

***AMENDED (1/17/12, 12:15 P.M.)**
AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
JANUARY 18, 2012
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

DEPARTMENT REPORTS

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

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

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

PRESENTATIONS

1. Proclamation in Recognition of Beat Back Buffelgrass Day

CONSENT AGENDA

(Consideration and/or possible action)

- A. Fiscal Year 2011/12 Financial Update Through November 2011
- B. Council Approval Regarding M3S Sports' request for In-Kind Support for the Arizona Distance Classic
- C. Resolution No. (R)12-05, Authorizing the Development and Infrastructure Services Department to apply for a grant from the Arizona Department of Transportation for funding of vehicles for the Transit Services Division

REGULAR AGENDA

1. PRESENTATION AND ACCEPTANCE OF THE TOWN'S ANNUAL FINANCIAL AUDIT FOR FISCAL YEAR ENDED JUNE 30, 2011
2. PUBLIC HEARING - ORDINANCE NO. (O)12-01 AMENDING SECTION 3-2-2 OF THE TOWN CODE CHANGING REQUIREMENT FROM SYNOPSIS MINUTES TO ACTION MINUTES AND RESOLUTION NO. (R)12-04 AMENDING SECTION 4.8 OF THE TOWN COUNCIL PARLIAMENTARY RULES AND PROCEDURES REGARDING A CHANGE TO ACTION MINUTES
3. ~~PUBLIC HEARING: ORDINANCE NO. (O)11-27, AMENDING THE RANCHO VISTOSO PLANNED AREA DEVELOPMENT DISTRICT BY ADDING SPECIAL AREA POLICY 13 TO NEIGHBORHOOD POLICIES FOR NEIGHBORHOOD 7, LOCATED ON THE NORTHWEST CORNER OF RANCHO VISTOSO BLVD. AND TANGERINE ROAD (ITEM WAS WITHDRAWN ON 1/17/12 AT 12:05 P.M.)~~
4. PUBLIC HEARING: ORDINANCE NO. (O)12-02, APPROVING A REZONING REQUEST BY CPE CONSULTANTS, LLC REPRESENTING CPE DEVELOPMENT COMPANY, INC. FOR THE PROPERTY LOCATED ¼ MILE SOUTH OF TANGERINE ROAD ON THE WEST SIDE OF LA CHOLLA BOULEVARD AND KNOWN AS RANCHO DE PLATA FROM SINGLE FAMILY RESIDENTIAL (R1-144) TO SINGLE-FAMILY RESIDENTIAL (R1-7)
5. PUBLIC HEARING: ORDINANCE NO. (O)12-03, AMENDING THE TOWN CODE, SECTION 13-2-4 COLLECTION OF FEES, REGARDING IMPACT FEE COLLECTION TIMING.

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: 1/11/12 at 5:30 p.m. by tlg
 AMENDED AGENDA POSTED: 1/17/12 at 5:00 p.m. by tlg

When possible, a packet of agenda materials as listed above is available for public inspection at least 24 hours prior to the Council meeting in the 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 Mayor.

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: 01/18/2012

Submitted By: Julie Bower, Town Clerk's Office

Department: Town Clerk's Office

Information

SUBJECT:

Proclamation in Recognition of Beat Back Buffelgrass Day

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

Buffelgrass Proclamation

WHEREAS, Buffelgrass (*Pennisetum ciliare*) poses an immediate threat to the natural landscape of the Sonoran Desert: and

WHEREAS, the Town of Oro Valley joins with other jurisdictions and agencies to proclaim that the time to eradicate Buffelgrass is now; and

WHEREAS, Buffelgrass, left undeterred, can irrevocably alter the Sonoran Desert by competing for water and weaken or kill native desert plants; and

WHEREAS, Buffelgrass is a fire-prone grass that can fuel frequent and devastating fires, hastening the death of native desert plants and stands of Saguaros; and

WHEREAS, a heightened awareness of the negative impacts of this invasive grass is made possible through education; and

WHEREAS, without a regional effort to control its further spread, this region will face recurring grassland fires, loss of existing natural desert and costly economic impacts; and

WHEREAS, governmental bodies throughout our region accept the shared responsibility to recruit volunteers to assist with eradication efforts.

NOW, THEREFORE, I, Dr. Satish I. Hiremath, Mayor of the Town of Oro Valley, Arizona, do hereby proclaim January 28, 2012 to be

BEAT BACK BUFFELGRASS DAY

in this community, and encourage all of our citizens to strongly support volunteer efforts to eradicate this invasive and dangerous plant wherever possible.

Dated this 3rd day of January 2012.

ATTEST:

Dr. Satish I. Hiremath, Mayor

Julie K. Bower, Town Clerk



Town Council Regular Session

Item # A.

Meeting Date: 01/18/2012

Requested by: Wendy Gomez

Submitted By:

Wendy Gomez, Finance

Department: Finance

Information

SUBJECT:

Fiscal Year 2011/12 Financial Update Through November 2011

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

General Fund

Attachment A shows General Fund revenues and expenditures through November as well as year-end estimates for each category. Through November, revenue collections, including transfers in, totaled \$9,875,046 and expenditures, including transfers out, totaled \$9,284,315.

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

Revenues	\$24,969,931
<u>Less:</u>	
Expenditures	(25,483,577)
<u>Plus:</u>	
Other Financing Sources	<u>410,074</u>
Est. Decrease in Fund Balance	(\$ 103,572)

General Fund Revenues and Other Financing Sources

- Revenues through November total \$9,627,109 which represents 38.5% of the budgeted FY 11/12 revenues.
- Revenues are estimated to come in slightly under budget at this point due to lagging construction sales tax collections.
- The estimated General Fund subsidy transfer from the Bed Tax Fund has also been reduced by \$300,000, which is expected to be covered with vacancy savings.
- **Note that these are preliminary estimates. Staff will continue to monitor revenue collections and may further adjust year-end estimates based on actual trends.**
- Although the distribution by revenue category has changed, the total amount of General Fund revenues budgeted for this fiscal year is 10% below what was collected five years ago, in FY 06/07

General Fund Major Revenue Categories

Local Sales Tax

- Fiscal year to date General Fund collections are \$4,684,882 (3% more than FY 10/11 through November).
- Total collections are estimated to come in 1.9% below budget, with certain categories (such as retail and restaurant) expected to bring in additional revenues, and other categories (such as construction and utilities) expected to come in slightly under budget

State-Shared Revenues

- Income Tax - fiscal year to date is \$1,442,149 (9.7% decrease from FY 10/11 through November)
- Sales Tax - fiscal year to date is \$1,279,229 (8.3% increase from FY 10/11 through November)
- Vehicle License Tax - fiscal year to date is \$634,467 (1.8% decrease from FY 10/11 through November)

General Fund Expenditures

- Expenditures through November total \$9,284,315, which represents 35.6% of the budgeted FY 11/12 expenditures
- Expenditures are estimated to come in under budget by about \$607,000, or by about 2.3%
- Expenditure projection reflects estimated vacancy savings (savings from positions that will remain unfilled or will be refilled at a later date). **Note that vacancy savings are estimates and are subject to change.**

See Attachment A for additional detail on the General Fund, and Attachments B and C for additional detail on the Highway Fund and Bed Tax Fund. See Attachment D for estimated vacancy savings. See Attachment E for a fiscal year to date consolidated summary of all Town funds.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

Information only.

Attachments

Attachment A - General Fund

Attachment B - Highway Fund

Attachment C - Bed Tax Fund

Attachment D - Vacancy Savings Report

Attachment E - Summary All Funds



General Fund

% Budget Completion through November --- 41.7%

	Actuals thru 11/2011	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
REVENUES:						
LOCAL SALES TAX	4,684,882	12,401,316	37.8%	12,166,695	(234,621)	-1.9%
LICENSES & PERMITS	362,479	1,126,894	32.2%	1,126,894	-	0.0%
FEDERAL GRANTS	153,933	805,533	19.1%	805,533	-	0.0%
STATE GRANTS	192,025	288,500	66.6%	428,370	139,870	48.5%
STATE/COUNTY SHARED	3,355,845	8,187,264	41.0%	8,187,264	-	0.0%
OTHER INTERGOVERNMENTAL	172,222	591,160	29.1%	591,160	-	0.0%
CHARGES FOR SERVICES	516,302	1,237,851	41.7%	1,253,041	15,190	1.2%
FINES	84,287	190,000	44.4%	190,000	-	0.0%
INTEREST INCOME	26,152	22,000	118.9%	50,000	28,000	127.3%
MISCELLANEOUS	78,982	157,500	50.1%	170,974	13,474	8.6%
TOTAL REVENUES	9,627,109	25,008,018	38.5%	24,969,931	(38,087)	-0.2%

	Actuals thru 11/2011	Budget	% Actuals to Budget	Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
EXPENDITURES:						
COUNCIL	100,627	220,573	45.6%	220,573	-	0.0%
CLERK	126,848	456,089	27.8%	444,521	(11,568)	-2.5%
MANAGER	237,510	877,167	27.1%	726,031	(151,136)	-17.2%
HUMAN RESOURCES	178,493	482,649	37.0%	482,649	-	0.0%
FINANCE	269,452	722,199	37.3%	713,702	(8,497)	-1.2%
INFORMATION TECHNOLOGY	503,564	1,235,704	40.8%	1,214,250	(21,454)	-1.7%
GENERAL ADMINISTRATION	582,945	2,141,767	27.2%	2,141,767	-	0.0%
LEGAL	281,891	841,832	33.5%	841,832	-	0.0%
COURT	250,548	781,625	32.1%	745,282	(36,343)	-4.6%
DEV & INFRASTRUCTURE SVCS	1,049,627	3,340,679	31.4%	3,123,723	(216,956)	-6.5%
PARKS, REC, LIBRARY, & CULT RSCS	1,211,139	2,876,702	42.1%	2,862,437	(14,265)	-0.5%
POLICE	4,491,671	12,113,606	37.1%	11,966,809	(146,797)	-1.2%
TOTAL EXPENDITURES	9,284,315	26,090,592	35.6%	25,483,577	(607,015)	-2.3%

EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	342,795	(1,082,574)		(513,646)	568,928	
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TRANSFERS IN						
Bed Tax Fund - Gen Fund Allocation	183,330	675,000	27.2%	375,000	(300,000)	-44.4%
Bed Tax Fund - Transit Subsidy	64,607	450,926	14.3%	258,426	(192,500)	-42.7%
TRANSFERS OUT						
Debt Service Fund	-	(223,352)	0.0%	(223,352)	-	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	247,937	902,574	27.5%	410,074	(492,500)	-54.6%

CHANGE IN FUND BALANCE	590,731	(180,000)		(103,572)	76,428	
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BEGINNING FUND BALANCE						
Assigned - CARF Carryforward		178,056		178,056	-	
Assigned - Comp. Absences & Unemploy Resrv		1,591,277		1,591,277	-	
Unassigned		9,237,805		9,237,805	-	
TOTAL BEGINNING FUND BALANCE		11,007,138		11,007,138		

ENDING FUND BALANCE **						
Assigned - CARF Carryforward		-		-	-	
Assigned - Comp. Absences & Unemploy Resrv		1,591,277		1,591,277	-	
Unassigned		9,235,861		9,312,289	76,428	
TOTAL ENDING FUND BALANCE **		10,827,138		10,903,566	76,428	

* Year-end estimates are subject to further revision

** Ending Fund balance amounts are estimates and are subject to further revision



Highway Fund

% Budget Completion through November --- 41.7%

REVENUES:

LOCAL SALES TAX	125,793	367,400	34.2%
LICENSES & PERMITS	19,295	42,000	45.9%
STATE GRANTS	79,587	487,000	16.3%
STATE/COUNTY SHARED	933,851	2,376,464	39.3%
CHARGES FOR SERVICES	6,250	15,000	41.7%
INTEREST INCOME	436	10,700	4.1%
MISCELLANEOUS	10,560	10,000	105.6%
TOTAL REVENUES	1,175,772	3,308,564	35.5%

Actuals thru 11/2011	Budget	% Actuals to Budget
125,793	367,400	34.2%
19,295	42,000	45.9%
79,587	487,000	16.3%
933,851	2,376,464	39.3%
6,250	15,000	41.7%
436	10,700	4.1%
10,560	10,000	105.6%
1,175,772	3,308,564	35.5%

Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
307,210	(60,190)	-16.4%
42,000	-	0.0%
487,000	-	0.0%
2,376,464	-	0.0%
15,000	-	0.0%
10,700	-	0.0%
15,076	5,076	50.8%
3,253,450	(55,114)	-1.7%

EXPENDITURES:

ADMINISTRATION	226,473	669,143	33.8%
TRANSPORTATION ENGINEERING	294,352	1,799,590	16.4%
PAVEMENT MANAGEMENT	47,873	175,336	27.3%
STREET MAINTENANCE	264,266	840,753	31.4%
TRAFFIC ENGINEERING	177,821	608,455	29.2%
TOTAL EXPENDITURES	1,010,785	4,093,277	24.7%

Actuals thru 11/2011	Budget	% Actuals to Budget
226,473	669,143	33.8%
294,352	1,799,590	16.4%
47,873	175,336	27.3%
264,266	840,753	31.4%
177,821	608,455	29.2%
1,010,785	4,093,277	24.7%

Year End Estimate *	YE \$ Variance to Budget	YE % Variance to Budget
673,103	3,960	0.6%
1,782,211	(17,379)	-1.0%
123,076	(52,260)	-29.8%
843,546	2,793	0.3%
608,455	-	0.0%
4,030,391	(62,886)	-1.5%

EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES

164,987	(784,713)	(776,941)	7,772
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TRANSFERS IN	-	-	0.0%
TRANSFERS OUT	-	-	0.0%
Twnwide Road Impact Fund - Lambert Ln	-	(400,000)	0.0%
TOTAL OTHER FINANCING SOURCES (USES)	-	(400,000)	0.0%

-	-	0.0%
-	(400,000)	0.0%
-	(400,000)	0.0%

-	-	0.0%
(400,000)	-	0.0%
(400,000)	-	0.0%

CHANGE IN FUND BALANCE

164,987	(1,184,713)	(1,176,941)	7,772
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BEGINNING FUND BALANCE

<i>Restricted</i>	<u>3,654,948</u>	<u>3,654,948</u>	-
TOTAL BEGINNING FUND BALANCE	3,654,948	3,654,948	-

ENDING FUND BALANCE **

<i>Restricted</i>	<u>2,470,235</u>	<u>2,478,007</u>	<u>7,772</u>
TOTAL ENDING FUND BALANCE **	2,470,235	2,478,007	7,772

* Year-end estimates are subject to further revision

** Ending Fund balance amounts are estimates and are subject to further revision

FY 11/12 Town Vacancy Report as of November 30, 2011		
Fund	Vacant FTEs	Estimated FY 11/12 Savings
General Fund	9.51	761,371
<i>Less Budgeted Vacancy Savings</i>		<u>(154,356)</u>
Net General Fund		607,015
Highway Fund	1.75	83,808
<i>Less Budgeted Vacancy Savings</i>		<u>(20,922)</u>
Net Highway Fund		62,886
Water Utility Fund	—	26,362
<i>Less Budgeted Vacancy Savings</i>		<u>(25,599)</u>
Net Water Utility Fund		763
Stormwater Utility Fund	0.25	19,652

CONSOLIDATED YEAR-TO-DATE FINANCIAL REPORT THROUGH NOVEMBER, 2011

ATTACHMENT E

Fund	Actual FY 11/12 Begin Bal.	Revenue	Transfer In	Total In	Capital Leases/ Transfer Out	Personnel	O&M	Capital	Contingency	Debt Service	Total Out	Left in Accounts Thru Nov, 2011
General Fund - Unassigned	9,237,805	9,627,109	247,937	9,875,046	10,690	7,275,524	1,917,616	80,485	-	-	9,284,315	9,828,536
General Fund - Assigned	1,769,333											1,769,333
Highway Fund - Restricted	3,654,948	1,175,772	-	1,175,772	-	741,139	168,185	101,461	-	-	1,010,785	3,819,935
Seizure & Forfeiture - State	168,592	9,997	-	9,997	-	-	5,636	-	-	-	5,636	172,952
Seizure & Forfeiture - Justice	457,506	72,946	-	72,946	-	-	22,784	12,476	-	-	35,260	495,192
Bed Tax Fund - Committed	840,704	255,587	-	255,587	247,937	5	67,715	-	-	-	315,658	780,633
RTA Fund	-	-	-	-	-	-	106	-	-	-	106	(106)
Impound Fee Fund	-	18,740	-	18,740	-	17,847	-	-	-	-	17,847	893
Municipal Debt Service Fund	1,501,084	100,633	-	100,633	-	-	4,683	-	-	464,386	469,069	1,132,648
Oracle Road Debt Service Fund	4,987	197,144	-	197,144	-	-	335	-	-	-	335	201,796
Alternative Water Resources Dev Impact Fee Fund	1,509,166	1,207,326	-	1,207,326	-	-	77,886	37,347	-	-	115,233	2,601,259
Potable Water System Dev Impact Fee Fund	7,295,885	278,508	-	278,508	-	-	-	331,732	-	-	331,732	7,242,660
Townwide Roadway Development Impact Fee Fund	2,496,546	1,024,108	-	1,024,108	-	-	-	806,372	-	115,467	921,839	2,598,815
Parks & Recreation Impact Fee Fund	323,843	55,581	-	55,581	-	-	-	-	-	-	-	379,424
Library Impact Fee Fund	83,211	14,298	-	14,298	-	-	-	-	-	-	-	97,509
Police Impact Fee Fund	73,379	14,067	-	14,067	-	-	-	-	-	-	-	87,446
General Government Impact Fee Fund	105,587	13,729	-	13,729	-	-	-	-	-	-	-	119,316
Naranja Park Fund	258,822	-	-	-	-	-	-	-	-	-	-	258,822
Water Utility	10,263,748	4,938,589	-	4,938,589	-	921,291	1,513,071	1,201,501	-	-	3,635,863	11,566,473
Stormwater Utility	368,172	282,735	-	282,735	1,781	94,562	89,664	136,466	-	-	322,473	328,434
Fleet Maintenance Fund	-	181,780	-	181,780	-	32,477	165,695	-	-	-	198,172	(16,392)
Total	40,413,318	19,468,648	247,937	19,716,585	260,408	9,082,846	4,033,378	2,707,840	-	579,853	16,664,324	43,465,579



Town Council Regular Session

Item # B.

Meeting Date: 01/18/2012

Requested by: Amanda Jacobs

Submitted By:

Amanda Jacobs, Town
Manager's Office

Department: Town Manager's Office

Information

SUBJECT:

Council Approval Regarding M3S Sports' request for In-Kind Support for the Arizona Distance Classic

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

In fall 2010, Council expressed an interest in establishing a funding policy, apart from the Town's current Community Funding policy, for special events that stimulate local economic development. To address this request, staff enhanced the Town's existing Special Events Policy to include in-kind support requests from event coordinators up to 50%. Council directed staff to provide flexibility and 100% in-kind support requests for major/signature events that have a significant economic impact to Oro Valley.

BACKGROUND OR DETAILED INFORMATION:

The Eighth Annual Arizona Distance Classic will be held in Oro Valley on Sunday, March 25, 2012. The event includes the Valley of Gold Half Marathon (13.1 miles), the Quarter Marathon (6.55 miles), the Oro Valley Hospital 5k Run and Walk and the Town of Oro Valley Kids Fun Run. The start and finish for all events will be at the beautiful campus of Ventana Medical Systems/Roche. Organizers estimate that event will attract over 2,000 people, representing 45 states and five countries. The estimated economic impact is \$245,794.05.

The Hilton El Conquistador Golf & Tennis Resort is the host resort. The purpose of the Arizona Distance Classic is to provide a world class event to celebrate the active lifestyle in Oro Valley and all residents are encouraged to participate in the event or volunteer. The event partners for 2012 include Ventana Medical Systems/Roche, Oro Valley Hospital, All About Running & Walking and the Arizona Daily Star.

FISCAL IMPACT:

The total in-kind support for the Arizona Distance Classic is estimated to be \$9,653.

SUGGESTED MOTION:

I MOVE to (approve or deny) 100% in-kind support for the Arizona Distance Classic.

Attachments

Estimated Economic Impact Form



Town of Oro Valley

Caring for our heritage, our community, our future

Estimated Economic Impact Form:

If you are requesting 100% in-kind support from the Town, please complete the section below and return to:

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

Name of Event: Arizona Distance Classic Half & Quarter Marathon

Estimated Number of Attendees: 2,200

Host Resort: Hilton El Conquistador Golf & Tennis Resort

Overflow Hotels (if applicable): _____

Estimated Number of Room Blocks: 186

Estimated Economic Impact: \$245,794.05 based on 1,545 out of town athletes



Town Council Regular Session

Item # C.

Meeting Date: 01/18/2012

Requested by: Aimee Ramsey

Submitted By:

Aimee Ramsey,
Development Infrastructure
Services

Department: Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R)12-05, Authorizing the Development and Infrastructure Services Department to apply for a grant from the Arizona Department of Transportation for funding of vehicles for the Transit Services Division

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The Town of Oro Valley Transit Services Division utilizes grant funding to replace its transit vehicles. The Arizona Department of Transportation (ADOT) Section 5310 (Elderly Individuals and Individuals With Disabilities Transportation) program is a federal grant program designed to provide capital awards, primarily in the form of vehicles, to qualified agencies serving predominately senior and/or disabled persons. The Program requires a local cash match for awarded products or services approved by the Arizona Department of Transportation (ADOT) on behalf of the Governor of Arizona and the United States Department of Transportation (USDOT).

The Multimodal Planning Division (MPD) of ADOT administers the Federal Transit Administration's (FTA) Elderly Individuals and Individuals with Disabilities Transportation Program, commonly known as the Section 5310 Program (49 U.S.C. §5310). To be eligible to receive these funds, ADOT requires certifications and assurances stating that the applicant is aware of and agrees to abide by state and federal laws. These certifications and assurances must be signed by an authorized representative.

BACKGROUND OR DETAILED INFORMATION:

Since October 1996 the Transit Division has owned and operated a transit service for elderly and disabled residents. The Transit Services Division currently has a fleet of eleven (11) vehicles, providing approximately 75 - 85 trips per day. Due to long trip distances, vehicle miles traveled are excessive and the older vehicles need to be replaced.

Currently, three vehicles are past their useful life and two have in excess of 118,000 miles. The standard rating and service life for these vehicles is 4 years or 100,000 miles. Preventative maintenance and inspections have been completed every 5000 miles, per the division's preventative maintenance schedule, ensuring the safety and reliability of these vehicles. In order to prevent any unexpected transmission or engine overhaul costs associated with higher mileage vehicles, these vehicles need to be replaced.

The Transit Division may apply for Section 5310 funding to replace vehicles that are providing service for elderly individuals and individuals with disabilities. This year's application requests three replacement vehicles with a local match of 12%. While we are still in negotiations with the RTA on transit service after 2013, this application keeps the Town in a position to continue to provide transit services. Should the Town be awarded 5310 program funding, ADOT will purchase the vehicles and enter into a contract with the Town.

FISCAL IMPACT:

Total project value is \$178,444. Should the Town be awarded three vehicles, the local match required would be \$22,306. A small portion of the local match will come from the sale of vehicles due for replacement, which can be estimated at approximately \$2,000.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)12-05, Authorizing the DIS Department to apply for a grant from the Arizona Department of Transportation for funding of vehicles for the Transit Services Division.

Attachments

Reso 12-05

ADOT 5310 FY 2012 application

RESOLUTION NO. (R)12-05

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING THE DEVELOPMENT AND INFRASTRUCTURE SERVICES DEPARTMENT TO APPLY FOR A GRANT FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR FUNDING OF VEHICLES FOR THE TRANSIT SERVICE DIVISION

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

WHEREAS, pursuant to 49 U.S.C. § 5310, the Secretary of Transportation may make grants to state and local governmental authorities for public transportation capital projects planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities; and

WHEREAS, the Multimodal Planning Division (MPD) of the Arizona Department of Transportation (ADOT) administers the Federal Transit Administration's (FTA) Elderly Individuals and Individuals with Disabilities Transportation Program; and

WHEREAS, three (3) Development and Infrastructure Services Department, Transit Service Division, vehicles are scheduled to be replaced; and

WHEREAS, the Town desires to apply for a grant to ADOT, attached hereto as Exhibit "A" and incorporated herein by this reference, for the purchase of three (3) vehicles to assist elderly and disabled residents transit services; and

WHEREAS, ADOT shall purchase the vehicles for the Town and the Town shall pay approximately twelve (12%) percent of the total purchase cost or \$22,306 for the vehicles; and

WHEREAS, it is in the interest of the Town of Oro Valley to apply for a grant with ADOT for funding of vehicles to assist elderly and disabled residents within the Town.

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

1. The Mayor and Council authorize and approve the Development and Infrastructure Services Department, Transit Services Division, to submit a grant application, attached hereto as Exhibit "A" and incorporated herein by this reference, to the Arizona Department of Transportation for the funding of three (3) vehicles to assist elderly and disabled residents of the Town.

2. The Interim Development and Infrastructure Services Director and any other administrative officials of the Town of Oro Valley are hereby authorized to take steps as necessary to execute and implement the terms of the Grant Agreement.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 18th day of January, 2012.

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: _____

EXHIBIT “A”



Development & Infrastructure Services
Transit Services Division

December 12, 2011

Pima Association of Governments
Attention: Ms. Jennifer O'Conner
177 N. Church Avenue, Suite 501
Tucson, Arizona 85701-1127

Dear Ms. O'Connor:

Attached is the Town of Oro Valley's completed grant application for Section 5310 (FY 2012). Please review the application and let me know if there are any changes that are required.

The attached application requests replacement vehicles for the Town of Oro Valley's Transit Service Division. Oro Valley's is dedicated to providing transit services to our community and we have been working diligently to coordinate our Coyote Run service with the Sun Shuttle Dial-a-Ride and Hand-car services provided in the area. This new concept preserves our service for seniors 65+ years of age and/or disabled outside the immediate Sun Shuttle blue zone. As we move forward we will be able to provide longer service hours and a greater service area for our senior and disabled population.

The Transit Division will operate eleven lift-equipped vehicles, peak service operating at 7 vehicles. The Sun Shuttle Dial-A-Ride will operate from 6 a.m. to 8 p.m. Monday through Friday. In addition, our disabled community will get the full advantage of this coordination as they receive service on Saturday, Sunday and Holidays. Riders must call in advance to schedule a ride request. This service collaboration also brings with it a fare decrease for our ADA certified passengers. Our seniors will maintain their mobility and will participate in the regional fare system. By partnering with the RTA we will be able to leverage funding and operate at a greater capacity through an intergovernmental agreement.

Operating expenditures include employee salaries, vehicle fuel, and maintenance services. The Transit Division has three vehicles past their replacement cycle. Two of these vehicles have in excess of 118,000 miles and one has a faulty lift. These vehicles are in need of replacement at a cost of \$178K as requested in the grant. These vehicles will be utilized on our Sun Shuttle dial-a-ride serving general public, seniors and disabled meeting the needs of the population in this area. Thank you for your consideration.

Sincerely,

Aimee Ramsey, CCTM
Transit Services Administrator

Caring for our heritage, our community, our future.

11000 N. La Cañada Drive • Oro Valley, Arizona 85737

COG/MPO RANKING NUMBER



Town of Oro Valley Development and Infrastructure Service - Transit Division

Arizona Department of Transportation

Pima Association of Governments (PAG)

2012 COORDINATED MOBILITY APPLICATION

Section 5310 - Elderly Individual & Individuals w/ Disabilities

For Which Program(s) Are You Applying?

For Which Program(s) Are You Applying?

For Which Program(s) Are You Applying?

Submitted by Agency:	Town of Oro Valley
Name of Contact Person:	Aimee Ramsey
Email:	aramsey@orovalleyaz.gov
Phone:	520-229-4980

**Town of Oro Valley Development and Infrastructure Service - Transit Division
2012 COORDINATED MOBILITY APPLICATION
FFY 2012 APPLICATION CHECKLIST**

COG/MPO Checklist	Applicant Checklist	REQUIRED DOCUMENTS
	X	Cover Page (Requires Legal Entity Name, COG/MPO Identification, and Identification of Programs for which you are applying. Logo Insert is Optional.)
	X	Summary Page (Requires Narrative Answers to Questions)
	X	Applicant Information
	X	Training
	X	Coordination
	N/A	Certified Copy of Articles of Incorporation OR IRS 501(c)(3) Letter of Exemption (Private Non-Profit Agency Only)
		Public Notice (Insert)
		Authorization to Apply (Insert) (Board Minutes, Letter, and/or Resolution)
		Notice to Providers (Insert)
	X	Map of Service Area (Insert)
	N/A	MAG Commitment to Strategies (Applicants within Maricopa Assn of Govts. (MAG) only)
	X	Civil Rights, Title VI, EEO, LEP, DBE, ADA, Security, Drug/Alcohol Free, Safe Environment
	X	5310 Project Details (5310 REQUESTS ONLY) <i>(5310 Grant Request Detail, 5310 Budget Detail, Description of Existing Transportation Services)</i>
	N/A	5316 Project Details (5316 REQUESTS ONLY) <i>(5316 Grant Request Detail, 5316 Budget Detail, Description of Existing Transportation Services)</i>
	N/A	5317 Project Details (5317 REQUESTS ONLY) <i>(5317 Grant Request Detail, 5317 Budget Detail, Description of Existing Transportation Services)</i>
	N/A	Mobility Management Project Details (MOBILITY MANAGEMENT REQUESTS ONLY) <i>(Mobility Management Grant Request Detail, Mobility Management Budget Detail)</i>
	X	Vehicle Inventory
		Power of Attorney (Required ONLY If Requesting a Vehicle)
		Contract (Final Requires Agreement Contact Information, Signatory Name & Title, and Legal Signature)
		Legal Determination (Required from all Government entities; Optional for all other applicants.)
		FTA 2012 Certifications and Assurances Checklist (Requires Initials)
		FTA Federal Affirmation (Legally Authorized Signature and Attorney Signature required from All Applicants)
		Exhibit A Project (At time of application, the application itself provides the Project details. After award, Exhibit A will be populated with actual award information and at that time an authorized signature will be required.)
		FTA 2012 Certifications and Assurances

Town of Oro Valley - Transit Division
2012 COORDINATED MOBILITY APPLICATION
APPLICATION SUMMARY

Section 5310 - Elderly Individual & Individuals w/ Disabilities
For Which Program(s) Are You Applying?
For Which Program(s) Are You Applying?
For Which Program(s) Are You Applying?

points stand out.

Answer the following: Who, What, Where, When, Why and How.

(When you type the answers in the boxes, they will automatically resize with your content.)

1. Who are you, and who do you serve?

A division of Development and Infrastructure Services dedicated to bringing alternative modes of transportation to the Oro Valley community ensuring mobility for its residents. The division works with the Regional Transportation Authority (RTA) to ensure local transit services work with the main fixed route system Sun Tran. The Transit Services Division is responsible for monitoring of the transit services operated through out the Town to ensure effective and efficient use of resources. The division plans for transit infrastructure to support the service and enhance the community. This year in partnership with the Regional Transportation Authority (RTA) Oro Valley will be able to offer increased service hours through our sun shuttle dial-a-ride service. This service will be able to address our growing base and the continual influx of retirees. Annually we register over 122 new senior and disabled riders to our service. Within operating constraints, the service carried on average 68 passengers per day to medical, school and other appointments. This year we hope to exceed that number by working with the sun shuttle service to increase service capacity and enhance hours of availability.

2. What are you asking for:

The Oro Valley transit services division is in need of replacing two of its raised vans that are past their useful life. These vans were purchase utilizing LTAF II and Federal funds and were eligible for replacement in 2009 and 2010. Should we be successful in our request, these vans will be replaced with mini-buses to accomodate the newly development partnership with the RTA in deliverly dial-a-ride Sun Shuttle service.

3. Where and When are your services (boundaries and times):

Both our boundaries and are services hours have expanded as we have integrated and coordinate three previously operated service. Operating as far north as the Town of Oro Valley Town limites to the southern boundaries of the City of Tucson we cover a very large area. Our service hours are Weekdays from 6am until 8pm, and weekends/holidays from 6am until 9pm. While weekend service is strictly for ADA certified clients at this time, we have opened our doors to seniors for the expanded service hours during the week whereas they use to be restricted to ride from 8am until 5pm.

4. Why do you need this request? (Your need)

This request is made to ensure vehicle in need of replacement are taken out of the fleet as required by best practices. In addition, replace the fleet per a schedule ensures maintenance cost do not become a burden of the system as a whole.

5. How will you maintain your program and the vehicles, and pay for your match for the request?:

Operating funds will be provided by the Town of Oro Valley transit fund. This fund is sustained by several revenue sources such as donation, user fees, vehicle sales, town's general fund and a large part from our Regional Transportation Authority. Operating as the sun shuttle dial-a-ride we have preserved our service for our seniors and disabled passengers providing a sustainable funding source.

6. Briefly describe your organizational structure.

Oro Valley is a community that takes great pride in its past, its present and its future. Our vision is to be a well-planned community that uses its resources to balance the needs of today against the potential impacts to future generations. Oro Valley has a unique cultural heritage that can trace its history back 2,000 years ago, 200 years ago and to its incorporation in 1974. The town has taken advantage of unique opportunities to preserve pieces of its cultural heritage and to frame a window of Oro Valley's beginning.

The Town of Oro Valley employs the council-manager form of municipal government. Oro Valley is administered by a seven member Town Council. The Town Council oversees all issues pertaining to Oro Valley, including residential and commercial development and preservation of natural areas.

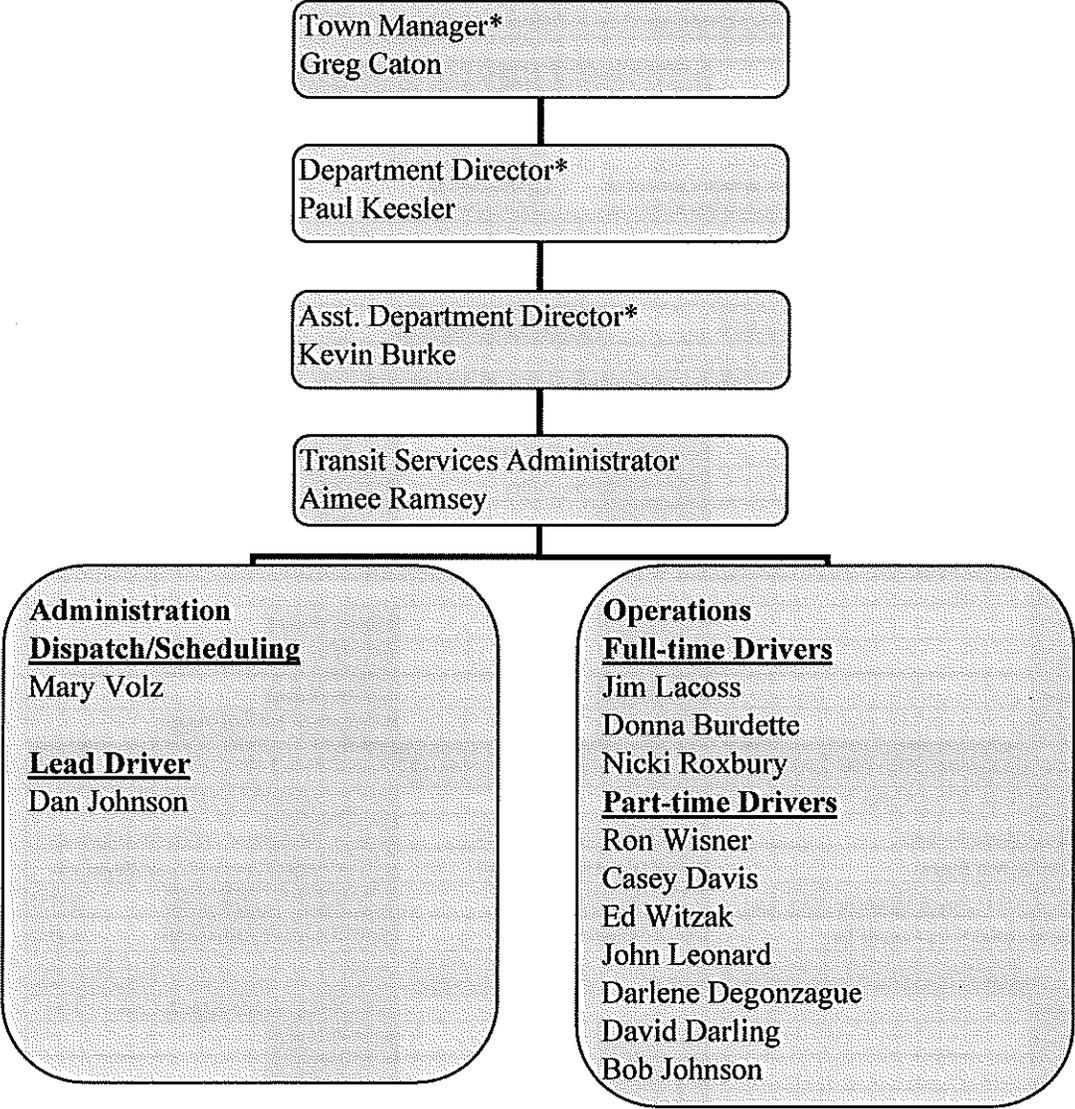
Oro Valley residents elect six members of the Town Council. The Mayor is directly-elected while the Vice Mayor is selected by the Council from among the six Council members. The Town's daily operations are run by the Town Manager. One of the tasks is to recommend the annual budget for the upcoming fiscal year.

7. Insert an Organizational Chart:

Town of Oro Valley

**Town of Oro Valley
Development and Infrastructure Services
Transit Division**

*Interim





ARIZONA DEPARTMENT OF TRANSPORTATION
Multimodal Planning Division

Town of Oro Valley Development and Infrastructure Service - Transit Division
2012 COORDINATED MOBILITY APPLICATION
FOR 5310, 5316, 5317 PROGRAMS

Town of Oro Valley Development and Infrastructure Service - Transit Division -- APPLICANT INFORMATION

Service Area:	<input checked="" type="checkbox"/> Rur <input checked="" type="checkbox"/> Urb <input checked="" type="checkbox"/> Bo	COG/MPO Region:	Congressional District:
----------------------	--	------------------------	--------------------------------

Mouse over for Congressional District Information
<http://www.govtrack.us/congress/findyourreps.xpd?state=AZ>

Applying For:	<input checked="" type="checkbox"/> 5310 Vehicle, Radios, etc.	<input type="checkbox"/> Mobility Management	Union Labor?
	<input type="checkbox"/> 5316 Capital request: Vehicle, radios, computers, software, etc.	<input type="checkbox"/> 5316 Operating	
	<input type="checkbox"/> 5317 Capital request: Vehicle, radios, computers, software, etc.	<input type="checkbox"/> 5317 Operating	

Applicant Status:	<input type="checkbox"/> Private/Non-Profit	<input type="checkbox"/> Private/For-Profit	<input checked="" type="checkbox"/> State/Local Government	<input type="checkbox"/> Operator of Public Transportation	<input type="checkbox"/> Federally Recognized Tribe
--------------------------	---	---	--	--	---

TAX IDENTIFICATION NUMBER	86-0293029	DUNS NUMBER	98039373
----------------------------------	------------	--------------------	----------

1. Agency Name	Town of Oro Valley Development and Infrastructure Service - Transit Division			Umbrella Provider?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Primary Contact	Aimee Ramsey	Phone	520-229-4980	Email	aramsey@orovalleyaz.gov
Alternate Contact	Kevin Burke	Phone	520-229-4847	Email	kburke@orovalleyaz.gov
Street Address	11000 N La Canada Dr	City	Oro Valley	AZ	Zip Code 85737
Mailing Address	Same	City		AZ	Zip Code

2. Unionized Labor Contact Information					
Union Name					
Primary Contact		Phone		Email	
Mailing Address		City		AZ	Zip Code
Alternate Contact		Phone		Email	
Mailing Address		City		AZ	Zip Code

1. Transportation Provider / Location Where Vehicle(s) Housed					
Agency Name	Town of Oro Valley Transit Services Division			AZ Certified DBE?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Primary Contact	Aimee Ramsey	Phone	520-229-4980	Email	aramsey@orovalleyaz.gov
Alternate Contact	Kevin Burke	Phone	520-229-4847	Email	kburke@orovalleyaz.gov
Street Address	12941 Pusch Mountain View Ln	City	Oro Valley	AZ	Zip Code 85755
Mailing Address	11000 N La Canada Dr	City	Oro Valley	AZ	Zip Code 85737

2. Transportation Provider / Location Where Vehicle(s) Housed					
Agency Name				AZ Certified DBE?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Primary Contact		Phone		Email	
Alternate Contact		Phone		Email	
Street Address		City		AZ	Zip Code
Mailing Address		City		AZ	Zip Code

3. Transportation Provider / Location Where Vehicle(s) Housed					
Agency Name				AZ Certified DBE?	<input type="checkbox"/> No <input type="checkbox"/> Yes
Primary Contact		Phone		Email	
Alternate Contact		Phone		Email	
Street Address		City		AZ	Zip Code
Mailing Address		City		AZ	Zip Code

DRIVER AND STAFF TRAINING

1. Check all trainings your agency or ADOT has or has not provided to your drivers:

Training Course	Provided in the		Training		Training provided
Defensive Driving	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	In house
First Aid - CPR	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	In house
Blood Borne Pathogens	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	In house
Accident Reporting	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	In house
Emergency Response	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	In house
PASS (Passenger Assist)	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	In house
ADA Training	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	In house

Other: (List below)	Provided in the		Training		Training provided
	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	
	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	

2. Number of trained drivers in your program? 12

3. Do you use volunteer drivers? No Yes **How many?**

4. Any accidents within the last year? No Yes **How many?**

Briefly explain below the type of accident(s), and the resolution:

By signing this Application/Contract, the signatory attests to the accuracy of all information provided, that the agency has the matching funds required, and the funding available to maintain the project for the duration of the contract.

Town of Oro Valley - Transit Division
2012 COORDINATED MOBILITY APPLICATION

COORDINATION

- | | | |
|---|--|---|
| 1 | Does your agency attend Regional Coordination Meetings? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2 | Indicate on which page(s) your agency is listed in your Coordination Plan. | P.5, 27, 29 & 37 |
| 3 | Do you coordinate services with other transit programs? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | If no, explain. If yes, who do you coordinate with, and why? | |
| | This year February 2012 we will be coordinating, merging, three services. Coyote Run, Handi-car and Sun Shuttle will become Sun Shuttle Dial-a-Ride opening transportation alternatives to everyone while preserving service to our seniors and disabled. Since we are combining service seniors will have more service option for hours of service. | |
| 4 | Do you have a contingency plan for transport if your vehicles or drivers are not available? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Please explain below: | |
| | We have extra vehicles and drivers to cover unplanned days off. | |
| 5 | Do you have at least one working vehicle with a lift? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | If not, do you have an agreement with another agency to provide service? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | Please explain below: | |
| | | |
| 6 | Is this grant request a coordination project with another agency? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| | If yes, please explain: | |
| | | |

COORDINATION CERTIFICATION

Town of Oro Valley - Transit Division

By signing this Application/Contract, the signatory certifies that the grant application requesting federal funding for Section 5310, 5316, and 5317 was derived from the regional coordinated human services transportation planning process, and that the agency has participated in the coordination meetings, plan and process. Further, the agency agrees to continue to participate in coordination efforts, attend meetings, and engage in local and regional coordination activities, to the best of its ability.

OFFICIAL REVIEWER USE ONLY: (COG/MPO REPRESENTATIVE):	
PRINT NAME and TITLE of COG/MPO REPRESENTATIVE	
SIGNATURE OF COG/MPO REPRESENTATIVE	DATE SIGNED

Town of Oro Valley Development and Infrastructure Service - Transit Division
2012 COORDINATED MOBILITY APPLICATION

Private Non-Profit Agency

Insert a Certified Copy of Articles of Incorporation OR IRS 501(c)(3) Letter of Exemption here.

Instructions

OPTION 1: COPY from your document and PASTE here.

OPTION 2: Embed a Document

In the tabbed menu, choose *Insert*

In the Text menu, choose *Object*

From the pop up menu tabs, choose "*Create from File*"

Select the *Browse* button and locate the appropriate file to insert. Once located, select *OK*.

NA

Town of Oro Valley Development and Infrastructure Service - Transit Division
2012 COORDINATED MOBILITY APPLICATION

Insert your Public Notice Here.
Government Agencies must also insert the notice of public hearing on this page.

Instructions

OPTION 1: COPY from your document and PASTE here.

OPTION 2: Embed a Document

In the tabbed menu, choose *Insert*

In the Text menu, choose *Object*

From the pop up menu tabs, choose "*Create from File*"

Select the *Browse* button and locate the appropriate file to insert. Once located, select *OK*.

Notice to WACOG members: The notice is published by WACOG. They will either provide a copy for your insertion or will insert it on your behalf.

PAG

Town of Oro Valley Development and Infrastructure Service - Transit Division
2012 COORDINATED MOBILITY APPLICATION

Insert your Board Meeting Minutes or Letter Authorizing Grant Submission
Government Agencies must insert their Resolution

Instructions

OPTION 1: COPY from your document and PASTE here.

OPTION 2: Embed a Document

In the tabbed menu, choose *Insert*

In the Text menu, choose *Object*

From the pop up menu tabs, choose "*Create from File*"

Select the *Browse* button and locate the appropriate file to insert. Once located, select *OK*.

OV Resolution (R) 12-_____

Town of Oro Valley Development and Infrastructure Service - Transit Division
2012 COORDINATED MOBILITY APPLICATION

Insert your Notification to Other Providers of Intent to Apply

Instructions

OPTION 1: COPY from your document and PASTE here.

OPTION 2: Embed a Document

In the tabbed menu, choose *Insert*

In the Text menu, choose *Object*

From the pop up menu tabs, choose "*Create from File*"

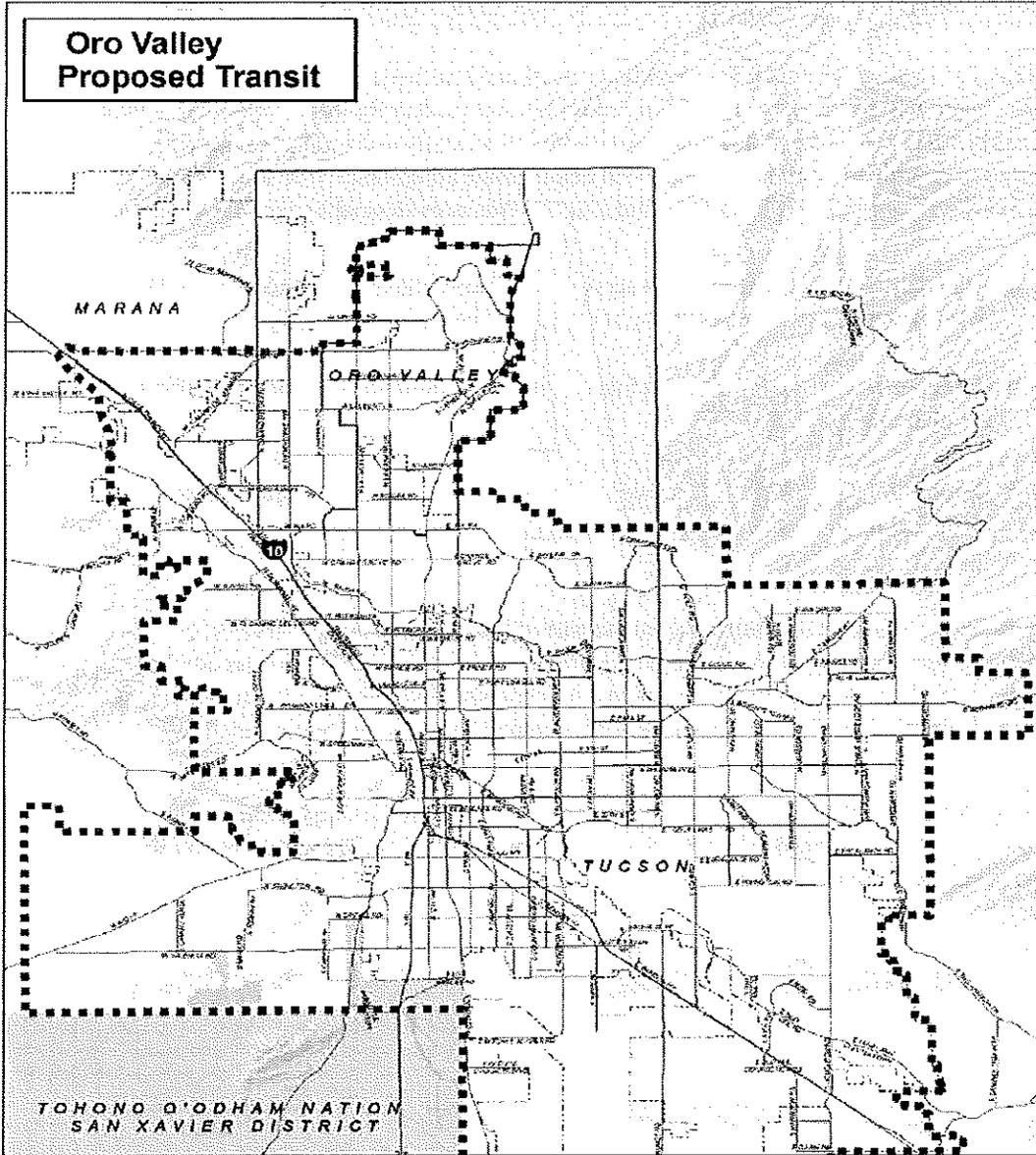
Select the *Browse* button and locate the appropriate file to insert. Once located, select *OK*.

Rural Only

Town of Oro Valley Development and Infrastructure Service - Transit Division
2012 COORDINATED MOBILITY APPLICATION

Insert your MAP of Service Area

Instructions



Town of Oro Valley Development and Infrastructure Service - Transit Division
2012 COORDINATED MOBILITY APPLICATION

Applicants within Maricopa Association of Governments (MAG) ONLY

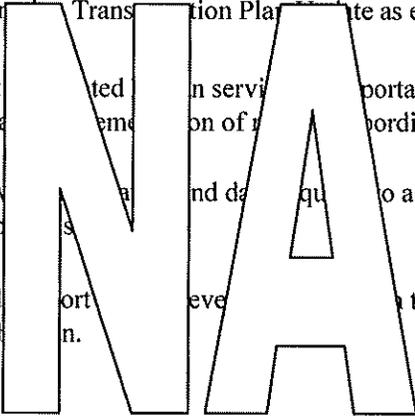
Town of Oro Valley Development and Infrastructure Service - Transit Division

Submit this certification to MAG on or before application to ADOT.

2012 Commitment to Strategies for FTA Section 5310, 5316 and 5317 Applicants

SAFETEA-LU requires any agency applying for Section 5310 funds (Elderly Individuals and Individuals with Disabilities); Section 5316 funds (Job Access and Reverse Commute); and/or Section 5317 funds (New Freedom) funds; to respond to a locally derived human services transportation coordination plan. Agencies will demonstrate compliance with the 2009 MAG Human Services Coordination Plan as evidenced by the following:

- a. Attendance at transportation meetings to assist in the coordination planning.
- b. Compliance with the planning process to aid in the collaborative efforts of
- c. Demonstrated support for the plan as appropriate and identified in the plan.



Agency data gathering and feedback is a valued part of the regional human services transportation coordination effort. Strategies identified in the coordination process are the collaborative effort of all participating agencies. A successful and relevant plan will assist the agencies in their mission to serve elderly persons, and persons with disabilities and low income.

I do hereby agree, on behalf of my organization, that we will actively support strategies developed in the plan in compliance with SAFETEA-LU regulations. Our participation will continue throughout the term of the grant.

Print Name of Authorized Official

Title of Official

Signature of Authorized Official

Date

Town of Oro Valley Development and Infrastructure Service - Transit Division
2012 COORDINATED MOBILITY APPLICATION

CIVIL RIGHTS QUESTIONS

All recipients of FTA assistance are responsible for compliance with all Civil Rights requirements, including 49 US 5332 (non discrimination), Title VI of the Civil Rights act of 1964, Equal Employment Opportunity (EEO), Section 504 of the Rehabilitation Act of 1973, ADA, Disadvantage Business Enterprise (DBE) program requirements, and Limited English Proficient (LEP). Recipients also agree to include these assurances and policies in each subcontract financed in whole or in part with Federal funds provided by FTA.

Civil Rights Complaints:

1. No Yes **Have there been any civil rights complaints, lawsuits, allegations or legal actions filed against your agency in the last two years?**

If yes, please explain the nature of the complaint(s):

TITLE VI

Title VI is a federal law ensuring non-discrimination in all programs and services provided by federal aid recipients.

2. No Yes **Are the services provided by your agency accessible to your clients, regardless of race, color, national origin, gender, age or disability?**
3. No Yes **Does your Title VI policy state that complaints received against the agency will be investigated by ADOT Civil Rights?**
4. No Yes **Have you reported your Title VI civil rights complaints to ADOT for further investigation?**

Equal Employment Opportunity (EEO)

5. No Yes **Does your agency have an Equal Opportunity Employment (EEO) policy and does that policy include language that prohibits discrimination on the basis of race, national origin, color, gender, age, and disability?**
- a. **If NO, please provide the date you will be approving an EEO policy.**
- b. No Yes **If YES, is the policy available for review?**

Limited English Proficiency (LEP)

6. No Yes **Do you have a policy, in compliance with Federal Executive Order 13166, to ensure persons with Limited English Proficiency (LEP) needs can access your services?**
7. No Yes **Does your organization have a Limited English Proficiency (LEP) plan?**
- a. **If NO, please provide the date you will be approving an LEP policy.**
- b. No Yes **If YES, is the policy available for review?**

Disadvantaged Business Enterprise (DBE)

8. No Yes **Does your agency have a Disadvantaged Business Enterprise (DBE) policy?**
- We have a policy statement.**
- a. **If NO, please provide the date you will be approving an EEO policy.**
- b. No Yes **If YES, is the policy available for review?**

9. No Yes During the past four (4) years, has your agency received Mobility Management, and/or Operating funding awards from ADOT?
10. No Yes Have you adopted, or have policy language stating you plan to adopt ADOT's DBE program?
11. No Yes Do you contract out services or have other contracts using federal funds, other than vehicle purchases?
12. No Yes If you answered "Yes" to 10, are you reporting them through the AZ LPA Contract Management System at <http://arizonalpa.dbesystem.com>?
13. Please explain in detail how, and if, your agency is meeting your DBE requirements.

The Town focuses on providing fair and equal treatment to all vendors. We ensure nondiscrimination in the award of all contracts and create a level playing field for all vendors. If applicable, the Town would utilize the Arizona Unified Certification Program (UCP) which was established to allow multiple agencies to utilize the same certification process statewide for Disadvantaged Business Enterprises (DBEs). The UCP's database contains all businesses certified with the City of Tucson, City of Phoenix, and the Arizona Department of Transportation (ADOT).

Americans with Disabilities Act (ADA)
Does your agency have in place written policies, procedures, regarding the following requirements of ADA?

14. No Yes Does your agency have an Americans with Disabilities Act (ADA) policy?
 a. No Yes If NO, please provide the date you will be approving an ADA policy.
 b. No Yes If YES, is the policy available for review?
15. No Yes Do you have at least one working wheelchair accessible vehicle meeting ADA standards, with available qualified driver(s) for each of your primary service areas?
 a. No Yes If NO, please explain below how you maintain equivalent service for persons with disabilities while your vehicles or drivers are not available?
 No Yes Does your system have a "back up" plan should your only accessible vehicle(s) or available driver(s) be rendered out-of-service for more than a few days.
16. No Yes Is information on your service provided in accessible formats if requested?
 If YES, explain how:
 1. a hearing impaired person and
 2. a visually impaired person would request a ride on your service?

17. No Yes Has your agency ever turned down a request for transportation from a person with a disability?
 If YES, please explain:

18. No Yes Are inspections of ADA equipment, including lifts, ramps, securement devices, signage, and communication systems part of your agency's pretrip and post trip inspection checklists?

If NO, please explain:

19. If ADA deficiencies are found during your agency's pre-trip and post-trip inspections, what is done?

They are immediately repaired

Security Policy

20. No Yes Does your agency have a Security Policy or Procedure minimizing threats of violence on passengers and employees and explaining what drivers must do in case of threats and emergencies?

a. If NO, please provide the date you will be approving a Security policy.

b. No Yes If YES, is the policy available for review?

Drug / Alcohol Free Workplace & Safe Environment

21. No Yes Does your agency have a Drug / Alcohol Free Workplace & Safe Environment Policy?

a. If NO, please provide the date you will be approving a Drug / Alcohol Free Workplace & Safe Environment policy.

b. No Yes If YES, is the policy available for review?

Town of Oro Valley - Transit Division

2012 COORDINATED MOBILITY APPLICATION

5310 GRANT REQUEST SPECIFICATIONS

1. Type of Capital Assistance you are requesting:

Rank	Type of Capital Request	Estimated Cost	Quantity	Total Estimated Vehicle Cost	Estimated Match & Fees Required
1st	MAXIVAN NO LIFT (12 Passenger)	\$25,389	1	\$25,389	\$3,174
1st	<i>Cutaway with Lift</i>	\$59,481	2	\$118,963	\$14,870
2nd	<i>Cutaway with Lift</i>	\$59,481	1	\$59,481	\$7,435
		\$0		\$0	\$0
		\$0		\$0	\$0
	<i>Other:</i>			\$0	\$0
	<i>Other:</i>			\$0	\$0
	<i>Other:</i> Wrong Formulas Correct #			\$0	\$0
TOTAL REQUESTED				\$178,444	\$22,306

2. Estimate your service hours and service miles for the requested vehicle(s):

Service Hours:	Daily:	5	Monthly:	100	Annually:	5,200	1,200
Service Miles:	Daily:	80	Monthly:	1600	Annually:	83,200	19,200
Annual estimated maintenance cost for requested vehicles:						.445 / mile	\$37,024

\$8,544

3. What is the expected passenger trips with this new vehicle(s):

Daily:	9	Monthly:	180	Annually:	9,360	2,160
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4. What is the estimated percentage of ridership for this new vehicle(s)?

Elderly, not disabled:	50%	Elderly Disabled:	15%	Total %	
Disabled, not elderly:	25%	Other:	10%		100%

5. Does your agency conduct an annual audit?

No Yes

6. Agency transportation budget:

\$ 662,944.00

7. Total estimated annual revenue:

\$ 662,944.00

8. Is this a NEW project?

NO YES

9. Narrative Description & Need:

The Town of Oro Valley has a preventative maintenance program as well as a vehicle replacement program to ensure the continuance of this service. These vehicles are scheduled for replacement and will be integrated into the newly coordinated dial-a-ride regional Sun Shuttle services.

10. With this request, are you planning on:

Maintaining the same level of service?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Increasing the level of service?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
Decreasing the level of service?	<input type="checkbox"/> No	<input type="checkbox"/> Yes

Describe below the increase/decrease:

Through the merging of three distinct services the Town of Oro Valley and RTA will partner to bring forth a more effective and efficient system,. By coordinating these three services we will be able to broaden our service area and offer more services to our seniors and disabled community.

By signing the application you agree your agency has enough revenue for the match of the vehicle(s) and to maintain the vehicle(s) through the life of the contract.

DESCRIPTION OF EXISTING TRANSPORTATION SERVICES

1. How many vehicles do you have in your fleet? 11

2. Provide the number of individuals served by the 5310 Elderly and Disabled program:

Elderly, not disabled:	40	Elderly Disabled:	10	TOTAL
Disabled, not elderly:	8	Other:	10	

3. What are the ANNUAL passenger trips for all vehicles in your program? 17340

4. What is your service area boundary?
See map tab.

5. Provide the service days, times, hours, and service miles for your program:

Operating days:	Week:	3	Month:	12	Annual:	624
Operating Times:	For FY 2013 we will be operating 365 days/year					
Service Hours:	Daily:	12.08	Monthly:	241.6	Annually:	12,563
Service Miles:	Daily:	170.5	Monthly:	3410	Annually:	177,320

12,509
178,700

6. Capacity of Existing Services:

Average passengers per vehicle:	9
Total average passengers all vehicles:	99

7. Is your existing service (all vehicles) at capacity? No Yes

8. Do you have an accessible vehicle? No Yes

If no, do you have an agreement to provide accessible transportation? No Yes

9. List the primary local activity centers that are served by your program:
Frys, Safeway, Beacon Foundation, Arts for All, Walmart and numersous medical facilities throughout the are including the VA hospital for our veterans.

