

AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
September 18, 2013
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

- **Spotlight on Youth**

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. Presentation of Certificate of Appreciation to outgoing Conceptual Design Review Board (CDRB) Member, Dino Sakellar

CONSENT AGENDA

(Consideration and/or possible action)

- A. Fiscal Year 2013/2014 Financial Update through July 2013
- B. Resolution No. (R)13-55, Supporting the Santa Catalina Bighorn Sheep Restoration Project
- C. Resolution No. (R)13-56, Providing for the compliance with A.R.S. 16-204 as amended by the Arizona State Legislature in 2012 by extending the terms of office for the Mayor and Councilmembers

- D. Resolution No. (R)13-57, Authorizing an actuarial study by the Elected Official's Retirement Plan (EORP)
- E. Resolution No. (R)13-58, Authorizing a letter to the Environmental Protection Agency supporting better alternatives that are available to reduce NOx emissions which have been proposed by the Technical Work Group on Best Available Retrofit Technology regarding the Navajo Power Generating Station

REGULAR AGENDA

- 1. PUBLIC HEARING: ORDINANCE NO. (O)13-18, TRANSLATING ZONING FROM PIMA COUNTY DISTRICTS TO THE EQUIVALENT ORO VALLEY ZONING DISTRICTS FOR THE ANNEXED AREA KNOWN AS THE "ORACLE/INA ANNEXATION AREA" (Council Communication and Attachments Revised on 9/16/13 at 4:00 p.m.)
- 2. APPLICABILITY OF THE ENVIRONMENTALLY SENSITIVE LANDS (ESL) REQUIREMENTS TO MAJOR AND MINOR GENERAL PLAN AMENDMENTS
 - A. RESOLUTION NO. (R)13-59, DECLARING THE PROPOSED AMENDMENTS TO THE ORO VALLEY ZONING CODE REVISED SECTION 22.2 AND SECTION 27.10, RELATING TO THE ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS, AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD
 - B. PUBLIC HEARING: ORDINANCE NO. (O)13-19, AMENDING SECTION 22.2 AND SECTION 27.10 OF THE ZONING CODE RELATIVE TO THE APPLICABILITY OF THE ENVIRONMENTALLY SENSITIVE LANDS (ESL) REQUIREMENTS TO GENERAL PLAN AMENDMENTS
- 3. PUBLIC HEARING: ORDINANCE NO. (O)13-20, AMENDING TOWN CODE SECTION 2-1-4(A), OFFICE OF THE VICE MAYOR
- 4. DISCUSSION AND POSSIBLE ACTION REGARDING THE SETTLEMENT AGREEMENT IN THE CASE OF GUERENA V. PIMA COUNTY ET AL

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: 9/11/13 at 5:00 PM BY MRS

When possible, a packet of agenda materials as listed above is available for public inspection at least 24 hours prior to the Council meeting in the office of the Town Clerk between the hours of 8:00 a.m. – 5:00p.m.

The Town of Oro Valley complies with the Americans with Disabilities Act (ADA). If any person with a disability needs any type of accommodation, please notify the Town Clerk's Office at least five days prior to the Council meeting at 229-4700.

INSTRUCTIONS TO SPEAKERS

Members of the public have the right to speak during any posted public hearing. However, those items not listed as a public hearing are for consideration and action by the Town Council during the course of their business meeting. Members of the public may be allowed to speak on these topics at the discretion of the Chair.

If you wish to address the Town Council on any item(s) on this agenda, please complete a speaker card located on the Agenda table at the back of the room and give it to the Town Clerk. **Please indicate on the speaker card which item number and topic you wish to speak on, or if you wish to speak during "Call to Audience", please specify what you wish to discuss when completing the blue speaker card.**

Please step forward to the podium when the Mayor announces the item(s) on the agenda which you are interested in addressing.

1. For the record, please state your name and whether or not you are a Town resident.
2. Speak only on the issue currently being discussed by Council. Please organize your speech, you will only be allowed to address the Council once regarding the topic being discussed.
3. Please limit your comments to 3 minutes.
4. During "Call to Audience" you may address the Council on any issue you wish.
5. Any member of the public speaking must speak in a courteous and respectful manner to those present.

Thank you for your cooperation.



Town Council Regular Session

Item # 1.

Meeting Date: 09/18/2013

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

Department: Town Clerk's Office

Information

SUBJECT:

Presentation of Certificate of Appreciation to outgoing Conceptual Design Review Board (CDRB) Member, Dino Sakellar

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

Dino Sakellar, Chair of the Conceptual Design Review Board, has tendered his resignation from the Board effective at the end of this month. Mr. Sakellar was appointed to the CDRB on June 1, 2011.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A



Town Council Regular Session

Item # A.

Meeting Date: 09/18/2013

Requested by: Stacey Lemos

Submitted By: Wendy Gomez, Finance

Department: Finance

Information

SUBJECT:

Fiscal Year 2013/2014 Financial Update through July 2013

RECOMMENDATION:

This item is for information only.

EXECUTIVE SUMMARY:

In the General Fund (see attachment A), revenues collected through July totaled \$2.5 million, or 8.9% of the budget amount of \$28.4 million. Year to date expenditures through July totaled \$1.1 million, or 3.9% of the budget amount of \$28.5 million.

In the Highway Fund (see attachment B), revenues collected through July totaled \$373,883, or 9.8% of the budget amount of \$3.8 million. Year to date expenditures through July totaled \$82,418, or 2.2% of the budget amount of \$3.7 million.

In the Bed Tax Fund (see attachment C), revenues collected through July totaled \$54,473, or 6.9% of the budget amount of \$793,000. Year to date expenditures through July totaled \$6,743, or 0.8% of the budget amount of \$892,000.

BACKGROUND OR DETAILED INFORMATION:

Attachment A shows General Fund revenues and expenditures through July, as well as year-end estimates for each category. The estimated year-end projections in the General Fund are as follows:

| | |
|--------------------------------------|-------------------|
| Revenues | \$28,440,451 |
| <u>Less:</u> | |
| Expenditures | (\$28,539,915) |
| <u>Less:</u> | |
| Approved Use of Contingency Reserves | (\$ 2,100,000) ** |
| Est. Decrease in Fund Balance | (\$ 2,199,464) |

** Council-approved payment to Tucson Electric Power (TEP) for undergrounding of utility lines

General Fund Revenues

- Local sales tax collections in the General Fund total \$1,161,470, which is \$122,505 or 11.7% more than the amount collected in FY 12/13 through July. This increase is due primarily to growth in construction tax revenues. Sales tax collections in the General Fund are estimated to come in on

budget at this time.

- License and Permit revenues are estimated to come in slightly over budget (1.4%) due to grading permit fees.
- Charges for Services revenues are estimated to come in slightly over budget (0.8%) due to grading review fees and concession sales at the aquatic center.
- State shared revenue collections total \$804,931, which is \$42,130 or 5.5% more than the amount collected in FY 12/13 through July.
- Interest Income revenue is estimated to come in over budget by \$12,725 or 20.4%, based on observed actuals in July.

Staff will continue to monitor revenue collections and may adjust the year-end estimates based on actual trends.

Highway Fund Revenues

- Construction tax revenues in the Highway Fund totaled \$122,339 through July, which is \$92,635 or 411.8% more than the amount collected in FY 12/13 through July.
- State shared highway user funds totaled \$219,342 through July, which is \$21,262 or 10.7% more than the amount collected in FY 12/13 through July.

Bed Tax Revenues

- Bed tax revenues totaled \$51,295 through July, which is \$316 or 0.6% more than the amount collected in FY 12/13 through July.

General Fund Expenditures

- Expenditures are estimated to come in under budget by \$5,327, due to projected vacancy savings.

Highway Fund Expenditures

- Expenditures are estimated to come in under budget by \$20,129 or 0.5%, due to projected vacancy savings.

Bed Tax Fund Expenditures

- Expenditures are estimated to come in under budget by \$11,596 or 1.3%, due to projected vacancy savings.

Please see Attachments A, B, and C for additional details on the General Fund, Highway Fund and Bed Tax Fund. See Attachment D for a fiscal year-to-date consolidated summary of all Town Funds.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

This item is for information only.

Attachments

Attachment A - Gen Fund

Attachment B - HW Fund

Attachment C - Bed Tax Fund

Attachment D - Summary All Funds

CONSOLIDATED YEAR-TO-DATE FINANCIAL REPORT THROUGH JULY, 2013

ATTACHMENT D

| Fund | Est. FY 13/14 Begin Bal. | Revenue | Other Fin Sources/Tfrs | Total In | Capital Leases/ Transfer Out | Personnel | O&M | Capital | Contingency | Debt Service | Total Out | Left in Accounts Thru July 2013 |
|---|-------------------------------------|------------------|-----------------------------------|------------------|---|------------------|----------------|----------------|--------------------|---------------------|------------------|--|
| General Fund - Unassigned | 11,529,070 | 2,536,675 | - | 2,536,675 | - | 765,479 | 329,158 | 26,070 | - | - | 1,120,707 | 12,945,037 |
| General Fund - Assigned | 1,608,035 | | | | | | | | | | | 1,608,035 |
| Highway Fund - Restricted | 3,517,766 | 373,883 | - | 373,883 | - | 74,694 | 7,724 | - | - | - | 82,418 | 3,809,230 |
| Seizure & Forfeiture - State | 494,837 | 227 | - | 227 | - | - | (32) | - | - | - | (32) | 495,096 |
| Seizure & Forfeiture - Justice | 519,653 | 281 | - | 281 | - | - | - | - | - | - | - | 519,934 |
| Bed Tax Fund - Committed | 649,052 | 54,473 | - | 54,473 | - | 6,131 | 612 | - | - | - | 6,743 | 696,781 |
| Impound Fee Fund | - | 2,700 | - | 2,700 | - | 920 | - | - | - | - | 920 | 1,780 |
| Municipal Debt Service Fund | 774,914 | 32,723 | - | 32,723 | - | - | - | - | - | 638,881 | 638,881 | 168,756 |
| Oracle Road Debt Service Fund | 149 | 1,335,988 | - | 1,335,988 | - | - | - | - | - | - | - | 1,336,137 |
| Alternative Water Resources Dev Impact Fee Fund | 4,596,258 | 28,064 | - | 28,064 | - | - | - | - | - | - | - | 4,624,322 |
| Potable Water System Dev Impact Fee Fund | 3,973,872 | 14,118 | - | 14,118 | - | - | - | - | - | - | - | 3,987,990 |
| Townwide Roadway Development Impact Fee Fund | 1,461,437 | 19,446 | - | 19,446 | - | - | - | 9,215 | - | - | 9,215 | 1,471,668 |
| Parks & Recreation Impact Fee Fund | 182,110 | 53,407 | - | 53,407 | - | - | - | - | - | - | - | 235,517 |
| Library Impact Fee Fund | 114,798 | - | - | - | - | - | - | - | - | - | - | 114,798 |
| Police Impact Fee Fund | 99,478 | 28,023 | - | 28,023 | - | - | - | - | - | - | - | 127,501 |
| General Government Impact Fee Fund | 1,288 | - | - | - | - | - | - | - | - | - | - | 1,288 |
| Naranja Park Fund | 8,821 | - | - | - | - | - | - | - | - | - | - | 8,821 |
| Aquatic Center Project Fund | 66,639 | - | - | - | - | - | - | - | - | - | - | 66,639 |
| Water Utility | 10,324,623 | 488,339 | - | 488,339 | - | 96,970 | 163,496 | 2,183 | - | - | 262,649 | 10,550,314 |
| Stormwater Utility | 335,934 | 379 | - | 379 | - | 7,492 | 19,114 | 2,213 | - | - | 28,820 | 307,493 |
| Fleet Fund | - | 8,543 | - | 8,543 | - | 3,134 | 340 | - | - | - | 3,474 | 5,069 |
| Benefit Self Insurance Fund | 654,536 | 108,001 | - | 108,001 | - | - | 209,812 | - | - | - | 209,812 | 552,725 |
| Recreation In-Lieu Fee Fund | 6,190 | - | - | - | - | - | - | - | - | - | - | 6,190 |
| | | | | | | | | | | | | |
| Total | 40,919,457 | 5,085,270 | - | 5,085,270 | - | 954,820 | 730,225 | 39,681 | - | 638,881 | 2,363,607 | 43,641,120 |



Town Council Regular Session

Item # **B.**

Meeting Date: 09/18/2013
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

Resolution No. (R)13-55, Supporting the Santa Catalina Bighorn Sheep Restoration Project

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

An advisory committee of informed local stakeholders is recommending that the state reintroduce desert bighorn sheep to the Santa Catalina Mountains, where they were last seen in the late 1990s.

The first 30 bighorn sheep are planned to be re-introduced to the Pusch Ridge Wilderness this fall, with the overall goal of more than 100 animals after three consecutive years of transplants. The total figure includes anticipated lamb births, estimated yearling survival rates, and natural mortality.

The goal of the Santa Catalina Bighorn Sheep Restoration Project is to restore a healthy, viable and self-sustaining population of desert bighorn sheep to the range that coexists with an equally healthy, native predator population in a naturally functioning ecosystem. The project dovetails with a larger, holistic restoration effort to mitigate human impacts, improve habitat in the Catalinas and return fire as a natural process necessary for proper habitat functioning.

The Advisory Committee, established in December 2012, is comprised of local representatives from the following organizations who are working closely with Arizona Game & Fish Department (AGFD) and the Coronado National Forest (CNF) personnel:

- Arizona Desert Bighorn Sheep Society
- The Wilderness Society
- Sky Island Alliance
- Arizona Wilderness Coalition
- Center for Biological Diversity

BACKGROUND OR DETAILED INFORMATION:

The Pusch Ridge Wilderness once contained a robust native population of desert bighorn sheep. Credible population estimates ranged from approximately 75 to 150 animals in 1979. The population's decline began in the late 1980s and cannot be attributed to any single factor. Contributing factors may include urban encroachment, human disturbance in sheep habitat, disease within the sheep population, fire suppression, and predation.

The project is being considered at this time due to four key factors that increase the likelihood of success:

- Improved habitat in much of the Catalinas resulting from the Bullock Fire in 2002 and the Aspen Fire in 2003, which removed unnaturally dense vegetation and reduced fuel loads.
- The Coronado's anticipated use of prescribed fire in the Pusch Ridge Wilderness under FireScape, a landscape-scale fire and ecosystem management program, intended to re-establish a natural fire regime that reduces the risk of catastrophic wildfire, improves wildlife habitat and sustains the natural ecosystem processes.
- Current and projected availability of desert bighorn sheep from other healthy populations within the state from the Yuma and Mesa regions.
- Trail restrictions currently in place within the Coronado's defined Bighorn Sheep Management Area that will be enforced and are important in preventing disturbance to reintroduced desert bighorn sheep, particularly during the lambing season.

The reintroduced sheep will each be fitted with state-of-the-art satellite Global Positioning System collars that provide real time information about their location and any mortality events that may occur. This intensive monitoring effort will enable managers to make informed management decisions as information from collars becomes available. This technology comes with a cost; currently the overall project cost is estimated at \$600,000 over the next three years. A public and private fundraising effort is currently underway to secure necessary funding to complete the project.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to approve Resolution No. (R)13-55, supporting the Santa Catalina Bighorn Sheep Restoration Project.

Attachments

(R)13-55 Santa Catalina Bighorn Sheep Restoration

Picture

Press Release

RESOLUTION NO. (R)13-55

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, SUPPORTING THE SANTA CATALINA BIGHORN SHEEP RESTORATION PROJECT

WHEREAS, the Pusch Ridge Wilderness once contained a robust native population of desert bighorn sheep and credible population estimates ranged from an estimated 75 to 150 animals in 1979; and

WHEREAS, the population's decline beginning in the late 1980s cannot be attributed to any single factor and contributing factors may include urban encroachment, human disturbance in sheep habitat, disease within the sheep population, fire suppression, and predation; and

WHEREAS, the goal the Santa Catalina Bighorn Sheep Restoration Project is to restore a healthy, viable and self-sustaining population of desert bighorn sheep to the range that coexists with an equally healthy native predator population in a naturally functioning ecosystem; and

WHEREAS, the project is being considered at this time due to four key factors that increase the likelihood of success:

- Improved habitat in much of the Catalinas resulting from the Bullock Fire in 2002 and the Aspen Fire in 2003, which removed unnaturally dense vegetation and reduced fuel loads
- The Coronado's anticipated use of prescribed fire in the Pusch Ridge Wilderness under FireScape, a landscape-scale fire and ecosystem management program, intended to re-establish a natural fire regime that reduces the risk of catastrophic wildfire, improves wildlife habitat and sustains the natural ecosystem processes
- Current and projected availability of desert bighorn sheep from other healthy populations within the state from the Yuma and Mesa regions
- Trail restrictions currently in place within the Coronado's defined Bighorn Sheep Management Area that will be enforced and are important in preventing disturbance to reintroduced desert bighorn sheep, particularly during the lambing season.

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

SECTION 1. The Town hereby offers its support of the Santa Catalina Bighorn Sheep Restoration Project.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 18th day of September, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____



Contact

Mark Hart/Arizona Game and Fish Department
o: 520-388-4445 c:520-282-0978



News Release
For Immediate Release, May 29, 2013

**Advisory Group Recommends Restoring Iconic Bighorn Sheep to Santa Catalinas;
Desert Bighorns Absent Since the Late 1990s May Be Returned By Fall**

TUCSON, Ariz. – An advisory committee of informed local stakeholders is recommending that the state reintroduce desert bighorn sheep to the Santa Catalina Mountains, where they were last seen in the late 1990s.

The first 30 bighorn sheep are planned to be re-introduced to the Pusch Ridge Wilderness this fall, with the overall goal of more than 100 animals after three consecutive years of transplants. The total figure includes anticipated lamb births, estimated yearling survival rates, and natural mortality.

“The goal the Santa Catalina Bighorn Sheep Restoration Project is to restore a healthy, viable and self-sustaining population of desert bighorn sheep to the range that coexists with an equally healthy native predator population in a naturally functioning ecosystem,” said Regional Supervisor Raul Vega of Arizona Game and Fish Department (AGFD) in Tucson.

