

****SECOND AMENDMENT (9/15/15, 10:00 AM)
*AMENDED (9/14/15, 9:30 AM)
AGENDA
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
September 16, 2015
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CAÑADA DRIVE**

REGULAR SESSION AT OR AFTER 5:00 PM

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION - Pursuant to ARS 38-431.03 (A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding potential settlement discussions for Mora v. Town of Oro Valley

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UPCOMING MEETING ANNOUNCEMENTS

COUNCIL REPORTS

- Spotlight on Youth

DEPARTMENT REPORTS

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

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

INFORMATIONAL ITEMS

1. 2015 League of Arizona Cities and Towns Annual Conference
2. Letter of Appreciation - DIS

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

PRESENTATIONS

1. *Proclamation - Blue Ribbon Day

CONSENT AGENDA

(Consideration and/or possible action)

- A. Minutes - September 2, 2015
- B. Appointment and reappointment to the Corrections Officers Retirement Plan (CORP) Local Board

REGULAR AGENDA

1. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 5 (GOVERNMENT) LIQUOR LICENSE FOR THE ORO VALLEY COMMUNITY & RECREATION CENTER, LOCATED AT 10555 N. LA CANADA DRIVE
2. ~~*PUBLIC HEARING: ORDINANCE NO. (O)15-07, REZONING 16.3 ACRES NEAR THE NORTHWEST CORNER OF LA CAÑADA DRIVE AND TANGERINE ROAD FROM R1-144 TO R1-7, AND APPROVING AN ENVIRONMENTALLY SENSITIVE LAND FLEXIBLE DESIGN OPTION FOR A MODIFIED REVIEW PROCESS~~ (Removed from the agenda on 9/14/15 at 9:30 a.m.)
3. CONSIDERATION OF WAIVING THE ATTORNEY/CLIENT PRIVILEGE FOR THE LEGAL OPINION ON PROMOTION OF PRIVATE BUSINESS AT TOWN COUNCIL MEETINGS, AND DISCUSSION AND POSSIBLE DIRECTION REGARDING THE PROMOTION OF PRIVATE BUSINESS AT TOWN COUNCIL MEETINGS
4. DISCUSSION AND POSSIBLE ACTION ON THE TRAFFIC ACCIDENT CLAIM OF MORA V. TOWN OF ORO VALLEY
5. DISCUSSION AND POSSIBLE DIRECTION REGARDING THE ABILITY OF BOARD AND COMMISSION MEMBERS TO SPEAK ON ITEMS BEING CONSIDERED BY COUNCIL AT COUNCIL MEETINGS
6. DISCUSSION AND POSSIBLE DIRECTION REGARDING ADA SELF-EVALUATION ASSESSMENTS FOR PUBLIC AND PRIVATE LOCATIONS
7. **MOTION FOR RECONSIDERATION OF THE CONTINUANCE TO SEPTEMBER 16, 2015 OF ORDINANCE NO. (O)15-07, REZONING 16.3 ACRES NEAR THE NORTHWEST CORNER OF LA CANADA DRIVE AND TANGERINE ROAD FROM R1-144 TO R1-7, AND APPROVING AN ENVIRONMENTALLY SENSITIVE LAND FLEXIBLE DESIGN OPTION FOR A MODIFIED REVIEW PROCESS

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

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

ADJOURNMENT

POSTED: 9/9/15 at 5:00 p.m. by ms

AMENDED AGENDA POSTED: 9/14/15 at 5:00 p.m. by mrs

SECOND AMENDED AGENDA POSTED: 9/15/15 at 4:00 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: 09/16/2015

Submitted By: Arinda Asper, Town Manager's Office

Information

Subject

2015 League of Arizona Cities and Towns Annual Conference

Attachments

2015 League of Arizona Cities and Towns Annual Conference



Office of the Mayor & Town Council

Trip Report

Purpose:

2015 League of Arizona Cities and Towns Annual Conference

Date:

August 18 – August 21, 2015

Location:

JW Marriott Starr Pass Resort
Tucson, AZ

Attendees:

Mayor Satish Hiremath
Councilmember Bill Garner
Councilmember Mary Snider
Councilmember Mike Zinkin
Town Manager Greg Caton

Summary:

The 2015 League of Arizona Cities and Towns Annual Conference was hosted by the City of Tucson, Arizona.

The conference was attended by over 1200 elected officials and guests from cities and towns across Arizona. Highlights of the conference included: 2015 Gabe Zimmerman Public Service Awards; and over 25 sessions dealing with issues of importance to local, regional and statewide officials. The conference "schedule at a glance" is attached.

Report submitted to the Town Clerk on August 26, 2015.

Dr. Satish I. Hiremath
Mayor

Caring for our heritage, our community, our future.

www.orovalleyaz.gov

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

phone: (520) 229-4700 • fax: (520) 297-0428

2015 LEAGUE ANNUAL CONFERENCE TUCSON ☆ AUGUST 18-21



TUESDAY, AUGUST 18

- 8:00 a.m. – Golf Tournament – Starr Pass Golf Club**
- 1:30 p.m. – Pre Conference Session – Arizona 12**
- 1:30 p.m. – Resolutions Committee – Arizona 6 and 7**
- 4:00 p.m. – Arizona Municipal Risk Retention Pool (AMRRP) Annual Meeting – San Xavier**
- 4:00 p.m. – Affiliate Group Meeting – Arizona 5**
 - GAMA
- 5:30 p.m. – Welcome Reception – Arizona Foyer**
- 6:30 p.m. – APS Dinner at the League Annual Conference – Tucson Ballroom**

WEDNESDAY, AUGUST 19

- 8:30 a.m. – Youth Program – Arizona 5**
- 9:00 a.m. – Opening General Session – Arizona 6 and 7**
- 12:00 p.m. – Lunch On Your Own**
- 1:30 p.m. – Concurrent Sessions**
 - Forest Health and Its Impact on Cities and Towns - Tucson J
 - PSPRS Task Force Update and Recommendations - Tucson E
 - Arizona Council on Transportation Innovation Exchange - Tucson F
 - Fundamentals of Local Government: Ethics - Tucson A and B
 - Legislative Update & How You Can Make an Impact at the Capitol - Tucson C and D
- 3:15 p.m. – Concurrent Sessions**
 - Zoning/Code Enforcement and Blight Control Issues - Tucson J
 - Schools and Cities/Towns: Innovative Ideas and Strategies for Success - Tucson F
 - Social Media and Cities: The Pros and Cons - Tucson E
 - Basics of Budgeting for Small Communities - Tucson A and B
 - TPT Reform: What to Expect in 2016 - Tucson C and D
 - Helping Arizona's Veteran Population - Arizona 8
- 6:30 p.m. – Service Award Dinner and Entertainment – Arizona Ballroom**

THURSDAY, AUGUST 20

- 8:00 a.m. – Spouse/Guest Mobile Tour – San Ignacio**
Tour Downtown Tucson on Board the Sun Link Streetcar
 - 8:15 a.m. – Concurrent Sessions**
 - Lifesavers in the Pool: AMRRP Services - Tucson A and B
 - Can Small Towns Be Cool? - San Luis
 - Marijuana Legalization: the Colorado Experience - Tucson C and D
 - Emergency Preparedness - Arizona 12
 - Arizona's Open Meeting Law - Arizona 8
 - Media Relations for Elected Officials: Avoiding Common Pitfalls - San Pedro
 - 10:00 a.m. – Concurrent Sessions**
 - Effective Mayor, Council and Manager Relationships - Tucson A and B
 - Water Issues: The Crisis in California and its Impact on Arizona - San Pedro
 - Business Beyond Borders - Arizona 8
 - Downtown Success Strategies From Around the Country - San Luis
 - Reading the Tea Leaves: Pundits Discuss the Current Politics - Tucson C and D
 - Great Ideas That Work: Current Innovative Programs and Solutions - Arizona 12
 - 12:00 p.m. – General Luncheon – Arizona Ballroom**
 - 2:30 p.m. – Concurrent Sessions**
 - Community-Based Entrepreneurship - San Luis
 - Railroads: Their History in AZ - San Pedro
 - League of Arizona Cities and Towns – How Can We Better Serve You? - Arizona 12
 - 2:30 p.m. – Affiliate Groups Meetings**
 - Arizona COG Directors - Arizona 8
 - Arizona City Attorneys Association - San Xavier
 - 2:30 p.m. – Mobile Tour: McKale Memorial Center Arena – League Registration Desk**
 - 4:00 p.m. – Annual Business Meeting – Arizona 5**
 - 6:00 p.m. – Showcase of Cities and Towns – Tucson Ballroom**
- ## FRIDAY, AUGUST 21
- 8:00 a.m. – Speed Networking Breakfast – Arizona 12**
 - 9:30 a.m. – Closing Session – Arizona 7**
 - 9:30 a.m. – Affiliate Group Meeting**
 - Arizona Rural Transportation Advocacy Council - Arizona 6
 - 12:00 p.m. – Conference Adjourns**



Town Council Regular Session

Item # 2.

Meeting Date: 09/16/2015

Submitted By: Julie Bower, Town Clerk's Office

Information

Subject

Letter of Appreciation - DIS

Attachments

[Letter of Appreciation - DIS](#)

August 28, 2015

Town of Oro Valley
11000 North La Canada Drive
Oro Valley, Arizona 85737

Attn: Paul Keesler, P.E.
Town Engineer

Dear Sir:

I am in receipt of your certified communication dated August 21, 2015, regarding the recent FEMA issuance of the Letter of Map Revision concerning the Lomas de Oro Wash adjacent to our property.

Your continued efforts to obtain this documentation as well as the prompt notification are appreciated.

I am now doubly indebted to you.

You may recall that prior to your present position with the Town you extended me the courtesy of correcting a fault with a new home my granddaughter was in the process of purchasing.

It involved an intrusion into the driveway of the D.R. Horton property by the erosion protection curbing fronting the utility terminals between the homes.

You quickly determined that the new home had been constructed incorrectly and had the builder relocate the offending curbing and replace the driveway as well.

You made my granddaughter very happy. Thank you once again.

I wish you continued good fortune in your new position.

Best Regards,



RAY BAUER
9900 North La Cholla Boulevard
Oro Valley, Arizona 85742-9645

cc: Mayor Satish Hiremath, D.D.S.



Town Council Regular Session

Item #

Meeting Date: 09/16/2015

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

Department: Town Clerk's Office

Information

SUBJECT:

1. *Proclamation - Blue Ribbon Day

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

N/A

Attachments

Proclamation - Blue Ribbon Day

Office of the Mayor
Oro Valley, Arizona
Proclamation

**BLUE RIBBON DAY
SEPTEMBER 30, 2015**

WHEREAS, thousands of public safety personnel that serve our communities make sacrifices each and every day; and

WHEREAS, these men and women who protect our communities are being targeted for wearing a uniform that identifies them as public servants; and

WHEREAS, evil triumphs when good people fail to act and Sir Robert Peele's statement, "the police are the people and the people are the police" is more true today than ever before; and

WHEREAS, each and every one of us has a responsibility to protect and serve those who protect and serve us; and

WHEREAS, I am asking the silent majority to join me in becoming vocal advocates for our men and women who serve with honor and distinction;

NOW, THEREFORE, I, Dr. Satish I. Hiremath, Mayor of Oro Valley, do hereby proclaim September 30, 2015 as **BLUE RIBBON DAY** in the Town of Oro Valley and ask residents to tie a blue ribbon around their mail box, front door, lamp post or a tree in their front yard, to thank all of the men and women of public safety and join the nation in painting this great country blue on September 30th.

Dated this 16th day of September, 2015

ATTEST:

Dr. Satish I. Hiremath, Mayor

Julie K. Bower, Town Clerk





Town Council Regular Session

Item # A.

Meeting Date: 09/16/2015

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

Department: Town Clerk's Office

Information

SUBJECT:

Minutes - September 2, 2015

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

N/A

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to (approve, approve with the following changes) the September 2, 2015 minutes.

Attachments

9/2/15 Draft Minutes

**MINUTES
ORO VALLEY TOWN COUNCIL
REGULAR SESSION
September 2, 2015
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

STUDY SESSION AT OR AFTER 4:30 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 4:30 p.m.

ROLL CALL

PRESENT:

Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Joe Hornat, Councilmember
Mary Snider, Councilmember
Mike Zinkin, Councilmember

ABSENT:

Brendan Burns, Councilmember
Bill Garner, Councilmember

1. OPEN MEETING LAW TRAINING

Town Attorney Kelly Schwab presented the Open Meeting Law (OML) training and outlined the following:

- What is the Open Meeting Law?
- Notice Requirements
- Purpose of an Executive Session
- Traditional and Electronic Meetings

Pitfalls in OML

- Serial Meetings
- Sending Emails
- Social Media
- Attending Other Meetings

- Calling a Meeting
- What Must be Included on an Agenda?
- What Must be Included in the Official Minutes?
- Penalties

Conflict of Interest

- Remote Interest vs. Substantial Interest
- Public Officer Disclosure Form
- What Happens if the Conflict of Interest Laws are Violated?

Public Records

- What are Public Records?
- Public vs. Non-Public Information

MOTION: A motion was made by Councilmember Zinkin and seconded by Vice Mayor Waters to adjourn the Study Session at 5:35 p.m.

MOTION carried, 5-0.

REGULAR SESSION AT OR AFTER 5:30 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 5:36 p.m.

ROLL CALL

PRESENT:

Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Brendan Burns, Councilmember (Appeared after roll call)
Bill Garner, Councilmember (Attended via telephone)
Joe Hornat, Councilmember
Mary Snider, Councilmember
Mike Zinkin, Councilmember

EXECUTIVE SESSION - Pursuant to A.R.S. 38-431.03(A)(7) for discussion and consultation regarding the purchase or lease of real property near James D. Kreigh Park and pursuant to A.R.S. 38-431.03(A)(3) and A.R.S. 38-431.03(A)(4) for legal advice with the attorneys of the public body regarding the Town's Sign Code and a recent U.S. Supreme Court case and regarding possible litigation from the Goldwater Institute

MOTION: A motion was made by Councilmember Snider and seconded by Vice Mayor Waters to go into Executive Session pursuant to A.R.S. 38-431.03(A)(7) for discussion and consultation regarding the purchase or lease of real property near James D. Kreigh Park and pursuant to A.R.S. 38-431.03(A)(3) and A.R.S. 38-431.03(A)(4) for legal advice with the attorneys of the public body regarding the Town's Sign Code and a recent U.S. Supreme Court case and regarding possible litigation from the Goldwater Institute.

MOTION carried, 6-0 with Councilmember Burns absent.

Mayor Hiremath said the following staff members would join Council in Executive Session: Town Manager Greg Caton, Town Attorney Kelly Schwab, Legal Services Director Tobin Sidles and Town Clerk Julie Bower.

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Mayor Hiremath called the meeting to order at 6:12 p.m.

ROLL CALL

PRESENT:

Satish Hiremath, Mayor
Lou Waters, Vice Mayor
Brendan Burns, Councilmember
Bill Garner, Councilmember (Attended via telephone)
Joe Hornat, Councilmember
Mary Snider, Councilmember
Mike Zinkin, Councilmember

PLEDGE OF ALLEGIANCE

Boy Scout Troop #255 led the audience in the Pledge of Allegiance.

UPCOMING MEETING ANNOUNCEMENTS

Communications Administrator Misti Nowak announced the upcoming Town meetings and events.

COUNCIL REPORTS

Vice Mayor Waters attended a conference in Washington D.C. on July 10 with Police Chief Danny Sharp at which they discussed the image of police in America and the problems police officers faced in the community.

Vice Mayor Waters asked Chief Sharp what he thought about what was happening in the United States today and how it applied to the Oro Valley Police Department.

Chief Sharp said the conference focused on concerns of trust between the community and police officers. To resolve issues of trust, there would need to be a strengthening of community relations with the police department. Chief Sharp was concerned with the hardships faced by law enforcement families during these times and about the retention and recruitment of police officers.

Vice Mayor Waters said the Task Force on 21st Century Policing recommended the use of body cameras on all police officers as part of the solution to strengthen community

relations with police officers. Chief Sharp said Oro Valley was the first agency in southern Arizona to start using body cameras but the rollout of the program had taken some time due to the importance of drafting and implementing an effective policy.

Councilmember Zinkin said that he had received legal advice from the Town Attorney regarding his proposal to recognize private businesses at Town Council meetings and this item would be discussed at the next Council meeting on September 16.

DEPARTMENT REPORTS

Town Clerk Julie Bower announced that new artwork was on display in the Council Chambers by artist Chris Hutter.

ORDER OF BUSINESS

Mayor Hiremath said Regular Agenda item #9 would be continued to a meeting in December at the request of Councilmember Zinkin.

INFORMATIONAL ITEMS

1. Letter of Appreciation - Oro Valley Police Department
2. Vice Mayor Waters - PERF Meeting Trip Report
3. Public Safety Providers Quarterly Reports (April - June 2015)

CALL TO AUDIENCE

Oro Valley resident Gerri Ottoboni encouraged all Oro Valley residents to vote "No" on the Pima County bond election questions on November 3, 2015.

Greg Patchen thanked the Town Council for the work they had done for the community. Mr. Patchen was concerned with the rate and speed of certain projects within the town and the cost of overhead they would bring.

PRESENTATIONS

1. Presentation - Plaque of Appreciation for Oro Valley Motorcycle Officer Michael Kleinberg

Chief Sharp recognized Officer Michael Kleinberg for assisting resident Oz Stolz at the scene of an accident and later checking up on him at the hospital. Mr. Stolz insisted on presenting Officer Kleinberg with a Plaque of Appreciation for going above and beyond the call of duty to ensure his safety.

2. Results from Colorado Explorer Competition

Sergeant Pierce and Officer Mattocks, lead advisers to the Oro Valley Police Explorers Post, spoke about the results from the Colorado Explorer Competition and congratulated the Explorers for receiving 16 different awards at the competition.

3. Proclamation - Grandfamily/Kinship Care Month

Mayor Hiremath proclaimed September, 2015 as Grandfamily/Kinship Care Month.

Arizona Grandparent Ambassador's Luara Hasso and Becky Duncan accepted the proclamation and said 177,000 children were being raised by kinship families in Arizona.

4. Proclamation - National Preparedness Month

Mayor Hiremath proclaimed the month of September, 2015 as National Preparedness Month.

Lieutenant John Teachout accepted the proclamation on behalf of the Oro Valley Police Department.

CONSENT AGENDA

Vice Mayor Waters requested to remove item (B) from the Consent Agenda for discussion.

Councilmember Zinkin requested to remove items (C) and (F) from the Consent Agenda for discussion.

- A. Minutes - July 1, 2015
- D. Visit Tucson Quarterly Report: April 1, 2015 - June 30, 2015
- E. Greater Oro Valley Chamber of Commerce Quarterly Report: April 1, 2015 - June 30, 2015
- G. Request for approval of a Final Plat for the Eagles Rest subdivision, located north of Moore Road approximately one-quarter of a mile east of La Cañada Drive
- H. Request for approval of an amended Final Plat for Blocks 1-4 of Stone Canyon VIII, located north of Tortolita Mountain Circle approximately one-quarter mile west of Rancho Vistoso Boulevard
- I. Resolution No. (R)15-55, authorizing and approving an Intergovernmental Agreement (IGA) between the Town of Oro Valley and the Pima County Recorder to provide election services for the November 3, 2015 special recall election

- J. Resolution No. (R)15-56, authorizing and approving a task force agreement between the Drug Enforcement Administration (DEA) and the Town of Oro Valley for the participation of one (1) Oro Valley police officer in the Pima County HIDTA Investigative Task Force (PCHITF)
- K. Resolution No. (R)15-57, authorizing and approving a task force agreement between the Drug Enforcement Administration (DEA) and the Town of Oro Valley for the participation of two (2) Oro Valley police officers in the DEA Tucson Task Force
- L. Resolution No. (R)15-58, authorizing and approving a license agreement between the Town of Oro Valley and Lennar Arizona, Inc. for installation and maintenance of improvements within the Moore Road right-of-way
- M. Resolution No. (R)15-59, requesting authority for the town manager to proceed with the purchase of 8.8 acres of land, located near Canyon Del Oro High School and James D. Kriegh Park, for the purpose of various municipal uses, to include a police substation and other public safety or recreational-related uses

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin to approve Consent Agenda items (A), (D)-(E) and (G)-(M).

MOTION carried, 7-0.

B. Fiscal Year 2014/15 Financial Update Through May 2015

Vice Mayor Waters asked about the overall health of the Town's financials for FY 2014/15.

Finance Director Stacey Lemos said the ending fund balance for the General Fund was \$10.2 million, which was higher than original estimates. Revenues were under budget by approximately \$352,000 at year end but expenditures were down by approximately \$726,000 due to vacancy savings and lower departmental operation and maintenance costs.

The Highway Fund was over on revenues and under on expenditures with an ending fund balance of approximately \$3.3 million which came in above estimates.

The Bed Tax Fund ended the year with a positive fund balance of approximately \$500,000.

The Community Center & Golf Fund ended the fiscal year with a positive fund balance of approximately \$1 million.

Ms. Lemos said retail sales tax collections for FY 14/15 came in right on

budget. Restaurant/bar collections came in a little bit over budget and utility tax collections came in on target.

Councilmember Zinkin was concerned with on-going golf course expenses and requested that future financials include a break-down of the restaurant expenses and revenues.

MOTION: A motion was made by Councilmember Zinkin and seconded by Vice Mayor Waters to approve item (B).

MOTION carried, 7-0.

C. Fiscal Year 2014/15 Financial Update Through June 2015 (Year-End)

MOTION: A motion was made by Councilmember Zinkin and seconded by Vice Mayor Waters to approve item (C).

MOTION carried, 7-0.

F. Request for approval of a Final Plat for block 5 of the Maracay at Vistoso subdivision, located north of the Pebble Creek Drive and La Cañada Drive intersection

Councilmember Zinkin asked if two-story homes were allowed.

Senior Planner Rosevelt Arellano said one and two-story homes were allowed per the approved Conceptual Site Plan.

MOTION: A motion was made by Councilmember Zinkin and seconded by Vice Mayor Waters to approve item (F).

MOTION carried, 7-0.

REGULAR AGENDA

1. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR DRAGON VILLAGE RESTAURANT, LOCATED AT 12152 N. RANCHO VISTOSO BLVD. #C-180

Town Clerk Julie Bower presented item #1.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin to recommend approval of the issuance of a Series 12 liquor license to the Arizona Department of Liquor Licenses and Control for Billy Choy for Dragon Village Restaurant located at 12152 N. Rancho Vistoso Blvd. #C-180.

MOTION carried, 7-0.

2. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 6 (BAR) LIQUOR LICENSE FOR VISTOSO GOLF CLUB, LOCATED AT 955 W. VISTOSO HIGHLANDS DRIVE

Ms. Bower presented item #2.

Mayor Hiremath opened the public hearing.

No comments were received.

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Garner to recommend approval of the issuance of a Series 6 liquor license to the Arizona Department of Liquor Licenses and Control for Philip Green Sr. for Vistoso Golf Club located at 955 W. Vistoso Highlands Drive.

MOTION carried, 7-0.

3. PUBLIC HEARING: ORDINANCE NO. (O)15-07, REZONING 16.3 ACRES NEAR THE NORTHWEST CORNER OF LA CAÑADA DRIVE AND TANGERINE ROAD FROM R1-144 TO R1-7, AND APPROVING AN ENVIRONMENTALLY SENSITIVE LAND FLEXIBLE DESIGN OPTION FOR A MODIFIED REVIEW PROCESS

Mr. Arellano presented item #3 and outlined the following:

- Applicant's Request
- Site Plan Revisions
- Concerns/Issues
- ESL's Modified Review Process
- Public Participation
- Protest Map
- Recommendation

Discussion ensued amongst Council and staff regarding the proposed rezoning request.

Stacey Weeks, representative for Norris Design, presented item #3.

Mayor Hiremath opened the public hearing.

The following individuals spoke in opposition to item #3.

Amber Peterman
Oro Valley resident Don Bristow
Scott Christie
Pat McGowan
Sarah McGowan
Susann Duperret
Laureen Bottazzi
Dr. Chuck Boreson
Greg Patchen
Oro Valley resident Bill Adler
Oro Valley resident Rick Hines

Mayor Hiremath closed the public hearing.

Discussion ensued amongst Council, staff and the applicant regarding the proposed rezoning.

MOTION: A motion was made by Mayor Hiremath and seconded by Councilmember Snider to continue item #3 to the September 16, 2015 regular Town Council meeting.

MOTION carried, 6-1 with Councilmember Zinkin opposed.

Mayor Hiremath recessed the meeting at 8:27 p.m.

Mayor Hiremath reconvened the meeting at 8:36 p.m.

4. ***PUBLIC HEARING: ORDINANCE NO. (O)15-13, REGARDING SUSPENDING ENFORCEMENT OF TOWN ZONING CODE SECTION 28, SIGNS, REGARDING ALL PROVISIONS THAT REGULATE SIGN CONTENT WITHIN PUBLIC RIGHT-OF-WAYS AND PRIVATE PROPERTY FOR THOSE PROVISIONS THAT DO NOT COMPLY WITH THE CURRENT LAW (Amended on 8/27/15 at 3:30 p.m.)**

Mayor Hiremath opened the public hearing.

The following individuals spoke on item #4:

Oro Valley resident Bill Adler
Dave Perry, President and CEO of the Greater Oro Valley Chamber of Commerce and
Oro Valley resident

Mayor Hiremath closed the public hearing.

MOTION: A motion was made by Councilmember Hornat and seconded by Vice Mayor Waters to adopt Ordinance No. (O)15-13, suspending enforcement of Oro Valley Zoning Code Section 28, Signs, regarding all provisions that regulate sign content within the public rights-of-way and private property for those provisions that do not comply with the current law.

MOTION carried, 7-0.

5. DISCUSSION AND POSSIBLE ACTION FOR A CONCEPTUAL SITE PLAN, LANDSCAPE PLAN AND ARCHITECTURE FOR KNEADERS CAFE AND BAKERY, A PROPOSED RESTAURANT TO BE LOCATED NEAR THE NORTHEAST CORNER OF LINDA VISTA BOULEVARD AND ORACLE ROAD

Principal Planner Chad Daines presented item #5 and outlined the following:

- Location
- EI Corredor Site Plan
- Conceptual Site Plan/Landscape Plan
- Conceptual Architecture
- Public Participation
- Recommendation

Discussion ensued amongst Council, staff and the applicant regarding item #5.

Austin Smith, representative for Kneaders Bakery & Cafe, answered questions from Council.

The following individual spoke in support of item #5.

Oro Valley resident Larry Kincaid

MOTION: A motion was made by Councilmember Snider and seconded by Vice Mayor Waters to approve the Conceptual Site Plan and Landscape Plan for Kneaders Bakery & Café subject to the conditions in Attachment 1, finding that they are within conformance of the Design Principles and applicable Design Standards and delete Planning Note #5.

Attachment 1
Conditions of Approval
Kneaders Bakery and Cafe

Planning

1. The Final Site Plan shall include a 3.5 foot masonry wall along the northern boundary of the site to mitigate headlight glare from the adjacent parking area.
2. The Final Site Plan for El Corredor shall be modified in conjunction with the Final Site Plan for Kneaders Bakery and Café to reflect changes to pedestrian and vehicular circulation and other site elements on the Conceptual Site Plan under this application.
3. All off-site improvements adjacent to and in support of this development shall be installed in conjunction with this project including road improvements, entrance drive from Oracle, screen walls and the buffer yard on Oracle Road. The extent of improvements to support this development shall be determined by the Town Engineer and the Planning and Zoning Administrator.
4. The Final Landscape Plan shall include appropriate plant materials along the entire length of the drive-thru lane which will reach a minimum height of 3 feet at maturity, as required by the Zoning Code.

Engineering

5. An updated traffic impact analysis will be required. The update shall include the proposed Kneaders land use and provide recommendations for roadway and intersection improvements on Oracle Road and Linda Vista Boulevard.

Recommendations shall include turn lane geometry and queuing, as well as intersection timing and geometry. Approval of the updated report and proposed offsite improvements will also be required from the Arizona Department of Transportation.

6. A view fence (above 30 inches) shall be placed along the patio area in the area of a sight visibility triangle for vehicles exiting the drive-through.
7. Wheel stops shall be installed at all parking along the front of the store to preserve accessible routes and signage placed within the limits of the 3' vehicular parking overhang area.

Oro Valley Water Utility Condition

8. The location of the water system mains and services shall be coordinated with Oro Valley Water Utility. Structures shall not encroach into public water easements.

MOTION carried, 7-0.

MOTION: A motion was made by Councilmember Snider and seconded by Vice Mayor Waters to approve the Conceptual Architecture for Kneaders Bakery & Café finding that it is in conformance with the Design Principles and applicable building standards.

MOTION carried, 7-0.

6. DISCUSSION AND POSSIBLE ACTION FOR CONCEPTUAL SITE PLAN, LANDSCAPE PLAN AND ARCHITECTURE FOR PIMA FEDERAL CREDIT UNION, A PROPOSED 4,080 SQUARE FOOT BUILDING, LOCATED AT 11025 NORTH ORACLE ROAD WITHIN STEAM PUMP VILLAGE

Planner Robert Kirschmann presented item #6 and outlined the following:

- Site Plan
- Landscape Plan
- Conditions of Approval
- Sidewalk/Street
- Architecture
- Recommendation

Dan Babra, representative for DBSI, presented item #6.

MOTION: A motion was made by Councilmember Snider and seconded by Councilmember Zinkin to approve the Conceptual Architecture for Pima Federal Credit Union finding that it is in conformance with the Design Principles and applicable Design Standards and subject to the conditions of approval in Attachment 1.

Attachment 1
Conditions of Approval
Pima Federal Credit Union

Engineering

1. Construction of dual left-turn lanes from Oracle Road to Steam Pump Way shall commence prior to the issuance of a Grading or Building Permit for Pima Federal Credit Union.
2. Construction of dual left-turn lanes from Oracle Road to Steam Pump Way shall be completed prior to the issuance of a certificate of occupancy for Pima Federal Credit Union.
3. The applicant shall coordinate with ADOT as necessary to obtain approvals for access from Oracle Road.
4. An in-lieu fee will be required for future construction of a 5' sidewalk along the Oracle Road frontage. An easement dedicated to the Town of Oro Valley will also be required for construction of the sidewalk. The fee and easement will need to be in place prior to issuance of a Certificate of Occupancy. The fee shall be held for a period of time not to exceed ten (10) years, after which, if the sidewalk has not been constructed, the in-lieu fee shall be returned to the applicant. (*Town* Subdivision Street Standards: Sec 6.3.2)

Planning

5. The Final Landscape Plan shall include plant materials along the entire length of the drive-thru lane which will reach a minimum of 3 feet at maturity, as required by the Zoning Code.

MOTION carried, 7-0.

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to approve the Conceptual Site Plan and Landscape Plan for Pima Federal Credit Union subject to the conditions of approval in Attachment 1 based on the findings that both are in conformance of the Design Principles and applicable Design Standards.

Attachment 1
Conditions of Approval
Pima Federal Credit Union

Engineering

1. Construction of dual left-turn lanes from Oracle Road to Steam Pump Way shall commence prior to the issuance of a Grading or Building Permit for Pima Federal Credit Union.
2. Construction of dual left-turn lanes from Oracle Road to Steam Pump Way shall be completed prior to the issuance of a certificate of occupancy for Pima Federal Credit Union.
3. The applicant shall coordinate with ADOT as necessary to obtain approvals for access from Oracle Road.
4. An in-lieu fee will be required for future construction of a 5' sidewalk along the Oracle Road frontage. An easement dedicated to the Town of Oro Valley will also be required for construction of the sidewalk. The fee and easement will need to be in place prior to issuance of a Certificate of Occupancy. The fee shall be held for a period of time not to exceed ten (10) years, after which, if the sidewalk has not been constructed, the in-lieu fee shall be returned to the applicant. (*Town Subdivision Street Standards: Sec 6.3.2*)

Planning

5. The Final Landscape Plan shall include plant materials along the entire length of the drive-thru lane which will reach a minimum of 3 feet at maturity, as required by the Zoning Code.

MOTION carried, 7-0.

7. DISCUSSION AND POSSIBLE ACTION FOR CONCEPTUAL ARCHITECTURE

AND LANDSCAPE PLAN FOR A PROPOSED 4,999 SQUARE FOOT BUILDING, LOCATED WITHIN THE SAN DORADO DEVELOPMENT, LOCATED AT 10556 NORTH ORACLE ROAD

Mr. Kirschmann presented item #7 and outlined the following:

- Location
- Landscape Plan
- North and South Elevations
- East and West Elevations
- Surrounding Architecture Features
- Recommendation

The following individual spoke on item #7:

Oro Valley resident Don Bristow

MOTION: A motion was made by Vice Mayor Waters and seconded by Councilmember Zinkin to approve the Conceptual Architecture and Landscape Plans subject to the condition in Attachment 1 for San Dorado Shops F, finding that both are in conformance with the applicable Design Principles and Standards.

Attachment 1
San Dorado Building F
Condition of Approval

Planning Condition

1. The Final Landscape plan shall comply with the types and locations of plantings as specified in Addendum C.

MOTION carried, 7-0.

8. DISCUSSION AND POSSIBLE DIRECTION TO PROMOTE PRIVATE BUSINESS AT COUNCIL MEETINGS

Councilmember Zinkin requested to waive the attorney/client privilege so that the content of an attorney-client privileged memo to Council regarding a legal opinion pertaining to the promotion of private business at Council meetings could be discussed.

Town Attorney Kelly Schwab said the item on the agenda tonight was not agendized to discuss or take possible action on waiving the attorney-client privilege of the memo and recommended that consideration and action to waive the attorney-client privilege be brought forward as a future agenda item.

Mayor Hiremath continued item #8.

9. DISCUSSION AND POSSIBLE DIRECTION TO INITIATE AN AMENDMENT TO THE ORO VALLEY ZONING CODE REVISED (OVZCR) RELATED TO SECTION 28.3.B.1.D

Mayor Hiremath removed item #9 from the agenda.

FUTURE AGENDA ITEMS

Councilmember Zinkin requested a future agenda item for consideration and possible action to waive the attorney-client privilege for the legal opinion on the promotion of private business at Town Council meetings and discussion of promotion of private business, seconded by Councilmember Burns.

Councilmember Snider requested a future agenda item to discuss the ability for Board and Commission members to speak at council meetings as private residents, seconded by Councilmember Zinkin.

CALL TO AUDIENCE

No comments were received.

ADJOURNMENT

MOTION: A motion was made by Councilmember Snider and seconded by Vice Mayor Waters to adjourn the meeting at 9:15 p.m.

MOTION carried, 7-0.

Prepared by:

Michael Standish, CMC
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the study/regular session of the Town of Oro Valley, Arizona held on the 2nd day of September, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2015.

Julie K. Bower, MMC
Town Clerk



Town Council Regular Session

Item # **B.**

Meeting Date: 09/16/2015

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

Department: Town Clerk's Office

Information

SUBJECT:

Appointment and reappointment to the Corrections Officers Retirement Plan (CORP) Local Board

RECOMMENDATION:

Mayor Hiremath and Police Chief Danny Sharp recommend the appointment of Oro Valley resident Brett Sadovnick and the reappointment of Carlene Kron to the Corrections Officers Retirement Plan (CORP) Local Board. Mr. Sadovnick's official term would begin September 1, 2015, and would then expire August 31, 2019. Ms. Kron's new term would begin September 1, 2015, and would expire August 31, 2019.

EXECUTIVE SUMMARY:

Police Department dispatchers are members of the State of Arizona CORP. Pursuant to ARS 38-893, each municipality that offers CORP must also form a local board to administer various aspects of the program to its members. The local board must be comprised of the following:

- The Mayor or his designee who serves as chairperson
- Two citizens appointed by the Mayor with the approval of Council for four-year terms
- Two members (employees) elected by secret ballot by members employed by the Town of Oro Valley to four-year terms (employee members are Michelle DeVault and Dan Rhoads)

BACKGROUND OR DETAILED INFORMATION:

Brett Sadovnick has been an Oro Valley resident since 2004 and is the owner of Tucson coin and Autograph. Mr. Sadovnick is active in the community, volunteering time and assistance to the Community Food Bank of Southern Arizona.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to appoint Brett Sadovnick to the Corrections Officers Retirement Plan Local Board for a term ending August 31, 2019, and to reappoint Carlene Kron to the Corrections Officers Retirement Plan Local Board for a term expiring August 31, 2019.



Town Council Regular Session

Item # **1.**

Meeting Date: 09/16/2015

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 5 (GOVERNMENT) LIQUOR LICENSE FOR THE ORO VALLEY COMMUNITY & RECREATION CENTER, LOCATED AT 10555 N. LA CANADA DRIVE

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 objection to the approval of the Series 5 Liquor License.

EXECUTIVE SUMMARY:

An application for a new Series 5 (Government) Liquor License has been submitted by Agent Matthew Hudson for the Oro Valley Community & Recreation Center, located at 10555 N. La Cañada Drive.

Mr. Hudson has submitted all necessary paperwork to the Town of Oro Valley and the Arizona Department of Liquor Licenses and Control. The \$500 application processing fee has been waived since the liquor license was requested and processed by the Town.

BACKGROUND OR DETAILED INFORMATION:

This non-transferable, on-sale retail privileges license allows the holder of a government license to sell and serve all types of spirituous liquor solely for consumption on the premises for which the license is issued. The license is issued in the name of a county, city, town, state university or the Arizona Coliseum and exposition centerboard whose governing body has authorized its use.

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 September 10, 2015. No protests were received during this time period.

Police Chief Daniel Sharp completed a standard background check on the Oro Valley Community & Recreation Center and Agent Matthew Hudson. Chief Sharp has no objection to the approval of the Series 5 (Government) 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. This processing fee has been waived since the liquor license was requested and processed by the Town.

SUGGESTED MOTION:

I MOVE to (recommend or deny) approval of the issuance of a Series 5 Liquor License to the Arizona Department of Liquor Licenses and Control for Matthew Hudson for the Oro Valley Community & Recreation Center, located at 10555 N. La Cañada Drive.

Attachments

OV Community & Recreation Center Series 5 Liquor License

DANIEL G. SHARP
CHIEF OF POLICE

TO: Mike Standish

FROM:  Daniel G. Sharp

DATE: 26 August 2015

RE: Application for Liquor License
Town of Oro Valley Community & Recreation Center
Matthew Hudson Agent
10555 N. La Canada

On August 26, 2015, the Oro Valley Police Department completed the standard background investigation on Matthew Hudson for the Town of Oro Valley Community & Recreation Center.

The Oro Valley Police Department has no objection for the issuance of a liquor license to Matthew Hudson for the Town of Oro Valley Community & Recreation Center located at 10555 N. La Canada.



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

Application for Liquor License
Type or Print with Black Ink

SECTION 1 This application is for a:

- Interim Permit (Complete Section 5)
New License (Complete Sections 2, 3, 4, 13, 14, 15, 16)
Person Transfer (Complete Section 2, 3, 4, 12, 13, 14, 16)
Location Transfer (Bars and Liquor Stores Only)
Probate/ Will Assignment/ Divorce Decree
Government (Complete Sections 2, 3, 4, 10, 13, 16)
Seasonal

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)
Tribe (Complete Section 6)
Other (Explain)

SECTION 3 Type of license

LICENSE # 05103012

1. Type of License: #5 GOVERNMENT

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE

A service fee of \$25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 4 Applicants

1. Individual Owner/Agent's Name: HUDSON MATTHEW PAUL
Last First Middle

2. Owner Name: TOWN OF ORO VALLEY
(Ownership name for type of ownership checked on section 2)

3. Business Name: ORO VALLEY COMMUNITY & RECREATION CENTER
(Exactly as it appears on the exterior of premises)

4. Business Location Address: 10555 N. LA CANADA DR. ORO VALLEY, AZ 85737 PIMA
Street City State Zip Code County

5. Mailing Address: 11000 N. LA CANADA DR. ORO VALLEY AZ 85737
Street City State Zip Code

6. Business Phone: (520) 544-1900 Daytime Contact Phone: (520) 229-5351

7. Email Address: MHUDSON@TRDONGOLF.COM

8. Is the Business located within the incorporated limits of the above city or town? Yes No

9. Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation? Yes No

If Yes, what City, Town or Tribal Reservation is this Business located in:

10. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) \$

Fees: Application 100.00 Interim Permit Department Use Only 44.00 Finger Prints Total of All Fees 144.00
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? Yes No
Accepted by: CS Date: 8/14/15 License # 05103012



Town Council Regular Session

Item # **2.**

Meeting Date: 09/16/2015
Requested by: Bayer Vella
Submitted By: Rosevelt Arellano
Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

~~*PUBLIC HEARING: ORDINANCE NO. (O)15-07, REZONING 16.3 ACRES NEAR THE NORTHWEST CORNER OF LA CAÑADA DRIVE AND TANGERINE ROAD FROM R1-144 TO R1-7, AND APPROVING AN ENVIRONMENTALLY SENSITIVE LAND FLEXIBLE DESIGN OPTION FOR A MODIFIED REVIEW PROCESS—(Removed from the agenda on 9/14/15 at 9:30 a.m.)~~

RECOMMENDATION:

The Planning and Zoning Commission recommends denial of the initial proposal consisting of 37 lots on 16.3 acres, but has not reviewed the most recent design.

EXECUTIVE SUMMARY:

The application was considered by Town Council on September 2, 2015. At the conclusion of the public hearing, Council voted to continue this item to their September 16th meeting to allow the applicant time to meet with the surrounding property owners and discuss an acceptable site plan design, including larger and fewer lots.

Staff is encouraging the applicant and surrounding property owners to have an informal meeting to determine whether a consensus can be reached on a revised design. Should this meeting occur, staff will provide an update to the Town Council.

BACKGROUND OR DETAILED INFORMATION:

For background information, please refer to the September 2nd Town Council packet for this case (Attachment 2).

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

The suggested motions and conditions of approval will be provided at the September 16th Town Council meeting. The motions and conditions will be based on the outcome of a potential informal meeting between the applicant and the surrounding property owners.

Attachments

Attachment 1 - (O)15-07 Miller Ranch Rezoning

ORDINANCE NO. (O)15-07

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING A REZONING REQUEST BY STACEY WEAKS OF NORRIS DESIGN FOR A 16.3 ACRE PROPERTY LOCATED NEAR THE NORTHWEST CORNER OF TANGERINE ROAD AND LA CAÑADA DRIVE TO BE REZONED FROM R1-144 TO R1-7 WITH CONDITIONS AND ALLOWING A FLEXIBLE DESIGN OPTION FOR A MODIFIED REVIEW PROCESS

WHEREAS, Stacey Weaks of Norris Design (the “Applicant”), applied for a rezoning from R1-144 to R1-7 for a property located near the northwest corner of Tangerine Road and La Cañada Drive, also known as Miller Ranch, see map of property as depicted on Exhibit “A” attached hereto; and

WHEREAS, the gross site of the proposed rezoning is 16.3 acres; and

WHEREAS, the current zoning of R1-144 allows one lot per 144,000 square feet; and

WHEREAS, the Applicant wishes to change the zoning to R1-7 to develop a 30 lot single-family residential subdivision with a minimum lot size of 10,000 sq. ft. along the east property line and 12,500 sq. ft. along the west property line; and

WHEREAS, the Application also requests a flexible design option enabled by the Environmentally Sensitive Lands regulations: 1) modified review process; and

WHEREAS, the Applicant’s request for rezoning complies with the OVZCR; and

WHEREAS, the Applicant's request for rezoning complies with the applicable General Plan requirements; and

WHEREAS, on February 3, 2015, the Planning & Zoning Commission recommended denial for rezoning the property from R1-144 to R1-7 and one flexible design option; and

WHEREAS, the Town Council has duly considered the Applicant’s request for rezoning of a 16.3 acre property located near the northwest corner of Tangerine Road and La Cañada Drive.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that the rezoning and flexible design option requested by Stacey Weaks of Norris Design to a property located near the northwest corner of Tangerine Road and La Cañada Drive is hereby approved with the conditions attached hereto as Exhibit “B”.

NOW THEREFORE BE IT FURTHER ORDAINED that:

1. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.
2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona on this 16th day of September, 2015.

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"

MAP OF PROPERTY



EXHIBIT “B”

CONDITIONS OF APPROVAL

1. The proposed homes shall be restricted to eighteen (18’) feet, 1-story as depicted in Exhibit “B-1.”
2. To help screen the proposed development from the adjacent rural properties to the west, the following shall be achieved within the western landscape bufferyard:
 - a. The size of the proposed trees shall be 36” box or greater.
 - b. The applicant shall install the following plants for every one-hundred (100) linear feet:
 - i. 5 trees
 - ii. 5 shrubs/cacti
 - iii. 10 accent plants
3. The applicant shall provide the following language in the deeds and future CC&R’s:

The Residences at Miller Ranch property described herein is subject to all adjacent Agricultural and Ranching Uses allowed within the existing zoning district, specifically to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural and ranching uses now existing or which may exist in the future in the Suburban Residential zone district. Property owners waive any claim for nuisance or otherwise arising from regular and customary agricultural and ranching operations. Agricultural and ranching operations that are consistent with sound agricultural and ranching practices are declared reasonable and shall not constitute a nuisance. Agricultural and ranching operations that are in conformity with federal, state and local laws and regulations are presumed to be operating within sound agricultural and ranching practices.

EXHIBIT "B-1"

1-STORY LOT RESTRICTION



MILLER RANCH | PROJECT SUMMARY

SITE AREA:	16.3 AC
TOTAL LOTS:	30
DENSITY:	1.84 RAC
TOTAL OPEN SPACE:	6.4 AC (39%)
ESL CRA (WASH):	3.4 AC (95%)
ESL RMA:	1.6 AC
WASH RESTORATION CREDIT:	1.5 AC

LOT RESTRICTION SUMMARY

①	ONE STORY HOME *
②	TWO STORY HOME
* WEST LOTS - SINGLE (ONE) STORY	



Town Council Regular Session

Item # **3.**

Meeting Date: 09/02/2015
Requested by: Bayer Vella
Submitted By: Rosevelt Arellano
Development Infrastructure Services
Department: Development Infrastructure Services

Information

SUBJECT:

PUBLIC HEARING: ORDINANCE NO. (O)15-07, REZONING 16.3 ACRES NEAR THE NORTHWEST CORNER OF LA CAÑADA DRIVE AND TANGERINE ROAD FROM R1-144 TO R1-7, AND APPROVING AN ENVIRONMENTALLY SENSITIVE LAND FLEXIBLE DESIGN OPTION FOR A MODIFIED REVIEW PROCESS

RECOMMENDATION:

The Planning and Zoning Commission (P & Z) recommends denial of the initial proposal consisting of 37 lots on 16.3 acres. P & Z has not reviewed the most recent design, consisting of 30 lots.

