



TOWN OF ORO VALLEY, PLANNING AND ZONING
 11000 N. LA CANADA DRIVE, ORO VALLEY AZ 85737
 PHONE: (520) 229-4800 FAX: (520) 742-1022
www.townoforovalley.com

APPLICATION FORM

OV Case # (Office Use Only): _____

Application Type: Major General Plan Amendment

A. Project Manager/Developer

Name: Keri L Silvyn
 Firm: Lazarus Silvyn Bangs P C
 Address: E Camp Lowell Drive
 City: Tucson State: AZ Zip: 85712
 Telephone: 520 207 4464 Fax: _____ Email: ksilvyn@lsblandlaw.com

B. Property Owner (s), if more than one owner, attach list

Name: Olson Kenneth W Family Living Trust
 Firm: N A
 Address: W Moore Road
 City: Oro Valley State: AZ Zip: 85755
 Telephone: _____ Fax: _____ Email: _____

C. Subject Property

Parcel/Tax Code: 219 - 22 - 0040
 Legal Description/Property Address: W Moore Road
Oro Valley AZ
 Area of property: _____ Acres
 Existing Zoning: R Proposed Zoning: PAD or R
 Is Proposed Zoning in conformance with General Plan designation? N/A Yes No
 General Plan Designation: LDR DU AC and OS
 Existing Land Use: Single Family Residence Proposed Land Use: Single Family Detached

D. Previous Applications Relating To This Property

OV8- _____ OV9- _____ OV10- _____
 OV11- _____ OV12- _____ OV13- _____

E. Reason For Request

General Plan Amendment to develop as a single family residential subdivision
at a density that matches adjacent developments

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

 Date



 Signature

A. Project Summary

Development of the Olson Property, located on Moore Road between La Canada and Rancho Vistoso Boulevard, (the "Property") is an opportunity to plan and develop a medium density residential neighborhood that embraces sustainable growth principles outlined in the Oro Valley General Plan (the "General Plan") while providing quality housing in a growing community. The request is to modify the General Plan Designation from Low Density Residential ("LDR") and Open Space ("OS") to Medium Density Residential ("MDR") and OS. This development will complement the Town's vision of providing a variety of quality housing, preferably in master planned communities, while encouraging infill rather than adding to sprawl in Oro Valley.

Background, Current Conditions. In 1969, the Olson family purchased the Property in what was then rural Pima County. Four years later, they built their single family residence, and settled to raise their children. Over the past 44 years, the family has watched the incorporation of Oro Valley and the development of Rancho Vistoso. Rancho Vistoso, a master planned community, was developed and then annexed into Oro Valley with densities reflected in the General Plan as MDR. Today, the surrounding area is vastly different than when the Olson Family purchased their rural acreage. The Property is now bordered by Rancho Vistoso's MDR development and is the final, missing piece to create consistency in this area of Moore Road.

General Plan Consistency. The proposed development of the Property is consistent with the General Plan. The Property is the last parcel along Moore Road to be changed from low density (currently one house on 40 acres) to reflect the current densities in the immediate area. Development of the Property represents appropriate infill, as described in the General Plan, and provides needed housing to support a growing population. Infill development helps eliminate unnecessary sprawl on the edges of currently developed areas, contributing to the preservation of the natural landscape in Oro Valley, by encouraging growth to take place in areas already developed with appropriate infrastructure and services. Rancho Vistoso is a large master-planned community conveniently located to schools and commercial uses, incorporating varied housing styles, pedestrian and bike pathways, and open community space. Development of the Property will result in a community that is similar in nature to Rancho Vistoso, providing new housing for a growing region.

Open Space Preservation. There are two wash areas along the west and east side of the Property and significant topography and vegetation in the northeast corner of the property. The developable area for the Property was identified by acknowledging these environmental factors and the need to preserve the two washes as well as the unique topography and vegetation (see attached map). Therefore the washes are identified as OS. The additional acreage adjoining the wash in the northeast portion of the Property will be preserved in its natural state as part of the design of the community to provide the minimum 25% of open space required to meet the Town's Environmentally Sensitive Lands Ordinance ("ESLO"). The density for the project will be under the 5 du/ac requirements, at close to 3.75 du/ac . This density

mirrors the surrounding neighborhoods and will respect the General Plan's desire to maintain natural topography as well as provide natural open space.

