

**AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
February 5, 2014
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

DEPARTMENT REPORTS

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

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

INFORMATIONAL ITEMS

1. Letter of Appreciation for Oro Valley Police Department

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.

**CONSENT AGENDA
(Consideration and/or possible action)**

- A. Greater Oro Valley Chamber of Commerce Quarterly Report: October 1, 2013 - December 31, 2013
- B. Visit Tucson Quarterly Report: October 1, 2013 - December 31, 2013
- C. Reappointment to the Tucson-Pima County Bicycle Advisory Committee
- D. Resolution No. (R)14-09, authorizing IGA / JPA 13-00003433-I Master Electrical Operation and Maintenance Agreement
(Exhibit "A" updated on 2/4/14)

REGULAR AGENDA

1. PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR LA HACIENDA #10 LOCATED AT 11931 N. FIRST AVE. SUITE 104
2. PUBLIC HEARING: RESOLUTION NO. (R)14-10, AMENDING THE GENERAL PLAN FUTURE LAND USE MAP FROM RURAL LOW DENSITY RESIDENTIAL AND LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR MILLER RANCH, ON 16 ACRES LOCATED NORTH OF THE NORTHWEST CORNER OF TANGERINE ROAD AND LA CANADA DRIVE, AND AMENDING THE URBAN SERVICES BOUNDARY TO INCLUDE THE ENTIRE PROPERTY
3. DISCUSSION AND POSSIBLE DIRECTION ON A ZONING CODE AMENDMENT RELATED TO DEFINITIONS, ZONING DISTRICTS AND STANDARDS FOR SENIOR CARE USES AND RELATED AMENDMENTS

FUTURE AGENDA ITEMS (The Council may bring forth general topics for future meeting agendas. Council may not discuss, deliberate or take any action on the topics presented pursuant to ARS 38-431.02H)

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

ADJOURNMENT

POSTED: 1/29/14 at 5:00 p.m. 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: 02/05/2014

Submitted By: Catherine Hendrix, Police Department

Information

Subject

Letter of Appreciation for Oro Valley Police Department

Attachments

[112513 Letter of Appreciation](#)



S.T.A.R. Academic Center
5093 S. Liberty Ave
Tucson, Arizona 85706
Telephone (520) 545-2300
Fax (520) 545-2316

November 25, 2013

Dear Police Chief Sharp,

I wanted to share with you an experience I had recently with one of your SRO's , Dan Horetski. I worked with Dan when I was a counselor at Canyon Del Oro. I am now working at STAR Academic Center in the Sunnyside District. The level of poverty here is very high and I have shared with Dan how different it is here than at CDO. On Friday evening, November 21, Dan delivered multiple hams and turkeys to my home to give to our students for our holiday food drive.

I think it is exceptional for him to do this for students who are not even close to being in the CDO area. I am constantly reminded of how lucky I am to live in Oro Valley and to be protected and served by the OVPD.

You can be very proud of Dan and his reaching out to the community where I work. I had no idea he would respond by bringing so many items for our families. He has made it possible for a dozen families to celebrate the holidays by having a wonderful meal.

Thank you for hiring such amazing officers into your department and thank you for all that your department does for the residents of Oro Valley. We are truly blessed to have you.

Sincerely,

A handwritten signature in cursive script that reads "Mary Swiderski".

Mary Swiderski, Counselor
STAR Academic Center

Received by

A handwritten signature in blue ink, appearing to be a stylized name or initials.

Oro Valley Police Dept.



Town Council Regular Session

Item # A.

Meeting Date: 02/05/2014

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

Department: Town Manager's Office

Information

SUBJECT:

Greater Oro Valley Chamber of Commerce Quarterly Report: October 1, 2013 - December 31, 2013

RECOMMENDATION:

This report is for information only.

EXECUTIVE SUMMARY:

The 2013/14 Financial Participation Agreement (FPA) between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce (Chamber) stipulates that a quarterly report be compiled by the Chamber and submitted to the Economic Development Division and Council. The enclosed report satisfies the FPA requirement for the second quarter of FY 2013/14.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

The FY 2013/14 FPA between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce is \$30,000.

SUGGESTED MOTION:

N/A

Attachments

Chamber FPA

Chamber 2nd Quarter Report

RESOLUTION NO. (R)13-41

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A FINANCIAL PARTICIPATION AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE GREATER ORO VALLEY CHAMBER OF COMMERCE

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

WHEREAS, pursuant to A.R.S. § 9-500.11, the Town may appropriate public monies for and in connection with economic development activities as long as there is adequate consideration; and

WHEREAS, the Town desires to continue to promote a business environment in Oro Valley that enhances economic vitality and improves the quality of life for its residents; and

WHEREAS, the Town of Oro Valley desires to enter into a Financial Participation Agreement with the Greater Oro Valley Chamber of Commerce; and

WHEREAS, it is in the best interest of the Town to enter into the Financial Participation Agreement with the Greater Oro Valley Chamber of Commerce, attached hereto as Exhibit "A" and incorporated herein by this reference, to set forth the terms and conditions of the Agreement.

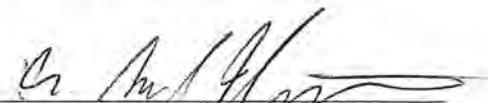
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Oro Valley, Arizona, that:

SECTION 1. The Financial Participation Agreement between the Town of Oro Valley and the Greater Oro Valley Chamber of Commerce, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby authorized and approved.

SECTION 2. The Mayor and other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the Agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 5th day of June, 2013.

TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

ATTEST:

J. K. Bower
Jafie K. Bower, Town Clerk

Date: 6/7/13

APPROVED AS TO FORM:

Tobin Sidles
Tobin Sidles, Legal Services Director

Date: 6/7/13

EXHIBIT “A”

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of July, 2013, by and between the Town of Oro Valley, a municipal corporation, hereinafter called the "Town" and the **Greater Oro Valley Chamber of Commerce**, a non-profit corporation, hereinafter called the "Agency".

WITNESSETH

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

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

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

Section 1: Statement of Purpose

Agency will provide tourism and visitor's services and information to Town residents and seasonal tourists and anyone indicating an interest in locating a business or residence in the Town.

Section 2: Services to be Performed by Agency

Agency performance measures for Fiscal Year 2013/14 are as follows:

1. Business Recruitment, Retention and Outreach
 - a. The Chamber will continue to participate in the Town's Business Retention and Expansion (BR&E) Program.
 - b. The Chamber enhanced the Town's existing Shop Oro Valley campaign by creating a Shop Oro Valley Coupon Book in FY2012/13. The Shop Oro Valley Coupon will be created annually by the Chamber. The final draft of the Shop Oro Valley Coupon Book will be coordinated between the Chamber President/CEO and the Economic Development Manager.
 - c. The Chamber will create an Oro Valley Welcome Guide, designed for residents and visitors that will be distributed during third quarter. The final draft of the Oro Valley Welcome Guide will be coordinated between the Chamber President/CEO and the Economic Development Manager.
 - d. The Chamber will serve as a second distribution point for OV Dollars and will provide minimum total sales of \$7,000 during the period of this contract.
 - e. The Chamber shall work to assist the Town in emphasizing the importance of supporting local retailers/businesses through educational and promotional efforts and will display the following materials at the Chamber offices: Oro Valley Business Navigator, Shop Oro Valley Campaign and OV Dollars and other

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

economic development related materials as deemed appropriate by the Chamber President/CEO and Economic Development Manager.

2. Special Events
 - a. The Chamber will coordinate ribbon cuttings for new Oro Valley businesses.
 - b. The Chamber will host four Oro Valley educational forums that will be open to members and non-members.
 - c. During this Agreement, Town officials will attend Chamber breakfasts, luncheons and mixers free of charge as long as each official pre-registers for each event.
 - d. The Town will receive one complimentary table of 10 for the Annual Chamber meeting.
 - e. The Town will receive eight complimentary tables of 10 to the State of the Town of Oro Valley Address and Luncheon.
 - f. Annual Chamber membership dues to be paid by the Town shall be included as part of the monetary consideration of this Agreement.
 - g. During the term of this Agreement, the Agency will refrain from engaging in political activity which has the effect of endorsing any candidate for Mayor or Council member of the Town of Oro Valley.

Section 3: Services to be Provided by the Town

All funding is subject to the Town's budget appropriations. For this Agreement, up to Thirty Thousand Dollars (\$30,000) shall be allocated to Agency.

Section 4: Responsibility for Open Records

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

Section 5: Evaluation Criteria and Reporting

In order to assess the impact of Agency, the Town reserves the right to evaluate performance, and to have access to all pertinent information necessary to make evaluations.

- A. Agency agrees to submit to the Town, through the Economic Development Division, quarterly reports addressing the progress of Agency in achieving its Program of Work. Reports shall be submitted within thirty (30) working days of the end of each calendar quarter.
- B. Agency agrees to give explanations for any variance in the expected performance for each measure.
- C. Agency agrees to give projected performance for each measure through the end of the fiscal year (June 30th).
- D. Agency agrees to review and present such reports to the Town Council in open meetings on an "as requested" basis.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Section 6: Accountability

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

Agency's accounting system shall permit separate, identifiable accounting for all funds provided by the Town pursuant to this Agreement.

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

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

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

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

Section 7: Matching Grants

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

Section 8: Nondiscrimination

Agency, in its employment policies and practices, in its public accommodations and in its provision of services shall obey all relevant and applicable, federal, state, and local laws, regulations and standards relating to discriminations, biases, and/or limitations, including, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Arizona Civil Rights Act, the Arizonans with Disabilities Act, the Human Relations provisions of the Oro Valley Code, and the Mayor and Council policy adopted on September 25, 2000, prohibiting the direct or indirect grant of discretionary Town funds to organizations that have a policy of exclusionary discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin,

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

sexual orientation, gender identity, familial status or marital status. See Administrative Guidance Re: Non-Discrimination Policy for Programs Funded by the Town of Oro Valley, attached and incorporated herein by this reference.

Section 9: Sub-recipient Funding Agreements

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

Section 10: Term of Agreement

This Agreement shall be effective from July 1, 2013 through June 30, 2014. This Agreement may be extended at the sole option of the Town for additional fiscal year(s) only under the following conditions:

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

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

Section 11: Payment Withholding, Reduction, or Termination

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

- A. Services are not rendered.
- B. Agency fails to supply information or reports as required.
- C. Agency is not in compliance with agreed upon disbursement documentation and/or other project performance.
- D. Agency fails to make required payments to subcontractors.
- E. The Town has reasonable cause to believe Agency is not in compliance with the nondiscrimination clause of this Agreement.
- F. The Mayor and Council fail to appropriate all or part of the funds for this Agreement.

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

The Town will be reimbursed for any funds expended for services not rendered. In addition, Agency shall return to the Town any Town funds provided pursuant to this Agreement that have not been expended by June 30, 2014.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Section 12: Termination of Agreement

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

Section 13: Method of Payment

The parties have agreed that Agency will receive up to \$30,000. Disbursement of funds by the Town is subject to the annual appropriation by the Town Council and the limitations of the state budget law. Payments shall be made on a quarterly basis commencing July 1, 2013. Payments are to be made within forty (40) days after the close of each preceding quarter.

Section 14: Indemnification

Agency agrees to indemnify, defend and save harmless the Town, its Mayor and Council, appointed boards, committees, and commissions, officers, employees, and insurance carriers, individually and collectively, from all losses, claims, suits, demands, expenses, subrogations, attorney's fees, or actions of any kind and nature resulting from personal injury to any person, including employees of Agency or of any subcontractor employed by Agency (including bodily injury and death); claims based upon discrimination and/or violation of civil rights; or damages to any property, arising or alleged to have arisen out of the work to be performed hereunder, except any such injury or damages arising out of the sole negligence of the Town, its officers, agents, or employees. Workers' Compensation insurance and/or self-insurance carried by the Town do not apply to employees or volunteers acting in any capacity for Agency.

Section 15: Independent Contractor

The parties stipulate and agree that Agency is not an employee of the Town and is performing its duties hereunder as an Independent Contractor, supplying its own employees and maintaining its own insurance, workers' compensation insurance and handling all of its own internal accounting. The Town in no way controls, directs or has any responsibility for the actions of Agency.

Section 16: Insurance

Agency agrees to:

- A. Obtain insurance coverage of the types and amounts required in this Section and keep such insurance coverage in force throughout the life of this Agreement. All policies will contain an endorsement providing that written notice be given to the Town at least thirty (30) calendar days prior to termination, cancellation, or reduction in coverage in any policy.
- B. The Comprehensive General Liability Insurance policy will include the Town as an additional insured with respect to liability arising out of the performance of this Agreement.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

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

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

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

Section 17. Use of the Town Logo

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

Section 18: Conflict of Interest

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

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

TOWN OF ORO VALLEY, a municipal corporation


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

ATTEST:


 Julie K. Bower, as Town Clerk
 and not personally

Date: 6/7/13

APPROVED AS TO FORM:


 Tobin Sidles, as Legal Services Director
 and not personally

Date: 6/7/13

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

GREATER ORO VALLEY CHAMBER OF COMMERCE., a non-profit Corporation

David Perry
Agency Representative
and not personally

Title *President / CEO*

State of Arizona)
) ss.

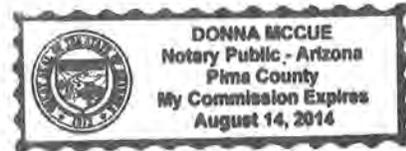
County of)

On this *6th* day of *June*, 2013, *David Perry*, known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he/she executed the same for the purposes contained.

Given under my hand and seal on *June 12*, 2013.