EXECUTIVE SUMMARY:

The applicant proposes to rezone a 16.3-acre property located near the northwest corner of Tangerine Road and La Cañada Drive from R1-144 to R1-7. The newly revised Tentative Development Plan (Attachment 2) depicts:

- 7 fewer lots (or 30 total lots) ranging in size from 12,500 square feet along the west property line and 10,000 square feet along the east property line
- Change of access from Sunkist Road (north) to La Cañada Drive (east)
- 1-story lot restriction for select lots

The applicant's proposal has received a formal legal protest from the adjacent property owners, resulting in the zoning code and state statute requiring a three-fourths (6-1) majority vote from Council in order to approve. Additional letters of protest or potential changes to support may be received before the September 2nd Town Council hearing and an update will be provided as necessary.

The request includes the use of a flexible design option for a modified review process, which is enabled by the Environmentally Sensitive Lands (ESL) regulations.

BACKGROUND OR DETAILED INFORMATION:

The applicant proposes to rezone the property to R1-7 to develop a 30-lot, single-family residential subdivision on 16.3 acres.

The following is a brief history of the proposed rezoning application:

- February 3, 2015: Planning and Zoning Commission recommended denial of a 37 lot subdivision due to the proposal not being compatible with the rural areas to the north and west
- March 4, 2015: Town Council continued the request to their June 17th meeting to allow the applicant time to address compatibility concerns

- May 19, 2015: A neighborhood meeting was held with 27 residents to discuss a 30 lot design and access on La Cañada Drive (see Attachment 3 for the neighborhood meeting summary notes)
- June 17, 2015: At the applicant's request, the Town Council postpones the application to their July 1st meeting
- June 19, 2015: Applicant submits a revised site plan depicting 20 lots on 9.3 acres
- July 1, 2015: At the applicant's request, the Town Council postpones the application to their September 2nd meeting
- August 4, 2015: Applicant submits a previous site plan design depicting 30 lots on 16.3 acres and access on La Cañada Drive

Land Use Context

- Property is vacant
- Zoning is R1-144

The existing General Plan (including lot layout), zoning and land use for the property and the surrounding area are depicted in Attachments 4, 5, 6 and 7.

Approvals-to-Date

- The property was annexed in 2004 and zoned R1-144
- In 2014, a Major General Plan Amendment was approved for Medium Density Residential (2.1 - 5.0 du/ac) with a maximum of 2.5 homes per acre.

The site plan represented at the General Plan Amendment hearing is similar to the current site plan design. In comparison, fewer lots and new access are currently proposed (Attachment 5 - Lot Layout from 2014 General Plan request)

Analysis of Request

The applicant proposes to rezone a 16.3 acre property from R1-144 to R1-7 to develop a 30-lot single-family residential subdivision. The Town Council considered a 37 lot design at its March 4, 2015 meeting. During the public hearing, Councilmembers expressed a concern with the project's compatibility with the rural areas to the north and west.

The applicant has proposed site plan revisions and conditions to address the neighbors' and Council's concerns with compatibility, access and view conservation. The proposed revisions and conditions are provided below, followed by staff comments.

1. Compatibility

- Decrease the total number of lots from 37 to 30 lots.

Staff Comment: The revised site plan depicts 12,500 sq. ft. lots along the north and west property lines abutting rural lots and 10,000 sq. ft. lots along the east property line abutting a future technology park. The proposed revisions have resulted in fewer lots and a density of 1.84 homes per acre. The proposed density is below the density maximum of 2.5 homes per acre established under the Major General Plan Amendment.

- Add language in the future deeds and covenants, conditions and restrictions to inform prospective homebuyers of the rural activities (e.g., equestrian uses, keeping of livestock, etc.) in the adjacent areas to the north and west.

Staff Comment: To inform future residents of the surrounding rural lifestyle (i.e. livestock and dirt roads), a condition of approval (Exhibit "B" in Attachment 1) has been added requiring that the applicant provides language in the deeds notifying prospective buyers of rural activities.

2. Access

- Relocate the primary access from Sunkist Road (north) to La Cañada Drive (east).

Staff Comment: Due to increased traffic and vehicle headlight pollution, neighbors expressed strong opposition to the proposed Sunkist Road access. To address their concerns, the applicant has proposed to eliminate primary access from Sunkist Road (except for emergency access) and provide a new primary entrance through the planned technology park to the east from La Cañada Drive. The proposed access uses existing improvements on La Cañada Drive (i.e. turning lanes and curb cuts), and was included as part of the original approved technology park development plan.

From a transportation planning standpoint, utilization of Sunkist Road represents the most safe and efficient option for the following reasons:

- Sunkist Road would organize access at a single, safe access point from La Cañada Drive and avoids conflicts inherent to funneling residential traffic through a commercial/employment center.
- More subdivisions are planned in the immediate area and Sunkist would provide a coordinated and improved road to serve this area.
- Sunkist Road is currently used by many residents and is partially paved.

Although the use of Sunkist Road is the best alternative, what the applicant has proposed is acceptable from a safety standpoint.

3. View Conservation

- The applicant proposes to restrict the building height to eighteen (18') feet and 1-story for certain lots as shown on Exhibit "B-1" in Attachment 1.

Staff Comment: The height restrictions will help address the neighbors' concerns for view conservation.

- To further address the neighbors' concerns for view conservation, the applicant proposes to install additional plants and mature trees along the west property line.

Staff Comment: The proposed vegetation will help screen the proposed subdivision

General Plan Conformance

The proposed rezoning conforms with the existing Medium Density Residential (MDR) land use designation of the General Plan Future Land Use Map. An MDR land use designation is characterized as an area containing single-family homes with a density of 2.1 to 5.0 homes per acre. The proposed density of 1.84 homes per acre is below the density maximum of 2.5 homes per acre established under a Major General Plan Amendment case in 2014.

The proposed subdivision has been reviewed for consistency with the General Plan Vision, Goals and Policies and a detailed analysis is provided in the Planning and Zoning Commission staff report (Attachment 8).

Zoning Code Conformance

The applicant's request has been reviewed and conforms to the applicable development standards (i.e. lot sizes, lot widths, building heights, etc.) of the R1-7 zoning district.

ESL Open Space Conformance

The property contains the following ESL conservation categories:

- Critical Resource Area: 95% open space requirement
- Resource Management Area Tier 2: 25% open space requirement

The proposed development provides the required 6.5 acres of Environmentally Sensitive Open Space (ESOS). More detail is provided in the Planning and Zoning Commission staff report (Attachment 8). The Planning and Zoning Commission minutes are provided as Attachment 9.

ESL Flexible Design Options

The ESL regulations enable flexible design options for conservation subdivision designs, as the intent is to encourage the preservation of natural open space while ensuring the applicant is able to develop the same number of lots as permitted under the base zoning district. The flexible design options are available to a developer when ESOS is applied to 25% or more of the property.

The applicant proposes 40% ESOS and has only requested the use of a modified review process to allow for an administrative review and approval of a site plan, provided it conforms to the proposed Tentative Development Plan.

This request is supported by staff as the newly revised Tentative Development Plan includes the same linear design represented during the General Plan Amendment process in 2013. The linear design has been adequately reviewed by the neighbors and the Planning and Zoning Commission at five (5) neighborhood and three (3) Planning and Zoning Commission meetings (total for General Plan and rezoning applications). It is not apparent that the community would benefit from additional reviews at public meetings.

Public Notification and Comment

Public notice was provided by the following methods:

- Notification of all property owners within 600' and extended area
- Homeowners association mailing
- Advertisement in the Daily Territorial newspaper
- Posting on property
- Town Hall and website posting

Prior to the February 3, 2015, Planning and Zoning Commission meeting, two (2) neighborhood meetings were held, the first on July 28, 2014, with three (3) residents attending and the second on October 29, 2014, with eight (8) residents in attendance. The main issues discussed at the meetings included: access, view preservation and the project's compatibility with the rural areas to the north and west. The neighborhood summary notes from these meetings are provided as Attachment 10.

Subsequent to the March 4, 2015, Town Council meeting, a third neighborhood meeting was held on May 19, 2015, with approximately 27 residents in attendance. The discussion at the meeting focused on the proposed site plan revisions (e.g., 30 lots and no direct access on Sunkist Drive, etc.), and the project's compatibility with the surrounding rural areas. The neighborhood meeting summary notes from the May 19th meeting is provided as Attachment 3.

Legal Protest Status

After the third neighborhood meeting, staff received a number of formal letters of protest. The Zoning Code and State statute (A.R.S. §9-462.04) establish the following:

"If the owners of twenty percent (20%) or more of the area of the property that either is included in the proposed Code or zoning map change, or is immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or is directly opposite thereto, extending one hundred fifty (150) feet from the street frontage of the opposite lots, files a protest in writing against a proposed Code amendment, it shall not become effective except by a favorable vote of three-fourths (3/4) of all members of the Town Council. If the number of members of the Town Council who are eligible to vote after any have withdrawn from the question because of conflict of interest is three-fourths (3/4) or less,

then a unanimous favorable vote of those remaining members shall be required for the amendment to become effective; provided, that such required number of votes shall in no event be less than a majority of the full membership of the Town Council. In determining the ratio of twenty percent (20%), the property of the petitioner shall not be included in the base area.”

The submitted letters constitute a legal protest and require a minimum three-fourths (6-1) Town Council vote for approval. A map showing the protest boundary and area of actual protest is shown on Attachment 11, and a copy of the objection letters is included as Attachment 12.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to APPROVE Ordinance No. (O)15-07, rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road, from R1-144 to R1-7, including the use of the ESL modified review process, subject to the conditions in Attachment 1, Exhibit “B,” finding that the request is consistent with the General Plan.

OR

I MOVE to DENY Ordinance No. (O)15-07, finding that the proposed rezoning is not consistent with the General Plan, specifically _____.

Attachments

Attachment 1 - (O)15-07 Miller Ranch Rezoning

Attachment 2 - Application

Attachment 3 - 5/19/2015 Neighborhood Meeting Summary Notes

Attachment 4 - General Plan Map

Attachment 5 - Lot Layout from General Plan

Attachment 6 - Zoning Map

Attachment 7 - Existing Land Use

Attachment 8 - PZC Report

Attachment 9 - PZC Meeting Minutes

Attachment 10 - 7/28/14 and 10/29/14 Neighborhood Meeting Summary Notes

Attachment 11 - Protest Map

Attachment 12 - Letters of Objection

ORDINANCE NO. (O)15-07

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, APPROVING A REZONING REQUEST BY STACEY WEAKS OF NORRIS DESIGN FOR A 16.3 ACRE PROPERTY LOCATED NEAR THE NORTHWEST CORNER OF TANGERINE ROAD AND LA CAÑADA DRIVE TO BE REZONED FROM R1-144 TO R1-7 WITH CONDITIONS AND ALLOWING A FLEXIBLE DESIGN OPTION FOR A MODIFIED REVIEW PROCESS

WHEREAS, Stacey Weaks of Norris Design (the “Applicant”), applied for a rezoning from R1-144 to R1-7 for a property located near the northwest corner of Tangerine Road and La Cañada Drive, also known as Miller Ranch, see map of property as depicted on Exhibit “A” attached hereto; and

WHEREAS, the gross site of the proposed rezoning is 16.3 acres; and

WHEREAS, the current zoning of R1-144 allows one lot per 144,000 square feet; and

WHEREAS, the Applicant wishes to change the zoning to R1-7 to develop a 30 lot single-family residential subdivision with a minimum lot size of 10,000 sq. ft. along the east property line and 12,500 sq. ft. along the west property line; and

WHEREAS, the Application also requests a flexible design option enabled by the Environmentally Sensitive Lands regulations: 1) modified review process; and

WHEREAS, the Applicant’s request for rezoning complies with the OVZCR; and

WHEREAS, the Applicant's request for rezoning complies with the applicable General Plan requirements; and

WHEREAS, on February 3, 2015, the Planning & Zoning Commission recommended denial for rezoning the property from R1-144 to R1-7 and one flexible design option; and

WHEREAS, the Town Council has duly considered the Applicant’s request for rezoning of a 16.3 acre property located near the northwest corner of Tangerine Road and La Cañada Drive.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Oro Valley, Arizona that the rezoning and flexible design option requested by Stacey Weaks of Norris Design to a property located near the northwest corner of Tangerine Road and La Cañada Drive is hereby approved with the conditions attached hereto as Exhibit “B”.

NOW THEREFORE BE IT FURTHER ORDAINED that:

1. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.
2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona on this 2nd day of September, 2015.

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"

MAP OF PROPERTY



EXHIBIT “B”

CONDITIONS OF APPROVAL

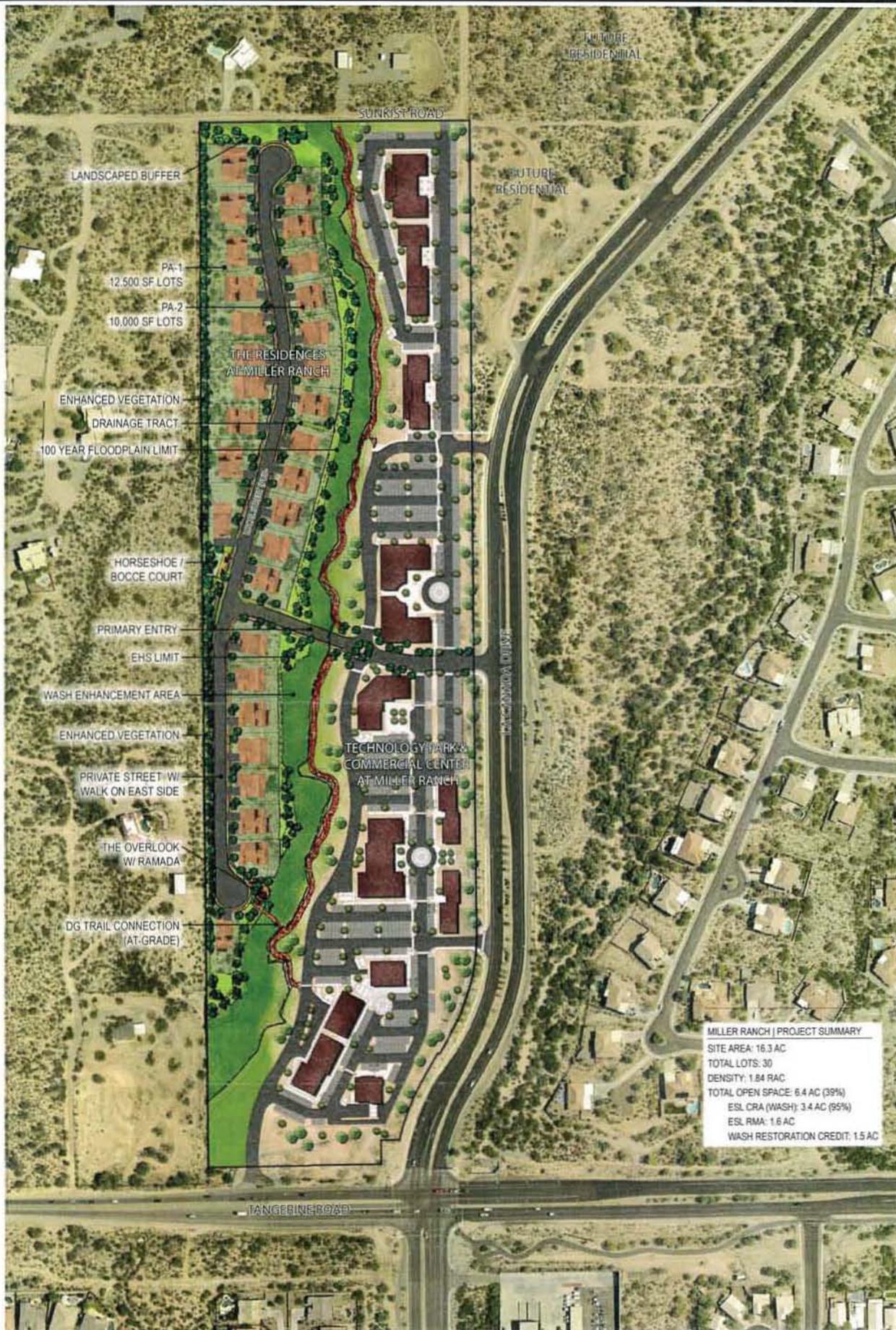
1. The proposed homes shall be restricted to eighteen (18’) feet, 1-story as depicted in Exhibit “B-1.”
2. To help screen the proposed development from the adjacent rural properties to the west, the following shall be achieved within the western landscape bufferyard:
 - a. The size of the proposed trees shall be 36” box or greater.
 - b. The applicant shall install the following plants for every one-hundred (100) linear feet:
 - i. 5 trees
 - ii. 5 shrubs/cacti
 - iii. 10 accent plants
3. The applicant shall provide the following language in the deeds and future CC&R’s:

The Residences at Miller Ranch property described herein is subject to all adjacent Agricultural and Ranching Uses allowed within the existing zoning district, specifically to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural and ranching uses now existing or which may exist in the future in the Suburban Residential zone district. Property owners waive any claim for nuisance or otherwise arising from regular and customary agricultural and ranching operations. Agricultural and ranching operations that are consistent with sound agricultural and ranching practices are declared reasonable and shall not constitute a nuisance. Agricultural and ranching operations that are in conformity with federal, state and local laws and regulations are presumed to be operating within sound agricultural and ranching practices.

EXHIBIT "B-1"

1-STORY LOT RESTRICTION





LANDSCAPED BUFFER
 PA-1
 12,500 SF LOTS
 PA-2
 10,000 SF LOTS

ENHANCED VEGETATION
 DRAINAGE TRACT
 100 YEAR FLOODPLAIN LIMIT

HORSESHOE /
 BOCCIE COURT

PRIMARY ENTRY
 EHS LIMIT

WASH ENHANCEMENT AREA
 ENHANCED VEGETATION

PRIVATE STREET W/
 WALK ON EAST SIDE

THE OVERLOOK
 W/ RAMADA

DG TRAIL CONNECTION
 (AT-GRADE)

THE RESIDENCES
 AT MILLER RANCH

TECHNOLOGY PARK &
 COMMERCIAL CENTER
 AT MILLER RANCH

MILLER RANCH | PROJECT SUMMARY
 SITE AREA: 16.3 AC
 TOTAL LOTS: 30
 DENSITY: 1.84 RAC
 TOTAL OPEN SPACE: 6.4 AC (39%)
 ESL CRA (WASH): 3.4 AC (95%)
 ESL RMA: 1.6 AC
 WASH RESTORATION CREDIT: 1.5 AC

Note: Graphic is for illustrative Purpose Only.



MILLER RANCH
 Concept Plan
 June 1, 2015

DESCO Southwest

RICK

NORRIS DESIGN



LANDSCAPED BUFFER
 PA-1
 12,500 SF LOTS
 PA-2
 10,000 SF LOTS
 ENHANCED VEGETATION
 DRAINAGE TRACT
 100 YEAR FLOODPLAIN LIMIT

HORSESHOE / BOCCIE COURT
 PRIMARY ENTRY
 EHS LIMIT
 WASH ENHANCEMENT AREA
 ENHANCED VEGETATION
 PRIVATE STREET W/ WALK ON EAST SIDE
 THE OVERLOOK W/ RAMADA
 DG TRAIL CONNECTION (AT-GRADE)

SINGLE (ONE) STORY RESTRICTION FOR THE WEST LOTS

RESIDENCES AT MILLER RANCH

TECHNOLOGY PARK'S COMMERCIAL CENTER AT MILLER RANCH

MILLER RANCH | PROJECT SUMMARY
 SITE AREA: 16.3 AC
 TOTAL LOTS: 30
 DENSITY: 1.84 RAC
 TOTAL OPEN SPACE: 6.4 AC (39%)
 ESL CRA (WASH): 3.4 AC (95%)
 ESL RMA: 1.6 AC
 WASH RESTORATION CREDIT: 1.5 AC

LOT RESTRICTION SUMMARY
 ① ONE STORY HOME *
 ② TWO STORY HOME
 * WEST LOTS - SINGLE (ONE) STORY

Note: Graphic is for illustrative Purpose Only



MILLER RANCH
 Concept Plan
 June 1, 2015

DESCO Southwest

NICK

NORRIS DESIGN

LOT RESTRICTION EXHIBIT

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RICK
ENGINEERING COMPANY

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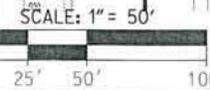
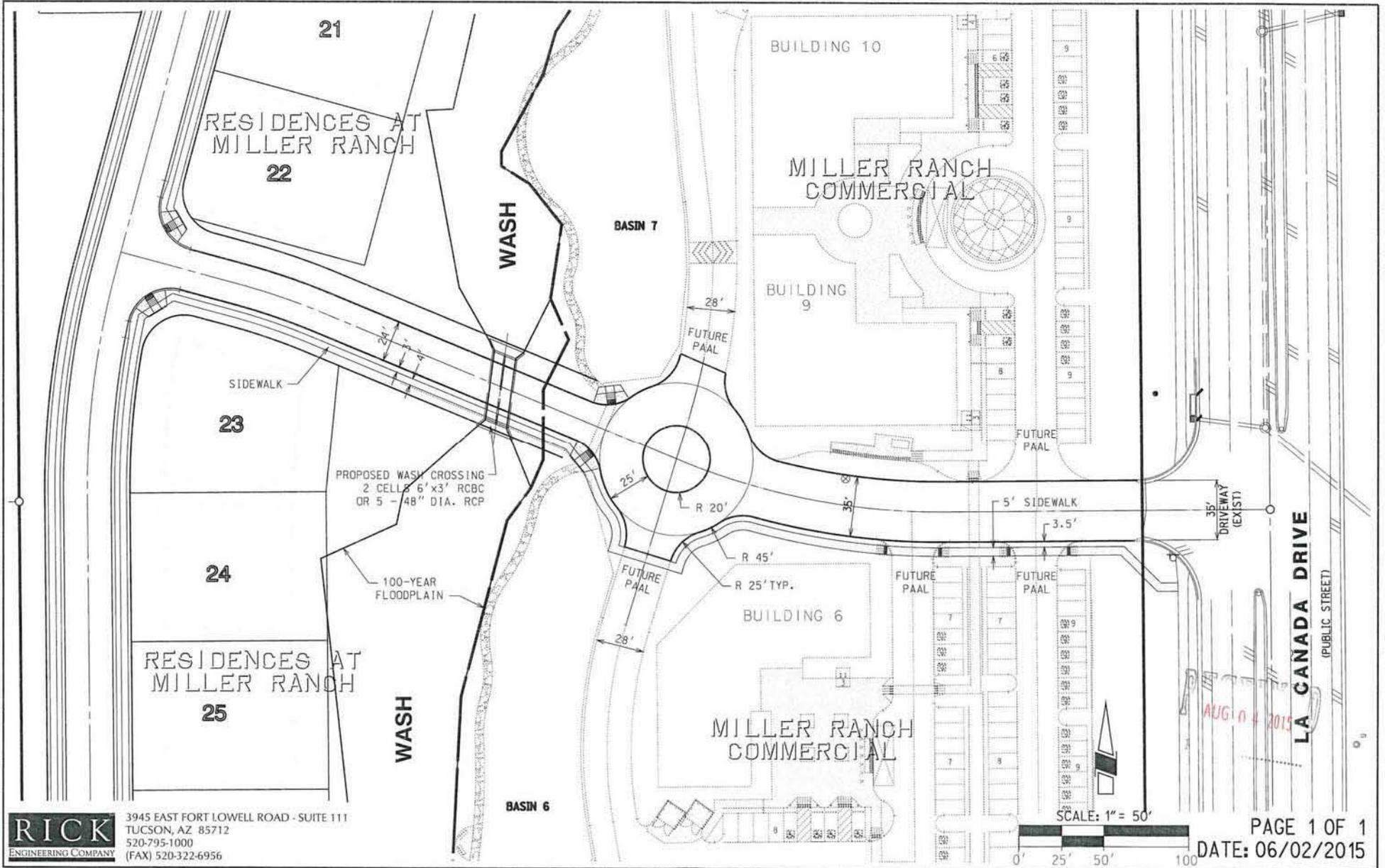


PAGE 1 OF 1
DATE: 06/02/2015

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3945 EAST FORT LOWELL ROAD - SUITE 111
TUCSON, AZ 85712
520-795-1000
(FAX) 520-322-6956



AUG 10 4 2015
LA CANADA DRIVE
 (PUBLIC STREET)
 35' DRIVEWAY (EXIST)
 5' SIDEWALK
 3.5'
 35'

The Residences at Miller Ranch

Rezoning Application

OV914-006

Submitted to:
Town of Oro Valley
Development and Infrastructure Services
11000 N La Canada Drive
Oro Valley, Arizona 85737

Prepared for:
DESCO Southwest
1795 E. Skyline Drive, Suite 193
Tucson, AZ 85718

418 North Toole Avenue
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Prepared by:

Submittal #4
April 17, 2015

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PART 1 - INVENTORY AND ANALYSIS

A. Existing Land Uses

1. Site Location

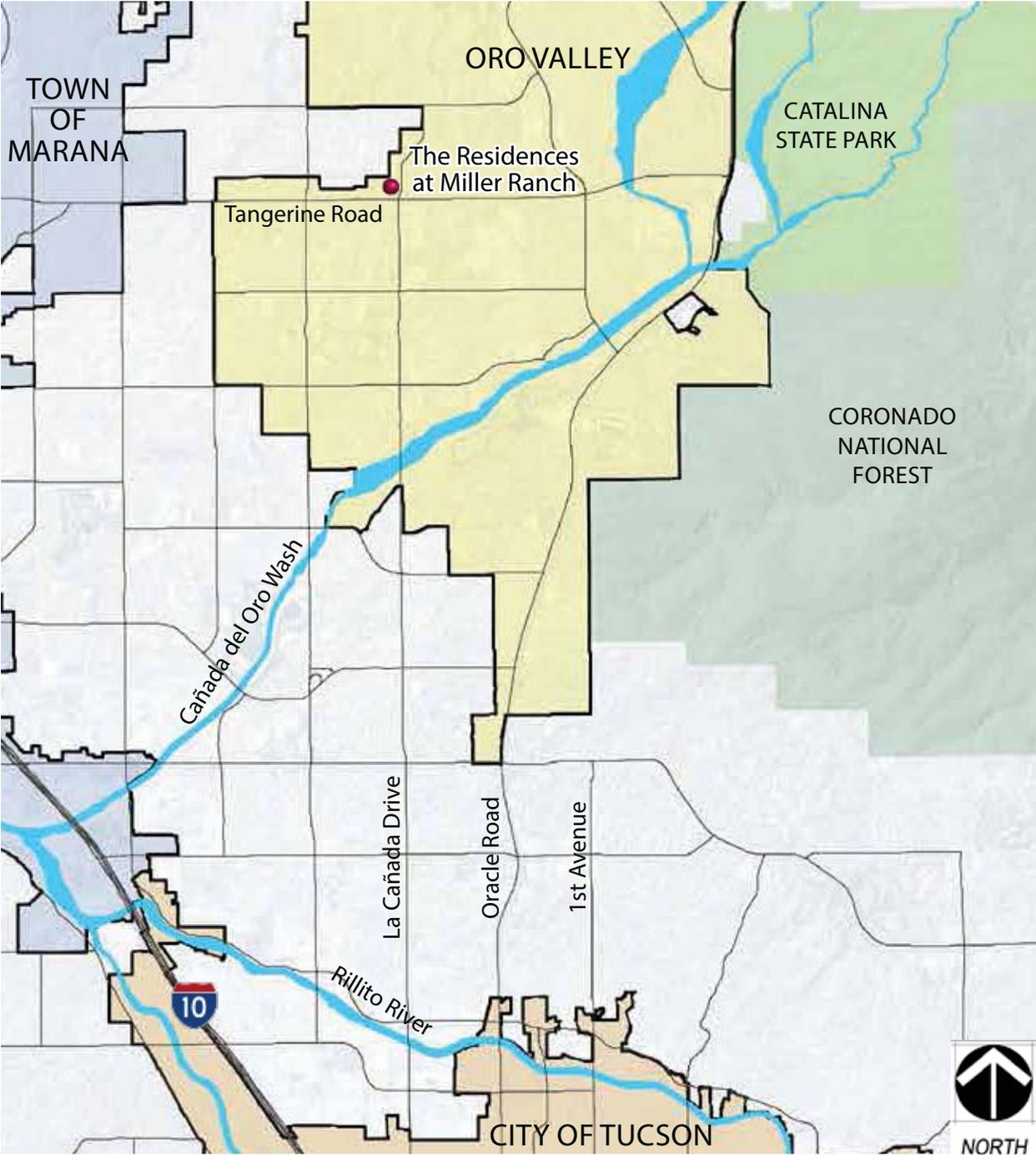
Located within the Town of Oro Valley in Pima County, Arizona, the Residences at Miller Ranch site is located in Section 34, Township 11 South, Range 13 East, G. & S.R.M. Approximately 16.3 acres, the property is located west of La Cañada Drive, and north of Tangerine Road. *See Exhibit 1-A.1, Regional Context, p. 2.*

2. Existing On-Site Land Uses

The Residences at Miller Ranch site is currently undeveloped. In February 2014 the Town of Oro Valley approved a General Plan Amendment for the subject property revising the land use category from Rural Low Density Residential (RLD, 0 - 0.3 DU/AC) and Low Density Residential (LDR, 0.4 - 1.2 DU/AC) to Medium Density Residential (MDR, 2.1 – 5.0 DU/AC) with a maximum allowable density of 2.5 DU/AC. As per the Town of Oro Valley Zoning Code, the property's current zoning is R1-144 (Single-Family Residential District). The proposed zoning for the property is R1-7 (Single-Family Residential District) with Environmentally Sensitive Lands (ESL) Development Incentives. *See Exhibit 1-A.2, Existing On-Site Land Uses, p. 3.*

Inventory and Analysis

Exhibit 1-A.1: Regional Context

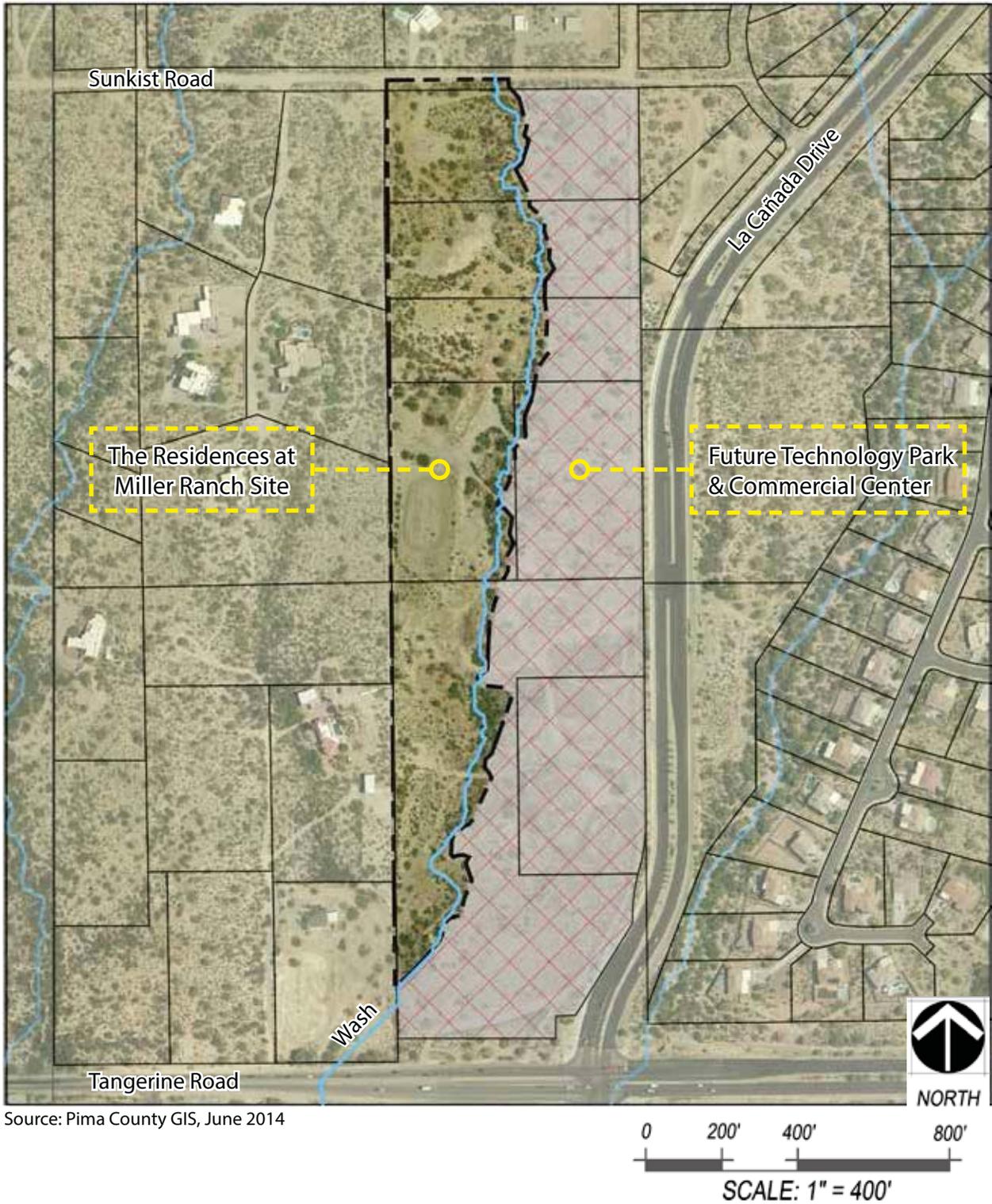


Source: Pima County GIS, June 2014



Inventory and Analysis

Exhibit 1-A.2: Existing On-Site Land Uses



Source: Pima County GIS, June 2014

Inventory and Analysis

3. Contextual Information on Property within a 1/4 mile

The information in *Table 1-A.3, this page*, is provided for all property within a 1/4 mile radius of the Residences at Miller Ranch site.

TABLE 1-A.3: CONTEXTUAL INFORMATION ON PROPERTY WITHIN 1/4 MILE

Property	Zoning ¹	Land Use ²	Building Heights*
The Residences at Miller Ranch	Rezone Request from R1-144 to R1-7	Currently Undeveloped; Medium Density Residential (MDR, 2.1 – 5.0 DU/AC)	NA
North, NW	SR	Rural Low Density Residential (RLD, 0 - 0.3 DU/AC)	34'
East	R1-144 R1-36 R1-20 T-P	Low Density Residential (LDR, 0.4 - 1.2 DU/AC and 1.3 - 2.0 DU/AC); Commerce/Office Park; Open Space; Significant Resource Area	18' - 34'
SE	R-4 R-6 C-1	Medium Density Residential (MDR, 2.1 - 5.0 DU/AC); High Density Residential (HDR, 5.0+ DU/AC); Public/Semi-Public	25' or 2 stories
South	R1-7	Medium Density Residential (MDR, 2.1 - 5.0 DU/AC); Significant Resource Area	25' or 2 stories
SW	R1-10	Medium Density Residential (MDR, 2.1 - 5.0 DU/AC)	25' or 2 stories
West	SR R1-144	Rural Low Density Residential (RLD, 0 - 0.3 DU/AC) and Low Density Residential (LDR, 0.4 - 1.2 DU/AC)	18' - 34'

¹ PIMA COUNTY GIS JUNE 2014² ORO VALLEY 2005 GENERAL PLAN

* AS PER TOWN OF ORO VALLEY ZONING CODE

a. Existing Zoning

See *Table 1-A.3, this page, and Exhibit 1-A.3, Existing Zoning, p. 5.*

b. Existing Land Uses

See *Table 1-A.3, this page.*

c. Heights of Existing Structures

See *Table 1-A.3, this page.*

d. Pending Rezoning

Per Town of Oro Valley Planning, there are no pending rezonings.

e. Conditionally Approved Zonings

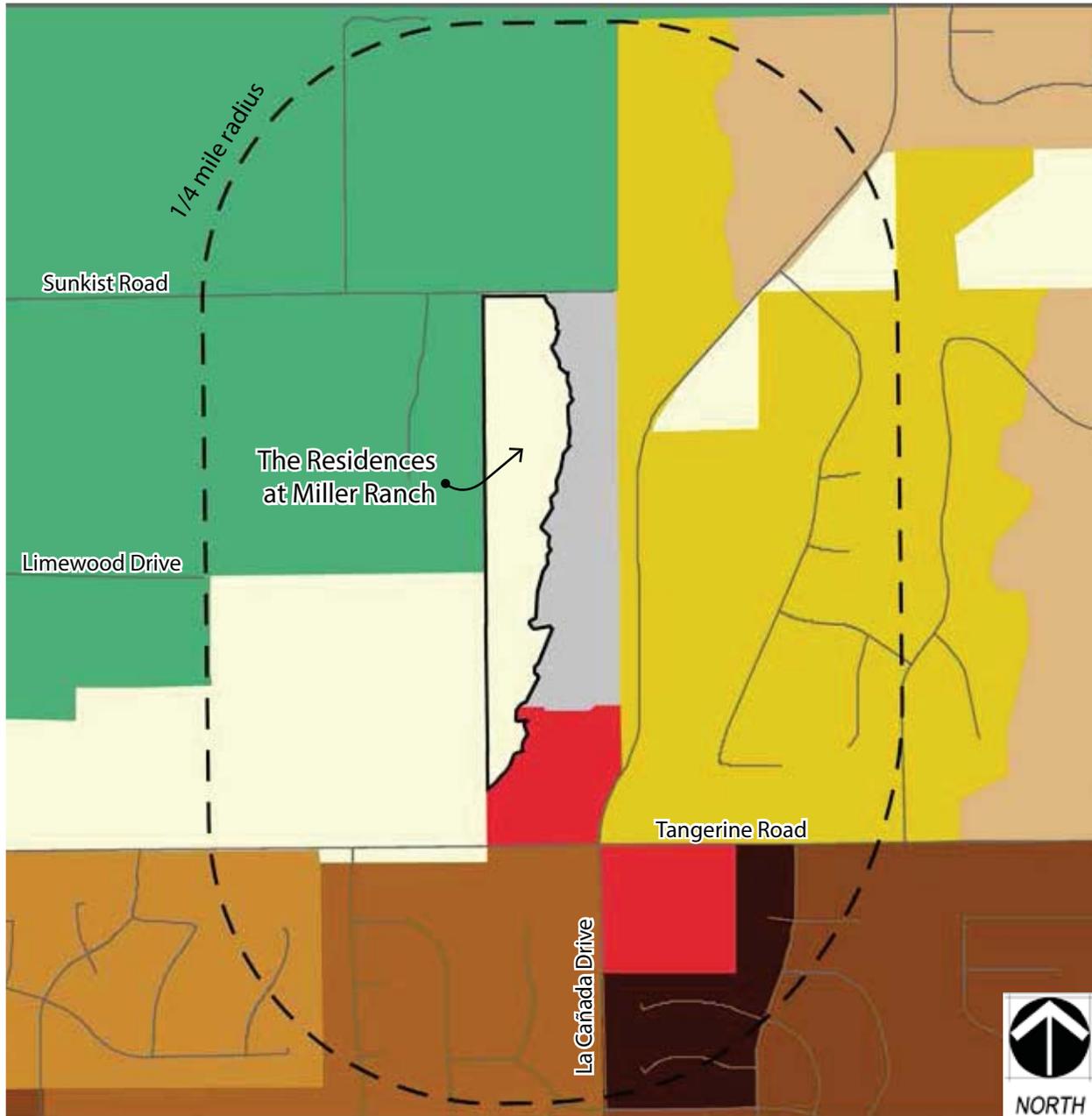
Per Town of Oro Valley Planning, there are no conditionally approved zonings.

f. Subdivisions and/or Development Plans Approved

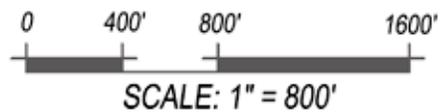
Per Town of Oro Valley Planning, there are no subdivisions/development plans approved. For existing subdivisions see *Exhibit 1-A.3f, Existing Subdivisions, p. 6.*

g. Architectural Styles of Adjacent Structures

Traditional Southwestern Ranch per the Oro Valley Design Guidelines.



Source: Pima County GIS, June 2014



LEGEND

- SR: Suburban Ranch
- R1-144: Single Family Residential
- R1-36: Single Family Residential
- R1-20: Single Family Residential
- R1-10: Single Family Residential

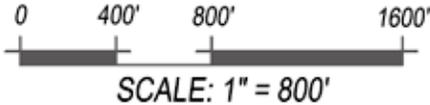
- R1-7: Single Family Residential
- R-4: Townhouse Residential
- R-6: Multi-Family Residential
- C1: Commercial District
- T-P: Technological Park

Inventory and Analysis

Exhibit 1-A.3f: Existing Subdivisions



Source: Pima County GIS, June 2014



4. Location and Ownership of wells/well sites (100' radius from site)

According to the Arizona Department of Water Resources, there are three (3) well sites within 100 feet of the site. All wells are owned by Desco-Miller, LLC and are currently abandoned. *See Exhibit 1-A.4, Wells within 100' of Site, p. 8.*

B. Topography

1. Significant Site Topography

No significant natural topographic features are found on the Residences at Miller Ranch property. *See Exhibit 1-B.1, Topography, p. 9.*

a. Hillside Conservation Area

No Hillside Conservation Areas exist on the site.

b. Rock Outcroppings

No rock outcroppings exist on the site.

c. Slopes Greater than 15%

No slopes greater than 15% exist on the site.

d. Significant Topographic Features

No significant topographic features exist on the site.

2. Pre-Development Cross-Slope

A pre-development average cross slope analysis was performed using the Pima County methodology as noted below. The average cross slope for parcels located within the Residences at Miller Ranch site were calculated using Pima County Geographic Information Systems' cross slope calculator tool. The existing average cross slope for the entire site is 5.35%.

Average Cross-slope Calculation

$$\frac{I \times L \times 0.0023}{A}$$

A

I = Contour Interval

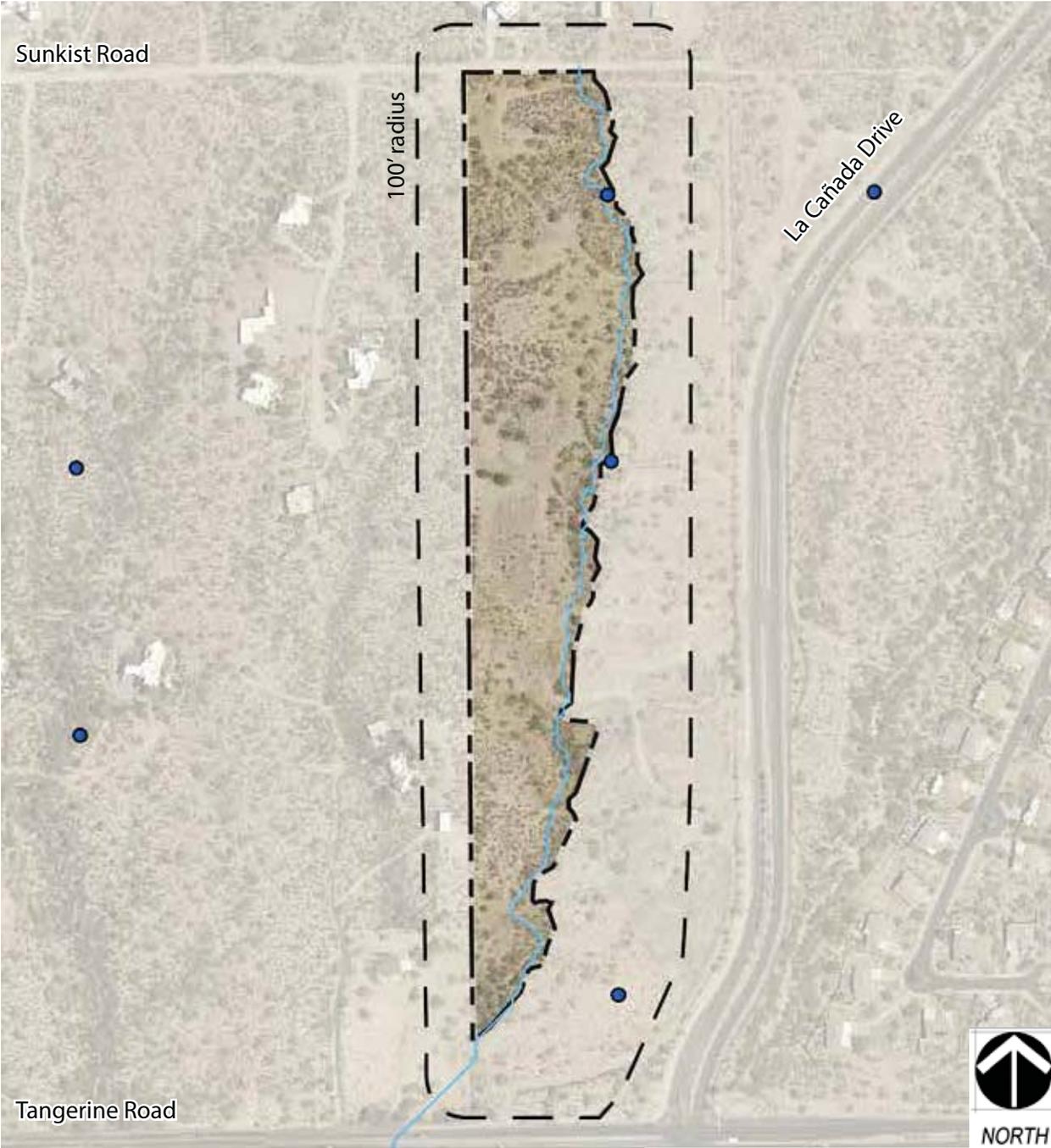
L = Contour Length

0.0023 = Constant to convert square feet
to acres and slope to percent

A = Acres in Site

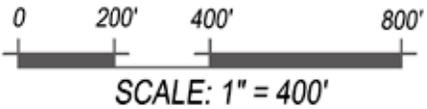
Inventory and Analysis

Exhibit 1-A.4: Wells within 100' of Site



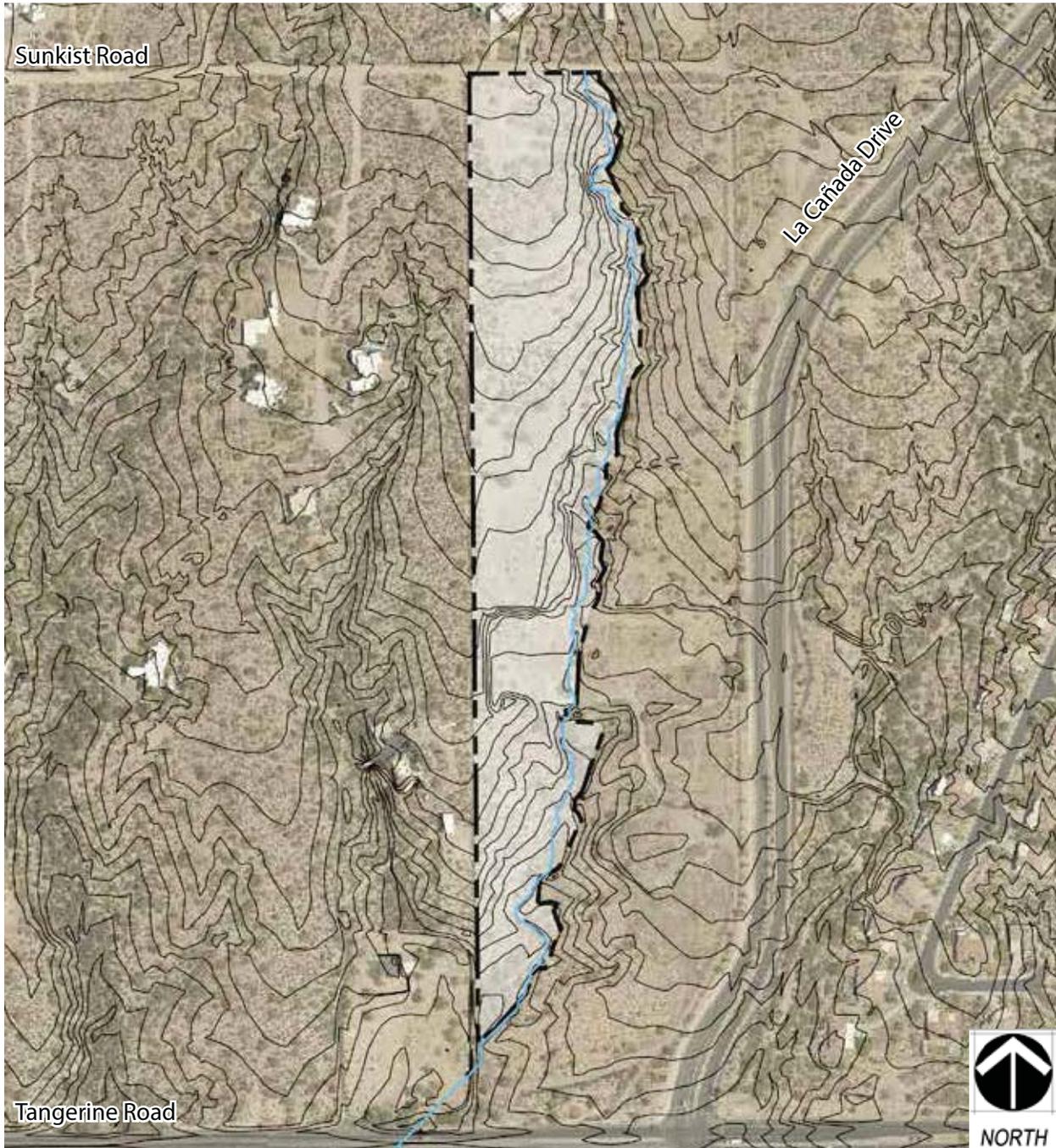
Source: Pima County GIS; Arizona Department of Water Resources, July 2014

- LEGEND
- Water Well



Inventory and Analysis

Exhibit 1-B.1: Topography



Source: Pima County GIS, July 2014

LEGEND

Contour Interval: 2'

Inventory and Analysis

C. Hydrology

1. Off-Site Watersheds

There are seven (7) off-site watersheds that affect The Residences at Miller Ranch project See *Exhibit I.C.1: Off-Site Watersheds p. 13*. Off-site Watersheds 1 through 6 (OS-1 through OS-6) are undeveloped or developed for low density residential use. These six watersheds contribute flows to the unnamed wash along the east project boundary. Off-site Watershed 7 (OS-7) is developed for low density residential use. OS-7 combines with flow from the unnamed wash near the project southwest corner.

