website	2.5M	841,949	2,216,961	
Unique visitors to Oro Valley via MTCVB website	6,000	5,705	13,698	

Tucson

Prepared On: 04/08/2011
Prepared By: Hope Patterson

CONVENTION SALES AND SPORTS DEVELOPMENT LEADS IN ORO VALLEY MARCH 2011

Account Name	Count
Hilton Tucson El Conquistador Golf & Tennis Resort	26
Grand Totals	**26**

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	Room Attendees	Requested Rooms	Account Name	Status	Date
29961	Planning Meeting for Annual Conference	National Training and Simulation Association	250	500	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/01/2011
29969	User Conference	APLNow, LLC	80	150	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/03/2011
29970	Extraordinary Events	ConferenceDirect-CA	494	2176	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/03/2011
29974	CEO-MC Retreat	Community Associations Institute	200	588	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/07/2011
29978	Reunion	Continental Surgical Club	24	48	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/08/2011
29982	Association of Challenge Course Technology International Challenge Course Symposium	Exhibit Promotions Plus Inc	400	1010	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/14/2011
29984	International Education Conference	Global Organization and Planning Services, LLC	500	800	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/14/2011
29985	Association of Challenge Course Technology International Challenge Course	Exhibit Promotions Plus Inc	400	1010	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/14/2011

	Symposium						
29986	Western Heritage Insurance Company	Strategic Meetings LTD.	42	142	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/15/2011
29987	Reunion	USS Diphda - AKA 59	60	120	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/16/2011
29988	North American Meetings of the Economic Science Association	University of Arizona Department of Economics	160	230	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/16/2011
29989	San Diego MPI June Board Retreat	Strategic Meeting Partners	30	30	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/16/2011
29991	Independent Professional Seed Association Conference	HelmsBriscoe - Iowa	200	225	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/17/2011
29992	Winning Strategies Seminar & Fundamentals Workshop	Administrative Office of the United States Courts	200	350	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/17/2011
29993	Persuasive Writing Workshop	Administrative Office of the United States Courts	70	200	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/17/2011
29997	US Grains Council International Marketing & Membership	HelmsBriscoe - Missouri	225	807	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/18/2011
30002	Plastics Pipe Institute Spring Meeting	The Plastics Pipe Institute	200	605	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/22/2011
30006	Chem Aqua/Mantek Group 1	NCH Corp	350	700	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/22/2011
30007	Certified Group 2	NCH Corp	200	400	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/22/2011
30008	Chemsearch Group 3	NCH Corp	160	320	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/22/2011
30009	Reunion	Jumping Mustang Association - 1st Cavalry Division	120	240	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/23/2011

30017	Oncology Association of Naturopathic Physicians	Syncopate Meeting & Event Planning	100	120	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/29/2011
30019	Meeting	National Floorcovering Alliance	130	465	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/29/2011
30030	National Guild of Professional Paperhangers Convention	National Guild of Professional Paperhangers	150	240	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/29/2011
30040	Information Technology Seminar	Really Great Meetings	125	445	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/30/2011
30063	Conference	American Holistic Veterinary Medical Association	250	1075	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	03/31/2011

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort - Subtotal: Count = 26

Grand Total: Count = 26

Tucson

Site Inspections Monthly: Oro Valley

Prepared On: 04/11/2011
Prepared By: Hope Patterson

Site Source	Count	SUM: Room Attendees	SUM: Requested Rooms	SUM: Contract Rooms	SUM: EEI Value
YFWB-Resort	2	370	925	0	$321,900.00
Grand Totals	2	370	925	0	$321,900.00

Site Source: YFWB-Resort

Site Source	Account Name	Fullname	Lead ID	Lead Name	Room Attendees	Requested Rooms	Contract Rooms	EEI Value	Status	User	Facility Type	Oro Valley Partner Sited
YFWB-Resort	HelmsBriscoe - Maryland	Chad Sanschagrin	29747	Mind Body Medicine Professional Training	220	685	0	$191,400.00	Lead	Johnson, Joy	Other	Hilton Tucson El Conquistador Golf & Tennis Resort
YFWB-Resort	ACFEA Tour Consultants	Ken Olson	29840	Women in Song	150	240	0	$130,500.00	Lead	Sauer, Brooke	Other	Hilton Tucson El Conquistador Golf & Tennis Resort

Site Source: YFWB-Resort - Subtotal: Count = 2, SUM: Room Attendees = 370, SUM: Requested Rooms = 925, SUM: Contract Rooms = 0, SUM: EEI Value = $321,900.00

Grand Total: Count = 2, SUM: Room Attendees = 370, SUM: Requested Rooms = 925, SUM: Contract Rooms = 0, SUM: EEI Value = $321,900.00

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I T I N E R A R Y

Ken Olson, Operations Manager

ACFEA Tour Consultants

123 2nd Ave Ste 105, Edmonds, WA 98020 Ph: 425-776-3273
April 2012 Lead # 29840 Women in Song, 150 people, 240 nights YFWB-Resort
Bureau Contact: Brooke Sauer, National Sales Manager Ph: 520-770-2156, Cell 520-401-3573

Monday, March 28, 2011

2:45 pm Ken arrives at Tucson International Airport on Alaska Airlines Flight #648

Meet Brooke in the baggage claim area

4:00 pm Check in for one night compliments of the Westward Look Resort

4:30 pm Meet Terrie Ashbaugh in lobby for dinner off property

Terrie Ashbaugh, MM
Executive/Artistic Director
Southern Arizona Women's Chorus
Director of Music Ministry
Ascension Lutheran Church Ph: 520-404-3148
tlashbaugh@aol.com

Attend rehearsal for Southern Arizona Women's Chorus at Ascension Lutheran Church.
Explore St Andrews as a possible concert venue.

Tuesday, March 29, 2011

8:30 am Meet Sonia in the lobby for Breakfast & Site:
10:30 am **The Westward Look Resort**
245 E Ina Rd, Tucson, AZ 85704
Ph: 520-297-1151 Fx: 520-742-1573
Contact: Sonia Hammrich, Asst DOS Ph: 520-917-2473
shammrich@westwardlook.com

10:45 am Meet Brooke in the lobby for transportation to Hilton El Conquistador

11:00 am- 1:30 pm	Brooke & Ken to meet Terrie for Site & Lunch: **Hilton Tucson El Conquistador Golf & Tennis Resort** 10000 North Oracle Road, Tucson, AZ 85737 Ph: 520-544-5000 Fx: 520-544-1222 Contact: Audra Barrios, Sales Mgr, Ph: 520-544-1109 Audra.barrios@hilton.com
	Terrie to provide transportation from here to explore other concert venues with Ken
2:00 pm	Catalina Foothills High School Raymond Barrera, 940-6043 (Brooke to confirm 24 hours in advance)
3:00 pm	Crowder Hall (Between 2:30 and 3:00pm) **Deon Dourlein** Technical Director, Senior University of Arizona School of Music deon@u.arizona.edu (office) 520-626-9225, (cell) 520-235-6028
4:00 pm	Check in for one night compliments of the Tucson Marriott University Park Hotel
5:15 pm	Meet Brooke in the lobby for dinner off-property

Wednesday, March 30, 2011

7:50 am	Meet Brooke in the lobby for transportation to Westin
8:15 am- 10:15 am	Breakfast & Site: **Westin La Paloma Resort & Spa** 3800 East Sunrise Drive Tucson, AZ 85718 Ph: 520-742-6000 Fx: 520-577-5887 Contact: Deborah Weiss, Dir of Group Sales Ph: 520-577-5837 deborah.weiss@westin.com
10:45 am- 11:30 am	Meet Julie & Jaimie in lobby/restaurant of Marriott University Park Julie Evans, Development & Communications Manager, 520-904-2863, julie@komensaz.org Jaimie Leopold, Executive Director, 520-319-0155, Jaimie@komensaz.org Susan G. Komen for the Cure, Southern Arizona
11:45 am- 1:45 pm	Site & Lunch: **Tucson Marriott University Park Hotel** 880 E 2nd Street, Tucson, AZ 85719 Ph: 520-792-4100 Fx: 520-903-9906 Contact: Roxanne Hoeft, Association Sales Manager, Ph: 520-629-2809 roxanne.hoeft@marriott.com
1:45 pm	Roxanne to provide transportation to Tucson International Airport
3:40 pm	Depart Tucson International Airport of Alaska Airlines Flight #631

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C57

ITINERARY

Beth Mallon

Mind Body Medicine Professional Training

c/o HelmsBriscoe 1208 Corinthian Court, Bel Air, MD 21014 Ph: 443-866-9961
Lead #29747 Sept 2012 Mind Body Medicine Professional Training 220 ppl, 685 TRN YFWB-Resort
Bureau Contact: Joy Johnson, National Sales Manager Ph: 520-770-2130

Monday, March 14, 2011

8:56 pm — Beth arrives at Tucson International Airport on Delta Airlines Flight#1027

Meet driver in the baggage claim area. Transportation provided by the Hilton El Conquistador.

Check in for one night compliments of the Hilton Tucson El Conquistador

Tuesday, March 15, 2011

8:00 am — Meet Joy in the lobby

8:15 am-10:45 am — Breakfast & Site: **Westin La Paloma Resort & Spa**
3800 East Sunrise Drive Tucson, AZ 85718
Ph: 520-742-6000 Fx: 520-577-5887
Contact: Paul Canez, Sr Sales Mgr Ph: 520-577-5869
paul.canez@westin.com

11:00 am-1:00 pm — Site & Lunch: **Hilton Tucson El Conquistador Golf & Tennis Resort**
10000 North Oracle Road, Tucson, AZ 85737
Ph: 520-544-5000 Fx: 520-544-1222
Herb Garman, Sr Sales Mgr Ph: 520-575-4605
herb.garman@hilton.com

2:00 pm — Check in for one night compliments of Loews Ventana Canyon Resort
Afternoon excursion with Gail

6:00 pm Dinner with Gail

Wednesday, March16, 2011

8:00 am Breakfast & Site: **Loews Ventana Canyon Resort**
7000 N. Resort Drive, Tucson, AZ 85750
Ph: 520-299-2020 Fx: 520-299-4151
Contact: Gail Seawright, Dir of National Accounts Ph: 520-529-7915
gseawright@loewshotels.com

Driving to Scottsdale for two nights

Friday, March 18, 2011

1:24 pm Depart Tucson International Airport on Delta Airlines flight #1240

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I T I N E R A R Y

053

DOOSAN/INFRACORE/BOBCAT
DOOSAN INFRACORE DEALER MEETING
LAURA NESS-OWENS, DOOSAN INFRACORE
PAM PAVEK-CORPORATE EVENTS
DEBORAH RICH-HELMSBRISCOE
10245 BRIER MILL CT, ALPHARETTA, GA 30022
Lead #29863, 500 PL, 1200 Total Room Nights
Bureau Contact: Pamela Traficanti, National Sales Manager; Cell: 520-906-4512

Tuesday, March 1, 2011

1:20 pm — Deborah Rich arrives on Delta flt. #1254 at 1:20pm. Pamela to pick up at the Tucson International Airport.

2:15pm — Tucson resort sites (Ritz & Hilton El Conq).

One night/one room accommodations provided by
Westin La Paloma Resort & Spa
3800 E. Sunrise Dr. Tucson, AZ 85718 $175
Contact: Paul Canez, Sr. Sales Mgr.
Phone: 520-577-5869

Wednesday, March 2, 2011

10:00 am — Pamela will pick up Deborah and provide transportation for the day; arrivals: Laura Ness Owens & Pam Pavek, arrival: United Airlines flt. #6764 at 10:52 am.

11:30 am — Lunch and site with Rose
Pima Air & Space Museum/Arizona Aerospace Foundation
6000 E. Valencia Rd. Tucson, AZ 85756
Contact: Rose Fahey, Contracted Events Mgr. 3 lunch
Phone: 520-618-4850 $45

2:00 pm — Site and dinner with Susan at Loews
One night accommodations, three rooms provided by $525 Rooms
Loews Ventana Canyon Resort,
7000 N. Resort Dr., Tucson, AZ 85750 $260
Contact: Susan Galjour, Director of Nat'l Accts. Dinner
Phone: 520-529-7990

Doosan Infracore/Bobcat, February 2012 Dealer Meeting
Cont'd page 2

Thursday, March 3, 2011

8:30 am	Check out of the hotel; all to meet in the lobby of Loews.
8:45am	Pamela will provide transport for the day.
9:00 am	Breakfast and site with Paul Westin La Paloma Resort and Spa 3800 E. Sunrise Dr. Tucson, AZ 85718 BFST $60 Contact: Paul Canez, Sr. Sales Mgr. Phone: 520-577-5869
12:15 pm	Site and lunch with Reini at Old Tucson Studios 201 S. Kinney Rd. Tucson, AZ 85735 lunch Contact: Reini Marsh, General Sales Mgr. $120 Phone: 520-908-4834
2:30 pm	Check into the JW Marriott Starr Pass Resort One night accommodations, three rooms provided by $525 JW Marriott Starr Pass Resort and Spa 3800 W. Starr Pass Blvd. Tucson, AZ 85745 Contact: Kerrianne Dessel, Sr. Account Exec. Phone: 520-791-6008
3:00 pm	Laura, Pam & Deborah to meet with Jeremy Holck, Doosan Training Strategy Manager, in main lobby of the resort
4:00 pm	Site and dinner with Kerrianne at JW Marriott $260

Friday, March 4, 2011

Departures, JW Marriott to provide transportation to the Tucson International Airport

Laura & Pam leave on United Airlines flt. #6550,7:20 am.
Deborah leaves on Delta Airlines flt. #319; 8:26 am.

Thank you for visiting Tucson and look forward to welcoming you back in 2012!

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I T I N E R A R Y

DOOSAN/INFRACORE/BOBCAT
DOOSAN INFRACORE DEALER MEETING
DEBORAH RICH-HELMSBRISCOE
10245 BRIER MILL CT, ALPHARETTA, GA 30022
Lead #29863, 500 PL, 1200 Total Room Nights
Bureau Contact: Pamela Traficanti, National Sales Manager; Cell: 520-906-4512

Tuesday, March 1, 2011

1:20 pm — Deborah Rich arrives on Delta flt. #1254 at 1:20pm. Pamela to pick up at the Tucson International Airport.

2:15pm — Site with Cristin Corso Bar for Gina Iarussi
Ritz Carlton-Dove Mountain
15000 N. Secret Springs Dr., Marana, AZ 85658
Contact: Cristin Corso Barr, Sales Mgr.
Phone: 520-572-3107

4:00pm — Site with Herb Garman
Hilton Tucson El Conquistador Golf and Tennis Resort
10000 N. Oracle Rd., Tucson, AZ 85737
Contact: Herb Garman, Sr. Sales Mgr.
Phone: 520-575-4605 Cell #520-990-8020

5:30pm — Checking into Westin La Paloma for one night accommodations
3800 E. Sunrise Dr., Tucson, AZ 85718 $350
Contact: Paul Canez, Sr. Sales Mgr.
Phone: 520-577-5869
Dinner to follow

Thank you for visiting Tucson and look forward to welcoming you back in 2012!

Prepared by Hope Patterson
4/8/2011

Tucson

Convention Sales and Sports Development Bookings in Oro Valley March 2011

LeadID	Lead/Meeting Name	Account Name	Contact State	Partner	HQ	Trace Date	Arrival/Departure Date	Delegates	Rooms	EEI	Target?	Sales Manager
C29827	Sales & Training Meeting	Flowserve	WA	Hilton Tucson El Conquistador Golf & Tennis Resort	Yes	03/16/2011	05/02/2011 - 05/06/2011	50	200	43,500	Yes	Brooke Sauer
C29857	Business & Product Development Meeting	Flowserve	WA	Hilton Tucson El Conquistador Golf & Tennis Resort	Yes	03/23/2011	04/11/2011 - 04/15/2011	60	240	52,200	Yes	Brooke Sauer
Total Records: 2				**HQ Leads: 2**				**110**	**440**	**95,700**		

Tucson

Prepared On: 04/08/2011
Prepared By: Hope Patterson

TOUR & TRAVEL BOOKINGS IN ORO VALLEY MARCH 2011

Account Name	Count
Hilton Tucson El Conquistador Golf & Tennis Resort	5
Grand Totals	**5**

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	People	Blocked Rooms	EEI	HQ Partner Account Name (sort)	Account Name	User
8855	2011 Web Brochure	Caribou Travel (In America)	100	150	$38,400.00	Hilton Tucson El Conquistador Golf & Tennis Resort	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie
9206	Golfxtra	GolfXtra	200	300	$76,800.00	Hilton Tucson El Conquistador Golf & Tennis Resort	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie
9209	2011 Web Brochure	Worldwide Golf Vacations	200	300	$76,800.00	Hilton Tucson El Conquistador Golf & Tennis Resort	Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy
9212	2011 Web Brochure	Meso Alternativ - Tours	200	300	$76,800.00	Hilton Tucson El Conquistador Golf & Tennis Resort	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie
9214	2011 Brochure/Web	Golftours	100	150	$38,400.00	Hilton Tucson El Conquistador Golf & Tennis Resort	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort - Subtotal: Count = 5

Oro Valley
Prepared by Hope Patterson
4/8/2011

Tucson

Report: Convention Services Groups Serviced by Region

Partner Account	# Lead/Bookings	# Room Attendees	# Room Nights	EEI
Hilton Tucson El Conquistador Golf & Tennis Resort	1	60	240	$52,200.00
Grand Total:	1	60	240	$52,200.00

Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	Room Attendees	Contract Rooms	EEI	Partner Account
29857	Business & Product Development Meeting	Flowserve	60	240	$52,200.00	Hilton Tucson El Conquistador Golf & Tennis Resort
Hilton Tucson El Conquistador Golf & Tennis Resort Totals:		(1 Leads)	60	240	$52,200.00	
Grand Total:		(1 Leads)	60	240	$52,200.00	

Tucson

Prepared On: 04/08/2011
Prepared By: Hope Patterson

TOUR & TRAVEL LEADS IN ORO VALLEY MARCH 2011

Account Name	Count
Golf Villas at Oro Valley	*
Hilton Tucson El Conquistador Golf & Tennis Resort	5
Wingate by Wyndham Oro Valley-Tucson North	*
Grand Totals	**5**

Account Name: Golf Villas at Oro Valley

Lead ID	Lead Name	Account Name	People	Requested Rooms	Account Name	User
9195	2011 Tucson Golf Tour	All West Coachlines, Inc.	50	75	Shared	Wood, Judy

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	People	Requested Rooms	Account Name	User
9191	2012 Native Southwest & the Rocky Mountains	Globus Family of Brands	500	500	Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy
9193	2012 Coast to Coast Journey	Globus Family of Brands	600	600	Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy
9194	Tucson Getaway 2011	Royal Scenic Holidays	200	300	Shared	Wood, Judy
9195	2011 Tucson Golf Tour	All West Coachlines, Inc.	50	75	Shared	Wood, Judy
9208	2011-2012 Web Brochure	Action Travel Corp	100	150	Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy

Account Name: Wingate by Wyndham Oro Valley-Tucson North

Lead ID	Lead Name	Account Name	People	Requested Rooms	Account Name	User
9194	Tucson Getaway 2011	Royal Scenic Holidays	200	300	Shared	Wood, Judy

Tucson

Prepared On: 04/08/2011
Prepared By: Hope Patterson

TOUR & TRAVEL BROCHURE & IMPRESSIONS IN ORO VALLEY MARCH 2011

Account Name	Count
Golf Villas at Oro Valley	1
Hilton Tucson El Conquistador Golf & Tennis Resort	4
Grand Totals	**5**

Account Name: Golf Villas at Oro Valley

Lead ID	Lead Name	Account Name	Brochure on web?	Brochure printed?	Brochure - Number printed	Partner Account Name	User
9091	2011 Web Brochure	Golf Holidays West	No	No		Golf Villas at Oro Valley	Wood, Judy

Account Name: Golf Villas at Oro Valley - Subtotal: Count = 1

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	Brochure on web?	Brochure printed?	Brochure - Number printed	Partner Account Name	User
9204	2011 Web Brochure	Golf Zoo	Yes	No		Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy
9209	2011 Web Brochure	Worldwide Golf Vacations	No	No		Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy
9212	2011 Web Brochure	Meso Alternativ - Tours	Yes	No		Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie
9214	2011 Brochure/Web	Golftours	Yes	No		Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort - Subtotal: Count = 4

Public Relations Key Measures of Performance for Oro Valley

March 2011

542 published, broadcast, and online stories placed/assisted

4 travel journalists hosted in Tucson

1 trade show/media marketplace attended by PR Director

3 article(s) including Oro Valley properties/amenities

Outlet	Title/Program	Publication Date	Media Group	Publicity Value	
Hotel Online	Tucson resorts report rise in business travel (Arizona Daily Star)	03/07/2011	Internet	$291.88	http://www.hotel-online.com/News/2011_Mar_06/k.AZG.1299528502.html
Random Writer	Visit the Tucson and Phoenix Arizona Opera and Arizona Attractions	03/06/2011	Internet	$130.21	http://www.randomwriter.net/?p=2545
www.azstarnet.com	Tucson resorts report rise in business travel	03/06/2011	Internet	$262.49	http://azstarnet.com/business/local/article_029c0e1f-2d8c-58d3-881c-51a4f46aa83c.html

Times are better, and 'AIG effect' could be waning

Tucson resorts report rise in business travel

Rikki Mitchell Arizona Daily Star | Posted: Sunday, March 6, 2011 12:00 am

Companies are starting to book resorts for trips again - a sign not only that the economy is picking up, but that the stigma of luxury corporate travel is fading.

Tucson resorts saw an almost 16 percent increase in occupancy rates this January, compared with January 2010, says a trend report by Smith Travel Research.

Overall at all Tucson hotels, not just the resorts, occupancy rates grew 5 percent in 2010, compared with a 13 percent drop in 2009.

There hadn't been an increase in occupancy rates in Tucson hotels since 2006.

A turnaround is crucial for the overall tourism industry, which contributed $2 billion to Tucson's economy in 2009, according to Arizona Office of Tourism figures.

Mark Lindsey, director of sales and marketing at Loews Ventana Canyon Resort, said his customers tell him their companies are feeling better.

"Corporate profitability is returning," he said. "Most companies are in a much better position than two years ago."

It's also possible that the "AIG effect" has eased, Lindsey said.

That was the pressure companies felt not to appear to be indulging in luxurious trips, after American International Group took a $440,000 executive retreat at a California resort in 2008 soon after receiving $85 billion in a taxpayer bailout.

"Even companies that didn't take any bailout money said, 'Let's not go to any resorts … let's not go and make it look like we're doing anything frivolous,' " Lindsey said. "There's the whole perception problem with a resort that's starting to diminish, which is good for us."

Loews hotels across the country are noting an increase in business travel, he said.

Alan Klein, general manager of Westward Look Resort, said he's starting to see company retreats return, too, after a decline that began in mid-2007.

"The full amount is not back yet," he said. "But (the companies) are realizing that coming together as a group provides beneficial ideas."

"It will help the financial stability of the resort community in Tucson ... and get us back to a better place."

A lot of companies had to cut back on travel spending in recent years, noted Richard Vaughan, senior vice president of sales and marketing for the Metropolitan Tucson Convention and Visitors Bureau.

"The tourism industry was severely hit through the recession," he said. "A lot of these companies are starting to ramp back up.

"For seven months we've seen positive occupancy movement," he said. "It's a nice light at the end of the tunnel."

Vaughan also said companies are finding it important to book hotels for meetings, not only to discuss strategies for the future, but to reward their staff for the work they've done.

"It's important for the overall economy," said Vaughan. "Meetings have a tremendous economic impact."

A combined annual meeting for three associations in the pavement industry took place at the Westin La Paloma Resort & Spa at the end of February.

Although the pavement industry struggled during the recession, the associations talked to their members and everyone wanted to continue with the resort venue, said Mike Krissoff, executive director of the three associations.

"Money was tight," he said. "But our guys did reasonably well."

They normally rotate the meeting between the East and West coasts and it was time to go West this year, so they chose Tucson.

"People just like the area," Krissoff said. "The vast majority of people are coming from places a lot colder than Tucson so they want to head down south to resorts where it's a little bit warmer."

The three-day trip included presentations, meetings and a bit of "R&R."

"It was definitely a 'working' type of meeting," said Krissoff. "But there was some recreational time."

Richard Brooks, director of sales and marketing at La Paloma, said he's seen more companies adding business meetings and presentations to their trips.

"It's content that adds value to the program, rather than coming, relaxing and sitting by the pool," he said.

Larry Kaufman, director of sales and marketing at the Hilton El Conquistador Golf & Tennis Resort, has noticed more people researching than actually booking business travel, however.

El Conquistador also saw a decline in company retreats, but Kaufman thinks that trend is over.

"2011 is setting off as the best January we've had in a couple years," he said. "We're very optimistic."

ANOTHER SIGN OF IMPROVEMENT

Bed-tax revenues collected in unincorporated Pima County are slowly rebounding after falling off sharply during the economic downturn. The gain is a positive sign for Tucson-area resorts, many of which fall outside the city

Random Writer

Whatever, However, and Whenever.

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Visit the Tucson and Phoenix Arizona Opera and Arizona Attractions

Posted on March 6th, 2011 by author

If you're new here, you may want to subscribe to my RSS feed. Thanks for visiting!

There exist a lot of things to see and do while touring Arizona! So check out the new and thrilling Arizona attractions while you travel in our great state! Whether you enjoy – urban centers, vast lands, nature, or oceans, the State of Arizona offers incredible variety of tourist attractions and events. You can find the perfect chance to relax and getaway from the hectic schedule of daily routine.

Tour Idea #1: Catalina State Park - Tucson, Arizona. Come and enjoy this scenic desert oasis at the base of the Santa Catalina Mountains. You can camp, hike, ride the equestrian trails, view the wide displays of natural plant and wildlife and enjoy a picnic.

In addition to the historical Arizona tourist attractions, there are a variety of other exciting activities to see and enjoy. Do you remember fishing when you were young? You can fish and have an outdoor family adventure. Situated within just a short distance, you can experience a variety of attractions and natural beauty. Explore the native beauty of the state and enjoy the outdoors. Whether it is exploring the nature trails or swimming or camping, there are experiences for every member. Here are just a few of the activities you can enjoy, for more ideas, watch this Arizona attractions video.

Tour Idea #2: Camelmania - Camel Races for Hi Jolly - Quartzsite, Arizona. Legends are wonderful and the legend of Hi Jolly is one that attracts thousands of people to this community annually. Hi Jolly is Quartzsite's most famous citizen. He was a dreamer, adventurer and entrepreneur although he never achieved greatness with his visions.

Balancing the quirky attractions with the general historical attractions will create a remarkable family vacation escape. To make the best of your family vacation escape, you may desire to consider one of the many vacation packages or tours. Many vacation packages include airfare, hotels, and car rentals or provide a entertaining tour. Some packages include activity or theatre passes, so you can find packages interesting to everyone. If you are interested in antiques and education, there are various cultural and heritage attractions, as well as museums of all

kinds of themes.

Everyone can save costs by following online tour guides. Most guides will detail the tourist attractions. Professional guides will include more information than just a short snippet or sentence. Take your time and explore everything about your Tucson Arizona tourism. Experience your vacation escape and enjoy the opportunity to create family memories that will last a lifetime.

Tags: Random Thoughts //

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Name (required)

Mail (will not be published) (required)

Website

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◆ Climbing The Equity Ladder in Newberg Oregon Real Forex Exchange Platform Examinations Are A Type Apart ◆

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a group provides beneficial ideas."

"It will help the financial stability of the resort community in Tucson ... and get us back to a better place."

A lot of companies had to cut back on travel spending in recent years, noted Richard Vaughan, senior vice president of sales and marketing for the Metropolitan Tucson Convention and Visitors Bureau.

"The tourism industry was severely hit through the recession," he said. "A lot of these companies are starting to ramp back up.

"For seven months we've seen positive occupancy movement," he said. "It's a nice light at the end of the tunnel."

Vaughan also said companies are finding it important to book hotels for meetings, not only to discuss strategies for the future, but to reward their staff for the work they've done.

"It's important for the overall economy," said Vaughan. "Meetings have a tremendous economic impact."

A combined annual meeting for three associations in the pavement industry took place at the Westin La Paloma Resort & Spa at the end of February.

Although the pavement industry struggled during the recession, the associations talked to their members and everyone wanted to continue with the resort venue, said Mike Krissoff, executive director of the three associations.

"Money was tight," he said. "But our guys did reasonably well."

They normally rotate the meeting between the East and West coasts and it was time to go West this year, so they chose Tucson.

"People just like the area," Krissoff said. "The vast majority of people are coming from places a lot colder than Tucson so they want to head down south to resorts where it's a little bit warmer."

The three-day trip included presentations, meetings and a bit of "R&R."

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"2011 is setting off as the best January we've had in a couple years," he said. "We're very optimistic."

Tucson

Prepared On: 03/08/2011
Prepared By: Hope Patterson

ORO VALLEY LEADS BY TRACE DATE
CONVENTION SALES & SPORTS DEVELOPMENT

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	Room Attendees	Requested Rooms	Account Name	Status	Date
29884	Continuing Education Series	Arizona Psychological Association	10	10	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/03/2011
29885	Skills Program	Funding Exchange	18	33	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/04/2011
29887	Strategic Planning Meeting	BAR Financial LLC	25	75	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/07/2011
29888	Training Meeting	American Red Cross Western Division	80	1040	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/07/2011
29889	Environmental Conflict Resolution Conference	Morris K. Udall Foundation	400	925	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/08/2011
29890	Cargill Oils and Shortenings Sales Meeting	Cargill Incorporated	32	96	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/08/2011
29891	Fellows Seminar	American College of Healthcare Executives	35	56	Hilton Tucson El Conquistador Golf & Tennis	Lead	02/08/2011

					Resort		
29895	Usergroup Conference	SimpleView, Incorporated	225	430	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/09/2011
29896	Parsons Corporation Executive Summit	ProSites	450	1627	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/14/2011
29898	iPipeline	A Levan Inc Resort Choices	400	640	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/14/2011
29899	American Board of Preventive Medicine Meeting	FROSCH	15	60	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/14/2011
29900	Coast Sync	Alliance for Telecommunications Industry Solutions	32	80	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/14/2011
29903	International Alliance of Healthcare Educators Seminar	Travel Concierge/Barral Institute	20	40	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/16/2011
29907	Cecil Fielder Agent International Showcase	The Baseball Legends, LLC	600	729	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/17/2011
29908	Cecil Fielder Elite World Series 16U	The Baseball Legends, LLC	2700	2054	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/17/2011
29909	Cecil Fielder Elite World Series 14U	The Baseball Legends, LLC	2700	2044	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/17/2011

29910	College & Free Agent International Showcase	The Baseball Legends, LLC	600	714	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/17/2011
29912	Crossover Event	WizardryEvents	50	125	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/18/2011
29917	Refugee Resettlement Program	Katherine Christensen & Associates, Inc.	300	175	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/21/2011
29921	Employee Event	American Red Cross Western Division	40	20	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/22/2011
29922	Ft Lowell Soccer Shootout	Ft Lowell Soccer Club	6615	1290	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/23/2011
29931	Fourth Degree Exemplification	Knights of Columbus Arizona State Council	70	140	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/24/2011
29934	Spring Conference	Property Liability Association for New Systems - PLANS	32	96	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/25/2011
29935	Community Bank of Louisiana	HelmsBriscoe - Florida	35	82	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/28/2011
29950	Line-X	HelmsBriscoe - Southern California	300	500	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	02/28/2011
29951	AramcoBrat	AramcoBrats, Inc	800	1600	Hilton	Lead	02/28/2011

Reunion 2013	Tucson El Conquistador Golf & Tennis Resort

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort - Subtotal: Count = 26

Grand Total: Count = 26

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Cell: 416-988-8831
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www.meritgolfvacations.com

February 24 – 27, 2011

Tucson Contact: Jackie Ludwig, Director of Tourism
Metropolitan Tucson Convention & Visitors Bureau
100 South Church Avenue, Tucson, Arizona 85701, 520-770-2147
E-mail – jludwig@visitTucson.org
Web site - www.visitTucson.org

Jackie Ludwig: Cell Phone – 520-907-0306

Participant List:

Ian Dawson – Senior Director of Marketing and Business Development
Merit Golf Vacations, Ultimate Golf Vacations

Arthur Ewing- General Manager, Executive Golf Professional
Oshawa Country Club, Canada

John Pease – Director of Strategic Accounts
Westjet Airlines

Charles Lorimer – Vice President, Sales and Marketing
Clublink

Thursday, February 24, 2011

Arrive PHX 1:27pm WestJet Airlines Flt 122

Please meet your driver in the baggage claim area of Sky Harbor International Airport

Transportation hosted by Tucson CVB and provided by
Catalina Transportation Services, Inc.
3365 S. Country Club Rd., Tucson, AZ 85713
Contact: Susan Dawdy
Phone: 520-624-5466
Fax: 520-882-7600
Email: catreservations@gainbroadband.com
Website: www.catalinatransportation.com

Tucson's only full-service transportation company in the city of Tucson accommodating both groups and individuals. We offer luxury sedans, 12-passenger vans, and limousines, SUVs and 21- to 33-passeng

4:00pm **Check-in Hilton Tucson El Conquistador Golf & Tennis Resort**
10000 N. Oracle Rd., Tucson, AZ 85704
Contact: Kim Pfeifer, IBT/Leisure Sales Manager
Phone: 602-870-2777
Fax: 520-544-1222
Email: Kim.Pfeifer@hilton.com
Website: www.hiltonelconquistador.com

One of the top resorts in the city, the Hilton Tucson El Conquistador Golf & Tennis Resort is set at the base of the Santa Catalina Mountain range in northwest Tucson. Inspired by the beauty of its pristine natural canyon views and lush desert surroundings, this luxury full-service Tucson resort is equipped with golf, tennis, and conference facilities.

Complimentary accommodations provided by the Hilton Tucson El Conquistador Golf & Tennis Resort

Ian Dawson – Conf. #3414121992
Arthur Ewing – Conf.# 3420413214
John Pease – Conf. #3419253982
Charles Lorimer – Conf. #3414773599

5:30pm **Dinner at Dos Locos Restaurant at Hilton Tucson El Conquistador with Kim Pfeifer. Please meet in the lobby at 5:30pm.**

Friday, February 25, 2011

6:30am **Breakfast at Leisure (Voucher provided – Hosted by the MTCVB)**

7:00am **Depart for The Westin La Paloma – Please drive directly to the Golf–Pro Shop at the Country Club**

8:00am **Golf and Lunch (Compliments of the Westin La Paloma)**

12:00pm **The Westin La Paloma Country Club Lunch – Please meet right at the clubhouse**

Lunch with Richard Brooks, Director of Sales & Marketing
3800 E. Sunrise Dr., Tucson, AZ 85718
Phone: 520-742-6000
Email: richard.brooks@westin.com
Website: www.westinlapalomaresort.com

Escape to our 27-hole Jack Nicklaus Signature Golf Course, with greens & bunkers--newly redesigned by The Golden Bear himself. This magnificent private course, one of Jack's original creations, is the perfect spot to energize all aspects of your game, and it's available exclusively to resort guests and La Paloma Country Club members.

1:15pm **Depart for the Accenture Match Play Championship**

World Golf Championships-Accenture Match Play Championship featuring the world's top 64 professional golfers at The Ritz-Carlton Golf Club, Dove Mountain.

6:45pm **Depart for dinner at El Charro Café (Hosted by the MTCVB)**
7725 N. Oracle, Oro Valley, AZ 85704
Contact: Julio Santa Cruz
Phone: 520-229-1922
Email: info@elcharrocafe.com
Website: www.elcharrocafe.com

El Charro is the oldest continuously family owned Mexican restaurant in the USA. The original El Charro is located in the historic El Presidio district in the heart of downtown Tucson

7:00pm **Dinner reservations under Ian Dawson.**

Saturday, February 26, 2011

7:00am	**Breakfast at Leisure (Voucher provided – Hosted by the MTCVB)**
8:15am	**Depart for the Accenture Match Play Championship. Kim Pfeifer and Jackie Ludwig will be in attendance.**
11:30am	**Depart for Omni Tucson National Resort & Spa** 2727 W. Club Drive, Tucson, AZ 85742 Contact: Dan Dickhart, Director of Marketing Phone: 520-877-2350 Fax: 520-742-2452 Email: ddickhart@omnihotels.com Website: www.omnitucsonnational.com

Tucson National offers the breathtaking Sonoran Course, designed by Ryder Cup captain Tom Lehman and traditional play on the Catalina Course, home to the PGA Tour since 1965.

12:30pm	**Golf and box lunch to be provided on cart.** **(Compliments of the Omni Tucson National Resort)**
5:00pm	**Approximate return to the Hilton El Conquistador for free time.**
7:00pm	**Meet Jackie Ludwig for dinner at Tavolino Ristorante Italiano** **(Hosted by the MTCVB)** 2890 E. Skyline Dr., Tucson, AZ 85718 Phone: 520-531-1913 Website: www.tavolinoristorante.com

Sunday, February 27, 2011

7:00am **Breakfast at Leisure (Voucher provided – Hosted by the MTCVB)**

11:00am **Depart from the Hilton Tucson El Conquistador for The Lodge at Ventana Canyon for golf and dinner (Hosted by The Lodge at Ventana Canyon)**
6200 N. Clubhouse Lane, Tucson, AZ 85750
Contact: Chris Sabala, Sales Manager
Phone: 520-577-1400 Ext. 348
Fax: 520-577-4065
Email: csabala@thelodgeatventanacanyon.com
Website: www.thelodgeatventanacanyon.com

The Lodge at Ventana Canyon is nestled in the Santa Catalina foothills. Winding through the canyons and arroyos of this fabulous 600-acre high Sonoran Desert preserve are the two spectacular Tom Fazio-designed championship golf courses that are on every list of the nations very best. The courses offer an oasis of 36 holes flowing through 2,000 acres of desert canyons. Both courses have won Golf Magazine's Gold Medal award and Links Magazine's Best of Golf award. The Lodge at Ventana Canyon offers 50 suites with balcony/patio and complete kitchen. Thirty-six holes of championship golf, 12 tennis courts, pool, hot tub, massage. Fine dining and meeting/banquet services.

12:10pm **Tee Time and dinner to follow at The Lodge at Ventana Canyon.**

Monday, February 28, 2011

John Pease	**Depart Tucson**	**8:00am**	**AA Flt. 1098**
Charles Lorimer	**Depart Tucson**	**8:00am**	**US Airways Flt. 2932**

6:15am **Meet in the lobby at the Hilton El Conquistador with luggage for departure to Tucson International Airport Transportation hosted by Tucson CVB and provided by Catalina Transportation Services, Inc.**

7:30am **Ian Dawson & Arthur Ewing - Meet in the lobby at the Hilton El Conquistador with luggage for departure to Sky Harbor International Airport Transportation hosted by Tucson CVB and provided by Catalina Transportation Services, Inc.**
3365 S. Country Club Rd., Tucson, AZ 85713
Contact: Susan Dawdy
Phone: 520-624-5466
Fax: 520-882-7600
Email: catreservations@gainbroadband.com
Website: www.catalinatransportation.com

Depart PHX	11:45am	WestJet AirlinesFlt. 1523
Arrive YYC	2:52pm	
Depart YYC	4:30pm	WestJet AirlinesFlt. 122
Arrive YYZ	10:13pm	

Adios! Thank you for visiting Tucson.

Prepared by Hope Patterson, March 8, 2011

Tucson

Oro Valley Bookings by Trace Date
Convention Sales & Sports Development

LeadID	Lead/Meeting Name	Account Name	Contact State	Partner	HQ	Trace Date	Arrival/Departure Date	Delegates	Rooms	EEI	Target?	Sales Manager
C29133	Feast of the Tabernacles	Philadelphia Church of God	OK	Hilton Tucson El Conquistador Golf & Tennis Resort	Yes	02/21/2011	10/12/2011 - 10/20/2011	424	1,761	368,880	Yes	RoxAnne Erickson
C29901	Accenture Match Play Room	Accenture	IL	Hilton Tucson El Conquistador Golf & Tennis Resort	No	02/14/2011	02/15/2011 - 03/02/2011	0	214	0	Yes	Graeme Hughes
Total Records: 2				**HQ Leads: 1**				**424**	**1,975**	**368,880**		

Tucson

Prepared On: 03/08/2011
Prepared By: Hope Patterson

TOUR & TRAVEL ORO VALLEY BOOKINGS BY TRACE DATE

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	People	Blocked Rooms	EEI	HQ Partner Account Name (sort)	Account Name	User
9171	2011 Web Brochure	International Golf Vacations	200	300	$76,800.00	Hilton Tucson El Conquistador Golf & Tennis Resort	Shared	Wood, Judy
9184	2011 Spring Tour	TASK	10	20	$3,147.40	Hilton Tucson El Conquistador Golf & Tennis Resort	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort - Subtotal: Count = 2

Tucson

Report: Convention Services Groups Serviced by Region

Partner Account	# Lead/Bookings	# Room Attendees	# Room Nights	EEI
Hilton Tucson El Conquistador Golf & Tennis Resort	4	1,117	4,821	$971,790.00
Grand Total:	4	1,117	4,821	$971,790.00

Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	Room Attendees	Contract Rooms	EEI	Partner Account
28715	Conference	National Association of Exclusive Buyer Agents	60	88	$52,200.00	Hilton Tucson El Conquistador Golf & Tennis Resort
28753	Natl Meat Assn	HelmsBriscoe - Nebraska	276	953	$240,120.00	Hilton Tucson El Conquistador Golf & Tennis Resort
29133	Feast of the Tabernacles	Philadelphia Church of God	424	1,761	$368,880.00	Hilton Tucson El Conquistador Golf & Tennis Resort
29901	Accenture Match Play Room	Accenture	357	2,019	$310,590.00	Hilton Tucson El Conquistador Golf & Tennis Resort
Hilton Tucson El Conquistador Golf & Tennis Resort Totals:		(4 Leads)	1,117	4,821	$971,790.00	
Grand Total:		(4 Leads)	1,117	4,821	$971,790.00	

Tucson

Prepared On: 03/08/2011
Prepared By: Hope Patterson

TOUR & TRAVEL ORO VALLEY LEADS BY TRACE DATE

Account Name: Golf Villas at Oro Valley

Lead ID	Lead Name	Account Name	People	Requested Rooms	Account Name	User
9178	2011 Moon Family Reunion	2011 Moon Family Reunion	14	49	Golf Villas at Oro Valley	Wood, Judy

Account Name: Golf Villas at Oro Valley - Subtotal: Count = 1

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	People	Requested Rooms	Account Name	User
9150	Rodriquez College Friends Reunion	Rodriquez College Friends Reunion	24	36	Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort - Subtotal: Count = 1

Tucson

Prepared On: 03/08/2011
Prepared By: Hope Patterson

TOUR & TRAVEL ORO VALLEY BROCHURE & IMPRESSIONS BY TRACE DATE

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	Brochure on web?	Brochure printed?	Brochure - Number printed	Partner Account Name	User
9171	2011 Web Brochure	International Golf Vacations	Yes	No		Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy
9173	2011 Tariff	american ring travel, inc.	No	Yes	1,000	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie
9183	2011 Brochure	Hotelplan MTCH AG	No	Yes		Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort - Subtotal: Count = 3

Public Relations Key Measure : Performance for Oro Valley

February 2011

692 published, broadcast, and online stories placed/assisted

10 travel journalists hosted in Tucson

0 trade show/media marketplace attended by PR Director

5 article(s) including Oro Valley properties/amenities

Outlet	Title/Program	Publication Date	Media Group	Publicity Value	Currency	Circulation	Link
PR-USA.NET	Tucson Heats Up in February as The Golf Villas Attract Visitors to Many Local Events	02/20/2011	Internet	$22.79	USD		http://pr-usa.net/index.php?option=com_content&task=view&id=630910&Itemid=33
24-7 Press Release	Tucson Heats Up in February as The Golf Villas Attract Visitors to Many Local Events	02/17/2011	Internet	$68.73	USD		http://www.24-7pressrelease.com/press-release-rss/tucson-heats-up-in-february-as-the-golf-villas-attract-visitors-to-many-local-events-196916.php
Online Golf Tips Blog	Tucson Heats Up in February as The Golf Villas Attract Visitors to Many Local Events	02/17/2011	Internet	$114.63	USD		http://www.online-golf-tips.com/blog/tucson-heats-up-in-february-as-the-golf-villas-attract-visitors-to-many-local-events/
Inside Tucson Business	DEMOGRAPHICS	02/15/2011	Print	$210.21	USD	6,112	
PRWeb	Tucson Heats Up in February as The Golf Villas Attract Visitors to Many Local Events	02/11/2011	Internet	$213.97	USD		http://www.prweb.com/releases/2011/02/prweb5056804.htm

24-7 pressrelease

February 17, 2011

Tucson Heats Up in February as The Golf Villas Attract Visitors to Many Local Events

-- The Golf Villas offer an exceptional experience for visitors to the Tucson area. These accommodations make the flavor of the area come alive, and bring a new level of excitement to local events. --

LYNBROOK, NY, February 17, 2011 **/24-7PressRelease/** -- It's February and the Tucson area of Arizona is once again alive with a variety of events that are sure to please a wide range of visitors. One of the most noted events of the region each year is the annual Tucson Gem, Mineral, & Fossil Showcase. Affectionately dubbed "the world's largest treasure hunt", the show runs until the 13th, and attendees can visit more than forty unique sites around the city, taking part in dozens of different shows.

These shows truly offer something for everyone! From prime exhibits of dinosaur fossils to glass beads, granite bookends to fine gold and diamonds, and even gems that have been dug and brought for display all the way from the Australian Outback, there is plenty of interest and intrigue.

The Tucson Gem and Mineral show is completely open to the public, and showcases displays from a variety of private collections, museums, and more than two hundred and fifty retailers of minerals, jewelry, gemstones, and fossils. There are also plenty of exhibits that offer a hands-on experience for children. Most of the shows located around Tucson are free of charge.

Another popular event in the Tucson area is the Accenture Match Play Championship that will take place between February 23rd and 27th. This tournament will be held at The Ritz-Carlton Golf Club, Dove Mountain, located in Marana, Arizona. As usual, the event is scheduled to draw a great crowd and features the top 64 players in the world, all battling for the prestigious Walter Hagen Cup.
To make a visit to the area even more special, the Golf Villas provide an experience like no other. Located right on the golf course, yet close to Catalina State Park, the villas are a short trip to downtown goings on, as well as hiking trails.

Right now, visitors to the villas who stay 31 nights with the platinum package can receive reduced rates on golf at the Hilton El Conquistador golf course. With all of the great events, natural beauty, and this exceptional offer, there has never been a better time to experience Tucson.

For more information on any of the above mentioned events, please visit http://thegolfvillas.com/tucson-area-attractions/index.cfm for details.

###

Other Press Release Headlines:

- deVere Investments South Africa Proudly Raising Money for Alex Flynn's 10MillionMetres Challenge in British Golf Tournament
- Bieber's Golden Locks Bought by GoldenPalace.com for Over $40,000
- Denver Wedding Photographer Reveals Photo Tips and Top 10 Colorado Destinations for Spring Wedding Photos
- Prudential Research Finds Most New Pensioners Considering Working Beyond Retirement
- Traumatic Brain Injury is a Cause of Concern in the U.S.
- Ambrico Announces Updated EZ-Wall System Installation Manual for Brick Veneer Installation
- Incredible Accountant Is Added To The Ranks Of Stanford Who's Who
- HollywoodSportsbook.com Chooses "Rock Star from Mars" Charlie Sheen as Its Latest "Gambler of the Week"
- Unsecured Loans Could be Solution for iPad 2 Buyers
- Safe Passage Marine: We Take the Chore Out of Boating and Leave You with All the Enjoyment

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Online Golf Tips Blog

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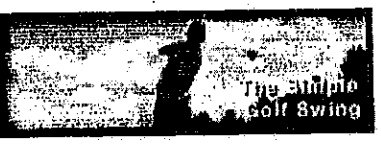

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February 17th, 2011

Tucson Heats Up in February as The Golf Villas Attract Visitors to Many Local Events

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www.arizonamold.net

Compare Chevrolet Aveo
See How the 2011 Chevy Aveo Compares to the Competition.
www.Chevrolet.com/Aveo

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It's February and the Tucson area of Arizona is once again alive with a variety of events that are sure to please a wide range of visitors. One of the most noted events of the region each year is the annual Tucson Gem, Mineral, & Fossil Showcase. Affectionately dubbed "the world's largest treasure hunt", the show runs until the 13th, and attendees can visit more than forty unique sites around the city, taking part in dozens of different shows.

These shows truly offer something for everyone! From prime exhibits of dinosaur fossils to glass beads, granite bookends to fine gold and diamonds, and even gems that have been dug and brought for display all the way from the Australian Outback, there is plenty of interest and intrigue.

The Tucson Gem and Mineral show is completely open to the public, and showcases displays from a variety of private collections, museums, and more than two hundred and fifty retailers of minerals, jewelry, gemstones, and fossils. There are also plenty of exhibits that offer a hands-on experience for children. Most of the shows located around Tucson are free of charge.

Another popular event in the Tucson area is the Accenture Match Play Championship that will take place between February 23rd and 27th. This tournament will be held at The Ritz-Carlton Golf Club, Dove Mountain, located in Marana, Arizona. As usual, the event is scheduled to draw a great crowd and features the top 64 players in the world, all battling for the prestigious Walter Hagen Cup.

To make a visit to the area even more special, the Golf Villas provide an experience like no other. Located right on the golf course, yet close to Catalina State Park, the villas are a short trip to downtown goings on, as well as hiking trails.

Right now, visitors to the villas who stay 31 nights with the platinum package can receive reduced rates on golf at the Hilton El Conquistador golf course. With all of the great events, natural beauty, and this exceptional offer, there has never been a better time to experience Tucson.

The Golf Villas offer luxury, furnished villas in Tucson, AZ. For more information about The Golf Villas, visit http://www.thegolfvillas.com.

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Inside Tucson Business

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DEMOGRAPHICS

TUCSON FACTS

The population growth rate for the Tucson region slowed to just 0.8 percent, according to the U.S. Census Bureau in 2010 that estimated it was 1,020,200 as of July 1, 2009. Data from the official 2010 census is due to be released this year. Between 2000 and 2007 Tucson's population growth rate had been averaging more than 2 percent per year, then slipped to 1.5 percent between 2007 and 2008. Since April 1, 2000, the Census Bureau estimates the population has grown by 20.9 percent from 843,742.

Other Census Bureau estimates as of 2009 for the Tucson metropolitan area:

- 56.3 percent are white, not Hispanic
- 33.7 percent are Hispanic
- 4 percent are black
- 3.6 percent are American Indian
- 2.7 percent are Asian
- 1.9 percent are multiple races
- 0.2 percent are native Hawaiian or Pacific Islander
- 51 percent are women
- 6.8 percent are under 5 years old
- 23.4 percent are under 18 years old
- 15.1 percent are 65 or older
- 428,407 housing units
- $46,653 median household income (2008 estimate)
- 15.4 percent of people are below poverty level (2008 estimate)

Just over half the population, about 54 percent, live within the Tucson city limits, 11 percent live in one of four other incorporated municipalities while 36 percent of the population lives in unincorporated parts of Pima County, including Green Valley, Catalina Foothills, Vail, Casas Adobes and Tanque Verde.

Estimates of populations for municipalities:

- Tucson: 548,555
- Oro Valley, 43,223 (2008 estimate)
- Marana, 33,744 (2008 estimate)
- Sahuarita 23,190 (2008 estimate)
- South Tucson, 5,800 (2008 estimate)

With an improving economy, the region's population growth is projected to above 2 percent annually in coming years to 1,121,800 by the year 2014, according to Marshall Vest, director of the University of Arizona Forecasting Project at the Eller College of Management.

Total personal income as of the end of 2009 was down 1.3 percent to $33.9 billion but was forecast to grow 2.8 percent in 2010 and another 3.8 percent in 2011. Per capita personal income was $33,258 in 2009 and projected to finish 2010 up 1.5 percent at $33,753 and grow another 2 percent in 2011 to $34,431. By 2014, per capita personal income is forecast to be $38,381.

Retail sales were forecast to end 2010 at $10.8 billion, up 4 percent from 2009. This year sales are forecast to end at almost $11.6 billion. Of those totals, 62.9 percent is spent in retail stores excluding food, 15.6 percent is spent on food, 13.1 percent is spent in restaurants and bars and 8.4 percent is spent on gasoline. Among those categories, in 2010 gasoline sales were up the most, 21 percent – although it was down the most in 2009, 22.4 percent. Food sales were up 15.6 percent, other retail sales were down 1.1 percent.

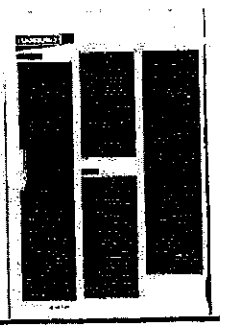
New construction was hit hard by housing crisis. All of the national home building companies have consolidated their Arizona operations putting their state headquarters in the Phoenix area and shutting down offices in Tucson. The number of residential building permits issued in 2009 totaled 2,129 units, down 44 percent from 2008. That was expected to grow by 6.9 percent to finish 2010 at 2,276 units, all of it attributed to multi-family building permits growing to 363 units from 195 in 2009. Permits for single-family homes was projected to end the year down about 1 percent to just under 2,000.

ECONOMY

Headquartered in Tucson, Raytheon Missile Systems is the region's largest employer, single handedly employing 3.4 percent of the region's workforce. It and other defense contractors including Honeywell Aerospace, Northrop-Grumman, BAE Systems and Applied Energetics and their scores of suppliers are significant factor of the economy.

Other manufacturers in the region include IBM storage division, Universal Avionics and Intuit.

Biotechnology is growing with Roche Holdings and Sanofi-Aventis both expanding their operations in Oro Valley. Several other smaller biotech firms are on the leading edge of research developing pharmaceuticals. The Critical Path Institute (C-Path), a joint venture of the University of Arizona, SRI International and the U.S. Food and Drug Administration, is also working to develop pharmaceuticals that



can be brought to market quicker and safely. The University of Arizona Bio5 Institute for biomedical research is also a key player in this growing industry.

Tourism is estimated to have had an annual economic impact of $1.9 billion in 2010. That figure has dropped slightly in recent years owing to the economy and further exacerbated by a boycott of the state called for after the legislature passed a tough anti-illegal immigration law that became the subject of a lawsuit from the U.S. Department of Justice.

Prices for copper and molybdenum ended 2010 at record levels topping $4.33 per pound on the Comex Division of the New York Mercantile Exchange. More than half of the nation's domestic copper comes from Southern Arizona mines operated by Freeport McMoRan Copper & Gold Asarco.

Agriculture, once a greater part of the region's economy with citrus and world-famous Pima cotton formerly grown here, has changed. The nation's largest pecan processor is Farmers Investment Co. near Green Valley. Eurofresh hot house tomatoes and cucumbers are grown in Willcox and Safford, and more than 90 percent of Mexico's winter fruit and vegetable imports are reprocessed and packaged at warehousing and distribution centers between Nogales and Tucson.

Two other significant employers are Target.com, a division of the national retailer that has a 975,000 square-foot fulfillment center on the southeast side, and Arizona Canning Co., which cans products under the labels of La Costeña, La Sierra, Sun Vista and Luck brands.

In the public sector, the University of Arizona employs more than 10,000. The military is also a hugely significant factor with 7,700 employees at Davis-Monthan Air Force Base and 6,600 working at Fort Huachuca.

After two years of declines, Tucson's workforce in 2011 is projected to grow 1.3 percent to 362,300, according to the University of Arizona's Eller College's Economic and Business Research. Then in 2012 through 2013 the pace of job growth is forecast to pick up by 3 percent or more annually.

The workforce is made up of:

- 21.3 percent government
- 16.1 percent in trade, transportation and utilities
- 12.9 percent in professional and business services
- 10.9 percent in leisure and hospitality
- 7 percent manufacturing
- 1.3 percent in information
- 4 percent construction
- 0.5 percent mining

Tucson's unemployment rate averaged 8.8 percent in 2010. Though that was lower than the national unemployment of nearly 10 percent, Tucson's rate remained stubbornly at high levels and even grew toward the end of the year.

EDUCATION

In the Tucson metropolitan statistical area, 56.8 percent of the population 25 years and over holds a high school diploma or higher degree. According to the 2000 census, 23.3 percent of the population 25 years and older holds a high school diploma or general equivalency degree; 6.7 percent holds an associate's degree; 15.9 percent holds a bachelor's degree and 10.9 percent holds a graduate or professional degree.

Parents also can educate their children in the Tucson area in public, private, charter or home schools. Pima County has 226 district schools, 52 private schools and 82 charter schools, which are public schools. District schools include alternative and special purpose institutions. The 360 district, charter and private schools in Pima County teach kindergarten through 12th grade in several different grade configurations. Most schools have traditional grade groupings but others combine middle and high school or middle school and elementary and still others teach kindergarten through 12th grade students.

The Arizona State Schools for the Deaf and the Blind in Tucson is a state agency that educates deaf and blind children through the 12th grade. Higher education, including customized labor training programs for employers, is available through Pima Community College and the Tohono O'Odham Community College, the University of Arizona, University of Phoenix, Prescott College, and Chaparral College, Arizona State University and Northern Arizona University.

REAL ESTATE

With housing at the heart of the economic recession, it's no surprise real estate has suffered. The number of home sales was poised to end 2010 down 29 percent from 2009 to around 2,500. The median sales price was down 10 percent to $135,000.

RealtyTrac, which follows foreclosure data estimates that one out of every 264 housing units in Pima County was in foreclosure as of October 2010. That was among one of the lowest ratios

in the state. Arizona has the second highest rate of foreclosures in the county, behind only Nevada. Foreclosures accounted for 47 percent of all home sales in Arizona in October.

TOURISM

According to research done by Tourism Economics and Longwood International, 6.7 million visitors came to Southern Arizona and stayed at least one night in 2009.

Other data from the research for the Arizona Office of Tourism found:

- 3.4 nights was the average length of stay
- 2.2 persons was the average size of the traveling party
- 48.8 was the average age
- $80,110 was the average household income
- 53 percent came by automobile
- 22 percent arrived by air
- 45 percent came to visit friends or family
- 11 percent came for business
- 11 percent were touring
- Phoenix, Los Angeles, San Diego, Sacramento and Chicago were the top five originating cities
- 31 percent came in the first three months of the year

Top tourist attractions in Southern Arizona by number of visitors in 2009:

- Saguaro National Park, 664,000
- Reid Park Zoo, 536,000
- Tombstone, 500,000
- Patagonia Lake State Park, 214,000
- Tucson Museum of Art, 176,000
- Catalina State Park, 175,000
- Tohono Chul Park, 156,000
- Pima Air & Space Museum, 145,000
- Kartchner Caverns State Park, 144,000
- Coronado National Forest, 97,000

Nearly one-third of those who visit Tucson are "snowbirds" who come during the first three months of the year.

The annual Tucson Gem & Mineral shows during the first two weeks of February, which attracts about 55,000 attendees who directly contribute more than $100 million to the economy, according to research by FMR Associates for the Metropolitan Tucson Convention and Visitors Bureau.

Other major events are:

- World Golf Championships – Accenture Match Play Championship in late February, estimated economic impact $35 million to $45 million.
- La Fiesta de los Vaqueros Tucson Rodeo in late February, with an estimated economic impact of $16 million
- El Tour de Tucson perimeter bicycle race in November, estimated economic impact of $20 million to $30 million.

2011 will be the first year without any Major League Baseball teams coming for Spring Training. Until 2009, the Arizona Diamondbacks, Colorado Rockies and Chicago White Sox all trained in Tucson bringing with them an estimated economic impact of about $10 million per team.

TUCSON HISTORY

Established as a Spanish frontier presidio by Lt. Col. Hugo O'Conor in 1775, across the Santa Cruz River from the 75-year-old Jesuit-Franciscan mission of San Agustin at the foot of Sentinel Peak, the fortification against Apache raids in the Santa Cruz Valley under Spanish colonial and, after 1821, Mexican rule, was just the latest event in the long history for the site, which is credited with being the oldest continuously occupied community in North America.

Unlike the arid Mojave Desert to the northwest, Tucson is in the northern zone of the Sonoran plain, a region of regular rainfall, including a late summer monsoon, that supports an abundance of plant and animal life, much of it unique to the region. Because of that, Paleo-Indians, and later, the Hohokam people, made their homes on both banks of the Santa Cruz River, on the plain between today's Stone and Grande avenues.

The name "Tucson" is derived from the Tohono O'odham word "chuk-sun," or black rock, which referred to the obsidian slopes of Sentinel Peak. A primary staging area for the western leg of the Old Spanish Trail to California, the presidio and territory became a part of the United States as part of the Gadsden Purchase in 1854.

Briefly conquered by the Confederate States of America during the Civil War in 1862, it was capital of the Arizona Territory for 10 years until 1877, and in 1880, the Southern Pacific Railroad connected Tucson with the leading ports of San Diego and New Orleans. Arizona became the 48th state in 1912, but it took the Second World War to transform Tucson, as thousands of military personnel came to the city for flight training at Davis-Monthan and Ryan air fields. By 1950, Tucson's population topped 100,000 and the city has been growing rapidly ever since.

The city of Tucson now covers an area of approximately 156 square miles, while the entire

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metropolitan area covers nearly 500 square miles. From downtown Tucson the metropolitan area extends from the Santa Rita and Sierrita Mountains to the south, the Tucson Mountains to the west, the Tortolita Mountains to the northwest, the Rincon Mountains to the east and the Santa Catalina Mountains, which rise to 9,100 feet, to the north and northeast.

CONTENTS

Tucson Heats Up in February as The Golf Villas Attract Visitors to Many Local Events

The Golf Villas offer an exceptional experience for visitors to the Tucson area. These accommodations make the flavor of the area come alive, and bring a new level of excitement to local events.

Tucson, AZ (PRWEB) February 11, 2011

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For more information on any of the above mentioned events, please visit http://thegolfvillas.com/tucson-area-attractions/index.cfm for details.

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Contact Information

Jenna Miranda

http://www.thegolfvillas.com
888.904.9158

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Tucson

Prepared On: 02/09/2011
Prepared By: Hope Patterson

ORO VALLEY LEADS BY TRACE DATE
CONVENTION SALES & SPORTS DEVELOPMENT

Lead ID	Lead Name	Account Name	Room Attendees	Requested Rooms	Account Name	Status	Date
29840	Women in Song	ACFEA Tour Consultants	150	240	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/03/2011
29847	Maxvantage Employee Meeting	Maxvantage Meetings TX	375	1070	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/05/2011
29848	Arizona Department of Education/Mega Conference	RJ Meeting Planners	450	750	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/05/2011
29849	Arizona Department of Education/Mega Conference	RJ Meeting Planners	450	750	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/05/2011
29854	National Organization for Continuing Education of Roman Catholic Clergy Meeting	Edina Lessack LLC	115	450	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/07/2011
29855	Defense Orientation Conference Association	HelmsBriscoe - San Diego	50	150	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/10/2011
29856	American Society of Emergency Radiology	International Meetings Managers	280	600	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/10/2011
29857	Global Marketing Meeting	Flowserve	50	200	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/10/2011
29859	Wage Grade Workshop	United States Fish & Wildlife	85	340	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/11/2011
29860	Western Junior Regional &	USA Wrestling	1800	1050	Shared	Lead	01/14/2011

	Championships						
29863	Doosan Infracore Dealer Meeting	Doosan Infracore / Bobcat	500	1200	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/20/2011
29865	West Coast CEO Golf Event	Career Builder	15	30	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/20/2011
29866	USS Walke (DD-723) Association Reunion	USS Walke (DD-723) Association	70	205	Shared	Lead	01/20/2011
29867	Spring Conference & Independent Owner	American Health Care Association	300	670	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/21/2011
29871	McCarthy Wedding	Plan It/Meetings & Events	75	140	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/25/2011
29872	Burdi Wedding	Plan It/Meetings & Events	60	120	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/25/2011
29873	Cooperative Hazardous Materials Enforcement Development Annual Meeting	Meeting Trends Division Of Travel & Transport	200	695	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/27/2011
29874	Western Region Meeting	VMWare	17	45	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/27/2011
29878	Immigration Conference	National Catholic Reporter	160	160	Shared	Lead	01/31/2011
29879	Military Reunion	Escort Carrier Sailors & Airmen Association Inc	300	675	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/31/2011
29880	National Employment Law Conference	National Employment Law Council	120	210	Hilton Tucson El Conquistador Golf & Tennis Resort	Lead	01/31/2011

Grand Total: Count = 21

Tucson

Prepared On: 02/11/2011
Prepared By: Hope Patterson

JANUARY 2011 SITE INSPECTION REPORT – ORO VALLEY
CONVENTION SALES
SPORTS DEVELOPMENT
TOUR & TRAVEL

Site Source: YFWB-Resort

Site Source	Account Name	Fullname	Lead ID	Lead Name	Room Attendees	Requested Rooms	Contract Rooms	EEI Value	Status	User	Facility Type
YFWB-Resort	Flowserve	Mark Shaw	29827	Sales & Training Meeting	60	240	0	$52,200.00	Lead	Sauer, Brooke	Other
YFWB-Resort	ConferenceDirect - KY	Tracy Becker	29763	Blue Cross Blue Shield of Montana & Wyoming Leadership Conference	400	1500	0	$348,000.00	Lead	Meade, Mary	Other

Site Source: YFWB-Resort - Subtotal: Count = 2, SUM: Room Attendees = 460, SUM: Requested Rooms = 1,740, SUM: Contract Rooms = 0, SUM: EEI Value = $400,200.00

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I T I N E R A R Y

Mark Shaw, Western Region Manager
Orinda Shaw, Spouse
Flowserve

11400 NE 30th Avenue, Vancouver, WA 32258 Ph: 360-546-5900
Lead #29827 May 2011 Sales & Training Meeting 60 ppl, 240 TRN YFWB
Lead # 29857 April 2011 Global Marketing Meeting 50 ppl, 200 TRN
Bureau Contact: Brooke Sauer, National Sales Manager Ph: 520-770-2156, Cell 520-401-3573

Wednesday, January 19, 2011

1 3 am — Arrive Phoenix Sky Harbor Airport on Alaska Airlines Flight #634
Renting car on own
Sites and overnight in Phoenix with Maria Lane from Greater Phoenix CVB.

Thursday, January 20, 2011

9:00 am — Depart Phoenix for Tucson

11:00 am-12:00 pm — Site: **Hilton Tucson El Conquistador Golf & Tennis Resort**
10000 North Oracle Road, Tucson, AZ 85737
Ph: 520-544-5000 Fx: 520-544-1222
Contact: Jane Gouker, ADOS Ph: 520-544-1101
jane.gouker@hilton.com

12:30 pm — Check in for one night compliments of Loews

12:30 pm — Lunch & Site: **Loews Ventana Canyon Resort**
7000 N. Resort Drive, Tucson, AZ 85750
Ph: 520-299-2020 Fx: 520-299-4151
Contact: Jill Schvaneveldt, National Sales Mgr , Ph: 760-324-4205, Cell 520-975-5246
jschvaneveldt@loewshotels.com

3:30 pm - 4 pm — Site: **Westward Look Resort**
245 E Ina Rd, Tucson, AZ 85704
Ph: 520-297-1151 Fax: 520-742-1573
Contact: Philip Lavigne, Sales Mgr Ph: 520-917-2929
plavigne@westwardlook.com

6:00 pm Dinner at Flying V with Orinda and 2 local distributors

Friday, January 21, 2011

[illegible] am- 11:00 am	Breakfast & Site: **JW Marriott Starr Pass Resort** 3800 West Starr Pass Blvd. Tucson, AZ 85745 Ph: 520-792-3500 Fx: 520-792-3351 Contact: Kim Bartlett, Destination Sales Exec for Phillip Lemmerz Ph: 520-791-6075 kimberly.bartlett@marriott.com
	Depart Tucson for Phoenix
6:10 pm	Depart Phoenix Sky Harbor Airport on Alaska Airlines flight #657

Thank you for visiting Tucson!

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TRACY BECKER – CONFERENCEDIRECT – CELLPHONE: (859) 468-1731

♦♦♦

2012 LEADERSHIP CONFERENCE
WESTERN CONFERENCE OF PREPAID MEDICAL SERVICE PLANS
(HOSTED BY BCBSWY AND BCBSMT)

♦♦♦

Lead # 29763	700pl	1500 room nights	Program Dates: October 2012	Lead Source: UFWB

Tucson CVB Contact: Mary Meade, National Sales Manager
Cellphone: (520) 271-4096

Site Itinerary

Sunday, January 16, 2011

	Accommodations for one evening, one room provided by: **Hilton Tucson El Conquistador** 10,000 N Oracle Road Tucson, AZ 85737 Contact: Robin Lameyer, Senior Sales Manager Phone: (520) 940-5620
8:55pm	Tracy Becker arrives at Tucson International Airport. American Airlines flight #383. Please proceed to the baggage claim area of Tucson International Airport. Transportation provided by Hilton Tucson El Conquistador, driver will have signage with your name on it and provide transportation to the resort.
	On own rest of evening to enjoy resort

Monday, January 17, 2011

	Accommodations for one evening , two rooms provided by: **Westin La Paloma Resort** 3800 E Sunrise Drive Tucson, AZ 85718 Contact: Paul Canez, Senior Sales Manager Phone: (520) 577-5869
10:00 am	Tim & Tricia Crilly to drive from Phoenix to the Hilton El Conquistador and proceed to valet park their car in front of the resort. Tracy Becker to meet with Tim & Tricia Crilly in lobby of the Hilton El Conquistador to review the site visit and their meeting needs.
10:30 am	Meet Robin Lameyer in lobby for site visit, lunch, and tour of off-site spouse tour option. *(note: Mary Meade from MTCVB to join for lunch portion of site visit)*
3:00 pm	Depart for the Westin La Paloma - The Crilly's will pick up their car at the Hilton El Conquistador, meet and follow Mary Meade from the MTCVB, to the Westin La Paloma
3:30pm	Meet Paul Canez in the lobby at the Westin La Paloma for site and dinner *(note: Mary Meade from MTCVB to join for dinner portion of the site visit)*
	On own rest of evening to enjoy resort

Tuesday, January 18, 2011

	Accommodations for one evening , two rooms provided by: **JW Marriott Starr Pass** 3800 W Starr Pass Blvd. Tucson, AZ 85745 Contact: Norma Mazon-Howard, Senior Account Executive Phone: (520) 791-6044
8:00am	Breakfast meeting with Westin staff - TBD, then tour of off-site spouse tour option
12:00pm	Depart for the JW Marriott Starr Pass - Crilly's to pick up their car at the Westin La Paloma, meet and follow Mary Meade from the MTCVB to the JW Marriott Starr Pass, and proceed to valet park their car in front of the resort.
1:00 pm	Lunch and site visit with Norma Mazon-Howard, then tour of off-site spouse tour option *(note: Mary Meade from the MTCVB to join for lunch portion of site visit)*
	On own rest of evening to enjoy resort

Wednesday, January 19, 2011

6:30 am	Tracy Becker departs the JW Marriott Starr Pass – transportation provide by the resort
8:10 am	Tracy Becker's flight departs Tucson. American Airlines, flight #1098
	Breakfast at leisure for Tim & Tricia Crilly, compliments of the resort. Departures at leisure

Thank you for visiting Tucson!

Tucson

Report: Convention Services Groups Serviced in Oro Valley by Trace Date

Partner Account	# Lead/Bookings	# Room Attendees	# Room Nights	EEI
Hilton Tucson El Conquistador Golf & Tennis Resort	4	990	3,145	$861,300.00
Grand Total:	4	990	3,145	$861,300.00

Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	Room Attendees	Contract Rooms	EEI	Partner Account
28728	International Conference	Plasma Spectro Chemistry	650	2,274	$565,500.00	Hilton Tucson El Conquistador Golf & Tennis Resort
28848	Corporate Engineering Meeting	Smart Mixed-Signal Connectivity	180	516	$156,600.00	Hilton Tucson El Conquistador Golf & Tennis Resort
29138	2011 POINT Premier Conference	HelmsBriscoe - Georgia	120	315	$104,400.00	Hilton Tucson El Conquistador Golf & Tennis Resort
29644	50th Class Reunion	Catalina High School	40	40	$34,800.00	Hilton Tucson El Conquistador Golf & Tennis Resort
Hilton Tucson El Conquistador Golf & Tennis Resort Totals:		(4 Leads)	990	3,145	$861,300.00	
Grand Total:		(4 Leads)	990	3,145	$861,300.00	

Prepared by Hope Patterson 2/9/2011

Tucson

Prepared On: 02/10/2011
Prepared By: Hope Patterson

TOUR & TRAVEL BROCHURE & IMPRESSIONS ORO VALLEY BY TRACE DATE

Account Name: Golf Villas at Oro Valley

Lead ID	Lead Name	Account Name	Brochure on web?	Brochure printed?	Brochure - Number printed	Partner Account Name	User
9146	2011 Brochure Web	Fairtime Touristik	Yes	No		Golf Villas at Oro Valley	Ludwig, Jackie
9166	2011 Web Brochure	Evasion Golf Escape	Yes	No	customer confirmed that he does not print a brochure	Golf Villas at Oro Valley	Wood, Judy

Account Name: Golf Villas at Oro Valley - Subtotal: Count = 2

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort

Lead ID	Lead Name	Account Name	Brochure on web?	Brochure printed?	Brochure - Number printed	Partner Account Name	User
9061	2011 Website Brochure	Golf Resort World	Yes	No		Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy
9154	2011 Brochure	TUI Deutschland GmbH	Yes	Yes	350,000	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie
9155	2011 Brochure	Neckermann Reisen	Yes	Yes	600,00	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie
9157	2011 Brochure	Meier's Weltreisen	No	Yes	400,000	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie
9158	2011 Web Brochure	Simply Escape	Yes	Yes	10,000	Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy
9159	2011 Tariff	Allied TPRO	No	Yes	3000	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie
9163	2011 Web Brochure	Thomas Cook Canada Inc.	Yes	No		Hilton Tucson El Conquistador Golf	Wood, Judy

						& Tennis Resort	
9167	2011 Tariff	American Tours International LLC	No	Yes	3,000	Hilton Tucson El Conquistador Golf & Tennis Resort	Ludwig, Jackie
9168	2011 Web Brochure	US Airways Vacations	Yes	No		Hilton Tucson El Conquistador Golf & Tennis Resort	Wood, Judy

1,366,000

Account Name: Hilton Tucson El Conquistador Golf & Tennis Resort - Subtotal: Count = 9

Grand Total: Count = 11

CISION Media Monitoring Print

AAA Midwest Traveler

Circulation: 509405 City: Saint Louis
DMA: St. Louis, MO State: MO

Account: 264000
Date: 01/01/2011
Pub Num: 86B-30
Section/Page: PRS 32
Page Count: 1 / 3

177 E-mail p 33 p 32

COME IN FROM THE COLD IN ARIZONA

Midwesterners get a respite from winter in the Grand Canyon State while enjoying a temperate climate, golf, natural beauty and more.

BY KATHIE SUTIN

If long, chilling Midwest winters leave you longing for summer activities rather than clamoring for winter sports, sunny Arizona is the place for you. The state registers some 300 days a year with sunshine. In fact, the valley where Phoenix is located is referred to as the "Valley of the Sun."

"This is the winter playground for the Midwest, let me tell you," said Ellen Bilbrey, chief public information officer for the Arizona State Parks system. "It's just a big old theme park. There's so much to do here."

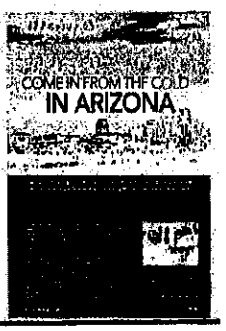
Each winter, Arizona welcomes thousands of "snowbirds" seeking refuge from harsh Midwestern winters, and many of them land in state parks, Bilbrey said. The wide array of outdoor activities makes Arizona a popular winter destination, she added.

Hiking, biking, jogging, horseback riding and golfing are only the beginning of the outdoor activities visitors enjoy in winter, Bilbrey said. They can also pan for gold, see desert flowers in bloom, hunt for crystals and unusual rocks, ride ATVs and view wildlife and scenery.

Arizona also is a paradise for birdwatchers. "If you're a birdwatcher, we have some of the biggest migratory routes in the nation here because a lot of the birds come up from Mexico through Arizona," she said. "You can see unique birds here. People don't really understand Arizona that well until they start

spending time here. Then they're just amazed that the environment is so perfect for people who like to be outdoors."

Actually, Arizona has three geological zones—deserts in the south and west, mountainous highlands in the central part of the



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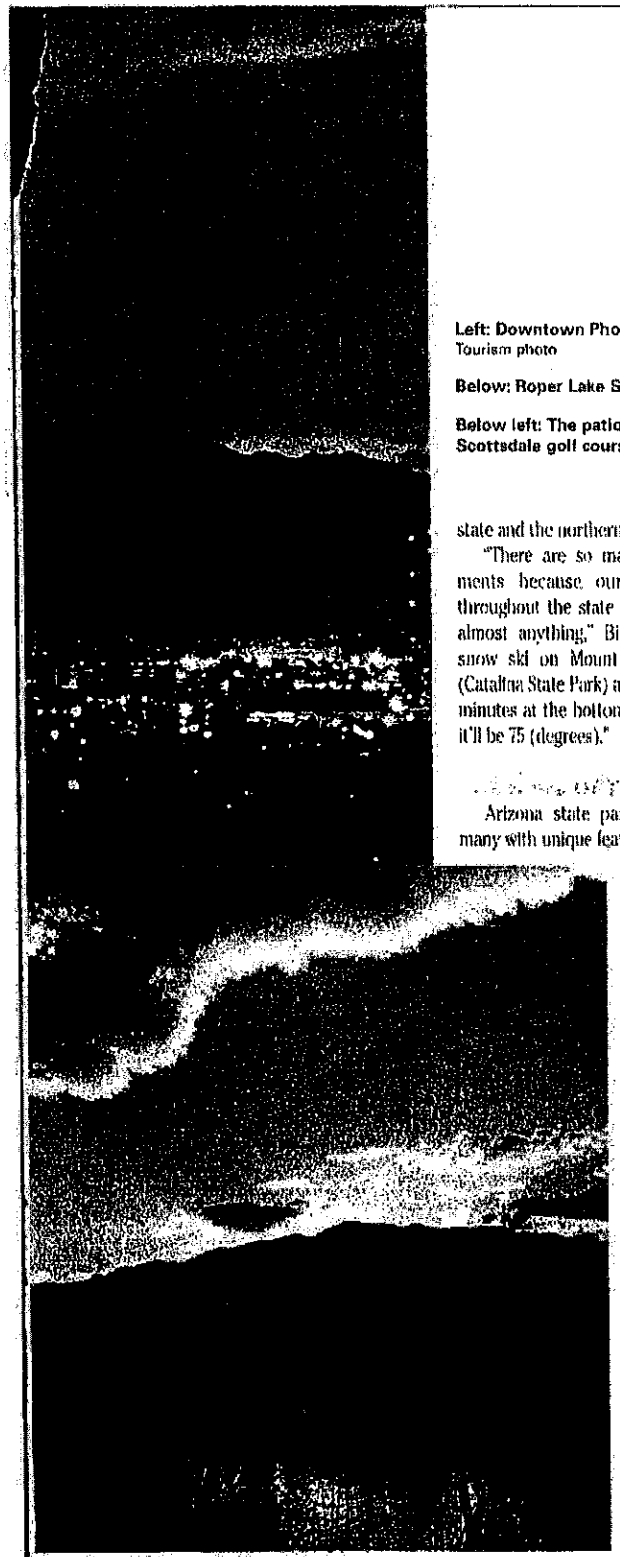

Left: Downtown Phoenix glows in the desert night. Melanie Ohnsen/Arizona Office of Tourism photo

Below: Roper Lake State Park in Safford Arizona State Parks photo

Below left: The patio at the Fairmont Scottsdale Princess overlooks the TPC Scottsdale golf course. ©Michael Wilson-Fairmont Scottsdale Princess photo

state and the northern Colorado Plateau.

"There are so many different environments because our elevation changes throughout the state so much, you can do almost anything," Bilbrey said. "You can snow ski on Mount Lemmon in Tucson (Catalina State Park) and then be down in 45 minutes at the bottom of the mountain and it'll be 75 (degrees)."

Arizona state parks offer 1,200 sites, many with unique features, Bilbrey said. For instance, at Roper Lake State Park in Safford (southeast Arizona), visitors can enjoy a natural stone hot tub.

"You can be sitting in a hot tub drinking a glass of wine, then go up to Mount Graham during the day and come back down to camp by the hot tub at night," she said.

The average length of stay for Midwest snowbirds is three months, according to Robert Brinton, president and CEO of the Mesa Convention and Visitors Bureau. For visitors planning extended winter stays, RVs (recreational vehicles) are a great option in Arizona. Mesa, second largest city in the valley behind Phoenix, and Apache Junction alone have about 45,000 RV spaces.

"We really are the capital for those who are coming to RV and for long-term stays," Brinton said.

Other lodging options abound from bed and breakfasts to dude ranches to resorts. And hotel rooms are plentiful and run the price gamut. An increasingly popular option is a vacation home rental.

Joe Dew owns a five-bedroom home in Scottsdale that he rents out to large families and golfers through www.HomeAway.com. "I get groups of guys who come down who are not necessarily coming from the same place. They may be college buddies coming from all over the country for a golf outing."

A caveat for those hoping to rent a vacation home—plan ahead. Many rentals are reserved a year in advance.

While January and February are great for those trying to get away from the cold, "March is the busiest month of the year by far in Phoenix," Dew said. It's the spring training season for 15 Major League Baseball teams that compete in Phoenix's Cactus League. "Visitors go catch a game, they play some golf, the weather is nice," Dew said.

Midwest teams that train in Arizona are the Kansas City Royals, Chicago Cubs and White Sox, Milwaukee Brewers, Cincinnati Reds, and Cleveland Indians.

"There still are a lot of Cubs fans and maybe a few White Sox fans as well who do come in for spring training," Brinton said.

Whether you're a long-term snowbird or

NULL RefNo: 88c74f

CISION Media Monitoring Print

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An artist's rendering of the stadium complex planned for the Chicago Cubs in Mesa, Ariz. Mesa CVB illustration

a short-term visitor, there's something for everyone in Arizona, whether it's history–which goes back thousands of years here–or ghost towns, cowboy lore, art, Native American culture, Spanish missions, museums and, of course, shopping.

"We get such a large portion of our travelers from the Midwest, you find numerous businesses in Mesa catering just to them," Michelle Streeter, Mesa CVB director of public relations, said. "From the Iowa Café to the Nebraska Huskers store, you can find many connections in Mesa to the Midwest."

Illinoisans in particular love Arizona. "Illinois is second only to California in terms of people who move here," Brinton said. "We know we have 250,000 to 300,000 transplanted Illinois residents here."

Streeter agrees. "There are plenty of Chicagoan-owned businesses since Mesa has been the host city for spring training since 1952."

Chicagoans will feel even more at home in Mesa with a new Cubs stadium, which was approved by 63 percent of Mesa voters in November. Completion of the $99 million development is expected in 2013. Currently, the team plays spring training games at HoHokam Stadium.

"The Wrigleyville concept would bring a little Chicago, so to speak, to Mesa," Brinton said. Developers are hoping to attract Chicago-area restaurants to open there. Whether it's a Harry Caray's or a Cubby Bear or something like that, they plan on making it very much a Chicago experience around the stadium." ✱

Kathie Sutin is a contributor from St. Louis, Mo.

BEFORE YOU GO

For more information about visiting Arizona, contact:

- Arizona State Parks, (602) 542-4174, www.AzStateParks.com
- Metropolitan Tucson Convention and Visitors Bureau, (888) 288-2766, www.visittucson.org
- Phoenix Convention and Visitors Bureau, (877) 225-5749, www.visitphoenix.com
- Sunny Arizona for Mesa and Tempe, (866) 914-1055, www.visitsunnyaz.com.

To visit Arizona, first stop by your nearest AAA service office for maps, reservations, TripTiks® and TourBook® guides. A list of offices to serve you is on page 5 in this issue or visit www.AAA.com.

Order free information about Arizona through the Reader Service Card between pages 30 and 31 or online at http://midwest.ai-dsg.com.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number)

THIS AGREEMENT is made and entered into this 16th day of June, 2010, by and between the Town of Oro Valley, a municipal corporation, hereinafter called the "Town" and the **Metropolitan Tucson Convention and Visitors Bureau**, a non-profit corporation, hereinafter called the "Agency".

WITNESSETH

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

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

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

Section 1. Definitions

A. Tour Operator – a person who arranges and/or organizes groups of people to travel together to a destination and who also organizes tour packages and advertises them for people to buy.

B. Travel Agent Impressions – the number of travel agents who would likely read a tour brochure which a tour operator produced to promote tours that he or she organized.

Section 2. Statement of Purpose

Agency will initiate, implement and administer a comprehensive sales promotion and advertising program to attract an increasing number of convention delegates and vacationing tourists to the Town, thereby providing revenues to the community through transient rental and sales taxes, and contributing to the overall economic growth and continued viability of the tourism and hospitality industry.

Section 3. Services to be Performed by Agency

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

Convention Sales

1. Generate 350 convention sales leads for Oro Valley properties.
2. Conduct 44 customer interaction/site inspections for Oro Valley properties.
3. Confirm 16 convention bookings for future dates.

4. Confirm convention bookings for future dates resulting in 3,500 room nights.

Convention Services

1. Service a minimum of 18 Oro Valley meetings and conventions.

Travel Industry Sales

1. Generate 32 domestic and international tour program leads and services for Oro Valley properties/venues.
2. Promote Oro Valley as one of the world's top leisure destinations to 400 targeted tour operator clients.
3. Generate a minimum of 500,000 tour operators and travel agent impressions via destination product offering in domestic and international tour operator catalogues.

Communications

1. Generate 31 travel articles about Oro Valley.
2. Reach a minimum of 1.5 million readers/viewers through editorial placement.
3. Generate publicity with an equivalent advertising value of at least $8,000.00.

Marketing

1. Generate no less than a total of 100,000 inquiries from high demographic customers in primary markets i.e. (Chicago, Los Angeles, New York) secondary markets (including Denver, San Diego, San Francisco) and Canada.
2. Generate a minimum of 2.5 million unique visitors to the MTCVB website (www.visitTucson.org).
3. Generate 6,000 unique visitors to the Town of Oro Valley's and Oro Valley properties website (www.orovalleyaz.gov) from the MTCVB website (www.visitTucson.org).

Section 4. Services to be Provided by the Town

All funding is subject to the Town's budget appropriations. For this Agreement, up to Seventy One Thousand Eight Hundred Dollars ($71,800) shall be allocated to Agency, which equals ½ of 1% of Bed Tax.

Section 5. Responsibility for Open Records

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

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number)

Section 6. Evaluation Criteria and Reporting

A. Agency agrees to submit to the Town, through the Economic Development Division, quarterly reports addressing the progress of the Agency in achieving its performance measures listed in Section 2. Reports shall be submitted to the Economic Development Manager within thirty (30) working days of the end of the calendar quarter.

B. Agency agrees to review and present such quarterly reports to the Town Council in open meetings on an "as requested" basis.

Section 7. Accountability

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

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

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

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

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

Section 8. Matching Grants

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

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number)

Section 9. Nondiscrimination

Agency, in its employment policies and practices, in its public accommodations and in its provision of services shall obey all relevant and applicable, federal, state, and local laws, regulations and standards relating to discriminations, biases, and/or limitations, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Arizona Civil Rights Act, the Arizonans with Disabilities Act, the Human Relations provisions of the Oro Valley Code, and the Mayor and Council policy adopted on September 25, 2000, prohibiting the direct or indirect grant of discretionary Town funds to organizations that have a policy of exclusionary discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. See Administrative Guidance Re: Non-Discrimination Policy for Programs Funded by the Town of Oro Valley, attached and incorporated herein by this reference.

Section 10. Sub-recipient Funding Agreements

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

Section 11. Term of Agreement

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

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

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

Section 12. Payment Withholding, Reduction, or Termination

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

A. Services are not rendered.
B. Agency fails to supply information or reports as required.
C. Agency is not in compliance with agreed upon disbursement documentation and/or other project performance.
D. Agency fails to make required payments to subcontractors.

E. The Town has reasonable cause to believe Agency is not in compliance with the nondiscrimination clause of this Agreement.
F. The Mayor and Council fail to appropriate all or part of the funds for this Agreement.

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

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

Section 13. Termination of Agreement

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

Section 14. Method of Payment

A. The Town's Bed Tax rate is 6 percent (6%). The parties have agreed that Agency will receive ½ of 1% of the Bed Tax from the Town an amount not to exceed $71,800. Disbursement of funds by the Town is subject to the annual appropriation by the Town Council and the limitations of the state budget law. Payments shall be made on a quarterly basis commencing July 1, 2010. Payments are to be made within forty (40) days after the close of each preceding quarter.

B. It shall be the responsibility of the Agency to obtain funding from sources other than the Town. Financial participation agreements with other governments and government agencies, grants, donations, memberships and any other sources of funding as may become available from time to time shall be included as part of the annual budget submission.

Section 15. Indemnification

Agency agrees to indemnify, defend and save harmless the Town, its Mayor and Council, appointed boards, committees, and commissions, officers, employees, and insurance carriers, individually and collectively, from all losses, claims, suits, demands, expenses, subrogations, attorney's fees, or actions of any kind and nature resulting from personal injury to any person, including employees of Agency or of any subcontractor employed by Agency (including bodily injury and death); claims based upon discrimination and/or violation of civil rights; or damages to any property, arising or alleged to have arisen out of the work to be performed hereunder, except any such injury or damages arising out of the sole negligence of the Town, its officers,

agents, or employees. Workers' Compensation insurance and/or self-insurance carried by the Town do not apply to employees or volunteers acting in any capacity for Agency.

Section 16. Insurance

Agency agrees to:

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

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

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

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

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

Section 17. Use of the Town Logo

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

Section 18. Conflict of Interest

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

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number)

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

TOWN OF ORO VALLEY, a municipal corporation

Mayor
and not personally

ATTEST:

Kathryn E. Cuvelier, as Town Clerk
and not personally

Date: 6-17-10

APPROVED AS TO FORM:

Tobin Rosen, as Town Attorney
and not personally

Date: 6/17/10

METROPOLITAN TUCSON CONVENTION AND VISITORS BUREAU, a non-profit Corporation

Agency Representative
and not personally

Title President & CEO

State of Arizona)
) ss.
County of)

On this 8 day of July, 2010, Jonathan Walker known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he/she executed the same for the purposes contained.

Given under my hand and seal on July 8, 2010.

Notary

My Commission Expires: March 23, 2012

RONDA THOMAS
NOTARY PUBLIC - ARIZONA
PIMA COUNTY
My Commission Expires
March 23, 2012

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

Meeting Date: 05/18/2011

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

SUBJECT:

Police Department - March 2011 Statistics

Attachments

March 2011 Statistics

ORO VALLEY POLICE DEPARTMENT POLICE ACTIVITY SUMMARY

2011	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Total Calls	4294	1389	1407	1498									
Commercial Veh Enforcement	52	23	27	2									
Residential Burglaries****	16	3	4	9									
Non-Residential Burglaries****	1	0	1	0									
All Burglary Attempts****	5	2	1	2									
Thefts	156	69	37	50									
Vehicle Thefts****	10	4	4	2									
Recovered Stolen Vehicles****	2	2	0	0									
Attempted Vehicle Thefts****	0	0	0	0									
DUI	44	13	11	20									
Liquor Laws	11	5	4	2									
Drug Offenses	50	18	18	14									
Homicides	0	0	0	0									
Robbery	1	0	0	1									
Assault	35	6	13	16									
Total Arrests***	471	171	149	151									
Assigned Cases	225	58	87	80									
Alarms (Residential)	169	47	65	57									
Alarms (Business)	101	38	30	33									
K9 Searches	75	37	14	24									
First Aid Calls	654	189	235	230									
Accidents	132	54	39	39									
Citations (Traffic)**	1441	697	436	308									
Warnings	1221	515	368	338									
Repair Orders	190	60	103	27									
Public Assists*	486	115	183	188									
Reserve Man Hours	0	0	0	0									
Dark House Checks*	3549	1027	1460	1062									
Drug Task Force Arrest	36	9	8	19									
CVAP Dark House Cks	1150	176	683	291									
CVAP Public Assists	197	52	83	62									
CVAP Total Hours	4075	1010	1820	1245									

(Arrest stats updated for the year 7/19/10)

** Total Includes CVAP*

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

**** As of 1/1/09, "Total Arrests" are compiled through the Spillman database and include all cite and release arrests along with all physical arrests. Based on further investigation, actual classifications may change resulting in small variances of case counts.*

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

ORO VALLEY POLICE DEPARTMENT
MONTHLY BREAKDOWN OF CITATIONS BY VIOLATION

Citations 2011	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
TOWN CODE	71	57	14										
TITLE 28 VIOLATIONS													
SIZE, WEIGHT, LOAD	1	1	0										
INSURANCE VIOLATION	165	96	69										
REGISTRATION VIOLATION	109	68	41										
DRIVERS LICENSE VIOLATION	84	48	36										
DUI	24	13	11										
RECKLESS/AGGRESSIVE DRIVING	3	1	2										
SPEEDING	204	126	78										
LANE VIOLATIONS	31	13	18										
RED LIGHT	27	18	9										
STOP SIGN	13	10	3										
FAILURE TO YIELD	15	9	6										
SEATBELT VIOLATION	18	9	9										
CHILD RESTRAINT	0	0	0										
EQUIPMENT VIOLATIONS	13	2	11										
PARKING	6	6	0										
LITTERING	4	1	3										
ALL OTHER CITATIONS	27	15	12										
Total Citations	744	436	308										

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

	Jan-Mar 2009	Jan-Mar 2010	Jan-Mar 2011		March 2009	March 2010	March 2011
Total Calls	4152	4202	4294		1365	1492	1498
Commercial Veh Enforcement	##	47	52		##	30	2
Residential Burglaries	12	13	16		6	2	9
Non-Residential Burglaries****	3	7	1		1	3	0
All Burglary Attempts****	1	1	5		1	0	2
Thefts	113	119	156		45	42	50
Vehicle Thefts	4	6	10		0	1	2
Recovered Stolen Vehicles****	5	2	2		1	0	0
Attempted Vehicle Theft****	0	2	0		0	1	0
DUI	56	62	44		18	20	20
Liquor Laws	16	9	11		8	1	2
Drug Offenses	52	50	50		17	20	14
Homicides	0	0	0		0	0	0
Robbery	2	1	1		2	0	1
Assault	35	27	35		14	8	16
Total Arrests***	601	531	471		185	164	151
Assigned Cases	225	196	225		84	70	80
Alarms (Residential)	188	193	169		66	69	57
Alarms (Business)	84	121	101		28	49	33
K9 Searches	50	69	75		29	33	24
First Aid Calls	605	568	654		217	207	230
Accidents	145	130	132		54	41	39
Citations (Traffic)**	2228	1869	1441		715	536	308
Warnings	1686	1866	1221		595	531	338
Repair Orders	250	433	190		44	150	27
Public Assists*	439	640	486		164	264	188
Reserve Man Hours	636	406	0		205	140	0
Dark House Checks*	1833	1949	3549		652	641	1062
Drug Task Force Arrest	170	35	36		59	28	19
CVAP Dark House Cks	467	762	1150		134	204	291
CVAP Public Assists	143	244	197		61	97	62
CVAP Total Hours	3427	4300.5	4075		1210	1417	1245

As of 1/1/10, New Category
** Totals include CVAP*
*** Traffic data delayed 30 days due to data entry backlog*
**** As of 1/1/09, "Total Arrests" are compiled through the Spillman database and include all cite and release arrests along with all physical arrests. The "Total Arrests" line has been updated through this Spillman database method for previous years for comparison.*
***** As of 8/10, Burglary Attempts and Non-Residential Burglaries/Vehicle Theft Attempts have and Stolen Vehicle Recoveries have been separated from total counts.*

ORO VALLEY POLICE DEPARTMENT
MARCH 2011

Priority 1		# of calls	%
Dispatch Time	< 1 minute	27	100%
	> 1 minute	0	0%
Travel Time	< 4 minutes	21	78%
	> 4 minutes	6	22%
Total Response Time			
	< 5 minutes	22	81%
	> 5 minutes	5	19%
Total Calls	27		

Priority 2		# of calls	%
Dispatch Time	< 2 minute	68	99%
	> 2 minute	1	1%
Travel Time	< 6 minutes	60	87%
	> 6 minutes	9	13%
Total Response Time			
	< 8 minutes	63	91%
	> 8 minutes	6	9%
Total Calls	69		

Priority 3		# of calls	%
Dispatch Time	< 5 minute	301	98%
	> 5 minute	5	2%
Travel Time	<10 minutes	278	91%
	>10 minutes	28	9%
Total Response Time			
	< 15 minutes	293	96%
	> 15 minutes	13	4%
Total Calls	306		

Priority 4		# of calls	%
Dispatch Time	< 10 minute	815	98%
	> 10 minute	18	2%
Travel Time	< 20 minutes	816	98%
	> 20 minutes	17	2%
Total Response Time			
	< 30 minutes	817	98%
	> 30 minutes	16	2%
Total Calls	833		

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

Meeting Date: 05/18/2011

Requested by: Judge Dunscomb, Town Magistrate **Submitted By:** Heidy Kinwald, Magistrate Court

SUBJECT:

Court Report - April, 2011

Attachments

Court Report

Report to Oro Valley Town Council
From: Oro Valley Magistrate Court
April 28, 2011

The Numbers

Since the Police Department provides basically the same statistics to the Council on the number of citations issued etc. it would be redundant to provide the same information here. I will just note as did Councilmember Hornat at the April 20, 2011 Council meeting that the number of citations is down. That does not however seem to be reflected in the number of hearings, which is remaining constant or increasing.

Staff

We have had a change in staffing at the bailiff position. Mike Hood, who has been with the Court for the last 2 years, has been reassigned to the Police Dept. to help get more officers back on the streets. Liz Wright, who has been the Police Public Information Officer for the past several years and who was assigned to the Communications Department has joined the Court as our new bailiff. She is learning the ropes from former bailiffs and the court staff and I believe will be a good fit at the Court.

Kudos to Rita Gier, our collections clerk, on receiving the Arizona Courts Association annual "Award of Excellence". If you recall in my last report I mentioned that we had established a collections program that was functioning well. The program was submitted to ACA for consideration for the Award and Rita was chosen to receive the Award. This Award goes to an individual or group that has successfully implemented a new court program in 2010 that enhanced the administration of justice. She will receive the Award at the ACA Meeting on April 28, 2011, at their Spring Conference in Prescott. Her collection numbers for March totaled $24,837.68. Good work!

Operational Review

The Rules governing the Statewide Court System, provide that every court in the State have an operational review periodically (usually every 7 to 10 years). The Oro Valley Magistrate Court was scheduled for the operational review about 2 ½ years ago, and was on the schedule right after the Sahuarita Municipal Court. But after sending us a RFI (Request for Information) packet, they called back and said they were short staffed and unable to get it done. We are again on their schedule and they will be here the week of May 23rd through the 28th. They have already sent us the same extensive RFI, which Judy and the rest of the staff diligently

worked to complete and it has been shipped to them. The RFI requests voluminous documentation about most Court and Finance Dept. processes for how cases are handled. The AOC team will be reviewing virtually every procedure in the Court. This review extends also to financial procedures used by the Town Finance Department dealing with monies paid to the Court, and they will also be meeting with some of Stacy's staff to review records and procedures in her department. We have informed Stacy and have already had to impose on Finance Dept. staff to obtain copies of records pursuant to the RFI. In terms of the Finance Department and the budget process, the AOC's timing could not be worse.

The group from the AOC will observe all of our processes both in and out of the Courtroom and conduct interviews of part of our staff. They will want to review over 200 files that they will select at random using a computer printout. About a week before they come they will send a list of about half of the files and the Friday before they come down they will fax another list that we have to pull that day to have ready for them on Monday morning.

At the end of the week, they will meet with Judy and me and give us limited preliminary input regarding any glaring errors they have found and then send a preliminary report in about 30 days. We then have an opportunity to respond to the written preliminary findings. We send in our response and they then prepare a written report which will probably not be done for another 90 days. The final report is public.

I wish I could tell you that this is a positive experience designed to increase efficiency and service to the public, but, that is not what we have heard from other courts. It appears to be an exercise to make sure all courts follow all the rules. I can already tell you that they will complain about some things, that while I concede are "out of policy", are not worth the expense of fixing, or following the procedure they want is costly without result.

Courtroom Speaker System

In my last report I mentioned that we had to replace the speaker system in the Courtroom because of packrats. That work is complete and the new system works well. Unfortunately, there was still a nest and some rodent droppings in the false ceiling and thanks to help from Public Works and an exterminator, the rat (they say there was only one) has been removed and the health issue abated.

New Legislation

Gratefully the session has ended. There may be big changes in the DUI statutes, if the Governor signs the Bill. There will be another mandatory $13 fee we have to add to every fine/sanction on every charge (not just file- every violation). The money all goes to the State initially and $4 will go to the agency that wrote the citation. It sounds as if the Court collects the money, Finance sends the whole $13 to Phoenix and they send $4 back to the OVPD. I am unsure how that will work. $1 of the money collected will be divided between the Justice Courts to pay for technology in those courts.

There were changes in the DUI laws that I will have to explore, some of which may end up saving the Town money, especially on reduced jail sentences.

In candor, the bill restricting local governments from prohibiting firearms in government buildings is dangerous and misguided. Because the OVMC has a metal detector and armed bailiff and the Police Department has the lock box, we do not really have to change anything.

2xIA Budget Request

In the Court's portion of the Manager's Proposed Budget you received last week, there is a request for $5100 to pay Pima County for providing judges and courtroom clerks for conducting the Initial Appearances at the Pima County Jail two times every day, once at 9:00 a.m. and again at 8:00 p.m. Every defendant arrested in Arizona on State charges, must be seen by a magistrate within 24hours of their arrest either on a warrant or an original charge. The initial appearance judges determine the conditions of release, i.e. set the bonds and other conditions as necessary. These IA's have been done at the Pima County jail for as long as I can remember. The County has historically paid for the judges and court clerks, with Tucson City Court providing some judges and clerks and contributing to the costs for several years. However, because of the budget situation, the County has now come to the other smaller jurisdictions "requesting" that we now share in the cost of having the judges and the IA courtroom available. Oro Valley's share based on the number of our defendant's they have seen at IA Court from July 1, 2010 to December 31, 2010 comes out to about $5100. (The Justice Court staff took the total number of Initial Appearances and divided it into the total number for each jurisdiction to arrive at the percentage each should pay.) It is a service that we MUST provide by law and is provided in an effective and I believe cost efficient way. I do not believe we can provide those Initial Appearances for $5100 or less.

When I put “requesting” in quotes, I was being somewhat facetious. It was put as a request, but, in reality it was not really a request. However, I believe it to be a valuable service and the Town should pay a fair share. Frankly, I am surprised the County did not come to us years earlier to request contribution for this service.

If you have any questions or concerns please let me know. You are always welcome to attend any court sessions.

George A. Dunscomb
Oro Valley Magistrate

Distribution:
Mayor and Council
Jerene Watson, Town Manager
Daniel Sharp, Chief of Police

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

Meeting Date: 05/18/2011

Requested by: Wendy Gomez **Submitted By:** Wendy Gomez, Finance

Department: Finance

SUBJECT:

Fiscal Year 2010/11 Financial Update Through March 2011

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

General Fund

Attachment B shows General Fund revenues and expenditures through March as well as year-end estimates for each category. Through March, revenue collections totaled $17,977,346 and expenditures totaled $17,839,231.

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

Revenues	$24,326,907
Expenditures	25,285,826
Estimated Deficit	**($ 958,919)***

*Due to one-time expenditures budgeted for energy efficiency upgrades.

General Fund Revenues

- Revenues through March total $17,977,346, which represents 68.6% of the budgeted FY 10/11 revenues
- Revenues are estimated to come in under budget by about $1,900,000, or by about 7%, primarily due to the continued slowdown in construction activity and lagging construction sales taxes
- Although the distribution by revenue category has changed, the total amount of General Fund revenues projected for this fiscal year are less than what was collected in FY 05/06

General Fund Major Revenue Categories

Local Sales Tax

- Fiscal year to date General Fund collections are $8,448,215 (roughly 3% less than FY 09/10 through Mar)
- Estimated to come in 10.5% below budget due to reduced construction sales tax collections

State-Shared Revenues

- Income Tax - fiscal year to date is $2,876,183 (25% decrease from FY 09/10 through Mar)
- Sales Tax - fiscal year to date is $2,202,130 (2% increase from FY 09/10 through Mar)

- Vehicle License Tax - fiscal year to date is $1,115,302 (10% decrease from FY 09/10 through Mar)

General Fund Expenditures

- Expenditures through March total $17,839,231, which represents 67.2% of the budgeted FY 10/11 expenditures
- Expenditures are estimated to come in under budget by about $1,275,000, or by nearly 5%
- Expenditure savings represent vigilant budget monitoring by departments, and **includes the additional $358K in savings identified at the February 23rd budget study session.**

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

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

For information only

Attachments

Attachment A - Summary

Attachment B - Gen Fund

Attachment C - Highway Fund

Attachment D - Bed Tax Fund

Attachment E - Transit Fund

Attachment F - Dashboard 1 of 2

Attachment F - Dashboard 2 of 2

ATTACHMENT A

March 2011 Monthly Financial Report

Revenues

Fund	Actuals thru 03/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
General	$ 17,977,346	$ 26,215,984	68.6%	$ 24,326,907	-7.2%
Highway	$ 2,383,993	$ 3,797,842	62.8%	$ 3,313,234	-12.8%
Bed Tax	$ 171,229	$ 270,569	63.3%	$ 253,293	-6.4%
Transit	$ 329,645	$ 454,845	72.5%	$ 469,286	3.2%

Expenditures

Fund	Actuals thru 03/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
General	$ 17,839,231	$ 26,560,334	67.2%	$ 25,285,826	-4.8%
Highway	$ 2,049,560	$ 4,105,231	49.9%	$ 3,975,872	-3.2%
Bed Tax	$ 194,309	$ 358,869	54.1%	$ 380,146	5.9%
Transit	$ 421,682	$ 482,320	87.4%	$ 602,246	24.9%

	Surplus/(Deficit)			Fund Balance	
Fund	YTD	Budgeted	Year End Estimate	Budgeted	Year End Estimate
General	$ 138,115	$ (344,350)	$ (958,919)	$ 10,620,363	$ 9,354,234 *
Highway	$ 334,433	$ (307,389)	$ (662,638)	$ 3,772,144	$ 3,358,226
Bed Tax	$ (23,080)	$ (88,300)	$ (126,853)	$ 987,870	$ 862,692
Transit	$ (92,037)	$ (27,475)	$ (132,960)	$ 54,532	$ -

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

ATTACHMENT B

March YTD Financial Status

FY 2010/2011

General Fund

% Budget Completion through March --- 75%

FINANCING SOURCES	Actuals thru 03/2011	Budget	% Actuals to Budget	Year End Estimate *	% Variance to Budget
REVENUE:					
LOCAL SALES TAX	8,302,294	12,464,250	66.6%	11,151,825	-10.5%
BED TAX ALLOCATION	419,558	600,000	69.9%	610,000	1.7%
(allocation from Bed Tax Fund to Gen Fund)					
LICENSES & PERMITS	709,285	1,276,510	55.6%	843,150	-33.9%
FEDERAL GRANTS	458,822	881,239	52.1%	811,956	-7.9%
STATE GRANTS	219,529	145,700	150.7%	265,543	82.3%
STATE/COUNTY SHARED	6,193,615	8,360,415	74.1%	8,360,415	0.0%
OTHER INTERGOVERNMENTAL	322,376	607,781	53.0%	600,281	-1.2%
CHARGES FOR SERVICES	670,762	1,021,715	65.7%	893,754	-12.5%
FINES	157,069	195,000	80.5%	210,000	7.7%
INTEREST INCOME	15,248	151,374	10.1%	21,333	-85.9%
MISCELLANEOUS	133,559	145,000	92.1%	191,650	32.2%
OTHER FINANCING SOURCES	375,229	367,000	102.2%	367,000	0.0%
TOTAL FINANCING SOURCES	**17,977,346**	**26,215,984**	**68.6%**	**24,326,907**	**-7.2%**

FINANCING USES	Actuals thru 03/2011	Budget	% Actuals to Budget	Year End Estimate *	% Variance to Budget
EXPENDITURES:					
COUNCIL	157,277	220,610	71.3%	200,610	-9.1%
CLERK	267,828	378,581	70.7%	374,081	-1.2%
MANAGER	622,892	974,906	63.9%	892,552	-8.4%
HUMAN RESOURCES	322,851	484,189	66.7%	455,657	-5.9%
FINANCE	506,237	727,613	69.6%	721,613	-0.8%
INFORMATION TECHNOLOGY	794,631	1,120,106	70.9%	1,098,106	-2.0%
GENERAL ADMINISTRATION	2,152,555	3,458,898	62.2%	3,197,369	-7.6%
LEGAL	512,031	842,785	60.8%	740,785	-12.1%
COURT	509,844	753,772	67.6%	744,922	-1.2%
DEV & INFRASTRUCTURE SVCS	1,962,131	3,084,586	63.6%	2,735,661	-11.3%
PARKS, REC, LIBRARY, & CULT RSCS	2,049,134	2,947,715	69.5%	2,891,680	-1.9%
POLICE	7,981,822	11,566,573	69.0%	11,232,789	-2.9%
TOTAL FINANCING USES	**17,839,231**	**26,560,334**	**67.2%**	**25,285,826**	**-4.8%**
SURPLUS/(DEFICIT)	**138,115**	**(344,350)**		**(958,919)**	

* Year-end estimates are very preliminary and subject to further revision.

