

**\*AMENDED (3/1/16, 3:00 PM)**  
**AGENDA**  
**ORO VALLEY TOWN COUNCIL**  
**REGULAR SESSION**  
**March 2, 2016**  
**ORO VALLEY COUNCIL CHAMBERS**  
**11000 N. LA CAÑADA DRIVE**

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

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**UPCOMING MEETING ANNOUNCEMENTS**

**COUNCIL REPORTS**

**DEPARTMENT REPORTS**

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

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

**INFORMATIONAL ITEMS**

1. FY 2015-16 2nd Quarter Public Safety Providers Reports

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

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

- A. Minutes - February 3, 2016
- B. Resolution No. (R)16-10, authorizing a Memorandum of Understanding (MOU) between Pima Association of Governments (PAG) and the Town of Oro Valley for programming and funding of La Cañada Drive/Moore Road intersection study (TIP ID No. 19.15)

- C. Request for approval of an amended Final Plat for the Innovation Corporate Center, located on the northeast corner of Innovation Park Drive and Vistoso Park Road
- D. \*Cancellation of the March 16, 2016 regular Town Council meeting

## **REGULAR AGENDA**

1. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR SMASHBURGER #4, LOCATED AT 7625 N. ORACLE RD. #145
2. \*PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 7 (BEER & WINE BAR) AND SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR GASLIGHT MUSIC HALL, LOCATED AT 13005 N. ORACLE RD. #110
3. FISCAL YEAR 2015/16 MID-YEAR FINANCIAL UPDATE
4. RESOLUTION NO. (R)16-11, PROVIDING NOTICE OF INTENT TO DECREASE THE EQUIVALENT RESIDENTIAL UNIT (ERU) AS DEFINED IN THE STORMWATER SECTION OF THE TOWN CODE THEREBY INDIRECTLY INCREASING THE RATES FOR COMMERCIAL PROPERTIES FOR THE ORO VALLEY STORMWATER UTILITY
5. RESOLUTION NO. (R)16-12, PROVIDING NOTICE OF INTENT TO INCREASE STORMWATER UTILITY BASE RATE FOR THE ORO VALLEY STORMWATER UTILITY
6. PUBLIC HEARING: ORDINANCE NO. (O)16-03, AMENDING SECTION 22.5 OF THE ORO VALLEY ZONING CODE REVISED RELATED TO THE CONDITIONAL USE PERMIT REVIEW CRITERIA
7. DISCUSSION AND POSSIBLE DIRECTION TO STAFF TO PREPARE A REPORT OUTLINING THE DIFFERENCES BETWEEN MAIN STREET AND YOUR VOICE, OUR FUTURE GENERAL PLAN UPDATE
8. DISCUSSION AND POSSIBLE DIRECTION REGARDING THE INSTALLATION OF ADDITIONAL SWINGS AT RIVERFRONT PARK

**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: 2/24/16 at 5:00 p.m. by mrs

AMENDED AGENDA POSTED: 3/1/16 at 5:00 p.m. by mrs

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

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

### ***INSTRUCTIONS TO SPEAKERS***

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

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

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

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

**Thank you for your cooperation.**



**Town Council Regular Session**

**Item # 1.**

**Meeting Date:** 03/02/2016

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

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**Information**

**Subject**

FY 2015-16 2nd Quarter Public Safety Providers Reports

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**Attachments**

GRFD Quarterly Reports

MVFD Quarterly Reports

OVPD Quarterly Reports

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# Golder Ranch Fire District - Oro Valley Call Summary 2<sup>nd</sup> Quarter FY 2015-2016 (Oct. – Dec. 2015)

<b>Sun City Station 374</b>	<b># of calls</b>	<b>%</b>
Dispatch to At Scene <5:00 minutes -EMS	216	63%
Dispatch to At Scene <6:00 minutes -FIRE	3	100%
<b>Average Dispatch to At Scene Time</b>	<b>4:35</b>	

<b>Woodburne Station 375</b>	<b># of calls</b>	<b>%</b>
Dispatch to At Scene <5:00 minutes -EMS	436	54%
Dispatch to At Scene <6:00 minutes -FIRE	3	33%
<b>Average Dispatch to At Scene Time</b>	<b>4:50</b>	

<b>Lambert Station 376</b>	<b># of calls</b>	<b>%</b>
Dispatch to At Scene <5:00 minutes -EMS	160	64%
Dispatch to At Scene <6:00 minutes -FIRE	2	0%
<b>Average Dispatch to At Scene Time</b>	<b>4:39</b>	

<b>Oracle Rd. Station 377</b>	<b># of calls</b>	<b>%</b>
Dispatch to At Scene <5:00 minutes -EMS	247	70%
Dispatch to At Scene <6:00 minutes -FIRE	0	0%
<b>Average Dispatch to At Scene Time</b>	<b>4:06</b>	

<b>Average Total All Oro Valley Stations</b>	<b># of calls</b>	<b>%</b>
Dispatch to At Scene <5:00 minutes -EMS	1059	63%
Dispatch to At Scene <6:00 minutes -FIRE	8	44%
<b>Average Dispatch to At Scene Time</b>	<b>4:31</b>	

<b>Average Total All Oro Valley Stations -2<sup>nd</sup> Fire Unit</b>	<b># of calls</b>	<b>%</b>
2 <sup>nd</sup> Fire Unit Dispatch to At Scene <8:00 minutes -FIRE	6	66%
<b>Average Dispatch to At Scene Time for 2<sup>nd</sup> Fire Unit</b>	<b>7:22</b>	

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**Golder Ranch Fire District – Oro Valley**  
**Detailed Fire Response Report**  
**2<sup>nd</sup> Quarter FY 2015-2016 (Oct. - Dec. 2015)**

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
11/6/15	29688	HOUSE	01:09:50	LT375	01:11:17	01:17:03	<b>7:13</b>
St.375				EN374	01:10:34	01:18:20	<b>8:30</b>
Calling party is the resident reporting flames coming from the roof. Fire place was used for the first time and it apparently spread into the 2 <sup>nd</sup> floor and attic area. WORKING FIRE.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
11/13/15	30480	HOUSE	17:09:28	EN376	17:10:38	17:17:15	<b>7:47</b>
St.376				EN330	17:10:23	17:18:26	<b>8:58</b>
Reported as a fire in the upstairs bathroom of a residence. It was discovered that the fire was started by a juvenile who lit various items in the bathroom. No structural fire involvement –contained only to bathroom contents. NEGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
11/16/15	30776	HOUSE	18:00:40	EN376	18:02:16	18:07:39	<b>6:59</b>
St.375							
Resident just started fireplace for the first time and advised that the mantel was very hot. EN376 advised that nothing was showing upon arrival. It was found that the flu to the fire place was closed and other responding units could cancel. NEGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
11/28/15	31958	BUILD	07:06:24	EN374	07:07:16	07:11:54	<b>5:30</b>
St.374				EN370	07:06:49	07:13:59	<b>7:35</b>
Fire alarm going off at the Walgreens. Upon extensive investigation, nothing was found. NEGATIVE INCIDENT.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
11/30/15	32204	HOUSE	18:09:44	EN374	18:10:50	18:15:57*	<b>7:13*</b>
St.374							
Caller was a neighbor that sees smoke coming from a house but is unsure of the exact address. After searching the area, EN374 finds a home that was cooking outside that produced smoke. Other responding units can cancel. NEGATIVE INCIDENT. Because the call was “in the area of” will not count against response times.							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
12/7/15	32831	HOUSE	02:53:43	EN376	EN376	03:00:20	<b>6:37</b>
St.376				LD375	LD375	03:00:57	<b>7:14</b>
<p>Caller is a neighbor that reports seeing what appears to be smoke and flames from a home that is unoccupied. After investigation, nothing was located. NEGATIVE INCIDENT</p>							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
12/22/15	34341	HOUSE	11:30:43	EN377	11:30:57	11:35:39	<b>4:56</b>
St.375				LD375	11:31:14	11:36:31	<b>5:48</b>
<p>Neighbor is reporting what appears to be a house on fire producing black smoke. EN377 on scene with a motorcycle fire now out. EN377, LD375 can handle. NEGATIVE INCIDENT.</p>							

Date	Call #	Type	Disp. time	Unit	Respond	On-scene	Total Resp. Time
12/28/15	34903	BUILD	13:01:47	EN370	13:02:12	13:05:51	<b>4:04</b>
St.374				EN374	13:02:33	13:08:05	<b>6:18</b>
<p>Reported as odor of smoke / electrical inside a doctor's office suite. Nothing showing upon arrival. After investigation, it was determined to be a faulty HVAC unit. NEGATIVE INCIDENT.</p>							

## Golder Ranch - Oro Valley Call Load Breakdown

October-December 2015

Final Type Reference

2nd Quarter FY 2015-2016

CALL TYPE	Sun City	Woodburne	Lambert	Oracle	TOTAL
Aircraft					
Brush / Vegetation					
Building		1			1
Electrical / Motor				1	1
Fires - All Other	1	1	2	2	6
Gas Leak	1	2	1	4	8
Hazmat		1	2	2	5
Trash / Rubish					
Unauthorized Burning					
Vehicle		1			1
<b>Total Fire Calls</b>	<b>2</b>	<b>6</b>	<b>5</b>	<b>9</b>	<b>22</b>
Animal Problem					
Animal Rescue					
Assist -Other	31	43	36	20	130
Battery Change	11	14	3	13	41
Bee Swarm			3		3
Defective Appliance	2				2
Invalid Assist	42	37	31	26	136
Snake	74	113	90	67	344
Lockout			3	2	5
Fire Now Out	1	1	3	1	6
<b>Total Service Calls</b>	<b>161</b>	<b>208</b>	<b>169</b>	<b>129</b>	<b>667</b>
Alarms (Fire, Smoke, CO)	9	11	9	10	39
Cancelled / Negative Incident	7	9	14	16	46
Smoke / Odor Investagation	4	6	3	2	15
<b>Total Good Intent Calls</b>	<b>20</b>	<b>26</b>	<b>26</b>	<b>28</b>	<b>100</b>
Motor Vehicle Accident	2	16	15	14	47
Rescue (high, trench, water)					
All Other EMS Incidents	214	420	145	233	1012
<b>Total EMS Type Calls</b>	<b>216</b>	<b>436</b>	<b>160</b>	<b>247</b>	<b>1059</b>
<b>TOTAL ALL CALLS</b>	<b>399</b>	<b>676</b>	<b>360</b>	<b>413</b>	<b>1848</b>

All GRFD Oro Valley Stations		Time	#of Calls	Adopted Standard %	Actual %	Description of Variance
Dispatch to At Scene - FIRE		< 6:00	8	90%	44%	
Time to achieve Adopted Standard of 90%		7:13				
Average Dispatch to At Scene Time		6:01				

Dispatch to At Scene - EMS		< 5:00		90%	65%	Small, winding streets
Time to achieve Adopted Standard of 90%		6:24				Distance from station
						Getting fuel at time of call
						Residential streets with many stop signs
						Located on top of hill
Average Dispatch to At Scene Time		4:31				

2nd Fire Unit Dispatch to At Scene		< 8:00	6	90%	66%	
Time to achieve Adopted Standard of 90%		8:30				
Average Dispatch to At Scene Time		7:22				

**Mountain Vista Fire District - Oro Valley  
Priority Call Summary  
Second Quarter Oct-Dec FY15-16**

<b>Station 610 (Magee Rd.)</b>	<b># of calls</b>	<b>%</b>
Dispatch to At Scene <6:00 minutes -EMS	54	95%
Dispatch to At Scene <6:00 minutes -FIRE	2	100%
<b>Average Dispatch to At Scene Time</b>	<b>4:11</b>	

<b>Station 620 (Shannon Rd.)</b>	<b># of calls</b>	<b>%</b>
Dispatch to At Scene <6:00 minutes -EMS	0	n/a
Dispatch to At Scene <6:00 minutes -FIRE	0	n/a
<b>Average Dispatch to At Scene Time</b>	<b>n/a</b>	

<b>Average Total All Oro Valley Stations</b>	<b># of calls</b>	<b>%</b>
Dispatch to At Scene <6:00 minutes -EMS	54	95%
Dispatch to At Scene <6:00 minutes -FIRE	2	100%
<b>Average Dispatch to At Scene Time</b>	<b>4:11</b>	

<b>Average Total All Oro Valley Stations -2<sup>nd</sup> Fire Unit</b>	<b># of calls</b>	<b>%</b>
2 <sup>nd</sup> Fire Unit Dispatch to At Scene <8:00 minutes -FIRE	0	n/a
<b>Average Dispatch to At Scene Time for 2<sup>nd</sup> Fire Unit</b>	<b>n/a</b>	

**Mountain Vista Fire District – Oro Valley  
Detailed Priority Fire Response Report  
Second Quarter Oct-Dec FY15-16**

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
11/15/2015	N153190091	APTS	22:33:48	EN610	22:35:53	22:38:49	0:05:01
St. 610							

Engine 610 responded priority for a reported apartment fire. Upon investigation, Engine 610 found burnt food contained to a cooking pot. **NEGATIVE INCIDENT.**

Date	Call#	Type	Disp. Time	Unit	Respond	On-scene	Total Resp. Time
12/02/2015	N153360029	ELEC	10:08:34	EN610	10:10:10	10:13:11	0:04:37
St. 610							

Engine 610 was dispatched to a fire in a structure; Engine 610 found a clothes dryer with an internal electrical fire which was extinguished prior to Engine 610 arrival. **NEGATIVE INCIDENT.**

**Mountain Vista Fire District - Oro Valley Call Load Breakdown**  
**Priority & Non-priority Calls**

Oct-Dec FY15-16		2nd QTR
CALL TYPE	MVFD	
Aircraft		
Brush / Vegetation		
Building		1
Electrical / Motor		2
Fires - All Other		
Gas Leak		
Hazmat		
Trash / Rubish		
Unauthorized Burning		
Vehicle		
<b>Total Fire Calls</b>		<b>3</b>
Animal Problem		
Animal Rescue		
Assist -Other		2
Battery Change		
Bee Swarm		
Defective Appliance		
Invalid Assist		9
Snake		7
Lockout		
Fire Now Out		
<b>Total Service Calls</b>		<b>18</b>
Alarms (Fire, Smoke, CO)		9
Cancelled / Negative Incident		
Smoke / Odor Investigation		2
<b>Total Good Intent Calls</b>		<b>11</b>
Motor Vehicle Accident		10
Rescue (high, trench, water)		
All Other EMS Incidents		90
<b>Total EMS Type Calls</b>		<b>100</b>
<b>TOTAL ALL CALLS</b>		<b>132</b>

## Mountain Vista Fire District - Second Quarter FY15-16 - Oro Valley Report Summary

All MVFD Oro Valley Stations	Time	#of Calls	Adopted Standard %	Actual %	Description of Variance
Dispatch to At Scene - FIRE	< 6:00	2	90%	100%	
Time to achieve Adopted Standard of 90%					
Average Dispatch to At Scene Time		4:49			

Dispatch to At Scene - EMS	< 6:00	54	90%	95%	Delay 1 due to incorrect addressing,
Time to achieve Adopted Standard of 90%					Delay 2 due to multiple calls
					Delay 3 due to away from area doing preplanning
Average Dispatch to At Scene Time		4:09			

2nd Fire Unit Dispatch to At Scene	< 8:00	0	90%	n/a	
Time to achieve Adopted Standard of 90%					
Average Dispatch to At Scene Time	n/a				

The Oro Valley Police Department Crime Analyst has been on medical leave for an extended period of time.

The Police Department will provide the 2<sup>nd</sup> Quarter statistics along with the 3<sup>rd</sup> Quarter statistics on the next Public Safety Quarterly Report to Town Council.



**Town Council Regular Session**

**Item # A.**

**Meeting Date:** 03/02/2016

**Requested by:** Julie Bower

**Submitted By:** Mike Standish, Town  
Clerk's Office

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

Minutes - February 3, 2016

**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 February 3, 2016 minutes.

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**Attachments**

2/3/16 Draft Minutes

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**MINUTES  
ORO VALLEY TOWN COUNCIL  
REGULAR SESSION  
February 3, 2016  
ORO VALLEY COUNCIL CHAMBERS  
11000 N. LA CANADA DRIVE**

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

**CALL TO ORDER**

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

**ROLL CALL**

**PRESENT:** Satish Hiremath, Mayor  
Lou Waters, Vice Mayor  
Joe Hornat, Councilmember  
Mary Snider, Councilmember

**ABSENT:** Brendan Burns, Councilmember  
Bill Garner, Councilmember  
Mike Zinkin, Councilmember

**EXECUTIVE SESSION** - Pursuant to ARS 38-431.03(A)(1) Personnel matters - Police Chief's annual performance review

**MOTION:** A motion was made by Councilmember Snider and seconded by Vice Mayor Waters to go into Executive Session at 5:01 p.m. pursuant to ARS 38-431.03(A)(1) Personnel matters regarding the Police Chief's annual performance review.

**MOTION** carried, 4-0.

Mayor Hiremath said the following staff members would join Council in Executive Session: Acting Town Manager Stacey Lemos, Town Attorney Gary Verburg, Chief of Police Danny Sharp and Town Clerk Julie Bower.

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

**CALL TO ORDER**

Mayor Hiremath called the meeting to order at 6:00 p.m.

## **ROLL CALL**

**PRESENT:** Satish Hiremath, Mayor  
Lou Waters, Vice Mayor  
Brendan Burns, Councilmember  
Bill Garner, Councilmember  
Joe Hornat, Councilmember  
Mary Snider, Councilmember  
Mike Zinkin, Councilmember

## **PLEDGE OF ALLEGIANCE**

Mayor Hiremath 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 reported that the Town had initiated a campaign to form a community music group which included anyone with musical talent, interest or ambitions. The second meeting was scheduled for Monday, February 15 at 5:00 p.m. at the Community Center and all interested residents were encouraged to attend.

## **DEPARTMENT REPORTS**

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

## **ORDER OF BUSINESS**

Mayor Hiremath reviewed the order of business and said the agenda would stand as posted.

## **INFORMATIONAL ITEMS**

1. Councilmember Hornat - 2016 ULI Trends Day Conference Trip Report
2. Letter of Appreciation - Building Department Staff

## **CALL TO AUDIENCE**

Oro Valley resident Don Bristow spoke about Oro Valley's Main Street concept, more commonly known as "The District", and was concerned that the Your Voice, Our Future actions were being implemented by staff prior to citizen's acceptance of the General Plan.

Oro Valley resident and Oro Valley Police Department Sergeant Steve Sickelbower said he was involved in an on-duty patrol vehicle accident on January 22, 2016 in which his Chevy Tahoe sustained major damage and full airbag deployment but his injuries only consisted of abrasions, lacerations and whiplash due to the safety of the Chevy Tahoe. Sergeant Sickelbower thanked Mayor and Council for approving the purchase of the extraordinarily safe Chevy Tahoe.

## **PRESENTATIONS**

### **1. Proclamation - Death with Dignity Day**

Mayor Hiremath proclaimed Monday, February 8, 2016 as Death with Dignity Day and urged all citizens to show their support for the aid in dying legislation that was currently pending in the Arizona State Legislature.

Diane Uhl and Sanda Schuldmann, volunteers for Compassion & Choices, thanked the Mayor and Council for meeting with them and supporting the Death with Dignity initiative.

### **2. Proclamation - National Wear Red Day**

Mayor Hiremath proclaimed Saturday, February 6, 2016 as National Wear Red Day and urged all citizens to show their support for women and the fight against heart disease by commemorating this day by the wearing of the color red.

Golder Ranch Fire District Fire Chief, Randy Karrer, accepted the proclamation and thanked the Mayor and Council for supporting the fight against heart disease.

### **3. Presentation - Community Hero Award to retired Oro Valley Police Officer Shawn Benjamin**

Fire Chief Karrer, Golder Ranch Fire District Community Relations Manager Anne-Marie Braswell and Oro Valley Police Chief Danny Sharp presented retired Oro Valley Police Officer Shawn Benjamin with a Community Hero Award for performing CPR on an individual at Panera Bakery saving the individual's life. Chief Karrer invited the public to attend their next board meeting on Tuesday, February 9, 2016 at which Ms. Benjamin would be honored by the Golder Ranch Fire District for her heroic actions.

### **4. Presentation from Arizona Department of Transportation updating the Town of Oro Valley on the current status of State Route 77, Oracle Road Widening Project**

Jeremy Moore, ADOT Assistant District Engineer for Construction, presented a status update regarding State Route 77 improvements and outlined the following:

- Project Overview
- Project Improvements
- Wildlife Crossings
- Schedule Update

Discussion ensued amongst Council and Mr. Moore regarding the Oracle Road Widening Project.

## **CONSENT AGENDA**

Councilmember Zinkin requested to remove Consent Agenda items (C-E) for discussion.

Councilmember Garner requested to remove Consent Agenda item (G) for discussion.

- A. Minutes - January 20, 2016
- B. Cancellation of the February 17, 2016 regular Town Council meeting
- F. Resolution No. (R)16-06, authorizing and approving a subgrantee agreement between the Town of Oro Valley and the Arizona Department of Homeland Security to fund overtime and mileage under the Operation Stonegarden program
- H. Resolution No. (R)16-08, authorizing and approving Amendment Number 3 to the Intergovernmental Agreement (IGA) between the Regional Transportation Authority of Pima County and the Town of Oro Valley for provision of circulator bus service
- I. Resolution No. (R)16-09, authorizing and approving an Intergovernmental Agreement between Pima County and the Town of Oro Valley for the joint administration of Public Works Capital Improvement Projects

**MOTION:** A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to approve Consent Agenda items (A-B), (F) and (H-I).

**MOTION** carried, 7-0.

## **C. Appointment to the Board of Adjustment (BOA)**

Councilmember Zinkin thanked all of the residents who applied for the BOA vacancy and said that he was looking forward to working with Mr. Perkins.

**MOTION:** A motion was made by Councilmember Zinkin and seconded by Councilmember Hornat to approve item (C).

**MOTION** carried, 7-0.

**D. Visit Tucson Quarterly Report: October 1, 2015 - December 31, 2015**

Councilmember Zinkin was concerned with the funding levels stipulated in the Town's Financial Participation Agreement (FPA) with Visit Tucson.

Brent DeRaad, President & CEO of Visit Tucson, spoke to the funding levels and return on investment estimates for the Town.

Discussion ensued amongst Council and Mr. DeRaad regarding the Visit Tucson Quarterly Report.

**MOTION:** A motion was made by Councilmember Zinkin and seconded by Councilmember Garner to approve item (D).

**MOTION** carried, 7-0.

**E. Greater Oro Valley Chamber of Commerce Quarterly Report: October 1, 2015 - December 31, 2015**

Councilmember Zinkin spoke about the Greater Oro Valley Chamber of Commerce funding from the Town and inquired as to what the Town received from the Chamber in return.

Dave Perry, President and CEO of the Greater Oro Valley Chamber of Commerce, outlined the various activities performed by the Chamber that benefitted the Town of Oro Valley.

Discussion ensued amongst Council and Mr. Perry regarding the Greater Oro Valley Chamber of Commerce Quarterly Report.

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

**MOTION** carried, 7-0.

**G. Resolution No. (R)16-07, authorizing and approving a subgrantee agreement between the Town of Oro Valley and the Arizona Department of Homeland Security to fund the purchase of hand-held thermal imaging equipment and night vision helmet mounts and transfer arms under the Operation Stonegarden program**

Councilmember Garner inquired as to what specific equipment would be purchased through the subgrantee agreement.

Oro Valley Police Department Commander Jason Larter said the agreement was for thermal imaging and night vision equipment only.

**MOTION:** A motion was made by Councilmember Garner and seconded by Vice Mayor Waters to approve item (G).

**MOTION** carried, 7-0.

## **REGULAR AGENDA**

### **1. DISCUSSION AND POSSIBLE DIRECTION REGARDING THE SIGN CODE AMENDMENT RELATED TO SIGNS IN THE RIGHT-OF WAY**

Zoning Plans Examiner Patty Hayes presented item #1 and outlined the following:

- Purpose
- State Law Supersedes Zoning
- Oro Valley Allowed Sign Types
- Content Neutral

Development and Infrastructure Services Director Paul Keesler presented item #1 and outlined the following:

- Options
- Allow All Signs in the Right-of-Way
- Prohibit All Signs in the Right-of-Way
- Middle Ground
  - Focus on One or More Sign Types
  - Limit Time, Place, Quantity

Discussion ensued amongst Council regarding a possible sign code amendment related to signs in the right-of-way.

The Town Council directed staff to take a wait and see approach as to the Town of Gilbert litigation and continue to update Council on the status of the right-of-way sign legislation through Council Reports.

## **FUTURE AGENDA ITEMS**

Councilmember Zinkin requested a future agenda item to be placed on the March 2, 2016 Town Council agenda to discuss and clarify the difference between Main Street and Your Voice, Our Future, seconded by Councilmember Garner.

**CALL TO AUDIENCE**

No comments were received.

**ADJOURNMENT**

**MOTION:** A motion was made by Vice Mayor Waters and seconded by Councilmember Snider to adjourn the meeting at 7:27 p.m.

**MOTION** carried, 7-0.

Prepared by:

\_\_\_\_\_  
Michael Standish  
Deputy Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Council of Oro Valley, Arizona held on the 3<sup>rd</sup> day of February, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2016.

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



## **Town Council Regular Session**

**Item # B.**

**Meeting Date:** 03/02/2016

**Requested by:** Jose Rodriguez

**Submitted By:** Aimee Ramsey, Development Infrastructure Services

**Department:** Development Infrastructure Services

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### **Information**

#### **SUBJECT:**

Resolution No. (R)16-10, authorizing a Memorandum of Understanding (MOU) between Pima Association of Governments (PAG) and the Town of Oro Valley for programming and funding of La Cañada Drive/Moore Road intersection study (TIP ID No. 19.15)

#### **RECOMMENDATION:**

Staff recommends approval.

#### **EXECUTIVE SUMMARY:**

The Memorandum of Understanding is necessary to fund and incorporate the safety study project into the PAG's five-year Regional Transportation Improvement Program (TIP). Staff submitted an application requesting funds for a safety study at the intersection of Moore Road and La Cañada Drive in the amount of \$50,000 during PAG's annual call for projects for FY 2016/17 TIP. The safety study and its funding amount were eventually approved by the TIP subcommittee and will be included in the proposed transportation capital projects in the upcoming FY 2017/21 TIP. However, before the study can be included in the TIP, PAG recently adopted a new policy that requires all projects to have an MOU in place before they can be approved in the final TIP. The MOU is to ensure that all stakeholders have the same understanding of the project that will be delivered.

#### **BACKGROUND OR DETAILED INFORMATION:**

On August 14, 2015, PAG sent out a call for projects (application proposals) to member jurisdictions for the FY 2017/21 TIP. In response, Town staff submitted a project application for a safety study at the intersection of Moore Road and La Cañada Drive requesting \$50,000 of Project Development Activity Funds (PDAF). The project consists of performing a safety study to evaluate the existing conditions at the intersection, including identification of problems as well as presenting respective solutions. The study will take into account the high growth rate at the vicinity of the intersection resulting in the presentation of options for future traffic control improvements. The Town's safety study project was ranked along with other project proposals from other member

jurisdictions and was eventually approved by the TIP sub-committee for funding in the FY 2017/21 TIP. The next step in the PAG's five-year TIP process is to have public involvement or input via three public open houses, which are tentatively scheduled in March of 2016. After the public outreach, the FY 2017/21 TIP will then be forwarded to PAG's Regional Council for approval in May which will make the funds available July 1, 2016. The MOU is required to ensure regional PAG funding for the safety study at Moore Road and La Cañada Drive.

**FISCAL IMPACT:**

The \$50,000 funding for the safety study is provided through the PAG's Project Development Activity Fund (PDAF). Should the MOU be approved, the project expenditures and associated reimbursements will be included in the FY 2017 budget request.

**SUGGESTED MOTION:**

I MOVE to (approve / deny) Resolution No. (R)16-10, authorizing a Memorandum of Understanding (MOU) between Pima Association of Governments (PAG) and the Town of Oro Valley for funding a safety study at the intersection of Moore Road and La Cañada Drive.

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**Attachments**

(R)16-10 PAG MOU La Canada Dr. and Moore Road Intersection  
MOU

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**RESOLUTION NO. (R)16-10**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, AUTHORIZING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF ORO VALLEY AND PIMA ASSOCIATION OF GOVERNMENTS (PAG) FOR PROGRAMMING AND FUNDING OF LA CANADA DRIVE/MOORE ROAD INTERSECTION STUDY**

**WHEREAS**, the Town desires to enter into a Memorandum of Agreement with Pima Association of Governments (PAG) for programming and funding of the La Canada Drive/Moore Road Intersection Study; and

**WHEREAS**, this Memorandum of Agreement is necessary to fund and incorporate the safety study project into the PAG's five-year Regional Transportation Improvement Program (TIP); and

**WHEREAS**, funding for the safety study, which is in the amount of \$50,000, is provided through the PAG's Project Development Activity Fund

**WHEREAS**, it is in the interest of the Town to enter into the Memorandum of Agreement with Pima Association of Governments (PAG) for programming and funding of the La Canada Drive/Moore Road Intersection Study.

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

1. The Memorandum of Understanding, attached hereto as Exhibit "A", between the Town of Oro Valley and Pima Association of Governments (PAG) for programming and funding of the La Canada Drive/Moore Road Intersection Study is hereby authorized and approved.
  
2. The Development and Infrastructure Services Director and any other administrative officials of the Town of Oro Valley are hereby authorized to take steps as necessary to execute and implement the terms of the MOU.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 2<sup>nd</sup> day of March, 2016.

**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”

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
PIMA ASSOCIATION OF GOVERNMENTS  
AND  
THE TOWN OF ORO VALLEY  
FOR  
PROGRAMMING AND FUNDING OF  
LA CANADA / MOORE INTERSECTION STUDY (TIP ID 19.15)**

This Memorandum of Understanding (MOU) is entered into by and between Pima Association of Governments (PAG), the designated Metropolitan Planning Organization (MPO) for Pima County, and The Town of Oro Valley, a body politic and corporate of the State of Arizona (“the Lead Agency”).

**RECITALS**

- A. 23 U.S.C 134 (b) establishes Metropolitan Planning Organizations in urban areas over 50,000 in population. Additionally, urbanized areas over 200,000 in population are considered Transportation Management Areas (TMA) that require the MPO to incorporate additional requirements into the planning process as outlined in 23 USC 134 (k).
- B. The governing board of the MPO is composed of representatives of each member of the regional jurisdictional governments in accordance with 23 USC 134 (d).
- C. PAG as the MPO is required to annually develop a Transportation Improvement Program (TIP) in accordance with 23 USC 134 (j).
- D. PAG, as part of the regional planning process throughout 23 USC 134 is required to ensure projects identified in the TIP are making satisfactory progress toward completion, have the necessary funding commitments to be completed within the timeframe published in the TIP and that completed projects are reported on using a performance based planning process.
- E. Publication of the PAG TIP document authorizes the obligation of federal funding (expenditure of federal funds obligated for this Project on or after May 29, 2015 is subject to the terms and conditions of this MOU) and/or authorizes the drawdown of state PAG HURF 12.6% funds to projects that are programmed in the “current” fiscal year of the document.
- F. The Town of Oro Valley has been identified as the Lead Agency for the La Canada / Moore Intersection Study and will be responsible for all aspects of Project implementation including, but not limited to, planning, Project management, risk management, design, right of way acquisition, construction, advertisement, award, execution and administration of the design and construction contracts for the Project.

- G. The Lead Agency is authorized by ARS Section 9-276 to design, maintain, control and manage public roads within the Lead Agency’s jurisdictional boundaries.
- H. The Lead Agency is authorized under A.R.S. § 28-6701 to establish, construct, and maintain highways and related improvements in Pima County within municipal boundaries. The Lead Agency may, when authorized by law, have a legal contract with one or more jurisdictions to perform roadway and other improvements within the boundaries of the other jurisdiction or jurisdictions.
- I. The Lead Agency and PAG wish to cooperate in the programming and funding for the La Canada / Moore Intersection Study (“the Project”). This Project is identified in the PAG TIP with the TIP ID# of 19.15
- J. It is the policy of PAG to require that the Lead Agency be identified and a Memorandum of Understanding (MOU) be approved and entered into by PAG and the Lead Agency before the Project can advance into the first or second year of the TIP document.
- K. The PAG TIP Policies and Procedures document will apply to the programming process for this Project unless otherwise specified herein.
- L. This Project has been identified to add value to the stated goals and objectives of the adopted regional transportation plan, as such it must meet and comply with its obligations to the region.

NOW, THEREFORE, the Town of Oro Valley and PAG, pursuant to the above and in consideration of the matters and things set forth herein, do mutually understand as follows:

**UNDERSTANDING**

**1. Purpose.** The purpose of this MOU is to set forth the responsibilities of the parties for the design, construction, maintenance and operation of the Project and to address various legal and administrative matters among the parties.

**2. Project.** The project consists of performing a safety study to evaluate the existing traffic conditions at the intersection of La Canada Drive and Moore Road and identify problems and present solutions respectively, as more fully depicted in the attached Exhibit A, including the following:

- a) Detailed Project scope and schedule, including a description of how the Project will benefit the PAG region.
- b) PAG TIP ID# Number
- c) Project budget and cost breakdown by phase
- d) Total amount of regional funding programmed for the Project plus a breakdown of any other funding available to complete the project.
- e) Designation of Project phases, if applicable, and any additional related agreements.
- f) Estimated construction start date and duration of construction.
- g) Projected timeline.
- h) Identification of a Project contact for the Lead Agency

- i) For non-programmatic projects, the scope should list (at a minimum) all Project features and categories that will be identified in the project's base info page in the TIP database. The jurisdictions are encouraged to list additional Project features as well.
- j) For programmatic expenditures, the scope should include anticipated deliverables and outcomes, such as number of meetings or outreach events, or number of participants reached.

**2. Operations and Maintenance.** The Lead Agency will identify the cost and funding source for operations and maintenance of the completed project.

**3. Effective Date; Term.** This MOU shall become effective upon approval of this MOU by the PAG Regional Council and the Lead Agency and shall continue in effect until all improvements constructed pursuant to this MOU are completed, all eligible reimbursement payments to the Lead Agency are concluded, and all warranties applicable to the Project have expired.

**4. Responsibilities of the Lead Agency.**

- a. The Lead Agency shall be responsible for the implementation of the Project in accordance with this MOU and all applicable public roadway, traffic signal, and street lighting design and construction standards. Design Standards are federal, state, county or municipal standards for engineering, traffic, safety or public works facilities design. Examples of Design Standards include the American Association of State Highway and Transportation Officials and Federal Highway Administration standards for highway engineering and construction, the Pima Association of Governments Standard Specifications for Public Improvements, the Pima County Roadway Design Manual, the Pima County Department of Transportation /City of Tucson Department of Transportation Pavement Marking Design Manual, and Pima County and municipal design guidelines for roadway lane widths and level of drainage protection.
- b. If any parties other than the Lead Agency are contracted to perform any portion of the Project, the Lead Agency shall be responsible for the contracts for design, construction, or any other professional services for the Project and shall select the consultants and contractors to be used on the Project. The Lead Agency shall follow all local, regional, state or federal requirements applicable to the funding being used, including selection and contracting for services.
- c. The Lead Agency shall be responsible for all traffic management, including public notification, during Project implementation when required.
- d. For construction projects, the Lead Agency shall operate and maintain the improvements during and after completion of construction except where those responsibilities have been agreed to by another agency or jurisdiction.
- e. The final cost of the Project shall be that amount necessary to complete the Project including any work incorporated into the Project by change orders and amendments executed by the Lead Agency. The Lead Agency shall be responsible for all Project costs in excess of the regional funds identified in the TIP document.

- f. The Lead Agency shall exercise its power of eminent domain, if necessary, to acquire property needed for the Project.
- g. Under no circumstances shall the contractor(s) or any other third party entity own or imply ownership of products and services provided and paid for in part or in whole with funds identified in this MOU.
- h. The Lead Agency will be responsible for assuming all risks associated with the Project except those that are assigned to another agency or jurisdiction that has agreed to that assumption.
- i. The Lead Agency shall require its contractors performing any portion of the Project to name PAG as additional insured and additional indemnitee with respect to insurance policies for general liability, automobile liability and defects in design in all of the Lead Agency's contracts for the Project. The Lead Agency shall also require its contractors to name PAG, as well as any other funding agency involved with the Project (RTA, ADOT, FHWA, etc.) as an additional beneficiary in any performance and payment related assurances posted for the Project.
- j. Monthly, the Lead Agency shall be responsible for preparing and submitting the reimbursement requests (invoices) to PAG/ADOT or FHWA depending on the fund source.
- k. The Lead Agency shall be responsible for submitting a status report describing its progress and adherence to the Project scope, schedule and budget to the TIP Subcommittee upon request, and quarterly to PAG.
- l. The Lead Agency shall indemnify, defend, and hold PAG and any other funding providers harmless from any and all claims, demands, suits, actions, proceedings, loss, cost, and damages of every kind and description, including any reasonable attorneys' fees and/or litigation expenses, which may be brought or made against PAG and any other funding providers, and any of their officers, directors and employees, or any person, regardless of who makes the claim, to the extent they result from the negligent or wrongful acts of the Lead Agency or its contractors, or any of their employees, agents, representatives, or sub-contractors, in connection with or incidental to the performance of this MOU. The indemnity provided in this section shall survive termination of this MOU.
- m. The Lead Agency and its contractors shall clearly identify the funding source(s) for the project, as well as any funding agency involved with the Project (PAG, RTA, FTA, FHWA, etc.) in all documents and communications materials related to the Project. Communications materials may include, but are not limited to, signs, brochures, press releases, PowerPoint presentations, website information, reports, agenda templates, DVD presentations, and any electronic documents.

## **5. Responsibilities of PAG.**

- a. PAG will annually publish a TIP document making regional projects eligible for state and federal funding.

- b. PAG will aid the Lead Agency in preparation of any TIP amendments that may be necessary for the completion of the project.
- c. PAG will aggregate regional progress toward completion of the program and will report to the region's state and federal funding partners.
- d. PAG will process drawdown requests associated with PAG HURF 12.6% funding.

**6. Amendment.**

- a. This MOU may be modified, amended, altered or changed only by written agreement signed by both parties.
- b. An amendment to this MOU is required if the scope of work for the Project is significantly altered, such as a change to the Project boundaries, a significant alteration to the scope of services to be provided by the project, or addition or elimination of significant Project features.
- c. An amendment to this MOU is required if the total amount of regional funding programmed on the Project changes are more than 10% of the total programmed amount or \$200,000, whichever is smaller. Funding changes less than this threshold do not require an amendment to the MOU, as long as there are no significant changes in scope.

**6. Termination.** Either party may terminate this MOU for material breach of the MOU by the other party. Prior to any termination under this paragraph, the party allegedly in default shall be given written notice by the other party of the nature of the alleged default. Upon termination, programmed funds will no longer be available for use on said project. The party said to be in default shall have forty-five days to cure the default. If the default is not cured within that time, the other party may terminate this MOU. Any such termination shall not relieve either party from liabilities or costs already incurred under this MOU.

**7. Non-assignment.** Neither party to this MOU shall assign its rights or obligations under this MOU to any other party without written permission from the other party to this MOU.

**8. Construction of MOU.**

- a. Entire agreement. This instrument constitutes the entire agreement between the parties pertaining to the programming of the Project in the TIP. Any exhibits to this MOU are incorporated herein by this reference.
- b. Construction and interpretation. All provisions of this MOU shall be construed to be consistent with the intention of the parties as expressed in the Recitals hereof.
- c. Captions and headings. The headings used in this MOU are for convenience only and are not intended to affect the meaning of any provision of this MOU.
- d. Severability. In the event that any provision of this MOU or the application thereof is declared invalid or void by statute or judicial decision, such action shall have no

effect on other provisions and their application, which can be given effect without the invalid or void provision or application, and to this extent the provisions of the MOU are severable. In the event that any provision of this MOU is declared invalid or void, the parties agree to meet promptly upon request of the other party in an attempt to reach an agreement on a substitute provision.

f. This MOU is subject to the provisions of A.R.S. § 38-511.

**9. Ownership of Improvements.** If the Project involves construction, except as otherwise provided for by law or under a contract with one or more other jurisdictions, ownership of and title to all Project improvements shall automatically vest in Lead Agency upon completion of the Project.

**10. Legal Jurisdiction.** Nothing in this MOU shall be construed as either limiting or extending the legal jurisdiction of the Lead Agency or PAG.

**11. No Joint Venture.** It is not intended by this MOU to, and nothing contained in this MOU shall be construed to, create any partnership, joint venture or employment relationship between the parties or create any employer-employee relationship between the Lead Agency and any PAG employees, or between PAG and any Lead Agency employees. Neither party shall be liable for any debts, accounts, obligations or other liabilities whatsoever of the other, including (without limitation) the other party's obligation to withhold Social Security and income taxes for itself or any of its employees.

**12. No Third Party Beneficiaries.** Nothing in the provisions of this MOU is intended to create duties or obligations to or rights in third parties not parties to this MOU or affect the legal liability of either party to the MOU by imposing any standard of care different from the standard of care imposed by law.

**13. Compliance with Laws.** The parties shall comply with all applicable federal, state and local laws, rules, regulations, standards and executive orders, without limitation to those designated within this MOU.

a. **Anti-Discrimination.** Neither party shall discriminate against any employee or client of either party or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin in the course of carrying out the duties pursuant to this MOU. Both parties shall comply with applicable provisions of Executive Order 75-5, as amended by Executive Order 2009-09 of the Governor of Arizona, which are incorporated into this MOU by reference as if set forth in full herein, including the provisions of A.R.S. ' 41-1463.

b. **Americans with Disabilities Act.** This MOU is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36.

**14. Waiver.** Waiver by either party of any breach of any term, covenant or condition herein contained shall not be deemed a waiver of any other term, covenant or condition, or any subsequent breach of the same or any other term, covenant, or condition herein contained.

**15. Force Majeure.** A party shall not be in default under this MOU if it does not fulfill any of its obligations under this MOU because it is prevented or delayed in doing so by reason of uncontrollable forces. The term “uncontrollable forces” shall mean, for the purpose of this MOU, any cause beyond the control of the party affected, including but not limited to failure of facilities, breakage or accident to machinery or transmission facilities, weather conditions, flood, earthquake, lightning, fire, epidemic, war, riot, civil disturbance, sabotage, strike, lockout, labor dispute, boycott, material or energy shortage, casualty loss, acts of God, or action or non-action by governmental bodies in approving or failing to act upon applications for approvals or permits which are not due to the negligence or willful action of the parties, order of any government officer or court (excluding orders promulgated by the parties themselves), and declared local, state or national emergency, which, by exercise of due diligence and foresight, such party could not reasonably have been expected to avoid. Either party rendered unable to fulfill any obligations by reason of uncontrollable forces shall exercise due diligence to remove such inability with all reasonable dispatch.

**16. Notification.** All notices or demands upon any party to this MOU shall be in writing, unless other forms are designated elsewhere, and shall be delivered in person or sent by mail addressed as follows:

Pima Association of Governments:

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

Town of Oro Valley:

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

**17. Remedies.** Either party may pursue any remedies provided by law for the breach of this MOU. No right or remedy is intended to be exclusive of any other right or remedy and each shall be cumulative and in addition to any other right or remedy existing at law or in equity or by virtue of this MOU.

**18. Counterparts.** This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The signature pages from one or more counterpart may be removed from such counterpart and attached to a single instrument.

**In Witness Whereof**, the Town of Oro Valley has caused this MOU to be executed by the \_\_\_\_\_, upon resolution of the \_\_\_\_\_ attested to by the \_\_\_\_\_, and PAG has caused this MOU to be executed by its Chair of the Regional Council.

**PIMA ASSOCIATION OF GOVERNMENTS**

\_\_\_\_\_  
Duane Blumberg, Regional Council Chair

\_\_\_\_\_  
Date

**TOWN OF ORO VALLEY**

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

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Julie Bower, Town Clerk

\_\_\_\_\_  
Date

The foregoing MOU between the Town of Oro Valley and PAG has been approved as to content and is hereby recommended by the undersigned.

\_\_\_\_\_  
Mr. Farhad Moghimi, Executive Director

\_\_\_\_\_  
Town of Oro Valley

## PAG TIP Memorandum of Understanding: Exhibit A

### Base Information

Project Name	La Cañada Drive / Moore Road Intersection Safety Study		
TIP ID			
Project Location	La Cañada Drive / Moore Road Intersection		
Project Description	<p>La Cañada Drive and Moore Road intersection is 4-way stop controlled and has a high rate of non-compliance. Since January 2010 to current there have been 14 non-injury collisions and 2 injury collisions. Five of the non-injury collisions have been in 2015. Several accidents have resulted in severe property damage, but no severe injuries. The intersection has no dedicated roadway lighting.</p> <p>This study will evaluate the existing conditions at the proposed intersection and identify problems and present solutions respectively. The study will take into account the high growth rate at the vicinity of the intersection and present options for future traffic control improvements.</p>		
Lanes Before	4	Lanes After	4
Project Contact	Jose N. Rodriguez		
Project Contact	(520) 229-4872	<a href="mailto:jrodriguez@orovalleyaz.gov">jrodriguez@orovalleyaz.gov</a>	

### Estimated Project Schedule

Phase	Estimated Start Date	Estimated End Date
Study	August 2016	February 2017

### Estimated Project Budget

Phase	Regional Funding Source	Year	Amount
Study	HURF PDAF	2016	\$50,000

Phase	Other Funding Source	Year	Amount

Please list any agreements related to the project:

None
------

For Infrastructure Projects: mark all that apply

ADA Enhancements		Landscaping		Signals	X
Art		Medians		Signalized Ped Crossing	
Bike Racks		Multiuse Paths		Signing	X
Bridge		New Bike Lanes		Sound Walls	
Bus Pullouts		New Sidewalks		Street Lighting	
Culverts		Overpass		Striping	
Curbs		Pavement Preservation		Turn Lanes	
Detection Cameras	X	Pedestrian Lighting		Underpass	
Drainage Structures		Rubberized Asphalt		Utility Relocation	
Guardrails		Right of Way Purchase		Wildlife Crossing	

Additional Project Features

This project may lead to a signalized intersection.