10. Do you charge for your service? Fare: No Yes Request Donation: No Yes

11. Describe your overall transportation service program:
Service to the area in northwest Tucson and Oro Valley as a dial-a-ride service. This service maybe general public but primarily for the seniors and disabled within the area. We are currently working on streamlining services as to better maximize trips with the confined area - see map. These vehicle "branded" as Sun Shuttle dial-a-ride for seamless coordination.

12. Has your agency received vehicles from ADOT in the past? No Yes

AGENCY VEHICLE INVENTORY
ADOT/FTA 5310, 5311, 5316 & 5317 PROGRAMS
2012 COORDINATED MOBILITY APPLICATION

Town of Oro Valley - Transit Division		Contact Person:	
Address: 11000 N La Canada Dr		E-Mail: aramsey@orovalleyaz.gov	
City, State, Zip: , AZ		Phone: 520-229-4980	
Program: <input checked="" type="checkbox"/> 5310 <input type="checkbox"/> 5311 <input type="checkbox"/> 5316 <input type="checkbox"/> 5317		COG/MPO: PAG	

*Please provide an inventory of all 5300 vehicles located at each site. (5310, 5311, 5316 & 5317).
 If you have multiple sites, please indicate which site the vehicle or vehicles are located at.*

Vehicle Identification Number (VIN)	Vehicle Location	Prp.	CD	Year	Make	Miles	Seats	Lift?	# of Tie Downs	Condition Code	Replacing?	Replace Year	On ADOT Lien
G2WB18F13LC934863	1234 Jones Ave, AnyTown, AZ 80000	5311	6	2002	Ford	100,000	12	YES	2	3	NO	2012	YES
1FBSS31S73HA56144	Town of Oro Valley Transit Services Division 12941 Pusch Mountain View Ln, Oro Valley AZ 85755	FTA.AZ-90-X062	5	2003	Ford E-350	142,479	11	Yes	2	3	No	2007	No
1FBSS31S93HA56145	Town of Oro Valley Transit Services Division 12941 Pusch Mountain View Ln, Oro Valley AZ 85755	FTA.AZ-90-X062	5	2003	Ford E-350	146,972	11	Yes	3	3	No	2007	No
1FTSS34S55HA70070	Town of Oro Valley Transit Services Division 12941 Pusch Mountain View Ln, Oro Valley AZ 85755	LTAf II	5	2005	Ford E-350	79,685	11	Yes	4	3	Yes	2009	No
1FTSS34S16HA71217	Town of Oro Valley Transit Services Division 12941 Pusch Mountain View Ln, Oro Valley AZ 85755	FTA.AZ-90-X071	5	2006	Ford E-350	118,455	11	Yes	5	3	Yes	2010	No
1FDXE45S16DB37172	Town of Oro Valley Transit Services Division 12941 Pusch Mountain View Ln, Oro Valley AZ 85755	LTAf II	3	2006	Ford E-350	133,961	11	Yes	6	5	YES NO	2010	No
1FDXE45S36DB37173	Town of Oro Valley Transit Services Division 12941 Pusch Mountain View Ln, Oro Valley AZ 85755	LTAf II	3	2006	Ford E-350	102,070	11	Yes	7	5	No	2010	No
1FDXE45S56BE37174	Town of Oro Valley Transit Services Division 12941 Pusch Mountain View Ln, Oro Valley AZ 85755	LTAf II	3	2006	Ford E-350	104,764	11	Yes	8	5	No	2010	No
1FDXE45P47DA32123	Town of Oro Valley Transit Services Division 12941 Pusch Mountain View Ln, Oro Valley AZ 85755	FTA.AZ-90-X073	3	2007	Ford E-450	124,980	12	Yes	9	5	No	2011	No

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that the undersigned _____

Of the County of _____, State of ARIZONA, being the Buyer, Seller, or Owner of the following

described Motor Vehicle: Make: _____ Model Year _____ Body Style _____, does hereby make, constitute and appoint the ARIZONA DEPARTMENT OF TRANSPORTATION Address 206 South 17th Avenue (340 B) City PHOENIX State ARIZONA, County of MARICOPA, as true and lawful attorney-in-fact to sign in the name, place and stead of the undersigned any Certificate of Ownership issued by the Arizona Department of Transportation, Motor Vehicle Division covering the motor vehicle described above, in whatever manner necessary to secure title and registration titled in the name of the undersigned, and/or to transfer any registration of said motor vehicle titled in the name of the undersigned, during the period of _____ until the release of the department from the lien on the vehicle.

The undersigned hereby grants and gives said attorney-in-fact full authority and power to do and perform any and all acts necessary or incident to the execution of the powers herein expressly granted, as fully to all interests and purposes as the grantor might, or could do if personally present, with full power of substitution.

IN TESTIMONY WHEREOF, the undersigned hereto executes this instrument this 19TH Day of DECEMBER, 2011.

(Seal)

[Signature]
SIGNATURE

SIGNATURE

Subscribed and sworn to before me this 19TH day of DECEMBER, 2011.

[Signature]
NOTARY PUBLIC

1/19/2015

COMMISSION EXPIRES



Agreement Number	
AG Contract Number	P0012011001036
Advantage Project Number	
Advantage Vendor Number	
DUNS Number	
Eligibility Date	October 1, 2011
Project Name	2012 COORDINATED MOBILITY APPLICATION: 49 USC 5310, 5316, 5317

GRANT AGREEMENT
BETWEEN
THE ARIZONA DEPARTMENT OF TRANSPORTATION
MULTIMODAL PLANNING DIVISION acting for and on behalf of
THE STATE OF ARIZONA
AND
LEGAL NAME OF AGENCY

THIS GRANT AGREEMENT is entered into Town of Oro Valley
between the ARIZONA DEPARTMENT OF TRANSPORTATION MULTIMODAL PLANNING DIVISION (ADOT) acting for and on behalf of THE STATE OF ARIZONA herein referred to as the STATE, established pursuant to Arizona Revised Statutes (A.R.S.) § 28-334 and LEGAL NAME OF AGENCY, herein referred to as the RECIPIENT. The STATE and the RECIPIENT are collectively referred to as the "Parties", and individually as STATE, RECIPIENT, and "Party".

I. RECITALS

- 1 STATE is authorized by Arizona Revised Statutes Section 28-334 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of STATE.
- 2 RECIPIENT is authorized to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of RECIPIENT.
- 3 49 U.S.C. 5310 authorizes the formula assistance program for the special needs of elderly individuals and individuals with disabilities, subject to annual appropriations. 49 U.S.C. 5310(a)(1) authorizes funding for public transportation capital projects planned, designed and carried out to meet the special needs of elderly individuals and individuals with disabilities. 49 U.S.C. 5310(a)(2) provides that a STATE may allocate the funds apportioned to it to: a private non-profit organization, if public transportation service provided by STATE and local governmental authorities under Section 5310(a)(1) is unavailable, insufficient, or inappropriate; or a governmental authority that is approved by the STATE to coordinate services for elderly individuals and individuals with disabilities; or certifies that there are not any non-profit organizations readily available in the area to provide the special services.
- 4 49 U.S.C. § 5316, the Job Access Reverse Commute (JARC) Program, is authorized under the provisions set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU) to provide grants for financial assistance and to improve access to transportation services planned, designed, and carried out to meet the transportation needs of eligible low-income individuals, and of reverse commuters regardless of income.
- 5 49 U.S.C. § 5317, the New Freedom Program, is authorized under the provisions set forth in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, (SAFETEA-LU) to make grants available to recipients for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 12101 et seq.), that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services.
- 6 The Governor of the STATE of Arizona, in accordance with a request by the Federal Transit Administration, hereinafter referred to as FTA, has designated the Department of Transportation as the responsible agency to evaluate and select proposed projects and to coordinate the grant applications. The applicable Program Handbook and Application, incorporated herein by reference, prescribes the STATE's Administrative Policies and Requirements for the Program.
- 7 The STATE and the RECIPIENT desire to secure Project Equipment and/or Services through the expenditure of FTA grant funds and to use said equipment and/or services for eligible Program participants of the STATE of Arizona.
- 8 The STATE and the RECIPIENT desire to secure funding for a Mobility Manager position using the expenditure of FTA grant funds to serve the transportation needs of the elderly individuals and individuals with disabilities in the State of Arizona. The Mobility Manager position will consist of short-range planning and management activities / projects to improve transportation services within the RECIPIENT's service area which will be carried out according to this Agreement and under the applicable section(s) of 49 USC Chapter 53.
- 9 The STATE and the RECIPIENT desire to secure funding for Capital expenses using the expenditure of FTA grant funds to be used within the RECIPIENT'S service area. The PROJECT shall be carried out according to this Agreement under the applicable sections of 49 U.S.C. Chapter 53.
- 10 The STATE and the RECIPIENT desire to secure funding for Operating expenses using the expenditure of FTA grant funds to be used within the RECIPIENT'S service area. The PROJECT shall be carried out according to this Agreement under the applicable sections of 49 U.S.C. Chapter 53.
- 11 RECIPIENT qualified local match of for all non-Capital awards will be due over the life of the awarded Project(s), the total match amount as
- 12 RECIPIENT qualified local match and fees for Vehicle and Other ADOT-procured Capital will be due upon demand by the STATE and prior to delivery of the equipment and/or vehicles described in Exhibit A.
- 13 RECIPIENT qualified local match for RECIPIENT-procured Capital will be due upon request for reimbursement by the RECIPIENT.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE

- 1 RECIPIENT shall provide specific transportation services, herein called the PROJECT, to eligible Program participants, in accordance with the RECIPIENT'S application(s), incorporated herein as referenced, and as allowable under the applicable 49 U.S.C. 5310, 5316, and/or 5317.
- 2 The PROJECT equipment and/or services are described and detailed in Exhibit A.
- 3 PROJECT-appropriate expenses supported by receipts and other suitable and appropriate documentation are eligible for reimbursement beginning on the Eligibility Date indicated on Page 1 of this Agreement. Expenses incurred prior to this date are ineligible for reimbursement. Approved Capital and / or Operating Expenses must be incurred within 24 months from this eligible date. Final invoice must be received within 90 days of the end of the expenditure period or 24 months from eligibility date. No expenditures beyond that period are eligible for reimbursement under this Agreement.
- 4 The recipient shall provide a quarterly progress and milestones report to ADOT. ADOT will provide the reporting form and the due dates prescribing when each report shall be submitted. Information regarding measurements over the existing service conditions to be reported will include but are not be limited to rides provided/shared, miles increased/replaced, cost savings and other related improvements. The first report is to be submitted ninety (90) days from the date of this Agreement.

III. RESPONSIBILITIES

- 1 ADOT will:
 - a. Review PROJECTS for compliance with statutory and program guidance.
 - b. Review documentation supporting PROJECT expenditures for eligibility and ensure program match requirements are met.
 - c. Review invoices, when appropriate to the Grant Award, from RECIPIENT and reimburse RECIPIENT within 30 days after receipt and approval of invoices, in a total amount not to exceed the lesser of the approved invoiced costs or the Grant Award.
 - d. Communicate with RECIPIENT and FTA as necessary to facilitate program compliance and procedural efficiency.
- 2 RECIPIENT will:
 - a. Submit payment of Grant required MATCH upon demand by the STATE and/or as indicated in the Recitals and Exhibit A. Administrative fees and local match must be remitted from funds for the program awarded as qualified under the applicable 49 USC regulations. Most federally-funded programs cannot use federal funds to provide match but 49 USC does provide certain exceptions to that stipulation. The RECIPIENT will ensure that matching funds qualify under the appropriate section of 49 USC 5310, 5316, or 5317 as appropriate to the awarded PROJECT(s) indicated in Exhibit A.
 - b. RECIPIENT shall comply with all terms of the Grant Program in accordance with the RECIPIENT'S application(s) and the applicable Program Handbook in effect at the time of application or subsequently revised in writing and by notice, incorporated herein as referenced.
 - c. Communicate with STATE and FTA as necessary to facilitate program compliance and procedural efficiency.
 - d. Provide all required reports as prescribed by the Program Handbook or as requested by ADOT in a timely manner and as required by the STATE.
 - e. Ensure users of PROJECT equipment and/or services meet applicable federal and state regulations and statutes.
 - f. Review documentation supporting PROJECT expenditures for eligibility and ensure program match requirements are met.
 - g. Report to the STATE quarterly that no expenditures occurred or, on the invoice form provided by ADOT, invoice the STATE quarterly for categorized reimbursable operating or other capital costs awarded as demonstrated in Exhibit A, as authorized and allowable under the federal grant requirements, and supported as required with vendor invoices, original receipts, or other suitable and appropriate documentation. Each invoice must include the Agreement Number, the Advantage Project number, and the Grant Program Name with expenditures billed separately according to the Tracking Number(s) from Exhibit A.

In accordance with 49 CFR 18.20 (2) – "Grantees and subgrantees must maintain records which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and incomes."

In accordance with 49 CFR 18.20 (6) – "Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contracts and subgrant award documentation, etc."

Adequate supporting documentation should include a system generated financial summary disclosing an expense amount that matches the invoice amount. If a system generated report is unavailable, an excel spreadsheet maybe utilized to summarize the expenses and should be accompanied by appropriate invoices including evidence of payment, payroll documentation, etc.

IV. MISCELLANEOUS PROVISIONS

- 1 **Term Incorporation:** This Agreement is governed according to the laws of the State of Arizona. All cited statutes, public law, executive orders, and policies cited in this Agreement are incorporated by reference as a part of this Agreement. Any Agreement between RECIPIENT and its Contractors for use of grant funds shall incorporate the provisions contained herein.
- 2 **Duration:** This Agreement shall become effective upon signature by the parties hereto and shall remain in force and effect until PROJECT satisfaction and completion.

For operating or other capital cost Projects awarded, the life of this Agreement will be the earlier of spend-down of the awarded funds or two (2) years from the date authorized under the Scope of this Agreement unless extended by amendment or as otherwise provided herein plus an additional ninety (90) days for submission of the final invoice for costs through the last authorized expenditure date of the Agreement.

For vehicle Projects, the life of this Agreement shall continue through the useful life of the vehicle(s) as determined by FTA rules and explained under Agreement Article III.6 unless extended by amendment or as otherwise provided herein. This Agreement may be cancelled at any time prior to the commencement of performance under this Agreement, upon thirty (30) days written notice to the other party.

- 3 **Amendments:** This Agreement may be amended upon mutual agreement of the Parties at any time when in the best interest of FTA, STATE, or RECIPIENT.
- 4 **Matching and Federal Funding:** PROJECT award amounts and match requirements are indicated in Exhibit A. The RECIPIENT will The notice will include a modified Exhibit A, which shall be inserted into this executed Agreement without requiring an amendment. In the event that this Agreement is terminated after matching and/or administrative funds have been issued to and deposited by the STATE, there is no guarantee of timeframe for refund of such funds, and shall not occur prior to the reassignment of the PROJECT award to another eligible agency and payment by that agency of any required matching funds. The remitted administrative fee is non-refundable. Refunds for PROJECT equipment will be based on the assessed value at the time of return to ADOT and subject to deduction of the cost
- 5 **Availability of Funds:** Every payment obligation of STATE under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by STATE at the end of the period for which the funds are available. No liability shall accrue to STATE in the event this provision is exercised, and STATE shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.
- 6 **Liens on Equipment:** The purchase of PROJECT equipment shall be undertaken by the STATE on behalf of the RECIPIENT. The PROJECT equipment shall be titled in the name of the RECIPIENT. To the extent of financial assistance provided, the STATE shall hold a first lien on all capital equipment acquired under this agreement in the amount of the federal share of the equipment cost. The lien placed on vehicle equipment will remain in effect for at least four years or 100,000 miles but will extend through the useful life of the vehicle(s) and until the remaining asset value is less than \$5000 or is no longer in service, whichever occurs first, from issuance of title unless this agreement is otherwise terminated under terms of this Agreement or four years from issuance of equipment if not a vehicle. Lien release is incumbent upon the Recipient's submission of a written request for a lien release and compliance of all requirements and guidance during the course of the lien period. These requirements include but are not limited to: maintenance of the equipment, annual reporting to the STATE of administrative and vehicle performance data, annual vehicle inspections, timely incident reporting and situation resolution, and other requirements as specified in the applicable Program Handbook and Application.
- 7 **Property and Equipment, Use, Inventory, and Disposal:** Title to real property under a grant will vest under acquisition in the RECIPIENT or their CONTRACTOR as applicable. The RECIPIENT or their CONTRACTOR is, however, responsible for adherence to any applicable federal program compliance requirement under 49 CFR 18 Section 32. Except as otherwise provided by statute, property and equipment shall be used for the originally authorized purposes as long as needed for that purpose. When no longer needed for the originally authorized purpose, the RECIPIENT and/or their CONTRACTOR will request disposition instructions from the STATE. RECIPIENT agrees to inventory, to maintain records of, and to ensure the proper use, control, and disposal of all property and equipment acquired pursuant to ADOT Policy FIN 11.08, incorporated herein by reference.
- 8 **Modifications and Other Changes to Grant Equipment:** Prior to any substantive modifications or other changes made or elimination, reduction, or addition to grant equipment, written approval from an authorized State grant program official must first be obtained. Examples include but are not limited to the elimination of wheelchair positions and additions of ambulatory seating, reduction in number or addition of passenger assist stanchions, rails, steps, secondary manufacturer and aftermarket vehicle components provided by the STATE, and other devices requiring or otherwise exposing or altering mechanical or structural modification to the vehicle.
- 9 **Statutory Compliance:** All parties shall comply with all applicable federal, state and local requirements including all applicable provision of Title 49 (United States Department of Transportation) and other applicable Codes of Federal Regulations where and when
- 10 **Incorporation of Federal Transit Administration (FTA) Terms:** All contractual provisions required by the U.S. Department of Transportation are hereby incorporated by reference. All applicable clauses shown in the FTA Master Agreement apply to this Agreement. The Federal Transit Administration Master Agreement can be viewed in its entirety at <http://www.fta.dot.gov/documents/12-Master.doc>.
- 11 **Conflict of Interest:** This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511 as regards to conflicts of interest on behalf of STATE employees.
- 12 **Audit and Recordkeeping:** All Recipients and/or Their Contractors and the parties shall retain all data, books, and other records relating to this Agreement for a period of five years after completion of the Agreement. All records shall be subject to inspection and audit by the STATE at reasonable times as set forth in A.R.S. 35-214, 49 CFR 18.26 and the requirements of applicable OMB Circulars.
- 13 **Dispute Resolution / Arbitration:** In the event of any controversy, the Parties agree that it is in their mutual best interest to promptly meet with the purpose of resolving said Dispute. In the event that the Parties cannot resolve their dispute informally, the parties hereto agree to abide by required arbitration as set forth for in Arizona Revised Statutes Section 12-1518.
- 14 **Third Party Antitrust Violations:** The Recipient assigns to the STATE any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to the Recipient toward fulfillment of this Contract.
- 15 **Indemnification:** The RECIPIENT shall indemnify, defend, save and hold harmless The State of Arizona, its departments, agencies, boards, commissions, universities and its Officers, officials, agents, and employees (hereinafter referred to as "Indemnities") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the RECIPIENT or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state, or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnities shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnities, be

Insurance Requirements: Recipient and subcontractors shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Contract, are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Recipient, his agents, representatives, employees or subcontractors.

The insurance requirements herein are minimum requirements for this Contract and in no way limit the indemnity covenants contained in this Contract. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the Recipient from liabilities that might arise out of the performance of the work under this contract by the Recipient, its agents, representatives, employees or subcontractors, and the Recipient is free to purchase additional insurance.

MINIMUM SCOPE AND LIMITS OF INSURANCE: Recipient shall provide coverage with limits of liability not less than those stated below.

Business Automobile Liability

Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used in the performance of this Contract.
Combined Single Limit (CSL) \$1,000,000

The policy shall be endorsed to include the following additional insured language: "The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insured's with respect to liability arising out of the activities performed by or on behalf of the Contractor, involving automobiles owned, leased, hired or borrowed by the Contractor".

The policy shall contain a waiver of subrogation against the State of Arizona, as departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Recipient.

ADDITIONAL INSURANCE REQUIREMENTS: The policies shall include, or be endorsed to include, the following provisions:

The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees wherever additional insured status is required such additional insured shall be covered to the full limits of liability purchased by the Recipient, even if those limits of liability are in excess of those required by this Contract.

The RECIPIENT's insurance coverage shall be primary insurance with respect to all other available sources. Coverage provided by the RECIPIENT shall not be limited to the liability assumed under the indemnification provisions of this Contract.

NOTICE OF CANCELLATION: Each insurance policy required by the insurance provisions of this Contract shall provide the required coverage and shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the State of Arizona. Such notice shall be sent directly to (State of Arizona Department Representative's Name and Address) and shall be sent by certified mail, return receipt requested.

ACCEPTABILITY OF INSURERS: Insurance is to be placed with duly licensed or approved non-admitted insurers in the state of Arizona with an "A.M. Best" rating of not less than A- VII. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Recipient from potential insurer insolvency.

VERIFICATION OF COVERAGE: The RECIPIENT shall furnish the State of Arizona with certificates of insurance (ACORD form or equivalent approved by the State of Arizona) as required by this Contract. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

All certificates and endorsements are to be received and approved by the State of Arizona before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the PROJECT. Failure to maintain the insurance policies as required by this Contract, or to provide evidence of renewal, is a material breach of contract.

All certificates required by this Contract shall be sent directly to ADOT Multimodal Planning Division, 206 South 17th Avenue 340B, Phoenix, Arizona 85007. The Agreement Number, Project Number, and Project Description shall be noted on the certificate of insurance. The STATE reserves the right to require complete, certified copies of all insurance policies required by this Agreement at any time. DO N

SUBCONTRACTORS: RECIPIENT'S certificate(s) shall include all subcontractors as insured's under its policies or RECIPIENT shall furnish to the STATE separate certificates and endorsements for each subcontractor. All coverage for subcontractors shall be subject to the minimum requirements identified herein.

APPROVAL: Any modification or variation from the insurance requirements in this Agreement shall be made by the Department of Administration, Risk Management Section, whose decision shall be final. Such action will not require a formal Agreement amendment, but may be made by administrative action.

EXCEPTIONS: In the event the RECIPIENT or sub-contractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a Certificate of Self-insurance. If the Recipient or sub-contractor(s) is/are a State of Arizona agency, board, commission, or university, none of the Insurance Requirements shall apply.

17 **Discrimination:** This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 USC. 12101-12213) and all applicable Federal regulations under the ACT. RECIPIENT or its CONTRACTORS shall not discriminate against any employee or applicant for employment in violation of Federal Executive Order 11246, Arizona State Executive Order 2009-09, or A.R.S. 41-1461 through 1465, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation shall have equal access to employment opportunities, and all other applicable state and federal employment laws, rules and regulations, including the Americans With Disabilities Act. The RECIPIENT shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, age, national origin or political affiliation or disability.

18 **Title VI Of The Civil Rights Act Of 1964:** The RECIPIENT hereby agrees that as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), the Civil Rights Restoration Act of 1987 (Public Law 100.259) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administ

The RECIPIENT shall include the following statement in all solicitations for bids for work or material made in connection with funds recee

The issuing agency, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, the Civil Rights Restoration Act of 1987 (Public Law 100.259), Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this solicitation, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

During the performance of this contract, the RECIPIENT, for itself, its assignees and successors in interest agrees as follows:

(1) Compliance with Regulations. The RECIPIENT shall comply with the regulations relative to non-discrimination in federally assisted programs of the U.S. Department of Transportation (USDOT), 49 CFR 21 and Executive Order 99-4, as they may be amended from time to time, which is herein incorporated by reference and made a part of the contract.

(2) Nondiscrimination. The RECIPIENT, with regard to the work performed by it during the contract will not discriminate on the grounds of race, color, disability, sex, or national origin in the selection and retention of contractors and subcontractors, including procurement of material and leases of equipment. The RECIPIENT will not participate either directly or indirectly in discrimination prohibited by 49 CFR 21.5, including employment practices when the contract covers a program set forth in Appendix A of 49 CFR part 21.

(3) Solicitations for contractors, including procurement of real property, materials, and equipment. In all solicitations made by competitive bidding or negotiation by the RECIPIENT for work to be performed under a contract or subcontract, including procurement of real property, materials, and purchase or lease of equipment, each potential contractor, subcontractor, supplier, or lessor shall be notified by the RECIPIENT of the RECIPIENT'S obligations under this contract and the regulations relative to nondiscrimination on the grounds of race, color, disability, sex, or national origin. Any contract or agreement established shall contain the language from this Agreement's Appendix A and B, and where appropriate, Appendix C.

(4) Information and Reports. The RECIPIENT shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by ADOT, FHWA, and FTA to be pertinent to ascertain compliance with such regulations, orders, and instructions. Where any information required of the RECIPIENT is in the exclusive possession of another who fails or refuses to furnish this information, the RECIPIENT shall so certify to ADOT, FHWA, and FTA, as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Non-Compliance. In the event of the RECIPIENT'S non-compliance with the non-discrimination provisions of this Agreement, ADOT shall impose such sanctions as it, FHWA and FTA determine to be appropriate, including, but not limited to: withholding of payments to the RECIPIENT under the Agreement until the RECIPIENT complies, and/or cancellation, termination, or suspension of the Agreement, in whole or in part.

The RECIPIENT will include the provisions of Paragraphs (1) through (5) above in every contract, including procurement of materials and leases of equipment, unless exempt by the regulations, order, or instruction issued pursuant thereto. The RECIPIENT will take such action with respect to any subcontract or procurement as ADOT, FHWA, and FTA may direct as a means of enforcing such provisions, including sanctions for noncompliance, provided, however, that, in the event the RECIPIENT becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the RECIPIENT may request the State to enter into such litigation to protect the interests of the State, and in addition, may request the United States to enter into such litigation to protect the interests of the United States.

19 **Disadvantaged Business Enterprises (DBE):** The Arizona Department of Transportation (ADOT) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. ADOT has received Federal financial assistance from the Department of Transportation, and as a condition of receipt of funding, ADOT has signed an assurance that it will comply with 49 CFR Part 26.

It is ADOT's policy to ensure that DBEs as defined in 49 CFR Part 26 have an equal opportunity to receive and participate in DOT-assisted contracts. ADOT's objectives are as follows:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's construction, procurement, and professional services contracts in the areas of highway, transit, and airport financial assistance;
- To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for USDOT assisted contracts;
- To ensure that the DBE program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are counted as DBEs;
- To help remove barriers to the participation of DBEs in USDOT-assisted contracts; and
- To assist in the development of firms that can compete successfully in the market place outside the DBE program.

The ADOT Civil Rights Administrator, has been designated as the DBE Liaison Officer. In that capacity, she is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by ADOT in its financial assistance agreements with the U.S. Department of Transportation.

Each LPA, sub-recipient, and grantee must complete and have its executive officer sign a Sub-Recipient DBE Program Compliance Statement. In accordance with the compliance statement, all LPAs, sub-recipients, and grantees agree to the following:

- Use solicitation language provided by ADOT defining DBE requirements for all construction, professional services, and procurement contracts;
- Submit DBE goal requests via <https://adot.dbesystem.com/frontend/welcome.asp> using the ADOT DBE Goal Request Form(s);
- Conduct post-award monitoring and reporting using the online DBE data collection and reporting system found at <https://arizonalpa.dbesystem.com>;
- Ensure commercially useful function compliance post-award;
- Designate a single point of contact for DBE compliance purposes;

Additionally, all LPAs, sub-recipients, and grantees agree to collect the following information for each solicitation for which a DBE contract goal has been established:

- The names and contact information of DBE firms that will participate in the contract;
- A description of the work that each DBE will perform;
- The dollar amount of the participation of each DBE firm participating;
- Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
- If the contract goal is not met, evidence of good faith efforts.

LPAs, sub-recipients, and grantees will require prime contractors, consultants, and vendors to maintain records and documents of payments to DBE and non-DBE subcontractors for three years following the performance of a federal aid transportation contract. These records will be made available for inspection upon request by any authorized representative of the ADOT Civil Rights Office. Subcontractors are required to maintain payment information for any lower tier subcontractors for the same three-year duration.

LPAs, sub-recipients, and grantees are required to collect data on DBE and non-DBE participation to report to ADOT on Federal-aid projects. Contractors and consultants are to be notified that such record keeping is required for tracking DBE participation. Contractors, consultants, and vendors performing on federal aid transportation projects are required to provide monthly reports documenting amounts earned by and paid to all DBEs and non-DBEs. All DBE and non-DBE subcontractors working on federal aid transportation projects are required to verify receipt of payment. Further, first tier subcontractors are required to report amounts earned by and paid to all lower-tier DBE and non-DBE subcontractors. Lower-tier subcontractors are required to verify receipt of payment.

Contractors, consultants, and vendors shall provide the required information for the current month by the 5th of the following month. The required information shall be submitted electronically through the Local Public Agency DBE data collection and reporting system. This system is located online at <https://arizonalpa.dbesystem.com>.

LPAs, sub-recipients, and grantees will submit project data in support of each semi-annual and annual submission made by the state. Sub-recipients are required to use the ADOT Local Public Agencies DBE Reporting System. This system may be accessed via www.arizonalpa.dbesystem.com. Semi-annual report data must be audited by LPAs, sub-recipients, and grantees for accuracy and completeness by May First and November First of each year. Semi-annual reports will be run by ADOT and reviewed with LPAs, sub-recipients, and grantees on an as-needed basis.

The ADOT DBE Program Plan and LPA/Sub-Recipient DBE Guidelines can be found online at www.azdot.gov.

- 20 **Immigration:** To the extent applicable under Arizona Revised Statutes Section 41-4401, each Party and its subcontractors warrants their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with the E-verify requirements under Arizona Revised Statutes Section 23-214(A). A breach of the above-mentioned warranty by any Party or its subcontractors shall be deemed a material breach of the Agreement and may result in the termination of the Agreement by the non-breaching Parties. Each Party retains the legal right to randomly inspect the papers and records of the other Parties or its subcontractor employees who work on the Agreement to ensure that the Parties or its subcontractors are complying with the above-mentioned warranty.
- 21 **Scrutinized Business Operations:** Pursuant to Arizona Revised Statutes Sections 35-391 and 35-393, each Party certifies that it does not have a scrutinized business operation in Sudan or Iran. For the purpose of this Section the term "scrutinized business operations" shall have the meanings set forth in Arizona Revised Statutes Section 35-391 or 35-393, as applicable. If any Party determines that another Party submitted a false certification, that Party may impose remedies as provided by law including terminating this Agreement.
- 22 **Debarment and Suspension:** The RECIPIENT agrees to comply, and assures the compliance of each third-party contractor and sub-recipient at any tier, with Executive Orders Nos. 12549 and 12689, "Debarment and Suspension," 31 U.S.C. § 6101 note, and U.S. DOT regulations, "Government-wide Debarment and Suspension Non-procurement)," 49 C.F.R. Part 29. The RECIPIENT agrees to and assures that its third party contractors and sub-recipients will review the Excluded Parties Listing System at <http://epls.arnet.gov/> before entering into any contracts.
- 23 **Termination for Convenience:** Either Party has the right to terminate the Agreement, in whole or in part at any time, when in the best interests of the FTA, RECIPIENT, or STATE without penalty or recourse.

- 24 **Transparency Act:** Because ADOT receives federal funds, ADOT is required to comply with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments. The reporting requirements and levels of reporting due to FTA are currently under development. Accordingly, ADOT is not currently aware of reporting requirements that might become required from RECIPIENTS. Should requirements be stipulated wherein information is required from RECIPIENTS, such information will be requested. The RECIPIENT herein agrees that in a timely manner, and in the method specified by the STATE, the RECIPIENT will provide information that is requested by the STATE to enable the STATE's compliance with the requirements as may be applicable.
- 25 **Termination for Default:** STATE reserves the right to terminate this Agreement in whole or in part due to failure of RECIPIENT to carry out any term, promise, or condition of the Agreement. STATE will issue a written ten (10) day cure notice to RECIPIENT for failure to adequately perform, or if there is reason for STATE to believe that the RECIPIENT cannot or will not adequately perform the requirements of the Agreement. If RECIPIENT does not submit a Corrective Action Plan to the satisfaction of STATE within the ten (10) day period, then STATE may pursue action in accordance with Section III: Arbitration.
- 26 **Federal Fiscal Year 2011 Certifications and Assurances for FTA Assistance Programs:** Pursuant to 49 U.S.C. 5323(n), the FTA consolidated the certifications and assurances required by Federal law or regulations for its programs with an effective date of October 1, 2010. The applicant for any project financed under the authority of 49 U.S.C. Chapter 53, Title 23, United States Code or any other Federal statute was required to submit new Federal FY 2011 Certifications and Assurances to FTA for any funding received through FTA during Federal FY 2011. The Arizona Department of Transportation (ADOT) is considered the Applicant for allocated and obligated federal monies used in various projects including but not limited to the 5310, 5311, 5316, 5317 grant programs, research projects, study projects, planning projects, regardless of whether the funds are expended by ADOT, reimbursed to grant applicants / recipients / sub-recipients / contractors, or passed through to grant applicants / recipients / sub-recipients / contractors and is required to submit annual Certifications and Assurances to FTA. Attorney affirmation of authority to certify and assure is also required.
- Annual Certifications and Assurances to FTA generally remain in effect for either the duration of the Grant or Cooperative Agreement supporting the Project until the Project is closed out or for the duration of the Project or Project property when a useful life or industry standard is in effect, whichever occurs later. If, however, the Applicant provides Certifications and Assurances to FTA in a later year that differ from the Certifications and Assurances previously provided, the later Certifications and Assurances will apply to the Grant, Cooperative Agreement, Project, or Project property unless an exception is granted by FTA in writing. The effect of this is that ADOT must sign new certifications and assurances annually since changes typically occur annually.
- As the applicant, ADOT is responsible for compliance with the provisions of the FTA Certifications and Assurances by each recipient or sub-recipient. Accordingly, each sub-recipient that will be implementing projects is required to affirm compliance by submitting an annual Certification and Assurances to ADOT.
- The FTA Certification and Assurances required of ADOT and its recipients / sub-recipients are found in Exhibit B. Throughout the document, the term "Applicant" referred to ADOT in the original certification to the FTA and now refers to ADOT's recipients / sub-recipients in this certification. Completion and Signing of this FTA Certification and Assurances document is a requirement and a condition to receive federal funding through ADOT and does not relieve the sub-recipient of any obligation of other certifications or assurances required in any application or contracting process, and should be treated as an addition to such certifications and assurances.
- 27 **Entire Agreement.** This Agreement may be amended, modified, or waived only by an instrument in writing signed by both Parties. Should the PROJECT awarded under this Agreement be completed at a lower cost than the amount awarded, or for any other reason should any of these funds not be expended, or expended in other than in strict accordance with the terms and conditions of this Agreement, a proportionate amount of the funds provided shall be reimbursed to the STATE. Except as identified in the PROJECT the RECIPIENT shall not assign any portion of the PROJECT or execute any agreement, contract, amendment, or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement without the prior written concurrence of the STATE.

V. SECURITY AGREEMENT

- 1 In consideration of the STATE purchasing the PROJECT equipment identified in Exhibit A including any equipment added, and conveying title thereto, the RECIPIENT hereby grants ADOT a security interest in the PROJECT equipment in the amount of indicated in Exhibit A as the "Federal Portion" payable to the Department upon its demand, if and only if:
- a The RECIPIENT by itself or any agent sells, transfers, offers or attempts to sell or transfer, in whole or in part, the PROJECT equipment, or,
 - b The PROJECT equipment is totally destroyed or is lost, stolen or otherwise disappears, or,
 - c This Agreement by and between the STATE and the RECIPIENT is terminated.
- 2 In the event of the occurrences described in Paragraphs 1 or 3 above, the RECIPIENT shall be liable for no more than the fair market value of the PROJECT equipment on the date of the occurrence of such event.
- 3 In the event the PROJECT is totally destroyed, lost, stolen, or disappears, the obligation herein may be extinguished by assigning to ADOT the proceeds of insurance covering such an event, provided the assignment and the ultimate payment is equal to the fair market value of the PROJECT equipment on the date of occurrence of such event.
- 4 Upon the occurrence of any other event described herein which would allow the STATE to demand payment under this agreement, the obligation assured herein may be extinguished by assigning the herein PROJECT equipment to ADOT in as good a condition as when received, normal wear and tear excepted, thereby no longer having any further obligation to reimburse the STATE should the STATE exercise its right to terminate the agreement under the terms of the agreement under paragraph (2) of Section III. ADOT may refuse to accept such assignment, if in its sole judgment the PROJECT equipment has been abused or is in such condition as to substantially impair its value.
- 5 During the useful, economical life of the PROJECT equipment, as defined in the applicable Program Handbook and Application for the grant year, the equipment may be returned to ADOT subject to its acceptance, and the obligation herein will be extinguished.
- 6 In the event of a vehicle transfer back to ADOT during useful life, the Secondary Manufacturer and Aftermarket Vehicle Components, in addition to the original equipment manufacturer (OEM) components (as supplied by the manufacturer or vendor to the STATE or ADOT) or their equivalent—must remain with the vehicle as delivered by ADOT to the RECIPIENT and are considered to be included in the

- 7 **Secondary Manufacturer and Aftermarket Vehicle Components As Part of the Lien for Lift-Equipped Vehicles:** In addition to the Original Equipment Manufacturer (OEM—i.e., Ford, Dodge, Chevrolet, etc.) chassis, the Secondary Manufacturer adds to this chassis the following equipment, non-inclusive, which are considered part of the vehicle and therefore remain on lien with the vehicle, along with OEM components (Note: as a part of the vehicle modifications, the Secondary Manufacturer may also remove some OEM parts, replacing with after-market items):
- a Fast idle system, after-market alternator (200A) replacing OEM unit, related wiring, accessory drive belts and pulleys (varies by vehicle type, alternator and A/C compressor configuration), inside vehicle-located electrical fuse, fuse block and breaker box with key(s),
 - b Under-hood or elsewhere on chassis, dual deep cycle marine batteries, in some vehicles combined with an isolator system,
 - c Adjacent to, behind and above the front windshield area, a separate or modified body which is manufactured and installed in the driver and passenger compartment area to accommodate the driver, his/her vehicle and accessory system controls, and passenger, mobility-device and safety equipment. This body construction or modification typically includes related after-market windows, passenger service entry door(s), emergency rear door(s), and emergency exit/access door (i.e., hatch, roof mounted). The degree to which OEM equipment and body parts (including doors, windows, etc.) are removed permanently by the secondary manufacturer for the latter's vehicle modification purposes varies by whether the vehicle is a dual-rear wheel cutaway or single rear wheel raised roof lift van,
 - d Passenger (and on some vehicles, driver's) seats and, where required, seat belts,
 - e Passenger ingress, egress and other assist stanchions and handrails, modesty panels,
 - f Wheelchair lift door, lift mechanism and related control apparatus at the lift and driver area, related transmission/brake interlock equipment preventing unwanted motion of the vehicle when door is ajar and/or lift is otherwise in operation,
 - g Wheelchair position components, related restraint and securement belts and belt storage,
 - h Added springs or other weight compensating devices to suspension,
 - i Additional equipment related to dual battery installation (in some units),
 - j Basic first aid kit and other emergency/safety items, typically including flares, reflector triangles and fire extinguisher, wide-view internal rearview mirror, and outside rearview "RV-style" mirrors, internal and external lighting for lift, access doors and interior of vehicle, reverse alarm (some vehicles),
 - k Rear heater and related lines and under-body flow controls,
 - l Air conditioning equipment for rear passenger area including added condenser(s) (street-side "skirt" mounted), rear compartment evaporator, related refrigerant lines, air outlets and controls, on some units added (second) compressor and related belts and pulleys.
 - m If the recipient-agency returning the vehicle to ADOT is uncertain regarding any particular component, it may contact ADOT or the issuing vendor regarding that component(s). The RECIPIENT should otherwise assume that any component supplied on or with the vehicle at the time of delivery to the RECIPIENT should be returned to ADOT in its originally-removed state.
 - n Other equipment purchased by ADOT (on behalf of the recipient-agency) is to remain with vehicle or otherwise be returned to ADOT.
 - o After-market communication radios or other communication equipment supplied by ADOT, if ADOT agrees that the RECIPIENT should have further legitimate use of the equipment should be returned to ADOT.
 - p This list includes only "major" items added by the after-market supplier and shall not be considered all-inclusive. The vendor and ADOT retain on file complete parts listings that will be reviewed by ADOT upon return of the vehicle to ADOT and/or prior to transfer of the vehicle to another recipient agency.
- 8 This security agreement and its terms shall not inure to the benefit of any assignee, purchaser for value, or any other person acquiring an interest herein, and this security interest herein created shall not be extinguished until and unless the STATE receives the fair market value of the PROJECT equipment on the date of assignment, purchase, or acquisition of other interest.

VI. COMPLIANCE WITH MANUFACTURER'S MAINTENANCE SCHEDULE

By signing this application/contract, the applicant for a grant under provisions of the Elderly Individuals and Individuals with Disabilities Program (49 U.S.C. § 5310, of the Federal Transit Act); and/or, Job Access Reverse Commute (§ 5316 JARC); and/or, New Freedoms (§5 317); agrees to abide by the vehicle manufacturer's schedule of maintenance, at a minimum, during the period this vehicle is operated in conjunction with the Arizona Department of Transportation, or its successor agency.

VII. GENERAL ASSURANCES

- A. The APPLICANT is a private non-profit organization incorporated in the State of Arizona, a Tribal government or related Tribal community, or that it is a public body which has been designated as an eligible Section 5310 recipient.
- B. The APPLICANT has or will have the legal, financial, and technical capacity to carry out its proposed Section 5310 project described herein, including safety and security aspects of that program.
- C. The APPLICANT will have satisfactory continuing control over the use of project equipment and facilities.
- D. The APPLICANT has, or will have prior to delivery, sufficient funds to provide the local match for the equipment purchased under this contract and to operate the vehicles or equipment purchased under this project.
- E. The APPLICANT assures affirmative compliance with Title VI of the Civil Rights Act of 1964 – Nondiscrimination in the Provision of Service (FTA C 4702.1; FTA C 9040.1E; and FTA C 9070.1E).
- F. The transportation needs of elderly persons and persons with disabilities have or will be addressed by the APPLICANT, pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794).
- G. The APPLICANT has demonstrated and will continue to demonstrate efforts to achieve coordination with other transportation providers, including social service agencies capable of purchasing service. The APPLICANT has participated in the development of a local coordinated public transit/human services transportation plan for the area(s) in which project vehicles will be used.
- H. Private transit and paratransit operators and the public have been afforded a fair and timely opportunity to participate to the maximum extent feasible in the provision of the proposed transportation services by the APPLICANT.
- I. The APPLICANT assures that it will comply with applicable provisions of the Americans with Disabilities Act (ADA), otherwise known as Public Law No. 101-336 and applicable provisions of 49 CFR Parts 27, 37 and 38: Transportation for Individuals with Disabilities; Final Rule.

- J. The Applicant will comply with the applicable provisions of the guidelines relative to charter bus service (Title 49 CFR Part 604) and school bus operations (Title 49 CFR Part 605; Title 49 USC 5323(f)).
- K. The Applicant assures that it will comply with all applicable Federal statutes and regulations in carrying out any project supported by an FTA grant or cooperative agreement. The Applicant agrees that it is under a continuing obligation to comply with the terms and conditions of the grant agreement or cooperative agreement issued for its project with FTA. The Applicant recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation. The Applicant understands that Presidential executive orders and Federal directives, including Federal policies and program guidance may be issued concerning matters affecting the Applicant or its project. The Applicant agrees that the most recent Federal laws, regulations, and directives will apply to the project, unless FTA issues a written determination otherwise.

VIII. DRUG FREE WORKPLACE ACT CERTIFICATION

The RECIPIENT certifies that it will provide a drug-free workplace by:

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- B. Establishing an ongoing drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The applicant's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - 4. The penalties that may be imposed upon employees for drug abuse violations in the workplace;
- C. Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (a);
- D. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant or cooperative agreement, the employee will:
 - 1. Abide by the terms of the statement;
 - 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- E. Notifying the Federal agency in writing, within ten calendar days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every project officer or other designee on whose project activity the convicted employee as working, unless the Federal agency has designated a cartel point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant or cooperative agreement.
- F. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who was convicted:
 - 1. Taking appropriate personnel action against such a employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
- G. The Applicant's headquarters is located at the following address. The addresses of all workplaces maintained by the Applicant are provided on an accompanying list.

IX. CERTIFICATION ON RESTRICTIONS ON LOBBYING

The RECIPIENT (excluding Federally recognized Tribal governments, (Tribes, Nations, Communities) and its representative hereby certify to the Arizona Department of Transportation, that to the best of my knowledge and belief:

- 1. No Federal appropriated funds have been or will be paid by or on behalf of the Applicant to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress regarding the award of Federal assistance, or the extension, continuation, renewal, amendment, or modification of any Federal assistance agreement; and
 - A. If any funds other than Federal appropriated funds have been or will be paid to any person to influence or attempt to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application for Federal assistance, the Applicant assures that it will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," including information required by the instructions accompanying the form, which form may be amended to omit such information as authorized by 31 U.S.C. 1352.
 - B. The language of this certification shall be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, sub agreements, contracts under grants, loans, and cooperative agreements).
- 2. The Applicant understands that this certification is a material representation of fact upon which reliance is placed by the Federal Government and that submission of this certification is a prerequisite for providing Federal assistance for a transaction covered by 31 U.S.C. 1352. The Applicant also understands that any person who fails to file a required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**X. DEBARMENT, SUSPENSION, RESPONSIBILITY MATTERS
FOR PRIMARY AND LOWER TIER COVERED TRANSACTIONS**

In accordance with the provisions of U.S. Department of Transportation (U.S. DOT) regulations on Government wide Debarment and Suspension (Nonprocurement) at 49 CFR 25.510, the Applicant (Primary Participant) certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) transaction or contract under a public transaction, violation of federal or state antitrust statutes; making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses listed in paragraph 2 of this certification, and;
4. Have not within a three year period preceding this application had one or more public transactions (Federal, state or local) terminated for cause or default.
5. The Applicant (Primary Participant) certifies that if it becomes aware of any later information that contradicts the statements in paragraphs 1 through 4 above, it will promptly inform FTA. Should the Applicant (Primary Participant) be unable to certify to statements set forth in paragraphs 1 through 4 above, it shall so acknowledge with its signature and provide a written explanation to FTA.

XI. Contact Information

Communication: All notices or demands upon any party relating to this Agreement shall be in writing delivered in person or sent by mail addressed as follows:

STATE Agreement Contact
Arizona Department of Transportation
Contact Sally J. Palmer
 Contracts Administrator
 Multimodal Planning Division
Mailing Address Mail Drop 310B
 206 S. 17th Avenue
 Phoenix, AZ 85007
Phone 602-712-6732
Fax 602-712-3046
Email spalmer@azdot.gov

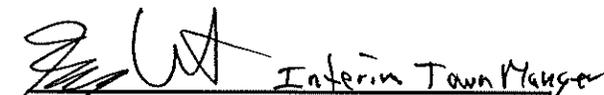
STATE Program Contact
Arizona Department of Transportation
Contact Dan Harrigan
 State Program Manager
 Multimodal Planning Division
Mailing Address Mail Drop 310B
 206 S. 17th Avenue
 Phoenix, AZ 85007
Phone 602-712-8232
Fax 602-712-3046
Email dharrigan@azdot.gov

RECIPIENT Agreement Contact
LEGAL NAME OF AGENCY
Contact
Mailing Address
Phone
Fax
Email

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

RECIPIENT
 Town of Oro Valley

STATE OF ARIZONA
 Arizona Department of Transportation


 By: _____ Title: Interim Town Manager

By: Joseph S. Omer, Division Director
 Multimodal Planning Division

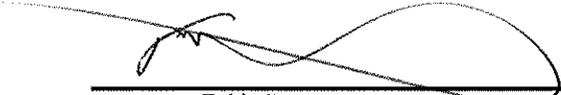
Date Signed 12/19/2011

Date Signed _____

APPROVAL OF LEGAL NAME OF AGENCY

I have reviewed the above referenced grant agreement, BETWEEN the STATE OF ARIZONA, by and through its ARIZONA DEPARTMENT OF TRANSPORTATION, MULTIMODAL PLANNING DIVISION and LEGAL NAME OF AGENCY and declare this agreement to be in proper form and within the powers and authority granted to the LEGAL NAME OF AGENCY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

Dated this 19th day of December, 2011


By: Tobin Rosen Attorney for LEGAL NAME OF AGENCY
Town of Oro Valley, AZ

**FEDERAL FISCAL YEAR 2012 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

Name of Applicant	LEGAL NAME OF AGENCY	
<p>The Applicant / Recipient / Sub-Recipient agrees to comply with provisions of the Categories indicated herein applicable to the Award indicated in Exhibit A. Details of each category are further explained in Exhibit B. Even if every category is not applicable to RECIPIENT's current award you must indicate by initialing that should the category become applicable during the life of this agreement, that RECIPIENT will at that time comply. Initial every right-hand box on this form to indicate that the RECIPIENT agrees to comply.</p>		
Category / Item	Description	Initial Each Box
1	Assurances Required for Each Applicant	
	A Assurance of Authority of the Applicant and Its Representative	
	B Standard Assurances	
	C Intergovernmental Review Assurance	
	D Nondiscrimination Assurance	
	E Assurance of Nondiscrimination on the Basis of Disability	
	F Suspension and Debarment	
	G U.S. OMB Assurances	
2	Lobbying	
3	Procurement Compliance	
4	Protections for Private Transportation Providers	
5	Public Hearing	
6	Acquisition of Rolling Stock for Use in Revenue Service	
7	Acquisition of Capital Assets by Lease	
8	Bus Testing	
9	Charter Service Agreement	
10	School Transportation Agreement	
11	Demand Responsive Service	
12	Alcohol Misuse and Prohibited Drug Use	
13	Interest and Other Financing Costs	
14	Intelligent Transportation Systems	
15	Urbanized Area Formula Program	
16	Clean Fuels Grant Program	
17	Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program	
18	Non-Urbanized Area Formula Program for States	
19	Job Access and Reverse Commute Program	
20	New Freedom Program	
21	Paul S. Sarbanes Transit in Parks Program	
22	Tribal Transit Program	
23	TIFIA Projects	
24	Deposits of Federal Financial Assistance to a State Infrastructure Bank	

FEDERAL FISCAL YEAR 2012 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for FTA funding and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

Name of Applicant: Town of Oro Valley

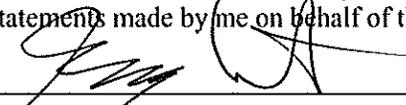
Name and Relationship of Authorized Representative: Greg Caton, Interim Town Manager

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes and regulations, and follow applicable Federal directives, and comply with the certifications and assurances as indicated on the foregoing page applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2012.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances, should apply, as provided, to each project for which the Applicant seeks now, or may later seek FTA funding during Federal Fiscal Year 2012.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature  Date: 12/19/2011
Name Greg Caton, Interim Town Manager
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Town of Oro Valley

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature  Date: 12/19/11
Name Tobin Rosen, Town Attorney, Town of Oro Valley

Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Application may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

Town of Oro Valley Development and Infrastructure Service - Transit Division
2012 COORDINATED MOBILITY APPLICATION

Exhibit A
PROJECT AWARD DESCRIPTION

During the application cycle, the application budget details represent Exhibit A information.

All contractual terms should be reviewed approved and accepted as if the entire application will be approved.

Once the application review cycle is completed and actual awards are issued, Exhibit A will be updated to reflect your actual award.

Actual awards will never exceed the amount in the original application, but there is no guarantee that you will receive all the funds or items for which you applied.

Per the terms of this contract, the updated Exhibit A will provide a signature block for your final acceptance of the award(s). Authorized signature on the updated Exhibit A will be required prior to issuance of award(s).

Exhibit B
FEDERAL FISCAL YEAR 2012 CERTIFICATIONS AND ASSURANCES
FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

GROUP 01: ASSURANCES REQUIRED FOR EACH APPLICANT

You must select the following assurances in Group 01.

A. Assurance of Authority of the Applicant and Its Representative. Both you and the Applicant's attorney who sign these certifications, assurances, and agreements, affirm that both the Applicant and you as its authorized representative may, under their State, local, or Indian tribal law and regulations, and the Applicant's bylaws or internal rules, undertake the following activities on behalf of the Applicant.

1. Execute and file its application for Federal funds,
2. Execute and file its certifications, assurances, and agreements binding its compliance, and
3. Execute Grant Agreements or Cooperative Agreements, or both, with FTA.

B. *Standard Assurances.* The Applicant assures that:

1. It has sufficient authority under its State, local, or Indian tribal law, regulations by-laws and internal rules to carry out each FTA funded project as required by Federal laws and regulations,
2. It will comply with all applicable Federal statutes and regulations to carry out any FTA funded project,
3. It is under a continuing obligation to comply with the terms and conditions of the FTA Grant Agreement or Cooperative Agreement for the project, including the FTA Master Agreement incorporated by reference and made part of the latest amendment to Grant Agreement or Cooperative Agreement,
4. It recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation,
5. It understands that Presidential executive orders and Federal directives, including Federal policies and program guidance, may be issued concerning matters affecting the Applicant or its project, and
6. It agrees that the most recent Federal laws, regulations, and directives will apply to the project, unless FTA determines otherwise in writing.

C. *Intergovernmental Review Assurance.* This assurance does not apply to Indian tribe or organization or a tribal organization that applies for funding under FTA's Tribal Transit Program, 49 U.S.C. 5311(c)(1). The Applicant assures that it has or will submit each Federal funding application to the appropriate State and local agencies for intergovernmental review to facilitate compliance with U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17.

D. *Nondiscrimination Assurance.*

1. The Applicant assures that it will comply with the following laws and United States will be denied the benefits of, or otherwise be subjected to discrimination in any U.S. DOT or FTA funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits on the basis of race, color, national origin, creed, sex, or age):

- a. Federal transit law, specifically 49 U.S.C. 5332 (prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age, and in employment or business opportunity),
- b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, and
- c. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21.

2. As required by 49 CFR 21.7, the Applicant assures that:

a. It will comply with 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 in the manner:

- (1) It conducts each project,
- (2) It undertakes property acquisitions, and
- (3) It operates the project facilities, including:

- (a) Its entire facilities, and
- (b) Its facilities operated in connection with its project,

b. This assurance applies to its entire project and entire facilities, including facilities operated in connection with its project,

c. It will promptly take the necessary actions to carry out this assurance, including:

- (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and
- (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,

d. If it transfers FTA funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:

- (1) While the property is used for the purpose that the Federal funding is extended,
- (2) While the property is used for another purpose involving the provision of similar services or benefits,

e. The United States has a right to seek judicial enforcement of any matter arising under:

- (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
- (2) U.S. DOT regulations, 49 CFR part 21, and
- (3) This assurance,

f. It will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may request to comply with:

- (1) Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
- (2) U.S. DOT regulations, 49 CFR part 21, and
- (3) Federal transit law, 49 U.S.C. 5332,

g. It will extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party participant, including:

- (1) Any subrecipient,
- (2) Any transferee,
- (3) Any third party contractor or subcontractor at any tier,
- (4) Any successor in interest,
- (5) Any lessee, or
- (6) Any other participant in the project,

h. It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including:

- (1) Each subagreement,
- (2) Each property transfer agreement,
- (3) Each third party contract or subcontract at any tier,
- (4) Each lease, or
- (5) Each participation agreement,

i. The assurances it has made will remain in effect for the longest of the following:

- (1) As long as Federal funding is extended to the project,
- (2) As long as the Project property is used for a purpose for which the Federal funding is extended,
- (3) As long as the Project property is used for a purpose involving the provision of similar services or benefits, or
- (4) As long as the Applicant retains ownership or possession of the project property.

E. *Assurance of Nondiscrimination on the Basis of Disability.*

1. The Applicant assures that it and its project implementation and operations will comply with all applicable requirements of:

- a. The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, et seq.,
- b. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq., c. U.S. DOT regulations, specifically 49 CFR parts 27, 37, and 38, and
- d. Any other applicable Federal laws that may be enacted or Federal regulations that may be promulgated,

2. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR 27.9, the Applicant assures that:

a. The following prohibition against discrimination on the basis of disability is a condition to the approval or extension of any FTA funding awarded to:

- (1) Construct any facility,
- (2) Obtain any rolling stock or other equipment,
- (3) Undertake studies,
- (4) Conduct research, or
- (5) Participate in or obtain any benefit from any FTA administered program,

b. In any program or activity receiving or benefiting from Federal funding FTA or any entity within U.S. DOT administers, no otherwise qualified people with a disability will, because of their disability, be:

- (1) Excluded from participation,
- (2) Denied benefits, or
- (3) Otherwise subjected to discrimination.