ATTACHMENT C

March YTD Financial Status

FY 2010/2011

Highway Fund

% Budget Completion through March --- 75%

FINANCING SOURCES	Actuals thru 03/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
REVENUE:					
LOCAL SALES TAX	227,967	630,188	36.2%	366,905	-41.8%
LICENSES & PERMITS	32,590	50,192	64.9%	43,329	-13.7%
STATE GRANTS	125,406	317,000	39.6%	145,689	-54.0%
STATE/COUNTY SHARED	1,929,031	2,669,767	72.3%	2,669,767	0.0%
INTEREST INCOME	7,030	53,205	13.2%	9,373	-82.4%
MISCELLANEOUS	13,368	12,686	105.4%	13,367	5.4%
OTHER FINANCING SOURCES	48,603	64,804	75.0%	64,804	0.0%
TOTAL FINANCING SOURCES	**2,383,993**	**3,797,842**	**62.8%**	**3,313,234**	**-12.8%**

FINANCING USES	Actuals thru 03/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
EXPENDITURES:					
ADMINISTRATION	618,275	1,029,154	60.1%	1,017,154	-1.2%
TRANSPORTATION ENGINEERING	363,798	1,285,320	28.3%	1,251,025	-2.7%
PAVEMENT MANAGEMENT	135,308	201,893	67.0%	201,893	0.0%
STREET MAINTENANCE	583,440	954,481	61.1%	873,317	-8.5%
TRAFFIC ENGINEERING	348,739	634,383	55.0%	632,483	-0.3%
TOTAL FINANCING USES	**2,049,560**	**4,105,231**	**49.9%**	**3,975,872**	**-3.2%**
SURPLUS/(DEFICIT)	**334,433**	**(307,389)**		**(662,638)**	

ATTACHMENT D

March YTD Financial Status

FY 2010/2011

Bed Tax Fund

% Budget Completion through March --- 75%

FINANCING SOURCES	Actuals thru 03/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
REVENUE:					
BED TAXES	589,494	861,569	68.4%	861,569	0.0%
less allocation to General Fund	(419,558)	(600,000)	69.9%	(610,000)	1.7%
INTEREST INCOME	1,293	9,000	14.4%	1,724	-80.8%
TOTAL FINANCING SOURCES	**171,229**	**270,569**	**63.3%**	**253,293**	**-6.4%**

FINANCING USES	Actuals thru 03/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
EXPENDITURES:					
ECONOMIC DEVELOPMENT	194,309	358,869	54.1%	380,146	5.9%
TOTAL FINANCING USES	**194,309**	**358,869**	**54.1%**	**380,146**	**5.9%**
SURPLUS/(DEFICIT)	**(23,080)**	**(88,300)**		**(126,853)**	

ATTACHMENT E

March YTD Financial Status

FY 2010/2011

Public Transportation Fund

% Budget Completion through March --- 75%

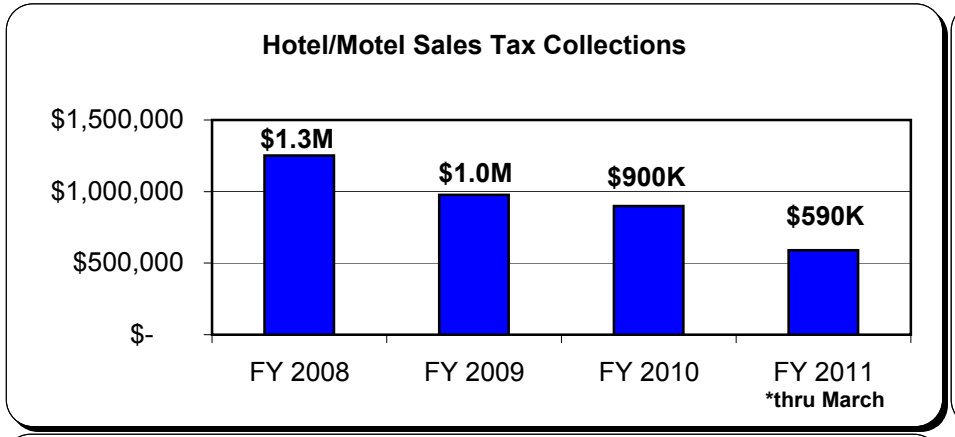
FINANCING SOURCES	Actuals thru 03/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
REVENUE:					
RTA REIMBURSEMENT	9,137	-	0.0%	74,762	0.0%
STATE GRANTS	94,826	-	0.0%	129,770	0.0%
CHARGES FOR SERVICES	38,906	34,545	112.6%	50,400	45.9%
INTEREST INCOME	121	1,800	6.7%	164	-90.9%
MISCELLANEOUS	634	18,500	3.4%	634	-96.6%
TRANSFER FROM GEN FUND	186,021	400,000	46.5%	213,556	-46.6%
TOTAL FINANCING SOURCES	**329,645**	**454,845**	**72.5%**	**469,286**	**3.2%**

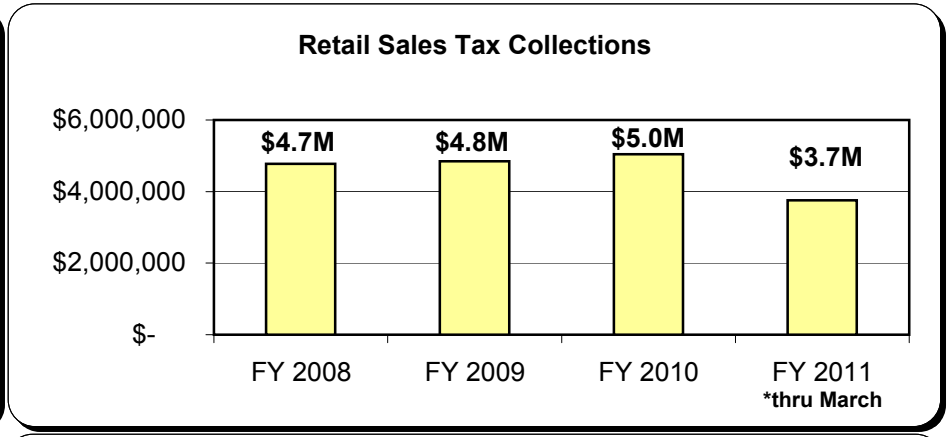
FINANCING USES	Actuals thru 03/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
EXPENDITURES:					
PUBLIC TRANSIT	421,682	482,320	87.4%	602,246	24.9%
TOTAL FINANCING USES	**421,682**	**482,320**	**87.4%**	**602,246**	**24.9%**

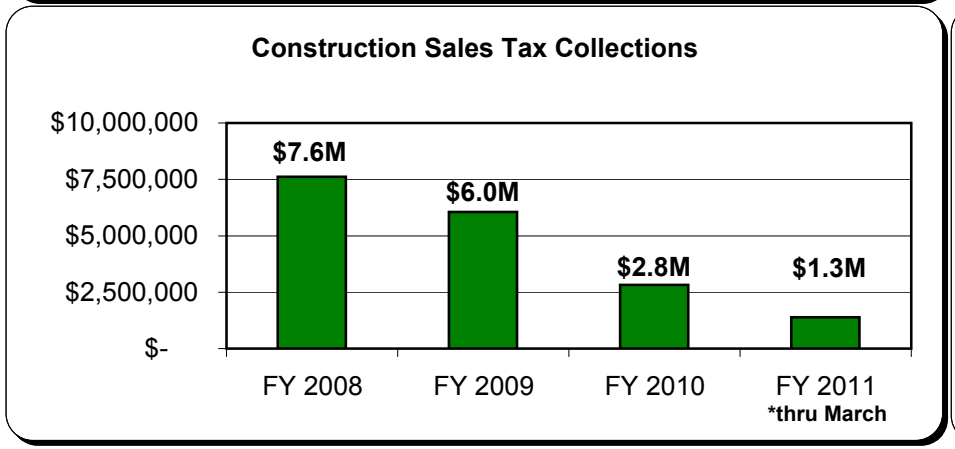
SURPLUS/(DEFICIT)	**(92,037)**	**(27,475)**	**(132,960)**

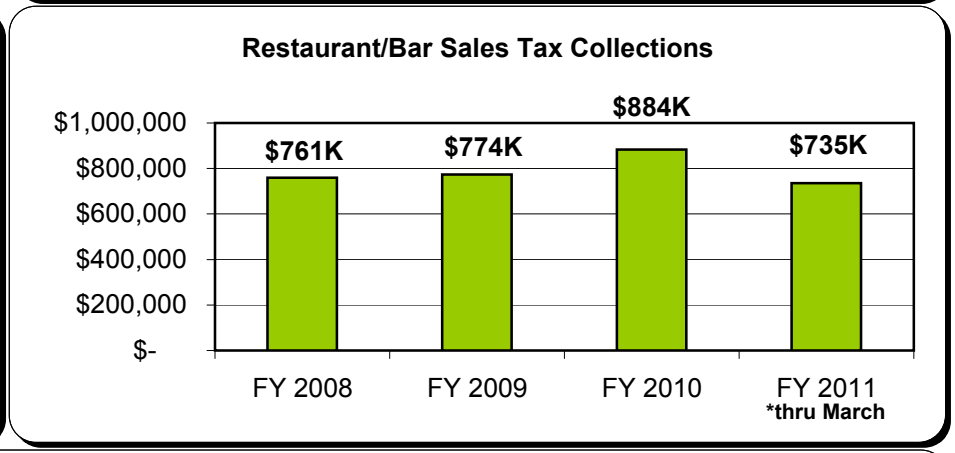
Town of Oro Valley
Financial Dashboard
Historical Annual Totals

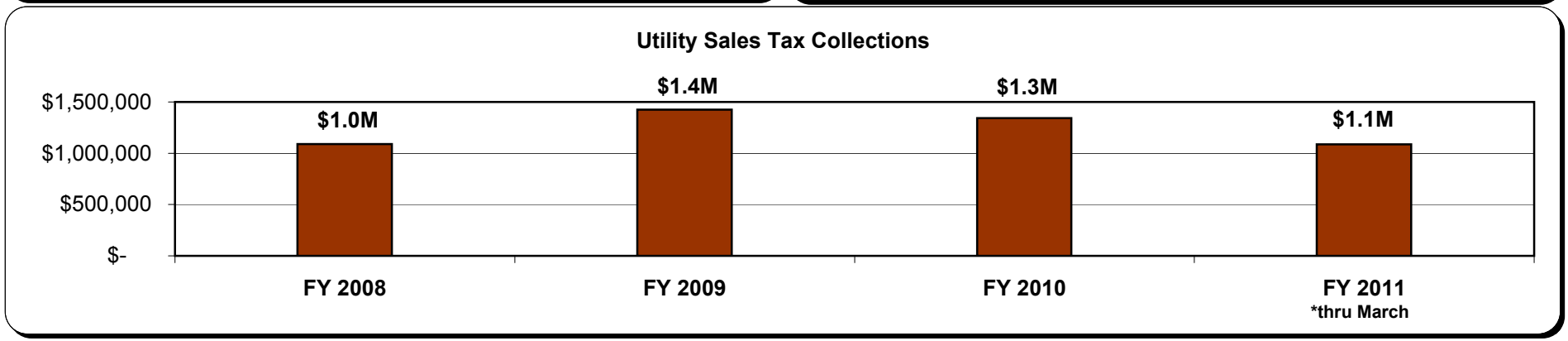
ATTACHMENT F





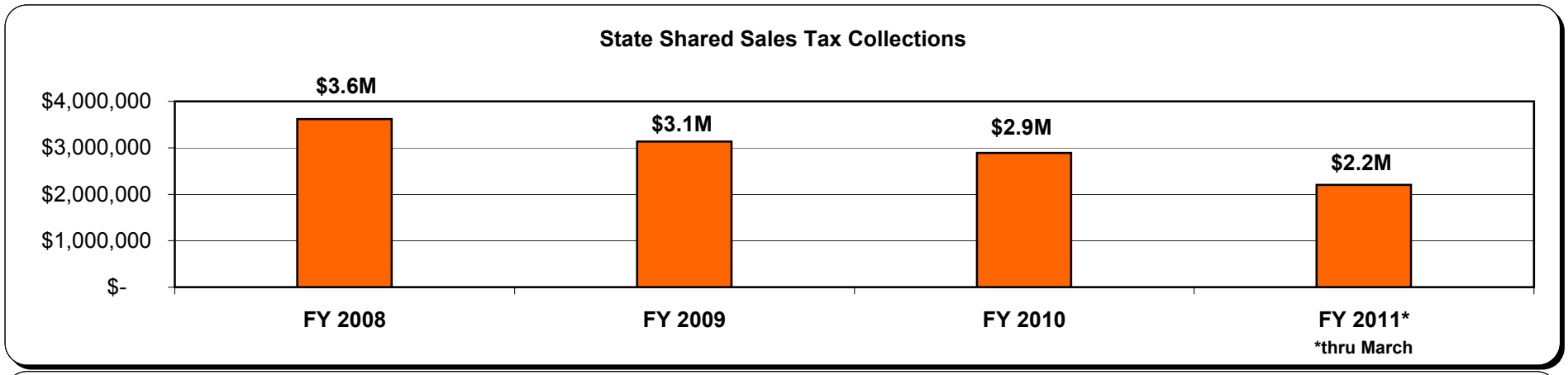


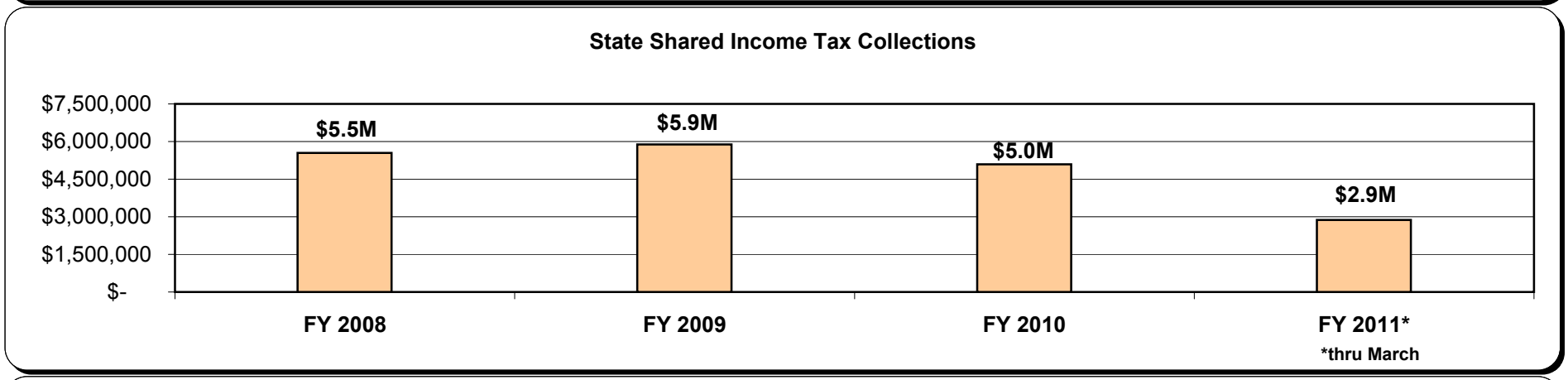


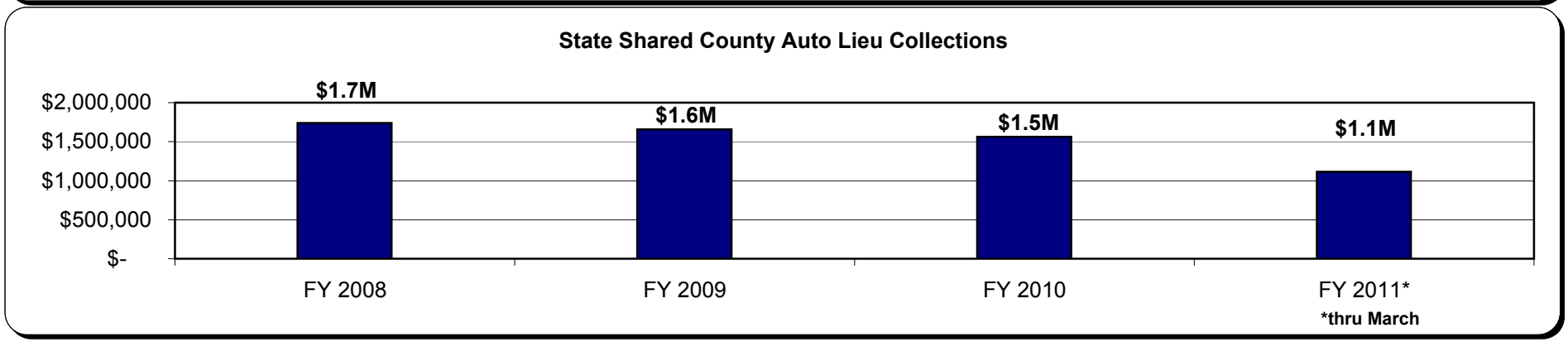


Town of Oro Valley
Financial Dashboard
Historical Annual Totals

ATTACHMENT F

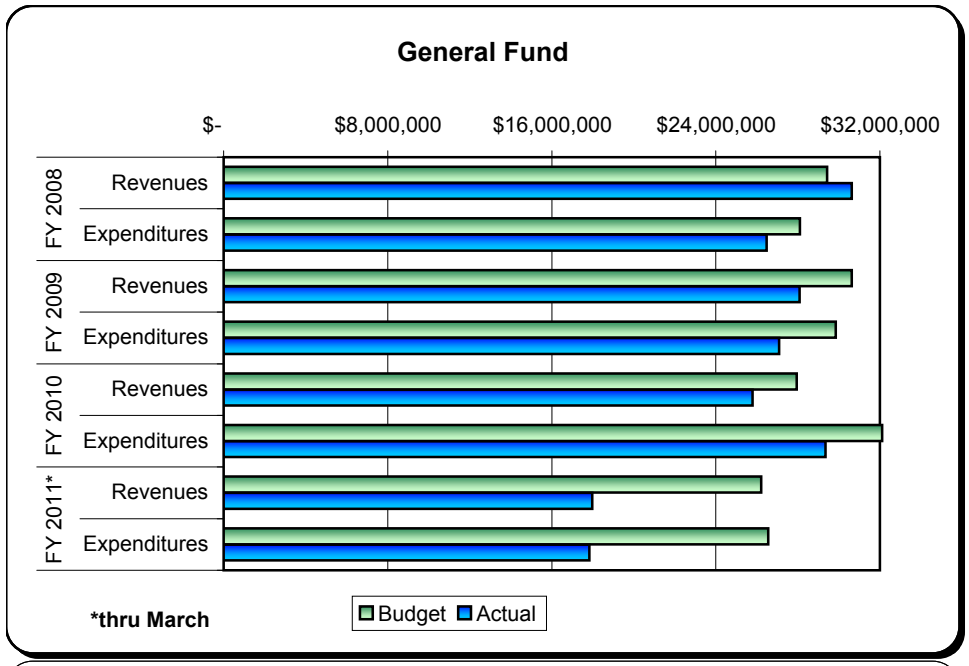


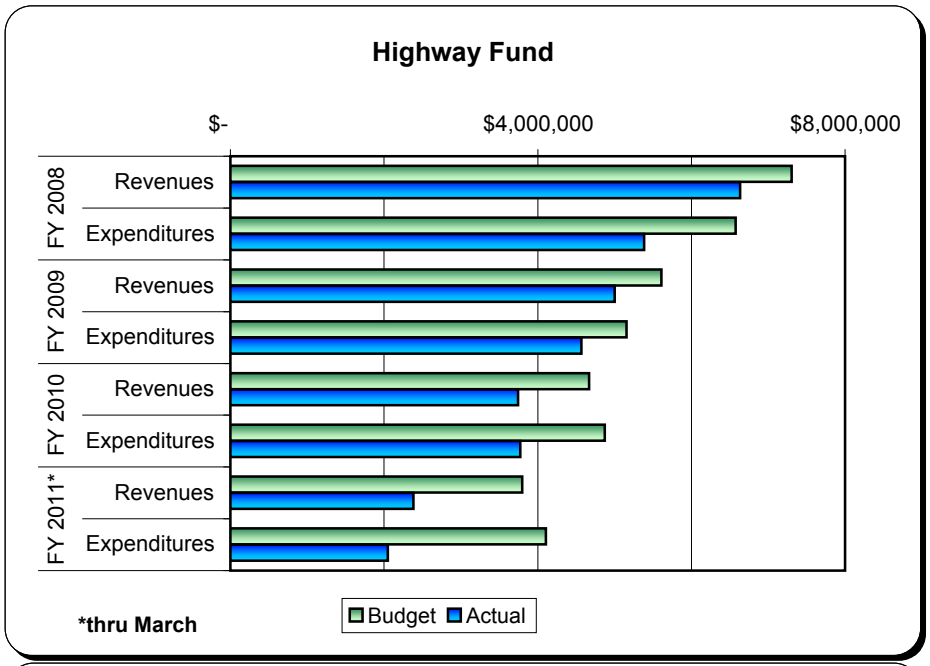


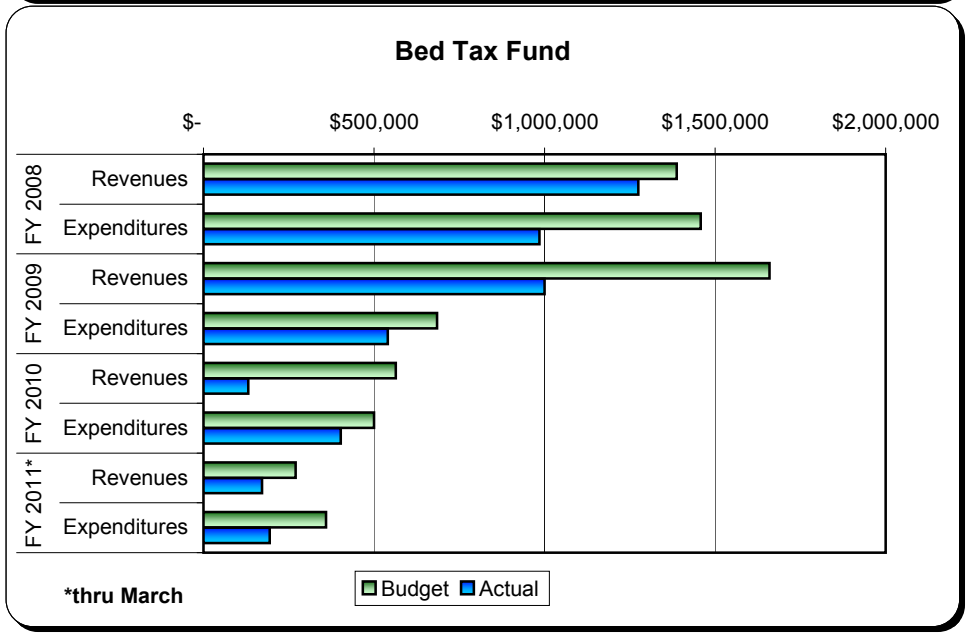


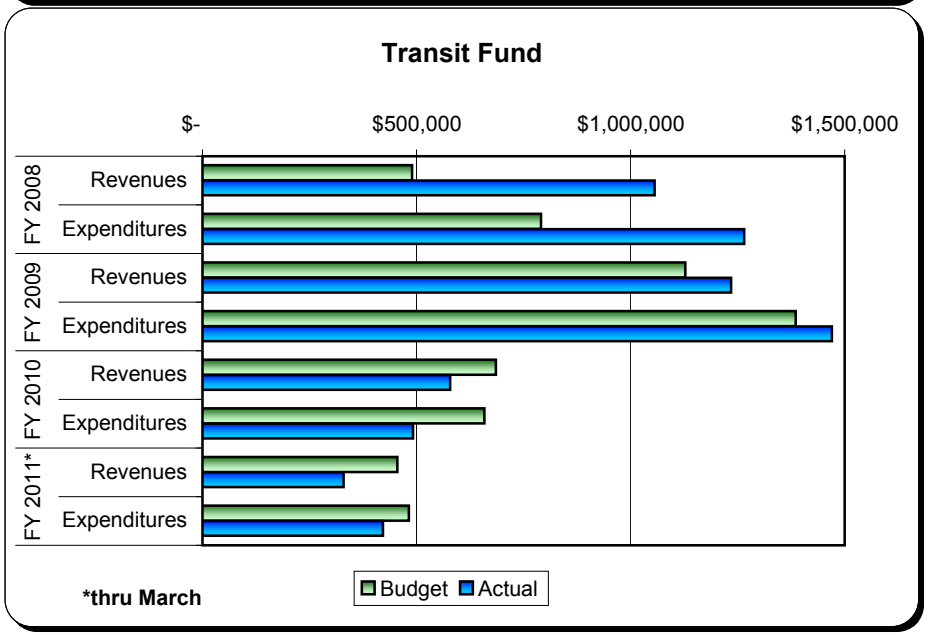
Town of Oro Valley
Financial Dashboard
Historical Annual Totals

ATTACHMENT F



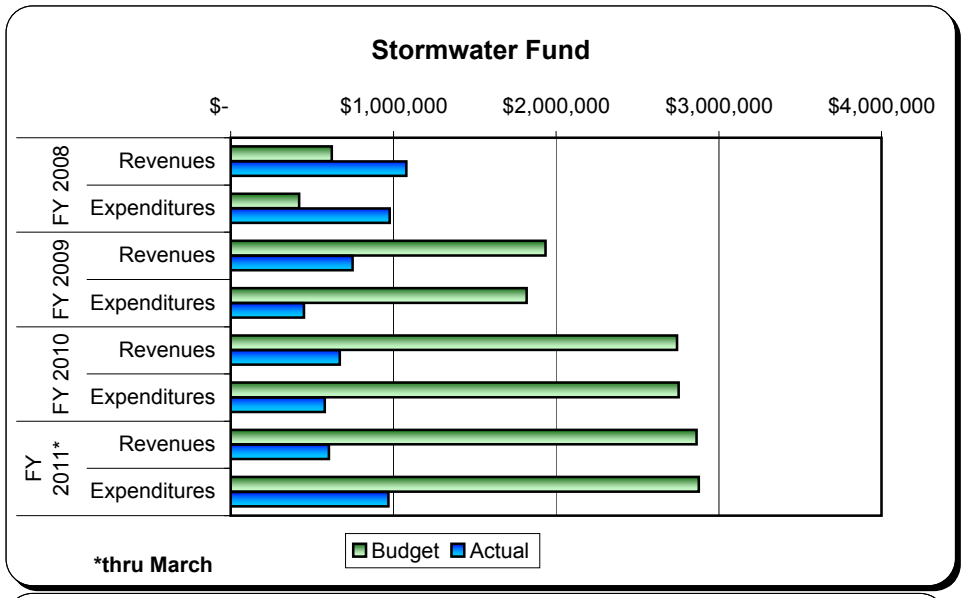


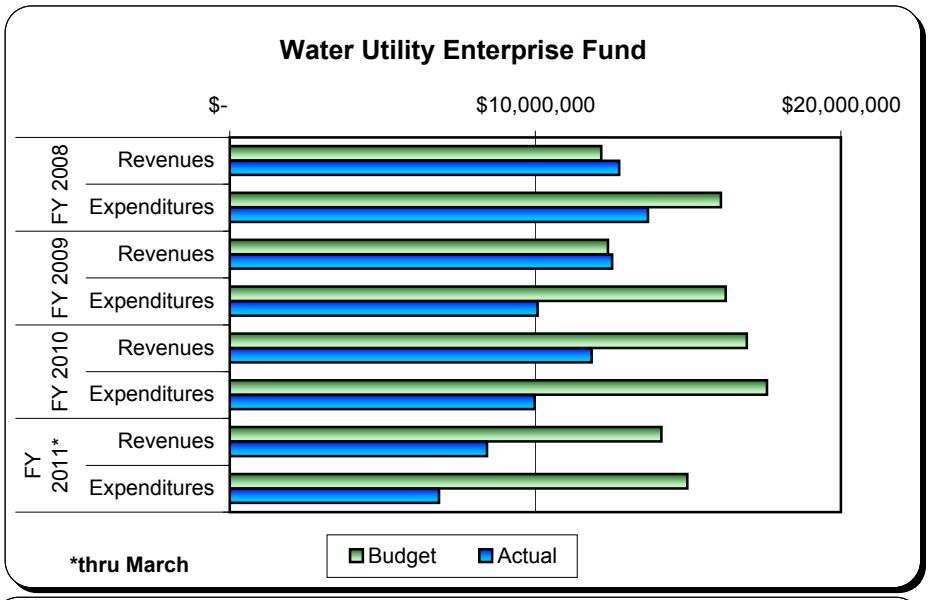


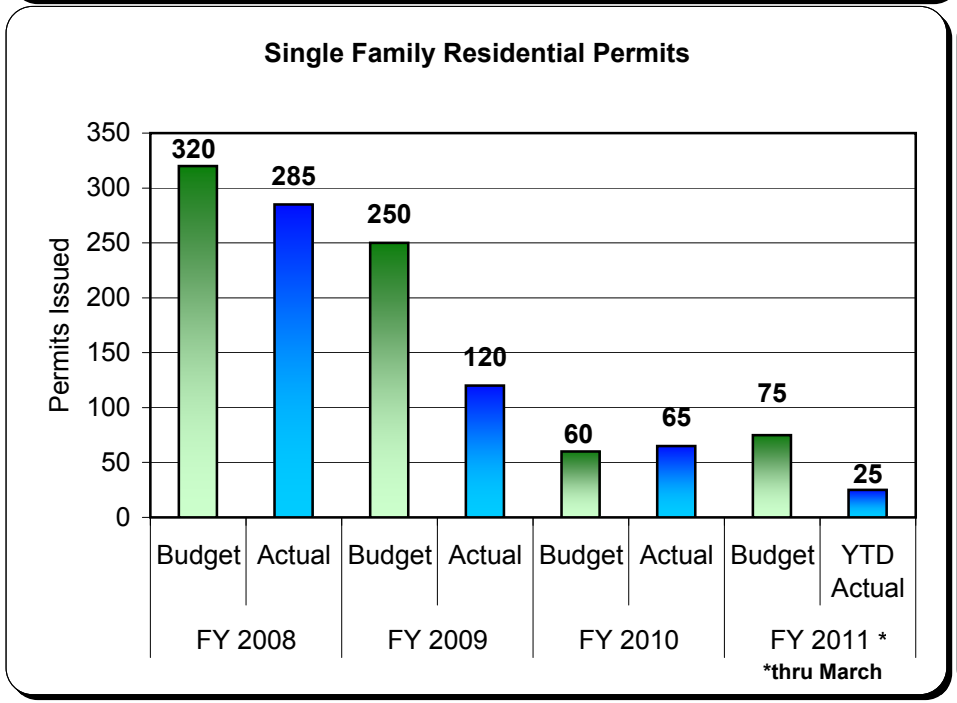


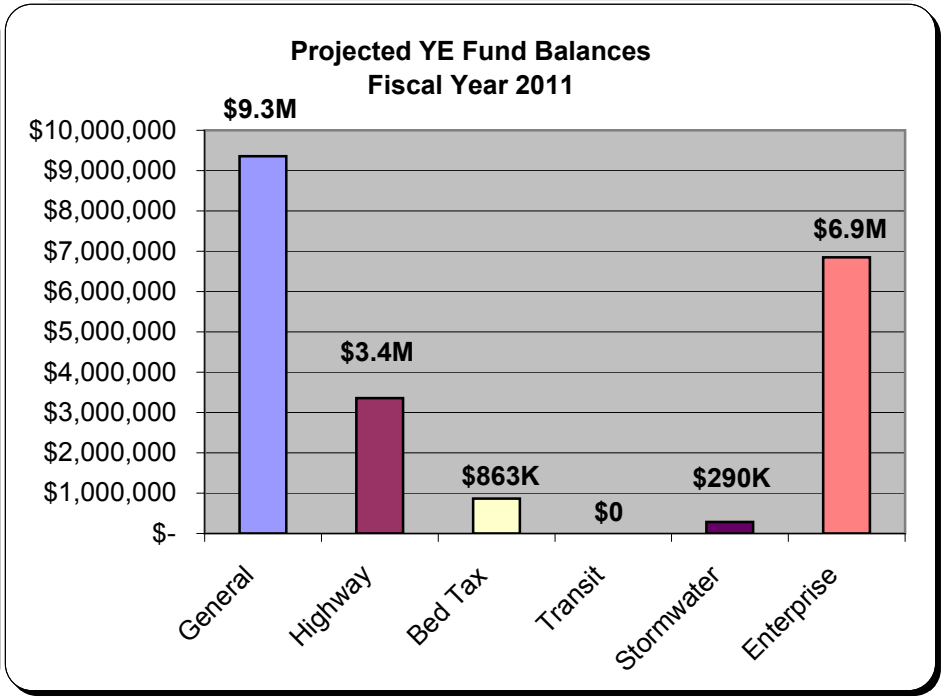
Town of Oro Valley
Financial Dashboard
Historical Annual Totals

ATTACHMENT F



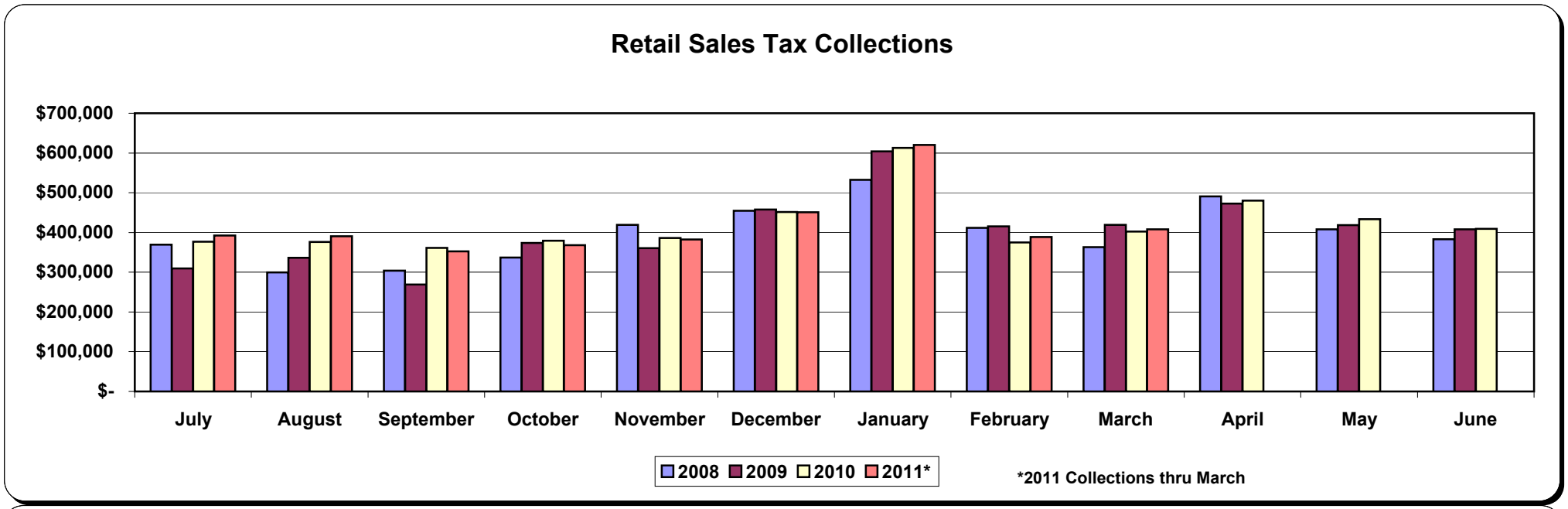


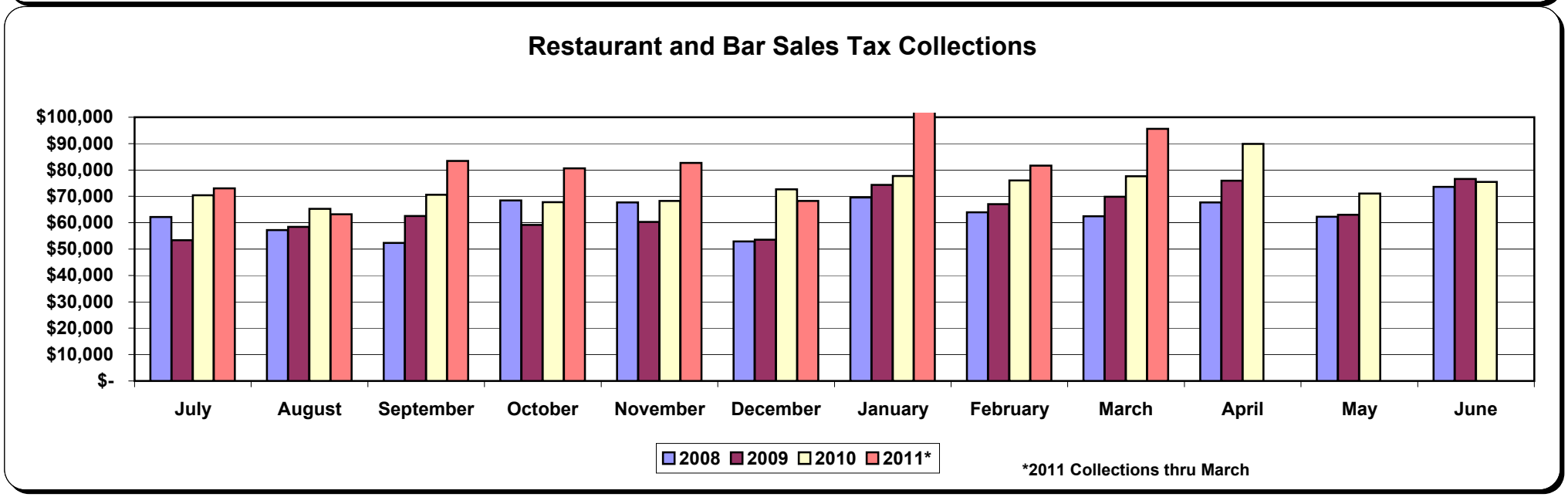




Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011

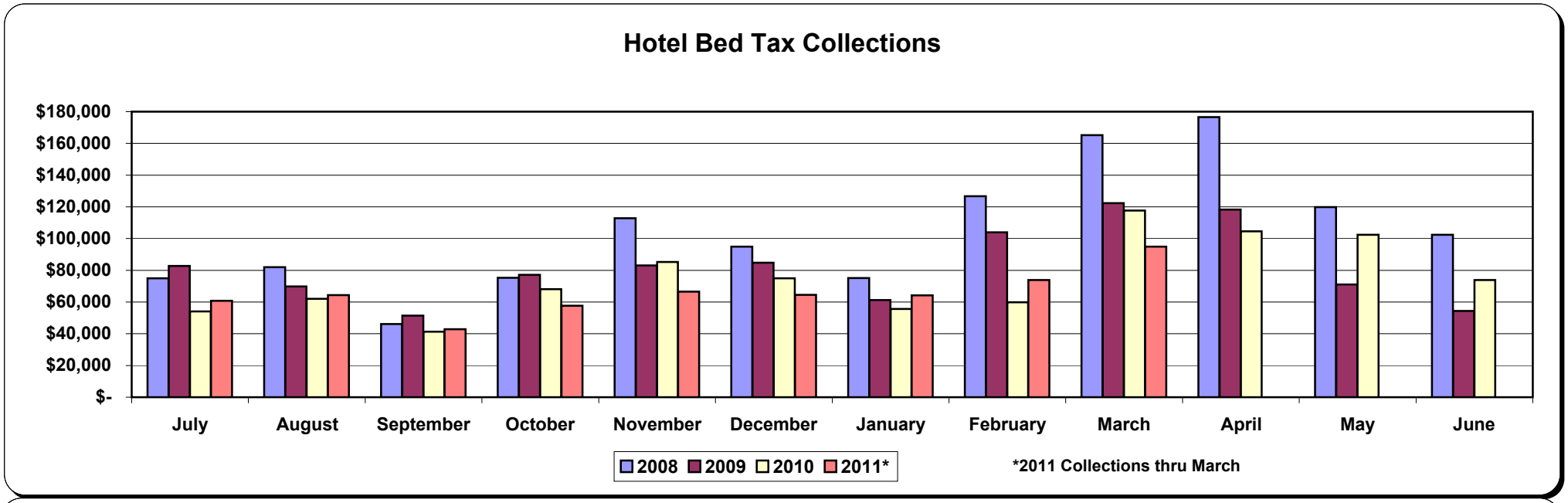
ATTACHMENT F

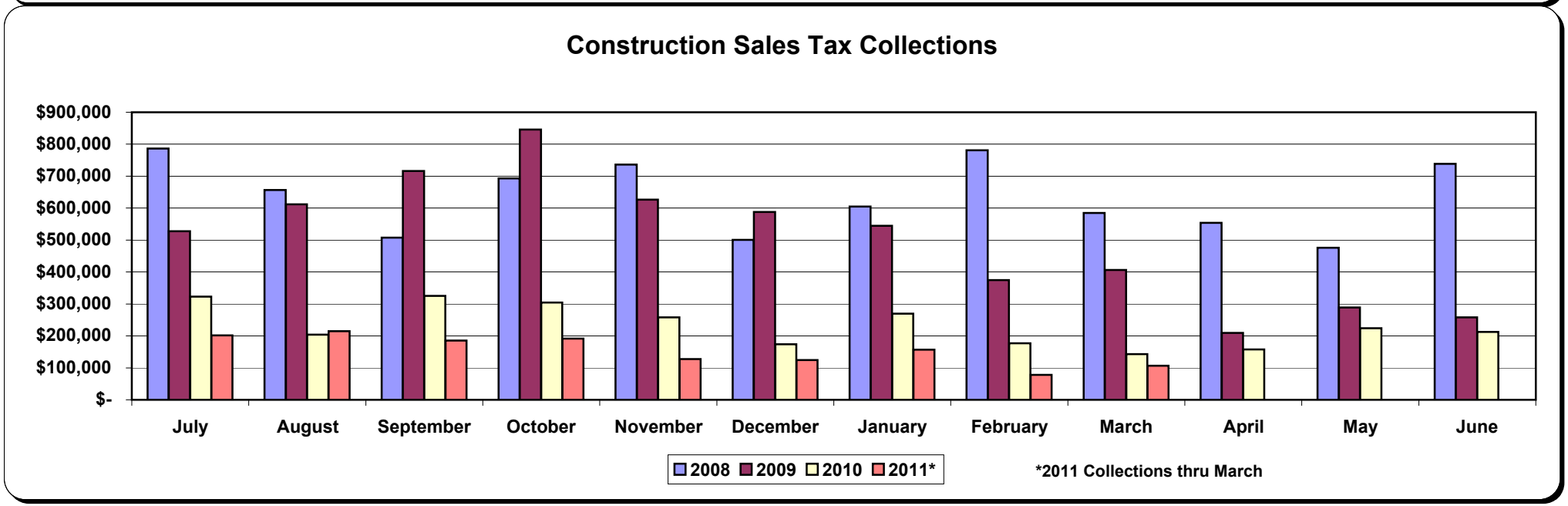




Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011

ATTACHMENT F





Town of Oro Valley
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Month-By-Month History
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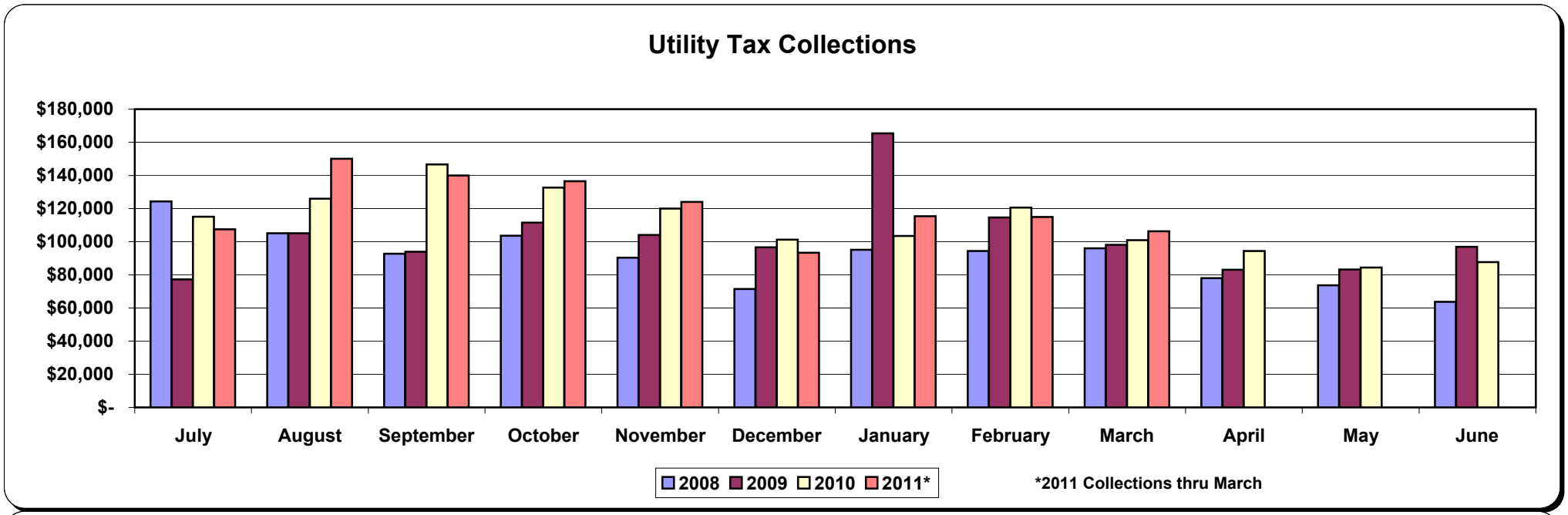
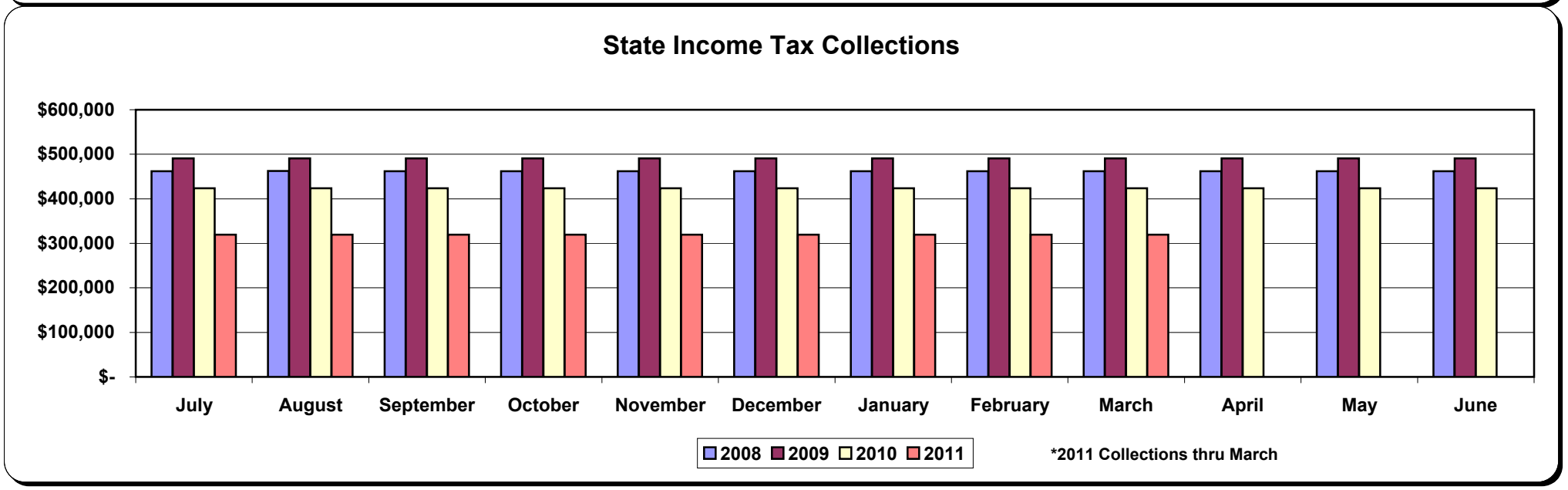
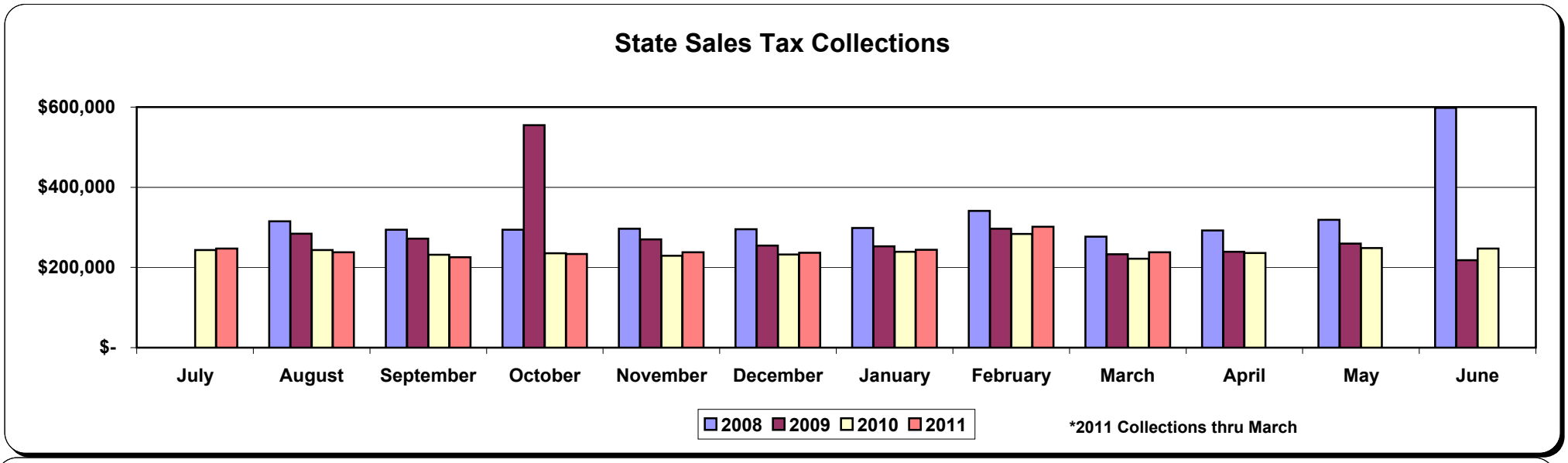
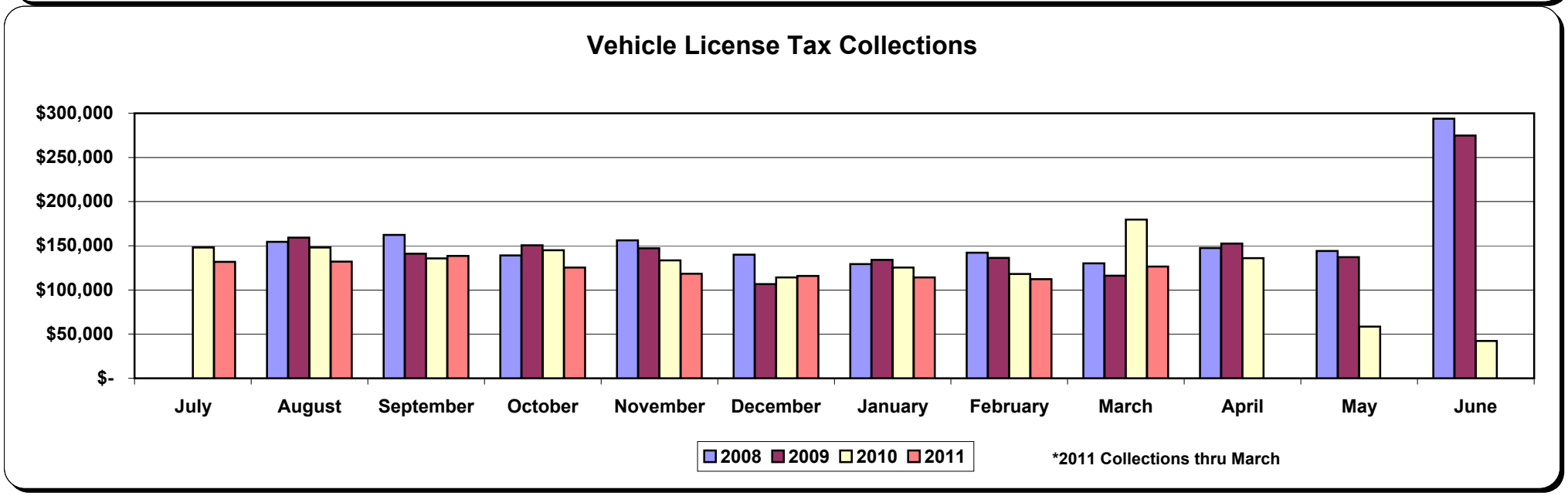




Town of Oro Valley
Financial Dashboard
Month-By-Month History
FY 2008 - 2011

ATTACHMENT F





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

Meeting Date: 05/18/2011

Requested by: Mark Moore **Submitted By:** Mark Moore, Water

Department: Water

SUBJECT:

Resolution No. (R)11-28 Authorizing and Approving a Line Extension Agreement for Construction of Protected Water Facilities Under Private Contract Between the Town of Oro Valley and Copper Canyon Development, LLC

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

This resolution is for the approval of a Protected Water Facilities Line Extension Agreement for the 12 inch portion of the water main extension that serves Sunset Canyon Estates Lots 1-21. Specifically, the Protected portion of this water plan is the 12 inch water main which was built in an easement adjacent to Vista Del Sol Road. The development is west of La Cholla and south of Tangerine.

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

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

BACKGROUND OR DETAILED INFORMATION:

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

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

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

accordance with the Town Code.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt, deny) Resolution No. (R)11-28, Authorizing and Approving a Line Extension Agreement for Construction of Protected Water Facilities Under Private Contract Between the Town of Oro Valley and Copper Canyon Development, LLC.

Attachments

Reso 11-28

LEA

RESOLUTION NO. (R)11-28

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

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

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

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

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

WHEREAS, Copper Canyon Development, LLC desires to enter into a Line Extension Agreement with the Town of Oro Valley for the construction of protected water facilities to provide service to the project known as Sunset Canyon Estates, Lots 1-21, under private contract, attached hereto as Exhibit "A" and incorporated herein by this reference; and

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

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

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

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 18th 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"

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

THIS AGREEMENT, authorized by Chapter 15 of the Oro Valley Town Code is made and entered into this 5th day of April, 2011, by and between the Town of Oro Valley (the "Town") and Copper Canyon Development, (the "Applicant") for the construction of Protected Water Facilities.

RECITALS

WITNESSETH:

WHEREAS, the Applicant desires to install Protected Water Facilities to provide service to the project to be known as Sunset Canyon Estates, Lots 1-21 located on the parcel of land legally described in Exhibit "A", hereinafter called the "Subject Property;" and

WHEREAS, the Protected Water Facilities are a 12-inch water main adjacent to Vista Del Sol Road, as outlined within Applicant's Water Facilities Construction cost estimate, attached hereto as Exhibit "B", and incorporated herein by this reference. Exhibit "A" shall show the approximate location of the Water Facilities easement; and

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

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

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

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

WHEREAS, the estimated cost of the Water Facilities shall be seventy nine thousand five hundred and sixty six dollars ($79,566.00).

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

COVENANTS

I. DEFINITIONS, FOR THE PURPOSE OF THIS AGREEMENT ONLY

A. Service Connection means action taken by duly authorized Town personnel resulting in actual delivery of water service to specific premises.

B. Water Facilities means those Water Facilities, OV Plan No. OV-12-05-31, to be constructed under this Agreement for the purpose of providing water service and fire protection to the Subject Property as outlined in Exhibit "A". The Water Facilities shall be outlined within Applicant's Water Facilities Construction cost estimate, attached hereto as Exhibit "B", and incorporated herein by this reference. Exhibit "A" shall show the approximate location of the Water Facilities easement.

C. Water Infrastructure means any and all permanent or semi-permanent machinery, equipment, water pipes and water mains installed for the purpose of facilitating the delivery of water to customers of Oro Valley's Water Utility.

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

E. Final Acceptance means that all construction has been completed and inspected, and that all requirements to complete and sign off on this Agreement shall be satisfied pursuant to the Final Acceptance of the Water Facilities, attached hereto as Exhibit "F", and signed by both parties. Once the project is complete, Applicant shall submit a signed copy of Exhibit "F" within thirty (30) days to the Water Utility.

II. GENERAL

A. Upon approval by the Town and at Applicant's own expense, Applicant shall design, and upon approval by the Town, install, at Applicant's own expense, the Protected Water Facilities as set forth in the Water Facilities Construction Plan, Oro Valley Plan No. OV-12-05-31, a true and correct copy of which is on file with the Oro Valley Water Utility. By this reference, the Protected Water Facilities shall collectively refer to those facilities set forth in Oro Valley Plan No. OV-12-05-31.

B. Calculation for Construction of Facilities - this calculation shall be based on current construction costs. The calculation for construction of any protected facilities shall be determined by the Utility Director based on the specific facility and the benefit realized by non-participating parties.

C. Water Facilities shall be constructed by a contractor properly licensed by the State of Arizona and all proper governmental authorities for the type of work specified.

D. Before any service connections are made to the Protected Water Facilities or the Town's water system, all fees which are then due shall be paid to the Town pursuant to this Agreement.

E. No water meter shall be sold and /or installed until the following have been met:

1. A "Certificate of Approval of Construction" has been issued by Pima County Department of Environmental Quality and received by the Oro Valley Water Utility.

2. The Water Facilities as set for in the Water Facilities Construction Plan, Oro Valley Plan No. OV-12-05-31 have been connected to the existing water system.

3. A building permit has been issued by the Town of Oro Valley, Pima County, or any other appropriate jurisdictional agency.

4. Development impact fees, meter fees, plan review fees and inspection fees have been paid in full.

F. Once the provision of Section II.(E)(2) has been satisfied, the Town of Oro Valley Water Utility shall be the sole entity to operate and maintain the system as set forth in the Water Facilities Construction Plan, Oro Valley Plan No. OV-12-05-31. The Applicant shall be responsible for any and all construction activities including, but not limited to, Blue Staking until the project has been finally accepted per Exhibit "F" herein. Until the project is finally accepted in accordance with Exhibit "F", the Applicant shall be responsible for repairing any leaks and/or damages to the existing system stemming from the work performed by the Applicant on the Water Facilities as set forth in the Water Facilities Construction Plan, Oro Valley Plan No. OV-12-05-31. In the event the Applicant does not perform the repair work for any leaks and/or damages, the Water Utility shall make the repairs and the Applicant shall be responsible for all costs incurred for the repairs by the Water Utility.

G. The amount of the Assurances required for the Water Facilities to be constructed under this Agreement and specified in Chapter 26, Section 26.6 of the Oro Valley Town Code shall remain in affect throughout the two (2) year warranty period and will not be released by the Town until after the warranty period.

III. APPLICABLE FEES

The Town will require certain applicable fees and charges to be paid pursuant to Oro Valley Town Code Chapter 15 and other applicable Arizona State law as amended from time to time, prior to providing water service under this Agreement. The Town will take all of the necessary and legal steps to protect its interest, including refusal to provide water service, if Applicant fails to pay fees when due.

IV. ENGINEERING AND INSPECTION

A. Applicant shall employ a Civil Engineer registered in the State of Arizona to design the system and implement the design. Applicant will ensure that an Engineer's Certificate of Completion, for the purpose of obtaining an Approval of Construction from the Pima County Department of Environmental Quality, are both completed for the project prior to any water being delivered through the improvements. *Title 18, Environmental Quality, Chapter 4, Department of Environmental Quality, Safe Drinking Water.*

B. Any inspector authorized by the Town shall have full inspection authority over the work to be performed under this Agreement. The Applicant shall furnish the Town Inspector with reasonable access to the Water Facilities for obtaining full information concerning the work. The work shall be subject to Town inspection at all times. Defective work shall be corrected in a manner satisfactory to the Town Inspector. Inspection by the Town does not guarantee the safety or engineering soundness of plans prepared by the Applicant's engineer.

C. In the event that Applicant requests and the Town elects to provide a Town Inspection outside of the normal 40 hours in a work period, or on a Saturday, Sunday or legal holiday as defined in Arizona Revised Statutes, Title 1, the Applicant shall compensate the Town for any additional salaries, expenses or employee benefits relating to such overtime or holiday work. Additional inspection costs will be billed to the Applicant. A normal work period shall be defined as 40 hours in a seven (7) day work week, usually worked on an eight (8) hour day, five (5) day basis, commencing on Monday and ending on Friday, continuing in seven (7) day increments. Nothing in this paragraph shall require the Town to provide inspection on weekends and holidays. If the Town declines to provide inspection on weekends and holidays, Applicant shall not have a right to damages against the Town as the result of Town's decision not to perform such weekend and holiday inspections.

V. PRE-CONSTRUCTION AND CONSTRUCTION PROCEDURE

A. The Applicant shall submit a written request to begin construction of the Protected Water Facilities to the Town within five (5) working days prior to the time work is to commence.

B. No work shall commence until the Town has issued a Notice to Proceed which will specify the starting date and a reasonable time for completion.

C. Applicant shall provide Town with an accurate, written schedule of construction, which shall be updated in a manner sufficient to provide Town the ability to schedule Town inspection personnel.

D. Applicant shall submit material certification at the pre-construction meeting. Materials used in the construction shall be available for sampling and testing prior

to being used in construction of the Protected Water Facilities. Materials that fail to meet Town specifications shall not be used in construction of the Protected Water Facilities as outlined in Exhibit "B".

E. The Applicant shall, at Applicant's expense, obtain all necessary permits and licenses for work permitted herein, pay all fees and comply with all laws, ordinances and regulations relating to the work, public health and safety of Applicant's Contractors and employees.

F. The Applicant/Contractor shall apply to the Town for a construction water service. All construction water will be metered with an appropriate size water meter and back-flow prevention device. The Town shall install the water meter and backflow device.

G. The work shall commence within five (5) days of the date specified in the Notice to Proceed.

H. The Applicant, or Applicant's designated agent, shall be present at all times during performance of the work. The name of the designated agent and the contractor performing the work shall be furnished to the Town before commencement of the work. Instructions given to the designated agent on the work site shall be deemed to have been given to the Applicant.

I. The Applicant shall employ only competent and efficient laborers, mechanics or artisans on the project and the Applicant agrees to perform the work diligently to complete the work on or before the completion date given in the Notice to Proceed.

J. The Applicant shall identify and locate all water valves prior to paving, and set valve boxes to final grade after paving.

K. The Applicant shall, at Applicant's expense, make any and all alterations to the existing water system, either on-site or off-site, necessitated by paving, drainage or other improvements caused by the development.

L. The Applicant shall require all contractors and/or subcontractors to comply with all safety requirements of the Occupational Safety and Health Act as may be amended and as implemented by the State of Arizona. The Applicant or Applicant's contractor shall be solely responsible for all fines or other penalties provided for by law for any violations of the Act.

M. In accordance with the Oro Valley Town Code and policies relating to the operation of domestic water utility companies, a true and complete copy of the Certificate of Approval to Construct the work issued by the Arizona Department of Environmental Quality or the Pima County Department of Environmental Quality is attached as Exhibit "C", and incorporated herein by this reference.

VI. DESIGNATION AS A PROTECTED FACILITY

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

VII. DEDICATION

A. The Applicant grants, bargains, sells, conveys, transfers and delivers the Protected Water Facilities as described in Exhibit "A" to the Town free and clear of all liens, claims, charges or encumbrances by the time of acceptance of the Protected Water Facilities by the Town.

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

C. The Water Facilities to be dedicated to the Town shall have an easement extending a minimum of 7.5 feet on either side of the center of, and the full length of, the constructed water utility line.

D. The Applicant guarantees the Protected Water Facilities to be free from all failures and/or defects due to workmanship and or materials for a period of two (2) years from the Town's final acceptance date.

E. The Applicant shall not construct any utility, building or other improvement that would interfere with the operation or maintenance of the Town's Protected Water Facilities.

F. The Applicant further guarantees that all service lines, meters and meter boxes will be to finish grade and the Applicant will remain responsible for raising/lowering of said services as required until the area described has been accepted as complete by the Town.

G. Upon issuance of the certificate for "Approval of Construction" from Pima County Department of Environmental Quality (ADEQ) and after final acceptance of the Water Facilities is granted by the Town, attached hereto as Exhibit "F", the Town's Water Utility shall begin to operate and maintain the Water Facilities. The Town shall accept title to and take possession of the Water Facilities described in Exhibit "A" at such time that they are connected to the existing Town Water Facility.

H. The Parties agree that all requirements to complete and sign off on this LEA shall be satisfied pursuant to the Final Acceptance of Water Facilities, attached hereto as Exhibit "F", and signed by both Parties before the two (2) year warranty period shall begin.

I. The amount of the Assurances required for the Water Facilities to be constructed under this Agreement and specified in Chapter 26, Section 26.6 of the Oro Valley Town Code shall remain in affect throughout the two (2) year warranty period and will not be released by the Town until after the warranty period.

VIII. INDEMNIFICATION

Applicant agrees to indemnify, defend and hold the Town, its Mayor and Council, the Town Water Utility Director, appointed boards and commissions, officials, officers, employees and the Town's insurance carriers, individually and collectively, harmless from all losses, claims, suits, demands, expenses, subrogations, attorney's fees, or actions of any nature resulting from the actions of Applicant or Applicant's contractor or any subcontractor employed by Applicant (including bodily injury and death) or damages to any property or any other losses, claims, suits, demands, and/or expenses, arising or alleged to have arisen out of the work to be performed, except any such injury or damages arising out of the sole negligence of the Town, its officers, agents or employees. The amount and type of insurance coverage carried by Applicant will in no way be construed as limiting the scope of indemnity in this paragraph.

IX. ACCURACY OF THE RECITALS

The parties hereby acknowledge the accuracy of the Recitals, which are incorporated herein by this reference.

X. NOTICES

All notices and communications required by this Agreement shall be in writing and shall be given by personal delivery or mailed first class, registered or certified mail, postage prepaid, and shall be deemed received upon the earlier of actual delivery or one hundred twenty (120) hours after deposit in the United States Mail. Such notices and communications should be sent to the following designated representatives of the undersigned parties:

If to the APPLICANT: Copper Canyon Development
12715 N. Vistoso Point Dr.
Oro Valley, AZ 85755
Attn. Greg Sansbury

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

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

XI. ATTORNEY FEES

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

XIII. CANCELLATION

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

XIV. COMPLIANCE WITH ALL LAWS

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

XV. SEVERABILITY

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

XVI. AMENDMENT

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

XVII. LEGAL JURISDICTION

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

XVIII. SUCCESSORS AND ASSIGNS

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

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

XIX. ENTIRE AGREEMENT

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

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

"TOWN"
TOWN OF ORO VALLEY

_____
Phillip C. Saletta, Water Utility Director

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

"APPLICANT"

Copper Canyon Development

By: Greg Sunby

Its: President

Date: 4-18-11

STATE OF Arizona)
)ss.
COUNTY OF Pima)

SUBSCRIBED AND SWORN to before me this 18th day of April, 20 11, by Greg Sunsbury who is known to me or has satisfactorily been identified as the President for the Applicant, and is a duly authorized agent to sign on behalf of Copper Canyon Development in which to bind and obligate the Applicant.

Notary Public

My Commission Expires: 5/15/11

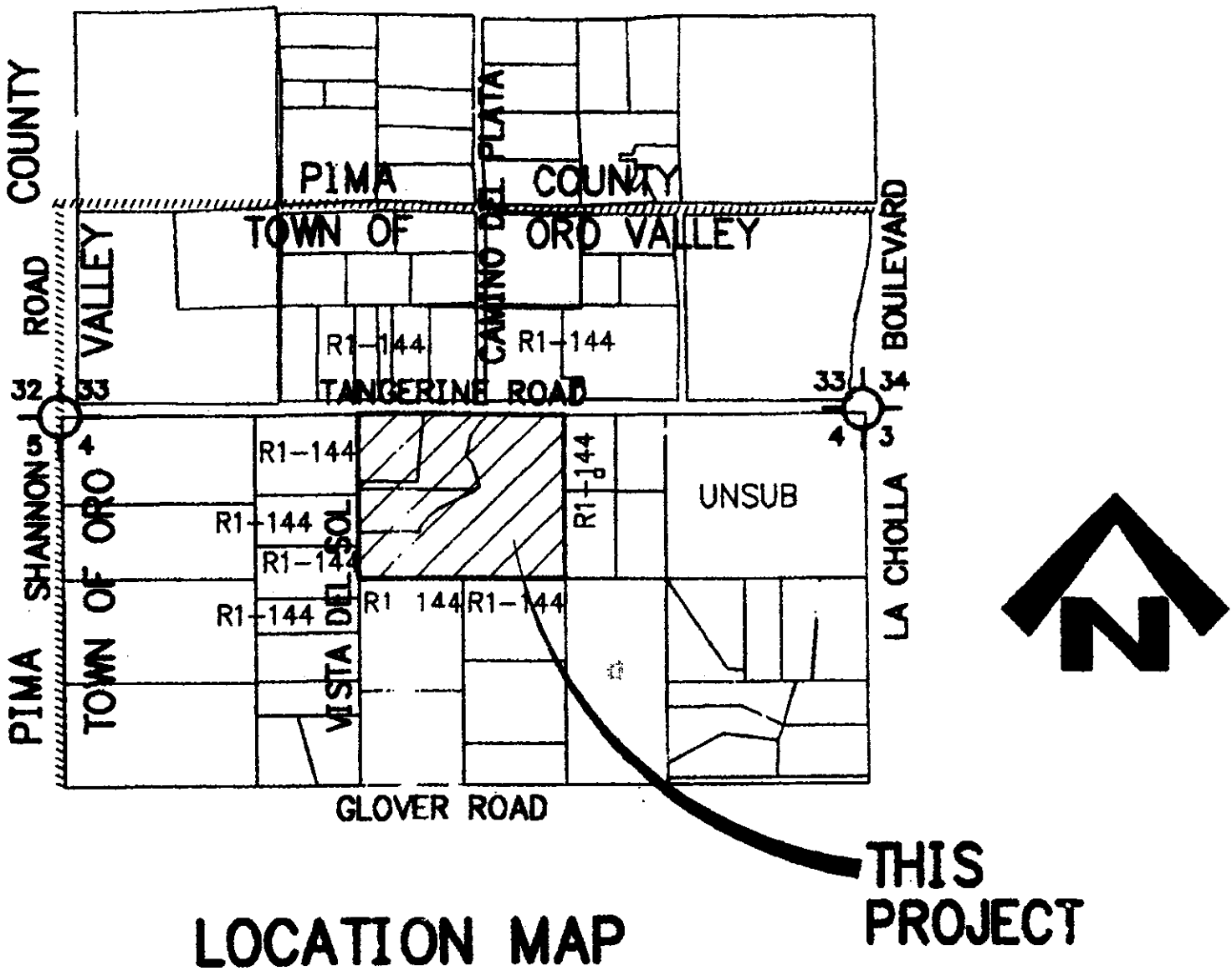
Official Seal
NOTARY PUBLIC
STATE OF ARIZONA
County of Pima
DIANE L. JUERGENSEN
My Commission Expires May 15, 2011

EXHIBITS TO LINE EXTENSION AGREEMENT

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

EXHIBIT "A"

LEGAL DESCRIPTION/MAP OF SUBJECT PROPERTY



LOCATION MAP

SCALE 3" = 1 mile

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

LEGEND

PROPOSED

EXHIBIT "B"

WATER FACILITIES COST ESTIMATE

Protected Main Estimate

Sewer			
1. 8" Sewer – PVC	1316 lf @ $47.85	$62,975.00	
2. HCS – DIP	3 ea @ $1925.00	$5,775.00	
3. HCS – PVC	14 ea @ $1029.64	$14,415.00	
4. 48" Man Holes	7 ea @ $3463.57	$24,245.00	
5. 2.5% Pima County Fee		$2,685.25	
	Sewer Sub-Total	$110,095.25	
Off Site Water			
1. Clear & grubb easement.	1 acre.	$4,800.00	
2. 12" Water – PVC	1,660 lf @ $67.22	$111,585.00	
3. 12" Gate Valve	8 ea @ $2,100.00	$16,800.00	
4. 8" Stub.	1 ea @ $2,730.00	$2,730.00	
5. ARV	2 ea @ $1,650.00	$3,300.00	
6. 3" DVA	5 ea @ $850.00	$4,250.00	
7. 2" DVA	1 ea @ $750.00	$750.00	
8. Barricades for crossing.	1 ls	$1,800.00	
9. Pavement patch.	1 ls	$3,500.00	
	Off Site Water Sub Total	$149,515.00	
Water			
1. 12" Water – PCV	960 lf @ $66.22	$63,575.00	$63,575.00
2. 12" Gate Valve	3 ea @ $2,100.00	$6,300.00	$6,300.00
3. Sampling Station	1 ea @ $1,475.00	$1,475.00	
4. 8" Water	1860 lf @ $39.75	$73,935.00	
5. 8" Gate Valve	4 ea @ $1302.50	$5,210.00	
6. DVA	1 ea @ $850.00	$850.00	$850.00
7. ARV	1 ea @ $925.00	$925.00	
8. Fire Hydrants	5 ea @ $3,233.00	$16,165.00	
9. 1" Services	22 ea @ $985.86	$21,689.00	
10. Town of Oro Valley Fee		$4,750.00 x ½ =	$2375.00
	~~Water Sub-Total~~	~~$194,874.00~~ Total	$79,566.00
Dry Utility Trench			
1. Trench, shade and backfill.	3,850 lf	$26,150.00	
2. 4" Red smooth core conduit.	3,100 lf	$18,885.00	
2. 2.5" Red wave rib conduit.	1,500 lf	$7,765.00	
3. Transformer Prep.	8 ea	$2,000.00	
4. Pad Prep.	8 ea	$1,200.00	
5. Sub Surface pedestal.	6 ea	$3,900.00	
6. Mandrel test.	1 ea	$1,000.00	
7. Sleeves for crossings.	6 ea	$1,200.00	
	Dry Utility Trench Sub-Total	$62,100.00	

EXHIBIT "C"

CERTIFICATE OF APPROVAL TO CONSTRUCT

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

CERTIFICATE OF APPROVAL TO CONSTRUCT
Water Facilities

System Name: ORO VALLEY WATER UTILITY System No.: 10 164

Project Owner: TOWN OF ORO VALLEY WATER UTILITY, ENGINEERING DEPARTMENT

Address: 11000 N. LA CANADA BLVD., ORO VALLEY, ARIZONA 85737

Project Location: T-12-S, R-13-E, SECTION 4 County: Pima

Description: WATER EXTENSION TO SERVE SUNSET CANYON ESTATES, LOTS 1-21

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

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

THE DEPARTMENT WILL NOT ISSUE THE APPROVAL OF CONSTRUCTION FOR THIS PROJECT UNTIL THE CERTIFICATE OF APPROVAL OF CONSTRUCTION FOR THE PROJECT "WATER EXTENSION TO SERVE SUNSET CANYON ESTATES", PDEQ PROJECT NO. PO24207, HAS BEEN ISSUED BY PDEQ.

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

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

Date Approved: May 1, 2007

MAY 2007

URSULA KRAMER,
DIRECTOR

By: David Amash
David Amash, P.E.
Civil Engineer

By: Paul Strobak
Paul Strobak
Civil Engineering Assistant

cc: P-File No. PO43706
P-ADEQ, SRO
ACC
3P-Oro Valley Water Utility(OV12-05-31)
Engineer- MMLA PSOMAS

G:\Water\Water-Sewer Plan Review\Approvals\06plans\PO43706.wtr.doc

EXHBIT "D"

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

15-12-4 Construction Agreements; Protected Facilities

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

A. Definitions.

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

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

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

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

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

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

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

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

D. Procedures.

1. Designation of water facilities as protected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Compile chapter

TOC < >

EXHIBIT "E"

PROTECTED FACILITIES SCHEDULE

Exhibit "E"

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

$79,566.00 divided by 960 feet of 12 inch pipe installed (plus appurtances) = $82.88/ft

$82.88 per linear foot of frontage (non-participating property frontage) divided by 2 (50% per Town Code 15-12-4) = reimbursement amount.

EXHIBIT "F"

FINAL ACCEPTANCE OF UNPROTECTED WATER FACILITIES

Applicant requests final acceptance of the Protected Water Facilities for the Project known as Sunset Canyon Estates, Lots 1-21 and certifies that all of the items listed below are complete.

COMPLETED

- ☑ Compaction test results have been completed and approved by the Town.
- ☑ All Water-related fees including inspection and testing fees have been paid.
- ☑ Any construction deficiencies have been corrected.
- ☑ Post-paving continuity tests have been submitted and approved by the Town.
- ☑ Any and all easements required for the Protected Water Facilities have been recorded in the Pima County, Arizona Recorders Office.

"APPLICANT"

Copper Canyon Development

By: Greg Sanbury

Its: President

Date: 4-18-11

STATE OF Arizona)
)ss.
COUNTY OF Pima)

SUBSCRIBED AND SWORN to before me this 18th day of April, 2011, by Greg Sansbury who is known to me or has satisfactorily been identified as the President for the Applicant, and is a duly authorized agent to sign on behalf of Copper Canyon Development in which to bind and obligate the Applicant.

Dawnell Juergensen
Notary Public

My Commission Expires: 5/15/11

Official Seal
NOTARY PUBLIC
STATE OF ARIZONA
County of Pima
DAWNELL JUERGENSEN
My Commission Expires May 15, 2011

TOWN OF ORO VALLEY

The Town grants final acceptance of the Water Facilities for the Project known as Sunset Canyon Estates, Lots 1-21 and the two-year warranty period shall begin on _____, 20___.

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

ATTEST:

_____
Julie K. Bower, Town Clerk

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

Meeting Date: 05/18/2011

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

Department: Town Manager's Office

SUBJECT:

Resolution No. (R)11-29 Authorizing and Approving a 2011 Community Economic Development Strategy for the Town

RECOMMENDATION:

Staff recommends adoption of the 2011 Community Economic Development Strategy (CEDS).

EXECUTIVE SUMMARY:

On October 15, 2010 and January 21, 2011, the Town held the first-ever Economic Summits with business leaders, community leaders and residents, the purpose of which was to create the 2011 CEDS.

The CEDS was last updated in March 2007. Significant changes in the 2011 CEDS include:

- Focus Areas, goals and strategies;
- SWOT Analysis (Strengths, Weaknesses, Opportunities and Threats)

The 2011 CEDS represents the shared vision of the Oro Valley Town Council, business leaders, community leaders and residents, and will provide economic development direction to the organization through 2013.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt, adopt with conditions, deny) Resolution No. (R)11-29, Authorizing and Approving a 2011 Community Economic Development Strategy for the Town.

Attachments

Reso 11-29

2011 CEDS

RESOLUTION NO. (R)11-29

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A 2011 COMMUNITY ECONOMIC DEVELOPMENT STRATEGY FOR THE TOWN.

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, in October 2010 and January 2011, the Town held its first economic development summits with businesses, community leaders and residents of the Town; and

WHEREAS, the Town desires to provide guidelines to achieve unity in the pursuit of economic development goals for long-term economic benefit of its residents, and

WHEREAS, the Town desires to update its Community Economic Development Strategy (CEDS); and

WHEREAS, the proposed 2011 CEDS represents the shared vision of Town businesses, community leaders, residents and the priorities of the Town Council; and

WHEREAS, the Town desires to attract new public and private resources to assist in carrying out the action steps contained in the proposed 2011 CEDS; and

WHEREAS, the 2011 CEDS will provide the Town with an economic development direction through 2013; and

WHEREAS, it is in the best interest of the Town to approve the 2011 CEDS, attached hereto as Exhibit "A" and incorporated herein by this reference, in order to help promote the health, safety and welfare of the Town.

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

SECTION 1. The 2011 Community Economic Development Strategy, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this resolution or any part of the Town of Oro Valley 2011 Community Economic Development Strategy approved herein is for any reason held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley this 18th 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”

ORO VALLEY ARIZONA
FOUNDED 1974

COMMUNITY Economic Development STRATEGY

May 2011

Caring for our heritage, our community, our future.

Acknowledgements

Town Council

Mayor Satish I. Hiremath

Vice-Mayor Mary Snider

Councilmember Bill Garner

Councilmember Barry Gillaspie

Councilmember Joe Hornat

Councilmember Steve Solomon

Councilmember Lou Waters

Town Management

Jerene Watson, Town Manager

Greg Caton, Assistant Town Manager

Kevin Burke, Assistant to the Town Manager

Betty Dickens, Human Resources Director

Brian Garrity, Procurement Administrator

Amanda Jacobs, Economic Development Manager

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

Stacey Lemos, Finance Director

Tobin Rosen, Town Attorney

Daniel Sharp, Chief of Police

Suzanne Smith, Development and Infrastructure Services Director

Facilitator

Nanci Beizer, Facilitator, MetaWest Training and co-owner of Harvest Restaurant

Business Partners

Pat Abel, Golder Ranch Fire District

Dr. Vicki Balentine, Amphitheater School District

Matthew Baller, Wal-Mart Supercenter (La Cholla)

Dr. Michael Block, BASIS Oro Valley

Michael Bolchalk, Bolchalk FReY Marketing

Jacqui Bucher, Ventana Medical Systems, a member of the Roche Group

Paul Clifton, Hansen Family Investments

Chris Cornelison, University of Arizona MPA Student

Robert Davis, Grubb & Ellis

Jason Earl, University of Arizona MPA Student

Dick Eggerding, Oro Valley Community Foundation

Lynn Ericksen, Hilton El Conquistador Golf & Tennis Resort

Nancy Farina, Studio C/California Design Center

Rick Furrier, Jack Furrier's Western Tire Centers

Ramon Gaanderse, Northern Pima County Chamber of Commerce

Felipe Garcia, Metropolitan Tucson Convention and Visitors Bureau

David Godlewski, Southern Arizona Home Builders Association

Michael Guymon, Metropolitan Pima Alliance

Jeff Hughes, Wal-Mart Supercenter

Hank Jepsen, Oro Valley Business Club

Dr. Jana Kooi, Pima Community College, Northwest Campus

Chief Randy Karrer, Golder Ranch Fire District

Carlos Lomeli, Wal-Mart Neighborhood Market

Chuck Luhtala, Canyon Community Bank

Dick Maes, Vistoso Partners

Hany Massarany, Ventana Medical Systems, a member of the Roche Group

Bonnie Medler, University of Arizona MPA Student

Dave Perry, Explorer Newspaper

Michael Quinn, 911 Collision

Steven Rosenberg, BIZ Tucson

Rachael Sedgwick, University of Arizona MPA Student

Neil Simon, Venture West

Joe Snell, Tucson Regional Economic Opportunities, Inc.

Shawn Strash, Oro Valley Hospital

John Sullivan, Golder Ranch Fire District

Tom Thaller, M&I Bank

Dr. Leslie Tolbert, University of Arizona

Richard Underwood, AAA Landscaping

Jonathan Walker, Metropolitan Tucson Convention and Visitors Bureau

Mark Weinberg, Diamond Ventures

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Overview

A Community Economic Development Strategy (CEDS) for Oro Valley

Over the past several years, there has been a concerted effort on the part of the Town and private individuals to develop an organized plan of action for Economic Development or a Community Economic Development Strategy (CEDS). Oro Valley leaders realize that it is important to invest in Economic Development to ensure the sustainability of the community as the Town's limited commercial and industrial lands are rapidly developed and the demand for municipal services continues to increase. It is important for Oro Valley to maintain an environment that encourages compatible commercial development that will ensure sustainability.

In November 2005, the Town adopted the Focus 2020: Town of Oro Valley General Plan, which included an Economic Development element. A key policy (3.1.1) in the Economic Development Element of the General Plan states:

> "*The Town shall ensure that future growth reflects the desires of the community in balance with an analysis of the Town's financial needs, maintain and periodically update the Town's Community Economic Development Strategy to ensure that future development will complement community values and implement the community's economic vision for the future, while maintaining the ability of Oro Valley to attract and retain desirable businesses.*"

The development and use of a CEDS was deemed to be an important step in providing for implementation of the General Plan Goals and Policies. Adoption of a CEDS contributes to the Town making the best use of limited resources.

Purpose of CEDS

The purpose of CEDS is to:

- Implement the Goals and Policies of the Economic Development Element of the Town's General Plan
- Contribute to the Town's Strategic Plan as it relates to Economic Development
- Provide guidelines in decision-making to the Town's political and administrative leadership to achieve Economic Development consistent with the Town's character and vision
- Make the best use of limited resources in providing a focused Economic Development program for the community
- Coordinate all commercial development-related programs and strategies in a formal way

CEDS and the General Plan 2020

Important goals and policies called for in the Economic Development Element of the General Plan include:

- Encouraging and supporting the following types of enterprises as a means of diversifying the local tax base, increasing local employment opportunities, and decreasing sales tax leakage to nearby communities:
    - Technology related employers (e.g., bioscience, optics)
    - Hospital and health services
    - Commercial/retail establishments
    - Tourism/Resort/Convention offerings related to the area's natural amenities and cultural history, including Catalina State Park, Coronado National Forest, Steam Pump Ranch and Honeybee Village.
- Make strategic public investments, such as capital improvements, that support appropriate, desirable Economic Development
- Continue efforts to attract retail and service businesses, especially those in under-represented categories, in order to help reduce sales tax losses
- Support the development of high quality employment-related uses. Campus-type employment centers that emphasize a unified architectural theme, pedestrian orientation, and a natural landscaping theme are encouraged
- Recruit commercial businesses and other employment related uses that enhance the neighboring residential areas

On October 15, 2010 and January 21, 2011, the Town held its first-ever Economic Summits with local business leaders, community leaders and residents. The purpose of the summits was to create the 2011 CEDS.

Economic Development Mission Statement

Develop a positive business climate consistent with community values to ensure the long-term financial and economic stability and increase the quality of life for residents and businesses in the Town of Oro Valley.

Focus Areas

The CEDS outlines the goals, strategies and actions required for Economic Development. Three focus areas provide the framework for the CEDS. These focus areas indicate where Oro Valley must direct its attention in order to address community needs and desires. The focus areas are:

- Business and Community Development
- Community Infrastructure
- Leadership and Communication

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

- **Goals** describe a fundamental direction or broad course of action
- **Strategies** describe the manner in which the resources of the organization will be employed to accomplish each goal
- **Actions** are specific tasks that will be accomplished to assist in implementing each goal

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

Focus Area: Business and Community Development

The Town is committed to facilitating the expansion of the local economy. Commercial business growth, and the Town's continued success in attracting high-tech and bioscience industry, point the way toward a sustainable model for economic development.

GOAL	***1***	***Increase employment opportunities***
STRATEGY	**1.1**	**Attract, retain and grow bioscience industry**
ACTION	1.1.1	Expand on "Ventana Medical Systems/Roche" model
ACTION	1.1.2	Expand marketing efforts to attract primary employers in the high-tech and bioscience fields
ACTION	1.1.3	Create business district
ACTION	1.1.4	Establish regular project team meetings between Town and company to streamline development processes
STRATEGY	**1.2**	**Attract, retain and grow retail industry**
ACTION	1.2.1	Encourage the attraction, expansion and retention of diverse retail opportunities
ACTION	1.2.2	Promote local businesses through programs such as Business Navigator, Shop Oro Valley, Dine Oro Valley or other promotional events
ACTION	1.2.3	Adhere to procurement practices that provide Oro Valley businesses all opportunities to compete for Town business and that promote the ideals of the Shop Oro Valley campaign
ACTION	1.2.4	Establish regular project team meetings between Town and developer to streamline development processes
STRATEGY	**1.3**	**Promote partnerships to enhance education and workforce development**
ACTION	1.3.1	Partner with Amphitheater School District, Basis Oro Valley and other Oro Valley schools to support educational needs
ACTION	1.3.2	Partner with Pima Community College and the University of Arizona to support workforce development

GOAL	***2***	***Develop diverse sources of revenue***
STRATEGY	**2.1**	**Explore annexation opportunities**
ACTION	2.1.1	Pursue annexation opportunities that provide a long-term benefit to the Town
ACTION	2.1.2	Perform fiscal impact analysis of potential annexation scenarios that include the Tangerine Corridor (close the gap between Oro Valley and Marana), Foothills Mall, Omni Tucson National Resort and Westward Look
STRATEGY	**2.2**	**Evaluate additional revenue sources**
ACTION	2.2.1	Present additional revenue source options for Council consideration during the annual budget process
GOAL	***3***	***Preserve Community Quality of Life***
STRATEGY	**3.1**	**Develop a Town Center to promote culture**
ACTION	3.1.1	Facilitate the development of a Town Center, focused on retail services and hospitality, that serves as a "downtown" for Oro Valley
ACTION	3.1.2	Create an entertainment district

Focus Area: Community Infrastructure

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

GOAL	***1***	***Improve transportation infrastructure***
STRATEGY	**1.1**	**Partner with regional jurisdictions to develop and maintain physical infrastructure**
ACTION	1.1.1	Continue to work with federal, state and regional agencies to secure funding for Town projects
ACTION	1.1.2	Work with State Legislators on State Route 77 (Oracle Road)
GOAL	***2***	***Provide diverse arts, cultural and recreational opportunities***
STRATEGY	**2.1**	**Develop and maintain arts, cultural and recreational assets**
ACTION	2.1.1	Initiate development of a parks and recreation Master Plan
STRATEGY	**2.2**	**Support cultural events and opportunities**
ACTION	2.2.1	Facilitate the development of a Community Center, focused on arts, culture and recreation
ACTION	2.2.2	Partner with local and regional arts and cultural organizations to enhance existing Town events and programs
STRATEGY	**2.3**	**Support amateur sporting events**
ACTION	2.3.1	Continue partnering with the Metropolitan Tucson Convention & Visitors Bureau (MTCVB) to attract and retain local and national amateur sporting events to Oro Valley (e.g. IronKids)

Focus Area: Leadership and Communication

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

GOAL	***1***	***Brand and market Oro Valley assets***
STRATEGY	**1.1**	**Communicate Oro Valley brand locally, nationally and internationally**
ACTION	1.1.1	Develop and market distinctive Oro Valley brand that highlights bioscience and recreational attributes
GOAL	***2***	***Improve communication and engagement***
STRATEGY	**2.1**	**Increase engagement and partnership through strengthened local and regional outreach with diverse partners**
ACTION	2.1.1	Host events and open houses with the community (residents, businesses and regional partners)
ACTION	2.1.2	Continue meeting and communicating with business owners via the Town's Business Retention and Expansion Program
ACTION	2.1.3	Develop "Dine Oro Valley" Campaign to engage business owners, employees and residents
ACTION	2.1.4	Conduct needs assessment of community resources
ACTION	2.1.5	Continue monthly meetings with regional partners
ACTION	2.1.6	Use social media sources such as Twitter and Facebook to provide public education and outreach on economic development programs
STRATEGY	**2.2**	**Expand the use of electronic media**
ACTION	2.2.1	Use the *Oro Valley Vista*, monthly community newsletter, to communicate economic development programs, events and policies
ACTION	2.2.2	Partner with local and regional media outlets to communicate economic development programs, events and policies

SWOT (Strengths – Weaknesses – Opportunities – Threats) Analysis

Strengths	**Weaknesses**
• Leadership (Responsive and Collaborative Town Council) • Skilled and Dedicated Staff • Excellent Public Safety • Excellent Schools/Diverse Educational Opportunities • Recreation • Tourism • Scenic Beauty • Regional Partnerships • Public Art • Bioscience Corridor • Sound Infrastructure • Master Planned Community • Streamlined Processes • Business Friendly Attitude	• Lack of Community Identity • Lack of Consistent Quality Communication to business leaders and residents on Town issues • Lack of Cultural Opportunities • Lack of Diverse Retail Options • Lack of Diverse and Sustainable Revenues • Lack of a Downtown • Lack of recreational resources • Lack of Public Transportation • Perception that "Oro Valley is difficult to conduct business with"
Opportunities	**Threats**
• Annexations • Advocate for Education • Branding and Marketing Assets • Continue to Streamline Processes • Develop Town Center for Arts, Culture and Entertainment for all ages • Expand Bioscience Corridor • Expand recreational resources • Improve Community Communication and Engagement/Electronic Media	• Economy • Local/Regional/State Funding for Economic Development • Service Expectations without Funding

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

Meeting Date: 05/18/2011

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

Department: Town Manager's Office

SUBJECT:

Tucson Regional Economic Opportunities, Inc. Quarterly Report: October 1, 2010 - March 31, 2011

RECOMMENDATION:

This report is for information only.

EXECUTIVE SUMMARY:

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

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

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

SUGGESTED MOTION:

This report is for information only.

Attachments

TREO 2nd Quarter Report

TREO 3rd Quarter Report

FY2010-11 TREO Financial Participation Agreement

Oro Valley Report
Activity for the Period
July 1-December 31, 2010

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

Strategies:

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

Activity:

- TREO is leading a sales mission to the Medical Device and Manufacturing Show in February 2011 and will act on behalf of the jurisdictions, in particular showcasing Innovation Park and the synergy created by Ventana/Roche and sanofi-anentis. Meetings will be set up with companies and we will be collaborating with other economic development organizations throughout the state. Over 2300 companies have a presence at this annual show.

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

Activity: (Articles attached)

- Profiled the region to 2500 corporate site selectors via "Select Tucson".
- Business Expansion Journal (Tucson / solar zone inclusion in cover story)
- Business Facilities magazine (Tucson / solar zone inclusion in cover story and annual rankings report).
- Canada's BioBusiness. (Tucson / Bioscience)
- BizTucson (Aerospace & Defense)
- Area Development (Tucson / Aerospace & Defense, Solar Zone)
- Global Corporate Xpansion (Tucson / Solar Zone)

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

Activity:

- Meetings were conducted with representatives of Ventana Medical Systems during the period. Interaction with VMSI continues as we

work to implement the agreements supporting the firm's expansion in Oro Valley.
- Solon Solar, Meeting held October 29, 2010.
- TREO staff receives quarterly reports from all private sector board members related to hiring, growth and projects.

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

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

2) **Economic Development Policy and Tools development and pursuit**

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

  Activity:
  - TREO participated in the statewide effort to draft a comprehensive economic development tools white paper through out the reporting period. Participants included representatives of the Governor's office and the Arizona Commerce Authority, Arizona Association for Economic Development, and rural economic development practitioners. The resulting white paper outlines options for possible tools including:
    - Enterprise Zone enhancements
    - Protection of Job Training Funds
    - Establishment of closing fund

  - A Joint Legislative Preview with Tucson Metropolitan Chamber of Commerce and Southern Arizona Leadership Council - Pursuant to the TREO board's goal of increased collaboration with other business groups in the region, was conducted in mid-December. The objective of the gathering was to present a unified and concise set of recommendations to the delegation of state legislators representing Southern Arizona in Phoenix. Items included the need for a jobs bill

and related economic development tools necessary to contribute to Arizona's competitiveness moving forward.

- Both the tools and joint recommendations were presented to the Governor's office for consideration.
- TREO and its Phoenix counterpart are working jointly to monitor and advocate for these recommendations and economic development tools.
- TREO together with other regional business groups is meeting regularly with the Southern Arizona legislative delegation to coordinate on issues of economic importance to Southern Arizona.

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

Strategies:

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

  Activity:

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

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

  Activity:

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

  - Worked with majority of local media outlets to announce the Ventana/Roche expansion in Oct 2010. Assisted the state in the coordination of a local press conference. Resulted in 20 local media articles (see attached full Roche expansion story from BizTucon).

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Here Comes The Sun

« Back

by David Hodes

Solar energy is one of the easiest to understand and available sustainable energy sources. Every state in the country has access to energy from the sun, unlike wind energy, which requires sweeping vistas of flat land to be economically feasible. From east to west, the sun never sets on the solar energy industry. But there are challenges, mostly related to glass and thin-film technologies. However, strong domestic growth in the solar sector of more than 36 percent in 2009, according to a study by the Solar Energy Industries Association, has more companies ready to make the leap into solar technology.

While Sunbelt states are the no-brainer winners with a clear advantage in the average number of days of sunshine supporting solar energy creation, newer more aggressive solar energy developments are increasingly coming from other areas of the country.

One such area is Toledo, Ohio, home to three large solar energy companies: First Solar Inc. manufacturers of solar modules with advanced semiconductor technology; Willard & Kelsey Solar Group, who pioneered the development of large area, thin-film solar modules; and Xunlight Corp., founded in 2002 to commercialize solar technology discovered in the University of Toledo Thin Film Silicon Photovoltaic Laboratory.

Regional business development in the Toledo area in solar and alternative energy received a major boost in development funding from the Regional Growth Partnership in 2006; the region has been designated a solar energy innovation hub by the state. The goal of the designation is to attract top researchers in solar energy to add their talents to the 20-plus years of research operations underway at both Bowling Green State University and the University of Toledo.

That is the state of the business in Toledo today, but it is built on a legacy industry: car windshield glass. "The way this came about," says Steve Weathers, the former president and CEO, Regional Growth Partnership in Toledo, "was maybe 100 years ago there was a group from New Jersey that came here to use the silica here and make glass. So if it wasn't for the glass industry for automotive here, and if it wasn't for the natural gas being abundant in Ohio, there would be no solar industry in Toledo or northwest Ohio."

Just 500 miles south of Toledo, solar energy has become a new economic development priority in the Tri-Cities area of northeast Tennessee and southwest Virginia, with Tennessee ranked third in the nation for clean energy job creation according to a report by The Pew Charitable Trusts. The development has been led in part by such companies as AGC Flat Glass North America in Kingsport, Tenn., makers of building, automotive and solar glass; and Highlands Solar Energy Inc. of Abington, Va., which designs, installs and services solar energy and solar water heating systems for residential and commercial applications.

AGC is also the supplier of solar components to international customers such as Dutch Shell, BP Solar, SunPower Corp, SolarWorld, Mitsubishi, Sony and Sharp. Two recent developments will spur additional activity in solar energy in Tennessee: Confluence Solar's $200 million investment in a manufacturing, warehousing and distribution facility near Oak Ridge National Laboratory, the site of extensive alternative energy research; and the announcement by Wacker Chemie AG from Munich, which is building a $1 billion hyperpure polycrystalline silicon facility in Cleveland, Tenn., which will create 500 jobs in the area.

Pat Thompson, AGC's vice president, says that the solar market is booming. "There is so much demand for crystalline silica glass that we can't keep up," he says. "In 2008 we had almost 100 percent growth over 2007. We are looking for next year to be about 80 percent growth. So it has almost doubled every year." One of the reasons for the increased demand is the cost of crystalline silica, which has dropped in price to one-tenth of where it was a couple of years ago. "All of those factors now mean that solar energy is very close to being competitive with coal and oil," Thompson says. "And that is what we have been trying to reach for 30 years."

The spike in economic activity related to solar energy will make the area a serious challenger to some of the massive West Coast sunbelt operations, with California, for example, poised to begin construction on a solar plant able to power more than half a million homes. Says Tom Ferguson, president and CEO, Northeast Tennessee Regional Alliance, most of the solar module production and solar farm development is occurring there now. "But we believe that there is a wave that is coming," Ferguson says. "And I don't know how big that wave will be, but we believe that the Germans – who are the world's largest manufacturer in the solar industry – will be looking to make an entry in to the U.S. market. And that will make the eastern part of the U.S. a more superior location for a lot of reasons, such as our infrastructure."

North American neighbors to the north in Tillsonburg, Ontario, are also getting into the game. "What I have heard is that right now Ontario is the hottest market for renewable energy projects in the world," says Cephas Panschow, development commissioner, town of Tillsonburg. Solar is new for Ontario and continues to be an emerging industry. Indeed, a recent report by the Interstate Renewable Energy Council found that Ontario was the third-largest North American market for solar photovoltaic installation in 2009, behind only California and New Jersey.

Solar energy projects coming together in southern Ontario create the interesting full-cycle prospect of one day having a solar manufacturing plant powered with renewable energy produced by wind turbines. There is a wind project in Tillsonburg, completed in 2006, which generates 100 megawatts of electricity in the area. "I think in the next 12 to 18 months, we are going to see a lot more localization of components manufacturing in solar and wind energy," Panschow says. "We are going to see local companies with opportunities to produce energy and the opportunity to provide parts components for these projects."

Unlike the East Coast's evolution from making windshields to making solar panels, solar manufacturing and usage on the West Coast was not the result of retooling elements of a legacy manufacturing industry. In Arizona, there are 50 to 55 companies in the Tucson region involved in solar-related activities, with a handful of them in the manufacturing of solar modules or portable solar chargers. The remainder are on the commercial solar product side. There are more than 2,000 direct and indirect high average wage jobs with about $400 million total economic impact. "I think when you have the prominence of the sun along with some good state incentives as well as access to major markets in the Southwest, it is a good recipe for growing the industry," says Laura Shaw, senior vice president, marketing and communications, Tucson Regional Economic Opportunities Inc. "We have a really good solid base of companies growing here."

One of those companies is Solon Corp., one of the largest crystalline silicon module manufacturers in the United States now operating with 200 employees. Solon makes panels for rooftops. Through the recent acquisition of Global Solar Energy, a major producer of thin film on flexible substrate, Solon will conduct solar cell manufacturing for the commercial consumer market.

Tucson is betting on the recent development of The Solar Zone, a 200-plus acre business development within the University of Arizona Science and Technology Park. The zone is planned to be an integration center that combines utility-scale generation of solar power with multiple technologies to determine what works and what does not. It ties together production, research, assembly, workforce training and development all in one package. One of the newest tenants in the tech park is Belt Independent Power Corp., a developer of thermal solar storage technology for concentrated solar power. The company will build a 5-megawatt solar plant with a thermal storage system that will be the first of its kind in the world.

Says John Grabo, director of business development, University of Arizona Science and Technology Park, the solar zone is expected to be "the flash point" in Tucson for solar development. "And in 20 years, we are talking about all of the Tucson valley being a solar zone," Grabo says. "We have six companies in the solar zone tech park with an estimated capital investment of anywhere between $80 million to $100 million in five different technologies, operating on a utility scale and with substantial construction. It

is not just about solar farms and panels on roofs. And that means more new consumer electronics development where solar energy sources are used as a rechargeable energy source for various products."

The need to accelerate development in solar energy is also on the top of the economic agenda in Carlsbad, N.M., though they are "getting in to the game late," says Jeff Campbell, marketing director, Carlsbad Department of Development. "We have had a lot of interest from outside companies in California and Arizona looking to get in to our area because we are pretty ripe for the whole solar industry," he says.

There is one big project in development in the area that can not be disclosed at this time but will be creating 50 megawatts of energy. "We are building up now, working on synergies between companies," Campbell says.

The future of solar and component manufacturing efforts relies on not only economic incentives and research and development, but also the workings of politicians in Washington, D.C. "There are all kinds of things that are causing business people to worry," Ferguson says. "We won't be really ready to rock and roll until we get some issues settled in D.C."

For now, the wheels of development are turning and the future looks bright for developments in solar technology in North America, determined to catch up to their European and Asian counterparts who have been making great strides in this technology for years.

David Hodes is a freelance writer living in Washington, D.C. He can be reached by e-mailing dhodes11@gmail.com.

To learn more about the organizations featured in this article, visit:

AGC Flat Glass North America, www.afgglass.com

Carlsbad (N.M.) Department of Development, www.developcarlsbad.org

Regional Alliance for Economic Development, www.alliancetnva.com

Regional Growth Partnership (Toledo, Ohio), www.rgp.org

Tucson Regional Economic Opportunities Inc., www.treoaz.org

Town of Tillsonburg (Ont.), www.tillsonburg.ca

University of Arizona Science and Technology Park, www.uatechpark.org

Incentives Prop Up Solar Industry

Solar energy development is getting a boost from economic incentives in areas where the buildup of resources is in the early stages, in the hopes of creating demand that will jump-start supply.

* As part of its micro Feed-In Tariff (FIT) program, the Ontario Power Authority will pay 64 cents per kilowatt hour to homeowners and small businesses for any small, ground-mounted solar power projects under 10 kilowatts, and 80 cents per kilowatt hour for any roof-mounted solar projects in the province, which includes the town of Tillsonburg. The FIT program was designed as part of the Green Energy Act in 2009 to provide standardized prices through multi-year contracts that will help spark new investment in renewable energy supply, help increase investor confidence and improve access to financing for these projects.

* In the 2009 legislative session, New Mexico's lawmakers passed two bills that enable the creation of the Property Assessed Clean Energy bond (PACE) programs on the county level. A county in New Mexico is authorized to pass an ordinance that creates a solar energy improvement special assessment provision. The county is directed to create rules for certifying certain private banks and financing institutions as solar energy improvement financing institutions. The certified institutions will be authorized to loan property owners up to 40 percent of the assessed value of the property for purposes of solar energy (photovoltaic or solar thermal) improvements.

Crucial Need To Increase Window Glass Energy Efficiency

Despite heavily insulated walls and the popularity of Energy Star designated windows, 25 percent to 35 percent of the energy used in buildings is wasted due to inefficient glass. Glass causes more than 10 percent of the total carbon emissions in the United States annually. Inefficient glass makes building occupants uncomfortable, too cold in winter, too hot in summer, paying more in heating and cooling costs year-round. The solution? More energy efficient glass.

Here's what property managers should know regarding how glass impacts the efficiency of windows, skylights and glass doors.

• Monolithic (single pane) glass may reflect the sun's heat that can cause overheating but does little to insulate against heat loss.

• Insulating glass (also called double pane) with a heat-reflective coating that reflects ambient heat inside and outside helps buildings stay warmer in winter, cooler in summer.

• Insulating glass with heat-reflective coatings that reflect heat from the sun and ambient heat is even more energy efficient. The air space inside the glass enhances insulation and the coating reflects the sun's heat.

Glass that will meet the new Energy Star window performance standards include:

• Triple pane, three panes of glass and two heat-reflective coatings. Triple pane improves insulating performance but is 50 percent heavier than double pane, requiring stronger window framing, increasing costs accordingly.

• Insulating glass containing one or more transparent heat reflective films suspended inside the air space can increase insulation performance while reflecting solar heat.

For example, the 6,500 existing windows of the Empire State Building have been retrofitted with suspended film insulating glass, which increases the thermal performance by up to four times, improving the R-value (resistance to heat transfer) from R-2 to R-8, and reducing solar heat by 50 percent. The upgraded windows are expected to deliver more than $400,000 in savings annually.

Article contributed by Southwall Technologies Inc., www.southwall.com.

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Why Tucson for Aerospace?

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

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

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

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

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

AEROSPACE INDUSTRY NEWS

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

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

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

TUCSON INDUSTRY STRENGTHS

Get expanded information on these Tucson industries:

Aerospace

Bioscience

Solar

Transportation & Logistics

Read the Latest Relocation & Expansion News from Tucson

TUCSON RANKS

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

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

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

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

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

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

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

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

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

BUSINESS EXPANSION NEWS

Arizona Canning Company Announces Expansion, Brand Acquisition

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

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

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

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

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

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

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

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

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

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

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

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

Click here to read more about Arizona Canning Company.

BUSINESS EXPANSION NEWS

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

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

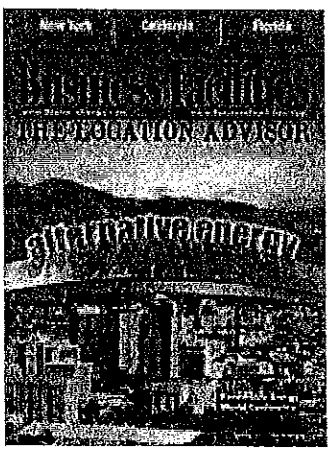
The Tucson facility is expected to open this summer. Red Cross telerecruitment efforts are currently conducted in blood centers across the organization, and the organization plans to relocate these operations to the three new locations. Telerecruiters contact donors to schedule appointments to give blood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

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

SOLAR INDUSTRY NEWS

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

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



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

Get the complete article below:

Click here to download the complete article (pdf)

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

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

Click here for more Tucson rankings

BIOSCIENCE INDUSTRY NEWS

ADVANCE Magazine Notes Growth of Southern Arizona Bioscience Industry

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

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

Click here for the article.

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

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Solar Energy Is The Economy's Bright Spot

by Rachel Duran

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

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

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

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

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

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

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

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

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

Learning A Thing Or Two From The Veterans

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flabeg Solar US Corp., www.flabeg.com

Kight Energy LLC, www.kightenergy.com

Solar Energy Industries Association, www.seia.org

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

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

Alternative Energy*

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

Startups

1. California

2. Florida

3. Texas

4. New York

5. Arizona (Tie)

5. Pennsylvania (Tie)

7. Colorado (Tie)

7. Illinois (Tie)

9. North Carolina (Tie)

9. Massachusetts (Tie)

New Branches

1. California

2. Texas (Tie)

2. Arizona (Tie)

4. Connecticut (Tie)

4. Illinois (Tie)

4. Colorado (Tie)

4. Massachusetts (Tie)

4. Michigan (Tie)

4. Mississippi (Tie)

4. Missouri (Tie)

4. Iowa (Tie)

Employment

1. California

2. New York

3. Texas

4. Florida

5. Massachusetts

6. New Jersey

7. Maryland

8. South Dakota

9. Iowa

10. Pennsylvania

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

Data includes the following classifications:

44-621.9909 Windmills, electric generating

43-869.0104 Ethyl alcohol, ethanol

43.869.0108 Methyl alcohol, synthetic methanol

43.869.0306 Ethanolamines

32-711.0403 Solar energy contractor

32.742.0204 Solar reflecting insulation film

44-433.9904 Solar heaters and collectors

44-674.0305 Photovoltaic devices

44-674.0306 Solar cells

44-829.0218 Solarimeters

86-074.0208 Heating equipment and panels, solar

96-211.0300 Insulation and energy conservation products

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

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

Cleveland's Advanced Energy District Encourages "Going Green"

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

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

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

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

Southern Cal Edison Delivers The Nation's Most Renewable Energy

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

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

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

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

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

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

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

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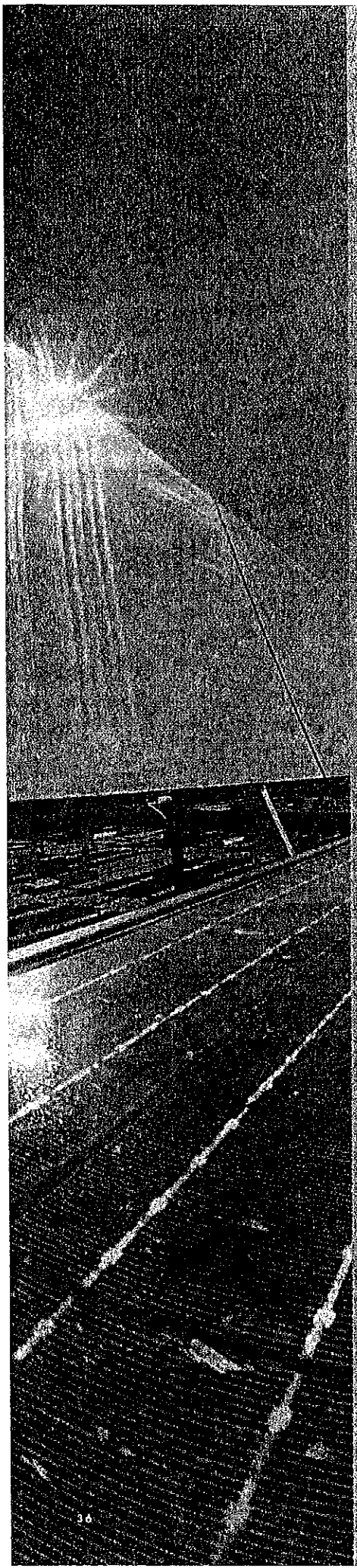


Alternative Energy Powers the New Economy

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

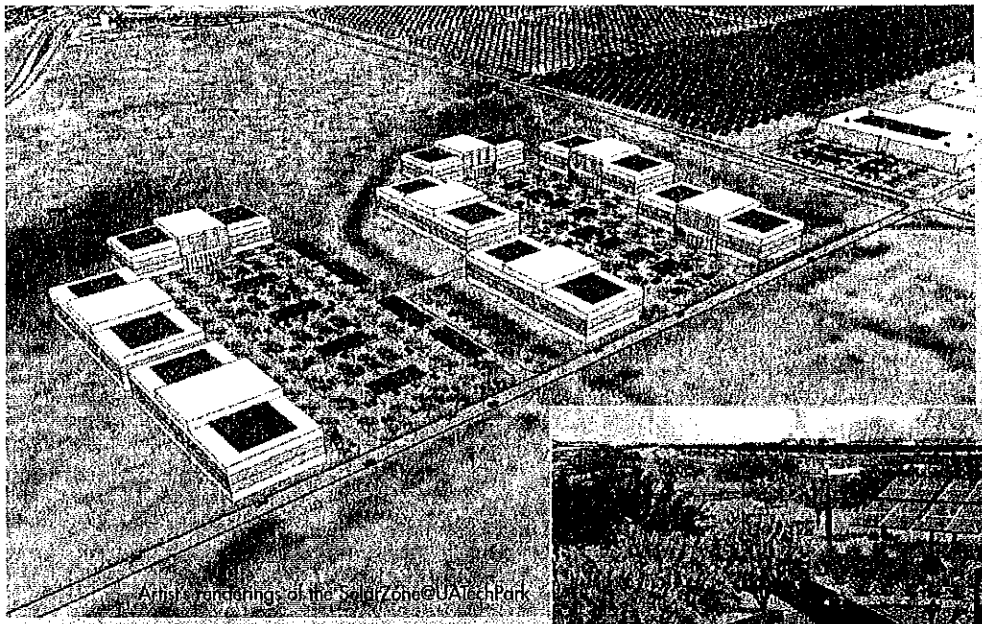
By Ed Fallon

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

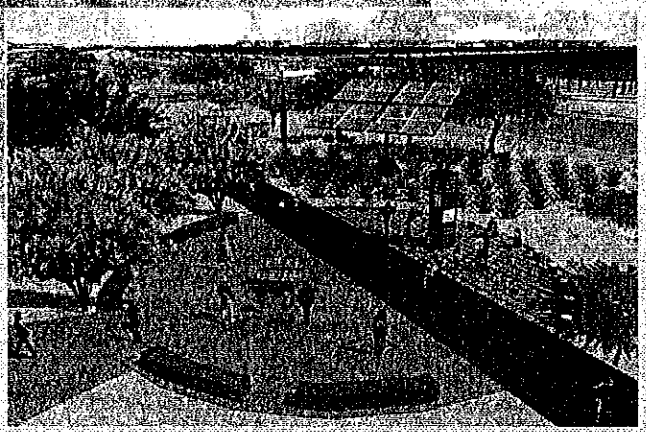
According to a report issued in March by Clean Edge Inc., a research and publishing firm for the clean tech sector, biofuels and wind power each saw increased revenue last year, though solar experienced its first decrease due to a decline in solar PV pricing. While total venture activity was down in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

The biofuels market, consisting of more than 23.6 billion gallons of ethanol and biodiesel production worldwide, reached $24.9 billion in 2009 and is projected to grow to $112.6 billion by 2019. And solar PV, including modules, components and installation, will grow from a $30.7 billion industry to $98.9 billion by 2019, according to Clean Edge projections. Wind energy is of particular note, as it is the fastest growing energy source in the world.

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



Artist's renderings of the SolarZone@UATechPark



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

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

Arizona Enters The Solar Zone

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

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

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

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

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

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

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

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

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

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

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

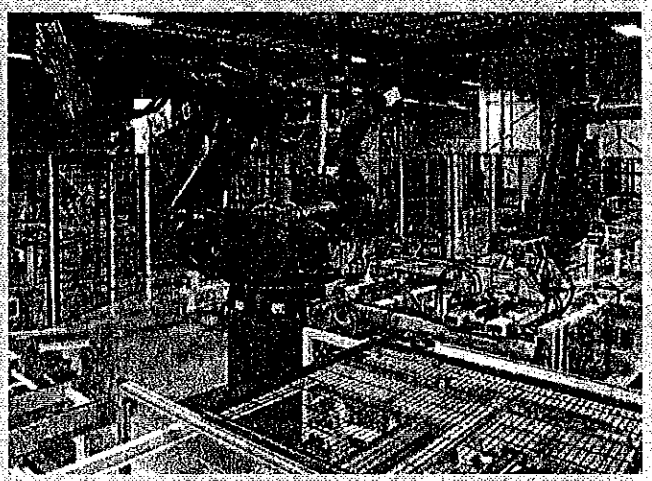
- 148 jobs and $24 million in total economic impact during construction phase
- 16 jobs (direct and indirect) and $2 million per year ($50 million over 25 years) in total economic impact during the operation phase

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

Blue Skies, Bright Future

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

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



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

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

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

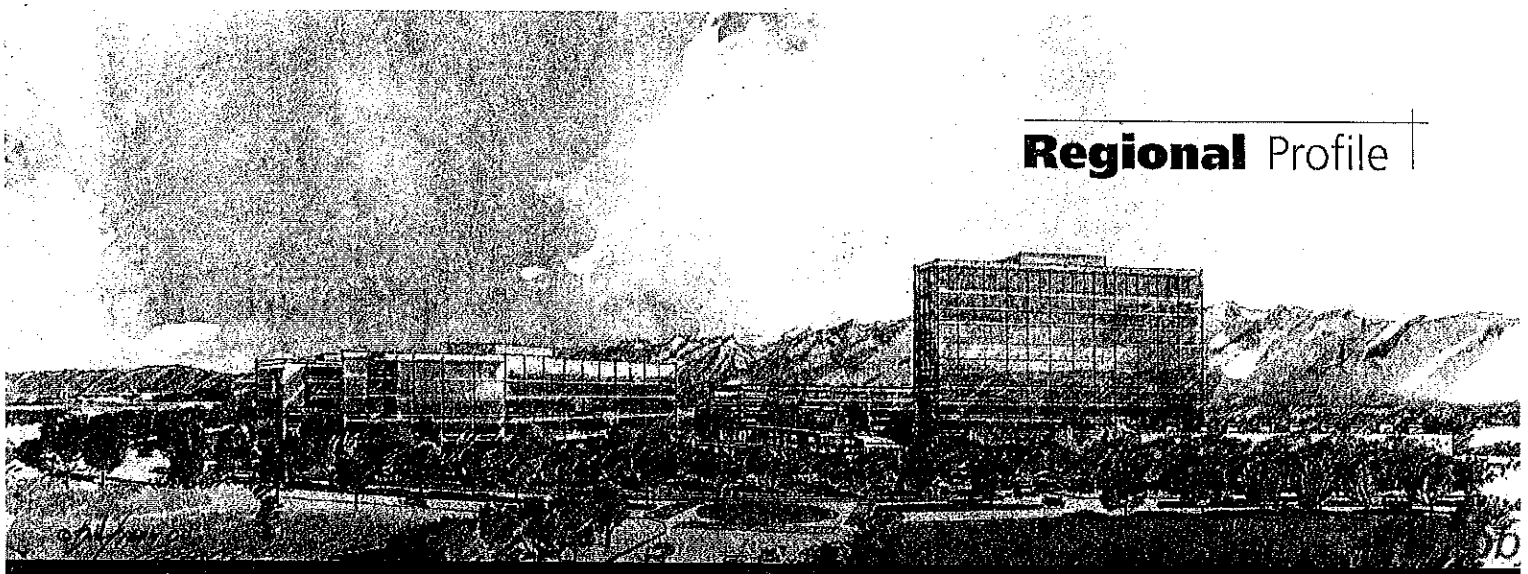
Tucson has a lower cost of living compared to other major metropolitan areas and is considered one of the most affordable places to live in the West. In addition, Arizona's worker's compensation and unemployment insurance costs are among the lowest in the United States, and Arizona's tax structure is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

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

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

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

PHOTO CREDIT: TREO&LEDCO



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

Tucson Lights Arizona's Path To Personalized Medicine

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

By Theresa Rogers

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

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

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

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

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

Critical Path Institute

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

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

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

University of Arizona

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

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

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

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

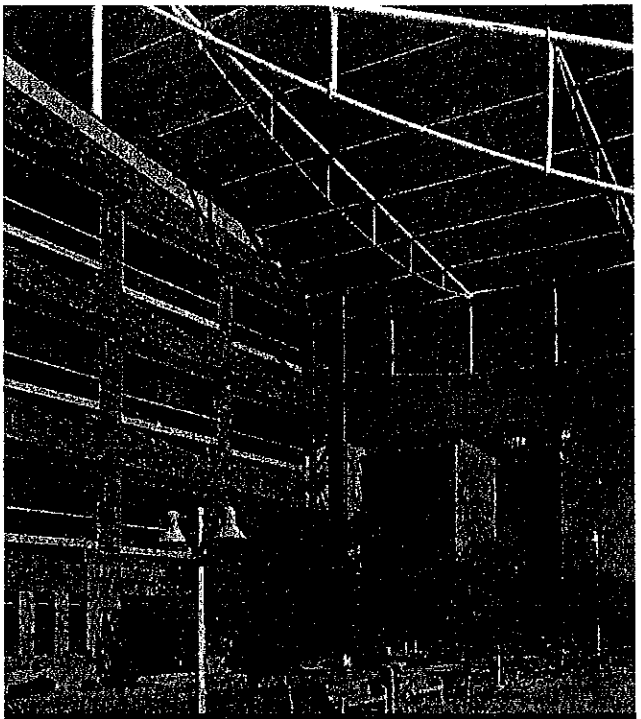
The UA Science and Technology Park's Arizona Center for Innovation, a Tucson business incubator for biotechnology companies, brings venture capitalists and experienced business executives together with university researchers to bring technology out of the laboratory and into the marketplace.

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

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

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

"Biotechnology, specifically diagnostics, is an area where we have a unique differentials—Ventana, Sanofi-Aventis, C-Path—



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

combined with BIO5," Snell says. "For a small market we have the right ingredients and we are working very hard to get more."

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

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

Ventana

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

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

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

"There are about 13 million people worldwide with cancer

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

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

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

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

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

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

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

High Throughput Genomics

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

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

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

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

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

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

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

Funding

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

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

INSIDE TUCSON BUSINESS

News and Features for Southern Arizona's business and legal communities

TREO: Three economic development proposals to stimulate growth of high-wage jobs

By Joe Snell, for Inside Tucson Business
Published on Saturday, December 25, 2010

Since December 2007, Arizona has lost nearly 300,000 jobs.

Due to extreme budget deficits many of the assets and tools that allowed Arizona to compete for economic development have been cut drastically or eliminated altogether.

Arizona lawmakers are faced with the urgent challenging task of restoring jobs and creating an environment where we can compete and win.

But Arizona is not alone in trying to address recovery from the recession. Our competitor states face similar challenges and are taking action. However, our competitor states, including New Mexico, Colorado, Texas and Utah, have advantages over Arizona, such as lower unemployment, greater investments in education and innovation, better business climates, better economic development tools and smaller state budget deficits.

The next six months represent one of those times in history where we must use our collective strengths and advance Arizona by reshaping our economy and taking bold steps to emerge as the state everyone else aspires to be.

What do we need to reshape our economy? To support industries that give us the greatest returns.

Since the end of World War II, Arizona has outpaced the nation in population growth and our economy has been built on industries reliant on that growth, such as construction, real estate and retail.

Building the economy on growth and consumption means we have low-wage jobs. That results in an over-reliance by people on government services such as the state Medicaid program, Arizona Health Care Cost Containment System (AHCCCS). It also makes the state vulnerable to economic swings, such as the recession.

To build a more diversified economy, Arizona must create programs and policies that support employers who value high skills and reward employees with high wages. Not all jobs and employers are equal and we must support the employers who give us the greatest return on investment, such as Raytheon Missile Systems.

We must also support business tax policies that support high-wage business growth and expansion.

We also propose creating three specific economic development tools and strategies:

• A high-wage investment program that would offset heavy capital investment made by high-wage employers. This is something other states have but Arizona does not.

• A flexible and demand-driven job training program.

• A competitive closing fund.

This session of the Legislature must address our lack of competitiveness with policy adjustments to help us create aggressive economic development tools.

We are here to help. Call on us.

Editor's note: *Tucson Regional Economic Opportunities, the Southern Leadership Council and the Tucson Metropolitan Chamber of Commerce for the first time jointly held a luncheon Dec. 16 with state lawmakers to talk about economic and business priorities for the upcoming session of the Legislature. These are condensed version of the speeches, the leader of each organization delivered that day.*

Joe Snell is president and CEO of Tucson Regional Economic Opportunities Inc.

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AREA DEVELOPMENT
SITE AND FACILITY PLANNING
ONLINE

Tucson Regional Economic Opportunities (TREO) Program Is a Game-Changer

Lisa A. Bastian (November 2010)

The aerospace/defense industry in Tucson, Arizona, is one of the nation's largest, employing 20,000 workers with an estimated annual payroll of $992 million. So when city leaders threw a community-wide business party marking a major economic development milestone, they invited the perfect keynote speaker — Admiral Mike Mullen, chairman of the Joint Chiefs of Staff. The Admiral accepted, and on October 1 gave a pro-military, pro-business talk to 700-plus guests at a luncheon celebrating the fifth anniversary of Tucson Regional Economic Opportunities (TREO).

The Area Development Front Line series offers insight into the innovative strategy being taken by businesses that are succeeding, intelligence on locations that are deploying winning policy to attract investment and talent, and reports on the industry trends that are affecting and shaping the global business climate now and into the future.

The Admiral's presence not only validated the city's importance in national defense matters, but also confirmed the value of this "game-changing" public-private partnership literally transforming southern Arizona at break-neck speed. TREO's accomplishments already are renowned in this city of one million residents. Led by Joe Snell, its team has facilitated the attraction/expansion of 37 companies to Tucson between 2005 and 2010. Collectively these firms are responsible for almost 9,300 new direct/indirect jobs and $398 million in capital investment — plus $1.4 billion total economic impact.

When TREO was created in 2005, it gave businesses a unified voice and strategically leveraged regional strengths. Since then, the city has experienced great success by targeting four high-paying growth industries: bioscience, solar, transportation/logistics, and its well-established aerospace/defense industry.

A Lengthy Corporate Roster

Today, Tucson boasts 200 aerospace-related organizations, 100+ bioscience companies, more than 40 solar-related businesses, and over 150 transportation/logistics firms. Other core industries with good representation by local companies include optics, plastics, tourism, mining, IT, environmental technology, and manufacturing.

Sargent Aerospace and Defense, a global supplier of engineered products and service solutions to the aerospace/ defense industry, is an example of a recent development success. After considering an expansion move outside Arizona, the company decided to stay put and construct a new 70,000-square-foot facility next to its existing 60,000- square-foot building. It's set to be completed next year.

Other Tucson employers of note include the University of Arizona (UA) and its BIO5 Institute for collaborative research, Raytheon Missile Systems (12,500 local workers), Davis-Monthan Air Force Base, Fort Huachuca, IBM, Ventana Medical Systems, Honeywell, Bombardier Aerospace, Lockheed Martin, Paragon Space Development Corp., Roche, Sanofi-Aventis, Schletter Inc., and SOLON.

Cutting-Edge Resources

UA, a top-10 research university, also operates one of North America's premier science and technology parks in Tucson. The 1,345-acre facility, home to 40-some tenants employing 7,000 workers, offers high-tech office, R&D, and laboratory facilities and commercialization know-how. Some companies housed at the park belong to its new Border Security and Technology Commercialization Center. It was created to identify, test, and bring to market new technologies along the U.S. and other international borders.

UA also is developing a 200-acre Solar Zone, a novel solar park designed to manufacture new products, conduct solar R&D, and showcase multiple groundbreaking solar technologies. The university already is a solar energy center of excellence and is the creator of the Arizona Research Institute for Solar Energy (AZRise).

All told, a mixture of outstanding new and old corporate citizens are relying on the Tucson's science and technology resources and adding exponentially to the region's growth.

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Oro Valley Report
Activity for the Period
July, 2010-March 31, 2011

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

Strategies:

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

Activity:

- TREO lead a sales mission to the Medical Device and Manufacturing Show in February 2011 acting on behalf of the jurisdictions, in particular showcasing Innovation Park and the synergy created by Ventana/Roche and sanofi-aventis. Meetings were conducted with companies in collaboration with other economic development organizations throughout the state. Over 2300 companies had a presence at this annual show.

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

Activity: (Articles attached)

- Profiled the region to 2500 corporate site selectors via "Select Tucson".
- Business Expansion Journal (Tucson / solar zone inclusion in cover story)
- Business Facilities magazine (Tucson / solar zone inclusion in cover story and annual rankings report).
- Canada's BioBusiness. (Tucson / Bioscience)
- BizTucson (Aerospace & Defense)
- Area Development (Tucson / Aerospace & Defense, Solar Zone)
- Global Corporate Xpansion (Tucson / Solar Zone)
- Biz Tucson (Ventana Medical Systems)
- Business Expansion Journal (Tucson/ Bioscience)

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

Activity:

- Meetings were conducted with representatives of Ventana Medical Systems during the period. Interaction with VMSI continues as we work to implement the agreements supporting the firm's expansion in Oro Valley.
- Solon Solar, Meeting held October 29, 2010.
- TREO staff receives quarterly reports from all private sector board members related to hiring, growth and projects.
- TREO began outreach contact with over 150 primary employers in the region to update hiring trends in the area. This effort will continue through April 2011.
- TREO staff met Bombardier Aerospace to discuss retention and expansion of its facility near TIA.

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

Activity:

- Hosted Ginovus Partners in Oro Valley.
- See **Project Highlights** in the attached Quarterly Report
- Pipeline Prospects Include:
  - 29 Prospects & Clients Total
  - 3 Aerospace/Defense
  - 8 Alternative Energy
  - 1 Bioscience
  - 5 Call Center
  - 12 Other

2) Economic Development Policy and Tools development and pursuit

Strategies:

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

Activity:

- TREO participated in the statewide effort to draft a comprehensive economic development tools white paper through out the reporting period. Participants included representatives of the Governor's office and the Arizona Commerce Authority, Arizona Association for Economic Development, and rural economic development practitioners. The resulting white paper outlines options for possible tools including:
  - Enterprise Zone enhancements
  - Protection of Job Training Funds

- Establishment of closing fund

- A Joint Legislative Preview with Tucson Metropolitan Chamber of Commerce and Southern Arizona Leadership Council - Pursuant to the TREO board's goal of increased collaboration with other business groups in the region, was conducted in mid-December. The objective of the gathering was to present a unified and concise set of recommendations to the delegation of state legislators representing Southern Arizona in Phoenix. Items included the need for a jobs bill and related economic development tools necessary to contribute to Arizona's competitiveness moving forward.
- Both the tools and joint recommendations were presented to the Governor's office for consideration.
- TREO and its Phoenix counterpart are working jointly to monitor and advocate for these recommendations and economic development tools.
- TREO together with other regional business groups met regularly with the Southern Arizona legislative delegation throughout the session to coordinate on issues of economic importance to Southern Arizona.
- For details, see the Policy and Government Affairs section of the attached Quarterly Report.

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

Strategies:

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

  Activity:

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

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

  Activity:

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

  - Worked with majority of local media outlets to announce the Ventana/Roche expansion in Oct 2010. Assisted the state in the

coordination of a local press conference. Resulted in 20 local media articles (see attached full Roche expansion story from BizTucon).

IN THIS ISSUE

Why Tucson

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

Arizona Canning Company Announces Expansion, Brand Acquisition

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

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

ADVANCE Magazine Notes Growth of Southern Arizona Bioscience Industry

Why Tucson for Aerospace?

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

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

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

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

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

AEROSPACE INDUSTRY NEWS

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

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

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

TUCSON INDUSTRY STRENGTHS

Get expanded information on these Tucson industries:

Aerospace

Bioscience

Solar

Transportation & Logistics

Read the Latest Relocation & Expansion News from Tucson

TUCSON RANKS

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

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

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

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

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

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

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

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

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

BUSINESS EXPANSION NEWS

Arizona Canning Company Announces Expansion, Brand Acquisition

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

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

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

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

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

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

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

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

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

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

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

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

Click here to read more about Arizona Canning Company.

BUSINESS EXPANSION NEWS

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

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

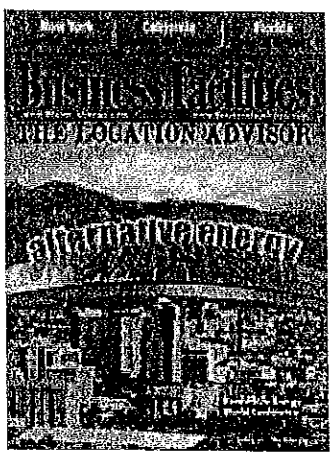
The Tucson facility is expected to open this summer. Red Cross telerecruitment efforts are currently conducted in blood centers across the organization, and the organization plans to relocate these operations to the three new locations. Telerecruiters contact donors to schedule appointments to give blood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

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

SOLAR INDUSTRY NEWS

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

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



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

Get the complete article below:

Click here to download the complete article (pdf)

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

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

Click here for more Tucson rankings

BIOSCIENCE INDUSTRY NEWS

ADVANCE Magazine Notes Growth of Southern Arizona Bioscience Industry

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

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

Click here for the article.

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

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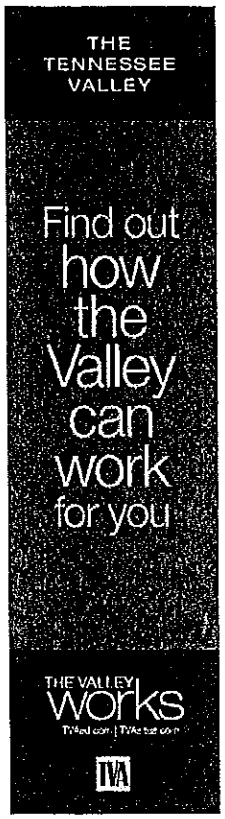

Solar Energy Is The Economy's Bright Spot

by Rachel Duran

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

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

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

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

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

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

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

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

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

Learning A Thing Or Two From The Veterans

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Flabeg Solar US Corp., www.flabeg.com

Kight Energy LLC, www.kightenergy.com

Solar Energy Industries Association, www.seia.org

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

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

Alternative Energy*

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

Startups

1. California

2. Florida

3. Texas

4. New York

5. Arizona (Tie)

5. Pennsylvania (Tie)

7. Colorado (Tie)

7. Illinois (Tie)

9. North Carolina (Tie)

9. Massachusetts (Tie)

New Branches

1. California

2. Texas (Tie)

2. Arizona (Tie)

4. Connecticut (Tie)

4. Illinois (Tie)

4. Colorado (Tie)

4. Massachusetts (Tie)

4. Michigan (Tie)

4. Mississippi (Tie)

4. Missouri (Tie)

4. Iowa (Tie)

Employment

1. California

2. New York

3. Texas

4. Florida

5. Massachusetts

6. New Jersey

7. Maryland

8. South Dakota

9. Iowa

10. Pennsylvania

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

Data includes the following classifications:

44-621.9909 Windmills, electric generating

43-869.0104 Ethyl alcohol, ethanol

43.869.0108 Methyl alcohol, synthetic methanol

43.869.0306 Ethanolamines

32-711.0403 Solar energy contractor

32.742.0204 Solar reflecting insulation film

44-433.9904 Solar heaters and collectors

44-674.0305 Photovoltaic devices

44-674.0306 Solar cells

44-829.0218 Solarimeters

86-074.0208 Heating equipment and panels, solar

96-211.0300 Insulation and energy conservation products

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

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

Cleveland's Advanced Energy District Encourages "Going Green"

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

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

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

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

Southern Cal Edison Delivers The Nation's Most Renewable Energy

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

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

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

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

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

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

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

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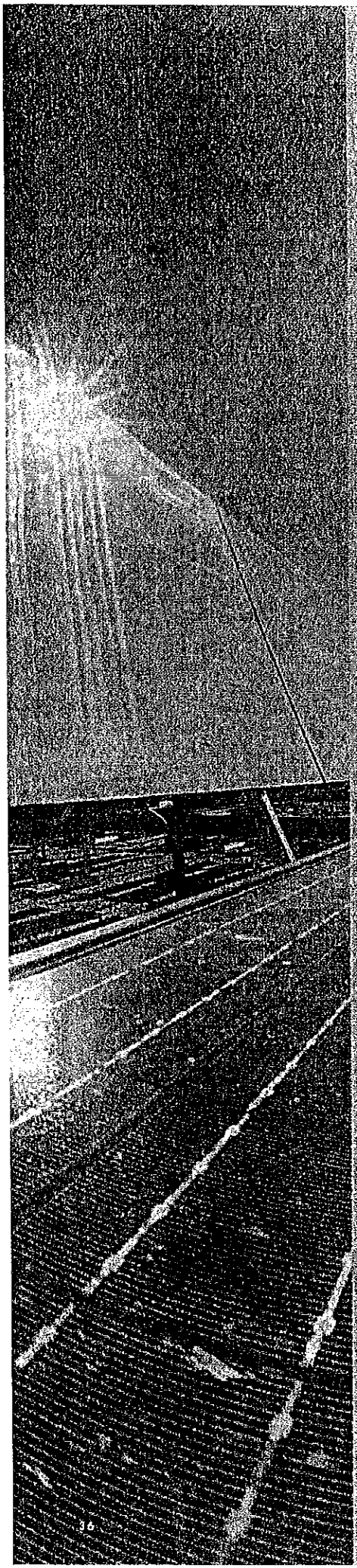


Alternative Energy Powers the New Economy

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

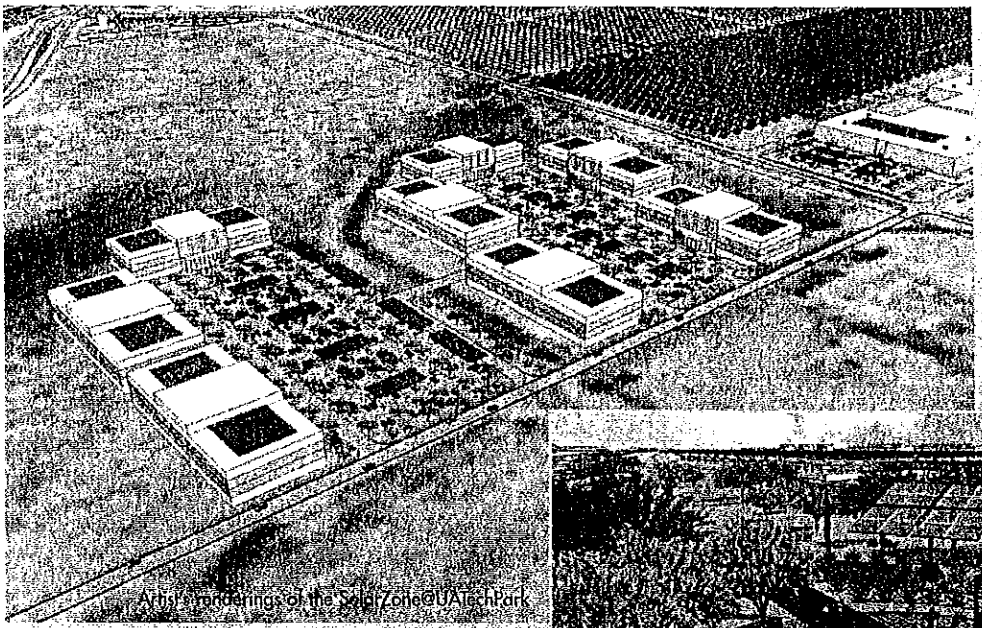
By Ed Fallon

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

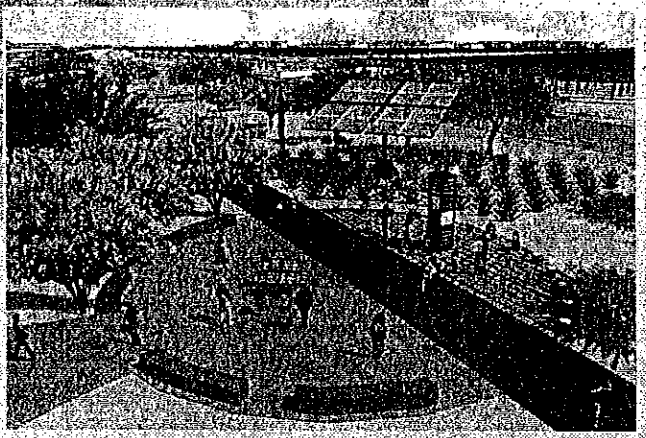
According to a report issued in March by Clean Edge Inc., a research and publishing firm for the clean-tech sector, biofuels and wind power each saw increased revenue last year, though solar experienced its first decrease due to a decline in solar PV pricing. While total venture activity was down in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

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

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



Artist renderings of the SolarZone@UATechPark



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

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

Arizona Enters The Solar Zone

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

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

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

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

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

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

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

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

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

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

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

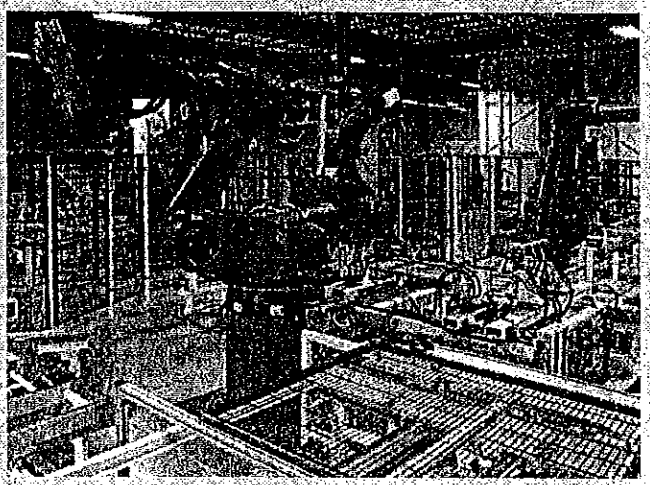
- 148 jobs and $24 million in total economic impact during construction phase
- 16 jobs (direct and indirect) and $2 million per year ($50 million over 25 years) in total economic impact during the operation phase

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

Blue Skies, Bright Future

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

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



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

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

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

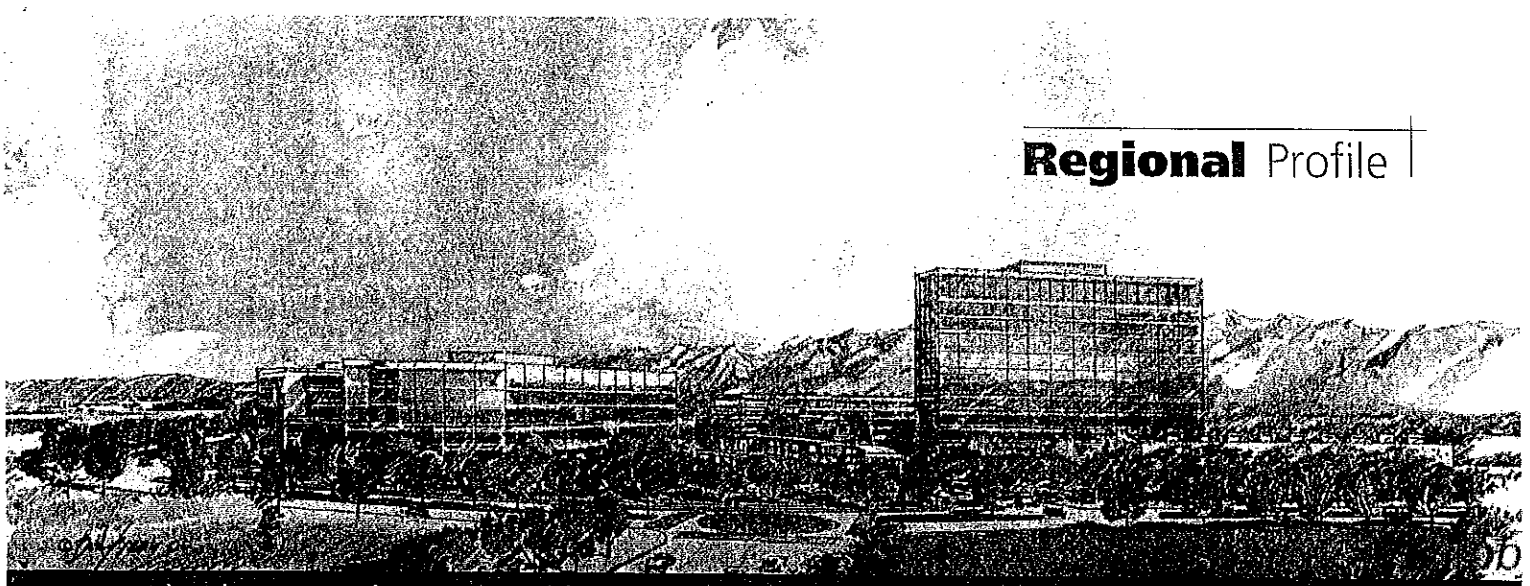
Tucson has a lower cost of living compared to other major metropolitan areas and is considered one of the most affordable places to live in the West. In addition, Arizona's worker's compensation and unemployment insurance costs are among the lowest in the United States, and Arizona's tax structure is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

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

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

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

PHOTO CREDIT: TEOAZ.ORG



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

Tucson Lights Arizona's Path To Personalized Medicine

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

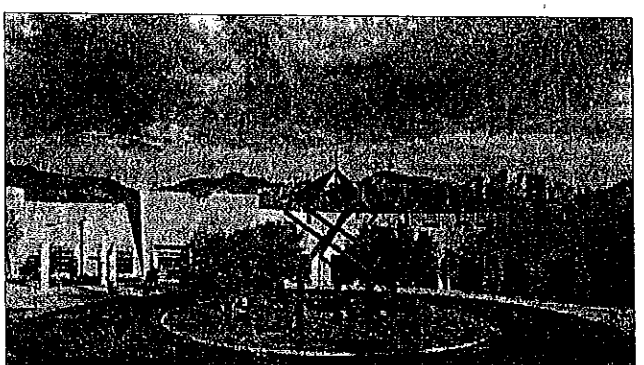
By Theresa Rogers

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

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

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

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



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

Critical Path Institute

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

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

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

University of Arizona

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

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

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

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

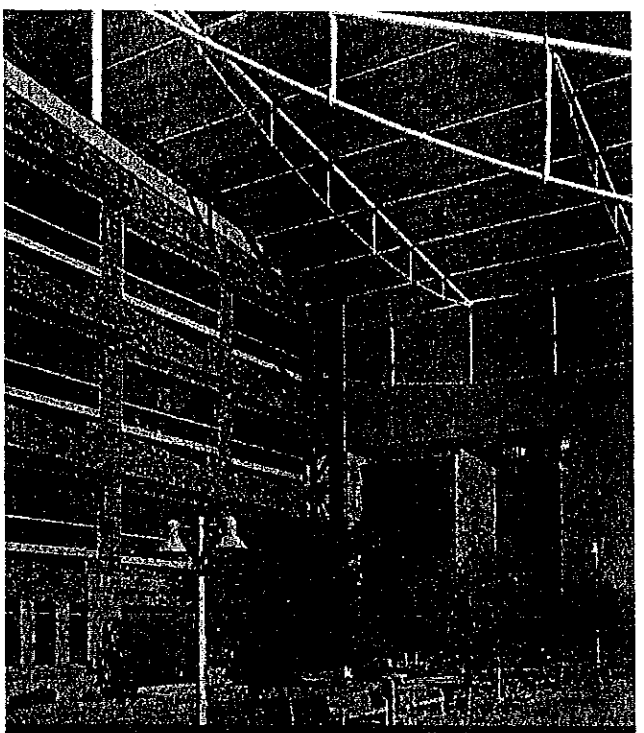
The UA Science and Technology Park's Arizona Center for Innovation, a Tucson business incubator for biotechnology companies, brings venture capitalists and experienced business executives together with university researchers to bring technology out of the laboratory and into the marketplace.

