

**\*\*\*THIRD AMENDMENT 6/10/11, 4:00 P.M.**  
**\*\*SECOND AMENDMENT 6/9/11, 4:00 P.M.**  
**\*AMENDED 6/6/11, 4:00 P.M.**

**AGENDA**  
**ORO VALLEY TOWN COUNCIL**  
**REGULAR SESSION**  
**June 15, 2011**  
**ORO VALLEY COUNCIL CHAMBERS**  
**11000 N. LA CAÑADA DRIVE**

**REGULAR SESSION AT OR AFTER 5:00 PM**

**CALL TO ORDER**

**ROLL CALL**

**\*\*\*EXECUTIVE SESSION AT OR AFTER 5:00 PM**

Pursuant to ARS 38-431.03 (A)(3) for discussion and consultation for legal advice relating to a potential amendment to the employment agreement between the Town and Town Manager Jerene Watson

**RESUME REGULAR SESSION AT OR AFTER 6:00 PM**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**UPCOMING MEETING ANNOUNCEMENTS**

**COUNCIL REPORTS**

**DEPARTMENT REPORTS**

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

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

**INFORMATIONAL ITEMS**

1. DIS Customer Feedback Forms

**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 card.

## **PRESENTATIONS**

1. Presentation of Plaques of Appreciation to the members of the Development Review Board for their service
2. Presentation of Plaques of Appreciation to the Art Review Commission for their service

## **CONSENT AGENDA**

### **(Consideration and/or possible action)**

- A. Fiscal Year 2010/11 Financial Update Through April 2011
- B. Development & Infrastructure Services Department - Permitting Division, April 2011 Reports
- C. Cancellation of the July 20th, August 3rd, and August 17th, 2011 regular Town Council Meetings
- D. Appointment of Suzanne Marie Bishop to the Parks And Recreation Advisory Board with a term effective through December 31, 2011, and Appointment of Mary Kay Durfee and John F. Hickey to the Parks And Recreation Advisory Board with terms effective through December 31, 2012
- E. Appointment of Dean Strandskov to the Historic Preservation Commission with a term effective through December 31, 2012
- F. Council Approval to add an Estimated Economic Impact Form to the Special Events Process
- G. Resolution No. (R)11-41, Authorizing and Approving a Financial Participation Agreement Between the Town of Oro Valley and the Metropolitan Tucson Convention and Visitors Bureau (MTCVB)
- H. Resolution No. (R)11-42, Authorizing and Approving a Financial Participation Agreement Between the Town of Oro Valley and Tucson Regional Economic Opportunities, Inc.
- I. Resolution No. (R)11-38, Approving the granting of a water utility easement to the Town of Oro Valley from BASIS Oro Valley, BASIS Charter School, Inc. for the purpose of constructing water utility facilities
- J. Resolution No. (R)11-39 Approving the granting of a water utility easement to the Town of Oro Valley from Evergreen-Steam Pump, L.L.C. for the purpose of constructing water utility facilities
- K. Resolution No. (R)11-40, Approving the granting of a water utility easement to the Town of Oro Valley from Midfirst Bank for the purpose of constructing water utility facilities
- L. Resolution No. (R)11-43, Amending the Town of Oro Valley Personnel Policies and Procedures Manual to Update Policy 10, Attendance and Leaves, Section 3, Personal and Immediate Family Sick Leave, to Provide for Payment of Unused Sick Leave in the Event of the Death of an Employee
- M. Resolution No. (R)11-44, Approving a Memorandum of Understanding Between Public Safety Employees and the Town of Oro Valley Pursuant to Chapter 4, Section 4-1-8 of the Town Code, Public Safety Employee Relations And Processes
- N. \*Rescission of Resolution No. (R)07-55, strongly opposing the proposed Rosemont mine

## REGULAR AGENDA

1. PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR IZZI'S CAFE LOCATED AT 12985 N. ORACLE ROAD, #165
2. FINAL PLAT AMENDMENT TO REVISE A REQUIREMENT REGARDING ROOFTOP MECHANICAL EQUIPMENT SCREENING FOR THE MERCADO AT CANADA HILLS, LOCATED IN PROXIMITY TO THE NORTHEAST CORNER OF LA CANADA DRIVE AND LAMBERT LANE
3. PUBLIC HEARING: RECONSIDERATION OF THE MAY 4, 2011 APPROVAL OF ORDINANCE NO. (O)11-12, APPROVING A REZONING REQUEST BY ML2 MANAGEMENT, L.L.C. REPRESENTING ST. MARK CHURCH, FOR THE PROPERTY LOCATED AT 2727 W. TANGERINE ROAD FROM R1-144 TO PRIVATE SCHOOL DISTRICT
4. PUBLIC HEARING - RESOLUTION NO. (R)11-45, APPROVING THE ADOPTION OF THE BUDGET OF THE TOWN OF ORO VALLEY FOR THE FISCAL YEAR 2011-12
5. ~~\*CONSIDERATION AND POSSIBLE ACTION REGARDING RESOLUTION NO. (R)07-55, STRONGLY OPPOSING THE PROPOSED ROSEMONT MINE~~
6. \*\*MOTION FOR RECONSIDERATION OF THE JUNE 1, 2011 DENIAL OF RESOLUTION NO. (R)11-37 AUTHORIZING AND APPROVING THE ELIMINATION OF THE TOWN OF ORO VALLEY DEVELOPMENT AND INFRASTRUCTURE SERVICES DEPARTMENT TRANSIT SERVICES DIVISION COYOTE RUN SERVICE
7. \*\*\*DISCUSSION AND POSSIBLE ACTION RELATING TO A POTENTIAL AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND TOWN MANAGER JERENE WATSON

**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: 6/3/11 at 5:00 PM by tlg

AMENDED AGENDA POSTED: 6/6/11 at 5:00 PM by ss

SECOND AMENDED AGENDA POSTED: 6/9/11 at 4:00 PM by ss

THIRD AMENDED AGENDA POSTED: 6/10/11 at 4:00 PM by ms

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 Town Clerk's Office between the hours of 8:00 a.m. – 5:00 p.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 blue 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:** 06/15/2011

**Submitted By:** Arinda Asper, Town Manager's  
Office

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**Information**

**Subject**

DIS Customer Feedback Forms

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**Attachments**

[DIS Customer Feedback Forms](#)



MAY 11 2011

Development and Infrastructure Services Department  
11000 N. La Cañada Drive • Oro Valley, Arizona 85737  
[www.orovalleyaz.gov](http://www.orovalleyaz.gov)

Regine Notarianni      401-463-5678      May 11, 2011  
Customer Name (Please Print)      Contact Phone (Optional)      Date

*Meeting our Customer's needs is important to us. We welcome your suggestions and comments and encourage you to fill out this form.*

1. Were the steps for the development, permit, or inspection process clearly explained and understandable?

Yes?     No?

2. Were the development, permit, and/or inspection approval (s) received within the timeline goals prescribed?

Yes?     No?

3. Was the service professional, courteous and helpful?

Yes?     No?    Would you like to name any employee(s) that you feel provided exceptional service? William Vicens &

MATT Michaels

4. Did you experience any problem getting the information you needed? If yes, what aspect? NO

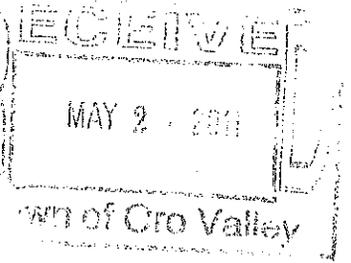
5. Any general comments?

Totally impressed by the professional attitude of the staff, their patience & willingness to help (Wish we had the same back East!)  
Notarianni

Thank you for taking your time to help us improve!



MAY 20 2011



Development and Infrastructure Services Department  
11000 N. La Cañada Drive • Oro Valley, Arizona 85737  
[www.orovalleyaz.gov](http://www.orovalleyaz.gov)

548 W. Red Mountain Pl.

JOSEPH RIVERIA

954 734 5507

5-20-11

Customer Name (Please Print)

Contact Phone (Optional)

Date

Meeting our Customer's needs is important to us. We welcome your suggestions and comments and encourage you to fill out this form.

1. Were the steps for the development, permit, or inspection process clearly explained and understandable?

Yes?  No?

Staff went out of their way  
to explain requirements

2. Were the development, permit, and/or inspection approval (s) received within the timeline goals prescribed?

Yes?  No?

3. Was the service professional, courteous and helpful?

Yes?  No?

Would you like to name any employee(s) that you feel provided exceptional service? WILLIAM VICENS has been very helpful.  
HE CONSTANTLY DELIVERED EXCELLENT CUSTOMER SERVICE  
EXCELLENT ATTITUDE, VERY FRIENDLY.

4. Did you experience any problem getting the information you needed? If yes, what aspect?

No

5. Any general comments?

CHUCK KING ALSO WENT OUT OF HIS WAY TO  
SPEND TIME EXPLAINING CODES.  
ALL STAFF IS VERY FRIENDLY. NOT LIKE TYPICAL  
STATE EMPLOYEES.

Thank you for taking your time to help us improve!



**Town Council Regular Session**

**Item # 1.**

**Meeting Date:** 06/15/2011

**Development Review Board: Plaque of Appreciation Presentation**

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**Information**

**Subject**

Presentation of Plaques of Appreciation to the members of the Development Review Board for their service

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**Town Council Regular Session**

**Item # 2.**

**Meeting Date: 06/15/2011**

**Art Review Commission: Plaque of Appreciation Presentation**

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**Information**

**Subject**

Presentation of Plaques of Appreciation to the Art Review Commission for their service

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**Town Council Regular Session**

**Item # A.**

**Meeting Date:** 06/15/2011

**Requested by:** Wendy Gomez

**Submitted By:**

Wendy Gomez, Finance

**Department:** Finance

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**Information**

**SUBJECT:**

Fiscal Year 2010/11 Financial Update Through April 2011

**RECOMMENDATION:**

N/A

**EXECUTIVE SUMMARY:**

**General Fund**

**Attachment B** shows General Fund revenues and expenditures through April as well as year-end estimates for each category. Through April, revenue collections totaled \$19,849,350 and expenditures totaled \$20,378,908.

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

Revenues	\$24,322,623
Expenditures	<u>25,319,197</u>
<b>Estimated Deficit</b>	<b>(\$ 996,574)*</b>

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

**General Fund Revenues**

- Revenues through April total \$19,849,350, which represents 75.7% 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 \$9,298,826 (roughly 3% less than FY 09/10 through Apr)
- Estimated to come in 10% below budget due to reduced construction sales tax collections

**State-Shared Revenues**

- Income Tax - fiscal year to date is \$3,195,759 (25% decrease from FY 09/10 through Apr)
- Sales Tax - fiscal year to date is \$2,457,193 (2% increase from FY 09/10 through Apr)
- Vehicle License Tax - fiscal year to date is \$1,249,295 (10% decrease from FY 09/10 through Apr)

### **General Fund Expenditures**

- Expenditures through April total \$20,378,908, which represents 76.7% of the budgeted FY 10/11 expenditures
- Expenditures are estimated to come in under budget by about \$1,250,000, 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

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### **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](#)



## April 2011 Monthly Financial Report

### Revenues

Fund	Actuals thru 04/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
General	\$ 19,849,350	\$ 26,215,984	75.7%	\$ 24,322,623	-7.2%
Highway	\$ 2,653,653	\$ 3,797,842	69.9%	\$ 3,314,654	-12.7%
Bed Tax	\$ 189,081	\$ 270,569	69.9%	\$ 253,208	-6.4%
Transit	\$ 411,549	\$ 454,845	90.5%	\$ 469,286	3.2%

### Expenditures

Fund	Actuals thru 04/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
General	\$ 20,378,908	\$ 26,560,334	76.7%	\$ 25,319,197	-4.7%
Highway	\$ 2,329,810	\$ 4,105,231	56.8%	\$ 3,975,872	-3.2%
Bed Tax	\$ 246,564	\$ 358,869	68.7%	\$ 376,866	5.0%
Transit	\$ 475,138	\$ 482,320	98.5%	\$ 602,246	24.9%

### Surplus/(Deficit)

### Fund Balance

Fund	YTD	Budgeted	Year End Estimate	Budgeted	Year End Estimate
General	\$ (529,557)	\$ (344,350)	\$ (996,574)	\$ 10,620,363	\$ 9,316,578 *
Highway	\$ 323,843	\$ (307,389)	\$ (661,218)	\$ 3,772,144	\$ 3,359,646
Bed Tax	\$ (57,483)	\$ (88,300)	\$ (123,658)	\$ 987,870	\$ 865,887
Transit	\$ (63,589)	\$ (27,475)	\$ (132,960)	\$ 54,532	\$ -

\* Represents 36.8% of General Fund year-end estimated expenditures



**General Fund**

% Budget Completion through April --- 83.3%

<b>FINANCING SOURCES</b>					
	Actuals thru 04/2011	Budget	% Actuals to Budget	Year End Estimate *	% Variance to Budget
<b>REVENUE:</b>					
LOCAL SALES TAX	9,082,412	12,464,250	72.9%	11,151,825	-10.5%
BED TAX ALLOCATION <i>(allocation from Bed Tax Fund to Gen Fund)</i>	490,501	600,000	81.8%	610,000	1.7%
LICENSES & PERMITS	779,041	1,276,510	61.0%	848,615	-33.5%
FEDERAL GRANTS	516,865	881,239	58.7%	811,956	-7.9%
STATE GRANTS	248,845	145,700	170.8%	267,627	83.7%
STATE/COUNTY SHARED	6,902,248	8,360,415	82.6%	8,360,415	0.0%
OTHER INTERGOVERNMENTAL	322,376	607,781	53.0%	600,281	-1.2%
CHARGES FOR SERVICES	737,592	1,021,715	72.2%	850,819	-16.7%
FINES	171,301	195,000	87.8%	200,000	2.6%
INTEREST INCOME	16,089	151,374	10.6%	21,333	-85.9%
MISCELLANEOUS	215,080	145,000	148.3%	224,523	54.8%
OTHER FINANCING SOURCES	367,000	367,000	100.0%	375,229	2.2%
<b>TOTAL FINANCING SOURCES</b>	<b>19,849,350</b>	<b>26,215,984</b>	<b>75.7%</b>	<b>24,322,623</b>	<b>-7.2%</b>

<b>FINANCING USES</b>					
	Actuals thru 04/2011	Budget	% Actuals to Budget	Year End Estimate *	% Variance to Budget
<b>EXPENDITURES:</b>					
COUNCIL	172,707	217,610	79.4%	197,610	-9.2%
CLERK	304,454	378,581	80.4%	374,081	-1.2%
MANAGER	729,541	974,906	74.8%	892,552	-8.4%
HUMAN RESOURCES	371,833	484,189	76.8%	455,657	-5.9%
FINANCE	581,211	727,613	79.9%	721,613	-0.8%
INFORMATION TECHNOLOGY	887,587	1,120,106	79.2%	1,098,106	-2.0%
GENERAL ADMINISTRATION	2,267,677	3,458,898	65.6%	3,197,369	-7.6%
LEGAL	595,554	842,785	70.7%	740,785	-12.1%
COURT	591,720	753,772	78.5%	744,922	-1.2%
DEV & INFRASTRUCTURE SVCS	2,236,204	3,084,586	72.5%	2,735,661	-11.3%
PARKS, REC, LIBRARY, & CULT RSCS	2,399,757	2,947,715	81.4%	2,921,926	-0.9%
POLICE	9,240,663	11,569,573	79.9%	11,238,915	-2.9%
<b>TOTAL FINANCING USES</b>	<b>20,378,908</b>	<b>26,560,334</b>	<b>76.7%</b>	<b>25,319,197</b>	<b>-4.7%</b>

**SURPLUS/(DEFICIT) (529,557) (344,350) (996,574)**

\* Year-end estimates are subject to further revision





**Bed Tax Fund**

*% Budget Completion through April --- 83.3%*

FINANCING SOURCES	Actuals thru 04/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
<b>REVENUE:</b>					
BED TAXES	678,216	861,569	78.7%	861,569	0.0%
less allocation to General Fund	(490,501)	(600,000)	81.8%	(610,000)	1.7%
INTEREST INCOME	1,366	9,000	15.2%	1,639	-81.8%
<b>TOTAL FINANCING SOURCES</b>	<b>189,081</b>	<b>270,569</b>	<b>69.9%</b>	<b>253,208</b>	<b>-6.4%</b>

FINANCING USES	Actuals thru 04/2011	Budget	% Actuals to Budget	Year End Estimate	% Variance to Budget
<b>EXPENDITURES:</b>					
ECONOMIC DEVELOPMENT	246,564	358,869	68.7%	376,866	5.0%
<b>TOTAL FINANCING USES</b>	<b>246,564</b>	<b>358,869</b>	<b>68.7%</b>	<b>376,866</b>	<b>5.0%</b>

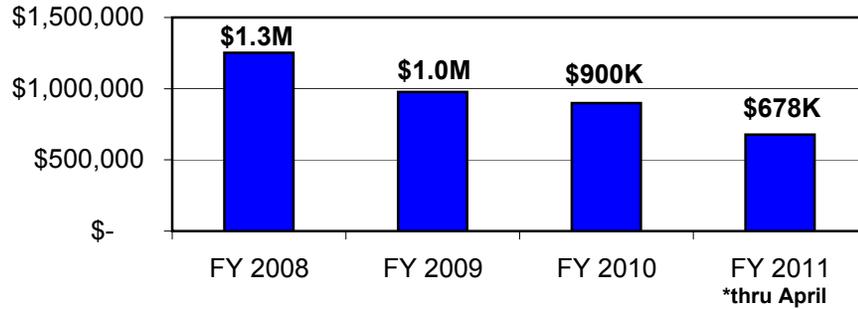
<b>SURPLUS/(DEFICIT)</b>	<b>(57,483)</b>	<b>(88,300)</b>	<b>(123,658)</b>
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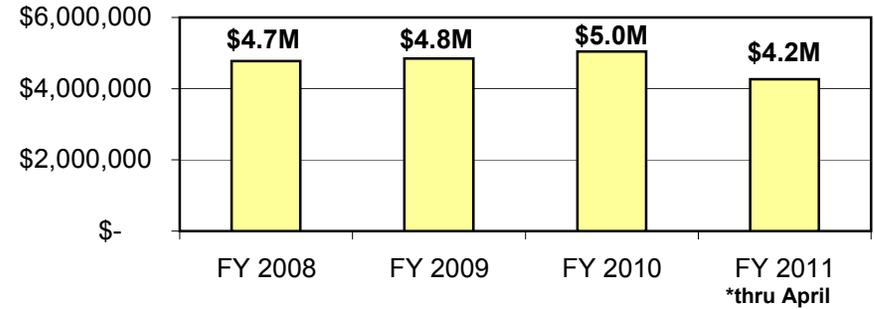


# Town of Oro Valley Financial Dashboard Historical Annual Totals

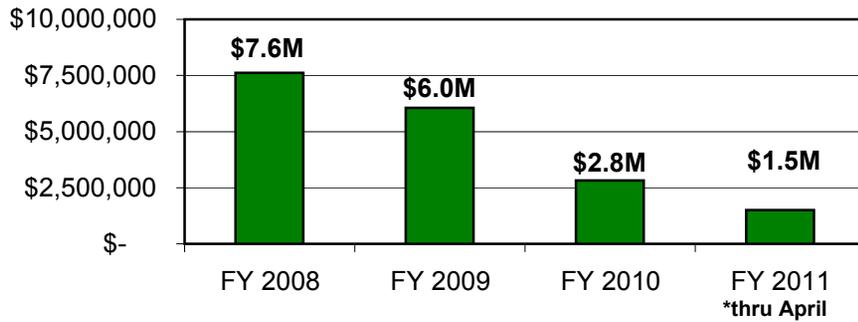
### Hotel/Motel Sales Tax Collections



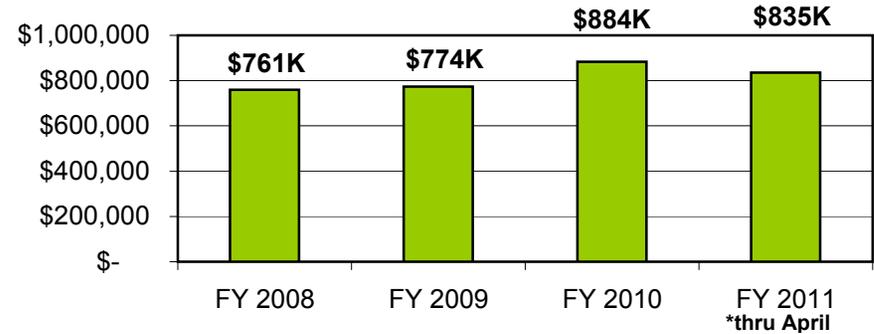
### Retail Sales Tax Collections



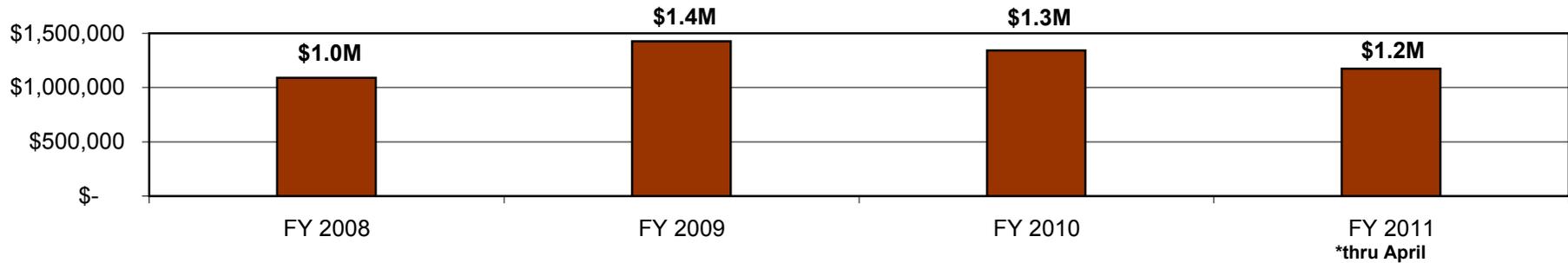
### Construction Sales Tax Collections



### Restaurant/Bar Sales Tax Collections



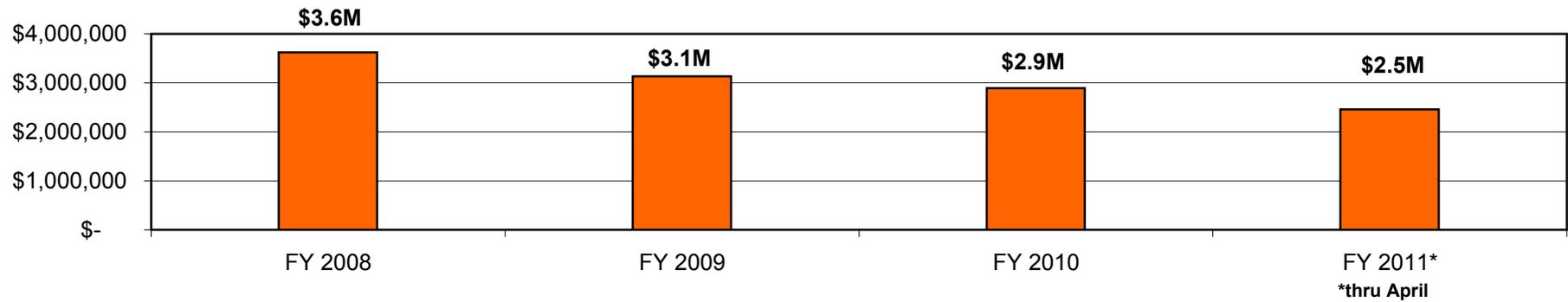
### Utility Sales Tax Collections



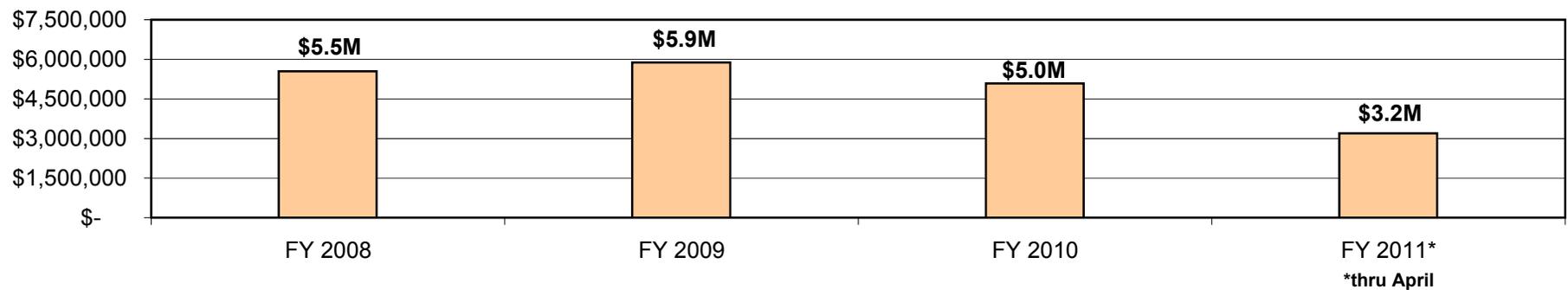


**Town of Oro Valley  
Financial Dashboard  
Historical Annual Totals**

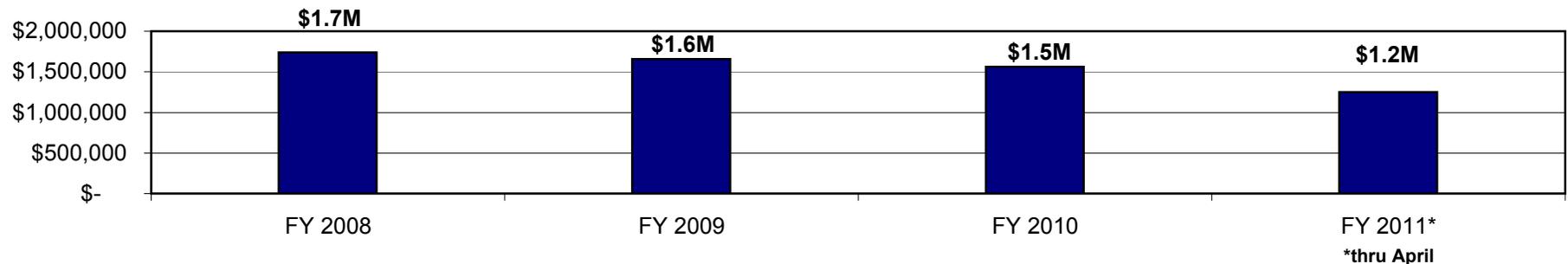
**State Shared Sales Tax Collections**



**State Shared Income Tax Collections**



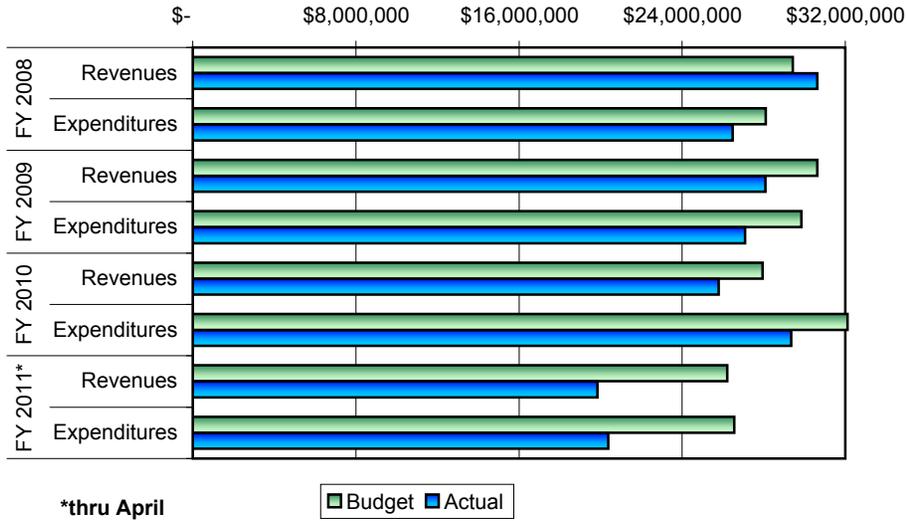
**State Shared County Auto Lieu Collections**



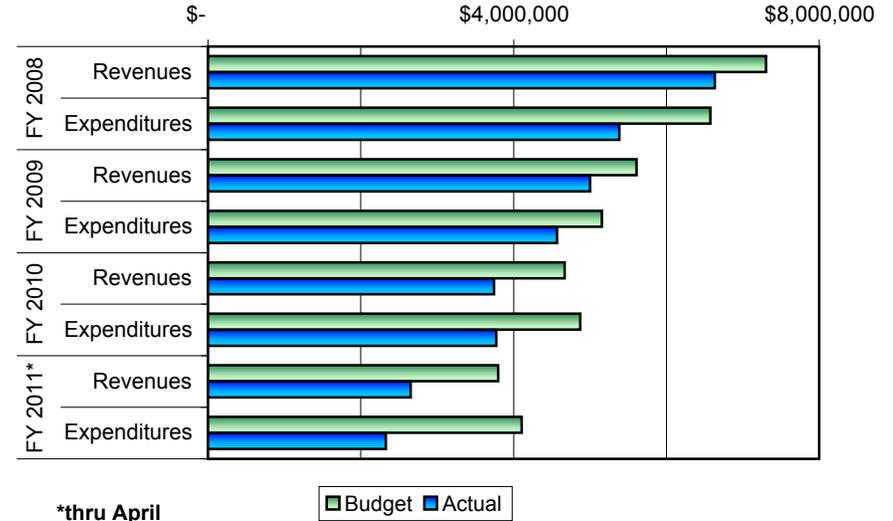


# Town of Oro Valley Financial Dashboard Historical Annual Totals

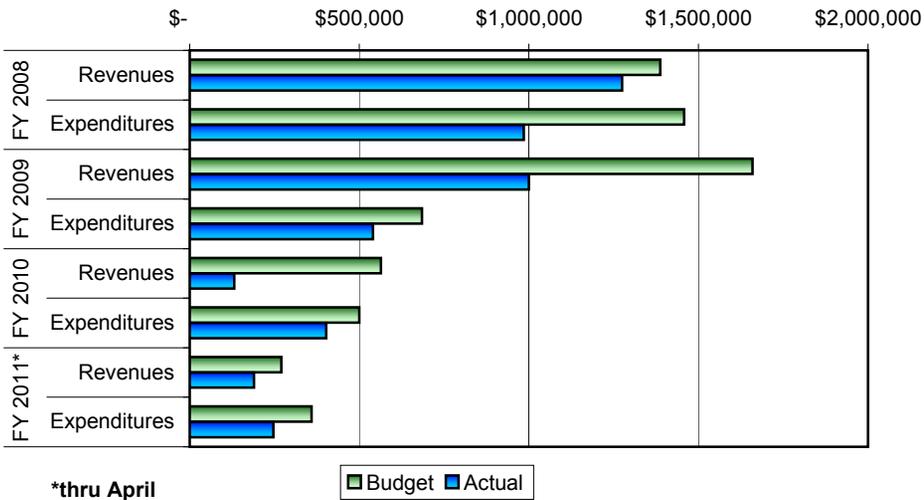
## General Fund



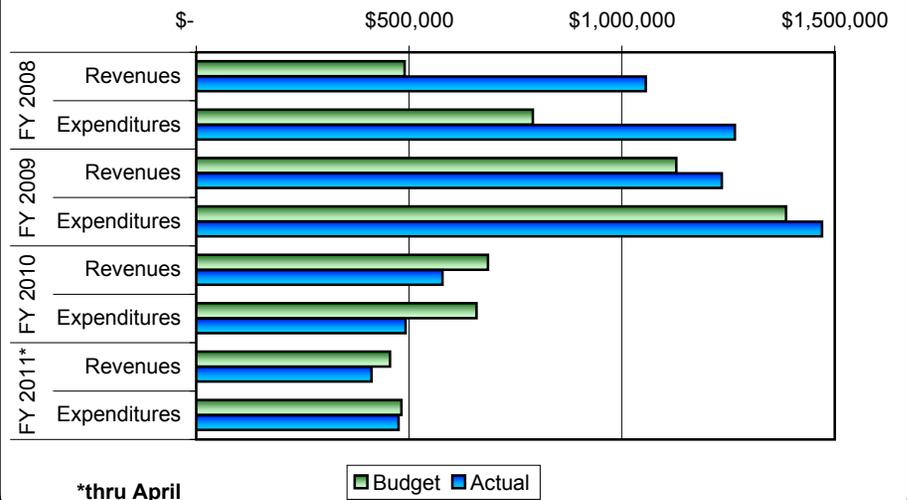
## Highway Fund



## Bed Tax Fund



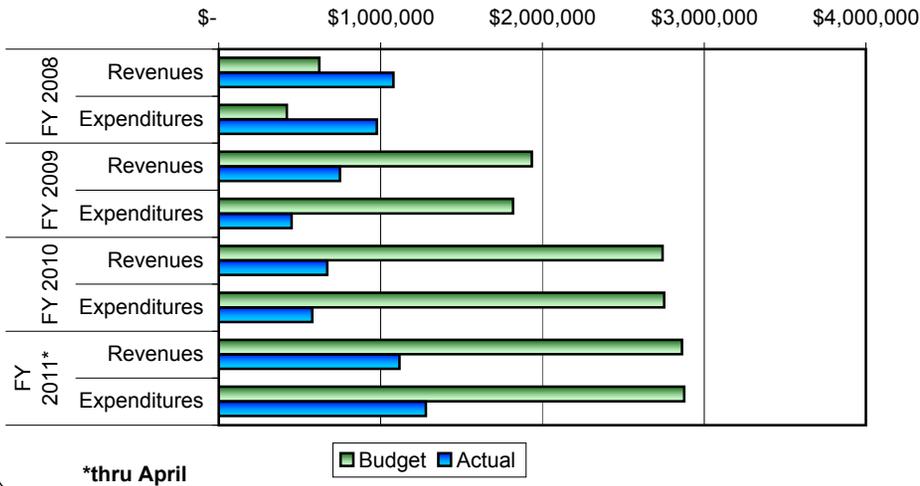
## Transit Fund



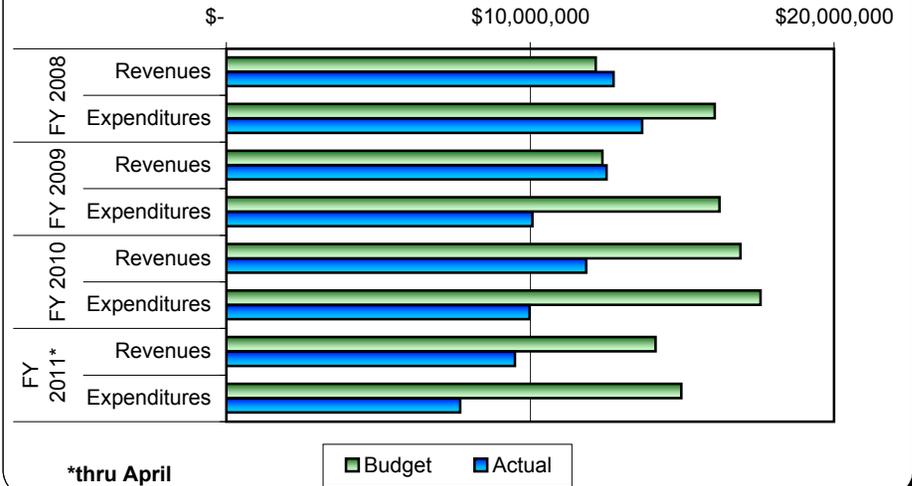


# Town of Oro Valley Financial Dashboard Historical Annual Totals

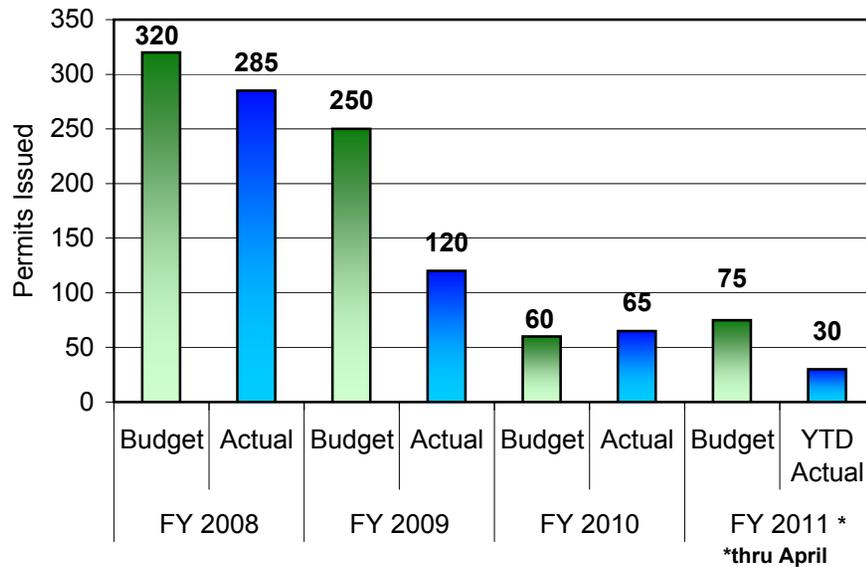
## Stormwater Fund



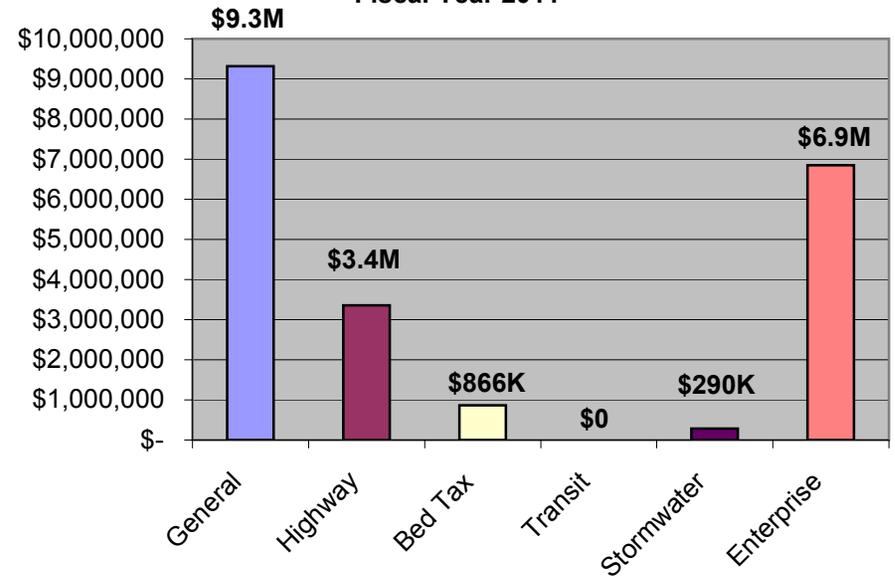
## Water Utility Enterprise Fund



## Single Family Residential Permits



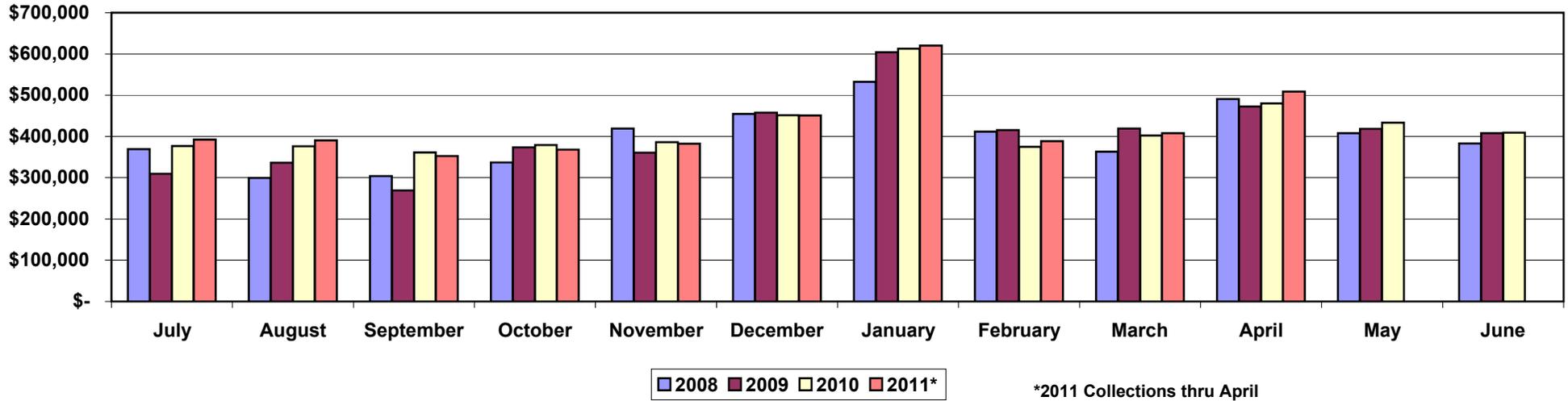
## Projected YE Fund Balances Fiscal Year 2011



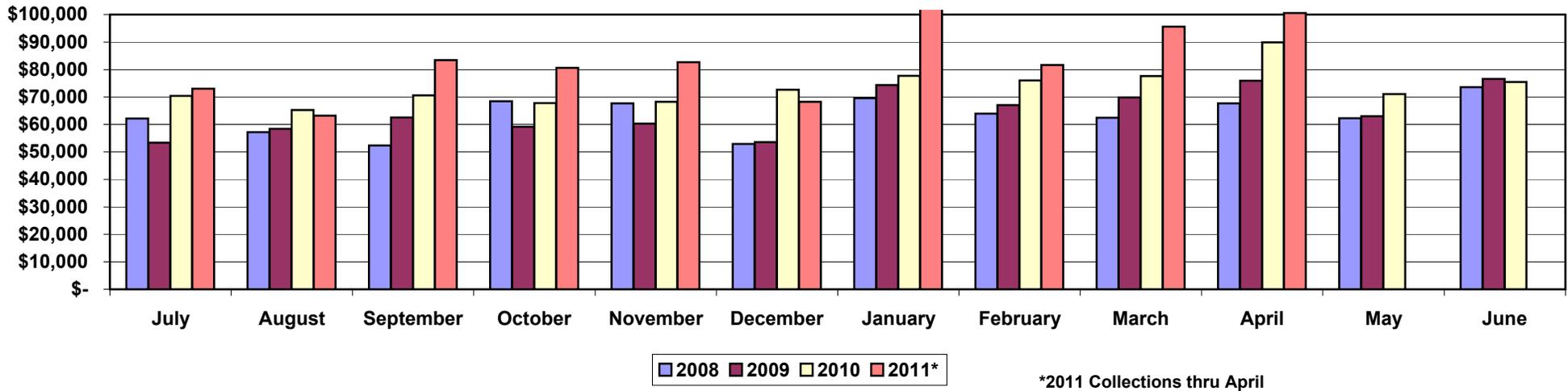


**Town of Oro Valley  
Financial Dashboard  
Month-By-Month History  
FY 2008 - 2011**

**Retail Sales Tax Collections**



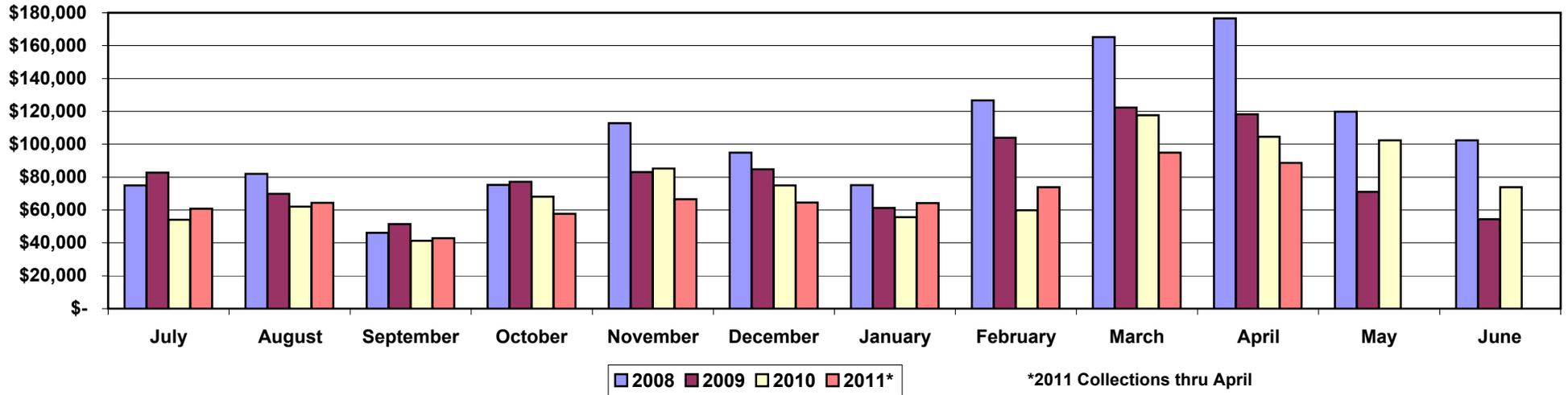
**Restaurant and Bar Sales Tax Collections**



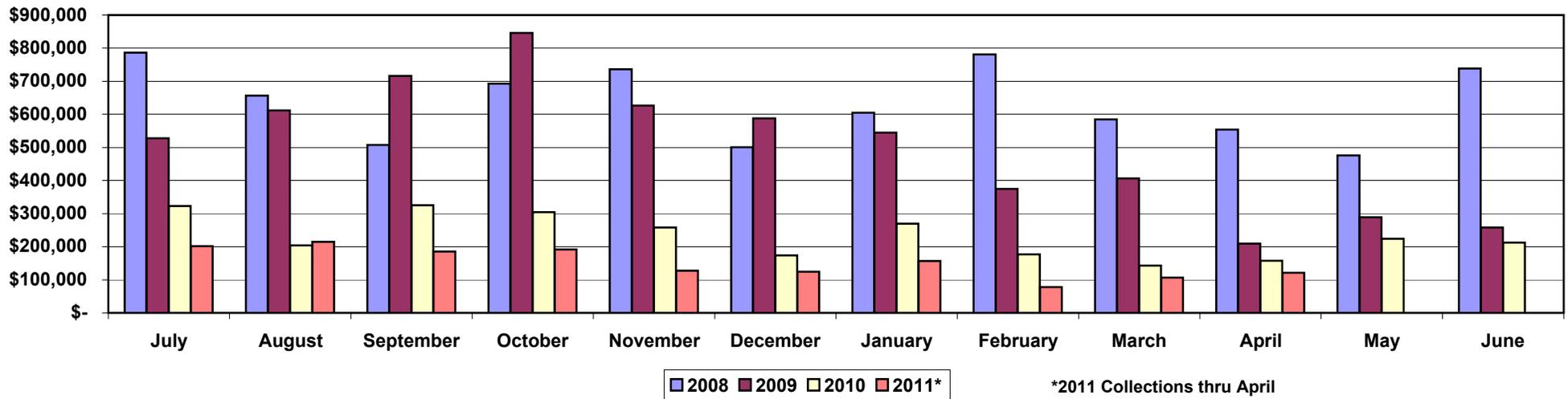


**Town of Oro Valley  
Financial Dashboard  
Month-By-Month History  
FY 2008 - 2011**

**Hotel Bed Tax Collections**



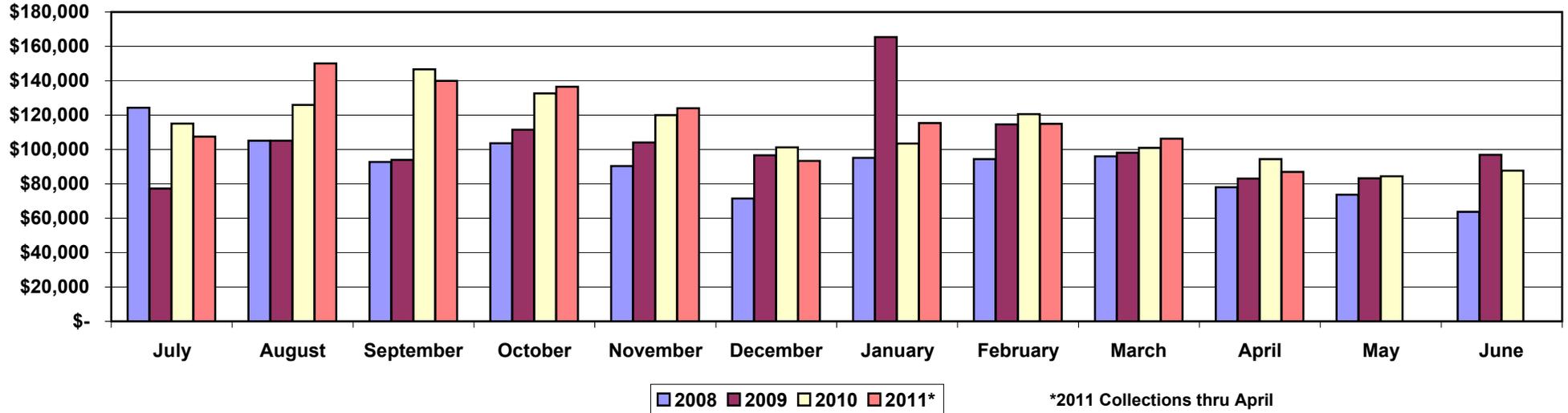
**Construction Sales Tax Collections**



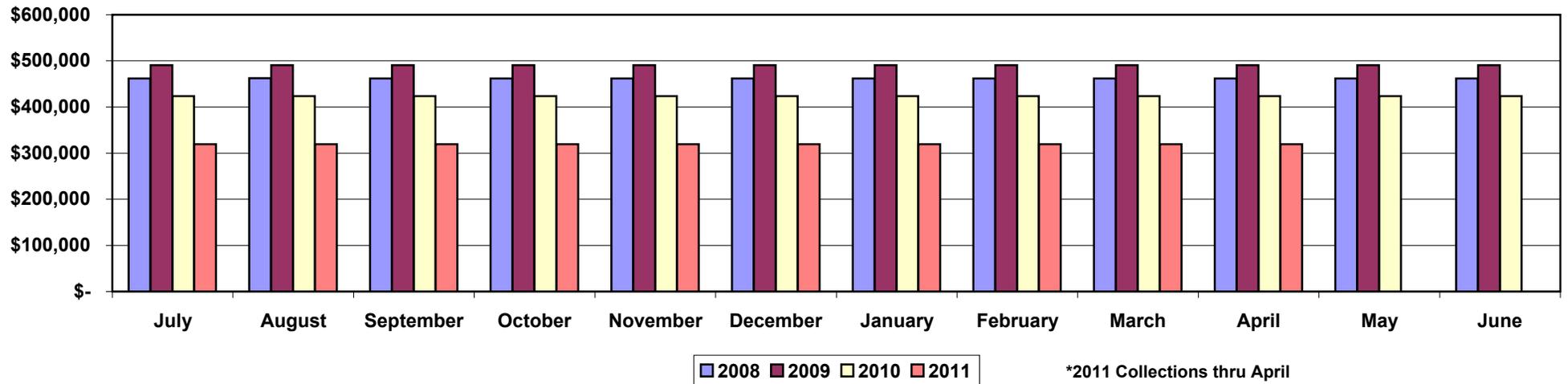


**Town of Oro Valley  
Financial Dashboard  
Month-By-Month History  
FY 2008 - 2011**

**Utility Tax Collections**



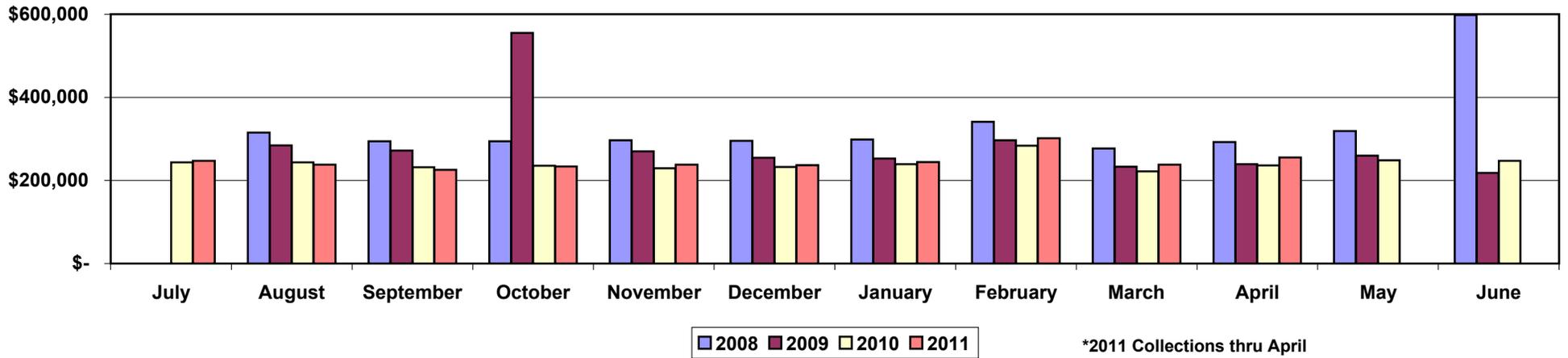
**State Income Tax Collections**



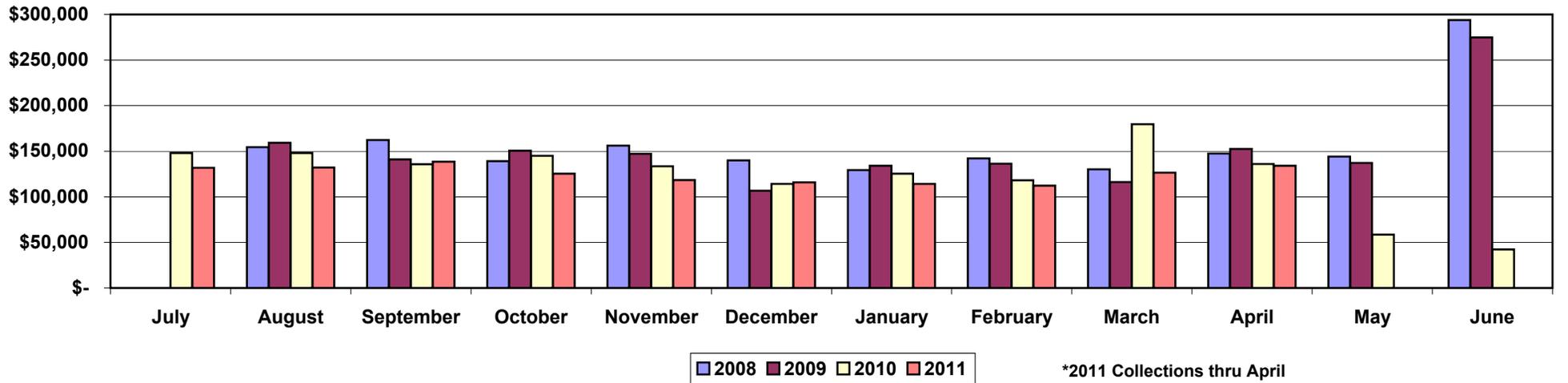


**Town of Oro Valley  
Financial Dashboard  
Month-By-Month History  
FY 2008 - 2011**

**State Sales Tax Collections**



**Vehicle License Tax Collections**





**Town Council Regular Session**

**Item # B.**

**Meeting Date:** 06/15/2011

**Requested by:** Suzanne Smith

**Submitted By:**

Roseanne Flores,  
Development Infrastructure  
Services

---

**Information**

**SUBJECT:**

Development & Infrastructure Services Department - Permitting Division, April 2011 Reports

**SUMMARY:**

N/A

**DISCUSSION:**

N/A

**FISCAL IMPACT:**

N/A

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**Attachments**

Activity Report

Customer Chart

Permit Activity

Plan Review

Inspection Activity

Revenue chart

**Development Infrastructure Services Department  
Permitting Division  
Monthly Activity Report - April 2011**

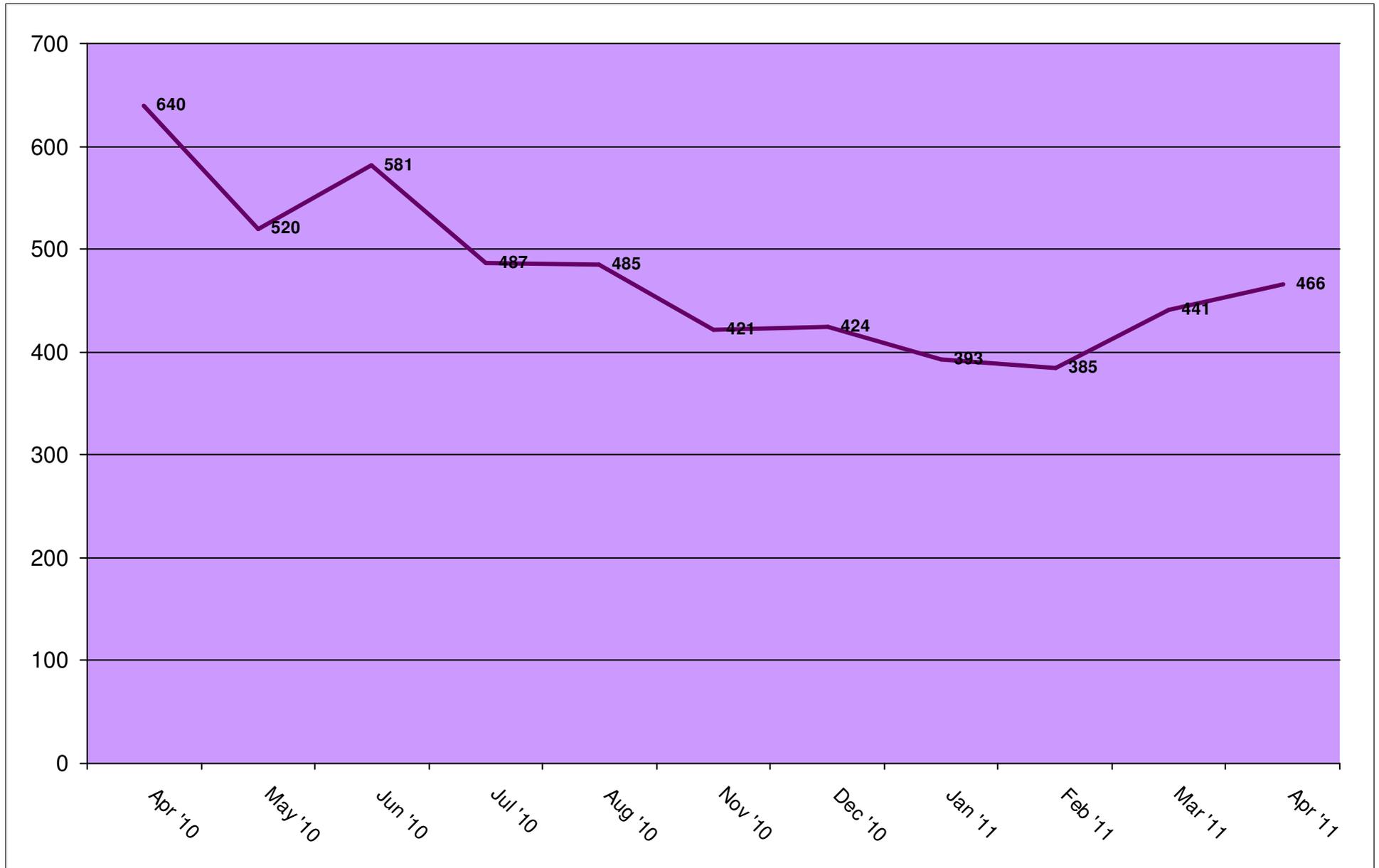
		CURRENT MONTH			PREV MONTH		SAME MONTH ONE YEAR AGO		CUMULATIVE LAST FISCAL YEAR 2009/10		CUMULATIVE THIS FISCAL YEAR 2010/11		
DESCRIPTION	CLASS CODE	April-2011			March-2011		April-2010						
		PERMITS	VALUATION	REVENUES	PERMITS	REVENUES	PERMITS	REVENUES	PERMITS	REVENUES	PERMITS	REVENUES	
SFR Detached	0101	5	\$2,587,068	\$35,489	3	\$23,979	9	\$42,163	60	\$262,337	30	\$198,008	
SFR Attached	0102												
Res Pools	0329	7	\$89,204	\$2,816	8	\$3,084	13	\$4,470	70	\$24,077	55	\$18,249	
Revisions/Alter/Addit	0434	11	\$439,636	\$8,503	9	\$8,077	15	\$11,089	131	\$85,957	81	\$56,831	
Res Walls	0434								3	\$798	1	\$220	
Garage/Carport Encl	0438				1	\$780	2	\$1,090	13	\$13,437	7	\$9,345	
Misc Residential		33	\$10,000	\$1,422	42	\$1,397	63	\$1,887	498	\$16,137	480	\$19,275	
Model Plans									11	\$22,192			
Multi-Family Res.													
Res Demo									7	\$1,438	2	\$586	
<b>Subtotal Residential Permits</b>		<b>56</b>	<b>\$3,125,908</b>	<b>\$48,230</b>	<b>63</b>	<b>\$37,317</b>	<b>102</b>	<b>\$60,699</b>	<b>793</b>	<b>\$426,373</b>	<b>656</b>	<b>\$302,514</b>	
Condos > 5 units	0105												
Commercial Shell													
Hotels or Motels	0213								1	\$72,658			
Social or Recreation	0318												
Churches, Temples	0319												
IndstPlnts/PublicWks	0320								4	\$2,108			
Pkg/Grgs/Ramada/Maint	0321												
Service Stations/Washes	0322												
Hospitals/Clinics	0323												
Offices/Banks/Proff/Rest	0324							1	\$9,654	2	\$27,484		
Schools	0326							1	\$34613 <sup>(1)</sup>	4	\$63,302 <sup>(2)</sup>		
Stores	0327							1	\$13,126	3	\$32,373	1	\$16,060
Commercial Pools	0329										1	\$659	
TI's & Comm Reno	0437	3	\$952,319	\$21,589	4	\$8,245	5	\$14,131	34	\$90,425	35	\$94,410	
CommAlter/Revisions	0328				2	\$948	1	\$552	22	\$14,080	28	\$61,713	
Misc Commercial		8	\$0	\$526	4	\$777	9	\$324	33	\$18,677	36	\$10,505	
CommerDemo											1	\$1,259	
<b>Subtotal Commercial Permits</b>		<b>11</b>	<b>\$952,319</b>	<b>\$22,115</b>	<b>10</b>	<b>\$9,970</b>	<b>18</b>	<b>\$37,787</b>	<b>103</b>	<b>\$286,314</b>	<b>102</b>	<b>\$184,606</b>	
Signs		23	\$0	\$4,428	19	\$4,470	18	\$3,596	163	\$29,463	151	\$29,940	
<b>Total Residential &amp; Commercial Permits</b>		<b>90</b>	<b>\$4,078,227</b>	<b>\$74,773</b>	<b>92</b>	<b>\$51,757</b>	<b>138</b>	<b>\$102,082</b>	<b>1,059</b>	<b>\$742,150</b>	<b>909</b>	<b>\$517,060</b>	
Resid. Impact Fees				\$30,390		\$18,234		\$54,702		\$361,986		\$179,599	
Comm. Impact Fees				\$19,506				\$35,849		\$192,311		\$35,037	
<b>Total Dev Imp Fees</b>				<b>\$49,896</b>		<b>\$18,234</b>		<b>\$90,552</b>		<b>\$554,297</b>		<b>\$214,636</b>	

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

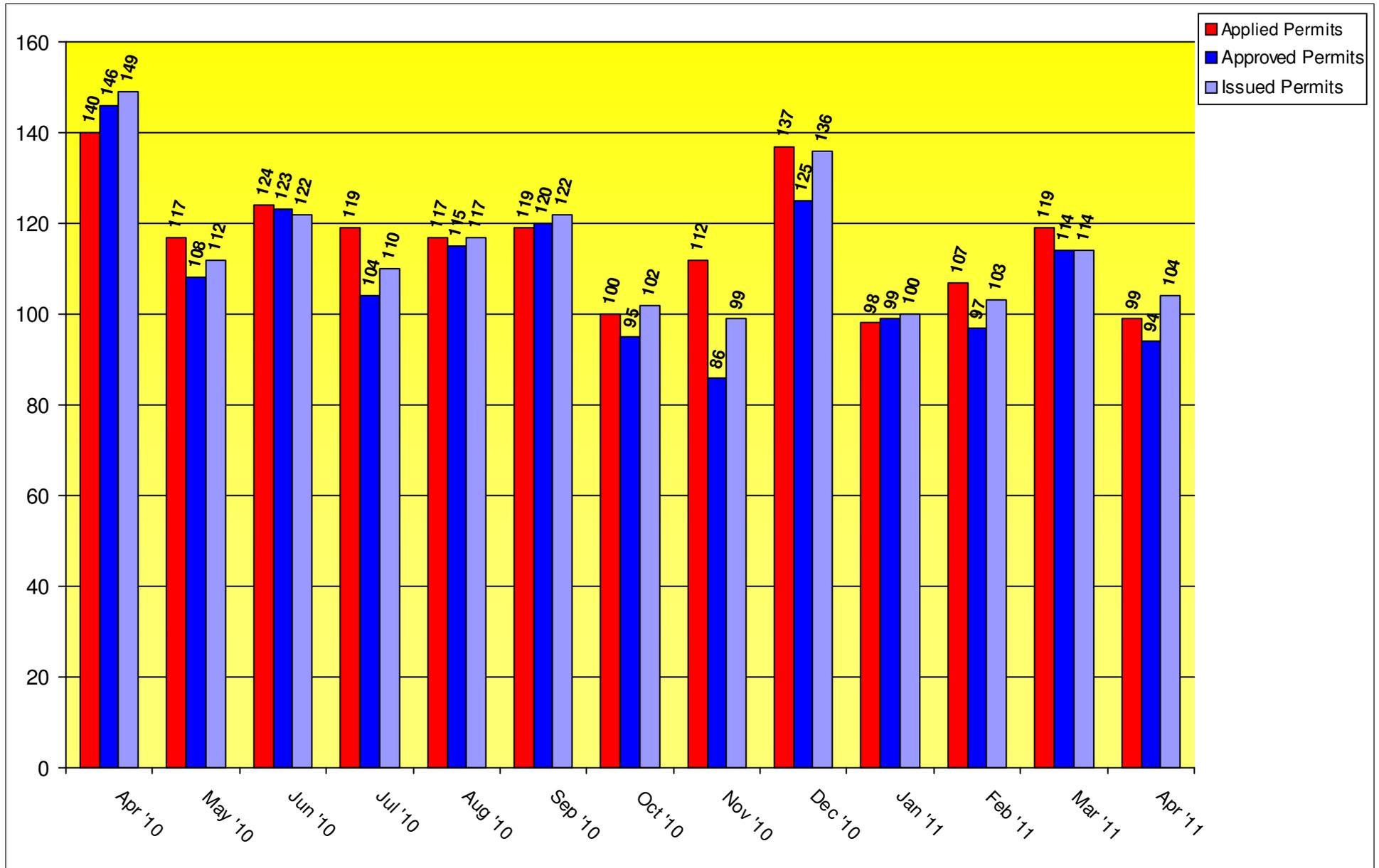
(1) Includes the value for BASIS Charter School fees of \$34,613 (full build-out), however per Council action an in kind exchange of real property will be accepted

(2) Includes the total value for BASIS charter School fees of \$38,082 (fondation and full build-out), however per Council action an in kind exchange of real property will be accepted

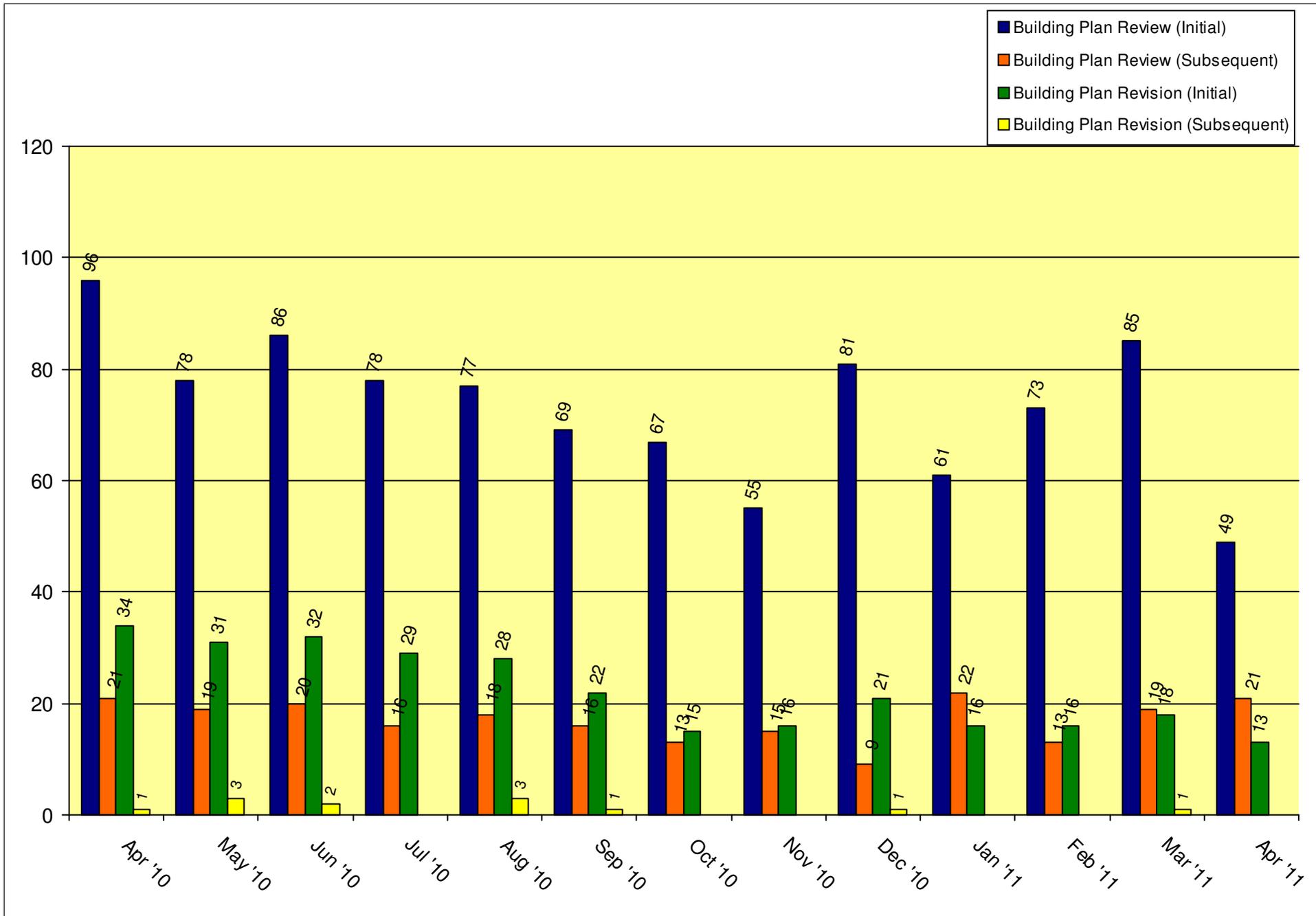
## *Development Services Customers for April 2010 thru April 2011*



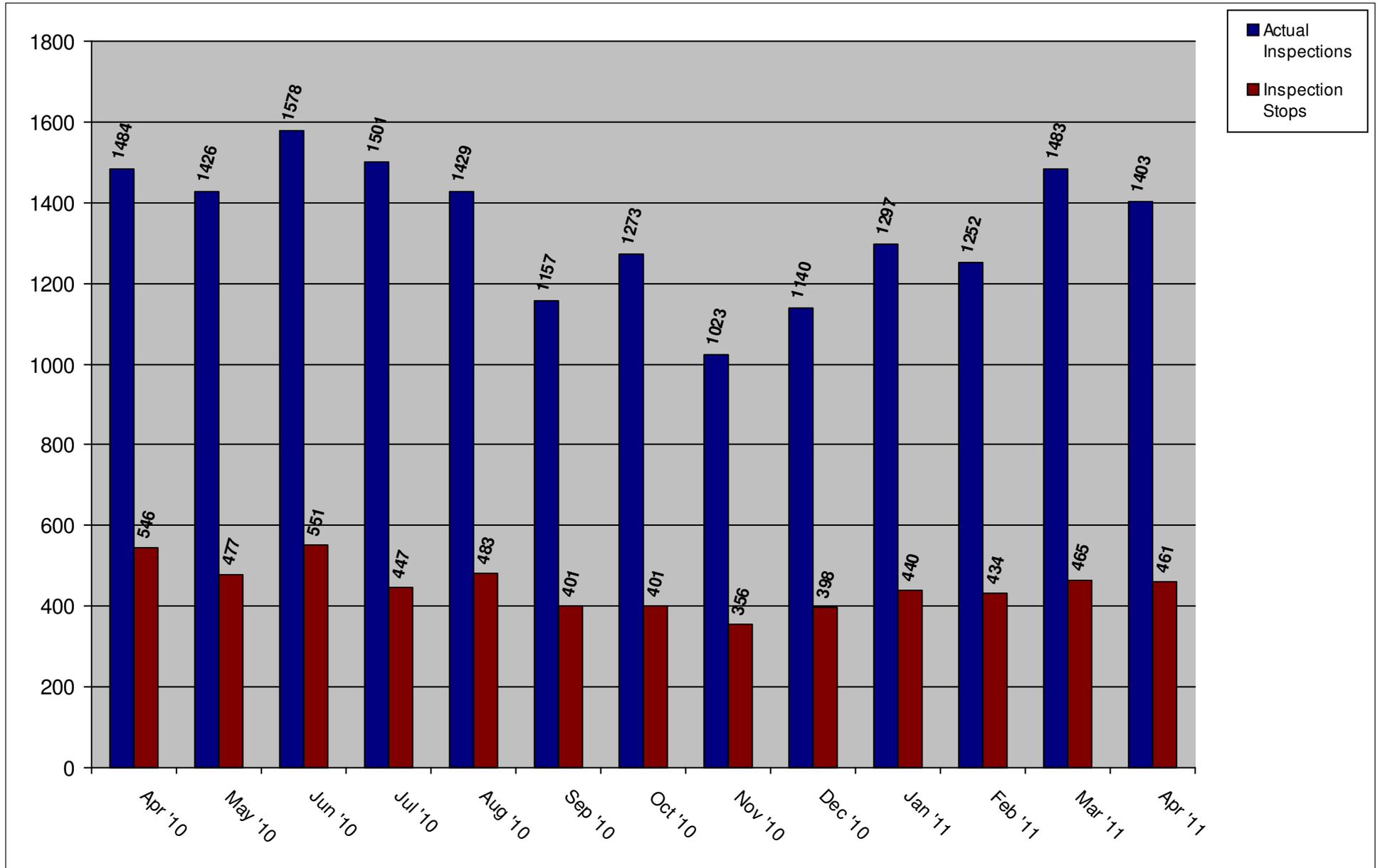
# Development Services Permit Activity for April 2010 thru April 2011



# *Development Services Plan Review Activity for April 2010 thru April 2011*

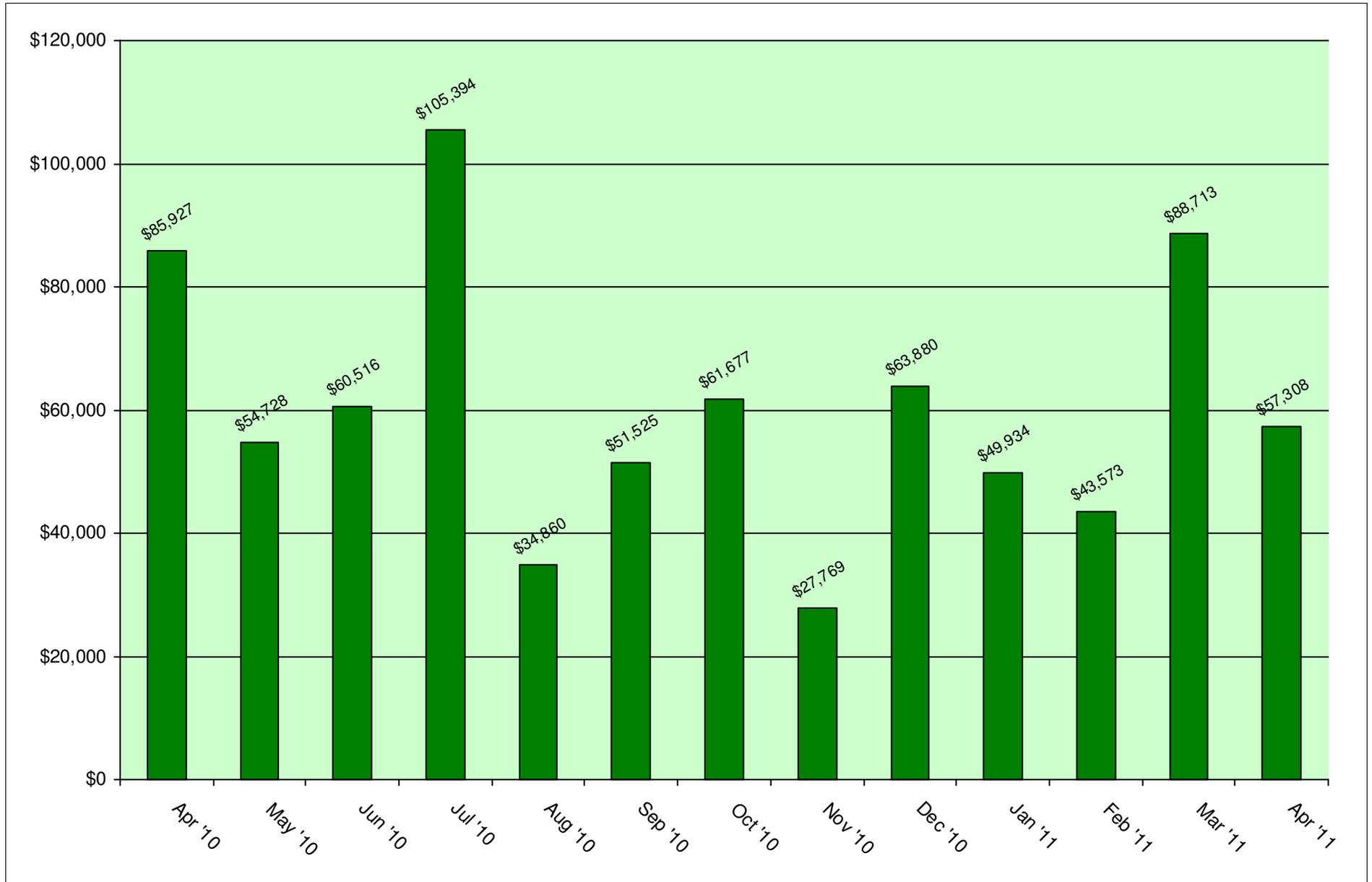


## *Development Services Inspection Activity for April 2010 thru April 2011*



# Development Services Revenue for April 2010 thru April 2011

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





**Town Council Regular Session**

**Item # C.**

**Meeting Date:** 06/15/2011

**Requested by:** Town Council

**Submitted By:**

Julie Bower, Town Clerk's  
Office

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

Cancellation of the July 20th, August 3rd, and August 17th, 2011 regular Town Council Meetings

**RECOMMENDATION:**

N/A

**EXECUTIVE SUMMARY:**

The Mayor and Town Council would like to declare a summer recess and therefore want to cancel the July 20th, August 3rd, and August 17th regular Town Council meetings. In order for the Mayor and Council to declare a summer recess, the Mayor and Council must take action to formally cancel those meetings.

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to cancel the July 20th, August 3rd, and August 17th regular Town Council meetings.

---



**Town Council Regular Session**

**Item # D.**

**Meeting Date:** 06/15/2011

**Requested by:** Ainsley Legner

**Submitted By:**

Ainsley Legner, Parks  
Recreations Library CR

**Department:** Parks Recreations Library CR

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**Information**

**SUBJECT:**

Appointment of Suzanne Marie Bishop to the Parks And Recreation Advisory Board with a term effective through December 31, 2011, and Appointment of Mary Kay Durfee and John F. Hickey to the Parks And Recreation Advisory Board with terms effective through December 31, 2012

**RECOMMENDATION:**

The selection committee recommends the appointment of Suzanne Marie Bishop to the Parks and Recreation Advisory Board with a term effective through December 31, 2011, and the appointment of Mary Kay Durfee and John F. Hickey with terms effective through December 31, 2012.

**EXECUTIVE SUMMARY:**

The selection committee, which includes Councilmember Barry Gillaspie, Parks and Recreation Advisory Board Chair Susannah Myerson and Parks Recreation Library and Cultural Resources Director Ainsley Legner, interviewed four applicants on May 9, 2011.

**BACKGROUND OR DETAILED INFORMATION:**

In May, Parks and Recreation Advisory Board (PRAB) Member Ali Boelts notified the Town that she would be leaving the Board June 31, 2011, prior to the expiration of her term on December 31, 2011. The applicant recommended to complete this term, Suzanne Marie Bishop, will be eligible to request reappointment in December to extend her term until December 31, 2013.

