

COUNCIL COMMUNICATION

MEETING DATE: 04/02/08

TO: HONORABLE MAYOR AND COUNCIL

FROM: DAVID ANDREWS, TOWN MANAGER

SUBJECT: CONSIDERATION AND POSSIBLE DIRECTION TO THE TOWN MANAGER TO COMMENCE NEGOTIATION OF A PRE-ANNEXATION DEVELOPMENT AGREEMENT (PADA) WITH THE ARIZONA STATE LAND DEPARTMENT FOR THE ARROYO GRANDE PLANNING AREA

SUMMARY:

On March 5, 2008 the Town Council voted to grant the Arizona State Land Department's (ASLD) request to initiate a General Plan amendment for the Arroyo Grande Planning area. In the motion to initiate the process, the Council identified a number of factors that they would like considered as part of the General Plan amendment process. Among them were:

- Adherence to the Sonoran Desert Conservation Plan and Conservation Lands System
- Dedication of at least 68% open space as presented in the conceptual plan
- Dedication of open space adjacent to the Tortolita Mountain range for public use
- Addressing wildlife corridors for public protection
- Assuring an adequate water supply
- Protecting all riparian areas from adverse impacts of any types including the impacts of water withdrawal
- Requiring development and associated infrastructure, including but not limited to sewers and roads, to pay its own way and mitigate the impacts to the transportation system

Initiation of a General Plan amendment is the first step in a long process toward potential annexation. The next step is the negotiation of a pre-annexation development agreement (PADA). While the General Plan amendment will outline public policy and land use direction for future development in the Arroyo Grande area, the PADA will create specific entitlements and infrastructure incentives.

In general, a pre-annexation development agreement may include, but is not limited to the following:

- Suitable General Plan land use designations
- The timeline for initiating zoning upon annexation
- Infrastructure, including drainage, water and sewer, dry utilities, and streets
- Financing and infrastructure schedule
- Capital improvement program
- Services
- Permit fees
- Taxes

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TOWN NEGOTIATION SUPPORT TEAM/DIRECT NEGOTIATING TEAM:

Based on the requests made during the motion to initiate the General Plan amendment, Town staff is specifically planning to address the following list of items as part of the negotiation process:

- CAP Water
- Wastewater impacts
- Transportation impacts
- Suitable land use designations
- Open space preservation including public ownership
- Wildlife corridors
- Riparian areas
- Infrastructure
- Utilities
- School set-asides

To manage this process, the Town Manager is recommending the continuation/establishment of a negotiation support team. The negotiation support team would consist of the following members:

- Tobin Rosen, Town Attorney
- Sarah More, Planning and Zoning Director
- Scott Ruby, Outside Legal Counsel
- David Andrews, Town Manager
- Jerene Watson, Assistant Town Manager
- Craig Civalier, Town Engineer/Public Works Director
- Philip Saletta, Water Utility Director
- Mary Davis, Communications Administrator
- Scott Nelson, Special Projects Coordinator
- Tory Schlievert, Management Assistant
- Barry Gillaspie, Council Member
- Helen Dankwerth, Council Member

Both Council Members Gillaspie and Dankwerth have been involved in the Arroyo Grande project since the conceptual planning process with ASLD began approximately 18 to 24 months ago. The existing team has been working to coordinate the effort thus far, and if Council chooses, will continue to meet to identify issues and provide feedback to the direct negotiating team.

The ASLD has indicated that David Jacobs of the Arizona Attorney General's Office and Michelle Muench will serve as the negotiating team on their behalf. The direct negotiating team for the Town of Oro Valley will consist of Tobin Rosen, Town Attorney, Sarah More, Planning and Zoning Director and Scott Ruby, Outside Legal Counsel who would directly negotiate with the ASLD team and report back to the negotiation support team.

I am recommending that the Town retain the services of Mr. Scott Ruby, Esq. of Gust Rosenfeld due to his extensive experience and knowledge in the area of pre-annexation development agreements as well as his long-time association with the Town of Oro Valley. Mr. Ruby is a partner at Gust Rosenfeld, a 60 plus attorney law firm that has as one of its primary practice areas - Public Law. They represent cities, towns, counties and the majority of Arizona school districts. Mr. Ruby represents governmental entities as bond counsel and in

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negotiations of development agreements and other complex transactions. In recent years, Mr. Ruby has negotiated over 75 development agreements involving parcels as small as 15 acres to as large as 52 square miles. Mr. Ruby is present this evening should the Council have any questions for him.