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

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

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

"Biotechnology, specifically diagnostics, is an area where we have a unique differentials—Ventana, Sanofi-Aventis, C-Path—



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

combined with BIO5," Snell says. "For a small market we have the right ingredients and we are working very hard to get more."

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

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

Ventana

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

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

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

"There are about 13 million people worldwide with cancer

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

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

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

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

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

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

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

High Throughput Genomics

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

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

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

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

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

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

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

Funding

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

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

INSIDE TUCSON BUSINESS

News and Features for Southern Arizona's business and legal communities

TREO: Three economic development proposals to stimulate growth of high-wage jobs

By Joe Snell, for Inside Tucson Business
Published on Saturday, December 25, 2010

Since December 2007, Arizona has lost nearly 300,000 jobs.

Due to extreme budget deficits many of the assets and tools that allowed Arizona to compete for economic development have been cut drastically or eliminated altogether.

Arizona lawmakers are faced with the urgent challenging task of restoring jobs and creating an environment where we can compete and win.

But Arizona is not alone in trying to address recovery from the recession. Our competitor states face similar challenges and are taking action. However, our competitor states, including New Mexico, Colorado, Texas and Utah, have advantages over Arizona, such as lower unemployment, greater investments in education and innovation, better business climates, better economic development tools and smaller state budget deficits.

The next six months represent one of those times in history where we must use our collective strengths and advance Arizona by reshaping our economy and taking bold steps to emerge as the state everyone else aspires to be.

What do we need to reshape our economy? To support industries that give us the greatest returns.

Since the end of World War II, Arizona has outpaced the nation in population growth and our economy has been built on industries reliant on that growth, such as construction, real estate and retail.

Building the economy on growth and consumption means we have low-wage jobs. That results in an over-reliance by people on government services such as the state Medicaid program, Arizona Health Care Cost Containment System (AHCCCS). It also makes the state vulnerable to economic swings, such as the recession.

To build a more diversified economy, Arizona must create programs and policies that support employers who value high skills and reward employees with high wages. Not all jobs and employers are equal and we must support the employers who give us the greatest return on investment, such as Raytheon Missile Systems.

We must also support business tax policies that support high-wage business growth and expansion.

We also propose creating three specific economic development tools and strategies:

• A high-wage investment program that would offset heavy capital investment made by high-wage employers. This is something other states have but Arizona does not.

• A flexible and demand-driven job training program.

• A competitive closing fund.

This session of the Legislature must address our lack of competitiveness with policy adjustments to help us create aggressive economic development tools.

We are here to help. Call on us.

Editor's note: *Tucson Regional Economic Opportunities, the Southern Leadership Council and the Tucson Metropolitan Chamber of Commerce for the first time jointly held a luncheon Dec. 16 with state lawmakers to talk about economic and business priorities for the upcoming session of the Legislature. These are condensed version of the speeches, the leader of each organization delivered that day.*

Joe Snell is president and CEO of Tucson Regional Economic Opportunities Inc.

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Here Comes The Sun

« Back

by David Hodes

Solar energy is one of the easiest to understand and available sustainable energy sources. Every state in the country has access to energy from the sun, unlike wind energy, which requires sweeping vistas of flat land to be economically feasible. From east to west, the sun never sets on the solar energy industry. But there are challenges, mostly related to glass and thin-film technologies. However, strong domestic growth in the solar sector of more than 36 percent in 2009, according to a study by the Solar Energy Industries Association, has more companies ready to make the leap into solar technology.

While Sunbelt states are the no-brainer winners with a clear advantage in the average number of days of sunshine supporting solar energy creation, newer more aggressive solar energy developments are increasingly coming from other areas of the country.

One such area is Toledo, Ohio, home to three large solar energy companies: First Solar Inc. manufacturers of solar modules with advanced semiconductor technology; Willard & Kelsey Solar Group, who pioneered the development of large area, thin-film solar modules; and Xunlight Corp., founded in 2002 to commercialize solar technology discovered in the University of Toledo Thin Film Silicon Photovoltaic Laboratory.

Regional business development in the Toledo area in solar and alternative energy received a major boost in development funding from the Regional Growth Partnership in 2006; the region has been designated a solar energy innovation hub by the state. The goal of the designation is to attract top researchers in solar energy to add their talents to the 20-plus years of research operations underway at both Bowling Green State University and the University of Toledo.

That is the state of the business in Toledo today, but it is built on a legacy industry: car windshield glass. "The way this came about," says Steve Weathers, the former president and CEO, Regional Growth Partnership in Toledo, "was maybe 100 years ago there was a group from New Jersey that came here to use the silica here and make glass. So if it wasn't for the glass industry for automotive here, and if it wasn't for the natural gas being abundant in Ohio, there would be no solar industry in Toledo or northwest Ohio."

Just 500 miles south of Toledo, solar energy has become a new economic development priority in the Tri-Cities area of northeast Tennessee and southwest Virginia, with Tennessee ranked third in the nation for clean energy job creation according to a report by The Pew Charitable Trusts. The development has been led in part by such companies as AGC Flat Glass North America in Kingsport, Tenn., makers of building, automotive and solar glass; and Highlands Solar Energy Inc. of Abington, Va., which designs, installs and services solar energy and solar water heating systems for residential and commercial applications.

AGC is also the supplier of solar components to international customers such as Dutch Shell, BP Solar, SunPower Corp, SolarWorld, Mitsubishi, Sony and Sharp. Two recent developments will spur additional activity in solar energy in Tennessee: Confluence Solar's $200 million investment in a manufacturing, warehousing and distribution facility near Oak Ridge National Laboratory, the site of extensive alternative energy research; and the announcement by Wacker Chemie AG from Munich, which is building a $1 billion hyperpure polycrystalline silicon facility in Cleveland, Tenn., which will create 500 jobs in the area.

Pat Thompson, AGC's vice president, says that the solar market is booming. "There is so much demand for crystalline silica glass that we can't keep up," he says. "In 2008 we had almost 100 percent growth over 2007. We are looking for next year to be about 80 percent growth. So it has almost doubled every year." One of the reasons for the increased demand is the cost of crystalline silica, which has dropped in price to one-tenth of where it was a couple of years ago. "All of those factors now mean that solar energy is very close to being competitive with coal and oil," Thompson says. "And that is what we have been trying to reach for 30 years."

The spike in economic activity related to solar energy will make the area a serious challenger to some of the massive West Coast sunbelt operations, with California, for example, poised to begin construction on a solar plant able to power more than half a million homes. Says Tom Ferguson, president and CEO, Northeast Tennessee Regional Alliance, most of the solar module production and solar farm development is occurring there now. "But we believe that there is a wave that is coming," Ferguson says. "And I don't know how big that wave will be, but we believe that the Germans – who are the world's largest manufacturer in the solar industry – will be looking to make an entry in to the U.S. market. And that will make the eastern part of the U.S. a more superior location for a lot of reasons, such as our infrastructure."

North American neighbors to the north in Tillsonburg, Ontario, are also getting into the game. "What I have heard is that right now Ontario is the hottest market for renewable energy projects in the world," says Cephas Panschow, development commissioner, town of Tillsonburg. Solar is new for Ontario and continues to be an emerging industry. Indeed, a recent report by the Interstate Renewable Energy Council found that Ontario was the third-largest North American market for solar photovoltaic installation in 2009, behind only California and New Jersey.

Solar energy projects coming together in southern Ontario create the interesting full-cycle prospect of one day having a solar manufacturing plant powered with renewable energy produced by wind turbines. There is a wind project in Tillsonburg, completed in 2006, which generates 100 megawatts of electricity in the area. "I think in the next 12 to 18 months, we are going to see a lot more localization of components manufacturing in solar and wind energy," Panschow says. "We are going to see local companies with opportunities to produce energy and the opportunity to provide parts components for these projects."

Unlike the East Coast's evolution from making windshields to making solar panels, solar manufacturing and usage on the West Coast was not the result of retooling elements of a legacy manufacturing industry. In Arizona, there are 50 to 55 companies in the Tucson region involved in solar-related activities, with a handful of them in the manufacturing of solar modules or portable solar chargers. The remainder are on the commercial solar product side. There are more than 2,000 direct and indirect high average wage jobs with about $400 million total economic impact. "I think when you have the prominence of the sun along with some good state incentives as well as access to major markets in the Southwest, it is a good recipe for growing the industry," says Laura Shaw, senior vice president, marketing and communications, Tucson Regional Economic Opportunities Inc. "We have a really good solid base of companies growing here."

One of those companies is Solon Corp., one of the largest crystalline silicon module manufacturers in the United States now operating with 200 employees. Solon makes panels for rooftops. Through the recent acquisition of Global Solar Energy, a major producer of thin film on flexible substrate, Solon will conduct solar cell manufacturing for the commercial consumer market.

Tucson is betting on the recent development of The Solar Zone, a 200-plus acre business development within the University of Arizona Science and Technology Park. The zone is planned to be an integration center that combines utility-scale generation of solar power with multiple technologies to determine what works and what does not. It ties together production, research, assembly, workforce training and development all in one package. One of the newest tenants in the tech park is Bell Independent Power Corp., a developer of thermal solar storage technology for concentrated solar power. The company will build a 5-megawatt solar plant with a thermal storage system that will be the first of its kind in the world.

Says John Grabo, director of business development, University of Arizona Science and Technology Park, the solar zone is expected to be "the flash point" in Tucson for solar development. "And in 20 years, we are talking about all of the Tucson valley being a solar zone," Grabo says. "We have six companies in the solar zone tech park with an estimated capital investment of anywhere between $80 million to $100 million in five different technologies, operating on a utility scale and with substantial construction. It

is not just about solar farms and panels on roofs. And that means more new consumer electronics development where solar energy sources are used as a rechargeable energy source for various products."

The need to accelerate development in solar energy is also on the top of the economic agenda in Carlsbad, N.M., though they are "getting in to the game late," says Jeff Campbell, marketing director, Carlsbad Department of Development. "We have had a lot of interest from outside companies in California and Arizona looking to get in to our area because we are pretty ripe for the whole solar industry," he says.

There is one big project in development in the area that can not be disclosed at this time but will be creating 50 megawatts of energy. "We are building up now, working on synergies between companies," Campbell says.

The future of solar and component manufacturing efforts relies on not only economic incentives and research and development, but also the workings of politicians in Washington, D.C. "There are all kinds of things that are causing business people to worry," Ferguson says. "We won't be really ready to rock and roll until we get some issues settled in D.C."

For now, the wheels of development are turning and the future looks bright for developments in solar technology in North America, determined to catch up to their European and Asian counterparts who have been making great strides in this technology for years.

David Hodes is a freelance writer living in Washington, D.C. He can be reached by e-mailing dhodes11@gmail.com.

To learn more about the organizations featured in this article, visit:

AGC Flat Glass North America, www.afgglass.com

Carlsbad (N.M.) Department of Development, www.developcarlsbad.org

Regional Alliance for Economic Development, www.alliancetnva.com

Regional Growth Partnership (Toledo, Ohio), www.rgp.org

Tucson Regional Economic Opportunities Inc., www.treoaz.org

Town of Tillsonburg (Ont.), www.tillsonburg.ca

University of Arizona Science and Technology Park, www.uatechpark.org

Incentives Prop Up Solar Industry

Solar energy development is getting a boost from economic incentives in areas where the buildup of resources is in the early stages, in the hopes of creating demand that will jump-start supply.

* As part of its micro Feed-In Tariff (FIT) program, the Ontario Power Authority will pay 64 cents per kilowatt hour to homeowners and small businesses for any small, ground-mounted solar power projects under 10 kilowatts, and 80 cents per kilowatt hour for any roof-mounted solar projects in the province, which includes the town of Tillsonburg. The FIT program was designed as part of the Green Energy Act in 2009 to provide standardized prices through multi-year contracts that will help spark new investment in renewable energy supply, help increase investor confidence and improve access to financing for these projects.

* In the 2009 legislative session, New Mexico's lawmakers passed two bills that enable the creation of the Property Assessed Clean Energy bond (PACE) programs on the county level. A county in New Mexico is authorized to pass an ordinance that creates a solar energy improvement special assessment provision. The county is directed to create rules for certifying certain private banks and financing institutions as solar energy improvement financing institutions. The certified institutions will be authorized to loan property owners up to 40 percent of the assessed value of the property for purposes of solar energy (photovoltaic or solar thermal) improvements.

Crucial Need To Increase Window Glass Energy Efficiency

Despite heavily insulated walls and the popularity of Energy Star designated windows, 25 percent to 35 percent of the energy used in buildings is wasted due to inefficient glass. Glass causes more than 10 percent of the total carbon emissions in the United States annually. Inefficient glass makes building occupants uncomfortable, too cold in winter, too hot in summer, paying more in heating and cooling costs year-round. The solution? More energy efficient glass.

Here's what property managers should know regarding how glass impacts the efficiency of windows, skylights and glass doors.

• Monolithic (single pane) glass may reflect the sun's heat that can cause overheating but does little to insulate against heat loss.

• Insulating glass (also called double pane) with a heat-reflective coating that reflects ambient heat inside and outside helps buildings stay warmer in winter, cooler in summer.

• Insulating glass with heat-reflective coatings that reflect heat from the sun and ambient heat is even more energy efficient. The air space inside the glass enhances insulation and the coating reflects the sun's heat.

Glass that will meet the new Energy Star window performance standards include:

• Triple pane, three panes of glass and two heat-reflective coatings. Triple pane improves insulating performance but is 50 percent heavier than double pane, requiring stronger window framing, increasing costs accordingly.

• Insulating glass containing one or more transparent heat reflective films suspended inside the air space can increase insulation performance while reflecting solar heat.

For example, the 6,500 existing windows of the Empire State Building have been retrofitted with suspended film insulating glass, which increases the thermal performance by up to four times, improving the R-value (resistance to heat transfer) from R-2 to R-8, and reducing solar heat by 50 percent. The upgraded windows are expected to deliver more than $400,000 in savings annually.

Article contributed by Southwall Technologies Inc., www.southwall.com.

The right fit.
Hernando County
Brooksville, Florida

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AREA DEVELOPMENT
SITE AND FACILITY PLANNING
ONLINE

Tucson Regional Economic Opportunities (TREO) Program Is a Game-Changer

Lisa A. Bastian (November 2010)

The Area Development Front Line series offers insight into the innovative strategy being taken by businesses that are succeeding, intelligence on locations that are deploying winning policy to attract investment and talent, and reports on the industry trends that are affecting and shaping the global business climate now and into the future.

The aerospace/defense industry in Tucson, Arizona, is one of the nation's largest, employing 20,000 workers with an estimated annual payroll of $992 million. So when city leaders threw a community-wide business party marking a major economic development milestone, they invited the perfect keynote speaker — Admiral Mike Mullen, chairman of the Joint Chiefs of Staff. The Admiral accepted, and on October 1 gave a pro-military, pro-business talk to 700-plus guests at a luncheon celebrating the fifth anniversary of Tucson Regional Economic Opportunities (TREO).

The Admiral's presence not only validated the city's importance in national defense matters, but also confirmed the value of this "game-changing" public-private partnership literally transforming southern Arizona at break-neck speed. TREO's accomplishments already are renowned in this city of one million residents. Led by Joe Snell, its team has facilitated the attraction/expansion of 37 companies to Tucson between 2005 and 2010. Collectively these firms are responsible for almost 9,300 new direct/indirect jobs and $398 million in capital investment — plus $1.4 billion total economic impact.

When TREO was created in 2005, it gave businesses a unified voice and strategically leveraged regional strengths. Since then, the city has experienced great success by targeting four high-paying growth industries: bioscience, solar, transportation/logistics, and its well-established aerospace/defense industry.

A Lengthy Corporate Roster

Today, Tucson boasts 200 aerospace-related organizations, 100+ bioscience companies, more than 40 solar-related businesses, and over 150 transportation/logistics firms. Other core industries with good representation by local companies include optics, plastics, tourism, mining, IT, environmental technology, and manufacturing.

Sargent Aerospace and Defense, a global supplier of engineered products and service solutions to the aerospace/ defense industry, is an example of a recent development success. After considering an expansion move outside Arizona, the company decided to stay put and construct a new 70,000-square-foot facility next to its existing 60,000- square-foot building. It's set to be completed next year.

Other Tucson employers of note include the University of Arizona (UA) and its BIO5 Institute for collaborative research, Raytheon Missile Systems (12,500 local workers), Davis-Monthan Air Force Base, Fort Huachuca, IBM, Ventana Medical Systems, Honeywell, Bombardier Aerospace, Lockheed Martin, Paragon Space Development Corp., Roche, Sanofi-Aventis, Schletter Inc., and SOLON.

Cutting-Edge Resources

UA, a top-10 research university, also operates one of North America's premier science and technology parks in Tucson. The 1,345-acre facility, home to 40-some tenants employing 7,000 workers, offers high-tech office, R&D, and laboratory facilities and commercialization know-how. Some companies housed at the park belong to its new Border Security and Technology Commercialization Center. It was created to identify, test, and bring to market new technologies along the U.S. and other international borders.

UA also is developing a 200-acre Solar Zone, a novel solar park designed to manufacture new products, conduct solar R&D, and showcase multiple groundbreaking solar technologies. The university already is a solar energy center of excellence and is the creator of the Arizona Research Institute for Solar Energy (AZRise).

All told, a mixture of outstanding new and old corporate citizens are relying on the Tucson's science and technology resources and adding exponentially to the region's growth.

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City talks of 'business friendly' incentives

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Posted: Friday, March 25, 2011 5:00 pm | Updated: 2:56 pm, Thu Mar 24, 2011.

By Patrick McNamara, Inside Tucson Business |

Eager to spark economic activity and improve a less-than-stellar image among some quarters of the business community, Tucson city officials have begun to discuss a raft of new economic development incentives they would offer.

With input from Tucson Regional Economic Opportunities (TREO) and the University of Arizona Office of Economic Development, city officials propose incentives that include waiving building, electrical, plumbing and site review permitting fees.

City leaders also have proposed the possibility of diverting up to 100 percent of construction sales tax a building project generates toward public infrastructure improvements, to offset impact fees and for job training programs for new or existing employees.

"We want to be prepared and competitive when opportunity comes knocking on our door," said Sean McBride, assistant city manager.

Under the proposal, qualifying companies would have to invest at least $5 million in new or expanded facilities within Tucson, create at least 25 non-retail jobs, pay at least 150 percent of the mean annual wage (about $60,000) and pay for at least 75 percent of employee health care expenses.

City and TREO officials are keen to have in place incentive policies that site selection firms can easily access and share with companies interested in the region.

"We need the right value proposition," said Joe Snell, president and CEO of TREO.

Snell said major employers want to know the sorts of cost reductions they can bank on before committing millions of dollars in capital investments. Often, that means incentives from state and local governments.

The recent recession diminished much of Tucson's and Arizona's value in the eyes of some, Snell said.

He said legislative fund sweeps, particularly the liquidations of funds established to pay for job-training programs, have hurt the state's competitiveness.

Tucson missed out on a significant business expansion opportunity when Raytheon Missile Systems decided to spend $75 million on a new manufacturing facility in Huntsville, Ala., instead of Tucson. The plant is expected to bring 300 new jobs to Huntsville.

McBride said the choice to expand in Alabama over Tucson had less to do with incentives and more with Huntsville's proximity to key military installations.

But the company is getting a $2 million cash incentive for bringing the facility to Alabama. The Alabama Industrial Development Training program also agreed to provide, at no cost to Raytheon, recruitment screening and pre-employment training for workers at all levels at the new facility.

Tucson's effort to put additional incentives in place also dovetails with city attempts to streamline the business development and permitting processes.

The city planning and development offices began in late 2010 to keep extended office hours on the last Thursday of each month to assist business customers that need assistance with certificate of occupancy permits.

Tucson's website has been updated to provide answers and help on many business-related questions in a central location.

City officials also began an ombudsman program to help developers shepherd through new projects.

Taken as a whole, and with the possible addition of more economic incentives, city officials hope Tucson would begin to look more appealing to outside companies.

McBride also said the changes would prevent elected leaders from having to create new incentive polices for every potential employer that expresses interest in Tucson.

"Now we're taking on that work on the front end," McBride said.

Other regional governments in recent months also have moved to prompt economic development through incentives.

Last May, Marana established a job creation program that allows companies that relocate or expand in the town to get a rebate on construction sales taxes.

The companies can use the rebate for new employee relocation expenses, Interstate 10 corridor beautification or to fund job training programs.

Eligible companies have to make a capital investment of at least $2 million and create a minimum 25 non-construction industry jobs paying at least $40,000 annually. The incentive is not available to retail industry companies.

Shortly after the incentive policy's announcement, the aerospace company Sargent Aerospace and Defense announced plans to expand its Marana operations. The company broke ground in October on a 70,000 square foot expansion project adjacent to its Marana site at I-10 and Cortaro Farms Road.

Although Oro Valley does not have a formalized economic development and incentives policy, the town did snare a major expansion deal late last year. Ventana Medical Systems parent company Roche in October announced plans to expand the firm's existing operations in the town, with plans to spend more than $180 million and add some 500 new jobs.

Town, county and state officials teamed up to provide the company millions of dollars in incentives to make the expansion possible.

Oro Valley agreed to fast-track development reviews for the expansion while Pima County agreed to a property tax break for the company.

Pima County also does not have a formalized economic development policy. The county has administrative guidelines, but nothing yet approved by the Pima County Board of Supervisors.

The Tucson City Council on Tuesday (March 22) voted unanimously to move forward with the proposed incentives policy.

City officials plan to write a policy draft in the next month for the council consideration and approval.

Contact reporter Patrick McNamara at pmcnamara@azbiz.com *or (520) 295-4259.*

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Tucson Development

Commercial Growth in Tucson Driven by 'Game-Changing' Projects

By Kelly Lux

Despite the slump in the economy, Tucson is seeing growth and development within its commercial real estate market, albeit slight. Occupancy rates are holding steady. Absorption is expected to remain positive. And a few major projects in this southern Arizona city are driving the majority of the development.

"The good news is that the worst is behind us and recovery has begun," said Tim Prouty, managing director of CB Richard Ellis Tucson. "Yet, Tucson's commercial real estate market is expected to bounce along the bottom for another year. Occupancies, in general, will hold steady and absorption, albeit nominal, will remain positive. This stability leads Tucson's commercial markets to a stronger footing than many other cities."

Vacancy Rates

Vacancy Rates	Industrial	Office	Retail
YE2006	5.9%	11.9%	7.5%
YE2009	11.7%	16.8%	11.9%
3Q2010	11.6%	17.3%	12.2%

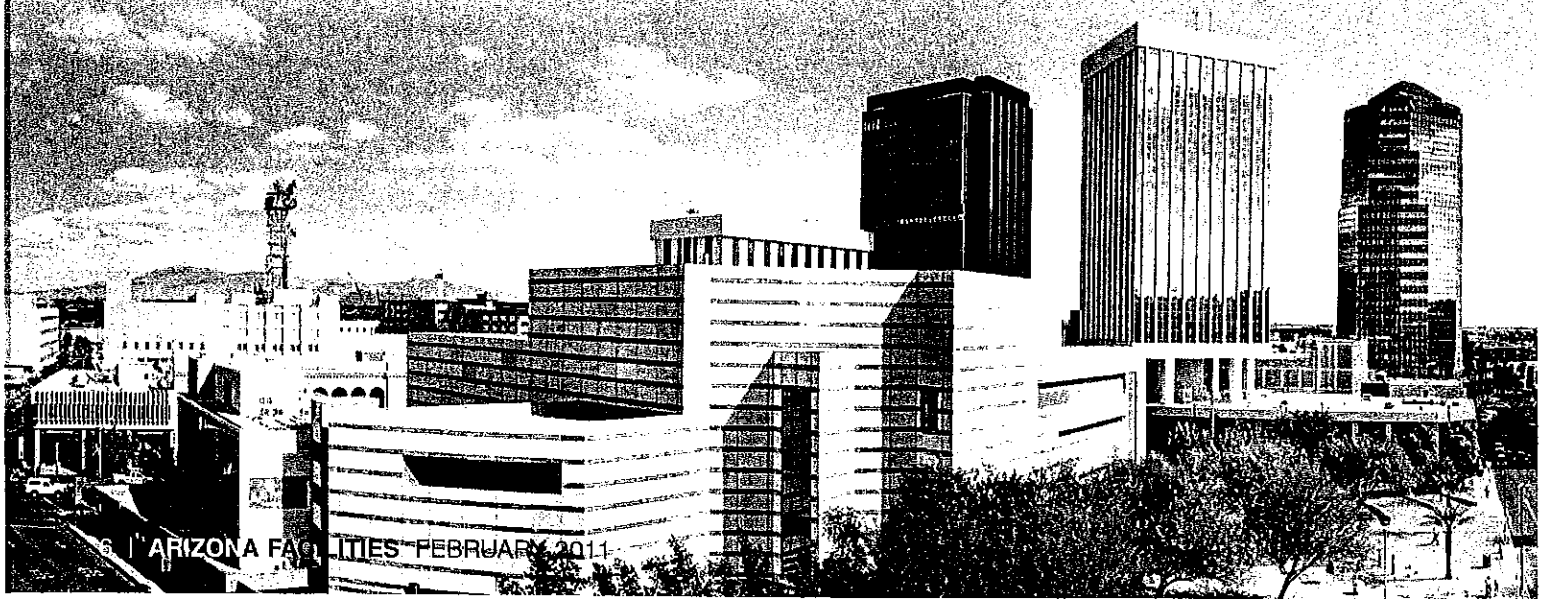
Asking Lease Rates

Asking Lease Rates	Industrial*	Office**	Retail*
YE2006	$6.96	$22.25	$18.08
YE2009	$6.36	$20.57	$18.99
3Q2010	$6.41	$19.35	$17.93

*NNN **Full Service Gross

The major projects in Tucson, like the construction of the UniSource Energy Building and the extension of the modern streetcar, are playing a huge role in the development of the area, according to Michael Keith, CEO and executive director of the Downtown Tucson Partnership.

The four-mile modern streetcar, which will extend west of I-10, has a variety of funding sources, including the Regional Transportation Authority and a $63 million federal TIGER. The streetcar will be co-managed by the RTA and the city of Tucson. The project "will literally lay the groundwork for future development on the west side of downtown," wrote Tucson City Manager Mike Letcher. The streetcar will connect the University of Arizona to the 4th



Avenue commercial district, downtown and the redevelopment area west of downtown and become a big economic driver in the city.

The UniSource Tower is the largest project going on in downtown Tucson and is expected to be complete by November 2011. The $65 million building will house Tucson Electric Power and will also have retail and conference space. The project will increase the employee population of downtown Tucson, bringing with it economic revenue as employees lunch and shop in downtown, said Jessie Sanders, a project coordinator for Tucson City.

Tucson's growing bioscience industry has also spurred growth in the commercial real estate market in Southern Arizona. Sanofi-aventis recently completed its 110,000 square-foot facility which houses its new research center. The Roche Group will boost the industrial market with the recently announced $180 million, 500-job expansion of its existing Ventana Medical Systems operation in Oro Valley.

Other notable commercial projects include the Mercado District of Menlo Park, an urban residential neighborhood with live-work homes and retail and restaurant space, and the Gadsden Development, which is planned to include an 125-room boutique hotel, 400 residential units, office space, a market, restaurants and other commercial development.

Retail is seeing the most activity in the area, with a number of national retail and restaurant chains expanding in the Tucson market, locating in mature, high-traffic areas at attractive rates, Prouty said. As one of the larger retail transactions in Tucson, the Mercedes Dealership is relocating from its old facility to a new one, Sanders said.

These "game changers" are helping property and building owners see a bright future and are spurring other pockets of development in the area, said Keith, who believes that "Tucson is absolutely booming despite the worst economic climate in 100 years."

Commercial tenant improvements have been on the upswing in Tucson. Businesses are looking for inexpensive ways to improve their spaces without having to relocated, Sanders said. More than 64 commercial permits for tenant improvements and new construction projects were issued by the city of Tucson Planning and Development Services Department in November 2010, with a total project dollar valuation at more than $24 million.

The tenant improvement projects will be significant for the office market where several major tenants are shopping for more quality space at equivalent lease rates, Prouty said.

"Tucson is going to be the next hot spot in the West," Keith said. "People who live here aren't going to recognize their own town in two years."

More Tucson Stories continued on page 8

Largest Leasing Transactions in 2010

Industrial

1. Highland Valley Partners, 6874 S. Palo Verde Road, 162,478 SF
2. Schletter, Inc., 3761 E. Farnum Place, 65,000 SF
3. TMI Acquisitions, 1625 S. Euclid Ave., 42,500 SF
4. Maracana Indoor Soccer, 555 E. 18th Street, 28,500 SF
5. Lasertel North America, 7775 N. Casa Grande Highway, 21,265 SF

Office

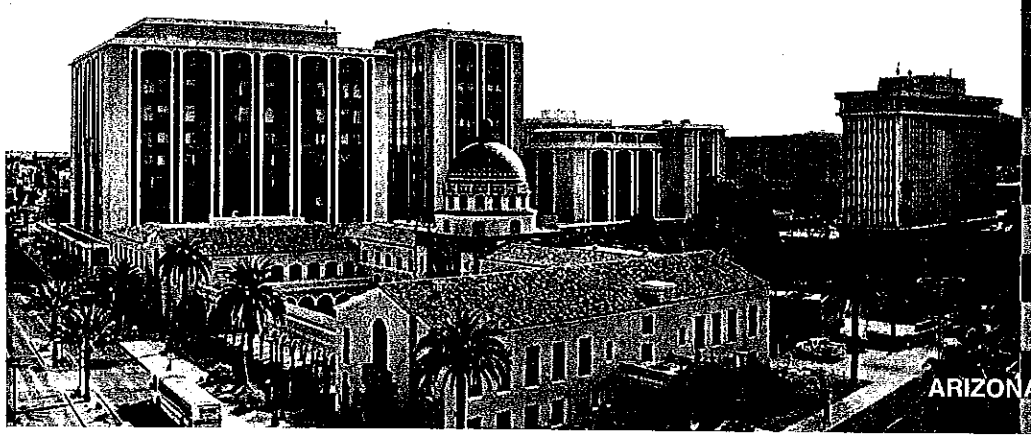
1. Tucson Electric Power, One S. Church Ave., 36,320 SF
2. Drug Enforcement Administration, 3285 E. Hemisphere Loop, 30,630 SF
3. Government Service Administration, 2255 W. Ina Road,19,873 SF
4. Tucson Heart Hospital - Carondelet, 4892 N. Stone Ave.,18,976 SF
5. Homeland Security/Customs & Border, 4720-4760 N. Oracle Road, 12,580 SF

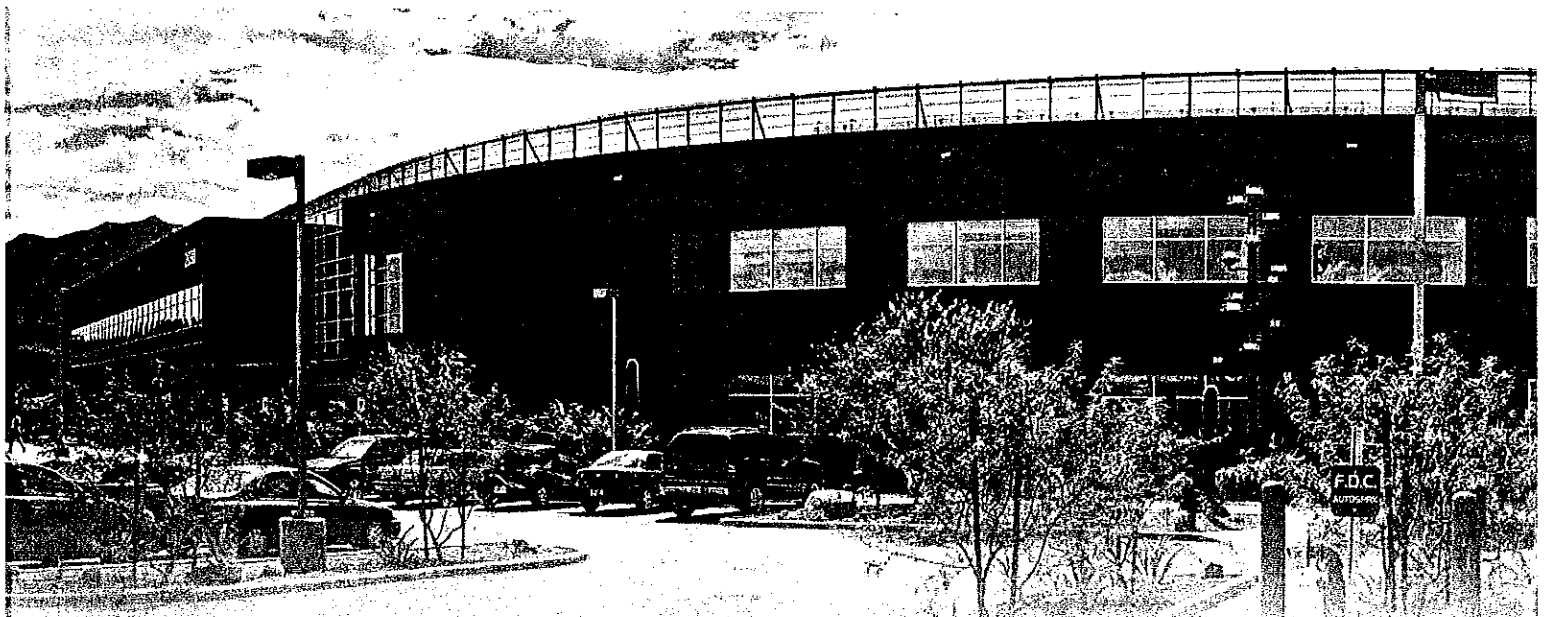
Retail

1. Beaudry RV, 5120 S. Julian Drive, 55,000 SF
2. Ross Dress For Less, 18705 S. Frontage Road, 30,187 SF
3. Orangewood RV, 4710 S. Palo Verde Blvd., 28,500 SF
4. Big Lots!, 18705 S. Frontage Road, 28,074 SF
5. 99 Cent Only Store,4144 N. Oracle Road, 20,040 SF

Tables Source: CBRE Research and CoStar Group

Photo courtesy of Chance Agrella/Tucson Regional Economic Opportunities, Inc.





Research and Development Facilities Increase as Bioscience Industry Grows in Oro Valley

Nearly a decade ago, bioscience was recognized as an industry that was poised to grow in Arizona and benefit the state's economy. In Southern Arizona alone, 130 bioscience companies have been recently identified, ranging from small to large businesses in a variety of bioscience areas. The University of Arizona, a top 15 research University, played a significant role in "driving innovation and discovery," said Leslie Tolbert, vice president for research graduate studies and economic development for the University of Arizona.

In 2008, Roche, a pharmaceutical giant, bought Ventana Medical Systems, a Tucson-based company. Before that, sanofi-aventis, another pharmaceutical giant, had purchased Selectide. Both of the young companies were spin out of the University of Arizona by faculty, said Tolbert.

"Now two of the world's largest pharmaceutical companies have facilities right here in Arizona, employing many hundreds of people. That's an amazing accomplishment for Tucson," Tolbert said. "We clearly are developing an eco-system for bio innovation and serious research and development."

Bioscience remains a growing industry in the Tucson region with the announcement of a $180 million-expansion of Ventana Medical Systems, the recent relocation of the sanofi-aventis research center to a new facility and the expansion of the University of Arizona's BIO5 Institute into a new BIO5-Oro Valley Facility. All of these three major bioscience entities are now located in Oro Valley, a suburb of Tucson.

The recent addition of bioscience realty to Innovation Park in Oro Valley, a biotech hub for Pima County, will significantly impact Tucson's economy with Ventana alone bringing in 500 jobs and $640 million in economic impact, said Laura Shaw, senior vice president of marketing and communications for Tucson Regional Economic Opportunities, Inc.

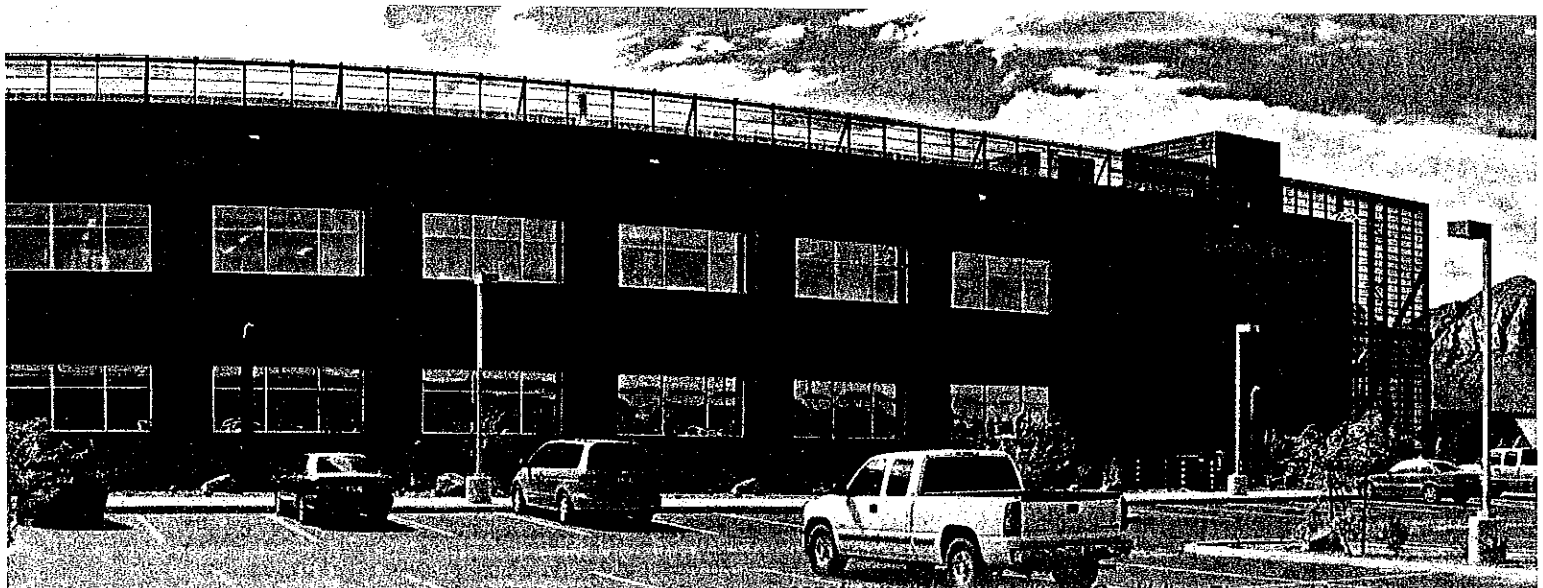
"Because of Tucson's strengths in scientific research, coupled with a healthy, growing presence of the industry, we are an emerging bioscience center and a global hub for bioscience innovation," said Shaw. "The Tucson region has much to offer any company looking to excel in the bioscience industry."

More than $6 billion is produced annually from the bioscience companies in the area. The University of Arizona has $600 million in research dollars, said Tolbert. The University and Pima Community College, with more than 20 academic and technical life science programs, generate a young, educated workforce and first-rate training opportunities, she said. Cutting-edge facilities, such as the Critical Path Institute, a unique collaborative whose mission is to create innovative partnerships in regulatory science that enable faster and safer medical product development, also contribute to Tucson's standing in the bioscience industry.

sanofi-aventis

Sanofi-aventis relocated to its new, 110,000 square-foot facility in Innovation Park in June 2009. The growing company, which had been present in Oro Valley for two decades, decided to purchase land and construct a new research center since no laboratory space was available in the area. The 11.54 acres for the facility were purchased in 2006, and construction began in 2008. DPR Construction, Kling Stubbins/RSP/WLB Design Consultants, Genesis Engineers, Sun Mechanical and Commonwealth Electric were all instrumental in the construction of the facility.

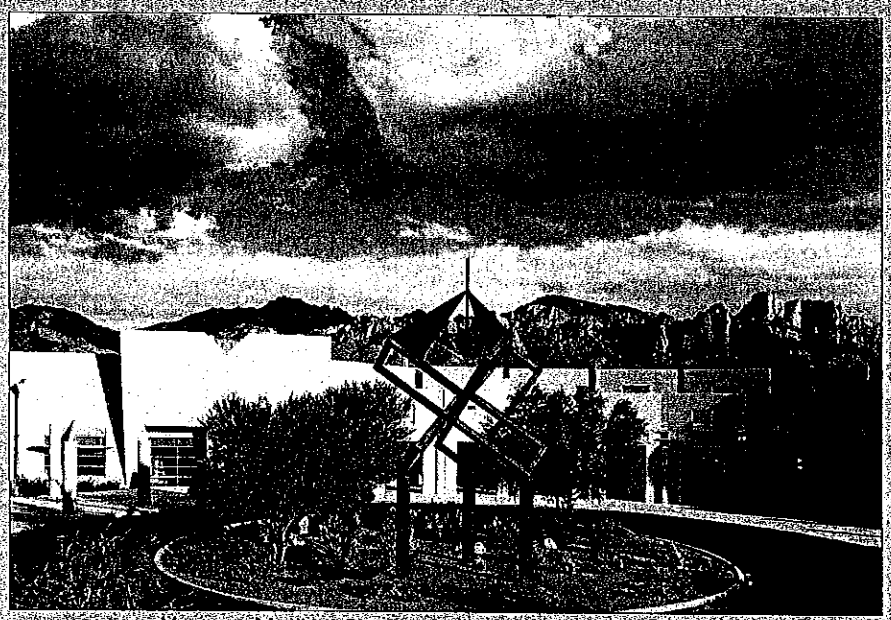
"The facility enables our local scientific team to enhance the center's impact on the early stages of the



sanofi-aventis new facility in Oro Valley. Photo by Mark Pincus.

sanofi-aventis drug discovery pipeline by laying down the foundation for bringing new, effective medicines to patients around the world," said Early to Candidate Biologist Mark Pincus.

With nearly 48,000 square feet of laboratories, and more than 25,000 square feet of office space, the state-of-the-art facility is nearly double the company's former building on Hanley Boulevard. The energy-efficient research and development facility promotes interdisciplinary and scientific exchange and utilizes operational efficiencies. With offices on one side of the building, laboratories on the other side and common space in the middle, the building and its systems are easy to maintain, said Pincus. A chilled beam system, the first in a sanofi-aventis building in the United States, was installed to cool the building efficiently, one of many energy-efficient measures taken in the construction of the building.



Ventana Medical Systems will be expanding its facilities in Oro Valley.

The building was designed to achieve Leadership in Energy and Environmental Design Gold from the U.S. Green Building Council and will likely receive the recognition in January 2011, said Pincus. The laboratory consumes 21.5 percent less energy than a conventional lab building. The site lighting reduces the effect of light pollution. The landscape irrigation system was designed to reduce water use by 50 percent. The urinals are all waterless. Heat recovery was used on the laboratory exhaust to reduce energy consumption. Evaporative cooling was installed, taking advantage of Tucson's dry climate. A solar hot water preheat system was installed on the mechanical heating hot water system. Low-emitting products were used throughout the construction. Overall, sanofi-aventis reduced the facility's carbon footprint by approximately 2.3 million pounds.

The BIO5 Institute-Oro Valley

When sanofi-aventis moved to its new facility, the company vacated a fully-operational research facility. The BIO5 Institute, a thriving research institute at the University of Arizona, recognized an opportunity to expand their operations to Oro Valley and collaborate with other bioscience companies in the area and purchased the 23-year-old building. BIO5, which brings together faculty from agriculture, medicine, pharmacy, science and engineering, had been running out of lab space on campus and needed a place to move some of its projects, particularly the project led by professor Chris Hulme who is working

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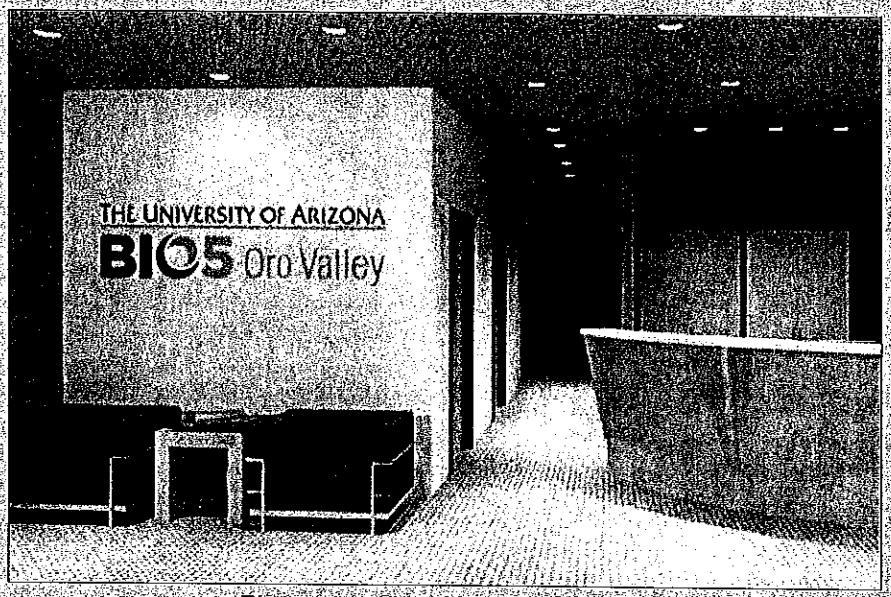

Photo courtesy of Bob Davis of Grubb and Ellis Realty.

continued from page 9

to find chemical compounds for the treatment of illnesses including cancer, Alzheimer's and heart disease.

"When sanofi-aventis built their new facility, they left behind a smaller building that was beautifully outfitted for drug discovery," said Tolbert. The University of Arizona purchased the building for $3 million, well below the actual worth of the facility. "It wouldn't have sold for $3 million if the Tucson and Arizona economies were doing well. And we probably wouldn't have been able to afford it."

The 27,000 square-foot facility at 1580 E. Hanley Blvd. comes fully-equipped with laboratory facilities, office space and equipment needed for chemistry labs. The University had to make only a few minor upgrades and renovations, totaling $800,00, before moving two BIO5 teams to the facility, Tolbert said.

"It was so well outfitted for this kind of research that what we had to do was quite minor," she said. "We spruced it up with a few renovations in the laboratory."

The University of Arizona, which manages numerous research facilities across Arizona, is well-equipped to manage the new facility, Tolbert said. BIO5 will be providing administrative support for grants and managing the operations and maintenance of the building. Rather than having a maintenance crew, maintenance issues will be handled by University staff as they arise.

BIO5-Oro Valley will concentrate and streamline the University's drug research efforts, according to Tolbert. The Arizona Drug Discovery Center, the College of Pharmacy, Arizona Cancer Center and researchers from the College of Science will all be housed in the building. The facility will also have incubator space available for start-up companies. Initially, the building will be home to 50-75 researchers, but has potential to grow to 150 researchers.

"Having a lab presence so close to major pharmaceutical facilities at Roche/Ventana Medical Systems and sanofi-aventis will offer the UA enhanced research and collaboration opportunities, as well as a potential springboard for new business incubator and technology transfer programs," Shaw said.

TUCSON Development

Ventana Medical Systems

In October 2010, drug giant Roche announced it would be expanding Ventana Medical Systems, its cancer tissue diagnostic operations, in Southern Arizona. The expansion is planned to take place over the next five years with the construction of new facilities and a capital investment of $180 million in Oro Valley. Nearly 500 jobs will be created at Ventana due to the expansion.

"These new employees will have a huge ripple effect on services and retail, in addition to Ventana purchasing more local goods and supplies," Shaw said.

Roche was encouraged to expand in Pima County through incentives from Pima county, Oro Valley and the state of Arizona, totaling nearly $14 million. More than $8 million were made available through property tax waivers, $2 million in stimulus funds and a waiver of development fees. Other driving factors for the expansion included workforce quality, available real estate, timely planning and zoning approvals, available infrastructure and property tax rates, Shaw said.

"This decision by Ventana Medical Systems to expand their U.S. Headquarters in Oro Valley is a testament to the strong relationship Oro Valley has shared with the company for many years," said Oro Valley Mayor Satish Hiremant in a press release. "The bioscience industry is a key target growth area for Oro Valley's economic development efforts."

As Tucson continues to grow its bioscience industry, these companies will be at the forefront of development in the area, developing along Tucson's "bioscience corridor," Tolbert said.

"It is becoming clear that bioscience and biotechnology are doing well in the state," she said. "What we are trying to do now is strategically build on the strengths we have so far so that we can maximize our impact."

RESOLUTION NO. (R) 10- 59

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

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

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

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

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

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

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

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

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

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

TOWN OF ORO VALLEY

Satish I. Hiremath, Mayor

ATTEST:

Kathryn E. Cuvelier, Town Clerk

Date: 9-28-10

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

Date: 9/28/10

EXHIBIT "A"

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number)

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

WITNESSETH

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

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

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

Section 1: Statement of Purpose

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

Section 2: Services to be Performed by Agency

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

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

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

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

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

Section 3: Services to be Provided by the Town

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

Section 4: Responsibility for Open Records

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

Section 5: Evaluation Criteria and Reporting

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

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

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

Section 6: Accountability

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

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

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

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

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

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

Section 7: Matching Grants

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

Section 8: Nondiscrimination

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

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

Section 9: Sub-recipient Funding Agreements

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

Section 10: Term of Agreement

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

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

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

Section 11: Payment Withholding, Reduction, or Termination

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

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

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

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

Section 12: Termination of Agreement

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

Section 13: Method of Payment

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

Section 14: Indemnification

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

Section 15: Independent Contractor

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

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number)

Section 16: Insurance

Agency agrees to:

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

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

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

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

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

Section 17. Use of the Town Logo

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

Section 18: Conflict of Interest

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

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT
(Contract Number)

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

TOWN OF ORO VALLEY, a municipal corporation

Satish I. Hiremath, as Mayor
and not personally

ATTEST:

Kathryn E. Cuvelier, as Town Clerk
and not personally

Date: 9-28-10

APPROVED AS TO FORM:

Tobin Rosen, as Town Attorney
and not personally

Date: 9/28/10

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

Agency Representative
and not personally

Title President & CEO

State of Arizona)
) ss.
County of Pima)

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

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

Notary

My Commission Expires: 11-29-11

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

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

Meeting Date: 05/18/2011

Requested by: Stacey Lemos **Submitted By:** Stacey Lemos, Finance

Department: Finance

SUBJECT:

Resolution No. (R)11-30 Authorizing and Approving an amendment to the Town Financial and Budgetary Policies to comply with governmental accounting standards board statement No. 54, committing the ending fund balance for certain special revenue funds for specific purposes, and authorizing the town manager or a designee to assign fund balance to a specific purpose **(AGENDA ITEM UPDATED ON MAY 11, 2011)**

RECOMMENDATION:

Staff recommends approval of Resolution No. (R)11-30 in order to comply with Governmental Accounting Standards Board (GASB) Statement No. 54.

EXECUTIVE SUMMARY:

The Governmental Accounting Standards Board (GASB) is the rule-making body for governmental accounting and has issued new guidelines (GASB Statement No. 54) entitled Fund Balance Reporting and Governmental Fund Type Definitions, which requires changes in financial reporting effective for the current fiscal year 2010/11. The objective of this Statement is to provide clearer and more consistent fund balance classifications and to clarify the existing governmental fund type definitions.

Fund balance refers to the difference between assets and liabilities in the governmental funds balance sheet. This information is one of the most widely used elements of local government financial statements. The new requirements in GASB Statement 54 prompted Finance to review the Town's existing fund structure to determine what changes are required and identified other changes that would simplify the Town's fund structure. These changes will not impact the utility enterprise funds.

BACKGROUND OR DETAILED INFORMATION:

Effective for Fiscal Year 2010/11, GASB Statement No. 54 creates five new classifications of fund balance. Each classification depicts the relative strength of the spending constraint for which the resources can be used. From most to least constrained, the new classifications of fund balance are as follows:

Nonspendable Fund Balance – that portion of fund balance that includes amounts that cannot be spent because they are either (a) not in spendable form, such as prepaid items, inventories of supplies, or loans receivable; or (b) legally or contractually required to be maintained intact, such as the principal portion of an endowment. This category was traditionally reported as a "reserved" fund balance under the old standard.

Restricted Fund Balance – that portion of fund balance that reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation. This category was traditionally reported as a "reserved" fund balance under the old standard.

Committed Fund Balance – that portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority and remain binding unless removed in the same manner. This category was traditionally reported as a "designated" fund balance under the old standard.

Assigned Fund Balance – that portion of fund balance that includes amounts that are constrained by the government's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established at either the highest level of decision-making or by an official designated for that purpose. This category was traditionally reported as a "designated" fund balance under the old standard.

Unassigned Fund Balance – that portion of fund balance that includes amounts that do not fall into one of the above four categories. The General Fund is the only fund that should report this category of fund balance. This category was traditionally reported as an "undesignated" fund balance under the old standard.

GASB Statement No. 54 also requires local governments to implement or update their financial and budgetary policies to reflect the new fund balance classifications and comply with the requirements of the Statement. The Town's amended Financial and Budgetary Policies are included as EXHIBIT A.

Restricted Fund Balances

Under the new GASB 54 fund balance classification definitions above, the fund balances in the following Town funds will be classified as "Restricted":

State and Justice Seizure Funds – Restricted by State Statute
Impound Fees Fund – Restricted by State Statute
Municipal Debt Service Fund – Restricted by Debt Covenants
Oracle Road Improvement District Fund – Restricted by Debt Covenants
Townwide Roadway Impact Fee Fund – Restricted by State Statute
Parks & Recreation Impact Fee Fund – Restricted by State Statute
Library Impact Fee Fund – Restricted by State Statute
Police Impact Fee Fund – Restricted by State Statute
General Government Impact Fee Fund – Restricted by State Statute

Committed Fund Balances

Under the new GASB 54 rules, if the fund balance of a Special Revenue Fund is not formally restricted or committed by fiscal year end, then it must be reported as part of the General Fund for fiscal year end audited financial statement purposes. Special Revenue Funds are used to account for the proceeds of specific revenue sources that are (a) restricted or committed to expenditure for specific purposes other than debt service or major capital projects; and (b) must be a substantial portion of revenues reported in the fund. Therefore, staff recommends that the following Special Revenue funds be classified as "Committed" based on the specific purposes for each outlined below:

Highway Fund – fund established to collect State shared highway user funds (gas taxes) and local construction sales taxes to be used for roadway maintenance and preservation purposes.

Bed Tax Fund – fund established to collect local 6% transient lodging tax to be used for local economic development purposes.

The following is a Capital Projects Fund whose fund balance would also be classified as "Committed:"

Naranja Park Fund – fund established to collect donations toward improvements at Naranja Park.

Assigned Fund Balances

In addition, GASB 54 gives authority to the Town Council to “assign” ending fund balances or delegate this authority to the Town Manager or a designee. This classification would be for fund balance resources that are intended for a specific purpose, but are not classified as restricted or committed.

Two areas would fall within the assigned fund balances category, and they are shown in the General Fund and the Highway Fund. First, the Town has historically set aside amounts for the payout of compensated absences (i.e. for accrued vacation, sick and compensatory time leave) and for unemployment compensation claims. These amounts are not appropriated in the budget, however, they are included in the fund balance totals shown in the audited financial statements. Staff recommends that Council authorize the Town Manager or a designee (typically Finance Director) to record these amounts as assigned fund balance.

Collapsing of Funds into the General Fund

Two funds currently shown as Capital Projects Funds in the Town’s financial statements, the Steam Pump Ranch Fund and the Capital Asset Replacement Fund (CARF), are recommended to be combined with the General Fund for next fiscal year, FY 2011/12. The Steam Pump Ranch Fund is expected to complete its current stage of restoration and rehabilitation at the end of the current fiscal year, exhausting all remaining Pima County bond funds designated for this purpose. The FY 2011/12 budget includes only operations and maintenance funds of approximately $40,000 transferred in from the General Fund, which can be shown within the General Fund as a separate program area within Cultural Resources.

The CARF Fund was originally created to accumulate resources primarily from the General Fund for the routine replacement of computer equipment, vehicles and other equipment needs of the Town. As the Town has faced revenue shortfalls over the past several years, the needed resources to replace these assets have not been readily available, therefore, staff recommends collapsing this fund into the General Fund beginning in the FY 2011/12 budget to simplify the Town’s fund structure. Staff will continue to prepare and update the five-year asset replacement schedule in order to identify the Town’s needs in this area and can budget for these needs separately within the General Fund.

A third fund, the Assurances Fund, was originally created to account for funds placed on deposit with the Town by developers as a form of security or assurance that certain conditions and standards would be met with regard to each specific development project. These funds are to be reimbursed to the developers upon successful fulfillment of those standards of development. Staff recommends collapsing this fund into the General Fund as well.

FISCAL IMPACT:

The adoption of this resolution will allow the Town to comply with the requirements of GASB 54. **There is no fiscal impact associated with its adoption. It simply reclassifies the ending fund balances into the five new categories described above.**

SUGGESTED MOTION:

I MOVE to approve Resolution No. (R)11-30.

Attachments

Resolution R11-30 GASB 54

Financial Policies

RESOLUTION NO. (R)11-30

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING AN AMENDMENT TO THE TOWN FINANCIAL AND BUDGETARY POLICIES TO COMPLY WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54, COMMITTING THE ENDING FUND BALANCE FOR CERTAIN SPECIAL REVENUE FUNDS FOR SPECIFIC PURPOSES, AND AUTHORIZING THE TOWN MANAGER OR A DESIGNEE TO ASSIGN FUND BALANCE TO A SPECIFIC PURPOSE

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 subdivision under the Constitution and laws of the State of Arizona and the United States; and

WHEREAS, the Town adopted the Financial and Budgetary Policies for the administration of the financial operations of the Town; and

WHEREAS, the Governmental Accounting Standards Board (GASB) is a rule making body for governmental accounting; and

WHEREAS, the GASB issued Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions to provide clearer and more consistent fund balance classifications and to clarify the existing governmental fund type definitions; and

WHEREAS, it is in the best interest of the Town to amend the Town Financial and Budgetary Policies, attached hereto as Exhibit "A" and incorporated herein by this reference, to comply with GASB Statement No. 54.

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

SECTION 1. The amendment to the Town Financial and Budgetary Policies, attached hereto as Exhibit "A" and incorporated herein by this reference, to comply with the Governmental Accounting Standards Board Statement No. 54 is hereby authorized and approved.

SECTION 2. If any portion of the Town of Oro Valley Financial Policies is found to not be enforceable by a court of competent jurisdiction, that portion shall be declared severable, and the remainder of the policies will remain in full force and effect.

SECTION 3. The Town Manager or his/her designee is authorized and empowered, for and on behalf of the Town, to assign fund balance to a specific purpose in accordance with and in relation to the Town of Oro Valley Financial Policies, attached hereto.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 18th 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”

Town of Oro Valley
Financial and Budgetary Policies

The Town of Oro Valley has an important responsibility to its residents to carefully account for public funds, manage its finances prudently, and to plan for the adequate funding of services desired by the public. Sound financial policies will help to ensure the Town's capability to adequately fund and provide the government services desired by the community. Following these policies will enhance the Town's financial health as well as its image and reputation with residents, the general public, bond and credit rating agencies and investors. The policies will serve as guidelines for the Town's overall fiscal planning and management. In addition, the Government Finance Officers Association (GFOA), as well as the National Advisory Council on State and Local Budgeting (NACSLB) recommends formal adoption of financial policies by the jurisdiction's governing board. The policies contained herein are designed to foster and support the continued financial strength and stability of the Town of Oro Valley.

A. Financial Planning Policies:

A.1 Balanced Budgeting and Fiscal Planning Policies

Fiscal planning is the process of identifying resources and allocating those resources among multiple and competing needs. The primary vehicle for this planning is the preparation, monitoring and analysis of the Town's budget.

A.1.1 The Town shall develop an annual budget whereby recurring Town revenues shall be sufficient to support recurring operating expenditures with no use of General Fund contingency to support ongoing operational expenses.

A.1.2 The Town's annual budget will include contingency appropriation to provide for unanticipated increases in service delivery costs, emergencies, and needs that may arise through the fiscal year. The contingency appropriation may only be expended upon Council approval.

A.1.3 Budget development will use strategic multi-year fiscal planning; conservative revenue forecasts and a program/performance based budgeting method. This method requires each department to establish fiscal year goals and objectives that will be evaluated to determine the effectiveness and efficiency of both department and Town resources. Utilization of a program/performance budget format will provide a basis for evaluation of service and other impacts of potential increases or decreases in funding.

A.1.4 Monthly budget-to-actual revenue and expenditure reports will be prepared for all Town funds by the Finance Department and presented to the

Deleted: Quarterly

Town Council. The reports will also include revenue and expenditure projections through the end of the fiscal year.

Deleted: Finance and Bond Committee and

A.1.5 The Town will not use one-time (non-recurring) revenues to fund continuing (recurring) uses, or use external borrowing for operational requirements. The budget will incorporate the best available estimates of revenues and expenditures.

A.1.6 All budgetary appropriations that have not been expended or lawfully encumbered shall lapse at the end of the fiscal year, June 30th. Appropriations for capital projects in progress at fiscal year end shall be made for the subsequent fiscal year.

A.1.7 The Town shall minimize the financial burden on its taxpayers by routinely evaluating both its administrative and direct service delivery systems in terms of efficiency, effectiveness and responsiveness. Technology shall be utilized when feasible to increase efficiency and cost-effectiveness.

A.1.8 Any fiscal year-end special revenue fund balance amounts in other special revenue funds of the Town shall be maintained, preserved separately, and carried forward within those funds and not considered as part of the contingency reserve requirement for the Town's General Fund.

A.1.9 The Town's annual budget shall be legally adopted by the Town Council at the fund level, except in the General Fund, where it shall be adopted at the department level. To provide sufficient control and accountability, budgets shall be prepared and monitored by major expenditure categories (personnel, operations and maintenance, capital outlay, debt service).

A.1.10 The Town shall promote the understanding that its employees are its most valuable resource and shall employ sound management practices when planning for service delivery. The Town shall be committed to maintaining and improving the productivity of staff through a pleasant working environment, appropriate equipment, including office automation and computer applications, necessary training and adequate supplies and materials as resources and adopted policies permit.

A.2 Long Range Planning

A.2.1 As part of the annual Town budget preparation cycle, the Finance Department shall prepare a minimum 5-year financial forecast of projected revenues and expenditures to measure the financial sustainability of the Town's operations and service levels.

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A.3 Cash Management and Investment Policy

A.3.1 Cash and investment programs will be maintained in accordance with the Town's adopted Investment Policy and will ensure that proper controls and safeguards are maintained. Town funds will be managed with an emphasis on safety of principal, liquidity and financial yield, in that order.

A.3.2 Bond funds will be segregated from all other funds for arbitrage and accounting purposes.

A.3.3 Ownership of the Town's investment securities will be protected through third party custodial safekeeping.

A.3.4 All Town bank accounts shall be reconciled and reviewed on a monthly basis.

A.3.5 The Town will consolidate cash balances from various funds for investment purposes, and will allocate investment earnings to each participating fund. This will allow the Town to maximize yields from its overall portfolio.

A.3.6 Investment performance will be reviewed and reported on as outlined in the current adopted investment policy.

A.3.7 All treasury activities with financial institutions will be conducted based upon written contracts between the Town and the respective financial institution(s).

A.4 Asset Inventory

A.4.1 Capital assets are assets with an acquisition cost of $5,000 or more and an estimated useful life of two or more years. Such assets shall be depreciated in the Town's financial statements over their estimated useful lives.

A.4.2 Minor assets are assets with an acquisition cost of $1,000 or more but less than $5,000 and an estimated useful life of two or more years. Such assets will not be depreciated in the Town's financial statements.

A.4.3 Expendable items are machinery and equipment purchases whose cost is less than $1,000. These items will not be depreciated.

A.4.4 The Town will depreciate capital assets using the straight line depreciation method.

A.4.5 The Town will project equipment and vehicle replacement needs for the next five years and will update this projection each year. Based on the availability of funding, Town departments will be charged an annual contribution amount to accumulate funds for this purpose based on a portion of their annual asset depreciation.

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A.4.6 The Finance Department shall be responsible for verifying the actual physical existence of capital and minor assets and the accuracy of the Town's asset database. These responsibilities will be accomplished through asset audits of Town departments and divisions. Any significant irregularities must be reported to the Town Manager.

A.4.7 The Town will maintain capital assets and infrastructure at a sufficient level to protect the Town's investment, to minimize future replacement and maintenance costs, and to continue service levels.

B. Revenue Policies:

B.1 Revenue Diversification

B.1.1 The Town will strive for a General Fund revenue base consisting of a balance of sales taxes, state shared revenues, user fees and other revenue sources.

B.1.2 The Town will maintain a diversified and stable revenue base to protect against short term fluctuations in any single revenue source and economic changes locally and nationally.

B.1.3 The Town will estimate revenues in a realistic and conservative manner in order to minimize the risk of a revenue shortfall.

B.2 Fees and Charges

B.2.1 All non-enterprise fund user fees and charges shall be examined annually to determine the cost recovery rate. The acceptable recovery rate and any associated changes to user fees and charges will be approved by Town Council or as specified in Town code.

B.2.2 Development impact fees for capital expenses attributable to new development will be reviewed periodically to ensure the fees recover all direct and indirect development related expenses and be approved by Town Council.

B.2.3 For enterprise fund operations, the Town will establish rates and fees at levels to fully cover the total direct and indirect costs, including operations, capital outlay, debt service, debt coverage requirements and unrestricted cash reserve balances. Enterprise funds will not be used to subsidize the operations of other funds. Interfund charges will be assessed for the administrative support of the enterprise activity.

B.3 Use of One-time Revenues

B.3.1 The Town will utilize one-time (non-recurring) revenues to fund one-time operating expenditures, prepay existing debt, or supplement "pay as you go" capital outlay. One-time revenues shall not be used to fund recurring expenditures.

B.4 Use of Unpredictable Revenues

B.4.1 If the Town should receive unpredictable revenues from sales tax audits, unbudgeted grant funding, gifts or donations, the Town shall account for these revenues as one-time revenues. They shall not be used to fund recurring expenditures.

C. Expenditure Policies:

C.1 Debt Capacity, Issuance and Management:

C.1.1 The Town will seek to maintain and, if possible, improve its current bond rating in order to minimize borrowing costs and preserve access to credit. The Town will encourage and maintain good relations with financial bond rating agencies and will follow a policy of full and open disclosure.

C.1.2 Future bond issue proposals will be accompanied by an analysis showing how the new issue, combined with current debt, impacts the Town's debt capacity and conformance with Town debt policies.

C.1.3 The general policy of the Town is to fund capital projects with new, dedicated streams of revenue or voter-approved debt. Non voter-approved debt may be utilized when a dedicated revenue source or sufficient general revenue can be identified to pay debt service expenditures.

C.1.4 Financing shall not exceed the useful life of the acquired asset.

C.1.5 The Town shall not use long term debt to finance current operations.

C.1.6 The Town will establish debt repayment schedules with fixed annual principal and interest payments.

C.1.7 Proceeds from bonded debt will be used in accordance with the purpose of the issuance. Funds remaining after the project is completed will be used in accordance with the provisions stated in the bond ordinance that authorized the issuance of the debt.

C.1.8 The Town shall comply with the Internal Revenue Service arbitrage rebate requirements for bonded indebtedness.

C.1.9 Interest earnings on bond proceeds will be limited to 1) funding or acquiring the improvement(s) or asset(s) or 2) payment of debt service on the bonds.

C.1.10 All projects funded with bonded debt must be included in the Town's Capital Improvement Plan.

C.1.11 When considering refunding any outstanding bonded debt, the Town will perform a cost benefit analysis to determine if the cost savings of refunding will be greater than the cost to refund. Considerations will be made with regard to the existing bond covenants when refunding any bonded debt.

C.1.12 When utility revenues are pledged as debt service payments, the Town will strive to maintain a 1.3 times debt service coverage ratio to ensure debt coverage in times of revenue fluctuation. This will be in addition to the required ratio in the bond indenture.

C.1.13 The Town will communicate, and where appropriate, coordinate with all jurisdictions with which we share a common tax base concerning our collective plans for future debt issues.

C.1.14 The Arizona Constitution limits the Town's bonded debt capacity (outstanding principal) to a certain percentage of the Town's secondary assessed valuation by the type of project to be constructed. The limit for general purpose municipal projects is 6%. For water, light, sewer, open space, public safety, park, law enforcement, fire and emergency services, and streets and transportation facilities projects, the limit is 20%.

C.2 Capital Improvement Plan Policies

The purpose of the Capital Improvement Plan (CIP) is to systematically identify, plan, schedule, finance, track and monitor capital projects to ensure cost-effectiveness as well as conformance to established policies.

C.2.1 A five year Capital Improvement Plan will be developed and updated annually, including anticipated funding sources. Capital improvement projects are defined as infrastructure, equipment purchases or construction which results in or makes improvements to a capitalized asset costing more than $50,000 and having a useful life of five or more years.

C.2.2 The Capital Improvement Plan will include, in addition to estimated operating and maintenance expenditures, adequate funding to support repair and replacement of deteriorating infrastructure and avoidance of a significant unfunded liability.

C.2.3 Proposed capital projects will be reviewed and prioritized by a cross-departmental team regarding accurate costing (design, capital and operating) and overall consistency with the Town's goals and objectives. Financing sources will then be identified for the projects ranking the highest based on the established ranking systems and limited monies.

C.2.4 Capital improvement lifecycle costs will be coordinated with the development of the operating budget. Future operating, maintenance and replacement costs associated with new capital improvements will be forecast, matched to available revenue sources and included in the operating budget.

C.2.5 The current year of the Capital Improvement Plan will become the capital budget.

C.2.6 Staff will monitor projects in progress to ensure their timely completion or the adjustment of the Capital Improvement Plan as approved by Council. A quarterly status report will be presented to the Town Council to monitor each project's progress and to identify any significant issues.

C.3 Fund Balance Reserve Policies

C.3.1 Fund balance reserves will be established to offset difficult economic times, stabilize fluctuations in cash flow requirements, provide for emergency situations threatening the public health or safety, provide for unanticipated increases in service delivery costs, unanticipated declines in revenue, unforeseen opportunities and contingencies. Use of reserves should be utilized only after all budget sources have been examined for available funds, and subject to Town Council approval.

C.3.2 In accordance with Governmental Accounting Standards Board Statement No. 54, fund balances will be classified in the following components:

Deleted: Reserve or Stabilization Accounts¶

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Deleted: to be determined annually, will be maintained to offset unanticipated revenue shortfalls and/or unexpected expenditure increases. Contingency reserves may also be used for unanticipated and/or inadequately budgeted events threatening the public health or safety. Use

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- Nonspendable Fund Balance: That portion of a fund balance that includes amounts that cannot be spent because they are either (a) not in spendable form, such as prepaid items, supplies inventory, or loans receivable; or (b) legally or contractually required to be maintained intact, such as the principal portion of an endowment. This category was traditionally reported as a "reserved" fund balance under the old standard.

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- Restricted Fund Balance: That portion of a fund balance that reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors, such as debt covenants, grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation. This category was traditionally reported as a "reserved" fund balance under the old standard

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- Committed Fund Balance: That portion of a fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision making authority, and remain binding unless remove din the same manner. This category was traditionally reported as a "designated" fund balance under the old standard.

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- Assigned Fund Balance: That portion of a fund balance that includes amounts that are constrained by the government's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established at either the highest level of decision making, or by an official designated for that purpose. This category was traditionally reported as a "designated" fund balance under the old standard.

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- Unassigned Fund Balance: That portion of a fund balance that includes amounts that do not fall into one of the above four categories. The General Fund is the only fund that should report this category of fund balance. This category was traditionally reported as an "undesignated" fund balance under the old standard.

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C.3.3 The Town shall maintain, at a minimum, a fund balance contingency reserve in the General Fund which represents 25% of the General Fund's annual expenditures with no use of the General Fund contingency to support ongoing operational expenses. This minimum reserve amount will be incorporated into the General Fund budget

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adopted by formal action taken by the Town Council. Accordingly, these reserves will be classified as committed fund balances.

C.3.4 Fund balance reserves may only be appropriated by authorization of the Town Council. A plan will be developed to adequately replenish reserves when appropriations are projected to reduce reserves below the required minimum levels.

C.3.5 When multiple categories of fund balance reserves are available for expenditure (for example, a construction project is being funded partly by a grant, funds set aside by the Town Council and unassigned fund balance), the Town will start with the most restricted category – spending those funds first – before moving down to the next category with available funds.

C.3.6 Contingency reserves will be maintained at 5% of the operating budget expenditures for the Water Enterprise Fund.

C.3.7 All Town budgetary fund designations and reserves will be evaluated annually for long-term adequacy and use requirements in conjunction with development of the Town's long-term financial forecast.

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C.4 Operating Expenditure Accountability

C.4.1 Expenditures will be controlled as outlined in the approved budget.

C.4.2 Department heads are responsible for monitoring expenditures to prevent exceeding their total departmental expenditure budget. It is the responsibility of these department heads to immediately notify the Finance Director and Town Manager of any circumstances that could result in a departmental budget being exceeded.

C.4.3 The Arizona Constitution sets a limit on the expenditures of local jurisdictions. The Town will comply with these expenditure limitations and will submit an audited expenditure limitation report, audited financial statements, and audited reconciliation report as defined by the Uniform Expenditure Reporting System to the State Auditor General within prescribed timelines.

C.4.4 Monthly budget-to-actual revenue and expenditure reports will be prepared for all Town funds by the Finance Department and presented to the Town Council. The reports will also include revenue and expenditure projections through the end of the fiscal year.

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C.4.5 To provide flexibility in the management of departmental budgets for major expenditures (personnel, operations and maintenance, capital

outlay and debt service) the following budget amendment and transfer provisions shall apply:

- Transfers between funds shall require the recommendation of the Town Manager and formal action by the Town Council.

- Transfers between the line items within each major expenditure category shall be permitted upon recommendation of the Department Head and approval by the Town Manager.

- Transfers between the line items or major expenditure categories to fund additional personnel or increased expenditures as a result of personnel reclassifications shall require the recommendation of the Town Manager and formal action by the Town Council.

- Transfers between the operations and maintenance and capital outlay major expenditure categories shall be permitted upon recommendation of the Department Head and approval by the Town Manager.

- Transfers that would reduce or eliminate funding for items designated in the adopted Capital Improvement Plan shall require the recommendation of the Town Manager and approval of the Town Council.

- Transfers that would reduce or eliminate funding for debt service shall require the recommendation of the Town Manager and approval by the Town Council.

D. Financial Reporting Policies

D.1.1 The Town's accounting and financial reporting systems will be maintained in conformance with all state and federal laws, generally accepted accounting principles (GAAP) and standards of the Governmental Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA).

D.1.2 An annual audit of the Town's financial statements will be performed by an independent certified public accounting firm; with an audit opinion to be included with the Town's published Comprehensive Annual Financial Report (CAFR).

D.1.3 The Town's CAFR will be submitted to the GFOA Certification of Achievement for Excellence in Financial Reporting Program. The financial report should be in conformity with GAAP, demonstrate compliance with finance related legal and contractual provisions, disclose thoroughness

and detail sufficiency, and minimize ambiguities and potential for misleading inference.

D.1.4 The Town's budget will be submitted annually to the GFOA for the Distinguished Budget Presentation Award. The budget should satisfy criteria as a financial and programmatic policy document, as a comprehensive financial plan, as an operations guide for all organizational units and as a communications device for all significant budgetary issues, trends and resource choices.

D.1.5 Financial systems will maintain internal controls to monitor revenues, expenditures and program performance on an ongoing basis.

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

Meeting Date: 05/18/2011

Requested by: Bayer Vella **Submitted By:** Bayer Vella, Development Infrastructure Services

Department: Development Infrastructure Services

SUBJECT:

Resolution No. (R)11-31, Authorizing and Approving an Electric Vehicle Project Host Agreement Between the Town of Oro Valley and Ecotality

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

A total of four Level 2 Electric Vehicle (EV) charging stations are proposed for installation in the Town Hall parking lot in proximity to the library, beneath solar covered parking. Charging stations are intended for public use, and one will be designed for use by disabled persons. Library and DIS staff have been consulted regarding the exact location of the charging stations.

The attached contract with Ecotality provides for installation of the charging stations at no cost to the Town. Ecotality retains ownership of the charging stations. As the charging stations are used, the amount and cost of electricity consumed will be recorded and shared with the Town. Ecotality will reimburse the Town for the full cost of electricity consumed.

Should the Town Council approve this resolution, the Town Hall charging stations will be installed near the end of May.

After one year, the Town may choose to purchase the charging station units for $1.00 and collect revenue to insure cost recovery, enter into another agreement with Ecotality, or remove the stations. Data collected over the first year will be used to make an informed decision.

BACKGROUND OR DETAILED INFORMATION:

Through a $99.8 million dollar grant for the U.S. Department of Energy, Ecotality will install 10,950 Level 2 charging stations and 260 fast charge systems in select markets in five states: Arizona, California, Oregon, Tennessee, and Washington. These are specific test markets for the Nissan LEAF, a 100% Electric Vehicle (EV).

A regional plan has been developed to identify potential locations for the installation of EV charging stations in advance of deployment of Electric Vehicles by most of the major car manufacturers. The approximate locations of EV charging stations in Oro Valley are depicted in Attachment #2. The majority of planned EV sites are within the parking lots of shopping centers and other private businesses. Photographs and information regarding Level 2 charging stations are depicted in Attachment #3.

A key element of the plan includes EV charging stations at, or near, all libraries in Pima County as libraries are typically heavily visited sites and users tend to stay for an extended period. Time spent at a location is a consideration because a Level 2 charging station requires approximately 2 hours to

achieve a 1/2 full tank. The intent of these facilities is to ensure that EV drivers can obtain a sufficient charge to complete their trip, if needed.

FISCAL IMPACT:

The EV charging stations will be installed at no cost to the Town. The Town will be responsible for keeping the exterior of the charging stations clean, as part of the Town's standard parking lot cleaning. All other maintenance will be provided by Ecotality.

SUGGESTED MOTION:

I MOVE to [approve, approve with conditions, OR deny] Resolution No. (R)11-31, Authorizing and Approving an Electric Vehicle Project Host Agreement Between the Town of Oro Valley and Ecotality.

Attachments

Reso 11-31

Att. # 2 - Locations of Oro Valley EV Charging Stations

Att. # 3 - Level 2 Charger Information

RESOLUTION NO. (R)11-31

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING AN ELECTRIC VEHICLE PROJECT HOST AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND ECOTALITY

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

WHEREAS, the Town desires to act as a Charging Site Host and participate in the collection of data to determine vehicle use and charging patterns of electric vehicles; and

WHEREAS, ECOtality will install four (4) electric charging stations for the Town for data collection and for residents to use the station to charge their electric vehicles; and

WHEREAS, it is in the best interest of the Town to enter into the Electric Vehicle Project Host Agreement, attached hereto as Exhibit "A" and incorporated herein by this reference, with ECOtality in order to set forth the terms and conditions of the Agreement.

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

1. The Electric Vehicle Project Host Agreement between the Town of Oro Valley and ECOtality, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

2. The Mayor 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 18th 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"

EV Project Host Agreement

Introduction

The United States Department of Energy (DOE) has provided funding through the American Recovery and Reinvestment Act to accelerate the development and production of electric vehicles (EVs) in order to reduce petroleum consumption. To encourage the adoption of EVs, the DOE has undertaken the deployment of a large EV charging infrastructure in several cities in the United States. This program is known as **The EV Project**. Electric Transportation Engineering Corporation, doing business as ECOtality North America (ECOtality NA), was selected by the DOE as the Project Manager for the EV Project.

The development of a publicly available charging infrastructure is critical to the success of electric vehicles (EVs). EV drivers must see that sufficient publicly available EVSE stations exist to know that they will be able to conveniently re-charge when they are away from home. In addition, a significant population of publicly available "Electric Vehicle Supply Equipment" (EVSE) stations will encourage more drivers to select an electric vehicle as their next car. Providing this public charging will be a convenient service provided to EV owners for which revenue will be collected, thus compensating the host of the publicly available EVSE for the costs incurred by visitors to their business. The EV Project will provide up to 6,350 Level 2 (240 VAC) EVSE units at publicly available commercial locations.

If you choose to participate as a public EVSE Site Host in The EV Project and comply with the terms of this Agreement, you will be provided with Level 2 EVSE at no cost and provided a credit toward the installation of the EVSE at your commercial location. This equipment is provided by ECOtality to facilitate the collection of data on the use of EVs and the charge infrastructure. The data collected from publicly available EVSE and EV Project participants will be analyzed to determine vehicle use and charging patterns in a variety of topographies and climate conditions, as well as evaluate the effectiveness of the charge infrastructure deployed under the EV Project. The collection and analysis of this data will support the future deployment of EV infrastructure into other regions.

Thank you for your participation and for helping to change our energy future.

EV Project
Commercial Host Agreement

This Agreement is entered into on _____, 20___ (the "Effective Date") between:

ECOTALITY: Electric Transportation Engineering Corporation,
Dba ECOtality North America (hereinafter referred to as ECOtality)
430 South 2nd Avenue
Phoenix, AZ 85003-2418

-And-

Charging Site Host Name:	**Town of Oro Valley**
Address:	**11000 N. La Canada Drive**
City, State, Zip Code	**Oro Valley, Arizona 85737**
Contact Name:	**Bayer Vella**
Phone(s):	**520-229-4810**
Email:	**bvella@orovalleyaz.gov**
EVSE Installation Address:	**Same as above**
City, State, Zip:	
County:	**Pima County**
Electrical Utility:	**TEP**

Please use Chart on Attachment A to list multiple locations and denote any known special instructions.

The parties agree as follows:

1. Term of Agreement

This Agreement shall commence on the Effective Date and shall continue through the end of the EV Project data collection phase, which is December 31, 2012 (the "Term"). This Agreement may be terminated early in accordance with Section 9, Termination.

2. Terms and Definitions

The definitions for the following terms which are used throughout this Agreement are as follows:
"Agreement" – this contract, which contains the parameters for participation in the EV Project as a Charging Site Host

"ARRA" - American Recovery and Reinvestment Act

"Blink Network" – ECOtality EVSE Network

"Charging Site Host" - Entity choosing to participate in EV Project by allowing publicly available EVSE installation and use at their site

"Charging Station" – EVSE and its location

"DOE" – U.S. Department of Energy

"Equipment" – EVSE

"EV Project" - US Department of Energy project funded through the American Recovery and Reinvestment Act

"EVSE" – Electric Vehicle Supply Equipment

"**Media Content**" means video, audio, or print information displayed on the Equipment for the purpose of educating Project Participants and other EVSE users about alternative fuel vehicles, EVSE, vehicle emissions, greenhouse gases, and other topics related to "green" infrastructure and sustainability. Media Content shall not include for-profit advertising or content of a commercial nature.

"**Parties**" –Charging Site Host and ECOtality.

"Periodic Reports" – Electronic reports provided to EV Project Charging Site Host regarding utilization of charging stations at a frequency more than once

"Project Participants" - EV owners enrolled as part of the EV Project

"Project Site" – Location where the public charging station will be used

"Property Owner" - Entity that owns the land where the charging station is located

"Public Usage Data" - Data collected from the EVSE to determine vehicle use and charging patterns. Personal information about EVSE users shall not be used, sold or released for commercial purposes.

"RFID Access Control System" - Radio-frequency identification (RFID) technology that uses communication via electromagnetic waves to exchange data between a terminal and an object for the purpose of identification and tracking

3. ECOtality Goods and Services

In consideration of Charging Site Host's participation in the EV Project and for allowing the collection of the Data defined in Section 4 below, ECOtality agrees to provide the following equipment and services:

1. Provide 4 Level II (240 VAC) EVSE Unit(s) (the "Equipment") for public use no later than September 30, 2011.

2. Installation of the Equipment at the location identified above by ECOtality-qualified and licensed contractors in accordance with local codes, permitting and inspection requirements. Ecotality shall contact the Town of Oro Valley to: (1) gain entry to the installation site; (2) to obtain inspections at critical installation points; and (3) to obtain written authorization from Pima Town of Oro Valley prior to activating any EVSE.

3. All direct costs associated with the delivery, installation and initial setup of the EVSE at the designated location(s) to a maximum of $2,500 per Unit. Ecotality shall provide Charging Site Host a written quote regarding the total amount of cost to install each EVSE unit and acquire Charging Site Host's written approval to proceed before commencing installation. Should installation costs exceed the $2,500 maximum at any given site, the Charging Site Host may elect to pay for the cost

overrun and proceed with the installation; cancel the contract; or change the site location by mutual agreement of the Parties.

4. Periodic reports on the public utilization of the Equipment installed;

5. Revenue sharing with Charging Site Host pursuant to Section 6 below; and

6. Ongoing maintenance of the Equipment, for the term of the agreement.

4. Public Usage Data

In consideration of the Goods and Services provided, Charging Site Host acknowledges and agrees to allow ECOtality commercially reasonable access to the Equipment at the Project Site and existing sources of electrical energy in order for ECOtality to collect and transmit EVSE data regarding public use of the Equipment during the Term of this Agreement. Notwithstanding the above, Ecotality shall not use, sell or release for commercial purposes any personal information about EVSE users collected at Town of Oro Valley facilities.

This data will be collected and analyzed to determine the effectiveness of the EV infrastructure deployment, including public use and charging patterns. It will be distributed by ECOtality North America and analyzed by EV Project Partners. The Charging Site Host will receive the periodic reports on public utilization of the equipment at no cost.

5. ECOtality Equipment Description

The Equipment product sheet is attached for information. This equipment provides an internal electricity meter for the measurement of energy usage information important for the data evaluation during the Project. It also contains communications equipment to transmit this information to the ECOtality data center and an RFID access control system, which is also used to support revenue collection. There is a touch screen for the user interface, which is also capable of displaying video advertising as noted below. The ECOtality communications, data management, and media system is collectively called the Blink Network™. The Blink Network is unique to ECOtality, is not functional with other EVSE supplier networks, and provides features described in subsequent sections.

6. Equipment Access Revenue

Among the concepts being studied by The EV Project are various revenue models to provide a sustainable business in EV charging. In general, it is expected that there will be a fee charged for the use of the Equipment. However until May 2011, the EV Project Participants will be allowed to use the EV Project's publicly available charge infrastructure at no cost. This introductory period will provide EV owners a realistic experience with publicly available charging provided by the Charging Site Host at no cost while the full complement of EV Project participants is being enrolled. Subsequently, Participants and all other EV drivers may elect to purchase subscriptions, memberships, pre-paid cards, pay by phone or other payment media to continue to take advantage of the publicly available charge infrastructure.

The requirement to test various revenue models in the EV Project precludes defining the revenue sharing methods at this time. However, once revenue collection begins, all revenue collected throughout the EV Project will be distributed as follows: 1) a portion to the Charging Site Host to cover all operating costs related to the operation of the Equipment at each Site; 2) a portion to ECOtality to cover the administrative costs associated with the Equipment; and 3) the remainder of the revenue collected will be returned to the EV Project itself to provide additional opportunities and further project objectives.

Charging Site host acknowledges that the Equipment is being utilized in a pilot program and revenue shared as well as costs associated with the Equipment will be determined based on experiences gained during the pilot program.
ECOtality will exercise best efforts to coordinate the Blink Network revenue systems with the potential network systems of other EVSE suppliers to allow interoperability of subscription systems and access control so that the Equipment is accessible to the largest possible EV owner base.

7. Media Content

The Parties acknowledge and agree that ECOtality shall have control over the solicitation, contracting, and distribution of any and all Media Content, including but not limited to, any Media Content data transmitted to or from the Equipment and displayed using the Equipment. Media Content shall be approved in advance by the Charging Site Host and shall not contain for profit advertising or content of a commercial nature. The Parties will work together in a good faith effort to resolve any objections that the Charging Site Host may have with the subject matter, time of display, and format of Media Content. ECOtality will take reasonable efforts to avoid distributing Media Content that conflicts with Charging Site Host-controlled media at a particular Site. Any revenues derived by ECOtality will be used to reduce its use of revenue collected pursuant to Section 6 above for administrative costs associated with the Equipment.

8. Charging Site Host's Representations and Warranties

Charging Site Host represents and warrants to ECOtality that the Charging Site Host:

a) Will allow reasonable access to the Equipment in order for ECOtality to collect, use and distribute the data to ECOtality and EV Project partners and participants;

b) Will cooperate with ECOtality or its licensee/subcontractors in the collection and transmission of data from Charge Site Host to EV Project participants including, where possible, access to Charging Site Host's internet service;

c) Will participate in ECOtality surveys and provide timely response to ECOtality requests for information from Charging Site Host;

d) Will provide and maintain supply of electric power to the Equipment;

e) Will provide periodic inspection and routine exterior cleaning maintenance;

f) Will allow ECOtality to provide Charging Site Host's contact information to their electric utility company to facilitate electrical installation;

g) Will not knowingly allow the Equipment to be maintained, opened, modified, or repaired by anyone other than ECOtality or its licensed contractors;

h) Will not transfer, assign, encumber or pledge the Equipment;

i) Assumes all responsibility in obtaining approvals by property owners, landlords, corporate offices, etc; and assist ECOtality with the execution of Equipment installation and Equipment siting contracts;

j) Will use commercially reasonable efforts to provide security for the Equipment and to prevent damage and vandalism of any type to the Equipment;

k) Will not modify, reverse engineer, disassemble on the whole or any part of the Equipment or any part thereof in any manner;

l) Will not uninstall the Equipment; and

m) Will allow ECOtality-approved contractors reasonable access to the Project Site for installation, maintenance, repair, replacement and approved de-installation of the Equipment.

9. Ownership

9.1 Title to and ownership of the Equipment will be retained by ECOtality through the Term of this Agreement for the purposes of the data collection. At least three months prior to the end of the Term, ECOtality and Charging Site Host will enter into negotiations regarding Equipment disposition. Upon the expiration of the Term, Charging Site Host shall elect (in its sole and absolute discretion) in writing to ECOtality whether Charging Site Host desires to retain the Equipment at the Project Site. In the event that Charging Site host elects to retain the Equipment installed at the Project Site, Charging Site Host shall there by possess all rights, title, and interest in and to the Equipment. If Charging Site Host elects not to retain the Equipment at the Project Site, ECOtality shall remove (at its sole cost and expense) any or all of the Equipment installed at the Project Site, which includes restoring the Project Site to a safe and reasonable condition, but does not include the responsibility to restore the site to the same condition as prior to the installation of the Equipment. The Charging Site Host will provide written election at least thirty (30) days prior to the expiration of the Term. In the event that the Charging Site Host fails to deliver such written notice within such thirty (30) day period, Charging Site Host shall be deemed to have selected the removal of the Equipment by ECOtality. Should the Charging Site Host desire to continue ECOtality Blink Network and Equipment support, following the Term or earlier termination thereof, such additional services shall be subject to a new written agreement to be entered into between the Parties. Charging Site Host shall also have the option of taking ownership of the Equipment without ECOtality's Blink Network. This Section 9 shall survive the termination of this Agreement.

9.2 The software that operates the EVSE is exclusively owned by ECOtality. All of the information, content, services and software displayed on, transmitted through, or used in connection with the use and operation of the EVSE, including, but not limited to text, photographs, images, illustrations, video, html, source and object code, software, data, internet account access, and the like (collectively, the "Content") is owned by ECOtality and its affiliates, licensors or suppliers. The "Content" is protected by copyright, trademark and other intellectual property laws of the United States of America.

9.3 Nothing contained in this Section 9 shall be construed as an assignment or transfer of any copyright, design right or other intellectual property rights in such software, all of which rights are owned by ECOtality.

9.4 Except as provided by Clause 9, ECOtality hereby grants to the Charging Site Host a non-exclusive and non-transferable license, to use such software in the form in which it is embedded in the Equipment on the delivery date for use in conjunction with other parts of the Equipment on the condition that the Equipment shall be used for its intended purpose only. This license will continue even if Charging Site Host takes ownership of the EVSE pursuant to Section 9.1 above, for so long as the EVSE is used for its intended purpose.

10.Confidentiality and Advertising

10.1 All nonpublic information that ECOtality provides to Charging Site Host or that Charging Site Host acquires from any source in connection with this Agreement shall be deemed to be ECOtality's confidential information ("Confidential Information") unless and until ECOtality specifically authorizes Charging Site Host in writing to treat the information as public. Confidential Information includes: (a) any reports, specifications, know-how, strategies or technical data, processes, business documents or information, market research or other data, customer or client lists, and all other information concerning the business and affairs of ECOtality that are owned, used, or possessed by or for the benefit of ECOtality; (b) ECOtality Intellectual Property; (c) ECOtality Documentation; and (d) all confidential information or materials obtained by Charging Site Host from a third party in connection with performance of the Services, unless and until ECOtality specifically authorizes Charging Site Host in writing to treat the information as non-confidential; provided that it is prominently marked, on each page, as "CONFIDENTIAL". Confidential Information does not include: (i) information in the public domain through no fault or breach of this Agreement by Charging Site Host; (ii) information previously and lawfully known by Charging Site Host prior to disclosure by ECOtality; (iii) information rightfully learned from a third party not under restriction of disclosure as evidenced by Charging Site Host's written records or (iv) information that is independently developed or acquired by Charging Site Host without reliance on any of ECOtality's Confidential Information. Charging Site Host shall not publish, release, disclose, or announce to any member of the public, press, official body, or other third party any Confidential Information, or use any of it for Charging Site Host's own purposes or for the purposes of a third party, without the prior written consent of ECOtality (which may be withheld by ECOtality in its sole discretion), except disclosures required by law.

10.2 Charging Site Host shall not make copies, reproductions, abstracts or excerpts of the Confidential Information in whole or in part, except as necessary to perform the Services. All copies, reproductions, excerpts or abstracts are deemed to be Confidential Information to the same extent as any originals. Upon termination of business relations between the parties, Charging Site Host agrees to return to ECOtality all written or other physical embodiments of the Confidential Information.

10.3 Notwithstanding the above provisions, in the event records marked CONFIDENTIAL are requested for public release pursuant to A.R.S. § 39-121 et seq., Town of Oro Valley shall release records marked CONFIDENTIAL ten (10) business days after the date of notice to the respondent of the request for release, unless respondent has, within the ten day period, secured a protective order, injunctive relief or other appropriate order from a court of competent jurisdiction, enjoining the release of the records. For the purposes of this paragraph, the day of the request for release shall not be counted in the time calculation. Respondent shall be notified of any request for such release on the same day of the request for public release or as soon thereafter as practicable.

Town of Oro Valley shall not, under any circumstances, be responsible for securing a protective order or other relief enjoining the release of records marked CONFIDENTIAL, nor shall Town of Oro Valley be in any way financially responsible for any costs associated with securing such an order.

10.4 Unless the parties agree otherwise, the confidentiality and other obligations imposed by this Section shall survive for a period of 3 years after termination or expiration of this Agreement pertaining to the Confidential Information.10.4 Charging Site Host and its Subcontractors shall not do any of the following without ECOtality's prior written consent (which may be withheld by

ECOtality in its sole discretion): (a) use the name of ECOtality or its trademarks in any commercial advertising; or (d) use photographs of the Charging Sites in any commercial advertising .

11. Termination of this Agreement

11.1 Without Cause: This Agreement may be terminated in writing by ECOtality or the Charging Site Host without cause at any time and for any reason, including the termination of the EV Project or a reduction in EV Project funding, whereupon the parties shall be fully released from their respective duties, rights, obligations and liabilities under this Agreement except as provided under Section 8 above.

11.2 For Cause: This Agreement may be terminated in writing by either party for cause if either party: (a) violates any terms of this Agreement and fails to cure the same within ten (10) days of receiving written notice of such default; or (b) breaches of any of the representations and warranties under Section 8 (for Charging Site Host) or Section 12 (for ECOtality) of this Agreement.

Upon termination of this Agreement with or without cause, ECOtality shall disable or remove (at its sole cost and expense) all of the Equipment installed at the Location and terminate Charging Site Host's Information Access, except as provided in Section 9.1 above.

Removal of Equipment includes site restoration to a safe and reasonable condition, but does not include the responsibility to restore the site to the same condition as prior to the installation of the Equipment. This Section 11.2 shall survive the termination of this Agreement.

12. Limited Warranty and Service

ECOtality warrants that during the Term of this Agreement the Equipment shall be free from defects in material, workmanship and construction and will conform to the specifications incorporated in this Agreement. Excluded from this limited warranty are damages to the Equipment that are a direct result of unreasonable or unintended use by the Charging Site Host.

Should the Equipment become defective or cease operating during the Term, Charging Site Host upon its knowledge of the same, must promptly call the toll free number listed on the side of the Equipment and report the defect to ECOtality or its authorized licensee. The sole remedy under this limited warranty is repair or replacement, at ECOtality's option, of the Equipment or part(s) or component(s) deemed to be defective. "Repair" or "Replacement" shall mean providing the labor and materials necessary, at no cost to Charging Site Host, to repair or replace defective part(s) or replace, at ECOtality's option, the Equipment.

13. Insurance

Through the term of this Agreement, the Equipment is insured by ECOtality under its general liability insurance policy. If the Charging Site Host's standard insurance policy provides property insurance for the Equipment, the Charging Site Host shall hereby assign ECOtality the right to receive, either from Charging Site Host or directly from Charging Site hosts insurance provider, any insurance payments related to theft, loss of use, or any insured damage to the Equipment (estimated replacement value $2,495). Charging Site Host will be under no obligation to provide this insurance coverage.

14. Governing Law

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Arizona, and each of the party's consents to the exclusive venue and personal jurisdiction of the courts located in Pima Town of Oro Valley, Arizona.

15.Conflict of Interest

This Agreement can be terminated for a conflict of interest as set forth in A.R.S. § 38-511, the relevant portions of which are hereby incorporated herein by this reference.

16.Dispute Resolution

The parties agree that all disputes arising under this Agreement shall be resolved by arbitration in accordance with the Commercial Arbitration Rules (the "AAA Rules") of the American Arbitration Association (the "AAA") as in effect on the date when the notice to initiate the arbitration is submitted, as supplemented to the extent necessary to determine any procedural appeal questions by the Federal Arbitration Act (Title 9 of the United States Code). If there is any inconsistency between the provisions of this Agreement and the AAA Rules or the Federal Arbitration Act, the provisions of this Agreement shall control. If the parties cannot agree upon the choice of arbitrator within ten (10) days of the date the matter is submitted for arbitration, the parties shall request, and accept, assignment of an arbitrator by the AAA. Any such arbitration will be conducted in Pima Town of Oro Valley, Arizona, and will be decided in accordance with and determined by the laws of the State of Arizona, without regard to conflict of law principles. The resolution of any dispute achieved through such arbitration shall be final, binding and enforceable by a court of competent jurisdiction. The prevailing party in any arbitration or other dispute proceedings will be entitled to recovery of all reasonable costs incurred, including court costs, attorneys' fees, expert witness fees, and other expenses related to such proceedings.

17.Indemnification

ECOtality agrees to fully indemnify and defend the Charging Site Host against all claims, liability, losses and expenses that are suffered or incurred by Charging Site Host related to this Agreement or any use of the EVSE by any person and will be responsible for all costs and damages caused by the installation, connection to power, and/or operation of the EVSE.

18.Attorney's Fees

The prevailing party in any judicial proceedings instituted by either party shall be entitled to recover its reasonable attorney's fees, costs, and expenses. The court shall determine the prevailing party and the reasonableness of all fees, costs, and expenses.

19.Notices

All notices given under this Agreement (each, a "Notice") shall be in writing and delivered to the notice addresses of the parties as applicable, by one or more of the following methods, (i) given by certified mail, postage prepaid, return receipt requested, and is deemed given on the third (3rd) business day after the date of posting in a United States Post Office, (ii) given by a nationally recognized overnight courier and is deemed given one day after delivery to the overnight courier, or (iii) given by personal delivery and is deemed given upon receipt by the notified party. At any time, either party may designate in writing to the other party a different notice address.

20.Changes

This Agreement cannot be modified or amended except by a written instrument signed by the parties.

21. Waiver

No waiver by either party of any breach, default or violation of any term, warranty, representation, agreement, covenant, condition or provision of this Agreement will constitute a waiver of any subsequent breach, default or violation of the same or other term, warranty, representation, agreement, covenant, condition or provision of this Agreement.

22. Assignment

This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective successors, and permitted assigns. Neither this Agreement nor the Equipment may be assigned by either party without the prior written consent of the other party (except with respect to any assignment by Charging Site Host to any successor title holding entity of the Project Site), which consent may be granted or withheld in such party's sole and absolute discretion. Any assignment which does not satisfy the requirement of the preceding sentence shall be null and void.

23. Survival Of Obligations And Liabilities

Termination of this Agreement shall not relieve either party of any obligation under this Agreement which expressly or by implication survives termination of this Agreement.
The invalidity, illegality or unenforceability of any one or more provisions of this Agreement will not affect or impair the validity, legality or enforceability of the remaining provisions, which will remain in full force and effect.

24. Entire Agreement, Relationship

This Agreement contains the entire agreement and understanding between the parties relative to the subject matter herein, and supersedes any prior agreements and understandings between the parties relating to such subject matter, whether verbal or written.

This Agreement may be executed in one or more counterparts each of which shall be deemed an original, but all of which shall constitute one and the same document. The parties agree that signatures transmitted by facsimile or e-mail (electronically scanned) shall be binding as if they were original signatures.

Electric Transportation
Engineering Corporation dba ECOtality
North America _____ _____

By: _____

Name: _____

Title: _____

Date: _____

TOWN OF ORO VALLEY, ARIZONA

_____
Dr. Satish I. Hiremath, Mayor

ATTEST:

_____
Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

_____
Tobin Rosen, Town Attorney

Date: _____

ATTACHMENT A

Additional Installation Addresses (If Applicable)

EVSE Installation Address: _____

City, State, Zip: _____

Town of Oro Valley: _____

Electrical Utility: _____

EVSE Installation Address: _____

City, State, Zip: _____

Town of Oro Valley: _____

Electrical Utility: _____

EVSE Installation Address: _____

City, State, Zip: _____

Town of Oro Valley: _____

Electrical Utility: _____

EVSE Installation Address: _____

City, State, Zip: _____

Town of Oro Valley: _____

Electrical Utility: _____

Special Instructions (If Applicable)

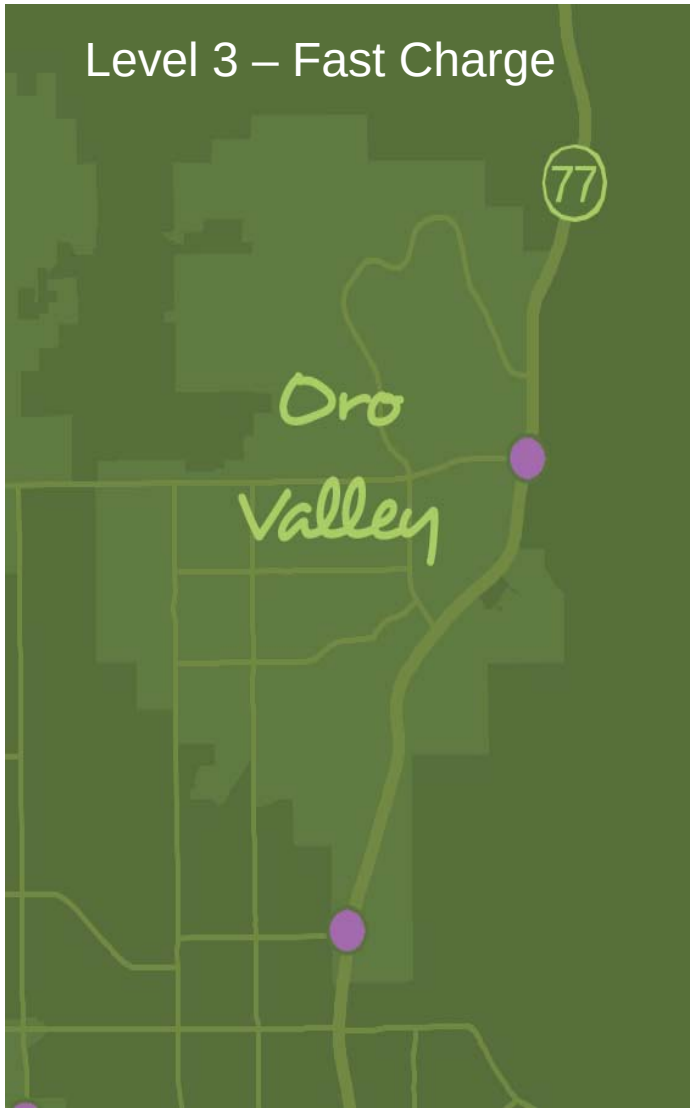
_____

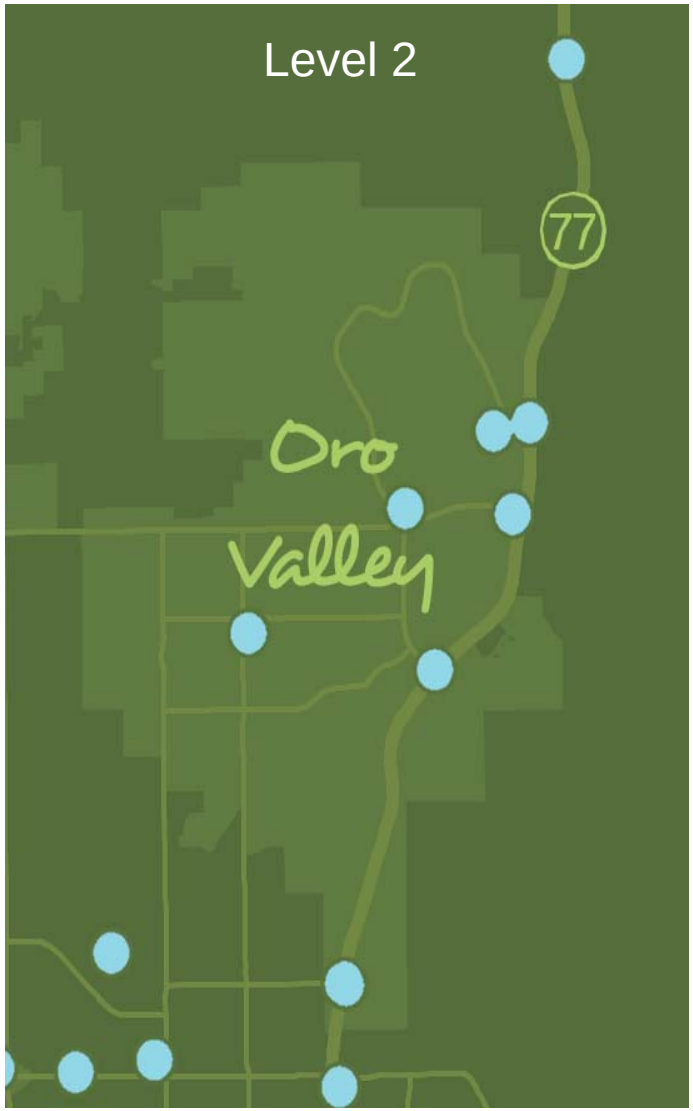
_____

_____

_____

Oro Valley EV Charging Stations





Simply smarter.

Level 2 Pedestal EVSE

Simply Smart Pedestal Design

Electric Vehicle Supply Equipment (EVSE) provides convenient means to charge electric vehicles. Level 2 charging (240 volt AC input) is the primary and preferred method for charging in residential and public locations. The ECOtality design provides intelligent, user-friendly features to easily and safely charge electric vehicles

Benefits of ECOtality's Unique Binary Design

- Dramatic, timeless, stylish appearance
- Ease of installation
- Specified advertising space on pedestal
- Convenient cable management for long reach and storage between uses
- Connector holster for protection and storage
- Intuitive connector docking
- Selective height design for convenient compliance with ADA requirements
- 360° beacon light for easy wayfinding

J1772 Standard EV Connector

The SAE J1772 is the standard for electric vehicle charging in the United States.

- Ergonomic design
- Prevents accidental disconnection
- Grounded pole - first to make contact, last to break contact
- Designed for over 10,000 cycles
- Can withstand being driven over by a vehicle
- Safe in wet or dry use

Energy Meter

- Internal meter to monitor energy and demand usage
- Supports energy usage data evaluation
- Supports electric utility EV billing when certified to ANSI 12.20 and IEC standards

Touch Screen

- Convenient, user-friendly touch screen display
- Charge status and statistics
- Find charging stations
- Status messages delivered to user's smart phone

Proven technology and reliable safety

ECOtality™

Features

- Charge circuit interruption device (CCID) with automatic test
- Ground monitoring circuit
- Nuisance-tripping avoidance and auto re-closure
- Cold load pickup (randomized auto-restart following power outage)
- Certified energy and demand metering
- Wireless IEEE 802.11g
- LAN capable
- ZigBee SEP 1.0 capable
- AMI interface capable
- Web-based bi-directional data flow
- Cord management system

ECOtality's Blink Level 2 Electric Vehicle Supply Equipment (EVSE) Specifications

Input Voltage	208 VAC to 240 VAC +/- 10%
Input Phase	Single
Frequency	50/60 Hz
Input Current	30 Amps (maximum); 12A, 16A, 24A available
Breaker Size	40 Amps; settings at 15A/20A/30A available
Output Voltage	208 VAC - 240 VAC +/- 10%
Output Phase	Single
Pilot	SAE J1772-compliant
Connector/Cable	SAE J1772-compliant; UL-rated at 30A maximum
Cable Length	18 feet (estimated)
Exterior Dimensions	Pedestal: 66″ H x 20″ W x 17″ D
Temperature Rating	-22° F (-30° C) to +122° F (+50° C)
Enclosure	NEMA Type 3R; sun-and-heat-resistant

Additional Features

- Smart Phone Applications for status charges and notification of completion or interruption of charge
- Controllable output to support utility demand response requests
- Revenue systems support
- Multiple input current settings to conveniently accommodate electric service capabilities
- Communication systems, multiple modes of communications including wireless, cellular, LAN and Zigbee

Safety

- Interlocks with EV drive system so EV cannot drive when connector is inserted in vehicle inlet
- De-energizes EVSE if connector and cable are subjected to strain
- Charge current interrupting device (CCID) with automatic test feature for personal protection
- Connector parts are de-energized until latched in vehicle inlet
- Meets all National Electric Code requirements

Standards and Certifications

- SAE J1772 compliant
- NEC article 625 electric vehicle charging system
- UL and ULc to 2594

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

Meeting Date: 05/18/2011

Requested by: Councilmembers Gillaspie and Hornat

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

SUBJECT:

MOTION FOR RECONSIDERATION OF THE MAY 4, 2011 APPROVAL OF 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 WITH CONDITIONS

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Gillaspie has requested that the St. Mark Church rezoning be returned to the Council agenda for reconsideration and Councilmember Hornat has seconded this request. Pursuant to Rule 11.1(B) of the Town Council's Parliamentary Rules & Procedures, the reconsideration of any action taken by Council must be by motion by a Councilmember who was on the prevailing side of the vote. Such motion must be filed with the Town Clerk's office and the Clerk shall place the item on the agenda.

If the motion is successful, because it is a rezoning matter, it requires prior notice to the neighbors and the advertising of a public hearing under the Town's Zoning code. Therefore, in this instance, the reconsideration of the rezoning will need to be re-noticed, re-advertised and reset as a public hearing, so it will need to be continued to a specific date in the future.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE for reconsideration of the May 4, 2011 approval of 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 with Conditions.

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

Meeting Date: 05/18/2011

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

Department: Town Clerk's Office

SUBJECT:

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

RECOMMENDATION:

Staff recommends approval of this liquor license to the Arizona State Liquor Board for the following reasons:

1. No protests to this license have been received.

2. The necessary background investigation was conducted by the Police Department.

3. The Police Department has no objections to the approval of the Series 12 Liquor License.

EXECUTIVE SUMMARY:

An application has been submitted by Mr. Michael Bonk for a Series 12 (Restaurant) Liquor License for J. Marinara's located at 8195 N. Oracle Road Suite 105. Agent/owner Mr. Michael Bonk has submitted all necessary paperwork to the State Liquor Board and to the Town of Oro Valley and has paid all related fees associated with applying for the liquor license.

Owner/Agent Michael Bonk has filed for a new series 12 liquor license due to a change in ownership from J. Marinara's, LLC to Jacks LLC.

BACKGROUND OR DETAILED INFORMATION:

In accordance with Section 4-201 of the Arizona Revised Statutes, the application was posted for 20 days on the premises of the applicant's property, ending April 20, 2011. No protests were received during this time period. Police Chief Daniel Sharp completed a standard background check on J. Marinara's and Owner/Agent Michael Bonk and has no objection to the approval of the Series 12 (Restaurant) Liquor License.

Series 12 Liquor License Description: Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (recommend, deny) approval of the issuance of the Series 12 Liquor License to the Arizona State Liquor Board for Mr. Michael Bonk for J. Marinara's located at 8195 N. Oracle Road Suite 105.

Attachments

J. Marinara's Liquor License

Oro Valley POLICE

DANIEL G. SHARP
CHIEF OF POLICE

TO: Mike Standish Deputy Town Clerk

FROM: Daniel G. Sharp

DATE: 12 April 2011

RE: Background Investigation, Application for Liquor License
J. Marinara's
8195 N. Oracle #105

On 12 April 2011, the Oro Valley Police Department completed the standard background check on J. Marinara's and Owners/Agent Michael Scott Bonk.

The Oro Valley Police Department has no objections to the issuing of a liquor license to J. Marinara's located at 8195 N. Oracle #105.

11000 N. La Cañada Drive • Oro Valley, AZ 85737
Phone 520-229-4900 • Fax 520-229-4979 • www.ovpd.org

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

11 MAR 28 Liq. Dept. PM 12:18 TOV

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- ☐ MORE THAN ONE LICENSE
- ☒ INTERIM PERMIT ***Complete Section 5***
- ☒ NEW LICENSE ***Complete Sections 2, 3, 4, 13, 14, 15, 16***
- ☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) ***Complete Sections 2, 3, 4, 11, 13, 15, 16***
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) ***Complete Sections 2, 3, 4, 12, 13, 15, 16***
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE ***Complete Sections 2, 3, 4, 9, 13, 16*** (fee not required)
- ☐ GOVERNMENT ***Complete Sections 2, 3, 4, 10, 13, 15, 16***

SECTION 2 Type of ownership:

- ☐ J.T.W.R.O.S. ***Complete Section 6***
- ☐ INDIVIDUAL ***Complete Section 6***
- ☐ PARTNERSHIP ***Complete Section 6***
- ☐ CORPORATION ***Complete Section 7***
- ☒ LIMITED LIABILITY CO. ***Complete Section 7***
- ☐ CLUB ***Complete Section 8***
- ☐ GOVERNMENT ***Complete Section 10***
- ☐ TRUST ***Complete Section 6***
- ☐ OTHER (Explain) _____

SECTION 3 Type of license and fees LICENSE #(s): ~~12102893~~ ~~12103911~~ 12104112

1. Type of License(s): Restaurant

2. Total fees attached: $ (Department Use Only)

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant P1064269

1. Owner/Agent's Name: Mr. Ms. Bonk (Last) Michael (First) Scott (Middle)
(Insert one name ONLY to appear on license)

2. Corp./Partnership/L.L.C.: Jacks LLC
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: J Marinara's B1029838
(Exactly as it appears on the exterior of premises)

4. Principal Street Location: 8195 N. Oracle Rd. Suite 105 (Do not use PO Box Number) Oro Valley (City) Pima (County) 85704 (Zip)

5. Business Phone: 520-989-3654 Daytime Contact: 520-907-8099

6. Is the business located within the incorporated limits of the above city or town? ☒YES ☐NO

7. Mailing Address: 8195 N Oracle Road Suite 105 Oro Valley, Arizona 85704
(City State Zip)

8. Price paid for license only bar, beer and wine, or liquor store: Type _____ $_____ Type _____ $_____

DEPARTMENT USE ONLY

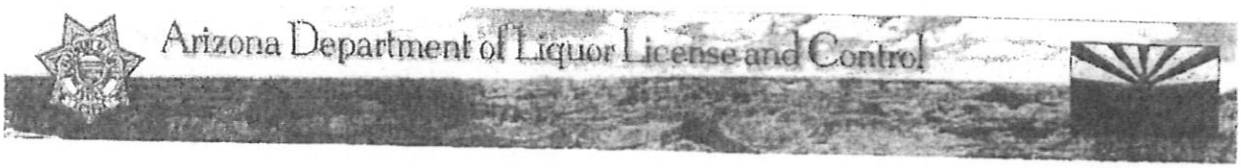
Fees: 100 Application, 100 Interim Permit, — Agent Change, — Club, — Finger Prints $ 200 — TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? ☒ YES ☐ NO

Accepted by: JW Date: 3/28/11 Lic. # 12104112

July 2010

Disabled individuals requiring special accommodation, please call (602) 542-9027.



License Types: Series 12 Restaurant License

Non-transferable
On-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the glossary.

PURPOSE:

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of $20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

AVERAGE APPROVAL TIME: Sixty-five (65) to one-hundred five (105) days.

PERIOD OF ISSUANCE: One (1) year with option to renew.

FEES: Non-refundable application fee: $100.00
Fingerprint fee per card: Contact Department
Interim Permit fee: $100.00

Upon approval:
Final fees (full year): $2,000.00
Final fees (half year): $1,750.00
Annual renewal fee (includes **SURCHARGE**): $585.00

ARIZONA STATUTES AND REGULATIONS:

ARS 4-119, 4-201, 4-202, 4-203, 4-205.02, 4-205.06, 4-209(B)(12), 4-209(D)(12), 4-209(J), 4-213, 4-222, 4-261; Rule R19-1-214, R19-1-231.

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800 W. Washington 5th floor; Phoenix, AZ 85007 - 400 W. Congress #521; Tucson, AZ 85701

2007 Liquor License Drawing Entry Form

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

Meeting Date: 05/18/2011

Requested by: Stacey Lemos **Submitted By:** Mike Standish, Town Clerk's Office

Department: Finance

SUBJECT:

PUBLIC HEARING - RESOLUTION NO. (R)11-35 ADOPTION OF THE TENTATIVE BUDGET FOR FY 2011/2012 AND SETTING THE LOCAL ALTERNATIVE EXPENDITURE LIMITATION FOR FY 2011/12 (**AGENDA ITEM UPDATED ON MAY 13, 2011)**

RECOMMENDATION:

Staff recommends approval of Resolution No. (R)11-35.

EXECUTIVE SUMMARY:

The purpose of this agenda item is for Council consideration and adoption of the Town's Tentative Budget for FY 2011/12 in the amount of $94,219,647. Adoption of Resolution No. (R)11-35 will also set the maximum local expenditure limitation at this amount. Once the limitation is set, expenditures for the year may not exceed that amount. The Council has the discretion to make changes to the budget prior to final adoption scheduled for June 15, 2011. However, the total amount of the final budget may not exceed the expenditure limitation as set this evening. The Council also has the authority to modify the budget throughout the fiscal year.

BACKGROUND OR DETAILED INFORMATION:

At the May 11, 2011 Council Budget Study Session, staff reported the Recommended Budget total as $94,064,647. The above-mentioned FY 2011/12 Tentative Budget total of $94.2M is $155,000 higher than the Recommended Budget due to the carry forward of $130,000 in unspent funds from the FY 10/11 Capital Asset Replacement Fund for Town-wide network upgrades that are expected to be completed in FY 11/12; and the addition of $25,000 in grant capacity for the Parks, Recreation, Library and Cultural Resources Department associated with a grant funding opportunity offered by the Keg Steakhouse for park improvements. Also, as discussed by staff at the May 11th meeting, the Capital Asset Replacement Fund and the Steam Pump Ranch Fund expenditures have been consolidated into the General Fund to comply with Governmental Accounting Standards Board Statement (GASB) No. 54.

Additional changes made to the Recommended Budget at the direction of Council are as follows:

• Highway Fund – increased the budget for pavement preservation from $800,000 to $1.2M, using Highway Fund contingency reserves
• Highway Fund – removed the Transfer In of Bed Tax reserves of $385K
• Bed Tax Fund – modified to show entire amount of $899,626 in bed tax revenues budgeted in Bed Tax Fund with a Transfer Out to the General Fund of $675,000

Once the Tentative Budget is approved, it will be published once a week for two consecutive weeks prior to the Final Budget public hearing and adoption date targeted for June 15, 2011.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to adopt Resolution No. (R)11-35 adopting the Tentative Budget for fiscal year 2011/2012 and setting the local alternative expenditure limitation for fiscal year 2011/2012 at $94,219,647.

Attachments

Resolution R11-35 Tentative Budget FY 11/12

Auditor General Official Budget Forms for FY 2011/2012

RESOLUTION NO. (R)11-35

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, ADOPTING ESTIMATES OF THE AMOUNTS REQUIRED FOR THE FISCAL YEAR 2011/2012 AS A TENTATIVE BUDGET; SETTING FORTH THE RECEIPTS AND EXPENDITURES/EXPENSES FOR THE FISCAL YEAR 2011/2012; GIVING NOTICE OF THE TIME FOR THE FINAL PUBLIC HEARING FOR ADOPTING THE BUDGET FOR THE FISCAL YEAR 2011/2012; PROVIDING FOR CONTINGENCIES; PROVIDING FOR THE USE OF FUNDS; SETTING THE LOCAL ALTERNATIVE EXPENDITURE LIMITATION FOR FISCAL YEAR 2011/2012

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 A.R.S. 42-17101 requires that cities and towns in Arizona adopt a tentative budget by the third Monday in July of each year; and

WHEREAS, the Town Council and staff held a Council Budget Retreat on January 29, 2011 and have met in budget study sessions on February 23, 2011, March 9, 2011, March 23, 2011 and May 11, 2011 to establish and review the proposed budget; and

WHEREAS, adoption of the budget will allow the Town of Oro Valley local government to provide the necessary public services for the health, welfare and safety of its citizenry.

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

SECTION 1. The statements and schedules of the tentative budget for the fiscal year 2011/2012 accompany and be included as part of this Resolution as attached hereto.

SECTION 2. The statements and schedules herein contained be adopted for the purpose as hereafter set forth as the tentative budget for the Town of Oro Valley, Arizona for the fiscal year 2011/2012.

SECTION 3. The statements setting forth the receipts, expenditures/expenses and amounts collectible for the fiscal year 2011/2012 accompany and be included as part of this resolution.

SECTION 4 The local alternative expenditure limitation as noted on the Summary Schedule of Estimated Revenues and Expenditures/Expenses for the fiscal year 2011/2012 be included as part of this resolution.

SECTION 5. The Town Clerk is hereby authorized and directed to publish in the manner prescribed by law, the estimates of expenditures/expenses, as hereinafter set forth, together with a notice that the Town Council will meet for the purpose of final public hearing and for adoption of the budget for fiscal year 2011/2012 for the Town of Oro Valley, Arizona on the 15th day of June, 2011.

SECTION 6. The money from any fund may be used for any of the appropriations except money specifically restricted by State Law or by Town Ordinance or Resolution.

SECTION 7. The various Town officers and employees are hereby directed to perform all acts necessary or desirable to give effect to this resolution.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 18th 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:_____

INSTRUCTIONS

BEFORE USING THE ENCLOSED SCHEDULES, PLEASE COMPLETE THE FOLLOWING:

Enter the City/Town Name: **Y/TOWN OF _____Oro Valley_____**

The steps below will help populate the attached schedules with the appropriate dates. The "current year" is the fiscal year in which the city/town is operating, and the "budget year" is the fiscal year for which the city/town is budgeting and that immediately follows the current year.

1. Select the Current Year 2011
2. Select the Budget Year 2012

OFFICAL BUDGET FORMS

CITY/TOWN OF _____Oro Valley_____

Fiscal Year 2012

CITY/TOWN OF _____Oro Valley_____

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CITY/TOWN OF _____Oro Valley_____

Resolution for the Adoption of the Budget

Fiscal Year 2012

WHEREAS, in accordance with the provisions of Title 42, Chapter 17, Articles 1-5, Arizona Revised Statutes (A.R.S.), the City/Town Council did, on _____, _____, make an estimate of the different amounts required to meet the public expenditures/expenses for the ensuing year, also an estimate of revenues from sources other than direct taxation, and the amount to be raised by taxation upon real and personal property of the City/Town of _____, and

WHEREAS, in accordance with said chapter of said title, and following due public notice, the Council met on _____, _____, at which meeting any taxpayer was privledged to appear and be heard in favor of or against any of the proposed expenditures/expenses or tax levies, and

WHEREAS, it appears that publication has been duly made as required by law, of said estimates together with a notice that the City/Town Council would meet on _____, _____, at the office of the Council for the purpose of hearing taxpayers and making tax levies as set forth in said estimates, and

WHEREAS, it appears that the sums to be raised by taxation, as specified therein, do not in the aggregate exceed that amount as computed in A.R.S. §42-17051(A), therefore be it

RESOLVED, that the said estimates of revenues and expenditures/expenses shown on the accompanying schedules, as now increased, reduced, or changed, are hereby adopted as the budget of the City/Town of _____ for the fiscal year _____.

Passed by the _____City/Town Council, this _____ day of _____.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

CITY/TOWN OF _____Oro Valley_____
Summary Schedule of Estimated Revenues and Expenditures/Expenses
Fiscal Year 2012

FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES* 2011	ACTUAL EXPENDITURES/ EXPENSES ** 2011	FUND BALANCE/ NET ASSETS*** July 1, 2011**	PROPERTY TAX REVENUES 2012	ESTIMATED REVENUES OTHER THAN PROPERTY TAXES 2012	OTHER FINANCING 2012		INTERFUND TRANSFERS 2012		TOTAL FINANCIAL RESOURCES AVAILABLE 2012	BUDGETED EXPENDITURES/ EXPENSES 2012
						SOURCES	<USES>	IN	<OUT>		
1. General Fund	$ 36,191,650	$ 24,430,982	$ 9,561,226	Primary: $	$ 25,008,018	$	$	$ 675,000	$ 223,352	$ 35,020,892	$ 35,020,892
2. Special Revenue Funds	10,370,426	4,766,823	4,952,261	Secondary:	4,613,790				1,075,000	8,491,051	8,491,051
3. Debt Service Funds Available	2,439,619	871,438	1,577,142		450,480			228,647		2,256,269	2,256,269
4. Less: Amounts for Future Debt Retirement											
5. Total Debt Service Funds	2,439,619	871,438	1,577,142		450,480			228,647		2,256,269	2,256,269
6. Capital Projects Funds	41,543,409	17,707,976	11,132,229		11,463,473			400,000	100,000	22,895,702	22,895,702
7. Permanent Funds											
8. Enterprise Funds Available	24,788,713	13,440,682	10,473,958		13,850,799	700,000		100,000	5,295	25,119,462	25,119,462
9. Less: Amounts for Future Debt Retirement											
10. Total Enterprise Funds	24,788,713	13,440,682	10,473,958		13,850,799	700,000		100,000	5,295	25,119,462	25,119,462
11. Internal Service Funds	874,968	874,968			436,271					436,271	436,271
12. TOTAL ALL FUNDS	$ 116,208,785	$ 62,092,869	$ 37,696,816	$	$ 55,822,831	$ 700,000	$	$ 1,403,647	$ 1,403,647	$ 94,219,647	$ 94,219,647

EXPENDITURE LIMITATION COMPARISON	2011	2012
1. Budgeted expenditures/expenses	$ 116,208,785	$ 94,219,647
2. Add/subtract: estimated net reconciling items		
3. Budgeted expenditures/expenses adjusted for reconciling items	116,208,785	94,219,647
4. Less: estimated exclusions		
5. Amount subject to the expenditure limitation	$ 116,208,785	$ 94,219,647
6. EEC or voter-approved alternative expenditure limitation	$ 116,208,785	$ 94,219,647

[X] The city/town does not levy property taxes and does not have special assessment districts for which property taxes are levied. Therefore, Schedule B has been omitted.