F. *Suspension and Debarment.*

Exhibit B
FEDERAL FISCAL YEAR 2012 CERTIFICATIONS AND ASSURANCES
FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

1. U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the provisions of U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180, permit certifications to assure the Applicant acknowledges that:
2. The Applicant certifies to the best of its knowledge and belief that, it, its principals, and first tier subrecipients:
 - a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently:
 - (1) Debarred,
 - (2) Suspended,
 - (3) Proposed for debarment,
 - (4) Declared ineligible, or
 - (5) Voluntarily excluded, or
 - (6) Disqualified,
 - b. Have not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for:
 - (1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction,
 - (2) Violation of any Federal or State antitrust statute, or
 - (3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property,
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding Section 2.b of this certification,
 - d. Have not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this certification,
 - e. Will promptly provide any information to the FTA if at a later time any information contradicts the statements of subparagraphs (1) through (4) above, and
 - f. Will treat each lower tier contract or lower tier subcontract under the Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
 - (1) Equals or exceeds \$25,000,
 - (2) Is for audit services, or
 - (3) Requires the consent of a Federal official,
 - g. Will require that each covered lower tier contractor and subcontractor:
 - (1) Comply with the Federal requirements of 2 CFR part 1200 and 2 CFR part 180, and
 - (2) Assure that each lower tier participant in the Project is not presently declared by any Federal department or agency to be:
 - (a) Debarred from participation in the federally funded project,
 - (b) Suspended from participation in the federally funded project,
 - (c) Proposed for debarment from participation in the federally funded project,
 - (d) Declared ineligible to participate in the federally funded project,
 - (e) Voluntarily excluded from participation in the federally funded project, or
 - (f) Disqualified from participation in the federally funded Project.
3. The Applicant will provide a written explanation indicated on its Signature Page or a page attached in FTA's TEAM if it or any of its principals, including any of its first tier subrecipients or lower tier participants, is unable to certify to the preceding statements in this certification. G. U.S. OMB Assurances in SF-424B and SF-424D. (These assurances are consistent with U.S. OMB assurances required in SF-424B and SF-424D.) 1. Administrative Activities. The Applicant assures that:
 - a. For every project described in any application it submits, it has adequate resources to properly plan, manage, and complete the project, including:
 - (1) The legal authority to apply for Federal funding, and
 - (2) The institutional capability,
 - (3) The managerial capability, and
 - (4) The financial capability (including funds sufficient to pay the non-Federal share of project cost).
 - b. It will give access and the right to examine project-related materials, including but not limited to:
 - (1) FTA,
 - (2) The Comptroller General of the United States, and,
 - (3) If appropriate, the State, through any authorized representative,
 - c. It will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
 - d. It will establish safeguards to prohibit employees from using their positions for a purpose that:
 - (1) Results in a personal or organizational conflict of interest, or personal gain, or
 - (2) Presents the appearance of a personal or organizational conflict of interest or personal gain.
2. Project Specifics. The Applicant assures that:
 - a. Following receipt of FTA award, it will begin and complete Project work within the applicable time periods,
 - b. For FTA funded construction projects:
 - (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications
 - (2) It will to the extent practicable provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms with the approved plans and specifications,
 - (3) It will include a covenant in the title of federally funded real property acquired to assure nondiscrimination during the useful life of the project,
 - (4) To the extent FTA requires, it will record the Federal interest in the title to FTA assisted real property or interests in real property, and
 - (5) To the extent practicable, without permission and instructions from FTA, it will not alter the site of the FTA funded construction project or facilities by:
 - (a) Disposing of the underlying real property or other interest in the site and facilities,
 - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
 - (c) Changing the terms of the underlying real property title or other interest in the site and facilities
 - c. It will furnish progress reports and other information as FTA or the State may require.
3. Statutory and Regulatory requirements. The Applicant assures that:
 - a. It will comply with all applicable Federal statutes relating to nondiscrimination including, but not limited to the:
 - (1) Prohibitions against discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act, 42 U.S.C. 2000d,
 - (2) Prohibitions against discrimination on the basis of sex of:
 - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681-1683, and 1685-1687, and
 - (b) U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 CFR part 25,
 - (3) Prohibitions against discrimination on the basis of age in federally assisted programs of the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101-6107,
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability,
 - (5) Prohibitions against discrimination on the basis of disability of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794,
 - (6) Nondiscrimination requirements relating to the sale, rental, or financing of housing of Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*,
 - (7) Prohibitions against discrimination on the basis of drug abuse of the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. 1101 *et seq.*,
 - (8) Prohibitions against discrimination on the basis of alcohol abuse of the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. 4541 *et seq.*,
 - (9) Confidentiality requirements for the records of alcohol and drug abuse patients of the Public Health Service Act, as amended, 42 U.S.C. 290dd-290dd-2, and
 - (10) Nondiscrimination provisions of any other statute(s) that may apply to the project,
 - b. Regardless of whether Federal funding has been provided for any of the real property acquired for Project purposes, it will provide for fair and equitable treatment of displaced persons or persons whose property is acquired as a result of federally assisted programs, and:
 - (1) It has the necessary legal authority under State and local law to comply with:
 - (a) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Relocation Act) 42 U.S.C. 4601 *et seq.*, as specified by sections 210 and 305 of that Act, 42 U.S.C. 4630 and 4655, respectively, and
 - (b) U.S. DOT regulations, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs," 49 CFR part 24, specifically 49 CFR 24.4.
 - (2) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations including but not limited to doing the following:
 - (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24,
 - (b) As required by 42 U.S.C. 4622, 4623, and 4624, and 49 CFR part 24, it will provide fair and reasonable relocation payments and assistance for displacement, resulting from any FTA funded project, of:
 - 1 Families and individuals,
 - 2 Partnerships, corporations, or associations,

Exhibit B
FEDERAL FISCAL YEAR 2012 CERTIFICATIONS AND ASSURANCES
FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

- (c) As provided by 42 U.S.C. 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in to the U.S. DOT regulations to such displaced:
- 1 Families and Individuals,
 - 2 Partnerships, corporations, or associations,
- (d) As required by 42 U.S.C. 4625(c)(3), within a reasonable time before displacement it will make available comparable replacement dwellings to families and individuals,
- (e) It will:
- 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
 - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin,
- (f) It will be guided to the greatest extent practicable under State law, by the real property acquisition policies of 42 U.S.C. 4651 and 4652,
- (g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. 4653 and 4654, understanding that FTA will provide Federal funding for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. 4631,
- (h) It will execute the necessary implementing amendments to third party contracts and subagreements financed with FTA funding, and
- (i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances, and
- (j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, relating to any FTA funded project involving relocation or land acquisition, and
- (k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions,
- c. To the extent practicable, it will comply with the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4831(b), which prohibits the use of leadbased paint in the construction or rehabilitation of residence structures,
- d. It will, to the extent practicable, comply with the protections for human subjects involved in research, development, and related activities supported by Federal funding of:
- (1) The National Research Act, Pub. L. 93-348, July 12, 1974, as amended, 42 U.S.C. 289 et seq., and (2) U.S. DOT regulations, "Protection of Human Subjects," 49 CFR part 11,
- e. It will, to the extent practicable, comply with the labor standards and protections for federally funded projects of:
- (1) The Davis-Bacon Act, as amended, 40 U.S.C. 3141 et seq.,
 - (2) Sections 1 and 2 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and 40 U.S.C. 3145, respectively,
 - (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 et seq.,
- f. It will, to the extent practicable, comply with any applicable environmental standards that may be prescribed to implement the following Federal laws and executive orders, including but not limited to the following:
- (1) It will comply with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321-4335 and Executive Order No. 11514, as amended, 42 U.S.C. 4321 note,
 - (2) It will comply with notification of violating facilities pursuant to Executive Order No. 11738, 42 U.S.C. 7606 note,
 - (3) It will comply with protection of wetlands pursuant to Executive Order No. 11990, 42 U.S.C. 4321 note,
 - (4) It will comply with evaluation of flood hazards in floodplains in accordance with Executive Order No. 11988, 42 U.S.C. 4321 note,
 - (5) It will comply with an assurance of project consistency with the approved State management program developed pursuant to the requirements of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451-1465,
 - (6) It will comply with Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1955, as amended, 42 U.S.C. 7401-7671g,
 - (7) It will comply with protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. 300f-300j-6,
 - (8) It will comply with protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531-1544, and
- (9) It will comply with environmental protections for Federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, State, or local significance or any land from a historic site of national, State, or local significance to be used in a transportation project as required by 49 U.S.C. 303(b) and 303(c),
- (10) It will comply with protection of the components of the national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. 1271-1287, and
- (11) It will comply with and facilitate compliance with
- (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f,
 - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 16 U.S.C. 469-469c, and
 - (c) Executive Order No. 11593 (identification and protection of historic properties), 16 U.S.C. 470 note,
- g. To the extent practicable, it will comply with Federal requirements for the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal funding of:
- (1) The Animal Welfare Act, as amended, 7 U.S.C. 2131 et seq., and
 - (2) U.S. Department of Agriculture regulations, "Animal Welfare," 9 CFR subchapter A, parts 1, 2, 3, and 4,
- h. To the extent practicable, before accepting delivery of any FTA funded building it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, "Seismic Safety," 49 CFR part 41, specifically 49 CFR 41.117(d),
- i. To the extent practicable, it and its subrecipients located in special flood hazard areas will comply with section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012a(a), by:
- (1) Participating in the Federal flood insurance program,
 - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$30,000 or more,
- j. To the extent practicable, it will comply with:
- (1) The Hatch Act, 5 U.S.C. 1501-1508, 7324-7326, which limits the political activities of State and local agencies and their officers and employees whose primary employment activities are financed in whole or part with Federal funds including a Federal loan, grant agreement, or cooperative agreement, and
 - (2) 49 U.S.C. 5307(k)(2) and 23 U.S.C. 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation system (or of any other agency or entity performing related functions) receiving FTA funding to whom the Hatch Act does not otherwise apply,
- k. It will have performed the financial and compliance audits as required by:
- (1) The Single Audit Act Amendments of 1996, 31 U.S.C. 7501 et seq.,
 - (2) U.S. OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," Revised, and
 - (3) The most recent applicable U.S. OMB A-133 Compliance Supplement provisions for the U.S. DOT, and i. It will, to the extent practicable, comply with all applicable provisions of all other Federal laws or regulations, and follow Federal directives governing the project, except to the extent that FTA has expressly approved otherwise in writing.

GROUP 02: LOBBYING CERTIFICATION

You must select the following certifications in Group 02 because ADOT's cooperative agreement exceeds \$100,000, or a loan (including a line of credit), loan guarantee, or loan insurance exceeding \$150,000, except if you are applying on behalf of an Indian tribe, tribal organization, or other Indian organization.

As required by 31 U.S.C. 1352 and U.S. DOT regulations, "New Restrictions on Lobbying," specifically 49 CFR 20.110, you and your Applicant understand that:

- a. The lobbying restrictions of your certification apply to your Applicant's requests for:
 - (1) \$100,000 or more in Federal funding for a grant or cooperative agreement, and
 - (2) \$150,000 or more in Federal funding for a loan, line of credit, or loan guarantee,
- b. Its certification covers the lobbying activities of:
 - (1) It
 - (2) Its principals, and
 - (3) Its first tier subrecipients:

Therefore, on behalf of your Applicant, you certify to the best of your knowledge and belief, that:

1. No Federal appropriated funds have been or will be paid by or on its behalf to any person:

- a. To influence or attempt to influence:
 - (1) An officer or employee of any Federal agency,
 - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress,
- b. Regarding the award of a:
 - (1) Federal grant or cooperative agreement, or
 - (2) Federal loan, line of credit, loan guarantee, or loan insurance

2. It will submit a complete OMB Standard Form-LLL, "Disclosure of Lobbying Activities (Rev. 7-97)," in accordance with its instructions, if any funds other than Federal appropriated funds have been or will be paid to any person:

- a. To influence or attempt to influence:
 - (1) An officer or employee of any Federal agency,
 - (2) A Member of Congress, an employee of a Member of Congress, or an officer or employee of Congress, or

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- b. Regarding any application for a:
 - (1) Federal grant or cooperative agreement,
 - (2) Federal loan, line of credit, loan guarantee, or loan insurance, and
3. It will include the language of this certification in the award documents for all subawards at all tiers including, but not limited to:
 - a. Subcontracts,
 - b. Subgrants,
 - c. Subagreements, and
 - d. Third party contracts under a:
 - (1) Federal grant or cooperative agreement, or
 - (2) Federal loan, line of credit, loan guarantee, or loan insurance, and
4. It understands that:
 - a. This certification is a material representation of fact that the Federal Government relies on, and b. It must submit this certification before the Federal Government may award funding for a transaction covered by 31 U.S.C. 1352, including a:
 - (1) Federal grant or cooperative agreement, or
 - (2) Federal loan, line of credit, loan guarantee, or loan insurance, and
5. It also understands that any person who does not file a required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

GROUP 03. PROCUREMENT COMPLIANCE

You must select Group 03, especially if your Applicant is a State, local, or Indian Tribal government with a certified procurement system, as provided in 49 CFR 18.36(g)(3)(ii).

The Applicant certifies that its procurements and procurement system will comply with all applicable Federal laws and regulations in accordance with applicable Federal directives, except to the extent FTA has approved otherwise in writing.

GROUP 04. PROTECTIONS FOR PRIVATE TRANSPORTATION PROVIDERS

Applies to awards for 49 U.S.C. chapter 53 funding to:

- Acquire property of a private transit operator, or
- Operate public transit in competition with or in addition to a private transit provider

As required by 49 U.S.C. 5323(a)(1), the Applicant certifies that

1. Before it:
 - a. Acquires the property or an interest in the property of a private provider of public transportation, or
 - b. Operates public transportation equipment or facilities:
 - (1) In competition with transportation service provided by an existing public transportation company, or
 - (2) In addition to transportation service provided by an existing public transportation company,
2. It has or will have:
 - a. Determined that the funding is essential to carrying out a program of projects as required by 49 U.S.C. 5303, 5304, and 5306,
 - b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
 - c. Paid just compensation under State or local law to the company for any franchise or property acquired.

GROUP 05. PUBLIC HEARING

Applies to awards for 49 U.S.C. chapter 53 funding for a capital project that will substantially affect a community or its transit service.

As required by 49 U.S.C. 5323(b), the Applicant certifies that:

1. Before submitting an application for a capital project that:
 - a. Will substantially affect:
 - (1) A community, or
 - (2) The public transportation service of a community, and
 - b. Also will affect:
 - (1) Significant economic interests,
 - (2) Significant social interests, or
 - (3) Significant environmental interests, It will:
 - (1) Provide an adequate opportunity for public review and comment on the project, after giving notice that:
 - (a) Includes a concise description of the proposed project, and
 - (b) Has been published in a newspaper of general circulation in the geographic area the project.
 - (2) Hold a public hearing on the project if the project affects:
 - (a) Significant economic interests,
 - (b) Significant social interests, or
 - (c) Significant environmental interests,
 2. It will have considered the economic, social, and environmental effects of the project, and
 3. It will have determined that the project is consistent with official plans for developing the community.

GROUP 06. ACQUISITION OF ROLLING STOCK FOR USE IN REVENUE SERVICE

Applies to awards for 49 U.S.C. chapter 53 funding to acquire any rolling stock for use in revenue service.

The Applicant certifies that in procuring revenue service rolling stock, it will comply with:

1. Federal transit law, specifically 49 U.S.C. 5323(m),
2. FTA regulations, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR part 663, specifically 49 CFR 663.7, as modified by amendments authorized by section 3023(k) of SAFETEA-LU, including the requirements to:
 - a. Conduct or cause to be conducted the required preaward and post delivery reviews, and
 - b. Maintain on file the certifications required by 49 CFR part 663, subparts B, C, and D.

GROUP 07. ACQUISITION OF CAPITAL ASSETS BY LEASE

Applies to awards for 49 U.S.C. chapter 53 funding to acquire capital assets by lease.

As required by FTA regulations, "Capital Leases," 49 CFR part 639, specifically 639.15(b)(1) and 639.21, if the Applicant acquires any capital asset by lease financed with Federal funding authorized under 49 U.S.C. chapter 53, the Applicant certifies as follows:

1. It will not use Federal funding authorized under 49 U.S.C. chapter 53 to finance the cost of leasing any capital asset until:
 - a. It performs calculations demonstrating that leasing the capital asset would be more cost-effective than purchasing or constructing a similar asset, and
 - b. It completes these calculations before the later of:
 - (1) Entering into the lease, or
 - (2) Receiving a capital grant for the asset, and
2. It will not enter into a capital lease for which FTA can provide only incremental Federal funding unless it has adequate financial resources to meet its future lease obligations if Federal funding is not available.

GROUP 08. BUS TESTING

Applies to awards for 49 U.S.C. chapter 53 funding to acquire any new or newly configured bus or a bus with new major components.

The Applicant certifies that:

1. It will comply with Federal transit law, specifically 49 U.S.C. 5318,
2. FTA regulations, "Bus Testing," 49 CFR part 665, specifically 49 CFR 665.7, requires that
 - a. Before:
 - (1) Spending any Federal funds to acquire:
 - (a) The first bus of any new bus model,
 - (b) The first bus with a new major change in configuration or components, or
 - (2) Authorizing final acceptance of a new bus model or a bus model with a major change in components or configuration:
 - b. It will:
 - (1) Ensure that the bus model has been tested at FTA's bus testing facility, and
 - (2) Have received a copy of the test report prepared on the bus model.

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GROUP 09: CHARTER SERVICE AGREEMENT

Applicable to any awards for funding to acquire or operate transit facilities and equipment, unless Applicant qualifies for an exception under Federal law and regulations.

As required by 49 U.S.C. 5323(d) and (g) and FTA regulations, "Charter Service," 49 CFR part 604, specifically 49 CFR 604.4, the Applicant understands and agrees that:

1. Except in certain circumstances described in its regulations, FTA's "Charter Service" regulations restrict transportation by charter service using facilities and equipment acquired by FTA for transportation projects with Federal funding derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53, or
 - (2) 23 U.S.C. §§ 133 or 142,
2. FTA's charter service restrictions extend to:
 - a. The Applicant when it becomes a recipient of Federal funding under:
 - (1) Federal transit laws, 49 U.S.C. chapter 53, or
 - (2) 23 U.S.C. §§ 133 or 142,
 - b. Any third party participant that receives Federal funding derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53, or (2) 23 U.S.C. §§ 133 or 142,
 - c. A third party participant includes a:
 - (1) Subrecipient at any tier,
 - (2) Lessee,
 - (3) Third party contractor or subcontractor at any tier, and
 - (4) Other participant in the project,
3. Neither the Applicant nor any third party participant involved in its Project will engage in charter service operations, except as permitted under:
 - a. Federal transit laws, specifically 49 U.S.C. 5323(d) and (g),
 - b. FTA regulations, "Charter Service," 49 C.F.R. Part 604,
 - c. Any other Federal Charter Service regulations, or
 - d. Federal directives, except as FTA determines otherwise in writing.
4. The Applicant agrees that the latest Charter Service Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding.
5. The Applicant agrees that:
 - a. FTA may require corrective measures or impose remedies on it or any subrecipient that has engaged in a pattern of violations of FTA's Charter Service regulations by:
 - (1) Conducting charter operations prohibited by Federal transit laws and FTA's Charter Service regulations, or
 - (2) Otherwise violating the Applicant's Charter Service Agreement it has elected in its latest annual Certifications and Assurances.
 - b. These corrective measures and remedies may include:
 - (1) Barring it or any third party participant operating public transportation under the Project that has provided prohibited charter service from receiving FTA funds, or
 - (2) Withholding an amount of Federal funds as provided by Appendix D to FTA's Charter Service regulations.

GROUP 10: SCHOOL TRANSPORTATION AGREEMENT

Applies to awards for funding to acquire or operate transit facilities and equipment, unless Applicant qualifies for an exception under Federal law and regulations.

As required by 49 U.S.C. 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. 5323(f) and (g), the Applicant understands and agrees that:

1. FTA's "School Bus Operations" regulations restrict school bus service as defined in the FTA regulations using facilities and equipment acquired with Federal funding derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53, or
 - (2) 23 U.S.C. §§ 133 or 142,
2. FTA's school bus operations restrictions extend to:
 - a. The Applicant when it becomes a recipient of Federal funding under:
 - (1) Federal transit laws, 49 U.S.C. chapter 53, or
 - (2) 23 U.S.C. §§ 133 or 142,
 - b. Any third party participant that receives Federal funding derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53, or
 - (2) 23 U.S.C. §§ 133 or 142,
 - c. A third party participant includes a:
 - (1) Subrecipient at any tier,
 - (2) Lessee,
 - (3) Third party contractor or subcontractor at any tier, and
 - (4) Other participant in the project,
3. Neither the Applicant nor any third party participant involved in its Project will engage in school transportation operations in competition with private operators of school transportation, except as permitted under:
 - a. Federal transit laws, specifically 49 U.S.C. § 5323(f) and (g),
 - b. FTA regulations, "School Bus Operations," 49 C.F.R. Part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g),
 - c. Any other Federal School Transportation regulations, or
 - d. Federal directives, except as FTA determines otherwise in writing.
4. The Applicant agrees that the latest School Transportation Agreement it has selected in its latest annual Certifications and Assurances is incorporated by reference in and made part of the underlying Agreement accompanying an award of FTA funding.
5. The Applicant agrees that FTA will bar the Applicant or any third party participant that has violated this School Transportation Agreement from receiving Federal transit funding in an amount FTA considers appropriate.

GROUP 11: DEMAND RESPONSIVE SERVICE

Applies to awards for demand responsive service and to awards for 49 U.S.C. chapter 53 funding to acquire non rail transit vehicles.

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR part 37, specifically 49 CFR 37.77(e), the Applicant certifies that:

1. The following public transportation services it offers are equivalent in level and quality of service:
 - a. Its demand responsive service offered to individuals with disabilities, including individuals who use wheelchairs,
 - b. Its service offered to individuals without disabilities,
2. Viewed in its entirety, the Applicant's service for individuals with disabilities is:
 - a. Provided in the most integrated setting feasible, and
 - b. Equivalent to the service it offers individuals without disabilities with respect to:
 - (1) Response time,
 - (2) Fares,
 - (3) Geographic service area,
 - (4) Hours and days of service,
 - (5) Restrictions on trip purpose,
 - (6) Availability of information and reservation capability, and
 - (7) Constraints on capacity or service availability.

GROUP 12: ALCOHOL MISUSE AND PROHIBITED DRUG USE

You must select the following certification if FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," 49 CFR part 655, require Applicant to provide a certification concerning its activities to prevent alcohol misuse and prohibited drug use in its public transportation operations.

As required by FTA regulations, "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations," specifically 49 CFR part 655, subpart I, the Applicant certifies that it:

1. Has established and implemented:
 - a. An alcohol misuse program and
 - b. An anti-drug program, and
2. Has complied with or will comply with all applicable requirements of this part.

GROUP 13: INTEREST AND OTHER FINANCING COSTS

Applies to awards to reimburse interest or other financing costs with Urbanized Area Formula Program, Capital Investment Program, or Paul S. Sarbanes Transit in Parks Program funding

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The Applicant certifies that:

1. It will not seek reimbursement for interest or other financing costs:
 - a. Unless it is eligible to receive Federal funding for those costs,
 - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require, and
2. It will comply with:
 - a. Urbanized Area Formula Program interest provisions of 49 U.S.C. 5307(g)(3),
 - b. Capital Investment Program provisions of 49 U.S.C. 5309(g)(2)(B)(iii),
 - c. Capital Investment Program provisions of 49 U.S.C. 5309(g)(3)(B)(iii),
 - d. Capital Investment Program provisions of 49 U.S.C. 5309(i)(2)(C), and
 - e. Paul S. Sarbanes Transit in Parks Program provisions of 49 U.S.C. 5320(h)(2)(C).

GROUP 14. INTELLIGENT TRANSPORTATION SYSTEMS

Applies to awards for an Intelligent Transportation Systems (ITS) project or a project in support of an ITS project. An Applicant for ITS project funding that fails to provide this assurance, without providing other documentation assuring its commitment to comply with applicable Federal ITS standards and protocols, may be ineligible for award of Federal funding for that ITS project.

As used in this assurance, the term Intelligent Transportation Systems (ITS) project is defined to include any project

that in whole or in part finances the acquisition of technologies or systems of technologies that provide or significantly contribute to the provision of one or more ITS user services as defined in the "National ITS Architecture." The Applicant assures that:

1. As provided in subsection 5307(c) of SAFETEA-LU, 23 U.S.C. 512 note:
 - a. "Intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, [will] conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a) [of section 5307 of SAFETEA-LU]."
 - b. ITS standards will not apply if it obtains an exception to subsection 5307(c) of SAFETEA-LU, 23 U.S.C. 512 note.
2. It will use its best efforts to assure that any ITS project it undertakes will not preclude interface with other intelligent transportation systems in the Region, if supported with Federal funding not derived from:
 - a. Title 49, United States Code, or
 - b. Title 23, United States Code.
3. To facilitate compliance with subsection 5307(c) of 23 U.S.C. 512 note, except as the Federal Government determines otherwise in writing, the Applicant assures that it will comply with:
 - a. FTA Notice, "FTA National ITS Architecture Policy on Transit Projects," 66 FR 1455, January 8, 2001, specifically:
 - (1) Applicable provisions of Section V (Regional ITS Architecture, and
 - (2) Section VI (Project Implementation), and
 - b. Other FTA policies that may be issued in connection with any ITS project it undertakes financed with funds authorized under Title 49 or Title 23, United States Code.

GROUP 15. URBANIZED AREA FORMULA PROGRAM

Applies to awards for Urbanized Area Formula Program funding, 49 U.S.C. 5307. Applicant is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project, unless FTA determines otherwise in writing. Consequently, we strongly encourage Applicant to take the appropriate measures including, but not limited to, obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances it has made. Each Applicant is required by 49 U.S.C. 5307(d)(1)(J) to spend at least one (1) percent of its Urbanized Area Formula Program funding for public transportation security projects, unless it has certified that such expenses are not necessary. Information about its intentions must be recorded in the "Security" tab page of the TEAM-Web "Project Information" window when it submits its Urbanized Area Formula Program application in TEAM-Web.

We may not award Urbanized Area Formula Program funding to any Applicant that is required by 49 U.S.C. 5307(d)(1)(K) to spend one (1) percent of its Urbanized Area Formula Program funding for eligible transit enhancements unless its quarterly report for the fourth quarter of the preceding Federal fiscal year has been submitted to FTA and includes the required list or sufficient information to demonstrate that the Designated Recipients in its area together have spent one (1) percent of the amount of Urbanized Area Program funding made available to them for transit enhancement projects or have included the same information in a separate report attached in TEAM-Web.

The following certifications apply to each Applicant for funding under the Urbanized Area Formula Program authorized under 49 U.S.C. 5307. The Applicant certifies that:

1. As required by 49 U.S.C. 5307(d)(1)(A), it has or will have the:
 - a. Legal capacity to carry out its proposed projects,
 - b. Financial capacity to carry out its proposed projects,
 - c. Technical capacity to carry out its proposed projects,
 - d. Safety aspects of its proposed projects, and
 - e. Security aspects of its proposed projects,
2. As required by 49 U.S.C. 5307(d)(1)(B), it has or will have satisfactory continuing control over the use of project equipment and facilities,
3. As required by 49 U.S.C. 5307(d)(1)(C), it will maintain the project equipment and facilities adequately,
4. As required by 49 U.S.C. 5307(d)(1)(D), it will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving project facilities or equipment supported under 49 U.S.C. 5307:
 - a. Elderly individuals,
 - b. Individuals with disabilities, or
 - c. Individuals presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.),
5. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under 49 U.S.C. 5307, it will:
 - a. Use competitive procurement (as defined or approved by FTA),
 - b. Not use exclusionary or discriminatory specifications in its procurements,
 - c. Comply with applicable Buy America laws, and
 - d. Comply with the:
 - (1) General provisions for FTA programs of 49 U.S.C. 5323, and
 - (2) Third party procurement requirements of 49 U.S.C. 5325,
6. As required by 49 U.S.C. 5307(d)(1)(F), it has complied with or will comply with 49 U.S.C. 5307(c) because it:
 - a. Has informed or will inform the public of the amounts of its Urbanized Area Formula Program funds available under 49 U.S.C. 5307, and the projects it proposes to undertake,
 - b. Has developed or will develop, in consultation with interested parties including private transportation providers, the projects proposed to be funded,
 - c. Has published or will publish a list of its projects in a way that affected citizens, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed projects and its performance,
 - d. Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
 - e. Has assured or will assure that the proposed projects provide for coordination of transportation services assisted under 49 U.S.C. 5336 with federally assisted transportation services supported by a Federal Government source other than U.S. DOT,
 - f. Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
 - g. Has made or will make the final list of projects available to the public,
7. As required by 49 U.S.C. 5307(d)(1)(G), it:
 - a. Has or will have the amount of funds required for the local share,
 - b. Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - c. Will provide the local share funds when needed,
8. As required by 49 U.S.C. 5307(d)(1)(H), it will comply with:
 - a. The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (1) Maximize the safe, secure, and efficient mobility of people,
 - (2) Minimize environmental impacts, and,
 - (3) Minimize transportation-related fuel consumption and reliance on foreign oil,
 - b. The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - (1) Design public transportation for elderly individuals and individuals with disabilities, and
 - (2) Provide public transportation for elderly individuals and individuals with disabilities, and
 - c. The requirements of 49 U.S.C. 5303—5306 for:
 - (1) Metropolitan and State Planning, and
 - (2) Private enterprise participation,
9. As required by 49 U.S.C. 5307(d)(1)(I), it has a locally developed process to solicit and consider public comment before:

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- a. Raising a fare, or
 - b. Implementing a major reduction of public transportation,
10. As required by 49 U.S.C. 5307(d)(1)(J), if it serves an urbanized area with a population of at least 200,000:
- a. Each fiscal year, it will spend at least one (1) percent of its 49 U.S.C. 5307 funding for public transportation security projects (limited to capital projects in the case of an Applicant serving an urbanized area with a population of 200,000 or more), or
 - b. That fiscal year, it will certify that such expenses for transportation security projects are not necessary,
 - c. Public transportation security projects include:
 - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - (2) Increased camera surveillance of an area in or adjacent to that system,
 - (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
 - (4) Any other project intended to increase the security and safety of an existing or planned public transportation, and
11. As required by 49 U.S.C. 5307(d)(1)(K), if it serves an urbanized area with a population of at least 200,000:
- a. Each fiscal year, it or all the Recipients of 49 U.S.C. 5307 funding in its urbanized area will spend at least one (1) percent of that funding for transit enhancements, as defined in 49 U.S.C. 5302(a),
 - b. It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year a list of the projects during that Federal fiscal year using those 49 U.S.C. 5307 funds, and
 - c. The report of its transit enhancement projects is or will be incorporated by reference and made part of its certifications and assurances.

GROUP 16: CLEAN FUELS GRANT PROGRAM

Applies to awards for Clean Fuels Grant Program funding, 49 U.S.C. 5308. Applicant itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project, unless FTA determines otherwise in writing. Consequently, we strongly encourage Applicant to take the appropriate measures including, but not limited to, obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances it has made.

The following certifications apply to each Applicant for funding under the Clean Fuels Grant Program authorized under 49 U.S.C. 5308:

1. As required by FTA regulations, "Clean Fuels Grant Program, 49 CFR part 624, specifically 49 CFR 624.7, the Applicant certifies it will operate vehicles purchased with Federal funding provided under the Clean Fuels Grant Program, 49 U.S.C. 5308 only with clean fuels.
2. Under 49 U.S.C. 5308(d)(1), the requirements of 49 U.S.C. 5307 apply to the Clean Fuels Grant Program. To comply with those requirements, as specified under 49 U.S.C. 5307(d)(1), the Applicant certifies that:

- a. As required by 49 U.S.C. 5307(d)(1)(A), it has or will have the:
 - (1) Legal capacity to carry out its proposed projects,
 - (2) Financial capacity to carry out its proposed projects,
 - (3) Technical capacity to carry out its proposed projects,
 - (4) Safety aspects of its proposed projects, and
 - (5) Security aspects of its proposed projects,
- b. As required by 49 U.S.C. 5307(d)(1)(B), it has or will have satisfactory continuing control over the use of project equipment and facilities,
- c. As required by 49 U.S.C. 5307(d)(1)(C), it will maintain the project equipment and facilities adequately,
- d. As required by 49 U.S.C. 5307(d)(1)(D), it will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving project facilities or equipment supported under 49 U.S.C. 5308:
 - (1) Elderly individuals,
 - (2) Individuals with disabilities, or
 - (3) Individuals presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.),
- e. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under 49 U.S.C. 5308, it will:
 - (1) Use competitive procurement (as defined or approved by FTA),
 - (2) Not use exclusionary or discriminatory specifications in its procurements,
 - (3) Comply with applicable Buy America laws, and
 - (4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
 - (5) Comply with the third party procurement requirements of 49 U.S.C. 5325,
- f. As required by 49 U.S.C. 5307(d)(1)(F), it has complied with or will comply with 49 U.S.C. 5307(c) because it:
 - (1) Has informed or will inform the public of the amounts of its Clean Fuels Grant Program funds available under 49 U.S.C. 5308, and the projects it proposes to undertake,
 - (2) Has developed or will develop, in consultation with interested parties including private transportation providers, the projects proposed to be funded,
 - (3) Has published or will publish a list of its projects in a way that affected citizens, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed projects and its performance,
 - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
 - (5) Has assured or will assure that the proposed projects provide for coordination of transportation services assisted under 49 U.S.C. 5336 with federally assisted transportation services supported by a Federal government source other than U.S. DOT,
 - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
 - (7) Has made or will make the final list of projects available to the public,
- g. As required by 49 U.S.C. 5307(d)(1)(G), it:
 - (1) Has or will have the amount of funds required for the local share,
 - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - (3) Will provide the local share funds when needed,
- h. As required by 49 U.S.C. 5307(d)(1)(H), it will comply with:
 - (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (a) Maximize the safe, secure, and efficient mobility of people,
 - (b) Minimize environmental impacts, and
 - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
 - (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - (a) Design public transportation for elderly individuals and individuals with disabilities, and
 - (b) Provide public transportation for elderly individuals and individuals with disabilities, and
 - (3) The requirements of 49 U.S.C. 5303—5306 for:
 - (a) Metropolitan and State Planning, and
 - (b) Private enterprise participation, and
- i. As required by 49 U.S.C. 5307(d)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.

GROUP 17: ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES FORMULA GRANT PROGRAM AND PILOT PROGRAM

Applies to awards as the direct Applicant for Elderly Individuals and Individuals with Disabilities Formula Grant Program funding 49 U.S.C. 5310, and, if qualified, for Elderly Individuals and Individuals with Disabilities Pilot Program funding, subsection 3012(b) of SAFETEA-LU. Only a State or a State organization acting as the Recipient on behalf of a State may be a direct recipient of this funding. Your State or State organization Applicant is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project, unless FTA determines otherwise in writing. Consequently, we strongly encourage your State or State organization Applicant to take the appropriate measures including, but not limited to, obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances it has made.

The following certifications and assurances apply to each State or State organization serving as Applicant for funding and each subrecipient of funding under the Elderly Individuals and Individuals with Disabilities Formula Grant Program authorized under 49 U.S.C. 5310, and the Elderly Individuals and Individuals with Disabilities Pilot Program authorized under subsection 3012(b) of SAFETEA-LU.

1. The State or State organization Applicant assures that:
 - a. Each subrecipient is:
 - (1) Recognized under State law as a private nonprofit organization with the legal capability to contract with the State to carry out the proposed project, or
 - (2) A public body that has met the statutory requirements to receive Federal funding authorized for 49 U.S.C. 5310,

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b. The State or State organization Applicant can conclude from information in a private nonprofit subrecipient's application for 49 U.S.C. 5310 funding that:

(1) The transit service provided or offered to be provided by existing public or private transit operators cannot meet the special needs of elderly individuals and individuals with disabilities, because it is:

- (a) Unavailable,
- (b) Insufficient, or
- (c) Inappropriate,

c. As required by 49 U.S.C. 5310(d)(2)(A) and subsection 3012(b)(2) of SAFETEA-LU, the State certifies that, before it transfers funds to a project funded under 49 U.S.C. 5338, the project has been or will have been coordinated with private nonprofit providers of services under 49 U.S.C. 5310,

d. As required by 49 U.S.C. 5310(d)(2)(C), the Applicant certifies that allocations to subrecipients 49 U.S.C. 5310 funding or subsection 3012(b) funding will be distributed on a fair and equitable basis, and

e. As required by 49 U.S.C. 5310(d)(2)(B) and subsection 3012(b)(2) of SAFETEA-LU, the Applicant certifies that:

(1) The projects it has selected or will select for funding under that program were derived from a public transit human services transportation plan that has been:

- (a) Locally developed, and
- (b) Coordinated, and

(2) That locally developed, coordinated plan was produced through a process that included:

- (a) Representatives of public, private, and nonprofit transportation providers,
- (b) Representatives of public, private, and nonprofit human services providers, and
- (c) Participation by the public.

2. As permitted by 49 U.S.C. 5310(d), the Federal Transit Administrator has selected certain requirements of 49 U.S.C. 5307 to be appropriate for the Elderly Individuals and Individuals with Disabilities Formula Grant Program authorized by 49 U.S.C. 5310, and the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by subsection 3012(b) of SAFETEA-LU, 49 U.S.C. 5310 note, of which some require certifications. Therefore, as specified under 49 U.S.C. 5307(d)(1), the State or State organization Applicant certifies that:

a. As required by 49 U.S.C. 5307(d)(1)(A), it and each subrecipient has or will have the:

- (1) Legal capacity to carry out its proposed projects,
- (2) Financial capacity to carry out its proposed projects,
- (3) Technical capacity to carry out its proposed projects,
- (4) Safety aspects of its proposed projects, and
- (5) Security aspects of its proposed projects,

b. As required by 49 U.S.C. 5307(d)(1)(B), it and each subrecipient has or will have satisfactory continuing control over the use of project equipment and facilities,

c. As required by 49 U.S.C. 5307(d)(1)(C), it and each subrecipient will maintain the project equipment and facilities adequately,

d. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under the Elderly Individuals and Individuals with Disabilities Formula Grant Program authorized by 49 U.S.C. 5310, or the Elderly Individuals and Individuals with Disabilities Pilot Program authorized by subsection 3012(b) of SAFETEA-LU, 49 U.S.C. 5310 note, it and each subrecipient will:

- (1) Use competitive procurement (as defined or approved by FTA),
- (2) Not use exclusionary or discriminatory specifications in its procurements,
- (3) Comply with applicable Buy America laws, and
- (4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
- (5) Comply with the third party procurement requirements of 49 U.S.C. 5325,

e. As required by 49 U.S.C. 5307(d)(1)(G), it and each subrecipient:

- (1) Has or will have the amount of funds required for the local share,
 - (a) As required by 49 U.S.C. 5310(c), and
 - (b) Subsections 3012(b)(3) and (4) of SAFETEA-LU, if applicable,
- (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
- (3) Will provide the local share funds when needed, and

f. As required by 49 U.S.C. 5307(d)(1)(H), it and each subrecipient will comply with:

- (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (a) Maximize the safe, secure, and efficient mobility of people,
 - (b) Minimize environmental impacts, and
 - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
- (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:

- (a) Design public transportation for elderly individuals and individuals with disabilities, and (b) Provide public transportation for elderly individuals and individuals with disabilities, and

(3) The requirements of 49 U.S.C. 5303—5308 for:

- (a) Metropolitan and State Planning, and
- (b) Private enterprise participation.

GROUP 18: NONURBANIZED AREA FORMULA PROGRAM FOR STATES

Applies to awards for Nonurbanized Area Formula Program funding, 49 U.S.C. 5311(b). Applicant itself is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project, unless FTA determines otherwise in writing. Consequently, we strongly encourage Applicant to take the appropriate measures including, but not limited to, obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances it has made.

Only a State or a State organization acting as the Recipient on behalf of a State (State) may be a direct recipient of this Nonurbanized Area Formula Program funding. Separate certifications and assurances have been established in Group 22 for an Indian tribe that is an Applicant for Tribal Transit Program funding, 49 U.S.C. 5311(c)(1). The following certifications and assurances apply to each State or State organization serving as the Applicant for funding under the Nonurbanized Area Formula Program authorized under 49 U.S.C. 5311.

The Applicant assures that:

1. It has or will have the necessary legal, financial, and managerial capability to:

- a. Apply, receive and disburse 49 U.S.C. 5311(c)(1) funding, and
- b. Carry out each project, including the:

- (1) Safety aspects of its proposed projects, and
- (2) Security aspects of its proposed projects,

2. It has or will have satisfactory continuing control over the use of project equipment and facilities,

3. The project equipment and facilities will be adequately maintained,

4. As required by 49 U.S.C. 5311(b)(2)(C)(i), its program has provided for a fair distribution of Federal funding authorized for 49 U.S.C. 5311 within the State, including Indian reservations within the State,

5. As required by 49 U.S.C. 5311(b)(2)(C)(ii), its program provides or will provide the maximum feasible coordination of public transportation service to receive funding under 49 U.S.C. 5311 with transportation service assisted by other Federal sources,

6. The projects in its Nonurbanized Area Formula Program are included in:

- a. The Statewide Transportation Improvement Program, and
- b. To the extent applicable, a metropolitan Transportation Improvement Program,

7. It has or will have the amount of funds required for the local share, as required by 49 U.S.C. 5311(g), and

- (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
- (3) Will provide the local share funds when needed, and

8. As required by 49 U.S.C. 5311(f), each fiscal year:

- a. It will spend at least fifteen (15) percent of its 49 U.S.C. 5311 funding available that fiscal year to develop and support intercity bus transportation within the State, with eligible activities including:

- (1) Planning and marketing for intercity bus transportation,
- (2) Capital grants for intercity bus shelters,
- (3) Joint-use stops and depots,
- (4) Operating grants through purchase-of-service agreements, userside subsidies, and demonstration projects, and
- (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or

- b. It will provide to the Federal Transit Administrator a certification of the State's chief executive officer that:

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- (1) After consulting with the affected intercity bus service providers about the intercity bus needs of the State,
- (2) The State's intercity bus service needs are being met adequately.

GROUP 19: JOB ACCESS AND REVERSE COMMUTE (JARC) FORMULA GRANT PROGRAM

Applies to awards for Job Access and Reverse Commute (JARC) Formula Grant funding, 49 U.S.C. 5316. Applicant is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project, unless FTA determines otherwise in writing. Consequently, we strongly encourage Applicant to take the appropriate measures including, but not limited to, obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances it has made.

The following certifications and assurances apply to each Applicant for and subrecipient of funding under the Job Access and Reverse Commute (JARC) Formula Grant funding authorized under 49 U.S.C. 5316.

1. The Applicant certifies that:
 - a. As required by 49 U.S.C. 5316(d)(4), it will make awards of JARC funding on a competitive basis following:
 - (1) An area wide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding under 5316(c)(1)(A) (see 49 U.S.C. 5316(d)(1)), and
 - (2) A statewide solicitation for applications for JARC funding under 49 U.S.C. 5316(c)(1)(B) or 49 U.S.C. 5316(c)(1)(C), (see 49 U.S.C. 5316(d)(2)) and
 - b. As required by 49 U.S.C. 5316(f)(2), any allocations to subrecipients of funding authorized under 49 U.S.C. 5316 will be distributed on a fair and equitable basis,
 - c. As required by 49 U.S.C. 5316(g)(3):
 - (1) The projects it has selected or will select for funding under that program were derived from a public transit human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated,
 - (2) That locally developed, coordinated plan was produced through a process that included:
 - (a) Representatives of public, private, and nonprofit transportation providers,
 - (b) Representatives of public, private, and nonprofit human services providers, and
 - (c) Participation by the public, and
 - d. As required by 49 U.S.C. 5316(g)(2), before it transfers funds to a project funded under 49 U.S.C. 5336, that project has been or will have been coordinated with private nonprofit providers of services, and
 - e. As required by 49 U.S.C. 5316(c)(3), before using funds apportioned for projects serving an area other than that for which funding was apportioned under 49 U.S.C. 5316(c)(1)(B) or (C):
 - (1) The State's chief executive officer, or his or her designee, will have certified that all the JARC program objectives of 49 U.S.C. 5316 are being met in the area from which the funding would be derived,
 - (2) If the State has a statewide program for meeting the JARC program objectives of 49 U.S.C. 5316, the funds can be used for projects anywhere in the State.
2. Under 49 U.S.C. 5316(f)(1), the requirements of 49 U.S.C. 5307 apply to the JARC Program, authorized under 49 U.S.C. 5316. Therefore, as specified under 49 U.S.C. 5307(d)(1), the Applicant certifies that
 - a. As required by 49 U.S.C. 5307(d)(1)(A), it and each subrecipient has or will have the:
 - (1) Legal capacity to carry out its proposed projects,
 - (2) Financial capacity to carry out its proposed projects,
 - (3) Technical capacity to carry out its proposed projects,
 - (4) Safety aspects of its proposed projects, and
 - (5) Security aspects of its proposed projects,
 - b. As required by 49 U.S.C. 5307(d)(1)(B), it and each subrecipient has or will have satisfactory continuing control over the use of project equipment and facilities,
 - c. As required by 49 U.S.C. 5307(d)(1)(C), it and each subrecipient will maintain the project equipment and facilities adequately,
 - d. As required by 49 U.S.C. 5307(d)(1)(D), it and each subrecipient will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving project facilities or equipment supported under 49 U.S.C. 5316:
 - (1) Elderly individuals,
 - (2) Individuals with disabilities, or
 - (3) Individuals presenting a Medicare card issued to himself or herself pursuant to title II or title XVII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.),
 - e. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under the JARC Program, 49 U.S.C. 5316, it will:
 - (1) Use competitive procurement (as defined or approved by FTA),
 - (2) Not use exclusionary or discriminatory specifications in its procurements,
 - (3) Comply with applicable Buy America laws,
 - (4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
 - (5) Comply with the third party procurement requirements of 49 U.S.C. 5325,
 - f. As required by 49 U.S.C. 5307(d)(1)(F), it and each subrecipient has complied with or will comply with 49 U.S.C. 5307(c) because it:
 - (1) Has informed or will inform the public of the amount of its JARC Program funds available under 49 U.S.C. 5316, and the projects it proposes to undertake,
 - (2) Has developed or will develop, in consultation with interested parties including private transportation providers, the projects proposed to be funded,
 - (3) Has published or will publish a list of its projects in a way that affected citizens, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed projects and its performance,
 - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
 - (5) Has assured or will assure that the proposed projects provide for coordination of transportation services assisted under 49 U.S.C. 5336 with federally assisted transportation services supported by a Federal government source other than U.S. DOT,
 - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
 - (7) Has made or will make the final list of projects available to the public,
 - g. As required by 49 U.S.C. 5307(d)(1)(G), it and each subrecipient:
 - (1) Has or will have the amount of funds required for the local share,
 - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - (3) Will provide the local share funds when needed,
 - h. As required by 49 U.S.C. 5307(d)(1)(H), it and each subrecipient will comply with:
 - (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (a) Maximize the safe, secure, and efficient mobility of people,
 - (b) Minimize environmental impacts, and
 - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
 - (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - (a) Design public transportation for elderly individuals and individuals with disabilities, and
 - (b) Provide public transportation for elderly individuals and individuals with disabilities, and
 - (3) The requirements of 49 U.S.C. 5303—5306 for:
 - (a) Metropolitan and State Planning, and
 - (b) Private enterprise participation, and
 - i. As required by 49 U.S.C. 5307(d)(1)(I), it and each subrecipient has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.

GROUP 20: NEW FREEDOM PROGRAM

Applies to awards for New Freedom Program funding, 49 U.S.C. 5317. Applicant is ultimately responsible for compliance with its certifications and assurances even though a subrecipient, lessee, third party contractor, or other participant may participate in that project, unless FTA determines otherwise in writing. Consequently, we strongly encourage Applicant to take the appropriate measures including, but not limited to, obtaining sufficient documentation from each subrecipient, to assure the validity of all certifications and assurances it has made.

1. The Applicant certifies that:
 - a. As required by 49 U.S.C. 5317(d)(4), it will make awards of New Freedom funding on a competitive basis following:
 - (1) An areawide solicitation in cooperation with the appropriate metropolitan planning organization for applications for funding under 5317(c)(1)(A) (see 49 U.S.C. 5317(d)(1)), and
 - (2) A statewide solicitation for applications for JARC funding under 49 U.S.C. 5317(c)(1)(B) or 49 U.S.C. 5317(c)(1)(C), (see 49 U.S.C. 5317(d)(2)),
 - b. As required by 49 U.S.C. 5317(e)(2), any allocations to subrecipients of funding authorized under 49 U.S.C. 5317 will be distributed on a fair and equitable basis,

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- c. As required by 49 U.S.C. 5317(f)(3):
- (1) The projects it has selected or will select for funding under that program were derived from a public transit human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated,
 - (2) That locally developed, coordinated plan was produced through a process that included:
 - (a) Representatives of public, private, and nonprofit transportation providers,
 - (b) Representatives of human services public, private, and nonprofit providers, and
 - (c) Participation by the public, and
- d. As required by 49 U.S.C. 5316(f)(2), before it transfers funds to a project funded under 49 U.S.C. 5336, that project has been or will have been coordinated with private nonprofit providers of services.
2. As permitted by 49 U.S.C. 5317(e)(1), the Federal Transit Administrator has selected certain requirements of 49 U.S.C. 5310 and 49 U.S.C. 5307 to be appropriate for the New Freedom Program, of which some require certifications. Therefore, as specified under 49 U.S.C. 5307(d)(1), the Applicant certifies that:
- a. As required by 49 U.S.C. 5307(d)(1)(A), it and each subrecipient has or will have the:
 - (1) Legal capacity to carry out its proposed projects,
 - (2) Financial capacity to carry out its proposed projects,
 - (3) Technical capacity to carry out its proposed projects,
 - (4) Safety aspects of its proposed projects, and
 - (5) Security aspects of its proposed projects,
 - b. As required by 49 U.S.C. 5307(d)(1)(B), it and each subrecipient has or will have satisfactory continuing control over the use of project equipment and facilities,
 - c. As required by 49 U.S.C. 5307(d)(1)(C), it and each subrecipient will maintain the project equipment and facilities adequately,
 - d. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under the New Freedom Program authorized by 49 U.S.C. 5317, it and each subrecipient will:
 - (1) Use competitive procurement (as defined or approved by FTA),
 - (2) Not use exclusionary or discriminatory specifications in its procurements,
 - (3) Comply with applicable Buy America laws, and
 - (4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
 - (5) Comply with the third party procurement requirements of 49 U.S.C. 5325,
 - e. As required by 49 U.S.C. 5307(d)(1)(G), it and each subrecipient:
 - (1) Has or will have the amount of funds required for the local share,
 - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - (3) Will provide the local share funds when needed, and
 - f. As required by 49 U.S.C. 5307(d)(1)(H), it will comply with:
 - (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (a) Maximize the safe, secure, and efficient mobility of people,
 - (b) Minimize environmental impacts, and
 - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
 - (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - (a) Design public transportation for elderly individuals and individuals with disabilities, and
 - (b) Provide public transportation for elderly individuals and individuals with disabilities, and
 - (3) The requirements of 49 U.S.C. 5303—5306 for:
 - (a) Metropolitan and State Planning, and
 - (b) Private enterprise participation.

GROUP 21: PAUL S. SARBANES TRANSIT IN PARKS PROGRAM

Applies to awards for Paul S. Sarbanes Transit in Parks Program (Parks Program) funding, 49 U.S.C. 5320.

The following certifications apply to each Applicant for funding under the Paul S. Sarbanes Transit in Parks Program (Parks Program) authorized under 49 U.S.C. 5320:

1. As required by 49 U.S.C. 5320(e)(D), the Applicant assures that it will consult with the appropriate Federal land management agency during the planning process.
2. As permitted by 49 U.S.C. 5320(i), the Federal Transit Administrator has selected certain requirements of 49 U.S.C. 5307 to be appropriate for the Parks Program, of which some require certifications. Therefore as specified under 49 U.S.C. 5307(d)(1), the Applicant certifies that:
 - a. As required by 49 U.S.C. 5307(d)(1)(A), it has or will have the:
 - (1) Legal capacity to carry out its proposed projects,
 - (2) Financial capacity to carry out its proposed projects,
 - (3) Technical capacity to carry out its proposed projects,
 - (4) Safety aspects of its proposed projects, and
 - (5) Security aspects of its proposed projects,
 - b. As required by 49 U.S.C. 5307(d)(1)(B), it has or will have satisfactory continuing control over the use of project equipment and facilities,
 - c. As required by 49 U.S.C. 5307(d)(1)(C), it will maintain the project equipment and facilities adequately,
 - d. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement under the Parks Program, 49 U.S.C. 5320, it will:
 - (1) Use competitive procurement (as defined or approved by FTA),
 - (2) Not use exclusionary or discriminatory specifications in its procurements,
 - (3) Comply with applicable Buy America laws, and
 - (4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
 - (5) Comply with the third party procurement requirements of 49 U.S.C. 5325,
 - e. As required by 49 U.S.C. 5307(d)(1)(F) and 49 U.S.C. 5320(e)(2)(C), it has complied with or will comply with the requirements of 49 U.S.C. 5307(c). Specifically, it:
 - (1) Has made available, or will make available, to the public information on the amounts available for the Parks Program, 49 U.S.C. 5320, and the projects it proposes to undertake,
 - (2) Has developed or will develop, in consultation with interested parties including private transportation providers, projects to be financed,
 - (3) Has published or will publish a list of proposed projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed projects and submit comments on the proposed projects and the performance of the Applicant,
 - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
 - (5) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
 - (6) Has made or will make the final list of projects available to the public,
 - f. As required by 49 U.S.C. 5307(d)(1)(G), it:
 - (1) Has or will have the amount of funds required for the local share,
 - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - (3) Will provide the local share funds when needed,
 - g. As required by 49 U.S.C. 5307(d)(1)(H), it will comply with:
 - (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (a) Maximize the safe, secure, and efficient mobility of people,
 - (b) Minimize environmental impacts, and
 - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
 - (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - (a) Design public transportation for elderly individuals and individuals with disabilities, and
 - (b) Provide public transportation for elderly individuals with disabilities, and
 - (3) The requirements of 49 U.S.C. 5303—5306 for:
 - (a) Metropolitan and State Planning, and
 - (b) Private enterprise participation, and
 - h. As required by 49 U.S.C. 5307(d)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.

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GROUP 22. TRIBAL TRANSIT PROGRAM

Applies to awards for Tribal Transit Program funds, 49 U.S.C. 5311(c)(1).

As permitted by 49 U.S.C. 5311(c)(1) the Federal Transit Administrator has established terms and conditions for direct grants funded under FTA's Tribal Transit Program authorized under 49 U.S.C. 5311(c)(1) for Indian tribal governments. To ensure compliance with those requirements, the Indian tribal government serving as the Applicant certifies and assures that:

1. It has or will have the necessary legal, financial, and managerial capability to:
 - a. Apply, receive and disburse 49 U.S.C. 5311(c)(1) funding, and
 - b. Carry out each project, including the:
 - (1) Safety aspects of its proposed projects, and
 - (2) Security aspects of its proposed projects,
2. It has or will have satisfactory continuing control over the use of project equipment and facilities,
3. The project equipment and facilities will be adequately maintained,
4. Its project will achieve maximum feasible coordination with transportation services assisted by other Federal sources,
5. It will:
 - a. Have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 C.F.R. part 18, specifically 49 CFR 18.36, or
 - b. Inform FTA promptly that its procurement system does not comply with those U.S. DOT regulations, and
6. It will comply with the certifications, assurances, and agreements in:
 - a. Group 08 (Bus Testing),
 - b. Group 09 (Charter Bus Agreement),
 - c. Group 10 (School Transportation Agreement),
 - d. Group 11 (Demand Responsive Service),
 - e. Group 12 (Alcohol Misuse and Prohibited Drug Use), and
 - f. Group 14 (National Intelligent Transportation Systems Architecture and Standards).

GROUP 23. TIFIA PROJECTS

Applies to awards for Transportation Infrastructure Finance and Innovation Act (TIFIA) credit assistance authorized under 23 U.S.C. chapter 6.

The following certifications apply to each Applicant for funding under the Transportation Infrastructure Finance and Innovation Act (TIFIA) Program authorized under 23 U.S.C. chapter 6:

1. Federal transit law, specifically 49 U.S.C. 5323(c) requires an Applicant for TIFIA credit assistance funded under 23 U.S.C. chapter 6 and its project to comply with 49 U.S.C. 5307. As required by 49 U.S.C. 5307(d)(1), the Applicant certifies that:

- a. As required by 49 U.S.C. 5307(d)(1)(A), it has or will have the:
 - (1) Legal capacity to carry out its proposed projects,
 - (2) Financial capacity to carry out its proposed projects,
 - (3) Technical capacity to carry out its projects,
 - (4) Safety aspects of its proposed projects, and
 - (5) Security aspects of its proposed projects,
- b. As required by 49 U.S.C. 5307(d)(1)(B), it has or will have satisfactory continuing control over the use of project equipment and facilities,
- c. As required by 49 U.S.C. 5307(d)(1)(C), it will maintain the project equipment and facilities adequately,
- d. As required by 49 U.S.C. 5307(d)(1)(D), it will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving project facilities or equipment supported under 23 U.S.C. chapter 6:
 - (1) Elderly individuals,
 - (2) Individuals with disabilities, or
 - (3) Individuals presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.),
- e. As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement supported with TIFIA funding under 23 U.S.C. chapter 6, it will:
 - (1) Use competitive procurement (as defined or approved by FTA),
 - (2) Not use exclusionary or discriminatory specifications in its procurements,
 - (3) Comply with applicable Buy America laws, and
 - (4) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
 - (5) Comply with the third party procurement requirements of 49 U.S.C. 5325,
- f. As required by 49 U.S.C. 5307(d)(1)(F), it has complied or will comply with 49 U.S.C. 5307(c) because it:
 - (1) Has informed or will inform the public of the amounts of its TIFIA credit assistance available under 23 U.S.C. chapter 6, and the projects it proposes to undertake,
 - (2) Has developed or will develop, in consultation with interested parties including private transportation providers, the projects it proposes to fund,
 - (3) Has published or will publish a list of its projects in a way that affected citizens, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed projects and its performance,
 - (4) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
 - (5) Has assured or will assure that the proposed projects provide for coordination of transportation services assisted under 49 U.S.C. 5336 with federally assisted transportation services supported by a Federal government source other than U.S. DOT,
 - (6) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
 - (7) Has made or will make the final list of projects available to the public,
- g. As required by 49 U.S.C. 5307(d)(1)(G), it:
 - (1) Has or will have the amount of funds required for the local share,
 - (2) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - (3) Will provide the local share funds when needed,
- h. As required by 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
 - (1) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - (a) Maximize the safe, secure, and efficient mobility of people,
 - (b) Minimize environmental impacts, and
 - (c) Minimize transportation-related fuel consumption and reliance on foreign oil,
 - (2) The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - (a) Design public transportation for elderly individuals and individuals with disabilities, and
 - (b) Provide public transportation for elderly individuals and individuals with disabilities, and
 - (3) The requirements of 49 U.S.C. 5303-5308
 - (a) Metropolitan and State Planning, and
 - (b) Private enterprise participation,
- i. As required by 49 U.S.C. 5307(d)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation,
- j. As required by 49 U.S.C. 5307(d)(1)(J), if it serves an urbanized area with a population of at least 200,000:
 - (1) Each fiscal year it will spend at least one (1) percent of its funding attributed to 49 U.S.C. 5307 for public transportation security projects, or
 - (2) That fiscal year, it will certify that such expenses for transportation security projects are not necessary,
 - (3) Public transportation security projects include:
 - (a) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - (b) Increased camera surveillance of an area in or adjacent to that system,
 - (c) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
 - (d) Any other project intended to increase the security and safety of an existing or planned public transportation, and
- k. As required by 49 U.S.C. 5307(d)(1)(K), if it serves an urbanized area with a population of at least 200,000:
 - (1) Each fiscal year, it or all the Recipients of 49 U.S.C. 5307 funding in its urbanized area will spend at least one (1) percent of that funding for transit enhancements, as defined at 49 U.S.C. 5302(a),
 - (2) It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year a list of the projects during that Federal fiscal year using those 49 U.S.C. 5307 funds, and
 - (3) The report of its transit enhancement projects is or will be incorporated by reference and made part of its certifications and assurances.

Exhibit B
FEDERAL FISCAL YEAR 2012 CERTIFICATIONS AND ASSURANCES
FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

2. Federal transit law at 49 U.S.C. 5323(o) requires an Applicant for TIFIA credit assistance funded under 23 U.S.C. chapter 6 and its project to comply with 49 U.S.C. 5309. As required by 49 U.S.C. 5309(g)(2)(B)(iii), 5309(g)(3)(B)(iii), and 5309(i)(2)(C), the Applicant certifies that it will not seek reimbursement for interest and other financing costs incurred in connection with the Project unless:

- a. It is eligible to receive Federal funding for those expenses, and
- b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.

GROUP 24. DEPOSITS OF FEDERAL FINANCIAL FUNDING TO STATE INFRASTRUCTURE BANKS

Applies to awards for 49 U.S.C. chapter 53 funding on behalf of a State Applicant that intends to deposit the funding in a State Infrastructure Bank (SIB). Unless we determine otherwise in writing, the State Applicant itself is ultimately responsible for compliance with its certifications and assurances even though the SIB and a subrecipient may participate in a project financed with our funds deposited in the SIB. Consequently, we encourage the Applicant to take appropriate measures to obtaining sufficient documents from the SIB and each subrecipient, to assure the validity of all certifications and assurances the State Applicant has made.