Traffic Impacts. The Property borders Moore Road, a major east-west arterial road. Moore Road narrows from four to two lanes in front of the Property; development of the Property will include dedication of the required right-of-way to match the existing roadway. As part of the rezoning process we will perform a future Traffic Impact Analysis ("TIA") that will be submitted to the Town for review and recommendation. That TIA will identify the required infrastructure improvements for the project. In accordance with the General Plan, new development is encouraged near major arterial streets, as is the case with this project.

Meeting Housing Demand. Despite several years of a sluggish economy, the Tucson and southern Arizona region is recovering with new job growth and a corresponding need for new housing. The Town has positioned itself to capitalize on the economic recovery through its investment in Rancho Vistoso and the job creation provided by Innovation Park, and by creating a community where people want to live. Oro Valley has little raw land available for development of new single-family detached residential communities. With the continually improving economy, and the two years required to fully approve, this Property will help meet the need in the near future for more housing.

B. Project Policies and Goals that Support the General Plan

The proposed General Plan amendment for the Property from LDR/OS to MDR/OS is consistent with the Town's vision as set forth in the General Plan. The proposed development supports the following General Plan policies:

1.1.1 The Town shall promote clustering of development to protect environmentally sensitive areas and to preserve significant, passive use, natural open space within residential neighborhoods. In large-lot or multi-family developments, clustering may also be accomplished by placing building pads close to each other, while employing other mechanisms to protect remaining natural open space. (p. 25)

Development of the Property will be clustered adjacent to existing MDR development, and will preserve Critical Resource Areas plus additional critical topography and vegetation on the Property.

1.1.3 The Town shall continue to avoid development encroachment into washes, riparian areas, designated natural open space and environmentally sensitive lands. (p. 25)

The two washes on the Property will be preserved, along with the topography and vegetation in the northeast corner to meet the ESLO requirements.

1.3.5 The Town shall encourage master planning that looks comprehensively at the subject properties and all adjacent areas. (p. 27)

The proposed MDR development mirrors that in the surrounding Rancho Vistoso master planned community.

1.4.3 The Town reasonably wishes to be satisfied that sufficient demand exists before authorizing a higher land use intensity than present zoning permits. (p. 27)

Based on current trends in the market, which include single-family home price increases and less time on the market, the demand for MDR housing in Oro Valley will be greater than the present availability of single family MDR housing in the Town. There is also limited vacant land for development to meet demand of new single-family homes.

2.1.2 The Town shall require new development projects to explore solutions that employ natural materials and prohibit designs that channelize watercourses except where extreme threats to public safety would exist if the watercourse were not channelized. (p. 43)

The watercourses (existing washes) will remain in their natural state.

2.1.4 The Town shall require that all development proposals depict an arrangement of and massing of buildings and/or arrangement of lots to minimize impacts on views from adjacent properties and streets and from properties and streets internal to the proposed project while providing privacy for residents. (p. 43)

This goal will be met through design in the rezoning process.

2.1.5 The Town shall continue to require that all development proposals employ design strategies that minimize changes to existing topography and the disturbance of existing vegetation. (p. 44)

The developable area was established based on the preservation of the washes and significant vegetation to minimize disturbance of existing vegetation and significant topography.

2.1.6 The Town shall require that buildings be designed with recognition that all sides of the buildings, including the roofs, may affect their surroundings. (p. 44)

As part of the rezoning and additional CDRB and town processes, this policy will be met.

3.1.1 The Town shall ensure that future growth reflects the desires of the community in balance with an analysis of the Town's financial needs, maintain and periodically update the Town's Community Economic Development Strategy to ensure that future development will complement community values and implement the community's economic vision for the future, while maintaining the ability of Oro Valley to attract and retain desirable businesses. (p. 48)

The development of this Property will create quality housing for residents drawn to Oro Valley by jobs created in Innovation Park and assist the overall economic recovery of the region.

4.1.4 The Town shall require new development to pay its fair share towards the cost of additional public facility and service needs generated by new development, with appropriate exceptions when in the public interest, and shall continue to review and set development fees to meet the fair share requirement. The fair share review will recognize the fiscal benefits of the development as well as the costs. (p. 52)

As part of the subsequent rezoning on the Property, a TIA and other infrastructure analyses will be completed to ensure this goal is met.