* Includes Expenditure/Expense Adjustments Approved in current year from Schedule E.
** Includes actual amounts as of the date the proposed budget was prepared, adjusted for estimated activity for the remainder of the fiscal year.
*** Amounts in this column represent Fund Balance/Net Asset amounts except for amounts not in spendable form (e.g., prepaids and inventories) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

CITY/TOWN OF _____Oro Valley_____
Summary by Fund Type of Revenues Other Than Property Taxes
Fiscal Year 2012

SOURCE OF REVENUES	ESTIMATED REVENUES 2011	ACTUAL REVENUES* 2011	ESTIMATED REVENUES 2012
GENERAL FUND			
Local taxes			
Local Sales Tax	$ 12,564,250	$ 11,266,458	$ 11,901,316
Cable Franchise Tax	500,000	500,000	500,000
Licenses and permits			
Licenses	165,310	165,310	170,698
Permits	1,099,930	667,337	946,196
Fees	11,270	10,503	10,000
Intergovernmental			
State/County Shared	8,360,415	8,360,415	8,187,264
State Grants	145,700	230,543	288,500
Federal Grants	881,239	811,956	805,533
Other	607,781	600,281	591,160
Charges for services			
Reimbursements	241,300	226,000	234,000
Fees	533,677	462,716	442,160
Other	246,738	205,038	522,191
Fines and forfeits			
Fines	195,000	210,000	190,000
Interest on investments			
Interest Income	151,374	21,333	22,000
Contributions			
Voluntary contributions			
Miscellaneous			
Miscellaneous	145,000	191,625	197,000
Total General Fund	$ 25,848,984	$ 23,929,515	$ 25,008,018

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

CITY/TOWN OF _____Oro Valley_____
Summary by Fund Type of Revenues Other Than Property Taxes
Fiscal Year 2012

SOURCE OF REVENUES	ESTIMATED REVENUES 2011	ACTUAL REVENUES* 2011	ESTIMATED REVENUES 2012
SPECIAL REVENUE FUNDS			
Highway User Revenue Fund			
Local Sales Tax	$ 630,188	$ 398,807	$ 367,400
Highway User Fuel Tax	2,669,767	2,669,767	2,376,464
Permits	50,192	50,192	42,000
Grants	317,000	145,689	487,000
Interest Income	53,205	10,679	10,700
Charges for Services			15,000
Other	12,686	14,992	10,000
Total Highway User Revenue Fund	$ 3,733,038	$ 3,290,126	$ 3,308,564
Public Transportation Fund			
Local Transportation Assistance	$	$	$
Grants		109,706	
Charges for Services	34,545	50,400	
Interest Income	1,800	164	
Other	18,500	634	
Total Public Transportation Fund	$ 54,845	$ 160,904	$
Bed Tax Fund			
Local Sales Tax	$ 261,569	$ 251,569	$ 899,626
Interest Income	9,000	1,808	1,800
Total Bed Tax Fund	$ 270,569	$ 253,377	$ 901,426
Seizures & Forfeitures - State Fund			
	$ 102,800	$ 102,500	$ 102,500
Total Seizures & Forfeitures - State Fund	$ 102,800	$ 102,500	$ 102,500
Seizures & Forfeitures - Federal Fund			
	$ 253,600	$ 251,300	$ 251,300
Total Seizures & Forfeitures - Fed Fund	$ 253,600	$ 251,300	$ 251,300
Impound Fee Fund			
Fees	$ 60,000	$ 50,000	$ 50,000
Total Impound Fee Fund	$ 60,000	$ 50,000	$ 50,000
Total Special Revenue Funds	$ 4,474,852	$ 4,108,207	$ 4,613,790

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

CITY/TOWN OF _____Oro Valley_____
Summary by Fund Type of Revenues Other Than Property Taxes
Fiscal Year 2012

SOURCE OF REVENUES	ESTIMATED REVENUES 2011	ACTUAL REVENUES* 2011	ESTIMATED REVENUES 2012
DEBT SERVICE FUNDS			
Municipal Debt Service Fund			
Federal Grants	$ 15,605	$ 15,988	$ 85,777
Total Municipal Debt Service Fund	$ 15,605	$ 15,988	$ 85,777
Oracle Road Improvement District Fund			
Special Assessments	$ 366,203	$ 366,203	$ 364,703
Total Oracle Road Improve Dist Fund	$ 366,203	$ 366,203	$ 364,703
Total Debt Service Funds	$ 381,808	$ 382,191	$ 450,480
CAPITAL PROJECTS FUNDS			
Alternative Water Resources Development Impact Fee Fund			
Development Impact Fees	$ 468,308	$ 413,000	$ 219,200
Charges for Services	2,298,285	2,016,440	2,423,500
Interest Income	8,000	2,754	2,684
Total AWRDIF Fund	$ 2,774,593	$ 2,432,194	$ 2,645,384
Potable Water System Development Impact Fee Fund			
Development Impact Fees	$ 249,702	$ 214,721	$ 114,255
Interest Income	33,500	16,034	13,323
Total PWSDIF Fund	$ 283,202	$ 230,755	$ 127,578
Townwide Roadway Development Impact Fee Fund			
State Grants	$ 8,974,000	$ 7,701,000	$ 7,443,000
Federal Grants	500,000		500,000
Development Impact Fees	384,839	92,616	413,078
Interest Income	15,000	4,068	4,000
Other	18,000	52,740	18,000
Total TRDIF Fund	$ 9,891,839	$ 7,850,424	$ 8,378,078
Regional Transportation Authority Fund			
RTA Reimbursements	$ 50,000	$ 1,725	$ 50,000
Total RTA Fund	$ 50,000	$ 1,725	$ 50,000
Steam Pump Ranch Fund			
State/County Shared	$ 275,000	$ 243,100	$
Federal Grants	250,000		
Total Steam Pump Ranch Fund	$ 525,000	$ 243,100	$
Parks & Recreation Impact Fee Fund			
Development Impact Fees	$ 202,425	$ 91,544	$ 127,640
Total Parks & Rec Impact Fee Fund	$ 202,425	$ 91,544	$ 127,640

CITY/TOWN OF _____Oro Valley_____
Summary by Fund Type of Revenues Other Than Property Taxes
Fiscal Year 2012

SOURCE OF REVENUES	ESTIMATED REVENUES 2011	ACTUAL REVENUES* 2011	ESTIMATED REVENUES 2012
Library Impact Fee Fund			
Development Impact Fees	$ 52,050	$ 23,545	$ 32,831
Total Library Impact Fee Fund	$ 52,050	$ 23,545	$ 32,831
Police Impact Fee Fund			
Development Impact Fees	$ 46,483	$ 18,258	$ 34,477
Total Police Impact Fee Fund	$ 46,483	$ 18,258	$ 34,477
General Government Impact Fee Fund			
Development Impact Fees	$ 74,880	$ 14,530	$ 67,485
Total General Govt Impact Fee Fund	$ 74,880	$ 14,530	$ 67,485
Total Capital Projects Funds	$ 13,900,472	$ 10,906,075	$ 11,463,473

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

CITY/TOWN OF _____Oro Valley_____
Summary by Fund Type of Revenues Other Than Property Taxes
Fiscal Year 2012

SOURCE OF REVENUES	ESTIMATED REVENUES 2011	ACTUAL REVENUES* 2011	ESTIMATED REVENUES 2012
ENTERPRISE FUNDS			
Oro Valley Water Utility Fund			
Water Sales	$ 11,689,300	$ 11,682,799	$ 11,682,799
Charges for Services	458,700	463,075	445,200
State Grants	35,000		
Other	44,000	13,600	16,300
Total Oro Valley Water Utility Fund	$ 12,227,000	$ 12,159,474	$ 12,144,299
Stormwater Utility Fund			
Federal Grants	$ 1,188,500	$ 876,500	$ 380,000
State Grants	930,100	413,840	575,000
Charges for Services	743,500	743,700	751,000
Other	1,500	1,500	500
Total Stormwater Utility Fund	$ 2,863,600	$ 2,035,540	$ 1,706,500
Total Enterprise Funds	$ 15,090,600	$ 14,195,014	$ 13,850,799

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

CITY/TOWN OF _____Oro Valley_____
Summary by Fund Type of Revenues Other Than Property Taxes
Fiscal Year 2012

SOURCE OF REVENUES	ESTIMATED REVENUES 2011	ACTUAL REVENUES* 2011	ESTIMATED REVENUES 2012
INTERNAL SERVICE FUNDS			
Fleet Maintenance Fund			
Charges for Services	$	$	$ 436,271
Total Fleet Maintenance Fund	$	$	$ 436,271
Total Internal Service Funds	$	$	$ 436,271
TOTAL ALL FUNDS	$ 59,696,716	$ 53,521,002	$ 55,822,831

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

CITY/TOWN OF _____Oro Valley_____
Summary by Fund Type of Other Financing Sources/<Uses> and Interfund Transfers
Fiscal Year 2012

FUND	OTHER FINANCING 2012 SOURCES	OTHER FINANCING 2012 <USES>	INTERFUND TRANSFERS 2012 IN	INTERFUND TRANSFERS 2012 <OUT>
GENERAL FUND				
Transfer to Municipal Debt Service Fund	$	$	$	$ 223,352
Transfer from Bed Tax Fund			675,000	
Total General Fund	$	$	$ 675,000	$ 223,352
SPECIAL REVENUE FUNDS				
Bed Tax Fund	$	$	$	$ 675,000
Highway Fund				400,000
Total Special Revenue Funds	$	$	$	$ 1,075,000
DEBT SERVICE FUNDS				
Municipal Debt Service Fund	$	$	$ 228,647	$
Total Debt Service Funds	$	$	$ 228,647	$
CAPITAL PROJECTS FUNDS				
Alternative Water Rscs Dev Impact Fee Fund	$	$	$	$ 100,000
Townwide Roadway Dev Impact Fee Fund			400,000	
Total Capital Projects Funds	$	$	$ 400,000	$ 100,000
ENTERPRISE FUNDS				
Oro Valley Water Utility Fund	$ 700,000	$	$ 100,000	$ 5,295
Total Enterprise Funds	$ 700,000	$	$ 100,000	$ 5,295
INTERNAL SERVICE FUNDS				
	$	$	$	$
Total Internal Service Funds	$	$	$	$
TOTAL ALL FUNDS	$ 700,000	$	$ 1,403,647	$ 1,403,647

CITY/TOWN OF _____Oro Valley_____
Summary by Department of Expenditures/Expenses Within Each Fund Type
Fiscal Year 2012

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2011	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2011	ACTUAL EXPENDITURES/ EXPENSES* 2011	BUDGETED EXPENDITURES/ EXPENSES 2012
GENERAL FUND				
Council	$ 220,610	$ (3,000)	$ 200,610	$ 220,573
Clerk	378,581		374,081	456,089
Development & Infrastructure Services	3,084,586		2,735,661	2,889,753
Finance	727,613		721,613	722,199
General Administration	2,469,851		2,265,400	2,141,767
Human Resources	484,189		455,657	482,649
Information Technology	1,120,106		1,098,106	1,252,797
Legal	842,785		740,785	841,832
Magistrate Court	753,772		744,922	781,625
Manager	974,906		892,553	877,167
Parks, Rec, Library & Cultural Resources	2,947,715		2,887,080	2,876,702
Police	11,566,573	3,000	11,196,698	12,096,513
Contingency Reserve	10,620,363		117,816	9,381,226
Total General Fund	$ 36,191,650	$	$ 24,430,982	$ 35,020,892
SPECIAL REVENUE FUNDS				
Highway User Revenue Fund	$ 7,674,342	$	$ 3,772,839	$ 6,308,485
Public Transportation Fund	456,852		427,420	
Seizures and Forfeitures - State Fund	307,262		51,701	344,420
Seizures and Forfeitures - Federal Fund	562,628		87,000	696,661
Bed Tax Fund	1,303,218		380,146	1,089,202
Impound Fee Fund	66,124		47,717	52,283
Total Special Revenue Funds	$ 10,370,426	$	$ 4,766,823	$ 8,491,051
DEBT SERVICE FUNDS				
Municipal Debt Service Fund	$ 2,061,607	$	$ 499,140	$ 1,885,937
Oracle Road Improvement District Fund	378,012		372,298	370,332
Total Debt Service Funds	$ 2,439,619	$	$ 871,438	$ 2,256,269
CAPITAL PROJECTS FUNDS				
Regional Transportation Authority Fund	$ 50,000	$	$ 1,725	$ 50,000
Townwide Roadway Dev Impact Fee Fund	21,957,121		8,039,435	10,861,424
Capital Asset Replacement Fund	499,639		314,938	
Steam Pump Ranch Fund	645,304		399,190	
Honey Bee Village Fund	8,229			
Naranja Park Fund	258,821			258,821
Alternative Water Rscs Dev Impact Fee Fund	4,291,729		3,116,352	3,513,774
Potable Water System Dev Impact Fee Fund	10,568,100		3,379,671	7,434,228
Parks & Recreation Impact Fee Fund	410,401			425,126
Library Impact Fee Fund	105,551			109,354
Police Impact Fee Fund	99,161			97,985
General Government Impact Fee Fund	149,353			144,990
Solar Photovoltaic Fund	2,500,000		2,456,665	
Total Capital Projects Funds	$ 41,543,409	$	$ 17,707,976	$ 22,895,702
ENTERPRISE FUNDS				
Oro Valley Water Utility Fund	$ 21,731,311	$	$ 11,467,652	$ 23,015,231
Stormwater Utility Fund	3,057,402		1,973,030	2,104,231
Total Enterprise Funds	$ 24,788,713	$	$ 13,440,682	$ 25,119,462
INTERNAL SERVICE FUNDS				
Fleet Maintenance Fund	$ 874,968	$	$ 874,968	$ 436,271
Total Internal Service Funds	$ 874,968	$	$ 874,968	$ 436,271
TOTAL ALL FUNDS	$ 116,208,785	$	$ 62,092,869	$ 94,219,647

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

CITY/TOWN OF _____Oro Valley_____
Summary by Department of Expenditures/Expenses
Fiscal Year 2012

DEPARTMENT/FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES 2011	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED 2011	ACTUAL EXPENDITURES/ EXPENSES * 2011	BUDGETED EXPENDITURES/ EXPENSES 2012
Development & Infrastructure Svcs:				
General Fund	$ 3,084,586	$	$ 2,735,661	$ 2,889,753
Highway Fund	7,674,342		3,772,839	6,308,485
Public Transportation Fund	456,852		427,420	
Townwide Roadway Dev Impact Fee Fund	21,957,121		8,039,435	10,861,424
Stormwater Utility Fund	3,057,402		1,973,030	2,104,231
Regional Transportation Authority Fund	50,000		1,725	50,000
Fleet Maintenance Fund	874,968		874,968	436,271
Department Total	$ 37,155,271	$	$ 17,825,078	$ 22,650,164
Water Utility:				
Oro Valley Water Utility Fund	$ 21,731,311	$	$ 11,467,652	$ 23,015,231
Alternative Water Rscs Dev Impact Fee Fund	4,291,729		3,116,352	3,513,774
Potable Water System Dev Impact Fee Fund	10,568,100		3,379,671	7,434,228
Department Total	$ 36,591,140	$	$ 17,963,675	$ 33,963,233
General Administration:				
General Fund	$ 2,469,851	$	$ 2,265,400	$ 2,141,767
Capital Asset Replacement Fund	499,639		314,938	
Municipal Debt Service Fund	2,061,607		499,140	1,885,937
Oracle Road Improvement District Fund	378,012		372,298	370,332
General Government Impact Fee Fund	149,353			144,990
Solar Photovoltaic Fund	2,500,000		2,456,665	
Department Total	$ 8,058,462	$	$ 5,908,441	$ 4,543,026
Manager:				
General Fund	$ 974,906	$	$ 892,553	$ 877,167
Bed Tax Fund	315,348	43,521	380,146	235,981
Department Total	$ 1,290,254	$ 43,521	$ 1,272,699	$ 1,113,148
Parks, Rec, Library & Cultural Resources:				
General Fund	$ 2,947,715	$	$ 2,887,080	$ 2,876,702
Parks & Recreation Impact Fee Fund	410,401			425,126
Library Impact Fee Fund	105,551			109,354
Steam Pump Ranch Fund	645,304		399,190	
Naranja Park Fund	258,821			258,821
Honey Bee Village Fund	8,229			
Department Total	$ 4,376,021	$	$ 3,286,270	$ 3,670,003
Police:				
General Fund	$ 11,566,573	$ 3,000	$ 11,196,698	$ 12,096,513
Seizures & Forfeitures - State Fund	307,262		51,701	344,420
Seizures & Forfeitures - Federal Fund	562,628		87,000	696,661
Police Impact Fee Fund	99,161			97,985
Impound Fee Fund	66,124		47,717	52,283
Department Total	$ 12,601,748	$ 3,000	$ 11,383,116	$ 13,287,862

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

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

Meeting Date: 05/18/2011

Requested by: Karen Berchtold **Submitted By:** Karen Berchtold, Development Infrastructure Services

Department: Development Infrastructure Services

SUBJECT:

*~~DISCUSSION AND POSSIBLE ACTION REGARDING ORO VALLEY ZONING CODE REVISED, CHAPTER 28, SIGNS, PERTAINING TO THE USE AND REGULATION OF A-FRAME SIGNS~~ **(THIS ITEM HAS BEEN REMOVED FROM THE AGENDA ON MAY 11, 2011)**

RECOMMENDATION:

Council pleasure.

EXECUTIVE SUMMARY:

The Town Council began review of the Sign Code (Code) at the March 2, 2011 meeting, and approved an updated Code March 16, 2011 (see Attachment 1). The updated Code went into effect April 15, 2011. The draft Code presented to Council at the March 2, 2011 meeting included an optional section on A-frame signs. The Council voted unanimously to strike all references to A-frame signs from the draft, except for the definition, and directed staff to return at a later date to discuss A-frame signs (see Attachment 2).

BACKGROUND OR DETAILED INFORMATION:

A-frame signs are currently prohibited in Oro Valley except for limited use by real estate agents to provide direction to open houses. Other communities including the City of Tucson and the City of Tempe allow limited use of A-frames. Oro Valley has received input from community members and local business both critical and supportive of A-frame sign use.

The optional section on A-frame signs presented March 2, 2011 is attached (see Attachment 3). This section allows A-frame signs for the purpose of directing pedestrian traffic to a specific business, and includes standards for quantity, size, placement and design. Key features include:

- Prohibited placement along public roadways,
- Location within three feet of building frontage or entry to ground floor business, or within ten feet of stairway or elevator for businesses on upper floors,
- Height up to three feet, six inches, with maximum sign area of six square feet,
- Six foot wide clear pathway must be maintained,
- A-frame sign may be used up to four times per year, for a period of 30 days each time.

Several public comments from the March 2, 2011 public hearing addressed A-frame signs (see Attachment 2).

Background information presented with the overall Code update is relevant to the A-frame discussion. In fall 2009, the Town launched a Commercial Sign Survey, and results were published in February 2010

(see Attachment 4). One question pertaining to A-frame signs yielded this response:

• General Public: 54% stated they did not like the use of A-frame/sandwich boards
• Business: 40% would like to use A-frame/sandwich boards on the side of the road; 32% would like to use A-frame/sandwich boards in front of their business

After Town Council initiated the sign code update, a Sign Code Task Force ("Task Force") was convened. The Task Force voted not to discuss A-frame signs and to retain A-frame as a prohibited sign type, based on the General Public feedback in the Commercial Sign Survey.

Town Council approved a Temporary Sign Waiver Program ("Program") that was in effect from August 2, 2010 through April 15, 2011. Through this Program, applicants could request a waiver to use A-frame signs. On February 16, 2011, staff presented an update on the Program to Council. The update stated that eight businesses had received waivers to use A-frame signs, and all reported an increase in growth or customer count. During the Temporary Sign Waiver Program update, several Council Members requested that staff bring back the use of A-frame signs as part of the Sign Code Update.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

Should the Council prefer that A-frame signs remain prohibited, no action is necessary. Should the Council prefer that an amendment be prepared for adoption, they may wish to consider the following motion:

I MOVE to direct staff to prepare an amendment to the Zoning Code, Chapter 28, Signs to allow for the use and regulation of A-frame signs.

Attachments

Attachment 1 - Chapter 28, Signs

Attachment 2 - 3-2-11 Town Council Minutes

Attachment 3 - A-frame section

Attachment 4 - Commercial Sign Survey

Chapter 28
SIGNS

Section 28.1 General Provisions

A. Purpose

1. The purpose of this Chapter is to establish reasonable regulations for the design, construction, location, and maintenance of all exterior signs in the Town of Oro Valley in order to:

    a. Preserve and protect the public health, safety, welfare, and convenience. Protect the general public from injury or damage which may be caused by faulty and uncontrolled construction or improper location of signs within the Town.

    b. Provide for an effective form of communication while preserving the scenic beauty of the desert environment. Ensure that the signage is clear; compatible with the character of the adjacent architecture and neighborhoods; and provides the essential identity of, and direction to, facilities in the community.

    c. Enhance the potential economic value and quality of development within the community, as well as promote and aid the tourism industry, an important part of the Town's economy.

    d. Promote the effectiveness of signs by preventing sign over-concentration, improper placement, excessive clutter, size, and number.

    e. Safeguard and preserve the unique character of the Town and create an attractive and appealing community environment in which to live, work, and visit. Assure that the public benefits derived from the expenditure of public funds for the improvement and beautification of streets and other public structures and spaces shall be protected by exercising reasonable controls over the character and design of sign structures.

2. It is not the purpose of this Chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Chapter.

B. Requirement for Conformity

If any sign and/or sign structure is located, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Chapter, the Town or any owner or tenant of real property aggrieved by the alleged violation, in addition to other remedies available at law, may institute appropriate injunction proceedings to correct the violation with the Oro Valley Magistrate Court.

C. Nonconforming and Discontinued Signs

1. Signs Rendered Nonconforming

    a. If, at the time of the adoption of this Chapter or amendment thereto, or of any extension of jurisdiction resulting from annexation, any permanent sign which is being used but does not conform to the provisions of this Chapter shall be deemed legal nonconforming.

    b. Any sign which becomes legally nonconforming shall be permitted to remain, provided the sign:

        i. Is not increased in area or height;

ii. Remains structurally unchanged, except for reasonable repairs or minor alteration;

iii. If relocated, due to no fault of the owner, is placed in the same relative position on the remaining property that it occupied prior to the relocation;

iv. Is relocated in a manner so as to comply with applicable safety requirements; and

v. Is not discontinued per subsection C.2 of this section.

c. Alteration or Removal of Nonconforming Signs

i. A nonconforming sign shall not be re-erected, relocated (except as permitted above), or replaced unless it is brought into compliance with the requirements of this Chapter.

ii. Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this Chapter if it is damaged or allowed to deteriorate to such extent that the cost of repair or restoration is fifty percent (50%) or more of the costs and/or replacement of materials.

2. Signs Rendered Obsolete or Discontinued

a. With the exception of Lease, Rent, and For Sale Signs, any sign which is located on a property which becomes vacant and unoccupied for a period exceeding three (3) months shall be deemed to have been discontinued.

b. Sign structures which remain vacant, unoccupied, obsolete, devoid of any message or display a message pertaining to a time, event, or purpose that no longer applies for more than three (3) months shall be deemed discontinued.

c. It shall be the responsibility of the owner of the premises to remove any sign deemed discontinued subject to penalty as set forth in Section 30.2.

3. Change in Business

a. When a business establishment closes, relocates, changes names, or abandons any sign or structure, the owner of the property shall remove the sign, or cause it to be removed, within thirty (30) days of the change of business. If the sign is to be immediately re-faced with a new business name, a new sign permit shall be required and applicable fees shall be paid. A permit shall be nontransferable from one (1) owner to another.

b. A nonconforming sign shall be brought into compliance with the requirements of this Chapter when a business establishment closes, relocates, changes names, or abandons any sign. A permit and applicable fees for the sign modifications are required.

D. Liabilities for Insurance and Damages

1. The provisions of this code shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm, or corporation which erects or owns any sign from personal injury or property damages caused by, or attributed to, such sign. The provisions of this code shall not be construed to impose upon the Town of Oro Valley, its officers or its employees any responsibility or liability by reason of the approval of any sign under the provisions of this code.

E. Prevailing Code

In the event a provision established in this Chapter is found to be in conflict with another provision in the Oro Valley Zoning Code Revised, or any other Town Code, the more restrictive shall prevail.

In the event that a commercial, industrial, or residential development and/or subdivision should fall under a Planned Area Development (PAD), the rules and regulations of that PAD shall apply.

If the Town-adopted sign regulations/guidelines for any development project, including Planned Area Developments, do not specifically address any such sign standard, the provisions of this Chapter shall apply.

F. Signs Prohibited by Omission

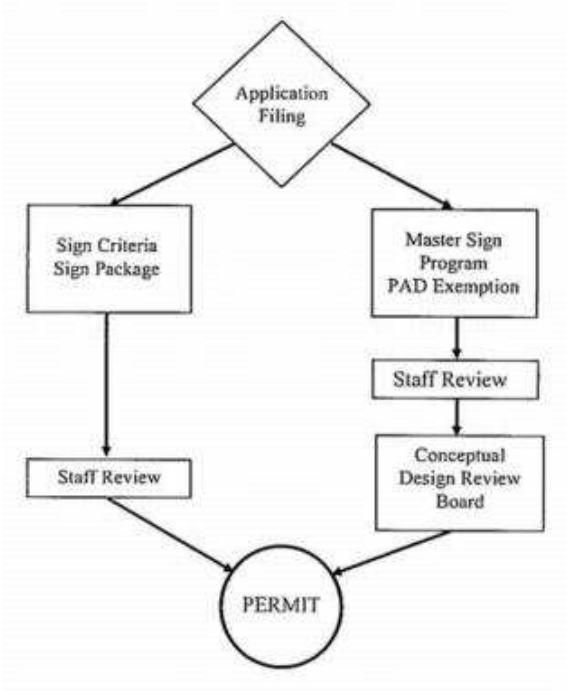
In addition to those signs, or sign types, specifically prohibited by Section 28.9, any sign, or type of sign, not specifically permitted under provisions of this code shall be prohibited.

((O)11-07, Added, 03/16/11)

Section 28.2 Procedures and Enforcement

The Planning and Zoning Administrator is responsible for enforcing this Chapter pursuant to Sections 21.2.B.7 and 21.4.B.10. The Planning and Zoning Administrator is hereby authorized and empowered to ensure that all provisions of this Chapter are met in fact and intent. The Planning and Zoning Administrator may appoint a designee to assure code compliance. The procedures to be followed in exercising this authority are outlined in Sections 28.2.C through F.

Figure 28-1: Sign Criteria, Sign Package, and Master Sign Program Approval Process



A. Sign Permits, Fees, and Application Procedures

1. A sign permit shall be required in order to erect, install, relocate, modify, or change any sign within the Town of Oro Valley.

2. Approval of all temporary sign permits shall be at the discretion of the Planning and Zoning Administrator or his/her designee.

3. The Planning and Zoning Administrator or his/her designee shall authorize issuance of permits for permanent signs after applications have been reviewed by staff for code compliance. Any proposed Master Sign Program, amendments thereto, or PAD exemption is subject to review by the Conceptual Design Review Board. Once sign applications have been approved, any issuance of sign permits shall meet the approved sign standards for that development.

4. All electrical work associated with the sign installation must conform to the currently adopted versions of the National Electrical Code and must be reflected on the application.

5. Permit Fees

    a. Upon approval of an application for the sign permit, the applicant shall be advised of the applicable fee. Permits will not be issued until all applicable fees have been collected. Fees shall be assessed according to a schedule adopted by the Town Council.

    b. Exception: The owner of a nonconforming sign shall not be required to pay a fee for a permit to bring an existing sign into conformance with this code.

6. Application shall be in accordance with Town policy.

7. Permit Expiration

    a. All permits issued under this Chapter, unless otherwise stipulated, shall expire by limitation and become null and void if the work authorized by such permit is not completed within one hundred eighty (180) days from the date of such permit. Prior to expiration of the permit, the applicant may request an extension of the expiration date at the discretion of the Planning and Zoning Administrator and/or his/her appointee. Once the permit has expired, before such work can recommence a new permit shall first be obtained and the fee shall be fifty percent (50%) of the amount required for a new permit for such work, provided no changes have been, or will be, made to the original plans and specifications.

    b. Any sign for which renewal fees have not been paid, and said remittance is delinquent for fourteen (14) or more days, is deemed to be an illegal sign, and said sign must be removed in accordance with the requirements of this Chapter.

B. Sign Criteria, Master Sign Program and Sign Package

Sign criteria and Master Sign Programs are official documents that regulate signage within a multi-business site or development. An approved sign criteria or Master Sign Program is required prior to issuance of a sign permit for: (1) nonresidential multiple-occupancy buildings; (2) commercial, office, resorts, and/or industrial centers.

Any development, including single-occupancy developments within and/or adjacent to an existing development that share access and/or parking with that development, must: (1) follow the approved sign criteria or Master Sign Program for the existing development; or (2) submit an approved sign criteria or Master Sign Program. If the owner elects to follow the criteria or program of the existing center, no additional approvals are required prior to review and issuance of the sign permit.

1. Sign Package

A sign package is comprised of a complete application for proposed permanent sign(s) for a single business. A sign package is required if a property does not have an approved sign criteria and/or Master Sign Program.

2. Sign Criteria

   A sign criteria is a set of proposed sign standards for a development that complies with the provisions of this Chapter and Addendum A, Design Guidelines. Sign criteria for areas within a PAD (Planned Area Development) shall comply with the provisions of the PAD.

3. Master Sign Program

   a. A Master Sign Program is a set of proposed sign standards for a development that proposed alternatives to the provisions of this Chapter, and is intended to provide latitude in order to achieve variety and good design.

   b. Master Sign Programs shall be based on the provisions of this Chapter and shall conform to the purpose and intent of this Chapter and to the Addendum A, Design Guidelines.

   c. Master Sign Programs shall include only those sign types permitted herein and may allow adjustments to the standards of those types, provided they are justifiable.

   d. Master Sign Programs are intended to allow adjustments to the standards of multiple sign types and shall not be used for single-occupancy developments.

   e. Master Sign Programs require review by the Conceptual Design Review Board and approval by the Town Council.

   f. Compliance with these provisions does not guarantee approval by the Town Council.

4. Review of sign criteria and/or Master Sign Program shall be guided by the following:

   a. Overall character of the entire development, including landscaping, architecture, topography, uses, and design.

   b. Compliance with the criteria specified in Addendum A, Design Guidelines A-C.4 and the purpose statements of this Chapter.

   c. Any other applicable information that may be useful in the overall presentation of the proposed criteria for the development.

5. Consistency of typeface, illumination, and color is preferred if sign criteria or Master Sign Program have been approved, and then all requirements of that criteria or program must be utilized.

6. Application for sign criteria and/or Master Sign Program shall be updated in accordance with subsection A.5 of this section, Application, by the Planning and Zoning Administrator.

C. PAD Exemption

In the event that a Planned Area Development District (PAD) has established its own sign requirements, the owner of lands within the PAD, as determined by the Planning and Zoning Administrator, may elect to operate under all or a portion of this Chapter 28, Signs, in accordance with the procedures set forth below:

1. A letter requesting exemption from the specific PAD sign regulations must be submitted by the property owner within the PAD with a list of all homeowner/master associations within the affected area. The request shall be reviewed by the Conceptual Design Review Board.

2. Not less than thirty (30) days prior to the Conceptual Design Review Board meeting, Town staff shall verify the list of homeowner associations for accuracy and completeness and shall notify them by first class mail of the Conceptual Design Review Board hearing date.

3. The Conceptual Design Review Board shall forward a recommendation to Town Council. The Town Council shall approve, conditionally approve, or deny the request.

D. Violations

1. Revocation of Permit

   The Planning and Zoning Administrator may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a material omission or misstatement of fact, or is in violation of this Chapter or the Oro Valley Town Code.

2. Signs Placed in the Public Right-of-Way

   a. In the event that the requirements for off-site real estate signs are violated, the following procedures will be followed:

      First Violation: The real estate agent will be notified of the violation, the sign will be confiscated, and the agent will be assessed a fee of twenty-five dollars ($25) per sign to recover the sign.

   b. Second Violation by the Same Agent: The agent and broker will be notified of the violation. The sign will be confiscated and the agent will be assessed a fine of fifty dollars ($50) per sign.

   c. Third Violation by the Same Agent within One Year: The real estate agent and broker will be notified of the violation. The sign will be confiscated and the agent and broker will each be assessed a fine of one hundred dollars ($100) per sign.

   d. A maximum of five hundred dollars ($500) in fines may be assessed to an agent per calendar year.

   e. Additional Violations

      i. Any additional violation by the same real estate agent or broker is subject to revocation of the sign permit.

      ii. If a sign permit is revoked due to a violation, the permit fee shall not be refunded.

   f. Model home sign violations in the public right-of-way will be enforced in accordance with real estate signs, subsection D.2.a through d of this section.

E. Abandoned, Illegal, Prohibited, or Inadequately Maintained Signs

If an abandoned, illegal, prohibited, or inadequately maintained sign is located within the Town, the Planning and Zoning Administrator shall be empowered to issue a citation. The Planning and Zoning Administrator may also require removal or repair of the sign and shall advise the owner of said sign, or as an alternative, the owner of the property where said sign has been posted, to correct whatever violation or inadequacy he/she deems to exist. All actual costs and expenses of any such removal or repair shall be borne by the property owner of such sign.

F. Emergency Removals and/or Repair

1. The Planning and Zoning Administrator is authorized to cause the immediate removal or repair of any sign or signs found to be unsafe or defective to the extent that it creates an immediate and emergency hazard to persons or property. The Planning and Zoning Administrator shall make reasonable effort to notify the property owner and/or lessee that the unsafe or defective sign must be removed or repaired immediately. The Planning and Zoning Administrator may cause any sign or advertising structure which is an immediate peril to persons or property to be removed immediately after an attempt is made to reach the owner of the sign and the owner of the property, and without notice if the peril does not allow time for additional notice.

2. All actual costs and expenses of any sign removal or repair shall be borne by the owner of such sign and by the owner of the premises on which the sign is located. Each of them shall be jointly and severally liable thereof, and an action for recovery thereof may be brought by the Town upon proper documentation of such cost and/or expenses by the Planning and Zoning Administrator. The Planning and Zoning Administrator shall provide written notification to the property owner prior to the Town placing a lien on the property with the PIMA County Assessor's Office.

   ((O)11-07, Added, 03/16/11)

Section 28.3 General Sign Requirements

A. Construction

1. Building Code

   All signs shall be designed and constructed in conformity with the current building codes of the Town of Oro Valley.

2. Electrical Code

   All signs requiring an electrical permit per Section 28.2.A shall be in conformance with the current National Electrical Code adopted by the Town of Oro Valley.

3. Permanent Sign Materials

   All permanent signs shall be constructed using structural members of materials subject to approval of the Building Official and/or Town Engineer. Nonstructural trim may be wood, metal, aluminum, approved plastics, and/or a combination thereof.

4. Temporary Sign Materials

   Materials proposed to be used in constructing temporary signs shall be at the discretion of the fabricator but shall be stated in the application for the sign permit unless otherwise provided in this code. Adequacy of materials proposed from the standpoints of stability and safety and of composition and color shall be subject to approval by the Planning and Zoning Administrator and Building Official.

B. Illumination

1. Illumination of signs, when permitted by this Chapter, may be accomplished only by the following methods:

   a. Halo or internal illumination, to the extent that only the sign characters and logos emit light, unless otherwise approved by the Planning and Zoning Administrator or the Conceptual Design Review Board.

b. Area lighting provided such lighting is in accordance with the Town of Oro Valley Lighting Code.

c. Illuminated wall signs may be turned on no earlier than 5:00 a.m. and shall be turned off no later than 11:00 p.m. or when the business closes, whichever is later, or as specified in this Chapter.

d. Low-intensity LED lighting may be a component of a sign as specified in this Chapter.

2. Prohibited Lighting

The following types of light sources are prohibited as means to illuminate or attract attention to any sign:

a. Exposed neon and/or neon type tubing except for “open” and/or “closed” signs.

b. Internal lighting other than that expressly permitted in subsection B.1 of this section.

c. Blinking, flashing, rotating and animated light sources.

d. Search lights.

e. An illuminated sign placed on the interior of a business which is visible from the exterior shall not be illuminated when the business is closed, except “closed for business” signs.

C. Colors

1. Various sign colors shall be permitted, except fluorescent or iridescent colors.

2. All developments, including those within a Planned Area Development (PAD) that have approved sign criteria or Master Sign Program, are required to utilize only approved colors.

D. Location and Measurement Standards

1. Location Standards

a. No sign shall be installed so as to obstruct any door, window, or fire escape of any building.

b. No sign shall be erected in such a way as to: (i) interfere with or to confuse traffic; (ii) present any traffic hazard; or (iii) obstruct the vision of motorists.

c. No sign shall be erected in a manner which projects over any public sidewalk, street, alley, or public place unless otherwise approved by the Town Engineer and/or Planning and Zoning Administrator or is allowed by any portion of this Chapter.

d. No person shall place or maintain a sign in a public right-of-way, except as permitted by Sections 28.1.C, Nonconforming and Discontinued Signs; 28.6.C.6., Real Estate Lease, Rent and For Sale Signs; and 28.7, Temporary Signs on Public Property. The Planning and Zoning Administrator or Town Engineer may cause the removal of any unauthorized signs from public right-of-way.

e. No sign shall be installed so as to obstruct another sign, as determined by the Planning and Zoning Administrator.

2. Measurement Standards

a. The area of a sign that consists of individual letters, words and symbols, which are placed upon a building wall or freestanding wall and are not encompassed by a frame or boundary, shall be measured by the overall height of the tallest letter by the overall length of the entire sign. The Planning and Zoning Administrator may approve the calculation of signs by measuring the sum of the smallest rectangular shape needed to enclose each letter or symbol if special circumstances arise that would warrant the need to calculate differently.

b. A sign that consists of multiple faces, such as a monument sign, shall be measured to encompass the overall height by overall length of the largest face.

c. The sign height shall be measured as the vertical distance from the average finished grade beneath the sign to the topmost feature of the sign. If the sign is located where the average finished grade is lower than the adjoining grade of the road, the sign height may be taken from the roadway surface nearest the sign to the topmost portion of the sign.

d. Clearance is measured as the shortest distance between the underside of the sign and the average finished grade beneath the sign.

e. Setbacks for freestanding signs shall be measured from the edge of the sign structure closest to the property line.

E. Inspections and Maintenance

1. Inspections

The Building Official, Planning and Zoning Administrator, and/or Town Engineer, or any such person officially designated by them, is hereby empowered to perform inspections, as deemed appropriate, to assure compliance with this code.

2. Maintenance

a. Each sign shall be maintained in a new or like-new condition at all times so as not to constitute a danger or hazard to public safety or become an eyesore to the community.

b. Repainting/Resurfacing of Signs. Maintenance of signage, such as repainting or resurfacing shall not require any permits as long as the sign is in no way altered, changed, or modified from its previous state.

F. Landscaping

1. The base for all permanent freestanding signs shall be integrated into a landscaped area.

2. The landscaped area shall conform to the Town's landscape requirements and shall be maintained at all times.

3. The landscape design shall not permit plants that would obstruct the visibility of the sign face from the street.

((O)11-07, Added, 03/16/11)

Section 28.4 Definitions and Sign Types

1. A-Frame Sign

A hinged sign constructed of durable materials and connected so as to maintain the “A” shape structure of the sign.

2. Abandoned Sign

A sign which advertises, identifies or gives notice of a business which is no longer in operation or an activity which has already occurred.

3. Advertising

A sign primarily listing products sold or services offered, or products manufactured on the premises.

4. Alteration

Shall mean any change, addition, or modification in construction of an existing sign.

5. Animation

The movement or optical illusion of movement of any part of a sign structure, design, or pictorial segment, including the movement of any illumination, flashing or varying of light intensity. The automatic changing of all or part of the facing of the sign. The movement of a sign set in motion by the atmosphere.

6. Awning Sign

Refer to Section 28.5.B.1.

7. Balloon Sign

An airtight bag filled with helium, hot air or other gas, causing it to rise, that is anchored to a building or structure with ropes, wires and/or string to attract attention to the public.

8. Banner

Refer to Section 28.6.B.1.

9. Billboard

An off-site sign that is pasted, painted, or fastened on in a manner to allow for periodic replacement of messages that is not located on the property where the billboard is located.

10. Building Frontage

The measurement between two (2) straight lines projecting from the outermost edges of a building or tenant space wall that are perpendicular to a straight line running along the ground level of the front of the measured wall.

11. Cabinet Sign

A three (3) dimensional structure which includes a frame, borders and sign panel face and may include internal illumination upon which the sign logos are placed or etched, and is architecturally integrated with the building.

12. Change of Copy

A replacement face(s) or material to an existing sign without changing any structural members, sizes, and/or heights.

13. Changeable Copy Sign

    Refer to Section 28.5.B.2.

14. Character

    Any letter, number, logo, and/or symbol as defined in this section.

15. Construction Sign

    Refer to Section 28.6.B.2.

16. Development Complex

    A site having common vehicular access points, which is subject to a development plan.

17. Development Sign

    Refer to Section 28.6.B.2.

18. Direct Lighting

    A source of external illumination located a distance away from the sign which lights the sign, but which itself is not visible from any normal position or view.

19. Directional Sign

    Refer to Section 28.5.B.3.

20. Directory Sign

    Refer to Section 28.5.B.4.

21. Display Area

    Refer to Section 28.5.B.16.

22. Double-Faced Sign

    A sign having two (2) display surfaces, one (1) (or more) support(s) of which is (are) shared by both surfaces. Hence, double-face signs include back-to-back signs as well as V-shaped signs.

23. Electronic Message Sign

    A sign that permits the movement or frequent changing of messages by means of electronically controlled sign copy.

24. Entryway Sign

    Refer to Sections 28.5.B.5 and 28.5.C.1.

25. Fascia

A parapet-type wall used as part of the facade of a flat-roofed building and projecting from the building face immediately adjacent thereto. Such a wall shall enclose at least three (3) sides of the projecting flat roof.

26. Flag

    Refer to Section 28.6.B.3.

27. Freestanding

    Shall mean any structure which is not attached to any other structure or portion of a structure.

28. Garage/Yard/Estate Sale Sign

    An on-site or off-site, temporary sign made from paper, poster board, cardboard, or like material.

29. Government Sign

    A sign installed or required by a public agency such as traffic, public transit, public information, or similar government entity.

30. Grand Opening Sign

    An on-site sign advertising the opening of an establishment, expansion, or change of ownership of a commercial enterprise, new business, store, or office.

31. Ground or Monument Sign

    Refer to Section 28.5.B.8.

32. Halo Illumination

    Illumination produced by recessing a light source inside a hollow character with an open back or within the surface to which the sign letters are mounted. An outline glow around the characters is created by this light as it is reflected off the background to which the characters are attached.

33. Historical Marker

    A sign marker locating and identifying a historical interest or site.

34. Home Occupation Sign

    A sign that identifies a business or commercial activity that is conducted from the property zoned for residential use.

35. Human Signs

    Any portable commercial advertisement that is held or worn by a person or persons to draw attention to or direct the public to a business or event.

36. Identification Sign

    An on-site, permanent sign which identifies the premises where the sign is located.

37. Illuminated Sign

A sign whose surface is lit internally or externally.

38. Indirect Lighting

A source of external illumination located a distance away from the sign, but which is itself not visible from any normal position.

39. Internal Illumination

A source of illumination entirely within the sign wherein the source of the illumination is not visible.

40. Kiosk Sign

Refer to Sections 28.5.B.6. and C.2.

41. Logo

A graphic symbol representing a business. Logos shall be state or federally registered trademarks.

42. Maintenance

The replacing or repairing of a part of a sign made usable, unsafe, or unattractive by ordinary wear, tear or damage that is beyond the control of the owner, or the repainting of an existing sign without changing the wording, location, composition or color of the sign.

43. Marquee Sign

Any sign affixed to or constructed in a roof like structure or awning projecting over an entrance to a building, such as a theater.

44. Memorial Sign

A permanent sign, table, or plaque memorializing a person, event, structure, or site.

45. Menu Board

Refer to Section 28.5.B.8.

46. Model Home Flags

Refer to Section 28.6.C.3.

47. Modifier

A word on a sign describing uses and activities other than the business name.

48. Moving or Animated Signs

Any sign or part of a sign which changes physical position, flashes, blinks lights, rotates or conveys the illusion of movement by mechanical means, illumination, and/or air movement.

49. Neon Sign

An illuminated, commercial display made up of glass tubes, shaped to form letters and designs.

50. Nonconforming Sign

Any sign which does not conform to the provisions of this code but which, when first constructed, was legally allowed by the Town of Oro Valley or political subdivision then having control over signs.

51. Off-Site Sign

Any sign not located on the premises or site of the use identified or advertised by the sign.

52. On-Site Sign

Any sign which is located on the premises or site of the use identified or advertised by the sign.

53. On-Site Subdivision Sign

An on-site, temporary sign located at the entrance to a subdivision.

54. Open House

A dwelling or office space to which the public is invited for walk-in inspections.

55. Pan-Channel Letter

A dimensional character fabricated to form a pan (i.e., a back and sides). The pan is formed in the shape of a character. The sides are strips of the same material fastened to the back. The open end of the pan is usually capped by a character cut from translucent acrylic, and is known as the face. Neon or low-voltage lights are then installed inside the pan to illuminate the face.

56. Parapet

The top portion of the wall which extends above the roofline.

57. Pedestrian Tenant Directory

Refer to Section 28.5.B.9.

58. Pennants

Any lightweight plastic, fabric, or other material, containing multi-colors and that may contain a message of any kind, suspended from a rope, wires, or string, designed to move in the wind.

59. Permanent Sign

Letters, numerals, symbols, and/or insignia that is intended to be displayed for an indefinite or long-lasting period and the lettering or message of which is intended to remain essentially unchanged, except for the maintenance against normal effects of exposure to weather.

60. Pole Cover

Covers made from various materials which enclose or conceal a pole or other structural supports or members to the sign.

61. Political Election Sign

A sign not permanently installed in the ground or attached to a building relating to the election of a person to a public office, or relating to a public party, or relating to a matter to be voted upon at an election called by a public body.

62. Portable Sign

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be moved by means of wheels; signs converted into A-frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicles are used in normal day-to-day operations of the business.

63. Posters

A large printed display or picture often posted in a public place as a notice or advertisement.

64. Premises

All contiguous land used and occupied by an establishment, whether owned or leased from another. Included are all buildings, storage and service areas, and private roads or driveways which are an integral part of the establishment.

65. Prohibited Use

Shall mean a use not specifically permitted.

66. Public Service Sign

A sign which provides directions to a public or quasi-public location such as community centers, schools, Town facilities, and religious institutions.

67. Projecting Sign

An on-site sign attached to and extending more than twelve (12) inches from a structure not designed exclusively for the support of the sign and/or a sign which projects from the wall of a building or structure perpendicular to the wall surface.

68. Real Estate Sign

A sign pertaining to the sale, rent, or lease of the premises or portion of the premises on which the sign is located.

69. Reasonable Repairs

To restore an existing structure to a good or sound condition resulting from decay or damage.

70. Residential Sign

A sign on which is displayed the name and address of the occupant.

71. Reverse Channel Letter

A sign with dimensional character(s) fabricated from opaque material to form a pan, i.e., a front and sides. The pan is formed in the shape of a character. The sides are strips of material fastened to the front. The back remains open. Neon or low voltage lights may be installed inside the character which creates a halo illumination.

72. Roofline

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

73. Roof Sign

A sign that is mounted on, above, or over the roof of a building, so that it projects above the highest point of the roofline, parapet, or fascia of the building.

74. Seasonal Sign

Refer to Section 28.6.B.5.

75. Service Station/Fuel Sign

Refer to Section 28.5.B.10.

76. Setback

The shortest straight line distance in feet from the nearest property or lot boundary to the main accessory building, structure, sign, or similar features located on the same property or lot.

77. Sign

Every message, announcement, declaration, display, illustration, insignia, character, surface, or space erected, maintained or attached to any structure, surface, or thing and made visible for the purpose of attracting attention or to making something known to the public.

78. Sign Area Allotment

The permitted amount of identification sign area on ratio to the linear footage of building frontage.

79. Sign Modification

Any change to an existing sign's copy, color, and/or supporting structures.

80. Sign Structure

A freestanding wall, pole, pedestal, or object erected for the purpose of supporting the sign.

81. Site Plan

A plan drawing of an individual site including the layout of buildings, circulation system, parking, walls, landscaping, open space, and any other appropriate information as required by the Town of Oro Valley to provide adequate review.

82. Seasonal or Event Banner

Refer to Section 28.6.B.1.c.

83. Subcontractor Sign

A temporary sign which identifies the firm, business, persons, or entity responsible for work or activity in progress at the location of the sign.

84. Symbol

A letter, figure, or other conventional mark designating an object, quantity, operation, function, or the like.

85. Temporary Sign

Any display in public view to advertise or convey information or direction which is intended to be displayed for a limited or finite period of time only. The type, quality, and materials of construction of which, although visually attractive and structurally sound, are not intended to be long lasting.

86. Theater Sign

Refer to Section 28.5.B.11.

87. Time and Temperature Sign

Refer to Section 28.5.B.12.

88. Traffic Sign

An on-site or off-site sign for which the sole purpose and placement are solely to define and streamline the flow of vehicular traffic so as to minimize congestion and promote safety.

89. Under-Canopy Sign

Refer to Section 28.5.B.13.

90. Unoccupied

A premises or structure which is not occupied or being put to those uses as authorized by the last business privilege license issued by the Town for that address and business or a premises or structure where the public utilities are not in service.

91. Vehicle Sign

A sign that is mounted, painted, or erected upon trucks, cars, boats, trailers, or other motorized vehicles or equipment that is parked for the primary purpose of functioning as a sign.

92. Wall Sign

Refer to Section 28.5.B.14.

93. Window Sign

Refer to Section 28.5.B.15.

((O)11-07, Added, 03/16/11)

Section 28.5 Permanent Signs

A. Identification Signs

1. The following signs shall be required for the purpose of identification:

    a. Residential address.

    b. Building address for multi-building development (Refer to the current Pima County Addressing Code Regulations).

    c. Names of streets, drives, circles, complexes, condominiums, etc.

B. Permanent Signs in a Commercial/Industrial Zoning District.

The following permanent sign types shall be allowed within a Commercial, Industrial and/or Private Schools Zoning District.

1. Awning Sign

    a. Definition: A sign which is placed on, or integrated into, fabric or other material canopies, which is mounted on the exterior wall of a building. Sign copy affixed to an awning may only display the name of the business and/or address.

    b. Quantity: One (1) awning allowed per business.

    c. Area of Sign Copy: Maximum twenty (20) square feet which shall count against the business's sign area allotment.

    d. Height: Not to exceed the roofline of a building.

    e. Illumination: Internal illumination, fluorescent lamps, provided only the copy emits light. The background material shall be opaque. An awning sign must be turned off at the close of business.

2. Changeable Copy Sign

    a. Definition: A sign or portion thereof with characters, letters, or illustrations that can be changed or re-arranged without altering the face or surface of the sign. Changeable copy signs are limited to and/or restricted to, schools, and religious institutions. Standards for changeable copy signs for theaters are in subsection B.10 of this section and for service station/fuel signs in subsection B.12 of this section. Such signs shall be integrated into monument style or wall-mounted type signs and may be illuminated. Changeable copy may not be changed electronically, except as specified in this Chapter.

    b. Quantity: One (1) allowed as part of a monument style or wall sign.

    c. Area of Sign: To be included as a component of a monument style or wall sign.

Figure 28-2: Changeable Copy Sign

3. Directional Sign

   a. Definition: A permanent on-site sign that is placed solely to define location and streamline the flow of vehicular and/or pedestrian traffic so as to minimize congestion and promote safety. A directional sign may only display written or graphic directions for traffic, name of the business and/or logo, and address and/or suite number.

   b. Quantity: One (1) single- or double-faced directional sign per individual, freestanding business that is not part of a Master Sign Program. Businesses that have drive-through lanes shall be allowed one (1) additional directional sign.

   c. Area of Sign: Six (6) square feet.

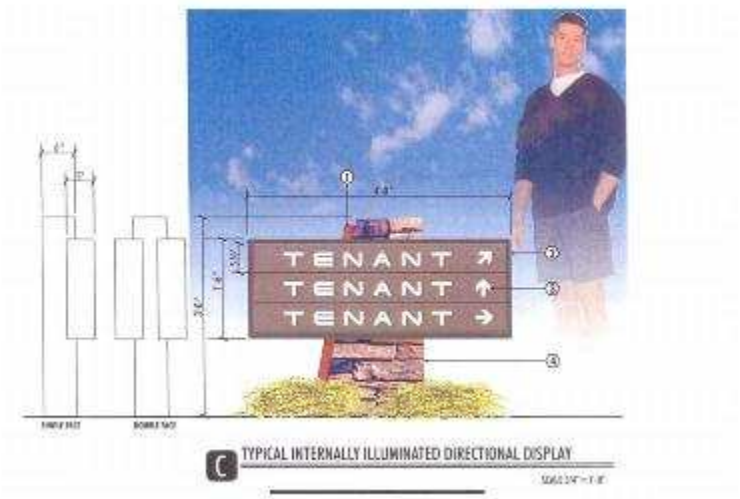
   d. Height: Not to exceed three (3) feet.

   e. Location: To be located at an access point to the property and/or interior to the property of the business.

   f. Setback: None unless otherwise required.

   g. Illumination: Internal illumination allowed; provided, that the sign is turned off at the close of business.

Figure 28-3: Directional Sign



4. Directory Sign

   a. Definition: An on-site sign interior to a development that lists only names and locations of the businesses or activities within a building or multi-tenant complex. A directory sign shall help to direct vehicular and/or pedestrian traffic.

   b. Quantity: Shall be determined and reviewed on an individual project basis by the Planning and Zoning Administrator, when applicable. The guidelines set forth under an approved sign criteria or Master Sign Program shall be followed.

   c. Area of Sign: Not to exceed forty (40) square feet, and not to exceed two (2) square feet for each business displayed on the sign.

   d. Height: Not to exceed eight (8) feet from grade.

   e. Location: Interior to the property or development, such as the parking area.

   f. Setback: Minimum forty (40) feet from the property line.

   g. Illumination: Internal illumination allowed; provided, that the sign is turned off by 11:00 p.m.

5. Entryway Sign

   a. Definition: A permanent sign identifying the entrance to a subdivision, complex, facility, or commercial development.

   b. Quantity: Maximum of two (2) per entryway with one (1) located on each side of entryway. If the linear frontage of the project exceeds six hundred (600) feet and there is more than one (1) entry point along that frontage, two (2) additional signs may be permitted at the second entryway on that frontage. For projects with multiple street frontages, entryway signs are permitted on each frontage in accordance with the quantity and spacing requirements listed above.

   c. Area of Sign: Thirty-two (32) square feet.

   d. Height: Not to exceed six (6) feet or the height of the entryway wall on which the sign is placed.

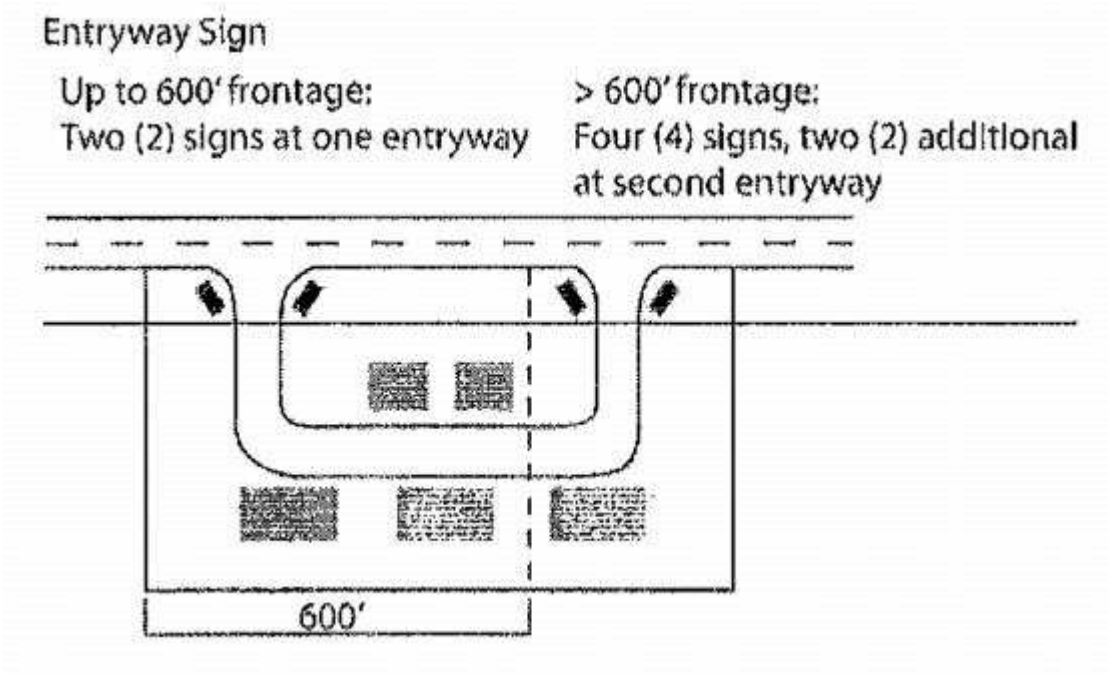
   e. Location: On private property, in a landscaped area at entryways, as described above.

   f. Setback: None unless otherwise required.

   g. Illumination: Halo illuminated letters or direct lighting that shall not project above the sign. The sign may be turned on at 5:00 a.m and shall be turned off by 11:00 p.m.

Figure 28-4: Entryway Sign

Figure 28-5: Allowed Entryway Signs



6. Kiosk Identification Signs

   a. Definition: A sign identifying subdivisions, builders, model homes and Town facilities. The Town shall contract with an independent contractor who will coordinate a subdivision tract and apartment sign program within the Town limits. The contractor shall be responsible for the manufacture of all kiosks and tract signs. All signs shall be built in accordance with the contract and specifications of the International Building Code and Town's Building Official.

   b. Quantity: Provided in the contract approved by the Town.

   c. Area of Sign: Each sign panel shall not exceed eight (8) inches in width by four (4) feet in length.

   d. Height and Width: Maximum five (5) feet in width and eight (8) feet in height for each kiosk.

e. Location:

i. Kiosks may be approved on an arterial or collector street in any zoning district.

ii. The Town Engineer shall review all kiosk applications and confirm that kiosks do not obstruct the view of the traveling public or pose a public safety hazard.

f. Illumination: Shall be nonilluminated.

g. Removal: Any kiosk containing less than three (3) panels for a period of ninety (90) days shall be removed by the contractor.

h. A right-of-way permit is required for any kiosk proposed in the public right-of-way.

7. Menu Board

a. Definition: A monument style or wall-mounted sign providing a bill of fare for the purpose of placing orders at a drive-through, drive-in restaurant, or walk up window.

b. Quantity: Two (2) per drive-through lane.

c. Area of Sign: Thirty-two (32) square feet.

d. Height: Not to exceed six (6) feet.

e. Location: Within a designated drive-through lane so as not to be visible from adjacent streets or property, or another location approved by the Town.

f. Setback: Must be on private property and shall not pose a safety hazard.

g. Illumination: May be internally illuminated provided the menu board is turned off no later than one (1) hour after business is closed.

8. Monument Sign

a. Definition: A permanent sign supported by structures, columns, uprights, and/or braces that are placed on, or anchored in, the ground independent of the building or business structure. The sign may be single- or double-faced, with all supporting structures concealed. The sign may contain the name of the development and a maximum of eight (8) tenants, along with the property address. No one (1) tenant may be displayed more than once in one (1) monument sign. A theater, service station/fuel, religious institution, or school sign may display their name and/or logo along with changeable copy panels.

b. Quantity: One (1) per street frontage. If frontage is greater than six hundred (600) feet and there is more than one (1) entrance to the development, a second sign is permitted. For frontages greater than eight hundred (800) feet, additional signs may be approved by the Town. A corner sign with frontage on both streets may be utilized as an additional allowable sign.

c. Area of Sign: Fifty (50) square feet for a single tenant or the development name and seventy-two (72) square feet for a multiple-tenant sign with tenant panels.

d. Height: Not to exceed eight (8) feet from grade. An architectural element of the sign, such as an arch or column, may exceed the height of the monument sign by twenty-five percent (25%); provided, that all text and logos are less than eight (8) feet in height from grade.

e. Location: To be placed near the entrance or along a street frontage on private property.

f. Setback: None unless otherwise required.

g. Illumination: Illumination may be halo, internal, or a combination thereof. Individual panels shall be opaque with copy that may be lit. Unused tenant panels shall be opaque and designed to match the rest of the sign. The sign may be turned on at 5:00 a.m. and shall be turned off no later than 11:00 p.m.

h. Blank tenant panels shall not be white.

9. Pedestrian Tenant Directory

a. Definition: An exterior, wall-mounted, or freestanding sign that lists only the names and locations of tenants of a complex or development for the sole purpose of directing pedestrians. The sign shall have a uniform background color and letter style.

b. Quantity: One (1) per building entrance, or as approved by the Town. If applicable, applicant shall follow the guidelines set forth under a Master Sign Program, Section 28.2.B.

c. Area of Sign: Maximum four (4) square foot panel for the name of the complex and maximum two (2) square foot panel for each business or resident within the complex.

d. Height: Shall be at eye level for pedestrian traffic and not exceed the roofline of a building.

e. Location: May be wall-mounted or freestanding at pedestrian entrance points to the complex and/or along pedestrian walkways.

f. Illumination: Sign shall be nonilluminated.

Figure 28-6: Pedestrian Tenant Directory

10. Service Station/Fuel Sign

a. Definition: A permanent, two (2) component, monument style sign displaying the changeable fuel prices, fuel types, name of station, and/or logos.

b. Quantity: One (1) per street frontage.

c. Area of Sign: Thirty-two (32) square feet.

d. Height: Not to exceed six (6) feet from grade.

e. Location: On private property adjacent to an arterial or collector street only.

f. Setback: None unless otherwise required.

g. Illumination: Name and logo of the business may be internally illuminated. Current fuel prices and fuel types may be internally or electronically illuminated by means of LED, provided the light is low intensity. Any constant movement, blinking, flashing, high intensity, or animation caused by an LED is prohibited.

Figure 28-7: Service Station/Fuel Sign

11. Theater Signs

a. Definition: A monument style or wall sign with changeable copy panels used to display the current movies and times they are playing within the theater.

b. Quantity: One (1) wall sign and (1) monument style sign allowed.

c. Area of Sign: Fifty (50) square feet for a monument style sign and sixty-four (64) square feet for a wall sign.

d. Height: Eight (8) feet for a monument style sign. A wall sign shall not extend above the roofline of a building.

e. Location: A monument style sign shall be located on private property and a wall sign shall be displayed at the main entrance to the building.

f. Setback: None unless otherwise required.

g. Illumination: The sign may be internally illuminated or the copy may be electronically illuminated by means of an LED. The sign may only display the current listing of movies and their times. No other advertising message is allowed. Any constant movement, blinking, flashing, or animation is strictly prohibited. The sign shall be turned off one (1) hour after closing of theater.

Figure 28-8: Theater Sign

12. Time and Temperature Signs

    a. Definition: An electronically controlled sign that provides the current time and/or temperature.

    b. Quantity: One (1) per development project.

    c. Area of Sign: A time and temperature sign may be a component of a monument style sign. Wall signs shall not exceed twenty (20) square feet.

    d. Height: Not to exceed the roofline of a building.

    e. Location: On private property and shall not be located within six hundred (600) feet of another time and temperature sign, not including an analog mounted on a wall.

    f. Illumination: May be illuminated by means of a low-intensity LED or other internal light source.

13. Under-Canopy Sign

    a. Definition: A wall-mounted or hanging sign which identifies the business name and/or logo. Under-canopy signs shall be consistent in color, shape, design, and materials, if the development has an approved sign criteria or master sign program. An under-canopy sign shall be located entirely under a covered porch, walkway, extended roof or similar structure and is solely for directing pedestrian traffic.

    b. Quantity: One (1) per tenant space.

    c. Area of Sign: Four (4) square feet.

    d. Height: A minimum clearance of seven (7) feet shall be maintained beneath the sign and shall not extend above a roofline of the building.

    e. Location: The sign shall be in front of the tenant space it is identifying and shall be suspended from a roof overhang above a walkway or porch, or may be perpendicular to the street and attached to the fascia of the building.

    f. Illumination: Shall be nonilluminated.

14. Wall Sign

    a. Definition: Any sign which is fastened, attached, connected, or supported in whole or in part by a building or structure other than a sign structure which is supported wholly by the ground with the exposed face of the sign in a plane parallel to the plane of the wall. A wall sign shall consist of individual character letters (pan channel or reverse pan channel). Only individual logos may utilize cabinet sign type with a translucent sign face. Wall signs may include the name of the business, a trademarked logo, and modifiers, if needed, to further clarify the goods or services available on the premises.

b. Quantity: No more than two (2) elevations may contain a wall sign. If a single tenant occupies an end unit or entire freestanding building, there may be signs on three (3) elevations, but only two (2) elevations may have illuminated wall signs. “End unit” refers to the end unit of a building in the final phase of a development.

c. Area of Sign: For building elevations containing wall signs, a sign may be twenty-four (24) square feet, with no single wall sign containing more than one (1) square foot of sign for each linear foot of building frontage, for a maximum sign area of one hundred fifty (150) square feet. Wall signs for building elevations further than three hundred (300) feet from the street may contain no more than one and one-half (1-1/2) square feet of sign area for each linear foot of frontage, for a maximum sign area of two hundred (200) square feet. Where businesses do not possess individual frontages, each may maintain an individual sign; however, the maximum wall sign square footage shall not be exceeded.

d. Height: No wall sign shall extend above the roofline of a building.

e. Location: Shall only be placed on the building elevations or at the main entrance of a business which the sign identifies, and may not project more than eight (8) inches from the wall on which the sign is mounted.

f. Illumination: Individual letters may be nonilluminated, halo illuminated or internally illuminated for cabinet- type signs in which only the logo emits light. The sign may be turned on at 5:00 a.m. and shall be turned off at 11:00 p.m. or when the business closes, whichever is later.

Figure 28-9: Wall Sign

15. Window Signs

a. Definition: Any form of advertisement and/or identification associated with the business that is affixed to the interior or exterior of a window, or placed immediately behind a window so as to inform or attract attention to the public outside of the building and/or tenant space. Window signs are divided into four (4) types of signs:

i. Business Name: Signs that identify the name of the business.

a) Area of sign: Maximum two (2) square feet.

b) Quantity: Maximum of one (1) sign for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties having two (2) street frontages, the same shall apply on both sides.

c) Location: The business name sign shall be located on the entrance door to the establishment. If an entrance door cannot be utilized, then the sign may be located where it will not interfere with any other sign types, under this provision.

ii. Business Hours of Operation: Signs that identify the business is open and/or closed for operation.

a) Area of Sign: Hours of operation shall not exceed a maximum of one (1) square foot.

b) Quantity: Maximum of one (1) sign for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties having two (2) street frontages, the same shall apply on both sides.

c) Location: The hours of operation shall be located on the entrance door to the establishment. If an entrance door cannot be utilized, then the sign may be located within another area that will not interfere with any other sign types, under this provision.

iii. Sign Band: A thin band which stretches the overall length of the windows of a building front and/or tenant space and displays either the name of the business or logo in multiple successions.

a) Area of Sign: A sign band shall not exceed a maximum of one (1) foot in height by the overall length of the building frontage and/or tenant space.

b) Quantity: A maximum of one (1) sign band per window.

c) Height: The sign band shall be no higher than the midpoint of the overall height of the windows from grade.

d) Additional Requirements:

i) The band may include additional text, logos, or graphics that relate to the business within.

ii) Copy may not exceed fifty percent (50%) of the total band length.

iv. Display Area: Shall be defined as an area for the purpose of displaying miscellaneous items such as posters, menus, promotional items or the like which pertain to the business itself, in a defined location. Window displays such as mannequins, three (3) dimensional figures, clothing and the like, which do not contain advertisement, shall not be considered a window type sign as described above.

a) Area of Sign: Maximum of six (6) square feet.

b) Quantity: Maximum of one (1) sign type each for any one (1) business and/or tenant space. For businesses that are corner tenants or individual properties with two (2) street frontages, may have one (1) display area per frontage. Businesses and/or tenants with building frontage in excess of forty (40) feet may have one (1) additional display area.

c) Location: The display area shall be located on the first immediate window to the right or left of the entrance door. For tenants having a corner space, the display area shall be located so as to not interfere with visibility pertaining to safety issues or interfere with any other sign types under this provision.

b. Illumination: Window signs shall contain no illumination except for an open/closed sign.

c. Color: All window signs shall utilize colors that are compatible with the architectural design of the building. Fluorescent or iridescent colors shall not be allowed.

d. Additional Requirements:

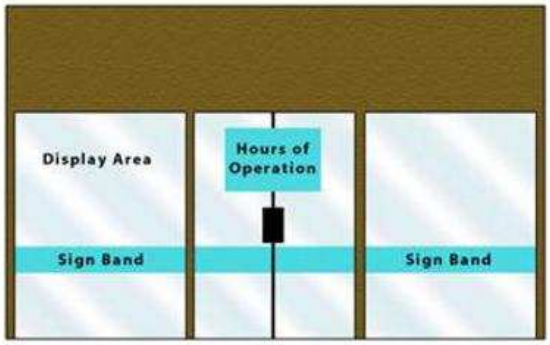
i. Permits are required for all window signs.

ii. Business name/hours of operation and open/closed signs shall be exempt from obtaining a permit.

iii. No additional permits will be required to continually change the display area as long as the location of the original permitted area did not change.

iv. Any off-site advertisement displayed in a window is strictly prohibited unless otherwise specified in this Chapter.

Figure 28-10: Sample illustation showing placement of window signs for business or tenant with more than 40 feet of building frontage.



C. Permanent Signs within a Residential Zoning District

The following permanent signs shall be allowed within a Residential District:

1. Entryway Signs

Refer to subsection B.5 of this section.

2. Kiosk Signs

Refer to subsection B.6 of this section.

3. Changeable copy, monument, and wall signs for churches, schools, and public institutions are permitted in residential districts subject to Town approval.

((O)11-07, Added, 03/16/11)

Section 28.6 Temporary Signs

A. Requirements for All Temporary Signs

1. Any sign that penetrates the ground is subject to blue stake requirements.

2. Temporary signs shall not obscure, be attached to or mimic public traffic control devices, signage, or appurtenances.

3. Any damage to public or private property caused by signs placed within the right-of-way shall be the sole responsibility of the sign owner.

4. Standards for temporary sign materials are provided in Section 28.3.A.4, General Sign Requirements.

B. Temporary Signs in a Commercial/Industrial Zoning District

The following temporary sign types shall be allowed within a Commercial and/or Industrial District:

1. Banner

a. Requirements for All Banners

i. Definition: Any sign of light-weight fabric or similar material that is temporarily mounted to a building or is freestanding.

ii. Design Standards

a) Installation: All banners shall be securely anchored to the wall and/or parapet wall of the building where the business is located or, if freestanding, attached to a solid perimeter frame that matches the banner color. The frame shall be anchored by posts with eyelets fastening the banner to the frame at two (2) foot maximum spacing, or in such a manner that the banner is taut and does not fold over. Banners shall not be hung from another sign structure, landscaping, utility pole, or similar structure.

b) Materials: Banners must be made of durable mylar, nylon fabric, or similar material.

c) Background color shall be white or beige.

d) Lettering shall be neat and legible copy.

b. New Business Banner

i. A banner may be utilized for the purpose of a new business opening or change of ownership to promote a new business. For seasonal or special event banner signs, see subsections B.1.c and d of this section.

ii. Quantity: One (1) banner per street frontage, per business. No more than two (2) banners shall be issued to any one (1) new business.

iii. Area of Sign: Maximum sixty-four (64) square feet.

iv. Height: Not to exceed the roofline of a building.

v. Location: Must be installed on the site and/or tenant space of the business.

vi. Duration: Banners are allowed for a period of thirty (30) days. One (1) extension for an additional thirty (30) days may be granted by the Planning and Zoning Administrator, due to extenuating circumstances. A written request must

be submitted prior to the first thirty (30) day expiration. No more than one (1) extension may be granted in a calendar year.

vii. Removal: A banner must be removed after thirty (30) days or if permanent signage has been installed prior to the expiration of a new business banner.

c. Seasonal or Event Banner

i. Definition: A seasonal or event banner may be used to advertise a seasonal or special event in any Commercial/Industrial Zoning District.

ii. Quantity: One (1) freestanding sign per street frontage and/or one (1) wall sign. A business is allowed a maximum of four (4) permits per calendar year.

iii. Area of Sign: Maximum sixteen (16) square feet for a freestanding sign and maximum twenty-four (24) square feet for a wall-mounted banner.

iv. Height: Not to exceed four (4) feet from grade for a freestanding sign. Wall-mounted signs shall not exceed the roofline of a building.

v. Location: On private property where the event is taking place and/or the merchandise is being sold.

vi. Setback: None unless otherwise required.

vii. Duration: Each permit shall not exceed thirty (30) days.

d. Three-Day Special Event Banner

i. Definition: A banner may be permitted on the day(s) of a special event, but shall not be used to advertise any event that exceeds three (3) days in duration.

ii. Quantity: One (1) per street frontage. Not to exceed four (4) permits per calendar year.

iii. Area of Sign: Maximum sixty-four (64) square feet.

iv. Height: Maximum four (4) feet from grade for a freestanding sign. Wall-mounted signs shall not exceed the building roofline.

v. Location: On private property where the event is taking place and/or the merchandise is being sold.

vi. Setback: None unless otherwise required for public safety purposes.

2. Construction/Development Sign

a. Definition: A construction sign may only contain the names of the architects, engineers, contractors, or similar artisans, as well as the owners, financial supporters and similar individuals or firms associated with the project.

b. Quantity: One (1) per street frontage. No one (1) development may have more than one (1) construction sign on a single street frontage.

c. Area of Sign: Maximum thirty-two (32) square feet.

d. Height: Not to exceed eight (8) feet from grade.

e. Location: On the property that is being developed.

f. Setback: None unless otherwise required for public safety purposes.

g. Removal: All signs must be removed upon the completion of ninety-five percent (95%) of the development, or within three (3) years from date of permit issuance, whichever comes first.

3. Flags

a. Definition: Any flag containing distinctive colors, patterns, or symbols, used as a symbol of government or a political entity. All national and state flags shall be allowed.

b. Quantity: Two (2) flag poles for each development and/or individual property.

c. Flag Size: The length of the flag shall be no greater than one-quarter (1/4) of the height of the flag pole.

d. Flag Pole Height: No greater than 1.25 times the height of the nearest primary building.

e. Location: Permitted in any zoning district and only on private property.

f. Setback: Located so that the flag does not overhang public right-of-way or create a public safety hazard.

g. Additional Requirements:

i. A building permit for the flag pole shall be obtained.

ii. A site plan shall be submitted for review of location and adequate setbacks.

iii. The use of flags for the purpose of advertising or with intent to advertise is strictly prohibited unless otherwise specified by this Chapter.

4. Real Estate, Lease, Rent and For Sale Signs

a. Definition: Any sign pertaining to the sale, rent, or lease of the premises or portion of a premises. The sign may be freestanding or wall-mounted, single- and/or double-faced.

b. Quantity: One (1) sign per street frontage.

c. Area of Sign: Maximum sixteen (16) square feet.

d. Height: Not to exceed eight (8) feet from grade.

e. Location: Upon the property that is being sold, rented or leased.

f. Setback: None unless otherwise required.

g. Permit: Sign permits for real estate, lease, rent, and for sale signs are valid for one (1) year. The permit may be re-issued in one (1) year increments.

h. Removal: Must be removed within seven (7) days upon the sale, rent, or lease of the property or expiration of the sign permit.

5. Seasonal Signs

a. Definition: Seasonal signs may include decorations, holiday lights, garland, or similar treatment oriented toward a holiday event. Holiday banners are allowed in

accordance with subsection B.1.c of this section, Seasonal Banners. Seasonal signs and decorations shall be temporarily displayed for traditionally accepted civic, patriotic, or religious holidays.

b. Location: On private property and shall not be displayed in such a manner as to constitute a traffic hazard.

c. Removal: Must be removed within ten (10) days of the subject holiday.

d. Additional Requirements: A permit is required for all event-related signage under this Chapter. A permit is not required for any other seasonal decoration.

C. Temporary Signs in a Residential Zoning District

The following temporary signs shall be allowed within a residential zoning district.

1. Flags (Refer to subsection B.3 of this section, Flags)

2. Model Home Banners

a. Definition: Banners for a model home may be utilized for the sole purpose of a sales event or to identify a new model home. Three (3) day, seasonal or event banners are permitted at model homes in accordance with subsections B.1.c and d of this section.

b. Quantity: One (1) banner per model home.

c. Area of Banner: Maximum thirty-two (32) square feet.

d. Location: Shall be on private property where the model home complex is located. The banner may be wall-mounted or freestanding.

e. Height: A banner attached to the model home shall not extend above the roofline. A freestanding banner shall not exceed five (5) feet from grade.

f. Setback: None for a freestanding banner unless otherwise specified for public safety purposes.

g. Duration: The banner shall be mounted only on Saturdays and Sundays for one hundred four (104) days. The banner may be permitted for an additional sixteen (16) days for the purpose of opening the model home or model home complex.

h. Removal: The banner may be placed not more than one (1) day before the advertised event, and must be removed within one (1) day after the event.

3. Model Home Complex or Custom Home Lot Sales Office Signs

In addition to model home banners (subsection B.2 of this section), the following types of signs are permitted for model home complexes or custom home lot sales offices:

a. Model Home On-Site Signs

i. Definition: Individual model units may have a single model identification sign and/or an informational sign for the model home complex or custom home lot sales office, and a directional sign to direct people to available parking at, or near, the model home/custom home sales office. Seasonal event and model home banners are permitted for model home complexes or home lot sales offices in accordance with subsection B.2.c of this section, Construction/Development Signs, subject to the standards of subsection A.4 of this section.

ii. Quantity: One (1) identification sign for model home units, one (1) construction/development sign, and one (1) parking lot directional sign.

iii. Area of Signs: Individual model units maximum four (4) square feet. Model home complex/custom home lot sales office maximum sixteen (16) square feet. Parking lot directional sign maximum six (6) square feet.

iv. Height: Individual model units maximum three (3) feet; informational model home complex/custom home lot sales office maximum five (5) feet; parking directional sign maximum three (3) feet from grade.

v. Location: Within the model home complex/custom home lot sales office and shall be located so as to not interfere with the flow of traffic or within a sight visibility triangle. The parking directional sign shall be located at the driveway entrance to the designated parking area. Signs may be freestanding, wall-mounted, or integrated into an awning type structure.

vi. Removal: All signs must be removed within seven (7) days after the closing of the sales office or model home office.

b. Model Home Off-Site Signs (Interior and Exterior to the Subdivision)

The following off-site signs are allowed interior to a subdivision:

i. Off-Site within the Subdivision

a) Definition: Signs within a subdivision which direct traffic to the model home complex or custom home lot sales office.

b) Quantity: The number of signs allowed is based on the number of intersections or changes of direction of subdivision streets, as approved and deemed necessary by the Planning and Zoning Administrator or Town Engineer.

c) Area of Sign: Maximum one and one-half (1-1/2) feet by two (2) feet, or three (3) square feet.

d) Height: Maximum allowable height thirty (30) inches.

e) Location: An interior, off-site sign shall be located along streets within the subdivision. Such signs shall be located on private property with the permission of the property owner. Proposed placement in the public right-of-way is subject to Town Engineer approval and shall comply with Section 28.7.A.3.e.

f) Setback: None unless otherwise required.

g) Removal: All signs shall be removed within seven (7) days of the closure of the sales office or model home office.

ii. See Section 28.7.A.3 for model home complex or sales office signs allowed in public right-of-way.

4. Model Home Complex Flags

a. Definition: Individual flags, attached to freestanding poles that may be multi-colored and/or contain the corporate logo for a model home complex sales office.

b. Quantity: Maximum of four (4) poles/flags.

c. Area of Flag: Maximum fifteen (15) square feet.

d. Height: Flag poles shall not exceed twenty (20) feet from grade.

e. Location: Flag poles may be located within the model home complex or parking area, subject to Town Engineer approval.

f. Setback: Minimum five (5) feet from the property line or determined by the Town Engineer.

g. Removal: All flags and flag poles must be removed within seven (7) days after the closing of the model home office.

h. Additional Requirements

i. A building permit must be obtained for flag poles.

ii. Flag poles may not be illuminated.

5. On-Site Subdivision Signs

a. Definition: The sign shall identify a development in progress and may include: the name of the development and/or subdivision; the name and phone number of the developer or agent; price range, residential type, and number of units to be available and essential contact information for the developer or agent. All other associated agencies or firms may be displayed on the sign, such as the engineer, architects, or firms providing financing, and principal contracting firms.

b. Quantity: One (1) freestanding sign per subdivision. The Planning and Zoning Administrator may approve a second on-site subdivision sign if deemed necessary.

c. Area of Sign: Maximum forty (40) square feet.

d. Height: Maximum of ten (10) feet. The height may be increased to twelve (12) feet by approval of the Planning and Zoning Administrator if visibility of the sign is obstructed.

e. Location: Must be located at the access point on private property with the permission from the property owner.

f. Setback: None unless otherwise required for public safety purposes.

g. Removal: Within seven (7) days of the sale of one hundred percent (100%) of the lots of the subdivision or one hundred eighty (180) days after closure of sales office, whichever comes first. Signs may remain on unsold lots in accordance with subsection C.6 of this section.

6. Real Estate, Lease, Rent, and For Sale Signs

a. On-Site Signs

i. Definition: Signs to advertise existing individual single-family residences for sale, lease, or rent. The sign may be a single or double-faced, freestanding sign.

ii. Quantity: One (1) for each street frontage which abuts the property.

iii. Area of Sign: Four (4) square feet.

iv. Height: Maximum of five (5) feet from grade. The Planning and Zoning Administrator may approve heights up to ten (10) feet, if warranted.

v. Location: Only on the lot or site of the dwelling offered for sale, lease, or rent.

vi. Setback: None unless otherwise required.

vii. Permit: Sign permits for real estate, lease, rent, and for sale signs are valid for one (1) year. The permit may be re-issued.

viii. Removal: Within seven (7) days upon the sale, lease, or rent of the property.

b. Off-Site Signs. See Section 28.7.A.3, Off-Site Real Estate Signs.

((O)11-07, Added, 03/16/11)

Section 28.7 Temporary Signs on Public Property

A. Permitted Temporary Signs on Public Property

1. Noncommercial Temporary Signs in Sign Zones

a. Definition: A temporary sign not intended for commercial purposes such as a campaign sign, and not permanently installed in the ground or attached to a building.

b. Quantity: Maximum one (1) single- or double-faced sign per temporary sign zone.

c. Area of Sign: Maximum nine (9) square feet within a temporary sign zone or if placed with the appropriate right-of-way permit shall not exceed a maximum of four (4) square feet.

d. Height: Maximum of three (3) feet, six (6) inches from grade within temporary sign zones or thirty (30) inches if placed with an authorized right-of-way permit.

e. Location: Temporary sign zones are established by Town Council for placement of noncommercial, temporary signs. Within the public right-of-way, zones of three hundred (300) to five hundred (500) square feet in size may be established, and, in the event that the zones are established at an intersection, no more than two (2) zones may be located at or near the intersection.

i. Within the Town Hall Complex: Such zone shall be no greater than two hundred (200) square feet. Moreover, temporary sign zones shall not be located within one hundred fifty (150 feet) of any entrance to the Town Hall Complex.

ii. At or Near Town Parks: Temporary sign zones shall not be located within one hundred fifty (150) feet of any entrance to Town parks.

iii. Approved temporary sign zones are depicted on the “temporary sign zone map.”

f. Commercial signage within a temporary sign zone is prohibited.

2. Noncommercial Temporary Signs in Right-of-Way

a. Definition: Temporary signs which may be located in the Town’s right-of-way.

b. Quantity: As approved by the Planning and Zoning Administrator.

c. Area of Sign: Maximum of four (4) square feet.

d. Height: The sign shall not exceed thirty (30) inches in height.

e. Location: No sign shall be placed within a median in any area that may cause or create a traffic hazard or obscure any site distances and must maintain the required "clear zone" as approved by the Town Engineer.

f. Setback: Signs shall be placed a minimum of ten (10) feet from the paved surface of the roadway.

g. Duration: Signs shall be displayed during the hours of 7:00 a.m. to 7:00 p.m.

h. Additional Requirements: All commercial signage shall be prohibited unless otherwise specified within this Chapter. In addition, all right-of-way permits are subject to blue stake requirements for any sign that penetrates the ground. Any sign that would require installation by the Public Works Department is also subject to installation fees.

i. Permit: With an approved annual or one hundred twenty (120) day right-of-way permit.

3. Off-Site Real Estate Signs

a. Definition: Temporary signs located in the public right-of-way providing direction to a dwelling for sale or rent including a model home.

b. Quantity: No more than one (1) sign per change of road direction.

c. Area of Sign: Maximum four (4) square feet.

d. Height: Maximum thirty (30) inches.

e. Location

i. An off-site sign in the right-of-way shall not be located:

a) Within a median.

b) In any area that may cause or create a hazard on a sidewalk, multi-use path or pedestrian access ramp.

c) Where any sight distances or Town approved "clear zones" are obscured, as determined by the Town Engineer.

ii. Signs located in public right-of-way shall be placed as follows, or as directed by Town Engineer:

a) Streets with a posted speed limit of greater than twenty-five (25) miles per hour:

i) Where no sidewalk or multi-use path exists along the street, a minimum of ten (10) feet from the paved surface of roadway.

ii) For locations with sidewalk or multi-use path along the street, sign shall be placed no closer to the street than the edge of the walk/path farthest from the street unless there is adequate distance between the street and walk/path to maintain a ten (10) foot setback for the sign from the edge of roadway pavement.

iii) Closer placement to pavement requires pre-approval by Town Engineer based on sign construction type and stability of sign in windy and inclement weather. A-frame signs do not qualify for closer placement.

iv) No signs may be placed in the right-of-way of Oracle Road or the eastern portion of Tangerine Road within one thousand (1,000) feet west of the intersection of Rancho Vistoso Boulevard and First Avenue without approval from the Arizona Department of Transportation.

iii. Streets with posted speed of twenty-five (25) miles per hour or less:

a) Where no sidewalk or multi-use path exists along street, signs shall be placed a minimum of five (5) feet from paved surface of roadway.

b) For locations with sidewalk or multi-use path along street, sign shall be placed no closer to the street than the edge of said walk/path farthest from the street.

c) Closer placement to the pavement than listed above requires pre-approval by Town Engineer based on site conditions.

f. Duration: Signs may be displayed only between the hours of 7:00 a.m. to 7:00 p.m.

4. Special Event Signs

a. Definition: A temporary sign that publicizes civic, public, religious, arts, philanthropic or educational events that are sponsored or sanctioned by the Town of Oro Valley. Each application is subject to approval and interpretation by the Town Manager and/or designee in regards to the type of event being held.

b. Quantity: Four (4) event signs maximum for any one (1) event.

c. Area of Sign: A maximum of sixteen (16) square feet per sign.

d. Height: Shall not exceed five (5) feet from grade to top of sign.

e. Location: Town right-of-way in accordance with subsection A.3.e of this section and with approval of the Town Engineer. No sign may be placed within a median or in any area that may create a public safety hazard.

f. Duration: The sign may be installed two (2) weeks prior to the event and must be removed within forty-eight (48) hours after the event.

5. Sign Walker/Human Signs

a. Definition: A commercial sign that is held, worn or balanced by an individual.

b. Quantity: No more than two (2) human signs permitted per business/organization. Only one (1) permit shall be allowed within a ninety (90) day period.

c. Area of Sign. Maximum twenty (20) square feet and minimum four (4) square feet.

d. Location

i. No human or freestanding sign shall be held within a median or in the intersection sight triangle in a manner that obstructs the required clear space view for drivers and cyclists.

ii. Human signs are prohibited within construction zones.

iii. No more than two (2) human signs per street corner.

iv. May not be located within twenty (20) feet of another human sign.

v. Must be located no farther than the nearest arterial intersection from the business advertised by the sign.

e. Duration: Signs may be displayed during the hours of 8:00 a.m. to 5:00 p.m.

f. Setback: Signs shall be held a minimum of ten (10) feet from the paved surface of a roadway.

g. Additional Requirements

i. A right-of-way permit is required, with a fee as specified in the current development fee schedule.

ii. Sign holders shall hold the signs relatively still at all times.

h. Sign walkers for noncommercial purposes are exempt from this subsection A.5.

((O)11-07, Added, 03/16/11)

Section 28.8 Temporary Public and Quasi-Public Signs

A. Definition

Announcement signs, along with special event type signs, shall be allowed for religious institutions, schools, community centers and any other public or institutional buildings within a commercial or residential district. Signs may be freestanding and/or wall-mounted, made of paper, cardboard, plastic, or fabric. Banners used for public and quasi-public purposes shall comply with Sections 28.6.B.1.a and c, Banners. All copy, color, and design shall not adversely affect the order, amenity, or residential enjoyment of the neighborhood.

B. Quantity

Each institution is allowed one (1) wall sign and one (1) announcement sign per street frontage. Each institution may also apply for one (1) wall and one (1) freestanding, special event sign per street frontage.

C. Area of Sign

A religious institution wall-mounted temporary sign shall not exceed thirty (30) square feet. A religious institution announcement sign shall not exceed twenty-four (24) square feet. Other public institutions shall be allowed a temporary wall sign of thirty (30) square feet and an announcement sign of twenty-four (24) square feet. Institutional special event signs shall not exceed thirty (30) square feet.

D. Height

All wall-mounted signs shall not exceed the roofline of a building. All freestanding signs shall not exceed eight (8) feet from grade. All special event signs shall not exceed a maximum height of six (6) feet from grade.

E. Location

All signs shall be placed on private property. Special event signs shall be located on the premises of the institution or organization having the event.

F. Setback

None unless otherwise specified.

G. Additional Requirements

1. Any sign may be single- or double-faced.

2. No sign shall be allowed to illuminate.

3. All signs shall be soundly constructed and neat in appearance.

4. The application for a public or quasi-public sign shall include a statement and diagram noting the nature of the special event and shall indicate the location, size, copy, and colors of the proposed sign.

5. A permit for a public or quasi-public sign shall be valid for no more than two (2) weeks. No more than three (3) permits shall be issued to any institution or organization in a calendar year.

H. Removal

Any signs announcing a special event shall be removed within one (1) day after the event is completed.

((O)11-07, Added, 03/16/11)

Section 28.9 Prohibited Signs

A. Prohibited Permanent and Temporary Signs

The following permanent and temporary signs shall not be allowed on any property or public right-of-way and are prohibited unless otherwise specified within this Chapter.

1. A-frame signs, other than as specified in Section 28.7.A.3;

2. Balloon signs, balloons;

3. Billboards;

4. Electronic message centers;

5. Exposed neon signs;

6. Flashing lights;

7. Garage sale signs;

8. Marquee signs;

9. Moving/animated signs; except barber-type animated signs are allowed for barbershops during business hours only;

10. Obscene signs;

11. Off-site advertising on public property;

12. Off-site signs;

13. Pennant signs;

14. Portable signs (sandwich board, etc.);

15. Projecting signs;

16. Roof signs;

17. Search lights;

18. Signs attached to any physical public property;

19. Signs in the median;

20. Vehicle signs.

((O)11-07, Added, 03/16/11)

Section 28.10 Exempted Signs

A. Code Limitations

1. Nothing contained herein shall prevent the erection, construction and maintenance of the following:

    a. Official traffic, street identification, or roadway improvement signs.

    b. Fire or police signs, signals, or devices to alert the public of safety hazards.

    c. Markings of the State of Arizona and/or Town of Oro Valley or other authorized agency.

    d. Official notices as required by law.

B. Exempted Permanent and Temporary Signs

1. The following signs shall be exempt from the application and permit regulations of this Chapter, although an electrical or building permit may be required:

    a. Address Identification Signs: Signs which display numerals, street names, drives, circles, or similar information which gives direction to residents, buildings, complexes, apartments, commercial sites, tenants spaces or other locations.

    b. Governmental signs for identification of public agencies such as traffic, public transit, and public information.

    c. Historical Marker: A sign locating and identifying a historical interest or site.

    d. Informational/service signs including official notices of court; public office and legal notices posted for Town meetings; as well as safety-related informational signs located on service station pumps.

    e. Interior Signs: Signs which are displayed within a concealed area such as a tenant space or building and cannot be seen from the exterior by the public.

    f. Memorial Sign: A sign, table, or plaque memorializing a person, event, or site.

g. Noncommercial signs on private property that are not related to business or commerce and are no more than nine (9) square feet in area and three (3) feet in height.

h. Residential Signs: Name and address of occupants.

i. Temporary Signs on Public Property: Per Section 28.7.A.1 and Section 28.9.A.

j. Traffic Sign: A sign used solely to define and streamline the flow of vehicular or pedestrian traffic so as to minimize congestion and promote safety.

k. Warning Signs: Warning and instructional signs such as “No Trespassing” shall be exempt from permits and shall not be installed on utility poles or similar structures.

((O)11-07, Added, 03/16/11)

Home < >

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

REGULAR SESSION

CALL TO ORDER - at 5:00 PM

ROLL CALL

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

ABSENT: Barry Gillaspie, Councilmember

EXECUTIVE SESSION

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

MOTION carried, 6-0.

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

RESUME REGULAR SESSION

CALL TO ORDER - at 6:03 PM

ROLL CALL

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

Lou Waters, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Assistant Town Manager Greg Caton announced the upcoming Town meetings.

COUNCIL REPORTS

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

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

DEPARTMENT REPORTS

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

ORDER OF BUSINESS

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

INFORMATIONAL ITEMS

A. Community Letters of Appreciation

B. Letter of Appreciation

CALL TO AUDIENCE

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

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

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

PRESENTATIONS

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

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

CONSENT AGENDA

A. Minutes - February 2, 2011

B. Coyote Run Monthly Report January 2011

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

MOTION carried, 7-0.

REGULAR AGENDA

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

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

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

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

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

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

MOTION carried, 7-0.

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

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

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

MOTION carried, 7-0.

b. PUBLIC HEARING - ORDINANCE NO. (O)11-07 ADOPTING A NEW ORO VALLEY ZONING CODE REVISED (OVZCR) CHAPTER 28, SIGNS AND REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER, OV709-007.

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

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

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

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

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

Changes to temporary signs: Commercial District
-Banners: three types of allowable banners include:
- -New Business
- -Season or Event
- -3-Day Special Event Banners

New design standards include:
- -Secure anchoring
- -Materials
- -Color

Commercial Districts: Real Estate Signs
- -Increase allowed area from 16 to 32 square feet
- -Increase maximum height from 5 to 8 feet
- -Permits valid for one year only

Changes to Temporary Signs: Residential Districts
- -Signs currently permitted for model homes

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

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

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

Real Estate signs in the Right-of-Way
-Addresses repeated violations
-Applies to both agent and broker
-Improves enforcement for most frequent type of sign violation

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

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

Mayor Hiremath opened the public hearing.

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

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

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

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

Councilmember Garner asked if they had used banners.

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

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

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

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

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

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

Mayor Hiremath closed the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discussion ensued regarding illuminated signs and A-frames.

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

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

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

MOTION carried, 7-0

Discussion ensued regarding changeable copy signs.

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

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

Discussion ensued regarding the number of allowable entryway signs.

MOTION carried, 7-0.

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

MOTION carried, 7-0.

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

MOTION carried, 7-0.

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

MOTION carried, 7-0.

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

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

Discussion ensued regarding illuminated wall signs.

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

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

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

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

Discussion ensued regarding window sign location requirements.

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

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

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

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

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

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

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

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

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

MOTION carried, 7-0.

Discussion ensued regarding banner opportunities for new businesses.

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

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

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

MOTION carried, 7-0.

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

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

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

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

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

MOTION carried, 7-0.

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

MOTION carried, 6-1 with Councilmember Hornat opposed.

3. AMENDMENTS TO THE ZONING CODE - SECTION 27.3, PUBLIC ARTWORK PROVISIONS

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

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

"A" and filed with the Town Clerk.

MOTION carried, 7-0.

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

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

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

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

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

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

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

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

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

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

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

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

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

MOTION carried, 7-0.

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

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

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

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

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

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

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

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

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

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

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

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

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

MOTION carried, 5-1 with Mayor Hiremath opposed.

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

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

AND ACTION (This item was tabled)

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

8. *DISCUSSION REGARDING 2% UTILITY TAX INCREASE (This item was tabled)

FUTURE AGENDA ITEMS

There were no future agenda item requests.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

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

Prepared by:

_____
Michael Standish, CMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 2nd day of March 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2011.

_____
Julie K. Bower, MMC
Town Clerk

Section 28.6 Temporary Signs

B.1. A-FRAME

a. DESCRIPTION: A SIGN THAT IDENTIFIES A BUSINESS AND/OR SERVICE FOR THE PURPOSE OF DIRECTING PEDESTRIAN TRAFFIC TO THE BUSINESS LOCATION.

b. QUANTITY: ONE PER PERMIT PER BUSINESS PER THIRTY (30) DAY PERIOD. MAXIMUM OF FOUR (4) PERMITS A YEAR.

c. AREA OF SIGN: SIX (6) SQUARE FEET.

d. HEIGHT: THREE (3') FEET, SIX (6") INCHES IN HEIGHT, INCLUDING SIGN LEGS.

e. LOCATION:
- i. ON PRIVATE PROPERTY: SHALL NOT BE DISPLAYED IN SUCH A MANNER AS TO CONSTITUTE A HAZARD TO PUBLIC SAFETY.
- iii.SIGNS MUST ALLOW FOR A MINIMUM SIX (6) FOOT WIDE CLEAR PATHWAY.
- iiii SIGNS FOR INDIVIDUAL GROUND FLOOR BUSINESSES SHALL BE LOCATED WITHIN THREE (3) FEET OF THE BUILDING FRONTAGE AND WITHIN TEN (10) FEET OF THE BUSINESS ENTRY.
- v. BUSINESSES ABOVE THE GROUND FLOOR SHALL LOCATE SIGNS WITHIN TEN (10) FEET OF A STAIRWAY OR ELEVATOR. ALTERNATE LOCATIONS MAY BE ACCEPTED WITHIN DESIGNATED AREAS; AND
- v.i. SIGNS FOR COURTYARD ENTRIES SHALL BE LIMITED TO ONE (1) SIGN FOR ALL BUSINESSES LOCATED WITHIN THE COURTYARD, UTILIZING THE SAME COMMON ENTRY.
- vii. SIGNS SHALL BE LOCATED WITHIN TEN (10) FEET OF THE COURTYARD ENTRANCE.
- viii. SHALL NOT BE GENERALLY VISIBLE FROM THE RIGHT-OF-WAY.

f. SETBACK: NONE UNLESS OTHERWISE REQUIRED.

g. DURATION: FOR A PERIOD OF THIRTY (30) DAYS. SIGNS SHALL BE DISPLAYED DURING NORMAL BUSINESS HOURS ONLY.

h. DESIGN STANDARDS:

- i. ALL COLORS EXCEPT FLUORESCENT AND IRIDESCENT COLORS ARE NOT ALLOWED.

i. ADDITIONAL REQUIREMENTS:
- i. PERMIT IS REQUIRED
- ii. A-FRAME SIGNS SHALL NOT BE COUNTED TOWARDS TOTAL AGGREGATE ALLOWABLE SIGN AREA FOR THE BUSINESS
- iii. NO ILLUMINATION
- iiii. NO NOISE OR FLASHING, ROTATING, OR MOVING ELEMENTS

DRAFT

Oro Valley Commercial Sign Survey

February 2010

Background

Efforts to examine the Town's current sign ordinances began more than a year ago, but were further inspired in the summer with several outreach meetings with the business community who came to the Town to request considerations due to the poor economic conditions. After reviewing the matter, Town Council decided that, rather than consider changes to certain sections of the sign ordinance, it would be prudent to review the entire commercial sign code—which was developed more than 10 years ago—to see if there were opportunities to bring the code up to date with Oro Valley's business climate today.

In November 2009, the Council approved a scope of work that will involve the formation of a Task Force of residents, business representatives, staff and our local Chamber to review the current sign code and make recommendations for possible changes and updates.

To begin that review, staff wanted to garner some baseline information regarding public and business attitudes with regard to commercial signage in Oro Valley. Town staff developed an informal community survey measuring use of signs by both segments; attitudes regarding certain types of signage; and overall experience in meeting the Town's sign code.

Methodology

Staff developed two online surveys, one for the resident population and one for the business community. The surveys were available on the Town's website, on the Planning & Zoning page. There was a link from the Town's home page. The program used to administer the survey as a module provided by the Town's Content Management System (CMS).

Both surveys used a mix of multiple choice, ratings and true/false questions. The surveys also provided ample opportunity for open comments. An honor system directed which survey was completed by each target group, and demographic information was requested.

The **Resident Survey** questions:

- Focused on how residents identified businesses and how they responded to business signage
- Looked at banner and A-frame sign opinions on use
- Gathered general demographic information

The **Business Survey** questions

- Focused on how businesses promoted themselves
- Opinions on current sign code, restrictions
- Experience with the Town overall (Sign review, DRB, etc.)
- Demographics—type of business, how long in Oro Valley, etc.

We launched the surveys through the local media and the Northern Pima County Chamber of Commerce a week prior to its going live, and it ran from October 19 – November 6, 2009. Although there were fears of "stuffing the ballot box," with an estimated 350 responses to the general public survey and 80 responses to the business survey, we did not find this to be the case.

Summary of Findings

A copy of the questions that were included in both surveys may be found in Appendix 1.

General Public Survey

Questions targeting respondents from the general public:

- Focused on how residents identified businesses and how they responded to business signage
- Looked at banner and A-frame sign opinions on use
- Gathered general demographic information

Overall, use of signs to locate a business ranked in the top three by respondents, with online/internet searching number one. This suggests that respondents may use the internet to find a local business that provides the product or service they are looking for, but they rely on signage to help when they are physically going to the location. Follow up questions reinforced this as a large percentage (69%) said the size and readability of signs and familiar names (74%) were important to them. Furthermore, less than 50% of respondents said they often remember a business or service later after seeing a sign at night, again further suggesting that for at least this series of questions, respondents are generally using signage to locate a business once they have made the decision to go there.

In looking at illumination hours for signs, there was overwhelming support for either turning off the signs at the close of business, or by 10 p.m. Closely following the 10 p.m. preference was support for all-night illumination.

Regarding the use of A-frame signs, the respondents overwhelmingly stated they did not like the use of A-frame/sandwich boards (54%). This suggests that, while A-frames may want to remain in the discussion, other factors clearly play a part in the public's identification of businesses.

General Public Survey Demographics

- Oro Valley resident: 91%
- Age group: 75% were aged 50 years or older
- Gender: The majority were male (55%)

Business Survey Questions

- Focused on how businesses promoted themselves
- Opinions on current sign code, restrictions
- Experience with the Town overall (Sign review, DRB, etc.)
- Demographics—type of business, how long in OV, etc.

Similar to the General Public survey, businesses were asked to identify from a list all of the tools they use to promote their business. Signage received the highest responses, followed closely by the internet, with advertising and the phonebook virtually tied for third place. This is virtually exactly the same answer from the general public, suggesting that the reliance on both sides for business signage is an important component of the community conversation moving forward. Similar correlations were found when we asked for more detail on the types of signs used, with building signage/lettering and illuminated signs receiving the highest response from businesses.

Several questions arise when we look at the responses to the size of signs. **There is a virtually no difference between those businesses who are satisfied with their sign and those who feel it is too small (46 & 45% respectively).** While this indicates there may be room for negotiation and change here, it is also important to dig further to determine if these are PAD standards in play, and what percentage of businesses who responded are in a master sign program, for example. That there is no clear majority one way or the other does indicate that further discussion is warranted.

With respect to use of banner signs, an overwhelming number of businesses said they would like to use banners to promote their business and that the current sign code for banner use is too restrictive. This indicates there may be some opportunity to discuss how the Town can support businesses by working to allow banners to have a greater impact with the use of banners.

Illuminated signs saw similar results that were seen from the General Public respondents that the same options were in the top three for preferences: illuminated signs on all night (44%); turned off by 10 p.m. (24%); and turned off by midnight (21%), which was not seen in the other responses. This indicates there is much room for compromise in that both groups felt that turning signs off by 10 p.m. would be acceptable.

With respect to A-frames, businesses were in direct opposition to the general public's views on the use of A-frames. This reflects a gap in businesses supporting the argument that A-frames increase business traffic, as the majority of consumers who responded to the survey do not reflect that. This can be an area for further study by the task group.

A series of questions examined the service levels by the Town in several areas, including business experience with:

- Review and approval timing
- DRB Review (where applicable)
- Staff response time

In all three areas, there was a high "No Response" rate. This can be due to the fact that many businesses engage consultants and other vendors to handle their sign design and review processes, and so the business owners simply do not have direct experience with the process.

With that in mind, **Review and Approval received an overall satisfactory or greater rating of 35%, with more than half (52%) indicating they thought the timing was either "poor" or "very poor."** Although there was an opportunity for respondents to add additional comments, few indicated anything other than the process "took too long" or "was cumbersome." The details of what caused this perception were not included. It is recommended that the task force examine timing considerations of the sign approval process as part of the focus group process.

Only 25% indicated they were happy with the DRB Review, with 43% giving no response here. Of those indicating they did have to go through the DRB, 32% found the experience "poor" or "very poor," indicating that it took too long.

Finally, staff response time received the highest rating of "satisfactory" or "excellent" at more than 51%, with 18% not responding and 31% ranking their experience as "poor" or "very poor."

This section indicates there are several customer focus areas that can be improved, which can include both the time the process takes, and staff education and communication with the business community to help set expectations.

Business Demographics

Types of business (may not add up to 100% as not all businesses answered)

- Health/Beauty
- Nonprofit
- General office/service
- Banking/Financial
- Medical office
- Restaurant
- Retail

Years in business

- Less than 1 – 5 years: 51%
- 6 – 20 years: 44%

No. of employees

- Less than 10: 36%
- 1-25: 40%
- 26-50: 10%
- More than 50: 10%

For a review of all responses, please refer to Appendix A. For a complete listing of all respondents open-ended comments, please refer to Appendix B.

Conclusions

As a first-time effort for online surveys, the sign survey provided opportunities to explore several key areas with respect to the sign code review. This complex project will have many facets and it will be important to consider all concerns as the Town moves forward. The survey looked at several key areas that, according to the November 18, 2009 Council Communication, will play a large role in the task force review and recommendations. With that in mind, the following conclusions should be considered as the task force moves forward:

- There is universal agreement from both groups that signage is important to them, both to identify a business and for a business' marketing plan. This is important as it demonstrates there is strong support for signs—and thus, room for community conversation.

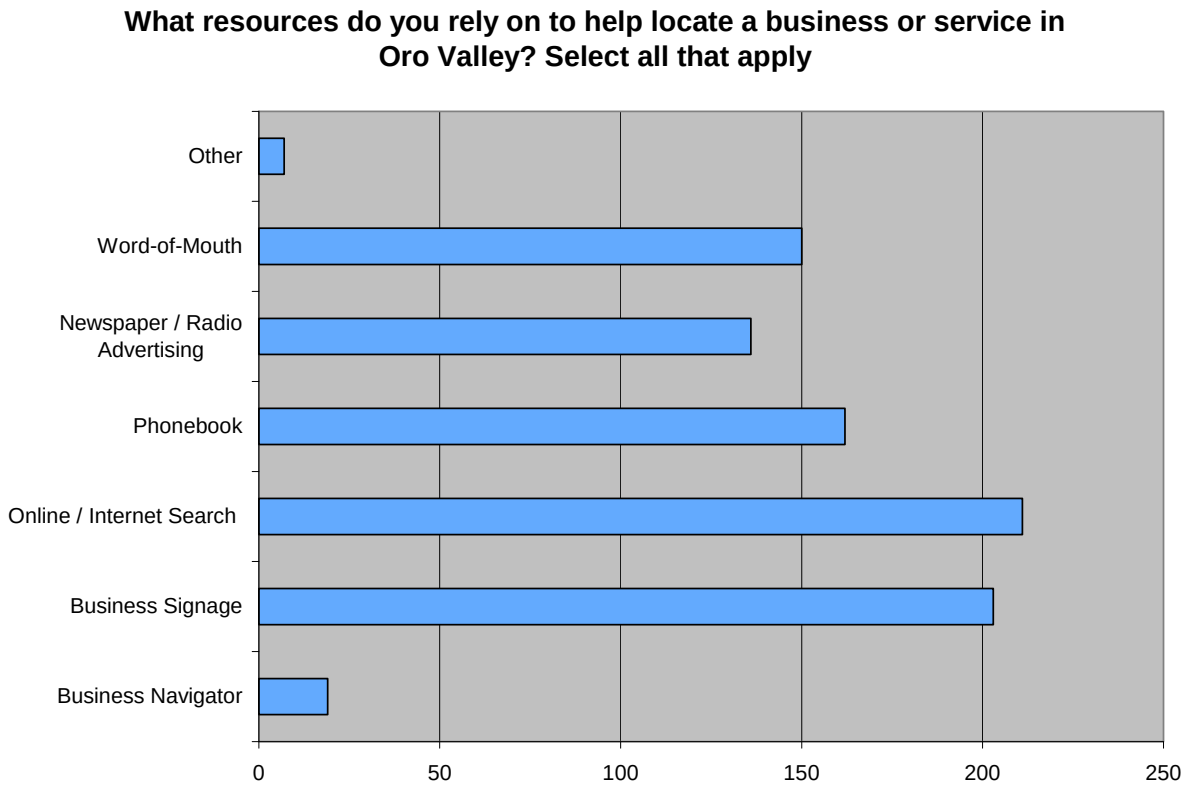
- There is opportunity for compromise on the hours of illumination for commercial signs as indicated in both groups' willingness to consider a 10 p.m. cut off.

- Although residents stated that signage was very important in locating a business, they did not support A-frame signs and rely more on size and lettering of signs. Business respondents, however, feel that A-frames are strong in driving customers. Focus groups to understand the divide on this matter should be part of the task force public participation process.

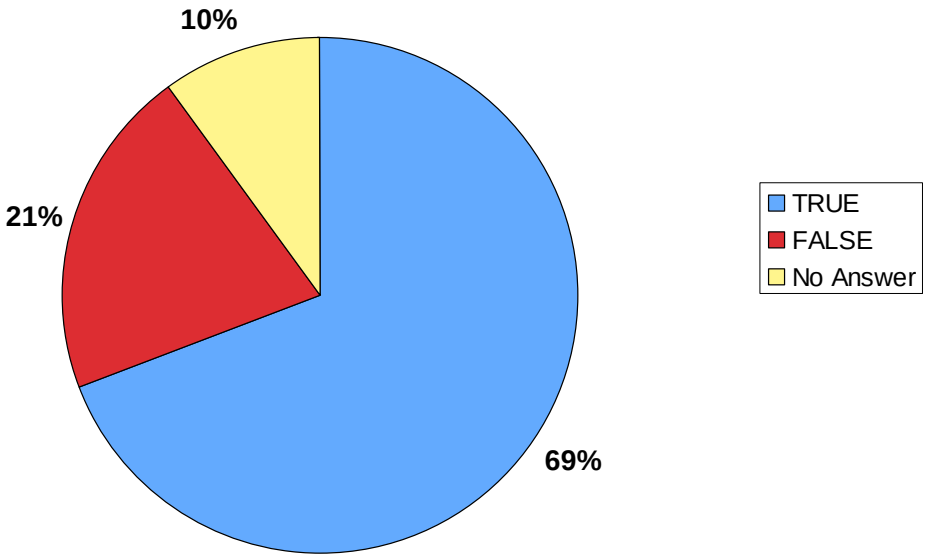
- The business community indicated that there are several areas for improvement needed in both the process and service levels by Town staff and the DRB. This should be another area for focus groups to examine to asses the specific areas that can be improved.

Appendix A

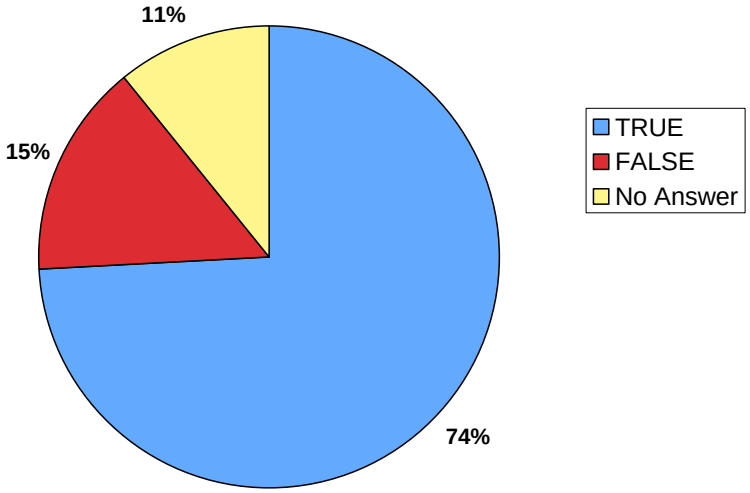
General Public Survey Results



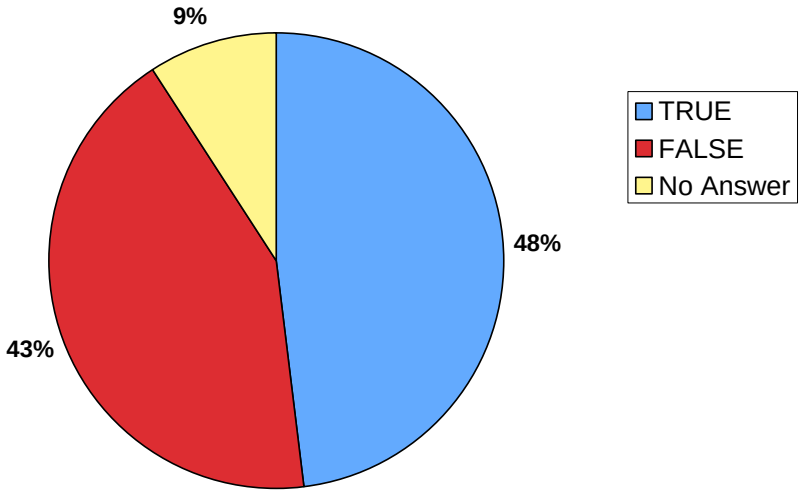
If you use "Business Signage," the size and readability of a sign is important to you.



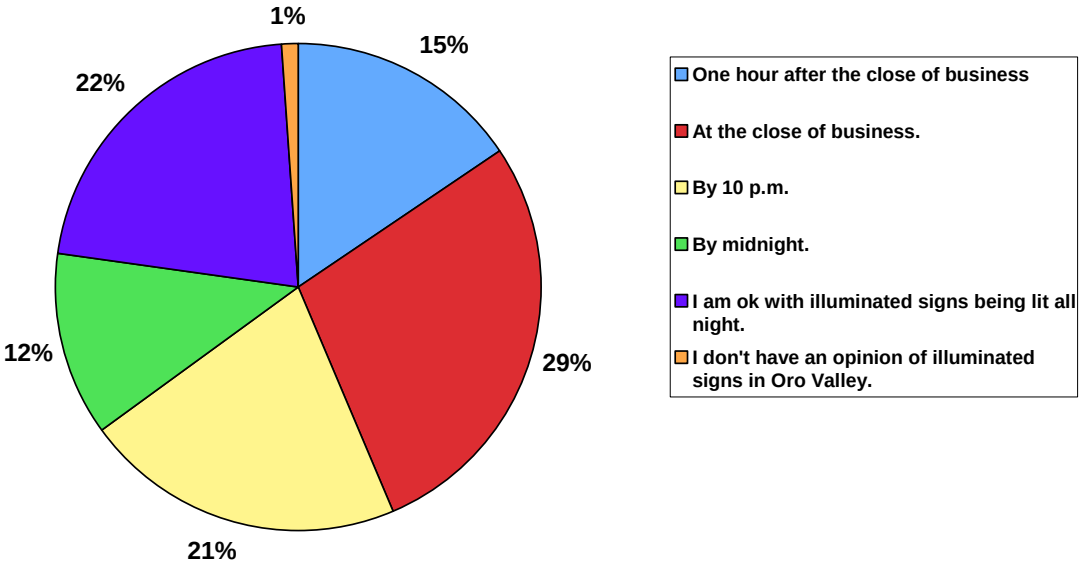
If you use "Business Signage," you look for familiar logos or company names.



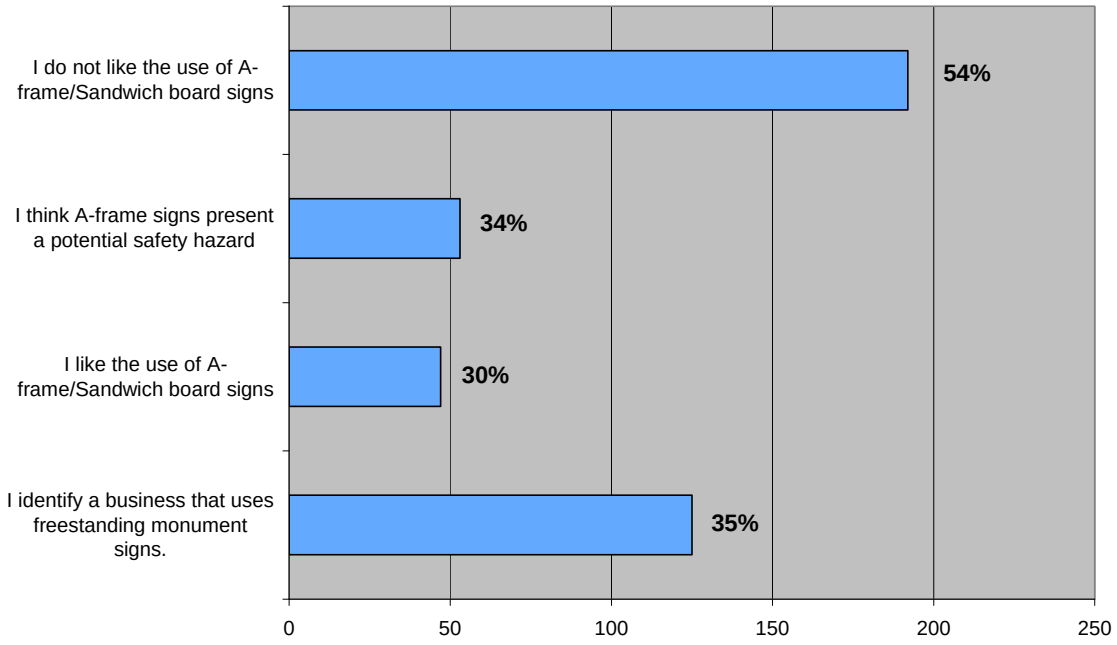
If you use "Business Signage," you often remember a business or service later after having seen an illuminated sign when driving by a business at night.



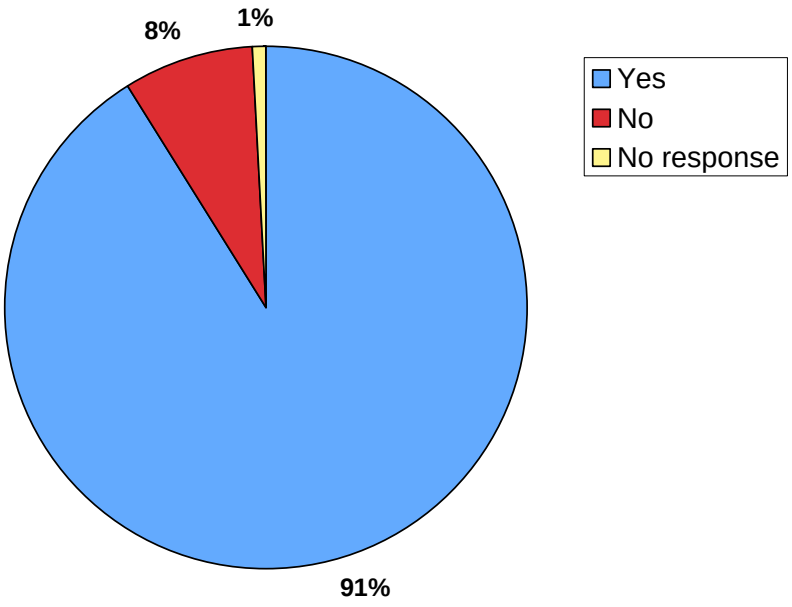
With respect to the use of illuminated signs, signs should be turned off:



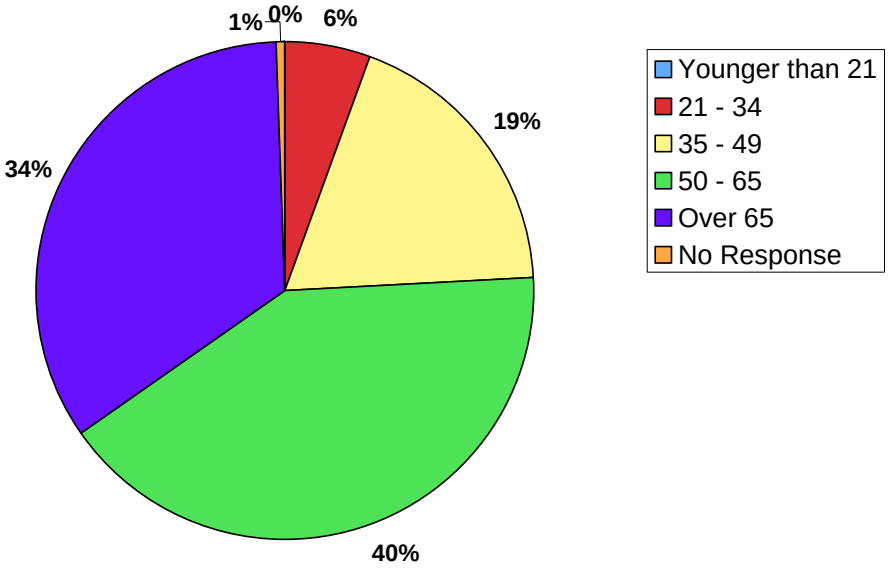
With respect to business identification, please select the following answers that best fit your opinion. Select all that apply.

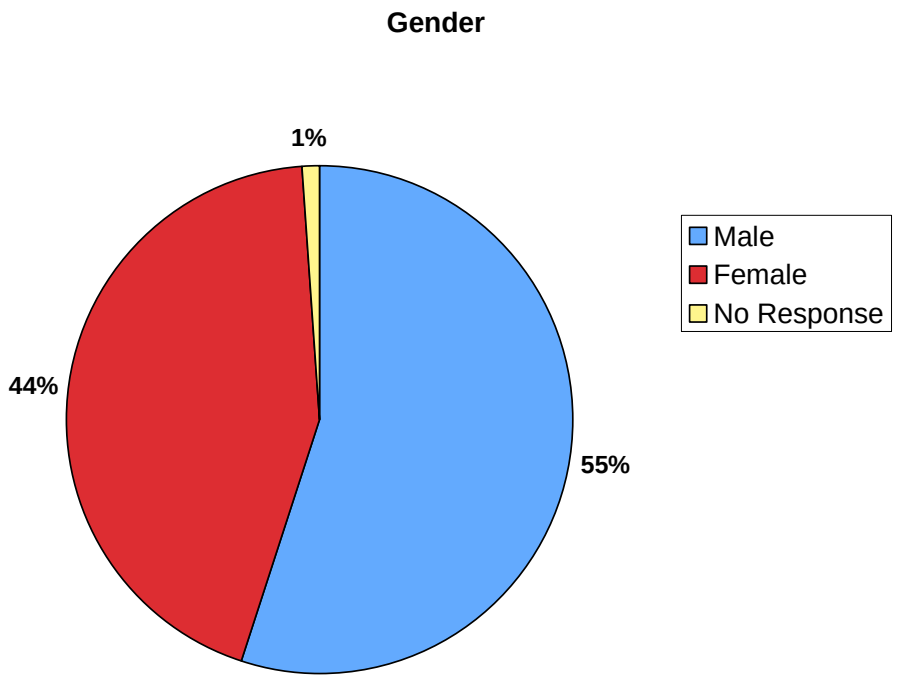


Are you an Oro Valley resident?