“The project dovetails with a larger, holistic restoration effort to mitigate human impacts, improve habitat in the Catalinas and return fire as a natural process necessary for proper habitat functioning,” added Randy Serraglio with the Center for Biological Diversity.

The Advisory Committee, established in December 2012, is comprised of local representatives from the following organizations who are working closely with AGFD and the Coronado National Forest (CNF) personnel:

- Arizona Desert Bighorn Sheep Society,
- The Wilderness Society,
- Sky Island Alliance,
- Arizona Wilderness Coalition,
- Center for Biological Diversity.

-more-

“The Advisory Committee members bring different perspectives to the discussion but we share common values around an appreciation for Arizona’s wildlife and natural heritage,” said Mike Quigley, Arizona Representative of The Wilderness Society.

Arizona Game and Fish Commissioner J.W. Harris serves as a liaison to the committee for the Game and Fish Commission.

“The Santa Catalina Mountains are located adjacent to the second largest urban area in Arizona. Community interest in wildlife management and conservation issues is relatively high,” Harris noted. “So the committee was formed to address the potentially complex challenges posed by the species, the location, and the nature of the community.”

Broad-based community support is needed, Harris added, if the project is to overcome other challenges, such as funding, predator management, and use of prescribed fire.

The reintroduced sheep will each be fitted with state-of-the-art satellite Global Positioning System collars that provide real time information about their location and any mortality events that may occur. This intensive monitoring effort will enable managers to make informed management decisions as information from collars becomes available. This technology comes with a cost; currently the overall project cost is estimated at \$600,000 over the next three years. A public and private fund raising effort is currently underway to secure necessary funding to complete the project. Sponsorship opportunities are available through the Arizona Game and Fish Department at 520-628-5376 and tax deductible donations may be made at: <http://adbss.org/donate.html>.

“This is an expensive and sensitive project and we need to do it right.” said Brian Dolan past President of the Arizona Desert Bighorn Sheep Society. “We need to carefully think through scenarios and develop an appropriate plan for success.”

The Pusch Ridge Wilderness once contained a robust native population of desert bighorn sheep. Credible population estimates ranged from an estimated 75 to 150 animals in 1979.

The population’s decline beginning in the late 1980s cannot be attributed to any single factor. Contributing factors may include urban encroachment, human disturbance in sheep habitat, disease within the sheep population, fire suppression, and predation.

The project is being considered at this time due to four key factors that increase the likelihood of success:

- Improved habitat in much of the Catalinas resulting from the Bullock Fire in 2002 and the Aspen Fire in 2003, which removed unnaturally dense vegetation and reduced fuel loads.
- The Coronado’s anticipated use of prescribed fire in the Pusch Ridge Wilderness under FireScope, a landscape-scale fire and ecosystem management program, intended to re-establish a natural fire regime that reduces the risk of catastrophic wildfire, improves wildlife habitat and sustains the natural ecosystem processes.
- Current and projected availability of desert bighorn sheep from other healthy populations within the state from the Yuma and Mesa regions.
- Trail restrictions currently in place within the Coronado's defined Bighorn Sheep Management Area that will be enforced and are important in preventing disturbance to reintroduced desert bighorn sheep, particularly during the lambing season.

-more-

Planning meetings by the committee will continue to be held throughout the project to guide all aspects of the sheep restoration effort to provide the highest likelihood of success.

###



Town Council Regular Session

Item # **C.**

Meeting Date: 09/18/2013

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

Department: Town Clerk's Office

Information

SUBJECT:

Resolution No. (R)13-56, Providing for the compliance with A.R.S. 16-204 as amended by the Arizona State Legislature in 2012 by extending the terms of office for the Mayor and Councilmembers

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

In 2012, the Arizona State Legislature amended Arizona Revised Statutes (A.R.S.) 16-204 to consolidate all regular candidate elections to the fall of even-numbered years. Effective January 1, 2014, the Town's primary elections will be held in August and its general elections will be held in November of even-numbered years. As a result, the current terms of the Mayor and Councilmembers must be adjusted.

The terms for Mayor Hiremath and Councilmembers Hornat, Snider and Waters will now expire following the canvas of the general election in November 2014.

The terms for Councilmembers Burns, Garner and Zinkin will now expire following the canvas of the general election in November 2016.

BACKGROUND OR DETAILED INFORMATION:

Prior to the 2012 passage of House Bill (HB) 2826, the Town held its primary and general elections in the spring of even-numbered years, in March and May respectively. HB 2826 amended A.R.S. 16-204 to require that beginning in 2014, candidate elections for any political subdivision in Arizona be held in the fall with the primary election in August and the general election in November. The bill did not include any language specifying how the terms of those officials elected in prior spring elections should be adjusted to conform with the new law.

During its 2013 session, the Arizona State Legislature addressed this situation with the passage of Senate Bill (SB) 1454, which allowed cities and towns to lengthen the terms of office of elected officials to conform with A.R.S. 16-204.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)13-56, extending the length of the Mayor & Councilmembers terms to conform with A.R.S. 16-204.

Attachments

(R)13-56, Extending terms of Mayor and Council

RESOLUTION NO. (R)13-56

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, PROVIDING FOR THE COMPLIANCE WITH A.R.S. 16-204 AS AMENDED BY THE ARIZONA STATE LEGISLATURE IN 2012

WHEREAS, the Arizona State Legislature in 2012 amended A.R.S. 16-204 to consolidate all regular candidate elections including those of the Town of Oro Valley, Arizona to the Fall of even numbered years; and

WHEREAS, this law becomes effective on January 1, 2014; and

WHEREAS, this new law requires adjusting the length of terms of the Mayor and members of the Council currently serving in office so that their terms will expire following the general election in November of even numbered years; and

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

SECTION 1. The term of the mayor will expire following the canvass of the general election in November 2014.

SECTION 2. The term of any member of the council with two or fewer years left in their council term will expire following the canvass of the general election in November 2014.

SECTION 3. The term of any member of the council with two or more years left in their council term will expire following the canvass of the general election in November 2016.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 18th day of September, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____



Town Council Regular Session

Item # **D.**

Meeting Date: 09/18/2013

Requested by: Ron Corbin **Submitted By:** Ron Corbin, Human Resources

Department: Human Resources

Information

SUBJECT:

Resolution No. (R)13-57, Authorizing an actuarial study by the Elected Official's Retirement Plan (EORP)

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

Effective January 1, 2014 there will be some significant changes to the Elected Official's Retirement Plan (EORP), which is a defined benefit retirement plan offered to elected officials by the State. As a result, Town Council requested that staff research the possibility of the Town joining the EORP. In order for the Town to participate in EORP, Town Council must first adopt a resolution authorizing an actuarial study. Once the actuarial study is complete, the Town Council can decide whether to move forward with an agreement to join EORP.

The defined benefit portion of EORP will be closed to new membership beginning January 1, 2014, and will be replaced with a defined contribution program. Should Town Council want to become members in EORP, under the defined benefit program, staff recommends that the application process be initiated in order to meet the January 1st deadline.

BACKGROUND OR DETAILED INFORMATION:

EORP is a defined benefit retirement plan offered by the State whose membership consists of elected officials. In order for the Town to join, Town Council must adopt a resolution requesting an agreement with EORP and authorizing an actuarial study. EORP would subsequently review each Councilmember's years of service, salary, age, etc. to determine the employer's unfunded liability. EORP will also share the results of the study with the Town. The Town could then request membership in the program and pay the employer's portion of the unfunded liability.

These steps could be taken at any time under normal circumstances; however, the State Legislature recently adopted statutory changes that now make timing important. Consequently, EORP will be closed to new membership beginning on January 1, 2014, and will be replaced with a defined contribution program. If the Town decides to join EORP, membership will only be open to current officials. All future elected officials will only be eligible for the defined contribution program.

The current defined benefit states that pursuant to A.R.S. §§ 38-801(5, 7 and 15), 38-805(B) and 38-808, normal retirement benefits will commence the first day of the month following termination of employment and based upon the following:

- Age 65 years, with 5 or more years of credited service, or
- Age 62 years, with 10 or more years of credited service.

The amount of a normal retirement pension is 3% of the member's average yearly salary multiplied by the member's credited service, not to exceed 75% of the member's average yearly salary.

Given the membership deadline and the time required to complete the application process, Council would likely need to initiate the process in September, if so desired.

FISCAL IMPACT:

The actuarial study will cost \$1,500 and is covered in the FY 2013/14 adopted budget.

SUGGESTED MOTION:

I MOVE (to adopt or deny) Resolution No. (R)13-57, authorizing an actuarial study by the Elected Official's Retirement Plan.

Attachments

(R)13-57, Elected Official's Retirement Plan

RESOLUTION NO. (R)13-57

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING THE PRELIMINARY STEPS TO BE TAKEN TO BECOME A PARTICIPATING EMPLOYER IN THE ELECTED OFFICIALS' RETIREMENT PLAN ON BEHALF OF THE TOWN'S ELECTED OFFICIALS OF THE TOWN OF ORO VALLEY

WHEREAS, the Elected Officials' Retirement Plan has been created by the State of Arizona to provide retirement and other benefits for elected officials; and

WHEREAS, pursuant to the terms of said Elected Officials' Retirement Plan, it is optional for an incorporated city or town to include within said system its elected officials; and

WHEREAS, it is in the best interest of the Town of Oro Valley to include its' elected officials under the Arizona Elected Officials' Retirement Plan as prescribed by Title 38, Chapter 5, Article 3, Arizona Revised Statutes as amended;

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

1. It is hereby authorized and approved that a preliminary actuarial survey be made to determine the estimated cost of participation, the benefits to be derived, and such other information as may be deemed appropriate, the cost of said survey to be paid by the Town of Oro Valley.
2. The Town Clerk is hereby authorized to provide and turn over such records as are necessary to make the actuarial survey.
3. The Mayor and Council are authorized to take whatever steps necessary to carry out the intent of this Resolution.
4. The Town Clerk shall file a certified copy of this Resolution with the Board of Trustees of the Elected Officials' Retirement Plan.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 18th day of September, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____



Town Council Regular Session

Item # **E.**

Meeting Date: 09/18/2013

Requested by: Philip Saletta

Submitted By: Philip Saletta, Water

Department: Water

Information

SUBJECT:

Resolution No. (R)13–58, Authorizing a letter to the Environmental Protection Agency supporting better alternatives that are available to reduce NOx emissions which have been proposed by the Technical Work Group on Best Available Retrofit Technology regarding the Navajo Power Generating Station

RECOMMENDATION:

The Water Utility Commission and staff recommend approval.

EXECUTIVE SUMMARY:

For the past several years there has been significant discussion regarding the Navajo Generating Station (NGS) and nitrous oxides (NOx) emissions. The plant is located on the Navajo Reservation near Page, Arizona and supplies 90% of the electric power needed for the Central Arizona Project (CAP) to deliver water. The Environmental Protection Agency (EPA) has been proposing very stringent standards for the NGS and CAP does not agree with those standards. CAP has worked closely with the Technical Work Group (TWG) on the Best Available Retrofit Technology (BART) for NGS.

EPA is accepting comments regarding the NGS rulemaking process. The attached letter and resolution illustrate support of the Technical Work Group proposal for NGS which will meet the EPA standards at a more economical cost. The costs for the EPA proposed standard will increase water and electric power rates for Oro Valley and other CAP water users in Arizona.

BACKGROUND OR DETAILED INFORMATION:

Oro Valley Water Utility has reviewed this letter of support and has added language and made changes suggested by the Water Utility Commission. The approval of this letter will help the Central Arizona Project (CAP) and its water users by supporting the proposed alternatives recommended by the Technical Work Group (TWG). The TWG includes the Navajo Nation, environmental interests, tribes, and water and power users.

Attached is a CAP fact sheet that discusses the "Better than BART" Proposal of the TWG. The letter of support will be considered by the EPA as part of the public comment period which has a current deadline of October 4, 2013.

FISCAL IMPACT:

If the TWG BART proposal is not accepted by EPA, this will cause significant increases in CAP water delivery costs and electric power costs to Oro Valley Water Utility. These additional costs would need to be passed on to Oro Valley customers and citizens through increased water rates.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)13-58, authorizing to send a letter to the Environmental Protection Agency in support of the Technical Work Group proposal for the Navajo Generating Station.

Attachments

(R)13-58 Navajo Power Generating Station

LETTER-NGS

CAP FACT SHEET-NGS

RESOLUTION NO. (R)13-58

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, TO SEND A LETTER TO THE ENVIRONMENTAL PROTECTION AGENCY SUPPORTING BETTER ALTERNATIVES THAT ARE AVAILABLE TO REDUCE NO_x EMISSIONS THAT HAVE BEEN PROPOSED BY THE TECHNICAL WORK GROUP ON BEST AVAILABLE RETROFIT TECHNOLOGY REGARDING THE NAVAJO POWER GENERATING STATION

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

WHEREAS, the Town of Oro Valley has a municipal and industrial subcontract for Central Arizona Project water; and

WHEREAS, the Central Arizona Project (CAP) has electric power from the Navajo Generating Station (NGS) for delivering water to its customers and the proposed Environmental Protection Agency rules for NGS would put an undue economic burden on CAP water users; and

WHEREAS, there are better alternatives available to reduce NO_x emissions that have been proposed by the Technical Work Group on Best Available Retrofit Technology (TWG BART) and the Town supports those alternates for the overall benefit of CAP water users and the State of Arizona.

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

Section 1. To support and approve better alternatives that are available to reduce NO_x emissions that have been proposed by the Technical Work Group on Best Available Retrofit Technology as provided in the attached letter regarding the Navajo Power Generating Station, attached hereto as Exhibit "A".

Section 2. The Mayor of the Town of Oro Valley is hereby authorized to sign and send the attached letter in support of the EPA adopting the alternative TWG BART proposal.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 18th day of September, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

September 18, 2013

Dr. Anita Lee
U.S. Environmental Protection Agency Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: EPA-R09-OAR-2013-0009

Dear Dr. Lee,

Early this year, your agency issued a proposed Best Available Retrofit Technology (BART) rule for the Navajo Generating Station (NGS) to reduce emissions of nitrogen oxides (NOx) from the coal-fired power plant. The EPA's proposed BART rule, which includes the most stringent NOx standard in the nation, would require installation of Selective Catalytic Reduction (SCR) on all three units at NGS by 2018. In recognition of the unique circumstances surrounding the plant, the EPA also proposed a BART alternative that would allow for an extended schedule requiring installation of SCR on one unit per year between 2021 and 2023.

Given that a 2012 study by the National Renewable Energy Laboratory found no conclusive evidence that a reduction in NOx would have any perceptible improvement in visibility at the Grand Canyon and other Class I areas, the Town of Oro Valley, Arizona is very concerned that the ostensible reason for this BART rulemaking is not founded in sound science.

In addition, installation and operation of SCR and related technology by 2018 or by 2023, at a cost between \$550 million and \$1.1 billion, would place a tremendous economic burden not only on energy users in Arizona, but specifically on the users of Central Arizona Project (CAP) water. As you know, NGS provides more than 90 percent of the power CAP uses to pump Colorado River water from the river into central and southern Arizona.

The costs associated with SCR would significantly increase energy costs and that would increase CAP water delivery costs to Oro Valley Water Utility and its customers. In addition, because Tucson Electric Power has a share in NGS, this may also cause an additional increase in electric cost to the citizens of Oro Valley and to Oro Valley Water Utility.

Not only are costs impacts of grave concern, but the 2018 and 2023 timeframes required by the EPA in the proposed BART rule and the BART alternative could result in plant closure, given the uncertainties created by a number of plant-related agreements that require renewal by the end of 2019 and the resulting National Environmental Policy Act (NEPA) process.

In response to your proposal, CAP, along with the Gila River Indian Community, the Navajo Nation, Salt River Project, the Environmental Defense Fund, the U.S. Department of the Interior and Western Resource Advocates formed a Technical Work Group (TWG), and together have developed a

"Reasonable Progress Alternative to BART" containing two "better than BART" alternatives, both of which achieve greater NOx emission reductions than the EPA's proposed rule. This alternative proposal was submitted to the Region 9 Office of the EPA on July 26, 2013.

This alternative, also known as the TWG BART Proposal, has the potential to protect the future of NGS and serves the interests of CAP water users by reducing and delaying the expenditures related to SCR installation and operation.

This alternative Proposal also provides opportunities for additional economic development and renewable energy projects that benefit Native American tribes and the people of Arizona. It is not an overstatement to say that the future economic well-being of Arizona, including the Navajo and Hopi people who depend on NGS for jobs and other revenues, is at stake in your decision.

For all the reasons stated above, we urge you to adopt the TWG BART Proposal in a final BART rule, following issuance of a supplemental proposal and consideration of public comments.

Sincerely,

Dr. Satish I. Hiremath
Mayor

c: The Honorable John McCain, United States Senator
The Honorable Jeff Flake, United States Senator
Oro Valley Town Council
David Modeer, CAP General Manager
Greg Caton, Town Manager
Philip C. Saletta, P.E., Water Utility Director

Central Arizona Project and the Navajo Generating Station “Better than BART” Proposal

CAP is the largest single source of renewable water supplies in the State of Arizona and, simultaneously, the largest single end-user of power in the state. The Navajo Generating Station (NGS) located near Lake Powell on the Navajo Reservation provides more than 90% of the power CAP needs to deliver water.

On February 5th 2013, the U.S. Environmental Protection Agency (EPA) issued a proposed Best Available Retrofit Technology (BART) rule for NGS to reduce emissions of nitrogen oxides (NOx) from the power plant. EPA's proposal, which includes the most stringent NOx standard in the nation, would require an emission control technology called Selective Catalytic Reduction (SCR) to be installed and operational by 2023.

The installation of SCR at NGS will cost \$544 million. This cost could exceed \$1.1 billion if additional air filters are also required at the plant to remove the air-borne particulates created by the SCR process. CAP's portion of these costs would be borne by our customers and the people of Maricopa, Pinal and Pima counties.

In recognition of the importance of NGS to Arizona's water sustainability and the major role the plant and associated coal mine play in the economies of the Navajo Nation and the Hopi Tribe, the EPA proposal also leaves the door open to consider alternative plans which would achieve the same NOx reduction goals over the life of the power plant.

CAP, along with the Gila River Indian Community, the Navajo Nation, SRP, the Environmental Defense Fund, the U.S. Department of Interior and the Western Resources Advocates created a Technical Work Group (TWG) to develop an alternative “Better than BART” plan for NGS.