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to appoint Suzanne Marie Bishop to the Parks and Recreation Advisory Board with a term effective through December 31, 2011; and to appoint Mary Day Durfee and John F. Hickey to the Parks and Recreation Advisory Board for a two-year term to expire December 31, 2012.

---

**Attachments**

Appointment Applications



JAN 5 10 AM '10 TOU

### ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION

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. A list describing the Town's Boards and Commissions is attached for your reference. Information reflecting the procedures surrounding the appointment process to Boards is also attached. Your application will remain on file for two years from date of receipt.

Your supplying this data will greatly assist us in understanding how we can best use your talents and experience. 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 and must have resided in the Town for 1 year.**

Please return to the Town Clerk's Office, 11,000 North La Cañada Drive, Oro Valley, Arizona 85737.

Name BISHOP Suzanne (Sue) Marie  
 Last First Middle

Address 12646 N. Rock Creek Oro Valley AZ 85753  
 Street City State Zip

Home Phone 520 797-9411 Business Phone Same Email SB15Hop1956@comcast.net

Number of Years in Oro Valley 10 (Must be a resident of the Town for 1 year.)

Signature Suzanne Bishop Date 12-23-10

Please indicate the board or commission you wish to join: Parks + Recreation

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.)

Until recently, I have worked full time - cared for an elderly parent. I volunteered with Project Graduation for two years, and two years with the Oro Valley Theatre Group and many TRHS functions.

How does your previous volunteer service prepare you for the board or commission appointment for which you have applied? Please describe an issue considered at a meeting of the Board or Commission for which you are applying.

I wore many hats of service/duties in my volunteer role in the arts - financial, technical, marketing. I am not hesitant to take on the job assigned and see it to completion. I work very well with others and have strong listening skills.

Have you attended the Citizens Planning Institute? No Are you willing to attend? Yes, most definite

Briefly describe your educational/vocational background.

BS in Biology from University of CA - Irvine, writer, actor, instructor in the arts for Community recreation program while living in MI

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED

[www.townoforovalley.com](http://www.townoforovalley.com)

4/18/06 1989 - 2006



### ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION

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. A list describing the Town's Boards and Commissions is attached for your reference. Information reflecting the procedures surrounding the appointment process to Boards is also attached. Your application will remain on file for two years from date of receipt.

Your supplying this data will greatly assist us in understanding how we can best use your talents and experience. 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 and must have resided in the Town for 1 year.**

**Please return to the Town Clerk's Office, 11,000 North La Cañada Drive, Oro Valley, Arizona 85737.**

Name Durfee Mary Key  
 Last First Middle

Address 910 W Silver Hills Oro Valley AZ 85737  
 Street City State Zip

Home Phone 520-877-2818 Business Phone cell 520 668 8888 Email MKDurfee@comcast.net

Number of Years in Oro Valley 4+ (Must be a resident of the Town for 1 year.)

Signature [Signature] Date 5-26-10

Please indicate the board or commission you wish to join: Parks and Recreation Advisory Board

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 Library volunteer - Friends of Library Bookstore

Board Member of Women's Service Advisory Council for Northwest Medical Center

Section head, Dept. of OB-GYN, Northwest Medical Center

How does your previous volunteer service prepare you for the board or commission appointment for which you have applied? Please describe an issue considered at a meeting of the Board or Commission for which you are applying.

awareness of women/family issues for NW Area.

(I am a mother of a 16 yo and an 11 yo - that "service" has also prepared me.)

Have you attended the Citizens Planning Institute? NO Are you willing to attend? YES

Briefly describe your educational/vocational background.

I am a board-certified OB-GYN who practices with Genesis OB-GYN.

I am currently section head of the OB-GYN DEPT. @ Northwest Medical Ctr.

IF DESIRED, ADDITIONAL INFORMATION MAY BE ATTACHED



DEC 17 10PM 1:21 TOU

### ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION

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. A list describing the Town's Boards and Commissions is attached for your reference. Information reflecting the procedures surrounding the appointment process to Boards is also attached. Your application will remain on file for two years from date of receipt.

Your supplying this data will greatly assist us in understanding how we can best use your talents and experience. 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 and must have resided in the Town for 1 year.

Please return to the Town Clerk's Office, 11,000 North La Cañada Drive, Oro Valley, Arizona 85737.

Name HICKEY JOHN F  
Last First Middle

Address 405 W. ATUA PL. OV AZ 85737-6833  
Street City State Zip

Home Phone 520 297 6666 Business Phone — Email JFHICKEY@RO.COM

Number of Years in Oro Valley 27 (Must be a resident of the Town for 1 year.)

Signature John F. Hickey Date 12/15/2010 DEC 21 10PM 4:23 TOU

Please indicate the board or commission you wish to join: FINANCE BOARD PARKS + REC

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.)

BoF A (3 TERMS), SECTOR BOARD, CVAP, COMMITTEE ON ESLO

How does your previous volunteer service prepare you for the board or commission appointment for which you have applied? Please describe an issue considered at a meeting of the Board or Commission for which you are applying.

BoF A has REVOLVING CHAIR GIVING ME EXPERIENCE IN ALL BOARD FACETS. IN ADDITION, ALL ABOVE GAVE EXTENSIVE EXPERIENCE IN VOLUNTEER TO ELECTED OFFICIAL RELATIONSHIPS PLUS WORKING WITH STAFF

Have you attended the Citizens Planning Institute? YES Are you willing to attend? \_\_\_\_\_

Briefly describe your educational/vocational background. EXTENSIVE COLLEGE ABSENT A DEGREE, WHILE EMPLOYED WAS A TRAINER & INSPECTOR, ATTENDED NUMEROUS SEMINARS IN SUPPORT OF THIS. HAD TO MAINTAIN RELATIONSHIPS WITH CO-EMPLOYEES, CONTRACTORS & GOVERNMENTS. OV VOLUNTEERING EXPOSED ME TO MORE SEMINARS/TRAINING ABOUT GOVERNMENT OPERATIONS. PARTICIPATED IN WRITING BoF A RULES/PROCEDURES MANUAL



**Town Council Regular Session**

**Item # E.**

**Meeting Date:** 06/15/2011

**Requested by:** Ainsley Legner

**Submitted By:**

Ainsley Legner, Parks  
Recreations Library CR

**Department:** Parks Recreations Library CR

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**Information**

**SUBJECT:**

Appointment of Dean Strandskov to the Historic Preservation Commission with a term effective through December 31, 2012

**RECOMMENDATION:**

The selection committee recommends the appointment of Dean Strandskov to the Historic Preservation Commission with a term effective through December 31, 2012.

**EXECUTIVE SUMMARY:**

Following her appointment to the Historic Preservation Commission in March of this year, Barb B. Campbell notified the Town in April that she was resigning due to health reasons. The selection committee, including Councilmember Steve Solomon, Historic Preservation Commission Chair Dan Zwiener and Parks Recreation Library and Cultural Resources Director Ainsley Legner, reviewed the recently interviewed applicants on May 13, 2011. As a result of that review, Dean Strandskov is recommended to fill the remainder of this term, set to expire on December 31, 2012.

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to appoint Dean Strandskov to the Historic Preservation Commission with a term effective through December 31, 2012.

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**Attachments**

Application



FEB 28 11AM 9:48 TOU

### ORO VALLEY VOLUNTEER APPOINTMENT APPLICATION

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. A list describing the Town's Boards and Commissions is attached for your reference. Information reflecting the procedures surrounding the appointment process to Boards is also attached. Your application will remain on file for two years from date of receipt.

Supplying this data will greatly assist us in understanding how we can best use your talents and experience. 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.

Please return to the Town Clerk's Office, 11,000 North La Cañada Drive, Oro Valley, Arizona 85737.

Name STRANDSKOU DEAN  
Last First Middle

Address 14701 N ALAMO CYN OROVALLEY AZ 85755  
Street City State Zip

Home Phone 825 8127 Business Phone \_\_\_\_\_ Email FERNDEAN@ADL.COM

Number of Years in Oro Valley 16

Signature [Handwritten Signature] Date 2-28-2011

Please indicate the board or commission you wish to join: HISTORIC PRESERVATION COM

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.)

DOCENT AT ARIZONA HISTORICAL SOC FOR 4 YEARS  
SUN CITY GOVERNMENT AFFAIRS COM  
SUN CITY ENERGY GREEN COMMITTEE

How does your previous volunteer service prepare you for the board or commission appointment for which you have applied? Please describe an issue considered at a meeting of the Board or Commission for which you are applying.

I HAVE LEARNED ABOUT ARIZONA WORKINGS  
AT THE HISTORICAL MUSEUM

Have you attended the Community Academy? NO Are you willing to attend? YES

Briefly describe your educational/vocational background.  
I WORKED FOR 3M FOR 32 YEARS



**Town Council Regular Session**

**Item # F.**

**Meeting Date:** 06/15/2011

**Requested by:** Amanda Jacobs

**Submitted By:**

Amanda Jacobs, Town  
Manager's Office

**Department:** Town Manager's Office

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**Information**

**SUBJECT:**

Council Approval to add an Estimated Economic Impact Form to the Special Events Process

**RECOMMENDATION:**

Staff recommends approval of the Estimated Economic Impact form.

**EXECUTIVE SUMMARY:**

During the April 16, 2011 Council meeting, during future agenda items, Councilmember William Garner, with a second from Councilmember Barry Gillaspie, directed staff to develop a proposal to enhance the Town's existing Special Events Policy by creating an "after action report" for event coordinators to complete who are requesting in-kind support from the Town. The purpose of the "after action report" is to determine the event's economic impact to Oro Valley.

The Special Events Policy currently requires event coordinators who are seeking 100% in-kind support to submit the "Major Event" criteria as listed in the Special Event Permitting Ordinance and demonstrate extraordinary positive economic impacts to the town. In addition, the Town shall take into account the following considerations:

- a) Contributions to the promotion of tourism;
- b) Contributions to positive economic impacts (complete with estimated impacts);
- c) Increases in cultural programming available to the community;
- d) Impacts of the event on the environment;
- e) Frequency and history of the same or similar events(s);
- f) Attendance and the number of people brought into the area;
- g) Duration of the event;
- h) Other primary supporters, revenue sources and/or sponsorships; and
- i) Past performance.

**BACKGROUND OR DETAILED INFORMATION:**

Staff has created an Estimated Economic Impact (EEI) form (Attachment 1) that will be completed by the Event Coordinator after the completion of the event. The Event Coordinator will be required to provide financial information regarding the host hotel and any overflow hotels that were used. Once the EEI form is completed, the information will be submitted to Council via our "Town Council Reports" as an information item.

**FISCAL IMPACT:**

Staff coordination between the Event Coordinator and hotel(s).

**SUGGESTED MOTION:**

I MOVE to approve adding the Estimated Economic Impact Form to the Special Events Guidelines.

or

I MOVE to...

---

**Attachments**

Estimated Economic Impact Form

Ordinance - Special Events Policy

Special Events Operational Guidelines



# Estimated Economic Impact Form

If the Town Council has approved 100% in-kind support for your event, please complete and submit the information below within *14 calendar days* of the completion of your event to:

Town of Oro Valley  
Attn: Amanda Jacobs, Economic Development Manager  
11000 N. La Canada Drive  
Oro Valley, AZ 85737  
Fax: (520) 297-0428

Name of Event: \_\_\_\_\_

Date of Event: \_\_\_\_\_

Name of Organization Producing Event: \_\_\_\_\_

Estimated Number of Total Attendees: \_\_\_\_\_

Estimated Number of Out of Town Attendees: \_\_\_\_\_

Headquarter Hotel: \_\_\_\_\_

Overflow Hotel(s) (if applicable): \_\_\_\_\_

Estimated Total Number of Room Nights: \_\_\_\_\_

Estimated Economic Impact: \_\_\_\_\_

What Oro Valley partners participated in hosting this event? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ORDINANCE NO. (O) 10-06**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING THE ORO VALLEY TOWN CODE CHAPTER 8, BUSINESS REGULATIONS, ADDING ARTICLE 8-3, SPECIAL EVENTS PERMIT; AND REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH**

**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 September 27, 1989, the Town Council adopted a certain document entitled "The Code of the Town of Oro Valley, Arizona"; and

**WHEREAS**, the Council desires to establish a process for permitting and regulating certain temporary special events permit activities conducted on public or private property when public safety is impacted; and

**WHEREAS**, the special events permit process will provide fair and reasonable regulations governing the time, place and manner in which a special event may take place in order to provide for the health, safety and welfare of the public; and

**WHEREAS**, the Council has determined that amending Chapter 8, Business Regulations, adding Article 8-3, Special Events Permit, is just and appropriate, and is found to be in the best interest of the Town.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Oro Valley, Arizona that the certain document, known as "The Oro Valley Town Code", Chapter 8, Business Regulations, is amended to add Article 8-3, Special Events Permit, as follows:

**SECTION 1.** Chapter 8, Business Regulations, of the Oro Valley Town Code is amended to add Article 8-3, Special Events Permit as follows, with additions in all CAPS and deletions in ~~strikethrough text~~:

**Chapter 8 Business Regulations**

**ARTICLE 8-3 SPECIAL EVENTS PERMIT**

**SECTION 8-3-1 PURPOSE; DEFINITIONS**

A. THE PURPOSE OF THIS ARTICLE IS TO ESTABLISH A PROCESS FOR PERMITTING AND REGULATING CERTAIN TEMPORARY ACTIVITIES CONDUCTED ON PUBLIC PROPERTY OR PRIVATE PROPERTY WHEN PUBLIC SAFETY IS POTENTIALLY IMPACTED. THIS CHAPTER IS ADOPTED PURSUANT TO THE AUTHORITY OF A.R.S. § 9-240, AS AMENDED, AND IS INTENDED TO PROVIDE FAIR AND REASONABLE REGULATIONS GOVERNING THE TIME, PLACE, AND MANNER

IN WHICH A SPECIAL EVENT MAY TAKE PLACE AND, IN DOING SO, PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC AND ASSIST THE TOWN AND ITS APPROPRIATE OFFICERS IN ENFORCING THE APPLICABLE PROVISIONS OF A.R.S. TITLE 9 AND TITLE 36.

B. FOR THE PURPOSE OF THIS CHAPTER, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING.

1. "SPECIAL USE"

a. MEANS ANY COMMERCIAL FUNCTION WHICH:

- i. MAY OR MAY NOT COMPLY WITH THE UNDERLYING ZONING DISTRICT; OR
- ii. IS SEASONAL OR HOLIDAY RELATED; OR
- iii. IS THE TEMPORARY AND ATTACHED EXPANSION OF AN EXISTING COMMERCIAL USE; OR
- iv. IS PERMITTED UNDER THE ORO VALLEY ZONING CODE REVISED.

b. DOES NOT REQUIRE REVIEW AS A SPECIAL EVENT AS OUTLINED BELOW.

2. "SPECIAL EVENT"

a. MEANS ANY PUBLIC OR PRIVATE FUNCTION WHICH:

- i. REQUIRES TEMPORARY PARKING AREAS; OR
- ii. IS HELD IN A PUBLIC PARK OR ON PUBLIC RIGHT-OF-WAY; OR
- iii. HAS AMPLIFIED MUSIC OR VOICES WHICH CAN BE HEARD OUTSIDE OF THE EVENT LOCATION; OR
- iv. REQUIRES TEMPORARY TRAFFIC CONTROL TO PROVIDE FOR SAFE INGRESS OR EGRESS TO THE EVENT VENUE; OR
- v. REQUIRES A SPECIAL EVENT LIQUOR LICENSE; OR
- vi. REQUIRES TEMPORARY SANITATION FACILITIES; OR
- vii. REQUIRES THE INSTALLATION OF TEMPORARY STRUCTURES OR TENTS OF MORE THAN 120 SQUARE FEET; OR
- viii. HAS OTHER ADVERSE IMPACT ON PUBLIC HEALTH, SAFETY AND WELFARE.

b. SHALL NOT INCLUDE:

- i. SCHOOL FUNCTIONS AT SCHOOL FACILITIES, UNLESS SPILLOVER (AS DEFINED BELOW) IS ANTICIPATED; OR
- ii. ORDINARY AND CUSTOMARY EVENTS AT A VENUE DESIGNED TO ACCOMMODATE THEM.

3. "MAJOR EVENT" MEANS A SPECIAL EVENT THAT ALSO REQUIRES THE FOLLOWING:
  - a. EXTRA-DUTY LAW ENFORCEMENT OFFICERS OR OTHER SECURITY SERVICES ; AND
  - b. TEMPORARY TRAFFIC CONTROL.
4. "SPILLOVER" OCCURS WHEN PARTICIPANTS OF, OR SPECTATORS TO, A SPECIAL EVENT CONGREGATE ON, PARK, OR MOVE TO ANY PROPERTY OR RIGHT OF WAY NOT ASSOCIATED WITH THE EVENT VENUE.

#### **SECTION 8-3-2 PERMIT REQUIRED**

ANY PERSON WISHING TO OPERATE, MAINTAIN OR CONDUCT ANY ACTIVITY DEFINED IN SECTION 8-3-1 WITHIN THE TOWN MUST FIRST OBTAIN A PERMIT TO DO SO. NO PERMIT SHALL BE VALID UNLESS ALL PERMIT CONDITIONS HAVE BEEN MET AND FULFILLED. THE MAXIMUM NUMBER OF PEOPLE PERMITTED AT ANY EVENT WILL BE BASED UPON THE NATURE OF THE EVENT AND THE PHYSICAL CAPACITY OF THE SITE WHERE THE EVENT WILL TAKE PLACE.

#### **SECTION 8-3-3 APPLICATION**

AN APPLICATION ON FORMS TO BE PROVIDED BY THE TOWN IS REQUIRED FOR ANY SPECIAL EVENT IN ORO VALLEY. THE APPLICATION MUST BE SUBMITTED TO THE TOWN CLERK AT LEAST SIXTY (60) DAYS BEFORE THE FIRST DAY OF THE PROPOSED SPECIAL USE OR EVENT. APPLICATIONS FOR A MAJOR EVENT MUST BE SUBMITTED TO THE TOWN CLERK AT LEAST ONE HUNDRED AND EIGHTY (180) DAYS IN ADVANCE OF THE FIRST DAY OF THE PROPOSED MAJOR EVENT.

#### **SECTION 8-3-4 GROUNDS FOR DENIAL**

- A. AFTER REVIEWING THE APPLICATION MATERIAL, THE TOWN CLERK MAY DENY OR REVOKE THE ISSUANCE OF A PERMIT IF ANY OF THE FOLLOWING APPLY:
1. THE APPLICANT HAS FAILED TO MEET THE PERMIT CONDITIONS IMPOSED.
  2. THE PROPOSED EVENT IS INTENDED TO BE CONDUCTED IN A MANNER OR LOCATION NOT MEETING THE HEALTH, ZONING, FIRE OR SAFETY STANDARDS ESTABLISHED BY RULES OR REGULATIONS OF THE TOWN, THE LAWS OF THE STATE OF ARIZONA OR RULES AND REGULATIONS ADOPTED BY ANY OF ITS AGENCIES.
  3. THE APPLICANT HAS MADE ANY FALSE, MISLEADING OR FRAUDULENT STATEMENT OF MATERIAL FACT IN THE APPLICATION FOR PERMIT OR IN ANY OTHER DOCUMENT REQUIRED PURSUANT TO THIS SECTION.
  4. THE APPLICANT, HIS OR HER EMPLOYEE, AGENT OR ANY PERSON ASSOCIATED WITH THE APPLICANT AS PARTNER, DIRECTOR, OFFICER, STOCKHOLDER, ASSOCIATE OR MANAGER, HAS BEEN CONVICTED IN A COURT OF COMPETENT JURISDICTION, BY FINAL JUDGMENT, OF AN OFFENSE:

- a. INVOLVING THE PRESENTATION, EXHIBITION OR PERFORMANCE OF AN OBSCENE PRODUCTION, MOTION PICTURE OR PLAY, AND/OR OF SELLING OBSCENE MATTER; OR
  - b. INVOLVING LEWD CONDUCT; OR.
  - c. INVOLVING THE USE OF FORCE AND VIOLENCE UPON THE PERSON OF ANOTHER; OR
  - d. INVOLVING MISCONDUCT WITH CHILDREN; OR.
  - e. AN OFFENSE AGAINST THE PROVISIONS OF ARIZONA LAW RESPECTING NARCOTICS AND DANGEROUS DRUGS, OR OF ANY EQUIVALENT OFFENSE UNDER THE LAW OF ANY OTHER STATE WHICH IF COMMITTED IN ARIZONA WOULD HAVE BEEN A VIOLATION OF THE ARIZONA STATUTORY PROVISIONS.
5. FOR ANY HEALTH, SAFETY AND/OR WELFARE ISSUES THAT WILL NOT BE REMEDIED OR OTHERWISE ADDRESSED IN TIME FOR THE EVENT.
6. THE SCHEDULED DATE OF THE EVENT CONFLICTS WITH OTHER PREVIOUSLY SCHEDULED EVENTS SUCH THAT IT WILL RESULT IN AN UNDUE IMPACT ON THE TOWN'S RESOURCES AND STAFF.

B. IF THE APPLICATION IS DENIED, THE TOWN CLERK SHALL MAIL TO THE APPLICANT WRITTEN NOTICE OF DENIAL WITHIN 10 DAYS OF THE ACTION. THE NOTICE SHALL INCLUDE A STATEMENT OF THE REASON(S) THE APPLICATION WAS DENIED. THE APPLICANT MAY REQUEST A REVIEW OF THIS DENIAL BY THE TOWN MANAGER WHO WILL SCHEDULE A MEETING DURING WHICH THE APPLICANT MAY PRESENT EVIDENCE IN SUPPORT OF THE APPLICATION.

**SECTION 8-3-5 VIOLATIONS, PENALTIES**

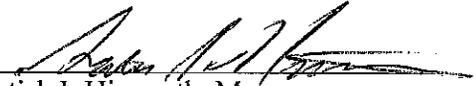
- A. FAILURE TO COMPLY WITH THE CONDITIONS OF A SPECIAL EVENT PERMIT SHALL BE A CIVIL OFFENSE.
- B. EACH VIOLATION OF ANY CONDITION OF A SPECIAL EVENT PERMIT SHALL CONSTITUTE A SEPARATE OFFENSE.
- C. A PERSON CONVICTED OF CONDUCTING A SPECIAL EVENT WITHOUT A PERMIT SHALL BE GUILTY OF A CLASS 2 MISDEMEANOR, PUNISHABLE IN ACCORDANCE WITH THE LAWS OF THE STATE OF ARIZONA.
- D. ANY VIOLATION CITED UNDER THIS SECTION SHALL ALLOW THE TOWN TO RECOUP ALL ADMINISTRATIVE COSTS ASSOCIATED WITH PROSECUTION OF THE VIOLATION IN ADDITION TO ANY IMPOSED FINES.

**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 Mayor and Town Council, the Town of Oro Valley, Arizona, this 7th day of July, 2010.

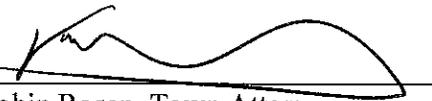
**TOWN OF ORO VALLEY**

  
Satish I. Hiremath, Mayor

**ATTEST:**

  
Kathryn E. Cuvelier, Town Clerk  
Date: 7-12-10

**APPROVED AS TO FORM:**

  
Tobin Rosen, Town Attorney  
Date: 7/7/10

## **Special Events Operational Guidelines**

### **Application Process**

- A) A pre-application conference is available based on the complexity of the event as determined by Town staff.
- B) Written application to the Town clerk must be submitted at least 60 days before the first day of the proposed special event. Applications for a major event must be submitted at least 180 days in advance of the first day of a proposed major event.
- C) The fee for any use or event regulated by the Town shall be
  - 1) Special use \$370.
  - 2) Special event \$ 50.
  - 3) Major event \$200

Although no refunds will be provided, a credit may be applied to a future application should the event be postponed or cancelled due to unforeseen circumstances.

- D) Any person desiring to operate a special event shall file a written application with the Town clerk, which shall contain the following facts and information:
  - 1) The name, age, residence and mailing address of the person making the application.
  - 2) The address or legal description and present zoning of the place or premises where the proposed event is to be conducted, operated or carried on.
  - 3) Description of the event, including activities, entertainment, and type of retail sales if applicable.
  - 4) The dates for which the permit is sought.
  - 5) An estimate of the number of customers, spectators, participants and other persons intended, calculated or expected to attend the event for each day it is conducted.
  - 6) A site map or sketch showing the location of the property in relation to surrounding properties, the area to be used, the access to the property and the location of any proposed facilities, parking areas, vending areas, stages and other principal features of the venue.
- E) Upon receipt of the application,
  - 1) The Town clerk shall circulate the application as appropriate for review by the Town Special Events Committee comprised of members from the following Departments: Development & Infrastructure Services, Police, Town Attorney, Parks Recreation Library & Cultural Resources, Finance and Town Manager; and by the Town Fire Marshal. These departments will review the application and impose conditions related to the potential impact of the event upon the Town's resources and pursuant to section 10-6-4 of the Oro Valley Town Code after meeting to discuss all conditions.

- 2) The applicant will be invited to a second meeting of the applicable Town departments to discuss the conditions.
- F) The Town clerk shall respond to the applicant with an approval, approval with conditions, denial or request for additional information within 10 business days of the submission of application.
  - G) The applicant shall demonstrate adherence with all conditions or requests for additional information no later than ten days prior to the event or no permit shall be issued or if a permit has already been issued it will be revoked for failure to meet all conditions.

### **Typical Conditions**

- A) Noise Standards.
  - 1) It shall be unlawful for any person, entity or operation at any special event to create any amplified noise, or to allow the creation of any amplified noise, which causes the noise level that rises to the level of a nuisance.
  - 2) Under circumstances as determined by the Town manager or designee an applicant will be required to notify the neighboring community before a permit will issue.
- B) Sanitation.
  - 1) The applicant shall provide and maintain toilet and hand washing facilities that are adequate for the anticipated maximum attendance and event duration as directed by the Town.
  - 2) The applicant shall provide and maintain an adequate number of trash receptacles as directed by the Town.
  - 3) All food vendors shall comply with the requirements of the county health department for permits and food handling practices.
- C) Security. The applicant may be required, at the applicant's expense, to provide security services, and/or extra-duty law enforcement officers for event security, as determined by the chief of police. In making the determination of the need for security services, the chief of police shall consider the event nature, anticipated attendance, access to alcohol, ticket or money handling and any other factors deemed relevant. If private security services are to be used, the chief of police must approve the security service provider and the security plan for the event. If extra-duty law enforcement will be used, the Town will coordinate the hiring of officers and the security plan preparation.
- D) Medical services. The applicant may be required to furnish medical services to the event. Conditions which may warrant this requirement include the expected temperatures during the event, the nature of the event, expected attendance, age of the expected attendees, and accessibility of the event venue to emergency vehicles. In the event medical services are used at the event, the medical services plan shall be approved by the chief of police and the Town Fire Marshal.
- E) Lighting. Events which will take place or where attendees may still be present after dark will be required to provide adequate illumination of all use areas, sanitation facilities, parking areas and areas of pedestrian travel. If lighting is required for the

event, a lighting plan shall be submitted to the Town for compliance with the Town's outdoor lighting code.

- F) Parking. Adequate parking shall be provided for all special events, without spillover. In the event temporary parking areas are to be used, a parking layout and circulation plan shall be prepared and submitted for approval by the Town's Public Works Department and Fire Marshal. In temporary parking areas, all parking spaces shall be adequately marked and dust control measures shall be performed.
- G) Traffic control.
  - 1) Adequate access to the event venue shall be required for the general public and emergency vehicles. If the access points to the event venue do not have adequate capacity for the expected ingress/egress traffic volumes, temporary traffic control measures will be required. Where temporary traffic control measures are to be employed, a traffic control plan must be submitted for approval by the Town's Development & Infrastructure Services Department and Fire Marshal.
  - 2) Pavement markings on publicly owned roadways are required to be temporary. Consequently any pavement marking material cannot be utilized unless approved by the Town Engineer or his designee.
- H) Appropriate zoning. The venue for a special event shall have the appropriate zoning for the proposed event.
- I) Signage. All signage to be employed in the advertisement of the special event shall be in compliance with the Oro Valley Zoning Code.
- J) Sales. All event vendors shall hold a current Oro Valley business license. This includes the applicant if tickets are to be sold. All merchandise and ticket sales are taxable in accordance with the laws of the state of Arizona. Tickets to an event shall not be sold prior to approval of the special event permit.
- K) Insurance. The amount and type of insurance required for a special event shall be determined on a case by case basis, based upon the recommendation of the Arizona Municipal Risk Retention Pool or other insurance provider to the Town. The applicant shall provide at a minimum \$1,000,000 in liability insurance and name the Town as an additional insured. Insurance certificates must be provided to the Town clerk prior to the event date.
- L) Event Costs. The Town will charge event applicants for all personnel costs and other resource costs to the Town. Event Coordinators must pay half of their portion of the costs as a deposit up front and the remainder after the event.

Cancellations: Should the event be postponed or cancelled due to unforeseen circumstances, the Town will refund the deposit less the cost of personnel and other resource costs already expended by the Town.

Community Event Discounts: The Town will offer a 50% "community event discount" off of the total town costs for events that meet all of the following criteria:

- 1) Must be a 501(c)3 non-profit organization that has been in business for at least 3 years; and
- 2) The community event must be one at which the general public may attend or participate; and

3) The event must generate a positive economic benefit to the Town of Oro Valley.

Economic Development Waiver: Event Coordinators have the option of requesting a waiver of the 50% cost sharing with the town. Requests are reviewed and approved by the Town's Special Event Committee and approval is based upon the event meeting the "Major Event" criteria as listed in the Special Event Permitting Ordinance and demonstrating extraordinary positive economic impacts to the town. In addition, the Town shall take into account the following considerations:

- a) Contributes to the promotion of tourism;
- b) Contributes to positive economic impacts (complete with estimated impacts);
- c) Increases in cultural programming available to the community;
- d) The impacts of the event on the environment;
- e) The frequency and history of the same of similar events(s);
- f) Attendance and the number of people brought into the area;
- g) Duration of the event
- h) Other primary supporters, revenue sources and/or sponsorships; and
- i) Past performance.

Special Event Committee decisions will be submitted to the Town Manager for review. The Town Manager shall advise the Town Council of the decision and request input prior to final approval or rejection.

Town Sponsored Events: These events are town-initiated, even if the event is organized and implemented by another agency or organization. Town sponsored events may also include free-to-all, goodwill or celebratory events. The Town application fees, personnel costs and/or other resource costs to the Town may be waived. Vendor licenses, including associated fees, are still required.

Events Coordinators from outside agencies or organizations who wish to have their event designated as a Town Sponsored Event should submit a request letter with the Special Event Application. Request letters will be forwarded to the Town Council for final approval or rejection.

- M) Building Permit. Certain temporary structures require building permits. All temporary structures requiring a building permit will be required to obtain the required permits before any activity as described in OVTC § 10-6-1 will be allowed to take place.
- N) Use of Town Seal & Event Marketing. The use of the Town seal must be pre-approved by the Communications Division. Any marketing and promotions offered by the Town will be handled in accordance with current Town policies. Use of the Town's electronic media (including web site, Facebook, Twitter and other social media tools) is limited to events co-sponsored by the Town of Oro Valley, unless other arrangements have been made. The Town is prohibited from posting any social, political or commercial information on any of its electronic media. The Town will post events for non-profit organizations on its online master calendar; event organizers are responsible for providing the content to the Communications division a minimum of two weeks prior to the event. Event organizers are responsible for all press releases and media relations, unless the event is co-sponsored by the Town of Oro Valley. Any deviations from Town policy must be approved by the Communications division.



**Town Council Regular Session**

**Item # G.**

**Meeting Date:** 06/15/2011

**Requested by:** Amanda Jacobs

**Submitted By:**

Amanda Jacobs, Town  
Manager's Office

**Department:** Town Manager's Office

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**Information**

**SUBJECT:**

Resolution No. (R)11-41, Authorizing and Approving a Financial Participation Agreement Between the Town of Oro Valley and the Metropolitan Tucson Convention and Visitors Bureau (MTCVB)

**RECOMMENDATION:**

Staff recommends approval.

**EXECUTIVE SUMMARY:**

Per Council direction, the Economic Development division worked with the Legal department to draft a Financial Participation Agreement (FPA) between the Town of Oro Valley and MTCVB that identifies 1) specific performance measures for the agency and 2) evaluation criteria and reporting. The full FPA is attached.

**BACKGROUND OR DETAILED INFORMATION:**

The Economic Development division and MTCVB developed the following performance measures, which are outlined in Section 3 of the FPA:

**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 40 convention bookings for future dates.
4. Confirm convention bookings for future dates resulting in 15,000 room nights.

**Convention Services**

1. Service a minimum of 30 Oro Valley meetings and conventions.

**Travel Industry Sales**

1. Generate 40 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 500 targeted tour operator clients. (A tour operator assembles groups of people who travel together to a destination, and also organizes tour packages and advertises them for sale to the public.)

3. Generate a minimum of 1 million tour operators and travel agent impressions via destination product offering in domestic and international tour operator catalogues. (Impressions are the number of travel agents that are likely to read the tour brochures the tour operators produce that promote the tours they have organized.)

#### Communications

1. Generate 31 travel articles about Oro Valley.
2. Reach a minimum of 2.5 million readers/viewers through editorial placement.
3. Generate publicity with an equivalent advertising value of at least \$20,000.

#### 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](http://www.visitTucson.org)).
3. Generate 10,000 unique visitors to the Town of Oro Valley and Oro Valley properties website ([www.orovalleyaz.gov](http://www.orovalleyaz.gov)) from the MTCVB website ([www.visitTucson.org](http://www.visitTucson.org)).

#### **FISCAL IMPACT:**

The fiscal impact for FY 11/12 is \$74,970, or 1/2 of 1% of Bed Tax revenues.

#### **SUGGESTED MOTION:**

I MOVE to (approve, deny) Resolution No. (R)11-41, Authorizing and Approving a Financial Participation Agreement Between the Town of Oro Valley and the Metropolitan Tucson Convention and Visitors Bureau.

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#### **Attachments**

Reso 11-41

MTCVB FPA

**RESOLUTION NO. (R)11-41**

**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 THE METROPOLITAN TUCSON CONVENTION AND VISITORS BUREAU**

**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 the Metropolitan Tucson Convention and Visitors Bureau (MTCVB); and

**WHEREAS**, it is in the best interest of the Town to enter into the Financial Participation Agreement with the MTCVB, 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 the Metropolitan Tucson Convention and Visitors Bureau, attached hereto as Exhibit "A", 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 15th day of June, 2011.

**TOWN OF ORO VALLEY**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Tobin Rosen, Town Attorney

**ATTEST:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT “A”

# **Town of Oro Valley**

## **FINANCIAL PARTICIPATION AGREEMENT**

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, 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 2011/12 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 40 convention bookings for future dates.
4. Confirm convention bookings for future dates resulting in 15,000 room nights.

# **Town of Oro Valley**

## **FINANCIAL PARTICIPATION AGREEMENT**

### Convention Services

1. Service a minimum of 30 Oro Valley meetings and conventions.

### Travel Industry Sales

1. Generate 40 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 500 targeted tour operator clients.
3. Generate a minimum of 1 million 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 2.5 million readers/viewers through editorial placement.
3. Generate publicity with an equivalent advertising value of at least \$20,000.00.

### 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](http://www.visitTucson.org)).
3. Generate 10,000 unique visitors to the Town of Oro Valley's and Oro Valley properties website ([www.orovalleyaz.gov](http://www.orovalleyaz.gov)) from the MTCVB website ([www.visitTucson.org](http://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 Four Thousand Nine Hundred Seventy Dollars (\$74,970) 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**

### **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**

### **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, 2011 through June 30, 2012. 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.

# **Town of Oro Valley**

## **FINANCIAL PARTICIPATION 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, 2012.

### **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 \$74,970. 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, 2011. 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.

**Town of Oro Valley**  
**FINANCIAL PARTICIPATION AGREEMENT**

**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:

<b>COVERAGE AFFORDED</b>	<b>LIMITS OF LIABILITY</b>
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.*

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

**Town of Oro Valley**  
**FINANCIAL PARTICIPATION AGREEMENT**

**TOWN OF ORO VALLEY**, a municipal corporation

\_\_\_\_\_  
Dr. Satish I. Hiremath, as Mayor  
and not personally

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Julie K. Bower, as Town Clerk  
and not personally

\_\_\_\_\_  
Tobin Rosen, as Town Attorney  
and not personally

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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

\_\_\_\_\_  
Agency Representative  
and not personally

Title \_\_\_\_\_

State of Arizona     )  
  ) ss.  
County of             )

On this \_\_\_ day of \_\_\_\_\_, 2011, \_\_\_\_\_, 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 \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary

My Commission Expires: \_\_\_\_\_



**Town Council Regular Session**

**Item # H.**

**Meeting Date:** 06/15/2011

**Requested by:** Amanda Jacobs

**Submitted By:**

Amanda Jacobs, Town  
Manager's Office

**Department:** Town Manager's Office

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**Information**

**SUBJECT:**

Resolution No. (R)11-42, Authorizing and Approving a Financial Participation Agreement Between the Town of Oro Valley and Tucson Regional Economic Opportunities, Inc.

**RECOMMENDATION:**

Staff recommends approval.

**EXECUTIVE SUMMARY:**

Per Council direction, the Economic Development division worked with the Legal Department to draft a Financial Participation Agreement (FPA) between the Town of Oro Valley and Tucson Regional Economic Opportunities, Inc. (TREO) that identifies 1) specific performance measures for the agency and 2) evaluation criteria and reporting.

**BACKGROUND OR DETAILED INFORMATION:**

The Economic Development division and TREO developed the following performance measures, which are outlined in Section 2 of the FPA:

**1) Facilitate High Wage Job Creation and Capital Investment**

*Strategies:*

- Attend 2 sales mission/trade shows related to the bioscience and/or the aerospace defense industry.
- 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.

**2) National / International Marketing of Region**

*Strategies:*

- Host 2 site selectors regionally, including presentation of Oro Valley.
- Communicate with Oro Valley on TREO initiatives via the "Monday Memo" and monthly meetings with the Economic Development Manager.
- Continue national public relations outreach to position TREO and the region as a business center by conducting 2 press trips, one out-bound and one in-bound.

**3) Advocacy on Competitiveness Issues**

*Strategies:*

- Update the regional Economic Blueprint and appoint one Town official to participate on the Steering Committee.
- TREO will pay for one Town official's participation in any Leadership Exchange Trip conducted in FY 11-12.

**FISCAL IMPACT:**

The fiscal impact for FY 2011/12 is \$41,011, which is based on the 2010 Census population estimate for Oro Valley (41,011) and a per capita rate of \$1.

**SUGGESTED MOTION:**

I MOVE to (adopt, deny) Resolution No. (R)11-42, Authorizing and Approving a Financial Participation Agreement Between the Town of Oro Valley and Tucson Regional Economic Opportunities, Inc.

---

**Attachments**

Reso 11-42

TREO FPA

**RESOLUTION NO. (R)11-42**

**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 15th day of June, 2011.

**TOWN OF ORO VALLEY**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Tobin Rosen, Town Attorney

**ATTEST:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT “A”

# Town of Oro Valley

## FINANCIAL PARTICIPATION AGREEMENT

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, 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 2011/12 are as follows:

1) Facilitate High Wage Job Creation and Capital Investment

Strategies:

- Attend 2 sales mission/trade shows related to the bioscience and/or the aerospace defense industry.
- 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.

2) National / International Marketing of Region

Strategies:

- Host 2 site selectors regionally, including presentation of Oro Valley.
- Communicate with Oro Valley on TREO initiatives via the "Monday Memo" and monthly meetings with the Economic Development Manager.
- Continue national public relations outreach to position TREO, and the region as a business center, by conducting 2 press trips, one out-bound and one in-bound.

# **Town of Oro Valley**

## **FINANCIAL PARTICIPATION AGREEMENT**

### 3) Advocacy on Competitiveness Issues

Strategies:

- Update the regional Economic Blueprint and appoint one Town official to participate on the Steering Committee.
- TREO will pay for one Town official's participation in any Leadership Exchange Trip conducted in FY 11-12.

### **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 One Thousand and Eleven Dollars (\$41,011) 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 on an "as requested" basis.

### **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.

# **Town of Oro Valley**

## **FINANCIAL PARTICIPATION 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.

# **Town of Oro Valley**

## **FINANCIAL PARTICIPATION AGREEMENT**

### **Section 10: Term of Agreement**

This Agreement shall be effective from July 1, 2011 through June 30, 2012. 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 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, 2012.

### **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.

# **Town of Oro Valley**

## **FINANCIAL PARTICIPATION AGREEMENT**

### **Section 13: Method of Payment**

The parties have agreed that Agency will receive up to \$41,011, which is based on the 2010 Census population for Oro Valley (41,011) 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, 2011. 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.

### **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.

**Town of Oro Valley**  
**FINANCIAL PARTICIPATION AGREEMENT**

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

<b>COVERAGE AFFORDED</b>	<b>LIMITS OF LIABILITY</b>
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.*

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

**TOWN OF ORO VALLEY**, a municipal corporation

\_\_\_\_\_  
 Dr. Satish I. Hiremath, as Mayor  
 and not personally

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
 Julie K. Bower, as Town Clerk  
 and not personally

\_\_\_\_\_  
 Tobin Rosen, as Town Attorney  
 and not personally

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Town of Oro Valley**  
**FINANCIAL PARTICIPATION AGREEMENT**

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

\_\_\_\_\_  
Agency Representative  
and not personally

Title \_\_\_\_\_

State of Arizona     )  
                                  )   ss.  
County of             )

On this \_\_\_ day of \_\_\_\_\_, 2011, \_\_\_\_\_, 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 \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary

My Commission Expires: \_\_\_\_\_



**Town Council Regular Session**

**Item # I.**

**Meeting Date:** 06/15/2011

**Requested by:** Mark Moore

**Submitted By:**

Mark Moore, Water

**Department:** Water

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**Information**

**SUBJECT:**

Resolution No. (R)11-38, Approving the granting of a water utility easement to the Town of Oro Valley from BASIS Oro Valley, BASIS Charter School, Inc. for the purpose of constructing water utility facilities

**RECOMMENDATION:**

Staff recommends approval.

**EXECUTIVE SUMMARY:**

Easements for water mains are routinely granted to the Water Utility whenever new water mains are constructed on private property. During the construction of Steam Pump Village Phase III a portion of the water mains constructed were built on the BASIS Charter School, Inc. property. The developer wished to amend the Town's easement dedication form in such a way as to constitute a contract between the Town and BASIS Charter School. Because of the contractual nature of the changes, Mayor and Council must approve the easement dedication.

The Town's Legal Department and the Water Utility have reviewed and agree with the changes to the easement dedication form.

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to (approve, deny) Resolution No. (R)11-38, Approving the granting of a water utility easement to the Town of Oro Valley from BASIS Oro Valley for the purpose of constructing water utility facilities.

---

**Attachments**

Reso 11-38

Basis School Easement

**RESOLUTION NO. (R)11-38**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING THE GRANTING OF A WATER UTILITY EASEMENT TO THE TOWN OF ORO VALLEY FROM BASIS SCHOOL, INC. FOR THE PURPOSE OF CONSTRUCTING WATER UTILITY FACILITIES**

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

**WHEREAS**, Basis School, Inc. is the owner of certain real property (the "Property") located at Steam Pump Village Retail Center; and

**WHEREAS**, the Town needs a water utility easement through the Property to construct underground water utility facilities and access for repair and maintenance of the facilities; and

**WHEREAS**, Basis School, Inc. desires to grant the Town a water utility easement for the purposes of constructing underground water utility facilities through the Property and access for repair and maintenance of the facilities; and

**WHEREAS**, it is in the best interest of the Town to approve the water utility easement, attached hereto as Exhibit "A" and incorporated herein by this reference, to allow the Town to construct water utility facilities.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Oro Valley that the water utility easement, attached hereto as Exhibit "A" and incorporated herein by this reference, to the Town of Oro Valley from Basis School, Inc. for the purpose of constructing water utility facilities is hereby accepted and approved.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona this 15th day of June, 2011.

**TOWN OF ORO VALLEY**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT “A”

## WATER UTILITY EASEMENT

**BASIS SCHOOL, INC.** an Arizona nonprofit corporation ("Grantor"), does hereby grant to the **TOWN OF ORO VALLEY**, a municipal corporation of the State of Arizona ("Grantee"), a nonexclusive, perpetual water utility easement and the right to lay, construct, operate, maintain, inspect, repair, replace, and remove underground water utility pipelines and appurtenances (collectively, the "Utility Facilities") under and through those portions of the burdened land legally described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Property), along with the right to access the utility facilities within the "Easement Premises" as shown in Exhibit "B", attached hereto and incorporated herein by this reference (the "Easement Premises").

Subject to state and federal laws regulating access to public schools, Grantee may enter the Property at all reasonable times necessary or convenient to accomplish the foregoing; provided, however, that Grantee's access and activities may not unreasonably interfere with Grantor's operations. Following entry for the above purposes, Grantee shall restore the Property to a good and clean condition, and if the Property is paved, restore said pavement to as close to original condition as possible at Grantee's sole cost and expense.

This easement is subject to the following conditions:

1. Grantor may use the Easement Premises for any purposes not inconsistent with actual use of said Water Utility Easement for the purposes herein granted, so long as Grantee's use and access to the Water Utility Easement is not obstructed.
2. Grantor warrants that Grantor holds good title to the Property, and thereby has the authority and right to enter into this Water Utility Easement.
3. All easements and rights described herein are easements and rights running with the land, perpetually in force and effect, and at all times shall inure to the benefit of, and bind Grantee and Grantor, their successors and assigns, respectively.
4. Any and all easements and rights granted herein shall be assignable by Grantee only upon the prior written consent of Grantor.
5. The Utility Facilities installed in the Easement Premises will be installed at or below surface grade so as not to interfere with vehicular or pedestrian travel or Grantor's use of the Property.
6. After installation, the Utility Facilities will be maintained by Grantee at Grantee's expense, in good and operating condition unless otherwise abandoned under Section 10 herein and, in such event, the Utility Facilities will be removed by Grantee and the

Easement Premises will be restored as close to original condition as feasibly possible at Grantee's cost and expense.

- 7. Grantee will use reasonable care to avoid damage to the Easement Premises, the Property or any of Grantor's improvements therein and, in the event of such damage, Grantee will restore as close to original condition as feasibly possible.
- 8. Grantee, in its use of the Water Utility Easement will not unreasonably interfere with access, ingress and egress between the Property and adjacent public rights-of-way.
- 9. Grantee will indemnify and defend Grantor against loss or liability arising from Grantee's use of the Property or the Easement Premises, and the Utility Facilities, by Grantee, its agents, employees and contractors, including but not limited to the costs of repairing or maintaining any water main located within said Water Utility Easement .
- 10. This Water Utility Easement is subject to all matters of record. If Grantee abandons and permanently ceases to use the Water Utility Easement, all rights granted under this Water Utility Easement cease and revert to Grantor, its successors and assigns.

THIS EASEMENT granted this 27 day of April, 2011.

**GRANTOR**

**BASIS SCHOOL, INC., an Arizona nonprofit corporation**

By: Nick Fleege

Its: Director of New School Development

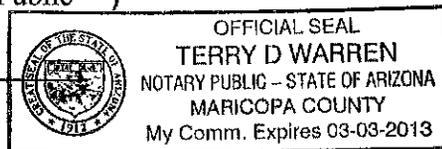
STATE OF ARIZONA )  
 )ss.  
County of ~~Pima~~ Maricopa )

The foregoing instrument was acknowledged before me this 27 day of April, 2011, by Nick Fleege, the Dir. of New Sch. Dev. of Basis School, Inc.

WITNESS my hand and official seal.

Terry D Warren  
Notary Public

My Commission Expires: 3-3-2013



**GRANTEE**

**TOWN OF ORO VALLEY, a municipal corporation of the State of Arizona**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Exhibit "A"

Legal Description of Grantor's Property

PARCEL NO.1:

LOT 7, OF STEAM PUMP VILLAGE PHASE 3, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PIMA COUNTY, ARIZONA, RECORDED IN BOOK 64 OF MAPS, PAGE 95.

PARCEL NO. 2:

NON-EXCLUSIVE EASEMENTS AS SET FORTH IN COMMON OPERATION AND RECIPROCAL EASEMENT AGREEMENT RECORDED IN DOCKET 12345, PAGE 379 AND FIRST AMENDMENT RECORDED IN DOCKET 13057, PAGE 2137 OF OFFICIAL RECORDS.

**Exhibit "B"**

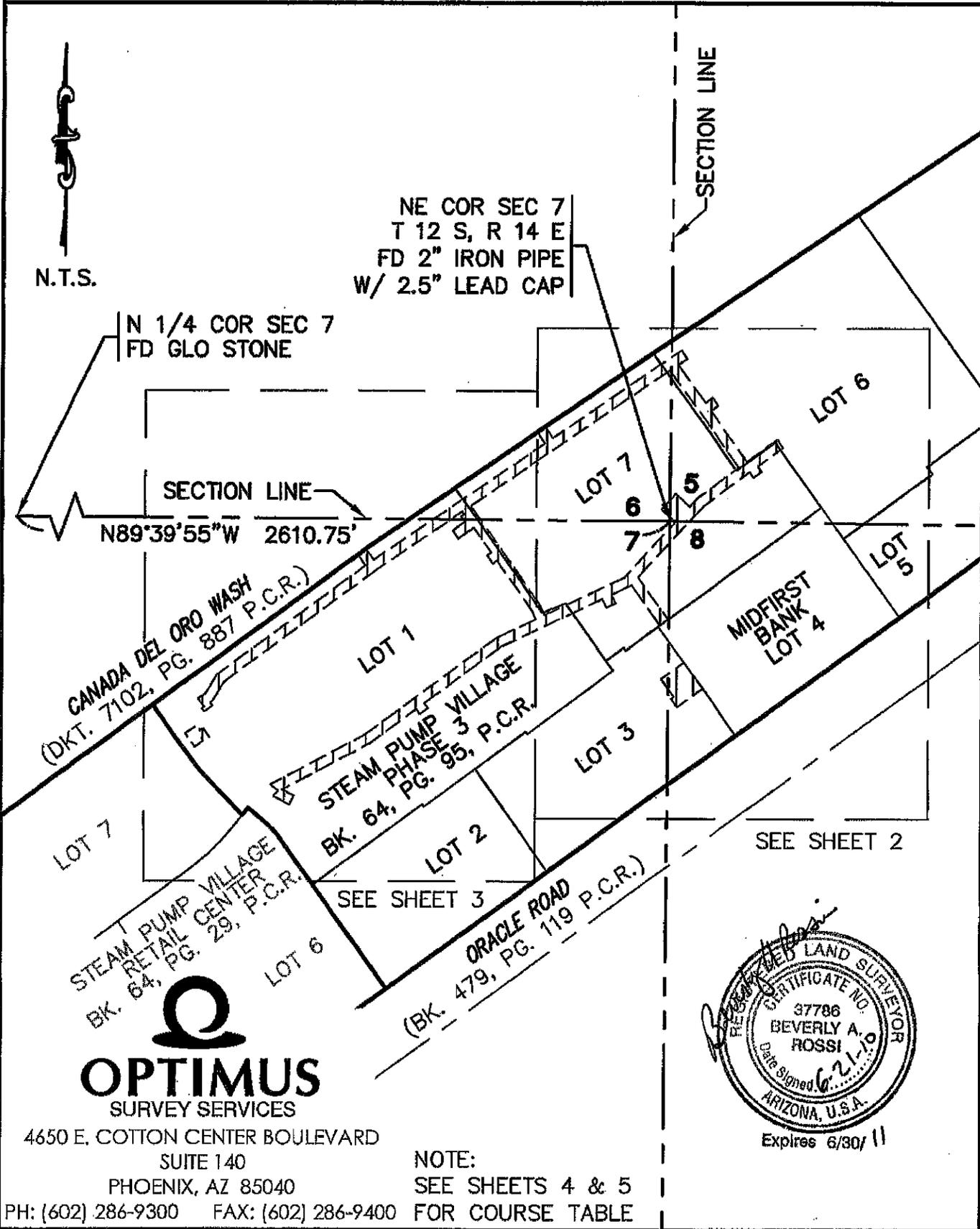
**Easement Premises**

# Exhibit "B"

STEAM PUMP VILLAGE - PHASE 3  
EXHIBIT - PROPOSED 15' WATER EASEMENT

Job No: 3-07003

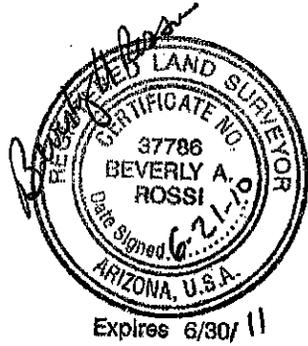
S:\3-06080 (Steam Pump Ph III)\Dwgs\Exhibits\REVISED WATER ESMT EXHIBIT.dwg, 6/21/2010 8:12:15 AM, brassi



4650 E. COTTON CENTER BOULEVARD  
SUITE 140  
PHOENIX, AZ 85040

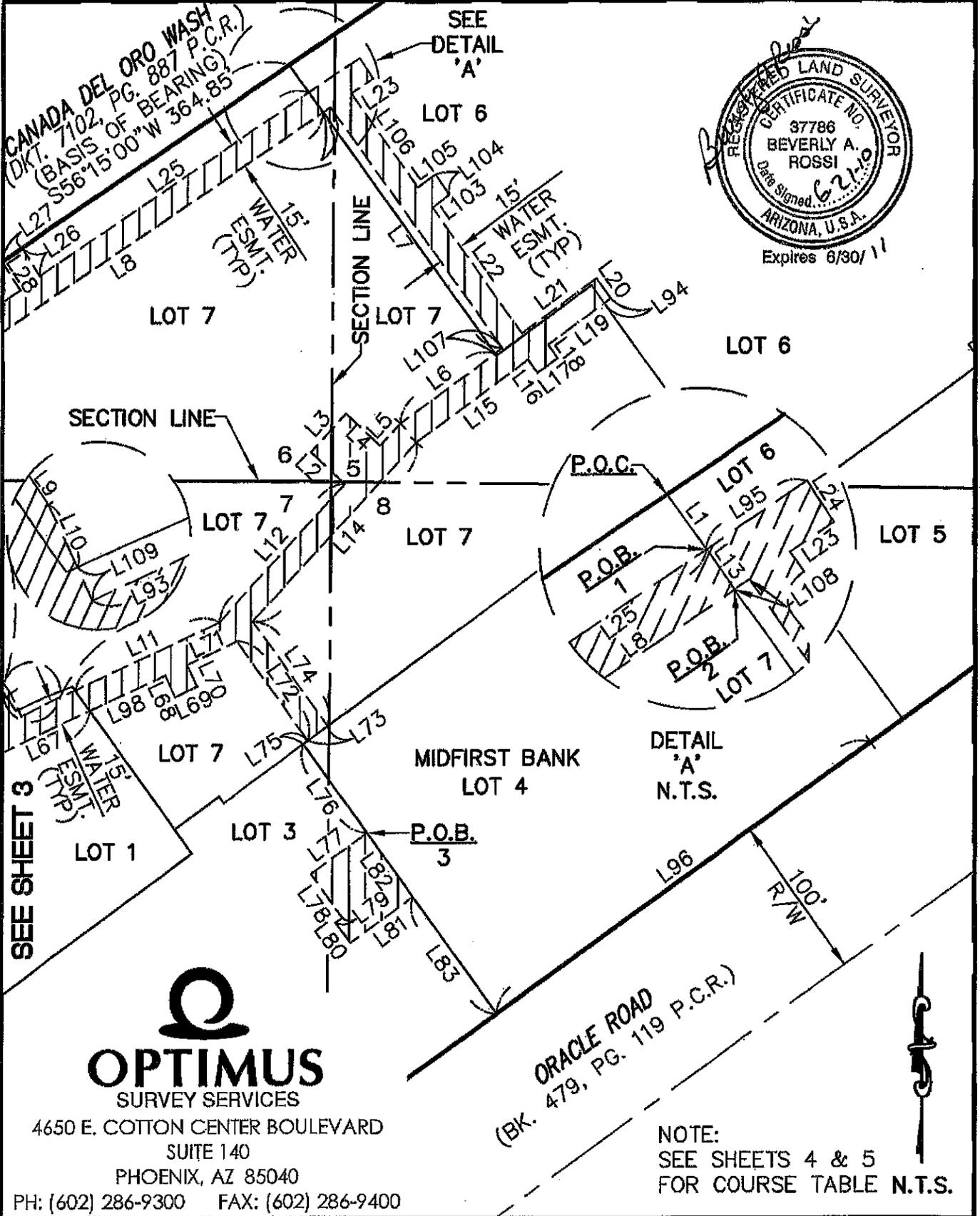
PH: (602) 286-9300 FAX: (602) 286-9400

NOTE:  
SEE SHEETS 4 & 5  
FOR COURSE TABLE



**STEAM PUMP VILLAGE - PHASE 3**  
**EXHIBIT - PROPOSED 15' WATER EASEMENT**

**Job No: 3-07003**



**SEE SHEET 3**

**OPTIMUS**  
 SURVEY SERVICES  
 4650 E. COTTON CENTER BOULEVARD  
 SUITE 140  
 PHOENIX, AZ 85040  
 PH: (602) 286-9300 FAX: (602) 286-9400

**NOTE:**  
 SEE SHEETS 4 & 5  
 FOR COURSE TABLE **N.T.S.**

S:\3-06080 (Steam Pump Ph III)\Dwgs\Exhibits\REVISED WATER ESMT EXHIBIT.dwg, 6/21/2010 8:12:21 AM, brassi

**STEAM PUMP VILLAGE - PHASE 3**  
**EXHIBIT - PROPOSED 15' WATER EASEMENT**

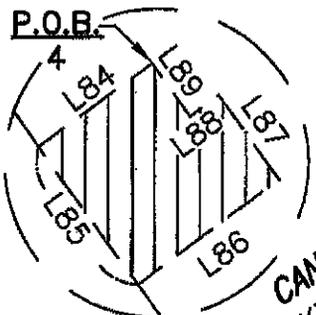
**Job No: 3-07003**



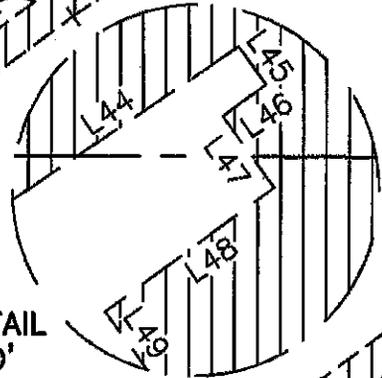
① EXISTING 15' WATER UTILITY EASEMENT (W.U.E.)  
 DKT. 12994, PG. 3317,  
 P.C.R.

SECTION LINE

(BASIS OF BEARING)  
 S56°15'00" W 364.85



CANADA DEL ORO WASH  
 (DKT. 7102, PG. 887 P.C.R.)



15' WATER ESMT. (TYP)

DETAIL 'C' N.T.S.

DETAIL 'D' N.T.S.

SEE SHEET 2



NOTE:  
 SEE SHEETS 4 & 5  
 FOR COURSE TABLE

DETAIL 'B' N.T.S.

N.T.S.

Prepared By: BAR

Date: 6/21/10

Checked By: SAW

Sheet No: 3 Of 5

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**STEAM PUMP VILLAGE - PHASE 3**  
**EXHIBIT - PROPOSED 15' WATER EASEMENT**

**Job No:** 3-07003

**LINE TABLE**

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S36°00'00"E	20.52'	L26	N33°45'00"W	20.50'	L51	S36°00'00"E	46.00'
L2	N47°14'40"W	28.38'	L27	S56°15'00"W	15.00'	L52	S54°00'00"W	7.80'
L3	N42°45'20"E	31.50'	L28	S33°45'00"E	20.50'	L53	S36°00'00"E	15.00'
L4	S47°14'40"E	28.38'	L29	S56°15'00"W	151.06'	L54	N54°00'00"E	7.80'
L5	N42°45'20"E	18.09'	L30	N36°00'00"W	20.19'	L55	S36°00'00"E	93.27'
L6	N54°00'00"E	71.90'	L31	S54°00'00"W	15.00'	L56	S24°45'00"E	13.72'
L7	N36°00'00"W	179.65'	L32	S36°00'00"E	20.00'	L57	S65°14'40"W	66.49'
L8	S56°15'00"W	361.35'	L33	S54°00'00"W	279.47'	L58	S54°00'00"W	248.38'
L9	S36°00'00"E	184.71'	L34	S31°30'00"W	33.32'	L59	S62°28'22"W	161.47'
L10	S24°45'00"E	10.74'	L35	S54°00'00"W	12.54'	L60	S50°01'38"E	14.50'
L11	N65°14'40"E	97.63'	L36	S36°00'00"E	15.04'	L61	N62°28'22"E	150.37'
L12	N42°45'20"E	113.60'	L37	S54°00'00"W	4.06'	L62	N54°00'00"E	87.85'
L13	S36°00'00"E	15.01'	L38	S36°00'00"E	5.67'	L63	S36°00'00"E	9.34'
L14	N42°45'20"E	147.13'	L39	N54°00'00"E	15.00'	L64	N54°00'00"E	15.00'
L15	N54°00'00"E	84.92'	L40	N36°00'00"W	5.70'	L65	N36°00'00"W	9.34'
L16	S36°00'00"E	10.00'	L41	N54°00'00"E	4.58'	L66	N54°00'00"E	145.16'
L17	N54°00'00"E	15.00'	L42	N31°30'00"E	33.32'	L67	N65°14'40"E	120.02'
L18	N36°00'00"W	10.00'	L43	N54°00'00"E	286.32'	L68	S24°45'20"E	14.55'
L19	N54°00'00"E	42.50'	L44	N56°15'00"E	157.49'	L69	N65°14'40"E	15.00'
L20	N36°00'00"W	15.00'	L45	S36°00'00"E	5.05'	L70	N24°45'20"W	14.55'
L21	S54°00'00"W	56.49'	L46	S54°00'00"W	5.80'	L71	N65°14'40"E	33.99'
L22	N36°00'00"W	94.12'	L47	S36°00'00"E	9.50'	L72	S36°00'00"E	74.41'
L23	N56°15'00"E	16.18'	L48	S54°00'00"W	22.70'	L73	N54°00'00"E	15.00'
L24	N33°45'00"W	15.00'	L49	S36°00'00"E	15.00'	L74	N36°00'00"W	78.27'
L25	S56°15'00"W	198.79'	L50	N54°00'00"E	28.50'	L75	S54°00'00"W	3.50'



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**STEAM PUMP VILLAGE - PHASE 3**  
**EXHIBIT - PROPOSED 15' WATER EASEMENT**

**Job No. 3-07003**

S:\3-06080 (Steam Pump Ph III)\Dwgs\Exhibits\REVISED WATER ESMT EXHIBIT.dwg, 6/21/2010 8:12:39 AM, brossi

LINE TABLE					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L76	S36°00'00"E	66.38'	L101	N26°43'20"E	15.00'
L77	S54°00'00"W	42.16'	L102	N63°16'40"W	20.35'
L78	S36°00'00"E	32.81'	L103	N54°00'00"E	13.05'
L79	S54°00'00"W	5.00'	L104	N36°00'00"W	15.00'
L80	S36°00'00"E	15.00'	L105	S54°00'00"W	13.05'
L81	N54°00'00"E	47.16'	L106	N36°00'00"W	69.95'
L82	N36°00'00"W	47.81'	L107	N54°00'00"E	5.51'
L83	S36°00'00"E	87.37'	L108	S56°15'00"W	5.51'
L84	S54°00'00"W	20.34'	L109	S24°45'00"E	4.46'
L85	S36°00'00"E	24.50'			
L86	N54°00'00"E	25.54'			
L87	N36°00'00"W	15.00'			
L88	S54°00'00"W	5.20'			
L89	N36°00'00"W	9.50'			
L90	S36°00'00"E	63.83'			
L91	S54°00'00"W	348.24'			
L92	N54°00'00"E	8.25'			
L93	N65°14'40"E	37.03'			
L94	N54°00'00"E	5.00'			
L95	S56°15'00"W	37.29'			
L96	N54°28'00"E	281.48'			
L97	S56°15'00"W	163.84'			
L98	N65°14'40"E	50.91'			
L99	S39°58'22"W	10.82'			
L100	S63°16'40"E	28.03'			



4650 E. COTTON CENTER BOULEVARD  
 SUITE 140

PHOENIX, AZ 85040

PH: (602) 286-9300 FAX: (602) 286-9400



Expires 8/30/11

**Prepared By:** BAR

**Date:** 6/21/10

**Checked By:** SAW

**Sheet No:** 5 Of 5



**LEGAL DESCRIPTION**  
**STEAM PUMP VILLAGE-PHASE 3**  
**PROPOSED 15' WATER EASEMENT**

A PORTION OF LOTS 1, 3, 6 AND 7 OF STEAM PUMP VILLAGE PHASE 3 AS SHOWN ON FINAL PLAT RECORDED IN BOOK 64, PAGE 95, PIMA COUNTY RECORDS (P.C.R.), LYING WITHIN SECTIONS 5, 6, 7 AND 8, TOWNSHIP 12 SOUTH, RANGE 14 EAST OF THE GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING THE NORTHERLY CORNER OF SAID LOT 7, FROM WHICH THE WESTERLY CORNER OF SAID LOT 7 BEARS S. 56°15'00" W. (BASIS OF BEARING), A DISTANCE OF 364.85 FEET;

THENCE S. 36°00'00" E. ALONG THE NORTHEASTERLY LINE OF SAID LOT 7, A DISTANCE OF 20.52 FEET TO THE POINT OF BEGINNING 1;

THENCE DEPARTING SAID NORTHEASTERLY LINE, S. 56°15'00" W., A DISTANCE OF 198.79 FEET;

THENCE N. 33°45'00" W., A DISTANCE OF 20.50 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 7;

THENCE S. 56°15'00" W. ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 15.00 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHWESTERLY LINE, S. 33°45'00" E., A DISTANCE OF 20.50 FEET;

THENCE S. 56°15'00" W., A DISTANCE OF 151.06 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 1;

THENCE CONTINUING S. 56°15'00" W., A DISTANCE OF 163.84 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 20.19 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 1;

THENCE S. 54°00'00" W. ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 15.00 FEET TO A POINT HEREBY DESIGNATED AS POINT "A" FOR FUTURE REFERENCE IN THIS DESCRIPTION;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHWESTERLY LINE,  
S. 36°00'00" E., A DISTANCE OF 20.00 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 279.47 FEET;

THENCE S. 31°30'00" W., A DISTANCE OF 33.32 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 12.54 FEET TO THE NORTHEASTERLY LINE  
OF THAT CERTAIN 15' WATER UTILITY EASEMENT (W.U.E.) AS DESCRIBED IN  
DOCKET 12994, PAGE 3317, P.C.R.;

THENCE S. 36°00'00" E. ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 15.04  
FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 4.06 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHEASTERLY LINE,  
S. 36°00'00" E., A DISTANCE OF 5.67 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 15.00 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 5.70 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 4.58 FEET;

THENCE N. 31°30'00" E., A DISTANCE OF 33.32 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 286.32 FEET;

THENCE N. 56°15'00" E., A DISTANCE OF 157.49 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 5.05 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 5.80 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 9.50 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 22.70 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 15.00 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 28.50 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 46.00 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 7.80 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 15.00 FEET;

Page 2 of 6

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THENCE N. 54°00'00" E., A DISTANCE OF 7.80 FEET;  
THENCE S. 36°00'00" E., A DISTANCE OF 93.27 FEET;  
THENCE S. 24°45'00" E., A DISTANCE OF 13.72 FEET;  
THENCE S. 65°14'40" W., A DISTANCE OF 66.49 FEET;  
THENCE S. 54°00'00" W., A DISTANCE OF 248.38 FEET;  
THENCE S. 62°28'22" W., A DISTANCE OF 161.47 FEET TO SAID NORTHEASTERLY  
LINE OF SAID 15' W.U.E ;  
THENCE S. 50°01'38" E. ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 14.50  
FEET;  
THENCE S. 39°58'22" W , A DISTANCE OF 10.82 FEET;  
THENCE DEPARTING SAID NORTHEASTERLY LINE S. 63°16'40" E., A DISTANCE OF  
28.03 FEET;  
THENCE N. 26°43'20" E., A DISTANCE OF 15.00 FEET;  
THENCE N. 63°16'40" W., A DISTANCE OF 20.35 FEET;  
THENCE N. 62°28'22" E., A DISTANCE OF 150.37 FEET;  
THENCE N. 54°00'00" E., A DISTANCE OF 87.85 FEET;  
THENCE S. 36°00'00" E., A DISTANCE OF 9.34 FEET;  
THENCE N. 54°00'00" E., A DISTANCE OF 15.00 FEET;  
THENCE N. 36°00'00" W., A DISTANCE OF 9.34 FEET;  
THENCE N. 54°00'00" E., A DISTANCE OF 145.16 FEET;  
THENCE N. 65°14'40" E., A DISTANCE OF 120.02 FEET TO THE SOUTHWESTERLY  
LINE OF SAID LOT 7;  
THENCE CONTINUING N. 65°14'40" E., A DISTANCE OF 50.91 FEET;  
THENCE S. 24°45'20" E., A DISTANCE OF 14.55 FEET;  
THENCE N. 65°14'40" E., A DISTANCE OF 15.00 FEET;  
THENCE N. 24°45'20" W., A DISTANCE OF 14.55 FEET;

THENCE N. 65°14'40" E., A DISTANCE OF 33.99 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 74.41 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 7;

THENCE N. 54°00'00" E. ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 15.00 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID SOUTHEASTERLY LINE, N. 36°00'00" W., A DISTANCE OF 78.27 FEET;

THENCE N. 42°45'20" E., A DISTANCE OF 147.13 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 84.92 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 10.00 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 15.00 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 10.00 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 42.50 FEET TO SAID NORTHEASTERLY LINE OF LOT 7;

THENCE CONTINUING N. 54°00'00" E., A DISTANCE OF 5.00 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 15.00 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 56.49 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 94.12 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 13.05 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 15.00 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 13.05 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 69.95 FEET;

THENCE N. 56°15'00" E., A DISTANCE OF 16.18 FEET;

THENCE N. 33°45'00" W., A DISTANCE OF 15.00 FEET;

THENCE S. 56°15'00" W., A DISTANCE OF 37.29 FEET TO THE POINT OF BEGINNING 1;

**EXCEPTING THEREFROM THE FOLLOWING:**

**COMMENCING AT SAID POINT OF BEGINNING 1;**

**THENCE S. 36°00'00" E. ALONG SAID NORTHEASTERLY LINE OF LOT 7, A DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING 2;**

**THENCE DEPARTING SAID NORTHEASTERLY LINE, S. 56°15'00" W., A DISTANCE OF 361.35 FEET;**

**THENCE S. 36°00'00" E., A DISTANCE OF 184.71 FEET;**

**THENCE S. 24°45'00" E., A DISTANCE OF 10.74 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 7;**

**THENCE DEPARTING SAID SOUTHWESTERLY LINE S. 24°45'00" E., A DISTANCE OF 4.46 FEET;**

**THENCE N. 65°14'40" E., A DISTANCE OF 37.03 FEET TO SAID SOUTHWESTERLY LINE OF LOT 7;**

**THENCE CONTINUING N. 65°14'40" E., A DISTANCE OF 97.63 FEET;**

**THENCE N. 42°45'20" E., A DISTANCE OF 113.60 FEET;**

**THENCE N. 47°14'40" W., A DISTANCE OF 28.38 FEET;**

**THENCE N. 42°45'20" E., A DISTANCE OF 31.50 FEET;**

**THENCE S. 47°14'40" E., A DISTANCE OF 28.38 FEET;**

**THENCE N. 42°45'20" E., A DISTANCE OF 18.09 FEET;**

**THENCE N. 54°00'00" E., A DISTANCE OF 71.90 FEET TO SAID NORTHEASTERLY LINE OF LOT 7;**

**THENCE CONTINUING N. 54°00'00" E., A DISTANCE OF 5.51 FEET;**

**THENCE N. 36°00'00" W., A DISTANCE OF 179.65 FEET;**

**THENCE S. 56°15'00" W., A DISTANCE OF 5.51 FEET TO THE POINT OF BEGINNING 2;**

**TOGETHER WITH THE FOLLOWING DESCRIBED EASEMENT:**

**COMMENCING AT THE NORTHERLY CORNER OF SAID LOT 3;**

THENCE S. 36°00'00" E. ALONG THE NORTHEASTERLY LINE OF SAID LOT 3, A DISTANCE OF 66.38 FEET TO THE POINT OF BEGINNING 3;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHEASTERLY LINE, S. 54°00'00" W., A DISTANCE OF 42.16 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 32.81 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 5.00 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 15.00 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 47.16 FEET TO SAID NORTHEASTERLY LINE;

THENCE N. 36°00'00" W. ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 47.81 FEET TO THE POINT OF BEGINNING 3;

**TOGETHER WITH THE FOLLOWING DESCRIBED EASEMENT:**

COMMENCING AT SAID POINT "A";

THENCE S. 54°00'00" W. ALONG THE NORTHWESTERLY LINE OF SAID LOT 1, A DISTANCE OF 348.24 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHWESTERLY LINE, S. 36°00'00" E., A DISTANCE OF 63.83 FEET TO THE POINT OF BEGINNING 4;

THENCE S. 54°00'00" W., A DISTANCE OF 20.34 FEET TO SAID NORTHEASTERLY LINE OF SAID 15' W.U.E.;

THENCE S. 36°00'00" E. ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 24.50 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHEASTERLY LINE, N. 54°00'00" E., A DISTANCE OF 25.54 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 15.00 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 5.20 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 9.50 FEET TO THE POINT OF BEGINNING 4.

THE ABOVE DESCRIBED EASEMENTS CONTAIN A COMBINED AREA OF 40,393 SQUARE FEET OR 0.92 ACRES, MORE OR LESS.





**Town Council Regular Session**

**Item # J.**

**Meeting Date:** 06/15/2011

**Requested by:** Mark Moore

**Submitted By:**

Mark Moore, Water

**Department:** Water

---

**Information**

**SUBJECT:**

Resolution No. (R)11-39 Approving the granting of a water utility easement to the Town of Oro Valley from Evergreen-Steam Pump, L.L.C. for the purpose of constructing water utility facilities

**RECOMMENDATION:**

Staff recommends approval.

**EXECUTIVE SUMMARY:**

Easements for water mains are routinely granted to the Water Utility whenever new water mains are constructed on private property. During the construction of Steam Pump Village Phase III a portion of the water mains constructed were built on the Evergreen-Steam Pump, L.L.C. property. The developer wished to amend the Town's easement dedication form in such a way as to constitute a contract between the Town and Evergreen-Steam Pump, L.L.C. Because of the contractual nature of the changes, Mayor and Council must approve the easement dedication.

The Town's Legal Department and the Water Utility have reviewed and agree with the changes to the easement dedication form.

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to (approve,deny) Resolution No. (R)11-39 Approving the granting of a water utility easement to the Town of Oro Valley from Evergreen-Steam Pump, L.L.C. for the purpose of constructing water utility facilities.

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**Attachments**

R11-39 Evergreen Steam Pump Easement

Evergreen-Steam Pump easement

**RESOLUTION NO. (R)11-39**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING THE GRANTING OF A WATER UTILITY EASEMENT TO THE TOWN OF ORO VALLEY FROM EVERGREEN-STEAM PUMP, L.L.C. FOR THE PURPOSE OF CONSTRUCTING WATER UTILITY FACILITIES**

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

**WHEREAS**, Evergreen-Steam Pump, L.L.C. is the owner of certain real property (the "Property") located at Steam Pump Village Retail Center; and

**WHEREAS**, the Town needs a water utility easement through the Property to construct underground water utility facilities and access for repair and maintenance of the facilities; and

**WHEREAS**, Evergreen-Steam Pump, L.L.C. desires to grant the Town a water utility easement for the purposes of constructing underground water utility facilities through the Property and access for repair and maintenance of the facilities; and

**WHEREAS**, it is in the best interest of the Town to approve the water utility easement, attached hereto as Exhibit "A" and incorporated herein by this reference, to allow the Town to construct water utility facilities.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Oro Valley that the water utility easement, attached hereto as Exhibit "A" and incorporated herein by this reference, to the Town of Oro Valley from Evergreen-Steam Pump, L.L.C. for the purpose of constructing water utility facilities is hereby accepted and approved.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona this 15th day of June, 2011.

**TOWN OF ORO VALLEY**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT “A”

## WATER UTILITY EASEMENT

**EVERGREEN-STEAM PUMP, L.L.C.**, an Arizona limited liability company ("Grantor"), does hereby grant to the **TOWN OF ORO VALLEY**, a municipal corporation of the State of Arizona ("Grantee"), a perpetual easement and right-of way for ingress and egress on, over, under, and through those paved roadways and driveways intended for vehicular travel and existing from time to time on the burdened land as legally described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Property"). Grantee is also hereby granted a perpetual water utility easement and the right to lay, construct, operate, maintain, inspect, repair, replace, relocate and remove underground water utility pipelines and appurtenances (collectively, the "Utility Facilities") on, over, under, and through those portions of the Property that are included within the "Easement Premises" as shown in Exhibit "B", attached hereto and incorporated herein by this reference (the "Easement Premises").

Grantee may enter the Property at all reasonable times necessary or convenient to accomplish the foregoing. Following entry for the above purposes, Grantee shall restore the Property to a good and clean condition, and if the Property is paved, restore said pavement to as close to original condition as possible.

This easement is subject to the following conditions:

1. Grantor may use said right-of-way and easement for any purposes not inconsistent with actual use of said right-of-way and utility easement for the purposes herein granted, so long as Grantee's use and access to this right-of way and easement is not obstructed.
2. Grantor warrants that Grantor holds good title to the Property, and thereby has the authority and right to enter into this agreement.
3. All easements and rights described herein are easements and rights running with the land, perpetually in force and effect, and at all times shall inure to the benefit of, and are binding on, Grantee and Grantor, their successors and assigns, respectively.
4. Any and all easements and rights granted herein shall be freely assignable by Grantee.
5. Reference in subsequent deeds of conveyance, or in any mortgage or deed of trust or other evidence of obligation, to the easements and rights described in this conveyance within any subsequent conveyance of the burdened land or assignment of easement and or easement rights shall be sufficient to create and reserve such easements and rights to the respective grantees, mortgagees, and trustees of such unit of ownership

as fully and completely as though such easements and rights were recited fully and set forth in their entirety in such documents.

6. The Utility Facilities installed in the Easement Premises will be installed at or below surface grade so as not to interfere with vehicular or pedestrian travel.
7. After installation, the Utility Facilities will be maintained by Grantee in good and operating condition unless otherwise abandoned under Section 11 herein.
8. Grantee will use reasonable care to avoid damage to the Easement Premises, the Property or any of Grantor's improvements therein.
9. Grantee, in its use of this right-of way and easement will not unreasonably interfere with access, ingress and egress between the Property and adjacent public rights-of-way.
10. Grantee will indemnify and defend Grantor against loss or liability arising from Grantee's use of the Property or the Easement Premises, and the Utility Facilities, by Grantee, its agents, employees and contractors, including but not limited to the costs of repairing or maintaining any water main located within said easement and right-of-way.
11. This easement is subject to all matters of record. If Grantee abandons and permanently ceases to use this easement, all rights granted under this easement cease and revert to Grantor, its successors and assigns.

THIS EASEMENT granted this 16<sup>th</sup> day of July, 2010.

**GRANTOR**

EVERGREEN-STEAM PUMP, L.L.C., an Arizona limited liability company

By: Evergreen-Oro Valley Partners, L.L.C., an Arizona limited liability company

Its: Administrative Member

By: Evergreen Development Company-2004, L.L.C., an Arizona limited liability company

Its: Manager

By: Evergreen Devco, Inc., a California corporation

Its: Manager

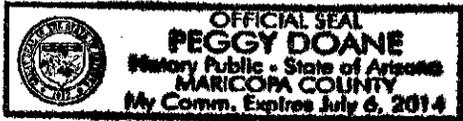
By: 

Its: Principal

STATE OF ARIZONA        )  
  )ss.  
County of Maricopa        )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of July, 2010, by Laura Ortiz, the Principal of Evergreen Devco, Inc., a California corporation, Manager of Evergreen Development Company-2004, L.L.C., an Arizona limited liability company, Manager of Evergreen-Oro Valley Partners, L.L.C., an Arizona limited liability company, Administrative Member of EVERGREEN-STEAM PUMP, L.L.C., an Arizona limited liability company, on behalf of the Company.

WITNESS my hand and official seal.



Peggy Doane  
Notary Public

My Commission Expires:

July 6, 2014

**GRANTEE**

**TOWN OF ORO VALLEY, a municipal corporation of the State of Arizona**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit "A"**

**Lot 1, 3 AND 6 OF STEAM PUMP VILLAGE PHASE 3, ACCORDING TO THE  
PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PIMA  
COUNTY ARIZONA, RECORDED IN BOOK 64 OF MAPS, PAGE 95.**

# Exhibit "B"

STEAM PUMP VILLAGE - PHASE 3  
EXHIBIT - PROPOSED 15' WATER EASEMENT

Job No: 3-07003



N.T.S.