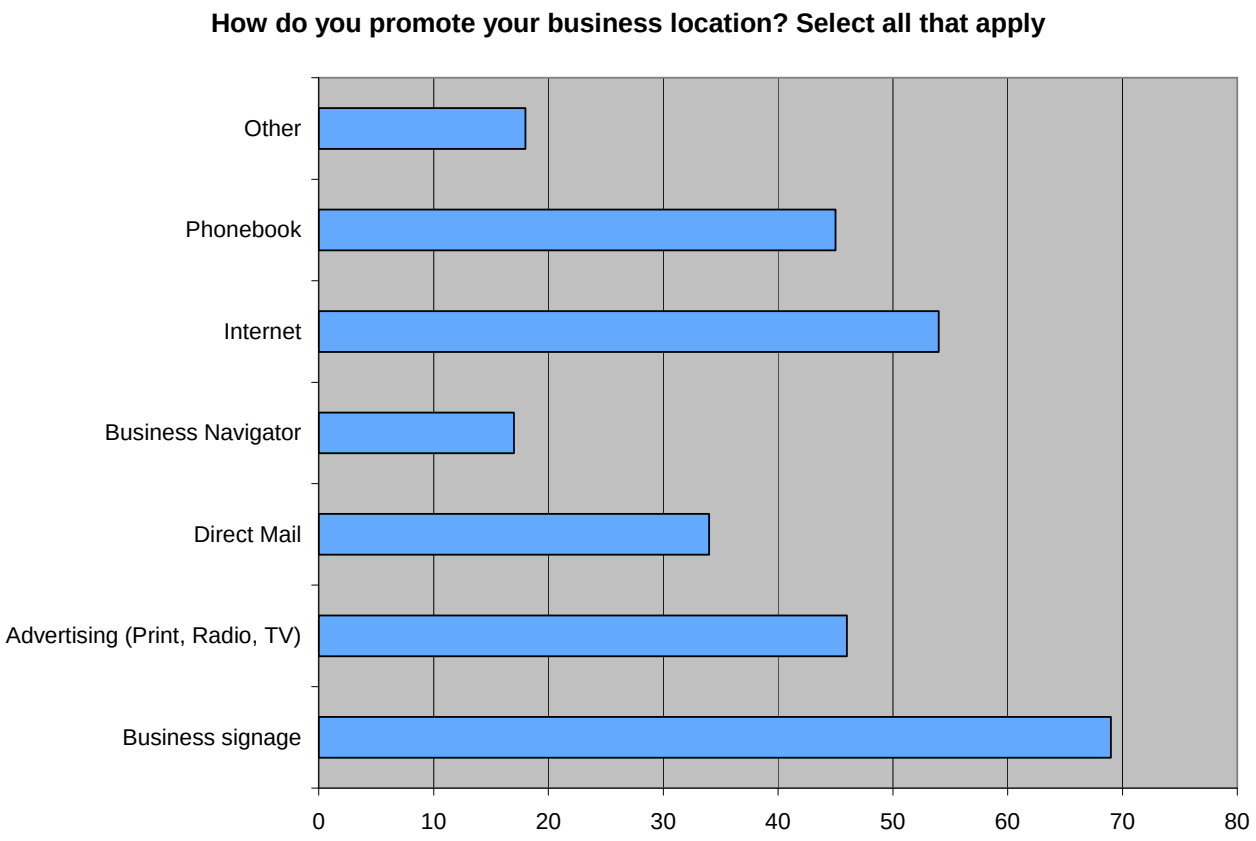


Age Group

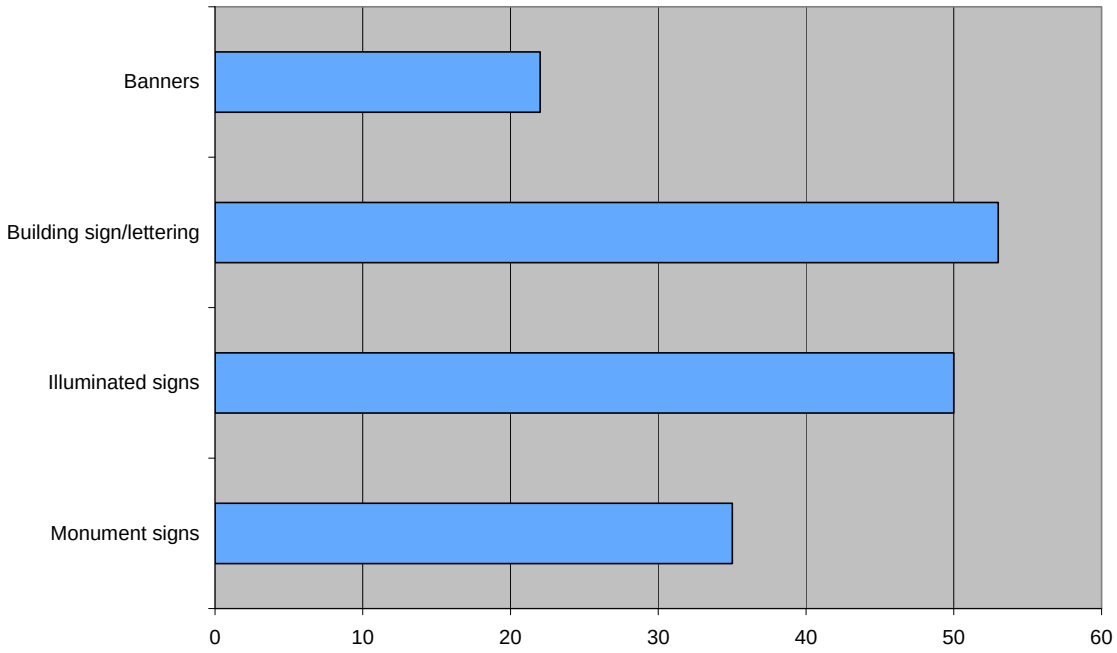



Gender
1%
44%
55%
Male
Female
No Response

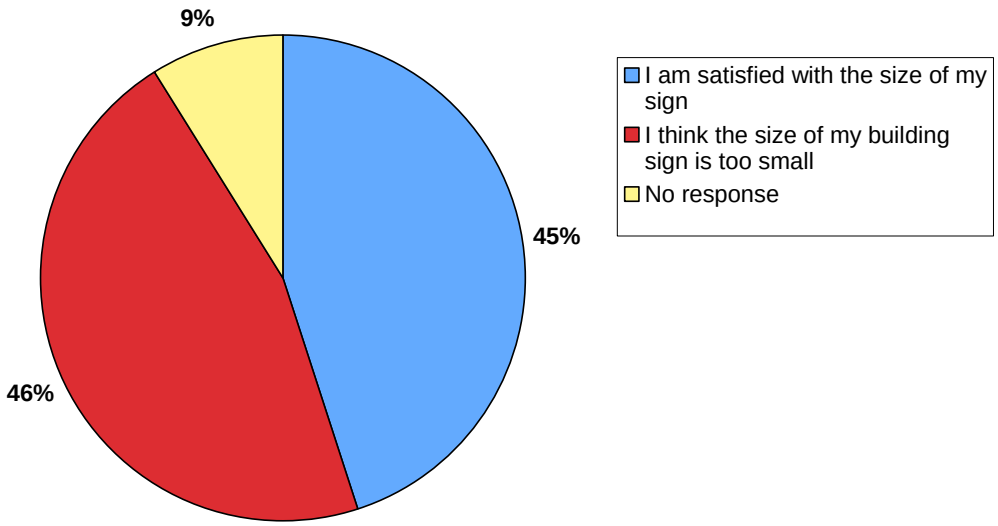
Business Survey Results



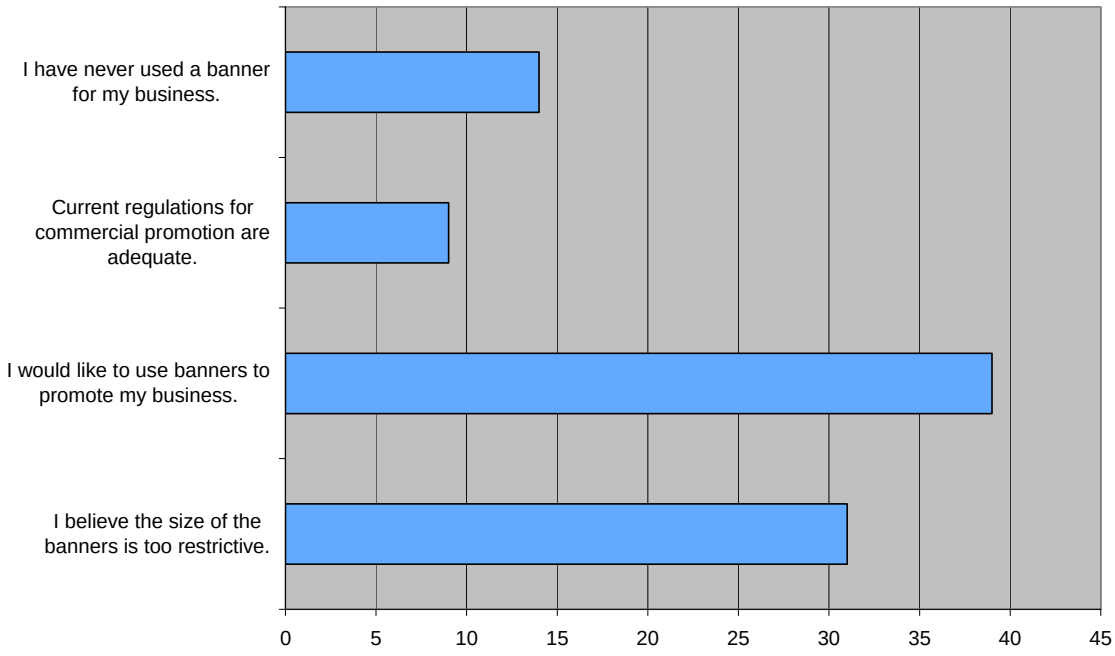
Please describe the type of signs you use to promote your business.
Select all that apply.



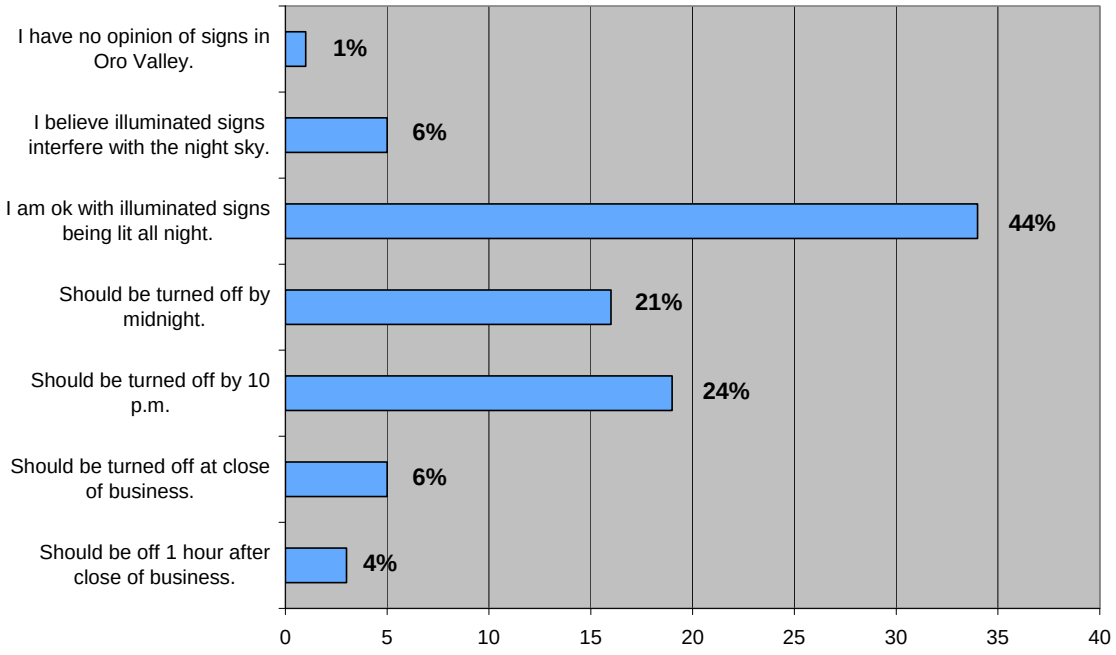
Size of my sign...



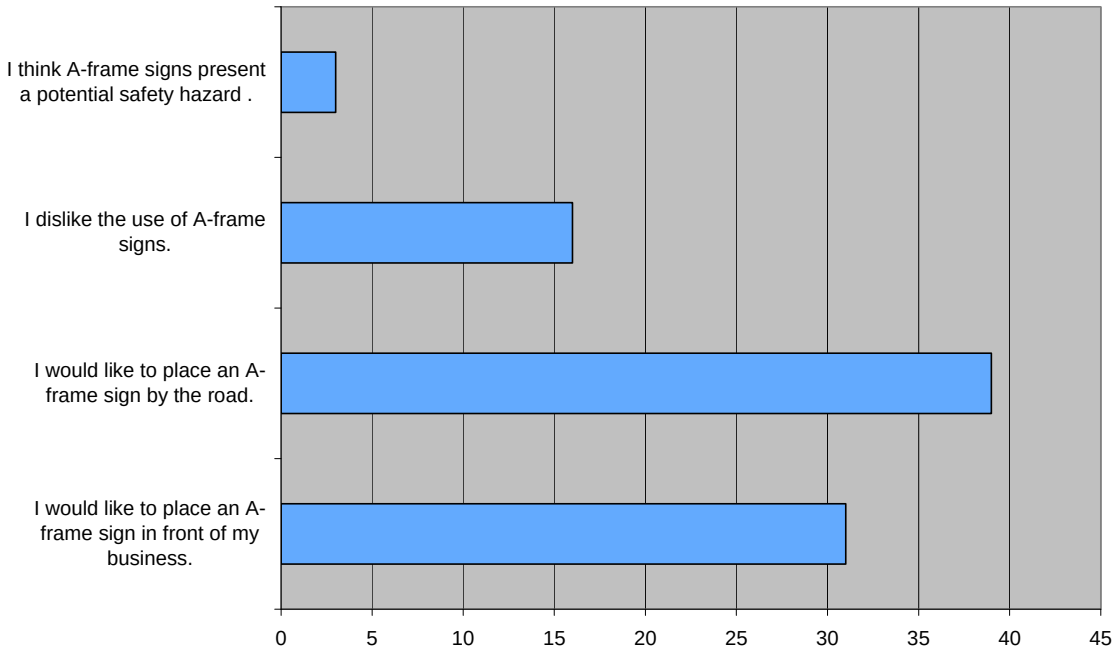
With respect to banner signs, please select the following answers that best fit your opinion. Select all that apply.



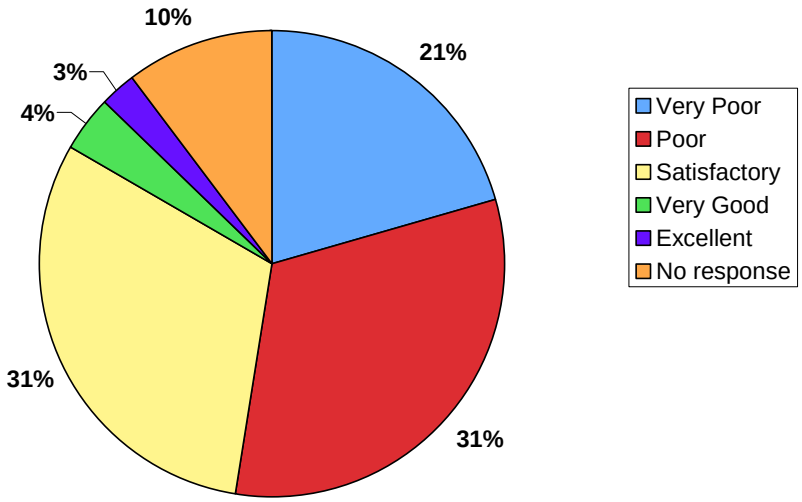
With respect to mounted illumination signs, please select the following answers that best fit your opinion. Select all that apply.



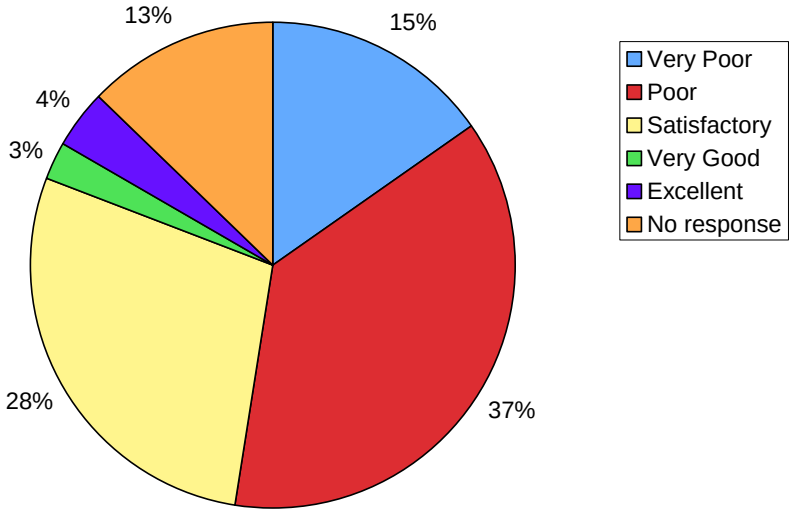
With respect to A-frame/Sandwich Board signs, please select the following answers that best fit your opinion. Select all that apply.



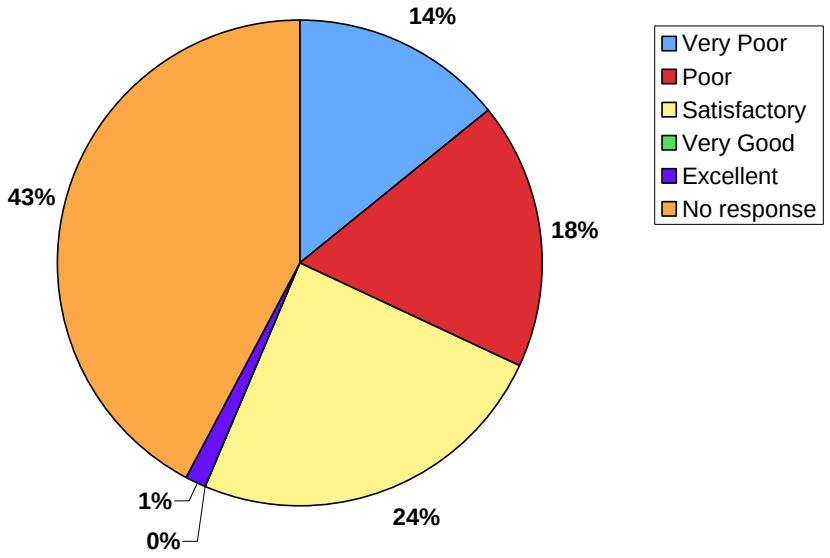
In meeting the Town's sign ordinances, please describe your experience with the following processes



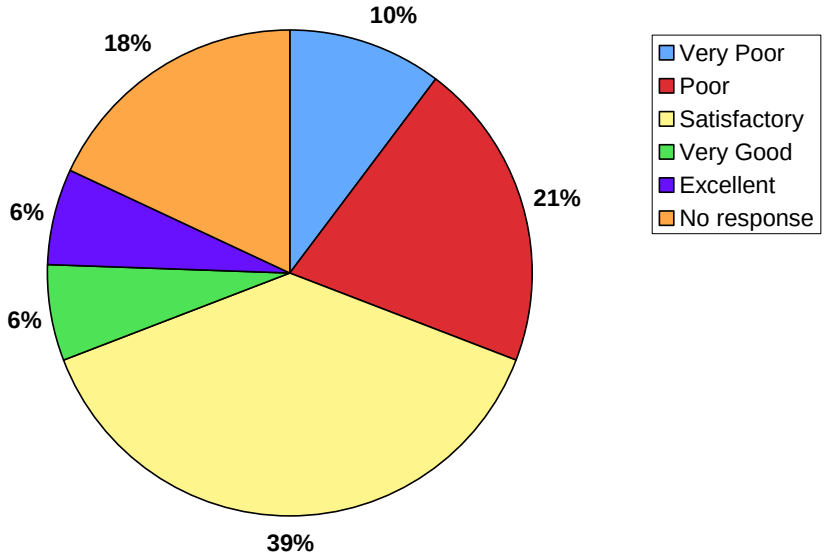
Review & approval timing:

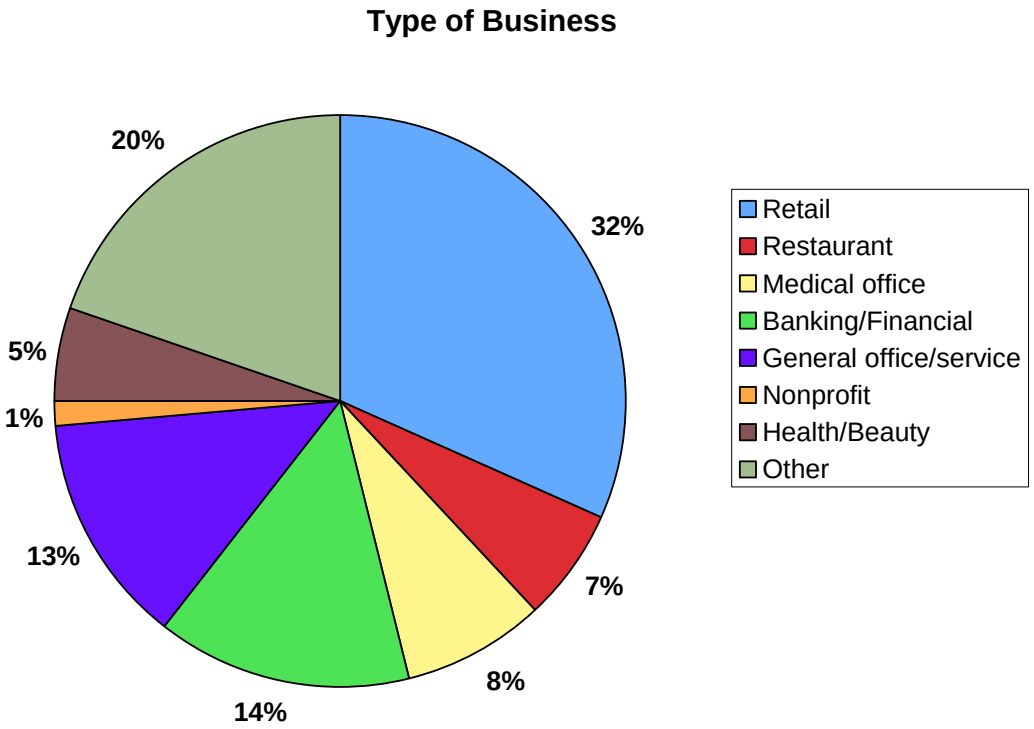


DRB Review (where applicable):

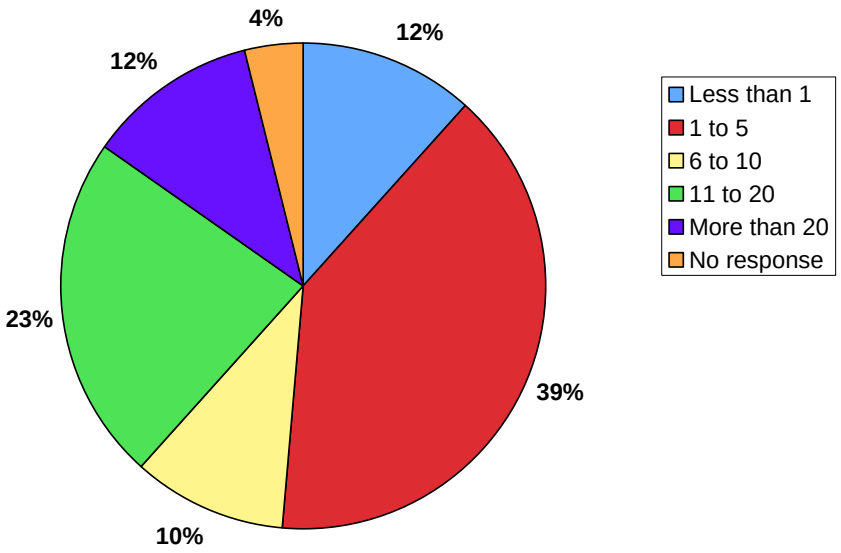


Staff Response Time

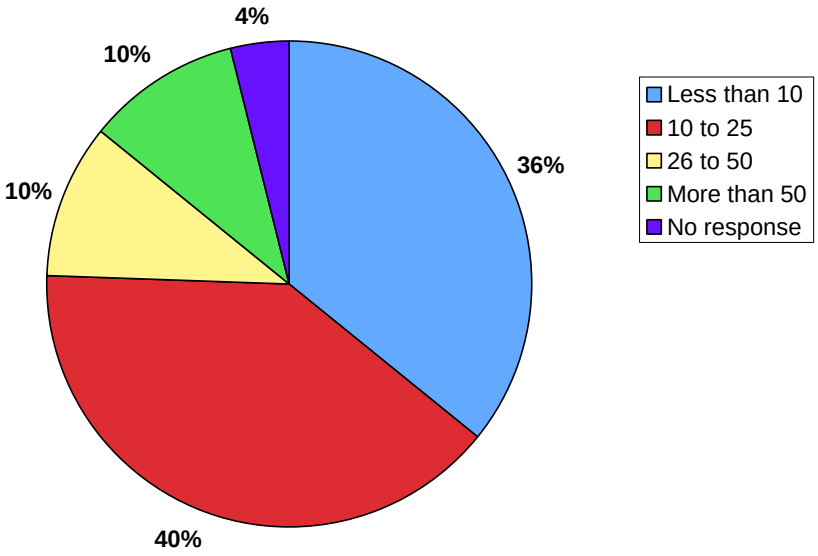



Type of Business
20%
32%
5%
1%
13%
7%
8%
14%
Retail
Restaurant
Medical office
Banking/Financial
General office/service
Nonprofit
Health/Beauty
Other

Years in business in Oro Valley



Number of employees:



Appendix B

Business Sign Survey
Residential Open Ended Comments

Please feel free to add any additional comments regarding Oro Valley's sign codes.

I believe that the only lighting needed after dark should be for safety and security purposes. Billboards should not be illuminated when the store is closed.

A-frame sandwich board advertisements look tacky. I am leery of any business that relies on them.

Another issue that bothers me is the use of outdoor music in the Oro Valley Marketplace parking lots. I believe there should be no music of any kind in a parking lot--it's just an annoyance.

The dark sky in Oro Valley is so important and beautiful. Having recently viewed the night sky at Kitt Peak, I see how our dark sky has changed with more lights over the last 8 years.

The current sign codes are reasonable.

I liked the business signs much better when they were the copper patina finish or green. I thought Oro Valley had a nice clean look. I have considered not shopping at the stores that are changing their sign colors from the classy copper patina or green.

Important factors to me are the night sky and energy use. Generally, if everyone is using smaller signage it is easy to read and identify a business. Bright, large signs are not necessary to identify a business. In general, fewer signs are better.

Bad enough this community permitted the construction of the Oro Valley Marketplace right opposite a State Park, are we now going to permit such commercial interests to light it up like Times Square in New York? Besides, their arguments for justifying such lighting needs are tranparently *(sic)* spurious.

The low light pollution (dark sky) portion of the sign & light ordinance should be strengthened. There is no reason why sign & parking lot lights should be directed anywhere but down. The park district lights light up miles of otherwise dark areas and a few sign lights make no impact on dark skies. Think about shielding these VERY bright, nightly park district lights so that the light emitted is aimed DOWN! At present they are NOT.

The baseball field lights (Oro Valley Park Dist.) actually light up the face of the Pusch Ridge they are so bright. I don't worry about a few store lights, especially when they are in a brightly lit shopping center.

The sign code is just fine the way it is. The sky is already to bright from all the parks and schools in the area. Do not add more light by all night signs. If some businesses had their way they would have rotating beacons and strobe lights.

No, it's fine the way it is leave it alone.

Moved here because of the dark skies.

I don't want a Town Property tax. Help business make money and use the 2% sales tax to run the Town

There are too many lights in our beautiful valley. Turn them off!! I would like to stricter rules from the Town for business lighting signs. Most of the businesses in the Marketplace don't even face Oracle, our main throughofare *(sic)*.

I see no good reason for any business to illuminate its signs after closing.

We are amatuer astonomers *(sic)*. One of the factors that drew us to this area was the low light density which makes it possible to observe the marvelous *(sic)* night skies.

Keep the lights low in Oro Valley!

Why in the world would the town of Oro Valley want business not to have their sign lit up all night ????????

I'm sure some business owners would take advantage of 100 foot tall signs if they were allowed. However they aren't because we (the city in general) have decided that they are not appropriate. The fact that businesses now want to leave their signs on all night does not have any bearing on weather they should be allowed to.

Two reasons I would like the illuminated signs to be turned off at the close of business are to signal they are closed for business for the day and no need to stop and unnecessary light pollution for viewing the stars and planets at night which is why we don't live closer to downtown.

Signs should conform to surrounding area fixtures.

Modest size, comfortable colors

I find oro valley's current sign illumination regulations to be petty and ridiculous. once again, oro valley is head over heels consumed in nonsense, while practicality and reasonability are not addressed. case in point - the obtrusive, ugly, and unnecessary wall along oracle road; the unsightly side entrance to the new wingate inn (the entrance should have been located on the length of the building for a much better curb appeal image), WALMART, etc.

Not a very good survey. Lots of questions truly can not convey a useful answer

Lights on after closing are a waste of energy and do not uphold our dark skies support. If lights are on, one would assume the business is open. If lights are on and the

business is closed, it would encourage me NOT to do business with someone that wastes resources so lightly.

We do not need now should we allow large numbers of garish sinage *(sic)* that destroys the character of our community and environment. The town should control the size, color, and hours sinage *(sic)* is allowed. Please do not relax he existing regulations.

I like a neat and clean community with quality signs at a minimum level.

I think the night skies are very important to Tucson and its observatories. We really don't need to be blasted with lights from all angles.

Keep the lights low please. No more light pollution.

I am concerned abot *(sic)* safety at night if the lights are dimmed - vagrants, young people, drug peddling and so on.

I think the sinage *(sic)* is not the only problem that you might address. Exterier *(sic)* lighting can be excessive like the Holiday Express as an example.

There is a distinction to be made between being aware of a business, and trying to find it while driving. I often have to go past the place I'm looking for because there isn't enough warning.

Oro Valley's restrictive business sinage *(sic)* law hurts small business locating in our city. The new ACE hardware at 1st Ave. and Tangerine. is significantly handicapped by being forbidden to place a sign on either bordering street. Despite having been here for several months, many customers walk in today saying "I didn't know you were here" We should have policy's that encourage and support small business. The repressive sinage *(sic)* law has the opposite effect. Is this law in place to beautify our streets and thereby limit tax revenues and discourage businesses from locating here?

Please limit the placement and size of signs to the smallest reasonable size. It is wasteful, unnecessary and offensive to have lighted signs after dark if the business is closed.

I do not believe a business needs a gigantic sign to identify their business. I feel a limit on size is needed but should not be too small to catch your eye while driving by.

I just feel that any illumination after the business is closed is not in the best interest of the business or the customers. Anyway, I don't shop by signs.

Help business, I do not want a property tax

I feel sorry for all of us because I see more and more businesses going out and that means less shopping resources available for residents of the area - and less city revenue from sales tax. This could result in a less safe city for everyone. We need our local businesses and the stricter the city is with them the harder it will be to keep them here.

The current sign code and outdoor lighting code are adequate as currently written.

Illuminated signs being on all night reminds us of where this particular business is. A location being dark casts a gloomy atmosphere.

Leaving the lights on after closing is a bad idea. I would not patronize a business that did so. Also, signs should be subdued to minimize light pollution. Many businesses have an infatuated concept of themselves as reflected in garish signs that are inconsiderate of the interests of the larger community. Target comes immediately to mind.

I am very concerned about light pollution. One of the reasons I live in this area is the ability to see the night sky.

I am tired of the Town of Oro Valley dictating policies that don't benefit the residents who live there. You all seem to have your own agenda's . . . whether it's dogs barking (inside a house), business signage, or our youth skate boarding . . . it's ridiculous. If the housing market were different, I would move out of this "Stepford" town immediately!!!

I don't think A-frame signs would be needed if businesses were allowed to have monument signs that were larger and more visible

When it comes to the monument signs I know that some people might not like the large tall signs, so why don't you mandate that all signs must be no taller that 6ft. This way everything is the same hight *(sic)* and you don't have large signs all over the place.

I think illuminated signs should match a uniform code that require low-voltage backlit signs like what the businesses at Vistoso Office Park use. These signs are tasteful and subtle.

I don't very often need to look at signs at night because I don't often go to unfamiliar locations at night.

Oro Valey *(sic)* has bee *(sic)* over bearing with codes and controls. Both in the laws of zoning and an inability to make allowances for one time events or once a year events. Requiring signage to conform to one color is in sane. A logo is the most important symbol of a business. it's time for the town to back and allow some creativeness in to the air.

Signage lighting after 10pm is unreasonable! The current OV code should be enforced now.

I identify by the signage on the business itself or in the case of a strip mall situation, the sign by the street listing the businesses in that complex.

Oro Valley has already compromised being distinctive by allowing too many colors, styles and logos of business signage. We were promised a classy town and it has become just another strip city with not even a scenic corridor. No more compromises!!!

when signs are illuminated that indicates the business is open

We moved to Oro Valley because of the scenery, the people, and the fact that a new community MIGHT make a significant difference to the environment. We admire the fact

that Tucson keeps its lights low to enable Kitts Peak to do scientific research. We would be MOST unhappy to be a part of a community which does not value these things.

There is no reason to have illuminated business signs lit after 10PM unless they are a 24hr. business. I think stargazing is an integral part of Arizona's appeal and quality of life.

Stop putting so many artificial restrictions and onerous regulations and taxes on businesses.

You are now seeing unintended consequences of the anti-business, anti-growth mentality exercised by the DRB, Zoning, Development Services and some Town Council members over the past few years.

Signs for me pollute the environment.

What is a "monument sign?"

I like a few dim lights on at night, but only for a short time. The rest of the night should be lit by star and moonlight only.

They should not be left on all night. Dark skies is why I moved to Oro Valley.
Lighted signs at night are an eye sore and a pollutant to the beautiful Arizona evening skies.

Please don't burn lights all night. The observatories don't want any more light at night.

I'm an Astronomy buff and enjoy dark skies. With the growth of Oro Valley, our dark skies are slowing going. As in Tucson, I think we should restrain late night outdoor lighting especially after close of business hours.

I think you should try to promote businesses in Oro Valley and not put barriers in the way for the business owners.

Keep the night sky dark so we can enjoy its beaty *(sic)*.

Oro Valley seems to live up to its reputation of being a difficult place to do business. It's time the Town hired an independent firm to assess the areas where the Town can be more business friendly (signage, lighting, building codes come to mind).

I appreciate signs that do not pollute the view. i.e., I consider road signs that tell who is caring for a particular strip of road to be pollution in almost the same way as is garbage.

I do not like signs that 'shout and scream' with their bright colors and size.

I firmly believe that OV must recognize/promote substantial limits in total outdoor lighting in an effort to reduce light pollution of the night skies. There are at least two reasons for doing so:

1. The dark sties economically impact this area for astrological study by U of A Kitt Peak etc.
2. Night time skies are one of nature's most beautiful gifts - a sight long lost in most

urban areas. And a constant reminder of the vast universe surrounding us. I have lived in northern wilderness where the only night sky light interference comes from the Aurora Borealis. I am an astronomer, but we are appreciative of nature whether on the earth or above us. Will OV work to protect or to allow further erosion of people's ability to observe the beauty of a clear night sky?

I do not believe Oro Valley has been a business friendly town in the past. Certainly requiring the businesses now to turn off their signage lighting by a certain time is not how to keep or attract more!

I prefer to see uniform, size regulated signs. Towns that have them look uncluttered and one business isn't having to outdo the other in signage.

Leaving your sign lit up all night when you are closed is not the best way to generate business. Having convenient hours will bring people in and having air-conditioning will keep them there. Too many businesses are closed Saturday-Sunday, the only time that working people have to get anything done. Others close early on Friday-Saturday, not giving their customers enough time to get there. Some never turn their A/C on. I've walked out of many establishments due to this problem. My sense is that they want to run their businesses for the least hours possible and save money by not running the A/C and then complain that they're not doing enough business. Then they want to solve the problem by leaving their signs illuminated all night instead of addressing the REAL problems of inconvenient hours and/or no air-conditioning.

I often leave early in the morning to catch a 6 a.m. flight out of TIA, so I have an opportunity to drive through Oro Valley in the dark. There is virtually no traffic at this time of the morning, so there is no traffic or people to see illuminated signs if the signs are on all night. Likewise, the Oro Valley population being largely retirees and familes *(sic)* w/ children are not the cagories *(sic)* of people that are out and about late at night, like areas of Tucson that have nightlife/concert venues. To keep business signs on all night is not necessary, is a waste of energy, is a disturbance to nearby homes and IMO does nothing to promote a business purpose. I think lit signage until midnight is sufficient.

Oro Valley's llighting codes should be strengthend to preserve the beauty of the night sky. I would not patronise businesses that cause light polution. *(sic)*

I have lived in Oro Valley 7 years and drive downtown to work...normally down Oracle or La Canada...Soon I will be leaving while it is dark and returning when it is dark...to not have the ability to identify new businesses that open or find retail establishments that I now need but have not been recognized because I did have a need for that retail offering...is a negative for me and I would assume much more of a negative for new comers who filled our area after I moved here. If we are not in a position to support our businesses by allowing them to market their products and services we will continue to perpetuate the lack of support in Oro Valley and will result in an area that does not have the necessary retail establishments to satisfy potential new residents...as well as current residents. I truly enjoy the atmosphere of Oro Valley...however, we are not Santa Barbara, nor will we achieve that level of totally controlled environment...can we find a compromise that keeps our area growing...or worse case...stable.

Signs being on after a business closes just makes me think they are open and I see no reason for them to be on once a business closes.

Keep lighting low,for clear skys *(sic)*
I think the existing sign code needs to be revised to be more supportive of businesses. We need businesses in our community and should work to attrract *(sic)* them and reduce possible obstacles.

Signs lit up at night do not attract more business. Residents are already aware of local businesses. We drive by every day and see them. We do not need to see them at night as well.

Additionally, lights on and off are a great indication of business hours.

"least intrusive" is still the proper description for signs in Oro Valley.

SIgnage appears to be overly restrictive. I moved to Oro Valley 2+ years ago and occasionally still "discover" a business that I previously was unaware of due to not only very small freestanding signage, but also existing landscaping blocking signage. Why not allow larger freestanding and building signage rather than desperate business owners having to put up the A-Frame signs like you see by the poor guy that has the car wash behind the Target. He has a sign, but the colors blend together and its not noticeable. The OV Marketplace should be allowed signage on the back of buildings. How are commuters supposed to notice the stores, surely not the small signs at the entrance. Other examples are the tiny new gas signs at the Giant on Oracle/Pusch View, and the Loop Taste of Chicago has an ugly banner up with no freestanding sign. I'm all for more visibile *(sic)* signage as long as the signage is designed to match the buildings and primarily desert colors. We don't want to end up like the shopping center at the SEC of Thornydale and Cortaro that always has multiple banners attached to a steel railing near the intersection. That demonstrates that the businesses are hurting, most likely partly from the economy but poor signage obviously can't help their situation. Thank you.

Signs are OK for a business until 10 PM. After that, night skies are more important. Comparatively few residents need to find businesses after 10PM.

Encourage animated neon in business areas. It creates a sense of movement, aliveness.

One of the many pleasant features of residing in Oro Valley is not being bombarded by signage. I am not in favor of relaxing the current code.
I have previously lived in Boca Raton which had strict guidelines *(sic)* for signs. I think businesses should have the ability to have illuminated signs but I like the idea of having restrictions on size and height and please do restrict billboards to the Interstate as they are unsightly in a city.

This town seems to do what it can to hamper businesses. I've never seen a town operate like this one.

I think businesses shouldn't be restricted when it comes to promoting their business. The more business done equals more income for Oro Valley.

Oro Valley needs to become more lenient when it comes to their signage rules. As an Oro Valley resident, I feel that signs not only illuminate our small town, but also help promote business, which is very important in this tough economy.

Controlling light pollution in Oro Valley is important. Reaching a compromise situation where lighted signage is illuminated during business hours is a very reasonable approach.

I moved back to Oro Valley (from Kansas) in part because of the beautiful night sky. I have five sons, and we use our telescopes often. I do NOT think signs should be left on after hours as it increases light pollution *(sic)*! Thank you for taking this survey into account.

The sign code needs to be realistic and permit plenty of advertising opportunity, especially in this economy, but even in better times. Advertising and the convenience and efficiency provided by good signage allow the economy to function smoothly, which is what provides jobs, job growth, and tax revenue for the town.

In reference to business lit signs if they are on the highway we don't care if they are on all night... but residential neighborhoods they should be out by midnight

Sometimes when driving through an existing strip mall or business area it is difficult to locate a business because of the signage only being on the front of a building. It would be easier to see something jutting out of the building stating the name of the business. Perhaps not so much an A-frame, but something more stable. Thanks.

They should be made to be business friendly based on the input from Northern Pima Chamber members suggestions

I support the sign guildlines *(sic)* per the Outdoor Lighting Code. I frequent the Oro Valley area. ***(non resident)***

Re Lights: As long as the lights are not shining in the windows of my house or lighting up my property at night, I don't care if the signs are lit all night. With today's economy, I realize that the companies are using the a-frame signs to attract customers...it's a difficult world for these businesses. While I don't care for them, I respect that these businesses need to use them to help stay in business.

I feel leaving the lights on beyond business hours is a waste of our valuable energy and is a pollution to the sky.

Signs at the large shopping center on Oracle would be nice to see who is in there while driving past

It seems to me the code that requires that the sign be turned off one hour after closing isn't business freindly nor friendly *(sic)* to their clients. Much of what I see in Oro Valley is a controlled image that really wouldn't be offensive if left on until 10pm or later. The only reason to go past mid-night is if the business happens to be open beyond that hour such as a hospital or emergency care. It is easier to relate to signage than address numerals when looking for a distenation *(sic)*.

I would like to see the signs conform to a prescribed size and color -enough to identify the business, but still in good taste and quiet.

The on-premise signs are too small. I can't see the signs well from the road. The businees *(sic)* signs should also be lit at night in order for the public to see the signs.

I feel midnight is a reasonable time for the illuminated signs to go off, unless the business is still open, then it should be one hour after closing.

A-frame signs are ok at the store entrance, but not at the edge of the street.
Business is really tough right now. The city should do everything it can to help these businesses get through these trying times. If that means having a sign on all night, then they should be allowd *(sic)* to do it. It also adds a safety factor to an otherwise dark area.

I think your sign code ordianance *(sic)* is archaic and nonsensical. I also think that billboards should be allowed on main roads. If done right they don't hurt the beauty of an area. I want to know when Oro Valley is going to start acting like a real city(town) and stop living in the past like. Its almost 2010 for God's sake and the last I heard you need all the revenue/tax base you can get!

Signage is important and needs to be obvious enough to be seen, without being overpowering or obnoxious.

I am **not a resident** of Oro Valley but do spend significant amount of time transacting business within the Oro Valley city limits

I think the illumination of signs at night is a waste of electricity and money for businesses. Production of electricity uses precious natural resources which are being wasted by illuminated signs of closed businesses. By turning off unused lights at home or work (or in this case signs) we can reduce the use of our natural resources. Also, it helps cut down on light pollution which cuts down on light pollution and allows another Arizona industry, Astronomy to thrive.
Illuminated signs of closed businesses do nothing to attract people to the stores. People that live in the area know where the businesses are and people not familiar with Oro Valley and are just passing through/visiting will not benefit from illuminated signs of CLOSED businesses, because they will not be able to purchase items or services from them.The A-frame signage is okay immediately in front of a business (if sidewalk width permits) but not 500 yards away on the side of the road.

Businesses need signage to attract new customers, charge them make some revenue, allow them to have the signage they feel necessary to get customers within reason.....

We must maintain a dark sky policy, especially now as the town grows. I feel businesses for the most part think they are above it all. They will do just fine without all of the lighting, all night long.

The present code should stand and be enforced.

I love the requirement for copper patina signs. Much better than gaudy multicolored signs (Shame on Target for breaking this rule!!!)

I am LESS likely to patronize a business that creates an eyesore.

I believe the excessive signage restrictions discourage many MUCH NEEDED prospective "quality" businesses (both large and small) from establishing their operation in our community.

Maybe use the Pima County code so that all businesses in the county have a level playing field in how they can identify and advertise their businesses.

I have always found it very difficult to find a busniess *(sic)* in Oro Valley. Signage is very poor, hard to locate a business even when I have an address. Businesses should be allowed to advertise their business perhaps a standard on signage but large enough to be seen.

Churches should also be forced to turn off their signs. All business should turn off/down their parking lot lights past a certain hour.

The strength of Oro Valley is the beautiful view of the mountains and the great efforts made to support outdoor recreation. Do not make Oracle Road in Oro Valley as ugly as Oracle Road near Tucson Mall.

What prompted this sign change in the first place? It was not bothersome for me to drive down La Canada or Oracle at night and see the lit up shopping centers. This seems a big waste of everyone's time - why try to fix something that was not broken?

With respect to signs, I believe an organization would benifit *(sic)* from turning off signs after 10 p.m. (as long they are not still open) in that money spent and carbon footprint generated would both be reduced.

If you look at signs where the light eminates *(sic)* from behind a non-lit front, they do not produce light pollution like neon signs and are more effective. I am thinking of church in town, either on La Canada, or Thornydale where the cross is not lit, but there are light behind it that throw light directly on to the building. It is not obtrusive but very appealing and effective.

Thanks

Get off the backs of the businesses and let them prosper.

I would be strongly against extending the time signs can be lit.

A frames are fine, but only during business open hours and only in front of the business. The signs should be of a standard size so as not to block any traffic or sidewalks.

what happened to uniformity? and the discrete sign color too many exceptions to the rule, especially to conglomerates with well paid legal team

the lighting issue mainly involves all the parking lights left on, sign lighting is less invasive

I am happy to see Oro Valley accepting input regarding their sign code. I believe Oro Valley has not been business friendly and personally know several businesses that have either tried to open in Oro Valley or have heard the horror stories associated with opening a business in Oro Valley and chose not to. Relaxing the sign code would be a step in the right direction. Businesses need advertising and signage plays a very important role. Thank you.

I have been following this big hoopla and I think it's obsurd *(sic)*, how can a business drum up business if you can't see what a store is? Signs have to be illuminated in order for people to know the business is there. Oro Valley is a very dark town at night ! Stores are going under left and right and they need all the help they can get !

I think "dark skies" are very important to Arizona. I am proud to be a part of and suporter *(sic)* of our Astronomy industry/organizations. I just returned from the east coast and was amaized *(sic)* at the limited view of the stars.

I think Oro Valley has cut their throat on this issue and the throat of the business owners. Why do we have a theater with no marquee or sign showing it is a theater till you are right up front. If we are going to have these places they should be able to excel. You tell me...if you were to drive by the wal-mart center on Tangerine or Oracle not knowing what was there would you be able to tell without driving into the center. We wanted that center and then tie their hands. I drive by every day and it would be nice to know what is playing at the theater if it is going to be there. But for how long?

Business signs illuminted *(sic)* past 9 pm is too late, unless the business is open. I would prefer all off by 8 pm unless the business is still open, then off 1/2 hour past closing. 10 pm is entirely unacceptable. When my family and I drive at night, we are not out sighnteseeing *(sic)*; in fact, we would prefer that there be fewer distracting lights off the sides of the road.

Regarding A-frame signs, they should only be allowed for special events, limited to 5 days per month per business/entity.

I REALLY prefer a uniform, unobtrusive set of signs for the businesses in Oro Valley. I feel this is what gives Oro Valley it's unique look and feel, compared to the rest of Tucson (or most other Arizona towns, for that matter).

Oro Valley, as a town, needs to realize that business owners need to have signs that will draw in customers. Leaving a sign lit up a night is not a problem and will only help the business.

Yard Sale signs on weekends are the only free standing I use and I like that they come down after that day.

I love the signage at the shopping plaza at 1st and Oracle. Please don't let Oro Valley become like Tucson with lots of gaudy ugly signs...

No illuminated signs please. We enjoy dark skies in Oro Valley for Astonomy *(sic)* purposes.

I am very much for the idea of restricting sign size and turning illuminated signs off if the business is closed. The size of a sign not actually on the building of the business itself should correspond to how far that sign sits off the roadway for a "reasonable" person to see and identify where that business is. As far as a sign on a building itself, I believe it should be proportionate to the size of actual business. A small 800 sq. ft. shop should not be allowed to have the same size sign as say a large grocery store chain, etc. As I said before, I also am an advocate of reducing light pollution thus forcing businesses to turn off their lights after they close. Not only is this good energy saving practice,(I credit myself with convincing AMC to shut the billboard and other bright lights off at their Catalina Theater at Campbell and Grant in Tucson, which they had left on all hours of the night even after it was shuttered for good) but it also lets citizens enjoy the "peace" and tranquility of looking at the stars, etc. and provides preservation to the reason many move to Oro Valley (for the "darkness" in the first place.) Obviously, safety and security need to be addressed and some leeway allowed such as street and security lights, but this is another issue. Lights should be on to allow customers to see where the business is located. Lights should not be for solely for advertising at all hours of darkness. If a business is closed, then the light should be off. If anything, this also saves a potential customers time by showing them that if the light is off, the business is closed and there is no need to try and drive into the plaza or otherwise make an attempt at trying to go into that business. If the light is on all the time, but the business is actually closed at a certain time, such as at a fast food restaurant that IS NOT open all night, then many potential patrons may approach the restaurant even though it is closed and waste their time. Thanks for reading my input.

We are losing the night sky. Please keep the lights down. Once we give up the darkness, it is hard to get it back. Our clear night skies are a treasure. Please help preserve them.

All businesses in our community need to be in compliance with our lighting ordinace *(sic)* as it pertains to the light pollution *(sic)* and our long standing astronomy interests. This has been good for our tourism businesses too. I feel there is a happy medium for business to have the proper lighting for safety and continued advertising without being over powering. There is a wonderful local/international organization in town called International Dark Sky Assn that works on this issue and they should be consulted!

We need additional businesses in our community and businesses must be able to identify themselves and be found.

I don't really understand the monument-A-frame question. I want signs that are clear and easy to read, if they are illuminated I assume the business is open. A- frames are okay for shops that are tucked away, but should only be out when business is open. Signs should be tasteful, in keeping with an upscale community. I don't want tons of neon/illuminated signs that spoil views and hinder viewing the night sky. Logos are okay because of immediate identification. No Vegas-like strips, please!!!

Please preserve our Arizona dark sky.

AZ House Bill Title 49 (See Chapter 7)

http://www.darksky.org

Why would you need a sign if the business is closed.

We do not need any further distraction at night when driving. I only want to know where a business is during opening hours.

Our town is famous for being "dark" lets keep it that way.

All business signs should be off by 9pm unless the business is still open.

I find that inadequate sized/no numbers on businesses are the biggest frustration I have in locating a business especially the office buildings. I feel that brightly lighted as well as large signage is offensive and a threat to our dark skies. I have previously called the city offices to complain about the bright lights on the signs at the storage center on North Oracle. Lights on at night will never have an influence as to whether I would patronize it during the day.

I think that it is a great idea to take this survey. Thank you

While traveling in the northeast,I was pleasantly surprised at the lack of signage along highways, such as billboards. It was VERY pleasing to the eye. We MUST not cave in to business interests and allow signage to run rampant. I think the argument is very poor that business owners rely on drive-by business and therefore need sgns *(sic)* to be big, and illuminated all night. We have WAY too many signs along the road.

Talk about a need for inclusion in a distraction while driving law: is it worse to talk on a cell phone while driving, or to read all of the signage along a roadway?
We must do a better job of uning *(sic)* less electricity

The lighted sigs at night are a waste of energy and a distraction. Turn them off when the business is closed. Also, Fry's (new) RED sign on Oracle Road is ugly too!

I live north of Oro Valley and drive through Oro Valley every day. I do a lot of shopping in Oro Valley, especially along the Oracle corridor near First Avenue and in Oro Valley Marketplace. The signage that has been allowed, per the Town's signage code, is limited and tasteful, so I see no reason to force businesses to turn off their lights at night if they don't want to. ***(nonresident)***

I feel that signs should either be turned off 1 hour after a business closes or by 10pm. Keeping signs on all night is a waste of energy and light pollution for our night skies. Also, if I see a sign on, it leads me to believe that the business is open.

Oro Valley should really get rid of the green signs only rule! It is very difficult to distinquish and see different businesses. Shopping centers look bland and boring with all green signs everywhere too.

Business need to be able to keep their signs on as they see fit.

If the Town imposes a time deadline for businesses, why not tell homeowners to turn their outside lights off, too? This is a bad idea. Let businesses keep thier *(sic)* lights on all night. They are paying for it.

The above-"business signage" questions appear to "fish" for an answer to support an agenda. Wouldn't it have been more neutral to have those questions multiple choice like the others?

I believe the lights should be off after a business closes, for the courtesy of surrounding *(sic)* residents and for the observatorys *(sic)* and the natural beauty of the stars.

I do not understand why it's necessary to have the lights on after 10 pm. In this economy isn't it better to save on the electricity?

Sandwich boards are ok if they are professionally done and kept in good condition. Do not like hand painted, messy signs or ones that look like they've been through many seasons without being cleaned up.

I do not like bright lights - they are very distracting while driving and they ruin the beautiful night skies that we have. Please continue to limit the amount of light that we are projecting into our skies.

no signs extending out from a building, no neon lights, no flags other than AZ and US and those should be limited in size and height

Keep them small. Size does NOT matter. They just show you where to park and what door to go into. Being able to see the stars at night is a real showoff blessing for OV residents to our visitors. When its gone its gone forever.
The unobtrusiveness of signs is a "quality of life" feature of Oro Valley that should be maintained. Moreover, our "dark sky" should be maintained.
The current signage code is fine. In keeping with the need for dark skies in this part of AZ, it is important to minimize light usage after sunset.

It's pretty simple to me. The businesses came to Town knowing what the sign code was (or should have). They should comply.

I moved to Oro Valley because Oracle (and La Canada and Rho V Blvd) is not like Speedway and in my humble opinion it should remain that way.

If a business is counting on someone driving by at 2am seeing a sign and returning at some later date for customers....maybe they should reconsider their business model.

p.s. - I happen to live fairly close to Oracle and drive through the Rooney Ranch/Steam Pump area all the time. I think the low key (compared to south Oracle Rd) look they have is definitely preferential.

Do not use signage except to locate the specific location of a business after I have made a decision to use their services / never see a sign and decide spur of the moment to visit the business.

Would prefer 1 hour after closing or midnight, whichever is the earliest time

Size of sign and design must be regulated. Lighted sign illimunation *(sic)* output must be controlled *(sic)*. OV does not need light pollution

All Business signage should be backlit. A great example is Home Depot, Fry's, Target, and Office Max on Oracle and First Ave.

The business signage at Tangerine Crossing should have never been allowed to fully illuminate their signs.

I want to continue enjoying the Dark night skys *(sic)* and the stars.

Oro Valley in my opinion is very business unfriendly. The cry is support the local business but the Town is so restrictive concerning business needs, I would understand why businesses wish not to open in OV.

I do not believe anyone who is out driving after 10pm is looking at business signs saying oh now I know where they are, let me drive in and check businees *(sic)* hours. do not believe lighting except for security purposes is needed after 10pm.

As bad as the economy is currently, the Government should NOT stifle anything a business can do to bring patrons into their shops. I enjoy seeing business signs at night. When I am out to dinner or visiting friends, these signs stand out more and help me to locate business locations in the daylight. The entrepreneur spirit, that these businesses project, is comforting in these troubled economic times. As an Oro Valley Resident, I want new businesses to feel welcome to set up shop here and bring their profitable / taxable wares to our community.

In these difficult times, I think the rules should be relaxed to make the businesses survive. It's tough enough without overegulation to make it.

I like the idea that Oro Valley complies with the dark sky program.

My only concern would be interference with star gazing. Could these lights be low level or covered on top to prevent a lite sky? I don't want this to be a burden to the business community-I use lite *(sic)* signs and like them

They should be off after business hours. Why waste electricity, and why lighten up our beautiful, starry skies.

All signs should meet the codes that all previous businesses had to meet.

I think the current code is sufficient and allowing any larger signs will pollute the night sky.

Oro Valley is scaring businesses from establishing here. It is absurd to keep restricting signage when the residences are far away from the areas where businesses are established.

I like to support small business in Oro Valley and when I think about how I shop and identify shopping locations, I will often see a sign when I'm going to a restaurant at night and say to myself "oh, next time I need a postal store, here is one close to me".

All signs should be off unless the business is still open.

A-frame signs should not be used for daily signage; but instead limited to special occasions.

If Signs are only limited to a height then they need to be visable *(sic)* from the streets with no obstruction. Or if there are multiple business at a location like a plaza then all the names can be posted on 1 taller sign.
Signs - - THE SPEECH OF THE STREET

WE MUST BECOME MORE OF A BUSINESS FRIENDLY COMMUNITY. PEOPLE SEEM TO BE CONCERNED ABOUT PROPETRY TAXES. IF OUR BUINESSES DO NOT SUCCEWED *(sic)*, WE WILL BE FACED WITH THE TAX SITUATION MUCH EARLIER.

1. Need to limit illumination level when it can be seen from residences.
2. Need to make an exception to allow rotating Barber Poles
3. Subdivisions should be allowed to have signage at ALL entrances.

Over use of to many signs would not be my suggestion.

Signs should be illuminated during business hours even if that exceeds the time of midnight. I think it is important for our city's economy, that the businesses are properly advertised with their signs at night because very often, a person is driving at night when it is dark, notices a sign for a business they were unaware was located there, and will end up going there another day.

Why have a code if it's being enforced?

We have enough economic headaches without depriving business of advertising their businesses with signs the Town required them to spend a bundle on in the first place. Let's get real!

Oro Valley has established sign codes and we are in favor of enforcing them. We don't see a reason to change or relax a code every time somebody has an objection.

Ok, to relax for a temporary time frame if the need is urgent or in an emergency.

Business Sign Survey
Business Open Ended Comments

Comments regarding types of signs used

- We do not use signs of any sort
- Monument signage is entirely too small to be effective
- The sign is small, the amount of light generated is small
- We share a lighted monument sign with other tenants. We NEED the illuminated sign over our door on the side of the building so our clients can find our office in the evening. We also use a "for sale" in front of each of our properties for sale.
- I have independent contractors and set hours so am confused as to not having any set time to have my signs shut off. Almost afraid to have my ten thousand dollars signs burning at all.
- I have put a table in front of my center to promote foot-traffic from nearby businesses and provide info to potential families
- Color and size are too restrictive
- open house /model open signs
- Temporary A Frame Signs
- None. Signs are an eye sore.
- My proposal is to set a time of 2 am.This will allow those leaving bars or other late night venues to have signs and should cover all bases
- Our signs are real estate marketing signs

Comments regarding size of signs

- Oro Valley is entirely too restrictive on size of signs - its like you want to put us out of busiess *(sic)* which will result in lower city revenue!
- We are in the back row of the shopping center, our sign is hardly visible. We need walk-in business, as it is part of our business model---but we aren't allowed to use banners or A-frames, all we have is a tiny sign
- Used to not having any set time to have my signs shut off
- The color of my sign is NOT the branding color of Huntingon Learning Center, I was told that I was NOT allowed to use the branding color.
- I think the size limitations are too small and installation of signage should not be encumbered with a design review board process
- Lack of Monument availabiltiy *(sic)* is hurting traffic
- It would be nice for people to see me easily from the road and not be confused when trying to find a business
- Sinage is another form of free speach! *(sic)* Business pay for or lease a building, they should be able to use any size sign they need or want. No one stops others in making the biggest burger, or cookie or whatever.

Comments regarding banner signage

- We do special promotions, and cannot advertise them to people who drive by
- The limitations to the number of times per year is too restrictive
- I think banner signs should require approval for size, color and duration of being posted
- Business should be allowed to use banners without restrictions to promote their business and products
- We typically only use banners during construction to indicate

Comments regarding application and fees

- We applied to update our signage and should have been given information on the new code before we completed the application. We were never given the information other than when we build the bldg 4 years ago. Codes have changed
- Do not use Signs for our business
- Difficult to navigate the system--at this time I would not recommend Oro Valley as a site to another business owner
- Process takes much too long
- Back in 2000 it was a very trying experince
- Too much money for zero input
- The fees seem expensive compared to other cities.
- $1000 annual A Frame Sign Permit is criminal
- Overly stringent on specific materials that are very costly
- We find that our costs of doing business in OV the most costly of any of the cities we work in
- I am not the one that submits the applications so I am unaware how they compare

Comments regarding review and approval

- Process takes much too long
- Anything can be done if "extra" fees are paid to push it through the system
- Very cumbersome
- Not sure how it is possible but it actually takes more time in OV than in the City of Tucson which is hard to believe because they are not very quick.
- I am not the one that submits the applications so i am unaware how they compare

Comments regarding DRB Review

- Process takes much too long
- They very seldom like anything the first time
- The process takes too long and staff does not do a very good job of advising people both how long the process is going to take and the steps needed to get there
- Attitude that they don't want business to suceed-no help
- I am not the one that submits the applications so i am unaware how they compare
- Our biggest issue with Oro Valley is the requirements pertaining to color and materials. Our business depends on our Identity and recognition by our clients Signage can be controlled and done tastefully while maintaining identity

Comments regarding staff response time to businesses regarding signage

- The overall philosophy in Oro Valley is obstructionist rather than promoting businesses that provide both the employment and revenue stream that underpin the economic stability of the Town
- Too bad they are not in charge
- They can sometimes be slow
- I have left 3 messages and have yet to receive a call back regarding A-Frames
- It depends on the day and project but overall it is cumbersome
- I am not the one that submits the applications so I am unaware how they compare

Town Council Regular Session **Item # 5. a.**

Meeting Date: 05/18/2011

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

Department: Development Infrastructure Services

SUBJECT:

RESOLUTION NO. (R)11-33 DECLARING AS A PUBLIC RECORD PORTIONS OF THE ORO VALLEY ZONING CODE REVISED, CHAPTERS 21, 22, 23, 24, 25, 26, 27, 28, AND 31, AND THE ORO VALLEY TOWN CODE, CHAPTER 3, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK **(ATTACHMENT #3 & #4 ADDED ON 5/12/11)**

RECOMMENDATION:

Staff recommends adoption of Resolution No. (R)11-33, so that the amendments become an official public record.

EXECUTIVE SUMMARY:

This is a procedural item to declare the code amendment associated with the Conceptual Design Review Board (CDRB) and new design review process a matter of public record. The draft ordinance has been posted on-line and made available in the Town Clerk's office. The final version, as approved by Town Council, will be made available in the same manner.

BACKGROUND OR DETAILED INFORMATION:

This proposed resolution will become a public record upon adoption by Town Council. The Town will save on advertising costs by publishing the ordinance in this manner. If the ordinance is adopted by Town Council, the Town will forgo publishing the entire document in print form. The adopted version will be published on the Town website. The current draft version of the ordinance has been posted on-line on the Town website. Furthermore, a printed version is available for public inspection at the Town Clerk's office.

FISCAL IMPACT:

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

SUGGESTED MOTION:

I move to [adopt, adopt with changes, or deny] Resolution No. (R)11-33 declaring as a public record portions of the Oro Valley Zoning Code Revised, Chapters 21, 22, 23, 24, 25, 26, 27, 28, and 31, and Chapter 3 of the Oro Valley Town Code, attached hereto as Attachment #2 (Exhibit "A") and filed with the Town Clerk.

Attachments

Reso 11-33

Att. #2-Exhibit "A"

Att. #3 - 12/1/10 minutes
Att. #4 - Item 7c from 12/1/10

RESOLUTION NO. (R) 11-33

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT RELATING TO THE CONCEPTUAL DESIGN REVIEW BOARD ENTITLED CHAPTER 21, REVIEW AND DECISION MAKING BODIES, CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, CHAPTER 23, ZONING DISTRICTS, CHAPTER 24, SUPPLEMENTARY DISTRICT REGULATIONS, CHAPTER 25, USE REGULATIONS, CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, CHAPTER 28, SIGNS AND CHAPTER 31, DEFINITIONS AND CHAPTER 3, ADMINISTRATION, IN THE ORO VALLEY TOWN CODE, ATTACHED HERETO AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, that certain document relating to the Conceptual Design Review Board entitled Chapter 21, Review and Decision Making Bodies, Chapter 22, Review and Approval Procedures, Chapter 23, Zoning Districts, Chapter 24, Supplementary District Regulations, Chapter 25, Use Regulations, Chapter 26, Subdivision and Development Plans, Chapter 27, General Development Standards, Chapter 28, Signs and Chapter 31, Definitions, and Chapter 3, Administration, in the Oro Valley Town Code, attached hereto as Exhibit "A", three copies of which are on file in the Office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 18th 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”

CHAPTER 21
ZONING CODE AMENDMENTS

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ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 21 (REVIEW AND DECISION-MAKING BODIES)

Contents

Section 21.4.B Powers and Duties of the Planning and Zoning Administrator
Section 21.5.A Conceptual Design Review Board-Scope
Section 21.5.B Conceptual Design Review Board -Powers and Duties
Section 21.5.C Conceptual Design Review Board -Transaction of Business
Section 21.5.D Conceptual Design Review Board Board-Effect of Decisions
Section 21.8 Art Review Commission

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck.~~
New punctuation indicated with an underline.

Section 21.1 through 21.3 NO CHANGES

Section 21.4 Planning and Zoning Department

21.4.A NO CHANGES

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21.4.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.:

1 through 10 NO CHANGES

11. Other Duties

The Planning and Zoning Administrator acts as the Executive Secretary of the Planning and Zoning Commission and CHAIRMAN AND EXECUTIVE SECRETARY of the CONCEPTUAL DESIGN ~~Development~~ Review Board. The Planning and Zoning Administrator is responsible for accurate and complete transmittal and recordation of Commission and Board actions. When functioning as Executive Secretary of the Planning and Zoning Commission or CHAIRMAN OF the CONCEPTUAL DESIGN ~~Development~~ Review Board before the Town Council, the Planning and Zoning Administrator shall represent the Planning and Zoning Commission and CONCEPTUAL DESIGN ~~Development~~ Review Board actions to the Town Council. The Planning and Zoning Administrator performs such other functions as may be necessary in the administration of the department or as provided by the Town Council and Town Manager.

Deleted: Executive Secretary

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Section 21.5 CONCEPTUAL DESIGN ~~Development~~ Review Board

A. Scope

The CONCEPTUAL DESIGN ~~Development~~ Review Board (CDRB) is intended to promote harmonious, safe, attractive, and compatible development and FUNCTIONS TO ENHANCE THE health, safety, and general welfare OF TOWN RESIDENTS. The ~~Development Review Board~~ CDRB recognizeS the interdependence of land values, aesthetics, and good site planning necessary to protect the distinctive character and natural resources of the Town ~~of Oro Valley~~.

B. Powers and Duties

1. The ~~Development Review Board~~ CDRB ~~may review all aspects of a proposed development~~ REVIEWS CONCEPTUAL SITE PLANS, CONCEPTUAL ARCHITECTURAL DESIGN PLAN, MODEL HOME ARCHITECTURE, CONCEPTUAL ART PLAN, AND MASTER SIGN PROGRAMS, SIGN CRITERIA, AND PAD SIGN EXEMPTION PROPOSALS.

2. ~~The Development Review Board shall review subdivision plats and development plans in accordance with Chapter 26, including site planning and the relationship of the development to the surrounding environment and the community. The Development Review Board shall review all proposed architecture, landscape plans, and grading plans.~~ CDRB REVIEW IS FOCUSED ON DESIGN CHARACTER AND COMMUNITY FIT FOR PROPOSED DEVELOPMENT.

3. APPEALS OF CDRB DECISIONS MAY BE TAKEN UP TO THE TOWN COUNCIL.

C. Transaction of Business

1. The ~~Development Review Board~~ CDRB shall conduct its business in accordance with ARIZONA REVISED STATUTES, applicable Town regulations and its rules and procedures as adopted by the Town Council.

2. The PLANNING AND ZONING Administrator ~~of the Planning and Zoning Department~~ shall ~~be the Executive Secretary~~ SERVES AS THE NON-VOTING CHAIR AND EXECUTIVE SECRETARY AND THE ECONOMIC DEVELOPMENT MANAGER SERVES AS THE NON-VOTING VICE-CHAIR OF THE ~~of the Development Review Board~~ CDRB.

3. The ~~Development Review Board~~ CDRB Chair, or his/her designee, has the RESPONSIBILITY to appear before the Town Council on items of interest to the ~~Development Review Board~~ CDRB.

D. Effect of Decisions

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Deleted: IS FOCUSED ON DESIGN CHARACTER AND COMMUNITY FIT FOR

Deleted: THE

Deleted: PROPOSED DEVELOPMENT.

Deleted: SHALL BE HEARD BY

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Comment [JA1]: Will the Clerk be able to designate someone to actually sit these meetings?

Deleted: 3. THE TOWN CLERK SHALL BE THE EXECUTIVE SECRETARY OF THE CDRB.¶

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Comment [JA2]: As a non voting member would this not be a responsibility and not a right?

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All ~~Development Review Board~~ CDRB recommendations, ~~final~~ actions, and findings of decisions shall be transmitted to the Town Council regardless of vote.

Section 21.6 AND 21.7 NO CHANGES

~~Section 21.8 Art Review Commission~~ **REPEAL SECTION**

~~A. Scope~~

~~In accordance with the General Plan Arts and Culture Element, the Art Review Commission is intended to evaluate the aesthetic value of public artwork, including privately owned public artwork, and facilitate the integration of artwork into publicly accessible spaces and the infrastructure of the community. The Commission's work shall include consideration of improvements and threats to public health, safety and welfare by ensuring that public artwork does not pose any safety hazards and is accessible to all members of the community.~~

~~B. Powers and Duties~~

~~1. The Art Review Commission shall review all aspects of proposed public artwork in accordance with Section 27.3. Further, the Art Review Commission shall act as the Public Art Selection Commission and shall review all public art projects associated with public construction projects. The Art Review Commission may review related information and plans, such as landscape design plans, that impact the location and accessibility of public artwork.~~

~~2. The Art Review Commission shall review and decide requests for public artwork approval including the design of artwork, qualifications of the artist, and the location, installation and setting of the artwork.~~

~~C. Transaction of Business~~

~~1. The Art Review Commission shall conduct its business in accordance with applicable Town regulations and its rules and procedures as adopted by the Town Council.~~

~~2. The Planning and Zoning Director shall be the Secretary of the Art Review Commission.~~

~~3. The Art Review Commission Chair, or his/her designee, has the right to appear before the Town Council on items of interest to the Art Review Commission.~~

~~D. Effect of Decisions~~

~~All Art Review Commission final actions and findings of decisions shall be transmitted to the Town Council regardless of vote.~~

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CHAPTER 22 ZONING CODE AMENDMENTS

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ZONING CODE AMENDMENTS TO SUPPORT CDRB
SECTIONS 22.5, 22.6 & 22.9

Contents

Section 22.5.F	Use Permits-Development Review Board (deleted)
Existing Section 22.6	(At end of document)To be repealed and folded into Chapter 22.9
Existing Section 22.9	(At end of document) To be repealed and folded into Chapter 22.9
Section 22.9.A (New)	Applicability
Section 22.9.B	Pre-Application Conf./Development Review Committee
Section 22.9.C	Administrative Review of Minor Land Divisions
Section 22.9.D (New)	Conceptual Design
Section 22.9.E (New)	Final Design
Section 22.9.F (New)	Final Plat
Section 22.9.G (New)	Conceptual & Final Design Stages

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck.~~
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Section 22.5 Use Permits

22.5.A THROUGH E NO CHANGES

~~***22.5.F Development Review Board***~~

~~No structure or building shall be built or remodeled under the conditions of a use permit until Development Review Board approval has been obtained as outlined in Section 22.5.~~

(Editor's Note: Existing Section 22.6 to be repealed and folded into Section 22.9)

~~*Section 22.6 Conceptual Design Review*~~

Section 22.9 DESIGN REVIEW

DESIGN REVIEW ENTAILS A TWO-STEP PROCESS, CONCEPTUAL DESIGN AND FINAL DESIGN. THE CONCEPTUAL DESIGN SUBMITTAL CONSISTS OF CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ART PLAN, AND CONCEPTUAL ARCHITECTURAL DESIGN PLAN.

FINAL DESIGN SUBMITTALS INCLUDE CONSTRUCTION DRAWINGS (INCLUDING FINAL SITE PLAN BASED ON THE APPROVED CONCEPTUAL SITE PLAN; BUILDING PLANS; IMPROVEMENT PLANS; FINAL PUBLIC ART PLANS; FINAL ARCHITECTURAL DESIGN SUBMITTAL; NATIVE PLANT PRESERVATION,

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SALVAGE AND MITIGATION PLANS; AND LANDSCAPE, IRRIGATION, WATER HARVESTING, AND BUFFERYARD PLANS AND/OR FINAL PLAT). FINAL DESIGN SUBMITTALS ARE SUBJECT TO TOWN STAFF APPROVAL.

SECTION 22.9.A APPLICABILITY

A. DESIGN REVIEW APPLICABILITY

1. THE CONCEPTUAL DESIGN REVIEW BOARD (CDRB) SHALL REVIEW ALL APPLICATIONS PRESCRIBED IN SECTION 21.5.B.

2. THE CONCEPTUAL DESIGN REVIEW BOARD SHALL MAKE RECOMMENDATIONS TO THE TOWN COUNCIL REGARDING CONCEPTUAL DESIGN SUBMITTALS FOR ALL RESIDENTIAL OR NON-RESIDENTIAL DEVELOPMENT, CONCEPTUAL NON-RESIDENTIAL CONCEPTUAL ARCHITECTURAL DESIGN,CONCEPTUAL PUBLIC ART DESIGN, AND CONCEPTUAL MODEL HOME ARCHITECTURE .

3. THE CONCEPTUAL DESIGN REVIEW BOARD IS AUTHORIZED TO APPROVE, CONDITIONALLY APPROVE OR DISAPPROVE CONCEPTUAL MODEL HOME ARCHITECTURE, MASTER SIGN PROGRAMS, PAD SIGN EXEMPTIONS, AND SIGN CRITERIA. CDRB DECISIONS ARE SUBJECT TO TOWN COUNCIL APPEAL IN ACCORDANCE WITH SECTION 21.5.B THE CDRB SHALL BASE ITS DECISION ON THE DESIGN PRINCIPLES IN SECTION 22.9.D AND THE DESIGN STANDARDS WITHIN THE ZONING CODE.

4. PROHIBITION AGAINST CIRCUMVENTION OF CHAPTER

A. NO PERSON, FIRM, CORPORATION OR OTHER LEGAL ENTITY SHALL SELL OR LEASE, OR OFFER FOR SALE OR LEASE, ANY LOT, PARCEL OF LAND WHICH IS WITHIN A SUBDIVISION, AS DEFINED IN CHAPTER 31, WITHOUT FIRST HAVING RECORDED A PLAT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE.

B. NO BUILDING PERMIT SHALL BE ISSUED FOR CONSTRUCTION ON ANY LOT, PARCEL OF LAND THAT IS NOT A PART OF A RECORDED SUBDIVISION PLAT OR AN APPROVED MINOR LAND DIVISION UNTIL FINAL DESIGN HAS BEEN APPROVED IN ACCORDANCE WITH SECTION 22.9.E OF THIS CODE.

22.9.B PRE-APPLICATION CONFERENCE/DEVELOPMENT REVIEW COMMITTEE

1 THROUGH 3. NO CHANGES

4. Actions by Development REVIEW Committee

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A THROUGH C. NO CHANGES

d. ~~Determine the need for preparation and review of a development master plan prior to subsequent consideration of a preliminary plat and advise the subdivider if a development master plan is required and to what extent it shall be prepared by the developer.~~

5. DELETE

Section 22.9.C Administrative Review of Minor Land Divisions

NO CHANGES

SECTION 22.9.D CONCEPTUAL DESIGN REVIEW

1. CONCEPTUAL DESIGN REVIEW

CONCEPTUAL DESIGN APPROVAL IS REQUIRED FOR ALL NEW RESIDENTIAL AND NON-RESIDENTIAL PROJECTS IN THE TOWN.

THE CONCEPTUAL DESIGN REVIEW STAGE OF LAND DEVELOPMENT INCLUDES SUBMITTAL, REVIEW, AND APPROVAL OF THE CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ART PLAN AND CONCEPTUAL ARCHITECTURAL DESIGN PLAN.

2. CONTENTS

A. THE PLANNING AND ZONING ADMINISTRATOR, BUILDING OFFICIAL, AND TOWN ENGINEER SHALL PRESCRIBE THE FORM AND CONTENT OF APPLICATIONS AND NECESSARY ACCOMPANYING DATA. THE APPLICATION SHALL BE FILED WITH THE PLANNING AND ZONING ADMINISTRATOR.

B. THE CONCEPTUAL DESIGN SUBMITTAL SHALL CONSIST OF THE FOLLOWING:

I. CONCEPTUAL SITE PLAN INCLUDING GENERAL LAYOUT OF ALL BUILDINGS, STRUCTURES INCLUDING REFUSE ENCLOSURES, SITE ACCESS AND GENERAL CIRCULATION, PARKING AND LOADING AREAS, DRIVE THRU(S) , BUFFER YARDS, SETBACKS, LANDSCAPE, MONUMENT AND ENTRY SIGN LOCATIONS, RECREATION LOCATIONS, ASSOCIATED SITE AND BUILDING DATA TABLE

II. CONCEPTUAL ARCHITECTURAL DESIGN PLAN, INCLUDING OVERALL BUILDING COMPOSITION, FAÇADE DESIGN ELEMENTS, VIGNETTES OF THE FOLLOWING: ENTRY, BUILDING AND OTHER STRUCTURES, ARCHITECTUAL FEATURES, BUILDING MATERIALS, PRELIMINARY BUILDING COLOR PALETTE, BUILDING CROSS SECTIONS WITH FLOOR ELEVATION AND HEIGHTS (ROOF, PARAPET, SCREEN,

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ARCHITECTURAL FEATURES). SITE CROSS SECTIONS DEPICTING OVERALL TOPOGRAPHY IN RELATION TO NEIGHBORING PROPERTY AND EXISTING GRADE LINE.

III. CONCEPTUAL PUBLIC ART PLAN INCLUDING NARRATIVE, ARTIST INFORMATION AND BACKGROUND, CONCEPTUAL DESIGN, MATERIALS, COLOR PALETTE, LOCATION AND OTHER INFORMATION REQUIRED BY SECTION 27.3.G.

C. APPLICATIONS SHALL BE MADE BY THE OWNER OF THE PROPERTY OR AUTHORIZED AGENT. IF THE APPLICANT IS NOT THE PROPERTY OWNER, A NOTARIZED LETTER FROM THE PROPERTY OWNER AUTHORIZING THE AGENT TO ACT ON BEHALF OF THE PROPERTY OWNER.

D. COPIES OF THE CONCEPTUAL DESIGN REVIEW PLANS AND REQUIRED SUPPORTING DATA SHALL BE PREPARED AND FILED IN ACCORDANCE WITH THE REQUIREMENTS SET BY THE PLANNING AND ZONING ADMINISTRATOR. COPIES OF THE CONCEPTUAL SITE PLAN SHALL BE REPRODUCED IN THE FORM OF BLUE LINE OR BLACK LINE PRINTS ON A WHITE BACKGROUND.

E. THE SUBMITTAL SHALL BE CHECKED BY THE PLANNING AND ZONING ADMINISTRATOR FOR COMPLETENESS AND ADEQUACY AND ASSIGNED A CASE NUMBER. IF INCOMPLETE OR OTHERWISE INADEQUATE, THE SUBMITTAL SHALL BE REJECTED AND THE APPLICANT NOTIFIED WITHIN 14 CALENDAR DAYS OF THE DATE THE PLAN WAS RECEIVED. IF REJECTED, THIS CONSTITUTES AN ORIGINAL SUBMITTAL.

F. TO AVOID DELAY IN PROCESSING THE APPLICATION, THE APPLICANT SHALL PROVIDE ALL INFORMATION ESSENTIAL TO DETERMINE GENERAL CODE CONFORMANCE AND GENERAL ACCEPTABILITY OF THE PROPOSED DEVELOPMENT.

G. SHEDULING OF THE CASE FOR CONCEPTUAL DESIGN REVIEW BOARD MEETING SHALL BE DEPENDENT UPON ADEQUACY OF INFORMATION PRESENTED AND COMPLETION OF PROCESSING. THE PLANS AND REQUIRED SUPPORTING DATA MUST BE CERTIFIED COMPLETE AND ACCEPTABLE NO LESS THAN 15 BUSINESS DAYS PRIOR TO THE CONCEPTUAL DESIGN REVIEW BOARD MEETING AT WHICH THE APPLICANT DESIRES TO BE HEARD.

3. CONCEPTUAL DESIGN REVIEW PROCESS

A. COMPLIANCE WITH ZONING, INCLUDING CONDITIONS OF REZONING.

THE DEVELOPMENT SHALL BE DESIGNED TO MEET THE SPECIFIC REQUIREMENTS FOR THE ZONING DISTRICT WITHIN WHICH IT IS

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LOCATED. IN THE EVENT THAT AMENDMENT OF ZONING IS DEEMED NECESSARY, THE REZONING SHALL PROCEED ACCORDING TO THE REQUIREMENTS OF SECTION 22.3 OF THIS CODE. ANY CHANGE IN ZONING REQUIRED IN RELATION TO THE CONCEPTUAL SITE PLAN SHALL HAVE BEEN AUTHORIZED BY THE TOWN COUNCIL PRIOR TO APPROVAL OF THE CONCEPTUAL SITE PLAN.

B. THE PLANNING AND ZONING ADMINISTRATOR SHALL DISTRIBUTE COPIES OF THE CONCEPTUAL DESIGN REVIEW SUBMITTAL, INCLUDING THE CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ART PLAN AND CONCEPTUAL ARCHITECTURAL DESIGN PLAN TO THE FOLLOWING REVIEW OFFICES:

I. THE PLANNING DIVISION FOR COMPLIANCE TO PUBLIC OBJECTIVES, GIVING SPECIAL ATTENTION TO DESIGN PRINCIPLES AS SET FORTH IN SECTION 22.9.D.5; APPLICABLE DESIGN STANDARDS WITHIN THE ZONING CODE; STREETS AND THOROUGHFARES AS RELATED TO THE TOWN STREETS AND HIGHWAY PLANS AND TO THE NEIGHBORHOOD CIRCULATION; UTILITY METHODS AND SYSTEMS; EXISTING AND PROPOSED ZONING AND LAND USE OF THE TRACT AND ITS ENVIRONS; AND LAND REQUIRED FOR SCHOOLS, PARKS AND OTHER PUBLIC FACILITIES.

II. THE TOWN ENGINEER FOR REVIEW OF THE PROPOSED STREET SYSTEM; STREET PLANS AND GENERAL COMPLIANCE WITH TOWN STREET STANDARDS; TENTATIVE DETERMINATION OF STREET AND DRAINAGE IMPROVEMENT AND MAINTENANCE REQUIREMENTS; LOCATION OF ARTWORK FOR SAFETY AND VISIBILITY; AND WATER AND SEWERAGE DISPOSAL PROPOSALS.

III. POLICE CHIEF FOR REVIEW OF FEATURES OF PROPOSED DEVELOPMENT RELATED TO PUBLIC SAFETY AND POLICE PROTECTION.

IV. FIRE DISTRICT FOR REVIEW OF FEATURES OF PROPOSED DEVELOPMENT RELATING TO PUBLIC SAFETY AND FIRE PROTECTION.

V. COUNTY HEALTH DEPARTMENT AND PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT FOR REVIEW OF WATER AND SEWERAGE DISPOSAL PROPOSAL.

VI. SUPERINTENDENT OF THE SCHOOL DISTRICT FOR THEIR INFORMATION.

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VII. WHERE THE LAND ABUTS A STATE HIGHWAY, TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR RECOMMENDATIONS REGARDING RIGHT-OF-WAY AND INTERSECTION DESIGN.

VIII. APPROPRIATE UTILITIES FOR PRELIMINARY REVIEW OF CONCEPTUAL DESIGN.

IX. OTHER AGENCIES THAT MAY BE AFFECTED.

C. THE REVIEWING OFFICES SHALL TRANSMIT THEIR RECOMMENDATIONS IN WRITING TO THE PLANNING AND ZONING ADMINISTRATOR WHO SHALL PRESENT THEM TO THE CONCEPTUAL DESIGN REVIEW BOARD AND THE TOWN COUNCIL WITH HIS/HER REPORT.

4. CONCEPTUAL DESIGN APPROVAL PROCESS

A. IF THE PLANNING AND ZONING ADMINISTRATOR'S (PZA'S) REPORT INDICATES THAT THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET, THE CONCEPTUAL DESIGN REVIEW BOARD WILL CONSIDER THE CONCEPTUAL DESIGN SUBMITTAL AT THE NEXT REGULAR MEETING NOT LESS THAN 15 CALENDAR DAYS FROM THE DATE OF THE PZA'S REPORT. UPON CONSIDERATION, THE CONCEPTUAL DESIGN REVIEW BOARD SHALL FORWARD THE PLANS WITH ITS RECOMMENDATIONS TO THE TOWN COUNCIL.

B. THE TOWN COUNCIL SHALL CONSIDER THE CONCEPTUAL DESIGN SUBMITTAL AND CONCEPTUAL DESIGN REVIEW BOARD RECOMMENDATIONS AT ITS NEXT REGULARLY SCHEDULED MEETING NOT LESS THAN 10 CALENDAR DAYS AFTER SAID RECOMMENDATIONS ARE FORWARDED.

C. THE TOWN COUNCIL SHALL APPROVE, DISAPPROVE OR CONDITIONALLY APPROVE THE CONCEPTUAL DESIGN REVIEW SUBMITTAL. THE TOWN CLERK SHALL RECORD THE TOWN COUNCIL'S ACTION UPON AN OFFICIAL COPY OF THE CONCEPTUAL DESIGN SUBMITTAL AND SHALL RETURN A COPY OF THE ACTION TO EACH OF THE FOLLOWING: APPLICANT, APPLICANT'S ENGINEER, APPLICANT'S ARCHITECT, APPLICANT'S ARTIST, TOWN ENGINEER, PLANNING AND ZONING ADMINISTRATOR AND PRIVATE UTILITY COMPANIES, TOGETHER WITH ANY CONDITIONS FOR APPROVAL.

1. FINDINGS AND CONDITIONS

a. FOR APPLICATIONS THAT THE TOWN COUNCIL MAY APPROVE IN ACCORDANCE WITH THIS SECTION, SPECIFIC FINDINGS ARE REQUIRED.

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b. THE TOWN COUNCIL MAY APPROVE, WITH OR WITHOUT CONDITIONS, AN APPLICATION IF THEY FIND THAT:

1). ALL PROVISIONS OF ORDINANCES OF THE TOWN HAVE BEEN COMPLIED WITH.

2). WHERE APPLICABLE, ALL PROVISIONS OF MASTER PLANS, THE ZONING CODE, PLANNED AREA DEVELOPMENTS, AND DEVELOPMENT POLICIES AND STANDARDS OF THE TOWN HAVE BEEN COMPLIED WITH.

c. THE TOWN COUNCIL MAY IMPOSE SUCH CONDITIONS AS IT MAY DEEM NECESSARY IN ORDER TO FULLY CARRY OUT THE PROVISIONS AND INTENT OF THIS CODE. VIOLATION OF ANY SUCH CONDITION SHALL BE A VIOLATION OF THIS CODE AND SUCH VIOLATION SHALL RENDER ANY PERMIT NULL AND VOID.

D. IF, IN THE OPINION OF THE TOWN STAFF, THE CONCEPTUAL DESIGN REVIEW BOARD OR TOWN COUNCIL, A CONCEPTUAL DESIGN SUBMITTAL IS DETERMINED TO BE DEFICIENT AND IS REJECTED AFTER THE CONCEPTUAL SITE PLAN SUBMITTAL WAS CERTIFIED COMPLETE, THEN ANY RESUBMITTAL MUST BE MADE AT LEAST 15 WORKING DAYS PRIOR TO THE MEETING AT WHICH THE PLAN WILL BE RECONSIDERED.

5. CONCEPTUAL DESIGN REVIEW PRINCIPLES AND CDRB ACTION

BACKGROUND: THE FOLLOWING DESIGN PRINCIPLES ARE CREATED AS A GUIDE TO INFORM CONCEPTUAL DESIGN REVIEW BOARD DECISIONS FOR CONCEPTUAL DESIGN REVIEW APPROVAL. APPLICABLE PRINCIPLES ARE INTENDED TO PROVIDE A FRAMEWORK FOR ASSESSMENT OF THE OVERALL PROJECT DESIGN.

THE PRINCIPLES LISTED BELOW ARE DESIGNED AS TOOLS TO ANALYZE THE RELATIONSHIP OF PROJECT CHARACTERISTICS (E.G. BUILDING PLACEMENT, SCALE, MASSING, COLORS, MATERIALS, ARCHITECTURAL STYLE) TO THE SURROUNDING AREA AND ARE INTENDED TO REQUIRE CONSIDERATION OF THE PROJECT CONTEXT AREA WITH THE GOAL OF ENHANCING THE BUILT AND NATURAL ENVIRONMENT WHILE MITIGATING PROJECT IMPACTS ON ADJACENT DEVELOPMENT.

THESE DESIGN PRINCIPLES ARE NOT INTENDED TO REQUIRE PROPOSED NEW DEVELOPMENT TO MIRROR OR MATCH ADJACENT DEVELOPMENT NOR

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ESTABLISH A FINDING FOR PROJECT DENIAL BASED ON DIFFERENCES BETWEEN THE PROPOSED DEVELOPMENT AND THE SURROUNDING AREA. IT IS IMPORTANT TO NOTE THAT DISSIMILAR LAND USES WILL HAVE DISSIMILAR DEVELOPMENT STANDARDS AND DESIGN ELEMENTS. TRANSITIONAL DEVELOPMENT STANDARDS SHOULD BE EMPLOYED TO LESSEN THE IMPACT OF THE DEVELOPMENT ON THE SURROUNDING AREA.

A. CONCEPTUAL SITE DESIGN

1. BUILDING ORIENTATION: THE LOCATION, ORIENTATION AND SIZE OF STRUCTURES SHALL PROMOTE A COMPLEMENTARY RELATIONSHIP OF STRUCTURES TO ONE ANOTHER.

2. DRAINAGE/GRADING: SITE GRADING SHALL MINIMIZE IMPACTS ON NATURAL GRADE AND LANDFORMS AND PROVIDE FOR SUBTLE TRANSITIONS OF ARCHITECTURAL ELEMENTS TO GRADE. SIGNIFICANT CUTS AND FILLS IN RELATION TO NATURAL GRADE SHALL BE AVOIDED OR MINIMIZED TO THE EXTENT PRACTICAL GIVEN PROPERTY CONSTRAINTS.

3. CONNECTIVITY: STRENGTHEN THE USABILITY AND CONNECTIVITY OF THE PEDESTRIAN ENVIRONMENT INTERNALLY AND EXTERNALLY BY ENHANCING ACCESS TO THE PUBLIC STREET SYSTEM, TRANSIT, ADJOINING DEVELOPMENT AND PEDESTRIAN AND BICYCLE TRANSPORTATION ROUTES. WHERE APPROPRIATE, BUILDINGS AND USES SHOULD PROVIDE ACCESS TO ADJACENT OPEN SPACE AND RECREATIONAL AREAS.

B. CONCEPTUAL ARCHITECTURAL DESIGN

1. DESIGN: BUILDING ARCHITECTURAL DESIGN SHALL BE APPROPRIATE FOR THE CLIMATE AND CHARACTERISTICS OF THE SONORAN DESERT, INCLUDING INDIGENOUS AND TRADITIONAL TEXTURES, COLORS, AND SHAPES FOUND IN AND AROUND ORO VALLEY. ALL DEVELOPMENT SHALL MAINTAIN AND STRENGTHEN THE HIGH QUALITY OF DESIGN EXEMPLIFIED IN ORO VALLEY THROUGH PROJECT CREATIVITY AND DESIGN EXCELLENCE.

2. SCALE, HEIGHT AND MASS: BUILDING SCALE, HEIGHT AND MASS SHALL BE CONSISTENT WITH THE TOWN-APPROVED INTENSITY OF THE SITE, DESIGNATED SCENIC CORRIDORS, AND VALUED MOUNTAIN VIEWS. BUILDINGS SHALL BE DESIGNED TO RESPECT THE SCALE OF ADJOINING AREAS AND SHOULD MITIGATE THE NEGATIVE AND FUNCTIONAL IMPACTS THAT ARISE FROM SCALE, BULK AND MASS.

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3. FAÇADE ARTICULATION: ALL BUILDING FACADES SHALL BE FULLY ARTICULATED, INCLUDING VARIATION IN BUILDING MASSING, ROOF PLANES, WALL PLANES, AND SURFACE ARTICULATION. ARCHITECTURAL ELEMENTS INCLUDING, BUT NOT LIMITED TO; OVERHANGS, TRELLISES, PROJECTIONS, AWNINGS, INSETS, MATERIAL, AND TEXTURE SHALL BE USED TO CREATE VISUAL INTEREST THAT CONTRIBUTE TO A BUILDING'S CHARACTER.

4. SIGNS: SIGN COLORS, DESIGN AND PLACEMENT SHALL BE COMPLEMENTARY AND INTEGRAL TO THE PROJECT'S ARCHITECTURAL AND SITE DESIGN THEMES.

5. SCREENING: BUILDING DESIGN AND SCREENING STRATEGIES SHALL BE IMPLEMENTED TO CONCEAL THE VIEW OF LOADING AREAS, REFUSE ENCLOSURES, MECHANICAL EQUIPMENT, APPURTENANCES, AND UTILITIES FROM ADJACENT PUBLIC STREETS AND NEIGHBORHOODS.

6. COMMUNICATION TOWERS: WIRELESS COMMUNICATION FACILITIES SHALL BE LOCATED IN AREAS AND DESIGNED IN A MANNER WHICH REDUCES THE VISUAL IMPACT ON THE PROPOSED PROJECT AND SURROUNDING AREA.

C. CONCEPTUAL ART DESIGN

1. LOCATION: PUBLIC ARTWORK LOCATIONS SHALL BE INTEGRATED WITH THE LAYOUT AND HARDSCAPE COMPONENTS OF THE SITE. TO THE EXTENT FEASIBLE, PUBLIC ARTWORK SHALL BE PLACED IN A HIGHLY VISIBLE AND PUBLICLY ACCESSIBLE LOCATION.

2. MATERIALS AND SAFETY: PROPOSED ARTWORK~~S~~ SHALL BE DESIGNED TO PREVENT HAZARDS TO THE PUBLIC. DURABILITY AND SAFETY OF MATERIALS SHALL BE CONSIDERED INCLUDING POTENTIAL AREAS OF EXCESSIVE WEAR OR DAMAGE, WHICH SHALL BE MITIGATED.

3. OBSTRUCTIONS: POTENTIAL FUTURE OBSTRUCTIONS, INCLUDING LANDSCAPE MATERIALS AT MATURITY OR FUTURE CONSTRUCTION, SHALL BE CONSIDERED WHEN LOCATING PUBLIC ART.

4. VIEWING AREA: LOCATIONS FOR ARTWORK SHOULD INCLUDE NEARBY ACCESSIBLE SEATING, WHEN APPROPRIATE, FROM WHICH THE ARTWORK CAN BE EASILY VIEWED.

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5. ORIGINAL WORK: THE ARTWORK SHALL BE ORIGINAL AND NOT DUPLICATE EXISTING ARTWORK IN THE TOWN AND SHALL CONFORM TO COMMUNITY STANDARDS.

D. THE CONCEPTUAL DESIGN REVIEW BOARD (CDRB) SHALL FORWARD RECOMMENDATIONS TO THE TOWN COUNCIL FOR CONCEPTUAL DESIGN APPLICATIONS AS PROVIDED IN SUBSECTION 4.A. THE CDRB SHALL UTILIZE THE DESIGN PRINCIPLES IN SECTION 22.9.D.5 AND THE DESIGN STANDARDS WITHIN THE ZONING CODE IN EVALUATING CONCEPTUAL DESIGN REVIEW APPLICATIONS.

E. IN ACCORDANCE WITH SECTION 21.5.B, THE CDRB MAY APPROVE, WITH OR WITHOUT CONDITIONS, MASTER SIGN PROGRAMS, PAD SIGN EXEMPTIONS, AND SIGN CRITERIA.

1. ADDITIONAL PROCEDURES FOR CONCEPTUAL ARCHITECTURAL DESIGN REVIEW SHALL BE IN ACCORDANCE WITH SECTION 22.9.D.5.B.

2. SIGNS AND OTHER MATTERS THAT REQUIRE CDRB REVIEW SHALL BE ACCORDING TO THIS SECTION.

A. FINDINGS AND CONDITIONS

I. FOR APPLICATIONS THAT THE CDRB MAY APPROVE IN ACCORDANCE WITH SECTION 21.5.B, SPECIFIC FINDINGS ARE REQUIRED

II. THE CDRB MAY APPROVE, WITH OR WITHOUT CONDITIONS, AN APPLICATION IF THEY FIND THAT:

A. ALL PROVISIONS OF ORDINANCES OF THE TOWN HAVE BEEN COMPLIED WITH.

B. WHERE APPLICABLE, ALL PROVISIONS OF THE ZONING CODE, PLANNED AREA DEVELOPMENTS, AND DEVELOPMENT POLICIES AND STANDARDS OF THE TOWN HAVE BEEN COMPLIED WITH.

III. THE CDRB MAY IMPOSE SUCH CONDITIONS AS IT MAY DEEM NECESSARY IN ORDER TO FULLY CARRY OUT THE PROVISIONS AND INTENT OF THIS CODE. VIOLATION OF ANY SUCH CONDITION SHALL BE A VIOLATION OF THIS CODE AND SUCH VIOLATION SHALL RENDER ANY PERMIT NULL AND VOID.

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6. EXPIRATION OF APPROVAL

A. THE APPROVAL OF AN APPLICATION BY THE CDRB SHALL EXPIRE AND BECOME NULL AND VOID TWO YEARS FROM THE DATE OF APPROVAL IF A BUILDING PERMIT HAS NOT BEEN ISSUED UNLESS A DIFFERENT TIME PERIOD IS MADE A CONDITION OF CDRB APPROVAL OR UNLESS AN EXTENSION HAS BEEN GRANTED.

B. AN EXTENSION OF ANY DEVELOPMENT APPROVAL MAY BE GRANTED BY THE TOWN COUNCIL IF THE APPLICANT FILES FOR THE EXTENSION PRIOR TO THE APPROVAL BECOMING VOID AND THE TOWN COUNCIL DETERMINES THE CIRCUMSTANCES JUSTIFY AN EXTENSION. IN NO CASE SHALL AN EXTENSION BE MORE THAN ONE YEAR.

7. ENFORCEMENT

A. THE PLANNING AND ZONING ADMINISTRATOR SHALL ENSURE THAT ALL MATTERS APPROVED BY THE CDRB ARE UNDERTAKEN AND COMPLETED ACCORDING TO THE APPROVAL OF THE CDRB.

B. PRIOR TO ISSUANCE OF A BUILDING OR SIGN PERMIT THE BUILDING OFFICIAL SHALL ASCERTAIN THAT THE TOWN HAS APPROVED PLANS WHICH ARE IN CONFORMANCE WITH CDRB APPROVAL AND THE TIME LIMITATIONS IMPOSED BY THIS CODE OR THE CDRB. NO BUILDING PERMIT SHALL BE ISSUED LESS THAN 20 DAYS AFTER CDRB APPROVAL IN ORDER TO ALLOW APPEAL OR REVIEW AS STATED IN SUBSECTION 22.9.D.8 BELOW.

C. TOWN ENGINEER APPROVAL OF GRADING AND IMPROVEMENT PLANS IS REQUIRED PRIOR TO ISSUANCE OF THE GRADING PERMIT.

8. APPEAL AND TOWN COUNCIL REVIEW

A. THE APPROVAL, WITH OR WITHOUT CONDITIONS, OR DENIAL BY THE CDRB OF AN APPLICATION SHALL BE FINAL UNLESS, WITHIN 20 DAYS FROM THE DATE OF THE CDRB'S DECISION, THE APPLICANT FILES AN APPEAL IN WRITING TO THE TOWN COUNCIL. SUCH APPEAL SHALL BE IN WRITING IN CARE OF THE TOWN CLERK AND SHALL INDICATE WHERE, IN THE OPINION OF THE APPELLANT, THE CDRB WAS IN ERROR. THE TOWN CLERK SHALL SCHEDULE THE APPEAL FOR TOWN COUNCIL REVIEW AND THE TOWN COUNCIL, AT ITS MEETING, SHALL UPHOLD, MODIFY OR OVERRULE THE DECISION OF THE CDRB. THE DECISION OF THE TOWN COUNCIL SHALL BE FINAL.

B. THE TOWN COUNCIL SHALL HAVE THE RIGHT AND PREROGATIVE TO INITIATE ITS OWN REVIEW OF ANY DECISION OF THE CDRB AND SHALL UPHOLD, MODIFY OR OVERRULE SAID DECISION.

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NOTICE OF TOWN COUNCIL-INITIATED REVIEW OF ANY DECISION OF THE CDRB SHALL BE GIVEN TO THE APPLICANT BY THE TOWN CLERK WITHIN 20 DAYS AFTER ACTION UPON THE APPLICATION IN QUESTION OR THE DECISION OF THE CDRB. THE DECISION OF THE TOWN COUNCIL SHALL BE FINAL.

SECTION 22.9.E FINAL DESIGN REVIEW

1. FINAL DESIGN

A. THE FINAL DESIGN STAGE INCLUDES THE REVIEW AND APPROVAL OF THE FINAL DESIGN, INCLUDING THE CONSTRUCTION DOCUMENTS PACKAGE COMPOSED OF THE FOLLOWING ITEMS:

I. FINAL SITE PLAN AND ASSOCIATED REPORTS BASED ON THE APPROVED CONCEPTUAL SITE PLAN
II. BUILDING PLANS
III. IMPROVEMENT PLANS
IV. FINAL ARCHITECTURAL DESIGN PLAN BASED ON THE APPROVED CONCEPTUAL ARCHITECTURAL DESIGN PLAN
V. NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLANS
VI. LANDSCAPE, IRRIGATION, BUFFERYARD, AND WATER HARVESTING PLANS
VII. FINAL PUBLIC ART PLAN BASED ON THE APPROVED CONCEPTUAL PUBLIC ART PLAN

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THE AFOREMENTIONED PLANS ARE SUBJECT TO TOWN STAFF APPROVAL. TO AVOID DELAY IN PROCESSING THIS APPLICATION, THE APPLICANT SHALL PROVIDE ALL REQUIRED INFORMATION FOUND ON THE TOWN'S SUBMITTAL CHECKLISTS.

B. FINAL DESIGN SUBMITTALS THAT COMPLY WITH CONCEPTUAL DESIGN APPROVAL MAY BE APPROVED BY TOWN STAFF, SUBJECT TO APPEAL TO TOWN COUNCIL IN ACCORDANCE WITH SECTION 22.9.D.8.

2. CONTENTS

ALL PLANS AND DOCUMENTS SUBMITTALS SHALL CONTAIN THE NECESSARY APPLICATION AND SUPPORTING DATA AS SPECIFIED BY THE PLANNING AND ZONING ADMINISTRATOR, TOWN ENGINEER, AND TOWN BUILDING OFFICIAL.

3. FINAL DESIGN REVIEW SUBMISSION

THE SUBMITTAL SHALL BE CHECKED BY THE PLANNING AND ZONING ADMINISTRATOR, TOWN ENGINEER, AND TOWN BUILDING OFFICIAL FOR COMPLETENESS. IF INCOMPLETE, THE SUBMITTAL SHALL BE REJECTED

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AND THE APPLICANT NOTIFIED WITHIN 10 WORKING DAYS OF THE DATE THE SUBMITTAL WAS RECEIVED. IF REJECTED, THE NEXT SUBMITTAL CONSTITUTES AN ORIGINAL SUBMITTAL AND RESUBMITTAL FEES WILL BE APPLICABLE.

4. FINAL DESIGN PROCESS

A. COPIES OF ALL CONSTRUCTION DOCUMENTS LISTED IN SUBSECTION 1.A SHALL BE DISTRIBUTED TO THE FOLLOWING REVIEW OFFICES:

I. PLAN REVIEW ZONING FOR COMPLIANCE TO PUBLIC OBJECTIVES, GIVING SPECIAL ATTENTION TO CONFORMANCE TO THE APPROVED CONCEPTUAL SITE PLAN, INCLUDING DESIGN PRINCIPLES AND STANDARDS AS SET FORTH IN SECTION 26.2; DESIGN STANDARDS WITHIN THE ZONING CODE; NATIVE PLANT PRESERVATION, WATER HARVESTING, AND LANDSCAPING REQUIREMENTS OF SECTION 27.6.

II. PLAN REVIEW ENGINEERING FOR REVIEW OF THE PROPOSED STREET SYSTEM; STREET PLANS AND COMPLIANCE WITH TOWN STREET STANDARDS; DETERMINATION OF STREET AND DRAINAGE/HYDROLOGY IMPROVEMENT AND MAINTENANCE REQUIREMENTS; LOCATION AND TYPE OF LANDSCAPING, IRRIGATION, AND WATER HARVESTING METHODS AND LOCATIONS; AND WATER AND SEWERAGE DISPOSAL PROPOSALS.

III. PERMITTING DIVISION FOR REVIEW OF THE BUILDING PLANS.

IV. ORO VALLEY WATER UTILITY FOR WATER PLANS.

V. FIRE DISTRICT FOR REVIEW OF SPECIFIC FEATURES OF PROPOSED DEVELOPMENT RELATING TO FIRE PROTECTION.

VI. COUNTY HEALTH DEPARTMENT AND PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT FOR REVIEW OF WATER AND SEWERAGE AND PUBLIC HEALTH AND WELFARE.

VII. WHERE THE LAND ABUTS A STATE HIGHWAY, TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR SPECIFIC RECOMMENDATIONS REGARDING RIGHT-OF-WAY AND INTERSECTION DESIGN.

VIII. APPROPRIATE UTILITIES FOR REVIEW.

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IX. OTHER AGENCIES THAT MAY BE AFFECTED.

B. THE REVIEWING OFFICES SHALL TRANSMIT THEIR COMMENTS, CONDITIONS, AND RECOMMENDATIONS IN WRITING TO THE PLANNING AND ZONING ADMINISTRATOR, TOWN BUILDING OFFICIAL, AND TOWN ENGINEER, WHO SHALL CONSIDER THESE RECOMMENDATIONS IN THEIR DECISION FOR APPROVAL.

C. INFORMATION REGARDING SANITARY SEWERAGE

AS A PREREQUISITE OF CONSTRUCTION DOCUMENTS REVIEW, THE APPLICANT SHALL HAVE INFORMED THE COUNTY HEALTH DEPARTMENT AND/OR PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT OF THE PROPOSED TENTATIVE PLANS AND LEARNED THE GENERAL REQUIREMENTS FOR SEWAGE DISPOSAL AS APPLIED TO THE SUBJECT LOCATION.

5. FINAL DESIGN SUBMITTAL APPROVAL PROCESS

IF ALL ELEMENTS OF THE FINAL DESIGN SUBMITTAL MEET ALL TOWN REQUIREMENTS OF THIS SECTION, THE PLANNING AND ZONING ADMINISTRATOR, TOWN ENGINEER, AND TOWN BUILDING OFFICIAL SHALL APPROVE THE FINAL DESIGN SUBMITTAL, WHICH INCLUDES IMPROVEMENT PLANS; BUILDING PLANS; NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLANS; LANDSCAPE, IRRIGATION, BUFFERYARD AND WATER HARVESTING PLANS; AND FINAL SITE PLAN AND ASSOCIATED REPORTS, FINAL ARCHITECTURAL DESIGN PLAN, AND FINAL PUBLIC ART PLAN BASED ON THE APPROVED CONCEPTUAL PLANS.

6. SIGNIFICANCE AND BASIS OF CONSTRUCTION DOCUMENTS APPROVAL

CONSTRUCTION DOCUMENTS APPROVAL CONSTITUTES AUTHORIZATION FOR THE SUBMITTAL OF FINANCIAL ASSURANCES AND ISSUANCE OF PERMITS. CONSTRUCTION DOCUMENTS APPROVAL IS BASED UPON THE FOLLOWING TERMS:

A. THE CONDITIONS UNDER WHICH APPROVAL OF THE CONSTRUCTION DOCUMENTS IS GRANTED WILL NOT BE CHANGED PRIOR TO THE EXPIRATION DATE.

B. APPROVAL SHALL EXPIRE IF IMPROVEMENTS HAVE NOT BEEN STARTED WITHIN 2 YEARS OF THE DATE OF APPROVAL OF THE CONCEPTUAL DESIGN SUBMITTAL. A REQUEST TO EXTEND THE TIME BEYOND 2 YEARS MUST BE SUBMITTED IN WRITING TO THE TOWN COUNCIL WITHIN 2 YEARS OF THE DATE OF APPROVAL. BEFORE SUCH EXTENSION IS GRANTED, THE TOWN COUNCIL SHALL REVIEW THE EXISTING FINANCIAL ASSURANCES TO ENSURE THAT THE REQUIRED IMPROVEMENTS HAVE BEEN MADE. IF THE CONCEPTUAL DESIGN SUBMITTAL IS ABANDONED, THE

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TOWN WILL RETURN THE FINANCIALASSURANCES LESS ANY EXPENSES THE TOWN HAS INCURRED.

C. BUILDING PLANS ARE SUBJECT TO THE ADOPTED EXPIRATION PERIOD OF THE TOWN PERMITTING DIVISION.

D. WHEN IMPROVEMENT PLANS HAVE BEEN COMPLETED AND APPROVED BY THE TOWN ENGINEER, FINANCIAL ASSURANCES MAY BE SUBMITTED TO THE TOWN AS PROVIDED IN SECTION 26.6 OF THIS CODE. EARTHWORK AND IMPROVEMENTS MAY BEGIN FOLLOWING APPROVAL AND ACCEPTANCE OF THE FINANCIAL ASSURANCES AND ALL GRADING PERMIT CHECKLIST ITEMS, AS DETERMINED BY THE TOWN ENGINEER.

7. THE PLANNING AND ZONING ADMINISTRATOR SHALL BE PERMITTED TO APPROVE CHANGES TO CDRB OR TOWN COUNCIL APPROVED PLANS IN ORDER TO AVOID THE DELAY OF USING THE NORMAL REVIEW PROCESS. MINOR, COMMON SENSE CHANGES OR ALTERATIONS INCLUDE THOSE THAT:

A. ARE REASONABLY SIMILAR TO THE APPROVED PLAN;
B. BENEFIT THE TOWN OR THE ENVIRONMENT;
C. ARE CONSISTENT WITH SIMILARLY SITUATED PROPERTY;
D. DO NOT SIGNIFICANTLY AFFECT BUILDING OR WALL MASS OR STREETSCAPE;
E. DO NOT SIGNIFICANTLY AFFECT FINAL PLATS OR FINAL DESIGN, OTHER THAN ADMINISTRATIVE CHANGES;
F. ACHIEVES THE SAME INTENT AS THE APPROVED CONCEPTUAL DESIGN.

22.9.F FINAL PLAT

1. FINAL PLAT

A. THE FINAL PLAT INCLUDES THE FINAL DESIGN OF THE SUBDIVISION AND ALL OTHER ELEMENTS REQUIRED BY STATE STATUTE AND THE SUBDIVISION REQUIREMENTS OF CHAPTER 26 OF THIS CODE. THE FINAL PLAT AND PLANS SHALL BE SUBMITTED BY THE SUBDIVIDER FOR REVIEW AND ACTION BY THE TOWN COUNCIL. FINAL PLAT APPROVAL IS REQUIRED BEFORE ANY IMPROVEMENTS SUCH AS GRADING, SEWERS, WATER AND PAVING CAN BEGIN IN A RESIDENTIAL SUBDIVISION.

B. FINAL SUBDIVISION PLATS THAT COMPLY WITH CONCEPTUAL DESIGN APPROVAL SHALL BE FORWARDED TO TOWN COUNCIL FOR ACTION.

2. ZONING REQUIREMENTS

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THE PROPOSED USE OF THE TRACT SHALL CONFORM TO THE SPECIFIC REQUIREMENTS FOR THE ZONING DISTRICT WITHIN WHICH IT IS LOCATED AND ANY ZONING AMENDMENT NECESSARY SHALL HAVE BEEN AUTHORIZED BY THE TOWN COUNCIL PRIOR TO FILING OF THE FINAL PLAT.

3. UTILITY EASEMENTS

IT IS THE RESPONSIBILITY OF THE SUBDIVIDER TO PROVIDE ON THE FINAL PLAT PRIOR TO PLAT RECORDATION, SUCH EASEMENTS IN SUCH LOCATION AND WIDTH AS REQUIRED FOR UTILITY PURPOSES.

4. FINAL PLAT PREPARATION

THE FINAL PLAT SHALL BE PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, STATE STATUTE, AND AS SPECIFIED BY THE PLANNING AND ZONING ADMINISTRATOR AND TOWN ENGINEER, AND SHALL SUBSTANTIALLY CONFORM TO THE APPROVED CONCEPTUAL DESIGN SUBMITTAL.

5. DEDICATION IN FINAL PLAT

A STATEMENT OF DEDICATION OF ALL STREETS, ALLEYS, CROSSWALKS, DRAINAGE WAYS, PEDESTRIAN WAYS AND EASEMENTS FOR PUBLIC USE SIGNED BY THE PERSON HOLDING TITLE OF RECORD, BY PERSONS HOLDING TITLES AS VENDEES UNDER LAND CONTRACT AND BY SPOUSES OF SAID PARTIES, SHALL BE INCLUDED IN THE FINAL PLAT. IF LANDS DEDICATED ARE MORTGAGED, THE MORTGAGEE SHALL ALSO SIGN THE PLAT. EXECUTION OF DEDICATION SHALL BE ACKNOWLEDGED AND CERTIFIED BY A NOTARY PUBLIC.

6. REQUIRED CERTIFICATION

THE FOLLOWING CERTIFICATIONS ARE REQUIRED:

A. CERTIFICATION BY THE REGISTERED CIVIL ENGINEER OR REGISTERED LAND SURVEYOR MAKING SURE THAT THE PLAT IS CORRECT AND ACCURATE AND THAT THE MONUMENTS DESCRIBED IN IT HAVE EITHER BEEN SET OR LOCATED AS DESCRIBED. ALL MAPS SHALL CONTAIN THE SEAL OF A REGISTERED CIVIL ENGINEER OR LAND SURVEYOR.

B. A FLOOD PLAIN STATEMENT PREPARED BY THE REGISTRANT.

C. CERTIFICATION BY THE TOWN CLERK OF THE DATE THE MAP WAS APPROVED BY THE TOWN COUNCIL.

D. CERTIFICATION OF RECORDATION BY THE COUNTY RECORDER.

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7. FINAL PLAT REVIEW AND APPROVAL PROCEDURES

THE PLANNING AND ZONING ADMINISTRATOR SHALL ASSEMBLE THE RECOMMENDATIONS OF THE VARIOUS REVIEWING OFFICES AND SUBMIT THEM WITH HIS/HER REPORT TO THE TOWN COUNCIL. THE TOWN COUNCIL SHALL CONSIDER THE FINAL PLAT AT THE NEXT REGULAR MEETING NOT LESS THAN 30 DAYS AFTER THE DATE OF APPROVAL OF THE IMPROVEMENT PLANS BY THE TOWN ENGINEER OR AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR.

A. THE TOWN COUNCIL SHALL CONSIDER THE FINAL PLAT AT A REGULARLY SCHEDULED MEETING, FOLLOWING APPROVAL OF THE IMPROVEMENT PLANS BY THE TOWN ENGINEER AND ACKNOWLEDGEMENT BY THE TOWN ENGINEER THAT ALL ASSURANCES HAVE BEEN FILED WITH THE TOWN AND SHALL BE CONSIDERED WITH THE FINAL PLAT.

B. IF THE TOWN COUNCIL REJECTS THE PLAT FOR ANY REASON WHATSOEVER, THE REASON THEREFORE SHALL BE RECORDED IN THE MINUTES.

C. UPON APPROVAL OF THE FINAL PLAT BY THE TOWN COUNCIL, THE CLERK SHALL TRANSCRIBE A CERTIFICATE OF APPROVAL UPON THE PLAT, FIRST ENSURING THAT THE OTHER REQUIRED CERTIFICATIONS PURSUANT TO SECTION 22.9.D.2, HAVE BEEN DULY SIGNED, THAT REQUIRED EASEMENTS FOR UTILITY PURPOSES HAVE BEEN INCLUDED ON THE PLAT, THAT ENGINEERING PLANS HAVE BEEN APPROVED BY THE TOWN ENGINEER AND ASSURANCES HAVE BEEN ACCEPTED.

D. WHEN THE CERTIFICATE OF APPROVAL OF THE TOWN COUNCIL HAS BEEN TRANSCRIBED ON THE PLAT, THE CLERK SHALL RECORD THE APPROVED FINAL PLAT IN THE OFFICE OF THE RECORDER OF PIMA COUNTY.

SECTION 22.9.G CONCEPTUAL AND FINAL DESIGN STAGES

1. THE PREPARATION, SUBMITTAL, REVIEW AND APPROVAL OF ALL MINOR LAND DIVISIONS, DEVELOPMENT AND SUBDIVISIONS LOCATED INSIDE THE LIMITS OF THE TOWN SHALL PROCEED THROUGH THE FOLLOWING PROGRESSIVE STAGES:

A. PRE-APPLICATION CONFERENCE (SECTION 22.9.B)

B. PUBLIC OUTREACH/NEIGHBORHOOD MEETINGS (SEE SECTION 22.15)

C. STAGE I: CONCEPTUAL DESIGN REVIEW (SUBSECTION D). CONCEPTUAL DESIGN REVIEW SHALL INCLUDE CONCEPTUAL

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SITE PLAN, CONCEPTUAL ARCHITECTURAL DESIGN PLAN, AND CONCEPTUAL PUBLIC ART PLAN

D. STAGE II: FINAL DESIGN (SUBSECTION E) SHALL INCLUDE CONSTRUCTION DOCUMENTS, INCLUDING FINAL SITE PLAN, FINAL ARCHITECTURAL DESIGN PLAN, AND FINAL PUBLIC ART PLAN BASED ON APPROVED CONCEPTUAL DESIGN SUBMITTAL; BUILDING PLANS; IMPROVEMENT PLANS; LANDSCAPE, IRRIGATION AND BUFFER YARD PLANS; NATIVE PLANT PRESERVATION AND SALVAGE PLANS (SECTION 27.6); AND FINAL PLAT (SECTION 22.9.F, IF REQUIRED)

2. EXCEPTIONS TO THE PROGRESSIVE STAGES ARE AS FOLLOWS:

A. ALL MINOR LAND DIVISIONS REQUIRE STAGE I FOLLOWED BY ADMINISTRATIVE REVIEW AND ACCEPTANCE PER SECTION C.

B. ALL SUBDIVISIONS REQUIRE STAGES I AND II. NOTE: RESIDENTIAL SUBDIVISIONS DO NOT REQUIRE CONCEPTUAL PUBLIC ART PLANS.

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~~Section 22.6 Development Review~~

~~A. Applicability~~

~~The Development Review Board shall review all developments other than R1-144, R1-72, R1-43, R1-36, and R1-20 Districts that are not subject to overlay.~~

~~1. The Development Review Board shall make recommendations to the Town Council regarding subdivision plats and the development plans as provided in Chapter 26 of this Code.~~

~~2. The Development Review Board is authorized to approve, conditionally approve or disapprove all applications for development review not included in subsection 1. above, subject to Town Council review or appeal. Such applications include architectural design, landscaping plans, Comprehensive Sign Programs, Sign Criteria, and other matters as provided in this Code if not required as part of subdivision plat or development plan approvals. The Development Review Board shall base its decision solely on the criteria as set down in subsection B, except within the Hillside District where the Board shall also base its decision on the provisions of Section 24.2, Hillside Development Zone. (Rev.3/86)~~

~~3. Prior to the development, earthwork, construction, remodeling, change or alteration of any proposed or existing project within a zoning district subject to development review, the property owner or his designated agent shall secure approval of the Development Review Board. Staff shall be permitted to approve minor/common sense changes of architecture or landscape plans in order to avoid delay by using the normal development review process. Minor/common sense changes or alterations include those that:~~

~~a. Are reasonably similar to the approved plan:~~

~~b. Are not already completed~~

~~c. Benefit the town or the environment~~

~~d. Are not controversial~~

~~e. Are consistent with similarly situated property~~

~~f. Do not effect mass or streetscape~~

~~g. Do not affect pre-approved plats; and~~

~~h. Are approved by the neighborhood association, if necessary.~~

~~B. Criteria~~

~~In considering any application for development review, the Development Review Board shall be guided by the following criteria:~~

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~~1. The Development Review Board shall examine the application to insure that all provisions of this Code and all other Codes, master plans, general plans and standards of the Town shall be complied with where applicable.~~

~~2. The proposed development shall not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood, nor shall it be detrimental or injurious to the neighborhood.~~

~~3. The proposed development shall promote a desirable relationship of structures to one another, to open spaces and topography both on the site and in the surrounding neighborhood.~~

~~4. The height, area, setbacks and overall mass as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be appropriate to the development, the neighborhood and the community.~~

~~5. Signs, ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.~~

~~6. The character of the proposed design shall be in harmony with, and compatible to, those structures in the neighboring environment and the design character adopted for any given area avoiding excessive variety or monotonous repetition.~~

~~7. Mechanical equipment, appurtenances and utilities shall be concealed from view and integral to the building design.~~

~~8. All components of a development shall take cognizance of the unique desert, climate and other environmental factors of this region and promote an indigenous architectural feeling.~~

~~9. All signs, buildings, structures and parts of any buildings such as walls and fences shall be designed to be compatible with the surrounding desert and mountains in the background.~~

~~10. All exterior materials and colors including roofs, walls and fences shall be predominantly muted earth and plant tones and shall minimize contrast and glare.~~

~~11. In order to protect the visual serenity of the Town, design of signage should be based on trying to get the information across with the least signage possible.~~

~~12. Sign designs shall be in compliance with the purpose statements established in Chapter 28.~~

~~13. All components of a development shall be in compliance with Addendum A Design Guidelines.~~

~~14. Consideration shall be given to the possibility that the development may not be completed. In order to assure a minimum degree of destruction of existing vegetation~~

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~~and contours, phased development shall be required. Grading and all site improvements shall not be permitted until the proper assurances have been received and approved by the Town.~~

~~C. Administration~~

~~Administrative procedures for review of subdivision plat and development plans shall be as provided in Section 22.9 of this Code. Procedures for architectural review, signs and other such matters that require development review shall be according to the provision of this Section herein below.~~

~~1. Application~~

~~a. The Development Review Board shall prescribe the form and content of applications and necessary accompanying data. The application shall be filed with the Town Clerk.~~

~~b. Applications shall be made by the owner of the property or his authorized agent. If the applicant is not the property owner, a notarized letter from the property owner authorizing the agent to act in his behalf shall accompany said application.~~

~~2. Findings~~

~~a. The Development Review Board may approve, with or without conditions, a development or portion thereof if they find that:~~

~~i. All provisions of ordinances of the Town have been complied with.~~

~~ii. Where applicable, all provisions of master plans, the General Plan and development policies and standards of the Town have been complied with.~~

~~b. The Development Review Board may deny a total development, or a portion of a development, if they find that any conditions of this Code, the General Plan or the development policies and standards of the Town have not been complied with.~~

~~c. The Development Review Board, upon hearing an application, may impose such reasonable conditions as it may deem necessary in order to fully carry out the provisions and intent of this Code. Violation of any such condition shall be a violation of this Code and such violation shall render any permit null and void.~~

~~3. Expiration of Approval~~

~~a. The approval of plans for development shall expire and become null and void one year from the date of approval if a building permit has not been issued unless a different time period is made a condition of Development Review Board approval.~~

~~b. An extension of approval may be granted by the Town Council if the applicant files for the extension prior to the approval becoming void and the Town Council feels the reasons justify extension of approval. In no case shall an extension be more than 12 months.~~

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~~4. Enforcement~~

~~a. The Planning and Planning and Zoning Administrator shall insure that all matters approved by the Development Review Board are undertaken and completed according to the approval of the Development Review Board.~~

~~b. Prior to issuance of a building permit within any district subject to Development Review, the Building Official shall ascertain that the Development Review Board has approved plans which are in conformance to those presented with the building permit application and that the time limitations imposed by this Code or the Development Review Board have not elapsed. No building permit shall be issued less than 20 days after Development Review Board approval in order to allow appeal or review as stated in subsection D. below.~~

~~D. Appeal and Town Council Review~~

~~1. The approval, with or without conditions, or denial by the Development Review Board of an application subject to the provisions of subsection C. above, or otherwise referenced in this Code, shall be final unless, within 20 days from the date of the Board's decisions, the applicant shall appeal there from in writing to the Town Council. Such appeal shall be in writing in care of the Town Clerk and shall indicate where, in the opinion of the appellant, the Board was in error. The Town Clerk shall schedule the appeal for a Town Council agenda and the Town Council, at its meeting, shall uphold, modify or overrule the decision of the Board. The decision of the Town Council shall be final.~~

~~2. The Town Council shall have the right and prerogative to initiate its own review of any decision of the Development Review Board and shall uphold, modify or overrule said decision. Notice of Town Council-initiated review of any decision of the Development Review Board shall be given to the applicant by the Town Clerk within 20 days after action upon the application in question or the decision of the Development Review Board shall be deemed to be final and binding upon the Town.~~

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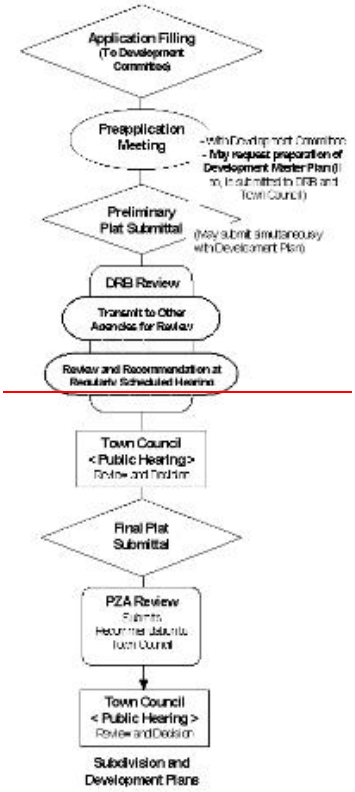
Section 22.9 Subdivision and Development Plans



A. Applicability

1. Prohibition Against Circumvention of Chapter

a. No person, firm, corporation or other legal entity shall sell or lease, or offer for sale or lease, any lot, piece or parcel of land which is within a subdivision, as defined in Section 31, without first having recorded a plat thereof in accordance with the provisions of this Code.

b. No building permit shall be issued for construction on any lot, piece or parcel of land that is not a part of a recorded subdivision plat or an approved minor land division unless a development plan for such land has been approved in accordance with Section 22.9.E. of this Code.

2. Outline of Procedures

The preparation, submittal, review and approval of all minor land divisions, subdivision plats and development plans located inside the limits of the Town shall proceed through the following progressive stages:

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~~Stage I: Preapplication Conference (subsection B.)~~

~~Stage II: Preliminary Plat and Native Plant Preservation and Salvage Plans (subsection D. and Section 22.11)~~

~~Stage III: Final Plat and Landscape, Irrigation and Buffer Yard Plans (subsection E. and Section 27.4)~~

~~Stage IV: Development Plan, Landscape, Irrigation and Buffer Yard Plans, and Native Plant Preservation and Salvage Plans (subsection F. and Sections 22.11 and 27.4)~~

~~The progressive stages apply to development as follows:~~

~~a. All minor land divisions require Stage I followed by administrative review and acceptance per Section C.~~

~~b. All R-1 subdivisions require Stages I, II and III.~~

~~c. Subdivisions other than R-1 may require Stages I, II, III and IV.~~

~~d. Development for which subdivision is not necessary requires Stages I and IV.~~

~~B. Preapplication Conference/Development Committee Review~~

~~1. Development Committee~~

~~a. The Development Committee shall include the Planning and Zoning Administrator and/or the Town Engineer and, at the discretion of the Town Council, additional members appointed by the Town Council to serve on a regular or temporary basis.~~

~~b. The Development Committee shall meet with the subdivider or developer during the preapplication conference and, as necessary, to carry out the provisions of this Section. In this Section, subdivider also means developer, if the sense so requires.~~

~~2. Stage I - Preapplication Conference; Purpose~~

~~a. The preapplication conference stage of subdivision or development planning comprises an investigatory period that precedes actual preparation of preliminary plans by the subdivider. During this stage, the subdivider makes known his intentions to the Development Committee and is advised of specific public objectives related to the subject tract and other details regarding platting procedures and requirements. The preapplication conference is recommended to all applications. Applicants shall notify staff in writing five days prior to a project submittal deadline, if the preapplication conference is declined.~~

~~b. During this stage, it may be determined that a change in zoning would be required for the subject tract or a part thereof and, in such case, the subdivider shall initiate the necessary rezoning application.~~

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c. In carrying out the purpose of the preapplication stage, the subdivider and the Development Committee shall be responsible for the actions described in the following Sections.

3. Actions by Subdivider or Developer

The subdivider/developer may meet informally with the development committee. Ten working days prior to the pre-application conference, an application shall be submitted

4. Actions by Development Committee

The Development Committee shall discuss the proposal with the subdivider and advise him of procedural steps, design and improvement standards and general plat requirements. Depending upon the scope of the proposed development, the Development Committee shall proceed with the following investigations:

a. Check existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.

b. Determine if the land is covered by the Hillside Development regulations, Section 24.2, or is controlled by the Floodplain Management Code (Ordinance No. 44).

c. Inspect the site after the subdivider has determined its relationship to major streets, utility systems and adjacent land uses and determine any unusual problems such as topography, utilities, flooding and geological hazards.

d. Determine the need for preparation and review of a development master plan prior to subsequent consideration of a preliminary plat and advise the subdivider if a development master plan is required and to what extent it shall be prepared by the developer.

e. Determine if certain lands may either not be subdivided due to adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water or other natural or man-made hazards to life or property; or control the lot size, establish special grading and drainage requirements; and impose other regulations deemed reasonable and necessary for the public health, safety or general welfare on any lands to be subdivided affected by such characteristics.