For non-infrastructure projects: describe the outcomes and deliverables with project costs associated with each

N/A

Describe how the region as a whole will benefit from this project, including any jurisdictions that will be affected or receive benefits from the project.

La Cañada Dr. is a north-south arterial roadway that connects northern Oro Valley to the City of Tucson and is primarily 4 lane divided. Moore Rd. is a collector roadway that connects from Rancho Vistoso Blvd. to Dove Mtn. (Town of Marana and Pima County) and is primarily 4 lane divided east of La Cañada Dr.



**Town Council Regular Session**

Item # C.

**Meeting Date:** 03/02/2016

**Submitted By:** Robert Kirschmann  
Development Infrastructure Services

**Department:** Development Infrastructure Services

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**Information**

**SUBJECT:**

Request for approval of an amended Final Plat for the Innovation Corporate Center, located on the northeast corner of Innovation Park Drive and Vistoso Park Road

**RECOMMENDATION:**

Staff recommends approval.

**EXECUTIVE SUMMARY:**

The purpose of this request is to consider an amended Final Plat for the Innovation Corporate Center, located on the northeast corner of Innovation Park Drive and Vistoso Park Road. (Attachment 1). The proposed Final Plat (Attachment 2) proposes to divide the property into two (2) separate lots.

**BACKGROUND OR DETAILED INFORMATION:**

The amended Final Plat requires Town Council approval prior to being officially recorded by Pima County.

The amended Final Plat does not affect the existing site conditions (i.e. sidewalks and driveways) or design components approved as part of the existing Development Plan. The sole purpose of the amended Final Plat is to divide the 2.48 acre parcel into two lots consisting of 1.32 acres and 1.16 acres. A pre-application meeting was held on January 15, 2016, for an orthopedic facility to be developed on the proposed 1.32 acre lot.

**Proposed Improvements**

- 2.48 acres subdivided into 2 lots
- Lot 2A: 1.32 acres
- Lot 2B: 1.16 acres

**Previous Approvals**

February 2014: Final Plat approved for Innovation Corporate Center

August 2007: Final Plat approved for Blocks 1-8, Innovation Corporate Center  
December 2006: Development Plan approved for Innovation Corporate Center

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to APPROVE the amended Final Plat for the Innovation Corporate Center, finding that it meets Town requirements.

OR

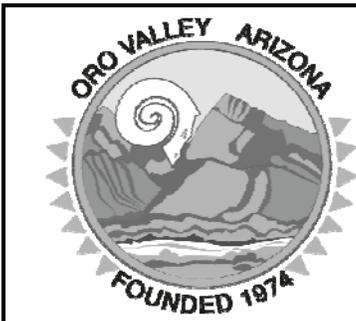
I MOVE to DENY the amended Final Plat for the Innovation Corporate Center, finding that \_\_\_\_\_.

---

**Attachments**

Location Map  
Amended Final Plat

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# LOCATION MAP

INNOVATION CORPORATE CENTER (OV1501793)

# FINAL PLAT INNOVATION CORPORATE CENTER BLOCK 2-LOTS 2A & 2B OV1501793

**APPROVALS**

I \_\_\_\_\_, CLERK OF THE TOWN OF ORO VALLEY, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CLERK, TOWN OF ORO VALLEY \_\_\_\_\_ DATE \_\_\_\_\_

PIMA COUNTY REGIONAL WASTEWATER RECLAMATION DEPT. \_\_\_\_\_ DATE \_\_\_\_\_

TOWN ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

PLANNING & ZONING ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_

WATER UTILITY DIRECTOR \_\_\_\_\_ DATE \_\_\_\_\_

**WATER ADEQUACY**

THE TOWN OF ORO VALLEY HAS BEEN DESIGNATED BY THE ARIZONA DEPARTMENT WATER RESOURCES AS HAVING AN ASSURED WATER SUPPLY, PURSUANT TO ARS 8 45-576 AND HERBY CERTIFIES IN WRITING TO SUPPLY WATER TO THIS SUBDIVISION.

BY: \_\_\_\_\_ WATER UTILITY DIRECTOR \_\_\_\_\_ DATE: \_\_\_\_\_

**RECORDING DATA**

STATE OF ARIZONA) NO: \_\_\_\_\_  
                          )SS FEE: \_\_\_\_\_  
COUNTY OF PIMA)

THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF THE WLB GROUP, INC., ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ M. IN SEQ. NO. \_\_\_\_\_, THEREOF.  
F. ANN RODRIGUEZ, PIMA COUNTY RECORDER

BY: \_\_\_\_\_ DEPUTY FOR PIMA COUNTY RECORDER

**DEDICATION**

WE, THE UNDERSIGNED, HEREBY WARRANT THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SHOWN ON THIS PLAT AND WE CONSENT TO THE SUBDIVISION OF SAID LAND IN THE MANNER SHOWN HEREON.

WE, THE UNDERSIGNED, OUR SUCCESSORS AND ASSIGNS, DO HEREBY SAVE THE TOWN OF ORO VALLEY, ITS SUCCESSORS AND ASSIGNS, THEIR EMPLOYEES, OFFICERS AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF SAID LANDS, NOW AND IN THE FUTURE, BY REASON OF FLOODING, FLOWAGE, EROSION OR DAMAGE CAUSED BY WATER, WHETHER SURFACE, FLOOD, OR RAINFALL. IT IS FURTHER UNDERSTOOD AND AGREED THAT NATURAL DRAINAGE SHALL NOT BE ALTERED, DISTURBED OR OBSTRUCTED WITHOUT APPROVAL OF THE ORO VALLEY TOWN COUNCIL.

VWI/VISTOSO DEVELOPMENT INC., AN ARIZONA CORPORATION

BY: \_\_\_\_\_

**NOTARY**

STATE OF ARIZONA) SS  
COUNTY OF PIMA)

ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED \_\_\_\_\_, WHO ACKNOWLEDGED HIMSELF (HERSELF) TO BE THE \_\_\_\_\_ OF VWI/VISTOSO DEVELOPMENT INC., AN ARIZONA CORPORATION BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED, BY SIGNING AS \_\_\_\_\_.

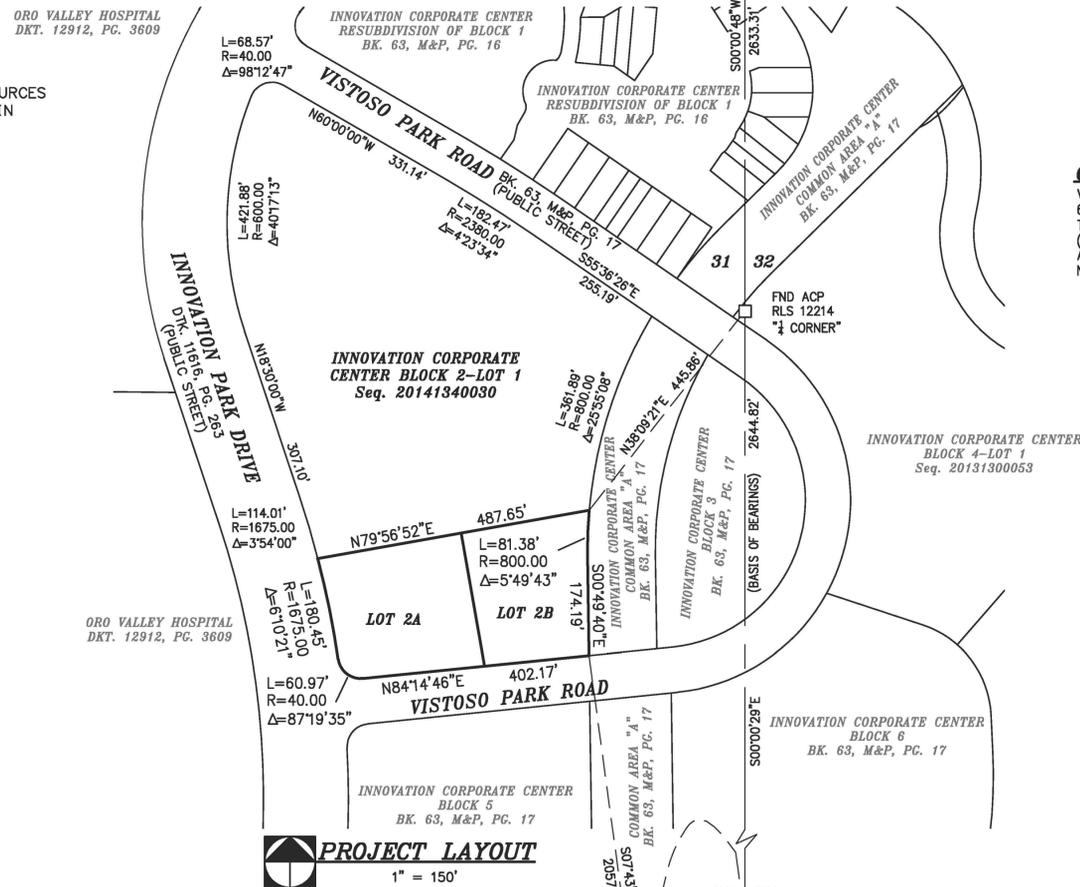
NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

**ASSURANCES**

ASSURANCES IN THE FORM OF \_\_\_\_\_ FROM \_\_\_\_\_ AS RECORDED IN SEQ. NO. \_\_\_\_\_ HAS BEEN PROVIDED TO GUARANTEE DRAINAGE AND STREET IMPROVEMENTS (INCLUDING MONUMENTS) AND UTILITY IMPROVEMENTS (ELECTRIC, TELEPHONE, GAS, SEWER, WATER) IN THIS SUBDIVISION.

BY: \_\_\_\_\_ MAYOR - TOWN OF ORO VALLEY \_\_\_\_\_ DATE: \_\_\_\_\_

ASSURANCES IN THE FORM OF \_\_\_\_\_ FROM \_\_\_\_\_ IN THE AMOUNT OF \$ \_\_\_\_\_ HAVE BEEN PROVIDED TO GUARANTEE THE RESEEDING OF THIS SUBDIVISION IN THE EVENT THE PROJECT IS ABANDONED.



**GENERAL NOTES**

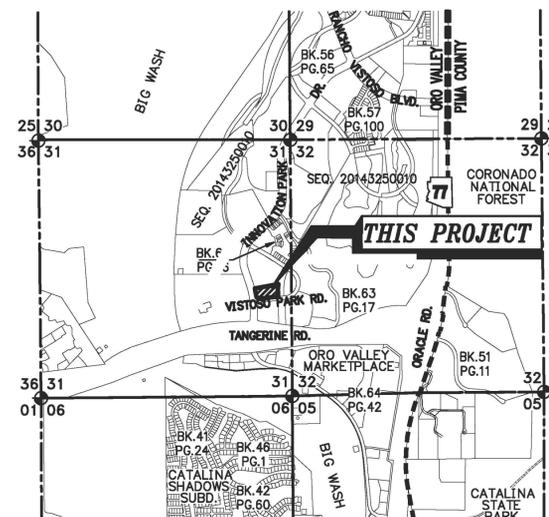
- GROSS AREA OF SUBDIVISION IS 108,020 S.F (2.48 ACRES)
- TOTAL NUMBER OF LOTS IS 2.
- TOTAL MILES OF NEW PUBLIC STREET IS 0.0 MILES.
- THE MAXIMUM BUILDING HEIGHT IS THREE (3) STORIES OR THIRTY FOUR (34) FEET.
- BUILDING SETBACKS ARE TWENTY (20) FEET FRONT, TWENTY FIVE (25) FEET REAR.
- ZONING IS RANCHO VISTOSO P.A.D. (C-1); COMMUNITY COMMERCIAL)
- NO FURTHER SUBDIVISION OF ANY LOT OR PARCEL SHOWN WILL BE DONE WITHOUT THE WRITTEN APPROVAL OF THE ORO VALLEY TOWN COUNCIL.
- THE BASIS OF BEARING FOR THIS PROJECT IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 11 SOUTH, RANGE 14 EAST, GILA AND SALT RIVER BASE & MERIDIAN AS SHOWN ON THE FINAL PLAT OF RANCHO VISTOSO NEIGHBORHOOD 3 INNOVATION CORPORATE CENTER BLOCK 2, AS RECORDED IN SEQ. 20141340030, TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA. SAID BEARING BEING S00°00'29"E.
- THE PROPERTY OWNER, HIS SUCCESSORS, ASSIGNS OR A DESIGNATED HOMEOWNERS ASSOCIATION AGREES TO 1) KEEP ALL REQUIRED LANDSCAPED AREAS MAINTAINED IN A WEED FREE, TRASH FREE CONDITION, 2) REPLACE ANY DEAD PLANT MATERIALS WITHIN 90 DAYS AND 3) MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER.
- THERE SHALL BE A MINIMUM OF 10 PERCENT OF THE TOTAL AREA RETAINED AS OPEN SPACE.
- A MINIMUM OF 10' IS REQUIRED BETWEEN BUILDINGS.
- ORO VALLEY WATER WILL BE THE WATER SERVICE PROVIDER.
- THE INGRESS-EGRESS EASEMENT SHOWN ON THIS PLAT IS DEDICATED FOR PRIVATE AND PUBLIC USE TO PROVIDE SHARED ACCESS TO LOTS 2A AND 2B ONLY. THE LOT OWNERS OR THEIR HEIRS OR ASSIGNS SHALL ACCEPT ALL RESPONSIBILITY FOR THE CONTROL, MAINTENANCE, SAFETY AND LIABILITY OF THE EASEMENT AND ANY IMPROVEMENTS WITHIN SAID EASEMENT.

**LEGEND**

- FOUND SECTION CORNER AS NOTED
- FOUND PROPERTY CORNER AS NOTED
- SET 1/2" IRON PIN TAGGED LS 44121
- ▲ FOUND BRASS CAP SURVEY MONUMENT STAMPED "RLS 12214"
- BOUNDARY LINE OR LOT LINE
- CENTERLINE
- EASEMENT
- SECTION LINE

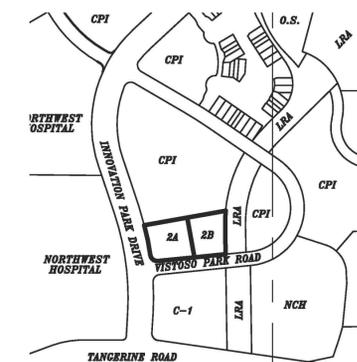
**OWNER/DEVELOPER**

VWI/VISTOSO DEVELOPMENT INC.  
6007 E. GRANT RD.  
TUCSON, AZ 85712  
(520) 722-9292  
ATTN: NIEL SIMON  
NSIMON@VENTUREWESTAZ.COM



**LOCATION MAP**

A PORTION OF SECTION 31  
TOWNSHIP 11 SOUTH, RANGE 14 EAST, G. & S.R.M.,  
TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA



**ZONING MAP**

ORO VALLEY P.A.D.



**CERTIFICATION**

I HEREBY CERTIFY THAT THE BOUNDARY SURVEY SHOWN ON THIS PLAT WAS PERFORMED UNDER MY DIRECTION AND THAT ALL EXISTING AND/OR PROPOSED SURVEY MONUMENTS AND MARKERS SHOWN ARE CORRECTLY DESCRIBED. I FURTHER CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION.

PETER D. COTE, R.L.S. NO. 44121



**OV1501793  
FINAL PLAT  
INNOVATION CORPORATE CENTER  
BLOCK 2 - LOTS 2A & 2B**

A RESUBDIVISION OF RANCHO VISTOSO NEIGHBORHOOD 3  
INNOVATION CORPORATE CENTER BLOCK 2 - LOT 2  
RECORDED IN SEQ. NO. 20141340030  
BEING A PORTION OF SECTION 31 TOWNSHIP 11 SOUTH, RANGE 14 EAST, G & S.R.M.  
TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA

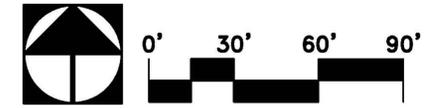
OV12-025  
OV12-06-148  
OV09-07-07  
REF: OV1213-29

NOVEMBER 2015

1"=30'

SHEET 1 OF 2





RANCHO VISTOSO NEIGHBORHOOD 3  
 INNOVATION CORPORATE CENTER BLOCK 2-LOT 1  
 Seq. 20141340030  
 RANCHO VISTOSO P.A.D.  
 CPI

**LOT 2A**  
 57,498 SQ.FT.  
 1.3200 ACRES  
 RANCHO VISTOSO P.A.D.  
 C-1

**LOT 2B**  
 50,520 SQ.FT.  
 1.1598 ACRES  
 RANCHO VISTOSO P.A.D.  
 C-1

INNOVATION CORPORATE CENTER  
 COMMON AREA "A"  
 BK. 63, M&P, PG. 17  
 RANCHO VISTOSO P.A.D.  
 LINEAR PARK

INNOVATION CORPORATE CENTER  
 COMMON AREA "A"  
 BK. 63, M&P, PG. 17  
 RANCHO VISTOSO P.A.D.  
 LINEAR PARK

INNOVATION CORPORATE CENTER  
 BLOCK 5  
 BK. 63, M&P, PG. 17  
 RANCHO VISTOSO P.A.D.  
 C-1

**OV1501793**  
 FINAL PLAT  
**INNOVATION CORPORATE CENTER**  
**BLOCK 2 - LOTS 2A & 2B**

A RESUBDIVISION OF RANCHO VISTOSO NEIGHBORHOOD 3  
 INNOVATION CORPORATE CENTER BLOCK 2 - LOT 2  
 RECORDED IN SEQ. NO. 20141340030  
 BEING A PORTION OF SECTION 31 TOWNSHIP 11 SOUTH, RANGE 14 EAST, G & S.R.M.  
 TOWN OF ORO VALLEY, PIMA COUNTY, ARIZONA

OV112-025  
 OV12-06-148  
 OV09-07-07  
 REF: OV1213-29

NOVEMBER 2015

1"=30'

SHEET 2 OF 2

The **WLB** Group  
 Engineering • Planning • Surveying  
 Landscape Architecture • Urban Design  
 Offices located in Tucson, Phoenix,  
 Flagstaff, AZ, and Las Vegas, NV.  
 4444 East Broadway  
 Tucson, Arizona (520) 881-7480



SEQ. #:



**Town Council Regular Session**

Item # D.

**Meeting Date:** 03/02/2016

**Requested by:** Mayor Hiremath & Councilmember Hornat

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

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

\*Cancellation of the March 16, 2016 regular Town Council meeting

**RECOMMENDATION:**

N/A

**EXECUTIVE SUMMARY:**

At its regular meeting on December 2, 2015, the Council approved the 2016 regular Town Council meeting schedule which included a regular meeting scheduled for March 16, 2016. Currently, there is no business scheduled for the March 16th regular Town Council meeting. In the event that the Town Council would like to cancel the March 16th regular Town Council meeting, the Mayor and Council must take formal action.

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to cancel the March 16th regular Town Council meeting.

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**Attachments**

*No file(s) attached.*

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**Town Council Regular Session**

**Item # 1.**

**Meeting Date:** 03/02/2016

**Requested by:** Julie Bower

**Submitted By:** Mike Standish, Town  
Clerk's Office

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR SMASHBURGER #4, LOCATED AT 7625 N. ORACLE RD. #145

**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 12 Liquor License.

**EXECUTIVE SUMMARY:**

An application for a new Series 12 (Restaurant) Liquor License has been submitted by Owner Eric Wolf for Smashburger #4 located at 7625 N. Oracle Rd. #145.

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

**BACKGROUND OR DETAILED INFORMATION:**

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

In accordance with Section 4-201 of the Arizona Revised Statutes, the application was posted for 20 days on the premises of the applicant's property, ending February 17, 2016. No protests were received during this time period.

Police Chief Daniel Sharp completed a standard background check on Smashburger #4 and Owner Eric Wolf. Chief Sharp has no objection to the approval of the Series 12 (Restaurant) License.

**FISCAL IMPACT:**

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

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

**SUGGESTED MOTION:**

I MOVE to (recommend or deny) approval of the issuance of a Series 12 Liquor License to the Arizona Department of Liquor Licenses and Control for Eric Wolf for Smashburger #4, located at 7625 N. Oracle Rd. #145.

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**Attachments**

Smashburger #4 Liquor License

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**DANIEL G. SHARP**  
CHIEF OF POLICE

TO: Mike Standish

FROM: Daniel G. Sharp  
*DIC [signature] for Chief Sharp*

DATE: 11 February 2016

RE: Application for Liquor License  
Smash Burger Restaurant and Owner Eric Wolf

On February 11, 2016, the Oro Valley Police Department completed the standard background investigation on Eric Wolf and Smash Burger Restaurant located at 7625 N Oracle Rd #145.

The Oro Valley Police Department has no objection for the issuance of a liquor license to Eric Wolf and Smash Burger Restaurant located at 7625 N Oracle Rd #145.



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

COPY

Application for Liquor License
Type or Print with Black Ink

15 JAN 26 10:03 AM '15

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 # 12104414

1. Type of License: SERIES #12

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: WOLF ERIC LAURENCE
Last First Middle

2. Owner Name: HUNGRY WOLF #4, LLC
(Ownership name for type of ownership checked on section 2)

3. Business Name: SMASHBURGER #4
(Exactly as it appears on the exterior of premises)

4. Business Location Address: 7625 N. ORACLE RD. #145 ORO VALLEY AZ 85740 PIMA
Street City State Zip Code County

5. Mailing Address: PO BOX 35218 TUCSON AZ 85740
Street City State Zip Code

6. Business Phone: PENDING Daytime Contact Phone: (602) 616-0983

7. Email Address: ERICWOLF@OUTLOOK.COM

8. Is the Business located within the incorporated limits of the above city or town? [X] 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 [X] 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: 100 Application, 20 Interim Permit, 44 Department Use Only Site Inspection, 44 Finger Prints, Total of All Fees 194.00
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? [ ] Yes [ ] No
Accepted by: Debbie Date: 1/25/2016 License #: 12104414

**License Type: Series 12 Restaurant**

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



**Town Council Regular Session**

**Item # 2.**

**Meeting Date:** 03/02/2016

**Requested by:** Julie Bower

**Submitted By:** Mike Standish, Town  
Clerk's Office

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

\*PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A SERIES 7 (BEER & WINE BAR) AND SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR GASLIGHT MUSIC HALL, LOCATED AT 13005 N. ORACLE RD. #110

**RECOMMENDATION:**

Staff recommends approval of these two liquor licenses to the Arizona Department of Liquor Licenses and Control for the following reasons:

1. No protests to these licenses 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 7 and Series 12 Liquor Licenses.

**EXECUTIVE SUMMARY:**

An application for an interim permit and transfer of a Series 7 (Beer & Wine Bar) Liquor License and a new Series 12 (Restaurant) Liquor License has been submitted by owner Anthony Terry Jr. for Gaslight Music Hall located at 13005 N. Oracle Rd. #110.

Mr. Terry has submitted all necessary paperwork to the Town of Oro Valley and the Arizona Department of Liquor Licenses and Control and has paid all related fees associated with applying for the liquor licenses (\$1,000 Application Processing Fee - \$500 per Application).

**BACKGROUND OR DETAILED INFORMATION:**

### **Series 7**

The beer and wine bar (series 7) liquor license is a "quota" license available only through the [Liquor License Lottery](#) or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a beer and wine bar retailer to sell and serve beer and wine (no other spirituous liquors), primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. A.R.S. 4-206.01.F. states that after January 1, 2011, the off-sale privileges associated with a bar license shall be limited to no more than 30% of the total annual sales receipts of liquor by the licensee at that location. Off-sale ("To Go") package sales can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the one provided for the bar. Payment must be made no later than the time of delivery. Internet sale of liquor is not permitted in the state of Arizona. Liquor must be delivered to an Arizona liquor-licensed wholesaler, then an Arizona liquor-licensed retailer prior to delivery to the consumer.

### **Series 12**

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

In accordance with Section 4-201 of the Arizona Revised Statutes, the application was posted for 20 days on the premises of the applicant's property, ending February 23, 2016. No protests were received during this time period.

Police Chief Daniel Sharp completed a standard background check on Gaslight Music Hall and owner Anthony Terry Jr. and Chief Sharp has no objection to the approval of the Series 7 (Beer & Wine Bar) and Series 12 (Restaurant) Licenses.

### **FISCAL IMPACT:**

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

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

### **SUGGESTED MOTION:**

I MOVE to (recommend or deny) approval of an interim permit and transfer of a Series 7 Liquor License and approval of a new Series 12 Liquor License to the Arizona Department of Liquor Licenses and Control for Anthony Terry Jr. for Gaslight Music Hall, located at 13005 N. Oracle Rd. #110.

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**Attachments**

Gaslight Music Hall Series 7 & 12 Liquor Licenses

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DANIEL G. SHARP  
CHIEF OF POLICE

TO: Mike Standish  
FROM:  Daniel G. Sharp  
DATE: 23 February 2016  
RE: Background Investigation, Application for Liquor License  
Gaslight Music Hall, 13005 N. Oracle Rd. #110  
Owner / Agent Anthony Terry Jr

On February 23, 2016, the Oro Valley police Department completed the standard background investigation on the Gaslight Music Hall, to include Owner / Agent Anthony Terry Jr.

The Oro Valley Police Department has no objections for the issuance of a liquor license to the Gaslight Music Hall, 13005 N. Oracle Rd. #110



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
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:

1. Type of License: # F - Beer & Wine

LICENSE # of 100128

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: Terry J. Dawson P1009071

2. Owner Name: Back Home, Inc. B1005289

3. Business Name: Caslight Music Hall B1049103

4. Business Location Address: 13005 N. ORACLE RD. # 110 VALLEY AZ 85739 Pima

5. Mailing Address: [Redacted]

6. Business Phone: (520) 529-1000 Daytime Contact Phone: [Redacted]

7. Email Address: TERRY@WESTOFFICE.NET

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
10. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store ( license only) \$ 13,500.00

Department Use Only
Fees: Application Interim Permit Site Inspection Finger Prints Total of All Fees
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? Yes No
Accepted by: Date: License #



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

15 FEB 5 11 49 AM 11 22

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 # 07100128

1. Type of License:

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: LAST FIRST MIDDLE

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

3. Business Name: (Exactly as it appears on the exterior of premises)

4. Business Location Address: (Do not use PO Box) Street City State Zip Code County

5. Mailing Address: (All correspondence will be mailed to this address) Street City State Zip Code

6. Business Phone: Daytime Contact Phone:

7. Email Address:

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 located only in the unincorporated area 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) \$

AMENDMENT

Department Use Only
Fees: Application Interim Permit Site Inspection Finger Prints Total of All Fees
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? Yes No
Accepted by: Date: License #



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

16 JAN 28 11:49 AM 3:22

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 # 12104417

1. Type of License: # 12 - RESTAURANT

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: Terry Jr. Lawrence Dewison

2. Owner Name: BACK HOME, INC. B1005289

3. Business Name: CASUALTY Music Hall B1049103

4. Business Location Address: 13005 N. ORACLE RD. # 110 VALLEY AZ 85139 PIMA

5. Mailing Address: [Redacted]

6. Business Phone: (520) 529-1000 Daytime Contact Phone: [Redacted]

7. Email Address: TERRY.LAWRENCE@QUESTOFFICE.NET

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: N/A

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

Fees: Application 100, Interim Permit, Site Inspection 50, Finger Prints, Total of All Fees \$ 150
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? Yes No
Accepted by: M.S. Date: 01/28/2016 License #: 12104417

## **BEER & WINE BAR (SERIES 7)**

The beer and wine bar (series 7) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a beer and wine bar retailer to sell and serve beer and wine (no other spirituous liquors), primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. A.R.S. 4-206.01.F. states that after January 1, 2011, the off-sale privileges associated with a bar license shall be limited to no more than 30% of the total annual sales receipts of liquor by the licensee at that location. Off-sale ("To Go") package sales can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the one provided for the bar. Payment must be made no later than the time of delivery.

## **Restaurant (Series 12)**

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



**Town Council Regular Session**

**Item # 3.**

**Meeting Date:** 03/02/2016

**Requested by:** Stacey Lemos

**Submitted By:** Wendy Gomez, Finance

**Department:** Finance

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**Information**

**SUBJECT:**

FISCAL YEAR 2015/16 MID-YEAR FINANCIAL UPDATE

**RECOMMENDATION:**

This item is for information only.

**EXECUTIVE SUMMARY:**

In the General Fund (see Attachment A), revenues collected through December totaled \$14.7 million or 45.8% of the budget amount of \$32.2 million. Year-to-date expenditures through December totaled \$15.0 million or 46.7% of the budget amount of \$32.1 million.

In the Highway Fund (see Attachment B), revenues collected through December totaled \$1.7 million or 52.9% of the budget amount of \$3.2 million. Year-to-date expenditures through December totaled \$2.0 million or 42.1% of the budget amount of \$4.9 million.

In the Bed Tax Fund (see Attachment C), revenues collected through December totaled \$420,365 or 44.3% of the budget amount of \$950,000. Year-to-date expenditures through December totaled \$551,281 or 50.7% of the budget amount of \$1.1 million. Please note that expenditures through December include the budgeted transfer of approximately \$230,000 to the Municipal Debt Service Fund for debt service due on the Aquatic Center bonds, as well as one-half of the budgeted transfer of \$185,000 to the General Fund for the Aquatic Center expansion and related operational cost increases.

In the Community Center & Golf Fund (see attachments D-1, D-2 and D-3), revenues collected through December totaled \$2.5 million or 33.7% of the budget amount of \$7.4 million. Year-to-date expenditures through December totaled \$3.6 million or 44.5% of the budget amount of \$8.2 million.

In the Water Utility Fund (see Attachment E), revenues collected through December totaled \$9.0 million or 52.2% of the budget amount of \$17.2 million. Year-to-date expenses through December totaled \$9.5 million or 50.6% of the budget amount of \$18.8 million.

In the Stormwater Utility Fund (see Attachment F), revenues collected through December totaled \$390,652 or 47.5% of the budget amount of \$822,000. Year-to-date expenses through December totaled \$407,941 or 43.9% of the budget amount of \$929,000.

**BACKGROUND OR DETAILED INFORMATION:**  
**GENERAL FUND**

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

Revenues	\$31,477,861
<u>Less:</u> Expenditures	(\$31,384,786)
<u>Less:</u> Council-Approved Use of Contingency:	
- 8.8 Acre Land Purchase	(\$ 265,000) Approved September 2, 2015
- Lawsuit Settlement	(\$ 30,000) Approved September 16, 2015
- Special Election Costs	(\$ 24,131) Approved June 17, 2015
Est. Decrease in Fund Balance	(\$ 226,056)

**General Fund Revenues**

**Please note that some of our largest recurring revenue sources in the General Fund, including retail sales tax and state-shared sales tax are seasonal in nature; therefore, although we are halfway through the fiscal year, we would not expect collections to reflect 50% of the budget. These revenues typically see an increase through the second half of the fiscal year, following collections from holiday sales and tax return season. Actuals through the months of April/May will provide good indication and the clearest picture of year-end figures.**

- Local sales tax collections in the General Fund total \$6.9 million or 44.9% of the budget amount of \$15.4 million. Sales tax collections in the General Fund are estimated to come in below budget by approximately \$583,000 or 3.8% due entirely to one-time construction sales taxes from updated projections on single family residential building activity and slower commercial development than planned. Single family residential permits for FY 15/16 are estimated at 165, versus 200 budgeted. This is a shortfall in one-time revenues, and because one-time revenues are dedicated to one-time capital improvement projects, this shortfall does not impact ongoing Town operations. All other local sales tax categories are trending on budget. Please see Attachment H for a monthly tracking of General Fund local sales tax collections, including retail, construction and utility sales tax.

- License and permit revenues total \$667,483 or 37.8% of the budget amount of \$1.8 million. These revenues are estimated to come in under budget by \$294,000 or 16.7% due to updated projections on residential and commercial building activity, as referenced above.
- Federal Grant revenues total \$325,262 or 59.0% of the budget amount of \$551,545. These revenues are estimated to come in under budget by \$84,000 or 15.2% due primarily to recent financial changes at the Counter Narcotics Alliance (CNA). The loss in revenue will be offset with vacancy savings in the Police Department.
- State shared revenues total \$5.0 million or 48.3% of the budget amount of \$10.4 million, and are estimated to come in over budget by roughly \$145,000 or 1.4% based on projections from the Arizona Department of Revenue and the League of Arizona Cities and Towns.
- Charges for Services revenues total \$958,588 or 51.2% of the budget amount of \$1.9 million. Charges for Services revenues are estimated to come in over budget by nearly \$100,000 or 5.3% due mostly to revenue at the Aquatic Center.
- Revenues from fines total \$74,251 or 61.9% of the budget amount of \$120,000, and are estimated to come in over budget by \$20,000 or 16.7% based on observed trends.
- Interest income revenues are negative due to recent unrealized losses attributable to market fluctuations in the Town's investment portfolio as interest rates move. This activity occurs routinely in the Town's portfolio, and any realized losses and gains are finalized and posted at year-end. Staff is projecting to end the year on budget in this category.

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

### **General Fund Expenditures**

- Expenditures are estimated to come in under budget by about \$688,000 or 2.1%. Of this amount, approximately \$475,000 was planned for one-time Capital Improvement Program (CIP) projects, to be funded entirely with one-time construction sales taxes and permitting revenues. Projects have been slowed or placed on hold temporarily, due to the updated projections on single family residential and commercial construction activity, as referenced above. Should construction activity increase, these projects can be resumed and may be rolled over into next year's budget if not completed this year. Please note that although the Parks and Recreation Department is expected to go over budget by about \$65,000, or 2.2%, due to Aquatic Center expenditures, this overage will be more than offset by revenues that are also expected to exceed budget by approximately \$100,000. The remaining expenditure budget variances in other departments are due to estimated personnel and department operating savings. Please note that these savings are estimates and are subject to change.

## **HIGHWAY FUND**

### **Highway Fund Revenues**

- State shared highway user funds total \$1,425,779 or 47.8% of the budget amount of \$3.0 million and are expected to come in on budget at year-end. State grant revenues are estimated at \$173,341 for the fiscal year, due to reimbursements from the Pima Association of Governments (PAG) for contract administration of roadway projects, as well as Transportation Art by Youth (TABY) program expenditures. Highway Fund revenues in total are estimated to come in over budget by about \$200,000 or 6.3%.

### **Highway Fund Expenditures**

- Expenditures are estimated to come in under budget by about \$12,000 or 0.2% due to anticipated personnel savings. Please note that these savings are estimates and are subject to change.

## **BED TAX FUND**

### **Bed Tax Revenues**

- Bed tax revenues total \$421,341 or 44.6% of the budget amount of \$945,000, and are estimated to come in on budget at this time. Please note that bed tax revenues are seasonal in nature; therefore, although we are halfway through the fiscal year, we would not expect collections to reflect 50% of the budget. As with the General Fund, interest income revenues are negative due to recent unrealized losses, but are projected to come in on budget at this time.

### **Bed Tax Fund Expenditures**

- Expenditures are estimated to come in under budget by about \$5,600 or 0.5% due to projected personnel savings. Please note that these savings are estimates and are subject to change.

## **COMMUNITY CENTER AND GOLF FUND**

Attachment D-1 shows the consolidated financial status of the Community Center and Golf Fund with all revenues and expenditures from Troon and Town-managed operations.

Attachment D-2 shows the monthly line item detail for the Troon-managed operations, specifically revenues and expenditures associated with the golf, tennis, food and beverage and lifeguard operations. The totals in the revenue and expenditure categories in Attachment D-2 tie to the Contracted Operating Revenues and Expenditures in Attachment D-1.

Attachment D-3 shows the revenues and expenditures for the Troon-managed food and beverage operations only.

Please note that the negative fund balance of \$119,457 shown on Attachment G for the Community Center & Golf Fund is projected to turn positive following an anticipated increase in winter and spring activity for golf season and holiday sales tax collections.

## **Community Center & Golf Fund Revenues**

**Please note that most of our revenue sources in the Community Center & Golf Fund, including golf revenues and the half-cent sales tax are seasonal in nature; therefore, although we are halfway through the fiscal year, we would not expect collections to reflect 50% of the budget. These revenues are expected to see an increase through the second half of the fiscal year, following holiday sales and tax return season, as well as winter and spring golf season activity. Actuals through April and May will provide good indication and the clearest picture of year-end figures.**

- Revenues in the Community Center & Golf Fund total \$2.5 million or 33.7% of the budget amount of \$7.4 million. Contracted operating revenues from Troon total \$1.3 million and Town operating revenues total \$291,590. Local sales tax revenues from the dedicated half-cent sales tax total \$897,942 or 44.9% of the budget amount of \$2,000,000.
- Contracted operating revenues from Troon are estimated to come in under budget by about \$1.5 million or 31.7%, based on the updated forecast from Troon through the remainder of the fiscal year. These revenue estimates have been revised downward to \$3.2 million from the original budgeted amount of \$4.7 million based on lower revenue trends observed in the first half of the fiscal year.
- Town operating revenues are estimated to come in slightly under budget by about \$14,000 or 2.2% due to revised estimates for tennis court and facility rental income.

## **Community Center & Golf Fund Expenditures**

- Expenditures in the Community Center & Golf Fund total \$3.6 million or 44.5% of the budget amount of \$8.2 million. Contracted operating expenditures from Troon total \$3.0 million and Town operating expenditures total \$322,387. Capital outlay expenditures total \$280,978.
- Contracted operating expenditures from Troon are estimated to come in under budget by about \$1,025,000 or 16.4%, based on the updated forecast from Troon through the remainder of the fiscal year reflecting savings from operational changes that were implemented in December, as well as other line item expense reductions in the operations and maintenance categories, including closure of the golf courses on Mondays, reduced hours at The Overlook restaurant, reductions in staffing levels in the golf maintenance and restaurant operations, closure of the lap pool through May and reduced hours at the tennis facilities. The year-end expenditure estimates have been revised downward to \$5.2 million from the original budgeted amount of \$6.3 million. Accordingly, the year-end net loss for the Troon-managed operations has been revised from the budgeted amount of \$1.5 million to

approximately \$2.0 million.

- The ending fund balance in the Community Center and Golf Fund is estimated at \$244,000.

## **WATER UTILITY FUND**

### **Water Utility Fund Revenues**

- Charges for Services revenues are expected to come in under budget by about \$198,000 or 6.2% due to reduced water usage.
- Water sales are expected to come in under budget by about \$500,000 or 4.1% due to reduced water usage.
- Other Financing Sources revenue reflects anticipated Water Infrastructure Finance Authority (WIFA) loan proceeds to complete the final phase of the Advanced Meter Infrastructure (AMI) project. Revenues from the WIFA loan will be \$500,000 less than originally anticipated due to lower AMI project costs.

### **Water Utility Fund Expenses**

- Expenses are estimated to come in under budget by about \$1.2 million or 6.4% due to capital expenditure savings, operating savings as a result of reduced water usage, and personnel savings. Of this \$1.2 million, the AMI project will be \$500,000 less than expected, which corresponds to reduced loan revenues as indicated above. Please note that these savings are estimates and are subject to change.

## **STORMWATER UTILITY FUND**

### **Stormwater Utility Fund Revenues**

- Revenues are estimated to come in on budget at this time.

### **Stormwater Utility Fund Expenses**

- Expenses are estimated to come in on budget at this time.

Please see Attachments A, B, and C for additional details on the General Fund, Highway Fund and Bed Tax Fund. See Attachments D-1, D-2 and D-3 for additional details on the Community Center & Golf Fund. See Attachment E for the Water Utility Fund and Attachment F for the Stormwater Utility Fund. See Attachment G for a fiscal year-to-date consolidated summary of all Town Funds. See Attachment H for a breakdown of monthly local sales tax collections for the General Fund.

### **FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

This item is for information only.