The following certifications apply to each Applicant for funding under the State Infrastructure Bank Program authorized under 23 U.S.C. 610. The State organization, serving as the Applicant for funding for its State Infrastructure Bank (SIB) Program, assures the agreement of both its SIB and each recipient of SIB funding (subrecipient) that each public transportation project financed with SIB funds will be administered in accordance with:

1. The applicable Federal laws establishing the various SIB programs since 1995:
 - a. Section 1602 of SAFETEA-LU, now codified in 23 U.S.C. 610, or
 - b. Section 1511 of TEA-21, 23 U.S.C. 181 note, or
 - c. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181,
2. The Cooperative Agreement establishing the State's SIB program between:
 - a. The State Applicant and Federal parties (FHWA, FRA, and FTA), or
 - b. The State Applicant and Federal parties (FHWA and FTA),
3. The Grant Agreement with the State Applicant that provides FTA funding for the SIB, except that any provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
 - a. Section 1602 of SAFETEA-LU, now codified in 23 U.S.C. 610,
 - b. Section 1511 of TEA-21, 23 U.S.C. 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. 181 note, or
 - c. Federal guidance pertaining to the SIB Program,
 - d. The Cooperative Agreement establishing the State's SIB Program, or
 - e. The FTA Grant Agreement,
4. As required by 49 U.S.C. 5323(o), Federal transit laws, specifically 49 U.S.C. 5307 and 49 U.S.C. 5309, apply to any project under 49 U.S.C. chapter 53 that receives SIB support or financing under 23 U.S.C. 610 (or any support from 23 U.S.C. 601-608). Therefore:
 - a. To comply with 49 U.S.C. 5307, specifically 49 U.S.C. 5307(d)(1), the Applicant certifies that:
 - (1) As required by 49 U.S.C. 5307(d)(1)(A), it has or will have the:
 - (a) Legal capacity to carry out its proposed projects,
 - (b) Financial capacity to carry out its proposed projects,
 - (c) Technical capacity to carry out its proposed projects,
 - (d) Safety aspects of its proposed projects, and
 - (e) Security aspects of its proposed projects,
 - (2) As required by 49 U.S.C. 5307(d)(1)(B), it has or will have satisfactory continuing control over the use of project equipment and facilities,
 - (3) As required by 49 U.S.C. 5307(d)(1)(C), it will maintain the project equipment and facilities adequately,
 - (4) As required by 49 U.S.C. 5307(d)(1)(D), it will ensure that the following individuals will be charged not more than fifty (50) percent of the peak hour fare for transportation during non-peak hours using or involving project facilities or equipment supported under 23 U.S.C. chapter 6:
 - (a) Elderly individuals,
 - (b) Individuals with disabilities, or
 - (c) Individuals presenting a Medicare card issued to himself or herself pursuant to title II or title XVIII of the Social Security Act (42 U.S.C. 401 et seq. or 42 U.S.C. 1395 et seq.),
 - (5) As required by 49 U.S.C. 5307(d)(1)(E), when carrying out a procurement supported by the SIB program, 23 U.S.C. 610, it will:
 - (a) Use competitive procurement (as defined or approved by FTA),
 - (b) Not use exclusionary or discriminatory specifications in its procurements,
 - (c) Comply with applicable Buy America laws, and
 - (d) Comply with the general provisions for FTA programs of 49 U.S.C. 5323, and
 - (e) Comply with the third party procurement requirements of 49 U.S.C. 5325,
 - (6) As required by 49 U.S.C. 5307(d)(1)(F), it has complied with or will comply 49 U.S.C. 5307(c) because it:
 - (a) Has informed or will inform the public of the amounts of its SIB funding under 23 U.S.C. 610, and the projects it proposes to undertake,
 - (b) Has developed or will develop, in consultation with interested parties including private transportation providers, the projects proposed to be funded,
 - (c) Has published or will publish a list of its projects in a way that affected citizens, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed projects and its performance,
 - (d) Has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed projects,
 - (e) Has assured or will assure that the proposed projects provide for coordination of transportation services assisted under 49 U.S.C. 5336 with federally assisted transportation services supported by a Federal government source other than U.S. DOT,
 - (f) Has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of projects, and
 - (g) Has made or will make the final list of projects available to the public,
 - (7) As required by 49 U.S.C. 5307(d)(1)(G), it:
 - (a) Has or will have the amount of funds required for the local share,
 - (b) Will provide the local share funds from approved non-Federal sources except as permitted by Federal law, and
 - (c) Will provide the local share funds when needed,
 - (8) As required by 49 U.S.C. 5307(d)(1)(H), the Applicant will comply with:
 - (a) The requirements of 49 U.S.C. 5301(a) for public transportation systems that:
 - 1 Maximize the safe, secure, and efficient mobility of people,
 - 2 Minimize environmental impacts, and
 - 3 Minimize transportation-related fuel consumption and reliance on foreign oil,
 - (b) The requirements of 49 U.S.C. 5301(d) for special efforts to:
 - 1 Design public transportation for elderly individuals and individuals with disabilities, and
 - 2 Provide public transportation for elderly individuals and individuals with disabilities, and
 - (c) The requirements of 49 U.S.C. 5303-5306 for:
 - 1 Metropolitan and State Planning, and
 - 2 Private enterprise participation,
 - (9) As required by 49 U.S.C. 5307(d)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - (a) Raising a fare, or
 - (b) Implementing a major reduction of public transportation,
 - (10) As required by 49 U.S.C. 5307(d)(1)(J), if it will be using 49 U.S.C. 5307 funds and it serves an urbanized area with a population of at least 200,000:
 - (a) Each fiscal year, it will spend at least one (1) percent of its 49 U.S.C. 5307 funding for public transportation security projects, or
 - (b) That fiscal year, it will certify that such expenses for transportation security projects are not necessary,
 - (c) Public transportation security projects include:
 - 1 Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - 2 Increased camera surveillance of an area in or adjacent to that system,
 - 3 Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
 - 4 Any other project intended to increase the security and safety of an existing or planned public transportation project, and
 - (11) As required by 49 U.S.C. 5307(d)(1)(K), if it will be using 49 U.S.C. 5307 funds and it serves an urbanized area with a population of at least 200,000:
 - (a) Each fiscal year, it or all the Recipients of 49 U.S.C. 5307 funding in its urbanized area will spend at least one (1) percent of that funding for transit enhancements, as defined in 49 U.S.C. 5302(a),
 - (b) It will include in its quarterly report for the fourth quarter of the preceding Federal fiscal year a list of the projects during that Federal fiscal year using those 49 U.S.C. 5307 funds, and

Exhibit B

FEDERAL FISCAL YEAR 2012 CERTIFICATIONS AND ASSURANCES
FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

- (c) The report of its transit enhancement projects is or will be incorporated by reference and made part of its certifications and assurances.
- b. To comply with 49 U.S.C. 5309, specifically 49 U.S.C. 5309(g)(2)(B)(iii), 5309(g)(3)(B)(iii), and 5309(i)(2)(C), the Applicant certifies that it will not seek reimbursement for interest and other financing costs incurred in connection with the Project unless:
- (1) It is eligible to receive Federal funding for those expenses, and
 - (2) Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
3. Federal guidance that may be issued and amendments thereto, unless FTA has provided written approval of an alternative procedure or course of action.

APPENDIX A

Title VI Agreement / Contract Requirements

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, or sex in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, or sex.

(4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Arizona Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Arizona Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Arizona Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- b) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as the Arizona Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Arizona Department of Transportation to enter into such litigation to protect the interests of the Arizona Department of Transportation, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

Title VI Agreement / Contract Requirements

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Arizona Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), and the Civil Rights Restoration Act of 1987 (Public Law 100.259) does hereby remise, release, quitclaim and convey unto the Arizona Department of Transportation all the right,

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Arizona Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Arizona Department of Transportation, its successors and assigns.

The Arizona Department of Transportation, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [and]* (2) that the Arizona Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of -the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended and (3) that in the event of breach of any of the above-mentioned n

***Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.**

APPENDIX C

Title VI Agreement / Contract Requirements

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Arizona Department of Transportation pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259) and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Arizona Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, Arizona Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Arizona Department of Transportation and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Arizona Department of Transportation pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc. as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, or sex shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 196

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Arizona Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, Arizona Department of Transportation shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Arizona Department of Transportation and its assigns.

***Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.**



Town Council Regular Session

Item # 1.

Meeting Date: 01/18/2012

Requested by: Stacey Lemos

Submitted By:

Stacey Lemos, Finance

Department: Finance

Information

SUBJECT:

PRESENTATION AND ACCEPTANCE OF THE TOWN'S ANNUAL FINANCIAL AUDIT FOR FISCAL YEAR ENDED JUNE 30, 2011

RECOMMENDATION:

Staff recommends acceptance of the financial audit for the fiscal year ended June 30, 2011.

EXECUTIVE SUMMARY:

The certified public accounting firm of Heinfeld, Meech & Co., P.C. has completed the financial audit of the Town for the fiscal year ended June 30, 2011. The audit was conducted in accordance with generally accepted auditing standards, and the auditors have rendered an opinion that the Town's general purpose financial statements fairly present the Town's financial position as of June 30, 2011.

It is also important to note that there were no audit deficiencies or concerns presented to management during the audit to necessitate the issuance of a separate Management Letter.

Hard copies of the FY 2011 Comprehensive Annual Financial Report (CAFR), including the audited financial statements, were distributed to the Mayor and Council on December 9, 2011. Attached please find an electronic copy of the CAFR, in addition to required supplemental information provided by our auditors.

Mr. Corey Arvizu, CPA, Partner, and Mr. Jim Rebenar, CPA, Manager, with the firm of Heinfeld, Meech and Co., P.C. will be present to provide an overview of the audit to the Council this evening and answer any questions the Council may have.

BACKGROUND OR DETAILED INFORMATION:

The following is an overview of the Town's financial operations for the fiscal year ended June 30, 2011:

- At June 30, 2011, the General Fund's fund balance was \$11,007,138, which decreased by \$897,291, or 8%, compared to last year (page 28). This was primarily due to the one-time use of fund balance to pay for the energy efficiency upgrades to Town facilities.
- General Fund revenues were below budget by \$1.9 million primarily related to local sales taxes (construction taxes) (\$1.5 million), licenses, fees and permits (\$263K) and investment earnings (\$122K) (page 62).
- General Fund expenditures were below budget by \$315K (excluding contingency reserves of \$10.6 million). This was due primarily to vacancy savings and departmental cost savings (page 62).
- The Highway Fund's fund balance was \$3,772,144, which decreased by \$307K, compared to last year (page 63). This was also due to the one-time use of fund balance to pay for the energy

efficiency upgrades to Town facilities.

The following is the financial position of the Oro Valley Water Utility at June 30, 2011:

- Net income of \$2,831,830 and capital contributions of \$202,173 increased net assets by \$3.0 million. Total net assets at year end were \$56,771,724 (page 34).

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I move to accept the Town's financial audit for the fiscal year ended June 30, 2011.

or

I move...

Attachments

Required Auditor Information

FY 2011 CAFR



HEINFELD, MEECH & CO., P.C.
CERTIFIED PUBLIC ACCOUNTANTS



January 3, 2012

Honorable Mayor and Members of the Town Council
Town of Oro Valley, Arizona

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Oro Valley, Arizona for the year ended June 30, 2011, and have issued our report thereon. Professional standards require that we provide you with the following information related to our audit.

Our Responsibilities under Auditing Standards Generally Accepted in the United States of America, Government Auditing Standards, and OMB Circular A-133

As stated in our engagement letter our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your responsibilities.

In planning and performing our audit, we considered Town of Oro Valley, Arizona's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We also considered internal control over compliance with requirements that could have a direct and material effect on major federal programs in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133.

As part of obtaining reasonable assurance about whether Town of Oro Valley, Arizona's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit. Also in accordance with OMB Circular A-133, we examined, on a test basis, evidence about Town of Oro Valley, Arizona's compliance with the types of compliance requirements described in the *U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement* applicable to each of its major federal programs for the purpose of expressing an opinion on Town of Oro Valley, Arizona's compliance with those requirements. While our audit provides a reasonable basis for our opinion, it does not provide a legal determination of Town of Oro Valley, Arizona's compliance with those requirements.

Other Information in Documents Containing Audited Financial Statements

With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing previously communicated to you in our engagement letter and communicated to management throughout the planning and performance of the audit. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit involved judgment about the number of transactions examined and the areas that were tested.

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Town of Oro Valley, Arizona are described in Note 1 to the financial statements. Management has informed us there were no new accounting policies adopted during the year, nor were there any changes in the application of existing policies. We noted no transactions entered into by the Town of Oro Valley, Arizona during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The disclosures in the financial statements are neutral, consistent, and clear.

As described in Note 1, the Town of Oro Valley, Arizona implemented the provisions of the Governmental Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, for the year ended June 30, 2011, which represents a change in accounting principle. GASB Statement No. 54 established standards for financial reporting, including note disclosure requirements, for fund balance classifications of the governmental funds and clarifies existing governmental fund type definitions.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. During the course of the audit we did not identify any uncorrected misstatements and/or audit adjustments that we deemed to be material.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter provided to us at the conclusion of the audit.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Town of Oro Valley, Arizona's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Responsibility for Fraud

It is important for both management and the Town Council to recognize their role in preventing, deterring, and detecting fraud. One common misconception is that the auditors are responsible for detecting fraud. Auditors are required to plan and perform an audit to obtain reasonable assurance that the financial statements do not include material misstatements caused by fraud. Unfortunately most frauds which occur in an organization do not meet this threshold.

The attached document is provided as a courtesy and provides some basic steps that should be taken to help prevent fraud from occurring in your organization. Some of these steps may already be in place, others may not. Not even the most well-designed internal controls or procedures can prevent and detect all forms of fraud. However, an awareness of fraud related factors, as well as the active involvement by management and the Town Council in setting the proper "tone at the top", increases the likelihood that fraud will be prevented, deterred and detected.

The information in this letter is intended solely for the use of the Town Council and management of Town of Oro Valley, Arizona and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,



HEINFELD, MEECH & CO., P.C.
Certified Public Accountants

Steps Management Should Take in Preventing the Occurrence of Fraud

First and Foremost, acknowledge that fraud can and does occur – Fraud occurs in organizations often because management provides the perpetrator with a substantial amount of authority and a high degree of trust. Consequently, management performs limited or no review of the individual's work. Recognizing that fraud can occur in any organization, including your own, is the first step in prevention.

Clearly communicate to employees the behavior that is expected of them – Believe it or not, ignorance has been cited as a common cause of fraud. Some employees have been trained to commit fraudulent acts without knowing what they were doing, just assuming that "that's the way it's done".

Take strong action against employees who commit fraud – Call the police or other law enforcement agency and press charges. Failing to do so sends a message to other employees that management doesn't take fraud seriously.

Provide employees an opportunity to report the occurrence of fraud or other abuse anonymously – In a recent survey, one in five employees said they were personally aware of the occurrence of fraud in the workplace. Eighty percent said they would be willing to report fraud if they did not have to identify themselves. Management can establish a fraud hotline, "suggestion boxes," or other means to enable employees to bring the occurrence of fraud to its attention without requiring employees to give their names.

Conduct your own activities on a high ethical level – Employees will follow the lead of the governing body and management, whether that lead is ethical or not. More than what is said or included in a policy manual, the actions of the governing body and management establish behavioral norms.

Be alert to changes in employee attitudes, behavior and lifestyles – Because of day-to-day contact, management is in the best position to observe the unusual – attitudes that are hostile or defensive toward management or the organization in general, changes in behavior that are inconsistent with employees' normal disposition or lifestyles that are not reasonable based on the employees' level of compensation. Matters that may be of particular concern include:

- Indications of dissatisfaction with compensation, or a lack of promotion
- Indications of gambling
- Indications of drug use or excessive use of alcohol
- Indications of financial distress
- Indications of severe stress

Steps Management Should Take in Preventing the Occurrence of Fraud

Perform thorough background checks on all new employees – Call former employers and educational institutions for verification of previous employment and education. Beware of "gaps" in employment or educational history. Consider obtaining a credit report (if authorized by the candidate) before employment.

Require uninterrupted vacations for all employees and establish a schedule of rotation of employee responsibilities – More than just good management, rotation of duties provides a strong disincentive to commit fraud. In addition, it provides an opportunity to discover fraud that has already occurred.

Establish a budget – The governing body/management should establish an operating budget and monitor actual results on a regular basis. Any significant variances should be investigated.

Monitor exception reports – Unprocessed transactions should be carefully examined for propriety. This includes revenues, expenses, purchasing and payroll transactions.

Control the mail –The mail should be picked up by an employee who has no responsibilities related to the handling or recording of deposits, accounts receivable records or revenues. All remittances should be directed to a post office box. Limiting access to the organization's mail is essential in preventing the unauthorized negotiation of cash receipts.

Control the bank statements – Similarly, the bank statements should be picked up by an employee who has no related responsibilities and delivered to the management or other person independent of the reconciliation process. This person should review the contents of the statements before they are reconciled. Specific items to be alert to include:

- Missing checks
- Checks issued out of sequence
- Unknown payees
- Checks that appear to have been altered
- Checks not signed by authorized signatories
- Other unusual items

Account for sequences – Whether it is checks, invoices, credit memoranda, receiving reports, shipping documents, or other pre-numbered items, all sequences should be accounted for. Voided documents should be defaced to prevent unauthorized use and retained to complete sequences.

Steps Management Should Take in Preventing the Occurrence of Fraud

Control general journal entries – Management should either make or personally review and approve all general journal entries. Supporting documentation should be reviewed before approving general journal entries. In particular, the following items should be investigated:

- Entries made to unrelated accounts
- Entries made to receivables or revenues at or near the close of a period
- Entries made by persons whose responsibilities are not consistent with the accounts being adjusted

Obtain reasonable fidelity bond coverage – If the unthinkable occurs, insurance coverage is the most likely means of recovery of amounts misappropriated. The amount of coverage should be reviewed periodically for adequacy.

Evaluate the internal control framework – Lastly, evaluate the internal control framework of your organization. One particular useful evaluation tool is available in the Committee of Sponsoring Organization's (COSO) guidance on internal control over financial reporting for smaller organizations. This guidance may be obtained through the AICPA's website at www.cpa2biz.com (product #990017).

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Town Council Regular Session

Item # 2.

Meeting Date: 01/18/2012

Requested by: Mayor Hiremath & Councilmember
Solomon

Submitted By:

Julie Bower, Town Clerk's
Office

Department: Town Clerk's Office

Information

SUBJECT:

PUBLIC HEARING - ORDINANCE NO. (O)12-01 AMENDING SECTION 3-2-2 OF THE TOWN CODE CHANGING REQUIREMENT FROM SYNOPSIS MINUTES TO ACTION MINUTES AND RESOLUTION NO. (R)12-04 AMENDING SECTION 4.8 OF THE TOWN COUNCIL PARLIAMENTARY RULES AND PROCEDURES REGARDING A CHANGE TO ACTION MINUTES

RECOMMENDATION:

Changing from synopsis or summary minutes to action minutes would drastically reduce the staff time required to transcribe minutes, not only in the Clerk's Office but in every department that produces the various board and commission minutes. With the utilization of video and audio technology, local governments have recognized the opportunity to modify the type of minutes while still maintaining a comprehensive public record of the meetings. The video and audio recordings are archived on the Town's website and there is currently no limit on the number of years that can be archived. Since the Town invests staff and capital resources into the video production for Council meetings and audio for boards and commissions and the recordings may be accessed by the public on the Town's website, staff recommends approval of the proposed change from synopsis minutes to action minutes.

EXECUTIVE SUMMARY:

This matter was continued from the January 4, 2012 Council meeting for staff to provide examples of action minutes for Council to review. Attached are three examples:

- **Example A - Minutes of the July 7, 2011 meeting in the current synopsis format**
- **Example B - Minutes of the July 7, 2011 meeting in an action format**
- **Example C - Draft action minutes of an Amphi Foundation meeting**

Examples have also been added in the "Fiscal Impact" section of this communication regarding how the time saved from transcribing minutes would be used in the respective departments.

Mayor Hiremath and Councilmember Solomon have inquired about changing from synopsis minutes to action minutes for Town Council meetings as well as board and commission meetings. Currently, Section 3-2-2 of the Town Code requires:

D. Synopsis Minutes. The Town Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.

and Section 4.8 of the Town Council Parliamentary Rules and Procedures states:

B) Written Synopsis Minutes instead of Verbatim Minutes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book

of the Town and kept on file in the Office of the Town Clerk. Open meetings may be recorded by means of audio or video technology, which will be retained for a period of time in accordance with current Town policy.

BACKGROUND OR DETAILED INFORMATION:

There are three types of minutes: detailed (verbatim), summary or synopsis (anecdotal) and action. Minute-taking itself is an art and good minutes require a lot of skill, thought, command of the English language, and practice. The more "detail" included in the minutes, the more skill is required of the minute taker.

Synopsis minutes are currently being produced for Council meetings and board and commission meetings. Minutes are costly to produce in terms of staff time. The more detail included and the complexity of the issue exponentially increases the time cost.

The total number of hours currently spent to produce synopsis minutes of Council meetings is approximately 350 hours per year and for synopsis minutes of board and commission minutes, approximately 1,050 hours per year.

In contrast, the total number of hours required to produce action minutes of Council meetings would be approximately 50 hours per year and to produce action minutes for board and commission minutes, approximately 160 hours per year. That is a combined savings of 1,190 staff hours per year.

The video recordings of Council meetings and audio of board and commission meetings are available for the public to access on the Town's website and there is currently no limit on the number of years that can be archived.

As required by Arizona Revised Statute 38-431.01, the action minutes would contain the following information:

- Date, time and place of a meeting
- Councilmembers present or absent
- A general description of the matters considered
- A description of all legal actions proposed, discussed or taken, and the names of the Councilmembers who proposed each
- The names of persons making statements or presenting material and the item to which their comments relate

FISCAL IMPACT:

Nearly 1,200 staff hours per year would be saved if action minutes were produced instead of synopsis minutes. The staff hours saved could be used for other duties that existing staff has absorbed due to reductions in force.

The 300 hours that would be saved by the Deputy Town Clerk would be redirected into projects and duties such as overhauling the Town Clerk's records management system which would include reorganizing physical records; an in-depth review of available electronic document management systems and any grant funding that may be available for an upgrade. Developing a program to accurately manage the Town's microfiche archive to expedite retrieval. Researching and analyzing business licensing software that would expedite the issuance of licenses and offer more convenient features for Oro Valley businesses. Providing more training for Town staff.

Almost 900 hours would be saved by the board and commission recording secretaries from other departments and below are examples of how these departments would utilize the saved time.

The DIS department has 3 staff members who are responsible for transcribing minutes for four different boards and commissions. The time saved on transcribing minutes would be redirected

into duties that have been put on hold because of lack of staff such as maintenance of records, updating the department's SOPs, Submittal Guides, Process Guides, General Plan Amendments and updating information on the website and providing administrative assistance to both Engineering and Permitting.

In the PRLCR department, a full-time Senior Office Assistant position became vacant and the position was changed to a part-time (19 hours/week) Office Assistant. Some of the time savings would be used to help keep up with the daily tasks of the front desk. It would also allow the staff person to keep the RecTrac system up-to-date for customers registering for classes online and in person, train other staff members on MUNIS and RecTrac, update the PRLCR Administration Policies and Procedures, complete the RecTrac Instruction Manual, update the information on the website and with the time savings, it would be less likely that there would be a need for staff to put in overtime.

The Water Department would use the time savings to accomplish existing tasks and duties in a more timely manner such as administrative and engineering functions. It would also allow the staff person more time to assist with computer tasks, organize permanent files, work on various reports and assist with Spanish-speaking customers.

SUGGESTED MOTION:

I MOVE to (adopt/deny) Ordinance No. (O)12-01 amending Section 3-2-2(D) of the Town Code as follows:

Action Minutes. The Town Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.

and to (adopt/deny) Resolution No. (R)12-04 amending Section 4.8(B) of Council's Parliamentary Rules and Procedures as follows:

Written Action Minutes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file in the Office of the Town Clerk. Open meetings may be recorded by means of audio or video technology, which will be retained for a period of time in accordance with current Town policy.

Attachments

Ord 12-01

Reso 12-04

Example A - Current Minutes

Example B - Action Minutes

Example C - Action Minutes

ORDINANCE NO. (O)12-01

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA AMENDING CHAPTER 3, ADMINISTRATION, ARTICLE 3-2, OFFICERS, SECTION 3-2-2, TOWN CLERK, OF THE ORO VALLEY TOWN CODE; 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 approved Ordinance No. (O)89-21, which adopted that certain document entitled “Oro Valley Town Code, Chapter 3, Administration”; and

WHEREAS, the Mayor and Council desire to amend the Oro Valley Town Code, Chapter 3, Administration, Article 3-2, Officers, Section 3-2-2, Town Clerk, to allow the Town Clerk’s Office to draft action minutes rather than the current written synopsis minutes.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that the certain document known as “Oro Valley Town Code, Chapter 3, Administration, Article 3-2, Officers, Section 3-2-2, Town Clerk, is amended as follows:

SECTION 1. Section 3-2-2 is amended to read as follows, with additions being shown in ALL CAPS and deletions being shown in ~~striketrough text~~:

Chapter 3 Administration

...

Article 3-2 Officers

...

Section 3-2-2 Town Clerk

...

D. **Synopsis ACTION Minutes.** The Town Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.

...

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, on this 18th day of January, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

Julie K. Bower, Town Clerk

Date: _____

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

Date: _____

RESOLUTION NO. (R)12-04

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING SECTION 4.8, MINUTES OF COUNCIL MEETINGS, OF THE TOWN OF ORO VALLEY, ARIZONA TOWN COUNCIL PARLIAMENTARY RULES & PROCEDURES AND CODE OF CONDUCT

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

WHEREAS, the Mayor and Council desire to amend the Town of Oro Valley, Arizona Town Council Parliamentary Rules and Procedures and Code of Conduct, Section 4.8, Minutes of Council Meetings, that will allow the Town Clerk's Office to draft action minutes rather than the current written synopsis minutes.

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

SECTION 1. The amendment to the Town Council Parliamentary Rules & Procedures and Code of Conduct, Section 4.8, Minutes of Council Meetings, attached hereto as Exhibit "A" and incorporated herein by this reference, with additions in **ALL CAPS** and deletions shown in ~~strike through text~~, is hereby approved.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 18th day of January, 2012.

TOWN OF ORO VALLEY

Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT "A"

Town Council Parliamentary Rules & Procedures and Code of Conduct

...

4.8 MINUTES OF COUNCIL MEETINGS

A) The Town Manager shall ensure Staff attendance at all Regular, Special, Study Session, Emergency, and Executive Session meetings of the Council for the purpose of taking notes and/or audio recordation of the meeting.

B) Written ~~Synopsis~~ ACTION Minutes instead of ~~Verbatim~~ SYNOPSIS Minutes shall taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file in the Office of the Town Clerk. Open meetings may be recorded by means of audio or video technology, which will be retained for a period of time in accordance with current Town policy.

C) All Minutes of the Council are deemed to be Public Records, with the exception of Executive Session Minutes, which, while they fall under the definition of and are considered Public Records by State Statute, are deemed confidential and are only available under limited conditions or by court order. Transcribed Minutes, or the audio or video recording of all open meetings of the Council, must be on file in the Office of the Town Clerk, and available for public review by 5:00 p.m. on the third working day following each meeting, or as provided by ARS § 38-431.01.

D) Minutes of all meetings of the Council are made available at the Town Clerk's office, and may be available through the Town's Web site.

...

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
July 20, 2011
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION

CALL TO ORDER

Mayor Hiremath called the meeting to order at 5:00 p.m.

ROLL CALL

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

EXECUTIVE SESSION

MOTION: A motion was made by Councilmember Waters and seconded by Councilmember Garner to go into Executive Session at 5:00 p.m. to receive legal advice relating to annexations pursuant to ARS 38-431.03(A)(3).

MOTION carried, 7-0.

Mayor Hiremath stated that the following staff members would join Council in Executive Session: Interim Town Manager Greg Caton, Town Attorney Tobin Rosen, Town Clerk Julie Bower and Assistant to the Town Manager Kevin Burke.

RESUME REGULAR SESSION

CALL TO ORDER

Mayor Hiremath called the meeting to order at 6:01 p.m.

ROLL CALL

PRESENT: Satish Hiremath, Mayor
Mary Snider, Vice Mayor
Bill Garner, Councilmember

Barry Gillaspie, Councilmember
Joe Hornat, Councilmember
Steve Solomon, Councilmember
Lou Waters, Councilmember

PLEDGE OF ALLEGIANCE

Mayor Hiremath led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Interim Town Manager Greg Caton announced the upcoming town meetings.

COUNCIL REPORTS

Councilmember Solomon congratulated the Development and Infrastructure Services Department for providing excellent customer service as outlined in the DIS customer feedback forms. He reported that the Coyote Run Subcommittee had been meeting with Town Staff, Coyote Run users and the Regional Transportation Authority in order to create a long-term sustainable solution for Coyote Run that would continue to provide excellent service to the residents. Public open houses would be held before an item would appear on a Council agenda to allow users the opportunity to submit their input and to have their questions answered. Preliminary information would be available in September.

DEPARTMENT REPORTS

Town Clerk Julie Bower announced that the new artwork on display in the Council Chambers was created by artist Pat Parkinson.

INFORMATIONAL ITEMS

1. Police Department Appreciation Letter
2. DIS Customer Feedback Forms

ORDER OF BUSINESS

Mayor Hiremath stated that the order would stand as posted.

CALL TO AUDIENCE

Oro Valley resident Bill Adler suggested a joint study session with the Council, Planning Commission and the applicant regarding a zoning amendment for the Rooney Ranch property, referred to as the Oro Valley Towne Center. It would provide an opportunity for the applicant and the Council to be on the same page with regards to vision and values since the property would have a huge impact on the appearance of the town.

CONSENT AGENDA

- A. Police Department - May 2011 Statistics
- B. Development and Infrastructure Services Department Permitting Division June 2011 Reports
- C. Approval of Council Liaison Assignments for Fiscal Year 2011/2012
- D. Resolution No. (R)11-54 authorizing and approving an Employment Agreement between the Town of Oro Valley and Greg Caton for appointment as Interim Town Manager

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

MOTION carried, 7-0.

REGULAR AGENDA

1. ~~DISCUSSION AND POSSIBLE DIRECTION REGARDING ORO VALLEY TRANSIT SERVICES~~

This item was removed from the agenda.

2. DISCUSSION AND POSSIBLE DIRECTION TO STAFF TO EXPLORE THE CONCEPT OF CREATING AN ARCHERY COURSE AT NARANJA PARK

Parks, Recreation, Cultural Resources & Library Director Ainsley Legner gave an overview of the item. Ms. Legner said that the Arizona Game and Fish Department had expressed interest in partnering with the town to develop the archery concept. Numerous other organizations such as the local archery club, National Archery Trade Association, archery equipment manufacturers as well as other stake holders had all expressed interest too.

Councilmember Waters asked what the potential expenses would be down the road to maintain the archery course.

Ms. Legner stated that there would be expenses and maintenance costs but the amounts wouldn't be known until staff was directed to develop a comprehensive proposal.

Councilmember Garner wanted to see the revenue side incorporated within the proposal as well as the expenses.

Councilmember Hornat wanted to see the archery concept develop into a Parks and Recreation program so that residents could utilize the archery range as well.

Councilmember Solomon wanted to fast track the archery concept and start the project as soon as possible.

Councilmember Waters wanted to see a full proposal with all of the elements addressed.

Councilmember Gillaspie stated that the intent was to direct staff to come back with a comprehensive proposal. He wanted to see a first rate facility that would attract regional and national events in order to create an economic generator for the community.

Vice Mayor Snider felt that the really attractive aspect of the proposed archery range was the town's ability to partner with the Arizona Game and Fish Department since they had the expertise and the ability to create a first rate facility.

Councilmember Garner asked if there were any grants available for the project.

Oro Valley resident Gerry Perry said that there was an opportunity starting October 1st to apply for a grant from the Arizona Game and Fish Department. Funding commitments had been lined up from the local archery organization and the Archery Trade Association.

Oro Valley resident Bill Adler felt that discussions had only been held between staff and archery enthusiasts and not with the broader community. He was concerned that the acreage necessary for the archery range would preclude some uses that had been master planned. He wanted an opportunity for the community to participate in the development of the archery concept.

Oro Valley resident Ben Baker felt that the archery community had all of their ducks in a row and were ready to start the project.

Oro Valley resident Harold Adair urged the community to voice their concerns regarding the archery proposal so that they could see how the archery concept would operate. He stated that in addition to the grant opportunity, the Arizona Game and Fish would be willing to enter into an intergovernmental agreement with the town which would provide matching funds and also provide \$5,000 to the town for seed money that would assist with getting the project off of the ground.

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to direct staff to develop the concept of creating an archery course at the Naranja Park by working closely with local archery advocates, interested stakeholders and the Arizona Game and Fish Department for the purpose of developing an intergovernmental agreement and to bring forward a fully developed proposal for Council consideration.

MOTION carried, 7-0.

FUTURE AGENDA ITEMS

No future agenda items were requested.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Garner to adjourn the meeting at 6:33 p.m.

MOTION carried, 7-0.

Prepared by:

Michael Standish, CMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 20th day of July 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2011.

Julie K. Bower, MMC
Town Clerk

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REGULAR SESSION
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Mayor Hiremath stated that the order would stand as posted.

CALL TO AUDIENCE

Oro Valley resident Bill Adler suggested a joint study session with the Council, Planning Commission and the applicant regarding a zoning amendment for the Rooney Ranch property, referred to as the Oro Valley Towne Center.

CONSENT AGENDA

- A. Police Department - May 2011 Statistics

- B. Development and Infrastructure Services Department Permitting Division June 2011 Reports
- C. Approval of Council Liaison Assignments for Fiscal Year 2011/2012
- D. Resolution No. (R)11-54 authorizing and approving an Employment Agreement between the Town of Oro Valley and Greg Caton for appointment as Interim Town Manager

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

MOTION carried, 7-0.

REGULAR AGENDA

1. ~~DISCUSSION AND POSSIBLE DIRECTION REGARDING ORO VALLEY TRANSIT SERVICES~~

This item was removed from the agenda.

2. DISCUSSION AND POSSIBLE DIRECTION TO STAFF TO EXPLORE THE CONCEPT OF CREATING AN ARCHERY COURSE AT NARANJA PARK

Parks, Recreation, Cultural Resources & Library Director Ainsley Legner gave an overview of the item.

The following people spoke regarding the matter:

Gerry Perry, Oro Valley resident
Bill Adler, Oro Valley resident
Ben Baker, Oro Valley resident
Harold Adair, Oro Valley resident

MOTION: A motion was made by Councilmember Gillaspie and seconded by Councilmember Garner to direct staff to develop the concept of creating an archery course at the Naranja Park by working closely with local archery advocates, interested stakeholders and the Arizona Game and Fish Department for the purpose of developing an intergovernmental agreement and to bring forward a fully developed proposal for Council consideration.

MOTION carried, 7-0.

FUTURE AGENDA ITEMS

No future agenda items were requested.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Councilmember Hornat and seconded by Councilmember Garner to adjourn the meeting at 6:33 p.m.

MOTION carried, 7-0.

Prepared by:

Michael Standish, CMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 20th day of July 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2011.

Julie K. Bower, MMC
Town Clerk



AMPHITHEATER PUBLIC SCHOOLS FOUNDATION, INC.

November Meeting Minutes

Meeting:	Board of Directors	Date:	November 2, 2011
Members Present:	Ben Wichers, Vicki Balentine, Ernest Galaz, Roseanne Lopez, Mary Snider, Jo Grant, Heidi Radtke	Absent:	Pam Roberts **
Guests/Staff:	Joann McBride (Staff), Susan Canty (Clothing Bank)	Location:	701 W. Wetmore East Conference Room
Called to Order:	7:32 am	Adjourned:	8:40 am
President Officer:	Ben Wichers	Recording Secretary:	Ernest Galaz

Agenda	Findings/Analysis/Conclusions	Recommendation/Actions	Follow-up
Approval of the October minutes	Approved as presented	So moved, 1 st Vicki Balentine, 2 nd , Roseanne Lopez	
Financials	<p>Report emphasized the continuing losses by Sequels, which is using a good deal of The Foundations' reserves.</p> <p>Joann reported on a meeting she had had with our DeVreis accountant, Lisa Gunter. At present they are charging \$1500 for a summary, \$1000 for tax preparation, and \$50 monthly for payroll data entry. At present, the only service necessary is tax preparation. She will endeavor to find comparative costs.</p>		<p>Joann will tell DeVries we do not need the \$50 monthly data entering and not to provide another summary until requested.</p>
Website	It is time to update the website. Joann passed a copy of the site around and		Roseanne will work with Ms. Pretzer to update the website.

	<p>asked everyone to mark changes they wish made to there area. Roseanne said she would be sure the necessary changes were made.</p>		
Sequels	<p>Joann presented the Sequels data. The sales are up, consignment business seems to have energized the store.</p> <p>Consignment checks will have a 90-day stop, consignment items have a sell-by 60-day limit.</p> <p>DeVries explained that the glitch in the amount of consignment versus the total sales to keep a non-profit status occurs because Sequels has a paid staff. However, if the amount of consignment income reaches the 15% of income tax trigger, we could set up a separate entity to sell consignment. Profits would go to Amphi Foundation, after all applicable taxes.</p> <p>Employees will not have consignment in the store.</p> <p>Angela Hansen is planning a four year anniversary of Sequels at the end of November, Amphi employees will be targeted with an invitation and a discount.</p> <p>There was discussion of</p>	Draft	

paying an employee to open on Sundays, 10-3, trying it for a month and keeping track of traffic.

Sequels needs more volunteers. Possibly students from high schools and sororities.

Report of a break-in on the 21st of October through the back door. A new handle and a bolt lock were added. The petty cash was stolen along with some jewelry, boots, and staff cd's.

Security needs to be addressed.

The Board approved an additional part-time employee to open Sequels on Sunday.

Mary Snider requested the OV Police Department "adopt" Sequels. The Chief "is on it."***

Draft

<p>Calendar</p>	<p>To facilitate the presentation of financials, Joann requested that in 2012 we move the meetings to the second Wednesday of the month.</p>	<p>The Board approved by acclimation moving the meetings to the second Wednesday during 2012.</p>	
<p>New Board Member</p>	<p>Imelda Cuyugan expressed interest in being on the Board. She was interviewed by Ben and Joann.</p>	<p>Approved</p>	
<p>Old Business Kindles for Kids</p>	<p>Vicki suggested the \$79 model with no wifi/no 3G access.</p> <p>Joann suggested that the Board needs to make a choice of support of individual students or support of entities. Support of individual students requires a different level of administrative support.</p> <p>Vicki suggested we start with libraries.</p>		
<p>All Day Kindergarten</p>	<p>The Board reviewed the Peterson \$5000 grant and how to use it.</p>	<p>Vicki recommended dividing the donation among all schools w/o all-day kindergarten and give it to site councils along with guidelines. A full proposal with guidelines should be available for next Board meeting. The Board can decide then.</p>	

<p>Reading Room Grant</p>	<p>Heidi said a Letter of Intent is being drafted. The job description is being researched.</p>	<p>Heidi will meet with John Hastings and Tom Jacobs to work on the job description.</p>	
<p>Adjournment</p>		<p>Adjourned by Ben Wichers at 8:49 am.</p>	

Draft

** Pam Roberts has resigned from the Board.

*** An Oro Valley Police Department has assigned Kristofer Knapp as the officer who will adopt Sequels.



Town Council Regular Session

Item # 3.

Meeting Date: 01/18/2012

Requested by: David Williams

Submitted By:

Chad Daines,
Development Infrastructure
Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)11-27, AMENDING THE RANCHO VISTOSO PLANNED AREA DEVELOPMENT DISTRICT BY ADDING SPECIAL AREA POLICY 13 TO NEIGHBORHOOD POLICIES FOR NEIGHBORHOOD 7, LOCATED ON THE NORTHWEST CORNER OF RANCHO VISTOSO BLVD. AND TANGERINE ROAD

RECOMMENDATION:

The Planning and Zoning Commission voted to recommend approval of the requested Planned Area Development (PAD) amendment, subject to the conditions in Exhibit B of Attachment 1.

Staff recommends modifications to those conditions in Exhibit C of Attachment 1.

EXECUTIVE SUMMARY:

The PAD amendment pertains to Rancho Vistoso Parcel 7-I, located at the northwest corner of Rancho Vistoso Blvd. and Tangerine Road. Parcel 7-I is designated C-1 within the Rancho Vistoso PAD (Attachment 2). The applicant is requesting an amendment to the PAD to add a new policy which would permit multi-family (apartment) development on Parcel 7-I.

The request was considered by the Mayor and Council on November 16, 2011. At the request of the applicant, the case was continued to the January 18, 2012 meeting to allow time for the applicant to meet with the neighbors in an attempt to resolve their concerns. The applicant has scheduled a neighborhood meeting on January 12, 2012 and staff will provide a verbal update on this meeting at the Council hearing.

BACKGROUND OR DETAILED INFORMATION:

Prior to the November 16, 2011 meeting, the case was considered at a well attended public hearing on October 19, 2011. Twenty residents spoke in opposition and 2 speakers spoke in favor of the application. A summary of the issues discussed at the October 19, 2011 public hearing are as follows:

- Concerns with the impact of apartments on home values, crime and traffic
- Concerns with the non-compatibility of apartments with the single-family character of Rancho Vistoso
- Concerns with Town noticing procedures
- Impacts on the schools serving this area
- Quality of the proposed apartments
- Lack of demonstrated need from major employers in Oro Valley
- Other better suited sites closer to employment corridor
- Other general concerns with the perceived negative effect of apartment development

The October 19, 2011 Town Council report is provided as Attachments 3 and 4 for reference and information.

Based on discussion at the October 19, 2011 meeting, staff has developed additional/modified conditions for consideration (Attachment 1- Exhibit C). The additional conditions address maximum number of units, limitations on building heights, increase in the percentage of open space, multi-modal connectivity, and requiring access to Woodburne Avenue.

Protest

Additional petitions opposing the application have been received (Attachment 5). Written protests have been received from substantially more than 20% of property owners within 150 feet of the north side of the property proposed for change. As such, an affirmative vote of 3/4 of the members of Town Council (6 votes) is required to approve the amendment. As a side note, a protest can be lodged from any one side of a project and in this case it is the north side of the property.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to adopt with conditions Ordinance No. (O)11-27, amending the Rancho Vistoso Planned Area Development District Document by adding Special Area Policy 13 as shown in Attachment 1, subject to the conditions provided on Exhibit B and C, finding that the proposed amendment is consistent with applicable General Plan Policies 1.3.2, 1.4.7, and 1.5.4.

OR

I MOVE to deny the amendment to the Rancho Vistoso Planned Area Development District Document adding Special Area Policy 13, finding the amendment inconsistent with the intent of the adopted Planned Area Development (or insert other findings here _____).

Attachments

Ord 11-27

Attachment 2 - Zoning Map

Attachment 3 - October 19 Town Council Report

Attachment 4 - October 19 Town Council report Attachments

Attachment 5 - Additional Petitions in Opposition

ORDINANCE NO. (O)11-27

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA,
AMENDING THE RANCHO VISTOSO PLANNED AREA
DEVELOPMENT DISTRICT BY ADDING SPECIAL AREA
POLICY 13 TO NEIGHBORHOOD POLICIES FOR
NEIGHBORHOOD 7, LOCATED ON THE NORTHWEST
CORNER OF RANCHO VISTOSO BLVD. AND TANGERINE
ROAD**

WHEREAS, the Rancho Vistoso Planned Area Development (PAD) was adopted by the Town Council on July 29, 1987; and

WHEREAS, the owner of Parcel 7-I of Rancho Vistoso has requested that the Town clarify that multi-family residential uses are specifically allowed on Parcel 7-I located on the northwest corner of Rancho Vistoso Blvd. and Tangerine Road; and

WHEREAS, on October 4, 2011, the Planning & Zoning Commission recommended approval for the Rancho Vistoso PAD amendment for the Rancho Vistoso Planned Area Development District, Neighborhood 7, by adding Policy 13, attached hereto as Exhibit “A” and with conditions, attached hereto as Exhibit “B”; and

WHEREAS, the Town Council has duly considered the amendment to the Rancho Vistoso Planned Area Development District, Neighborhood 7 Policy by adding Policy No. 13.

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

- Section 1. Rancho Vistoso Planned Area Development District, Rancho Vistoso Neighborhood 7 is hereby amended by adding Policy 13 as shown in Exhibit “A” to this Ordinance, and subject to the conditions contained in Exhibit “B” to this Ordinance.
- Section 2. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.
- Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona on this 18th day of January, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

Tobin Rosen, Town Attorney

ATTEST:

Julie K. Town Clerk

Date: _____

Date: _____

EXHIBIT “A”

RANCHO VISTOSO PLANNED AREA DEVELOPMENT DISTRICT

...

B. The Rancho Vistoso Planned Area Development Policies

...

3. Neighborhood Policies

...

Neighborhood 7

Special Land Use Policy – Parcel 7-1

...

13. Additional requirements related to the development of Parcel I:

a. Multi-family residential development shall be permitted on the portion of Parcel 7-I west of the central wash. Commercial development shall be permitted on the portion of Parcel 7-I east of the central wash. Multi-family residential portions of the development shall be designed according to the PAD’s High Density Residential development standards. Commercial portions of the development shall be designed according to the PAD’s Community Commercial development standards. Pedestrian connectivity shall be provided between residential and commercial portions of the development. A minimum of twenty percent of the gross land area shall be provided as open space.

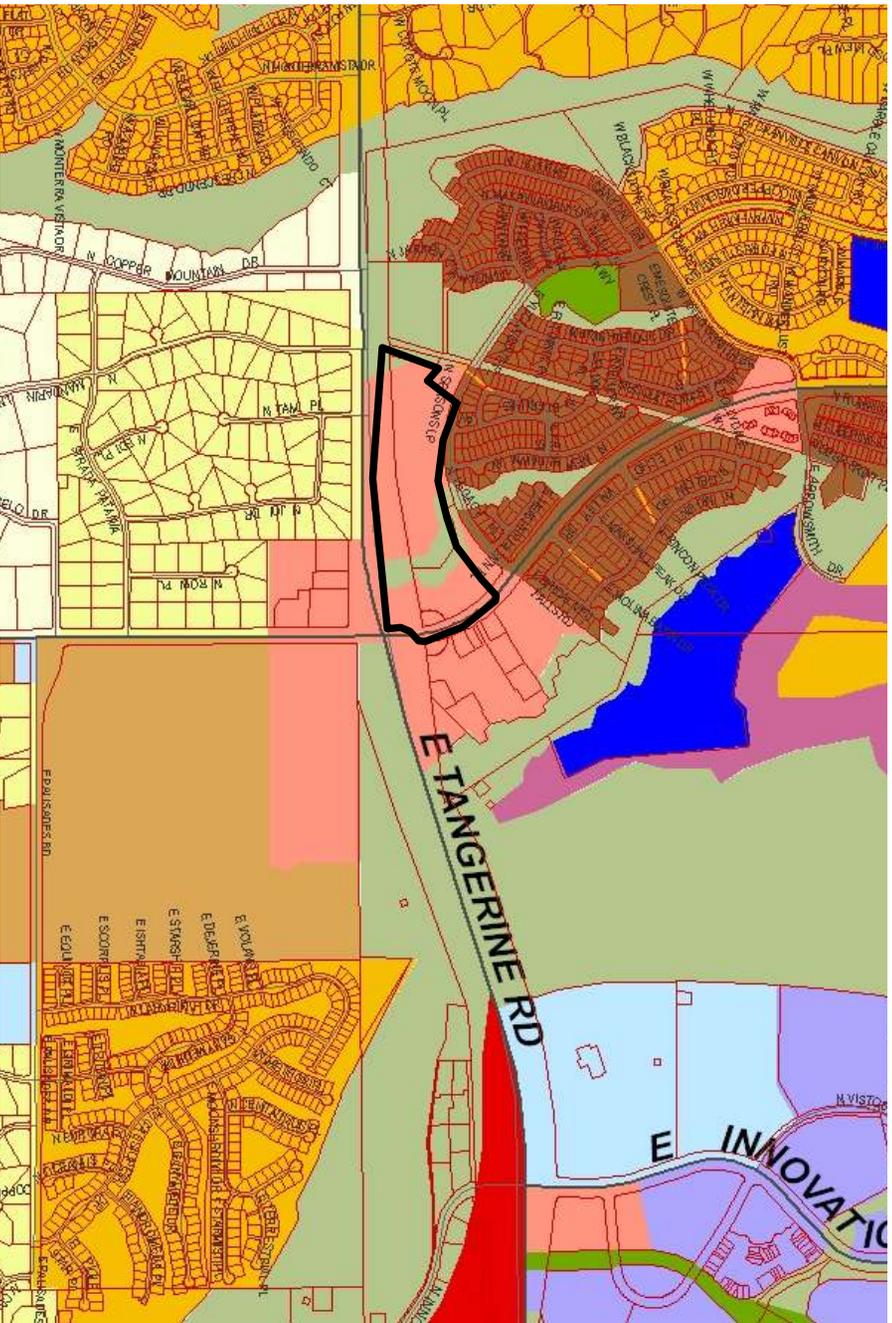
...

EXHIBIT “B”
COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL

1. A full Traffic Impact Analysis (TIA) prepared by an Arizona registrant shall be required for this project. A preliminary TIA is required to be submitted with the Conceptual Design package. A final version of the TIA will be required with the Final Design package. This development shall be responsible to design and pay for any improvements to Woodburne Avenue and Rancho Vistoso Boulevard as determined by the TIA.
2. If access to Woodburne is planned, the TIA shall address all potential impacts to Woodburne Avenue resulting from the project’s generated traffic. Particular attention needs to focus on the Woodburne Avenue and Rancho Vistoso Boulevard intersection as it relates to level of service, traffic signal needs, and associated geometric requirements. If it is determined that a traffic signal is warranted, the applicant is encouraged to contact Safeway representatives regarding cost sharing opportunities for associated improvements that will benefit each development.
3. If access is provided onto Woodburne Avenue, a re-alignment of the road will be required at the Rancho Vistoso Boulevard intersection. The realignment will require the roadway to shift south to allow the vacant commercial property north of Safeway and existing Safeway commercial center to have access to the signalized intersection. This development shall be responsible to design and pay for any improvements associated with the realignment of the intersection.
4. Provide an accessible route from the project boundary to the Rancho Vistoso Boulevard sidewalk.
5. The amendment only be approved if access from Tangerine Road be granted by ADOT.

EXHIBIT C
STAFF RECOMMENDED
ADDITIONAL CONDITIONS OF APPROVAL

1. The development shall provide vehicular access to Woodburne Avenue, as approved by the Town Engineer.
2. The development shall provide pedestrian and multi-modal access to Woodburne Avenue, as approved by the Town Engineer
3. The development shall provide integrated pedestrian and multi-modal connectivity within the site and from the apartment development to the future commercial project the east.
4. The project shall be limited to 256 dwelling units.
5. The project shall be limited to 4 three-story buildings and 10 two-story buildings (not to exceed 28 feet) in general location depicted on the Tentative Development Plan.
6. A minimum of 25% open space shall be provided for the multi-family project.
7. The apartment project shall contain a clubhouse with a minimum square footage of 6,000, included covered patio areas. At a minimum, the clubhouse shall contain a theater, fitness room and coffee bar with Wi-Fi capability.
8. The apartment development shall contain at least one pool area, a childrens' playground, 2 covered picnic ramadas, dog run and other passive open space areas.
9. Strike Planning & Zoning Commission Condition of Approval #5 in Exhibit B.
10. This project will be served by the "F" zone water main in Woodburne Avenue. Upgrades to the existing system may be necessary to supply the required fire flow.
11. The applicant shall demonstrate compliance with applicable Tangerine Corridor Overlay District (TRCOD) requirements including a view preservation plan during the Conceptual and Final Design process.
12. The project shall demonstrate compliance with Addendum A Design Standards during the Conceptual and Final Design process.



Legend

- Rural Low Density Residential (0 - 0.3 DU/AC)
- Low Density Residential (0.4 - 1.2 DU/AC)
- Low Density Residential (1.3 - 2.0 DU/AC)
- Medium Density Residential (2.1 - 5 DU/AC)
- High Density Residential (5+ DU/AC)
- Master- Planned Community
- Resort / Golf Course
- Neighborhood Commercial / Office
- Public / Semi-Public
- Community / Regional Commercial
- Commerce / Office Park
- School
- Open Space
- Park
- National Forest

Town Council Regular Session

Meeting Date: 10/19/2011

Requested by: David Williams

Submitted By: Chad Daines, Development Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)11-27, AMENDING THE RANCHO VISTOSO PLANNED AREA DEVELOPMENT DISTRICT BY ADDING SPECIAL AREA POLICY 13 TO NEIGHBORHOOD POLICIES FOR NEIGHBORHOOD 7, LOCATED AT THE NORTHWEST CORNER OF RANCHO VISTOSO BLVD. AND TANGERINE ROAD

RECOMMENDATION:

The Planning and Zoning Commission has recommended approval of the requested Planned Area Development Amendment, subject to the conditions provided on Exhibit B of Attachment 1.

EXECUTIVE SUMMARY:

The Planned Area Development (PAD) amendment pertains to Rancho Vistoso Parcel 7-I, located at the northwest corner of Rancho Vistoso Boulevard and Tangerine Road. Parcel 7-I is designated C-1 within the Rancho Vistoso PAD (Attachment 2). Through reference, the PAD provides that multi-family residential uses may be permitted within areas designated C-1. The applicant is requesting an amendment to add a new policy to clarify that multi-family residential uses are permitted on Parcel 7-I.

BACKGROUND OR DETAILED INFORMATION:

Amendment Request

The subject property is designated C-1 in the Rancho Vistoso PAD document. The Rancho Vistoso C-1 purpose statement (Attachment 3) indicates that the district "may include uses associated with the central business district." Multi-family residential is one of the uses allowed within the central business district or Town Center portion of Rancho Vistoso. As this reference applies generally to all C-1 designated property within the PAD and uses the word "may," staff required the PAD amendment to clarify that multi-family residential uses are specifically allowed on Parcel 7-I. The applicant has submitted a policy for Parcel 7-I allowing multi-family residential uses on the 15.6 acre portion of the parcel west of the central wash. The balance of the property remains zoned for commercial development. The complete listing of policies for Parcel 7 are provided on Attachments 4-1 through 4-7.

The new policy related to Parcel 7-I is listed on Attachment 4-7, and provides as follows:

13. Additional requirements related to the development of Parcel I:

a. Multi-family residential development shall be permitted on the portion of Parcel 7-I west of the central wash. Commercial development shall be permitted on the portion of Parcel 7-I east of the central wash. Multi-family residential portions of the development shall be designed according to the PAD's High Density Residential development standards. Commercial portions of the development shall be designed according to the PAD's Community Commercial development standards. Pedestrian connectivity shall be provided between residential and commercial portions of the development. A minimum of twenty percent of the gross land area shall be provided as open space.

Site Conditions

- Parcel 7-I is 22.6 acres
- Western portion of Parcel 7-I (proposed multi-family site) is 15.6 acres
- Zoning is Rancho Vistoso C-1
- The property is currently vacant

Approvals to Date

The Rancho Vistoso PAD was originally adopted in June, 1987. There have been numerous amendments to the original PAD document as the master planned community has developed.

Surrounding Land Uses

<u>Direction</u>	<u>Zoning (Attachment 2)</u>	<u>Land Use</u>
North	Rancho Vistoso – High Density	Single-family Detached Residential
South	C-2 , R1-36	Commercial / Single-family Detached
Residential		
East	Rancho Vistoso C-1	Commercial / Vacant
West R1-144,	Rancho Vistoso Open Space	TEP Substation / Fire Station

General Plan Conformance

The property is designated Neighborhood Commercial / Office (NC/O) on the Oro Valley General Plan. As multi-family residential uses on this parcel are referenced in the policy statement and this amendment is intended only for clarification purposes, this application is not considered a significant land use change. The amendment was reviewed and is in conformance with notable general plan policies as provided in the Planning and Zoning Commission staff report (Attachment 10)

Neighborhood Meetings

The applicant conducted two neighborhood meetings on the project on March 24th and August 4th. Approximately 5 residents were in attendance for the March meeting and approximately 16 residents were in attendance for the second meeting. Issues raised at the neighborhood meeting included access to Tangerine Road, access to Woodburne Avenue, market demand for commercial and multi-family residential, impacts to views and impacts to property values. The summary notes from the neighborhood meetings provided on Attachment 5

Analysis of Proposed Amendment

The proposed amendment would add a special area policy further clarifying multi-family residential uses on the 15.6 acre western portion of this property. As stated previously, the narrow depth of the western

portion of the parcel limits viability for commercial use which typically needs greater depth to accommodate typical commercial buildings and supporting parking areas. The development of multi-family residential on this parcel serves as a logical transition from the high intensity of Tangerine Road to the single-family residential areas to the north.

The applicant has provided a preliminary development concept sketch and preliminary building elevations for the subject property (Attachments 6, 7 and 8). A complete Conceptual Design submittal will be required should the requested PAD amendment be approved.

The proposed policy allows multi-family residential development in accordance with the PAD's High Density Residential Development Standards, which permits densities ranging from 8-17 du/ac. Development at the high end of the density range for the 15.6 acres would allow 265 units. The Commercial portion of the property east of the central wash would continue to be subject to the PAD's Community Commercial Development Standards.

The development would need to adhere to all provisions of the PAD relative to open space, setbacks and building heights, as well as any applicable provisions of TRCOD and the Zoning Code not specifically exempted.

Traffic and Circulation

As the application is a PAD text amendment, engineering comments relative to the case have been included as conditions of approval to be addressed during the design phases of the project.

Specifically, the conditions require a Traffic Impact Analysis (TIA) be prepared and submitted with the Conceptual and Final Design package. The preliminary concept sketch submitted as part of this application shows two points of access to Tangerine Road. Access to Tangerine Road is controlled by ADOT as this is a State Route. The TIA will need to address access and all potential impacts to Woodburne Avenue, with particular focus on the Woodburne Avenue and Rancho Vistoso Boulevard intersection as it relates to level of service, traffic signal needs and associated geometric requirements.

Staff recommends a connection onto Woodburne Avenue in addition to required roadway improvements as stipulated in the conditions of approval. Tangerine Road is classified as a Major Arterial which provides greater traffic volume at higher speeds, but with limited access. Woodburne Avenue is classified as a Residential Collector which provides for lower traffic volume at slower speeds, but with greater access. As proposed, localized impacts are expected as vehicles turn into and out of the development at slower speeds than through traffic. Land access to a roadway system should generally occur at a lower use classification level. This access management principle allows a roadway system to function in a safe manner while balancing the needs for capacity, speed and access.

Planning and Zoning Commission Action

The amendment was considered by the Planning and Zoning Commission on October 5, 2011. The meeting was attended by approximately 60 residents. Eighteen people spoke in opposition to the proposed apartment development. Concerns ranged from nuisance impacts associated with apartments, reduction in property values, increased crime, loss of views and concerns with access on Woodburne Avenue. Additional emails in opposition to the amendment are provided on Attachment 9. At the conclusion of the public hearing, the Commission voted 3-1 to recommend approval of the amendment. The Commission added a fifth condition which stated that "The amendment only be approved if access from Tangerine Road be granted by ADOT". The dissenting Commissioner expressed that he was supportive of the amendment, but not supportive of the fifth condition added by the Commission.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt, adopt with conditions, or deny) Ordinance No. (O)11-27, AMENDING THE RANCHO VISTOSO PLANNED AREA DEVELOPMENT DISTRICT DOCUMENT BY ADDING SPECIAL AREA POLICY 13, as shown on Attachment 4-7, subject to the conditions provided on Attachment 1.

Attachments

[Ord 11-27](#)

[Attachment 2 - Zoning Map](#)

[Attachment 3 - C-1 Purpose Statement](#)

[Attachments 4-1 thru 4-7 - Neighborhood 7 Policies](#)

[Attachment 5-1 - March 24th Neighborhood Meeting Summary](#)

[Attachment 5-2 - August 4th Neighborhood Meeting Summary](#)

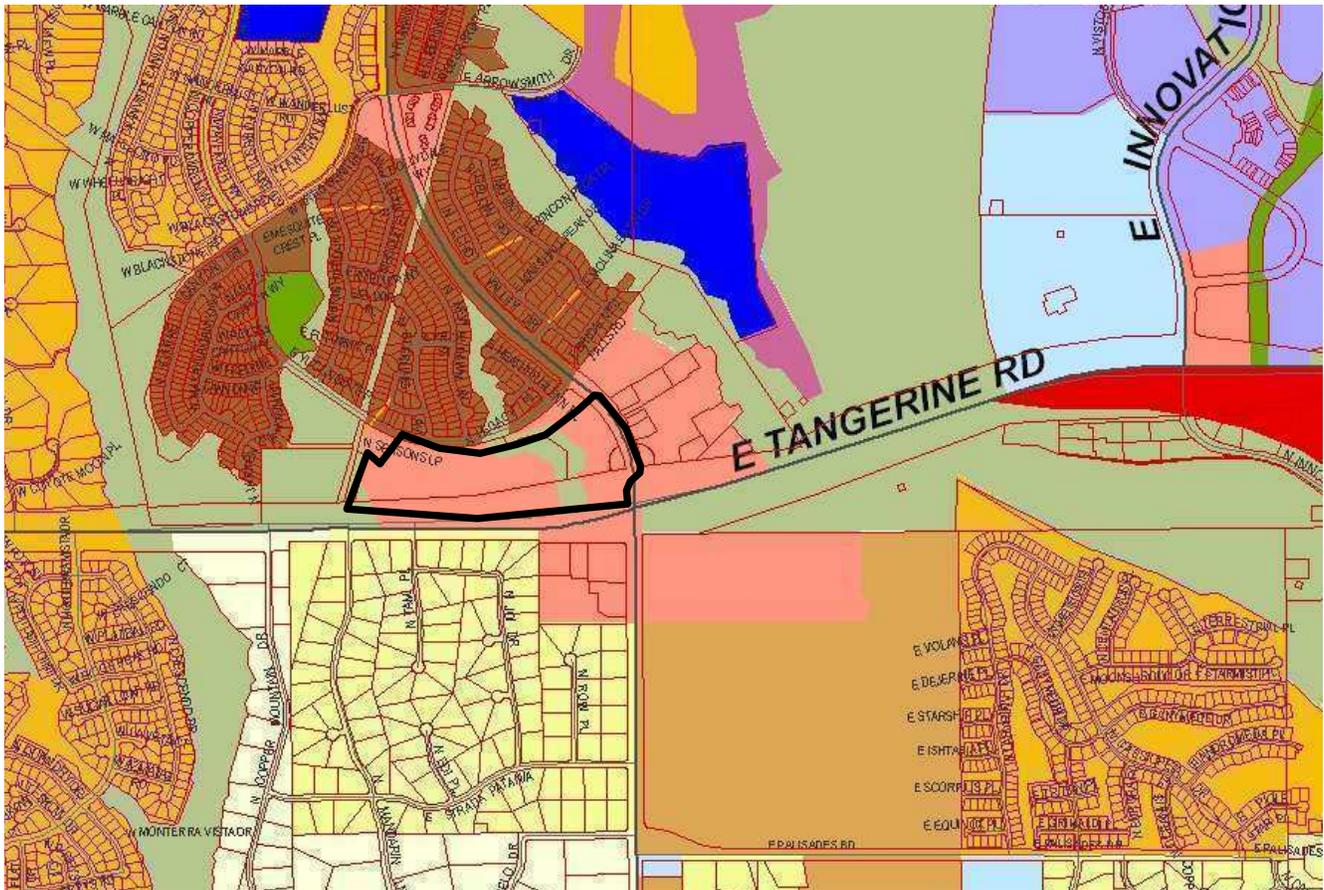
[Attachment 6 - Concept Sketch](#)

[Attachment 7 - 2 Story Building Elevation](#)

[Attachment 8 - 3 Story Building Elevation](#)

[Attachment 9-1 thru 9-4 - Emails of Opposition](#)

[Attachment 10 - Planning and Zoning Commission Report](#)



Legend

- Rural Low Density Residential (0 - 0.3 DU/AC)
- Low Density Residential (0.4 - 1.2 DU/AC)
- Low Density Residential (1.3 - 2.0 DU/AC)
- Medium Density Residential (2.1 - 5 DU/AC)
- High Density Residential (5+ DU/AC)
- Master Planned Community
- Resort / Golf Course
- Neighborhood Commercial / Office
- Public / Semi-Public
- Community / Regional Commercial
- Commerce / Office Park
- School
- Open Space
- Park
- National Forest

A) COMMUNITY COMMERCIAL (C-1)

1) Purpose: This district is intended to provide both for neighborhood and community shopping. The district provides for retail and service establishments which supply commodities or perform services to meet the daily needs of the neighborhood and shall be in locations where analysis of residential population demonstrates that such facilities are justified. In addition, this district is intended to provide commercial activities designed to serve the community. It may include uses associated with the central business district.

