

MARANA ORDINANCE NO. 2017.029

RELATING TO DEVELOPMENT; ADOPTING DEVELOPMENT IMPACT FEES FOR STREET FACILITIES, PARKS AND RECREATION FACILITIES, WATER FACILITIES, AND WASTEWATER FACILITIES; ACCEPTING AND APPROVING THE TECHNICAL REPORTS IDENTIFYING BENEFIT AREAS AND FACILITIES NEEDS; MODIFYING THE DEFINITIONS OF "GENERAL OFFICE LAND USE CATEGORY" AND "MEDICAL FACILITIES LAND USE CATEGORY" IN MARANA TOWN CODE SECTION 17-17-3; AND PROVIDING AN EFFECTIVE DATE

WHEREAS the Town is authorized by the Arizona municipal development impact fee enabling statute, A.R.S. § 9-463.05, to assess and collect development impact fees to offset costs to the Town associated with providing necessary public services to a development; and

WHEREAS the Town adopted the existing street and parks and recreation development impact fees by the adoption of Marana Ordinance No. 2014.012 and adopted the existing water and wastewater fees by the adoption of Marana Ordinance No. 2014.013; and

WHEREAS land use assumptions and infrastructure improvement plans for street, parks and recreation, water, and wastewater facilities prepared in accordance with A.R.S. § 9-463.05 were approved by the Town Council's adoption of Resolution 2017-090 on September 19, 2017; and

WHEREAS draft 2017 development impact fee reports for street facilities and parks and recreation facilities prepared in accordance with A.R.S. § 9-463.05 were published for public comment on September 22, 2017; and

WHEREAS a public hearing on amended street, parks and recreation, water, and wastewater facilities development impact fees was held by the Marana Town Council on November 7, 2017; and

WHEREAS the Town has finalized its 2017 development impact fee reports for street, parks and recreation, water, and wastewater facilities that identify the relevant benefit areas and determine the fair-share development impact fees attributable to the typical single-family residence, which shall be used as the equivalent demand unit ("EDU"), within the benefit areas.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

Section 1. Marana Town Code Title 17 (Land Development), Chapter 17-17 (Development impact fees), Section 17-17-3 (Definitions) is amended by modifying the definitions of “General office land use category” and “Medical facilities land use category” in paragraphs 25 and 37 respectively as follows (with additions shown with double underlining and deletions shown with ~~strikeouts~~):

25. General office land use category: Office uses, office parks, corporate headquarters, governmental offices, business parks, research and development parks, and similar uses as determined by the town engineer. Doctor, dentist, ~~and~~ veterinary offices, clinics, and urgent care facilities fall under this category instead of medical facilities. See ITE land use categories 700-799.
37. Medical facilities land use category: Hospitals, micro hospitals, standalone emergency rooms, ~~urgent care facilities, clinics, veterinary hospitals and clinics,~~ and similar uses as determined by the town engineer. See ITE land use categories 600-699.

Section 2. The existing Parks and Recreation Facilities Development Impact Fee as adopted by Ordinance No. 2014.012 is hereby retained and confirmed in the amount of \$2,461 per EDU.

Section 3. The Northeast Street Facilities Development Impact Fee as adopted by Ordinance No. 2014.012 is hereby reduced to \$4,291 per EDU, as follows:

- A. The Northeast Street Facilities Impact Fee benefit area as adopted by Ordinance No. 2014.012 is hereby revised as depicted in the street facilities development impact fee report.
- B. The collection of the Northeast Street Facilities Development Impact Fee in the amount adopted by this ordinance shall begin on January 19, 2018, replacing the Northeast Street Facilities Development Impact Fee adopted by Marana Ordinance No. 2014.012.

Section 4. The Northwest Street Facilities Development Impact Fee is hereby adopted in the amount of \$3,719 per EDU, as follows:

- A. The Northwest Street Facilities Impact Fee benefit area, as depicted in the street facilities development impact fee report, is hereby established.
- B. Town Staff shall collect the Northwest Street Facilities Development Impact Fee upon issuance of a building permit within the Northwest Street Facilities Development Impact Fee benefit area, unless a development agreement provides otherwise.

- C. When calculating the amount of Northwest Street Facilities Development Impact Fee to be collected for a given development other than a single family residence, Town Staff shall use the methods and equivalencies set forth in the street facilities development impact fee report.
- D. When assessing the Northwest Street Facilities Development Impact Fee, Town Staff shall give credit for the required dedication of public right of way and improvements provided by the property owner that correspond to the infrastructure improvements plan for northwest street facilities, as provided by law.
- E. All Northwest Street Facilities Development Impact Fees collected by the Town shall be held and disbursed in accordance with the requirements of A.R.S. § 9-463.05.
- F. The collection of the Northwest Street Facilities Development Impact Fee shall begin on March 5, 2018.

Section 5. The South Street Facilities Development Impact Fee as adopted by Ordinance No. 2014.012 is hereby increased to \$4,327 per EDU, as follows:

- A. The South Street Facilities Impact Fee benefit area as adopted by Ordinance No. 2014.012 is hereby revised as depicted in the street facilities development impact fee report.
- B. The collection of the increased South Street Facilities Development Impact Fee as adopted by this ordinance shall begin on March 5, 2018, replacing the South Street Facilities Development Impact Fee adopted by Marana Ordinance No. 2014.012.