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**Attachments**

Attachment A - General Fund

Attachment B - Highway Fund

Attachment C - Bed Tax Fund

Attachment D-1 CC & Golf Fund

Attachment D-2 Troon Cash Flow

Attachment D-3 Troon F&B

Attachment E - Water Utility Fund

Attachment F - Stormwater Utility Fund

Attachment G - Summary All Funds

Attachment H - Gen Fund Local Sales Tax

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**General Fund**

*% Budget Completion through December --- 50%*

**REVENUES:**

LOCAL SALES TAX  
 LICENSES & PERMITS  
 FEDERAL GRANTS  
 STATE GRANTS  
 STATE/COUNTY SHARED  
 OTHER INTERGOVERNMENTAL  
 CHARGES FOR SERVICES  
 FINES  
 INTEREST INCOME  
 MISCELLANEOUS  
 TRANSFERS IN  
**TOTAL REVENUES**

Actuals thru 12/2015	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
6,898,658	15,350,654	44.9%	14,767,845	-3.8%
667,483	1,764,000	37.8%	1,469,662	-16.7%
325,262	551,545	59.0%	467,554	-15.2%
606,302	1,434,300	42.3%	1,441,316	0.5%
5,035,469	10,428,531	48.3%	10,574,275	1.4%
49,385	105,000	47.0%	105,000	0.0%
958,588	1,873,834	51.2%	1,973,539	5.3%
74,251	120,000	61.9%	140,000	16.7%
(14,052)	94,400	-14.9%	94,400	0.0%
46,937	135,000	34.8%	139,271	3.2%
92,500	305,000	30.3%	305,000	0.0%
<b>14,740,783</b>	<b>32,162,264</b>	<b>45.8%</b>	<b>31,477,861</b>	<b>-2.1%</b>

**EXPENDITURES:**

COUNCIL  
 CLERK  
 MANAGER  
 HUMAN RESOURCES  
 FINANCE  
 INFORMATION TECHNOLOGY  
 GENERAL ADMINISTRATION  
 LEGAL  
 COURT  
 DEV & INFRASTRUCTURE SVCS  
 PARKS & RECREATION  
 POLICE  
 TRANSFERS OUT  
**TOTAL EXPENDITURES**

Actuals thru 12/2015	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
114,494	211,995	54.0%	211,995	0.0%
172,926	407,900	42.4%	372,900	-8.6%
367,345	769,521	47.7%	769,521	0.0%
162,202	366,775	44.2%	358,775	-2.2%
343,850	779,760	44.1%	735,141	-5.7%
812,859	1,571,326	51.7%	1,571,326	0.0%
895,434	1,804,970	49.6%	1,789,027	-0.9%
341,514	764,837	44.7%	722,103	-5.6%
376,865	837,629	45.0%	818,829	-2.2%
2,167,525	4,596,216	47.2%	4,588,674	-0.2%
1,466,286	3,004,988	48.8%	3,070,212	2.2%
7,203,293	15,250,016	47.2%	15,144,769	-0.7%
542,378	1,706,810	31.8%	1,231,515	-27.8%
<b>14,966,971</b>	<b>32,072,743</b>	<b>46.7%</b>	<b>31,384,786</b>	<b>-2.1%</b>

**SURPLUS / (DEFICIT) (226,188) 89,521 93,075**

**BEGINNING FUND BALANCE 10,151,872**

**Plus: Surplus / (Deficit) 93,075**

**Less:**  
*Approved Use of Contingency Reserves during FY 15/16:*  
*8.8 Acre Land Purchase (Proximity to JDK Park and CDO High School) (265,000)*  
*Special Election Costs (24,131)*  
*Lawsuit Settlement - Mora v. Town of Oro Valley (30,000)*

**ENDING FUND BALANCE \*\* 9,925,815**

\* Year-end estimates are subject to further revision

\*\* Ending fund balance amounts are estimates and are subject to further revision



**Highway Fund**

*% Budget Completion through December --- 50%*

**REVENUES:**

LICENSES & PERMITS  
 STATE GRANTS  
 STATE/COUNTY SHARED  
 CHARGES FOR SERVICES  
 INTEREST INCOME  
 MISCELLANEOUS  
**TOTAL REVENUES**

Actuals thru 12/2015	Budget	% Actuals to Budget
20,632	51,000	40.5%
151,939	-	0.0%
1,425,779	2,985,464	47.8%
67,000	134,000	50.0%
(2,760)	22,400	-12.3%
30,429	10,000	304.3%
<b>1,693,019</b>	<b>3,202,864</b>	<b>52.9%</b>

Year End Estimate *	YE % Variance to Budget
51,000	0.0%
173,341	0.0%
2,985,464	0.0%
134,000	0.0%
22,400	0.0%
38,582	285.8%
<b>3,404,787</b>	<b>6.3%</b>

**EXPENDITURES:**

ADMINISTRATION  
 TRANSPORTATION ENGINEERING  
 PAVEMENT MANAGEMENT  
 STREET MAINTENANCE  
 TRAFFIC ENGINEERING  
**TOTAL EXPENDITURES**

Actuals thru 12/2015	Budget	% Actuals to Budget
518,510	880,396	58.9%
269,512	561,772	48.0%
467,063	1,473,581	31.7%
542,294	1,159,510	46.8%
245,784	783,419	31.4%
<b>2,043,163</b>	<b>4,858,678</b>	<b>42.1%</b>

Year End Estimate *	YE % Variance to Budget
880,396	0.0%
564,138	0.4%
1,473,581	0.0%
1,145,256	-1.2%
783,419	0.0%
<b>4,846,790</b>	<b>-0.2%</b>

**SURPLUS / (DEFICIT)**

**(350,144) (1,655,814)**

**(1,442,003)**

**BEGINNING FUND BALANCE**

**3,291,083**

**Plus: Surplus / (Deficit)**

**(1,442,003)**

**ENDING FUND BALANCE \*\***

**1,849,080**

\* Year-end estimates are subject to further revision

\*\* Ending fund balance amounts are estimates and are subject to further revision



**Bed Tax Fund**

*% Budget Completion through December --- 50%*

**REVENUES:**

BED TAXES  
 INTEREST INCOME  
**TOTAL REVENUES**

Actuals thru 12/2015	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
421,341	945,000	44.6%	945,000	0.0%
(976)	4,800	-20.3%	4,800	0.0%
<b>420,365</b>	<b>949,800</b>	<b>44.3%</b>	<b>949,800</b>	<b>0.0%</b>

**EXPENDITURES:**

ECONOMIC DEVELOPMENT  
 TRANSFERS OUT  
**TOTAL EXPENDITURES**

Actuals thru 12/2015	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
229,237	672,732	34.1%	667,104	-0.8%
322,044	414,544	77.7%	414,544	0.0%
<b>551,281</b>	<b>1,087,276</b>	<b>50.7%</b>	<b>1,081,648</b>	<b>-0.5%</b>

**SURPLUS / (DEFICIT)**

**(130,916)                      (137,476)                      (131,848)**

***BEGINNING FUND BALANCE***

***464,626***

***Plus: Surplus / (Deficit)***

***(131,848)***

***ENDING FUND BALANCE \*\****

***332,778***

\* Year-end estimates are subject to further revision

\*\* Ending fund balance amounts are estimates and are subject to further revision



**Community Center & Golf Fund**

*% Budget Completion through December --- 50%*

	Actuals thru 12/2015	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
<b>REVENUES:</b>					
<b>CONTRACTED OPERATING REVENUES</b>					
Golf Revenues	350,246	1,771,106	19.8%	1,125,182	-36.5%
Member Dues (Golf)	409,355	1,370,867	29.9%	1,006,355	-26.6%
Tennis Revenues	163,973	279,837	58.6%	306,193	9.4%
Food & Beverage	260,440	850,852	30.6%	600,918	-29.4%
Merchandise & Other	102,263	469,671	21.8%	201,823	-57.0%
	<b>1,286,277</b>	<b>4,742,333</b>	<b>27.1%</b>	<b>3,240,471</b>	<b>-31.7%</b>
<b>TOWN OPERATING REVENUES</b>					
Daily Drop-Ins	9,822	27,550	35.7%	27,550	0.0%
Member Dues	255,172	526,480	48.5%	526,480	0.0%
Recreation Programs	25,160	84,000	30.0%	84,000	0.0%
Tennis Court Rentals	-	7,200	0.0%	4,000	-44.4%
Facility Rental Income	686	13,200	5.2%	1,000	-92.4%
Concession Sales	750	-	0.0%	1,000	0.0%
	<b>291,590</b>	<b>658,430</b>	<b>44.3%</b>	<b>644,030</b>	<b>-2.2%</b>
<b>OTHER REVENUES</b>					
Local Sales Tax	897,942	2,000,000	44.9%	2,000,000	0.0%
Real Property Rental Income	18,574	-	-	27,861	0.0%
Donations	100	-	0.0%	100	0.0%
	<b>916,616</b>	<b>2,000,000</b>	<b>45.8%</b>	<b>2,027,961</b>	<b>1.4%</b>
<b>TOTAL REVENUES</b>	<b>2,494,483</b>	<b>7,400,763</b>	<b>33.7%</b>	<b>5,912,462</b>	<b>-20.1%</b>
<b>EXPENDITURES:</b>					
<b>CONTRACTED OPERATING EXPENDITURES</b>					
Personnel	1,265,837	2,638,457	48.0%	2,177,016	-17.5%
Operations & Maintenance	1,550,149	3,289,219	47.1%	2,795,244	-15.0%
Equipment Leases	219,810	333,000	66.0%	263,912	-20.7%
	<b>3,035,796</b>	<b>6,260,676</b>	<b>48.5%</b>	<b>5,236,172</b>	<b>-16.4%</b>
<b>TOWN OPERATING EXPENDITURES</b>					
Personnel	239,842	462,517	51.9%	462,517	0.0%
Operations & Maintenance	82,545	225,140	36.7%	225,140	0.0%
	<b>322,387</b>	<b>687,657</b>	<b>46.9%</b>	<b>687,657</b>	<b>0.0%</b>
<b>CAPITAL OUTLAY</b>	<b>280,978</b>	<b>1,115,000</b>	<b>25.2%</b>	<b>650,000</b>	<b>-41.7%</b>
<b>TRANSFER TO GENERAL FUND</b>	<b>-</b>	<b>120,000</b>	<b>0.0%</b>	<b>120,000</b>	<b>0.0%</b>
<b>TOTAL EXPENDITURES</b>	<b>3,639,162</b>	<b>8,183,333</b>	<b>44.5%</b>	<b>6,693,829</b>	<b>-18.2%</b>
<b>SURPLUS / (DEFICIT)</b>	<b>(1,144,679)</b>	<b>(782,570)</b>		<b>(781,367)</b>	
<b>BEGINNING FUND BALANCE</b>				<b>1,025,222</b>	
<b>Plus: Surplus / (Deficit)</b>				<b>(781,367)</b>	
<b>ENDING FUND BALANCE **</b>				<b>243,855</b>	

\* Year-end estimates are subject to further revision

\*\* Ending fund balance amounts are estimates and are subject to further revision

TROON  
EI Conquistador Cash Flow Statement

	Actual Jul-15	Actual Aug-15	Actual Sep-15	Actual Oct-15	Actual Nov-15	Actual Dec-15	Actual TOTAL	Original Budget TOTAL	Forecast TOTAL
<b>Revenues:</b>									
Golf Fees, net of discounts	31,127	26,555	41,922	39,692	79,985	48,184	267,465	1,456,271	867,459
Trail Fees & Member Cart Fees	9,970	8,994	9,800	10,860	13,139	13,105	65,868	180,000	181,268
Golf - Group Services	-	-	-	(550)	60	151	(339)	-	(339)
Range, Rentals, Other Golf related	1,368	1,593	1,984	2,712	2,839	2,479	12,975	127,735	68,172
Golf Lessons	785	510	1,115	680	847	340	4,277	7,100	8,622
Total Member Dues	65,377	57,786	64,719	69,970	75,806	75,697	409,355	1,370,867	1,006,355
Other Member Income	-	-	-	-	-	60	60	-	60
Swim/Tennis Revenues	24,923	9,172	27,593	51,543	26,871	23,871	163,973	279,837	306,193
Salon/Spa Revenues	-	150	400	-	-	-	550	-	550
GOLF PUSCH RIDGE Revenues	-	20	-	-	-	-	20	-	80
Merchandise, net of discounts	11,112	9,342	12,462	17,555	24,638	26,524	101,633	469,671	201,133
Food and Beverage, net of discounts	34,002	29,430	35,077	44,481	65,705	51,745	260,440	850,852	600,918
<b>Total Revenues</b>	<b>178,664</b>	<b>143,552</b>	<b>195,072</b>	<b>236,943</b>	<b>289,890</b>	<b>242,156</b>	<b>1,286,277</b>	<b>4,742,333</b>	<b>3,240,471</b>
<b>Cost of Sales:</b>									
COS - Golf	-	-	-	-	-	-	-	17,690	7,410
COS - Golf Lessons	692	282	100	937	546	556	3,113	5,680	6,589
COS - Service Commissions	14,268	10,023	14,477	21,783	16,516	12,477	89,544	161,791	172,580
COS - Merchandise, net of discounts	9,877	5,517	6,335	10,196	16,931	18,007	66,863	299,527	146,463
COS - Food & Beverage	14,172	11,484	15,150	14,875	26,917	16,195	98,793	267,418	207,746
<b>Total Cost of Sales</b>	<b>39,009</b>	<b>27,306</b>	<b>36,062</b>	<b>47,791</b>	<b>60,910</b>	<b>47,235</b>	<b>258,313</b>	<b>752,105</b>	<b>540,788</b>
<b>Gross Profit</b>	<b>139,655</b>	<b>116,246</b>	<b>159,010</b>	<b>189,152</b>	<b>228,980</b>	<b>194,921</b>	<b>1,027,964</b>	<b>3,990,228</b>	<b>2,699,683</b>
<b>Operating Expenses:</b>									
Payroll	193,325	182,694	172,731	193,514	159,466	114,460	1,016,190	2,182,859	1,746,190
Employee Benefits	40,630	38,531	45,466	31,729	35,879	34,366	226,601	406,314	379,601
Employee Related	5,644	3,873	3,204	3,187	3,700	3,438	23,046	49,284	51,225
Professional Fees	-	-	305	10	-	-	316	3,975	3,741
Advertising & Marketing	5,213	-	2,359	14,318	5,725	8,987	36,602	77,768	65,697
Comp Expense	-	3,340	-	-	-	-	3,340	-	3,340
Repair & Maintenance	53,817	61,662	84,353	82,903	32,520	20,833	336,088	488,050	490,512
Operating Expenses	27,627	25,858	20,478	21,488	18,576	24,922	138,949	413,791	275,808
<b>Total Operating Expenses</b>	<b>326,256</b>	<b>315,958</b>	<b>328,897</b>	<b>347,149</b>	<b>255,866</b>	<b>207,006</b>	<b>1,781,132</b>	<b>3,622,041</b>	<b>3,016,114</b>
<b>Operating Profit</b>	<b>(186,601)</b>	<b>(199,712)</b>	<b>(169,887)</b>	<b>(157,997)</b>	<b>(26,886)</b>	<b>(12,085)</b>	<b>(753,168)</b>	<b>368,186</b>	<b>(316,431)</b>
Leases - Carts	16,440	16,440	16,364	16,364	8,377	16,364	90,349	105,000	140,611
Leases - Equipment	19,605	22,357	5,163	(4,324)	-	-	42,801	228,000	123,301
Utilities	168,472	141,589	148,567	134,259	39,120	64,910	696,917	1,320,391	1,261,437
<b>Fixed Operating Expenses</b>	<b>204,517</b>	<b>180,386</b>	<b>170,094</b>	<b>146,299</b>	<b>47,497</b>	<b>81,274</b>	<b>830,067</b>	<b>1,653,391</b>	<b>1,525,349</b>
<b>Gross Operating Profit</b>	<b>(391,118)</b>	<b>(380,098)</b>	<b>(339,981)</b>	<b>(304,296)</b>	<b>(74,383)</b>	<b>(93,359)</b>	<b>(1,583,235)</b>	<b>(1,285,205)</b>	<b>(1,841,780)</b>
Insurance	-	86	-	86	86	86	344	85,520	344
Property Taxes	-	-	1,011	-	-	3,601	4,612	-	4,612
Fees, Permits & Licenses	9	250	86	80	-	140	565	3,619	2,862
Base Management Fees	12,000	12,000	12,000	12,000	12,000	12,000	72,000	144,000	144,000
Bad Debt	-	1,080	270	600	-	153	2,103	-	2,103
<b>Total Other Expenses</b>	<b>12,009</b>	<b>13,416</b>	<b>13,367</b>	<b>12,766</b>	<b>12,086</b>	<b>15,980</b>	<b>79,624</b>	<b>233,139</b>	<b>153,921</b>
<b>Net Income (Loss)</b>	<b>(403,129)</b>	<b>(393,514)</b>	<b>(353,348)</b>	<b>(317,062)</b>	<b>(86,469)</b>	<b>(109,339)</b>	<b>(1,662,861)</b>	<b>(1,518,343)</b>	<b>(1,995,701)</b>

# ATTACHMENT D-3

## EL CONQUISTADOR INCOME STATEMENT CONSOLIDATED - RESTAURANT/GRILLE - DECEMBER 2015

	ACTUAL MONTH	BUDGET MONTH	ACTUAL Y-T-D	BUDGET Y-T-D
FOOD & BEVERAGE REVENUE	51,745	95,004	260,340	387,150
TOTAL REVENUES	51,745	95,004	260,340	387,150
COST OF SALES	16,195	30,088	98,794	124,018
PAYROLL & BENEFITS	40,522	42,564	273,883	230,470
OPERATING EXPENSES	8,915	7,485	50,433	44,990
NET INCOME (LOSS)	(13,887)	14,867	(162,770)	(12,328)



**Water Utility Fund**

*% Budget Completion through December --- 50%*

**REVENUES:**

CHARGES FOR SERVICES  
 INTEREST INCOME  
 MISCELLANEOUS  
 WATER SALES  
 OTHER FINANCING SOURCES  
**TOTAL REVENUES**

Actuals thru 12/2015	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
1,583,085	3,184,200	49.7%	2,986,000	-6.2%
(11,348)	59,520	-19.1%	59,520	0.0%
12,013	-	0.0%	12,013	0.0%
6,248,870	12,160,500	51.4%	11,661,000	-4.1%
1,152,487	1,800,000	64.0%	1,300,000	-27.8%
<b>8,985,107</b>	<b>17,204,220</b>	<b>52.2%</b>	<b>16,018,533</b>	<b>-6.9%</b>

**EXPENSES:**

ADMINISTRATION  
 ENGINEERING AND PLANNING  
 PRODUCTION  
 DISTRIBUTION  
 OTHER FINANCING USES  
**TOTAL EXPENSES**

Actuals thru 12/2015	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
7,114,306	12,727,316	55.9%	12,114,547	-4.8%
502,841	2,342,476	21.5%	1,959,796	-16.3%
1,481,542	2,788,464	53.1%	2,627,036	-5.8%
428,276	928,884	46.1%	902,010	-2.9%
3,030	33,030	9.2%	3,030	-90.8%
<b>9,529,995</b>	<b>18,820,170</b>	<b>50.6%</b>	<b>17,606,419</b>	<b>-6.4%</b>

**SURPLUS/(DEFICIT)**

**(544,888) (1,615,950)**

**(1,587,886)**

*Excludes non-cash outlays for depreciation & amortization*

\* Year-end estimates are subject to further revision



December YTD Financial Status

FY 2015/2016

**Stormwater Utility Fund**

*% Budget Completion through December -- 50%*

**REVENUES:**

STATE GRANTS  
 CHARGES FOR SERVICES  
 INTEREST INCOME  
**TOTAL REVENUES**

Actuals thru 12/2015	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
3,233	35,000	0.0%	35,000	0.0%
387,216	787,000	49.2%	787,000	0.0%
203	250	81.0%	250	0.0%
<b>390,652</b>	<b>822,250</b>	<b>47.5%</b>	<b>822,250</b>	<b>0.0%</b>

**EXPENSES:**

PERSONNEL  
 OPERATIONS & MAINTENANCE  
 CAPITAL  
**TOTAL EXPENSES**

Actuals thru 12/2015	Budget	% Actuals to Budget	Year End Estimate *	YE % Variance to Budget
168,902	346,620	48.7%	346,620	0.0%
174,368	491,995	35.4%	491,995	0.0%
64,671	90,500	71.5%	90,500	0.0%
<b>407,941</b>	<b>929,115</b>	<b>43.9%</b>	<b>929,115</b>	<b>0.0%</b>

**SURPLUS / (DEFICIT)**

**(17,289) (106,865)**

**(106,865)**

*Excludes non-cash outlays for depreciation*

\* Year-end estimates are subject to further revision



Consolidated Year-to-Date Financial Report through December, 2015

Fund	FY 15/16 Begin Bal.	Revenue	Other Fin Sources/Tfrs	Total In	Capital Leases/ Transfer Out	Personnel	O&M	Capital	Contingency	Debt Service	Total Out	Left in Accounts Thru Dec 2015
General Fund - Unassigned	8,597,873	14,648,283	92,500	14,740,783	542,378	10,904,527	3,462,969	57,097	-	-	14,966,971	8,371,685
General Fund - Assigned	1,553,999										-	1,553,999
Highway Fund - Restricted	3,291,083	1,693,019	-	1,693,019	228,366	910,924	301,936	601,937	-	-	2,043,163	2,940,939
Seizure & Forfeiture - Justice/State	235,952	46,342	-	46,342	-	101,542	9,680	17,312	-	-	128,534	153,760
Bed Tax Fund - Committed	464,626	420,365	-	420,365	322,044	116,398	112,839	-	-	-	551,281	333,710
Impound Fee Fund	28,435	27,000	-	27,000	-	13,732	-	-	-	-	13,732	41,703
Community Center & Golf Fund	1,025,222	2,494,483	-	2,494,483	219,810	239,842	2,898,531	280,978	-	-	3,639,162	(119,457)
Municipal Debt Service Fund	166,798	92,120	655,750	747,870	-	-	53,771	-	-	711,153	764,924	149,744
Oracle Road Debt Service Fund	1,946	159,392	3,000	162,392	-	-	-	-	-	156,561	156,561	7,777
Alternative Water Resources Dev Impact Fee Fund	4,021,793	404,438	-	404,438	-	-	40,906	174	-	-	41,080	4,385,151
Potable Water System Dev Impact Fee Fund	4,800,153	201,720	-	201,720	-	-	-	-	-	-	-	5,001,873
Townwide Roadway Development Impact Fee Fund	2,677,852	242,020	-	242,020	-	-	-	47,431	-	-	47,431	2,872,440
Parks & Recreation Impact Fee Fund	136,103	65,039	-	65,039	-	-	-	-	-	-	-	201,142
Library Impact Fee Fund	94,798	-	-	-	-	-	-	19,465	-	-	19,465	75,333
Police Impact Fee Fund	254,577	31,052	-	31,052	-	-	-	-	-	-	-	285,629
General Government Impact Fee Fund	3,505	3	-	3	-	-	-	-	-	-	-	3,508
General Government CIP Fund	1,421,593	-	344,568	344,568	-	-	-	1,193,288	-	-	1,193,288	572,873
PAG/RTA Fund	-	2,318,114	-	2,318,114	-	21,957	-	1,958,221	-	-	1,980,178	337,936
Water Utility	13,864,359	8,985,107	-	8,985,107	3,030	1,419,255	3,262,879	1,542,738	-	3,302,093	9,529,995	13,319,471
Stormwater Utility	279,353	390,652	-	390,652	-	168,902	174,368	64,671	-	-	407,941	262,064
Fleet Fund	298,922	521,722	-	521,722	-	43,155	262,639	123,764	-	-	429,557	391,087
Benefit Self Insurance Fund	244,162	1,343,467	-	1,343,467	-	-	1,379,472	-	-	-	1,379,472	208,157
Recreation In-Lieu Fee Fund	6,190	21,728	-	21,728	-	-	-	-	-	-	-	27,918
<b>Total</b>	<b>43,469,294</b>	<b>34,106,065</b>	<b>1,095,818</b>	<b>35,201,884</b>	<b>1,315,628</b>	<b>13,940,234</b>	<b>11,959,988</b>	<b>5,907,077</b>	<b>-</b>	<b>4,169,807</b>	<b>37,292,735</b>	<b>41,378,444</b>



General Fund Local Sales Tax Collections

CATEGORY	JULY	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	TOTAL
Construction Sales Tax	193,497	160,759	190,812	234,763	222,548	254,307							1,256,686
Utility Sales Tax	257,552	312,494	304,666	286,667	243,827	195,345							1,600,550
Retail Sales Tax	441,557	415,209	393,690	403,193	413,231	525,645							2,592,525
All Other Local Sales Tax *	239,739	229,766	182,484	216,361	270,637	276,937							1,415,925
<b>TOTAL</b>	<b>\$ 1,132,346</b>	<b>\$ 1,118,228</b>	<b>\$ 1,071,652</b>	<b>\$ 1,140,984</b>	<b>\$ 1,150,242</b>	<b>\$ 1,252,234</b>							<b>\$ 6,865,685</b>

\* Note: Does not include cable franchise fees or sales tax audit revenues



**Town Council Regular Session**

**Item # 4.**

**Meeting Date:** 03/02/2016

**Requested by:** Aimee Ramsey

**Submitted By:** Aimee Ramsey, Development Infrastructure Services

**Department:** Development Infrastructure Services

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**Information**

**SUBJECT:**

RESOLUTION NO. (R)16-11, PROVIDING NOTICE OF INTENT TO DECREASE THE EQUIVALENT RESIDENTIAL UNIT (ERU) AS DEFINED IN THE STORMWATER SECTION OF THE TOWN CODE THEREBY INDIRECTLY INCREASING THE RATES FOR COMMERCIAL PROPERTIES FOR THE ORO VALLEY STORMWATER UTILITY

**RECOMMENDATION:**

The Stormwater Utility Commission and staff recommend approval, providing Notice of Intent to decrease the Equivalent Residential Unit (ERU) therefore increasing the Stormwater rates for the Oro Valley Stormwater Utility.

**EXECUTIVE SUMMARY:**

Pursuant to A.R.S. § 9-511.01, a municipality must adopt a Notice of Intent to increase rates at least 30 days prior to the public hearing. The Notice of Intent does not increase any of the rates. The consideration of adoption of any rate increases will occur at the public hearing.

The attached resolution (Attachment #1) meets the intent of the statute by:

1. Making a copy of the Stormwater Rates Analysis Report available for public review by placing the report in the Town Clerk's office and on the Stormwater Utility's webpage (Attachment #3)
2. Directing the town clerk to advertise the resolution in a newspaper of general circulation at least 20 days prior to the public hearing
3. Establishing a public hearing date for May 4, 2016

This resolution sets in motion the public process by scheduling the public hearing and publishing the report. The Stormwater Utility Rate Analysis Report may be obtained at the Town Clerk's Office or on the Stormwater Utility webpage. Once the Notice of Intent is approved and the report is published, the amount of the proposed water rate increase that could be adopted at the public hearing cannot exceed the amounts published in the report.

The proposed decrease of Equivalent Residential Unit (ERU) from 5,000 to 4,000 requires a change in Town Code Chapter 15 (Attachment #2).

**BACKGROUND OR DETAILED INFORMATION:**

The Town Code 15-24-13 Section H clearly states the following as guidelines for the Base Rate for the Stormwater Utility;

1. The Town Council shall, by resolution, establish the annual (fiscal year) monthly base rate for the Stormwater Utility fee. The base rate shall be calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the Town.
2. The Stormwater Utility Commission shall annually review the Stormwater Utility revenue requirements and recommend to the Town Council rate adjustments as necessary.

Based on work accomplished over the past year and half by the Stormwater Utility Commission, and upon review of the current rate, it has been determined that the current rate will be insufficient to cover the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the Town to meet minimum State storm water management criteria. The Stormwater Utility has produced a Stormwater Rate Increase Analysis due to the fact that the projected FY 2017 budget depicts an ending cash balance of the fund less than the 15% required by code.

Pursuant to A.R.S. § 9-499.15 Section B.2: If the municipality proposes to increase the rate of an existing tax or fee on a business, it is required to provide written notice of the proposed increase on the home page of the municipality's website at least sixty days prior to the date the proposed new rate is approved or disapproved by the governing body of the municipality.

The Stormwater Utility staff reviewed rates to determine the base rate required to meet cost of the Stormwater management program. A resolution providing for a Notice of Intent to decrease Equivalent Residential Unit (ERU) from 5,000 to 4,000 is attached. This resolution meets statutory requirements and sets in motion the public process by scheduling the public hearing on April 6, 2016, publishing the Notice of Intent and making the Stormwater Rates Analysis Report available for public review.

The Notice of Intent does not authorize any rate increases. If the resolution for the Notice of Intent is approved, a separate resolution decreasing the ERU will be presented to the Town Council for consideration at the public hearing on May 4, 2016. The Stormwater Rates Analysis Report will be available at the Town Clerk's Office or on the Stormwater Utility webpage. Once the Notice of Intent is approved and the report is published, the change in ERU that could be adopted at the public hearing cannot vary from the published reduction in the report.

The Stormwater Utility Commission evaluated staff recommendations based on a water rates analysis to assure the recommendations meet Town policies. On January 21, 2016, the Commission voted to recommend approval of the Preferred Financial Scenario

in the Stormwater Rates Analysis Report.

The Stormwater Rates Analysis Report includes projections for five years; however, Stormwater rates will be reviewed annually and only for the first year in the five year projection period. The Preferred Financial Scenario meets all revenue requirements and cash reserve requirements for the Stormwater Utility.

**FISCAL IMPACT:**

There is no fiscal impact associated with adopting a Notice of Intent to increase water rates. However, if the resolution is approved, the proposed Stormwater Utility rates decrease in ERU will be presented to the Town Council for their consideration at the public hearing on May 4, 2016. The financial impacts of the proposed Stormwater ERU decrease to the Utility are detailed in Appendix B of the Stormwater Utility Rate Analysis Report.

**SUGGESTED MOTION:**

I MOVE to (approve or deny) Resolution No. (R)16-11, providing Notice of Intent to decrease Equivalent Residential Unit (ERU) for the Oro Valley Stormwater Utility modifying Town Code 15-24-13 Section H.

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**Attachments**

(R)16-11 Providing Notice of Intent to Decrease ERU  
Town Code Changes  
Stormwater Utility Rate Analysis

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**RESOLUTION NO. (R)16-11**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, PROVIDING NOTICE OF INTENT TO DECREASE THE EQUIVALENT RESIDENTIAL UNIT (ERU) AS DEFINED IN THE STORMWATER SECTION OF THE TOWN CODE THEREBY INDIRECTLY INCREASING THE STORMWATER RATES FOR THE ORO VALLEY STORMWATER UTILITY**

**WHEREAS**, pursuant to A.R.S. § 9-511, *et seq.*, the Town finds it necessary to consider decreasing the Equivalent Residential Unit (ERU) as defined in Chapter 15 of the Oro Valley Town Code, thereby indirectly increasing the Stormwater Utility base rate for the Oro Valley Stormwater Utility; and

**WHEREAS**, pursuant to A.R.S. § 9-511, *et seq.*, the Town is required to give a Notice of Intent at a regular Town Council meeting to decrease Stormwater rates, fees and charges; and

**WHEREAS**, the Town has completed a Stormwater Rates Analysis Report, attached hereto as Exhibit “A”, which supports decreasing the Equivalent Residential Unit (ERU); and

**WHEREAS**, not less than twenty (20) days prior to the public hearing on the proposed rate decrease, the Town shall cause to be published one time in a newspaper of general circulation within the Town’s boundaries, a Notice of Intent showing the date, time and place of the hearing.

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

1. This Resolution serves as the Notice of Intent, which is hereby publicly given, for the Town of Oro Valley to decrease the Equivalent Residential Unit (ERU).
2. A public hearing shall be held at the regular meeting of the Mayor and Council at 6:00 p.m. on May 4, 2016, in the Council Chambers of the Town Hall, Town of Oro Valley, 11000 North La Cañada Drive, Oro Valley, Arizona, to deliberate and vote on the proposed increases.
3. Exhibit “A”, attached hereto, be made available to the public in the Office of the Town Clerk and on the Town of Oro Valley Stormwater Utility website for review prior to the public hearing.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 2<sup>nd</sup> day of March, 2016.

**TOWN OF ORO VALLEY**

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

**ATTEST:**

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

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Tobin Sidles, Legal Services Director

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

# **EXHIBIT “A”**

## Article 15-24 STORMWATER

### Sections:

- [15-24-1](#) Authority
- [15-24-2](#) Need and Purpose
- [15-24-3](#) Area of Jurisdiction
- [15-24-4](#) “Town-Owned Stormwater Utility (“Enterprise”)
- [15-24-5](#) (Reserved)
- [15-24-6](#) Stormwater Utility Commission
- [15-24-7](#) Director of Administration
- [15-24-8](#) Adoption of Stormwater Management Plan
- [15-24-9](#) Facilities
- [15-24-10](#) Reserve Funds
- [15-24-11](#) Disclaimer
- [15-24-12](#) Rules of Interpretation
- [15-24-13](#) Stormwater Utility Fee System
- [15-24-14](#) Stormwater Management and Discharge Control

### 15-24-1 Authority

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This article may be referred to as the Town of Oro Valley Stormwater Utility Ordinance. This article is adopted pursuant to ARS 9-521, which defines stormwater as a utility undertaking, and ARS 9-522, which authorizes the Town to issue bonds and prescribe service charges so that a utility undertaking for which bonds are issued will always remain self-supporting with revenue sufficient to repay bonds and provide for the expenses of operation, maintenance, expansion and replacement of facilities.

(01-15, Added, 06/20/2001)

### 15-24-2 Need and Purpose

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A. The occurrence of storms and other events that may cause periodic flooding of land. Such periodic flooding, in sound engineering practice, requires the planning, design, construction, operation, and maintenance of facilities that safely drain and control the quantity and quality of runoff from such storms and other events.

B. The purpose of this article is to provide for the creation of the Town of Oro Valley Stormwater Utility and to adopt appropriate funding mechanisms and service charges to provide the needed stormwater facilities.

(01-15, Added, 06/20/2001)

### **15-24-3 Area of Jurisdiction**

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The Stormwater Utility applies to all areas within the incorporated limits of the Town.

(01-15, Added, 06/20/2001)

### **15-24-4 “Town-Owned Stormwater Utility (“Enterprise”)**

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A. The Stormwater Utility shall constitute an enterprise of the Town. The Town, may issue its own revenue bonds or other obligations (including refunding securities) on behalf of the Town. The revenue bonds or other obligations shall be payable solely from the net revenues derived from the operation of the Stormwater Utility. Such revenue bonds or other obligations may be additionally secured by mortgages on or security interest in any real or personal property of the Town used in the operation of the Stormwater Utility. The ordinance issuing any such revenue bonds or other obligations shall be adopted in the same manner and shall be subject to referendum to the same extent as any ordinance of the Town in accordance with Arizona law.

B. Any pledge of net revenues derived from the operation of the Stormwater Utility shall be subject to limitations on future pledges thereof contained in any ordinance authorizing the issuance of outstanding bonds or other obligations of the Town payable from the same source or sources. All bonds or other obligations issued by ordinance payable from the net revenues derived from the operation of the Stormwater Utility and all revenue bonds or other obligations of the Stormwater Utility payable solely from the net revenues derived from the operation of the Stormwater Utility, shall be treated as having the same obligor and as being payable in whole or in part from the same source or sources.

C. The Stormwater Utility shall also be authorized to have and exercise the following powers in furtherance of its purpose: 1) to hold meetings concurrently with regular and special meetings of the Town Council; 2) to have and use a seal; 3) to issue its revenue bonds for stormwater purposes in the manner in which Town revenue bonds may be issued; 4) to pledge any revenues of the Town’s stormwater system to the payment of such revenue bonds and to pay such revenue bonds therefrom; 5) to enter into contracts relating to the stormwater system in the manner in which Town contracts may be entered into; 6) to make representations, warranties, and covenants relating to the stormwater system on behalf of the Town; 7) to exercise rights and privileges of the Town relating to the stormwater system; and 8) to bind the Town to perform any obligation relating to the

stormwater system other than the multiple-fiscal year direct or indirect debt or other financial obligation(s) of the Town without adequate present cash reserves pledged irrevocably and held for payments in all future years.

D. All revenues and expenditures of the Town, or of the Stormwater Utility relating to the stormwater system, shall be considered revenues and expenditures of the Stormwater Utility.

(01-15, Added, 06/20/2001)

#### **15-24-5 (Reserved)**

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(Reserved).

(01-15, Added, 06/20/2001)

#### **15-24-6 Stormwater Utility Commission**

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There is hereby established an entity to be called the Town of Oro Valley Stormwater Utility Commission. The Commission shall be comprised of five (5) Oro Valley residents, and the Mayor and Council shall appoint the members.

(01-15, Added, 06/20/2001)

#### **15-24-7 Director of Administration**

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The Public Works Director, or designee, shall serve as the Administrator of the Stormwater Utility.

(01-15, Added, 06/20/2001)

#### **15-24-8 Adoption of Stormwater Management Plan**

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The Stormwater Utility shall adopt a comprehensive Stormwater Management Plan in conformance with the Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Phase II guidelines (40 C.F.R. 9.122-125). The Stormwater Management Plan shall outline the goals and objectives of the stormwater system and identify the various elements of the system necessary to achieve the goals and the associated costs in accordance with generally accepted hydrology practices.

(01-15, Added, 06/20/2001)

#### **15-24-9 Facilities**

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All stormwater conveyance facilities owned by or dedicated to the Town within the area of jurisdiction shall be considered the facilities of the Stormwater Utility. Stormwater conveyance facilities constructed as a part of private development shall not be dedicated to the public unless a request is made of the Town to accept dedication of such facilities and the Administrator determines that the facilities are constructed to current Town standards and that it is in the public interest to accept such dedication. Such facilities and/or interests in real property shall not be conveyed to the Town prior to the issuance of a formal acceptance by the Town.

(01-15, Added, 06/20/2001)

### **15-24-10 Reserve Funds**

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The Stormwater Utility shall maintain reserve funds for unexpected and/or emergency needs. The need for use of said funds shall be determined by the Board with recommendations from the Commission, or in the case of an emergency where the Commission can not be convened in a timely manner, with recommendation from the Director. This reserve shall be fifteen percent (15%) of the collected annual stormwater fees.

(01-15, Added, 06/20/2001)

### **15-24-11 Disclaimer**

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Floods from stormwater runoff may occasionally exceed the capacity of stormwater facilities constructed and maintained pursuant to this article. This article does not denote that property liable for the fees and charges established by this article would always be free from stormwater flooding or flood damage. This article does not purport to reduce the need or the necessity for the property owners to obtain flood insurance. This article does not create any liability on the part of the Town or any officer or employee thereof for any damages that may result from reliance on this article or actions of the Stormwater Utility. This article, other than as provided for in this section, does not relieve any person from liability for actions taken, or not taken, for damage to persons or the property of others.

(01-15, Added, 06/20/2001)

### **15-24-12 Rules of Interpretation**

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Nothing in this article shall be construed to limit or repeal other powers granted to the Town. Should provisions of this article conflict or overlap with other regulations, ordinances, or statutes, the regulation, ordinance, or statute that imposes the more stringent requirement or restriction shall prevail.

(01-15, Added, 06/20/2001)

## 15-24-13 Stormwater Utility Fee System

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### A. Findings.

1. The Town maintains a system of storm and surface water management facilities including, but not limited to, inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.
2. The stormwater system in the Town needs regular maintenance, repair and improvements.
3. Stormwater quality is degraded due to erosion and the discharge of nutrients, metals, organic compounds including oil and grease, and other substances into and through the stormwater system.
4. Stormwater quantity is affected by erosion, design of drainage, maintenance of stormwater channels, channel vegetation, floodway and flood plain characteristics and changes, and deposition of material in the channels.
5. The public's health, safety, and welfare are adversely affected by poor stormwater quality and flooding that result from inadequate management of both the quality and quantity of stormwater.
6. All real property in the Town either uses or benefits from the maintenance of the stormwater system.
7. The extent of use of the stormwater system by each property is dependant on factors that influence runoff, including land use and the amount of impervious surface on the property.
8. The costs of improving, maintaining, repairing, operating, and monitoring the stormwater system shall be allocated, to the extent practicable, to all property owners based on the impact of runoff from the impervious areas of their property on the stormwater control and conveyance system.
9. Management of the stormwater system to protect the public health, safety, and welfare as well as meet the Arizona Pollutant Discharge Elimination System Phase II permit and FEMA requirements requires adequate revenues. It is in the interest of the public to finance stormwater management with a fee system that is reasonable and equitable. Single-family residences will be charged a flat rate for one (1) ERU. Non-single-family and religious/educational property owners

will be charged a multiple rate equal to the amount of impervious area on their property divided by the amount of one (1) ERU (~~five thousand (5,000) square feet~~) four thousand (4,000) square feet. This formula will charge property owners on the basis of their properties' impact to the stormwater system.

B. **Authority.** Authority for the adoption of a system of charges to fund the implementation of stormwater management programs is conferred on the Town by ARS 9-530, as amended.

C. **Definitions.** For the purposes of this chapter, the following words and phrases shall have the meanings indicated:

1. "Administrator of the Stormwater Utility" or "Administrator" means the Town Engineer, or designee, shall serve as the Administrator of the Stormwater Utility.
2. "Arizona Pollutant Elimination Discharge System (AZPDES)" means a program required under Section 402(b) of the Clean Water Act (CWA), in accordance with 40 CFR 123.22. The program specifies how the Arizona Department of Environmental Quality (Department) will administer the National Pollutant Discharge Elimination System (NPDES) program. The program is found in Article (3.1) of the Arizona Revised Statutes in Chapter 2, under Title 49 authorizing a state NPDES program. The administrative rules for an Arizona Pollutant Discharge Elimination System (AZPDES) program are consistent with, but no more stringent than, the NPDES program and the requirements of Sections 402(b) (state permit programs) and 402(p) (municipal and industrial stormwater discharges) of the CWA.
3. "Equivalent residential unit (ERU)" means approximate average amount of impervious area associated with single-family residential property in the Town.
4. "Base rate (BR)" means the Stormwater Utility flat fee to an ERU of ~~five thousand (5,000)~~ four thousand (4,000) square feet of impervious surface.
5. "Commission" means the Stormwater Utility Commission for the Town of Oro Valley established under this article.
6. "Developed property" means real property which has been altered from its structures, or other impervious area.
7. "Undeveloped property" means real property in its untouched natural state.

8. "Fee" or "Stormwater Utility fee" means the charge established under this section and levied on owners of parcels or pieces of real property to fund the costs of stormwater management, implementation of the Stormwater Management Plan together with constructing, operating, maintaining, repairing, and improving the stormwater system in the Town.
9. "FEMA" means the Federal Emergency Management Agency.
10. "Fiscal year" means July 1st of a calendar year to June 30th of the next calendar year, both inclusive.
11. "Impervious surface area" means the number of square feet of horizontal surface covered by buildings and other impervious surface, which is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, compacted, or other surface that impedes the natural infiltration of surface water.
12. "Multifamily dwelling" means a building with more than three (3) dwelling units (to include apartments and condominiums).
13. "Nonresidential property" means developed property other than single-family residential property. Such property shall include, but not be limited to, multifamily dwellings, commercial properties, industrial properties, parking lots, hospitals, recreational and cultural facilities, hotels, and offices.
14. "Educational facilities, religious institutions and nonprofits" means any developed public, private, or parochial school or any building recognized as a religious facility or nonprofit use.
15. "Property owner" means the property owner of record as listed in the Pima County Assessor's roll. A property owner includes any individual, corporation, firm, partnership, or group of individuals acting as a unit, and any trustee, receiver, or personal representative.
16. "Single-family residential property (SFR)" means a developed property that serves the primary purpose of providing a permanent dwelling unit. Single-family residential property shall also include duplexes and triplexes. A single-family detached dwelling containing an accessory apartment or second dwelling unit is included in this definition.

17. "Stormwater utility fund" or "fund" means the fund created by this chapter to operate, maintain, repair, and improve the Town's stormwater system and implement the Town's Stormwater Management Plan.

18. "Stormwater Management Plan" means the planning, design, construction, regulation, improvement, repair, maintenance, operation of facilities and programs necessary for the Town to meet the compliance requirements of the Arizona Pollutant Discharge Elimination System (AZPDES) Phase II Municipal General Permit and FEMA Regulations as relating to water, flood plains, flood control, grading erosion, and sediment control along those activities.

19. "Stormwater system" means the system or network of storm and surface water facilities including but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities and other components as well as all natural waterways (including washes). It shall also mean the activities associated with implementing the Stormwater Management Plan.

20. "Water" means any stormwater, surface water, snow melt or ground water.

**D. Establishment of Stormwater Utility Fund.**

1. The Stormwater Management Plan is established to provide for the Town's compliance with the AZPDES Phase II Municipal General Permit requirements and to provide the stormwater system necessary to convey stormwater, control flooding, and to protect the natural environment. The costs of complying with the AZPDES Phase II program and FEMA Regulations along with designing, developing, improving, operating, maintaining, and monitoring the stormwater system required in the Town should, therefore, be allocated, to the extent practicable, to all property owners based on their impact on the stormwater system. In order to provide revenue to fund those costs and to fairly allocate those costs, a Stormwater Utility Fund (the "fund") is established.

2. All revenues collected from the Stormwater Utility fee, from grants, permit fees, penalties and other charges collected under this article, shall be deposited to the fund. The Town Council may make additional appropriations to the fund. All disbursements from the fund shall be for the purposes of the fund as set forth in subsection E of this section, and the fund shall be used for those purposes only.

**E. Purposes of the Fund.** The fund shall be used for the following purposes:

1. All costs of implementation and administration of the Stormwater Management Plan, including the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements. There shall be a reserve fund of fifteen percent (15%) of the collected annual stormwater fees as specified under Section 15-24-10 of this code.
2. Inspection and enforcement activities.
3. Billing and administrative costs.
4. Other activities that are reasonably required to accomplish the mission of the Stormwater Management Plan.

F. **Stormwater Utility Fee.** A monthly service charge is imposed upon all real property in the Town, as of the first day of each month, beginning January 1, 2008, to fund the Stormwater Management Plan and stormwater system with invoicing as defined in subsection J of this section. This service charge shall be known as the Stormwater Utility fee ("fee"). As any real property is developed or developed real property is annexed into the Town it will be subject to the fee. The fee is based on the cost of implementing a stormwater management program.

G. **Classification of Property for Purposes of Determination of the Stormwater Utility Fee.**

1. For purposes of determining the Stormwater Utility fee, all properties in the Town are classified into one of the following classes:
  - a. Single-family residential property; or
  - b. Nonresidential property; or
  - c. Educational facilities, religious institutions and nonprofits.
2. **Single-Family Residential (SFR) Fee.** All developed single-family residential properties in the Town shall be charged a flat Stormwater Utility fee, equal to the base rate, regardless of the size of the parcel or the improvements.
3. **Non-Single-Family Residential Property (NSFR) Monthly Fee.** A developed non-single-family residential (NSFR) property will be charged a fee for the number of ERUs of impervious area. The impervious area for developed NSFR property may be determined through site examination,

mapping information, aerial photographs and other available information. NSFR without first flush capabilities or other approved stormwater pollution prevention devices shall pay the base rate times the number of ERUs on the site. The monthly fee shall be determined by dividing the total impervious surface (in square feet) by ~~five thousand (5,000)~~ four thousand (4,000) and rounding that value up or down to the nearest whole ERU amount and then multiplying the result by the base rate to obtain the monthly fee. NSFR properties that incorporate first flush capabilities or other approved stormwater pollution prevention devices are eligible for a twenty-five percent (25%) reduction in the fee, providing they apply to and are approved by the Stormwater Utility Commission and meet the annual inspection and maintenance requirements.

4. Educational Facilities, Religious Institutions and Nonprofits Monthly Fee. A developed religious institution, school or other non-profit property shall be eligible for a twenty-five percent (25%) fee reduction provided they apply to and are approved by the Stormwater Utility Commission. In order to qualify for the fee reduction, the educational facility, religious institution or non-profit organization must conduct educational programs or other tasks on the topic of stormwater management as approved by the Stormwater Utility Commission. No developed educational facility, religious institution or nonprofit property shall pay less than seventy-five percent (75%) of the base rate. The monthly fee shall be determined by dividing the total impervious surface (in square feet) by ~~five thousand (5,000)~~ four thousand (4,000) and rounding that value up or down to the nearest whole ERU amount and then multiplying the result by the base rate to obtain the monthly fee.

#### H. Base Rate.

1. The Town Council shall, by resolution, establish the annual (fiscal year) monthly base rate for the Stormwater Utility fee. The base rate shall be calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the Town.
2. A schedule of fees shall be maintained by the Stormwater Utility, three (3) copies of which shall be available at the Town Clerk's office.
3. The Stormwater Utility Commission shall annually review the Stormwater Utility revenue requirements and recommend to the Town Council rate adjustments as necessary.

#### I. Exemptions.

1. Property which is owned by the Town and other governmental agencies shall be exempt from the fee.
2. Undeveloped property shall be exempt from the fee.

**J. Billing.**

1. Each property served by the Oro Valley Water Utility shall be billed monthly for the Stormwater Utility fee. Properties not served by the Oro Valley Water Utility shall be billed quarterly. The bill may be part of the Oro Valley Water Utility bill, a separate billing, or some other reasonable mechanism.
2. Service charges shall begin January 1, 2008, with invoicing at the end of the month or quarter, as appropriate.

**K. Delinquent Stormwater Utility Fee Process/Penalties.** For Oro Valley residents being served water by the Oro Valley Water Utility and charged their stormwater utility fees as part of their Water Utility bill, the Oro Valley Water Utility regulations shall apply to all delinquent fees.

For all other Oro Valley Stormwater Utility customers, the following shall be followed to obtain payment of delinquent fees and penalties:

1. Process. Stormwater Utility fees are overdue twenty-one (21) days after the Stormwater Utility bill is issued and a penalty for any overdue payments may be imposed.
  - a. The Stormwater Utility Manager shall send a delinquency notice to property owners responsible for Stormwater Utility fees demanding payment of their delinquent fee within ten (10) days of the date of the notice.
  - b. If there is no reply to the Stormwater Utility Manager's letter, the Town Attorney's office shall send a letter demanding payment of the Stormwater Utility fee from property owners who have not replied to the first notice. In the event that there is no response to the Town Attorney's letter, the Town will initiate legal proceedings in the Oro Valley Magistrate Court after ten (10) days.

- c. Failure to pay the fee, including any late charges, by the due date shall be considered a civil violation and a summons and complaint will be served on the property owner. The summons and complaint will be served on the property owner by a process server.
- d. In the event the defendant(s) fail(s) to appear in court, the Oro Valley Magistrate is authorized to issue a default judgment against the defendant(s) in accordance with subsection (K)(2) of this section.

2. Penalties.

a. Civil Sanctions. A person found responsible for a violation of this article shall be sanctioned by the Magistrate or Hearing Officer as follows:

- i. First violation within a twenty-four (24) month period: a sanction of not more than one hundred dollars (\$100.00).
- ii. Second violation within a twenty-four (24) month period: a sanction of not more than one hundred fifty dollars (\$150.00).
- iii. Third or subsequent violation within a twenty-four (24) month period: a sanction of not more than two hundred dollars (\$200.00).
- iv. The court may, at its discretion, reduce or suspend the sanction.

Sanctions are in addition to the delinquent Storm Water Utility fee, late fees and charges.

b. Default Judgment.

- i. If, after being legally served with a summons and complaint, the party fails to appear at the hearing time designated in the summons and complaint and/or time designated for a hearing by the Court, that individual shall be deemed to have admitted the allegation in the complaint and the Court shall enter judgment and impose a civil sanction in accordance with the provisions of this chapter.
- ii. Upon entry of the default judgment, the Court, in addition to the sanctions, may impose all applicable surcharges, security fees, a default judgment fee and other court fees as authorized by State law or Town ordinance.

iii. If any penalty ordered to be paid by the Magistrate or forfeited pursuant to default is not paid within thirty (30) days of the Magistrate's order, a lien on the real property to which the delinquent stormwater fees apply may be filed in the amount of the judgment by the Town Attorney. The Magistrate may also institute judicial proceedings as provided by law to collect any such penalty. All penalties collected pursuant to this article shall be paid to and become the property of the Town.