NE COR SEC 7  
T 12 S, R 14 E  
FD 2" IRON PIPE  
W/ 2.5" LEAD CAP

N 1/4 COR SEC 7  
FD GLO STONE

SECTION LINE

N89°39'55"W 2610.75'

CANADA DEL ORO WASH  
(DKT. 7102, PG. 887 P.C.R.)

LOT 7

LOT 1

STEAM PUMP VILLAGE  
PHASE 3  
BK. 64, PG. 95, P.C.R.

LOT 3

LOT 2

SEE SHEET 3

STEAM PUMP VILLAGE  
RETAIL CENTER  
BK. 64, PG. 29, P.C.R.

LOT 6

ORACLE ROAD  
(BK. 479, PG. 119 P.C.R.)

SECTION LINE

LOT 6

LOT 7

6

8

MIDFIRST BANK  
LOT 4

LOT 5

SEE SHEET 2



4650 E. COTTON CENTER BOULEVARD  
SUITE 140  
PHOENIX, AZ 85040

PH: (602) 286-9300 FAX: (602) 286-9400

NOTE:  
SEE SHEETS 4 & 5  
FOR COURSE TABLE



Prepared By: BAR

Date: 6/21/10

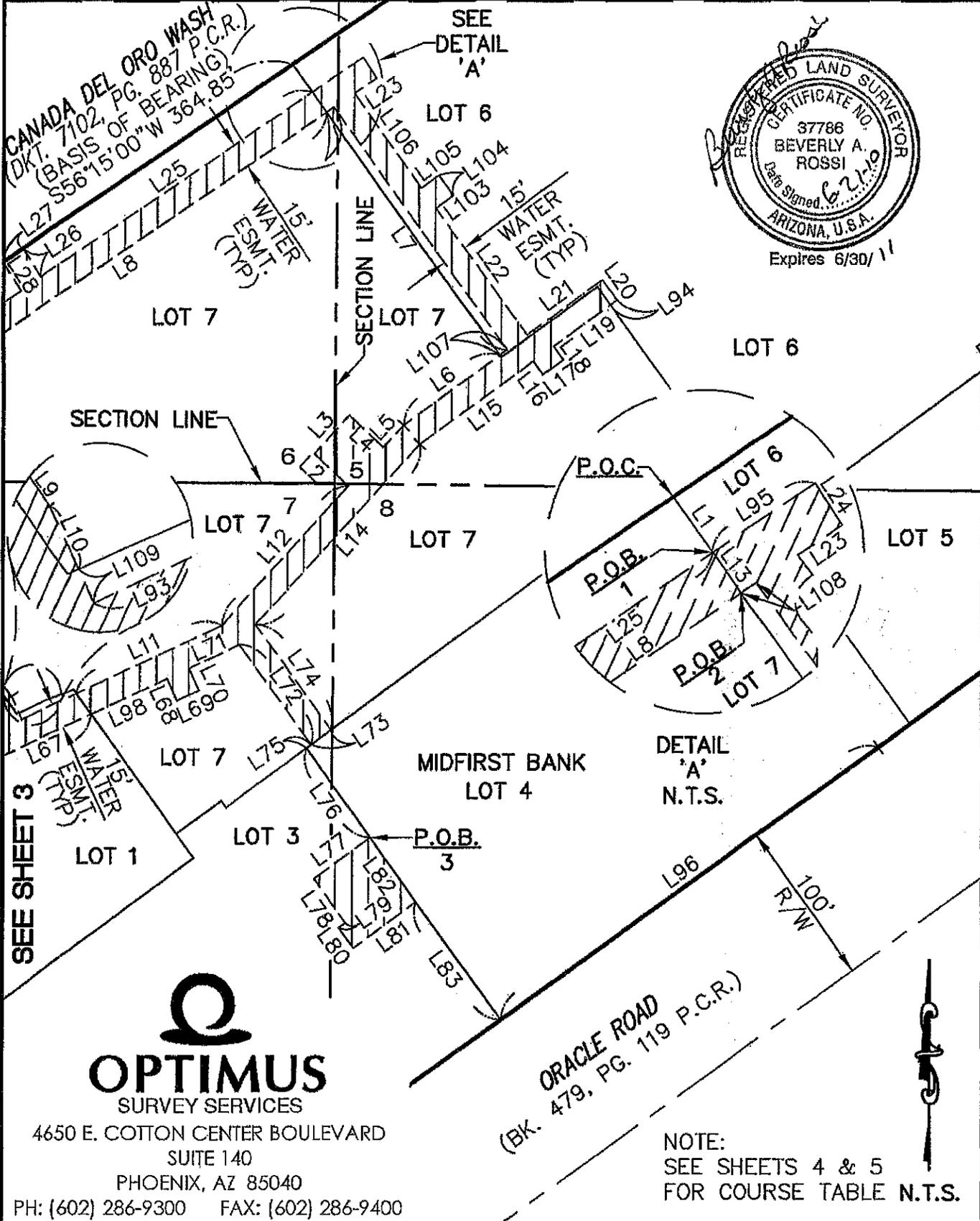
Checked By: SAW

Sheet No: 1 Of 5

S:\3-06080 (Steam Pump Ph III)\Dwgs\Exhibits\REVISED WATER ESMT EXHIBIT.dwg, 6/21/2010 8:12:15 AM, brossi

**STEAM PUMP VILLAGE - PHASE 3**  
**EXHIBIT - PROPOSED 15' WATER EASEMENT**

**Job No:** 3-07003



S:\3-06080 (Steam Pump Ph III)\Dwgs\Exhibits\REVISED WATER ESMT EXHIBIT.dwg, 6/21/2010 8:12:21 AM, brassi

**SEE SHEET 3**

**OPTIMUS**  
 SURVEY SERVICES  
 4650 E. COTTON CENTER BOULEVARD  
 SUITE 140  
 PHOENIX, AZ 85040  
 PH: (602) 286-9300 FAX: (602) 286-9400

**NOTE:**  
 SEE SHEETS 4 & 5  
 FOR COURSE TABLE N.T.S.

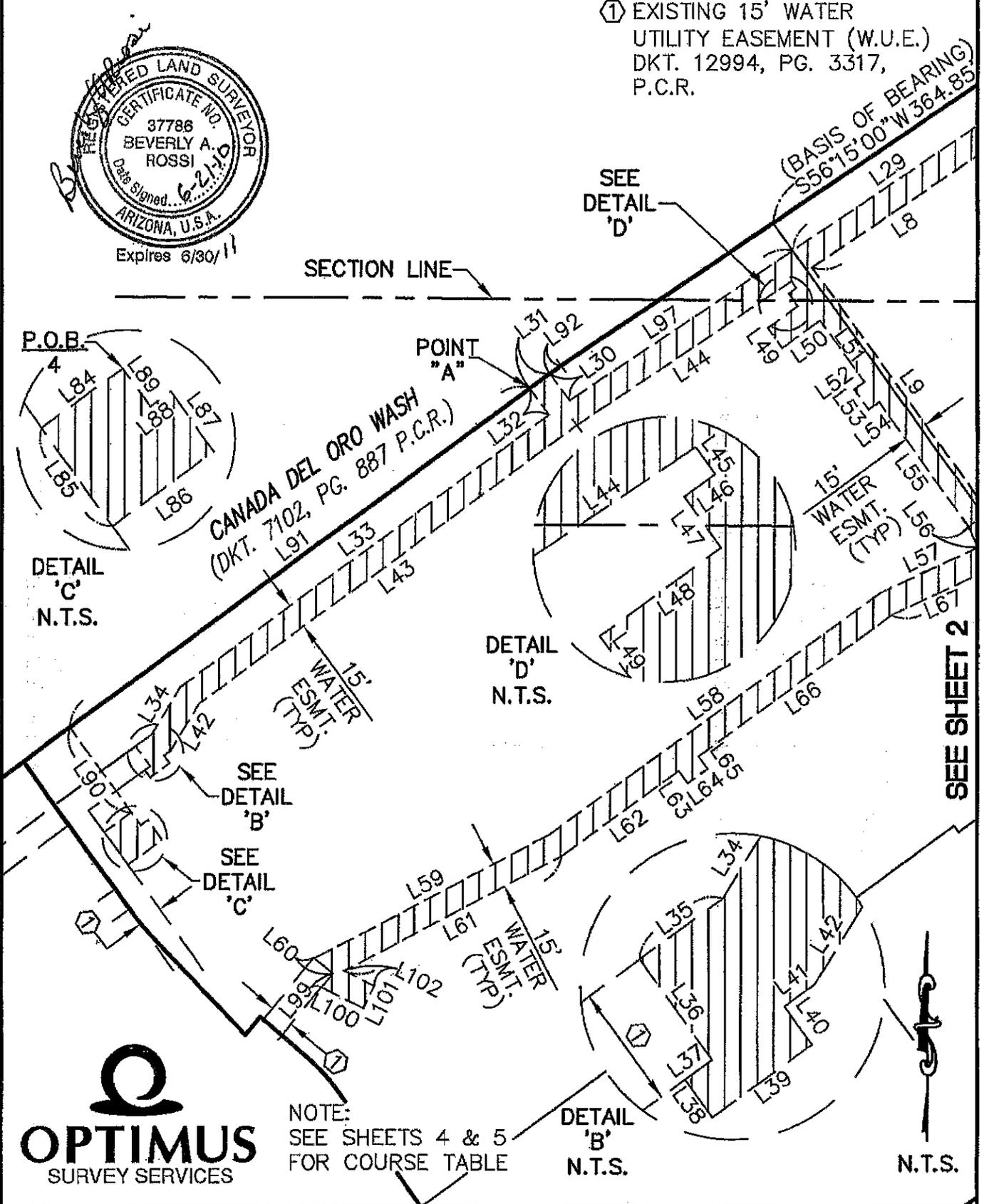
**STEAM PUMP VILLAGE - PHASE 3**  
**EXHIBIT - PROPOSED 15' WATER EASEMENT**

**Job No: 3-07003**



① EXISTING 15' WATER UTILITY EASEMENT (W.U.E.)  
 DKT. 12994, PG. 3317,  
 P.C.R.

S:\3-06080 (Steam Pump Ph III)\Dwgs\Exhibits\REVISED WATER ESMT EXHIBIT.dwg, 6/21/2010 8:12:28 AM, brossi



**NOTE:**  
 SEE SHEETS 4 & 5  
 FOR COURSE TABLE



**SEE SHEET 2**

**STEAM PUMP VILLAGE - PHASE 3**  
**EXHIBIT - PROPOSED 15' WATER EASEMENT**

**Job No:**  
**3-07003**

**LINE TABLE**

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S36°00'00"E	20.52'	L26	N33°45'00"W	20.50'	L51	S36°00'00"E	46.00'
L2	N47°14'40"W	28.38'	L27	S56°15'00"W	15.00'	L52	S54°00'00"W	7.80'
L3	N42°45'20"E	31.50'	L28	S33°45'00"E	20.50'	L53	S36°00'00"E	15.00'
L4	S47°14'40"E	28.38'	L29	S56°15'00"W	151.06'	L54	N54°00'00"E	7.80'
L5	N42°45'20"E	18.09'	L30	N36°00'00"W	20.19'	L55	S36°00'00"E	93.27'
L6	N54°00'00"E	71.90'	L31	S54°00'00"W	15.00'	L56	S24°45'00"E	13.72'
L7	N36°00'00"W	179.65'	L32	S36°00'00"E	20.00'	L57	S65°14'40"W	66.49'
L8	S56°15'00"W	361.35'	L33	S54°00'00"W	279.47'	L58	S54°00'00"W	248.38'
L9	S36°00'00"E	184.71'	L34	S31°30'00"W	33.32'	L59	S62°28'22"W	161.47'
L10	S24°45'00"E	10.74'	L35	S54°00'00"W	12.54'	L60	S50°01'38"E	14.50'
L11	N65°14'40"E	97.63'	L36	S36°00'00"E	15.04'	L61	N62°28'22"E	150.37'
L12	N42°45'20"E	113.60'	L37	S54°00'00"W	4.06'	L62	N54°00'00"E	87.85'
L13	S36°00'00"E	15.01'	L38	S36°00'00"E	5.67'	L63	S36°00'00"E	9.34'
L14	N42°45'20"E	147.13'	L39	N54°00'00"E	15.00'	L64	N54°00'00"E	15.00'
L15	N54°00'00"E	84.92'	L40	N36°00'00"W	5.70'	L65	N36°00'00"W	9.34'
L16	S36°00'00"E	10.00'	L41	N54°00'00"E	4.58'	L66	N54°00'00"E	145.16'
L17	N54°00'00"E	15.00'	L42	N31°30'00"E	33.32'	L67	N65°14'40"E	120.02'
L18	N36°00'00"W	10.00'	L43	N54°00'00"E	286.32'	L68	S24°45'20"E	14.55'
L19	N54°00'00"E	42.50'	L44	N56°15'00"E	157.49'	L69	N65°14'40"E	15.00'
L20	N36°00'00"W	15.00'	L45	S36°00'00"E	5.05'	L70	N24°45'20"W	14.55'
L21	S54°00'00"W	56.49'	L46	S54°00'00"W	5.80'	L71	N65°14'40"E	33.99'
L22	N36°00'00"W	94.12'	L47	S36°00'00"E	9.50'	L72	S36°00'00"E	74.41'
L23	N56°15'00"E	16.18'	L48	S54°00'00"W	22.70'	L73	N54°00'00"E	15.00'
L24	N33°45'00"W	15.00'	L49	S36°00'00"E	15.00'	L74	N36°00'00"W	78.27'
L25	S56°15'00"W	198.79'	L50	N54°00'00"E	28.50'	L75	S54°00'00"W	3.50'



4650 E. COTTON CENTER BOULEVARD  
 SUITE 140  
 PHOENIX, AZ 85040

PH: (602) 286-9300 FAX: (602) 286-9400



**Prepared By:** BAR

**Date:** 6/21/10

**Checked By:** SAW

**Sheet No:** 4 **Of** 5

S:\3-06080 (Steam Pump Ph III)\Dwgs\Exhibits\REVISED WATER ESMT EXHIBIT.dwg, 6/21/2010 8:12:34 AM, brossi

**STEAM PUMP VILLAGE - PHASE 3**  
**EXHIBIT - PROPOSED 15' WATER EASEMENT**

**Job No:**  
**3-07003**

LINE TABLE					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L76	S36°00'00"E	66.38'	L101	N26°43'20"E	15.00'
L77	S54°00'00"W	42.16'	L102	N63°16'40"W	20.35'
L78	S36°00'00"E	32.81'	L103	N54°00'00"E	13.05'
L79	S54°00'00"W	5.00'	L104	N36°00'00"W	15.00'
L80	S36°00'00"E	15.00'	L105	S54°00'00"W	13.05'
L81	N54°00'00"E	47.16'	L106	N36°00'00"W	69.95'
L82	N36°00'00"W	47.81'	L107	N54°00'00"E	5.51'
L83	S36°00'00"E	87.37'	L108	S56°15'00"W	5.51'
L84	S54°00'00"W	20.34'	L109	S24°45'00"E	4.46'
L85	S36°00'00"E	24.50'			
L86	N54°00'00"E	25.54'			
L87	N36°00'00"W	15.00'			
L88	S54°00'00"W	5.20'			
L89	N36°00'00"W	9.50'			
L90	S36°00'00"E	63.83'			
L91	S54°00'00"W	348.24'			
L92	N54°00'00"E	8.25'			
L93	N65°14'40"E	37.03'			
L94	N54°00'00"E	5.00'			
L95	S56°15'00"W	37.29'			
L96	N54°28'00"E	281.48'			
L97	S56°15'00"W	163.84'			
L98	N65°14'40"E	50.91'			
L99	S39°58'22"W	10.82'			
L100	S63°16'40"E	28.03'			

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4650 E. COTTON CENTER BOULEVARD  
 SUITE 140  
 PHOENIX, AZ 85040

PH: (602) 286-9300 FAX: (602) 286-9400



**Prepared By:** BAR

**Date:** 6/21/10

**Checked By:** SAW

**Sheet No:** 5 Of 5



**LEGAL DESCRIPTION**  
**STEAM PUMP VILLAGE-PHASE 3**  
**PROPOSED 15' WATER EASEMENT**

A PORTION OF LOTS 1, 3, 6 AND 7 OF STEAM PUMP VILLAGE PHASE 3 AS SHOWN ON FINAL PLAT RECORDED IN BOOK 64, PAGE 95, PIMA COUNTY RECORDS (P.C.R.), LYING WITHIN SECTIONS 5, 6, 7 AND 8, TOWNSHIP 12 SOUTH, RANGE 14 EAST OF THE GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING THE NORTHERLY CORNER OF SAID LOT 7, FROM WHICH THE WESTERLY CORNER OF SAID LOT 7 BEARS S. 56°15'00" W. (BASIS OF BEARING), A DISTANCE OF 364.85 FEET;

THENCE S. 36°00'00" E. ALONG THE NORTHEASTERLY LINE OF SAID LOT 7, A DISTANCE OF 20.52 FEET TO THE POINT OF BEGINNING 1;

THENCE DEPARTING SAID NORTHEASTERLY LINE, S. 56°15'00" W., A DISTANCE OF 198.79 FEET;

THENCE N. 33°45'00" W., A DISTANCE OF 20.50 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 7;

THENCE S. 56°15'00" W. ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 15.00 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHWESTERLY LINE, S. 33°45'00" E., A DISTANCE OF 20.50 FEET;

THENCE S. 56°15'00" W., A DISTANCE OF 151.06 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 1;

THENCE CONTINUING S. 56°15'00" W., A DISTANCE OF 163.84 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 20.19 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 1;

THENCE S. 54°00'00" W. ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 15.00 FEET TO A POINT HEREBY DESIGNATED AS POINT "A" FOR FUTURE REFERENCE IN THIS DESCRIPTION;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHWESTERLY LINE,  
S. 36°00'00" E., A DISTANCE OF 20.00 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 279.47 FEET;

THENCE S. 31°30'00" W., A DISTANCE OF 33.32 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 12.54 FEET TO THE NORTHEASTERLY LINE  
OF THAT CERTAIN 15' WATER UTILITY EASEMENT (W.U.E.) AS DESCRIBED IN  
DOCKET 12994, PAGE 3317, P.C.R.;

THENCE S. 36°00'00" E. ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 15.04  
FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 4.06 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHEASTERLY LINE,  
S. 36°00'00" E., A DISTANCE OF 5.67 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 15.00 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 5.70 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 4.58 FEET;

THENCE N. 31°30'00" E., A DISTANCE OF 33.32 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 286.32 FEET;

THENCE N. 56°15'00" E., A DISTANCE OF 157.49 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 5.05 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 5.80 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 9.50 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 22.70 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 15.00 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 28.50 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 46.00 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 7.80 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 15.00 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 7.80 FEET;  
THENCE S. 36°00'00" E., A DISTANCE OF 93.27 FEET;  
THENCE S. 24°45'00" E., A DISTANCE OF 13.72 FEET;  
THENCE S. 65°14'40" W., A DISTANCE OF 66.49 FEET;  
THENCE S. 54°00'00" W., A DISTANCE OF 248.38 FEET;  
THENCE S. 62°28'22" W., A DISTANCE OF 161.47 FEET TO SAID NORTHEASTERLY  
LINE OF SAID 15' W.U.E ;  
THENCE S. 50°01'38" E. ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 14.50  
FEET;  
THENCE S. 39°58'22" W , A DISTANCE OF 10.82 FEET;  
THENCE DEPARTING SAID NORTHEASTERLY LINE S. 63°16'40" E., A DISTANCE OF  
28.03 FEET;  
THENCE N. 26°43'20" E., A DISTANCE OF 15.00 FEET;  
THENCE N. 63°16'40" W., A DISTANCE OF 20.35 FEET;  
THENCE N. 62°28'22" E., A DISTANCE OF 150.37 FEET;  
THENCE N. 54°00'00" E., A DISTANCE OF 87.85 FEET;  
THENCE S. 36°00'00" E., A DISTANCE OF 9.34 FEET;  
THENCE N. 54°00'00" E., A DISTANCE OF 15.00 FEET;  
THENCE N. 36°00'00" W., A DISTANCE OF 9.34 FEET;  
THENCE N. 54°00'00" E., A DISTANCE OF 145.16 FEET;  
THENCE N. 65°14'40" E., A DISTANCE OF 120.02 FEET TO THE SOUTHWESTERLY  
LINE OF SAID LOT 7;  
THENCE CONTINUING N. 65°14'40" E., A DISTANCE OF 50.91 FEET;  
THENCE S. 24°45'20" E., A DISTANCE OF 14.55 FEET;  
THENCE N. 65°14'40" E., A DISTANCE OF 15.00 FEET;  
THENCE N. 24°45'20" W., A DISTANCE OF 14.55 FEET;

THENCE N. 65°14'40" E., A DISTANCE OF 33.99 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 74.41 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 7;

THENCE N. 54°00'00" E. ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 15.00 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID SOUTHEASTERLY LINE, N. 36°00'00" W., A DISTANCE OF 78.27 FEET;

THENCE N. 42°45'20" E., A DISTANCE OF 147.13 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 84.92 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 10.00 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 15.00 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 10.00 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 42.50 FEET TO SAID NORTHEASTERLY LINE OF LOT 7;

THENCE CONTINUING N. 54°00'00" E., A DISTANCE OF 5.00 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 15.00 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 56.49 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 94.12 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 13.05 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 15.00 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 13.05 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 69.95 FEET;

THENCE N. 56°15'00" E., A DISTANCE OF 16.18 FEET;

THENCE N. 33°45'00" W., A DISTANCE OF 15.00 FEET;

THENCE S. 56°15'00" W., A DISTANCE OF 37.29 FEET TO THE POINT OF BEGINNING 1;

**EXCEPTING THEREFROM THE FOLLOWING:**

COMMENCING AT SAID POINT OF BEGINNING 1;

THENCE S. 36°00'00" E. ALONG SAID NORTHEASTERLY LINE OF LOT 7, A DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING 2;

THENCE DEPARTING SAID NORTHEASTERLY LINE, S. 56°15'00" W., A DISTANCE OF 361.35 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 184.71 FEET;

THENCE S. 24°45'00" E., A DISTANCE OF 10.74 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 7;

THENCE DEPARTING SAID SOUTHWESTERLY LINE S. 24°45'00" E., A DISTANCE OF 4.46 FEET;

THENCE N. 65°14'40" E., A DISTANCE OF 37.03 FEET TO SAID SOUTHWESTERLY LINE OF LOT 7;

THENCE CONTINUING N. 65°14'40" E., A DISTANCE OF 97.63 FEET;

THENCE N. 42°45'20" E., A DISTANCE OF 113.60 FEET;

THENCE N. 47°14'40" W., A DISTANCE OF 28.38 FEET;

THENCE N. 42°45'20" E., A DISTANCE OF 31.50 FEET;

THENCE S. 47°14'40" E., A DISTANCE OF 28.38 FEET;

THENCE N. 42°45'20" E., A DISTANCE OF 18.09 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 71.90 FEET TO SAID NORTHEASTERLY LINE OF LOT 7;

THENCE CONTINUING N. 54°00'00" E., A DISTANCE OF 5.51 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 179.65 FEET;

THENCE S. 56°15'00" W., A DISTANCE OF 5.51 FEET TO THE POINT OF BEGINNING 2;

TOGETHER WITH THE FOLLOWING DESCRIBED EASEMENT:

COMMENCING AT THE NORTHERLY CORNER OF SAID LOT 3;

THENCE S. 36°00'00" E. ALONG THE NORTHEASTERLY LINE OF SAID LOT 3, A DISTANCE OF 66.38 FEET TO THE POINT OF BEGINNING 3;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHEASTERLY LINE, S. 54°00'00" W., A DISTANCE OF 42.16 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 32.81 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 5.00 FEET;

THENCE S. 36°00'00" E., A DISTANCE OF 15.00 FEET;

THENCE N. 54°00'00" E., A DISTANCE OF 47.16 FEET TO SAID NORTHEASTERLY LINE;

THENCE N. 36°00'00" W. ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 47.81 FEET TO THE POINT OF BEGINNING 3;

**TOGETHER WITH THE FOLLOWING DESCRIBED EASEMENT:**

COMMENCING AT SAID POINT "A";

THENCE S. 54°00'00" W. ALONG THE NORTHWESTERLY LINE OF SAID LOT 1, A DISTANCE OF 348.24 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHWESTERLY LINE, S. 36°00'00" E., A DISTANCE OF 63.83 FEET TO THE POINT OF BEGINNING 4;

THENCE S. 54°00'00" W., A DISTANCE OF 20.34 FEET TO SAID NORTHEASTERLY LINE OF SAID 15' W.U.E.;

THENCE S. 36°00'00" E. ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 24.50 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID NORTHEASTERLY LINE, N. 54°00'00" E., A DISTANCE OF 25.54 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 15.00 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 5.20 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 9.50 FEET TO THE POINT OF BEGINNING 4.

THE ABOVE DESCRIBED EASEMENTS CONTAIN A COMBINED AREA OF 40,393 SQUARE FEET OR 0.92 ACRES, MORE OR LESS.





**Town Council Regular Session**

**Item # K.**

**Meeting Date:** 06/15/2011

**Requested by:** Mark Moore

**Submitted By:**

Mark Moore, Water

**Department:** Water

---

**Information**

**SUBJECT:**

Resolution No. (R)11-40, Approving the granting of a water utility easement to the Town of Oro Valley from Midfirst Bank for the purpose of constructing water utility facilities

**RECOMMENDATION:**

Staff recommends approval.

**EXECUTIVE SUMMARY:**

Easements for water mains are routinely granted to the Water Utility whenever new water mains are constructed on private property. During the construction of Steam Pump Village Phase III a portion of the water mains constructed were built on the Midfirst Bank property. The developer wished to amend the Town's easement dedication form in such a way as to constitute a contract between the Town and Midfirst Bank. Because of the contractual nature of the changes, Mayor and Council must approve the easement dedication.

The Town's Legal Department and the Water Utility have reviewed and approved the changes to the easement dedication form.

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to (approve, deny) Resolution No. (R)11-40, Approving the granting of a water utility easement to the Town of Oro Valley from Midfirst Bank for the purpose of constructing water utility facilities.

---

**Attachments**

Reso 11-40

Midfirst Bank easement

**RESOLUTION NO. (R)11-40**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING THE GRANTING OF A WATER UTILITY EASEMENT TO THE TOWN OF ORO VALLEY FROM MIDFIRST BANK FOR THE PURPOSE OF CONSTRUCTING WATER UTILITY FACILITIES**

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

**WHEREAS**, Midfirst Bank is the owner of certain real property (the "Property") located at Steam Pump Village Retail Center; and

**WHEREAS**, the Town needs a water utility easement through the Property to construct underground water utility facilities and access for repair and maintenance of the facilities; and

**WHEREAS**, Midfirst Bank desires to grant the Town a water utility easement for the purposes of constructing underground water utility facilities through the Property and access for repair and maintenance of the facilities; and

**WHEREAS**, it is in the best interest of the Town to approve the water utility easement, attached hereto as Exhibit "A" and incorporated herein by this reference, to allow the Town to construct water utility facilities.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Oro Valley that the water utility easement, attached hereto as Exhibit "A" and incorporated herein by this reference, to the Town of Oro Valley from Midfirst Bank for the purpose of constructing water utility facilities is hereby accepted and approved.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona this 15th day of June, 2011.

**TOWN OF ORO VALLEY**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT “A”

## WATER UTILITY EASEMENT

**MIDFIRST BANK**, a federally chartered savings association, ("Grantor"), does hereby grant to the **TOWN OF ORO VALLEY**, a municipal corporation of the State of Arizona ("Grantee"), a perpetual easement and right-of way for ingress and egress on, over, under, and through those paved roadways and driveways intended for vehicular travel and existing from time to time on the burdened land as legally described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Property"). Grantee is also hereby granted a perpetual water utility easement and the right to lay, construct, operate, maintain, inspect, repair, replace, relocate and remove underground water utility pipelines and appurtenances (collectively, the "Utility Facilities") on, over, under, and through those portions of the Property that are included within the "Easement Premises" as shown in Exhibit "B", attached hereto and incorporated herein by this reference (the "Easement Premises").

Grantee may enter the Property at all reasonable times necessary or convenient to accomplish the foregoing. Following entry for the above purposes, Grantee shall restore the Property to a good and clean condition, and if the Property is paved, restore said pavement to as close to original condition as possible.

This easement is subject to the following conditions:

1. Grantor may use said right-of-way and easement for any purposes not inconsistent with actual use of said right-of-way and utility easement for the purposes herein granted, so long as Grantee's use and access to this right-of way and easement is not obstructed.
2. Grantor warrants that Grantor holds good title to the Property, and thereby has the authority and right to enter into this agreement.
3. All easements and rights described herein are easements and rights running with the land, perpetually in force and effect, and at all times shall inure to the benefit of, and are binding on, Grantee and Grantor, their successors and assigns, respectively.
4. Any and all easements and rights granted herein shall be freely assignable by Grantee.
5. Reference in subsequent deeds of conveyance, or in any mortgage or deed of trust or other evidence of obligation, to the easements and rights described in this conveyance within any subsequent conveyance of the burdened land or assignment of easement and or easement rights shall be sufficient to create and reserve such easements and rights to the respective grantees, mortgagees, and trustees of such unit of ownership

as fully and completely as though such easements and rights were recited fully and set forth in their entirety in such documents.

6. The Utility Facilities installed in the Easement Premises will be installed at or below surface grade so as not to interfere with vehicular or pedestrian travel.
7. After installation, the Utility Facilities will be maintained by Grantee in good and operating condition unless otherwise abandoned under Section 11 herein.
8. Grantee will use reasonable care to avoid damage to the Easement Premises, the Property or any of Grantor's improvements therein.
9. Grantee, in its use of this right-of way and easement will not unreasonably interfere with access, ingress and egress between the Property and adjacent public rights-of-way.
10. Grantee will indemnify and defend Grantor against loss or liability arising from Grantee's use of the Property or the Easement Premises, and the Utility Facilities, by Grantee, its agents, employees and contractors, including but not limited to the costs of repairing or maintaining any water main located within said easement and right-of-way.
11. This easement is subject to all matters of record. If Grantee abandons and permanently ceases to use this easement, all rights granted under this easement cease and revert to Grantor, its successors and assigns.

THIS EASEMENT granted this 9 day of SEPTEMBER 2010.

**GRANTOR**

**MIDFIRST BANK, a federally chartered savings association**

By: \_\_\_\_\_

Its: AVP PROJECT MANAGER

STATE OF ARIZONA     )  
  )ss.  
County of Maricopa     )

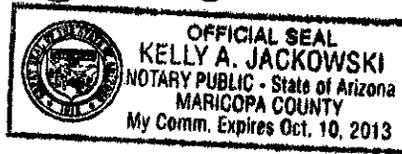
The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of August, 2010, by Scott Marshall, the AVP of Midfirst Bank.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

Oct. 10, 2013



GRANTEE

TOWN OF ORO VALLEY, a municipal corporation of the State of Arizona

\_\_\_\_\_  
Satish Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie K. Bower, Town Clerk

\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit "A"**

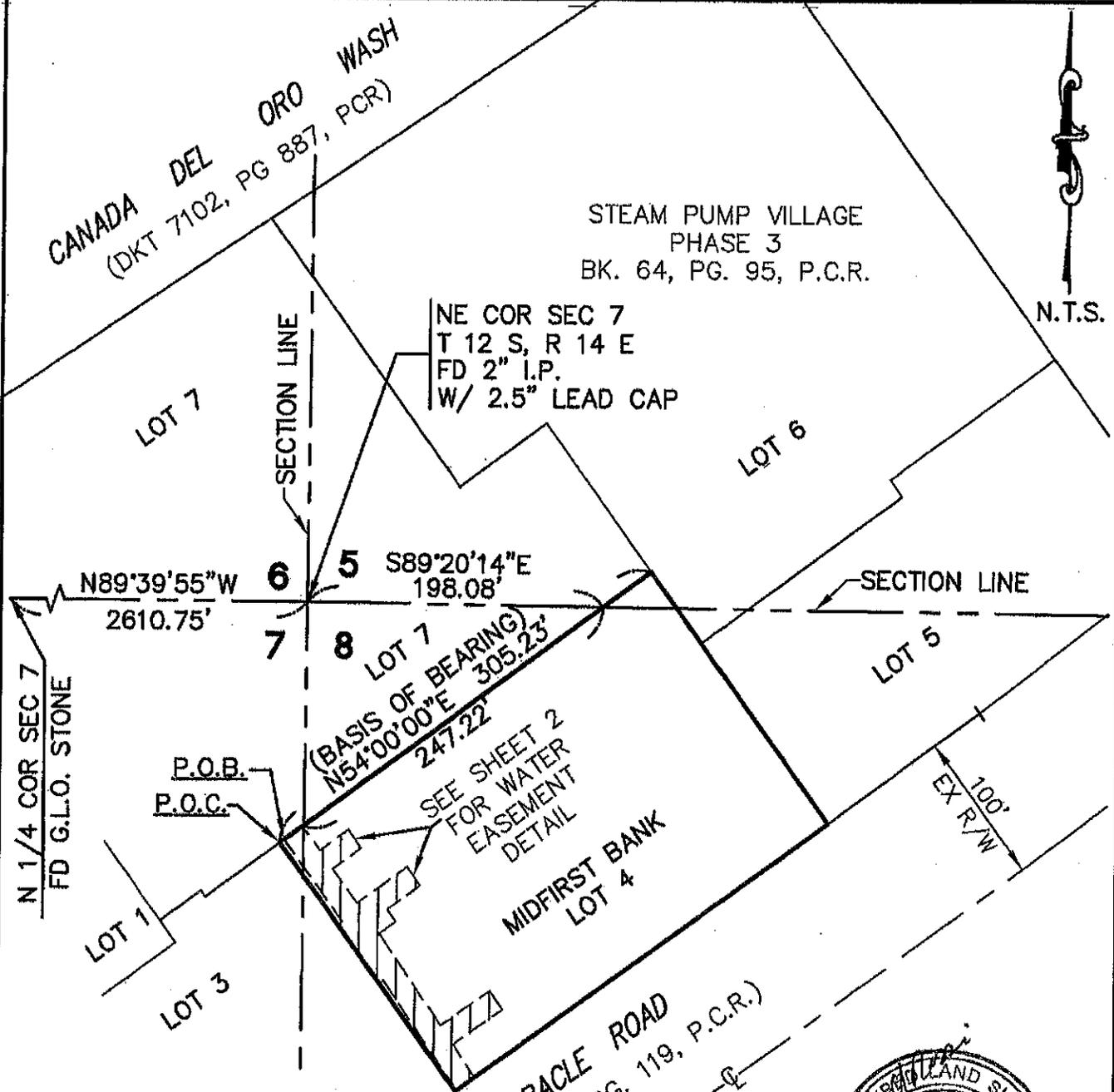
**Lot 4 OF STEAM PUMP VILLAGE PHASE 3, ACCORDING TO THE PLAT OF  
RECORD IN THE OFFICE OF THE COUNTY RECORDER OF PIMA COUNTY  
ARIZONA, RECORDED IN BOOK 64 OF MAPS, PAGE 95.**

Exhibit "B"

STEAM PUMP VILLAGE - PHASE 3  
EXHIBIT - PROPOSED 15' WATER EASEMENT - LOT 4 (MIDFIRST BANK)

Job No: 3-07003

S:\3-06080 (Steam Pump Ph III)\DWG\Exhibits\REVISED WATER ESMT EXHIBIT MID-FIRST.dwg, 8/17/2010 1:28:46 PM, brossi



**OPTIMUS**  
SURVEY SERVICES  
4650 E. COTTON CENTER BOULEVARD  
SUITE 140  
PHOENIX, AZ 85040  
PH: (602) 286-9300 FAX: (602) 286-9400



NOTE:  
SEE SHEET 3 FOR  
COURSE TABLE

STEAM PUMP VILLAGE - PHASE 3  
 EXHIBIT - PROPOSED 15' WATER EASEMENT - LOT 4 (MIDFIRST BANK)

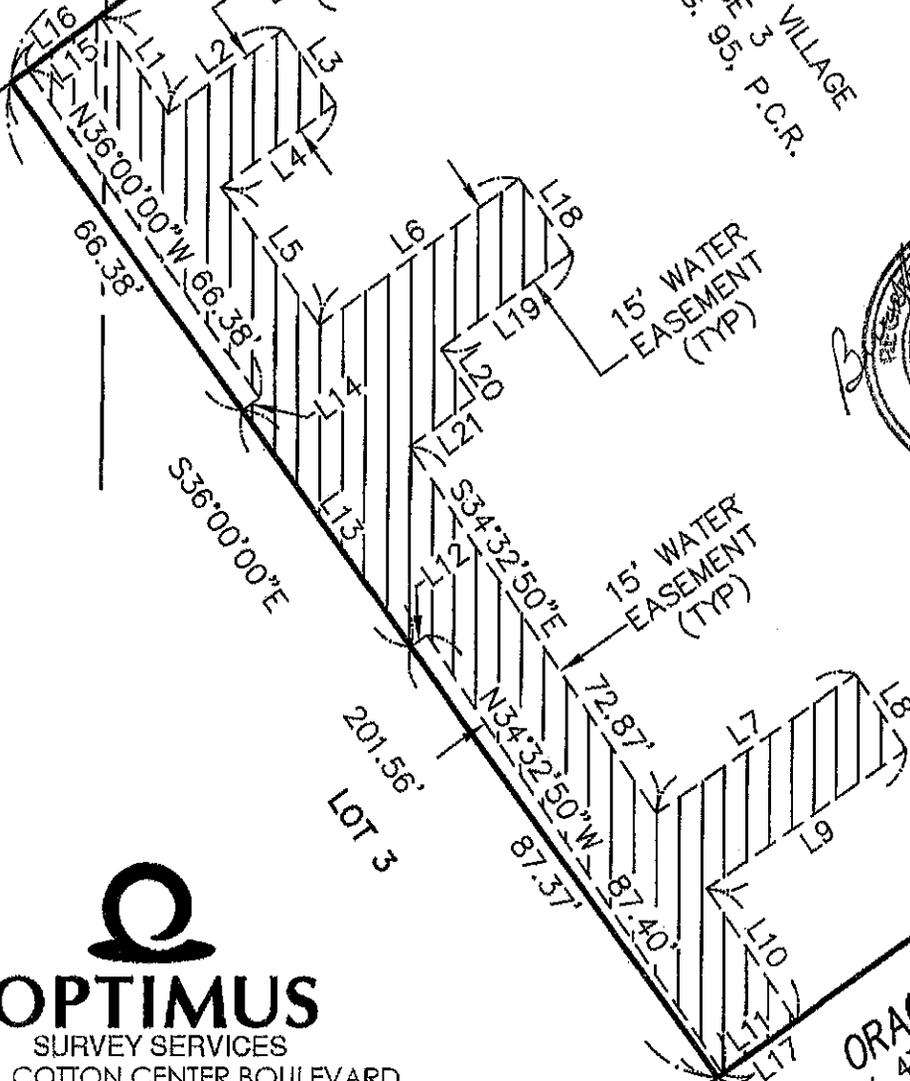
Job No: 3-07003

SECTION LINE

LOT 7  
 N 54°00'00" E 305.23'

15' WATER EASEMENT (TYP)

LOT 4  
 STEAM PUMP VILLAGE  
 BK. 64, PG. 95, P.C.R.



**OPTIMUS**  
 SURVEY SERVICES  
 4650 E. COTTON CENTER BOULEVARD  
 SUITE 140  
 PHOENIX, AZ 85040  
 PH: (602) 286-9300 FAX: (602) 286-9400

ORACLE ROAD  
 (BK 479, PG. 119, PCR)

NOTE:  
 SEE SHEET 3 FOR  
 COURSE TABLE

S:\3-06080 (Steam Pump Ph III)\DWGS\EXHIBITS\REVISED WATER ESMI EXHIBIT1 MID-FIRST.dwg, 8/17/2010 1:29:23 PM, BRSSI

**STEAM PUMP VILLAGE - PHASE 3**  
**EXHIBIT - PROPOSED 15' WATER EASEMENT - LOT 4 (MIDFIRST BANK)**

**Job No:**  
**3-07003**

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S36°00'00"E	19.65'
L2	N54°00'00"E	23.30'
L3	S36°00'00"E	15.00'
L4	S54°00'00"W	23.30'
L5	S36°00'00"E	27.83'
L6	N54°00'00"E	41.00'
L7	N55°27'10"E	40.37'
L8	S34°32'50"E	15.00'
L9	S55°27'10"W	40.37'
L10	S34°32'50"E	26.47'
L11	S54°28'00"W	15.00'
L12	S54°00'00"W	3.31'
L13	N36°00'00"W	47.81'
L14	N54°00'00"E	3.50'
L15	N54°00'00"E	15.00'
L16	N54°00'00"E	3.50'
L17	N54°28'00"E	1.09'
L18	S36°00'00"E	15.00'
L19	S54°00'00"W	26.99'
L20	S36°00'00"E	9.90'
L21	S54°00'00"W	13.51'



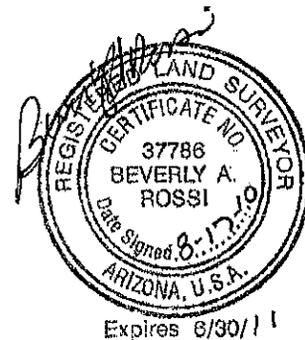
**SURVEY SERVICES**

4650 E. COTTON CENTER BOULEVARD

SUITE 140

PHOENIX, AZ 85040

PH: (602) 286-9300 FAX: (602) 286-9400



**Prepared By:** BAR

**Date:** 8/17/10

**Checked By:** SAW

**Sheet No:** 3 Of 3

S:\3-06080 (Steam Pump Ph III)\Dwgs\EXHIBITS\REVISED WATER ESM1 EXHIBIT MID-FIRST.dwg, 8/17/2010 1:51:34 PM, grossi



**LEGAL DESCRIPTION**  
**STEAM PUMP VILLAGE-PHASE 3**  
**PROPOSED 15' WATER EASEMENT**  
**LOT 4 (MIDFIRST BANK)**

A PORTION OF LOT 4 OF STEAM PUMP VILLAGE PHASE 3 AS SHOWN ON FINAL PLAT RECORDED IN BOOK 64, PAGE 95, PIMA COUNTY RECORDS (P.C.R.) LYING WITHIN SECTIONS 7 AND 8, TOWNSHIP 12 SOUTH, RANGE 14 EAST OF THE GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE WESTERLY CORNER OF SAID LOT 4, FROM WHICH THE NORTHERLY CORNER OF SAID LOT 4 BEARS N. 54°00'00" E. (BASIS OF BEARING), A DISTANCE OF 305.23 FEET;**

**THENCE N. 54°00'00" E. ALONG THE NORTHWESTERLY LINE OF SAID LOT 4, A DISTANCE OF 3.50 FEET TO THE POINT OF BEGINNING;**

**THENCE CONTINUING N. 54°00'00" E., A DISTANCE OF 15.00 FEET;**

**THENCE DEPARTING PERPENDICULAR TO SAID NORTHWESTERLY LINE, S. 36°00'00" E., A DISTANCE OF 19.65 FEET;**

**THENCE N. 54°00'00" E., A DISTANCE OF 23.30 FEET;**

**THENCE S. 36°00'00" E., A DISTANCE OF 15.00 FEET;**

**THENCE S. 54°00'00" W., A DISTANCE OF 23.30 FEET;**

**THENCE S. 36°00'00" E., A DISTANCE OF 27.83 FEET;**

**THENCE N. 54°00'00" E., A DISTANCE OF 41.00 FEET;**

**THENCE S. 36°00'00" E., A DISTANCE OF 15.00 FEET;**

**THENCE S. 54°00'00" W., A DISTANCE OF 26.99 FEET;**

**THENCE S. 36°00'00" E., A DISTANCE OF 9.90 FEET;**

**THENCE S. 54°00'00" W., A DISTANCE OF 13.51 FEET;**

THENCE S. 34°32'50" E., A DISTANCE OF 72.87 FEET;

THENCE N. 55°27'10" E., A DISTANCE OF 40.37 FEET;

THENCE S. 34°32'50" E., A DISTANCE OF 15.00 FEET;

THENCE S. 55°27'10" W., A DISTANCE OF 40.37 FEET;

THENCE S. 34°32'50" E., A DISTANCE OF 26.47 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 4;

THENCE S. 54°28'00" W. ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 15.00 FEET;

THENCE DEPARTING SAID SOUTHEASTERLY LINE, N. 34°32'50" W., A DISTANCE OF 87.40 FEET;

THENCE S. 54°00'00" W., A DISTANCE OF 3.31 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 4;

THENCE N. 36°00'00" W. ALONG SAID SOUTHWESTERLY LINE, A DISTANCE OF 47.81 FEET;

THENCE DEPARTING PERPENDICULAR TO SAID SOUTHWESTERLY LINE, N. 54°00'00" E., A DISTANCE OF 3.50 FEET;

THENCE N. 36°00'00" W., A DISTANCE OF 66.38 FEET THE POINT OF BEGINNING.

THE ABOVE DESCRIBED EASEMENT CONTAINS 4,905 SQUARE FEET OR 0.11 ACRES, MORE OR LESS.





**Town Council Regular Session**

**Item # L.**

**Meeting Date:** 06/15/2011

**Requested by:** Stacey Lemos

**Submitted By:**

Stacey Lemos, Finance

**Department:** Finance

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**Information**

**SUBJECT:**

Resolution No. (R)11-43, Amending the Town of Oro Valley Personnel Policies and Procedures Manual to Update Policy 10, Attendance and Leaves, Section 3, Personal and Immediate Family Sick Leave, to Provide for Payment of Unused Sick Leave in the Event of the Death of an Employee

**RECOMMENDATION:**

Staff recommends approval.

**EXECUTIVE SUMMARY:**

A request to amend the Town's policy regarding sick leave payout in the event of an employee's death was made by the Public Safety Negotiation Committee (PSNC) during the FY 2010/11 Meet and Confer process with the Management Negotiation Committee (MNC). It was mutually agreed between both committees to recommend approval of the following changes to Policy 10, Attendance and Leaves, Section 3, Personal and Immediate Family Sick Leave of the Town's Personnel Policies and Procedures:

IN THE EVENT OF THE DEATH OF AN EMPLOYEE, FIFTY PERCENT (50%) OF THE DECEASED EMPLOYEE'S UNUSED SICK LEAVE WILL BE PAYABLE TO THE EMPLOYEE'S SPOUSE OR OTHER DESIGNATED BENEFICIARY. IF THE EMPLOYEE'S DEATH OCCURRED AS A RESULT OF PERFORMING HIS/HER JOB DUTIES, ONE HUNDRED PERCENT (100%) OF THE EMPLOYEE'S ACCUMULATED SICK LEAVE IS PAYABLE TO THE SPOUSE OR OTHER DESIGNATED BENEFICIARY. THIS LUMP SUM PAYMENT WILL BE MADE TO THAT DESIGNEE WITHIN THREE BUSINESS DAYS OF THE DEATH. THE FORM OF PAYMENT WILL BE AT THE DISCRETION OF THE TOWN FINANCE DIRECTOR.

The current policy allows one half (1/2) of the sick leave balance in excess of 480 hours to be paid to the estate of the deceased employee in the event of their death.

**BACKGROUND OR DETAILED INFORMATION:**

The Management Negotiation Committee (MNC) was agreeable to the above request from the PSNC as a means for assisting the family of a deceased employee with funeral and other related expenses. While this policy change was requested by the PSNC, it would be applicable to all Town employees, and the amendments to the policy have been written as such.

**FISCAL IMPACT:**

These changes are not anticipated to result in a significant fiscal impact to the Town. In the past five years, two (2) Town employees have passed away due to non-job related causes while employed with the Town.

**SUGGESTED MOTION:**

I MOVE to adopt RESOLUTION NO. (R)11-43, AMENDING THE TOWN OF ORO VALLEY PERSONNEL POLICIES AND PROCEDURES MANUAL TO UPDATE POLICY 10, ATTENDANCE AND LEAVES, SECTION 3, PERSONAL AND IMMEDIATE FAMILY SICK LEAVE, TO PROVIDE FOR PAYMENT OF UNUSED SICK LEAVE IN THE EVENT OF THE DEATH OF AN EMPLOYEE.

or

I MOVE to...

---

**Attachments**

Reso 11-43

**RESOLUTION NO. (R)11-43**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA AMENDING THE TOWN OF ORO VALLEY PERSONNEL POLICIES AND PROCEDURES MANUAL TO UPDATE POLICY 10, ATTENDANCE AND LEAVES, SECTION 3, PERSONAL AND IMMEDIATE FAMILY SICK LEAVE, TO PROVIDE FOR PAYMENT OF UNUSED SICK LEAVE IN THE EVENT OF THE DEATH OF AN EMPLOYEE**

**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**, pursuant to Section 3-3-1 of the Oro Valley Town Code, the Town Council is empowered to create a personnel system which applies to all Town employees except elected officials; and

**WHEREAS**, Section 3-3-2 of the Oro Valley Town Code provides that the Town Council may adopt rules and regulations pertaining to employment with the Town; and

**WHEREAS**, it has become necessary to update Policy 10, Attendance and Leaves, Section 3, Personal and Immediate Family Sick Leave, of the Policies and Procedures Manual which governs employment with the Town to provide for payment of unused sick leave in the event of the death of an employee; and

**WHEREAS**, it is in the best interest of the Town and its employees to update Policy 10, Attendance and Leaves, Section 3, Personal and Immediate Family Sick Leave, of the Town of Oro Valley Personnel Policies and Procedures Manual.

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

**SECTION 1.** The amendment to Policy 10, Attendance and Leaves, Section 3, Personal and Immediate Family Sick Leave, of the Town of Oro Valley Personnel Policies and Procedures Manual, attached hereto as Attachment "A" and incorporated herein by this reference, with additions in all caps and deletions shown in ~~striketrough text~~, is hereby adopted.

**SECTION 2.** If any portion of the Personnel Polices and Procedure Manual is found to not be enforceable by a court of competent jurisdiction, that portion shall be declared severable, and the remainder of the manual will remain in full force and effect.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Oro Valley, Arizona this 15th day of June, 2011.

**TOWN OF ORO VALLEY**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **ATTACHMENT “A”**

**POLICY 10**  
**ATTENDANCE AND LEAVES**

SECTION 3. Personal and Immediate Family Sick Leave: Paid sick leave shall be accrued by all eligible employees of the Town. Sick leave is offered as a benefit to help minimize employee financial hardship as the result of legitimate illnesses or medical needs. Sick leave is not intended to be used as additional annual leave or for discretionary purposes.

Employees who become ill, are injured or require medical treatment are entitled to take sick leave with full pay for up to the total number of sick days available to that employee. Employees may use sick leave to care for an ill family member who is part of the immediate family, living in the same household with the employee, or when the absence qualifies under the provisions of the Family Medical Leave Act (see FMLA Section 11).

Full-time employees accumulate sick leave at the rate of 3.6923 hours per pay period (equivalent to one 8-hour day per month). Part-time employees whose normal week is budgeted at twenty (20) hours or more, but less than 32 hours per week, shall accrue sick leave at half the rate of full-time employees. Part-time employees whose normal work week is budgeted at less than twenty (20) hours do not accrue sick leave.

Unused sick leave shall be allowed to be carried forward from year to year. Once an employee has exceeded 480 hours of accrued sick leave, one-half (1/2) of the sick leave balance in excess of the 480 hours shall be paid to the employee upon separation from employment, except that employees terminated for cause will not receive any payout for unused sick leave. ~~In the event an employee is terminated due to becoming deceased, one half (1/2) of the sick leave balance in excess of the 480 hours shall be paid to the estate of the former employee.~~

IN THE EVENT OF THE DEATH OF AN EMPLOYEE, FIFTY PERCENT (50%) OF THE DECEASED EMPLOYEE'S UNUSED SICK LEAVE WILL BE PAYABLE TO THE EMPLOYEE'S SPOUSE OR OTHER DESIGNATED BENEFICIARY. IF THE EMPLOYEE'S DEATH OCCURRED AS A RESULT OF PERFORMING HIS/HER JOB DUTIES, ONE HUNDRED PERCENT (100%) OF THE EMPLOYEE'S ACCUMULATED SICK LEAVE IS PAYABLE TO THE SPOUSE OR OTHER DESIGNATED BENEFICIARY. THIS LUMP SUM PAYMENT WILL BE MADE TO THAT DESIGNEE WITHIN THREE BUSINESS DAYS OF THE DEATH. THE FORM OF PAYMENT WILL BE AT THE DISCRETION OF THE TOWN FINANCE DIRECTOR.

Annually, as of the first day of the pay period following July 1, any unused portion of the first seven days (56 hours) of sick leave accrued in excess of a total of 480 hours since July 1 of the preceding fiscal year will be transferred to annual leave. The transfer will occur automatically unless the employee requests in writing to the human resources department that the sick leave not be transferred. (Only that portion of the first 56 hours of unused sick leave that is in excess of the 480 hour total may be transferred.) In addition, in no situation shall an employee be allowed to accrue more annual leave than they can accrue in an 18 month period (see Section 2). Should

an employee already have an 18 month accrual of annual leave, all unused sick leave will simply continue to accrue. Introductory employees may use accrued sick leave. Sick leave is accrued on a prorated basis per pay period.

In order to receive compensation while absent on sick leave, unless circumstances dictate otherwise, employees shall notify their immediate supervisor prior to or within two (2) (2) hours after the time set for beginning their daily duties. When the absence is for more than five (5) consecutive work days, the employee may be required to file a physician's statement with their immediate supervisor stating the cause of the absence and that the employee was unable to work due to illness. Such absences may be designated as FMLA leave depending on the nature and duration of the absence. The statement should also release the employee to return to work. Employees absent for less than five days may also be required to present a physician's statement if employee health or safety is an issue. All physician statements are to be forwarded to the Human Resources office.

An employee receiving payments under the workers' compensation laws is eligible to receive supplemental pay for up to 180 days of absence due to a work-related injury or illness. Any payment received through workers' compensation insurance must be remitted to the Town and the employee will receive his or her full salary without sick leave, annual leave or comp time leave balances being affected for up to 180 days. If employee is released to return to work at full capacity or in a light duty capacity and refuses to return to work, this benefit is no longer available. After 180 days of supplemental pay, if the employee is unable to return to work the employee may choose to use his or her paid leave in addition to any workers' compensation insurance payments in order to continue to maintain regular income. In the event an employee has used all of his or her accrued paid time off benefits and is unable to return to work, he or she may be eligible for donations of paid time off in accordance with section 13 of this policy. The purpose of this policy is to reduce economic hardship as a result of a work-related injury or illness; however, the employee should not realize a financial gain as a result of injury or illness.



**Town Council Regular Session**

**Item # M.**

**Meeting Date:** 06/15/2011

**Requested by:** Stacey Lemos

**Submitted By:**

Stacey Lemos, Finance

**Department:** Finance

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**Information**

**SUBJECT:**

Resolution No. (R)11-44, Approving a Memorandum of Understanding Between Public Safety Employees and the Town of Oro Valley Pursuant to Chapter 4, Section 4-1-8 of the Town Code, Public Safety Employee Relations And Processes

**RECOMMENDATION:**

Staff recommends approval.

**EXECUTIVE SUMMARY:**

Presented herein is the Memorandum of Understanding (MOU) between the Town and the Town's Public Safety Employee Group that has been mutually agreed upon and signed by members of both negotiating groups. Upon approval, this MOU will be effective for the fiscal year beginning July 1, 2011 through June 30, 2012.

The MOU and related attachments (please see Exhibit A) were developed by the Public Safety Negotiation Committee (PSNC) and the Management Negotiation Committee (MNC) after a series of meetings over the past few months. Both parties are in agreement as to the terms and conditions that are contained herein.

**BACKGROUND OR DETAILED INFORMATION:**

In 2004, the Town Council adopted Ordinance No. (O)04-28 which established a "Meet and Confer" process for public safety employees. This Ordinance was modified in November 2005 by Ordinance No. (O)05-44 (please see attached) which refined and clarified some of the language in the original ordinance.

The PSNC's representation is determined by eligible employees within the Police Department and includes "police officers with a rank of sergeant and below and non-exempt civilian employees." The following members of the police department negotiated the MOU on behalf of the Public Safety Employee Group:

- Kevin Mattocks, Police Officer
- Michael Bott, Police Officer
- Kevin Peterson, Police Officer
- Marshall Morris, Police Officer
- Zach Pierce, Police Officer

The MNC membership was assigned by the Town Manager and includes the following employees:

- Stacey Lemos, Finance Director
- Betty Dickens, Human Resources Director
- Jason Larter, Police Commander
- Brian Garrity, Procurement Administrator

The MNC negotiated with concurrence from the Town Manager, Police Chief and Town Attorney.

The primary area of change resulting from the meet and confer process is a proposed amendment to Town Personnel Policies and Procedures, Policy 10, Attendance and Leaves, Section 3. Personal and Immediate Family Sick Leave regarding the payout of accrued sick leave in the event of a death of an employee. The MNC and the PSNC mutually agreed to recommend revisions to this policy allowing 50% of an employee's entire sick leave balance to be payable to the employee's spouse or designated beneficiary in the event the employee dies from non-job related causes while employed with the Town. The policy change also includes the provision to allow 100% of an employee's entire sick leave balance to be payable to the spouse or designated beneficiary in the event the employee dies as a result of performing his/her job (e.g. a death in the line of duty for a public safety employee).

The current policy provides that in the event of a death of an employee, 50% of the employee's accrued sick leave balance above 480 hours shall be paid to the estate of the deceased employee.

The above recommended changes to the Town's Personnel Policies and Procedures are also included on tonight's agenda for Council consideration.

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to (approve, deny) Resolution No. (R)11-44, Approving a Memorandum of Understanding Between Public Safety Employees and the Town of Oro Valley Pursuant to Chapter 4, Section 4-1-8 of the Town Code, Public Safety Employee Relations And Processes.

---

**Attachments**

Reso 11-44

MOU FY 2011-2012

Meet and Confer Ord. 05-44

**RESOLUTION NO. (R)11-44**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN PUBLIC SAFETY EMPLOYEES AND THE TOWN OF ORO VALLEY PURSUANT TO CHAPTER 4, SECTION 4-1-8 OF THE TOWN CODE, PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES**

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

**WHEREAS**, the Town of Oro Valley is committed to the development and continuation of harmonious and cooperative relationships with all of its employees; and

**WHEREAS**, the Town recognizes the right of public safety employees to join employee associations which comply with the laws of Arizona and to present proposals and testimony to the Town Council, and not to be discharged, disciplined or discriminated against because of the exercise of those rights; and

**WHEREAS**, the continued smooth operation of the Police Department is of great benefit to the residents of Oro Valley and the general public; and

**WHEREAS**, in 2004 the Town Council adopted Ordinance No. (O)04-28 which enacted Town Code Chapter 4, Section 4-1-8, Public Safety Employee Relations and Processes, establishing a meet and confer process for public safety employees and the Town, and the Town Council refined this process through Ordinance No. (O)05-44 on November 2, 2005; and

**WHEREAS**, the Memorandum of Understanding, attached hereto as Exhibit A and incorporated herein by this reference, was negotiated between the Public Safety Negotiation Committee and the Town's Management Negotiation Committee in accordance with Chapter 4, Section 4-1-8, Public Safety Employee Relations and Processes.

**NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that** the Memorandum of Understanding, attached hereto as Exhibit "A", between the Town of Oro Valley and Public Safety Employees is hereby approved.

**BE IT FURTHER RESOLVED** that the Agreement, attached as Exhibit "A", shall be effective for the period of July 1, 2011 through June 30, 2012.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Oro Valley, Arizona this 15th day of June, 2011.

**TOWN OF ORO VALLEY**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT “A”

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
PUBLIC SAFETY EMPLOYEES  
AND THE  
TOWN OF ORO VALLEY  
FOR THE PERIOD JULY 1, 2011 TO JUNE 30, 2012**

This Memorandum of Understanding exists between the Town of Oro Valley and the Public Safety Employee Group as provided for in Town of Oro Valley Ordinance (O) 05-44. We recognize the primary interest of all parties is to provide excellent service through partnerships that build trust, prevent crime and promote a safe environment to enhance the quality of life within our community. This Memorandum addresses the fact that the Town strives to provide for working conditions, wages and benefits in a consistent manner, as outlined in the Town of Oro Valley Personnel Policies and Procedures, while recognizing that there are additional considerations related to specific job positions. This Memorandum of Understanding will address those considerations and/or clarifications as they pertain to job positions of the Public Safety Employee Group.

Compensation

Police officers, police officers assigned as lead officers, detectives, sergeants, dispatchers, dispatchers assigned as lead dispatchers, communications supervisors, records specialists, records supervisors, property forensics technicians, and lead information technician/forensic technicians are compensated pursuant to a Step Pay Plan (Attachment A) as approved by the Town Council for each fiscal year. These members, whose annual performance appraisals are approved by the Chief of Police, and whose performance appraisals indicate acceptable performance by at least meeting requirements/expectations in accordance with the current appraisal system ratings in effect at the time will be compensated at the next higher step plan rate for the position if approved by the Town Council each fiscal year.

Office assistants, office specialists, receptionists, crime analysts, senior office specialists, and police administrative service managers are compensated pursuant to Town of Oro Valley Personnel Policies and Procedures, Policy 6-Classification, Policy 12-Compensation and Policy 13-Pay Adjustments. These members receive annual merit increases based on the summary of all factors rated in annual performance reviews approved by the Chief of Police in accordance with the current Town of Oro Valley performance evaluation procedure in effect at the time and the list of Job Classifications in salary grade order detailing salary ranges (Attachment B) if such merit increases are approved by Town Council each fiscal year.

An annual adjustment may be authorized by the Town Council each fiscal year. In the event an annual adjustment is authorized, such adjustment will be applied to employees on the step pay plan and to employees on the salary grade plan.

Members assigned as motor officers, school resource officers, field training officers and canine handlers will be compensated with an additional \$40 per week (\$80 per bi-

weekly pay period) "special assignment" pay. Additional assignments may be included for assignment pay at the direction of the Chief of Police.

Police officers assigned as investigators in the Detective Unit of the Oro Valley Police Department will be compensated at the detective pay rate commensurate with the step reached through years of service as police officers. Detectives and police officers assigned as investigators in the Detective Unit of the Oro Valley Police Department will receive annual performance reviews and compensation step increase consideration based on the anniversary date of their assignment as sworn police officers.

Members will receive additional on-call pay at a rate of \$1.00 per hour in accordance with Town of Oro Valley Personnel Policies and Procedures, Policy 28-On-Call and emergency Call-Out Pay.

Members will receive shift differential pay at a rate of \$1.00 per hour for regular scheduled hours worked between the hours of 1800 and 0600 hours. It is the *member's responsibility* to indicate hours subject to shift differential on payroll time sheets when the time sheets are submitted. If a member works a shift that includes hours subject to shift differential pay as a result of a shift trade with another member, the member who was scheduled to work that time will receive the shift differential pay. Members must keep this in mind when they work out a shift trade with another member.

Members will be compensated with overtime pay at a rate 1.5 times their regular hourly rate or accrue compensatory time pursuant to Town of Oro Valley Personnel Policies and Procedures, Policy 14-overtime. Paid leave time may be considered part of a member's normal work period for the calculation of overtime compensation as long as the paid leave time is not the same shift day as that for which overtime compensation is requested. However, if the member was called out during hours other than the member's regular hours of work on a day where paid leave time was used for normal work hours they may receive overtime compensation for the time worked related to the call out.

Members who are called into work during hours other than the member's regular hours and/or days of work shall be compensated by two hours of overtime or the actual time spent working whichever is greater. If the member is called into work within 60 minutes of the completion of the member's normal work period, the member shall be compensated for overtime from the end of his or her normal work period until the member completes the assignment, is no longer required, or goes off-duty. If a member's normal work period begins within the two hour period of being called into duty, the overtime shall be compensated from the call in time to the beginning of the normal work period.

Members who are required to attend any pretrial hearing, Motor Vehicle Division hearing, civil or criminal trial to carry out the member's departmental duty during hours other than the member's regular hours and/or days of work shall be compensated by three hours of overtime or the actual time spent in attendance, whichever is greater. If the attendance is required within 60 minutes of the member's normal work period, the member shall be compensated for overtime from the end of his or her normal work

period to the end of the required appearance. If a member's normal work period begins within the three hour period of a required appearance, the overtime shall be compensated from the appearance time to the beginning of the normal work period. Members who are required to attend additional hearings or trials in one day shall not receive a second minimum 3-hour period of overtime compensation unless the additional appearance is required more than 60 minutes from the end of the three hour period or release from previous required appearance, whichever is later.

Members in certified peace officer positions, dispatchers, dispatchers assigned as lead dispatchers, communications supervisors, and forensic technicians will be compensated for a 30 minute meal period as part of their regular work period as long as these members remain available to immediately respond to provide service when necessary during the meal period.

### Work schedules

Members' work week will remain flexible and assigned by Department management to best meet the needs of the Town. Job descriptions are available for all members' positions; these descriptions may further define work schedules.

Work schedules for uniformed patrol assignments will be four consecutive days of ten hours with a regularly scheduled minimum of ten hours rest period between shifts. Adjustments to the regular work schedule may be made by supervisors to address court appearances, training requirements, deployment shortages, regular shift change conflicts, and other special needs of the member or department. The basic four consecutive days of ten hours scheduling for uniformed patrol assignments will only be changed through direction of the Chief of Police based on critical need to provide service.

### Retirement Benefits

Members eligible for the Public Safety Personnel Retirement system (P.S.P.R.S. 20 year retirement plan for certified peace officers) shall contribute a percentage of their salary and the Town shall contribute an additional percentage of the member's salary as outlined in the Arizona Revised Statutes. Percentages may fluctuate annually depending on actions of the State of Arizona.

Members who elect to "drop" in the Public Safety Personnel Retirement system receive an additional percentage contribution of the member's salary from the Town commensurate with the current rate of employer contribution for Arizona State Retirement System members (which percentages may fluctuate annually depending on actions of the State of Arizona) into a "457" deferred compensation plan for the member.

Members eligible for the Corrections Officer Retirement Plan (C.O.R.P. 25 year retirement plan for dispatchers, lead dispatchers and communications supervisors) contribute a percentage of salary and the Town shall contribute an additional

percentage of the member's salary as outlined in the Arizona Revised Statutes. Percentages may fluctuate annually depending on actions of the State of Arizona.

All remaining members will participate in the Arizona State Retirement System (defined benefit plan for all members not eligible for P.S.P.R.S. or C.O.R.P.) and shall contribute a percentage of salary and the Town shall contribute an additional percentage of the member's salary as outlined in the Arizona Revised Statutes. Percentages may fluctuate annually depending on actions of the State or the member's salary.

#### Additional Retirement Benefit/Duty Weapon Purchase Request

A member who retires from a certified Peace Officer position with 10 or more years of service with the Oro Valley Police Department with the P.S.P.R.S. or equivalent secondary retirement benefits, is eligible to make a request by memorandum to the Chief of Police for purchase of a specific issued duty weapon for \$1.00 as authorized under Arizona Revised Statute 38-845.F. If such request is approved by the Chief of Police, the member shall present the memorandum endorsed by the Chief to property section personnel, along with the \$1.00 payment receipt, to obtain the weapon. Property section personnel will complete a property sheet and obtain the signature of the retiring officer receiving the weapon.

#### Uniforms and Equipment

Members in certified peace officer positions and forensic technicians will receive \$1,200 annually in quarterly payments of \$300 after the first year of service. New officers and forensic technicians receive a \$1,200 lump sum payment upon hire to purchase and maintain uniforms, clothing and equipment sufficient to comply with OVPD Rules Chapter 12.

Members in certified peace officer positions will receive a stipend toward the purchase of a ballistic vest of their choice every five years. The vest must meet or exceed National Institute of Justice Standards 0101.03 and 0101.04, "Ballistic Resistance of Personal Body Armor".

Members in certified peace officer positions will be issued a duty weapon, duty belt, chemical defense agent, baton, pocket recorder and duty belt accessories to carry equipment normally carried on the duty belt. Other specialty equipment may be issued to members as approved by the Chief of Police.

If a newly hired certified peace officer or forensic technician terminates employment with the Town of Oro Valley for any reason within the first 12 months after their date of hire, a pro-rated portion (calculated as a percentage of days employed out of a total 365 calendar year days) of the original \$1,200 uniform allowance advance will be owed to the Town and shall be deducted from the employee's final paycheck.

A member who receives uniform allowance and must spend over the \$1,200 uniform allowance, in any year of service to maintain compliance with OVPD Rules & Procedures, for the repair or replacement of uniforms, clothing, and equipment items

damaged, lost or stolen in the performance of assigned duty without fault or negligence of the member shall be reimbursed by the Town for those costs over \$1,200 when documentation of the loss and additional costs are provided and the Chief of Police approves the reimbursement.

#### Notice of Proposed Additions or Changes to Personnel Policies and Procedures

It is understood that policy and procedures are operational matters reserved to management discretion. At any time the Town may propose to the Town Council changes or additions to the Town of Oro Valley Personnel Policies and Procedures that could potentially affect wages, benefits, hours, safety regulations and/or other working conditions of the public safety employee group, which have not been issues subject to the meet and confer process related to the current Memorandum of Understanding. Should the Town propose such additions or changes the Town will notify the most recent members of the Public Safety Negotiation Committee (PSNC) of any proposed additions or changes to these policies and procedures to allow the opportunity for the PSNC to provide input to management or the Council on the proposed changes or additions. Notification to the PSNC will be no later than the date listed for "council Packets Distributed by the Clerk's Office" (generally approximately 12 days prior to the Council meeting).

To further facilitate communication regarding issues that could potentially affect wages, benefits, hours, safety regulations and/or other working conditions of the Public Safety Employee Group, the group's members are encouraged to subscribe to the list serve service (email subscription) offered on the Town's website to receive emailed information pertaining to their specified areas of interest. In addition, a member designated by the Public Safety Negotiations Committee will be added to the email distribution list that transmits the Town Council Agenda Management Report from the Town Clerk's Department.

#### Oro Valley Police Department Member Benefits

In addition to the items above, the Management Negotiations Committee is committed to revisiting the Town's Grievance Policy, Policy 18 of the Personnel Policies and Procedures Manual, as requested by the Public Safety Negotiations Committee, and the possible creation of an employee-based review team to address policy changes or improvements during FY 2011/12.

In addition to the Member benefits described herein, there is a current list of Member benefits and/or working conditions provided through the Town of Oro Valley (Attachment C).

At the time of the mid-year budget review for FY 2011/12, the Management Negotiations Committee and the Public Safety Negotiations Committee agree to evaluate the available fiscal capacity to allow for possible funding of cost of living adjustments (COLAs) or step increases, subject to approval by the Mayor and Council. Based on information provided by the MNC to the PSNC during negotiations, the estimated cost of a 2.5% COLA for the members of the Public Safety Employee Group

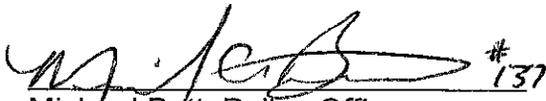
is approximately \$200,000, including related benefits. Step plan increases were not funded during fiscal years 2007/08, 2009/10 and 2010/11. The following shows what the estimated full-year cost impacts would have been of those step increases, had they been funded: FY 2007/08 (\$189,617), FY 2009/10 (\$202,040), and FY 2010/11 (\$199,026).

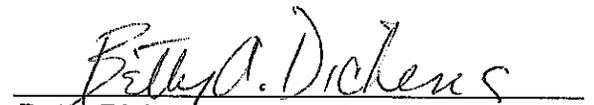
The Consumer Price Index (CPI) provided by the University of Arizona Eller College of Management, Economic and Business Research Center has been used as the source for benchmarking prior cost of living adjustments (COLAs) for Town employees. Any possible future cost of living adjustments would be established at the discretion and approval by the Mayor and Council.