5. Development Master Plan

a. The Development Committee shall use the following guidelines in establishing the need for a development master plan:

i. The tract is sufficiently large to comprise the entire neighborhood,

ii. The tract initially proposed for platting is only a portion of a larger landholding of the subdivider, or

Deleted: 3/17

iii. The tract is part of a larger land area, the development of which is complicated by unusual topographic, utility, drainage, land use or ownership or other conditions. The entire land area need not be under the subdivider's control.

b. The Development Master Plan shall be prepared to a scale and accuracy commensurate with its purpose and shall include:

i. General street pattern with particular attention to collector streets and future circulation throughout the neighborhood, including ingress and egress.

ii. General location and size of school sites, parks or other public areas.

iii. Location of shopping centers, multi-family residential or other proposed land uses.

iv. Methods proposed for sewage disposal, water supply and storm drainage.

v. Landscaping plans.

c. Upon acceptance of a general design approach by the Development Committee, the Development Master Plan may be submitted to the Development Review Board and Town Council for consideration. If general approval is given, notice to that effect shall be recorded in the minutes of both bodies and a copy of said minutes transmitted to the subdivider and his engineer. If development is to take place in several parts, the Development Master Plan shall be submitted as supporting data for each part where applicable. The Development Master Plan shall be kept up-to-date by the subdivider as modifications take place.

d. Subdivision plats and development plans shall be submitted for each part or phase of the development.

C. Administrative Review of Minor Land Divisions

1. Purpose and Intent

The Purpose of this Section is to establish a review process for land divisions, other than subdivisions, by which owners and prospective purchasers can be advised whether a proposed division of land complies with the Town regulations. This review is intended to.

a. Protect and promote the public health, safety, convenience, and welfare.

b. Assure that newly created lots are of sufficient size to meet the requirements of the applicable zoning classification.

c. Assure that all lots resulting from a minor land division will have adequate public street access.

d. Assure adequate easements are available for utility services.

e. Assure adequate access is available for emergency vehicles.

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~~2. Application Submittal and Certification~~

~~Prior to recording any minor land division, a property owner shall submit an application for minor land division to the Planning and Zoning Administrator (PZA). This application also constitutes the application for review by the Development Committee per Section 22.9.B. This application shall be checked for completeness and, if incomplete, the submittal shall be rejected and the applicant notified within 10 working days of the date the application was received.~~

~~3. Review~~

~~Determinations to accept or reject the minor land division are made on the following:~~

~~a. Whether the proposed minor land division constitutes a subdivision as defined in OVZCR Chapter 31.~~

~~b. If the proposed land division does not constitute a subdivision, whether:~~

~~i. The lots resulting from the proposed minor land division conform to the minimum lot size requirements for the zoning classification of the property.~~

~~ii. Adequate access is available to public street(s) from the proposed lot(s).~~

~~iii. The location of any existing building on any lot resulting from the proposed land division complies with building setbacks for the applicable zone.~~

~~iv. Provision of, and access to, public utilities can be accommodated.~~

~~v. Access for emergency vehicles can be accommodated.~~

~~4. Decision and Findings~~

~~a. The applicant shall be notified in writing of the review decision and findings within 20 working days after the minor land division application is filed.~~

~~i. If it is determined that the proposed minor land division complies with minimum requirements of this Section, a letter of approval shall be issued to the applicant together with an approved copy of the minor land division.~~

~~ii. If it is determined that the proposed minor land division does not comply with minimum requirements of this Section, a letter of denial shall be issued to the applicant.~~

~~b. Compliance with Town ordinances and regulations not reviewed as part of the minor land division review process will be determined at the time of application for building permits when more detailed information is provided on the proposed development of each lot.~~

~~5. Appeal~~

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~~The applicant may appeal the Planning and Zoning Administrator's decision to the Board of Adjustment pursuant to Section 22.12.~~

~~6. Compliance~~

~~No building permit or zoning compliance certificate shall be issued for development on any parcel that does not comply with the minor land division regulations of this Section.~~

~~D. Preliminary Plat~~

~~1. Stage II - Preliminary Plat~~

~~Preliminary subdivision plats shall be submitted when subdivision of property is required by this Code. In such instances, the provisions of this Section, Stage II, apply. If the subdivision is subject to the Hillside Development regulations, the preliminary plat must conform to the requirements of Section 24.2.~~

~~The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review and approval of the preliminary plat. To avoid delay in processing the application, the subdivider shall carefully provide the Development Committee with all information essential to determine the character and general acceptability of the proposed development.~~

~~2. Compliance with Zoning and Proposed Rezoning Regulations~~

~~The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. In the event that amendment of zoning is deemed necessary, rezoning shall be initiated by the property owner or his authorized agent and shall proceed according to the requirements of Section 22.3, Amendments and Rezonings. Any change in zoning required in relation to the preliminary plat shall have been authorized by the Town Council prior to approval of the preliminary plat.~~

~~a. Area, Screening, and Setback Credits for Trails Access Dedications~~

~~i. The area of a lot or parcel dedicated to the town for public trails access shall be credited to the lot or parcel to satisfy any area, screening, or setback requirement of a rezoning, this Code, or any permit issued there under.~~

~~ii. Requests for the implementation of an area, screening, or setback credit for public trails access shall be initiated by or submitted for approval to the Planning and Zoning Administrator.~~

~~iii. Dedications and requests so approved by the Planning and Zoning Administrator shall be forwarded to the Town Council for acceptance.~~

~~3. Information Regarding Sanitary Sewerage~~

~~As a prerequisite of preliminary plat review, the subdivider shall have informed the County Health Department and/or Pima County Wastewater Management Department of~~

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his tentative plans and learned the general requirements for sewage disposal as applied to his location.

4. Contents; Identification and Description

The preliminary plat will substantially conform to the Tentative Development Plan, if applicable. All preliminary plat submittals shall conform to submittal requirements set by the Planning and Zoning Administrator.

5. Preliminary Plat Submission; Form; Filing Fee

a. Copies of the preliminary plat and required supporting data prepared in accordance with the requirements set forth as specified by the Planning and Zoning Administrator shall be filed with the Planning and Zoning Administrator at least 45 days prior to the Development Review Board meeting at which the subdivider desires to be heard. Scheduling of the case for Development Review Board hearing shall be dependent upon adequacy of data presented and completion of processing.

b. The submittal shall be checked by the Planning and Zoning Administrator for completeness and assigned a case number; if incomplete, the submittal shall be rejected and the subdivider notified within 10 working days of the date the map was received. If rejected, this constitutes an original submittal and resubmittal fees will be applicable.

c. A filing fee, as determined by the fee schedule adopted by the Town Council, to cover costs of examining the processing of preliminary plats and field inspection related thereto, shall be paid by the subdivider at the time of filing. If the preliminary plat approval expires prior to application for final plat approval, the preliminary plat shall be resubmitted as a new case and the subdivider shall be required to pay a new fee.

6. Preliminary Plat Review

a. The Planning and Zoning Administrator shall distribute copies of the plat to the following review offices.

i. Planning and Zoning Department for compliance to public objectives, giving special attention to design principles and standards as set forth in Section 26.2; street and thoroughfares as related to the Town streets and highway plans and to the neighborhood circulation; utility methods and systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks and other public facilities.

ii. The Town Engineer for review of the proposed street system; street plans and compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; and water and sewerage disposal proposals.

iii. Police Chief for review of features of proposed development related to safety and police protection.

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~~iv. Fire District for review of features of proposed development relating to fire protection.~~

~~v. County Health Department and Pima County Wastewater Management Department for review of water and sewerage disposal proposal.~~

~~vi. Superintendent of the amphitheater School District for his information.~~

~~vii. Where the land abuts a state highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.~~

~~viii. Appropriate utilities for review.~~

~~ix. Other agencies that may be affected.~~

~~b. The reviewing offices shall transmit their recommendations in writing to the Planning and Zoning Administrator who shall present them to the Development Review Board and the Town Council in his report.~~

~~c. If, in the opinion of Town staff, the Development Review Board or the Town Council, a submittal is determined to be deficient and is rejected after the preliminary plat is certified complete, then any resubmittal must be made at least 15 working days prior to the meeting at which the resubmittal is to be reconsidered. No extra fee will be charged for the first resubmittal, however, subsequent resubmittals will be assessed a fee according to the adopted fee schedule.~~

~~7. Preliminary Plat Approval Procedures~~

~~a. If the Planning and Zoning Administrator's report indicates that the requirements of this Chapter have been met, the Development Review Board shall consider the preliminary plat at the next regular meeting not less than 45 days after the date the filing is certified complete or as determined by the Planning and Zoning Administrator. Upon consideration, the Development Review Board shall forward the plat with its recommendations to the Town Council.~~

~~b. The Town Council shall consider the preliminary plat and Development Review Board recommendations at its next regularly scheduled meeting not less than 10 days after said recommendations are forwarded.~~

~~c. The Town Council shall approve, disapprove or conditionally approve the preliminary plat. The Town Clerk shall record the Town Council's action upon an official copy of the preliminary plat and shall return a copy of the action to each of the following: subdivider, subdivider's engineer, Town Engineer, Planning and Zoning Administrator and private utility companies, together with any conditions of approval.~~

~~8. Significance and Basis of Preliminary Approval~~

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~~Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary plat approval is based upon the following terms:~~

~~a. The basic conditions under which approval of the preliminary plat is granted will not be substantially changed prior to the expiration date.~~

~~b. Approval is valid for a period of one year from the date of Town Council approval. A one-time extension of the preliminary plat approval may be granted by the Town Council for a period of one year if the following four criteria are satisfied:~~

~~i. No substantial code updates have occurred within the last year.~~

~~ii. The applicant has demonstrated progress in working with the Town and other agencies.~~

~~iii. There are unforeseen circumstances beyond the applicant's control.~~

~~iv. Conditions of adjoining properties have not substantially changed.~~

~~Any extension request beyond a total of two years must be approved by the Town Council. The aforementioned criteria also apply to Town Council review.~~

~~c. Preliminary plat approval, in itself, does not assure final acceptance of streets for dedication, nor continuation of existing zoning requirements for the tract or its environs, nor constitute authorization to record the plat, nor authorize any earthwork or construction.~~

~~d. Although not required at this time, consideration should be given to assurances and landscaping.~~

~~E. Final Plat~~

~~1. Stage III - Final Plat~~

~~The final plat includes the final design of the subdivision and improvement plans, and submittal of the plat and plans by the subdivider for review and for action by the Town Council. Final plat approval is required before any improvements such as grading, sewers, water and paving can begin in a subdivision.~~

~~2. Zoning Requirements~~

~~The proposed use of the tract shall conform to the specific requirements for the zoning district within which it is located and any zoning amendment necessary shall have been authorized by the Town Council prior to filing of the final plat.~~

~~3. Utility Easements~~

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~~It is the responsibility of the subdivider to provide on the final plat prior to plat recordation, such easements in such location and width as required for utility purposes.~~

~~4. Final Plat Preparation~~

~~The final plat shall be prepared in accordance with the requirements of this Section and as specified by the Planning and Zoning Administrator, and shall substantially conform to the approved preliminary plat.~~

~~5. Dedication in Final Plat~~

~~A statement of dedication of all streets, alleys, crosswalks, drainage ways, pedestrian ways and easements for public use signed by the person holding title of record, by persons holding titles as vendees under land contract and by spouses of said parties, shall be included in the final plat. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Execution of dedication shall be acknowledged and certified by a notary public.~~

~~6. Required Certification~~

~~The following certifications are required:~~

~~a. Certification by the registered civil engineer or registered land surveyor making sure that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a registered civil engineer or land surveyor.~~

~~b. Certification by the Town Clerk of the date the map was approved by the Town Council.~~

~~c. Certification of recordation by the County Recorder.~~

~~7. Final Plat Review Procedure~~

~~The Planning and Zoning Administrator shall assemble the recommendations of the various reviewing offices and submit them with his report to the Town Council. The Town Council shall consider the final plat at the next regular meeting not less than 30 days after the date of approval of the improvement plans by the Town Engineer or as determined by the Planning and Zoning Administrator.~~

~~8. Final Plat Approval Procedures~~

~~a. The Town Council shall consider the final plat at a regularly scheduled meeting, following approval of the improvement plans by the Town Engineer and acknowledgement by the Town Engineer that all assurances have been filed with the Town and shall be considered with the final plat.~~

~~b. If the Town Council rejects the plat for any reason whatsoever, the reason therefore shall be recorded in the minutes.~~

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c. Upon approval of the final plat by the Town Council, the Clerk shall transcribe a Certificate of Approval upon the plat, first ensuring that the other required certifications pursuant to subsection D.6, have been duly signed, that required easements for utility purposes have been included on the plat, that engineering plans have been approved by the Town Engineer and assurances have been accepted.

d. When the Certificate of Approval of the Town Council has been transcribed on the plat, the Clerk shall record the approved final plat in the office of the Recorder of Pima County.

9. Abandonment of Plat

If improvements and/or building permits have not been completed within 2 years of the date of recording of the plat, the Town Council may abandon the plat. A request to extend the time at which the Town Council may abandon the plat must be submitted in writing to the Town Council before 2 years from the date of recording. The Town Council may grant extensions when it is reasonable and prudent. Before such extension is granted, the Town Council shall review the existing assurances and, at its discretion, may change, alter or revise them as necessary to insure the construction of the required improvements. If the plat is abandoned, the Town will return the assurances less any expenses the Town incurred due to the abandonment.

10. Multi-Family Dwelling Conversions

a. Any subdivider proposing to convert an existing apartment building to a condominium, cooperative, community apartment or townhouse subdivision by filing a subdivision plat shall have satisfied the following requirements prior to approval of a final plat by the Mayor and Town Council.

i. Notice of Intent to Convert

The subdivider shall submit an affidavit stating that the subdivider has provided, or will provide, written notice of the subdivider's intent to convert to all tenants of units to be converted beginning not less than 120 days prior to the date on which the first unit is offered, or to be offered, for sale and will continue to provide such notice to prospective tenants until all units have been sold.

ii. Exclusive Right to Purchase

The subdivider shall submit an affidavit stating that the subdivider will provide existing tenants an exclusive right to purchase the unit the tenant leases at a price which is not more than the price at which the subdivider intends to offer the unit to the general public for a period of not less than 60 days from the date a tenant's unit is offered for sale.

b. Any subdivider who files a final plat for a condominium, cooperative, community apartment or townhouse subdivision whether for the purpose of new development or the subdivision of an existing development shall submit a copy of a report on the physical condition of all buildings, structures and other improvements to the property to be subdivided prior to approval of a final plat by the Mayor and Town Council. This report

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~~shall be provided by the subdivider to all prospective purchasers of units prior to execution of a binding contract of purchase. The report shall contain:~~

~~i. A statement of the estimated fees or assessments, if any, that the purchaser of a unit will pay on a monthly and yearly basis for at least a 2 year period following purchase.~~

~~ii. A report from a licensed pest control operator on each building or structure and each unit within the building or structure.~~

~~iii. A statement of the unit's average monthly utility costs based on the preceding 12-month period where the subdivider has access to such utility cost data.~~

~~iv. A report describing, to the best knowledge or estimate of the subdivider, the physical condition of elements of the structure, equipment, or appliances in a unit, the repair or replacement of which will be the responsibility of the purchaser. The report shall state the approximate date on which the element, equipment, or appliance was originally constructed or installed, the approximate date on which it was subsequently replaced or will likely require replacement and the current estimated cost of replacement. This report shall not be construed to create any warranties, expressed, or implied.~~

~~F. Development Plan~~

~~1. Stage I - Development Plan~~

~~Preliminary subdivision plats may be submitted simultaneously with application for development plan approval when such approval is required by this Code. In such instances, the provisions of this Section shall apply. If the development is in the Hillside District, the application requirements of Sections 24.2 (E) and (F) also apply.~~

~~The development plan stage of land subdivision and/or development includes detailed planning, submittal, review, and approval of the development plan and preliminary plat, if applicable. To avoid delay in processing this application, the developer shall carefully provide the Development Committee with all information essential to determine the character and general acceptability of the proposed development.~~

~~2. Compliance with Zoning and Proposed Rezoning Regulations~~

~~The development shall be designed to meet the specific requirements for the zoning district within which it is located. In the event that amendment of zoning is deemed necessary, the rezoning shall be initiated by the property owner or his authorized agent and shall proceed according to the requirements of Section 22.3 of this Code. Any change in zoning required in relation to the development plan shall have been authorized by the Town Council prior to approval of the development plan.~~

~~3. Information Regarding Sanitary Sewerage~~

~~As a prerequisite of development plan review, the developer shall have informed the County Health Department and/or Pima County Wastewater Management Department of~~

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his tentative plans and learned the general requirements for sewage disposal as applied to his location.

4. Contents

All development plan submittals shall contain the necessary application and supporting data as specified by the Planning and Zoning Administrator.

5. Development Plan Submission

a. Copies of the development plan and required supporting data prepared in accordance with the requirements set by the Planning and Zoning Administrator shall be filed with the Planning and Zoning Administrator at least 45 days prior to the Development Review Board meeting at which the developer desires to be heard. Copies of the development plan shall be reproduced in the form of blue line or black line prints on a white background. Scheduling of the case for Development Review Board hearing shall be dependent upon adequacy of data presented and completion of processing

b. The submittal shall be checked by the Planning and Zoning Administrator for completeness and assigned a case number. If incomplete, the submittal shall be rejected and the developer notified within 10 working days of the date the map was received. If rejected, this constitutes an original submittal and resubmittal fees will be applicable.

6. Development Plan Review

a. The Planning and Zoning Administrator shall distribute copies of the plan to the following review offices:

i. The Planning and Zoning Department for compliance to public objectives, giving special attention to design principles and standards as set forth in Section 26.2; streets and thoroughfares as related to the Town streets and highway plans and to the neighborhood circulation; utility methods and systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks and other public facilities.

ii. The Town Engineer for review of the proposed street system; street plans and compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; and water and sewerage disposal proposals.

iii. Police Chief for review of features of proposed development related to safety and police protection.

iv. Fire District for review of features of proposed development relating to fire protection.

v. County Health Department and Pima County Wastewater Management Department for review of water and sewerage disposal proposal.

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vi. Superintendent of the Amphitheater School District for his information.

vii. Where the land abuts a state highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.

viii. Appropriate utilities for review.

ix. Other agencies that may be affected.

b. The reviewing offices shall transmit their recommendations in writing to the Planning and Zoning Administrator who shall present them to the Development Review Board and the Town Council with his report.

7. Development Plan Approval Process

a. If the Planning and Zoning Administrator's report indicates that the requirements of this Section have been met, the Development Review Board will consider the development plan at the next regular meeting not less than 45 days after the date the filing is certified complete or as determined by the Planning and Zoning Administrator. Upon consideration, the Development Review Board shall forward the plan with its recommendations to the Town Council.

b. The Town Council shall consider the development plan and Development Review Board recommendations at its next regularly scheduled meeting not less than 10 days after said recommendations are forwarded.

c. The Town Council shall approve, disapprove or conditionally approve the development plan. The Town Clerk shall record the Town Council's action upon an official copy of the development plan and shall return a copy of the action to each of the following: developer, developer's engineer, Town Engineer, Planning and Zoning Administrator and private utility companies, together with any conditions for approval.

d. If, in the opinion of the Town staff, the Development Review Board or Town Council, a development plan submittal is determined to be deficient and is rejected after the development plan submittal was certified complete, then any resubmittal must be made at least 15 working days prior to the meeting at which the plan will be reconsidered.

8. Significance and Basis of Development Plan Approval

Development Plan approval constitutes authorization for the developer to proceed with preparation of engineering plans and specifications for public improvements and submittal of assurances. Development plan approval is based upon the following terms:

a. The conditions under which approval of the development plan is granted will not be changed prior to the expiration date.

b. If improvements have not been started within 2 years of the date of approval of the development plan, the plan shall be deemed to have been abandoned. A request to extend the time beyond 2 years must be submitted in writing to the Town Council within

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~~2 years of the date of approval. Before such extension is granted, the Town Council shall review the existing assurances to insure that the required improvements have been made. If the development plan is abandoned, the Town will return the assurances less any expenses the Town has incurred.~~

~~c. When improvement plans have been completed and approved by the Town Engineer, assurances may be given to the Town as provided in Section 26.6 of this Code, and, following approval and acceptance of the assurances by the Town Council, earthwork and improvements may begin.~~

~~d. A landscape plan shall be submitted to the Development Review Board according to the provisions of Section 27.6 of this Code.~~

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CHAPTER 23
ZONING CODE AMENDMENTS

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ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 23 (ZONING DISTRICTS)

Contents

Section 23.6.A Building Height
Section 23.6.J SDH-6 Site Delivered Housing District
Section 23.7.A R-4 Townhouse Residential District
Section 23.7.C R-S Residential Service District
Section 23.7.D R-6 Multi-Family Residential District
Section 23.8.A C-N Neighborhood Commercial District
Section 23.8.B C-1 Commercial District
Section 23.8.C C-2 Commercial District
Section 23.8.D PS Private Schools
Section 23.8.E T-P Technological Park District

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck.~~
New punctuation indicated with an underline.

Section 23.6 Property Development Standards for Single-Family Residential Districts

23.6.A Building Height

1. Any structure of two stories or more shall require CONCEPTUAL DESIGN ~~Development~~ Review Board approval in accordance with Section 22.5.

23.6.B THROUGH I NO CHANGES

23.6.J SDH-6 Site Delivered Housing District

The provisions of Section 23.4 shall apply. The following additional requirements shall apply in this district:

1 & 2. NO CHANGES

3. Design Standards

A & B. NO CHANGES

c. The roof shall have a minimum 2:12 roof pitch and shall have a surface of asphalt composition, concrete or clay tile, fiberglass or metal tiles, slate, or other materials of like appearance and color as approved by the Building Official~~,~~ AND the Planning and Zoning Administrator (PZA).~~, and the Development Review Board~~. PZA DECISIONS MAY BE APPEALED TO THE BOARD OF ADJUSTMENT.

Comment [JA3]: We should not allow decisions of the Building official be appealed to BOA? BOA appeals need to be limited to determinations by the Zoning Administrator.

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d. Exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, or other materials of like appearance as approved by the Building Official, Planning and Zoning Administrator, and the CONCEPTUAL DESIGN ~~Development~~ Review Board.

4. NO CHANGE

5. Architectural Review

All dwellings, except those provided for in Section 23.6.I.5, shall be required to obtain architectural approval from the CONCEPTUAL DESIGN ~~Development~~ Review Board in accordance with the procedures outlined in Section 22.5.

Section 23.7 Property Development Standards for Multi-Family Residential Districts

23.7.A R-4 Townhouse Residential District

1 & 2. NO CHANGES

3. Setback

A & B. NO CHANGES

~~c. Larger setbacks may be required by the Development Review Board or Town Council if the existing or future development of the area around the site warrants such larger setbacks.~~

Comment [JA4]: Just commenting that after prop 207 changing setbacks in design review may get expensive.

D. NO CHANGE

~~e. No more than 30 percent of the frontage dwelling units shall have living space above one (1) story in height that is located within 50 feet of any dedicated street or as approved by the Development Review Board.~~

Comment [JA5]: Same comment as above exchanging setbacks for building height.

23.7.B NO CHANGE

23.7.C R-S Residential Service District

1 TO 3. NO CHANGES

4. Building Height

a. If the R-S development abuts a single-family residential district or an alley abutting a single-family residential district, the Town Council may limit the building height to one (1) story ~~as determined by the Development Review Board~~. THE CONCEPTUAL DESIGN REVIEW BOARD SHALL PROVIDE A RECOMMENDATION TO THE TOWN COUNCIL REGARDING THE BUILDING HEIGHT LIMITATION.

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5. Yards and Setbacks

A THROUGH C. NO CHANGES

d. All areas between a building and a street frontage, except for access drives and walks shall be open space. Where parking occurs between a building and street, an area 35 feet in depth between the street and parking shall be maintained in a landscaped setting. This depth may be decreased to a minimum of 20 feet if special circumstances warrant approval by ~~use permit or~~ THE CONCEPTUAL DESIGN ~~Development~~ Review Board ~~approval~~, such circumstances being:

i. Depressed parking.

ii. Wall and berming.

e. Walls and Fences

i. Walls and fences within the required frontage open space may not exceed three (3) feet in height or except as otherwise approved by the BUILDING OFFICIAL AND THE PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~. DECISIONS MAY BE APPEALED TO THE TOWN COUNCIL.

Comment [JA6]: Why not have these decisions made by CDRB instead of staff.? If it remains appealable we need a process.

23.7.D R-6 Multi-Family Residential District

1. Density

The minimum gross land area per dwelling unit shall be 3,500 square feet, EXCEPT that: The minimum gross land area per dwelling unit may be increased if ~~it is determined~~ BASED ON CONDITIONS UNIQUE TO THE SITE AS RECOMMENDED by the CONCEPTUAL DESIGN ~~Development~~ Review Board ~~or~~ AND APPROVED BY the Town.

2. NO CHANGE

3. Building Height

a. NO CHANGE

b. If the R-6 development abuts an R1-10, R1-7, R-4, R-S, R-4R, or another R-6 residential district, building height may be limited to single story, with a maximum exterior building height of 18 feet, within 50 feet AS MAY BE RECOMMENDED by the CONCEPTUAL DESIGN ~~Development~~ Review Board ~~or~~ AND APPROVED BY Town Council.

4. NO CHANGE

5. Walls, Fences and Required Screening

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a. Walls and fences within the required front setback are limited to three (3) feet, unless otherwise approved by the BUILDING OFFICIAL OR PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~. DECISIONS MAY BE APPEALED TO THE TOWN COUNCIL.

Comment [JA7]: Why not have these decisions made by CDRB instead of staff.? If it remains appealable we need a process.

b. All areas between a building and a street frontage except for access building and the street, an area 35 feet in depth between the street and parking shall be maintained in a landscaped setting. This depth may be decreased to a minimum of 20 feet if special circumstances warrant approval by use permit or CONCEPTUAL DESIGN ~~Development~~ Review Board approval, such circumstances being:

i. Depressed parking

ii. Wall and berming

Section 23.8 Property Development Standards for Nonresidential Districts

23.8.A C-N Neighborhood Commercial District

1. NO CHANGE

2. Building Height

If a contiguous residential district has a more restrictive height standard, the building height shall conform to that more restrictive standard. Architectural elements such as bell towers may exceed this limitation by no more than ten (10') feet, subject to approval by the CONCEPTUAL DESIGN ~~Development~~ Review Board.

3. Courtyards and Pedestrian Malls…

d. The courtyard/mall requirement may be waived by Town Council based on a suitable alternative design solution being presented to the CONCEPTUAL DESIGN ~~Development~~ Review Board ~~and Town Council~~.

23.8.B C-1 Commercial District

1. Floor Area Limits

2. Building Height

Architectural elements such as bell towers may exceed this limitation by no more than ten (10') feet, subject to approval by the CONCEPTUAL DESIGN ~~Development~~ Review Board.

23.8.C C-2 Commercial District

1. Building Height

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Architectural elements such as bell towers may exceed this limitation by no more than ten (10') feet, subject to approval by the CONCEPTUAL DESIGN ~~Development~~ Review Board.

23.8.D PS Private Schools

1. Building Height

No building shall exceed 1 story and the exterior height shall not exceed 24 feet. The following increased building heights are subject to CONCEPTUAL DESIGN ~~Development~~ Review Board ~~DRB~~ approval:

a. Architectural elements, such as bell towers, may exceed this limitation by no more than ten (10) feet. The number of steeples, spires, towers or campaniles or similar structures is limited to one unless otherwise approved by the CONCEPTUAL DESIGN ~~Development~~ Review Board.

23.8.E T-P Technological Park District

1 and 2. NO CHANGES

3. Courtyards and Pedestrian Malls

a and b. NO CHANGES

c. The courtyard/mall requirement may be waived by Town Council based on a suitable alternative design solution being presented to AND APPROVED BY the CONCEPTUAL DESIGN ~~Development~~ Review Board ~~and Town Council~~.

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CHAPTER 24 ZONING CODE AMENDMENTS

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ZONING CODE AMENDMENTS TO SUPPORT CDRB CHAPTER 24 (SUPPLEMENTARY DISTRICT REGULATIONS)

Comment [JA8]: This section puts allot of faith/responsibility on the Planning and Zoning Administrator.

Contents

Section 24.1.A Tangerine Corridor District Regulations/Guidelines
Section 24.1.F Tangerine Road Corridor District Design Guidelines
Section 24.2.H Hillside Site Improvement Standard
Section 24.4.E Planned Area Development (PAD)-Review Process
Section 24.5.D Oracle Road District Landscape Standards and Guidelines
Section 24.5.E Oracle Road Scenic Corridor District Use Standards
Section 24.6.C Standards for Golf Course Design and Irrigation
Section 24.7.B Riparian Habitat Identified; Protective Buffer Required
Section 24.7.C Riparian Habitat Study/Mitigation Plan Requirements
Section 24.7.D Development Standards Within and Around the Riparian Habitat Overlay District
Section 24.7.E Modification to Zoning District Development Standards Allowed in Subdivisions and Developments Containing Identified Riparian Habitats

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~. New punctuation indicated with an underline.

Section 24.1 Tangerine Corridor Overlay District (TRCOD)

24.1.A Tangerine Corridor District Regulations/Guidelines

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

NOTE: ALL DETERMINATIONS AND DECISIONS MADE BY THE PLANNING AND ZONING ADMINISTRATOR PURSUANT TO THIS CHAPTER MAY BE APPEALED TO THE BOARD OF ADJUSTMENT.

Comment [JA9]: I'm not sure why we are spelling this out in each section. It is already in code.

24.1.A THROUGH E NO CHANGES

24.1.F Tangerine Road Corridor District Design Guidelines

Design guidelines are intended as a flexible, regulatory supplement and complement the development standards set forth in Section 24.1.E for general land development use types. The full intent of the following criteria should be met, as determined by the CONCEPTUAL DESIGN ~~Development~~ Review Board, in order to obtain ~~development~~ CONCEPTUAL DESIGN approval.

1 TO 5. NO CHANGES

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6. Design Guidelines Review Findings

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

Section 24.2 Hillside Development Zone

24.2.A THROUGH G NO CHANGES

24.2.H Hillside Site Improvement Standard

1. Building Height

a. NO CHANGE

b. A variance to maximum building height may be approved by the Board of Adjustment. Additionally, the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~ shall review any RESIDENTIAL structure over 18 feet in the HDZ and may approve said structure if such approval provides a better method of building to the land and is no more detrimental to adjacent properties than strict adherence to the development standards of the underlying district would allow. Such variance, as granted by the Board of Adjustment, shall be in compliance with the provisions of Section 21.6 of the Oro Valley Zoning Code Revised. PLANNING AND ZONING ADMINISTRATOR AND/OR TOWN ENGINEER ~~Development Review Board~~ review and approval shall be required prior to the issuance of any grading or building permits in accordance with Section 22.~~5~~7.

Comment [JA10]: This is a bit circular since below "any" structure over 18 ft is reviewed by the CDRB. If "any" is what we mean then we can take the administrator out of the mix here.

C. THE CONCEPTUAL DESIGN REVIEW BOARD SHALL REVIEW ANY COMMERCIAL STRUCTURE OVER 18 FEET IN THE HDZ AND MAY RECOMMEND APPROVAL OF SAID STRUCTURE TO THE TOWN COUNCIL IF SUCH APPROVAL PROVIDES A BETTER METHOD OF BUILDING TO THE LAND AND IS NO MORE DETRIMENTAL TO ADJACENT PROPERTIES THAN STRICT ADHERENCE TO THE DEVELOPMENT STANDARDS OF THE UNDERLYING DISTRICT.

2. NO CHANGE

3. Color

All exposed exterior walls and roofs of structures, retaining walls and accessory structures shall utilize the predominant natural colors found on the parcel. Satellite dishes shall be earth tone or black. White is not permitted. IN HDZ DISTRICTS, ~~Color approval~~ IN RESIDENTIAL ZONING DISTRICTS, COLORS MAY BE APPROVED by the Planning and Zoning Administrator. ~~shall be required for all HDZ development~~ IN COMMERCIAL ZONING DISTRICTS, CONCEPTUAL DESIGN REVIEW BOARD APPROVAL OF COLORS IS

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REQUIRED. ~~Appeals of the Planning and Zoning Administrator's decision may be filed by the applicant and will be heard by the Development Review Board within 35 days from the date of appeal. The decision of the Development Review Board shall be final.~~

Section 24.3 NO CHANGE

Section 24.4 Planned Area Development (PAD)

24.4.A THROUGH D NO CHANGE

24.4.E Review Process

The rezoning review shall follow the procedures of Section 22.3 with the following additions/modifications:

1. NO CHANGE

2. Public Hearings

A minimum of two (2) public hearings before the Planning and Zoning Commission shall be required in order to insure adequate review time for Commissioners~~, the Development Review Board~~ and interested members of the public. The final Commission public hearing shall not be scheduled prior to the submittal of the final PAD development plan.

~~3. Development Review Board Evaluation~~

~~The Development Review Board shall schedule and complete a review of the proposed preliminary PAD on its next regular meeting agenda. The Development Review Board review shall be made within 40 days of the date the application is certified adequate. The Development Review Board shall review those aspects of the PAD document normally associated with development review including building layout, circulation, open space, landscaping, building height, setbacks, parking, grading, and architecture with the purpose of providing assistance to the Commission in PAD review and assistance to the applicant regarding development review expectations and concerns. Development Review Board review shall include an assessment of PAD compatibility with the surrounding area regarding contemplated architectural styles and colors. The Development Review Board shall make written recommendations to the Planning and Zoning Commission regarding the review of a proposed PAD.~~

Section 24.5 Oracle Road Scenic Corridor District Regulations and Guidelines

24.5.A THROUGH C NO CHANGES

24.5.D Oracle Road District Landscape Standards and Guidelines…

1. Vegetation Preservation Site Planning Standards

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d. Except for clearing necessary to provide utilities and access to the site, no significant vegetation shall be removed within a distance of 100 feet from the dedicated right-of-way line of Oracle Road (Figure 1) without prior PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~ approval. No development, other than additional landscaping, is permitted within this 100 foot zone (See Section 24.5.G for additional landscaping requirements specific to land use type).

2. NO CHANGE

3. Walls and Berms Standards

a and b. NO CHANGES

~~c. Walls, wall colors, and materials shall match wall designs approved by the Development Review Board. Fences shall be prohibited, with the exception of wrought iron fence treatments used in association with masonry walls.~~

4. Vegetation Preservation and Site Planning Guidelines

Innovative site planning and architectural treatments, which preserve and incorporate existing trees, significant vegetation, and shrubs is encouraged. Other landscape treatment standards may be relaxed or altered at the discretion of the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~ should the project demonstrate an exceptional preservation approach. Variations in landscape standards which allow innovative site planning to preserve the maximum number of existing trees and shrubs are encouraged. …

a. NO CHANGE

b. Walls and Berms Guidelines: Wall colors and materials are subject to ~~Development Review Board~~ PLANNING AND ZONING ADMINISTRATOR approval. Colors and materials should complement and be consistent with primary on-site architectural features and materials.

24.5.E Oracle Road Scenic Corridor District Use Standards

1, 2. NO CHANGE

3. Commercial Development Regulations. …

A THROUGH D. NO CHANGE

e. View Corridors.

i and ii. NO CHANGES

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iii. Landscaping, walls, or other improvements installed by the developer within or adjacent to view corridors require express PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~ approval.

4. Employment/Institutional Regulations …

a THROUGH d. NO CHANGE

e. View Corridors.

i. Along the west side of Oracle Road, buildings over 18 feet or other structures, including walls, signs or mechanical equipment over four (4) feet in height may not be placed within 150 feet of any defined view corridor without PLANNING AND ZONING ADMINISTRATOR ~~express Development Review Board~~ approval and further:

Comment [JA11]: I hope the rest of this section helps this one make sense. Otherwise we have given a direct path to council here.

Section 24.6 Golf Course Overlay Zone

24.6.A & B NO CHANGES

24.6.C Standards for Golf Course Design and Irrigation

1, 2. NO CHANGES

3. Golf Course Design Standards. The following standards shall act to control the design, maintenance and operation of golf courses in the Town of Oro Valley:

a. Fringe and/or transition areas shall be provided to assure minimum setbacks from adjacent existing and future residential property lines. Golf hole "envelopes" or boundaries and driving range boundaries shall be created and clearly indicated on the FINAL SITE ~~development~~ plan. Envelopes shall observe the following distances to adjoining existing and future residential properties: …

I TO IV. NO CHANGES

v. The Town Council, upon the recommendation of the golf course architect, hired by the Town to review plans (See Section 24.6.E), and the CONCEPTUAL DESIGN ~~Development~~ Review Board, may approve smaller setbacks, where deemed appropriate for any golf course type, including executive and pitch-and-putt golf courses. Criteria to be considered when permitting setback reductions include, but are not limited to, significant stands of existing vegetation to be preserved in place, grade separation between fairway and properties to be developed and prevailing winds.

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4. NO CHANGE

5. Residential Design Standards

The following standard acts to provide additional public safety and protection of private property from errant golf balls.

a. Walls and/or vegetation are encouraged, and may be required, by RECOMMENDATION OF the CONCEPTUAL DESIGN ~~Development~~ Review Board AND APPROVAL OF THE ~~or~~ Town Council, in order to afford additional protection from errant golf balls.

Comment [JA12]: What about errant golfers?

Section 24.7 Riparian Habitat Protection Overlay District

24.7.A NO CHANGE

24.7.B Riparian Habitat Identified; Protective Buffer Required

1. NO CHANGE

2. Protective Apron Required

In addition to the defined Riparian Habitat area, as described, and further depicted on the adopted Riparian Habitat Maps, an apron area, not less than 15 feet in width, as measured in any direction from the boundary of a defined Riparian Habitat, shall be provided. Within the required apron area, subsequent to erection of required temporary fencing (see Section 24.7.C and Section 24.7.D) and issuance of a grading permit, disturbance may occur, i.e., apron area may be used as a "trample zone" for grading, utility installation and other construction-related activities. If this required 15 foot apron area is disturbed in any way, however, the restoration of the apron, including re-establishing natural grades and soil compaction, must be addressed in the mitigation/revegetation plans, to the satisfaction of the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board and Town Council~~.

24.7.C Riparian Habitat Study/Mitigation Plan Requirements

1 TO 3. NO CHANGES

~~4. Appeals Regarding Mitigation Plan Requirements~~

~~The Planning and Zoning Administrator's decision regarding mitigation plans may be appealed to the Development Review Board, which shall formulate a recommendation on the decision and forward same to the Town Council, which shall make a final decision, based upon its findings in the matter.~~

24.7.D Development Standards Within and Around the Riparian Habitat Overlay District

1 & 2. NO CHANGES

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3. Disturbance for Essential Infrastructure

Up to five (5) percent of the regulated habitat may be disturbed, at the discretion of the Town Engineer and Planning and Zoning Administrator, however, no approval for such disturbance may be given until all other design options for installation of essential infrastructure have been thoroughly explored and a Mitigation Plan for the affected area(s) has been approved. If restoration of the destroyed habitat is not possible, based upon required paving, drainage structures, or for access to utilities for maintenance purposes, another area, on-site only, may be used to fulfill the mitigation requirements, as approved by the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board and Town Council~~, on an acre for acre basis.

24.7.E Modification to Zoning District Development Standards Allowed in Subdivisions and Developments Containing Identified Riparian Habitats

1. NO CHANGE

2. Applicability

A THOUGH C. NO CHANGES

d. Other Modifications Permitted. Modifications to development standards not set forth herein may be requested, and may be granted by the Town Council, if modifications promote the preservation of natural areas and do not violate statutes, development agreements, appeal processes, or other provisions of this code.

Modifications to development standards may be granted at the rezoning stage and conditional use permit, upon recommendation by the Planning and Zoning Commission and approval by Town Council or, if associated with a plat or SITE plan, Town Council approval may be given upon recommendation by the CONCEPTUAL DESIGN ~~Development~~ Review Board.

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CHAPTER 25 ZONING CODE AMENDMENTS

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ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 25 (USE REGULATIONS)

Contents

Section 25.1.A General Requirements for All Non-Residential Uses
Section 25.1.F Communication Structures and Facilities
Section 25.1.Q Sexually-Oriented Businesses

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck.~~
New punctuation indicated with an underline.

Chapter 25 title: Subdivision and SITE ~~Development~~ Plans

Section 25.1 Requirements for Specific Uses

25.1.A General Requirements for All Non-Residential Uses

1. NO CHANGES

2. Architecture; Subject to CONCEPTUAL DESIGN ~~Development~~ Review Board Approval:

   a. Accessory structures (structures other than the primary building(s) such as screen walls, gas station canopies, carports, signage structures) shall be coordinated with the primary building(s) in terms of materials, colors and style.

   b. Exterior finishes of a building shall not exceed a reflectivity of 60%.

3, 4, 5. NO CHANGES

6. Odors

   a. All restaurants and manufacturing uses shall provide an odor abatement plan at the time of FINAL DESIGN ~~Development Plan~~ submittal. The plan is subject to PLANNING AND ZONING ADMINISTRATOR APPROVAL. DECISIONS MAY BE APPEALED TO THE ~~Development Review Board (DRB) review and~~ Town Council ~~approval~~.

25.1.B THROUGH E NO CHANGES

25.1.F Communication Structures and Facilities

1. Antenna

   a. Residential Antenna Standards:….

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iv. ~~Approval from the Development Review Board, at a regularly scheduled meeting, is required for~~ ~~a~~All ground or building mounted satellite dish antennas ~~that are~~ over 1 meter in diameter SHALL ADHERE TO~~. T~~the following standards ~~are required~~:

b. Commercial Antenna Standards:…

iii. Satellite Dishes exceeding 2 meters in diameter.

Approval from the ~~Development~~ CONCEPTUAL DESIGN Review Board is required subject to the following standards:

2. Communication Facilities

a. and b. NO CHANGES

c. Minor Communication Facilities:

i. General Standards for Minor Facilities:

a) Minor facilities may not exceed 40 feet in height unless otherwise specified herein.

b) Minor facilities are exempt from parking requirements specified in Chapter 11, unless required by Planning and Zoning Administrator or ~~Development~~ CONCEPTUAL DESIGN Review Board.

ii. Tier I Minor Facilities:

a) The Planning and Zoning Administrator ~~may elect to~~ SHALL make a determination on a Tier I application. ~~or forward to the Development Review Board for consideration. All property owners within 300' of the facility will be notified by mail and provided with 15 days to respond. The P&Z administrator may require a neighborhood meeting.~~

iii. Tier II Minor Facilities

a) The ~~Development~~ CONCEPTUAL DESIGN Review Board shall make a final determination on all Tier II applications, except when a proposed new facility exceeds the building height restrictions of the underlying zoning district. In this case, THE CONCEPTUAL DESIGN REVIEW BOARD SHALL PROVIDE A RECOMMENDATION PRIOR TO TOWN COUNCIL DETERMINATION ~~it shall also be reviewed by Town Council~~.

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d. Major Communication Facilities

i. NO CHANGES

ii. They are subject to a conditional use permit. ALL PROPERTY OWNERS WITHIN 600 FEET MUST BE NOTIFIED FOR THE USE PERMIT. Once a use permit has been obtained, a Communication Facility application shall be submitted for CONCEPTUAL DESIGN ~~Development~~ Review Board approval. ~~All property owners within 600 feet must be notified for the use permit.~~

25.1.G THROUGH R NO CHANGES

25.1.Q Sexually-Oriented Businesses

1-3. NO CHANGES

4. Timing of Development

a. The CONCEPTUAL DESIGN SUBMITTAL ~~development plan and building elevations~~ for a shopping center shall be reviewed and approved by the CONCEPTUAL DESIGN ~~Development~~ Review Board and Town Council prior to submitting or simultaneously with the approval of a CONCEPTUAL DESIGN SUBMITTAL ~~development plan and building elevations~~ for any sexually-oriented business.

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CHAPTER 26
ZONING CODE AMENDMENTS

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ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 26 (SUBDIVISION & ~~DEVELOPMENT~~ SITE PLANS)

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Section 26.2.F Design Standards-Street Location and Arrangement
Section 26.2.J Landscaping in Subdivisions
Section 26.4.A Modifications of Subdivision Regulations-Extraordinary Conditions
Section 26.4.B Subdivisions as Complete Community or Neighborhood
Section 26.5.B Minimum Recreation Area Standards

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck.~~
New punctuation indicated with an underline.

Section 26.1 NO CHANGE

Section 26.2 Design Standards

26.2.A THROUGH E NO CHANGES

26.2.F Street Location and Arrangement…

1 & 2. NO CHANGES

3. Certain proposed streets within the tract shall be extended to the tract boundaries to enable connection to existing streets or to future streets in the unplatted areas. Additionally, paved access ~~streets~~ shall be provided to the development from ~~primary~~ existing vehicular streets as specified by the Town Engineer ~~or the Development Review Board~~ and approved by the Town Council.

26.2.G THROUGH I NO CHANGES

26.2.J Landscaping in Subdivisions

All open areas shall be landscaped by the subdivider at his expense. All landscaping shall be supplied and installed according to the APPROVED landscape plan ~~approved by the Development Review Board~~.

Section 26.3 NO CHANGE

Section 26.4 Modifications of Subdivision Regulations

26.4.A Extraordinary Conditions

When, in the opinion of the Town Council, there exists extraordinary conditions of topography, land ownership or adjacent development or other circumstances not provided for in these regulations, the Town Council may, upon investigation and recommendation by the CONCEPTUAL DESIGN ~~Development~~ Review Board,

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modify these regulations in such manner and to such extent as it may deem appropriate to the public interest.

26.4.B Subdivisions as Complete Community or Neighborhood

In the case of a plan and program for a complete community or a complete neighborhood, the Town Council may, upon recommendation by the CONCEPTUAL DESIGN ~~Development~~ Review Board, modify these regulations in such a manner as appears necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, including dedication of property to the Town for sites for schools, parks and other necessary public facilities and which also provides such protective covenants, deed restrictions or other legal provisions as will assure conformity to, and achievement of, the plan.

Section 26.5 Provision of Recreational Area

26.5.A NO CHANGES

26.5.B Minimum Recreation Area Standards

1 & 2. NO CHANGES

3. Recreational areas shall not include land, such as peaks, ridges, land fragments, land restricted by town policy, condition or ordinance, and land determined unusable for recreational purposes by the Mayor and Town Council. Shallow retention basins (~~floodprone~~ FLOOD PRONE areas) may be ~~accepted~~ APPROVED for use as recreational areas subject to recommendations by the Town Engineer~~,~~ AND Planning and Zoning Administrator.~~, Development Review Board and acceptance by the~~ DECISIONS MAY BE APPEALED TO THE Town Council.

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CHAPTER 27 ZONING CODE AMENDMENTS

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ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 27 (GENERAL DEVELOPMENT STANDARDS)

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Section 27.3.B *Public Artwork Provisions*-Applicability
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Section 27.9.E *Grading*-General Grading Requirements and Notes

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck.~~
New punctuation indicated with an underline.

CHAPTER 27.3 *GENERAL DEVELOPMENT STANDARDS*

Section 27.3 Public Artwork Provisions

A. Purpose

The purpose of these public artwork requirements is to implement the General Plan Arts and Culture Element and support the cultural and educational enrichment of the citizens and visitors to Oro Valley through the creation of artwork that is accessible to all members of the community. The Town seeks enhancements to community beauty, artistic entertainment and enrichment for all its residents and visitors, and education in and through the arts.

B. Applicability

1. Public artwork is a required element of new private and public construction projects in Oro Valley as specified in this Section 27.3.

2. Artwork projects created for private development as a result of the requirements of this Section shall be privately owned and included in all nonresidential development projects, including religious institutions and nonprofit organizations, with the exception of communication facilities,

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utility installations and similar projects as determined by the Planning and Zoning ~~Director~~ ADMINISTRATOR.

3. All projects where public artwork has not been provided in accordance with Town Council requirements and legal nonconforming uses, that propose twenty-five percent (25%) or more cumulative addition or structural modifications, such as changes in square footage, gross floor area, and building facade, shall meet the requirements of this Section 27.3.

4. Public artwork is required for all new public construction projects involving construction costs over fifty thousand dollars ($50,000), with the following exceptions:

   i. Public art expenditure is not legally permissible due to the constraints imposed by the funding mechanism;

   ii. Maintenance projects such as surface treatments;

   iii. Safety improvements such as sidewalks and overlays with shouldering for bike lanes;

   iv. Significant budgetary constraints necessitate cost reduction, subject to Town Council approval.

C. Artwork Budget

1. A budget for public artwork shall be established based on one percent (1%) of the building permit valuation for the project, including all phases of a multi-phase project. The itemized budget and a copy of the contract or agreement with the artist shall be submitted for Town review. The budget shall be spent on the design, fabrication, installation, and the Town review process of public artwork for the project.

2. For applicable public construction projects, one percent (1%) of the project construction cost shall be used for public artwork.

3. If specifically approved by the ~~Art Review Commission~~ PLANNING AND ZONING ADMINISTRATOR, artwork budgets may include integrated pedestals, bases, walls, utility extensions and architect's fees exclusively required for the artwork.

4. Artwork budgets shall not be used for normally required improvements and development costs, including but not limited to land acquisition, grading, paving, sidewalks and landscaping.

5. For multi-phase projects, an updated public artwork budget, based on the most current building valuation tables, will be submitted for each phase at the time of application for public artwork approval.

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D. Fee In Lieu of Public Art

1. If the building permit valuation is less than one million dollars ($1,000,000), the owner/developer may elect to contribute the one percent (1%) to the Town of Oro Valley as an in-lieu fee. It shall be earmarked specifically for public artwork projects.

2. If the building permit valuation is ten million dollars ($10,000,000) or more, the owner may elect to contribute that portion of the one percent (1%) over one hundred thousand dollars ($100,000) to the Town of Oro Valley earmarked specifically for public artwork projects.

3. A portion of the one percent (1%) may also be used to construct on-site performing art facilities used for and by the public for the promotion and production of the arts.

4. The in-lieu fees paid to the public art fund may be used for the maintenance of publicly owned artwork.

E. Design and Location Requirements

1. Public artwork shall be designed by an artist, as defined in Section 31. If a design team is employed to create public artwork, at least one (1) team member shall be an artist as defined in Chapter 31.

2. Public artwork shall not include any of the following unless specifically allowed by the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD and the item is designed by an artist: architectural elements or structural parts of a building or other structure; fixtures or features such as grates, shade screens, streetlight, benches, signs, and bike racks. Designs of such items shall clearly result in artistic expression beyond the normally anticipated functional appearance.

3. Public artwork shall be in an area easily accessible and clearly visible to the general public. The location shall allow for unrestricted viewing from a variety of vantage points.

4. Public artwork may be located on a publicly viewable building facade, provided such location improves overall public accessibility to the artwork.

5. Artwork may be located within a building subject to ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD approval. The applicant shall demonstrate to the satisfaction of the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD that the interior location for artwork provides equal or superior public access relative to outdoor locations. Indoor locations shall be readily accessible to the public such as lobbies and entryways and shall be accessible to the public for a minimum of forty (40) hours each week.

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6. The location of public artwork shall be indicated on the landscape plan, development plan, plat or other appropriate document as determined by the Planning and Zoning ~~Director~~ ADMINISTRATOR.

7. Public artwork shall be permanent and fixed, and may be integrated with the work of other design professionals.

8. Public artwork shall not be located in sight visibility triangles.

9. Location of art in a proposed or existing Town right-of-way shall be approved by the Town Engineer.

10. Off-site locations within the Town for public artwork may be approved by the Town Council, upon review and recommendation by the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD.

11. The Planning and Zoning Administrator may determine that the proposed public art location is remote and that public access to or visibility of the public art will be severely limited. This determination may result in the property owner electing to utilize the in-lieu option as outlined in Section D. The in-lieu fee provision may be applied to all or a portion of the one percent (1%) contribution for public artwork.

F. Installation and Maintenance

1. Public artwork shall be installed, inspected and certified complete prior to the issuance of a final certificate of occupancy. If a certificate of occupancy has previously been issued, any business license or other Town approvals shall not be granted until public artwork installation is complete.

2. An artwork installation schedule, addressing timing, budget allocation, artwork location(s), and specific details for each phase of a phased development project, shall be submitted for review by the Planning and Zoning Director. Each development phase shall include public artwork allocated proportionally to building valuation as determined by the Planning and Zoning ~~Director~~ ADMINISTRATOR.

3. Public artworks must remain on public display under optimum conditions in which they were originally installed.

4. The installation of the artwork will be done in a manner that will protect the artwork and the public. The general safety and permanence of artwork installation shall be inspected as determined by the Town Building Official, Town Engineer and the Planning and Zoning ~~Director~~ ADMINISTRATOR. Incomplete or unsafe installations shall not be approved.

5. Artwork projects may have a small plaque not to exceed eighty (80) square inches in size identifying the work, artist and contributors.

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6. Continued maintenance of the artwork shall be the responsibility of the property owner. The artwork shall be maintained to preserve its intended appearance as specified in the approved application. Faded paint, missing or damaged parts, or deteriorated finishes represent unacceptable maintenance conditions.

7. The original artist shall be offered the opportunity to provide maintenance and repair services for the artworks they create. If the original artist will not be maintaining the artwork, documentation of the property owner's request to the artist for maintenance and repair services shall be submitted with the maintenance plan required in Section 27.3.~~E~~.**F.**8.

8. A maintenance plan specifying the party(ies) intended to complete repairs shall be submitted with the application for public artwork approval. If the party identified to perform maintenance and repairs is not the original artist, a statement of the individual's qualifications to repair and maintain public artwork shall be submitted with the maintenance plan. Qualified individuals shall have experience working with the media and materials used in the artwork.

9. Public artwork responsibilities shall transfer from property owner to property owner.

10. The property owner shall be responsible for the services and utilities necessary to operate and/or maintain public artworks over time.

11. The property owner shall provide evidence of insurance in a minimum amount equal to the purchase and installation costs of the public artwork.

12. Replacement of missing or damaged public artworks is required, unless the property owner provides documentation that shows that the artwork was properly maintained in accordance with the approved maintenance plan. Property owners are required to respond to inquiries from the Town regarding damaged or missing public artwork within fifteen (15) days of written notice.

13. Failure to maintain the artwork, as determined by the Planning and Zoning ~~Director~~ ADMINISTRATOR, shall constitute a violation of this code, and/or cause liens against the real property.

14. Public artwork cannot be permanently removed, relocated or altered in any way without the review and approval of the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD, as long as the establishment remains open for business or maintains an Oro Valley business license.

15. In the event public artwork must be temporarily moved or altered due to construction or other activity, the property owner shall submit in writing a request to the Planning and Zoning ~~Director~~ ADMINISTRATOR detailing the purpose, time frame, and intended temporary location for the artwork. Only the individual identified in the maintenance plan shall be permitted to move or alter public artwork. The request must be approved by the

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Planning and Zoning ~~Director~~ ADMINISTRATOR prior to movement of alteration of the artwork. The artwork shall be returned to its original location.

G. Processing

1. ~~The Art Review Commission shall review and may approve all applications for~~ P~~p~~ublic artwork SHALL BE REVIEWED in a two-step process: conceptual review and final review. CONCEPTUAL PUBLIC ARTWORK SHALL BE REVIEWED BY THE CONCEPTUAL DESIGN REVIEW BOARD AND FINAL PUBLIC ART SUBMITTALS SHALL BE REVIEWED BY TOWN STAFF.

~~2. Whenever a landscape plan is required with a development plan or subdivision plat, conceptual review of public artwork must be approved by the Art Review Commission prior to the approval of the landscape plan for development projects.~~

~~3~~ 2. Public artwork for public construction projects shall be reviewed by the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD. Timing for public construction projects' artwork conceptual ~~and final~~ review by the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD shall be determined by the Town Engineer and the Planning and Zoning ~~Director~~ ADMINISTRATOR.

~~4~~ 3. THE Conceptual DESIGN review OF ARTWORK shall assess artist qualifications, conceptual artwork design and artwork location(s) AS PROVIDED IN SECTION 27.3.E. Conceptual review and approval is required prior to completion of a final review by ~~the Commission~~ TOWN STAFF.

~~5~~ 4. Subsequent to C~~c~~onceptual R~~r~~eview, the ~~Art Review Commission~~ PLANNING AND ZONING ADMINISTRATOR (PZA) SHALL complete a final review. The applicant shall provide information on the artwork's final design and a maintenance plan per Section 27.3.~~E~~.**F**.8 in sufficient detail to permit the PZA to completely evaluate the application using the standards and criteria included in ~~this Section 27.3~~ SUBSECTION H. Changes to the approved artwork design or the approved maintenance plan shall ~~be approved~~ REQUIRE APPROVAL OF ~~by~~ the ~~Art Review Commission~~ PZA.

~~6~~ 5. Project completion shall be certified by the acceptable installation of the approved artwork and submittal by the property owner of a certification package including the following: a statement that the artwork, artist and site meet the criteria established by the ordinance codified in this Section, the date on which the installation was completed, and an itemized account of the expenses incurred in fulfilling the requirements of the ordinance codified in this Section. Certification shall be completed before the Town issues a final certificate of occupancy.

Comment [JA13]: We are introducing this acronym for the first time here. Maybe move it up in the code.

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~~7~~ 6. For existing development, previously approved projects, subsequent phases of phased projects, or projects that do not require a landscape plan, final review of public artwork shall be approved prior to the issuance of the building permit.

~~8~~ 7. Decisions of the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD on conceptual ~~or final review~~ ART shall be final, unless, within twenty (20) days from the date of the BOARD'S ~~Commission's~~ decision, the applicant files an appeal in writing to the Town Council. The written appeal shall be filed with the Town Clerk and shall state in writing where, in the opinion of the appellant, the ~~Commission~~ BOARD was in error. The Clerk shall schedule the appeal for a Town Council agenda and the Town Council, at its meeting, shall uphold, modify or overrule the decision of the ~~Commission~~ BOARD.

~~9. The Town Council may initiate its own review of any decision of the Art Review Commission and shall uphold, modify or overturn said decision. Notice of Town Council-initiated review of an Art Review Commission decision shall be given to the applicant by the Town Clerk within twenty (20) days after the action of the Art Review Commission.~~

~~10. If an appeal is not filed nor Town Council review initiated within twenty (20) days of the Commission's decision, the decision shall be final.~~

H. Review Criteria

In reviewing applications for public artwork, the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD shall consider, but is not limited to, the criteria described below AND THE DESIGN PRINCIPLES AND DESIGN STANDARDS ESTABLISHED IN SECTION 22.9 OF THIS CODE AND THE ADOPTED DESIGN STANDARDS WITHIN THE ZONING CODE. The ~~Commission~~ BOARD shall determine acceptability of individual applications based on their interpretation and judgement of fulfillment of these criteria.

Comment [JA14]: Do we want to leave this so far open? What we are saying is that the CDRB can consider whatever it likes in considering art.

1. LOCATION: PUBLIC ARTWORK LOCATIONS SHALL BE INTEGRATED WITH THE LAYOUT AND HARDSCAPE COMPONENTS OF THE SITE. TO THE EXTENT FEASIBLE, PUBLIC ARTWORK SHALL BE PLACED IN A HIGHLY VISIBLE AND PUBLICLY ACCESSIBLE LOCATION.

2. MATERIALS AND SAFETY: PROPOSED ARTWORK~~S~~ SHALL BE DESIGNED TO PREVENT HAZARDS TO THE PUBLIC. DURABILITY AND SAFETY OF MATERIALS SHALL BE CONSIDERED INCLUDING POTENTIAL AREAS OF EXCESSIVE WEAR OR DAMAGE, WHICH SHALL BE MITIGATED.

3. OBSTRUCTIONS: POTENTIAL FUTURE OBSTRUCTIONS, INCLUDING LANDSCAPE MATERIALS AT MATURITY OR

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FUTURE CONSTRUCTION, SHALL BE CONSIDERED WHEN LOCATING PUBLIC ART.

4. VIEWING AREA: LOCATIONS FOR ARTWORK SHOULD INCLUDE NEARBY ACCESSIBLE SEATING, WHEN APPROPRIATE, FROM WHICH THE ARTWORK CAN BE EASILY VIEWED.

5. ORIGINAL WORK: THE ARTWORK SHALL BE ORIGINAL AND NOT DUPLICATE EXISTING ARTWORK IN THE TOWN AND SHALL CONFORM TO COMMUNITY STANDARDS.

Section 27.4-PREVIOUSLY REPEALED (ORD (O) 09-20)

Section 27.5 Outdoor Lighting

27.5.A NO CHANGE

27.5.B Applicability

4. Change of Use

a. Whenever the use of any existing building, structure, or premises is changed to a new use that is substantially different from the existing one, all outdoor lighting shall be reviewed and brought into compliance with this code before the new use commences. The ~~Planning and~~ Planning and Zoning Administrator will determine whether a substantial change has occurred by evaluating each of the following factors: …

~~vi. Need for Development Review Board reconsideration of the development plan and/or architecture.~~

27.5.C THROUGH E NO CHANGE

27.5.F Outdoor Light Fixture Height Requirements…

2. The maximum height of the pole-mounted luminaire shall not exceed 18 feet or as otherwise specified herein.

a. In C-2 zoned districts, the maximum height shall not exceed 28 feet.

b. In T-P zoned areas, ~~Development Review Board~~ THE PLANNING AND ZONING ADMINISTRATOR may allow maximum height up to 28 feet based on the following factors but not limited to…

Section 27.6 Landscape Conservation

27.6.A NO CHANGE

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27.6.B Native Plant Preservation, Salvage and Mitigation

1. Applicability…

A&B. NO CHANGES

27.6.C. ALL PLANNING AND ZONING ADMINISTRATOR DECISIONS OR DETERMINATIONS ALLOWED IN THIS SECTION MAY BE APPEALED TO THE TOWN COUNCIL.

Comment [JA15]: Are we starting a new trend of appeals?

2. NO CHANGES

3. Site Resource Inventory Standards and Requirements

a through d. NO CHANGES

e. Mitigation Remedy. When a proposed development is in conformance with the General Plan and meets other development standards of the code, but unique circumstances exist in regard to significant vegetation, such as when a large percentage of a site is covered with significant vegetation and mitigation results in plants too numerous to survive on the site, the developer may request approval for a mitigation remedy. Remedies include provision of required vegetation, irrigation materials, and associated labor as follows:

i. Relocation to an adjacent property.

ii. Placement on a Town property.

iii. In-lieu fee for a Town landscape or restoration project.

iv. Other similar relocation effort.

The developer must make his/her request to the Town for a mitigation remedy before or concurrent with a ~~preliminary plat or~~ FINAL DESIGN REVIEW ~~development plan~~ submittal. The request shall include a mitigation proposal and rationale and justification for the proposal. The PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board (DRB)~~ shall consider the proposal and make their decision BASED ON THE AFOREMENTIONED CRITERIA ~~at a public meeting~~.

Comment [JA16]: Aforementioned where? I would cite to the section.

4. Native Plant Preservation, Salvage and Mitigation Plan Requirement

a through j. NO CHANGES

k. Native plants to be transplanted on site shall be used within those areas designated as "common area" or landscaped area such as buffer areas, streetscapes, and parking lots and within the front yards of residential

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lots, or other areas as may be approved by the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~.

27.6.C Landscape Design

1 through 3. NO CHANGES

4. Buffer Yards

a. NO CHANGES

b. Standards

i through iii. NO CHANGES

iv. When buffer yards occur adjacent to each other (i.e., along the property lines of two (2) adjacent properties) the ~~Development~~ CONCEPTUAL DESIGN Review Board may require a pedestrian trail running through the buffer yard(s). The ~~Development~~ CONCEPTUAL DESIGN Review Board may also require a minimum twenty (20) foot wide corridor that provides pedestrian ingress/egress between…

Comment [JA17]: Dangerous for the PZA.

5. Screening

a. NO CHANGES

b. Standards

i and ii. NO CHANGES

iii. The requirement for a screen may be waived or the height lowered by the ~~Development~~ CONCEPTUAL DESIGN Review Board if the buffer yard, topography, or layout of development provides adequate screening to surrounding properties, or if it would create an unsafe, unusable alley between two (2) walls.

~~iv. The Development Review Board may increase the height of a wall and/or the number of required plantings if the buffer yard, topography, or layout of the development does not otherwise adequately screen surrounding properties.~~

27.6.D NO CHANGE

27.6.E. Administration

1. Application, Processing and Approval

a. NO CHANGE

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b. Processing

i through iii. NO CHANGE

iv. The Planning and Zoning Administrator will assemble the responses from the various reviewing agencies AND MAINTAIN A FILE OF ALL RESPONSES RECEIVED ~~and submit them with a report to the Development Review Board~~.

Comment [JA18]: And do what with them?

c. Approval

i. The SRI and NPPSM plans will be reviewed and may be approved by the Planning and Zoning Administrator.

ii. Landscape plans will be reviewed and may be approved by the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~. ~~Landscape plans submitted with development plans will be considered concurrently by the Development Review Board.~~

Section 27.7 Off-Street Parking

27.7.A NO CHANGE

27.7.B NO CHANGE

27.7.C General Provisions

1. NO CHANGE

2. Alternative Compliance

Upon written request by the applicant, the ~~Development~~ CONCEPTUAL DESIGN Review Board (CDRB) may approve an alternative-parking ratio.

Comment [JA19]: Maybe in consultation with the Engineer to take some heat off of the PZA.

a. Review Criteria: To approve an alternative plan, the ~~Development~~ CONCEPTUAL DESIGN Review Board must find that the proposed alternative plan accomplishes the purpose of this Section equally well or better than the standards of this Section. The ~~Development~~ CONCEPTUAL DESIGN Review Board shall consider:

Comment [JA20]: I hope we mean PZA?

3 through 7. NO CHANGES

8. Control of Parking Lots: Property used for parking shall be under the same ownership as and contiguous to the generating use. When the property is not under the same ownership as the generating use or is not contiguous to the generating use, the following shall apply:

a. NO CHANGE

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b. A recommendation for approval by the ~~Development Review Board~~ PLANNING AND ZONING ADMINISTRATOR shall be obtained regarding the parking relationship to the generating use.

27.7.D THROUGH G NO CHANGE

27.7.H Design and Improvement Standards

1. Parking Lot Layout (Design)

A THROUGH F. NO CHANGES

g. Shopping Cart Bays: Parking areas where shopping cart are an integral part of the commercial business shall be designed to accommodate shopping cart storage. Cart storage spaces shall be integrated into the landscape areas within the parking area and shall be placed appropriately to accommodate the maximum number of parking spaces. Cart storage spaces shall be a minimum of four (4) feet wide and a maximum of nine (9) feet wide and the length shall be no longer than the depth of a parking stall. The minimum height shall be 45 inches measured from finished grade. Any lot for retail stores~~;~~ such as grocery~~,~~ OR home improvements ~~or big box (Wal-Mart, Target, Costco, etc.)~~ ,and containing 100 or more parking spaces shall install at least one (1) shopping cart bay per 85 spaces provided. The Town Council may increase or decrease the number of shopping cart bays ~~with or without the recommendation of the Development Review Board (DRB) and/or the Planning and Zoning Commission~~.

2. Improvement Standards:

a. Slope and Grading: The finished grade of the parking lot shall be in accordance with the Town's grading standards. Grading of a site shall benefit landscaped areas and conform to the requirements of the Town's Grading Ordinance, Section 27.9. Below-grade or recessed parking lots are encouraged and may be required by the ~~Development Review Board~~ PLANNING AND ZONING ADMINISTRATOR OR THE TOWN ENGINEER to provide additional screening from major thoroughfares or residential areas.

Section 27.8 Off-Street Loading

27.8.A NO CHANGE

27.8.B General Regulations

All buildings hereafter erected or established shall have and maintain loading spaces as determined by the ~~Development~~ CONCEPTUAL DESIGN Review Board subject to conditions herein…

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1 THROUGH 5. NO CHANGES

6. Modification of Requirements: The ~~Development~~ CONCEPTUAL DESIGN Review Board ~~Development Review Board~~ may reduce the number and location of required loading spaces where they determine that an unusual situation exists.

Section 27.9 Grading

27.9.A THROUGH D NO CHANGE

27.9.E General Grading Requirements and Notes…

9. Phased Grading

~~a. For all subdivisions containing 75 lots or more, with an average lot size of less than 10,000 square feet, a phased grading concept plan shall be required with the preliminary plat submittal. The Development Review Board shall review this plan. The Development Review Board shall forward their recommendation to the Town Council for their consideration.~~

b. For all projects ten (10) acres or larger requiring SITE ~~development~~ plans, a phased grading concept plan ~~shall~~ MAY be required with the ~~preliminary~~ FINAL SITE PLAN submittal. This plan shall be reviewed AND APPROVED by the TOWN ENGINEER ~~Development Review Board and approved by the Town Council~~.

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CHAPTER 28
ZONING CODE AMENDMENTS

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ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 28 (SIGNS)

Contents

Section 28.2.A Sign Permits, Fees, and Application Procedures
Section 28.2.B Sign Criteria and master Sign Program
Section 28.2.C PAD Exemption
Section 28.3.B *Requirements*-Illumination

NOTE: All required edits to include the Conceptual Design Review Board and clarify the authorities for recommendation and approval have been integrated into the revised sign code adopted by the Town Council on March 16, 2011. (Ordinance 11-07).

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CHAPTER 31
ZONING CODE AMENDMENTS

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ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 31 (DEFINITIONS)

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~.
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82. Conditional Approval

Shall mean an affirmative action by the CONCEPTUAL DESIGN ~~Development~~ Review Board or Town Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

~~**101. Development Master Plan (DMP)**~~

~~Shall mean a preliminary master plan for the development of a large or complicated land area the platting of which is expected in progressive stages. A development master plan may be designated by the sub-divider and shall be subject to Development Review Board approval.~~

101. CONCEPTUAL SITE ~~Development~~ Plan

Shall mean THE CONCEPTUAL planS FOR a RESIDENTIAL OR NON-RESIDENTIAL development, ~~other than single-family detached non-cluster homes~~ including, but not limited to, the general layout of all buildings, PRELIMINARY GRADING CONCEPT, PRELIMINARY LANDSCAPE CONCEPT, drives, PARKING AREAS, carports, AND recreation facilities, ~~patios, walls, finish floor elevations~~, and ~~exterior elevations, prepared in accordance with Section 22.9.D. of this Code~~.

X. CONCEPTUAL DESIGN REVIEW SUBMITTAL

SHALL MEAN THE CONCEPTUAL DESIGN REVIEW SUBMITTAL PACKAGE CONSISTING OF THE CONCEPTUAL SITE PLAN, CONCEPTUAL ARCHITECTURAL DESIGN PLAN AND THE CONCEPTUAL PUBLIC ART PLAN SUBMITTALS.

~~**102. Development Plan**~~

~~Shall mean a plan of a development other than single-family detached non-cluster homes including, but not limited to, the general layout of all buildings, drives, carports, recreation facilities, patios, walls, finish floor elevations, and exterior elevations prepared in accordance with Section 22.9.E. of this Code.~~

~~**266. Preliminary Plat Approval**~~

~~Shall mean approval of the preliminary plat by the Town Council as evidenced in its meeting minutes and constitutes authorization to proceed with final engineering plans and final plat preparation.~~

293. Screen Wall

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Shall mean an opaque wall at least 6 feet in height located along the perimeter of a said use where said use abuts a residential use. The screen wall shall be constructed of masonry or other similar material recommended by the ~~Planning and Zoning Commission and/or the~~ CONCEPTUAL DESIGN ~~Development~~ Review Board and approveD by Town Council. The purpose of the screen wall is to minimize any impacts associated with contiguous or adjacent land uses.

X. CONCEPTUAL DESIGN REVIEW

SHALL MEAN THE CONCURRENT REVIEW AND APPROVAL PROCESS FOR CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ARTWORK PLAN AND CONCEPTUAL ARCHITECTURAL PLAN BY TOWN STAFF, THE CONCEPTUAL DESIGN REVIEW BOARD, AND THE TOWN COUNCIL.

Comment [JA21]: This is the definition for a process not design. Conceptual design would be the concept presented to the Town prior to requiring all stamped engineering and architectural plans to be later reviewed by staff.

X. CONCEPTUAL ARCHITECTURAL DESIGN PLAN

SHALL MEAN THE CONCEPTUAL ARCHITECTURAL ELEVATIONS PREPARED IN ACCORDANCE WITH THIS CODE AND AN ELEMENT OF CONCEPTUAL DESIGN REVIEW PROCESS.

X. CONCEPTUAL PUBLIC ARTWORK PLAN

SHALL MEAN THE CONCEPTUAL ART PLAN PREPARED IN ACCORDANCE WITH SECTION 27.3.G OF THIS CODE AND AN ELEMENT OF CONCEPTUAL DESIGN REVIEW PROCESS.

X. CONSTRUCTION DRAWINGS

SHALL MEAN ALL DOCUMENTS REQUIRED FOR CONSTRUCTION THAT DEPICT ALL ELEMENTS OF THE FINAL LAYOUT AND DESIGN AT CONSTRUCTION-LEVEL DETAIL. THE CONSTRUCTION DRAWINGS INCLUDE THE FINAL SITE PLAN BASED ON THE APPROVED CONCEPTUAL SITE PLAN, AS WELL AS THE NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLAN AND LANDSCAPE, IRRIGATION, AND BUFFERYARD PLANS, FINAL PUBLIC ART PLANS, FINAL ARCHITECTURE PLANS, BUILDING PLANS AND IMPROVEMENT PLANS. ALL CONSTRUCTION DRAWINGS MUST BE STAMPED BY A REGISTERED ARCHITECT OR ENGINEER LICENSED IN THE STATE OR ARIZONA.

Comment [JA22]: And registrant signoff?

X. DESIGN REVIEW

SHALL MEAN THE COMPLETE TWO-STAGE PROCESS OF DEVELOPMENT REVIEW, INCLUDING ALL ELEMENTS, REQUIREMENTS, REVIEWS, APPROVALS AND PROCESSES RELATED TO CONCEPTUAL DESIGN REVIEW AND FINAL DESIGN REVIEW BY THE CDRB, STAFF AND TOWN COUNCIL.

X. FINAL DESIGN REVIEW

SHALL MEAN THE REVIEW AND APPROVAL PROCESS FOR CONSTRUCTION DRAWINGS AND/OR FINAL PLAT, STAMPED BY A REGISTERED ARCHITECT OR

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ENGINEER LICENSED IN THE STATE OR ARIZONA, AND SUBJECT TO APPROVAL BY TOWN STAFF AND TOWN COUNCIL FOR FINAL PLATS.

Comment [JA23]: Requiring signoff by registered architects and engineers on all drawings and plans.

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TOWN CODE CHAPTER 3 AMENDMENTS

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TOWN CODE AMENDMENTS TO SUPPORT CDRB

CHAPTER 3 *(Administration)*

Contents

Section 3-5-4 Development Review Board
Section 3-6-9 Art Review Commission (repeal section)

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REPEAL ~~3-5-4 Development Review Board~~

~~A. There is hereby established a development review board for the Town of Oro Valley to consist of five to seven members; each of whom shall be a resident of the town.~~

~~B. Seven members shall be appointed by the council and shall serve at the pleasure of the council for two year terms, provided nothing herein shall affect the expiration of the current terms of the development review board. The effective date of this structure shall be June 30, 1996.~~

~~C. A planning commission member shall be appointed by the planning commission.~~

~~D. The members of the development review board shall serve without compensation; however, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the board and approval of the expenditures by the council.~~

~~E. The town engineer and zoning administrator, or their designated representatives, and one member of the council appointed by the council as a liaison to the development review board shall meet with the board on a regular basis in order to offer advice and technical assistance but shall not vote.~~

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REPLACE WITH 3-5-4 Conceptual Design Review Board

A. There is hereby established a Conceptual Design Review Board (CDRB) for the Town of Oro Valley to consist of seven (7) voting members; each of whom shall be a resident of the town and two (2) ex-officio staff members; the Planning AND ZONING ADMINISTRATOR ~~Division Manager~~ and Economic Development Manager.

B. Seven (7) TOWN RESIDENTS ~~members~~ shall be appointed by the council and shall serve at the pleasure of the council for a maximum of two (2) three year terms, provided nothing herein shall affect the expiration of the

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current terms of the CDRB. The effective date of this structure shall be June, 2011.

C. The members of the CDRB shall serve without compensation; however, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the board and approval of the expenditures by the council.

D. The -Planning AND ZONING ADMINISTRATOR ~~Division Manager~~, or their designated representatives, and one member of the TOWN Council appointed by the TOWN Council as a liaison to the CDRB shall meet with the board on a regular basis in order to offer advice and technical assistance but shall not vote.

REPEAL ~~3-6-9 Art Review Commission~~

~~A. There is hereby established an Art Review Commission (ARC) for the Town of Oro Valley.~~

~~B. The ARC shall consist of seven (7) members that shall be appointed by and serve at the pleasure of the Council for two (2) year terms.~~

~~C. ARC members shall be residents of the Town of Oro Valley and shall, preferably, have an art, architecture or landscape architecture background and/or experience.~~

~~D. ARC members shall serve without compensation; however, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Commission and approval of the expenditures by the Council.~~

~~E. ARC shall review all proposals for public art, as required by the Oro Valley Zoning Code Revised, and make recommendations to the Council regarding the proposed artwork.~~

Comment [JA24]: Will we make it. I suggest that this be removed and it will become effective 30 days after adoption by Council.

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MINUTES
ORO VALLEY TOWN COUNCIL
December 1, 2010
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER - At 5:00 p.m.

ROLL CALL

PRESENT:

Satish Hiremath, Mayor
Bill Garner, Vice Mayor (via telephone)
Barry Gillaspie, Councilmember (via telephone)
Joe Hornat, Councilmember
Mary Snider, Councilmember
Lou Waters, Councilmember
Steve Solomon, Councilmember

***EXECUTIVE SESSION AT OR AFTER 5:00 PM**

Pursuant to ARS 38-431.03(A)(4) discussion or consultation with the Town Attorney in order to consider the Council's position and instruct the Town Attorney regarding the Pima County Library Intergovernmental Agreement

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Waters to go into Executive Session at 5:02 p.m. pursuant to ARS 38-431.03(A)(4) discussion or consultation with the Town Attorney in order to consider the Council's position and instruct the Town Attorney regarding the Pima County Library Intergovernmental Agreement (IGA).

MOTION carried, 5-0.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Waters to go out of Executive Session at 5:45 p.m.

MOTION carried 7 - 0.

RESUME REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER - At 6:01 p.m.

ROLL CALL

PRESENT:

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

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Ms. Davis presented the upcoming Town meetings.

COUNCIL REPORTS

Councilmember Waters congratulated everyone for participating in the El Tour and thanked the Police Department for all of their hard work.

DEPARTMENT REPORTS

Chief Sharp stated that last night, 30 participants graduated from the Police Citizen's Academy. Chief Sharp thanked Town Manager Jerene Watson and Suzanne Smith for their participation and hard work.

Communications Administrator Mary Davis announced that the Solar Parking Project will commence next week on Dec 15-30. Parking will be limited. More information is available on the Town's website.

ORDER OF BUSINESS:

The order will stand as is.

INFORMATIONAL ITEMS

There were no informational items.

CALL TO AUDIENCE

Ms. Jackie Devery with the Oro Valley holiday parade committee gave an update on the status of the Holiday Parade and mentioned that the businesses in town are hurting, but they are very happy about the new Sign Code revisions.

Oro Valley resident Donald Bristow expressed concern regarding possible conflict of interest regarding the Sign Code and Development Review Board amendments.

Oro Valley resident Bill Adler commented on the recent strategic planning retreat held November 20, 2010 and asked who is charged with running the Town - Elected Officials or the Town Manager? He felt that the Council and staff need to understand their roles and the Council-Manager form of government.

Oro Valley resident Richard Tracey thanked the Council for their service. He felt that the Council seems to be attacked on process and not on content. He suggested if rules need to be changed, than change them so they facilitate more efficient government. He expressed concerns about the Police Officers who did not receive step plan increases.

PRESENTATIONS

a. **PLAQUE OF APPRECIATION TO MARY CASWELL FOR HER SERVICE ON THE PLANNING AND ZONING COMMISSION FROM JULY 2009 TO OCTOBER 2010**

Mayor Hiremath presented a plaque of appreciation to Mary Caswell for her service on the Planning and Zoning Commission from July 2009 to October 2010.

b. **PRESENTATION BY TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC. VICE PRESIDENT OF REGIONAL DEVELOPMENT, MICHAEL S. GUYMON**

Executive Vice President David Welsh pointed out an inbound media piece that highlighted Oro Valley on site selection and highlights the Roche project. He then introduced Michael Guymon, the new Vice President of regional partners for TREO. He stated that Mr. Guyman is well known in the commercial real estate circle and that he is thrilled to have him at TREO.

Michael Guymon thanked the Council for the opportunity to attend the recent Economic Development Summit and stated that he looked forward to working with the town and building on the synergy created by Oro Valley.

1. **CONSENT AGENDA**

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Waters to approve the Consent Agenda, as presented.

MOTION carried 7 - 0.

A. Coyote Run Monthly Report September 2010

B. Coyote Run Monthly Report October 2010

C. Fiscal Year 2010/11 Financial Update through October 2010

D. Development & Infrastructure Services Department Permitting Division October 2010 Reports

E. Resolution No. (R)10-83 Authorizing and Approving a Drainage and Maintenance Easement Between the Town of Oro Valley and In-N-Out Burger, Inc.

F. Resolution No. (R)10-84 Authorizing and Approving a Subgrantee Agreement between the Town of Oro Valley and the Arizona Department of Homeland Security to Fund Overtime and Mileage Under the Operation Stonegarden Program

G. Resolution No. (R)10-85 Authorizing and Approving a Subgrantee Agreement Between the Town of Oro Valley and the Arizona Department of Homeland Security to Fund the Purchase of Binoculars and Thermal Imaging/Night Vision Equipment Under the Operation Stonegarden Program

H. Resolution No. (R)10-86 Authorizing and Approving an Amendment to the Intergovernmental Agreement Between the Town of Oro Valley and the Pima County Regional Flood Control District Extending the IGA for the Lomas de Oro Wash Channelization Project and the Oro Valley Estates Drainage Improvement Project (Phase II) an Additional Year to December 31, 2011

I. Resolution No. (R)10-87 Authorizing and Approving Drainage Easements Between the Town of Oro Valley and Nine Homeowners Along Lomas de Oro Wash for the Federal Emergency Management Agency (FEMA) Channel Drainage Improvement Project

J. Amending the 2010 Town Council Liaison Assignments by adding Councilmember Mary Snider as an Alternate Liaison to the Parks & Recreation Advisory Board for Councilmember Barry Gillaspie

K. ***ITEM K HAS BEEN REMOVED FROM THE AGENDA***

2. **PRESENTATION AND TOWN COUNCIL ACCEPTANCE OF THE TOWN'S FINANCIAL AUDIT FOR FISCAL YEAR ENDED JUNE 30, 2010**

Finance Director Stacey Lemos stated that Heinfeld, Meech and Company, P.C., CPA has completed the Town's annual audit. No issues or concerns were raised during the audit.

Auditor Corey Arvizu and Jim Rebenar reviewed the results of the Town's comprehensive annual audit and highlighted the financial statements for the Town. It was stated that no red flags were raised concerning the financial health of the Town. It was pointed out that next year, the standards will slightly change regarding fund balance and pension reporting.

Discussion followed on how the Town Council can give input to the auditors before next year's audit begins regarding the risk assessment process and the future unfunded liabilities with the Town's participation in the State Retirement System or the Public Safety Retirement System, known as long term unfunded liabilities.

Mr. Arvizu stated that the Town's General Fund balance of 40% is healthy based on the economic condition of the country.

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Snider to accept the Town's Financial Audit for Fiscal Year ended June 30, 2010.

MOTION carried 7 - 0.

3. **PUBLIC HEARING DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR NOBLE HOPS GASTROPUB LOCATED AT 1335 W. LAMBERT LANE #101**

Applicant Suzanne Kaiser stated that they are excited to come to Oro Valley and explained that Gastropub Restaurant is a new concept that is a gourmet Pub with great food and unique beer. Opening is scheduled for January 28, 2010.

Mayor Hiremath opened the public hearing. There being no comments, Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Gillaspie to recommend approval to the State of Arizona Liquor Board of the Series 12 restaurant liquor license for Noble Hops Gastropub located at 1335 W. Lambert Lane #101.

MOTION carried 7 - 0.

4. **DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR AUTHORIZATION TO USE GENERAL FUND CONTINGENCY RESERVE**

FUNDS FOR CITIZEN SATISFACTION SURVEY

MOTION: A motion was made by Councilmember Waters and seconded by Vice Mayor Garner to put off the authorization to use General Fund Contingency Funds for a Citizen Satisfaction Survey until the next fiscal year cycle.

MOTION carried 7 - 0.

***5. ITEM 5 HAS BEEN REMOVED FROM THE AGENDA**

6. RESOLUTION NO. (R)10-81 REPEALING TOWN OF ORO VALLEY PERSONNEL POLICY NUMBER 25, ADVISORY BOARD FOR ORO VALLEY EMPLOYEES (ABOVE), AND PERSONNEL POLICY NUMBER 27, ANNUAL EMPLOYEE FORUM, OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL REGARDING EMPLOYEE RELATIONS, REPLACING THESE WITH ADMINISTRATIVE DIRECTIVE 33 WHICH PROVIDES A FRAMEWORK FOR EXPANDED EMPLOYEE VOICE (CONTINUED FROM 11/17/10)

Human Resources Director Betty Dickens reviewed the proposed amendments recommended in Resolution No. (R)10-81.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Solomon to adopt Resolution (R)10-81 with the following amendment to Administrative Directive 33, Section 4: to state that bi-annual employee exchanges with the Town Manager are a tool that will be explored for interest by the employees, if desired, as a compliment to the self directed team approach and that the Town Council shall have annual meetings with the employee groups as directed by the employees, in other words, they set the format of the meeting and any future changes to Administrative Directive 33 Section 4 be brought before the Council.

MOTION carried 6 - 1 with Councilmember Hornat opposed.

7. RESOLUTION NO. (R)10-88 AMENDING THE APPENDICES TO THE TOWN COUNCIL PARLIAMENTARY RULES AND PROCEDURES AND CODE OF CONDUCT TO UPDATE THE APPOINTMENT PROCESS AND TERM LIMIT PROVISIONS RELATING TO TOWN OF ORO VALLEY VOLUNTEERS

Assistant to the Town Manager Kevin Burke gave a brief overview of the proposed modernization of the town's Boards and Commissions and proposed amendments to the town's Parliamentary Rules & Procedures.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Hornat to adopt Resolution No. (R)10-88, amending appendices

to the Town Council Parliamentary Rules and Procedures and further directed staff to initiate revisions to Town Code Section 3-6.

MOTION carried 7-0.

A. DISCUSSION AND POSSIBLE ACTION REGARDING THE FINANCE AND BOND COMMITTEE

MOTION: A motion was made by Vice Mayor Garner and seconded by Councilmember Hornat to dissolve the Finance & Bond Committee.

MOTION carried 7 - 0.

B. DISCUSSION AND POSSIBLE ACTION REGARDING THE PARKS AND RECREATION ADVISORY BOARD (PRAB)

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Gillaspie to direct staff to initiate additional revisions to the Oro Valley Town Code Section 3-6 and implement recommended changes to the PRAB meeting format and schedule as shown in attachment A.

MOTION carried 7 - 0.

C. DISCUSSION AND POSSIBLE ACTION REGARDING THE DEVELOPMENT REVIEW BOARD AND ART REVIEW COMMISSION

Mayor Hiremath opened the floor for public comment. The following members of the public commented on the proposed new Conceptual Design Review Board (CDRB):

Oro Valley resident Michael Schoeppach stated that he would have liked for the Development Review Board to be consulted to help develop the new board.

Oro Valley resident Mike Zinkin stated that the concept was not a bad idea and asked that the new Board be kept as a resident board.

David Godlewski, government liaison with the Southern Arizona Homebuilder's Association stated that the proposed changes are a step in the right direction. He felt that the changes will streamline the development review process. He asked that all voting members have appropriate expertise in the discipline.

Oro Valley resident Bill Adler stated his objections to the proposed concept of the formation of the CDRB.

MOTION: A motion was made by Councilmember Solomon and seconded by Councilmember Waters to create the Conceptual Design Review Board, with

duties and composition as outlined in Attachment 3, with the modifications of increasing the voting members from five to seven, implementing staggered terms, re-evaluating and bringing back to Council the qualifications for those members and in conjunction with this change that new development standards and guidelines be brought forth to the Council, and direct staff to initiate revisions to the Town Code and Zoning Code to effect this result. I further move to disband the operation of the Development Review Board and Art Review Commission and terminate the current members of each of these respective public bodies effective upon adoption of Town Code and Zoning Code revisions implementing the Conceptual Design Review Board with an amendment by Councilmember Gillaspie to mandate that all members be residents of the Town of Oro Valley.

MOTION carried 7 - 0.

8. FUTURE AGENDA ITEMS

No future agenda items were requested.

CALL TO AUDIENCE - No speakers.

ADJOURNMENT

MOTION: A motion was made by Vice Mayor Garner and seconded by Councilmember Waters to adjourn the Town Council meeting at 9:20 p.m.

MOTION carried 7 - 0.

Prepared by:

Kathryn E. Cuvelier, CMC
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 1st day of December 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12 day of January, 2011.

Kathryn E. Cuvelier, CMC
Town Clerk

Item #: 7. C.

TC Regular Session

Date: 12/01/2010

Requested by: Suzanne Smith, Director DIS

Submitted By: Suzanne Smith, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING THE DEVELOPMENT REVIEW BOARD AND ART REVIEW COMMISSION

SUMMARY:

At the September 1, 2010 Regular Session, the Town Council voted unanimously to direct the Town Manager to bring forward proposals for the modernization of four public bodies, which included the Development Review Board (DRB) and the Art Review Commission (ARC). At the subsequent September 21, 2010 Council Work Session, working groups, supported by senior staff members, were formed with the following Council members:

DRB: Council members Gillaspie, Solomon and Waters
ARC: Council members Garner, Solomon and Waters

At the conclusion of each Working Group's first meeting, it was agreed that the current public bodies, ARC and DRB, should be disbanded and a new board, the Conceptual Design Review Board (CDRB), should be created. This new board would consolidate the current DRB and ARC like functions, and more importantly:

- Streamline the development process
- Enhance the effectiveness of residents' input to improve "community fit"
- Increase the ability to achieve more "getting to shovel ready" projects

The shift to a conceptual design review process, occurring early in the design process when the opportunity for change is more likely, and prior to the applicant making a significant design investment, has gained broad support from the Council working groups, the development community, businesses and staff.

The primary duties of the new CDRB would be as follows:

- Conceptual Site Plan (formerly known as Development Plan) - Review and recommendation to Town Council for approval
- Conceptual Architecture - Review and recommendation to Town Council for approval
- Conceptual Art - Review and recommendation to Town Council for approval
- Conceptual Master Sign Program and Non-conforming Signs - Review and approval

DISCUSSION:

Need for Change and History

Due to the near build-out status of the Town, coupled with the on-going downturn in the national economy, changes to the existing development review and approval process are needed. Over the past three years, the Town has actively improved review and approval processes for project development and building construction. The goals focused on becoming more user-friendly and reducing overall time for permit issuance, while maintaining the high development standards defined by the community. At the April 7, 2010 Council meeting staff presented four (4) options for streamlining the development review and building construction approval process **(Attachment 1 - Options Summary)**. The options addressed possible changes to the role of the Development Review Board (DRB) and Town Council in the review and approval process. Council directed staff to conduct public meetings and return to Council by the first meeting in September 2010.

From June to August 2010, staff conducted eight (8) public meetings and presentations to various groups, including the Northern Pima County Chamber of Commerce (NPCCC), Metropolitan Pima Alliance (MPA), Southern Arizona Home Builders Association (SAHBA) Technical Committee, the Town's DRB (Study Session item), developers, architects/engineers, businesses and residents of the community. In summary, the majority of Oro Valley residents in attendance preferred, and the DRB formally recommended, Option B (wherein staff would assume the majority of DRB recommendation and approval responsibilities). The NPCCC and the SAHBA Technical Committee recommended Option D (wherein staff would assume all DRB recommendation and approval responsibilities and Mayor & Council items not statutorily required to be approved). MPA, and the majority of the businesses, developers, and architects/engineers that attended the meetings also preferred Option D, although most stated Option C was acceptable.

Development Review Board

The DRB is intended to promote harmonious, safe, attractive, and compatible development. The DRB currently reviews subdivision plats and development plans, including site planning and the relationship of the development to the surrounding environment and the community. The DRB also reviews all proposed architecture, landscape plans and grading plans. DRB consists of seven members.

DRB was initiated with the adoption of our Zoning Code in 1981, when the town was in a rapid growth mode with mostly vacant land, minimal surrounding development for context, few residential neighborhoods and a population of less than 2,000. The Town has undergone tremendous change since the formation of the DRB and today the town is nearing build-out. Most vacant land will be developed as infill, surrounded by neighbors

In November 2009, Council approved the Public Participation Ordinance (PPO) to enhance neighborhood public involvement and promote transparency. This process corresponds to our current build-out status, is more appropriate for citizen involvement in the process, is time efficient and facilitates development that is a better fit for the community. The PPO requires two neighborhood meetings at each stage of the development review process prior to the applicant making a formal submittal. These meetings inform neighboring community members on the review and approval process for the project, applicable zoning and development requirements and the project's design elements. The neighborhood meetings allow community comments to be considered prior to the applicant formally submitting the application to the Town for review and approval.

Art Review Commission

The 1% for Public Art Program was established in 1997. In 1998 the zoning code was amended to create the Public Art Review Committee. The rules and operating procedures for the Public Art Review Committee were revised and the committee's name was changed to the Art Review Commission (ARC) in 2008. ARC is intended to evaluate the aesthetic value of public artwork, including privately owned public artwork, and facilitate the integration of artwork into publicly accessible spaces and the infrastructure of the community. The ARC reviews requests for public artwork approval including the design of artwork, qualifications of the artist, and the location, installation and setting of the artwork. ARC consists of seven members.

Currently, art submittals are required to be reviewed and approved by the ARC two separate times. The first review is of conceptual design, including location, and the second is at the final design stage. The zoning code requires that final artwork design be approved prior to issuing a building permit. In addition, the zoning code requires that the artwork be completed, installed and accepted prior to issuing a final certificate of occupancy for the associated building project.

Working Group Results

Based on the feedback received during the public outreach process and further review, the DRB and ARC Working Groups agreed that the existing public bodies should be disbanded and a new board, the Conceptual Design Review Board (CDRB), should be created. This new board would:

• Consolidate the public bodies' like functions
• Streamline the development process
• Enhance the effectiveness of resident input to improve “community fit”
• Provide for review very early in the design process, at the conceptual design phase, prior to the applicant making a significant design investment and when the opportunity for change is more likely
• Increase the ability to achieve more “getting to shovel ready” projects

The new CDRB’s focus would be at the beginning of a project, at the conceptual design phase, and include the review of: 1) Conceptual Site Plan (formerly known as Development Plan), including residential subdivision layout; 2) Conceptual Architecture, including basic building form, façade treatments, architectural features, entry vignettes, building materials and colors; and 3) Conceptual Art, including design and location.

These three inter-related elements (site plan, architecture, and art) would be reviewed together at a single meeting by the CDRB for recommendation to Town Council for approval. Following Town Council approval, staff would assume responsibility for review and approval of the detailed design for compliance with the approved conceptual elements.

The CDRB would also be responsible for the review and approval of the Conceptual Master Sign Program and Non-conforming Signs. A table has been created, using the same format as the earlier Options Summary for streamlining the development process, to indicate the proposed process changes with the new board **(Attachment 2 - Proposed Process Reconfiguration)**.

CDRB Composition

The working Group proposed a CDRB consisting of five regular (voting) members and two ex-officio staff members. The Planning Division Manager would be the non-voting Chair of the Board, and the Economic Development Manager would be the non-voting Vice Chair. These staff members are recommended in order to maintain consistency and continuity on the Board, and to provide Town policy and code expertise.

At least three (3) regular members shall be currently or previously practicing in the field of art, architecture, landscape architecture, planning, engineering, development, construction, or otherwise qualified by a design background, training, or experience. One (1) regular member, with the above experience, may be a non-resident of the Town. All regular members are voting members and shall serve a maximum of two (2) three-year terms.

Further definition of the CDRB, the process steps, and review elements are provided in **Attachment 3 - Conceptual Design Review Board**. In addition, visual representations of what conceptual site plans, architecture, art and signage would consist of are included as **Attachment 4 - Conceptual Design Examples**.

FISCAL IMPACT:

The Town and applicants will realize savings in the following areas:

- A reduction in staff (non-exempt) costs, facility usage, and board meal service costs due to the corresponding reduction in number of boards and board after hours meetings (overtime costs or compensatory time)
- Printing and reproduction costs for Town and applicant
- Consultant and submittal costs for applicant

CONCLUSION/RECOMMENDATION:

Staff recommends consolidating the like functions of the ARC and DRB into a new board, Conceptual Design Review Board (CDRB). This will reduce the number of times a project must seek approval from a public body. Reviewing projects earlier in the design process will streamline the development review process and reduce the overall time required for development to occur. This will also create the ability to achieve more "getting to shovel ready" projects, and enhance the effectiveness of resident input to improve "community fit". These positive changes will be an inducement to business to develop in Oro Valley and ultimately increase revenue by stimulating new development. This proposed change is community and business-focused, and will provide sustainable development practices and fiscal stability for years to come.

Duties of the CDRB should include:

- Conceptual Site Plan (formerly known as Development Plan) - Review and recommendation to Town Council for approval.
- Conceptual Architecture - Review and recommendation to Town Council for approval
- Conceptual Art – Review and recommendation to Town Council for approval
- Conceptual Master Sign Program and Non-conforming Signs - Review and approval

The CDRB membership should consist of five regular voting members and two non-voting staff members. At least three (3) regular voting members shall be currently or previously practicing in the field of art, architecture, landscape architecture, planning, engineering, development, construction, or otherwise qualified by a design background, training, or experience. One (1) regular member, with the above experience, may be a non-resident of the Town. The Planning Division Manager would be the non-voting Chair of the Board, and the Economic Development Manager would be the non-voting Vice Chair. In addition, it is recommended that the Chair and/or Vice Chair become voting members should it be necessary due to lack of quorum or a tie.

The current Design Guidelines should be updated and transformed into Design Standards that are definitive, but not overly restrictive, and incorporated into the Zoning Code for greater consistency in project requirements.

These positive changes will be an inducement to business to develop in Oro Valley and ultimately increase revenue by stimulating new development. The recommendation is community- and business-focused, and will provide sustainable development practices and fiscal stability.

Action / Implementation Process

1. Revise Zoning and Town Code to affect the above recommendation.

• Initiate code revisions	December 2010 - February 2011
• Planning and Zoning Commission	February – March 2011
• Town Council	March – April 2011

2. Advertise, interview and appoint new CDRB members.

• Create CDRB "job description" and criteria	December 2010 – January 2011
• Advertise and Interview applicants	February 2011

- Town Council March – April 2011

3. Disband DRB and ARC upon adoption of revised Zoning and Town Code.

   - Town Council March – April 2011

4. Create Design Standards

   - Initiate standards In progress - February 2011
   - Review draft with technical committee March – April 2011
   - Finalize standards April – May 2011
   - Planning and Zoning Commission May – June 2011
   - Town Council June – July 2011

SUGGESTED MOTION:

I MOVE to create the Conceptual Design Review Board, with duties and composition as outlined in Attachment 3, and direct staff to initiate revisions to the Town Code and Zoning Code to effect this result. I further move to disband the operation of the Development Review Board and Art Review Commission and terminate the current members of each of these respective public bodies effective upon adoption of Town Code and Zoning Code revisions implementing the Conceptual Design Review Board.

Attachments

Link: Attachment 1 - Options Summary

Link: Attachment 2 - Proposed Process Reconfiguration

Link: Attachment 3 - Conceptual Design Review Board

Link: Attachment 4 - Conceptual Design Examples

Options Summary

	Document Type	Current Process		Revised Streamlined Process					
		OPTION A		OPTION B		OPTION C		OPTION D	
		RECOMMENDING BODY	APPROVAL BODY	RECOMMENDING BODY	APPROVAL BODY	RECOMMENDING BODY	APPROVAL BODY	RECOMMENDING BODY	APPROVAL BODY
1	General Plan Amendment	P&Z	Mayor & Council	No Change	No Change	No Change	No Change	No Change	No Change
2	Rezoning	P&Z	Mayor & Council	No Change	No Change	No Change	No Change	No Change	No Change
3	OVZCR Text Amendments	P&Z	Mayor & Council	No Change	No Change	No Change	No Change	No Change	No Change
4	New Planned Area Developments (PAD's)	P&Z	Mayor & Council	No Change	No Change	No Change	No Change	No Change	No Change
5	PAD Amendments	P&Z	Mayor & Council	No Change	No Change	No Change	No Change	No Change	No Change
6	Development Plans	DRB	Mayor & Council	Staff replaces DRB	No Change	Staff replaces DRB	No Change	N/A	Staff replaces Mayor & Council
7	Preliminary Plats	DRB	Mayor & Council	Staff replaces DRB	No Change	Staff replaces DRB	No Change	N/A	Staff replaces Mayor & Council
8	Landscape Plans/NPPO	Staff	DRB	N/A	Staff replaces DRB	N/A	Staff replaces DRB	N/A	Staff replaces DRB
9	Alternative Parking Analysis	Staff	DRB	N/A	Staff replaces DRB	N/A	Staff replaces DRB	N/A	Staff replaces DRB
10	Final Plats	Staff	Mayor & Council	No Change	No Change	No Change	No Change	No Change	No Change
11	Final Plats - Scriveners Error	N/A	Staff	No Change	No Change	No Change	No Change	No Change	No Change
12	Signs - Permanent - Code Compliant	Staff	DRB	N/A	Staff replaces DRB	N/A	Staff replaces DRB	N/A	Staff replaces DRB
13	Signs - Permanent - Not - Code Compliant	DRB	Mayor & Council	Staff replaces DRB	No Change	Staff replaces DRB	No Change	Staff replaces DRB	No Change
14	Signs - Temporary	N/A	Staff	No Change	No Change	No Change	No Change	No Change	No Change
15	Signs - PAD Exemptions	DRB	Mayor & Council	Staff replaces DRB	No Change	Staff replaces DRB	No Change	N/A	Staff replaces Mayor & Council
16	Signs - Comprehensive Sign Package	DRB	Mayor & Council	Staff replaces DRB	No Change	Staff replaces DRB	No Change	N/A	Staff replaces Mayor and Council
17	Conditional Use Permits (CUP's)	P&Z	Mayor & Council	No Change	No Change	No Change	No Change	Staff replaces P&Z	P&Z replaces Mayor & Council
See Note 1	**18 Architecture - Model Homes**	**Staff**	**DRB**	**No Change**	**No Change**	**N/A**	**Staff replaces DRB**	N/A	Staff replaces DRB
See Note 1	**19 Architecture - Custom Homes, Additions**	**Staff**	**DRB**	**No Change**	**No Change**	**N/A**	**Staff replaces DRB**	N/A	Staff replaces DRB
See Note 1	**20 Architecture - Commercial**	**Staff**	**DRB**	**No Change**	**No Change**	**N/A**	**Staff replaces DRB**	N/A	Staff replaces DRB
21	Grading Exceptions	DRB	Mayor & Council	Staff replaces DRB	No Change	Staff replaces DRB	No Change	N/A	Staff replaces Mayor & Council
22	Communication Facility - Tier 1	N/A	Staff	No Change	No Change	No Change	No Change	No Change	No Change
23	Communication Facility - Tier 2	DRB	Mayor & Council	Staff replaces DRB	No Change	Staff replaces DRB	No Change	N/A	Staff replaces Mayor & Council
24	Communication Facility - Major	DRB	Mayor & Council	Staff replaces DRB	No Change	Staff replaces DRB	No Change	N/A	Staff replaces Mayor & Council
25	Variances	Staff	BOA	No Change	No Change	No Change	No Change	No Change	No Change
26	Time Extensions	Staff	Mayor & Council	No Change	No Change	No Change	No Change	N/A	Staff replaces Mayor & Council
		Staff, DRB, P&Z, BOA and Mayor & Council maintain their current recommendation and approval responsibilities		Staff assumes **most DRB** recommendation & approval responsibilities. **DRB is renamed to Design Review Board and reviews architecture only**		Staff assumes **all DRB** recommendation & approval responsibilities. **DRB is eliminated**		Staff assumes **all DRB** recommendation & approval responsibilities. Staff assumes most approval responsibilities by Mayor & Council not directed by State statute. **DRB is eliminated**	

Revised Process Color Legend

No Suggested Process Change

Suggested Change in Process

Note 1 - This area represents the only difference in recommendation and approval responsibilities between options B & C

Proposed Process Reconfiguration

	Process Document Type	Current Process		Proposed Process	
		RECOMMENDING BODY	APPROVAL BODY	RECOMMENDING BODY	APPROVAL BODY
1	General Plan Amendment	P&Z	Mayor & Council	No Change	No Change
2	Rezoning	P&Z	Mayor & Council	No Change	No Change
3	OVZCR Text Amendments	P&Z	Mayor & Council	No Change	No Change
4	New Planned Area Developments (PAD's)	P&Z	Mayor & Council	No Change	No Change
5	PAD Amendments	P&Z	Mayor & Council	No Change	No Change
6	***Conceptual Site Plans*** (f.k.a. Development Plans) including Residential Subdivsions	DRB	Mayor & Council	CDRB	No Change
7	***Conceptual*** Architecture - Commercial	Staff	DRB	CDRB	Mayor & Council
8	***Conceptual*** Architecture - Model Homes	Staff	DRB	No Change	No Change
9	***Conceptual*** Architecture - Custom Homes, Additions	Staff	DRB	N/A	Staff
10	***Conceptual*** Art	Staff	ARC	CRDB	Mayor & Council
11	Preliminary Plats	DRB	Mayor & Council	Staff	Staff
12	Landscape Plans/NPPO	Staff	DRB	N/A	Staff
13	Alternative Parking Analysis	Staff	DRB	N/A	Staff
14	Final Plats	Staff	Mayor & Council	No Change	No Change
15	Final Plats - Scriveners Error	N/A	Staff	No Change	No Change
16	Signs - Permanent - Code Compliant	Staff	DRB	N/A	Staff
17	Signs - Permanent - Non Code Compliant	DRB	Mayor & Council	Staff	CDRB
18	Signs - Temporary	N/A	Staff	No Change	No Change
19	Signs - PAD Exemptions	DRB	Mayor & Council	Staff	CDRB
20	Signs - Master Sign Program	DRB	Mayor & Council	Staff	CDRB
21	Conditional Use Permits (CUP's)	P&Z	Mayor & Council	No Change	No Change
22	Grading Exceptions	DRB	Mayor & Council	Staff	No Change
23	Communication Facility - Tier 1	N/A	Staff	No Change	No Change
24	Communication Facility - Tier 2	DRB	Mayor & Council	CDRB	No Change
25	Communication Facility - Major	DRB	Mayor & Council	CDRB	No Change
26	Variances	Staff	BOA	No Change	No Change
27	Time Extensions	Staff	Mayor & Council	No Change	No Change

Revised Process Color Legend

No Suggested Process Change

Suggested Change in Process

Current recommendation and approval esponsibilities of Staff, DRB, P&Z, ARC, BOA, and Mayor & Council

DRB and ARC are disbanded and a new board, Conceptual Design Review Board (CDRB), is created to perform the combined and revised duties noted above

CONCEPTUAL DESIGN REVIEW BOARD (CDRB)

Disband the current Architectural Review Commission (ARC) and Development Review Board (DRB) and create one new board, **Conceptual Design Review Board (CDRB)**, with the following duties:

- Conceptual Site Plan (formerly known as development plan) - Review and recommendation to Town Council for approval.
- Conceptual Architecture (Option B of the Options Summary) - Review and recommendation to Town Council for approval
- Conceptual Art – Review and recommendation to Town Council for approval
- Conceptual Master Sign Program and Non-conforming Signs - Review and approval

The Conceptual Site Plan, Architecture and Art shall be submitted for review and recommendation to Town Council for approval at the same CDRB meeting. Staff assumes all other recommendation and approval responsibilities formerly reviewed and approved by the DRB and ARC. Appeals of CDRB decisions shall be heard by Town Council.

CDRB shall consist of five regular (voting) members and two ex-officio staff members. The Planning Division Manager shall serve as the non-voting Chair of the Board, and the Economic Development Manager shall serve as the non-voting Vice Chair. All regular members are voting members and shall serve a maximum of two (2) three-year terms.

At least three (3) regular members shall be currently or previously practicing in the field of art, architecture, landscape architecture, planning, engineering, development, construction, or otherwise qualified by a design background, training, or experience. One (1) regular member with the above experience may be a non-resident of the Town. Meetings shall be held twice monthly, on the 2nd and 4th Tuesday at 4:00 p.m.

CONCEPTUAL DESIGN REVIEW PROCESS STEPS

1. Pre-Application Meeting

2. Neighborhood Meeting(s)
    a. Conceptual design review elements are required for meetings
    b. Project timeline

3. Submittal of Conceptual Design Review Elements

4. Internal staff review and DRC

5. Submittal to CDRB
    a. Conceptual Site Plan, Architecture, and Art for review and recommendation to Town Council for approval
    b. Master Sign Program for review and approval. (Note - Master Sign Program may be a separate submittal at a different time.)

6. Submittal to Council
    a. Approval of Conceptual Site Plan (formerly Development Plan), Architecture, and Art
        i. All Conceptual Design Review Elements included in attachment to Council item

CONCEPTUAL DESIGN REVIEW ELEMENTS

1. **Conceptual Site Plan** (formerly known as Development Plan)
    - Site layout including:
        - All Buildings (roof plan with mechanical screening shown) and other structures including trash enclosures
        - Site access and general circulation (public and service noted)
        - Parking layout and loading/unloading areas
        - Drive thru(s)
        - Dimensioned buffer yard
        - Dimensioned building setbacks, required and actual
        - Pedestrian gathering area (as needed or if code req'd)
        - Landscape (include legend)
        - Art location(s)
        - All site signage (monument, entry, etc.) location
        - Existing grade line (2 to 10 foot intervals, depending on topography)
    - Data including:
        - Building (each)
            - square footage
            - maximum building height (top of parapets / ridgeline)
            - storey
            - use
            - anticipated finish floor elevation
        - Site
            - FAR
            - Parking spaces, required and actual
            - Lighting standard height

2. Conceptual Architecture

a. Site / Building Cross Sections (2 minimum)
- Overall topography in relationship to neighboring property
- Existing grade line
- Building(s) with floor elevation and heights (roof, parapet, screen, architectural feature)

b. Conceptual Building Design
- Overall building composition
- Façade design elements
- Entry, building, and other structures vignettes
- Architectural features
- Building materials
- Building color palette (ranges or options)

3. **Conceptual Art**
   - Narrative description and concept purpose statement.
   - Artist information and background
   - Conceptual design
   - Materials
   - Color palette (ranges or options)
   - Location (shown on Conceptual Site Plan)

4. **Master Sign Program or Non-conforming Signs**
   - Types of Signs (wall mounted, freestanding, etc.) and sign construction (pan channel, cabinet, flat cut out, etc.) w/ elevation vignettes
   - Materials
   - Color palette (ranges or options), include faces, returns, and trim
   - Illumination type (halo, internal, etc.) and color of illumination
   - Size of signs. Determine square footage, height and length
   - Locations (shown on Conceptual Site Plan and building elevations/vignettes), note front only, front & back, three or four sides.
   - Consider if logos and trademarks will be regulated

Town Council Regular Session **Item # 5. b.**

Meeting Date: 05/18/2011

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

Department: Development Infrastructure Services

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)11-15 AMENDMENTS TO THE ZONING CODE AND TOWN CODE RELATING TO THE ESTABLISHMENT OF THE CONCEPTUAL DESIGN REVIEW BOARD AND CONCEPTUAL DESIGN REVIEW PROCESS, REPLACING THE DEVELOPMENT REVIEW BOARD AND ART REVIEW COMMISSION, INCLUDING PORTIONS OF CHAPTERS 21, 22, 23, 24, 25, 26, 27, 28, AND 31, OF THE ORO VALLEY ZONING CODE REVISED AND CHAPTER 3 OF THE TOWN CODE, OV711-03

RECOMMENDATION:

Staff recommends adoption of Ordinance No. (O)11-15 with the unanimous concurrence of the Planning and Zoning Commission (see Attachment #1 and Attachment #2, Exhibit "A").

EXECUTIVE SUMMARY:

On December 1, 2010, the Town Council took action to establish the Conceptual Design Review Board (CDRB), replacing the Development Review Board (DRB) and Art Review Commission (ARC). The CDRB will review and make recommendations to Town Council for conceptual design, including conceptual site plans, conceptual architecture, and conceptual public art. The Planning and Zoning Commission (P&ZC) held a public hearing on April 19, 2011, and recommended unanimous approval of the proposed Zoning Code and Town Code amendments. Please refer to the April 19, 2011, and April 5, 2011, staff reports (see Attachments #3 and 4) for additional background and information regarding the proposed code amendments.

BACKGROUND OR DETAILED INFORMATION:

The creation of the new CDRB and design review process, approved by the Town Council on December 1, 2010, entails a comprehensive revision and, in some cases, rewriting of the Zoning Code and one section of the Town Code. All references to the DRB or ARC in the Zoning Code and Town Code have been replaced, stricken, or rewritten to reflect the new process and/or recommending or approval authority of the CDRB.

A three-member Council work group, composed of Councilmembers Gillaspie, Solomon, and Waters, have held (3) meetings to date to discuss and review the proposed code changes. In addition, the Legal Department has reviewed the code amendments. The attached code amendments integrate the Council work group and Legal Department's edits and suggestions.

While many of the attached code revisions can be categorized as "clean up" (i.e. changing the name of the reviewing or approval body), some are more crucial to implementing the new design review process which is composed of two steps; conceptual design review and final design review. These more substantial sections include the following:

• Town Code-Chap. 3 Deletion of the DRB and ARC and creation of the CDRB

• Section 21.5 Scope and Authority of the CDRB
• Section 22.9 New Conceptual and Final Design Review Process; revised design review principles

A more detailed discussion of the aforementioned code sections as well as the highlights of the changes for each Zoning Code chapter are contained in the April 19, 2011, Planning and Zoning Commission report (see Attachment #4).

Planning and Zoning Commission Recommendations
The Planning and Zoning Commission and Metropolitan Pima Alliance (MPA) suggested several changes which staff concurs strengthen and clarify the ordinance. These suggested changes include:

- Deletion of one occurrence of the term "community fit" in Section 22.9.D.2.F.
- Addition of the term "preliminary" to building color palette in Section 22.9.D.2.b.ii for conceptual architectural standards to allow some flexibility in the selection of colors for the final design.
- Deletion of the subjective terms "minor" and "common sense" in Section 22.9.E.7 in reference to Planning and Zoning Administrator changes to approved plans based on the subjective use of these terms.
- An additional criteria has been added to Section 22.9.E.7 ("F"), which states that the proposed change, "achieves the same intent as the approved conceptual design".

Further, an additional review of the draft code amendments for typos, grammar, and overall consistency and flow has been completed.

FISCAL IMPACT:

There is no fiscal impact associated with this amendment. Given the replacement of the DRB and the ARC, administration of the Conceptual Design Review Board is not anticipated to require additional Town staff resources.

SUGGESTED MOTION:

I MOVE to [adopt, adopt with conditions, or deny] Ordinance No. (O)11-15, revisions to Zoning Code and Town Code replacing the Development Review Board and Art Review Commission with the new Conceptual Design Review Board and conceptual design process, including portions of Chapters 21, 22, 23, 24, 25, 26, 27, 28, and 31, in the Oro Valley Zoning Code Revised and Chapter 3 of the Oro Valley Town Code, as shown in Attachment #2 (Exhibit "A").

Attachments

Ord 11-15
Att #2-Exhibit "A"
Att #3-4/5/11 PZC Report
Att #4-4/19/11 PZC Report

ORDINANCE NO. (O)11-15

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY ZONING CODE REVISED, RELATING TO THE CONCEPTUAL DESIGN REVIEW BOARD, AMENDING CHAPTER 21, REVIEW AND DECISION MAKING BODIES, CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, CHAPTER 23, ZONING DISTRICTS, CHAPTER 24, SUPPLEMENTARY DISTRICT REGULATIONS, CHAPTER 25, USE REGULATIONS, CHAPTER 26, SUBDIVISION AND DEVELOPMENT PLANS, CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, CHAPTER 28, SIGNS AND CHAPTER 31, DEFINITIONS, AND CHAPTER 3, ADMINISTRATION, IN THE ORO VALLEY TOWN CODE TO ESTABLISH THE CONCEPTUAL DESIGN REVIEW BOARD AND THE CONCEPTUAL DESIGN REVIEW PROCESS; 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 creation of the Conceptual Design Review Board (CDRB) and the design review process were approved by Mayor and Council on December 1, 2010; and

WHEREAS, the proposed amendments to Chapter 21, Review and Decision Making Bodies, Chapter 22, Review and Approval Procedures, Chapter 23, Zoning Districts, Chapter 24, Supplementary District Regulations, Chapter 25, Use Regulations, Chapter 26, Subdivision and Development Plans, Chapter 27, General Development Standards, Chapter 28, Signs and Chapter 31, Definitions, and Chapter 3, Administration in the Town Code, reflect the new concept review process and the new recommending or approving authority, the CDRB; and

WHEREAS, the Planning and Zoning Commission reviewed the proposed amendments to Chapters 21, 22, 23, 24, 25, 26, 27, 28 and 31 of the Zoning Code and Chapter 3 of the Town Code at a duly noticed public hearing on April 19, 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 Chapters 21, 22, 23, 24, 25, 26, 27, 28 and 31 of the Zoning Code and Chapter 3 of the Town Code 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, Chapter 22, Review and Approval Procedures, Chapter 23, Zoning Districts, Chapter 24, Supplementary District Regulations, Chapter 25, Use Regulations, Chapter 26, Subdivision and Development Plans, Chapter 27, General Development Standards, Chapter 28, Signs and Chapter 31, Definitions, and Chapter 3, administration, of the Town Code, attached hereto as Exhibit "A", are hereby amended with additions being shown in ALL CAPS and deletions being shown in ~~strikethrough~~ text.

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 .

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 18th 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”

CHAPTER 21
ZONING CODE AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 21 (REVIEW AND DECISION-MAKING BODIES)

Contents

Section 21.4.B Powers and Duties of the Planning and Zoning Administrator
Section 21.5.A Conceptual Design Review Board-Scope
Section 21.5.B Conceptual Design Review Board -Powers and Duties
Section 21.5.C Conceptual Design Review Board -Transaction of Business
Section 21.5.D Conceptual Design Review Board Board-Effect of Decisions
Section 21.8 Art Review Commission

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck .~~
New punctuation indicated with an underline.

Section 21.1 through 21.3 NO CHANGES

Section 21.4 Planning and Zoning Department

21.4.A - NO CHANGES

21.4.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.:

1 through 10 NO CHANGES

11. Other Duties

The Planning and Zoning Administrator acts as the Executive Secretary of the Planning and Zoning Commission and ~~Executive Secretary~~CHAIRMAN AND EXECUTIVE SECRETARY of the CONCEPTUAL DESIGN ~~Development~~ Review Board. The Planning and Zoning Administrator is responsible for accurate and complete transmittal and recordation of Commission and Board actions. When functioning as Executive Secretary of the Planning and Zoning Commission or CHAIRMAN OF the CONCEPTUAL DESIGN ~~Development~~ Review Board before the Town Council, the Planning and Zoning Administrator shall represent the Planning and Zoning Commission and CONCEPTUAL DESIGN ~~Development~~ Review Board actions to the Town Council. The Planning and Zoning Administrator performs such other functions as may be necessary in the administration of the department or as provided by the Town Council and Town Manager.

Section 21.5 CONCEPTUAL DESIGN ~~Development~~ Review Board

A. Scope

The CONCEPTUAL DESIGN ~~Development~~ Review Board (CDRB) is intended to promote harmonious, safe, attractive, and compatible development and ~~is, therefore, considered to be in furtherance of~~FUNCTIONS TO ENHANCE THE health, safety, and general welfare OF TOWN RESIDENTS. The ~~Development Review Board~~ CDRB ~~shall~~ recognizeS the interdependence of land values, aesthetics, and good site planning necessary to protect the distinctive character and natural resources of the Town ~~of Oro Valley~~.

B. Powers and Duties

1. The ~~Development Review Board~~ CDRB ~~may review all aspects of a proposed development SHALL~~ REVIEWS CONCEPTUAL SITE PLANS, CONCEPTUAL ~~ARCHITECTURE~~ARCHITECTURAL DESIGN PLAN, MODEL HOME ARCHITECTURE, CONCEPTUAL ART PLAN, AND MASTER SIGN PROGRAMS, ~~AND~~ SIGN CRITERIA~~,~~, AND PAD ~~EXEMPTION SIGN~~SIGN EXEMPTION PROPOSALS.

2. ~~The Development Review Board shall review subdivision plats and development plans in accordance with Chapter 26, including site planning and the relationship of the development to the surrounding environment and the community. The Development Review Board shall review all proposed architecture, landscape plans, and grading plans.~~ CDRB REVIEW IS FOCUSED ON DESIGN CHARACTER AND COMMUNITY FIT FOR PROPOSED DEVELOPMENT.~~REVIEW SHALL IS FOCUSED ON DESIGN CHARACTER AND COMMUNITY FIT FOR THE PROPOSED DEVELOPMENT.~~

3. APPEALS OF CDRB DECISIONS ~~SHALL BE HEARD BY~~MAY BE TAKEN UP TO THE TOWN COUNCIL.

C. Transaction of Business

1. The ~~Development Review Board~~ CDRB shall conduct its business in accordance with ARIZONA REVISED STATUTES, applicable Town regulations and its rules and procedures as adopted by the Town Council.

2. The PLANNING AND ZONING Administrator ~~of the Planning and Zoning Department~~ shall ~~be the Executive Secretary~~ SERVES AS THE NON-VOTING CHAIR AND EXECUTIVE SECRETARY AND THE ECONOMIC DEVELOPMENT MANAGER ~~SHALL~~ SERVES AS THE NON-VOTING VICE-CHAIR OF THE ~~of the Development Review Board~~ CDRB.

~~3. THE TOWN CLERK SHALL BE THE EXECUTIVE SECRETARY OF THE CDRB.~~

3~~4~~. The ~~Development Review Board~~ CDRB Chair, or his/her designee, has the ~~right~~ RESPONSIBILITY to appear before the Town Council on items of interest to the ~~Development Review Board~~ CDRB.

D. Effect of Decisions

All ~~Development Review Board~~ CDRB recommendations, ~~final~~ actions, and findings of decisions shall be transmitted to the Town Council regardless of vote.

Section 21.6 AND 21.7 NO CHANGES

~~Section 21.8 Art Review Commission~~ **REPEAL SECTION**

~~A. Scope~~

~~In accordance with the General Plan Arts and Culture Element, the Art Review Commission is intended to evaluate the aesthetic value of public artwork, including privately owned public artwork, and facilitate the integration of artwork into publicly accessible spaces and the infrastructure of the community. The Commission's work shall include consideration of improvements and threats to public health, safety and welfare by ensuring that public artwork does not pose any safety hazards and is accessible to all members of the community.~~

~~B. Powers and Duties~~

~~1. The Art Review Commission shall review all aspects of proposed public artwork in accordance with Section 27.3. Further, the Art Review Commission shall act as the Public Art Selection Commission and shall review all public art projects associated with public construction projects. The Art Review Commission may review related information and plans, such as landscape design plans, that impact the location and accessibility of public artwork.~~

~~2. The Art Review Commission shall review and decide requests for public artwork approval including the design of artwork, qualifications of the artist, and the location, installation and setting of the artwork.~~

~~C. Transaction of Business~~

~~1. The Art Review Commission shall conduct its business in accordance with applicable Town regulations and its rules and procedures as adopted by the Town Council.~~

~~2. The Planning and Zoning Director shall be the Secretary of the Art Review Commission.~~

~~3. The Art Review Commission Chair, or his/her designee, has the right to appear before the Town Council on items of interest to the Art Review Commission.~~

~~D. Effect of Decisions~~

~~All Art Review Commission final actions and findings of decisions shall be transmitted to the Town Council regardless of vote.~~

CHAPTER 22 ZONING CODE AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB SECTIONS 22.5, 22.6 & 22.9

Contents

Section 22.5.F	Use Permits-Development Review Board (deleted)
Existing Section 22.6	(At end of document)To be repealed and folded into Chapter 22.9
Existing Section 22.9	(At end of document) To be repealed and folded into Chapter 22.9
Section 22.9.A (New)	Applicability
Section 22.9.B	Pre-Application Conf./Development Review Committee
Section 22.9.C	Administrative Review of Minor Land Divisions
Section 22.9.D (New)	Conceptual Design
Section 22.9.E (New)	Final Design
Section 22.9.F (New)	Final Plat
Section 22.9.G (New)	Conceptual & Final Design Stages

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck.~~
New punctuation indicated with an underline.

Section 22.5 Use Permits

22.5.A THROUGH E NO CHANGES

~~*22.5.F Development Review Board*~~

~~No structure or building shall be built or remodeled under the conditions of a use permit until Development Review Board approval has been obtained as outlined in Section 22.5.~~

(Editor's Note: Existing Section 22.6 to be repealed and folded into Section 22.9)

~~*Section 22.6 Conceptual Design Review*~~

Section 22.9 DESIGN REVIEW

DESIGN REVIEW ENTAILS A TWO-STEP PROCESS, CONCEPTUAL DESIGN AND FINAL DESIGN. THE CONCEPTUAL DESIGN SUBMITTAL CONSISTS OF CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ART PLAN, AND CONCEPTUAL ARCHITECTURAL DESIGN PLAN.

FINAL DESIGN SUBMITTALS INCLUDE CONSTRUCTION DRAWINGS (INCLUDING FINAL SITE PLAN BASED ON THE APPROVED CONCEPTUAL SITE PLAN; BUILDING PLANS; IMPROVEMENT PLANS; FINAL PUBLIC ART PLANS; FINAL ARCHITECTURAL DESIGN SUBMITTAL; NATIVE PLANT PRESERVATION,

SALVAGE AND MITIGATION PLANS; AND LANDSCAPE, IRRIGATION, WATER HARVESTING, AND BUFFERYARD PLANS AND/OR FINAL PLAT). FINAL DESIGN SUBMITTALS ARE SUBJECT TO TOWN STAFF APPROVAL.

SECTION 22.9.A APPLICABILITY

A. DESIGN REVIEW APPLICABILITY

1. THE CONCEPTUAL DESIGN REVIEW BOARD (CDRB) SHALL REVIEW ALL APPLICATIONS PRESCRIBED IN SECTION 21.5.B.

2. THE CONCEPTUAL DESIGN REVIEW BOARD SHALL MAKE RECOMMENDATIONS TO THE TOWN COUNCIL REGARDING CONCEPTUAL DESIGN SUBMITTALS FOR ALL RESIDENTIAL OR NON-RESIDENTIAL DEVELOPMENT, CONCEPTUAL NON-RESIDENTIAL CONCEPTUAL ARCHITECTURAL DESIGN,CONCEPTUAL PUBLIC ART DESIGN, AND CONCEPTUAL MODEL HOME ARCHITECTURE .

3. THE CONCEPTUAL DESIGN REVIEW BOARD IS AUTHORIZED TO APPROVE, CONDITIONALLY APPROVE OR DISAPPROVE CONCEPTUAL MODEL HOME ARCHITECTURE, MASTER SIGN PROGRAMS, PAD SIGN EXEMPTIONS, AND SIGN CRITERIA. CDRB DECISIONS ARE SUBJECT TO TOWN COUNCIL APPEAL IN ACCORDANCE WITH SECTION 21.5.B THE CDRB SHALL BASE ITS DECISION ON THE DESIGN PRINCIPLES IN SECTION 22.9.D AND THE DESIGN STANDARDS WITHIN THE ZONING CODE.

4. PROHIBITION AGAINST CIRCUMVENTION OF CHAPTER

A. NO PERSON, FIRM, CORPORATION OR OTHER LEGAL ENTITY SHALL SELL OR LEASE, OR OFFER FOR SALE OR LEASE, ANY LOT, PARCEL OF LAND WHICH IS WITHIN A SUBDIVISION, AS DEFINED IN CHAPTER 31, WITHOUT FIRST HAVING RECORDED A PLAT THEREOF IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE.