**L. Requests for Correction of the Stormwater Utility Fee.**

1. A property owner may request correction of the fee by submitting the request in writing to the Stormwater Utility Administrator. Grounds for correction of the fee include:

- a. Incorrect classification of the property for purposes of determining the fee;
- b. Errors in the square footage of the impervious surface area of the property;
- c. Mathematical errors in calculating the fee to be applied to the property; and
- d. Errors in the identification of the property owner of a property subject to the fee.

2. The Stormwater Utility Administrator shall make a determination within thirty (30) days after the receipt of (as indicated by the receipt date stamp) the property owner's completed written request for correction of the fee. The applicant may appeal the Administrator's determination to the Stormwater Utility Commission.

3. A property owner must comply with all rules and procedures adopted by the Town when submitting a request for correction of the fee and must provide all information necessary for the Stormwater Utility Administrator to make a determination on a request for correction of the fee. If a property owner alleges an error under subsection (L)(1)(b) of this section, the request for correction must include a certification by a registered civil engineer or professional land surveyor of the impervious surface area of the property. Failure to comply with the provisions of this subsection shall be grounds for denial of the request.

((O)10-14, Amended, 11/17/2010; (O)10-04, Amended, 04/07/2010; (O)07-40, Added, 11/07/2007)

**15-24-14 Stormwater Management and Discharge Control**

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A. **Title.** This section shall be known as the “Storm Water Quality Management and Discharge Control Ordinance” of the Town of Oro Valley and may be so cited.

B. **Purpose and Intent.** The purpose and intent of this section is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. 1251 et seq.), National Pollutant Discharge Elimination System Regulations (40 CFR Part 122), and State regulations for stormwater discharge (ARS Title 49, Chapter 2, Article 3.1) by establishing minimum stormwater management requirements for the management of pollutants that are or may be discharged to the municipal storm sewer system.

C. **Definitions.** The terms used in this section shall have the following meanings:

1. *ADEQ* means the Arizona Department of Environmental Quality, Arizona’s regulatory entity responsible for administering Federal and State environmental laws and programs including most water-quality, air-quality, and waste programs.

2. *Authorized Representative* means the Town Engineer, or his/her designee, who has the delegated duties and powers pursuant to this section.

3. *AZPDES* means the Arizona Pollutant Discharge Elimination System.

4. *AZPDES Permit* means any permit issued by the ADEQ pursuant to 33 U.S.C. 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, a group, or on a general area-wide basis.

5. *Best Management Practices (BMPs)* means activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain and ephemeral wash systems and waters of the United States. BMPs include but are not limited to: treatment facilities, including first-flush technology, to remove pollutants from stormwater; public education and involvement; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of nonstormwater, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the Town determines appropriate for the control of pollutants.

6. *Certified Industrial Hygienist* means a professional industrial hygienist who is certified by the American Board of Industrial Hygiene.
7. *Clean Water Act* means the Federal Water Pollution Control Act amendments of 1972 (P.L. 92-500; 86 Stat. 816; 33 U.S.C. 1251 through 1376), as amended.
8. *Construction Activity* means activities subject to the ADEQ construction general permit (AZG2008-001) and the Town of Oro Valley's grading permit requirements.
9. *Connection* means the location/juncture at which discharge can enter a municipal separate storm sewer or ephemeral wash system.
10. *Corrective Action Plan* means a plan that is required under this section and approved by an authorized representative that consists of structural and/or nonstructural BMPs to minimize to the maximum extent practicable stormwater pollution or to remediate anthropogenic impacts to the storm-drain/wash system.
11. *De Minimus Discharge* means a discharge that is a low flow volume and/or low frequency, seldom occurring, event of relatively pollutant-free water which is discharged with appropriate BMPs to reduce any pollutant concentrations to below the applicable surface standard (A.A.C. Title 18, Chapter 11, Article 1).
12. *Discharge* means any addition of any pollutant to waters of the United States or to an MS4 from any point source.
13. *Discharger* means any person who causes or allows a discharge or who owns property from which a discharge originates.
14. *Engineer* means a professional civil engineer who is registered with the State of Arizona.
15. *Environment* means navigable waters, any other surface waters, ground water, drinking water supply, land surface, subsurface strata, ambient air, biotic community, or wildlife habitat within or bordering on the Town.
16. *EPA* means the United States Environmental Protection Agency charged with primary enforcement of the Clean Water Act.

17. *First-Flush* means a collection system approved by the Town that is employed to capture and isolate the first one-half (1/2) inch runoff from the commercial development site.
18. *Illicit/Illegal Discharge* means any direct or indirect nonstormwater discharge to the Town's storm drain or wash systems, or placement of anthropogenic materials in the preceding systems, except as exempted in subsection (H)(1) of this section or discharges pursuant to and in compliance with an applicable NPDES or AZPDES permit or other written authorization from the U.S. Environmental Protection Agency (EPA) or the Arizona Department of Environmental Quality (ADEQ).
19. *Industrial Facility* means the site of any industrial activity regulated under NPDES or AZPDES industrial stormwater permits as defined in 40 CFR Section 122.26(b)(14).
20. *Land Disturbance Activity* means any activity that is regulated under NPDES or AZPDES stormwater permit requirements for construction sites.
21. *Municipal Separate Storm Sewer System (MS4)* means all separate storm sewers defined as "large," "medium," or "small" municipal separate storm sewer systems or any municipal separate storm sewers on a system-wide or jurisdiction-wide basis as determined by the Director under A.A.C. R28-9-C902(A)(1)(g)(i) through (iv). [A.A.C. R18-9-A901(23)]. This also includes similar systems owned or operated by separate storm sewer municipal jurisdictions not required to obtain stormwater discharge authorization.
22. *National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permits* means general, group, and individual stormwater discharge permits which regulate facilities defined in Federal NPDES regulations pursuant to the Clean Water Act.
23. *Notice of Intent (NOI)* means a document which describes the intent to operate in accordance with an NPDES/AZPDES Construction General Permit.
24. *Notice of Termination (NOT)* means the document to terminate coverage under the NPDES/AZPDES Construction General Permit.
25. *Nonstormwater Discharge* means any discharge to the storm drain and wash system that does not originate from precipitation.

26. *Owner or operator* means any owner or operator of any “facility or activity” subject to regulation under the NPDES/AZPDES program.
27. *Person* means an individual, property owner, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, broker, the Federal Government, the State of Arizona, or any political subdivision or agency of this State.
28. *Point Source* means any discernible, confined, and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft from which pollutants are or may be discharged. This does not include return flows from irrigated agriculture or agricultural stormwater runoff.
29. *Pollutant* means sediment, fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt (e.g., overburden material), and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous or hazardous substances. [A.R.S. Section 49-201(29)]
30. *Pollution* means the human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.
31. *Premises* means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
32. *Stormwater* means stormwater runoff, snow melt runoff, and surface runoff and drainage.
33. *Stormwater Pollution Prevention Plan (SWPPP)* means a document required under NPDES/AZPDES regulations or imposed pursuant to this section that describes the stormwater quality controls in place at a site and how these controls will be inspected and maintained.
34. *Town* means the Town of Oro Valley.
35. *Watercourse* means any drainage channel, wash, road or path through which water can flow.

36. *Waters of the United States (U.S.)* is defined in 40 CFR 122.2.

D. **Applicability.** This section shall apply to all activities which may potentially affect the municipal separate storm sewer system, any private storm sewer system, or any wash system on any land within the Town. Additionally, this includes discharge from permanent or temporary stormwater management controls and facilities, constructed as part of any activities listed in this section, which are located within the Town. Stormwater management standards shall apply to industrial, commercial, institutional, and multi-family residential development, as well as subdivision, roadway, and drainage projects that result in land area disturbance equal to or greater than areas established by the current construction general permit.

E. **Responsibility for Administration.** The Town Engineer shall adopt, administer, implement, and enforce such rules, regulations, standards, processes, and forms as he/she deems necessary for the efficient administration and enforcement of the provisions of this section. Any powers granted or duties imposed upon the Town Engineer/Public Works Director may be delegated to persons or entities acting in the beneficial interest of or in the employ of the Town.

F. **Regulatory Consistency.** This section shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations including those set forth in the Arizona State permit, and any amendments to, revisions of, or re-issuance thereof. No permit or approval issued pursuant to this section shall relieve a person of the responsibility to secure permits and approvals required for activities regulated by any other applicable code, rule, act, or ordinance. Additionally, the Town does not certify or take any position whether the applicant has met all requirements of the Federal Clean Water Act.

G. **Ultimate Responsibility of Discharger.** The requirements set forth herein and promulgated pursuant to this section are intended to meet minimum standards as required by Federal and State regulations but can, as determined by the Town Engineer, exceed the minimum standards. This section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This section shall not create liability on the part of the Town or any agent or employee thereof for any damages that may result from any discharger's reliance on this section or any administrative decision lawfully made thereunder.

H. **Discharge Prohibitions and Controls to Reduce Pollutants Entering Drainage Systems.**

1. General Requirements.

a. Any person engaged in activities which will or may result in pollutants entering a storm sewer system shall undertake appropriate measures to reduce such pollutants. Examples of such activities include, but are not limited to, proper use and disposal of household chemicals, such as pesticides and fertilizers, cleaning solutions, and cleaning solution waste water; and ownership and use of facilities which may be a source of pollutants including but not limited to parking lots, gasoline stations, industrial facilities, construction sites, and retail establishments.

b. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, or left unmaintained any refuse, rubbish, garbage, vegetation trimmings, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, parking area, or upon any public or private plot of land so that the same might be or become a pollutant, except where such pollutant is being temporarily stored in properly contained waste receptacles or is part of a well-defined compost system.

## 2. Prohibition of Illegal Discharges.

a. No person shall discharge or cause to be discharged into the municipal separate storm sewer system (MS4) or Town watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater or pumped or rising unpolluted ground water. Additionally, depositing, dumping, or storing any material in a manner that may contribute pollutants to or obstruct the flow of stormwater is prohibited. The following activities are also subject to and enforceable under this section as they can contribute to contaminants which are regulated by Federal and State regulations to which this section applies:

i. Failing to comply with any applicable AZPDES/NPDES permit including any permit requirements to develop, implement, maintain or comply with a stormwater pollution prevention plan (SWPPP);

ii. Failing to provide required information to the Town including:

(A) Copies of the SWPPP, notice of intent, notice of termination, or any other documents relating to the permit;

(B) Upon request, copies of the SWPPP, water quality monitoring laboratory analytical results, and/or final hydrologic reports/development plans certifying compliance with any discharge detention or first-flush treatment requirements;

iii. Failing to develop, implement, or comply with a SWPPP or a corrective action plan utilizing BMPs that is either required under an AZPDES/NPDES permit or imposed by the Town pursuant to this section, including requirements to implement good housekeeping practices, spill control and response procedures, employee training, record keeping, proper material storage and waste management practices for control of nonstormwater flows, and structural stormwater controls; and

iv. Misrepresentation in any document pertaining to an approved plan, permit, or certification relating to a discharge activity.

b. The commencement, conduct, or continuance of any illegal discharge to the Town's MS4 is prohibited except as follows:

i. Discharges from the following activities will not be considered a source of pollutants to the Town's MS4 including any waters of the U.S. when properly managed to ensure that potential pollutants are minimized to the maximum extent practicable, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Clean Water Act, ADEQ AZPDES General Permit No. AZG-2001-0001, "General Waste Discharge Requirements for Discharges to Waters of the U.S. Which Pose a Limited or an Insignificant (De Minimus) Threat to Water Quality" (including amended or reissued permits):

(A) Potable water line flushing;

(B) Uncontaminated pumped groundwater and other discharges from potable water sources;

(C) Diverted stream flows;

(D) Air conditioning condensation;

(E) Uncontaminated non-industrial roof drains;

- (F) Individual residential and occasional noncommercial car washing;
- (G) Flows from riparian habitats;
- (H) Dechlorinated swimming pool discharges with the exception of filter back wash water;
- (I) Street wash waters;
- (J) Flows from fire fighting;
- (K) Irrigation water;
- (L) Foundation and footing drains;
- (M) Water from sump pumps; and
- (N) Dust control water.

ii. The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES/AZPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of Arizona under the authority of the U.S. EPA; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted by the Town for any discharge to the storm sewer system.

iii. With written concurrence of the Arizona Department of Environmental Quality, the Town may exempt in writing other nonstormwater discharges which are not a source of pollutants to the storm sewer system or waters of the U.S. Such authorization from ADEQ or the U.S. EPA shall be submitted to the Town prior to the time of discharge, and must be retained for at least three (3) years after the last authorized discharge.

3. Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit. Any person subject to any type of NPDES or AZPDES water or stormwater discharge permit shall comply with all provisions of such permit. Such compliance includes but is not limited to implementing BMPs to minimize the chance of pollutant entry into the storm sewer system, to reduce the potential for accidental discharge of pollutants to the municipal storm sewer system,

and to comply with the cleanup and notification requirements of this section as well as other pertinent Federal/State regulations. Proof of compliance with said permit may be required in a form acceptable to the Town Engineer/Public Works Director prior to or as a condition of a grading permit, subdivision plat, development plan, building permit, or grading or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

**I. Requirement to Prevent, Control, and Reduce Stormwater Pollutants from Construction Sites.**

1. **Basic Requirements.** All persons engaged in construction activities that are required by Federal or State law to submit to the EPA and/or the ADEQ a notice of intent (NOI) to comply with NPDES or AZPDES stormwater permit regulations shall provide the Town with a copy of the NOI, the site-specific SWPPP, and the AZPDES stormwater permit issued by the ADEQ. Any person performing construction who has submitted an NOI to the Town shall not cause or contribute to a violation of the AZPDES stormwater permit issued to the Town.

2. **Authorization to Adopt and Impose Best Management Practices.** The Town Engineer/Public Works Director has the final authority to require and accept BMPs as required for pre- and post-construction activities and must be presented in a SWPPP that is included as a section in the plans and permits submitted for Town review and acceptance as well as BMPs that are submitted as a part of corrective action plans. Town acceptance of a SWPPP is required prior to issuance of a grading permit.

3. **Every owner, operator, or contractor undertaking any construction activity or operation of any industrial facility having the potential to discharge pollutants to a water of the U.S. or the Town's MS4, or as otherwise required by the Town, the State of Arizona, or Federal agency, shall submit a stormwater pollution prevention plan (SWPPP) to the Town. The SWPPP shall include BMP plans including those required by the Town such as the installation of first-flush technology at commercial sites and shall be prepared by a qualified person. Additionally, SWPPPs shall be prepared and reviewed in accordance with the Arizona Pollutant Discharge Elimination System construction general permit issued by the ADEQ. The Town shall not certify or take any position on whether the applicant has met the requirements of the Federal Clean Water Act.**

4. **New Development and Redevelopment.** Owners of new development and redevelopment projects shall implement BMPs to control the volume, rate, and potential pollutant load, including

sediment, of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants including sediment in accordance with the requirements of the AZPDES construction general permit. The Town shall incorporate such requirements in the conditions of relevant development and/or plat approvals as well as grading or other construction/building-related permit to be issued relative to such development or redevelopment. Additionally, proof of all applicable Town, State, and Federal permits such as the SWPPP, NOIs, inspection and maintenance logs, CWA 404s, etc., shall be maintained on site for inspection by authorized representatives. To maintain compliance with construction general permit requirements for inspections, construction site BMPs as delineated in the SWPPP must be inspected by the site operator in accordance with the SWPPP.

5. Responsibility to Implement Best Management Practices. Any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the Town's MS4, or waters of the U.S. shall implement best management practices including first-flush control technology on commercial development to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner's or operator's expense. Furthermore, notices to employees containing information about whom to contact and what procedures to follow in the event of a spill or accidental discharge must be posted at the site. Site owners or operators shall have a trained employee or staff member who will be responsible for any necessary cleanup or remediation.

6. In the event of a spill or release in reportable quantities as defined in 40 CFR 302, 40 CFR 110 and 40 CFR 117, the owner, operator, or the person who has control of the source or location from which a discharge which is not in compliance with this section shall immediately take all reasonable safety precautions including, if appropriate, calling 911 and completing the following steps:

- a. Proceed with containment and cleanup in accordance with:
  - i. The orders of an involved health and safety agency, or if no such orders have been issued;

- ii. The orders of an authorized representative, or if no such orders have been issued;
  - iii. The stormwater pollution prevention plan or approved corrective action plan utilizing best management practices for the involved facility;
- b. Report any violations of the Town fire code or other such applicable safety or health codes in the manner required by such code;
  - c. Notify the Oro Valley Town Engineer/Public Works Director and the Arizona Department of Environmental Quality of the release by telephone before 5:00 p.m. of the next working day;
  - d. Provide written notification, within five (5) working days, to the Oro Valley Town Engineer/Public Works Director of the type, volume, cause of the discharge, corrective actions taken, and measures to be taken to prevent future occurrences.

7. Compliance with these requirements shall not relieve the discharger of any fines, penalties, or liability incurred, or that may be imposed by this section or other applicable laws as a result of the discharge. In addition, compliance with these requirements shall not relieve the discharger from the reporting requirements of 40 CFR 110, 40 CFR 117 and 40 CFR 302.

**J. Requirement to Eliminate Illegal Discharges.** Notwithstanding the requirements of subsection (Q) of this section, the Town Engineer/Public Works Director shall require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges. Compliance with these requirements shall not relieve the owner/operator of property from which the illegal discharge occurred of any fines, penalties, or liability associated with the action that may be imposed by this section or other applicable laws.

**K. Requirement to Eliminate or Secure Approval for Illicit Connections.**

1. The Town Engineer/Public Works Director shall require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this section to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of the ordinance codified in this section.

2. If, subsequent to eliminating a connection found to be in violation of this section, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request Town approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense. At the discretion of the Town Engineer/Public Works Director, periodic, random monitoring may be required to ensure compliance with subsection (N) of this section.

L. **Watercourse Protection.** As required by AZPDES Phase II regulations and Chapter 17 of the Oro Valley Town Code, every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. Failure on the part of the property owner to comply may result in liabilities incurred and penalties and fines imposed upon the property owner as defined in this section.

M. **Requirement to Remediate.** Whenever the Town Engineer/Public Works Director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of stormwater, the Town's MS4, or waters of the U.S., the Town Engineer/Public Works Director may convey by written notice to the owner of the property and/or the responsible person the requirement for remediation of the pollution and the restoration of affected property within a specified time pursuant to the provisions of subsections (S), (T), (U), and (V) of this section. Failure to take prompt remedial action may result in fines, penalties, and liabilities incurred under this section or other applicable laws.

N. **Requirement to Monitor and Analyze.** The Town may in the future be required to adhere to a total maximum daily load (TMDL) or other restriction(s) to a specific pollutant or pollutants established by the State of Arizona or the Federal Government. Should this occur, the Town Engineer/Public Works Director may, by written notice, require that any person engaged in any activity and/or owning or operating any facility which may cause or contribute these specific pollutants in stormwater to undertake at said person's expense such monitoring and analyses and furnish such reports to the Town of Oro Valley as deemed necessary to determine compliance with this section. Additionally, regardless of the restrictions discussed above, the Town Engineer/Public Works Director may, by written notice, require that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution, illegal discharges, and/or nonstormwater discharges to the storm drain/wash system or waters of the U.S., undertake at said

person's expense such monitoring and analyses and furnish such reports to the Town of Oro Valley as deemed necessary to determine compliance with this section.

**O. Notification of Spills.**

1. In the event of a spill or release in reportable quantities as defined in 40 CFR 302, 40 CFR 110, and 40 CFR 117, the person responsible for a facility or operation, or responsible for emergency response for a facility shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of nonhazardous materials, said person shall notify the Town's Public Works Department in person or by phone or facsimile no later than 5:00 p.m. of the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also document the type, volume, cause of discharge, corrective actions taken, and remedial actions taken to prevent future occurrences. This information shall be provided to the Town Engineer/Public Works Director in writing within five (5) working days and shall also be retained by the owner/operator for at least three (3) years.
2. Compliance with subsection (O)(1) requirements of this section shall not relieve the discharger from the reporting requirements of 40 CFR 110, 117, and 302.

**P. Maintenance of Stormwater Facilities.**

1. Stormwater facilities shall be maintained per the approved drainage plans or manufacturer's specifications by the owner or other responsible party and shall be repaired and/or replaced by such person when such facilities are no longer functioning as designed.
2. Disposal of waste from maintenance of facilities shall be conducted in accordance with applicable Federal, State and local laws and regulations.
3. Records of installation and maintenance and repair of facilities referenced in subsection (P)(1) of this section shall be retained by the owner or other responsible party for a period of three (3) years and shall be made available to the Public Works Department upon request.

4. Any failure to maintain facilities or correct problems with facilities after receiving due notice from the Town may result in criminal or civil penalties and the Town may perform corrective or maintenance work which shall be at the owner's expense.

**Q. Authority to Inspect.** Whenever necessary to make an inspection to enforce any provision of this section, or whenever the Town Engineer/Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this section, the Town Engineer may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. When inspections by Town staff reveal deficiencies in the implementation of the SWPPP, a written inspection report will be provided to the owner and operator within fifteen (15) working days of the inspection. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the Town is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**R. Authority to Sample, Establish Sampling Devices, and Test.** During any inspection as provided herein, the Town Engineer/Public Works Director may take any samples and perform any testing deemed necessary at the expense of the owner/operator of the facility to aid in the pursuit of the inquiry or to record site activities.

**S. Charges and Penalties.** Charges and penalties levied pursuant to this section shall be collected by the Department of Public Works, Stormwater Utility and utilized for activities in compliance with the Town's MS4 permit. The Town Engineer shall make and enforce efficient management decisions in the maintenance and protection of the Town's storm drainage system.

**T. Operator and/or Owner of Record.** The operator performing on-site activities and/or owner of record of the property upon which a violation of this section occurs shall be presumed to be the person having lawful control over the activity or premises unless it is demonstrated and documented that another person has knowingly and in good faith accepted responsibility for the activity at issue. If more than one (1) person is identified as owner, such persons shall be presumed to be jointly and severally in lawful possession and control of the premises or activity.

**U. Notice to Correct.** The Town may issue a written notice to correct to any person who has violated or is in violation of this section. Failure to comply with actions described in and required by the notice to correct may result in a notice of violation and/or stop work order as described in subsection (V) of this section.

**V. Notice of Violation.**

1. Whenever the Town Engineer/Public Works Director finds that a person has violated a prohibition or failed to meet a requirement in accordance with a notice to correct (subsection (U) of this section), the Town Engineer may order compliance by written notice of violation to the responsible person. The written notice shall state the nature of the violation, the corrective action required, the time frame for the corrective action, and penalties for continued noncompliance. The notice shall be served by either personal service or certified mail to the owner, owner's agent, the operator, the occupant, or the lessee. Such notice may require the violator, without limitation, to:

- a. Submit a corrective action plan utilizing best management practices to the authorized representative indicating the cause of the violation, corrective actions to prevent recurrence, and a proposed compliance schedule;
- b. Perform monitoring, sampling, laboratory analysis, and reporting of results to the authorized representative and pay costs associated with these activities;
- c. Eliminate illicit connections or discharges;
- d. Abate and remediate stormwater pollution or contamination hazards, restore affected property, ensure that cleanup has been completed, and make operational changes to prevent future violations;
- e. Implement a corrective action plan utilizing source control treatment BMPs to prevent stormwater pollution. Based on site conditions and nature of the contaminant, the authorized representative will determine if the corrective action plan must be prepared, certified and implemented by a qualified person, such as a professional engineer, landscape architect, industrial hygienist registered with the State of Arizona or certified by the American Board of Industrial Hygiene;
- f. Stop work on clearing, grading, dredging, excavating, storing, transporting, and/or filling of land, new construction, improvements, alterations, or additions;
- g. Maintain, repair, and/or replace existing BMPs;
- h. Stop any activity that is in violation of this section;
- i. Abate/correct, within time frame specified in notice, any condition that is in violation of this section;

j. Abate immediately any condition in violation of this section that the authorized representative determines to present an immediate threat to public health, safety, or the environment.

2. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the Town or a contractor designated by the Town Engineer/Public Works Director and the expense thereof shall be charged to the violator pursuant to subsection (AA) of this section.

3. Failure to comply with any action required by the notice of violation shall be a separate violation for each day beyond the thirtieth calendar day following the notice of violation. Nothing in this section shall limit the authority of the Town to take any action, including emergency actions or other enforcement action, without first issuing a notice of violation.

W. **Civil Penalties.** In addition to any other enforcement authority contained in this section, the Town may issue a civil citation to any person who has violated, or continues to violate, any provision of this section or any related laws or regulations. A person who is found to have violated any requirement of this section shall be civilly liable to the Town for a sum not to exceed two thousand five hundred dollars (\$2,500) per day for each violation.

X. **Criminal Penalties.** A person who willfully or negligently violates any provision of this section shall, upon conviction, be guilty of a class one misdemeanor and may be sentenced to a fine not to exceed two thousand five hundred dollars (\$2,500) per day for each violation, imprisonment for a period not to exceed six (6) months and/or probation not to exceed three (3) years.

Y. **Violations Deemed a Public Nuisance.** In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the Town at the violator's expense, and/or the Town may bring a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance.

Z. **Appeal.**

1. Appeals of any determination made by the Town Engineer/Public Works Director relating to a notice of violation issued pursuant to subsection (V) of this section may be made to the Stormwater Utility Commission.
2. Appeals under this section must be filed with the Town Clerk within ten (10) business days from issuance of the notice of violation.
3. Decisions of the Stormwater Utility Commission shall be final unless, within ten (10) days from the date of the Commission's decision, the applicant appeals the decision to the Town Council. An appeal to the Town Council shall be filed in writing with the Town Clerk and scheduled for the next available regular Council meeting.

**AA. Charging Cost of Abatement/Liens.** Within thirty (30) days after abatement of the nuisance by the Town, the Town Engineer/Public Works Director shall notify the property owner of the cost of abatement plus twenty percent (20%) to cover administrative costs. If the amount due is not paid within sixty (60) days of the notification to pay, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Assessor so that the Assessor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the Assessor shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

**BB. Urgency Abatement.** The Town Engineer/Public Works Director is authorized to require immediate abatement of any violation of this section that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Town Engineer/Public Works Director, the Town is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the Town shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the Town from seeking other and further relief authorized under this section.

**CC. Penalties and Corrective Actions.**

1. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. The remedies provided in this subsection are cumulative and the Town may seek one (1) or more such remedies as described in subsections (V), (W), (X), and (Y) of this section.

2. Any person violating this section shall be liable to the Town for all damages, costs, fines, and penalties incurred by the Town.

3. Upon finding that any person has violated this section, the Court may issue an order or, in the case of a criminal conviction, terms of probation, requiring the violator to perform any of the remediation activities listed in subsection (V) of this section.

4. If more than one person is identified as the owner of record, all persons will be presumed to be jointly and severally in lawful possession and control of the property and/or activity. The transfer of ownership, possession, or control of real property to another person does not relieve the transferor of the responsibility for violations of this title that occurred before the transfer.

((O)08-20, Amended, 10/01/08; (O)08-15, Added, 09/03/08)



2016

# STORMWATER UTILITY

## STORMWATER UTILITY RATE ANALYSIS

**DATE: 01-21-2016**

**STORMWATER UTILITY – DEVELOPMENT & INFRASTRUCTURE SERVICES**

## **Stormwater Utility Mission**

To provide safe and efficient management of the Stormwater Utility, promote and protect life and safety, water quality, and the Town's working and natural environments before, during, and after the occurrence of storm events in accordance with all Town codes, standards and policies.

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### **ORO VALLEY TOWN COUNCIL**

Dr. Satish I. Hiremath, Mayor  
Lou Waters, Vice Mayor  
Brendan Burns, Council Member  
William Garner, Council Member  
Joe Hornat, Council Member  
Mary Snider, Council Member  
Mike Zinkin, Council Member

### **ORO VALLEY STORMWATER UTILITY COMMISSION**

David Parker, Chair  
Michael Stankiewicz, Vice Chair  
Jim Mikolaitis, Commissioner  
John Lynch, Commissioner  
Frederick Wayand, Commissioner

### **TOWN STAFF**

Greg Caton, Town Manager  
Stacey Lemos, Finance Director  
Paul Keesler P.E., Director  
Aimee Ramsey, Assistant Director  
Phil Trenary, Operations Manager  
Michael Todnem P.E., Stormwater Sr. Civil Engineer

## Table of Contents

PART I. Executive Summary .....	3
PART II. Program Information and Background .....	6
Stormwater Infrastructure .....	6
Background.....	8
Stormwater Purpose .....	8
Municipal Separate Storm Sewer System (MS4) - Stormwater Quality.....	10
Part III: Stormwater Utility Rate Proposal.....	12
Current Funding .....	12
Revenue Forecast and Requirements .....	14
Organization Chart.....	16
Proposed Stormwater Utility Division Structure .....	16
Appendices	
Appendix A – Stormwater Fund 5 Year Forecast .....	A - i
Appendix B – Stormwater Utility Satus Quo Funding Chart .....	A - ii
Appendix C – Stormwater Fund Preferred Scenario 5 Year Forecast.....	A –iii
Appendix D – Stormwater Fund Preferred Scenarion Chart.....	A - iv
Appendix E – Stormwater Project Listing.....	A - v
Appendix F – Western Kentucky University.....	A –vi
Appendix G – Equivalent Residential Unit Study.....	A – vii

## **PART I. Executive Summary**

In Oro Valley the Stormwater program was initiated to fulfil the Environmental Protection Agency's minimum requirement to regulate first flush pollutants which may enter our waterways. The Town's Municipal Separate Storm Sewer Systems (MS4) permitted activities are part of this program and as discussed further will describe Stormwater Quality. Additionally the town has responsibilities regarding flood protection and floodplain management for our community that require maintenance and additional monitoring of aging Stormwater conveyance infrastructure hence known as Stormwater Quantity. This may require debris and sediment removal, vegetation management, facilities maintenance and possibly new facility construction for safety concerns.

The Stormwater Utility is responsible for Stormwater Quality and Stormwater Quantity. The functions and duties of the Oro Valley Stormwater Utility Commission "Commission" include reviewing and developing recommendations for Stormwater revenue requirements, Stormwater rates and fee structures. Controlling the quantity of Stormwater drainage runoff and aiding in water quality management has become essential in keeping our water safe for all of its many uses.

The Stormwater Utility has been in place since 2004 and associated fees since 2007. Since the initial rate was established no formal review of the program and associated rates has taken place. It is the intention of the Commission to annually evaluate the rates and analyze them to assure the recommendations meet Town policies and ensure the financial stability of the program and associated projects.

This Stormwater Rate Analysis Report contains detailed information on the Stormwater Utility fund. The Stormwater Utility (Utility) is an enterprise of the Town and generates revenue from rates, fees and charges and does not receive revenue from taxes or payments from the General Fund. The management of the monthly utility fees include personnel, operations and maintenance of the Small Municipal Separate Storm Sewer Systems (MS4) Program. The Utility pays the General Fund for services received including finance, human resources, information technology, legal, insurance and rental of office space. The Utility also pays the Water Department for billing and receiving of the monthly utility fee. In addition, since the Utility does not have its own maintenance crew, the Utility pays the Highway Fund for associated expenditures including street sweeping, storm cleanup and drainage channel vegetation management. The Utility also hires local contractors to complete Stormwater projects that exceed the work load capabilities of the operations street crew. This past fiscal year contract expenditures totaled just under \$100,000 for contract maintenance that included culvert cleaning, erosion control/stabilization and street drainage interceptors

The Stormwater Utility Commission has made a recommendation for a Preferred Financial Scenario (PFS). The PFS has been selected to meet the mandated requirements as outlined under the Stormwater Town Code 15-24-13-H. The Town Council, by resolution, shall establish the annual (fiscal year) monthly base rate for the Stormwater Utility fee. The base rate shall be calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the Town.

Under the Preferred Financial Scenario, the Operating Fund will have an approximate ending cash balance of just over \$200K at the end of the five-year projection period. A cash balance of 15% (based on revenue projection) is required by Town Code. This amount preserves a balance of 17% to 25% depending on the fiscal year and the associated capital expenditure requirements. The Preferred Financial Scenario includes cash funding to preserve \$50K per year for culvert and wash cleaning as well as increased expenditures on internal small projects by \$80,000 per year or \$400,000 over the five-year period. The Preferred Financial Scenario proposes no other new debt for capital expenditures.

This is the first year since establishment of the rate in 2007 that the rate has been reviewed. The Stormwater Rate Analysis is prepared based on the most up-to-date information available for a five-year projection period. It is important to note that there was a five-year moratorium on fee adjustments from 2007 until 2012.

Operational needs and capital improvement requirements change annually and are carefully evaluated when they are included in the analysis. The Stormwater Utility Commission over the last 18 months reviewed several scenarios, however, based on the necessary funding amounts required to meet mandated outcomes, maintenance requirements, and have a five-year sustainable rate the proposed \$4.50 fee per ERU was recommended. Table 1 reflects the proposed rate changes to the Stormwater Utility fee.

Table 1

**Stormwater Preferred Funding Scenario**

	FY 2015/16	FY 2016/17
Monthly Stormwater Utility Fee/Unit	Current	Change ERU
Residential Rate	\$2.90	\$4.50
Commercial Rate	\$2.90	\$4.50
ERU = Square Feet	5,000	4,000
<b># of Units:</b>		
Residential	17,460	17,749
Commercial	5,068	6,335
<b>Total Units:</b>	22,528	24,084
<b>Revenue:</b>		
Gross Revenues	\$ 783,974	\$ 1,300,536
Funding from Outside Sources	\$ 3,250	\$ 3,250
Grant Funds (one time)	\$ 35,000	
	\$ 822,224	\$ 1,303,786
<b>Additional Revenue</b>		\$ 516,562

**Purpose of Fee**

- Program Development – project definition
- Program Proposal – project design and costing
  - Budget development

- CIP development
- Construction Management
  - New projects
  - Maintenance Oversight
- Increased Inspections due to State and Federal reporting regulations
  - Newly identified washes
  - Additional residential requirements
- Management of existing assets
  - Review of status of infrastructure stability
  - Service and maintenance work order schedules
  - Annual review

## PART II. Program Information and Background

### Why Must We Manage Stormwater?

The Town of Oro Valley administers, operates, and maintains a Stormwater Utility meant to:

- Preserve valuable natural resources
- Protect people and property
- Reduce nuisance flooding
- Improve water quality

The U.S. EPA has estimated that about 30 percent of known pollution to our nation's waters is attributable to stormwater runoff. In 1987, Congress directed U.S. EPA to develop a regulatory program to address the stormwater problem. The U.S. EPA issued regulations in 1990 authorizing the creation of a NPDES permitting system for stormwater discharges from a select group of industrial activities. The National Pollutant Discharge Elimination System (NPDES) is the administrative mechanism chosen for the stormwater permitting program. In Arizona, this program is called Arizona Pollutant Discharge Elimination System (AZPDES). An AZPDES permit is required for any point source discharge of pollutants to the Waters of the United States. Because stormwater runoff can transport pollutants to either a municipal separate storm sewer system or to the Waters of the United States, permits are required for those discharges.

ADEQ has prepared a draft 2016 Small Municipal Separate Storm Sewer System General Permit (Small MS4 GP) that is intended to succeed the 2002 Small MS4 GP (Permit No. AZG2002-002) which is currently administratively continued. The review and subsequent adoption of this general permit is scheduled to occur in early 2016. The draft general permit 2016 builds on the requirements of the previous general permit and is designed to control pollutants to the Maximum Extent Practicable (MEP). The new draft requires updates in the SWMP consistent with the specific permit requirements, implementing the program and evaluating the BMP's as an iterative process to ensure BMP effectiveness. The new draft permit will contain more specific tasks and details than the current 2002 general program and therefore require additional management and program compliance to control pollutants.

### Stormwater Infrastructure

Table 2

Assets Listing	2007	2015	Change	Growth
Miles of FEMA designated floodplains/levees	18	18	0	
Miles of underground storm pipe	4.5	6.5	2.0	44%
Miles of public drainage easements	5	5	0	0%
Street catch basins/inlets	400	560	160	40%
Culverts	180	209	29	16%
Detention basins	40	127	87	218%
First flush devices	50	66	16	32%
Outfalls	150	261	111	74%
Lineal miles of mapped washes	NA	195	NA	

as of August 2015

The Arizona Department of Environmental Quality (ADEQ) conducted an audit of Oro Valley's Municipal Separate Storm Sewer System (MS4) program to assess compliance with the Town's MS4 permit and Stormwater Management Plan (SWMP) on February 26-27, 2014.

The audit included document reviews, interviews with Town program managers, and field verification inspections. During the audit, ADEQ noted areas of potential noncompliance with the permit. According to the Arizona Administrative Code (AAC.) R18-9-A905(A)(3)(a) and 40 Code of Federal Regulations (CFR) 122.41(h), the Town is required to submit information to ADEQ regarding compliance with the Permit and the Town's Stormwater Management Plan. This plan was submitted and accepted September 30, 2015.

The Preferred Financial Scenario rate increase to \$4.50 per month with a reduction in the Equivalent Residential Unit (ERU) to 4,000 square feet will allow the Stormwater Utility to meet:

- MS4 compliance and review minimums as addressed in the Stormwater Management Plan submittal (Stormwater Quality)
  - Redesign program to meet new 2016 General Permit Requirements as outlined by ADEQ
- Infrastructure Project Identification 20% to 30% level (Stormwater Quantity)
  - costing
  - design
  - build under \$80K projects
- Work order development (Stormwater Quality and Quantity)
  - Prioritization of inspection and maintenance scheduling
  - increased inspections
  - increased Public Education
- Stormwater Utility Program Sustainability
  - 5 years

*Note: Program sustainability only accounts for funds to preserve activities defined above. Additional County or other external funds must become available to pay for larger capital projects which will be identified. In the absence of County or other external funds, the rate structure will need to be revised again within one or two years or so that large capital projects identified by the new staff can be completed and funded by the Stormwater Utility.*

## Background

Oro Valley is located in northern Pima County approximately six miles north of the Tucson city limits. The valley itself was formed by the Canada Del Oro Creek that begins in the Santa Catalina Mountains. The town sits at an elevation of 2,620 feet, covers over 34 square miles and has a current population of just over 41,000. Oro Valley was incorporated in April, 1974.

The Town initially became covered by the NPDES General Permit For Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in 2004. This permit, often simply called a “Stormwater Permit,” is required by the US Environmental Protection Agency and is implemented in Arizona by the Arizona Department of Environmental Quality (ADEQ). Neither the US EPA nor the State of Arizona provides any funding to Oro Valley for the operation of the Stormwater Program.

Most cities and counties with a population greater than 10,000 and/or located in an “urbanized area” as defined by the US Census must follow this permit, which regulates discharges of stormwater runoff to Waters of the United States.

## Stormwater Purpose

The Stormwater Utility program is responsible for meeting all quality and quantity issues including the Town's Stormwater Management Plan, Floodplain and Erosion Hazard Management, and supporting all other Town programs that are impacted by storm events. This program also coordinates with Federal, State and local government agencies related to the Town's Stormwater program.

### Typical Stormwater Utility Activities Include:

- Implementation of all MS4, ADEQ and EPA requirements
- Drainage Channel and Street Shoulder Vegetation Maintenance (Quantity)\*
- Storm System Inspections and maintenance/cleaning (Quantity) of culverts, basins, grade control structures, storm sewer inlets/outlets and drainage channels
- Storm Cleanup
  - Street Sweeping (Quality) - Stormwater determination\* vs Normal street surface deterioration
  - Low water crossings (Quantity/Quantity) depositing sand, rock, boulders and vegetation debris removal in roads during larger events of monsoons
- Storm generated Debris Removal\* in washes (Quantity)
- Road Safety (Quantity) due to storm activity at low water crossings and shouldering due to erosion\*
- Public Education and Outreach (Quality)
- Technical Support for other divisions within the Town (Quality/Quantity)



- Minor Construction and Repair Projects (Quantity)– Post storm event structural damage that endangers the public or may realize more extensive damage if not repaired immediately\*
- In-House Hydrologic and Hydraulic Studies and Designs(Quantity)
- Floodplain Permit Review (Quantity/Quality)
- Stormwater Pollution Prevention Plan (SWPPP) Plan Review (Quantity)
- Development Review (Quantity/Quality)Preparing and Revising/Updating Town Ordinances and Manuals (Quality/Quantity)

The Stormwater Utility fee also reimburses the Highway Fund for utilization of the streets crews for some of the activities listed above and marked with an (\*). The allocated expenditures are determined by task and scope and are assigned to the Stormwater Utility funds and are not considered routine street maintenance.

## Municipal Separate Storm Sewer System (MS4) - Stormwater Quality

The permit provides requirements in each of the following six Minimum Control Measures (MCM):

1. Public Education and Outreach
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Management in New Development and Re-Development
6. Pollution Prevention/Good Housekeeping for Municipal Operations

More information about each of these six main categories is provided below.

### Public Education and Outreach & Public Involvement/Participation

These two related topics focus on educating and involving the public in all areas of stormwater management. Several factors associated with the program costs:

- The size of community and our target audience in order to increase Stormwater awareness
- The ability to tie into other municipal/3rd Party education programs versus developing our own
- Types of education and outreach media used
- The method of distribution through available volunteer activities/programs
- The methods of measuring success and reporting to ADEQ.

### Illicit Discharge Detection and Elimination

Our Stormwater Permit requires and is dependent upon identifying and eliminating “illicit discharges.” Town Code Article 15-24-14 defines the Town’s Stormwater Quality Management System and Discharge Control Ordinance, passed in 2008. It defines “illicit discharges,” prohibits them, and provides for enforcement options to eliminate them.

Program costs associated with eliminating “illicit discharges” are generated from the age and extent of infrastructure, the mapping status and inventory of entire drainage system. At present, services are based upon a complaint-based system versus a more costly proactive detection. Current revenue covers staffing, contractor management, equipment to detect discharges, and identify the source and cost of the actual repairs. It also includes Software cost for database management, reporting and program evaluation.

### Construction Site Stormwater Runoff Control

The next requirement of the Stormwater Permit is the control of runoff from construction sites. Discharge of sediment or other waste (concrete truck washout, litter, etc.) from construction sites is prohibited by the Town.

A permit is required for any land disturbance of any size inside the Town with a few exceptions. Permit information and an application form may be picked up at the Town

located at 10000 N La Cañada Drive or may be downloaded from this website page. Please call one of the contacts at the top of the page for more information. In addition, any land disturbance totaling more than one acre requires a permit from the Arizona Department of Environmental Quality (ADEQ).

Program costs associated with this program element are dependent on the number of active construction sites, the number of development projects in the pipeline, the average number of inspections per site, and the current compliance record along with the efficiency of enforcement.

#### Post-Construction Stormwater Management in New Development and Re-Development

Our Stormwater Permit requires treatment of stormwater runoff from areas of new development and re-development. The cost factors associated with this part of the program are dependent upon the number of development projects requiring municipal review and inspection, the age and type of existing stormwater best management practices, future enhancement of the review process to look for and encourage a site design, land use planning for low impact development, and possible code updates to allow/foster green infrastructure.

#### Pollution Prevention/Good Housekeeping For Municipal Operations

The final of the six stormwater permit requirements involves the Town's own operations. The Town must evaluate all sources of potential pollution such as streets and roads, municipal parking lots, maintenance shops, outdoor storage areas, construction activities, parks maintenance and landscaping, and salt storage. Procedures to eliminate or reduce the potential for pollution must be developed, and employees must be trained on these procedures at least annually. Cost factors associated with this requirement include the number of Town facilities requiring pollution prevention plans, street sweeping and catch basin cleanout equipment and labor, and employee education and training.

#### Storm Mitigation



Clean up cost FY 2015

\$34,000

## Part III: Stormwater Utility Rate Proposal

### Current Funding

Neither the State of Arizona nor the federal government provides funding for the Town's Stormwater Program. In 2007, the Town established a Stormwater Utility fee to provide funding for implementing the requirements of the Stormwater Permit and for small cleaning projects/larger project research and draft plans that could be submitted for county project consideration.

Pima County Regional Flood Control District (PCFCD) under the State of Arizona enabling legislation (Title 48 of ARS), is designated as a special taxing district and given the authority to levy secondary property tax on parcels within the Town of Oro Valley. The Town of Oro Valley and PCFCD have a very good relationship and over the past 10 years have been successful in the delivery of both large and small Stormwater projects. However, this funding is variable and not always available. In addition, the Flood Control District levy only provides funding for quantity issues and quality issues are solely the responsibility of the Town.

When the Stormwater Utility was first established, funding for projects was secured through the budgeting process and overseen by Town consultants. The FEMA Lomas Del Oro project in FY 09/10 was the last big project to be overseen by the Town. Since this time the PCFCD requests project submittals and then prioritizes them to determine which projects will move forward. This year Pima County Flood Control District has provided significant support in the area of wash maintenance. However, benefits from our partnership with PCFCD range from limited small clean up to large project and include capacity for drainage study. While a dedicated funding estimate is not available, the Town will continue to request assistance. From January through July of 2015, PCFCD contracted to have four lineal miles of debris and sediment removed, clearing existing blockages to improve channel flow and subsequently enabling mosquito abatement in areas throughout the east side of Town. Fortunately structural damage has been minimal and no major structural damage has occurred.

#### Pima County Regional Flood Control District and other sources

Annual Contribution to Oro Valley

Funding	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Direct	\$ 3,507	\$ 28,567	\$ -	\$ -	\$ -	\$ -
Projects	\$ 471,000	\$ -	\$ 304,663	\$ 290,000	\$ 1,062,561	\$ 731,862
Sediment Removal	\$ -	\$ -	\$ -	\$ -	\$ 101,750	\$ 118,600
Other Sources	\$ 1,329,000	\$ -	\$ -	\$ -	\$ -	\$ -

#### Projects

Linda Vista Gabions

Poinsetta Dr

Lomas Del Oro

La Canada Underpass to date

CDO River Park

CDO River Park Pedestrian Bridge

I10 and La Canada Underpass improvements

In progress

Oracle Road Underpass improvements

In progress

The PCFCD has already informed Stormwater staff that next year's funding will be limited. In addition, some items once available for funding such as low water crossings are no longer eligible for funding even though they remain a safety concern for the Town. The number of town projects is growing as more washes are identified and evaluated. Attachment E lists all known drainage and Stormwater issues regardless of size and scope that have been identified at this time. The Stormwater Utility intends to utilize part of the increased funding to develop not only a project list, but develop the designated project to a design level that will include costing scenarios for those projects under the Stormwater Utility purview. This process will allow the Town sound budgeting practices to evaluate capital improvements and identify projects to submit for potential funding from the Pima County Flood Control District. The new asset manager/engineer will be responsible for defining these projects including separating out unit costs for services/deliverables.