COMMUNICATION:

The public will be highly involved in the General Plan Amendment process.

We will create a Council-appointed citizen committee to guide the communications planning. Over the course of the next several months, we will be working with the Planning & Zoning Commission and the Town Council on a series of study sessions, neighborhood meetings and public hearings with respect to the General Plan Amendment process. In addition, we will schedule a series of open houses for the general public at various times to allow citizens and stakeholders to review plans and make comments. We have already held and will continue to hold public presentations at the request of community groups and organizations.

Other communications initiatives will include uploading and updating information on the town's web site (the full conceptual plan is on there now), as well as updates through the town's community publication, the Oro Valley Vista. We may also have the ability to conduct some outreach through online surveys and other data gathering tools. Finally, we will work with the media and provide them all updates and a full schedule of the meetings so that they can assist us in public notification.

All of these efforts will be formally outlined in the communications plan currently under development. These efforts will provide the citizen input that we will be able to use in both the General Plan amendment process and our negotiations with the pre-annexation development agreement. The PADA will also be reviewed by the P&Z Commission before it goes before Council.

PLANNING AND ZONING WORK PLAN/FISCAL IMPACT:

In addition to the expenditure of public funds to pay for the services of Mr. Ruby, which have been budgeted at \$250,000, there will be additional costs associated with this project as it relates to the Planning and Zoning Work Plan. As you know, on March 5, 2008 the Council approved the expenditure of \$175,000 from contingency funds to hire a consultant to develop the Town's environmentally sensitive lands ordinance. In addition, the next item before you this evening will be a request for approval of the Planning and Zoning Department Work Plan and authorization for additional personnel to implement the Work Plan. This item is requesting an additional Planner position for the Planning and Zoning Department. This additional position is projected to cost approximately \$85,000. That is a total of \$510,000 in the upcoming fiscal year to complete the steps necessary to move forward on the Arroyo Grande project

Additionally, contingent on the progress of the Arroyo Grande project, \$225,000 may be needed for associated ordinances and infrastructure studies for the area in FY 2009-2010.

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It should be noted that there is a risk with the expenditure of these funds. Though we believe that the Town will be successful in negotiating a pre-annexation development agreement with ASLD and that the money spent will be worth it, there is no guarantee that we will come to an agreement with ASLD and consummation of an annexation of this planning area.

ADDITIONAL INFORMATION:

Included in your packets this evening is a Gantt chart that outlines the process for a General Plan amendment, the creation of an environmentally sensitive lands ordinance, the PADA process, and annexation.

RECOMMENDATION:

Staff recommends that the Town Council direct and authorize the Town Manager to begin the negotiation of a pre-annexation development agreement with the Arizona State Land Department for the Arroyo Grande Planning area.

ATTACHMENTS:

1. Gantt Chart


SUGGESTED MOTIONS:

The Council may wish to consider one of the following motions:

I move to authorize and direct the Town Manager to begin negotiations of a pre-annexation development agreement with the Arizona State Land Department for the Arroyo Grande Planning area.

OR

I move to direct the Town Manager to not begin negotiations of a pre-annexation development agreement with the Arizona State Land Department for the Arroyo Grande Planning area


David Andrews, Town Manager

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MEETING DATE: April 2, 2008

TO: HONORABLE MAYOR AND COUNCIL

FROM: Sarah S. More, Planning and Zoning Director

SUBJECT: Request for Approval of the Planning and Zoning Department Work Plan and Authorization for Additional Personnel to Implement the Work Plan

EXECUTIVE SUMMARY

On March 5, 2008, the Planning and Zoning Work Plan was presented to the Town Council for action together with consideration of advancing one element of the Work Plan, the Environmentally Sensitive Lands Ordinance (ESLO), into this fiscal year by adding a staff position and consulting funds into the current budget. At that meeting, the Town Council approved \$175,000 of funding for project from this year's contingency fund. The Town Council gave staff direction to revise the proposed Work Plan to reorder priorities and to provide more information regarding the Arroyo Grande and ESLO projects. A revised staffing proposal has also been prepared.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission unanimously approved the P&Z Department 07 – 09 Work Plan. Their motion also included a recommendation that the Town Council provide additional staff resources and consultant funding this fiscal year and next to assure the completion of the work program in the 24 months of a two-year plan.

