

## MARANA ORDINANCE NO. 2022.029

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RELATING TO DEVELOPMENT; ADOPTING DEVELOPMENT IMPACT FEES FOR STREET FACILITIES, PARKS AND RECREATION FACILITIES, WATER FACILITIES, WATER RESOURCES, AND WASTEWATER FACILITIES; ACCEPTING AND APPROVING THE TECHNICAL FEE REPORTS IDENTIFYING BENEFIT AREAS AND FACILITIES NEEDS; 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 parks and recreation development impact fees by the adoption of Ordinance No. 2014.012, as amended by Ordinance No. 2017.029, and adopted the existing water and wastewater fees by the adoption of Marana Ordinance No. 2014.013, as amended by Ordinance No. 2017.029; and

WHEREAS the Town adopted the existing street impact fees for the northeast and south benefit areas by the adoption of Ordinance No. 2014.012, as amended by Ordinance No. 2017.029, and adopted the existing street impact fees for the northwest benefit area by the adoption of Ordinance No. 2017.029; 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 No. 2022-100 on September 20, 2022; and

WHEREAS the Town Council amended the infrastructure improvement plan for parks and recreation by adoption of Resolution No. 2022-125 on December 6, 2022; and

WHEREAS draft 2022 development impact fee reports for street facilities, parks and recreation facilities, water facilities, water resources, and wastewater facilities prepared in accordance with A.R.S. § 9-463.05 were published for public comment on September 30, 2022; and

WHEREAS a public hearing on amended street facilities, parks and recreation facilities, water facilities, water resources, and wastewater facilities development impact fees was held by the Marana Town Council on November 1, 2022; and

WHEREAS the Town has finalized its 2022 development impact fee reports for street facilities, parks and recreation facilities, water facilities, water resources, 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, except for parks and recreation fees for non-residential development, which uses the number of jobs per 1,000 square foot of development as the service unit to determine the fair-share parks and recreation development impact fees attributable to the typical identified category of non-residential development.

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

**Section 1.** The following reports, full copies of which were included in the Town Council’s agenda materials for the December 20, 2022 meeting, are hereby accepted and approved:

- A. Town of Marana Impact Fee Study Streets Facilities Development Fee Report dated December 5, 2022 (the “Streets Fee Report”)
- B. Town of Marana Water Infrastructure, Water Resources, and Water Reclamation Impact Fee Report dated December 8, 2022 (the “Water Fee Report”)
- C. Town of Marana Impact Fee Study Update and Parks Infrastructure Improvement Plan dated September 20, 2022, revised December 6, 2022 (the “Parks Fee Report”)

**Section 2.** The existing Parks and Recreation Facilities Development Impact Fee for residential development as adopted by Ordinance No. 2014.012 and amended by Ordinance No. 2017.029 is hereby increased to \$2,529.63 per EDU. The collection of the increased Parks and Recreation Facilities Development Impact Fee for residential development as adopted by this ordinance shall begin on March 6, 2023, replacing the Parks and Recreation Facilities Development Impact Fee adopted by Ordinance No. 2017.029.

**Section 3.** The Parks and Recreation Facilities Development Impact Fee for non-residential development is hereby adopted, as follows:

- A. The Parks and Recreation Facilities Impact Fee benefit area for non-residential development is hereby established and shall be the same as the benefit area for residential development, as depicted in the Parks Fee Report.
- B. The Parks and Recreation Facilities Development Impact Fee for non-residential development shall be as follows:

Land Use Category	Parks and Recreation Development Impact Fee
Retail	\$224.00 per 1,000 sf
High Traffic Retail	\$870.00 per 1,000 sf
Office	\$385.00 per 1,000 sf
Hotel	\$9.00 per 1,000 sf
Industrial	\$288.00 per 1,000 sf
Medical	\$288.00 per 1,000 sf

- C. Town Staff shall collect the Parks and Recreation Facilities Development Impact Fee for non-residential development upon issuance of a building permit within the Parks and Recreation Facilities Development Impact Fee benefit area, unless a development agreement provides otherwise.
- D. When assessing the Parks and Recreation Facilities Development Impact Fee for non-residential development, Town staff shall give credit for the required dedication of public sites and improvements provided by the property owner that correspond to the infrastructure improvements plan for parks and recreation facilities, as provided by law.
- E. All Parks and Recreation Facilities Development Impact Fees for non-residential development 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 Parks and Recreation Facilities Development Impact Fee for non-residential development shall begin on March 6, 2023.

**Section 4.** The existing Northeast Street Facilities Development Impact Fee as adopted by Ordinance No. 2014.012 and amended by Ordinance No. 2017.029 is hereby increased to \$4,767 per EDU. The collection of the Northeast Street Facilities Development Impact Fee in the amount adopted by this ordinance shall begin on March 6, 2023, replacing the Northeast Street Facilities Development Impact Fee adopted by Marana Ordinance No. 2017.029.

**Section 5.** The existing Northwest Street Facilities Development Impact Fee as adopted by Ordinance No. 2017.029 is reduced to \$2,304 per EDU. The collection of the reduced Northwest Street Facilities Development Impact Fee as adopted by this ordinance shall begin on January 20, 2023, replacing the Northwest Street Facilities Development Impact Fee adopted by Marana Ordinance No. 2017.029.