Signed and dated:

**Public Safety Negotiation Committee:**

**Management Negotiation Committee:**

  
Michael Bott, Police Officer #137

  
Betty Dickens, Human Resources Director

K. MATTOCKS #153 (TELEPHONIC)  
Kevin Mattocks, Police Officer *MB*

  
Brian Garrity, Procurement Administrator

  
Marshall Morris, Police Officer V-230

  
Jason Larter, Commander

  
Kevin Peterson, Police Officer V-232

  
Stacey Lemos, Finance Director

Z. PIERCE #120 (TELEPHONIC)  
Zach Pierce, Police Officer *MB*

## 2011-2012 Oro Valley Police Department Step Pay Plan

no annual adjustment or steps approved for FY 11-12

Position	New Step 1	New Step 2	New Step 3	New Step 4	New Step 5	New Step 6	New Step 7	New Step 8
Police Officer	\$21.19 \$44,075	\$22.04 \$45,843	\$22.93 \$47,694	\$23.84 \$49,587	\$25.03 \$52,062	\$26.28 \$54,662	\$27.60 \$57,408	\$28.98 \$60,278
Lead Officer	\$22.25 \$46,280	\$23.15 \$48,152	\$24.08 \$50,086	\$25.03 \$52,062	\$26.28 \$54,662	\$27.60 \$57,408	\$28.98 \$60,278	\$30.43 \$63,294
Detective	\$23.31 \$48,485	\$24.25 \$50,440	\$25.22 \$52,458	\$26.22 \$54,538	\$27.54 \$57,283	\$28.91 \$60,133	\$30.36 \$63,149	\$31.88 \$66,310
Sergeant	\$32.95 \$68,536	\$33.77 \$70,242	\$34.63 \$72,030	\$35.48 \$73,798				
Dispatcher	\$17.59 \$36,587	\$18.30 \$38,064	\$19.03 \$39,582	\$19.79 \$41,163	\$20.78 \$43,222	\$21.82 \$45,386	\$22.91 \$47,653	\$24.06 \$50,045
Lead Dispatcher	\$18.29 \$38,043	\$19.03 \$39,582	\$19.79 \$41,163	\$20.58 \$42,806	\$21.61 \$44,949	\$22.69 \$47,195	\$23.82 \$49,546	\$25.01 \$52,021
Communications Supervisor	\$27.35 \$56,888	\$28.02 \$58,282	\$28.74 \$59,779	\$29.45 \$61,256				
Records Specialist	\$14.83 \$30,846	\$15.43 \$32,094	\$16.05 \$33,384	\$16.69 \$34,715	\$17.52 \$36,442	\$18.40 \$38,272	\$19.32 \$40,186	\$20.29 \$42,203
Records Supervisor	\$23.06 \$47,965	\$23.64 \$49,171	\$24.24 \$50,419	\$24.83 \$51,646				
Property Forensics Technician	\$16.95 \$35,256	\$17.64 \$36,691	\$18.35 \$38,168	\$19.07 \$39,666	\$20.03 \$41,662	\$21.03 \$43,742	\$22.08 \$45,926	\$23.19 \$48,235
Lead Information Technician/ Forensics Technician	\$26.10 \$54,288	\$26.74 \$55,619	\$27.43 \$57,054	\$28.10 \$58,448				

## FY 2011-2012 SALARY RANGES IN PAY RANGE ORDER

JOB TITLE	Salary Range	Hrly/Annual	Minimum	Midpoint	Maximum
Town Manager	95	Hourly	59.86	\$74.83	\$89.80
		Annual	\$124,519	\$155,648	\$186,778
Assistant Town Manager	86	Hourly	\$47.94	\$59.92	\$71.91
		Annual	\$99,712	\$124,640	\$149,568
Police Chief	84	Hourly	\$45.62	\$57.03	\$68.44
		Annual	\$94,898	\$118,623	\$142,348
Town Attorney	83	Hourly	\$44.51	\$55.63	\$66.76
		Annual	\$92,576	\$115,720	\$138,864
Deputy Police Chief	82	Hourly	\$43.42	\$54.28	\$65.13
		Annual	\$90,317	\$112,896	\$135,476
Dir. Development & Infrastructure Serv.	82	Hourly	\$43.42	\$54.28	\$65.13
		Annual	\$90,317	\$112,896	\$135,476
Finance Director	82	Hourly	\$43.42	\$54.28	\$65.13
		Annual	\$90,317	\$112,896	\$135,476
Magistrate Judge	82	Hourly	\$43.42	\$54.28	\$65.13
		Annual	\$90,317	\$112,896	\$135,476
Town Engineer	82	Hourly	\$43.42	\$54.28	\$65.13
		Annual	\$90,317	\$112,896	\$135,476
Water Utility Director	82	Hourly	\$43.42	\$54.28	\$65.13
		Annual	\$90,317	\$112,896	\$135,476
Human Resources Director	79	Hourly	\$40.33	\$50.41	\$60.49
		Annual	\$83,878	\$104,847	\$125,817
Information Technology Director	78	Hourly	\$39.34	\$49.18	\$59.01
		Annual	\$81,830	\$102,288	\$122,745
Parks, Rec., Library and Cultural Res Dir.	78	Hourly	\$39.34	\$49.18	\$59.01
		Annual	\$81,830	\$102,288	\$122,745
Town Clerk	78	Hourly	\$39.34	\$49.18	\$59.01
		Annual	\$81,830	\$102,288	\$122,745
Chief Civil Deputy Attorney	77	Hourly	\$38.38	\$47.97	\$57.57
		Annual	\$79,824	\$99,781	\$119,737
Police Commander	77	Hourly	\$38.38	\$47.97	\$57.57
		Annual	\$79,824	\$99,781	\$119,737
Town Prosecutor	77	Hourly	\$38.38	\$47.97	\$57.57
		Annual	\$79,824	\$99,781	\$119,737
Division Manager, Engineering	75	Hourly	\$36.53	\$45.66	\$54.79
		Annual	\$75,982	\$94,978	\$113,973
Division Manager, Permitting	75	Hourly	\$36.53	\$45.66	\$54.79
		Annual	\$75,982	\$94,978	\$113,973
Division Manager, Planning	75	Hourly	\$36.53	\$45.66	\$54.79
		Annual	\$75,982	\$94,978	\$113,973
Economic Development Manager	75	Hourly	\$36.53	\$45.66	\$54.79
		Annual	\$75,982	\$94,978	\$113,973
Water Utility Engineering Division Mngr.	73	Hourly	\$34.77	\$43.47	\$52.16
		Annual	\$72,330	\$90,412	\$108,495
Communications Administrator	72	Hourly	\$33.92	\$42.40	\$50.88
		Annual	\$70,556	\$88,195	\$105,834
Library Services Manager	72	Hourly	\$33.92	\$42.40	\$50.88
		Annual	\$70,556	\$88,195	\$105,834
Procurement Administrator	72	Hourly	\$33.92	\$42.40	\$50.88
		Annual	\$70,556	\$88,195	\$105,834
Div. Manager, Inspection & Compliance	71	Hourly	\$33.09	\$41.36	\$49.63
		Annual	\$68,825	\$86,031	\$103,238
Division Manager, Operations	71	Hourly	\$33.09	\$41.36	\$49.63
		Annual	\$68,825	\$86,031	\$103,238
Police Lieutenant	71	Hourly	\$33.09	\$41.36	\$49.63
		Annual	\$68,825	\$86,031	\$103,238
Water Utility Administrator	71	Hourly	\$33.09	\$41.36	\$49.63
		Annual	\$68,825	\$86,031	\$103,238

JOB TITLE	Salary Range	Hrly/Annual	Minimum	Midpoint	Maximum
Senior Civil Engineer	70	Hourly	\$32.29	\$40.36	\$48.43
		Annual	\$67,157	\$83,947	\$100,736
Conservation & Sustainability Admin.	69	Hourly	\$31.44	\$39.30	\$47.16
		Annual	\$65,395	\$81,744	\$98,093
Court Administrator	69	Hourly	\$31.44	\$39.30	\$47.16
		Annual	\$65,395	\$81,744	\$98,093
Assistant Town Prosecutor	66	Hourly	\$29.25	\$36.57	\$43.88
		Annual	\$60,845	\$76,056	\$91,267
Water Distribution Superintendent	66	Hourly	\$29.25	\$36.57	\$43.88
		Annual	\$60,845	\$76,056	\$91,267
Water Production Superintendent	66	Hourly	\$29.25	\$36.57	\$43.88
		Annual	\$60,845	\$76,056	\$91,267
Accounting Supervisor	65	Hourly	\$28.54	\$35.68	\$42.81
		Annual	\$59,367	\$74,209	\$89,050
Network Administrator	65	Hourly	\$28.54	\$35.68	\$42.81
		Annual	\$59,367	\$74,209	\$89,050
Principal Planner	65	Hourly	\$28.54	\$35.68	\$42.81
		Annual	\$59,367	\$74,209	\$89,050
Safety and Risk Manager	65	Hourly	\$28.54	\$35.68	\$42.81
		Annual	\$59,367	\$74,209	\$89,050
Systems Analyst	65	Hourly	\$28.54	\$35.68	\$42.81
		Annual	\$59,367	\$74,209	\$89,050
Civil Engineer	64	Hourly	\$27.84	\$34.80	\$41.76
		Annual	\$57,910	\$72,388	\$86,865
Stormwater Engineer	64	Hourly	\$27.84	\$34.80	\$41.76
		Annual	\$57,910	\$72,388	\$86,865
Transit Services Administrator	64	Hourly	\$27.84	\$34.80	\$41.76
		Annual	\$57,910	\$72,388	\$86,865
Water Utility Project Manager	64	Hourly	\$27.84	\$34.80	\$41.76
		Annual	\$57,910	\$72,388	\$86,865
Database Analyst	63	Hourly	\$27.16	\$33.95	\$40.74
		Annual	\$56,496	\$70,620	\$84,744
Construction Manager	62	Hourly	\$26.50	\$33.13	\$39.75
		Annual	\$55,123	\$68,904	\$82,685
Assistant to the Town Manager	60	Hourly	\$25.22	\$31.53	\$37.83
		Annual	\$52,463	\$65,579	\$78,695
Senior Planner	60	Hourly	\$25.22	\$31.53	\$37.83
		Annual	\$52,463	\$65,579	\$78,695
Budget & Management Analyst	58	Hourly	\$24.01	\$30.02	\$36.02
		Annual	\$49,951	\$62,439	\$74,926
Civil Engineering Designer	58	Hourly	\$24.01	\$30.02	\$36.02
		Annual	\$49,951	\$62,439	\$74,926
Engineering Design Reviewer	58	Hourly	\$24.01	\$30.02	\$36.02
		Annual	\$49,951	\$62,439	\$74,926
Special Projects Coordinator	58	Hourly	\$24.01	\$30.02	\$36.02
		Annual	\$49,951	\$62,439	\$74,926
Plans Examiner II	57	Hourly	\$23.42	\$29.27	\$35.12
		Annual	\$48,705	\$60,882	\$73,058
Water Utility Regional Coordinator	57	Hourly	\$23.42	\$29.27	\$35.12
		Annual	\$48,705	\$60,882	\$73,058
Communications Specialist	56	Hourly	\$22.86	\$28.57	\$34.29
		Annual	\$47,544	\$59,430	\$71,316
Constituent Services Coordinator	56	Hourly	\$22.86	\$28.57	\$34.29
		Annual	\$47,544	\$59,430	\$71,316
GIS Analyst	56	Hourly	\$22.86	\$28.57	\$34.29
		Annual	\$47,544	\$59,430	\$71,316
Public Information Officer	56	Hourly	\$22.86	\$28.57	\$34.29
		Annual	\$47,544	\$59,430	\$71,316
Building Inspector II	55	Hourly	\$22.30	\$27.87	\$33.45
		Annual	\$46,383	\$57,979	\$69,575
Finance Analyst	55	Hourly	\$22.30	\$27.87	\$33.45
		Annual	\$46,383	\$57,979	\$69,575
Information Technology Technician	55	Hourly	\$22.30	\$27.87	\$33.45
		Annual	\$46,383	\$57,979	\$69,575

JOB TITLE	Salary Range	Hrly/Annual	Minimum	Midpoint	Maximum
Parks Manager	55	Hourly	\$22.30	\$27.87	\$33.45
		Annual	\$46,383	\$57,979	\$69,575
Planner	55	Hourly	\$22.30	\$27.87	\$33.45
		Annual	\$46,383	\$57,979	\$69,575
Plans Examiner I	55	Hourly	\$22.30	\$27.87	\$33.45
		Annual	\$46,383	\$57,979	\$69,575
Senior Accountant	55	Hourly	\$22.30	\$27.87	\$33.45
		Annual	\$46,383	\$57,979	\$69,575
Water Conservation Specialist	55	Hourly	\$22.30	\$27.87	\$33.45
		Annual	\$46,383	\$57,979	\$69,575
Senior Paralegal	54	Hourly	\$21.75	\$27.19	\$32.63
		Annual	\$45,243	\$56,554	\$67,865
Deputy Town Clerk	53	Hourly	\$21.22	\$26.53	\$31.84
		Annual	\$44,145	\$55,181	\$66,218
Employee & Organizational Dev. Analyst	53	Hourly	\$21.22	\$26.53	\$31.84
		Annual	\$44,145	\$55,181	\$66,218
Librarian II	53	Hourly	\$21.22	\$26.53	\$31.84
		Annual	\$44,145	\$55,181	\$66,218
Senior Civil Engineering Technician	53	Hourly	\$21.22	\$26.53	\$31.84
		Annual	\$44,145	\$55,181	\$66,218
Senior Streets & Drainage Crew Leader	53	Hourly	\$21.22	\$26.53	\$31.84
		Annual	\$44,145	\$55,181	\$66,218
Senior Traffic Technician	53	Hourly	\$21.22	\$26.53	\$31.84
		Annual	\$44,145	\$55,181	\$66,218
Executive Assistant to Mngr & Cncl	52	Hourly	\$20.71	\$25.88	\$31.06
		Annual	\$43,068	\$53,836	\$64,603
Lead Water Utility Operator	52	Hourly	\$20.71	\$25.88	\$31.06
		Annual	\$43,068	\$53,836	\$64,603
Police Administrative Services Manager	52	Hourly	\$20.71	\$25.88	\$31.06
		Annual	\$43,068	\$53,836	\$64,603
Construction Inspector	51	Hourly	\$20.20	\$25.25	\$30.30
		Annual	\$42,013	\$52,516	\$63,019
Crime Analyst	51	Hourly	\$20.20	\$25.25	\$30.30
		Annual	\$42,013	\$52,516	\$63,019
Regional Emergency Response Planner	51	Hourly	\$20.20	\$25.25	\$30.30
		Annual	\$42,013	\$52,516	\$63,019
Administrative Coordinator	50	Hourly	19.70	\$24.63	\$29.55
		Annual	\$40,978	\$51,223	\$61,468
Building Inspector I	50	Hourly	19.70	\$24.63	\$29.55
		Annual	\$40,978	\$51,223	\$61,468
Code Compliance Specialist	50	Hourly	19.70	\$24.63	\$29.55
		Annual	\$40,978	\$51,223	\$61,468
Recreation Manager	50	Hourly	19.70	\$24.63	\$29.55
		Annual	\$40,978	\$51,223	\$61,468
Human Resources Specialist	49	Hourly	\$19.23	\$24.04	\$28.85
		Annual	\$40,007	\$50,009	\$60,011
Paralegal II	49	Hourly	\$19.23	\$24.04	\$28.85
		Annual	\$40,007	\$50,009	\$60,011
Senior Building Permit Technician	49	Hourly	\$19.23	\$24.04	\$28.85
		Annual	\$40,007	\$50,009	\$60,011
Customer Service Supervisor	48	Hourly	\$18.76	\$23.45	\$28.14
		Annual	\$39,015	\$48,769	\$58,522
Multimodal Planner	48	Hourly	\$18.76	\$23.45	\$28.14
		Annual	\$39,015	\$48,769	\$58,522
Civil Engineering Technician	47	Hourly	\$18.30	\$22.88	\$27.45
		Annual	\$38,065	\$47,581	\$57,097
Facilities Maintenance Crew Leader	47	Hourly	\$18.30	\$22.88	\$27.45
		Annual	\$38,065	\$47,581	\$57,097
Fleet Maintenance Mechanic III	47	Hourly	\$18.30	\$22.88	\$27.45
		Annual	\$38,065	\$47,581	\$57,097
Meter Reader Supervisor	47	Hourly	\$18.30	\$22.88	\$27.45
		Annual	\$38,065	\$47,581	\$57,097
Pavement Management Specialist	47	Hourly	\$18.30	\$22.88	\$27.45
		Annual	\$38,065	\$47,581	\$57,097

JOB TITLE	Salary Range	Hrly/Annual	Minimum	Midpoint	Maximum
Streets & Drainage Crew Leader	47	Hourly	\$18.30	\$22.88	\$27.45
		Annual	\$38,065	\$47,581	\$57,097
Traffic Technician	47	Hourly	\$18.30	\$22.88	\$27.45
		Annual	\$38,065	\$47,581	\$57,097
Water Utility Operator II	46	Hourly	\$17.85	\$22.32	\$26.78
		Annual	\$37,136	\$46,420	\$55,704
Zoning Plans Examiner	46	Hourly	\$17.85	\$22.32	\$26.78
		Annual	\$37,136	\$46,420	\$55,704
Zoning Inspector Technician	45	Hourly	\$17.42	\$21.77	\$26.13
		Annual	\$36,228	\$45,285	\$54,342
Aquatics Manager	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Assistant to the Town Clerk	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Courtroom Clerk	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Development Coordinator	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Facilities Maintenance Technician	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Fleet Maintenance Mechanic II	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Paralegal I	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Parks Maintenance Crew Leader	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Senior Heavy Equipment Operator	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Senior Office Specialist	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Senior Traffic Signs & Markings Worker	44	Hourly	\$16.99	\$21.24	\$25.49
		Annual	\$35,341	\$44,177	\$53,012
Building Permit Technician	43	Hourly	\$16.57	\$20.72	\$24.86
		Annual	\$34,476	\$43,095	\$51,714
Senior Court Clerk	41	Hourly	\$15.78	\$19.73	\$23.67
		Annual	\$32,829	\$41,036	\$49,244
Water Utility Operator I	41	Hourly	\$15.78	\$19.73	\$23.67
		Annual	\$32,829	\$41,036	\$49,244
Senior Parks Maintenance Worker	40	Hourly	\$15.40	\$19.25	\$23.10
		Annual	\$32,027	\$40,034	\$48,040
Zoning Inspection Technician	40	Hourly	\$15.40	\$19.25	\$23.10
		Annual	\$32,027	\$40,034	\$48,040
Heavy Equipment Operator	39	Hourly	\$15.02	\$18.78	\$22.53
		Annual	\$31,246	\$39,057	\$46,869
Legal Secretary	39	Hourly	\$15.02	\$18.78	\$22.53
		Annual	\$31,246	\$39,057	\$46,869
Office Specialist	39	Hourly	\$15.02	\$18.78	\$22.53
		Annual	\$31,246	\$39,057	\$46,869
Traffic Signs & Markings Worker	39	Hourly	\$15.02	\$18.78	\$22.53
		Annual	\$31,246	\$39,057	\$46,869
Library Associate	38	Hourly	\$14.66	\$18.32	\$21.98
		Annual	\$30,486	\$38,107	\$45,729
Assistant Recreation Manager	37	Hourly	\$14.30	\$17.88	\$21.45
		Annual	\$29,747	\$37,184	\$44,620
Lead Transit Driver	37	Hourly	\$14.30	\$17.88	\$21.45
		Annual	\$29,747	\$37,184	\$44,620
Senior Public Works Maintenance Worker	37	Hourly	\$14.30	\$17.88	\$21.45
		Annual	\$29,747	\$37,184	\$44,620
Transit Dispatcher	37	Hourly	\$14.30	\$17.88	\$21.45
		Annual	\$29,747	\$37,184	\$44,620
Accounting Clerk	36	Hourly	\$13.95	\$17.43	\$20.92
		Annual	\$29,008	\$36,260	\$43,512

JOB TITLE	Salary Range	Hrly/Annual	Minimum	Midpoint	Maximum
Court Clerk	36	Hourly	\$13.95	\$17.43	\$20.92
		Annual	\$29,008	\$36,260	\$43,512
Customer Service Rep. (Water)	36	Hourly	\$13.95	\$17.43	\$20.92
		Annual	\$29,008	\$36,260	\$43,512
Construction Clerk	35	Hourly	\$13.60	\$17.00	\$20.40
		Annual	\$28,290	\$35,363	\$42,435
Senior Office Assistant	33	Hourly	\$12.95	\$16.19	\$19.43
		Annual	\$26,939	\$33,674	\$40,408
Transit Driver	33	Hourly	\$12.95	\$16.19	\$19.43
		Annual	\$26,939	\$33,674	\$40,408
Library Technical Assistant II	32	Hourly	\$12.64	\$15.80	\$18.96
		Annual	\$26,284	\$32,856	\$39,427
Recreation Leader	32	Hourly	\$12.64	\$15.80	\$18.96
		Annual	\$26,284	\$32,856	\$39,427
Park Monitor	30	Hourly	\$12.02	\$15.02	\$18.03
		Annual	\$24,997	\$31,246	\$37,495
Parks Maintenance Worker	30	Hourly	\$12.02	\$15.02	\$18.03
		Annual	\$24,997	\$31,246	\$37,495
Public Works Maintenance Worker	30	Hourly	\$12.02	\$15.02	\$18.03
		Annual	\$24,997	\$31,246	\$37,495
Office Assistant	28	Hourly	\$11.45	\$14.31	\$17.17
		Annual	\$23,814	\$29,768	\$35,722
Recreation Aide	28	Hourly	\$11.45	\$14.31	\$17.17
		Annual	\$23,814	\$29,768	\$35,722
Pool Shift Supervisor	24	Hourly	\$10.36	\$12.95	\$15.54
		Annual	\$21,555	\$26,944	\$32,333
Intern	23	Hourly	\$10.12	\$12.65	\$15.18
		Annual	\$21,049	\$26,311	\$31,573
Library Technical Assistant I	22	Hourly	\$9.88	\$12.34	\$14.81
		Annual	\$20,542	\$25,677	\$30,813
Water Safety Instructor	22	Hourly	\$9.88	\$12.34	\$14.81
		Annual	\$20,542	\$25,677	\$30,813
Lifeguard	18	Hourly	\$8.94	\$11.18	\$13.41
		Annual	\$18,600	\$23,250	\$27,900

## Attachment C

List of Public Safety Employee Group member benefits and / or working conditions in addition to those described in the proposed Memorandum of Understanding which will be effective July 1, 2011 through June 30, 2012.

1. Compressed and / or flexible work week, where practical, for many assignments.
2. Assigned take home vehicles at the discretion of the Police Chief.
3. Paid Holidays [currently 11 (eleven) per year – 10 (ten) @ double time if worked / 1 (one) birthday off], and any additional holidays that may be approved by the Town Council.
4. Vacation pay as described below:
  - a. Employment years one through five earn ninety-six hours per year. Accrual limit one hundred forty-four hours.
  - b. Employment years six through ten earn one-hundred thirty-six hours per year. Accrual limit two hundred four hours.
  - c. Employment years eleven through nineteen earn one hundred seventy-six hours per year. Accrual limit two hundred sixty-four hours.
  - d. Employment years twenty and over earn one hundred seventy-six hours per year. Accrual limit three hundred hours.
5. Sick Leave Benefits
  - a. Members with over four hundred and eighty hours of sick leave can convert up to fifty-six hours of unused sick leave from the previous twelve months to vacation time annually.
  - b. Additional sick leave payout benefits following the policy set forth in the current Town policy and procedure manual (Policy 10 Attendance and Leaves).
6. Bereavement Leave, following the policy set forth in the current Town policy and procedure manual.
7. Regular pay for up to one year for military reservists that have been activated on Presidential call-up.
8. Coordination of off duty work (and indemnification).
9. One hundred percent of the members' medical insurance premium paid by the Town.
10. Seventy-five percent of the additional monthly premium cost for members' dependent medical insurance premium paid by Town.
11. One hundred percent of the members' dental insurance premium paid by the Town.
12. Seventy-five percent of the members' dependent dental insurance premium paid by the Town.
13. Retired members have the option of continuing medical insurance coverage at a rate made available to them through participation of the Town in rate negotiations. This includes members retired due to early, regular or disability who are not eligible for Medicare.
14. One hundred percent of Life Insurance premium paid by the Town for a policy that pays out one year of the member' salary.

## Attachment C

15. Supplemental Life Insurance available for member where member may purchase additional Life Insurance up to five times the member's annual salary at a rate made available to them through participation of the Town in rate negotiations.
16. Supplemental Life Insurance available for spouse and children at a rate made available to them through participation of the Town in rate negotiations.
17. One hundred percent of the member's long-term disability insurance premium is paid by Town for non-A.S.R.S. participant members (benefit is 66.66% of pay in accordance with policy limitations).
18. One hundred percent of the members' mid-term (bridge) disability insurance premium paid by the Town (benefit is 66.66% of pay in accordance with policy limitations).
19. One hundred percent of the members' workers compensation insurance premium is paid by the Town.
20. Extensive employee assistance program (EAP) is paid by the Town.
21. Tuition Reimbursement for members at a rate of 100% reimbursement from the Town for tuition for job-related college credit courses, up to a maximum of \$2,000 per member per fiscal year.
22. Town sponsored "section 125 Plan" (Pre-Tax contributions for medical / dental / supplemental Life insurance premiums).
23. Town sponsored "Section 125 Plan" (Pre-Tax contribution for Dependent Care Reimbursement Accounts up to five thousand dollars per year).
24. Town sponsored 457 Deferred Compensation Plans (Pre-Tax contributions).
25. Town sponsored supplemental insurance products
  - a. Accident Plan
  - b. Short Term Disability Plan
  - c. Cancer Plans
  - d. Long Term Care Plan
  - e. Hospital Indemnity Plan
26. Supplemental Vision Care Benefits
27. Supplemental Prepaid Legal Services
28. Access to Town contracted member only Credit Unions (Human Resources maintains current listing)
29. Supplemental Commuter insurance paid by Town through AMRRP
30. Town administered payroll deduction for OVPOA / FOP / 100 Club

Additional detailed information related to the above-mentioned benefits is available from the Town of Oro Valley Human Resources Department.

**ORDINANCE NO. (O) 05.44**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA,  
AMENDING CHAPTER 4, SECTION 4-1-8 OF THE TOWN CODE,  
PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES,  
CLARIFYING CERTAIN LANGUAGE FOR THE MEET AND CONFER  
PROCESS TO BE MORE FUNCTIONAL**

**WHEREAS**, the Town of Oro Valley is committed to the development and continuation of harmonious and cooperative relationships with all of its employees; and

**WHEREAS**, the Town recognizes the right of public safety employees to join employee associations which comply with the laws of Arizona and to present proposals and testimony to the Town Council, and not to be discharged, disciplined or discriminated against because of the exercise of those rights; and

**WHEREAS**, the continued smooth operation of the Police Department is of great benefit to the residents of Oro Valley and the general public; and

**WHEREAS**, in 2004 the Town Council adopted Ordinance No. (O) 04-28 which enacted Town Code Chapter 4, Section 4-1-8, Public Safety Employee Relations and Processes, establishing a meet and confer process for public safety employees and the Town; and

**WHEREAS**, experience in operating under Section 4-1-8 led to the understanding among the employees and Town administration that certain technical changes should be made so that the process was more functional.

**NOW THEREFORE**, be it ordained by the Mayor and Council of the Town of Oro Valley as follows:

**SECTION 1.** The document entitled Section 4-1-8, Public Safety Employee Relations and Processes, attached hereto as "Exhibit A," will replace the existing Town Code Chapter 4, Section 4-1-8 in its entirety.

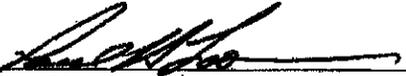
**SECTION 2.** It has been determined that "Exhibit A" is a public record and three copies of this document shall remain on file in the office of the Town Clerk.

**SECTION 3.** All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

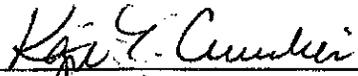
**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance, including "Exhibit A", is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by Mayor and Town Council of the Town of Oro Valley, Arizona,  
this 2ND day of NOVEMBER, 2005.

**TOWN OF ORO VALLEY**

  
\_\_\_\_\_  
Paul H. Loomis, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kathryn E. Cuvelier, Town Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Melinda Garrahan, Town Attorney

**EXHIBIT "A" IS AVAILABLE FOR PUBLIC REVIEW IN THE OFFICE OF THE ORO VALLEY TOWN CLERK  
BETWEEN THE HOURS OF 8 AM - 5 PM, MONDAY THRU FRIDAY. THE TOWN HALL OFFICES ARE  
LOCATED AT 11,000 N LA CANADA DRIVE, ORO VALLEY, AZ**

**PUBLISH: DAILY TERRITORIAL  
NOVEMBER 15, 16, 17, 18, 2005**

**POSTED: NOVEMBER 9 - DECEMBER 9, 2005  
RG**

## **"EXHIBIT A"**

### **SECTION 4-1-8 PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES**

#### **A. Preamble**

The citizens of Oro Valley have a fundamental interest in the development of harmonious and cooperative relations between Management, Elected Officials, Administrators and public safety employees of the Town.

Public safety employees have the right to join employee associations which comply with the laws of Arizona, and to present proposals and testimony to the Town Council; and not to be discharged, disciplined or discriminated against because of the exercise of those rights.

The Town of Oro Valley, its public safety employees and employee associations have a basic obligation to the public to assure the orderly and continuous operations and functions of government.

Strikes, work stoppages, slowdowns, and other concerted efforts designed to disrupt Town of Oro Valley services, are contrary to the public good and are strictly prohibited.

#### **B. Purpose**

It is the purpose of this Section to obligate the Town management, public safety employees and their representatives, acting within the framework of law, to enter into discussions with an affirmative willingness to communicate and resolve issues that significantly impact working conditions. It is also the purpose of this Section to promote harmonious employer – employee relations by providing a uniform basis for recognizing the right of public safety employees to join, or to refrain from joining, an association of their own choice. Also, it is their right to be represented by such association(s) in their dealings with the Town in accordance with the provisions of this Section. Additionally, this Section provides that the results of agreements between the employer and its public safety employees shall be drafted into written Memoranda of Understanding.

#### **C. Public Safety Employee Group**

The employees eligible to participate in determining annual representation, in accordance with Part D below, include: Police Officers with the rank of Sergeant and below who are not in the academy, in field training or on reserve status as of August 1<sup>st</sup> each year; and non-exempt civilian employees assigned to, supervised by or otherwise under the control of the Police Department.

#### **D. Representation**

Employee associations wishing to represent public safety employees shall submit a memorandum to the Town Manager by August 1<sup>st</sup> of each year, indicating their desire to represent the public safety employee group.

In the event that only one employee association seeks to represent the public safety employee group, the Town Manager shall designate that employee association as the official organization for representation purposes provided for by this Section.

In the event there is more than one employee association seeking to represent the public safety employee group, authorized representation for the group shall be determined by the presentation of a petition to the Town Manager containing the signatures of at least fifty percent (50%) plus one (1) of the employees in the public safety employee group by September 1st. The petition shall identify the employee association designated to represent those employees. Upon verification of the signatures by the Town Clerk and Human Resources Department, the Town Manager shall designate the named employee association as the official organization for representation purposes provided for by this Section.

After the representative Association is designated, the public safety employee group shall designate a Public Safety Negotiation Committee ("PSNC") comprised of four (4) members of the public safety employee group.

#### **E. Meeting and Confering**

By October 1<sup>st</sup>, the Town Manager or his/her designee shall notify the Association and the PSNC of the selection and names of the Management Negotiation Committee ("MNC") members. The PSNC shall submit proposals relating to wages, benefits, hours, safety regulations and other working conditions by November 30th of each year to the Town Manager or his/her designee.

Upon receiving a proposal from the PSNC, the Town Manager or his/her designee shall submit a written response to the proposal within a reasonable time thereafter which shall be not more than forty-five (45) days after the receipt of the proposal.

Within thirty (30) days from the receipt of the Town Manager's response, the PSNC and the MNC shall begin "meeting and confering" at mutually agreed upon locations and times, for the purpose of entering into a written Memorandum of Understanding. The process shall be conducted in good faith by both parties. Meetings shall take place until an agreement is reached, or impasse is declared. Time spent by the PSNC in meet and confer-related meetings shall be regular duty hours. Regular duty hours time spent in non-negotiation meet and confer-related meetings shall be reasonable and require prior approval by Police Department Command Staff.

Any final agreement reached by the MNC and the PSNC shall be in writing and signed by authorized persons. Those areas not agreed to shall be outlined as matters in dispute.

Not later than April 15th, all areas of agreement, as well as those matters in dispute, shall be brought forward at the next practical Town Council meeting. With due consideration of all matters, the Town Council may accept, reject, or modify those areas of agreement. The Town Council may also take whatever actions they feel appropriate with regard to those matters in dispute. Final action by the Town Council shall constitute the Memorandum of Understanding for the following fiscal year only.

All time limits in this Section may be waived by mutual agreement of the MNC and the PSNC.

**F. Conflict with Arizona State law**

In the event that any provision of this Section is in conflict with Arizona state law, including the Arizona Constitution, statutes or court decisions, then to the extent of the conflict Arizona state law shall prevail over this Section. Any such conflict shall not impair the validity of all other provisions herein not in conflict with Arizona state law.



**Town Council Regular Session**

**Item # N.**

**Meeting Date:** 06/15/2011

**Requested by:** Councilmembers Hornat & Solomon **Submitted By:**

Julie Bower, Town Clerk's Office

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

\*Rescission of Resolution No. (R)07-55, strongly opposing the proposed Rosemont mine

**RECOMMENDATION:**

N/A

**EXECUTIVE SUMMARY:**

On April 18, 2007, the Mayor and Council unanimously approved Resolution No. (R)07-55, strongly opposing the proposed Rosemont mine in southeastern Pima County. A letter was prepared and delivered to Senators John McCain and Jon Kyl, as well as Representatives Raul Grijalva and Gabrielle Giffords, indicating the formal opposition of the Town to the mine.

Individual members of the Town Council considered this issue and have requested that the matter be brought forward for rescission of Resolution No. (R)07-55 by the Town Council.

Rescinding the resolution and withdrawing the Town's letter of opposition would recast the Town's position on the Rosemont mine as neutral.

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to rescind Resolution No. (R)07-55, withdrawing the Town's letter of opposition to the proposed Rosemont Mine.

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**Attachments**

Reso (R)07-55

**RESOLUTION NO. (R) 07- 55**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, STRONGLY OPPOSING THE PROPOSED ROSEMONT MINE.**

WHEREAS, Augusta Resource Corporation submitted a draft plan of operations to the U.S. Forest Service on July 31, 2006 to develop the Rosemont Mine on private and Forest Service managed public land within the Santa Rita Mountains south of Tucson; and

WHEREAS, Augusta's July 31, 2006 plan of operations was not accepted by the U.S. Forest Service due to insufficient information; and

WHEREAS, the U.S. Forest Service via the National Environmental Policy Act will be required to take into account consistency with local land use plans, which in this case is the Pima County Comprehensive Land Use Plan including the Conservation Lands System; and

WHEREAS, Pima County is preparing an application for a Section 10 permit pursuant to the Federal Endangered Species Act via the U.S. Fish and Wildlife Service, and the land proposed for mining contains important ecosystems desired for protection; and

WHEREAS, the typical legacy left behind from prior and existing mines places undue costs and adverse impacts on the tax payers of Pima County with few local tax benefits, and is therefore unacceptable; and

WHEREAS, a recent study of 70 Environmental Impact Statements for modern-era hard rock mines found that water quality impacts from hard rock mines are consistently underestimated and therefore the mitigation is consistently inadequate; and

WHEREAS, water quality impacts to Davidson Canyon and Cienega Creek would be detrimental to rare riparian habitat along the creeks, the endangered species within the creeks, and the high quality water supply to the Tucson Basin; and

WHEREAS, Augusta has not yet shown how the Rosemont Mine will conform to the Clean Water Act, Storm water and Section 404 permit requirements for the deposition of dredge and fill materials in waters of the United States; and

WHEREAS, recent studies show that while the economic impact of the mining industry continues to decline in Pima County, the economic impact of recreation has climbed substantially; and

WHEREAS, the building and operation of a large open pit mine in the Santa Rita Mountains will impact recreation opportunities and jobs; and

WHEREAS, a recent geological survey of the site brings into question the stability of the high wall natural rock formations above the proposed mining pit; and

WHEREAS, Augusta has not yet proved that it has valid Forest Service mining claims; and

WHEREAS, the information Augusta has provided to the public to date leaves many questions unanswered and is insufficient to determine if and how Augusta would be able to meet the five performance criteria outlined by the County to address the negative impacts associated with the proposed Rosemont Mine; and

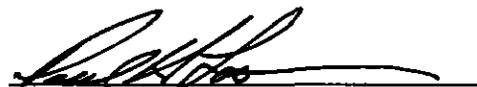
WHEREAS, the Mayor and Town Council of the Town of Oro Valley wish to go on record as being opposed to the proposed Rosemont Mine:

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF ORO VALLEY, AZ THAT:**

1. The Mayor and Council of the Town of Oro Valley opposes Augusta Resource Corporation's proposed Rosemont Mine.
2. The Mayor and Council of the Town of Oro Valley hereby supports the withdrawal of all Pima County natural reserve parks from mineral entry, as well as Federal lands included in National Parks, Monuments, and Forests within Pima County.
3. The Mayor and Council of the Town of Oro Valley hereby supports the acquisition of these lands for conservation purposes.
4. The Mayor and Council of the Town of Oro Valley request the Arizona Congressional Delegation initiate the permanent withdrawal from mining and mineral exploration all federal lands within Pima County.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona this 18TH day of APRIL, 2007.

**TOWN OF ORO VALLEY, ARIZONA**



Paul H. Loomis, Mayor

**ATTEST:**

K. E. Cuyelier  
Kathryn E. Cuyelier, Town Clerk

Date: 4-19-07

**APPROVED AS TO FORM:**

Melinda Garrahan  
Melinda Garrahan, Town Attorney

Date: 4/19/07



**Town Council Regular Session**

**Item # 1.**

**Meeting Date:** 06/15/2011

**Requested by:** Julie Bower, Town Clerk

**Submitted By:**

Mike Standish, Town  
Clerk's Office

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR IZZI'S CAFE LOCATED AT 12985 N. ORACLE ROAD, #165

**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. Alexander Izzard for a Series 12 (Restaurant) Liquor License for Izzzi's Cafe located at 12985 N. Oracle Road #165. Agent/owner Mr. Alexander Izzard has submitted all necessary paperwork to the State Liquor Board and to the Town of Oro Valley and has paid all related fees associated with applying for the liquor license.

**BACKGROUND OR DETAILED INFORMATION:**

In accordance with Section 4-201 of the Arizona Revised Statutes, the application was posted for 20 days on the premises of the applicant's property, ending May 31, 2011. No protests were received during this time period. Police Chief Daniel Sharp completed a standard background check on Izzzi's Cafe and Owner/Agent Alexander Izzard 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 Department of Liquor Licenses and Control for Mr. Alexander Izzard for Izzi's Cafe located at 12985 N. Oracle Road #165.

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**Attachments**

Liquor License - Izzi's Cafe

DANIEL G. SHARP  
CHIEF OF POLICE

TO: Mike Standish  
FROM:  Daniel G. Sharp  
DATE: May 24, 2011  
RE: Background Investigation, Application for Liquor License  
Izzi's Cafe  
12985 N Oracle Road #165

On May 24, 2011, the Oro Valley Police Department completed the standard background check on Izzi's Cafe and Owner/Agent Alexander Edwin Izzard.

The Oro Valley Police Department has no objection for the issuance of a liquor license to Izzi's Cafe at 12985 N. Oracle Road # 165.

11 MAY 3 11:42 AM '11

**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, 13, 14, 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):

1. Type of License(s): Restaurant

12104120

2. Total fees attached: \$

Department Use Only

124-00

**APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.**

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

**SECTION 4** Applicant

1. Owner/Agent's Name: Mr. Izzard Alexander Edwin  
(Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: Flying Tiger Properties, L.L.C.  
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Izzi's Cafe  
(Exactly as it appears on the exterior of premises)
4. Principal Street Location: 12985 N. Oracle Rd., #165 Oro Valley Pima 85739  
(Do not use PO Box Number) City County Zip
5. Business Phone: (520) 818-9391 Daytime Contact: (520) 304-4005
6. Is the business located within the incorporated limits of the above city or town?  YES  NO
7. Mailing Address: 7400 N. Oracle Rd. #219, Tucson, Az 85704
8. Price paid for license only bar, beer and wine, or liquor store: Type \_\_\_\_\_ \$ \_\_\_\_\_ Type \_\_\_\_\_ \$ \_\_\_\_\_

**DEPARTMENT USE ONLY**

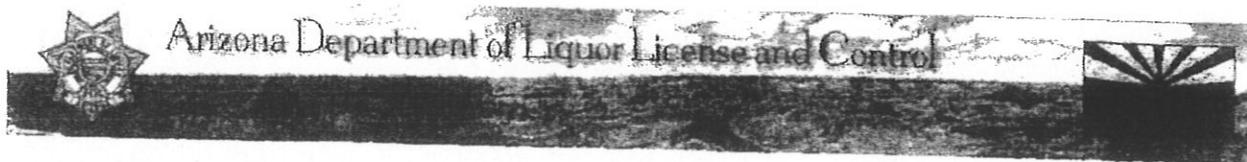
Fees: 100-00 Application 24-00 Interim Permit 24-00 Agent Change 124-00 Club 24-00 Finger Prints \$ 124-00  
**TOTAL OF ALL FEES**

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete?  YES  NO

Accepted by: JR Date: 05-04-11 Lic. # 12104120

\*Disabled individuals requiring special accommodation please call (602) 542-9097

**AMENDMENT**



You Are Here: [Home](#) > [licensing](#) > [series](#) > 12

[Log In](#)

## License Types: Series 12 Restaurant License

- [About](#)
- [History](#)
- [Leadership Team](#)
- [Information](#)
- [Licensing](#)
- [Training](#)
- [Laws](#)
- [Renewals](#)
- [Fees](#)
- [Liquor Drawing](#)
- [Liquor Board](#)
- [FAQ](#)
- [Glossary of Terms](#)
- [Forms](#)
- [Employment](#)
- [Contact](#)

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, 4-272, 4-261; Rule R19-1-214, R19-1-231.

Copyright 2007 - Arizona Department of Liquor License & Control - Privacy Policy - Accessibility  
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 # 2.**

**Meeting Date:** 06/15/2011

**Requested by:** David Williams

**Submitted By:**

David Ronquillo,  
Development Infrastructure  
Services

**Department:** Development Infrastructure Services

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**Information**

**SUBJECT:**

FINAL PLAT AMENDMENT TO REVISE A REQUIREMENT REGARDING ROOFTOP MECHANICAL EQUIPMENT SCREENING FOR THE MERCADO AT CANADA HILLS, LOCATED IN PROXIMITY TO THE NORTHEAST CORNER OF LA CANADA DRIVE AND LAMBERT LANE

**RECOMMENDATION:**

Staff does not object to approval of the applicant's request subject to the conditions in Exhibit A (Attachment #1).

**EXECUTIVE SUMMARY:**

The applicant is requesting an amendment to the Final Plat for Mercado at Canada Hills to remove a General Note regarding rooftop mechanical equipment screening. On November 17, 2010, the Town Council voted (6 - 0) to deny this request. Please see the attached Town Council minutes (Attachment #2).

The Final Plat (General Note 5.d) states, "All rooftop mechanicals must be entirely screened from all surrounding properties." This General Note originated during the development plan review process based on neighborhood input. The intent was to provide screening of mechanical equipment. The existing homes to the east are at a significantly higher elevation than the commercial center and the building rooftops are highly visible. The equipment is partially screened by a beige colored metal mesh. Town zoning code criteria and design guidelines provide for screening of mechanical equipment.

Since the last Town Council meeting, the applicant has met with one of two adjacent neighbors to the east and agreed on a resolution. The applicant has agreed to provide a wall on the adjacent neighbor's property (see attachment #3), to achieve screening of the development.

**BACKGROUND OR DETAILED INFORMATION:**

Site Conditions:

- Property is 8.1 acres
- Total number of lots is 9
- Zoning is El Conquistador Planned Area Development (PAD)

Approvals to Date:

- 2005: Development plan and preliminary plat approved by Town Council
- 2007: Final plat approved by Town Council

Applicant's Request:

The applicant is requesting removal of the screening requirement primarily because the existing metal screens do not adequately screen the air conditioning units, which are primarily visible from two homes on the east side of the project. The air conditioning units would be less visible if they were painted to blend in with the existing roof color. The weight of the metal screens around the air conditioning units also create chronic roof leaks, according to the applicant.

Since the last Town Council meeting on November 17, 2010, the applicant has met with adjacent neighbors, directly to the east and have agreed on a resolution. In discussions with these neighbors, it was determined that the most effective way to block what they felt were objectionable views of the rooftops was to provide a screen wall along their property on the west side of the driveway/garage, and, the rooftop mechanicals must be painted to match the color of the rooftop. The proposed wall is approximately 40' long and 5' high (see attachment #6).

#### Staff Analysis:

The Zoning Code addresses screening of mechanical equipment in two areas. Section 22.3, Development Review Criteria requires, "mechanical equipment, appurtenances and utilities shall be concealed from view and integral to the building design. Addendum A, Design Guidelines requires, "mechanical equipment should be screened from view."

Based on a site visit, the existing mechanical equipment screens are partially visible from the residential area to the north and highly visible from the east side of the property (see attachment #7- photos). Overall, the metal mesh screens blocked views from north and east of the air conditioning units; however, the actual "screening" devices were highly visible on the roof and typically twice the height of the mechanical equipment being screened.

During the development plan/plat process, four neighborhood meetings were held and as a result, conditions were added to the development plan/plat, including this restriction.

As proposed by the applicant, providing a 40' long wall 5' high on the residents property would effectively screen views of the mechanical equipment from the home to the east. Adequate screening is provided to the north and west by including parapet walls. The air conditioning units and other equipment should be painted to match the color of the rooftop.

If the general note is removed, it should be replaced with the following language: "Rooftop mounted mechanical equipment shall be screened from La Canada Drive, onsite parking areas and properties to the north by parapet walls and shall be painted to match the rooftop color." This condition is included in the suggested motion, if Council moves to approve this request.

All property owners within 300' have been notified of this request to amend the plat note relating to screening of rooftop mechanical equipment.

#### **FISCAL IMPACT:**

N/A

#### **SUGGESTED MOTION:**

I MOVE to (approve, approve with conditions or deny) OV1203-31F, final plat amendment to revise a requirement for mechanical equipment screening for Mercado at Canada Hills with the conditions in Exhibit A.

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#### **Attachments**

Att 1 Exhibit A - Conditions

Att 2 November 17, 2010 TC Minutes

Att 3 Aerial/wall location

Att 4 Applicant Letter

Att 5 Final Plat

Att 6 Photos

**EXHIBIT A**  
**OV1203-31F**  
**MERCADO @ CANADA HILLS**  
**FINAL PLAT AMENDMENT**

1. Roof mounted mechanical equipment shall be screened from La Canada Drive, on site parking areas and properties to the north by parapet walls and should be painted to match the rooftop color. Revise the final plat general note accordingly.

Councilmember Snider to continue item (K) to the December 1st regular meeting.

Roll Call Vote: Yea: Garner, Gillaspie, Hiremath, Snider  
Nay: Hornat, Solomon, Waters

**MOTION** carried, 4-3.

Mayor Hiremath called a recess at 7:38 p.m.

Mayor Hiremath resumed the meeting at 7:45 p.m.

Mayor Hiremath stated that Councilmember Snider left the meeting ill and she is excused for the rest of the meeting.

- M. **OV1203-31F Request for a final plat amendment to remove a requirement regarding rooftop, mechanical equipment screening for the Mercado at Canada Hills, located near the northeast corner of La Canada Drive and Lambert Lane, directly north of the Fry's Food Store**

[Click here for item M](#)

Planning Manager David Williams gave a brief overview of the final plat amendment.

**MOTION:** A motion was made by Councilmember Gillaspie and seconded by Councilmember Hornat to deny the request for an amendment to the final plat to remove the requirement for mechanical screening at the Mercado at Canada Hills.

**MOTION** carried, 6-0.

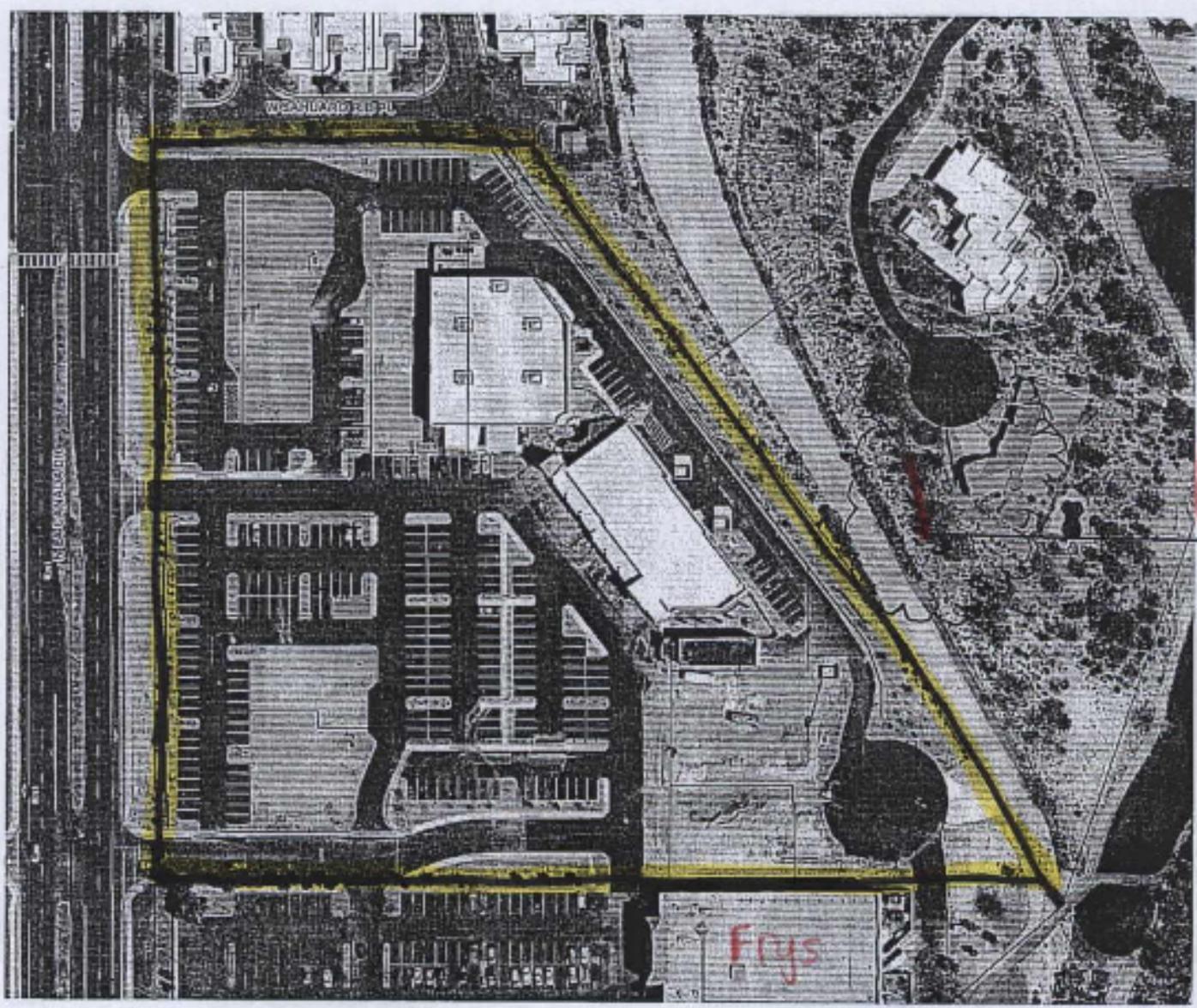
2. **PUBLIC HEARING - ORDINANCE NO. (O)10 - 14 AMENDING ORO VALLEY TOWN CODE, CHAPTER 15, WATER CODE, ARTICLE 24, STORMWATER, SUBSECTION 15-24-13(K), REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER.**

[Click here for item 2](#)

Town Attorney Tobin Rosen gave a brief overview of Ordinance No. (O) 10-14.



LA CANADA



WALL

Frys

## Request for Removal of Final Plat "Mechanical Screening" Condition

The Town of Oro Valley placed a "Condition" on the Final Plat for the Mercado at Canada Hills Shopping Center which required the "Screening of All Mechanical Units" on the roof tops. The explanation for adding the condition was to protect the views from the neighbor's homes that live above the project. One of these homes is positioned to avoid looking down on the center and the other owned by Daniel and Carolyn Neff has limited exposure to the roof tops.

In discussing the situation with the Neff's it was determined that the most effective way to block what they felt was an objectionable view of the roof tops was to build a patio wall on their property. The wall would be approximately, 40 feet in length and approximately 5 feet high constructed along the west side of their driveway and garage. Upon completion of the wall the Neff's would agree to the removal of the existing mechanical screens provided the mechanical units are painted to match the color of the roof top and no future mechanical screening would be required. The Shopping Center Owners and the Neff's have agreed to share the cost equally for the above described wall.

The Parties believe the recommended solution satisfies the original intent of the "Condition" and commit to perform the above work in a timely manner, not to exceed 180 days. Provided the Mayor and Council vote in favor of removing the "Mechanical Screening Condition" from the Final Plat.

**GENERAL NOTES**

1. THE GROSS AREA OF THIS DEVELOPMENT IS 8.156± ACRES.  
NET BUILDING AREA: 71,058 SQ. FT.  
FLOOR AREA RATIO: 20.0%  
OPEN SPACE: 1.66 ACRES
2. TOTAL NUMBER OF LOTS IS 9.  
MINIMUM LOT SIZE IS 9,338 SF.  
AVERAGE LOT SIZE IS 17,685 SF.  
MAXIMUM BUILDING HEIGHT IS 38 FEET  
BUILDING SETBACKS: FRONT 20 FEET, REAR 0 FEET, AND SIDES 0 FEET  
PARKING PROVISIONS: 292 SPACES (AS ACCEPTED BY DRB)
3. EXISTING ZONING: EL CONQUISTADOR P.A.D. - COMMERCIAL  
PROPOSED 9 LOTS: 95,528 SF, COMMON AREA: 5.97 ACRES, 260,053 SF
4. BASIS OF BEARINGS: TRUE NORTH FROM GPS OBSERVATIONS RESULTING IN BEARING BEING N00°0'40"W FOR LA CANADA BOULEVARD FROM BRUCE SMALL SURVEYS INC. ALTA/ACSM LAND TITLE SURVEY RECORDED IN BOOK 27, PAGE 38 RECORDS OF SURVEY.
5. NO FURTHER SUBDIVISION OF ANY LOT OR PARCEL SHOWN WILL BE DONE WITHOUT THE WRITTEN APPROVAL OF THE ORO VALLEY TOWN COUNCIL.
6. THE PROPERTY OWNER, SUCCESSORS, ASSIGNS OR A DESIGNATED OWNERS ASSOCIATION AGREES TO 1) KEEP ALL REQUIRED LANDSCAPED AREAS MAINTAINED IN A WEED FREE, TRASH FREE CONDITION, 2) REPLACE ANY DEAD PLANT MATERIALS WITHIN 90 DAYS AND 3) MAINTAIN THE IRRIGATION AND PRIVATE SEWER COLLECTION SYSTEMS IN PROPER WORKING ORDER.
7. THIS SUBDIVISION IS AFFECTED BY A BLANKET ERRANT GOLFBALL EASEMENT RECORDED IN DOCKET 8622, PAGE 1830.
8. ALL DRAINAGE IMPROVEMENTS ON OR ADJACENT TO THIS PROJECT WHICH ARE TO BE CONSTRUCTED IN CONJUNCTION WITH THE DEVELOPMENT OF THIS PROJECT SHALL BE CONSTRUCTED ACCORDING TO PLANS AS REVIEWED AND APPROVED BY THE TOWN OF ORO VALLEY.
9. ANY UTILITIES THAT MAY HAVE TO BE RELOCATED AS A RESULT OF THIS DEVELOPMENT WILL BE DONE SO AT NO EXPENSE TO THE TOWN OF ORO VALLEY AND/OR PIMA COUNTY, UNLESS OTHERWISE AGREED TO WITH THE TOWN OF ORO VALLEY AND/OR PIMA COUNTY.
10. ALL ELECTRIC AND TELEPHONE SERVICES ARE TO BE UNDERGROUND. UTILITY SIZING AND LOCATION SUBJECT TO FINAL APPROVAL BY THE APPROPRIATE WATER DEPARTMENT, PIMA COUNTY WASTEWATER MANAGEMENT, AND ARIZONA DEPARTMENT OF HEALTH SERVICES.
11. THE PROFESSIONAL ENGINEER OF RECORD SHALL CERTIFY AS TO THE FORM, LINE AND FUNCTION OF ALL PUBLIC AND PRIVATE ROADWAYS AND DRAINAGE STRUCTURES BEFORE THE RELEASE OF ASSURANCES.
12. NOT USED.
13. THE DEVELOPER WILL COVENANT TO HOLD TOWN OF ORO VALLEY, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING.
14. IN ACCORDANCE WITH THE CROSS ACCESS & MAINTENANCE AGREEMENT THE OWNER OF THIS PROPERTY SHALL ENSURE CONTINUAL ACCESS FOR SOUTH PROPERTY OWNERS RECORDED IN DKT. 12669 PG. 3801.
15. THE LANDSCAPING WITHIN ALL PUBLIC SEWER EASEMENTS SHOWN HEREON SHALL BE IN ACCORDANCE WITH THE PLANTING GUIDELINES OF PC/COT STANDARD DETAIL WYM A-4.
16. THE OWNERS SHALL NOT CONSTRUCT ANY PERMANENT STRUCTURE (I.E., MASONRY WALLS, SIGNS, FENCES, ETC.) ON OR THROUGH THE PUBLIC SEWER EASEMENT WITHOUT SEPARATE WRITTEN CONSENT OF THE PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT.
17. ON-SITE SANITARY SEWERS ARE PRIVATE AND WILL BE OPERATED AND MAINTAINED ON A PRIVATE BASIS.
18. THIS SUBDIVISION IS SUBJECT TO AN EASEMENT TO SOUTHWEST GAS CORPORATION AS RECORDED IN DOCKET 13099 AT PAGE 1312. THE EASEMENT IS DESCRIBED AS "A STRIP OF LAND TEN(10) FEET IN WIDTH, BEING FIVE(5) FEET ON EACH SIDE OF THE NATURAL GAS PIPELINE(S)". THE PIPELINE(S) (IF ANY) WERE NOT LOCATED BY EEC AND THEREFORE THE EASEMENT(S) CAN NOT BE SHOWN.

**DEVELOPMENT PLAN (GENERAL NOTES)**

1. NO DRIVE THROUGH FOOD USES ARE PERMITTED ON THIS SITE.
2. THIS DEVELOPMENT HAS BEEN APPROVED BY THE CANADA HILLS COMMUNITY ASSOCIATION BASED ON THE FOLLOWING CONDITIONS:  
A. CREATE A TURNAROUND BEHIND BUILDINGS 6 AND 7 TO FACILITATE TRACTOR TRAILER TRUCKS MAKING DELIVERIES TO THE FRY'S BUILDING.  
B. SECURE AN AGREEMENT, IN WRITING, FROM FRY'S AND PRIOR TO ISSUANCE OF THE ORO VALLEY CERTIFICATE OF OCCUPANCY THAT TRACTOR TRAILERS MUST ENTER AND EXIT BY WAY OF LAMBERT LANE.  
C. POST A SIGN ON THE NORTHERN DRIVEWAY TO PROHIBIT TRACTOR TRAILER TRUCKS, MAKING DELIVERIES TO FRY'S FROM ENTERING AND STATING THAT THIS DRIVEWAY IS A ONE WAY "IN ONLY" FOR ALL OTHER DELIVERY TRUCKS.  
D. POST A SIGN NEAR THE REAR OF BUILDING 6 INFORMING TRUCK DRIVERS THAT THE ROADWAY GOING NORTH IS NOT AN EXIT FOR DELIVERY TRUCKS.  
E. THE TOWN OF ORO VALLEY WILL REVIEW THE NEED FOR A GATE IN THE BACK DRIVEWAY AT THE END OF THE FIRST YEAR AFTER FULL OCCUPANCY OF ALL THE BUILDINGS.  
F. LA CANADA LAND HOLDINGS, LLC RETAINS THE RIGHT TO UTILIZE LA CANADA DRIVE FOR TRUCK TRAFFIC INGRESS AND EGRESS GENERATED BY USERS OF LOTS 1 THROUGH 9.  
G. COMMON AREA "B" PRIVATE EASEMENT, AS ESTABLISHED BY THE PROPERTY OWNER, IS FOR VEHICULAR AND PEDESTRIAN ACCESS TO SERVE INVITEES.
3. PER SEC. 14-205C4, ALL BUILDINGS SHALL HAVE A MINIMUM OF 10' OF LANDSCAPING ON ALL SIDES-EXCEPT WHERE REQUIRED FOR ACCESS, SIDEWALKS ETC. MAY BE INCLUDED WITHIN THE 10'; HOWEVER, A MINIMUM OF 4' MUST BE LANDSCAPED. THIS DOES NOT APPLY TO AREAS WITH MULTIPLE BUILDING ENTRANCES CONSOLIDATED TOGETHER. IF BUILDINGS INDICATED ON THE PLAN FOR MULTIPLE ENTRANCES OR USERS ARE CONVERTED TO A SINGLE TENANT SPACE, PLANTERS MUST BE ADDED IN ACCORDANCE WITH THE ZONING REQUIREMENT.
4. THE FOLLOWING UTILITIES WILL PROVIDE SERVICE TO THIS DEVELOPMENT:  
(A) ELECTRIC - TUCSON ELECTRIC POWER COMPANY  
(B) GAS - SOUTHWEST GAS CORPORATION  
(C) WATER - ORO VALLEY WATER UTILITY  
(D) SEWER - PIMA COUNTY WASTEWATER MANAGEMENT  
(E) TELEPHONE - QWEST COMMUNICATIONS  
(F) FIRE PROTECTION - GOLDBER RANCH FIRE DEPARTMENT  
(G) CABLE TELEVISION - COMCAST CABLE  
(SEE SHEET 2 FOR ADDITIONAL GENERAL NOTES).

**DEDICATION**

WE, THE UNDERSIGNED, HEREBY WARRANT THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SHOWN ON THIS PLAT, AND WE CONSENT TO THE SUBDIVISION OF SAID LAND IN THE MANNER SHOWN HEREON.

WE, THE UNDERSIGNED, OUR SUCCESSORS AND ASSIGNS, DO HEREBY SAVE THE TOWN OF ORO VALLEY, ITS SUCCESSORS AND ASSIGNS, THEIR EMPLOYEES, OFFICERS, AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF SAID LANDS NOW AND IN THE FUTURE BY REASON OF FLOODING, FLOWAGE, EROSION, OR DAMAGE CAUSED BY WATER, WHETHER SURFACE, FLOOD OR RAINFALL. IT IS FURTHER UNDERSTOOD AND AGREED THAT NATURAL DRAINAGE SHALL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT APPROVAL OF THE ORO VALLEY TOWN COUNCIL.

PRIVATE EASEMENTS AS SHOWN HEREON, ARE RESERVED FOR THE PRIVATE USE AND CONVENIENCE OF ALL OWNERS OF PROPERTY WITHIN THIS SUBDIVISION, AND ARE FOR THE INTENDED PURPOSE ONLY AS SHOWN HEREON, AND IN THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE DEVELOPMENT DESCRIBED BELOW INCLUDING ALL LIMITATIONS CONTAINED THEREIN.

COMMON AREAS, PRIVATE DRAINAGEWAYS, VEHICULAR CROSS ACCESS AND PEDESTRIAN EASEMENTS AS SHOWN HEREON, ARE RESERVED FOR THE PRIVATE USE AND CONVENIENCE OF ALL OWNERS OF PROPERTY WITHIN THIS SUBDIVISION, AND THEIR GUESTS AND INVITEES, AND (EXCEPT FOR DRAINAGEWAYS) ARE GRANTED AS EASEMENTS FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UNDERGROUND UTILITIES AND PUBLIC SEWERS AND IN THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE DEVELOPMENT DESCRIBED BELOW INCLUDING ALL LIMITATIONS CONTAINED THEREIN. TITLE TO THE LAND OF ALL COMMON AREAS AND PRIVATE DRAINAGEWAYS SHALL BE VESTED IN AN ASSOCIATION OR INDIVIDUAL LOT OWNERS AS ESTABLISHED BY THE RECORDED COVENANTS, CONDITIONS AND RESTRICTIONS. THE ASSOCIATION WILL ACCEPT ALL RESPONSIBILITY FOR THE CONTROL, MAINTENANCE, SAFETY AND LIABILITY OF THE PRIVATE SEWER COLLECTION SYSTEM, THE COMMON AREAS AND PRIVATE DRAINAGEWAYS WITHIN THIS SUBDIVISION AS SHOWN HEREON.

PUBLIC UTILITY EASEMENTS AS SHOWN HEREON, ARE DEDICATED TO THE TOWN OF ORO VALLEY, PIMA COUNTY AND ALL PUBLIC UTILITY COMPANIES FOR THE PURPOSES OF ACCESS, INSTALLATION AND MAINTENANCE OF UTILITIES AND PUBLIC SEWERS FOR THE DEVELOPMENT. ALL COMMON AREAS, AS SHOWN HEREON, ARE DEDICATED TO THE TOWN OF ORO VALLEY, PIMA COUNTY, AND ALL PUBLIC UTILITY COMPANIES AS EASEMENTS FOR THE PURPOSES OF ACCESS, INSTALLATION AND MAINTENANCE OF UNDERGROUND UTILITIES AND PUBLIC SEWERS FOR THE DEVELOPMENT.

THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR THIS PLAT HAVE BEEN RECORDED IN DOCKET \_\_\_\_\_ PAGE \_\_\_\_\_

LANDMARK TITLE ASSURANCE AGENCY OF ARIZONA, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS TRUSTEE UNDER 18164-T AND NOT OTHERWISE.

*Joyce M. Rodda*  
JOYCE M. RODDA, TRUST OFFICER

THE NAME AND ADDRESS OF THE BENEFICIARY AS OF SAID TRUST ARE AS FOLLOWS:

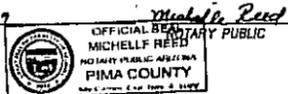
LA CANADA LAND HOLDINGS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY  
6236 EAST PIMA STREET, SUITE 171  
TUCSON, AZ 85712

**ACKNOWLEDGMENT**

STATE OF ARIZONA } SS  
COUNTY OF PIMA }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8<sup>th</sup> DAY OF October 20, 09, BY *Joyce M. Rodda* Trust Officer of *Landmark Title Assurance Agency*, ON BEHALF OF THE CORPORATION AND NOT OTHERWISE.

MY COMMISSION EXPIRES: 11/4/09



**ASSURANCES**

ASSURANCE IN THE FORM OF *Trust Deed from Landmark Title* AS RECORDED IN DOCKET 12669, PAGE 38, IN THE OFFICE OF THE PIMA COUNTY RECORDER, HAS BEEN PROVIDED TO GUARANTEE DRAINAGE AND STREET IMPROVEMENTS (INCLUDING MONUMENTS) AND UTILITY IMPROVEMENTS (ELECTRIC, TELEPHONE, GAS, WATER) IN THIS SUBDIVISION.

By: *Wesley H. C. Coile* DATE: 10/14/09  
MAYOR, TOWN OF ORO VALLEY

**RECORDING**

STATE OF ARIZONA } SS  
COUNTY OF PIMA }

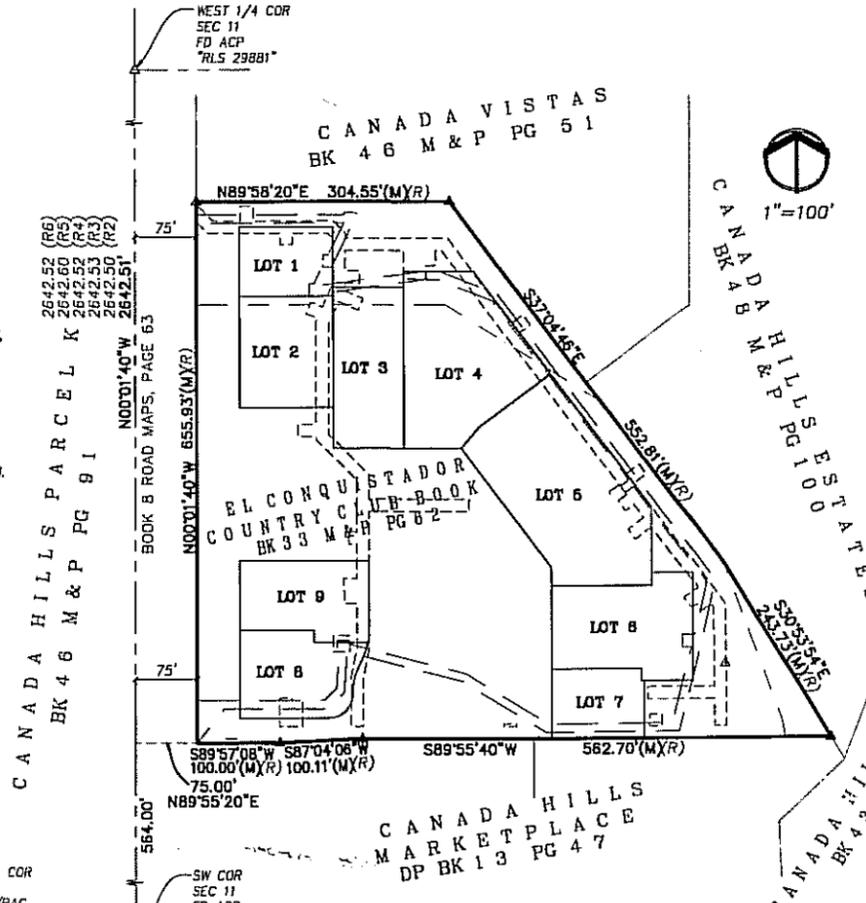
THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF ENGINEERING AND ENVIRONMENTAL CONSULTANTS, INC. ON THIS 21<sup>st</sup> DAY OF October, 2009 AT 9:21 A.M. IN BOOK 14 OF MAPS AND PLATS AT PAGE 93 THEREOF. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE AS WRITTEN.

F. Ann Rodriguez *F. Ann Rodriguez*  
PIMA COUNTY RECORDER *Deputy County Recorder*

**WATER ADEQUACY**

A CERTIFICATION OF ASSURED WATER SUPPLY HAS BEEN RECEIVED FROM THE DIRECTOR OF WATER RESOURCES.

By: *Philip C. Salter* 10/12/09  
DIRECTOR, TOWN OF ORO VALLEY  
WATER UTILITY



**LOCATION MAP**

SW 1/4 OF SECTION 11,  
T.12 S., R.13 E.  
G. & S.R.M., PIMA COUNTY, ARIZONA

**OWNER**

LA CANADA LAND HOLDINGS, LLC  
C/O WHIRLYGIG PROPERTIES  
6236 E. PIMA #170  
TUCSON, AZ 85712  
ATTN: BARRY KITAY  
(520) 546-9003

**LEGEND**

- BOUNDARY OF PARCEL SUBDIVIDED
- LOT LINE
- SECTION LINE
- EXISTING EASEMENT
- NEW EASEMENT DEDICATED PER THIS PLAT
- ORIGINAL LOT LINE SHOWN FOR REFERENCE ONLY
- SET 1/2" IRON PIN "RLS 14145"
- SET PK NAIL/DISK "RLS 14145"
- SET DRILL HOLE/LEAD PLUG SCREW/TAG "RLS 14145"
- FOUND SURVEY MONUMENT - AS NOTED
- RECORDED
- MEASURED

**KEY NOTES**

- 30'x60' PUBLIC SEWER EASEMENT DEDICATED BY THIS PLAT
- VEHICULAR CROSS ACCESS AND PEDESTRIAN PRIVATE EASEMENT AND PUBLIC UTILITY EASEMENT AS ESTABLISHED BY THE PROPERTY OWNER.
- PRIVATE DRAINAGE EASEMENT AS ESTABLISHED BY THE PROPERTY OWNER.
- COMMON AREA "B" PRIVATE EASEMENT FOR VEHICULAR AND PEDESTRIAN ACCESS AS ESTABLISHED BY THE PROPERTY OWNER TO SERVE ALL INVITEES.

**REFERENCE DRAWINGS**

- (R1) = BOOK 27, PAGE 38 RECORDS OF SURVEY
- (R2) = BOOK 69, PAGE 04 RECORDS OF SURVEY
- (R3) = BOOK 71, PAGE 01 RECORDS OF SURVEY
- (R4) = CANADA VISTA BOOK 46, PAGE 51 MAPS AND PLATS
- (R5) = EL CONQUISTADOR COUNTRY CLUB BOOK 33, PAGE 82 MAPS AND PLATS
- (R6) = CANADA HILLS GOLF COURSE BOOK 43, PAGE 38 MAPS AND PLATS

**APPROVALS**

- Kathryn E. Cuddevel* CLERK OF THE TOWN OF ORO VALLEY, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY ON THE 5<sup>th</sup> DAY OF September 2009. DATE: 9-14-09
- Wesley H. Coile* CLERK, TOWN OF ORO VALLEY. DATE: 10/14/09
- Wesley H. Coile* MAYOR, TOWN OF ORO VALLEY. DATE: 10-7-09
- Philip C. Salter* PIMA COUNTY WASTEWATER MANAGEMENT. DATE: 10/12/09
- Philip C. Salter* WATER UTILITY DIRECTOR. DATE: 10-9-09
- Philip C. Salter* TOWN ENGINEER. DATE: 10-12-09
- James L. Dean* ZONING ADMINISTRATOR. DATE: 10-12-09

**CERTIFICATION OF SURVEY**

I HEREBY CERTIFY THAT THE BOUNDARY SHOWN ON THIS PLAT WAS PERFORMED UNDER MY DIRECTION AND THAT ALL EXISTING SURVEY MONUMENTS AND MARKERS SHOWN ARE CORRECTLY DESCRIBED. I FURTHER CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION. GENERAL NOTES NO. 5, 6, 8 THROUGH 26 AND DEDICATION WERE NOT REVIEWED BY THE SURVEYOR.

*James L. Dean*  
JAMES L. DEAN  
R.L.S. NO. 14145

**ENGINEER**

AS TO DEVELOPMENT PLAN (GENERAL NOTES) SHOWN ON PLAT.

*Philip C. Salter*

TOWN OF ORO VALLEY  
PROJ#: OV12-03-31A  
ZONE: ORV  
Adm. Address:  
10552 N LA CANADA DR

**FINAL PLAT**  
**MERCADO AT CANADA HILLS**  
**LOTS 1 THROUGH 9 &**  
**COMMON AREA "A" & "B" (CROSS**  
**ACCESS, PEDESTRIAN AND DRAINAGE)**

A PORTION OF THE SW 1/4 SECTION 11, T12S, R13E, G&SRM AND A RESUBDIVISION OF A PORTION OF BLOCK 2, AS RECORDED IN EL CONQUISTADOR COUNTRY CLUB BK. 33 M&P, PG. 82, TOWN OF ORO VALLEY PIMA COUNTY, ARIZONA



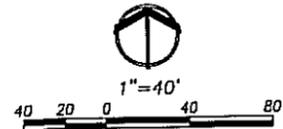
Engineering and Environmental Consultants, Inc.  
4025 E. FT. LOWELL RD. Tel: 520-321-4626 • Fax: 520-321-0333  
TUCSON, ARIZONA 85712 www.eec-info.com



GENERAL NOTES (CONTINUED FROM SHEET 2)

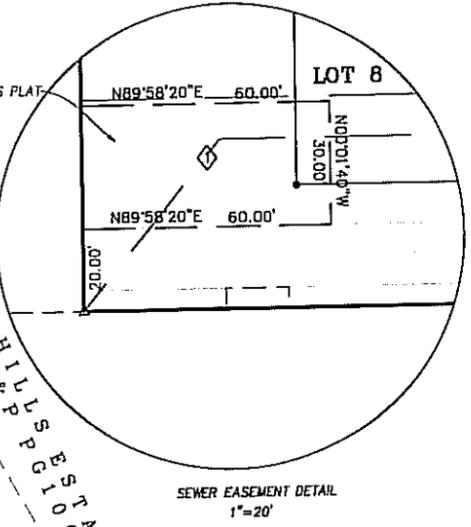
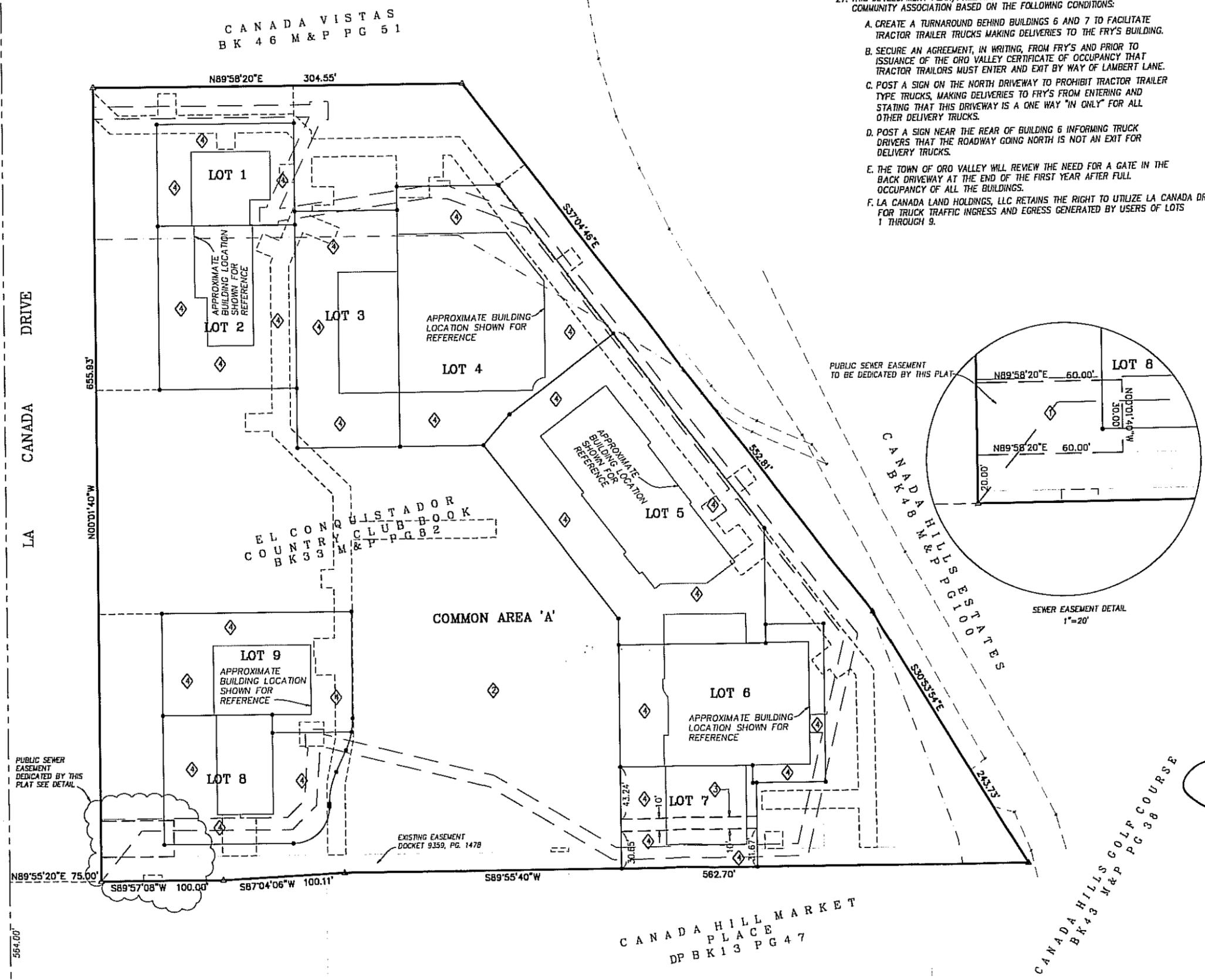
27. THIS DEVELOPMENT PLAN/PRELIMINARY PLAT IS APPROVED BY THE CANADA HILLS COMMUNITY ASSOCIATION BASED ON THE FOLLOWING CONDITIONS:

- A. CREATE A TURNAROUND BEHIND BUILDINGS 6 AND 7 TO FACILITATE TRACTOR TRAILER TRUCKS MAKING DELIVERIES TO THE FRY'S BUILDING.
- B. SECURE AN AGREEMENT, IN WRITING, FROM FRY'S AND PRIOR TO ISSUANCE OF THE ORO VALLEY CERTIFICATE OF OCCUPANCY THAT TRACTOR TRAILERS MUST ENTER AND EXIT BY WAY OF LAMBERT LANE.
- C. POST A SIGN ON THE NORTH DRIVEWAY TO PROHIBIT TRACTOR TRAILER TYPE TRUCKS, MAKING DELIVERIES TO FRY'S FROM ENTERING AND STATING THAT THIS DRIVEWAY IS A ONE WAY "IN ONLY" FOR ALL OTHER DELIVERY TRUCKS.
- D. POST A SIGN NEAR THE REAR OF BUILDING 6 INFORMING TRUCK DRIVERS THAT THE ROADWAY GOING NORTH IS NOT AN EXIT FOR DELIVERY TRUCKS.
- E. THE TOWN OF ORO VALLEY WILL REVIEW THE NEED FOR A GATE IN THE BACK DRIVEWAY AT THE END OF THE FIRST YEAR AFTER FULL OCCUPANCY OF ALL THE BUILDINGS.
- F. LA CANADA LAND HOLDINGS, LLC RETAINS THE RIGHT TO UTILIZE LA CANADA DRIVE FOR TRUCK TRAFFIC INGRESS AND EGRESS GENERATED BY USERS OF LOTS 1 THROUGH 9.



KEY NOTES

- ◆ 30'X60' PUBLIC SEWER EASEMENT DEDICATED BY THIS PLAT
- ◆ VEHICULAR CROSS ACCESS AND PEDESTRIAN PRIVATE EASEMENT AND PUBLIC UTILITY EASEMENT AS ESTABLISHED BY THE PROPERTY OWNER.
- ◆ PRIVATE DRAINAGE EASEMENT AS ESTABLISHED BY THE PROPERTY OWNER.
- ◆ COMMON AREA 'B' PRIVATE EASEMENT FOR VEHICULAR AND PEDESTRIAN ACCESS AS ESTABLISHED BY THE PROPERTY OWNER TO SERVE ALL INVITEES.



SEE SHEET 2 OF 3 FOR BOUNDARY DATA

AS TO CERTIFICATION ON SHEET 1



*James L. Deah*

**FINAL PLAT  
MERCADO AT CANADA HILLS  
LOTS 1 THROUGH 9 &  
COMMON AREA "A" & "B" (CROSS  
ACCESS, PEDESTRIAN AND DRAINAGE)**

A PORTION OF THE SW 1/4 SECTION 11, T12S, R13E, G&SRM AND A RESUBDIVISION OF A PORTION OF BLOCK 2, AS RECORDED IN EL CONQUISTADOR COUNTRY CLUB BK. 33 M&P, PG. 82, TOWN OF ORO VALLEY PIMA COUNTY, ARIZONA  
SCALE: 1"=40'

CANADA HILL MARKET  
PLACE  
DP BK 13 PG 47



Engineering and Environmental Consultants, Inc.  
4625 E. FT. LOWELL RD. Tel: 520-321-4825 • Fax: 520-321-0333  
TUCSON, ARIZONA 85712 www.eec-info.com

Co12-80-75, Co9-18-121

OV12-03-31A  
EEC JOB 203143

SEPTEMBER 2009 SHEET 3 OF 3

SW COR SEC 11  
FD BC5M  
RLS 12214"

PUBLIC SEWER EASEMENT DEDICATED BY THIS PLAT SEE DETAIL

EXISTING EASEMENT DOCKET 9359, PG. 147B

CANADA VISTAS  
BK 46 M&P PG 51

LA CANADA DRIVE  
CANADA HILLS STATES

# View From East



# View from East – Zoomed In



# View From North



# View From North





**Town Council Regular Session**

**Item # 3.**

**Meeting Date:** 06/15/2011

**Requested by:** David Williams

**Submitted By:**

David Ronquillo,  
Development Infrastructure  
Services

**Department:** Development Infrastructure Services

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**Information**

**SUBJECT:**

PUBLIC HEARING: RECONSIDERATION OF THE MAY 4, 2011 APPROVAL OF ORDINANCE NO. (O)11-12, APPROVING A REZONING REQUEST BY ML2 MANAGEMENT, L.L.C. REPRESENTING ST. MARK CHURCH, FOR THE PROPERTY LOCATED AT 2727 W. TANGERINE ROAD FROM R1-144 TO PRIVATE SCHOOL DISTRICT

**RECOMMENDATION:**

Staff recommends approval, with the unanimous concurrence of the Planning & Zoning Commission, subject to the conditions in Exhibit A (Attachment #1).

**EXECUTIVE SUMMARY:**

At their regular meeting of May 4, 2011, the Town Council voted to approve the St. Mark Church rezoning with the conditions in Exhibit A, and modifying the permitted building height to 28' and 35' for architectural elements. The main discussions involved conformance with the Tangerine Road Corridor Overlay District and neighborhood compatibility. A specific focus was whether the building height for the church sanctuary fit the scale of the surrounding area which includes low density residential and vacant property.

At the regular meeting of May 18, 2011, the Town Council voted unanimously to reconsider this item at the June 15, 2011 Town Council meeting. The request before Town Council involves a reconsideration of the May 4, 2011 approval for the rezoning of the property currently occupied by St. Mark Church from R1-144, Single Family Residential to PS, Private Schools. The substantive items on this project relate to General Plan, Tangerine Road Corridor Overlay District, building heights and neighborhood compatibility.

**BACKGROUND OR DETAILED INFORMATION:**

Staff provided analysis of the substantive items as part of the May 4, 2011 Town Council staff report (Attachment #2). For further project background information, please refer to the site analysis booklet (Attachment #3) and Planning & Zoning Commission staff report and minutes dated March 1, 2011 (Attachments #4 and #5). The neighborhood issues summary table (Attachment #6) is also included for reference.

Based on the May 18th Council action to reconsider this item, Staff is preparing and will present additional information about proposed building heights and the Tangerine Road Scenic Corridor. The applicant has been advised to be prepared to further discuss this concern with the Council.

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to (adopt, adopt with conditions or deny), Ordinance NO. (O)11-12, rezoning for St. Mark Church with the conditions as specified in Exhibit A (subject to the following changes:\_\_\_\_\_).

---

**Attachments**

Att 1 Ordinance 11-12 & Exhibit A

Att 2 Town Council Report Dated May 4, 2011

Att 3 Site Analysis Booklet

Att 4 P&ZC Report Dated March 1, 2011

Att 5 P&ZC Minutes Dated March 1, 2011

Att 6 Neighbor Issues Summary Table

**ORDINANCE NO. (O)11-12**

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

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

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

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

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

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

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

**WHEREAS**, the Oro Valley Town Council has duly considered the proposed rezoning and the Planning and Zoning Commission's recommendations at a duly noticed Public Hearing; and finds that it is consistent with the Town's General Plan and the Oro Valley Zoning Code Revised.

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

**SECTION 1.** The rezoning request by the Applicant, representing St. Marks Church, to rezone the property located 2727 W. Tangerine Road from R1-144 to PS as shown in Exhibit "B", is hereby adopted with conditions, attached hereto as Exhibit "A".

**SECTION 2.** All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

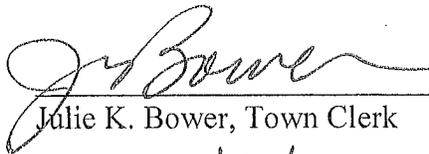
**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona on this 4th day of May, 2011.