REVIEW OF WORK PLAN

The Work Plan document (revised) and the Town Council communication for the March 5, 2008, meeting are attached. The Work Plan identifies current work programs and projects as well as projects for the next year.

Per Town Council direction ESLO project phase II, the environmental inventory and mapping of the Arroyo Grande area, has been moved up in priority to run concurrently with the phase I analysis and drafting of regulations for environmentally sensitive lands. In addition, the project called Master Planned Community ordinance has also been moved up to commence in this calendar year. This project can also include other ordinances that will prepare the Town to handle the master planning and development of this large land area over an extended period of time. In addition, the Sustainability project was moved up in priority. Each of these projects is discussed in more detail below.

DISCUSSION OF SPECIFIC PROJECTSArroyo Grande

This project has several related parts, the General Plan amendment to incorporate the AZ State Land Department's (ASLD) conceptual plan into the Town's General Plan, the Pre-Annexation Development Agreement (PADA), Annexation and Original Town Zoning, and Master Planned Community Ordinance and

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other zoning regulations. The Environmentally Sensitive Lands project must also coordinate with the Arroyo Grande planning process.

The *General Plan (GP) amendment* will involve review of the proposed land use classifications and development of appropriate policy for the area. The process is as follows:

- * March – April, internal staff review and analysis; drafting of policies or conditions
- * May - Public open house/information and input meetings
- * June (study session) – July (first public hearing) Planning and Zoning Commission public hearings
All major amendments to the General Plan heard on same agendas
- * August – Second public meeting(s)
- * September - Second public hearing P&Z Commission – in a different location
- * October – Town Council study session
- * November – Town Council Public Hearing on all major amendments to the General Plan
The Town Council must consider the GP amendments prior to the end of the calendar year, but they may approve or deny some and OK to continue to next calendar year if they need more information, etc. Do not have to vote on all of them at that time.
- * December 2008 – Goal would be to have Town Council adopt by end of calendar year.

The ASLD will require a *pre-annexation development agreement* prior to annexation. Typically, the General Plan amendment will be adopted prior to final agreement on the PADA, but some of the same issues will be components of both. Therefore, it makes sense for the Town to initiate the negotiation process concurrently with the GP amendment. The PADA is a contractual agreement between the Town and the ASLD (property owner) that will allow us to secure commitments from ASLD that will be passed on to future owners. Town policy is that a PADA be reviewed by the Planning and Zoning Commission prior to the Town Council approval. A tentative schedule is shown here.

- * April 1 – Town Council start the PADA process
- * April through June - Staff and Legal counsel will develop the Town's requirements with consultation with other jurisdictions and agencies
- * July through September - Negotiate agreement with ASLD
- * January/February 2009 – Review by P&Z Commission and decision by Town Council

The *annexation* process can begin when the Town Council chooses to do so. Once staff has direction, the annexation request is filed with the ASLD. The annexation map would not be filed until after the GP amendment and PADA are completed. The earliest date of annexation, based on the other elements following along the schedule outlined above, would be March 2009. Original Town zoning must be adopted within six months of annexation and be consistent with the existing Pima County RH zone, which allows rural residential and agricultural uses with a minimum lot size of 4.1 acres. The Town does not have an equivalent zoning category; therefore, it may be appropriate to adopt a "holding zone" that would meet the state's legal requirements, with the intent of phasing that zoning category out when the area is rezoned.

Zoning regulations applicable to the property, such as a PAD or Master Planned Community ordinance, would take the better part of a year to develop and implement. Any new zoning applicable to the Arroyo Grande area must be negotiated with ASLD.

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Environmentally Sensitive Lands (ESL)

Environmentally Sensitive Lands Ordinance typically is a compilation of a local jurisdiction's zoning regulations related to protection of sloped areas/hillsides, riparian areas, native plants, and viewsheds. All of these types of regulations are applicable based on specific characteristics of the land, which must be mapped or otherwise specifically designated.

The purpose of the Environmentally Sensitive Lands (ESL) project is to assess critical open space and visual resources, to identify strategies to maintain and enhance these vital lands, and to develop ordinances to protect these resources through development review. (See Attachment 3 for more detail.)

Overall, the project includes four components:

1. Map and assess critical resource areas (Phase I),
2. Develop policies related to protection of these resources (Phase I),
3. Develop an ordinance to implement the policies (Phase II), and,
4. Educate and involve the public (Phase I and II).