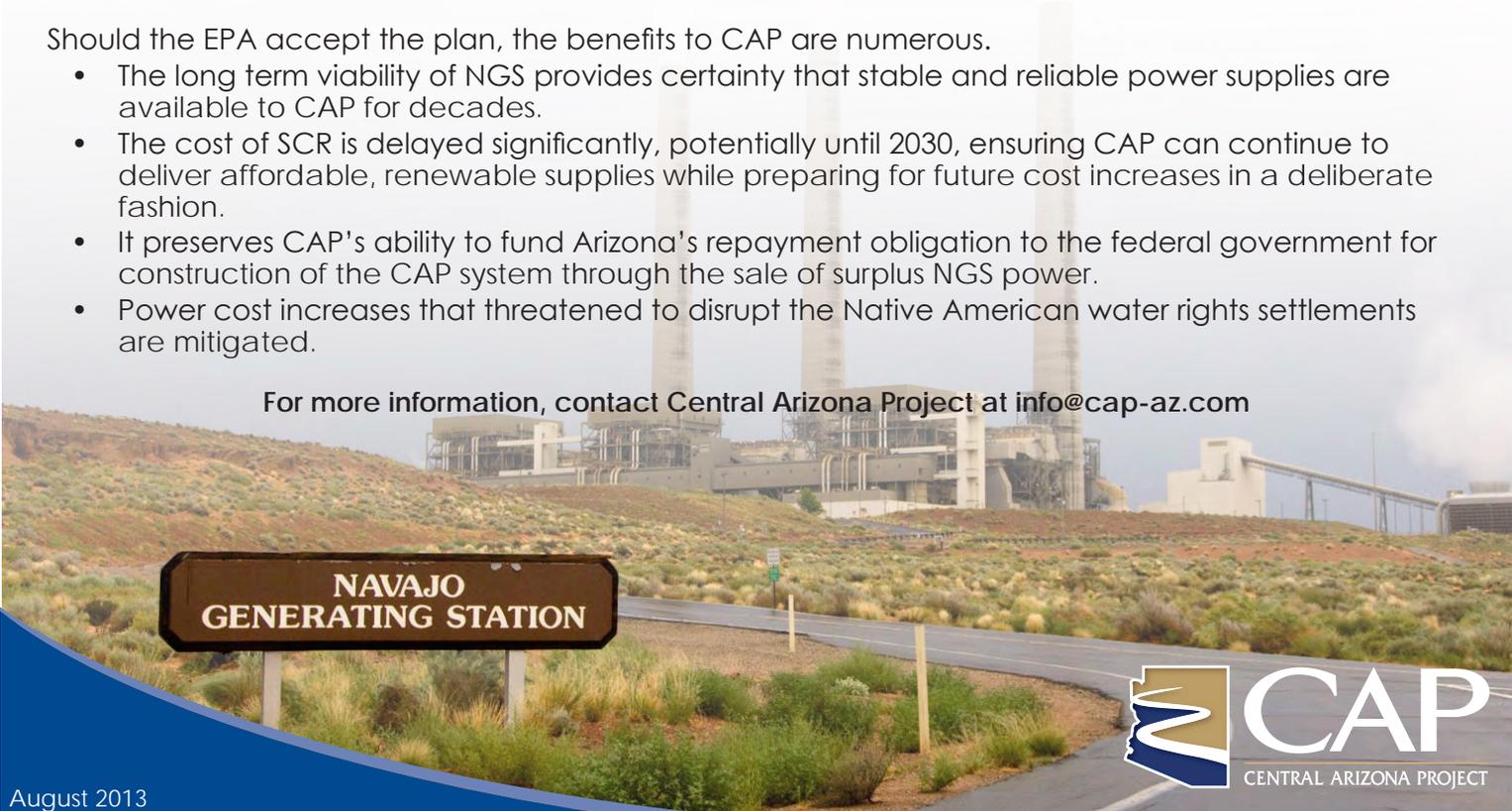
The alternative proposal was provided to the EPA on July 26 and addresses NOx emissions in a manner which protects the future of the Navajo Generating Station. The proposal also allows sufficient time for the NGS owners to address many other uncertainties facing the power plant, including the upcoming departure of NGS co-owners Los Angeles Department of Power and Water and Nevada Energy.

The TWG proposal provides two alternatives that ensure NOx emissions over the life of NGS will be less than what would occur under the EPA proposal.

Should the EPA accept the plan, the benefits to CAP are numerous.

- The long term viability of NGS provides certainty that stable and reliable power supplies are available to CAP for decades.
- The cost of SCR is delayed significantly, potentially until 2030, ensuring CAP can continue to deliver affordable, renewable supplies while preparing for future cost increases in a deliberate fashion.
- It preserves CAP's ability to fund Arizona's repayment obligation to the federal government for construction of the CAP system through the sale of surplus NGS power.
- Power cost increases that threatened to disrupt the Native American water rights settlements are mitigated.

For more information, contact Central Arizona Project at info@cap-az.com



NAVAJO
GENERATING STATION



Summary of Navajo Generating Station Alternative Proposal

Primary Elements of NGS Proposal

The proposal includes two alternatives that both achieve greater nitrogen oxide (NOx) emission reductions than EPA's Proposed BART Rule.

Alternative A

- Cease coal generation on one unit or substantially reduce generation by January 1, 2020, depending on ownership changes.
- Install SCR or an equivalent technology on the other two units at NGS by December 31, 2030.

Alternative B

- If the conditions for Alternative A are not met, reduce NOx emissions equivalent to the shutdown of one Unit from 2020 to 2030.
- Submit annual Implementation Plans describing the operating scenarios to be used to achieve greater NOx emission reductions than EPA's Proposed BART Rule.

Under either Alternative A or B the NGS Participants agree to maintain emissions below the total 2009-2044 NOx emissions cap delineated under EPA's BART proposal.

Additional Elements of NGS Proposal

- The current owners of NGS will cease their operation of conventional coal-fired generation at NGS no later than December 22, 2044 (the Navajo Nation can continue after 2044 at its election).
- SRP will assist the Navajo Nation to advocate to EPA for "Treatment as a State" status under the Clean Air Act.
- A \$5 million Local Benefit Fund for community improvement projects within 100 miles of NGS or the Kayenta Mine (which supplies coal to NGS).

Commitments by the Department of the Interior to:

- Carry out the National Renewable Energy Laboratory (NREL) Phase 2 Study to analyze options for the future of NGS, including identifying options for replacing the federal share of energy from NGS with low-emitting energy resources.
- Work with affected Indian tribes to address concerns about the impacts of the proposed changes to NGS over time resulting from this BART proceeding and other developments.
- Make available \$10 million/year for 10 years, beginning in 2020, from the Reclamation Water Settlements Fund to mitigate impacts to the Lower Colorado River Basin Development Fund.

Next Steps

- EPA will review and determine whether the proposal is an acceptable "better than BART" alternative.
- If the proposal is accepted, EPA will issue a supplemental proposal that provides public notice and requests public comment. The deadline for public comments is currently October 4, 2013.



Town Council Regular Session

Item # **1.**

Meeting Date: 09/18/2013
Requested by: David Williams
Submitted By: Matt Michels, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)13-18, TRANSLATING ZONING FROM PIMA COUNTY DISTRICTS TO THE EQUIVALENT ORO VALLEY ZONING DISTRICTS FOR THE ANNEXED AREA KNOWN AS THE "ORACLE/INA ANNEXATION AREA" (Council Communication and Attachments Revised on 9/16/13 at 4:00 p.m.)

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The Oracle/Ina Annexation Area, shown in Attachment 2, was annexed into the Town of Oro Valley in April 2013, as outlined in Ordinance No. (O)13-04 (Attachment 3).

In accordance with Arizona State Statutes, the Town is required to convert or "translate" the zoning on the annexed properties from the existing Pima County districts to the closest comparable Oro Valley zoning districts.

The existing Pima County zoning for these properties is: CR-1 (Single Residence Zone); CB-1 (Local Business Zone); and TR (Transitional) (see Attachment 4). The proposed Town zoning for these properties are, respectively: R1-36 (Single Family Residential; 36,000 Square Foot Minimum) and PAD (for Tohono Chul Park); C-2 (Commercial) and C-1 (Commercial) (see Attachments 4 and 5). A table comparing the County and Town zoning districts is provided in Attachment 6.

BACKGROUND OR DETAILED INFORMATION:

The Town is required to convert or "translate" the zoning on the annexed properties from Pima County districts to the closest comparable Oro Valley zoning districts. Subsequent changes in zoning of the annexed property, if requested, will be made according to Town rezoning procedures. Section 9-471(L) of the Arizona Revised Statutes (ARS) states:

"A city or town annexing an area shall adopt zoning classifications which permit densities and uses no greater than those permitted by the county immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made according to existing procedures established by the city or town for the rezoning of land."

Unlike a typical rezoning action, the purpose of the translational zoning is to convert the county zoning districts to the closest, equivalent Oro Valley zoning districts without permitting densities and uses greater

than currently enjoyed in the County.

The Oracle/Ina Annexation Area includes approximately 107 acres of property with an existing County zoning of CB-1 (Local Business) along Oracle Road; TR (Transitional) along Oracle Road, and CR-1 (Single Residence), which includes Tohono Chul Park, St. Odilia Catholic Church, and the single-family residences within the annexation area.

Subsequent changes in zoning of the annexed property, if requested, will be made according to Town rezoning procedures.

Comparison of Existing Zoning and Proposed Translational Zones

As shown in the zoning comparison table (Attachment 6), the proposed translational zoning is consistent with the State law requirement that the zoning classifications *"permit densities and uses no greater than those permitted by the county immediately before annexation"*. For example, both Pima County CR-1 and the Oro Valley R1-36 zoning districts require 36,000 square feet minimum lot size and the uses permitted within each respective zoning district are substantially similar. As discussed, the County zoning will translate as follows:

- Pima County CB-1 (Local Business) to Oro Valley C-2
- Pima County TR (Transitional) to Oro Valley C-1 (Commercial)
- Pima County CR-1 (Single Residence) to Oro Valley R1-36 (Single Family Residential/36,000 Square Foot Minimum Lot Size), except for Tohono Chul Park, which was rezoned to PAD on April 17, 2013.

Sign Code Conformance

The properties within the Oracle/Ina Annexation Area are subject to all provisions of the Oro Valley Sign Code (Chapter 28 of the Zoning Code). Upon annexation, all existing, legally established, permanent signs which may not comply with Town requirements are "grandfathered" until they are replaced or the use is discontinued.

In order to provide a smooth transition from Pima County temporary sign regulations to Oro Valley regulations, properties in the annexation area have been allowed by Council to utilize the Pima County temporary sign regulations until January 1, 2014. After that date, all properties will be subject to Oro Valley temporary sign regulations.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt or deny) Ordinance No. (O)13-18, approving the translational zoning of the Oracle/Ina Annexation Area, as depicted in Attachment 1.

Attachments

(O)13-18 Translating Zoning from Pima County for the Oracle/Ina Annexation Area

Attachment 2 - Oracle & Ina Annexation Area Map

Attachment 3 - Ordinance No. (O) 13-04

Attachment 4 - Zoning Map

Attachment 5 - Table of Existing & Translational Zoning

Attachment 6 - Comparison of Pima Co. & Oro Valley Translational Zones

ORDINANCE NO. (O)13-18

AN ORDINANCE TRANSLATING THE ZONING FOR THE NEWLY ANNEXED AREA COMMONLY KNOWN AS THE “ORACLE AND INA ANNEXATION AREA” FROM PIMA COUNTY ZONING DESIGNATIONS TO TOWN OF ORO VALLEY ZONING DESIGNATIONS AND AMENDING THE TOWN OF ORO VALLEY ZONING MAP: AND REPEALING ALL ORDINANCES IN CONFLICT HERewith

WHEREAS, On April 17, 2013, by Ordinance (O) 13-04, the Town of Oro Valley annexed the approximately 107 acres commonly known as “the Oracle and Ina Annexation Area” bounded on the north by Chapala Dr., on the east by Oracle Rd., on the south by Ina Rd., and on the west by Paseo Del Norte; and

WHEREAS, the properties affected by this zoning translation encompass the annexed area comprising approximately 107 acres currently zoned Pima County CB-1 (Local Business Zone), TR (Transition Zone), and CR-1 (Single Residence Zone); and

WHEREAS, in accordance with ARS § 9-471(L), the Town is required to translate the zoning on the annexed area from its original Pima County zoning designations to comparable Oro Valley zoning designations; and

WHEREAS, at a duly noticed public hearing, the Oro Valley Town Council considered the translational zoning requests for the Oracle and Ina Annexation Area as shown on the attached zoning map and finds it is consistent with the Town’s General Plan and Ordinances; and

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

SECTION 1: That the Town of Oro Valley Zoning Map be amended and the zoning designations be translated as indicated on the attached map, said districts being C-1 (Commercial District), PAD (Planned Area Development, C-2 (Commercial District), and R1-36 (Single-Family Residential District).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith, and the same are hereby repealed to the extent of such conflict.

SECTION 3: That this ordinance and the various parts thereof are hereby declared to be severable. If any section, sub-section, sentence, clause, work or phrase of this ordinance is for any reason, held to be unconstitutional, such holdings shall not affect the validity of the remaining portion of this ordinance.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 18th day of September, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath. Mayor

ATTEST:

Julie K. Bower, Town Clerk

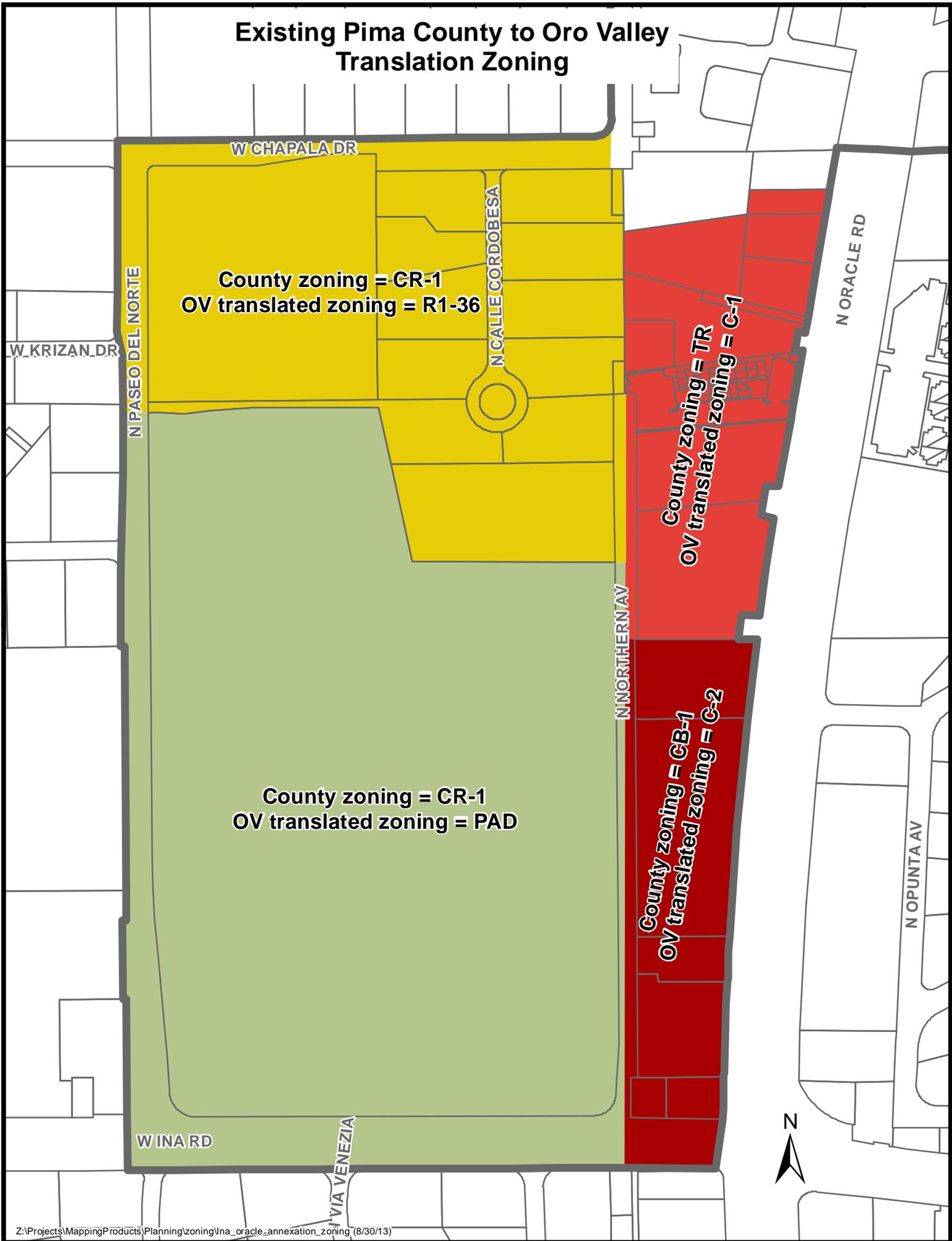
Date: _____

APPROVED AS TO FORM:

Tobin Sidles, Legal Services Director

Date: _____

Existing Pima County to Oro Valley Translation Zoning



F. ANN RODRIGUEZ, RECORDER
Recorded By: RW
DEPUTY RECORDER
4888

SOROV
TOWN OF ORO VALLEY
11000 N LA CANADA DR
ORO VALLEY AZ 85737



SEQUENCE: 20131140121
NO. PAGES: 8
ORDIN 04/24/2013 11:40
MAIL
AMOUNT PAID: \$9.50

ORDINANCE NO. (O)13-04

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA,
EXTENDING AND INCREASING THE CORPORATE LIMITS
OF THE TOWN OF ORO VALLEY, ARIZONA, PURSUANT TO
THE PROVISIONS OF ARIZONA REVISED STATUTES, TITLE
9, CHAPTER 4, ARTICLE 7, AND AMENDMENTS THERETO,
BY ANNEXING A CERTAIN TERRITORY CONTIGUOUS TO
THE EXISTING LIMITS OF THE TOWN OF ORO VALLEY
KNOWN AS THE ORACLE / INA ANNEXATION AREA**

WHEREAS, a petition in writing, accompanied by a map or plot of said real property, having been filed and presented to the Mayor and Council of the Town of Oro Valley, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the Town of Oro Valley in the event of annexation within the territory and land hereinafter described as shown by the last assessment of said property, which said territory is contiguous to the Town of Oro Valley, and not now embraced within its limits, asking that the property more particularly hereinafter described be annexed to the Town of Oro Valley, and to extend and increase the corporate limits of the Town of Oro Valley so as to embrace the same; and

WEHREAS, the Mayor and Council of the Town of Oro Valley, Arizona, are desirous of complying with said petition and extending and increasing the corporate limits of the Town of Oro Valley to include said territory; and

WHEREAS, the said petition sets forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the Town of Oro Valley, and had attached thereto at all times an accurate map of the territory desired to be annexed; and

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after the said petition had been signed by any owner of real and personal property in such territory; and

WHEREAS, the provisions of A.R.S. §9-471, and amendments thereto, have been fully observed; and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the Town Clerk of the Town of Oro Valley, Arizona, together with a true and correct copy of the original petition referred to herein, which is on file in the office of the county recorder.