[Signature]
Notary

My Commission Expires: *August 14, 2014*





QUARTERLY PROGRESS REPORT

October 1, 2013 – December 31, 2013

Submitted To: Amanda Jacobs, Economic Development Manager

By: Dave Perry, President/CEO

In accordance with Resolution No. (R) 13-41

A. Tourism, Visitors Services and General Information

The Greater Oro Valley Chamber of Commerce has provided tourism and visitor’s services and information to Town residents and seasonal tourists and anyone indicating an interest in locating a business or residence in the Town over the past three months. Below is data on activity that the Chamber has addressed through this quarter:

Category	Oct 2013	Nov 2013	Dec 2013	Total
1. Business Retention Site Visits	1	3	1	5
2. OV Dollars Distribution	0	\$15,050	\$33,003.40	\$48,053.40
3. Ribbon Cuttings	5	1	1	7
4. Breakfasts, lunches, mixers	0	8	0	8
5. Relocation Packages	14	55	9	78

1. The Chamber President and/or staff attended Business Retention Site Visits with the following businesses: All The Buzz Café, Fry’s Food and Drug Store (Oracle & 1st), Holiday Inn Express and Suites, Triton Microtechnologies and Toscana Studio and Gallery.
2. OV Dollars: The Chamber is responsible for activating and distributing \$7,500 in OV Dollars cards this fiscal year. This quarter the Chamber activated 199 cards totaling \$48,053.40. The Chamber provided a \$10 incentive for residents and visitors who purchased \$100 OV Dollars from the Greater Oro Valley Chamber of Commerce, during the Town’s Shop Oro Valley Holiday Campaign from November 1, 2013 – January 3, 2014. The Chamber’s total expense for the incentive, including merchant fees is \$5,000.
3. Ribbon cuttings were held for the relocation of the Oro Valley Farmers Market at Steam Pump Ranch, LA Fitness, Skin Care by Design, Tohono Chul Park’s new Desert Palm Oasis Exhibit, Heart and Soul Gymnastics, Long Realty and Drs. Michael Lokale and Michael Yim.
4. 8 Town officials took advantage of the free Chamber breakfasts, luncheons and mixers.
5. 78 relocation packages were distributed in the second quarter.

Additional Information

The \$10 incentive for OV Dollars continues until January 3, 2014.



Town Council Regular Session

Item # **B.**

Meeting Date: 02/05/2014

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

Department: Town Manager's Office

Information

SUBJECT:

Visit Tucson Quarterly Report: October 1, 2013 - December 31, 2013

RECOMMENDATION:

This report is for information only.

EXECUTIVE SUMMARY:

The FY 2013/14 Financial Participation Agreement (FPA) between the Town of Oro Valley and Visit Tucson (formerly known as the Metropolitan Tucson Convention and Visitors Bureau) stipulates that a quarterly report be compiled by Visit Tucson and submitted to the Economic Development Division and Town Council. The enclosed report (Attachment 2) satisfies the FPA requirement (Attachment 1) for the second quarter of FY 2013/14.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

The FY 2013/14 FPA between the Town of Oro Valley and Visit Tucson is \$120,000.

SUGGESTED MOTION:

N/A

Attachments

MTCVB FPA

Visit Tucson 2nd Quarter Report

RESOLUTION NO. (R)12-37

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A FINANCIAL PARTICIPATION AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE METROPOLITAN TUCSON CONVENTION AND VISITORS BUREAU

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

WHEREAS, pursuant to A.R.S. § 9-500.11, the Town may appropriate public monies for and in connection with economic development activities as long as there is adequate consideration; and

WHEREAS, the Town desires to continue to promote a business environment in Oro Valley that enhances economic vitality and improves the quality of life for its residents; and

WHEREAS, the Town of Oro Valley desires to enter into a Financial Participation Agreement with the Metropolitan Tucson Convention and Visitors Bureau (MTCVB); and

WHEREAS, it is in the best interest of the Town to enter into the Financial Participation Agreement with the MTCVB, attached hereto as Exhibit "A" and incorporated herein by this reference, to set forth the terms and conditions of the Agreement.

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

SECTION 1. The Financial Participation Agreement between the Town of Oro Valley and the Metropolitan Tucson Convention and Visitors Bureau, attached hereto as Exhibit "A", is hereby authorized and approved.

SECTION 2. The Mayor and other administrative officials are hereby authorized to take such steps as necessary to execute and implement the terms of the Agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 20th day of June, 2012.

TOWN OF ORO VALLEY


Dr. Satish I. Hiremath, Mayor

ATTEST:



Julie K. Bower, Town Clerk

Date: 6/21/12

APPROVED AS TO FORM:



Tobin Rosen, Town Attorney

Date: 6/20/12

EXHIBIT “A”

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of July, 2012, by and between the Town of Oro Valley, a municipal corporation, hereinafter called the "Town" and the **Metropolitan Tucson Convention and Visitors Bureau**, a non-profit corporation, hereinafter called the "Agency".

WITNESSETH

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

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

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

Section 1. Definitions

- A. Tour Operator – a person who arranges and/or organizes groups of people to travel together to a destination and who also organizes tour packages and advertises them for people to buy.
- B. Travel Agent Impressions – the number of travel agents who would likely read a tour brochure which a tour operator produced to promote tours that he or she organized.

Section 2. Statement of Purpose

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

Section 3. Services to be Performed by Agency

Agency performance measures outlined below are for FY 2012-13 (July 1, 2012 – June 30, 2013). The performance measures for FY 2013-14 (July 1, 2013 – June 30, 2014) will be determined at the end of FY 2012-13. The performance measures for FY 2014-15 (July 1, 2014 – June 30, 2015) will be determined at the end of FY 2013-2014.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Convention Sales

1. Generate 275 convention sales leads for Oro Valley properties.
2. Conduct 35 customer interaction/site inspections for Oro Valley properties.
3. Confirm 12 convention bookings for future dates for Oro Valley properties.
4. Confirm convention bookings for future dates resulting in 6,000 room nights for Oro Valley properties.

Convention Services

1. Service a minimum of 25 Oro Valley meetings and conventions.

Travel Industry Sales

1. Generate 35 domestic and international tour program leads and services for Oro Valley properties/venues.
2. Promote Oro Valley as one of the world's top leisure destinations to 500 targeted tour operator clients.
3. Generate a minimum of 600,000 tour operators and travel agent impressions via destination product offering in domestic and international tour operator catalogues.

Communications

1. Feature Oro Valley within the first 10 pages of the Official MTCVB Visit Guide
2. Reach a minimum of 750,000 readers/viewers through editorial placement.
3. Generate publicity with an equivalent advertising value of at least \$20,000.00.

Marketing

1. Feature Oro Valley's Aquatic Facility in the online edition of the Sports Facility Guide
2. Generate no less than a total of 75,000 inquiries from high demographic customers in primary markets i.e. (Chicago, Los Angeles, New York) secondary markets (including Denver, San Diego, San Francisco) and Canada.
3. Generate a minimum of 1,250,000 unique visitors to the MTCVB website (www.visitTucson.org).
4. Generate 10,000 unique visitors to the Town of Oro Valley's and Oro Valley properties website (www.orovalleyaz.gov) from the MTCVB website (www.visitTucson.org).
5. Town officials may attend trade shows with MTCVB staff at the expense of the Town.

General Support

1. Consult with Town staff and officials on tourism sales and marketing initiatives, including, but not limited to, promoting Town venues to special event operators, Mexico marketing, leisure marketing and group sales initiatives.
2. One Town official will serve on the MTCVB Board of Directors.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Section 4. Services to be Provided by the Town

All funding is subject to the Town's budget appropriations. For this Agreement, up to Seventy Four Thousand Nine Hundred Seventy Dollars (\$74,970) shall be allocated to Agency.

Section 5. Responsibility for Open Records

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

Section 6. Evaluation Criteria and Reporting

- A. Agency agrees to submit to the Town, through the Economic Development Division, quarterly reports addressing the progress of the Agency in achieving its performance measures listed in Section 2. Reports shall be submitted to the Economic Development Manager within thirty (30) working days of the end of the calendar quarter.
- B. Agency agrees to review and present such quarterly reports to the Town Council in open meetings on an "as requested" basis.

Section 7. Accountability

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

Agency shall provide the Finance Department of the Town, 15 days after MTCVB Board approval, a copy of the financial audit of Agency's operations by an independent certified public accountant, along with any management letter and, if applicable, Agency's plan for corrective action.

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

Section 8. Matching Grants

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

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

Section 9. Nondiscrimination

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

Section 10. Sub-recipient Funding Agreements

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

Section 11. Term of Agreement

This Agreement between parties as described above shall be effective from July 1, 2012 through June 30, 2015.

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

At the end of the third fiscal year referred to above, the provisions of this agreement will be subject to review and renegotiations by the Town and the Bureau.

Section 12. Payment Withholding, Reduction, or Termination

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

- A. Services are not rendered.
- B. Agency fails to supply information or reports as required.
- C. Agency is not in compliance with agreed upon disbursement documentation and/or other project performance.
- D. Agency fails to make required payments to subcontractors.
- E. The Town has reasonable cause to believe Agency is not in compliance with the nondiscrimination clause of this Agreement.

Town of Oro Valley

FINANCIAL PARTICIPATION AGREEMENT

F. The Mayor and Council fail to appropriate all or part of the funds for this Agreement.

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

The Town will be reimbursed for any funds expended for services not rendered. In addition, Agency shall return to the Town any Town funds provided pursuant to this Agreement that have not been expended by June 30, 2015.

Section 13. Termination of Agreement

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

Section 14. Method of Payment

- A. The parties have agreed that Agency will receive from the Town an amount not to exceed \$74,970 for FY2012-13. The Agency will receive an amount not to exceed \$120,000 for FY2013-14 and an amount not to exceed \$175,000 for FY2014-15. Disbursement of funds by the Town is subject to the annual appropriation by the Town Council and the limitations of the state budget law. Payments shall be made on a quarterly basis commencing July 1, 2012. Payments are to be made within forty (40) days after the close of each preceding quarter.
- B. It shall be the responsibility of the Agency to obtain funding from sources other than the Town. Financial participation agreements with other governments and government agencies, grants, donations, memberships and any other sources of funding as may become available from time to time shall be included as part of the annual budget submission.

Section 15. Indemnification

Agency agrees to indemnify, defend and save harmless the Town, its Mayor and Council, appointed boards, committees, and commissions, officers, employees, and insurance carriers, individually and collectively, from all losses, claims, suits, demands, expenses, subrogations, attorney's fees, or actions of any kind and nature resulting from personal injury to any person, including employees of Agency or of any subcontractor employed by Agency (including bodily injury and death); claims based upon discrimination and/or violation of civil rights; or damages to any property, arising or alleged to have arisen out of the work to be performed hereunder, except any such injury or damages arising out of the sole negligence of the Town, its officers, agents, or employees. Workers' Compensation insurance and/or self-insurance carried by the Town do not apply to employees or volunteers acting in any capacity for Agency.

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

Section 16. Insurance

Agency agrees to:

- A. Obtain insurance coverage of the types and amounts required in this Section and keep such insurance coverage in force throughout the life of this Agreement. All policies will contain an endorsement providing that written notice be given to the Town at least thirty (30) calendar days prior to termination, cancellation, or reduction in coverage in any policy.
- B. The Comprehensive General Liability Insurance policy will include the Town as an additional insured with respect to liability arising out of the performance of this Agreement.
- C. Agency will provide and maintain minimum insurance limits as follows:

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

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

Section 17. Use of the Town Logo

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

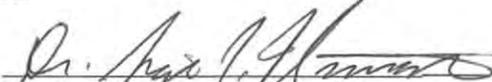
Section 18. Conflict of Interest

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

Town of Oro Valley
FINANCIAL PARTICIPATION AGREEMENT

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

TOWN OF ORO VALLEY, a municipal corporation


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

ATTEST:

APPROVED AS TO FORM:

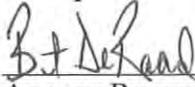
 Deputy Clerk FOR
Julie K. Bower, as Town Clerk
and not personally


Tobin Rosen, as Town Attorney
and not personally

Date: 7/2/12

Date: 7/2/12

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


Agency Representative
and not personally

Title President & CEO

State of Arizona)
) ss.

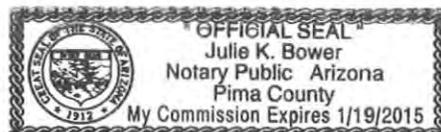
County of PIMA)

On this 23rd day of July, 2012, BRENT E. DERAAD, known to me to be the person whose name is subscribed to the within instrument, personally appeared before me and acknowledged that he/she executed the same for the purposes contained.

Given under my hand and seal on July 23, 2012.


Notary

My Commission Expires: 1/19/2015





QUARTERLY PROGRESS REPORT

October through December 2013

Submitted To: Amanda Jacobs, Economic Development Manager

By: Brent DeRaad, President/CEO

In accordance with Resolution No. (R) 12-37

Visit Tucson will initiate, implement and administer a comprehensive sales, promotion and advertising program to attract an increasing number of convention delegates and vacationing tourists to the Town, thereby providing revenues to the community through transient rental and sales taxes, and contributing to the overall economic growth and continued viability of the tourism and hospitality industry. Below is data on activity that Visit Tucson has addressed through this quarter and fiscal year.

Ongoing focuses for Visit Tucson will be attracting meetings and leisure travelers to Hilton El Conquistador and other Town hotels, bringing competitions to the Oro Valley Aquatic Center, endurance events to the Town and marketing attractions, including Tohono Chul Park.