The Town initiated the ESL project in 1998 (see Attachment 4) and completed Phase 1 for existing Town lands. Phase II, which includes components 3 and 4, was not completed. This current effort will focus on natural resource protection for the Arroyo Grande State Land and other rezoning sites. An additional component will be to complete Phase II for current ordinances with updated development standards for sites where existing zoning entitlements will be utilized.

As shown in the Work Plan, the overall project is projected to cost approximately \$200,000. This funding will be carried over into next fiscal year. Staff is drafting an RFP for consulting services for this project now. The specific project timetable is in development and will be refined by the consultant, but the Town Council can be assured that it will be completed in time for applicability to the Arroyo Grande Plan area.

Sustainability

The project to date has included the Town Council's adoption of a LEED Silver standard for Town construction, development of a Town policy statement, and review and implementation of a hybrid vehicle choice system. In addition to a continued focus on "greening" the Town's operations, the next phase of this project would be to create a system of incentives and programs to promote green building efforts. This will be a multi department, multi year project. Staff will explore the LEED ND, or neighborhood design, standard that was in pilot phase last year as well as coordinate with other jurisdictions on developing standards for development that are appropriate to the Southwest. This project will be brought forward to the Town Council for consideration as separate elements are developed.

Consultant Assistance

As indicated on the Work Plan chart, the ESLO project is projected to require approximately \$200,000 for both phases. In addition, in order to complete work on other ordinances and policies relating to the Arroyo Grande project, there is a need for another \$100,000 for planning consulting.

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With regards to the Arroyo Grande project, should the Town Council decide to fund adequate infrastructure studies, I estimate a minimum of \$125,000 and perhaps up to \$250,000 for that type of work. While the Council has not discussed initiating this type of study, and I had anticipated that this work would be funded by a future developer well after the completion of the General Plan amendment, it is an option for consideration. This amount is not included in the Fiscal Impact noted below.

LEVELS OF SERVICE / STAFFING NEEDS

As a part of the discussion of the Work Plan on March 5, 2008, both current and projected staffing needs were discussed. The Town Council asked for more information, to be provided at this meeting, on the current status of Town revenues before making any decisions regarding staffing. Given the direction of the Town Council and discussions with the Town Manager, a revised staffing proposal is presented here.

Current Level of Service: 1.5 FTE

~~The current level of service includes all of our ongoing work programs:~~ administration, zoning enforcement, OV case review, special projects, training, Citizen Planning Institute, and the neighborhood cleanups. As discussed on January 30, 2008, in order to perform at the high level of service customary for the Town, 1.5 additional full time employees (FTEs) are necessary to meet current work load demands. By way of example, in addition to the Arroyo Grande General Plan amendment, planning staff will concurrently be working on 3 to 6 (filing deadline March 31) other General Plan amendments. This type of ongoing planning work takes a considerable amount of staff resources. This request will be part of next fiscal year's budget request.

The first request is for an Assistant Planning and Zoning Director and converting an existing ½ time support staff position to fulltime. The current levels of service have suffered this year and the Arroyo Grande Project management by the Director takes away from departmental administration and oversight. An Assistant Planning and Zoning Director would take on some administrative duties as well as management of other important projects, such as the ESLO and Master Planned Community ordinances. I hope to implement an in-house training program for staff. By converting an existing ½ time support staff position to fulltime the department will be better able to both support these special projects as well as our boards and commissions.

P&Z Work Plan: 1 FTE

~~Adding a planner position in this fiscal year, would facilitate the Work Plan completion,~~ specifically with a focus on the ESLO. As previously discussed, in order for the Work Plan to be accomplished additional staff capacity must be provided. It should be noted that a senior planner, on existing staff, with environmental planning experience is assigned to the ESLO. The planner position would add staff capacity to be able to focus on this large project and would help in background research on the Arroyo Grande effort.

This position will remain necessary as the Planning and Zoning Commission and Town Council add items to the Work Plan and in 2010 that staff time will be devoted to the 5-year update of the Town's General Plan. A new energy element is now required by the state and the Town committed to the update at the time of the adoption of the General Plan. An ordinance gaps analysis and drafting would be undertaken as part of the capacity developed with the addition of this employee.