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

SECTION 1. That the following territory be, as described in Exhibit "A" attached hereto and incorporated herein by this reference, annexed to the Town of Oro Valley.

SECTION 2. That a copy of this Ordinance, together with an accurate map of the territory hereby annexed to the Town of Oro Valley, certified by the Mayor of said Town of Oro Valley, either has been or forthwith will be filed and recorded in the Office of the County Recorder of Pima County, Arizona and that a copy of this ordinance either has been or will be provided to the Clerk of the board of Supervisors of Pima County, Arizona.

SECTION 3. WHEREAS, it is necessary for the preservation of the peace, health and safety of the Town of Oro Valley that this ordinance become effective thirty days after passage by the Mayor and Council.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 17th day of April, 2013.

TOWN OF ORO VALLEY



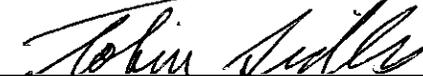
Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:



Julie K. Bower, Town Clerk



Tobin Sidles, Interim Town Attorney

Date: 4/17/13

Date: 4/17/13

PUBLISH: DAILY TERRITORIAL
APRIL 24, 25, 26, 29, 2013

POSTED: 4/23/13 - 5/23/13

EXHIBIT "A" ON FILE IN THE CLERK'S OFFICE

EXHIBIT "A"

CERTIFICATION OF MAP

MAP OF AREA TO BE ANNEXED

I, Dr. Satish I. Hiremath, Mayor of the Town of Oro Valley, Arizona, do hereby certify that the foregoing map is a true and correct map of the territory annexed under and by virtue of the petition of the real and personal property owners in the said territory and by Ordinance No. (O)13-04 , annexing the territory described in Ordinance No. (O)13-04 and as shown on said map as a part of the territory to be included within the corporate limits of the Town of Oro Valley, Arizona.


Dr. Satish I. Hiremath, Mayor

ORACLE / INA ANNEXATION DISTRICT DESCRIPTION

Prepared by
PUTT LAND SURVEYING, INC.
4817 E. Fifth Street
Tucson, Arizona 85711
Job No 12-122

March 13, 2012
Page 1 of 3
(Sketch is Page 3)

That portion of Sections 1 and 2, Township 13 South, Range 13 East, and 35 and 36, Township 12 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona, more particularly described as follows:

COMMENCING at the corner common to Sections 1 and 2, Township 13 South, Range 13 East, and Sections 35 and 36, Township 12 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona; **THENCE** Southerly, along the Section line common to said Sections 1 and 2, a distance of 30 feet, more or less, to a point on the South Right of Way of Ina Road, according to the plat of Casas Adobes Estates, as recorded in Book 10, Page 53, Maps and Plats, and the **TRUE POINT OF BEGINNING**;

THENCE Westerly, along said South Right of Way of Ina Road, to a point of cusp on the ~~Westerly Right of Way of Via Assist~~, according to said plat of Casas Adobes Estates;

THENCE Northerly to a point on the North Right of Way of Ina Road, and the West Right of Way of Paseo Del Norte, according to Pima County Road Proceeding Number 1542, as recorded in Book 12, Page 86, Road Maps;

THENCE Northerly along the West Right of Way of said Paseo Del Norte to the beginning of a curve to the left, concave to the Southwest, as recorded in Docket 10162, Page 1520;

THENCE continue Northerly to a point marking the intersection of the West Right of Way of said Paseo Del Norte, according to Pima County Road Proceeding Number 1381, as recorded in Book 10, Page 83, Road Maps, and the North Right of Way of Chapala Drive, according to Pima County Road Proceeding Number 1210, as recorded in Book 10, Page 34, Road Maps;

THENCE Easterly along the North Right of Way of said Chapala Drive to the beginning of a curve to the left, concave to the Northwest, according to the plat of Harelson Estates, as recorded in Book 16, Page 20, Maps and Plats;

THENCE Northeasterly, along said curve to the left to a point of cusp on the West Right of Way of Northern Avenue, according to Pima County Road Proceeding Number 2478, as recording in Book 20, Page 34, Road Maps;

Page 2 of 3

T.O.V. -Oracle / Ina Annexation Description

Job No. 12-122

March 13, 2012

THENCE Southerly along the West Right of Way of said Northern Avenue, and a prolongation thereof, to a point on the South Right of Way of Chapala Drive, according to Docket 8871, Page 2222;

THENCE Easterly along the Southerly Right of Way of said Chapala Drive to a point on the Section line common to aforementioned Sections 35 and 36, also being the West line of that certain parcel of land recorded in Docket 9221, Page 67;

THENCE Southerly along the West line of said parcel of land recorded in Docket 9221, Page 67, to the Southwest corner thereof;

THENCE Easterly along the South line of said parcel of land recorded in Docket 9221, Page 67, to the Southeast corner thereof;

THENCE Northerly along the East line of said parcel of land recorded in Docket 9221, Page 67, to the Southwest corner of that certain parcel of land recorded in Docket 11487, Page 2000;

THENCE Easterly along the South line of said parcel of land recorded in Docket 11487, Page 2000 to the Southeast corner thereof, also being a point on the Westerly Right of Way of Oracle Road (State Route 77), according to Arizona Department of Transportation Right of Way Plan, Project Number F-031-1-811;

THENCE Southerly along the Westerly Right of Way of said Oracle Road (State Route 77), to a point of cusp with a curve to the left, concave to the Southwest, marking the South Right of Way of Ina Road, according to the plat of Casas Adobes Estates, as recorded in Book 10, Page 53, Maps and Plats;

THENCE Northwesterly along said curve to the left to a point on the South Right of Way of Ina Road;

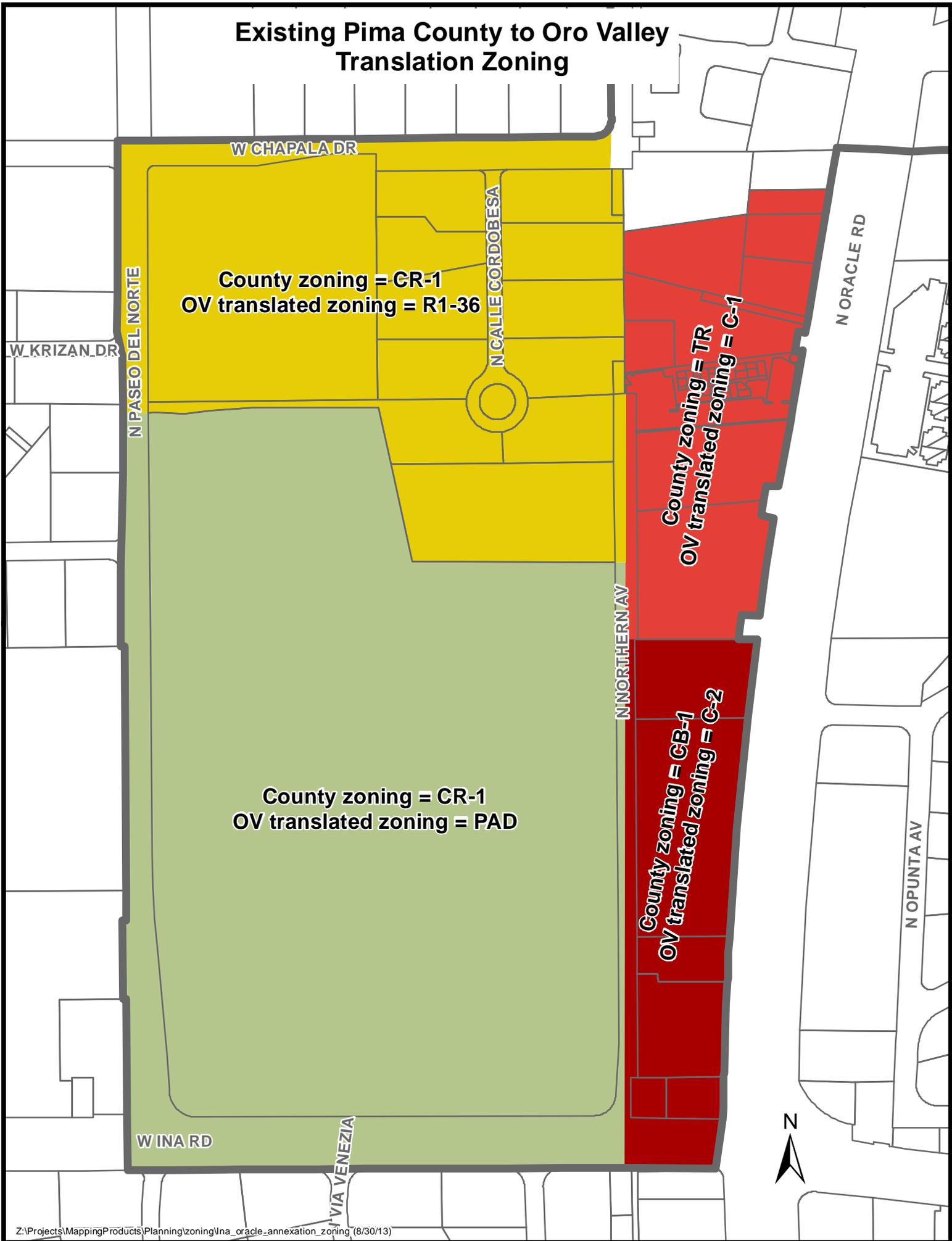
THENCE Westerly along the South Right of Way of said Ina Road to the **TRUE POINT OF BEGINNING**:

SAID "ORACLE & INA" ANNEXATION DISTRICT contains **107 acres or 0.167 square miles**, more or less.



EXPIRES 03/31/2013
(REFERS TO RENEWAL DATE ONLY)

Existing Pima County to Oro Valley Translation Zoning



Oracle/Ina Annexation Area Translational Zones

| Parcel No. | Pima County Zoning | Oro Valley Zoning |
|-------------------|---------------------------|--------------------------|
| 225-14-2370 | CR-1 | PAD |
| 225-14-2240 | CR-1 | R1-36 |
| 225-14-227A | CR-1 | R1-36 |
| 225-49-4120 | CR-1 | R1-36 |
| 225-49-4140 | CR-1 | R1-36 |
| 225-49-4160 | CR-1 | R1-36 |
| 225-49-4180 | CR-1 | R1-36 |
| 225-49-4200 | CR-1 | R1-36 |
| 225-14-225A | CR-1 | R1-36 |
| 225-14-2260 | CR-1 | R1-36 |
| 225-49-419B | CR-1 | R1-36 |
| 225-49-419A | CR-1 | R1-36 |
| 225-49-4170 | CR-1 | R1-36 |
| 225-49-4150 | CR-1 | R1-36 |
| 225-49-413A | CR-1 | R1-36 |
| 225-49-413B | CR-1 | R1-36 |
| 225-51-2700 | TR | C-1 |
| 225-51-2670 | TR | C-1 |
| 225-51-2660 | TR | C-1 |
| 225-51-2680 | TR | C-1 |
| 225-51-2650 | TR | C-1 |
| 225-51-2630 | TR | C-1 |
| 225-51-2640 | TR | C-1 |
| 225-51-3540 | TR | C-1 |
| 225-51-3550 | TR | C-1 |
| 225-51-3560 | TR | C-1 |
| 225-51-3570 | TR | C-1 |
| 225-51-3580 | TR | C-1 |
| 225-51-3590 | TR | C-1 |
| 225-51-3600 | TR | C-1 |
| 225-51-3610 | TR | C-1 |
| 225-51-3620 | TR | C-1 |
| 225-51-3630 | TR | C-1 |
| 225-51-3640 | TR | C-1 |
| 225-51-3650 | TR | C-1 |
| 225-51-3660 | TR | C-1 |
| 225-51-3670 | TR | C-1 |
| 225-51-3680 | TR | C-1 |
| 225-51-3690 | TR | C-1 |
| 225-51-3700 | TR | C-1 |
| 225-51-3710 | TR | C-1 |
| 225-51-3720 | TR | C-1 |
| 225-51-3730 | TR | C-1 |
| 225-51-3740 | TR | C-1 |
| 225-51-3750 | TR | C-1 |
| 225-51-3760 | TR | C-1 |
| 225-51-3770 | TR | C-1 |
| 225-51-3780 | TR | C-1 |
| 225-51-3790 | TR | C-1 |
| 225-51-3800 | TR | C-1 |
| 225-51-3810 | TR | C-1 |
| 225-51-3820 | TR | C-1 |
| 225-51-3830 | TR | C-1 |
| 225-51-261A | TR | C-1 |
| 225-51-2600 | TR | C-1 |
| 225-51-2280 | CB-1 | C-2 |
| 225-51-2270 | CB-1 | C-2 |
| 225-51-2260 | CB-1 | C-2 |
| 225-51-2250 | CB-1 | C-2 |
| 225-51-2240 | CB-1 | C-2 |
| 225-51-2230 | CB-1 | C-2 |

Comparison of Pima County and Oro Valley Zoning Districts

Pima Co. CR-1 (Single Residence) & Oro Valley R1-36 (Single-Family Residential/36,000 Square Foot Minimum Lot Size)

| Zone | Primary Use(s) | Min. Lot Size | Bldg. Setbacks (Front/Side/Rear) | Max. Bldg. Height |
|---------------|---------------------------|---------------|----------------------------------|-------------------|
| Pima Co. CR-1 | Single-family residential | 36,000 s.f. | 30'/10'/40' | 24'-34' |
| OV R1-36 | Single-family residential | 36,000 s.f. | 30'/15'/40' | 18' |

Pima Co. TR (Transitional) & Oro Valley C-1 (Commercial)

| Zone | Primary Use(s) | Max. Floor Area Ratio | Bldg. Setbacks (Front/Side/Rear) | Max. Bldg. Height |
|-------------|--|-----------------------|--|-------------------|
| Pima Co. TR | Office, hotel/motel, single & multi-family residential | None | 20'/7'/24' | 24'-34' |
| OV C-1 | Office, retail centers, hotel/motel, | .30 | 20'/0-50'/0-50'* *50' adjacent to R1 district | 25' |

Pima Co. CB-1 (Local Business) & Oro Valley C-2 (Commercial)

| Zone | Primary Use(s) | Min. Open Space | Bldg. Setbacks (Front/Side/Rear) | Max. Bldg. Height |
|---------------|--|-----------------|---|-------------------|
| Pima Co. CB-1 | Retail businesses, office, all TR uses | N/A | 20'/0'/10' | 34' |
| OV C-2 | Retail businesses, offices | 20% | 20'/0-50'*/0-50'* *50' adjacent to R1 district | 30' |



Town Council Regular Session

Item # **2. A.**

Meeting Date: 09/18/2013
Requested by: David Williams
Submitted By: Chad Daines, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

RESOLUTION NO. (R)13-59, DECLARING THE PROPOSED AMENDMENTS TO THE ORO VALLEY ZONING CODE REVISED SECTION 22.2 AND SECTION 27.10, RELATING TO THE ENVIRONMENTALLY SENSITIVE LANDS REGULATIONS, AS EXHIBIT "A" AND FILED WITH THE TOWN CLERK, A PUBLIC RECORD

RECOMMENDATION:

Staff Recommends approval.

EXECUTIVE SUMMARY:

This is a procedural item to declare the draft ordinance a matter of public record. The draft ordinance has been posted online and made available in the Town Clerk's Office. If the final version is adopted, as approved by Town Council, it will be made available in the same manner.

BACKGROUND OR DETAILED INFORMATION:

Once adopted by Town Council, this proposed resolution will become a public record and will save the Town on advertising costs since the the Town will forgo publishing the entire draft ordinance (Attachment 2) in print form. The current draft version of the draft ordinance has been posted on the Town's website and a printed copy is available for public review in the Town Clerk's Office. Once adopted, the final version will be published on the Town's website.

FISCAL IMPACT:

The Town will save on advertising costs by meeting publishing requirements by reference, without including the pages of amendments.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)13-59, declaring the proposed amendments to the Oro Valley zoning code revised section 22.2 and section 27.10, attached hereto as Exhibit "A" and filed with the Town Clerk, a public record.

Attachments

(R)13-59, Amendments to OVZC Section 22.2 and 27.10

Attachment 2 - Ordinance

RESOLUTION NO. (R)13-59

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT TO BE PLACED WITHIN CHAPTER 22 SECTION 22.2 AND CHAPTER 27, SECTION 27.10, OF THE ORO VALLEY ZONING CODE REVISED AND ENTITLED THE “GENERAL PLAN AMENDMENT” AND THE “ENVIRONMENTALLY SENSITIVE LANDS”;; ATTACHED HERETO AS EXHIBIT “A” AND FILED WITH THE TOWN CLERK

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, that certain document of the Oro Valley Town Code, entitled Chapter 22, Review and Approval Procedures, Section 22.2, entitled the “General Plan Amendment Procedures” and Chapter 27, Section 27.10, entitled the “Environmentally Sensitive Lands” is attached hereto as Exhibit “A”, three copies of which are on file in the Office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 18th day of September, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

ORDINANCE NO. (O)13-19

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.2, GENERAL PLAN AMENDMENT PROCEDURES, OF THE ORO VALLEY ZONING CODE REVISED AND CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.10 ENVIRONMENTALLY SENSITIVE LANDS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, it is necessary to amend Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures, and Section 27.10 Environmentally Sensitive Lands to amend provisions relative to the applicability of the Environmentally Sensitive Lands (ESL) requirements to Major and Minor General Plan Amendments; and

WHEREAS, the proposed amendments will clarify the ESL requirements with regard to General Plan Amendments and adds an additional criteria which requires consideration of the most sensitive resources in the evaluation of a General Plan Amendment; and

WHEREAS, the Planning and Zoning Commission held a meeting on August 6, 2013, and voted to recommend approval of amending Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures and Chapter 27, General Development Standards , Section 27.10 Environmentally Sensitive Lands; and

WHEREAS, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s and finds that they are consistent with the Town’s General Plan and other Town ordinances and are in the best interest of the Town.