All off-site watersheds are located within Critical Basins. The areas within Town of Oro Valley jurisdiction are considered critical basins due to the Town's criteria that all basins shall be considered Critical Basins for the purpose of hydrological analysis and detention design. Areas outside Town of Oro Valley jurisdiction are considered Critical Basins as defined by Pima County Regional Flood Control District (per "Critical Basins within Unincorporated Pima County" map, effective 03/15/2007).

The nature and quantity of these off-site flows will be further evaluated in the drainage report(s) prepared for the development of the project. The necessary improvements to convey the flows will be determined at that time and will be incorporated into the drainage improvements for the development.

2. Significant Off-Site Features

West Tangerine Road is located to the south of the project and North La Canada Drive is located to the east. Improvements associated with these roadways affect the quantity and location of the flows onto the site through the use of culverts, catch basins and other drainage structures. Flows at Concentration Point (CP) OS-7 are conveyed under West Tangerine Road by an existing culvert (see Exhibit I.C.1: Off-Site Watersheds). A portion of these flows are conveyed across West Tangerine Road due to the inadequate sizing of the existing 48" RCP culvert at this location. The backwater associated with this undersized culvert impacts the hydraulic characteristics of the unnamed wash near the project southwest corner.

Low density residential subdivisions exist to the north and west. Natural drainage patterns have generally been preserved with the development of these adjacent residential areas and minimal drainage infrastructure exists.

The proposed commercial development associated with the approved Master Development Plan for Miller Ranch (OV12-08-07) is located to the east, along the entire easterly boundary of this project. Detention is provided for this commercial development to satisfy Critical Basin criteria (per the Master Drainage Report for Miller Ranch prepared by Rick Engineering Company, dated May 19, 2010). The

drainage concept for the commercial development incorporates various detention basins along the existing wash with no encroachments into the existing floodplain.

3. Acreage of Upstream Off-Site Watersheds

Watershed OS-1 has a contributing area of 22.7-acres and a peak discharge of 133 cfs. Watershed OS-2 has a contributing area of 1.4-acres and a peak discharge of 11 cfs. Watershed OS-3 has a contributing area of 4.2-acres and a peak discharge of 31 cfs. Watershed OS-4 has a contributing area of 3.6-acres and a peak discharge of 27 cfs. Watershed OS-5 has a contributing area of 5.0-acres and a peak discharge of 37 cfs. Watershed OS-6 has a contributing area of 5.6-acres and a peak discharge of 42 cfs. Watershed OS-7 has a contributing area of 31.4-acres and associated peak discharge of 184 cfs. The cumulative peak discharge at CP OS-7 is 422 cfs.

The reported peak discharges were taken from approved studies, reports, and plans or were calculated based on hydrology methodology presented within the Town of Oro Valley Drainage Criteria Manual, 2010 edition. See *Exhibit I.C.1, Off-Site Watersheds*, p. 13, for the watersheds and concentration points described above.

4. On-Site Hydrology

The Residences at Miller Ranch project has five (5) on-site watersheds as delineated on *Exhibit I.C.2, Existing On-Site Hydrology*, p. 15. On-site Watersheds 1E through 4E generally drain from the west to the east and contribute flows to the regulatory floodplain (Q₁₀₀ > 50cfs) that exists along the project east boundary. On-site Watershed 5E generally flows from east to west and discharges across the project west boundary. The project is located within a Critical Basin for the purposes of hydrological analysis.

a. On-site Regulatory Floodplains

The Residences at Miller Ranch project is impacted by a natural, unnamed wash along the project east boundary. The existing regulatory floodplain and associated erosion hazard setback is provided on *Exhibit I.C.2, Existing On-Site Hydrology*, p. 15. The existing 100-year peak discharge within the wash is 133 cfs at the north project boundary and 287 cfs where it discharges across the west boundary near the project southwest corner.

b. Areas of Sheet Flooding and Average Depth

The project is not impacted by sheet flooding.

c. Federally Mapped Floodways and Floodplains

According to FEMA Flood Insurance Rate Map (FIRM) number 04019C1090L (effective June 16, 2011), there are no Federally Mapped Floodways and Floodplains on the project. Refer to *Exhibit I.C.3, FEMA FIRM*, p. 17, for a portion of map referenced above.

Inventory and Analysis

d. 100-year Peak Discharges

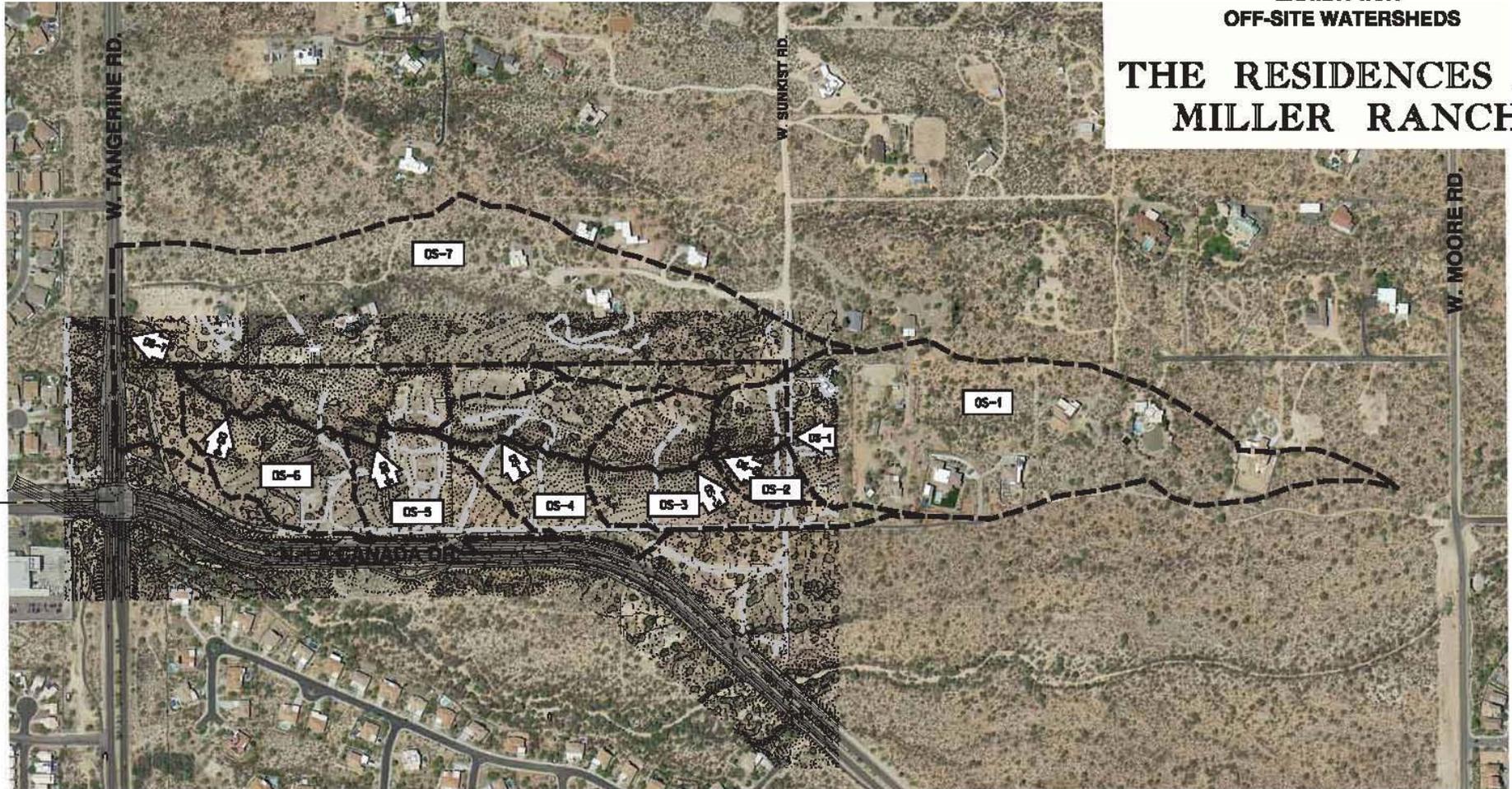
On-site Watershed 1E generates 13 cfs with a cumulative discharge of 150 cfs at CP 1E. On-site Watershed 2E generates 19 cfs with a cumulative discharge of 184 cfs at CP 2E. On-site Watershed 3E generates 27 cfs with a cumulative discharge of 218 cfs at CP 3E. On-site Watershed 4E generates 40 cfs with a cumulative discharge of 287 cfs at CP 4E. The existing 100-year peak discharge for On-site Watershed 5E is 14 cfs. Refer to *Exhibit I.C.2, Existing On-Site Hydrology, p. 15*.

5. Existing Downstream Drainage Conditions

All runoff originating on-site or originating off-site and conveyed through the site discharges across West Tangerine Road by way of an existing 48" RCP culvert and by flow overtopping the roadway at Concentration Point OS-7. The backwater associated with this roadway drainage crossing impacts the project southwest corner. The on-site regulatory floodplain discharges across the west, downstream boundary near the southwest project boundary and contributes flow to Concentration Point OS-7. *Exhibit I.C.2, Existing On-Site Hydrology, p. 15*.

**EXHIBIT I.C.1
OFF-SITE WATERSHEDS**

**THE RESIDENCES AT
MILLER RANCH**

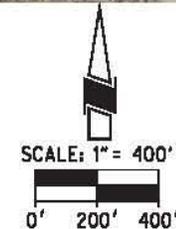


WATERSHED	OFFSITE PEAK FLOWS		
	AREA	Q100	CUMULATIVE
CP's	[ac]	[cfs]	Q100 [cfs]
OS-1	22.7	133	-
OS-2	1.4	11	-
OS-3	4.2	31	-
OS-4	3.6	27	-
OS-5	5.0	37	-
OS-6	5.6	42	-
OS-7	31.4	184	422*

* Per T.D.M. Proj. No. 2005-061
"Tangerine Road-Thornydale Road to La Canada Dr."

LEGEND

-  WATERSHED
-  CONCENTRATION POINT
-  WATERSHED BOUNDARY



DATE: 11/26/2014

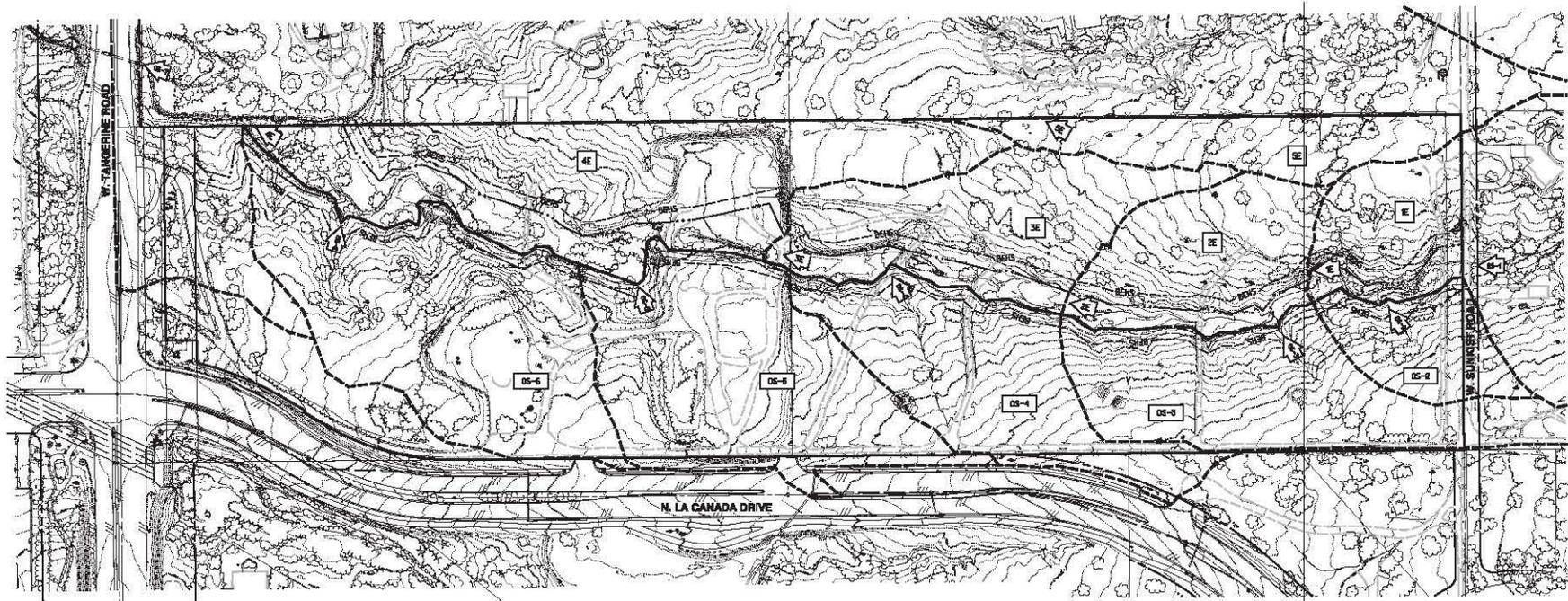
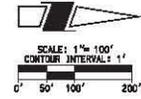
PAGE 1 OF 1

EXISTING PEAK FLOWS			
WATERSHED	AREA	Q100	CUMULATIVE
CP#	[ac]	[cfs]	Q100 [cfs]
1E	1.2	13	1509
2E	2.7	19	1549
3E	3.7	27	2189
4E	6.3	49	2879
5E	1.8	14	--

* Per NEC-HMS model

OFFSITE PEAK FLOWS			
WATERSHED	AREA	Q100	CUMULATIVE
CP#	[ac]	[cfs]	Q100 [cfs]
DS-1	22.7	133	--
DS-2	1.4	11	--
DS-3	4.2	31	--
DS-4	9.6	27	--
DS-5	8.0	31	--
DS-6	8.6	42	--
DS-7	31.4	184	5229

* Per T.G.W. Proj. No. 2005-061 "Tangerine Road-Thortydale Road to La Canada Dr."



LEGEND

- 1 WATERSHED
- CONCENTRATION POINT
- WATERSHED BOUNDARY
- BUILDING EROSION HAZARD SETBACK
- REGULATORY 100-YEAR FLOOD LIMITS (EXISTING)

EXHIBIT I.C.2
EXISTING ON-SITE HYDROLOGY
**THE RESIDENCES AT
MILLER RANCH**

A PORTION OF THE SOUTHEAST QUARTER OF
SECTION 34, TOWNSHIP 11 SOUTH, RANGE 13 EAST,
GILA & SALT RIVER WATERSHED, TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA.

OV114-020 DATE: 11/26/2014 SHEET 1 OF 1

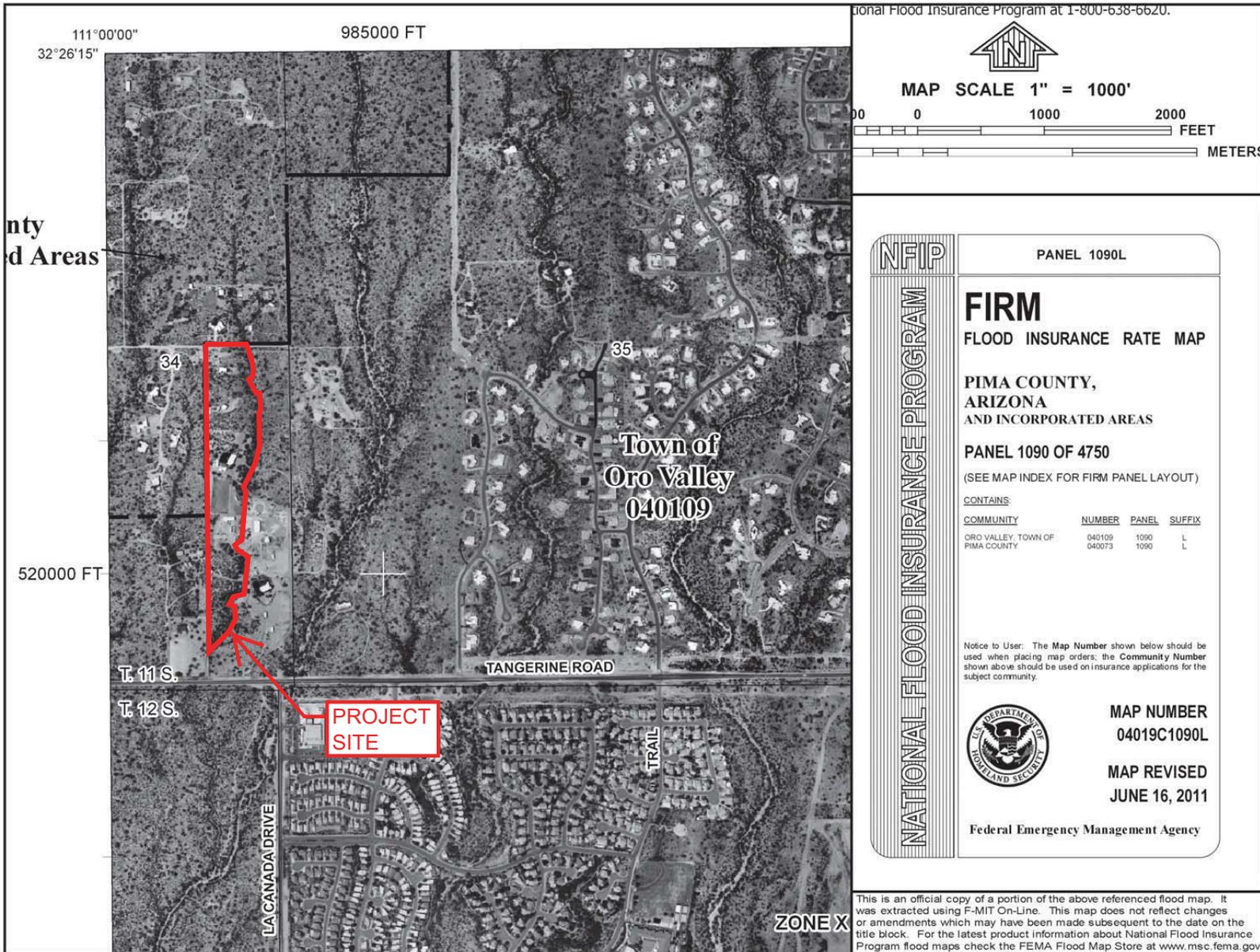


Exhibit I.C.3 - FEMA FIRM

D. Vegetation

1. Vegetative Communities and Associations on the Site

The Residences at Miller Ranch site consists primarily of native vegetation characteristic of the Arizona Uplands subdivision of the Sonoran Desert-Scrub biotic community. Pima County Geographic Information Systems classifies the site as “Sonoran Desert-Scrub; Paloverde-Mixed Cacti (Arizona Uplands) Series”. *See Exhibit 1-D.1a, Vegetative Communities, p. 20.*

The wash comprising the site’s eastern boundary is classified as “Sonoran Riparian Scrub” and designated as “Xeroriparian C Habitat”. *See Exhibit 1-D.1b, Riparian Habitat, p. 21.*

A Biological Evaluation completed by Westland Resources Inc., Engineering and Environmental Consultants in April, 2008 identifies common plant species observed within the project site. *See Table 1-D.1, Common Plant Species, this page.* A copy of the Biological Evaluation is provided *under separate cover.*

TABLE 1-D.1: COMMON PLANT SPECIES

Scientific Name	Common Name	Oro Valley Protected Native Plant List	Legal Protection
<i>Acacia constricta</i>	Whitehorn Acacia	N	
<i>Acacia greggii</i>	Catclaw Acacia	Y	
<i>Ambrosia dumosa</i>	Common Bursage	Y	
<i>Baccharis sarothroides</i>	Desert Broom	N	
<i>Carnegiea gigantea</i>	Saguaro	Y	NPL-SR
<i>Celtis spinosa</i>	Desert Hackberry	Y	
<i>Ferocactus wislizenii</i>	Fishhook Barrel Cactus	Y	NPL-SR
<i>Larrea tridentata</i>	Creosote	Y	
<i>Opuntia engelmannii</i>	Prickly Pear Cactus	Y	NPL-SR
<i>Opuntia</i> spp.	Cholla	Y	SR
<i>Parkinsonia floridum</i>	Blue Palo Verde	Y	NPL-SA
<i>Parkinsonia microphyllum</i>	Foothill Palo Verde	Y	NPL-SA
<i>Prosopis velutina</i>	Velvet Mesquite	Y	NPL-HR/SA

Key:

NPL - Plants regulated by the Arizona Native Plant Law

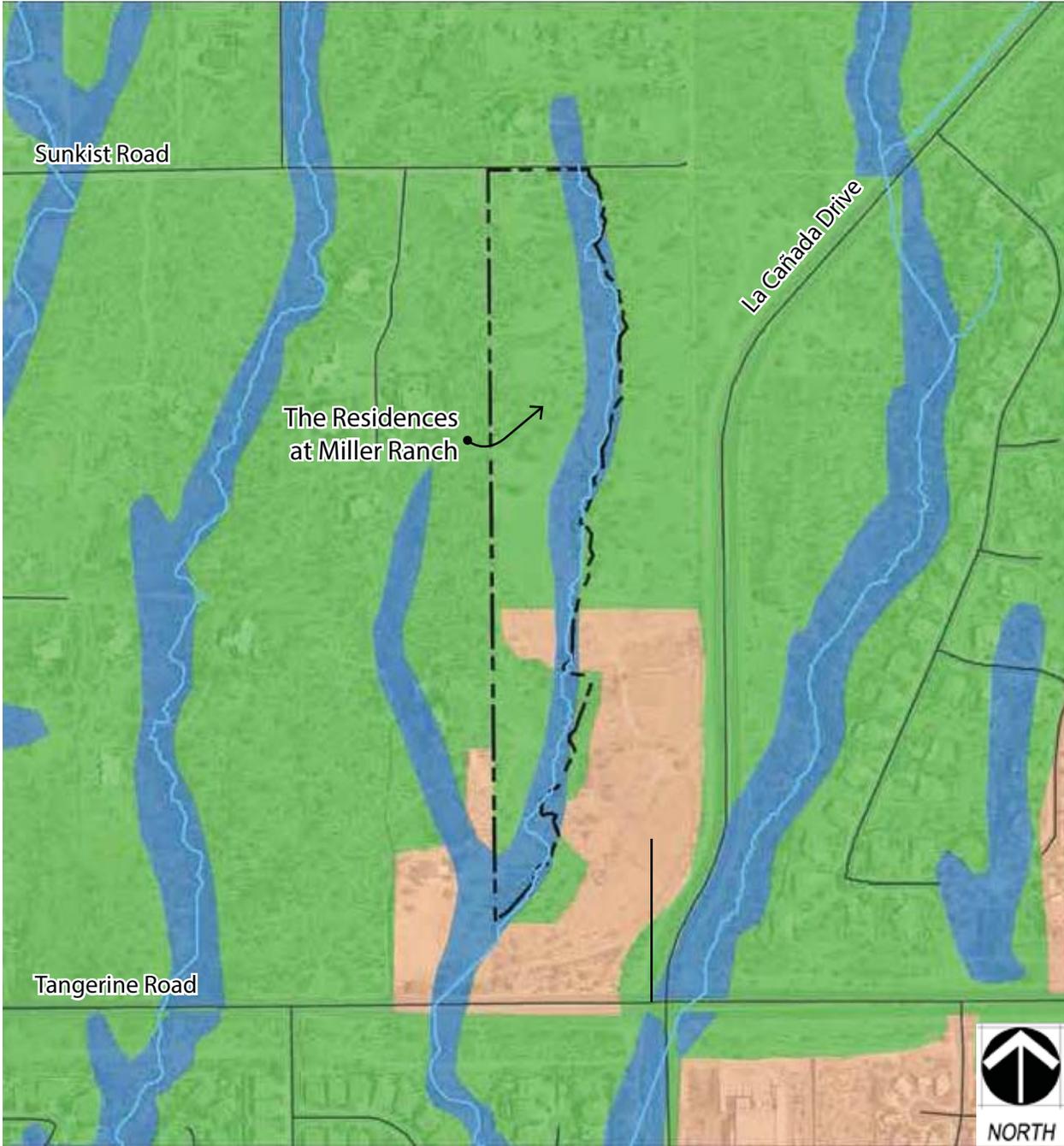
HR - Harvest Restricted

SR - Salvage Restricted

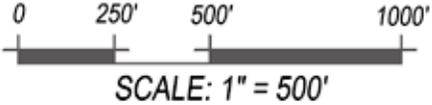
SA - Salvage Assessed

Inventory and Analysis

Exhibit 1-D.1a: Vegetative Communities



Source: Pima County GIS, July 2014

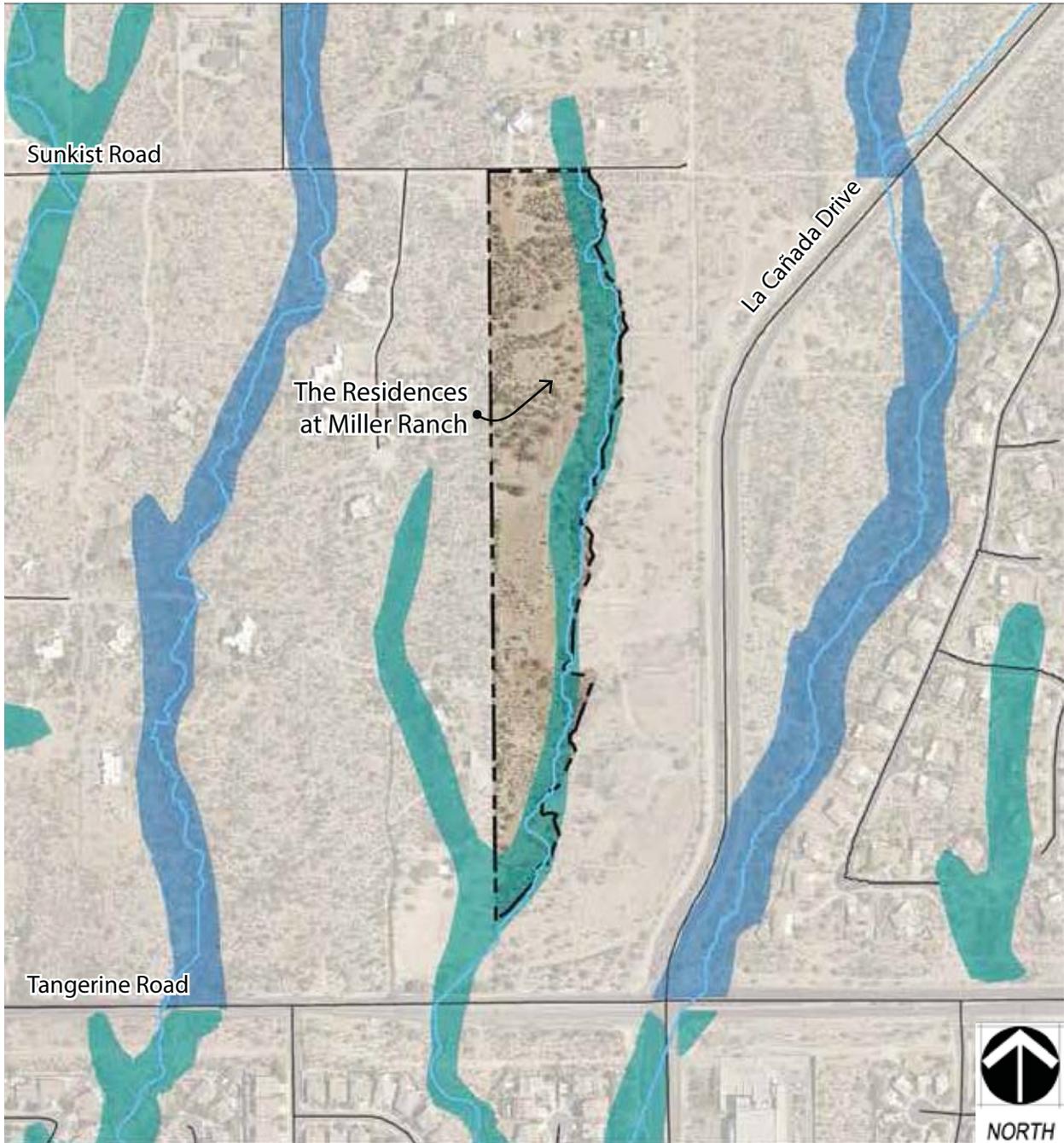


LEGEND

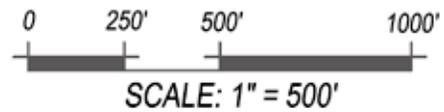
-  Sonoran Riparian Scrub
-  Sonoran Desert Scrub; Paloverde / Mixed Cacti (Arizona Uplands) Series
-  Agriculture / Developed / Water / Bare Ground

Inventory and Analysis

Exhibit 1-D.1b: Riparian Habitat



Source: Pima County GIS, June 2014



LEGEND

-  Xeroriparian B: Vegetative volume less than or equal to $0.856 \text{ M}^3/\text{M}^2$ and greater than $0.675 \text{ M}^3/\text{M}^2$
-  Xeroriparian C: Vegetative volume less than or equal to $0.675 \text{ M}^3/\text{M}^2$ and greater than $0.675 \text{ M}^3/\text{M}^2$

Inventory and Analysis

2. **Significant Vegetation and Federally-Listed Threatened or Endangered Species**
Please refer to the Site Resource Inventory (SRI) and Native Plant Preservation Plan (NPPP) for information regarding “Significant Vegetation” as defined by the General Development Standards listed in the Oro Valley Zoning Code (Section 27.6, Landscape Conservation).

The Arizona Game and Fish Department’s Heritage Data Management System (HDMS) does not identify any plant species of Special Status within three (3) miles of the project vicinity. *See Exhibit 1-E.2, Arizona Game and Fish Department Letter, p. 28.*

3. **Vegetative Densities**
Vegetative densities slightly vary across the site with most dense areas being located along the eastern site boundary’s wash and northwest corner. Through on-site observation, densities were qualified into two (2) categories: (1) Low Density: ground coverage density between 0 and 25%, and Medium-Low Density: ground coverage density between 26% and 50%. *See Exhibit 1-D.3, On-Site Vegetative Densities, p. 23.*

Inventory and Analysis

Exhibit 1-D.3: On-Site Vegetative Densities



Source: Site Observation, April 2014

LEGEND

- Low Density (0 - 25%)
- Medium-Low Density (26% - 50%)

Inventory and Analysis

E. Wildlife

1. Presence of State-Listed Threatened or Endangered Species

According to the Arizona Game and Fish Department, the Residences at Miller Ranch site lies in the vicinity of proposed critical habitat of the Golden Eagle, Cactus Ferruginous Pygmy-Owl, Sonoran Desert Tortoise, and the Lesser Long-Nosed Bat. *See Table 1-E.1a, Species of Special Status, this page, and Table 1-E.1b, Status Definitions, p. 25.* The United States Fish and Wildlife Service identifies the Lesser Long-Nosed Bat (LLNB) as Listed Endangered (LE), a status designated for species in imminent jeopardy of extinction, however no critical habitat has been designated for this species. A Biological Evaluation completed by WestLand Resources, Inc., Engineering and Environmental Consultants in April, 2008 includes a detailed analysis of this special-interest species (a copy of the Biological Evaluation is provided *under separate cover.*) The LLNB is the only species within the report determined to have potential for occurrence on the property due to their ability to forage over long distances and the availability of foraging resources on site, such as saguaros. *See Exhibit 1-E.1a, Lesser Long-nosed Bat Habitat Model, p. 26.* The report concludes that there are no foreseeable adverse impacts likely to result from the implementation of this project due to the site's limited number of saguaros and the abundance of suitable forage resources (saguaros, landscaped agave, hummingbird feeders) throughout the Tucson Basin.

The Residences at Miller Ranch site also lies within a three mile radius of the planned Tucson - Tortolita - Santa Catalina Mountains Linkage Design, a wildlife corridor serving to reconnect critical habitat. *See Exhibit 1-E.1.b, Wildlife Corridors, p. 27 and Exhibit 1-E.2, Arizona Game and Fish Department Letter, p. 28.*

TABLE 1-E.1A: SPECIES OF SPECIAL STATUS

Scientific Name	Common Name	FSW	USFS	BLM	State
<i>Aquila chrysaetos</i>	Golden Eagle	BGA		S	
<i>Glaucidium brasilianum cactorum</i>	Cactus Ferruginous Pygmy-Owl	SC	S	S	WSC
<i>Gopherus morafkai</i>	Sonoran Desert Tortoise	C*	S		WSC
<i>Leptonycteris curasoae yerbabuenae</i>	Lesser Long-Nosed Bat	LE			WSC

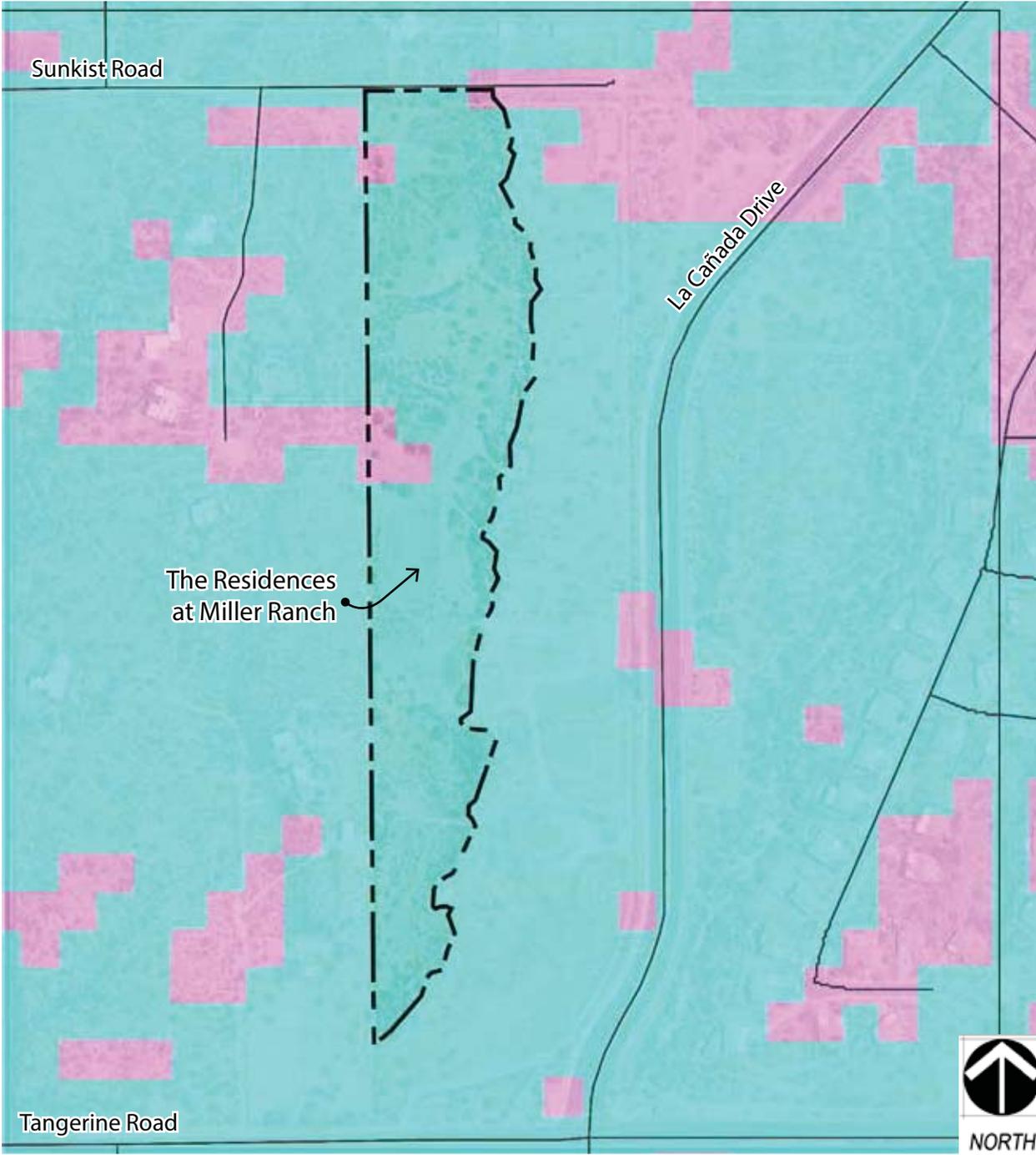
Inventory and Analysis

TABLE 1-E.1B: STATUS DEFINITIONS

Agency	Status	Definition
FWS (Fish and Wildlife Service, Federal US Status; Endangered Species Act, 1973 as amended)	BGA: Bald and Golden Eagle Protection	Prohibits take of bald and golden eagles without prior USFWS permit.
	SC: Species of Concern	The terms "Species of Concern" or "Species at Risk" should be considered as terms-of-art that describe the entire realm of taxa whose conservation status may be of concern to the US Fish and Wildlife Service, but neither term has official status (currently all former C2 species).
	C*: Candidate	The Service identifies species for which they made a continued warranted-but-precluded finding on a resubmitted petition by the code "C*" in the category column. This code was put into use starting in 2008.
	LE: Listed Endangered	Imminent jeopardy of extinction.
USFS (US Forest Service, US Department of Agriculture)	S: Sensitive	Those taxa occurring on National Forests in Arizona which are considered sensitive by the Regional Forester.
BLM (US Bureau of Land Management, US Department of the Interior)	S: Sensitive	Those taxa occurring on BLM Field Office Lands in Arizona which are considered sensitive by the Arizona State Office.
State - WSCA (Wildlife of Special Concern in Arizona, 1996 in prep, Arizona Game and Fish Department)	WCS: Wildlife of Special Concern in Arizona	Species whose occurrence in Arizona is or may be in jeopardy, or with known or perceived threats or population declines, as described by the Arizona Game and Fish Department's listing of Wildlife of Special Concern in Arizona (WSCA, in prep). Species indicated on printouts as WC are currently the same as those in Threatened Native Wildlife in Arizona (1988).

Inventory and Analysis

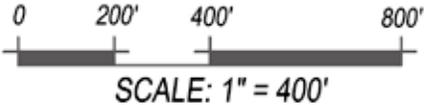
Exhibit 1-E.1a: Lesser Long-Nosed Bat Habitat Model

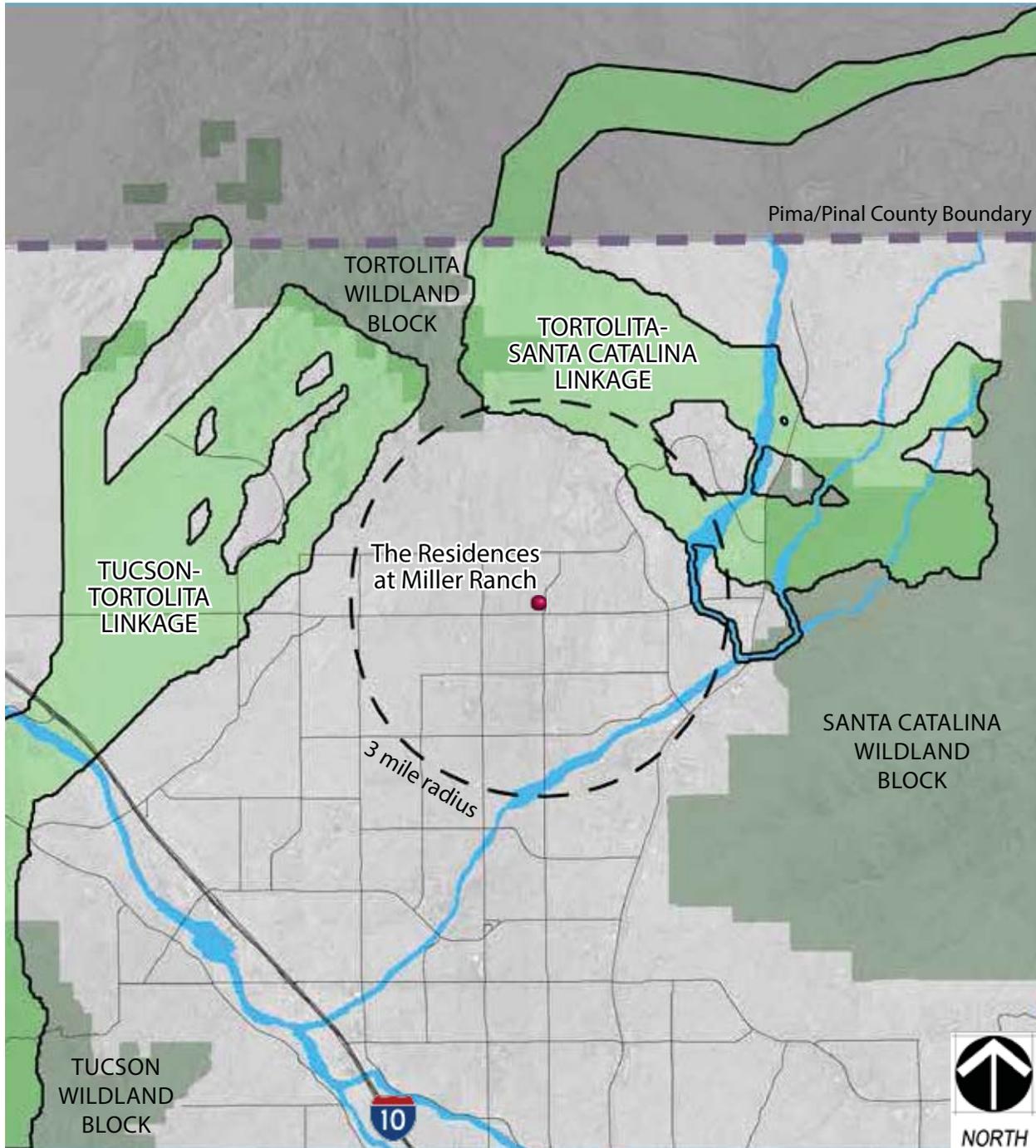


Source: Pima County GIS, July 2014

LEGEND

- High Value Habitat
- Medium Value Habitat





Source: Pima County GIS, July 2014; *1



*1
Beir, P., E. Garding, and D. Majka. 2006. Arizona Missing Linkages: Tucson -Tortolita - Santa Catalina Mountains Linkage Design. Report to Arizona Game and Fish Department. School of Forestry, Northern Arizona University.

Inventory and Analysis

Exhibit 1-E.2: Arizona Game and Fish Department Letter

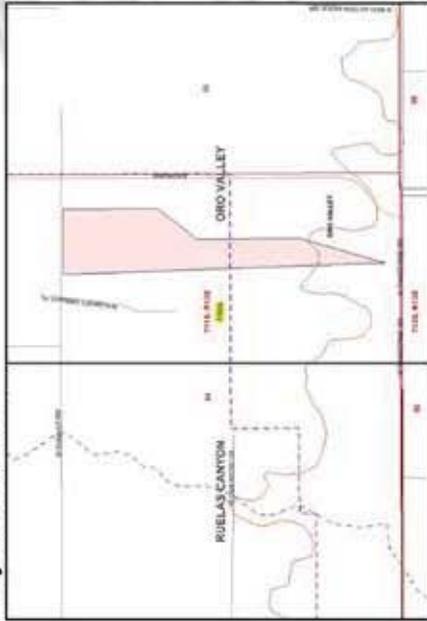
Arizona's On-line Environmental Review Tool

Search ID: 20140618023733

Project Name: The Residences at Miller Ranch

Date: 6/18/2014 2:37:11 PM

Project Location



Project Name: The Residences at Miller Ranch

Submitted By: Christian Sobacki

On behalf of: PRIVATE

Project Search ID: 20140618023733

Date: 6/18/2014 2:37:07 PM

Project Category: Development Within Municipalities (Urban Growth), Residential subdivision and associated infrastructure, New construction

Project Coordinates (UTM Zone 12-NAD 83): 500274.924, 3587953.209 meter

Project Area: 16.441 acres

Project Perimeter: 1699.113 meter

County: PIMA

USGS 7.5 Minute Quadrangle ID: 1684

Quadrangle Name: ORO VALLEY

Project locality is not anticipated to change

Location Accuracy Disclaimer

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Receipt is solely responsible for the project location and thus the correctness of the Project Review Receipt content.