4.1.5 The Town shall require new development to construct or provide funds towards the construction of regional facilities necessary to serve the development, meeting the twin tests of rational nexus and rough proportionality. (p. 52)
See above.

5.1.1 The Town shall continue to ensure that Oro Valley's roadway network is developed with the proper amount of capacity to serve traffic generated by the land uses depicted on the General Plan Land Use Map. Strive to maintain at least a level of service "D" on all streets within Oro Valley. (p. 59)

As part of the development, additional Moore Road right-of-way will be dedicated to match the adjoining segments of Moore Road. Ingress and egress on the property will be designed to comply with all appropriate codes and guidelines.

5.1.5 The Town shall continue to ensure that arterial and collector roadways are designed and constructed to accommodate safe and convenient pedestrian and bicycle use. This should include sidewalks, sufficient outside lane width, and provide other specific provisions. (p. 60)

Modifications to widen Moore Road at the property boundary line as required by the TIA will improve safety for bicyclists, pedestrians and motorists alike.

7.1 To promote the development of sound, high quality neighborhoods that provide community amenities in an integrated manner. (p. 76)

Community amenities and open space will be consistent with the surrounding MDR master planned communities.

7.1.1 The Town shall continue to strive to protect the integrity and aesthetic context of existing neighborhoods through the use of appropriate buffers or other means of land use transition between incompatible uses. (p.76)

Appropriate buffers will be provided for homes along all boundaries with adjacent houses: the west boundary, the northeast corner, and the southeast corner.

7.1.4 The Town shall continue to promote the development of distinct neighborhoods that create a sense of place and recognize the natural features (e.g., steep slopes) of the land through appropriate preservation of natural open space and the integral development of community facilities (e.g., recreation, trails systems, etc.) (p.76)

The washes will be preserved, and the unique topography and vegetation in the northeast corner were the primary reason and consideration for providing natural open space.

7.1.5 The Town shall continue to require the development of neighborhoods with safe vehicular access, as well as non-vehicular access to schools, open space, recreation opportunities, and other activity centers. (p. 76)

The Property's location on Moore Road is conveniently located to existing schools, shopping centers, as well as open space and recreational activities.

7.2.2 The Town shall encourage a variety of residential building types consistent with the General Plan and in accordance with the Town's zoning and subdivision and design standards. (p. 77)

Development will be in line with both the General Plan and zoning and subdivision design standards as well as the surrounding community that has already developed.

7.2.3 The Town shall allow and encourage master planned communities that offer high-quality neighborhoods with a variety of residential densities and appropriately located commercial uses to serve the community. In these developments, ensure that there are adequate transitions and buffers between uses. (p. 77)

The location is conveniently located to commercial uses and open space buffers are provided to ensure quality of life for the residents.

7.3.1 To the extent feasible, given the high land costs, The Town shall encourage the development of a variety of residential choices consistent with the Land Use Element to meet the housing needs of employees of existing and future Oro Valley employers. (p. 77)

Oro Valley is positioned to rapidly expand as a result of the current economic recovery; the development of the Property will provide quality housing and additional residential choices for the employees of existing and future Oro Valley employers.

11.1.8 The Town shall use natural open space preservation as one criterion in considering land use rezoning proposals. Developments shall utilize natural

open space to comply with requirements for landscaped areas and buffer areas, whenever feasible. (p. 98)

In addition to the two washes designated as OS, there will be 25% of the land designated MDR that will be preserved as open space per the ESLO. The open space will be clustered predominantly in the northeast corner and on the west where the washes and interesting topography and vegetation have the greatest preservation value.

12.1 To protect and restore the natural qualities of creeks, washes, and groundwater basins and recharge areas in Oro Valley to ensure public health and safety and the biological productivity and diversity of these water courses. (p. 107)

The two washes will be protected.

12.1.1 The Town shall require that natural washes (defined as riparian areas and 100-year floodways) be kept free from development that would adversely impact floodway capacity or characteristics, natural/riparian areas, water quality, or natural groundwater recharge areas. (p. 107)

The two washes and their surrounding riparian areas will be kept free from development and will have adequate buffering to prevent adverse impact from the Property's development.