### Current Rate

Single-family residences currently pay \$2.90 per month, charged to their water bill or separately by the Town. Commercial facilities and non-profits are also charged \$2.90 per "Equivalent Residential Unit" (ERU) of impervious area (driveways, patios, roofs, or other areas where stormwater does not infiltrate into the ground). At present an ERU is equal to 5,000 square feet per Town Code 15-24-13-G. The Preferred Financial Scenario includes a five year projection of the fund and evaluates the impact of future costs and revenue sources that will be required to meet those costs.

In order to cover various alternatives staff conducted an impervious area sample distribution study this year to best determine the basic ERU value. The result of the study indicates that the Town's average rounded ERU value is 3,700 square feet. The report is provided under Attachment F. Because the data used in the study may not include all impermeable surfaces, e.g. some driveways, the Commission recommends an ERU value of 4,000 square as more representative. Therefore the recommendation along with the rate adjustment is to reduce the ERU value to 4,000 sq. ft. This new ERU change will require the Town Code to be modified to reflect this new value. Along with the rate change the revised Town Code will be submitted to Town Council for consideration and approval.

### National Average

There are currently 1511 Stormwater Utilities throughout the United States (Campbell, 2011). Western Kentucky University annually updates and provides access to their very extensive Stormwater Utility database as summarized in Appendix F. This survey provides us the opportunity to compare the Town's current rate structure with others nationally. However, the Western Kentucky University data survey results does not contain information about the scope of activities of responding Utilities. The Oro Valley Stormwater Utility is performing quality and quantity work whereas many survey responders may perform only quality work, so direct comparison may not be representative.

The average national rate, as of the 2014 study, was \$4.01 per month. The rates range from "no fee" to \$35.00 dollars per month to accommodate various programs with 10.6% of the national rates being \$2.50 to \$2.99, over 34.5% of the utilities have rates averaging \$3.00 to \$6.00 per month. In addition, for towns comparable in population to Oro Valley, approximately

256, the average monthly rate was cited as \$4.26. The other noted comparison was the equivalent residential unit (ERU) value of impervious surface. Only 11.5% of the utilities had an ERU between 4,000 and 5,000 square feet. Over 22.8% classified an ERU as between 2,500 to 3,250 square feet. Many of the utilities, over 51.2% had an unspecified ERU.

### Required Program Highlights

The additional funding proposed will not only provide for the sustainability of the core program, but also for increased utility infrastructure assets and associated maintenance requirements as well as fund the development of small specific community infrastructure projects.

ADEQ has prepared a draft 2015 Small Municipal Separate Storm Sewer System General Permit (Small MS4 GP) intended to succeed the 2002 Small MS4 GP (Permit No. AZG2002-002). This draft is scheduled to be adopted in early 2016, significantly changing and adding definition to the Minimum Control Measures (MCM) required by each MS4. Adoption of the new rate will provide funding for necessary staffing to ensure continued compliance.

### Revenue Forecast and Requirements

Appendix A is a five year forecast for the Stormwater Utility should no rate increase occur. As depicted in the chart, the utility has a structural deficit. The FY 2016-17 recommended budget from staff would not meet the required reserve fund as outlined in the Town Code 15-24-10. A chart of the Stormwater Utility Fund is depicted in Appendix B.

The revenue forecast was based on analysis of the Stormwater Utility's monthly billing data from FY 2015-16 and a projection of growth in the number of housing units expected to be developed over the next five years. The revenue projects a flat fee not dependent on any type of usage but is only coordinated with the total number of ERU's calculated within the Town. The growth projected in residential units is determined by the Development and Infrastructure permitting staff based on trend analysis.

Appendix C provides the detailed information for moving forward with the Preferred Funding Scenario. A rate adjustment of \$1.60 from \$2.90 to \$4.50 would provide for a stable and compliant Stormwater program. The increase is adopted through Mayor and Council resolution which was last reviewed November 7, 2007.

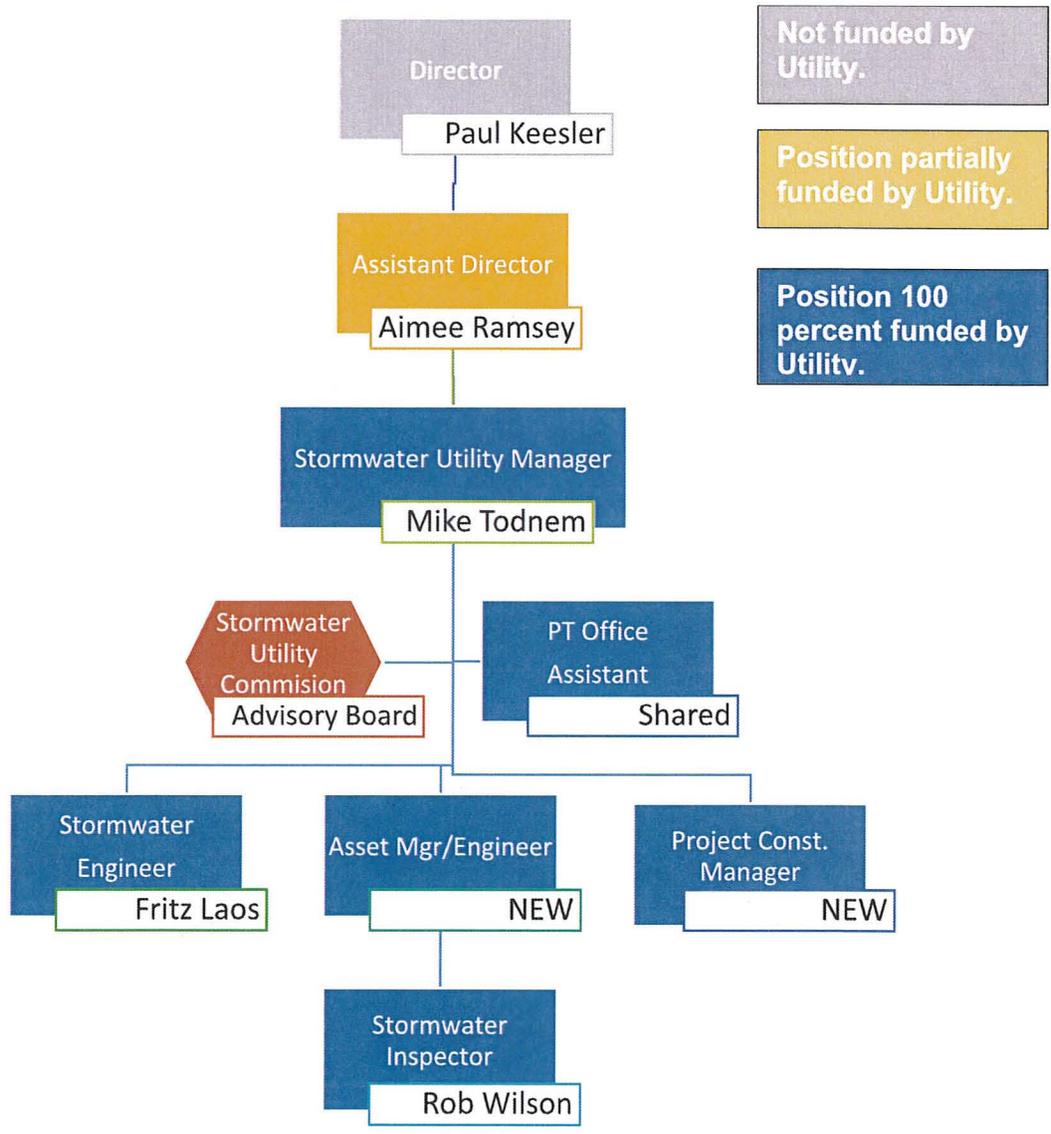
Over the past 8 years the Stormwater Management Program has developed. The opportunity presented to the Town with the initial fee structure allowed staff to develop principles and best practices to meet the requirements defined under the ADEQ MS4 program. The division produced its first annual report in 2008 and recently completed its first EPA/ADEQ Town wide audit. The program requirements to accomplish the utilities mission have been better defined and quantified revealing funding shortfalls. With the aftermath of the audit, potential future audits, and structural deficit, the rate increase is a necessity.

The future expenditures stay relatively stable and grow to meet the projected personnel costs, increase to support the Program Development, Design, Construction Management &

Maintenance program projects as outlined (see note on page 7 regarding program sustainability). In addition, the expenditures include a 3.5 percent annual merit increases. These projected increases are consistent with the General Fund's financial planning. The projected operations and maintenance (O&M) costs include inflationary increases in some areas that average 1.7 percent annually. The inflation factors were provided by the Arizona Department of Revenue.

# Organization Chart

## Proposed Stormwater Utility Division Structure



## *Maintaining our washes*

*Before*



*After*



Rooney Wash

## Appendices

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# Appendix A – Stormwater Fund Status Quo 5 Year Forecast

Stormwater Fund 5 Year Forecast		Revised: 1/22/2016					
Assumes \$2.90 fee/ERU		FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
		Budgeted	Draft Projected				
<b># of Units:</b>							
Residential		15,764	16,107	16,496	16,827	17,053	17,203
NEW: projected Residential		343	389	331	226	150	150
Commercial		3,852	4,063	4,063	4,063	4,063	4,063
NEW: projected Commercial		211	-	-	-	-	-
Metro Water - Residential		1,353	1,353	1,353	1,353	1,353	1,353
Metro Water - Commercial		1,005	1,005	1,005	1,005	1,005	1,005
<b>Total Units:</b>		<b>22,528</b>	<b>22,917</b>	<b>23,248</b>	<b>23,474</b>	<b>23,624</b>	<b>23,774</b>
<b>Carry forward Fund Balance</b>		<b>\$ 299,844</b>	<b>\$ 192,953</b>	<b>\$ 93,695</b>	<b>\$ (13,187)</b>	<b>\$ (85,369)</b>	<b>\$ (172,723)</b>
<b>Revenue:</b>							
Monthly Stormwater Utility Fee/Unit		\$ 2.90	\$ 2.90	\$ 2.90	\$ 2.90	\$ 2.90	\$ 2.90
Gross Revenues		\$ 783,974	\$ 797,512	\$ 809,030	\$ 816,895	\$ 822,115	\$ 827,335
Funding from Outside Sources		3,250	3,331	3,415	3,500	3,587	3,677
Grant Funds		35,000					
		<b>\$ 822,224</b>	<b>\$ 800,843</b>	<b>\$ 812,445</b>	<b>\$ 820,395</b>	<b>\$ 825,703</b>	<b>\$ 831,012</b>
<b>Expenses:</b>							
Personnel							
3.80 Current Staff							
Total Personnel:		\$ 346,620	\$ 345,568	\$ 357,663	\$ 370,181	\$ 383,137	\$ 396,547
Contracts/Services							
Outside Professional Services*		116,795	<sup>a</sup> 117,963	119,143	120,334	121,537	122,753
Low Impact Development		35,000					
Other		50,000	50,000	50,000	50,000	50,000	50,000
<b>Stormwater Maintenance</b>		<b>134,000</b>	<b>138,690</b>	<b>143,544</b>	<b>148,568</b>	<b>153,768</b>	<b>159,150</b>
Vehicle Repair & Maintenance		19,800	<sup>a</sup> 19,998	20,198	20,400	20,604	20,810
Equipment Repair & Maintenance		32,000	<sup>a</sup> 32,320	32,643	32,970	33,299	33,632
Rentals		250	<sup>a</sup> 253	255	258	260	263
Telecommunications		1,400	<sup>a</sup> 1,414	1,428	1,442	1,457	1,471
Postage		250	<sup>a</sup> 253	255	258	260	263
Printing & Binding		1,000	<sup>a</sup> 1,010	1,020	1,030	1,041	1,051
Travel & Training		5,000	<sup>a</sup> 5,050	5,101	5,152	5,203	5,255
Membership		7,500	<sup>a</sup> 7,575	7,651	7,727	7,805	7,883
Office Supplies		2,000	<sup>a</sup> 2,020	2,040	2,061	2,081	2,102
Gasoline		24,500	<sup>a</sup> 24,745	24,992	25,242	25,495	25,750
Uniforms		750	<sup>a</sup> 758	765	773	780	788
Bad Debt Expense		750	<sup>a</sup> 758	765	773	780	788
Field Supplies		9,000	<sup>a</sup> 9,090	9,181	9,273	9,365	9,459
Safety		500	<sup>a</sup> 505	510	515	520	526
Software Maintenance & Licensing		1,500	<sup>a</sup> 1,515	1,530	1,545	1,561	1,577
SW Projects		50,000	50,000	50,000	50,000	50,000	50,000
Depreciation		135,000	135,000	135,000	135,000	135,000	135,000
Total Contracts/Services:		<b>\$ 626,995</b>	<b>\$ 598,915</b>	<b>\$ 606,021</b>	<b>\$ 613,320</b>	<b>\$ 620,818</b>	<b>\$ 628,520</b>
Capital Outlay/Projects							
Minor Assets		2,500	<sup>a</sup> 2,525	2,550	2,576	2,602	2,628
Misc - Mos. Trapping		3,407	3,500	3,500	3,500	3,500	3,500
Vehicle/Equipment Reserve		38,000	38,000	38,000	38,000	38,000	38,000
New Vehicles		-	-	-	-	-	-
Capital Interest		305	305	305	-	-	-
Equipment		46,288	46,288	46,288	-	-	-
Total Capital Outlay		<b>\$ 90,500</b>	<b>\$ 90,618</b>	<b>\$ 90,643</b>	<b>\$ 44,076</b>	<b>\$ 44,102</b>	<b>\$ 44,128</b>
<b>Total Expenses:</b>		<b>\$ 1,064,115</b>	<b>\$ 1,035,101</b>	<b>\$ 1,054,327</b>	<b>\$ 1,027,577</b>	<b>\$ 1,048,057</b>	<b>\$ 1,069,195</b>
<b>Ending Balance/Contingency Reserve</b>		<b>\$ 192,953</b>	<b>\$ 93,695</b>	<b>\$ (13,187)</b>	<b>\$ (85,369)</b>	<b>\$ (172,723)</b>	<b>\$ (275,905)</b>
		24.6%	11.7%	-1.6%	-10.5%	-21.0%	-33.3%
Vehicles			-	-	-	-	-
Equipment			-	-	-	-	50,000
<b>Vehicle/Equipment Reserve - Replacement</b>		<b>\$ 90,806</b>	<b>\$ 128,806</b>	<b>\$ 166,806</b>	<b>\$ 204,806</b>	<b>\$ 242,806</b>	<b>\$ 230,806</b>
⇒ Assumes Growth in Benefits & Wages		3.5%					
⇒ Internal drainage projects remain the same							
⇒ Cost Escalation		1.0%					
<b>Notes:</b>							
>		continue to charge out operations support to Hwy Fund per current method					
>		ending revenue amounts are estimates subject to further revisions, and may not tie to cash balance in fund due to timing of revenues and expenditures					

## Appendix B – Stormwater Utility Status Quo Funding Charts

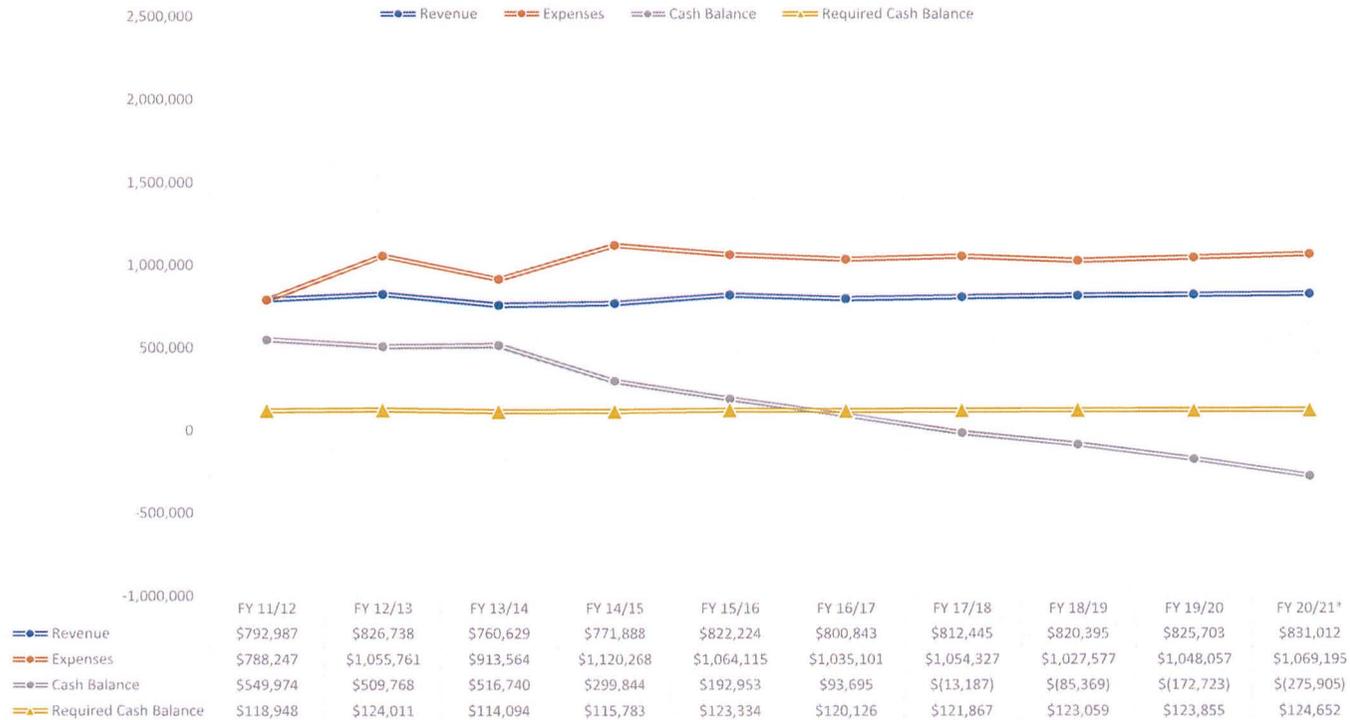


Town of Oro Valley  
Stormwater Utility Division

CHART 1 - Status Quo Funding Chart

Fiscal Year	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Revenue \$	792,987	826,738	760,629	771,888	822,224	800,843	812,445	820,395	825,703	831,012
Expenses \$	788,247	1,055,761	913,564	1,120,268	1,064,115	1,035,101	1,054,327	1,027,577	1,048,057	1,069,195
Cash Balance \$	549,974	509,768	516,740	299,844	192,953	93,695	(13,187)	(85,369)	(172,723)	(275,905)
Required Cash Balance \$	118,948	124,011	114,094	115,783	123,334	120,126	121,867	123,059	123,855	124,652

STORMWATER UTILITY FUND



\*FY 2020/21 begin use of vehicle reserve for vehicle and equipment purchases.

# Appendix C – Stormwater Fund Preferred Scenario – 5 Year Forecast

Stormwater Preferred Funding Option - 5-year projection		Revised: 1/11/2016			
FY 2015/16		FY 2016/17			
Monthly Stormwater Utility Fee/Unit	Current	Change ERU	Notes		
Residential Rate	\$2.90	\$4.50	\$1.60 increase		
Commercial Rate	\$2.90	\$4.50	\$1.60 increase		
ERU = Square Feet	5,000	4,000	*Commercial may apply for credit		
# of Units:			Change in ERU requires the Town Code to be modified		
Residential	17,460	17,749	Change in rate is accomplished through a resolution		
Commercial	5,068	6,335			
<b>Total Units:</b>	<b>22,528</b>	<b>24,084</b>			
Carryforward Fund Balance	\$ 299,844	\$ 192,953			
Revenue:			- Corrects structural deficient		
Gross Revenues	\$ 783,974	\$ 1,300,536	- Increases maintenance abilities		
Funding from Outside Sources	\$ 3,250	\$ 3,250	Provides staffing to		
Grant Funds (one time)	\$ 35,000	\$ 35,000	- Increases reporting / ADEQ BMP's		
	\$ 822,224	\$ 1,303,786	- Develop a CIP program with projects		
<b>Additional Revenue</b>		\$ 516,562	- Manage and inspect additional assets		
Expenses:			Return at a later date > if there is support for project implementation		
Personnel					
3.8 Current Staff	\$ 346,620	\$ 358,752			
<b>New - Proposed</b>					
1.0 Asset Mgr./Engineer	-	69,089			
1.0 Stormwater Prj.-Const. Mgr	-	83,982			
5.8 Total Stormwater Staff	-	153,071			
<b>Total Personnel:</b>	\$ 346,620	\$ 511,822			
Contracts/Services			<b>Tasks - Outcomes</b>		
Outside Professional Services*	116,795	118,000	• Project Identification		
ONE TIME GRANT	35,000	-	- costing		
Design/Consultants	50,000	10,000	- design		
Stormwater Maintenance - OPS	134,000	139,000	- build/maint under 80K		
Increase Maintenance (Services)		80,000	• Work order development		
Vehicle Repair & Maintenance	19,800	21,000	- prioritization / maintenance scheduling		
Equipment Repair & Maintenance	32,000	32,000	- increased inspections		
Rentals	250	500	- increased Public Education		
Telecommunications	1,400	2,800	• New Program Compliance		
Postage	250	250	• Personnel/Operations cost		
Printing & Binding	1,000	1,000	increase for deliverables		
Travel & Training	5,000	10,000	• Program Sustainability		
Membership	7,500	7,500	- 5 years		
Office Supplies	2,000	6,000			
Gasoline	24,500	27,000			
Uniforms	750	1,500			
Bad Debt Expense	750	750			
Field Supplies	9,000	18,000			
Safety	500	1,000			
Software Maintenance & Licensing	1,500	1,500			
SW Projects	50,000	50,000			
Depreciation	135,000	135,000			
<b>Total Contracts/Services:</b>	\$ 626,995	\$ 662,800			
Capital Outlay/Projects					
Minor Assets	2,500	3,500			
Misc - Mos. Trapping	3,407	3,500			
Vehicle/Equipment Reserve	38,000	38,000			
New Vehicles	-	35,000			
Capital Interest	305	305			
Equipment	46,288	46,288			
<b>Total Capital Outlay</b>	\$ 90,500	\$ 126,593			
<b>Total Expenses:</b>	\$ 1,064,115	\$ 1,301,215			
Ending Balance/Contingency Reserve	\$ 192,953	\$ 330,524			
	24.6%	25.4%			
<b>Five Year Projection</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Balance	\$ 192,953	\$ 330,524	\$ 321,659	\$ 328,160	\$ 316,742
Revenue	\$ 1,303,786	\$ 1,325,867	\$ 1,342,006	\$ 1,353,831.73	\$ 1,365,678
Personnel	\$ 511,822	\$ 529,736	\$ 548,277	\$ 567,466	\$ 587,328
O&M	\$ 523,800	\$ 529,038	\$ 534,328	\$ 539,672	\$ 545,068
Ops Main	\$ 139,000	\$ 143,865	\$ 148,900	\$ 154,112	\$ 159,506
Capital	\$ 126,593	\$ 132,093	\$ 104,000	\$ 104,000	\$ 119,000
Expenditure	\$ 1,301,215	\$ 1,334,732	\$ 1,335,505	\$ 1,365,250	\$ 1,410,902
YE Cash Balance	\$ 330,524	\$ 321,659	\$ 328,160	\$ 316,742	\$ 271,518
Reserve Balance Percent	25.4%	24.3%	24.5%	23.4%	19.9%
Purchases	\$ -	\$ -	\$ -	\$ -	\$ 50,000
<b>YE Vehicle/Equipment Cash Balance</b>	\$ 128,806	\$ 170,306	\$ 215,306	\$ 260,306	\$ 255,306
Vehicles/Equipment	Truck	Truck			Sweeper *Use Begins

> Accounts for depreciation

## Appendix D – Stormwater Utility Preferred Scenario Funding Chart

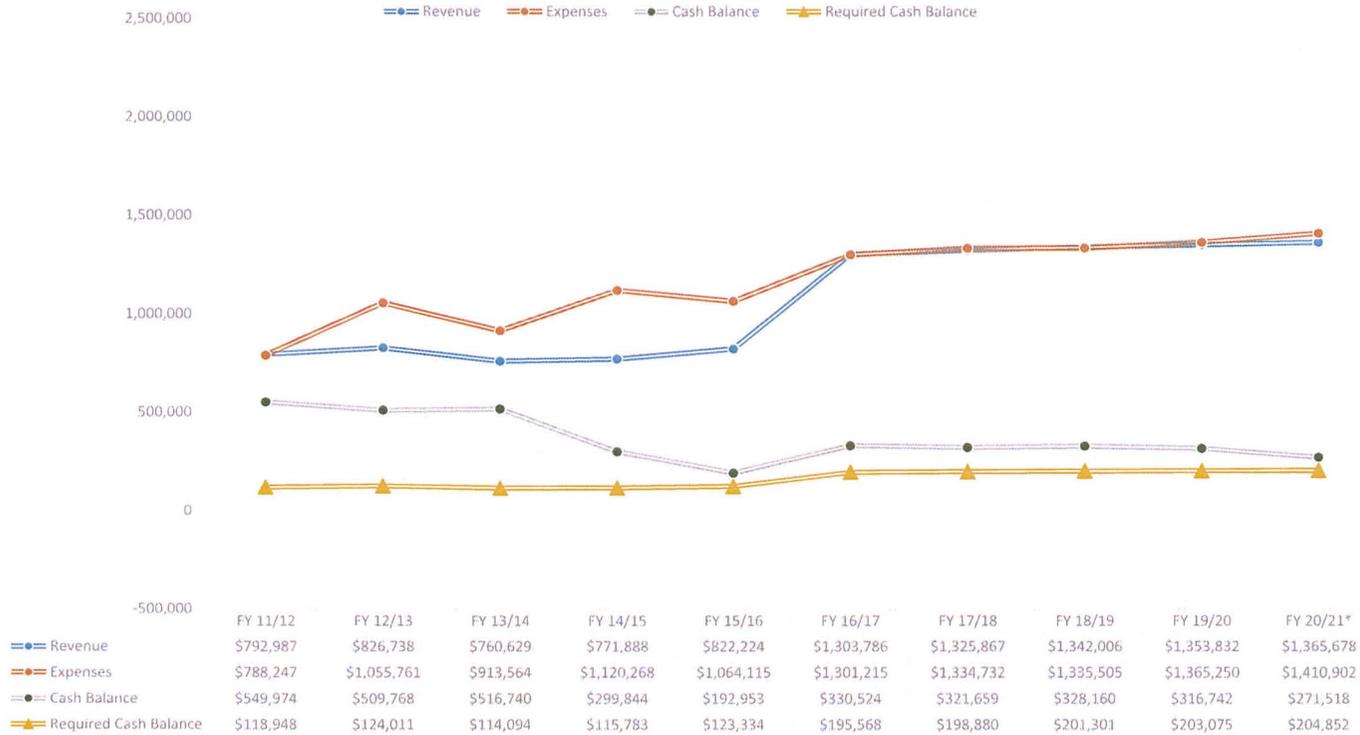


Town of Oro Valley  
Stormwater Utility Division

CHART 2 - Proposed Rate Adjustment Funding Chart

Fiscal Year	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Revenue \$	792,987	\$ 826,738	\$ 760,629	\$ 771,888	\$ 822,224	\$ 1,303,786	\$ 1,325,867	\$ 1,342,006	\$ 1,353,832	\$ 1,365,678
Expenses \$	788,247	\$ 1,055,761	\$ 913,564	\$ 1,120,268	\$ 1,064,115	\$ 1,301,215	\$ 1,334,732	\$ 1,335,505	\$ 1,365,250	\$ 1,410,902
Cash Balance \$	549,974	\$ 509,768	\$ 516,740	\$ 299,844	\$ 192,953	\$ 330,524	\$ 321,659	\$ 328,160	\$ 316,742	\$ 271,518
Required Cash Balance \$	118,948	\$ 124,011	\$ 114,094	\$ 115,783	\$ 123,334	\$ 195,568	\$ 198,880	\$ 201,301	\$ 203,075	\$ 204,852

STORMWATER UTILITY FUND



\*FY 2020/21 begin use of vehicle reserve for vehicle and equipment purchases. New rate adjustment accounts for depreciation.

## Appendix E – Stormwater Listing

The list of issues on the following pages is a compilation of drainage and Stormwater deficiencies that need to be evaluated, designed, programed or facilitated. Some of these issues have been on a list since 2001 while other deficiencies have been added as new washes and new assets have been identified and inventoried. This list is fluid and as additional issues are brought to our attention concerns, complaints or evaluation requests are made from the community the list is modified.

Issues have been categorized as;

- Restoration
- Maintenance
- Study
- Design/Construction

At this time none of these issues have not been assessed nor is there funding for any type of evaluation or mitigation. The ability to evaluate these issues will provide Once evaluated, the Town of Oro Valley will have a platform for requesting funding or competing for funding from outside sources to address some of these issues. THIS LIST IS NOT PRIORITIZED IN ANY ORDER NOR DOES IT INDICATE THAT THE TOWN IS RESPONSIBLE FOR EVALUATING OR MITIGATING THE ISSUES. PRIVATE WASHES DO NOT FALL UNDER THE STORMWATER UTILITY PURVIEW.

Intentional Blank

The following Stormwater Maintenance Projects are categorized by:

(S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)  
(V) · Vegetation Removal.

Recently Completed

(DC) · Drainage Design and Repair - Construction  
(M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-1	401 E Strada Patania	Tangerine Hills		Install flared end and reconnect end of culvert, rip rap	Drainage Designs and Repairs - Construction	One Time - CIP	1	FY 2015 \$ 7,500	Pima County
S-1	Canyon Shadow Wash	Canada Hills Parcel K	OV	Remove sediment in ROW north of Lambert - excessive sediment due to September 8, 2015 storm.	Sediment Removal - Maintenance	Recurring - OP	2	annual \$ 5,000	Oro Valley - unfunded
DC-2	Canyon Shadow Wash (Lambert to CDO)	Rancho Feliz (442-647)	OV	Soil cement wash bottom deteriorating at multiple locations with large erosion: also Repair concrete inlet wing wall on north side of Lambert	Drainage Designs and Repairs - Construction	Recurring +4 yrs	2	FY 2014 \$ 10,000	1st Year completed - inspection in 2018
V-1	Canada Hills Parcel K	Canada Hills Parcel K	OV	Remove vegetation/debris in Canyon Shadows wash, ROW north of Lambert	Vegetation Removal - Maintenance	Recurring - OP	2	annual \$ 2,000	Oro Valley - unfunded
M-1	Carmack Wash Basin	Pima County is performing the study	OV	This basin that is comprised of numerous tributaries that have a 100 year flow of over 3,000 cfs as they leave the town boundaries. These tributaries are causing erosion, sedimentation, and flooding problems at numerous areas throughout the subdivisions they traverse	Management Study	One Time - CIP	1	In Progress \$ 100,000	Pima County should be completing this study
S-2	Carmack Wash			Remove debris in ditches Linda Vista from Oracle to Box culverts excessive sediment.	Sediment Removal - Maintenance	Recurring - OP	2	annual \$ 7,000	Oro Valley - unfunded
DC-3	Carmack Wash			Design drainage flow for Linda Vista, Oracle to Box culverts, new design to have concrete bottom for cleaning and sides armored for erosion control	Drainage Designs and Repairs - Construction	One Time - CIP	1	FY \$ 30,000	Oro Valley - unfunded
DC-4	Highlands Wash		PRI	Design repair from Con Arches to CDO, need 404 and easements to control erosion - Demo approx 1/2 of existing outlet south of Lambert Lane and build to correct outlet flow	Drainage Designs and Repairs - Construction	One Time - CIP	1	FY \$ 600,000	Private - unfunded
DC-5	Unknown Wash		PRI	Concrete wash repair behind Fry's off of La Canada	Drainage Designs and Repairs - Construction	One Time - CIP	2	FY \$ 80,000	Private - unfunded
S-3	Highlands Wash		PRI	Remove debris in channel upstream and down stream and clean con arches excessive sediment due to September 8, 2015 storm.	Sediment Removal - Maintenance	Recurring - OP	2	\$ 30,000	Private - unfunded
DC-6	Lambert Lane		OV	Install short extension and flared Ends to all 4 culverts under Lambert Lane, East of La Cholla, place rip rap	Drainage Designs and Repairs - Construction	One Time - CIP	1	FY 2015 \$ 25,000	Oro Valley - unfunded
DC-7	Lambert Lane (Casas)		OV	An unnamed wash crosses Lambert road at a dip crossing that causes significant flooding and sediment buildup at less than a 2 year storm event. In addition road edge erosion is affecting the structural integrity of the road. A box culvert project would alleviate this problem and provide all weather crossing.	Drainage Designs and Repairs - Construction	One Time - CIP	1	\$ 600,000	Oro Valley - unfunded. PCFCD possible

The following Stormwater Maintenance Projects are categorized by:

- (S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)  
(V) · Vegetation Removal.

Recently Completed

- (DC) · Drainage Design and Repair - Construction  
(M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-8	Moore Road Box Culverts		OV	Moore road currently has 3 dip crossings that become a hazard annually during the monsoon season and must be closed at a 5 year event. The road is a safety concern during and after every rain event. This project will construct grade control structures and enhance the road structure with ribbon curbs to improve the safety and reduce maintenance during rain events.	Drainage Designs and Repairs - Construction			\$ 800,000	Oro Valley - unfunded. PCFCD possible
DC-56	Saddle Valley/Logan's Crossing	Saddle Valley/Logan's Crossing	PRI	Clean Culverts at Preakness/ Review Maintenance to Gabion baskets in dipsection adjacent to Water Tank	HOA has drainage issues with in the subdivision which need to be re-engineered by them - Cost TBD	OneTime	annual	\$ 4,000	Oro Valley - unfunded
DC-9	Mutterer's Wash	Oro Valley Townhomes	OV	Evaluate and redesign wash to improve water flow while designing walking path along side wash.	Drainage Designs and Repairs - Construction	One Time - CIP		TBD	Oro Valley - unfunded
V-2	Mutterer's Wash	Oro Valley Townhomes	OV	Remove vegetation/debris in wash	Vegetation Removal - Maintenance	Recurring - +4 yrs	1 FY 2015	\$ 2,800	1st Year completed - inspection in 2018
DC-10	Naranja Park Town Site		OV	Add Rip Rap/Filter Fabric to south slope of Ball fields @ 560'x 70' = 39,200 sq.ft. Find Alternative to Stabilize Slopes	Drainage Designs and Repairs - Construction	One Time - CIP	2		Oro Valley - unfunded
DC-89	Naranja Park Town Site		OV	Design and build drainage structures to reduces deterioration of "slope/berm" along Monterra Hills road impacting sidewalks.	Drainage Designs and Repairs - Construction	One Time - CIP	1	\$ 100,000	Oro Valley - unfunded
DC-11	Naranja Road @ Sawtooth		OV	Shot create repair along hill side east of Sawtooth within ROW	Drainage Designs and Repairs - Construction	One Time - CIP	2	\$ 40,000	Oro Valley - unfunded
DC-12	Naranja Drainage Improvements	Ironwood High School	OV	New culverts at existing dip crossing to allow all weather access during hazardous rain events. The all weather crossings will provide access to Ironwood High School which is designated as an emergency management contact location during local emergencies. The improvements include nine 24" RCP, a 6 cell 4'X10' culvert.	Drainage Designs and Repairs - Construction	One Time - CIP		\$ 1,700,000	Oro Valley - unfunded. PCFCD possible
DC-13	Northern Avenue Drainage Improvements		OV	Comprehensive Drainage study and Construction of Culverts for all low water crossings on Northern.	Drainage Designs and Repairs - Construction	One Time - CIP	2	\$ 2,500,000	Oro Valley - unfunded
M-2	Peglar Wash Basin		OV	This project involves studying the Peglar Wash Basin (North of Magee Road between Northern Ave. & Oracle Road) within the Town of Oro Valley that is composed of numerous tributaries that have a 100 year flow of over 1,500 cfs as they leave the town boundaries.	Management Study	One Time - CIP	2	\$ 75,000	Oro Valley - unfunded
DC-14	Peglar Wash Basin		OV	This project is to implement the recommendations from the Peglar's Wash Basin Mgt Study. This area primarily deals with waters that travel through the Suffolk Hill's portions of the Town.	Drainage Designs and Repairs - Construction	One Time - CIP	2	TBD	Oro Valley - unfunded
V-3	Rooney Wash		OV	Complete yearly landscape work Rooney Wash	Vegetation Removal - Maintenance	Recurring - OP	2 annual	\$ 60,000	Oro Valley - unfunded
S-4	Shadow Mountain Estates West	Shadow Mountain Estates West	OV	Remove sediment in drainage easement behind homes excessive sediment due to September 8, 2015 storm.	Sediment Removal - Maintenance	Recurring - OP	2 FY 2015	\$ 7,500	Due to storm impact - PC outsourced work

The following Stormwater Maintenance Projects are categorized by:

- (S) - Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)
- (V) - Vegetation Removal.

Recently Completed

- (DC) - Drainage Design and Repair - Construction
- (M) - Management Studies

(PR) - Private

No.	Location/Name	Subdivision	Owner	Description of Work		Cost Type	Priority	Year	Estimated Cost	Funding
DC-15	Shadow Mountain Estates West	Shadow Mountain Estates West	OV	Design and repair alley drainage - erosion to area of exposed gas lines	Drainage Designs and Repairs - Construction	One Time - CIP	2		\$ 20,000	Oro Valley - unfunded
V-4	Shadow Mountain Estates West	Shadow Mountain Estates West	OV	Shadow Mountain Estates vegetation removal in alley drainage ways	Vegetation Removal - Maintenance	Recurring - OP	2	FY 2015	\$ 89,000	Due to storm impact - PC outsourced work
M-3	Un-named (Shannon) Basin		OV	This project requires studying the area from Shannon road to Thornydale Road, from Tangerine Road to Naranja Road that would be used for future Town Development/incorporation. This is roughly 640 acres that is composed of numerous tributaries.	Management Study	One Time - CIP	2		\$ 100,000	Oro Valley - unfunded. PCFCD possible
S-5	Vista Del Oro Estates	Vista Del Oro Estates		Remove sediment Vista del Oro Estates excessive sediment due to September 8, 2015 storm.	Sediment Removal - Maintenance	Recurring - OP	2		\$ 7,500	Oro Valley - unfunded
V-5	Vista Del Oro Estates	Vista Del Oro Estates		Landscape in Vista Del Oro Estates Wash	Vegetation Removal - Maintenance	Recurring - OP	2		\$ 5,000	Oro Valley - unfunded
M-4	Un-named Basin			This project requires studying the drainage areas that hold future annexation potential for the Town of Oro Valley. The study area would extend (south and west) from existing Town limits to the boundaries of Orange Grove (to the south) & Thornydale (to the west).	Management Study	One Time - CIP	1		TBD	Oro Valley - unfunded. PCFCD possible
<b>STORM RELATED SMALL PROJECTS</b>										
C-1	Newport Drive			Concrete drainage channel repair	Channel - Maintenance	Recurring - OP	2		TBD	Oro Valley - unfunded
C-2	Valle Del Oro	Oro Valley Estates		Concrete drainage channel repair	Channel - Maintenance	Recurring - OP	2		TBD	Oro Valley - unfunded
C-3	Atua	Oro Valley Estates		Drop inlet add riprap repair erosion	Channel - Maintenance	Recurring - OP	2		TBD	Oro Valley - unfunded
C-4	Lambert Lane-Rancho Sonora			Reconstruct drop inlet	Channel - Maintenance	Recurring - OP	2		TBD	Oro Valley - unfunded
SR-1	9130 N Shadow Mnt			Berm construction - evaluate	Storm Related Issue - Maintenance	TBE	2		TBD	Oro Valley - unfunded
SR-2	10865 N. 1st Ave			Erosion control and stabilization - evaluate	Storm Related Issue - Maintenance	TBE	2		TBD	Oro Valley - unfunded
SR-3	901 W. Valle De Oro	Oro Valley Estates		Erosion Control - evaluate	Storm Related Issue - Maintenance	TBE	2		TBD	Oro Valley - unfunded
SR-4	321 W. Golf View			Erosion repair, rip rap shoulder - evaluate	Storm Related Issue - Maintenance	TBE	2		TBD	Oro Valley - unfunded

The following Stormwater Maintenance Projects are categorized by:

(S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)  
(V) · Vegetation Removal. Recently Completed

(DC) · Drainage Design and Repair - Construction  
(M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
SR-5	180 E Catalina Shadows			Berm construction to protect driveway - evaluate		2		TBD	Oro Valley - unfunded
SR-6	14255 N. Ave			Erosion mail box and ponding driveway - evaluate		2		TBD	Oro Valley - unfunded
SR-7	8980 N. Camino de Anza			Erosion at mail box - evaluate		2		TBD	Oro Valley - unfunded
SR-8	422 W. Hardy			Repair berm - evaluate		2		TBD	Oro Valley - unfunded
SR-9	255 E. Newport			Erosion edge of pavement - evaluate		2		TBD	Oro Valley - unfunded
<b>STORM RELATED ROAD CLOSURE - SAFETY</b>									
DC-15	Buena Vista north of Spring Valley Dr.			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-16	Buena Vista south of Calle Concordia			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-17	Calle Concordia near Buena Vista			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-18	Calle Loma Linda @ Calle Bonita			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-19	Calle Solano wash area			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-20	CDO south of Riverfront Park			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-21	Hardy Road, wash west of the roundabout.			Road Closure - SAFETY sediment removal	One Time - CIP			TBD	Oro Valley - unfunded
DC-22	Highlands Mobile Park			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-23	La Cholla North of Glover			Road Closure - SAFETY sediment removal	One Time - CIP			TBD	Oro Valley - unfunded
DC-24	La Cholla South of Casas Entrance			Road Closure - SAFETY sediment removal	One Time - CIP			TBD	Oro Valley - unfunded

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(V) · Vegetation Removal. Recently Completed

(DC) · Drainage Design and Repair - Construction  
(M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work		Cost Type	Priority	Year	Estimated Cost	Funding
DC-25	La Cholla South of Lambert			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-26	La Cholla South of Naranja			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-27	Lambert east of La Cholla			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-28	Lambert Lane west of La Cholla			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-29	Landoran Ln	Oro Valley Estates		sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-30	Limewood East of Camino Del Plata	Limewood		sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-31	Linda Vista near Egleston	Vista Montana		sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-32	Lomas De Oro at Lambert			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-33	Moore East of La Cholla			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-34	Moore east of La Cholla			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-35	Naranja @ Ironwood Ridge HS			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-36	Naranja East of Shannon			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-37	Naranja West of La Cholla near HS			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-38	Northern Ave behind Walmart			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-39	Northern Ave north of Cool			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded

The following Stormwater Maintenance Projects are categorized by:

(S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)  
(V) · Vegetation Removal. Recently Completed

(DC) · Drainage Design and Repair - Construction  
(M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-40	Northern Ave south of camino cortaro			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-41	Northern Ave south of Magee			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-42	Overlook south of Calle Concordia			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-43	Pistachio @ culverts			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-44	Pistachio @ Pomegranate			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-45	Rancho Sonora Dr			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-46	Shannon South of Naranja			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-47	Shannon to stop traffic from crossing the wash at the north end.			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-48	Suffolk Dr @ Village			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-49	Tangerine - by Camino Del Plata	Tangerin Rd construction FY 2016		Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP	ongoing	In project cost	RTA/PAG funded - Tangerine Rd Project
DC-50	Tangerine - one at town boundary	Tangerin Rd construction FY 2016		Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP	ongoing	In project cost	RTA/PAG funded - Tangerine Rd Project
DC-51	Tangerine @ Camino Del Plata	Tangerin Rd construction FY 2016		Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP	ongoing	In project cost	RTA/PAG funded - Tangerine Rd Project
DC-52	Tangerine and area between La Cholla and La Canada.	Tangerin Rd construction FY 2016		Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP	ongoing	In project cost	RTA/PAG funded - Tangerine Rd Project
DC-53	Tangerine West of La Cholla	Tangerin Rd construction FY 2016		Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP	ongoing	In project cost	RTA/PAG funded - Tangerine Rd Project
DC-54	Valle Del Oro RD			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded

The following Stormwater Maintenance Projects are categorized by:

- (S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)
- (V) · Vegetation Removal.