2) Permitted Uses:

a) Uses allowed in the C-1 district in Oro Valley Zoning Code Revised

b) Other Uses:

1. Private school
2. College or governmental structure
3. Community service agency
4. Library or museum
5. Playground or athletic field
6. Hospital or sanatorium
7. Clinic or dispensary
8. Club
9. Private club or lodge (nonprofit)
10. Child care center
11. Professional or semi-professional office
12. Real estate office
13. Insurance adjuster's office, which may include a drive-through facility
14. Motel or hotel, together with the following accessory uses located on the premises and having no exterior entrance closer than one hundred feet to a public street
 - a. Retail shops
 - b. Personal services
 - c. Recreational facilities
 - d. Restaurant
 - e. Beverage service
15. Antiques stores
16. Apparel store;
17. Art needlework or hand-weaving establishment;
18. Art gallery or store: The "patio" architectural design concept is allowed;
19. Art or drawing supply store;
20. Auto mechanical repair: provided there is no

respective washes. In any event, no encroachment for road crossings shall be permitted into washes greater than 500 CFS which is designed for the purpose of reclaiming land for development.

11. Flood Control: All washes with a 100-year peak discharge which equals or exceeds 2,000 CFS must be dedicated to Pima County in fee simple. Other washes shall be evaluated in the subdivision platting process for dedication to Pima County.

NEIGHBORHOOD #7

1. This plan shall adhere to all Rancho Vistoso PAD general policies.
2. The dwelling unit cap for Neighborhood #7 is 1,707.
3. The number of dwelling units permitted within a planning unit is calculated as RAC (Residences per Acre) multiplied by the developable acreage of the planning unit.
4. Open space shall be dedicated to, and maintained by, the applicable homeowner's association.
5. Circulation:
 - a. All public streets, with the exception of Rancho Vistoso Boulevard, shall have adjoining sidewalks on both sides.
 - b. Paths and trails within a planning unit shall be constructed by the developer and maintained by the applicable homeowner's association.
 - c. Separate pedestrian paths shall be constructed by the developer along Rancho Vistoso Boulevard. Bike lanes shall be striped on collectors.
6. Recreation Areas: The recreation areas, as shown on the PAD Plan shall be built by the developer and dedicated to and maintained by the applicable homeowner's association.
7. Schools: One ten acre school site, as indicated on the PAD plan, shall be donated to the Amphitheater School District by the master developer of Rancho Vistoso.
8. Planning Unit Boundary: Planning unit boundaries are shown adjacent to R.O.W.s for graphic purposes. The actual boundary shall be the centerline of the R.O.W.
9. Transportation:
 - a. The ultimate cross-section of the entire roadway network shall be the responsibility of the owner/developer or its assigns, except in the following instance:
 - 1) The owner/developer shall only have the responsibility for constructing half of the roadway cross-section for that portion of the eastern north-south road where only half of the

right-of-way exists within the boundaries of Neighborhood Plan #7.

- b. The roads crossing over washes greater than 500 CFS shall be designed to span the 100-year floodplain with only minimum encroachment. Any proposed encroachment shall be reviewed in the subdivision platting process to insure protection of the integrity of the respective washes. In any event, no encroachment for road crossings shall be permitted into washes greater than 500 CFS which is designed for the purpose of reclaiming land for development.
10. Flood Control: All washes with a 100-year peak discharge which equals or exceeds 2,000 CFS must be dedicated to Pima County in fee simple. Other washes shall be evaluated in the subdivision platting process for dedication to Pima County.
11. Additional requirements related to the development of Parcel E
- a. All lots shall contain a minimum of 43,560 square feet.
 - b. Specific uses are limited to single family detached residences.
 - c. Density is limited to .50 RAC and/or 37 total dwelling units.
 - d. The preliminary plat and the final plat shall delineate the building envelopes. The building envelopes shall not exceed 15,000 square feet and are not to be located closer than 100 feet to the Highlands Wash 100-year floodprone limits.

(Ord.95-16)
 - e. Additional requirements pertaining to lots 1-13,16-21, 26-32, 37-41, and 85-89:
 - 1) Any building envelope, which exceeds 15,000 square feet, not including driveway, shall be subject to the approval of the Planning and Zoning Director. In no case, may the gradable area on any individual lot exceed 20,000 square feet, excluding driveway. Approval of any building envelope exceeding 20,000 square feet must be approved by the Town Council.
 - 2) Landscaping outside the gradable area may be permitted, subject to approval of the Homeowners' Association. In no case, however, may any existing living vegetation, including groundcovers and shrubs, be removed to make way for nursery-grown or transplanted plant specimens. Introduced plant materials shall be indigenous to the area.
 - 3) Prior to any site disturbance the Town Zoning Inspector shall evaluate the existing vegetation

within the area to be graded. At his discretion plants may be identified for salvage and transplanted on-site.

- 4) All areas not covered by improved yards, building footprint, paving and accessory structures shall be revegetated using native trees, shrubs and groundcovers indigenous to the area.
- 5) Temporary fencing shall be erected on the perimeter of the gradable area and said fencing shall remain in place to protect the area of non-disturbance for the duration of the construction project.

(Ord. 97-25)

- f. Surveyable envelopes shall be provided for each lot, for review and approval by the Planning and Zoning Director, prior to the issuance of a building permit.
- g. The maximum building height allowed within this amendment area shall be 20 feet.
- h. The applicant shall submit five copies of the corrected text and exhibits for the PAD, to the Planning and Zoning Department within no more than 30 days of the approval of 0V9-95-2.
- i. This approval changes the designation for parcel E to VLDR and allows a maximum of 37 units. This approval reduces the maximum number of dwelling units in Neighborhood 7 to 1,673.
- j. All Saguaros shall be preserved in place or salvaged and re-planted on-site.
- k. Arizona Game and Fish Department's guidelines for handling desert tortoise specimens shall be followed, if these animals are encountered during development.
- l. Only native plant materials shall be used for the purposes of site revegetation.
- m. The 18.2 acre area of natural open space (the Highlands wash on the site) shall be protected from disturbance during construction by temporary fencing or signage to the satisfaction of the P&Z Director protected from disturbance during construction.
- n. A homeowners' association shall be formed for this subdivision, which shall be charged with preservation of the 62.2 acres of natural open space that is to be left in an undisturbed state.
- o. The preliminary and final plats for this subdivision shall be in substantial conformance with the tentative development plan approved by the Mayor and Council.

- p. Add building envelopes to all lots.
- q. A restoration bond shall be posted to protect the natural open space.
- r. Perform an on-the-ground survey for cultural resources prior to any ground disturbing, including vegetation salvage, activities.
- s. Significant and/or unique riparian habitat shall be maintained as natural open space.
- t. The Highlands Wash shall be preserved as natural open space due to the Planning Commission having found that one or all of the following criteria to exist:
 - 1) Uniquely high density and/or quality of vegetation
 - 2) High quality of wildlife habitat per the Arizona Department of Game and Fish
 - 3) Linkages to public preserves and major washes
 - 4) Continuity of the wash through developed areas

The area to be preserved shall include the 100 year floodplain unless otherwise stipulated in these conditions.
- u. Salvageable trees shall be either side-boxed or spaded and incorporated into the project landscaping.
- v. The Town of Oro Valley HDZ and Grading Ordinance shall apply.
- w. A final plat shall be approved by Council for this Planned Area Development Amendment within 2 years from the date of approval of this PAD Amendment by Town Council (4-4-95). If the specified time frame is not met and no extension is granted, this conditional approval shall lapse and the property shall revert back to the land uses originally approved. (Ord. 95-16)

12. Additional requirements related to the development of Parcel K:1

- a. The area dedicated as a park site, adjacent to the school site, shall be no less than 4.93 acres in size, and sufficient flexibility shall be provided to Staff to allow them to develop deed restrictions which will be compatible to the School District's needs. A covenant shall be recorded restricting this park site for public use.
- b. The developers shall work in good faith with the residents of Neighborhood 7, Unit 1, and the Oro Valley Parks Board to create recreational space and facilities

between Parcels G and H of Neighborhood 7 and a natural pathway along the power easement in lieu of a tot lot north of Arrowsmith Drive

- c. The upstream improvements, which reduce peak flows during the 100 year storm shall be completed prior to plat approval of Parcel K.
- d. The entire 15 acre school site shall be development simultaneously, to include the school and associated recreational facilities.
- e. A pedestrian trail shall be constructed through open space washes along the eastern edge of the site, as approved by the Planning and Zoning Director. Said trail shall be developed to the standards to be defined in the Oro Valley Parks, Open Space and Trails System Master Plan.
- f. A park site, minimum 4.93 acres in size, shall be dedicated abutting the elementary school site, to the Town of Oro Valley prior to the adoption of a final zoning ordinance. The Town intends to then convey this property to the Amphi School District with a deed restriction limiting use of the land to school and neighborhood serving recreational uses.
- g. Provide a TDP clear overlay and an aerial photo, which clearly depicts preservation of the riparian habitat lining the wash along the eastern portions of the site.
- h. Arizona Game and Fish Recommendations:
 - 1) Maximize the amount of inter-connected open space within the development.
 - 2) Utilize native plant species for all on-site vegetation and revegetation.
 - 3) A Desert Tortoise habitat study and survey shall be conducted on the property by a qualified biologist.
- i. Sidewalks shall be provided on both sides of all streets within this rezoning area.
- j. Front yard setbacks shall provide for a minimum of 20 feet between the sidewalk and the garage footprint.
- k. The southern 4.93 acres (minimum) of this property shall be dedicated for a park and a new tentative development plan be submitted to reflect this, through map and a general note.
- l. The natural open space associated with the wash shall be fenced off and protected from disturbance during construction.

- m. The first tier of lots, lots 95 through 98, shall be limited to single story structures.
- n. The typical roadway cross-section shall depict a 3 foot curbway between the sidewalk and the wedge curb.
- o. Significant and/or unique riparian habitat shall be maintained as natural open space.
- p. Salvageable trees shall be either side-boxed or spaded and incorporated into the project landscaping.
- q. Bicycle paths and pedestrian walkways or sidewalks shall be included in the development and shall be integrated with such facilities, existing or planned, on adjacent properties.
- r. The Tentative Development Plan or (PAD document) will be revised to incorporate the conditions specified by staff and the Planning Commission as approved by the Town Council prior to adoption of a final zoning ordinance.
(Ord. 94-15) (Ord. 96-39)
- s. A revegetation/landscape and irrigation plan shall be submitted for the entire utility easement between Woodburne Avenue and Rancho Vistoso Blvd., said plans to be approved by DRB and Town Council. A form of assurances satisfactory to the Town must be posted to guarantee implementation of said plans.
- t. No new grading shall occur on Parcel K prior to approval of a revised landscape plan, which incorporates a revegetation/retaining wall plan for that portion of the wash to be disturbed in the area of Lots 9 through 12 of Parcel K. Said plan must address a decorative treatment for the retaining wall, including a creative method for improving the aesthetics thereof. Said plans must be reviewed by DRB and approved by Town Council.
- u. Trees shall be native, transplanted specimens and/or nursery-grown. Of the nursery trees imported, 40% of the total number must be 24 inch box size, or greater.
- v. The larger trees salvaged from the area of encroachment shall be re-planted on-site.
- w. The existing trail in the subject wash shall be extended southward, as far as possible, toward Arrowsmith Dr.
- x. The applicant will work with neighbors on the eastern side of the wash to provide adequate revegetation and mitigation.
- y. The property owner shall be hereby authorized to process the preliminary and final plat for Parcel K concurrently.

(Ord. 96-39)

13. Additional requirements related to the development of Parcel I:
 - a. Multi-family residential development shall be permitted on the portion of Parcel 7-I west of the central wash. Commercial development shall be permitted on the portion of Parcel 7-I east of the central wash. Multi-family residential portions of the development shall be designed according to the PAD's High Density Residential development standards. Commercial portions of the development shall be designed according to the PAD's Community Commercial development standards. Pedestrian connectivity shall be provided between residential and commercial portions of the development. A minimum of twenty percent of the gross land area shall be provided as open space.

Rancho Vistoso Parcel March 24, 2011 7-I Neighborhood Meeting Summary

Q: Will the Arizona Department of Transportation (ADOT) grant access to Tangerine Road?

A: The applicant must obtain a permit to access Tangerine Road, which is restricted by specific driveway spacing and access management regulations to ensure traffic safety and efficiency.

Q: There have been previous unsuccessful proposals to develop this property by Vistoso Partners. What has changed?

A: This parcel has been zoned for commercial development since the creation of Rancho Vistoso in the late 1980's. Development of the parcel is driven by market demand as well as site constraints, including the elongated linear shape of the parcel, lack of existing access onto Oracle Road, and the presence of an adopted riparian area bisecting the property). The market demand or feasibility of commercial development on the parcel has not materialized. However, there currently appears to be a market for the development of higher-density housing which may be a more feasible use for Parcel 7-I than commercial.

Q: Will the site have access from Woodburne Avenue?

A: Yes, access points currently exist along Woodburne Avenue.

Q: Will the speed limit on Woodburne Avenue change when this site is developed?

A: The speed limit is based on a number of factors related to safety. The speed limit could change if the traffic impacts of development in the area, including the development of Parcel 7-I, necessitated it to ensure public safety.

Q: Why is this being proposed now?

A: This site has sat undeveloped for decades and there are currently residential developers interested in it to meet market demand for higher-density housing in the area.

Q: Who will restore the site if the project stalls or stops after the site has been graded?

A: The Town requires the developer to establish a restoration bond for the cost of restoring the site to its previous state if the project is not completed. As discussed at the meeting, the Town only uses these assurances as a last resort after the developer has exhausted all other options.

Q: Will this project impact property values?

A: It is difficult to speculate what effect, if any, the development of Parcel 7-I will have on adjacent residential property values. However, high quality development that does not negatively impact adjacent residences does not typically adversely affect property values.

Q: Will the development impact views?

A: Although the site is lower than adjacent neighborhoods, it will likely have some impact to views. Staff will work with the applicant and neighbors to minimize view disturbances, where possible, while still preserving the applicant's vested zoning rights, including a 34-foot (3 stories) height limit. In addition, the primary view is to the east/southeast toward Pusch Ridge and the Catalina Mountains. Development on Parcel 7-I, which lies to the south, will not likely impact these views.



Development and Infrastructure Services Department

**Rancho Vistoso – Parcel 7-I
OV 911-006
Neighborhood Meeting Summary
August 4, 2011**

Matt Michaels, Senior Planner presented the following:

Background
PAD Zoning
PAD Text Amendment
General Plan
Process

Paul Oleland, WLB presented an overview of the proposed development project and the need for a PAD amendment.

Approximately 16 residents were in attendance. Issues raised by residents during the meeting included:

Children generated by apartments – impact on school

Increase in crime associated with apartments

Access to Fire Station

Quality of apartments

Condo's vs. Apartments

Use of remainder parcel

Alignment of Tami, or off-set

Viewshed analysis

No access on Woodburne

Rents proposed?

Planning
(520) 229-4832

Permitting
(520) 229-4815

Inspection & Compliance
(520) 229-4815

Engineering
(520) 229-4894

Operations
(520) 229-5070

Transit
(520) 229-4990

Caring for our heritage, our community, our future.

11000 N. La Cañada Drive • Oro Valley, Arizona 85737
fax: (520) 742-1022 • www.orovalleyaz.gov

No HUD project

Building Height – View Impacts

Screen wall / sidewalk on Woodburne

Access questions regarding Tangerine Road

Requirement for Traffic Impact Analysis – Woodburne / Rancho Vistoso intersection

Don't want to lose sidewalk on Woodburne

Will the project be gated?

Loss of commercial revenue

What happens if ingress not granted by ADOT?



Attachment 6



1/8" = 1'-0" SCALE

HSL - TANGERINE / RANCHO VISTOSO





3/20/10 SCALE
AUG 1, 2011

HSL - TANGERINE / RANCHO VISTOSO
ELEVATION



Horned lizards ("horny toads") used to be a common sight throughout the Tucson area. Now they are relatively rare. The chief cause of their demise is loss of habitat. Large footprint structures are especially devastating, because they don't give animals a chance to find a safe habitat nearby.

Structures that obstruct washes are also devastating to wildlife. Washes are riparian habitats, and the presence of even seasonal water is a major factor in supporting animal and plant life. Many amphibians and birds depend on riparian areas, and when these areas are obstructed, those animals will probably not return.

Part of the charm of desert life is the diversity of unique life forms that cannot be found elsewhere. Please consider that construction of large structures may impact substantially on that charm.

Tom McDonald, Rancho Vistoso Resident
Biology Department
Pima Community College, West Campus
Tucson, AZ

Soap and education are not as sudden as a massacre, but they are more deadly in the long run.

Mark Twain

My name is Barbara Cherardi, 425 E. Heatherglenn Pl., Oro Valley 85755. I wish to inform you of my dissatisfaction about the new building codes your asking for on Tangerine and Woodburne. When I bought my home, it was told to me that that land is common ground and would stay as that. I think building apartments there would be terrible. It's close to schools and I think the traffic situation would not be good too. If anything has to be built, I would prefer individual homes. Apartments would change the whole look of this neighborhood. On Tangerine, probably at some time, there would be some businesses built in the near future. But that's on Tangerine, not on Woodburne. But the thought of two or three story apartments is not what I would like, that's for sure.

Sincerely
Barbara Cherardi

Dear Mr. Daines,

Please reconsider the proposed change to multi-family dwellings for Rancho Vistoso undeveloped land bordering Tangerine and Rancho Vistoso to Woodburne. It would not be consistent with the way the rest of Rancho Vistoso has been developed---low density single family and may adversely affect the property values in the area. Thank you for your attention to this.

Ann Ellsworth
13507 N. Tom Ryan's Way
Oro Valley, AZ 85755

Attachment 9-1

Mr. Daines,

I requested a form letter to express my opposition to the new apartments near Woodburne Dr. Who is promoting this bad idea? Can you let me know, so I can call or write them personally? Thank you very much for your WARNING Flyer.

Sincerely,

Brandon Jones

Praise the Lord, O my soul, and forget not all His benefits...who satisfies your desires with good things.
Psalm 103:2,5

October 1, 2011

**Att: Chad Daines
Town of Oro Valley
11000 N La Canada Dr
Oro Valley, AZ 85737**

Dear Mr Daines,

As a resident of Rancho Vistoso, I am opposed to the proposed amendment to the Rancho Vistoso Planned Area Development zoning standards that would permit multi-family residential use (apartments) on Parcel 7-1, generally located at the northwest corner of Rancho Vistoso Blvd and Tangerine Rd, (OV 911-06.)

This change will destroy the tranquility and single family residential character of our community. It is likely to negatively impact property values, mountain views, schools community services, wildlife patterns and our water supply. Further it is bound to create traffic congestion.

I respectfully ask that you do not approve this amendment and protect our nearly 23 acres of land as open space.

Sincerely,

**Carolyn Rashti
12179 N Kylene Canyon Dr
Oro Valley, AZ 85755**

Attachment 9-2

I just moved here in July, so maybe I don't have much right to complain.

I feel like I'm being blindsided. This project will completely destroy the small community around Sterling, Seasons Loop, and the other roads down to Rancho Vistoso Blvd. The traffic will increase exponentially. The peace and tranquility, not to mention the views, that we thought we were going to enjoy when we moved here, will be destroyed. Why not build, if you really have to, on Tangerine. Exit and entrance on Tangerine like the other development. The scope of this project is way too big for this area. I hope to see you on Oct. 4th.

Respectively, Brenda Kenfield N Seasons Loop.

October 1, 2011

Town of Oro Valley
11000 N. La Cañada Drive
Oro Valley AZ 85737

As a resident of Rancho Vistoso, I am opposed to the proposed amendment to the Rancho Vistoso Planned Area Development (PAD) zoning standards that would permit multi-family residential use (apartments) on Parcel 7-1, generally located at the northwest corner of Rancho Vistoso Blvd and Tangerine Rd, (OV 911-06.).

This change will destroy the tranquility and single family residential character of our community. It is likely to negatively impact property values, mountain views, schools, community services, wildlife patterns and our water supply. Further, it is bound to create traffic congestion.

Adding a large apartment complex to our neighborhood is not acceptable. A rental property right when you enter Rancho Vistoso will negatively impact our daily life. Our school cannot handle more students! When you look at Oro Valley's website, it brags on our "fine" schools. Think of what a large apartment complex will do to our schools! Class size will increase and our children will not get the "fine" education Oro Valley brags about. Traffic will be horrendous at that corner. And our property values will further decline. This is not what I wanted when I moved to Oro Valley!

This is not the right thing to do for the residents of Rancho Vistoso nor Oro Valley!

I respectfully ask that you do not approve this amendment and protect our nearly 23 acres of land as open space.

Sincerely,

Robin L Davis
200 W. Saddletree Place
Oro Valley, AZ 85755
520-883-9003

Attachment 9-3

Town of Oro Valley
11000 N. La Cañada Drive
Oro Valley AZ 85737

As a resident of Rancho Vistoso, I am opposed to the proposed amendment to the Rancho Vistoso Planned Area Development (PAD) zoning standards that would permit multi-family residential use (apartments) on Parcel 7-1, generally located at the northwest corner of Rancho Vistoso Blvd and Tangerine Rd, (OV 911-06.).

This change will destroy the tranquility and single family residential character of our community. It is likely to negatively impact property values, mountain views, schools, community services, wildlife patterns and our water supply. Further, it is bound to create traffic congestion.

Further, we chose to move to an older, established neighborhood in Oro Valley for the very reason that we did not want to deal with such issues. This is not a rental community. Having a large apartment complex near us is not acceptable. This will not help property values in this neighborhood. Adding a large apartment complex will further deplete our property value. We have a choice where we live. If this is approved and moves forward you will drive residents out of Oro Valley. Creating more empty homes and even further adding to the decline of property value in Rancho Vistoso.

I do not believe this is the right thing to do for the residents of Rancho Vistoso nor Oro Valley. The impact will only be negative to our daily lives and must be rejected.

I respectfully ask that you do not approve this amendment and protect our nearly 23 acres of land as open space.

Sincerely,

Glenn Davis
200 W Saddletree Pl.
Oro Valley, AZ 85755

Attachment 9-4

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: October 4, 2011

TO: PLANNING & ZONING COMMISSION

FROM: David Williams, Planning Division Manager

SUBJECT: Public Hearing: Amendment to the Rancho Vistoso Planned Area Development (PAD) zoning standards to clarify that multi-family residential uses (apartments) are permitted on Parcel 7-I, generally located at the northwest corner Rancho Vistoso Boulevard and Tangerine Road (OV 911-006).

SUMMARY:

The Planned Area Development (PAD) Amendment pertains to Rancho Vistoso Parcel 7-I, located at the northwest corner of Rancho Vistoso Boulevard and Tangerine Road (Attachment 1). Parcel 7-I is designated C-1 within the Rancho Vistoso PAD (Attachment 2). Through reference, the PAD provides that multi-family residential uses may be permitted within areas designated C-1. The applicant is requesting an amendment to add a new policy to clarify that multi-family residential uses are permitted on Parcel 7-I.

BACKGROUND:

Amendment Request

The subject property is designated C-1 in the Rancho Vistoso PAD document. The Rancho Vistoso C-1 purpose statement (Attachment 3) indicates that the district “may include uses associated with the central business district”. Multi-family residential is one of the uses allowed within the central business district. As this reference applies generally to all C-1 designated property within the PAD and uses the word “may”, staff required the PAD amendment to clarify that multi-family residential uses are specifically allowed on Parcel 7-I. The applicant has submitted a policy for Parcel 7-I allowing multi-family residential uses on the 15.6 acre portion of the parcel west of the central wash. The balance of the property remains planned for commercial development. The complete listing of policies for Parcel 7 are provided on Attachments 4-1 through 4-7. The new policy related to Parcel 7-I is listed on Attachment 4-7, and provided as follows:

13. Additional requirements related to the development of Parcel I:

- a. Multi-family residential development shall be permitted on the portion of Parcel 7-I west of the central wash. Commercial development shall be permitted on the portion of Parcel 7-I east of the central wash. Multi-family residential portions of the development shall be designed according to the PAD’s High Density Residential development standards. Commercial portions of the development shall be designed according to the PAD’s Community Commercial development standards. Pedestrian connectivity shall be provided between residential and commercial portions of the development. A minimum of twenty percent of the gross land area shall be provided as open space.

Site Conditions

- Parcel 7-I is 22.6 acres
- Western portion of Parcel 7-I (proposed multi-family site) is 15.6 acres
- Zoning is Rancho Vistoso C-1
- The property is currently vacant

Approvals to Date

The Rancho Vistoso PAD was originally adopted in June, 1987. There have been numerous amendments to the original PAD document as the master planned community has developed.

Surrounding Land Uses

Direction	Zoning (Attachment 2)	Land Use
North	Rancho Vistoso – High Density	Single-family Detached Residential
South	C-2 , R1-36	Commercial / Single-family Detached Residential
East	Rancho Vistoso C-1	Commercial / Vacant
West	R1-144, Rancho Vistoso Open Space	TEP Substation / Fire Station

General Plan Conformance

The property is designated Neighborhood Commercial / Office (NC/O) on the Oro Valley General Plan (Attachment 5). As multi-family residential uses on this parcel are referenced in the policy statement and this amendment is intended only for clarification purposes, this application is not considered a significant land use change. The following general plan policies are notable for this proposal:

- *Policy 1.3.2 The Town shall encourage new development to locate uses that depend on convenient transportation access (e.g. higher density residential and commercial) near major arterial streets.*

Rancho Vistoso Parcel 7-I is located at the intersection of two major arterial streets. Additionally, Tangerine Road is a State Route which accommodates regional traffic needs.

- *Policy 1.4.7 The Town shall ensure that increased densities approved for high density projects are based on reducing the negative impacts on adjacent lower density residential projects and providing additional landscaping, open space, and other amenities.*

This application is to clarify the use of a portion of the property for multi-family residential uses. As such, a detailed Conceptual Site Plan is not

required and has not been submitted. If this application is approved, the next step in the process would be submittal and review of the detailed Conceptual Site Plan to ensure adherence to this policy. The policy requires a minimum 20% open space be provided on the site and the site be integrated with pedestrian connections to the commercial area east of the central wash. The conceptual sketch plan submitted by the applicant is provided on Attachment 6.

- *Policy 1.5.4 The Town shall ensure that areas appropriately zoned and planned for neighborhood commercial uses are developed.*

The intent of this policy is to prevent rezoning of appropriately planned commercial areas to other uses. Although the property is zoned for commercial uses, the narrow depth of the property limits commercial development potential. Additionally, the applicant proposes to retain 7 acres of commercially zoned land at the intersection of Rancho Vistoso Boulevard and Tangerine Road.

Neighborhood Meetings

The applicant conducted two neighborhood meetings on the project on March 24th and August 4th. Approximately 5 residents were in attendance for the March meeting and approximately 18 residents were in attendance for the second meeting. Issues raised at the neighborhood meeting included access to Tangerine Road, access to Woodburne Avenue, market demand for commercial and multi-family residential, impacts to views and impacts to property values.

Analysis of Proposed Amendment

The proposed amendment would add a special area policy further clarifying multi-family residential uses on the 15.6 acre western portion of this property. As stated previously, the narrow depth of the western portion of the parcel limits viability for commercial use which typically needs greater depth to accommodate typical commercial buildings and supporting parking areas. The development of multi-family residential on this parcel serves as a logical transition from the high intensity of Tangerine Road to the single-family residential areas to the north.

The applicant has provided a preliminary development concept sketch and preliminary building elevations for the subject property (Attachments 6, 7 and 8). A complete Conceptual Design submittal will be required should the requested PAD amendment be approved.

The proposed policy allows multi-family residential development in accordance with the PAD's High Density Residential Development Standards, which permits densities ranging from 8-21 du/ac. A typical apartment development is generally 18 du/ac. The Commercial portion of the property east of the central wash would continue to be subject to the PAD's Community Commercial Development Standards.

In terms of the Tangerine Road Corridor Overlay District (TRCOD), the entire Rancho Vistoso PAD area was expressly exempted from a number of provisions of the TRCOD. The specific provisions

of TRCOD which are not applicable to this development include the 50 foot open space tract along Tangerine Road, the measurement of building setbacks from the 50 foot open space tract and building height limitations specific to TRCOD.

The development would need to adhere to all provisions of the PAD relative to open space, setbacks and building heights, as well as any applicable provisions of TRCOD and the Zoning Code not specifically exempted.

Traffic and Circulation

As the application is a PAD text amendment, engineering comments relative to the case have been included as conditions of approval (Attachment 9) to be addressed during the design phases of the project.

Specifically, the conditions require a Traffic Impact Analysis be prepared and submitted with the Conceptual and Final Design package. The preliminary concept sketch submitted as part of this application shows two points of access to Tangerine Road. Access to Tangerine Road is controlled by ADOT as this is a State Route. The TIA will need to address access and all potential impacts to Woodburne Avenue, with particular focus on the Woodburne Avenue and Rancho Vistoso Boulevard intersection as it relates to level of service, traffic signal needs and associated geometric requirements. If access is required on Woodburne Avenue, a realignment of the roadway will be required at the intersection. The realignment will require the roadway to shift south to allow the vacant commercial property north of Safeway and the existing Safeway commercial center to have access to the signalized intersection. Recommended conditions relative to these issues is provided on Attachment 9.

PUBLIC NOTIFICATION AND COMMENT

The PAD amendment has been noticed in accordance with Town requirements and no comments have been received.

CONCLUSION/RECOMMENDATION

Staff recommends approval, subject to the conditions provided on Attachment 9.

SUGGESTED MOTION

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

I move to recommend [approval, approval with conditions, OR denial], OV911-006, approval of a PAD amendment to add a special area policy relative to Rancho Vistoso Parcel 7-I.

Attachments:

1. Attachment 1 – Location Map
2. Attachment 2 – Zoning Map
3. Attachment 3 – Purpose Statement
4. Attachment 4 – Neighborhood 7 Special Area Policies
5. Attachment 5 – General Plan Map
6. Attachment 6 – Concept Sketch
7. Attachment 7 – Concept Elevation 2 Story Buildings
8. Attachment 8 – Concept Elevation 3 Story Buildings
9. Attachment 9 – Conditions of Approval

cc: Prepared by: Chad Daines, AICP, Principal Planner

David Williams, AICP, Planning Division Manager

Citizens Petition to the Town of Oro Valley Council

We, the undersigned residents of Rancho Vistoso, hereby state our objections to the proposed PAD amendment to rezone and permit apartments on Parcel 71, located at the northwest corner of Tangerine Road & Rancho Vistoso Blvd, Oro Valley, AZ. The applicant has not proven a viable need for apartments through an independent market study. Multiple other properties within Rancho Vistoso are currently zoned for Multi-family residential (over 1700 units) and should be developed before rezoning is considered. The C-1 Commercial zoning should be retained for future businesses that will benefit the community in the future. The apartments would generate increased traffic & safety issues on Woodburne Avenue & Tangerine Road. Schools would be negatively impacted due to increased class size. The single-family community feel would be destroyed. The proposed change is not consistent with the General Plan Vision, Goals & Policies: a) conditions in the community have not changed to the extent that an amendment is needed 2) the change will not contribute to the socio-economic betterment of the community & will not achieve community & environmental compatibility c) there is no proven market demand which will lead to community acceptance e) the change will adversely impact the community. We request that Town Council deny the applicant's request for an amendment to permit multi-family residential development on Parcel 71.

Signature	Name (print)	Address	Date
<i>[Signature]</i>	Greg Albright	12140 N. New Dawn Ave Oro Valley AZ 85755	12/3/11
<i>[Signature]</i>	DAVID L. GISELLING	12124 N. NEW DAWN AVE, ORO VALLEY AZ 85755	12/3/11
<i>[Signature]</i>	LORI S. DEFLORIS	12141 N. NEW DAWN AVE ORO VALLEY	12/3/11
<i>[Signature]</i>	Kim Mitterstadt	12158 N Legacy Pl, Oro Valley	12/3/11
<i>[Signature]</i>	Brenda J Kentfeld	12143 N Seasons Loop	12/6/11
<i>[Signature]</i>	WENDY K. OLSON	12125 N. NEW DAWN AVENUE	12/8/11
<i>[Signature]</i>	MARK K. KLAY	12114 N. STERLING AVE	12/8/11
<i>[Signature]</i>	KAREN KLAY	12114 N. Sterling Ave	12/8/11
<i>[Signature]</i>	Tatiana Whitlock	12170 N Sterling Ave	12/10/11
<i>[Signature]</i>	Winston Williams	12250 N Seasons Ave	12/10/11
<i>[Signature]</i>	Dana A Fambro	12135 N Seasons Loop	12/10/11
<i>[Signature]</i>	Kayla Peterson	436 E Heather Glenn	12/10/11
<i>[Signature]</i>	Francis Van Der Pette	12172 N New Dawn Ave	12/10/11
<i>[Signature]</i>	STUART SMITH	12228 N. New Dawn Ave	12/10/11
<i>[Signature]</i>	Robt. Richardson	12310 N NEW DAWN	12/10/11

Citizens Petition to the Town of Oro Valley Council

We, the undersigned residents of Rancho Vistoso, hereby state our objections to the proposed PAD amendment to rezone and permit apartments on Parcel 7-1, located at the Northwest corner of Tangerine Road & Rancho Vistoso Blvd, Oro Valley, AZ. The applicant has not proven a viable need for apartments through an independent market study. Multiple other properties within Rancho Vistoso are currently zoned for Multi-family residential (over 1700 units) and should be developed before rezoning is considered. The C-1 Commercial zoning should be retained for businesses that will benefit the community in the future. The apartments would generate increased traffic & safety issues on Woodburne Avenue & Tangerine Road. Schools would be negatively impacted due to increased class size. The single-family community feel would be destroyed. The proposed change is not consistent with the General Plan Vision, Goals & Policies: a) conditions in the community have not changed to the extent that an amendment is needed 2) the change will not contribute to the socio-economic betterment of the community & will not achieve community & environmental compatibility c) there is no proven market demand which will lead to community acceptance d) the change will adversely impact the community. We request that Town Council deny the applicant's request for an amendment to permit multi-family residential development on Parcel 7-1.

	Signature	Name (print)	Street Address	City, State, Zip	Date
1	<i>[Signature]</i>	HERNANDEZ-RIVERA, JOSE	12130 N. STERLING AVE	Oro Valley, AZ 85755	12-9-11
2	<i>[Signature]</i>	PINAKI RAY	12162 N. STERLING AVE	Oro Valley, AZ 85755	12-9-11
3	<i>[Signature]</i>	Robert Mitchell	12219 N. Sterling Ave	Oro Valley, AZ 85755	12-10-11
4	<i>[Signature]</i>	Dorothy S. Sinner	12144 N. Seasons Loop	Oro Valley, AZ 85755	12-10-11
5	<i>[Signature]</i>	Jerilyn Higgins	437 E. Hatheglen Pl	Oro Valley, AZ 85755	12-10-11
6	<i>[Signature]</i>	JEAN C. MUGENT	12172 N. LEGACY PL	Oro Valley, AZ 85755	12-10-11
7	<i>[Signature]</i>	Carol M Bratton	12148 N. New Dawn Ave	Oro Valley, AZ 85755	12-10-11
8	<i>[Signature]</i>	Deborah Davey	12177 N. New Dawn Ave	Oro Valley, AZ 85755	12-10-11
9	<i>[Signature]</i>	Eric Larson	12303 N. New Dawn Ave	Oro Valley, AZ 85755	12-10-11
10	<i>[Signature]</i>	Phyllis Catarzaro	12323 N. New Dawn Ave	Oro Valley, AZ 85755	12-10-11
11	<i>[Signature]</i>	SUSIE PETERSON	12444 W. WINDMILL CREST	Oro Valley, AZ 85755	12-10-11
12	<i>[Signature]</i>	Todd Sinner	12435 N. Mesquite Creek	Oro Valley, AZ 85755	12-10-11
13	<i>[Signature]</i>	Debra Hunt	12428 N. Mesquite Crest Way	Oro Valley, AZ 85755	12-10-11
14	<i>[Signature]</i>	AMELA BARTOLAI	12404 N. MESQUITE CREST WAY	Oro Valley, AZ 85755	12-10-11
15	<i>[Signature]</i>	Warren Gibbith	12340 N. Mesquite Crest Way	Oro Valley, AZ 85755	12-10-11

Citizens Petition to the Town of Oro Valley Council

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	Signature	Name (print)	Street Address	City, State, Zip	Date
1	<i>[Handwritten Signature]</i>	TERESA P. WALKER-MULLOY	17132 N New Dawn Dr	Oro Valley, AZ 85755	12/19/2011
2				Oro Valley, AZ 85755	
3				Oro Valley, AZ 85755	
4				Oro Valley, AZ 85755	
5				Oro Valley, AZ 85755	
6				Oro Valley, AZ 85755	
7				Oro Valley, AZ 85755	
8				Oro Valley, AZ 85755	
9				Oro Valley, AZ 85755	
10				Oro Valley, AZ 85755	
11				Oro Valley, AZ 85755	
12				Oro Valley, AZ 85755	
13				Oro Valley, AZ 85755	
14				Oro Valley, AZ 85755	
15				Oro Valley, AZ 85755	

Citizens Petition to the Town of Oro Valley Council

We, the undersigned residents of Rancho Vistoso, hereby state our objections to the proposed PAD amendment to rezone and permit apartments on Parcel 7-1, located at the Northwest corner of Tangerine Road & Rancho Vistoso Blvd, Oro Valley, AZ. The applicant has not proven a viable need for apartments through an independent market study. Multiple other properties within Rancho Vistoso are currently zoned for Multi-family residential (over 1700 units) and should be developed before rezoning is considered. The C-1 Commercial zoning should be retained for businesses that will benefit the community in the future. The apartments would generate increased traffic & safety issues on Woodburne Avenue & Tangerine Road. Schools would be negatively impacted due to increased class size. The single-family community feel would be destroyed. The proposed change is not consistent with the General Plan Vision, Goals & Policies: a) conditions in the community have not changed to the extent that an amendment is needed 2) the change will not contribute to the socio-economic betterment of the community & will not achieve community & environmental compatibility c) there is no proven market demand which will lead to community acceptance d) the change will adversely impact the community. We request that Town Council deny the applicant's request for an amendment to permit multi-family residential development on Parcel 7-1.

	Signature	Name (print)	Street Address	City, State, Zip	Date
1	<i>Patrick J. Mulloy</i>	PATRICK J. MULLOY	12132 N. NEW SHAW AVE, ORO	Oro Valley, AZ 85755	19 DEC 11
2				Oro Valley, AZ 85755	
3				Oro Valley, AZ 85755	
4				Oro Valley, AZ 85755	
5				Oro Valley, AZ 85755	
6				Oro Valley, AZ 85755	
7				Oro Valley, AZ 85755	
8				Oro Valley, AZ 85755	
9				Oro Valley, AZ 85755	
10				Oro Valley, AZ 85755	
11				Oro Valley, AZ 85755	
12				Oro Valley, AZ 85755	
13				Oro Valley, AZ 85755	
14				Oro Valley, AZ 85755	
15				Oro Valley, AZ 85755	



Town Council Regular Session

Item # 4.

Meeting Date: 01/18/2012

Requested by: David Williams

Submitted By:

Matt Michels, Development
Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)12-02, APPROVING A REZONING REQUEST BY CPE CONSULTANTS, LLC REPRESENTING CPE DEVELOPMENT COMPANY, INC. FOR THE PROPERTY LOCATED ¼ MILE SOUTH OF TANGERINE ROAD ON THE WEST SIDE OF LA CHOLLA BOULEVARD AND KNOWN AS RANCHO DE PLATA FROM SINGLE FAMILY RESIDENTIAL (R1-144) TO SINGLE-FAMILY RESIDENTIAL (R1-7)

RECOMMENDATION:

The Planning and Zoning Commission voted to recommend approval of the proposed rezoning subject to the conditions in Exhibit "B" (see Attachment #1).

EXECUTIVE SUMMARY:

The proposed rezoning is from R1-144 (Single-family Residential-144,000 Square Foot Minimum Lot Area) to R1-7 (Single-family Residential-7,000 Square Foot Minimum Lot Area) for a 19 acre parcel located 1/4 mile south of Tangerine Road on the west side of La Cholla Blvd. for the purpose of constructing a 50 lot single-family residential subdivision. The detailed staff report to the Planning and Zoning Commission (PZC) is Attachment #2, and the site analysis report for the project is Attachment #3.

The General Plan amendment from Neighborhood Commercial/Office (NC/O) to Medium Density Residential (MDR) was approved by the Council on December 7, 2011. Subsequent to the rezoning, a Design Review process will be required, including a conceptual site plan and final plat.

The PZC held a public hearing on December 6, 2011 to consider the rezoning. Six (6) residents spoke at the hearing. The primary concerns related to the proposed density and whether it is appropriate for the neighborhood and specifically whether the transition from R1-144 (3.3 acre) zoning on the south to R1-7 zoning was too abrupt of a transition. There were also concerns about building height, traffic, and overall safety.

At the conclusion of the hearing on December 6, 2011, the Commission recommended approval of the proposed rezoning subject to the conditions of Exhibit "B" in Attachment #1.

In addition, a number of concerns were raised at the December 7, 2011, public hearing for the adoption of the General Plan Amendment. The primary issues raised by the public were:

- proposed density is too high
- too many lots are proposed
- negative impacts on aesthetics and views, including building height
- overall compatibility of proposal
- traffic concerns

- safety concerns

BACKGROUND OR DETAILED INFORMATION:

Site Conditions

- Property is 19.45 acres
- Existing General Plan designation is MDR (Medium Density Residential; 2.1-5 du/ac)
- Existing zoning is R1-144. Proposed zoning is R1-7
- Property is currently vacant

Proposed Improvements

- 50 home sites averaging 6,500 +/- square feet
- Required setbacks: 20' front and rear; 7.5' side
- Maximum building height: 25' and 2 stories
- Overall density is 2.6 du/ac.
- 36% of site is open space
- Environmentally Sensitive Lands Ordinance (ESLO) allows for 5,500 s.f. lots when this amount of open space (36%) is provided
- 90 foot natural desert buffer yard on south side of property to buffer low-density development to south
- Natural desert buffer yard on east side of property (along La Cholla Blvd.)
- Two recreation areas (see Exhibit II.E.1 & 2)
- Bike/pedestrian connection to Wilson K-8 School (pending approval from the Amphi School District)

Approvals to Date

The General Plan land use category was amended to Medium-Density Residential (MDR) on December 7, 2011. There have been no other approvals to date on the subject property.

Public Comment

Two neighborhood meetings were held. The first meeting was held on September 14, 2011. Approximately 6 residents and interested parties attended the meeting. A second neighborhood meeting was held on October 3, 2011. Two (2) residents and interested parties attended the meeting. A number of issues were discussed at each meeting, including the following:

- Drainage impacts
- Type and price of homes
- Compatibility of the smaller lot sizes in relation to larger lots in the vicinity
- Access to subdivision
- Variety of lot sizes within the subdivision

The summary notes from both meetings and are attached for your reference (Attachment #4 and #5).

As discussed, a number of concerns were raised at the December 6, 2011, PZC public hearing. These issues related to the proposed density, building height, traffic, safety, and whether the proposal was an appropriate buffer between low-density residential and future commercial to the north.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to adopt Ordinance No. (O)12-02, the request for a rezoning of a 19 acre parcel located 1/4 mile south of Tangerine Road on the west side of La Cholla Blvd. from R1-144 Single-family Residential to R1-7 Single-family Residential, subject to the conditions in Exhibit "B", finding:

- The proposal conforms with the General Plan
- The proposal conforms with the ESLO and

- The project design preserves environmentally sensitive areas
- _____ (other)

OR

I MOVE to deny Ordinance No. (O)12-02, the request for a rezoning of a 19 acre parcel located 1/4 mile south of Tangerine Road on the west side of La Cholla Blvd. from R1-144 Single-family Residential to R1-7 Single-family Residential, finding the following _____.

Attachments

Ord 12-02

Attachment 2 - PZC Report 12-6-11

Attachment 3 - Site Analysis

Attachment 4 - 9/14/11 Neighborhood Meeting Summary

Attachment 5 - 10/3/11 Neighborhood Meeting Summary

ORDINANCE NO. (O)12-02

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING A REZONING REQUEST BY CPE CONSULTANTS, LLC REPRESENTING CPE DEVELOPMENT COMPANY, INC. FOR THE PROPERTY LOCATED ¼ MILE SOUTH OF TANGERINE ROAD ON THE WEST SIDE OF LA CHOLLA BOULEVARD AND KNOWN AS RANCHO DE PLATA FROM SINGLE FAMILY RESIDENTIAL (R1-144) TO SINGLE-FAMILY RESIDENTIAL (R1-7)

WHEREAS, CPE Consultants, LLC (the “Applicant”), representing CPE Development Company, Inc. has requested that the property located ¼ mile south of Tangerine Road on the west side of La Cholla Boulevard and known as Rancho De Plata be rezoned from Single Family Residential (R1-144) to Single-Family Residential (R1-7), as depicted on Exhibit “A” attached hereto; and

WHEREAS, the gross site of the requested rezoning of Rancho de Plata is approximately 19.45 acres; and

WHEREAS, the current zoning of Rancho de Plata is R-144 which allows one (1) lot per 144,000 square feet; and

WHEREAS, the proposed rezoning of Rancho de Plata to R1-7 will allow one (1) lot per 7,000 square feet; and

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

WHEREAS, Planning and Zoning Commission reviewed the proposed rezoning at a duly noticed public hearing on December 6, 2011 in accordance with State Statutes and recommended approval of the proposed rezoning with conditions, attached hereto as Exhibit “B” and incorporated herein by this reference, to the Town Council; and

WHEREAS, the Oro Valley Town Council has considered the proposed rezoning of the property located ¼ mile south of Tangerine Road on the west side of La Cholla Boulevard and known as Rancho de Plata from Single Family Residential (R1-144) to Single-Family Residential (R1-7), and the Planning and Zoning Commission’s recommendation and finds that it is consistent with the Town's General Plan and other Town ordinances.

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

SECTION 1. Rezoning of the property located ¼ mile south of Tangerine Road on the west side of La Cholla Boulevard and known as Rancho De Plata from Single Family Residential (R1-144) to Single-Family Residential (R1-7), as depicted on Exhibit “A” attached hereto, subject to the conditions contained in Exhibit “B” attached hereof is hereby adopted.

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 hereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, on this 18th day of January, 2012.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

APPROVED AS TO FORM:

ATTEST:

Julie K. Bower, Town Clerk

Tobin Rosen, Town Attorney

Date: _____

Date: _____

EXHIBIT "A"

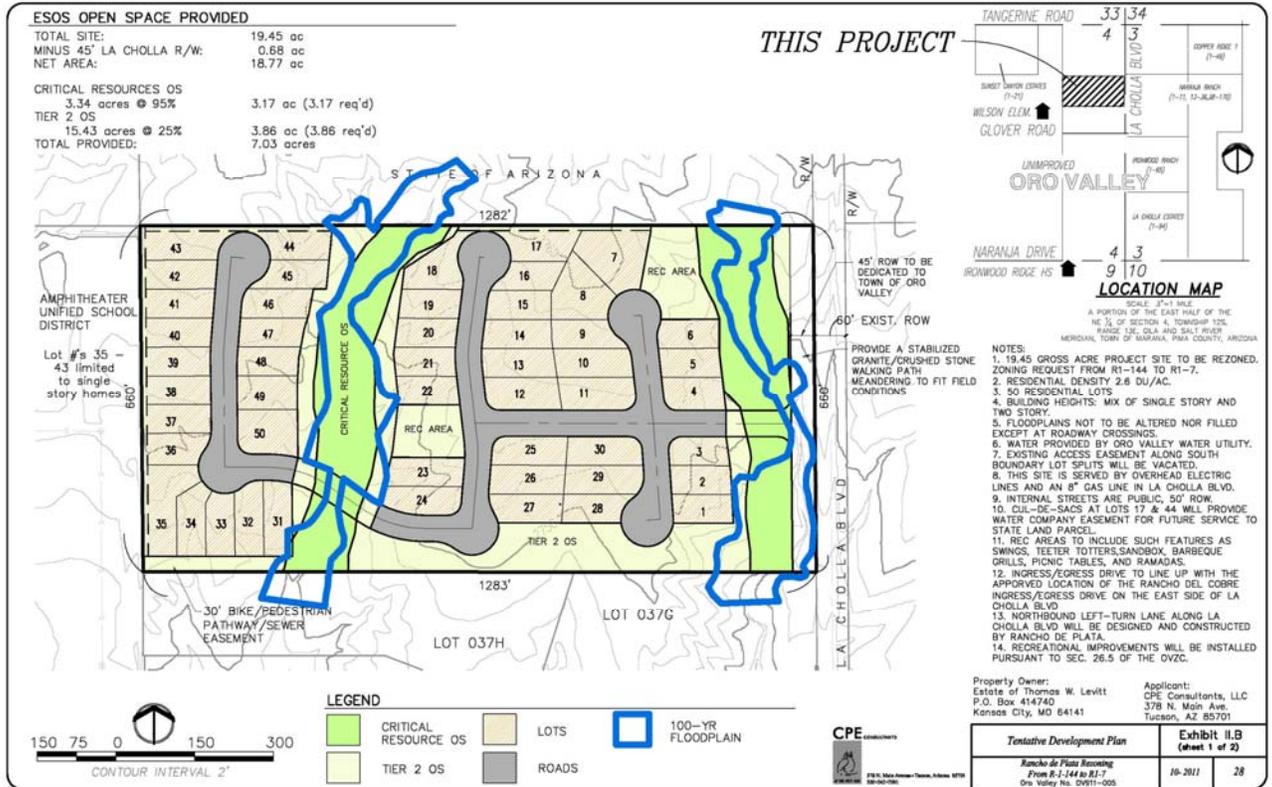


EXHIBIT "B"

Conditions of Approval as Recommended by the Planning and Zoning Commission
Rancho de Plata Rezoning
OV911-005

Planning Conditions

Note: All of the following conditions shall be shown and/or labeled on the Tentative Development Plan

1. A bicycle/pedestrian pathway connecting to Wilson K-8 School, subject to school district approval, shall be provided along the southwestern corner of the property as shown on Exhibit II.B (sheet 1). The Amphi School District shall be requested to provide input on the design and connection point of the path.
2. A primitive trail shall be provided from the recreation areas to the adjacent washes.
3. A school bus stop shall be provided adjacent to the eastern recreation area adjacent to a cul-de-sac turnaround. The exact placement and design of the bus stop shall be determined by the Amphi School District. The bus stop shall be labeled on Exhibit II.B. (Sheet 1).
4. The home architecture shall include traditional Southwestern styles, including Pueblo or Territorial, to be architecturally consistent with existing homes in the area. Exhibit II.B (sheet 2) shall include examples of these styles.
5. The minimum lot size shall be 5,500 s.f. using the conservation design lot reduction incentive provided in Table 27.10-6 (Section 27.10.F.2.d) of the Zoning Code.
6. Add dimensions of the buffer yards around the property on the TDP and the Buffer yards exhibit (Exhibit II.H.1).
7. Building height shall be limited to one (1) story along the west and southwest portions of the property (Lots 31-43 on the Tentative Development Plan).

Engineering Conditions

8. A full Traffic Impact Analysis (TIA) prepared by an Arizona registrant shall be required as part of any future conceptual design review submittal. This development shall be responsible to design and pay for any improvements to La Cholla Boulevard as determined to be required by the TIA.
9. A full Drainage Report shall be required as part of any future final design review submittal. All post development flow shall be mitigated and released in the same manner and quantity as the existing condition.

10. A northbound left turn lane along La Cholla Boulevard into the subdivision shall be required. This development shall be responsible for all design and construction costs associated with the addition of the left-turn lane.
11. The ingress/egress access drive for the site shall line-up with the Rancho Del Cobre (Khan Property) access drive on the opposite side of La Cholla Boulevard.
12. This project shall dedicate 45 feet along the east project boundary to the Town of Oro Valley for the purpose of additional public right-of-way for La Cholla Boulevard.
13. This project shall provide a public-use path along the project's La Cholla Boulevard frontage. The project shall meet the construction requirements as determined by the Town engineer (e.g. asphalt, stabilized granite, width, etc) and shall meander to fit field conditions so as to minimize the impact to the existing riparian area. The applicant may choose to provide an alternative in-lieu fee for the required path, the amount of which is to be approved by the Town engineer.
14. Exhibit I.G.H.J: Identify that La Cholla Boulevard has a shared use path south of Glover Road. Furthermore, delete the exhibit section that incorrectly identifies Tangerine Road as having a shared use path west of La Cholla Boulevard.
15. Page 41, Section J.3: A section of text describing the elements of the subdivision's typical street section was manually struck out. Re-instate the text but delete the section describing a bike path within the typical section.

Oro Valley Water Utility Conditions

16. The developer shall extend the 12 inch water main in the Glover Road right-of-way west across La Cholla and north to supply domestic water to this subdivision. The water main shall be placed outside of pavement in the western La Cholla right of way.
17. The water main extension shall be designed so that connections at Glover and the entry road have modified drain valve assemblies west and north, respectively.
18. Easements shall be granted to the Oro Valley Water Utility at the northern end of the east and west cul-de-sacs to the northern property line. The water mains in these two streets shall be constructed with modified drain valve assemblies and be sized for future extensions to the north.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION

MEETING DATE: December 6, 2011

TO: PLANNING & ZONING COMMISSION

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

SUBJECT: **Public Hearing:** Rancho de Plata. Rezoning of approximately 19 acres generally located ¼ mile south of Tangerine Road, on the west side of La Cholla from R1-144 Single-family Residential to R1-7 Single-family Residential to allow development of approximately 50 home sites, OV 911-005.

SUMMARY

The proposed rezoning is from R1-144 (Single-family Residential-144,000 Square Foot Minimum Lot Area) to R1-7 (Single-family Residential-7,000 Square Foot Minimum Lot Area) for a 13 acre parcel located 1/4 mile south of Tangerine Road on the west side of La Cholla Blvd. for the purpose of constructing a 50 lot single-family residential subdivision.

The applicant has concurrently filed an application to amend the General Plan land use designation for the property from Neighborhood Commercial/Office (NC/O) to Medium Density Residential (MDR). At the November 15, 2011, special meeting the Planning and Zoning Commission recommended unanimous (6-0 vote) approval of the amendment to the Town Council, who will hold a public hearing on December 7. Approval of the rezoning is predicated on approval of the General Plan Amendment. If the General Plan Amendment and rezoning are approved, a Design Review process will be required, including a conceptual site plan and final plat.

BACKGROUND

Site Conditions

- Property is 19.45 acres
- Existing General Plan designation is NC/O. Proposed General Plan designation is MDR
- Existing zoning is R1-144. Proposed zoning is R1-7
- Property is currently vacant

Proposed Improvements

- 50 home sites ranging from 6,325 square feet (s.f.) to 6,600 s.f.
- Required setbacks: 20' front and rear; 7.5' side
- Maximum building height: 25' or 2 stories
- Overall density is 2.6 du/ac.
- 36% of site is open space
- Environmentally Sensitive Lands Ordinance (ESLO) allows for 5,500 s.f. lots with 25% Multi-Use Management Open Space and preservation of 95% of critical resource areas. Discussed on Pages 5-6.
- Two (2) all-weather wash crossings
- 90 foot natural desert buffer yard on south side of property to buffer low-density development to south
- Natural desert buffer yard on east side of property (along La Cholla Blvd.)
- Two recreation areas which will also serve as retention basins (see Exhibit II.E.1 & 2)
- 30-foot bike/pedestrian pathway/sewer easement along southern boundary of subdivision

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT

Page 2 of 8

- Bike/pedestrian connection to Wilson K-8 School (pending approval from the Amphi School District)
- Approvals to Date

There have been no approvals to date on the subject property. The R1-144 zoning was established with the overall general area and was not associated with a specific development proposal. As noted, there is a pending General Plan Amendment to enable to the proposed rezoning of the property.

Surrounding Zoning Districts & Land Uses

Direction	Zoning District	Land Use
North	R1-144	Vacant (State Land)
South	R1-144	Rural Large Lot Single-family Residential
East	R1-20	Planned Residential – Rancho de Cobre
West	R1-144	Wilson Middle School

Process to Date and Projected Schedule

- First Neighborhood Meeting*: September 14th, 2011
- Second Neighborhood Meeting*: October 3rd, 2011
- Rezoning Application Received October 17th, 2011
- P&ZC Public Hearing December 6th, 2011
- TC Public Hearing for GP Amend. December 7th, 2011
- Town Council Public Hearing January 10, 2012 (tentative)

* Neighborhood meetings covered General Plan Amendment and rezoning issues

Existing and Proposed Zoning Districts

The Zoning Code defines the existing and proposed zoning districts for the property as follows:

- R1-144 Single-Family Residential District: This district is intended to promote and preserve suburban-rural single-family residential development. The large lot size permits agricultural uses and promotes open space.
- R1-7 Single-Family Residential District: This district provides for medium high-density detached single-family residential development.

ANALYSIS OF PROPOSED AMENDMENT

Staff's analysis of the proposal is based on the following:

- I. General Plan conformance
- II. Zoning Code Conformance
- III. Public comments, including neighborhood meetings and correspondence

Following is an analysis of each element:

I. GENERAL PLAN CONFORMANCE

The application has been reviewed against notable General Plan policies as follows:

Goal 1.1 *To preserve Oro Valley's natural Sonoran Desert environment and the scenic resources that are an important part of the community's quality of life.*

The Tentative Development Plan (TDP) submitted as part of the rezoning application depicts appropriate preservation of the natural resources present on the property. This development application is the first application in Oro Valley to require full compliance with the newly adopted Environmentally Sensitive Lands Ordinance (ESLO) which requires comprehensive analysis and preservation of the wash corridors and native plant species which exist on the property. ESLO compliance is discussed in greater detail on Pg. 5-6.

Policy 1.1.1 *The Town shall promote clustering of development to protect environmentally sensitive area and to preserve significant, passive use, natural open space within residential neighborhoods...*

The applicant's proposal for smaller residential lots creates the opportunity to concentrate the developed areas of the property to preserve the natural wash and native vegetation on the property. This development proposal is consistent with this policy.