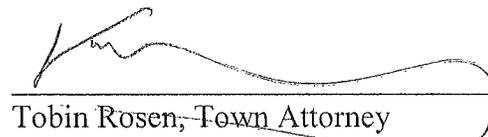
**TOWN OF ORO VALLEY**

  
\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Julie K. Bower, Town Clerk

  
\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: 5/6/11

Date: 5/4/11

**PUBLISH:** DAILY TERRITORIAL  
MAY 16, 17, 18, 19, 2011

**POSTED:** 5/10/11 - 6/10/11

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
**OV910-02**  
**ST. MARK CHURCH**

**Planning**

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

**Oro Valley Water**

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

**Planning & Zoning Commission Conditions:**

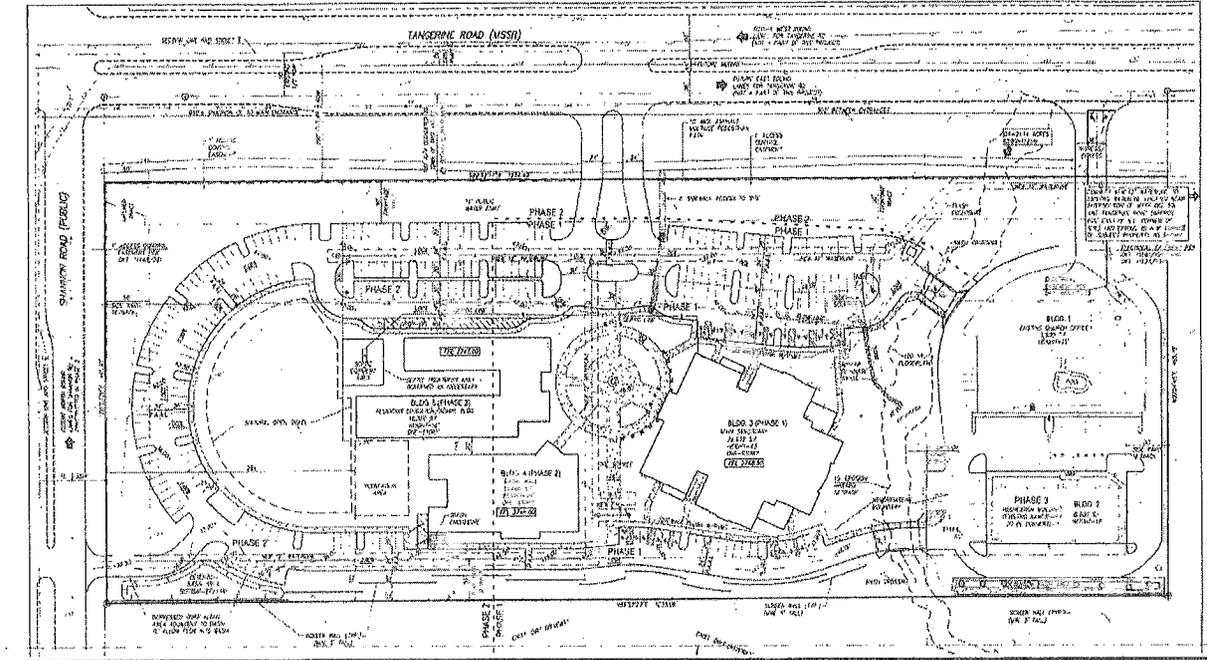
1. Revise the Phase 1 plan to match the tentative development plan, specifically the south buffer yard walls.
2. Revise the riparian boundaries delineated on the tentative development plan to reflect the correct adopted riparian boundaries.
3. In Exhibit 23, clarify what areas will be landscaped and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

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

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

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

# EXHIBIT B SITE PLAN





**Town Council Regular Session**

**Item # 1.**

**Meeting Date:** 05/04/2011

**Requested by:** David Williams

**Submitted By:**

David Ronquillo,  
Development Infrastructure  
Services

**Department:** Development Infrastructure Services

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**Information**

**SUBJECT:**

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

**RECOMMENDATION:**

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

**EXECUTIVE SUMMARY:**

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

**BACKGROUND OR DETAILED INFORMATION:**

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

**Planning & Zoning Commission Action:**

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

**STAFF ANALYSIS OF PROPOSED REZONING**

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

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

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

- A 50' frontage tract has been provided along Tangerine Road.
- A 4:1 building height to setback ratio has been achieved as follows:
  - a. Sanctuary building (35' height): 140' setback required and 204' proposed
  - b. Religious education (16' height): 64' setback required and 185' proposed
  - c. Social Hall (24' height): 96' setback required and 320' proposed.

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

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

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

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

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

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

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

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

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

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

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

### **Public Notification and Comment**

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

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

### **FISCAL IMPACT:**

N/A

### **SUGGESTED MOTION:**

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

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### **Attachments**

Ordinance 11-12

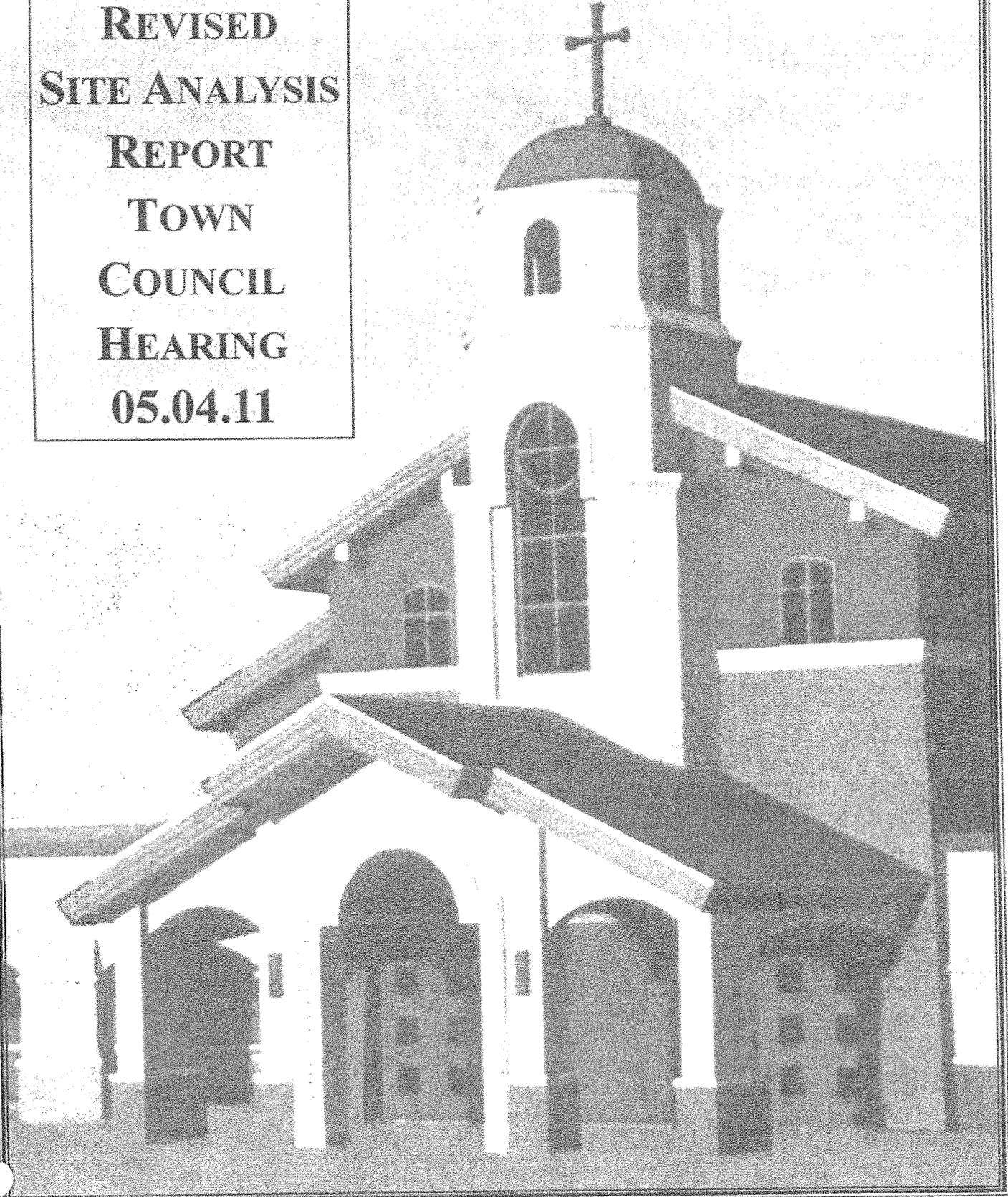
Att 2 Site Analysis Booklet

Att 3 PZC Report Dated March 1, 2011

Att 4 PZC Draft Minutes Dated March 1, 2011

Att 5 Neighbor Issues Summary Table

**REVISED  
SITE ANALYSIS  
REPORT  
TOWN  
COUNCIL  
HEARING  
05.04.11**



**ST. MARK THE EVANGELIST CATHOLIC CHURCH**

**OV910-002 | REZONING FROM R1-144 TO PS**

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## TOWN COUNCIL AGENDA MAY 4, 2011

### REVISED SITE ANALYSIS REPORT FOR

### ST. MARK THE EVANGELIST CATHOLIC CHURCH

### OV910-02 REZONING FROM R1-144 TO PS

**SITE ANALYSIS REPORT CONTRIBUTORS**

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

**SITE ANALYSIS REPORT PREPARED BY:**

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ML2 Management, LLC  
4802 East Ray Road, Suite 23-313  
Phoenix, Arizona 85044  
Phone #480-332-8897  
Mitch@ML2Management.com

A handwritten signature in black ink, appearing to read 'Mitchell L. Lorenz', with a stylized flourish extending to the right.

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

**TOWN COUNCIL AGENDA MAY 4, 2011**  
**REVISED SITE ANALYSIS REPORT FOR**  
**ST. MARK THE EVANGELIST CATHOLIC CHURCH**  
**OV910-02 REZONING FROM R1-144 TO PS**

## **INVENTORY & ANALYSIS**

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### **PART 1 – A: EXISTING LAND USES**

#### **1. SITE LOCATION**

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

#### **2. EXISTING LAND USES**

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

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

*(Refer to Exh. 2 – AERIAL PHOTOGRAPH)*

#### **3. ADJACENT PROPERTY INFORMATION (WITHIN ¼ MILE)**

##### **a. Existing Zoning:**

All properties north, south and east of St. Mark are zoned R1-144.

(There is a sub-division zoned R1-43 that lies just beyond a ¼ mile from the eastern property line of St. Mark (Sunset Canyons Estates).

The property directly west of St. Mark is outside Oro Valley's jurisdiction.

##### **b. Existing Land Use:**

The property directly north of St. Mark across Tangerine Rd. is vacant.

The property directly east of St. Mark has a single family residential home on it.

The property directly south of St. Mark has a single family residential home on it.

##### **c. All residential homes within ¼ mile of St. Mark are single story.**

##### **d. There are no pending rezoning cases as of the time of this application.**

##### **e. There are no conditionally approved zoning cases as of the time of this application.**

##### **f. The only sub-division or development plan that has been approved is for Sunset Canyon in 2005/2006 which lies beyond ¼ mile east of St. Mark.**

##### **g. There is no consistent architectural style for the adjacent residential structures and no homes have been built at the Sunset Canyon sub-division.**

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

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

## **INVENTORY & ANALYSIS**

---

### **PART 1 – B: TOPOGRAPHY**

#### **1. GENERAL DESCRIPTION OF EXISTING PROPERTY TOPOGRAPHY**

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

*(Refer to Exh. 4 – TOPOGRAPHICAL MAP)*

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

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

#### **2. STATEMENT OF PRE-DEVELOPMENT AVERAGE CROSS-SLOPE**

See above.

## **INVENTORY & ANALYSIS**

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### **PART 1 – C: HYDROLOGY**

#### **1. DESCRIPTION OF PERIMETER OFF-SITE WATER SHEDS EFFECTING OR AFFECTED BY THE SITE UPSTREAM & DOWNSTREAM**

An off-site aerial photograph with the Pima County GIS 2 foot contour intervals showing all of the off-site watersheds directly impacting this project has been included and is the background image of the Hydrology exhibits referenced below.

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

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

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

*(Refer to Exh. 5 – PRE-DEVELOPED WATER SHED MAP)*

*(Refer to Exh. 21.b – TENTATIVE DEVELOPMENT PLAN)*

a. This property is located within a critical basin.

#### **2. DESCRIPTION OF SIGNIFICANT NATURAL OR MAN-MADE OFF-SITE FEATURES (FROM ITEM #1)**

Tangerine Rd. bounds the property on the north and it provides an all weather access adjacent to the property. Dipped roadway sections collect storm water runoff from the off-site watersheds that originate north of the property. Storm water runoff is then directed through the property as described in Item 1 above.

#### **3. ACREAGE OF UPSTREAM OFF-SITE WATER SHEDS WITH 100 YEAR DISCHARGES GREATER THAN 100 CFS (FROM ITEM #1)**

There is one off-site watershed directly impacting the site that exceeds 100 CFS located at Point 4.0 from Exh. 5. The watershed drains an area of approximately 24.34 acres and has a 100 year peak discharge of approximately 121 CFS. The Canada Agua 1 Wash watershed clips the northwest corner of the property as described in Item 1 above. The upstream watershed drainage acreage is not known at this time.

*(Refer to Exh. 7 – FLOOD PLAIN MAP)*

#### **4. DESCRIPTION OF CHARACTERISTICS OF ON-SITE HYDROLOGY**

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

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

- b. There are no regulatory special flood hazard areas of sheet flow.
- c. Approximately 99.88% of the parcel has been designated as being located within a FEMA un-shaded Zone X, pursuant to the FEMA Flood Insurance Rate Map (FIRM) Community Panel No. 04019C 1020K, Effective date February 8, 1999. This indicates that the majority of the site is located outside the FEMA 100 and 500-year floodplain and will not require a detailed analysis from FEMA. The remaining .12% of the property is covered by the Canada Agua 1 Wash at the northwest corner of the property as described in Item 1 above.
- d. The 100-year peak discharges for all watersheds within the boundaries have been quantified and shown on the aerial photograph included as Exh. 7.

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

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

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

## INVENTORY & ANALYSIS

### PART 1 – D: VEGETATION

#### 1. Vegetative Communities & Associations on the site:

##### a. Zone = Sonoran Desert Scrub

- i. This property is within a low/mid-altitude region (500 to 4000 ft.) and receives 12 inches or less rain annually. Summer highs exceed 100 degrees Fahrenheit and winter lows occasionally range as low as 20 degrees Fahrenheit. The growing season extends from mid-February through November. Cities/Towns in this zone include Oro Valley, Phoenix, Yuma, Wickenburg and Tucson. Select landscape plants are adapted to sandy soil, extreme heat, low humidity, light frosts and extended droughts. Characteristic desert shrub associations include creosote bush, mesquite, cholla, prickly pear and brittlebush. Desert foothill plant associations include palo verde, ocotillo and saguaros. <sup>(A)</sup>

*(A) Excerpt from Landscaping with Native Plants of the Southwest by George Oxford Miller.*

#### 2. Threatened or Endangered Species:

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

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

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

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

## **INVENTORY & ANALYSIS**

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### **PART 1 – E: WILDLIFE**

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

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

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

## **INVENTORY & ANALYSIS**

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### **PART 1 – F: VIEW SHEDS**

#### **I. SIGNIFICANT VIEW SHEDS**

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

*(Refer to Exh. 11 – VIEW SHED PHOTOS)*

2. There are no areas on site that are considered to be of high visibility from adjacent off-site locations.
3. Refer to Part 2 – I, Exh. 26 – View Shed Overlay Map, for the highest proposed structure the development superimposed onto photographs of the property.

## INVENTORY & ANALYSIS

### PART 1 – G: TRAFFIC

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

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

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

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

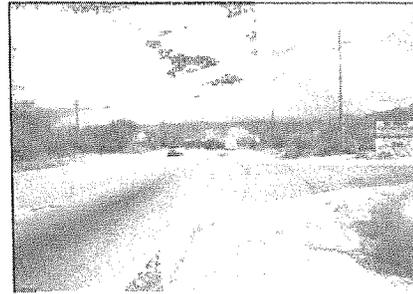
*(Refer to Exh. 12 – ROADWAY INVENTORY)*

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

**Tangerine Rd.**

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

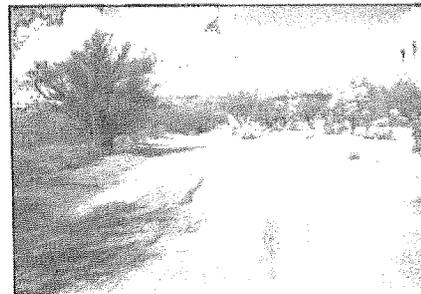
Tangerine Rd. has several horizontal curves along its mostly straight alignment. It has paved, striped shoulders acceptable for bicycle use throughout most of its length, but in the vicinity of the project, there are narrow (1-2 ft.) shoulders with no bike lanes.



*Tangerine Rd. – looking east @ existing entry*

**Shannon Rd.**

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



*Shannon Rd. – looking south*

**Tangerine Crossing Dr. & Thornydale Rd.**

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

### La Cholla Blvd.

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

### Camino del Fierro

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



*Camino del Fierro - looking north*

#### **h. Program for completion of roadway and intersection improvements**

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

#### Tangerine Rd. – Widening

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

#### Tangerine Rd. – R.O.W. Acquisition

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

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

#### **3. Existing and proposed intersections on arterials within one mile and most likely to be used by traffic from this site**

Existing and nearby intersections are Tangerine Rd./Shannon Rd. and Tangerine Rd./Camino del Fierro. Both Shannon Rd. and Camino del Fierro in the vicinity of the project are local roads that serve a few residential parcels. Both have signs near their entrances indicating that they are "private" roads.

#### **TOWN COUNCIL AGENDA MAY 4, 2011**

#### **REVISED SITE ANALYSIS REPORT FOR**

#### **ST. MARK THE EVANGELIST CATHOLIC CHURCH**

#### **OV910-02 REZONING FROM R1-144 TO PS**

Major intersections nearby include:

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

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

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

## **INVENTORY & ANALYSIS**

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### **PART 1 – H: RECREATION & TRAILS**

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

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

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

*(Refer to Exh. 13 – ORO VALLEY PATHS)*

## **INVENTORY & ANALYSIS**

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### **PART 1 – I:**

### **CULTURAL / ARCHAEOLOGICAL / HISTORIC RESOURCES**

1. St. Mark has retained the services of Professional Archaeological Services of Tucson (P.A.S.T.) to perform a Class III Cultural Resources Report, included herein, for the property that addresses Items 'a-c' below as listed in the Rezoning Handout.
  - a. Determine whether the site has been field surveyed for cultural resources:  
*Yes it has been field surveyed and no resources were found (refer to P.A.S.T. report).*
  - b. Identify any previously recorded archaeological or historic resources known to exist on the property:  
*None identified from the UofA Archaeological Records Search Results.*
  - c. State the probability that buried archaeological resources not visible from the surface would be discovered on the site:  
*Refer to P.A.S.T. report.*

*(Refer to Exh. 14 – THE UofA ARCHAEOLOGICAL RECORDS SEARCH RESULTS)*

*(Refer to Exh. 15 – P.A.S.T. CLASS III REPORT)*

## **INVENTORY & ANALYSIS**

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### **PART 1 -- J:           SCHOOLS**

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

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

2. N/A

## **INVENTORY & ANALYSIS**

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### **PART 1 – K: WATER**

1. The Oro Valley Water Utility is the water service provider for this area.  
OVWU Offices:  
11000 S. La Canada Dr.  
Oro Valley, AZ 85737  
Contact: Mark Moore Ph# 520-229-5010
  
2. There is presently no public water main extended to the property. The nearest water connection point is approximately 620 LF east of the property along the south side of Tangerine Rd. at the Vista del Sol alignment. The proposed development will extend a new 12” public water main from this connection point.

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

St. Mark agrees to the following stipulations as required by OVWU as conditions to retain its well rights and keep the existing well active as described above:

- o St. Mark shall execute an exempt well draw down waiver prepared by OVWU and reviewed and accepted by St. Mark and Diocese of Tucson attorney;
  
- o St. Mark agrees to not drill any new wells on the site;
  
- o St. Mark agrees the existing well will not serve any new development associated with the proposed TDP (“new development” shall be considered West of the main wash);
  
- o If St. Mark has Grandfathered water rights, St. Mark shall not sell or transfer them to an individual or entity within the OVWU service area.

*(Refer to Exh. 17 – OVWU Services Map)*

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

## **INVENTORY & ANALYSIS**

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### **PART 1 – L:**

### **SEWERS**

1. Two maps have been provided showing the locations of the nearest public sewer mains in relation to the subject property.

*(Refer to Exh.18 – PIMA COUNTY SEWER SERVICE MAPS)*

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

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

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

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

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

## **INVENTORY & ANALYSIS**

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### **PART 1 – M: MCHARG COMPOSITE MAPS**

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

#### **Map #1 – Topography:**

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

There are no rock outcroppings located onsite and all slopes of 15% or greater have been shaded and noted on the Map Legend.

*(Refer to Exh. 19.a – TOPOGRAPHY OVERLAY MAP)*

#### **Map #2 – Hydrology:**

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

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

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

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

#### **Map #3 – Vegetation:**

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

No existing vegetation on site facilitates soil stabilization.

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

#### **Map #4 – Wildlife:**

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

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

#### **Map #5 – Composite Map:**

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

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

## **LAND USE PROPOSAL**

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### **PART 2 – A:**

### **PROJECT OVERVIEW**

#### **SUMMARY:**

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

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

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

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

#### **GENERAL PROJECT OVERVIEW:**

##### **PROJECT DESCRIPTION – SITE**

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

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

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

##### **PROJECT DESCRIPTION – BUILDINGS**

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

- Main Sanctuary – 29,632 SF | 35 ft. tall to main roof line<sup>(A)</sup>

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

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

### **ANTICIPATED PROJECT PHASING**

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

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

### **PHASE I SITE & MAIN SANCTUARY BUILDING**

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

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

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

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

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

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

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

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

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

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

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

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

*(Refer to Exh. 21 – TENTATIVE DEVELOPMENT PLAN)*

### ANTICIPATED PHASING SCHEDULE

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

### PROJECT OVERVIEW CLOSING

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

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

**LAND USE PROPOSAL**

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**PART 2 – B: TENTATIVE DEVELOPMENT PLAN**

*(Refer to Exh. 21 – TENTATIVE DEVELOPMENT PLAN)*

## **LAND USE PROPOSAL**

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### **PART 2 – C: EXISTING LAND USES**

1. The zoning boundaries along with the general plan maps have been provided to further describe the land uses that surround St. Mark. Also refer to 'Part 1 – A: Existing Land Uses' for additional narrative on existing properties within ¼ mile of St. Mark.  
*(Refer to Exh. 22– GENERAL PLAN & ZONING MAPS)*
2. The proposed land use for the development plan does not deviate from how St. Mark presently operates; therefore, adjacent properties are not anticipated to be adversely affected. Appropriate screening along the southern property line is proposed which will mitigate any visual, audible or other perceived nuisance from any other minor activity that may occur as St. Mark utilizes its new facilities as the project is developed. Refer to 'Part 2 – H: Buffer Plan' for additional description.

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

## **LAND USE PROPOSAL**

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### **PART 2 – D: TOPOGRAPHY**

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

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

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

2. There are no slopes in excess of 15% present onsite.
3. Hillside District Regulations do not apply to this project.
4. N/A
5. The approximate percentage of graded (or disturbed) site area for the proposed development west of the main wash is +/- 71% (calculated from net land area west of the wash only). Percentage of re-vegetated area is 25% and is not inclusive of buffer yards, wash boundaries or the natural open space area west of Phase II buildings as these areas are intended to be left as undisturbed as possible.

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

## LAND USE PROPOSAL

### PART 2 – E: HYDROLOGY

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

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

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

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

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

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



*Existing encroachment condition*

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

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

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

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

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

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

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

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

## **LAND USE PROPOSAL**

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### **PART 2 – F: VEGETATION**

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

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

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

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

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

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

## **LAND USE PROPOSAL**

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### **PART 2 – G: WILDLIFE**

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

## **LAND USE PROPOSAL**

### **PART 2 – H: BUFFER PLAN**

1. The proposed development will have three distinct buffer areas around the perimeter of the improvements. The intent of these buffer areas is to mitigate sound, visibility, exterior lighting and internal traffic that may be attributed to the proposed development of the property.

Mitigation efforts are described as follows:

- a. Sound:

OVZCR 25.1.A.3 restricts noise levels to be a maximum of 40 decibels at property lines. The gathering areas as identified on the TDP are in the courtyard directly in front of the new Sanctuary as part of Phase I which is strategically placed between the new Sanctuary and the residential properties to the south and east. Phase II will include an outdoor recreation area that is located west of the future Social Hall building (refer to the TDP for locations and minimum setbacks). Noise from these areas will be limited to times immediately before and after Mass or during larger Parish functions that occur periodically throughout the year.

- b. Visibility:

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

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

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

- c. Exterior Lighting:

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

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

d. Internal Traffic:

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

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

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

*(Refer to Exh. 24 – BUFFER PLAN)*

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

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

## **LAND USE PROPOSAL**

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### **PART 2 – I: VIEW SHEDS**

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

The proposed Sanctuary building has been superimposed on the existing landscape photographs for a depiction of what the viewing angles will be from adjacent off-site locations. A total of four photos from each property line looking toward the proposed Sanctuary building are a part of this study. A second and more schematic study shows approximate building outlines superimposed on the existing landscape photos.

These studies reflect the following:

- a. No views or vistas from off-site locations are blocked by the tallest proposed structure from viewing positions from the north, west or east looking toward or through the proposed project;
- b. Views from the south looking north toward or through the project will be impacted by the proposed buildings. The views of the Tortolita Mountains to the north will be partially blocked as a person stands directly in line with the buildings from a position south of the property. As one moves west the views are less impacted due to shorter buildings and eventually no buildings as the western ¼ of the property will be left undeveloped without vertical construction.
- c. There are no areas of high visibility associated with this property or the proposed development.

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

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

## LAND USE PROPOSAL

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### PART 2 – J: TRAFFIC

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

*(Refer to Exh. 27 – PRELIMINARY TRAFFIC ANALYSIS)*

#### 1. PRELIMINARY TRAFFIC ANALYSIS

##### a. Internal Circulation and Arterial Street System Access

The TDP shows three access points into the development described as follows:

1. An existing driveway on Tangerine Rd.
2. A proposed new main entrance at the center of the development on Tangerine Rd.
3. A proposed driveway on Shannon Rd.

The following distances have been included on the revised TDP (all measurements are centerline to centerline):

1. Phase II main entrance to the Shannon Rd. alignment is 660 ft.
2. Phase II main entrance to the existing entrance is 560 ft.
3. Phase II main entrance to Vista del Sol (next adjacent Tangerine Rd. tract crossing east of the property) is 1180 ft.
4. Existing entrance to Camino Del Fierro is 220 ft.
5. Phase II Shannon Rd. driveway to Tangerine Rd. is 600 ft. (distance from R.O.W. dedication to driveway is 450 ft.)

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

##### b. Future off-site road improvements required and projected time frames

The RTA project for Tangerine Rd. from I-10 to La Canada Dr., will widen Tangerine Rd. to a four-lane urban section with a raised median. This is scheduled for the 2nd RTA Implementation Plan Period, 2012 to 2016.

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

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

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

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

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

d. Impact to Existing Development Abutting Off-Site Streets

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

e. Capacity Analysis for Proposed Internal and Off-site streets, including right-of-way and pavement widths, geometrics, design speeds and traffic control improvements needed

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

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

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

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

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

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

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

Pima County Right Turn Warrants are in the table below.

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

- g. The Party/Agency whom the applicant believes to be responsible for making necessary improvements

The Applicant understands a development plan agreement between St. Mark and the Town of Oro Valley will be necessary for any offsite improvements associated with the proposed development. Some improvements could be done when Tangerine Rd. is widened to a four-lane roadway under the RTA project.

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

2. St. Mark's property is a single parcel development with no on-site streets and therefore does not have any on-site right of way dedications. Internal circulation is via private drive lanes.
3. Pedestrian paths from St. Mark parking areas and buildings are referenced on the TDP.

## **LAND USE PROPOSAL**

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### **PART 2 – K: SEWERS**

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

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

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

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

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

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

*(Refer to Exh. 28 – Preliminary Septic System Design)*

*(Refer to Exh. 29 – Proposed Nitrate Filter Pods Data Sheets)*

## **LAND USE PROPOSAL**

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### **PART 2 – L: RECREATION & TRAILS**

1. Refer to 'Part 1 – H: Recreation & Trails', for maps of trails, parks and recreation within one mile of the site.
2. There are no parks or recreation areas within one mile of the site.
3. The proposed development will include a 10 ft. wide asphalt multi-purpose trail within the Tangerine Rd. right-of-way dedication for future connection to the town/county wide trail system. The proposed new path will run the length of the Tangerine Rd. frontage. St. Mark is not aware of any proposed connection to either end of the path in the immediate future as there is no knowledge of plans to develop the adjacent properties along Tangerine Rd.
4. St. Mark will retain sole ownership of all natural and designed open space within its property.

## **LAND USE PROPOSAL**

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### **PART 2 – M: CULTURAL / ARCHAEOLOGICAL / HISTORIC RESOURCES**

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

## **LAND USE PROPOSAL**

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### **PART 2 -- N:           SCHOOLS**

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

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

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

## **LAND USE PROPOSAL**

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### **PART 2 – O: WATER**

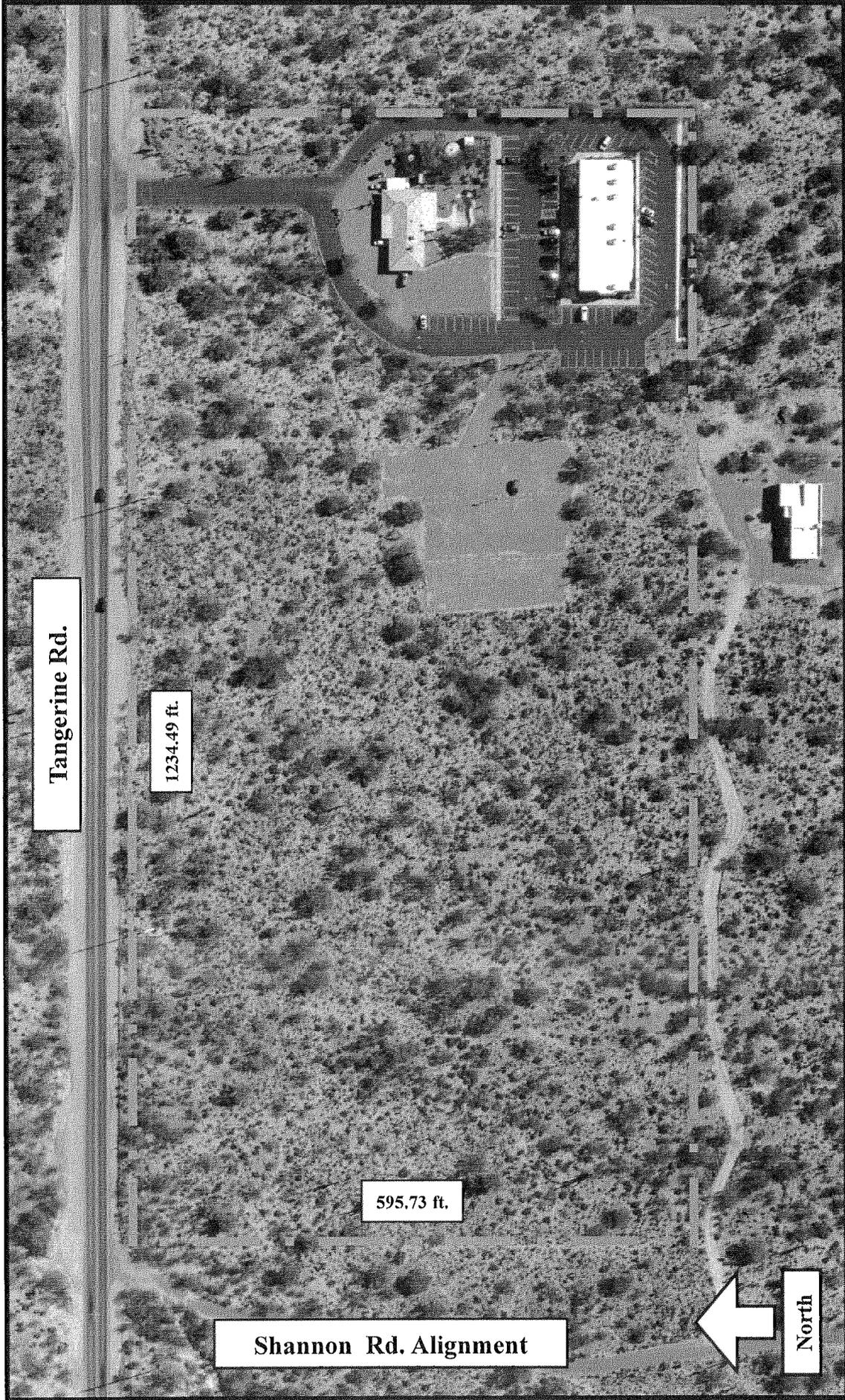
1. As described in 'Part 1 – K: Water', there is no existing public water demand for this property since the existing well is fully operational. That being said, additional water demand for the development is broken down into anticipated usage for Phase I and Phase II buildings.
  - a. Ph. I Building: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

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

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

*(Refer to Exh. 30 – OVWU WAIVER)*





Aerial Photo Taken January 3, 2010

Tangerine Rd.

1234.49 ft.

595.73 ft.

Shannon Rd. Alignment

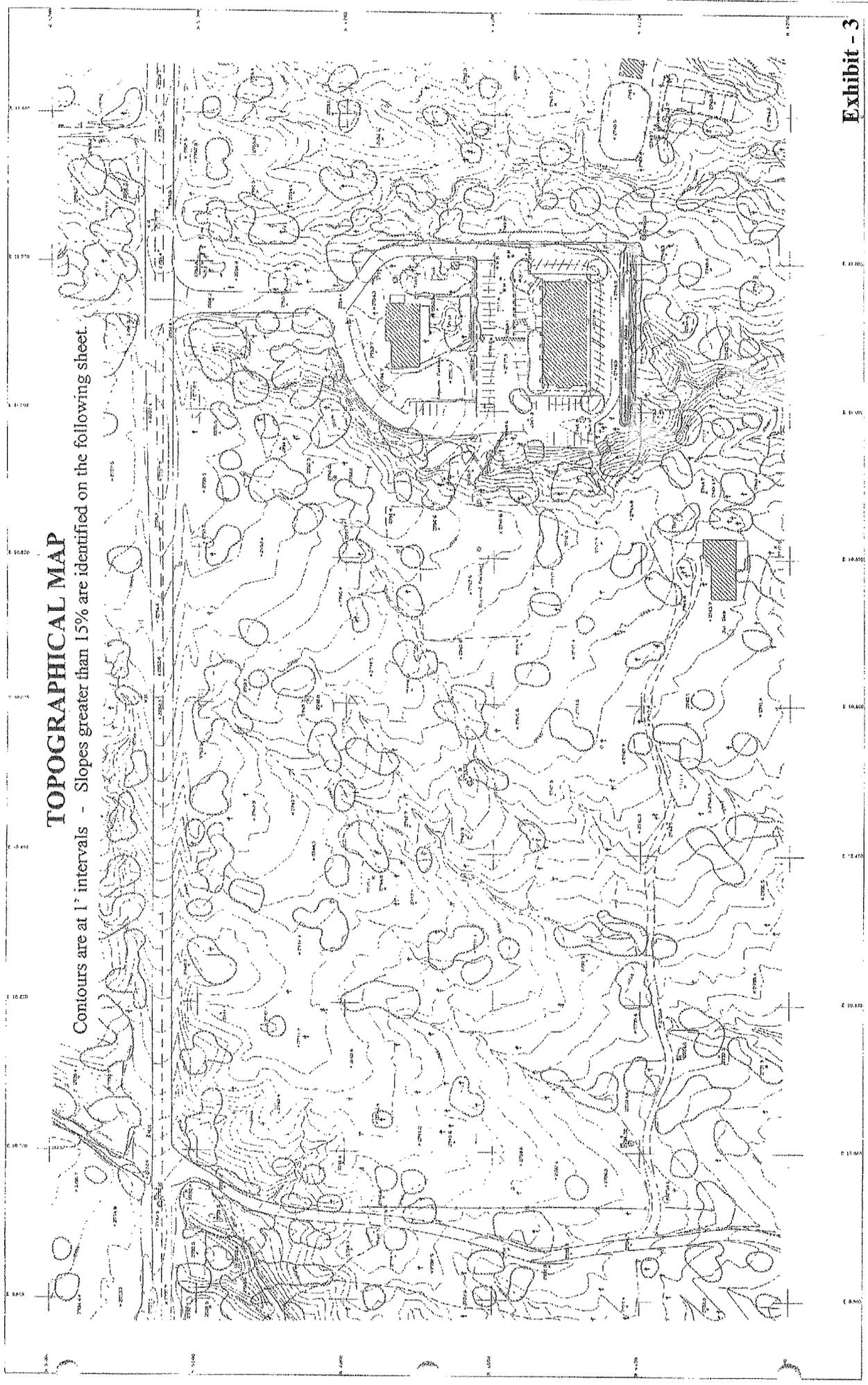


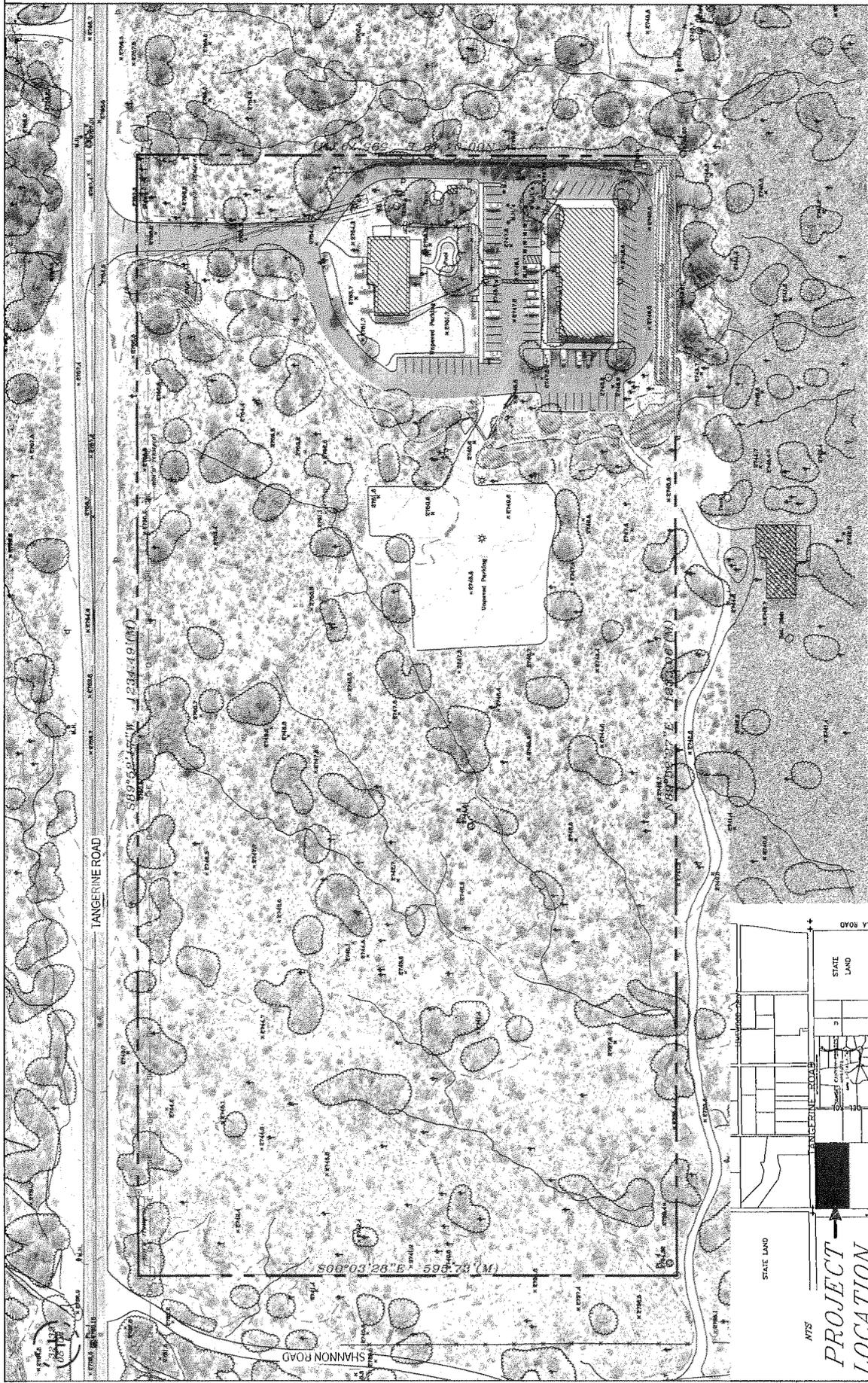
North

Exhibit—2

# TOPOGRAPHICAL MAP

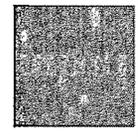
Contours are at 1' intervals - Slopes greater than 15% are identified on the following sheet.





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

St. Mark the Evangelist Catholic Church, Phase 1  
 Saint Mark Roman Catholic Parish - Tucson  
 Oro Valley, AZ



- LEGEND:**
- TOPOGRAPHY > 15'
  - ROCK OUTCROPPINGS

**NOTES:**  
 A. No rock outcroppings were found on-site.

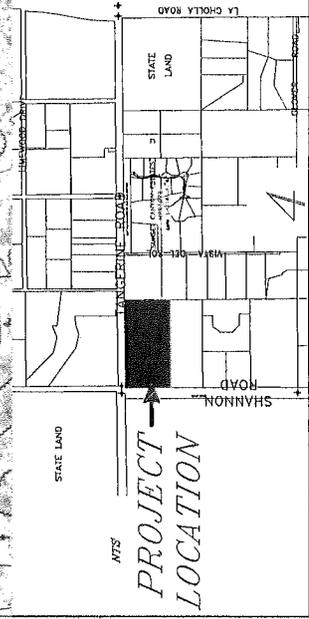
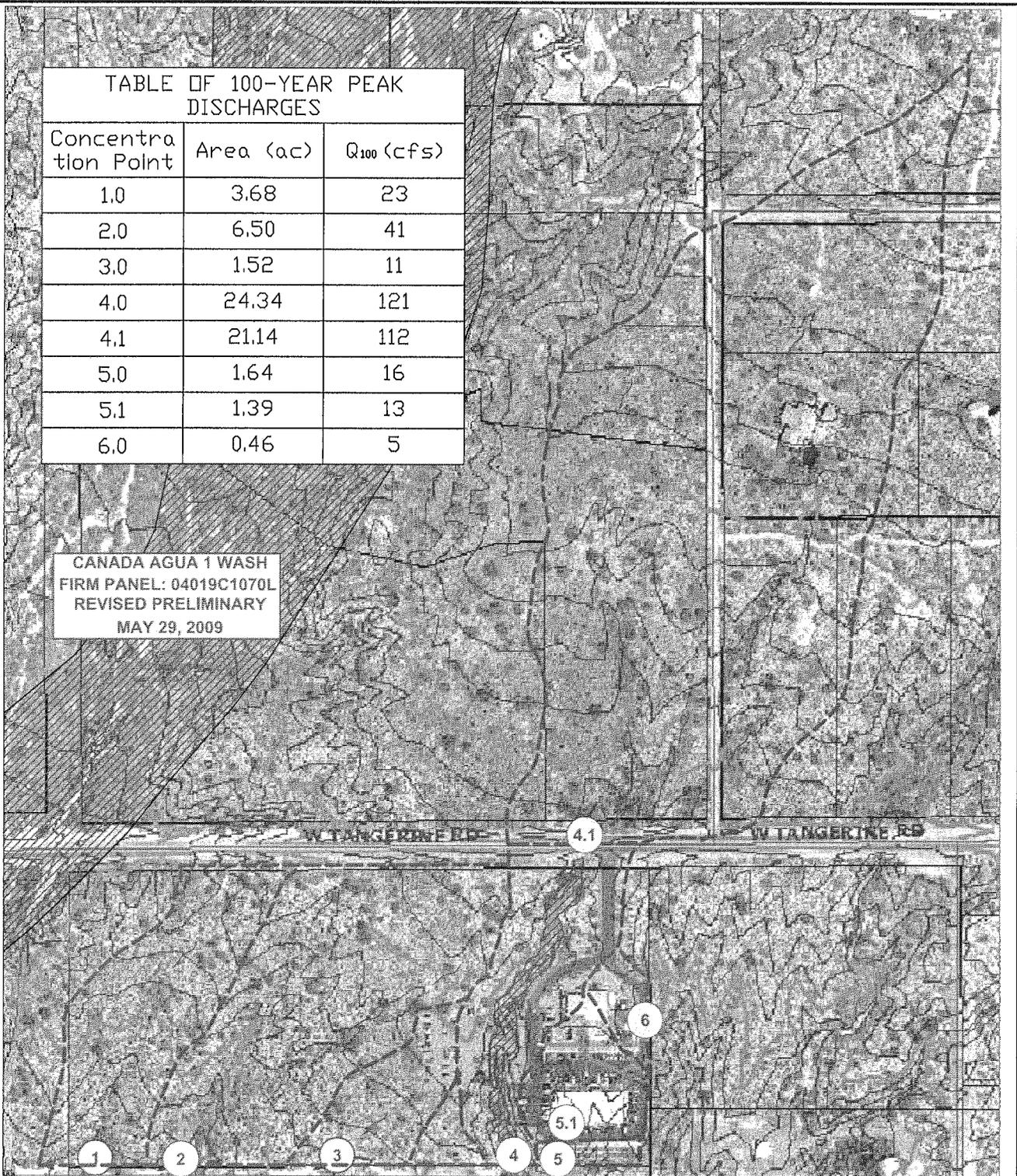


TABLE OF 100-YEAR PEAK DISCHARGES		
Concentration Point	Area (ac)	Q <sub>100</sub> (cfs)
1.0	3.68	23
2.0	6.50	41
3.0	1.52	11
4.0	24.34	121
4.1	21.14	112
5.0	1.64	16
5.1	1.39	13
6.0	0.46	5

CANADA AGUA 1 WASH  
 FIRM PANEL: 04019C1070L  
 REVISED PRELIMINARY  
 MAY 29, 2009



**BOGARDUS ENGINEERING, LLC**

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

PREDEVELOPED WATERSHED MAP

SAINT MARK CATHOLIC CHURCH

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

NO.	REVISION	DATE
1	ADD FLOODPLAINS	10/10

DATE: 03/10/2010  
 SCALE: 1" = 300'

BOGARDUS PROJECT NO.: 10-012-A-001D

SHEET 1 OF 1

# HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

## Pima County Regional Flood Control District



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

Watershed Area: 24.3 ac Watershed Type: Suburban-Foothills

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

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

RETURN PERIOD: 100-years

Rainfall Depths:	NOAA Atlas 14 (90% UCL) @					Latitude: 32.4228	Longitude: -111.0276			
Duration:	<u>5-min</u>	<u>10-min</u>	<u>15-min</u>	<u>30-min</u>	<u>60-min</u>	<u>2-hr</u>	<u>3-hr</u>	<u>6-hr</u>	<u>12-hr</u>	<u>24-hr</u>
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

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

Weighted Runoff Coef. (Cw): 0.612  
 Time of Concentration: 9.6 min  
 Rainfall Intensity (i) @ Tc: 8.09 in/hr  
 Runoff Supply Rate (q) @ Tc: 4.95 in/hr  
**PEAK DISCHARGE:** 121 cfs

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

# HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

## Pima County Regional Flood Control District



Client: Ron Staubb and Associates  
 Project Name: Saint Mark Catholic Church  
 Concentration Point: 4.1

Prepared by: Bogardus Engineering, LLC  
 Date: 3/9/2010  
 Job #: 10-006-A-001D

Watershed Area: 21.1 ac      Watershed Type: Suburban-Foothills

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

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

RETURN PERIOD: 100-years

Rainfall Depths:	NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228      Longitude: -111.0276									
Duration:	<u>5-min</u>	<u>10-min</u>	<u>15-min</u>	<u>30-min</u>	<u>60-min</u>	<u>2-hr</u>	<u>3-hr</u>	<u>6-hr</u>	<u>12-hr</u>	<u>24-hr</u>
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

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

Weighted Runoff Coef. (Cw): 0.612  
 Time of Concentration: 7.9 min  
 Rainfall Intensity (i) @ Tc: 8.62 in/hr  
 Runoff Supply Rate (q) @ Tc: 5.27 in/hr  
**PEAK DISCHARGE:**      112 cfs

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

# HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

## Pima County Regional Flood Control District



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

Watershed Area: 1.6 ac Watershed Type: Suburban-Foothills

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

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

RETURN PERIOD: 100-years

Rainfall Depths:	NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276									
Duration:	<u>5-min</u>	<u>10-min</u>	<u>15-min</u>	<u>30-min</u>	<u>60-min</u>	<u>2-hr</u>	<u>3-hr</u>	<u>6-hr</u>	<u>12-hr</u>	<u>24-hr</u>
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

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

Weighted Runoff Coef. (Cw): 0.921  
 Time of Concentration: 5.0 min  
 Rainfall Intensity (i) @ Tc: 10.44 in/hr  
 Runoff Supply Rate (q) @ Tc: 9.61 in/hr  
**PEAK DISCHARGE:** 16 cfs

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

**HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE**

**Pima County Regional Flood Control District**



Client: Ron Staubb and Associates Prepared by: Bogardus Engineering, LLC  
 Project Name: Saint Mark Catholic Church Date: 3/9/2010  
 Concentration Point: 5.1 Job #: 10-006-A-001D  
 Watershed Area: 1.4 ac Watershed Type: Suburban-Foothills

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

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

RETURN PERIOD: 100-years

Rainfall Depths:		NOAA Atlas 14 (90% UCL) @					Latitude: 32.4228					Longitude: -111.0276					
Duration:		<u>5-min</u>	<u>10-min</u>	<u>15-min</u>	<u>30-min</u>	<u>60-min</u>	<u>2-hr</u>	<u>3-hr</u>	<u>6-hr</u>	<u>12-hr</u>	<u>24-hr</u>						
Point Values (in)		0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64						
Areal Values (in)		0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64						

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

Weighted Runoff Coef. (Cw): 0.921  
 Time of Concentration: 5.0 min  
 Rainfall Intensity (i) @ Tc: 10.44 in/hr  
 Runoff Supply Rate (q) @ Tc: 9.61 in/hr  
**PEAK DISCHARGE:** 13 cfs

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

# HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

## Pima County Regional Flood Control District



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

Watershed Area: 0.5 ac Watershed Type: Suburban-Foothills

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

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

RETURN PERIOD: 100-years

Rainfall Depths:	NOAA Atlas 14 (90% UCL) @					Latitude: 32.4228	Longitude: -111.0276			
Duration:	<u>5-min</u>	<u>10-min</u>	<u>15-min</u>	<u>30-min</u>	<u>60-min</u>	<u>2-hr</u>	<u>3-hr</u>	<u>6-hr</u>	<u>12-hr</u>	<u>24-hr</u>
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

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

Weighted Runoff Coef. (Cw): 0.921  
 Time of Concentration: 5.0 min  
 Rainfall Intensity (i) @ Tc: 10.44 in/hr  
 Runoff Supply Rate (q) @ Tc: 9.61 in/hr  
**PEAK DISCHARGE:** 4.5 cfs

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

**HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE**

**Pima County Regional Flood Control District**



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

Watershed Area: 3.7 ac Watershed Type: Suburban-Foothills

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

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

RETURN PERIOD: 100-years

Rainfall Depths:		NOAA Atlas 14 (90% UCL) @					Latitude: 32.4228					Longitude: -111.0276					
Duration:		<u>5-min</u>	<u>10-min</u>	<u>15-min</u>	<u>30-min</u>	<u>60-min</u>	<u>2-hr</u>	<u>3-hr</u>	<u>6-hr</u>	<u>12-hr</u>	<u>24-hr</u>						
Point Values (in)		0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64						
Areal Values (in)		0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64						

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

Weighted Runoff Coef. (Cw): 0.594  
 Time of Concentration: 5.0 min  
 Rainfall Intensity (i) @ Tc: 10.44 in/hr  
 Runoff Supply Rate (q) @ Tc: 6.20 in/hr  
**PEAK DISCHARGE:** 23 cfs

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

**HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE**

Pima County Regional Flood Control District



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

Watershed Area: 6.5 ac Watershed Type: Suburban-Foothills

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

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

RETURN PERIOD: 100-years

Rainfall Depths:	NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276									
Duration:	<u>5-min</u>	<u>10-min</u>	<u>15-min</u>	<u>30-min</u>	<u>60-min</u>	<u>2-hr</u>	<u>3-hr</u>	<u>6-hr</u>	<u>12-hr</u>	<u>24-hr</u>
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

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

Weighted Runoff Coef. (Cw): 0.594  
 Time of Concentration: 5.0 min  
 Rainfall Intensity (i) @ Tc: 10.44 in/hr  
 Runoff Supply Rate (q) @ Tc: 6.20 in/hr  
**PEAK DISCHARGE:** 41 cfs

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

# HYDROLOGIC DATA SHEET FOR PIMA COUNTY FLOOD PEAK PROCEDURE

## Pima County Regional Flood Control District



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

Watershed Area: 1.5 ac Watershed Type: Suburban-Foothills

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

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

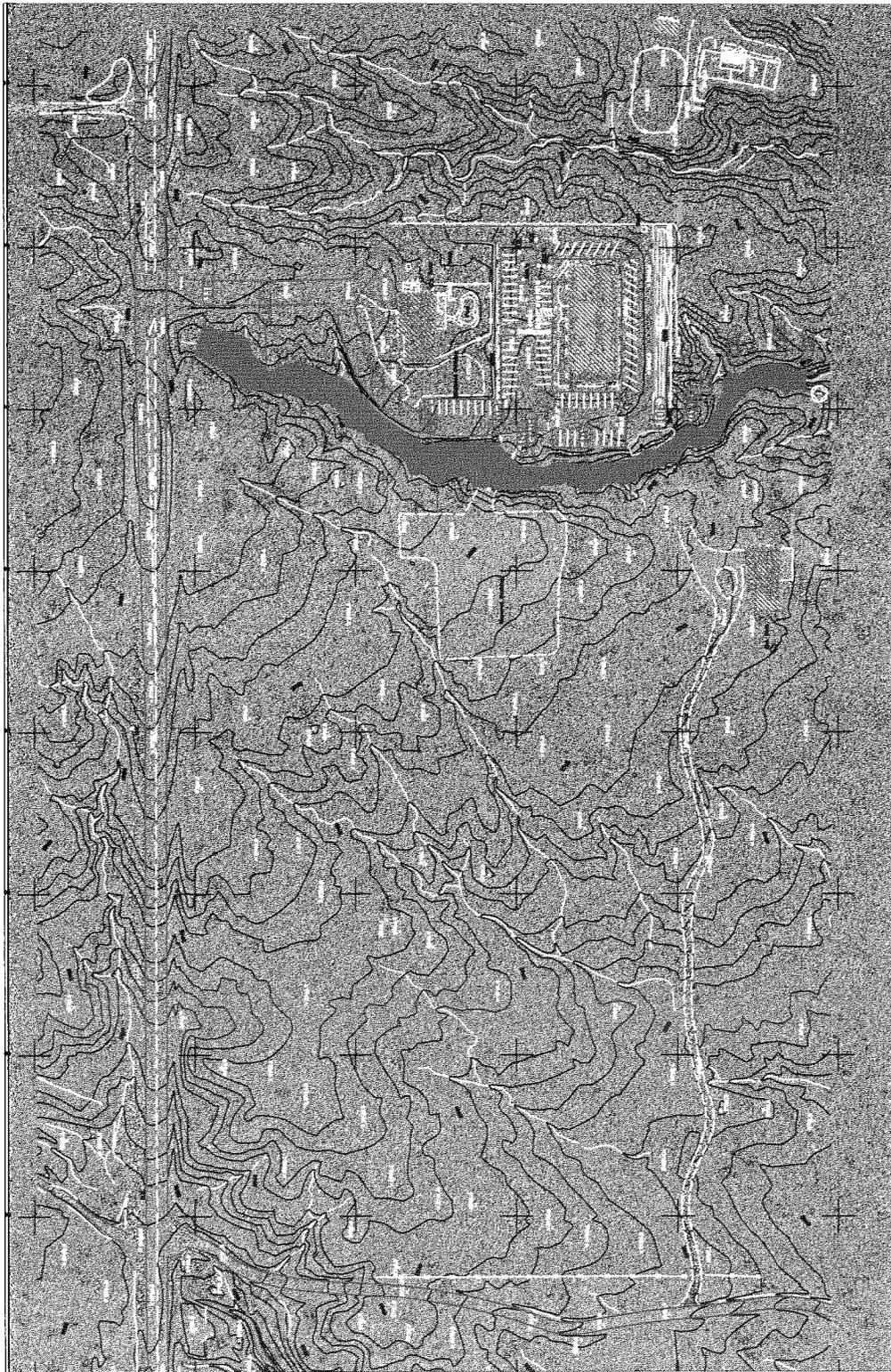
RETURN PERIOD: 100-years

Rainfall Depths:	NOAA Atlas 14 (90% UCL) @ Latitude: 32.4228 Longitude: -111.0276									
Duration:	5-min	10-min	15-min	30-min	60-min	2-hr	3-hr	6-hr	12-hr	24-hr
Point Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64
Areal Values (in)	0.87	1.33	1.65	2.22	2.75	3.06	3.22	3.52	3.81	4.64

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

Weighted Runoff Coef. (Cw): 0.684  
 Time of Concentration: 5.0 min  
 Rainfall Intensity (i) @ Tc: 10.44 in/hr  
 Runoff Supply Rate (q) @ Tc: 7.15 in/hr  
**PEAK DISCHARGE:** 11 cfs

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



**BOGARDUS  
ENGINEERING, LLC**

17090 S. Vanilla Peak Court  
Vail, AZ 85641  
Phone (520) 572-8530 Fax (520) 500-8044

NO.	REVISION	DATE

**FLOODPLAIN MAP**

SAINT MARK CATHOLIC CHURCH

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

DATE	BOGARDUS PROJECT NO.	SHEET
03/09/2010	10-06-A-0010	1
SCALE	1" = 200'	of
		1

# Desierto Verde

## *Movers and Shapers of Native Trees*

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

April 23, 2010

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

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

Attention: Dean Schifferer

Dean,

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

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

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

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

Best regards,



Terri Deemer  
Administrative Coordinator

Attachment

Exhibit - 8.a



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

**BAREROOT TABLE**

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

**BOX TABLE**

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

**SALVAGEABILITY CODES**

Y = SALVAGE N = DESTROY R = REMAIN

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

CACTI UNDER 6':

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

  
**ENVIRONMENTAL & SURVEYING, LTD.**  
UNIVERSITY OF ARIZONA SCIENCE AND TECHNOLOGY PARK  
9040 SOUTH RITA ROAD, STE #2350  
TUCSON, AZ 85747  
PH (520) 298-2725 / FAX (520) 298-2767  
WWW.DARLINGLTD.COM

May 4, 2009

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

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

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

Dear Mr. Shaheen:

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

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

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

Best regards.

Sincerely,  
Darling Environmental & Surveying, Ltd.

Douglas K. Warren  
Environmental Division Manager

**Exhibit - 9.a**



**ENVIRONMENTAL & SURVEYING, LTD.**

UNIVERSITY OF ARIZONA SCIENCE AND TECHNOLOGY PARK

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TUCSON, AZ 85747

PH (520) 298-2725 / FAX (520) 298-2767

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## **2009 Cactus Ferruginous Pygmy-Owl Survey Report**

**St. MARK CHURCH**

(17 Acres)

## EXECUTIVE SUMMARY

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

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

## 1.0 INTRODUCTION

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

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

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

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

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

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

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

The pygmy-owl is a small bird, approximately 6<sup>3</sup>/<sub>4</sub> inches long, about the size of a robin. It

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

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

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

### **3.0 METHODOLOGY**

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

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

### **4.0 ENVIRONMENTAL SETTING**

#### **4.1 GENERAL DESCRIPTION**

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

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

#### 4.2 VEGETATION WITHIN THE SURVEY AREA

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

### 5.0 SURVEY RESULTS

#### 5.1 CACTUS FERRUGINOUS PYGMY-OWL SURVEY RESULTS

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

#### 5.2 OTHER WILDLIFE

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

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

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

## 6.0 SUMMARY

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

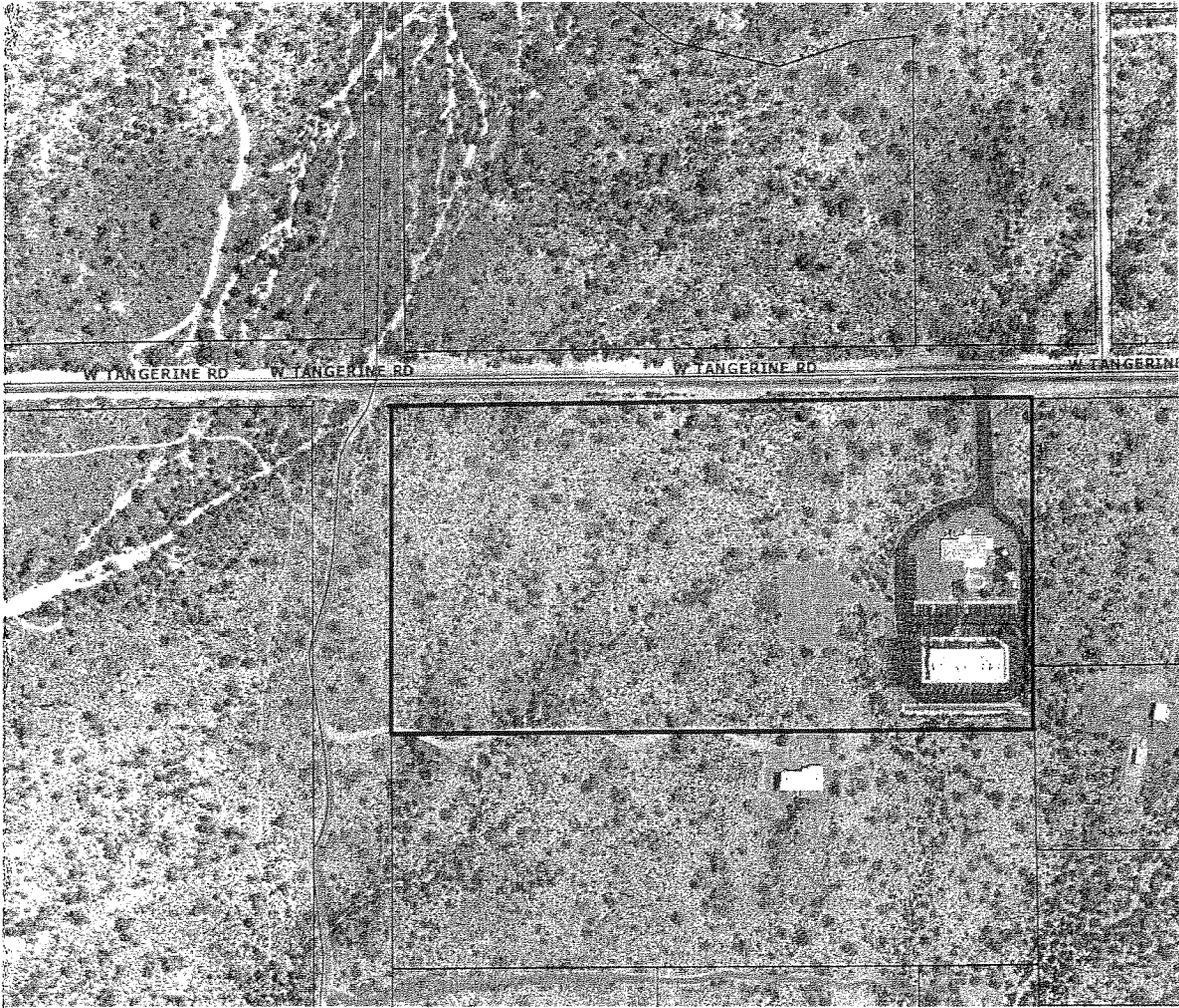
## 7.0 REFERENCES

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

## EXECUTIVE SUMMARY

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

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



**FIGURE 1.**

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

# Lesser Long- Nosed Bat Habitat Assessment

July 19, 2010

## Saint Marks Church

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

---

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

## EXECUTIVE SUMMARY

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

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

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

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

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

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

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

(USFWS, 1997). Although two immature females were reported in Maricopa County (Hoffmeister 1986; August 30 and September 16, 1963, both at residential homes: one was found on a screen door, and one was found dead in a yard), these occurrences do not reflect the typical range of this species (Cockrum, 1991).

*Habitat Requirements:* In Arizona, New Mexico, and northwestern Mexico, the species is migratory. Pregnant females arrive in Arizona in late April and early May, and feed on nectar and pollen of saguaros and other columnar cacti (Wilson, 1985). Maternity roosts are usually in natural caves or abandoned mines. In late July and early August, adult males arrive to join females and young as they disperse from maternity roosts to feed on the nectar and pollen of agave flowers. At this time, the species' range expands east and north, and into plant communities generally occurring at higher elevations than the earlier foraging grounds (Cockrum and Petryszyn, 1991). By mid- to late September, the majority of LLNB have left Arizona and New Mexico to return to Mexico.

*Project Habitat Description:* The project is in Oro Valley, within the Paloverde-Mixed Cacti ("Arizona Upland") Series of the Sonoran Desertscrub biome (Brown 1982). This widespread subdivision is dominated by foothill paloverde (*Cercidium microphyllum*) with saguaro (*Carnegiea gigantea*) as a common co-dominant. Common shrubs and sub-shrubs include whitethorn (*Acacia constricta*), ocotillo (*Fouquieria splendens*), creosotebush (*Larrea tridentata*) and brittlebush (*Encelia farinosa*). Triangle-leaf bursage (*Ambrosia deltoidea*) is the dominant understory forb in a majority of the local area. Other cacti (i.e. *Opuntia* spp., *Cylindropuntia* spp., *Ferocactus* spp., *Mammillaria* spp.) are conspicuous members of the local area. Precipitation is bimodal throughout the region with widespread frontal winter rains (Dec-Feb) and scattered thunderstorms in the summer (Jun-Aug). Hot summers and moderately warm winters characterize the region.

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

*Potential for Occurrence in the Project Area:* The potential for this bat to forage within the Saint Marks parcel of land exists. However, there is no nearby roosting habitat and the forage resources present on the property are not significant in quality and/or quantity to affect the bat one way or the other.

*Impact:* Where feasible, the project proponent will attempt to have all saguaro cacti preserved in place or transplanted on site, unless the plants are too large to successfully transplant. Since the Saint Marks Property lacks suitable roosting habitat, the proponent will preserve nectar producing plants, and foraging plants are not a limiting factor for this bat in the vicinity of the Church, this project not adversely affect the LLNB.

## **CONCLUSION**

Results of the initial screening process indicate that the LLNB has some potential to occur on or near the Saint Marks property during the months of April to September. There is no suitable roosting habitat on-site for the LLNB. Individuals of the species may forage on saguaros in the area during the flowering season. Based on the lack of roosting habitat for the LLNB in the area, the abundance for forage in this part of southern Arizona, and the proponents willingness to preserve saguaros in place or transplant them on site, the project will not adversely affect this federally listed species.

Prepared by:

Mary E. Darling, MS, JD  
Senior Project Wildlife Biologist

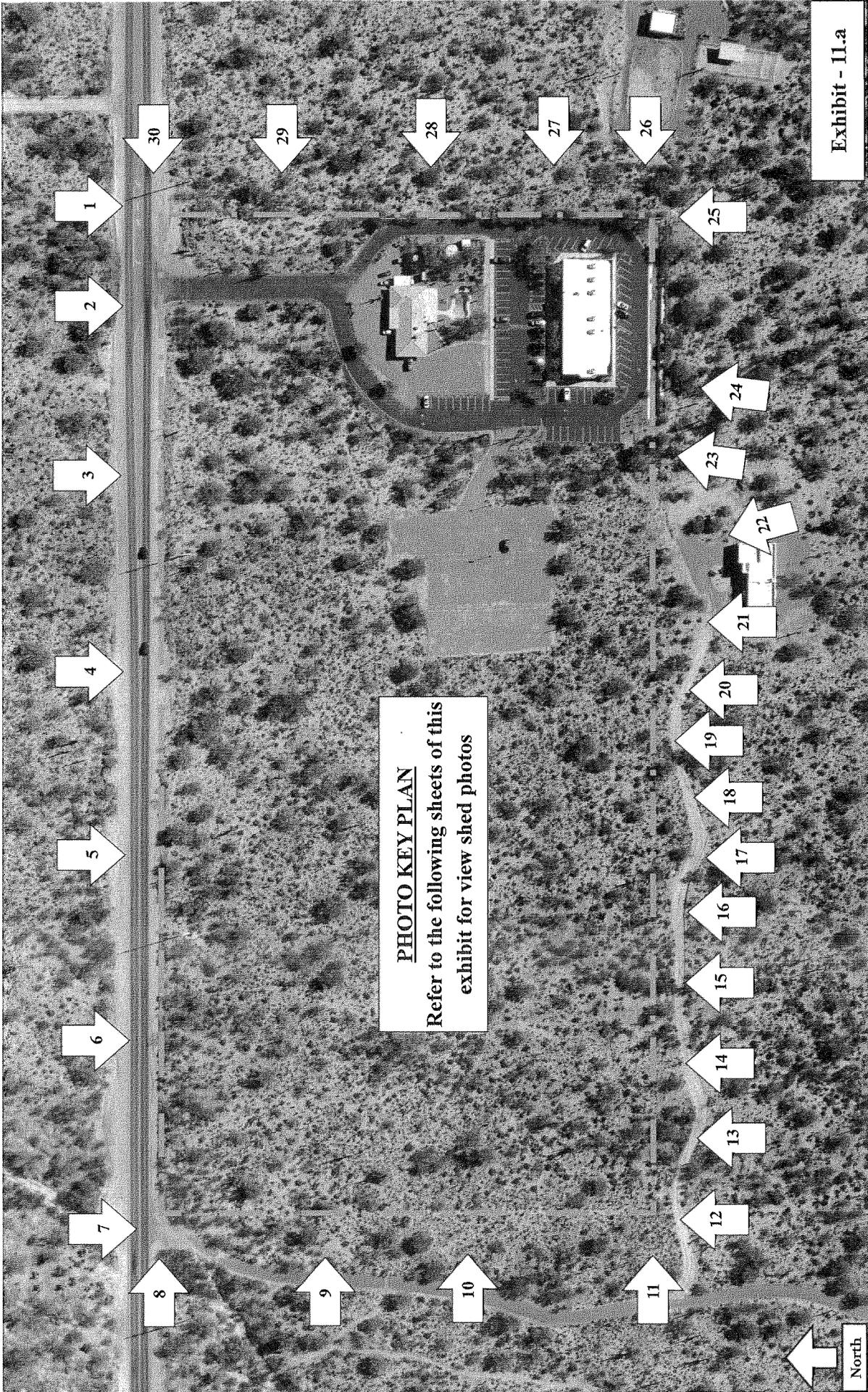


PHOTO KEY PLAN  
Refer to the following sheets of this  
exhibit for view shed photos