Recently Completed

- (DC) · Drainage Design and Repair - Construction
- (M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-55	Valle Del Oro Rd at CC			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-56	La Cholla @ Tangerine	La Cholla		Sediment removal from drop inlet culvert	Add Berm and waddles to slow and control/direct flow into the inlet	1	annual	\$ 1,500	Oro Valley - unfunded
DC-58	8151 Northern Ave.	Northern Ave.		Debris removal from outlet	Storm Drain under Northern blocked by Veg/debris/Sediment at outlet	1	annual	\$ 500	Oro Valley - unfunded
DC-60	8252 N Northern Ave.	Northern Ave.		Debris removal from inlets	Storm Drain under Northern blocked by Veg/debris/Sediment at inlet	1	annual	\$ 1,500	Oro Valley - unfunded
DC-61	Casas Lindas Apts	Northern Ave.		Debris removal from inlet in ROW	Northern blocked by Veg/debris/Sediment at inlet	1	annual	\$ 1,500	Oro Valley - unfunded
DC-62	2005 W Glover Rd	Ironwood Ranch		Debris/Veg /Sediment Removal from outlet of box culvert and manage downstream veg		1	annual	\$ 2,500	Oro Valley - unfunded
DC-63	Bridge on Monterra Vista Dr.	Monterra Knolls		Debris/Veg /Sediment Removal from outlet of box culvert and manage downstream veg	Possible Detention Project - Engineer/Design	1	annual	\$ 3,000	Oro Valley - unfunded
DC-67	Naranja Dr.	Canada Ridge		Box Culvert in ROW west of Eagle Crest Dr. - inlet /outlet need debris/veg removal		1	annual	\$ 2,000	Oro Valley - unfunded
DC-69	605 E Windy Peak	Rancho Catalina		Drainage improvements	Discuss Easement behind lots from 625 E Windy Peak Dr - 8530 N Ranch Catalina with possible detention project. Al Coons	1		\$ 10,000	Oro Valley - unfunded
DC-71	363 E Sunburst - Paul Parisi	Rancho Catalina		Veg removal and Channelization of wash running across Rancho Catalina Ave between 455 E Windy Vista Pl. and 8405 N Rancho Catalina Dr.		1		\$ 7,500	Oro Valley - unfunded
DC-73	Oracle Square @ Hardy	Shadow Mountain Estates		Drainage improvements	Drainage Study - 900 cfs Coming across Oracle thru box culvert into Shadow Mountain Estates	1		\$ 10,000	Oro Valley - unfunded
DC-76	Oracle Rd. Drainage N' of Calle Concordia	Vista Mantana		Drainage improvements - channelization of sheetflow onto Egleston contributing to flooding in Vista Mantana Subdivision	Drainage Study/Temporary Solutions	1		\$ 30,000	Oro Valley - unfunded
DC-79	Rock Ridge Apts	Pusch View Lane		Drainage channell on S' side of Pusch View Lane Needs Veg cleanup/debris removal	ROW	1	annual	\$ 1,500	Oro Valley - unfunded
DC-81	Rivers Edge S'	Rivers Edge (1-89)	PRI	Drainage Channel outlet to CDO needs Veg Mgmt	Private	1		Private	Private - unfunded
DC-83	Rivers Edge N'	Rivers Edge (103-120)		Box Culvert crossing Lambert needs sediment removed		1	annual	\$ 4,500	Oro Valley - unfunded

The following Stormwater Maintenance Projects are categorized by:

- (S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)
- (V) · Vegetation Removal.

Recently Completed

- (DC) · Drainage Design and Repair - Construction
- (M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-84	Vista Catalina	Vista Catalina		Channel N' of Vista Catalina/S' of Highlands Mobile Park requires veg/debris/sediment removal		1	TBD	\$ 10,000	Oro Valley - unfunded
DC-57	8305 Northern Ave.	Northern Ave.		Debris removal from outlet/Cannot find inlet		2	annual	\$ 500	Oro Valley - unfunded
DC-59	8090/8041 Northern Ave.	Northern Ave.		Debris removal from inlets/outlets		2	annual	\$ 1,500	Oro Valley - unfunded
DC-65	Ironwood Valley Dr.	Tangerine Heights		Box Culvert - manage erosion cutting from road down sides of box culvert		2	annual	\$ 500	Oro Valley - unfunded
DC-68	Naranja Dr.	Canada Ridge		Box Culvert in ROW east of Canada Ridge Dr. - outlet need debris/veg removal		2	annual	\$ 1,500	Oro Valley - unfunded
DC-70	8620 N Glenhurst Pl.	Sunnyslope		Drainage improvements		2		TBD	Oro Valley - unfunded
DC-75	Oracle Rd. Drainage N' of Calle Concordia	OV Aquatic Center		Drainage improvements		2		\$ 3,000	Oro Valley - unfunded
DC-80	Rooney Wash	Oracle Road E' side		Drainage channel on E' side of Oracle Rd. Needs Veg cleanup/debris removal at inlet		2	annual	\$ 1,500	Oro Valley - unfunded
DC-85	10707 N Pomegranite Dr.	Monte Del Oro		Drainage requires refinement		2		\$ 1,000	Oro Valley - unfunded
DC-64	Tangerine Road @ Highlands Wash (east of Monterra Knolls)	Monterra Knolls		Debris/Veg /Sediment Removal from Inlet/outlet of box culvert and manage downstream veg		3	annual	\$ 5,000	Oro Valley - unfunded
DC-66	Reflection Ridge Dr	Tangerine Heights		ROW erosion at entry from Tangerine and north along W'side ROW		3		\$ 500	Oro Valley - unfunded
DC-72	Campo Bello	Campo Bello		Drainage improvements		3		TBD	Oro Valley - unfunded
DC-74	Oracle Rd. Drainage S' of Calle Concordia	Shadow Mountain Estates		Drainage improvements		3		\$ 1,500	Oro Valley - unfunded
DC-77	Oracle Rd. Drainage N' of El Conquistador Way	Mutterers Wash S'		Drainage from Wolfley/Ajacent Property adding to sediment Problem into Mutterers. Deep Erosion cuts next to spillway on El Conquistador Way (Private Property)		3		TBD	Oro Valley - unfunded
DC-78	Valle Del Oro Town Homes	Mutterers Wash S'		Drainage Channell exiting Valle Del Oro townhomes needs to be cleaned...Veg/Debris/Sedimet		3		Private	Oro Valley - unfunded
DC-82	Rivers Edge N'	Pusch Ridge Vistas II		Hillside at 10831 N Pusch Ridge View Pl. Needs Erosion Control		3		Private	Oro Valley - unfunded

The following Stormwater Maintenance Projects are categorized by:

- (S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)
- (V) · Vegetation Removal.

Recently Completed

- (DC) · Drainage Design and Repair - Construction
- (M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-86	1001 E Linda Vista Blvd	Pusch Ridge Estates		Sweep Road in front of house		3		\$ 150	Oro Valley - unfunded
DC-87	Rancho Sonora Dr	Rancho Sonora		Trash in Wash up against barricades		3		\$ 150	Oro Valley - unfunded
DC-88	Shadows of the Ridge	Shadows of the Ridge		Sediment removal from drop inlet culvert				\$ 2,500	Oro Valley - unfunded

# Appendix F – Western Kentucky University

Western Kentucky University  
 Stormwater Utility Survey  
 2014

What other are doing.  
 Summary

Cities, Towns, Counties	Average Fee	Lowest Fee	Highest Fee
Total US Stormwater Utilities	1511 \$ 4.01	\$ -	\$ 35.00

Fee Range	No.		
No Fee	264	17.5%	
.01 to 1.49	96	6.4%	
1.50 to 2.49	137	9.1%	
2.50 to 2.99	160	10.6%	43.5%
3.00 to 3.49	81	5.4%	
3.50 to 3.99	99	6.6%	
4.00 to 4.99	206	13.6%	
5.00 to 5.99	136	9.0%	34.5%
6.00 to 6.99	97	6.4%	
7.00 to 7.99	79	5.2%	
8.00 to 8.99	46	3.0%	
9.00 to 9.99	29	1.9%	16.6%
10.00 to 14.99	61	4.0%	
15.00 to 35.00	20	1.3%	5.4%
	1511	100.0%	100.0%

Population	Average	High
≤ 10,000	\$ 3.71	\$ 19.43
≤ 25,000	\$ 4.15	\$ 14.00
≤ 50,000	\$ 4.26	\$ 14.46
≤ 75,000	\$ 3.93	\$ 11.99
≤ 100,000	\$ 3.71	\$ 13.05
≤ 150,000	\$ 3.94	\$ 14.26
≤ 250,000	\$ 4.31	\$ 14.00
≤ 500,000	\$ 4.01	\$ 13.78
≤ 1,000,000	\$ 4.34	\$ 16.75
> 1,000,000	\$ 2.72	\$ 13.48
	1511	100.0%

ERU Classifications			
< 1000	18	1.2%	
< 1250	26	1.7%	
< 2000	64	4.2%	
< 2500	112	7.4%	14.6%
< 2600	69	4.6%	
< 2750	68	4.5%	
< 3000	82	5.4%	
< 3250	125	8.3%	22.8%
< 4000	122	8.1%	
< 5000	52	3.4%	11.5%
5000 ≥ 9000	26	1.7%	
9001 ≥ 25000	10	0.7%	
> 43500	35	2.3%	
Unspecified	702	46.5%	51.2%
	1511	100.0%	100.0%

Possible Rates - Residential			
Rates	FY 15/16	Increase Funds	
\$ 2.90	\$ 783,974		
\$ 3.63	\$ 981,320	25.0%	
\$ 4.35	\$ 1,175,962	50.0%	\$ 391,988
\$ 5.80	\$ 1,567,949	100.0%	\$ 783,975
\$ 7.25	\$ 1,959,936	150.0%	\$ 1,175,962

## Appendix G – Equivalent Residential Unit Study



Development and Infrastructure Services Department  
Operations - Stormwater Utility

September 2, 2015

Re: Determining the basic ERU value

This memo describes the steps taken to date in the determination of an Equivalent Residential Unit (ERU) which will be applied to the determination of a revised Stormwater Utility fee structure. The use of available GIS data files in the determination of a revised ERU are discussed. Two GIS data files were used in the process, the first of which is a residential structure footprints file. The footprints file is a GIS data layer with file name [sde.SDE.Residentialfootprint] (footprints) which is located in the Town GIS repository. This file was generated by the Pima Association of Governments (PAG) using existing aerial photograph raster data. The footprint data is in the form of polygons which show the approximate footprint of nearly all the residential and some commercial structures in the Town. Any missing residential data would mostly be structures that did not exist at the time the data was prepared. The footprint data is intended to loosely represent the impervious areas within residential parcels. While the data contains essentially a complete set of all the residential structures, the actual impervious areas of each parcel are larger than what is indicated by the areas measured for the footprints file since the footprints file does not always include pavement areas, outside concrete areas etc... within each residential parcel. The data does, however, provide a consistent and complete source of information to use for our purposes. The second GIS data file used in this process represents the zoning in the Town with file name [sde.SDE.Zoning]. This data is also in the form of polygons with each polygon representing the specific zoning within its area.

Statistics for each zoning category were extracted by first overlaying the footprints file with the zoning file therefore isolating footprint sizes for each zoning district. The critical statistics were: 1) number of footprints within a particular zoning district and 2) the mean size of the footprints in that district. Footprint data for twelve zoning categories were observed (see Table 1). Please see the attached (Figure 1) for a distribution of Oro Valley zoning overlaid on the residential footprints within the Town.

Table 1. Oro Valley Zoning Districts with Selected Statistics

Zoning Category	Description	Count	Mean Footprint Size (sq-ft)
PAD	Planned Area Development	10,977	2752
R-4	Townhouse Residential	2,048	2461
R-6	Multi-Family Residential	198	1949
R1-300	Single Family Residential 0.15 RAC	99	5292
R1-144	Single Family Residential 0.30 RAC	416	3826
R1-43	Single Family Residential 1.00 RAC	449	3808
R1-36	Single Family Residential 1.20 RAC	1,563	3494
R1-20	Single Family Residential 2.00 RAC	350	4400
R1-7	Single Family Residential 5.00 RAC	645	3183
SDH-6	Site Delivered Housing District	281	1861
T-P	Technology Park	84	2181
C-1	Commercial	31	26,103

Note: The above data does not represent a complete list of all zoning districts and the Count values may be slightly higher for the districts that are shown. This calculation is a "first pass" intended to get a reasonable approximation of the statistics.

From the data identified in Table 1 all statistics for single family residential were used in the determination of an ERU value. Single family residential was used since it comprised the majority of the overall residential structures within the Town and it is typically used in the available literature when using ERU as a method of calculating stormwater fees. The ERU was calculated as the Count weighted average of the mean footprint sizes. The formula for calculating the ERU was as follows:

$$\frac{(\text{Mean Footprint Size}_{R1-300} \times \text{Count}_{R1-300}) + (\text{Mean Footprint Size}_{R1-144} \times \text{Count}_{R1-144}) + \dots}{(\text{Count}_{R1-300} + \text{Count}_{R1-144} + \dots)}$$

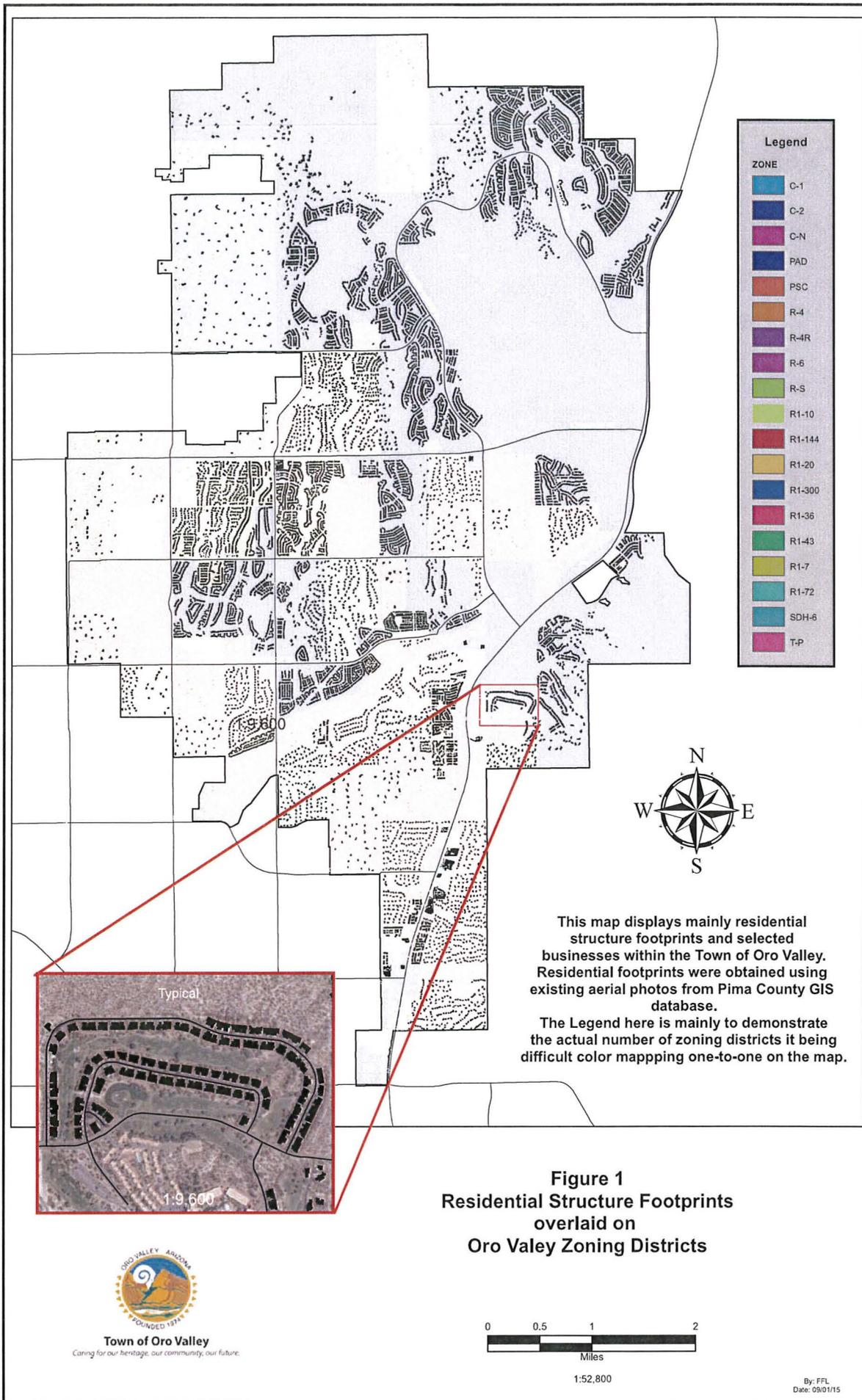
The result for this calculation is 3701.218 indicating a rounded ERU value of 3700. The current ERU for the Town is 5000. This method provides a consistent and measurable way to calculate the basic ERU.

Prepared by:

Fritz F. Laos, EIT, CFM

Civil Engineer

Town of Oro Valley Stormwater Utility



## Bibliography

Campbell, C. Warren (2011). Western Kentucky University 2011 Stormwater Utility Survey, Western Kentucky University, Bowling Green, 51 pp.



**Town Council Regular Session**

**Item # 5.**

**Meeting Date:** 03/02/2016

**Requested by:** Aimee Ramsey

**Submitted By:** Aimee Ramsey, Development Infrastructure Services

**Department:** Development Infrastructure Services

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**Information**

**SUBJECT:**

RESOLUTION NO. (R)16-12, PROVIDING NOTICE OF INTENT TO INCREASE STORMWATER UTILITY BASE RATE FOR THE ORO VALLEY STORMWATER UTILITY

**RECOMMENDATION:**

Staff recommends approval.

**EXECUTIVE SUMMARY:**

Pursuant to A.R.S. § 9-511.01, a municipality must adopt a Notice of Intent to increase rates at least 30 days prior to the public hearing. The Notice of Intent does not increase any of the rates. The consideration of adoption of any rate increases will occur at the public hearing.

The attached resolution (Attachment #1) meets the intent of the statute by:

1. Making a copy of the Stormwater Rates Analysis Report (Attachment #2) available for public review by placing the report in the Town Clerk's office and on the Stormwater Utility's webpage
2. Directing the town clerk to advertise the resolution in a newspaper of general circulation at least 20 days prior to the public hearing
3. Establishing a public hearing date for May 4, 2016

This resolution sets in motion the public process by scheduling the public hearing and publishing the report. The Stormwater Utility Rate Analysis Report may be obtained at the Town Clerk's Office or on the Stormwater Utility webpage. Once the Notice of Intent is approved and the report is published, the amount of the proposed Stormwater rate increase that could be adopted at the public hearing cannot exceed the amounts published in the report.

The proposal would increase the current Equivalent Residential Unit (ERU) from \$2.90 per ERU to \$4.50 per ERU.

## **BACKGROUND OR DETAILED INFORMATION:**

The Town Code 15-24-13 Section H clearly states the following as guidelines for the Base Rate for the Stormwater Utility;

1. The Town Council shall, by resolution, establish the annual (fiscal year) monthly base rate for the Stormwater Utility fee. The base rate shall be calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the Town.
2. The Stormwater Utility Commission shall annually review the Stormwater Utility revenue requirements and recommend to the Town Council rate adjustments as necessary.

Based on work accomplished over the past 1 1/2 years by the Stormwater Utility Commission, and upon review of the current rate, it has been determined that the current rate will be insufficient to cover the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the Town to meet minimum State storm water management criteria. The Stormwater Utility has produced a Stormwater Rate Increase Analysis due to the fact that the projected FY 2017 budget depicts an ending cash balance of the fund less than the 15% required by code.

Pursuant to A.R.S. § 9-499.15 Section B.2: If the municipality proposes to increase the rate of an existing tax or fee on a business, it is required to provide written notice of the proposed increase on the home page of the municipality's website at least sixty days prior to the date the proposed new rate is approved or disapproved by the governing body of the municipality.

The Stormwater Utility staff reviewed rates to determine the base rate required to meet the cost of the Stormwater management program. A resolution providing for a Notice of Intent to increase the current Equivalent Residential Unit (ERU) from \$2.90 per ERU to \$4.50 per ERU is attached. This resolution meets statutory requirements and sets in motion the public process by scheduling the public hearing on May 4, 2016, publishing the Notice of Intent and making the Stormwater Rates Analysis Report available for public review.

The Notice of Intent does not authorize any rate increases. If the resolution for the Notice of Intent is approved, a separate resolution decreasing the ERU will be presented to the Town Council for consideration at the public hearing on May 4, 2016. The Stormwater Rates Analysis Report will be available at the Town Clerk's Office or on the Stormwater Utility webpage. Once the Notice of Intent is approved and the report is published, the change in ERU that could be adopted at the public hearing cannot vary from the published reduction in the report.

The Stormwater Utility Commission evaluated staff recommendations based on a water rates analysis to assure the recommendations meet Town policies. On January 21, 2016, the Commission voted to recommend approval of the Preferred Financial Scenario in the Stormwater Rates Analysis Report.

The Stormwater Rates Analysis Report includes projections for five years; however, Stormwater rates will be reviewed annually and only for the first year in the five year projection period. The Preferred Financial Scenario meets all revenue requirements and cash reserve requirements for the Stormwater Utility.

**FISCAL IMPACT:**

There is no fiscal impact associated with adopting a Notice of Intent to increase water rates. However, if the resolution is approved, the proposed Stormwater Utility base rate increase to ERU will be presented to the Town Council for their consideration at the public hearing on May 4, 2016. The financial impacts of the proposed Stormwater ERU base rate increase to the Utility are detailed in Appendix C of the Stormwater Utility Rate Analysis.

**SUGGESTED MOTION:**

I MOVE to (approve or deny) Resolution No. (R)16-12, providing Notice of Intent to increase the base rate to Equivalent Residential Unit (ERU) value for the Oro Valley Stormwater Utility.

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**Attachments**

(R)16-12 Providing Notice of Intent to Increase Rates  
Stormwater Rates Analysis Report

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## **RESOLUTION NO. (R)16-12**

### **A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA, PROVIDING NOTICE OF INTENT TO INCREASE THE STORMWATER UTILITY BASE RATE**

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

**WHEREAS**, pursuant to A.R.S. § 9-511, *et seq.*, the Town is required to give a Notice of Intent at a regular Town Council meeting to increase Stormwater rates, fees and charges; and

**WHEREAS**, on November 7, 2007, the Council adopted Resolution No. (R) 07-127, establishing the base rate for the Stormwater Utility fee; and

**WHEREAS**, the Town has completed a Stormwater Rates Analysis Report, attached hereto as Exhibit "A", which supports increasing the base rate for the Oro Valley Stormwater Utility; and

**WHEREAS**, not less than twenty (20) days prior to the public hearing on the proposed rate increases, the Town shall cause to be published one time in a newspaper of general circulation within the Town's boundaries, a Notice of Intent showing the date, time and place of the hearing.

### **NOW THEREFORE, BE IT RESOLVED, BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA:**

1. This Resolution serves as the Notice of Intent, which is hereby publicly given, for the Town of Oro Valley to increase the base rate of the Oro Valley Stormwater Utility.
2. A public hearing shall be held at the regular meeting of the Mayor and Council at 6:00 p.m. on May 4, 2016, in the Council Chambers of the Town Hall, Town of Oro Valley, 11000 North La Cañada Drive, Oro Valley, Arizona, to deliberate and vote on the proposed increases.
3. Exhibit "A", attached hereto, be made available to the public in the Office of the Town Clerk and on the Town of Oro Valley Stormwater Utility website for review prior to the public hearing.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Oro Valley, Arizona this 2<sup>nd</sup> day of March, 2016.

**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”**



2016

# STORMWATER UTILITY

## STORMWATER UTILITY RATE ANALYSIS

**DATE: 01-21-2016**

**STORMWATER UTILITY – DEVELOPMENT & INFRASTRUCTURE SERVICES**

## **Stormwater Utility Mission**

To provide safe and efficient management of the Stormwater Utility, promote and protect life and safety, water quality, and the Town's working and natural environments before, during, and after the occurrence of storm events in accordance with all Town codes, standards and policies.

---

### **ORO VALLEY TOWN COUNCIL**

Dr. Satish I. Hiremath, Mayor  
Lou Waters, Vice Mayor  
Brendan Burns, Council Member  
William Garner, Council Member  
Joe Hornat, Council Member  
Mary Snider, Council Member  
Mike Zinkin, Council Member

### **ORO VALLEY STORMWATER UTILITY COMMISSION**

David Parker, Chair  
Michael Stankiewicz, Vice Chair  
Jim Mikolaitis, Commissioner  
John Lynch, Commissioner  
Frederick Wayand, Commissioner

### **TOWN STAFF**

Greg Caton, Town Manager  
Stacey Lemos, Finance Director  
Paul Keesler P.E., Director  
Aimee Ramsey, Assistant Director  
Phil Trenary, Operations Manager  
Michael Todnem P.E., Stormwater Sr. Civil Engineer

## Table of Contents

PART I. Executive Summary .....	3
PART II. Program Information and Background .....	6
Stormwater Infrastructure .....	6
Background.....	8
Stormwater Purpose .....	8
Municipal Separate Storm Sewer System (MS4) - Stormwater Quality.....	10
Part III: Stormwater Utility Rate Proposal.....	12
Current Funding .....	12
Revenue Forecast and Requirements .....	14
Organization Chart.....	16
Proposed Stormwater Utility Division Structure .....	16
Appendices	
Appendix A – Stormwater Fund 5 Year Forecast .....	A - i
Appendix B – Stormwater Utility Satus Quo Funding Chart .....	A - ii
Appendix C – Stormwater Fund Preferred Scenario 5 Year Forecast.....	A –iii
Appendix D – Stormwater Fund Preferred Scenarion Chart.....	A - iv
Appendix E – Stormwater Project Listing.....	A - v
Appendix F – Western Kentucky University.....	A –vi
Appendix G – Equivalent Residential Unit Study.....	A – vii

## **PART I. Executive Summary**

In Oro Valley the Stormwater program was initiated to fulfil the Environmental Protection Agency's minimum requirement to regulate first flush pollutants which may enter our waterways. The Town's Municipal Separate Storm Sewer Systems (MS4) permitted activities are part of this program and as discussed further will describe Stormwater Quality. Additionally the town has responsibilities regarding flood protection and floodplain management for our community that require maintenance and additional monitoring of aging Stormwater conveyance infrastructure hence known as Stormwater Quantity. This may require debris and sediment removal, vegetation management, facilities maintenance and possibly new facility construction for safety concerns.

The Stormwater Utility is responsible for Stormwater Quality and Stormwater Quantity. The functions and duties of the Oro Valley Stormwater Utility Commission "Commission" include reviewing and developing recommendations for Stormwater revenue requirements, Stormwater rates and fee structures. Controlling the quantity of Stormwater drainage runoff and aiding in water quality management has become essential in keeping our water safe for all of its many uses.

The Stormwater Utility has been in place since 2004 and associated fees since 2007. Since the initial rate was established no formal review of the program and associated rates has taken place. It is the intention of the Commission to annually evaluate the rates and analyze them to assure the recommendations meet Town policies and ensure the financial stability of the program and associated projects.

This Stormwater Rate Analysis Report contains detailed information on the Stormwater Utility fund. The Stormwater Utility (Utility) is an enterprise of the Town and generates revenue from rates, fees and charges and does not receive revenue from taxes or payments from the General Fund. The management of the monthly utility fees include personnel, operations and maintenance of the Small Municipal Separate Storm Sewer Systems (MS4) Program. The Utility pays the General Fund for services received including finance, human resources, information technology, legal, insurance and rental of office space. The Utility also pays the Water Department for billing and receiving of the monthly utility fee. In addition, since the Utility does not have its own maintenance crew, the Utility pays the Highway Fund for associated expenditures including street sweeping, storm cleanup and drainage channel vegetation management. The Utility also hires local contractors to complete Stormwater projects that exceed the work load capabilities of the operations street crew. This past fiscal year contract expenditures totaled just under \$100,000 for contract maintenance that included culvert cleaning, erosion control/stabilization and street drainage interceptors

The Stormwater Utility Commission has made a recommendation for a Preferred Financial Scenario (PFS). The PFS has been selected to meet the mandated requirements as outlined under the Stormwater Town Code 15-24-13-H. The Town Council, by resolution, shall establish the annual (fiscal year) monthly base rate for the Stormwater Utility fee. The base rate shall be calculated to ensure adequate revenues to fund the costs of stormwater management and to provide for the operation, maintenance, and capital improvements of the stormwater system in the Town.

Under the Preferred Financial Scenario, the Operating Fund will have an approximate ending cash balance of just over \$200K at the end of the five-year projection period. A cash balance of 15% (based on revenue projection) is required by Town Code. This amount preserves a balance of 17% to 25% depending on the fiscal year and the associated capital expenditure requirements. The Preferred Financial Scenario includes cash funding to preserve \$50K per year for culvert and wash cleaning as well as increased expenditures on internal small projects by \$80,000 per year or \$400,000 over the five-year period. The Preferred Financial Scenario proposes no other new debt for capital expenditures.

This is the first year since establishment of the rate in 2007 that the rate has been reviewed. The Stormwater Rate Analysis is prepared based on the most up-to-date information available for a five-year projection period. It is important to note that there was a five-year moratorium on fee adjustments from 2007 until 2012.

Operational needs and capital improvement requirements change annually and are carefully evaluated when they are included in the analysis. The Stormwater Utility Commission over the last 18 months reviewed several scenarios, however, based on the necessary funding amounts required to meet mandated outcomes, maintenance requirements, and have a five-year sustainable rate the proposed \$4.50 fee per ERU was recommended. Table 1 reflects the proposed rate changes to the Stormwater Utility fee.

Table 1

**Stormwater Preferred Funding Scenario**

	FY 2015/16	FY 2016/17
Monthly Stormwater Utility Fee/Unit	Current	Change ERU
Residential Rate	\$2.90	\$4.50
Commercial Rate	\$2.90	\$4.50
ERU = Square Feet	5,000	4,000
<b># of Units:</b>		
Residential	17,460	17,749
Commercial	5,068	6,335
<b>Total Units:</b>	22,528	24,084
<b>Revenue:</b>		
Gross Revenues	\$ 783,974	\$ 1,300,536
Funding from Outside Sources	\$ 3,250	\$ 3,250
Grant Funds (one time)	\$ 35,000	
	\$ 822,224	\$ 1,303,786
<b>Additional Revenue</b>		\$ 516,562

**Purpose of Fee**

- Program Development – project definition
- Program Proposal – project design and costing
  - Budget development

- CIP development
- Construction Management
  - New projects
  - Maintenance Oversight
- Increased Inspections due to State and Federal reporting regulations
  - Newly identified washes
  - Additional residential requirements
- Management of existing assets
  - Review of status of infrastructure stability
  - Service and maintenance work order schedules
  - Annual review

## PART II. Program Information and Background

### Why Must We Manage Stormwater?

The Town of Oro Valley administers, operates, and maintains a Stormwater Utility meant to:

- Preserve valuable natural resources
- Protect people and property
- Reduce nuisance flooding
- Improve water quality

The U.S. EPA has estimated that about 30 percent of known pollution to our nation's waters is attributable to stormwater runoff. In 1987, Congress directed U.S. EPA to develop a regulatory program to address the stormwater problem. The U.S. EPA issued regulations in 1990 authorizing the creation of a NPDES permitting system for stormwater discharges from a select group of industrial activities. The National Pollutant Discharge Elimination System (NPDES) is the administrative mechanism chosen for the stormwater permitting program. In Arizona, this program is called Arizona Pollutant Discharge Elimination System (AZPDES). An AZPDES permit is required for any point source discharge of pollutants to the Waters of the United States. Because stormwater runoff can transport pollutants to either a municipal separate storm sewer system or to the Waters of the United States, permits are required for those discharges.

ADEQ has prepared a draft 2016 Small Municipal Separate Storm Sewer System General Permit (Small MS4 GP) that is intended to succeed the 2002 Small MS4 GP (Permit No. AZG2002-002) which is currently administratively continued. The review and subsequent adoption of this general permit is scheduled to occur in early 2016. The draft general permit 2016 builds on the requirements of the previous general permit and is designed to control pollutants to the Maximum Extent Practicable (MEP). The new draft requires updates in the SWMP consistent with the specific permit requirements, implementing the program and evaluating the BMP's as an iterative process to ensure BMP effectiveness. The new draft permit will contain more specific tasks and details than the current 2002 general program and therefore require additional management and program compliance to control pollutants.

### Stormwater Infrastructure

Table 2

Assets Listing	2007	2015	Change	Growth
Miles of FEMA designated floodplains/levees	18	18	0	
Miles of underground storm pipe	4.5	6.5	2.0	44%
Miles of public drainage easements	5	5	0	0%
Street catch basins/inlets	400	560	160	40%
Culverts	180	209	29	16%
Detention basins	40	127	87	218%
First flush devices	50	66	16	32%
Outfalls	150	261	111	74%
Lineal miles of mapped washes	NA	195	NA	

as of August 2015

The Arizona Department of Environmental Quality (ADEQ) conducted an audit of Oro Valley's Municipal Separate Storm Sewer System (MS4) program to assess compliance with the Town's MS4 permit and Stormwater Management Plan (SWMP) on February 26-27, 2014.

The audit included document reviews, interviews with Town program managers, and field verification inspections. During the audit, ADEQ noted areas of potential noncompliance with the permit. According to the Arizona Administrative Code (AAC.) R18-9-A905(A)(3)(a) and 40 Code of Federal Regulations (CFR) 122.41(h), the Town is required to submit information to ADEQ regarding compliance with the Permit and the Town's Stormwater Management Plan. This plan was submitted and accepted September 30, 2015.

The Preferred Financial Scenario rate increase to \$4.50 per month with a reduction in the Equivalent Residential Unit (ERU) to 4,000 square feet will allow the Stormwater Utility to meet:

- MS4 compliance and review minimums as addressed in the Stormwater Management Plan submittal (Stormwater Quality)
  - Redesign program to meet new 2016 General Permit Requirements as outlined by ADEQ
- Infrastructure Project Identification 20% to 30% level (Stormwater Quantity)
  - costing
  - design
  - build under \$80K projects
- Work order development (Stormwater Quality and Quantity)
  - Prioritization of inspection and maintenance scheduling
  - increased inspections
  - increased Public Education
- Stormwater Utility Program Sustainability
  - 5 years

*Note: Program sustainability only accounts for funds to preserve activities defined above. Additional County or other external funds must become available to pay for larger capital projects which will be identified. In the absence of County or other external funds, the rate structure will need to be revised again within one or two years or so that large capital projects identified by the new staff can be completed and funded by the Stormwater Utility.*

## Background

Oro Valley is located in northern Pima County approximately six miles north of the Tucson city limits. The valley itself was formed by the Canada Del Oro Creek that begins in the Santa Catalina Mountains. The town sits at an elevation of 2,620 feet, covers over 34 square miles and has a current population of just over 41,000. Oro Valley was incorporated in April, 1974.

The Town initially became covered by the NPDES General Permit For Discharges from Small Municipal Separate Storm Sewer Systems (MS4) in 2004. This permit, often simply called a “Stormwater Permit,” is required by the US Environmental Protection Agency and is implemented in Arizona by the Arizona Department of Environmental Quality (ADEQ). Neither the US EPA nor the State of Arizona provides any funding to Oro Valley for the operation of the Stormwater Program.

Most cities and counties with a population greater than 10,000 and/or located in an “urbanized area” as defined by the US Census must follow this permit, which regulates discharges of stormwater runoff to Waters of the United States.

## Stormwater Purpose

The Stormwater Utility program is responsible for meeting all quality and quantity issues including the Town's Stormwater Management Plan, Floodplain and Erosion Hazard Management, and supporting all other Town programs that are impacted by storm events. This program also coordinates with Federal, State and local government agencies related to the Town's Stormwater program.

### Typical Stormwater Utility Activities Include:

- Implementation of all MS4, ADEQ and EPA requirements
- Drainage Channel and Street Shoulder Vegetation Maintenance (Quantity)\*
- Storm System Inspections and maintenance/cleaning (Quantity) of culverts, basins, grade control structures, storm sewer inlets/outlets and drainage channels
- Storm Cleanup
  - Street Sweeping (Quality) - Stormwater determination\* vs Normal street surface deterioration
  - Low water crossings (Quantity/Quantity) depositing sand, rock, boulders and vegetation debris removal in roads during larger events of monsoons
- Storm generated Debris Removal\* in washes (Quantity)
- Road Safety (Quantity) due to storm activity at low water crossings and shouldering due to erosion\*
- Public Education and Outreach (Quality)
- Technical Support for other divisions within the Town (Quality/Quantity)



- Minor Construction and Repair Projects (Quantity)– Post storm event structural damage that endangers the public or may realize more extensive damage if not repaired immediately\*
- In-House Hydrologic and Hydraulic Studies and Designs(Quantity)
- Floodplain Permit Review (Quantity/Quality)
- Stormwater Pollution Prevention Plan (SWPPP) Plan Review (Quantity)
- Development Review (Quantity/Quality)Preparing and Revising/Updating Town Ordinances and Manuals (Quality/Quantity)

The Stormwater Utility fee also reimburses the Highway Fund for utilization of the streets crews for some of the activities listed above and marked with an (\*). The allocated expenditures are determined by task and scope and are assigned to the Stormwater Utility funds and are not considered routine street maintenance.

## Municipal Separate Storm Sewer System (MS4) - Stormwater Quality

The permit provides requirements in each of the following six Minimum Control Measures (MCM):

1. Public Education and Outreach
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Management in New Development and Re-Development
6. Pollution Prevention/Good Housekeeping for Municipal Operations

More information about each of these six main categories is provided below.

### Public Education and Outreach & Public Involvement/Participation

These two related topics focus on educating and involving the public in all areas of stormwater management. Several factors associated with the program costs:

- The size of community and our target audience in order to increase Stormwater awareness
- The ability to tie into other municipal/3rd Party education programs versus developing our own
- Types of education and outreach media used
- The method of distribution through available volunteer activities/programs
- The methods of measuring success and reporting to ADEQ.

### Illicit Discharge Detection and Elimination

Our Stormwater Permit requires and is dependent upon identifying and eliminating “illicit discharges.” Town Code Article 15-24-14 defines the Town’s Stormwater Quality Management System and Discharge Control Ordinance, passed in 2008. It defines “illicit discharges,” prohibits them, and provides for enforcement options to eliminate them.

Program costs associated with eliminating “illicit discharges” are generated from the age and extent of infrastructure, the mapping status and inventory of entire drainage system. At present, services are based upon a complaint-based system versus a more costly proactive detection. Current revenue covers staffing, contractor management, equipment to detect discharges, and identify the source and cost of the actual repairs. It also includes Software cost for database management, reporting and program evaluation.

### Construction Site Stormwater Runoff Control

The next requirement of the Stormwater Permit is the control of runoff from construction sites. Discharge of sediment or other waste (concrete truck washout, litter, etc.) from construction sites is prohibited by the Town.

A permit is required for any land disturbance of any size inside the Town with a few exceptions. Permit information and an application form may be picked up at the Town

located at 10000 N La Cañada Drive or may be downloaded from this website page. Please call one of the contacts at the top of the page for more information. In addition, any land disturbance totaling more than one acre requires a permit from the Arizona Department of Environmental Quality (ADEQ).

Program costs associated with this program element are dependent on the number of active construction sites, the number of development projects in the pipeline, the average number of inspections per site, and the current compliance record along with the efficiency of enforcement.

#### Post-Construction Stormwater Management in New Development and Re-Development

Our Stormwater Permit requires treatment of stormwater runoff from areas of new development and re-development. The cost factors associated with this part of the program are dependent upon the number of development projects requiring municipal review and inspection, the age and type of existing stormwater best management practices, future enhancement of the review process to look for and encourage a site design, land use planning for low impact development, and possible code updates to allow/foster green infrastructure.

#### Pollution Prevention/Good Housekeeping For Municipal Operations

The final of the six stormwater permit requirements involves the Town's own operations. The Town must evaluate all sources of potential pollution such as streets and roads, municipal parking lots, maintenance shops, outdoor storage areas, construction activities, parks maintenance and landscaping, and salt storage. Procedures to eliminate or reduce the potential for pollution must be developed, and employees must be trained on these procedures at least annually. Cost factors associated with this requirement include the number of Town facilities requiring pollution prevention plans, street sweeping and catch basin cleanout equipment and labor, and employee education and training.

#### Storm Mitigation



Clean up cost FY 2015

\$34,000

## Part III: Stormwater Utility Rate Proposal

### Current Funding

Neither the State of Arizona nor the federal government provides funding for the Town's Stormwater Program. In 2007, the Town established a Stormwater Utility fee to provide funding for implementing the requirements of the Stormwater Permit and for small cleaning projects/larger project research and draft plans that could be submitted for county project consideration.

Pima County Regional Flood Control District (PCFCD) under the State of Arizona enabling legislation (Title 48 of ARS), is designated as a special taxing district and given the authority to levy secondary property tax on parcels within the Town of Oro Valley. The Town of Oro Valley and PCFCD have a very good relationship and over the past 10 years have been successful in the delivery of both large and small Stormwater projects. However, this funding is variable and not always available. In addition, the Flood Control District levy only provides funding for quantity issues and quality issues are solely the responsibility of the Town.

When the Stormwater Utility was first established, funding for projects was secured through the budgeting process and overseen by Town consultants. The FEMA Lomas Del Oro project in FY 09/10 was the last big project to be overseen by the Town. Since this time the PCFCD requests project submittals and then prioritizes them to determine which projects will move forward. This year Pima County Flood Control District has provided significant support in the area of wash maintenance. However, benefits from our partnership with PCFCD range from limited small clean up to large project and include capacity for drainage study. While a dedicated funding estimate is not available, the Town will continue to request assistance. From January through July of 2015, PCFCD contracted to have four lineal miles of debris and sediment removed, clearing existing blockages to improve channel flow and subsequently enabling mosquito abatement in areas throughout the east side of Town. Fortunately structural damage has been minimal and no major structural damage has occurred.

#### Pima County Regional Flood Control District and other sources

Annual Contribution to Oro Valley

Funding	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
Direct	\$ 3,507	\$ 28,567	\$ -	\$ -	\$ -	\$ -
Projects	\$ 471,000	\$ -	\$ 304,663	\$ 290,000	\$ 1,062,561	\$ 731,862
Sediment Removal	\$ -	\$ -	\$ -	\$ -	\$ 101,750	\$ 118,600
Other Sources	\$ 1,329,000	\$ -	\$ -	\$ -	\$ -	\$ -

#### Projects

Linda Vista Gabions

Poinsetta Dr

Lomas Del Oro

La Canada Underpass to date

CDO River Park

CDO River Park Pedestrian Bridge

I10 and La Canada Underpass improvements

In progress

Oracle Road Underpass improvements

In progress

The PCFCD has already informed Stormwater staff that next year's funding will be limited. In addition, some items once available for funding such as low water crossings are no longer eligible for funding even though they remain a safety concern for the Town. The number of town projects is growing as more washes are identified and evaluated. Attachment E lists all known drainage and Stormwater issues regardless of size and scope that have been identified at this time. The Stormwater Utility intends to utilize part of the increased funding to develop not only a project list, but develop the designated project to a design level that will include costing scenarios for those projects under the Stormwater Utility purview. This process will allow the Town sound budgeting practices to evaluate capital improvements and identify projects to submit for potential funding from the Pima County Flood Control District. The new asset manager/engineer will be responsible for defining these projects including separating out unit costs for services/deliverables.

### Current Rate

Single-family residences currently pay \$2.90 per month, charged to their water bill or separately by the Town. Commercial facilities and non-profits are also charged \$2.90 per "Equivalent Residential Unit" (ERU) of impervious area (driveways, patios, roofs, or other areas where stormwater does not infiltrate into the ground). At present an ERU is equal to 5,000 square feet per Town Code 15-24-13-G. The Preferred Financial Scenario includes a five year projection of the fund and evaluates the impact of future costs and revenue sources that will be required to meet those costs.

In order to cover various alternatives staff conducted an impervious area sample distribution study this year to best determine the basic ERU value. The result of the study indicates that the Town's average rounded ERU value is 3,700 square feet. The report is provided under Attachment F. Because the data used in the study may not include all impermeable surfaces, e.g. some driveways, the Commission recommends an ERU value of 4,000 square as more representative. Therefore the recommendation along with the rate adjustment is to reduce the ERU value to 4,000 sq. ft. This new ERU change will require the Town Code to be modified to reflect this new value. Along with the rate change the revised Town Code will be submitted to Town Council for consideration and approval.

### National Average

There are currently 1511 Stormwater Utilities throughout the United States (Campbell, 2011). Western Kentucky University annually updates and provides access to their very extensive Stormwater Utility database as summarized in Appendix F. This survey provides us the opportunity to compare the Town's current rate structure with others nationally. However, the Western Kentucky University data survey results does not contain information about the scope of activities of responding Utilities. The Oro Valley Stormwater Utility is performing quality and quantity work whereas many survey responders may perform only quality work, so direct comparison may not be representative.

The average national rate, as of the 2014 study, was \$4.01 per month. The rates range from "no fee" to \$35.00 dollars per month to accommodate various programs with 10.6% of the national rates being \$2.50 to \$2.99, over 34.5% of the utilities have rates averaging \$3.00 to \$6.00 per month. In addition, for towns comparable in population to Oro Valley, approximately

256, the average monthly rate was cited as \$4.26. The other noted comparison was the equivalent residential unit (ERU) value of impervious surface. Only 11.5% of the utilities had an ERU between 4,000 and 5,000 square feet. Over 22.8% classified an ERU as between 2,500 to 3,250 square feet. Many of the utilities, over 51.2% had an unspecified ERU.

### Required Program Highlights

The additional funding proposed will not only provide for the sustainability of the core program, but also for increased utility infrastructure assets and associated maintenance requirements as well as fund the development of small specific community infrastructure projects.

ADEQ has prepared a draft 2015 Small Municipal Separate Storm Sewer System General Permit (Small MS4 GP) intended to succeed the 2002 Small MS4 GP (Permit No. AZG2002-002). This draft is scheduled to be adopted in early 2016, significantly changing and adding definition to the Minimum Control Measures (MCM) required by each MS4. Adoption of the new rate will provide funding for necessary staffing to ensure continued compliance.

### Revenue Forecast and Requirements

Appendix A is a five year forecast for the Stormwater Utility should no rate increase occur. As depicted in the chart, the utility has a structural deficit. The FY 2016-17 recommended budget from staff would not meet the required reserve fund as outlined in the Town Code 15-24-10. A chart of the Stormwater Utility Fund is depicted in Appendix B.

The revenue forecast was based on analysis of the Stormwater Utility's monthly billing data from FY 2015-16 and a projection of growth in the number of housing units expected to be developed over the next five years. The revenue projects a flat fee not dependent on any type of usage but is only coordinated with the total number of ERU's calculated within the Town. The growth projected in residential units is determined by the Development and Infrastructure permitting staff based on trend analysis.

Appendix C provides the detailed information for moving forward with the Preferred Funding Scenario. A rate adjustment of \$1.60 from \$2.90 to \$4.50 would provide for a stable and compliant Stormwater program. The increase is adopted through Mayor and Council resolution which was last reviewed November 7, 2007.