Key Measures of Performance	Adopted FY 2014	Current Quarter	Year-to-Date	FYTD 2012-13
Convention Sales				
Sales Leads	255	68	145	151
Site Inspections	26	8	17	15
Future Bookings	16	11	17	16
Room Nights of Future Bookings	9,500	4,933	8,143	9,828
Travel Industry Sales				
Leads/Services	35	3	9	19
Promote to Targeted Tour Operator Clients	500	788	1,020	1,031
Impressions Via Tour Operator Catalogs	750,000	865,800	868,800	806,600
Marketing				
Generate Inquiries from Primary Markets	75,000	21,124	29,124	31,505
Unique Visitors to MTCVB Website	1.3 M	357,616	589,285	567,396
Unique Visitors to Oro Valley via MTCVB Website	10,000	10,304	12,239	6,679

Visit Tucson's 2013-14 Budgeted Revenue

	Budget	Percentage
Pima County:	\$3,150,000	45%
City of Tucson:	\$2,976,178	42%
Town of Oro Valley:	\$120,000	2%
Pascua Yaqui Nation:	\$75,000	1%
Tohono O'odham Nation:	\$75,000	1%
Private Sector:	<u>\$640,919</u>	<u>9%</u>
Total:	\$7,037,097	100%

FREE YOURSELF.

October—December 2013 Oro Valley Highlights
Page 2

Oro Valley Micro Site: Allison Cooper, Visit Tucson’s Vice President of Marketing, and her talented marketing team recently developed and launched an Oro Valley “micro site” on our website to promote the Town’s tourism-related attributes, including accommodations, restaurants, arts & entertainment and outdoor recreation -- <http://www.visittucson.org/about/oro-valley/>. Visit Tucson developed this site—valued at tens of thousands of dollars—at no charge to the Town.

Oro Valley Video: Allison worked with Litter Films to shoot footage of Oro Valley attractions and tourism attributes, which was edited into a 30-second Oro Valley video that was shown at Mayor Hiremath’s State of the Town address in September and which resides on the Oro Valley micro site we created. Visit Tucson covered all costs associated with shooting the footage and editing the video.

US Airways Magazine: Visit Tucson created a 22-page section in the December 2013 edition of *US Airways Magazine* promoting our metro area. Page 68 of that magazine (page 3 of the section) is dedicated to Oro Valley – “Playful by Nature” – with Visit Tucson covering 1/3 of the cost of that page of Oro Valley editorial copy. http://www.nxtbook.com/nxtbooks/pace/usairways_december2013/#/70

USA Triathlon’s Duathlon National Championship: Visit Tucson booked USA Triathlon’s Duathlon National Championship, which was staged Saturday, Oct. 26, in Oro Valley. Hundreds of competitors of all ages and abilities took part in this event, making it the largest duathlon in the western United States. The event is estimated to have filled nearly 800 room nights at Hilton El Conquistador, Fairfield Inn & Suites by Marriott and Quality Inn & Suites in Oro Valley. Visit Tucson worked closely with the event organizers on their logistical needs and we supplied more than 100 volunteers to work the event, including several Visit Tucson staff members. Direct spending associated with this event is estimated conservatively at \$164,000.

Tohono Chul Dedication: Along with Mayor Hiremath, Visit Tucson’s Brent DeRaad spoke at Tohono Chul’s Oct. 29 dedication of its new Desert Palms exhibit. Visit Tucson continues to promote Tohono Chul as one of metro Tucson’s top attractions and we hosted officials from USA Diving at a private dinner at Tohono Chul on Sept. 26.

League of Arizona Cities & Towns: Visit Tucson was pleased to invest \$5,000 in a silver sponsorship of the 2013 League of Arizona Cities and Towns annual conference that was held in Oro Valley, Aug. 27-30. We also appreciated the opportunity to partner with the Town to conduct a session for conference attendees regarding the partnership between the Town and Visit Tucson to market the Oro Valley Aquatic Center for state, regional and national competitions.

Change in Mexico Tax Rules: Visit Tucson Executive Vice President Felipe Garcia worked with Tucson and southern Arizona retailers this fall to prepare them for increased business from Mexico shoppers due to a recent change in Mexico tax rules. The new “duty-free” law increases from \$75 to \$300 per person year-round what Mexico shoppers can bring back from the United States without paying taxes on those goods in Mexico, with that amount increasing from \$300 to \$500 per person during the holidays. Consumers still pay sales tax, however, in Tucson on all purchases. Additionally, a recent increase to sales-tax rates along Mexico’s side of the border will help to increase business from Mexico.

Visit Tucson’s Mexico Marketing Featured on Fox News Latino: The efforts of our Mexico Marketing department were featured in the enclosed article:
<http://latino.foxnews.com/latino/money/2013/11/16/arizona-businesses-out-to-attract-more-mexican-visitors/>

October-December 2013 Oro Valley Highlights
Page 3

Alaska Airlines’ Tucson-Portland Route Launched Nov. 1

We at Visit Tucson were excited to help Tucson Airport Authority celebrate the launch of Alaska Airlines’ daily, nonstop service between Tucson and Portland, Ore., on Friday, Nov. 1. We appreciate TAA’s Bonnie Allin and Dick Gruentzel including us in the initial pitch for this route with Alaska Airlines’ officials in August 2012. Thank you to Visit Tucson’s Vice President of Marketing Allison Cooper and her team for the following Portland media schedule to support this new route:

- **Alaska Airlines Magazine**—magazine ads in October and December, with Hilton El Conquistador running an ad in November
- **Portland Monthly**—magazine ads in October & November, online banners and 4 e-newsletters
- **Train Wrap**—wrapped the side of a Portland light-rail train (shown below) from Oct. 15 through Jan. 15. Thanks to Hilton El Conquistador for investing to extend this from two to three months.
- **BriteVision Coffee Sleeves**—50,000 distributed in Portland coffee shops in November, along the light-rail route
- **Sojern**—serving 10 million banners, October through December, to targeted Portland customers
- **Orbitz**—targeted banners to Portland travelers, custom Tucson landing page promoting the flight and hotel deals and inclusion in weekly newsletter to two million weekly subscribers
- **Google Display Network and Video Pre-Roll**—served geo-targeted banners in October and November to Portland customers on CNN.com, Accuweather.com, OregonLive.com and more, which resulted in 342,000 completed Tucson video views to Portland consumers. The video encourages potential customers to travel to Tucson.

Traffic to www.visittucson.org was up 11% in November 2013 vs. November 2012, with Portland traffic leading the way with a 452% increase.



Tucson-branded passenger train in Portland, Oct. 15, 2013-Jan. 15, 2014



Town Council Regular Session

Item # **C.**

Meeting Date: 02/05/2014
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

Reappointment to the Tucson-Pima County Bicycle Advisory Committee

RECOMMENDATION:

On May 16, 2012, Adam Wade was appointed to the Tucson-Pima County Bicycle Advisory Committee to fill a vacant term which expired December 31, 2013. Mr. Wade has requested reappointment and the Bicycle Advisory Committee supports his reappointment.

EXECUTIVE SUMMARY:

The Tucson-Pima County Bicycle Advisory Committee (BAC) was formed to provide input to the local jurisdictions on issues of concern to the bicycling community. The Town is responsible for appointing one representative to the BAC to represent the Town and to provide a communication link to the BAC.

BACKGROUND OR DETAILED INFORMATION:

Nancy Ellis, Parks & Recreation Department staff member and liaison to the Committee, recommends the reappointment of Adam Wade to a two-year term that expires December 31, 2015.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to reappoint Adam Wade to the Tucson-Pima County Bicycle Advisory Committee for a term ending December 31, 2015.

Attachments

TPCBAC Request - Wade

November 21, 2013

Adam Wade
13037 N. Woosnam Way
Oro Valley, AZ 85755

Dear Mr. Wade:

We wish to take this opportunity to inform you that your appointment as a member of the **Bicycle Advisory Committee, Tucson-Pima County (TPCBAC)** will expire on December 31, 2013. However, please consider this a request for you to continue serving until formal action has been taken to reappoint you or to name a successor.

The Governing Body greatly appreciates your outstanding service to the citizenry of Tucson and extends their best wishes for continued success. If you have any questions or unable to comply with the request to continue serving, please contact the City Clerk's Office at 791-4213.

Again, thank you so much for your many contributions.

Sincerely,

Roger W. Randolph
City Clerk

RWR: sf

c: Nancy Ellis - Town of Oro Valley
Ian Johnson, TPCBAC Chairperson
Karen Rahn, Transportation
Ann Chanecka, Transportation



Town Council Regular Session

Item # **D.**

Meeting Date: 02/05/2014
Requested by: Paul Keesler
Submitted By: Aimee Ramsey, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

Resolution No. (R)14-09, authorizing IGA / JPA 13-00003433-I Master Electrical Operation and Maintenance Agreement
(Exhibit "A" updated on 2/4/14)

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

The primary purpose of this revised Intergovernmental Agreement/Joint Project Agreement between the State of Arizona and the Town of Oro Valley for maintenance and electrical operations of highway lighting is to capture the newly acquired signal facilities at the intersection of Ina Road and Via Ponte (the west signal of the new Michigan Left Turn). But because the original agreement was approved over 20 years ago, it has been modified by several addendums. So this new agreement incorporates additional minor administrative changes to clean up the original document..

This new agreement, IGA/JPA 13-0003433-I, will supersede Intergovernmental Agreement 83-07 and several letter addendums executed on January 6th, 1984, A.G. Contract No. 83-733, which was filed with the Secretary of State on January 6th, 1984, file No.: 9044, for a traffic signal at US Highway (US) 89 and El Conquistador Way.

BACKGROUND OR DETAILED INFORMATION:

The original agreement for maintenance of the master electrical and operations agreement with the Arizona Department of Transportation started with the El Conquistador construction project in 1983 and was amended as more signals were added. This update will add the Ina Road /Via Ponte to the list of signals, and will ensure accuracy of the physical listing of the intersections. It is this agreement that provides the Town of Oro Valley the temporary right-of-entry to access the traffic signals within our community to provide service and maintenance.

Due to the original agreement having occurred over 20 years ago, a new agreement, IGA/JPA 13-0003433-I, has been developed which will supersede Intergovernmental Agreement 83-07 and several letter addendums executed on January 6th, 1984, A.G. Contract No. 83-733, which was filed with the Secretary of State on January 6th, 1984, file No.: 9044, for a traffic signal at US Highway (US) 89 and El Conquistador Way.

This agreement will stipulate the agreed upon terms and outline the responsibilities of both parties for the Oracle Road (SR 77) corridor from Magee Road to Rancho Vistoso Blvd, the Ina Road and Via Ponte

traffic signal, and the two traffic signals located on Tangerine Road (SR 989) at North 1st Avenue and at Innovation Park.

FISCAL IMPACT:

The Town currently includes appropriate budget capacity to pay the electrical power costs for these traffic signals and the necessary funds for maintenance.

SUGGESTED MOTION:

I MOVE to (adopt or deny) Resolution No. (R)14-09, authorizing IGA / JPA 13-00003433-I Master Electrical Operation and Maintenance Agreement.

Attachments

(R)14-09 IGA

ADOT Contract #13-0003433-I w/ Updated Exhibit "A"

RESOLUTION NO. (R)14-09

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING AND APPROVING A MASTER INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF ORO VALLEY AND THE STATE OF ARIZONA REGARDING MAINTENANCE AND ELECTRICAL OPERATIONS OF AND/OR HIGHWAY LIGHTING FOR TRAFFIC SIGNAL AT SR 77 (ORACLE ROAD) AT EL CONQUISTADOR WAY AS WELL AS SR 989 (TANGERINE ROAD) AT NORTH FIRST AVENUE, SR 989 AT INNOVATION PARK AND SR 77(ORACLE ROAD) AT SR 989 (TANGERINE ROAD)

WHEREAS, the State of Arizona is authorized by A.R.S. § 28-401 to enter into intergovernmental agreements for joint and cooperative action with the Town; and

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

WHEREAS, pursuant to A.R.S. § 9-276, the Town is authorized to lay out, maintain, control and manage public roads within its jurisdictional boundaries; and

WHEREAS, this new agreement will supersede Intergovernmental Agreement 83-07 and several Letter Addendums executed on January 6, 1984, A.G. Contract No. 83-733; and

WHEREAS, the Town desires to enter into an Intergovernmental Agreement with the State of Arizona to maintain and provide electrical operations for highway lighting for a traffic signal at SR 77 (Oracle road) at El Conquistador way as well as SR 989 (Tangerine Road) at North First Avenue, SR 989 at Innovation Park and SR 77(Oracle Road) at SR 989 (Tangerine Road); and

WHEREAS, it is in the best interest of the Town to enter into the Intergovernmental Agreement with the State of Arizona, attached hereto as Exhibit "A" and incorporated herein by this reference, in order to set forth the terms and conditions to maintain and provide electrical operations for highway lighting for a traffic signal at SR 77 (Oracle road) at El Conquistador way as well as SR 989 (Tangerine Road) at North First Avenue, SR 989 at Innovation Park and SR 77(Oracle Road) at SR 989 (Tangerine Road).

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

1. The Intergovernmental Agreement, attached hereto as Exhibit "A" and incorporated herein by this reference, between the Town of Oro Valley and the State of Arizona is hereby authorized and approved.

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

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 5th day of February, 2014.