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

SECTION 1. that certain document entitled Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures and Chapter 27, General Development Standards , Section 27.10 Environmentally Sensitive Lands, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A” and incorporated herein by this reference and declared a public record on September 18, 2013, 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 the resolution or any part of the General Plan Amendment adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 18th day of September, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

Zoning Code

Chapter 22

Review and Approval Procedures

. . .

Section 22.2 General Plan Amendment Procedures

D. General Plan Amendment Procedures

All minor and major amendments to the General Plan shall follow the procedures outlined below:

1. Application

- a. Amendments to the Land Use Map may be initiated by the Town or by the landowner only.
- b. Text amendments including, but not limited to, the General Plan elements, policies, goals, objectives and implementation strategies may be requested by any individual, whether a land holder in the Town or not, or by a Town Official or Town resident.

2. Review Process

a. Minor Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Amendments may be submitted any time of the year.

iii. MINOR GENERAL PLAN AMENDMENT APPLICATIONS FOR PROPERTY WHICH HAS NOT BEEN MAPPED FOR ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION CATEGORIES SHALL INCLUDE MAPPING FOR PRIMARY CONSERVATION CATERGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) IN ACCORDANCE WITH SECTION 27.10.B.1.b.iv.WITH THE INITIAL SUBMITTAL OF THE AMENDMENT APPLICATION.

iii- iv. Neighborhood Meetings

- a) At least one neighborhood meeting must be provided prior to submittal of a formal application for all proposed changes to the Land Use Map.
- b) Town policies for notification of General Plan amendments must be followed to achieve a neighborhood meeting.
- c) Additional meetings for text amendments may be required at the discretion of the Planning and Zoning Administrator.

b. Major Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Applications are accepted from January 1st to April 30th.

iii. MAJOR GENERAL PLAN AMENDMENT APPLICATIONS FOR PROPERTY WHICH HAS NOT BEEN MAPPED FOR ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION CATEGORIES

SHALL INCLUDE MAPPING FOR PRIMARY CONSERVATION CATERGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) IN ACCORDANCE WITH SECTION 27.10.B.1.b.iv.WITH THE INITIAL SUBMITTAL OF THE AMENDMENT APPLICATION

~~iii.~~ iv. Neighborhood Meetings

- a) At least two neighborhood meetings must be provided prior to submittal of a formal application for all changes to the Land Use Map. If there are any substantive changes to the application after formal submittal, an additional neighborhood meeting will be required.
- b) Neighborhood meetings must occur not more than two (2) months prior to submittal. The meetings must be facilitated by Town of Oro Valley staff.
- c) Town policies for notification of General Plan amendments must be followed in notifying property owners of a neighborhood meeting.

~~iv.~~ v. All applications must be reviewed concurrently at a minimum of two public hearings by the Planning and Zoning Commission in different locations.

~~v.~~ vi. All major amendments are to be presented to the Council at a single public hearing prior to the end of the calendar year that the proposal is made.

~~vi.~~ vii. Public Notification for All Public Hearings. Public notification shall be given not less than fifteen (15) days prior to the scheduled hearing date and will include at a minimum:

- a) Notice of the proposed amendment will be advertised a minimum of three (3) times in two (2) widely distributed newspapers.
- b) All property owners within one thousand (1,000) feet of the subject property will be directly notified of the amendment when the amendment involves a change in land use. The Planning and Zoning Administrator may expand the notification area in accordance with Section [22.15.B.2.b.](#)
- c) All homeowner's associations registered in Oro Valley will be notified of the amendment.
- d) Signs noticing the proposed amendment will be posted on the property on a sign or signs three (3) feet by four (4) feet in size, with white background and five (5) inch letters.

~~vii.~~ viii. Adoption of a major amendment requires a two-thirds (2/3) vote of the Town Council

c. Major General Plan Amendments for Immediate Review.

The Town Council may initiate a major General Plan amendment at any time of the year outside of the application timeframe established by subsection [D.2.b.ii](#) of this section, subject to the following:

- i. The initiation of a major General Plan amendment pursuant to this section shall be at a noticed public hearing.
- ii. The submittal content, public notice, neighborhood meeting public hearings and super majority approval requirements for a major General Plan amendment initiated pursuant to this section shall conform with the requirements of subsection [D](#) of this section.
- iii. Town Council may initiate a major General Plan amendment pursuant to this section based on the following findings:
 - a) The applicant has demonstrated that waiting for the normal amendment period would deny substantial and significant benefits to the greater community.

- b) The applicant has demonstrated that waiting for the normal amendment period would place the community at greater health and safety risks.

d. ENVIRONMENTALLY SENSITIVE LANDS EVALUATION

INFORMATION REGARDING THE PRIMARY CONSERVATION CATEGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) SHALL BE CONSIDERED AS PART OF MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS. THE REASONABLENESS OF PROPOSED LAND USE INTENSITY SHALL BE DETERMINED BY TOWN COUNCIL UPON CONSIDERATION OF THE ENVIRONMENTAL RESOURCES PRESENT ON THE PROPERTY.

3. Adoption of Amendment

The disposition of the General Plan amendment proposed shall be based on consistency with the vision, goals, and policies of the General Plan, with special emphasis on compliance with the following criteria:

- a. The proposed change is necessary because conditions in the community have changed to the extent that the plan requires amendment or modification; and
- b. The proposed change is sustainable by contributing to the socio-economic betterment of the community, while achieving community and environmental compatibility; and
- c. The proposed change reflects market demand which leads to viability and general community acceptance; and
- d. The amendment will not adversely impact the community as a whole, or a portion of the community without an acceptable means of mitigating these impacts through the subsequent zoning and development processes.

The applicant for the amendment shall have the burden of presenting facts and other materials to support these criteria in writing, prior to any public hearings.

Chapter 27

General Development Standards

. . .

Section 27.10 Environmentally Sensitive Lands

B. Applicability

1. General

- a. The provisions of ESL only apply to properties where specified environmental conditions are identified on the ESL Planning Map or described herein.
- b. ESL regulates specific types of development applications at various stages of the development approval process as delineated below:
 - i. All subdivision plat, site plan, conditional use permit, and permit applications subject to the Oracle Road Scenic Corridor, Tangerine Road Corridor Overlay Districts, and Cultural Resource Category shall comply with those respective requirements in subsection **D.3** of this section.
 - ii. Rezoning applications, including new PAD applications, shall be subject to all the provisions of the ESL conservation system. Applications to amend PADs or rezoning conditions in effect prior to adoption of the ordinance codified in this section are subject to all requirements herein when

the proposed amendment includes changes to density, intensity or use unless at least twenty-five percent (25%) of the site has been developed with infrastructure and finished building pads.

iii. INFORMATION REGARDING THE PRIMARY CONSERVATION CATERGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) SHALL BE CONSIDERED AS PART OF MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS, IN ACCORDANCE WITH SECTION 22.2..

iv. MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS FOR PROPERTY WHICH HAS NOT BEEN MAPPED FOR ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION CATEGORIES SHALL INCLUDE MAPPING FOR PRIMARY CONSERVATION CATERGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA).

v. CONSERVATION CATEGORY MAPPING REQUIRED BY SECTION 27.10.B.1.b.iv ABOVE SHALL BE COMPLETED IN ACCORDANCE WITH ADDENDUM G AND APPLICABLE PROVISIONS OF THIS SECTION. FOLLOWING TOWN COUNCIL ACTION ON THE GENERAL PLAN AMENDMENT, THE PLANNING AND ZONING ADMINISTRATOR SHALL ADMINISTRATIVELY UPDATE THE ESL PLANNING MAP UPON CERTIFICATION THAT THE MAPPING WAS COMPLETED IN ACCORDANCE WITH THIS SECTION.

c. Once a property is rezoned and open space is conserved as provided herein, environmentally sensitive open space (ESOS) percentages may not be cumulatively reapplied a second time to property or subsequent parcel splits as part of any custom home, subdivision plat, site plan, conditional use permit, and/or off-site improvement permits.

Rezoning on property previously subject to ESL will be evaluated by the Town Council on a case-by-case basis.

d. All development activity on applicable properties shall comply with provisions specified in Table 27.10-1A or 27.10-1B, ESL applicability, respectively.

e. Applicability is further established in each ESL section.

Table 27.10-1B Environmentally Sensitive Lands, Section 27.10 Applicability for Rezoning, PAD Amendments **AND**
GENERAL PLAN AMENDMENTS

| Section Title and Notes | Code Section <u>27.10</u> | Rezoning or Certain PAD Amendments ¹ | General Plan Amendment |
|------------------------------------|---------------------------|---|------------------------|
| ESLS | | | |
| Application Incentive | B.3 | N | N |
| Major Wildlife Linkage | D.3.a | Y | <u>Y</u> ¹ |
| Critical Resource Areas | D.3.b | Y | <u>Y</u> ¹ |
| Core Resource Areas | D.3.c | Y | <u>Y</u> ¹ |
| Resource Management Areas | D.3.d | Y | <u>Y</u> N |
| Cultural Resources | D.3.e | Y | <u>Y</u> N |
| Scenic Resources | D.3.f | Y | <u>Y</u> N |
| Hillside Area Category | D.3.g | Y | <u>Y</u> N |
| Hillside Development Zone | Addendum I.1 | N | N |
| Open Space Requirements | E.1 – 4 | Y | <u>Y</u> N |
| Riparian Habitat Overlay Zone | Addendum I.2 | N | N |
| ESOS Use and Development Standards | F.1 | Y | <u>Y</u> N |
| Development Balance and Incentives | F.2 | Y | <u>Y</u> N |
| ESOS Design Standards | F.3 | Y | <u>Y</u> N |
| Mitigation | G.1 – 6 | Y | <u>Y</u> N |

¹ INFORMATION REGARDING PRIMARY CONSERVATION CATERGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) SHALL BE CONSIDERED AS PART OF MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS, IN ACCORDANCE WITH SECTION 22.2.

C. Environmentally Sensitive Lands (ESL) Regulations and Maps

1. ESL Resource Identification

ESL regulations address properties where specific environmental conditions exist. The ESL maps, which are available at the Oro Valley Planning Division, have two (2) components: the Resource Science Map and the ESL Planning Map.

2. Adopted ESL Maps

a. Resource Science Map

i. Elements

Resource Science Maps identify the location of conservation categories that include specific resources as defined herein. Resource types include wildlife corridors, riparian areas, distinct vegetation, and critical habitats.

Known, biologically based, sensitive resources and associated conservation categories are consistent with Pima County's Sonoran Desert Conservation Plan. Each has been identified in Oro Valley through field review by resource professionals.

ii. Usage

The Resource Science Map is not a regulatory land use map. It is the basis for creating and maintaining the regulatory ESL Planning Map.

If an amendment to the ESL Planning Map is approved containing changes to the location of sensitive resources, the Resource Science Map shall be administratively updated by the Town as necessary.

b. ESL Planning Map

i. Elements

The Planning Map is constructed by merging the Resource Science Map with adopted General Plan land use and growth area designations. Six (6) categories, each corresponding to specific conservation requirements in these regulations, are identified on the Planning Map including: major wildlife linkage; critical resource area; core resource area; resource management area-1; resource management area-2; and resource management area-3.

The resource management area category, in response to adopted land use policy, specifies three (3) levels of conservation based on planned growth patterns. Each is further described in subsection [D.3](#) of this section.

ii. Usage

The ESL Planning Map is a regulatory land use map that shall be applied to relevant development applications and properties as outlined in subsection [B](#) of this section, Applicability.

c. Existing Overlay District Maps Adopted Prior to the ESL Regulations

i. Elements

The Existing Overlay Maps include the Riparian Habitat Overlay District, Tangerine Road Corridor Overlay District, and the Oracle Road Scenic Corridor Overlay District.

ii. Usage

The Overlay District elements remain as a regulatory land use map that shall be applied to relevant development applications and properties as outlined in subsection B of this section, Applicability.

3. *Unmapped Resources*

- a. The adopted ESL maps do not include the following environmentally sensitive resource categories: scenic resource areas, cultural resources and hillside areas. Identification and conservation of these three (3) resource types are addressed in subsection D of this section.
- b. Minor wildlife linkages, rock outcrop locations, and areas of distinct vegetation ~~are anticipated to~~ SHALL be identified as part of the development application review (REZONING AND CONCEPTUAL SITE PLAN, AS APPLICABLE) process. Discovery of these resource types requires their conservation in accordance with subsection D of this section, Table 27.10-2.



Town Council Regular Session

Item # **2. B.**

Meeting Date: 09/18/2013
Requested by: David Williams
Submitted By: Chad Daines, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)13-19, AMENDING SECTION 22.2 AND SECTION 27.10 OF THE ZONING CODE RELATIVE TO THE APPLICABILITY OF THE ENVIRONMENTALLY SENSITIVE LANDS (ESL) REQUIREMENTS TO GENERAL PLAN AMENDMENTS

RECOMMENDATION:

The Planning and Zoning Commission recommends approval.

EXECUTIVE SUMMARY:

This amendment was initiated by Town Council in order to address concerns from last year's Desert Springs Major General Plan Amendment, specifically the lack of clarity in the Zoning Code regarding the extent to which the Environmentally Sensitive Lands (ESL) regulations apply to a General Plan Amendment.

The proposed code amendment clarifies that specific conservation categories will be considered during a General Plan Amendment and also requires mapping of these resources (if not mapped) on properties which are the subject of a General Plan Amendment. The amendment text is included in Attachment 1.

The Planning and Zoning Commission Staff Report contains detailed information relative to the request and is provided as Attachment 2. A council report providing background information on the basic structure of the ESL regulations and conservation categories is provided as Attachment 3. The Draft Planning and Zoning Commission Minutes are provided as Attachment 4.

BACKGROUND OR DETAILED INFORMATION:

The amendment addresses two issues with the current ESL language: 1) Applicability of ESL to General Plan Amendments and 2) Unmapped properties.

ESL Applicability

The current ESL requirements contain incomplete language with regard to the applicability of ESL to General Plan Amendments. Understanding the sensitive environmental resources present on a property is an important consideration in the evaluation of land use intensity in a General Plan Amendment request. The most environmentally sensitive resources are included in three conservation categories: Major Wildlife Linkage, Critical Resources Area and Core Resource Area. Therefore, the applicability table has been modified to reflect these conservation categories as applicable to a General Plan Amendment. Further background and discussion on the ESL conservation categories and the amendment can be found in Attachments 2 and 3.

Unmapped Areas

The second part of the amendment addresses unmapped areas which are the subject of a General Plan Amendment. If a property is unmapped and is the subject of a General Plan Amendment, the mapping for that area must be completed in accordance with the ESL methodology and submitted in conjunction with the General Plan Amendment request.

Other Considerations

General Plan Amendments are currently evaluated with defined criteria in the Zoning Code. A new General Plan Amendment evaluation criteria is recommended, which requires consideration of ESL information in relation to a General Plan Amendment request. The new criteria requires a determination by Town Council on whether the land use proposed by a General Plan Amendment is reasonable after considering the presence of ESL resources.

Planning and Zoning Commission Review

The amendment was considered by the Planning and Zoning Commission on August 6th. The Commission heard from the Coalition for Sonoran Desert Protection (CSDP), the Southern Arizona Homebuilders Association (SAHBA) and several residents. After discussion, the Commission voted to recommend approval of the amendment as provided in Attachment 1.

Public Notification and Comment:

Notice was provided in the following manner:

- Town Hall and website posting
- Newspaper advertisement
- All registered HOA's

Staff also distributed the amendment to numerous stakeholders which include CSDP, SAHBA, Metropolitan Pima Alliance (MPA), planning and development engineering firms and land use attorneys. Comments were received from CSDP, SAHBA, MPA, a local attorney, an engineering firm and interested parties. As a result, these comments were considered in drafting the amended ESL language. Comments received from reviewing entities are provided in Attachment 5. Staff also met with CSDP, SAHBA, MPA and a resident in order to clarify comments received, as well as to discuss approaches in addressing the issues raised during the review of the amendment.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to adopt Ordinance No. (O)13-19, amending Section 22.2 and Section 27.10 of the Zoning Code, based on the finding that the amendment clarifies the applicability of the Town's ESL regulations to all General Plan Amendment applications.

OR

I MOVE to deny Ordinance No. (O)13-19, finding that the amendment is not warranted, specifically

_____.

Attachments

(O)13-19. Amending Sections 22.2 and 27.10

Attachment 2 - Planning and Zoning Commission Staff Report

Attachment 3 - Town Council Report

Attachment 4 - Planning and Zoning Commission Draft Minutes

Attachment 5 - Stakeholder Comments

ORDINANCE NO. (O)13-19

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.2, GENERAL PLAN AMENDMENT PROCEDURES, OF THE ORO VALLEY ZONING CODE REVISED AND CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTION 27.10 ENVIRONMENTALLY SENSITIVE LANDS; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, it is necessary to amend Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures, and Section 27.10 Environmentally Sensitive Lands to amend provisions relative to the applicability of the Environmentally Sensitive Lands (ESL) requirements to Major and Minor General Plan Amendments; and

WHEREAS, the proposed amendments will clarify the ESL requirements with regard to General Plan Amendments and adds an additional criteria which requires consideration of the most sensitive resources in the evaluation of a General Plan Amendment; and

WHEREAS, the Planning and Zoning Commission held a meeting on August 6, 2013, and voted to recommend approval of amending Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures and Chapter 27, General Development Standards , Section 27.10 Environmentally Sensitive Lands; and

WHEREAS, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s and finds that they are consistent with the Town’s General Plan and other Town ordinances and are in the best interest of the Town.