C. General Plan Amendment Criteria

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

Conditions, including development and growth, have significantly changed around the Property since its purchase by the Olson family 44 years ago. The Property is the last directly adjacent piece of property along a section of Moore Road that remains one house per 40 acres. The entire surrounding area has been developed with medium density housing. Changing the General Plan to MDR creates consistency with the evolved conditions in the area. In addition, right of way for Moore Road will be dedicated, and improvements to the roadway will be determined by the TIA as part of this project to reflect the already changed conditions.

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

As stated above, the area around the Property has changed dramatically since Mr. Olson purchased the Property in 1969. Our goal is to ensure that the parcel is developed in the context of the surrounding densities, and in such a manner that the development will contribute to the socio-economic betterment of the community. For example, the stretch of Moore Road adjacent to the Property boundary line requires additional right of way and improvements. We will submit a Traffic Impact Analysis to the Town to determine the level of improvements required, dedicate the necessary right-of-way, and make

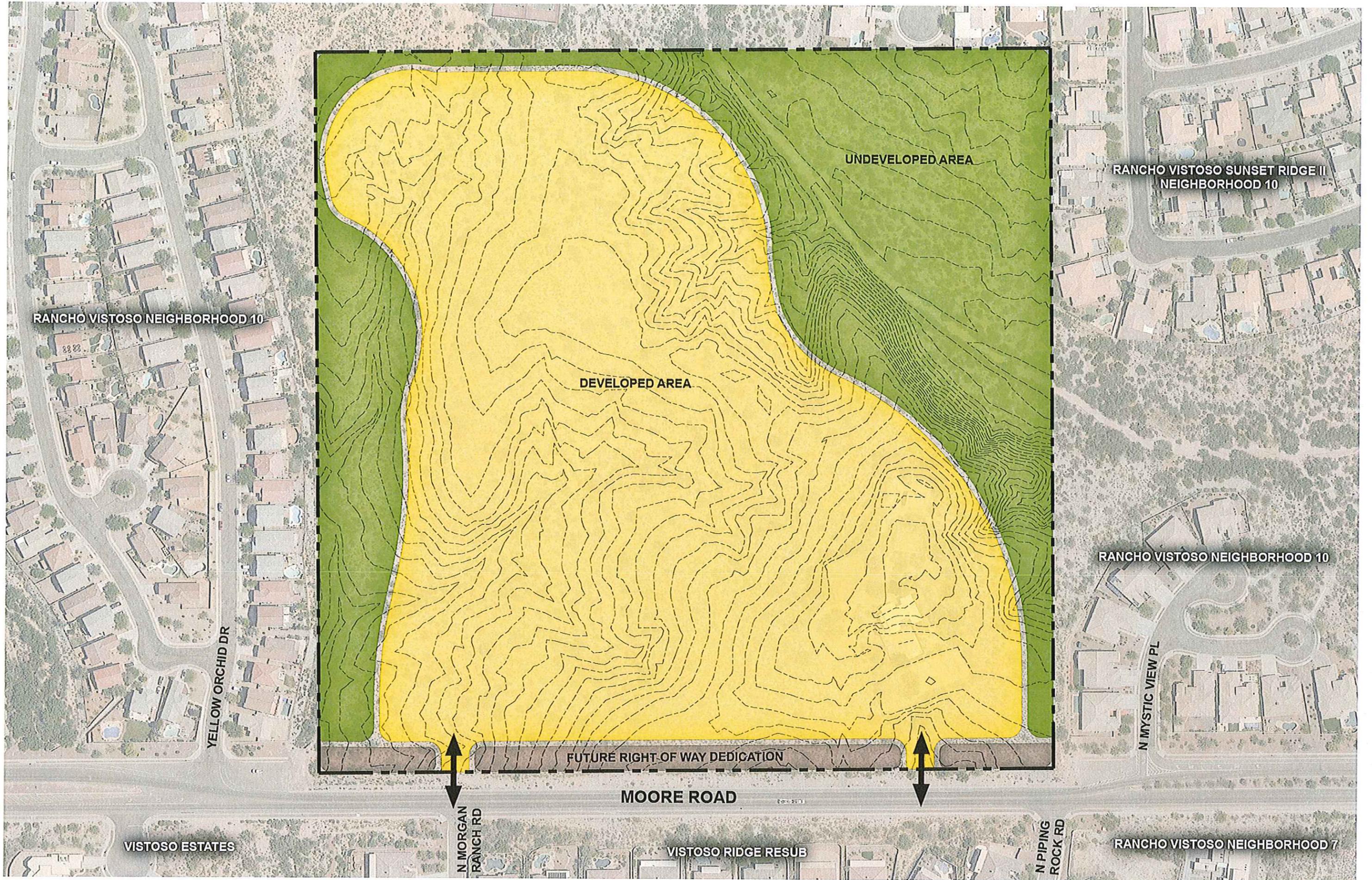
the suggested improvements. This General Plan amendment and future rezoning will facilitate that dedication and those improvements. In addition, sections of the Property along the northeast and western edges are designated Critical Resource Areas. In working to create a community that reflects the densities in the area and protects the surrounding environment, we are preserving that critical resource area. To maintain consistent open space in the northeast area, and in recognition of unique topography and vegetation on the site, the northeastern area will be the primary open space meeting the Environmentally Sensitive Open Space open space requirements.