Policy 1.1.3 *The Town shall continue to avoid development encroachments into washes, riparian areas, designated natural open space and environmentally sensitive lands...*

The proposed TDP for the property maintains and preserves the natural wash corridors. The proposed subdivision layout provides additional open space areas adjacent to the wash corridor to prevent encroachment of the development areas into these natural washes. The development meets the requirements under ESL to preserve 95% of the Critical Resource Areas (wash corridors), and 25% of the Resource Management Areas (balance of the property) in natural open space.

Policy 1.4.8. *The Town shall continue to require adequate buffering of commercial and employment uses from adjacent neighborhoods, with special consideration being given to placing office or other less intensive uses adjacent to residential areas.*

The applicant's proposal would eliminate the planned commercial area north of the existing residential area and provide a more logical land use transition from the rural residential area to the south to the planned commercial on the southwest corner of Tangerine and La Cholla. The proposed TDP incorporates enhanced buffer areas along the south boundary line to establish an appropriate transition to the medium density residential development proposed with this application.

Policy 1.5.4. *The Town shall ensure that areas appropriately zoned and planned for neighborhood commercial use are developed.*

As previously indicated, commercial areas in appropriate locations should be retained for the future fiscal benefit of the community. However, the applicant has identified a number of conditions present on the property which negatively impact the viability of this property as a future commercial development. These factors include the impact of the natural washes on the site, the distance of the property from the arterial intersection ¼ mile to the north, and the visibility limitations created by the natural vegetation along La Cholla.

Staff is in agreement that these specific conditions may limit development of the site as a viable commercial development in the future.

Policy 7.2.2. *The Town shall encourage a variety of residential building types consistent with the General Plan and in accordance with the Town's zoning and subdivision design standards.*

Development of the property at a medium residential density is consistent with this policy by providing smaller lot residential development which expands the variety of choices available in this area. Existing residential uses in this area include one half (½) to 3.3 acre residential lot sizes and the location of the proposed medium density subdivision as a transition to the more intense uses along Tangerine Road is consistent with this policy.

II. ZONING CODE CONFORMANCE

The proposal is in conformance with applicable Zoning Code requirements. The site has been designed with consideration of preservation of the washes, maintaining the Tangerine Road scenic corridor and minimizing impacts to adjacent and nearby homes.

Site Analysis and Tentative Development Plan (TDP)

The site analysis provides a detailed description of the existing and proposed site elements. The TDP provides an overall layout of the lots, roads, location of recreation areas, buffers and other site improvements. If the rezoning is approved, a conceptual site plan and final plat will be required as part of the design review process.

Tangerine Road Corridor Overlay District (TRCOD)

This property lies within the peripheral area of the TRCOD. The project is subject to the scenic resource area design guidelines found in Addendum H of the Zoning Code. The following guidelines are notable for this application:

Addendum H.3.a.ii.a *Street patterns and/or landscaping are to be provided consistent with safe traffic visibility and design practice to screen views of rights-of-way perpendicular to scenic corridors.*

A critical resource area will be preserved on the eastern side of the subdivision adjacent to La Cholla Blvd. This natural open space area will screen the view of the subdivision from La Cholla Blvd.

Addendum H.3.a.ii.c *Pathway linkages are to be provided within the development and connecting with pathways, trails, or bike lanes paralleling the scenic corridor.*

Pathways will be provided throughout the site with sidewalks and connections to the Wilson K-8 School to the west and a decomposed granite trail along La Cholla Blvd.

Addendum H.3.a.ii.e *Maintain views from residences to mountain vistas, major washes, and native vegetation.*

Although the project is not within the ¼ mile TRCOD Target Area, the applicant has provided a viewshed analysis from four (4) vantage points. This project will have viewshed impacts to the Wilson K-8 school to the west and the view of the Tortolita Mountains from the south may be affected. View impacts to adjacent

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT

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properties will be mitigated through the reduction in building height to one story along the eastern and western sides of the property. See Section I-F of the Site Analysis for addition details regarding viewshed analysis and mitigation. A condition has been added to Attachment #2 to address this requirement.

R1-7 Zoning District Conformance

The proposed TDP conforms with the development standards for the R1-7 zoning district. Please note that conformance with certain zoning standards, including building setbacks, will be confirmed at the conceptual design phase. The following development standards are notable for this proposal:

1. **Building heights:** Building height is limited to 25' or 2 stories in the R1-7 zoning district. Two story homes will not interfere with the primary views of the Catalina Mountains from the homes to the south.
2. **Neighborhood Compatibility:** This property is surrounded by a school, open space, and rural homes on approximately 3.3 acre lots. Rezoning this property to R1-7 requires sensitivity to the existing context by using design and mitigation techniques to improve compatibility. These measures include expanding buffer yards (discussed below), preservation of natural open space, and reduction of building heights along the western, southwestern, and eastern perimeters of the subdivision. A condition has been added to Attachment #2 to address this requirement.
3. **Access/Circulation** The property is accessed from a single driveway entrance off La Cholla Boulevard. The proposed driveway meets driveway spacing requirements and has been approved by Engineering.

On-site circulation is adequate, although the proliferation of culs-de-sac, while promoting privacy and low traffic within the cul-de-sac, is not ideal from a connectivity standpoint.

4. **Buffer yards:** Vegetated/landscaped buffer yards will be provided along the perimeter of the property, as follows:

Direction	Required	Provided
North	15'	15'
East	40'	110'-170'
South	15'	30'
West	15'	15'

The buffer yards on the south and east are increased to provide a visual buffer for residents to the south and from La Cholla Road.

Environmentally Sensitive Lands Ordinance (ESLO) Conformance

This proposal has been designed to be consistent with all provisions of the ESLO. Following is an analysis of specific requirements:

1. **Critical Resource Areas:** These areas require 95% Environmentally Sensitive Open Space (ESOS) preservation. Two Critical Resource Areas are present on the site. There will be no disturbance to these riparian areas, except as necessary for roadway improvements (all weather crossings) across the washes. A condition requiring mitigation of these areas has been added to Attachment

#2. In addition, a 15' riparian apron is provided around these areas to avoid disturbance during construction (see Exhibit D.1).

2. Resource Management Areas: The site is mapped as Tier 2 Resource Management Area, which requires a minimum 25% ESOS. The project provides 36% ESOS, which exceeds this requirement. These areas will only be disturbed by trails, utilities (as necessary), and a small detention area. Mitigation will be provided as required by the Code.
3. Cultural Resources: No cultural resources have been identified on the site. See Section 1.1 of the Site Analysis for documentation.
4. Conservation Design Lot Reduction Incentive: The ESLO provides for reduced lot sizes (see Table 27.10-6) if at least 25% of the project site is designated as ESOS. Although the proposed lot size (5,500 square feet) is smaller than the base zoning district (7,000 square feet), the applicant is not requesting any additional density bonus (see Table 27.10-7). While the lot sizes are reduced, the density has not increased from what is allowed in the R1-7 zoning district.
5. ESOS Design Standards: Specific development/building envelopes will be shown on the conceptual site plan/plat subsequent to rezoning. The building envelopes will be designed to avoid significant environmental resources on the property.

Engineering Comments

Drainage

The general drainage patterns for the post-developed site will closely match the pre-developed conditions with engineered conveyance mechanisms incorporated into the final design. Under post-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 adhered to during site development.

With regard to public safety within the developed site, the tentative development plan accompanying this rezoning request depicts minimal impacts to the existing local floodplains that traverse the site. As a requirement of the Town's drainage criteria requirements, all habitable structures shall be protected from flooding. Since none of the structures are being proposed within an established floodplain zone, flood protection can be accomplished by setting finished floor elevations a minimum of 12-inches above adjacent drainage conveyance.

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 be evaluated during the conceptual design review stage with the submittal of a full traffic impact analysis.

III. PUBLIC NOTICE AND COMMENT

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

- Notification of all property owners within 1,000 feet

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT

Page 7 of 8

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

Two neighborhood meetings were held. The first meeting was held on September 14, 2011. Approximately 6 residents and interested parties attended the meeting. A second neighborhood meeting was held on October 3, 2011. Two (2) residents and interested parties attended the meeting. A number of issues were discussed at each meeting, including the following:

- Drainage impacts
- Type and price of homes
- Compatibility of the smaller lot sizes in relation to larger lots in the vicinity
- Access to subdivision
- Variety of lot sizes within the subdivision

The summary notes from both meetings and are attached for your reference (Attachment #3 and #4).

SUMMARY/CONCLUSION

The proposed rezoning has been evaluated using applicable General Plan goals and policies as well as Zoning Code. Following is a summary of the factors for and against the proposal:

Factors for:

1. The proposal conforms with the General Plan and the ESLO
2. The use of the property for small lot clustered single-family residential is better suited based on the significant natural washes which traverse the site and restrict site visibility.
3. The sites' environmentally sensitive resources will be preserved in accordance with ESLO standards.
4. The proposed development will provide a logical transition in land use intensity from the rural residential use to the south and the planned commercial to the north.

Factors Against:

1. The higher density residential development will change the character of the property from rural residential to suburban residential.

RECOMMENDATION

Based on approval of the pending General Plan Amendment, the proposed rezoning will be in conformance with the General Plan as well as the Zoning Code. Specifically, the rezoning will preserve significant natural resources, utilize a clustered development approach to protect environmentally sensitive areas and serve as an appropriate transition to the more intense commercial uses to the north. Staff recommends approval of the proposed rezoning.

TOWN OF ORO VALLEY

PLANNING & ZONING COMMISSION STAFF REPORT

Page 8 of 8

SUGGESTED MOTION

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

I move to recommend approval of the request for a rezoning of a 13 acre parcel located 1/4 mile south of Tangerine Road on the west side of La Cholla Blvd. from R1-144 Single-family Residential to R1-7 Single-family Residential, subject to the conditions in Attachment #2, finding the following:

- The proposal conforms with the General Plan
- The proposal conforms with the ESLO
- The project design preserves environmentally sensitive areas
- _____ (other)

OR

I move to recommend denial of the request for a rezoning of a 13 acre parcel located 1/4 mile south of Tangerine Road on the west side of La Cholla Blvd. from R1-144 Single-family Residential to R1-7 Single-family Residential, finding the following...

Attachments

1. Site Analysis
2. Conditions of Approval
3. September 14, 2011, Neighborhood Meeting Summary
4. October 3, 2011, Neighborhood Meeting Summary

S:\PERMPLUS\DOCS\OV911-005\P_PZC Report 12-6-11.doc

David A. Williams, AICP, Planning Division Manager

ASPA



Tom
Lewist

VIEWSHED TO REMAIN

RANCHO DE PLATA
SITE ANALYSIS
Rezoning from R1-144 to R1-7
OV911-005

Prepared by:
CPE Consultants, LLC
378 North Main Avenue
Tucson, AZ 85701
520.545.7001

Prepared for:
CPE Development Company Inc.

520-545-7001

July 22, 2011
Revised October 14, 2011

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APPENDICES

APPENDIX A: Vegetation, Saguaro Inventory

APPENDIX B: Arizona Fish and Game On-line Environmental Review Tool

APPENDIX C: Arizona State Museum Report

APPENDIX D: Traffic Analysis

APPENDIX E: Amphitheater School District Correspondence

Part I – Inventory and Analysis

A. EXISTING LAND USES

1. Site Location

This 19.45 acre site is located on the west side of La Cholla Boulevard approximately 1/4 mile south of Tangerine Road. Specifically, the site is located in the N2 SE4 NE4 Sec. 4-12S-13E, APN's: 224-11-034A thru -034E ("Project Site"). See **Exhibit I.A.1 Regional Context Map**.

2. On-site. The Project Site is unimproved.

3. Adjacent Property (1/4 mile)

a. Zoning. See **Exhibit I.A.3.a**.

b. Existing land use. See **Exhibit I.A.3.b**.

c. Stories. See **Exhibit 1.A.3.b**.

d. Pending rezonings.

None

e. Conditionally approved zonings.

None.

f. Approved subdivisions and development plans.

See Rancho del Cobre on **Exhibit I.A.3.b.**, Ironwood Ranch (OV12-95-09), Sunset Canyon Estates (OV12-05-31), and Naranja Ranch 1 (OV12-92-05).

4. Wells within 100'. See **Exhibit I.A.3.b**.

B. TOPOGRAPHY

1. Topographic Characteristics

a. "Hillside Conservation" areas.

b. Rock outcrops

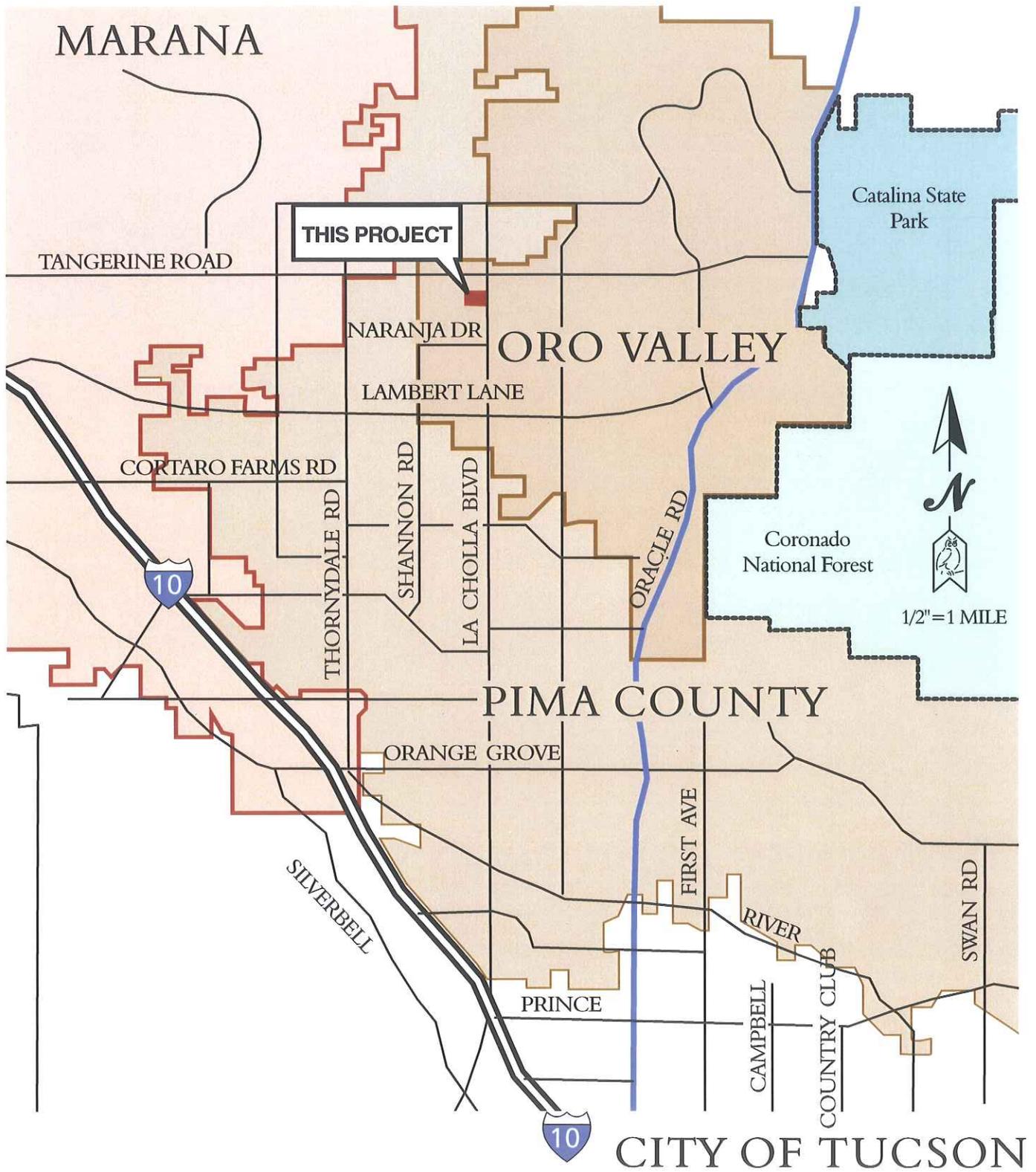
There are no hillside conservation areas required on the site and there are no rock outcrops based upon site investigation by Novak Environmental.

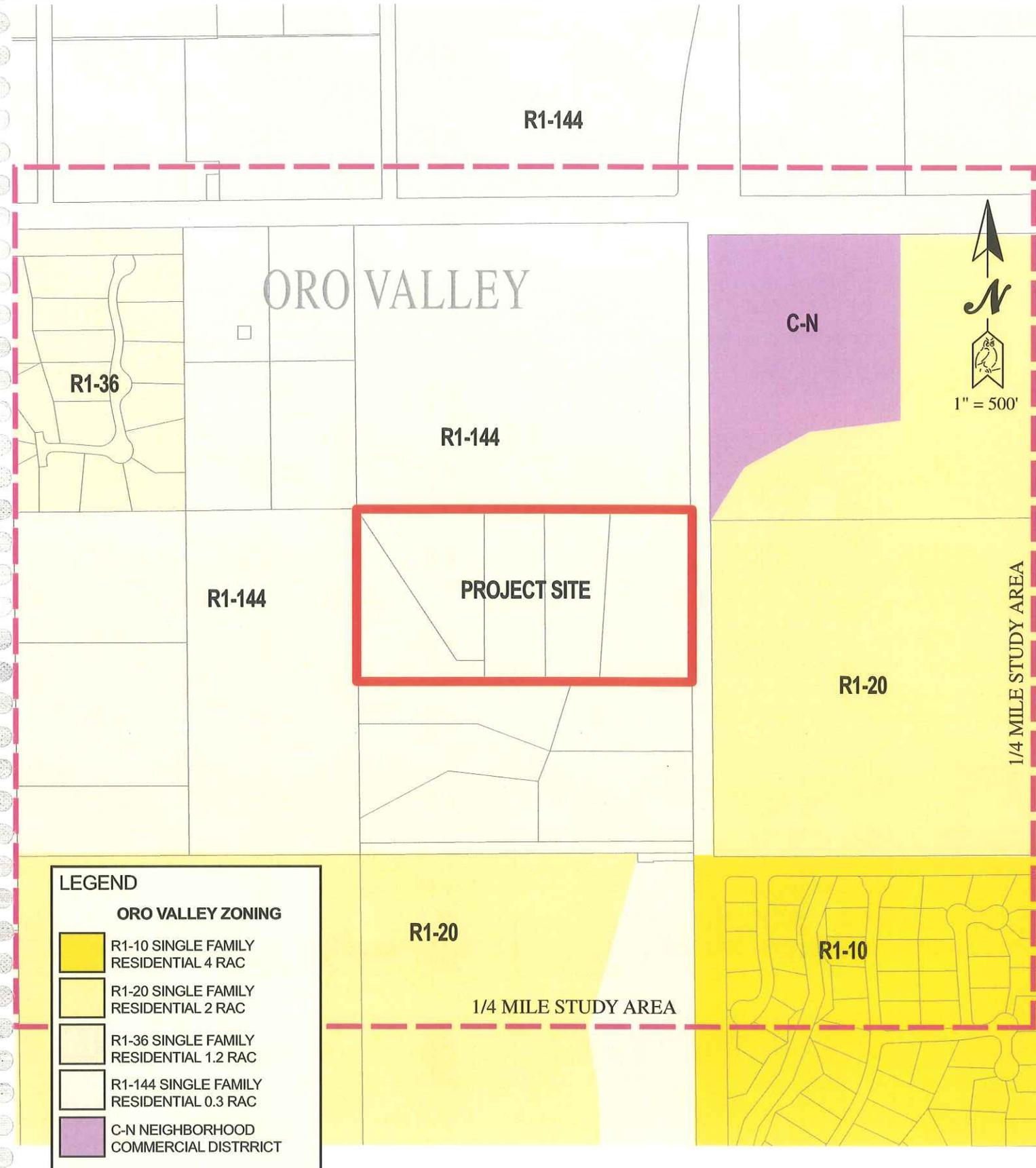
c. Slopes of 15% or greater. There are very limited slopes greater than 15% along the banks of the 2 drainage ways. See **Exhibit I.B.1**. The ESL

ordinance declares in Table 27.10-1B that an analysis of "Hillside Development Zones" per Addendum J.1 is not required for rezonings nor general plan amendments. However, the Hillside Area Category is subject to review. However, none of the 15% slopes are greater than 150' in length and 50' wide and greater than 7 1/2' vertically (section D.g.ii.a). In addition, there are no ridges with an elevation change of 25' or more and no rock outcrops or boulders. Therefore, ESL section D.g. does not apply to the Rancho de Plata rezoning.

d. Other significant topographic features. There are two well defined drainage channels entering the Property from the north and exiting to the south. The associated floodplains vary in width from 40' to over 150'.

2. Pre-development average cross slope. The average cross slope analysis presented in the site analysis first submittal is no longer accepted by the Town in the current ESL requirements. However, no other method for average cross slope analysis is presented. Therefore, during the subdivision platting process, Rancho de Plata will comply with ESL section D.g.iii, for a Sloped Area Analysis with 1' contour intervals that are currently not available.





LEGEND

ORO VALLEY ZONING

- R1-10 SINGLE FAMILY RESIDENTIAL 4 RAC
- R1-20 SINGLE FAMILY RESIDENTIAL 2 RAC
- R1-36 SINGLE FAMILY RESIDENTIAL 1.2 RAC
- R1-144 SINGLE FAMILY RESIDENTIAL 0.3 RAC
- C-N NEIGHBORHOOD COMMERCIAL DISTRICT

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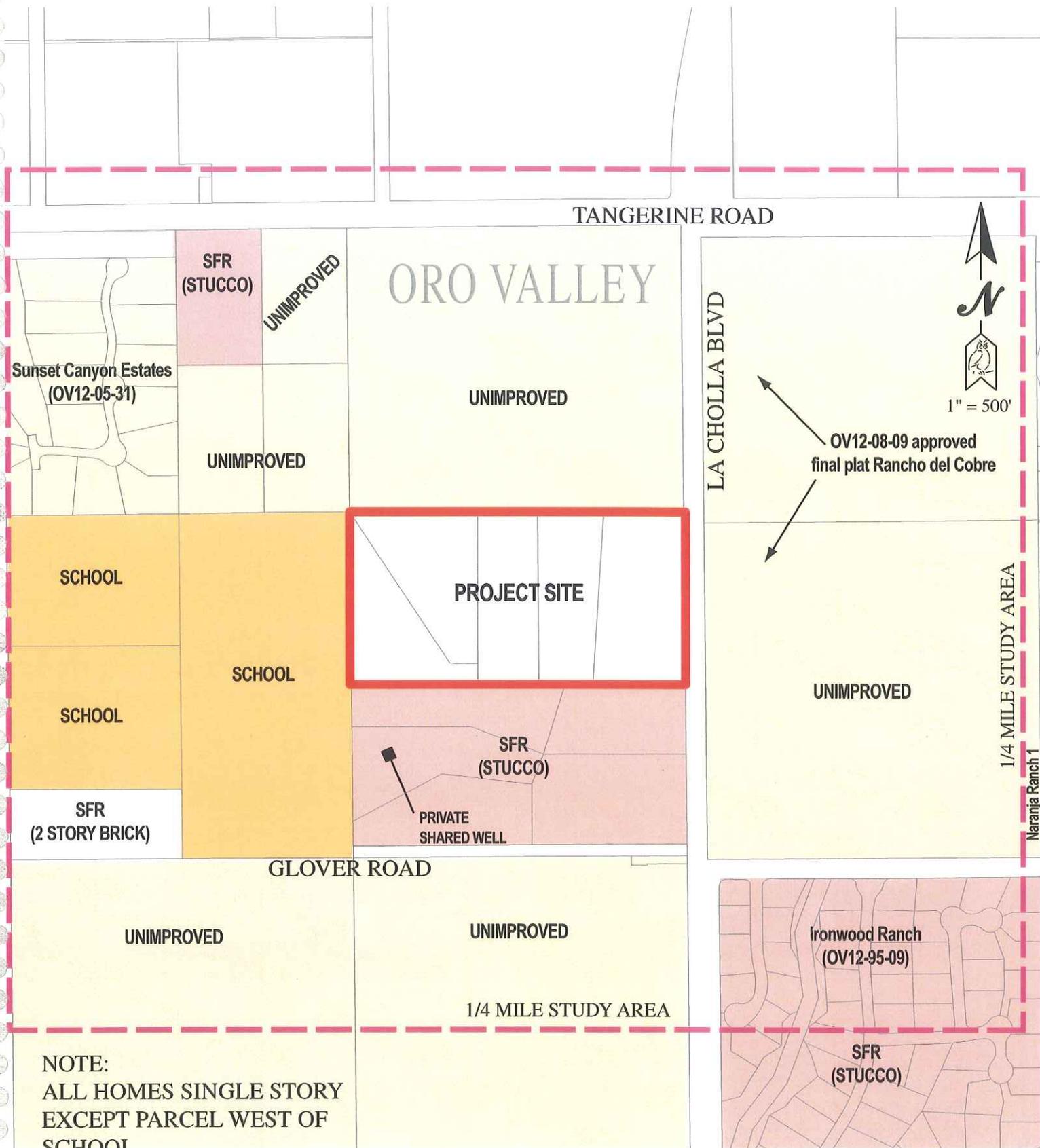
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Adjacent Properties: Zoning

Rancho de Plata

Exhibit I.A.3.a.	
7-2011	4

REV 7/4/11



NOTE:
ALL HOMES SINGLE STORY
EXCEPT PARCEL WEST OF
SCHOOL

<p>rev 9/27/11</p> <p>CPE CONSULTANTS</p>  <p>378 N. Main Avenue • Tucson, Arizona 85701 520•545•7001</p>	Existing Land Use	
	Rancho de Plata	
	7-2011	5

Exhibit I.A.3.b.



150 75 0 150 300

CONTOUR INTERVAL 2'

AERIAL IMAGE FROM 2010,
USDA/FSA, MAPGUIDE.

STATE OF ARIZONA

1282'

15% OR GREATER SLOPES (TYP)

R/W

R/W

30' 30'

660'

L A C H O L L A R O A D

660'

1283

LOT 037H

LOT 037G

LOT 037D

AMPHITHEATER
UNIFIED SCHOOL
DISTRICT

660'

LEGEND



15% OR GREATER
SLOPES

CPE CONSULTANTS



378 N. Main Avenue • Tucson, Arizona 85701
520-545-7001

Topographic Characteristics

Exhibit I.B.1.

Rancho de Plata

7-2011

6

C. HYDROLOGY

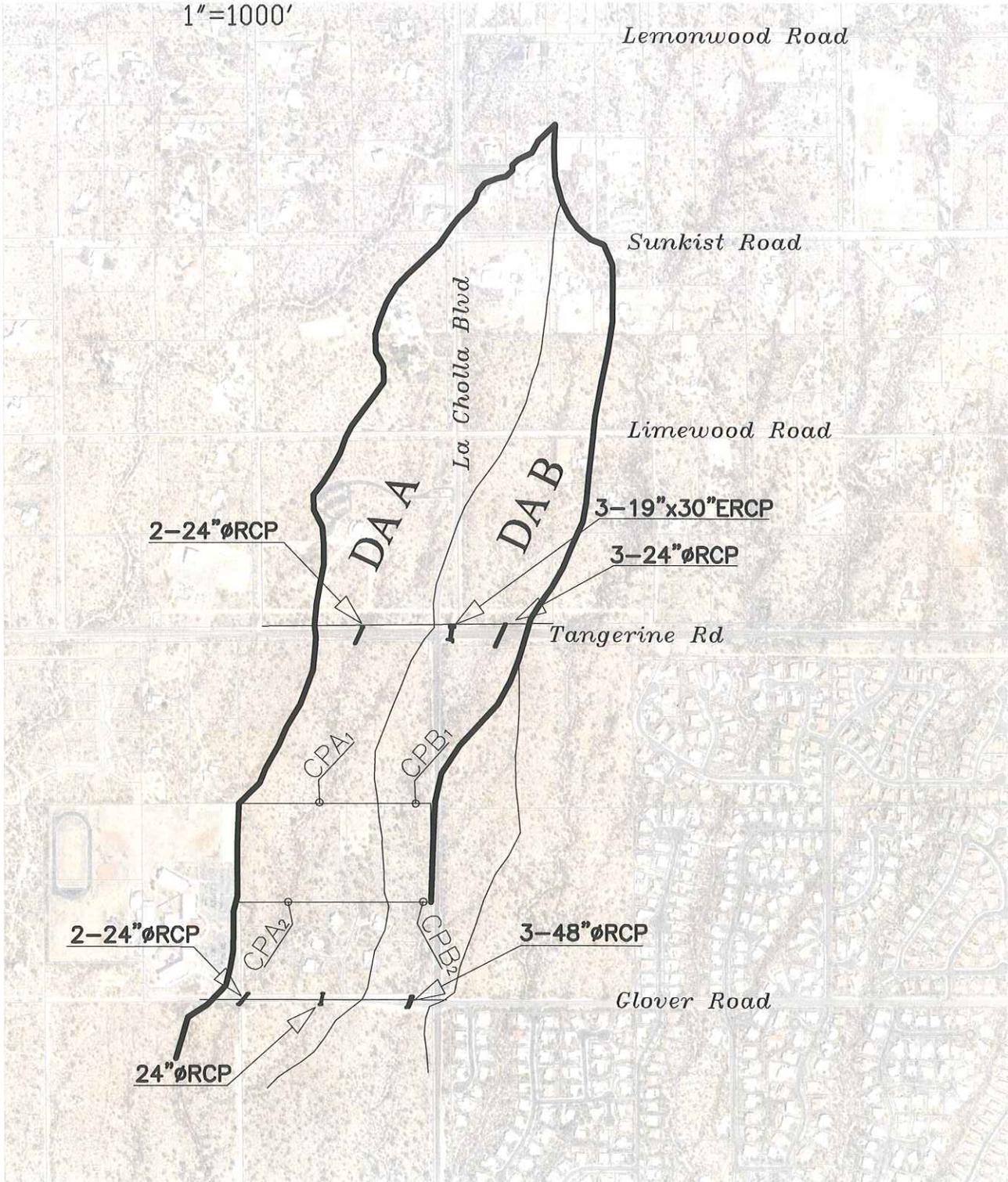
1. **Off-site hydrology.** The subject property lies in hilly terrain that drains in a southern direction, roughly to the west and along the alignment of La Cholla Boulevard. Two minor streams drain through the subject parcel, which are aggregate minor tributaries to Cañada del Oro Wash, approximately three miles south from the subject parcel. Land within this western sector of Oro Valley has been developed with a mix of medium- and low-density residential groupings, medium-density development being most common in the immediate vicinity of the subject parcel (see **Exhibit I.C.1, OffSite Watersheds**).
 - a. Per current Oro Valley guidance, all drainage areas within the city are considered Critical Basins.
2. **Significant Off-site Features.** The project vicinity is scheduled for improvements to its major arterials, La Cholla Boulevard and Tangerine Road, with plans for their widening being under current development. Although one of the stated goals for either project is the elimination of the many dips on the road, in favor of culvert drainage crossings, no specifics are immediately available as to drainage improvements that may directly affect the subject parcel and the project vicinity. However, the two drainageways that flow through the subject parcel will require drainage crossings under their respective arterials; in fact, the two drainageways already have been provided with provisional culverts under Tangerine Road, and under the recently constructed Glover Road, as identified in the exhibit. Rancho del Cobre, a mixed use residential and commercial subdivision, has recently been approved by Oro Valley, and will occupy the land parcel immediately east of La Cholla Boulevard; its subdivision master plan contemplates potential reduction of runoff crossing over La Cholla Boulevard.
3. **Off-site Watershed Acreage.** As identified earlier (see **Exhibit I.C.1, OffSite Watersheds**), two offsite basins impact the parcel from the north. For purposes of this investigation, they have been identified as drainage areas (DAs) A and B; to further evaluate development impact to these basins, each has been further subdivided into DAs up to the subject parcel north property line, identified with the subscript 1 (see **Exhibit I.C.1A, Existing OffSite Drainage**). DA A₁ comprises 88.47 acres and generates a 100-year peak runoff flow (Q₁₀₀) of 259 cfs, which drains through the western confines of the subject parcel. DA B₁ comprises 52.22 acres and generates a 100 Q₁₀₀ of 155 cfs, which drains along the west parcel boundary and onto La Cholla boulevard right-of-way. These two basins are augmented by the subject parcel as shown in the exhibit, with the cumulative basins that include off site and onsite contributing areas being identified as DAs A₂ and B₂, the additional surface area increases Q₁₀₀ for each, with DA A₂ comprising 103.02 acres and generating a Q₁₀₀ of 298 cfs, and DA B₂ comprising 57.17 acres and generating a Q₁₀₀ of 168 cfs, as illustrated in the exhibit.

4. **On-site Hydrology.** Terrain within the parcel and in the general vicinity slopes gently to the south, generally with gradients less than 2%, following the natural drainage patterns characterized by shallow valley flow with braided and dispersed natural streamlets. Vegetation cover throughout the area is Desert Brush, with more distinct vegetation groupings occurring along the natural streamlets that can be found in the area; for hydrologic purposes, average natural vegetation density has been estimated at 30%. Soils are a mixture of 50% B and 50% C hydrologic soils, per the most current NRCS reference.
- a. The flood prone areas for the two drainageways fed principally from off site flows are illustrated in the exhibit; none of the on site DAs generate 50 cfs or more. (See **Exhibit I.C.2. Existing On-site Drainage.**)
 - b. There is no sheet flooding on site, with local runoff joining the major flows along the banks of the two natural drainageways earlier described. Preliminary hydraulic modeling of the two drainageways indicates flow depths of 2' or less, in the reaches within the immediate parcel vicinity.
 - c. No portion of the subject parcel, nor any other properties in the immediate vicinity, lie within a regulatory floodplain, per the current FEMA FIRM Panel #04019C1070L, dated June 2011.
 - d. For purposes of comparing existing and developed conditions, four sub-basins have been identified within the subject parcel, as illustrated in the exhibit. As can be learned from the table included on the exhibit, none of these sub-basins generate Q_{100} of 50 cfs or more. (See **Exhibit I.C.2. Existing On-site Drainage.**)
5. **Downstream Drainage Conditions.** The parcel abutting to the south has similar terrain and vegetation characteristics as the subject parcel. It was allowed to split into five residential lots, without the creation of a formal subdivision; construction of the corresponding single-family residences has left the natural drainage patterns relatively undisturbed between residences, allowing runoff to drain into the existing two major drainageways identified earlier, which in turn drain directly into culverts constructed under Glover Road. The western drainageway is served by a low-flow crossing, while the eastern, smaller wash has been provided with full capacity culverts under the roadway.



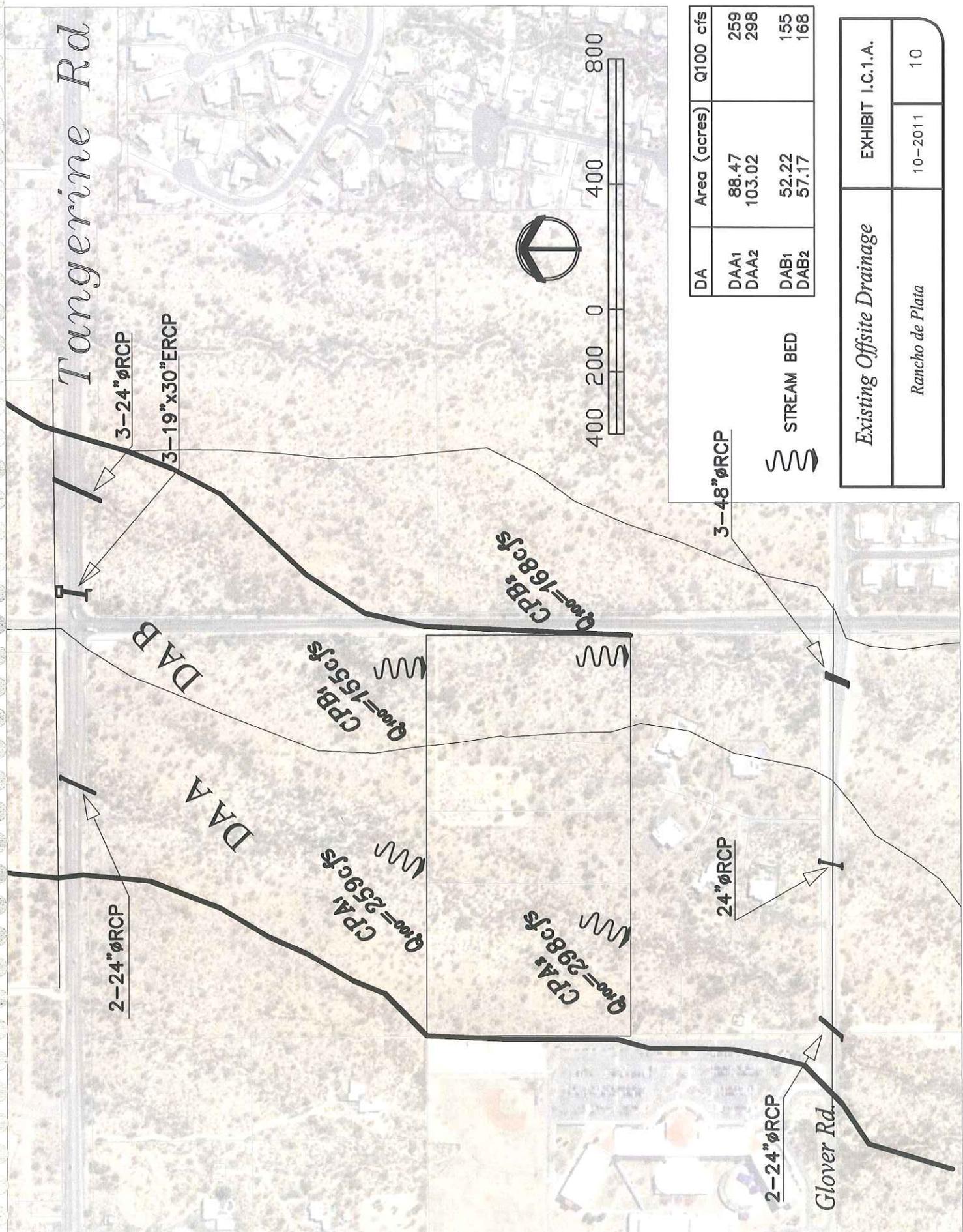
1000 500 0 1000 2000

1"=1000'



AERIAL IMAGE FROM GOOGLE EARTH, MARCH 3, 2011.

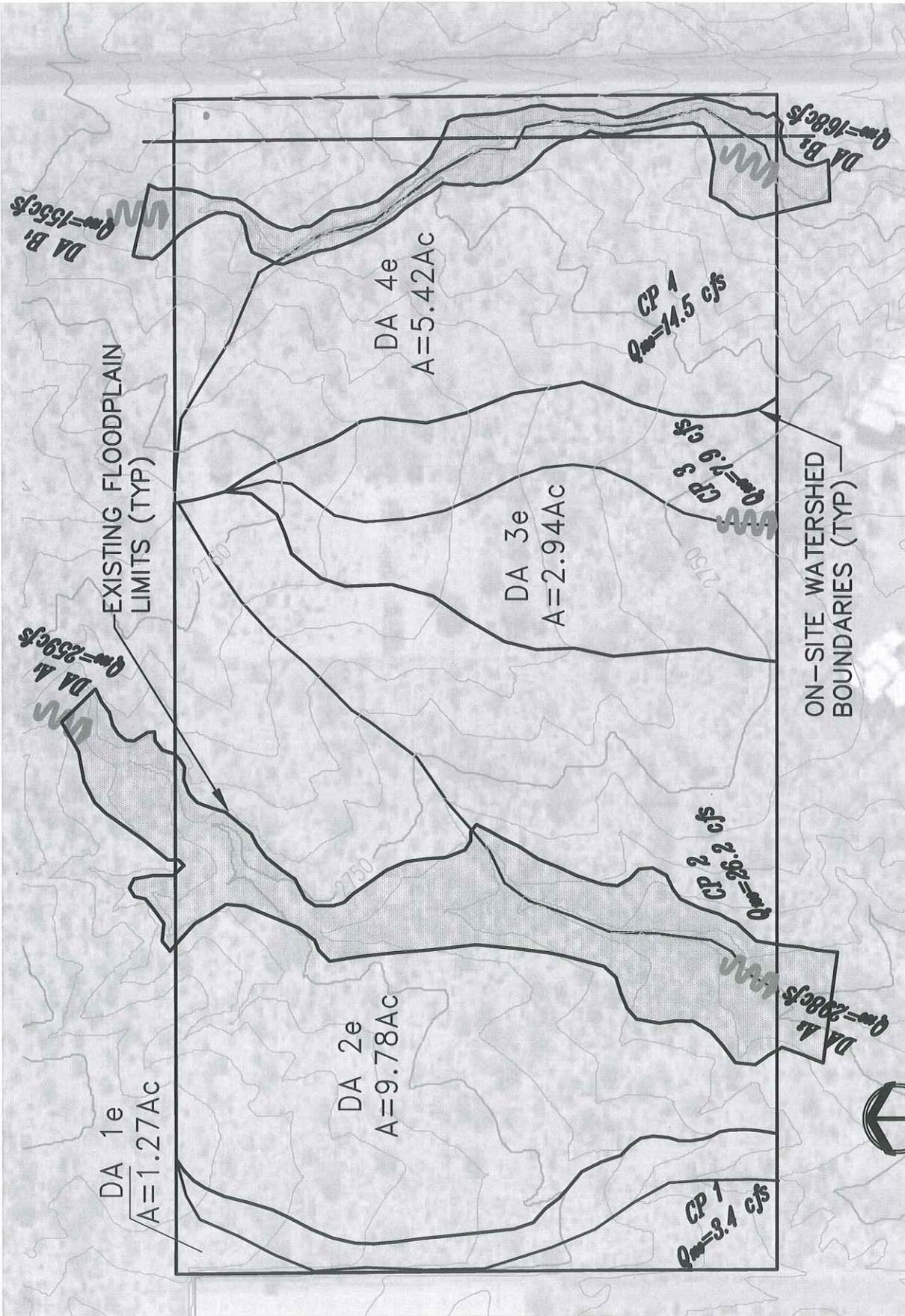
<i>Offsite Watersheds</i>		EXHIBIT I.C.1.	
<i>Rancho de Plata</i>		7-2011	9



DA	Area (acres)	Q100 cfs
DAA1	88.47	259
DAA2	103.02	298
DAB1	52.22	155
DAB2	57.17	168

STREAM BED

Existing Offsite Drainage		EXHIBIT I.C.1.A.
Rancho de Plata		10-2011
		10



DA	ACRES	CFS
DA 1e	1.273	3.4
DA 2e	9.783	26.2
DA 3e	2.941	7.9
DA 4e	5.422	14.5

Existing Onsite Drainage		EXHIBIT I.C.2.
Rancho de Plata		10-2011
		11

D. VEGETATION

1. Vegetative Communities

This site is undeveloped and the existing vegetation consists of native species.

There are two vegetative communities on this site, classified as Sonoran Desert Scrub - Arizona Upland with a strong association of Palo verde/Saguaro and Xeroriparian. There are two areas of Xeroriparian vegetation on site, associated with two small drainageways that run north and south across the property.

In general, native vegetation is diverse and in moderate to good health. The vegetation associated with the upland area is in better condition than the vegetation associated with the riparian habitat, which had many plants that appear dead or dying.

The upland vegetative community, which is approximately 14.5 acres of the site, includes the following representative plant species: Foothill Palo verde (*Parkinsonia microphyllum*), Ironwood (*Olneya tesota*), Velvet mesquite (*Prosopis velutina*). Cactus species include: Saguaro (*Carnegiea gigantea*), Prickly pear (*Opuntia phaeacantha*), Barrel cacti (*Ferocactus wislizenii*), Buckhorn cholla (*Opuntia acanthocarpa*), Chainfruit cholla (*Opuntia fulgida*). The dominant shrub species also consist of Creosote bush (*Larrea tridentata*).

The saguaro cacti on site range in size from small spears to fifteen (15) distinctive individuals over 15 feet tall with arms. There are a few very large specimens over 25 feet tall. (More information on these individuals is found in subsequent sections.)

The Xeroriparian vegetative community, which is approximately 5 acres of the site, includes the following representative plant species: Velvet mesquite (*Prosopis velutina*) and Ironwood (*Olneya tesota*). There is also some Whitethorn acacia (*Acacia constricta*) and Catclaw acacia (*Acacia greggii*). There are also Cholla species (*Opuntia sp.*) and some Saguaro cacti (*Carnegiea gigantea*) at the fringe areas of this community.

The Vegetative Communities exhibit illustrates the location of the two vegetative communities. See **Exhibit D.1**.

2. Vegetative Densities

Approximate vegetation densities were determined using on-site observations of the relationship of bare ground to vegetation coverage in conjunction with interpretation of vegetative patterns on aerial photos. Most of the site was categorized as "medium density" with approximate plant coverage of 20-60%. A smaller portion of the site, associated with the riparian habitat, was categorized as "high density" with over 60% vegetative coverage. One area of the site, near the northern-middle portion, appears

to have been cleared of vegetation at some point in the past, has “low density” with approximate plant coverage of under 20%.

The Vegetative Densities exhibit illustrates the location of the different vegetative densities. See **Exhibit D.2**.

3. Significant Cacti and Groups of Trees

The site was inventoried for significant cacti and groups of trees. Specifically all saguaro cacti over 5 feet tall were inventoried. There are approximately 185 saguaro cacti found on the site, both within the upland vegetative community and within the Xeroriparian community.

Most of the saguaros were found to be in good condition, and the site has a diverse population of saguaro cacti sizes, from smaller individuals under 5 feet to large “distinctive” individuals up to 25-30 feet tall with multiple arms.

There are 15 Saguaros that meet the criteria for a “distinctive individual” as defined by the Town of Oro Valley. These are cacti over 15 feet tall with multiple arms.

In addition there are 8 “nurse plants” that meet the criteria of the Town of Oro Valley by having three or more saguaros growing underneath them.

The most significant groups of trees are found in association with the riparian habitat. These trees were not inventoried individually, but are shown collectively within the boundaries of the riparian habitat.

Additionally, analysis was done using aerial photos along with field observations to determine if there were “distinctive native plant stands” as defined by Section 27.6.3.b.i.a), b), c), d), and e). No areas were found that met the criteria.

No federally-listed threatened and endangered species were observed on site.

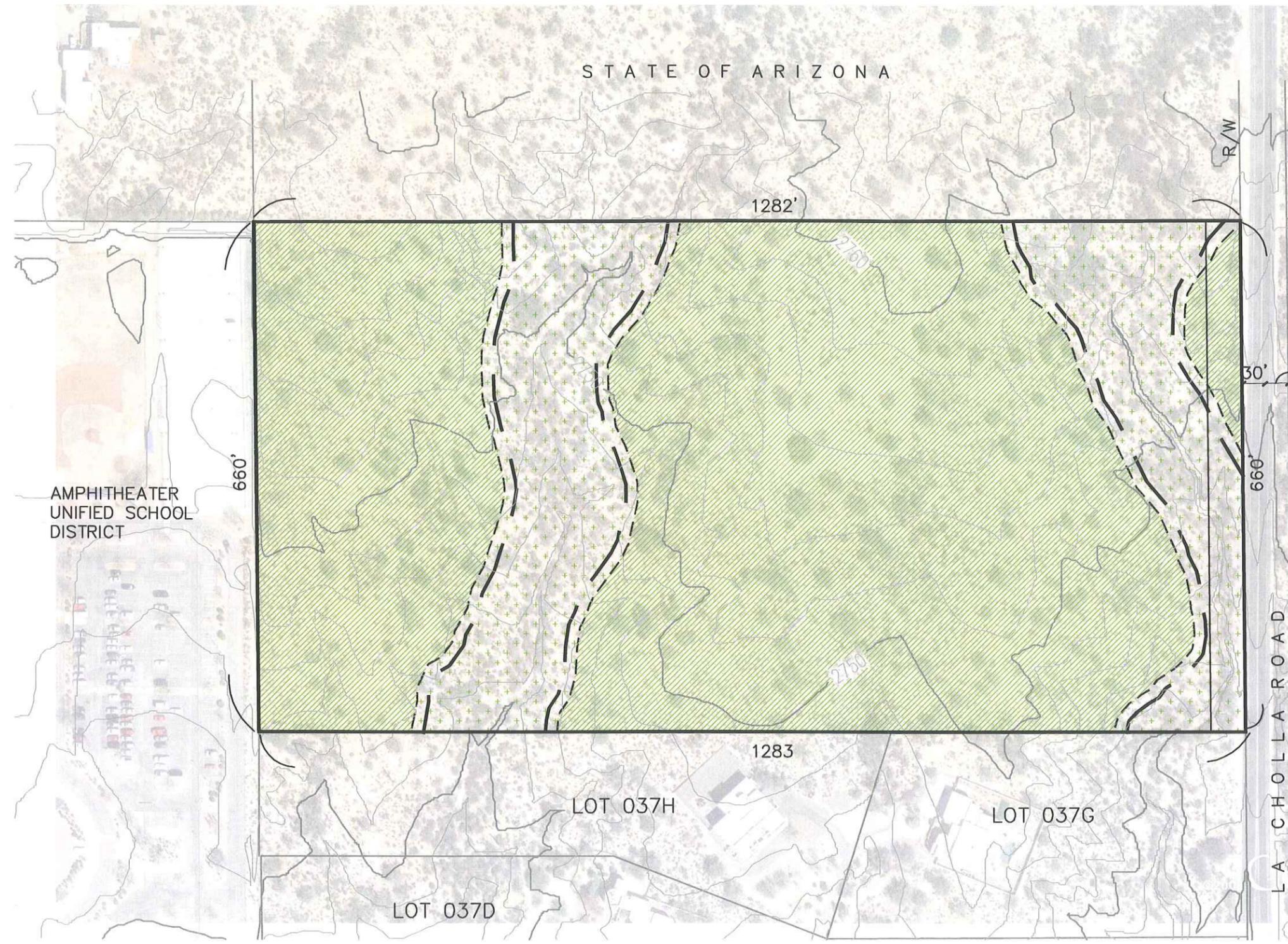
The Significant Cacti and Groups of Trees exhibit illustrates the location of the significant vegetation. See **Exhibit D.3**.

A spreadsheet with detailed information on the saguaros that were inventoried is contained in the **Appendix A**.



STATE OF ARIZONA

CONTOUR INTERVAL 2'
AERIAL IMAGE FROM 2011,
Google Earth
AVERAGE CROSS SLOPE=5.2%



LEGEND

-  UPLAND VEGETATIVE COMMUNITY 14.5 AC, 74.4%
-  RIPARIAN VEGETATIVE COMMUNITY (including Apron Area) 5.0 AC, 25.6%
-  15' RIPARIAN APRON AREA
-  VEGETATIVE COMMUNITY BORDER

AMPHITHEATER UNIFIED SCHOOL DISTRICT

DATA COMPILED BY NOVAK ENVIRONMENTAL, INC. Tucson, AZ

CPE CONSULTANTS

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 520•545•7001

Vegetative Communities	Exhibit D.1.	
Rancho de Plata	7-2011	14



CONTOUR INTERVAL 2'
 AERIAL IMAGE FROM 2011,
 Google Earth
 AVERAGE CROSS SLOPE=5.2%

STATE OF ARIZONA

1282'

AMPHITHEATER
 UNIFIED SCHOOL
 DISTRICT

660'

30' 30'

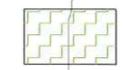
660'

LA CHOLLA ROAD

LEGEND



< 20% COVERAGE



20%-60% COVERAGE



>60% COVERAGE

1283

LOT 037H

LOT 037G

LOT 037D

DATA COMPILED BY NOVAK
 ENVIRONMENTAL, INC.
 Tucson, AZ

CPE CONSULTANTS



378 N. Main Avenue • Tucson, Arizona 85701
 520-545-7001

Vegetative Densities

Exhibit D.2.

Rancho de Plata

7-2011

15



150 75 0 150 300

CONTOUR INTERVAL 2'
AERIAL IMAGE FROM 2011,
Google Earth
AVERAGE CROSS SLOPE=5.2%

STATE OF ARIZONA

1282'

1283

AMPHITHEATER
UNIFIED SCHOOL
DISTRICT

660'

30' 30'

LA CHOLLA ROAD

660'

LOT 037H

LOT 037G

LOT 037D

LEGEND

- NURSE TREE
- DISTINCTIVE CACTI >15'
WITH 2 OR MORE ARMS
- SIGNIFICANT CACTI 5-15'
- SIGNIFICANT GROUPS OF
TREES

DATA COMPILED BY NOVAK
ENVIRONMENTAL, INC.
Tucson, AZ

CPE CONSULTANTS



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520-545-7001

Significant Cacti & Groups of Trees

Exhibit D.3.

Rancho de Plata

7-2011

16

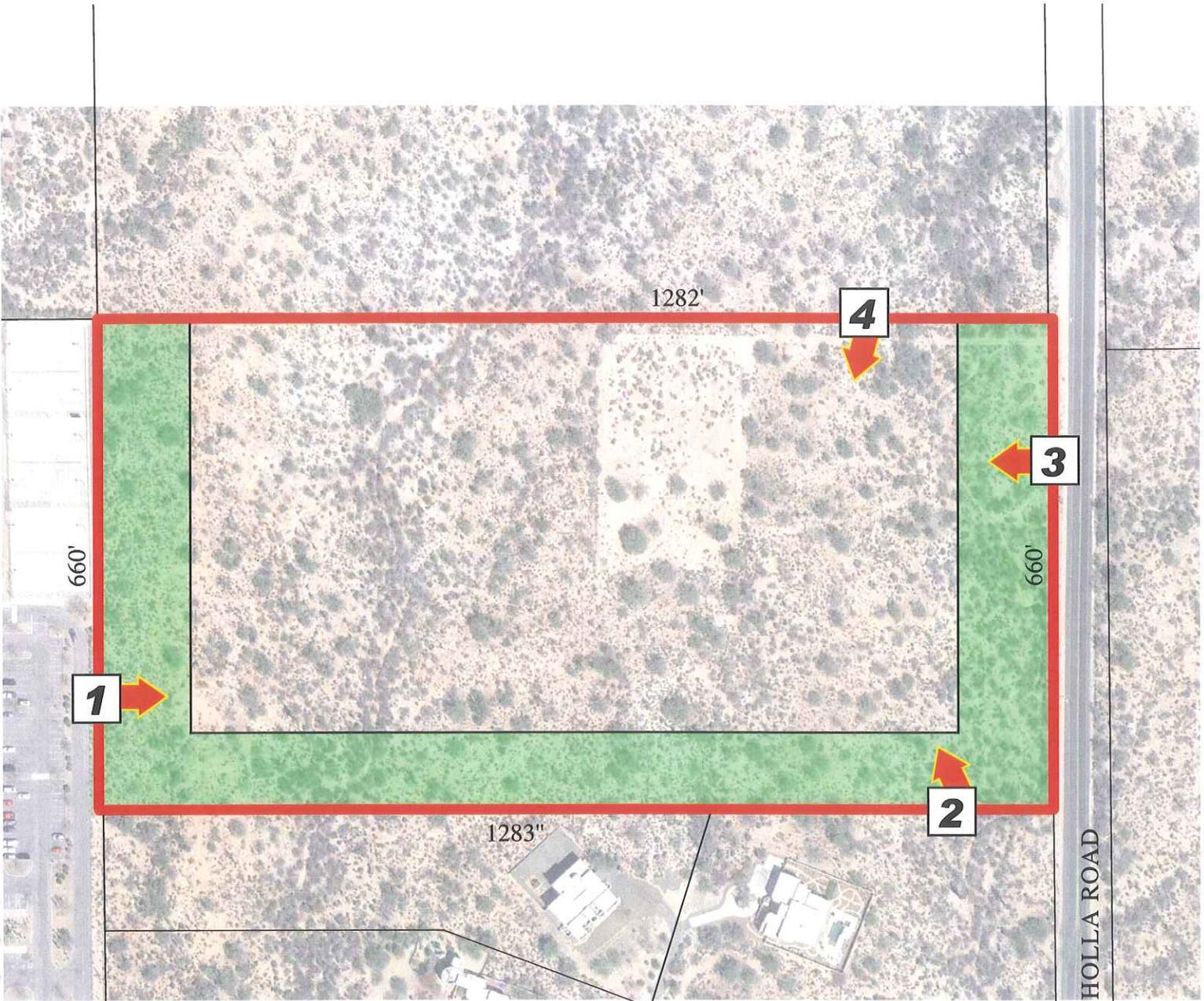
E. WILDLIFE

- 1. See Appendix B.**

F. VIEWSHEDS

- 1. Viewsheds.** See **Exhibit I.F.1 Viewsheds** for locations of the 4 views presented in **Exhibit I.F.1.a. Viewshed Photos.**
- 2. High Visibility.** The extent of high visibility is presented on **Exhibit I.F.1.** Although the views from La Cholla Boulevard are exposed to thousands of automobiles every day, the high density of vegetation and the relatively flat nature of the topography limits its views into the interior of the project site. The vegetative density is less dense along the northern boundary of the project site, but there is no development on the north and, therefore, no exposure.

Although the exposure from the southern boundary of the site is limited to 5 homesites, they exist at elevations higher than the project site and the density of vegetation along the site boundary is medium for the most part. Finally, the viewshed along the west boundary is high due to the exposure of hundreds of students and faculty and the rather “bland” topography.



LA CHOLLA ROAD

LEGEND

 VIEW DIRECTION (SEE PHOTOS ON FOLLOWING PAGES)

 HIGH VISIBILITY AREA



AERIAL FROM GOOGLE EARTH, 3/9/2011

1" = 200'

REV 7/4/11



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Viewshed Map

Rancho de Plata

Exhibit I.F.1.

7-2011

18



[1] Looking east from Wilson School parking lot



[2] Looking north from resident on south.

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Viewshed Photos 1

Rancho de Plata

Exhibit I.F.1.a.

7-2011

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[3] Looking west from La Cholla Blvd.



[4] Looking south from State land on north.

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Viewshed Photos 2

Rancho de Plata

Exhibit I.F.1.a.

7-2011

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G. TRANSPORTATION

1. Off-site streets.

2. Arterials within 1 mile.

The Property has direct access to La Cholla Boulevard, and is served as well by Tangerine Road, Naranja Drive, and by Glover Road, a minor collector located 1/8 mile south of the property, as shown on **Exhibit I.G.H.J. Traffic.Schools.Parks.Trails**. There are no proposed off-site streets.

- a. **thru h.** All of the answers are found within **Table A below**. All roads are owned by the Town of Oro Valley (item **c**).

3. Intersections.

The intersection of La Cholla Boulevard and Naranja Drive is signalized. The east and west legs of Naranja Drive and the south leg of La Cholla Boulevard feature 3 lanes including a left turn lane. The north leg of La Cholla Boulevard features 4 lanes including right and left turn legs.

The intersection of La Cholla Boulevard and Tangerine Road is signalized. All four legs of the intersection feature 3 lanes including left turn lanes. The east and west legs of Tangerine Road also have right turn lanes.