The Department appreciates the opportunity to provide in-depth comments and project review when additional information or environmental documentation becomes available.

Special Status Species Occurrences/Critical Habitat/Tribal Lands within 3 miles of Project Vicinity:

Name	Common Name	FWS	USFS	BLM	State
Aquila chrysaetos	Golden Eagle	BGA		S	
Glaucochim brasilianum castrorum	Cactus Ferruginous Pygmy-owl	SC	S	S	WSC
Gopherus morafkai	Sonorian Desert Tortoise	C*	S		WSC
Lepidonycteris curasoae yerbabuenaee	Lesser Long-nosed Bat	LE			WSC
Tucson - Tortolilla - Santa Catalina Mountains Linkage Design	Wildlife Corridor				

Inventory and Analysis

Exhibit 1-E.2: Arizona Game and Fish Department Letter

Arizona's On-line Environmental Review Tool

Search ID: 20140618023733

Project Name: The Residences at Miller Ranch

Date: 6/18/2014 2:37:11 PM

Please review the entire receipt for project type recommendations and/or species or location information and retain a copy for future reference. If any of the information you provided did not accurately reflect this project, or if project plans change, another review should be conducted, as this determination may not be valid.

Arizona's On-line Environmental Review Tool:

1. This On-line Environmental Review Tool inquiry has generated recommendations regarding the potential impacts of your project on Special Status Species (SSS) and other wildlife of Arizona. SSS include all U.S. Fish and Wildlife Service federally listed, U.S. Bureau of Land Management sensitive, U.S. Forest Service sensitive, and Arizona Game and Fish Department (Department) recognized species of concern.
2. These recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation). These recommendations are preliminary in scope, designed to provide early considerations for all species of wildlife, pertinent to the project type you entered.
3. This receipt, generated by the automated On-line Environmental Review Tool does not constitute an official project review by Department biologists and planners. Further coordination may be necessary as appropriate under the National Environmental Policy Act (NEPA) and/or the Endangered Species Act (ESA).

The U.S. Fish and Wildlife Service (USFWS) has regulatory authority over all federally listed species under the ESA. Contact USFWS Ecological Services Offices: <http://arizonaes.fws.gov/>.

Phoenix Main Office
2321 W. Royal Palm Road, Suite 103
Phoenix, AZ 85021
Phone 602-242-0210
Fax 602-242-2513

Tucson Sub-Office
201 North Bonita, Suite 141
Tucson, AZ 85745
Phone 520-670-6144
Fax 520-670-6154

Flagstaff Sub-Office
323 N. Leroux Street, Suite 101
Flagstaff, AZ 86001
Phone 928-226-0614
Fax 928-226-1099

Disclaimer:

1. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area.
2. The Department's Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there.
3. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HDMS data contains information about species occurrences that have actually been reported to the Department.

Arizona Game and Fish Department Mission

To conserve, enhance, and restore Arizona's diverse wildlife resources and habitats through aggressive protection and

Page 2 of 7 APPLICATION INITIALS: _____

Inventory and Analysis

Exhibit 1-E.2: Arizona Game and Fish Department Letter

Arizona's On-line Environmental Review Tool
 Search ID: 20140618023733
 Project Name: The Residences at Miller Ranch
 Date: 6/18/2014 2:37:11 PM

management programs, and to provide wildlife resources and safe watercraft and off-highway vehicle recreation for the enjoyment, appreciation, and use by present and future generations.

Control districts may be required.

Based on the project type entered; coordination with State Historic Preservation Office may be required
<http://azstateparks.com/SHPO/index.html>

Project Category: Development Within Municipalities (Urban Growth), Residential subdivision and associated infrastructure, New construction

Based on the project type entered; coordination with U.S. Army Corps of Engineers may be required
<http://www.spl.usace.army.mil/regulatory/phonedir.html>)

Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors, and the incorporation of these critical wildlife components into the community plans and programs.

Project Type Recommendations:

All degraded and disturbed lands should be restored to their natural state. Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

Based on the project type entered; coordination with Arizona Department of Environmental Quality may be required
<http://www.azdeq.gov/>).

Based on the project type entered; coordination with Arizona Department of Water Resources may be required
<http://www.water.az.gov/adwr/>)

Based on the project type entered; coordination with County Flood

Inventory and Analysis

Exhibit 1-E.2: Arizona Game and Fish Department Letter

Arizona's On-line Environmental Review Tool

Search ID: 20140618023733

Project Name: The Residences at Miller Ranch

Date: 6/18/2014 2:37:11 PM

animals (exotic snails), and other organisms (e.g. microbes), which upon cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g. livestock forage reduction, increase wildfire risk). The terms noxious weed or invasive plants are often used interchangeably. Precautions should be taken to wash all equipment utilized in the project activities before and after project activities to reduce the spread of invasive species. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245). See Arizona Department of Agriculture website for restricted plants <http://www.azda.gov/PSD/quarantine5.htm>. Additionally, the U.S. Department of Agriculture has information regarding pest and invasive plant control methods including: pesticide, herbicide, biological control agents, and mechanical control: <http://www.usda.gov/wps/portal/usdahome>. The Department regulates the importation, purchasing, and transportation of wildlife and fish (Restricted Live Wildlife), please refer to the hunting regulations for further information http://www.azgfd.gov/hunting_rules.shtml.

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife.

Hydrological considerations: design culverts to minimize impacts to

channel geometry, or design channel geometry (low flow, overbank, floodplains) and substrates to carry expected discharge using local drainages of appropriate size as templates. Aquatic wildlife considerations: reduce/minimize barriers to migration of amphibians or fish (e.g. eliminate falls). Terrestrial wildlife: washes and stream corridors often provide important corridors for movement. Overall culvert width, height, and length should be optimized for movement of the greatest number and diversity of species expected to utilize the passage. Culvert designs should consider moisture, light, and noise, while providing clear views at both ends to maximize utilization. For many species, fencing is an important design feature that can be utilized with culverts to funnel wildlife into these areas and minimize the potential for roadway collisions. Guidelines for culvert designs to facilitate wildlife passage can be found at <http://www.azgfd.gov/hgis/guidelines.aspx>.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (including spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

Planning: consider impacts of lighting intensity on mammals and birds and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use.

Inventory and Analysis

Exhibit 1-E.2: Arizona Game and Fish Department Letter

Arizona's On-line Environmental Review Tool

Search ID: 20140618023733

Project Name: The Residences at Miller Ranch

Date: 6/18/2014 2:37:11 PM

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly.

The construction or maintenance of water developments should include: incorporation of aspects of the natural environment and the visual resources, maintaining the water for a variety of species, water surface area (e.g. bats require a greater area due to in-flight drinking), accessibility, year-round availability, minimizing potential for water quality problems, frequency of flushing, shading of natural features, regular clean-up of debris, escape ramps, minimizing obstacles, and minimizing accumulation of silt and mud.

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herpetofauna (snakes, lizards, tortoise) from entering ditches.

Project Location and/or Species recommendations:

Heritage Data Management System records indicate that one or more listed, proposed, or candidate species or Critical Habitat (Designated or Proposed) have been documented in the vicinity of your project (refer to page 1 of the receipt). Please contact:

Ecological Services Office
US Fish and Wildlife Service
2321 W. Royal Palm Rd.
Phoenix, AZ 85021-4951
Phone: 602-242-0210
Fax: 602-242-2513

HDMS records indicate your project is in or near an identified wildlife habitat linkage corridor. Project planning and implementation efforts should focus on maintaining adequate opportunities for wildlife permeability. For information on the linkage assessment and wildlife species that may be affected refer to:
<http://www.corridordesign.org/arizona>. Contact your Arizona Game and Fish Department Regional Office for specific project recommendations: http://www.azgfd.gov/inside_azgfd/agency_directory.shtml

Recommendations Disclaimer:

1. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project.
2. These recommendations are proposed actions or guidelines to be considered during **preliminary project development**.
3. Additional site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. The Department is interested in the conservation of all fish and wildlife resources, including those Special Status Species listed on this receipt, and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
6. **Further coordination requires the submittal of this initialed and signed Environmental Review Receipt with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map).**

Arizona's On-line Environmental Review Tool

Search ID: 20140618023733

Project Name: The Residences at Miller Ranch

Date: 6/18/2014 2:37:11 PM

7. Upon receiving information by AZGFD, please allow 30 days for completion of project reviews. Mail requests to:

Project Evaluation Program, Habitat Branch

Arizona Game and Fish Department

5000 West Carefree Highway

Phoenix, Arizona 85086-5000

Phone Number: (623) 236-7600

Fax Number: (623) 236-7366

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1. This Environmental Review and project planning website was developed and intended for the purpose of screening projects for potential impacts on resources of special concern. By indicating your agreement to the terms of use for this website, you warrant that you will not use this website for any other purpose.
2. Unauthorized attempts to upload information or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. The Department reserves the right at any time, without notice, to enhance, modify, alter, or suspend the website and to terminate or restrict your access to the website.
4. This Environmental Review is based on the project study area that was entered. The review must be redone if the project study area, location, or the type of project changes. If additional information becomes available, this review may need to be reconsidered.
5. A signed and initialed copy of the Environmental Review Receipt

indicates that the entire receipt has been read by the signer of the Environmental Review Receipt.

Security:

The Environmental Review and project planning web application operates on a complex State computer system. This system is monitored to ensure proper operation, to verify the functioning of applicable security features, and for other like purposes. Anyone using this system expressly consents to such monitoring and is advised that if such monitoring reveals possible evidence of criminal activity, system personnel may provide the evidence of such monitoring to law enforcement officials. Unauthorized attempts to upload or change information; to defeat or circumvent security measures; or to utilize this system for other than its intended purposes are prohibited.

This website maintains a record of each environmental review search result as well as all contact information. This information is maintained for internal tracking purposes. Information collected in this application will not be shared outside of the purposes of the Department.

If the Environmental Review Receipt and supporting material are not mailed to the Department or other appropriate agencies within six (6) months of the Project Review Receipt date, the receipt is considered to be null and void, and a new review must be initiated.

Print this Environmental Review Receipt using your internet browser's print function and keep it for your records. Signature of this receipt indicates the signer has read and understands the information provided.

Signature: _____

Inventory and Analysis

Exhibit 1-E.2: Arizona Game and Fish Department Letter

Arizona's On-line Environmental Review Tool
Search ID: 20140618023733
Project Name: The Residences at Miller Ranch
Date: 6/18/2014 2:37:11 PM

Date: _____

Proposed Date of Implementation: _____

Please provide point of contact information regarding this Environmental Review.

Application or organization responsible for project implementation

Agency/organization: _____

Contact Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-mail: _____

Person Conducting Search (if not applicant)

Agency/organization: _____

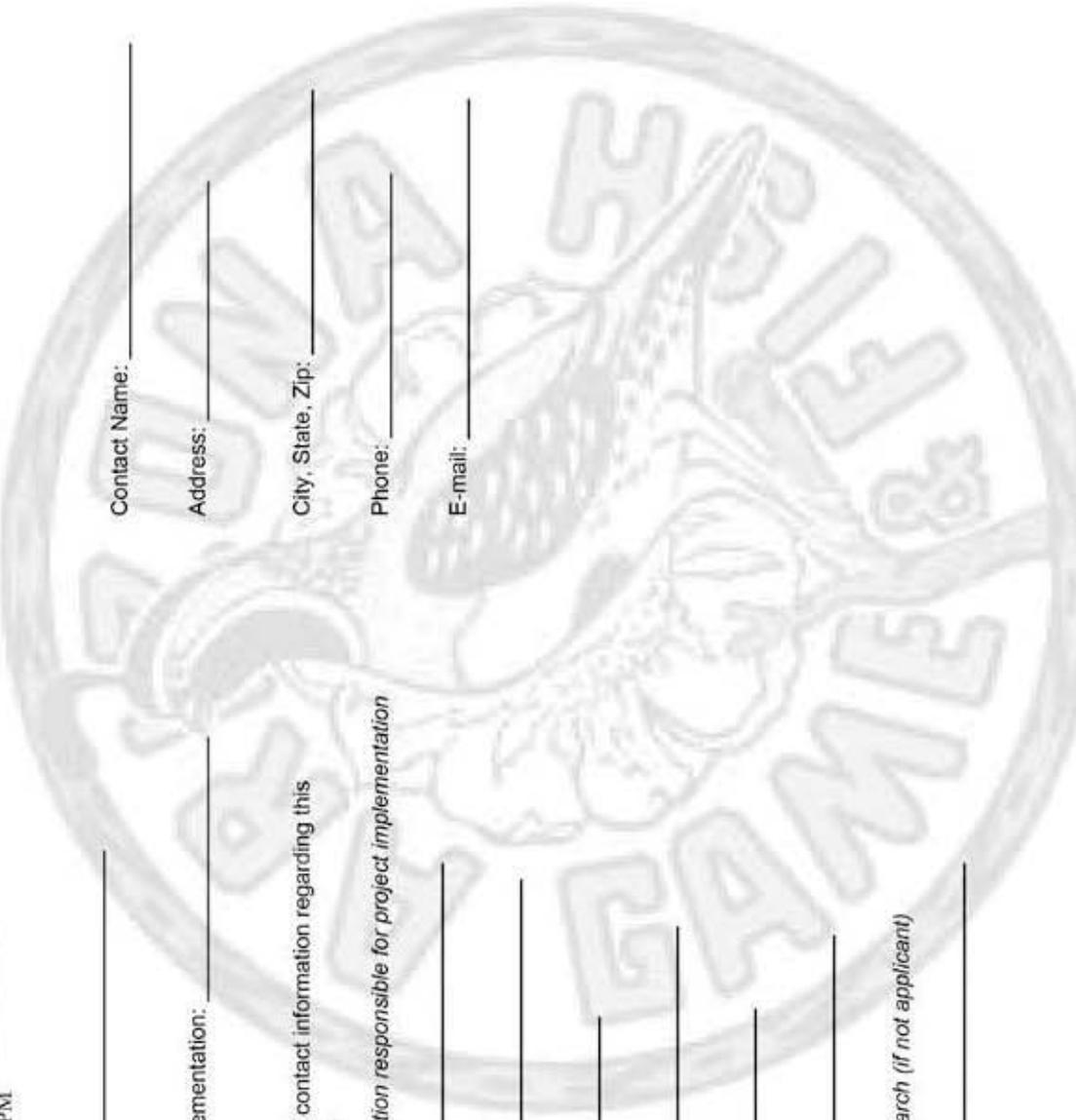
Contact Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-mail: _____



F. Viewsheds

1. Views Onto and Across the Site from Adjacent Properties

Views onto the site from adjacent properties to the north, east, west, and south are shown in *Exhibit 1-F.1 Views onto Site, p. 37*. Anticipated impact on viewsheds from the proposed developments are described in *Table 1-F.1, Views onto Site, this page*.

TABLE 1-F.1: VIEWS ONTO SITE

#	View	Anticipated Impact
1	From property north of site, looking south	The majority of existing vegetation will remain along the south side of Sunkist Drive, except where minimal clearing will need to be done to allow for an emergency access easement. The area will be enhanced with native plant species creating a landscaped buffer between Sunkist Drive and side yard walls of future Miller Ranch homes.
2	From La Cañada Drive, looking west	Some existing vegetation east of the site will be cleared for the development of the Technology Park & Commercial Center as well as the main project entry road for the Residences at Miller Ranch. Enhancement/supplementation of vegetation in the riparian area will increase overall vegetative density between the Technology Park & Commercial Center and the Residences at Miller Ranch.
3	From Tangerine Road, looking north	Enhancement of the riparian area and landscaping will screen the site's southern most homes from Tangerine Road.
4	From property west of site, looking east	An enhanced vegetation buffer will aid in screening the road and homes along the western site boundary. Attempts will be made through the use of setbacks, architecture and home placement to preserve distant views of the Santa Catalina Mountains.

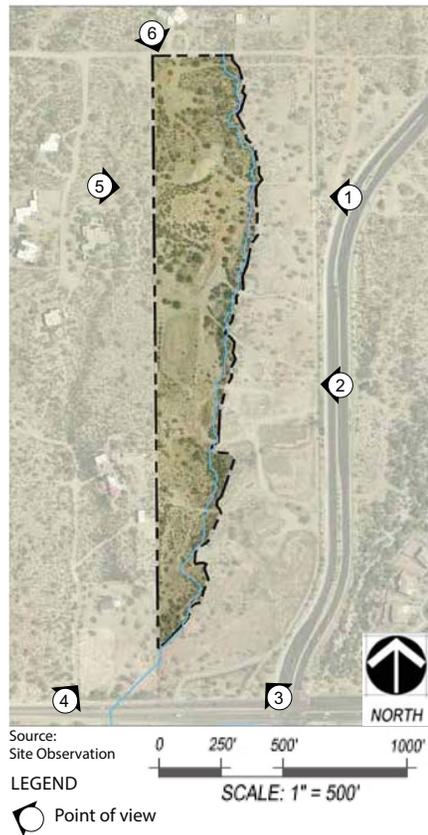
2. Areas of High Visibility from Off-site Locations

The Residences at Miller Ranch site does not include any areas that would be considered highly visible as most views onto the site are filtered by vegetation.

3. Impact of Proposed Structures on Existing Landscapes

A photo-simulation of proposed structures on-site is shown in *Exhibit 1-F.3, Visual Impacts of Proposed Structures, p. 39*.

Photo Locater Map



① View onto the site looking west from La Cañada Drive at existing median break north of proposed access road.



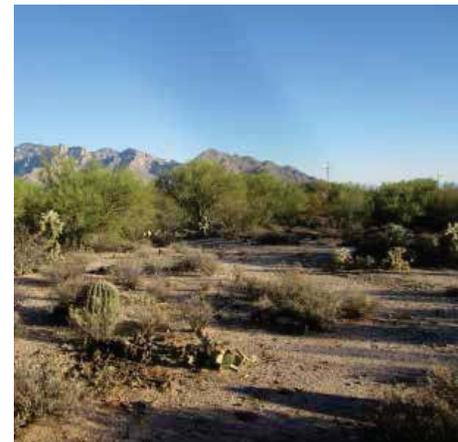
② View onto the site looking west from La Cañada Drive at existing median break and proposed location of main entry access road.



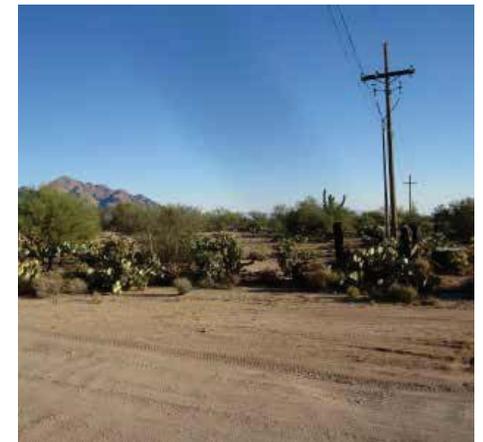
③ View onto the site looking northwest from the intersection of two closest arterial streets, La Cañada Drive and Tangerine Road.



④ View onto the site looking northeast from Tangerine Road shortly before road transitions from two to four lanes heading eastward.

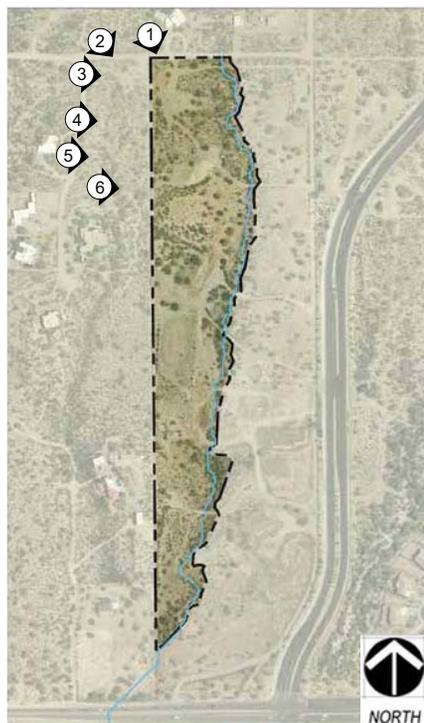


⑤ View onto the site looking east from adjacent residential properties located outside of the site's western boundary.



⑥ View onto the site looking southeast from residential properties located outside the site's northwest corner.

Photo Locater Map



Source:
Site Observation

LEGEND

Point of view

SCALE: 1" = 500'

① Existing / Proposed



② Existing / Proposed



③ Existing / Proposed



④ Existing / Proposed



⑤ Existing / Proposed



⑥ Existing / Proposed



The Residences at Miller Ranch
August 2014 - Revised April 2015

G. Traffic

1. Existing and Proposed Off-site Streets

The Residences at Miller Ranch is generally located at the northwest corner of the Tangerine Road and La Cañada Drive intersection. Both of these roads are classified as urban minor arterials. Currently there are no existing off-site roads located between the subject property and these two (2) arterial roadways. The project proposes the development of 30 single-family residential units. The site proposes to take primary access from La Cañada Drive via a full-turn intersection at an existing median break. It should be noted that there is an approved future commercial component located to the east between the residential and La Cañada Drive. Phase I of the commercial development proposes about 19,800 sf of commercial retail, 6,000 sf of bank use and 67,900 sf general office use. Phase I commercial development proposes to take access to Tangerine Road via a proposed right in right out driveway and to La Cañada Drive via a proposed full access driveway and a right –in right-out driveway. The opening year of the commercial component is unknown at this time. In addition, the proposed La Canada Ridge subdivision (33 dwelling units) located just north of the Miller Ranch development is an approved project that is anticipated to be constructed in the near future. Although the TIA has been prepared to evaluate the Miller Ranch residential component, the analysis also includes an analysis scenario that assumes both the Miller Ranch Commercial - Phase I and La Canada Ridge Subdivision are built. *See Exhibit 1-G.1, Proposed Access and On-Site Vehicular Circulation, p. 43.*

2. Arterial Streets within 1 mile of the Project Site

Tangerine Road is an east-west roadway and “Urban Principal Arterial” serving the site. The posted speed limit is 45 mph and no on-street parking is provided. There is a traffic signal at its intersection with La Canada Drive. The existing right-of-way width is 300’, which conforms to minimum Oro Valley requirements. Between La Cañada Drive and Oracle Road (SR 77), Tangerine Road is four-lane, divided cross section with a raised median, paved shoulders, and exclusive left-turn bays at median openings. West of La Cañada Drive, Tangerine Road transitions into a two-lane, undivided cross section with unpaved shoulders for approximately ten miles before widening back to a four-lane divided cross section at the I-10 underpass. The Town of Oro Valley currently has plans to widen the ten mile stretch of road between La Cañada Drive and Interstate 10 from two to four lanes with sidewalks and multi use lanes, known as the Tangerine Road Corridor Project. Construction is expected to start in 2016. None of these improvements will directly affect the access to the project.

As per the official FHWA-approved Functional Classification Map (2009), there are two other arterial streets located within a one mile radius of the Residences at Miller Ranch site. Classified as “Urban Minor Arterial” these north-south oriented roads are the adjacent La Cañada Drive and La Cholla Boulevard located to the west. *See Table 1-G.2a, Existing Arterial Streets within 1 Mile Radius, p. 42, and Exhibit 1-G.2a, Road Improvements an Arterials within 1 Mile Radius, p. 44.*

Inventory and Analysis

Existing traffic volumes at the project area intersection of La Cañada Drive/Tangerine Road were obtained from traffic counts conducted by Field Data Services of Arizona on Wednesday, March 19, 2014. The turning movement counts were conducted during the AM (7-9) and PM (4-6) periods. *Exhibit 1-G.2b, Existing Traffic Volumes, p. 46*, shows the existing intersection turning movement counts within the study area. Manual turning movement count sheets are provided under separate cover within the Miller Ranch Residential Development Traffic Impact Analysis by Rick Engineering Company. *Table 1-G.2b, Existing (2014) Intersection Operations, this page*, shows that the signalized intersection of La Cañada Drive/Tangerine Road to currently operate at LOS C during the AM and PM peak periods.

TABLE 1-G.2A: EXISTING ARTERIAL STREETS WITHIN 1 MILE RADIUS

Road	Class	Cross-Section	Ownership	Speed	Right of Way
Tangerine Road	Urban Principal Arterial	Four Lane Divided with Paved Shoulder	Town of Oro Valley	45 mph	300'
La Cañada Drive	Urban Minor Arterial	Four Lane Divided with Paved Shoulder	Town of Oro Valley	45 mph	150'
La Cholla Boulevard	Urban Minor Arterial	Two Lane Undivided with unpaved shoulder	Town of Oro Valley	45 mph	150'

SOURCE: FHWA, SITE OBSERVATION, JULY 2014

TABLE PARAMETERS BASED UPON ROAD SEGMENTS CLOSEST TO SITE

Tangerine Road ADT = 18,900 (Year 2016)

La Cañada Drive ADT = 16,100 (Year 2016)

TABLE 1-G.2B: EXISTING (2014) INTERSECTION OPERATIONS

Intersection	Existing (2014)	
	DELAY	LOS
Tangerine Road / La Cañada Drive (S)		
AM Peak	27.8	C
PM Peak	27.9	C

Source: Rick Engineering Company, August 2014

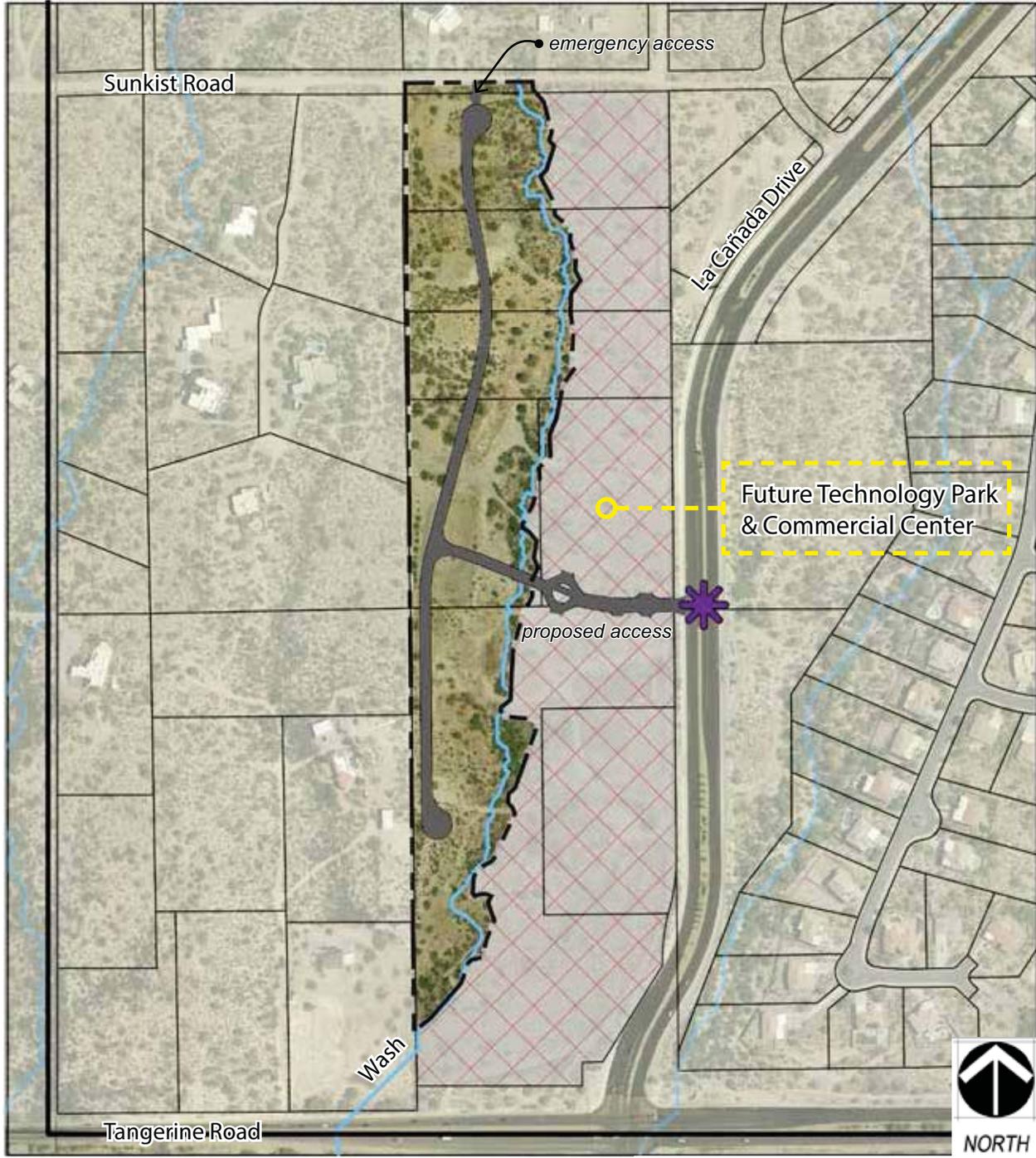
- Delays and Level of Service calculated utilizing the methodologies described in Chapters 16 & 17 of the 2000 Highway Capacity Manual (HCM).

DELAY is measured in seconds

LOS = Level of Service

(S) = Signalized Intersection

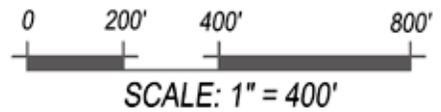
Exhibit 1-G.1: Proposed Access and On-Site Vehicular Circulation



Source: Pima County GIS, The Residences At Miller Ranch Concept Plan, November 2014

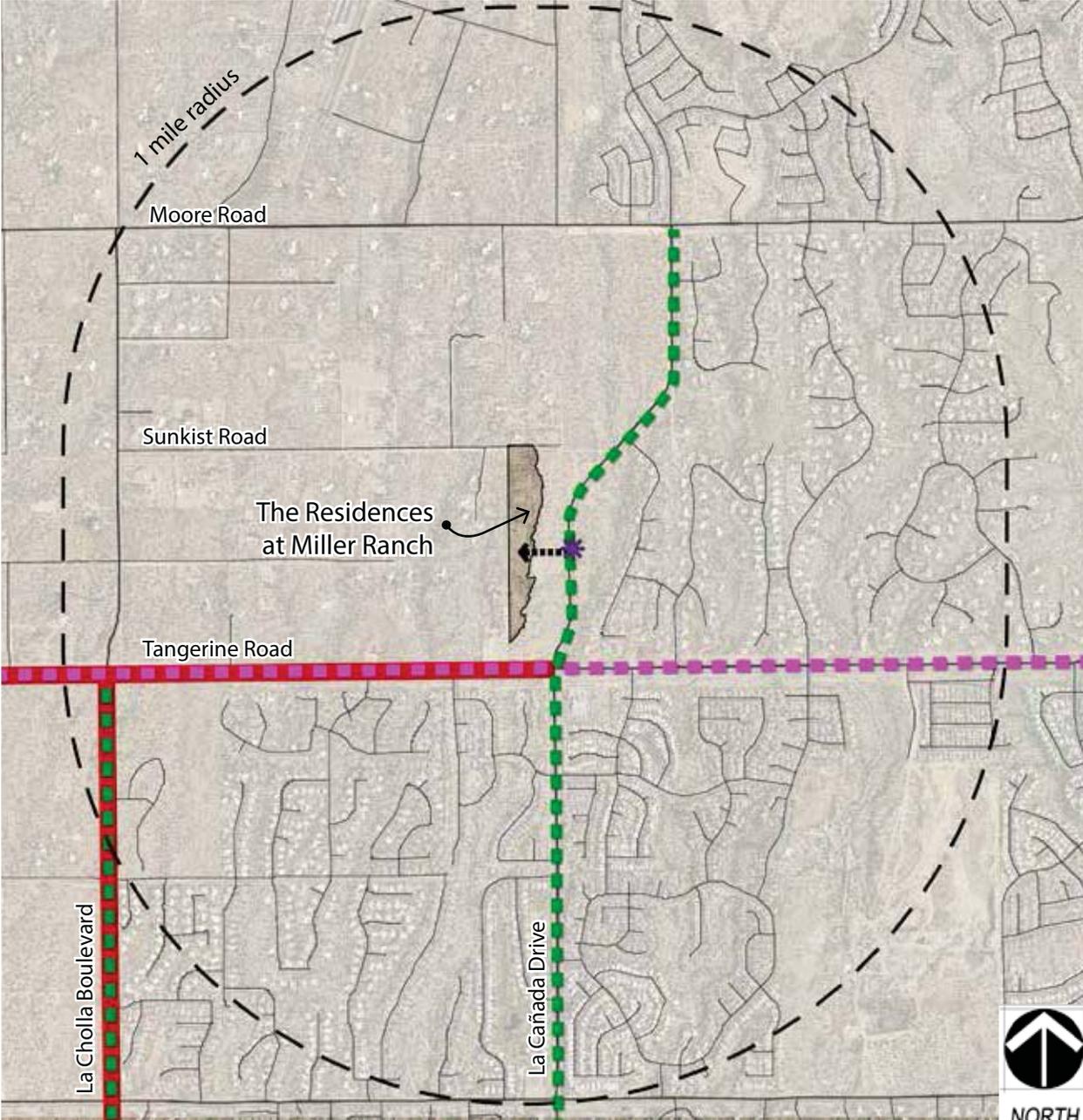
LEGEND

 Full-Turn Intersection

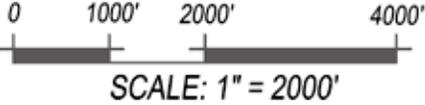


Inventory and Analysis

Exhibit 1-G.2a: Road Improvements and Arterials within 1 Mile Radius



Source: ADOT; Town of Oro Valley, July 2014



LEGEND

-  Scheduled Road Improvement
-  Urban Principal Arterial Street
-  Urban Minor Arterial Street
-  Site Access
-  Full-Turn Intersection

3. Existing and Proposed Intersections on Arterials

There are three (3) median breaks located along the segment of La Cañada Drive that parallels the Miller Ranch site's eastern boundary. An existing full-turn intersection is located at the southern most median break, granting access to the site through the Technology Park & Retail Center via La Cañada Drive. There is currently no median along Tangerine Road west of La Cañada Drive with exception of along the left-hand turn lane at the intersection of the two roads. The intersection at La Cañada Drive and Tangerine Road is signalized.

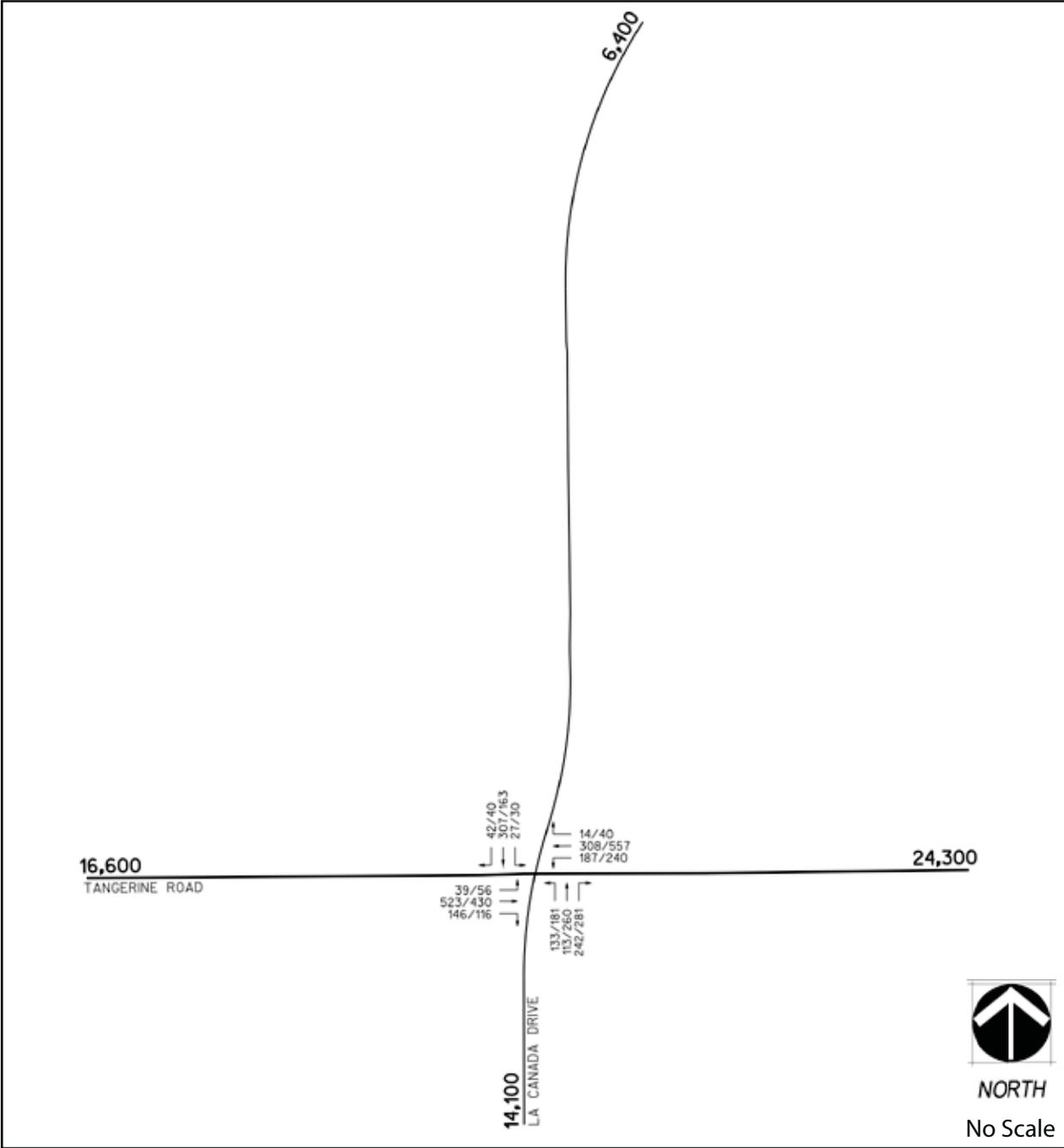
Existing arterial intersections within a mile of the site include Tangerine Road and La Cañada Drive to the east and Tangerine Road and La Cholla Boulevard to the west. Although Moore Road is classified as an Urban Collector as per the FHWA-approved Functional Classification Map (2009), this street's intersection with La Cañada north of the site, falls within a mile radius of the site.

4. Existing Bicycle and Pedestrian Ways

Hard surfaced shared-use paths supporting pedestrian and bicycle circulation and striped-shoulder bicycle routes follow road alignments, particularly along La Cañada Drive and Tangerine Road (east of La Cañada Drive). Bicycle and pedestrian ways are further detailed and mapped in *Section H. Recreation and Trails, pgs. 47- 48.*

Inventory and Analysis

Exhibit 1-G.2b: Existing Traffic Volumes



Source: Rick Engineering Company, August 2014

H. Recreation and Trails

1. Description of Trails, Parks, and Recreation Areas within 1-mile of Site

Multiple trails, a portion of Naranja Townsite Park, and several golf courses lie within a one mile radius of the Residences at Miller Ranch site. *See Exhibit 1-H.1, Parks, Recreation, & Trails, p. 48.*

a. Trails:

All trails within one mile of the site are hard-surfaced, shared-use paths following major road alignments. Striped shoulder bicycle routes are also present along major road segments.

b. Naranja Townsite Park:

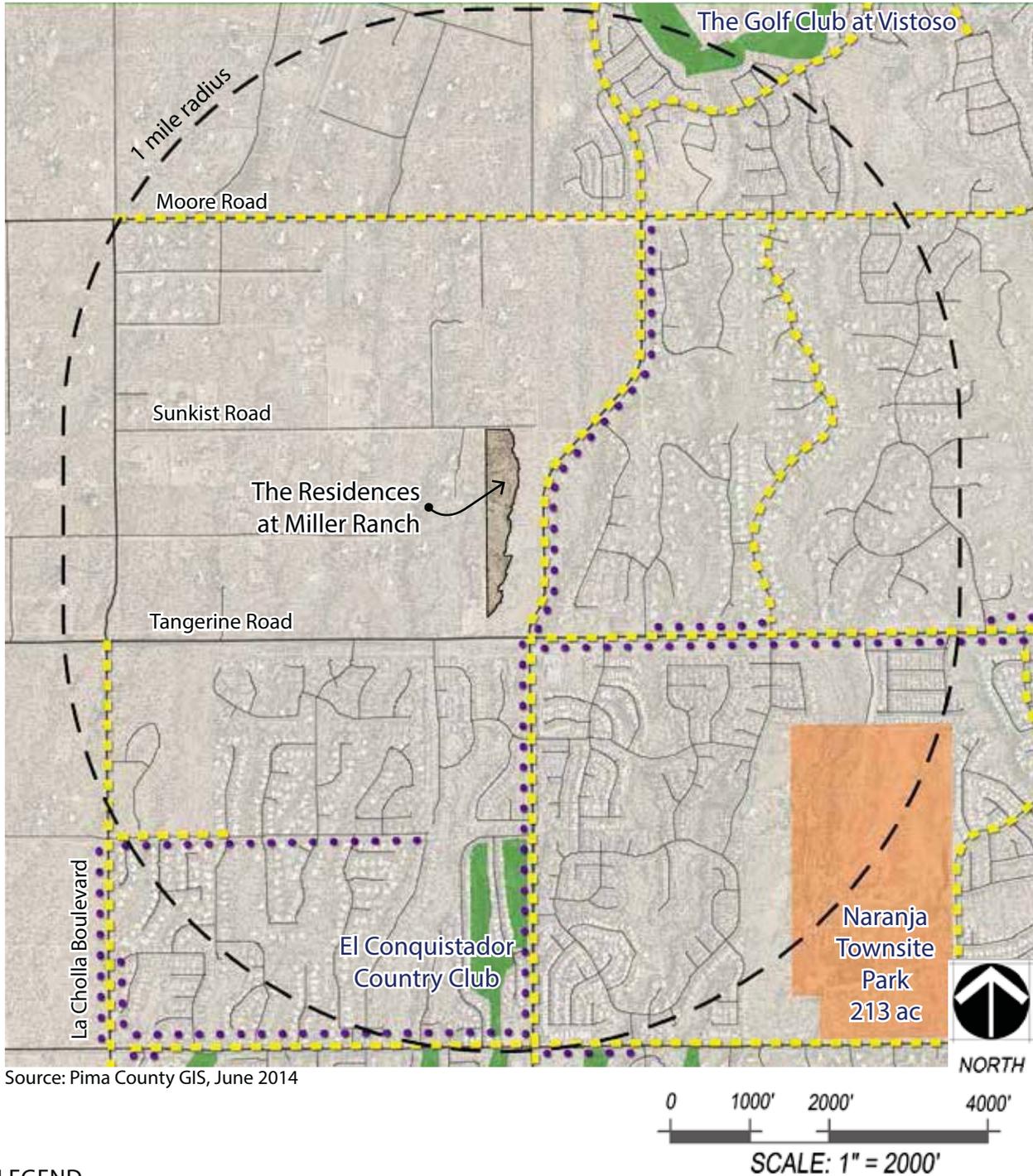
South of Tangerine Road and east of La Cañada Drive, the 213-acre Naranja Townsite Park features a network of trails and an archery course. As of June 2014, the park is currently under construction for Phase 1 Park Improvements which include two (2) multi-use sports field, a dog park, and parking lot.

c. Golf Courses:

There are two (2) golf courses located within one mile of the Residences at Miller Ranch site: The Golf Club at Vistoso north of Moore Road, and El Conquistador Country Club north of Naranja Drive and west of La Cañada Drive.

Inventory and Analysis

Exhibit 1-H.1: Parks, Recreation, & Trails



Source: Pima County GIS, June 2014

LEGEND

-  Parks
-  Golf Courses
-  Shared-use Paths
-  Striped Shoulder Bicycle Route

I. Cultural/Archaeological/Historic Resources

1. Report of Available Site Information

See Exhibit 1-I.1, Cultural Resources, p. 50, for a reliance letter from Fred Huntington, Director of Cultural Resources of Westland Resources, Inc. Engineering and Environmental Consultants. The letter states that upon completion of a cultural resources inventory survey in April, 2008 by Westland Resources, no prehistoric or historic period cultural resources were discovered within the project area. Westland recommends that no further cultural resources work be required due to the lack of archaeological and historic resources within the project site.

Inventory and Analysis

Exhibit 1-I.1: Cultural Resources



July 8, 2014

Mr. Stacey Weaks
NORRIS DESIGN
418 N Toole Avenue
Tucson, AZ 85701

**RE: CULTURAL RESOURCES SURVEY REPORT FOR THE 37.2 ACRE MILLER RANCH
PROPERTY AT LA CAÑADA DR AND TANGERINE ROAD, ORO VALLEY, ARIZONA
WESTLAND PROJECT NO. 1544.01**

Dear Mr. Weaks,

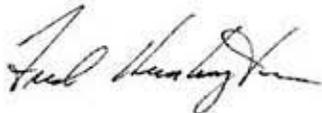
WestLand Resources Inc. (WestLand) completed a cultural resources inventory survey of the above referenced project in January of 2008. A draft report of the findings was submitted in April of 2008 and was forwarded for review to the State Historic Preservation Office (SHPO) by Shirley Gay of the Town of Oro Valley. SHPO comments on the report were received on September 8, 2008 and a revised cultural resources inventory report that included WestLand's responses to the SHPO comments was submitted on September 15, 2008.

No prehistoric or historic period cultural resources were discovered within the project area during the survey. Archival research indicated that the oldest building on the property was a stable built in 1972 and was, therefore, too young to be considered eligible for inclusion on the National Register of Historic Places (NRHP). In the six years since the original survey, this building has still not reached the minimum 50 year threshold to be considered eligible for the NRHP.

Due to the lack of archeological and historic period resources on the property, WestLand recommended that no further cultural resources work be required prior to the development of the property. The report met all applicable state and federal standards at the time it was written and can be relied upon to accurately reflect the lack of cultural resources on the property at the time of the survey. In addition, since no buildings on the property have reached the minimum 50 year threshold for listing on the NRHP, the recommendation that no cultural properties will be affected by the development of the project has not changed.

Should you have any questions or require additional information, please do not hesitate to call.

Respectfully,
WestLand Resources, Inc.