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

We are recovering from an unprecedented downturn in the economy that stalled the real estate market both in new home sales and home re-sales. During this five-year period, permitting and new home construction halted. Today, as the economy recovers, people are again looking to move both within the region and to the region. Knowing that the entitlement process on this Property is an 18-month to 2-year process before any construction begins, we have researched the market and are starting to see increased prices, lower listing dates for home sales, and overall demand for new home building. All expectations are that this growth will continue. In addition, the Town has made significant investments in the community, job creation in Innovation Park, and in creating a community where people will want to live. As the market continues to recover, Oro Valley is primed to be an area of continued growth. While there is little raw land left in the Town for development of new single-family detached residential, the market in Oro Valley will need this type of development as the population grows. The use and density we desire on the Property matches the surrounding area of other medium density residential uses.

4. The amendment will not adversely impact the community as a whole, or a portion of the community without an acceptable means of mitigating these impacts through the subsequent zoning and development processes.

There is no adverse impact to the community as a whole. This request is simply to recognize the changes in the area and permit similar densities within a context of the surrounding medium-density residential subdivisions. In addition, Moore Road needs improvement along the property boundary line, and this rezoning facilitates that. Adjacent neighborhood impacts will be mitigated by coordinating the ingress/egress on Moore Road with existing conditions in the area. The site design will also preserve critical habitat areas and will ensure that the 25% ESLO open space is in the area of the Property that justifies the most protection and provides buffers. The area of no development on the Property (washes and northeast area) provide natural buffers to the directly adjacent residential uses as well.