**Section 6.** The existing South Street Facilities Development Impact Fee as adopted by Ordinance No. 2014.012 and amended by Ordinance No. 2017.029 is hereby increased to \$4,655 per EDU. The collection of the increased South Street Facilities Development Impact Fee as adopted by this ordinance shall begin on March 6, 2023, replacing the South Street Facilities Development Impact Fee adopted by Ordinance No. 2017.029.

**Section 7.** 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 8.** Water Infrastructure Development Impact Fees as adopted by Ordinance No. 2014.013 and amended by Ordinance No. 2017.029 are hereby amended as follows:

- A. The North Marana, Twin Peaks, Saguaro Bloom, and Palo Verde Water Infrastructure Development Impact Fee Benefit Areas as adopted by Ordinance

No. 2017.029 are hereby revised as depicted in in Figure 3 of the Water Facilities Infrastructure Improvements Plan adopted by Resolution No. 2022-100 on September 20, 2022, as they may be expanded from time to time by water main extensions. The Airport Water Infrastructure Development Impact Fee Benefit Area is hereby eliminated as a separate benefit area and is incorporated into the Twin Peaks Benefit Area as depicted in Figure 3 of the Water Facilities Infrastructure Improvements Plan adopted by Resolution No. 2022-100 on September 20, 2022. The Falstaff Water Infrastructure Development Impact Fee Benefit Area is hereby eliminated, due to the Town’s 2020 sale of the Falstaff area water system assets.

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

Water Infrastructure Benefit Area	Water Meter Size								
	5/8"	3/4"	1"	1.5"	2"	3"	4"	6"	8"
North Marana	\$3,356	\$5,033	\$8,388	\$16,776	\$26,841	\$50,327	\$83,878	\$167,756	\$268,410
Twin Peaks	\$2,967	\$4,450	\$7,416	\$14,832	\$23,731	\$44,496	\$74,159	\$148,318	\$237,308

- C. The existing Water Infrastructure Development Impact Fees for the Saguaro Bloom Water Infrastructure Development Impact Fee Benefit Area are hereby retained and confirmed in the following amounts (with meter sizes larger than 8” calculated using standard industry ratios):

Water Infrastructure Benefit Area	Water Meter Size								
	5/8"	3/4"	1"	1.5"	2"	3"	4"	6"	8"
Saguaro Bloom	\$838	\$1,257	\$2,095	\$4,189	\$6,703	\$13,408	\$20,950	\$41,900	\$67,040

- D. The Palo Verde Water Infrastructure Development Impact Fee remains at zero as provided by Ordinance No. 2017.029.
- E. The collection of Water Infrastructure Development Impact Fees pursuant to this ordinance for the Saguaro Bloom Water Infrastructure Development Impact Fee Benefit Area shall begin on January 20, 2023.
- F. 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 6, 2023.

**Section 9.** Water Resources Development Impact Fees as adopted by Ordinance No. 2014.013 and amended by Ordinance No. 2017.029 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 Resources Development Fee	Water Meter Size								
	5/8"	3/4"	1"	1.5"	2"	3"	4"	6"	8"
	\$5,358	\$8,036	\$13,394	\$26,787	\$42,859	\$80,360	\$133,933	\$267,865	\$428,584

B. Water meter sizes are determined by the total number of fixtures. In cases where the number of fixtures may be served by a 5/8" meter, but a 3/4" meter is required only for the purpose of providing adequate flows for a residential sprinkler system, the Town will charge the Water Resources Development Impact Fee for a 5/8" meter.

C. The collection of the Water Resources Development Impact Fee as amended by this ordinance shall begin on March 6, 2023.

**Section 10.** Wastewater Facilities Development Impact Fees as adopted by Ordinance No. 2014.013 and amended by Ordinance No. 2017.029 are hereby amended as follows:

A. The Wastewater Facilities Development Impact Fee Benefit Area as adopted by Ordinance No. 2017.029 is hereby revised as set forth in the 2022 wastewater facilities infrastructure improvements plan adopted by Resolution No. 2022-100 on September 20, 2022.

B. The Wastewater Facilities Development Impact Fees as adopted by Ordinance No. 2014.013 and amended by Ordinance No. 2017.029 are hereby amended as follows (with meter sizes larger than 8" calculated using standard industry ratios):

Wastewater Facilities Development Impact Fee	Water Meter Size								
	5/8"	3/4"	1"	1.5"	2"	3"	4"	6"	8"
	\$4,995	\$7,493	\$12,488	\$24,975	\$39,960	\$74,925	\$124,874	\$249,748	\$399,597

C. The collection of Wastewater Facilities Development Impact Fees as amended by this ordinance shall begin on March 6, 2023.

**Section 11.** All other fees established or addressed by Ordinance Nos. 2014.012, 2014.013, and 2017.029 shall remain unchanged, and all provisions of Ordinance Nos. 2014.012, 2014.013, and 2017.029, 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 12.** The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

**Section 13.** 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 14.** 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 15.** This ordinance shall become effective on January 20, 2023.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of December, 2022.



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Mayor Ed Honea

ATTEST:



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David L. Udall, Town Clerk

APPROVED AS TO FORM:



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Jane Fairall, Town Attorney