Fred Huntington
Director of Cultural Resources

cc: Jim Tress, WestLand Resources, Inc.

4001 E. Paradise Falls Drive • Tucson, AZ 85712 • 520•206•9585 Fax 520•206•9518
2020 N. Central Avenue • Suite 695 • Phoenix, AZ 85004 • 602•888•7000 Fax 866•457•2838
1750 S. Woodlands Village Blvd. • Suite 150 • Flagstaff, AZ 86001 • 928•225•2218 Fax 866•457•2838

J. Schools

Located southeast and within a one mile radius of the Residences at Miller Ranch site, is Copper Creek Elementary School. *See Exhibit 1-J.1a, Schools within 1 Mile Radius, p. 52.* Accessible from Tangerine Road, the school is located off of N Copper Springs Trail and is a part of the Amphitheater Public School District.

Other schools not located within a one mile radius but could potentially serve the Residences at Miller Ranch are Painted Sky Elementary School, Wilson K-8 School, Ironwood Ridge Highschool, and Casas Christian School. *See Exhibit 1-J.1b, Schools Serving the Area, p. 53.*

K. Water

Water Service Provider:
Oro Valley Water Utility
11000 N. La Cañada Drive
Oro Valley, Arizona 85737

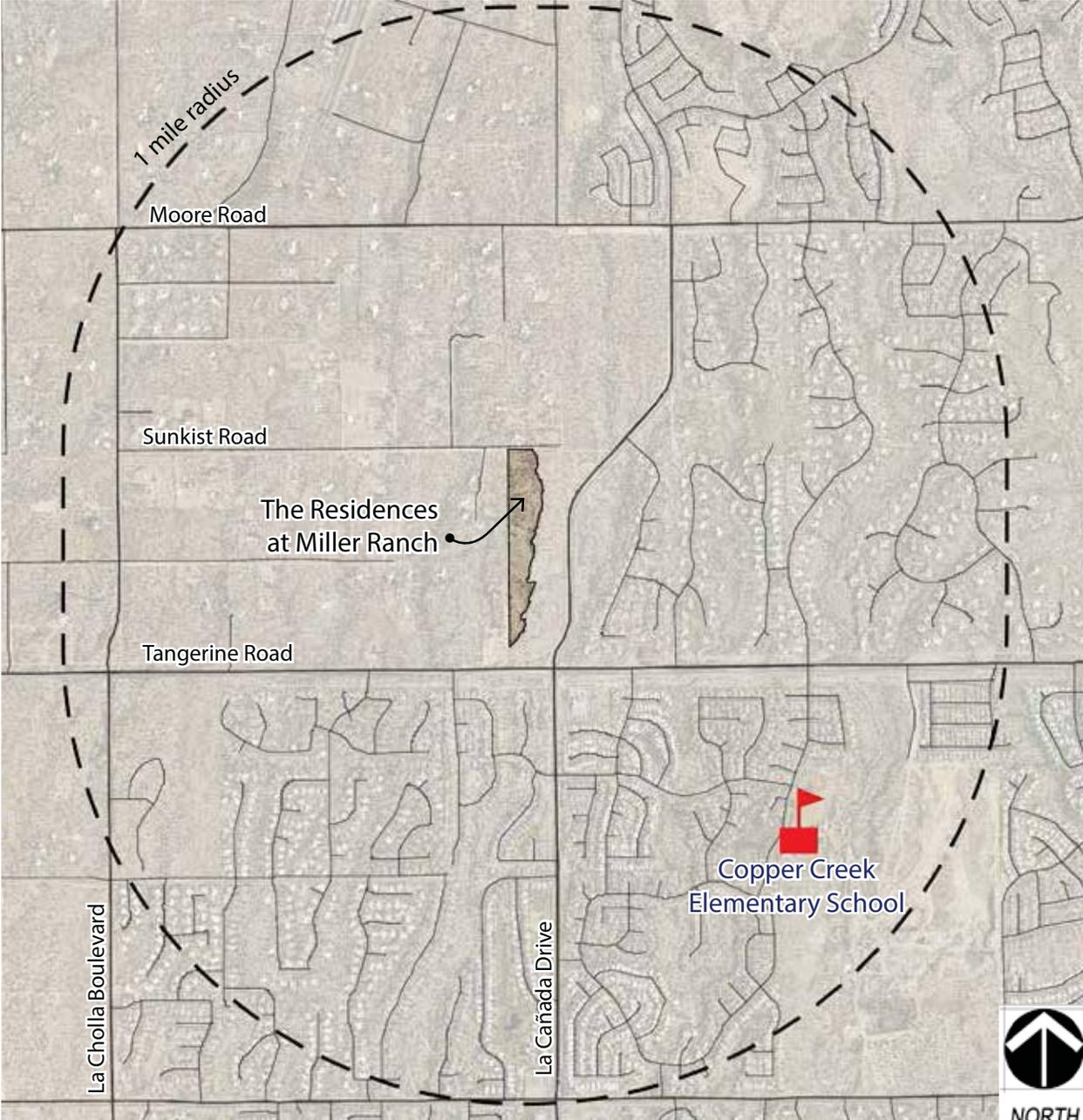
Philip C. Saletta, P.E., Water Utility Director
Tel: 520-229-5000

L. Sewer

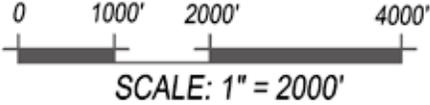
Exhibit 1-L.1, Sanitary Sewer Pipes & Structures p. 54, shows existing public sewer in relation to the project site. Sanitary sewer service will be extended from the 8" Public Sewer, P.N. G-2003-064, at Manhole Number 3890-09 located in the Tangerine Road right-of-way.

Inventory and Analysis

Exhibit 1-J.1a: Schools within 1 Mile Radius



Source: Pima County GIS June 2014

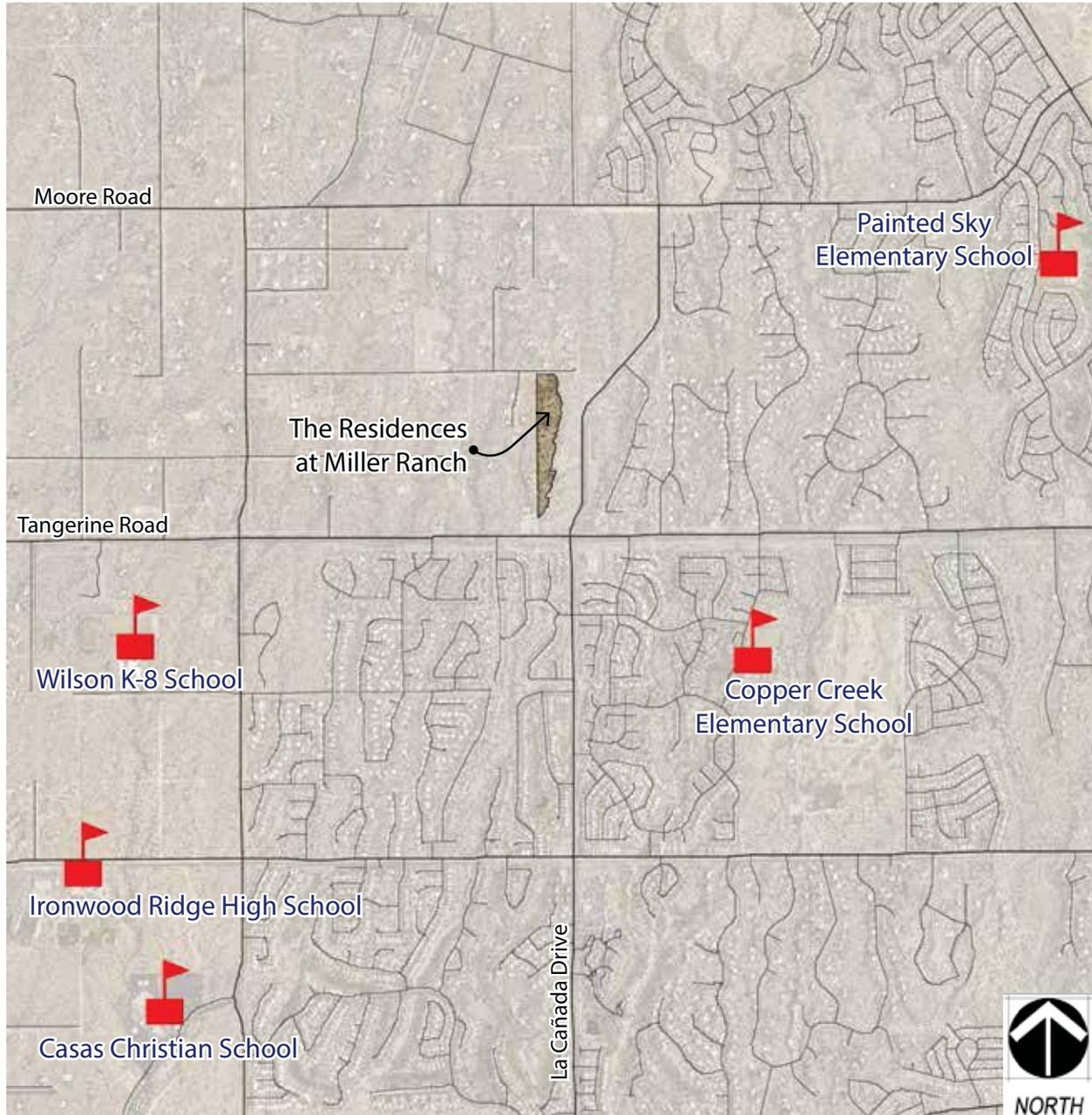


LEGEND

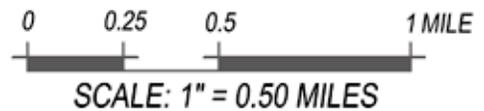
-  Schools

Inventory and Analysis

Exhibit 1-J.1b: Schools Serving the Area



Source: Pima County GIS, June 2014

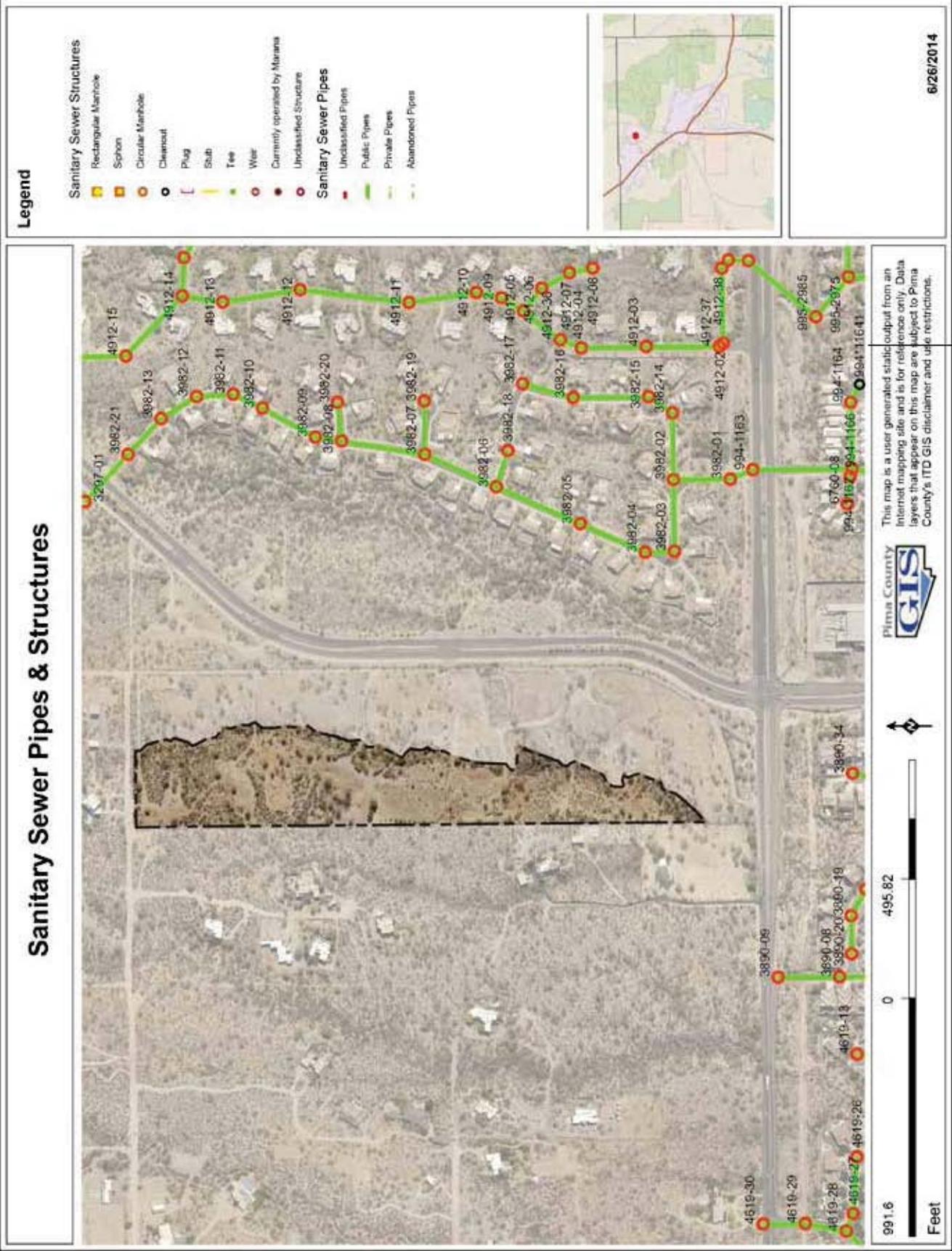


LEGEND

 Schools

Inventory and Analysis

Exhibit 1-L.1: Sanitary Sewer Pipes & Structures

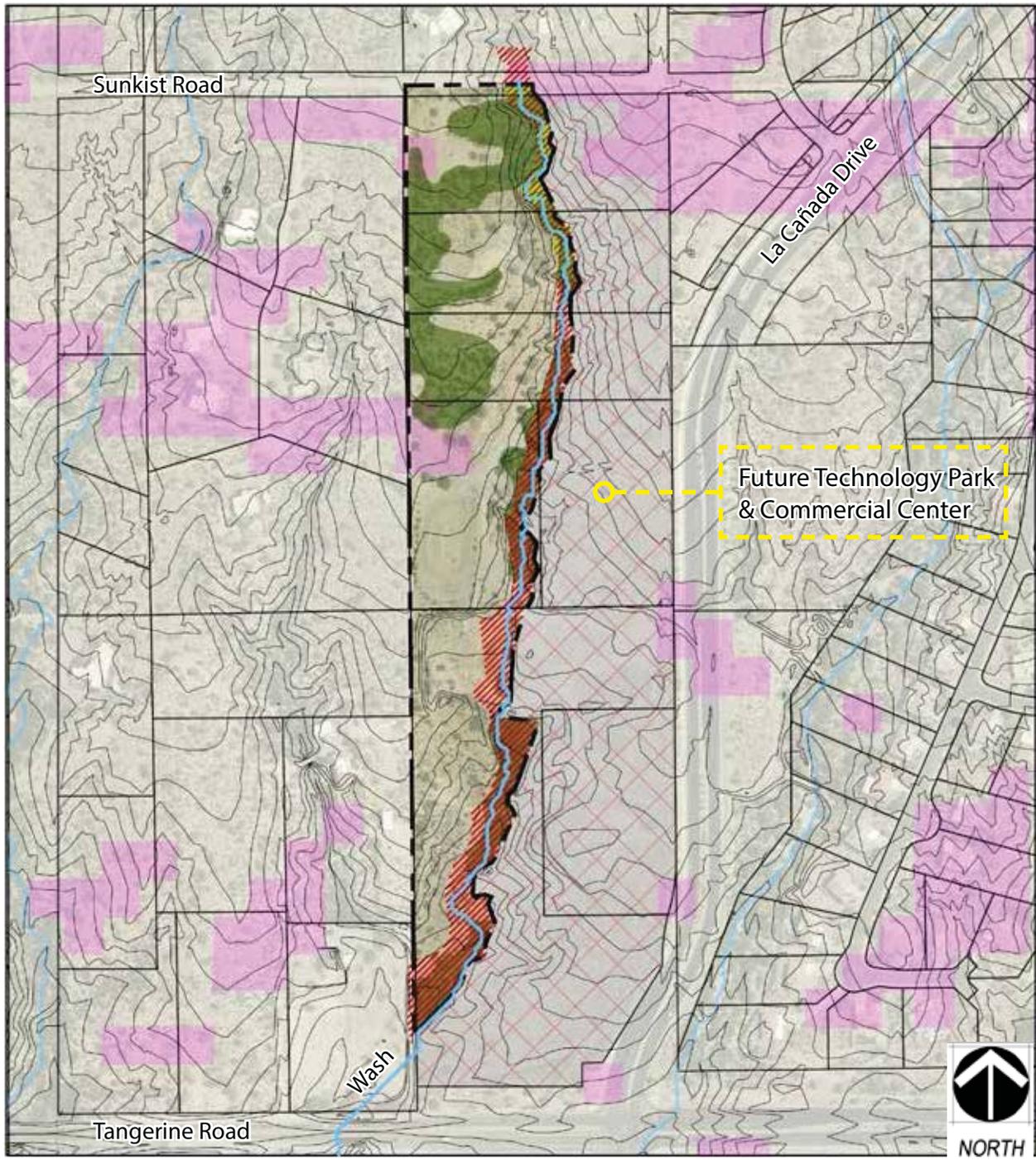


M. Composite Map

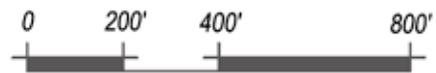
A composite map showing Topography, Hydrology, Vegetation, and Wildlife is shown in *Exhibit 1-M.1, Composite Map, p. 56*. Viewsheds are not included in the composite map but are shown in *Exhibit 1-F.1 Views onto Site, p.37*, as most views onto the site are screened by vegetation and will not be significantly impacted.

Inventory and Analysis

Exhibit 1-M.1: Composite Map



Source: Pima County GIS & Rick Engineering Company, July 2014;
Site Observation, April 2014



SCALE: 1" = 400'

LEGEND

- | | | | |
|---|---|---|------------------|
|  | Medium-Low Vegetative Density (26% - 50%) |  | Undisturbed Wash |
|  | Lesser Long-nosed Bat High Value Habitat | Contour Interval: 2' | |
|  | 100-year Flood Limits | | |

PART 2 - LAND USE PROPOSAL

A. Project Overview

Miller Ranch is located at the northwest corner of Tangerine Road and La Cañada Drive. The eastern portion of Miller Ranch has an approved development plan integrating a Technology Park and Commercial Center. The Residences at Miller Ranch is planned to be a 16.3 acre residential development to complement the future Technology Park and Commercial Center. The existing land use designation is Medium Density Residential (MDR, 2.1 - 5.0 DU/AC), however through the General Plan Amendment process, the residential portion of Miller Ranch was stipulated to a maximum allowable density of 2.5 DU/AC. The Medium Density Residential classification aligns with the Low, Medium and High Density Residential designations of the existing residential parcels in the vicinity of the property. The Residences at Miller Ranch features twenty (20) lots with a minimum lot size of 10,000 square feet and ten (10) 12,500 square foot minimum lots, totaling thirty (30) residential lots with a gross density of 1.84 DU/AC. As part of the ESL requirements, the Critical Resource Area (CRA) requires a minimum of 95% preservation and the Resource Management Area requires 25% open space. Approximately 1.5 acres of open space serves to restore and protect the site's disturbed unnamed wash corridor, satisfying the ESL minimum requirement.

Concept Plan | Open Space Summary

The Residences at Miller Ranch provides a collection of open space comprised of ESL Critical Resource Area, ESL Resource Management Area, and revegetated common areas. Approximately 6.4 acres (39%) of the site will be open space, common areas and landscaped areas. The neighborhood will enhance the landscape areas along the property edges, create an attractive streetscape and blend the drainage systems into the site. Passive amenities will be integrated with drainage features into the neighborhood in conformance with the provisions per the ESL. In addition, a portion of the wash will be enhanced to become an amenity for the community. The project will include an at-grade, natural surface trail connection across the wash at the south end of the project to connect with the future trail on the Technology Park and Commercial Center campus. *See Exhibit 2-A, Miller Ranch Concept Plan, p. 60 and Table 2-A, ESL Open Space, p. 58, for a summary of the open space for Miller Ranch.*

TABLE 2-A ESL OPEN SPACE

Land Use Proposal

ESL Open Space	Required	Provided
Critical Resource Area	3.3AC	3.4AC
Resource Management Area - Tier 2	3.2AC	1.6AC plus 1.5 AC Wash Restoration Area*
Common Area / Open Space	N/A	1.4 AC
Total Open Space	N/A	6.4AC (39%)

* Wash Restoration Credit (1.5AC) to be applied to the Resource Management Area open space

Rezoning Development Incentives

As part of our zoning request for a R1-7 district, we are requesting the following development incentives per Section 27.10 Environmentally Sensitive Lands (ESL) of the Oro Valley Zoning Code.

Wash Restoration Credit

Request: We are requesting credit for the restoration of a majority of the existing unnamed wash within the residential development.

Overview: The entire property and wash have been significantly denuded over the years by the ranching activities on the site. As part of the development program, the project will enhance the disturbed portions of the existing wash including the removal of the invasive plants. Approximately two (2) acres of the wash will be enhanced to improve the function of the wash and overall aesthetic quality of this resource. A 1.5 acre credit will be applied towards the overall environmentally sensitive open space (ESOS) requirements and specifically applied to the Resource Management Area (RMA) open space requirement.

Code Reference: Town of Oro Valley Zoning Code, Chapter 27: General Development Standards, Section 27.10 Environmentally Sensitive Lands, (D) Environmentally Sensitive Lands Conservation Systems, (3) Conservation Categories, (b) Critical Resource Area (CRA) Category, (ii) Conservation (c,1), Page 278.8.

Development Incentives

Modified Review Process

Request: We are requesting to apply the Modified Review Process for the subsequent design and infrastructure plan submittals.

Overview: We anticipate the rezoning and public engagement process will address critical planning elements for the project. Thus, this will result in a refined plan that can subsequently be approved administratively. We understand if modifications were considered to be more than minor revisions, future submittals may not be able to be approved administratively.

Code Reference: Town of Oro Valley Zoning Code, Chapter 27: General Development Standards, Section 27.10 Environmentally Sensitive Lands, (F) ESOS Use and Conservation Development, (2) Development Balance and Incentives, (c, iii) Flexible Development, (h) Modified Review Process, Page 278.64.

B. Tentative Development Plan

Provided under separate cover.

Land Use Proposal

Exhibit 2-A: Miller Ranch Concept Plan



Not to scale

C. Existing Land Uses

1. Map of Zoning Boundaries and Existing Land Uses on Adjacent Properties

The Residences at Miller Ranch site (parcel numbers 219-47-017A, 018A, 0050, 0060, 004A, 004C, and 004B as identified by the Pima County Assessor) is currently zoned R1-144. Requested zoning for the site is R1-7. Current zoning of site and adjacent property is shown in *Exhibit 2-C.1, Zoning Boundaries/Land Uses, p. 62*. Section 1-A.3 contains additional information on existing zoning and land uses.

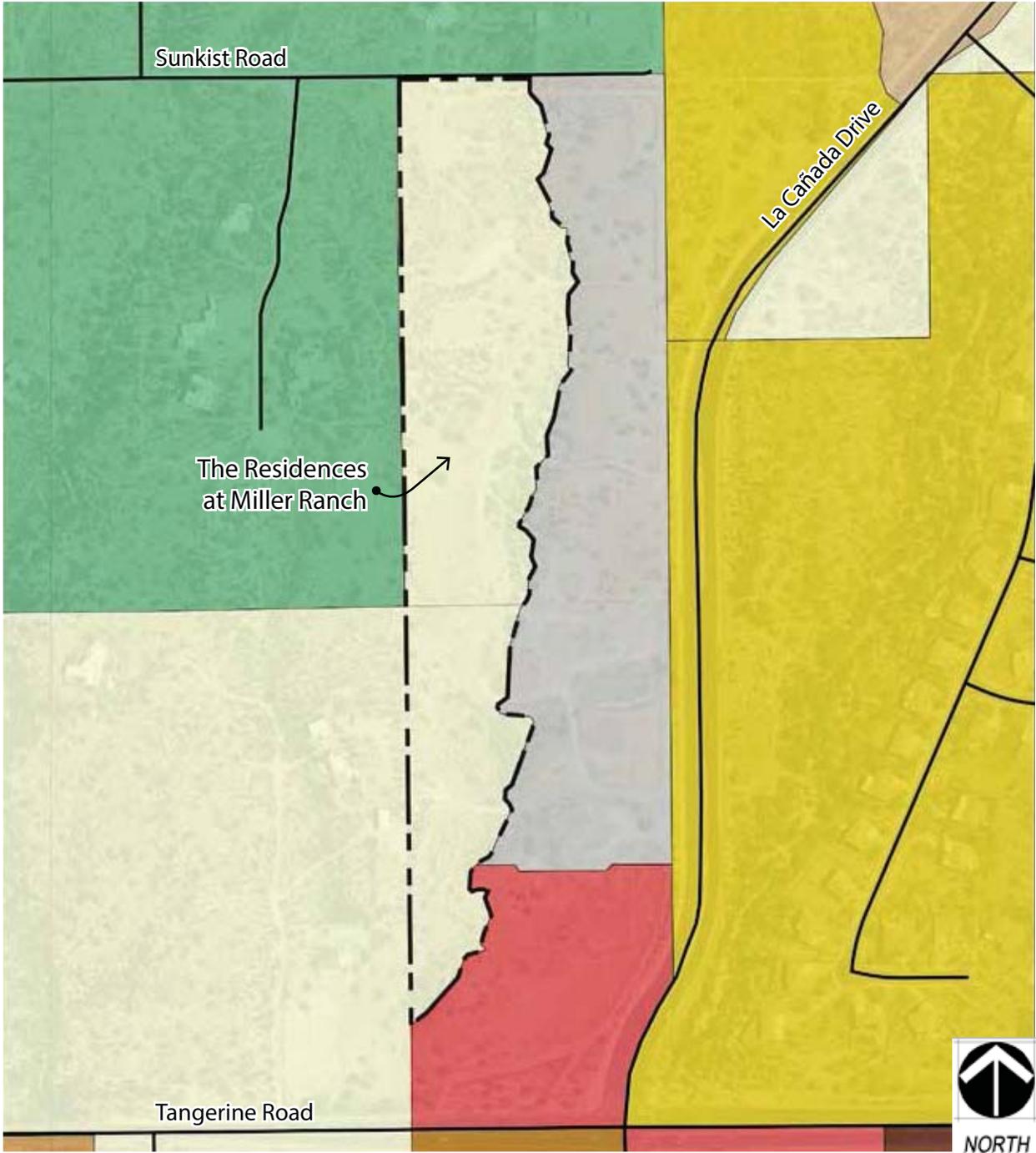
2. Effects of Proposed Development on Existing Land Uses

The Residences at Miller Ranch proposes a viable land use that is complementary to development patterns in the vicinity along the Tangerine Road and La Cañada Corridors. Currently undeveloped, the site is zoned for R1-144 Single Family Residential with a density of 0.3 DU/AC. The proposed rezoning requests rezoning the site to R1-7 Single Family Residential with a density of 1.84 DU/AC. The property was approved for a General Plan Amendment in February 2014 receiving a Medium Density Residential (MDR, 2.0 - 5.0 DU/AC) designation with a maximum allowable density of 2.5 DU/AC. As per the Oro Valley General Plan's definition for MDR, 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 which will eventually serve as a shopping and employment node along the Tangerine Corridor. The Residences at Miller Ranch may potentially provide housing for employees of nearby future employers.

Development at the lower end of the MDR density range also creates a compatible and logical transition between the existing residential land use to the west and the future Technology Park and Commercial Center. This transition is complemented by integrating enhanced vegetative buffers between the project and existing residential properties while minimizing impacts to distant ridgeline views.

Land Use Proposal

Exhibit 2-C.1: Zoning Boundaries/Land Uses



Source: Pima County GIS, June 2014

LEGEND

- SR: Suburban Ranch
- R1-144: Single Family Residential
- R1-36: Single Family Residential
- R1-20: Single Family Residential
- R1-10: Single Family Residential
- R1-7: Single Family Residential
- R-6: Multi-Family Residential
- C-1: Commercial District
- T-P: Technological Park

D. Effects of Proposed Development on Topography

1. Response of TDP to Site's Topographic Characteristics

The existing topography slopes gently from the site's northwestern corner south and east towards the unnamed wash along the eastern site boundary. In effort to minimize site disturbance and preserve the wash along the eastern boundary, the site plan minimizes the grading by matching existing grades, where possible, on the northern and western portions of the subject property.

2. Encroachment onto Slopes of 15% or Greater

There is no encroachment onto slopes of 15% or greater.

3. New Average Cross-slope

The new post-development cross-slope is 6.2% based on the graded area of 10.8AC.

4. Area Used in Cross-Slope Calculations

The cross-slope calculations are based on the graded area of 10.8AC.

5. Areas to be Disturbed, Graded, and/or Revegetated

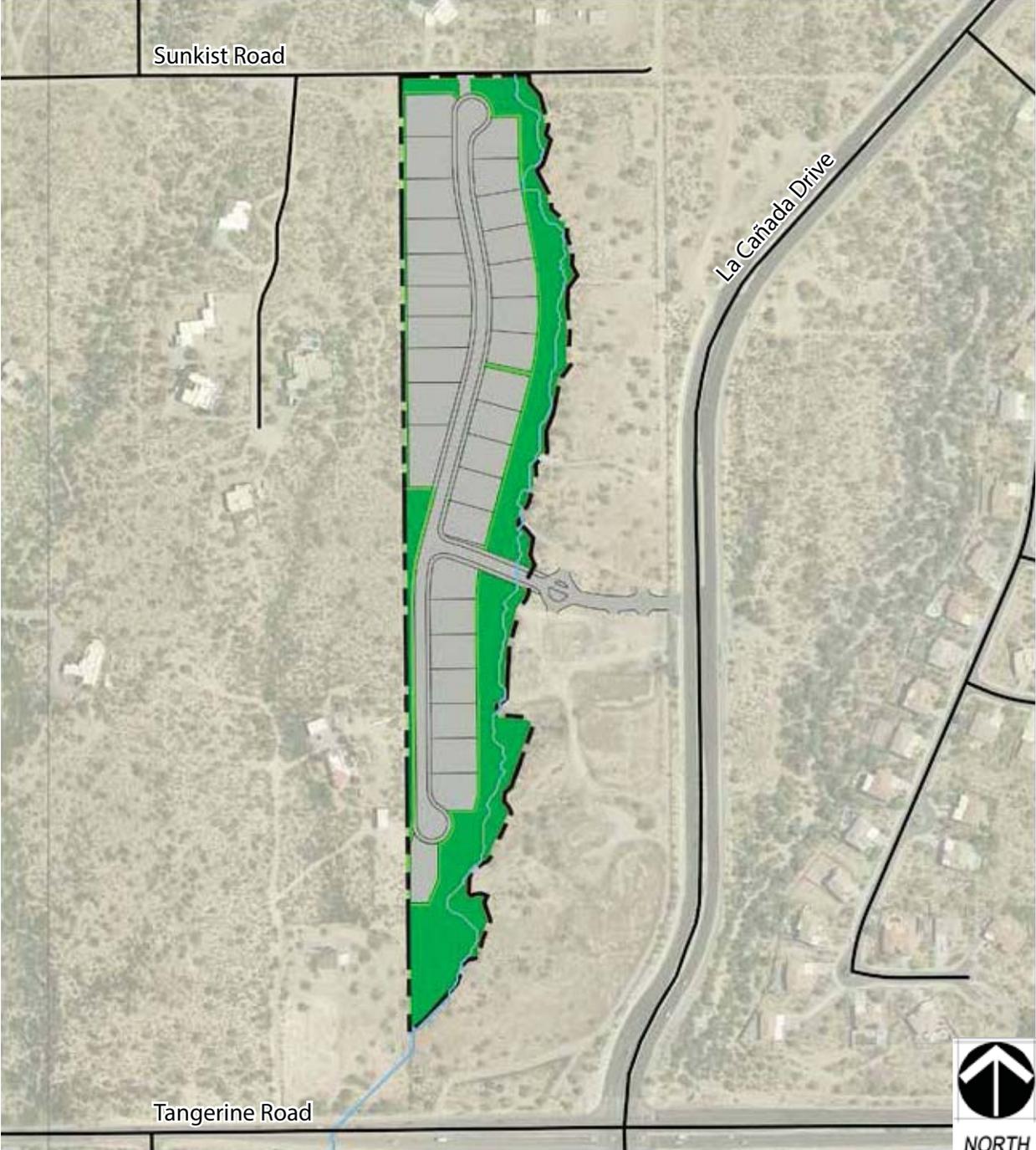
The extent of grading on the site is shown in *Exhibit 2-D.5, Areas to be Disturbed/Graded/Revegetated p. 64*. 10.8AC (66%) of the site will be disturbed/graded and 1.6AC (approx. 10%) of the site will be revegetated. In addition, 2.0AC of the wash will be restored and portions of the ESL open space will be enhanced to mitigate for the existing disturbed conditions, including the eradication of invasive species.

6. Map Extent of Grading on Site

Grading on-site is limited to lots and roadways. Refer to *Exhibit 2-D.5, Areas to be Disturbed/Graded/Revegetated p. 64*.

Land Use Proposal

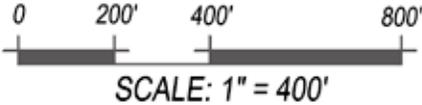
Exhibit 2-D.5: Areas to be Disturbed/Graded/Revegetated



Source: Concept Plan, November 2014

LEGEND

- Developable Area 9.9AC (61% of total site)
- Revegetated Area 1.6AC
- Open Space 6.4AC (39% of total site)



E. Effects of Proposed Development on Hydrology

1. Response of TDP to Site's Hydrological Characteristics

The proposed development area limits are based on the location of the existing unnamed wash along the east project boundary and associated floodplain limits. Proposed uses and drainage improvements are intended to be compatible with this existing wash and impact the wash as little as practicable. The project will accept the existing off-site runoff and discharge on-site flows at an attenuated level in accordance with Town of Oro Valley Drainage Criteria Manual (2010 edition).

Note that the approved Master Development Plan for Miller Ranch (OV12-08-07) associated with the proposed commercial development along the easterly boundary of this project incorporates detention basins to meet Town of Oro Valley detention design criteria. These proposed detention basins provide adequate attenuation to offset the increased runoff due to this proposed project and detention basins will not be required within The Residences at Miller Ranch (this project) as currently designed. See *Exhibit II.E.1: Post-Development Hydrology p. 69* for the preliminary drainage plan for the overall Miller Ranch site including The Residences at Miller Ranch and the future commercial center. Refer to *Exhibit II.E.2: Post-Development Hydrology – Interim Condition, p. 71* for the preliminary drainage plan for the overall Miller Ranch site in the interim condition assuming The Residences at Miller Ranch is constructed before any phase of the commercial center.

2. Encroachment/Modification of Drainage Patterns

Proposed development intends to modify existing drainage patterns as little as practicable. The majority of the developed site will discharge to the unnamed wash along the project boundary, which is similar to existing conditions. Proposed drainage improvements along the wash include a roadway crossing and slope protection with cut-off wall at the toe of slope along the back of pads where proposed lot grading encroaches within the erosion hazard setback. The roadway crossing will incorporate culverts sized to ensure all-weather access, prevent adverse impacts to upstream properties, and minimize the impact to the hydraulic characteristics of the wash. Erosion protection will be provided upstream and downstream of this crossing.

To facilitate the construction of building pads along the west project boundary grading will be required that will reduce the flows to adjacent properties. The existing discharge from On-site Watershed 5E is 14 cfs and it is anticipated this will be reduced to 2 cfs. This reduction will not adversely impact adjacent properties and is not anticipated to have a significant impact on downstream flows sustaining riparian areas.

Land Use Proposal

3. Potential Drainage Impacts to Off-site Land Uses Upstream and Downstream

This project is bounded along its northerly upstream boundary by low density residential developments. Improvements along the north boundary will be designed to accept existing off-site flows and will ensure the adequate conveyance of these flows. This will prevent drainage impacts to land uses of upstream properties.

The existing wash along The Residences at Miller Ranch project east boundary is not proposed for significant modifications beyond one roadway crossing and slope protection at isolated locations along the west edge. In the interim, prior to the construction of the Miller Ranch commercial development, off-site flows from the east will be accepted in a manner similar to existing conditions (except where detention basins are constructed as described below).

Drainage improvements for this project will include the construction of detention basins to attenuate runoff from the developed site and ensure there no adverse impacts to downstream properties. Detention basins will be designed to ensure the post-development peak discharge from the project matches the existing condition or is reduced by no greater than 10%, in compliance with the Town of Oro Valley Drainage Criteria Manual (2010 edition).

4. Engineering/Design Features to Mitigate Drainage and Erosion Problems

As described previously, there are off-site flows from the north and east that impact the project. The nature and quantity of these flows will be further evaluated in the drainage report(s) prepared for the development of the site. The necessary improvements to convey the flows will be determined at that time and will be incorporated into the drainage improvements for the development. In general, the existing unnamed wash along the east project boundary will remain undisturbed and will be enhanced by the wash restoration program. The use of stabilized side slopes and cut-off walls at the toe of slope will be incorporated where improvements encroach within the existing erosion hazard setback. See *Exhibit II.E.1: Post-Development Hydrology p. 69* for the preliminary drainage plan for the overall Miller Ranch site including The Residences at Miller Ranch and the future commercial center.

Detention is required to ensure the post-development peak discharge from the project matches the existing condition or is reduced by no greater than 10%, in compliance with the Town of Oro Valley Drainage Criteria Manual (2010 edition). The design and construction of the proposed basin system will be in accordance with the requirements of the Pima County Stormwater Detention/Retention Manual, and any modifications adopted by the Town of Oro Valley.

Detention to offset the increased runoff resulting from the development of The Residences at Miller Ranch project will be provided within the overall Miller Ranch

property, within the commercial portion of the site on the east side of the unnamed wash. The approved commercial site layout associated with the Master Development Plan for Miller Ranch (OV12-08-07) and analyzed by the Master Drainage Report for Miller Ranch (Rick Engineering Company, dated May 19, 2010) includes eight detention basins. These proposed detention basins on the commercial side of the Miller Ranch site provide adequate detention to offset the increased runoff from both the commercial center and The Residences at Miller Ranch and ensure that Town of Oro Valley detention criteria is satisfied at the downstream boundary of the overall Miller Ranch site. The details of this detention system design will be provided in the drainage report(s) prepared for the development of the site. As discussed above, no detention is required or proposed within The Residences at Miller Ranch and all detention will be provided within the commercial portion of the Miller Ranch site.

In an interim condition, if The Residences at Miller Ranch is constructed prior to the commercial portion of the site, the proposed detention basins associated with the commercial center can be constructed to meet the Town of Oro Valley detention requirements for The Residences. Assuming none of the commercial center has been constructed, construction of Detention Basin 3 in conjunction with The Residences at Miller Ranch will be adequate to mitigate the effects of increased runoff from the residential project. Refer to Exhibit II.E.2: Post-Development Hydrology – Interim Condition for a preliminary hydrologic analysis of this interim condition of the overall Miller Ranch site. The phased construction of the detention basins will be further evaluated in the drainage report(s) prepared for the development of the site.

Proposed residential lots along the existing wash will be rear-draining and will drain directly to the wash. The remaining lots will drain to the proposed roadway. The roadway will convey runoff to scuppers and/or catch basins that convey flows to the wash. Streets will be designed in accordance with Town of Oro Valley street drainage criteria by ensuring runoff is contained within the curbing and does not exceed 50 cfs.

Appropriate erosion protection and energy dissipation will be provided at basin inlet and outlet structures, at storm drain, culvert, and channel outlets, and as necessary at other concentrated flows.

One wash crossing will be required for the primary entry road off La Canada Drive. This crossing will provide all-weather access by conveyance of the unnamed wash below the roadway by an appropriately sized culvert structure. The crossing will not adversely impact upstream properties and will be designed to maintain wash sediment transport stability as much as practicable. A preliminary analysis indicates that 5-48" RCP or 2-6'x3' RCBC culvert structures will be acceptable. The detailed design of this culvert structure, including a backwater analysis, will be included in the future drainage report for the project.

Land Use Proposal

First flush treatment is not required for residential projects within the Town of Oro Valley. If first flush treatment is provided it will be at scuppers and catch basins where runoff drains from paved surfaces. If utilized, treatment BMPs will be sized for the 2-year, 1-hour storm in accordance with Town of Oro Valley Drainage Criteria Manual (2010 edition), section 11.7.2.

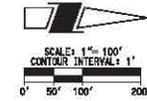
5. **Conformance of TDP to Area Plans, Basin Management Plans, and Town Policies**
The project will conform with applicable policies related to drainage and floodplain management. Applicable policies include but are not limited to those contained within the Town of Oro Valley Drainage Criteria Manual (2010 edition) and the Pima County Stormwater Detention/Retention Manual. Development will include the following to comply with applicable policies:
- Detention will be provided and demonstrated as adequate through hydrologic modeling
 - The existing unnamed wash will remain mostly undisturbed

WATERSHED	AREA	PROPOSED PEAK FLOWS			
		Q100	CUMULATIVE	CUMULATIVE	CUMULATIVE
CP #	(ac)	(cfs)	CP #	AREA (ac)	Q100 (cfs)
3P-INT	3.2	23	-	3.2	23
BAS 3-INT	-	-	3P - BAS 3	-	23
9P-INT	7.7	58	9P-INT + OS-1	30.4	171#
10P-INT	6.1	46	10P-INT + 9P-INT + OS-1	36.5	219#
11P-INT	12.0	82	11P-INT - BAS 3 + 9P-INT + 10P-INT + 12P + 13P + OS-1	-	279#
12P	2.5	21	-	2.5	21
13P	4.2	35	-	4.2	35
14P	0.3	2	-	0.3	2

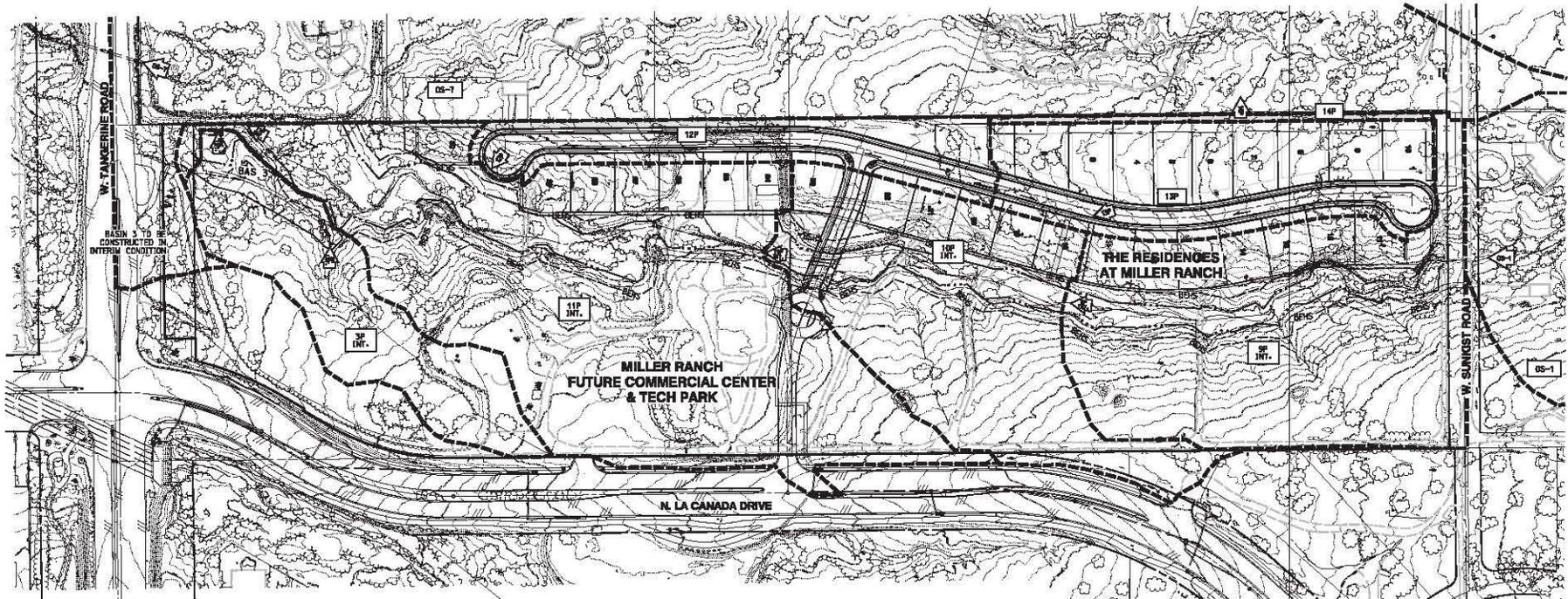
Per HEC-HMS analysis of Interim condition (no commercial)

WATERSHED	AREA	DEFENSIVE PEAK FLOWS	
		Q100	CUMULATIVE
CP #	(ac)	(cfs)	Q100 (cfs)
OS-1	22.7	132	-
OS-2	31.4	184	422#

© Per T.O.M. Proj. No. 2005-061 "Tangerine Road-Thurysdale Road to La Canada Dr."



DETENTION/RETENTION BASIN SUMMARY - INTERIM CONDITION								
BASIN	Q100 IN (CFS)	Q100 OUT (CFS)	V100 (MG)	WEIR ELEV. (FT)	BASIN TOP ELEV. (FT)	BASIN BOTTOM ELEV. (FT)	WEIR LENGTH (FT)	
BAS 3-INT	23	6	0.36	2792.8	2794	2790.8	2792.6	10



NOTES

1. IN THE INTERIM CONDITION, DETENTION STORAGE TO OFFSET INCREASED RUNOFF FROM THE MILLER RANCH RESIDENTIAL PROJECT WILL BE PROVIDED BY THE CONSTRUCTION OF THE BASIN 3 OF THE COMMERCIAL PROJECT.

LEGEND

- WATERSHED
- CONCENTRATION POINT
- PROPOSED DETENTION BASIN
- WATERSHED BOUNDARY
- BUILDING EROSION HAZARD SETBACK
- REGULATORY 100-YEAR FLOOD LIMITS (PROPOSED)

EXHIBIT ILE.2
 POST-DEVELOPMENT HYDROLOGY - INTERIM CONDITION
THE RESIDENCES AT MILLER RANCH

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 11 SOUTH, RANGE 13 EAST, GILA & SALT RIVER MERIDIAN, TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA.