It is important to note that, generally, a newly hired planner would take on more of the case review aspects of the planning function and more experienced staff would then have the ability to take on more project

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assignments. The department currently has a senior planner position being held unfilled until August. A temporary planner is filling that position now, but will be leaving soon for a job out of state. Based on our need to accomplish the work plan and current assignments, the Town Manager has authorized the department to utilize salary savings to contract out some planning work. That work will focus on short term projects, like code revision projects, that a consultant can accomplish in a relatively short period of time.

With the exception of the service improvements related to the zoning inspector, by increasing the consulting funding and adding the 2.5 FTEs, the Council can be assured that the Work Plan will be accomplished. In addition, the zoning inspector had been requested originally to establish a more pro-active enforcement approach, especially with commercial and multi-family developments and to implement the Matrix study recommendation to assure staff availability to review and approve some permits over the counter.

FISCAL IMPACT:

A general estimate for consulting fees based on the projections discussed earlier in this report would begin around \$275,000. The 2.5 FTEs would have an estimated budgetary impact, including benefits and related costs (office equipment, etc.), of an additional \$227,800. Total fiscal impact projected to fund full staffing needs and consulting fees would be approximately \$502,800 for the current and next fiscal years combined. The expenditure of the \$175,000 funding this year would not change the overall consultant services budget for the two years; it is anticipated that the project would carry over into next fiscal year. The additional staffing requests were anticipated to be in next fiscal year, so an increase of one position this fiscal year would have an increased fiscal impact based on when the position would be filled. An additional \$32,400 will be expended annually on public notice.

SUGGESTED MOTION:

The Town Council may wish to consider the following motion:

I move to [approve or, approve with modifications] the Planning and Zoning Department Work Plan and to authorize the additional personnel to implement the Work Plan as requested.

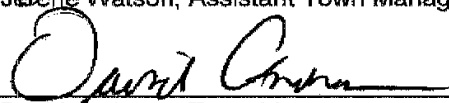
Attachments:

1. 2007 - 2009 Planning and Zoning Department Work Plan
2. TC Communication March 5, 2008
3. Review of ESLO project
4. ESLO background

F:/P&Z Work Plan/PZ Work Plan TC Communication 040208


Sarah More, Planning and Zoning Director


Jerene Watson, Assistant Town Manager


David Andrews, Town Manager

TOWN OF ORO VALLEY PLANNING AND ZONING DEPARTMENT
FY 07/08 AND FY 08/09

ONGOING PROJECTS AND PROGRAMS	SOURCE *	RESOURCES FOR ITEM	STAFF HOURS	TIMEFRAME	COMMENTS/STATUS
1. ADMINISTRATION	Ongoing	P&Z Director Assistant Director Support Staff Special Projects Coordinator	10000	Ongoing	Boards & Commissions, implementation of plans, policies & standards, town projects, annexation efforts
2. ZONING ENFORCEMENT	Ongoing	P&Z Director Zoning Program Supervisor Zoning Inspector Zoning Inspector Tech	9800	Ongoing	Enforces Zoning Code & implements the development approval decisions of the Town Council. Issues all zoning permits, reviews site plans.
3. OV CASE REVIEW	Ongoing	Assistant Director Principal Planner Senior Planners Planner	6000	Ongoing	Coordination of review of development projects, prepares amendments to Zoning Code, General Plan, Planned Area Developments, & rezoning cases.
4. SPECIAL PROJECTS	Ongoing	P&Z Director Special Projects Coordinator	1100	Ongoing	Steam Pump Ranch, Honey Bee Village Preserve, Land swap w/Hilton, census, PAG, Poptac, Lot Combo and other special projects assigned.
5. TRAINING	Ongoing	Assistant Director and Staff	800	Ongoing	Continuing Education.
6. CITIZEN PLANNING INSTITUTE	Annual	Senior Planner Planner	250	Ongoing	07 series announcements have been sent. Classes commence in October. CPI Part 2 classes commence in January.
7. NEIGHBORHOOD CLEANUPS and HAZ. MATERIALS COLLECTION	Annual	Zoning Program Supervisor, Special Project Coordinator	400	Ongoing	October/November February/March
8. ANNEXATIONS	Annual	Special Project Coordinator, Planner as available	1050	Ongoing	State Trust Land, Tohono Chul and as directed by Town Council

*Source: WP=Previous Work Plan, GP = General Plan, TC = Town Council, P&ZC = Planning & Zoning Commission, FY = Fiscal Year