RANCHO VISTOSO NEIGHBORHOOD 10

RANCHO VISTOSO SUNSET RIDGE II
NEIGHBORHOOD 10

DEVELOPED AREA

UNDEVELOPED AREA

RANCHO VISTOSO NEIGHBORHOOD 10

YELLOW ORCHID DR

N MYSTIC VIEW PL

FUTURE RIGHT OF WAY DEDICATION

MOORE ROAD

VISTOSO ESTATES

N MORGAN
RANCH RD

VISTOSO RIDGE RESUB

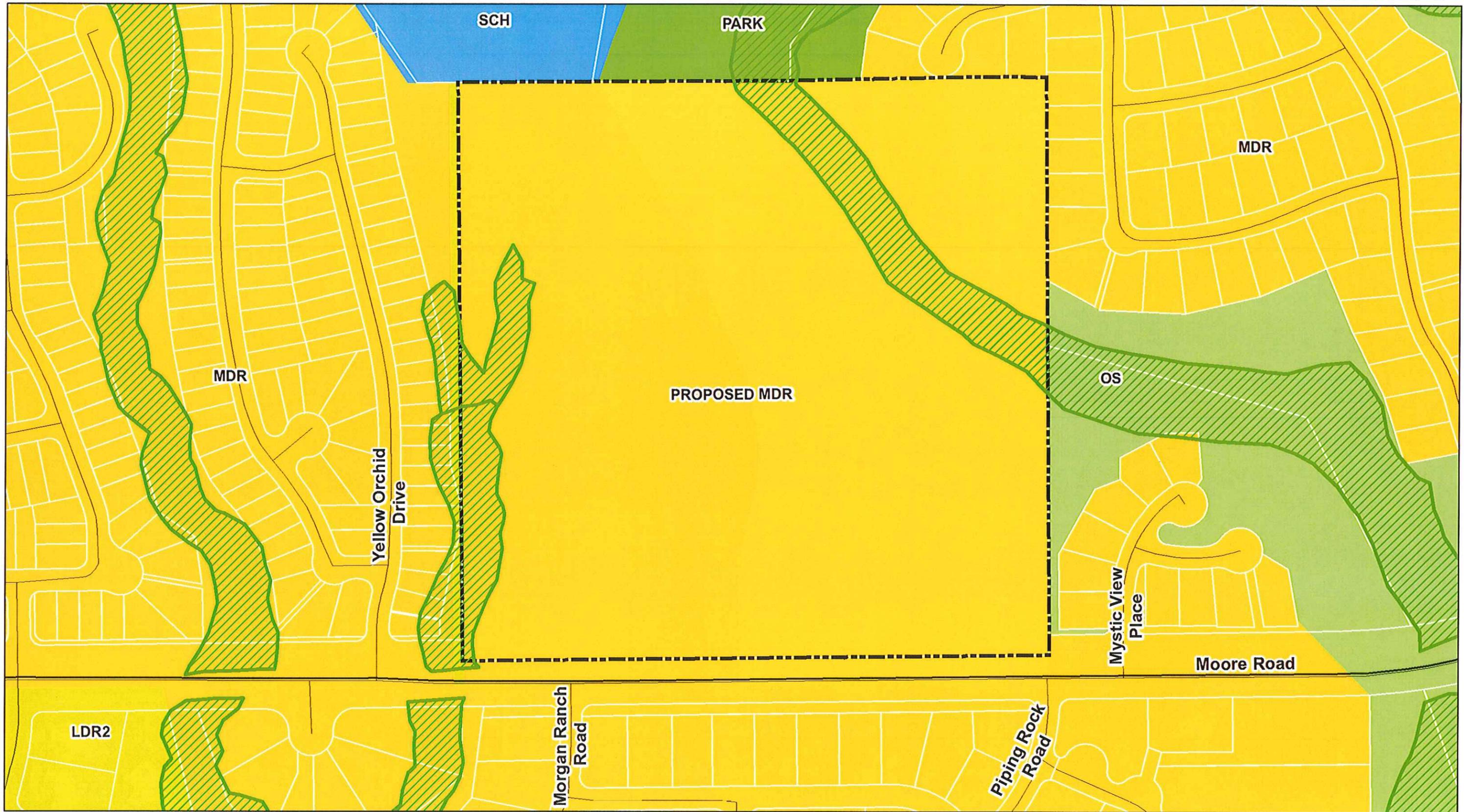
N PIPING
ROCK RD

RANCHO VISTOSO NEIGHBORHOOD 7

10 WEST MOORE ROAD



GENERAL PLAN DESIGNATION MAP



610 WEST MOORE ROAD

0' 100' 200'

SCALE: 1" = 200'

PROJECT: LEN-01 DATE: 04/03/13

FILE NAME: GENPLAN_11x17.mxd



THE PLANNING CENTER
a division of TPC Group, Inc.
110 S. Church, Ste. 6520 Tucson, AZ 85701

SITE LOCATION MAP



610 WEST MOORE ROAD

0' 300' 600'
SCALE: 1" = 600'
PROJECT: len-01 DATE: 04/17/13
FILE NAME: len-01_11x17.mxd



Beneficiaries of the Olson Family Trust

Co-Trustees:

Eric K. Olson

Kris J. Olson

Beneficiaries:

Toren Olson

Greta Sawyer

Gale Glassy

ACCEPTED, APPROVED AND AUTHORIZED:



KRIS J. OLSON, CO-TRUSTEE

**AFFIDAVIT, APPOINTMENT AND ACCEPTANCE OF
SUCCESSOR TRUSTEE**

1. The following trust is the subject of this Affidavit, Appointment and Acceptance of Successor Trustee:

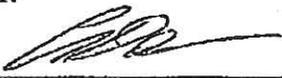
OLSON FAMILY TRUST, dated November 7, 1989, and any amendments thereto.
2. The trust is currently in full force and effect.
3. The purpose of this document is to confirm the death of KENNETH WILLIAM OLSON and CAROL A. OLSON. KENNETH WILLIAM OLSON deceased on May 10, 2011. CAROL A. OLSON deceased on July 28, 2007. Upon the death of KENNETH WILLIAM OLSON and CAROL A. OLSON the trust appoints ERIC K. OLSON as successor trustee of the OLSON FAMILY TRUST, dated November 7, 1989(hereinafter referred to as "the trust").