Section 6. In accordance with A.R.S. § 9-463.05(R), the Town of Marana hereby gives notice that it will continue the collection of the Lower Santa Cruz River Levee Fee, originally adopted under ordinance 99.02, as described in Section 4 of Marana Ordinance No. 2014.012.

Section 7. Water Infrastructure Development Impact Fees as adopted by Ordinance No. 2014.013 are hereby amended as follows:

- A. The North Marana, Twin Peaks, Saguaro Bloom, Palo Verde, Airport, and Falstaff Water Infrastructure Development Impact Fee Benefit Areas as adopted by Ordinance No. 2014.013 are hereby revised as depicted in in Figure 3 of the Water Impact Fee Infrastructure Improvements Plan adopted by Resolution 2017-090 on September 19, 2017, as they may be expanded from time to time by water main extensions.

B. Water Infrastructure Development Impact Fees for the North Marana, Twin Peaks, and Saguaro Bloom Water Infrastructure Development Impact Fee Benefit Areas are amended as follows (with meter sizes larger than 8" calculated using standard industry ratios):

| | Water Meter Size | | | | | | | | | |
|--|------------------|----------|----------|-----------|-----------|-----------|-----------|------------|------------|--|
| | 5/8" | 3/4" | 1" | 1.5" | 2" | 3" | 4" | 6" | 8" | |
| Water Infrastructure Benefit Area | | | | | | | | | | |
| North Marana | \$ 2,331 | \$ 3,497 | \$ 5,828 | \$ 11,656 | \$ 18,650 | \$ 37,296 | \$ 58,275 | \$ 116,550 | \$ 186,480 | |
| Twin Peaks | \$ 2,740 | \$ 4,110 | \$ 6,850 | \$ 13,700 | \$ 21,920 | \$ 43,840 | \$ 68,500 | \$ 137,000 | \$ 219,200 | |
| Saguaro Bloom | \$ 838 | \$ 1,257 | \$ 2,095 | \$ 4,189 | \$ 6,703 | \$ 13,408 | \$ 20,950 | \$ 41,900 | \$ 67,040 | |

C. The Palo Verde Water Infrastructure Development Impact Fee, the Airport Water Infrastructure Development Impact Fee, and the Falstaff Water Infrastructure Development Impact Fee are reduced to zero effective January 19, 2018.

D. The collection of Water Infrastructure Development Impact Fees as revised by this ordinance for the Saguaro Bloom Water Infrastructure Development Impact Fee Benefit Area shall begin on January 19, 2018.

E. The collection of Water Infrastructure Development Impact Fees as revised by this ordinance for the North Marana and Twin Peaks Water Infrastructure Development Impact Fee Benefit Areas shall begin on March 5, 2018.

Section 8. Water Resources Development Impact Fees as adopted by Ordinance No. 2014.013 are hereby amended as follows:

A. The Water Resources Development Impact Fees are amended as follows (with meter sizes larger than 8" calculated using standard industry ratios):

| | Water Meter Size | | | | | | | | | |
|--|------------------|----------|----------|-----------|-----------|-----------|-----------|------------|------------|--|
| | 5/8" | 3/4" | 1" | 1.5" | 2" | 3" | 4" | 6" | 8" | |
| Water Resources Development Fee | \$ 3,050 | \$ 4,575 | \$ 7,626 | \$ 15,251 | \$ 24,402 | \$ 48,800 | \$ 76,250 | \$ 152,500 | \$ 244,000 | |

B. The collection of the Water Resources Development Impact Fee as amended by this ordinance shall begin on March 5, 2018.

Section 9. Wastewater Facilities Development Impact Fees as adopted by Ordinance No. 2014.013 are hereby amended as follows:

A. The Wastewater Facilities Development Impact Fee Benefit Area as adopted by Ordinance No. 2014.013 is hereby revised as set forth in the 2017 sewer impact fee infrastructure improvements plan adopted by Resolution 2017-090 on September 19, 2017.

B. The Wastewater Facilities Development Impact Fees as adopted by Ordinance No. 2014.013 are hereby amended as follows (with meter sizes larger than 8" calculated using standard industry ratios):

| | Water Meter Size | | | | | | | | | |
|--|------------------|----------|----------|-----------|-----------|-----------|-----------|------------|------------|--|
| | 5/8" | 3/4" | 1" | 1.5" | 2" | 3" | 4" | 6" | 8" | |
| Wastewater Facilities Development Impact Fee | \$ 3,930 | \$ 5,895 | \$ 9,824 | \$ 19,648 | \$ 31,437 | \$ 62,880 | \$ 98,250 | \$ 196,500 | \$ 314,400 | |

C. The collection of Wastewater Facilities Development Impact Fees as amended by this ordinance shall begin on January 19, 2018.

Section 10. All other fees established or addressed by Ordinance No. 2014.012 and 2014.013 shall remain unchanged, and all provisions of Ordinance No. 2014.012 and 2014.013, including without limitation all those relating to the administration, crediting, and accounting of the fees, shall remain in place and are unchanged by this ordinance.

Section 11. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

Section 12. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

Section 13. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 14. This ordinance shall become effective on January 19, 2018.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 19th day of December, 2017.

Mayor Ed Honea

APPROVED AS TO FORM:

ATTEST:

Frank Cassidy, Town Attorney

Jocelyn C. Bronson, Town Clerk