Ongoing - Green
Projects - Blue

TOWN OF ORO VALLEY PLANNING AND ZONING DEPARTMENT
FY 07/08 AND FY 08/09

PROJECTS BY PRIORITY **REVISED FOR 040208 TC CONSIDERATION**

WORK PLAN ITEMS	SOURCE *	RESOURCES FOR ITEM	STAFF HOURS	START	COMMENTS/STATUS
1. THE ARROYO GRANDE PLAN (ASLD)	TC	P&Z Director Special Projects Coordinator, Senior Planner Consultant	1200	August '06	GENERAL PLAN Amendment; Analysis of conceptual plan, policy development, establish conditions, draft Pre-Annexation Development Agreement. Public Outreach process/participation. Estimate \$100,000 for this project combined with #4.
2. ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE I: REVIEW AND AMEND CODE	GP WP	Assistant Director Senior Planner, Consultant	300	February '08	1. Reorganize and clarify existing ordinances: Riparian, Overlay Districts, and Viewshed Preservation. 2. Incentive based approach to effect additional conservation relative to the aforementioned ordinances. 3. \$15,000 - \$17,000 available.
3. ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE II: Mapping and Adopting Ordinance applicable to Arroyo Grande Planning	GP WP	Principal Planner, Senior Planner, Consultant	500	April '08	Protection of Riparian Areas, Viewsheds, and Wildlife Corridors in the Arroyo Grande area by inventorying and mapping those areas. \$175,000 funding for environmental consultant authorized by TC.

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 Ongoing - Green
 Projects - Blue

TOWN OF ORO VALLEY PLANNING AND ZONING DEPARTMENT
FY 07/08 AND FY 08/09

WORK PLAN ITEMS	SOURCE *	RESOURCES FOR ITEM	STAFF HOURS	START	COMMENTS/STATUS
4. MASTER PLANNED COMMUNITY ORDINANCE and other ordinances necessary to implement Arroyo Grande area plan	Staff	Assistant Director, Senior Planner Planner Consultant	1200	September '08	1. Develop specific goals, requirements, and design guidelines for development of a Master Planned Community. 2. Incorporate sustainability concepts 3. Define "Complementary Uses" 4. Enable and define "Clustering" to preserve natural resources
5. SUSTAINABILITY PROGRAM TO INCLUDE INCENTIVES FOR GREEN BUILDING AND TOWN PRACTICES	TC	P&Z Director, Special Projects Coordinator, Planner, Dept Heads	550	Spring '08	Create a system of incentives such as reduction in permit fees, expedited review, and faster inspections etc. to promote green building efforts. Multi department, multi year.
6. STEAM PUMP RANCH MASTER PLAN AND Ongoing Maintenance/Stabilization	TC	Principal Planner Planner Consultant	400	February '06	1. Complete the master plan process and begin implementation, mid '08. 2. Seek alternative funding sources such as grants. 3. Establish historic district rezoning of property completion 1-2 years. 4. Consultant \$247,500.

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 Ongoing - Green
 Projects - Blue

TOWN OF ORO VALLEY PLANNING AND ZONING DEPARTMENT
FY 07/08 AND FY 08/09

WORK PLAN ITEMS	SOURCE *	RESOURCES FOR ITEM	STAFF HOURS	START	COMMENTS/STATUS
7. DEVELOPMENT REVIEW PROCESS REVISIONS TO ZONING CODE AND INTERNAL PROCEDURES	Staff	Principal Planner P&Z PW	700	July '07	Review of procedures to accomplish the following: 1. Increase efficiency of staff review 2. Enable earlier review of design at public meeting - before substantial applicant engineering cost has been incurred 3. Evaluate additional opportunities for administrative review. 4. Further define role of Development Review Committee 5. Further define "Master Development Plan."
8. ZONING CODE CLEANUP, SUBMITTAL REQUIREMENTS AND DEVELOPMENT OF STANDARDIZED REVIEW CHECKLISTS	Staff	Principal Planner	500	January '08	Revisions for submittal requirements and other "fixes". Providing clarity to ensure consistent applications and reviews.
9. HISTORIC PRESERVATION PLAN	GP TC	P&Z, HPC, Legal & Planner Assistant Director	800	August '06	2 year planning and implementation process. \$40,000 budget request from HPC
10. PUBLIC ART	TC	Planner/Contract	200	April '08	1. Create Bylaws 2. Update the Code