OV114-020 DATE: 04/16/2015

SHEET 1 OF 1

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 (520) 796-0000
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 rick@rae.com

F. Vegetation

1. TDP Response to Vegetative Characteristics Described in Part 1

The Residences at Miller Ranch site is sporadically vegetated and contains minimal areas of Significant Vegetation, as defined under Oro Valley Zoning Code, Section 27.6. Building envelopes and roadways have been sited to minimize vegetative disturbance and will not affect designated Significant Vegetation. A saguaro cactus (*Carnegiea gigantea*) located near the site's southwestern corner meets criteria established within the Oro Valley Zoning Code; the saguaro will be preserved-in-place as it is located within the rear setback outside the building envelope. Native vegetation within the undisturbed, northern portion of the unnamed wash is also considered significant and will not be negatively impacted by the development of the site. The project will follow mitigation requirements outlined in section 27.6.B of the Oro Valley Zoning Code as needed.

Please refer to the Site Resource Inventory (SRI) and Native Plant Preservation Plan (NPPP), under separate cover, for additional information regarding significant vegetation and mitigation.

2. Discussion of Vegetation to be Transplanted

Vegetation will be preserved in place where possible to minimize disturbance. Transplantability of vegetation will be determined per Oro Valley Zoning Code, Section 27.6.B. All trees, shrubs, and cacti that meet the salvage and transplantability criteria will either be preserved in place or relocated on-site. Please refer to the Native Plant Preservation Plan, under separate cover, for additional information regarding disposition of native plants.

G. Wildlife

Destruction of wildlife habitat within the developable area is anticipated to be very minimal. The Biological Evaluation completed by WestLand Resources, Inc., Engineering and Environmental Consultants, provided under separate cover, does not identify any Critical Habitat within the site's boundaries. Pima County Geographic Information Systems recognizes areas of High Value Habitat on-site for the endangered Lesser Long-nosed Bat (*Leptonycteris curasoae yerbabuena*), however due to the species' ability to forage over long distances and the abundance of suitable forage resources throughout the Tucson Basin, it was concluded that no foreseeable adverse impacts are likely to result from the implementation of this project. The development will revitalize wildlife habitat by integrating enhanced vegetative buffers and restoring 2.0 acres of the site's disturbed wash corridor, enhancing riparian habitat for migratory birds and other wildlife.

See Section 1-E.1, Wildlife, p. 24.

Land Use Proposal

H. Buffer Plan

1. Map of Buffer Areas, Mitigation Techniques

Buffer yard requirements are based on adjacent property zoning. *Table 2-H.1, Required Buffer Yards, p. 75* shows the required buffer yards for the Residences at Miller Ranch site. Landscape buffer yards will be used on the west and north boundaries of the site as shown in *Exhibit 2-H.1 Buffer Areas, p. 76*. No landscape buffer is required along the east property border as it is adjacent to T-P and C-1 zoning (per Town of Oro Valley Planning, no buffer yards or building setbacks are required between commercial properties). However, the unnamed wash corridor creates a natural vegetative buffer between the east property boundary and the proposed Technology Park and Commercial Center. The Residences at Miller Ranch lacks a definitive southern boundary and the area south of the site is undeveloped land zoned C-1. Directly north of the site is Sunkist Road, defining the north border and separating R1-7 and SR zones. The developer of the Residences at Miller Ranch is prepared to integrate landscaping enhancements to the northern edge of the Residences to mitigate potential impacts to the northern property.

Sound. Due to the proximity of the Residences at Miller Ranch to arterial roads and the future Technology Park and Commercial Center, mitigation of sound is highly desirable and will be achieved through the use of sound filtering mechanisms such as vegetated buffers and five (5) foot property walls.

Visibility. As a private residential community, screening from arterial roads and adjacent land uses is desired. This will be accomplished by integrating densely vegetated buffers along the site's boundaries. Each lot will also include a five (5) foot property wall for additional privacy.

Outdoor Lighting. Per the Town of Oro Valley Zoning Code, Section 27.5 Outdoor Lighting, the Residences at Miller Ranch is designated as a E2a Lighting Zone and will meet all minimum requirements established for that zone.

Traffic. It is anticipated that traffic generated by the proposed development will be nominal due to the limited number of residential lots and the site's proximate location to two (2) arterial roadways. Access to the Residences at Miller Ranch is provided by a local access road off La Cañada Drive, an arterial street with capacity to support estimated traffic flows. The proposed development will not significantly or negatively impact existing traffic conditions in the immediate area.

2. Cross-Section Illustrations—Treatments Adjacent to Existing Development/Streets *See Exhibit 2-H.2: Cross-Section Illustrations, p. 77*

TABLE 2-H.1: REQUIRED BUFFER YARDS

The Residences at Miller Ranch Boundary	Adjacent Property Zoning ¹	Provided Buffer		Required Buffer ²	
		Width	Plants per Linear 100'	Minimum Width	Plants per Linear 100'
West	R1-144, SR	14'	5 Trees, 5 Shrubs, 10 Accents min.	10'	4 Trees, 5 Shrubs, 10 Accents
North	Street, SR	25'*	5 Trees, 5 Shrubs, 10 Accents min.	15'	N/A
East	T-P, C-1	Varies		0'	N/A

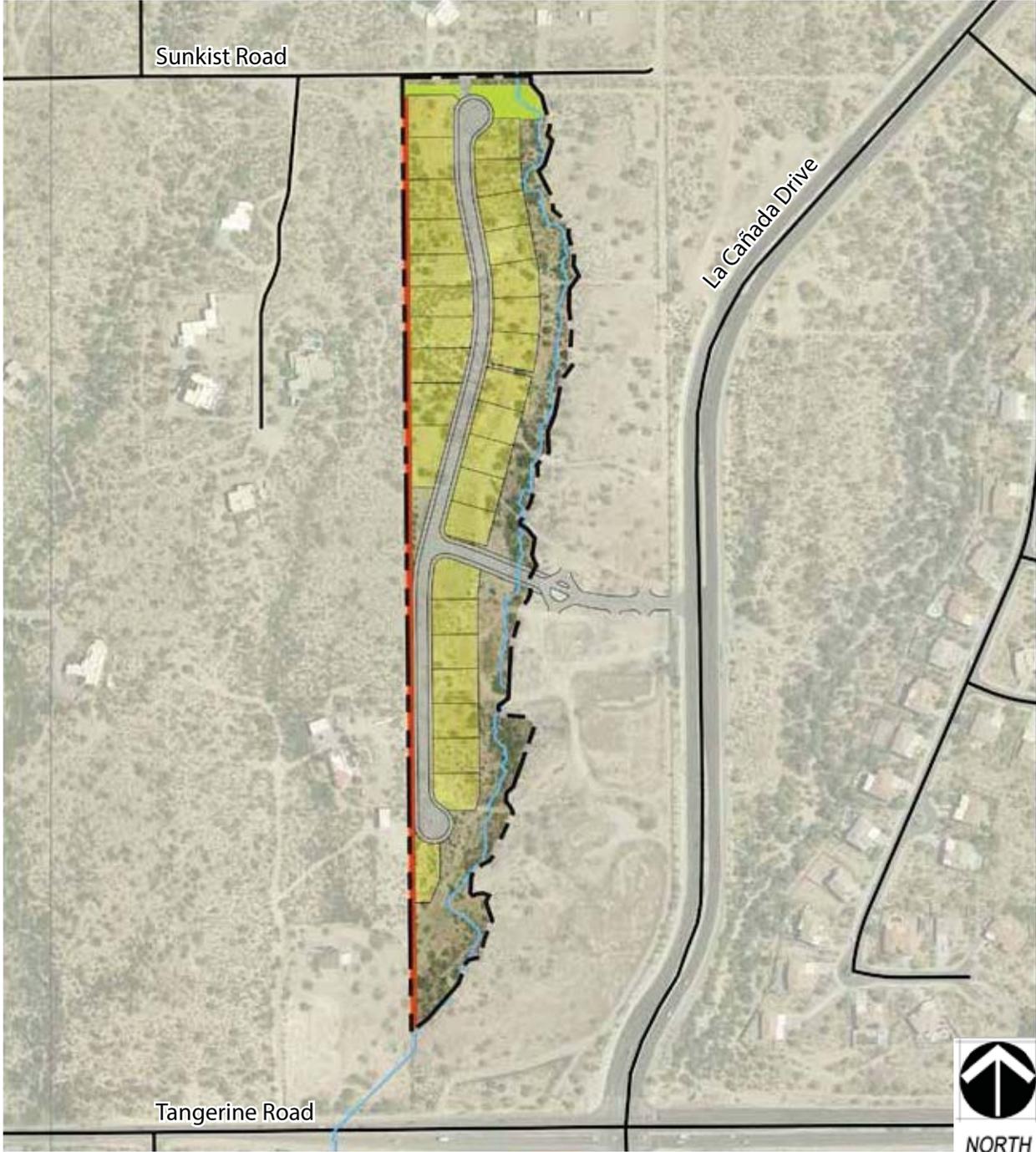
¹ Pima County GIS, June 2014

² Oro Valley Zoning Code, June 2014, Section 27.6

* North buffer is a minimum of 50' from the existing southern edge of Sunkist Road.

Land Use Proposal

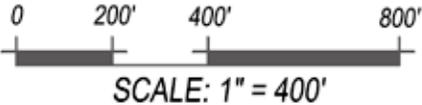
Exhibit 2-H.1: Buffer Areas

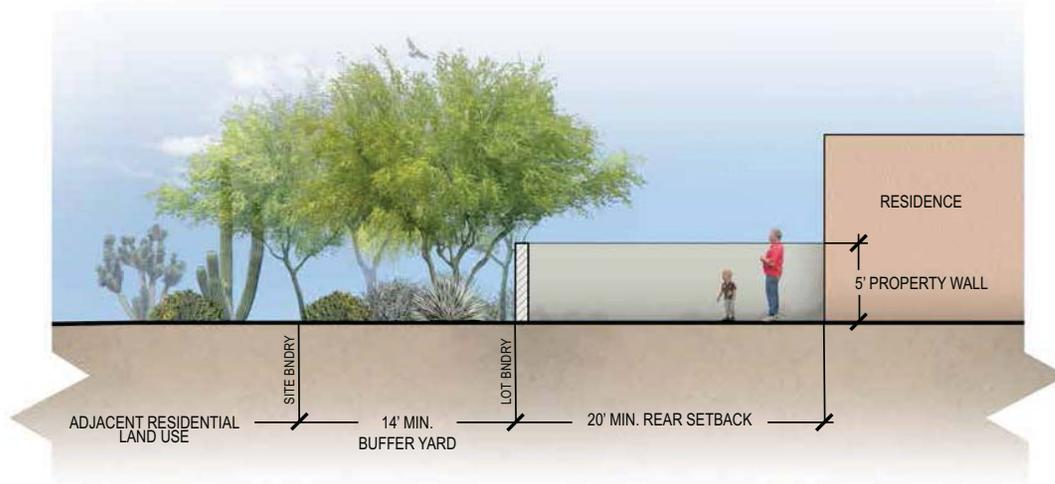


Source: Concept Plan, November 2014

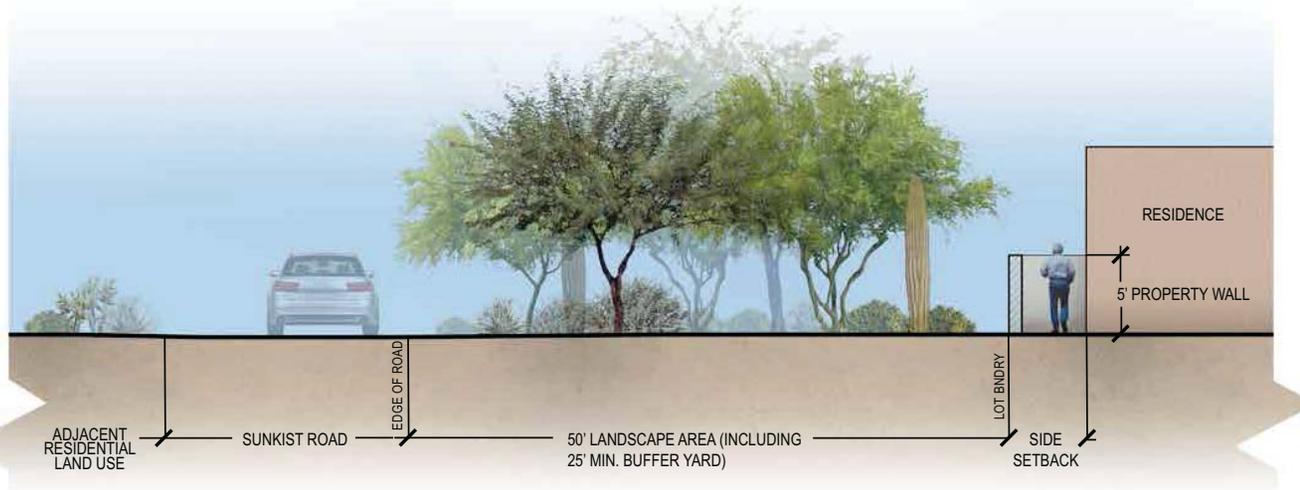
LEGEND

- Minimum 14' buffer yard
- Minimum 25' buffer yard
(Minimum of 50' from the existing southern edge of Sunkist Road)



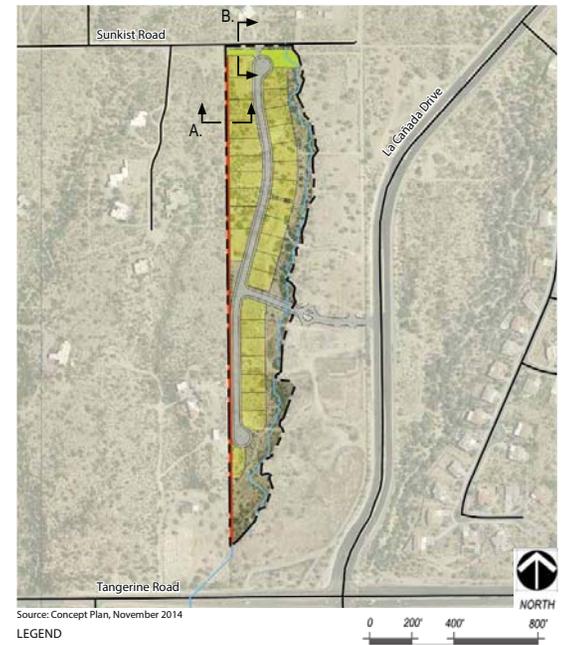


A.) WESTERN SITE BOUNDARY SECTION (N.T.S.)



B.) NORTHERN SITE BOUNDARY SECTION (N.T.S.)

Buffer Yard Plan with Section Cuts



Source: Concept Plan, November 2014

LEGEND

- Minimum 14' buffer yard
- Minimum 25' buffer yard
(Minimum of 50' from the existing southern edge of Sunkist)



I. Viewsheds

1. Viewshed Mitigation

a. Views and vistas from off-site

The proposed development will not negatively impact current views onto the site or desirable distant vistas across the site, *see Exhibit 1-F.3, Visual Impacts of Proposed Structures, p. 39*. Buffers designed for the western and northern site boundaries will be enhanced with vegetation and property walls to buffer the proposed homes from the existing, adjacent residential properties. These buffers will mitigate the views on-site of proposed homes, however will not negatively impact distant mountain views for neighboring residents. The existing riparian corridor on the eastern boundary will create a natural, lush, vegetative buffer, providing screening between the proposed homes and the Technology Park and Commercial Center.

b. Areas of high visibility

Currently, views onto the site are predominantly filtered by vegetation. Implementing vegetated buffers along the site's western and northern boundaries, as well as the natural buffer created by the riparian corridor will mitigate views onto the site.

2. Roadway Construction

The Residences at Miller Ranch has been designed in such a way to minimize grading and site disturbances as much as possible. The roadway configuration works with the natural terrain, requires one (1) wash crossing, and does not provide through access to Tangerine Road to the south or Sunkist Road to the north. The roadway on-site will be a public, local roadway with access off La Canada Drive. Roadway improvements will conform to the requirements per the Town of Oro Valley Subdivision Street Standards.

J. Traffic

1. Traffic Report

A final Traffic Impact Analysis for The Residences at Miller Ranch will be provided with the Tentative Development Package for administrative review.

2. On-site Street Rights-of-Way

The Residences at Miller Ranch will include one proposed internal street, a public north-south oriented local residential roadway, accessible from La Cañada Drive. The proposed local roadway is a paved 28' undivided cross section with a 50' right-of-way. Cul-de-sacs are located at the north and south ends of the roadway with emergency access provided to Sunkist Road. For cross-sections of the residential roadway refer to sheet 9 of *Exhibit 2-B, Tentative Development Plan, under separate cover*.

Land Use Proposal

3. Proposed Bicycle and Pedestrian Pathways

The Residences at Miller Ranch will incorporate a four (4) foot wide, detached, concrete sidewalk where residential lots front the local, internal road. Additional pedestrian pathways will be included, where appropriate, to provide access to the proposed riparian corridor trail as part of the neighboring Technology Park and Commercial Center.

K. Sewer

1. Method for Providing Sewer Service

Public sewer service for the proposed residential subdivision will be extended from the 8" Public Sewer, P.N. G-2003-064, at Manhole Number 3890-09 located in the Tangerine Road right-of-way. See *Exhibit 2-K.1a: Method for Providing Sewer Service, p. 81*. Pima County Regional Wastewater Reclamation Department (RWRD) confirmed the request for public sewer service on August 11, 2014. Request logged as 2014-200. See *Exhibit 2-K.1b: Sewerage Capacity Investigation Request, p. 82*.

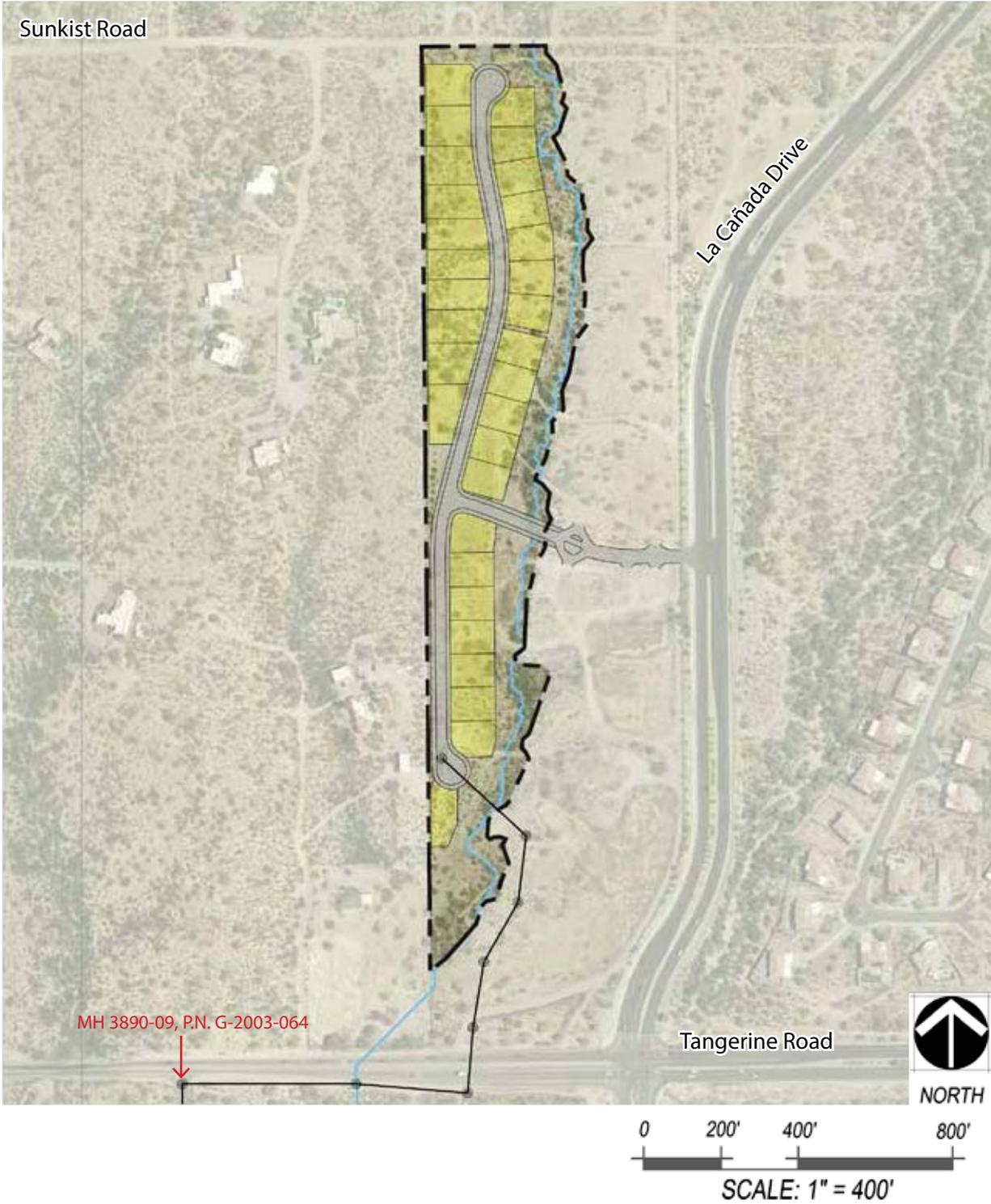
L. Recreation and Trails

A map of trails, parks, and recreation areas is shown in *Exhibit 1-H.1, Parks, Recreation, & Trails, p. 48*. To facilitate access to existing recreational features, The Residences at Miller Ranch will connect to striped bicycle lanes and shared use paths on La Cañada Drive. A four (4) foot wide concrete sidewalk is proposed along the frontage of all homes located within the project and a pedestrian linkage will be located at the south end of the property to connect with the Technology Park and Commercial Center's proposed trail within the riparian corridor. Recreational amenities on-site include passive recreational elements such as a ramada, seating, horseshoes and bocce ball courts.

M. Cultural Resources

Upon completion of a cultural resources inventory survey in April, 2008 by Westland Resources, no prehistoric or historic period cultural resources were discovered within the project area. See *Exhibit 1-I.1, Cultural Resources, p. 50*, for a reliance letter from Fred Huntington, Director of Cultural Resources of Westland Resources, Inc. Engineering and Environmental Consultants.

Exhibit 2-K.1a: Method for Providing Sewer Service



Land Use Proposal

Exhibit 2-K.1b: Sewerage Capacity Investigation Request



201 N Stone Ave., 3rd Floor	Tucson, Arizona 85701	(520) 724-6642
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TYPE I - SEWERAGE CAPACITY INVESTIGATION REQUEST

A Type I - Capacity Investigation is a general determination issued to satisfy the submittal requirements for new Rezoning and Site Analysis.

Completed requests must be transmitted electronically to: RWRCCapacityResponse@pima.gov

DOCUMENTATION THAT MUST BE SUBMITTED WITH THE REQUEST:	
SUBMITTED	NOT APPLICABLE
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

8 1/2" x 11" Location Map - Requests without location maps cannot be processed.
All Calculations used to determine Flow Volumes.
If capacity availability has been previously prepared for this property, please provide the previous response #.

PROJECT NAME AND LOCATION

Project Name: MILLER RANCH - RESIDENTIAL SUBDIVISION

Township: 11 S, Range: 13 E, Section: 34 Total No. of Acres: 16.3

Assessor's Parcel Numbers for all parcels for which sewer service is requested: 219-07-004A, 004B, 004C, 005I, 0060, 017A & 018A

PROJECTED AVERAGE DRY WEATHER FLOW (ADWF) - FROM SEWER DESIGN REPORT

Number of proposed residential lots/units	38	x 216-gpd per lot or unit	8,208	gpd
Non-Residential - Attach Calculations using http://www.deq.pima.gov/water/PDF/R1A-9_Table_1.pdf				gpd
Total ADWF =			8,208	gpd

PROPOSED POINT OF CONNECTION TO THE PUBLIC SEWER SYSTEM

Please use the Sanitary Sewers layers of Map Guide (<http://gic.pima.gov/maps/RW103/>) to identify where the project will connect to the public sewer system, using the construction plan numbers and IMS manhole numbers. If the proposed connection will be to a public sewer line that has not yet been built, please identify the proposed point of connection as shown on the approved construction plans.

To Public Sewer Line #: G-2003-064 Existing OR Proposed

At public sewer manhole: IMS# 3890-09 OR Between manholes: IMS MH# and IMS MH#

Via a connection to a private sewer that discharges to the point described above. Please provide the details of such a connection in an attachment.

CONTACT INFORMATION

Contact's Name: TRI MILLER

Name of Contact's Firm: RICK ENGINEERING COMPANY INC.

Mailing Address for Firm: Street: 3045 EAST FORT LOWELL ROAD, SUITE 111

City: TUCSON State: AZ Zip Code: 85712

E-Mail Address: tmiller@rickengineering.com

Phone #: +1 (520) 795-1000

Fax #: +1 (520) 322-8956

N. Schools

See *Exhibit 2-N.1, Letter from Amphitheater Public Schools, p. 84*, for anticipated impacts the Residences at Miller Ranch will have on nearby schools including the number of elementary, junior and senior high school students that will likely be generated from the proposed development and current capacities.

O. Water

1. Additional Domestic Water Demand

See *Exhibit 2-O.1, Letter from Oro Valley Water Utility p. 86*, for a reliance letter from Oro Valley Water Utility addressing additional domestic water demand.

2. Water Service Capacity

See *Exhibit 2-O.1, Letter from Oro Valley Water Utility p. 86*, for reliance letter from Oro Valley Water Utility addressing water service capacity.

Land Use Proposal

Exhibit 2-N.1: Letter from Amphitheater Public Schools



OFFICE OF LEGAL COUNSEL

Todd A. Jaeger, J.D.
Associate to the Superintendent
(520) 696-5156
FAX (520) 696-5074

701 W. Wetmore Road • Tucson, AZ 85705 • TDD (520) 696-5055

GOVERNING BOARD MEMBERS

SUPERINTENDENT
Patrick Nelson

Susan Zibrat
President

Kent Paul Barrabee, Ph.D.
Vice President

Julie Cozad, M.Ed.

Deanna M. Day, M.Ed.

Jo Grant

August 5, 2014

Jennifer Scott
Senior Associate
NORRIS DESIGN
4450 N 12th St, Ste 236
Phoenix AZ 85014

RE: The Residences at Miller Ranch

Dear Ms. Scott:

I am responding to your request for information regarding the capacity of Amphitheater schools impacted by your proposed development.

Using 2000 demographic multipliers developed by the U.S. Department of Census, Bureau of Census, and adjusted for Amphitheater District's school organizational patterns, we project the following student populations to result from this project when built:

<u>Academic Level</u>	<u>38 Single Family Homes</u>
Elementary	8
Middle	8
High School	5

The census multipliers we use to obtain these projections are 0.2075 elementary students per household, 0.2197 middle school students per household and 0.1282 high school students per household.

As you may know, our schools are currently enrolling students for this school year. Therefore, the capacity noted below is based on our last confirmed enrollment calculations. The schools which would be impacted by this population are listed below, along with the physical capacity available at each school *presently*. Please note that these schools will also be impacted by other developments in this area which may have already been approved by the Council but which are not yet built.

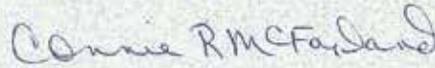
Amphitheater High • Canyon del Oro High • Ironwood Ridge High
Amphitheater Middle School • Coronado K-8 School • Cross Middle School • La Cima Middle School • Wilson K-8 School
Copper Creek Elementary • Donaldson Elementary • Harelson Elementary • Hojaway Elementary • Keeling Elementary
Mesa Verde Elementary • Nash Elementary • Painted Sky Elementary • Prince Elementary • Rio Vista Elementary • Walker Elementary
Rillito Center • El Hoar

Page 2
August 5, 2014

<u>School Name</u>	<u>School Capacity</u>	<u>Spaces Currently Available</u>
Wilson K-5 (Elementary)	750	116
Wilson 6-8 (Middle)	800	189
Ironwood Ridge High	2290	402

If I can provide any additional information, please feel free to contact me.

Sincerely,



Connie R. McFarland
Legal Assistant to Todd A. Jaeger, J.D.

Land Use Proposal

Exhibit 2-O.1: Letter from Oro Valley Water Utility



Oro Valley Water Utility

August 11, 2014

Tri Miller
 RICK ENGINEERING COMPANY
 3945 East Fort Lowell Road, Suite 111
 Tucson, Arizona 85712-1046

Subject: WATER AVAILABILITY

**Parcels: 219-47-004B, 219-47-004C, 219-47-004A, 219-47-0050, 219-47-0060,
 219-47-017A, 219-47-018A**

To whom it may concern:

The Town of Oro Valley Water Utility currently has water service available to the above property under the following conditions:

- A Water Plan is submitted by the applicant and approved by the Water Utility
- A Line Extension Agreement is executed by the applicant.
- All construction is in accordance with the approved Water Plan and the new facilities are accepted by the Water Utility in accordance with the requirements of the Line Extension Agreement.
- Payment of all water development impact fees, meter fees and other required fees and charges. (A water meter for residential and/or commercial use cannot be sold until after the issuance of an approved building permit.)

WATER SUPPLY

The Town of Oro Valley Water Utility has been designated by the State of Arizona, Department of Water Resources, as having an Assured Water Supply (AWS No. 2003-001 Decision and Order No. 26-400765). This development lies within the boundary of the Oro Valley Water Utility's planned water service area. Once the property is platted, it will be noted on the plat(s) for these properties that the property meets the State requirement of an Assured Water Supply because it will be served by Oro Valley Water Utility.

www.orovalleyaz.gov
 11000 N. La Cañada Drive • Oro Valley, Arizona 85737
 Phone: (520) 229-5000 • fax: (520) 229-5029

Land Use Proposal

Exhibit 2-O.1: Letter from Oro Valley Water Utility

**Oro Valley Water Utility****WATER SERVICE**

The developer shall be required to submit a Water Plan identifying water system improvements. These include but are not limited to:

- Water Use
- Fire Flow Requirements
- Offsite/ Onsite Water Facilities
- Loops and Proposed Connection Points to Existing Water System
- Easements/Common Areas

Once a Water Plan is submitted, it will be determined if the proposed plan can meet the water requirements of the proposed development. The developer shall be fiscally and financially responsible for all water system improvements and modifying/enhancing the existing water system to meet those needs. It is recommended that the applicant contact the Water Utility to discuss the construction of water system improvements prior to submitting a Water Plan for the property.

This letter and the comments herein regarding water availability are valid for a period of one year only through August 11, 2015. Issuance of this letter is not to be construed as approval of a Water Plan and/or acceptance of any construction for water service.

If you have any questions or would like more details regarding any construction improvements that may be required in a Water Plan, please call me at 229-5017.

Sincerely,

A handwritten signature in black ink that reads "Mark Moore".

Mark Moore
New Development Coordinator

cc: Phillip C. Saletta, P.E. Water Utility Director

www.orovalleyaz.gov
11000 N. La Cañada Drive • Oro Valley, Arizona 85737
Phone: (520) 229-5000 • fax: (520) 229-5029

Miller Ranch Rezoning
5/19/15 Neighborhood Meeting Summary
Attachment 3

1. Introduction and Welcome

Meeting Facilitator Michael Spaeth, Senior Planner, introduced Oro Valley Staff Paul Keesler, DIS Director, and Rosevelt Arellano, Project Manager. 27 residents and interested parties attended the meeting.

2. Staff Presentation

Rosevelt Arellano, Project Manager, provided a presentation that included:

- Rezoning process, including zoning incentives (i.e. modified review process)
- Project history
- Applicant's proposed site plan revisions
 - New access
 - Increase minimum lot sizes
- Review tools
- Public participation opportunities
- Next steps

3. Applicant Presentation

Stacey Weaks, Norris Design, provided a presentation that included:

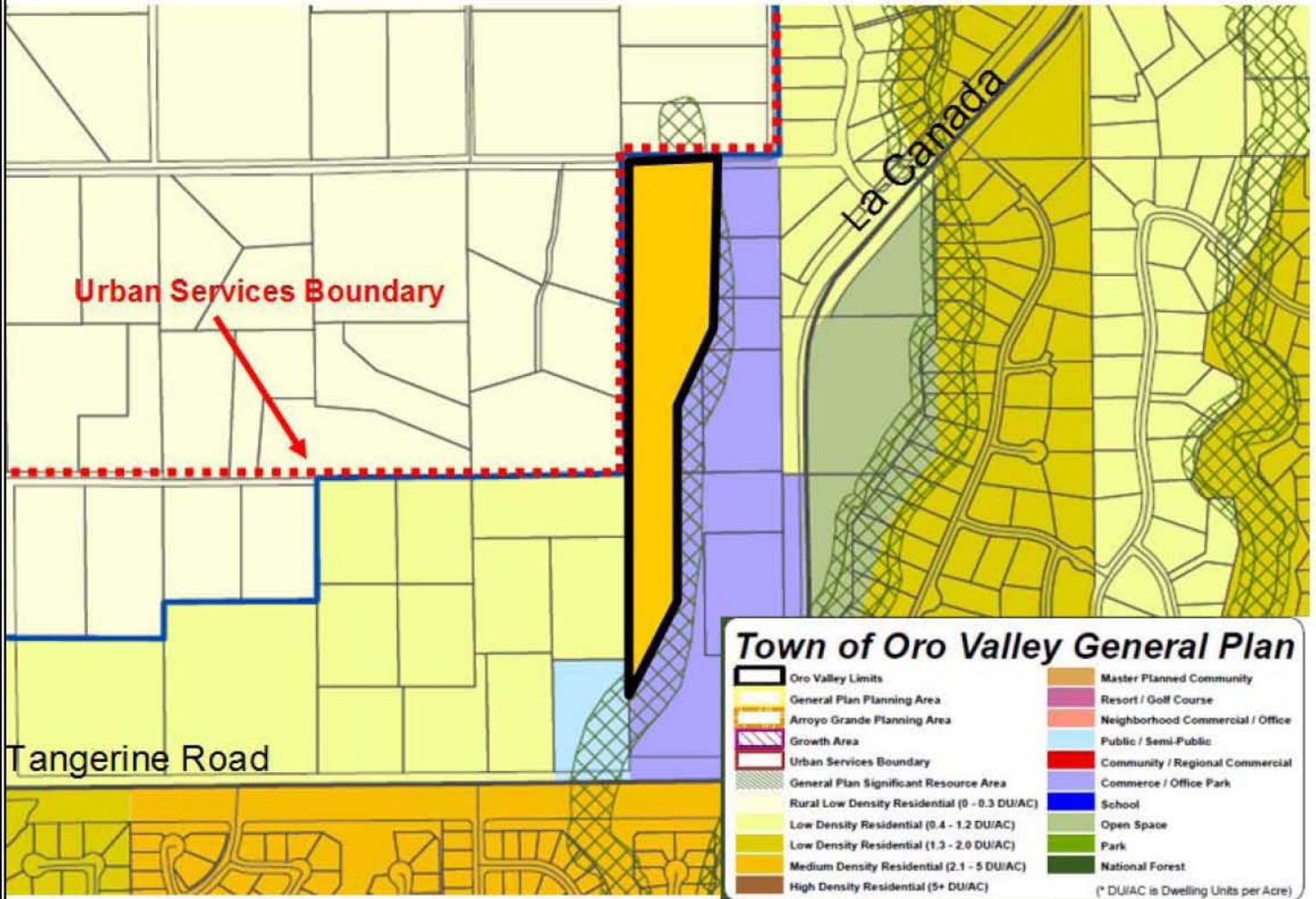
- History of the property
- New access on La Cañada Drive
- Increase minimum lot sizes from 8,000 and 10,000 sf. to 10,000 and 12,000 sf.
- Site Plan design
 - Lot and street layout
 - Open space
 - Bufferyards
 - Recreation areas

4. Public Questions and Comments

- Neighbors supported the La Cañada Drive access and the new minimum lot sizes.
- What and where is secondary access?
 - Secondary access is a locked gate used by emergency vehicle only. It is located on the north property line and on the south side of Sunkist Road.
- One resident expressed concerns with vehicular traffic noise.
- Staff provided information on why the original Sunkist Road access is a safer and preferred option.
- Neighbors preferred a lesser number of homes and a density similar to the adjacent neighborhoods.

- How much will the proposed homes cost?
 - The applicant stated that the cost is unknown at this time.
- Neighbors expressed concerns with the proposed homes being architecturally compatible with the surrounding homes.
- Can the general public access the adjacent wash?
 - Yes.
- Will the project incorporate a screen wall along the north property line?
 - Yes.
- How wide is the landscape buffer yard located along the north property line?
 - The applicant stated that the width of the buffer yard varies between 50' and 100'.
- How tall are the proposed trees located along the west property line?
 - The applicant stated that the information is unknown at this time.
- Neighbors expressed concerns with the proposed trees obscuring the existing views from the west.
- Is the internal roadway public or private?
 - The internal road and the adjacent access drive will be private streets.
- Neighbors expressed interest in helping draft the proposed deed language related to informing future homeowners of the adjacent rural areas.
- Who owns the subject property?
 - The property is owned by the Desco-Miller.
- How bright are the exterior lights on the proposed homes?
 - The Planning Staff stated that the exterior lights are subject to the lighting provisions of the Zoning Code, and will be no brighter than the surrounding homes.
- Neighbors expressed concerns with preserving the existing rural lifestyle.
- Will the project have Covenants, Conditions and Restrictions (CC&R's)?
 - Yes.
- If the proposed rezoning is approved, when will the applicant begin construction?
 - The applicant stated in approximately eight (8) months.
- Will the project incorporate street lights?
 - No.
- What type of material will the proposed trail consist of?
 - Decomposed granite.

- How tall is the proposed masonry wall located along the west property line?
 - Five (5') feet tall.
- Will there be street lights located along the entry road?
 - No.
- One resident had concerns with the proposed bridge design used for the access road.

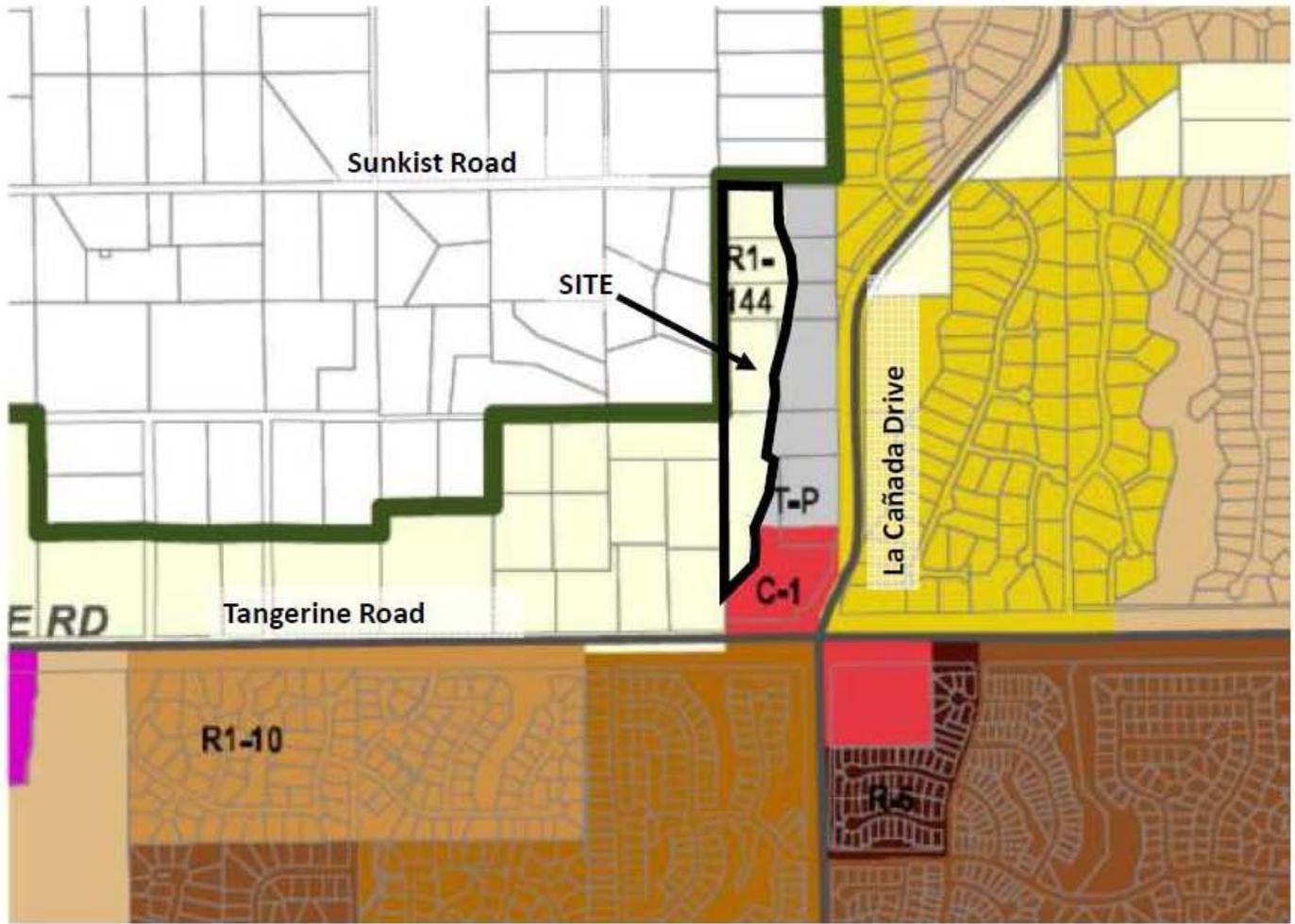


GENERAL PLAN

MILLER RANCH (OV914-006)



LOT LAYOUT FROM GENERAL PLAN MILLER RANCH (914-006)



ZONING MAP

MILLER RANCH (OV914-006)



EXISTING LAND USE

MILLER RANCH (OV914-006)



PAD Amendment Planning and Zoning Commission Staff Report

CASE NUMBER: OV914-006 Miller Ranch
MEETING DATE: February 3, 2015
AGENDA ITEM: 2
STAFF CONTACT: Rosevelt Arellano, Planner
rarellano@orovalleyaz.gov (520) 229-4817

Applicant: Stacey Weaks, Norris Design
Request: Rezoning from R1-144 to R1-7 and two ESL flexible design options: 1) Modified review process 2) Reduced front lot setback
Location: Near the northwest corner of Tangerine Road and La Canada Drive
Recommendation: Approval with conditions

SUMMARY:

The applicant proposes to rezone a 16.3-acre property from R1-144 to R1-7 to develop a residential subdivision, located near the northwest corner of Tangerine Road and La Canada Drive. The request includes two flexible design options enabled by the Environmentally Sensitive Lands regulations: 1) modified review process and 2) reduced front building setbacks from 20' to 10'.

The Tentative Development Plan (Attachment 2) proposes the following:

- 37 lots with a minimum lot size of 10,000 sq. ft. along the west boundary and 8,000 sq. ft. along the east boundary
- Density: 2.3 homes per acre
Use: Detached single-family homes
- Building height: 25', 1 and 2-story
- Open space along eastern and southern boundaries abutting future tech park
- 14' wide landscape buffer yard along western boundary abutting rural lots
- Passive and active recreation areas
- One access point on Sunkist Road (north)

BACKGROUND:

Site Conditions

- 16.3 acres

**OV914-006 Miller Ranch
Planning and Zoning Commission Staff Report**

- Property is vacant

Land Use Context

The existing land use and zoning designations for the property and the surrounding area are summarized below and depicted on Attachments 3 and 4.

	LAND USE	ZONING DESIGNATION
SUBJECT PROPERTY	Vacant	R1-144 (Large Lot Residential)
NORTH	Single-family residential 3-plus acre lots	Pima County Suburban Ranch (Large Lot Residential)
WEST	Single-family residential 3-plus acre lots	Pima County Suburban Ranch and R1-144 (Large Lot Residential)
EAST	Vacant (future technology park)	T-P and C-1 (Technology Park and Neighborhood Commercial)
SOUTH	Vacant (future technology park)	C-1 (Neighborhood Commercial)

Approvals-To-Date

In 2014, a Major General Plan Amendment was approved for Medium Density Residential (2.1 – 5.0 du/ac.) with a maximum of 2.5 homes per acre.

Proposed Zoning District

The applicant proposes to rezone the property to R1-7 to develop a 37 lot single-family residential subdivision on 16.3 acres.

DISCUSSION / ANALYSIS:

Rezoning Analysis

Rezoning applications are reviewed for conformance with the Zoning Code and General Plan.

Zoning Code Analysis

Rezoning applications are reviewed for conformance with specific development standards of the proposed zoning district. The applicant is proposing to rezone the property to R1-7 which permits medium density detached single-family residential developments.

The proposed Tentative Development Plan (TDP) conforms to the development standards of the R1-7 zoning district. Please note, additional zoning and engineering standards will be

addressed during the Final Design Review process. The following standards are notable for this proposal:

1. *Site Access:* The TDP depicts one access point on Sunkist Road which is located on the north side of the property. The following is a list of pros and cons for this access point.

Pros

- Sunkist Road is a public roadway which allows left turn and right turn movement from La Canada Drive to the property.
- Sunkist Road was already planned to be improved as part of an adjacent subdivision.
- Does not mix residential and commercial traffic as previously proposed during the General Plan process.
- Improving Sunkist Road will create legal access for those motorists currently using an unimproved access point onto La Canada Drive.

Cons

- The proposed access will create vehicle headlight pollution into the adjoining property to the north. A condition has been added requiring adequate screening for vehicle headlights. This condition requires a wall, berm and / or landscaping to be installed on the north side of Sunkist at the project entry to shield lights from vehicles exiting the development.
- The improvement of Sunkist Road will create additional traffic from this subdivision, which can change the rural characteristics of the surrounding area.

2. *Building Height:* Building heights are limited to twenty-five (25') and two-stories.
3. *Neighborhood Compatibility:* The proposed R1-7 zoning is in compliance with the Medium Density Residential designation on the General Plan Map and would serve as an appropriate land use transition from lower intensity residential land uses to the east and future technology park to the west.

The proposed site design includes larger lots (10,000 sq. ft.) abutting rural lots to the west, and smaller lots (8,000 sq. ft.) abutting open space and a future technology park to the east as represented during the Major General Plan Amendment case. This helps transition the proposed residential development to the lower densities to the north and west.

Flexible Design Options

The Environmentally Sensitive Lands requirements enable the use of incentives, or flexible design options, for conservation subdivision design, subject to Town Council approval. The intent of the incentives is to encourage the preservation of additional natural open space while ensuring the applicant is able to develop the same number of lots as permitted under the base zoning district. The flexible design options are available to property when ESOS is applied to twenty-five (25%) or more of the property. The applicant's proposal provides approximately

forty (40%) percent ESOS. A discussion of the flexible design options requested by the applicant is provided below:

1. *Modified Review Process:* The Environmentally Sensitive Lands (ESL) zoning regulations provide for a modified review process at Town Council's discretion for rezoning applications. If enabled, it allows for administrative review and approval of a site plan, provided it conforms to the rezoning-related Tentative Development Plan. This provision and other incentives are intended as an additional benefit for conserving open space.