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

SECTION 1. that certain document entitled Chapter 22, Review and Approval Procedures, Section 22.2, General Plan Amendment Procedures and Chapter 27, General Development Standards , Section 27.10 Environmentally Sensitive Lands, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A” and incorporated herein by this reference and declared a public record on September 18, 2013, 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 the resolution or any part of the General Plan Amendment adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 18th day of September, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

Zoning Code

Chapter 22

Review and Approval Procedures

. . .

Section 22.2 General Plan Amendment Procedures

D. General Plan Amendment Procedures

All minor and major amendments to the General Plan shall follow the procedures outlined below:

1. Application

- a. Amendments to the Land Use Map may be initiated by the Town or by the landowner only.
- b. Text amendments including, but not limited to, the General Plan elements, policies, goals, objectives and implementation strategies may be requested by any individual, whether a land holder in the Town or not, or by a Town Official or Town resident.

2. Review Process

a. Minor Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Amendments may be submitted any time of the year.

iii. MINOR GENERAL PLAN AMENDMENT APPLICATIONS FOR PROPERTY WHICH HAS NOT BEEN MAPPED FOR ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION CATEGORIES SHALL INCLUDE MAPPING FOR PRIMARY CONSERVATION CATERGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) IN ACCORDANCE WITH SECTION 27.10.B.1.b.iv.WITH THE INITIAL SUBMITTAL OF THE AMENDMENT APPLICATION.

iii- iv. Neighborhood Meetings

- a) At least one neighborhood meeting must be provided prior to submittal of a formal application for all proposed changes to the Land Use Map.
- b) Town policies for notification of General Plan amendments must be followed to achieve a neighborhood meeting.
- c) Additional meetings for text amendments may be required at the discretion of the Planning and Zoning Administrator.

b. Major Amendment

- i. Submittal requirements are established by the Planning and Zoning Administrator. Additional studies or other materials may be required when warranted.
- ii. Applications are accepted from January 1st to April 30th.

iii. MAJOR GENERAL PLAN AMENDMENT APPLICATIONS FOR PROPERTY WHICH HAS NOT BEEN MAPPED FOR ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION CATEGORIES

SHALL INCLUDE MAPPING FOR PRIMARY CONSERVATION CATERGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) IN ACCORDANCE WITH SECTION 27.10.B.1.b.iv.WITH THE INITIAL SUBMITTAL OF THE AMENDMENT APPLICATION

~~iii.~~ iv. Neighborhood Meetings

- a) At least two neighborhood meetings must be provided prior to submittal of a formal application for all changes to the Land Use Map. If there are any substantive changes to the application after formal submittal, an additional neighborhood meeting will be required.
- b) Neighborhood meetings must occur not more than two (2) months prior to submittal. The meetings must be facilitated by Town of Oro Valley staff.
- c) Town policies for notification of General Plan amendments must be followed in notifying property owners of a neighborhood meeting.

~~iv.~~ v. All applications must be reviewed concurrently at a minimum of two public hearings by the Planning and Zoning Commission in different locations.

~~v.~~ vi. All major amendments are to be presented to the Council at a single public hearing prior to the end of the calendar year that the proposal is made.

~~vi.~~ vii. Public Notification for All Public Hearings. Public notification shall be given not less than fifteen (15) days prior to the scheduled hearing date and will include at a minimum:

- a) Notice of the proposed amendment will be advertised a minimum of three (3) times in two (2) widely distributed newspapers.
- b) All property owners within one thousand (1,000) feet of the subject property will be directly notified of the amendment when the amendment involves a change in land use. The Planning and Zoning Administrator may expand the notification area in accordance with Section [22.15.B.2.b.](#)
- c) All homeowner's associations registered in Oro Valley will be notified of the amendment.
- d) Signs noticing the proposed amendment will be posted on the property on a sign or signs three (3) feet by four (4) feet in size, with white background and five (5) inch letters.

~~vii.~~ viii. Adoption of a major amendment requires a two-thirds (2/3) vote of the Town Council

c. Major General Plan Amendments for Immediate Review.

The Town Council may initiate a major General Plan amendment at any time of the year outside of the application timeframe established by subsection [D.2.b.ii](#) of this section, subject to the following:

- i. The initiation of a major General Plan amendment pursuant to this section shall be at a noticed public hearing.
- ii. The submittal content, public notice, neighborhood meeting public hearings and super majority approval requirements for a major General Plan amendment initiated pursuant to this section shall conform with the requirements of subsection [D](#) of this section.
- iii. Town Council may initiate a major General Plan amendment pursuant to this section based on the following findings:
 - a) The applicant has demonstrated that waiting for the normal amendment period would deny substantial and significant benefits to the greater community.

- b) The applicant has demonstrated that waiting for the normal amendment period would place the community at greater health and safety risks.

d. ENVIRONMENTALLY SENSITIVE LANDS EVALUATION

INFORMATION REGARDING THE PRIMARY CONSERVATION CATEGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) SHALL BE CONSIDERED AS PART OF MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS. THE REASONABLENESS OF PROPOSED LAND USE INTENSITY SHALL BE DETERMINED BY TOWN COUNCIL UPON CONSIDERATION OF THE ENVIRONMENTAL RESOURCES PRESENT ON THE PROPERTY.

3. Adoption of Amendment

The disposition of the General Plan amendment proposed shall be based on consistency with the vision, goals, and policies of the General Plan, with special emphasis on compliance with the following criteria:

- a. The proposed change is necessary because conditions in the community have changed to the extent that the plan requires amendment or modification; and
- b. The proposed change is sustainable by contributing to the socio-economic betterment of the community, while achieving community and environmental compatibility; and
- c. The proposed change reflects market demand which leads to viability and general community acceptance; and
- d. The amendment will not adversely impact the community as a whole, or a portion of the community without an acceptable means of mitigating these impacts through the subsequent zoning and development processes.

The applicant for the amendment shall have the burden of presenting facts and other materials to support these criteria in writing, prior to any public hearings.

Chapter 27

General Development Standards

• • •

Section 27.10 Environmentally Sensitive Lands

B. Applicability

1. General

- a. The provisions of ESL only apply to properties where specified environmental conditions are identified on the ESL Planning Map or described herein.
- b. ESL regulates specific types of development applications at various stages of the development approval process as delineated below:
 - i. All subdivision plat, site plan, conditional use permit, and permit applications subject to the Oracle Road Scenic Corridor, Tangerine Road Corridor Overlay Districts, and Cultural Resource Category shall comply with those respective requirements in subsection **D.3** of this section.
 - ii. Rezoning applications, including new PAD applications, shall be subject to all the provisions of the ESL conservation system. Applications to amend PADs or rezoning conditions in effect prior to adoption of the ordinance codified in this section are subject to all requirements herein when

the proposed amendment includes changes to density, intensity or use unless at least twenty-five percent (25%) of the site has been developed with infrastructure and finished building pads.

iii. INFORMATION REGARDING THE PRIMARY CONSERVATION CATERGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) SHALL BE CONSIDERED AS PART OF MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS, IN ACCORDANCE WITH SECTION 22.2..

iv. MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS FOR PROPERTY WHICH HAS NOT BEEN MAPPED FOR ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION CATEGORIES SHALL INCLUDE MAPPING FOR PRIMARY CONSERVATION CATERGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA).

v. CONSERVATION CATEGORY MAPPING REQUIRED BY SECTION 27.10.B.1.b.iv ABOVE SHALL BE COMPLETED IN ACCORDANCE WITH ADDENDUM G AND APPLICABLE PROVISIONS OF THIS SECTION. FOLLOWING TOWN COUNCIL ACTION ON THE GENERAL PLAN AMENDMENT, THE PLANNING AND ZONING ADMINISTRATOR SHALL ADMINISTRATIVELY UPDATE THE ESL PLANNING MAP UPON CERTIFICATION THAT THE MAPPING WAS COMPLETED IN ACCORDANCE WITH THIS SECTION.

- c. Once a property is rezoned and open space is conserved as provided herein, environmentally sensitive open space (ESOS) percentages may not be cumulatively reapplied a second time to property or subsequent parcel splits as part of any custom home, subdivision plat, site plan, conditional use permit, and/or off-site improvement permits.

Rezoning on property previously subject to ESL will be evaluated by the Town Council on a case-by-case basis.

- d. All development activity on applicable properties shall comply with provisions specified in Table 27.10-1A or 27.10-1B, ESL applicability, respectively.

- e. Applicability is further established in each ESL section.

Table 27.10-1B Environmentally Sensitive Lands, Section 27.10 Applicability for Rezoning, PAD Amendments **AND**
GENERAL PLAN AMENDMENTS

| Section Title and Notes | Code Section <u>27.10</u> | Rezoning or Certain PAD Amendments ¹ | General Plan Amendment |
|------------------------------------|---------------------------|---|------------------------|
| ESLS | | | |
| Application Incentive | B.3 | N | N |
| Major Wildlife Linkage | D.3.a | Y | <u>Y</u> ¹ |
| Critical Resource Areas | D.3.b | Y | <u>Y</u> ¹ |
| Core Resource Areas | D.3.c | Y | <u>Y</u> ¹ |
| Resource Management Areas | D.3.d | Y | <u>Y</u> N |
| Cultural Resources | D.3.e | Y | <u>Y</u> N |
| Scenic Resources | D.3.f | Y | <u>Y</u> N |
| Hillside Area Category | D.3.g | Y | <u>Y</u> N |
| Hillside Development Zone | Addendum I.1 | N | N |
| Open Space Requirements | E.1 – 4 | Y | <u>Y</u> N |
| Riparian Habitat Overlay Zone | Addendum I.2 | N | N |
| ESOS Use and Development Standards | F.1 | Y | <u>Y</u> N |
| Development Balance and Incentives | F.2 | Y | <u>Y</u> N |
| ESOS Design Standards | F.3 | Y | <u>Y</u> N |
| Mitigation | G.1 – 6 | Y | <u>Y</u> N |

¹ INFORMATION REGARDING PRIMARY CONSERVATION CATERGORIES (MAJOR WILDLIFE LINKAGE, CRITICAL RESOURCE AREA AND CORE RESOURCE AREA) SHALL BE CONSIDERED AS PART OF MAJOR AND MINOR GENERAL PLAN AMENDMENT APPLICATIONS, IN ACCORDANCE WITH SECTION 22.2.

C. Environmentally Sensitive Lands (ESL) Regulations and Maps

1. ESL Resource Identification

ESL regulations address properties where specific environmental conditions exist. The ESL maps, which are available at the Oro Valley Planning Division, have two (2) components: the Resource Science Map and the ESL Planning Map.

2. Adopted ESL Maps

a. Resource Science Map

i. Elements

Resource Science Maps identify the location of conservation categories that include specific resources as defined herein. Resource types include wildlife corridors, riparian areas, distinct vegetation, and critical habitats.

Known, biologically based, sensitive resources and associated conservation categories are consistent with Pima County's Sonoran Desert Conservation Plan. Each has been identified in Oro Valley through field review by resource professionals.

ii. Usage

The Resource Science Map is not a regulatory land use map. It is the basis for creating and maintaining the regulatory ESL Planning Map.

If an amendment to the ESL Planning Map is approved containing changes to the location of sensitive resources, the Resource Science Map shall be administratively updated by the Town as necessary.

b. ESL Planning Map

i. Elements

The Planning Map is constructed by merging the Resource Science Map with adopted General Plan land use and growth area designations. Six (6) categories, each corresponding to specific conservation requirements in these regulations, are identified on the Planning Map including: major wildlife linkage; critical resource area; core resource area; resource management area-1; resource management area-2; and resource management area-3.

The resource management area category, in response to adopted land use policy, specifies three (3) levels of conservation based on planned growth patterns. Each is further described in subsection [D.3](#) of this section.

ii. Usage

The ESL Planning Map is a regulatory land use map that shall be applied to relevant development applications and properties as outlined in subsection [B](#) of this section, Applicability.

c. Existing Overlay District Maps Adopted Prior to the ESL Regulations

i. Elements

The Existing Overlay Maps include the Riparian Habitat Overlay District, Tangerine Road Corridor Overlay District, and the Oracle Road Scenic Corridor Overlay District.

ii. Usage

The Overlay District elements remain as a regulatory land use map that shall be applied to relevant development applications and properties as outlined in subsection B of this section, Applicability.

3. Unmapped Resources

- a. The adopted ESL maps do not include the following environmentally sensitive resource categories: scenic resource areas, cultural resources and hillside areas. Identification and conservation of these three (3) resource types are addressed in subsection D of this section.
- b. Minor wildlife linkages, rock outcrop locations, and areas of distinct vegetation ~~are anticipated to~~ SHALL be identified as part of the development application review (REZONING AND CONCEPTUAL SITE PLAN, AS APPLICABLE) process. Discovery of these resource types requires their conservation in accordance with subsection D of this section, Table 27.10-2.



Zoning Code Amendment Planning and Zoning Commission Staff Report

CASE NUMBER: OV713-01, ESL Zoning Code Amendment

MEETING DATE: August 6, 2013

AGENDA ITEM: 3

STAFF CONTACT: Chad Daines, Principal Planner
cdaines@orovalleyaz.gov (520) 229-4896

Applicant: Town Council Initiated

Request: A Zoning Code Amendment to Section 22.2 and Section 27.10 to amend provisions relative to the applicability of the Environmentally Sensitive Lands (ESL) requirements to Major and Minor General Plan Amendments.

Recommendation: Approve Zoning Code Amendment

SUMMARY:

During last year's Major General Plan Amendment review of the Desert Springs request, several questions arose concerning the applicability of the Environmentally Sensitive Lands requirements to General Plan Amendments (GPA). First, the Zoning Code contains conflicting references in regard to what extent ESL requirements are applicable to GPA requests. Secondly, areas outside Town limits are not assigned ESL Conservation Categories and the Code lacks clarity with regard to whether these areas need to be mapped (assigned Conservation Categories) in conjunction with a GPA application for unincorporated property being considered for annexation.

To address these questions and clarify requirements, Town Council initiated an amendment to the Zoning Code in March of this year. In summary, the amendment clarifies that the primary environmentally-based Conservation Categories (Major Wildlife Linkage, Critical Resource Area and Core Resource Area) are to be considered during the GPA process to provide an understanding of the environmental resources on the property. For unmapped areas, the primary environmentally-based Conservation Categories shall be mapped and submitted in conjunction with a GPA application.

The draft amendment has been distributed to a number of stakeholders including the Coalition for Sonoran Desert Protection, Southern Arizona Homebuilders Association, Metropolitan Pima Alliance and additional planning and development engineering firms and legal representatives. A number of comments have been received, which were

considered in drafting the amended ESL language. The draft amendment is provided as Attachment 1. Comments received from reviewing entities are provided on Attachment 2.

BACKGROUND:

ESL Applicability

The Environmentally Sensitive Lands (ESL) requirements were adopted into the Zoning Code in February 2011. Minor clarifications are needed to ensure the requirements are applied consistently with the original intent and purpose.

The current ESL requirements contain conflicting language with regard to the applicability of ESL to General Plan Amendments. The current ESL Applicability section does not contain any reference to Major or Minor General Plan Amendments. However, Table 27.10-1B (titled Applicability for Rezonings and PAD Amendments), has a column addressing General Plan Amendment applicability.

Staff's conclusion after reviewing the current conflicting language and discussing this issue with the primary authors of the ESL regulations is that it was never intended that the majority of ESL requirements be applied at the General Plan Amendment stage. Although conformance with most detailed ESL requirements is more appropriate at the rezoning and conceptual design stage, understanding the general environmental resources present on a property is an important consideration in the evaluation of land use intensity in a general plan amendment request. The attached amendment language strives to clarify the applicability requirements and implement this approach.

Conservation Categories

In conjunction with the adoption of the ESL requirements, the Town adopted an ESL Planning Map (Attachment 3) which assigns Conservation Categories to undeveloped land within Town boundaries. The ESL establishes three primary environmentally-based categories: Major Wildlife Linkage, Critical Resource Area and Core Resource Area. The purpose and descriptions for these categories are contained in the ESL text.

ESL also establishes three Resource Management Area (RMA) categories, which are intended to implement open space conservation based on land use intensity expressed on the General Plan Land Use Plan. In this way, the (RMA) categories are different than the primary environmentally-based categories in that the Resource Management Area categories are derived from General Plan future land use designations. If the future land use is changed via a general plan amendment, then the RMA level or tier changes as well. Table 27.10-3 (Attachment 4) depicts the three Resource Management Area categories and corresponding land use designation in the General Plan.

DISCUSSION / ANALYSIS:

As previously stated, the ESL Planning Map only assigns Conservation Categories to property within Town boundaries. The first part addresses Section 22.2 General Plan Amendment and clarifies that Major and Minor General Plan Amendment applications for property outside Town limits shall include mapping for the primary environmentally-based Conservation Categories (Major Wildlife Linkage, Critical Resource Area and Core Resource Area). RMA category mapping is not required as that designation is driven by the General Plan categories.

The second portion of the amendment addresses the applicability of ESL to General Plan Amendments. For General Plan Amendments, information regarding the primary environmentally-based categories should be considered in conjunction with the amendment request for an understanding of the environmental resources present on the property. For areas within Town limits, this will not result in additional resource mapping as these areas have already been assigned Conservation Categories. For areas which have not been mapped, applications for General Plan Amendments shall include mapping of the primary environmentally-based Conservation Categories. This amended section requires that mapping be completed in accordance with the methodology used to create the ESL Resource Science and Planning Maps, which is established in Section 27.10 and Addendum G to the Zoning Code.

Table 27.10-1B has been amended to clarify that only the primary environmentally-based Conservation Categories (Major Wildlife Linkage, Critical Resource Area and Core Resource Area) are applicable for a General Plan Amendment as they are impacted by land use intensity. The balance of ESL requirements will be addressed at subsequent rezoning and conceptual site plan stages in the development process as they are primarily impacted by project design.

A minor amendment has been added to a final section, Unmapped Resources, to clarify that minor wildlife linkages, rock outcrop locations and areas of distinct vegetation are required to be identified during the rezoning and conceptual site plan process. The location and conservation of these resources is expected to effect project design.