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”

ADOT File No.: IGA /JPA 130003433-I
AG Contract No.: 130003433-I
Project: Master Electrical Operation
& Maintenance
Section: Various Locations
ADOT Project No.: Maintagr
TIP/STIP No.: N/A
CFDA No.: N/A
Budget Source Item No.: N/A

MASTER ELECTRICAL OPERATION & MAINTENANCE AGREEMENT

FOR STATE HIGHWAY TRAFFIC SIGNALS & HIGHWAY LIGHTING
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF ORO VALLEY

THIS AGREEMENT is entered into this date _____, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF ORO VALLEY, acting by and through its MAYOR and TOWN COUNCIL (the "Town"). The State and the Town are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The Town is empowered by Arizona Revised Statutes § 9-240 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement on behalf of the Town.
3. Both Parties agree to enter into a new Agreement IGA/JPA 13-0003433-I to supersede Intergovernmental Agreement 83-07 and several Letter Addendums executed on January 6th, 1984, A.G. Contract No. 83-733, filed with the Secretary of State on January 6th, 1984 file No.: 9044, for a traffic signal at State Route (SR) 77 (was US Highway (US) 89) and El Conquistador Way for maintenance and electrical operations of and/or highway lighting. The Town provided electrical power to operate the traffic signals and highway lighting. The State was responsible for all operations and maintenance, including monthly telephone charges for traffic signal inter-connects circuits when utilized.
4. The Parties agree that the Town will provide electrical power to operate traffic signal and/or highway lighting on State Highways which traverse within the boundaries of the Town, as indicated on Exhibit A attached hereto and made a part hereof. In addition, the Town will provide electrical power, all maintenance and operation for two traffic signals; Tangerine Road (SR 989) & North 1st Avenue, and Tangerine Road (SR 989) & Innovation Park. The State will provide all maintenance and operation to the traffic signals as indicated on Exhibit A, and electrical power to the traffic signal on SR 77 & Tangerine Road (SR 989).
5. The Parties hereto agree to and acknowledge the following conditions: the Parties shall perform their responsibilities consistent with this Agreement, and any change or modification to the Agreement will only occur with the mutual written consent of both Parties.

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

II. SCOPE OF WORK

1. The State will:

a. Be responsible for maintaining traffic signals including signal timing, hardware, ancillary equipment, all electronic signal components including wiring and electronics at the locations indicated on Exhibit A. Be responsible to maintain the signal pole and foundation structures, components within the controller cabinet and any components attached to the signal pole or mast arm at the locations indicated on Exhibit A.

b. Be responsible for all operations and maintenance of the traffic signal on SR 77 & Tangerine Road (SR 989) including the cost of electrical power.

c. Negotiate any new installation or any betterment based on a traffic engineering study, with mutual involvements of Parties hereto and amend the Original Agreement should traffic locations be added to, or have deletions made, by an Amendment with all other conditions set forth remaining in effect.

d. Grant or confirm, per established procedures of Tucson's District Permit Office, that the Town has a valid annual Blanket Permit on file, for routine/normal maintenance and emergency maintenance work provided by the Town within the State's rights-of-way. Agree any new construction or installation shall require a separate permit through the Tucson's District Permit Supervisor, as per the District's established procedures.

e. Be granted, without cost requirements, the right to enter Town right-of-way as required to conduct any and all construction and pre-construction related activities for said Project, including without limitation, temporary construction easements or temporary rights-of-entry on to and over said rights-of-way of the Town.

f. Not be obligated to provide electrical power to operate the traffic signals and/or highway lighting as indicated on Exhibit A.

2. The Town will:

a. Set aside sufficient funds and be responsible for all electrical energy costs to operate the traffic signals and/or highway lighting as indicated on Exhibit A.

b. Be responsible for all maintenance and operation for two traffic signals: Tangerine Road (SR 989) & North 1st Avenue and Tangerine Road (SR 989) & Innovation Park, including the cost of electrical power to operate the signals.

c. Grant to the State, its agents and/or contractors, without cost, the right to enter Town rights-of-way, as required, to conduct any and all construction and preconstruction related activities for the Project, including without limitation, temporary construction easements or temporary rights of entry on, to and over Town rights-of-way.

d. Obtain, per established procedures of the Tucson's District Permit Office, a valid annual Blanket Permit for the routine/normal maintenance and emergency maintenance work provided by the Town within the State's rights-of-way. Comply with all permit and Certificate of Insurance requirements. The Town agrees that any new construction or installation shall require a separate permit as per the Tucson's District established procedures, copies of which may be obtained through the Tucson District Office referenced herein.

e. Comply with the 2009 Manual on Uniform Traffic Control Devices (MUTCD) (or the latest edition as published by the Federal Highway Administration (FHWA) and the current Arizona Supplement, as per Arizona revised Statutes § 28-641, in a manner to minimize traffic congestion and interference with through traffic on State highway rights-of-way. Traffic Control plans will be reviewed and/or approved by and through the Arizona Department of Transportation (ADOT), Tucson District Permits Office

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect for successive periods of five (5) years from the effective date and may be amended upon mutual consent of both Parties; provided however, that this Agreement may be cancelled at any time with ninety (90) days written notice of either Party. The Parties shall review this Agreement 120-days prior to automatic renewal, and all reviews shall be completed within sixty (60) days prior to the end of the 5-year anniversary date.

2. The Parties to this Agreement agree that the State of Arizona shall be indemnified and held harmless by the Town for the vicarious liability of the State as a result of entering into this Agreement. Each Party to this contract is responsible for its own negligence.

3. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

4. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

5. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.

6. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 09-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

7. Non-Availability of Funds: Every payment obligation of either the State or the County under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by either the State or the County at the end of the period for which the funds are available. No liability shall accrue to either the State or the County in the event this provision is exercised, and neither the State nor the County shall be obligated or liable for any future payments as a result of termination under this paragraph.

8. In the event of any controversy which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

9. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.

10. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended. The Agreement shall be governed by Arizona Law.

11. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

Town of Oro Valley
Attn: Greg Caton, Town Manager
11000 N. La Canada Drive
Oro Valley, Arizona 85737
(520) 229-4710
gcaton@orovalleyaz.gov

Tucson Maintenance District MD T169
1221 S. Second Avenue
Tucson, Arizona 85713
(520) 388-4200
(520) 628-5387 Fax

12. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

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

TOWN OF ORO VALLEY

STATE OF ARIZONA

Department of Transportation

By _____
DR. SATISH I. HIREMATH
Mayor

By _____
DALLAS HAMMIT, P.E.
Senior Deputy State Engineer, Development

ATTEST:

By _____
JUILE K. BOWER
Town Clerk

January 8th 2014-ly

ATTORNEY APPROVAL FORM FOR THE TOWN OF ORO VALLEY

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the TOWN OF ORO VALLEY, an Agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____

Town Attorney

ADOT File No.: IGA/JPA 13-0003433-I

EXHIBIT "A"

Traffic Signals and Highway Lighting

Located on State Highway within the Town of Oro Valley

<u>State Highway Intersection Location</u>	<u>Milepost Identification</u>
State Route 77 / Suffolk Rd	75.50
State Route 77 / Magee Road	75.88
State Route 77 / Hardy Road	76.94
State Route 77 / Calle Concordia	77.46
State Route 77 / Linda Vista Boulevard	78.00
State Route 77 / El Conquistador Way	78.48
State Route 77 / Pusch View Lane	79.15
State Route 77 / 1 st Avenue	79.48
State Route 77 / La Reserve Drive	79.75
State Route 77 / Honeywell Entrance (Steam Pump Way)	80.15
State Route 77 / Innovation Market Drive	81.48
State Route 77 / Rancho Vistoso Boulevard	82.80
Ina Road / Via Ponte	n/a



Town Council Regular Session

Item # 1.

Meeting Date: 02/05/2014

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

Department: Town Clerk's Office

Information

SUBJECT:

PUBLIC HEARING - DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR LA HACIENDA #10 LOCATED AT 11931 N. FIRST AVE. SUITE 104

RECOMMENDATION:

Staff recommends approval of this liquor license to the Arizona Department of Liquor Licenses and Control for the following reasons:

1. No protests to this license have been received.
2. The necessary background investigation was conducted by the Police Department.
3. The Police Department has no objections to the approval of the Series 12 Liquor License.

EXECUTIVE SUMMARY:

An application for a Series 12 (Restaurant) Liquor License has been submitted by Owner/Agent Paul Allen Sr. for La Hacienda #10 located at 11931 N. First Ave. Suite 104. This request is for a new series 12 liquor license.

Mr. Allen has submitted all necessary paperwork to the Town of Oro Valley and the Arizona Department of Liquor Licenses and Control, and has paid all related fees associated with applying for the liquor license (\$500 Application Processing Fee).

BACKGROUND OR DETAILED INFORMATION:

This non-transferable, on-site retail privileges liquor license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Failure to meet the 40% food requirement shall result in revocation of the license.

In accordance with Section 4-201 of the Arizona Revised Statutes, the application was posted for 20 days on the premises of the applicant's property, ending January 10, 2014. No protests were received during this time period.

Police Chief Daniel Sharp completed a standard background check on La Hacienda #10 and Owner/Agents Paul Allen Sr. and Maria Soltero DeSahagun. Chief Sharp has no objection to the approval of the Series 12 (Restaurant) License.

FISCAL IMPACT:

Per Ordinance No. (O)11-16, the Town of Oro Valley charges a \$500 liquor license application processing fee to cover the costs incurred by the Town to process the application.

Per Section 8-2-6 Schedule of the Oro Valley Town Code, persons licensed by the State of Arizona to deal in spirituous liquor within the Town shall pay an annual license fee of \$80.00 to the Town.

SUGGESTED MOTION:

I MOVE to (recommend or deny) approval of the issuance of a Series 12 Liquor License to the Arizona Department of Liquor Licenses and Control for Paul Allen Sr. and principals for La Hacienda #10 located at 11931 N. First Ave. Suite 104.

Attachments

La Hacienda #10 Liquor License

DANIEL G. SHARP
CHIEF OF POLICE

TO: Mike Standish Deputy Town Clerk

FROM:  Daniel G. Sharp

DATE: 8 January 2014

RE: Background Investigation, Application for Liquor License
Paul Allen Sr and Maria Soltero DeSahagun, Owners / Agents
La Hacienda Restaurant #10
11931 N. First Ave suite 104
Oro Valley Az 85737

On 8 January 2014, the Oro Valley Police Department completed the standard background check on La Hacienda Restaurant #10, Paul Allen Sr and Maria Soltero DeSahagun, Owners / Agents.

The Oro Valley Police Department has no objections to the issuing of a liquor license to La Hacienda Restaurant #10, Paul Allen Sr and Maria Soltero DeSahagun, Owners / Agents.

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

APPLICATION FOR LIQUOR LICENSE
TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
INTERIM PERMIT Complete Section 5
NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16
PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16
LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16
PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
INDIVIDUAL Complete Section 6
PARTNERSHIP Complete Section 6
CORPORATION Complete Section 7
LIMITED LIABILITY CO. Complete Section 7
CLUB Complete Section 8
GOVERNMENT Complete Section 10
TRUST Complete Section 6
OTHER (Explain)

SECTION 3 Type of license and fees LICENSE #(s):

1. Type of License(s): Restaurant 12
2. Total fees attached: \$ 150.00

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.
The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

- Owner/Agent's Name: Mr. Allen SR. Paul Adolph
Corp./Partnership/L.L.C.: Ruben & Candy INC B1051404
Business Name: LA Hacienda #10 B1051405
Principal Street Location: 11931 N. 1st Ave Suite 104 Oro Valley AZ 85737
Business Phone: Pending Daytime Phone: 602-435-1730
Is the business located within the incorporated limits of the above city or town? YES NO
Mailing Address: 11931 N. 1st Ave suite 104 Oro Valley, AZ 85737
Price paid for license only bar, beer and wine, or liquor store: Type \$ Type \$

DEPARTMENT USE ONLY

Fees: Application 100 Interim Permit 50 Site Inspection 50 Finger Prints 0 TOTAL OF ALL FEES \$ 150.00

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: C. Beyan Date: 12-16-13 Lic. # 12104270

License Type: Series 12 Restaurant

This non-transferable, on-sale retail privileges liquor license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Failure to meet the 40% food requirement shall result in revocation of the license.



Town Council Regular Session

Item # **2.**

Meeting Date: 02/05/2014
Requested by: David Williams
Submitted By: Chad Daines, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: RESOLUTION NO. (R)14-10, AMENDING THE GENERAL PLAN FUTURE LAND USE MAP FROM RURAL LOW DENSITY RESIDENTIAL AND LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR MILLER RANCH, ON 16 ACRES LOCATED NORTH OF THE NORTHWEST CORNER OF TANGERINE ROAD AND LA CANADA DRIVE, AND AMENDING THE URBAN SERVICES BOUNDARY TO INCLUDE THE ENTIRE PROPERTY

RECOMMENDATION:

The Planning and Zoning Commission has recommended denial of the requested amendment.

EXECUTIVE SUMMARY:

The application was considered by Town Council on December 11, 2013. At the conclusion of the public hearing, Council voted to continue this item to the February 5, 2014, agenda to allow time for the applicant to address issues raised at the meeting. The main discussion at the December 11th meeting focused on providing an appropriate transition in density between the planned Miller Ranch Technology Park and Commercial Area to the east and the large lot area to the north and west. Town Council also discussed open space buffering, and other methods to reduce the visual impact of the development on the surrounding area.

The applicant proposes a Major General Plan Amendment from Rural-Low Density Residential (0 - 0.3 du/ac) and Low Density Residential (0.4 - 1.2 du/ac) to Medium Density Residential (2.1 - 5.0 du/ac) for 16.3 acres located north of the northwest corner of La Canada Drive and Tangerine Road (Attachment 2). In addition, the applicant proposes to modify the Urban Services Boundary to include the entire property.

BACKGROUND OR DETAILED INFORMATION:

The applicants original request to the Medium Density Residential (2.1 - 5.0 du/ac without density limit) was recommended for denial by the Planning and Zoning Commission. Town Council continued this item to allow time for the applicant to address issues related to density transition to the large lot rural area to the north and west. The applicant has submitted two modified options (Attachment 2) for consideration:

Option A: Limits the proposed density to 2.8 - 3.0 du/ac. Attachment 2 Option A depicts a concept plan with 45-50 lots along a single street.

Option B: Lowers the proposed density to 2.5 to 2.8 du/ac. Attachment 2 Option B depicts a concept with 40-45 lots using two lot sizes with somewhat larger lots proposed in the northwest portion of the site.