Exhibit - 11.a

North



**View Shed Photo #1**



**View Shed Photo #2**



**View Shed Photo #3**



**View Shed Photo #4**



**View Shed Photo #5**



**View Shed Photo #6**



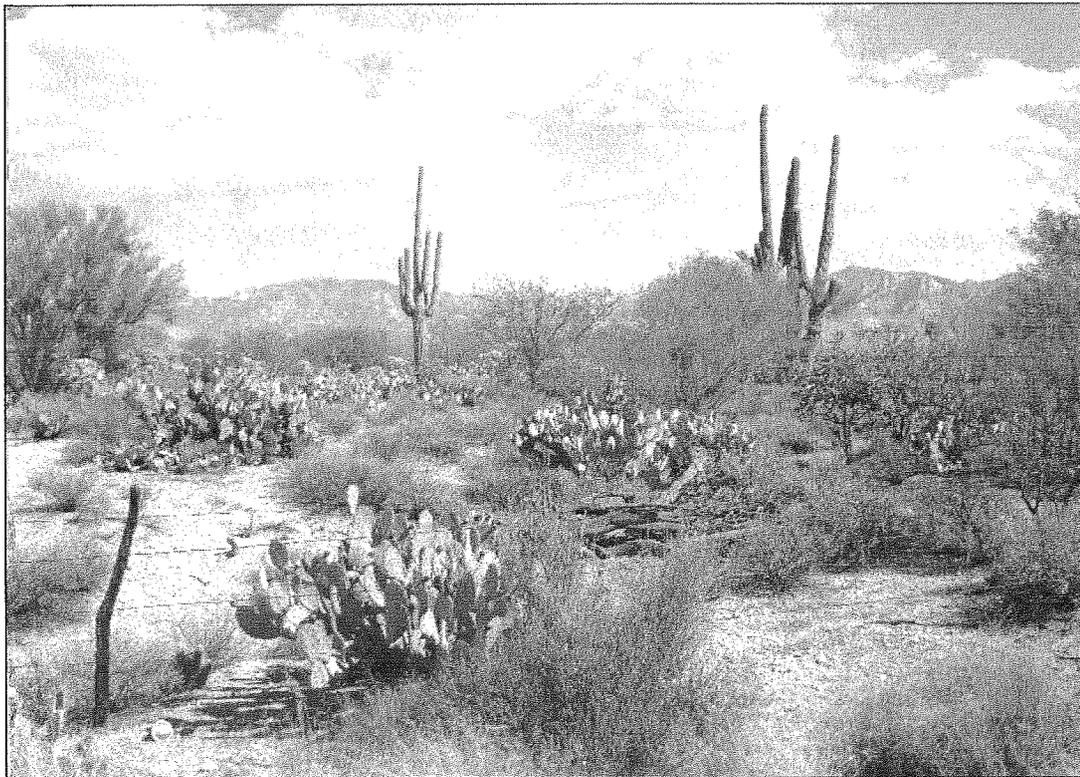
**View Shed Photo #7**



**View Shed Photo #8**



**View Shed Photo #9**



**View Shed Photo #10**



**View Shed Photo #11**



**View Shed Photo #12**



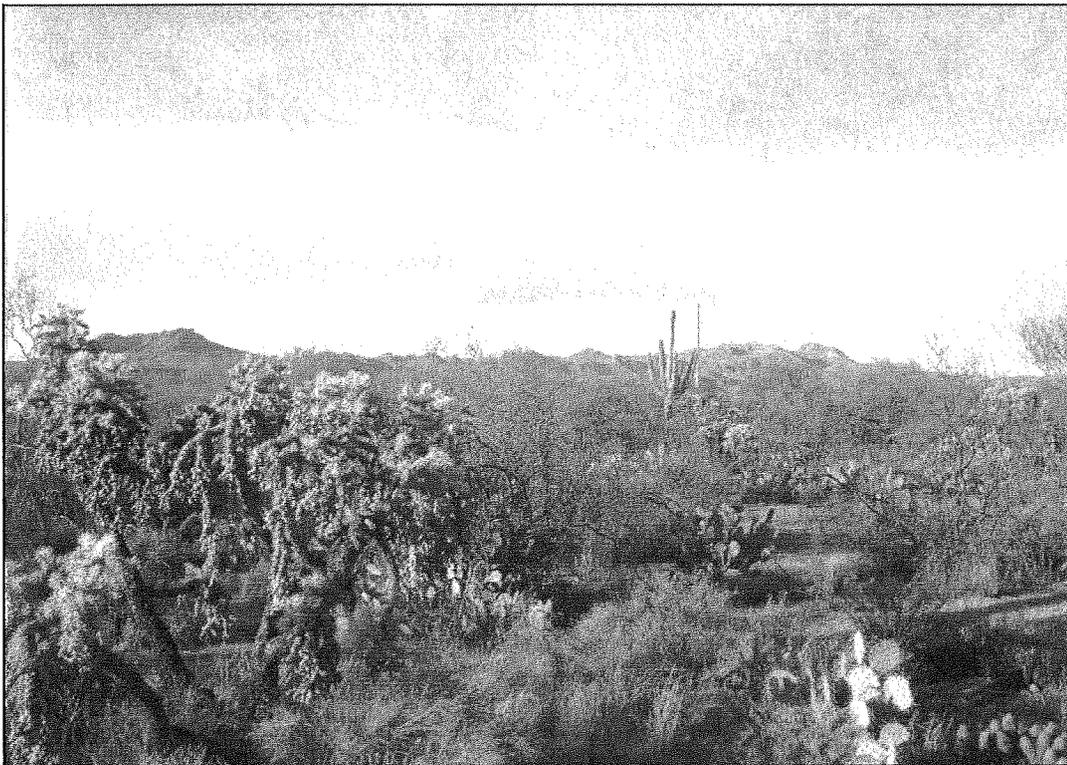
**View Shed Photo #13**



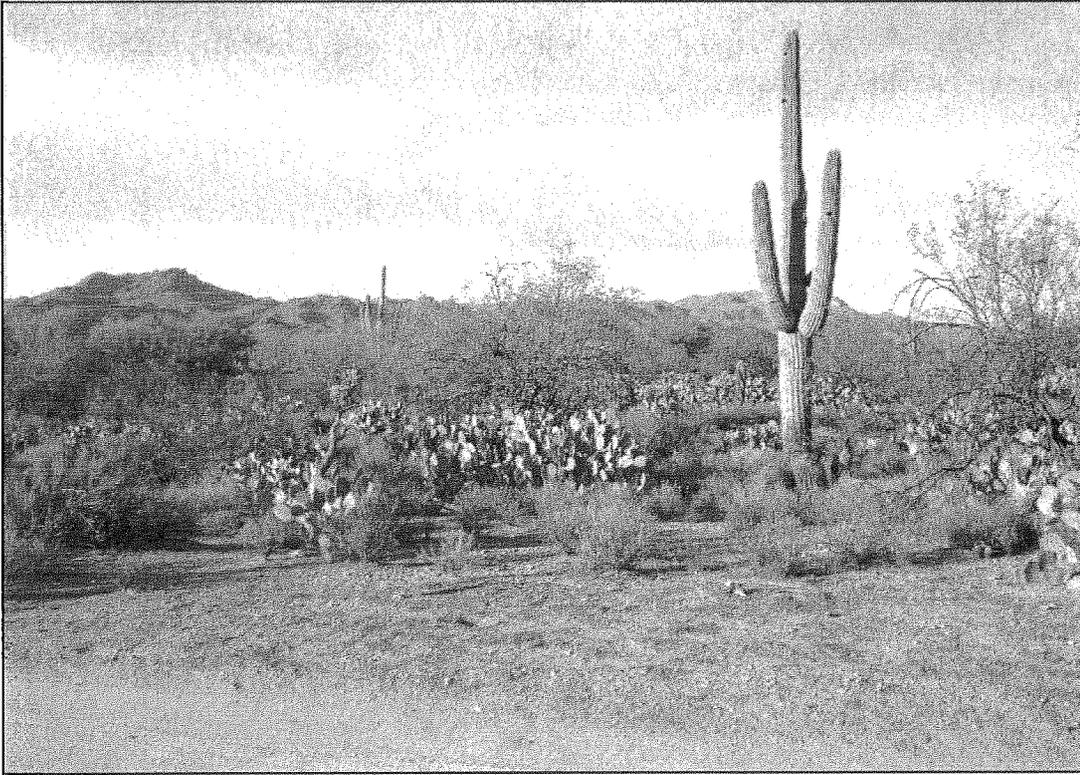
**View Shed Photo #14**



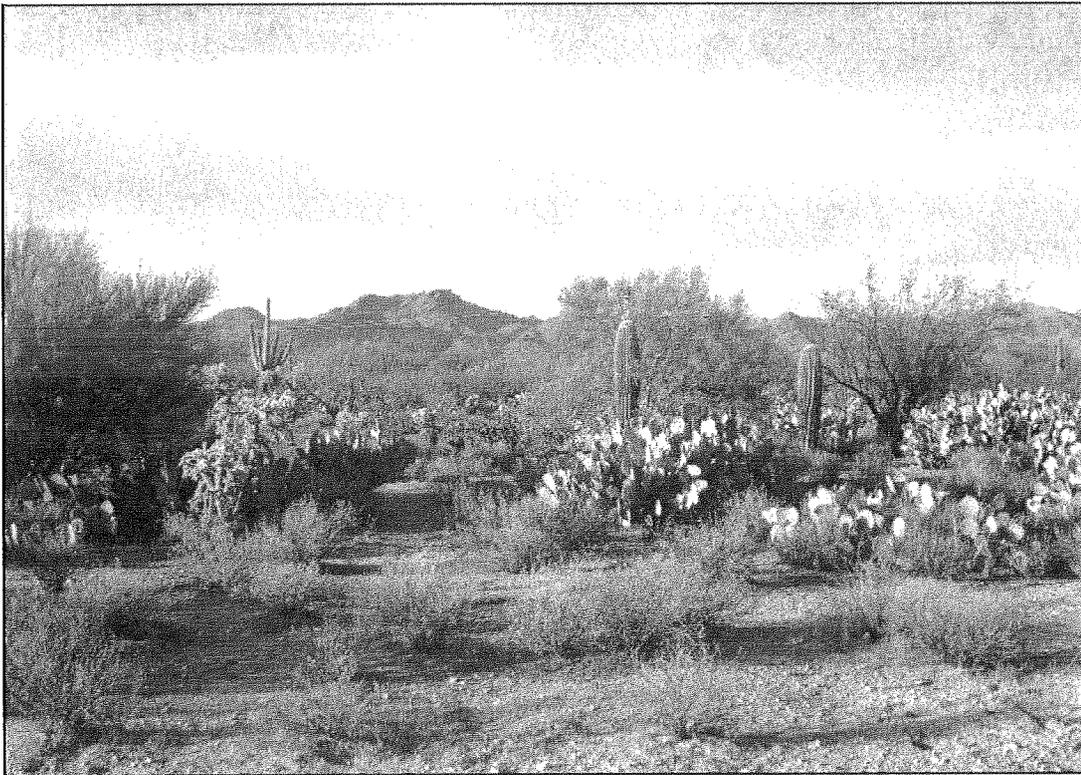
**View Shed Photo #15**



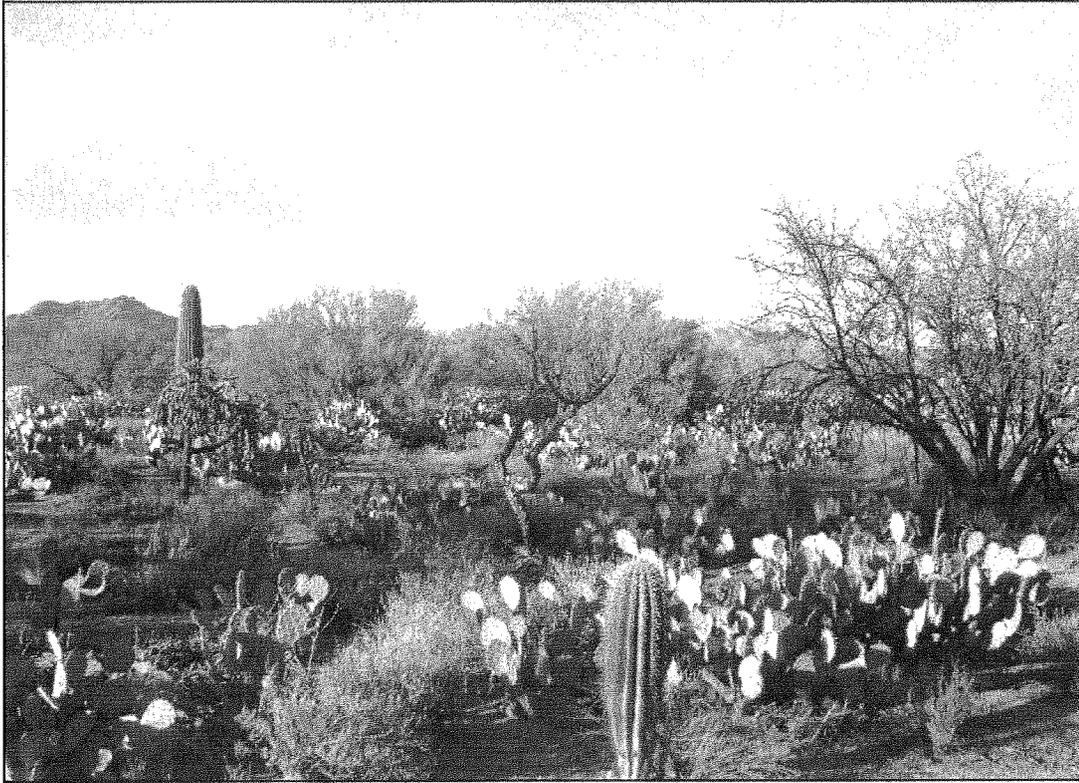
**View Shed Photo #16**



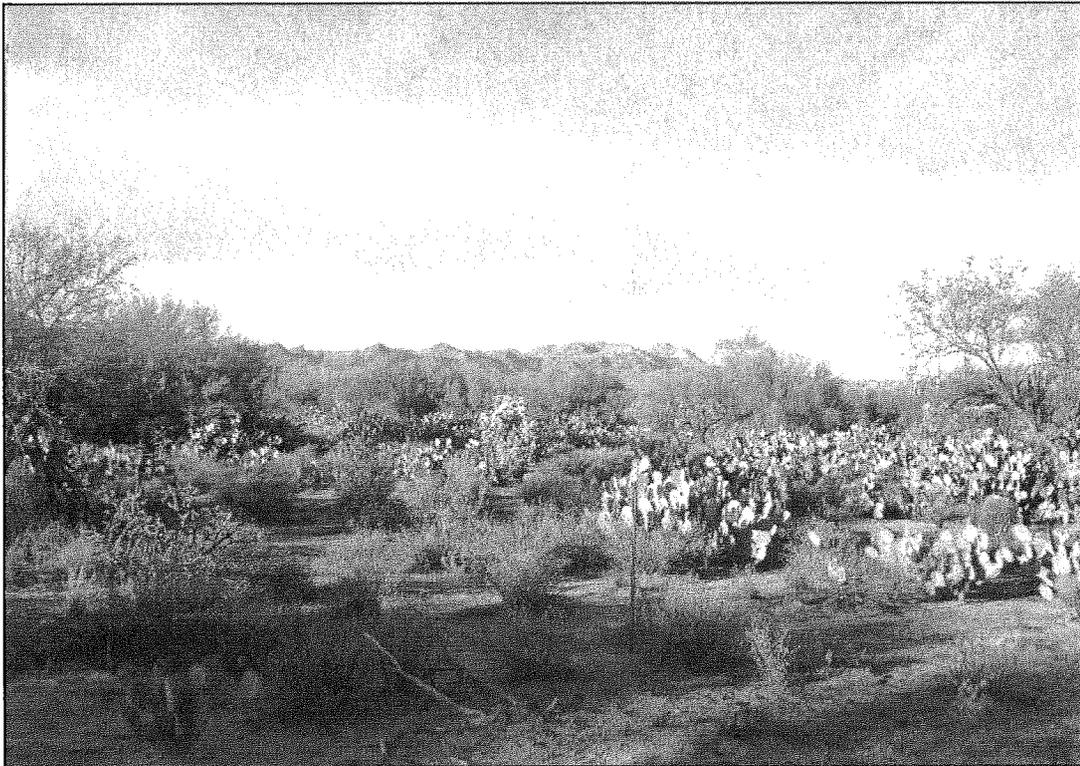
**View Shed Photo #17**



**View Shed Photo #18**



**View Shed Photo #19**



**View Shed Photo #20**



**View Shed Photo #21**



**View Shed Photo #22**



**View Shed Photo #23**



**View Shed Photo #24**



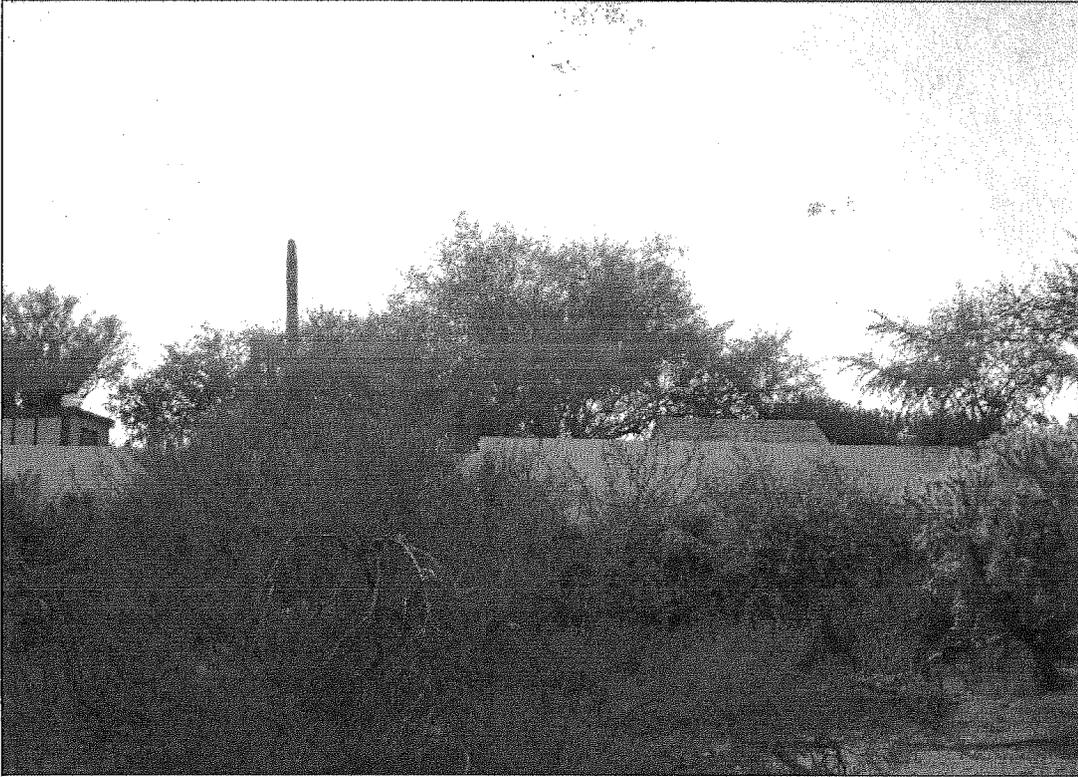
**View Shed Photo #25**



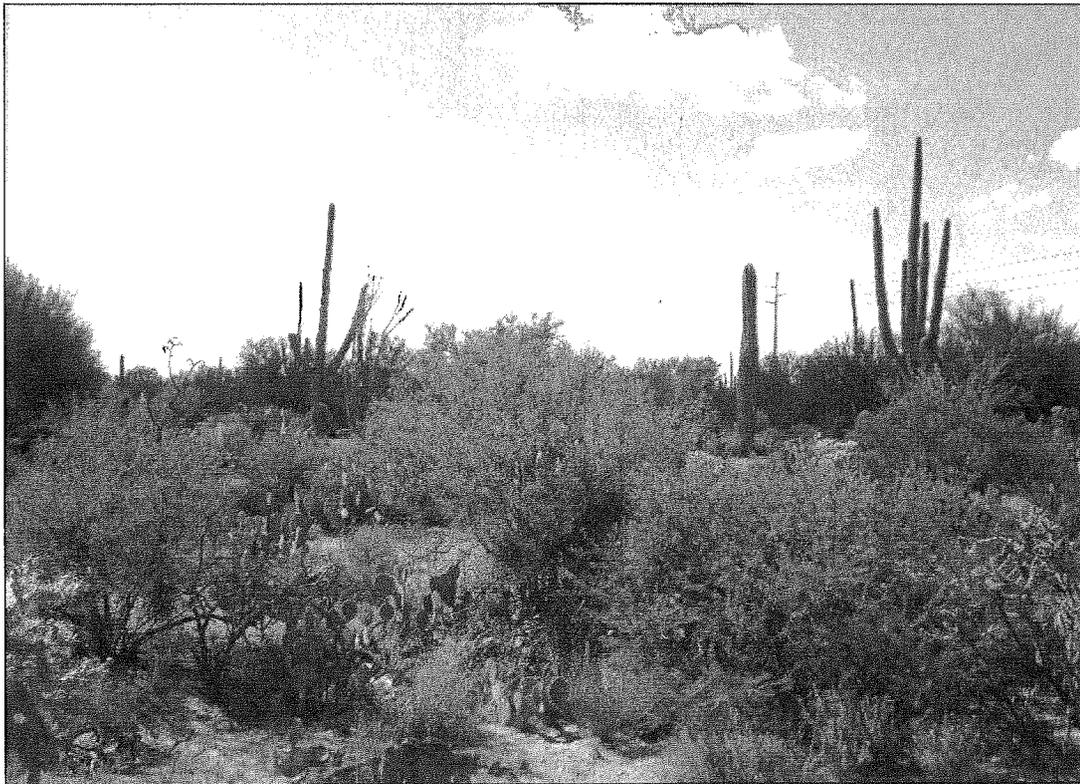
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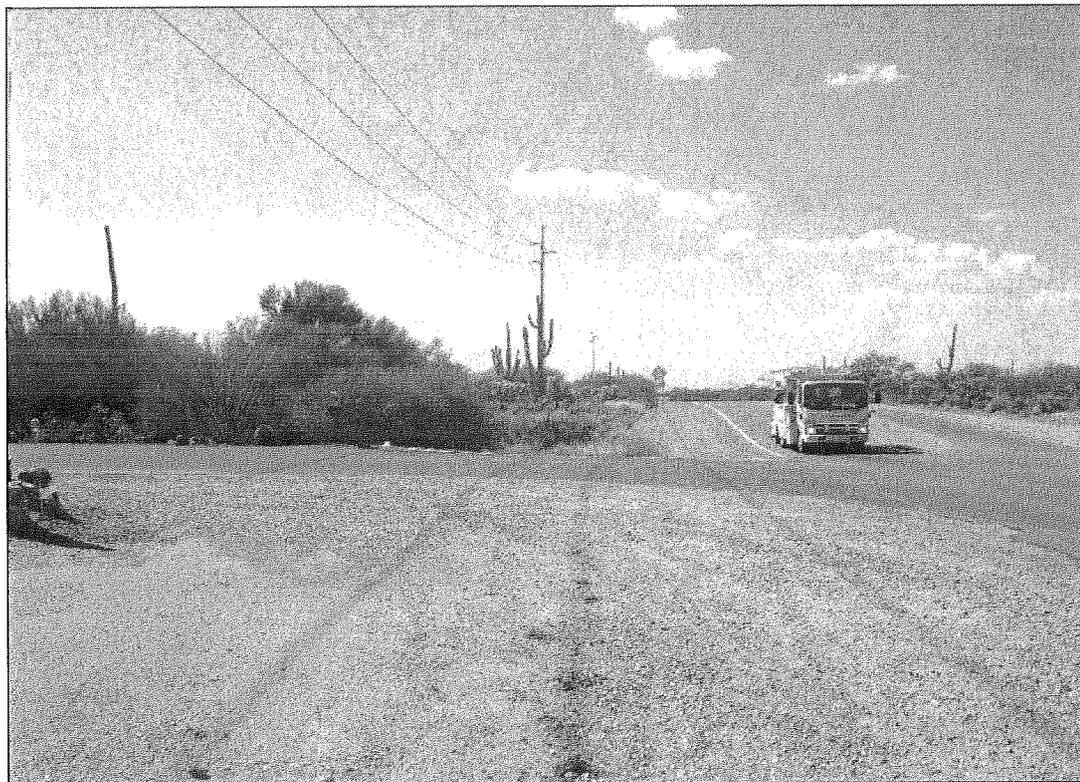
**View Shed Photo #27**



**View Shed Photo #28**



**View Shed Photo #29**



**View Shed Photo #30**

## ROADWAY INVENTORY

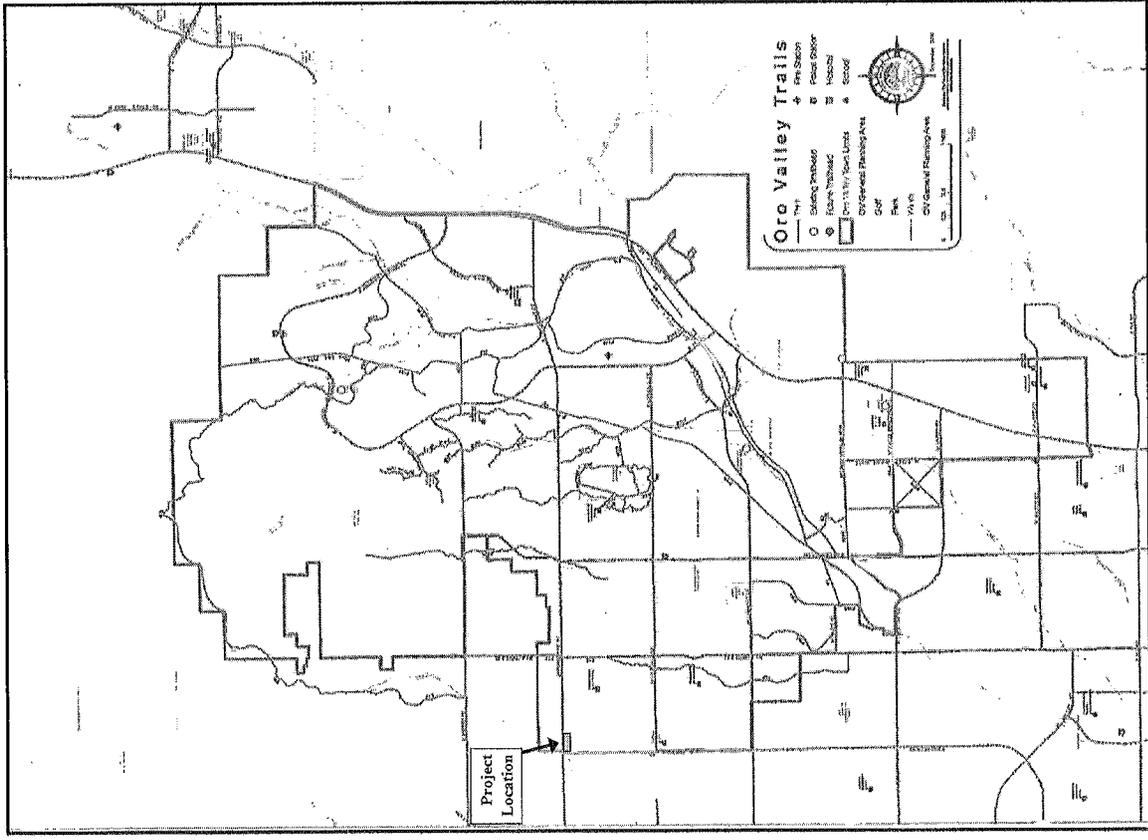
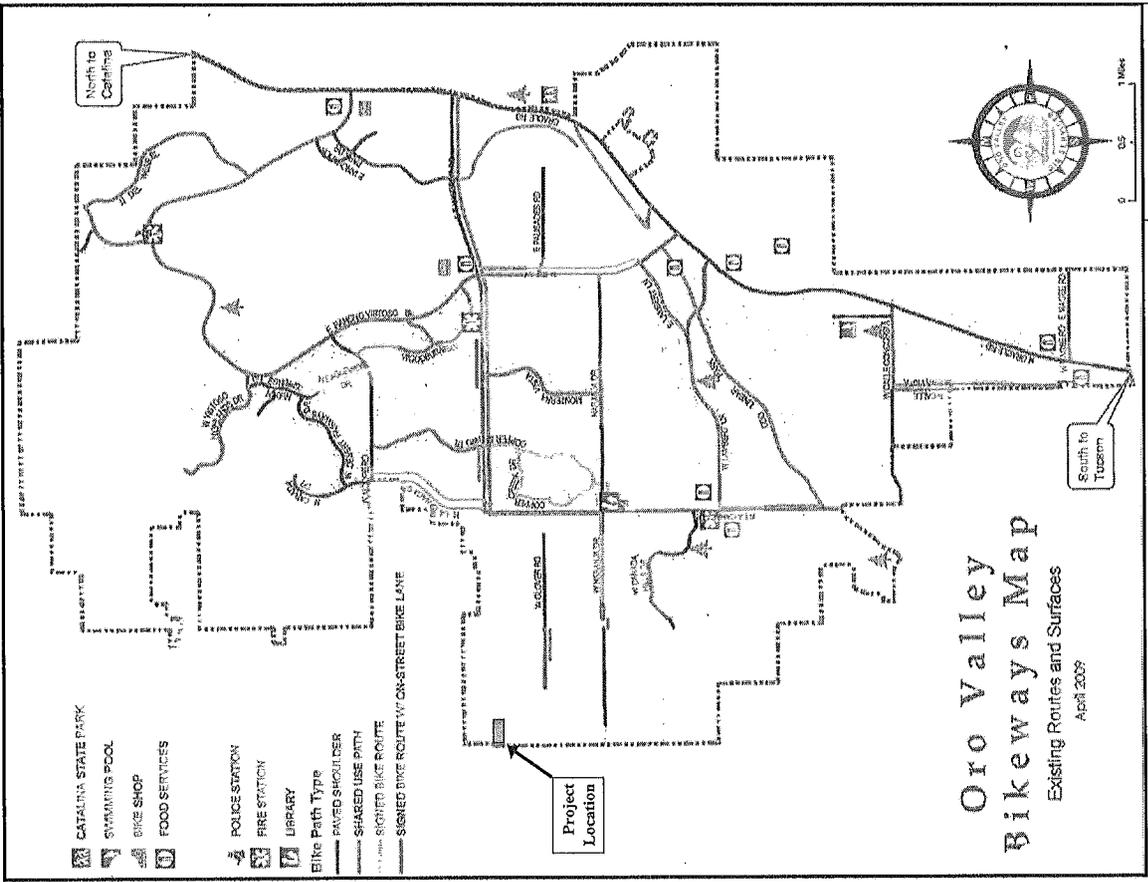
### Surrounding St. Mark the Evangelist Catholic Church

Roadway Segment	No. Lanes	Classification	Existing ROW	Future ROW	ROW Conformance to Minimum Requirements	Jurisdiction	ADT <sup>1</sup>	2040 ADT <sup>2</sup>	Maximum (LOS D) Daily Service Volume <sup>3</sup>	Speed Limit	Surface Condition
Tangerine Road - Thornydale Road to Shannon Road	2	Major Arterial (TOV General Plan)	Varies (125 to 200 ft)	300	Yes	Pima County, Marana	13,150	30,000	14,850	45	Fair
Tangerine Road - Shannon Road to La Cholla Boulevard	2	Major Arterial (TOV General Plan)	Varies (100 to 200 ft)	300	Yes	Oro Valley	13,150	30,000	14,850	45	Fair
Shannon Road - South of Tangerine Road	2	Minor Local Road	150	Unknown	Yes	Oro Valley	100 (est)	100 (est)	N/A	Not Posted	Poor
Camino del Fierro	2	Minor Local Road	30	Unknown	No	Oro Valley	100 (est)	100 (est)	N/A	15	Unpaved
Thornydale Road - North of Tangerine Road	2	Not Classified (Local Road - Marana)	150	Unknown	Yes	Marana	4,430	11,900	14,850	40	Good
Thornydale Road - South of Tangerine Road	2	Major Route (Marana 2007 General Plan)	100	Unknown	Yes	Marana	9,300	25,000	14,850	45	Good
La Cholla Boulevard - South of Tangerine Road	2	Major Arterial (TOV General Plan)	150	Unknown	Yes	Oro Valley	7,900	18,800	14,850	45	Good
La Cholla Boulevard - North of Tangerine Road	2	Minor Collector (TOV General Plan)	150	Unknown	Yes	Oro Valley	2,700	12,500	14,850	45	Good

<sup>1</sup> Sources of ADT are CIA (Tangerine Road - 2009 volumes and Shannon Road - estimated), and PAG (Thornydale Road, La Cholla Boulevard - 2006, 2007 volumes).

<sup>2</sup> PAG 2040 RTP.

<sup>3</sup> FDOT Level of Service Gennatized Tables



## ARCHAEOLOGICAL RECORDS SEARCH RESULTS

E-mail Request Received: 2/16/2010

Records Search Completed: 3/8/2010

**Requester Name and Title:** Dean Schifferer  
**Company:** bcdm Construction Services  
**Address:** 2210 S. Mill Avenue, Suite 7  
**City, State, Zip Code:** Tempe, AZ 85282  
**Phone/Fax/or E-mail:** (480) 967-7007

<b>Project Name and/or Number</b>	<b>Project Description</b>
St. Mark's Catholic Church additional development	Develop & rezone about 17 acres

**Project Area Location:** SEC Tangerine & Shannon Rds / 2727 & 2827 W Tangerine, Town of Oro Valley, Pima County, Arizona.

**Legal Description:** portion of NW, NW, S4, T12S, R13E, G&SR B&M, Town of Oro Valley, Pima Co, AZ.

**Search Results:** A records search of the archaeological site files retained at the Arizona State Museum (ASM) found that the subject project area was intensively surveyed by a professional archeologist in 2000 and in 1981. No cultural resources are identified within the proposed project area. Twenty-four cultural resources have been recorded within a mile of the project area. Twelve additional archaeological inspections were completed within a mile of the proposed project between 1979 and 2004. A 2008 color orthophotograph of the proposed project area, enclosed, depicts church structures and paved parking in the east half of the parcel and native ground in the west half.

**Sites in Project Area:** None.

**Recommendations:** The subject project area has been intensively surveyed twice with no evidence of historically significant resources being found in the parcel. The ASM agrees with the recommendation of the most recent archaeological contractor, that the proposed development and rezoning may proceed as planned without any additional archaeological investigation in the project area.

It is possible, however, that cultural resources may be uncovered during construction. In that unlikely event, the ASM recommends that a professional archaeologist evaluate the exposed material before any work continues in the area of the discovery. In the unlikely event that cultural resources are exposed, you will need to consult with one of the qualified archaeological contractors whose contact information is posted on the ASM website at the following address:  
<http://www.statemuseum.arizona.edu/crservices/index.shtml>.

Pursuant to ARS §41-865, if any human remains or funerary objects are uncovered during the project work, all effort will stop within the area of the discovered remains and Mr. John Madsen, ASM associate curator of archaeology, will be contacted immediately at (520) 621-4795.

If you have any questions concerning the results of this records search, please contact me at the letterhead address or at the E-mail address or phone number as follows.

Sincerely,



Nancy E. Pearson  
Assistant Permits Administrator  
(520) 621-2096 P & F  
[nepearso@email.arizona.edu](mailto:nepearso@email.arizona.edu)



**ARCHAEOLOGICAL SURVEY OF THE  
ST. MARK'S CHURCH PROJECT  
NEAR ORO VALLEY, PIMA COUNTY, ARIZONA**

**Submitted to:**

**St. Mark the Evangelist Catholic Church  
2727 W. Tangerine Rd.  
Oro Valley, AZ 85742**

**Submitted by**

**Professional Archaeological Services of Tucson  
5036 Golder Ranch Rd.  
Tucson, AZ 85739-4265**

**Prepared by**

**David V.M. Stephen Ph.D.  
Principal Investigator  
State Antiquities Permit No. 2010-067bl**

**P.A.S.T. Cultural Resources Report No. 101972**

**7/22/2010**

**Exhibit - 15.1**

## MANAGEMENT SUMMARY

**REPORT TITLE:**

Archaeological Survey Of The **St. Mark's Church** Project  
Near Oro Valley, Pima County, Arizona

**REPORT DATE:** 7/22/2010

**INSTITUTION/CONSULTANT:**

Professional Archaeological Services of Tucson (PAST)  
with David V. M. Stephen, Ph.D. as principal investigator

**AGENCY/LAND OWNERSHIP:** Private

**PERMIT NUMBER:** ASM 2010-067bl

**PROJECT TITLE:**

St. Mark's Church Archaeological Survey, PAST No. 101972

**PROJECT DESCRIPTION:**

Systematic survey to determine the extent of cultural resources on lands that had either not undergone a complete, intensive archaeological survey or sufficient time had passed since an earlier study suggesting cultural resources may now be exposed that would not have been documented by the initial field work

**PROJECT LOCATION:**

Within NW4 of NW4 Section 4 T12S 13E G&SRB&M near Oro Valley, AZ. (17.06 acres)

**DATES OF FIELDWORK/PERSON-DAYS EXPENDED:**

July 17, 2010, 1 person-field day

**REGISTER-ELIGIBLE SITES:**

NONE

**INELIGIBLE SITES:**

NONE

**CURATION FACILITY:**

NONE

(Please See Following Table For Additional Information Keyed to ASM/SHPO Report Sections (D1 through D11))

# P.A.S.T. ABSTRACT & PROJECT SUMMARY FORM

P.A.S.T. JOB NO. 101972

**OVERVIEW.** An on-foot archaeological survey of private property (17.06 acres) in anticipation of land development near Oro Valley in Pima County identified no cultural resources and 0 isolated artifacts. Site AZ AA:12:728 (ASM), a small (12m by 23m) artifact scatter (about 50 artifacts) is located just north of Tangerine Road across from the parcel but it does not appear to extend to the study area. A survey conducted over 10 years ago (Jones 2000), reported 4 isolates on the parcel.

INTRODUCTION					
(D1)	Archaeological Survey Of The St. Mark's Church Project				
Near Oro Valley, Pima County, AZ.					(D2) 7/22/2010
(D3) Agency Name:					
(D4) ASM Permit No.	2010-067bl	Other Permits:	NA		
(D5) Project Description:	The land is slated for church related construction.				
(D6) Agency Reference:				Parcel No.	224-11-023E
Project Sponsor:	St. Mark the Evangelist Catholic Church				
(D7) PROJECT LOCATION INFORMATION (see also attached copy of USGS map)					
County:	Pima	Vicinity of	Oro Valley	AZ	
Legal:	Within the NW4 of NW4 Section 4 T12S R13E G&SRB&M				
AZ QUAD	USGS MAP NAME	MAP SCALE			
1. AA:12 NE	Ruelas Canyon	7.5'			
(D8) SURVEY INFORMATION					
Type:	Non-collection on-foot survey with systematic 20m transects or equal			Person-days	1
17.06 acres AND/OR 0 miles long BY 0 foot wide right-of-way			Percent surveyed	100%	
Land Ownership	Private				
Field Crew	D. Stephen & M. Stephen		Project Director:	David Stephen	
Field Work Dates	July 17, 2010		Ground visibility was effected	minimally	
Additional Survey Records Submitted:	None		Artifact Collections Submitted to ASM:	None	
(D9-10) CULTURAL RESOURCES WITHIN PROJECT AREA (see report narrative for additional information)					
Archives Researched:	ASM/AZSITE <input checked="" type="checkbox"/>	GLO <input checked="" type="checkbox"/>	SHPO <input type="checkbox"/>	MNA <input type="checkbox"/>	Other:
Numbers of eligible sites	NA		Numbers of ineligible sites	NA	
Previously recorded sites	NA		New sites found this project	NA	
Artifact scatters	NONE		Total sites	NONE	
Known sites within 150m	AA:12:728 (ASM)	Isolate density/total artifacts	<1 per acre	0	
Sites in 1.6 km radius	AZ AA:12:79, 175, 177, 178, 179, 180, 185, 279, 282, 283, 284, 288, 289, 290, 291, 297, 298, 299, 436, 725, 726, 727, 728, 777, 778				
Ref. No. Of Prior Surveys	1979-39 & 1983-237 surveyed only Tangerine Rd. ROW but 1981-174 & 2003-237 encompassed the full parcel.				
(D11) RECOMMENDATIONS FOR FURTHER WORK (see also comments below)					
FURTHER WORK RECOMMENDED	NONE <input checked="" type="checkbox"/> OR				
SITE RECORDING <input type="checkbox"/>	MONITORING <input type="checkbox"/>	SUB-SURFACE TESTING <input type="checkbox"/>		DATA RECOVERY <input type="checkbox"/>	
COMMENTS (see report narrative additional information)					
The quantity of artifacts within the study area and data about known sites in the area suggests the undertaking will impact no cultural resources. Based on the fieldwork and archival documentation, the project sponsor should be allowed to develop the subject property without further cultural resource studies.					
Form Completed By	David Stephen		Form Rev. 1/02	Date	7/22/2010

**Archaeological Survey Of The  
St. Mark's Church Project  
Near Oro Valley, Pima County, Arizona  
PAST No. 101972**

**Introduction.**

Personnel from P.A.S.T. conducted a 1 person-day, survey of the St. Mark's Church project on July 17, 2010 located in Pima County near Oro Valley in anticipation of church related construction. The purpose of the project was to determine whether any significant cultural resources that might be adversely impacted by construction were present. The project sponsor (St. Mark the Evangelist Catholic Church) initiated this study in accordance with municipal requirements. P.A.S.T. holds permit 2010-067bl issued under the Arizona Antiquities Act through the Arizona State Museum.

**Project Location and Ownership.**

The approximately 17.06-acre project area is located in the northwestern portion of the Tucson Basin (Figure 1). The project area is located on the Ruelas Canyon United States Geological Survey 7.5' map. The location with respect to the Public Land Survey is within the NW4 of NW4 of Section 4 T12S R13E G&SRB&M. The UTM values for selected boundary points are shown on the map to indicate the approximate extent of the parcel. The boundary shown on the map is reasonably accurate given the limitations of a 1:24,000 scale map. It is based on data and maps provided by the client as well as field observations but it is not intended to represent the precise legal extent of the parcel. Unless otherwise noted, land ownership coincides with the parcel and survey boundary shown in Figure 1. The fieldwork was conducted on private lands.

**Base Maps Included In Report**

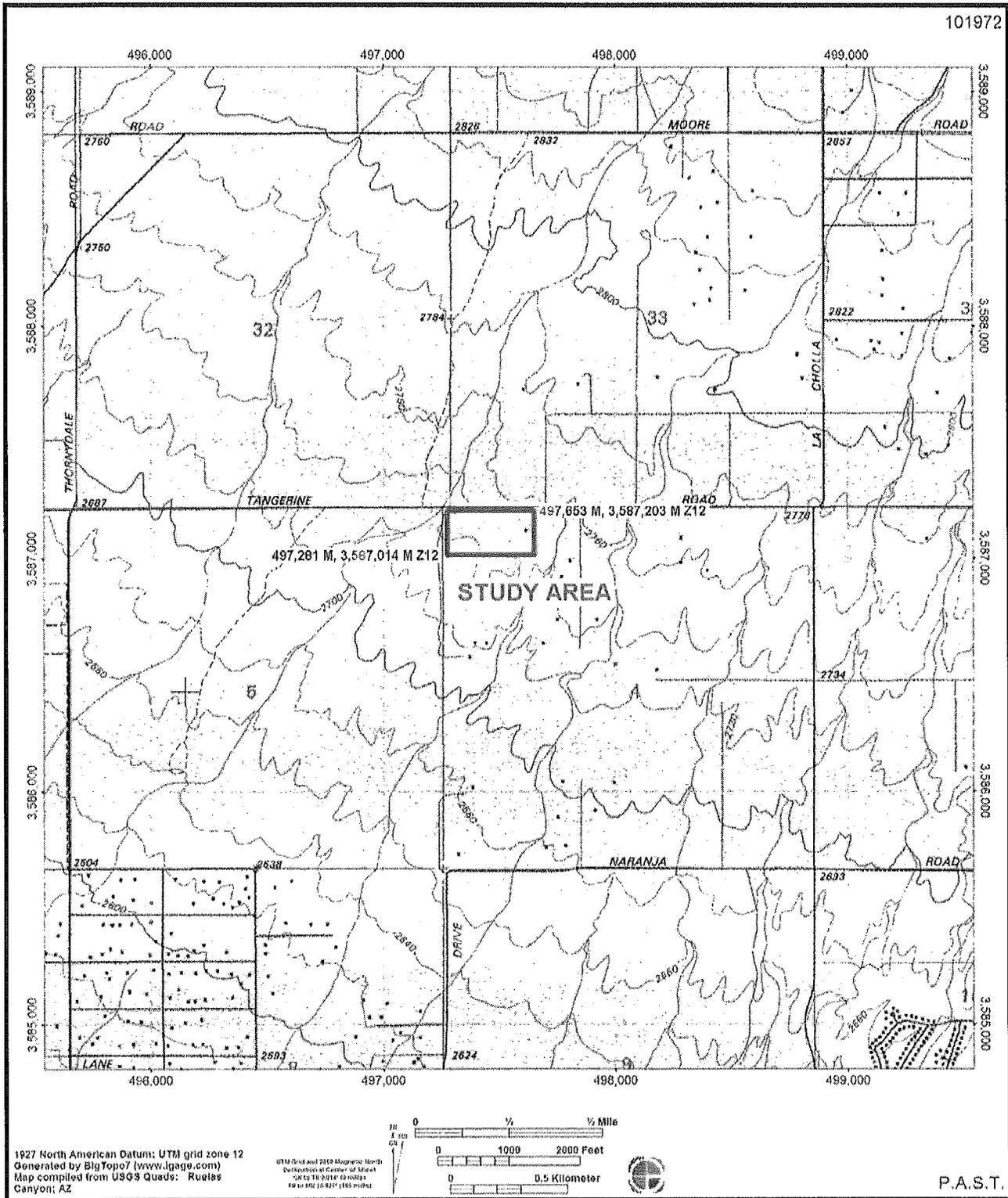
Figure 1 is a copy of a portion of the U.S.G.S. Ruelas Canyon 7.5-minute topographic map that shows the project boundaries, archaeological sites within the project area, and all isolated artifacts and features found during the survey. Table A-1, located at the end of the report, provides coordinate and other information for these isolates. Projects with boundaries extending across multiple U.S.G.S. maps are so noted on page ii and in the lower left of Figure 1.

**BACKGROUND TO STUDY AREA:**

**Effective Environment.**

The study area is within the Basin and Range physiographic province at an approximate elevation of 2,248 feet. Project area vegetation is typical of the Arizona Upland subdivision of the Sonoran Desertscrub biotic province (Turner and Brown 1982) predominately comprised of mesquite, palo verde, bursage, prickly pear and semi-shrubs.

Figure 1. Ruelas Canyon U.S.G.S. 7.5' MAP (T12S R13E)



NOTE: Due to the sensitivity of site locations, only sites within the project area are depicted on the map  
 Site and study area locations as well as their geometric representation and extent are approximate. + = isolate

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 520.825.3536 □□□□□□□□□□

**Records Review.**

A review of the records of the Arizona State Museum (ASM), in anticipation of the survey, revealed that the subject parcel had either not undergone a complete, intensive archaeological survey or sufficient time had passed since an earlier study suggesting heretofore undiscovered cultural resources may have been subsequently exposed that would not have been documented by the initial field work. The ASM records, as well as the other archives indicated on the associated project form, revealed no recorded cultural resources on the inspected parcel. GLO surveyor's maps (Elliot & Wright 1913) showed unnamed dirt roads for T12S R13E G&SRB&M in the vicinity of Section 4. Previously recorded cultural resources within a 150-meter perimeter around the project boundary are noted on the project summary form since such resources could be impacted by the project and may account for the presence of isolated non-site cultural entities found on the parcel. Site AZ AA:12:728 (ASM), a small (12m by 23m) artifact scatter (about 50 artifacts) is located north of Tangerine Road but it does not appear to extend to the study area. Recorded cultural resources within a 1.6-kilometer radius of the center of the project area are listed on the project summary form and in Table A-2. During the 2000-243 survey Jones reported finding 4 isolates.

**Culture History.**

The antiquity laws apply to human cultural remains in excess of 50 years of age and require them to be assessed as to their potential for yielding important information. Consequently, sites and artifacts dating from the mid twentieth century and earlier must be evaluated. The historical period that commenced in roughly 1700 is comprised of the Spanish, Mexican and Anglo occupations with some researchers recognizing the protohistoric as a transitional culture from the earlier prehistoric occupations. The prehistoric peoples who lived in this region include the Hohokam, Archaic and Paleoindian cultures.

The Hohokam (A.D. 450 - 1450). The Hohokam were a sedentary, agriculture-based people who produced both plain and decorated pottery, along with numerous other crafts of shell, stone and clay. They were skillful agriculturists who lived in houses built in shallow pits and constructed extensive irrigation canal systems. In some of the larger villages, they built ballcourts that probably served as focal points for ceremonial or recreational activities. Whether the Hohokam migrated into the region from Mexico or developed from indigenous Archaic populations is still hotly debated. The Hohokam cultural sequence was established in the 1930s based on the decorated pottery types unearthed at the Snaketown Site in the Phoenix Basin. Shortly thereafter, Isabel Kelly modified this chronology to fit the Tucson Basin sequence after her excavations at the Hodges Ruin in Tucson. Since that time, the continual acquisition of new archaeological data has brought about many refinements in the chronology.

Archaic Era (7500 B.C. - A.D. 450). The Archaic era has traditionally been characterized by assemblages of chipped stone artifacts along with ground stone tools for processing plant materials, and a lack of ceramics. Recent research in the Tucson Basin and elsewhere has demonstrated the presence of pit house villages, agriculture and some ceramics in the Late Archaic. The shift from a hunting-based economy to a reliance on plant foraging and small-game hunting that characterized the Archaic sites was caused by the extinction of Pleistocene mammals favored by the Paleoindians.

Paleo-Indian Era (ca. 10,000 - 7500 B.C.). Eleven thousand years ago, the climate in the Southwestern United States was considerably wetter and cooler than it is today, and much of the terrain consisted of lush grasslands that supported herds of mammoth, bison and other large grazing animals. Many of the earliest occupants of the area, known as Paleoindians, were hunters who subsisted on these large, late Pleistocene mammals. The belief that many of the Paleoindians were primarily big-game hunters is supported by the fact that most of the Paleo-Indian sites that have been excavated have been kill and butchering sites. The artifact assemblages from these sites are made up of projectile points and other stone tools suitable for skinning animals and cutting meat and bone. The earliest Paleo-Indian artifacts found in southern Arizona belong to the Clovis complex (9500-9000 B.C.), which is characterized by long, lanceolate, fluted Clovis points, along with other stone implements and bone artifacts.

**Survey Expectations.**

This project's study area was located in a portion of southern Arizona that is conducive to prehistoric and/or historical settlement. Therefore, it was considered a reasonable likelihood that prehistoric or historical sites would be found during the survey.

**Arizona State Museum Site Definition Standard (ASM 1993).**

The determination of what constitutes an archaeological site is, to a certain extent, a matter of professional judgment. However, if certain minimal archaeological discoveries (listed below) are encountered, then an ASM site card must be completed and submitted. In other words, if the archaeological discoveries exceed the minimum criteria listed below, a site card must be filled out. Sites that do not meet the minimum standards, but which the archaeologist deems worthy of site status, may also be assigned ASM numbers

Most archaeologists define sites based on consideration of age of remains as well as density and diversity of artifacts and features and the spatial arrangements of these remains within the area under consideration. The following guidelines should be used to define archaeological sites:

All sites should contain:

1. physical remains of past human activity that are at least 50 years old.

Additionally, sites should consist of at least one of the following:

2. 30+ artifacts of a single class (i.e., 30 sherds, 30 lithics, 30 tin cans) within an area 15 meters (50 feet) in diameter, except when all pieces appear to originate from a single source (i.e., one ceramic pot, one core, one glass bottle).
2. 20+ artifacts which include at least 2 classes of artifact types (i.e., sherds, groundstone, nails, glass) within an area 15 meters (50 feet) in diameter,
3. one or more archaeological features in temporal association with any number of artifacts.
4. two or more temporally associated archaeological features without artifacts.

Non-linear, isolated features without associated artifacts may be recorded. An "isolated feature" is defined as a feature that does not have any other features within a 100-meter (325 feet) diameter. This might include isolated rock piles, mine shafts, prospecting pits or unidentified depressions without artifact associations.

## **ARCHAEOLOGICAL SURVEY:**

### **Methods.**

The fieldwork consisted of intensive on-foot coverage of the property by our staff in order to identify and locate any cultural resources, historic or prehistoric, within the property boundaries. Field personnel (D. Stephen & M. Stephen) were spaced approximately 20 meters apart and crossed the study area in a series of contiguous corridors with any areas of extreme slope covered less intensively. Survey transects paralleled the longest dimension of the property except when prevented by the landform, vegetation density or hydrological features. Unless noted otherwise, the transect count is the quotient of the transect extent and parcel width. General conditions were excellent for conducting the fieldwork. Ground visibility was minimally affected by the presence of trees, shrubs, semi-shrubs, succulents and grasses. The original landform was moderately disturbed by modern alterations to the ground surface.

### **Survey Results.**

The information derived from the fieldwork is generally in keeping with the expectations generated from archival and literature sources. There were no surface indications of archaeological resources within the study area which meet the Arizona State Museum minimum standard for recording as an archaeological site or that would be eligible for inclusion in the National Register of Historic Places. The occurrence of isolated artifacts and non-site features in lower density than that required for formal recording as a cultural resource are documented below, in Figure 1 or in Table A-1 as appropriate. For this project a total of 0 isolated artifacts or non-site features were noted. More recent cultural manifestations identified during the survey include dirt tracks, utility infrastructure, perimeter fencing, church facilities, informal trails and a light scatter of trash. All appear to be modern in origin.

### **Evaluation of Cultural Resources.**

Although archaeological and historical sites may qualify for formal recording under state standards, they generally are not considered significant unless they are eligible for listing in the Arizona or National Register of Historic Places. According to the current standards a property must possess sufficient integrity, significance and antiquity to be listed in the Register. In addition to being at least 50 years of age a resource must meet the criteria set forth below:

The quality of significance in American or Arizona history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A) that are associated with events that have made a significant contribution to the broad patterns of our history; or
- B) that are associated with the lives of persons significant in our past; or
- C) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D) that have yielded, or may be likely to yield, information important in prehistory or history (National Park Service 1986)

**Eligibility Evaluation.**

No cultural resources were located during the course of the fieldwork in the project area appear to be more than 50 years old. Consequently it is not germane to assess significance under any of the criteria listed above.

**Evaluation Of Effects Of The Proposed Project.**

Considering the nature of the cultural resources found on the property, information collected about known sites in the area and the work already completed, indicates the development of the inspected parcel will not have a negative impact on important cultural resources within or in close proximity to the study area.

**Recommendations.**

Based on the archival information, field methods, the observable surface indications and because none of the materials observed on the study area have potential to provide important archaeological or historical information beyond what was obtained for this project, P.A.S.T. supports approving the sponsor's application. Although P.A.S.T. does not endorse additional archaeological studies for this project, ground-disturbing activities on the property should not commence without authorization by the agency archaeologist(s).

There remains the possibility that ground-disturbing activities could reveal the presence of heretofore-undiscovered cultural resources. If such materials are discovered construction activities should stop. Consultation should be initiated with the appropriate agency archaeologist, and if applicable under ARS §41-841 *et seq.* the Arizona State Museum, to assess the potential significance of any materials unearthed. Under State law (ARS 41-§865 & §41-844) if human skeletal remains or funerary objects are discovered on either public or private lands the Arizona State Museum should be contacted immediately.

**LITERATURE CITED**

Arizona State Museum

1993 *Arizona State Museum Archaeological Site Recording Manual (Version 1.1)*. On file, Arizona State Museum. Tucson, Arizona.

Elliot, W. and J. Wright, I.

1913 GLO Surveyor's Map for T12S 13E G&SRB&M. On file, Bureau of Land Management Regional Office. Phoenix, Arizona

Jones, J.

2000 St. Marks Church 16.87-acre survey project (00SVS#27) A.S.M., Project Registration Form. On File, Arizona State Museum.

National Park Service

1986 *How to Apply the National Register Criteria for Evaluation*. Department of the Interior. Copies available from Bulletin No. 16. National Register of Historic Places.

Turner, R. and D. Brown

1982 Sonoran Desertscrub. In *Biotic Communities of the American Southwest - United States and Mexico*, edited by D. Brown, pp. 118-121. University of Arizona for Boyce Thompson Southwestern Arboretum, Superior, Arizona.

**NOTE FOR A.D.O.T. INVOLVED PROJECTS:** If previously unidentified cultural resources are encountered during activity related to the use of this source, the contractor shall stop work immediately at that location and shall take all reasonable steps to secure the preservation of those resources. The Engineer will contact the A.D.O.T. Environmental Planning Group, Historic Preservation Team at 602.712.7767 and make arrangements for the proper treatment of those resources.

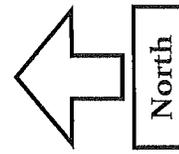
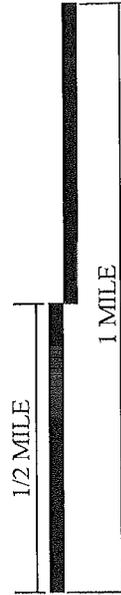
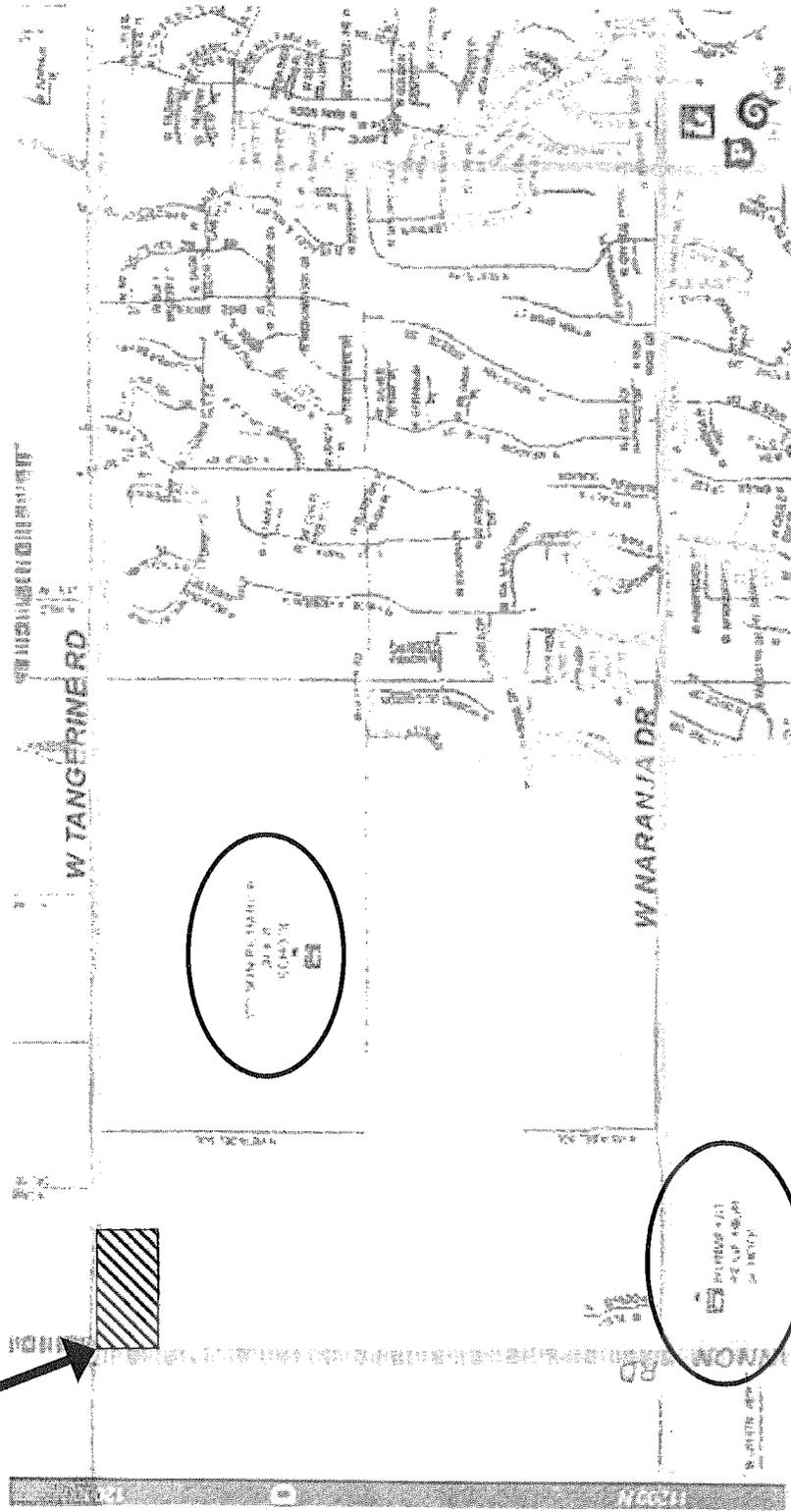
**INFORMATION DISCLOSURE NOTICE:** P.A.S.T. is a holder of an Arizona Antiquity Permit and a signatory to the "ASM Archaeological Records Use Agreement". As such, in compliance with the associated conditions and regulations of these documents, P.A.S.T. is bound "not to distribute or disclose specific site location information in a public document or make this information available to unauthorized individuals". P.A.S.T. reports are often initiated through third parties, who are not authorized to access this information. Consequently such information is presented herein in a manner deemed appropriate not to compromise site location or divulge potentially identifying site attribute information. P.A.S.T. reports are further structured to restrict the dissemination of such information through the removal of Appendix "A" as well as any maps of archaeological sites included in the document prior to wider distribution of the report.

P.A.S.T. will readily provide further or more specific site location, eligibility or site attribute information to a qualified individual when that person makes a request in writing or via email directly to P.A.S.T. That request must be supported with written concurrence from the agency lead archaeologist and either the SHPO, Director of the Arizona State Museum or their authorized designee(s) if the requestor does not hold a valid Arizona Antiquity Permit or has not executed the aforementioned ASM records use agreement.



# LOCAL SCHOOLS

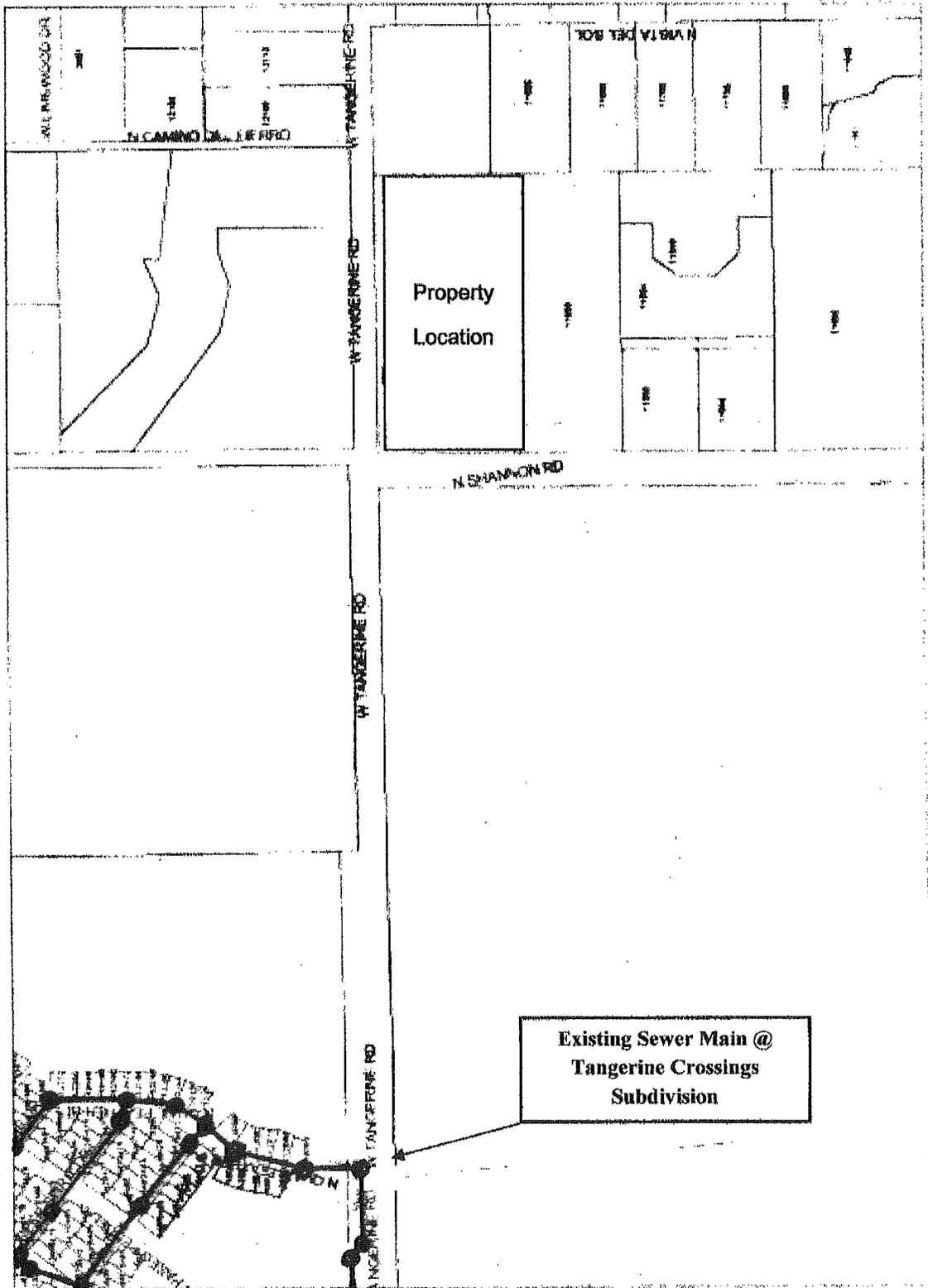
Property Location

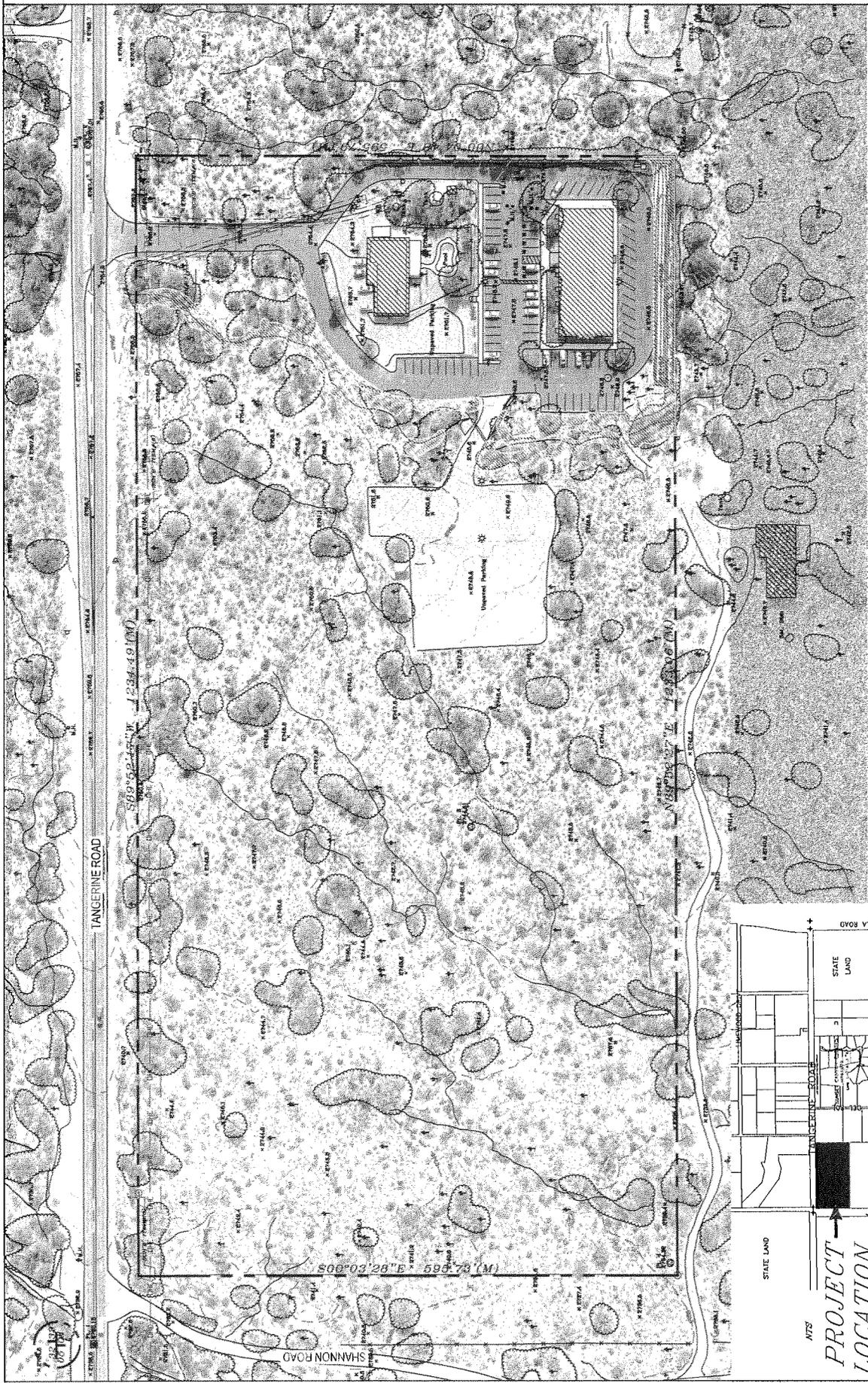




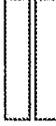


# Pima County



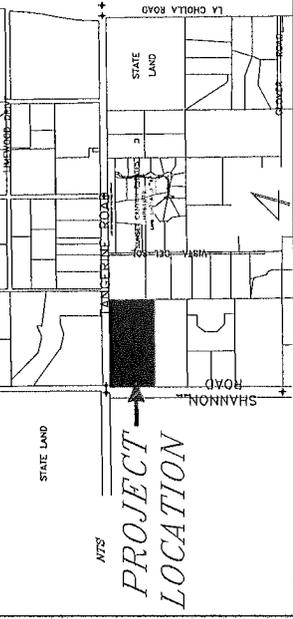


**LEGEND:**

-  TOPOGRAPHY >15'
-  ROCK OUTCROPPINGS

**NOTES:**

- A. No rock outcroppings were found on-site.



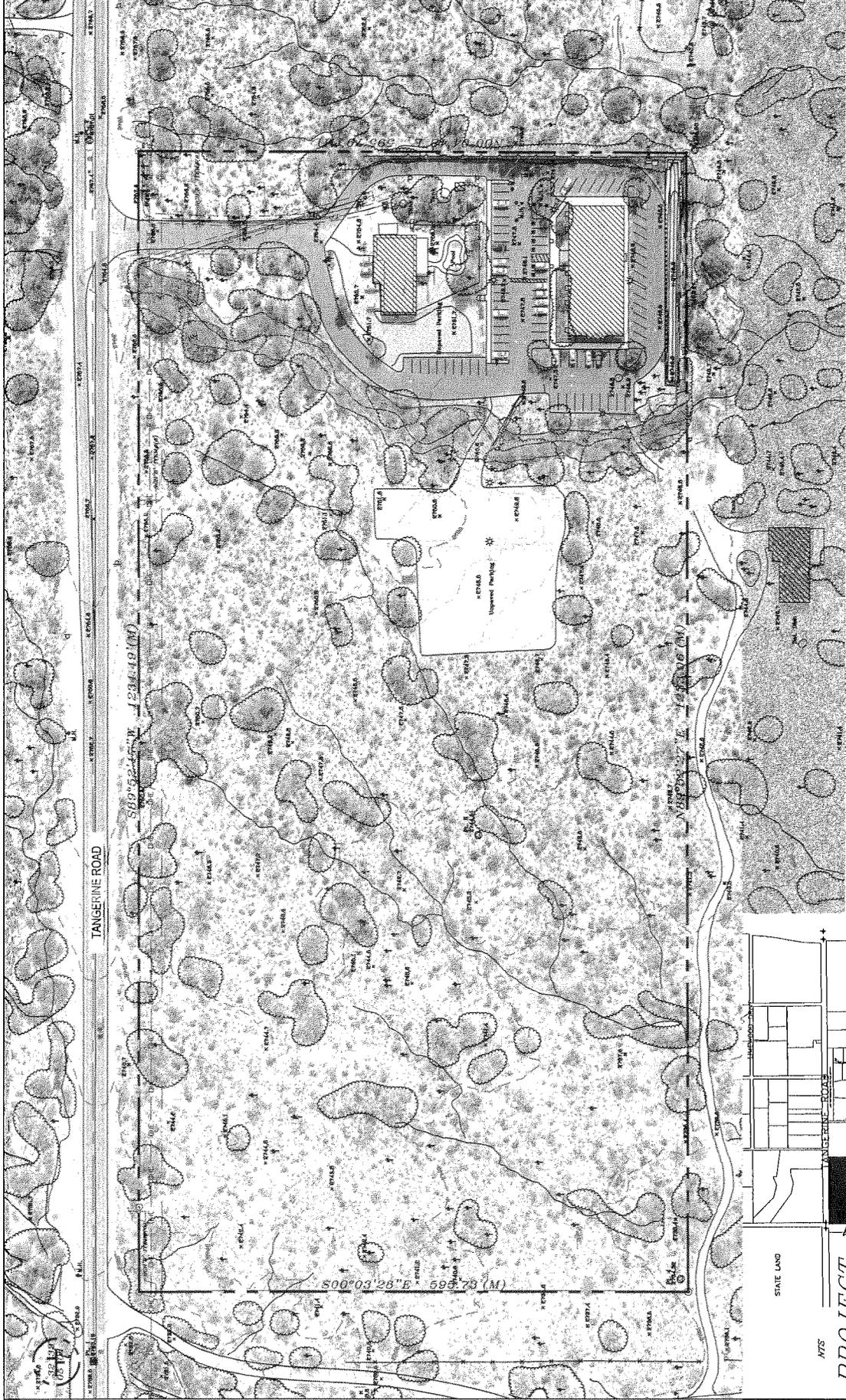
NAME: TOPOGRAPHY OVERLAY	FOR: REZONING APPLICATION	SHEET NO.: 1 of 5
PROJ. #: 4470-03	DATE: 04/06/2010	SCALE: AS SHOWN
BERINGER GIACCIO DENNELL MABREY		



Exhibit - 19.a

St. Mark the Evangelist Catholic Church, Phase 1

Oro Valley, AZ

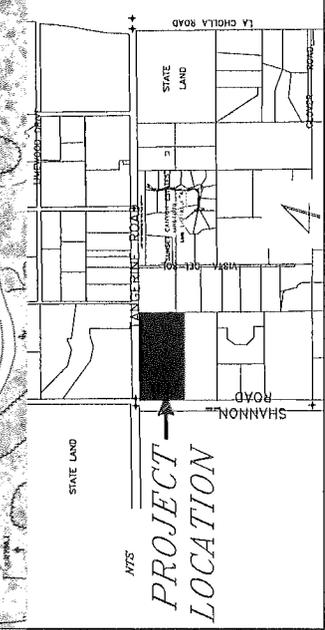


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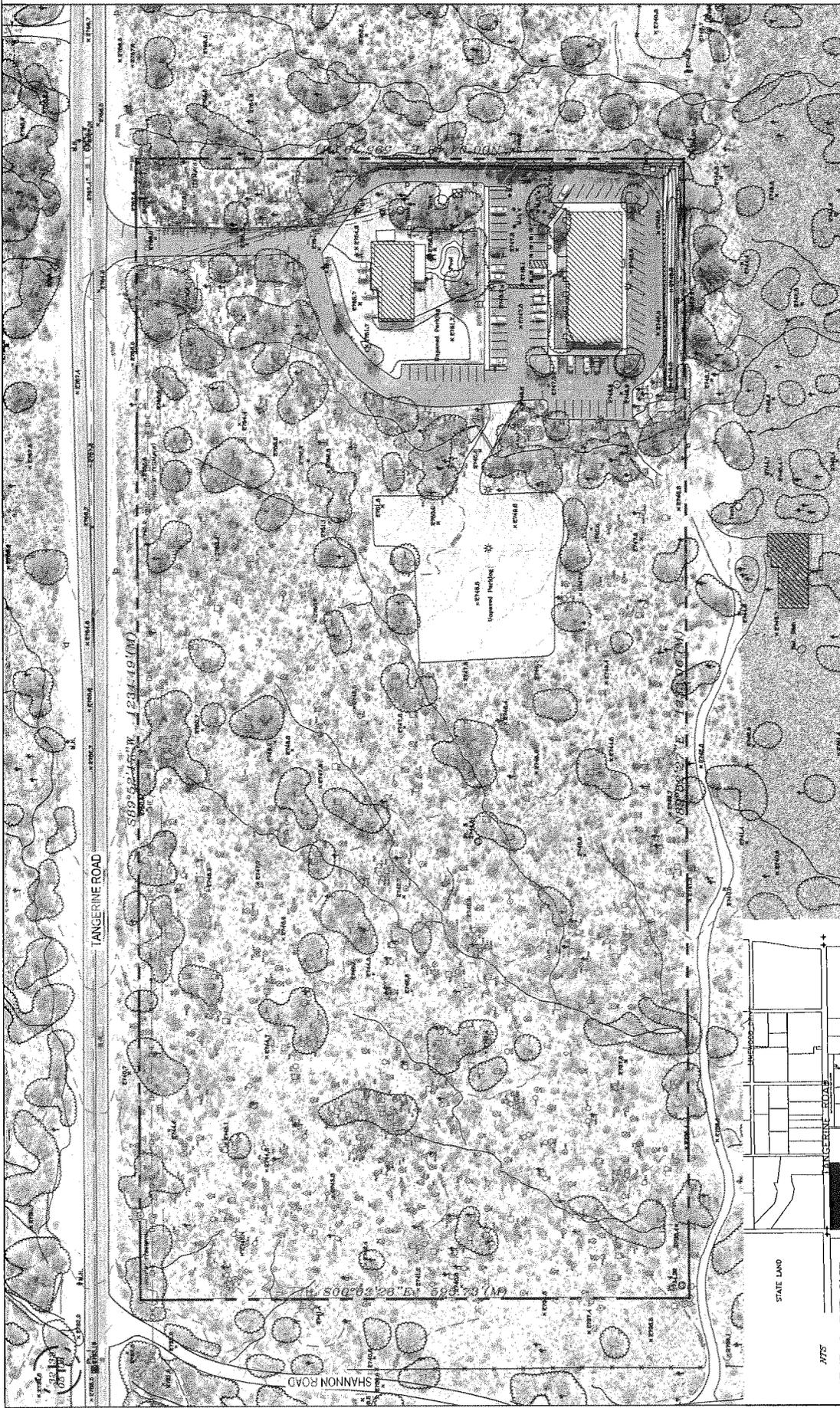
-  DISCHARGE >50 CFS.
-  SHEET FLOW > 1 FT.
-  FED. MAPPED FLOOD

**NOTES:**

- A. No regulatory special flood hazard areas of sheet flow.
- B. No federally mapped floodways or floodplains located within the property with the exception of approximately 898 square feet in the northwest corner which has been modeled as a zone cc, with a depth of 3 foot depth.



**PROJECT LOCATION**



**LEGEND:**

	PROTECT VEGETATION
	REMOVE VEGETATION
	RELOCATE VEGETATION

- NOTES:**
- A. No federally listed endangered or threatened species were found.
  - B. No vegetation facilitates soil stabilization.
  - C. Entire site is designated as a Significant Resource Area

NAME: VEGETATION OVERLAY	FOR: REZONING APPLICATION	SHEET NO.: 3 of 6
PROJ. #: 4470-03	DATE: 04/06/2010	SCALE: AS SHOWN

BERINGER CIACCIO DENNELL MABREY

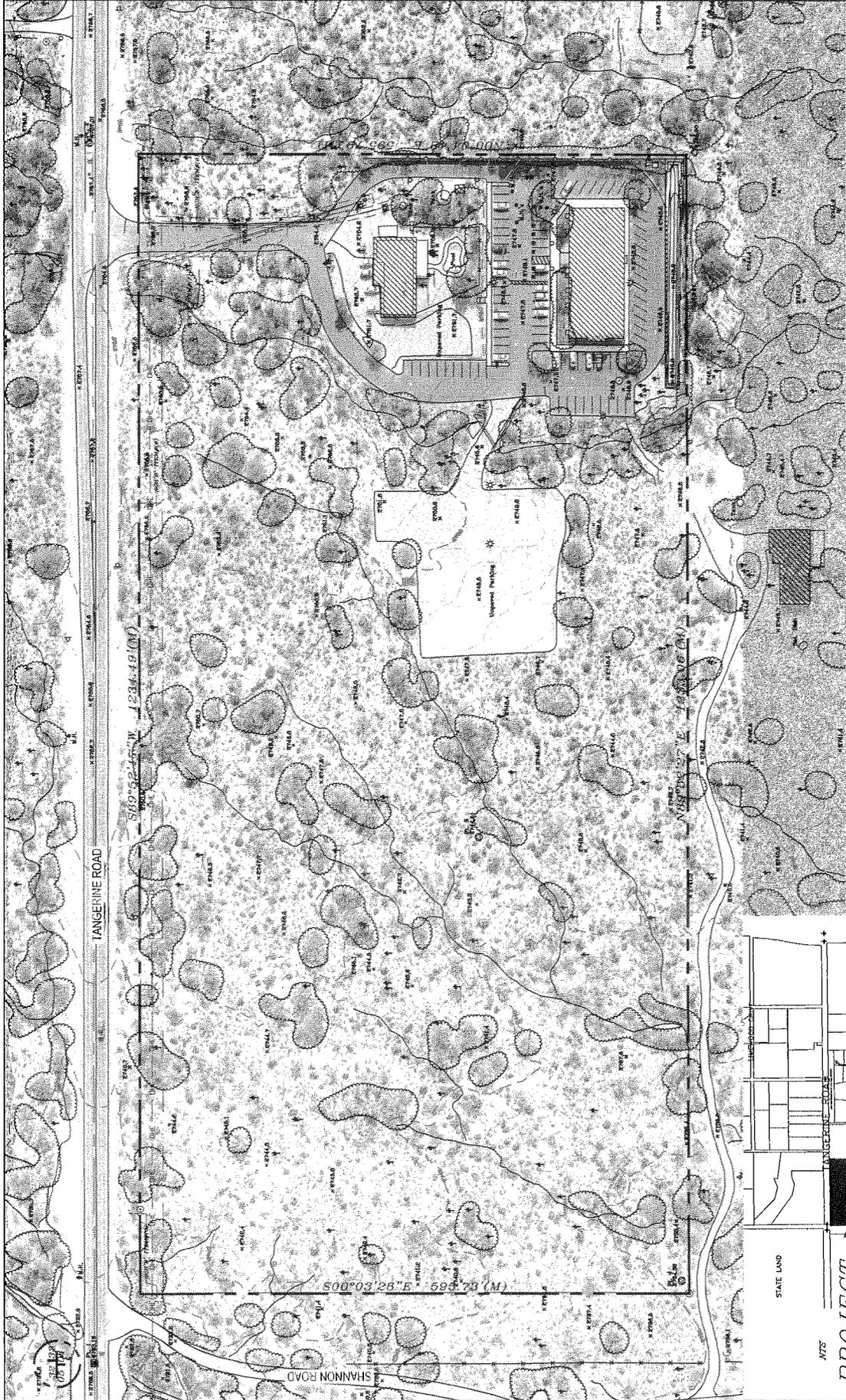
NORTH

SCALE (ft)

0 100

St. Mark the Evangelist Catholic Church, Phase 1  
 Saint Mark Roman Catholic Parish - Tucson  
 Oro Valley, AZ

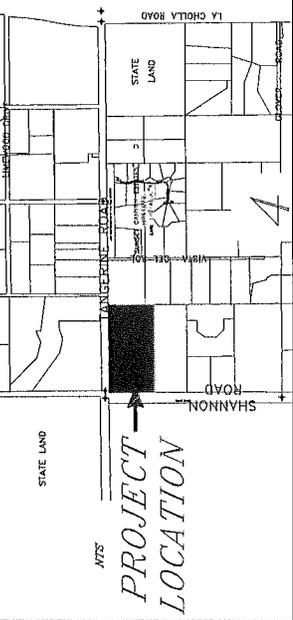
PROJECT LOCATION



**LEGEND:**

	ENDANGERED WILDLIFE
	Riparian Habitat

- NOTES:**
- A. No pygmy-owls or other endangered, candidate, special concern, sensitive, or special status species were detected on or adjacent to the site.
  - B. No riparian habitats are located on the site.