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Ongoing - Green
 Projects - Blue

**TOWN OF ORO VALLEY PLANNING AND ZONING DEPARTMENT
FY 07/08 AND FY 08/09**

WORK PLAN ITEMS	SOURCE *	RESOURCES FOR ITEM	STAFF HOURS	START	COMMENTS/STATUS
11. LANDSCAPE CODE AMENDMENT	P&ZC & DRB	Contract Planner, Citizens, P&ZC, Water Dept., Landscape Professional	300	Summer '08	Incentives for water use reduction. Water harvesting "Water budget" for site development.
12. RECREATION AREAS IN RESIDENTIAL DISTRICTS	Council	Planner/Contract	300	April '08	Review subdivision rec area requirements.

*Source: WP=Previous Work Plan, GP = General Plan, TC = Town Council, P&ZC = Planning & Zoning Commission, FY = Fiscal Year
Ongoing - Green
Projects - Blue

COUNCIL COMMUNICATION

MEETING DATE: March 5, 2008

TO: HONORABLE MAYOR AND COUNCIL
FROM: Sarah S. More, Planning and Zoning Director
SUBJECT: Planning and Zoning Department Work Plan and Levels of Service

EXECUTIVE SUMMARY

On January 30, 2008, the Planning and Zoning Work Plan was presented to the Town Council for discussion in study session. At the same time, three separate, but related, issues were raised for Town Council Consideration – whether to include in the work plan code revisions for public art, DRB review of color palettes, and whether to increase public notice procedures. The Town Council asked that staff prepare additional information regarding levels of service and return to the Council for direction on a regular agenda.

Since that time, Council Member Abbot has requested consideration of advancing one element of the work plan, the Environmentally Sensitive Lands Ordinance (ESLO), into this fiscal year by adding a staff position and consulting funds into the current budget.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission unanimously approved the P&Z Department 07 – 09 Work Plan. Their motion also included a recommendation that the Town Council provide additional staff resources and consultant funding this fiscal year and next to assure the completion of the work program in the 24 months of a two-year plan.

REVIEW OF WORK PLAN

The Work Plan document and the Town Council communications for the January 30, 2008, study session are attached. The Work Plan identifies current work programs and projects as well as projects for the next year. In addition to the regular planning and zoning work of the department, staff is currently working on the following projects: Arroyo Grande state land planning, Steam Pump Ranch master plan, development review process revisions, and updating submittal requirements. Staff is also preparing an RFP for the first phase of the ESLO project.

LEVELS OF SERVICE

The Town Council asked for specific information regarding levels of service that would be attached to increased staffing and/or funding. The attached Levels of Service chart details three different levels of service – Current, Level 1, and Level 2. The chart is arranged in a way to coordinate with the timing of the proposed Work Plan, but it could also be viewed like a menu of options for staffing and funding.

In summary, the Current level of service includes all of our ongoing work programs: administration, zoning enforcement, OV case review, special projects, training, Citizen Planning Institute, and the neighborhood cleanups. As discussed on January 30, in order to perform at the high level of service customary for the Town,

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A general estimate for consulting fees based on the projections discussed earlier in this report would begin around \$225,000. The 4.5 FTEs would have an estimated budgetary impact, including benefits, of an additional \$296,400. Total fiscal impact projected to fund full staffing needs and consulting fees would be approximately \$521,400 for the current and next fiscal years combined. The expenditure of the \$175,000 funding this year would not change the overall consultant services budget for the two years, it is anticipated that the project would carry over into next fiscal year. The additional staffing requests were anticipated to be in next fiscal year, so an increase of one position this fiscal year would have an increased fiscal impact based on when the position would be filled.

RECOMMENDATION:

Staff recommends that the Town Council approve the Planning and Zoning Department Work Plan, thus providing direction on budgeting for next fiscal year, as well as provide direction on the five specific items discussed above.

Attachments:

1. Levels Of Service
2. 2007 - 2009 Planning and Zoning Department Work Plan
3. Town Council Communications January 30, 2008

F:/P&Z Work Plan/PZ Work Plan TC Communication 030508


Sarah More, Planning and Zoning Director


Jerene Watson, Assistant Town Manager


David Andrews, Town Manager

PURPOSE

The purpose of the Environmentally Sensitive Lands (ESL) project is to assess critical open space and visual resources; to identify strategies to maintain and enhance these vital lands; and to develop ordinances to protect these resources through development review.