PUBLIC PARTICIPATION:

The draft amendment was distributed to a number of stakeholders including the Coalition for Sonoran Desert Protection (CSDP), Southern Arizona Homebuilders Association (SAHBA), Metropolitan Pima Alliance (MPA) and additional planning and development engineering firms and land use attorneys. At the time of this report comments have been received from CSDP, SAHBA, a local attorney, engineering firm and one interested resident. These comments were considered in drafting the amended ESL language. Comments received from reviewing entities are provided on Attachment 2. Staff also met

with stakeholders including SAHBA, MPA and Bill Adler to clarify comments received and discuss approaches to address issues raised during the review of the amendment.

SUMMARY / CONCLUSION

In summary, the proposed amendment clarifies the ESL requirements with regard to General Plan Amendments and adds an additional criteria which requires consideration of the most sensitive resources in the evaluation of a General Plan Amendment.

RECOMMENDATION:

Based on the finding that the amendment is consistent with the intent and purpose of the ESL regulations and identifies environmental resources as an important consideration during the General Plan Amendment process.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend approval to the Town Council of the requested Zoning Code Amendment OV713-01.

SUGGESTED MOTIONS:

I move to recommend approval of the proposed amendments to the Zoning Code as provided on Attachments 1, based on the finding that the amendment is consistent with the intent and purpose of the ESL regulations and identifies environmental resources as an important consideration during the General Plan Amendment process.

OR

I move to recommend denial of the Zoning Code, finding that _____
_____.

ATTACHMENTS:

1. Zoning Code Amendment
2. Stakeholder Comments
3. ESL Planning Map
4. ESL Table 27.10-3 Resource Management Areas

Chad Daines, AICP Principal Planner



Town Manager's Office

TOWN COUNCIL REPORT

DATE: August 30, 2013
TO: Mayor and Councilmembers
FROM: Greg Caton, Town Manager
Paul Keesler, DIS Director
SUBJECT: Environmentally Sensitive Lands Overview

This report is intended to provide background information on the basic structure of the Town's Environmentally Sensitive Lands (ESL) regulations and the proposed ESL zoning code amendment tentatively scheduled for Town Council consideration on September 18th.

DISCUSSION

The environmental resources present on a property are an important consideration in the evaluation of land use intensity in a general plan amendment request. The proposed amendment strives to maintain this important environmental focus through consideration of the most sensitive environmental resource categories during the general plan amendment process.

The Primary Environmentally-Based Categories contain the most environmentally sensitive resources and as such, require the highest level of conservation (open space). The proposed amendment recommends that these three Conservation Categories be considered in evaluating general plan amendments and that Council determine whether a proposed land use is reasonable considering the presence of these environmental resources.

The Planned Growth Category, Resource Management Area (RMA), is intended to reflect or accommodate the planned intensity of land use in the General Plan. The proposed amendment does not recommend the RMA category be considered during a general plan amendment, as it is based on growth expectations not environmental resources.

BACKGROUND

The Sonoran Desert is rich in natural resources including animal habitat, wash and river corridors, native plants, hillsides, cultural resources and scenic vistas. In recognition of the importance of these resources, the General Plan directed ESL be included on the Planning Work Plan. In 2011, upon completion of this work plan item, the Town Council adopted the Environmentally Sensitive Lands regulations. The goal of these regulations is to conserve important aspects of the natural environment, balanced against growth expectations defined by the General Plan.

To this end, the ESL regulations define Conservation Categories for various environmental resources. Based on the Pima County Conservation Lands System and refined by a detailed scientific assessment, the Town assigned these Conservation Categories to property throughout the Town (see attached ESL Planning Map). The Conservation Categories require a specific level of conservation, expressed in terms of required open space percentages.

The ESL Conservation Categories are as follows:

Primary Environmentally-Based Categories: *The following three categories are intended for the most environmentally sensitive resource areas.*

| | |
|-------------------------|---|
| Major Wildlife Linkage: | Large mammal movement corridors between public preserves and open spaces. (100% Open Space) |
| Critical Resource Area: | Riparian and wash corridors, major rock outcrops and boulders, caves and crevices. (95% Open Space) |
| Core Resource Area: | Habitat supporting five or more priority vulnerable species, distinctive plant stands. (80% Open Space) |

Planned Growth Category: *The following category contains the least sensitive environmental resources and is designed to reflect the planned intensity of land use in the General Plan.*

| | |
|---------------------------|--|
| Resource Management Area: | Habitat supporting three or more priority vulnerable species, distinctive individual native plants, minor rock outcrops and boulders. (Varies from 0 to 66% Open Space, depending on General Plan future land use) |
|---------------------------|--|

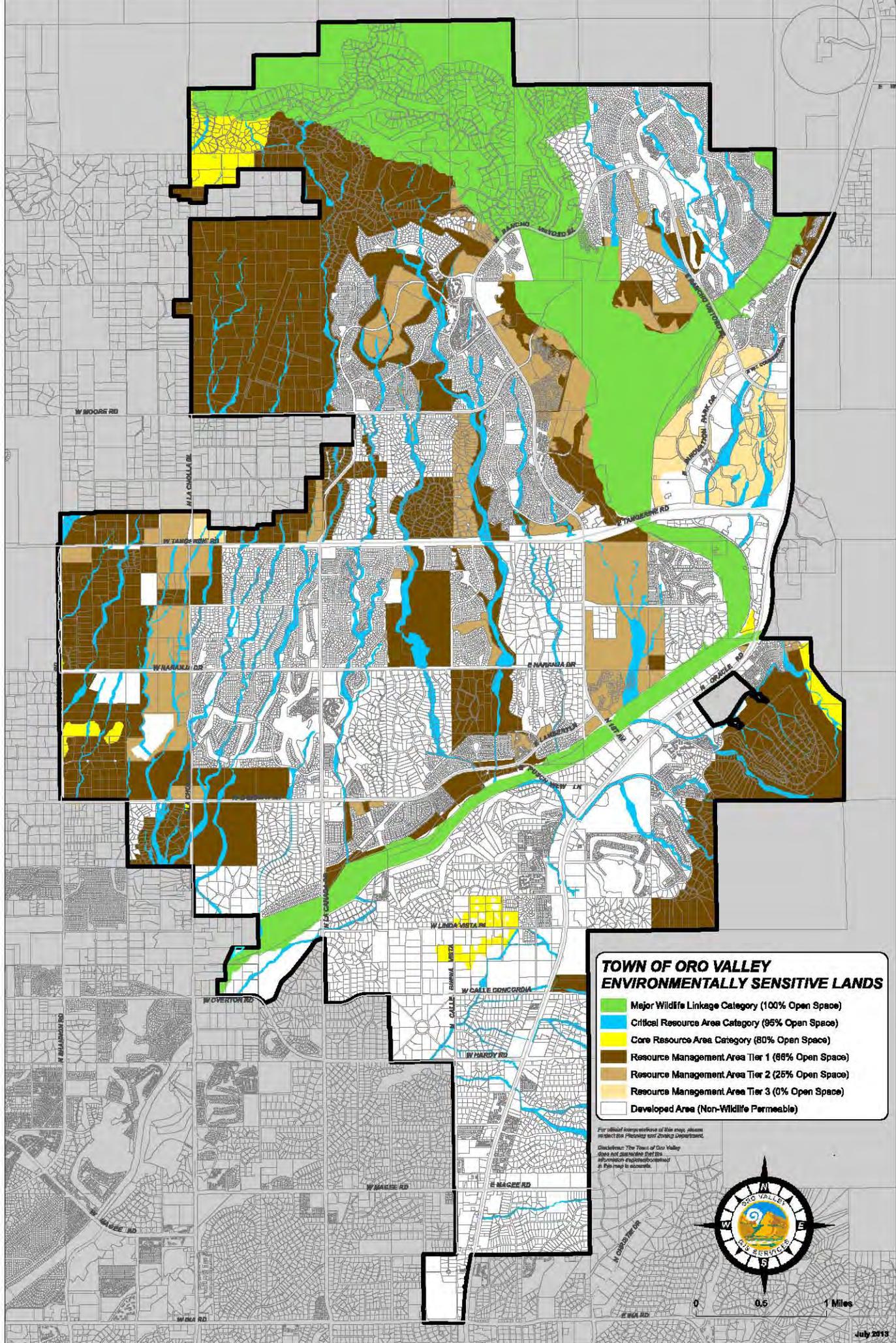
Non-Biologically Based Categories: *The following categories do not contain biological resources and are intended to be mapped during the design phase of development.*

Cultural Resources
Scenic Resources
Hillside Areas

The Non-Biologically Based Categories (Cultural, Scenic and Hillside) are not mapped on the ESL Planning Map. As these categories are driven by design, mapping of these resource categories occurs during the rezoning and subsequent design phases of the development process.

RECOMMENDATION

This report is for information only.



**TOWN OF ORO VALLEY
ENVIRONMENTALLY SENSITIVE LANDS**

- Major Wildlife Linkage Category (100% Open Space)
- Critical Resource Area Category (95% Open Space)
- Core Resource Area Category (80% Open Space)
- Resource Management Area Tier 1 (68% Open Space)
- Resource Management Area Tier 2 (25% Open Space)
- Resource Management Area Tier 3 (0% Open Space)
- Developed Area (Non-Wildlife Permeable)

For official interpretation of this map, please contact the Planning and Zoning Department.
Disclaimer: The Town of Oro Valley does not guarantee that the information depicted on this map is accurate.



0 0.5 1 Miles

**MINUTES
 ORO VALLEY PLANNING AND ZONING COMMISSION
 REGULAR SESSION
 August 6, 2013
 ORO VALLEY COUNCIL CHAMBERS
 11000 N. LA CAÑADA DRIVE**

CALL TO ORDER AT OR AFTER 6:00 PM

Chairman Swope called the meeting to order at 6:02 PM

ROLL CALL

PRESENT: Robert Swope, Chairman
 Don Cox, Vice Chairman
 John Buette, Commissioner
 Bill Rodman, Commissioner
 Tom Drzazgowski, Commissioner

EXCUSED: Alan Caine, Commissioner
 Bill Leedy, Commissioner

ALSO PRESENT: Lou Waters, Councilmember

PLEDGE OF ALLEGIANCE

Chairman Swope led the audience in the Pledge of Allegiance

CALL TO AUDIENCE -

There were no speaker requests.

COUNCIL LIAISON COMMENTS

No comments from the Council Liaison.

- 1. REVIEW AND/OR APPROVAL OF THE JUNE 4, 2013 STUDY SESSION/REGULAR SESSION MEETING MINUTES AND THE JUNE 20, 2013 STUDY SESSION MEETING MINUTES**

MOTION: A motion was made by Vice Chair Cox and seconded by Commissioner Buette to Approve the June 4, 2013 Study Session/Regular Session and June 20, 2013 Study Session meeting minutes.

MOTION carried, 5-0.

2. PUBLIC HEARING: MINOR GENERAL PLAN AMENDMENT TO CHANGE THE EXISTING LAND USE DESIGNATION FROM NEIGHBORHOOD COMMERCIAL/OFFICE (NCO) TO MEDIUM DENSITY RESIDENTIAL (MDR, 2.1 TO 5.0 DU/AC) ON PARCEL T, RANCHO VISTOSO, NEIGHBORHOOD 10, LOCATED ON THE NORTHEAST CORNER OF LA CANADA DRIVE AND MOORE ROAD (OV1113-04)

Rosevelt Arellano, Planner, presented the following:

- Request
- Map
- Vicinity Map
- General Plan Future Land Use Map
- Review Criteria
- General Plan Amendment Evaluation Criteria
- Distribution of Commercial Parcels North of Naranja Drive
- Factors for and Against
- Summary

Paul Oland, with WLB Group, representing the property owner, presented the following proposal:

- General Plan Amendment Criteria
- Conditions have changed
- Commercial Demand: Expected vs. Historical/Actual vs. Projected
- This Proposal is Socio-Economically Better
- This Proposal is Compatible
- Map of Two-Story Homes in the Area
- Future Rezoning Request
- This Proposal is Reflective of Demand

Chairman Swope opened the Public Hearing

Bill Adler, Oro Valley Resident, stated that the market demand is not there for commercial. Mr. Adler believes market demand is not the right formula; by the time these homes are built the market demand will change.

Chairman Swope closed the Public Hearing

Paul Oland, with WLB Group, responded to Mr. Adler's comments on market demands, based upon past history. Rancho Vistoso, which is 7,500 acres, has

developed very close to the way it was originally planned. Mr. Oland believes that Rancho Vistoso is a well planned community.

Commissioner Rodman asked if staff had a recommendation and if so he would like to hear it.

David Williams, Planning Manager, responded that there are compelling factors supporting this request and there are good reasons to not grant this request, staff is divided. Rancho Vistoso has not developed as envisioned, lower density has reduced commercial demand for the area. Rancho Vistoso was envisioned as a self-contained master planned community where people can live, work and shop without leaving Rancho Vistoso.

MOTION: A motion was made by Commissioner Buette and seconded by Vice Chair Cox to Approve of the Parcel 10T Minor General Plan Amendment from Neighborhood Commercial/Office to Medium Density Residential (2.1 - 5 du/ac), based on the findings that the request complies with the Minor General Plan Amendment criteria and the Vision, goals and polices of the General Plan.

MOTION carried, 5-0.

3. PUBLIC HEARING: A ZONING CODE TEXT AMENDMENT TO SECTION 22.2 AND SECTION 27.10 TO AMEND PROVISIONS RELATIVE TO THE APPLICABILITY OF ENVIRONMENTALLY SENSITIVE LANDS, TO MAJOR AND MINOR GENERAL PLAN AMENDMENTS (OV 713-001)

Chad Daines, Principal Planner, presented the following:

- Applicability
- Request Summary
- Applicability Background
- ESL Primary Environmentally-Based Conservation Categories
- Resource Management Area (RMA) Planned Growth Tiers
- ESL Planning Map
- Proposed Amendment
- Stakeholders Review
- Summary
- Recommendation

Chairman Swope opened the public hearing

Jan Johnson, Non-Oro Valley resident, is very concerned because the land around Oro Valley is important and asked why the Pima County map can't be used. Applicants will

be duplicating the mapping that Pima County has already done for the Conservation Land System.

Bill Adler, Oro Valley resident, stated that the code amendment is complicated, because we are limiting the term applicability to consider three central considerations that impact a land use change. A rezoning can't proceed unless the proposed rezoning is consistent with the land use map. In his opinion, all considerations should be applicable. When changing a land use map, you should not be limited to only the three major considerations.

Carolyn Campbell, Non-Resident, representing Coalition for Sonoran Desert Protection, supports the amendments to the ESL. She requested two additions that are outlined in her letter dated July 24, 2013.

David Godlewski, Oro Valley resident, representing the Southern Arizona Home Owner Association agrees with staff recommendation. The policy is tailored for the Town and matches the initial intent of Mayor and Council from their March request. Mr. Godlewski requested that the Town monitor the effect of ESL to specific development applications and make future adjustment if warranted.

Chairman Swope closed the public hearing.

MOTION: A motion was made by Vice Chair Cox and seconded by Commissioner Buette to Recommend Approval of the proposed amendments to the Zoning Code as provided on Attachments 1, based on the finding that the amendment is consistent with the intent and purpose of the ESL regulations and identifies environmental resources as an important consideration during the General Plan Amendment process.

MOTION carried, 5-0.

PLANNING UPDATE (INFORMATIONAL ONLY)

David Williams, Planning Manager, presented the following Planning Update:

- Planning Work Plan
- Neighborhood meeting on August 15th, for a proposed rezoning on Tangerine and First Ave
- General Plan Process, completed communication consultant contract with Gordley Associates
- No Council meetings until September 4th
- Special Planning and Zoning Committee meeting, October 15th
- Special Planning and Zoning Committee meeting, November 7th, due to elections
- Effective Citizen Planner Workshop
- Mercado Mandarinina Rezoning tentatively scheduled for September 3rd Planning and

Zoning Commission

FUTURE AGENDA ITEMS

ADJOURNMENT

MOTION: A motion was made by Vice Chair Cox and seconded by Commissioner Drzazgowski to Adjourn the Planning and Zoning Commission meeting at 7:16 PM.

MOTION carried, 5-0.

DRAFT

Stakeholders Comments
Attachment 6



Southern Arizona Home Builders Association

**Southern Arizona
Home Builders
Association**

2840 N. Country Club Road
Tucson, Arizona 85716
Phone: (520) 795-5114
Fax: (520) 326-8665
Web: www.sahba.org

President
David M. Godlewski

2013 Executive Officers

Chairman
Ron Teaney
Miramonte Homes

1st Vice Chairman
Mike Leung
Red Point Development

2nd Vice Chairman
Josh Robinson
Pulte Homes

Secretary/Treasurer
Lisa Rankin
Southwest Gas

Immediate Past Chairman
Al LeCocq
A.B. LeCocq Construction

Affiliated With



August 6, 2013

Mr. Robert Swope
Chairman
Oro Valley Planning and Zoning Commission
11000 N. La Canada Dr.
Oro Valley, AZ 85737

RE: Proposed ESLO Zoning Code Amendment

Dear Chairman Swope:

Thank you for the opportunity to provide comments on the proposed Environmentally Sensitive Lands Ordinance Amendment. As stakeholders in the development of the ESLO, and representatives for the industry regulated by the Ordinance, we have a vested interest in its applicability, effect and possible changes. As such we were contacted by the town with respect to the March request by Mayor & Council for an amendment to clarify applicability on General Plan Amendments and lands for potential annexation.

It is our opinion the proposal before you meets that request. Furthermore we believe the Ordinance as it stands (and after it is amended) provides ample protections for the environmentally sensitive lands in Oro Valley as intended. We remain unsure as to the effect the Ordinance has had on the ability to develop land in the Town. In part, this is due to minimal new development since the adoption of the Ordinance.

In the interest of balancing the Town's environmental interests with a desire to streamline the development review and approval process, we recommend the Town review the Ordinance's effect on land acquisition and development. On behalf of our association, I would be happy to facilitate a discussion with professionals with knowledge and experience with Oro Valley development. Should this exercise identify opportunities to improve the Ordinance with respect to its development and business friendly goals, we would urge staff, Commissioners, and Council members to seek further amendments.