PROJ. #:	4470-03	DATE:	04/08/2010	SCALE:	AS SHOWN
NAME:	WILDLIFE OVERLAY	FOR:	REZONING APPLICATION	SHEET NO.:	4 of 5

Oro Valley, AZ  
 Saint Mark Roman Catholic Parish - Tucson  
 BERINGER CIACCIO DENNELL MABREY



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

BERINGER GIACCIO DENNELL MABREY

St. Mark the Evangelist Catholic Church, Phase 1  
 Saint Mark Roman Catholic Parish - Tucson  
 Oro Valley, AZ

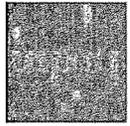
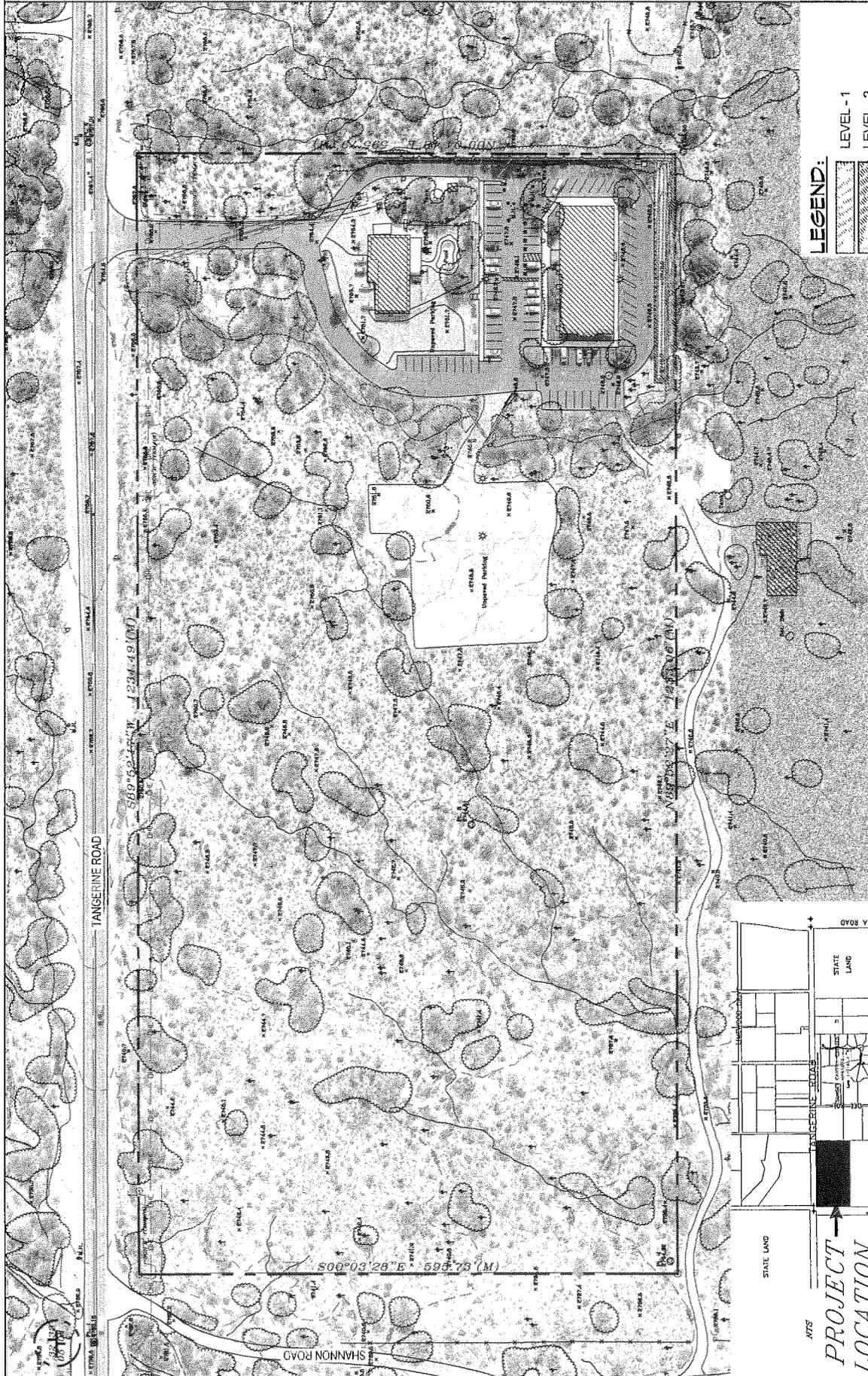


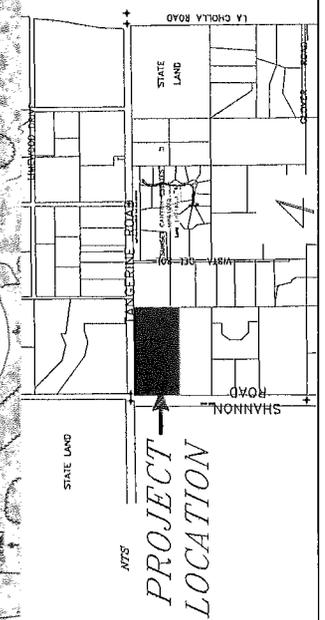
Exhibit - 19.e

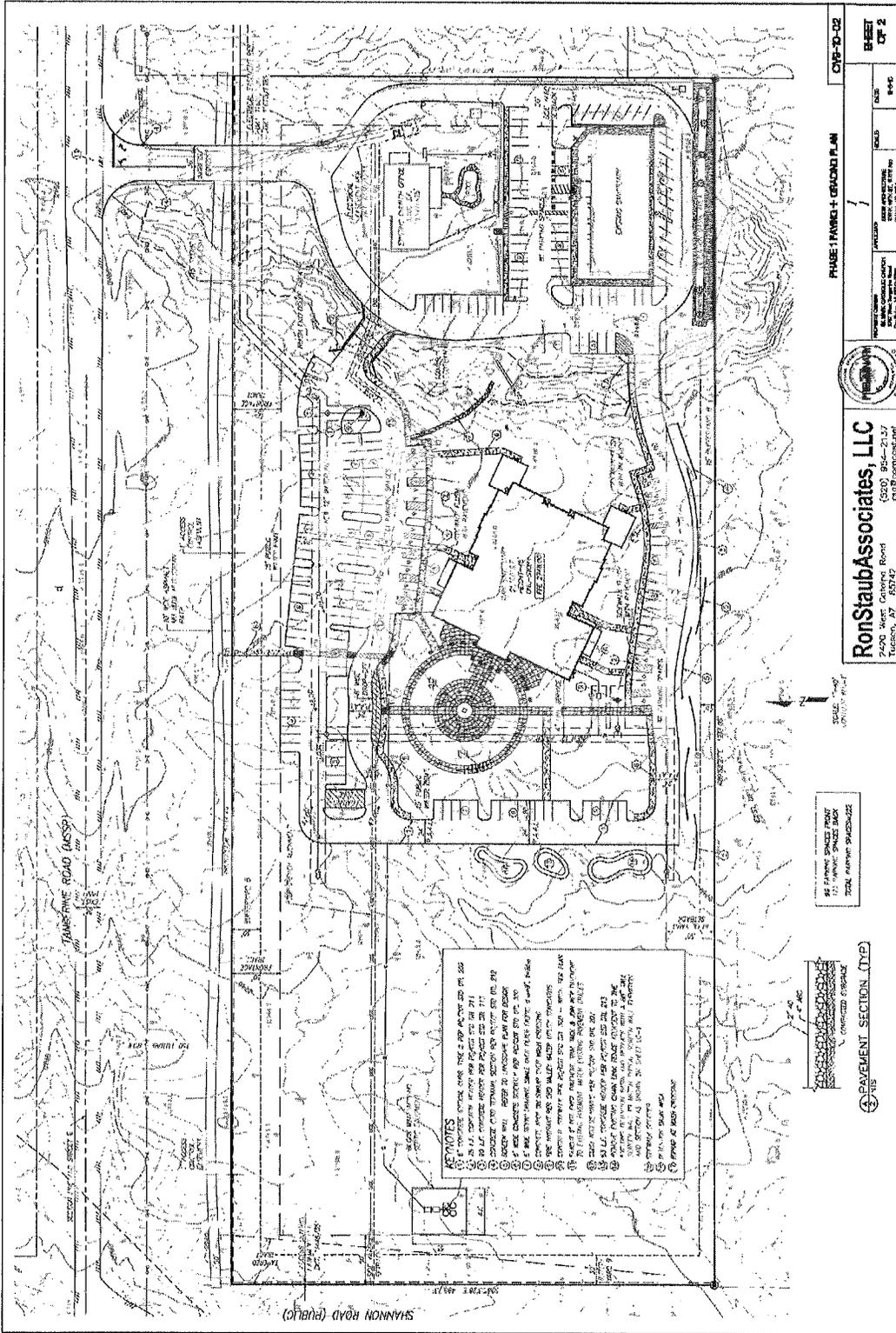


**LEGEND:**

[Pattern: Diagonal lines /]	LEVEL-1
[Pattern: Diagonal lines \]	LEVEL-2
[Pattern: Horizontal lines]	LEVEL-3
[Pattern: Vertical lines]	LEVEL-4
[Pattern: Dotted]	LEVEL-5

**NOTES:**  
 A. HIGHEST LEVEL OF COMPOSITE OVERLAYS IS LEVEL-2.





**PHASE I PAVING + GRADING PLAN**

DATE	NO.	DESCRIPTION
08/15/2018	1	ISSUED FOR PERMIT

**RonStaubAssociates, LLC**  
 2400 Lake County Road  
 Tully, NY 13151  
 (315) 437-3333

**SCALE:**  
 1" = 40'

**LEGEND:**  
 1. PAVING (CONCRETE) 12" MINIMUM THICKNESS  
 2. TOTAL ASPHALT THICKNESS

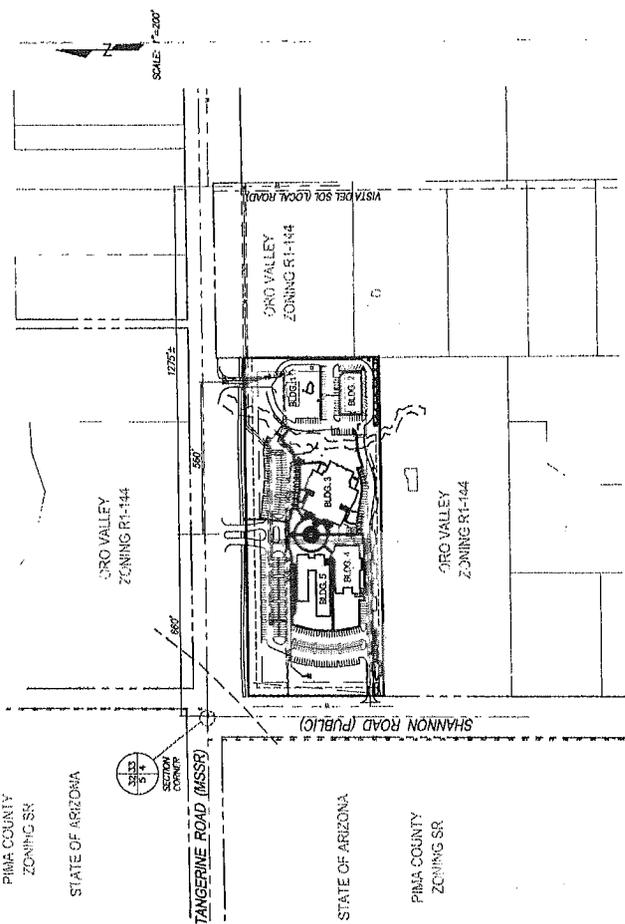
**PAVEMENT SECTION (TYP)**

# PRELIMINARY PHASE I SITE PLAN

ST. MARK CATHOLIC CHURCH  
 DESIGN DEVELOPMENT  
 1215 WEST TAYLOR ROAD - 050 VALLEY AT 1215  
 BRIMMOR DIABLO DENHILL HARBET, ARCHITECTURE, LANDSCAPE ARCHITECTURE, INTERIOR DESIGN, CONSTRUCTION MANAGEMENT

**GENERAL NOTES:**

1. GROSS AREA OF PROPERTY TO BE REZONED = 16.87 ACRES
2. ZONING REQUEST FROM R1-144 TO PS
3. FLOOR AREA RATIOS: MINIMUM = 0.65, MAXIMUM = 4.00 (R1-144) - 4.13
4. BUILDING HEIGHTS: STRUCTURE = 45'; ENCLAVEMENT BLDG = 45'; SOCIAL HALL = 24'
5. PARKING SPACES REQUIRED = 1 PER 4 SEATS + 2 PER 3 EMPLOYEES  
(250 X 1500 SEATS + 3 X 4,500) = 1,300 REQUIRED  
TOTAL PARKING SPACES PROVIDED = 200 (PROVIDED) / 200 NEW SPACES BY EXIST. SPACES
6. AREA OF UNDISTURBED NATURAL OPEN SPACE = 251 ACRES
7. TOTAL MENSURABLE OPEN SPACE PROVIDED = 21.00 ACRES
8. MINIMUM REQUIRED OPEN SPACE (14.04 + .25) = 14.29 ACRES  
OPEN SPACE PROVIDED = 3.01 ACRES
9. 100 YEAR FLOODPLAIN WILL REMAIN IN NATURAL STATE
10. THE WATER SERVICE PROVIDED FOR THIS PROJECT IS ORO VALLEY WATER UTILITY
11. THE GENERAL PLAN RESTRICTION FOR THIS PROJECT IS PUBLIC/SUB/PUBLIC  
TOTAL BUILDING AREAS FOR THIS PROJECT:  
RELIGIOUS ENCLAVEMENTAL/ALUMNI BLDG = 16,300 S.F. (BLDG. 5)  
SOCIAL HALL = 16,800 S.F. (BLDG. 3)  
CHURCH = 16,800 S.F. (BLDG. 1)  
EXISTING SANITARY = 8,500 S.F. (BLDG. 2)  
TOTAL BUILDING AREAS = 72,300 S.F.
12. FIRST THROUGH THIRD GRADE EDUCATION IS NOT A PERMITTED USE.
13. EXISTING SITE REMOVE EXISTING POLE LIGHTS AND REPLACE WITH 10' TALL LIGHT POLES. LIGHTS SHALL BE INSTALLED AS REQUIRED BY TOWN LIGHTING CODE. PROVIDED POLE LIGHTS DO NOT EXCEED 10' IF LOCATED SOUTH OF THE BUILDINGS OR 8' IF LOCATED ALONG THE SOUTH DRIVE LANE.
14. NEW DEVELOPMENT PARKING LOT LIGHTS ALONG THE SOUTH DRIVE LANE SHALL BE NO TALLER THAN 8' AND SHALL BE FULLY SHIELDED. ALL OTHER BUILDING LIGHTS SHALL BE FULLY SHIELDED. LIGHTS SHALL BE INSTALLED AS REQUIRED BY TOWN LIGHTING CODE. PROVIDED POLE LIGHTS DO NOT EXCEED 10' IF LOCATED SOUTH OF THE BUILDINGS OR 8' IF LOCATED ALONG THE SOUTH DRIVE LANE.



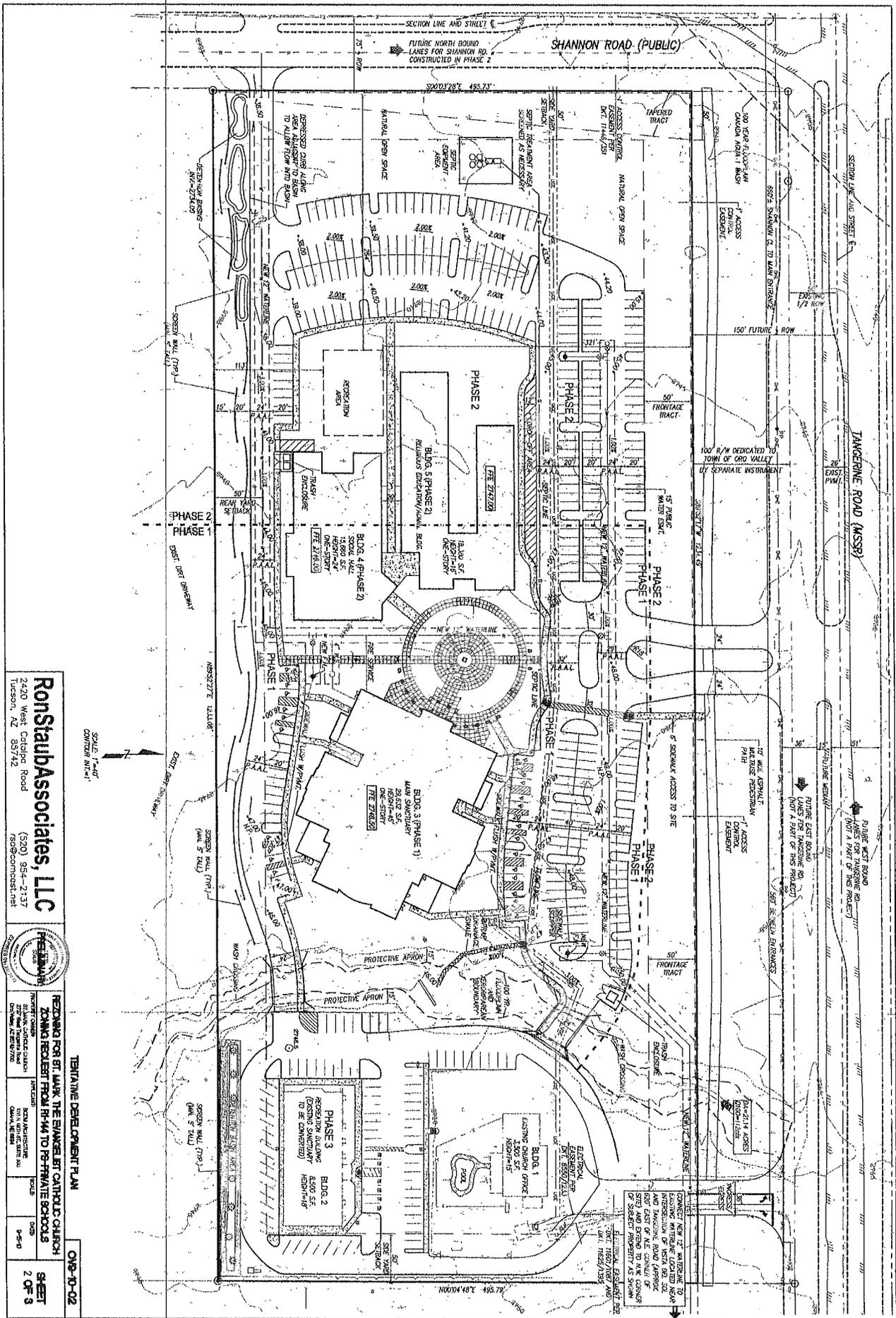
**TENTATIVE DEVELOPMENT PLAN**

019-10-02

PROJECT OWNER: ST. MARK CATHOLIC CHURCH 271 W. WILSON AVE. TULSA, OK 74106	DATE: P-0-0	SHEET: 1 OF 3
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**RonStaubAssociates, LLC**  
 2420 West Catalina Road  
 Tucson, AZ 85742  
 (520) 954-2137  
 rsa@comcast.net

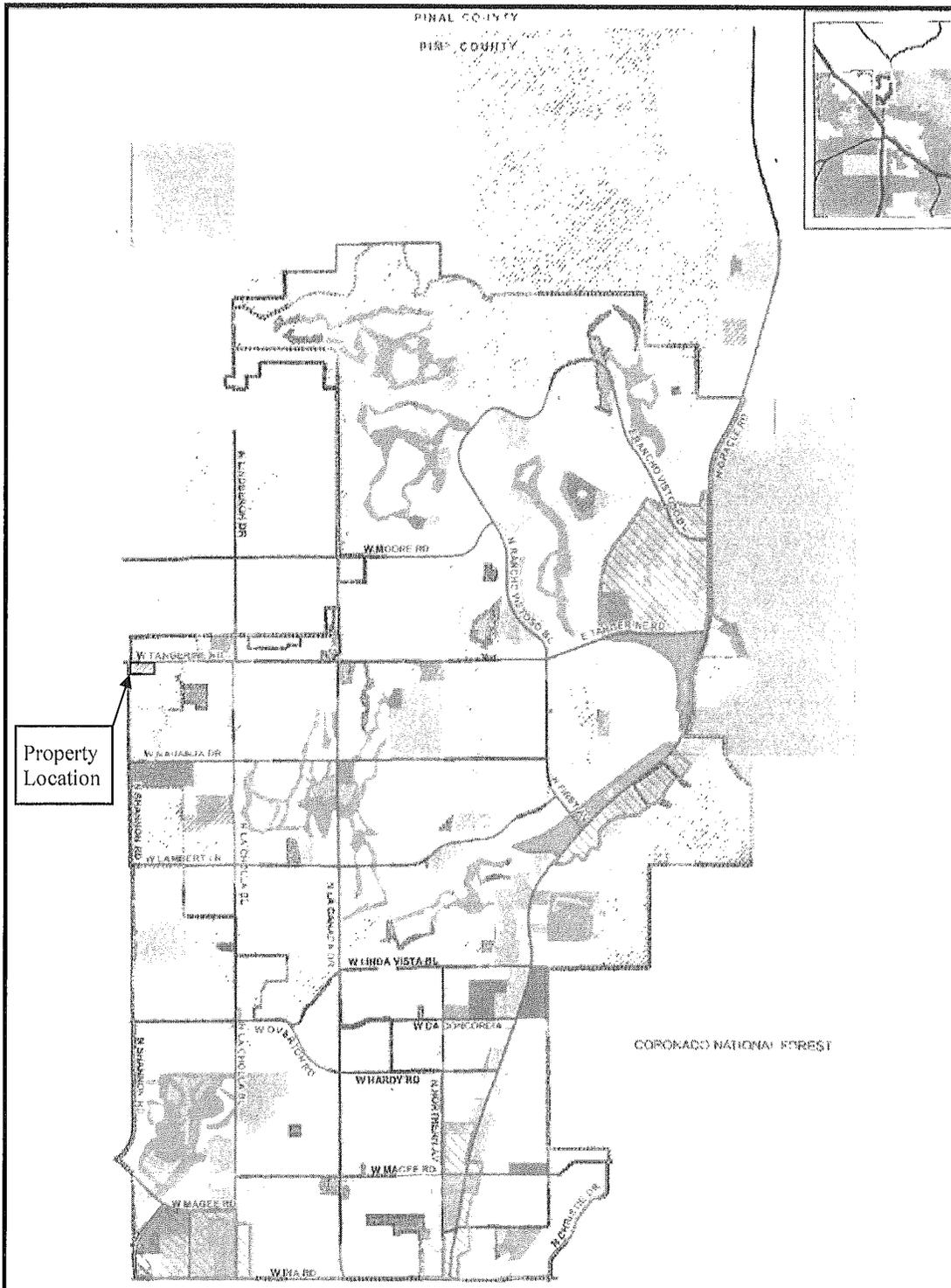


**RonStaubAssociates, LLC**  
 2420 West Collogg Road  
 Tucson, AZ 85742  
 (520) 954-2137  
 rsa@comcast.net



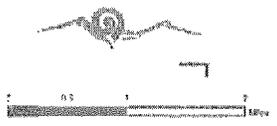
REZONING FOR BT, MAKE THE CHANGE BT CATHOLIC CHURCH		ONS-10-02	
ZONING REVERT FROM R1-M TO P1-PRIVATE SCHOOLS		SHEET	
PROJECT OWNER	STAUUB ASSOCIATES, LLC	DATE	2 OF 3
DESIGNER	RON STAUUB	SCALE	1"=40'
DATE	04/11/2011	DATE	04-11

Exhibit - 21.b



Property Location

**TOWN OF ORO VALLEY**  
*General Plan Update 2020*



**Legend**

- Growth Area
- Urban Services Boundary
- Rural Low Density Residential (R) - 0.3 DU/AC
- Low Density Residential (L) - 1.2 DU/AC
- Low Density Residential (L) - 2.0 DU/AC
- Medium Density Residential (M) - 5 DU/AC
- High Density Residential (H) - 10 DU/AC
- Master Planned Community
- Resort / Golf Course
- Neighborhood Commercial / Office
- Public / Semi-Public
- Community / Regional Commercial
- Commerce / Office Park
- School
- Open Space
- Park
- SquidBent Recreation Areas

**Planned Land Use - 2020**  
 General Plan

**Planning and Zoning Commission Recommendations.**  
 Source: This map was made with data from GIS1 Oro Valley, and Pima County. This map is for illustration purposes only. Official interpretations are available from Oro Valley Planning & Zoning staff.  
 Oro Valley GIS Services  
 July 26, 2010

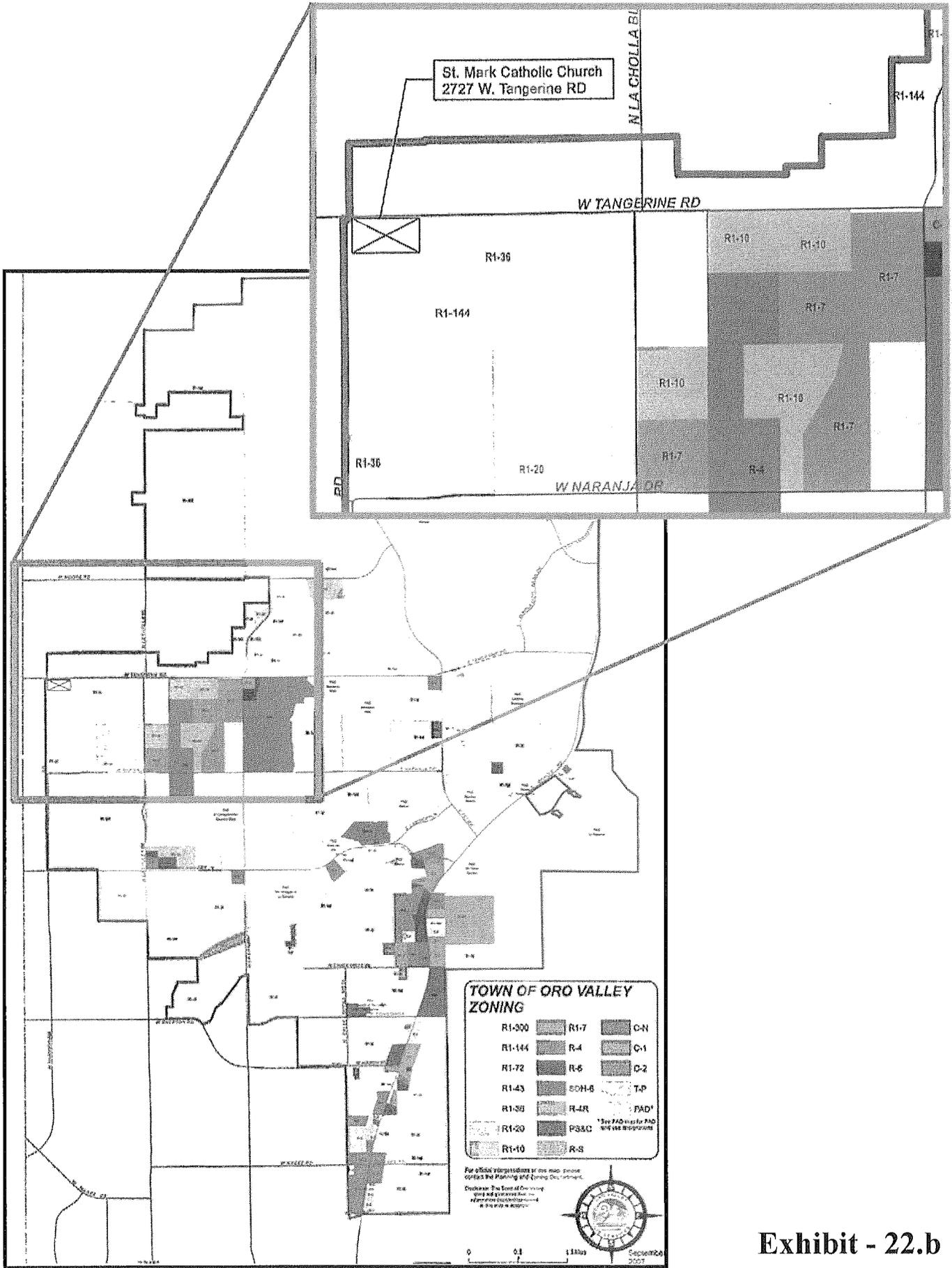
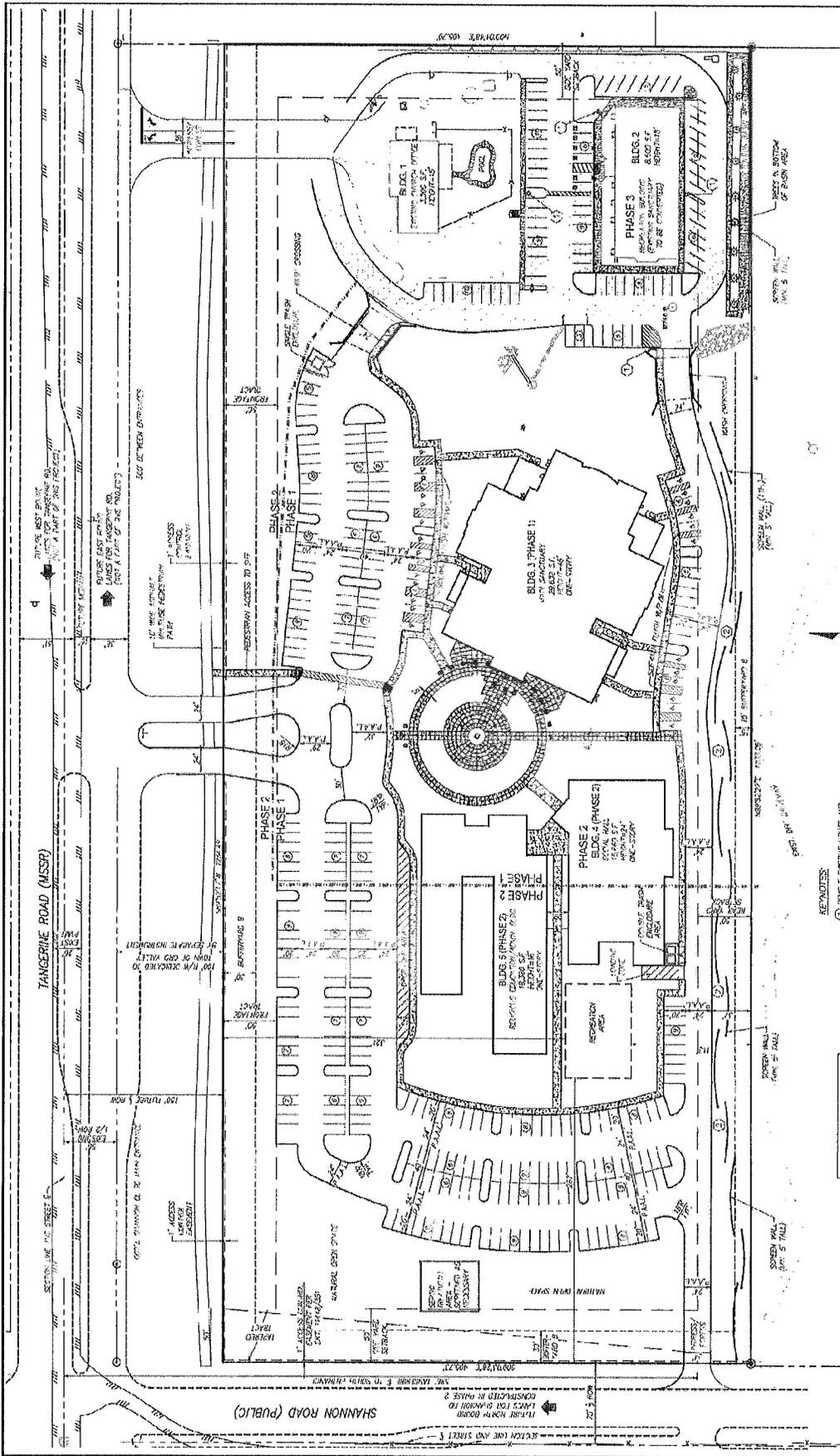


Exhibit - 22.b





**TANGERINE DEVELOPMENT PLAN** OVG-10-02

**REVISIONS:**

- 1) REPLACE EXISTING CURB AND REPLACE WITH 15" TALL ALUMINUM MARKERS. PAVING SPACES SHALL BE INSTALLED AS SHOWN, NECESSARY BY ANNOT.
- 2) MARKING LOT LINES AT THE SOUTH, THESE LINES FULLY SHOWN.

**REMARKS:**

723 PARKING SPACES COUNT  
287 PARKING SPACES MARK  
TOTAL PARKING SPACES=700

**TERMINAL DEVELOPMENT PLAN**

**REZONING FOR ST. MARK THE EVANGELIST CATHOLIC CHURCH ZONING RECURRY FROM PH-44 TO PH-PRIVATE SCHOOLS**

**RonStaubAssociates, LLC**  
 (520) 954-2137  
 ron@ronstaub.net

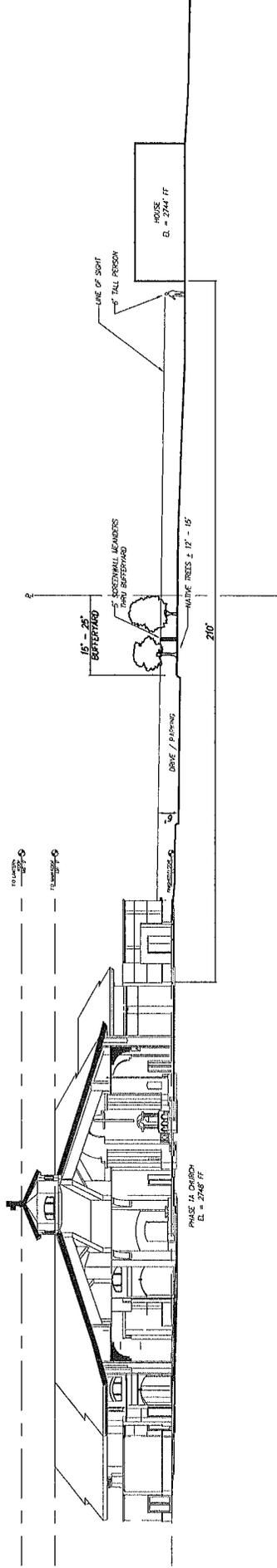
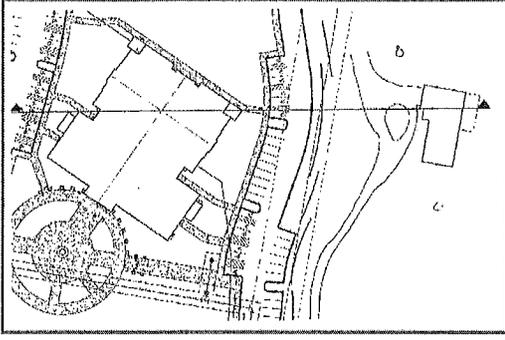
**PREPARED BY:** RON STAUB ASSOCIATES, LLC  
 2420 West Catalina Road  
 Tucson, AZ 85742

**DATE:** 9-14-10

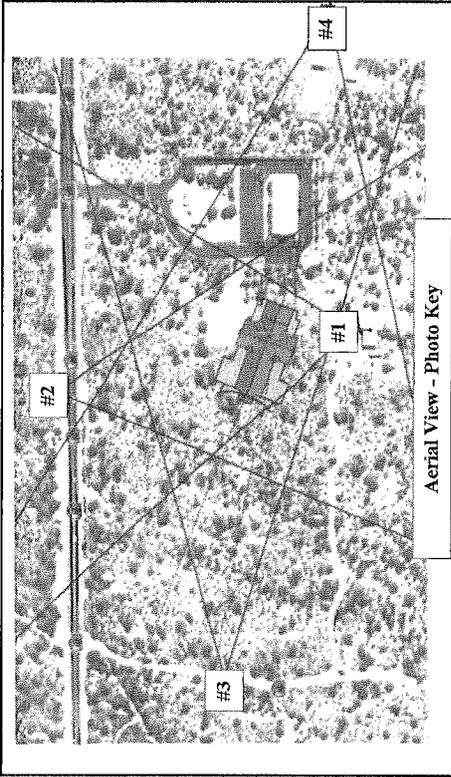
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**PROJECT NO.:** 10-02

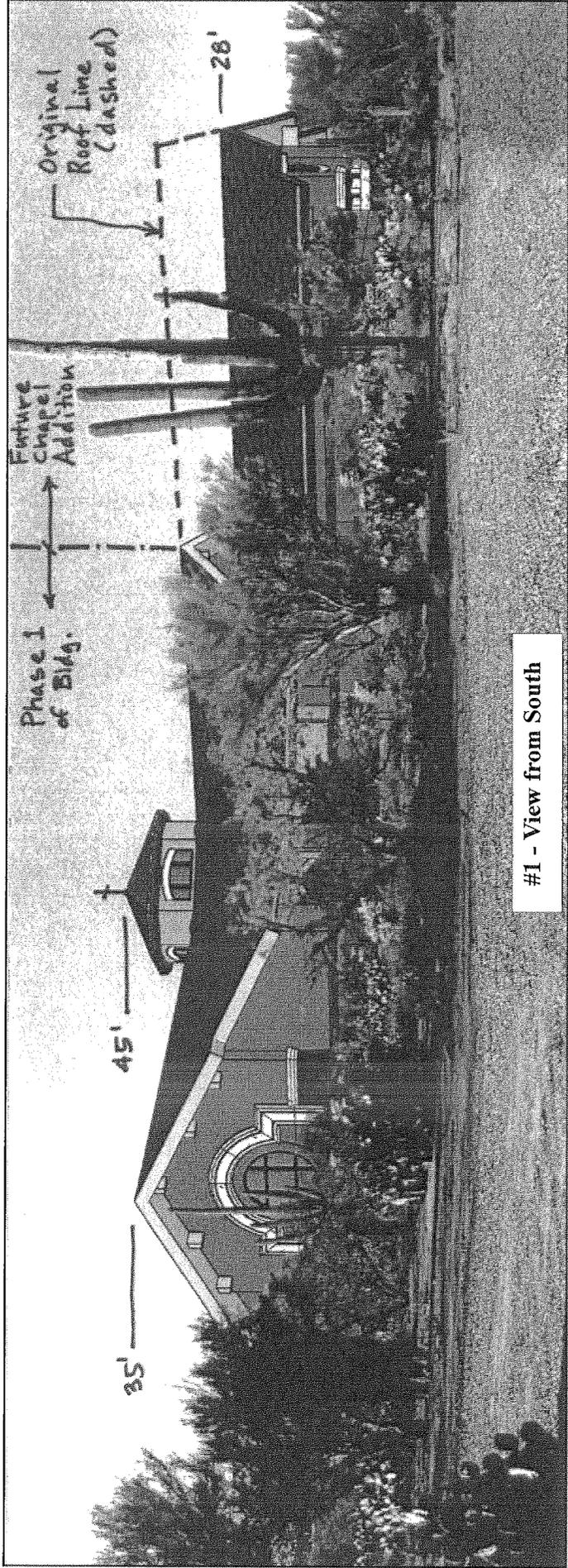
**SHEET:** 3 OF 3

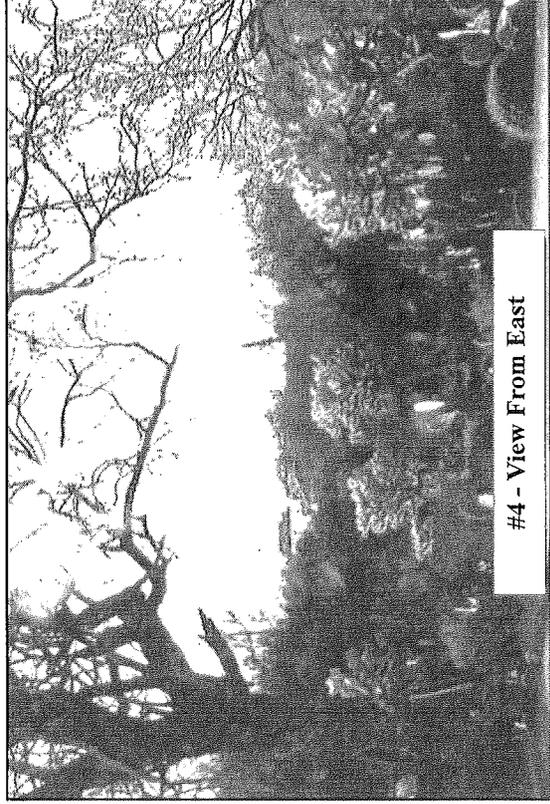
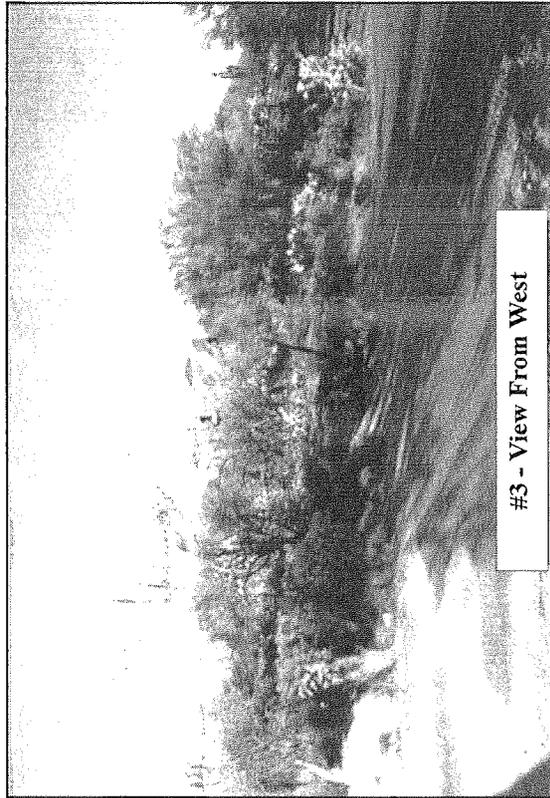
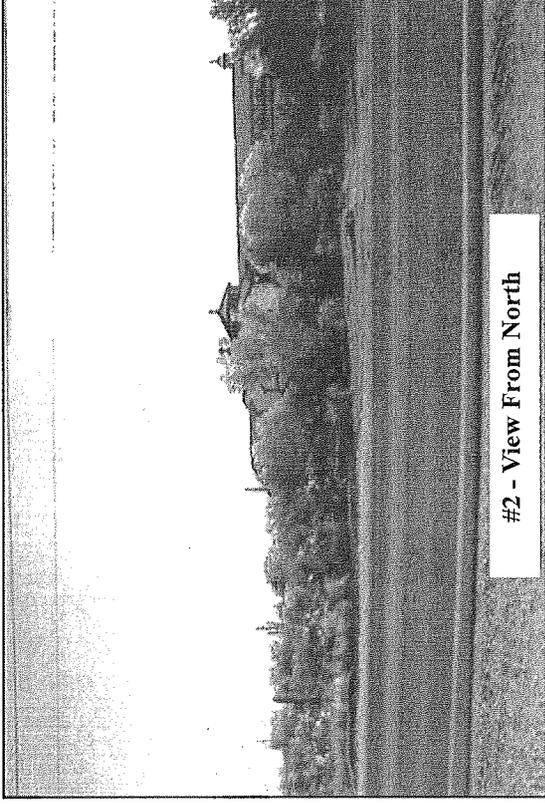
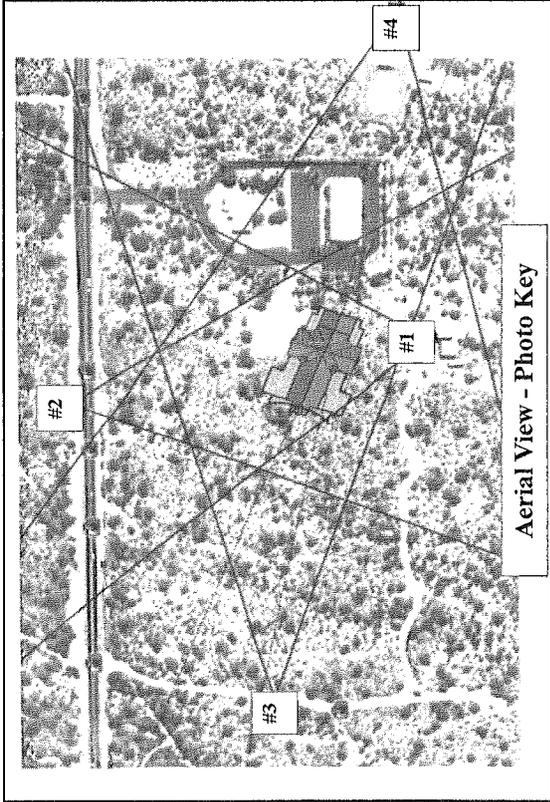


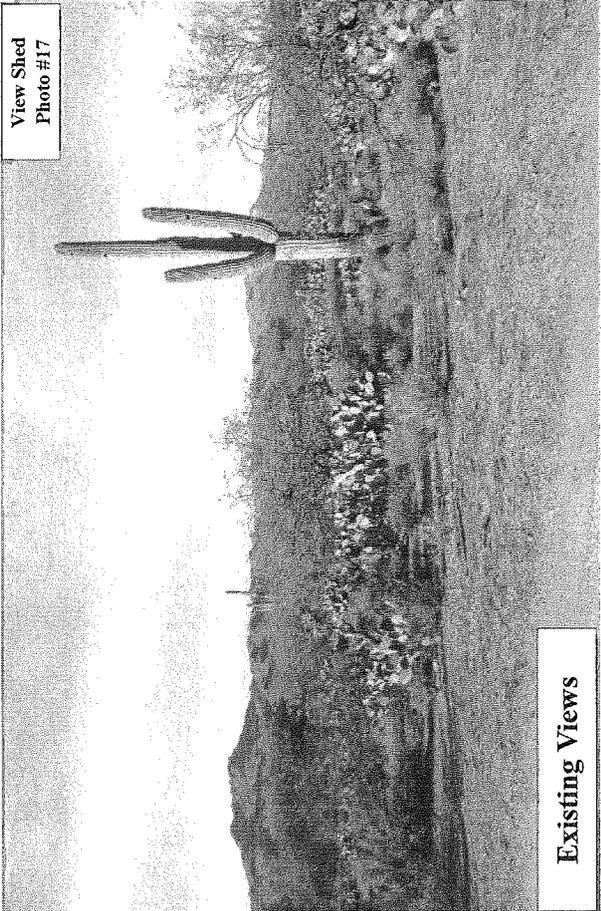
**LINE OF SIGHT STUDY FROM ADJACENT SOUTHERN RESIDENCE**



**View Shed Overlay of  
Proposed Sanctuary  
Building**



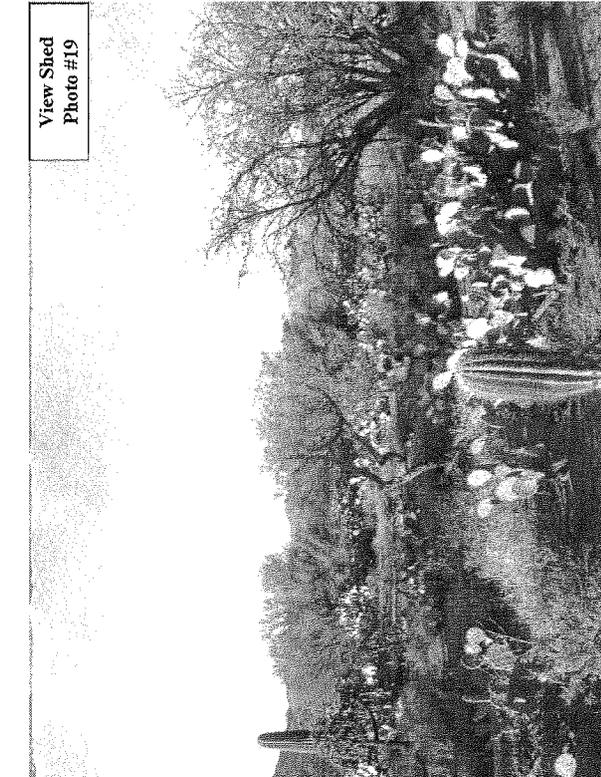




View Shed  
Photo #17

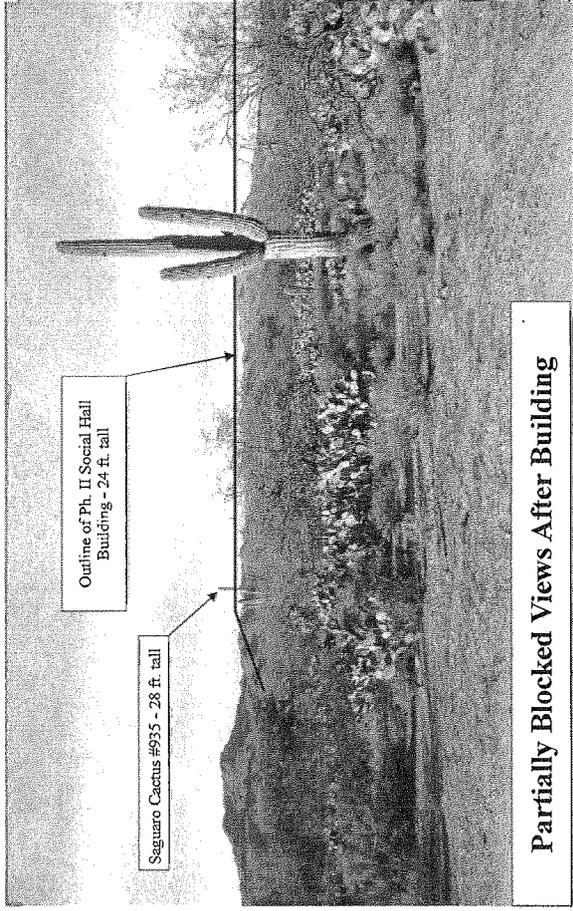


View Shed  
Photo #18



View Shed  
Photo #19

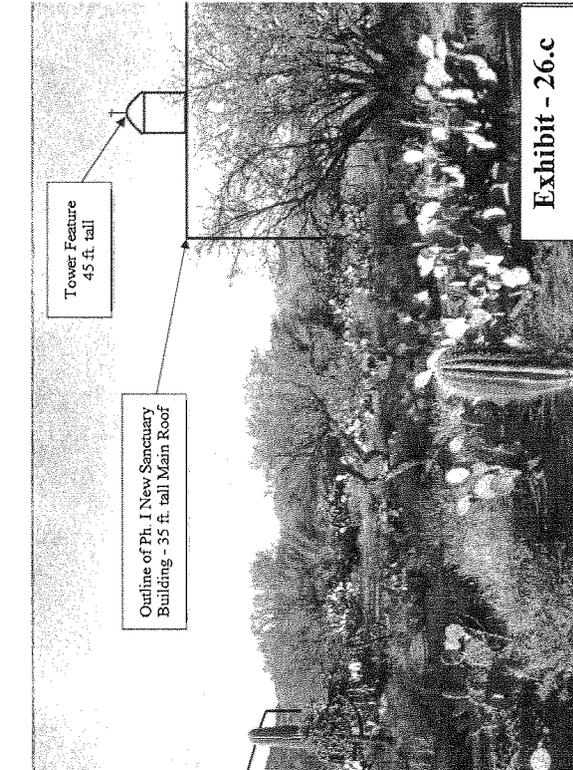
Existing Views



Outline of Ph. II Social Hall  
Building - 24 ft. tall

Saguaro Cactus #9335 - 28 ft. tall

Partially Blocked Views After Building



Outline of Ph. I New Sanctuary  
Building - 35 ft. tall Main Roof

Tower Feature - 45 ft. tall

Exhibit - 26.c

## EXISTING CHURCH TRIPS GENERATION ESTIMATES

<b>Weekday Trip Generation</b>	<b>AM Peak (adjacent st)</b>		<b>PM Peak (adjacent st)</b>		<b>Avg Wkday</b>	
	<b>In</b>	<b>Out</b>	<b>In</b>	<b>Out</b>	<b>In</b>	<b>Out</b>
	Calculated Trip Rate	0.09		0.03		0.57
<i>Trips Entering/Exiting</i>	73%	27%	22%	78%	50%	50%
Existing Trip Generation	30		9		200	
<i>Trips Entering/Exiting</i>	22	8	2	7	100	100
<b>Saturday Trip Generation</b>	<b>Saturday Peak (adjacent st)</b>		<b>Saturday Peak (generator)</b>		<b>Saturday</b>	
	<b>In</b>	<b>Out</b>	<b>In</b>	<b>Out</b>	<b>In</b>	<b>Out</b>
	Calculated Trip Rate	0.02		0.32		1.14
<i>Trips Entering/Exiting</i>	33%	67%	94%	6%	50%	50%
Existing Trip Generation	6		113		400	
<i>Trips Entering/Exiting</i>	2	4	106	7	200	200
<b>Sunday Trip Generation</b>	<b>Sunday Peak (adjacent st)</b>		<b>Sunday Peak (generator)</b>		<b>Sunday</b>	
	<b>In</b>	<b>Out</b>	<b>In</b>	<b>Out</b>	<b>In</b>	<b>Out</b>
	Calculated Trip Rate	0.25		0.87		3.14
<i>Trips Entering/Exiting</i>	86%	14%	38%	63%	50%	50%
Existing Trip Generation	86		304		1100	
<i>Trips Entering/Exiting</i>	74	12	114	190	550	550

*Trip generation rates are based on 350 seats*

## PHASE 1-A/B (EXPANSION TO 750 SEATS) TRIP DISTRIBUTION AND GENERATION

<b>Weekday Trip Generation</b>	<b>Distribution</b>		<b>AM Peak Hour</b>			<b>PM Peak Hour</b>			<b>Weekday</b>		
			<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
<b>Total Trips from Site at Buildout</b>			49	18	68	5	18	23	214	214	428
Tangerine Road: West of Shannon Road	40%	40%	20	7	27	2	7	9	86	86	171
Tangerine Road: East of Shannon Road	60%	60%	30	11	41	3	11	14	128	128	257
<b>Existing Site Trips</b>			22	8	30	2	7	9	100	100	200
Tangerine Road: West of Shannon Road	40%	40%	9	3	12	1	3	4	40	40	80
Tangerine Road: East of Shannon Road	60%	60%	13	5	18	1	4	5	60	60	120
<b>New Site Trips</b>			27	10	38	3	11	14	114	114	228
Tangerine Road: West of Shannon Road	40%	40%	11	4	15	1	4	5	46	46	91
Tangerine Road: East of Shannon Road	60%	60%	16	6	23	2	6	8	68	68	137
<b>Saturday Trip Generation</b>	<b>Distribution</b>		<b>Adjacent Street Peak Hour</b>			<b>Generator Peak Hour</b>			<b>Saturday</b>		
			<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
<b>Total Trips from Site at Buildout</b>			5	10	15	226	14	240	428	428	855
Tangerine Road: West of Shannon Road	40%	40%	2	4	6	90	6	96	171	171	342
Tangerine Road: East of Shannon Road	60%	60%	3	6	9	135	9	144	257	257	513
<b>Existing Site Trips</b>			2	4	6	106	7	113	200	200	400
Tangerine Road: West of Shannon Road	40%	40%	1	2	2	42	3	45	80	80	160
Tangerine Road: East of Shannon Road	60%	60%	1	2	4	64	4	68	120	120	240
<b>New Site Trips</b>			3	6	9	120	7	127	228	228	455
Tangerine Road: West of Shannon Road	40%	40%	1	2	4	48	3	51	91	91	182
Tangerine Road: East of Shannon Road	60%	60%	2	4	5	72	4	76	137	137	273
<b>Sunday Trip Generation</b>	<b>Distribution</b>		<b>Adjacent Street Peak Hour</b>			<b>Generator Peak Hour</b>			<b>Sunday</b>		
			<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
<b>Total Trips from Site at Buildout</b>			161	26	188	248	405	653	1178	1178	2355
Tangerine Road: West of Shannon Road	40%	40%	65	11	75	99	162	261	471	471	942
Tangerine Road: East of Shannon Road	60%	60%	97	16	113	149	243	392	707	707	1413
<b>Existing Site Trips</b>			74	12	86	114	190	304	550	550	1100
Tangerine Road: West of Shannon Road	40%	40%	30	5	34	46	76	122	220	220	440
Tangerine Road: East of Shannon Road	60%	60%	44	7	52	68	114	182	330	330	660
<b>New Site Trips</b>			87	14	102	134	215	349	628	628	1255
Tangerine Road: West of Shannon Road	40%	40%	35	6	41	54	86	139	251	251	502
Tangerine Road: East of Shannon Road	60%	60%	52	8	61	80	129	209	377	377	753

Preliminary traffic analysis has been provided by Curtis Lueck & Associates, retained as the traffic engineering consultant for St. Mark Roman Catholic Parish—Tucson.

**Exhibit—27.a**

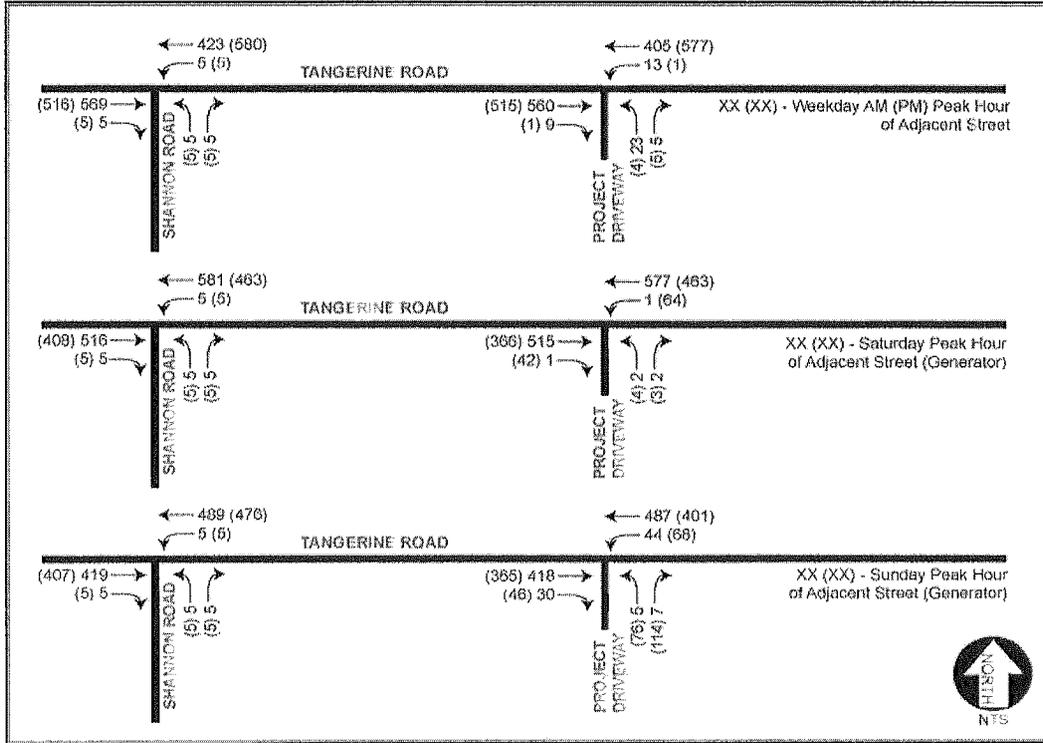
PHASE 1-C (EXPANSION TO 1200 SEATS) TRIP DISTRIBUTION AND GENERATION

<b>Weekday Trip Generation</b>	<b>Distribution</b>		<b>AM Peak Hour</b>			<b>PM Peak Hour</b>			<b>Weekday</b>		
			<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
<b>Total Trips from Site at Buildout</b>			79	29	108	8	28	36	342	342	684
Tangerine Road: West of Shannon Road	40%	40%	32	12	43	3	11	14	137	137	274
Tangerine Road: East of Shannon Road	60%	60%	47	17	65	5	17	22	205	205	410
<b>Existing Site Trips</b>			22	8	30	2	7	9	100	100	200
Tangerine Road: West of Shannon Road	40%	40%	9	3	12	1	3	4	40	40	80
Tangerine Road: East of Shannon Road	60%	60%	13	5	18	1	4	5	60	60	120
<b>New Site Trips</b>			57	21	78	6	21	27	242	242	484
Tangerine Road: West of Shannon Road	40%	40%	23	8	31	2	8	10	97	97	194
Tangerine Road: East of Shannon Road	60%	60%	34	13	47	4	13	16	145	145	290
<b>Saturday Trip Generation</b>	<b>Distribution</b>		<b>Adjacent Street Peak Hour</b>			<b>Generator Peak Hour</b>			<b>Saturday</b>		
			<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
<b>Total Trips from Site at Buildout</b>			8	16	24	361	23	384	684	684	1368
Tangerine Road: West of Shannon Road	40%	40%	3	6	10	144	9	153	274	274	547
Tangerine Road: East of Shannon Road	60%	60%	5	10	14	217	14	230	410	410	821
<b>Existing Site Trips</b>			2	6	8	106	7	113	200	200	400
Tangerine Road: West of Shannon Road	40%	40%	1	2	2	42	3	45	80	80	160
Tangerine Road: East of Shannon Road	60%	60%	1	2	4	64	4	68	120	120	240
<b>New Site Trips</b>			6	12	18	255	16	271	484	484	968
Tangerine Road: West of Shannon Road	40%	40%	2	5	7	102	6	108	194	194	387
Tangerine Road: East of Shannon Road	60%	60%	4	7	11	153	10	163	290	290	581
<b>Sunday Trip Generation</b>	<b>Distribution</b>		<b>Adjacent Street Peak Hour</b>			<b>Generator Peak Hour</b>			<b>Sunday</b>		
			<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>	<b>In</b>	<b>Out</b>	<b>Total</b>
<b>Total Trips from Site at Buildout</b>			258	42	300	397	647	1044	1824	1824	3768
Tangerine Road: West of Shannon Road	40%	40%	103	17	120	159	259	418	754	754	1507
Tangerine Road: East of Shannon Road	60%	60%	155	25	180	238	388	626	1130	1130	2261
<b>Existing Site Trips</b>			74	12	86	114	190	304	520	520	1100
Tangerine Road: West of Shannon Road	40%	40%	30	5	34	46	76	122	220	220	440
Tangerine Road: East of Shannon Road	60%	60%	44	7	52	68	114	182	330	330	660
<b>New Site Trips</b>			184	30	214	283	457	740	1334	1334	2668
Tangerine Road: West of Shannon Road	40%	40%	74	12	86	113	183	296	534	534	1067
Tangerine Road: East of Shannon Road	60%	60%	110	18	128	170	274	444	800	800	1601

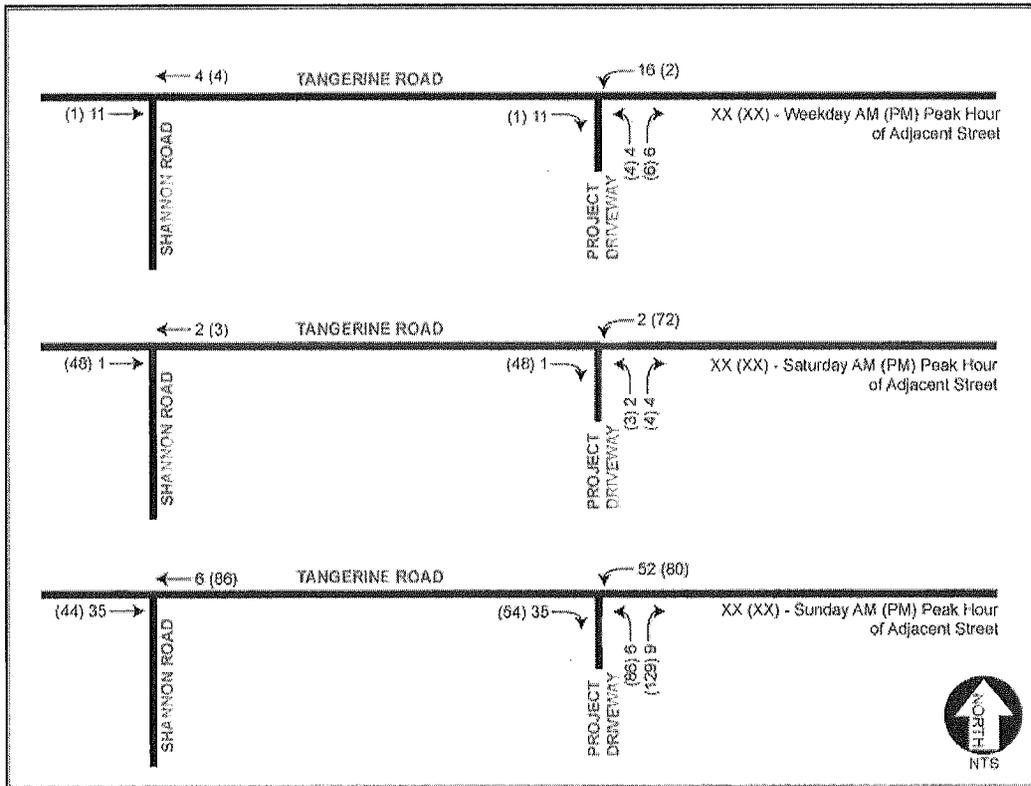
Preliminary traffic analysis has been provided by Curtis Lueck & Associates, retained as the traffic engineering consultant for St. Mark Roman Catholic Parish—Tucson.

Exhibit—27.b

# 2009 INTERSECTION VOLUMES

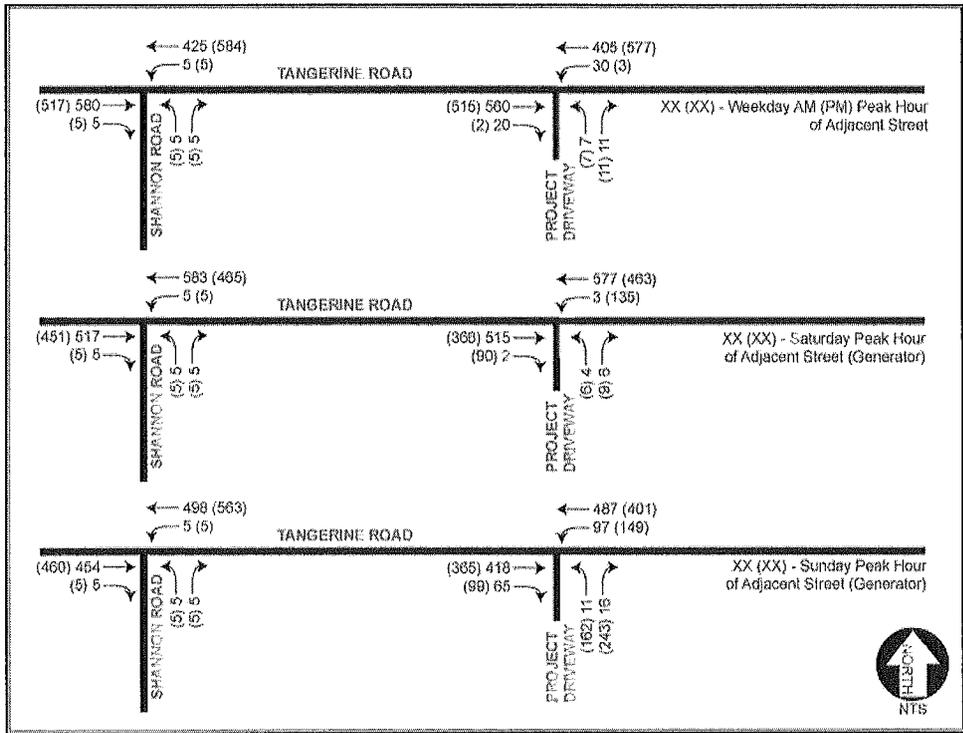


# PROJECTED PHASE 1-A/B TRAFFIC

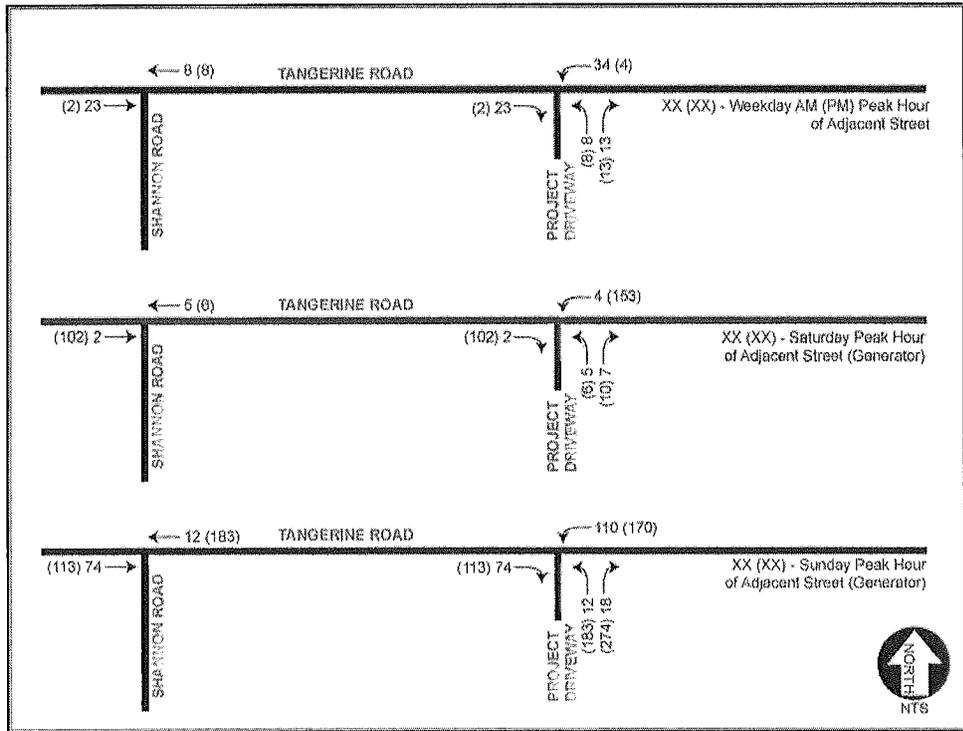


Preliminary traffic analysis has been provided by Curtis Lueck & Associates, retained as the traffic engineering consultant for St. Mark Roman Catholic Parish—Tucson.

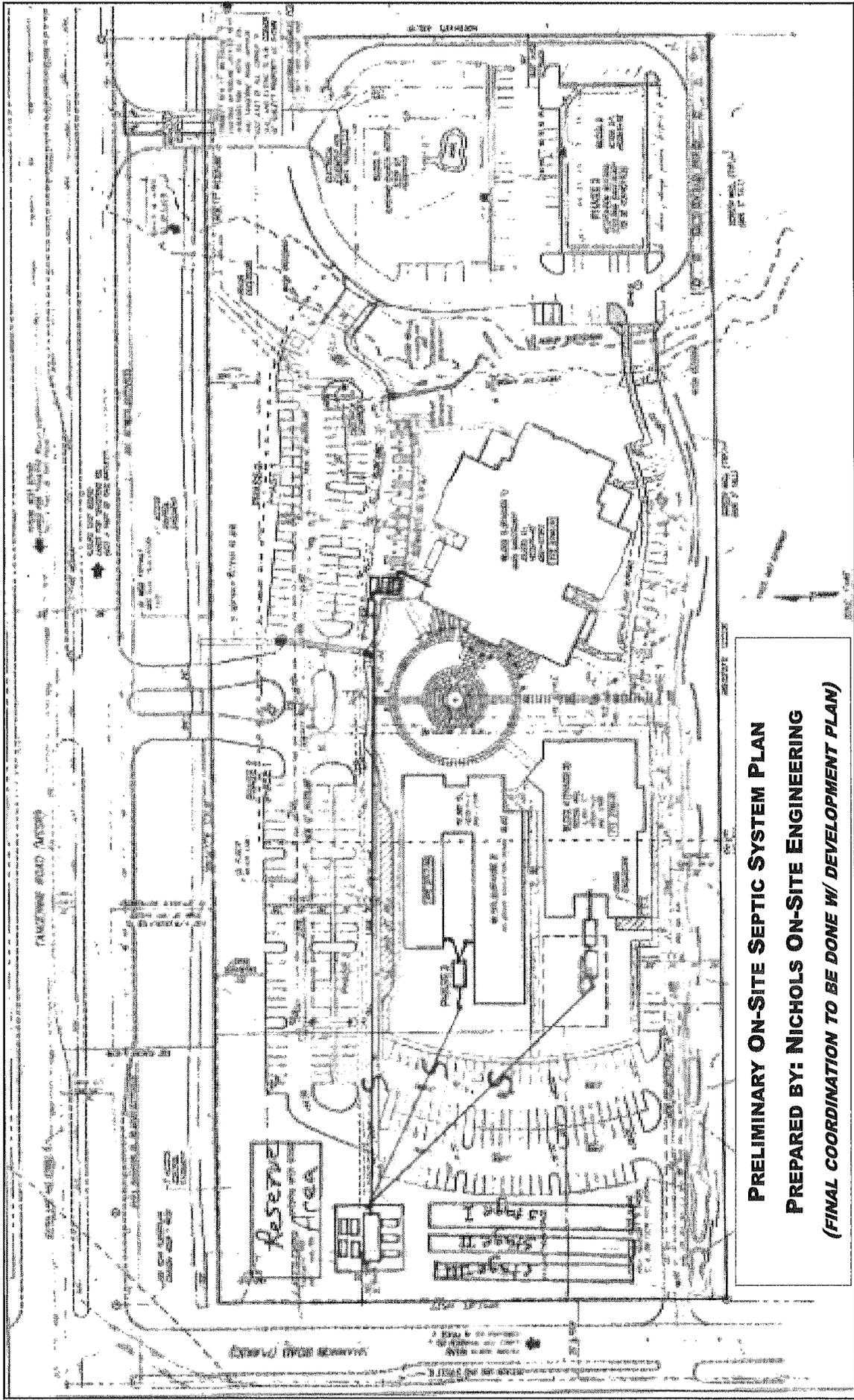
# PROJECTED TOTAL EXISTING & PHASE 1-A/B TRAFFIC



# PROJECTED PHASE 1-C TRAFFIC



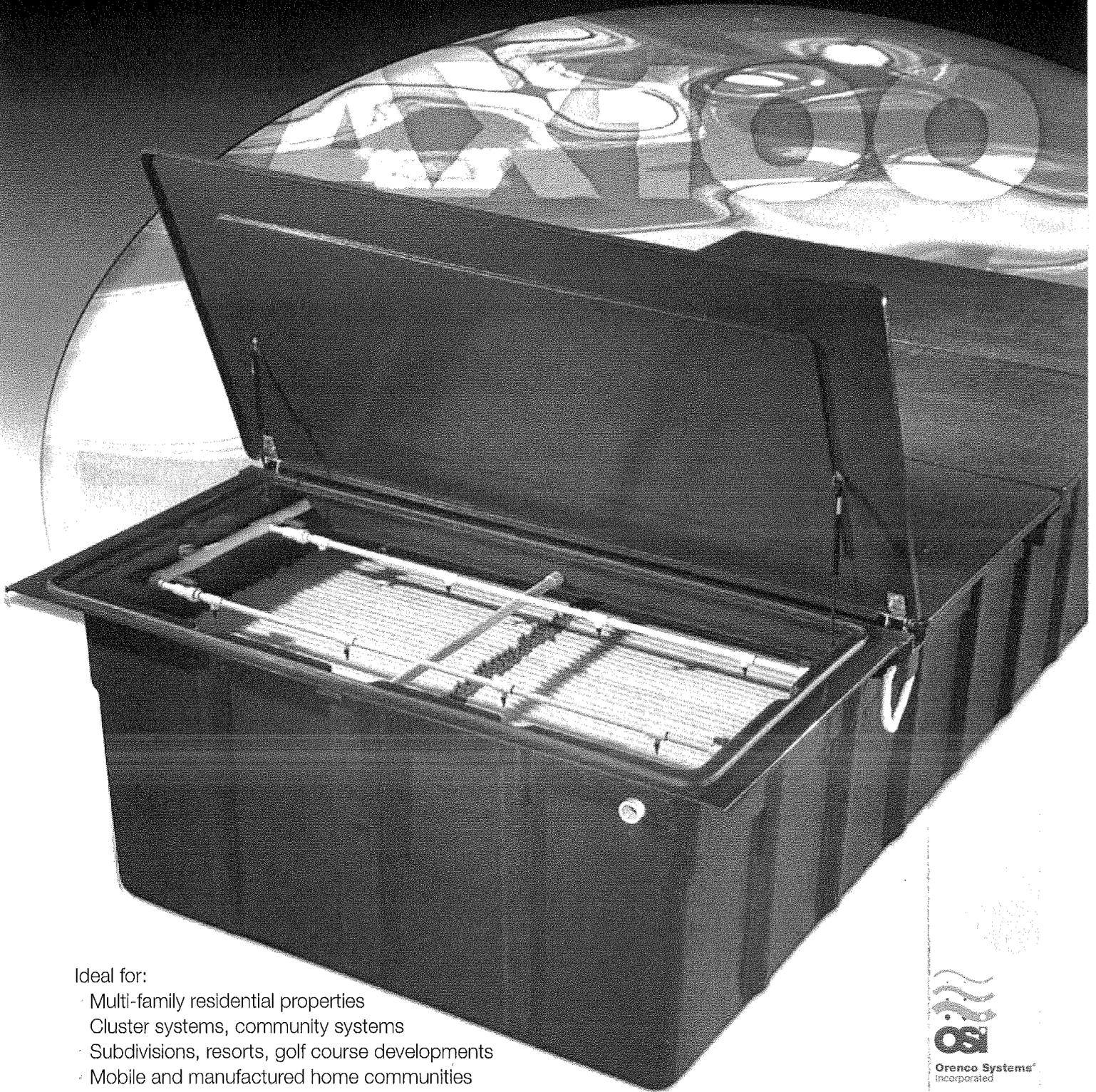
Preliminary traffic analysis has been provided by Curtis Lueck & Associates, retained as the traffic engineering consultant for St. Mark Roman Catholic Parish—Tucson.



**PRELIMINARY ON-SITE SEPTIC SYSTEM PLAN**  
**PREPARED BY: NICHOLS ON-SITE ENGINEERING**  
**(FINAL COORDINATION TO BE DONE W/ DEVELOPMENT PLAN)**

# AdvanTex<sup>®</sup> AX100 Treatment Systems

For Onsite Treatment of Commercial and Multi-Family Wastewater



Ideal for:

- Multi-family residential properties
- Cluster systems, community systems
- Subdivisions, resorts, golf course developments
- Mobile and manufactured home communities
- Parks, RV parks, rest areas
- Truck stops, restaurants, casinos
- Schools, office buildings



Oreco Systems<sup>®</sup>  
Incorporated

*Changing the Way the  
World Does Wastewater<sup>®</sup>*

**Exhibit 29.a**

**800-348-9843**  
**oreco.com**

# We've Written the Blueprint for the Decade

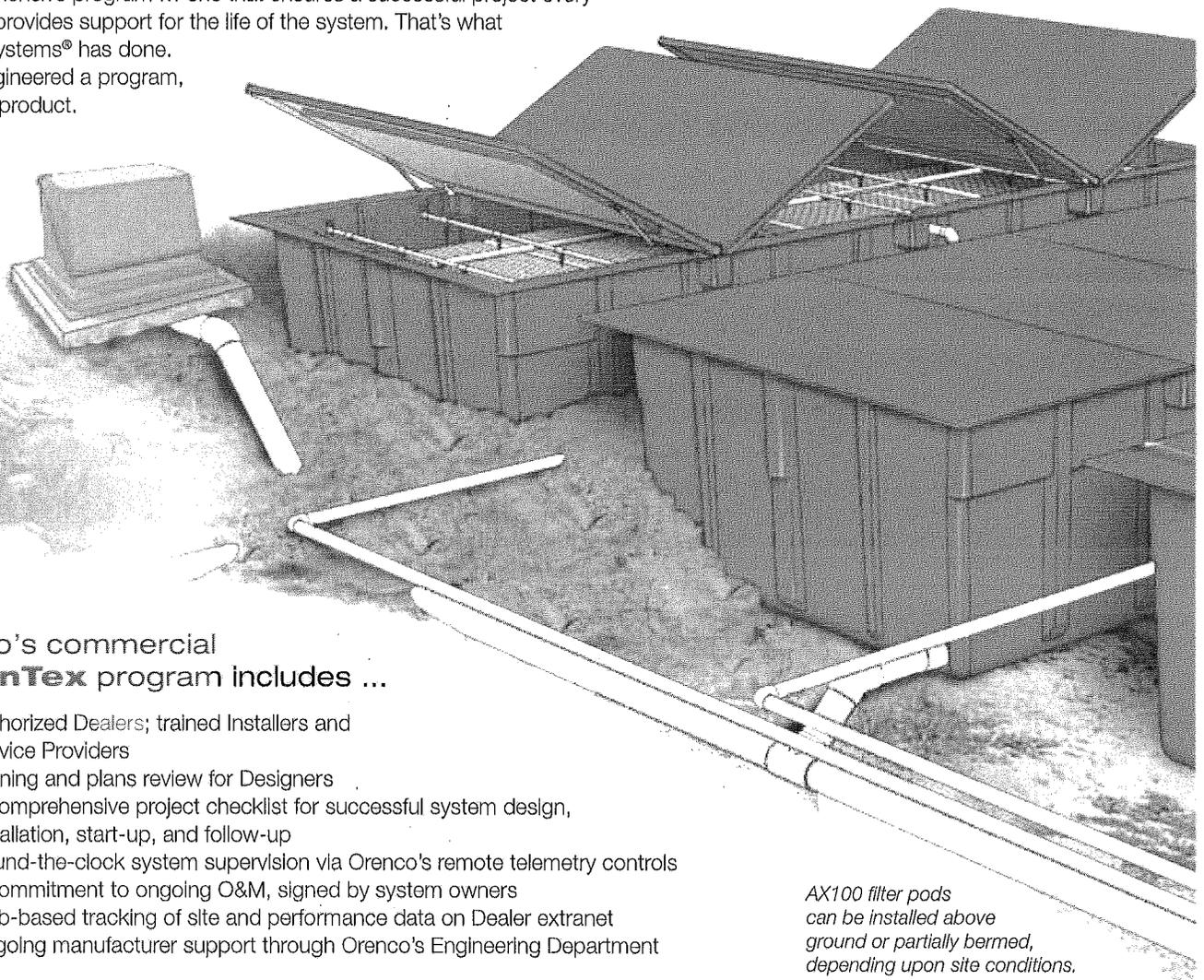
## The Product

Orengo's AdvanTex® Treatment Systems utilizing the commercial-sized AX100 can make raw wastewater up to 98% cleaner, meeting stringent regulatory requirements. It can also reduce nitrogen significantly, depending on influent and configuration. And the AX100 offers all the benefits of Orengo's residential-sized AdvanTex Treatment Systems:

- Consistent, reliable treatment, even under peak flows
- Compact package, small footprint, for small sites
- Premanufactured package, including textile medium, for quality control
- Low maintenance requirements; low life-cycle costs
- Production of clear, odorless effluent that's ideal for reuse

## The Program

It takes more than a product, however, to solve onsite wastewater problems. It takes a comprehensive program ... one that ensures a successful project every time and provides support for the life of the system. That's what Orengo Systems® has done. We've engineered a program, not just a product.



### Orengo's commercial AdvanTex program includes ...

- Authorized Dealers; trained Installers and Service Providers
- Training and plans review for Designers
- A comprehensive project checklist for successful system design, installation, start-up, and follow-up
- Round-the-clock system supervision via Orengo's remote telemetry controls
- A commitment to ongoing O&M, signed by system owners
- Web-based tracking of site and performance data on Dealer extranet
- Ongoing manufacturer support through Orengo's Engineering Department

*AX100 filter pods can be installed above ground or partially bermed, depending upon site conditions.*

\* NOTE: Covered by U.S. patent numbers 6,540,920; 6,372,137; 5,980,748; 5,531,894; 5,492,635; 5,480,561; 5,360,556; 4,439,323

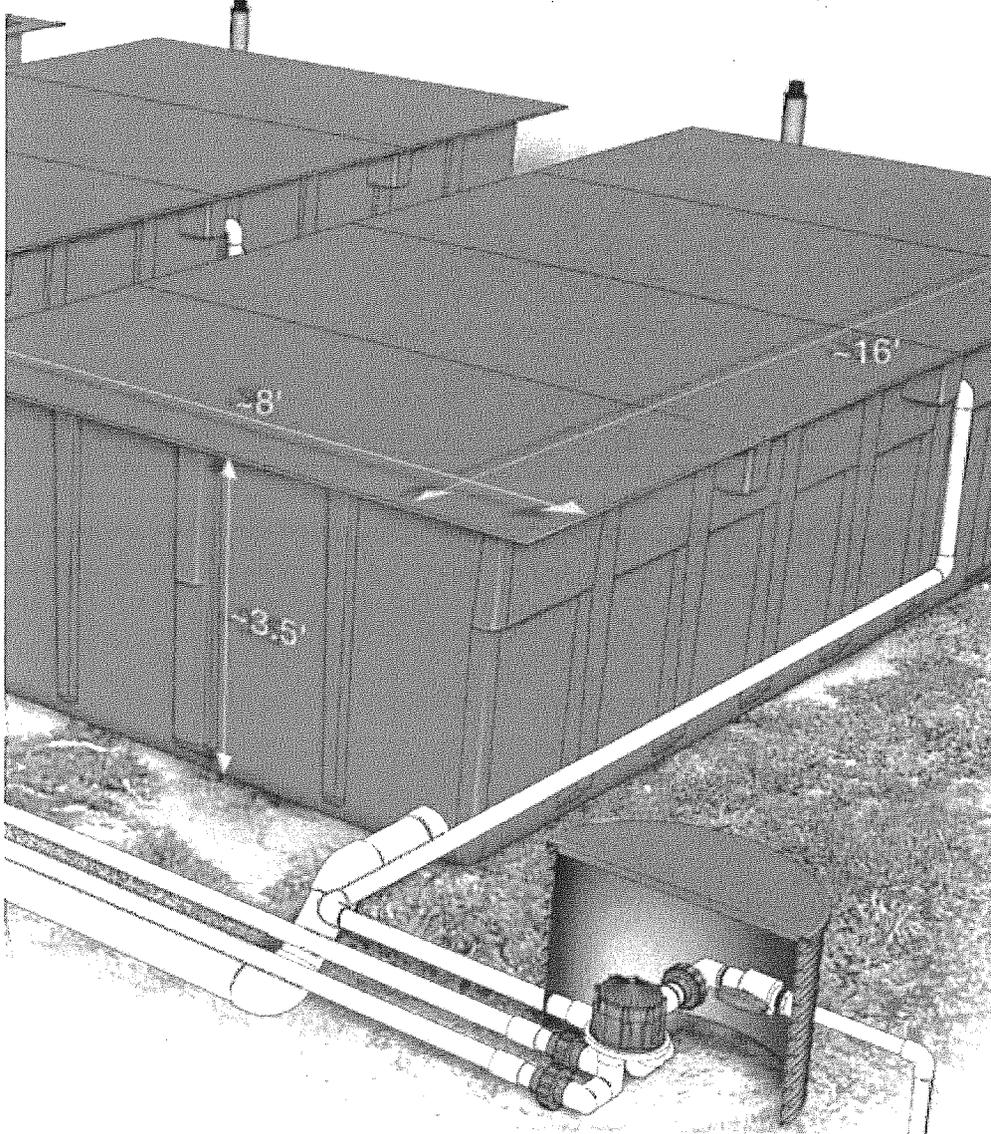
# Centralized Wastewater Treatment Industry

## Decades of Research, Thousands of Installations

Orenco's patented\* AdvanTex Treatment System is a recirculating filter that's configured like a recirculating sand filter — a packed bed filter technology that Orenco engineers have helped to perfect since the 1970s. Like recirculating sand filters, AdvanTex is reliable and low-maintenance. It is superior to other packed bed filters, however, in its serviceability and longevity.