Overall, the project includes four components:

1. Map and assess critical resource areas (Phase I);
2. Develop policies related to protection of these resources (Phase I);
3. Develop an ordinance to implement the policies (Phase II); and,
4. Educate and involve the public (Phase I and II).

The Town initiated the ESL project in 1998 (see Attachment 1) and completed Phase 1 for existing Town lands. Phase II, which includes components 3. and 4., was not completed. This current effort will focus on natural resource protection for the Arroyo Grande State Land and other rezoning sites. An additional component will be to complete Phase II for current ordinances with updated development standards for sites where existing zoning entitlements will be utilized.

The following list depicts the primary elements that must be incorporated to develop a comprehensive ordinance:

Primary Elements:

1. ESL Mapping and General Plan policies.
2. Sonoran Desert Conservation Plan with collaborative input from Pima County Staff.
3. Existing Town of Oro Valley Ordinances:
 - Riparian
 - Hillside Preservation
 - Native Plant Preservation
 - Open Space Standards
 - Tangerine & Oracle View Shed Corridors
 - Ensure that when multiple overlay zones apply, the various environmental protection tools work together.
4. New tools and strategies for environmental protection are assessed and incorporated into new ordinances.
5. Examples of new development standards to research: wildlife corridors and roadway crossings, enhanced riparian preservation, biologically sensitive areas preservation (i.e., ironwood and saguaro communities and rock outcroppings); and updated assessment and tools for visually sensitive areas.
6. Evaluation of State Land Mapping: Arroyo Grande.¹

Guiding principles:

- Public input provided by technically-oriented steering committee and public workshops;
- Overall direction from the Planning & Zoning Commission and Town Council; and
- Compliance with Arizona Statutes, particularly Proposition 207.

¹ Mapping may proceed concurrently with other project elements.

FUTURE ACTIONS

The next step is to develop the ordinance. The primary ESL policies have already been developed, thus staff anticipates that this phase will be more technical, and thereby require a more focused public participation element.

The Project Scope of Work will include the assimilation of all Primary Elements and Guiding Principles described above. A consultant team will be engaged that has expertise in natural resources identification, digital mapping, ordinance preparation and public facilitation.

The primary final deliverables will include:

- A comprehensive Environmentally Sensitive Lands Ordinance to apply to land subject to rezoning or annexation.
- Refinement of existing ordinances that apply to property owners wishing to exercise existing entitlements.
- New and updated data layers for incorporation into the Town's Geographic Information System (GIS).

ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE

BACKGROUND

On October 6, 1998, the Planning and Zoning Commission initiated the ESL Project. The Project was organized into phases with Phase I encompassing project definition, a resource inventory, and the development of policies along with a strong public participation component. Phase II is the development of a zoning code ordinance to implement the policies developed in Phase I.

A consultant team (Jones & Stokes and Harris Environmental) was contracted and two Town Planners (Bayer Vella, AICP and Melissa Shaw) were assigned to work with a Technical Advisory Committee (TAC) and a Public Advisory Committee (PAC). The PAC included a large (21 citizens) and diverse array of stakeholders that acted as a steering committee. They met regularly (generally twice a month) from October 1999 to October 2000. The PAC spent many hours working on an extensive array of policies - that were also vetted through multiple public workshops. By years end, the team developed a draft a set of policies related to environmentally sensitive lands and most of the mapping/assessment for land within existing Town limits was completed.

In late 2000, the project was put on hold due to shift of emphasis to the General Plan update.

In January 2002, the Town began to incorporate the policies developed by the ESL PAC into the General Plan Update. In February, the ESL PAC was provided the policies as they had been included in the General Plan and were invited to participate in the General Plan Focus Group Meetings. In June and July of 2002, members of the PAC met with a facilitator to review and comment on the General Plan elements related to ESLs. They provided recommendations to the General Plan Steering Committee.

Thus the following elements of the ESL were completed:

1. All critical resources areas within existing Town boundary have been mapped except that the visually sensitive area map needs further refinement. Also, staff mapped all dedicated open space areas including easements and recreation areas.
2. A comprehensive set of ESL polices were integrated into the General Plan.
3. Some recommendations have been compiled related to ordinance requirements necessary for protection of ESLs.
4. The bulk of the public participation program was completed for that phase.