The applicant has requested use of the modified review process and this request will be considered by Town Council in conjunction with this rezoning case. The recommendation section of this report includes a recommendation to Town Council on the use of this modified review process. This process heightens the importance of the review and consideration of the Tentative Development Plan (TDP) during the Planning and Zoning Commission's public hearing.

2. *Front Setback Reduction:* The TDP depicts a Conservation Subdivision Design utilizing a building setback reduction incentive. As a result of the reduced setback, the applicant is requesting the following building setback reduction:

- o Front setback reduction from 20' to 10'

The reduced setback shall not result in on-lot driveway lengths that are less than twenty (20') feet, per Section 27.10.F.2.iii.a.2 and therefore the use of side entry or staggered garage setbacks may be required to meet this standard.

Environmentally Sensitive Lands (ESL)

Conservation Categories (Biologically Based)

The riparian area traversing the site is designated Critical Resource Area (CRA) on the Town's Environmentally Sensitive Lands Planning Map. This area requires ninety-five (95%) percent Environmentally Sensitive Open Space (ESOS) conservation. The project conserves ninety-five (95%) percent of the Critical Resource Area as ESOS, consistent with the minimum requirement. The remainder of the site is designated Resource Management Area Tier 2 and requires twenty-five (25%) percent ESOS conservation. In combination with a proposed wash restoration credit of fifteen (15%) percent, the project conserves twenty-five (25%) percent of this conservation category as ESOS.

Conservation Categories (Non-biologically Based)

The applicant has submitted a letter from the Arizona State Museum (ASM) indicating that the property has been surveyed and no cultural resources have been identified on the site.

General Plan Analysis

The proposed density of 2.26 homes per acre is below the density maximum of 2.5 homes per acre established under the Major General Plan Amendment case in 2014.

The applicant's proposal has been reviewed for conformance with the Vision, Goals and Policies of the General Plan. The most notable goals and policies are shown in italics followed by staff commentary, are discussed below:

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.

Staff Commentary: The Vision Statement from the General Plan emphasizes the need to carefully balance land use decisions which respond to current conditions, against the long term impact to the community. The proposed rezoning to R1-7 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 1.1.1 The Town shall promote clustering of development to protect environmentally sensitive areas and to preserve significant, passive use, natural open space with residential neighborhoods.

Staff Commentary: The proposed TDP utilizes the Conservation Subdivision Design incentive which enables a front setback reduction and the conservation of the adjacent wash. The applicant's proposal is in conformance with the General Plan Policy.

Policy 1.1.3 The Town shall continue to avoid development encroachment into washes, riparian areas, designated natural open space and environmentally sensitive lands.

Staff Commentary: The applicant's proposal seeks to protect and restore the adjacent wash located along the eastern and southern boundaries. The proposed TDP meets the ESL regulations by conserving ninety five (95%) percent of the Critical Resource Areas (wash corridors), and twenty five (25%) percent of the Resource Management Area (balance of the property) in natural open space. The applicant's proposal is in conformance with the General Plan Policy.

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.

Staff Commentary: 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.

Engineering

The Site Analysis addresses issues related to drainage and traffic as follows:

Drainage:

- The proposed development will be designed so that post-developed drainage conditions are consistent with pre-developed conditions in accordance with Town requirements.
- The project will comply with the requirements of the Town of Oro Valley Drainage Criteria.

Traffic:

- A traffic impact analysis was provided with the Site Analysis to evaluate the effect of additional traffic on surrounding roadways.
- One point of ingress/egress is proposed onto La Canada Drive.
- The proposed access is achieved through the improvement of Sunkist Road from the property frontage of the development to La Canada Dr.
- There is an existing median opening and left turn lane at the intersection of La Canada Drive and Sunkist Road.
- The anticipated volume of traffic generated by this development is low and therefore will not have a noticeable impact on the surrounding roadway network.
- If the rezoning request is successful, the final analysis of drainage and traffic impacts will be evaluated during the site plan review process.

PUBLIC PARTICIPATION:

Summary of Public Notice

Public notice has been provided:

- Notification of all property owners within 600 feet and extended area
- Homeowners Association mailing
- Advertisement in The Daily Territorial newspaper
- Post on property
- Post at Town Hall and on website

Neighborhood Meetings

Two neighborhood meeting were held on July 28th and October 29th. At the first meeting, 3 residents attended the meeting and 8 residents attended the second meeting. A copy of the neighborhood meeting summary notes are included as Attachment 5.

RECOMMENDATION:

Based on the finding that the proposed rezoning is consistent with the General Plan, it is recommended that the Planning and Zoning Commission take the following action:

Recommend to Town Council approval of the rezoning and ESL Flexible Design Options, subject to the conditions in Attachment 1.

SUGGESTED MOTIONS:

I move to recommend approval of the Miller Ranch Rezoning from R1-144 to R1-7, including the use of ESL's Flexible Design Options for a modified review process and front setback reduction from 20' to 10', based on the finding that the request is consistent with the General Plan, subject to the conditions in Attachment 1.

OR

I move to recommend denial of the Miller Ranch Rezoning from R1-144 to R1-7, based on the finding that the request is not consistent with the General Plan, specifically

ATTACHMENTS:

1. Conditions of Approval
2. Applicant Submittal
3. Location Map
4. Zoning Map
5. Neighborhood Meeting Summary Notes



Bayer Vella, Planning Division Manager

Miller Ranch Rezoning
OV 914-006
Conditions of Approval
Attachment 1

Planning Conditions

1. The applicant shall provide landscaping, screen wall or berm or other acceptable method along the north right of way line of Sunkist Road to shield vehicle headlight pollution into the adjacent property to the north.

Engineering Conditions

1. During the Site Plan Process, modifications to the alignment of Sunkist Road may be required to provide adequate clear-zones and drainage access within the right-of-way.
2. Sunkist Road shall be constructed from La Canada Drive to the western property line of the development prior to final inspection for any residence. Sunkist Road improvements shall include construction of sidewalk along the south side of the street for the entire length of the improved Sunkist Road.

**MINUTES
ORO VALLEY PLANNING AND ZONING COMMISSION
REGULAR SESSION
AMENDED AGENDA
February 3, 2015
ORO VALLEY COUNCIL CHAMBERS
11000 N. LA CANADA DRIVE**

REGULAR SESSION AT OR AFTER 6:00 PM

CALL TO ORDER

Chairman Rodman called the February 3, 2015 regular session of the Oro Valley Planning and Zoning Commission meeting to order at 6:00 PM.

ROLL CALL

PRESENT:

Bill Rodman, Chairman
Bill Leedy, Vice-Chair
Greg Hitt, Commissioner
Frank Pitts, Commissioner
Melanie Barrett, Commissioner
Charlie Hurt, Commissioner

EXCUSED:

Tom Drazazgowski, Commissioner

ALSO PRESENT:

Joe Hornat, Council Member
Lou Waters, Vice-Mayor
Joe Andrews, Chief Civil Deputy Attorney

PLEDGE OF ALLEGIANCE

Chairman Rodman led the Planning and Zoning Commission members and audience in the Pledge of Allegiance.

CALL TO AUDIENCE

There were no speaker request.

COUNCIL LIAISON COMMENTS

1. COUNCIL LIAISON UPDATE

Council Member Hornat updated the Planning and Zoning Commission and audience on the following:

- Senior Care codes have been continued
- Accelerator location has changed
- Ventana has a 25,000 foot expansion planned
- El Conquistador Country Club purchase was approved by Town Council
- Kai Property North was approved by Town Council
- Nakoma Sky was approved by Town Council
- 1/2 percent sales tax dedicated to the El Conquistador Country Club purchase was approved by Town Council
- Conditional Use Permit for Caliber Collision will be heard by Town Council on February 4th
- Environmentally Sensitive Land Ordinance was removed from the February 4th Town Council agenda
- Court case pending for the petitions on the purchase of the El Conquistador Country Club

2. DISCUSSION ITEM: SELF INTRODUCTION OF PLANNING AND ZONING COMMISSION MEMBERS. THIS IS AN OPPORTUNITY FOR COMMISSIONERS TO INTRODUCE THEMSELVES TO THE COMMUNITY AND EACH OTHER.

Each of the Planning and Zoning Commissioners gave a brief introduction and background on themselves.

REGULAR AGENDA

1. REVIEW AND/OR APPROVAL OF THE JANUARY 6, 2015 REGULAR SESSION MEETING MINUTES

MOTION: A motion was made by Vice-Chair Leedy and seconded by Commissioner Hitt to approve the January 6, 2015 Regular Session meeting minutes

MOTION carried, 6-0.

*2. PUBLIC HEARING: REQUEST TO REZONE A 16.3 ACRE PROPERTY LOCATED WEST OF THE NORTHWEST CORNER OF TANGERINE ROAD AND LA CANADA DRIVE FROM R1-144 TO R1-7 AND APPROVE TWO ESL FLEXIBLE DESIGN OPTIONS RELATED TO MODIFIED REVIEW PROCESS AND REDUCED FRONT BUILDING SETBACKS, OV914-006

Chad Daines, Principal Planner, presented the following:

- Requests
- Project Overview
- Zoning Map
- Background
- 2014 General Plan Amendment
- Rezoning Request
- Flexible Design Options
- Environmentally Sensitive Lands
- Access Map
- Public Participation
- General Plan
- Recommendation

David Laws, Permitting Manager, responded to a question from the Commission in regards to drainage.

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

- Vicinity Map
- Approved Development Plan
- Approved General Plan Amendment
- Rezoning Application
- Development Patterns
- Residential Master Plan
- Planning Elements
- Viewshed Study
- Sunkist Road
- Front Building Setback
- Rezoning Overview

James Hardman, Desco Southwest, responded to a question from the Commission in regard to the time line for the proposed technology park.

Chairman Rodman opened the public hearing.

Greg Patchen, non Oro Valley resident, commented that this in an unacceptable encroachment of Sunkist Road between La Cholla and La Canada. Mr. Patchen would like to know the background and history of the applicant in building of subdivisions, maintaining habitat and being rigorous and conscientious about following through with their commitments to the officials of the Town. Speaking of hydraulics and the wash, there is an inlet side and an outlet side to culverts and the detention basins that Mr.

Laws is speaking about would be one big very ugly concrete device and would need multiple inlets on the north side of Tangerine Road to channelize the water velocity safely. There is a lot of equestrian activity on Sunkist Road and the traffic volumes will be a problem.

Barbara Benedict, Oro Valley resident, requested the proposed project revert back to the vision of the General Plan. Ms. Benedict suggested that this rezoning be denied based on inconsistency with the overall vision of the General Plan. The Town vision points to a well planned community that uses its resources to balance the needs of today against the needs of future generations. At the neighborhood meetings open space was the discussion and mixing one and two stories. She doesn't see this in the proposed project. She doesn't understand the rush and suggested placing a moratorium on any housing such as the one being proposed.

Chuck Boreson, non-resident, stated that the County has maintained most of the dirt portion of the road. There is a portion of the dirt road that is a private easement that is not maintained by the County. Should this project be approved, who will maintain and be held liable for the new paved road?

Pat McGowan, non-resident, expressed his concern with the light pollution that will be reflected into his home. The proposed project affects their rural lifestyle, which includes: horses, neighbors riding horses, kids on quads, and kids on bikes. Mr. McGowan just can't see where the proposed project is consistent with the area. There has been discussion about the wash being beat up; the wash is beautiful.

Sarah McGowan, non-resident, asked the Commission to deny the proposed project for the 16-acre parcel of Miller Ranch and the proposed entry way. When they bought their home they were told the 16-acres directly south of them would remain as intended, suburban ranch. The building of 37 homes is inconsistent with the surrounding large parcels and does nothing to restore the land that the applicant has said has been depleted by ranching in the past. Ms. McGowan does not see how building homes, driveways, roads, streetlights, etc. restores this open space or riparian area. That parcel of land is home to deer, coyotes, bobcats, quails and many other indigenous forms of life and the building of these homes would not be in the name of conservation. The burden of this neighborhood should not fall squarely on the shoulders of the current residents along Sunkist Road. The burden of this should be the sole responsibility of Oro Valley.

Susann Duperra, non-resident, stated that the building density is 2.3 homes per acre. The reality is it more like 4.4 - 5.5 houses per acre. There are areas that the developer cannot legally build on. The reality is that the proposed project is not medium density, it's more like high density. Ms. Duperra raises livestock (sheep and goats). Her lifestyle is not compatible with these homes. What kind of complaints is

she going to be receiving on a regular basis? There should be some assurance that the property values will be maintained and not destroyed by a small community that is zoned high density.

Amber Peterman, non-resident, stated she maintains the dirt road with her red tractor. Sunkist Road is a rural community and is asking the Commission to deny the proposal.

Nolan Reidhead, non-resident, commented that prior to living on Sunkist Road he lived in Oro Valley and is aware of clustering of homes and the amount of traffic that is generated from subdivisions. Mr. Reidhead is concerned with the traffic on Sunkist Road and La Canada, as well as no sidewalks, equine traffic and the bus stop on Sunkist Road with children walking home. Without the ability to maintain traffic with sidewalks and other areas, this is a big concern. Mr. Reidhead went on to comment that there is no need for the tech park with other parks empty nearby and is asking the Commission to deny the proposal.

Richard Paquette, non-resident, commented that Sunkist Road is not maintained by Pima County. Sunkist Road is paved half way because the residents paid to have the road improved and paved. The net result is the community makes repairs to the road and keeps the road maintained. What are the residents supposed to do with increased traffic with the 37 proposed homes? This is a 144% increase in traffic flow through an area that has no physical means of support. Mr. Paquette strongly recommends that an environmental survey be done on this proposal.

Adelina Kempner, Oro Valley resident, commented that the gate on Sunkist Road was removed about four years ago that stopped thru traffic. Ms. Kempner stated that the discussion to have only one ingress and egress to the development on Sunkist Road should not be left to an accelerated modified review process. The developer knew all along that the proposed project was a narrow skinny development and knew about the challenges of egress and ingress off Tangerine now suddenly a revelation that Sunkist Road is the ingress and egress and should be implemented. After all the major reviews, the ingress and egress through Tangerine Road has been deleted entirely and the access to the residential development has been switched to Sunkist Road. This is a significant change done without the proper review done for impact upon the neighborhood. A neighborhood meeting after the major review milestones have passed is not adequate to protect the public's interest. The impact of the ingress and egress off of Sunkist Road was never part of the earlier public record and discussion and the screening mechanisms in place to protect the interest of neighbors have effectively been bypassed. You can never know the long term impact of opening up Sunkist Road because this analysis has never received due process. Mr. Kempner respectfully asked the Planning and Zoning Commission to reject the ingress and egress on Sunkist Road.

Chairman Rodman closed the public hearing.

David Laws, Permitting Manager, responded to the access to and from the proposed property.

MOTION: A motion was made by Vice-Chair Leedy and seconded by Commissioner Pitts to recommend denial of the Miller Ranch Rezoning from R1-144 to R1-7, based on the finding that the request is not consistent with the General Plan, specifically on the determination with respect to compatibility of the proposed project with areas surrounding especially to the north and west.

MOTION carried, 6-0.

3. YOUR VOICE, OUR FUTURE PROJECT UPDATE AND REVIEW OF COMMITTEE PROGRESS

Elisa Hamblin, Senior Planner, presented the following:

Your Voice Our Future Project
 The General Plan
 Who is responsible?
 The Public Participation Plan
 How to make it happen
 Project schedule
 Phone Survey
 A Sound Phone Survey
 Elements Enjoyed Most About Living in Oro Valley
 Elements Enjoyed Least About Living in Oro Valley
 Biggest Challenges Facing Oro Valley in the next ten years
 Importance of various qualities that might describe Oro Valley's future
 Key Values Confirmation
 Methods of Engagement
 Media Coverage and Publicity
 Community Events
 Online Participation
 Survey Methods
 Survey Results
 Vision and Guiding Principles
 Oro Valley's Vision
 Guiding Principles
 Tracking and Progress
 Committee Formation

Committee Work
 Committee Challenges
 The Workbook
 Continued Outreach
 Next Steps
 Get Involved

4. YOUR VOICE, OUR FUTURE PLANNING AND ZONING COMMISSION LIAISON UPDATE

Commissioner Leedy gave an overview of the Your Voice Our Future update:

- Impressed by the extraordinary amount of outreach that the Town has engaged in trying to get the community involved
- Ms. Hamblin is doing a terrific job and likes the way she directs the meetings and works with a broad variety of opinions
- A couple of different committees, exploring what constitutes a major general plan amendment and what constitutes a minor general plan amendment and what is the criteria that must be satisfied to achieve each of these.
- Zoning Code says something different than what the general plan states
- Challenges we face are the very fundamental subject of whether or not the general plan should be prescriptive or general
- Guiding principle that in the end it is going to guide or narrow the focus of this activity with two limiting factors: authority and capacity

PLANNING UPDATE (INFORMATIONAL ONLY)

Chad Daines, Principal Planner, presented the following Planning Update:

- Town Council agenda for February 4th
- Upcoming neighborhood meetings

ADJOURNMENT

MOTION: A motion was made by Vice-Chair Leedy and seconded by Commissioner Hitt to adjourn the February 3, 2015, Planning and Zoning Commission meeting at 8:47 PM.

MOTION carried, 6-0.

1. Introductions and Welcome

Meeting Facilitator Bayer Vella, Interim Planning Manager, introduced the Oro Valley Staff Paul Keesler, DIS Director, and Rosevelt Arellano, Project Manager. Three residents and interested parties attended the meeting, including Council Members Hornat and Zinkin.

2. Staff Presentation

Rosevelt Arellano, Project Manager, provided a presentation that included:

- Rezoning process, including modified review
- Project history
- Review tools
- Public participation opportunities
- Next steps

3. Applicant Presentation

Stacey Weaks, Principal Planner, provided a presentation that included:

- History of the property
- Site Plan design
 - Lot and street layout
 - Access
 - Open space
 - Bufferyards
 - Recreation areas
- Images of proposed viewsheds

4. Public Questions and Comments

- What is secondary access?
 - Secondary access is a locked gate used by emergency vehicles only.
- Where is the main entrance and secondary access?
 - The main entrance is along La Canada Drive, and the secondary access is along Sunkist Drive.
- Will the proposed subdivision be gated?
 - Yes.
- Can the proposed subdivision be accessed from the future tech park located along the east side of the property?
 - Yes.
- What is the proposed building height?
 - 25', two-story
- Who is the water provider?
 - Town of Oro Valley
- Can the property be accessed from Sunkist Drive?
 - No, Sunkist Drive is a private easement that does not allow legal access into the proposed development.
- Neighbors would like to see Sunkist Drive improved and used as the main entrance into the proposed subdivision.

5. Next Steps

- The next steps include:
 - Formal application
 - Staff review
 - Planning and Zoning Commission Public Hearing
 - Town Council Public Hearing

Meeting dates will be posted on the Town website (www.orovalleyaz.gov) and notices will be mailed to residents within the notification area and all individuals who signed the sign-in sheet at the meeting.

For more information, please contact Rosevelt Arellano, Planner, at (520) 229-4817 or rarellano@orovalleyaz.gov.

1. Introductions and Welcome

Meeting Facilitator Matt Michels, Senior Planner, introduced the Oro Valley Staff Paul Kessler, DIS Director, and Roosevelt Arellano, Project Manager. Eight residents and interested parties attended the meeting.

2. Staff Presentation

Roosevelt Arellano, Project Manager, provided a presentation that included:

- Rezoning process, including zoning incentives (i.e. modified review process and reduced building setbacks)
- Project history
- Existing and future access
- Review tools
- Public participation opportunities
- Next steps

3. Applicant Presentation

Stacey Weaks, Norris Design, provided a presentation that included:

- History of the property
- New access on Sunkist Drive
- Site Plan design
 - Lot and street layout
 - Open space
 - Buffer yards
 - Recreation areas
- Images of proposed viewsheds

4. Public Questions and Comments

- One resident had a concern with access being finalized during the rezoning process and not the General Plan Amendment process.
- Can motorists access the adjacent technology park from Sunkist Drive (north)?
 - No. Only emergency vehicles can access the technology park from Sunkist Drive.
- Neighbors expressed concerns with the response time of emergency vehicles, because the proposed site plan showed one driveway entrance.
 - The applicant stated that the proposed homes are required to have a sprinkler system and the Golder Ranch Fire District is required to approve their site plan design.
- Will the Town pave Sunkist Drive if the applicant does not move forward with the proposed development?
 - No. The Town's current capital improvement program does not include paving Sunkist Drive.
- Will the Town require a bridge over the existing wash if access is proposed from Tangerine Road?
 - Yes.
- Will the proposed development create drainage problems?
 - No. The proposed development is required to meet the Town's adopted drainage provisions and therefore no future drainage problems are expected.
- Why is access on Sunkist Drive better than using the existing curb cuts along La Canada Drive?
 - The applicant stated that access through the existing curb cuts created conflicts with their approved plans for the adjacent technology park.
- Where are the proposed utility lines?
 - The applicant responded as follows:
 - Sewer: South property line
 - Water: North property line from La Canada Drive
 - Electric: To be determined by Tucson Electric Power
 - Gas: East property line

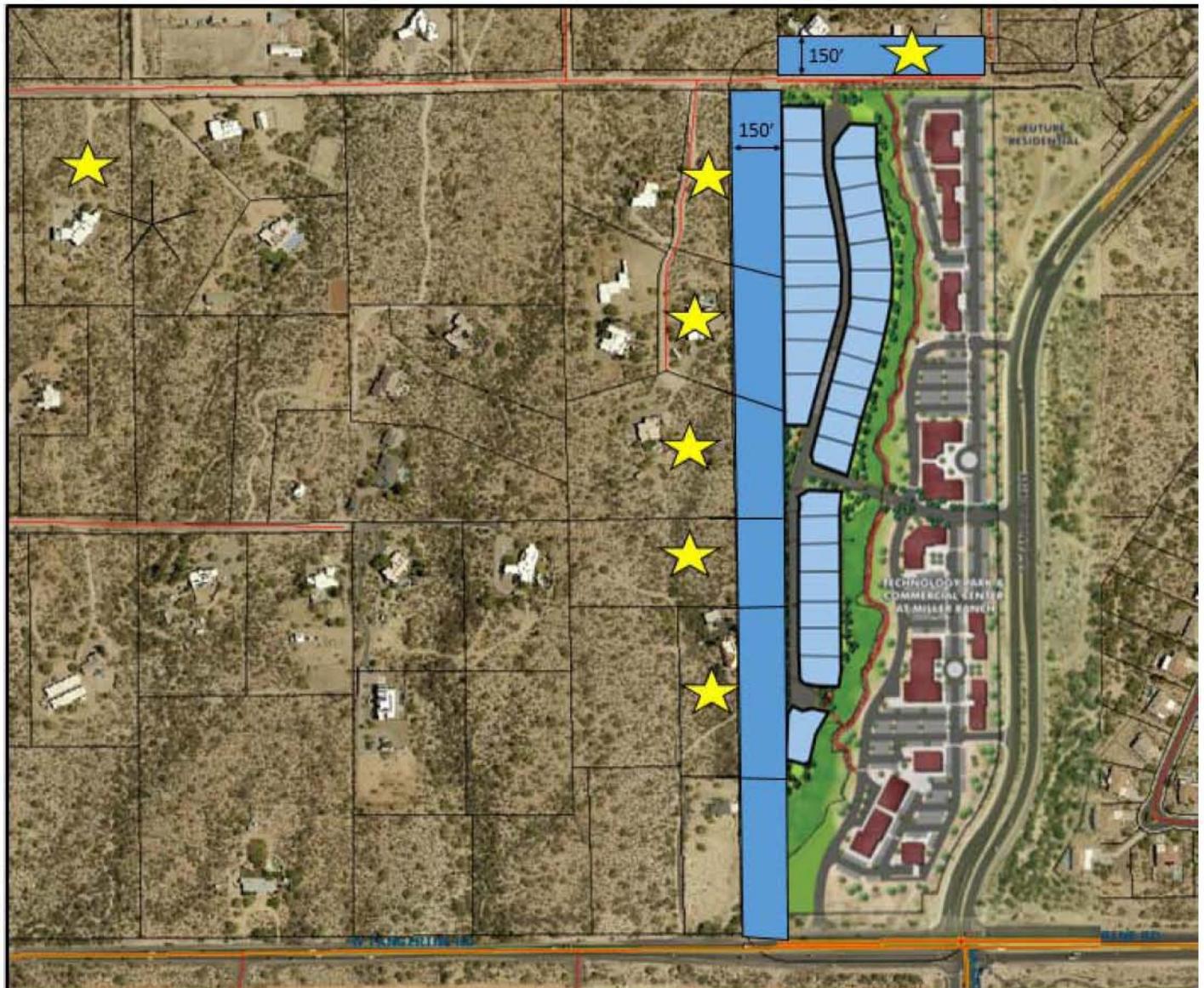
- Will the applicant remove the existing overhead power lines located along the west property line?
 - The applicant stated that the existing power lines are proposed to be relocated underground with the electric company's approval.
- When will the adjacent technology park be developed?
 - The applicant stated that they do not have a timeframe for development.

5. Next Steps

- The next steps include:
 - Revised application submittal
 - Staff review
 - Planning and Zoning Commission Public Hearing
 - Town Council Public Hearing

Meeting dates will be posted on the Town website (www.orovalleyaz.gov) and notices will be mailed to residents within the notification area and all individuals who signed the sign-in sheet at the meeting.

For more information, please contact Rosevelt Arellano, Planner, at (520) 229-4817 or rarellano@orovalleyaz.gov.



PROTEST MAP

MILLER RANCH (914-006)

Date:

Town of Oro Valley

Rosevelt Arellano rarellano@orovalleyaz.gov

Bayer Vella bvella@orovalleyaz.gov

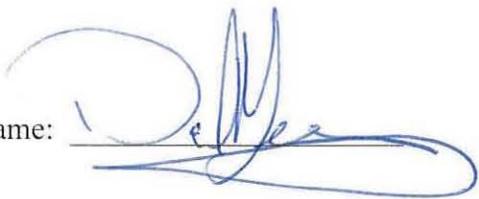
Subject: Town of Oro Valley Case Number: OV914-006

Project title: Rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road from R1-144 to R1-7 and approving one ESL Flexible Design Option for a Modified Review Process.

I, David R. LOPEZ, protest the rezoning of the Miller Ranch property OV914-006 located near the northwest corner of La Cañada Drive and Tangerine Road. I am an adjoining property owner and I am filing a formal protest of the rezoning of this property.

The proposed rezoning is incompatible with the adjacent rural and low density zoning.

Sincerely,

Name: 

Address: 12350 N. Sunkist Springs PL, Tucson AZ 85755

Date: June 01, 2015

2/8

Date:

Town of Oro Valley

Rosevelt Arellano rarellano@orovalleyaz.gov

Bayer Vella bvella@orovalleyaz.gov

Subject: Town of Oro Valley Case Number: OV914-006

Project title: Rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road from R1-144 to R1-7 and approving one ESL Flexible Design Option for a Modified Review Process.

I, MARIA G LOPEZ, protest the rezoning of the Miller Ranch property OV914-006 located near the northwest corner of La Cañada Drive and Tangerine Road. I am an adjoining property owner and I am filing a formal protest of the rezoning of this property.

The proposed rezoning is incompatible with the adjacent rural and low density zoning.

Sincerely,

Name: Maria G. Lopez

Address: 12350 N. Sunkist Springs Pl. Tucson AZ 85755

Date: JUNE 5, 2015

Date:

Town of Oro Valley

Rosevelt Arellano rarellano@orovalleyaz.gov

Bayer Vella bvella@orovalleyaz.gov

Subject: Town of Oro Valley Case Number: OV914-006

Project title: Rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road from R1-144 to R1-7 and approving one ESL Flexible Design Option for a Modified Review Process.

I, Edward H. Winter, protest the rezoning of the Miller Ranch property OV914-006 located near the northwest corner of La Cañada Drive and Tangerine Road. I am an adjoining property owner and I am filing a formal protest of the rezoning of this property.

The proposed rezoning is incompatible with the adjacent rural and low density zoning.

Sincerely,



Name: Edward H. Winter

Address: 12300 N Sunkist Springs Pl, Tucson AZ 85755

Date: 6/2/15

Date:

Town of Oro Valley

Rosevelt Arellano rarellano@orovalleyaz.gov

Bayer Vella bvella@orovalleyaz.gov

Subject: Town of Oro Valley Case Number: OV914-006

Project title: Rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road from R1-144 to R1-7 and approving one ESL Flexible Design Option for a Modified Review Process.

I, Jenine D. Roach, protest the rezoning of the Miller Ranch property OV914-006 located near the northwest corner of La Cañada Drive and Tangerine Road. I am an adjoining property owner and I am filing a formal protest of the rezoning of this property.

The proposed rezoning is incompatible with the adjacent rural and low density zoning.

Sincerely,



Name: Jenine D. Roach

Address: 12250 N Sunkist Springs Pl, Tucson AZ 85755

Date: 6-2-15

Date:

Town of Oro Valley

Rosevelt Arellano rarellano@orovalleyaz.gov
Bayer Vella bvella@orovalleyaz.gov

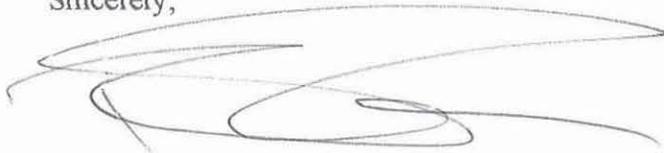
Subject: Town of Oro Valley Case Number: OV914-006

Project title: Rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road from R1-144 to R1-7 and approving one ESL Flexible Design Option for a Modified Review Process.

I, Robert Gin, protest the rezoning of the Miller Ranch property OV914-006 located near the northwest corner of La Cañada Drive and Tangerine Road. I am an adjoining property owner and I am filing a formal protest of the rezoning of this property.

The proposed rezoning is incompatible with the adjacent rural and low density zoning.

Sincerely,



Name: Robert Gin

Address: 1550 W Tangerine Rd, Oro Valley AZ 85755

Date: June 6/3/15

Date:

Town of Oro Valley

Rosevelt Arellano rarellano@orovalleyaz.gov
Bayer Vella bvella@orovalleyaz.gov

Subject: Town of Oro Valley Case Number: OV914-006
Project title: Rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road from R1-144 to R1-7 and approving one ESL Flexible Design Option for a Modified Review Process.

I, REBEKAH P. TAN, protest the rezoning of the Miller Ranch property OV914-006 located near the northwest corner of La Cañada Drive and Tangerine Road. I am an adjoining property owner and I am filing a formal protest of the rezoning of this property.

The proposed rezoning is incompatible with the adjacent rural and low density zoning.

Sincerely,



Name: Rebekah P Tan

Address: 1550 W Tangerine Rd, Oro Valley AZ 85755

Date: June 3, 2015

Date:

Town of Oro Valley

Rosevelt Arellano rarellano@orovalleyaz.gov

Bayer Vella bvella@orovalleyaz.gov

Subject: Town of Oro Valley Case Number: OV914-006

Project title: Rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road from R1-144 to R1-7 and approving one ESL Flexible Design Option for a Modified Review Process.

I, Sarah M. McGowan, protest the rezoning of the Miller Ranch property OV914-006 located near the northwest corner of La Cañada Drive and Tangerine Road. I am an adjoining property owner and I am filing a formal protest of the rezoning of this property.

The proposed rezoning is incompatible with the adjacent rural and low density zoning.

Sincerely, SMcGowan

Name: Sarah McGowan
1450 W. Sunkist Road Tucson, AZ 85755

Address: 1450 W Sunkist Rd

Date: 6-8-15

Date:

Town of Oro Valley

Rosevelt Arellano rarellano@orovalleyaz.gov
Bayer Vella bvella@orovalleyaz.gov

Subject: Town of Oro Valley Case Number: OV914-006
Project title: Rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road from R1-144 to R1-7 and approving one ESL Flexible Design Option for a Modified Review Process.

I, Patrick E. McGowan, protest the rezoning of the Miller Ranch property OV914-006 located near the northwest corner of La Cañada Drive and Tangerine Road. I am an adjoining property owner and I am filing a formal protest of the rezoning of this property.

The proposed rezoning is incompatible with the adjacent rural and low density zoning.

Sincerely, 

Name: PATRICK E. MCGOWAN
1450 W. SUNKIST RD. TUCSON, AZ 85755

Address: 1450 W Sunkist Rd

Date: 6-8-15

Arellano, Rosevelt

From: G. Matthew Patchen <gmpatchen@gmail.com>
Sent: Monday, June 08, 2015 7:51 AM
To: A Kempner
Cc: SARAH MC GOWAN; Susann Duperret; drlopez57@gmail.com; Hank Winter; Scott Christy; apeterman@fairwaymc.com; Rick Paquette; Charles Boreson; bekaht@yahoo.com; jenine.roach@novahomeloans.com; Diane Judge; Arellano, Rosevelt
Subject: Re: Flies and coming to the nuisance

Adelina-thanks for digging this up. In the matter of Miller Ranch it is not dispositive, as I read it.

However, I did go Boomer v. Atlantic Cement Company, a New York case involving development around a cement plant, which had cost \$45,000,000 to construct at a previous time. The court ruled the residents be paid the sum of \$185,000 for "mitigation" (the word Desco uses over and over) and that the cement plant would remain in operation.....

They relied in part on the doctrine of "servitude of the land" which ties rights and obligations to ownership of the land so that they run with the land's successive owners....

At the recent neighborhood meeting on MR, recall the plan that Stacy Weaks presented of the entire development including the non-residential portion and I commented on the connecting bridge across the wash and the so-called basins (their term)....At the first P & Z meeting I attended, during and after the meeting, firstly by Weaks and lastly by Sarabia that Desco would restore the wash to its condition of 100 years ago....That is more sales deception. I asked them how they knew the condition of the wash 100 years ago.....no reply.

As depicted on the drawing that Mr. Spaeth worked from, along with Weaks, clearly the wash is channelized and as un-natural as is the Hudson River on the west side of Manhattan....It will be a featureless, scooped out eyesore.

There has been so much "bob and weave" and double speak and dissembling about this project on the part of the developer---how can a Town Council comprised of intelligent individuals regard it with equanimity? That, of course, is the larger question.

Those intending to attend the next Town Council meeting (June 17th) should try to meet with someone on the OV staff beforehand or lobby a Council member.

Further, those attending should be aware that they will have a maximum of 3 minutes to address the Council so they should think ahead and prepare their remarks, the sum of which I hope will result in the denial of this project.

G. M. Patchen

On Sun, Jun 7, 2015 at 6:38 PM, A Kempner <golfpair1@yahoo.com> wrote:

FYI

[Spur Industries, Inc. v. Del E. Webb Development Co. - Wikipedia, the free encyclopedia](#)

Town of Oro Valley

Rosevelt Arellano rarellano@orovalleyaz.gov

Bayer Vella bvella@orovalleyaz.gov

Subject: Town of Oro Valley Case Number: OV914-006

Project title: Rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road from R1-144 to R1-7 and approving one ESL Flexible Design Option for a Modified Review Process.

I, Dora Bochenek, protest the rezoning of the Miller Ranch property OV914-006 located near the northwest corner of La Cañada Drive and Tangerine Road. I am an adjoining property owner and I am filing a formal protest of the rezoning of this property.

The proposed rezoning is incompatible with the adjacent rural and low density zoning.

Sincerely,

Dora Bochenek

Name: Dora H Bochenek

Address: 1500 W Tangerine Rd, Oro Valley AZ 85755

Date: June 23, 2015

RECEIVED

JUN 24 2015

PLANNING DEPARTMENT

Town of Oro Valley

Rosevelt Arellano rarellano@orovalleyaz.gov
Bayer Vella bvella@orovalleyaz.gov

Subject: Town of Oro Valley Case Number: OV914-006

Project title: Rezoning 16.3 acres near the northwest corner of La Cañada Drive and Tangerine Road from R1-144 to R1-7 and approving one ESL Flexible Design Option for a Modified Review Process.

I, JEROME R. BOCHENEK, protest the rezoning of the Miller Ranch property OV914-006 located near the northwest corner of La Cañada Drive and Tangerine Road. I am an adjoining property owner and I am filing a formal protest of the rezoning of this property.

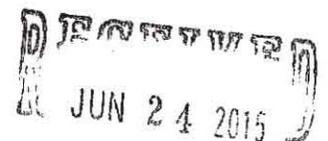
The proposed rezoning is incompatible with the adjacent rural and low density zoning.

Sincerely,


Name: Jerome R Bochenek

Address: 1500 W Tangerine Rd, Oro Valley AZ 85755

Date: June 06-23-2015


JUN 24 2015





PIMA COUNTY BOARD OF SUPERVISORS
DISTRICT 1
130 WEST CONGRESS STREET, 11TH FLOOR
TUCSON, AZ 85701-1317
(520)724-2738
district1@pima.gov
www.district1.pima.gov

ALLY MILLER
SUPERVISOR

June 19, 2015

Dear Mayor Hiremath, Vice-Mayor Waters and Councilmembers: Burns, Garner, Hornat, Snider, and Zinkin,

I am writing in reference to the proposed rezoning of Miller Ranch located at the Northwest corner of Tangerine Road and La Canada Drive in Oro Valley.

As you are aware, this property is adjacent to Pima County Suburban Ranch and Large Lot Residential zoning. I have received numerous calls and emails from my constituents in that neighborhood who are in opposition to the development. (See Attachment A)

While I understand the applicant has held Neighborhood Meetings and made some concessions - including larger lots and new access from La Canada Drive - I concur with your Planning and Zoning Commission's recommendation to deny this request as it is not compatible with the larger lots to the North and West of the property. This abrupt transition from 30 small lots (approximately 2 residences per acre) to Pima County's large lots (one residence per 3.31 acres) is clearly not consistent with Oro Valley's General Plan, nor would it be compatible with Pima County's Comprehensive Plan if both properties were located within the County.

I ask that you please consider following your Planning and Zoning Commission's recommendation to deny this rezoning and retain the R1-144 zoning currently in place. This would preserve the current character of the neighborhood and allow County residents to continue to live in the rural lifestyle that they have chosen.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Ally Miller". The signature is written in a cursive, flowing style.

Ally Miller
Pima County Supervisor, District 1

ATTACHMENT A

PIMA COUNTY RESIDENTS OPPOSED TO THE PROPOSED REZONING OF MILLER RANCH

Sarah and Pat McGowan, 1450 W Sunkist Rd, Tucson AZ 85755
Jenine Roach, 12250 N Sunkist Springs Pl, Tucson AZ 85755
Hank Winter, 12300 N Sunkist Springs Pl, Tucson AZ 85755
David and Maria Lopez, 12350 N Sunkist Springs Pl, Tucson AZ 85755
Scott and Lisa Christy, 12351 N Sunkist Springs Pl, Tucson AZ 85755
Susann Duperret, 12301 N Sunkist Springs Pl, Tucson AZ 85755
Charles Boreson, 1550 W Sunkist Rd, Tucson AZ 85755
Richard and Jeanne Paquette, 1600 W Sunkist Rd, Tucson AZ 85755
Nolan Reidhead, 1650 W Sunkist Rd, Tucson 85755
Rick and Briana Koroscil, 1671 W Sunkist Rd, Tucson AZ 85755
Amber and Von Peterman, 1691 W Sunkist Rd, Tucson AZ 85755
Joseph and Paula Sims, 1750 W Sunkist Rd, Tucson AZ 85755
Gregory and Deirdre Patchen, 1751 W Sunkist Rd, Tucson AZ 85755
Diane Judge, 1777 W Sunkist Rd, Tucson AZ 85755
Charles and Susan Dodge, 1802 W Limewood Dr, Tucson AZ 85755
Chris and John Campabello, 1551 W Lemonwood Rd
Bonnie Haymore, 1476 W Sunkist Rd, Tucson AZ 85755
James and Rita Waltrip, 12465 N Kingair Dr, Tucson AZ 85755



Town Council Regular Session

Item # 3.

Meeting Date: 09/16/2015
Requested by: Councilmember Zinkin & Councilmember Burns
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

CONSIDERATION OF WAIVING THE ATTORNEY/CLIENT PRIVILEGE FOR THE LEGAL OPINION ON PROMOTION OF PRIVATE BUSINESS AT TOWN COUNCIL MEETINGS, AND DISCUSSION AND POSSIBLE DIRECTION REGARDING THE PROMOTION OF PRIVATE BUSINESS AT TOWN COUNCIL MEETINGS

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Zinkin and Councilmember Burns requested that the item be placed on the agenda for discussion.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to _____



Town Council Regular Session

Item # 4.

Meeting Date: 09/16/2015

Requested by: Tobin Sidles

Submitted By: Caroline Standiford, Legal

Department: Legal

Information

SUBJECT:

DISCUSSION AND POSSIBLE ACTION ON THE TRAFFIC ACCIDENT CLAIM OF MORA V. TOWN OF ORO VALLEY

RECOMMENDATION:

Staff recommends approval.

EXECUTIVE SUMMARY:

In the case of Mora v. Town of Oro Valley, a settlement offer has been reached in the amount of \$30,000. Staff is asking Town Council to approve the release of funds to pay the settlement. The \$30,000 is below the Town's insurance deductible so the Town would be responsible for the entire amount.

BACKGROUND OR DETAILED INFORMATION:

On December 4, 2013, one of the Town's former water employees collided with Ms. Mora while on Town business in Tucson. The collision took place on Silverbell Road. Ms. Mora sustained injuries and experienced damage to her vehicle, resulting in a filing of suit against the Town.

On May 20, 2015, Town Council, in executive session, discussed the negotiation of the settlement offer in the case of Mora v. Town of Oro Valley. A settlement offer has now been reached in the amount of \$30,000.

FISCAL IMPACT:

The fiscal impact to the Town would be \$30,000.

SUGGESTED MOTION:

I MOVE to (approve/deny) the release of \$30,000 from the Town's contingency fund to pay the settlement offer to the plaintiff in the case of Mora v. Town of Oro Valley.



Town Council Regular Session

Item # 5.

Meeting Date: 09/16/2015
Requested by: Councilmember Snider & Councilmember Zinkin
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE ABILITY OF BOARD AND COMMISSION MEMBERS TO SPEAK ON ITEMS BEING CONSIDERED BY COUNCIL AT COUNCIL MEETINGS

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Snider and Councilmember Zinkin requested that the item be placed on the agenda for discussion.

BACKGROUND OR DETAILED INFORMATION:

Paragraph 6 of Appendix "C" of Council's Parliamentary Rules & Procedures states:

It is expected that an appointee will be considerate of the fact that the elected Council Members are ultimately responsible for setting Town policy and directing its implementation. An appointee may be opposed to a course of action or decision by Council, or implementation of the same, and still continue to serve as a member of his or her public body. In the event, however, that an appointee wishes to actively and publicly oppose a course of action or decision by Council, or the implementation of the same, then it is expected that the appointee will resign rather than act in public opposition to the administration he or she has been appointed to serve.

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to _____

Attachments

Parliamentary Rules & Procedures

**TOWN OF ORO VALLEY,
ARIZONA
TOWN COUNCIL
PARLIAMENTARY
RULES & PROCEDURES
AND
CODE OF CONDUCT**

Amended 1/18/12 by Resolution No. (R) 12-04

**TOWN OF ORO VALLEY, ARIZONA
TOWN COUNCIL
PARLIAMENTARY RULES & PROCEDURES
AND
CODE OF CONDUCT**

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PREFACE

- A. **General Purpose**: The Town Council of the Town of Oro Valley, Arizona, in attempting to fulfill its responsibilities to govern the Town and to fully and faithfully perform its duties in the best possible manner, formulates these Rules & Procedures for use by the Council. It is intended that these Rules & Procedures shall set standards and usual procedures for the conducting of public meetings of the Council. These Rules & Procedures shall be in effect for all Council meetings.
- B. **Council Indoctrination**: It is recommended that all Councilmembers review these Rules & Procedures as soon as possible after they take office and annually thereafter.

SECTION 1. RULES & PROCEDURES

1.1 RULES & PROCEDURES

The following are the basis for, and are used in conjunction with, these Rules & Procedures for meetings of the Council:

- A) Arizona Open Meetings Act
(Arizona Revised Statute (ARS) § 38-431 et. seq.)
- B) Town Code
- C) Town Council Policies
- D) Town Standard Operating Procedures
- E) Roberts Rules of Order

1.2 PARLIAMENTARIAN

- A) Council Meetings: The Town Attorney shall serve as Parliamentarian for all Council meetings. The Town Clerk shall act as Parliamentarian in the absence of the Town Attorney; and the Town Manager shall act as Parliamentarian in the absence of both the Town Attorney and Town Clerk.
- B) Boards/Commissions/Committees/Task Forces: The Departmental liaison, or designee, shall serve as Parliamentarian for their respective Board, Commission, Committee, or Task Force.

SECTION 2. DEFINITIONS

2.1 AGENDA

As set forth in Section 5.2(B), Agendas, an Agenda is a formal listing of items to be considered by the Councilmembers at a noticed meeting of the Council.

2.2 COUNCIL

The term Council shall include all members of the Mayor and Council unless otherwise required by the context of the sentence.

2.3 COUNCIL PACKET

A compilation of documents supporting the items listed on the Agenda and requiring Council action, which may be used by Council, Staff, and the public for more in-depth information than may be presented in an oral report. The Packet

is organized as set forth in Section 5.2(D), Agendas; and is provided or made available to the Councilmembers according to Section 5.2(C), Agendas.

2.4 MEETINGS

A meeting is the gathering, in person or by technological devices, of a quorum of the Councilmembers, at which they discuss, propose, or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record and in the absence of the Presiding Officer, the Town Clerk will adjourn the meeting. The types of Council meetings are as follows:

- A. Regular
- B. Executive
- C. Special
- D. Study
- E. Emergency

2.5 NEWSPAPER

Typically, a daily or weekly paid publication containing recent news, feature articles, editorials and general advertisements.

2.6 NOTICE

A formal announcement to the public that sets forth the name of the Council, date, time and place for which a meeting of the Council will be held. Giving formal notice of meetings is done as provided by Statute, these Rules & Procedures, or other rules or regulations of the Council.

2.7 ORDINANCE

An ordinance is Council action setting forth a rule of public conduct that is considered long-term. Long-term rules include zoning issues, annexations, abandonments, laws of the Town and such. The ordinance, in addition to being referenced by number and brief title in the Minutes, will be recorded and maintained in numerical sequence as a permanent record of the Town. Effective dates of ordinances shall be as provided by law.

2.8 QUORUM

A quorum is the minimum number of Councilmembers that must be present in order for business to be legally transacted.

- A. Quorum. A quorum is the simple majority of the total number of authorized members. With a five-member body, a quorum is three (3) members. With a seven-member body, a quorum is four (4) members.
- B. Posting of Notice of Quorum. A Notice of Quorum is a notice informing the public that a possibility of a majority of the Councilmembers may be present at an upcoming social event and/or any other function.