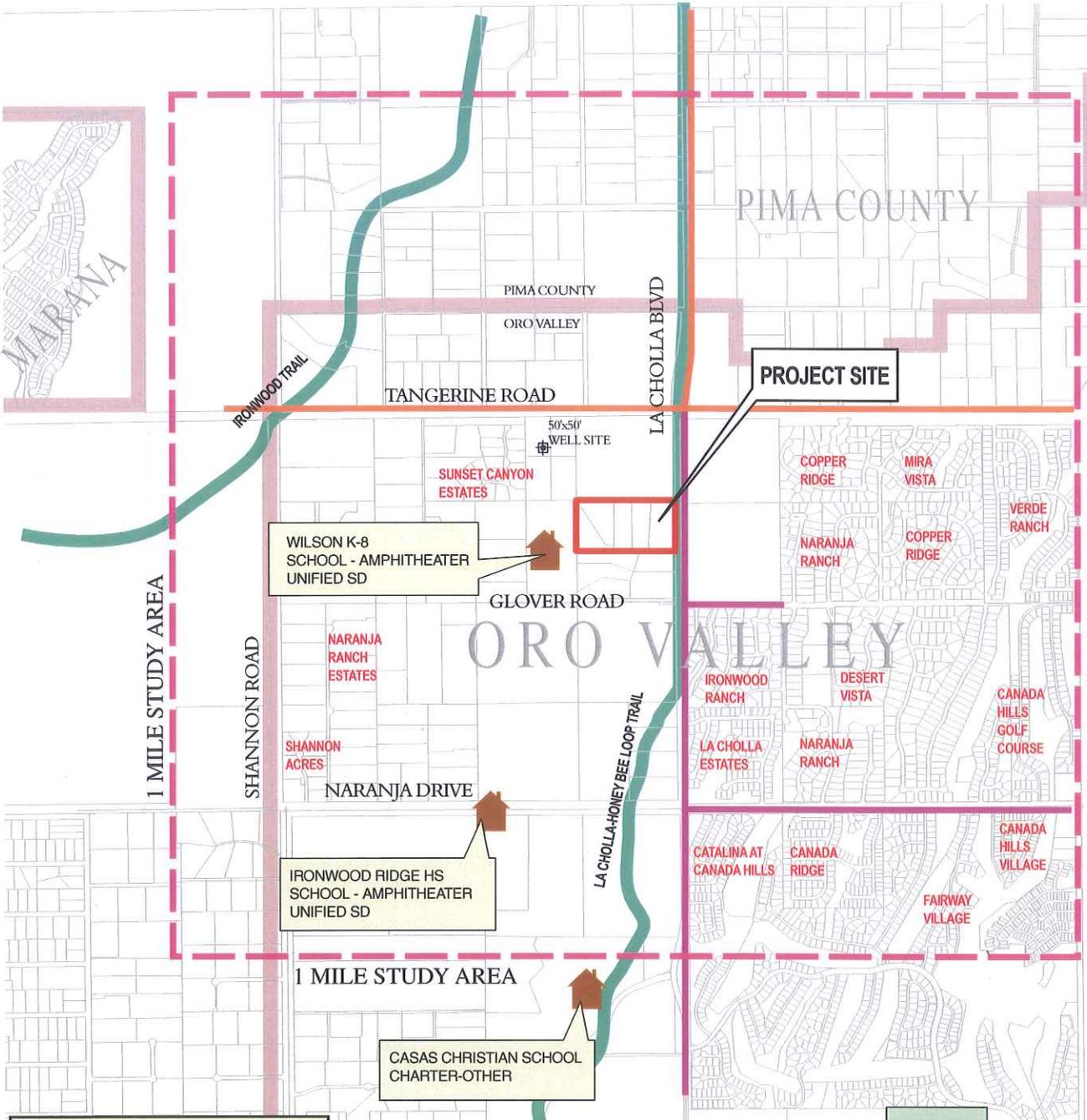
The intersection of La Cholla Boulevard and Glover Road is also signalized.

4. Pedestrian and bicycle ways.

There are striped bike paths adjacent to the site but no pedestrian ways at this time. The bike route along La Cholla Boulevard to the south ties into a shared use path and sidewalk at the Glover Road intersection which leads to Wilson School via a paved bike route and sidewalk.

Table A – Off-site Streets

STREET	Exist. ROW	Req'd ROW	ROW Conforms?	Cont. ROW	Travel Lanes	Capacity	Speed Limit (mph)	ADT	Surface Conditions	Scheduled Improvements (TIP)
La Cholla Blvd.- Tangerine South	60'- 105'	150'	no	no	2	14,900	45	10,000	paved w/ bike path Fair	2021
La Cholla Blvd.- Tangerine North	95'- 240'	150'	no	no	2	14,900	45	3,000	paved w/ graded shoulder Fair	no
Tangerine Road	100'- 200'	300'	no	no	2	14,900	45	13,000	paved w/ graded shoulder Fair	Currently in design
Naranja Drive	140'- 150'	150'	no	no	2	14,900	35 W of La Cholla; 45 E of La Cholla	8,000	paved w/ paved shoulders Good	Sidewalk, bike & drainage/ 2011
Shannon Road (unimproved south of Tangerine)	150'	150'	yes	yes	2	N/A	Not Posted	not available	Poor	no
Glover Road	75'	75'	yes	no	2	14,900	25 west of La Cholla; 35 east of La	not available	paved w/ rt & lt turn lanes Good	no



1" = 2000'

LEGEND

-  BIKE ROUTE W/ STRIPED SHOULDER
-  BUS/BIKE LANE
-  SCHOOL

GLOVER ROAD (east of La Cholla) shared use path.
GLOVER ROAD (west of La Cholla) bike route w/ striped shoulder and a portion of sidewalk
TANGERINE ROAD (west of La Cholla) a shared use path

WEST LAMBERT LANE PARK
 40 acres
 (passive recreation)

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Traffic, Schools, Parks, Trails

Rancho de Plata

Exhibit I.G.H.J.	
7-2011	22

H. RECREATION AND TRAILS

1. **Trails.parks.recreation areas.**
2. **Size and type of parks.**

Exhibit I.G.H.J. locates two trails but no parks or recreation areas within the one mile study area although Lambert Lane Park is located about 1 ½ miles from the intersection of La Cholla Boulevard and Naranja Drive

I. CULTURAL/ARCHAEOLOGICAL/HISTORIC RESOURCES

1. **Arizona State Museum (ASM) report.** According to the Archaeological Site Records Search Results, dated 7/14/11, and located in **Appendix C**, the ASM concludes: “Because the project area was intensively inspected for historic properties in 1981 with no evidence of any historic properties in the project area, the ASM recommends that the proposed development proceed as planned without any additional archaeological investigation.”

Regarding the probability of buried resources, the ASM further concludes: “Although the property was inspected, the lapse of several years makes it possible, though highly unlikely, that buried cultural resources could now be visible on the ground surface or that they could be discovered during construction.”

J. SCHOOLS

1. **Public schools within one mile.** **Exhibit I.G.H.J.** locates Wilson School (K-8) and Ironwood Ridge High School in close proximity to the project site.
2. **Public schools beyond one mile.** Not applicable since public schools are located within one mile of the site.

K. WATER

1. **Water provider.** Oro Valley Water Utility, 11000 N. La Canada Dr., Oro Valley, Az. 85737. Our contact person has been Mr. Mark Moore.
2. **Water provider if service area not defined.** Not applicable.

L. SEWERS

1. **Public sewers.** Exhibit I.L. locates public sewers in relation to the site. The nearest sewer line is located on the Wilson School campus. It is an 8" line identified by Pima County Wastewater as G-2006-016.

M. COMPOSITE MAP

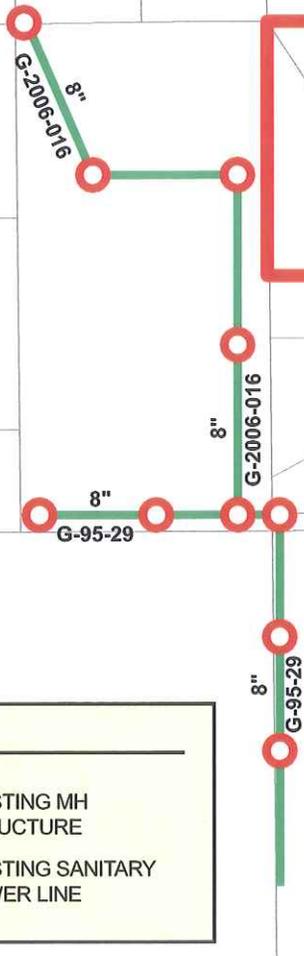
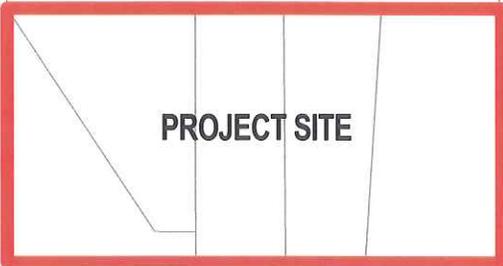
1. See Exhibit I.M.

TANGERINE ROAD

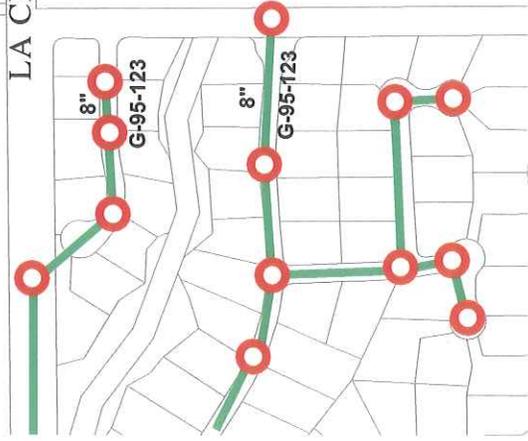
ORO VALLEY



1" = 500'

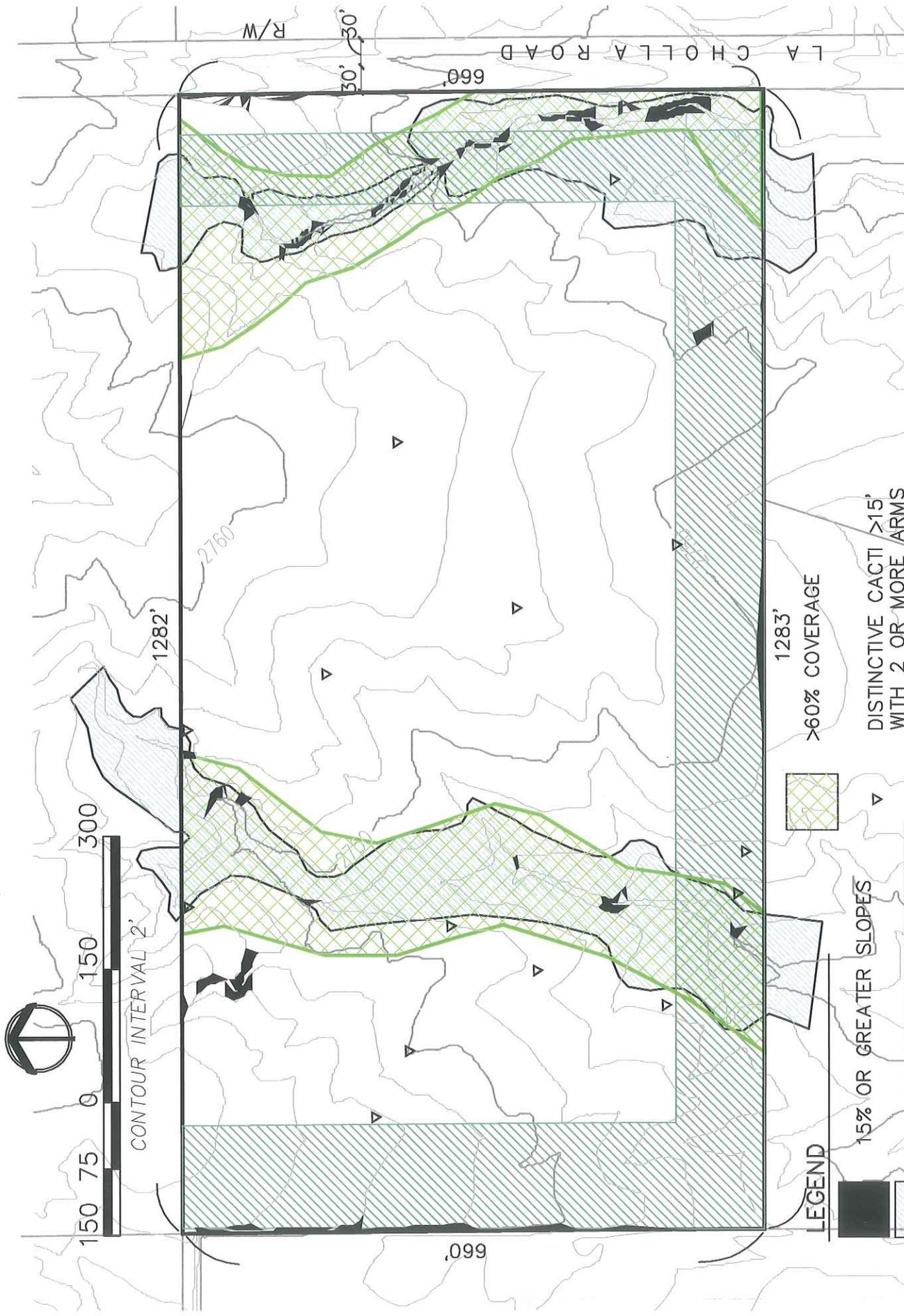


LA CHOLLA ROAD



LEGEND

-  EXISTING MH STRUCTURE
-  EXISTING SANITARY SEWER LINE



Composite Map	Exhibit I.M.
	Rancho de Plata
	July 2011
	26

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- LEGEND**
- >60% COVERAGE
 - 15% OR GREATER SLOPES
 - 100-YR FLOODPLAIN
 - AREA OF HIGH VISIBILITY

DISTINCTIVE CACTI >15'
 WITH 2 OR MORE ARMS

Part II – Land Use Proposal

A. PROJECT OVERVIEW

“A GOOD NEIGHBOR THAT PROVIDES A MEDIUM DENSITY RESIDENTIAL TRANSITION BETWEEN LOW DENSITY RESIDENTIAL ON THE SOUTH TO COMMERCIAL ACTIVITY ON THE NORTH AT THE TANGERINE CORRIDOR.”

This 2.6 DU/AC single family subdivision provides 36% open space according to the rules and regulations of the Town’s new Environmentally Sensitive Lands (ESL) Ordinance. This environmentally sensitive open space (ESOS) includes 3.17 acres of Critical Resource area and 3.90 acres of Tier 2 area. A 90’ bufferyard is provided to the neighbors on the south. In addition, a pathway will be provided to the kids for walking and biking directly to Wilson school avoiding the traffic on La Cholla Boulevard and Glover Road.

This 50 homesites, 19.45 acre subdivision will likely mix single story and two story homes with floor areas ranging from 1,800 sq. ft. to 2,800 sq. ft. on 6,600 sq. ft. lots. Specifically, the proposed lot sizes are 55’ x 115’ (6,325 sq. ft.) and 55’ x 120’ (6,600 sq. ft.). The closest zoning category would be R1-7, single family residential district (7,000 sq. ft. lots). The ESL Ordinance (Section 27.10.F.2.d.iii.b) provides for 5,500 sq. ft. lots with 25% ESOS. Rancho de Plata provides for 36% ESOS. Therefore, this rezoning is a request to the R1-7 District which requires the following development standards:

Setbacks: 20’ front and rear; 7.5’ sides.

Height: 25’ or two stories; two-story structure shall require CDRB approval.

Detached accessory buildings: Permitted coverage is 15% of total rear and side lot areas.

Walls and fences: Setback requirements shall not apply to walls and fences less than 4’-6” in front yards and 6’ in rear and side yards.

B. TENTATIVE DEVELOPMENT PLAN (TPD)

Please refer to **Exhibit II.B. Tentative Development Plan**, sheets one and two.

1. ESL ORDINANCE

Table 27.10-1B sets forth specific sections of the Ordinance that are applicable to rezoning cases. They are listed below with responses from this Site Analysis:

- a. **Major Wildlife Linkage:** There are no MWL's what have been mapped by the Town on this property.
- b. **Critical Resource Areas:** There are two Critical Resource Areas that have been mapped on this property. They have been included within the 95% ESOS on the Tentative Development Plan disturbed only by trails and essential services.
- c. **Core Resource Area:** There are no Core Resource Areas mapped on this property.
- d. **Resource Management Areas:** The entire site outside the Critical Resource Areas have been mapped as Tier 2 – Resource Management Areas. They have been included as 25% ESOS on the Tentative Development Plan disturbed only by trails, essential services, and a small detention area.
- e. **Cultural Resources:** There are no cultural resources on site. Please refer to Section I.1 of this Site Analysis for documentation.
- f. **Scenic Resources:** This property does not lie within the ¼ mile boundaries of the Tangerine Corridor Overlay District.
- g. **Hillside Area Category:** Table 27.10-1.2 directs the reader to Addendum J.1 but is not included in the copy of the ESL Ordinance provided by the Town this summer. However, HDZ issues are discussed Section I.B and II.D in this Site Analysis.
- h. **Open Space Requirements:** ESOS areas on the Tentative Development Plan do not include any Hillside Resource or Scenic Resource areas. ESOS areas will be permanently protected by a separate tract owned by a Homeowners' Association. The ESOS on the Tentative Development Plan meets the minimum percentages as specified in Table 27.10-2. The quantity of open space includes recreation areas and bufferyards all of which provide habitat connectivity. While the north and west bufferyards have a horizontal dimension of 10 feet, they will retain the distinct native vegetation. All resource areas set aside in the TDP meet the maximum disturbances permitted in Table 27.10-5.
- i. **ESOS Use and Development Standards:** Uses permitted in the ESOS areas of the TDP include natural open space, trails, essential services, and recreation facilities in the Tier 2 open space only. None of the ESOS uses include enclosed structures, parking, walls and fences, dumpsters, motorized vehicle access, recreation activities not contained within the confines of a designated area, establishment of

non-native species nor removal of native vegetation with an exception for flood control purposes.

- j. Development Balance and Incentives:** With the exception of minimum lot size in the R1-7 zoning district, none of the available incentives in Section 27.F.2. are requested.
- k. ESOS Design Standards:** Development envelopes will be delineated on the subdivision plat following rezoning. Requests will be made to the Planning and Zoning Administrator to reduce the ESOS setbacks to five feet for walls and fences for flood walls. The request will include specific techniques that insure no encroachment into ESOS. The road crossings in the ESOS areas use the shortest distance alignments and are necessary because no other viable alternatives exist. Further, the design of the circulation improvements will meet the code language outlined in Section 27.10.F.3.d. Structures will meet the requirements of Section 27.10.F.3.e and permanent walls and fences will meet the requirements of Section 27.10.F.3.f.
- l. Mitigation:** Mitigation will be required in the following ESOS areas (refer to **Exhibit II.B. sheet 1 of 2**):

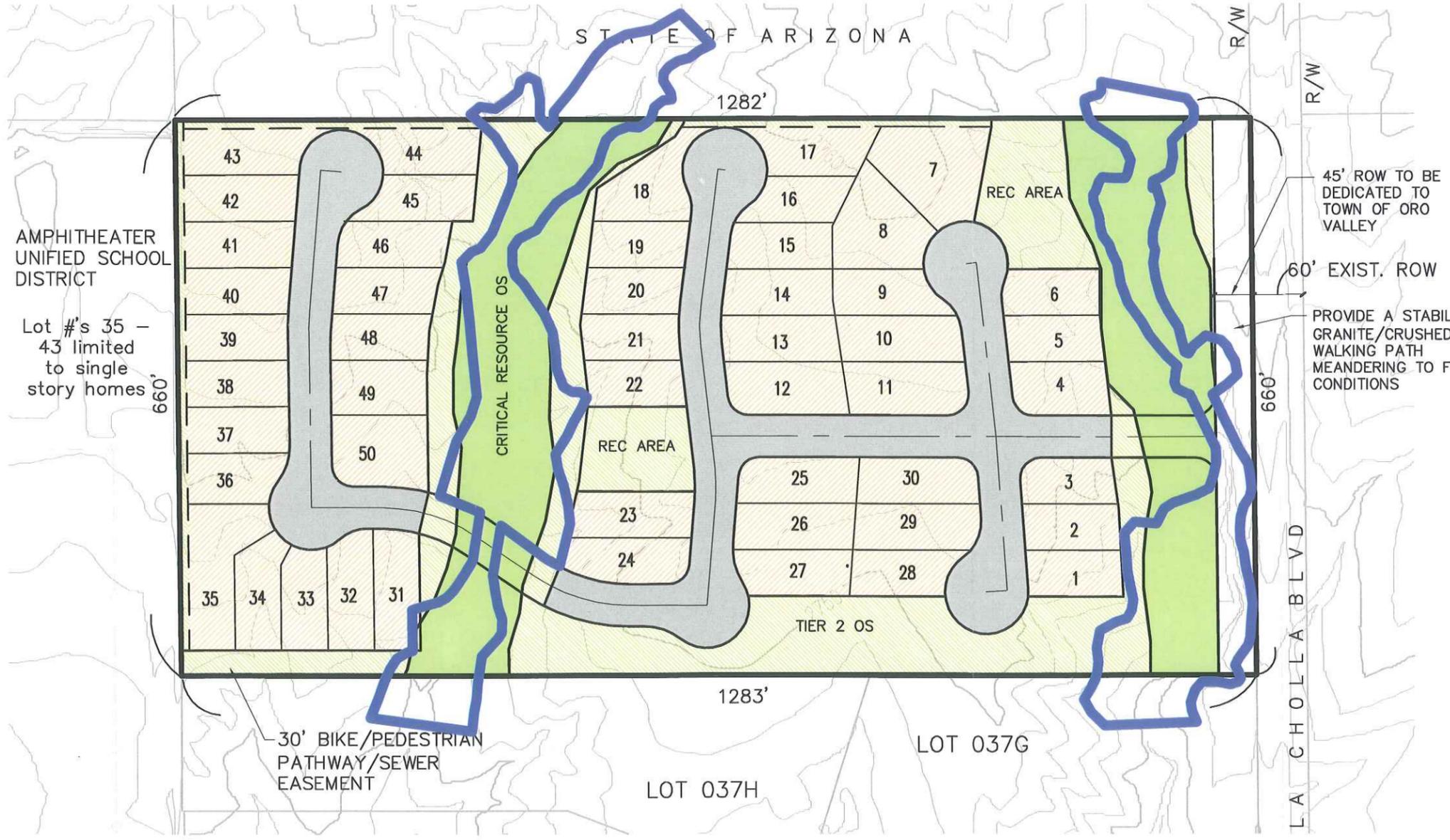
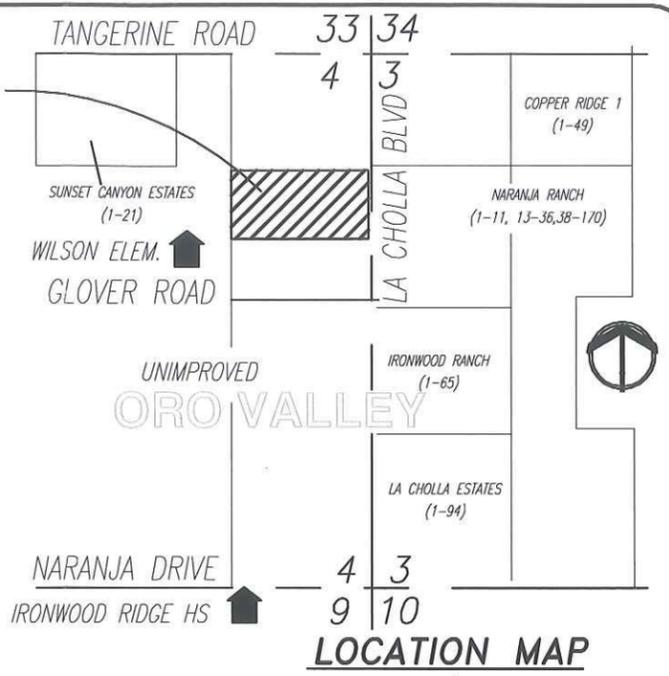
 1. Entrance driveway crossing of the east ESOS corridor;
 2. Road crossing west of lot 24 thru the west ESOS corridor; and,
 3. The bike / pedestrian trail / sewer easement that begins south of lot 35 and extends east through the ESOS corridor to the cul-de-sac south of lot 24.

During the subdivision platting process, mitigation will follow the sampling of riparian vegetation standards outlined in Section 27.10.G.4. Also, during the platting process, a mitigation plan will be prepared by a qualified habitat restoration specialist according to the procedures and standards from Section 27.10.G.5. Finally, Rancho de Plata is planning to conduct off-site mitigation thru relocation of saguaros to the neighbors on the south and Wilson School on the west. A meeting has been scheduled with a neighbor to the south to explore off-site salvage. Informal conversations have already taken place with an official from Amphitheater Public Schools about relocation to Wilson School and he has placed Ironwood Ridge High School on the table for consideration as well.

ESOS OPEN SPACE PROVIDED

TOTAL SITE:	19.45 ac
MINUS 45' LA CHOLLA R/W:	0.68 ac
NET AREA:	18.77 ac
CRITICAL RESOURCES OS	
3.34 acres @ 95%	3.17 ac (3.17 req'd)
TIER 2 OS	
15.43 acres @ 25%	3.86 ac (3.86 req'd)
TOTAL PROVIDED:	7.03 acres

THIS PROJECT



AMPHITHEATER UNIFIED SCHOOL DISTRICT
Lot #'s 35 - 43 limited to single story homes

45' ROW TO BE DEDICATED TO TOWN OF ORO VALLEY
60' EXIST. ROW
PROVIDE A STABILIZED GRANITE/CRUSHED STONE WALKING PATH MEANDERING TO FIT FIELD CONDITIONS

- NOTES:**
- 19.45 GROSS ACRE PROJECT SITE TO BE REZONED. ZONING REQUEST FROM R1-144 TO R1-7.
 - RESIDENTIAL DENSITY 2.6 DU/AC.
 - 50 RESIDENTIAL LOTS
 - BUILDING HEIGHTS: MIX OF SINGLE STORY AND TWO STORY.
 - FLOODPLAINS NOT TO BE ALTERED NOR FILLED EXCEPT AT ROADWAY CROSSINGS.
 - WATER PROVIDED BY ORO VALLEY WATER UTILITY.
 - EXISTING ACCESS EASEMENT ALONG SOUTH BOUNDARY LOT SPLITS WILL BE VACATED.
 - THIS SITE IS SERVED BY OVERHEAD ELECTRIC LINES AND AN 8" GAS LINE IN LA CHOLLA BLVD.
 - INTERNAL STREETS ARE PUBLIC, 50' ROW.
 - CUL-DE-SACS AT LOTS 17 & 44 WILL PROVIDE WATER COMPANY EASEMENT FOR FUTURE SERVICE TO STATE LAND PARCEL.
 - REC AREAS TO INCLUDE SUCH FEATURES AS SWINGS, TEETER TOTTERS, SANDBOX, BARBEQUE GRILLS, PICNIC TABLES, AND RAMADAS.
 - INGRESS/EGRESS DRIVE TO LINE UP WITH THE APPORVED LOCATION OF THE RANCHO DEL COBRE INGRESS/EGRESS DRIVE ON THE EAST SIDE OF LA CHOLLA BLVD
 - NORTHBOUND LEFT-TURN LANE ALONG LA CHOLLA BLVD WILL BE DESIGNED AND CONSTRUCTED BY RANCHO DE PLATA.
 - RECREATIONAL IMPROVEMENTS WILL BE INSTALLED PURSUANT TO SEC. 26.5 OF THE OVZC.

Property Owner: Estate of Thomas W. Levitt
P.O. Box 414740
Kansas City, MO 64141

Applicant: CPE Consultants, LLC
378 N. Main Ave.
Tucson, AZ 85701



LEGEND

	CRITICAL RESOURCE OS		LOTS		100-YR FLOODPLAIN
	TIER 2 OS		ROADS		

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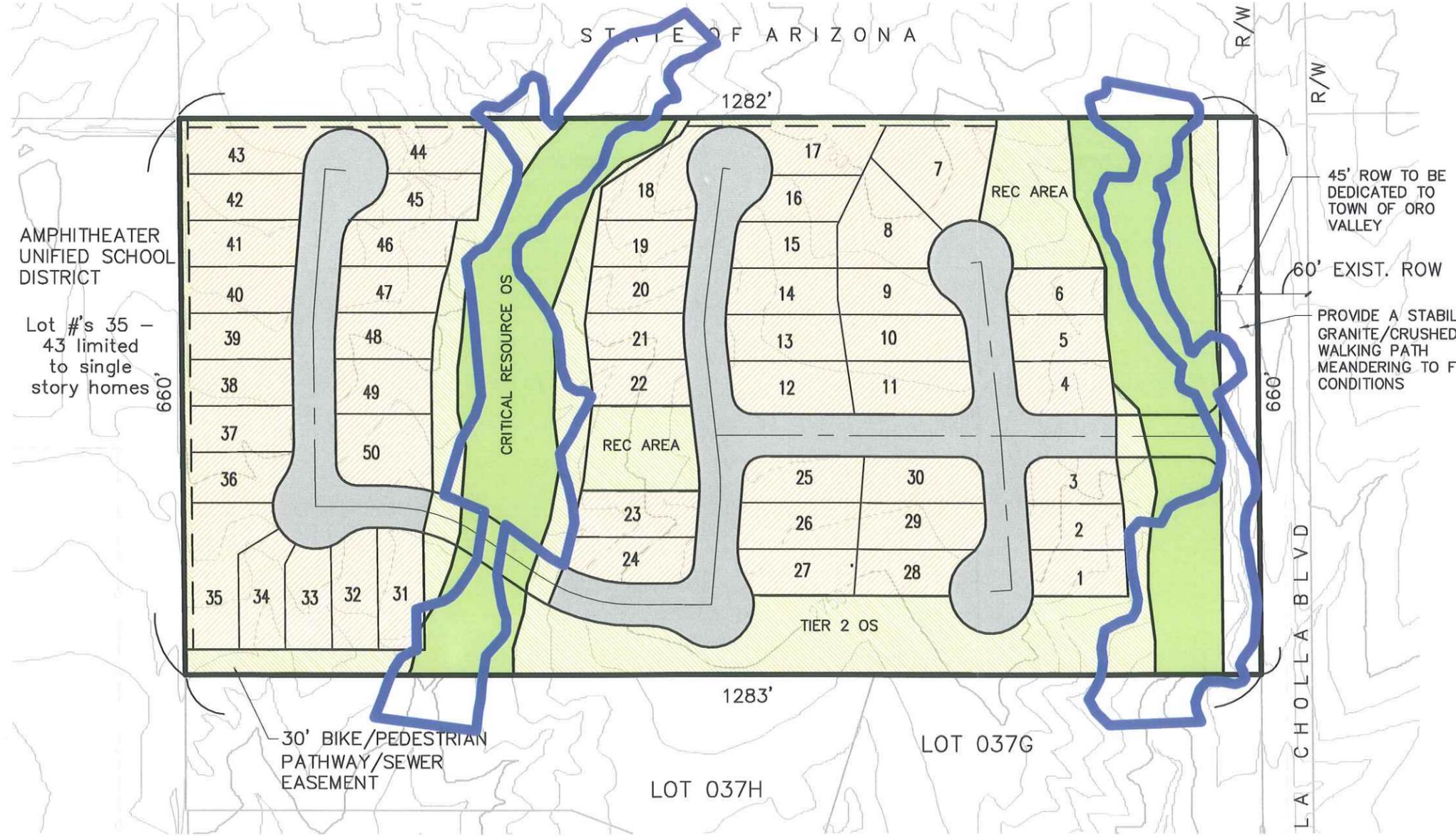
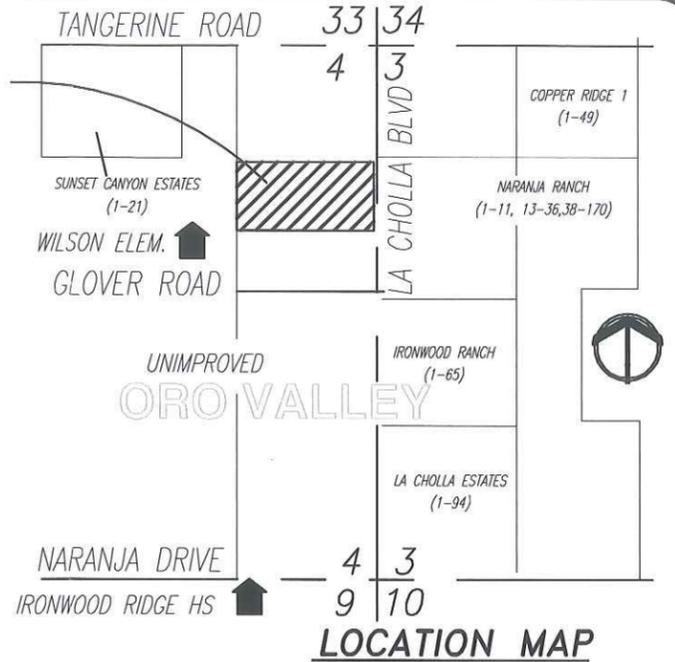
Tentative Development Plan	Exhibit II.B (sheet 1 of 2)	
Rancho de Plata Rezoning From R-1-144 to R1-7 Oro Valley No. OV911-005	10-2011	28

ESOS OPEN SPACE PROVIDED

TOTAL SITE: 19.45 ac
 MINUS 45' LA CHOLLA R/W: 0.68 ac
 NET AREA: 18.77 ac

CRITICAL RESOURCES OS 3.34 acres @ 95% 3.17 ac (3.17 req'd)
 TIER 2 OS 15.43 acres @ 25% 3.86 ac (3.86 req'd)
 TOTAL PROVIDED: 7.03 acres

THIS PROJECT



LOCATION MAP
 SCALE: 3"=1 MILE
 A PORTION OF THE EAST HALF OF THE NE 1/4 OF SECTION 4, TOWNSHIP 12S, RANGE 13E, GILA AND SALT RIVER MERIDIAN, TOWN OF MARANA, PIMA COUNTY, ARIZONA

- NOTES:**
- 19.45 GROSS ACRE PROJECT SITE TO BE REZONED. ZONING REQUEST FROM R1-144 TO R1-7.
 - RESIDENTIAL DENSITY 2.6 DU/AC.
 - 50 RESIDENTIAL LOTS
 - BUILDING HEIGHTS: MIX OF SINGLE STORY AND TWO STORY.
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LEGEND

	CRITICAL RESOURCE OS		LOTS		100-YR FLOODPLAIN
	TIER 2 OS		ROADS		

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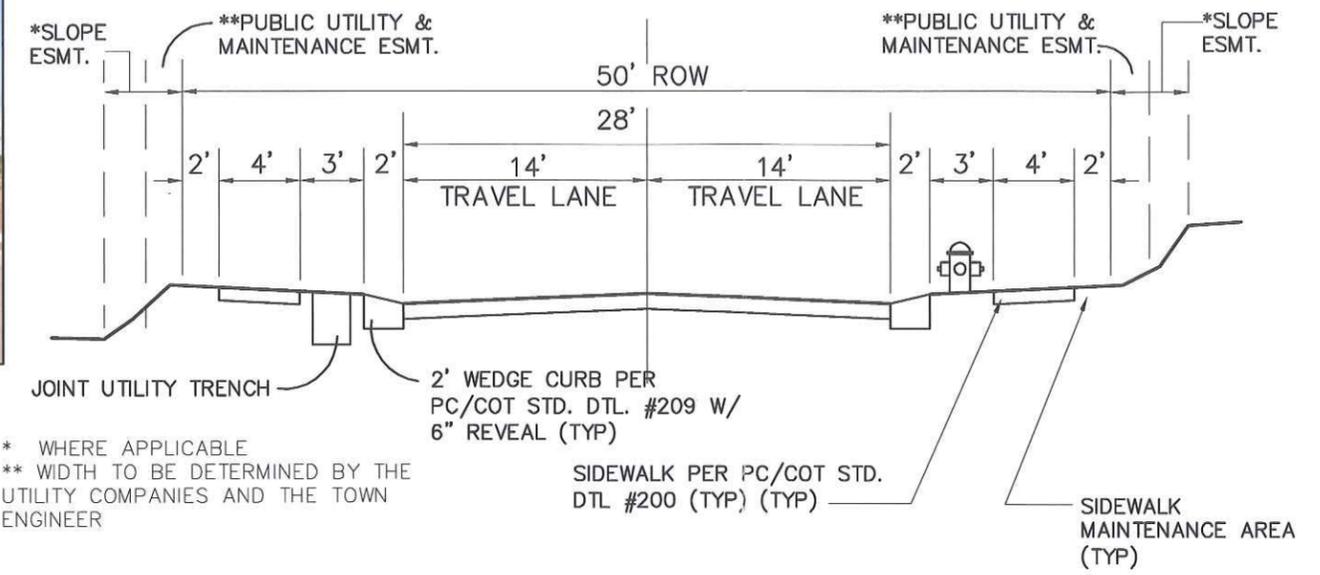
Property Owner: Estate of Thomas W. Levitt
 P.O. Box 414740
 Kansas City, MO 64141

Applicant: CPE Consultants, LLC
 378 N. Main Ave.
 Tucson, AZ 85701

Tentative Development Plan	Exhibit II.B (sheet 1 of 2)	
Rancho de Plata Rezoning From R-1-144 to R1-7 Oro Valley No. OV911-005	10-2011	28

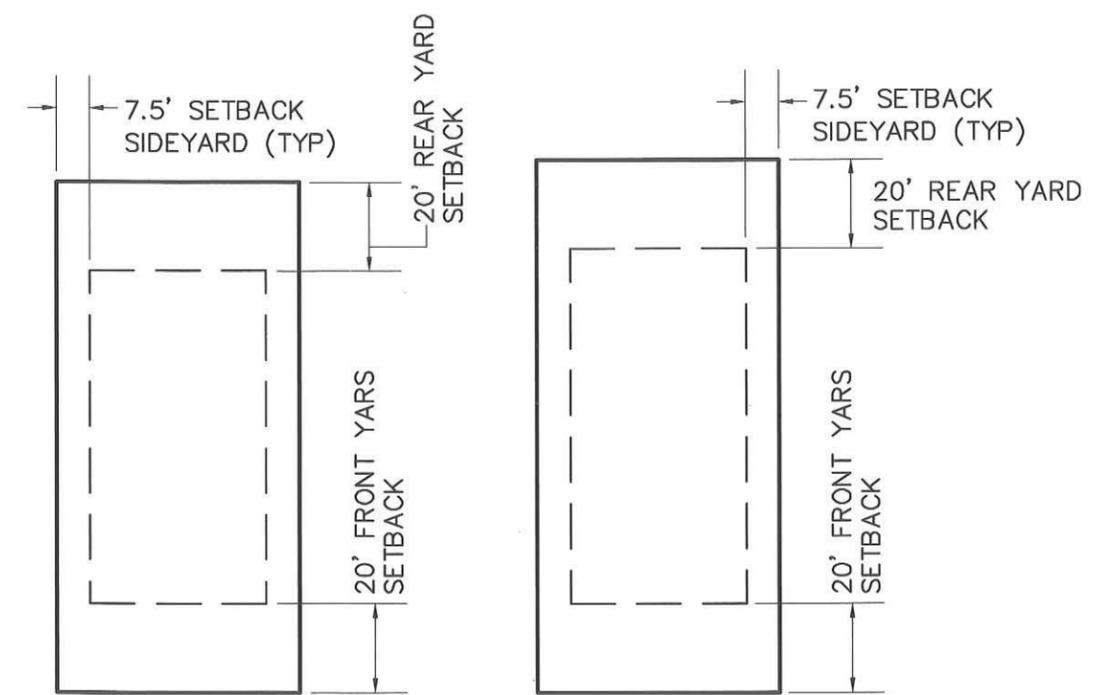


POSSIBLE BUILDING ELEVATIONS



* WHERE APPLICABLE
 ** WIDTH TO BE DETERMINED BY THE UTILITY COMPANIES AND THE TOWN ENGINEER

TYPICAL SUBDIVISION SECTION 50' ROW

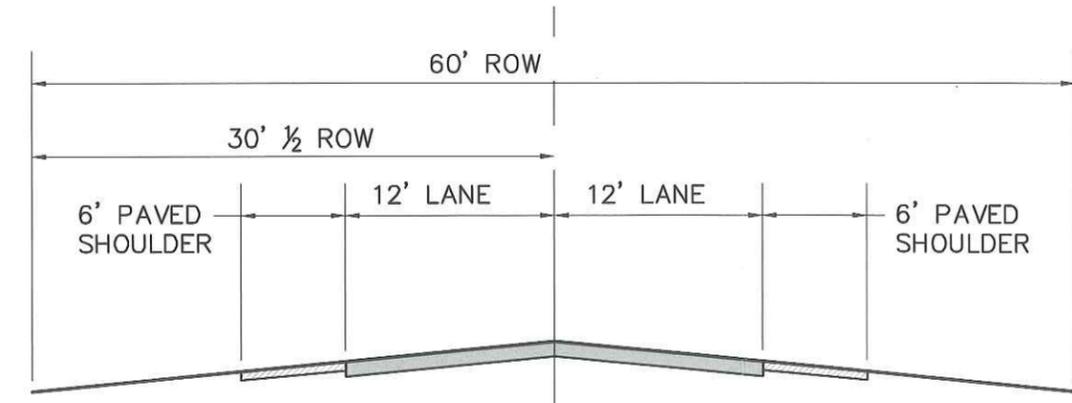


55'x115' LOT

55'x120' LOT

TYPICAL LOT LAYOUTS

1"=40'



LA CHOLLA TYP SECTION (EXISTING)

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Tentative Development Plan		Exhibit II.B (sheet 2 of 2)	
Rancho de Plata Rezoning From R-1-144 to R1-7 Oro Valley No. OV911-005		10-2011	29

C. EXISTING LAND USES

1. **Zoning boundaries and adjacent land uses.** The entire 19.45 acre project site is proposed for R1-7 zoning. Existing land uses to the south and west are mapped on **Exhibit I.A.3.b.**
2. **Land Use Impacts.** There are no existing land uses on site and, therefore, no impacts. Rancho de Plata serves the large lot homesites on the south in two ways: (a) the project provides a 100' natural desert bufferyard from its south boundary; and (b) by substituting medium density residential uses for the General Plan commercial uses, this project provides an orderly transition to the Tangerine Corridor.

Wilson School on the west is a non-residential use and, therefore, there are no negative impacts. The developer is in negotiations with Amphi School District to contribute \$1,500 roof top donation.

D. TOPOGRAPHY

1. **TPD response.**
2. **Encroachment.**

A substantial portion of the limited 15% slopes are contained within the ESOS areas and the dedicated ROW for La Cholla Boulevard. As discussed in Part I of this site analysis, none of the 15% slopes qualify for regulation within the ESL Ordinance in any event. The drainage channels and associated riparian vegetation are preserved in their natural state with the exception of roadway, pathways, and sewer crossings.

3. **New cross slopes.**
4. **HDZ natural areas.**

This project's existing cross slope is 5.2%. Therefore, no natural area designations are required for compliance with Table 27.10.-4 Slope Density and Disturbance Limits from the ESL Ordinance.

5. **Percent graded.**
6. **Map graded areas.**

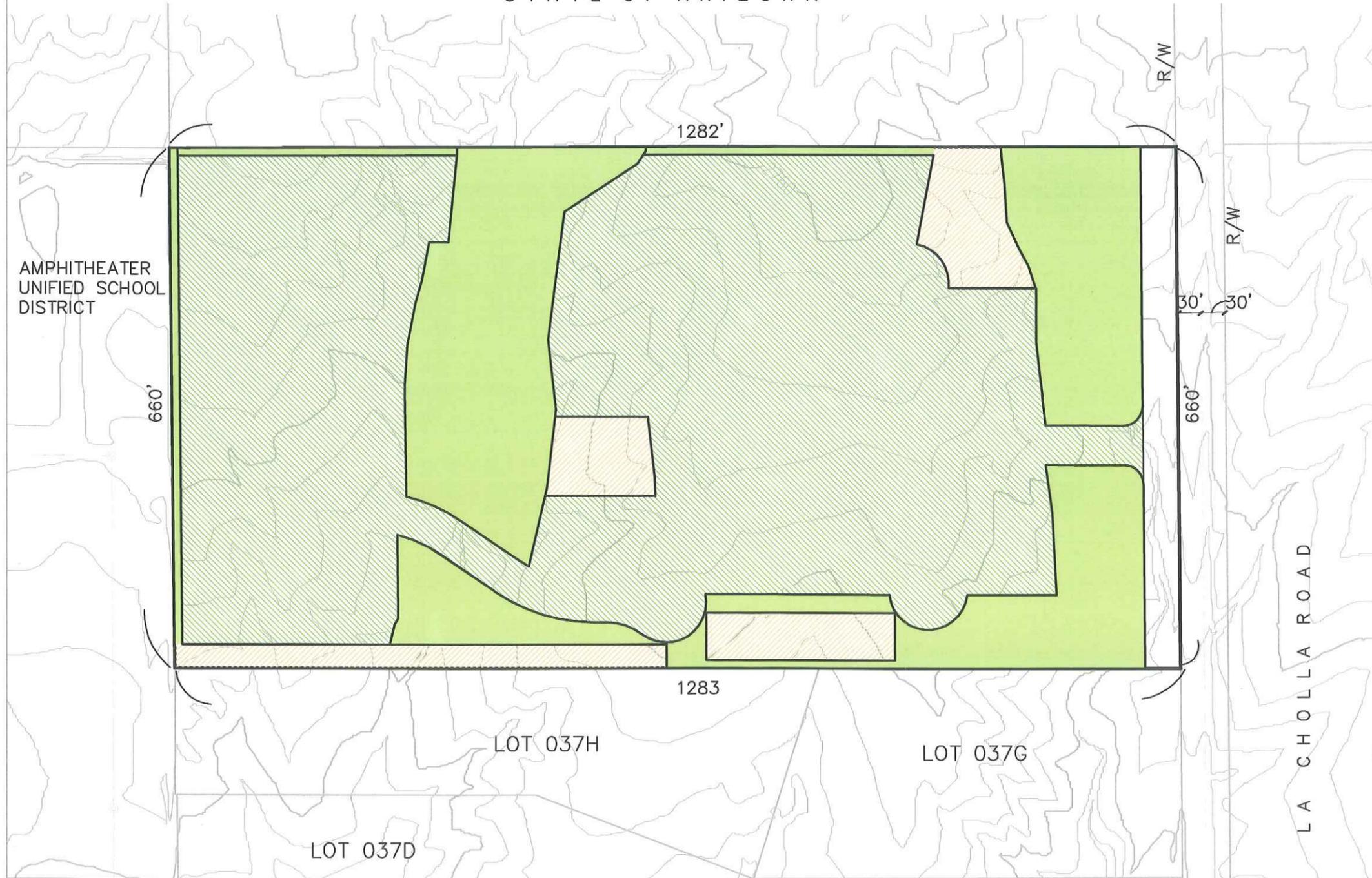
The following analysis concludes that 28% of the site will remain natural desert, 8.0% of the site will be revegetated, and 64% of the site will be graded.

Net site	18.77 acres
Less ESOS	(7.03) acres

Add road xings	<u>0.38 acres</u>
Graded	12.12 acres
% graded	64.6%
Revegetate rec areas/detention/pathway	1.94 acres
% revegetated	10.3%
Natural desert	4.71 acres
% undisturbed	25.1%

Please refer to **Exhibit II.D Grading.**

STATE OF ARIZONA



150 75 0 150 300

CONTOUR INTERVAL 2'

LEGEND

-  NATURAL DESERT (25.1%)
-  GRADED (64.6%)
-  REVEGETATED (10.3%)

AMPHITHEATER
UNIFIED SCHOOL
DISTRICT

LA CHOLLILLA ROAD

CPE CONSULTANTS



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Grading

Exhibit II.D.

Rancho de Plata

10-2011

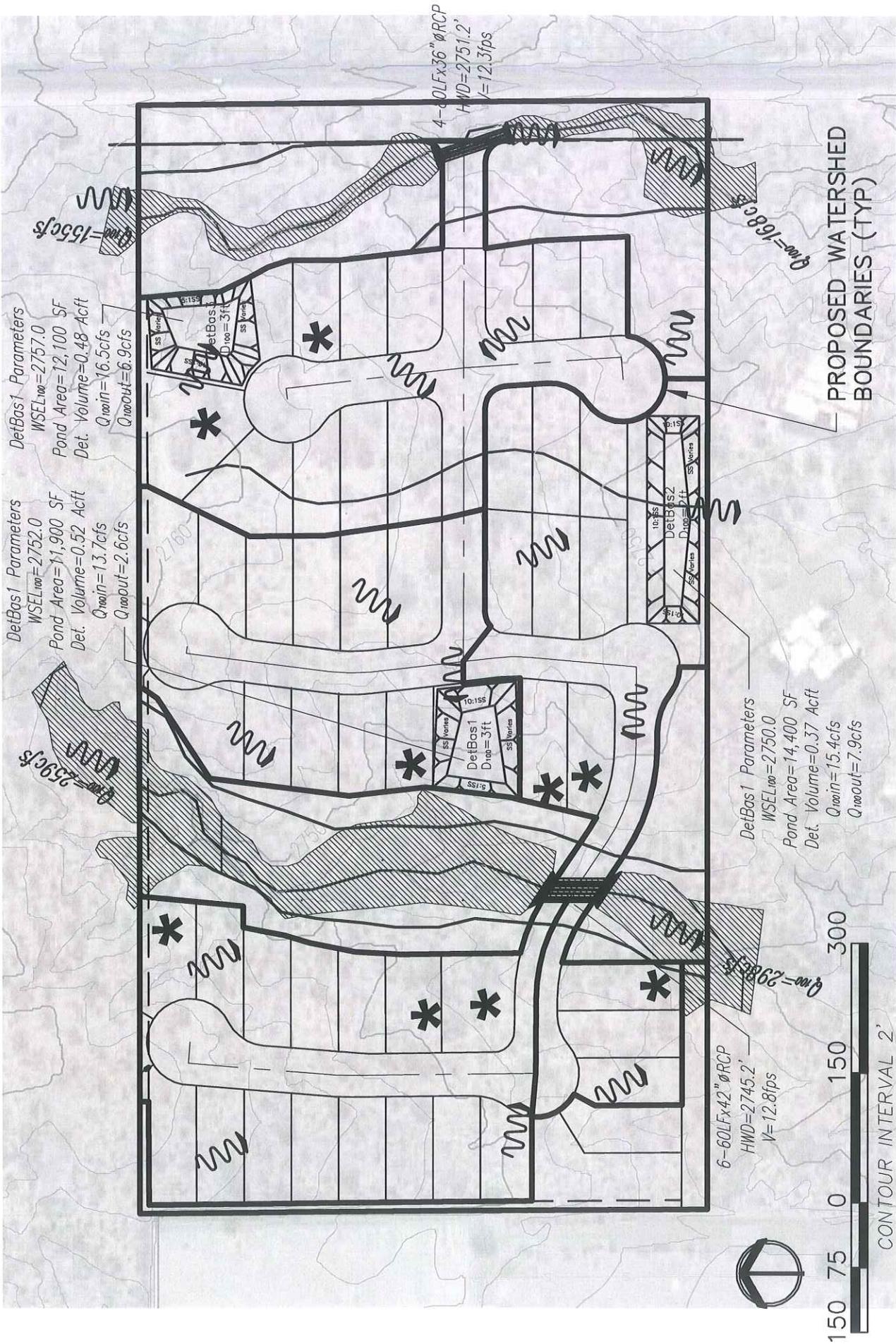
32

E. HYDROLOGY

1. **TDP Response.** Development of the subject property will be accomplished such the two natural streams on site will be allowed to enter, flow through and leave the subject parcel, while remaining relatively undisturbed and following their natural alignment. This is because parcel development will create undisturbed open space, at locations where the streams presently flow naturally; these areas are designated ESOS in the development document. The ESOS substantially protects the natural stream floodprone areas and their associated erosion hazard setback, which have been estimated to be 18' for the western drainageway and 13' for the eastern drainageway. The only anticipated encroachments into the existing drainageways are at the proposed road crossings (see **Exhibit II.E.1, Proposed Drainage Scheme**), where culverts have been designed to allow peak flows to remain as per existing conditions. At the main entrance is proposed a 4-barrel 36" RCP culvert; at the western drainageway is proposed a 6-barrel 42" RCP culvert, to be constructed under the subdivision street crossing. These two culverts will be provided with energy dissipators, as needed and designed in conformance with current Oro Valley standards.
2. **Encroachment.** Implementation of the proposed drainage scheme ensures that the only disturbance to the eastern drainageway is at the street entrance that provides access into the subdivision, as illustrated in **Exhibit II.E.1**. Another culvert is provided for access into the subdivision rear lots. Both culverts will be provided with dumped rock riprap energy dissipators at their outlets designed per Oro Valley standards. As illustrated in the TDP, some lots are contiguous to flood prone areas; they been identified with an asterisk in the **Exhibit II.E.1**. These lots will require scour protection at their perimeter walls, which can be done in a practical and cost-effective manner through application of current design standards in Oro Valley. Without crossing the drainageways at least once, there can be no all weather access into the property from La Cholla Boulevard. The proposed bicycle/pedestrian path location at the southwest corner of the site was determined by Town staff. Options are to construct a narrow con-arch over the wash or turn the bicycle path north along the east boundary of lot 31 to the proposed street crossing. The method of crossing the floodplain will be determined during the tentative plat process. The options are the same for the sewer connection to the public sewer 90' west of the property in the Wilson School parking lot. Negotiations are underway with the School District to determine the best point of connection in its lot. Once the west end of the new sewer is determined, the crossing location in Rancho de Plata will be determined in the tentative plat process.
3. **Off-site Impacts.** Because existing flows will be permitted to enter and leave the subject parcel at the same locations and similar peak flows as in the undeveloped conditions, there are no anticipated impacts to drainage upstream or downstream from the parcel.
4. **Mitigation.** Within the parcel areas that are to be urbanized, development will increase runoff, because of the anticipated residential structures and subdivision streets. As shown in previous exhibits and for the purpose of evaluating development impact, drainage

within the parcel can be considered to create four discrete basins. In order to minimize construction of drainage mitigation facilities, development will also consider four discrete sub-basins on site, which will deliver their peak runoff flows to the same drainage exiting locations as under existing conditions (see **Exhibit II.E.2, Onsite Developed Drainage Conditions**). Sub-basin 1f has been conformed so that it generates similar peak flows as its corresponding pre-development sub-basin, DA1e. The other three sub-basins have been provided with detention basins, as identified in the exhibit; these basins will be designed per current Oro Valley standards, and the exhibit provides their preliminary operating parameters. In summary, the developed areas that feed into the proposed detention basins will make use of the streets to deliver runoff to the respective basins. As shown on the exhibit, developed peak flows will be mitigated through the corresponding detention basin in DAs 2f through 4f, such that peak flows leave the subject parcel at the same location and similar peak flows than under pre-development conditions; the exhibit table compares peak flows for each basin, under existing and developed conditions. Some lots are contiguous to flood prone areas; they have been identified with an asterisk in **Exhibit II.E.1**. These lots will require scour deep protection under their perimeter walls, which can be done in a practical and cost-effective manner, through application of current design standards in Oro Valley.

5. **Town Policies.** As shown in the exhibit, by designing developed areas to occur mostly on the outside of ESOS and flood prone areas, lot perimeter structures (screening walls and fences) can be placed beyond flooding or erosion sensitive areas within this parcel and, by corollary, also the corresponding residential structures in each lot.. This will allow for mitigation of developed peak flows, such that the open space upstream and downstream from the culverts remains in its natural state. Detention storage can be accomplished within the recreation areas and open space for this subdivision. By accepting and delivering off site flows at their current locations, the proposed drainage control facilities are compatible with the potential improvements scheduled for the two major arterials near the subject parcel, La Cholla Boulevard and Tangerine Road. This is also true for improvements contemplated for Rancho del Cobre, a residential subdivision planned for the land parcel immediately to the east of La Cholla Boulevard. As stated earlier, no specifics are yet available as to nature of the regional drainage improvements associated with the two roadway projects, leaving existing natural drainage patterns relatively undisturbed, will allow a sound complement to those regional drainage improvements. The proposed drainage scheme conforms to Oro Valley policies and guidance, in that its drainage design conforms to criteria for development in critical basins, the proposed detention basin returns mitigated peak flows to the natural stream exiting its subject parcel, and peak flows are maintained as in the pre-developed conditions. In addition, the finish floor elevations for all residences will be designed to be a minimum of 12" above any adjacent 100-year water surface elevation.

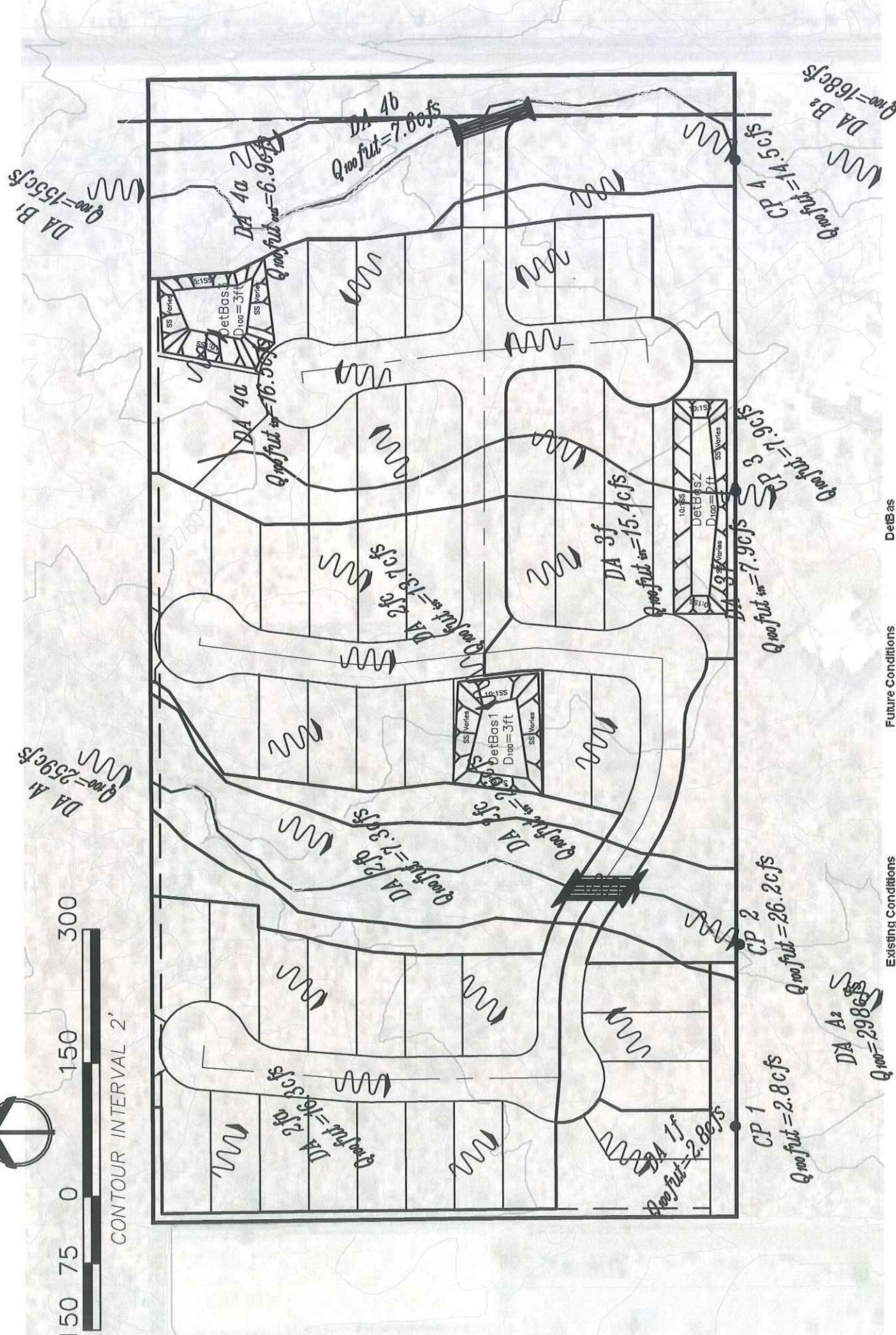


Post-Development Hydrology	Exhibit II.E.1.
Rancho de Plata	10-2011
	35

***** Lots requiring flood protective measures



CONTOUR INTERVAL 2'



Existing Conditions		Future Conditions		DetBas Mitigation	
DA	Acres	DA	Acres	Q100f	Q100f Mitigation
DA 1	1.273	DA 1	0.809	2.8	2.8
DA 2	9.783	DA 2a	3.260	16.3	16.3
		DA 2b	2.728	7.3	7.3
		CP 2c	2.823	2.6	2.6
CP 3	2.941	CP 3	3.352	7.9	7.9
CP 4	5.422	CP 4a	3.612	6.9	6.9
		CP 4b	2.835	7.5	7.5

Developed Onsite Drainage Mitigation	Exhibit II.E.2.
	Rancho de Plata
10-2011	35A

F. VEGETATION

1. **TDP Response.** There are 5 vegetation issues that need to be addressed by the TPD are: high density > 60% plant coverage, significant groups of trees, significant cacti 5 – 15', distinctive cacti > 15' and nurse plants. The high density vegetation and significant groups of trees are associated with the riparian areas (Critical Resource Areas). The riparian areas are conserved in the TDP and located within the proposed ESOS areas. The ESOS corridors are wider than the riparian areas and, therefore the high density vegetation and significant groups of trees are substantially conserved.

About 40% of the saguaro cacti and nurse trees will be preserved in place within the ESOS acreage including the 100' natural desert buffer yard on the south. It looks like 6 of the 15 distinctive cacti are located outside the ESOS areas and will be subject to salvage on or off-site, if feasible.