Regards,

David Godlewski

cc: Mr. Chad Dames

From: Allyson Solom [mailto:allysonhsolomon@gmail.com]

Sent: Friday, August 02, 2013 3:54 PM

To: Keesler, Paul

Cc: Amber Smith

Subject: Re: Meeting today regarding ESLO

Paul,

Thank you for reaching out. Since you sent out the final draft last week myself along with some of my members have been able to look over the new language. We have no additional comments here at MPA and appreciate you reaching out to us. It was helpful to be included in this policy matter early on. We look forward to working with you and your staff in the future.

Thank you and have a nice weekend,

Allyson Solomon

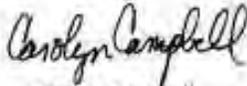
- **Core Resource Area (COR):** Core Resource Area Category, by definition, includes areas designated Biological Core Management Areas within the Pima County CLS. Therefore, if an area is designated as Biological Core under the CLS, it translates to Core Resource Area in the Town.
- **Major Wildlife Linkage (MWL):** The OV MWL category is a refinement of the CLS mapping, while also incorporating the specific linkage design done by Dr. Paul Beier (2006 AGFD/NAU). ESL mapping refined these linkages as shown on the ESL map. Additionally, the ordinance states: " MWL's include the Santa Catalina-Tortolita Mountains linkage, riparian areas, upland linkages and identified regional roadway crossings." (27.10 D(3)(a)(iii)c)
- **Critical Resource Area (CRA):** This category is a refinement of the CLS Important Riparian Areas (IRA). The CLS IRA's were used as a starting point and then refined using more detailed imagery and field verification.
- **Resource Management Areas (RMA):** These areas are a refinement of the CLS Multiple Use Management Areas with the adopted land use policies of the Town.

2. The current ESL regulations provide that the only category that changes with a General Plan Amendment is Resource Management Areas. The CRA, COR and MWL categories do not change with a General Plan Amendment and the proposed ESL amendment does not change this structure of ESL.

With these clarifications, the Coalition is supportive of the proposed revisions to both the General Plan Amendment Procedures (Section 22.2), and Environmentally Sensitive Lands.

Thank you again for the opportunity to comment on these proposed revisions to the Town's ESLD and for our inclusion in the stakeholder process over the last few months. We would appreciate being included in any future revisions of the ESLD if/when they do occur. If you have any questions, please do not hesitate to contact me.

Sincerely,



Carolyn Campbell
Executive Director

Chad:

I'm not sure who the "primary authors" of the ESL were, but I would have disagreed with a conclusion that requirements should not be applied at the General Plan Amendment stage.

As a Planning Commissioner, and interested citizen, I have never excluded any environmental requirements from consideration of an amendment to the General Plan. One reason is that citizens of Oro Valley expect all impacts to be considered, but secondly the change of density or use on a property necessitates it. Since a property can't be re zoned unless there is conformance

with the General Plan, how can the Plan be amended without considering requirements in advance of the re-zoning?

I know this isn't part of the ESL revision you've been charged with, but you mention this in your report, so I feel it is fair game.

Bill Adler

I'm sorry that I haven't gotten to this earlier.

On the first page of the revision, A. Purpose: 1b. uses the word Preservation and 1e uses the word conservation. They are not the same, of course. "significant resource area" will be deleted or revised in Plan Update as will "key" and "essential" habitat.

..

3b. I can't find in the General Plan any "growth expectations". Perhaps I'm looking for specifics.

B. Applicability; 1.b.iii (c): "Shall be considered" is not consistent with Purpose statement which includes the word "protect". The Town can't consider "protecting". That's a mandate. This entire ordinance has to do with "welfare" which includes enhancing, conserving special lands, property values, views and quality of life.

iv. I'm concerned about Pre annexation agreements, such as with Tohono Chul, that prescribes zoning conditions prior to annexation. The ESL must prevail within any pre annexation agreement.

c. I prefer clearer guidelines for Council on a "case by case" basis. Can't we provide a hypothetical example or two for guidance?

Bill Adler

Hi Chad,

I am writing in support of continuing protections to be built into the ESLO map as it expands. I cannot attend the meeting tomorrow night so I am letting you know where my support is on this important matter.

Paul Mercer
1837 E. Lone Rider Way
Oro Valley, AZ 85755

Planning and Zoning Commission
Town of Oro Valley
Attn: Chad Daines

August 3, 2013

Dear Commissioners:

The Tucson Mountains Association (TMA) is the resident association of record for a large area spanning portions of the City of Tucson, unincorporated Pima County, and Marana. TMA is the oldest resident organization in the State of Arizona (established in 1934). It includes the area bounded on the north by Twin Peaks Road, on the east by Silverbell Road, on the south by the 22nd Street Alignment/Starr Pass Boulevard, and on the west by Saguaro National Park and Tucson Mountain Park.

Our mission includes advocating for the conservation of our fragile Sonoran Desert ecosystem, establishment of wildlife corridors and riparian areas, protection of parks and open space, and assuring the health and well being of Tucson Mountains residents and visitors.

We understand that the Town of Oro Valley is currently updating their Environmental Sensitive Lands Ordinance (ESLO), and will be holding a public hearing on Tuesday, August 6.

TMA strongly supports the revisions suggested by the Coalition for Sonoran Desert Protection:

- We support the direct adoption of Pima County's Conservation Lands System categories for General Plan Amendments outside of the Town boundary limits. When the ESLO was developed, Pima County's Important Riparian Areas and Biological Core Areas were directly translated to Oro Valley's Critical Resource Areas and Core Resources Areas and we think this should remain consistent as the ESLO map is expanded.
- In order to protect lands in the Town's three most important conservation categories (Critical Resource Areas, Core Resource Areas, and Major Wildlife Linkages), the ordinance should clarify that the ESLO map for these lands cannot be amended.

Thank you for this opportunity to communicate with you.

Sincerely,

Dr. Ivy Schwartz, President

Hello, I'm an Oro Valley resident and want to urge you to accept the direction of the Center for Sonoran Desert Protection when considering changes to our open space in Oro Valley.

One of the best reasons for living here is the open space that still makes up our town. We can still hear coyotes at night and have wonderful, desert mornings. Part of making Oro Valley exclusive and special is our open space. Please conserve it for our families and for the inherent value it brings to all life.

Thank you for your consideration!

Sara Pike
13060 N Catbird Dr, OV, 85755

Dear Mr. Daines, I am writing to voice my concern for the issues below:

I support the direct adoption of Pima County's Conservation Lands System categories for General Plan Amendments outside of the Town boundary limits. When the ESLO was developed, Pima County's Important Riparian Areas and Biological Core Areas were directly translated to Oro Valley's Critical Resource Areas and Core Resources Areas and I think this should remain consistent as the ESLO map is expanded.

- In order to protect lands in the Town's three most important conservation categories (Critical Resource Areas, Core Resource Areas, and Major Wildlife Linkages), the ordinance should clarify that the ESLO map for these lands cannot be amended.

In short, it is critically important that we protect the sensitive habitat areas that support our beautiful desert eco-system. Oro Valley has an opportunity to prevent the tragic and irreversible loss of important environmentally sensitive lands. I live in Oro Valley because I appreciate the accessibility I have to natural areas. Without these opportunities, I would leave the area since there would be no compelling reason for me to stay. In many ways it would be more convenient and easier for me to live in Tucson, but Oro Valley offers me something I cannot get in Tucson; access to Catalina State Park and Honey Bee Canyon Park. I walk daily in one park or the other, and I spend my happiest hours watching the birds, the animals, painting and drawing. Please protect the land that makes Oro Valley a special place to live.

Respectfully,

Mary Sheeley
12873 N. Haight Pl.
Oro Valley, AZ 85755

I'd like to request your inclusion of the two following points in your ordinance revision:

- The direct adoption of Pima County's Conservation Lands System categories for General Plan Amendments outside of the Town boundary limits. When the ESLO was developed, Pima County's Important Riparian Areas and Biological Core Areas were directly translated to Oro Valley's Critical Resource Areas and Core Resources Areas and we think this should remain consistent as the ESLO map is expanded.
- In order to protect lands in the Town's three most important conservation categories (Critical Resource Areas, Core Resource Areas, and Major Wildlife Linkages), the ordinance should clarify that the ESLO map for these lands cannot be amended.

Thank you for your consideration,
Deron Beal

Chad and David,

Thank you for the opportunity to review the latest draft of the ESL ordinance amendment. The U.S. Fish and Wildlife Service appreciates Oro Valley's commitment to environmental resource conservation. We do not have any comments on this latest draft of the amendment. It appears to be consistent with the discussions and direction of the ordinance as presented by the resource professionals group. We are supportive of this ordinance amendment and the efforts by Oro Valley to be consistent with other conservation planning efforts in the region, such as Pima County's Sonoran Desert Conservation Plan. We appreciate the opportunity to provide input and support for this important effort. Please contact us if we can be of any further assistance.

Sincerely,

Scott Richardson
U.S. Fish and Wildlife Service
Tucson Suboffice
(520) 670-6150 x 242

Chad

Sorry I have not responded sooner. It's been crazy busy as of late and I have not been able to look at this until now.

Anyway, I don't really have comments on the specific language in this draft. It looks pretty straight forward to me. The only general comment I would make relates to processing and review time frames. Based on my Desert Springs experience, the process for thorough and proper ESL mapping for a property not yet mapped is going to require some time. Property owners should be aware that this process would likely add time to GP amendments and rezonings. Not sure how this might exactly be communicated, but the pre app is obviously a good time.

Has there been any discussion about making ESL part of the GP, rather than ordinance, in order to make its provisions policy rather than code? I realize this is a big consideration, but while the issue is open, perhaps it should be considered. I suspect however that it is the Town's intent to leave it as ordinance. I primarily raise this issue since the open space requirements are fixed. I think ESL would operate better if site-specific open space percentages were applied based on the actual resources of the site. I suspect that the Town does not intend to head down this path, but nonetheless I raise the issue.

I know you asked to meet with Paul and me. I'm out of the office until July 22 which is past your July 19 deadline. Good luck as you move forward with this.

Rob Longaker WLB

Chad:

Based on our phone conversation and your follow up e-mail below, Keri and I have the following additional comments/suggestions about the 3rd Draft:

1. Major/Minor General Plan Amendments, Sections 22.2.D.2.a.iii and D.2.b.iii. This identical new language for minor and major General Plan amendments is unnecessarily confusing. It's not clear what "not mapped" means in this context and what specific provisions of Sec. 27.10 are relevant to this requirement; i.e., what conservation categories are to be mapped with the application.
 - a. If the areas shown in white on the Town's ESL Map are effectively excluded by your proposed notation in the legend,

then all land now within the Town boundaries is “mapped” in the sense that it has been assigned one or more of the conservation categories (Major Wildlife Linkage, Critical Resource Area, Core Resource Area, Resource Management Area, Tiers 1, 2, and 3, and areas purposefully not mapped with any of these categories).

- b. If the preceding statement is correct, then the only “unmapped” land in the ESL Map sense is in unincorporated territory. And if that’s correct, why not say so?
- c. But as we discussed last Thursday, to do so underscores the RMA category combination of density policy in an ESL zoning regulation. If ESL zoning is to be applied to extraterritorial land (can you?) care should be taken to specify what ESL categories are to be mapped. At a minimum, there should be a cross reference more specific than the entire 80 page plus ESL Sec. 27.10 (discussed under 2 below).

2. Applicability of ESL to General Plan Amendments, Sec.

27.10.B.1.b.iii. As written, the proposed language does not clarify the questions raised in the General Plan section raised above. We’re not told what conservation categories are relevant to General Plan amendments or which mapping methodologies are to be used.

- a. Parallel construction. The introductory sentence of Subsection iii should be worded in the same fashion as the preceding subsections: “Major and minor General Plan amendment applications shall include information on the applicable ESL conservation categories identified in Table 27.10-1B”. This change will also avoid the misspelling of “categories” in the first line.
- b. Annexation situations. Create a separate subsection (iv) for the annexation (unmapped) situations: “Major and minor General Plan amendment applications for extraterritorial land shall provide mapped information on applicable ESL conservation categories identified in Table 27.10-1B. Mapping shall be accomplished according to [Addendum G?]”.

- c. Applicable categories. The answer to most of the questions raised above is provided by footnote 1 to Table 27.10-1B. Why hide that critical information in an obscure location (like a lawyer would do)? With the suggested changes in 2(a) and (b) above, the footnote isn't needed.
- d. Inclusion of Resource Management Areas (RMA) in the Table. If the RMA is an expression of a density policy mirroring those in the General Plan, why is it's mapping relevant to a General Plan amendment the purpose of which is (typically) to increase density/intensity of use? We think the RMA should be listed as a "N", not a "Y", for all General Plan amendment applications.

Chad, thanks for your patience and willingness to talk through the amendment. We hope this is helpful and are happy to discuss further if needed. Please e-mail or call if you have any questions.

Frank and Keri

Frank S. Bangs, Jr.
Lazarus, Silvyn & Bangs, P.C.

P.O. Box 8656
Catalina, AZ
Aug. 2, 2013

Arava Valley Planning & Zoning Commission
11,000 N. La Canada Dr.
Arava Valley, AZ 85755
ATTN: Chad Roberts

As a neighbor of Arava Valley I am concerned about curbing rampant development and the preservation of open space.

I support adoption of Pine County's Conservation Lands System Ordinance for General Plan Amendments outside of the Lower Granddike limits. I believe these should remain consistent as the Arava Valley EL50 map is expanded. In addition, the ordinance should clarify that the EL50 map for Critical Preserve Area, Oak Resource Area and Major Wildlife Landscape Area cannot be amended.

Thank you.

Sally Mills

Coalition for Superior Desert Protection

P.O. Box 8656

11,000 N. La Canada Ave.

Catalina, AZ 85738-0656



Town Council Regular Session

Item # 3.

Meeting Date: 09/18/2013
Submitted By: Caroline Standiford, Legal
Department: Legal

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)13-20, AMENDING TOWN CODE SECTION 2-1-4(A), OFFICE OF THE VICE MAYOR

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

With recent legislative changes to the election dates throughout the state, certain provisions within the Oro Valley Town Code need to be updated to reflect those changes. One of those areas addresses the appointment of the Vice Mayor. The code currently states that any councilmember whose term is set to expire in June cannot be appointed Vice Mayor. Because of the recent legislative changes, councilmember terms are now set to expire in November. Since the time between expiration and appointment are so close, there is really little need to exclude councilmembers from service as Vice Mayor. Therefore the code needs to be updated to remove this language.

BACKGROUND OR DETAILED INFORMATION:

The State Legislature passed legislation that changes Oro Valley's election dates from early spring to early November. Consequently, the Town must update the section of the Town Code that governs the election of the Vice Mayor. This update requires the removal of any language prohibiting a councilmember from serving as Vice Mayor during the same year that his or her council term ends, due to both terms potentially ending around the same time.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (adopt or deny) Ordinance No. (O)13-20, amending the Town Code Section 2-1-4 (A) Office of the Vice Mayor.

Attachments

(O)13-20. Amending Office of the Vice Mayor

ORDINANCE NO. (O)13-20

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING ORO VALLEY TOWN CODE, CHAPTER 2, MAYOR AND COUNCIL, ARTICLE 2-1, COUNCIL, SECTION 2-1-4, OFFICE OF VICE MAYOR; REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on September 27, 1989, the Mayor and Council adopted Ordinance No. (O) 89-21, adopting that certain document entitled “Oro Valley Town Code, Chapter 2, Mayor and Council”; and

WHEREAS, the Mayor and Council desire to amend the Oro Valley Town Code, Chapter 2, Mayor and Council, Article 2-1, Council, Section 2-1-4, Office of Vice Mayor in order to amend the terms limits of the Vice Mayor; and

WHEREAS, the proposed changes to the Code will reflect recent legislative changes to election dates.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona, that the certain document known as the “Oro Valley Town Code”, Chapter 2, Mayor and Council, Article 2-1, Council, Section 2-1-4, Office of Vice Mayor, is amended as follows:

SECTION 1. Oro Valley Town Code, Chapter 2, Article 2-1-4, Office of Vice Mayor, is hereby amended as follows with additions in ALL CAPS and deletions in ~~striktthrough~~ text.

Chapter 2 Mayor and Council

Article 2-1 Council

...

Section 2-1-4 Office of Vice Mayor

...

A. Election. At the first regular meeting in ~~January~~ DECEMBER of each calendar year, the Town Council shall elect one of its members as Vice-Mayor by a majority vote. ~~Those~~

~~Councilmembers eligible each January are only those whose terms will not expire in June of that calendar year.~~

...

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, 18th day of September, 2013.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____



Town Council Regular Session

Item # 4.

Meeting Date: 09/18/2013

Requested by: Tobin Sidles

Submitted By: Caroline Standiford, Legal

Department: Legal

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING THE SETTLEMENT AGREEMENT IN THE CASE OF GUERENA V. PIMA COUNTY ET AL

RECOMMENDATION:

Staff recommends approval of Oro Valley's portion of the settlement agreement.

EXECUTIVE SUMMARY:

On September 4, 2013, the jurisdictions involved in the case of Guerena v. Pima County, et al. completed settlement negotiations. Oro Valley has agreed to pay \$260,000.00 as part of the settlement offer. Oro Valley's portion of the settlement will be paid from the Town's insurance policy.

BACKGROUND OR DETAILED INFORMATION:

On October 31, 2011, Plaintiff Guerena filed a complaint against several police agencies whose officers were involved in the Pima Regional SWAT Team investigation of Jose Guerena. During the course of their investigation, Mr. Guerena was shot and killed by SWAT officers. The Town of Oro Valley became involved in the civil case since Oro Valley officers were on scene as members of the Pima Regional SWAT Team.

This civil case has since proceeded through Pima County Superior Court where Marshall Humphries has been representing the Town of Oro Valley's interests. On September 4, 2013, settlement negotiations were finalized and the Town's insurance will cover the \$260,000 settlement in this case. The Town is only responsible for the \$100,000 insurance deductible.

FISCAL IMPACT:

The Town will have to pay a \$100,000.00 insurance deductible to Southwest Risk.

SUGGESTED MOTION:

I MOVE to (approve or deny) the settlement offer and the payment of the \$100,000.00 insurance deductible.