The neighboring property owners to the west and north commented at the December 11, 2013, public hearing that the proposed density (up to 5 du/ac) was too high and created an abrupt transition to their large lot neighborhood. The property owners indicated that the property should remain as it is currently designated or limited to a lower density land use category. Planning staff had originally recommended limiting the density to 2.1 du/ac. to create a better transition in density.

The Planning and Zoning Staff Report provides additional background information on the request and is provided as Attachment 3. The Planning and Zoning Commission Minutes are provided as Attachment 4.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

Motion for Denial

I MOVE to deny the request in accordance with the Planning and Zoning Commission's recommendation, finding that it does not meet the General Plan amendment evaluation criteria, specifically that the applicant has failed to demonstrate that conditions in the community have changed which warrant amendment to the General Plan.

OR

Motion for Approval

I MOVE to adopt Resolution No. (R)14-10, approving the requested amendment from Rural Low Density Residential and Low Density Residential to Medium Density Residential, limiting the density to _____ du/ac. and modifying the Urban Services Boundary to include the entire property, finding that the modified density meets the General Plan amendment evaluation criteria.

Attachments

(R)14-10 - Miller Ranch

Attachment 2 - Applicant Modified Proposal Options

Attachment 3 - Planning and Zoning Commission Staff Reports

Attachment 4 - Planning and Zoning Commission Minutes

RESOLUTION NO. (R)14-10

**A RESOLUTION OF THE TOWN OF ORO VALLEY, ARIZONA,
AMENDING THE GENERAL PLAN TO CHANGE THE LAND
USE DESIGNATION FROM RURAL LOW DENSITY
RESIDENTIAL AND LOW DENSITY RESIDENTIAL TO
MEDIUM DENSITY RESIDENTIAL AND TO MODIFY THE
URBAN SERVICES BOUNDRY TO INCLUDE THE ENTIRE
PROPERTY FOR THE 16.3 ACRE AREA KNOWN AS MILLER
RANCH**

WHEREAS, the Town of Oro Valley residents ratified the Oro Valley General Plan on November 8, 2005; and

WHEREAS, Norris Design, (“applicant”) is requesting a Major General Plan Amendment to change the Land Use Designation from Rural Low Density Residential and Low Density Residential to Medium Density Residential and to modify the Urban Services Boundary to include the entire property for the 16.3 acres located north of the northwest corner of Tangerine Road and La Canada Drive; and,

WHEREAS, pursuant to A.R.S. § 9-461, *et seq.* and OVZCR, Section 22.2, the Planning and Zoning Commission held two (2) duly noticed public hearings, the first on October 1, 2013, and the second on November 7, 2013, at which the Planning and Zoning Commission recommended denial of the application requesting an Amendment to the General Plan to change the Land Use Designation for 16.3 acres located north of the northwest corner of Tangerine Road and La Canada Drive, as depicted on Exhibit “A”, attached hereto and incorporated herein by this reference; and

WHEREAS, pursuant to Oro Valley Zoning Code Revised, Section 22.1, General Plan Amendment Procedures, upon recommendation by the Planning and Zoning Commission of any amendment to the General Plan, a public hearing before the Mayor and Council shall be scheduled; and

WHEREAS, Mayor and Council duly considered the proposed General Plan Amendment to change the Land Use Designation from Rural Low Density Residential and Low Density Residential to Medium Density Residential and to modify the Urban Services Boundary to include the entire property for the 16.3 acres located north of the northwest corner of Tangerine Road and La Canada Drive at a public hearing on December 11, 2013.

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

SECTION 1. The Mayor and Council hereby adopts the General Plan Amendment to change the Land Use Designation from Rural Low Density Residential and Low Density

Residential to Medium Density Residential and to modify the Urban Services Boundary to include the entire property for the 16.3 acres located north of the northwest corner of Tangerine Road and La Canada Drive as depicted on Exhibit "A".

SECTION 2. 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 5th day of February, 2014.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

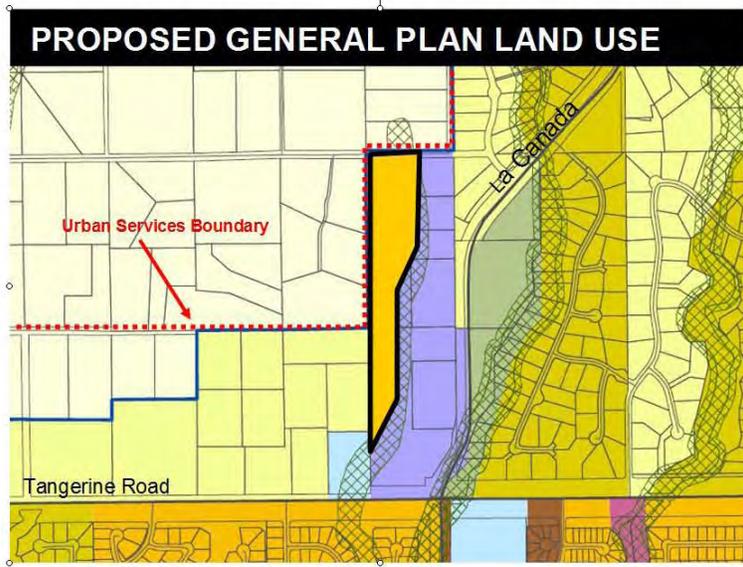
Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT "A"



418 North Toole Avenue
Tucson, Arizona 85701
520.622.9565



January 13, 2014

Chad Daines
Town of Oro Valley
Development and Infrastructure Services
11000 N La Canada Drive
Oro Valley, AZ 85737

RE: The Residences at Miller Ranch | Town Council Planning Exhibits

Dear Chad:

In response to the dialogue at the December 11th, 2013 Town Council meeting, the Miller Ranch team has continued analyzing the site to develop planning scenarios for our upcoming meeting with the Town Council. The discussion during the hearing focused on the overall density of the plan. As we mentioned at the hearing, we are requesting a density on the lower end of the Medium Density Residential General Plan designation. The proposed density is a 2.8-3.0 RAC range that will yield approximately 45-50 lots. Based on the site orientation and developable area, we anticipate the lot size may be a minimum of 7,000 square feet (Please refer to Exhibit A). The planning study as depicted in Exhibit A is the applicant's preferred conceptual planning areas to initiate the rezoning process predicated on the approval of the General Plan Major Amendment.

The team evaluated an analysis of a lower density scenario based on the discussion at the hearing. Based on our analysis, the project is not viable when the density moves below 2.1 RAC and the yield falls to approximately 30 lots. This study did present an opportunity to explore a Medium Density Residential scenario with a reduced overall density in comparison to our preferred scenario (Exhibit A). The Exhibit B planning study presents a range of lot sizes with 10,000SF lots on the western boundary and a minimum of 7,000SF lots along the eastern edge of the property. The planning study results in a density of 2.5-2.8 RAC and a proposed yield of 40-45 lots. The planning study is a viable option that strives to address the issues discussed at the December hearing.

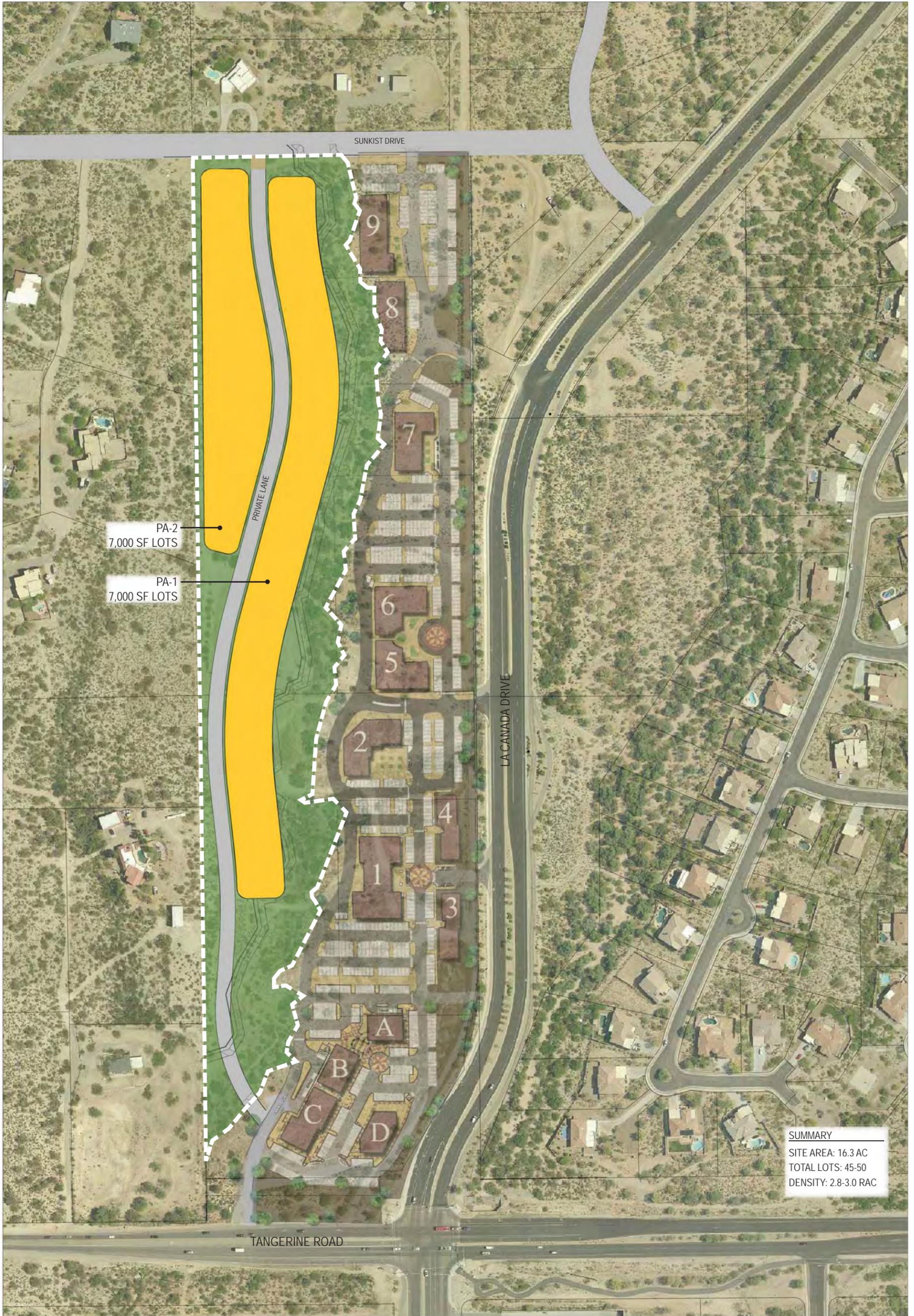
As we presented at the December Town Council meeting, we believe this General Plan Amendment demonstrates consistency with the vision, goals, and policies of the General Plan and establishes compliance with the review criteria for an amendment request. The Miller Ranch team requests Council's support of the General Plan Major Amendment for the Residences at Miller Ranch with the preferred density of the project not to exceed 3.0 RAC. The developer may consider a planning scenario such as Exhibit B with density range of 2.5-2.8. We look forward to your feedback and any questions you may have. Thanks for your time and assistance through the General Plan process.

Please contact me with any questions or if you need additional information at 520.609.1466 or sweaks@norris-design.com.

Respectfully,
Norris Design

Stacey Weaks, RLA, LEED AP

Attachments: Exhibit A / Exhibit B (1.13.14)



SUMMARY
 SITE AREA: 16.3 AC
 TOTAL LOTS: 45-50
 DENSITY: 2.8-3.0 RAC

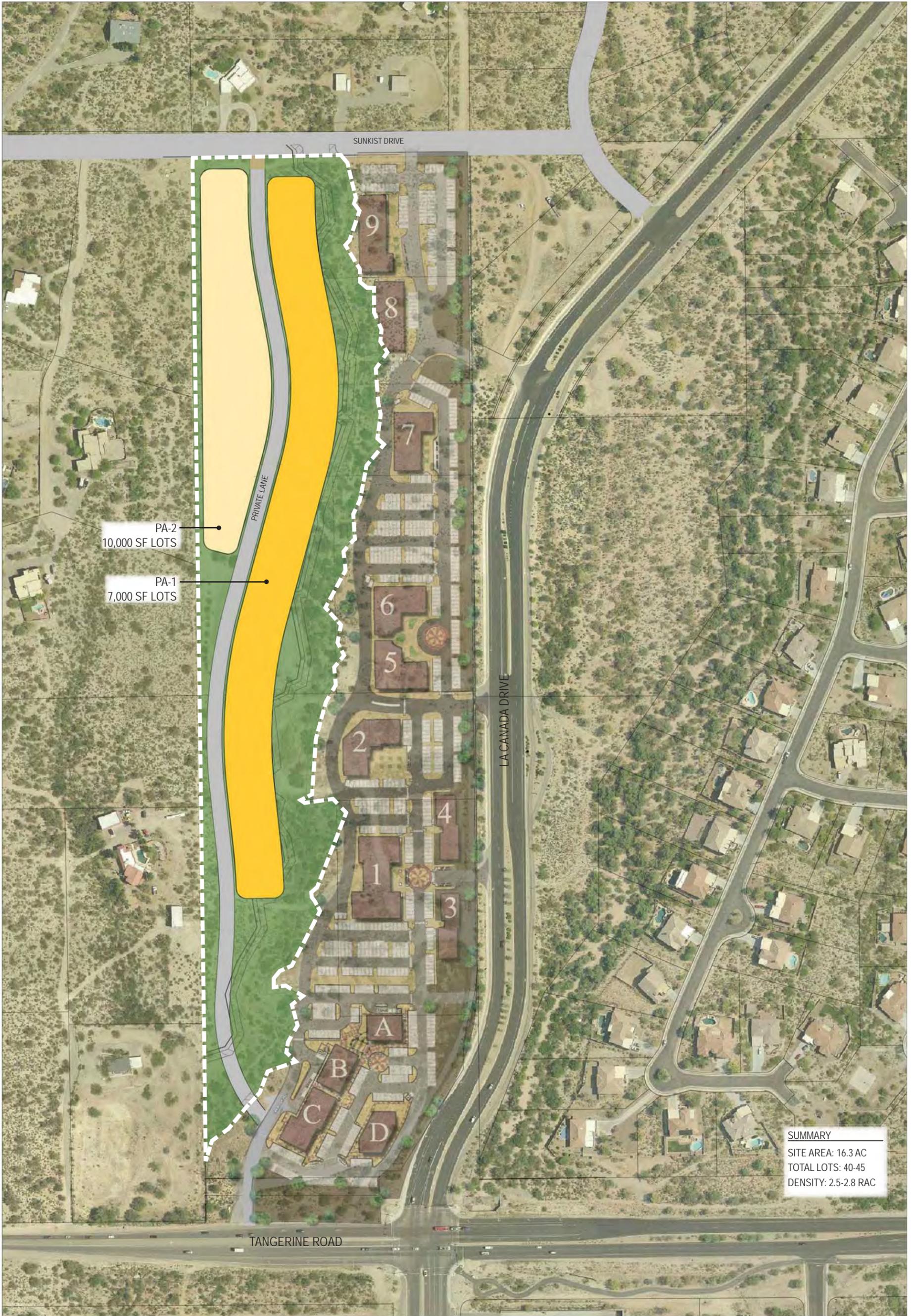
MILLER RANCH

EXHIBIT A

JANUARY 13, 2014

Note: Graphic is for Illustrative Purpose Only.