Pursuant to the authority so granted, ERIC K. OLSON, does hereby accept appointment to serve as successor trustee.
4. The name and address of the currently acting Trustee of the trust is as follows:

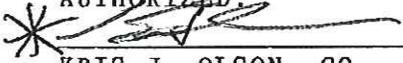
Name: ERIC K. OLSON

Address: 610 W. Moore Road
Oro Valley, AZ 85755
5. Attached to this Affidavit, Appointment and Acceptance of Successor Trustee and incorporated in it are the following exhibits:
 - A. Death Certificate of Kenneth William Olson
 - B. Death Certificate of Carol A. Olson
 - C. Article Three, Section 2
6. The signatories of this Affidavit, Appointment and Acceptance of Successor Trustee is the currently acting successor trustee of the trust and declare that the foregoing statements and the attached trust provisions are true and correct, under penalty of perjury.

7. This Affidavit, Appointment and Acceptance of Successor Trustee is dated June 14, 2011.



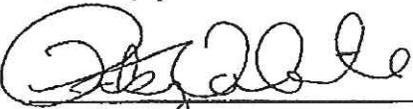
ERIC K. OLSON, Successor Trustee

ACCEPTED, APPROVED AND
AUTHORIZED:

*_____
KRIS J. OLSON, CO-
TRUSTEE

STATE OF ARIZONA)
 SS
COUNTY OF PIMA)

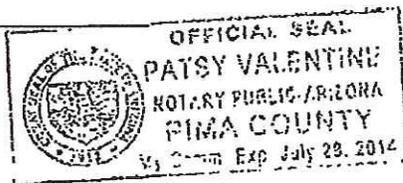
The foregoing Affidavit, Appointment and Acceptance of Successor Trustee was acknowledged before me on June 14, 2011 by ERIC K. OLSON, as Successor Trustee.

Witness my hand and official seal.



NOTARY PUBLIC

My commission expires:



Notice

In addition to the Town of Oro Valley (the "Town"), there may be other jurisdictions affecting development of the property. If a Property developer waits until late in the development process to contact other pertinent governmental agencies or bodies, additional expense and time in coordination, redesign and development may be a result. Examples of other governmental agencies and /or bodies my have overlapping jurisdiction over this property include but are not limited to the following:

Federal:

- The United States Department of the Interior, Fish and Wildlife Service is responsible for Endangered Species Act compliance, etc. Please note habitat has been designated within the Town.

U.S. Fish and Wildlife Field Division
2321 West Royal Palm Road, Suite 103
Phoenix, AZ 85021-4951
Phone 602-640-2720 Fax 602-620-2730

- The United States Corps of Engineers: This agency is responsible for management of jurisdictional waters, etc. Section 404 consultation may be required on properties that contain washes.

U.S. Army Corps of Engineers
5205 E. Comanche
Davis Monthan AFB
Tucson, AZ 85707
Phone 520-284-4486 Fax 520-584-4497

State:

- Arizona Department of Environmental Quality: This agency has multiple responsibilities. Please contact directly for further information.

ADEQ
1110 W. Washington Street
Phoenix, AZ 85007
602-771-2300

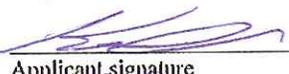
County:

- Pima County Department of Environmental Quality: This agency has multiple responsibilities. Please contact for further information.

PDEQ
201 N. Stone Avenue, 2nd floor
Tucson, AZ 85701
520-740-6520

Please be advised, issuance of a permit **DOES NOT**, nor should it be construed, to imply compliance with Federal, State or County regulations. If you have any questions concerning your responsibilities under federal law, please contact the applicable agency.

Applicant name: _____
Contact phone, address & email _____
Site location: _____
Proposed use _____

 _____
Applicant signature Date Case/File number