2.9 RESOLUTION

A resolution is generally used for Council action on special or temporary matters or for any other purpose except where an ordinance is required by law. A resolution is less solemn and less formal than an ordinance and is frequently used to exercise the Council's legislative power as it proposes to resolve general policy issues, give direction, and to express the intent of public policy of the Town. The resolution, in addition to being referenced by number and brief title in the Minutes, will be recorded as provided by law and maintained in numerical sequence as a permanent record of the Town. The effective date of a resolution shall be provided by law.

SECTION 3. PRESIDING OFFICER

3.1 MAYOR

The Mayor, or in the Mayor's absence, the Vice-Mayor is the Presiding Officer of all meetings of the Council. In an anticipated absence of the Mayor and Vice-Mayor, a Mayor Pro Tempore shall be appointed by the Mayor, or by the Council if the Mayor is unable to make such an appointment, and that person shall serve until the return of the Mayor or Vice-Mayor. In the absence of both the Mayor and the Vice-Mayor and a Mayor Pro Tempore has not been appointed, the meeting shall be called to order by the Town Clerk, whereupon, the Town Clerk shall immediately call for the selection of a Mayor Pro Tempore.

3.2 SUSPENSION OF RULES

The Council may suspend the operation of any or all of these Rules & Procedures, and any or all applicable provision of Robert's Rules of Order upon motion, second, and two-thirds vote of the Council. In the event of a conflict between these Rules & Procedures and Robert's Rules of Order, these Rules & Procedures shall govern.

SECTION 4. MEETINGS

4.1 REGULAR MEETINGS

- A) The Council of the Town of Oro Valley shall hold Regular meetings at or about 6:00 p.m. in the Council Chambers located at the Oro Valley Council Chambers, 11000 North La Cañada Drive, or another place, date or time if necessary, on the first and third Wednesday of each month. Meetings are held for the purpose of discussion or action of the Council on various issues deemed necessary to further the business of the Town. These meetings may provide for "Citizen Comments/Appearances from the Floor" as determined by the Presiding Officer or the majority of the Councilmembers present.
- B) When the day for a Regular meeting of the Council falls on a legal holiday, no meeting shall be held on such holiday, but a Special meeting may be held at such time and such location as scheduled by the majority of the Council.
- C) In order to accommodate vacation scheduling of Councilmembers, Council may, by vote or consensus, adjust the schedule of the two per month Regular meetings as Special meetings on a mutually convenient date and time, or cancel the meeting.

4.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a time, place and date certain, but not beyond the next Regular meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion.

4.3 SPECIAL MEETINGS

- A) In accordance with Section 2-4-2 of the Oro Valley Town Code, Special meetings may be called by the Mayor or two (2) Councilmembers, and notice shall be posted by the Town Clerk at least twenty-four (24) hours prior to the meeting.
- B) Special meetings are held for the purpose of presentations, discussion, or action of the Council on various issues as deemed necessary to further the business of the Town. These meetings may provide for "Citizen Comments/Appearances from the Floor," as determined by the Presiding Officer or the majority of the Councilmembers present.

4.4 STUDY SESSIONS

- A) Study Sessions offer the Council an opportunity to study items in an informal manner. No action may be taken during a Study Session meeting. Such meetings may be called as provided for in Section 4.3(A). In the absence of having a quorum, a Study Session shall be declared a Sub-Committee meeting of the Council, and shall continue to follow these Rules & Procedures.
- B) Study Sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the Council than may be possible at a Regular meeting. No formal action of the Council may be taken at such meetings, other than general consensus or conveying direction to Staff for further action. These meetings may provide for "Citizen Comments/Apearances from the Floor," as determined by the Presiding Officer or the majority of the Councilmembers present.

4.5 EXECUTIVE SESSIONS

- A) Executive Sessions may be placed on an agenda under the same circumstances as any other agenda item. The Town may hold an Executive Session in accordance with ARS § 38-431.03 for the following purposes.
 - 1) Discussion or consideration of employment and/or appointment of employees, Council, or other public officers
 - 2) Discussion or consideration of records, information, or testimony that is confidential and/or exempt from disclosure
 - 3) Legal advice from an attorney for the Town
 - 4) Discussion or consultation with attorneys for the Town to: a) Consider its position and to instruct the Council regarding litigation; b) Attempt to avoid and/or resolve litigation through settlement; and c) To provide guidance in contract negotiations
 - 5) Discussion or consultation with the Council to consider its position and to instruct the Council regarding collective bargaining negotiations
 - 6) Discussion or consultation for international and interstate negotiations or for negotiations with representatives of Indian reservations located within or adjacent to the Town
 - 7) Discussion or consultation with the Council to consider its position and to instruct the Council

- B) Under normal circumstances, Executive Sessions shall be attended only by the Mayor and Council, Town Manager, Assistant Town Manager, Town Clerk, and Town Attorney. A majority of the Council may vote at the public session prior to the Executive Session to have other individuals attend the Executive Session. These other individuals must be necessary for the consideration of the item, and may not remain in the Executive Session once that particular item has been discussed.
- C) The Town Clerk, or designee, shall take written Minutes of Executive Sessions to document the nature and extent of the discussions. All minutes of Executive Sessions shall be sealed and retained by the Town Clerk as a confidential, non-public record. In accordance with ARS § 38-431.03(C), the Town may only disclose the Minutes of an Executive Session to the Attorney General or the Pima County Attorney upon receipt of a written complaint alleging a violation of this provision at an Executive Session of the Town, and upon being presented with a court order.
- D) All Executive Session discussions and materials are considered confidential and non-public information. No discussion or materials may be disseminated to anyone outside of the Mayor and Council, Town Manager, Town Attorney, and Town Clerk. Any discovered or suspected violation shall be reported to the Town Attorney immediately.

4.6 EMERGENCY MEETINGS

As provided for in ARS § 38-431.02(D), the Mayor and Council may call a Emergency meeting to discuss or take action on an unforeseen issue where time is of the essence and sufficient time does not provide for the posting of a meeting notice twenty-four (24) hours or more before the meeting. Notice of an Emergency meeting of the Mayor and Council will be posted within twenty-four (24) hours following the holding of an Emergency meeting. The Notice will include the agenda and a brief, but complete, description of the nature of the emergency. Emergency meetings may provide for a "Citizen Comments/Appearances from the Floor," as determined by the Presiding Officer or the majority of the Councilmembers present.

4.7 MEETINGS TO BE PUBLIC

- A) With exception of Council Executive Sessions, all Regular, Special, Emergency, and Study Session meetings of the Council shall be open to the public.
- B) All public meetings may be recorded by means of audio, video or photographic equipment provided that there is not interference in the orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the Town Manager.

4.8 MINUTES OF COUNCIL MEETINGS

- A) The Town Manager shall ensure Staff attendance at all Regular, Special, Study Session, Emergency, and Executive Session meetings of the Council for the purpose of taking notes and/or audio recordation of the meeting.
- B) Written Action Minutes instead of Synopsis Minutes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the Town and kept on file in the Office of the Town Clerk. Open meetings shall be recorded by means of audio or video technology, which will be retained for a period of time 5 years longer than required by State Statute.
- C) All Minutes of the Council are deemed to be Public Records, with the exception of Executive Session Minutes, which, while they fall under the definition of and are considered Public Records by State Statute, are deemed confidential and are only available under limited conditions or by court order. Transcribed Minutes, or the audio or video recording of all open meetings of the Council, must be on file in the Office of the Town Clerk, and available for public review by 5:00 p.m. on the third working day following each meeting, or as provided by ARS § 38-431.01.
- D) Minutes of all meetings of the Council are made available at the Town Clerk's office, and may be available through the Town's Web Site.

SECTION 5. NOTICE AND AGENDA

5.1 PREPARATION AND POSTING NOTICES

- A) The Town Clerk, or designee, shall prepare all public meeting notices of the Council, and shall ensure posting of the meeting notices no less than twenty-four (24) hours before the date and time set for said meetings in accordance with ARS § 38-431.02(C).
- B) Meeting notices shall be posted on an outside bulletin board located at the Town Hall Courtyard at 11000 North La Cañada Drive, Oro Valley, Arizona, in the lobby of the Town Hall, and in the lobby of the Oro Valley Police Department at 11000 North La Cañada Drive, Oro Valley Arizona, or as established by the Disclosure Statement of the Town Council.

5.2 AGENDAS

- A) Agendas for Council meetings shall be prepared by the Agenda Committee, which shall be made up of the Mayor (or Vice-Mayor), Town Manager, Town Clerk, and one Councilmember, with review of the proposed final agenda by the Town Attorney. The Councilmember shall be selected by the Council and his/her term shall last for three (3) months ending with the second Regular Council meeting of the third month and at which time a new Councilmember shall be selected.
- B) Pursuant to ARS § 38-431.09, the agenda shall provide information as is reasonably necessary to inform the public of matters to be discussed or decided. All items requiring prior legal review shall be submitted to the Town Attorney on or about fourteen (14) days prior to submission to the Town Clerk's office.
- C) Council packets will be delivered to the office of all Councilmembers on or about seven (7) days prior to the Council meeting. These deadlines may be waived for any particular item by the Mayor or Town Manager only if it is determined that it is impossible to meet the deadline.
- D) The agenda sequence for Regular Council meetings shall be as follows:
 - 1. Call to Order
 - 2. Roll Call
 - 3. Pledge of Allegiance
 - 4. Upcoming meeting announcement

5. Mayor will review the Order of Business
6. Call to Audience
7. Consent Agenda
8. Business
9. Town Manager's Report
10. Call to Audience
11. Adjournment

- E) The Consent Agenda shall be in accordance with the Oro Valley Town Code Section 2-4-6.

SECTION 6. DUTIES AT MEETINGS

6.1 MAYOR

- A) The Mayor shall call the meeting of the Council to order, and shall preserve order and decorum at all meetings of the Council. The Mayor may move, second, and debate from the chair, subject only to such limitations of any of the rights and privileges of a Councilmember. The Mayor shall determine whether a member of the public shall be heard consistent with the Arizona Open Meeting Laws. Public participation shall be on an item-by-item basis and at the discretion of the Mayor except for listed public hearings.
- B) In the event of unruly behavior of any member of the public or of the Council, as determined by the Mayor or raised by a Councilmember in a Point of Order, the Mayor or in the Mayor's refusal, the Council, shall issue a verbal warning that such continued unruly behavior may result in removal from the meeting. A second verbal warning may result in removal of the offender from the meeting. In the determination of unruly behavior of any member of the public by the Mayor, (or Council upon a majority vote), the Sergeant-at-Arms shall be directed to remove the person from the meeting room until such time as the person agrees and publicly acknowledges to the Mayor that there will be no further disturbances. If a person makes the public acknowledgement, they may be allowed to return to the meeting.

6.2 TOWN CLERK

The duties of the Town Clerk, at meetings of the Council, shall be in accordance with state law and the Oro Valley Town Code Section 3-2-2, but not limited to the following listed duties. The Town Clerk shall take the Roll Call. The Town Clerk shall announce each agenda item, reading into the record the item as listed on the agenda, sufficiently to advise the Council and public as to what business is

about to be considered by the Council. The Mayor or at the Mayor's discretion, the Town Clerk, may restate the motion into the record before the Council votes.

6.3 SERGEANT-AT-ARMS

The Police Chief, or designee, shall serve as the Sergeant-at-Arms of the Council meetings, and shall carry out all orders and instructions given by the Mayor (and/or a majority of the Councilmembers) for the purpose of maintaining order and decorum at the Council meeting. Upon instructions by the Mayor (or a Council majority) following the process listed above, it shall be the duty of the Sergeant-at-Arms to remove any person who violates the order and decorum of the meeting.

SECTION 7. ATTENDANCE REQUIREMENTS

7.1 COUNCILMEMBERS

It is the duty of the Councilmembers to attend all Council meetings. A vacancy of office of a Councilmember shall be when there is an absence and ceasing to discharge the duties of office for a period of three (3) consecutive months, and/or may be deemed vacant from and after the occurrence of any events described in ARS § 38-291. The measured time for an absence starts as of the first unexcused absence from a Council Study Session or meeting missed. Pursuant to Oro Valley Town Code Section 2-1-4, in the event of a vacancy, the Council shall fill such vacancy, by appointment, for the unexpired term of the vacancy.

SECTION 8. PROCEDURES FOR MEETINGS

8.1 CALL TO ORDER

The Mayor shall call all Council meetings to order.

8.2 ROLL CALL

Roll shall be called by the Town Clerk.

8.3 AGENDA ORDER

The order of business shall be as provided for in the agenda and any item shall be considered during the course of the Council meeting at the discretion of the Mayor, so long as there is no attempt to deny the public of the opportunity to participate in public hearings. The Mayor may amend the order of the agenda at the beginning and during the course of a meeting with the approval of a majority of the Council.

8.4 APPROVAL OF MINUTES/ABSTENTIONS

The Town Clerk shall present Minutes to the Council for approval. Councilmembers who were not present at a previous meeting may abstain from the vote approving those Minutes. The Council may approve multiple Minutes by one vote, and if one or more Councilmembers expressed a desire to abstain from the vote on one set of Minutes, the motion shall be to approve the Minutes “except as noted by Councilmember(s) _____.”

8.5 CALL TO THE AUDIENCE

The Council may make an open Call to the Audience during a public meeting so those individuals may address the Council on any issue within the jurisdiction of the Council. Each speaker must speak in a courteous and respectful manner and may be limited to three (3) minutes. If necessary, the Mayor or Council may limit the total time offered speakers. **All such remarks shall be addressed to the Council as whole, and are not to be addressed to any specific Councilmember.** Should any item be addressed to a specific Councilmember, it shall be ignored, and the Mayor shall remind the speaker that they must address the question to the entire Council. No person other than the speaker shall enter into the discussion without the permission of the Mayor. At the conclusion of the open Call to the Audience and pursuant to state law, the Council may respond, but they may not take action on any item raised by the public during a call to the audience unless that item was properly placed on the agenda.

8.6 PUBLIC INPUT AT NON-PUBLIC HEARINGS

In the event a person in the audience wishes to address the Council on an issue on the agenda which is not a public hearing, the person should fill out a blue card located in the back of the Council Chambers and submit it to the Town Clerk. The Mayor, or upon a majority vote of the Council, shall determine whether the Council will hear from the public. Any such public address may be limited to no more than three (3) minutes per person. Written communications related to an agenda item should be delivered to the Town Clerk three (3) full working days in advance of the Council meeting and will be copied and delivered to each Councilmember two (2) full working days in advance of the Council meeting. However, all such written communications shall not be read into the record by the Town Clerk unless, by a majority vote of the Councilmembers present, the Council votes to have the Town Clerk read the item into the record. Written communication may be delivered to the Town Clerk at the time of a person's address to the Council but these documents may not be reviewed, addressed, or commented on at the Council meeting by the Council.

8.7 COUNCIL COMMUNICATIONS

A Councilmember may ask Staff about a particular issue in the report, but discussion and action on any item mentioned in a Council Communication may not be held unless that item is properly placed on the agenda.

8.8 ORDER OF PRESENTATION

The Town Clerk shall introduce each agenda item as it comes to Council for consideration and/or action. Following the introduction of the agenda item by the Town Clerk and presentation of Staff reports, the Mayor shall entertain questions from the Council and, where appropriate, permit public participation. Next, a motion may be made and a vote may be had as provided for in these Rules & Procedures.

8.9 TOWN MANAGER, COUNCIL, AND STAFF REPORTS

The Town Manager's, Council's, and Staff reports may be in writing or oral in accordance with the Arizona Open Meeting Law. Any Councilmember may ask the Town Manager, Councilmember, or Staff member about a particular item in the report, but discussion and action on any item mentioned in the report may not be held unless that item is properly placed on the agenda.

8.10 FUTURE AGENDA ITEMS

Any Councilmember may request that an item be placed on a future agenda by contacting a member of the Agenda Committee. This provision applies to the Mayor and Councilmembers. However, if two (2) or more Councilmembers request that an item go on the agenda, then it shall be put on the agenda if it is submitted to the Agenda Committee twelve (12) days before the Council meeting date.

SECTION 9. PUBLIC HEARING PROCEDURE

9.1 AGENDA PROCEDURE FOR PUBLIC HEARING

A Public Hearing may be placed on the agenda under the same agenda item as the discussion and action of the Council. The normal procedure for Public Hearings shall be as set forth hereafter.

- A) The agenda item shall be called by the Town Clerk as any other agenda item.
- B) Staff shall have an opportunity to report on the issue and answer questions by the Council.

- C) The proponent may make an opening statement in order to explain the item to the Council and public. The Mayor or Council may limit the time for this statement as necessary. All documents shall have sufficient copies so that Councilmembers and Staff have a copy to review and any exhibit presented shall be of sufficient size to permit the Council and public to view the exhibit.
- D) The Mayor shall declare that the Council is now in Public Hearing. At this time, the public may address the Council, though once the Public Hearing has been closed, no further verbal/written input shall be taken.
- E) In the event a person in the audience wishes to address the Council on an issue on the agenda which is a Public Hearing, the person should fill out a blue card located in the back of the Council Chambers and submit it to the Town Clerk. That person may be permitted to speak; however, any such public address may be limited to three (3) minutes per person. All persons addressing the Council shall speak into the microphone so that the comments may be recorded. Written communications related to an agenda item should be delivered to the Town Clerk three (3) full working days in advance of the Council meeting and shall have been copied and delivered to each Councilmember two (2) full working days in advance of the Council meeting. However, all such written communications shall not be read into the record by the Town Clerk unless, by a majority vote of members present, the Council votes to have the Town Clerk read the item into the record. Once Public Hearing has been closed, no further verbal/written input shall be taken. Written communications may be delivered to the Town Clerk at the time of a person's address to the Council but these documents will not be reviewed, addressed, or commented on at the Council meeting by the Council.
- F) Unless a majority of the Councilmembers object, the Mayor shall declare the Public Hearing as ended. Once the Public Hearing is closed, no additional oral or written communication may be accepted from the audience.
- G) The proponent shall be allowed to answer questions posed by the Council, a brief statement to rebut the statements made by the public, and/or to offer a compromise.
- H) The Mayor and the Council may ask one person who spoke from the audience to rebut a proponent's final summation. Such person may be chosen in one of the following manners:

- 1) The Council may ask that, if more than one person spoke on an issue, they decide among themselves to have one person present a rebuttal to the proponent's summation. If the group can not agree on one spokesperson, then there will be no rebuttal from the public on that issue.
 - 2) At the discretion of the Mayor and Council.
- l) The agenda item will then be discussed and action taken as on any other agenda item.

SECTION 10. DISCUSSION AND VOTING PROCEDURES

10.1 QUORUM

It will be necessary for a quorum to be present in order for the Council to consider or act upon any business. A quorum shall consist of a majority of the Councilmembers. In the event a quorum is not present, the only motion that can be made, considered, or passed, after Roll Call, is a motion for adjournment of non-action since an official meeting cannot be held for lack of a quorum.

10.2 CONFLICTS OF INTEREST

Each Councilmember has a responsibility for compliance with ARS § 38-501 et seq., concerning conflicts of interest. See Section 12. Any member of the Council, who believes he or she has a conflict of interest, may want to discuss such issue with the Town Attorney. Immediately upon determining that a conflict exists, the Councilmember shall declare a conflict of interest by completing a Conflict of Interest Disclosure Memorandum (See Appendix A) and returning the form to the Town Clerk. That Councilmember shall then leave the room and shall refrain from taking any part in the discussion, consideration, or determination of that issue and the Councilmember shall be excused from that agenda item unless it would result in the loss of a quorum, which would therefore result in continuing that item. If that issue is not resolved at that meeting, that Councilmember shall not discuss the matter with any other Councilmember until the matter is finally resolved. The Councilmember who declared the conflict may return to his/her seat when that agenda item is completed.

10.3 GETTING THE FLOOR

Every Councilmember desiring to speak shall address the Mayor, and upon recognition by the Mayor, shall confine himself/herself to the question under debate.

10.4 INTERRUPTIONS

When an individual has been given the floor, that Councilmember or member of the public shall not be interrupted as long as such individual is proceeding in accordance with these Rules & Procedures.

10.5 MAKING AND SECONDING A MAIN MOTION

In the majority of Town Council actions, motion(s) should be made in the affirmative. There can be no discussion after a main motion is made until there is a second to the motion. If a second to the motion is not made, then the motion will die for lack of a second.

10.6 AMENDMENTS TO A MAIN MOTION

- A) **Voluntary**: At any time before the question is called on a pending motion, the Councilmember who made the motion may ask that his/her motion be amended. If the Councilmember who seconded the main motion agrees, then the motion shall be considered amended voluntarily. No more than one amendment to an amendment shall be permitted for any item.

- B) **Involuntary**: At any time before the question is called on a pending motion, a Councilmember may make a motion to amend the motion. At that time the discussion of the underlying issue will stop. If there is not a second to the motion to amend, then discussion on the underlying issue will continue. If the motion to amend is adopted by a majority of the Council, discussion will continue on the (now) amended motion. If the motion to amend fails, discussion will continue on the original motion on the floor.

- C) **Voluntary Withdrawal**: At any time before the question is called on a pending motion, the Councilmember who made the motion may ask that his/her motion be withdrawn. The motion will be withdrawn only in the event that the Councilmember who seconded the motion agrees to withdraw the motion.

10.7 CALLING THE QUESTION

Discussion shall end at the time the question is called, or at the time the Mayor determines that there is no further need for discussion. However, when there is a Call for the Question, the Mayor moves to close discussion. A second to the motion and two-thirds vote of the Council is required to do so. This action shall close the discussion against the will of even one member who wishes to speak. If the Mayor attempts to close discussion and a Councilmember wishes to continue the discussion, the question that should be raised by that

Councilmember is a Point of Order. A Point of Order, raised by a Councilmember, calls upon the Mayor for a ruling and an enforcement of the rules.

10.8 TAKING THE VOTE

The Mayor shall ask Councilmembers to designate his/her vote by announcing “aye” or “nay.” If a Councilmember abstains from voting, that vote is considered a neutral vote. The effect of the abstention, whether through deliberate neutrality or otherwise, may have the effect of a “nay” vote.¹ If, prior to the vote or after the vote, any Councilmember requests a Roll Call vote, the Town Clerk shall call Roll, and each Councilmember shall state his/her vote aloud.

10.9 ANNOUNCING THE RESULT OF THE VOTE

After the vote, the Mayor shall announce whether the motion passed or failed, and the results of the vote.

10.10 TIE VOTES

In the case of a tie in votes on any motion, the motion shall be considered lost.

10.11 ORDINANCE EMERGENCY CLAUSE

When an ordinance includes an emergency clause, it shall be prepared as provided by law and it shall become immediately effective. An emergency clause requires a three-fourths vote pursuant to ARS § 19-142(B).

SECTION 11. MOTIONS

11.1 RECONSIDERATION OF MOTIONS

Reconsideration of any action taken by Council must be by motion by a Councilmember who was on the prevailing side of the vote.

- A. Once an item is discussed at a meeting and the Council has gone on to another agenda item, the item considered cannot be again considered at that same meeting unless it can be positively determined that all persons who were present when the item was first considered are still present.
- B. Said reconsideration of any action taken by Council must be by motion by a Councilmember who was on the prevailing side of the vote. Such

¹ If the Council vote is 2-2-1 with a Councilmember abstaining, then the matter would not pass for lack of a majority. If the Council vote is 2-1-1 with a Councilmember abstaining, then the matter would also not pass for lack of a majority.

motion must be filed with the Council (Town Clerk's office) and the Town Clerk shall place that item on the agenda prior to the next regularly scheduled Council meeting. At the time of that meeting before the matter may be considered, there must be a second to the Motion to Reconsider.

- C. If the motion to reconsider failed, the Council will skip the next agenda item, which will be the discussion and vote of the original issue.
- D. If the motion to reconsider was successful, the Council will continue that item to a specific date in the future.

11.2 MOTIONS TO ADJOURN

A motion to adjourn may be made at any time, and this motion takes precedence over all other motions in accordance with Roberts Rules of Order.

11.3 MOTIONS TO RECESS

A motion to recess may be made at any time.

11.4 MOTIONS WITH A FIXED TIME TO ADJOURN

A motion with a fixed time to adjourn is not in order when another has the floor. This motion requires a second, is not debatable, is amendable, requires a majority vote, and may be reconsidered.

11.5 MAIN MOTION

A main motion is a motion to consider action and should be phrased in the positive.

SECTION 12. CONFLICT OF INTEREST

12.1 INTRODUCTION

Occasionally, a Councilmember may find himself/herself in a situation which requires that Councilmember to remove himself/herself from participation in the decision making process and from voting on a matter before the Council. This situation exists when the Councilmember has a "conflict of interest" as defined by applicable laws. These laws establish minimum standards for the conduct of Councilmembers who, in their official capacity, are, or may become involved with, a decision which might unduly affect their personal interests or those of their close relatives. Arizona law defines those close relatives to include "spouse, child, grandchild, parent, grandparent, brother or sister of whole or half blood and their spouses, and the parent, brother, sister or child of a spouse."

12.2 PURPOSE OF CONFLICT OF INTEREST LAWS

The purpose of Arizona's conflict of interest laws is to prevent self-dealing by Councilmembers and other public officials. The financial interest of Councilmembers must not conflict with the unbiased performance of their public duties. One cannot serve two masters with conflicting interests. The object of the statutes is to remove or limit any improper influence, direct or indirect, which might bear on an official's decision, as well as to discourage deliberate dishonesty.

12.3 THE ARIZONA CONFLICT OF INTEREST LAW

Pursuant to ARS § 38-503:

- A) Any Councilmember who has, or whose close relative has, a substantial interest in any contract, sale, purchase or service to the Town shall make known that interest in the official records of the Town and shall refrain from voting upon or otherwise participating in any manner as a Councilmember in such contract, sale or purchase.
- B) Any Councilmember who has, or whose relative has, a substantial interest in any decision of the Town shall make known such interest in the official records of the Town and shall refrain from participating in any manner as a Councilmember in such decision.

12.4 SUBSTANTIAL INTEREST

The preceding subsection tells us that disqualification is required where a Councilmember has a "substantial interest" in the pending matter. But, what is a "substantial interest?" The law tells us that a "substantial interest" is basically any financial interest of the Councilmember or close relative, which is not a "remote interest."

The Legislature has determined that certain economic interests are so remote that they do not unduly influence a person's decisions or actions. These "remote interests" are discussed below. Unless the interest is one of the nine remote interests described in the following subsection, the interest is substantial and creates a conflict of interest.

To determine whether a substantial interest exists, a Councilmember should ask the following questions:

- A) Will the decision affect, either positively or negatively, an interest of the Councilmember or a close relative?

- B) Is the interest a pecuniary or proprietary interest, i.e. does it affect a financial or property interest?
- C) Is the interest other than one of the nine remote interests described below?

If the answer to each of these questions is yes, then a substantial interest exists which requires disclosure and disqualification by the Councilmember.

Although Councilmembers may not themselves have a substantial interest in a decision in which they are about to participate, if one of their close relatives has a substantial interest in the decision, the Councilmember must disclose the interest and refrain from participating in the decision.

12.5 REMOTE INTERESTS

Arizona law excludes from the definition of a substantial interest certain enumerated remote interests. Any interest in a decision or contract not falling within the following remote interests is a substantial interest requiring withdrawal from participation:

- A) Non-Profit Corporations. If the Councilmember or their close relative is a non-salaried officer of a nonprofit corporation, he or she has a remote interest in any decision affecting that corporation.
- B) Landlord/Tenant of a Contracting Party. If a Councilmember or their close relative is a landlord or tenant of a party contracting with the Town, the Councilmember has a remote interest in a decision regarding the contract.
- C) Attorney of a Contracting Party. If the Councilmember or their close relative represents a client contracting with the Town, he/she has a remote interest in a decision affecting the client's contract. For example, if the Council is considering awarding a contract to a contractor, which is represented by an attorney, who is related to the Councilmember, that Councilmembers interest in the awarding of the contract is remote.
- D) Nonprofit Cooperative Marketing Associations. If a Councilmember or their close relative is a member of a nonprofit cooperative marketing association, he/she has a remote interest in any decision affecting that association.
- E) Insignificant Stock Ownership. If a Councilmember or their close relative owns less than three percent of the shares of a corporation for profit, and if the income from those shares does not exceed five

- F) Reimbursement of Expenses. If a Councilmember or their close relative is being reimbursed for actual and necessary expenses incurred in the performance of official duties, he/she has a remote interest in any decision affecting that reimbursement.
- G) Recipient of Public Services Generally Available. If the Councilmember or their close relative is a recipient of public services provided by the Town, and if those services are available to the general public, the Councilmember has a remote interest in any decision affecting those services.
- H) Class Interests. If the Councilmember or their close relative is a member of a trade, business, profession or other class of persons, and the interest is no greater than the interest of the other members of the class, the Councilmember has a remote interest in any decision affecting the class. For example, if the Council was considering a decrease in Bed Tax and a Councilmember's son owned a business subject to the tax, the interest is remote because the son benefits no more or less than other owners of such a business.
- I) Interests of Other Agencies. A Councilmember may participate in a decision that indirectly affects a close relative who is an officer or employee of another public agency. For example, the head of the state agency responsible for allocating funds to local governments could participate in such decisions even though his/her spouse was an officer or employee of the local government. If, however, the decision confers some direct economic benefit or detriment resulting in the termination of a spouse's employment by the local government, a conflict of interest is present.

12.6 RESTRICTIONS ON CONTRACTS FOR SUPPLIES OR SERVICES

Pursuant to ARS § 38-503(C)(2), a Councilmember, or their close relative as described in § 12.1, may sell to the Town any supplies or equipment valued at not more than \$300 in any single transaction, or \$1,000 in any one year, except as provided for by State law and if the policy for such purchases is approved annually.

12.7 DISCLOSURE OF INTEREST

Pursuant to ARS § 41-1346, the Town shall maintain an active system for the management of public records so that all documents necessary to memorialize

disclosures of substantial interest are made available for public inspection. Any Councilmember who has a conflict of interest in any decision must disclose that interest. The Councilmember shall file with the Town Clerk a signed Conflict of Interest Disclosure Memorandum (See Appendix A) fully disclosing the interest, and declaring the existence of the conflict and the reasons at a Council meeting.

12.8 WITHDRAWAL FROM PARTICIPATION

Councilmembers shall immediately and publicly declare a conflict in matters which the Councilmember, or whose close relative, would have a substantial interest due to a pecuniary interest or bias. Having disclosed the conflict of interest and withdrawn in the matter, the Councilmember must not communicate about the matter with anyone involved in the decision making process in order to avoid the appearance of impropriety. Further, the Councilmember should not otherwise attempt to influence the decision and should withdraw from the Council chambers while the matter is considered. If that issue is not resolved at that meeting, that Councilmember shall not discuss the matter with any other Councilmember until the matter is finally resolved. The Councilmember who declared the conflict may return to their seat when that agenda item is completed.

12.9 RULE OF IMPOSSIBILITY (CONFLICT OF THE MAJORITY)

ARS § 38-508 (B) specifically permits a Councilmember(s) to vote in the event of an apparent conflict as provided for in ARS § 38-503 when the failure to vote would prevent the Council from taking action. The Councilmember must disclose the substantial interest in the public records of the Town prior to voting on that issue.

12.10 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

Pursuant to ARS § 38-504(C), Councilmembers are prohibited from using or attempting to use their official position to secure valuable things or benefits for themselves, unless those are part of the compensation they would normally be entitled to for performing their duties. Pursuant to ARS § 13-2602, it is a class 4 felony for a Councilmember to solicit, accept, or agree to accept any benefit upon an understanding that his or her vote, opinion, judgment, or other official action may thereby be influenced. Pursuant to ARS § 38-444, it is a class 6 felony for a Councilmember to ask to receive any unauthorized gratuity or reward or promise of a gratuity or reward for doing an official act.

12.11 SANCTIONS FOR VIOLATIONS

- A) Pursuant to ARS § 38-510 (A), a Councilmember who knowingly or intentionally violates any provision of the conflict of interest law may be charged with a class 6 felony.

- B) Pursuant to ARS § 38-510 (B), a Councilmember who negligently or recklessly violates the law may be charged with a class 1 misdemeanor. This means that a person may be prosecuted for failure to disclose a conflict of interest, even though that person was not aware of the conflict.
- C) Pursuant to ARS § 38-510 (C), upon conviction of a violation of the conflict of interest laws, a Councilmember forfeits the public office.
- D) Pursuant to ARS § 38-511, as amended, any contract made by the Town is subject to cancellation if anyone significantly involved in the contract process on behalf of the Town was or is also employed by or acted as consultant to any other party to the contract during the time the contract or extension to the contract is in effect.
- E) Any person who is affected by a Town decision made in violation of the conflict of interest laws, may sue to have the contract or decision declared null and void. The court may award costs and attorney's fees to the prevailing party. Persons claiming that a Councilmember had a pecuniary interest in making a decision against them may also file suit in state or federal court alleging a violation of their civil rights. In this instance, a Councilmember is thought to have engaged in self-dealing through the powers of a Councilmember, and by placing oneself ahead of the welfare of the Town, the Councilmember lies outside of his/her official capacity.

12.12 NON-STATUTORY CONFLICTS OF INTEREST

Occasionally, a Councilmember may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the state law described above. It is the policy of the Council to encourage Councilmembers to adhere to strongly held ethical values, which are exercised in good faith. However, participation is encouraged in the decision making process unless the matter involves the Councilmembers personal conduct or a conflict of interest set forth by statute. Councilmembers are expected to weigh these considerations and follow their conscience.

SECTION 13. CODE OF CONDUCT

13.1 COMPETENT REPRESENTATION

Councilmembers shall provide competent representation for Town residents. Competent representation requires the knowledge, skill, thoroughness and preparation reasonably necessary to make an informed decision regarding issues coming before the Council which directly affects the residents that they represent.

13.2 ARIZONA OPEN MEETING LAW

Councilmembers shall meet in accordance with the Arizona Open Meeting Law and as required by Arizona State law discussing only those issues noted on the agenda. Councilmembers shall only discuss and decide issues at a properly noticed public meeting.

13.3 CONFIDENTIALITY

Councilmembers shall maintain confidentiality of matters discussed in Executive Session and those issued under a 'confidential' and 'attorney-client privilege' caption by legal counsel. Pursuant to ARS § 38-431.03, a Councilmember shall not disclose such information except to the Attorney General or County Attorney pursuant to an official request made in connection with an authorized audit as provided by law. In accordance with ARS § 38-431.07(A), a Councilmember shall neither knowingly aid, agree to aid, or attempt to aid another person in the unauthorized disclosure of Executive Session and/or confidential material in any form, which carries a minimum civil penalty not to exceed \$500 per infraction.

13.4 POLITICAL SYSTEM

Councilmembers shall demonstrate respect for the political system and for those who serve it, including other public officials.

13.5 LEGAL ADVICE

Councilmembers shall seek advice from the Town Attorney at any point that a legal issue arises or where litigation is alleged.

13.6 RESPECT

Councilmembers shall show respect to all colleagues by acting in a professional and dignified manner whether in support of the issue or expressing an adverse point of view.

13.7 COMMUNICATION

Councilmembers shall communicate openly and honestly with Town residents so as to instill confidence and trust.

13.8 WEIGHT OF RULES AND LAWS

Councilmembers shall consider the weight of the rules, laws, and ordinances on the majority of the residents and the long-term effects upon the Town.

13.9 INFORMATION

All Councilmembers shall be provided equal access to information, documents, or materials.

13.10 REPRESENTATIVE

A Councilmember may serve as a representative of the Town on boards of outside agencies or internal boards, commissions and committees as appointed by vote of the Council. Such appointments are intended for the purpose of gathering information and sharing viewpoints and Council policy regarding issues, which will directly affect the Town. Councilmembers shall inform the entire Council in regard to the information or proposed regulations, which will affect the Town and share with the agency the majority decision or viewpoint of the Council.

13.11 AVAILABILITY

Councilmembers shall be available at reasonable times to Town residents for the conduct of official Town business.

13.12 IMPROVEMENT

Councilmembers shall seek improvement of the laws, rules, regulations and quality of services rendered and which promote the health, safety, and welfare of all Town residents.

13.13 RESPONSIBILITY

As an elected public official, a Councilmember has a responsibility to assure that regulations promulgated by it are in the public interests.

APPENDIX A

CONFLICT OF INTEREST DISCLOSURE MEMORANDUM

APPENDIX “B” – amended

APPOINTMENT PROCESS OF TOWN OF ORO VALLEY VOLUNTEERS TO BOARDS, COMMISSIONS, COMMITTEES ADVISORY BOARDS AND TASK FORCES

In accordance with Oro Valley Town Code Section 2-4-8, the Mayor and Council may create any Town Board, Commission, Committee, Advisory Boards, or Task Force (“Board”), standing or special, as it deems necessary. Therefore, the process surrounding appointments to a Board should be streamlined in order to facilitate an efficient and courteous appointment as follows:

Advertising: Post calls for applicants at Town hall, in the local newspaper, on the Town web page, and other appropriate electronic formats, including Town-sanctioned social media.

Application: Volunteers must complete an application to be considered for appointment to a Board, which is submitted to the Town Clerk. If the volunteer is not selected, the application remains in a database for 2 years, which is reviewed when any vacancies occur depending upon interest of the volunteer as stated in the application. Those members wanting to be considered for reappointment must send a letter to the staff representative indicating their interest in reappointment and include any information that would supplement their application which is on file with the Town Clerk.

Interview Committee: Following an interview of volunteer applications, the interview committee makes a determination, and then forwards their recommendation for appointment/reappointment to the Board before the Mayor & Council for determination at a regular Town Council meeting. The Interview Committee Panel consists of Council Liaison, Board Chair (or Vice-Chair if term of the Chair is due to expire), and Department Director (or Division Manager) responsible for staff support to that particular Board.

Notification:

New Volunteer Recommended for Appointment: Prospective appointment is forwarded a copy of the Council Communication naming those volunteers recommended for appointment along with a personal letter notifying the prospective appointee of the Council meeting date at which they shall be recommended for appointment.

New Volunteer Not Recommended for Appointment: The volunteer not chosen for appointment is forwarded the Council Communication naming those

volunteers recommended for appointment along with an explanation that their volunteer application will be kept on file for 2 years.

Current Volunteer Not Recommended for Reappointment: The volunteer not recommended for reappointment is forwarded the Council Communication naming those volunteers recommended **for** appointment along with notification from the Council Liaison sitting on the Interview Committee explaining the decision surrounding the recommendation.

Criteria for Appointment: 1)Availability, and 2) Completion or commitment to complete the Community Academy.

Criteria for Reappointment: 1) Minimum Performance and Attendance, and 2) Board training in addition to the completion of the Community Academy within the volunteer's 2-year term.

Terms: Appointments shall be made for 2-year terms (or 3-year terms when applicable), and the volunteer shall continue service until reappointed or replaced. Upon successful completion of one term, the volunteer may be considered for reappointment without a formal interview with the interview committee panel. If the volunteer does not wish to be considered for reappointment, the position becomes open to other applicants.

Term Limits: No volunteer shall serve more than 2 consecutive terms, either 2-year terms (4 consecutive year maximum) or 3-year terms (6 consecutive years maximum) depending upon the Board. Once a volunteer has completed the maximum number of terms on a Board the volunteer may not be eligible for appointment to that Board for a period of 1 year following completion of their term.

Appointment of a member to complete the remaining portion of an unexpired term of a former member shall not be counted against the term limits established by this section for the newly appointed member.

Concurrent Office: No volunteer shall serve on more than one Standing Board at any time. A standing Board is that Board appointed by the Council for an unspecified duration and has regularly scheduled meetings.

Town Employee: Town Employees shall not serve on any standing Board with the exception of the Conceptual Design Review Board.

Attendance: A vacancy shall be deemed to have occurred upon three (3) consecutive unexcused absences, or as determined by the individual Board rules and procedures.

Training: All new volunteers and those seeking reappointment shall commit to the completion of the Community Academy offered by the Town of Oro Valley, and are encouraged to seek out additional training opportunities such as conferences, seminars and workshops relevant to the subject matter or discipline of their respective Board. The Town shall make every effort to provide the logistics and payment for any and all training workshops attended by the volunteer. The Town Clerk shall monitor compliance with volunteer training requirements.

Amended 1/21/04 by Resolution No. (R) 04-03
Amended 12/1/10 by Resolution No. (R) 10-88

APPENDIX "C"

CONSIDERATIONS FOR SERVICE ON TOWN OF ORO VALLEY BOARDS, COMMISSIONS, COMMITTEES AND OTHER VOLUNTEER PUBLIC BODIES

Introduction: Members of Town boards, commissions, committees and other volunteer public bodies ("appointed public bodies") are appointed by the Town Council. Council Members are the constituents of the members of the various appointed public bodies in that such members have been authorized to act as the agents of the Council for the limited purposes relating to each such appointed public body. With the exception of the members of the Board of Adjustment, these members serve at the pleasure of the Council. Board of Adjustment members are appointed for two-year terms, and may be removed by Council for "neglect of duty, inefficiency, or misconduct in office." OVZCR 21.6.D.

1. The general purpose of the appointed public bodies is to serve the interests of the Town, as a whole, in accordance with the overall direction established by the Council. It is expected that appointed members will act consistently with this general principle. Each appointee is also expected to act within the scope of his or her authority, and act consistently with the Town Codes, ordinances, resolutions, policies and procedures and applicable federal and state law including specifically the Open Meeting Law, Public Records Law and the laws concerning conflicts of interest and financial disclosure.
2. Certain boards, commissions, committees and other volunteer public bodies primarily advise the Council concerning general matters of interest to the community at large. An example of this type of appointed public body is the Parks and Recreation Advisory Board. Other boards, commissions, committees and other volunteer public bodies regularly handle contested cases. A "contested case" is a matter or proceeding before a Town board, commission or boards, commissions, committees and other volunteer public bodies in which legal interests, rights, duties or privileges of one or more specific parties are addressed by a decision or recommendation of that appointed public body. An example of this is the Planning and Zoning Commission. In certain instances appointed public bodies are part of the Town proceedings for the establishment or setting rates and fees. Appointees involved in contested cases or participating in rate or fee setting proceedings, in particular, are expected to act in careful regard of their responsibilities and these guidelines.
3. It is expected that an appointee will avoid the appearance of partiality or unfairness as a decision-maker in any matter before the public body of which he or she is a member. Among the actions that may assist an appointee in avoiding the appearance of partiality or unfairness are:
 - Treating all public participants with the same degree of politeness and formality before and during a meeting, including breaks, to avoid the impression that some participants may expect special treatment.

- Not meeting with a party or a particular side concerning a “contested case” outside of the meeting of the public body to avoid the impression that certain parties have the privilege of special access to promote their particular interests before the public body. Generally, public meetings are the proper venue for members of a public body to gather information upon which to base a decision.
- Waiting until all the facts are presented to the appointed public body before passing public judgment as an individual member. The official record upon which a decision or recommendation may appropriately be based is the record of public proceedings, not simply one’s personal background knowledge.
- An appointee removing himself or herself from any particular proceeding of the appointed public body relating to a matter in which the appearance of impartiality and fairness has been compromised by activities and/or public statements of the appointee.

4. It is expected that an appointee who disagrees with fellow public officials, decisions of the Town Council, Town administration, the decisions of his or her own public body or the decisions of other boards, commissions, committees and other volunteer public bodies will do so constructively, based on facts, consistent with applicable law, and avoiding personal attacks, misleading statements or unsupported accusations.

5. It is expected that an appointee will respect the proceedings of other appointed public bodies by:

- Addressing members and staff during the meeting through the person who is chairing the meeting, avoiding the use of first names.
- First identifying whether he or she is appearing as a private citizen or is appearing officially on behalf of the public body of which he or she is a member.
- Avoiding lecturing members of a sister board, commission, committee or other volunteer public body on their responsibilities and authority as members of that public body.
- Not disrupting the proceedings of another public body by approaching the dais or staff desk area while the public body is in session, unless invited to do so by the person chairing the meeting.
- First raising any questions or concerns about the decisions or proceedings of another public body with staff or the chairperson.

6. It is expected that an appointee will be considerate of the fact that the elected Council Members are ultimately responsible for setting Town policy and directing its implementation. An appointee may be opposed to a course of action or decision by Council, or implementation of the same, and still continue to serve as a member of his or her public body. In the event, however, that an appointee wishes to actively and publicly oppose a course of action or decision by Council, or the implementation of the same, then it is expected that the appointee will

resign rather than act in public opposition to the administration he or she has been appointed to serve.

Adopted 12/7/05 by Resolution No. (R) 05-119
Amended 12/1/10 by Resolution No. (R) 10-88
Amended 1/18/12 by Resolution No. (R) 12-04



Town Council Regular Session

Item # 6.

Meeting Date: 09/16/2015
Requested by: Councilmember Zinkin & Councilmember Burns
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

DISCUSSION AND POSSIBLE DIRECTION REGARDING ADA SELF-EVALUATION ASSESSMENTS FOR PUBLIC AND PRIVATE LOCATIONS

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

Councilmember Zinkin and Councilmember Burns have requested that the item be placed on the agenda for discussion.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE to _____



Town Council Regular Session

Item # **7.**

Meeting Date: 09/16/2015
Requested by: Councilmember Garner & Councilmember Zinkin
Submitted By: Julie Bower, Town Clerk's Office
Department: Town Clerk's Office

Information

SUBJECT:

**MOTION FOR RECONSIDERATION OF THE CONTINUANCE TO SEPTEMBER 16, 2015 OF ORDINANCE NO. (O)15-07, REZONING 16.3 ACRES NEAR THE NORTHWEST CORNER OF LA CANADA DRIVE AND TANGERINE ROAD FROM R1-144 TO R1-7, AND APPROVING AN ENVIRONMENTALLY SENSITIVE LAND FLEXIBLE DESIGN OPTION FOR A MODIFIED REVIEW PROCESS

RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

On September 2, 2015 at its regular meeting, Council voted to continue Ordinance No. (O)15-07 to tonight's meeting, September 16, 2015.

Councilmember Garner has requested that the continuance be returned to the Council agenda for reconsideration and Councilmember Zinkin has seconded this request. Pursuant to Rule 11.1(B) of the Town Council's Parliamentary Rules & Procedures, the reconsideration of any action taken by Council must be by motion by a Councilmember who was on the prevailing side of the vote. Such motion must be filed with the Town Clerk's office and the Clerk shall place the item on the agenda.

If the motion for reconsideration is successful, the continuance of the ordinance will be considered in a separate agenda item in the future.

BACKGROUND OR DETAILED INFORMATION:

N/A

FISCAL IMPACT:

N/A

SUGGESTED MOTION:

I MOVE for reconsideration of the continuance to September 16, 2015 of Ordinance No. (O)15-07, rezoning 16.3 acres near the northwest corner of La Canada Drive and Tangerine Road from R1-144 To R1-7, and approving an Environmentally Sensitive Land Flexible Design Option for a Modified Review Process