MILLER RANCH

EXHIBIT B

JANUARY 13, 2014

Note: Graphic is for Illustrative Purpose Only.



Major General Plan Amendment Planning and Zoning Commission Staff Report

CASE NUMBER: OV1113-03 Miller Ranch
MEETING DATE: October 1, 2013
AGENDA ITEM: 4
STAFF CONTACT: Chad Daines, Principal Planner
cdaines@orovalleyaz.gov (520) 229-4896

Applicant: Stacey Weaks of Norris Design
Request: From Rural Low Density Residential (0 – 0.3 du/ac) and Low Density Residential (0.4 – 1.2 du/ac)
To Medium Density Residential (2.1 – 5.0 du/ac) and to modify the Urban Services Boundary to include the entire property.
Location: Northwest corner of Tangerine Road and La Canada Drive
Recommendation: Recommend Approval of the requested amendment, with the maximum density not to exceed 2.1 du/ac

SUMMARY:

The applicant proposes a Major General Plan Amendment from Rural-Low Density Residential (0-0.3 du/ac) and Low Density Residential (0.4-1.2 du/ac) to Medium Density Residential (2.1-5.0 du/ac) for 16.3 acres located north of the northwest corner of Tangerine Road and La Canada Drive (Attachment 1). In addition, the amendment requests to modify the Urban Services Boundary to include the entire property.

The applicant proposes to develop a single-family detached residential subdivision with approximately 7,000 square foot lots. The application and applicant responses to Code evaluation criteria are provided as Attachment 2. The Current and Proposed General Plan Land Use Maps are provided on Attachment 3.

BACKGROUND:

Land Use Context

	EXISTING LAND USE (Attachment 1)	GENERAL PLAN (Attachment 3)
SUBJECT PROPERTY	Vacant	Rural Low Density (0-0.3 du/ac) and Low Density (0.4–1.2 du/ac)
NORTH	Single-family Residential 5 Acre Lots	Rural Low Density Residential (0-0.3 du/ac)
SOUTH	Vacant	Commerce / Office Park
EAST	Vacant	Commerce/ Office Park
WEST	Single-family Residential 3.3 - 5 Acre Lots	Rural Low Density (0-0.3 du/ac) and Low Density Residential(0.4–1.2 du/ac)

Approvals To Date

There have been no approvals to date on the subject property. The R1-144 zoning was established with the overall general area and was not rezoned with the Technology Park / Commercial area to the south and east.

Existing General Plan Land Use Designations (Attachment 3)

The current Oro Valley General Plan designates the property as follows:

Rural Low Density Residential (0-0.3 du/ac)	11.1 acres
Low Density Residential (0.4 to 1.2 du / ac)	5.2 acres

The General Plan defines these land use designations for the proposed amendment area as follows:

Rural Low Density Residential (0-0.3 du/ac) - This land use designation denotes areas of large lot single-family detached development in a rural environment. Rural low-density residential designation areas range up to 0.3 dwelling units per acre. Areas of rural residential development are appropriate where there is a desire to retain a rural lifestyle or where protection of the natural environment is necessary.

Low-Density Residential (0.4-1.2 du/ac) - This district denotes areas where single-family detached residential development is desirable, but only if it is at a density that will permit retention of rural, open character. Low-density residential designation areas range up to 1.2 dwelling units per acre. Delineation of building envelopes on individual lots is also encouraged to clearly indicate which areas will be disturbed and which will not.

Proposed General Plan Land Use Designation (Attachment 4)

Medium Density Residential (MDR; 2.1–5.0 du/ac) - This designation is where single-family detached, townhouse, or patio home development is suitable, ranging from 2.1 to 5.0 dwelling units per acre. These areas should be located close to schools, shopping and employment.

Urban Services Boundary

The property is split by the General Plan Urban Services Boundary (USB) as shown on Attachment 3. The General Plan provides that *“The Town does not intend to provide urban infrastructure to areas outside of the USB. These areas should not receive any increase in density or land use intensity over what currently exists”*. The applicant has proposed to expand the USB to encompass the entire property as shown on Attachment 4. Analysis of this request related to the land use amendment is included in the Discussion section of this report.

Environmentally Sensitive Lands (ESL) Conservation Categories

The property contains the following ESL conservation categories:

- Critical Resource Area (CRA): 95% open space requirement
- Resource Management Area (RMA) Tier I: 66% open space requirement

The ESL conservation system protects critical open space systems and linkages throughout the Town. ESL provides strict requirements for highest value resources and more flexible ones in areas of lower resource value. Riparian areas or very significant habitat features have the highest conservation requirements.

On the other end of the spectrum, lands designated as Resource Management Area (RMA) are important but have the lowest resource value and lower conservation requirements. Unlike higher resource value categories, including Major Wildlife Linkages (MWL), Critical Resource Areas (CRA), and Core Resource Area (Core), the RMA designation is driven by growth expectations of the General Plan. Each Resource Management Tier aligns with the anticipated level of growth reflected in the General Plan. In other words, the General Plan designation determines the RMA Tier and subsequent amount of conservation (open space).

The following table summarizes the minimum open space requirements by General Plan designation:

RMA Tiers	Tier 1	Tier 2	Tier 3
Minimum Open Space	66%	25%	0%
General Plan Land Use Designation	Rural Low Density Residential	Neighborhood Commercial/Office	Any GP Land Use Designation within a Growth Area
	Low Density Residential-1	Community/Regional Commercial	
	Low Density Residential-2	Commercial/Office Park	
	Resort/Golf Course	High Density Residential	
	Open Space	Medium Density Residential	
	School, Park	Public/Semi Public	
		MPC Rooney	
		MPC Kai Capri	

DISCUSSION / ANALYSIS:

General Plan Amendment Evaluation Criteria Analysis, Section 22.2.D.3

General Plan Amendments are evaluated for consistency with the General Plan Amendment criteria in the Zoning Code. It is the burden of the applicant to present facts and other materials to support these criteria. The applicant's full response to each of the criteria is attached (Attachment 4). Below is a summary of the applicant's responses (in italics) followed by staff's analysis of each criterion:

1. The proposed change is necessary because conditions in the community have changed to the extent that the plan requires amendment or modification.

Applicant's Response: *The property is located at a major intersection along the Tangerine Road corridor which has seen a steady increase in development over the last decade. The corridor is scheduled for roadway widening to increase the transportation capacity and serve as a regional route for Oro Valley and the region. Future improvements to the Tangerine Corridor will enhance access into the region and boast residential and commercial opportunities along the corridor. This is evident in the diverse residential offerings ranging from semi-custom single family detached to multi-family products along the corridor. The addition of residential on this site is complementary to the adjacent uses and developed product in the vicinity.*

The eastern portion of Miller Ranch has completed a General Plan Amendment Rezoning and has an approved Development Plan for a Technology Park and Commercial Center. The proposed development is appropriately located at the intersection of Tangerine Road and La Canada Drive to maximize land use at a primary development node along the Tangerine Road corridor. This request plans for a use that meets a development need for the community in response to an evolution in land use patterns at this key intersection and the entire Tangerine Road corridor.

Staff Comment: In general, staff agrees that the planned expansion of Tangerine Road will create a change in conditions supporting an increase in development intensity along this corridor. Additionally, the approval of the Miller Ranch Technology Park and Commercial zoning in 2007 and Development Plan approval in 2010 to the south and east creates an abrupt transition in intensity between this property and the planned technology park and commercial uses.

The expansion of Tangerine Road and the proximity of the planned technology park and commercial area may support a change to the Medium Density Residential category. However, given the rural character of development to the north and west, with lot sizes ranging from 3.3 to 5 acres, staff suggests a more appropriate and compatible transition between existing large lots and the future technology park and commercial center.

2. The proposed change is sustainable by contributing to the socio-economic betterment of the community, while achieving community and environmental compatibility.

Applicant's Response: *The Residences at Miller Ranch responds to the market demands for quality housing in Oro Valley and enhances the overall diversity of housing opportunities in the area. The project presents an opportunity to provide a housing option for new and existing residents, will broaden the fabric of the community that live, work and play in Oro Valley and is consistent with the Housing Element of the General Plan. The Residences at Miller Ranch will conform to the Oro Valley Residential Design Standards ensuring the implementation of a quality community.*

The Residences at Miller Ranch will conform to the Environmentally Sensitive Lands Ordinance (ESLO) which requires the Medium Density Residential General Plan designation to provide 25% open space resulting in approximately 3 acres of open space that may contain natural open space, passive open space, trails, recreational areas, buffers and drainage. In addition, we will have the Critical Resource Area providing additional open space. The unnamed wash, an approximately 3 acre corridor on the eastern edge of the project, is identified as a Critical Resource Area per the General Plan exhibit. The entire property including a majority of the

wash has been significantly denuded over the years by the ranching activities on the site. Thus, the existing condition of the property is marginal at best. The project will restore the wash including the removal of the invasive plants. Improvements will allow for the enhancement of the open space to enhance the overall aesthetics of the property and achieve the goals of the ESLO.

Staff Comment: Residential development on this property can provide nearby housing for the planned technology park, which advances socio-economic goals expressed in the General Plan to reduce traffic commutes, provide a balance in land use and provide housing for employees in Innovation Park, the Oro Valley Hospital and the planned technology park to the east.

The ESL requirements, applied at the rezoning stage, will provide for environmental compatibility through conservation of the wash and additional open space requirements.

3. The proposed change reflects market demand which leads to viability and general community acceptance.

Applicant's Response: *The Residences at Miller Ranch is a viable land use that is complementary to the residential development along the Tangerine Road corridor. Residential properties are in high demand because of the strong sense of community and quality of life in Oro Valley. The Medium Density Residential designation supplements the market demand for residential properties in Oro Valley. Per the General Plan definition for Medium Density Residential, this use should be located adjacent to schools, shopping and employment. The project is adjacent to the future Miller Ranch Technology Park and Commercial Center eventually serving as a shopping and employment node in Oro Valley among additional destinations along the Tangerine Road corridor. Oro Valley has been supportive of residential development as a key component of a vibrant and diverse community.*

Staff Comment: Staff agrees that there is a strong market for new homes, as evidenced by increased development and platting activity. However, staff also believes that it is appropriate to support diversity in lot sizes in appropriate locations.

4. 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.

Applicant's Response: *The Residences at Miller Ranch will strive to minimize potential development impacts through the subsequent rezoning and development processes. The public engagement process facilitated by the Town of Oro Valley ensures that the adjacent residents and the community are notified and engaged in the process. The project will conform to the Oro Valley Residential Design Standards to minimize the impact of the improvements while maintaining a high quality development for the community. In addition, the Environmentally Sensitive Lands Ordinance open space requirement assists to reduce the development impacts. The project will demonstrate compliance with the ELSO requirements as part of the rezoning process.*

Staff Comment: Providing a compatible transition in development intensity is essential to reducing project impacts on adjacent areas. The proposed development at the upper end of the 2.1-5.0 du/ac range will create a transition, albeit somewhat abrupt, between the subject property and the rural homes to the north and west.

General Plan Vision, Goals and Policies Analysis

General Plan Amendments are also evaluated for consistency with the Vision, Goals and Policies of the General Plan. The following is an analysis relative to the amendments consistency with the Vision and key Policies in the General Plan.

General Plan Vision

To be a well planned community that uses its resources to balance the needs of today against the potential impacts to future generations. Oro Valley's lifestyle is defined by the highest standard of environmental integrity, education, infrastructure, services, and public safety. It is a community of people working together to create the Town's future with a government that is responsive to residents and ensures the long-term financial stability of the Town.

The Vision Statement from the General Plan emphasizes the need to carefully balance land use decisions which respond to a current conditions, against the long term impact to the community. The amendment will provide for nearby housing for employees within the adjacent technology park and other nearby employment areas, which supports the socio-economic goals expressed in the Vision Statement.

General Plan Policies

The application has been reviewed against notable General Plan goals and policies as follows:

Policy 7.1.1 The Town shall continue to strive to protect the integrity and aesthetic context of existing neighborhoods through the use of appropriate buffers or other means of land use transition between incompatible uses.

Transition between the rural residential area and the future technology park is needed. Residential development of the property will provide a compatible land use transition between the planned employment/commercial uses to the south and east and the rural residential uses to the north and west.