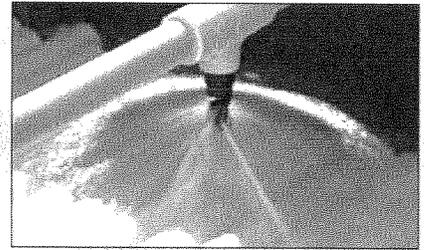
It is also superior in its treatment media. AdvanTex uses a highly efficient, lightweight textile that has a large surface area, lots of void space, and a high degree of water-holding capacity. Consequently, AdvanTex Treatment Systems can provide treatment equivalent to that of sand filters at loading rates as high as 25-50 gpd/ft<sup>2</sup> (1000-2000 L/d/m<sup>2</sup>). That means AdvanTex can treat high volume commercial and multi-family flows in a very compact space.

Our textile-based, multi-pass treatment technology has undergone third-party testing and evaluation to ANSI Standards. About 20,000 residential-sized AdvanTex filters have been installed since 2000. And more than 2,500 commercial-sized AX100 units are now in operation, including the installations described on the back page.



### Textile Media

The treatment medium is a uniform, engineered textile, which is easily serviceable and allows loading rates as high as 50 gpd/ft<sup>2</sup> (2000 L/d/m<sup>2</sup>).



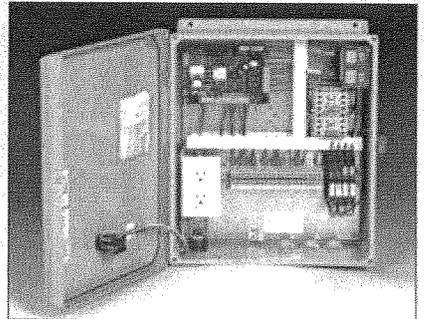
### Spray Nozzles

Efficient distribution is accomplished via specially-designed spray nozzles.



### Laterals and Lids

Isolation valves, flushing valves, and hinged lids with gas springs allow easy access and servicing by a single operator.



### Telemetry Controls

Orenco's telemetry-enabled control panels use a dedicated phone line and ensure round-the-clock system supervision and real-time, remote control.

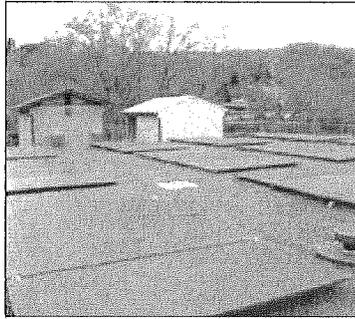
**Exhibit 29.c**

# AdvanTex® AX100 Treatment Systems

## Carefully Engineered by Orenco

Orenco Systems has been researching, designing, manufacturing, and selling leading-edge products for small-scale wastewater treatment systems since 1981. The company has grown to become an industry leader, with about 250 employees and 150 distributors and dealers representing most of the United States, Canada, Mexico, Australia, New Zealand, and parts of Europe. Our systems have been installed in more than 60 countries around the world.

Orenco maintains an environmental lab and employs dozens of civil, electrical, mechanical, and manufacturing engineers, as well as wastewater treatment operators. Orenco's systems are based on sound scientific principles of chemistry, biology, mechanical structure, and hydraulics. As a result, our research appears in numerous publications and our engineers are regularly asked to give workshops and offer trainings.



## Oregon Riverside Community

Since 2003, twelve AX100s have been providing advanced secondary wastewater treatment in Hebo, Oregon, for a small community collection system that discharges directly into Three Rivers, after UV disinfection. The average annual design flow is 17,000 gpd (64,400 L/d) with a peak daily design flow of 80,000 gpd (303,000 L/d) to account for I&I contributions from the collection system. Effluent BOD<sub>5</sub> and TSS are averaging 4.4 and 4.5 mg/L, respectively.



## Malibu, California Restaurant

Ten AX100s at the top of a Malibu bluff are treating high-strength waste from a large (200+ seat) beachfront restaurant, 100 feet (30 m) below. This high-visibility tourist destination requires reliable, odor-free operation. Effluent sampling indicates excellent treatment, including nitrogen reduction. At an adjacent residential community, another system, consisting of 20 AX100s capable of treating up to 60,000 gpd (227,000 L/d) peak flows, has also been installed.

## Mobile, Alabama Utility-Managed Subdivisions

South Alabama Utilities (SAU) in Mobile County, Alabama, has become the subject of nationwide classes, presentations, and tours because of its ambitious and innovative solution for serving nearly 4,000 new customers in 47 new subdivisions (as well as a number of new schools and commercial properties) northwest of Mobile. How? By installing more than 60 miles (96.5 km) of interconnected Orenco Effluent Sewers that are followed by 141 AdvanTex AX100s to treat nearly half a million gpd (1.9 million L/d) of effluent, at better than 10 mg/L.



Champion Hills is one of the many subdivisions in rural Mobile County served by Orenco's effluent sewers and treatment systems.

Under SAU's program, developers, builders, homeowners, and the utility all share the cost of extending wastewater infrastructure. Overall costs vary by development, but SAU currently charges each homeowner about \$2,000 to provide and install the on-lot equipment. Overall costs are about half the cost of conventional sewers.

To order a complete design/engineering package for Orenco's Commercial AdvanTex Treatment Systems, contact your local Commercial AdvanTex Dealer. To find a Commercial Dealer, go to [www.orenco.com/systems](http://www.orenco.com/systems) and click on "Locate a Dealer." Or call 800-348-9843 and ask for Systems Engineering.



**Orenco Systems®**  
Incorporated

*Changing the Way the  
World Does Wastewater®*

814 Airway Avenue  
Sutherlin, OR 97479

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800-348-9843

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[www.orenco.com](http://www.orenco.com)

ABR-ATX-AX100-1  
Rev. 1.6, © 09/10  
Orenco Systems®, Inc.

**Exhibit 29.d**

1m/21  
copy

### WAIVER

I hereby consent and agree, as a condition of connecting to the Oro Valley municipal potable water system and receiving potable water service, that my registered well 55-639132 may be impacted by the drilling and operation of well(s) owned by the Oro Valley Water Utility now or at anytime in the future. This waiver is made under the presumption that the Arizona Department of Water Resources would find that the operation of Oro Valley Water Utility well(s) would cause in excess of 25 feet of additional cumulative drawdown over a 5 year period to my well. It is my intent to make this waiver run with the land upon which well 55- 639132 is located; it shall remain in effect for the life of well, and shall not be nullified should the well be sold.

Ron Liam Leahy \_\_\_\_\_ Date 2.25.2011  
Signature of well owner

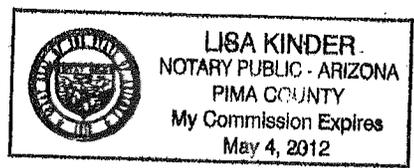
LIAM LEAHY - PASTOR  
Print name and Title

STATE OF ARIZONA )  
County of Pima ) )SS.

SUBSCRIBED AND SWORN TO before me this 25 day of Feb, 2011.

Lisa Kinder  
Notary Public

My Commission Expires: May 4, 2012



## TOWN OF ORO VALLEY

**PLANNING & ZONING COMMISSION**

**MEETING DATE: March 1, 2011**

**TO: PLANNING & ZONING COMMISSION**

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

**SUBJECT: Public Hearing: Rezoning from R1-144, Single Family Residential to PS, Private Schools** for the purposes of constructing a church on the 17 acre property located on the southeast corner of Tangerine Road and Shannon Road, requested by St. Marks Church, represented by ML2 Management LLC., OV910-002.

### **SUMMARY:**

The proposed rezoning involves the property known as the St. Marks Catholic Church, located at 2727 W. Tangerine Road. The site is approximately 17 acres in size and presently zoned R1-144, Single Family Residential. There are two existing buildings on the site, a church office and a recreation building/sanctuary. As part of this request, the applicant proposes a total of three new buildings, parking area and other site improvements. Currently, the existing R1-144 zoning permits religious institutions on the site.

### **BACKGROUND:**

#### Amendment Request

The applicant's primary reason for the rezoning is to allow more flexibility with development standards that would not be permitted in a single family residential district. The proposed PS, Private School District provides for religious facilities and private educational facilities. A similar facility could be built under the existing zoning. The rezoning conforms to the Town General Plan land use designation.

The development is proposed in two phases. Phase 1 will include the main sanctuary, parking, wash crossings and drainage improvements. Please refer to Exhibit 20 (Part 2 – Section 2.A) of the site analysis for description of Phase 1 improvements. Phase 2 will build out the remainder of the site and consist of two additional buildings, a social hall and religious education/administration building. Phase 3 will include remodeling of the existing church building.

#### Site Conditions

- Property is 17 acres
- Zoning is R-144, Single Family Residential
- General Plan Designation is "Public/Semi-Public" with an overlay of "Significant Resource Area"
- Two existing buildings on the site totaling 12,000 square feet – building height is 15 to 18 feet
- 81 existing parking spaces
- Gravel parking area located west of site across wash
- Riparian area transverses the site from north to south

#### Proposed Improvements

- New church sanctuary, social hall, religious education and administration buildings. Total square footage is 63,672. Building heights vary from 16' to 35' with tower elements up to 45'.
- Courtyard area and recreation area
- 283 new parking spaces
- Site will be built in 3 phases
- Preservation and enhancement of existing riparian area
- Recreation area
- Kindergarten school education

Approvals to date:

- Development plan previously approved for existing buildings in Pima County

Surrounding Land Uses:

Direction	Zoning	Land Use
North	R1-144, Single Family Residential	Existing single family homes (across Tangerine Road)
South	R1-144, Single Family Residential	Existing single family home
East	R1-144, Single Family Residential	Existing single family home
West	S-R, Suburban Ranch	Pima County Jurisdiction – State Land (across Shannon Road)

**Oro Valley General Plan**

The Town General Plan designates this site as “Public/Semi-Public”. This designation denotes an area dedicated for public uses, which include religious institutions, police/fire sub-stations, town facilities and hospitals. Furthermore, the General plan designates this area as a “Significant Resource Area”, an overlay designation intended to preserve the environmentally sensitive areas of the property. Development in these areas should be at the lowest density possible, conserving site resources.

The following are applicable General Plan policies;

*Policy 2.1.1, “The Town shall continue to promote architectural themes and project site design that blends the built environment with natural surroundings.....building height and bulk should be moderate to low intensity, in harmony with individual site attributes.”*

The proposed building height for the sanctuary is 35’ with tower elements with a height of 45’. This building is relatively tall and will be highly visible from Tangerine Road and surrounding properties. Considering the low height of the adjacent residential properties, the proposed height of this building (35’) with a tower element of 45’ would not quite fit in the natural surroundings. There are no other buildings this tall in the area.

*Policy 2.1.4, “The Town shall require that all development proposals depict an arrangement of and massing of buildings and/or arrangement of lots to minimize impacts on views from adjacent properties and streets and from properties and streets internal to the proposed project while providing privacy for residents.”*

The impacts of this development on adjacent residential properties has been taken into consideration. Adequate mitigation measures have been provided with regards to setbacks, landscape buffers and other impacts.

*Policy 11.1.8, “The Town shall use natural open space preservation as one criterion in considering land use rezoning proposals. Developments shall utilize natural open space to comply with requirements for landscaped areas and buffer areas, whenever feasible.”*

Specific attention will be focused on preserving the existing wash that transverses the site from Tangerine Road to the south portion of this property. Other open space areas and buffers have been provided along the perimeter of the site to enhance natural open space.

*Policy 11.3.1, "View protection is to be an essential aspect of development review and project approval, the Town defines Tangerine Road as a scenic corridor."*

The project site is in general conformance with the requirements of the Tangerine Road Corridor Overlay District. A view shed analysis has been provided to ascertain building impacts on Tangerine Road corridor.

### **STAFF ANALYSIS OF PROPOSED REZONING**

In general staff supports the proposed rezoning from R1-144, single family residential to PS, Private Schools. The General Plan designates this property as Public/Semi-Public; therefore, the zoning would be in conformance with the General Plan. The site has been designed taking into consideration the preservation of wash, maintaining the Tangerine Road scenic corridor and minimizing impacts to the adjacent residential homes.

### **Site Analysis Report and Tentative Development Plan**

The site analysis report provides a detailed description of the existing and proposed site elements. The Tentative Development Plan (TDP) provides an overall layout of the buildings, parking, buffers and other site improvements. A more specific plan will be required as part of the development review process.

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

1. Tangerine Road Corridor Overlay District (TRCOD): The project is in general conformance with the TRCOD requirements as follows;
  - A 50' frontage tract has been provided along Tangerine Road
  - A 4:1 building to setback ratio has been achieved.
    - a. Sanctuary building (35' height): 140' setback required and 204' proposed
    - b. Religious education (16' height): 64' setback required and 185' proposed
    - c. Social Hall (24' height): 96' setback required and 320' proposed.
2. Viewshed Analysis: The property is located along the Tangerine Road Corridor. Preservation of scenic views has been achieved to the greatest extent possible. A visual analysis has been provided depicting vistas across the site (refer to Exhibits 11.a-p and 26.a-b for photo renderings). Three new buildings are proposed on this property, the two lower buildings will be the social hall & religious education. The tallest structure will be the sanctuary building at 35'. The mass of this building will partially obstruct viewsheds across the site, specifically views from south to the distant Tortolita Mountains. In general, adequate view corridors are provided between buildings, preserving some viewsheds.
3. Building heights: The buildings on this site will vary from 15' to 35'. The height of each building is specified on the TDP. The tallest building will be the sanctuary at 35' with tower elements at 45' in height.

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

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

- a. Architectural elements may exceed the building height up to 10' (only above the 24' feet).
- b. Auditoriums up to 45 feet
- c. Gymnasiums up to 36 feet.

Note: The sanctuary qualifies as an "assembly" area, meeting the definition of an auditorium

4. Neighborhood Compatibility: This property is surrounded by rural homes, approximately 3.3 acres in size. Rezoning this property, to PS, Private Schools would be appropriate; however, mitigation measures must be incorporated to minimize the dominance of the proposed buildings on the site. There are other religious institutions located along Tangerine Road but they are on smaller parcels. The St. Marks Church campus will be relatively large consisting of five buildings totaling 75,672 square feet. The site uses will be a sanctuary, administrative offices, social hall and religious education building. St. Marks Church plans to limit the property to church related uses and kindergarten education.
5. Significant Resource Area (SRA): As previously mentioned, the entire site is designated by the General Plan as an SRA. This means that the site is considered "environmentally sensitive" because of the riparian habitat, areas of dense vegetation and unique plant occurrences. The intent of the SRA is to preserve, to the greatest extent possible, the areas identified as environmentally sensitive.

As part of the site layout for this development, specific areas have been preserved as natural open space, minimizing the amount of asphalt/pavement. The floor area ratio for this proposal is .12 and the maximum allowed is .50. A total of 25% open space has been provided. The site achieves a compact layout of parking (with the exception of the west portion of the site) and buildings to provide for additional areas of conservation and/or landscaping. In an effort to minimize pavement and site disturbance, staff recommends that the parking area that loops around the western portion of the property be located closer to the building areas. A condition has been added to address this issue.

In general, the site is in conformance with the intent of the SRA.

6. Access/Parking: The property is accessed from a single driveway entrance off Tangerine Road. This existing drive will be utilized to support phase 1 development. A second access off Tangerine Road is planned to be constructed with Phase 2 of the project, but will require a variance from the TRCOD requirements. A third access is also proposed off Shannon Road (during Phase 2) and will also require a variance.

The site is adequately parked with a total of 364 required/provided vehicular spaces. Passenger drop off areas have been provided in front of the buildings. The Zoning Code specifies that no more the 50% of the required parking may be located in the front yard. As proposed, the development does not meet this requirement. Additional parking must be distributed to the side and rear yards. A condition has been added to address this Zoning Code requirement.

7. Setbacks: The project is in conformance with the PS zoning district, specifically a 50' side and rear setback. The following setbacks are proposed on the south side of the property:
  - Social hall: 73'
  - Sanctuary: 83'
  - Existing sanctuary: 60'
  - Religious education/administration: 192'

Furthermore, the closest residential home south of the proposed sanctuary building is 140'. All other new buildings are approximately 250' or further away.

8. Buffer yards: Buffer yards have been provided along the perimeter of the property, 50' along Tangerine Road, 30' along Shannon Road, existing 8' buffer along east side of property and 22' – 58' buffer along the south side of the property, adjacent to the existing residence.

#### **Engineering Division:**

##### Drainage

The general drainage patterns for developed conditions will remain the same as the pre-developed conditions with engineered conveyance mechanisms incorporated into the future development plan. Under developed conditions, all flows shall be mitigated to discharge to the south in the same or reduced intensity, manner and location as in the existing form. Any floodplain encroachment by the identified crossings shall be permitted through a floodplain use permit process. Rezoning of this property will not have detrimental impacts to upstream or downstream neighbors as long as Town drainage criteria requirements are followed during actual site development.

With regard to public safety within the developed site, the tentative development plan accompanying this rezoning request does not indicate impacts to existing regulatory floodplains by built features or habitable structures. As a requirement of the Town's drainage criteria requirements, all building finished floors shall be protected from flooding. Since none of the structures are being proposed within an established floodplain zone, flood protection can be accomplished by either setting floor elevation above adjacent drainage conveyance or adequate mitigation measures directing flow away from the building for floors below grade.

##### Traffic

The proposed development resulting from the rezoning may have impacts to existing traffic. The developer will be responsible to mitigate any impacts and ensure that existing traffic level of service patterns are maintained in the developed condition. This will all be evaluated during the development/site plan review stage with the submittal of a full traffic impact statement.

#### **Public Notification and Comment**

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

To comply with the requirements of the Public Participation Ordinance, two neighborhood meetings were previously held one on May 13, 2010 and the most recent on November 18, 2010. At both meetings, approximately eight residents attended and the items below were discussed (similar issues were discussed at both neighborhood meetings):

1. Building heights on the site are too tall – specifically sanctuary building
2. Obstruction of mountain views from adjacent residential homes
3. Architecture for buildings should fit site
4. Water service to this site for adjacent homes – requested abandonment of existing well and requirement for the development to connect to Oro Valley water
5. Site lighting - specifically height of parking light poles and buildings lights. Low level lighting to be used to minimize impacts on adjacent residential homes
6. Residents oppose septic system and prefer the development to connect to sewer system
7. Access to Shannon

8. South side buffer yard screening (height of wall and vegetation)
9. No kindergarten – twelfth grade school education on-site
10. Aesthetic treatment of existing and proposed detention basins

The neighbor directly south of this site will be impacted and has submitted numerous letters outlining his issues and concerns. The applicant has met with this neighbor on many occasions in an effort to resolve his specific issues. The applicant has addressed the following items on the Tentative Development Plan to help mitigate the adjacent neighbor concerns:

- The south side buffer yard has been increased from a width of 15' to a width ranging from 22-58'
- Additional screen walls provided along south side buffer
- Numerous parking spaces along the south side of the property have been removed and replaced with landscaping
- Site lighting has been limited in height (building and pole lights) on the south side of property
- Provided restriction of use to religious institution, kindergarten school only and other associated church uses. There will be no 1st-12th grade school use.
- Refuse containers have been moved further away from the south property line.

Based on a recent conversation with the neighbor, it appears that there are still many outstanding concerns and there is consensus on only a few items. The key issues continue to relate to the building height of sanctuary (limiting height to 25' with 10' of excavated grade), width and treatment of south side buffer yard, lighting along south side of property and restriction on use of property to K-12 grades. The outstanding items are identified in the attached document from the resident.

In an effort to further address the neighbor concerns, staff recommends the following conditions of approval and the applicant has agreed to make these additional concessions:

- On the south buffer yard, replace the straight line walls with contoured walls similar to the section west of the wash, with the exception of the wall on the southwest corner of property (south of detention basin).
- Existing site: Remove existing pole lights and replace with 15' tall shielded lights. All other building lights shall not exceed 9' and shall be shielded. Additional lights may be installed as required by Town lighting code, provided pole heights do not exceed 10' if located south of the buildings or 8' if located along the south drive lane.
- New Development: Parking lot lights along the south drive lane shall be no taller than 8' and shall be fully shielded. All other building lights shall not exceed 9' in height and shall be shielded. Additional lights may be installed as required per the Town lighting code, provided pole heights do not exceed 10' if located south of the buildings or 8' if located along the south drive lane.
- Screen walls shall be 5' high constructed of stucco with pier offsets and shall be located no closer than to south property line than shown on the TDP.
- The treatment of the detention basins must contain natural materials such as rock, decomposed granite and shall not be constructed of concrete.
- On the southwest corner of property multiple smaller detention basins must be used. The detention basin associated with Phase 1 must be constructed similar in design.
- All building lighting will be shielded in accordance with Town lighting code to achieve dark sky lighting.
- Relocate the refuse container away from the southern portion of the property, specifically within an enclosed area as part of the loading zone on the southwest corner of building #4.

**CONCLUSION/RECOMMENDATION**

The proposed rezoning is in general conformance with the Public/Semi-Public land use designation. The requested PS zoning district contains development standards, which are specifically designed for uses such as religious institutions. The rezoning would bring the site into conformance with the Town General Plan land use designation.

The project is in general conformance with applicable General Plan Polices, Tangerine Road Corridor Overlay District requirements and addresses mitigation measure to minimize impacts to the adjacent residential homes. The project incorporates efforts to achieve environmental preservation and assure neighborhood compatibility. Overall, staff supports the proposed rezoning from R1-144 to PS and recommends approval with the conditions specified in Exhibit A.

**SUGGESTED MOTION**

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

I move to [approve, approve with conditions, OR deny], OV910-02, request for approval of the rezoning for St. Marks Church with the conditions specified in Exhibit A.

**Attachments:**

1. Exhibit A – Staff Conditions of Approval
2. Site Analysis Report
3. Adjacent Resident Information

cc: Mitch Lorenz, [mitch@ml2management.com](mailto:mitch@ml2management.com)  
Project Manager: David Ronquillo, OV Senior Planner

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David Williams, Planning Division Manager

**MINUTES**  
**ORO VALLEY PLANNING AND ZONING COMMISSION**  
**REGULAR SESSION**  
**March 1, 2011**  
**ORO VALLEY COUNCIL CHAMBERS**  
**11000 N. LA CAÑADA DRIVE**

CALL TO ORDER AT OR AFTER 6:00 P.M.

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

ROLL CALL

**PRESENT:**

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

PLEDGE OF ALLEGIANCE

Chair Swope led the audience in the Pledge of Allegiance.

CALL TO THE AUDIENCE (Non Agenda Items Only)

Opened and closed without comment.

COUNCIL LIAISON COMMENTS

Council Member Joe Hornat updated the Commission on the following:

- ESL was basically untouched by Council
- C-N went through with very minor changes when presented to Council

1. Review and/or approval of the January 13, 2011, and February 1, 2011, P&Z Commission meeting minutes.

Chair Swope requested grammatical changes to the minutes. The requested changes have been noted.

**MOTION:** A motion was made by Vice Chair Cox and seconded by Commissioner La Master to Approve the January 13, 2011, and February 1, 2011 P&Z Commission meeting minutes.

2. Public Hearing: Rezoning for R1-144, Single Family Residential to PS, Private Schools for the purposes of constructing a church on the 17-acre property located on the southeast corner of Tangerine Road and Shannon Road, St. Marks Church, represented by ML2 Management LLC., OV910-002.

Mitch Lorenz, from ML2 Management, non resident, presented the following:

- Parish background and community involvement
- Current Tentative Development Plan
- Review of staff conditions of approval

Dave Berringer, from BCDM Architecture, non resident, presented the following:

- Proposed architecture for sanctuary
- Architectural intent & master plan
- Updated view shed analysis of the new sanctuary from Braun Residence.

Mr. Lorenz continued with his presentation

- Responses to neighbor concerns
- Main concerns from the neighbors to the south
- Lighting concerns addressed
- South buffer yard variations
- Screen wall design
- Landscape of south buffer yard
- On-site septic system
- Water
- Shannon Rd. & access
- Religious Education/Administration Building
- Closing statement

Commissioner Caine asked if the buffer yard was still an issue or whether it has been resolved. Mr. Lorenz responded that currently the detention basin and the drainage and grading are not fully engineered. It is still a recommended condition that it be curvilinear and the walls treated on the west side in a similar fashion to the walls on the east side.

Commissioner Napier confirmed there are 25 conditions in the staff report and asked Mr. Lorenz if he agrees to comply with all 25 conditions without reservation. Mr. Lorenz answered that is correct.

Chair Swope asked if the parking to the rear would be impacted by the buffer yard area they intend to provide. Mr. Lorenz said that is unclear at this time.

Chair Swope voiced his concern with minimizing the buffer by moving the parking to the rear. Mr. Lorenz commented that the conditions asked for a 25 foot buffer. The proposed buffer is 35 feet in width, which is 10 feet more.

Commissioner Napier asked for confirmation that there was no more room for compromise on the building height. Mr. Berringer responded that they have decreased the building height as much as they can in order to achieve their design objectives.

Commissioner Cox commented that has been stated at a previous meeting that the education offered by the church would be K-12 opposed to 1st-12 and asked the applicant to comment on that. Mr. Berringer responded that the parish leaders felt the pre-school and kindergarten were more compatible and reasonable.

Chad Daines, Principal Planner, presented the following:

- Request
- Context Map
- Review Focus
- Summary of Proposal
- General Plan Designation
- General Plan - Applicable Policies
- Staff Analysis - Substantive Items
- Public Input - 2 neighborhood meetings
- Summary

Commissioner Large asked if the circulation still worked if the two variances required for access should be denied. Paul Keesler, Permitting Manager, said one of the issues was driveway spacing from the intersection and other existing driveways. Town staff has looked at this and it is something we can recommend for approval. If this does not happen, there are other mitigation measures that can be used.

Commissioner Caine asked if the rezoning is in compliance with the ESL. David Williams, Planning Manager commented that the ESL does not take effect for six months and this rezoning was not evaluated in light of the ESL.

Commissioner Caine asked if the new ESL would make the conditions more stringent. Mr. Williams said for the Tangerine Road Corridor Overlay District, it does not.

Commissioner Caine asked how these conditions would remain in place. Mr. Williams replied that the Commission can recommend additional conditions limiting any uses that they would like to see prohibited. Mr. Tobin Rosen, Town Attorney, added in the event a condition is violated it becomes a violation of zoning conditions and is processed as such by staff.

Chairman Swope asked what the vision of the Tangerine Corridor is and whether a project of this sort is consistent with that vision. Mr. Williams commented that this is a case where we need to look at a Tangerine Road as more than just a road. Tangerine Road will be a major transportation corridor in both Oro Valley and Marana. Oro Valley has concerns about land use, urban design and transportation issues along this corridor. Staff is comfortable with this type of facility along the Tangerine Road corridor.

Chairman Swope commented that the General Plan makes it clear that the Significant Resource Area (SRA) overlay requires that development be clustered in the least sensitive portions of the SRA and asked if that has happened here and how. Mr. Ronquillo replied that as part of the site analysis, there was an overall analysis of plant density on the whole site. On this particular site, there was a lot of dense vegetation staff felt had to be preserved. The way the site was proposed and the layout of the building, staff felt the intent of the SRA was met.

Commissioner Napier asked if the Commission would be so inclined to recommend approval to Council of the twenty-five conditions, would the conditions have force and effect from this day forward on this development. Mr. Rosen said the Mayor and Council are the final authority and should they approve this project with conditions, the conditions would have legal effect at that point.

Commissioner Napier asked for clarification regarding the enforceability of the conditions. Mr.

Rosen stated in terms of enforceability, it is the actual content of the conditions that would be enforceable. If the conditions were to be modified between now and approval, it is what is approved that becomes enforceable.

Commissioner Napier commented that Town Staff did not address the question of the septic system. Mr. Rosen said the design and approval of septic systems is outside the jurisdiction of OV and is vested in the Pima County Department of Environmental Quality and it his understanding that the applicant is working with them to gain approval of the septic system.

Matthew Moutafis, OV resident, said he was there tonight on behalf of St. Marks church and felt this is going to be a remarkable church and something that OV is going to be very proud of.

Melody Devenport, non-resident, said she grew up on the existing property that the church is now on. Ms. Devenport and her family are not happy about the large traditional catholic design which in her opinion does not fit with the existing design of the community. The existing church which her father originally agreed to build was only eighteen feet tall.

Dennis Devenport, non-resident, said he supports all twenty five recommended conditions for approval with two proposed amendments and would like to offer five additional conditions for approval. Mr. Devenport supports the applicants request for rezoning. The two proposed amendments as follows:

- Changes be made to eliminate kindergarten as a permitted use.
- Screen walls should be a minimum of twenty five feet from the south property line including the southwest corner of the property.

The five additional conditions for approval are the following:

- Building heights should be limited to twenty five feet maximum.
- Lighting fixtures for parking, landscaping, and buildings should be selected from the International Dark Sky Associations IDA approved fixture list and installed consistent with dark sky best practices.
- New development on the site should be connected to the sanitary sewer system and the developer should be responsible for the cost of connecting the existing sewer system service.
- No clearing should be done for temporary parking. Parking will only be allowed on permitted and permanent parking spaces constructed in accordance with Oro Valley building code.
- Existing water wells should be abandoned and be connected to Oro Valley Water Utility.

Mr. Devenoport asked Mr. Rosen the following two questions:

- If E3A or E1 applies?
- What is going on with the Oro Valley light code and if this project would be exempted from Title 49 of the State code?

Mr. Keesler responded that when staff completes zoning code amendments, we ensure compliance with State Codes and regulations. Mr. Williams added that our outdoor lighting code exceeds State requirements and that OV has one the most restrictive outdoor lighting codes in the State.

Vice Chair Cox asked Mr. Davenport if the sound issue was his only objection to the kindergarten use. Mr. Devenport responded that he generally does not have a objection to kindergartens, but does object to any kind of preschool or school next to million dollar homes.

There are four potential building sites next to the church which would be nicer and quieter without the kindergarten use.

Dick Miller, resident, said his major problem is the height of the church. He was told the reason for annexation was for preservation of land. The church is asking to be rezoned to a school because it automatically takes them from twenty eight feet to thirty two feet, with the ability to ask for another variation to go to forty five feet.

Buzz Braun, resident, said he was passing up the chance to speak to the commission.

Chairman Swope called for Dick Johnson who had left the meeting.

Scott Leska, resident, said he belongs to this wonderful parish and is a member of the choir at the church. If you have the lower roof line the acoustics are awful, it is hard to hear and these are major factors in any place of worship and the parish is bursting at the seams.

Joseph Giliberto, non-resident, said he is a member of this parish and the approval of this rezoning will be an asset to the community.

Dick Eggerding, resident, said he has been here for some twenty five years. He supports this project because he believes it is necessary to support the core values of our community.

Bill Rodman, resident, said he attended one of the planning meetings and was told there would be a traffic study. On Sundays it is challenging trying to turn onto Camino De Fierro where he lives and that is with the current number of parishioners they have now. There is a two-lane highway with one short left turn lane that does not work now. This is very serious concern and he has been told that nothing could be done about until the road was widened. Approving this project will cause more traffic problems before it can be fixed. Putting a person out there with a vest and helping people get in and out is not the solution. The solution is getting a traffic pattern that works.

Mr. Keesler replied that this issue is addressed in condition number 18 in exhibit "A". The developer mentioned no improvements to Tangerine Road are going to be made, which is not entirely true. If the traffic report requires lane widening and extension of left turn lanes they will be required to be constructed by the developer. Traffic conditions must be safe.

Chairman Swope asked if the recommended improvements will be made by the Town. Mr. Keesler replied that the developer would be required to construct the improvements as part of their development of the site.

Pastor Liam Leahy, resident, said the church is bursting at seams and currently has a modular type temporary building. The parish estimates twenty-two percent of Oro Valley residents are of the Catholic faith and he was here tonight on their behalf.

Mark Pineus, resident, said his family work brought him to Oro Valley, but he made the decision to live in Oro Valley because of the community and he was very impressed with St. Mark Roman Catholic Church. For Roman Catholics, the height and architecture of the church is important as it lifts their spirits and raises them closer to God.

Phil Hernandez, resident, said he understands the concerns of residents in regards to change and growth, especially if it affects views and generates additional traffic. There is an opportunity

here to have a wonderful church and a gateway into Oro Valley and a place for community gathering.

John Lonien, resident, said there is not enough room in the church to sit. The lighting was not an issue, it was so dark that he was unable to find the entrance the other night. He asked the Commission to consider if it is needed here in Oro Valley.

**MOTION:** A motion was made by Vice Chair Cox and seconded by Commissioner La Master to Approve with the conditions set forth in Exhibit "A" OV910-02, request for approval of the rezoning for St. Mark Church.

Discussion:

Commissioner Caine stated the development will dominate the landscape and believes the intent stated in the General Plan was to preserve the landscape. Several speakers spoke about the building and the intent to dominate the landscape and he has no real feeling on what the development is going to look like. He is leaning towards not recommending it because he is unsure of what it is going to look like.

Chairman Swope commented that another option was to ask for a continuance and conduct a more in depth visual analysis.

Commissioner Large commented it is this Commission's responsibility to look at the land use and how appropriate it is for this location and she is not sure if anyone on the Commission has a good grasp on what the Tangerine Road corridor will look like in a few years. This is a major corridor where traffic will be focused and where intense development should be. A church can be an intense use, especially certain days of the week. She can see Tangerine Road supporting more intense uses. When Tangerine Road is widened, it will have a right of way comparable to Interstate 10. She can understand the Braun family concerns, there will inevitably be more intense land uses along Tangerine Road in the future.

Commissioner La Master commented that he believes the time to talk about the restriction of use on the property should have been at the time of sale, instead of waiting until now.

Vice-Chair Cox commented that he spent close to two hours walking the site from one corner to the other. There is absolutely no doubt that this project is going to have an effect on the views to the north, but agrees with Commissioner La Master on his comment about the restrictions at the time of sale. Architecturally the design of the church is great, he has no concerns that the Town is not complying with the dark sky lighting code.

Commissioner Buette commented that Tangerine Road is going to be major corridor and, of all the things that could be built along this corridor, this project is something we will be proud of as opposed to a big box store.

Commissioner Napier commented that he endorses this project and believes the applicant has made thoughtful concessions and has tried to be as accommodating as possible to the desires of the neighborhood. We need to consider this church as a community asset.

Chairman Swope commented that this project seems to be consistent with the Tangerine Corridor vision and is consistent with the General Plan. He would prefer a church to other potential uses. He was dismayed that there were five additional conditions and two

amendments being proposed while the Commission is deliberating. The only issue that might have some merit would be consideration of a twenty-sixth condition of prohibiting clearing of vegetation for temporary parking.

Commissioner Caine asked if the forty-five foot building height is a given or is still subject to design review approval. Mr. Williams responded that the base height was twenty five foot, but the zone allows an additional ten feet subject to design review approval. The steeple or tower can be forty-five feet tall. The Commission's recommendation tonight will go forward to Town Council and if approved by Council, gain approval from the design review body would they be required for the additional ten feet.

Mr. Keesler commented that the zoning code requires a hardened dust free surface for temporary grading. The applicant is required to get permits to support the actual parking for the church itself. Temporary parking lots would not work within the framework of the development plan, there is a maximum and minimum parking requirement per the code.

**MOTION** carried, 7-0.

### 3. Planning Division Manager Update

David Williams, Oro Valley Planning Division Manager, presented the manager's update:

- ESL was unanimously approved by Council on February 16th.
- Public Art Code that came before the Planning Commission in January will go to Council on March 2nd.
- Updated Sign Code will go before the Council on March 2nd.
- Potential LA Fitness at the northeast corner of Oracle Rd. and Hardy.
- Community Academy agenda for spring classes has been published on the Planning Division website.
- Conceptual Design Review Board code amendments are currently being drafted.
- Next Planning Commission meeting is April 5th.
- Publication of zoning interpretations item is on the April 5th agenda.

### 4. Future Agenda Items

Vice Chair Cox stated he would like to see an update of the work plan.

**MOTION:** A motion was made by Commissioner Buette and seconded by Vice Chair Cox to Adjourn

**MOTION** carried, 7-0.

<b>Neighbor Concerns</b>	<b>Applicant's Response/Mitigation</b>
1. Wall construction along south buffer (positioning, curvilinear design and treatment)	Provide 5' high screen stucco walls with accented piers every 30'-40'. Wall will provide only curved sections. A condition has added.
2. Provide restriction on school uses (pre-school/kindergarten thru 12th grade)	Restrict 1 <sup>st</sup> -12th grade education but allow pre-school/kindergarten. A condition has been added.
3. Open play area (proximity to south property line)	Play area is located 102' from residential property line and approximately 400' from closest home.
4. Southeast corner – buffer mitigation (detention basin & fence)	Existing detention basin will be vegetated and existing chain link fence will be replaced with 5' screen wall. General note provided on plan.
5. Dark sky lighting (height of building lights, parking light lights and shielding)	Provide restriction on height of existing lights and site lighting for building and parking areas along the south buffer yard. A condition has been added.
6. View shed (height of buildings obstructing views)	Reduced social hall building height from 28' to 24'. No buildings located on western portion of the site. Provided adequate setbacks from south property line in proximity to homes.
7. Drainage/Detention (aesthetics)	Provide drainage/basins to contain natural rock materials to blend in with natural environment. A condition has been added.
8. Vegetation (native plant inventory)	A general description of plant inventory is provided as part of the site analysis. A more detailed analysis will be provided as part of the Phase 1 development
9. South side landscape buffer (minimum of 25')	A buffer yard varying in width from 22-58' is provided. Parking spaces along south side were removed to increase buffer area.
10. Density (building mass on site)	A floor area ratio of .12 is proposed well below the maximum allowed of .50. A total of 25% open space is proposed.
11. Shannon Road entrance (limited access)	A variance will be required to allow this entrance.
12. Connection to Pima County sewer and OV water	No sewer is available in proximity to this site and will utilize septic system. OV Water has allowed existing water well to be used.
13. Dumpster locations	Dumpsters have been moved away from south side property line and will be adequately screened. A condition has been added.



**Town Council Regular Session**

**Item # 4.**

**Meeting Date:** 06/15/2011

**Requested by:** Stacey Lemos

**Submitted By:**

Stacey Lemos, Finance

**Department:** Finance

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**Information**

**SUBJECT:**

PUBLIC HEARING - RESOLUTION NO. (R)11-45, APPROVING THE ADOPTION OF THE BUDGET OF THE TOWN OF ORO VALLEY FOR THE FISCAL YEAR 2011-12

**RECOMMENDATION:**

Staff recommends approval.

**EXECUTIVE SUMMARY:**

On May 18, 2011, the Town Council adopted the Tentative Budget and set the local expenditure limitation for Fiscal Year 2011/12 in the amount of \$94,219,647. Tonight is the second public hearing scheduled for the adoption of the Final Budget, along with adoption of the 5-Year Capital Improvement Plan (CIP) for FY 2011/12 through FY 2015/16. No changes have been proposed to the May 18th Tentative Budget amounts; however, the Town Council may authorize additional changes to the Tentative Budget amounts this evening so long as those changes do not increase the maximum expenditure cap approved on May 18th.

**BACKGROUND OR DETAILED INFORMATION:**

The attached Auditor General budget forms summarize the revenues, expenditures and interfund transfers included in the FY 2011/12 budget and were published in *The Daily Territorial* newspaper on May 25th and June 1st as required by state law. The following overview is provided for the Final Budget:

Revenues	\$ 56,522,831
Fund Balance Reserves	<u>37,696,816</u>
Total Resources	\$ 94,219,647

Those financial resources will be used to provide Town services within the following funds:

General Fund	\$ 35,020,892
Highway Fund	6,308,485
Bed Tax Fund	1,089,202
Fleet Maintenance Fund	436,271
Municipal Debt Svc Funds	2,256,269
Devel Impact Fee Funds	22,586,881
Water Utility Enterprise Fund	23,015,231
Stormwater Enterprise Fund	2,104,231
Other	<u>1,402,185</u>
Total	\$ 94,219,647

Also presented for your consideration and approval is the 5-Year CIP for FY 2011/12 through FY 2015/16. The first year CIP costs of \$15.5 million have been included in the Final Budget document and constitute the FY 2011/12 Capital Budget. The 5-Year CIP document is attached for your review.

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to approve RESOLUTION NO. (R)11-45, APPROVING THE ADOPTION OF THE BUDGET OF THE TOWN OF ORO VALLEY FOR THE FISCAL YEAR 2011-12. I also move to approve the Town of Oro Valley Capital Improvement Plan for FY 2011/12 through 2015/16.

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**Attachments**

Reso 11-45

FY 11-12 Auditor General Forms

5-YR CIP FY 12-FY 16

**RESOLUTION NO. (R)11-45**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING THE ADOPTION OF THE BUDGET OF THE TOWN OF ORO VALLEY FOR THE 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**, on May 18, 2011, in accordance with Arizona Revised Statutes §§ 42-17101 and 42-17102, the Town authorized an estimate of the different amounts required to meet the public expenditures for the ensuing year, 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 Town of Oro Valley; and

**WHEREAS**, after notice of a public hearing in accordance with Arizona Revised Statutes §§ 42-17103, 42-17104 and 42-17105, the Council met on June 15, 2011 at which time any taxpayer was entitled to appear and be heard in favor of or against any of the proposed expenditures or tax levies before the Council adopted the estimates of the proposed expenditures, constituting the budget of the Town of Oro Valley for the Fiscal Year 2011-2012; and

**WHEREAS**, the sums to be raised by taxation, as specified therein, do not in the aggregate amount exceed the primary property tax levy limits as calculated in accordance with Arizona Revised Statutes § 42-17051(A); and

**WHEREAS**, it is in the best interest of the Town of Oro Valley to approve the estimates and expenditures/expenses shown on the accompanying schedules for the Fiscal Year 2011-2012.

**NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that** the said estimates of revenues and expenditures/expenses shown on the accompanying schedules, as now increased, reduced or changed, are hereby adopted and approved as the budget of the Town of Oro Valley for the Fiscal Year 2011-2012 in the amount of \$94,219,647.

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Town of Oro Valley are hereby authorized to take such steps as are necessary to execute and implement the budget for the Fiscal Year 2011-2012.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Oro Valley, Arizona this 15th day of June, 2011.

**TOWN OF ORO VALLEY, ARIZONA**

\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Julie K. Bower, Town Clerk

\_\_\_\_\_  
Tobin Rosen, Town Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**OFFICAL BUDGET FORMS**

**CITY/TOWN OF \_\_\_\_\_ Oro Valley \_\_\_\_\_**

**Fiscal Year 2012**



# Capital Improvement Program Overview

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## Overview

Providing infrastructure is a primary function of a local government. Maintaining public safety, town services, parks and recreation facilities, adequate transportation systems, and the community's quality of life are all heavily dependent on how the Town handles infrastructure issues.

The Capital Improvement Program (CIP) is a comprehensive, five-year plan of capital projects that will support the continued growth and development of the Town. The CIP establishes the Capital Budget, which is submitted as the capital outlay portion of the annual Town budget. The CIP is used in implementing the General Plan and supporting the Town's adopted Strategic Plan by developing a prioritized schedule of short-range and long-range community capital needs, evaluating projects, and analyzing the community's ability and willingness to pay for them in the most cost-effective way. The Town uses the CIP as its method in determining future infrastructure requirements and planning the financing of facilities and equipment to maintain the service levels provided to Town citizens.

The Town identifies capital projects as those which:

- Cost \$50,000 or more;
- Have an expected useful life of five or more years; and
- Becomes, or preserves, an asset of the Town

Town staff, a Town Council representative, and board and commission representatives, form a CIP Technical Advisory Committee (CIPTAC). Each year the CIPTAC identifies new projects for inclusion in the CIP. The new projects incorporate goals and objectives identified in the Towns' Strategic Plan for the coming fiscal year. The approved CIP projects are incorporated into the Town's annual budget, while the remaining years offer insight into the needs of the Town for the next four years.

The CIP is comprised of four components:

- Needs assessment that identifies all needed and planned community infrastructure
- Financial analysis and determination of options and projected costs
- A plan that programs infrastructure by year over a five-year period
- A capital budget to be included in the annual budget for the new fiscal year

The Town uses the Capital Improvement Program as an avenue of communication to the public. Through the CIP document, residents and businesses are provided with an accurate and concise view of the Town's long term direction for capital investment and the Town's need for stable revenue sources to fund large multi-year capital projects.

**As a result of economic conditions and a further decline in state shared revenues projected in FY 11/12, the CIP process was limited to evaluating projects currently in the planning stages or under construction with existing funding sources along with new projects that are fully funded with dedicated revenue sources. An internal, cross-departmental review of such projects was completed in order to prepare the proposed Five-Year Capital Improvement Plan rather than convening the CIP Technical Advisory Committee as has been standard practice in prior fiscal years.**

**The following information details the standard CIP process that has typically been followed in prior years to solicit, rank and recommend new projects for inclusion into the CIP.**



# Capital Improvement Program Overview

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## CIP Process and Timeline

The CIP is an eight month process that begins in November and ends with the adoption of the Town's final budget in June. During this eight month time frame, project requests are submitted, reviewed and analyzed by Finance staff and the CIPTAC is formed. CIPTAC meetings convene in February for project presentation and evaluation. The meetings conclude in March with a CIPTAC recommendation for Council approval of the CIP document. A summary of the process and timeline is provided below:

November – December:	Department requests due/CIPTAC appointments
December – February:	Cost analysis performed, forms edited
February:	CIPTAC meeting scheduled to present project requests Project rankings due from CIPTAC
March:	Present draft CIP to CIPTAC CIPTAC finalizes CIP and recommends for Council adoption
April - May:	Budget study sessions to present Budget and CIP to Mayor and Council
June:	Adoption of Tentative Budget and CIP Adoption of Final Budget and CIP

## Project Evaluation Criteria

Critical to the selection of the CIP projects are the criteria by which projects are assessed and evaluated. The evaluation criteria guide the CIPTAC in their selection of the projects to be funded. The CIPTAC has selected eight criteria for project evaluation. They are as follows:

- Public Health, Safety and Welfare
- Supports Stated Community Goals
- Fiscal Impact to Town
- Impact on Service Levels
- Impact on Operations and Maintenance
- Legal Ramifications
- Relationship to Other Projects/Coordination
- Avoidance of Future Capital Expenditures

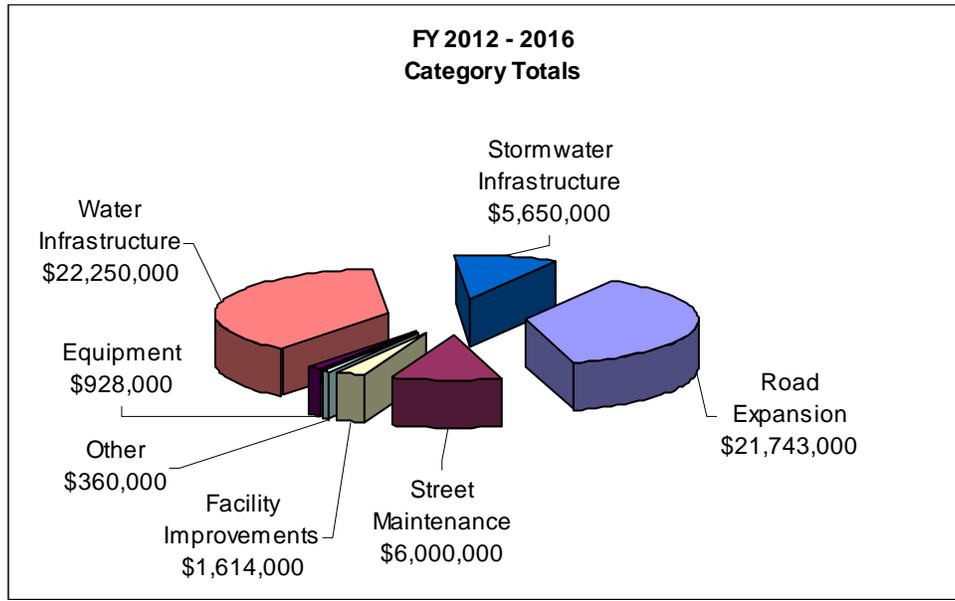
Only projects funded by the General Fund are subject to the evaluation criteria. Projects funded from the remaining Town Funds (ex. Highway, Development Impact Fee and Water Utility) are deemed vital and necessary to the Town's infrastructure. Furthermore, these funds are either self sustaining, receive funding from outside sources, such as the Pima Association of Governments (PAG) and other governmental agencies and jurisdictions, or have dedicated revenues that specify the use of the funds.



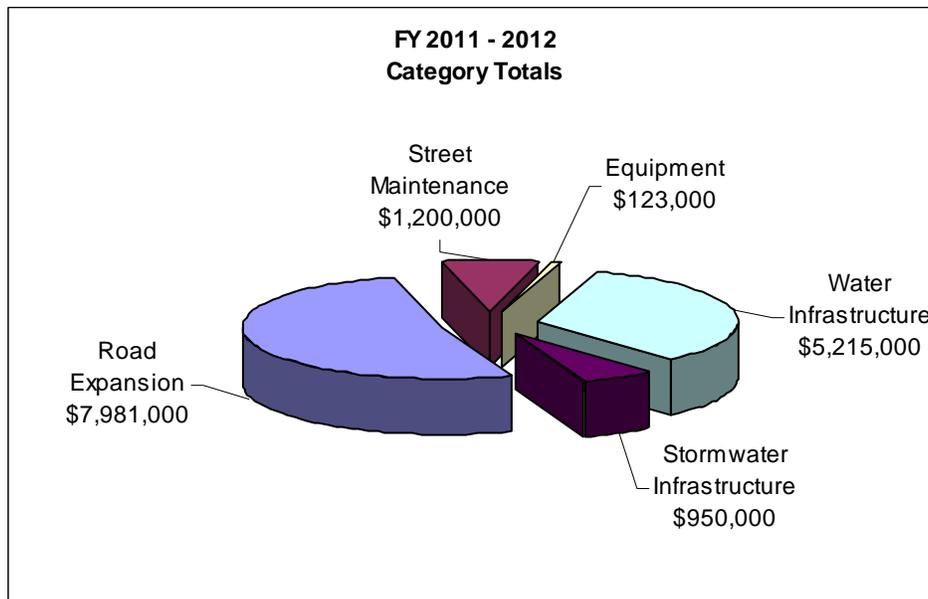
# Capital Improvement Program Overview

## Capital Improvement Program Summary

The cumulative 5-year capital budget for the Town of Oro Valley totals \$58,545,000 for fiscal years 2011-12 through 2015-16. The five year outlook is concentrated on roadway expansion, stormwater infrastructure and water infrastructure. The graph below shows the allocations by category for the given years:



The amount allocated for CIP projects in the FY 11/12 proposed budget is \$15,469,000. The graph below shows the allocations by category for FY 11/12. The projects included in the FY 11/12 CIP reflect the needs of the Town based on goals established in both the General and Strategic Plans. The projects represent a significant investment in the infrastructure of the Town and attempt to meet the needs of the community.





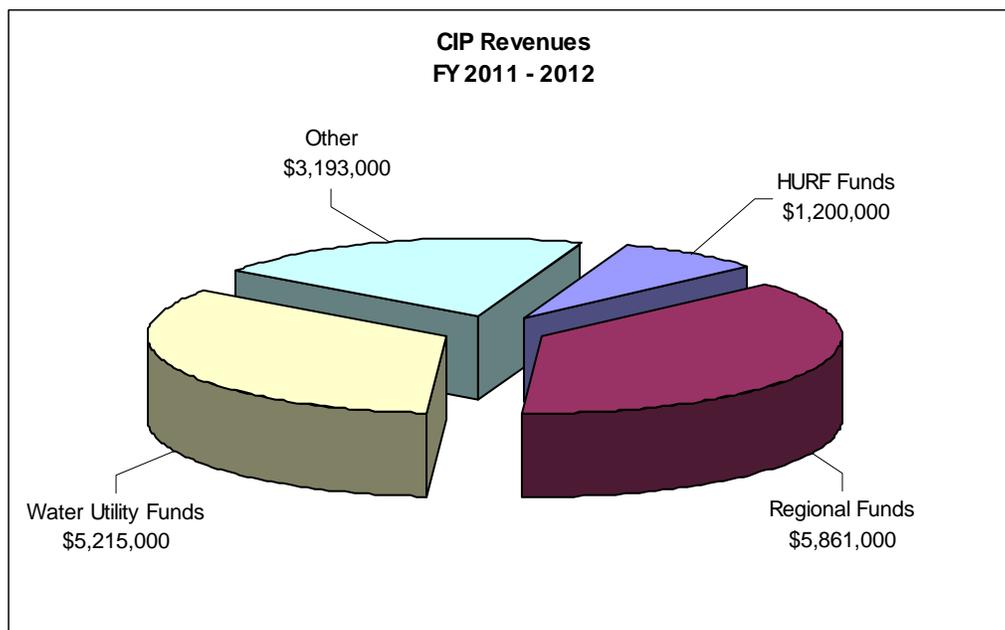
## Capital Improvement Program Overview

### Financing the Capital Improvement Program

Over the years, the Town of Oro Valley has financed a substantial portion of capital improvements through operating revenue and use of cash reserves. The "pay-as-you-go" financing method has been the preferred method for funding CIP projects in the past. The following options are considered when analyzing potential funding sources for CIP projects:

- Pay-as-you-go financing
- Bonds
- Certificates of participation
- Lease-purchase agreements
- Improvement districts
- Development impact fee ordinances
- Federal and State grants
- Donations and intergovernmental agreements
- User fees

Funding for the 2011 - 2012 CIP is derived from a variety of sources as depicted in the chart below:



Significant funding is generated through local taxes, development fees, intergovernmental grants, and Pima County bond proceeds. The Town relies heavily on income related to development to fund the projects, and a challenge for the Town will be to continue to develop funding sources to replace this income as construction activity has severely declined due to the economic recession.

### **MULTI-YEAR CAPITAL PROJECTS – HISTORIC PRESERVATION AND TOWN FACILITIES**

**Due to the recessionary economy and the need for the Town to prioritize its resources and allocation of funds, many of the multi-year capital projects have been suspended, eliminated or re-prioritized.**



## Capital Improvement Program Overview

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### CIPTAC Recommendations

During the annual CIP process the CIPTAC provides recommendations related to the continued improvement of the process along with project funding recommendations. The CIPTAC was not convened in FY 11/12 as a result of the reduced scope of the CIP process.

### Summary

Projects included in the FY 2011 – 2012 CIP reflect the combined efforts of all Town Departments as well as the Town Council and Oro Valley residents. The plan recognizes the added benefits the projects will bring to the Town, while understanding the fiscal requirements and obligations each of these projects will entail. The CIP is updated annually, and new projects may be included should additional funding sources be identified.

The 2011 – 2012 CIP attempts to meet the priority needs of the community, at the same time maintaining financial sustainability in future years. The plan as submitted is financially feasible and the projects included can be expected to be complete before the end of the fiscal year. As Town priorities and policies change, it is imperative that the CIP is continually reevaluated to assure the projects and funding sources are in accordance with the Town Council priorities and policies.

The documents provided on the following pages offer an in-depth view into the CIP budget and provide detailed information on the projects and the impact they have on the operating budget.

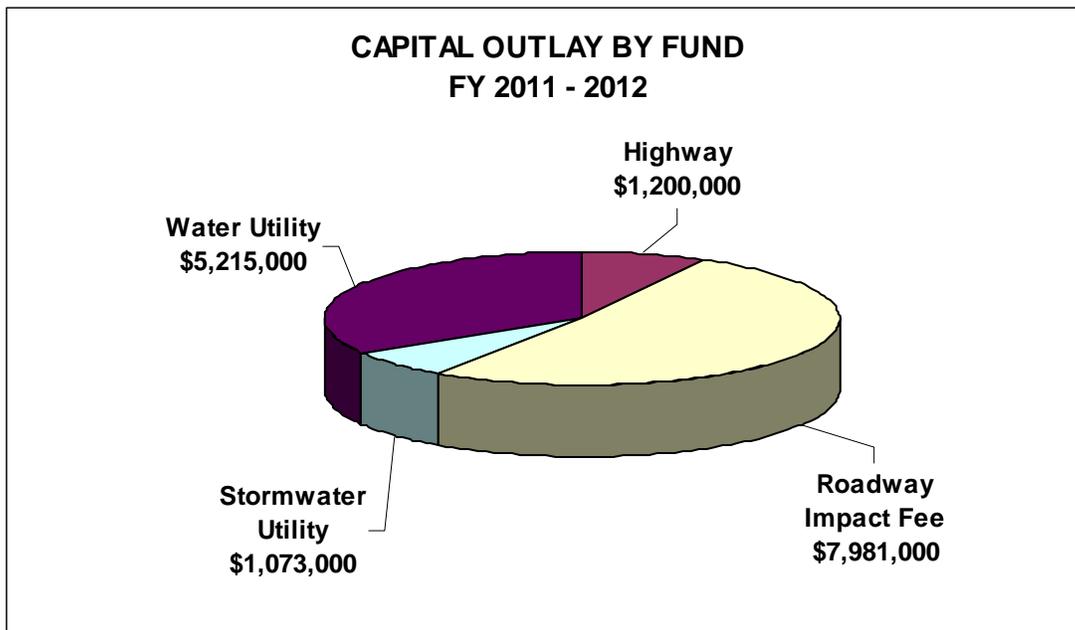


## Capital Improvement Program Overview

Table 1 below shows the Five Year CIP Projects by Fund:

**Table 1**

<u>Fund</u>	<u>Fiscal Year</u>				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
General	\$ -	\$ 524,000	\$ 600,000	\$ 400,000	\$ 450,000
Highway	\$ 1,200,000	\$ 1,200,000	\$ 1,305,000	\$ 1,200,000	\$ 1,325,000
Roadway Impact Fee	\$ 7,981,000	\$ 6,000,000	\$ -	\$ 2,860,000	\$ 4,902,000
Stormwater Utility	\$ 1,073,000	\$ 780,000	\$ 920,000	\$ 875,000	\$ 2,700,000
Water Utility	\$ 5,215,000	\$ 2,395,000	\$ 2,560,000	\$ 6,200,000	\$ 5,880,000
<b>Total All Funds</b>	<b>\$ 15,469,000</b>	<b>\$ 10,899,000</b>	<b>\$ 5,385,000</b>	<b>\$ 11,535,000</b>	<b>\$ 15,257,000</b>





## Projects by Fund

Table 2 below identifies the General Fund Projects for Fiscal Years 2012 – 2016:

**Table 2**

### General Fund

<b>Project Name</b>	<b>FY 11/12</b>	<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>
New Command Post	\$ -	\$ -	\$ 300,000	\$ -	\$ -
Town Hall Campus Security	\$ -	\$ 150,000	\$ 150,000	\$ -	\$ -
New Restroom at JDK Park	\$ -	\$ -	\$ -	\$ 250,000	\$ -
Tasor Replacements	\$ -	\$ -	\$ -	\$ -	\$ -
Q-Tel Property and ID System	\$ -	\$ 60,000	\$ -	\$ -	\$ -
Replace Playground Equipment at JDK Park	\$ -	\$ 200,000	\$ -	\$ -	\$ -
Replace Field Lights at JDK Park	\$ -	\$ -	\$ 150,000	\$ -	\$ -
New Scoreboards at JDK Park	\$ -	\$ -	\$ -	\$ -	\$ 50,000
New Dog Park at Riverfront Park	\$ -	\$ -	\$ -	\$ 100,000	\$ -
Expand Dog Park at JDK Park	\$ -	\$ -	\$ -	\$ 50,000	\$ -
New Racquetball Courts at JDK Park	\$ -	\$ -	\$ -	\$ -	\$ 400,000
New Carpet in Library	\$ -	\$ 114,000	\$ -	\$ -	\$ -
<b>Totals</b>	<b>\$ -</b>	<b>\$ 524,000</b>	<b>\$ 600,000</b>	<b>\$ 400,000</b>	<b>\$ 450,000</b>

Table 3 below identifies the Highway Fund Projects for Fiscal Years 2012 – 2016:

**Table 3**

### Highway Fund

<b>Project Name</b>	<b>FY 11/12</b>	<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>
Oro Valley Surface Treatments	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000
Purchase a skidsteer tractor w/attachments	\$ -	\$ -	\$ 60,000	\$ -	\$ -
Backhoe - 50% split with SW	\$ -	\$ -	\$ 45,000	\$ -	\$ -
Loader - 50% split with SW	\$ -	\$ -	\$ -	\$ -	\$ 125,000
<b>Totals</b>	<b>\$ 1,200,000</b>	<b>\$ 1,200,000</b>	<b>\$ 1,305,000</b>	<b>\$ 1,200,000</b>	<b>\$ 1,325,000</b>



## Projects by Fund

Table 4 below identifies the Stormwater Fund Projects for Fiscal Years 2012 – 2016:

**Table 4**

### Stormwater Fund

<b>Project Name</b>	<b>FY 11/12</b>	<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>
Highland Wash Basin Improvements	\$ 450,000	\$ -	\$ -	\$ -	\$ -
Sidecast Broce Broom	\$ 75,000	\$ -	\$ -	\$ -	\$ -
Vehicle Wash Rack - Rollover	\$ 48,000	\$ -	\$ -	\$ -	\$ -
Lomas de Oro Wash - Rollover	\$ 500,000	\$ -	\$ -	\$ -	\$ -
Pegler Wash Basin Mgmt. Study	\$ -	\$ 75,000	\$ -	\$ -	\$ -
Lambert Road Box Culvert	\$ -	\$ 600,000	\$ -	\$ -	\$ -
Un-named Wash Basin Mgmt. Study	\$ -	\$ -	\$ 75,000	\$ -	\$ -
Arroyo Grande Basin Improvements	\$ -	\$ -	\$ -	\$ -	\$ 2,000,000
Moore Road Box Culverts	\$ -	\$ -	\$ 800,000	\$ -	\$ -
Carmack Wash Basin Mgmt. Study	\$ -	\$ -	\$ -	\$ 75,000	\$ -
Pegler Wash Drainage Improvements	\$ -	\$ -	\$ -	\$ 500,000	\$ -
Un-named Wash Improvements	\$ -	\$ -	\$ -	\$ -	\$ 500,000
Villages Wash Basin Mgmt. Study	\$ -	\$ -	\$ -	\$ -	\$ 75,000
Street Sweeper	\$ -	\$ -	\$ -	\$ 300,000	\$ -
Vehicle Wash Rack Enclosure	\$ -	\$ 105,000	\$ -	\$ -	\$ -
Backhoe - 50% split with HF	\$ -	\$ -	\$ 45,000	\$ -	\$ -
Loader - 50% split with HF	\$ -	\$ -	\$ -	\$ -	\$ 125,000
<b>Totals</b>	<b>\$ 1,073,000</b>	<b>\$ 780,000</b>	<b>\$ 920,000</b>	<b>\$ 875,000</b>	<b>\$ 2,700,000</b>

Table 5 below identifies the Roadway Impact Fee Fund Projects for Fiscal Years 2012 – 2016:

**Table 5**

### Roadway Impact Fee Fund

<b>Project Name</b>	<b>FY 11/12</b>	<b>FY 12/13</b>	<b>FY 13/14</b>	<b>FY 14/15</b>	<b>FY 15/16</b>
Lambert Lane (La Canada to Pusch View Lane) - Rollover	\$ 4,920,000	\$ 6,000,000	\$ -	\$ -	\$ -
Naranja - (Shannon to La Canada) - Rollover	\$ -	\$ -	\$ -	\$ 1,785,000	\$ 402,000
CDO Shared Use Path - Rollover	\$ 1,293,000	\$ -	\$ -	\$ -	\$ -
Rancho Vistoso Blvd./Big Wash Bridge Barrier - Rollover	\$ 418,000	\$ -	\$ -	\$ -	\$ -
Naranja - (La Cholla to Ironwood Ridge) - Phase I	\$ 1,350,000	\$ -	\$ -	\$ -	\$ -
Lambert Lane Phase II (La Canada to La Cholla)	\$ -	\$ -	\$ -	\$ 1,000,000	\$ 4,500,000
Tangerine - (Shannon to La Canada)	\$ -	\$ -	\$ -	\$ 75,000	\$ -
<b>Totals</b>	<b>\$ 7,981,000</b>	<b>\$ 6,000,000</b>	<b>\$ -</b>	<b>\$ 2,860,000</b>	<b>\$ 4,902,000</b>



## Projects by Fund

Table 6 below identifies the Existing System Improvement Projects for the Water Utility for Fiscal Years 2012 – 2016:

Table 6

### Existing System Improvements

<u>Project Name</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>	<u>FY 15/16</u>
East Lambert Lane. 16" Main Relocation (DPW)	\$ 1,200,000	\$ -	\$ -	\$ -	\$ -
Campo Bello - 8 Inch Main Replacement - Rollover	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -
Sheraton D-Zone Booster - Rollover	\$ 700,000	\$ -	\$ -	\$ -	\$ -
North La Canada 3.0 MG, 20% - Rollover	\$ 170,000	\$ -	\$ -	\$ -	\$ -
Big Wash E-D PRV	\$ 60,000	\$ -	\$ -	\$ -	\$ -
RTA Utility Relocation (allowance) - Rollover	\$ 50,000	\$ -	\$ -	\$ -	\$ -
10KW Solar Power Pilot @ WP 13	\$ 50,000	\$ -	\$ -	\$ -	\$ -
Countryside Meter Replacement Project - AMR	\$ 730,000	\$ -	\$ -	\$ -	\$ -
Tangerine Hills - 8 Inch Main Replacement	\$ -	\$ 1,250,000	\$ 1,000,000	\$ -	\$ -
Well Drill & Equip Steam Pump	\$ -	\$ -	\$ 650,000	\$ 1,000,000	\$ -
Well E-8 Development	\$ -	\$ -	\$ 60,000	\$ -	\$ -
Redrill Well E-3	\$ -	\$ -	\$ -	\$ 600,000	\$ 1,000,000
Crimson Canyon Booster	\$ -	\$ -	\$ -	\$ -	\$ 300,000
High Mesa G-Zone Booster	\$ -	\$ -	\$ -	\$ 550,000	\$ -
High Mesa F-Zone Booster	\$ -	\$ -	\$ -	\$ 550,000	\$ -
Access Road & Wall - Well D-6	\$ -	\$ 100,000	\$ -	\$ -	\$ -
RV Chlorine Storage	\$ -	\$ 400,000	\$ -	\$ -	\$ -
Tangerine Booster	\$ -	\$ -	\$ -	\$ -	\$ 150,000
CDO Booster - possible demolition	\$ -	\$ -	\$ 50,000	\$ -	\$ -
Deer Run Booster	\$ -	\$ -	\$ -	\$ -	\$ 1,280,000
Rancho Verde Main Replacement	\$ -	\$ -	\$ -	\$ 500,000	\$ -
Linda Vista Drainage Improvements	\$ -	\$ -	\$ -	\$ -	\$ 150,000
Access Road - Well C-8	\$ -	\$ 50,000	\$ -	\$ -	\$ -
Security Wall - Well C-8	\$ -	\$ -	\$ 100,000	\$ -	\$ -
Replace Security Wall at CS-2 - Countryside	\$ -	\$ 80,000	\$ -	\$ -	\$ -
<b>Totals</b>	<b>\$ 3,960,000</b>	<b>\$ 1,880,000</b>	<b>\$ 1,860,000</b>	<b>\$ 3,200,000</b>	<b>\$ 2,880,000</b>

Table 7 below identifies the Expansion Related Improvement Projects for the Water Utility for Fiscal Years 2012– 2016:

Table 7

### Expansion Related Improvements

<u>Project Name</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>	<u>FY 15/16</u>
North La Canada 3.0 MG, 50% - Rollover	\$ 680,000	\$ -	\$ -	\$ -	\$ -
La Canada 24 Inch Main - Rollover	\$ 60,000	\$ -	\$ -	\$ -	\$ -
<b>Totals</b>	<b>\$ 740,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Table 8 below identifies the CAP Improvements scheduled for Fiscal Year 2012 – 2016:

Table 8

### CAP Water Improvements

<u>Project Name</u>	<u>FY 11/12</u>	<u>FY 12/13</u>	<u>FY 13/14</u>	<u>FY 14/15</u>	<u>FY 15/16</u>
Wheeling Tucson Water 1000 AF/Year	\$ 515,000	\$ -	\$ -	\$ -	\$ -
Wheeling Tucson Water 1500 AF/Year	\$ -	\$ 515,000	\$ -	\$ -	\$ -
Wheeling Tucson Water 3000 AF/Year	\$ -	\$ -	\$ 700,000	\$ 3,000,000	\$ 3,000,000
<b>Totals</b>	<b>\$ 515,000</b>	<b>\$ 515,000</b>	<b>\$ 700,000</b>	<b>\$ 3,000,000</b>	<b>\$ 3,000,000</b>



## Project Descriptions

The following are detailed descriptions of all of the projects identified for Fiscal Year 2011-2012 above. They include the operating impact to the Town as well as indicating any additional funding the Town will receive to complete the project.

PROJECT TITLE: Oro Valley Surface Treatments  
 DEPARTMENT: Public Works, Street Division  
 PROJECT COST: \$1,200,000  
 PRIMARY FUNDING: Highway Fund  
 ADDITIONAL FUNDING: None  
 PROJECT DESCRIPTION: Pavement preservation and surface treatments of Oro Valley streets and roads  
 PROJECT JUSTIFICATION: Preserves the existing Town infrastructure and extends street/road lifespan  
 OPERATING IMPACT:

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	Varies depending on pavement preservation application type				

PROJECT TITLE: Vehicle wash rack - Rollover  
 DEPARTMENT: Public Works, Operations Division  
 PROJECT COST: \$48,000  
 PRIMARY FUNDING: Stormwater Utility Fund  
 ADDITIONAL FUNDING: None  
 PROJECT DESCRIPTION: Purchase of vehicle wash rack  
 PROJECT JUSTIFICATION: Bring Town into compliance with Federal and State regulations  
 OPERATING IMPACT:

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	1,500	1,500	1,500	1,500	1,500
Operating Savings	-	-	-	-	-

PROJECT TITLE: Highlands Wash Basin Improvements  
 DEPARTMENT: Public Works, Operations Division  
 PROJECT COST: \$450,000  
 PRIMARY FUNDING: Pima County Flood Control District  
 ADDITIONAL FUNDING: None  
 PROJECT DESCRIPTION: Drainage improvements at Highlands Wash Basin  
 PROJECT JUSTIFICATION: Improvements will provide increased channel capacity  
 OPERATING IMPACT:

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	-	-	-	-	-



## Project Descriptions

**PROJECT TITLE:** Lomas de Oro Construction - Rollover Project  
**DEPARTMENT:** Public Works, Street Division  
**PROJECT COST:** \$500,000  
**PRIMARY FUNDING:** FEMA/ADEM  
**ADDITIONAL FUNDING:** Pima County Flood Control District  
**PROJECT DESCRIPTION:** Repair wash to meet flood control standards  
**PROJECT JUSTIFICATION:** Needed repair due to damage from 2006 Summer Monsoons

OPERATING IMPACT:	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	-	2,500	2,500	2,500	2,500

**PROJECT TITLE:** Sidecast Broce Broom  
**DEPARTMENT:** Public Works, Street Division  
**PROJECT COST:** \$75,000  
**PRIMARY FUNDING:** Stormwater Utility Fees  
**ADDITIONAL FUNDING:** None  
**PROJECT DESCRIPTION:** Purchase new broce broom  
**PROJECT JUSTIFICATION:** Replacement of aging equipment currently used

OPERATING IMPACT:	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	5,000	5,000	5,000	5,000	5,000
Operating Savings	-	-	-	-	-

**PROJECT TITLE:** Lambert Lane Widening (La Canada to Pusch View Lane) - Rollover Project  
**DEPARTMENT:** Public Works  
**PROJECT COST:** \$4,920,000  
**PRIMARY FUNDING:** Pima Association of Governments Regional Funds  
**ADDITIONAL FUNDING:** HELP Loan Proceeds  
**PROJECT DESCRIPTION:** Widen Lambert Lane between La Canada and Pusch View Lane to 4 lanes  
**PROJECT JUSTIFICATION:** Per Transportation Improvement Program as set by PAG

OPERATING IMPACT:	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	-	-	-	-	-



## Project Descriptions

**PROJECT TITLE:** Naranja (La Cholla to Ironwood Ridge)  
**DEPARTMENT:** Public Works  
**PROJECT COST:** \$1,350,000  
**PRIMARY FUNDING:** Pima Association of Government Regional Funds  
**ADDITIONAL FUNDING:** None  
**PROJECT DESCRIPTION:** Road reconstruction with sidewalks and shoulders installed  
**PROJECT JUSTIFICATION:** Per Transportation Improvement Program as set by PAG  
**OPERATING IMPACT:**

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	-	-	-	-	-

**PROJECT TITLE:** CDO Shared Use Path - Final Phase  
**DEPARTMENT:** Public Works  
**PROJECT COST:** \$1,293,000  
**PRIMARY FUNDING:** Regional Transportation Authority (RTA) Funds  
**ADDITIONAL FUNDING:** Federal Transportation Enhancement Grant  
**PROJECT DESCRIPTION:** Construct new 12' linear trail along CDO multi-use path  
**PROJECT JUSTIFICATION:** Per Transportation Improvement Program as set by PAG  
**OPERATING IMPACT:**

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	-	-	-	-	-

**PROJECT TITLE:** Rancho Vistoso Boulevard/Big Wash Bridge Barrier  
**DEPARTMENT:** Public Works  
**PROJECT COST:** \$418,000  
**PRIMARY FUNDING:** Regional Transportation Authority (RTA) Funds  
**ADDITIONAL FUNDING:** None  
**PROJECT DESCRIPTION:** Removing & replacing barrier walls on the bridge over Big Wash  
**PROJECT JUSTIFICATION:** Per Transportation Improvement Program as set by PAG  
**OPERATING IMPACT:**

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	-	-	-	-	-



## Project Descriptions

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PROJECT TITLE:	N. La Canada 3.0 MG Reservoir - Rollover				
DEPARTMENT:	Water				
PROJECT COST:	\$850,000				
PRIMARY FUNDING:	Water Utility Fund (20%), Potable Water System Development Impact Fee Fund (80%)				
ADDITIONAL FUNDING:	2003 Bond Proceeds				
PROJECT DESCRIPTION:	3.0 million gallon concrete reservoir located at King Air and Moore Road				
PROJECT JUSTIFICATION:	Provide reliable storage for fire flow and future system demand				
OPERATING IMPACT:	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	2,500	2,500	2,500	2,500
Operating Savings	-	-	-	-	-

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PROJECT TITLE:	Sheraton D-Zone Booster Station - Rollover				
DEPARTMENT:	Water				
PROJECT COST:	\$700,000				
PRIMARY FUNDING:	Water Utility Fund				
ADDITIONAL FUNDING:	WIFA Loan				
PROJECT DESCRIPTION:	Re-design booster pump facility				
PROJECT JUSTIFICATION:	Existing booster pump facility undersized to meet customer demand				
OPERATING IMPACT:	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	2,000	8,000	8,000	8,000	8,000
Operating Savings	-	-	-	-	-

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PROJECT TITLE:	East Lambert Lane 16 inch Main Relocation - Rollover				
DEPARTMENT:	Water				
PROJECT COST:	\$1,200,000				
PRIMARY FUNDING:	Water Utility Fund				
ADDITIONAL FUNDING:	None				
PROJECT DESCRIPTION:	Relocate existing water main - Autumn Hills to First Avenue				
PROJECT JUSTIFICATION:	To accommodate Public Works Road Improvement Project				
OPERATING IMPACT:	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	1,000	1,000	1,000	1,000
Operating Savings	-	-	-	-	-

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## Project Descriptions

**PROJECT TITLE:** Campo Bello - 8 Inch Main Replacement  
**DEPARTMENT:** Water  
**PROJECT COST:** \$1,000,000  
**PRIMARY FUNDING:** Water Utility Fund  
**ADDITIONAL FUNDING:** None  
**PROJECT DESCRIPTION:** Install new 8 Inch pipe and new fire hydrants  
**PROJECT JUSTIFICATION:** Current system undersized and costly to maintain  
**OPERATING IMPACT:**

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	1,000	1,000	1,000	1,000
Operating Savings	-	-	-	-	-

**PROJECT TITLE:** RTA Utility Relocation  
**DEPARTMENT:** Water  
**PROJECT COST:** \$50,000  
**PRIMARY FUNDING:** Water Utility Fund  
**ADDITIONAL FUNDING:** None  
**PROJECT DESCRIPTION:** Allowance in budget to relocate existing water infrastructure if needed  
**PROJECT JUSTIFICATION:** Allowance will accommodate unknown road improvements  
**OPERATING IMPACT:**

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	-	-	-	-	-

**PROJECT TITLE:** La Canada 24-inch Main - Rollover  
**DEPARTMENT:** Water  
**PROJECT COST:** \$60,000  
**PRIMARY FUNDING:** Potable Water System Development Impact Fee Fund  
**ADDITIONAL FUNDING:** 2003 Bond Proceeds  
**PROJECT DESCRIPTION:** Install 24-inch main in the vicinity of Moore Road and King Air  
**PROJECT JUSTIFICATION:** New main needed to connect to La Canada reservoir  
**OPERATING IMPACT:**

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	1,000	1,000	1,000	1,000
Operating Savings	-	-	-	-	-



## Project Descriptions

**PROJECT TITLE:** Big Wash E-D PRV  
**DEPARTMENT:** Water  
**PROJECT COST:** \$60,000  
**PRIMARY FUNDING:** Water Utility Fund  
**ADDITIONAL FUNDING:** None  
**PROJECT DESCRIPTION:** To provide additional water to D-Zone  
**PROJECT JUSTIFICATION:** Several wells losing capacity in D-Zone. E-Zone water will supplement lost capacity

**OPERATING IMPACT:**

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	-	-	-	-	-

**PROJECT TITLE:** 10 KW Solar Power Pilot at Water Pump 13  
**DEPARTMENT:** Water  
**PROJECT COST:** \$50,000  
**PRIMARY FUNDING:** Water Utility Fund  
**ADDITIONAL FUNDING:** None  
**PROJECT DESCRIPTION:** To install 10kw solar system on lid of concrete reservoir  
**PROJECT JUSTIFICATION:** Complements Town's energy efficiency upgrades

**OPERATING IMPACT:**

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	-	-	-	-	-

**PROJECT TITLE:** Wheeling Tucson Water  
**DEPARTMENT:** Water  
**PROJECT COST:** \$515,000  
**PRIMARY FUNDING:** Water Utility Fund  
**ADDITIONAL FUNDING:** None  
**PROJECT DESCRIPTION:** Recharge Oro Valley's CAP water in TW recharge basin  
**PROJECT JUSTIFICATION:** Uses CAP water the soonest and reduces groundwater pumpage

**OPERATING IMPACT:**

	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	-	-	-	-	-
Operating Costs	-	-	-	-	-
Operating Savings	-	-	-	-	-



## Project Descriptions

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PROJECT TITLE: Countryside Meter Replacement Project - AMR  
DEPARTMENT: Water  
PROJECT COST: \$730,000  
PRIMARY FUNDING: Water Utility Fund  
ADDITIONAL FUNDING: None  
PROJECT DESCRIPTION: Replace outdated meters with Automated Meter Readers  
PROJECT JUSTIFICATION: Current meters inefficient and under registering

OPERATING IMPACT:	Fiscal Years				
	<u>11/12</u>	<u>12/13</u>	<u>13/14</u>	<u>14/15</u>	<u>15/16</u>
Operating Revenue	Additional revenue anticipated due to increased accuracy in meter reading				
Operating Costs	-	-	-	-	-
Operating Savings	-	-	-	-	-

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**Town Council Regular Session**

**Item # 6.**

**Meeting Date:** 06/15/2011

**Requested by:** Councilmembers Solomon and Waters

**Submitted By:**

Julie Bower, Town Clerk's Office

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

\*\*MOTION FOR RECONSIDERATION OF THE JUNE 1, 2011 DENIAL OF RESOLUTION NO. (R)11-37 AUTHORIZING AND APPROVING THE ELIMINATION OF THE TOWN OF ORO VALLEY DEVELOPMENT AND INFRASTRUCTURE SERVICES DEPARTMENT TRANSIT SERVICES DIVISION COYOTE RUN SERVICE

**RECOMMENDATION:**

N/A

**EXECUTIVE SUMMARY:**

Councilmember Solomon has requested that the vote on the Coyote Run service be returned to the Council agenda for reconsideration and Councilmember Waters 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 there is a Federal Transit Administration requirement to provide a 30-day notice to the public for a new public hearing, the reconsideration of the matter will need to be continued to a specific date in the future that allows enough time for public notice.

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE for reconsideration of the June 1, 2011 denial of Resolution No. (R)11-37 authorizing and approving the elimination of the Town of Oro Valley Development and Infrastructure Services Department Transit Services Division Coyote Run Service

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**Town Council Regular Session**

**Item # 7.**

**Meeting Date:** 06/15/2011

**Requested by:** Mayor Hiremath

**Submitted By:**

Julie Bower, Town Clerk's  
Office

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

\*\*\*DISCUSSION AND POSSIBLE ACTION RELATING TO A POTENTIAL AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND TOWN MANAGER JERENE WATSON

**RECOMMENDATION:**

N/A

**EXECUTIVE SUMMARY:**

A proposed amendment to the contract between the Town of Oro Valley and Town Manager Jerene Watson.

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

Dependent upon Council action.

**SUGGESTED MOTION:**

I MOVE to (approve / deny) the amendment to the contract between the Town of Oro Valley and Town Manager Jerene Watson.

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