Salvage would first occur within the tier 2 open space primarily within the south buffer yard and on the neighbors property if they would so desire. An early discussion with Amphitheater School District found a willingness to provide a new home for these cacti at Wilson School and even at Ironwood Ridge High School southeast of the project site.

The significant cacti will likewise be subject to salvage on or off-site with the same locations as described for distinctive cacti in the previous paragraph. Another candidate for off-site salvage would be on Town of Oro Valley property subject to its acceptance.

G. WILDLIFE

1. **Mitigate wildlife habitat.** Arizona's On-line Environmental Review Tool located in **Appendix C** of this report "flags" the golden eagle as an occurrence or habitat within 3 miles of the project vicinity. Further discussions with AGFD revealed that the preferred habitat for the golden eagle is mountainous terrain or canyon walls which exists at Honey Bee Canyon and the Tortolitas north of the project site. CPEC has initiated contact with the US FWS as requested by the state and the town.

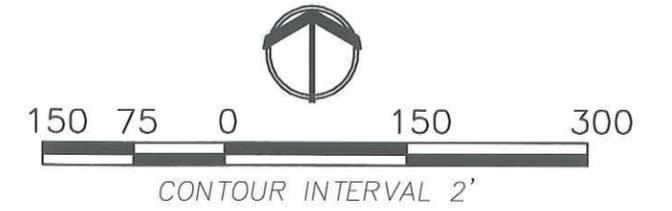
H. BUFFER PLAN

1. **Map buffer yards. Exhibit II.H.1 Buffer yards** locates the plan view of the buffer yards on the La Cholla Boulevard frontage and along the south property line adjacent to existing residences. The south and east buffer yards can be augmented to high density standards within the tier 2 areas on the south and the tier 2 areas on the east outside the riparian (critical resource os) area. The critical resource area is already at high density in its natural state. The tier 2 areas generally exist at medium density standards. Rancho de Plata proposes, therefore, to transplant into these areas such

native species as, Foothill Palo Verde, Ironwood, Velvet Mesquite, Saguaro, Prickly Pear, Barrel, Buckhorn Cholla, Chainfruit Cholla and Creosote.

- 2. Illustrate buffer yards. Exhibit II.H.2 Buffer yard Treatment** shows the natural desert buffer yard that will be provided and conserved along the La Cholla Boulevard frontage. This exhibit also shows the natural desert buffer yard from the south property line. Please notice the difference in density from the La Cholla vegetation. It is in this area where transplantation can take place as described in the previous paragraph.

STATE OF ARIZONA



LEGEND



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Bufferyards	Exhibit II.H.1.	
Rancho de Plata	10-2011	38



High Density Vegetation fronting on La Cholla Blvd



Medium Density Vegetation along south border

rev 7/14/11

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Bufferyard Treatment

Rancho de Plata

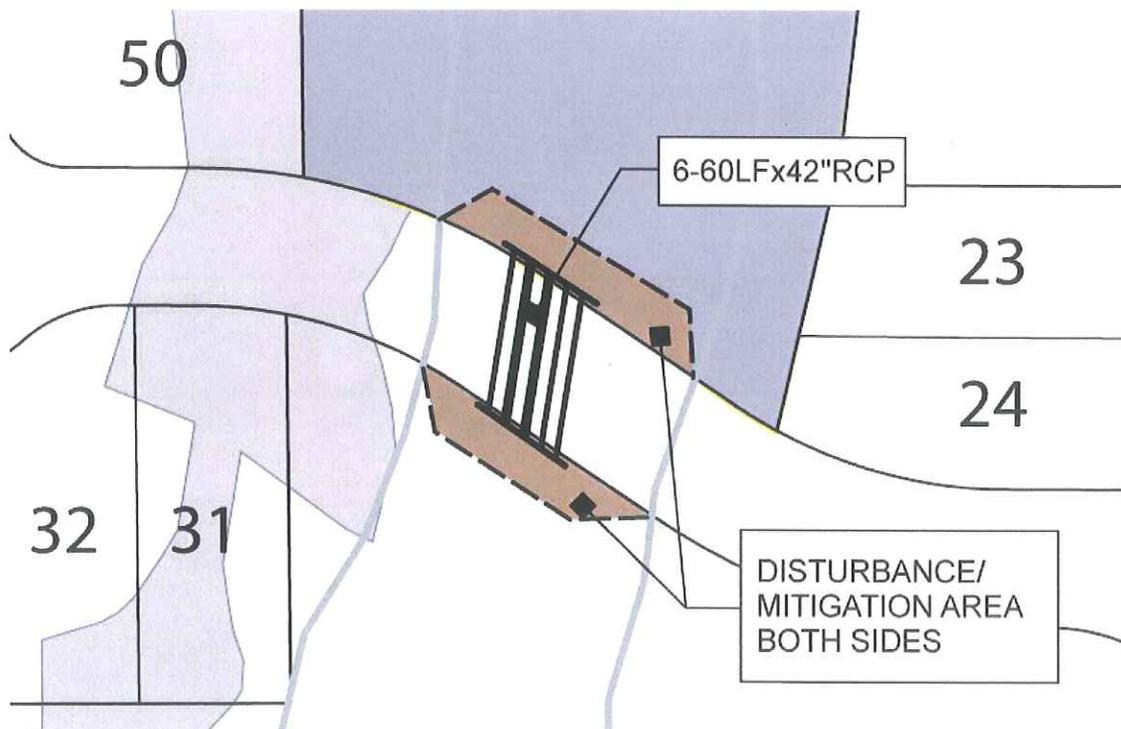
Exhibit II.H.2.

7-2011

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I. VIEWSHEDS

- 1. TPD mitigation.** As shown on **Exhibit I.F.1 Viewshed Map**, the areas of high visibility occur along the east, south and west property lines. The mitigation provided along east and south property lines has been detailed in **Exhibit II.H.2**, the previous section of this site analysis. A combination of deep natural desert bufferyards including augmentation of the vegetative densities clearly mitigates these viewsheds. Rancho de Plata proposes single story construction along the western tier of lots – lots 35 thru 43 – to mitigate Wilson School’s views of the distant mountains at Catalina State Park and Coronado National Forest.
- 2. Roadway construction.** As described in **Section II.E** of this site analysis, the site will be gently graded to convey drainage from all lots through the streets to the west drainage area which a large, natural basin. Cut and fill will be minimal. The only abnormal disturbance will occur at an elevated road crossing over the western drainage way to accommodate the installation of a 4 barrel, 36” RCP. Disturbance could occur 10’ to 20’ north and south of the road ROW and will be mitigated according to the rules set out in the Landscape Conservation Code, ESL Related revisions to Section 27.6.

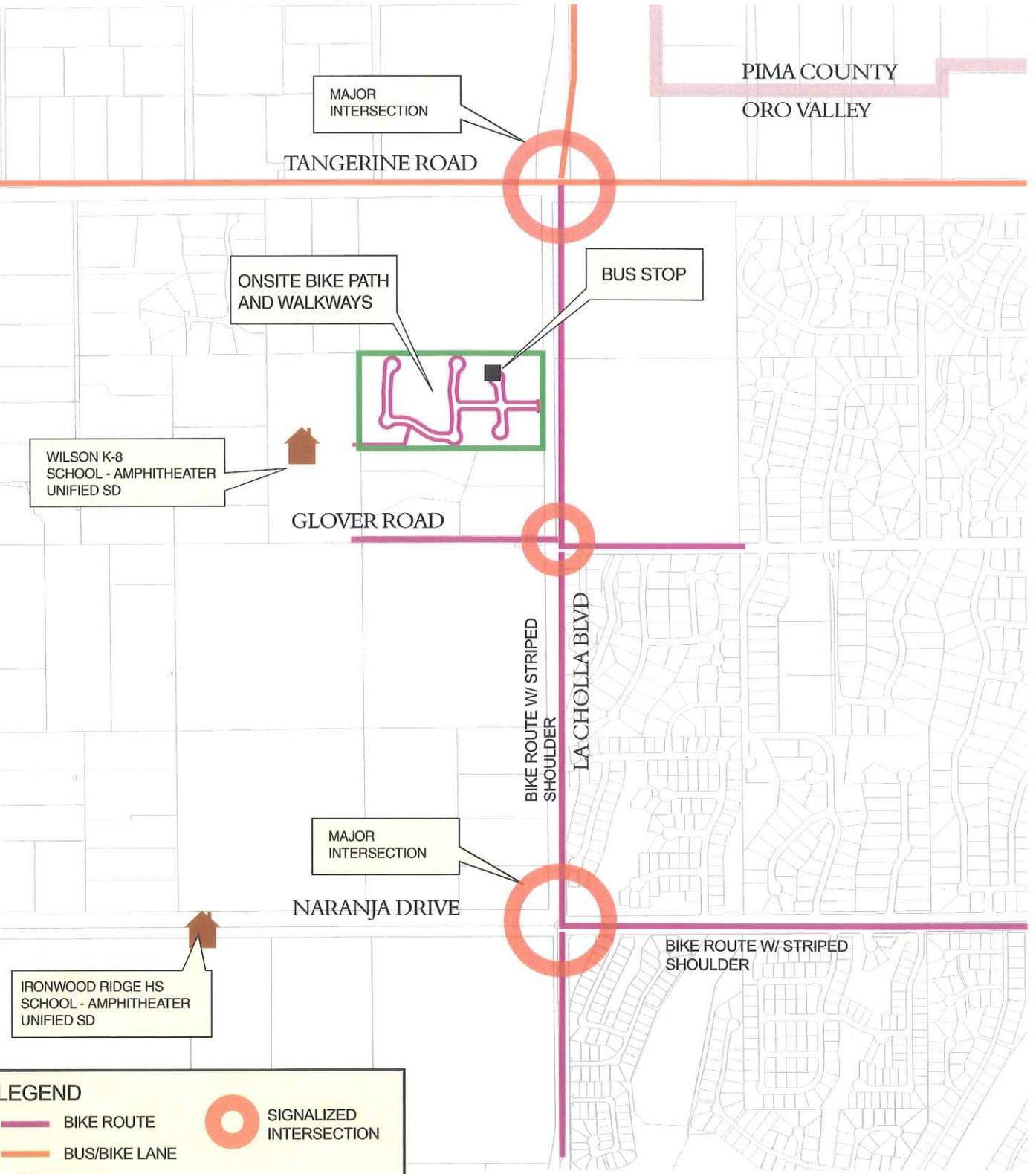


J. TRAFFIC

1. **Intersections.bikes.walkways.** Please refer to **Exhibit II.J.** for the location of existing intersections with Tangerine Road and Naranja Drive that will be used by traffic generated from Rancho de Plata. There are no proposed new intersections although the widening of the Tangerine Road intersection with La Cholla Boulevard is currently under a design contract. This exhibit also maps the location of an existing bikeway connection to Wilson School from the site on La Cholla to Glover Road. It should be noted that the La Cholla Boulevard intersection with Glover Road is a signalized intersection that will be used by traffic generated from Rancho de Plata.
2. **Traffic impact statement.** Please refer to **Appendix D.**
3. **On-site street ROW.** The proposed subdivision street system will be developed at a 50' ROW by the developer and dedicated to the Town of Oro Valley by final plat. The proposed cross section is presented on sheet 2 of Exhibit II.B. and provides two 14' travel lanes, wedge curbs, fire hydrant, sidewalks, a bike path and a sidewalk maintenance area within the PUE.
4. **On-site bikes and walkways.** There will be a bike/pedestrian pathway developed from the southern part of the project site directly to Wilson School as shown on **Exhibit II.B. sheet 1.** In addition, proposed bikeways and sidewalks are included within the subdivision street cross section shown on **Exhibit II.B. sheet 2** for connection to the bikeway in La Cholla Boulevard as well as Wilson School.
5. **Bus Stops.** The elementary school is located adjacent to the project site. However, the high school is 1 ¼ miles to the southwest. CPE Consultants LLC had a discussion with the Executive Manager, Operational Support, Amphitheatre School District the third week of July and agreed to look at a bus stop on site at the eastern recreation area adjacent to a cul-de-sac turnaround as shown on **Exhibit II.B. sheet 1.** Both parties agreed that CPEC would formally propose this location to the District for their written approval of both the bike/pedestrian pathway connection and the bus stop location.

K. SEWERS

1. **Sewer service method.** Please refer to **Exhibit I.L. Sewers** and notice there is an 8" public sewer #G-2006-016 located on the Wilson School campus 90' west of the Rancho de Plata west boundary. CPE Consultants met with Legal Counsel to the Amphitheatre School District the week of July 20, 2011 to explore the possibility of securing a sewer easement from them to connect. The first round of negotiations went well, and CPEC made a formal request to the District. (Please see letters in Appendix E.)
2. **Response letter.** Please see capacity response letter from Pima County on page 43.



LEGEND

-  BIKE ROUTE
-  BUS/BIKE LANE
-  SCHOOL
-  SIGNALIZED INTERSECTION

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Intersections/Bike Paths/Walkways

Rancho de Plata

Exhibit II.J.	
7-2011	42



**Pima County
Regional Wastewater Reclamation Department**

Jackson Jenkins
Director

201 N. Stone Ave., 8th Floor
Tucson, Arizona 85701
(520) 740-6500

Visit our website:
<http://www.pima.gov/wwm>

July 19, 2011

Ron Asta
CPE Consultants
378 N. Main Avenue
Tucson, AZ 85701

Capacity Response No. 11-134 Type I

**RE: Rancho de Plata, 60 Residential Lots on Parcels 224-11-034A, -034B, -034C, -034D & -034E.
Estimated Flow 13,800 gpd (ADWF).**

Greetings:

The above referenced project is tributary to the Ina Road Wastewater Reclamation Facility via the Cañada del Oro Interceptor.

Capacity is currently available for this project in the 8-inch public sewer G-2006-016, downstream from manhole 3497-03.

This letter is not a reservation or commitment of treatment or conveyance capacity for this project. It is an analysis of the system as of this date and valid for one year. Allocation of capacity is made by the Type III Capacity Response.

Note: Conditions within the public sewer system constantly change. A Type II letter must be obtained to verify that capacity exists in the downstream public sewer system just prior to submitting the development plan or subdivision plat for review and approval.

If further information is needed, please feel free to contact us at (520) 740-6534.

Respectfully,

A handwritten signature in blue ink that reads "Mary Hamilton".

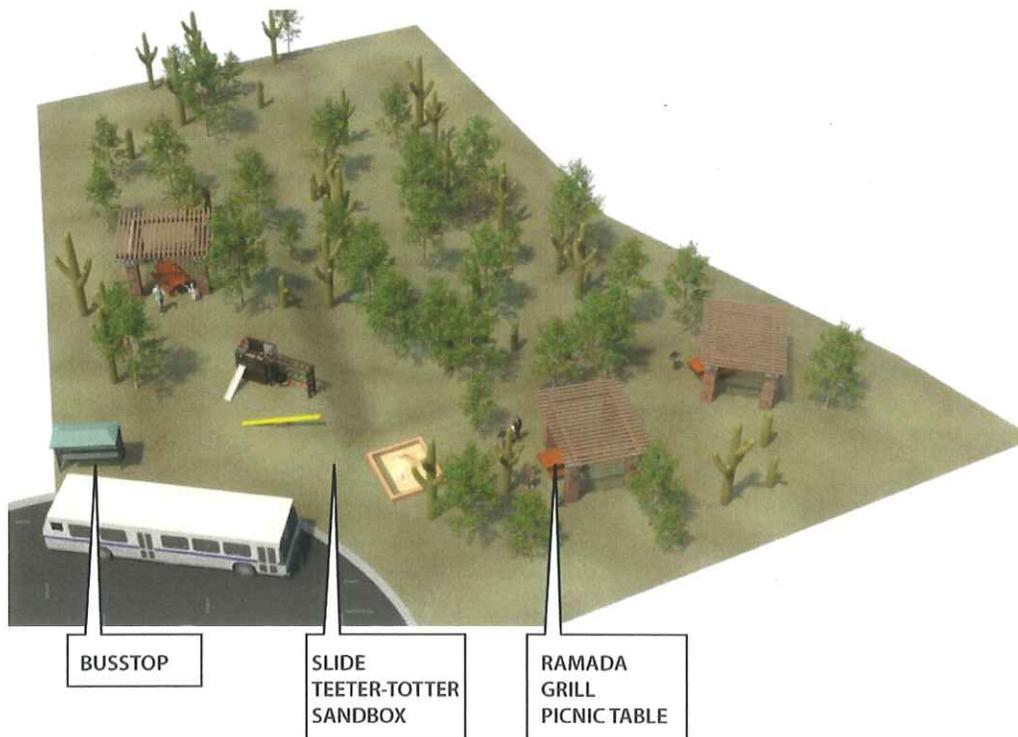
Mary Hamilton, P.E.
PCRWRD Planning Section Manager

MH:ks

c: T12, R13, Sec. 04

L. RECREATION AND TRAILS

1. **Off-site Trails.** Please refer to **Exhibit I.G.H.J.** for the location of parks and trails within a one-mile study area.
2. **Parks identified.** Although outside the study area, the 40-acre West Lambert Lane Park is located on Lambert Lane and offers passive recreation. This park is owned by Oro Valley.
3. **Off-site trail access.** Rancho de Plata is providing a stabilized granite/crushed stone walking path along the project's frontage located within the 45' dedicated ROW as shown on **Exhibit II.B. Tentative Development Plan.** In that context, this project is actually building a part of the Honey Bee Loop Trail itself.
4. **Ownership.** The natural and modified open spaces within the development (ESOS) will be platted as common area and owned by a Rancho de Plata homeowners association.
5. **Private Recreation Areas On Site:** The Town of Oro Valley subdivision regulations require 0.61 acres of private recreation areas for a 50 lot subdivision. Rancho de Plata has provided 0.75 acres including such features as swings, teeter totters, sandbox, barbecue grills, picnic tables, and armadas.



EXAMPLE OF TYPICAL RECREATION AREA LAYOUT

M. CULTURAL, ARCHAEOLOGICAL AND HISTORIC RESOURCES

1. 2.3. Resource protection and surveys. Please refer to Section I.1. and the ASM letter located in Appendix C. The report concludes that there are no resources on site and no additional archaeological investigation is necessary.

N. SCHOOLS

- 1. Students generated.**
- 2. Remaining capacity.** Amphitheater Public Schools projects 35 students K - 8 will be generated by Rancho de Plata for attendance at Wilson School. The District also projects a 2011-12 enrollment of 1,064 with a capacity of 1,550.

Amphitheater Public Schools also projects 8 high school students will be generated by Rancho de Plata for attendance at Ironwood Ridge High School. The District also projects a 2011-12 enrollment of 1,862 with a capacity of 2,370.

Please refer to correspondence with Amphi regarding enrollment and sewers in Appendix E..

O. WATER

- 1. Domestic Water Demand.** A good estimate for water usage is 230 gallons/day/lot dry weather flow. At 50 lots for Rancho de Plata, the total domestic water use is projected at 11,500 gallons/day.
- 2. Water service capacity.** The following three conditions of rezoning will apply to Rancho de Plata: (1) The developer shall extend the 12" water main in the Glover Road right-of-way west across La Cholla Boulevard and north to supply domestic water to this subdivision. The water main shall be placed outside of pavement in the western La Cholla Boulevard right-of-way; (2) The water main extension shall be designed so that connections at Glover Road and the entry road have modified drain valve assemblies west and north respectively; and, (3) Easements shall be granted to the Oro Valley Water Utility at the northern end of the east and west cul-de-sacs to the northern property line. The water mains in these two streets shall be constructed with modified drain valve assemblies and be sized for future extensions to the north.

APPENDIX A: VEGETATION, SAGUARO INVENTORY

Levitt Property Significant Saguaro Inventory					
I.D.#	Botanical Name	Common Name	Arms	Height Feet	In-situ Viability
1	Carnegiea gigantea	Saguaro	4 arms	14	L
2	Carnegiea gigantea	Saguaro		5	H
3	Carnegiea gigantea	Saguaro		7	H
4	Carnegiea gigantea	Saguaro		5	H
5	Carnegiea gigantea	Saguaro		5	H
6	Carnegiea gigantea	Saguaro		6	H
7	Carnegiea gigantea	Saguaro		16	M
8	Carnegiea gigantea	Saguaro	4 arms	18	H
9	Carnegiea gigantea	Saguaro	3 arms	15	H
10	Carnegiea gigantea	Saguaro		7	H
11	Carnegiea gigantea	Saguaro		5	H
12	Carnegiea gigantea	Saguaro	2 arms	14	H
13	Carnegiea gigantea	Saguaro		18	H
14	Carnegiea gigantea	Saguaro		7	H
15	Carnegiea gigantea	Saguaro	9 arms	30	H
16	Carnegiea gigantea	Saguaro		5	H
17	Carnegiea gigantea	Saguaro		12	H
18	Carnegiea gigantea	Saguaro		12	H
19	Carnegiea gigantea	Saguaro		7	H
20	Carnegiea gigantea	Saguaro		14	H
21	Carnegiea gigantea	Saguaro		7	H
22	Carnegiea gigantea	Saguaro		15	H
23	Carnegiea gigantea	Saguaro		10	H
24	Carnegiea gigantea	Saguaro		9	H
25	Carnegiea gigantea	Saguaro		7	H
26	Carnegiea gigantea	Saguaro		5	H
27	Carnegiea gigantea	Saguaro		8	H
28	Carnegiea gigantea	Saguaro		5	H
29	Carnegiea gigantea	Saguaro	3 arms	15	H
30	Carnegiea gigantea	Saguaro		7	H
31	Carnegiea gigantea	Saguaro		5	H
32	Carnegiea gigantea	Saguaro		15	H
33	Carnegiea gigantea	Saguaro		11	H
34	Carnegiea gigantea	Saguaro		10	H
35	Carnegiea gigantea	Saguaro		11	H
36	Carnegiea gigantea	Saguaro		5	H
37	Carnegiea gigantea	Saguaro		12	H
38	Carnegiea gigantea	Saguaro		10	H
39	Carnegiea gigantea	Saguaro		9	H
40	Carnegiea gigantea	Saguaro	2 arms	16	H
41	Carnegiea gigantea	Saguaro		11	H
42	Carnegiea gigantea	Saguaro		9	H
43	Carnegiea gigantea	Saguaro		10	H
44	Carnegiea gigantea	Saguaro		12	H
45	Carnegiea gigantea	Saguaro		18	H
46	Carnegiea gigantea	Saguaro		6	H
47	Carnegiea gigantea	Saguaro		5	H

48	Carnegieia gigantea	Saguaro		11	H
49	Carnegieia gigantea	Saguaro		7	H
50	Carnegieia gigantea	Saguaro		8	H
51	Carnegieia gigantea	Saguaro		5	H
52	Carnegieia gigantea	Saguaro		15	H
53	Carnegieia gigantea	Saguaro		12	H
54	Carnegieia gigantea	Saguaro		6	H
55	Carnegieia gigantea	Saguaro		7	H
56	Carnegieia gigantea	Saguaro		5	H
57	Carnegieia gigantea	Saguaro		12	H
58	Carnegieia gigantea	Saguaro		6	H
59	Carnegieia gigantea	Saguaro		6	H
60	Carnegieia gigantea	Saguaro		8	H
61	Carnegieia gigantea	Saguaro		5	H
62	Carnegieia gigantea	Saguaro		8	H
63	Carnegieia gigantea	Saguaro		8	H
64	Carnegieia gigantea	Saguaro		7	H
65	Carnegieia gigantea	Saguaro		15	H
66	Carnegieia gigantea	Saguaro	10 arms	30	H
67	Carnegieia gigantea	Saguaro		30	H
68	Carnegieia gigantea	Saguaro		9	H
69	Carnegieia gigantea	Saguaro	10 arms	18	H
70	Carnegieia gigantea	Saguaro		5	H
71	Carnegieia gigantea	Saguaro		10	H
72	Carnegieia gigantea	Saguaro		12	H
73	Carnegieia gigantea	Saguaro		10	H
74	Carnegieia gigantea	Saguaro		15	H
75	Carnegieia gigantea	Saguaro		6	H
76	Carnegieia gigantea	Saguaro		7	H
77	Carnegieia gigantea	Saguaro		12	H
78	Carnegieia gigantea	Saguaro		5	H
79	Carnegieia gigantea	Saguaro		5	H
80	Carnegieia gigantea	Saguaro		6	H
81	Carnegieia gigantea	Saguaro		7	H
82	Carnegieia gigantea	Saguaro	13 arms	30	H
83	Carnegieia gigantea	Saguaro		7	H
84	Carnegieia gigantea	Saguaro		9	H
85	Carnegieia gigantea	Saguaro		7	H
86	Carnegieia gigantea	Saguaro	4 arms	18	H
87	Carnegieia gigantea	Saguaro	9 arms	30	H
88	Carnegieia gigantea	Saguaro		11	H
89	Carnegieia gigantea	Saguaro	crestlike arms @ top	14	H
90	Carnegieia gigantea	Saguaro		6	H
91	Carnegieia gigantea	Saguaro		5	H
92	Carnegieia gigantea	Saguaro		12	H
93	Carnegieia gigantea	Saguaro		5	H
94	Carnegieia gigantea	Saguaro		5	H
95	Carnegieia gigantea	Saguaro		12	H
96	Carnegieia gigantea	Saguaro		7	H
97	Carnegieia gigantea	Saguaro		5	H
98	Carnegieia gigantea	Saguaro		6	H

99	Carnegieia gigantea	Saguaro		9	H
100	Carnegieia gigantea	Saguaro		6	H
101	Carnegieia gigantea	Saguaro		12	H
102	Carnegieia gigantea	Saguaro		5	H
103	Carnegieia gigantea	Saguaro		9	H
104	Carnegieia gigantea	Saguaro		7	H
105	Carnegieia gigantea	Saguaro		5	H
106	Carnegieia gigantea	Saguaro		8	H
107	Carnegieia gigantea	Saguaro		7	H
108	Carnegieia gigantea	Saguaro		8	H
109	Carnegieia gigantea	Saguaro		7	H
110	Carnegieia gigantea	Saguaro		8	H
111	Carnegieia gigantea	Saguaro		5	H
112	Carnegieia gigantea	Saguaro		5	H
113	Carnegieia gigantea	Saguaro		5	H
114	Carnegieia gigantea	Saguaro		9	H
115	Carnegieia gigantea	Saguaro		12	H
116	Carnegieia gigantea	Saguaro		7	H
119	Carnegieia gigantea	Saguaro		12	H
120	Carnegieia gigantea	Saguaro		6	H
121	Carnegieia gigantea	Saguaro		5	H
122	Carnegieia gigantea	Saguaro		5	H
123	Carnegieia gigantea	Saguaro		5	H
124	Carnegieia gigantea	Saguaro		7	H
125	Carnegieia gigantea	Saguaro		12	H
126	Carnegieia gigantea	Saguaro		5	H
127	Carnegieia gigantea	Saguaro		8	H
128	Carnegieia gigantea	Saguaro		7	H
129	Carnegieia gigantea	Saguaro		5	H
130	Carnegieia gigantea	Saguaro		12	H
131	Carnegieia gigantea	Saguaro	1 arm	18	H
135	Carnegieia gigantea	Saguaro		5	H
136	Carnegieia gigantea	Saguaro		5	H
137	Carnegieia gigantea	Saguaro		12	H
138	Carnegieia gigantea	Saguaro		5	H
139	Carnegieia gigantea	Saguaro		11	H
140	Carnegieia gigantea	Saguaro		15	H
141	Carnegieia gigantea	Saguaro		8	H
142	Carnegieia gigantea	Saguaro		5	H
143	Carnegieia gigantea	Saguaro		5	H
144	Carnegieia gigantea	Saguaro		5	H
145	Carnegieia gigantea	Saguaro		5	H
146	Carnegieia gigantea	Saguaro		6	H
147	Carnegieia gigantea	Saguaro		8	H
148	Carnegieia gigantea	Saguaro		9	H
149	Carnegieia gigantea	Saguaro		12	H
150	Carnegieia gigantea	Saguaro		7	H
151	Carnegieia gigantea	Saguaro	2 arms	18	M
152	Carnegieia gigantea	Saguaro		5	H
153	Carnegieia gigantea	Saguaro	5 arms small	11	H
154	Carnegieia gigantea	Saguaro		6	H

155	Carnegieia gigantea	Saguaro		11	H
156	Carnegieia gigantea	Saguaro		6	H
157	Carnegieia gigantea	Saguaro		6	H
158	Carnegieia gigantea	Saguaro		6	H
159	Carnegieia gigantea	Saguaro		6	H
160	Carnegieia gigantea	Saguaro		9	H
161	Carnegieia gigantea	Saguaro		12	H
162	Carnegieia gigantea	Saguaro		6	H
163	Carnegieia gigantea	Saguaro		10	H
164	Carnegieia gigantea	Saguaro		12	H
165	Carnegieia gigantea	Saguaro		6	H
166	Carnegieia gigantea	Saguaro	3 arms	15	L
167	Carnegieia gigantea	Saguaro		6	H
168	Carnegieia gigantea	Saguaro		6	H
169	Carnegieia gigantea	Saguaro	3 arms small	5	M
170	Carnegieia gigantea	Saguaro		5	H
171	Carnegieia gigantea	Saguaro		7	H
172	Carnegieia gigantea	Saguaro		7	H
173	Carnegieia gigantea	Saguaro		6	H
174	Carnegieia gigantea	Saguaro		12	H
175	Carnegieia gigantea	Saguaro		6	H
176	Carnegieia gigantea	Saguaro		10	H
177	Carnegieia gigantea	Saguaro	17 arms	25	H
178	Carnegieia gigantea	Saguaro		9	H
179	Carnegieia gigantea	Saguaro		9	H
180	Carnegieia gigantea	Saguaro		9	H
181	Carnegieia gigantea	Saguaro		8	H
182	Carnegieia gigantea	Saguaro		8	
183	Carnegieia gigantea	Saguaro		5	H
184	Carnegieia gigantea	Saguaro		8	H
185	Carnegieia gigantea	Saguaro		8	H
186	Carnegieia gigantea	Saguaro		15	H
187	Carnegieia gigantea	Saguaro		8	H
188	Carnegieia gigantea	Saguaro		12	H
189	Carnegieia gigantea	Saguaro		15	H
190	Carnegieia gigantea	Saguaro		6	H
191	Carnegieia gigantea	Saguaro	3 arms	15	H
Note: If a number shown is not shown on the Exhibit it is because the individual was found to be outside the property boundary.					

APPENDIX B:
Arizona Fish and Game On-line Environmental Review Tool

Arizona's On-line Environmental Review Tool

Search ID: 20110718015600
 Project Name: Rancho Del Platte
 Date: 7/18/2011 12:04:34 PM

Project Location



The Department appreciates the opportunity to provide in-depth comments and project review when additional information or environmental documentation becomes available.

Special Status Species Occurrences/Critical Habitat/Tribal Lands within 3 miles of Project Vicinity:

Name	Common Name	FWS	USFS	BLM	State
Aquila chrysaetos	Golden Eagle	BGA			
Glaucidium brasilianum cactorum	Cactus Ferruginous Pygmy-owl	SC	S		WSC
Tucson - Tortolita - Santa Catalina Mountains Link	Wildlife Corridor				

Project Name: Rancho Del Platte
Submitted By: PEP Project Evaluation Program
On behalf of: CONSULTING
Project Search ID: 20110718015600
Date: 7/18/2011 12:04:29 PM
Project Category: Development Within Municipalities (Urban Growth), Residential subdivision and associated infrastructure, New construction
Project Coordinates (UTM Zone 12-NAD 83): 498595.572, 3586944.528 meter

Project Area: 24.407 acres
Project Perimeter: 1297.821 meter
 County: PIMA
 USGS 7.5 Minute Quadrangle ID: 1683
 Quadrangle Name: RUELAS CANYON
 Project locality is not anticipated to change

Location Accuracy Disclaimer

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Receipt is solely responsible for the project location and thus the correctness of the Project Review Receipt content.

Arizona's On-line Environmental Review Tool

Search ID: 20110718015600

Project Name: Rancho Del Platte

Date: 7/18/2011 12:04:34 PM

Please review the entire receipt for project type recommendations and/or species or location information and retain a copy for future reference. If any of the information you provided did not accurately reflect this project, or if project plans change, another review should be conducted, as this determination may not be valid.

Arizona's On-line Environmental Review Tool:

1. This On-line Environmental Review Tool inquiry has generated recommendations regarding the potential impacts of your project on Special Status Species (SSS) and other wildlife of Arizona. SSS include all U.S. Fish and Wildlife Service federally listed, U.S. Bureau of Land Management sensitive, U.S. Forest Service sensitive, and Arizona Game and Fish Department (Department) recognized species of concern.
2. These recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation). These recommendations are preliminary in scope, designed to provide early considerations for all species of wildlife, pertinent to the project type you entered.
3. This receipt, generated by the automated On-line Environmental Review Tool does not constitute an official project review by Department biologists and planners. Further coordination may be necessary as appropriate under the National Environmental Policy Act (NEPA) and/or the Endangered Species Act (ESA).

The U.S. Fish and Wildlife Service (USFWS) has regulatory authority over all federally listed species under the ESA. Contact USFWS Ecological Services Offices: <http://arizonaes.fws.gov/>.

Phoenix Main Office
2321 W. Royal Palm Road, Suite 103
Phoenix, AZ 85021
Phone 602-242-0210
Fax 602-242-2513

Tucson Sub-Office
201 North Bonita, Suite 141
Tucson, AZ 85745
Phone 520-670-6144
Fax 520-670-6154

Flagstaff Sub-Office
323 N. Leroux Street, Suite 101
Flagstaff, AZ 86001
Phone 928-226-0614
Fax 928-226-1099

Disclaimer:

1. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area.
2. The Department's Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there.
3. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HDMS data contains information about species occurrences that have actually been reported to the Department.

Arizona Game and Fish Department Mission

To conserve, enhance, and restore Arizona's diverse wildlife resources and habitats through aggressive protection and

management programs, and to provide wildlife resources and safe watercraft and off-highway vehicle recreation for the enjoyment, appreciation, and use by present and future generations.

Project Category: Development Within Municipalities (Urban Growth), Residential subdivision and associated infrastructure, New construction

Project Type Recommendations:

All degraded and disturbed lands should be restored to their natural state. Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

Based on the project type entered; coordination with Arizona Department of Environmental Quality may be required (<http://www.azdeq.gov/>).

Based on the project type entered; coordination with Arizona Department of Water Resources may be required (<http://www.water.az.gov/adwrr/>)

Based on the project type entered; coordination with County Flood

Control districts may be required.

Based on the project type entered; coordination with State Historic Preservation Office may be required (<http://azstateparks.com/SHPO/index.html>)

Based on the project type entered; coordination with U.S. Army Corps of Engineers may be required (<http://www.spl.usace.army.mil/regulatory/phonedir.html>)

Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors, and the incorporation of these critical wildlife components into the community plans and programs.

Community planners should identify open spaces and habitat blocks that can be maintained in their area, and the necessary connections between those blocks to be preserved or protected. Community planners should also work with State and local transportation planning entities, and planners from other communities, to foster coordination and cooperation in developing compatible development plans to ensure wildlife habitat connectivity. The Department's guidelines for incorporating wildlife considerations into community planning and developments can be found at <http://www.azgfd.gov/hgis/guidelines.aspx>.

Development plans should provide for open natural space for wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please contact Project Evaluation Program for more information on living with urban wildlife.

During planning and construction, minimize potential introduction or spread of exotic invasive species. Invasive species can be plants,

Arizona's On-line Environmental Review Tool

Search ID: 20110718015600

Project Name: Rancho Del Platte

Date: 7/18/2011 12:04:34 PM

animals (exotic snails), and other organisms (e.g. microbes), which may cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g. livestock forage reduction, increase wildfire risk). The terms noxious weed or invasive plants are often used interchangeably. Precautions should be taken to wash all equipment utilized in the project activities before and after project activities to reduce the spread of invasive species. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245). See Arizona Department of Agriculture website for restricted plants <http://www.azda.gov/PSD/quarantine5.htm>. Additionally, the U.S. Department of Agriculture has information regarding pest and invasive plant control methods including: pesticide, herbicide, biological control agents, and mechanical control: <http://www.usda.gov/wps/portal/usdahome>. The Department regulates the importation, purchasing, and transportation of wildlife and fish (Restricted Live Wildlife), please refer to the hunting regulations for further information http://www.azgfd.gov/h_f/hunting_rules.shtml.

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife.

Hydrological considerations: design culverts to minimize impacts to

channel geometry, or design channel geometry (low flow, overbank, floodplains) and substrates to carry expected discharge using local drainages of appropriate size as templates. Aquatic wildlife considerations: reduce/minimize barriers to migration of amphibians or fish (e.g. eliminate falls). Terrestrial wildlife: washes and stream corridors often provide important corridors for movement. Overall culvert width, height, and length should be optimized for movement of the greatest number and diversity of species expected to utilize the passage. Culvert designs should consider moisture, light, and noise, while providing clear views at both ends to maximize utilization. For many species, fencing is an important design feature that can be utilized with culverts to funnel wildlife into these areas and minimize the potential for roadway collisions. Guidelines for culvert designs to facilitate wildlife passage can be found at <http://www.azgfd.gov/hgis/guidelines.aspx>.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (including spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

Planning: consider impacts of lighting intensity on mammals and birds and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use.

Arizona's On-line Environmental Review Tool

Search ID: 20110718015600

Project Name: Rancho Del Platte

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The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly.

The construction or maintenance of water developments should include: incorporation of aspects of the natural environment and the visual resources, maintaining the water for a variety of species, water surface area (e.g. bats require a greater area due to in-flight drinking), accessibility, year-round availability, minimizing potential for water quality problems, frequency of flushing, shading of natural features, regular clean-up of debris, escape ramps, minimizing obstacles, and minimizing accumulation of silt and mud.

Trenches should be covered or back-filled as soon as possible.

Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herpetofauna (snakes, lizards, tortoise) from entering ditches.

Project Location and/or Species recommendations:

Heritage Data Management System records indicate that one or more listed, proposed, or candidate species or Critical Habitat (Designated or Proposed) have been documented in the vicinity of your project (refer to page 1 of the receipt). Please contact:

Ecological Services Office

US Fish and Wildlife Service

2321 W. Royal Palm Rd.

Phoenix, AZ 85021-4951

Phone: 602-242-0210

Fax: 602-242-2513

HDMS records indicate your project is in or near an identified wildlife habitat linkage corridor. Project planning and implementation efforts should focus on maintaining adequate opportunities for wildlife permeability. For information on the linkage assessment and wildlife species that may be affected refer to:

<http://www.corridordesign.org/arizona>. Contact your Arizona Game and Fish Department Regional Office for specific project recommendations: http://www.azgfd.gov/inside_azgfd/agency_directory_shtml

Recommendations Disclaimer:

1. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project.
2. These recommendations are proposed actions or guidelines to be considered during **preliminary project development**.
3. Additional site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. The Department is interested in the conservation of all fish and wildlife resources, including those Special Status Species listed on this receipt, and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
6. **Further coordination requires the submittal of this initialed and signed Environmental Review Receipt with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map).**

Arizona's On-line Environmental Review Tool

Search ID: 20110718015600

Project Name: Rancho Del Platte

Date: 7/18/2011 12:04:34 PM

7. Upon receiving information by AZGFD, please allow 30 days for completion of project reviews. Mail requests to:

Project Evaluation Program, Habitat Branch

Arizona Game and Fish Department

5000 West Carefree Highway

Phoenix, Arizona 85086-5000

Phone Number: (623) 236-7600

Fax Number: (623) 236-7366

Terms of Use

By using this site, you acknowledge that you have read and understand the terms of use. Department staff may revise these terms periodically. If you continue to use our website after we post changes to these terms, it will mean that you accept such changes. If at any time you do not wish to accept the Terms, you may choose not to use the website.

1. This Environmental Review and project planning website was developed and intended for the purpose of screening projects for potential impacts on resources of special concern. By indicating your agreement to the terms of use for this website, you warrant that you will not use this website for any other purpose.
2. Unauthorized attempts to upload information or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act .
3. The Department reserves the right at any time, without notice, to enhance, modify, alter, or suspend the website and to terminate or restrict your access to the website.
4. This Environmental Review is based on the project study area that was entered. The review must be redone if the project study area, location, or the type of project changes. If additional information becomes available, this review may need to be reconsidered.
5. A signed and initialed copy of the Environmental Review Receipt

indicates that the entire receipt has been read by the signer of the Environmental Review Receipt.

Security:

The Environmental Review and project planning web application operates on a complex State computer system. This system is monitored to ensure proper operation, to verify the functioning of applicable security features, and for other like purposes. Anyone using this system expressly consents to such monitoring and is advised that if such monitoring reveals possible evidence of criminal activity, system personnel may provide the evidence of such monitoring to law enforcement officials. Unauthorized attempts to upload or change information; to defeat or circumvent security measures; or to utilize this system for other than its intended purposes are prohibited.

This website maintains a record of each environmental review search result as well as all contact information. This information is maintained for internal tracking purposes. Information collected in this application will not be shared outside of the purposes of the Department.

If the Environmental Review Receipt and supporting material are not mailed to the Department or other appropriate agencies within six (6) months of the Project Review Receipt date, the receipt is considered to be null and void, and a new review must be initiated.

Print this Environmental Review Receipt using your Internet browser's print function and keep it for your records. Signature of this receipt indicates the signer has read and understands the information provided.

Signature: _____



Arizona's On-line Environmental Review Tool

Search ID: 20110718015600

Project Name: Rancho Del Platte

Date: 7/18/2011 12:04:34 PM

Date: _____

Contact Name: _____

Proposed Date of Implementation: _____

Address: _____

Please provide point of contact information regarding this Environmental Review.

City, State, Zip: _____

Application or organization responsible for project implementation

Phone: _____

Agency/organization: _____

E-mail: _____

Contact Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-mail: _____

Person Conducting Search (if not applicant)

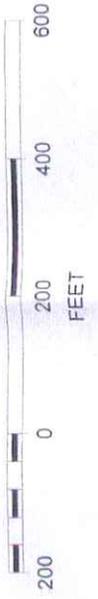
Agency/organization: _____

APPENDIX C: ARIZONA STATE MUSEUM REPORT

CPE: ORO VALLEY, 11791 N La Cholla Blvd



SCALE 1 : 3,302



APPENDIX D: TRAFFIC ANALYSIS

TRAFFIC IMPACT ANALYSIS
OV911-005 Rancho de Plata
Prepared by CPE Consultants, LLC
July 20, 2011

1. PRELIMINARY TRAFFIC ANALYSIS

- a. Access from arterial streets.** Rancho de Plata fronts on La Cholla Blvd. and, therefore, makes a direct connection with this arterial. The entry road was chosen, at the request of the Town of Oro Valley, to line up with the proposed entrance for Rancho del Cobre on the east side of La Cholla. Rancho del Cobre has an approved final plat. Refer to the TDP for the internal circulation network.
- b. Future off-site road improvements.** The tentative development plan does not depend upon future off-site road improvements. However, road widening to accommodate a northbound left-turn lane into the subdivision will be constructed as a part of this project at the developer's expense. Furthermore, a right-turn lane warrant analysis will be completed with the full Traffic Impact Analysis to determine if a dedicated southbound right-turn lane along La Cholla Boulevard will be required for this project.
- c. Traffic Projections and Analysis.** The proposed 50 lot subdivision will generate an ADT of 500 trips at build out. The level of service "D" capacity for La Cholla Blvd., Tangerine Rd. and Naranja Dr. is 14,900 ADT. The current traffic volume on La Cholla is 10,000 ADT and, therefore, the projected volume would be 10,500 on La Cholla well below its current capacity.

Assuming a 50% - 50% split of de Plata's traffic heading north to Tangerine and south to Naranja, and then a 33.3% - 33.3% - 33.3% split to the three legs of Naranja, 250 trips per day would be added to the current intersection volume of 16,500 for an increase of 1.5% which is statistically insignificant. The same would be true with the intersection at Tangerine Rd. with a current intersection volume of 18,500 that would be increased by 1.4%.

The total peak hour traffic at the La Cholla Boulevard / Glover Road signalized intersection will be 25 trips assuming again a 50% - 50% split north and south from the total trip generation of 500 ADT. The peak hour volume of 25 trips will add one car every other signal cycle. The impact at the La Cholla / Glover signal will be little or negligible. This impact will be similar for the signalized intersections at La Cholla / Tangerine and La Cholla / Narana. A full blown TIA will be prepared and submitted with the tentative plat, and all turning movements will be examined in further detail.

The unsignalized intersection at La Cholla / Site Access Drive for this project will be a 4-way intersection with STOP control on the site access driveways for Rancho Del Cobre as well as Rancho de Plata. The level of service will be "C" or

better given that Rancho de Cobre is obligated to develop a southbound left turn lane and Rancho de Plata will, at least, be required to build a northbound left turn lane.

- d. **Impact to Neighbors.** There are only 2 developments in the immediate area of Rancho de Plata. The 5 single family houses to the south and Wilson School to the west both access to Glover Rd. with a traffic signal at La Cholla. This project should add about one car every two signal cycles at Glover road.
- e. **Proposed on-site and off-site roads.** The local residential streets section selected by Rancho de Plata is recommended by the Town of Oro Valley for ADT's of 0 – 1,000. This project will generate at build-out 500 trips/day. The proposed ROW and pavement widths for the on-site streets are 50' and 28' respectively. The preliminary street geometrics are found on **Exhibit II.B. Tentative Development Plan.** The design speed is 25 mph and STOP control is recommended at the intersection with La Cholla Blvd.
- f. **Improvements needed.** Tangerine Road from I-10 to La Canada is currently in design from a 2-lane road to a 4-lane divided roadway. Construction is scheduled to begin in 2016. A northbound left-turn lane into the subdivision will be constructed as a part of the project at the developer's cost. In addition, a right-turn lane warrant analysis will be completed with the full Traffic Impact Analysis to determine if a dedicated southbound right-turn lane along La Cholla Boulevard will be required for this project.
- g. **Responsible parties.** The on-site roadways and overall infrastructure will be the responsibility of the owner/ developer of the property. These roadways will become the property of the Town following construction.
- h. **Turning movements.** La Cholla Blvd. currently operates at a volume 33% below its current capacity. The addition of Rancho de Plata trips will only reduce that margin to 30%, insufficient to merit any concerns with turning movements.

It has been estimated that one vehicle will enter the signalized intersections at Glover, Naranja and Tangerine every 2 signal cycles at peak hour. In addition, the two left turn lanes that will be built by Rancho de Plata on the west side of La Cholla Boulevard and Rancho Del Cobre on the east side with STOP controls on the site access driveways will all provide for a level of service "C" or better at this unsignalized intersection.

**APPENDIX E: AMPHITHEATER SCHOOL DISTRICT
CORRESPONDENCE**

Ron Asta

From: Ron Asta [ron.asta@cpeconsultants.com]
Sent: Wednesday, July 27, 2011 12:01 PM
To: 'McFarland, Connie'
Subject: RE: response to request for Amphi information

Thank you very much Connie. I do need a letter from Amphi that says there is space available to accomodate the students that will be generated from our proposed 50-lot subdivision. It's obvious from the numbers you have given me but Oro Valley still requires a letter. Whom should I address this request to?

I will be sending Todd an official letter requesting connection to the sewer.

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

From: McFarland, Connie [mailto:cmcfarla@amphi.com]
Sent: Tuesday, July 26, 2011 4:54 PM
To: ron.asta@cpeconsultants.com
Subject: response to request for Amphi information

Mr Asta:

I am responding to your request for information regarding Amphitheater enrollment and your project's capacity impact. We use the following enrollment demographic multipliers developed by the U.S. Department of Census, Bureau of Census, and adjusted for Amphitheater District's school organizational patterns per household:

- 0.456 elementary students
- 0.261 middle school students
- 0.144 high school students

Also, enrollment projections for the 2011-2012 school year are:

- Wilson K-5 486 students
- Wilson 6-8 578 students
- IRHS 1862 students

Please feel free to contact me if I can be of further assistance.

Best wishes,
Connie

*Connie R. McFarland
Legal Assistant
Office of Legal Counsel
Amphitheater Public Schools
701 W Wetmore Rd
Tucson AZ 85705
(520) 696-5155 direct*

CPE CONSULTANTS



August 1, 2011

Mr. Todd Jaeger, Legal Counsel
Amphitheatre Public Schools
701 W. Wetmore Rd.
Tucson, Az. 85705

**RE: RANCHO DE PLATA/ TOWN OF ORO VALLEY CASE NO.
OV911-005/ WEST SIDE OF LA CHOLLA BLVD. ¼ MILE SOUTH OF
TANGERINE**

Dear Mr. Jaeger:

My clients are proposing a 50 lot subdivision on 19.45 acres on the east side of Wilson School. The tax code parcel's for this site are 224-11-034A thru 034E. We are currently in the rezoning and major plan amendment processes at the Town.

One of the Town's requirements for rezoning is that we "provide a letter from the affected school district indicating that a proposed site can accommodate the educational space requirements for the project number of residents."

This letter then is to request such a letter from you. Let me know what I can do to make this task simple or let me know if you have any questions. Thank you for your consideration.

Sincerely,

CPE Consultants, LLC

A handwritten signature in black ink, appearing to read "Ron Asta", written over a horizontal line.

Ron Asta, Vice President



August 2, 2011

Mr. Todd Jaeger, Legal Counsel
Amphitheatre Public Schools
701 W. Wetmore Rd.
Tucson, Az. 85705

**RE: RANCHO DE PLATA/ WEST SIDE OF LA CHOLLA BLVD. ¼ MILE
SOUTH OF TANGERINE**

Dear Mr. Jaeger:

Thank you for meeting with me on July 18, 2011. I certainly appreciated your positive attitude regarding our project. As presented, my clients are proposing a 50 lot subdivision on 19.45 acres of land on the east side of Wilson School. The five tax code parcel's for this site are 224-11-034A thru 034E. We are currently in the rezoning and general plan amendment processes at the Town of Oro Valley (rezoning case #OV911-005).

I have attached a map (Sewers) locating the public sewer on the Wilson campus in relation to our project site. The sewer is 90' west of our project boundary. A July 19, 2011 letter from Pima County Regional Wastewater Reclamation Department (attached) documents that sewer capacity exists for our development.

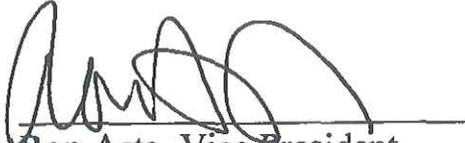
This letter then is an official request of Amphitheatre Public Schools to grant Rancho De Plata a sewer easement to connect to sewer #G-2006-016. As discussed at our meeting, my clients are willing to make roof-top donations to Amphi. Please let us know what steps are necessary to make this easement happen.

Attached also is our project's tentative development plan. Please notice at the SW corner of the property, we have proposed a bike/ pedestrian pathway/ sewer easement on our project site.

Thank you for your consideration, Todd, and we look forward to hearing from you.

Sincerely,

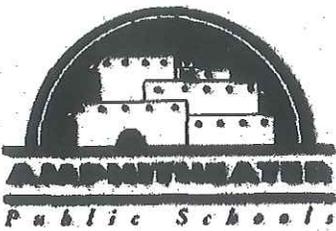
CPE CONSULTANTS, LLC



Ron Asta, Vice President

Attach: 3

Cc: Doug Ajo w/ attach



OFFICE OF LEGAL COUNSEL

Todd A. Jaeger, J.D.
Associate Superintendent
(520) 696-5156
FAX (520) 696-5074

701 W. Wetmore Road • Tucson, AZ 85705 • TDD (520) 696-5055

GOVERNING BOARD MEMBERS

Jeff Grant
President

Diana L. Boros
Vice President

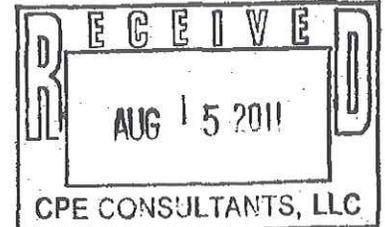
Kent Paul Barrabee, Ph.D.

Linda Loomis, Ph.D.

Susan Zibrat

SUPERINTENDENT
Vicki Balentine, Ph.D.

August 10, 2011



Ron Asta
Vice President
CPE Consultants
378 N Main Ave
Tucson, AZ 85701

**RE: Rancho De Plata
Town of Oro Valley OV911-005**

Dear Mr. Asta:

I am in receipt of your letters of August 1 and August 2, 2011. Following our recent discussions, I am happy to accommodate your requests.

As we discussed, your proposed subdivision would impact, but not overburden, student enrollment capacity at Amphitheater Schools' Walker K-8 and Ironwood Ridge High.

Our District is also willing to work with you regarding your development plan. Please forward more information regarding the Easement at your convenience.

Please contact me if I can be of further assistance.

Sincerely,

Todd A. Jaeger, J.D.
Associate to the Superintendent
General Counsel

TAJ/crm

Ron Asta

Subject: FW: Rancho de Plata next door to Wilson School

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

From: McFarland, Connie [mailto:cmcfarla@amphi.com]
Sent: Wednesday, October 12, 2011 4:25 PM
To: ron.asta@cpeconsultants.com
Subject: RE: Rancho de Plata next door to Wilson School

Doug and Scott just left my office. We agreed that the correct numbers to use for IRHS is a capacity of 2370 and the Wilson K-5 capacity is 750 and its 6-8 capacity is 800.

From: Ron Asta [ron.asta@cpeconsultants.com]
Sent: Wednesday, October 12, 2011 4:13 PM
To: McFarland, Connie
Subject: RE: Rancho de Plata next door to Wilson School

What are your numbers Connie?

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

From: McFarland, Connie [mailto:cmcfarla@amphi.com]
Sent: Wednesday, October 12, 2011 2:35 PM
To: ron.asta@cpeconsultants.com
Subject: RE: Rancho de Plata next door to Wilson School

Ron, my numbers are different. I will confirm the correct numbers with Doug Aho as soon as he gets out of a meeting. Will advise soonest!

From: Ron Asta [ron.asta@cpeconsultants.com]
Sent: Wednesday, October 12, 2011 2:26 PM
To: McFarland, Connie
Subject: Rancho de Plata next door to Wilson School

Hi Connie. When I talked to one of the principles at Wilson School this summer, he told me that the enrollment capacity was about 1,500 students. And when I talked to one of the staff memebers at Ironwood, she said about 2,100 students. If these are o.k., please let me know. If not, revised figures are requested. Thanks.

Ron Asta, Vice President
CPE Consultants LLC
378 N. Main Ave.
Tucson, Az. 85701
520-545-7001



Development and Infrastructure Services Department
Oro Valley Neighborhood Meeting Notes

Rancho de Plata OV 1111-01

September 14, 2011

Approximately 6 residents were in attendance.

Chad Daines, Principal Planner provided an overview and presentation on the following:

- Project Overview
- Current General Plan
- Proposed Amendment
- General Plan amendment Criteria
- General Plan Amendment Process

Ron Asta, CPE Consultants provided an overview of the development project and proposed general plan amendment.

Issues discussed at the meeting included:

1. No cookie cutter homes.
2. Tangerine Road improvement timeline
3. La Cholla improvement timeline
4. Traffic turning movements on La Cholla
5. Building heights
6. Limitations to single-story
7. Buffer along La Cholla
8. Looped Water System
9. Home Prices
10. House Style

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Development and Infrastructure Services Department
Oro Valley Neighborhood Meeting Notes

Rancho de Plata OV 1111-01

October 3, 2011

2 residents / interested parties were in attendance.

Chad Daines, Principal Planner provided an overview and presentation on the following:

- Project Overview
- Current General Plan
- Proposed Amendment
- General Plan amendment Criteria
- General Plan Amendment Process

Ron Asta, CPE Consultants provided an overview of the development project and proposed general plan amendment.

Issues discussed at the meeting included:

1. Amount of vegetative cover preserved under ESL.
2. Concern with concurrent submittal of GPA and rezoning applications
3. Larger lots would also provide an adequate buffer
4. Conformance with criteria in GPA
5. Building heights
6. Neighbor doesn't care for commercial
7. Shared well. Impact of development on well.
8. Suggestion for a mixture of lot sizes
9. Home prices and style
10. Washes in conservation easement.

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Development and Infrastructure Services Department
Oro Valley Neighborhood Meeting Notes

Rancho de Plata OV 1111-01

October 3, 2011

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ATTACHMENT 4



Town Council Regular Session

Item # 5.

Meeting Date: 01/18/2012

Requested by: Paul Keesler

Submitted By:

Paul Keesler, Development
Infrastructure Services

Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)12-03, AMENDING THE TOWN CODE, SECTION 13-2-4 COLLECTION OF FEES, REGARDING IMPACT FEE COLLECTION TIMING.

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

In compliance with Town Code, Section 13-2-4 Collection of Fees, all development impact fees must be collected prior to the issuance of any permits for construction. Until these fees are paid, no project may commence construction, be completed and start operations to generate income to pay for the associated governmental fees.

This has been identified by the development community as a financial hardship due to their cash flow timing. And due to the current status of the economy coupled with the difficulties in procuring financing for construction projects, impact fee collection timing can be a major impediment in securing projects for development.

Application and permit fees still need to be collected with respect to their present timing. These fees offset real costs incurred by the Town in staff and resources needed during the review and inspection of construction projects.

However, collection of impact fees could be moved to the end of the project. These fees are not utilized by the Town until the future when actual impacts of the project are being realized on the community's infrastructure.

BACKGROUND OR DETAILED INFORMATION:

Since there is no true fiscal impact to the Town until after a development project is issued occupancy, impact fee collection could be moved to the end of construction. However, to ensure these fees are paid, no certificate of occupancy for commercial or permit final sign-off for residential construction projects should issue until all fees, including impact, are paid.

Staff is suggesting that the Town Code Section 13-2-4 be changed to read:

13-2-4 Collection of Fees

Development fees shall be collected by the building official who shall be charged with the administration thereof. POTABLE WATER AND ALTERNATIVE WATER RESOURCE DEVELOPMENT IMPACT FEES

SHALL BE COLLECTED AT THE TIME OF PURCHASE OF A WATER METER. The building official shall not issue any ~~requested permit or other approval to construct~~ CERTIFICATE OF OCCUPANCY FOR COMMERCIAL AND MULTI FAMILY RESIDENTIAL BUILDINGS OR PERMIT FINAL SIGN-OFF FOR SINGLE FAMILY RESIDENCES until all OTHER applicable development impact fees have been paid.

FISCAL IMPACT:

None

SUGGESTED MOTION:

I MOVE to (approve or deny) ORDINANCE NO. (O)12-03, AMENDING THE TOWN CODE, SECTION 13-2-4 COLLECTION OF FEES, REGARDING IMPACT FEE COLLECTION TIMING.

Attachments

Ord 12-03

ORDINANCE NO. (O)12-03

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA AMENDING CHAPTER 13, DEVELOPMENT FEES, ARTICLE 13-2, ADOPTION AND ADMINISTRATION OF DEVELOPMENT FEES, SECTION 13-2-4, COLLECTION OF FEES, OF THE ORO VALLEY TOWN CODE; 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 June 5, 2008, the Town Council adopted Ordinance No. (O)08-10 that updated the Town's Development Fees code; and

WHEREAS, the Mayor and Council desire to amend the Oro Valley Town Code, Chapter 13, Development Fees, Article 13-2, Adoption and Administration of Development Fees, Section 13-2-4, Collection of Fees in order to change the timing of payment of development impact fees.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that the certain document known as "Oro Valley Town Code, Chapter 13, Development Fees, Article 13-2, Adoption and Administration of Development Fees, Section 13-2-4, Collection of Fees" is amended as follows:

SECTION 1. Section 13-2-4 is amended to read as follows, with additions being shown in ALL CAPS and deletions being shown in ~~striktthrough text~~:

Chapter 13 Development Fees

...

Article 13-2 Adoption and Administration of Development Fees

...

Section 13-2-4 Collection of Fees

Development fees shall be collected by the building official who shall be charged with the administration thereof. POTABLE WATER AND ALTERNATIVE WATER RESOURCE DEVELOPMENT IMPACT FEES SHALL BE COLLECTED AT THE TIME OF PURCHASE OF A WATER METER. The building official shall not issue any ~~requested permit or other approval to construct~~ CERTIFICATE OF OCCUPANCY FOR COMMERCIAL AND MULTI FAMILY RESIDENTIAL BUILDINGS OR PERMIT FINAL SIGN-OFF FOR SINGLE FAMILY RESIDENCES until all OTHER applicable development impact fees have been paid.

...

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 18th day of January, 2012.

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: _____