Goal 7.2 To encourage and maintain a range of housing opportunities.

Oro Valley has recently considered predominately medium density residential applications and this amendment does not further the goal of providing a diverse range of housing opportunities.

Policy 1.1: To preserve Oro Valley's natural Sonoran Desert environment and the scenic resources that are an important part of the community's quality of life.

Development of this property will require full compliance with the Environmentally Sensitive Lands ordinance, which requires comprehensive analysis and preservation of the wash corridors and native plant species which exist on the property.

Policy 1.1.3: The Town shall continue to avoid development encroachment into washes, riparian areas, designated natural open space and environmentally sensitive lands. In cases where encroachment is unavoidable, such as in the case of utility or public safety, require compensation or trade to offset the loss of natural area.

The proposed subdivision will be required to maintain and preserve the natural wash corridors and provide additional open space areas adjacent to the wash corridor to prevent encroachment of the development areas into these natural washes. The development will also be required to meet the requirements of ESL during the rezoning stage to conserve 95% of the Critical Resource Areas (wash corridors), and 25% of the Resource Management Areas (balance of the property) in natural open space.

Policy 1.3.1: The Town shall encourage the location of residential neighborhoods close to activity centers compatible with residential uses, and vice versa.

This development will provide housing near the planned Technology Park and Commercial Center. Residential development of this property will provide housing opportunities for employees within this area.

Policy 1.4.8: The Town shall continue to require adequate buffering of commercial and employment uses from adjacent neighborhoods, with special consideration being given to placing office or other less intensive uses adjacent to residential areas.

At the proposed transition is abrupt, limiting the amendment to the lower end of the MDR range would provide a more compatible land use transition from the rural residential area to the north and west to the planned Technology Park and Commercial area to the south and east.

Urban Services Boundary (USB)

The expansion of the USB to encompass the entire property is a related change to the request. The amendment request has been distributed to utility providers including Oro Valley Water, Pima County and other service utilities. No adverse comments have been received relative to providing services to accommodate the requested density. Should the request be approved, the USB should be expanded to encompass the entire property.

PUBLIC PARTICIPATION:

Summary of Public Notice

Public notice has been provided:

- Notification of all property owners within 1,000 feet
- Homeowners Association mailing
- Advertisement in The Daily Territorial and Arizona Daily Star newspapers
- Post on property
- Post at Town Hall and on Town website

Two neighborhood meetings were held. The first meeting was held on April 22nd, 2013, with approximately twenty (20) interested parties attending the meeting. A second neighborhood meeting was held on September 17th, 2013, with ten (10) interested parties attending the meeting. A number of issues were discussed at each meeting, including the following:

Compatibility of the smaller lot sizes in relation to larger lots in the vicinity
Access to subdivision
Traffic impact to Tangerine Road and Sunkist Road

Riparian impacts
Type and price of homes
Cut through traffic concerns

The summary notes from both meetings are attached (Attachment 4).

SUMMARY

The proposed amendment has been evaluated using the general plan amendment criteria and applicable General Plan goals and policies as well as neighborhood and outside agency input. Following is a summary of the factors for and against the proposal:

Factors For:

1. Residential development of this property will provide housing for employees of nearby future employers.
2. Development at a density at the lower end of the MDR density range will create a compatible and logical transition in land uses in the area.
3. Development at a density at the lower end of the MDR density range will expand housing choice and diversity in this area.

Factors Against:

1. The amendment, as proposed by the applicant, will create an fairly abrupt transition in residential density with the rural residential area to the north and west.
2. Development of 7,000 square foot lots will not meet housing diversity goals.

RECOMMENDATION:

Staff does not agree that the proposed 7,000 square foot lots provide a compatible transition between the rural residential area and future technology park /commercial area. The proposed amendment, limited to the lowest end of the 2.1-5.0 du/ac range (approximate 13,000 square foot lots) will provide a more compatible land use transition between the planned technology park and commercial uses to the south and east and the rural residential areas (3.3 to 5 acre lots) to the north and west.

The recommended 2.1 du/ac. limitation will also contribute to diversity in residential lot sizes in the community. Further, this limitation improves conformance with the General Plan amendment criteria and applicable General Plan policies. Specifically, the amendment, with limitation to 2.1 du/ac., will provide housing to support nearby employment uses, promote diversity in housing opportunities and provide a compatible land use transition in the area.

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

Recommend approval to the Town Council of the requested Major General Plan Amendment under OV1113-03 to MDR, with the density not to exceed 2.1 du/ac.

SUGGESTED MOTIONS:

As this first Planning and Zoning Commission meeting is a Public Hearing only, no action will be taken by the Commission. Therefore no suggested motions are provided.

ATTACHMENTS:

1. Location Map
2. Application and Responses to Criteria
3. Current & Proposed General Land Use Plan
4. Neighborhood Meeting Summary Notes

Chad Daines, AICP Principal Planner



Major General Plan Amendment Planning and Zoning Commission Staff Report

CASE NUMBER: OV1113-03 Miller Ranch
MEETING DATE: November 7, 2013
AGENDA ITEM: 4
STAFF CONTACT: Chad Daines, Principal Planner
cdaines@orovalleyaz.gov (520) 229-4896

Applicant: Stacey Weaks of Norris Design
Request: From Rural Low Density Residential (0 – 0.3 du/ac) and Low Density Residential (0.4 – 1.2 du/ac)
To Medium Density Residential (2.1 – 5.0 du/ac) and to modify the Urban Services Boundary to include the entire property.
Location: Northwest corner of Tangerine Road and La Canada Drive
Recommendation: Recommend Approval of the requested amendment, with the maximum density not to exceed 2.1 du/ac

OVERVIEW:

The applicant proposes a Major General Plan Amendment from Rural-Low Density Residential (0-0.3 du/ac) and Low Density Residential (0.4-1.2 du/ac) to Medium Density Residential (2.1-5.0 du/ac) for 16.3 acres located north of the northwest corner of Tangerine Road and La Canada Drive (Attachment 1). In addition, the amendment requests to modify the Urban Services Boundary to include the entire property.

The applicant proposes to develop a single-family detached residential subdivision with approximately 7,000 square foot lots. The application and applicant responses to Code evaluation criteria are provided as Attachment 2. The Current and Proposed General Plan Land Use Maps are provided on Attachment 3.

The Planning and Zoning Commission held the first public hearing on the request on October 1, 2013. Eight speakers spoke with regard to the proposed amendment. In summary, a number of the residents did not support the proposed density and lot size. These residents felt that consideration should be given to the low density, rural character of the area. Other residents expressed concerns regarding traffic impacts and impacts of increased density on equestrian uses in the area. One resident expressed concern that the property was intended to serve as a buffer area to the Miller Ranch Technology Park and Commercial area to the east. The staff report and draft minutes from the October 1st Planning and Zoning Commission meeting are provided as Attachment 4 and 5 respectively.

BACKGROUND:

Land Use Context

	EXISTING LAND USE (Attachment 1)	GENERAL PLAN (Attachment 3)
SUBJECT PROPERTY	Vacant	Rural Low Density (0-0.3 du/ac) and Low Density (0.4–1.2 du/ac)
NORTH	Single-family Residential 5 Acre Lots	Rural Low Density Residential (0-0.3 du/ac)
SOUTH	Vacant	Commerce / Office Park
EAST	Vacant	Commerce/ Office Park
WEST	Single-family Residential 3.3 - 5 Acre Lots	Rural Low Density (0-0.3 du/ac) and Low Density Residential(0.4–1.2 du/ac)

Approvals To Date

There have been no approvals to date on the subject property. The R1-144 zoning was established as translational zoning upon annexation of the subject property in 2004.

At the October 1st Planning and Zoning Commission meeting, a resident indicated that the property was intended to serve a buffer area to the Miller Ranch Technology Park and Commercial area to the south and east. A review of the Miller Ranch record reveals the following relevant actions with regard to the relation of this property to the Miller Ranch Technological Park and Commercial Area to the east:

- The subject 16 acre property was part of a larger 38 acre property under single ownership and annexed in 2004. The 38 acre property was subsequently zoned (translational zoning) to R1-144.
- In 2004, the property owner filed a General Plan Amendment requesting Low Density Residential (1.3 – 2.0 du/ac) on the subject property (west of wash) and Neighborhood Commercial on the property east of the wash. The property owner intended to develop 1.6 acre residential lots on the subject property as a transition to the rural residential area to the west.
- The property owner subsequently amended the application to request Commerce Park on the entire 38 acre property. The Planning and Zoning Commission recommended and the Town Council agreed and voted to approve the Commerce Park land use designation on the property east of the wash, leaving the subject property designated Rural Low Density on the General Plan. With the adoption of the 2005 General Plan, the southern portion of the subject property was designated Low Density (0.4 – 1.2 du/ac.).
- In 2009, the property owner filed a General Plan Amendment application on the subject property requesting High Density Residential (5+ du/ac) to provide for an apartment development. This application was withdrawn one month later.

Existing General Plan Land Use Designations (Attachment 3)

The current Oro Valley General Plan designates the property as follows:

Rural Low Density Residential (0-0.3 du/ac)	11.1 acres
Low Density Residential (0.4 to 1.2 du / ac)	5.2 acres

The General Plan defines these land use designations for the proposed amendment area as follows:

Rural Low Density Residential (0-0.3 du/ac) - This land use designation denotes areas of large lot single-family detached development in a rural environment. Rural low-density residential designation areas range up to 0.3 dwelling units per acre. Areas of rural residential development are appropriate where there is a desire to retain a rural lifestyle or where protection of the natural environment is necessary.

Low-Density Residential (0.4-1.2 du/ac) - This district denotes areas where single-family detached residential development is desirable, but only if it is at a density that will permit retention of rural, open character. Low-density residential designation areas range up to 1.2 dwelling units per acre. Delineation of building envelopes on individual lots is also encouraged to clearly indicate which areas will be disturbed and which will not.

Proposed General Plan Land Use Designation (Attachment 3)

Medium Density Residential (MDR; 2.1–5.0 du/ac) - This designation is where single-family detached, townhouse, or patio home development is suitable, ranging from 2.1 to 5.0 dwelling units per acre. These areas should be located close to schools, shopping and employment.

Urban Services Boundary

The property is split by the General Plan Urban Services Boundary (USB) as shown on Attachment 3. The General Plan provides that *“The Town does not intend to provide urban infrastructure to areas outside of the USB. These areas should not receive any increase in density or land use intensity over what currently exists”*. The applicant has proposed to expand the USB to encompass the entire property as shown on Attachment 3. Analysis of this request related to the land use amendment is included in the October 1st Planning and Zoning Commission staff report (Attachment 4).

Density / Lot Size Character of the Area (see Attachment 6)

At the October 1, 2013 Planning and Zoning Commission meeting, several residents indicated a concern with the proposed density and lot size. These residents reside to the north and west of the property on lots ranging in size from 3.3 to 9 acres. The residents felt that the proposed Medium Density land use category would create an abrupt transition and requested the area be developed for larger lots for compatibility with the adjacent rural residential area. Other concerns were expressed regarding traffic and the impact increased density would have on equestrian uses and the rural lifestyle of the area. The density and lot sizes of adjacent residential areas are provided for informational purposes within the below table.

	NAME OF DEVELOPMENT	DENSITY	MIN LOT SIZE	LOT SIZE RANGE
NORTH	Unincorporated Pima County	0 – 0.3 du/ac	3.3 acre lots	3.3 – 9.0 acre lots
SOUTH	Verde Ranch	2.1 du/ac	6,600 sq. ft.	6,600 – 15,600 sq. ft.
	Mira Vista / Copper Ridge	1.8 du/ac	10,000 sq. ft.	10,000 – 32,000 sq. ft.
EAST	Vistoso Gateway	.93 du/ac	36,000 sq. ft.	36,000 – 47,000 sq. ft.
WEST	Unincorporated Pima County	0 – 0.3 du/ac	3.3 acre lots	3.3 – 9.0 acre lots

Environmentally Sensitive Lands (ESL) Conservation Categories

The property contains the following ESL conservation categories:

- Critical Resource Area (CRA): 95% open space requirement
- Resource Management Area (RMA) Tier I: 66% open space requirement

The October 1st Planning and Zoning Commission staff report (Attachment 4) includes additional information with regard to the ESL Conservation Categories on the property.

DISCUSSION / ANALYSIS:

General Plan Amendment Criteria, Section 22.2.D.3

General Plan Amendments are evaluated for consistency with the General Plan Amendment criteria in the Zoning Code. It is the burden of the applicant to present facts and other materials to support these criteria. The applicant’s full response to each of the criteria is attached (Attachment 2). The October 1st Planning and Zoning Commission report is provided as Attachment 4 and contains a summary of the applicant’s responses and staff’s analysis of each criterion:

General Plan Vision, Goals and Policies Analysis

General Plan Amendments are also evaluated for consistency with the Vision, Goals and Policies of the General Plan. The October 1st Planning and Zoning Commission staff report is provided as Attachment 4 and contains a detailed analysis relative to the amendments consistency with the Vision and key Policies in the General Plan.

PUBLIC PARTICIPATION:

Summary of Public Notice

Public notice has been provided:

- Notification of all property owners within 1,000 feet
- Homeowners Association mailing

- Advertisement in The Daily Territorial and Arizona Daily Star newspapers
- Post on property
- Post at Town Hall and on Town website

Two neighborhood meetings were held. The first meeting was held on April 22nd, 2013, with approximately twenty (20) interested parties attending the meeting. A second neighborhood meeting was held on September 17th, 2013, with ten (10) interested parties attending the meeting. A number of issues were discussed at each meeting, including the following:

Compatibility of the smaller lot sizes in relation to larger lots in the vicinity
Access to subdivision
Traffic impact to Tangerine Road and Sunkist Road
Riparian impacts
Type and price of homes
Cut through traffic concerns

The summary notes from both meetings are attached (Attachment 7).