B. NO BUILDING PERMIT SHALL BE ISSUED FOR CONSTRUCTION ON ANY LOT, PARCEL OF LAND THAT IS NOT A PART OF A RECORDED SUBDIVISION PLAT OR AN APPROVED MINOR LAND DIVISION UNTIL FINAL DESIGN HAS BEEN APPROVED IN ACCORDANCE WITH SECTION 22.9.E OF THIS CODE.

22.9.B PRE-APPLICATION CONFERENCE/DEVELOPMENT REVIEW COMMITTEE

1 THROUGH 3. NO CHANGES

4. Actions by Development REVIEW Committee

A THROUGH C. NO CHANGES

d. Determine the need for preparation and review of a development master plan prior to subsequent consideration of a preliminary plat and advise the subdivider if a development master plan is required and to what extent it shall be prepared by the developer.

5. DELETE

Section 22.9.C Administrative Review of Minor Land Divisions

NO CHANGES

SECTION 22.9.D CONCEPTUAL DESIGN REVIEW

1. CONCEPTUAL DESIGN REVIEW

CONCEPTUAL DESIGN APPROVAL IS REQUIRED FOR ALL NEW RESIDENTIAL AND NON-RESIDENTIAL PROJECTS IN THE TOWN.

THE CONCEPTUAL DESIGN REVIEW STAGE OF LAND DEVELOPMENT INCLUDES SUBMITTAL, REVIEW, AND APPROVAL OF THE CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ART PLAN AND CONCEPTUAL ARCHITECTURAL DESIGN PLAN.

2. CONTENTS

A. THE PLANNING AND ZONING ADMINISTRATOR, BUILDING OFFICIAL, AND TOWN ENGINEER SHALL PRESCRIBE THE FORM AND CONTENT OF APPLICATIONS AND NECESSARY ACCOMPANYING DATA. THE APPLICATION SHALL BE FILED WITH THE PLANNING AND ZONING ADMINISTRATOR.

B. THE CONCEPTUAL DESIGN SUBMITTAL SHALL CONSIST OF THE FOLLOWING:

I. CONCEPTUAL SITE PLAN INCLUDING GENERAL LAYOUT OF ALL BUILDINGS, STRUCTURES INCLUDING REFUSE ENCLOSURES, SITE ACCESS AND GENERAL CIRCULATION, PARKING AND LOADING AREAS, DRIVE THRU(S) , BUFFER YARDS, SETBACKS, LANDSCAPE, MONUMENT AND ENTRY SIGN LOCATIONS, RECREATION LOCATIONS, ASSOCIATED SITE AND BUILDING DATA TABLE

II. CONCEPTUAL ARCHITECTURAL DESIGN PLAN, INCLUDING OVERALL BUILDING COMPOSITION, FAÇADE DESIGN ELEMENTS, VIGNETTES OF THE FOLLOWING: ENTRY, BUILDING AND OTHER STRUCTURES, ARCHITECTUAL FEATURES, BUILDING MATERIALS, PRELIMINARY BUILDING COLOR PALETTE, BUILDING CROSS SECTIONS WITH FLOOR ELEVATION AND HEIGHTS (ROOF, PARAPET, SCREEN,

ARCHITECTURAL FEATURES). SITE CROSS SECTIONS DEPICTING OVERALL TOPOGRAPHY IN RELATION TO NEIGHBORING PROPERTY AND EXISTING GRADE LINE.

III. CONCEPTUAL PUBLIC ART PLAN INCLUDING NARRATIVE, ARTIST INFORMATION AND BACKGROUND, CONCEPTUAL DESIGN, MATERIALS, COLOR PALETTE, LOCATION AND OTHER INFORMATION REQUIRED BY SECTION 27.3.G.

C. APPLICATIONS SHALL BE MADE BY THE OWNER OF THE PROPERTY OR AUTHORIZED AGENT. IF THE APPLICANT IS NOT THE PROPERTY OWNER, A NOTARIZED LETTER FROM THE PROPERTY OWNER AUTHORIZING THE AGENT TO ACT ON BEHALF OF THE PROPERTY OWNER.

D. COPIES OF THE CONCEPTUAL DESIGN REVIEW PLANS AND REQUIRED SUPPORTING DATA SHALL BE PREPARED AND FILED IN ACCORDANCE WITH THE REQUIREMENTS SET BY THE PLANNING AND ZONING ADMINISTRATOR. COPIES OF THE CONCEPTUAL SITE PLAN SHALL BE REPRODUCED IN THE FORM OF BLUE LINE OR BLACK LINE PRINTS ON A WHITE BACKGROUND.

E. THE SUBMITTAL SHALL BE CHECKED BY THE PLANNING AND ZONING ADMINISTRATOR FOR COMPLETENESS AND ADEQUACY AND ASSIGNED A CASE NUMBER. IF INCOMPLETE OR OTHERWISE INADEQUATE, THE SUBMITTAL SHALL BE REJECTED AND THE APPLICANT NOTIFIED WITHIN 14 CALENDAR DAYS OF THE DATE THE PLAN WAS RECEIVED. IF REJECTED, THIS CONSTITUTES AN ORIGINAL SUBMITTAL.

F. TO AVOID DELAY IN PROCESSING THE APPLICATION, THE APPLICANT SHALL PROVIDE ALL INFORMATION ESSENTIAL TO DETERMINE GENERAL CODE CONFORMANCE AND GENERAL ACCEPTABILITY OF THE PROPOSED DEVELOPMENT.

G. SHEDULING OF THE CASE FOR CONCEPTUAL DESIGN REVIEW BOARD MEETING SHALL BE DEPENDENT UPON ADEQUACY OF INFORMATION PRESENTED AND COMPLETION OF PROCESSING. THE PLANS AND REQUIRED SUPPORTING DATA MUST BE CERTIFIED COMPLETE AND ACCEPTABLE NO LESS THAN 15 BUSINESS DAYS PRIOR TO THE CONCEPTUAL DESIGN REVIEW BOARD MEETING AT WHICH THE APPLICANT DESIRES TO BE HEARD.

3. CONCEPTUAL DESIGN REVIEW PROCESS

A. COMPLIANCE WITH ZONING, INCLUDING CONDITIONS OF REZONING.

THE DEVELOPMENT SHALL BE DESIGNED TO MEET THE SPECIFIC REQUIREMENTS FOR THE ZONING DISTRICT WITHIN WHICH IT IS

LOCATED. IN THE EVENT THAT AMENDMENT OF ZONING IS DEEMED NECESSARY, THE REZONING SHALL PROCEED ACCORDING TO THE REQUIREMENTS OF SECTION 22.3 OF THIS CODE. ANY CHANGE IN ZONING REQUIRED IN RELATION TO THE CONCEPTUAL SITE PLAN SHALL HAVE BEEN AUTHORIZED BY THE TOWN COUNCIL PRIOR TO APPROVAL OF THE CONCEPTUAL SITE PLAN.

B. THE PLANNING AND ZONING ADMINISTRATOR SHALL DISTRIBUTE COPIES OF THE CONCEPTUAL DESIGN REVIEW SUBMITTAL, INCLUDING THE CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ART PLAN AND CONCEPTUAL ARCHITECTURAL DESIGN PLAN TO THE FOLLOWING REVIEW OFFICES:

I. THE PLANNING DIVISION FOR COMPLIANCE TO PUBLIC OBJECTIVES, GIVING SPECIAL ATTENTION TO DESIGN PRINCIPLES AS SET FORTH IN SECTION 22.9.D.5; APPLICABLE DESIGN STANDARDS WITHIN THE ZONING CODE; STREETS AND THOROUGHFARES AS RELATED TO THE TOWN STREETS AND HIGHWAY PLANS AND TO THE NEIGHBORHOOD CIRCULATION; UTILITY METHODS AND SYSTEMS; EXISTING AND PROPOSED ZONING AND LAND USE OF THE TRACT AND ITS ENVIRONS; AND LAND REQUIRED FOR SCHOOLS, PARKS AND OTHER PUBLIC FACILITIES.

II. THE TOWN ENGINEER FOR REVIEW OF THE PROPOSED STREET SYSTEM; STREET PLANS AND GENERAL COMPLIANCE WITH TOWN STREET STANDARDS; TENTATIVE DETERMINATION OF STREET AND DRAINAGE IMPROVEMENT AND MAINTENANCE REQUIREMENTS; LOCATION OF ARTWORK FOR SAFETY AND VISIBILITY; AND WATER AND SEWERAGE DISPOSAL PROPOSALS.

III. POLICE CHIEF FOR REVIEW OF FEATURES OF PROPOSED DEVELOPMENT RELATED TO PUBLIC SAFETY AND POLICE PROTECTION.

IV. FIRE DISTRICT FOR REVIEW OF FEATURES OF PROPOSED DEVELOPMENT RELATING TO PUBLIC SAFETY AND FIRE PROTECTION.

V. COUNTY HEALTH DEPARTMENT AND PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT FOR REVIEW OF WATER AND SEWERAGE DISPOSAL PROPOSAL.

VI. SUPERINTENDENT OF THE SCHOOL DISTRICT FOR THEIR INFORMATION.

VII. WHERE THE LAND ABUTS A STATE HIGHWAY, TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR RECOMMENDATIONS REGARDING RIGHT-OF-WAY AND INTERSECTION DESIGN.

VIII. APPROPRIATE UTILITIES FOR PRELIMINARY REVIEW OF CONCEPTUAL DESIGN.

IX. OTHER AGENCIES THAT MAY BE AFFECTED.

C. THE REVIEWING OFFICES SHALL TRANSMIT THEIR RECOMMENDATIONS IN WRITING TO THE PLANNING AND ZONING ADMINISTRATOR WHO SHALL PRESENT THEM TO THE CONCEPTUAL DESIGN REVIEW BOARD AND THE TOWN COUNCIL WITH HIS/HER REPORT.

4. CONCEPTUAL DESIGN APPROVAL PROCESS

A. IF THE PLANNING AND ZONING ADMINISTRATOR'S (PZA'S) REPORT INDICATES THAT THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET, THE CONCEPTUAL DESIGN REVIEW BOARD WILL CONSIDER THE CONCEPTUAL DESIGN SUBMITTAL AT THE NEXT REGULAR MEETING NOT LESS THAN 15 CALENDAR DAYS FROM THE DATE OF THE PZA'S REPORT. UPON CONSIDERATION, THE CONCEPTUAL DESIGN REVIEW BOARD SHALL FORWARD THE PLANS WITH ITS RECOMMENDATIONS TO THE TOWN COUNCIL.

B. THE TOWN COUNCIL SHALL CONSIDER THE CONCEPTUAL DESIGN SUBMITTAL AND CONCEPTUAL DESIGN REVIEW BOARD RECOMMENDATIONS AT ITS NEXT REGULARLY SCHEDULED MEETING NOT LESS THAN 10 CALENDAR DAYS AFTER SAID RECOMMENDATIONS ARE FORWARDED.

C. THE TOWN COUNCIL SHALL APPROVE, DISAPPROVE OR CONDITIONALLY APPROVE THE CONCEPTUAL DESIGN REVIEW SUBMITTAL. THE TOWN CLERK SHALL RECORD THE TOWN COUNCIL'S ACTION UPON AN OFFICIAL COPY OF THE CONCEPTUAL DESIGN SUBMITTAL AND SHALL RETURN A COPY OF THE ACTION TO EACH OF THE FOLLOWING: APPLICANT, APPLICANT'S ENGINEER, APPLICANT'S ARCHITECT, APPLICANT'S ARTIST, TOWN ENGINEER, PLANNING AND ZONING ADMINISTRATOR AND PRIVATE UTILITY COMPANIES, TOGETHER WITH ANY CONDITIONS FOR APPROVAL.

1. FINDINGS AND CONDITIONS

a. FOR APPLICATIONS THAT THE TOWN COUNCIL MAY APPROVE IN ACCORDANCE WITH THIS SECTION, SPECIFIC FINDINGS ARE REQUIRED.

b. THE TOWN COUNCIL MAY APPROVE, WITH OR WITHOUT CONDITIONS, AN APPLICATION IF THEY FIND THAT:

1). ALL PROVISIONS OF ORDINANCES OF THE TOWN HAVE BEEN COMPLIED WITH.

2). WHERE APPLICABLE, ALL PROVISIONS OF MASTER PLANS, THE ZONING CODE, PLANNED AREA DEVELOPMENTS, AND DEVELOPMENT POLICIES AND STANDARDS OF THE TOWN HAVE BEEN COMPLIED WITH.

c. THE TOWN COUNCIL MAY IMPOSE SUCH CONDITIONS AS IT MAY DEEM NECESSARY IN ORDER TO FULLY CARRY OUT THE PROVISIONS AND INTENT OF THIS CODE. VIOLATION OF ANY SUCH CONDITION SHALL BE A VIOLATION OF THIS CODE AND SUCH VIOLATION SHALL RENDER ANY PERMIT NULL AND VOID.

D. IF, IN THE OPINION OF THE TOWN STAFF, THE CONCEPTUAL DESIGN REVIEW BOARD OR TOWN COUNCIL, A CONCEPTUAL DESIGN SUBMITTAL IS DETERMINED TO BE DEFICIENT AND IS REJECTED AFTER THE CONCEPTUAL SITE PLAN SUBMITTAL WAS CERTIFIED COMPLETE, THEN ANY RESUBMITTAL MUST BE MADE AT LEAST 15 WORKING DAYS PRIOR TO THE MEETING AT WHICH THE PLAN WILL BE RECONSIDERED.

5. CONCEPTUAL DESIGN REVIEW PRINCIPLES AND CDRB ACTION

BACKGROUND: THE FOLLOWING DESIGN PRINCIPLES ARE CREATED AS A GUIDE TO INFORM CONCEPTUAL DESIGN REVIEW BOARD DECISIONS FOR CONCEPTUAL DESIGN REVIEW APPROVAL. APPLICABLE PRINCIPLES ARE INTENDED TO PROVIDE A FRAMEWORK FOR ASSESSMENT OF THE OVERALL PROJECT DESIGN.

THE PRINCIPLES LISTED BELOW ARE DESIGNED AS TOOLS TO ANALYZE THE RELATIONSHIP OF PROJECT CHARACTERISTICS (E.G. BUILDING PLACEMENT, SCALE, MASSING, COLORS, MATERIALS, ARCHITECTURAL STYLE) TO THE SURROUNDING AREA AND ARE INTENDED TO REQUIRE CONSIDERATION OF THE PROJECT CONTEXT AREA WITH THE GOAL OF ENHANCING THE BUILT AND NATURAL ENVIRONMENT WHILE MITIGATING PROJECT IMPACTS ON ADJACENT DEVELOPMENT.

THESE DESIGN PRINCIPLES ARE NOT INTENDED TO REQUIRE PROPOSED NEW DEVELOPMENT TO MIRROR OR MATCH ADJACENT DEVELOPMENT NOR

ESTABLISH A FINDING FOR PROJECT DENIAL BASED ON DIFFERENCES BETWEEN THE PROPOSED DEVELOPMENT AND THE SURROUNDING AREA. IT IS IMPORTANT TO NOTE THAT DISSIMILAR LAND USES WILL HAVE DISSIMILAR DEVELOPMENT STANDARDS AND DESIGN ELEMENTS. TRANSITIONAL DEVELOPMENT STANDARDS SHOULD BE EMPLOYED TO LESSEN THE IMPACT OF THE DEVELOPMENT ON THE SURROUNDING AREA.

A. CONCEPTUAL SITE DESIGN

1. BUILDING ORIENTATION: THE LOCATION, ORIENTATION AND SIZE OF STRUCTURES SHALL PROMOTE A COMPLEMENTARY RELATIONSHIP OF STRUCTURES TO ONE ANOTHER.

2. DRAINAGE/GRADING: SITE GRADING SHALL MINIMIZE IMPACTS ON NATURAL GRADE AND LANDFORMS AND PROVIDE FOR SUBTLE TRANSITIONS OF ARCHITECTURAL ELEMENTS TO GRADE. SIGNIFICANT CUTS AND FILLS IN RELATION TO NATURAL GRADE SHALL BE AVOIDED OR MINIMIZED TO THE EXTENT PRACTICAL GIVEN PROPERTY CONSTRAINTS.

3. CONNECTIVITY: STRENGTHEN THE USABILITY AND CONNECTIVITY OF THE PEDESTRIAN ENVIRONMENT INTERNALLY AND EXTERNALLY BY ENHANCING ACCESS TO THE PUBLIC STREET SYSTEM, TRANSIT, ADJOINING DEVELOPMENT AND PEDESTRIAN AND BICYCLE TRANSPORTATION ROUTES. WHERE APPROPRIATE, BUILDINGS AND USES SHOULD PROVIDE ACCESS TO ADJACENT OPEN SPACE AND RECREATIONAL AREAS.

B. CONCEPTUAL ARCHITECTURAL DESIGN

1. DESIGN: BUILDING ARCHITECTURAL DESIGN SHALL BE APPROPRIATE FOR THE CLIMATE AND CHARACTERISTICS OF THE SONORAN DESERT, INCLUDING INDIGENOUS AND TRADITIONAL TEXTURES, COLORS, AND SHAPES FOUND IN AND AROUND ORO VALLEY. ALL DEVELOPMENT SHALL MAINTAIN AND STRENGTHEN THE HIGH QUALITY OF DESIGN EXEMPLIFIED IN ORO VALLEY THROUGH PROJECT CREATIVITY AND DESIGN EXCELLENCE.

2. SCALE, HEIGHT AND MASS: BUILDING SCALE, HEIGHT AND MASS SHALL BE CONSISTENT WITH THE TOWN-APPROVED INTENSITY OF THE SITE, DESIGNATED SCENIC CORRIDORS, AND VALUED MOUNTAIN VIEWS. BUILDINGS SHALL BE DESIGNED TO RESPECT THE SCALE OF ADJOINING AREAS AND SHOULD MITIGATE THE NEGATIVE AND FUNCTIONAL IMPACTS THAT ARISE FROM SCALE, BULK AND MASS.

3. FAÇADE ARTICULATION: ALL BUILDING FACADES SHALL BE FULLY ARTICULATED, INCLUDING VARIATION IN BUILDING MASSING, ROOF PLANES, WALL PLANES, AND SURFACE ARTICULATION. ARCHITECTURAL ELEMENTS INCLUDING, BUT NOT LIMITED TO; OVERHANGS, TRELLISES, PROJECTIONS, AWNINGS, INSETS, MATERIAL, AND TEXTURE SHALL BE USED TO CREATE VISUAL INTEREST THAT CONTRIBUTE TO A BUILDING'S CHARACTER.

4. SIGNS: SIGN COLORS, DESIGN AND PLACEMENT SHALL BE COMPLEMENTARY AND INTEGRAL TO THE PROJECT'S ARCHITECTURAL AND SITE DESIGN THEMES.

5. SCREENING: BUILDING DESIGN AND SCREENING STRATEGIES SHALL BE IMPLEMENTED TO CONCEAL THE VIEW OF LOADING AREAS, REFUSE ENCLOSURES, MECHANICAL EQUIPMENT, APPURTENANCES, AND UTILITIES FROM ADJACENT PUBLIC STREETS AND NEIGHBORHOODS.

6. COMMUNICATION TOWERS: WIRELESS COMMUNICATION FACILITIES SHALL BE LOCATED IN AREAS AND DESIGNED IN A MANNER WHICH REDUCES THE VISUAL IMPACT ON THE PROPOSED PROJECT AND SURROUNDING AREA.

C. CONCEPTUAL ART DESIGN

1. LOCATION: PUBLIC ARTWORK LOCATIONS SHALL BE INTEGRATED WITH THE LAYOUT AND HARDSCAPE COMPONENTS OF THE SITE. TO THE EXTENT FEASIBLE, PUBLIC ARTWORK SHALL BE PLACED IN A HIGHLY VISIBLE AND PUBLICLY ACCESSIBLE LOCATION.

2. MATERIALS AND SAFETY: PROPOSED ARTWORK~~S~~ SHALL BE DESIGNED TO PREVENT HAZARDS TO THE PUBLIC. DURABILITY AND SAFETY OF MATERIALS SHALL BE CONSIDERED INCLUDING POTENTIAL AREAS OF EXCESSIVE WEAR OR DAMAGE, WHICH SHALL BE MITIGATED.

3. OBSTRUCTIONS: POTENTIAL FUTURE OBSTRUCTIONS, INCLUDING LANDSCAPE MATERIALS AT MATURITY OR FUTURE CONSTRUCTION, SHALL BE CONSIDERED WHEN LOCATING PUBLIC ART.

4. VIEWING AREA: LOCATIONS FOR ARTWORK SHOULD INCLUDE NEARBY ACCESSIBLE SEATING, WHEN APPROPRIATE, FROM WHICH THE ARTWORK CAN BE EASILY VIEWED.

5. ORIGINAL WORK: THE ARTWORK SHALL BE ORIGINAL AND NOT DUPLICATE EXISTING ARTWORK IN THE TOWN AND SHALL CONFORM TO COMMUNITY STANDARDS.

D. THE CONCEPTUAL DESIGN REVIEW BOARD (CDRB) SHALL FORWARD RECOMMENDATIONS TO THE TOWN COUNCIL FOR CONCEPTUAL DESIGN APPLICATIONS AS PROVIDED IN SUBSECTION 4.A. THE CDRB SHALL UTILIZE THE DESIGN PRINCIPLES IN SECTION 22.9.D.5 AND THE DESIGN STANDARDS WITHIN THE ZONING CODE IN EVALUATING CONCEPTUAL DESIGN REVIEW APPLICATIONS.

E. IN ACCORDANCE WITH SECTION 21.5.B, THE CDRB MAY APPROVE, WITH OR WITHOUT CONDITIONS, MASTER SIGN PROGRAMS, PAD SIGN EXEMPTIONS, AND SIGN CRITERIA.

1. ADDITIONAL PROCEDURES FOR CONCEPTUAL ARCHITECTURAL DESIGN REVIEW SHALL BE IN ACCORDANCE WITH SECTION 22.9.D.5.B.

2. SIGNS AND OTHER MATTERS THAT REQUIRE CDRB REVIEW SHALL BE ACCORDING TO THIS SECTION.

A. FINDINGS AND CONDITIONS

I. FOR APPLICATIONS THAT THE CDRB MAY APPROVE IN ACCORDANCE WITH SECTION 21.5.B, SPECIFIC FINDINGS ARE REQUIRED

II. THE CDRB MAY APPROVE, WITH OR WITHOUT CONDITIONS, AN APPLICATION IF THEY FIND THAT:

A. ALL PROVISIONS OF ORDINANCES OF THE TOWN HAVE BEEN COMPLIED WITH.

B. WHERE APPLICABLE, ALL PROVISIONS OF THE ZONING CODE, PLANNED AREA DEVELOPMENTS, AND DEVELOPMENT POLICIES AND STANDARDS OF THE TOWN HAVE BEEN COMPLIED WITH.

III. THE CDRB MAY IMPOSE SUCH CONDITIONS AS IT MAY DEEM NECESSARY IN ORDER TO FULLY CARRY OUT THE PROVISIONS AND INTENT OF THIS CODE. VIOLATION OF ANY SUCH CONDITION SHALL BE A VIOLATION OF THIS CODE AND SUCH VIOLATION SHALL RENDER ANY PERMIT NULL AND VOID.

6. EXPIRATION OF APPROVAL

A. THE APPROVAL OF AN APPLICATION BY THE CDRB SHALL EXPIRE AND BECOME NULL AND VOID TWO YEARS FROM THE DATE OF APPROVAL IF A BUILDING PERMIT HAS NOT BEEN ISSUED UNLESS A DIFFERENT TIME PERIOD IS MADE A CONDITION OF CDRB APPROVAL OR UNLESS AN EXTENSION HAS BEEN GRANTED.

B. AN EXTENSION OF ANY DEVELOPMENT APPROVAL MAY BE GRANTED BY THE TOWN COUNCIL IF THE APPLICANT FILES FOR THE EXTENSION PRIOR TO THE APPROVAL BECOMING VOID AND THE TOWN COUNCIL DETERMINES THE CIRCUMSTANCES JUSTIFY AN EXTENSION. IN NO CASE SHALL AN EXTENSION BE MORE THAN ONE YEAR.

7. ENFORCEMENT

A. THE PLANNING AND ZONING ADMINISTRATOR SHALL ENSURE THAT ALL MATTERS APPROVED BY THE CDRB ARE UNDERTAKEN AND COMPLETED ACCORDING TO THE APPROVAL OF THE CDRB.

B. PRIOR TO ISSUANCE OF A BUILDING OR SIGN PERMIT THE BUILDING OFFICIAL SHALL ASCERTAIN THAT THE TOWN HAS APPROVED PLANS WHICH ARE IN CONFORMANCE WITH CDRB APPROVAL AND THE TIME LIMITATIONS IMPOSED BY THIS CODE OR THE CDRB. NO BUILDING PERMIT SHALL BE ISSUED LESS THAN 20 DAYS AFTER CDRB APPROVAL IN ORDER TO ALLOW APPEAL OR REVIEW AS STATED IN SUBSECTION 22.9.D.8 BELOW.

C. TOWN ENGINEER APPROVAL OF GRADING AND IMPROVEMENT PLANS IS REQUIRED PRIOR TO ISSUANCE OF THE GRADING PERMIT.

8. APPEAL AND TOWN COUNCIL REVIEW

A. THE APPROVAL, WITH OR WITHOUT CONDITIONS, OR DENIAL BY THE CDRB OF AN APPLICATION SHALL BE FINAL UNLESS, WITHIN 20 DAYS FROM THE DATE OF THE CDRB'S DECISION, THE APPLICANT FILES AN APPEAL IN WRITING TO THE TOWN COUNCIL. SUCH APPEAL SHALL BE IN WRITING IN CARE OF THE TOWN CLERK AND SHALL INDICATE WHERE, IN THE OPINION OF THE APPELLANT, THE CDRB WAS IN ERROR. THE TOWN CLERK SHALL SCHEDULE THE APPEAL FOR TOWN COUNCIL REVIEW AND THE TOWN COUNCIL, AT ITS MEETING, SHALL UPHOLD, MODIFY OR OVERRULE THE DECISION OF THE CDRB. THE DECISION OF THE TOWN COUNCIL SHALL BE FINAL.

B. THE TOWN COUNCIL SHALL HAVE THE RIGHT AND PREROGATIVE TO INITIATE ITS OWN REVIEW OF ANY DECISION OF THE CDRB AND SHALL UPHOLD, MODIFY OR OVERRULE SAID DECISION.

NOTICE OF TOWN COUNCIL-INITIATED REVIEW OF ANY DECISION OF THE CDRB SHALL BE GIVEN TO THE APPLICANT BY THE TOWN CLERK WITHIN 20 DAYS AFTER ACTION UPON THE APPLICATION IN QUESTION OR THE DECISION OF THE CDRB. THE DECISION OF THE TOWN COUNCIL SHALL BE FINAL.

SECTION 22.9.E FINAL DESIGN REVIEW

1. FINAL DESIGN

A. THE FINAL DESIGN STAGE INCLUDES THE REVIEW AND APPROVAL OF THE FINAL DESIGN, INCLUDING THE CONSTRUCTION DOCUMENTS PACKAGE COMPOSED OF THE FOLLOWING ITEMS:

I. FINAL SITE PLAN AND ASSOCIATED REPORTS BASED ON THE APPROVED CONCEPTUAL SITE PLAN
II. BUILDING PLANS
III. IMPROVEMENT PLANS
IV. FINAL ARCHITECTURAL DESIGN PLAN BASED ON THE APPROVED CONCEPTUAL ARCHITECTURAL DESIGN PLAN
V. NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLANS
VI. LANDSCAPE, IRRIGATION, BUFFERYARD, AND WATER HARVESTING PLANS
VII. FINAL PUBLIC ART PLAN BASED ON THE APPROVED CONCEPTUAL PUBLIC ART PLAN

THE AFOREMENTIONED PLANS ARE SUBJECT TO TOWN STAFF APPROVAL. TO AVOID DELAY IN PROCESSING THIS APPLICATION, THE APPLICANT SHALL PROVIDE ALL REQUIRED INFORMATION FOUND ON THE TOWN'S SUBMITTAL CHECKLISTS.

B. FINAL DESIGN SUBMITTALS THAT COMPLY WITH CONCEPTUAL DESIGN APPROVAL MAY BE APPROVED BY TOWN STAFF, SUBJECT TO APPEAL TO TOWN COUNCIL IN ACCORDANCE WITH SECTION 22.9.D.8.

2. CONTENTS

ALL PLANS AND DOCUMENTS SUBMITTALS SHALL CONTAIN THE NECESSARY APPLICATION AND SUPPORTING DATA AS SPECIFIED BY THE PLANNING AND ZONING ADMINISTRATOR, TOWN ENGINEER, AND TOWN BUILDING OFFICIAL.

3. FINAL DESIGN REVIEW SUBMISSION

THE SUBMITTAL SHALL BE CHECKED BY THE PLANNING AND ZONING ADMINISTRATOR, TOWN ENGINEER, AND TOWN BUILDING OFFICIAL FOR COMPLETENESS. IF INCOMPLETE, THE SUBMITTAL SHALL BE REJECTED

AND THE APPLICANT NOTIFIED WITHIN 10 WORKING DAYS OF THE DATE THE SUBMITTAL WAS RECEIVED. IF REJECTED, THE NEXT SUBMITTAL CONSTITUTES AN ORIGINAL SUBMITTAL AND RESUBMITTAL FEES WILL BE APPLICABLE.

4. FINAL DESIGN PROCESS

A. COPIES OF ALL CONSTRUCTION DOCUMENTS LISTED IN SUBSECTION 1.A SHALL BE DISTRIBUTED TO THE FOLLOWING REVIEW OFFICES:

I. PLAN REVIEW ZONING FOR COMPLIANCE TO PUBLIC OBJECTIVES, GIVING SPECIAL ATTENTION TO CONFORMANCE TO THE APPROVED CONCEPTUAL SITE PLAN, INCLUDING DESIGN PRINCIPLES AND STANDARDS AS SET FORTH IN SECTION 26.2; DESIGN STANDARDS WITHIN THE ZONING CODE; NATIVE PLANT PRESERVATION, WATER HARVESTING, AND LANDSCAPING REQUIREMENTS OF SECTION 27.6.

II. PLAN REVIEW ENGINEERING FOR REVIEW OF THE PROPOSED STREET SYSTEM; STREET PLANS AND COMPLIANCE WITH TOWN STREET STANDARDS; DETERMINATION OF STREET AND DRAINAGE/HYDROLOGY IMPROVEMENT AND MAINTENANCE REQUIREMENTS; LOCATION AND TYPE OF LANDSCAPING, IRRIGATION, AND WATER HARVESTING METHODS AND LOCATIONS; AND WATER AND SEWERAGE DISPOSAL PROPOSALS.

III. PERMITTING DIVISION FOR REVIEW OF THE BUILDING PLANS.

IV. ORO VALLEY WATER UTILITY FOR WATER PLANS.

V. FIRE DISTRICT FOR REVIEW OF SPECIFIC FEATURES OF PROPOSED DEVELOPMENT RELATING TO FIRE PROTECTION.

VI. COUNTY HEALTH DEPARTMENT AND PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT FOR REVIEW OF WATER AND SEWERAGE AND PUBLIC HEALTH AND WELFARE.

VII. WHERE THE LAND ABUTS A STATE HIGHWAY, TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR SPECIFIC RECOMMENDATIONS REGARDING RIGHT-OF-WAY AND INTERSECTION DESIGN.

VIII. APPROPRIATE UTILITIES FOR REVIEW.

IX. OTHER AGENCIES THAT MAY BE AFFECTED.

B. THE REVIEWING OFFICES SHALL TRANSMIT THEIR COMMENTS, CONDITIONS, AND RECOMMENDATIONS IN WRITING TO THE PLANNING AND ZONING ADMINISTRATOR, TOWN BUILDING OFFICIAL, AND TOWN ENGINEER, WHO SHALL CONSIDER THESE RECOMMENDATIONS IN THEIR DECISION FOR APPROVAL.

C. INFORMATION REGARDING SANITARY SEWERAGE

AS A PREREQUISITE OF CONSTRUCTION DOCUMENTS REVIEW, THE APPLICANT SHALL HAVE INFORMED THE COUNTY HEALTH DEPARTMENT AND/OR PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT OF THE PROPOSED TENTATIVE PLANS AND LEARNED THE GENERAL REQUIREMENTS FOR SEWAGE DISPOSAL AS APPLIED TO THE SUBJECT LOCATION.

5. FINAL DESIGN SUBMITTAL APPROVAL PROCESS

IF ALL ELEMENTS OF THE FINAL DESIGN SUBMITTAL MEET ALL TOWN REQUIREMENTS OF THIS SECTION, THE PLANNING AND ZONING ADMINISTRATOR, TOWN ENGINEER, AND TOWN BUILDING OFFICIAL SHALL APPROVE THE FINAL DESIGN SUBMITTAL, WHICH INCLUDES IMPROVEMENT PLANS; BUILDING PLANS; NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLANS; LANDSCAPE, IRRIGATION, BUFFERYARD AND WATER HARVESTING PLANS; AND FINAL SITE PLAN AND ASSOCIATED REPORTS, FINAL ARCHITECTURAL DESIGN PLAN, AND FINAL PUBLIC ART PLAN BASED ON THE APPROVED CONCEPTUAL PLANS.

6. SIGNIFICANCE AND BASIS OF CONSTRUCTION DOCUMENTS APPROVAL

CONSTRUCTION DOCUMENTS APPROVAL CONSTITUTES AUTHORIZATION FOR THE SUBMITTAL OF FINANCIAL ASSURANCES AND ISSUANCE OF PERMITS. CONSTRUCTION DOCUMENTS APPROVAL IS BASED UPON THE FOLLOWING TERMS:

A. THE CONDITIONS UNDER WHICH APPROVAL OF THE CONSTRUCTION DOCUMENTS IS GRANTED WILL NOT BE CHANGED PRIOR TO THE EXPIRATION DATE.

B. APPROVAL SHALL EXPIRE IF IMPROVEMENTS HAVE NOT BEEN STARTED WITHIN 2 YEARS OF THE DATE OF APPROVAL OF THE CONCEPTUAL DESIGN SUBMITTAL. A REQUEST TO EXTEND THE TIME BEYOND 2 YEARS MUST BE SUBMITTED IN WRITING TO THE TOWN COUNCIL WITHIN 2 YEARS OF THE DATE OF APPROVAL. BEFORE SUCH EXTENSION IS GRANTED, THE TOWN COUNCIL SHALL REVIEW THE EXISTING FINANCIAL ASSURANCES TO ENSURE THAT THE REQUIRED IMPROVEMENTS HAVE BEEN MADE. IF THE CONCEPTUAL DESIGN SUBMITTAL IS ABANDONED, THE

TOWN WILL RETURN THE FINANCIALASSURANCES LESS ANY EXPENSES THE TOWN HAS INCURRED.

C. BUILDING PLANS ARE SUBJECT TO THE ADOPTED EXPIRATION PERIOD OF THE TOWN PERMITTING DIVISION.

D. WHEN IMPROVEMENT PLANS HAVE BEEN COMPLETED AND APPROVED BY THE TOWN ENGINEER, FINANCIAL ASSURANCES MAY BE SUBMITTED TO THE TOWN AS PROVIDED IN SECTION 26.6 OF THIS CODE. EARTHWORK AND IMPROVEMENTS MAY BEGIN FOLLOWING APPROVAL AND ACCEPTANCE OF THE FINANCIAL ASSURANCES AND ALL GRADING PERMIT CHECKLIST ITEMS, AS DETERMINED BY THE TOWN ENGINEER.

7. THE PLANNING AND ZONING ADMINISTRATOR SHALL BE PERMITTED TO APPROVE CHANGES TO CDRB OR TOWN COUNCIL APPROVED PLANS IN ORDER TO AVOID THE DELAY OF USING THE NORMAL REVIEW PROCESS. MINOR, COMMON SENSE CHANGES OR ALTERATIONS INCLUDE THOSE THAT:

A. ARE REASONABLY SIMILAR TO THE APPROVED PLAN;
B. BENEFIT THE TOWN OR THE ENVIRONMENT;
C. ARE CONSISTENT WITH SIMILARLY SITUATED PROPERTY;
D. DO NOT SIGNIFICANTLY AFFECT BUILDING OR WALL MASS OR STREETSCAPE;
E. DO NOT SIGNIFICANTLY AFFECT FINAL PLATS OR FINAL DESIGN, OTHER THAN ADMINISTRATIVE CHANGES;
F. ACHIEVES THE SAME INTENT AS THE APPROVED CONCEPTUAL DESIGN.

22.9.F FINAL PLAT

1. FINAL PLAT

A. THE FINAL PLAT INCLUDES THE FINAL DESIGN OF THE SUBDIVISION AND ALL OTHER ELEMENTS REQUIRED BY STATE STATUTE AND THE SUBDIVISION REQUIREMENTS OF CHAPTER 26 OF THIS CODE. THE FINAL PLAT AND PLANS SHALL BE SUBMITTED BY THE SUBDIVIDER FOR REVIEW AND ACTION BY THE TOWN COUNCIL. FINAL PLAT APPROVAL IS REQUIRED BEFORE ANY IMPROVEMENTS SUCH AS GRADING, SEWERS, WATER AND PAVING CAN BEGIN IN A RESIDENTIAL SUBDIVISION.

B. FINAL SUBDIVISION PLATS THAT COMPLY WITH CONCEPTUAL DESIGN APPROVAL SHALL BE FORWARDED TO TOWN COUNCIL FOR ACTION.

2. ZONING REQUIREMENTS

THE PROPOSED USE OF THE TRACT SHALL CONFORM TO THE SPECIFIC REQUIREMENTS FOR THE ZONING DISTRICT WITHIN WHICH IT IS LOCATED AND ANY ZONING AMENDMENT NECESSARY SHALL HAVE BEEN AUTHORIZED BY THE TOWN COUNCIL PRIOR TO FILING OF THE FINAL PLAT.

3. UTILITY EASEMENTS

IT IS THE RESPONSIBILITY OF THE SUBDIVIDER TO PROVIDE ON THE FINAL PLAT PRIOR TO PLAT RECORDATION, SUCH EASEMENTS IN SUCH LOCATION AND WIDTH AS REQUIRED FOR UTILITY PURPOSES.

4. FINAL PLAT PREPARATION

THE FINAL PLAT SHALL BE PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION, STATE STATUTE, AND AS SPECIFIED BY THE PLANNING AND ZONING ADMINISTRATOR AND TOWN ENGINEER, AND SHALL SUBSTANTIALLY CONFORM TO THE APPROVED CONCEPTUAL DESIGN SUBMITTAL.

5. DEDICATION IN FINAL PLAT

A STATEMENT OF DEDICATION OF ALL STREETS, ALLEYS, CROSSWALKS, DRAINAGE WAYS, PEDESTRIAN WAYS AND EASEMENTS FOR PUBLIC USE SIGNED BY THE PERSON HOLDING TITLE OF RECORD, BY PERSONS HOLDING TITLES AS VENDEES UNDER LAND CONTRACT AND BY SPOUSES OF SAID PARTIES, SHALL BE INCLUDED IN THE FINAL PLAT. IF LANDS DEDICATED ARE MORTGAGED, THE MORTGAGEE SHALL ALSO SIGN THE PLAT. EXECUTION OF DEDICATION SHALL BE ACKNOWLEDGED AND CERTIFIED BY A NOTARY PUBLIC.

6. REQUIRED CERTIFICATION

THE FOLLOWING CERTIFICATIONS ARE REQUIRED:

A. CERTIFICATION BY THE REGISTERED CIVIL ENGINEER OR REGISTERED LAND SURVEYOR MAKING SURE THAT THE PLAT IS CORRECT AND ACCURATE AND THAT THE MONUMENTS DESCRIBED IN IT HAVE EITHER BEEN SET OR LOCATED AS DESCRIBED. ALL MAPS SHALL CONTAIN THE SEAL OF A REGISTERED CIVIL ENGINEER OR LAND SURVEYOR.

B. A FLOOD PLAIN STATEMENT PREPARED BY THE REGISTRANT.

C. CERTIFICATION BY THE TOWN CLERK OF THE DATE THE MAP WAS APPROVED BY THE TOWN COUNCIL.

D. CERTIFICATION OF RECORDATION BY THE COUNTY RECORDER.

7. FINAL PLAT REVIEW AND APPROVAL PROCEDURES

THE PLANNING AND ZONING ADMINISTRATOR SHALL ASSEMBLE THE RECOMMENDATIONS OF THE VARIOUS REVIEWING OFFICES AND SUBMIT THEM WITH HIS/HER REPORT TO THE TOWN COUNCIL. THE TOWN COUNCIL SHALL CONSIDER THE FINAL PLAT AT THE NEXT REGULAR MEETING NOT LESS THAN 30 DAYS AFTER THE DATE OF APPROVAL OF THE IMPROVEMENT PLANS BY THE TOWN ENGINEER OR AS DETERMINED BY THE PLANNING AND ZONING ADMINISTRATOR.

A. THE TOWN COUNCIL SHALL CONSIDER THE FINAL PLAT AT A REGULARLY SCHEDULED MEETING, FOLLOWING APPROVAL OF THE IMPROVEMENT PLANS BY THE TOWN ENGINEER AND ACKNOWLEDGEMENT BY THE TOWN ENGINEER THAT ALL ASSURANCES HAVE BEEN FILED WITH THE TOWN AND SHALL BE CONSIDERED WITH THE FINAL PLAT.

B. IF THE TOWN COUNCIL REJECTS THE PLAT FOR ANY REASON WHATSOEVER, THE REASON THEREFORE SHALL BE RECORDED IN THE MINUTES.

C. UPON APPROVAL OF THE FINAL PLAT BY THE TOWN COUNCIL, THE CLERK SHALL TRANSCRIBE A CERTIFICATE OF APPROVAL UPON THE PLAT, FIRST ENSURING THAT THE OTHER REQUIRED CERTIFICATIONS PURSUANT TO SECTION 22.9.D.2, HAVE BEEN DULY SIGNED, THAT REQUIRED EASEMENTS FOR UTILITY PURPOSES HAVE BEEN INCLUDED ON THE PLAT, THAT ENGINEERING PLANS HAVE BEEN APPROVED BY THE TOWN ENGINEER AND ASSURANCES HAVE BEEN ACCEPTED.

D. WHEN THE CERTIFICATE OF APPROVAL OF THE TOWN COUNCIL HAS BEEN TRANSCRIBED ON THE PLAT, THE CLERK SHALL RECORD THE APPROVED FINAL PLAT IN THE OFFICE OF THE RECORDER OF PIMA COUNTY.

SECTION 22.9.G CONCEPTUAL AND FINAL DESIGN STAGES

1. THE PREPARATION, SUBMITTAL, REVIEW AND APPROVAL OF ALL MINOR LAND DIVISIONS, DEVELOPMENT AND SUBDIVISIONS LOCATED INSIDE THE LIMITS OF THE TOWN SHALL PROCEED THROUGH THE FOLLOWING PROGRESSIVE STAGES:

A. PRE-APPLICATION CONFERENCE (SECTION 22.9.B)

B. PUBLIC OUTREACH/NEIGHBORHOOD MEETINGS (SEE SECTION 22.15)

C. STAGE I: CONCEPTUAL DESIGN REVIEW (SUBSECTION D). CONCEPTUAL DESIGN REVIEW SHALL INCLUDE CONCEPTUAL

SITE PLAN, CONCEPTUAL ARCHITECTURAL DESIGN PLAN, AND CONCEPTUAL PUBLIC ART PLAN

D. STAGE II: FINAL DESIGN (SUBSECTION E) SHALL INCLUDE CONSTRUCTION DOCUMENTS, INCLUDING FINAL SITE PLAN, FINAL ARCHITECTURAL DESIGN PLAN, AND FINAL PUBLIC ART PLAN BASED ON APPROVED CONCEPTUAL DESIGN SUBMITTAL; BUILDING PLANS; IMPROVEMENT PLANS; LANDSCAPE, IRRIGATION AND BUFFER YARD PLANS; NATIVE PLANT PRESERVATION AND SALVAGE PLANS (SECTION 27.6); AND FINAL PLAT (SECTION 22.9.F, IF REQUIRED)

2. EXCEPTIONS TO THE PROGRESSIVE STAGES ARE AS FOLLOWS:

A. ALL MINOR LAND DIVISIONS REQUIRE STAGE I FOLLOWED BY ADMINISTRATIVE REVIEW AND ACCEPTANCE PER SECTION C.

B. ALL SUBDIVISIONS REQUIRE STAGES I AND II. NOTE: RESIDENTIAL SUBDIVISIONS DO NOT REQUIRE CONCEPTUAL PUBLIC ART PLANS.

~~Section 22.6 Development Review~~

~~A. Applicability~~

~~The Development Review Board shall review all developments other than R1-144, R1-72, R1-43, R1-36, and R1-20 Districts that are not subject to overlay.~~

~~1. The Development Review Board shall make recommendations to the Town Council regarding subdivision plats and the development plans as provided in Chapter 26 of this Code.~~

~~2. The Development Review Board is authorized to approve, conditionally approve or disapprove all applications for development review not included in subsection 1. above, subject to Town Council review or appeal. Such applications include architectural design, landscaping plans, Comprehensive Sign Programs, Sign Criteria, and other matters as provided in this Code if not required as part of subdivision plat or development plan approvals. The Development Review Board shall base its decision solely on the criteria as set down in subsection B, except within the Hillside District where the Board shall also base its decision on the provisions of Section 24.2, Hillside Development Zone. (Rev.3/86)~~

~~3. Prior to the development, earthwork, construction, remodeling, change or alteration of any proposed or existing project within a zoning district subject to development review, the property owner or his designated agent shall secure approval of the Development Review Board. Staff shall be permitted to approve minor/common sense changes of architecture or landscape plans in order to avoid delay by using the normal development review process. Minor/common sense changes or alterations include those that:~~

~~a. Are reasonably similar to the approved plan;~~

~~b. Are not already completed~~

~~c. Benefit the town or the environment~~

~~d. Are not controversial~~

~~e. Are consistent with similarly situated property~~

~~f. Do not effect mass or streetscape~~

~~g. Do not affect pre-approved plats; and~~

~~h. Are approved by the neighborhood association, if necessary.~~

~~B. Criteria~~

~~In considering any application for development review, the Development Review Board shall be guided by the following criteria:~~

~~1. The Development Review Board shall examine the application to insure that all provisions of this Code and all other Codes, master plans, general plans and standards of the Town shall be complied with where applicable.~~

~~2. The proposed development shall not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood, nor shall it be detrimental or injurious to the neighborhood.~~

~~3. The proposed development shall promote a desirable relationship of structures to one another, to open spaces and topography both on the site and in the surrounding neighborhood.~~

~~4. The height, area, setbacks and overall mass as well as parts of any structure (buildings, walls, signs, lighting, etc.) and landscaping shall be appropriate to the development, the neighborhood and the community.~~

~~5. Signs, ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and convenience.~~

~~6. The character of the proposed design shall be in harmony with, and compatible to, those structures in the neighboring environment and the design character adopted for any given area avoiding excessive variety or monotonous repetition.~~

~~7. Mechanical equipment, appurtenances and utilities shall be concealed from view and integral to the building design.~~

~~8. All components of a development shall take cognizance of the unique desert, climate and other environmental factors of this region and promote an indigenous architectural feeling.~~

~~9. All signs, buildings, structures and parts of any buildings such as walls and fences shall be designed to be compatible with the surrounding desert and mountains in the background.~~

~~10. All exterior materials and colors including roofs, walls and fences shall be predominantly muted earth and plant tones and shall minimize contrast and glare.~~

~~11. In order to protect the visual serenity of the Town, design of signage should be based on trying to get the information across with the least signage possible.~~

~~12. Sign designs shall be in compliance with the purpose statements established in Chapter 28.~~

~~13. All components of a development shall be in compliance with Addendum A Design Guidelines.~~

~~14. Consideration shall be given to the possibility that the development may not be completed. In order to assure a minimum degree of destruction of existing vegetation~~

~~and contours, phased development shall be required. Grading and all site improvements shall not be permitted until the proper assurances have been received and approved by the Town.~~

~~C. Administration~~

~~Administrative procedures for review of subdivision plat and development plans shall be as provided in Section 22.9 of this Code. Procedures for architectural review, signs and other such matters that require development review shall be according to the provision of this Section herein below.~~

~~1. Application~~

~~a. The Development Review Board shall prescribe the form and content of applications and necessary accompanying data. The application shall be filed with the Town Clerk.~~

~~b. Applications shall be made by the owner of the property or his authorized agent. If the applicant is not the property owner, a notarized letter from the property owner authorizing the agent to act in his behalf shall accompany said application.~~

~~2. Findings~~

~~a. The Development Review Board may approve, with or without conditions, a development or portion thereof if they find that:~~

~~i. All provisions of ordinances of the Town have been complied with.~~

~~ii. Where applicable, all provisions of master plans, the General Plan and development policies and standards of the Town have been complied with.~~

~~b. The Development Review Board may deny a total development, or a portion of a development, if they find that any conditions of this Code, the General Plan or the development policies and standards of the Town have not been complied with.~~

~~c. The Development Review Board, upon hearing an application, may impose such reasonable conditions as it may deem necessary in order to fully carry out the provisions and intent of this Code. Violation of any such condition shall be a violation of this Code and such violation shall render any permit null and void.~~

~~3. Expiration of Approval~~

~~a. The approval of plans for development shall expire and become null and void one year from the date of approval if a building permit has not been issued unless a different time period is made a condition of Development Review Board approval.~~

~~b. An extension of approval may be granted by the Town Council if the applicant files for the extension prior to the approval becoming void and the Town Council feels the reasons justify extension of approval. In no case shall an extension be more than 12 months.~~

~~4. Enforcement~~

~~a. The Planning and Planning and Zoning Administrator shall insure that all matters approved by the Development Review Board are undertaken and completed according to the approval of the Development Review Board.~~

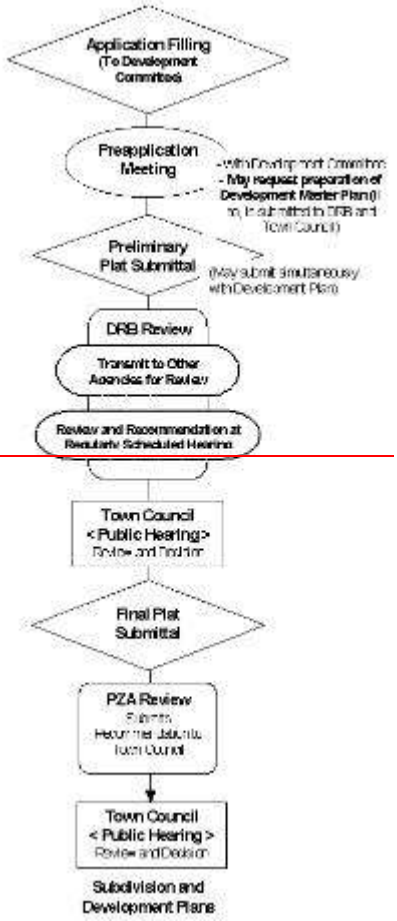
~~b. Prior to issuance of a building permit within any district subject to Development Review, the Building Official shall ascertain that the Development Review Board has approved plans which are in conformance to those presented with the building permit application and that the time limitations imposed by this Code or the Development Review Board have not elapsed. No building permit shall be issued less than 20 days after Development Review Board approval in order to allow appeal or review as stated in subsection D. below.~~

~~D. Appeal and Town Council Review~~

~~1. The approval, with or without conditions, or denial by the Development Review Board of an application subject to the provisions of subsection C. above, or otherwise referenced in this Code, shall be final unless, within 20 days from the date of the Board's decisions, the applicant shall appeal there from in writing to the Town Council. Such appeal shall be in writing in care of the Town Clerk and shall indicate where, in the opinion of the appellant, the Board was in error. The Town Clerk shall schedule the appeal for a Town Council agenda and the Town Council, at its meeting, shall uphold, modify or overrule the decision of the Board. The decision of the Town Council shall be final.~~

~~2. The Town Council shall have the right and prerogative to initiate its own review of any decision of the Development Review Board and shall uphold, modify or overrule said decision. Notice of Town Council-initiated review of any decision of the Development Review Board shall be given to the applicant by the Town Clerk within 20 days after action upon the application in question or the decision of the Development Review Board shall be deemed to be final and binding upon the Town.~~

Section 22.9 Subdivision and Development Plans



A. Applicability

1. Prohibition Against Circumvention of Chapter

a. No person, firm, corporation or other legal entity shall sell or lease, or offer for sale or lease, any lot, piece or parcel of land which is within a subdivision, as defined in Section 31, without first having recorded a plat thereof in accordance with the provisions of this Code.

b. No building permit shall be issued for construction on any lot, piece or parcel of land that is not a part of a recorded subdivision plat or an approved minor land division unless a development plan for such land has been approved in accordance with Section 22.9.E. of this Code.

2. Outline of Procedures

The preparation, submittal, review and approval of all minor land divisions, subdivision plats and development plans located inside the limits of the Town shall proceed through the following progressive stages:

~~Stage I: Preapplication Conference (subsection B.)~~

~~Stage II: Preliminary Plat and Native Plant Preservation and Salvage Plans (subsection D. and Section 22.11)~~

~~Stage III: Final Plat and Landscape, Irrigation and Buffer Yard Plans (subsection E. and Section 27.4)~~

~~Stage IV: Development Plan, Landscape, Irrigation and Buffer Yard Plans, and Native Plant Preservation and Salvage Plans (subsection F. and Sections 22.11 and 27.4)~~

~~The progressive stages apply to development as follows:~~

~~a. All minor land divisions require Stage I followed by administrative review and acceptance per Section C.~~

~~b. All R-1 subdivisions require Stages I, II and III.~~

~~c. Subdivisions other than R-1 may require Stages I, II, III and IV.~~

~~d. Development for which subdivision is not necessary requires Stages I and IV.~~

~~B. Preapplication Conference/Development Committee Review~~

~~1. Development Committee~~

~~a. The Development Committee shall include the Planning and Zoning Administrator and/or the Town Engineer and, at the discretion of the Town Council, additional members appointed by the Town Council to serve on a regular or temporary basis.~~

~~b. The Development Committee shall meet with the subdivider or developer during the preapplication conference and, as necessary, to carry out the provisions of this Section. In this Section, subdivider also means developer, if the sense so requires.~~

~~2. Stage I - Preapplication Conference; Purpose~~

~~a. The preapplication conference stage of subdivision or development planning comprises an investigatory period that precedes actual preparation of preliminary plans by the subdivider. During this stage, the subdivider makes known his intentions to the Development Committee and is advised of specific public objectives related to the subject tract and other details regarding platting procedures and requirements. The preapplication conference is recommended to all applications. Applicants shall notify staff in writing five days prior to a project submittal deadline, if the preapplication conference is declined.~~

~~b. During this stage, it may be determined that a change in zoning would be required for the subject tract or a part thereof and, in such case, the subdivider shall initiate the necessary rezoning application.~~

~~c. In carrying out the purpose of the preapplication stage, the subdivider and the Development Committee shall be responsible for the actions described in the following Sections.~~

~~3. Actions by Subdivider or Developer~~

~~The subdivider/developer may meet informally with the development committee. Ten working days prior to the pre-application conference, an application shall be submitted~~

~~4. Actions by Development Committee~~

~~The Development Committee shall discuss the proposal with the subdivider and advise him of procedural steps, design and improvement standards and general plat requirements. Depending upon the scope of the proposed development, the Development Committee shall proceed with the following investigations:~~

~~a. Check existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.~~

~~b. Determine if the land is covered by the Hillside Development regulations, Section 24.2, or is controlled by the Floodplain Management Code (Ordinance No. 44).~~

~~c. Inspect the site after the subdivider has determined its relationship to major streets, utility systems and adjacent land uses and determine any unusual problems such as topography, utilities, flooding and geological hazards.~~

~~d. Determine the need for preparation and review of a development master plan prior to subsequent consideration of a preliminary plat and advise the subdivider if a development master plan is required and to what extent it shall be prepared by the developer.~~

~~e. Determine if certain lands may either not be subdivided due to adverse topography, periodic inundation, adverse soils, subsidence of the earth's surface, high water table, lack of water or other natural or man-made hazards to life or property; or control the lot size, establish special grading and drainage requirements; and impose other regulations deemed reasonable and necessary for the public health, safety or general welfare on any lands to be subdivided affected by such characteristics.~~

~~5. Development Master Plan~~

~~a. The Development Committee shall use the following guidelines in establishing the need for a development master plan:~~

~~i. The tract is sufficiently large to comprise the entire neighborhood,~~

~~ii. The tract initially proposed for platting is only a portion of a larger landholding of the subdivider, or~~

iii. The tract is part of a larger land area, the development of which is complicated by unusual topographic, utility, drainage, land use or ownership or other conditions. The entire land area need not be under the subdivider's control.

b. The Development Master Plan shall be prepared to a scale and accuracy commensurate with its purpose and shall include:

i. General street pattern with particular attention to collector streets and future circulation throughout the neighborhood, including ingress and egress.

ii. General location and size of school sites, parks or other public areas.

iii. Location of shopping centers, multi-family residential or other proposed land uses.

iv. Methods proposed for sewage disposal, water supply and storm drainage.

v. Landscaping plans.

c. Upon acceptance of a general design approach by the Development Committee, the Development Master Plan may be submitted to the Development Review Board and Town Council for consideration. If general approval is given, notice to that effect shall be recorded in the minutes of both bodies and a copy of said minutes transmitted to the subdivider and his engineer. If development is to take place in several parts, the Development Master Plan shall be submitted as supporting data for each part where applicable. The Development Master Plan shall be kept up-to-date by the subdivider as modifications take place.

d. Subdivision plats and development plans shall be submitted for each part or phase of the development.

C. Administrative Review of Minor Land Divisions

1. Purpose and Intent

The Purpose of this Section is to establish a review process for land divisions, other than subdivisions, by which owners and prospective purchasers can be advised whether a proposed division of land complies with the Town regulations. This review is intended to.

a. Protect and promote the public health, safety, convenience, and welfare.

b. Assure that newly created lots are of sufficient size to meet the requirements of the applicable zoning classification.

c. Assure that all lots resulting from a minor land division will have adequate public street access.

d. Assure adequate easements are available for utility services.

e. Assure adequate access is available for emergency vehicles.

2. Application Submittal and Certification

Prior to recording any minor land division, a property owner shall submit an application for minor land division to the Planning and Zoning Administrator (PZA). This application also constitutes the application for review by the Development Committee per Section 22.9.B. This application shall be checked for completeness and, if incomplete, the submittal shall be rejected and the applicant notified within 10 working days of the date the application was received.

3. Review

Determinations to accept or reject the minor land division are made on the following:

a. Whether the proposed minor land division constitutes a subdivision as defined in OVZCR Chapter 31.

b. If the proposed land division does not constitute a subdivision, whether:

i. The lots resulting from the proposed minor land division conform to the minimum lot size requirements for the zoning classification of the property.

ii. Adequate access is available to public street(s) from the proposed lot(s).

iii. The location of any existing building on any lot resulting from the proposed land division complies with building setbacks for the applicable zone.

iv. Provision of, and access to, public utilities can be accommodated.

v. Access for emergency vehicles can be accommodated.

4. Decision and Findings

a. The applicant shall be notified in writing of the review decision and findings within 20 working days after the minor land division application is filed.

i. If it is determined that the proposed minor land division complies with minimum requirements of this Section, a letter of approval shall be issued to the applicant together with an approved copy of the minor land division.

ii. If it is determined that the proposed minor land division does not comply with minimum requirements of this Section, a letter of denial shall be issued to the applicant.

b. Compliance with Town ordinances and regulations not reviewed as part of the minor land division review process will be determined at the time of application for building permits when more detailed information is provided on the proposed development of each lot.

5. Appeal

~~The applicant may appeal the Planning and Zoning Administrator's decision to the Board of Adjustment pursuant to Section 22.12.~~

~~6. Compliance~~

~~No building permit or zoning compliance certificate shall be issued for development on any parcel that does not comply with the minor land division regulations of this Section.~~

~~D. Preliminary Plat~~

~~1. Stage II - Preliminary Plat~~

~~Preliminary subdivision plats shall be submitted when subdivision of property is required by this Code. In such instances, the provisions of this Section, Stage II, apply. If the subdivision is subject to the Hillside Development regulations, the preliminary plat must conform to the requirements of Section 24.2.~~

~~The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review and approval of the preliminary plat. To avoid delay in processing the application, the subdivider shall carefully provide the Development Committee with all information essential to determine the character and general acceptability of the proposed development.~~

~~2. Compliance with Zoning and Proposed Rezoning Regulations~~

~~The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located. In the event that amendment of zoning is deemed necessary, rezoning shall be initiated by the property owner or his authorized agent and shall proceed according to the requirements of Section 22.3, Amendments and Rezonings. Any change in zoning required in relation to the preliminary plat shall have been authorized by the Town Council prior to approval of the preliminary plat.~~

~~a. Area, Screening, and Setback Credits for Trails Access Dedications~~

~~i. The area of a lot or parcel dedicated to the town for public trails access shall be credited to the lot or parcel to satisfy any area, screening, or setback requirement of a rezoning, this Code, or any permit issued there under.~~

~~ii. Requests for the implementation of an area, screening, or setback credit for public trails access shall be initiated by or submitted for approval to the Planning and Zoning Administrator.~~

~~iii. Dedications and requests so approved by the Planning and Zoning Administrator shall be forwarded to the Town Council for acceptance.~~

~~3. Information Regarding Sanitary Sewerage~~

~~As a prerequisite of preliminary plat review, the subdivider shall have informed the County Health Department and/or Pima County Wastewater Management Department of~~

his tentative plans and learned the general requirements for sewage disposal as applied to his location.

4. Contents; Identification and Description

The preliminary plat will substantially conform to the Tentative Development Plan, if applicable. All preliminary plat submittals shall conform to submittal requirements set by the Planning and Zoning Administrator.

5. Preliminary Plat Submission; Form; Filing Fee

a. Copies of the preliminary plat and required supporting data prepared in accordance with the requirements set forth as specified by the Planning and Zoning Administrator shall be filed with the Planning and Zoning Administrator at least 45 days prior to the Development Review Board meeting at which the subdivider desires to be heard. Scheduling of the case for Development Review Board hearing shall be dependent upon adequacy of data presented and completion of processing.

b. The submittal shall be checked by the Planning and Zoning Administrator for completeness and assigned a case number; if incomplete, the submittal shall be rejected and the subdivider notified within 10 working days of the date the map was received. If rejected, this constitutes an original submittal and resubmittal fees will be applicable.

c. A filing fee, as determined by the fee schedule adopted by the Town Council, to cover costs of examining the processing of preliminary plats and field inspection related thereto, shall be paid by the subdivider at the time of filing. If the preliminary plat approval expires prior to application for final plat approval, the preliminary plat shall be resubmitted as a new case and the subdivider shall be required to pay a new fee.

6. Preliminary Plat Review

a. The Planning and Zoning Administrator shall distribute copies of the plat to the following review offices.

i. Planning and Zoning Department for compliance to public objectives, giving special attention to design principles and standards as set forth in Section 26.2; street and thoroughfares as related to the Town streets and highway plans and to the neighborhood circulation; utility methods and systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks and other public facilities.

ii. The Town Engineer for review of the proposed street system; street plans and compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; and water and sewerage disposal proposals.

iii. Police Chief for review of features of proposed development related to safety and police protection.

~~iv. Fire District for review of features of proposed development relating to fire protection.~~

~~v. County Health Department and Pima County Wastewater Management Department for review of water and sewerage disposal proposal.~~

~~vi. Superintendent of the amphitheater School District for his information.~~

~~vii. Where the land abuts a state highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.~~

~~viii. Appropriate utilities for review.~~

~~ix. Other agencies that may be affected.~~

~~b. The reviewing offices shall transmit their recommendations in writing to the Planning and Zoning Administrator who shall present them to the Development Review Board and the Town Council in his report.~~

~~c. If, in the opinion of Town staff, the Development Review Board or the Town Council, a submittal is determined to be deficient and is rejected after the preliminary plat is certified complete, then any resubmittal must be made at least 15 working days prior to the meeting at which the resubmittal is to be reconsidered. No extra fee will be charged for the first resubmittal, however, subsequent resubmittals will be assessed a fee according to the adopted fee schedule.~~

~~7. Preliminary Plat Approval Procedures~~

~~a. If the Planning and Zoning Administrator's report indicates that the requirements of this Chapter have been met, the Development Review Board shall consider the preliminary plat at the next regular meeting not less than 45 days after the date the filing is certified complete or as determined by the Planning and Zoning Administrator. Upon consideration, the Development Review Board shall forward the plat with its recommendations to the Town Council.~~

~~b. The Town Council shall consider the preliminary plat and Development Review Board recommendations at its next regularly scheduled meeting not less than 10 days after said recommendations are forwarded.~~

~~c. The Town Council shall approve, disapprove or conditionally approve the preliminary plat. The Town Clerk shall record the Town Council's action upon an official copy of the preliminary plat and shall return a copy of the action to each of the following: subdivider, subdivider's engineer, Town Engineer, Planning and Zoning Administrator and private utility companies, together with any conditions of approval.~~

~~8. Significance and Basis of Preliminary Approval~~

~~Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary plat approval is based upon the following terms:~~

~~a. The basic conditions under which approval of the preliminary plat is granted will not be substantially changed prior to the expiration date.~~

~~b. Approval is valid for a period of one year from the date of Town Council approval. A one-time extension of the preliminary plat approval may be granted by the Town Council for a period of one year if the following four criteria are satisfied:~~

~~i. No substantial code updates have occurred within the last year.~~

~~ii. The applicant has demonstrated progress in working with the Town and other agencies.~~

~~iii. There are unforeseen circumstances beyond the applicant's control.~~

~~iv. Conditions of adjoining properties have not substantially changed.~~

~~Any extension request beyond a total of two years must be approved by the Town Council. The aforementioned criteria also apply to Town Council review.~~

~~c. Preliminary plat approval, in itself, does not assure final acceptance of streets for dedication, nor continuation of existing zoning requirements for the tract or its environs, nor constitute authorization to record the plat, nor authorize any earthwork or construction.~~

~~d. Although not required at this time, consideration should be given to assurances and landscaping.~~

~~E. Final Plat~~

~~1. Stage III - Final Plat~~

~~The final plat includes the final design of the subdivision and improvement plans, and submittal of the plat and plans by the subdivider for review and for action by the Town Council. Final plat approval is required before any improvements such as grading, sewers, water and paving can begin in a subdivision.~~

~~2. Zoning Requirements~~

~~The proposed use of the tract shall conform to the specific requirements for the zoning district within which it is located and any zoning amendment necessary shall have been authorized by the Town Council prior to filing of the final plat.~~

~~3. Utility Easements~~

~~It is the responsibility of the subdivider to provide on the final plat prior to plat recordation, such easements in such location and width as required for utility purposes.~~

~~4. Final Plat Preparation~~

~~The final plat shall be prepared in accordance with the requirements of this Section and as specified by the Planning and Zoning Administrator, and shall substantially conform to the approved preliminary plat.~~

~~5. Dedication in Final Plat~~

~~A statement of dedication of all streets, alleys, crosswalks, drainage ways, pedestrian ways and easements for public use signed by the person holding title of record, by persons holding titles as vendees under land contract and by spouses of said parties, shall be included in the final plat. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Execution of dedication shall be acknowledged and certified by a notary public.~~

~~6. Required Certification~~

~~The following certifications are required:~~

~~a. Certification by the registered civil engineer or registered land surveyor making sure that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a registered civil engineer or land surveyor.~~

~~b. Certification by the Town Clerk of the date the map was approved by the Town Council.~~

~~c. Certification of recordation by the County Recorder.~~

~~7. Final Plat Review Procedure~~

~~The Planning and Zoning Administrator shall assemble the recommendations of the various reviewing offices and submit them with his report to the Town Council. The Town Council shall consider the final plat at the next regular meeting not less than 30 days after the date of approval of the improvement plans by the Town Engineer or as determined by the Planning and Zoning Administrator.~~

~~8. Final Plat Approval Procedures~~

~~a. The Town Council shall consider the final plat at a regularly scheduled meeting, following approval of the improvement plans by the Town Engineer and acknowledgement by the Town Engineer that all assurances have been filed with the Town and shall be considered with the final plat.~~

~~b. If the Town Council rejects the plat for any reason whatsoever, the reason therefore shall be recorded in the minutes.~~

c. Upon approval of the final plat by the Town Council, the Clerk shall transcribe a Certificate of Approval upon the plat, first ensuring that the other required certifications pursuant to subsection D.6, have been duly signed, that required easements for utility purposes have been included on the plat, that engineering plans have been approved by the Town Engineer and assurances have been accepted.

d. When the Certificate of Approval of the Town Council has been transcribed on the plat, the Clerk shall record the approved final plat in the office of the Recorder of Pima County.

9. Abandonment of Plat

If improvements and/or building permits have not been completed within 2 years of the date of recording of the plat, the Town Council may abandon the plat. A request to extend the time at which the Town Council may abandon the plat must be submitted in writing to the Town Council before 2 years from the date of recording. The Town Council may grant extensions when it is reasonable and prudent. Before such extension is granted, the Town Council shall review the existing assurances and, at its discretion, may change, alter or revise them as necessary to insure the construction of the required improvements. If the plat is abandoned, the Town will return the assurances less any expenses the Town incurred due to the abandonment.

10. Multi-Family Dwelling Conversions

a. Any subdivider proposing to convert an existing apartment building to a condominium, cooperative, community apartment or townhouse subdivision by filing a subdivision plat shall have satisfied the following requirements prior to approval of a final plat by the Mayor and Town Council.

i. Notice of Intent to Convert

The subdivider shall submit an affidavit stating that the subdivider has provided, or will provide, written notice of the subdivider's intent to convert to all tenants of units to be converted beginning not less than 120 days prior to the date on which the first unit is offered, or to be offered, for sale and will continue to provide such notice to prospective tenants until all units have been sold.

ii. Exclusive Right to Purchase

The subdivider shall submit an affidavit stating that the subdivider will provide existing tenants an exclusive right to purchase the unit the tenant leases at a price which is not more than the price at which the subdivider intends to offer the unit to the general public for a period of not less than 60 days from the date a tenant's unit is offered for sale.

b. Any subdivider who files a final plat for a condominium, cooperative, community apartment or townhouse subdivision whether for the purpose of new development or the subdivision of an existing development shall submit a copy of a report on the physical condition of all buildings, structures and other improvements to the property to be subdivided prior to approval of a final plat by the Mayor and Town Council. This report

shall be provided by the subdivider to all prospective purchasers of units prior to execution of a binding contract of purchase. The report shall contain:

i. A statement of the estimated fees or assessments, if any, that the purchaser of a unit will pay on a monthly and yearly basis for at least a 2 year period following purchase.

ii. A report from a licensed pest control operator on each building or structure and each unit within the building or structure.

iii. A statement of the unit's average monthly utility costs based on the preceding 12-month period where the subdivider has access to such utility cost data.

iv. A report describing, to the best knowledge or estimate of the subdivider, the physical condition of elements of the structure, equipment, or appliances in a unit, the repair or replacement of which will be the responsibility of the purchaser. The report shall state the approximate date on which the element, equipment, or appliance was originally constructed or installed, the approximate date on which it was subsequently replaced or will likely require replacement and the current estimated cost of replacement. This report shall not be construed to create any warranties, expressed, or implied.

F. Development Plan

1. Stage I - Development Plan

Preliminary subdivision plats may be submitted simultaneously with application for development plan approval when such approval is required by this Code. In such instances, the provisions of this Section shall apply. If the development is in the Hillside District, the application requirements of Sections 24.2 (E) and (F) also apply.

The development plan stage of land subdivision and/or development includes detailed planning, submittal, review, and approval of the development plan and preliminary plat, if applicable. To avoid delay in processing this application, the developer shall carefully provide the Development Committee with all information essential to determine the character and general acceptability of the proposed development.

2. Compliance with Zoning and Proposed Rezoning Regulations

The development shall be designed to meet the specific requirements for the zoning district within which it is located. In the event that amendment of zoning is deemed necessary, the rezoning shall be initiated by the property owner or his authorized agent and shall proceed according to the requirements of Section 22.3 of this Code. Any change in zoning required in relation to the development plan shall have been authorized by the Town Council prior to approval of the development plan.

3. Information Regarding Sanitary Sewerage

As a prerequisite of development plan review, the developer shall have informed the County Health Department and/or Pima County Wastewater Management Department of

his tentative plans and learned the general requirements for sewage disposal as applied to his location.

4. Contents

All development plan submittals shall contain the necessary application and supporting data as specified by the Planning and Zoning Administrator.

5. Development Plan Submission

a. Copies of the development plan and required supporting data prepared in accordance with the requirements set by the Planning and Zoning Administrator shall be filed with the Planning and Zoning Administrator at least 45 days prior to the Development Review Board meeting at which the developer desires to be heard. Copies of the development plan shall be reproduced in the form of blue line or black line prints on a white background. Scheduling of the case for Development Review Board hearing shall be dependent upon adequacy of data presented and completion of processing

b. The submittal shall be checked by the Planning and Zoning Administrator for completeness and assigned a case number. If incomplete, the submittal shall be rejected and the developer notified within 10 working days of the date the map was received. If rejected, this constitutes an original submittal and resubmittal fees will be applicable.

6. Development Plan Review

a. The Planning and Zoning Administrator shall distribute copies of the plan to the following review offices:

i. The Planning and Zoning Department for compliance to public objectives, giving special attention to design principles and standards as set forth in Section 26.2; streets and thoroughfares as related to the Town streets and highway plans and to the neighborhood circulation; utility methods and systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks and other public facilities.

ii. The Town Engineer for review of the proposed street system; street plans and compliance with Town street standards; tentative determination of street and drainage improvement and maintenance requirements; and water and sewerage disposal proposals.

iii. Police Chief for review of features of proposed development related to safety and police protection.

iv. Fire District for review of features of proposed development relating to fire protection.

v. County Health Department and Pima County Wastewater Management Department for review of water and sewerage disposal proposal.

vi. Superintendent of the Amphitheater School District for his information.

vii. Where the land abuts a state highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.

viii. Appropriate utilities for review.

ix. Other agencies that may be affected.

b. The reviewing offices shall transmit their recommendations in writing to the Planning and Zoning Administrator who shall present them to the Development Review Board and the Town Council with his report.

7. Development Plan Approval Process

a. If the Planning and Zoning Administrator's report indicates that the requirements of this Section have been met, the Development Review Board will consider the development plan at the next regular meeting not less than 45 days after the date the filing is certified complete or as determined by the Planning and Zoning Administrator. Upon consideration, the Development Review Board shall forward the plan with its recommendations to the Town Council.

b. The Town Council shall consider the development plan and Development Review Board recommendations at its next regularly scheduled meeting not less than 10 days after said recommendations are forwarded.

c. The Town Council shall approve, disapprove or conditionally approve the development plan. The Town Clerk shall record the Town Council's action upon an official copy of the development plan and shall return a copy of the action to each of the following: developer, developer's engineer, Town Engineer, Planning and Zoning Administrator and private utility companies, together with any conditions for approval.

d. If, in the opinion of the Town staff, the Development Review Board or Town Council, a development plan submittal is determined to be deficient and is rejected after the development plan submittal was certified complete, then any resubmittal must be made at least 15 working days prior to the meeting at which the plan will be reconsidered.

8. Significance and Basis of Development Plan Approval

Development Plan approval constitutes authorization for the developer to proceed with preparation of engineering plans and specifications for public improvements and submittal of assurances. Development plan approval is based upon the following terms:

a. The conditions under which approval of the development plan is granted will not be changed prior to the expiration date.

b. If improvements have not been started within 2 years of the date of approval of the development plan, the plan shall be deemed to have been abandoned. A request to extend the time beyond 2 years must be submitted in writing to the Town Council within

~~2 years of the date of approval. Before such extension is granted, the Town Council shall review the existing assurances to insure that the required improvements have been made. If the development plan is abandoned, the Town will return the assurances less any expenses the Town has incurred.~~

~~c. When improvement plans have been completed and approved by the Town Engineer, assurances may be given to the Town as provided in Section 26.6 of this Code, and, following approval and acceptance of the assurances by the Town Council, earthwork and improvements may begin.~~

~~d. A landscape plan shall be submitted to the Development Review Board according to the provisions of Section 27.6 of this Code.~~

CHAPTER 23
ZONING CODE AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 23 (ZONING DISTRICTS)

Contents

Section 23.6.A Building Height
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Section 23.8.D PS Private Schools
Section 23.8.E T-P Technological Park District

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~. New punctuation indicated with an underline.

Section 23.6 Property Development Standards for Single-Family Residential Districts

23.6.A Building Height

1. Any structure of two stories or more shall require CONCEPTUAL DESIGN ~~Development~~ Review Board approval in accordance with Section 22.5.

23.6.B THROUGH I NO CHANGES

23.6.J SDH-6 Site Delivered Housing District

The provisions of Section 23.4 shall apply. The following additional requirements shall apply in this district:

1 & 2. NO CHANGES

3. Design Standards

A & B. NO CHANGES

c. The roof shall have a minimum 2:12 roof pitch and shall have a surface of asphalt composition, concrete or clay tile, fiberglass or metal tiles, slate, or other materials of like appearance and color as approved by the Building Official~~,~~ AND the Planning and Zoning Administrator (PZA).~~, and the Development Review Board~~. PZA DECISIONS MAY BE APPEALED TO THE BOARD OF ADJUSTMENT.

d. Exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, or other materials of like appearance as approved by the Building Official, Planning and Zoning Administrator, and the CONCEPTUAL DESIGN ~~Development~~ Review Board.

4. NO CHANGE

5. Architectural Review

All dwellings, except those provided for in Section 23.6.I.5, shall be required to obtain architectural approval from the CONCEPTUAL DESIGN ~~Development~~ Review Board in accordance with the procedures outlined in Section 22.5.

Section 23.7 Property Development Standards for Multi-Family Residential Districts

23.7.A R-4 Townhouse Residential District

1 & 2. NO CHANGES

3. Setback

A & B. NO CHANGES

~~c. Larger setbacks may be required by the Development Review Board or Town Council if the existing or future development of the area around the site warrants such larger setbacks.~~

D. NO CHANGE

~~e. No more than 30 percent of the frontage dwelling units shall have living space above one (1) story in height that is located within 50 feet of any dedicated street or as approved by the Development Review Board.~~

23.7.B NO CHANGE

23.7.C R-S Residential Service District

1 TO 3. NO CHANGES

4. Building Height

a. If the R-S development abuts a single-family residential district or an alley abutting a single-family residential district, the Town Council may limit the building height to one (1) story ~~as determined by the Development Review Board~~. THE CONCEPTUAL DESIGN REVIEW BOARD SHALL PROVIDE A RECOMMENDATION TO THE TOWN COUNCIL REGARDING THE BUILDING HEIGHT LIMITATION.

5. Yards and Setbacks

A THROUGH C. NO CHANGES

d. All areas between a building and a street frontage, except for access drives and walks shall be open space. Where parking occurs between a building and street, an area 35 feet in depth between the street and parking shall be maintained in a landscaped setting. This depth may be decreased to a minimum of 20 feet if special circumstances warrant approval by ~~use permit or~~ THE CONCEPTUAL DESIGN ~~Development~~ Review Board ~~approval~~, such circumstances being:

i. Depressed parking.

ii. Wall and berming.

e. Walls and Fences

i. Walls and fences within the required frontage open space may not exceed three (3) feet in height or except as otherwise approved by the BUILDING OFFICIAL AND THE PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~. DECISIONS MAY BE APPEALED TO THE TOWN COUNCIL.

23.7.D R-6 Multi-Family Residential District

1. Density

The minimum gross land area per dwelling unit shall be 3,500 square feet, EXCEPT that: The minimum gross land area per dwelling unit may be increased if ~~it is determined~~ BASED ON CONDITIONS UNIQUE TO THE SITE AS RECOMMENDED by the CONCEPTUAL DESIGN ~~Development~~ Review Board ~~or~~ AND APPROVED BY the Town.

2. NO CHANGE

3. Building Height

a. NO CHANGE

b. If the R-6 development abuts an R1-10, R1-7, R-4, R-S, R-4R, or another R-6 residential district, building height may be limited to single story, with a maximum exterior building height of 18 feet, within 50 feet AS MAY BE RECOMMENDED by the CONCEPTUAL DESIGN ~~Development~~ Review Board ~~or~~ AND APPROVED BY Town Council.

4. NO CHANGE

5. Walls, Fences and Required Screening

a. Walls and fences within the required front setback are limited to three (3) feet, unless otherwise approved by the BUILDING OFFICIAL AND PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~. DECISIONS MAY BE APPEALED TO THE TOWN COUNCIL.

b. All areas between a building and a street frontage except for access building and the street, an area 35 feet in depth between the street and parking shall be maintained in a landscaped setting. This depth may be decreased to a minimum of 20 feet if special circumstances warrant approval by use permit or CONCEPTUAL DESIGN ~~Development~~ Review Board approval, such circumstances being:

i. Depressed parking

ii. Wall and berming

Section 23.8 Property Development Standards for Nonresidential Districts

23.8.A C-N Neighborhood Commercial District

1. NO CHANGE

2. Building Height

~~If a contiguous residential district has a more restrictive height standard, the building height shall conform to that more restrictive standard. Architectural elements such as bell towers may exceed this limitation by no more than ten (10') feet, subject to approval by the CONCEPTUAL DESIGN Development Review Board.~~

3. Courtyards and Pedestrian Malls…

d. ~~The courtyard/mall requirement may be waived by Town Council based on a suitable alternative design solution being presented to the CONCEPTUAL DESIGN Development Review Board and Town Council~~.

23.8.B C-1 Commercial District

1. Floor Area Limits

2. Building Height

Architectural elements such as bell towers may exceed this limitation by no more than ten (10') feet, subject to approval by the CONCEPTUAL DESIGN ~~Development~~ Review Board.

23.8.C C-2 Commercial District

1. Building Height

Architectural elements such as bell towers may exceed this limitation by no more than ten (10') feet, subject to approval by the CONCEPTUAL DESIGN ~~Development~~ Review Board.

23.8.D PS Private Schools

1. Building Height

No building shall exceed 1 story and the exterior height shall not exceed 24 feet. The following increased building heights are subject to CONCEPTUAL DESIGN ~~Development~~ Review Board ~~DRB~~ approval:

a. Architectural elements, such as bell towers, may exceed this limitation by no more than ten (10) feet. The number of steeples, spires, towers or campaniles or similar structures is limited to one unless otherwise approved by the CONCEPTUAL DESIGN ~~Development~~ Review Board.

23.8.E T-P Technological Park District

1 and 2. NO CHANGES

3. Courtyards and Pedestrian Malls

a and b. NO CHANGES

c. The courtyard/mall requirement may be waived by Town Council based on a suitable alternative design solution being presented to AND APPROVED BY the CONCEPTUAL DESIGN ~~Development~~ Review Board ~~and Town Council~~.

CHAPTER 24
ZONING CODE AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 24 (SUPPLEMENTARY DISTRICT REGULATIONS)

Contents

Section 24.1.A Tangerine Corridor District Regulations/Guidelines
Section 24.1.F Tangerine Road Corridor District Design Guidelines
Section 24.2.H Hillside Site Improvement Standard
Section 24.4.E Planned Area Development (PAD)-Review Process
Section 24.5.D Oracle Road District Landscape Standards and Guidelines
Section 24.5.E Oracle Road Scenic Corridor District Use Standards
Section 24.6.C Standards for Golf Course Design and Irrigation
Section 24.7.B Riparian Habitat Identified; Protective Buffer Required
Section 24.7.C Riparian Habitat Study/Mitigation Plan Requirements
Section 24.7.D Development Standards Within and Around the Riparian Habitat Overlay District
Section 24.7.E Modification to Zoning District Development Standards Allowed in Subdivisions and Developments Containing Identified Riparian Habitats

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NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~.
New punctuation indicated with an underline.

Section 24.1 Tangerine Corridor Overlay District (TRCOD)

24.1.A Tangerine Corridor District Regulations/Guidelines

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

NOTE: ALL DETERMINATIONS AND DECISIONS MADE BY THE PLANNING AND ZONING ADMINISTRATOR PURSUANT TO THIS CHAPTER MAY BE APPEALED TO THE BOARD OF ADJUSTMENT.

24.1.A THROUGH E NO CHANGES

24.1.F Tangerine Road Corridor District Design Guidelines

Design guidelines are intended as a flexible, regulatory supplement and complement the development standards set forth in Section 24.1.E for general land development use types. The full intent of the following criteria should be met, as determined by the CONCEPTUAL DESIGN ~~Development~~ Review Board, in order to obtain ~~development~~ CONCEPTUAL DESIGN approval.

1 TO 5. NO CHANGES

6. Design Guidelines Review Findings

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

Section 24.2 Hillside Development Zone

24.2.A THROUGH G NO CHANGES

24.2.H Hillside Site Improvement Standard

1. Building Height

a. NO CHANGE

b. A variance to maximum building height may be approved by the Board of Adjustment. Additionally, the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~ shall review any RESIDENTIAL structure over 18 feet in the HDZ and may approve said structure if such approval provides a better method of building to the land and is no more detrimental to adjacent properties than strict adherence to the development standards of the underlying district would allow. Such variance, as granted by the Board of Adjustment, shall be in compliance with the provisions of Section 21.6 of the Oro Valley Zoning Code Revised. PLANNING AND ZONING ADMINISTRATOR AND/OR TOWN ENGINEER ~~Development Review Board~~ review and approval shall be required prior to the issuance of any grading or building permits in accordance with Section 22.~~5~~7.

C. THE CONCEPTUAL DESIGN REVIEW BOARD SHALL REVIEW ANY COMMERCIAL STRUCTURE OVER 18 FEET IN THE HDZ AND MAY RECOMMEND APPROVAL OF SAID STRUCTURE TO THE TOWN COUNCIL IF SUCH APPROVAL PROVIDES A BETTER METHOD OF BUILDING TO THE LAND AND IS NO MORE DETRIMENTAL TO ADJACENT PROPERTIES THAN STRICT ADHERENCE TO THE DEVELOPMENT STANDARDS OF THE UNDERLYING DISTRICT.

2. NO CHANGE

3. Color

All exposed exterior walls and roofs of structures, retaining walls and accessory structures shall utilize the predominant natural colors found on the parcel. Satellite dishes shall be earth tone or black. White is not permitted. IN HDZ ZONES, ~~Color approval~~ IN RESIDENTIAL ZONING DISTRICTS, COLORS MAY BE APPROVED by the Planning and Zoning Administrator. ~~shall be required for all HDZ development~~ IN COMMERCIAL ZONING DISTRICTS, CONCEPTUAL DESIGN REVIEW BOARD APPROVAL OF COLORS IS REQUIRED. ~~Appeals of~~

~~the Planning and Zoning Administrator's decision may be filed by the applicant and will be heard by the Development Review Board within 35 days from the date of appeal. The decision of the Development Review Board shall be final.~~

Section 24.3 NO CHANGE

Section 24.4 Planned Area Development (PAD)

24.4.A THROUGH D NO CHANGE

24.4.E Review Process

The rezoning review shall follow the procedures of Section 22.3 with the following additions/modifications:

1. NO CHANGE

2. Public Hearings

A minimum of two (2) public hearings before the Planning and Zoning Commission shall be required in order to insure adequate review time for Commissioners~~, the Development Review Board~~ and interested members of the public. The final Commission public hearing shall not be scheduled prior to the submittal of the final PAD development plan.

~~3. Development Review Board Evaluation~~

~~The Development Review Board shall schedule and complete a review of the proposed preliminary PAD on its next regular meeting agenda. The Development Review Board review shall be made within 40 days of the date the application is certified adequate. The Development Review Board shall review those aspects of the PAD document normally associated with development review including building layout, circulation, open space, landscaping, building height, setbacks, parking, grading, and architecture with the purpose of providing assistance to the Commission in PAD review and assistance to the applicant regarding development review expectations and concerns. Development Review Board review shall include an assessment of PAD compatibility with the surrounding area regarding contemplated architectural styles and colors. The Development Review Board shall make written recommendations to the Planning and Zoning Commission regarding the review of a proposed PAD.~~

Section 24.5 Oracle Road Scenic Corridor District Regulations and Guidelines

24.5.A THROUGH C NO CHANGES

24.5.D Oracle Road District Landscape Standards and Guidelines…

1. Vegetation Preservation Site Planning Standards

d. Except for clearing necessary to provide utilities and access to the site, no significant vegetation shall be removed within a distance of 100 feet from the dedicated right-of-way line of Oracle Road (Figure 1) without prior PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~ approval. No development, other than additional landscaping, is permitted within this 100 foot zone (See Section 24.5.G for additional landscaping requirements specific to land use type).

2. NO CHANGE

3. Walls and Berms Standards

a and b. NO CHANGES

~~c. Walls, wall colors, and materials shall match wall designs approved by the Development Review Board. Fences shall be prohibited, with the exception of wrought iron fence treatments used in association with masonry walls.~~

4. Vegetation Preservation and Site Planning Guidelines

Innovative site planning and architectural treatments, which preserve and incorporate existing trees, significant vegetation, and shrubs is encouraged. Other landscape treatment standards may be relaxed or altered at the discretion of the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~ should the project demonstrate an exceptional preservation approach. Variations in landscape standards which allow innovative site planning to preserve the maximum number of existing trees and shrubs are encouraged. …

a. NO CHANGE

b. Walls and Berms Guidelines: Wall colors and materials are subject to ~~Development Review Board~~ PLANNING AND ZONING ADMINISTRATOR approval. Colors and materials should complement and be consistent with primary on-site architectural features and materials.

24.5.E Oracle Road Scenic Corridor District Use Standards

1, 2. NO CHANGE

3. Commercial Development Regulations. …

A THROUGH D. NO CHANGE

e. View Corridors.

i and ii. NO CHANGES

iii. Landscaping, walls, or other improvements installed by the developer within or adjacent to view corridors require express PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~ approval.

4. Employment/Institutional Regulations …

a THROUGH d. NO CHANGE

e. View Corridors.

i. Along the west side of Oracle Road, buildings over 18 feet or other structures, including walls, signs or mechanical equipment over four (4) feet in height may not be placed within 150 feet of any defined view corridor without PLANNING AND ZONING ADMINISTRATOR ~~express Development Review Board~~ approval and further:

Section 24.6 Golf Course Overlay Zone

24.6.A & B NO CHANGES

24.6.C Standards for Golf Course Design and Irrigation

1, 2. NO CHANGES

3. Golf Course Design Standards. The following standards shall act to control the design, maintenance and operation of golf courses in the Town of Oro Valley:

a. Fringe and/or transition areas shall be provided to assure minimum setbacks from adjacent existing and future residential property lines. Golf hole "envelopes" or boundaries and driving range boundaries shall be created and clearly indicated on the FINAL SITE ~~development~~ plan. Envelopes shall observe the following distances to adjoining existing and future residential properties: …

I TO IV. NO CHANGES

v. The Town Council, upon the recommendation of the golf course architect, hired by the Town to review plans (See Section 24.6.E), and the CONCEPTUAL DESIGN ~~Development~~ Review Board, may approve smaller setbacks, where deemed appropriate for any golf course type, including executive and pitch-and-putt golf courses. Criteria to be considered when permitting setback reductions include, but are not limited to, significant stands of existing vegetation to be preserved in place, grade separation between fairway and properties to be developed and prevailing winds.

4. NO CHANGE

5. Residential Design Standards

The following standard acts to provide additional public safety and protection of private property from errant golf balls.

a. Walls and/or vegetation are encouraged, and may be required, by RECOMMENDATION OF the CONCEPTUAL DESIGN ~~Development~~ Review Board AND APPROVAL OF THE ~~or~~ Town Council, in order to afford additional protection from errant golf balls.

Section 24.7 Riparian Habitat Protection Overlay District

24.7.A NO CHANGE

24.7.B Riparian Habitat Identified; Protective Buffer Required

1. NO CHANGE

2. Protective Apron Required

In addition to the defined Riparian Habitat area, as described, and further depicted on the adopted Riparian Habitat Maps, an apron area, not less than 15 feet in width, as measured in any direction from the boundary of a defined Riparian Habitat, shall be provided. Within the required apron area, subsequent to erection of required temporary fencing (see Section 24.7.C and Section 24.7.D) and issuance of a grading permit, disturbance may occur, i.e., apron area may be used as a "trample zone" for grading, utility installation and other construction-related activities. If this required 15 foot apron area is disturbed in any way, however, the restoration of the apron, including re-establishing natural grades and soil compaction, must be addressed in the mitigation/revegetation plans, to the satisfaction of the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board and Town Council~~.

24.7.C Riparian Habitat Study/Mitigation Plan Requirements

1 TO 3. NO CHANGES

~~4. Appeals Regarding Mitigation Plan Requirements~~

~~The Planning and Zoning Administrator's decision regarding mitigation plans may be appealed to the Development Review Board, which shall formulate a recommendation on the decision and forward same to the Town Council, which shall make a final decision, based upon its findings in the matter.~~

24.7.D Development Standards Within and Around the Riparian Habitat Overlay District

1 & 2. NO CHANGES

3. Disturbance for Essential Infrastructure

Up to five (5) percent of the regulated habitat may be disturbed, at the discretion of the Town Engineer and Planning and Zoning Administrator, however, no approval for such disturbance may be given until all other design options for installation of essential infrastructure have been thoroughly explored and a Mitigation Plan for the affected area(s) has been approved. If restoration of the destroyed habitat is not possible, based upon required paving, drainage structures, or for access to utilities for maintenance purposes, another area, on-site only, may be used to fulfill the mitigation requirements, as approved by the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board and Town Council~~, on an acre for acre basis.

24.7.E Modification to Zoning District Development Standards Allowed in Subdivisions and Developments Containing Identified Riparian Habitats

1. NO CHANGE

2. Applicability

A THOUGH C. NO CHANGES

d. Other Modifications Permitted. Modifications to development standards not set forth herein may be requested, and may be granted by the Town Council, if modifications promote the preservation of natural areas and do not violate statutes, development agreements, appeal processes, or other provisions of this code.

Modifications to development standards may be granted at the rezoning stage and conditional use permit, upon recommendation by the Planning and Zoning Commission and approval by Town Council or, if associated with a plat or SITE plan, Town Council approval may be given upon recommendation by the CONCEPTUAL DESIGN ~~Development~~ Review Board.

CHAPTER 25
ZONING CODE AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 25 (USE REGULATIONS)

Contents

Section 25.1.A General Requirements for All Non-Residential Uses
Section 25.1.F Communication Structures and Facilities
Section 25.1.Q Sexually-Oriented Businesses

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck.~~
New punctuation indicated with an underline.

Chapter 25 title: Subdivision and SITE ~~Development~~ Plans

Section 25.1 Requirements for Specific Uses

25.1.A General Requirements for All Non-Residential Uses

1. NO CHANGES

2. CONCEPTUAL Architecture; Subject to CONCEPTUAL DESIGN ~~Development~~ Review Board Approval:

   a. Accessory structures (structures other than the primary building(s) such as screen walls, gas station canopies, carports, signage structures) shall be coordinated with the primary building(s) in terms of materials, colors and style.

   b. Exterior finishes of a building shall not exceed a reflectivity of 60%.

3, 4, 5. NO CHANGES

6. Odors

   a. All restaurants and manufacturing uses shall provide an odor abatement plan at the time of FINAL DESIGN ~~Development Plan~~ submittal. The plan is subject to PLANNING AND ZONING ADMINISTRATOR APPROVAL. DECISIONS MAY BE APPEALED TO THE BOARD OF ADJUSTMENT.~~Development Review Board (DRB) review and Town Council approval.~~

25.1.B THROUGH E NO CHANGES

25.1.F Communication Structures and Facilities

1. Antenna

   a. Residential Antenna Standards:….

iv. ~~Approval from the Development Review Board, at a regularly scheduled meeting, is required for a~~All ground or building mounted satellite dish antennas ~~that are~~ over 1 meter in diameter SHALL ADHERE TO~~. T~~the following standards ~~are required~~:

b. Commercial Antenna Standards:…

iii. Satellite Dishes exceeding 2 meters in diameter.

Approval from the ~~Development~~ CONCEPTUAL DESIGN Review Board is required subject to the following standards:

2. Communication Facilities

a. and b. NO CHANGES

c. Minor Communication Facilities:

i. General Standards for Minor Facilities:

a) Minor facilities may not exceed 40 feet in height unless otherwise specified herein.

b) Minor facilities are exempt from parking requirements specified in Chapter 11, unless required by Planning and Zoning Administrator or ~~Development~~ CONCEPTUAL DESIGN Review Board.

ii. Tier I Minor Facilities:

a) The Planning and Zoning Administrator ~~may elect to~~ SHALL make a determination on a Tier I application. ~~or forward to the Development Review Board for consideration. All property owners within 300' of the facility will be notified by mail and provided with 15 days to respond. The P&Z administrator may require a neighborhood meeting.~~

iii. Tier II Minor Facilities

a) The ~~Development~~ CONCEPTUAL DESIGN Review Board shall make a final determination on all Tier II applications, except when a proposed new facility exceeds the building height restrictions of the underlying zoning district. In this case, THE CONCEPTUAL DESIGN REVIEW BOARD SHALL PROVIDE A RECOMMENDATION PRIOR TO TOWN COUNCIL DETERMINATION ~~it shall also be reviewed by Town Council~~.

d. Major Communication Facilities

i. NO CHANGES

ii. They are subject to a conditional use permit. ALL PROPERTY OWNERS WITHIN 600 FEET MUST BE NOTIFIED FOR THE USE PERMIT. Once a use permit has been obtained, a Communication Facility application shall be submitted for CONCEPTUAL DESIGN ~~Development~~ Review Board approval. ~~All property owners within 600 feet must be notified for the use permit.~~

25.1.G THROUGH R NO CHANGES

25.1.Q Sexually-Oriented Businesses

1-3. NO CHANGES

4. Timing of Development

a. The CONCEPTUAL DESIGN SUBMITTAL ~~development plan and building elevations~~ for a shopping center shall be reviewed ~~and approved~~ by the CONCEPTUAL DESIGN ~~Development~~ Review Board and Town Council prior to submitting or simultaneously with the approval of a CONCEPTUAL DESIGN SUBMITTAL ~~development plan and building elevations~~ for any sexually-oriented business.

CHAPTER 26
ZONING CODE AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 26 (SUBDIVISION & ~~DEVELOPMENT~~ SITE PLANS)

Contents

Section 26.2.F Design Standards-Street Location and Arrangement
Section 26.2.J Landscaping in Subdivisions
Section 26.4.A Modifications of Subdivision Regulations-Extraordinary Conditions
Section 26.4.B Subdivisions as Complete Community or Neighborhood
Section 26.5.B Minimum Recreation Area Standards

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck.~~
New punctuation indicated with an underline.

Section 26.1 NO CHANGE

Section 26.2 Design Standards

26.2.A THROUGH E NO CHANGES

26.2.F Street Location and Arrangement…

1 & 2. NO CHANGES

3. Certain proposed streets within the tract shall be extended to the tract boundaries to enable connection to existing streets or to future streets in the unplatted areas. Additionally, paved access ~~streets~~ shall be provided to the development from ~~primary~~ existing vehicular streets as specified by the Town Engineer ~~or the Development Review Board~~ and approved by the Town Council.

26.2.G THROUGH I NO CHANGES

26.2.J Landscaping in Subdivisions

All open areas shall be landscaped by the subdivider at his expense. All landscaping shall be supplied and installed according to the APPROVED landscape plan ~~approved by the Development Review Board~~.

Section 26.3 NO CHANGE

Section 26.4 Modifications of Subdivision Regulations

26.4.A Extraordinary Conditions

When, in the opinion of the Town Council, there exists extraordinary conditions of topography, land ownership or adjacent development or other circumstances not provided for in these regulations, the Town Council may, upon ~~investigation and~~ recommendation by the CONCEPTUAL DESIGN ~~Development~~ Review Board,

modify these regulations in such manner and to such extent as it may deem appropriate to the public interest.

26.4.B Subdivisions as Complete Community or Neighborhood

In the case of a plan and program for a complete community or a complete neighborhood, the Town Council may, upon recommendation by the CONCEPTUAL DESIGN ~~Development~~ Review Board, modify these regulations in such a manner as appears necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, including dedication of property to the Town for sites for schools, parks and other necessary public facilities and which also provides such protective covenants, deed restrictions or other legal provisions as will assure conformity to, and achievement of, the plan.

Section 26.5 Provision of Recreational Area

26.5.A NO CHANGES

26.5.B Minimum Recreation Area Standards

1 & 2. NO CHANGES

3. Recreational areas shall not include land, such as peaks, ridges, land fragments, land restricted by town policy, condition or ordinance, and land determined unusable for recreational purposes by the Mayor and Town Council. Shallow retention basins (~~floodprone~~ FLOOD PRONE areas) may be ~~accepted~~ APPROVED for use as recreational areas subject to recommendations by the Town Engineer~~,~~ AND Planning and Zoning Administrator.~~, Development Review Board and acceptance by the~~ DECISIONS MAY BE APPEALED TO THE Town Council.

CHAPTER 27
ZONING CODE AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 27 (GENERAL DEVELOPMENT STANDARDS)

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Section 27.3.A *Public Artwork Provisions*-Purpose
Section 27.3.B *Public Artwork Provisions*-Applicability
Section 27.3.C *Public Artwork Provisions*-Artwork Budget
Section 27.3.D *Public Artwork Provisions*-Fee In Lieu of Public Art
Section 27.3.E *Public Artwork Provisions*-Design and Location Requirements
Section 27.3.F *Public Artwork Provisions*-Installation and Maintenance
Section 27.3.G *Public Artwork Provisions*-Processing
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NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck .~~
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CHAPTER 27.3 *GENERAL DEVELOPMENT STANDARDS*

Section 27.3 Public Artwork Provisions

A. Purpose

The purpose of these public artwork requirements is to implement the General Plan Arts and Culture Element and support the cultural and educational enrichment of the citizens and visitors to Oro Valley through the creation of artwork that is accessible to all members of the community. The Town seeks enhancements to community beauty, artistic entertainment and enrichment for all its residents and visitors, and education in and through the arts.

B. Applicability

1. Public artwork is a required element of new private and public construction projects in Oro Valley as specified in this Section 27.3.

2. Artwork projects created for private development as a result of the requirements of this Section shall be privately owned and included in all nonresidential development projects, including religious institutions and nonprofit organizations, with the exception of communication facilities,

utility installations and similar projects as determined by the Planning and Zoning ~~Director~~ ADMINISTRATOR.

3. All projects where public artwork has not been provided in accordance with Town Council requirements and legal nonconforming uses, that propose twenty-five percent (25%) or more cumulative addition or structural modifications, such as changes in square footage, gross floor area, and building facade, shall meet the requirements of this Section 27.3.

4. Public artwork is required for all new public construction projects involving construction costs over fifty thousand dollars ($50,000), with the following exceptions:

   i. Public art expenditure is not legally permissible due to the constraints imposed by the funding mechanism;

   ii. Maintenance projects such as surface treatments;

   iii. Safety improvements such as sidewalks and overlays with shouldering for bike lanes;

   iv. Significant budgetary constraints necessitate cost reduction, subject to Town Council approval.

C. Artwork Budget

1. A budget for public artwork shall be established based on one percent (1%) of the building permit valuation for the project, including all phases of a multi-phase project. The itemized budget and a copy of the contract or agreement with the artist shall be submitted for Town review. The budget shall be spent on the design, fabrication, installation, and the Town review process of public artwork for the project.

2. For applicable public construction projects, one percent (1%) of the project construction cost shall be used for public artwork.

3. If specifically approved by the ~~Art Review Commission~~ PLANNING AND ZONING ADMINISTRATOR, artwork budgets may include integrated pedestals, bases, walls, utility extensions and architect's fees exclusively required for the artwork.

4. Artwork budgets shall not be used for normally required improvements and development costs, including but not limited to land acquisition, grading, paving, sidewalks and landscaping.

5. For multi-phase projects, an updated public artwork budget, based on the most current building valuation tables, will be submitted for each phase at the time of application for public artwork approval.

D. Fee In Lieu of Public Art

1. If the building permit valuation is less than one million dollars ($1,000,000), the owner/developer may elect to contribute the one percent (1%) to the Town of Oro Valley as an in-lieu fee. It shall be earmarked specifically for public artwork projects.

2. If the building permit valuation is ten million dollars ($10,000,000) or more, the owner may elect to contribute that portion of the one percent (1%) over one hundred thousand dollars ($100,000) to the Town of Oro Valley earmarked specifically for public artwork projects.

3. A portion of the one percent (1%) may also be used to construct on-site performing art facilities used for and by the public for the promotion and production of the arts.

4. The in-lieu fees paid to the public art fund may be used for the maintenance of publicly owned artwork.

E. Design and Location Requirements

1. Public artwork shall be designed by an artist, as defined in Section 31. If a design team is employed to create public artwork, at least one (1) team member shall be an artist as defined in Chapter 31.

2. Public artwork shall not include any of the following unless specifically allowed by the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD and the item is designed by an artist: architectural elements or structural parts of a building or other structure; fixtures or features such as grates, shade screens, streetlight, benches, signs, and bike racks. Designs of such items shall clearly result in artistic expression beyond the normally anticipated functional appearance.

3. Public artwork shall be in an area easily accessible and clearly visible to the general public. The location shall allow for unrestricted viewing from a variety of vantage points.

4. Public artwork may be located on a publicly viewable building facade, provided such location improves overall public accessibility to the artwork.

5. Artwork may be located within a building subject to ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD approval. The applicant shall demonstrate to the satisfaction of the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD that the interior location for artwork provides equal or superior public access relative to outdoor locations. Indoor locations shall be readily accessible to the public such as lobbies and entryways and shall be accessible to the public for a minimum of forty (40) hours each week.

6. The location of public artwork shall be indicated on the landscape plan, development plan, plat or other appropriate document as determined by the Planning and Zoning ~~Director~~ ADMINISTRATOR.

7. Public artwork shall be permanent and fixed, and may be integrated with the work of other design professionals.

8. Public artwork shall not be located in sight visibility triangles.

9. Location of art in a proposed or existing Town right-of-way shall be approved by the Town Engineer.

10. Off-site locations within the Town for public artwork may be approved by the Town Council, upon review and recommendation by the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD.

11. The Planning and Zoning Administrator may determine that the proposed public art location is remote and that public access to or visibility of the public art will be severely limited. This determination may result in the property owner electing to utilize the in-lieu option as outlined in Section D. The in-lieu fee provision may be applied to all or a portion of the one percent (1%) contribution for public artwork.

F. Installation and Maintenance

1. Public artwork shall be installed, inspected and certified complete prior to the issuance of a final certificate of occupancy. If a certificate of occupancy has previously been issued, any business license or other Town approvals shall not be granted until public artwork installation is complete.

2. An artwork installation schedule, addressing timing, budget allocation, artwork location(s), and specific details for each phase of a phased development project, shall be submitted for review by the Planning and Zoning Director. Each development phase shall include public artwork allocated proportionally to building valuation as determined by the Planning and Zoning ~~Director~~ ADMINISTRATOR.

3. Public artworks must remain on public display under optimum conditions in which they were originally installed.

4. The installation of the artwork will be done in a manner that will protect the artwork and the public. The general safety and permanence of artwork installation shall be inspected as determined by the Town Building Official, Town Engineer and the Planning and Zoning ~~Director~~ ADMINISTRATOR. Incomplete or unsafe installations shall not be approved.

5. Artwork projects may have a small plaque not to exceed eighty (80) square inches in size identifying the work, artist and contributors.

6. Continued maintenance of the artwork shall be the responsibility of the property owner. The artwork shall be maintained to preserve its intended appearance as specified in the approved application. Faded paint, missing or damaged parts, or deteriorated finishes represent unacceptable maintenance conditions.

7. The original artist shall be offered the opportunity to provide maintenance and repair services for the artworks they create. If the original artist will not be maintaining the artwork, documentation of the property owner's request to the artist for maintenance and repair services shall be submitted with the maintenance plan required in Section 27.3.~~E~~.**F.**8.

8. A maintenance plan specifying the party(ies) intended to complete repairs shall be submitted with the application for public artwork approval. If the party identified to perform maintenance and repairs is not the original artist, a statement of the individual's qualifications to repair and maintain public artwork shall be submitted with the maintenance plan. Qualified individuals shall have experience working with the media and materials used in the artwork.

9. Public artwork responsibilities shall transfer from property owner to property owner.

10. The property owner shall be responsible for the services and utilities necessary to operate and/or maintain public artworks over time.

11. The property owner shall provide evidence of insurance in a minimum amount equal to the purchase and installation costs of the public artwork.

12. Replacement of missing or damaged public artworks is required, unless the property owner provides documentation that shows that the artwork was properly maintained in accordance with the approved maintenance plan. Property owners are required to respond to inquiries from the Town regarding damaged or missing public artwork within fifteen (15) days of written notice.

13. Failure to maintain the artwork, as determined by the Planning and Zoning ~~Director~~ ADMINISTRATOR, shall constitute a violation of this code, and/or cause liens against the real property.

14. Public artwork cannot be permanently removed, relocated or altered in any way without the review and approval of the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD, as long as the establishment remains open for business or maintains an Oro Valley business license.

15. In the event public artwork must be temporarily moved or altered due to construction or other activity, the property owner shall submit in writing a request to the Planning and Zoning ~~Director~~ ADMINISTRATOR detailing the purpose, time frame, and intended temporary location for the artwork. Only the individual identified in the maintenance plan shall be permitted to move or alter public artwork. The request must be approved by the

Planning and Zoning ~~Director~~ ADMINISTRATOR prior to movement of alteration of the artwork. The artwork shall be returned to its original location.

G. Processing

1. ~~The Art Review Commission shall review and may approve all applications for~~ P~~p~~ublic artwork SHALL BE REVIEWED in a two-step process: conceptual review and final review. CONCEPTUAL PUBLIC ARTWORK SHALL BE REVIEWED BY THE CONCEPTUAL DESIGN REVIEW BOARD AND FINAL PUBLIC ART SUBMITTALS SHALL BE REVIEWED BY TOWN STAFF.

~~2. Whenever a landscape plan is required with a development plan or subdivision plat, conceptual review of public artwork must be approved by the Art Review Commission prior to the approval of the landscape plan for development projects.~~

~~3~~ 2. Public artwork for public construction projects shall be reviewed by the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD. Timing for public construction projects' artwork conceptual ~~and final~~ review by the ~~Art Review Commission~~ CONCEPTUAL DESIGN REVIEW BOARD shall be determined by the Town Engineer and the Planning and Zoning ~~Director~~ ADMINISTRATOR.

~~4~~ 3. THE Conceptual DESIGN review OF ARTWORK shall assess artist qualifications, conceptual artwork design and artwork location(s) AS PROVIDED IN SECTION 27.3.E. Conceptual review and approval is required prior to completion of a final review by ~~the Commission~~ TOWN STAFF.

~~5~~ 4. Subsequent to C~~c~~onceptual R~~r~~eview, the ~~Art Review Commission~~ PLANNING AND ZONING ADMINISTRATOR (PZA) SHALL complete a final review. The applicant shall provide information on the artwork's final design and a maintenance plan per Section 27.3.~~E~~.**F**.8 in sufficient detail to permit the PZA to completely evaluate the application using the standards and criteria included in ~~this Section 27.3~~ SUBSECTION H. Changes to the approved artwork design or the approved maintenance plan shall ~~be approved~~ REQUIRE APPROVAL OF ~~by~~ the ~~Art Review Commission~~ PZA.

~~6~~ 5. Project completion shall be certified by the acceptable installation of the approved artwork and submittal by the property owner of a certification package including the following: a statement that the artwork, artist and site meet the criteria established by the ordinance codified in this Section, the date on which the installation was completed, and an itemized account of the expenses incurred in fulfilling the requirements of the ordinance codified in this Section. Certification shall be completed before the Town issues a final certificate of occupancy.

7 6. For existing development, previously approved projects, subsequent phases of phased projects, or projects that do not require a landscape plan, final review of public artwork shall be approved prior to the issuance of the building permit.

8 7. THE TOWN COUNCIL SHALL MAKE DECISIONS ON CONCEPUTAL PUBLIC ART PROPOSALS.Decisions of the Art Review Commission CONCEPTUAL DESIGN REVIEW BOARD on conceptual or final review ART shall be final, unless, within twenty (20) days from the date of the BOARD'S Commission's decision, the applicant files an appeal in writing to the Town Council. The written appeal shall be filed with the Town Clerk and shall state in writing where, in the opinion of the appellant, the Commission BOARD was in error. The Clerk shall schedule the appeal for a Town Council agenda and the Town Council, at its meeting, shall uphold, modify or overrule the decision of the Commission BOARD.

9. The Town Council may initiate its own review of any decision of the Art Review Commission and shall uphold, modify or overturn said decision. Notice of Town Council-initiated review of an Art Review Commission decision shall be given to the applicant by the Town Clerk within twenty (20) days after the action of the Art Review Commission.

10 . If an appeal is not filed nor Town Council review initiated within twenty (20) days of the Commission's decision, the decision shall be final.

H. Review Criteria

In reviewing applications for CONCEPTUAL public artwork, the Art Review Commission CONCEPTUAL DESIGN REVIEW BOARD shall consider, but is not limited to, the criteria described below AND THE DESIGN PRINCIPLES AND DESIGN STANDARDS ESTABLISHED IN SECTION 22.9 OF THIS CODE AND THE ADOPTED DESIGN STANDARDS WITHIN THE ZONING CODE. The Commission BOARD shall determine acceptability of individual applications based on their interpretation and judgement of fulfillment of these criteria.

1. LOCATION: PUBLIC ARTWORK LOCATIONS SHALL BE INTEGRATED WITH THE LAYOUT AND HARDSCAPE COMPONENTS OF THE SITE. TO THE EXTENT FEASIBLE, PUBLIC ARTWORK SHALL BE PLACED IN A HIGHLY VISIBLE AND PUBLICLY ACCESSIBLE LOCATION.

2. MATERIALS AND SAFETY: PROPOSED ARTWORKS SHALL BE DESIGNED TO PREVENT HAZARDS TO THE PUBLIC. DURABILITY AND SAFETY OF MATERIALS SHALL BE CONSIDERED INCLUDING POTENTIAL AREAS OF EXCESSIVE WEAR OR DAMAGE, WHICH SHALL BE MITIGATED.

3. OBSTRUCTIONS: POTENTIAL FUTURE OBSTRUCTIONS, INCLUDING LANDSCAPE MATERIALS AT MATURITY OR

FUTURE CONSTRUCTION, SHALL BE CONSIDERED WHEN LOCATING PUBLIC ART.

4. VIEWING AREA: LOCATIONS FOR ARTWORK SHOULD INCLUDE NEARBY ACCESSIBLE SEATING, WHEN APPROPRIATE, FROM WHICH THE ARTWORK CAN BE EASILY VIEWED.

5. ORIGINAL WORK: THE ARTWORK SHALL BE ORIGINAL AND NOT DUPLICATE EXISTING ARTWORK IN THE TOWN AND SHALL CONFORM TO COMMUNITY STANDARDS.

Section 27.4-PREVIOUSLY REPEALED (ORD (O) 09-20)

Section 27.5 Outdoor Lighting

27.5.A NO CHANGE

27.5.B Applicability

4. Change of Use

a. Whenever the use of any existing building, structure, or premises is changed to a new use that is substantially different from the existing one, all outdoor lighting shall be reviewed and brought into compliance with this code before the new use commences. The ~~Planning and~~ Planning and Zoning Administrator will determine whether a substantial change has occurred by evaluating each of the following factors: …

~~vi. Need for Development Review Board reconsideration of the development plan and/or architecture.~~

27.5.C THROUGH E NO CHANGE

27.5.F Outdoor Light Fixture Height Requirements…

2. The maximum height of the pole-mounted luminaire shall not exceed 18 feet or as otherwise specified herein.

a. In C-2 zoned districts, the maximum height shall not exceed 28 feet.

b. In T-P zoned areas, ~~Development Review Board~~ THE PLANNING AND ZONING ADMINISTRATOR may allow maximum height up to 28 feet based on the following factors but not limited to…

Section 27.6 Landscape Conservation

27.6.A NO CHANGE

27.6.B Native Plant Preservation, Salvage and Mitigation

1. Applicability…

A&B. NO CHANGES

27.6.C. ALL PLANNING AND ZONING ADMINISTRATOR DECISIONS OR DETERMINATIONS ALLOWED IN THIS SECTION MAY BE APPEALED TO THE TOWN COUNCIL.

2. NO CHANGES

3. Site Resource Inventory Standards and Requirements

a through d. NO CHANGES

e. Mitigation Remedy. When a proposed development is in conformance with the General Plan and meets other development standards of the code, but unique circumstances exist in regard to significant vegetation, such as when a large percentage of a site is covered with significant vegetation and mitigation results in plants too numerous to survive on the site, the developer may request approval for a mitigation remedy. Remedies include provision of required vegetation, irrigation materials, and associated labor as follows:

i. Relocation to an adjacent property.

ii. Placement on a Town property.

iii. In-lieu fee for a Town landscape or restoration project.

iv. Other similar relocation effort.

The developer must make his/her request to the Town for a mitigation remedy before or concurrent with a ~~preliminary plat or~~ FINAL DESIGN REVIEW ~~development plan~~ submittal. The request shall include a mitigation proposal and rationale and justification for the proposal. The PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board (DRB)~~ shall consider the proposal and make their decision BASED ON THE AFOREMENTIONED CRITERIA ~~at a public meeting~~.

4. Native Plant Preservation, Salvage and Mitigation Plan Requirement

a through j. NO CHANGES

k. Native plants to be transplanted on site shall be used within those areas designated as “common area” or landscaped area such as buffer areas, streetscapes, and parking lots and within the front yards of residential

lots, or other areas as may be approved by the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~.

27.6.C Landscape Design

1 through 3. NO CHANGES

4. Buffer Yards

a. NO CHANGES

b. Standards

i through iii. NO CHANGES

iv. When buffer yards occur adjacent to each other (i.e., along the property lines of two (2) adjacent properties) the ~~Development~~ PLANNING AND ZONING ADMINISTRATOR ~~Review Board~~ may require a pedestrian trail running through the buffer yard(s). The ~~Development~~ ~~Review Board~~ PLANNING AND ZONING ADMINISTRATOR may also require a minimum twenty (20) foot wide corridor that provides pedestrian ingress/egress between…

5. Screening

a. NO CHANGES

b. Standards

i and ii. NO CHANGES

iii. The requirement for a screen may be waived or the height lowered by the ~~Development~~ ~~Review Board~~ PLANNING AND ZONING ADMINISTRATOR if the buffer yard, topography, or layout of development provides adequate screening to surrounding properties, or if it would create an unsafe, unusable alley between two (2) walls.

iv. The PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board~~ may increase the height of a wall and/or the number of required plantings if the buffer yard, topography, or layout of the development does not otherwise adequately screen surrounding properties.

27.6.D NO CHANGE

27.6.E. Administration

1. Application, Processing and Approval

a. NO CHANGE

b. Processing

i through iii. NO CHANGE

iv. The Planning and Zoning Administrator will assemble the responses from the various reviewing agencies AND MAINTAIN A FILE OF ALL RESPONSES RECEIVED ~~and submit them with a report to the Development Review Board~~.

c. Approval

i. The SRI and NPPSM plans will be reviewed and may be approved by the Planning and Zoning Administrator.

ii. Landscape plans will be reviewed and may be approved by the PLANNING AND ZONING ADMINISTRATOR ~~Development Review Board. Landscape plans submitted with development plans will be considered concurrently by the Development Review Board.~~

Section 27.7 Off-Street Parking

27.7.A NO CHANGE

27.7.B NO CHANGE

27.7.C General Provisions

1. NO CHANGE

2. Alternative Compliance

Upon written request by the applicant, the ~~Development~~ CONCEPTUAL DESIGN Review Board (CDRB) may approve an alternative-parking ratio.

a. Review Criteria: To approve an alternative plan, the ~~Development~~ CONCEPTUAL DESIGN Review Board must find that the proposed alternative plan accomplishes the purpose of this Section equally well or better than the standards of this Section. The ~~Development~~ CONCEPTUAL DESIGN Review Board shall consider:

3 through 7. NO CHANGES

8. Control of Parking Lots: Property used for parking shall be under the same ownership as and contiguous to the generating use. When the property is not under the same ownership as the generating use or is not contiguous to the generating use, the following shall apply:

a. NO CHANGE

b. A recommendation for approval by the ~~Development Review Board~~ PLANNING AND ZONING ADMINISTRATOR shall be obtained regarding the parking relationship to the generating use.

27.7.D THROUGH G NO CHANGE

27.7.H Design and Improvement Standards

1. Parking Lot Layout (Design)

A THROUGH F. NO CHANGES

g. Shopping Cart Bays: Parking areas where shopping cart are an integral part of the commercial business shall be designed to accommodate shopping cart storage. Cart storage spaces shall be integrated into the landscape areas within the parking area and shall be placed appropriately to accommodate the maximum number of parking spaces. Cart storage spaces shall be a minimum of four (4) feet wide and a maximum of nine (9) feet wide and the length shall be no longer than the depth of a parking stall. The minimum height shall be 45 inches measured from finished grade. Any lot for retail stores~~;~~ such as grocery~~,~~ OR home improvements ~~or big box (Wal-Mart, Target, Costco, etc.)~~ ,and containing 100 or more parking spaces shall install at least one (1) shopping cart bay per 85 spaces provided. The TOWN ENGINEER AND PLANNING AND ZONING ADMINISTRATOR ~~Town Council~~ may increase or decrease the number of shopping cart bays ~~with or without the recommendation of the Development Review Board (DRB) and/or the Planning and Zoning Commission~~.

2. Improvement Standards:

a. Slope and Grading: The finished grade of the parking lot shall be in accordance with the Town's grading standards. Grading of a site shall benefit landscaped areas and conform to the requirements of the Town's Grading Ordinance, Section 27.9. Below-grade or recessed parking lots are encouraged and may be required by the ~~Development Review Board~~ PLANNING AND ZONING ADMINISTRATOR OR THE TOWN ENGINEER to provide additional screening from major thoroughfares or residential areas.

Section 27.8 Off-Street Loading

27.8.A NO CHANGE

27.8.B General Regulations

All buildings hereafter erected or established shall have and maintain loading spaces as determined by the ~~Development~~ ~~Review Board~~ TOWN ENGINEER subject to conditions herein…

1 THROUGH 5. NO CHANGES

6. Modification of Requirements: The ~~Development~~ ~~Review Board~~ ~~Development Review Board~~ may reduce the number and location of required loading spaces where they determine that an unusual situation exists.

Section 27.9 Grading

27.9.A THROUGH D NO CHANGE

27.9.E General Grading Requirements and Notes…

9. Phased Grading

~~a. For all subdivisions containing 75 lots or more, with an average lot size of less than 10,000 square feet, a phased grading concept plan shall be required with the preliminary plat submittal. The Development Review Board shall review this plan. The Development Review Board shall forward their recommendation to the Town Council for their consideration.~~

b. For all projects ten (10) acres or larger requiring SITE ~~development~~ plans, a phased grading concept plan ~~shall~~ MAY be required with the ~~preliminary~~ FINAL SITE PLAN submittal. This plan shall be reviewed AND APPROVED by the TOWN ENGINEER ~~Development Review Board and approved by the Town Council~~.

CHAPTER 28
ZONING CODE AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB CHAPTER 28 (SIGNS)

Contents

Section 28.2.A Sign Permits, Fees, and Application Procedures
Section 28.2.B Sign Criteria and master Sign Program
Section 28.2.C PAD Exemption
Section 28.3.B *Requirements*-Illumination

NOTE: All required edits to include the Conceptual Design Review Board and clarify the authorities for recommendation and approval have been integrated into the revised sign code adopted by the Town Council on March 16, 2011. (Ordinance 11-07).

CHAPTER 31
ZONING CODE AMENDMENTS

ZONING CODE AMENDMENTS TO SUPPORT CDRB
CHAPTER 31 (DEFINITIONS)

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~.
New punctuation indicated with an underline.

82. Conditional Approval

Shall mean an affirmative action by the CONCEPTUAL DESIGN ~~Development~~ Review Board or Town Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

~~**101. Development Master Plan (DMP)**~~

~~Shall mean a preliminary master plan for the development of a large or complicated land area the platting of which is expected in progressive stages. A development master plan may be designated by the sub-divider and shall be subject to Development Review Board approval.~~

101. CONCEPTUAL SITE ~~Development~~ Plan

Shall mean THE CONCEPTUAL planS FOR a RESIDENTIAL OR NON-RESIDENTIAL development, ~~other than single-family detached non-cluster homes~~ including, but not limited to, the general layout of all buildings, PRELIMINARY GRADING CONCEPT, PRELIMINARY LANDSCAPE CONCEPT, drives, PARKING AREAS, carports, AND recreation facilities, AS SPECIFIED BY CURRENT TOWN POLICY.~~patios, walls, finish floor elevations~~, and ~~exterior elevations, prepared in accordance with Section 22.9.D. of this Code~~.

X. CONCEPTUAL DESIGN REVIEW SUBMITTAL

SHALL MEAN THE CONCEPTUAL DESIGN REVIEW SUBMITTAL PACKAGE CONSISTING OF THE CONCEPTUAL SITE PLAN, CONCEPTUAL ARCHITECTURAL DESIGN PLAN AND THE CONCEPTUAL PUBLIC ART PLAN SUBMITTALS.

~~**102. Development Plan**~~

~~Shall mean a plan of a development other than single-family detached non-cluster homes including, but not limited to, the general layout of all buildings, drives, carports, recreation facilities, patios, walls, finish floor elevations, and exterior elevations prepared in accordance with Section 22.9.E. of this Code.~~

~~**266. Preliminary Plat Approval**~~

~~Shall mean approval of the preliminary plat by the Town Council as evidenced in its meeting minutes and constitutes authorization to proceed with final engineering plans and final plat preparation.~~

293. Screen Wall

Shall mean an opaque wall at least 6 feet in height located along the perimeter of a said use where said use abuts a residential use. The screen wall shall be constructed of masonry or other similar material recommended by the ~~Planning and Zoning Commission and/or the~~ CONCEPTUAL DESIGN ~~Development~~ Review Board and approveD by Town Council. The purpose of the screen wall is to minimize any impacts associated with contiguous or adjacent land uses.

X. CONCEPTUAL DESIGN REVIEW

SHALL MEAN THE CONCURRENT REVIEW AND APPROVAL PROCESS FOR CONCEPTUAL SITE PLAN, CONCEPTUAL PUBLIC ARTWORK PLAN AND CONCEPTUAL ARCHITECTURAL PLAN BY TOWN STAFF, THE CONCEPTUAL DESIGN REVIEW BOARD, AND THE TOWN COUNCIL.

X. CONCEPTUAL ARCHITECTURAL DESIGN PLAN

SHALL MEAN THE CONCEPTUAL ARCHITECTURAL ELEVATIONS PREPARED IN ACCORDANCE WITH THIS CODE AND AN ELEMENT OF CONCEPTUAL DESIGN REVIEW PROCESS.

X. CONCEPTUAL PUBLIC ARTWORK PLAN

SHALL MEAN THE CONCEPTUAL ART PLAN PREPARED IN ACCORDANCE WITH SECTION 27.3.G OF THIS CODE AND AN ELEMENT OF CONCEPTUAL DESIGN REVIEW PROCESS.

X. CONSTRUCTION DRAWINGS

SHALL MEAN ALL DOCUMENTS REQUIRED FOR CONSTRUCTION THAT DEPICT ALL ELEMENTS OF THE FINAL LAYOUT AND DESIGN AT CONSTRUCTION-LEVEL DETAIL. THE CONSTRUCTION DRAWINGS INCLUDE THE FINAL SITE PLAN BASED ON THE APPROVED CONCEPTUAL SITE PLAN, AS WELL AS THE NATIVE PLANT PRESERVATION, SALVAGE AND MITIGATION PLAN AND LANDSCAPE, IRRIGATION, AND BUFFERYARD PLANS, FINAL PUBLIC ART PLANS, FINAL ARCHITECTURE PLANS, BUILDING PLANS AND IMPROVEMENT PLANS. ALL CONSTRUCTION DRAWINGS MUST BE STAMPED BY A REGISTERED ARCHITECT OR ENGINEER LICENSED IN THE STATE OR ARIZONA.