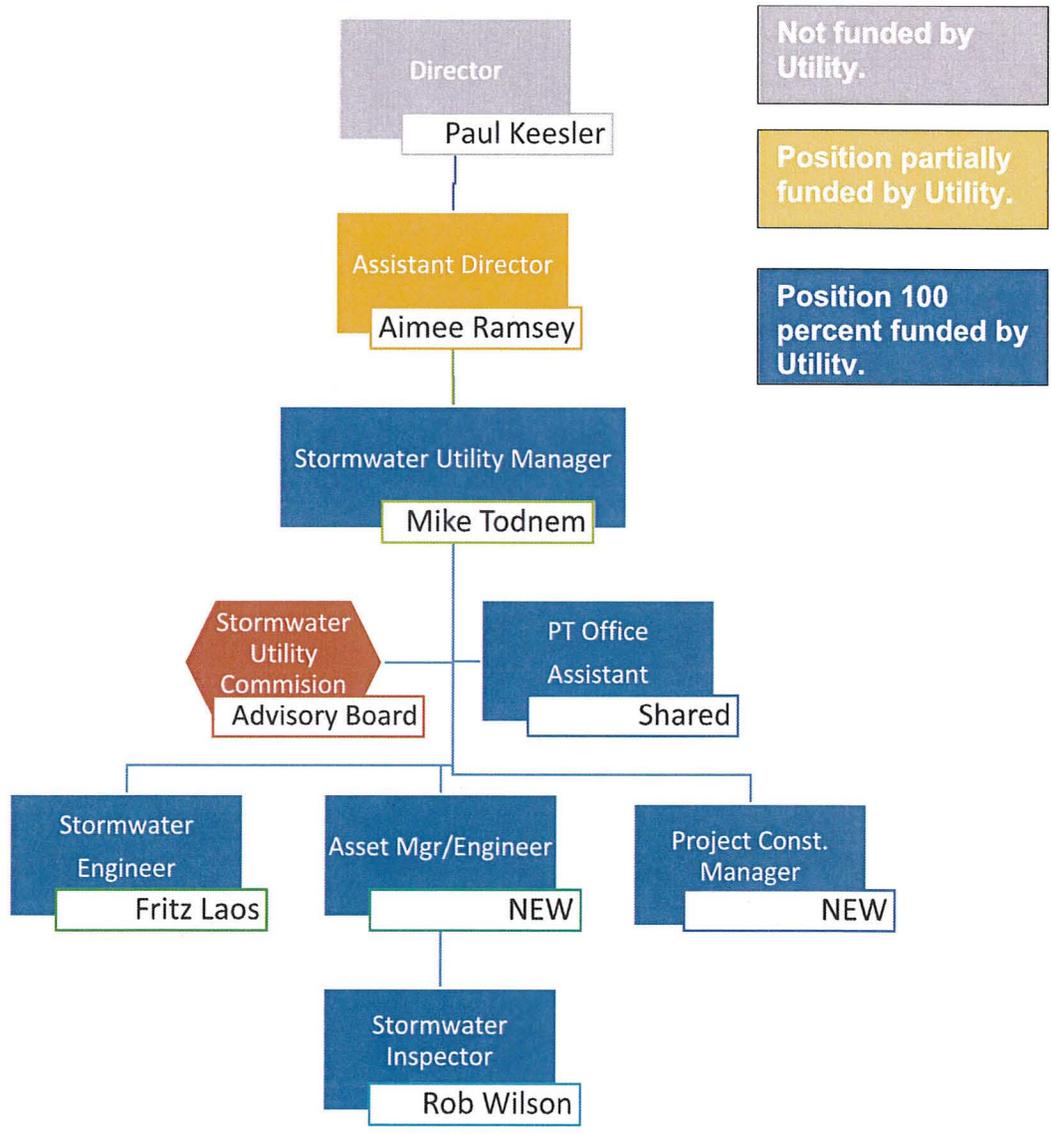
Over the past 8 years the Stormwater Management Program has developed. The opportunity presented to the Town with the initial fee structure allowed staff to develop principles and best practices to meet the requirements defined under the ADEQ MS4 program. The division produced its first annual report in 2008 and recently completed its first EPA/ADEQ Town wide audit. The program requirements to accomplish the utilities mission have been better defined and quantified revealing funding shortfalls. With the aftermath of the audit, potential future audits, and structural deficit, the rate increase is a necessity.

The future expenditures stay relatively stable and grow to meet the projected personnel costs, increase to support the Program Development, Design, Construction Management &

Maintenance program projects as outlined (see note on page 7 regarding program sustainability). In addition, the expenditures include a 3.5 percent annual merit increases. These projected increases are consistent with the General Fund's financial planning. The projected operations and maintenance (O&M) costs include inflationary increases in some areas that average 1.7 percent annually. The inflation factors were provided by the Arizona Department of Revenue.

# Organization Chart

## Proposed Stormwater Utility Division Structure



*Maintaining our washes*

*Before*



*After*



Rooney Wash

## Appendices

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# Appendix A – Stormwater Fund Status Quo 5 Year Forecast

Stormwater Fund 5 Year Forecast		Revised: 1/22/2016					
Assumes \$2.90 fee/ERU		FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
		Budgeted	Draft Projected				
<b># of Units:</b>							
Residential		15,764	16,107	16,496	16,827	17,053	17,203
NEW: projected Residential		343	389	331	226	150	150
Commercial		3,852	4,063	4,063	4,063	4,063	4,063
NEW: projected Commercial		211	-	-	-	-	-
Metro Water - Residential		1,353	1,353	1,353	1,353	1,353	1,353
Metro Water - Commercial		1,005	1,005	1,005	1,005	1,005	1,005
<b>Total Units:</b>		<b>22,528</b>	<b>22,917</b>	<b>23,248</b>	<b>23,474</b>	<b>23,624</b>	<b>23,774</b>
<b>Carry forward Fund Balance</b>		<b>\$ 299,844</b>	<b>\$ 192,953</b>	<b>\$ 93,695</b>	<b>\$ (13,187)</b>	<b>\$ (85,369)</b>	<b>\$ (172,723)</b>
<b>Revenue:</b>							
Monthly Stormwater Utility Fee/Unit		\$ 2.90	\$ 2.90	\$ 2.90	\$ 2.90	\$ 2.90	\$ 2.90
Gross Revenues		\$ 783,974	\$ 797,512	\$ 809,030	\$ 816,895	\$ 822,115	\$ 827,335
Funding from Outside Sources		3,250	3,331	3,415	3,500	3,587	3,677
Grant Funds		35,000					
		<b>\$ 822,224</b>	<b>\$ 800,843</b>	<b>\$ 812,445</b>	<b>\$ 820,395</b>	<b>\$ 825,703</b>	<b>\$ 831,012</b>
<b>Expenses:</b>							
Personnel							
3.80 Current Staff							
Total Personnel:		\$ 346,620	\$ 345,568	\$ 357,663	\$ 370,181	\$ 383,137	\$ 396,547
Contracts/Services							
Outside Professional Services*		116,795	<sup>a</sup> 117,963	119,143	120,334	121,537	122,753
Low Impact Development		35,000					
Other		50,000	50,000	50,000	50,000	50,000	50,000
<b>Stormwater Maintenance</b>		<b>134,000</b>	<b>138,690</b>	<b>143,544</b>	<b>148,568</b>	<b>153,768</b>	<b>159,150</b>
Vehicle Repair & Maintenance		19,800	<sup>a</sup> 19,998	20,198	20,400	20,604	20,810
Equipment Repair & Maintenance		32,000	<sup>a</sup> 32,320	32,643	32,970	33,299	33,632
Rentals		250	<sup>a</sup> 253	255	258	260	263
Telecommunications		1,400	<sup>a</sup> 1,414	1,428	1,442	1,457	1,471
Postage		250	<sup>a</sup> 253	255	258	260	263
Printing & Binding		1,000	<sup>a</sup> 1,010	1,020	1,030	1,041	1,051
Travel & Training		5,000	<sup>a</sup> 5,050	5,101	5,152	5,203	5,255
Membership		7,500	<sup>a</sup> 7,575	7,651	7,727	7,805	7,883
Office Supplies		2,000	<sup>a</sup> 2,020	2,040	2,061	2,081	2,102
Gasoline		24,500	<sup>a</sup> 24,745	24,992	25,242	25,495	25,750
Uniforms		750	<sup>a</sup> 758	765	773	780	788
Bad Debt Expense		750	<sup>a</sup> 758	765	773	780	788
Field Supplies		9,000	<sup>a</sup> 9,090	9,181	9,273	9,365	9,459
Safety		500	<sup>a</sup> 505	510	515	520	526
Software Maintenance & Licensing		1,500	<sup>a</sup> 1,515	1,530	1,545	1,561	1,577
SW Projects		50,000	50,000	50,000	50,000	50,000	50,000
Depreciation		135,000	135,000	135,000	135,000	135,000	135,000
Total Contracts/Services:		<b>\$ 626,995</b>	<b>\$ 598,915</b>	<b>\$ 606,021</b>	<b>\$ 613,320</b>	<b>\$ 620,818</b>	<b>\$ 628,520</b>
Capital Outlay/Projects							
Minor Assets		2,500	<sup>a</sup> 2,525	2,550	2,576	2,602	2,628
Misc - Mos. Trapping		3,407	3,500	3,500	3,500	3,500	3,500
Vehicle/Equipment Reserve		38,000	38,000	38,000	38,000	38,000	38,000
New Vehicles		-	-	-	-	-	-
Capital Interest		305	305	305	-	-	-
Equipment		46,288	46,288	46,288	-	-	-
Total Capital Outlay		<b>\$ 90,500</b>	<b>\$ 90,618</b>	<b>\$ 90,643</b>	<b>\$ 44,076</b>	<b>\$ 44,102</b>	<b>\$ 44,128</b>
<b>Total Expenses:</b>		<b>\$ 1,064,115</b>	<b>\$ 1,035,101</b>	<b>\$ 1,054,327</b>	<b>\$ 1,027,577</b>	<b>\$ 1,048,057</b>	<b>\$ 1,069,195</b>
<b>Ending Balance/Contingency Reserve</b>		<b>\$ 192,953</b>	<b>\$ 93,695</b>	<b>\$ (13,187)</b>	<b>\$ (85,369)</b>	<b>\$ (172,723)</b>	<b>\$ (275,905)</b>
		24.6%	11.7%	-1.6%	-10.5%	-21.0%	-33.3%
Vehicles			-	-	-	-	-
Equipment			-	-	-	-	50,000
<b>Vehicle/Equipment Reserve - Replacement</b>		<b>\$ 90,806</b>	<b>\$ 128,806</b>	<b>\$ 166,806</b>	<b>\$ 204,806</b>	<b>\$ 242,806</b>	<b>\$ 230,806</b>
⇒ Assumes Growth in Benefits & Wages		3.5%					
⇒ Internal drainage projects remain the same							
⇒ Cost Escalation		1.0%					
<b>Notes:</b>							
>		continue to charge out operations support to Hwy Fund per current method					
>		ending revenue amounts are estimates subject to further revisions, and may not tie to cash balance in fund due to timing of revenues and expenditures					

## Appendix B – Stormwater Utility Status Quo Funding Charts

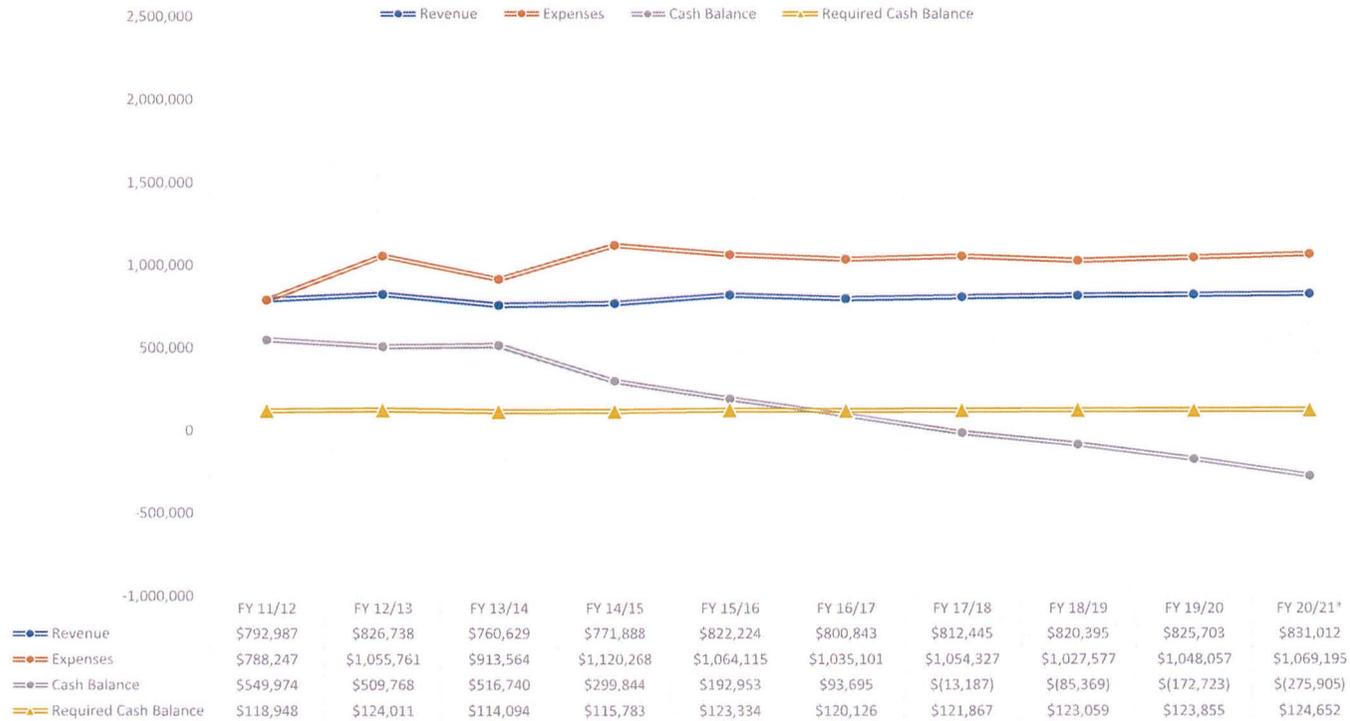


Town of Oro Valley  
Stormwater Utility Division

CHART 1 - Status Quo Funding Chart

Fiscal Year	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Revenue \$	792,987	826,738	760,629	771,888	822,224	800,843	812,445	820,395	825,703	831,012
Expenses \$	788,247	1,055,761	913,564	1,120,268	1,064,115	1,035,101	1,054,327	1,027,577	1,048,057	1,069,195
Cash Balance \$	549,974	509,768	516,740	299,844	192,953	93,695	(13,187)	(85,369)	(172,723)	(275,905)
Required Cash Balance \$	118,948	124,011	114,094	115,783	123,334	120,126	121,867	123,059	123,855	124,652

STORMWATER UTILITY FUND



\*FY 2020/21 begin use of vehicle reserve for vehicle and equipment purchases.

# Appendix C – Stormwater Fund Preferred Scenario – 5 Year Forecast

Stormwater Preferred Funding Option - 5-year projection		Revised: 1/11/2016			
FY 2015/16		FY 2016/17			
Monthly Stormwater Utility Fee/Unit	Current	Change ERU	Notes		
Residential Rate	\$2.90	\$4.50	\$1.60 increase		
Commercial Rate	\$2.90	\$4.50	\$1.60 increase		
ERU = Square Feet	5,000	4,000	*Commercial may apply for credit		
# of Units:			Change in ERU requires the Town Code to be modified		
Residential	17,460	17,749	Change in rate is accomplished through a resolution		
Commercial	5,068	6,335			
<b>Total Units:</b>	<b>22,528</b>	<b>24,084</b>			
Carryforward Fund Balance	\$ 299,844	\$ 192,953			
Revenue:			- Corrects structural deficient		
Gross Revenues	\$ 783,974	\$ 1,300,536	- Increases maintenance abilities		
Funding from Outside Sources	\$ 3,250	\$ 3,250	Provides staffing to		
Grant Funds (one time)	\$ 35,000	\$ 35,000	- Increases reporting / ADEQ BMP's		
	\$ 822,224	\$ 1,303,786	- Develop a CIP program with projects		
<b>Additional Revenue</b>		\$ 516,562	- Manage and inspect additional assets		
Expenses:			Return at a later date > if there is support for project implementation		
Personnel					
3.8 Current Staff	\$ 346,620	\$ 358,752			
<b>New - Proposed</b>					
1.0 Asset Mgr./Engineer	-	69,089			
1.0 Stormwater Prj.-Const. Mgr	-	83,982			
5.8 Total Stormwater Staff	-	153,071			
<b>Total Personnel:</b>	\$ 346,620	\$ 511,822			
Contracts/Services			<b>Tasks - Outcomes</b>		
Outside Professional Services*	116,795	118,000	• Project Identification		
ONE TIME GRANT	35,000	-	- costing		
Design/Consultants	50,000	10,000	- design		
Stormwater Maintenance - OPS	134,000	139,000	- build/maint under 80K		
Increase Maintenance (Services)		80,000	• Work order development		
Vehicle Repair & Maintenance	19,800	21,000	- prioritization / maintenance scheduling		
Equipment Repair & Maintenance	32,000	32,000	- increased inspections		
Rentals	250	500	- increased Public Education		
Telecommunications	1,400	2,800	• New Program Compliance		
Postage	250	250	• Personnel/Operations cost		
Printing & Binding	1,000	1,000	increase for deliverables		
Travel & Training	5,000	10,000	• Program Sustainability		
Membership	7,500	7,500	- 5 years		
Office Supplies	2,000	6,000			
Gasoline	24,500	27,000			
Uniforms	750	1,500			
Bad Debt Expense	750	750			
Field Supplies	9,000	18,000			
Safety	500	1,000			
Software Maintenance & Licensing	1,500	1,500			
SW Projects	50,000	50,000			
Depreciation	135,000	135,000			
<b>Total Contracts/Services:</b>	\$ 626,995	\$ 662,800			
Capital Outlay/Projects					
Minor Assets	2,500	3,500			
Misc - Mos. Trapping	3,407	3,500			
Vehicle/Equipment Reserve	38,000	38,000			
New Vehicles	-	35,000			
Capital Interest	305	305			
Equipment	46,288	46,288			
<b>Total Capital Outlay</b>	\$ 90,500	\$ 126,593			
<b>Total Expenses:</b>	\$ 1,064,115	\$ 1,301,215			
Ending Balance/Contingency Reserve	\$ 192,953	\$ 330,524			
	24.6%	25.4%			
<b>Five Year Projection</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21
Balance	\$ 192,953	\$ 330,524	\$ 321,659	\$ 328,160	\$ 316,742
Revenue	\$ 1,303,786	\$ 1,325,867	\$ 1,342,006	\$ 1,353,831.73	\$ 1,365,678
Personnel	\$ 511,822	\$ 529,736	\$ 548,277	\$ 567,466	\$ 587,328
O&M	\$ 523,800	\$ 529,038	\$ 534,328	\$ 539,672	\$ 545,068
Ops Main	\$ 139,000	\$ 143,865	\$ 148,900	\$ 154,112	\$ 159,506
Capital	\$ 126,593	\$ 132,093	\$ 104,000	\$ 104,000	\$ 119,000
Expenditure	\$ 1,301,215	\$ 1,334,732	\$ 1,335,505	\$ 1,365,250	\$ 1,410,902
YE Cash Balance	\$ 330,524	\$ 321,659	\$ 328,160	\$ 316,742	\$ 271,518
Reserve Balance Percent	25.4%	24.3%	24.5%	23.4%	19.9%
Purchases	\$ -	\$ -	\$ -	\$ -	\$ 50,000
<b>YE Vehicle/Equipment Cash Balance</b>	\$ 128,806	\$ 170,306	\$ 215,306	\$ 260,306	\$ 255,306
Vehicles/Equipment	Truck	Truck			Sweeper *Use Begins

> Accounts for depreciation

## Appendix D – Stormwater Utility Preferred Scenario Funding Chart

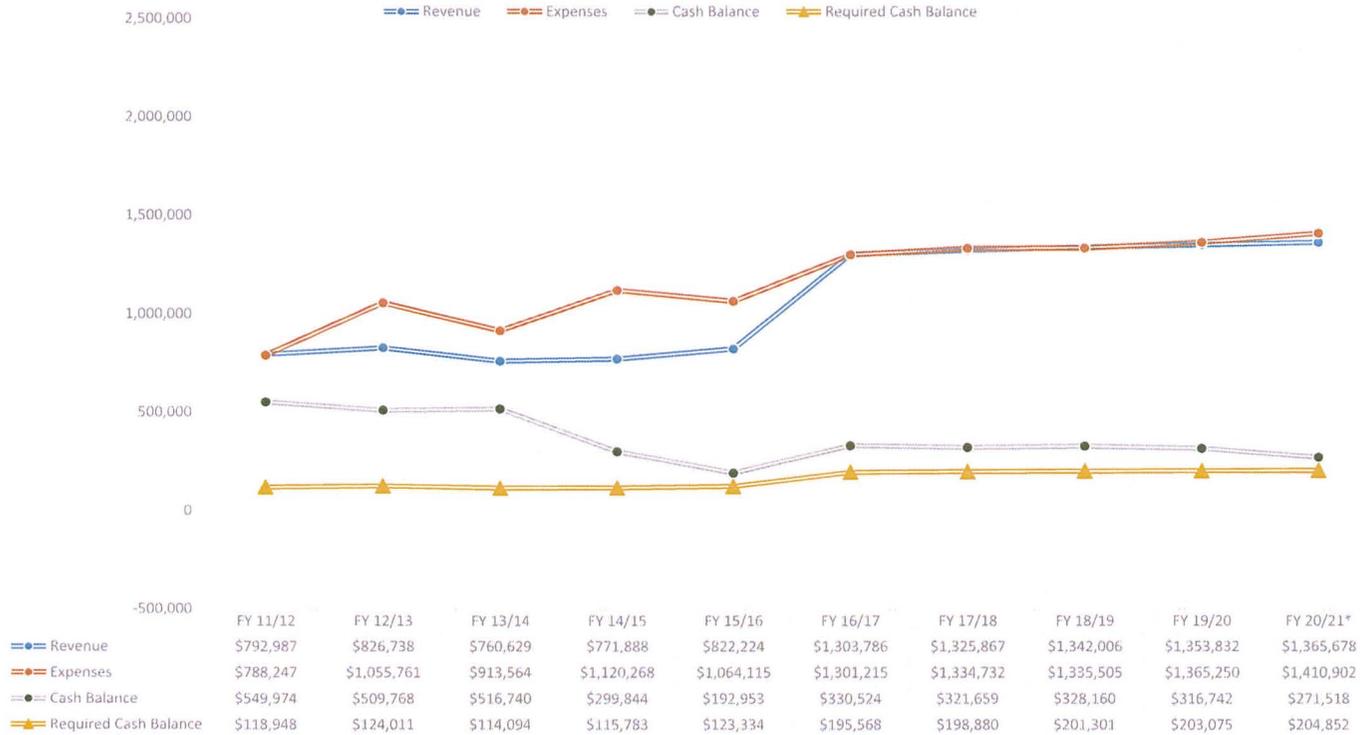


Town of Oro Valley  
Stormwater Utility Division

CHART 2 - Proposed Rate Adjustment Funding Chart

Fiscal Year	FY 11/12	FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20	FY 20/21*
Revenue \$	792,987	826,738	760,629	771,888	822,224	1,303,786	1,325,867	1,342,006	1,353,832	1,365,678
Expenses \$	788,247	1,055,761	913,564	1,120,268	1,064,115	1,301,215	1,334,732	1,335,505	1,365,250	1,410,902
Cash Balance \$	549,974	509,768	516,740	299,844	192,953	330,524	321,659	328,160	316,742	271,518
Required Cash Balance \$	118,948	124,011	114,094	115,783	123,334	195,568	198,880	201,301	203,075	204,852

STORMWATER UTILITY FUND



\*FY 2020/21 begin use of vehicle reserve for vehicle and equipment purchases. New rate adjustment accounts for depreciation.

## Appendix E – Stormwater Listing

The list of issues on the following pages is a compilation of drainage and Stormwater deficiencies that need to be evaluated, designed, programed or facilitated. Some of these issues have been on a list since 2001 while other deficiencies have been added as new washes and new assets have been identified and inventoried. This list is fluid and as additional issues are brought to our attention concerns, complaints or evaluation requests are made from the community the list is modified.

Issues have been categorized as;

- Restoration
- Maintenance
- Study
- Design/Construction

At this time none of these issues have not been assessed nor is there funding for any type of evaluation or mitigation. The ability to evaluate these issues will provide Once evaluated, the Town of Oro Valley will have a platform for requesting funding or competing for funding from outside sources to address some of these issues. THIS LIST IS NOT PRIORITIZED IN ANY ORDER NOR DOES IT INDICATE THAT THE TOWN IS RESPONSIBLE FOR EVALUATING OR MITIGATING THE ISSUES. PRIVATE WASHES DO NOT FALL UNDER THE STORMWATER UTILITY PURVIEW.

Intentional Blank

The following Stormwater Maintenance Projects are categorized by:

- (S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)
- (V) · Vegetation Removal.

Recently Completed

- (DC) · Drainage Design and Repair - Construction
- (M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-1	401 E Strada Patania	Tangerine Hills		Install flared end and reconnect end of culvert, rip rap	Drainage Designs and Repairs - Construction	One Time - CIP	1	FY 2015 \$ 7,500	Pima County
S-1	Canyon Shadow Wash	Canada Hills Parcel K	OV	Remove sediment in ROW north of Lambert - excessive sediment due to September 8, 2015 storm.	Sediment Removal - Maintenance	Recurring - OP	2	annual \$ 5,000	Oro Valley - unfunded
DC-2	Canyon Shadow Wash (Lambert to CDO)	Rancho Feliz (442-647)	OV	Soil cement wash bottom deteriorating at multiple locations with large erosion: also Repair concrete inlet wing wall on north side of Lambert	Drainage Designs and Repairs - Construction	Recurring +4 yrs	2	FY 2014 \$ 10,000	1st Year completed - inspection in 2018
V-1	Canada Hills Parcel K	Canada Hills Parcel K	OV	Remove vegetation/debris in Canyon Shadows wash, ROW north of Lambert	Vegetation Removal - Maintenance	Recurring - OP	2	annual \$ 2,000	Oro Valley - unfunded
M-1	Carmack Wash Basin	Pima County is performing the study	OV	This basin that is comprised of numerous tributaries that have a 100 year flow of over 3,000 cfs as they leave the town boundaries. These tributaries are causing erosion, sedimentation, and flooding problems at numerous areas throughout the subdivisions they traverse	Management Study	One Time - CIP	1	In Progress \$ 100,000	Pima County should be completing this study
S-2	Carmack Wash			Remove debris in ditches Linda Vista from Oracle to Box culverts excessive sediment.	Sediment Removal - Maintenance	Recurring - OP	2	annual \$ 7,000	Oro Valley - unfunded
DC-3	Carmack Wash			Design drainage flow for Linda Vista, Oracle to Box culverts, new design to have concrete bottom for cleaning and sides armored for erosion control	Drainage Designs and Repairs - Construction	One Time - CIP	1	FY \$ 30,000	Oro Valley - unfunded
DC-4	Highlands Wash		PRI	Design repair from Con Arches to CDO, need 404 and easements to control erosion - Demo approx 1/2 of existing outlet south of Lambert Lane and build to correct outlet flow	Drainage Designs and Repairs - Construction	One Time - CIP	1	FY \$ 600,000	Private - unfunded
DC-5	Unknown Wash		PRI	Concrete wash repair behind Fry's off of La Canada	Drainage Designs and Repairs - Construction	One Time - CIP	2	FY \$ 80,000	Private - unfunded
S-3	Highlands Wash		PRI	Remove debris in channel upstream and down stream and clean con arches excessive sediment due to September 8, 2015 storm.	Sediment Removal - Maintenance	Recurring - OP	2	\$ 30,000	Private - unfunded
DC-6	Lambert Lane		OV	Install short extension and flared Ends to all 4 culverts under Lambert Lane, East of La Cholla, place rip rap	Drainage Designs and Repairs - Construction	One Time - CIP	1	FY 2015 \$ 25,000	Oro Valley - unfunded
DC-7	Lambert Lane (Casas)		OV	An unnamed wash crosses Lambert road at a dip crossing that causes significant flooding and sediment buildup at less than a 2 year storm event. In addition road edge erosion is affecting the structural integrity of the road. A box culvert project would alleviate this problem and provide all weather crossing.	Drainage Designs and Repairs - Construction	One Time - CIP	1	\$ 600,000	Oro Valley - unfunded. PCFCD possible

The following Stormwater Maintenance Projects are categorized by:

- (S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)
- (V) · Vegetation Removal.

Recently Completed

- (DC) · Drainage Design and Repair - Construction
- (M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-8	Moore Road Box Culverts		OV	Moore road currently has 3 dip crossings that become a hazard annually during the monsoon season and must be closed at a 5 year event. The road is a safety concern during and after every rain event. This project will construct grade control structures and enhance the road structure with ribbon curbs to improve the safety and reduce maintenance during rain events.	Drainage Designs and Repairs - Construction			\$ 800,000	Oro Valley - unfunded. PCFCD possible
DC-56	Saddle Valley/Logan's Crossing	Saddle Valley/Logan's Crossing	PRI	Clean Culverts at Preakness/ Review Maintenance to Gabion baskets in dipsection adjacent to Water Tank	HOA has drainage issues with in the subdivision which need to be re-engineered by them - Cost TBD	OneTime	annual	\$ 4,000	Oro Valley - unfunded
DC-9	Mutterer's Wash	Oro Valley Townhomes	OV	Evaluate and redesign wash to improve water flow while designing walking path along side wash.	Drainage Designs and Repairs - Construction	One Time - CIP		TBD	Oro Valley - unfunded
V-2	Mutterer's Wash	Oro Valley Townhomes	OV	Remove vegetation/debris in wash	Vegetation Removal - Maintenance	Recurring - +4 yrs	1 FY 2015	\$ 2,800	1st Year completed - inspection in 2018
DC-10	Naranja Park Town Site		OV	Add Rip Rap/Filter Fabric to south slope of Ball fields @ 560'x 70' = 39,200 sq.ft. Find Alternative to Stabilize Slopes	Drainage Designs and Repairs - Construction	One Time - CIP	2		Oro Valley - unfunded
DC-89	Naranja Park Town Site		OV	Design and build drainage structures to reduces deterioration of "slope/berm" along Monterra Hills road impacting sidewalks.	Drainage Designs and Repairs - Construction	One Time - CIP	1	\$ 100,000	Oro Valley - unfunded
DC-11	Naranja Road @ Sawtooth		OV	Shot create repair along hill side east of Sawtooth within ROW	Drainage Designs and Repairs - Construction	One Time - CIP	2	\$ 40,000	Oro Valley - unfunded
DC-12	Naranja Drainage Improvements	Ironwood High School	OV	New culverts at existing dip crossing to allow all weather access during hazardous rain events. The all weather crossings will provide access to Ironwood High School which is designated as an emergency management contact location during local emergencies. The improvements include nine 24" RCP, a 6 cell 4'X10' culvert.	Drainage Designs and Repairs - Construction	One Time - CIP		\$ 1,700,000	Oro Valley - unfunded. PCFCD possible
DC-13	Northern Avenue Drainage Improvements		OV	Comprehensive Drainage study and Construction of Culverts for all low water crossings on Northern.	Drainage Designs and Repairs - Construction	One Time - CIP	2	\$ 2,500,000	Oro Valley - unfunded
M-2	Peglar Wash Basin		OV	This project involves studying the Peglar Wash Basin (North of Magee Road between Northern Ave. & Oracle Road) within the Town of Oro Valley that is composed of numerous tributaries that have a 100 year flow of over 1,500 cfs as they leave the town boundaries.	Management Study	One Time - CIP	2	\$ 75,000	Oro Valley - unfunded
DC-14	Peglar Wash Basin		OV	This project is to implement the recommendations from the Peglar's Wash Basin Mgt Study. This area primarily deals with waters that travel through the Suffolk Hill's portions of the Town.	Drainage Designs and Repairs - Construction	One Time - CIP	2	TBD	Oro Valley - unfunded
V-3	Rooney Wash		OV	Complete yearly landscape work Rooney Wash	Vegetation Removal - Maintenance	Recurring - OP	2 annual	\$ 60,000	Oro Valley - unfunded
S-4	Shadow Mountain Estates West	Shadow Mountain Estates West	OV	Remove sediment in drainage easement behind homes excessive sediment due to September 8, 2015 storm.	Sediment Removal - Maintenance	Recurring - OP	2 FY 2015	\$ 7,500	Due to storm impact - PC outsourced work

The following Stormwater Maintenance Projects are categorized by:

- (S) - Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)
- (V) - Vegetation Removal.

Recently Completed

- (DC) - Drainage Design and Repair - Construction
- (M) - Management Studies

(PR) - Private

No.	Location/Name	Subdivision	Owner	Description of Work		Cost Type	Priority	Year	Estimated Cost	Funding
DC-15	Shadow Mountain Estates West	Shadow Mountain Estates West	OV	Design and repair alley drainage - erosion to area of exposed gas lines	Drainage Designs and Repairs - Construction	One Time - CIP	2		\$ 20,000	Oro Valley - unfunded
V-4	Shadow Mountain Estates West	Shadow Mountain Estates West	OV	Shadow Mountain Estates vegetation removal in alley drainage ways	Vegetation Removal - Maintenance	Recurring - OP	2	FY 2015	\$ 89,000	Due to storm impact - PC outsourced work
M-3	Un-named (Shannon) Basin		OV	This project requires studying the area from Shannon road to Thornydale Road, from Tangerine Road to Naranja Road that would be used for future Town Development/incorporation. This is roughly 640 acres that is composed of numerous tributaries.	Management Study	One Time - CIP	2		\$ 100,000	Oro Valley - unfunded. PCFCD possible
S-5	Vista Del Oro Estates	Vista Del Oro Estates		Remove sediment Vista del Oro Estates excessive sediment due to September 8, 2015 storm.	Sediment Removal - Maintenance	Recurring - OP	2		\$ 7,500	Oro Valley - unfunded
V-5	Vista Del Oro Estates	Vista Del Oro Estates		Landscape in Vista Del Oro Estates Wash	Vegetation Removal - Maintenance	Recurring - OP	2		\$ 5,000	Oro Valley - unfunded
M-4	Un-named Basin			This project requires studying the drainage areas that hold future annexation potential for the Town of Oro Valley. The study area would extend (south and west) from existing Town limits to the boundaries of Orange Grove (to the south) & Thornydale (to the west).	Management Study	One Time - CIP	1		TBD	Oro Valley - unfunded. PCFCD possible
<b>STORM RELATED SMALL PROJECTS</b>										
C-1	Newport Drive			Concrete drainage channel repair	Channel - Maintenance	Recurring - OP	2		TBD	Oro Valley - unfunded
C-2	Valle Del Oro	Oro Valley Estates		Concrete drainage channel repair	Channel - Maintenance	Recurring - OP	2		TBD	Oro Valley - unfunded
C-3	Atua	Oro Valley Estates		Drop inlet add riprap repair erosion	Channel - Maintenance	Recurring - OP	2		TBD	Oro Valley - unfunded
C-4	Lambert Lane-Rancho Sonora			Reconstruct drop inlet	Channel - Maintenance	Recurring - OP	2		TBD	Oro Valley - unfunded
SR-1	9130 N Shadow Mnt			Berm construction - evaluate	Storm Related Issue - Maintenance	TBE	2		TBD	Oro Valley - unfunded
SR-2	10865 N. 1st Ave			Erosion control and stabilization - evaluate	Storm Related Issue - Maintenance	TBE	2		TBD	Oro Valley - unfunded
SR-3	901 W. Valle De Oro	Oro Valley Estates		Erosion Control - evaluate	Storm Related Issue - Maintenance	TBE	2		TBD	Oro Valley - unfunded
SR-4	321 W. Golf View			Erosion repair, rip rap shoulder - evaluate	Storm Related Issue - Maintenance	TBE	2		TBD	Oro Valley - unfunded

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(V) · Vegetation Removal.

Recently Completed

(DC) · Drainage Design and Repair - Construction  
(M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
SR-5	180 E Catalina Shadows			Berm construction to protect driveway - evaluate				TBD	Oro Valley - unfunded
SR-6	14255 N. Ave			Erosion mail box and ponding driveway - evaluate				TBD	Oro Valley - unfunded
SR-7	8980 N. Camino de Anza			Erosion at mail box - evaluate				TBD	Oro Valley - unfunded
SR-8	422 W. Hardy			Repair berm - evaluate				TBD	Oro Valley - unfunded
SR-9	255 E. Newport			Erosion edge of pavement - evaluate				TBD	Oro Valley - unfunded
<b>STORM RELATED ROAD CLOSURE - SAFETY</b>									
DC-15	Buena Vista north of Spring Valley Dr.			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-16	Buena Vista south of Calle Concordia			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-17	Calle Concordia near Buena Vista			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-18	Calle Loma Linda @ Calle Bonita			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-19	Calle Solano wash area			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-20	CDO south of Riverfront Park			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-21	Hardy Road, wash west of the roundabout.			Road Closure - SAFETY sediment removal	One Time - CIP			TBD	Oro Valley - unfunded
DC-22	Highlands Mobile Park			sediment cleanup > Road Closure - SAFETY	One Time - CIP			TBD	Oro Valley - unfunded
DC-23	La Cholla North of Glover			Road Closure - SAFETY sediment removal	One Time - CIP			TBD	Oro Valley - unfunded
DC-24	La Cholla South of Casas Entrance			Road Closure - SAFETY sediment removal	One Time - CIP			TBD	Oro Valley - unfunded

The following Stormwater Maintenance Projects are categorized by:

(S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)  
(V) · Vegetation Removal. Recently Completed

(DC) · Drainage Design and Repair - Construction  
(M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work		Cost Type	Priority	Year	Estimated Cost	Funding
DC-25	La Cholla South of Lambert			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-26	La Cholla South of Naranja			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-27	Lambert east of La Cholla			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-28	Lambert Lane west of La Cholla			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-29	Landoran Ln	Oro Valley Estates		sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-30	Limewood East of Camino Del Plata	Limewood		sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-31	Linda Vista near Egleston	Vista Montana		sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-32	Lomas De Oro at Lambert			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-33	Moore East of La Cholla			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-34	Moore east of La Cholla			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-35	Naranja @ Ironwood Ridge HS			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-36	Naranja East of Shannon			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-37	Naranja West of La Cholla near HS			Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-38	Northern Ave behind Walmart			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-39	Northern Ave north of Cool			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded

The following Stormwater Maintenance Projects are categorized by:

(S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)  
(V) · Vegetation Removal. Recently Completed

(DC) · Drainage Design and Repair - Construction  
(M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-40	Northern Ave south of camino cortaro			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-41	Northern Ave south of Magee			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-42	Overlook south of Calle Concordia			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-43	Pistachio @ culverts			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-44	Pistachio @ Pomegranate			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-45	Rancho Sonora Dr			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-46	Shannon South of Naranja			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-47	Shannon to stop traffic from crossing the wash at the north end.			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-48	Suffolk Dr @ Village			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded
DC-49	Tangerine - by Camino Del Plata	Tangerin Rd construction FY 2016		Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP	ongoing	In project cost	RTA/PAG funded - Tangerine Rd Project
DC-50	Tangerine - one at town boundary	Tangerin Rd construction FY 2016		Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP	ongoing	In project cost	RTA/PAG funded - Tangerine Rd Project
DC-51	Tangerine @ Camino Del Plata	Tangerin Rd construction FY 2016		Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP	ongoing	In project cost	RTA/PAG funded - Tangerine Rd Project
DC-52	Tangerine and area between La Cholla and La Canada.	Tangerin Rd construction FY 2016		Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP	ongoing	In project cost	RTA/PAG funded - Tangerine Rd Project
DC-53	Tangerine West of La Cholla	Tangerin Rd construction FY 2016		Road Closure - SAFETY sediment removal	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP	ongoing	In project cost	RTA/PAG funded - Tangerine Rd Project
DC-54	Valle Del Oro RD			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP		TBD	Oro Valley - unfunded

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- (S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)
- (V) · Vegetation Removal.

Recently Completed

- (DC) · Drainage Design and Repair - Construction
- (M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work		Cost Type	Priority	Year	Estimated Cost	Funding
DC-55	Valle Del Oro Rd at CC			sediment cleanup > Road Closure - SAFETY	Engineer, design and construct to make road and all weather road and eliminate road closure due to sediment - improving safety	One Time - CIP			TBD	Oro Valley - unfunded
DC-56	La Cholla @ Tangerine	La Cholla		Sediment removal from drop inlet culvert	Add Berm and waddles to slow and control/direct flow into the inlet		1	annual	\$ 1,500	Oro Valley - unfunded
DC-58	8151 Northern Ave.	Northern Ave.		Debris removal from outlet	Storm Drain under Northern blocked by Veg/debris/Sediment at outlet		1	annual	\$ 500	Oro Valley - unfunded
DC-60	8252 N Northern Ave.	Northern Ave.		Debris removal from inlets	Storm Drain under Northern blocked by Veg/debris/Sediment at inlet		1	annual	\$ 1,500	Oro Valley - unfunded
DC-61	Casas Lindas Apts	Northern Ave.		Debris removal from inlet in ROW	Northern blocked by Veg/debris/Sediment at inlet		1	annual	\$ 1,500	Oro Valley - unfunded
DC-62	2005 W Glover Rd	Ironwood Ranch		Debris/Veg /Sediment Removal from outlet of box culvert and manage downstream veg			1	annual	\$ 2,500	Oro Valley - unfunded
DC-63	Bridge on Monterra Vista Dr.	Monterra Knolls		Debris/Veg /Sediment Removal from outlet of box culvert and manage downstream veg	Possible Detention Project - Engineer/Design		1	annual	\$ 3,000	Oro Valley - unfunded
DC-67	Naranja Dr.	Canada Ridge		Box Culvert in ROW west of Eagle Crest Dr. - inlet /outlet need debris/veg removal			1	annual	\$ 2,000	Oro Valley - unfunded
DC-69	605 E Windy Peak	Rancho Catalina		Drainage improvements	Discuss Easement behind lots from 625 E Windy Peak Dr - 8530 N Ranch Catalina with possible detention project. Al Coons		1		\$ 10,000	Oro Valley - unfunded
DC-71	363 E Sunburst - Paul Parisi	Rancho Catalina		Veg removal and Channelization of wash running across Rancho Catalina Ave between 455 E Windy Vista Pl. and 8405 N Rancho Catalina Dr.			1		\$ 7,500	Oro Valley - unfunded
DC-73	Oracle Square @ Hardy	Shadow Mountain Estates		Drainage improvements	Drainage Study - 900 cfs Coming across Oracle thru box culvert into Shadow Mountain Estates		1		\$ 10,000	Oro Valley - unfunded
DC-76	Oracle Rd. Drainage N' of Calle Concordia	Vista Mantana		Drainage improvements - channelization of sheetflow onto Egleston contributing to flooding in Vista Mantana Subdivision	Drainage Study/Temporary Solutions		1		\$ 30,000	Oro Valley - unfunded
DC-79	Rock Ridge Apts	Pusch View Lane		Drainage channell on S' side of Pusch View Lane Needs Veg cleanup/debris removal	ROW		1	annual	\$ 1,500	Oro Valley - unfunded
DC-81	Rivers Edge S'	Rivers Edge (1-89)	PRI	Drainage Channel outlet to CDO needs Veg Mgmt	Private		1		Private	Private - unfunded
DC-83	Rivers Edge N'	Rivers Edge (103-120)		Box Culvert crossing Lambert needs sediment removed			1	annual	\$ 4,500	Oro Valley - unfunded

The following Stormwater Maintenance Projects are categorized by:

- (S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)
- (V) · Vegetation Removal.

Recently Completed

- (DC) · Drainage Design and Repair - Construction
- (M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-84	Vista Catalina	Vista Catalina		Channel N' of Vista Catalina/S' of Highlands Mobile Park requires veg/debris/sediment removal		1	TBD	\$ 10,000	Oro Valley - unfunded
DC-57	8305 Northern Ave.	Northern Ave.		Debris removal from outlet/Cannot find inlet		2	annual	\$ 500	Oro Valley - unfunded
DC-59	8090/8041 Northern Ave.	Northern Ave.		Debris removal from inlets/outlets		2	annual	\$ 1,500	Oro Valley - unfunded
DC-65	Ironwood Valley Dr.	Tangerine Heights		Box Culvert - manage erosion cutting from road down sides of box culvert		2	annual	\$ 500	Oro Valley - unfunded
DC-68	Naranja Dr.	Canada Ridge		Box Culvert in ROW east of Canada Ridge Dr. - outlet need debris/veg removal		2	annual	\$ 1,500	Oro Valley - unfunded
DC-70	8620 N Glenhurst Pl.	Sunnyslope		Drainage improvements		2		TBD	Oro Valley - unfunded
DC-75	Oracle Rd. Drainage N' of Calle Concordia	OV Aquatic Center		Drainage improvements		2		\$ 3,000	Oro Valley - unfunded
DC-80	Rooney Wash	Oracle Road E' side		Drainage channel on E' side of Oracle Rd. Needs Veg cleanup/debris removal at inlet		2	annual	\$ 1,500	Oro Valley - unfunded
DC-85	10707 N Pomegranite Dr.	Monte Del Oro		Drainage requires refinement		2		\$ 1,000	Oro Valley - unfunded
DC-64	Tangerine Road @ Highlands Wash (east of Monterra Knolls)	Monterra Knolls		Debris/Veg /Sediment Removal from Inlet/outlet of box culvert and manage downstream veg		3	annual	\$ 5,000	Oro Valley - unfunded
DC-66	Reflection Ridge Dr	Tangerine Heights		ROW erosion at entry from Tangerine and north along W'side ROW		3		\$ 500	Oro Valley - unfunded
DC-72	Campo Bello	Campo Bello		Drainage improvements		3		TBD	Oro Valley - unfunded
DC-74	Oracle Rd. Drainage S' of Calle Concordia	Shadow Mountain Estates		Drainage improvements		3		\$ 1,500	Oro Valley - unfunded
DC-77	Oracle Rd. Drainage N' of El Conquistador Way	Mutterers Wash S'		Drainage from Wolfley/Ajacent Property adding to sediment Problem into Mutterers. Deep Erosion cuts next to spillway on El Conquistador Way (Private Property)		3		TBD	Oro Valley - unfunded
DC-78	Valle Del Oro Town Homes	Mutterers Wash S'		Drainage Channell exiting Valle Del Oro townhomes needs to be cleaned...Veg/Debris/Sedimet		3		Private	Oro Valley - unfunded
DC-82	Rivers Edge N'	Pusch Ridge Vistas II		Hillside at 10831 N Pusch Ridge View Pl. Needs Erosion Control		3		Private	Oro Valley - unfunded

The following Stormwater Maintenance Projects are categorized by:

- (S) · Maintenance Recurring - Sediment Removal & Cleaning (maybe storm related)
- (V) · Vegetation Removal.