At the October 1, 2013 Planning and Zoning Commission meeting, several residents indicated a concern with the proposed density and lot size. These residents reside in unincorporated Pima County to the north and west of the property on lots ranging in size from 3.3 to 9 acres. The residents felt that the proposed Medium Density land use category would create an abrupt transition and requested the area be developed for larger lots for compatibility with the adjacent rural low density residential area. Other concerns were expressed regarding traffic and the impact increased density would have on equestrian uses and the rural lifestyle of the area.

SUMMARY

The following is a summary of the General Plan Amendment criteria and policy analysis. Also included are responses to public and Commission questions from the first public hearing.

- The expansion of Tangerine Road and the proximity of the planned technology park and commercial area may support a change to higher intensity uses. However, given the rural character of development to the north and west and public input received at the October 1st Planning and Zoning Commission meeting, consideration should be given to limiting the density to create a less abrupt transition in land use.
- Residential development of this property can provide nearby housing for future employers, which is supported by General Plan policies.
- The General Plan Amendment criteria require a finding that the amendment will not adversely impact the community or a portion thereof. The proposed development at the upper end of the 2.1 – 5.0 du/ac range will create a somewhat abrupt transition between the subject property and the rural homes to the north and east. This will create the need for significant buffering and design solutions to lessen the impact on the adjoining area to the west and north.
- At the October 1st Planning and Zoning Commission, a resident made the comment that the subject property was intended as a buffer between the rural residential area and the

technological park and commercial area. In 2004, the Planning and Zoning Commission recommended and the Town Council agreed and excluded the subject property from the General Plan Amendment to Commerce Park, leaving it designated Rural Low Density Residential. The subsequent General Plan Amendment application for High Density Residential on the subject property was withdrawn shortly after filing.

The use of the term “buffer” in the planning context typically implies non-development of property and the use of landscaping to serve as open space between differing land uses. The minutes of the 2004 Planning and Zoning Commission and Town Council do not use the term “buffer” in their decision. There was no consensus on the use of the subject property and therefore it was left Rural Low Density Residential and the Commerce Park designation was established on the property east of the wash.

- Although there is a strong market for new production housing, it is appropriate to support diversity of lot sizes in appropriate locations, in conformance with General Plan policies.

FACTORS FOR / FACTORS AGAINST

The proposed amendment has been evaluated using the general plan amendment criteria and applicable General Plan goals and policies as well as neighborhood and outside agency input. Following is a summary of the factors for and against the proposal:

Factors For:

1. Residential development of this property will provide housing for employees of nearby future employers.
2. Development at a density at the lower end of the MDR density range (2.1 du/ac) will create a compatible and logical transition in land uses in the area.
3. Development at a density at the lower end of the MDR density range may expand housing choice and diversity in this area.

Factors Against:

1. The amendment, as proposed by the applicant, will create an abrupt transition in residential density with the rural residential area to the north and west.
2. Development of Medium Density Residential, without limitation, will not meet housing diversity goals.

RECOMMENDATION:

Staff does not agree that the proposed number of lots provide a compatible transition between the rural residential area and future technology park/commercial area. The proposed amendment, limited to the lowest end of the 2.1-5.0 du/ac range will provide a more compatible land use transition between the planned technology park and commercial uses to the south and east and the rural residential areas to the north and west. Limiting the number of lots and lessening the impact of the development on the adjoining rural low density area may improve conformance with the General Plan amendment criteria and applicable General Plan policies.

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

Recommend approval to the Town Council of the requested Major General Plan Amendment under OV1113-03 to MDR, with the density not to exceed 2.1 du/ac.

SUGGESTED MOTIONS:

I move to recommend to Town Council approval of the requested amendment, with the density not to exceed 2.1 du/ac., based on a finding that the application meets the General Plan Amendment criteria and policies.

OR

I move to recommend to Town Council Denial the requested amendment based on a finding that the application fails to meet the General Plan Amendment criteria and policies as identified in the Discussion/Analysis section of this report.

ATTACHMENTS:

1. Location Map
2. Application and Responses to Criteria
3. Current & Proposed General Land Use Plan
4. October 1st Planning and Zoning Commission Staff Report
5. Draft October 1st Planning and Zoning Commission Minutes
6. Density of Adjacent Areas
7. Neighborhood Meeting Summary Notes

Chad Daines, AICP Principal Planner

DRAFT MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION
October 1, 2013
WILSON K-8 SCHOOL - SOUTH MULTI-PURPOSE ROOM
2330 W. GLOVER ROAD

- 4. PUBLIC HEARING: REQUEST FOR APPROVAL OF A MAJOR GENERAL PLAN AMENDMENT FOR MILLER RANCH FROM RURAL LOW DENSITY (0 - 0.3 DU/AC) AND LOW DENSITY (0.4 - 1.2 DU/AC) TO MEDIUM DENSITY (2.1 - 5.0 DU/AC) AND AMENDMENT OF THE URBAN SERVICES BOUNDARY LOCATED NORTH OF THE NORTHWEST CORNER OF TANGERINE ROAD AND LA CANADA DRIVE, OV1113-003.**

Chad Daines, Principal Planner, presented the following:

- Site Map
- Location Map
- General Plan Land Use
- Proposed General Plan Land Use
- Application Description
- Urban Services Boundary
- General Plan Amendment Evaluation
- Neighborhood meetings issues April 22nd and September 17th
- Factors For
- Factors Against
- Recommendation

Discussion ensued amongst the Commission regarding current designation and density.

Stacey Weaks, Norris Design, representing the applicant, presented the following:

- Miller Ranch Context Map
- Miller Ranch/Approved Development Plan
- General Plan Application
- Miller Ranch Planning Area
- Miller Ranch/Development Patterns
- Miller Ranch/Development Transition
- General Plan Elements

Vice Chair Cox opened the public hearing.

Scott Christy, Non-Oro Valley Resident, stated it was a nightmare to get the right zoning approved for this land in 2010. The zoning was changed to have a tech park built and he does not see any need to change zoning.

Paul Baker, Oro Valley Resident, stated that the question and observation is about the density issue here in Oro Valley; and specifically, about the criteria and adverse impact to the community. Consider the dollar amount on homes here in Oro Valley when considering granting a new density and addressing the criteria.

Bill Adler, Oro Valley Resident, stated this is a General Plan Amendment and we need to refer to the General Plan for compatibility. The rural character needs to stay; its nice to the Tangerine scenic corridor. His interpretation of the General Plan is to preserve and show respect to the character. Staff is on the right track of proposing larger lots.

Pat Olson, Oro Valley Resident, stated she would like to disagree with Mr. Daines that there is no harm to surrounding areas. People who live in her neighborhood have invested thousands of dollars in their properties because it was a low density rural neighborhood. Mr. Daines recommendation of 2.1 houses per acre is not a logic transition. It would be her hope for denial of this request and recommend a low density rural land designation.

Adelina Kempner, Oro Valley Resident, voiced her concern with the traffic entering and exiting as well with the emergency entrance.

James Waltrip, Non-Oro Valley Resident, agrees with all the public comments regarding medium density. Comparing with what is south of Tangerine Road does not make any sense for that particular area. The road is the biggest transition to an increase in traffic for people that have horses with no place to ride.

Pat McGowan, Non-Oro Valley Resident, is concerned with loss of culture and loss of property values with the medium density homes in the area. There are horses in the area and the people moving in will not like it.

Matt Olson, Oro Valley Resident, asked if there were changes in the community that support the proposal. Does the proposal contribute to the community or impact the community? Is the proposal appropriate for the community? Tangerine Road and La Canada contribute a natural boundary. It's very important that our views are not damaged, our property values are not damaged

and the nature of the community is not damaged. If there has to be a change, the suggestion of limiting the density is okay. Half acre lots would stand out like a sore thumb in this area. The traffic generated from this is a concern for him as well. He does not hear a proposal that would benefit the community.

Vice Chair Cox closed the public hearing.

Discussion ensued amongst the Commission regarding emergency access, ingress and egress from Tangerine Road and what can the developer do and not do.

MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
SPECIAL SESSION
November 7, 2013
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE

- 4. PUBLIC HEARING: REQUEST FOR APPROVAL OF A MAJOR GENERAL PLAN AMENDMENT FOR MILLER RANCH FROM RURAL LOW DENSITY (0 - 0.3 DU/AC) AND LOW DENSITY (0.4 - 1.2 DU/AC) TO MEDIUM DENSITY (2.1 - 5.0 DU/AC) AND AMENDMENT OF THE URBAN SERVICES BOUNDARY LOCATED NORTH OF THE NORTHWEST CORNER OF TANGERINE ROAD AND LA CANADA DRIVE, OV1113-003.**

David Williams, Planning Manager, presented an the following:

- Location Map
- General Plan Land Use
- Proposed General Plan Land Use
- Application Description
- Urban Services Boundary
- General Plan Amendment Evaluation
- General Plan Amendment Evaluation Criteria
- October 1st Planning and Zoning Commission Issues
- Previous Applications
- Factors For
- Factors Against
- Recommendation

Stacey Weaks, Norris Design, representing the applicant, presented the following:

- Entitlement Timeline
- Approved Development Plan
- General Plan Application
- Planning Area
- Development Patterns
- Development Transition
- General Plan Elements

Chairman Swope opened the Public Hearing.

Scott Christy, Oro Valley Resident, asked what is transition and has seen transition in the two previous proposals on how density changes. Mr. Christy cannot understand why so many houses are needed.

Pat McGowan, Oro Valley Resident, states it is hard to imagine without seeing the structures and how it will affect the neighbors and the quality of life. Mr. McGowan's main concern is the proposal does not fit with the consistency of the General Plan.

Bill Adler, Oro Valley Resident, states that none of the three applicants have used specific policies in the General Plan to support their positions. The General Plan is intended to reflect the balance between public and private rights. Mr. Adler would favor trying to come up with a square footage for the lots rather than this arbitrary designation of two or three acres per acre. Mr. Adler is suggesting 13,000 square foot lots adjacent to the border.

Chairman Swope closed the Public Hearing.

David Williams responded to the suggestion of the square footage vs. density reference.

MOTION: A motion was made by Commissioner Buette and seconded by Commissioner Rodman to Recommend Denial of OV1113-03 requested amendment based on a finding that the application fails to meet the amendment criteria and policies as identified in the staff report.

Discussion ensued amongst the Commission regarding if the proposed change is necessary and what was agreed to previously.

MOTION carried, 5-2 with Commissioner Caine and Commissioner Drzazgowski opposed.



Town Council Regular Session

Item # **3.**

Meeting Date: 02/05/2014
Requested by: David Williams
Submitted By: Chad Daines, Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION ON A ZONING CODE AMENDMENT RELATED TO DEFINITIONS, ZONING DISTRICTS AND STANDARDS FOR SENIOR CARE USES AND RELATED AMENDMENTS

RECOMMENDATION:

Staff will provide background information relative to the proposed amendment and seek any additional direction. The code amendment would move forward for review by the Planning and Zoning Commission, then later for adoption by the Council.

EXECUTIVE SUMMARY:

In 2013, Town Council initiated an amendment to revise and add definitions of various types of senior care uses, establish appropriate development standards and determine acceptable zoning districts and review processes for new senior care uses. This agenda item is intended to provide Town Council with a progress update on the main elements under consideration.

BACKGROUND OR DETAILED INFORMATION:

Consistent with the aging of the baby boomer generation, the senior care industry is expanding and senior care facilities are in strong demand nationwide. As such, the Town is receiving increased inquiries and requests for approvals for new senior care uses. Updating zoning requirements related to this group of land uses is important as continued expansion and new construction of senior care facilities in Oro Valley is expected. The proposed amendment will address several areas of the Zoning Code related to the regulation of these uses.

Definitions

Levels of care progress through three State-established broad categories including Residential, Long Term Care and Medical. The specific types of senior care (Independent Living, Assisted Living, Skilled Nursing, Memory Care, Hospice, Rehabilitative Care, etc.) fall under the umbrella of one of these three broad categories. The Zoning Code currently omits Assisted Living and other senior care uses, creating difficulties when reviewing and approving a facility like the new memory care facility on Desert Sky and Oracle Rd. The amendment will add, delete and modify definitions to align the Zoning Code with currently defined uses by the State and Federal licensing categories.

A significant trend in the senior care industry is the development of a single facility providing multiple levels of care. This type of hybrid facility provides for continuum of care uses which typically start with Independent Living and progress through Skilled Nursing as residents' needs change. The Zoning Code

currently lacks a definition and standards addressing these type of hybrid facilities which include more than one level of senior care. The amendment will include a definition of Continuum of Care Facility to address this growing trend in the industry.

Another portion of the amendment will address an issue with the definition of 'Community Residence.' The Zoning Code currently uses the title 'Community Residence' instead of the proper title and definition for 'Adult Care Home,' established by State licensing regulations. Adult Care Homes are small in-home care uses for up to 10 adults in a single-family home. Such facilities are permitted in all single-family residential zoning districts and are protected by Federal law. The amendment proposes to correct the terminology and definition to accurately reflect the facility type referenced in State law.

Zoning Districts

Currently, some senior care uses are conditional uses in Neighborhood Commercial C-N, but are not permitted in the more intense C-1 and C-2 zoning districts. The amendment will address which zoning districts permit specific senior care uses or conditional uses, and will provide a logical progression of allowable senior care uses within appropriate commercial or higher density residential zoning districts, such as Multi-Family Residential R-6.

Development Standards

The Zoning Code currently includes limited and incomplete standards for senior care uses. The amendment will evaluate appropriate standards for development, such as active and/or passive recreational amenities and parking.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

Staff will complete the code amendments as described in this report and bring them forward for adoption. If the Council wishes to provide further direction, they may wish to consider the following motion:

I MOVE to direct staff to proceed with drafting the amendment, with the following specific direction