X. DESIGN REVIEW

SHALL MEAN THE COMPLETE TWO-STAGE PROCESS OF DEVELOPMENT REVIEW, INCLUDING ALL ELEMENTS, REQUIREMENTS, REVIEWS, APPROVALS AND PROCESSES RELATED TO CONCEPTUAL DESIGN REVIEW AND FINAL DESIGN REVIEW BY THE CDRB, STAFF AND TOWN COUNCIL.

X. FINAL DESIGN REVIEW

SHALL MEAN THE REVIEW AND APPROVAL PROCESS FOR CONSTRUCTION DRAWINGS AND/OR FINAL PLAT, STAMPED BY A REGISTERED ARCHITECT OR ENGINEER LICENSED IN THE STATE OR ARIZONA, AND SUBJECT TO APPROVAL BY TOWN STAFF AND TOWN COUNCIL FOR FINAL PLATS.

TOWN CODE CHAPTER 3 AMENDMENTS

TOWN CODE AMENDMENTS TO SUPPORT CDRB

CHAPTER 3 *(Administration)*

Contents

Section 3-5-4 Development Review Board
Section 3-6-9 Art Review Commission (repeal section)

NOTE: Language to be added is ALL CAPS. Language to be deleted is ~~struck~~
New punctuation indicated with an underline.

REPEAL ~~3-5-4 Development Review Board~~

~~A. There is hereby established a development review board for the Town of Oro Valley to consist of five to seven members; each of whom shall be a resident of the town.~~

~~B. Seven members shall be appointed by the council and shall serve at the pleasure of the council for two year terms, provided nothing herein shall affect the expiration of the current terms of the development review board. The effective date of this structure shall be June 30, 1996.~~

~~C. A planning commission member shall be appointed by the planning commission.~~

~~D. The members of the development review board shall serve without compensation; however, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the board and approval of the expenditures by the council.~~

~~E. The town engineer and zoning administrator, or their designated representatives, and one member of the council appointed by the council as a liaison to the development review board shall meet with the board on a regular basis in order to offer advice and technical assistance but shall not vote.~~

REPLACE WITH 3-5-4 Conceptual Design Review Board

A. There is hereby established a Conceptual Design Review Board (CDRB) for the Town of Oro Valley to consist of seven (7) voting members; each of whom shall be a resident of the town and two (2) ex-officio staff members; the Planning AND ZONING ADMINISTRATOR ~~Division Manager~~ and Economic Development Manager.

B. Seven (7) TOWN RESIDENTS ~~members~~ shall be appointed by the council and shall serve at the pleasure of the council for a maximum of two (2) three year terms, provided nothing herein shall affect the expiration of the

current terms of the CDRB. The effective date of this structure shall be June, 2011.

C. The members of the CDRB shall serve without compensation; however, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the board and approval of the expenditures by the council.

D. The -Planning AND ZONING ADMINISTRATOR ~~Division Manager~~, or their designated representatives, and one member of the TOWN C~~c~~ouncil appointed by the TOWN C~~c~~ouncil as a liaison to the CDRB shall meet with the board on a regular basis in order to offer advice and technical assistance. ~~but shall not vote.~~

REPEAL ~~3-6-9 Art Review Commission~~

~~A. There is hereby established an Art Review Commission (ARC) for the Town of Oro Valley.~~

~~B. The ARC shall consist of seven (7) members that shall be appointed by and serve at the pleasure of the Council for two (2) year terms.~~

~~C. ARC members shall be residents of the Town of Oro Valley and shall, preferably, have an art, architecture or landscape architecture background and/or experience.~~

~~D. ARC members shall serve without compensation; however, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Commission and approval of the expenditures by the Council.~~

~~E. ARC shall review all proposals for public art, as required by the Oro Valley Zoning Code Revised, and make recommendations to the Council regarding the proposed artwork.~~

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION **MEETING DATE: April 5, 2011**

TO: **PLANNING & ZONING COMMISSION**

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

SUBJECT: **Conceptual Design Review Board**: Overview of the new Design Review process including establishment of the new Conceptual Design Review Board, Zoning Code and Town code amendments related to this effort.

SUMMARY

Background

On December 1, 2010, the Town Council voted to create a new Conceptual Design Review Board (CDRB), replacing the functions of the Development Review Board (DRB) and the Art Review Commission (ARC).

The purpose of the CDRB is to:

- Streamline the development process
- Design Review early at the conceptual design phase
- Enhance the effectiveness of resident's input
- Concurrent review, reduced number of meetings
- Consolidates like functions
- Prior to significant investment when opportunity for change is more likely
- Increase "getting to shovel ready" projects (similar to BASIS Charter School process)

The CDRB will be composed of nine (9) members, including seven (7) voting members and two (2) non-voting Town staff members, as follows:

7 Regular Voting Members
- Design expertise requirement for 4 members
- Length of term is three years with a two term maximum

2 Non-Voting Members
- Planning Division Manager and Economic Development Manager
- Maintain consistency, continuity and provide policy and code expertise

Please refer to the attached 12/1/10 Town Council communication (Attachment #1) for additional details regarding the new CDRB process, including the implementation schedule for the new process.

DISCUSSION

New Design Review Process

To support the CDRB's role, a new Design Review process has been created that will entail the following two stages:

- **Conceptual Design Stage**: The conceptual design "package" is composed of the following submittals, which are reviewed by staff, recommended by CDRB, and approved by Town Council (formerly development plan and/or preliminary plat):

- Conceptual Site Plan
- Conceptual Public Art Plan
- Conceptual Architectural Plan

A flowchart depicting the conceptual design stage, including the role of staff, the CDRB and Town Council in the process, is shown in Attachment #2.

- **Final Design and/or Final Plat Stage**: The final design/final plat "package" is composed of the following submittals, which are reviewed and approved by staff. Final plats are reviewed by staff and approved by the Town Council:

  - Construction Documents, including a Final Site Plan prepared in accordance with the approved Conceptual Site Plan, Improvement Plans, and building Plans
  - Final Plat (if required to subdivide property)

A flowchart depicting the final design stage, including the role of staff and Town Council in the process, is shown in Attachment #3. The overall design review process is depicted in Attachment #4.

Actions Required to Create CDRB

The creation of the new CDRB and design review process requires the revision and creation of a number of Zoning Code sections, including:

- Chapter 21 of the Zoning Code and Chapter 3 of the Town Code changes establishing the CDRB (Attachment #5)
- Revised design review criteria (Attachment #6)
- Changes to numerous sections of code, including a new Section 22.9 setting forth the scope and authority of the CDRB and the design review process

While the code update is comprehensive in scope (i.e. every mention of DRB in the Zoning Code must be either replaced with CDRB, stricken, or rewritten to reflect the new process), several sections are key to implementing the new CDRB process. The new design review process will be outlined in Section 22.9 and creates a new framework for design review, processing, and defines the role of staff, the CDRB, and Town Council.

Town Code and Zoning amendments establishing the CDRB are attached for review and discussion (Attachment #5). Further, the CDRB will be guided by a revised set of design criteria (Section 22.9.C; Attachment #6) that are intended to guide the CDRB in evaluating conceptual design proposals.

Project Timeline

Work Product	CWG #2	PZC Mtg-overview/ discussion	Possible Special PZC Mtg	TC Mtg
Design Criteria	3/22	4/5	4/19	5/18
Code Changes	3/22	4/5	4/19	5/18

The purpose of tonight's meeting is to provide an overview of the new Design Review process and a preview of draft text amendments which will be forwarded to the Commission for review and recommendation at their next meeting. Staff is requesting a special meeting for April 19. As can be seen from the above timeline, it is intended that the Design Criteria and Code Amendments will be forwarded to the Council for action on May 18.

RECOMMENDATION/SUGGESTED MOTION

This item is presented for discussion only. No action is required at this meeting. A complete packet containing all proposed code updates will be provided for Commission's special meeting.

ATTACHMENTS

1. 12/1/10 Town Council Communication
2. Conceptual Design Review Roles Flowchart
3. Final Design Review Roles Flowchart
4. Design Review Process Graphic
5. Chapter 21 of the Zoning Code and Town Code changes establishing the CDRB
6. Revised Design Review Criteria

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TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION **MEETING DATE: April 19, 2011**

TO: **PLANNING & ZONING COMMISSION**

FROM: **David Williams, AICP, Planning Division Manager**

SUBJECT: **Public Hearing: Amendment to Zoning Code Chapters in preparation for the new Conceptual Design Review Board (CDRB), including portions of Chapters 21, 22, 23, 24, 25, 26, 27, 28, and 31, in the Oro Valley Zoning Code Revised (OVZCR), OV711-03.**

SUMMARY

The creation of the new CDRB and Design Review process, approved by the Town Council on December 1, 2010, entails a comprehensive revision and, in some cases, rewriting of the Zoning Code and portions of Town Code. All references to the DRB or Art Review Commission (ARC) in the Zoning Code and Town Code must be replaced, stricken, or rewritten to reflect the new process and/or recommending or approval authority.

A three member Council Work Group (CWG), composed of Councilmembers Gillaspie, Solomon, and Waters, have held (3) meetings to date to discuss and review all of the proposed code changes. In addition, the Legal Department has reviewed the code amendments. The attached code amendments integrate the CWG's and Legal Department's edits and suggestions.

While many of the attached code revisions can be categorized as "clean up" (i.e. changing the name of the reviewing or approval body), some are more crucial to implementing the new Design Review process. These more substantial sections include the following:

- **Town Code-Chap. 3** Deletion of the ARC and creation of the CDRB
- **Section 21.4** Powers and Duties of Planning and Zoning Administrator
- **Section 21.5** Scope and Authority of the CDRB
- **Section 22.9** New Conceptual and Final Design Review Process; revised design review principles

A more detailed discussion of the aforementioned code sections as well as the highlights of the changes for each Zoning Code chapter are included below.

All of the Town Code and Zoning Code amendments establishing the CDRB and the new design review process are attached for review and discussion (Attachments #1 through #10). As discussed at the May 5, 2011, Planning and Zoning Commission meeting, staff requests the Commission's recommendation to the Town Council regarding these proposed code updates at tonight's hearing. With the Commission's recommendation these code amendments will be heard at the May 18, 2011, Town Council meeting (see project timeline on Page 6). Due to the volume of proposed Code changes, it may be helpful to utilize your existing code (also available at this link: http://www.codepublishing.com/az/orovalley/) as an aid to follow and track all changes in the context of the current code.

DISCUSSION

New Design Review Process

The new Design Review process and authorities set forth in Chapters 21 and 22 of the Zoning Code (see Attachments #2 and #3) creates a framework for development review, processing, and approval and defines the role and authority of staff, the CDRB, and Town Council.

Overview of Zoning Code and Town Code Amendments
Following is a list of each Code chapter and list of code sections which must be amended, repealed, or rewritten in support of the new Design Review process. Key sections are discussed in greater detail below and a summary of changes is provided following the list of sections for each chapter. Where some existing code sections, including Sections 22.6 and 22.9, are proposed to be repealed and replaced with new sections, the new sections are provided in all caps and the existing sections to be repealed are provided as strike-out.

Town Code-Chapter 3 (Attachment #1)

- **Section 3-5-4** Development Review Board (revised)
- **Section 3-6-9** Art Review Commission (repeal section)

Summary of Changes
Section 3-5-4 changes the Development Review Board to the Conceptual Design Review Board and amends areas including the composition of the Board (from seven (7) to nine (9) members, including seven (7) citizen members and two (2) ex-officio staff members (Planning Division Manager as Chair and Executive Secretary and Economic Development Manager as Vice Chair)). Section 3-6-9 is being repealed with the dissolution of the ARC.

Chapter 21—Review and Decision-Making Bodies (Attachment #2)

- **Section 21.4.B, Powers and Duties of the Planning and Zoning Administrator**
  Under the new CDRB/Design Review process, the Planning and Zoning Administrator (PZA) becomes the Chair and Executive Secretary of the CDRB in a non-voting capacity. The purpose of this change is to provide continuity, meeting organizations, and direction for the CDRB.

- **Section 21.5.A, Conceptual Design Review Board-Scope/**
  Section 21.5.B, Conceptual Design Review Board -Powers and Duties
  The primary role and focus of the CDRB is to review conceptual design and to make recommendations to the Town Council. The full scope of authority for recommendation and approval are shown in the Process Reconfiguration Table (Attachment #11).

Other Revised Sections
- **Section 21.5.C** Conceptual Design Review Board -Transaction of Business
- **Section 21.5.D** Conceptual Design Review Board Board-Effect of Decisions
- **Section 21.8** Art Review Commission (repealed)

Summary of Changes
The amendments to Chapter 21 are primarily to replace, delete, or revise appropriate portions of the aforementioned sections to reflect the CDRB's role and scope of authority as directed by the Town Council.

Chapter 22—Review and Approval Procedures (Attachment #3)

The new design review process entails two steps, including conceptual design and final design. The conceptual design, as described below, is reviewed and recommended by the CDRB, and acted on by Town Council. The final design, as described below, is reviewed and approved by staff, except for final subdivision plats which are approved by Town Council. Staff and CDRB decisions on signs and model home architecture, for example, may be appealed to the Board of Adjustment (BOA) or Town Council as provided by the Code.

- **Section 22.9.D (New), Conceptual Design**
  Conceptual design submittals include the conceptual site plan, conceptual architectural design plan, and conceptual public art plan. Section 22.9.D also contains the revised design review principles that will inform and guide the CDRB's review and decision-making process.

- **Section 22.9.E (New), Final Design**
  Final design submittals include construction drawings, which are comprised of the final site plan based on the approved conceptual site plan; building plans; improvement plans; native plant preservation, salvage, and mitigation plans; and landscape, irrigation, and bufferyard plans and/or final plat (as applicable).

Other Revised Sections

- **Section 22.5.F** Use Permits-Development Review Board (deleted)
- **Existing Section 22.6** To be repealed and folded into Chapter 22.9
- **Existing Section 22.9** To be repealed and folded into Chapter 22.9
- **Section 22.9.A (New)** Applicability
- **Section 22.9.B** Pre-Application Conf./Development Review Committee
- **Section 22.9.C** Administrative Review of Minor Land Divisions
- **Section 22.9.F (New)** Final Plat
- **Section 22.9.G (New)** Conceptual & Final Design Stages

Summary of Changes
The amendments to Chapter 22 provide the framework for the updated CDRB/design review process. The majority of the changes replace, repeal (existing Sections 22.6 and 22.9), or revise appropriate portions of the aforementioned sections to reflect staff's and the CDRB's role and scope of authority as directed by the Town Council.

Chapter 23—Zoning Districts (Attachment #4)

- **Section 23.6.A** Building Height
- **Section 23.6.J** SDH-6 Site Delivered Housing District
- **Section 23.7.A** R-4 Townhouse Residential District
- **Section 23.7.C** R-S Residential Service District
- **Section 23.7.D** R-6 Multi-Family Residential District
- **Section 23.8.A** C-N Neighborhood Commercial District
- **Section 23.8.B** C-1 Commercial District
- **Section 23.8.C** C-2 Commercial District
- **Section 23.8.D** PS Private Schools
- **Section 23.8.E** T-P Technological Park District

Summary of Changes
The amendments to Chapter 23, which address zoning district standards, replace, delete, or revise appropriate portions of the aforementioned sections to reflect the CDRB's role and scope of authority as approved by the Town Council.

Chapter 24—Supplementary District Regulations (Attachment #5)

- **Section 24.1.A** Tangerine Corridor District Regulations/Guidelines

- **Section 24.1.F** Tangerine Road Corridor District Design Guidelines
- **Section 24.2.H** Hillside Site Improvement Standard
- **Section 24.4.E** Planned Area Development (PAD)-Review Process
- **Section 24.5.D** Oracle Road District Landscape Standards and Guidelines
- **Section 24.5.E** Oracle Road Scenic Corridor District Use Standards
- **Section 24.6.C** Standards for Golf Course Design and Irrigation
- **Section 24.7.B** Riparian Habitat Identified; Protective Buffer Required
- **Section 24.7.C** Riparian Habitat Study/Mitigation Plan Requirements
- **Section 24.7.D** Development Standards Within and Around the Riparian Habitat Overlay District
- **Section 24.7.E** Modification to Zoning District Development Standards Allowed in Subdivisions and Developments Containing Identified Riparian Habitats

Summary of Changes
The majority of the aforementioned amendments to Chapter 24 are to replace, delete, or revise appropriate portions of the aforementioned sections to reflect the CDRB's role and scope of authority as directed by the Town Council.

Chapter 25—Use Regulations (Attachment #6)

- **Section 25.1.A** General Requirements for All Non-Residential Uses
- **Section 25.1.F** Communication Structures and Facilities
- **Section 25.1.Q** Sexually-Oriented Businesses

Summary of Changes
The amendments to Chapter 25 can be categorized as "clean up" to update and clarify the role of the CDRB's role and scope of authority as approved by the Town Council.

Chapter 26—Subdivision and Development Plans (Attachment #7)

- **Section 26.2.F** Design Standards-Street Location and Arrangement
- **Section 26.2.J** Landscaping in Subdivisions
- **Section 26.4.A** Modifications of Subdivision Regulations-Extraordinary Conditions
- **Section 26.4.B** Subdivisions as Complete Community or Neighborhood
- **Section 26.5.B** Minimum Recreation Area Standards

Summary of Changes
The amendments to Chapter 26 are primarily to replace, delete, or revise appropriate portions of the aforementioned sections to reflect the staff's and CDRB's role and scope of authority as approved by the Town Council.

Chapter 27—General Development Standards (Attachment #8)

- **Section 27.3.A-H** *Public Artwork Provisions*
- **Section 27.5.B** *Outdoor Lighting*-Applicability
- **Section 27.5.F** Outdoor Light Fixture Height Requirements
- **Section 27.6.B** *Landscape Conservation*-Native Plant Preservation, Salvage and Mitigation
- **Section 27.6.C** Landscape Design
- **Section 27.6.E** *Landscape Conservation*-Administration

- **Section 27.7.C** *Off-Street Parking*-General Provisions
- **Section 27.7.H** *Off-Street Parking*-Design and Improvement Standards
- **Section 27.8.B** *Off-Street Loading*-General Regulations
- **Section 27.9.E** *Grading*-General Grading Requirements and Notes

Summary of Changes
The amendments to Chapter 27, which address development standards and procedures for review and approval of public artwork, landscape plans, parking, and grading, are to replace, delete, or revise appropriate portions of the aforementioned sections to reflect the CDRB's role and scope of authority as approved by the Town Council.

Chapter 28—Signs (Attachment #9)

- **Section 28.2.A** Sign Permits, Fees, and Application Procedures
- **Section 28.2.B** Sign Criteria and Master Sign Program
- **Section 28.2.C** PAD Exemption
- **Section 28.3.B** *Requirements*-Illumination

Summary of Changes
The amendments to Chapter 28 are primarily to clarify the staff's and CDRB's role and scope of authority in the sign review process, as approved by the Town Council.

Chapter 31—Definitions (Attachment #10)

- *Conditional Approval*
- *Development Master Plan (DMP)*
- *Conceptual Site Plan (formerly Development Plan)*
- *Conceptual Design Review Submittal*
- *Preliminary Plat Approval (repeal)*
- *Design Review*
- *Conceptual Design*
- *Conceptual Public Artwork*
- *Conceptual Architecture*
- *Final Design*
- *Construction Drawings*

Summary of Changes
The new CDRB/Design Review process include a number of new terms and concepts, including conceptual design, final design, and construction drawings. The purpose of the new definitions is to provide clarity and specificity to help applicants and developers to understand the new terms in the context of the Conceptual and Final Design Review process.

Projected Timeline

Work Product	CWG #3	PZC Mtg-overview/ discussion	Special PZC Mtg	TC Mtg
Code Changes	4/4	4/5	4/19	5/18

As shown on the above timeline, this item will be forwarded to the Town Council for action on May 18.

PUBLIC NOTICE AND COMMENT

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

- Notice in The Daily Territorial newspaper
- Post at Town Hall and on website

No public comment has been received to date.

SUMMARY OF FACTORS

Findings For:

- Code amendments have been reviewed by the Council Work Group and Town Legal Department.
- Code amendments are required to create CDRB and updated Design Review process approved by Town Council on 12/1/2010.
- Code update represents a significant evolution of the development review process that is intended to result in a more efficient and streamlined process for applicants and the community while ensuring projects conform to Town standards.
- The revised process requires less initial investment of resources through the use of the conceptual design process and results in a higher degree of certainty for developers.
- The process engages stakeholders and the public in a more meaningful way in addressing concerns early in the review process when changes are more readily effected and before significant resources have been invested in project design.

Factors Against:

- None

RECOMMENDATION

Based on review and input from the Council Work Group, the Legal Department, and the April 5, 2011, P&Z Commission study session, staff recommends approval of the Zoning Code and Town Code revisions as shown in Attachments #1 through #10. If the Commission is prepared to do so, staff requests a recommendation to the Town Council regarding the attached Design Principles and Code Amendments.

SUGGESTED MOTION

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

I move to recommend [approval, approval with conditions, or denial] amendments to Zoning Code Chapters supporting the new Conceptual Design Review Board (CDRB) and updated development review process, including portions of Chapters 21, 22, 23, 24, 25, 26, 27, 28, and 31, in the Oro Valley Zoning Code Revised (OVZCR), as shown in Attachments #1 through #10, OV711-03.

ATTACHMENTS

1. Draft Chapter 3 Town Code amendments
2. Draft Chapter 21 Zoning Code amendments
3. Draft Chapter 22 Zoning Code amendments
4. Draft Chapter 23 Zoning Code amendments
5. Draft Chapter 24 Zoning Code amendments
6. Draft Chapter 25 Zoning Code amendments
7. Draft Chapter 26 Zoning Code amendments
8. Draft Chapter 27 Zoning Code amendments
9. Draft Chapter 28 Zoning Code amendments
10. Draft Chapter 31 Zoning Code amendments
11. Process Reconfiguration-Existing vs. New
12. Council-Approved Process Configuration

Supplemental Materials:
As a response to Vice-Chair and Chairman inquiries, the background materials provided to the Town Council are available at the following link:
http://orovalley.granicus.com/MetaViewer.php?view_id=5&clip_id=1108&meta_id=84108

The December 1, 2010, Town Council meeting, where approval and direction was given is viewable at:
http://orovalley.granicus.com/MediaPlayer.php?view_id=5&clip_id=1108

The minutes from the December 1, 2010, Town Council meeting are available at the following link:
http://orovalley.granicus.com/MinutesViewer.php?view_id=5&clip_id=1108

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David A. Williams, AICP, Planning Division Manager

Town Council Regular Session **Item # 5. c.**

Meeting Date: 05/18/2011

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

Department: Development Infrastructure Services

SUBJECT:

RESOLUTION NO. (R)11-32 RULES AND PROCEDURES FOR THE CONCEPTUAL DESIGN REVIEW BOARD

RECOMMENDATION:

Staff recommends adoption of Resolution No. (R)11-32, Conceptual Design Review Board Rules and Procedures, as shown in Attachment #2.

EXECUTIVE SUMMARY:

The creation of the Conceptual Design Review Board (CDRB) entails the drafting of a supplementary set of rules and procedures to govern the Board's actions and meetings. Since Town Council has directed all boards and commissions to utilize the "Parliamentary Rules and Procedures" (see Attachment #3) and Robert's Rules of Order as the primary rules and procedures for meetings, staff has developed brief supplemental CDRB Rules and Procedures to address features unique to the CDRB, including the composition of the Board.

BACKGROUND OR DETAILED INFORMATION:

Following is an outline of the proposed CDRB Rules and Procedures (see Attachment #3) with a summary of the specific elements in each section:

Preface:
Outlines purpose of the Board and requirement for consistency with Town Council Parliamentary Rules

Section 1. Rules and Procedures:
Establishes Parliamentary Rules, Robert's Rules of Order and Town Code as primary basis for Commission meetings

Section 2. Membership:
Sets specific Board composition [nine (9) members] and term limits for citizen volunteers

Section 3. Meetings:
Sets regular meeting dates (second and optional fourth Tuesday of each month). The conducting of other meetings, including special meetings and study sessions, is addressed in the Parliamentary Rules

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to [adopt, adopt with changes, or deny] Resolution No. (R)11-32, Rules and Procedures for the Conceptual Design Review Board , as shown in Attachment #2.

Attachments

Reso 11-32

Att. #2-CDRB Rules and Procedures

Att. #3-Parliamentary Rules and Operating Procedures and Rules of Conduct

RESOLUTION NO. (R)11-32

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING THE TOWN OF ORO VALLEY, ARIZONA CONCEPTUAL DESIGN REVIEW BOARD RULES AND PROCEDURES

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, creation of the Conceptual Design Review Board (CDRB) and the design review process were approved by Mayor and Council on December 1, 2010; and

WHEREAS, the proposed CDRB Rules and Procedures provide specific rules and procedures for the CDRB Board and shall only supplement the Town of Oro Valley, Arizona Town Council Parliamentary Rules and Procedures and Code of Conduct; and

WHEREAS, the proposed CDRB Rules and Procedures, attached hereto as Exhibit "A" and incorporated by this reference, are just and appropriate and are found to be in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Town of Oro Valley, Arizona, that the adoption of the Town of Oro Valley, Arizona Conceptual Design Review Board Rules and Procedures, attached hereto as Exhibit "A" and incorporated herein by this reference, are hereby approved.

PASSED AND ADOPTED by Mayor and Town Council, the Town of Oro Valley, Arizona, this 18th 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”

TOWN OF ORO VALLEY, ARIZONA CONCEPTUAL DESIGN REVIEW BOARD RULES and PROCEDURES

April 20, 2011 DRAFT

TOWN OF ORO VALLEY, ARIZONA
CONCEPTUAL DESIGN REVIEW BOARD
RULES and PROCEDURES

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Section 1. Rules and Procedures

Section 2. Membership

Section 3. Meetings

PREFACE

A. **General Purpose:** The Conceptual Design Review Board (CDRB; referred to as 'Board' in this document) of the Town of Oro Valley, Arizona, in attempting to fulfill its responsibilities and to fully and faithfully perform its duties in the best possible manner, formulates these Supplementary Rules and Procedures for use by the Board. It is intended that these Rules and Procedures supplement the Town Council adopted Parliamentary Rules and Operating Procedures and Rules of Conduct.

B. **Consistency with Town Council Parliamentary Rules and Procedures:** These CDRB Rules and Procedures and intended to provide specific rules and procedures for the Board but in no instance may contradict, conflict with, or supersede the Town Council Rules and Procedures contained in Oro Valley Town Code §3-6-4, *Officers Designated, Meetings, and Rules of Procedure*. Any rule, policy, procedure, or provision contained in these Board Rules and Procedures deemed to be in conflict with the Town Council Rules and Procedures shall be declared null and void and the Town Council Rules and Procedures shall prevail.

SECTION 1. RULES and PROCEDURES

The following are the basis for, and are used in conjunction with, these Rules and Procedures for meetings of the Board:

A) Town Council Parliamentary Rules and Operating Procedures and Code of Conduct (Resolution (R) 10-88; Oro Valley Town Code §3-6-4, *Officers Designated, Meetings, and Rules of Procedure*)
B) Robert's Rules of Order
C) Town Code

SECTION 2. MEMBERSHIP

1. The Conceptual Design Review Board shall be composed of nine (9) members, seven (7) of whom shall be regular voting members. Four (4) of the members shall possess professional design expertise as evidenced by education and/or professional experience. All regular voting members must be residents of the Town throughout their period of service on the Board.

2. The Planning and Zoning Administrator shall serve as the chair and executive secretary in a non-voting capacity and the Economic Development Manager shall also serve as a non-voting Vice-Chair of the Board. The Chair or Vice-Chair may designate an alternate in

his/her absence.

3. Regular voting members of the Board shall serve at the pleasure of the Council for a term not exceeding three (3) years, with terms ending on December 31st. Each member shall be limited to two (2) consecutive terms.

SECTION 3. MEETINGS

3.1 REGULAR MEETINGS

Regular monthly meetings of the Conceptual Design Review Board shall be held at the Oro Valley Town Hall on the second Tuesday of each month. A second meeting may be held on the fourth Tuesday of the month at the call of the Chair.

3.2 CONDUCT OF HEARINGS AND OFFICIAL ACTIONS

Transmittal of Recommendation to Town Council. Whenever the Board makes a recommendation to the Town Council, the Secretary of the Board shall transmit in writing the Board's recommendation. That written transmittal shall consist of (1) a plain statement setting forth the Board's recommendation as stated in the main motion that the Board passed, (2) the findings that the Town's Zoning Code requires, (3) the portion of the Board's Minutes where the application was considered, (4) the report that the Town Conceptual Design Review staff presented to the Board, and (5) any written communications that the public timely submitted.

TOWN OF ORO VALLEY, ARIZONA
TOWN COUNCIL PARLIAMENTARY RULES & PROCEDURES AND CODE OF CONDUCT

Amended 12/1/10 by Resolution No. (R) 10-88

TOWN OF ORO VALLEY, ARIZONA
TOWN COUNCIL
PARLIAMENTARY RULES & PROCEDURES
AND
CODE OF CONDUCT

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PREFACE

A. **General Purpose**: The Town Council of the Town of Oro Valley, Arizona, in attempting to fulfill its responsibilities to govern the Town and to fully and faithfully perform its duties in the best possible manner, formulates these Rules & Procedures for use by the Council. It is intended that these Rules & Procedures shall set standards and usual procedures for the conducting of public meetings of the Council. These Rules & Procedures shall be in effect for all Council meetings.

B. **Council Indoctrination**: It is recommended that all Councilmembers review these Rules & Procedures as soon as possible after they take office and annually thereafter.

SECTION 1. RULES & PROCEDURES

1.1 RULES & PROCEDURES

The following are the basis for, and are used in conjunction with, these Rules & Procedures for meetings of the Council:

A) Arizona Open Meetings Act
(Arizona Revised Statute (ARS) § 38-431 et. seq.)
B) Town Code
C) Town Council Policies
D) Town Standard Operating Procedures
E) Roberts Rules of Order

1.2 PARLIAMENTARIAN

A) Council Meetings: The Town Attorney shall serve as Parliamentarian for all Council meetings. The Town Clerk shall act as Parliamentarian in the absence of the Town Attorney; and the Town Manager shall act as Parliamentarian in the absence of both the Town Attorney and Town Clerk.

B) Boards/Commissions/Committees/Task Forces: The Departmental liaison, or designee, shall serve as Parliamentarian for their respective Board, Commission, Committee, or Task Force.

SECTION 2. DEFINITIONS

2.1 AGENDA

As set forth in Section 5.2(B), Agendas, an Agenda is a formal listing of items to be considered by the Councilmembers at a noticed meeting of the Council.

2.2 COUNCIL

The term Council shall include all members of the Mayor and Council unless otherwise required by the context of the sentence.

2.3 COUNCIL PACKET

A compilation of documents supporting the items listed on the Agenda and requiring Council action, which may be used by Council, Staff, and the public for more in-depth information than may be presented in an oral report. The Packet

is organized as set forth in Section 5.2(D), Agendas; and is provided or made available to the Councilmembers according to Section 5.2(C), Agendas.

2.4 MEETINGS

A meeting is the gathering, in person or by technological devices, of a quorum of the Councilmembers, at which they discuss, propose, or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record and in the absence of the Presiding Officer, the Town Clerk will adjourn the meeting. The types of Council meetings are as follows:

A. Regular
B. Executive
C. Special
D. Study
E. Emergency

2.5 NEWSPAPER

Typically, a daily or weekly paid publication containing recent news, feature articles, editorials and general advertisements.

2.6 NOTICE

A formal announcement to the public that sets forth the name of the Council, date, time and place for which a meeting of the Council will be held. Giving formal notice of meetings is done as provided by Statute, these Rules & Procedures, or other rules or regulations of the Council.

2.7 ORDINANCE

An ordinance is Council action setting forth a rule of public conduct that is considered long-term. Long-term rules include zoning issues, annexations, abandonments, laws of the Town and such. The ordinance, in addition to being referenced by number and brief title in the Minutes, will be recorded and maintained in numerical sequence as a permanent record of the Town. Effective dates of ordinances shall be as provided by law.

2.8 QUORUM

A quorum is the minimum number of Councilmembers that must be present in order for business to be legally transacted.

A. Quorum. A quorum is the simple majority of the total number of authorized members. With a five-member body, a quorum is three (3) members. With a seven-member body, a quorum is four (4) members.

B. Posting of Notice of Quorum. A Notice of Quorum is a notice informing the public that a possibility of a majority of the Councilmembers may be present at an upcoming social event and/or any other function.

2.9 RESOLUTION

A resolution is generally used for Council action on special or temporary matters or for any other purpose except where an ordinance is required by law. A resolution is less solemn and less formal than an ordinance and is frequently used to exercise the Council's legislative power as it proposes to resolve general policy issues, give direction, and to express the intent of public policy of the Town. The resolution, in addition to being referenced by number and brief title in the Minutes, will be recorded as provided by law and maintained in numerical sequence as a permanent record of the Town. The effective date of a resolution shall be provided by law.

SECTION 3. PRESIDING OFFICER

3.1 MAYOR

The Mayor, or in the Mayor's absence, the Vice-Mayor is the Presiding Officer of all meetings of the Council. In an anticipated absence of the Mayor and Vice-Mayor, a Mayor Pro Tempore shall be appointed by the Mayor, or by the Council if the Mayor is unable to make such an appointment, and that person shall serve until the return of the Mayor or Vice-Mayor. In the absence of both the Mayor and the Vice-Mayor and a Mayor Pro Tempore has not been appointed, the meeting shall be called to order by the Town Clerk, whereupon, the Town Clerk shall immediately call for the selection of a Mayor Pro Tempore.

3.2 SUSPENSION OF RULES

The Council may suspend the operation of any or all of these Rules & Procedures, and any or all applicable provision of Robert’s Rules of Order upon motion, second, and two-thirds vote of the Council. In the event of a conflict between these Rules & Procedures and Robert’s Rules of Order, these Rules & Procedures shall govern.

SECTION 4. MEETINGS

4.1 REGULAR MEETINGS

A) The Council of the Town of Oro Valley shall hold Regular meetings at or about 6:00 p.m. in the Council Chambers located at the Oro Valley Council Chambers, 11000 North La Cañada Drive, or another place, date or time if necessary, on the first and third Wednesday of each month. Meetings are held for the purpose of discussion or action of the Council on various issues deemed necessary to further the business of the Town. These meetings may provide for "Citizen Comments/Appearances from the Floor" as determined by the Presiding Officer or the majority of the Councilmembers present.

B) When the day for a Regular meeting of the Council falls on a legal holiday, no meeting shall be held on such holiday, but a Special meeting may be held at such time and such location as scheduled by the majority of the Council.

C) In order to accommodate vacation scheduling of Councilmembers, Council may, by vote or consensus, adjust the schedule of the two per month Regular meetings as Special meetings on a mutually convenient date and time, or cancel the meeting.

4.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a time, place and date certain, but not beyond the next Regular meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion.

4.3 SPECIAL MEETINGS

A) In accordance with Section 2-4-2 of the Oro Valley Town Code, Special meetings may be called by the Mayor or two (2) Councilmembers, and notice shall be posted by the Town Clerk at least twenty-four (24) hours prior to the meeting.

B) Special meetings are held for the purpose of presentations, discussion, or action of the Council on various issues as deemed necessary to further the business of the Town. These meetings may provide for "Citizen Comments/Appearances from the Floor," as determined by the Presiding Officer or the majority of the Councilmembers present.

4.4 STUDY SESSIONS

A) Study Sessions offer the Council an opportunity to study items in an informal manner. No action may be taken during a Study Session meeting. Such meetings may be called as provided for in Section 4.3(A). In the absence of having a quorum, a Study Session shall be declared a Sub-Committee meeting of the Council, and shall continue to follow these Rules & Procedures.

B) Study Sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the Council than may be possible at a Regular meeting. No formal action of the Council may be taken at such meetings, other than general consensus or conveying direction to Staff for further action. These meetings may provide for "Citizen Comments/Appearances from the Floor," as determined by the Presiding Officer or the majority of the Councilmembers present.

4.5 EXECUTIVE SESSIONS

A) Executive Sessions may be placed on an agenda under the same circumstances as any other agenda item. The Town may hold an Executive Session in accordance with ARS § 38-431.03 for the following purposes.

1) Discussion or consideration of employment and/or appointment of employees, Council, or other public officers
2) Discussion or consideration of records, information, or testimony that is confidential and/or exempt from disclosure
3) Legal advice from an attorney for the Town
4) Discussion or consultation with attorneys for the Town to: a) Consider its position and to instruct the Council regarding litigation; b) Attempt to avoid and/or resolve litigation through settlement; and c) To provide guidance in contract negotiations
5) Discussion or consultation with the Council to consider its position and to instruct the Council regarding collective bargaining negotiations
6) Discussion or consultation for international and interstate negotiations or for negotiations with representatives of Indian reservations located within or adjacent to the Town
7) Discussion or consultation with the Council to consider its position and to instruct the Council

regarding the purchase, lease, and sale of real property

B) Under normal circumstances, Executive Sessions shall be attended only by the Mayor and Council, Town Manager, Assistant Town Manager, Town Clerk, and Town Attorney. A majority of the Council may vote at the public session prior to the Executive Session to have other individuals attend the Executive Session. These other individuals must be necessary for the consideration of the item, and may not remain in the Executive Session once that particular item has been discussed.

C) The Town Clerk, or designee, shall take written Minutes of Executive Sessions to document the nature and extent of the discussions. All minutes of Executive Sessions shall be sealed and retained by the Town Clerk as a confidential, non-public record. In accordance with ARS § 38-431.03(C), the Town may only disclose the Minutes of an Executive Session to the Attorney General or the Pima County Attorney upon receipt of a written complaint alleging a violation of this provision at an Executive Session of the Town, and upon being presented with a court order.

D) All Executive Session discussions and materials are considered confidential and non-public information. No discussion or materials may be disseminated to anyone outside of the Mayor and Council, Town Manager, Town Attorney, and Town Clerk. Any discovered or suspected violation shall be reported to the Town Attorney immediately.

4.6 EMERGENCY MEETINGS

As provided for in ARS § 38-431.02(D), the Mayor and Council may call a Emergency meeting to discuss or take action on an unforeseen issue where time is of the essence and sufficient time does not provide for the posting of a meeting notice twenty-four (24) hours or more before the meeting. Notice of an Emergency meeting of the Mayor and Council will be posted within twenty-four (24) hours following the holding of an Emergency meeting. The Notice will include the agenda and a brief, but complete, description of the nature of the emergency. Emergency meetings may provide for a “Citizen Comments/Appearances from the Floor," as determined by the Presiding Officer or the majority of the Councilmembers present.

4.7 MEETINGS TO BE PUBLIC

A) With exception of Council Executive Sessions, all Regular, Special, Emergency, and Study Session meetings of the Council shall be open to the public.

B) All public meetings may be recorded by means of audio, video or photographic equipment provided that there is not interference in the orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the Town Manager.

4.8 MINUTES OF COUNCIL MEETINGS

A) The Town Manager shall ensure Staff attendance at all Regular, Special, Study Session, Emergency, and Executive Session meetings of the Council for the purpose of taking notes and/or audio recordation of the meeting.

B) Written Synopsis Minutes instead of Verbatim Minutes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file in the Office of the Town Clerk. Open meetings may be recorded by means of audio or video technology, which will be retained for a period of time in accordance with current Town policy.

C) All Minutes of the Council are deemed to be Public Records, with the exception of Executive Session Minutes, which, while they fall under the definition of and are considered Public Records by State Statute, are deemed confidential and are only available under limited conditions or by court order. Transcribed Minutes, or the audio or video recording of all open meetings of the Council, must be on file in the Office of the Town Clerk, and available for public review by 5:00 p.m. on the third working day following each meeting, or as provided by ARS § 38-431.01.

D) Minutes of all meetings of the Council are made available at the Town Clerk's office, and may be available through the Town's Web Site.

SECTION 5. NOTICE AND AGENDA

5.1 PREPARATION AND POSTING NOTICES

A) The Town Clerk, or designee, shall prepare all public meeting notices of the Council, and shall ensure posting of the meeting notices no less than twenty-four (24) hours before the date and time set for said meetings in accordance with ARS § 38-431.02(C).

B) Meeting notices shall be posted on an outside bulletin board located at the Town Hall Courtyard at 11000 North La Cañada Drive, Oro Valley, Arizona, in the lobby of the Town Hall, and in the lobby of the Oro Valley Police Department at 11000 North La Cañada Drive, Oro Valley Arizona, or as established by the Disclosure Statement of the Town Council.

5.2 AGENDAS

A) Agendas for Council meetings shall be prepared by the Agenda Committee, which shall be made up of the Mayor (or Vice-Mayor), Town Manager, Town Clerk, and one Councilmember, with review of the proposed final agenda by the Town Attorney. The Councilmember shall be selected by the Council and his/her term shall last for three (3) months ending with the second Regular Council meeting of the third month and at which time a new Councilmember shall be selected.

B) Pursuant to ARS § 38-431.09, the agenda shall provide information as is reasonably necessary to inform the public of matters to be discussed or decided. All items requiring prior legal review shall be submitted to the Town Attorney on or about fourteen (14) days prior to submission to the Town Clerk's office.

C) Council packets will be delivered to the office of all Councilmembers on or about seven (7) days prior to the Council meeting. These deadlines may be waived for any particular item by the Mayor or Town Manager only if it is determined that it is impossible to meet the deadline.

D) The agenda sequence for Regular Council meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Upcoming meeting announcement

5. Mayor will review the Order of Business
6. Call to Audience
7. Consent Agenda
8. Business
9. Town Manager's Report
10. Call to Audience
11. Adjournment

E) The Consent Agenda shall be in accordance with the Oro Valley Town Code Section 2-4-6.

SECTION 6. DUTIES AT MEETINGS

6.1 MAYOR

A) The Mayor shall call the meeting of the Council to order, and shall preserve order and decorum at all meetings of the Council. The Mayor may move, second, and debate from the chair, subject only to such limitations of any of the rights and privileges of a Councilmember. The Mayor shall determine whether a member of the public shall be heard consistent with the Arizona Open Meeting Laws. Public participation shall be on an item-by-item basis and at the discretion of the Mayor except for listed public hearings.

B) In the event of unruly behavior of any member of the public or of the Council, as determined by the Mayor or raised by a Councilmember in a Point of Order, the Mayor or in the Mayor's refusal, the Council, shall issue a verbal warning that such continued unruly behavior may result in removal from the meeting. A second verbal warning may result in removal of the offender from the meeting. In the determination of unruly behavior of any member of the public by the Mayor, (or Council upon a majority vote), the Sergeant-at-Arms shall be directed to remove the person from the meeting room until such time as the person agrees and publicly acknowledges to the Mayor that there will be no further disturbances. If a person makes the public acknowledgement, they may be allowed to return to the meeting.

6.2 TOWN CLERK

The duties of the Town Clerk, at meetings of the Council, shall be in accordance with state law and the Oro Valley Town Code Section 3-2-2, but not limited to the following listed duties. The Town Clerk shall take the Roll Call. The Town Clerk shall announce each agenda item, reading into the record the item as listed on the agenda, sufficiently to advise the Council and public as to what business is

about to be considered by the Council. The Mayor or at the Mayor's discretion, the Town Clerk, may restate the motion into the record before the Council votes.

6.3 SERGEANT-AT-ARMS

The Police Chief, or designee, shall serve as the Sergeant-at-Arms of the Council meetings, and shall carry out all orders and instructions given by the Mayor (and/or a majority of the Councilmembers) for the purpose of maintaining order and decorum at the Council meeting. Upon instructions by the Mayor (or a Council majority) following the process listed above, it shall be the duty of the Sergeant-at-Arms to remove any person who violates the order and decorum of the meeting.

SECTION 7. ATTENDANCE REQUIREMENTS

7.1 COUNCILMEMBERS

It is the duty of the Councilmembers to attend all Council meetings. A vacancy of office of a Councilmember shall be when there is an absence and ceasing to discharge the duties of office for a period of three (3) consecutive months, and/or may be deemed vacant from and after the occurrence of any events described in ARS § 38-291. The measured time for an absence starts as of the first unexcused absence from a Council Study Session or meeting missed. Pursuant to Oro Valley Town Code Section 2-1-4, in the event of a vacancy, the Council shall fill such vacancy, by appointment, for the unexpired term of the vacancy.

SECTION 8. PROCEDURES FOR MEETINGS

8.1 CALL TO ORDER

The Mayor shall call all Council meetings to order.

8.2 ROLL CALL

Roll shall be called by the Town Clerk.

8.3 AGENDA ORDER

The order of business shall be as provided for in the agenda and any item shall be considered during the course of the Council meeting at the discretion of the Mayor, so long as there is no attempt to deny the public of the opportunity to participate in public hearings. The Mayor may amend the order of the agenda at the beginning and during the course of a meeting with the approval of a majority of the Council.

8.4 APPROVAL OF MINUTES/ABSTENTIONS

The Town Clerk shall present Minutes to the Council for approval. Councilmembers who were not present at a previous meeting may abstain from the vote approving those Minutes. The Council may approve multiple Minutes by one vote, and if one or more Councilmembers expressed a desire to abstain from the vote on one set of Minutes, the motion shall be to approve the Minutes "except as noted by Councilmember(s) _____."

8.5 CALL TO THE AUDIENCE

The Council may make an open Call to the Audience during a public meeting so those individuals may address the Council on any issue within the jurisdiction of the Council. Each speaker must speak in a courteous and respectful manner and may be limited to three (3) minutes. If necessary, the Mayor or Council may limit the total time offered speakers. **All such remarks shall be addressed to the Council as whole, and are not to be addressed to any specific Councilmember.** Should any item be addressed to a specific Councilmember, it shall be ignored, and the Mayor shall remind the speaker that they must address the question to the entire Council. No person other than the speaker shall enter into the discussion without the permission of the Mayor. At the conclusion of the open Call to the Audience and pursuant to state law, the Council may respond, but they may not take action on any item raised by the public during a call to the audience unless that item was properly placed on the agenda.

8.6 PUBLIC INPUT AT NON-PUBLIC HEARINGS

In the event a person in the audience wishes to address the Council on an issue on the agenda which is not a public hearing, the person should fill out a blue card located in the back of the Council Chambers and submit it to the Town Clerk. The Mayor, or upon a majority vote of the Council, shall determine whether the Council will hear from the public. Any such public address may be limited to no more than three (3) minutes per person. Written communications related to an agenda item should be delivered to the Town Clerk three (3) full working days in advance of the Council meeting and will be copied and delivered to each Councilmember two (2) full working days in advance of the Council meeting. However, all such written communications shall not be read into the record by the Town Clerk unless, by a majority vote of the Councilmembers present, the Council votes to have the Town Clerk read the item into the record. Written communication may be delivered to the Town Clerk at the time of a person's address to the Council but these documents may not be reviewed, addressed, or commented on at the Council meeting by the Council.

8.7 COUNCIL COMMUNICATIONS

A Councilmember may ask Staff about a particular issue in the report, but discussion and action on any item mentioned in a Council Communication may not be held unless that item is properly placed on the agenda.

8.8 ORDER OF PRESENTATION

The Town Clerk shall introduce each agenda item as it comes to Council for consideration and/or action. Following the introduction of the agenda item by the Town Clerk and presentation of Staff reports, the Mayor shall entertain questions from the Council and, where appropriate, permit public participation. Next, a motion may be made and a vote may be had as provided for in these Rules & Procedures.

8.9 TOWN MANAGER, COUNCIL, AND STAFF REPORTS

The Town Manager's, Council's, and Staff reports may be in writing or oral in accordance with the Arizona Open Meeting Law. Any Councilmember may ask the Town Manager, Councilmember, or Staff member about a particular item in the report, but discussion and action on any item mentioned in the report may not be held unless that item is properly placed on the agenda.

8.10 FUTURE AGENDA ITEMS

Any Councilmember may request that an item be placed on a future agenda by contacting a member of the Agenda Committee. This provision applies to the Mayor and Councilmembers. However, if two (2) or more Councilmembers request that an item go on the agenda, then it shall be put on the agenda if it is submitted to the Agenda Committee twelve (12) days before the Council meeting date.

SECTION 9. PUBLIC HEARING PROCEDURE

9.1 AGENDA PROCEDURE FOR PUBLIC HEARING

A Public Hearing may be placed on the agenda under the same agenda item as the discussion and action of the Council. The normal procedure for Public Hearings shall be as set forth hereafter.

A) The agenda item shall be called by the Town Clerk as any other agenda item.

B) Staff shall have an opportunity to report on the issue and answer questions by the Council.

C) The proponent may make an opening statement in order to explain the item to the Council and public. The Mayor or Council may limit the time for this statement as necessary. All documents shall have sufficient copies so that Councilmembers and Staff have a copy to review and any exhibit presented shall be of sufficient size to permit the Council and public to view the exhibit.

D) The Mayor shall declare that the Council is now in Public Hearing. At this time, the public may address the Council, though once the Public Hearing has been closed, no further verbal/written input shall be taken.

E) In the event a person in the audience wishes to address the Council on an issue on the agenda which is a Public Hearing, the person should fill out a blue card located in the back of the Council Chambers and submit it to the Town Clerk. That person may be permitted to speak; however, any such public address may be limited to three (3) minutes per person. All persons addressing the Council shall speak into the microphone so that the comments may be recorded. Written communications related to an agenda item should be delivered to the Town Clerk three (3) full working days in advance of the Council meeting and shall have been copied and delivered to each Councilmember two (2) full working days in advance of the Council meeting. However, all such written communications shall not be read into the record by the Town Clerk unless, by a majority vote of members present, the Council votes to have the Town Clerk read the item into the record. Once Public Hearing has been closed, no further verbal/written input shall be taken. Written communications may be delivered to the Town Clerk at the time of a person's address to the Council but these documents will not be reviewed, addressed, or commented on at the Council meeting by the Council.

F) Unless a majority of the Councilmembers object, the Mayor shall declare the Public Hearing as ended. Once the Public Hearing is closed, no additional oral or written communication may be accepted from the audience.

G) The proponent shall be allowed to answer questions posed by the Council, a brief statement to rebut the statements made by the public, and/or to offer a compromise.

H) The Mayor and the Council may ask one person who spoke from the audience to rebut a proponent's final summation. Such person may be chosen in one of the following manners:

1) The Council may ask that, if more than one person spoke on an issue, they decide among themselves to have one person present a rebuttal to the proponent's summation. If the group can not agree on one spokesperson, then there will be no rebuttal from the public on that issue.

2) At the discretion of the Mayor and Council.

I) The agenda item will then be discussed and action taken as on any other agenda item.

SECTION 10. DISCUSSION AND VOTING PROCEDURES

10.1 QUORUM

It will be necessary for a quorum to be present in order for the Council to consider or act upon any business. A quorum shall consist of a majority of the Councilmembers. In the event a quorum is not present, the only motion that can be made, considered, or passed, after Roll Call, is a motion for adjournment of non-action since an official meeting cannot be held for lack of a quorum.

10.2 CONFLICTS OF INTEREST

Each Councilmember has a responsibility for compliance with ARS § 38-501 et seq., concerning conflicts of interest. *See* Section 12. Any member of the Council, who believes he or she has a conflict of interest, may want to discuss such issue with the Town Attorney. Immediately upon determining that a conflict exists, the Councilmember shall declare a conflict of interest by completing a Conflict of Interest Disclosure Memorandum (*See* Appendix A) and returning the form to the Town Clerk. That Councilmember shall then leave the room and shall refrain from taking any part in the discussion, consideration, or determination of that issue and the Councilmember shall be excused from that agenda item unless it would result in the loss of a quorum, which would therefore result in continuing that item. If that issue is not resolved at that meeting, that Councilmember shall not discuss the matter with any other Councilmember until the matter is finally resolved. The Councilmember who declared the conflict may return to his/her seat when that agenda item is completed.

10.3 GETTING THE FLOOR

Every Councilmember desiring to speak shall address the Mayor, and upon recognition by the Mayor, shall confine himself/herself to the question under debate.

10.4 INTERRUPTIONS

When an individual has been given the floor, that Councilmember or member of the public shall not be interrupted as long as such individual is proceeding in accordance with these Rules & Procedures.

10.5 MAKING AND SECONDING A MAIN MOTION

In the majority of Town Council actions, motion(s) should be made in the affirmative. There can be no discussion after a main motion is made until there is a second to the motion. If a second to the motion is not made, then the motion will die for lack of a second.

10.6 AMENDMENTS TO A MAIN MOTION

A) **Voluntary**: At any time before the question is called on a pending motion, the Councilmember who made the motion may ask that his/her motion be amended. If the Councilmember who seconded the main motion agrees, then the motion shall be considered amended voluntarily. No more than one amendment to an amendment shall be permitted for any item.

B) **Involuntary**: At any time before the question is called on a pending motion, a Councilmember may make a motion to amend the motion. At that time the discussion of the underlying issue will stop. If there is not a second to the motion to amend, then discussion on the underlying issue will continue. If the motion to amend is adopted by a majority of the Council, discussion will continue on the (now) amended motion. If the motion to amend fails, discussion will continue on the original motion on the floor.

C) **Voluntary Withdrawal**: At any time before the question is called on a pending motion, the Councilmember who made the motion may ask that his/her motion be withdrawn. The motion will be withdrawn only in the event that the Councilmember who seconded the motion agrees to withdraw the motion.

10.7 CALLING THE QUESTION

Discussion shall end at the time the question is called, or at the time the Mayor determines that there is no further need for discussion. However, when there is a Call for the Question, the Mayor moves to close discussion. A second to the motion and two-thirds vote of the Council is required to do so. This action shall close the discussion against the will of even one member who wishes to speak. If the Mayor attempts to close discussion and a Councilmember wishes to continue the discussion, the question that should be raised by that

Councilmember is a Point of Order. A Point of Order, raised by a Councilmember, calls upon the Mayor for a ruling and an enforcement of the rules.

10.8 TAKING THE VOTE

The Mayor shall ask Councilmembers to designate his/her vote by announcing "aye" or "nay." If a Councilmember abstains from voting, that vote is considered a neutral vote. The effect of the abstention, whether through deliberate neutrality or otherwise, may have the effect of a "nay" vote.[1] If, prior to the vote or after the vote, any Councilmember requests a Roll Call vote, the Town Clerk shall call Roll, and each Councilmember shall state his/her vote aloud.

10.9 ANNOUNCING THE RESULT OF THE VOTE

After the vote, the Mayor shall announce whether the motion passed or failed, and the results of the vote.

10.10 TIE VOTES

In the case of a tie in votes on any motion, the motion shall be considered lost.

10.11 ORDINANCE EMERGENCY CLAUSE

When an ordinance includes an emergency clause, it shall be prepared as provided by law and it shall become immediately effective. An emergency clause requires a three-fourths vote pursuant to ARS § 19-142(B).

SECTION 11. MOTIONS

11.1 RECONSIDERATION OF MOTIONS

Reconsideration of any action taken by Council must be by motion by a Councilmember who was on the prevailing side of the vote.

A. Once an item is discussed at a meeting and the Council has gone on to another agenda item, the item considered cannot be again considered at that same meeting unless it can be positively determined that all persons who were present when the item was first considered are still present.

B. Said reconsideration of any action taken by Council must be by motion by a Councilmember who was on the prevailing side of the vote. Such

[1] If the Council vote is 2-2-1 with a Councilmember abstaining, then the matter would not pass for lack of a majority. If the Council vote is 2-1-1 with a Councilmember abstaining, then the matter would also not pass for lack of a majority.

motion must be filed with the Council (Town Clerk's office) and the Town Clerk shall place that item on the agenda prior to the next regularly scheduled Council meeting. At the time of that meeting before the matter may be considered, there must be a second to the Motion to Reconsider.

C. If the motion to reconsider failed, the Council will skip the next agenda item, which will be the discussion and vote of the original issue.

D. If the motion to reconsider was successful, the Council will continue that item to a specific date in the future.

11.2 MOTIONS TO ADJOURN

A motion to adjourn may be made at any time, and this motion takes precedence over all other motions in accordance with Roberts Rules of Order.

11.3 MOTIONS TO RECESS

A motion to recess may be made at any time.

11.4 MOTIONS WITH A FIXED TIME TO ADJOURN

A motion with a fixed time to adjourn is not in order when another has the floor. This motion requires a second, is not debatable, is amendable, requires a majority vote, and may be reconsidered.

11.5 MAIN MOTION

A main motion is a motion to consider action and should be phrased in the positive.

SECTION 12. CONFLICT OF INTEREST

12.1 INTRODUCTION

Occasionally, a Councilmember may find himself/herself in a situation which requires that Councilmember to remove himself/herself from participation in the decision making process and from voting on a matter before the Council. This situation exists when the Councilmember has a "conflict of interest" as defined by applicable laws. These laws establish minimum standards for the conduct of Councilmembers who, in their official capacity, are, or may become involved with, a decision which might unduly affect their personal interests or those of their close relatives. Arizona law defines those close relatives to include "spouse, child, grandchild, parent, grandparent, brother or sister of whole or half blood and their spouses, and the parent, brother, sister or child of a spouse."

12.2 PURPOSE OF CONFLICT OF INTEREST LAWS

The purpose of Arizona's conflict of interest laws is to prevent self-dealing by Councilmembers and other public officials. The financial interest of Councilmembers must not conflict with the unbiased performance of their public duties. One cannot serve two masters with conflicting interests. The object of the statutes is to remove or limit any improper influence, direct or indirect, which might bear on an official's decision, as well as to discourage deliberate dishonesty.

12.3 THE ARIZONA CONFLICT OF INTEREST LAW

Pursuant to ARS § 38-503:

A) Any Councilmember who has, or whose close relative has, a substantial interest in any contract, sale, purchase or service to the Town shall make known that interest in the official records of the Town and shall refrain from voting upon or otherwise participating in_any manner as a Councilmember in such contract, sale or purchase.

B) Any Councilmember who has, or whose relative has, a substantial interest in any decision of the Town shall make known such interest in the official records of the Town and shall refrain from participating in any manner as a Councilmember in such decision.

12.4 SUBSTANTIAL INTEREST

The preceding subsection tells us that disqualification is required where a Councilmember has a "substantial interest" in the pending matter. But, what is a "substantial interest?" The law tells us that a "substantial interest" is basically any financial interest of the Councilmember or close relative, which is not a "remote interest."

The Legislature has determined that certain economic interests are so remote that they do not unduly influence a person's decisions or actions. These "remote interests" are discussed below. Unless the interest is one of the nine remote interests described in the following subsection, the interest is substantial and creates a conflict of interest.

To determine whether a substantial interest exists, a Councilmember should ask the following questions:

A) Will the decision affect, either positively or negatively, an interest of the Councilmember or a close relative?

B) Is the interest a pecuniary or proprietary interest, i.e. does it affect a financial or property interest?

C) Is the interest other than one of the nine remote interests described below?

If the answer to each of these questions is yes, then a substantial interest exists which requires disclosure and disqualification by the Councilmember.

Although Councilmembers may not themselves have a substantial interest in a decision in which they are about to participate, if one of their close relatives has a substantial interest in the decision, the Councilmember must disclose the interest and refrain from participating in the decision.

12.5 REMOTE INTERESTS

Arizona law excludes from the definition of a substantial interest certain enumerated remote interests. Any interest in a decision or contract not falling within the following remote interests is a substantial interest requiring withdrawal from participation:

A) Non-Profit Corporations. If the Councilmember or their close relative is a non-salaried officer of a nonprofit corporation, he or she has a remote interest in any decision affecting that corporation.

B) Landlord/Tenant of a Contracting Party. If a Councilmember or their close relative is a landlord or tenant of a party contracting with the Town, the Councilmember has a remote interest in a decision regarding the contract.

C) Attorney of a Contracting Party. If the Councilmember or their close relative represents a client contracting with the Town, he/she has a remote interest in a decision affecting the client's contract. For example, if the Council is considering awarding a contract to a contractor, which is represented by an attorney, who is related to the Councilmember, that Councilmembers interest in the awarding of the contract is remote.

D) Nonprofit Cooperative Marketing Associations. If a Councilmember or their close relative is a member of a nonprofit cooperative marketing association, he/she has a remote interest in any decision affecting that association.

E) Insignificant Stock Ownership. If a Councilmember or their close relative owns less than three percent of the shares of a corporation for profit, and if the income from those shares does not exceed five

percent of the person's total annual income, he/she has a remote interest in any decision affecting that corporation.

F) Reimbursement of Expenses. If a Councilmember or their close relative is being reimbursed for actual and necessary expenses incurred in the performance of official duties, he/she has a remote interest in any decision affecting that reimbursement.

G) Recipient of Public Services Generally Available. If the Councilmember or their close relative is a recipient of public services provided by the Town, and if those services are available to the general public, the Councilmember has a remote interest in any decision affecting those services.

H) Class Interests. If the Councilmember or their close relative is a member of a trade, business, profession or other class of persons, and the interest is no greater than the interest of the other members of the class, the Councilmember has a remote interest in any decision affecting the class. For example, if the Council was considering a decrease in Bed Tax and a Councilmember's son owned a business subject to the tax, the interest is remote because the son benefits no more or less than other owners of such a business.

I) Interests of Other Agencies. A Councilmember may participate in a decision that indirectly affects a close relative who is an officer or employee of another public agency. For example, the head of the state agency responsible for allocating funds to local governments could participate in such decisions even though his/her spouse was an officer or employee of the local government. If, however, the decision confers some direct economic benefit or detriment resulting in the termination of a spouse's employment by the local government, a conflict of interest is present.

12.6 RESTRICTIONS ON CONTRACTS FOR SUPPLIES OR SERVICES

Pursuant to ARS § 38-503(C)(2), a Councilmember, or their close relative as described in § 12.1, may sell to the Town any supplies or equipment valued at not more than $300 in any single transaction, or $1,000 in any one year, except as provided for by State law and if the policy for such purchases is approved annually.

12.7 DISCLOSURE OF INTEREST

Pursuant to ARS § 41-1346, the Town shall maintain an active system for the management of public records so that all documents necessary to memorialize

disclosures of substantial interest are made available for public inspection. Any Councilmember who has a conflict of interest in any decision must disclose that interest. The Councilmember shall file with the Town Clerk a signed Conflict of Interest Disclosure Memorandum (*See* Appendix A) fully disclosing the interest, and declaring the existence of the conflict and the reasons at a Council meeting.

12.8 WITHDRAWAL FROM PARTICIPATION

Councilmembers shall immediately and publicly declare a conflict in matters which the Councilmember, or whose close relative, would have a substantial interest due to a pecuniary interest or bias. Having disclosed the conflict of interest and withdrawn in the matter, the Councilmember must not communicate about the matter with anyone involved in the decision making process in order to avoid the appearance of impropriety. Further, the Councilmember should not otherwise attempt to influence the decision and should withdraw from the Council chambers while the matter is considered. If that issue is not resolved at that meeting, that Councilmember shall not discuss the matter with any other Councilmember until the matter is finally resolved. The Councilmember who declared the conflict may return to their seat when that agenda item is completed.

12.9 RULE OF IMPOSSIBILITY (CONFLICT OF THE MAJORITY)

ARS § 38-508 (B) specifically permits a Councilmember(s) to vote in the event of an apparent conflict as provided for in ARS § 38-503 when the failure to vote would prevent the Council from taking action. The Councilmember must disclose the substantial interest in the public records of the Town prior to voting on that issue.

12.10 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

Pursuant to ARS § 38-504(C), Councilmembers are prohibited from using or attempting to use their official position to secure valuable things or benefits for themselves, unless those are part of the compensation they would normally be entitled to for performing their duties. Pursuant to ARS § 13-2602, it is a class 4 felony for a Councilmember to solicit, accept, or agree to accept any benefit upon an understanding that his or her vote, opinion, judgment, or other official action may thereby be influenced. Pursuant to ARS § 38-444, it is a class 6 felony for a Councilmember to ask to receive any unauthorized gratuity or reward or promise of a gratuity or reward for doing an official act.

12.11 SANCTIONS FOR VIOLATIONS

A) Pursuant to ARS § 38-510 (A), a Councilmember who knowingly or intentionally violates any provision of the conflict of interest law may be charged with a class 6 felony.

B) Pursuant to ARS § 38-510 (B), a Councilmember who negligently or recklessly violates the law may be charged with a class 1 misdemeanor. This means that a person may be prosecuted for failure to disclose a conflict of interest, even though that person was not aware of the conflict.

C) Pursuant to ARS § 38-510 (C), upon conviction of a violation of the conflict of interest laws, a Councilmember forfeits the public office.

D) Pursuant to ARS § 38-511, as amended, any contract made by the Town is subject to cancellation if anyone significantly involved in the contract process on behalf of the Town was or is also employed by or acted as consultant to any other party to the contract during the time the contract or extension to the contract is in effect.

E) Any person who is affected by a Town decision made in violation of the conflict of interest laws, may sue to have the contract or decision declared null and void. The court may award costs and attorney's fees to the prevailing party. Persons claiming that a Councilmember had a pecuniary interest in making a decision against them may also file suit in state or federal court alleging a violation of their civil rights. In this instance, a Councilmember is thought to have engaged in self-dealing through the powers of a Councilmember, and by placing oneself ahead of the welfare of the Town, the Councilmember lies outside of his/her official capacity.

12.12 NON-STATUTORY CONFLICTS OF INTEREST

Occasionally, a Councilmember may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the state law described above. It is the policy of the Council to encourage Councilmembers to adhere to strongly held ethical values, which are exercised in good faith. However, participation is encouraged in the decision making process unless the matter involves the Councilmembers personal conduct or a conflict of interest set forth by statute. Councilmembers are expected to weigh these considerations and follow their conscience.

SECTION 13. CODE OF CONDUCT

13.1 COMPETENT REPRESENTATION

Councilmembers shall provide competent representation for Town residents. Competent representation requires the knowledge, skill, thoroughness and preparation reasonably necessary to make an informed decision regarding issues coming before the Council which directly affects the residents that they represent.

13.2 ARIZONA OPEN MEETING LAW

Councilmembers shall meet in accordance with the Arizona Open Meeting Law and as required by Arizona State law discussing only those issues noted on the agenda. Councilmembers shall only discuss and decide issues at a properly noticed public meeting.

13.3 CONFIDENTIALITY

Councilmembers shall maintain confidentiality of matters discussed in Executive Session and those issued under a 'confidential' and 'attorney-client privilege' caption by legal counsel. Pursuant to ARS § 38-431.03, a Councilmember shall not disclose such information except to the Attorney General or County Attorney pursuant to an official request made in connection with an authorized audit as provided by law. In accordance with ARS § 38-431.07(A), a Councilmember shall neither knowingly aid, agree to aid, or attempt to aid another person in the unauthorized disclosure of Executive Session and/or confidential material in any form, which carries a minimum civil penalty not to exceed $500 per infraction.

13.4 POLITICAL SYSTEM

Councilmembers shall demonstrate respect for the political system and for those who serve it, including other public officials.

13.5 LEGAL ADVICE

Councilmembers shall seek advice from the Town Attorney at any point that a legal issue arises or where litigation is alleged.

13.6 RESPECT

Councilmembers shall show respect to all colleagues by acting in a professional and dignified manner whether in support of the issue or expressing an adverse point of view.

13.7 COMMUNICATION

Councilmembers shall communicate openly and honestly with Town residents so as to instill confidence and trust.

13.8 WEIGHT OF RULES AND LAWS

Councilmembers shall consider the weight of the rules, laws, and ordinances on the majority of the residents and the long-term effects upon the Town.

13.9 INFORMATION

All Councilmembers shall be provided equal access to information, documents, or materials.

13.10 REPRESENTATIVE

A Councilmember may serve as a representative of the Town on boards of outside agencies or internal boards, commissions and committees as appointed by vote of the Council. Such appointments are intended for the purpose of gathering information and sharing viewpoints and Council policy regarding issues, which will directly affect the Town. Councilmembers shall inform the entire Council in regard to the information or proposed regulations, which will affect the Town and share with the agency the majority decision or viewpoint of the Council.

13.11 AVAILABILITY

Councilmembers shall be available at reasonable times to Town residents for the conduct of official Town business.

13.12 IMPROVEMENT

Councilmembers shall seek improvement of the laws, rules, regulations and quality of services rendered and which promote the health, safety, and welfare of all Town residents.

13.13 RESPONSIBILITY

As an elected public official, a Councilmember has a responsibility to assure that regulations promulgated by it are in the public interests.

APPENDIX A

CONFLICT OF INTEREST DISCLOSURE MEMORANDUM

APPENDIX "B" – amended

APPOINTMENT PROCESS
OF TOWN OF ORO VALLEY VOLUNTEERS
TO
BOARDS, COMMISSIONS, COMMITTEES
ADVISORY BOARDS AND TASK FORCES

In accordance with Oro Valley Town Code Section 2-4-8, the Mayor and Council may create any Town Board, Commission, Committee, Advisory Boards, or Task Force ("Board"), standing or special, as it deems necessary. Therefore, the process surrounding appointments to a Board should be streamlined in order to facilitate an efficient and courteous appointment as follows:

Advertising: Post calls for applicants at Town hall, in the local newspaper, on the Town web page, and other appropriate electronic formats, including Town-sanctioned social media.

Application: Volunteers must complete an application to be considered for appointment to a Board, which is submitted to the Town Clerk. If the volunteer is not selected, the application remains in a database for 2 years, which is reviewed when any vacancies occur depending upon interest of the volunteer as stated in the application. Those members wanting to be considered for reappointment must send a letter to the staff representative indicating their interest in reappointment and include any information that would supplement their application which is on file with the Town Clerk.

Interview Committee: Following an interview of volunteer applications, the interview committee makes a determination, and then forwards their recommendation for appointment/reappointment to the Board before the Mayor& Council for determination at a regular Town Council meeting. The Interview Committee Panel consists of Council Liaison, Board Chair (or Vice-Chair if term of the Chair is due to expire), and Department Director (or Division Manager) responsible for staff support to that particular Board.

Notification:

New Volunteer Recommended for Appointment: Prospective appointment is forwarded a copy of the Council Communication naming those volunteers recommended for appointment along with a personal letter notifying the prospective appointee of the Council meeting date at which they shall be recommended for appointment.

New Volunteer Not Recommended for Appointment: The volunteer not chosen for appointment is forwarded the Council Communication naming those

volunteers recommended for appointment along with an explanation that their volunteer application will be kept on file for 2 years.

Current Volunteer Not Recommended for Reappointment: The volunteer not recommended for reappointment is forwarded the Council Communication naming those volunteers recommended **for** appointment along with notification from the Council Liaison sitting on the Interview Committee explaining the decision surrounding the recommendation.

Criteria for Appointment: 1)Availability, and 2) Completion or commitment to complete the Community Academy.

Criteria for Reappointment: 1) Minimum Performance and Attendance, and 2) Board training in addition to the completion of the Community Academy within the volunteer's 2-year term.

Terms: Appointments shall be made for 2-year terms (or 3-year terms when applicable), and the volunteer shall continue service until reappointed or replaced. Upon successful completion of one term, the volunteer may be considered for reappointment without a formal interview with the interview committee panel. If the volunteer does not wish to be considered for reappointment, the position becomes open to other applicants.

Term Limits: No volunteer shall serve more than 2 consecutive terms, either 2-year terms (4 consecutive year maximum) or 3-year terms (6 consecutive years maximum) depending upon the Board. Once a volunteer has completed the maximum number of terms on a Board the volunteer may not be eligible for appointment to that Board for a period of 1 year following completion of their term.

Appointment of a member to complete the remaining portion of an unexpired term of a former member shall not be counted against the term limits established by this section for the newly appointed member.

Concurrent Office: No volunteer shall serve on more than one Standing Board at any time. A standing Board is that Board appointed by the Council for an unspecified duration and has regularly scheduled meetings.

Town Employee: Town Employees shall not serve on any standing Board with the exception of the Conceptual Design Review Board.

Attendance: A vacancy shall be deemed to have occurred upon three (3) consecutive unexcused absences, or as determined by the individual Board rules and procedures.

Training: All new volunteers and those seeking reappointment shall commit to the completion of the Community Academy offered by the Town of Oro Valley, and are encouraged to seek out additional training opportunities such as conferences, seminars and workshops relevant to the subject matter or discipline of their respective Board. The Town shall make every effort to provide the logistics and payment for any and all training workshops attended by the volunteer. The Town Clerk shall monitor compliance with volunteer training requirements.

Amended 1/21/04 by Resolution No. (R) 04-03
Amended 12/1/10 by Resolution No. (R) 10-88

APPENDIX "C"

CONSIDERATIONS FOR SERVICE ON TOWN OF ORO VALLEY BOARDS, COMMISSIONS, COMMITTEES AND OTHER VOLUNTEER PUBLIC BODIES

Introduction: Members of Town boards, commissions, committees and other volunteer public bodies ("appointed public bodies") are appointed by the Town Council. Council Members are the constituents of the members of the various appointed public bodies in that such members have been authorized to act as the agents of the Council for the limited purposes relating to each such appointed public body. With the exception of the members of the Board of Adjustment, these members serve at the pleasure of the Council. Board of Adjustment members are appointed for two-year terms, and may be removed by Council for "neglect of duty, inefficiency, or misconduct in office." OVZCR 21.6.D.

1. The general purpose of the appointed public bodies is to serve the interests of the Town, as a whole, in accordance with the overall direction established by the Council. It is expected that appointed members will act consistently with this general principle. Each appointee is also expected to act within the scope of his or her authority, and act consistently with the Town Codes, ordinances, resolutions, policies and procedures and applicable federal and state law including specifically the Open Meeting Law, Public Records Law and the laws concerning conflicts of interest and financial disclosure.

2. Certain boards, commissions, committees and other volunteer public bodies primarily advise the Council concerning general matters of interest to the community at large. An example of this type of appointed public body is the Parks and Recreation Advisory Board. Other boards, commissions, committees and other volunteer public bodies regularly handle contested cases. A "contested case" is a matter or proceeding before a Town board, commission or boards, commissions, committees and other volunteer public bodies in which legal interests, rights, duties or privileges of one or more specific parties are addressed by a decision or recommendation of that appointed public body. An example of this is the Planning and Zoning Commission. In certain instances appointed public bodies are part of the Town proceedings for the establishment or setting rates and fees. Appointees involved in contested cases or participating in rate or fee setting proceedings, in particular, are expected to act in careful regard of their responsibilities and these guidelines.

3. It is expected that an appointee will avoid the appearance of partiality or unfairness as a decision-maker in any matter before the public body of which he or she is a member. Among the actions that may assist an appointee in avoiding the appearance of partiality or unfairness are:

- Treating all public participants with the same degree of politeness and formality before and during a meeting, including breaks, to avoid the impression that some participants may expect special treatment.

- Not meeting with a party or a particular side concerning a "contested case" outside of the meeting of the public body to avoid the impression that certain parties have the privilege of special access to promote their particular interests before the public body. Generally, public meetings are the proper venue for members of a public body to gather information upon which to base a decision.
- Waiting until all the facts are presented to the appointed public body before passing public judgment as an individual member. The official record upon which a decision or recommendation may appropriately be based is the record of public proceedings, not simply one's personal background knowledge.
- An appointee removing himself or herself from any particular proceeding of the appointed public body relating to a matter in which the appearance of impartiality and fairness has been compromised by activities and/or public statements of the appointee.

4. It is expected that an appointee who disagrees with fellow public officials, decisions of the Town Council, Town administration, the decisions of his or her own public body or the decisions of other boards, commissions, committees and other volunteer public bodies will do so constructively, based on facts, consistent with applicable law, and avoiding personal attacks, misleading statements or unsupported accusations.

5. It is expected that an appointee will respect the proceedings of other appointed public bodies by:

- Addressing members and staff during the meeting through the person who is chairing the meeting, avoiding the use of first names.
- First identifying whether he or she is appearing as a private citizen or is appearing officially on behalf of the public body of which he or she is a member.
- Avoiding lecturing members of a sister board, commission, committee or other volunteer public body on their responsibilities and authority as members of that public body.
- Not disrupting the proceedings of another public body by approaching the dais or staff desk area while the public body is in session, unless invited to do so by the person chairing the meeting.
- First raising any questions or concerns about the decisions or proceedings of another public body with staff or the chairperson.

6. It is expected that an appointee will be considerate of the fact that the elected Council Members are ultimately responsible for setting Town policy and directing its implementation. An appointee may be opposed to a course of action or decision by Council, or implementation of the same, and still continue to serve as a member of his or her public body. In the event, however, that an appointee wishes to actively and publicly oppose a course of action or decision by Council, or the implementation of the same, then it is expected that the appointee will

resign rather than act in public opposition to the administration he or she has been appointed to serve.

Adopted by (R)05-119, 12-7-05
Amended 12/1/10 by Resolution No. (R) 10-88

Town Council Regular Session **Item # 5. d.**

Meeting Date: 05/18/2011

Requested by: Karen Berchtold **Submitted By:** Karen Berchtold, Development Infrastructure Services

Department: Development Infrastructure Services

SUBJECT:

RESOLUTION NO. (R)11-34 AUTHORIZING AND APPROVING A RENAMED DEVELOPMENT SERVICES FEE SCHEDULE TO REFLECT THE NEW CONCEPTUAL DESIGN REVIEW BOARD AND PROCESSES

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The revised fee schedule reflects the new Conceptual Design Review Board and processes (see Attachment 2). Fees have not been increased or otherwise changed.

BACKGROUND OR DETAILED INFORMATION:

All references to the current Development Review Board have been changed to Conceptual Design Review Board. In addition, the revised fee schedule changes references from Development Plan/Preliminary Plat submittal to Conceptual Design Submittal, and from Final Plat process to Final Design Submittal. Some development submittal items in the document have been relocated to reflect the updated, streamlined process.

The fees for development submittals under the conceptual and final design review processes will be re-evaluated once the board is firmly established to ensure that fees adequately represent the new processes.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to [adopt, adopt with conditions, or deny] Resolution No. (R)11-34, AUTHORIZING AND APPROVING A REVISED DEVELOPMENT SERVICES FEE SCHEDULE TO REFLECT THE NEW CONCEPTUAL DESIGN REVIEW BOARD AND PROCESSES.

Attachments

Reso 11-34

Attachment 2 - DIS Fee Schedule

RESOLUTION NO. (R) 11-34

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A REVISED DEVELOPMENT SERVICES FEE SCHEDULE TO REFLECT THE NEW CONCEPTUAL DESIGN REVIEW BOARD AND PROCESSES

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 proposed revisions to the Development Services Fee Schedule are changes in references in the code from the Development Review Board to the Conceptual Design Review Board; and

WHEREAS, the revisions are cosmetic and no new fees or fee changes are proposed; and

WHEREAS, it is in the best interest of the Town to approve the Development and Infrastructure Services Fee Schedule, attached hereto as Exhibit "A" and incorporated herein by this reference, to reflect the new Conceptual Design Review Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that the proposed amendments to the Development Services Fee Schedule, attached hereto as Exhibit "A" and incorporated herein by this reference, are hereby authorized and approved.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 18th day of May, 2011.

TOWN OF ORO VALLEY, ARIZONA

_____
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

DIS DEPARTMENT FEE SCHEDULE
REVISED MAY 18, 2011

GENERAL POLICIES FOR ALL APPLICATIONS

As specified in the OVZCR, all fees must be paid in full prior to acceptance of an application. Fees identified after submittal are due as determined by the Planning and Zoning Director (Public Works Director for rights-of-way fees). All fees must be paid prior to the issuance of permits and/or release of assurances. Bond release inspections may be deducted from the appropriate bond if this is part of the language of the bond.

Charges for partial review of any project will be based on the stage of review and staff time already dedicated to the project. The Planning and Zoning Director may refund up to 80% of the fee.

The Planning & Zoning Director may waive fees if an undue hardship has been created by the Town. All other fee waiver requests must be approved by the Town Council.

Fees will not be applied to applications or events initiated or sponsored by the Planning & Zoning Commission or Town Council.

GIS fees are charged per development project. For example, GIS fees charged for a rezoning would be credited toward the GIS fees specified for a related development plan and/or plat.

Whenever independent consultant review is provided for in the OVZCR (Golf Course Overlay, Communications facilities, Riparian analysis etc.), the applicant must reimburse the Town for all consultant fees incurred.

GENERAL PLAN AMENDMENTS

Minor Map Amendments (Up to 5 Developable Acres)	$1,800
Each Additional Acre	$40
Natural Open Space	No Charge
Maximum Fee	$10,000
Major Map Amendments (Over 5 Developable Acres)	$2,600
Each Additional Acre	$40
Natural Open Space	No Charge
Maximum Fee	$15,000
Text Amendments (1 to 5 Items)	$900
Each Additional Item	$100
REZONINGS (not including PADs)	
Up to 10 acres of residential or up to 2 acres of commercial	$3,900
Each Additional Single Family Residential Acre	$40
Each Additional Multi-Family Residential Acre	$60
Each Additional Commercial/Industrial Acre	$100
Natural Open Space	No Charge
Additional GIS Fee if any structure is > 2 stories	$600
Additonal GIS Fee applied to open space trades, grading into 25% slopes or riparian areas	$100
Maximum Fee	$35,000
Change of Conditions/Standards	$900
Time Extensions	$600

DIS DEPARTMENT FEE SCHEDULE
REVISED MAY 18, 2011

OVZCR TEXT AMENDMENTS

Text Amendments (1 to 5 Items)	$1,000
Each Additional Item	$100

NEW PLANNED AREA DEVELOPMENTS (PAD)

First 20 acres	$4,800
Each Additional Single Family Residential Acre	$40
Each Additional Multi-Family Residential Acre	$60
Each Additional Commercial/Industrial Acre	$100
Natural Open Space	No Charge
Additional GIS Fee if any structure is > 2 stories	$600
Additional GIS Fee applied to open space trades, grading into 25% slopes or riparian areas	$100
Maximum Fee	$35,000

Recreation areas, golf courses (not including maintenance facilities, etc.) and similar uses are charged at the same rate as single-family.

PAD AMENDMENTS

Map Amendments	
Up to 10 acres of residential or up to 2 acres of commercial	$2,400
Each Additional Single Family Residential Acre	$20
Each Additional Multi-Family Residential Acre	$30
Each Additional Commercial/Industrial Acre	$50
Natural Open Space	No Charge
Additional GIS Fee if any structure is > 2 stories	$600
Additional GIS Fee applied to open space trades, grading into 25% slopes or riparian areas	$100
Maximum Fee	$10,000
Text Amendments (1 to 5 items)	$1,300
Each Additional Item	$100

~~DEVELOPMENT PLANS AND/OR PRELIMINARY PLATS~~
CONCEPTUAL DESIGN SUBMITTAL (INCLUDES CONCEPTUAL SITE PLAN, CONCEPTUAL ARCHITECTURAL DESIGN PLAN, AND CONCEPTUAL PUBLIC ART PLAN)

Up to 2 acres of commercial or multi-family	$3,500
Each Additional Developed Acre	$90
Natural Open Space	No Charge
3rd & Additional Reviews	50% of original plan review fee
~~**Development Plans following a Master Development Plan**~~	~~1/2 of std. DP fees~~

~~PLATS (subdivision or block)~~
FINAL DESIGN SUBMITTAL

Final Plat and Condo Regimes	$1,000 + $30/acre
Landscape Plan Review (up to 2 acres)	$1,000
Each additional acre	$60
3rd & Additional Reviews	50% of original plan review fee
Native Plant Preservation Plan Review (Up to 2 acres)	$1,000
Each additional acre	$60
3rd and Additional Reviews	50% of original plan review fee

Riparian Mitigation Plan (each 1/2 acre)	$125	min 1/2 acre
Alternative Parking Analysis	$75	
Commercial Architecture (first building pad)	$270	
Additional Building Pads	$100	per building pad
Public Art Plan	$220	
Additional GIS Fee if any structure is > 2 stories	$600	
Additional GIS Fee applied to open space trades, grading into 25% slopes or riparian areas	$100	
Addressing and Recording	$35 plus Pima County Fees	
Title Report Review Fee	$200	
Drainage Report Review Fee	$650 + $20/acre	
Archaeology Report Review Fee	$100	
Arizona State Historical Museum (ASHM) Review	Per ASHM Review Fee Schedule	
Phase I Environmental Assessment Review	$100	
Traffic Impact Analysis Review	$100 + $30/acre	
Geological Technical Reports Review	$100	
Map Amendments (per affected lot)	1/2 regular fee	
Text Amendments	$350	per submittal
Addressing and Recording	$35 plus Pima County Fees	
Title Report Review Fee	$200	
CC & R Review	$500	
Assurance Agreement Review	$500	
Substitute Assurances	$100	
3rd & Additional Reviews	50% of original plan review fee	
Grading Permits (Type I)	$470	includes plan review
More than one resubmittal and/or reinspection for previously identified issue	$74	per additional submittal or site visit
Grading Permits (Type II and III)	1/2% of construction cost or $500, whichever is greater	
Improvement and Other Plans	$500 + $200/sheet	
3rd & Additional Reviews	50% of Original Plan Review Fee	
Stormwater Pollution Prevention Plan Review	$100 + $100/sheet	
3rd & Additional Reviews	50% of Original Plan Review Fee	

SIGNS

(those requiring permits only)

Permanent Signs

Plan Review and Issue Permit (up to 25 sqft)	$225	per sign permit, per business
each additional square foot	$2	
~~Full DRB~~ Review OF SIGN PACKAGE OR SIGN CRITERIA	$350	if required; per sign package OR CRITERIA
Electrical and Structural Review & Inspection Fee	Per Building Code	
Change of Copy or Repair Permits	25% of the standard permit fee	
Reinspections	$50	

Temporary Signs (renewal specifications in OVZCR)

General (unless otherwise specified)	$50	per sign, per renewal
Model Home Flags	$50	
Open House, Owner	$25	good for one year, includes ROW permit
Kiosk Signs	per contract	
ROW permit (3-day)	$12	
ROW permit (120 consecutive days)	$375	
ROW permit (annual)	$1,000	
Installation Fee (Public Works Dept.)	$50	for single post sign
	$100	for double post sign
Materials provided by the T.O.V. Public Works Dept.	At Cost	

PAD Exemption (CDRB AND TOWN COUNCIL REVIEW)	$700
~~Comprehensive~~ MASTER Sign PROGRAM (CDRB AND TOWN COUNCIL REVIEW) ~~Package~~	$1,000
Plan Check and Resubmittal Fees	25% of the total fee charged
Unauthorized or Illegal Signs	Double permit fee and/or subject of littering penalties
Fees to bring a non-conforming sign into conformance (based on undue hardship or request by the Town)	none

CONDITIONAL USE PERMITS

Conditional Use permit	$1,000

~~DEVELOPMENT~~ MISCELLANEOUS CDRB ~~REVIEW BOARD~~ FEES

Model Homes (first model)	$220
Additional Models	$100 per model
Custom Homes, General Architecture, Additions	$220
Grading Exception	$1,300
Phased Grading Plan	Included in Plat or Plan Submittal

COMMUNICATION FACILITIES

Tier I	$700
Tier II - CDRB Review Only	$1,000
Tier II - Additional Town Council review, if required	$300
Major	$1,800

BOARD OF ADJUSTMENT APPLICATION FEES

Variance or Appeal of Decision (1 item; 1 lot) Corporate	$600
Variance or Appeal of Decision (1 item; 1 lot) Individual	$150
Fees for each additional, simultaneous variance or appeal	$100

MISCELLANEOUS PLANNING AND ZONING AND PUBLIC WORKS FEES

Annexation and related Pre-development Agreements	No Charge
GIS Services	$75 per hour
Floodplain Status Review	$15
Administrative Review	$200
Final Plat Scriveners Error	$100 Each Submission
Minor Land Division	50% of Preliminary and Final Plat Charge
Revisions to Previously Approved Plans	50% of original plan fee/or fee set by Planning & Zoning Director or Public Works Director
Floodplain Use Permit	$370
Resubmittals Due to a Rejected Certification	$100
Additional reviews due to failure to address previously specified requirements	$100 Each application is allotted two reviews (initial and after 1st resubmittal).
Continuance or Postponement due to Applicant	$200

At applicant's request, due to inadequate re-submittal, etc., once the hearing has been noticed or placed on the agenda.

DIS DEPARTMENT FEE SCHEDULE
REVISED MAY 18, 2011

Penalty for Late Payment over 30 days	5% for each 30 days
Interpretation or Zoning Verification	$100
Special Use Permit	$370
Appeals to CDRB or Council	$400
Appeals to Appeals Officer	$230
Time Extensions (except rezonings)	$260
Home Occupations (Type I)	No Charge
Home Occupations (Type II)	$390
Field Inspections (General)	$40 per hour
Field Inspections (Release of Assurances)	$150
Each Reinspection	$35
Pima County Wastewater Review	per Pima County fee schedule
APA Fund Transactions	$1 per transaction
Rights-of-Way	
ROW Permit	$50 (includes work in dirt and driveway tie-ins)
Pavement cuts up to 20 sq ft	$150 (includes permit and inspection fees)
Pavement cuts in excess of 20 sq ft or trenching in the pavement	$450 (includes permit and inspection fees)

No street cuts shall be allowed for a street which has been constructed, reconstructed or overlaid within the previous 60 months.
Major streets will require boring - if boring is not feasible, an asphaltic concrete friction course (ACFC) will be applied to the surface of the roadway for a distance of 500' in each direction from the pavement patch.

~~COMMUNITY~~ DEVELOPMENT AND INFRASTRUCTURE SERVICES COPIES AND PUBLICATIONS FEES

(not including those items in Town Administrative Directive #5)

Copies	
Copying Files (sent out)	Cost to Town
Large (D or E) copies	$1 each
Standard Print (b&w)	$1 each
Standard Print (color)	$3 each
Large Standard Map (blueline)	$5 each
Large Standard Map (color)	$10 each
Publications	
OVZCR per chapter	$15 each
OVZCR in Total via Outsourcing	Contractor Fee
General Plan Document	$40 each
Miscellaneous	
Custom Maps/Projects	$75 per hour & materials
Data Diskette	$2 each
Create a CD	$10
Fax Transmissions (10 page limit - send only)	$1 per page
Photographs	Cost to Town
RUSH Fee (less than 24 hours for more than 30 minutes work)	Additional 50% or cost to Town if sent out
Tape copy of minutes	$24

Town Council Regular Session **Item # 5. e.**

Meeting Date: 05/18/2011

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

Department: Development Infrastructure Services

SUBJECT:

APPOINTMENT OF SEVEN MEMBERS TO THE ORO VALLEY CONCEPTUAL DESIGN REVIEW BOARD (CDRB) WITH STAGGERED TERMS EFFECTIVE THROUGH DECEMBER 31, 2012 AND DECEMBER 31, 2013

RECOMMENDATION:

The interview panel recommends the appointment of David Atler, Gil Alexander, Nathan Basken, Kit Donley, Harold Linton, Richard Luckett, and Dino Sakellar to the Conceptual Design Review Board for staggered terms effective through December 31, 2012 and December 31, 2013.

EXECUTIVE SUMMARY:

The purpose of this agenda item is to appoint seven citizen members to the Town's new Conceptual Design Review Board (CDRB). The citizen members, if approved by Council, will serve staggered terms ending on December 31, 2012 and December 31, 2013. The appointees' applications are included in Attachment 1.

Fourteen applications for CDRB membership were received and each applicant was interviewed in April. The interview panel used a question and answer format with a problem solving exercise, followed by discussion with each applicant. The interview panel included Council Work Group members; Councilmember Barry Gillaspie, Councilmember Steve Solomon, Councilmember Lou Waters, DIS Department Director Suzanne Smith and Planning Division Manager David Williams.

BACKGROUND OR DETAILED INFORMATION:

In accordance with Town Council action to establish the CDRB, seven citizen-members need to be appointed by Council. These seven are in addition to the two permanent, non-voting staff members: the Planning Division Manager and the Economic Development Manager. In all there are nine members of the CDRB with seven citizen-members voting.

To provide continuity on the CDRB, member terms are recommended to be staggered. Four of the seven initial members to be appointed should have terms expiring in 2013 and the remaining three should have shorter initial terms expiring in 2012. Future appointments of CDRB members will be for three year terms. Two terms are allowed. It is recommended that term limits not apply to initial CDRB appointees whose terms would expire in 2012.

The Oro Valley Town Code and the Oro Valley Zoning Code amendments on the agenda tonight establish the scope, powers and duties of the new CDRB. The CDRB replaces the Town's Development Review Board and the Art Review Commission.

The CDRB will make recommendations to the Town Council on conceptual designs for new development

including conceptual site plans, conceptual architecture and conceptual public art proposals. The CDRB will make decisions on certain applications and requests including permanent sign criteria (for new multi-building developments), and Tier II Wireless Communication Facilities.

The CDRB will meet the second and, when necessary, fourth Tuesday of the month at 6:00 p.m. in Council Chambers.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to appoint David Atler, Nathan Basken, Kit Donley, and Dino Sakellar to the Conceptual Design Review Board to serve terms ending December 31, 2013.

and

I MOVE to appoint Gil Alexander, Harold Linton and Richard Luckett to the Conceptual Design Review Board to serve terms ending December 31, 2012. This initial term shall not count against the appointee's term limits as specified by Town Code.

Attachments

Att #1 CDRB Appointee Applications

APR 21'11PM 1:13 TOV

ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION
CONCEPTUAL DESIGN REVIEW BOARD

Dear Oro Valley Citizen:

We appreciate your interest in the Town of Oro Valley. This informational form, when completed, will allow us to quickly process your application by assisting us in understanding your talents and experience. This application form is only for citizens interested in serving on the **Conceptual Design Review Board (CDRB)**. The CDRB conducts public meetings to review conceptual site design, architecture and public art, as well as permanent sign applications that vary from adopted codes.

There are seven (7) voting members on the CDRB. Three (3) members are at-large and four (4) members must practice (current or previous) in the field of art, architecture, planning, engineering, development, construction, or otherwise qualified by a similar design background, training and experience. Information reflecting the procedures surrounding the appointment process to Boards is also attached. If appointed, your term on the CDRB will be for three (3) years. Your application will remain on file for two years from the date of receipt. We thank you kindly for volunteering to serve the Town!

Please note: No volunteer shall serve on more than one standing Board at any time.

Return this application to the Town Clerk's Office, 11000 N. La Cañada Drive, Oro Valley, Arizona 85737.

Name ALEXANDER , GILBERT (GIL) WILLIAM
Last First Middle Suffix

Address 1546 W. MOORE RD. ORO VALLEY AZ 85755
Street City State Zip

Home Phone 520-544-8191 Business Phone — Cellular Phone 520-906-4244

Number of Years in Oro Valley 6 Email Address GILALEX@Q.COM

Signature G.W. Alex Date 4-19-11

Listed below are fields of professional experience required for four (4) members of the CDRB. If you have relevant experience, please check all that apply and provide a generalized description of your professional design background. If you do not have the design related experience listed below, please continue to the following page.

Profession	Years of Experience	Description
☐ Art		
☐ Architecture		
☐ Planning		
☒ Engineering	40+	B. Eng., Electronics, 1968 University of Liverpool
☐ Development		Now retired
☐ Construction		
☐ Other Design Background		

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

BOARD MEMBER AND CURRENT PRESIDENT AT LA CHOLLA AIRPARK.
TECHNICAL COUNSELOR FOR TUCSON EXPERIMENTAL AIRCRAFT
ASSOCIATION ASSISTING IN CONSTRUCTION OF HOMEBUILT AIRCRAFT

Please describe an issue or project you contributed to which related specifically to conceptual design?

MULTIPLE RESIDENTIAL BUILDING AND REMODELLING PROJECTS.

Have you attended the Community Academy or CPI? NO What Year? / If not, are you willing to attend? YES

Briefly describe your educational/vocational background.

SEE ATTACHED

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED
www.orovalleyaz.gov

Attachment - Volunteer Application - Conceptual Design Review Board

Gil Alexander

I moved to our present house in 1999 from the Los Angeles area, and am still struck by the beauty of the Oro Valley area and the views of the Catalinas, Pusch Ridge and the Tortolitas. We annexed into Oro Valley about 6 years ago and as I learn more about the culture of Oro Valley, it's residents and government I can see how the beauty of the area is being maintained and enhanced. Since I retired a few years ago, I would now like to volunteer my time to participate in the effort to maintain this beauty.

During my professional engineering career I have developed the ability to look at drawings and visualize the product as a solid 3D object in relation to adjacent items, and to examine drawings carefully for missing details and defects. I believe this ability will be useful on the Conceptual Design Review board.

I would like to use these skills to maintain the unique character of Oro Valley and to volunteer as an at-large member of the Conceptual Design review Board.

APR 18'11PM 3:06 TOV

ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION
CONCEPTUAL DESIGN REVIEW BOARD

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Return this application to the Town Clerk's Office, 11000 N. La Cañada Drive, Oro Valley, Arizona 85737.

Name Ahler (Last) David (First) M. (Middle) ____ (Suffix)

Address 6550 W. Linda Vista Blvd. (Street) Oro Valley (City) AZ (State) 85704 (Zip)

Home Phone 297-3153 Business Phone 982-9256 Cellular Phone ____

Number of Years in Oro Valley 24+ Email Address da58ea96@comcast.net

Signature [signature] Date 4-12-11

Listed below are fields of professional experience required for four (4) members of the CDRB. If you have relevant experience, please check all that apply and provide a generalized description of your professional design background. If you do not have the design related experience listed below, please continue to the following page.

Profession	Years of Experience	Description
☐ Art		
☑ Architecture	3.5+	Facilities Director - supervised bldg Design
☑ Planning	27	Development, Transportation, wastewater, Parks, Facilities
☑ Engineering	27	Site design, Traffic/Road Design, Water/Wastewater
☑ Development	13	site design, platting, traffic engineering
☑ Construction	4±	Inspections; Town Engineer responsible for projects
☑ Other Design Background	3	Parks Director - supervised Park planning + design

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

OV DRB, OV ASWAS, OV CIPTAC, OV GPAC, PC WMAC

Please describe an issue or project you contributed to which related specifically to conceptual design?

There have been dozens over the years. Most recently I would say it was the Hardy/Northern Roundabout. I did the early planning reports, then the design

Have you attended the Community Academy or CPI? No What Year? _____ If not, are you willing to attend? yes

Briefly describe your educational/vocational background.

BSCE UA. Minor in Ecology/Evolutionary Biology

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED

www.orovalleyaz.gov

3/02/11

APR 5'11PM 4:24 TOV

ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION
CONCEPTUAL DESIGN REVIEW BOARD

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Return this application to the Town Clerk's Office, 11000 N. La Cañada Drive, Oro Valley, Arizona 85737.

Name BASKEN (Last) NATHAN (First) EDWARD (Middle) _____ (Suffix)

Address 921 W. PAINTED CLOUDS PL. (Street) ORO VALLEY (City) AZ (State) 85755 (Zip)

Home Phone N/A Business Phone 520-203-3059 Cellular Phone 765-714-2690

Number of Years in Oro Valley 2.5 Email Address nbasken@yahoo.com

Signature [signature] Date 05-April-2011

Listed below are fields of professional experience required for four (4) members of the CDRB. If you have relevant experience, please check all that apply and provide a generalized description of your professional design background. If you do not have the design related experience listed below, please continue to the following page.

Profession	Years of Experience	Description
☐ Art		
☐ Architecture		
☐ Planning		
☐ Engineering		
☐ Development		
☐ Construction		
☐ Other Design Background		

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

-See ATTACHED-

Please describe an issue or project you contributed to which related specifically to conceptual design?

-SEE ATTACHED-

Have you attended the Community Academy or CPI? Yes What Year? 2009 If not, are you willing to attend?_____

Briefly describe your educational/vocational background.

Ph. D. (Purdue University), Industrial Pharmaceuticals
BS (University of Illinois), Biochemistry

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED
www.orovalleyaz.gov

CDRB Application: Nathan Basken
05-Apr-2011

I am very interested in an at large CDRB membership. The charter and composition of this group reflects the town's progressive attitude toward design and art proposals. Development, art, and signage continue to define our community and this is a great opportunity to help shape Oro Valley moving forward.

I am committed to engaging myself in this community. My wife and I purchased our first home in Oro Valley, and are excited to raise our young family here. To contribute on the most local level, I became our neighborhood HOA treasurer. On a larger scale, I attend town council meetings and took the CPI class. CPI taught me the basics of applying the general plan's principles, and I am eager to put this knowledge to practical use.

My academic and professional background is not in planning or design, but being a scientist uniquely empowers me to contribute in an at-large role. As a scientist, I have to be both objective and creative. My team designs innovative cancer diagnostic tests and I am routinely involved in the concept-to-production process at one of the largest local employers, Ventana Medical Systems.

I am excited about the opportunity to serve Oro Valley in this important capacity. Thank you for your consideration.

APR 8'11am11:59 TOV

ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION
CONCEPTUAL DESIGN REVIEW BOARD

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Return this application to the Town Clerk's Office, 11000 N. La Cañada Drive, Oro Valley, Arizona 85737.

Name Donley (Last) Kit (First) Thomas (Middle) _____ (Suffix)

Address 13470 N. Atalaya Way (Street), Oro Valley (City) AZ (State) 85755 (Zip)

Home Phone 742-7161 Business Phone 907-0955 Cellular Phone (SAME)

Number of Years in Oro Valley 26 Email Address Kit@DonleyCommercial.com

Signature [signature] Date 4-8-11

Listed below are fields of professional experience required for four (4) members of the CDRB. If you have relevant experience, please check all that apply and provide a generalized description of your professional design background. If you do not have the design related experience listed below, please continue to the following page.

Profession	Years of Experience	Description
☐ Art		
☐ Architecture		
☐ Planning		
☐ Engineering		
☑ Development	30+	Broker/Developer "Donley Commercial"
☐ Construction		
☑ Other Design Background		Wrote the Arch. Design Standards for Mercado del Rio & received approval from Oro Valley.

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

Oro Valley General Plans, Town Site Over View Com., Economic Development Task Force, Impact Fee Task Force, Oro Valley Rep For Pima County Bond Com.,

Please describe an issue or project you contributed to which related specifically to conceptual design?

Oro Valley projects: ① Naranja Ranch ② Foothills Bus. Park ③ Oracle Beinoye - Hartman Lane ④ Shurgard Storage (Pima City) ⑤ Mercado del Rio ⑥ Hardy Oracle Estates (Pima City) ⑦ Oro Valley Car Wash ⑧ Mercado del Rio "Chop House"

Have you attended the Community Academy or CPI? NO What Year? _____ If not, are you willing to attend? if Required

(I have processed many Development Plans through the Town.)

Briefly describe your educational/vocational background.

I have a BS. Degree in Business & Finance 35+ years in Real Estate Brokerage & Development

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED

www.orovalleyaz.gov

APR 11'11PM 1:57 TOV

ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION
CONCEPTUAL DESIGN REVIEW BOARD

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Return this application to the Town Clerk's Office, 11000 N. La Cañada Drive, Oro Valley, Arizona 85737.

Name LINTON (Last) HAROLD (First) EDWARD (Middle) _____ (Suffix)

Address 14172 N. FORTHCAMP CT. (Street) ORO VALLEY (City), AZ (State) 85755 (Zip)

Home Phone (520) 825-2812 Business Phone _____ Cellular Phone (520) 471 9425

Number of Years in Oro Valley 16 1/2 Email Address halinq@comcast.net

Signature Harold E Linton Date April 11, 2011

Listed below are fields of professional experience required for four (4) members of the CDRB. If you have relevant experience, please check all that apply and provide a generalized description of your professional design background. If you do not have the design related experience listed below, please continue to the following page.

Profession	Years of Experience	Description
☐ Art		
☐ Architecture		
☒ Planning	30	PROGRAM MANAGER, PROJECT MANAGER, PROPOSAL MANAGER
☒ Engineering	36	ELECTRONIC ENGINEERING SYSTEMS ENGINEERING (See attachments)
☐ Development		
☐ Construction		
☐ Other Design Background		

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

MEMBER, BOARD OF DIRECTORS SUN CITY VISTOSO

CHAIRMAN, ORO VALLEY MATURE WORKER CONNECTION

Please describe an issue or project you contributed to which related specifically to conceptual design?

RAPID AIRBORNE MINE CLEARANCE SYSTEM for the US NAVY

HIGH ALTITUDE BALLOON EXPERIMENT for the USAF

INTELLIGENCE COLLECTION SYSTEMS for the USAF and NSA

Have you attended the Community Academy or CPI? _____ What Year? _____ If not, are you willing to attend? YES

Briefly describe your educational/vocational background.

(See attachments)

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED

www.orovalleyaz.gov

for CDRB info and background

14172 N. Forthcamp Court
Oro Valley, AZ 85755-7048

Phone (520) 825-2812
E-mail: haling@comcast.net

Harold E. Linton

Summary

Background includes directing and coordinating business development activities; managing and controlling IR&D and B&P accounts; serving as capture lead and proposal manager; managing activities in software and systems engineering; designing and operating intelligence collection systems; depot-level logistics management; command and control communications for theater weapons control; and, program management. Proven success in translating customer requirements into technical descriptions leading to executable, cost-effective solutions. Self-starter with top-notch leadership and team-building skills (a people person). Goal-oriented, energetic professional with sound knowledge of total quality principles. Strong knowledge of CAIV (Cost as an Independent Variable), EVMS (Earned Value Management System), LCC (Life Cycle Cost), TOC (Total Ownership Cost), and Risk Management. Adept organizer and fiscal planner; achieves positive results consistently. Colonel, USAF (Ret) with a diverse background in Program and Project Management, as well as Systems Engineering.

Education

M.S. in Engineering (Electronics), Arizona State University, Tempe, Arizona, 1973

B.S. in Engineering (Electronics), Arizona State University, Tempe, Arizona, 1971

Professional Education

Air War College (in residence for one year)

Defense Systems Management College (in residence six-months Program Management Course)

Objective

A senior leader, motivator, and skilled manager with over 36 years experience in technical and business management activities is seeking a consulting or advisory position involving business development strategic goals and tactical plans, or involving execution of a major technical program in either an international or domestic setting.

Career History

- 2006 – 2007, Senior Consultant, Mastering Business Development, Inc., Charlotte, NC.
- 1995 – 2006, Held positions of Director Business Development, Program Manager, and Senior Systems Engineer at Kaman Aerospace Corporation, Tucson, AZ.
- 1992 – 1994, Chief, Systems Engineering Division, Headquarters, Air Force Material Command, Wright-Patterson AFB, OH, Colonel, USAF.
- 1990 – 1992, Chief, Technology and Engineering Sciences Division, Warner-Robins Air Logistics Center, Robins AFB, GA, Colonel, USAF.
- 1989 – 1990, Student, Air War College, Maxwell AFB, AL, Colonel, USAF.

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14172 N. Forthcamp Court
Oro Valley, AZ 85755-7048

Phone (520) 825-2812
E-mail: haling@comcast.net

Harold E. Linton

- 1986 – 1989, Chief, Tactical-Theater C^3I Programs Branch, U.S. European Command, Stuttgart, Germany, Lieutenant Colonel, USAF.

- 1983 – 1986, Executive Secretary, Scientific Advisory Committee, Defense Intelligence Agency, Washington, DC, Lieutenant Colonel, USAF.

- 1980 – 1983, EW Project Officer in a Foreign Military Sales program, Wiesbaden, Germany. Technical Liaison Officer to the German Air Force, Major, USAF.

- 1976 – 1980, Technical Advisor, USAF Electronic Intelligence Squadron, Berlin, Germany, Captain, USAF.

- 1973 – 1976, EW Special Projects Officer, (famed Musketeer Division), National Security Agency, Fort Meade, MD, Lieutenant, USAF.

- 1971 - 1973, Graduate Student in Electronic Engineering at Arizona State University in an USAF sponsored Air Force Institute of Technology program.

- 1969 - 1971, Undergraduate Student in Electronic Engineering at Arizona State University in an USAF sponsored Airmen Education and Commissioning Program.

- 1959 - 1969, Enlisted member of the USAF.

Significant Achievements

- Achieved government and industry consensus on a software development standard as Chairman, Joint Military Policy Group. A forerunner to an International Standards Organization (ISO) and IEEE document.

- Incorporated systems engineering principles in a new flexible computer integrated manufacturing process at a major USAF aircraft overhaul depot; parts produced were used on the C-141 fleet. Man-hours savings 50%, paper transactions eliminated.

- Identified and helped to correct flaws in a ten-year upgrade program for intelligence activities in Berlin, Germany. DoD reversed direction and $13 million saved.

- Organized the first USAF-FAA symposium on multiple site damage in aging aircraft; lessons learned being shared on commercial and military fleets.

- Established redesign/prototyping process for metal components using composites; rudder on fighter aircraft (F-15) can now be made of composites.

- Led development of the first neural network process for non-destructive

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E-mail: haling@comcast.net

Harold E. Linton

inspections of aircraft wing structures; previously undetectable cracks found and repaired.

- Formulated a communications plan to support Intermediate Nuclear Forces (INF) Treaty inspections in Europe; flawless in implementation, inspections 100% time compliant.
- Managed a Scientific Advisory Committee for the Director, Defense Intelligence Agency. Accumulated findings for the Secretary of Defense to support arms control monitoring, directed energy weapons, Strategic Defense Initiative (SDI), and nuclear yield assessments deliberations.
- Coordinated a $60M intelligence and communication upgrade program as liaison officer to the German Air Force.
- Organized and led efforts at Kaman Aerospace to achieve certification as ISO 9001 qualified.
- Returned cost underruns on a $5M Navy contract for the Magic Lantern airborne mine countermeasure systems.
- Served as Chief, Systems Engineer on the High Altitude Balloon Experiment Program for Ballistic Missile Defense Office and Phillips Laboratory at Kirtland AFB, NM.
- Business development consulting advice adopted by a major defense contractor in the area of personal placement, training, and process improvement.

Security clearance

Top Secret, Special Compartmental Information: Periodic Reinvestigation – SSBI 24 Sep 97 (currently inactive but can be reinstated)

Special Qualifications

Advanced skills in using the Microsoft Office Professional Suite (Word, Excel, and PowerPoint). Trained in Microsoft Project and Microsoft Access.

Other Qualifications

Graduate, Deming Total Quality Course

- Graduate, Executive Development Course, Defense Systems Management College
- Graduate, Mastering Business Development, Inc. Graduate Institute

Languages

German conversional fluency, (Defense Language Institute, 1988)

Polish language training (one year total immersion) at Syracuse University in

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Oro Valley, AZ 85755-7048

Phone (520) 825-2812
E-mail: haling@comcast.net

Harold E. Linton

an USAF sponsored Air Force Institute of Technology program.

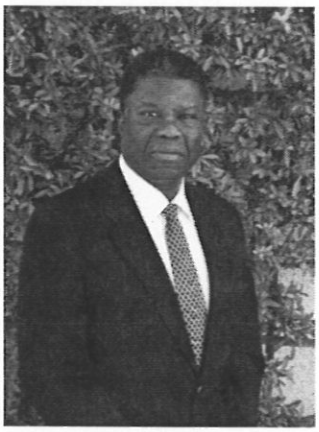
Memberships International Council on Systems Engineering

National Defense Industrial Association

Awards received Numerous military decorations, including the Legion of Merit

February, 2008
for CDRB info and background

Harold Linton



I come to you as a full-time resident of our community. Some of you know me as "Hal". My wife, Ingrid, and I have lived in Sun City Vistoso since October 1994. We were attracted by the absolute beauty of the setting, the facilities and amenities, and most of all, the genuine friendship and comradeship we felt right away. It just seemed everyone here was focused on working together, regardless of how tough the issue at hand might be, to find fair, practical, and implementable solutions to any problem that was facing a particular unit or the association as a whole. In my view, this aspect of life in Sun City needs renewed emphasis. This can be done. Strong leadership from the Board of Directors is essential to this purpose.

I am retired from the USAF, having served a 35-year military career. Almost immediately after settling in Sun City, I was hired by a local aerospace company and worked there from 1995 to 2006. Now, I am a part-time consultant for a business development company. I have been at the forefront in leading small and large organizations, groups, and units for most of my adult life. I started my military career as an enlistee and retired as a full Colonel. I earned a BSE (EE) and MSE (EE) from Arizona State University. My assignments were in intelligence, communications, and systems engineering, serving both domestically and overseas. At Kaman Aerospace Corporation, I worked as a Senior Systems Engineer, as a Program Manager, and as Director of Business Development, while focusing on laser-based anti-mine and detection systems.

My travels have allowed me to live in and to see many communities, and among them, Sun City Vistoso ranks near the top for many reasons. Nonetheless, there are still things within our community that can be improved. To perpetuate a stimulating and enjoyable lifestyle for our members, I believe we need to increase internal communications and to concentrate on those things that add real value. I view getting as much input from our residents as possible on important issues as a priority. I believe it is an essential responsibility of the Board to foster a cooperative environment and create forums so this can happen.

I am originally from Philadelphia, PA. I met Ingrid in Berlin, Germany, and we have been married for 45 years. We have two children, a daughter and son.

The positive impact that good leadership can have on groups is undeniable. The key is having complete and balanced information (understanding and appreciating nuances), and rendering impartial guidance and direction, then following up. My executive training in planning, operations, finance, and program management has prepared me for the technical challenges facing the Board of Directors. My professional and personal development as a senior military officer and as a senior-level director in industry has prepared me for understanding and appreciating the real human side of the decisions that the Board of Directors must make. A candidate for the Board of Directors must be prepared to understand the issues, analyze risk, and then deal with tough and challenging decisions openly and head on. I am prepared to do this for the community. My e-mail address is haling@comcast.net.

atch 2

APR 8'11PM 4:43 TOV

ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION
CONCEPTUAL DESIGN REVIEW BOARD

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Return this application to the Town Clerk's Office, 11000 N. La Cañada Drive, Oro Valley, Arizona 85737.

Name Luckett, Richard
Last First Middle Suffix

Address 13217 N. Lost Artifact Lane Oro Valley AZ 85755
Street City State Zip

Home Phone 907-1895 Business Phone 882-9944 x242 Cellular Phone 907-1895

Number of Years in Oro Valley 5 Email Address richardluckett@arizonadelegate.com

Signature [signature] Date 4-6-11

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☐ Art		
☒ Architecture	30	Graduate from UA College of Architecture, registered Architect in professional practice in Tucson.
☒ Planning	30	Planning is a significant portion of the services Architects provide during the early phases of design.
☐ Engineering		
☐ Development		
☒ Construction	20 Plus	Construction Administration services is also a significant portion of the services Architects provide during the construction phase of our projects to assure the Owner is receiving the the building we designed and they are paying for.
☐ Other Design Background		

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

Current member of DRB. Nine year member of City of Tucson DRB. Past board member Big Brothers/Big Sisters of Tucson. Past President College of Architecture Alumni Council. Past Design Awards Chair Western Mountain Region American Institute of Architects. Graduate of Leadership Tucson. Past President of Palo Verde Kiwanis Club of Tucson.

Please describe an issue or project you contributed to which related specifically to conceptual design?

Each and every architectural project begins in a concept stage. Concepts are derived from the Owners goals, facts, needs culminating with a problem statement (the design), that will become the design parameters. I have completed hundreds of projects for the UA, City and Counties, community colleges, public safety districts and school districts.

Have you attended the Community Academy or CPI? YES What Year? 2009 If not, are you willing to attend?_____

Briefly describe your educational/vocational background.

A Registered Architect with a strong interest in the design of our community. My professional experience will help guide our community to become a more cohesive Town with style of Architecture that reflects our goals, see attached resume.

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED

www.orovalleyaz.gov

Richard Luckett, AIA
Architect
13217 N. Lost Artifact Lane
Oro Valley, Arizona 85755

April 6, 2011

Julie K. Bower, MMC
Town Clerk
Town of Oro Valley
11000 N. La Canada Drive
Oro Valley AZ 85732

RE: Letter of Interest – Town of Oro Valley Conceptual Development Review Board

Dear Ms. Bower,

I am writing to express my interest for appointment to the Conceptual Development Review Board (CDRB) for the Town of Oro Valley. Thank you for taking the time to my interest and experience.

I was appointed to the Development Review Board in 2009. The obligations of this Board are paramount in the development of the built environment in Oro Valley. While a relative new member of Oro Valley DRB, I wish to point out that I spent nearly nine years on the City of Tucson DBR. During my tenure I was chair on two occasions. The issues presented to the DRB in Tucson were similarly to those in Oro Valley today. In both cases the quality of the built environment and quality of life were important to consider before a decision could be rendered.

My professional experience has taught me many important lessons that I will be able to use while on the CDRB. As an architect, I have been privy to many aspects of community building and I believe my knowledge in this area when coupled with my strong problem solving skills will be a great contribution to the CDRB. I believe that the same skills I employ on a daily basis to be a successful architect are also vital to being an effective CDRB member. I believe it is of great importance to listen to all the diverse views; to work with our clients to reach consensus; to explore all plausible options; to present the options in a clear and concise manner without prejudice; and to make recommendations to our clients of the most favorable solution to meet their program, budget and schedule.

Thank you for the opportunity to express my views, credentials and profound interest in this leadership position. I have been blessed with a great family, a great education, great opportunities and a long history in Southern Arizona. It's now time to give back to my community.

Respectfully submitted

Richard Luckett, AIA

RICHARD LUCKETT, AIA
Architect
13217 N. Lost Artifact Lane
Oro Valley, AZ
520-907-1895

EDUCATION

Bachelor of Architecture with Honors • University of Arizona, College of Architecture • 1981

My goal since graduation has been:

- *Adding Value to my Community*
- *Adding Value to my Clients*
- *Adding value to my Profession*
- *Adding Value to the Environment*

PROFFESSIONAL & PUBLIC SERVICE

- Amateur Trapshooting Association • Arizona Delegate • Member of the Board of Directors • 2010 to Present
- Town of Oro Valley • Development Review Board • 2009 to Present
- Town of Oro Valley • Citizens Planning Institute • 2009
- Arizona State Trap Shooting Association • Director • 2008 to 2011
- Arizona State Trap Shooting Association • Vice President • 2008 to 2009
- Tucson Trap and Skeet Club • Board Member • 2002-2003
- City of Tucson • Development Review Board • Chair 1999 to 2001 and Member • 1997 to 2003
- AIA Western Mountain Regional Conference • Design Awards Chair • 1999
- AIA Arizona • Board of Directors • Secretary • 1996/1999
- AIA Arizona • 1995/1996 Celebrate Design • Chair, Educator Award Program
- Citizens Transportation Advisory Committee • Member • 1995-1996
- Palo Verde Kiwanis Club • Member • President • 1991-1993
- Big Brothers/Big Sisters of Tucson • Board of Directors • 1988 to 1996
- Big Brothers/Big Sisters of Tucson • Vice President, Advisory Council • 1994
- Big Brothers/Big Sisters of Tucson • Chairman, Bowl for Kids Sake • 1990 and 1991
- University of Arizona • College of Architecture • Alumni Council • President • 1992-1994
- University of Arizona • Class of 1981 Homecoming • Alumni Association • 1991
- University of Arizona • College of Architecture • Homecoming Chairman • 1989
- Tucson Metropolitan Chamber of Commerce • Leadership Tucson • Executive Enrichment Program • 1988
- Who's Who in the West • Twenty Second Edition • 1989-1990
- Society for Marketing Professional Services • 1987-1989
- Tucson Metropolitan Chamber of Commerce • Chairmen, Land Use Regulatory Task Force • 1988
- Tucson Metropolitan Chamber of Commerce • Eastside Business Committee •1988
- Tucson Metropolitan Chamber of Commerce • Land Use Committee •1988
- Who's Who Among Students in American Universities and Colleges •1980
- Big Brother • Big Brothers of Tucson • 1963 -1965

ACADEMIC EXPERIENCE

- Adjunct Lecturer, College of Architecture, University of Arizona, 1996 to 2002
- Professional Internship 493-593
- Ethics and Practice, AKA Professional Practice, 459-559

AWARDS AND HONORS

- 2009 • Arizona Masonry Guild • Excellence in Masonry • Intercollegiate Athletics Facilities • Richard Jefferson Practice Courts • University of Arizona
- 2008 • *Fire Chief* Station Style Featured Career Station • City of Yuma Fire Station #6
- 2008 • Arizona Fire Districts Association • Guest Speaker • Fire Station Design and Construction
- 2007 • *Fire Chief* Station Style Featured Station • City of Yuma Fire Station #3
- 2005 • University of Arizona Memorial Student Union and Bookstore • National ACUI Facility Design Award
  2005 • University of Arizona Memorial Student Union and Bookstore • Education Design Showcase, School Planning & Management "Project of Distinction"
  2003 • University of Arizona Memorial Student Union and Bookstore • Education Design Showcase, American School and University "Citation"
- 2006 • Recreation Management Magazine Innovative Architecture & Design Award - Apache Junction Multi-Generational Recreation Center
- 2006 • Recreation Management Magazine Innovative Architecture & Design Award - Apache Junction Multi-Generational Recreation Center
- 2005 • Fire Chief Station Style Design Awards, Featured Station • Career City of Yuma Fire Station #6
- 2004 • Athletic Business Facility of Merit Award • Freestone Recreation Center

RICHARD LUCKETT, AIA
Architect
13217 N. Lost Artifact Lane
Oro Valley, AZ
520-907-1895

- 2004 • Architectural Excellence Award • Chandler Fire Station #7
- 2003 • *Recreation Management* Magazine Innovative Architecture & Design Award• Freestone Recreation Center 2002 • Southwest Contractor Best of 2002 Interior Architecture Award• Freestone Recreation Center
- 2003 • *New Times,* Best of Phoenix 2003 "Best Use of Taxpayer Money" Gilbert • Freestone Recreation Center,
- 2003 • Architectural Excellence Merit Award • City of Chandler Fire Station #6
- 1994 • Association of General Contractors • Merit Award • Renovation of the Hughes Missile Systems Company
- 1995 • Association of Builders and Contractors • 1995 Excellence in Construction Awards Competition • 1st Place for Hughes Missile Systems Company Project • In Recognition of Outstanding Achievement Reflected by Quality, Innovation and Teamwork
- 1990 • *American School and University Magazine* • Koret Health and Recreation Center • University of San Francisco • Architectural Showcase

ART EXHIBITATIONS

- Architecture Week, Southern Arizona Chapter of The American Institute of Architects, 1996, 1997, 1998
- Pink Adobe Gallery, Tucson, Arizona, 1998
- Mesquite Grove Art Gallery, Patagonia, Arizona, 1997 to 2000
- University of Arizona Student Art Exhibition, 1977
- Fourth Avenue Street Fair, 1972,1973, 1974
- Tucson Gem and Mineral Show, 1974

PROFESSIONAL MEMBERSHIP

- American Institute of Architects • 1987 to Present
- Southern Arizona Chapter • American Institute of Architects • 1987 to Present
- American Institute of Architects Arizona • 1987 to Present
- National Council of Architectural Registration Boards (NCARB) • 1990 to 2003

LICENCES AND PRACTICE

- Registered Architect • Arizona 20136
- National Council of Architectural Registration Boards Certified (NCARB)
- Breckenridge Group Inc, Architects and Planners, Tucson, Arizona, Senior Project Manager, Architect

RECENT ARCHITECTURAL LEADERSHIP AND DESIGN EXPERIENCE

- In my thirty plus years in the field of architecture as principal architect, I have held leadership roles on projects as small as simple remodels to as large as $60 million university projects.
- While I don't have exact cost and square footage data for my architectural project history, I can summarize that my leadership roles have resulted in more than 3,000,000 square feet and more than $300 million in construction projects.
- Each and every one of these projects has the same intricate opportunities and constraints as those facing Oro Valley today.
- Each of these projects requires comprehensive thought, study and resolution to meet schedule and budgetary goals.
- I believe my skills in these areas will be invaluable to the Town of Oro Valley CDRB.

APR 21'11PM 5:08 TOV

ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION
CONCEPTUAL DESIGN REVIEW BOARD

Dear Oro Valley Citizen:

We appreciate your interest in the Town of Oro Valley. This informational form, when completed, will allow us to quickly process your application by assisting us in understanding your talents and experience. This application form is only for citizens interested in serving on the **Conceptual Design Review Board (CDRB)**. The CDRB conducts public meetings to review conceptual site design, architecture and public art, as well as permanent sign applications that vary from adopted codes.

There are seven (7) voting members on the CDRB. Three (3) members are at-large and four (4) members must practice (current or previous) in the field of art, architecture, planning, engineering, development, construction, or otherwise qualified by a similar design background, training and experience. Information reflecting the procedures surrounding the appointment process to Boards is also attached. If appointed, your term on the CDRB will be for three (3) years. Your application will remain on file for two years from the date of receipt. We thank you kindly for volunteering to serve the Town!

Please note: No volunteer shall serve on more than one standing Board at any time.

Return this application to the Town Clerk's Office, 11000 N. La Cañada Drive, Oro Valley, Arizona 85737.

Name SAKELLAR (Last) CONSTANTINE "DINO" (First) NICHOLAS (Middle) MR (Suffix)

Address 11404 N. 1ST AVE (Street) OROVALLEY (City) AZ (State) 85737 (Zip)

Home Phone N/A Business Phone 520.622.4166 Cellular Phone 520.907.1812

Number of Years in Oro Valley 3½ Email Address dino@sakellar.com

Signature [signature] Date 4/21/11

Listed below are fields of professional experience required for four (4) members of the CDRB. If you have relevant experience, please check all that apply and provide a generalized description of your professional design background. If you do not have the design related experience listed below, please continue to the following page.

Profession	Years of Experience	Description
☐ Art		
☒ Architecture	35	PRINCIPAL OF LOCAL ARCHITECTURAL FIRM FOR 30 YEARS
☒ Planning	"	" " " PLANNING " " " "
☐ Engineering		
☐ Development		
☐ Construction		
☒ Other Design Background	35	INTERIOR DESIGN, GENERAL PLAN AMENDMENTS,

Please list your volunteer services in Oro Valley and with other organizations including any boards or commissions on which you have served: (board/commission, civic, educational, cultural, social, etc.)

PIMA CO./COT DEVELOPMENT SERVICES TASK FORCE, PAST PRES OF LOCAL & STATE AIA, PAST CHAIR x2 JACOBS CITY YMCA, PAST BOARD MEMBER NW YMCA, CO-CHAIR FACILITIES NEEDS TASK FORCE YMCA, PAST VICE PRES. PROPERTIES COMMITTEE CATALINA COUNCIL BSA, CURRENT PRES BUSINESS COUNCIL OF GREER NUMEROUS ART SELECTION COMM.

Please describe an issue or project you contributed to which related specifically to conceptual design?

DESIGNED OVER 400 ARCHITECTURAL/PLANNING PROJECTS RANGING FROM SMALL REMODELING TO 10,000 AC MASTER PLANS.

Have you attended the Community Academy or CPI? NO What Year? _____ If not, are you willing to attend? YES

Briefly describe your educational/vocational background.

B OF ARCHITECTURE UA '76, REGISTERED ARCHITECT IN AZ CERT. 12826

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED
www.orovalleyaz.gov

3/02/11

Town Council Regular Session **Item # 5. f.**

Meeting Date: 05/18/2011

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

SUBJECT:

AMENDING THE TOWN COUNCIL LIAISON ASSIGNMENTS BY APPOINTING COUNCILMEMBER STEVE SOLOMON AS PRIMARY LIAISON AND COUNCILMEMBER LOU WATERS AS THE ALTERNATE LIAISON TO THE CONCEPTUAL DEVELOPMENT REVIEW BOARD (CDRB) AND REMOVING THE FINANCE AND BOND COMMITTEE FROM THE COUNCIL LIAISON ASSIGNMENTS

RECOMMENDATION:

Council must formally approve changes to the Town Council Liaison Assignments.

EXECUTIVE SUMMARY:

The CDRB is a newly formed board necessitating the appointment of liaison(s). The Finance and Bond Committee was disbanded in late 2010 and can be removed from the list of Council Liaison Assignments. The Council Liaison Assignments were updated July 7, 2010 and amended October 20, 2010; December 1, 2010; February 16, 2011; and May 4, 2011.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to amend the Council Liaison Assignments by appointing Councilmember Steve Solomon as the primary liaison and Councilmember Lou Waters as the alternate liaison to the CDRB and removing the Finance and Bond Committee from the Council Liaison Assignments.

or

I MOVE....