Recently Completed

- (DC) · Drainage Design and Repair - Construction
- (M) · Management Studies

(PR) · Private

No.	Location/Name	Subdivision	Owner	Description of Work	Cost Type	Priority	Year	Estimated Cost	Funding
DC-86	1001 E Linda Vista Blvd	Pusch Ridge Estates		Sweep Road in front of house		3		\$ 150	Oro Valley - unfunded
DC-87	Rancho Sonora Dr	Rancho Sonora		Trash in Wash up against barricades		3		\$ 150	Oro Valley - unfunded
DC-88	Shadows of the Ridge	Shadows of the Ridge		Sediment removal from drop inlet culvert				\$ 2,500	Oro Valley - unfunded

# Appendix F – Western Kentucky University

Western Kentucky University  
 Stormwater Utility Survey  
 2014

What other are doing.  
 Summary

Cities, Towns, Counties	Average Fee	Lowest Fee	Highest Fee
Total US Stormwater Utilities	1511 \$ 4.01	\$ -	\$ 35.00

Fee Range	No.		
No Fee	264	17.5%	
.01 to 1.49	96	6.4%	
1.50 to 2.49	137	9.1%	
2.50 to 2.99	160	10.6%	43.5%
3.00 to 3.49	81	5.4%	
3.50 to 3.99	99	6.6%	
4.00 to 4.99	206	13.6%	
5.00 to 5.99	136	9.0%	34.5%
6.00 to 6.99	97	6.4%	
7.00 to 7.99	79	5.2%	
8.00 to 8.99	46	3.0%	
9.00 to 9.99	29	1.9%	16.6%
10.00 to 14.99	61	4.0%	
15.00 to 35.00	20	1.3%	5.4%
	1511	100.0%	100.0%

Population	Average	High
≤ 10,000	\$ 3.71	\$ 19.43
≤ 25,000	\$ 4.15	\$ 14.00
≤ 50,000	\$ 4.26	\$ 14.46
≤ 75,000	\$ 3.93	\$ 11.99
≤ 100,000	\$ 3.71	\$ 13.05
≤ 150,000	\$ 3.94	\$ 14.26
≤ 250,000	\$ 4.31	\$ 14.00
≤ 500,000	\$ 4.01	\$ 13.78
≤ 1,000,000	\$ 4.34	\$ 16.75
> 1,000,000	\$ 2.72	\$ 13.48
	1511	100.0%

ERU Classifications			
< 1000	18	1.2%	
< 1250	26	1.7%	
< 2000	64	4.2%	
< 2500	112	7.4%	14.6%
< 2600	69	4.6%	
< 2750	68	4.5%	
< 3000	82	5.4%	
< 3250	125	8.3%	22.8%
< 4000	122	8.1%	
< 5000	52	3.4%	11.5%
5000 ≥ 9000	26	1.7%	
9001 ≥ 25000	10	0.7%	
> 43500	35	2.3%	
Unspecified	702	46.5%	51.2%
	1511	100.0%	100.0%

Possible Rates - Residential			
Rates	FY 15/16	Increase Funds	
\$ 2.90	\$ 783,974		
\$ 3.63	\$ 981,320	25.0%	
\$ 4.35	\$ 1,175,962	50.0%	\$ 391,988
\$ 5.80	\$ 1,567,949	100.0%	\$ 783,975
\$ 7.25	\$ 1,959,936	150.0%	\$ 1,175,962

## Appendix G – Equivalent Residential Unit Study



Development and Infrastructure Services Department  
Operations - Stormwater Utility

September 2, 2015

Re: Determining the basic ERU value

This memo describes the steps taken to date in the determination of an Equivalent Residential Unit (ERU) which will be applied to the determination of a revised Stormwater Utility fee structure. The use of available GIS data files in the determination of a revised ERU are discussed. Two GIS data files were used in the process, the first of which is a residential structure footprints file. The footprints file is a GIS data layer with file name [sde.SDE.Residentialfootprint] (footprints) which is located in the Town GIS repository. This file was generated by the Pima Association of Governments (PAG) using existing aerial photograph raster data. The footprint data is in the form of polygons which show the approximate footprint of nearly all the residential and some commercial structures in the Town. Any missing residential data would mostly be structures that did not exist at the time the data was prepared. The footprint data is intended to loosely represent the impervious areas within residential parcels. While the data contains essentially a complete set of all the residential structures, the actual impervious areas of each parcel are larger than what is indicated by the areas measured for the footprints file since the footprints file does not always include pavement areas, outside concrete areas etc... within each residential parcel. The data does, however, provide a consistent and complete source of information to use for our purposes. The second GIS data file used in this process represents the zoning in the Town with file name [sde.SDE.Zoning]. This data is also in the form of polygons with each polygon representing the specific zoning within its area.

Statistics for each zoning category were extracted by first overlaying the footprints file with the zoning file therefore isolating footprint sizes for each zoning district. The critical statistics were: 1) number of footprints within a particular zoning district and 2) the mean size of the footprints in that district. Footprint data for twelve zoning categories were observed (see Table 1). Please see the attached (Figure 1) for a distribution of Oro Valley zoning overlaid on the residential footprints within the Town.

Table 1. Oro Valley Zoning Districts with Selected Statistics

Zoning Category	Description	Count	Mean Footprint Size (sq-ft)
PAD	Planned Area Development	10,977	2752
R-4	Townhouse Residential	2,048	2461
R-6	Multi-Family Residential	198	1949
R1-300	Single Family Residential 0.15 RAC	99	5292
R1-144	Single Family Residential 0.30 RAC	416	3826
R1-43	Single Family Residential 1.00 RAC	449	3808
R1-36	Single Family Residential 1.20 RAC	1,563	3494
R1-20	Single Family Residential 2.00 RAC	350	4400
R1-7	Single Family Residential 5.00 RAC	645	3183
SDH-6	Site Delivered Housing District	281	1861
T-P	Technology Park	84	2181
C-1	Commercial	31	26,103

Note: The above data does not represent a complete list of all zoning districts and the Count values may be slightly higher for the districts that are shown. This calculation is a "first pass" intended to get a reasonable approximation of the statistics.

From the data identified in Table 1 all statistics for single family residential were used in the determination of an ERU value. Single family residential was used since it comprised the majority of the overall residential structures within the Town and it is typically used in the available literature when using ERU as a method of calculating stormwater fees. The ERU was calculated as the Count weighted average of the mean footprint sizes. The formula for calculating the ERU was as follows:

$$\frac{(\text{Mean Footprint Size}_{R1-300} \times \text{Count}_{R1-300}) + (\text{Mean Footprint Size}_{R1-144} \times \text{Count}_{R1-144}) + \dots}{(\text{Count}_{R1-300} + \text{Count}_{R1-144} + \dots)}$$

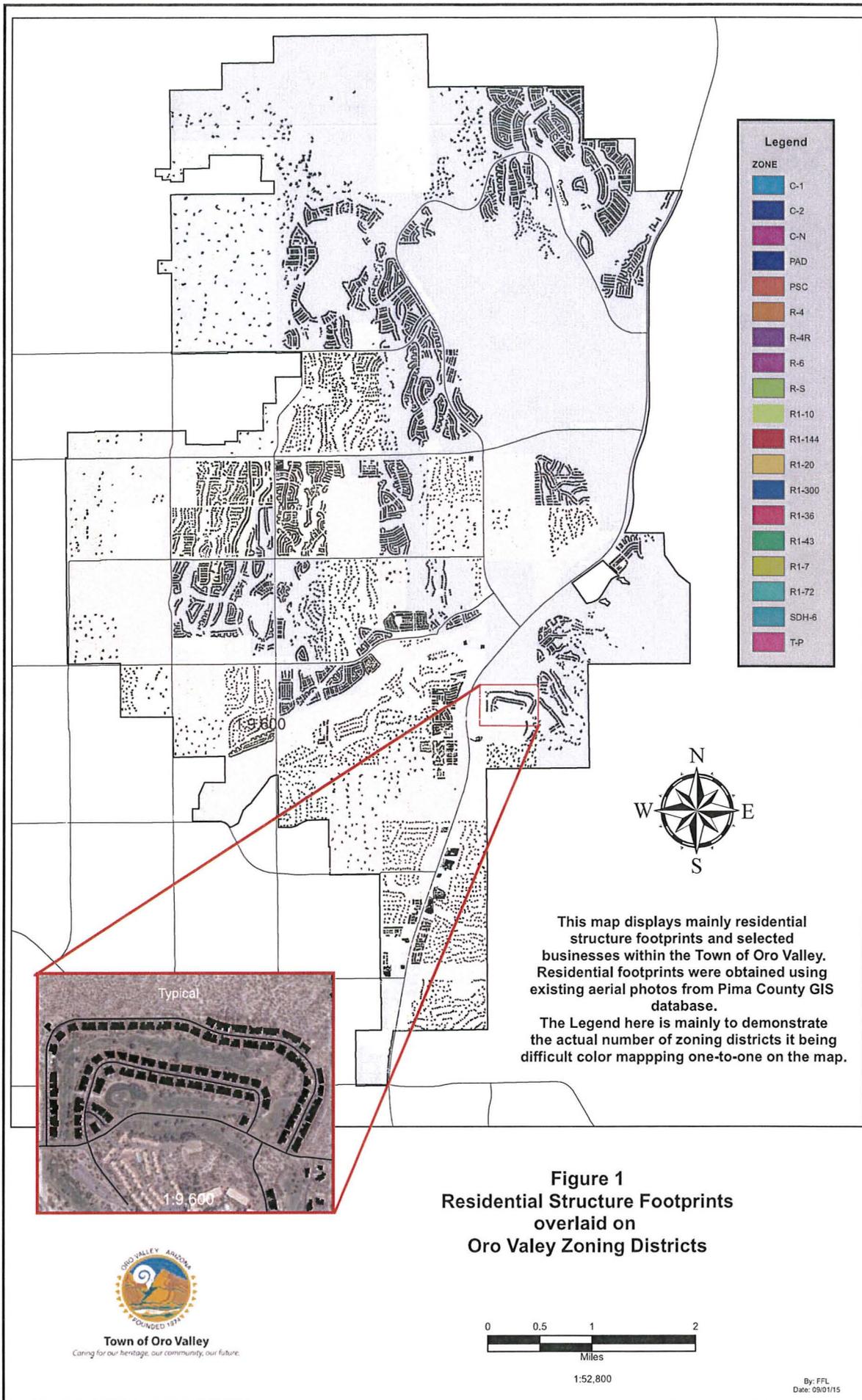
The result for this calculation is 3701.218 indicating a rounded ERU value of 3700. The current ERU for the Town is 5000. This method provides a consistent and measurable way to calculate the basic ERU.

Prepared by:

Fritz F. Laos, EIT, CFM

Civil Engineer

Town of Oro Valley Stormwater Utility



## Bibliography

Campbell, C. Warren (2011). Western Kentucky University 2011 Stormwater Utility Survey, Western Kentucky University, Bowling Green, 51 pp.



**Town Council Regular Session**

**Item # 6.**

**Meeting Date:** 03/02/2016

**Requested by:** Bayer Vella

**Submitted By:** Rosevelt Arellano  
Development Infrastructure Services

**Department:** Development Infrastructure Services

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**Information**

**SUBJECT:**

PUBLIC HEARING: ORDINANCE NO. (O)16-03, AMENDING SECTION 22.5 OF THE ORO VALLEY ZONING CODE REVISED RELATED TO THE CONDITIONAL USE PERMIT REVIEW CRITERIA

**RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of the proposed revisions included in Attachment 1.

**EXECUTIVE SUMMARY:**

The 2015 Planning Division Work Plan re-affirmed the need to evaluate the existing Conditional Use Permit review criteria to ensure that 1) the zoning requirements are clear and effective and 2) conditional uses have minimal impacts on adjacent land uses. The existing Conditional Use Permit review criteria was last updated in 1981.

The Conditional Use Permit review criteria is used by the Town to assess and mitigate negative impacts associated with conditional uses, such as traffic, noise, light and odor. The proposed code amendment (Attachment 1) will improve the existing review criteria by:

- Building on the existing criteria that has proven to be effective
- Adding three criteria to increase specificity and reflect current review methods

The proposed amendment was considered by the Planning and Zoning Commission on February 2, 2016. The Planning and Zoning Commission has recommended approval of the proposed amendment. Please refer to Attachments 4 & 5 for PZC Staff Report and PZC minutes.

**BACKGROUND OR DETAILED INFORMATION:**

Conditional Use Permits are required for uses with significant potential impacts on adjacent properties, such as gas stations, car washes and drive-thru restaurants. These uses require a greater level of review because they can negatively impact the surrounding area with high traffic volumes, noise, light or odor.

### Existing Conditional Use Permit Review Criteria

The existing Conditional Use Permit review criteria (Attachment 2) focus on maintaining “public health, safety and welfare.” More specifically, the criteria is used to evaluate the potential impacts related to:

1. Nuisances (odor, illumination, vibration, etc.)
2. Hazards (explosions, contaminations, traffic, etc.)
3. Compatibility with the surrounding area

The proposed code amendment is intended to build on the existing criteria to ensure clarity and a more thorough evaluation.

### Proposed Conditional Use Permit Review Criteria

In September of 2014, the commission was presented a summary of other jurisdictions conditional use review criteria (Attachment 3). The commission provided input and direction which focused on adding three new criteria, summarized below.

1. Mitigate potential impacts

Staff Comment: This criteria will clarify the need for effective mitigation by supporting the Town’s requirements for conditional uses, such as taller screen walls, denser vegetation, reduced lighting and traffic calming measures.

2. Consistency with the goals and policies of the General Plan

Staff Comment: The second criteria requires a Conditional Use Permit application to be in conformance with the goals and policies of the General Plan. This will reflect the Town’s current review method and ensure conditional uses are consistent with the community objectives (e.g., community design, neighborhood compatibility, buffering, etc.) outlined in the General Plan.

3. Hours of operation

Staff Comment: Some conditional uses can have early or late hours of operation which can negatively impact adjoining properties. Adding hours of operation as a review criteria will illuminate the need to mitigate this potential impact during the review and approval process.

### Summary of Proposed Code Amendment

The proposed code amendment (Attachment 1) represents a reasonable and substantive update to the review criteria that will add specificity and allow for more effective consideration of the potential impacts associated with conditional uses.

### Planning and Zoning Commission Study Session and Public Hearing

Below is a timeline of key dates regarding the proposed code amendment:

- July 2013: Town Council approved 2014/2015 Planning Division Work Plan which identified Conditional Use Permit applications as a work plan item.
- September 2014: Planning and Zoning Commission study session regarding the proposed code amendment.
- October 2014: Planning and Zoning Commission Public Hearing regarding the proposed amendment. Item was continued and staff was asked to take a broader focus of conditional uses, specifically the appropriateness of some of the conditional uses in the Table of Permitted Uses.
- May 2015: Town Council approves 2016/2017 Planning Division Work Plan which reaffirms the need to evaluate and update the Conditional Use Permit review criteria and the Permitted and Conditional Use Table. The code amendment related to updating the Permitted and Conditional Use Table is forthcoming.
- February 2016: Planning and Zoning Commission recommended approval of the proposed amendment included in Attachment 1. The Planning and Zoning Commission staff report and draft meeting minutes are included as Attachments 4 and 5.

### Public Notification and Comment

Public notice has been provided as follows:

- All HOAs in the Town were notified of this hearing
- Public hearing notice was posted:
  - In the Territorial newspaper
  - At Town hall
  - On the Town website

To date, staff has received one letter of concern (Attachment 6).

### **FISCAL IMPACT:**

n/a

### **SUGGESTED MOTION:**

I MOVE to adopt Ordinance No. (O)16-03, amending Section 22.5 of the Oro Valley Zoning Code relative to the evaluation criteria for Conditional Use Permits.

OR

I MOVE to deny Ordinance No. (O)16-03, amending Section 22.5 of the Oro Valley Zoning Code relative to the evaluation criteria for Conditional Use Permits, finding the amendment is not warranted.

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**Attachments**

Attachment 1 - (O)16-03 Amending C.U.P. Criteria

Attachment 2 - Existing Conditional Use Permit review criteria

Attachment 3 - Other jurisdiction review criteria

Attachment 4 - PZC staff report

Attachment 5 - PZC Meeting Minutes

Attachment 6 - Letter of concern

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**ORDINANCE NO. (O)16-03**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 22, REVIEW AND APPROVAL PROCEDURES, SECTION 22.5, USE PERMITS, OF THE ORO VALLEY ZONING CODE REVISED; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER**

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

**WHEREAS**, it is necessary to amend Chapter 22, Review and Approval Procedures, Section 22.5, Use Permits, to improve the effectiveness of the Conditional Use Permit review criteria; and

**WHEREAS**, the Conditional Use Permit review criteria is used by the Town to assess and mitigate negative impacts associated with conditional uses, such as traffic, noise, and light.

**WHEREAS**, the proposed amendments will include moderate updates to the review criteria to add specificity and increase the effectiveness of the review criteria; and

**WHEREAS**, the Planning and Zoning Commission held a meeting on February 2, 2016 and voted to recommend approval of amending Chapter 22, Review and Approval Procedures, Section 22.5, Use Permits; and

**WHEREAS**, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s recommendation to update Section 22.5 of the Oro Valley Zoning Code Revised to improve the effectiveness of the Conditional Use Permit review criteria, and finds that the amendment is consistent with the Town's General Plan and other Town ordinances and are in the best interest of the Town.

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

**SECTION 1.** that certain document entitled Chapter 22, Review and Approval Procedures, Section 22.5, Use Permits, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A” and incorporated herein by this reference, to improve the effectiveness of the Conditional Use Permit review criteria and declared a public record on March 2, 2016 is hereby adopted

**SECTION 2.** All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase, or portion of the resolution or any part of the General Plan Amendment adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona this 2<sup>nd</sup> day of March, 2016.

**TOWN OF ORO VALLEY**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Tobin Sidles, Legal Services Director

**ATTEST:**

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

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

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

# EXHIBIT “A”

Additions are shown in ALL CAPS font, deletions shown in ~~strikethrough~~ font

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## Section 22.5.A Conditional Uses

### A. Use Permits: Issuance

Use Permits may be granted only when expressly permitted by this Code. Applications shall be made according to the provisions of Section 22.4 of this Code. If a conditional use permit is permitted, but no criteria for the specific use are defined in Section 25.1, the conditions for such use shall be determined by the Planning and Zoning Commission.

Use Permits, which may be revocable, conditional or valid for a term period, may be granted only when expressly permitted by this Code and only after the Planning and Zoning Commission has made a recommendation and the Town Council has found in writing as follows:

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:
  - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
  - b. Hazard to persons and property from possible explosion, contamination, fire or flood;
  - c. ~~Hazard occasioned by~~ Unusual volume or character of traffic.
2. That the characteristics of the use proposed ~~in such use permit~~ are reasonably compatible with the types of use permitted in the surrounding area AND SUFFICIENT MITIGATION MEASURES ARE EMPLOYED TO MINIMIZE IMPACT ON ADJOINING PROPERTIES.
3. THAT THE PROPOSED USE IS CONSISTENT WITH THE GOALS AND POLICIES OF THE GENERAL PLAN.
4. THAT THE HOURS OF OPERATION OF THE PROPOSED USE WILL NOT ADVERSELY IMPACT NEIGHBORING PROPERTIES.

The burden of proof for satisfying the aforementioned requirements shall rest with the applicant.

## **Section 22.5.A Conditional Uses**

### **A. Use Permits: Issuance**

Use Permits, which may be revocable, conditional or valid for a term period, may be granted only when expressly permitted by this Code and only after the Planning and Zoning Commission has made a recommendation and the Town Council has found in writing as follows:

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:
  - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
  - b. Hazard to persons and property from possible explosion, contamination, fire or flood;
  - c. Hazard occasioned by unusual volume or character of traffic.
2. That the characteristics of the use proposed in such use permit are reasonably compatible with the types of use permitted in the surrounding area.

The burden of proof for satisfying the aforementioned requirements shall rest with the applicant.

## Review Criteria Table Conditional Use Permit Review Criteria

	<i>Detrimental to public health, safety, welfare</i>	<i>Hazard to person or property from possible explosion, contamination, fire or flood</i>	<i>Noise, smoke, odor, dust, vibration, etc...</i>	<i>Reasonably compatible with types of uses permitted in surrounding areas</i>	<i>Is consistent with the General Plan/Zoning Code and the purpose of the zone in which it is located</i>	<i>Provides for adequate and efficient vehicular and pedestrian access, circulation and vehicle parking</i>	<i>Hours of operation will not be detrimental to adjoining residents</i>	<i>Can be adequately served by public utilities</i>	<i>The proposal will preserve scenic resources</i>	<i>Is consistent with the Town's approved functional priorities</i>	<i>Will not adversely affect property values and other</i>
Oro Valley	✓	✓	✓	✓							
Marana	✓		✓		✓		✓		✓	✓	
Tucson				✓	✓	✓	✓				
Pima County			✓	✓	✓	✓	✓				
Flagstaff	✓	✓	✓	✓	✓						
Sahuarita			✓	✓	✓	✓	✓				
Scottsdale	✓		✓	✓		✓					
Peoria	✓			✓	✓	✓	✓				
Portland			✓	✓		✓		✓	✓		



# Conditional Use Permit Review Criteria Code Amendment Planning and Zoning Commission Staff Report

4

**CASE NUMBER:** OV714-007  
**MEETING DATE:** February 2, 2016  
**AGENDA ITEM:**  
**STAFF CONTACT:** Michael Spaeth, AICP, Senior Planner  
[mspaeth@orovalleyaz.gov](mailto:mspaeth@orovalleyaz.gov) (520) 229-4812

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**Request:** Zoning Code Amendment to the Conditional Use Permit (CUP) review criteria.

**Recommendation:** Recommend approval

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## SUMMARY:

The Planning Division Work Plan approved in 2013 identified a need to evaluate the existing Conditional Use Permit review criteria to ensure its effectiveness in the review of Conditional Uses. Subsequently, the Work Plan approved in 2015 reaffirmed the need to update the criteria as a primary objective. The goal of this Work Plan item is to ensure conditional uses are thoroughly evaluated to minimize potential impacts on adjacent land uses. The Town of Oro Valley Conditional Use Permit review criteria was last updated in 1981.

The Conditional Use Permit review criteria is used by the Town to assess and mitigate negative impacts associated with conditional uses, such as traffic, noise and light. The proposed code amendment (Attachment 1) includes moderate updates to the review criteria to add specificity and increase the effectiveness of the review criteria.

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## BACKGROUND:

The goal of this work plan item is to update the existing review criteria to ensure the effective evaluation of conditional uses.

### Timeline

Below is a timeline of key dates regarding the proposed code amendment:

- September 2014: Planning and Zoning Commission study session regarding the proposed code amendment.
- October 2014: Planning and Zoning Commission Public Hearing regarding the proposed amendment. Item was continued and staff was asked to take a broader focus of conditional uses, specifically the appropriateness of some of the conditional uses in the Table of Permitted Uses.

- December 2014: Conditional Use Permit code amendment sub-committee was formed to provide direction and focus to code amendment.
- May 2015: Town Council adopted the 15/16 Work Plan (Attachment 3), which identified the need to update the Table of Permitted Uses as a new, standalone Work Plan item.

As noted above, the Planning and Zoning Commission asked staff to broaden the scope of the proposed amendment and review the appropriateness of conditional uses in the Zoning Code. The 15/16 Planning Work Plan included a new item to specifically address needed changes to Table of Permitted Uses. As a result, this code amendment will focus solely on completing this year's Work Plan item regarding the existing CUP review criteria. A future amendment will be processed later this year to address the Table of Permitted Uses.

## DISCUSSION/ANALYSIS:

### Review Criteria

Conditional Use Permits are required for uses with significant potential impacts on adjacent properties, such as gas stations, car washes and convenience uses. These uses have unique characteristics inherent to the use which require a greater level of review, including high volumes of traffic, light impacts, noise or odor. The Zoning Code establishes criteria for evaluating Conditional Use Permit applications as follows:

1. *That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:*
  - a. *Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;*
  - b. *Hazard to persons and property from possible explosion, contamination, fire or flood;*
  - c. *Hazard occasioned by unusual volume or character of traffic.*
2. *That the characteristics of the use proposed in such use permit are reasonably compatible with the types of use permitted in the surrounding area.*

At the September study session, the Commission was presented a summary of other jurisdictions conditional use review criteria (Attachment 2). The Commission provided input and direction which focused on adding three new criteria. The three criteria which were recommended for consideration are summarized below:

*Ensuring impacts on adjoining property are effectively mitigated.*

The existing review criteria requires "reasonable compatibility" with the types of uses in the surrounding area. Broadening the criteria will specifically require impacts on adjoining

properties to be thoroughly evaluated and effectively mitigated as part of the Conditional Use Permit application. This will allow the impacts associated with a particular use to be identified during the review process and measures such as setbacks, access limitations, reduced lighting and buffers to be employed to reduce impacts on adjoining properties.

Consistency with the Goals and Policies of the General Plan

Currently, Conditional Use Permits applications must be consistent with the underlying zoning district and any specific use requirements of the Zoning Code. Updating the review criteria to include conformance with the Goals and Policies of the General Plan will help ensure the proposed conditional use is consistent with Community objectives, specifically those related to community design, neighborhood compatibility, buffering, mitigation of traffic impacts and minimizing impacts associated with lighting.

Hours of operation.

Some conditional uses can have early or late hours of operation which can potentially have a negative impact on adjoining properties. Adding hours of operation as a review criteria allows this potential impact to be mitigated in the review and approval process.

The above criteria (Attachment 1) represent reasonable and substantive updates to the review criteria that will add specificity, limit ambiguity and allow for more effective consideration of the potential impacts of conditional use applications.

**GENERAL PLAN COMPLIANCE**

The Zoning Code Amendment was reviewed for conformance with the Vision, Goals and Policies of the General Plan. Listed below is a summary of the applicable Goals and Policies in italics, followed by staff commentary:

*Goal 1.3 To promote a compatible mix of land uses throughout the Oro Valley Planning Area*

Staff Comment

By broadening the Conditional Use Permit review criteria, specificity will be added as part of the review and approval process. The additional criteria will help ensure effective mitigation measures are incorporated to minimize potential impacts on adjoining properties, such as setbacks, buffer yards, access and circulation, lighting and noise. The increased focus on buffering and mitigation measures will further the objectives of these General Plan policies.

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**PUBLIC PARTICIPATION:**

Public notice has been provided as follows:

- All HOAs in the Town were notified of this hearing
- Public hearing notice was posted:

- 
- In the Territorial newspaper
  - At Town hall
  - On the Town website

One comment has been received to date and has been included as Attachment 5.

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**RECOMMENDATION:**

Based on the following findings:

- The proposed amendment would add specificity to the review criteria.
- The proposed amendment would increase the effectiveness of the review criteria
- The proposed amendment would minimize ambiguity and improve the conditional use permit review process.
- The proposal is consistent with the relevant Goals and Policies of the General Plan.

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

**Recommend approval to the Town Council of the requested Zoning Code Amendment OV714-007**

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**SUGGESTED MOTIONS:**

The Planning and Zoning Commission may wish to consider the following suggested motion:

I move to recommend approval of the Zoning Code Amendment in Attachment 1 related to the Conditional Use Permit review criteria, based on the finding that the request would improve the effectiveness of the Conditional Use Permit review criteria

OR

I move to recommend denial of the Zoning Code Amendment in Attachment 1 related to the Conditional Use Permit review criteria, as the request does not meet the finding that

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**ATTACHMENTS:**

1. Proposed Code Amendment
2. Review Criteria Table
3. Resident Comment

  
Bayer Vella, Planning Manager

**MINUTES  
ORO VALLEY PLANNING AND ZONING COMMISSION  
REGULAR SESSION  
February 2, 2016  
ORO VALLEY COUNCIL CHAMBERS  
11000 N. LA CA ADA DRIVE**

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

**CALL TO ORDER**

Vice-Chair Leedy called the February 2, 2016 Regular Session of the Oro Valley Planning and Zoning Commission meeting to order at 6:00 PM.

**ROLL CALL**

**PRESENT:** Melanie Barrett, Commissioner  
Greg Hitt, Commissioner  
Charlie Hurt, Commissioner  
Bob Swope, Commissioner  
Tom Gribb, Commissioner  
Bill Leedy, Vice-Chair

**EXCUSED:** Tom Drzazgowski, Commissioner

**PLEDGE OF ALLEGIANCE**

Vice-Chair Leedy led the Planning and Zoning Commission members and audience in the Pledge of Allegiance.

**CALL TO AUDIENCE**

Don Bristow, Oro Valley resident, commented it's a new year with new members to the Commission. He would like to remind the Commission on the responsibility of making recommendations to Town Council based on Town codes. Town code is law and the General Plan is policy, it's important to follow policy and uphold codes. It seems as if the Commission does not know codes under which recommendations should be made and heavily relies on staff as there only source of recommendation. Because of this, the Planning and Zoning Commission has sent recommendations to Town Council that ignore the Oro Valley codes. Mr. Bristow ask the new members as well as the continued members of the Commission to try and uphold the law. Your duty is to uphold the codes and fairly represent the community. Please take time to study the code and ask questions before you vote, uphold the General Plan and support the Oro Valley codes which are law. This should assist you in making decisions that are best for the entire community.

**COUNCIL LIAISON COMMENTS**

No Council Liaison present.

**REGULAR SESSION AGENDA**

**1. REVIEW AND/OR APPROVAL OF THE DECEMBER 1, 2015 REGULAR SESSION MEETING MINUTES**

**MOTION:** A motion was made by Commissioner Hurt and seconded by Commissioner Hitt to approve the December 1, 2015 Regular Session Meeting Minutes.

**MOTION** carried, 6-0.

**2. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION ON A PROPOSED REZONING OF AN APPROXIMATELY 142-ACRE PROPERTY FROM R1-144 TO R1-43 TO DEVELOP A 91-LOT RESIDENTIAL SUBDIVISION AND USE OF THE MINIMUM LOT SIZE, BUILDING HEIGHT AND MODIFIED REVIEW PROCESS FLEXIBLE DESIGN OPTIONS. THE PROPERTY IS LOCATED ON THE SOUTHEAST CORNER OF LAMBERT LANE AND LA CHOLLA BOULEVARD, OV914-009**

Michael Spaeth, Senior Planner, provided a presentation that included the following:

- Purpose
- Location Map
- Site Map
- Review Criteria
- General Plan, Land Use Compatibility
- General Plan, Road Widening
- General Plan and Zoning, Environment
- Conservation Subdivision Design
- Flexible Design Options
- Public Participation
- Summary and Recommendation

Commissioner Hurt recommended that all general notes shown in exhibit R be cleaned up.

Commissioner Hurt asked if there has been any contact with Pima County and or Federal Emergency Management Association (FEMA) regarding the flooding issues.

David Laws, Planning Manager, responded that back in 2011 the Town completed improvements to the Lamas del Oro wash immediately south of this project. As a result

the Town also proposed a LOMAR (letter of map revisions) process. Many properties were affected by the FEMA flood plain. As a result of that, property owners with a secured loan for a home were required to get flood insurance.

Back in 2015, the Town did get the LOMAR process approved through FEMA and the result was the removal of a significant portion of those properties from FEMA flood plain. Moving forward with this project, should it be successful for the rezoning, the developer of the project will be required to go through a similar process for their own property if it includes work in the flood plain.

As currently proposed, work is being done close to those areas. Property owners would be required to go through the LOMAR process to get those maps revised. Otherwise they are going to have issues with securing insurance. The portion between this property and where the Town ended improvement is the questionable part.

Commissioner Hurt questioned whether the drainage analysis done by G. E. Fuller includes all washes? His concern is the drainage analysis appears to only involve one wash.

David Laws, responded that an analysis was done for the three areas and focus was the main wash. As we move forward through the development process, should this be a successful rezoning, a very detailed analysis will need to be completed on each of the washes, including encroachments into those areas with proposed improvements.

Commissioner Hurt commented that the property just north of Lambert Lane is undeveloped at this point. Two of the washes that go through the subject property also go through the undeveloped area. When that undeveloped property north of Lambert is developed, it will have an impact on those washes as well as downstream. His concern is the downstream issue and the property to the north.

David Laws, responded as the property to the north is developed, the developer will be required to analyze the impact of drainage standalone. It is the downstream areas that is actually making them go beyond what would typically be required. For the property to the north they will have to do an analysis of existing conditions and evaluate upstream and downstream conditions and incorporate a design that basically offsets the excess stormwater that is created from parking lots or rooftops, sidewalks to make sure that this is captured and held in place and slowly released to basically mimic existing conditions. Ultimately the drainage criteria requires that there is no downstream impact. So what you see today is what you're going to see a month later or a year later once that development is constructed. So there should be no impact.

Paul Oland, WLB Group, representing the applicant, provided a presentation that included the following:

- Updated Plan Changes
- Where we are at now

- Downstream impacts
- Summary

Commissioner Barrett questioned the applicant on the portion of the property that is undevelopable.

Mr. Oland responded, the Environmentally Sensitive Land Ordinance (ESLO) is meant to protect the most sensitive areas of the property. It allows a way to pursue cluster development which is encouraged by Town code so you can achieve densities planned by the General Plan without disturbing or going into the sensitive areas.

Vice-Chair Leedy opened the public hearing.

Dennis Swena, Oro Valley resident, stated he owns the property south of the proposed project. He has seen erosion of the embankment below his home. During the planning phase of the FEMA/Lomas del Oro Wash Flood Control Project he was approached by a Town employee by the name of Dave Parker and asked to sign a waiver allowing construction equipment on his property. At that time Mr. Swena pointed out the erosion of the embankment and raised concerns about it. The engineer agreed that his worries were alignment and proposed a remedy which was drawn into the plans. The waiver was signed, fully expecting that the Town would perform on its commitment. As it turns out the erosion protection promise for the embankment was pulled out of the plans without notification and was never constructed. Further substantial erosion was suffered from the flood of 2012, his property is bisected in half by the Lomas del Oro Wash. The engineering changes eluded to the general outlines of this project will have a real impact on increasing the flow rate across his embankment that has been mentioned by Mr. Spaeth and the developer. Currently most of the runoff from the ridge north of his property becomes channeled and drains into the wash downstream from the embankment. Together with these vague and underlying changes to the Lomas del Oro Wash upstream from his property is cause for great concern. This proposed development together with other developments upstream is having a very real and substantial impact on property owners like himself. The plan before the Commission shows dotted lines along the wash as it traverses his property, but what do those lines even mean and how exactly will they be designed and constructed? How will it allow access to the north half of his property and impact the value and usefulness of his property. The developer has made some vague commitments in this regard but refuses to provide the detailed information in order for Mr. Swena to make an informed decision. This developer has promised substantial construction on his property but has not been willing to provide the detailed information that he needs in a form he can have reviewed by a professional and hold them accountable for their commitment. It would be irresponsible for him to agree to these terms, as well as irresponsible of this Commission to recommend approval of this project with so many questions left unanswered.

Karen Stratman, Oro Valley resident, stated where the neighbors left off is not where Mr. Oland left off. This property including the corner lot which has been excluded from

this rezoning is currently R1-144, which means that they are 3 plus acre lots. It remains to define as low density residential in the current and newly revised version of the General Plan. The subject property has been discussed extensively in regards to the washes. Eventually this land will be developed and we are willing to work with Mr. Oland and Town staff to make this project. The neighbors have met and believe there is compatibility with the surrounding property owners, however the drainage is still not agreed upon by many property owners and is a pretty big problem. As stated earlier by the Town, we have put a lot of effort into extensive concessions and meetings by both sides and we believe there is some win, win between the neighbors and the Town and developer. There was disagreement about the two-story homes and what she was told was those rows of homes that have no red dots would have two two-story homes maximum in a row. Ms. Stratman would like to recommend this proposed project be approved with stipulations that the modified review process be denied and the conditions asked for by the neighbors for the special use policies for the conditions be added as well as including property owners to the south in any drainage design.

Liz Rulto, Oro Valley resident, stated she lives east of the proposed project and has been involved in this process with Mr. Oland for over a year. This has been the most confusing process that she has ever been involved in. Her main concern is the water drainage from the north, a lot of the culvert systems that are in place have been breached because of the intensity in which the water is moving from the north down the washes to this property. The developer stated he can help people out of the floodplain is a false statement. There is a huge process with FEMA. The modified review process was never discussed in the last year of community meetings. Ms. Rulto recommends that staff does not allow the modified review process.

Deanna Rex, Oro Valley resident, stated there was never a meeting after the new development was designed. The last meeting was hosted by a retired WLB hydrologist who stated the plan in place would not work. Placing the drainage downstream would take her out of the floodplain. The promise now is to place these retaining basins in that a retired hydrologist stated would not work. This new plan was mailed to us but never was discussed as a group.

Jonathon Kearns, Oro Valley resident, stated he lives on the west side of La Cholla where the other entrance will be located. This entrance is a very dangerous place to pull out. Should the Regional Transit Authority (RTA) not do what they need to do prior to this development, it will become increasingly more dangerous.

Vice-Chair Leedy closed the public hearing.

**MOTION:** A motion was made by Commissioner Swope and seconded by Commissioner Gribb to Table the item tonight in lieu of additional drainage analysis and maybe one more public meeting with the neighborhood.

7:39 Councilmember Joe Hornat showed up

**MOTION** failed, 2-4 with Commissioner Barrett, Commissioner Hitt, Commissioner Hurt, and Vice-Chair Leedy opposed.

**MOTION:** A motion was made by Commissioner Hitt and seconded by Vice-Chair Leedy to recommend approval of the proposed rezoning from R1-144 to R1-43 and use of the requested Flexible Design Options including minimum lot size, building height and ~~modified review process~~ based on the findings in the staff report, subject to the conditions in Attachment 1.

Commissioner Swope offered a friendly amendment that the modified review process not be included in the recommended approval.

Commissioner Hitt and Vice-Chair Leedy accepted the friendly amendment.

Commissioner Barrett offered a friendly amendment which states that the lots be confined to their developable area and still meet the 10,000 square foot minimum lot requirement.

Commissioner Hitt and Vice-Chair Leedy did not accept the friendly amendment.

**MOTION** carried, 6-0.

### **3. MAIN STREET BRIEFING AND DESIGNATION OF PLANNING AND ZONING COMMISSION REPRESENTATIVE TO MAIN STREET FOCUS GROUP**

Elisa Hambin, Long-Range Principal Planner, provided a presentation that included the following:

- What are Oro Valley Main Streets?
- What are we trying to accomplish?
- Where did this idea come from?
- How can we make it happen?
- Where do we start?
- Can this really happen in Oro Valley?
- What's next?

Don Bristow, Oro Valley resident, stated he supports the Main Streets but has some concerns. It's been stated that this a strategic plan from Town Council, but where did Town Council get their authorization. There is nothing in the current code or general plan that talks about Main Streets, the only comment is in reference to the art district. There is another development district which is neighborhoods that talk about recreational trails and so on. Mr. Bristow's second concern is the new Your Voice, Our Future that hasn't been approved by the citizens yet. You're signaling the public that you're not interested in the public approval of the Your Voice, Our Future. This concept is rated as a medium level within the new general plan. As far as he is concerned he is

asking the Commission to table this concept until the Your Voice, Our Future can be approved.

Commissioner Barrett nominated Commissioner Drazgowski to serve as a representative to the Main Streets Design Focus Group. Commissioner Drazgowski is not present at the meeting, staff will wait to hear from Commissioner Drazgowski and if he is willing or unable to participate in the focus group.

Vice-Chair Leedy nominated Commissioner Barrett as an alternate should Commissioner Drazgowski be unable to participate.

#### **4. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING A ZONING CODE TEXT AMENDMENT RELATED TO THE TOWN OF ORO VALLEY CONDITIONAL USE PERMIT REVIEW CRITERIA, OV714-007**

Rosevelt Arellano, Senior Planner, provided a presentation that included the following:

- Purpose
- What is a Conditional Use Permit?
- Existing CUP Evaluation Criteria
- Methodology
- Proposed Code Amendment
- Proposed Code Amendment Language
- Summary and Recommendation

Vice-Chair Leedy opened the public hearing.

Don Bristow declined to comment.

Vice-Chair Leedy closed the public hearing.

**MOTION:** A motion was made by Commissioner Hurt and seconded by Commissioner Swope to recommend approval of the Zoning Code Amendment in Attachment 1 related to the Conditional Use Permit review criteria, based on the finding that the request would improve the effectiveness of the Conditional Use Permit review criteria.

**MOTION** carried, 6-0.

#### **5. ELECTION OF OFFICERS**

**MOTION:** A motion was made by Commissioner Swope to elect Vice-Chair Leedy as Chairman of the Planning and Zoning Commission.

**MOTION** carried, 6-0.

**MOTION:** A motion was made by Vice-Chair Leedy and seconded by Commissioner Hurt to elect Commissioner Bob Swope as Vice-Chair of the Planning and Zoning Commission.

**MOTION:** A motion was made by Commissioner Barrett and seconded by Commissioner Hitt to elect Commissioner Charlie Hurt as Vice-Chair of the Planning and Zoning Commission.

**MOTION** failed, 3-3 with Commissioner Barrett, Commissioner Hitt, and Commissioner Hurt opposed.

**MOTION** failed, 3-3 with Commissioner Swope, Commissioner Gribb, and Vice-Chair Leedy opposed.

Commissioner Swope withdrew his nomination for Vice-Chair of the Planning and Zoning Commission.

Motion to elect Commissioner Hurt as Vice-Chair of the Planning and Zoning Commission passed 6-0.

#### **PLANNING UPDATE (INFORMATIONAL ONLY)**

Chad Daines, Principal Planner, provided the following Planning updates:

- Town Council February 3rd Meeting
- Town Council February 17th Meeting has been cancelled
- Planning and Zoning Commission, March 1st Meeting
- No upcoming neighborhood meetings

#### **ADJOURNMENT**

**MOTION:** A motion was made by Commissioner Swope and seconded by Commissioner Barrett to adjourn the Planning and Zoning Commission meeting at 8:20 PM.

**MOTION** carried, 6-0.

## Spaeth, Michael

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**From:** stfatha@aol.com  
**Sent:** Monday, September 01, 2014 11:27 AM  
**To:** Spaeth, Michael; Vella, Bayer  
**Subject:** P&Z - CUP

In thinking through the situations where the present criteria proved to be inadequate would be a better way to begin any discussion.

:First, apartment development adjacent to single family. The language in a condition has to avoid "reasonably" compatible or consistent. We have to be more explicit. In this example, both uses are residential. The current General Plan - in the Housing element - refers to ( 7.2.1 ) "small apartments" ( 3-4 units ). Clearly nothing the Town has approved comes close to this stipulation. So, the General Plan is in need for a serious revision within this element. I don't think "compatibility" is the issue with apartments...it's the perception of the population that rents. I don't think our General Plan can or should address that, but the design of apartments can be addressed, and the conditions within a CUP should convey that specificity.

Basically, apartments should be designed for long term satisfaction; not short term. The example often used is executives who have been re located to Oro Valley needs a short term place to live. That is the wrong premise. There need to be a greater variety of apartment floor plans ranging up to 1800 sq. ft. & facilities to accommodate long term living needs; dry cleaning, day care, fitness, food service.

:Secondly, fast food adjacent to residential. Unlike other convenience uses with drive through, fast food carries an undesirable connotation. Design can address that, as with apartments.

:Thirdly, retirement living for the elderly adjacent to commercial. The elderly live where they have to - not want to. One of the conditions for satisfaction is quiet. They may be hard of hearing, but they are over sensitive to congestion, traffic close by. We don't require a minimum lot size for senior living and need to...it's one of my recommendations to Chad on that ordinance. Elderly need space to walk slowly, quietly without feeling pressed or impatience from others. We are allowing this use in shopping centers, in Innovation Park, close top busy thorough fares. Wrong.

I suggest the discussion be based upon those types of uses that have created difficulty.

: A Fry's gas station 100' or so from another gas station, is a fourth example. If we want every retail business to have an opportunity for a prime location, we shouldn't be faced with a code that allows unspecified number of competitive businesses in the same location.

: Finally, Drive Through use within a center planned as a specialty center,, such as the First & Oracle, Town Centre development. As we all know, that piece of property was initially zoned for mixed use, "traditional neighborhood". The owner persuaded the Town leadership to believe that mixed use had "no market", even though mixed use is common throughout the country. We weren't prepared, and gave in. CUPs made no sense as originally zoned; became unnecessary as ultimately re zoned.

Please forward this to the Commission prior to the discussion.

Bill Adler



**Town Council Regular Session**

**Item # 7.**

**Meeting Date:** 03/02/2016

**Requested by:** Councilmember Zinkin & Councilmember Garner

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

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

DISCUSSION AND POSSIBLE DIRECTION TO STAFF TO PREPARE  
A REPORT OUTLINING THE DIFFERENCES BETWEEN MAIN STREET AND YOUR  
VOICE, OUR FUTURE GENERAL PLAN UPDATE

**RECOMMENDATION:**

N/A

**EXECUTIVE SUMMARY:**

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

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE \_\_\_\_\_

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**Attachments**

*No file(s) attached.*

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**Town Council Regular Session**

**Item # 8.**

**Meeting Date:** 03/02/2016

**Requested by:** Councilmember Burns & Councilmember Zinkin

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

**Department:** Town Clerk's Office

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**Information**

**SUBJECT:**

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE INSTALLATION OF  
ADDITIONAL SWINGS AT RIVERFRONT PARK

**RECOMMENDATION:**

N/A

**EXECUTIVE SUMMARY:**

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

**BACKGROUND OR DETAILED INFORMATION:**

N/A

**FISCAL IMPACT:**

N/A

**SUGGESTED MOTION:**

I MOVE to \_\_\_\_\_

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**Attachments**

*No file(s) attached.*

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