MARANA ORDINANCE NO. 2014.012

RELATING TO DEVELOPMENT; ADOPTING DEVELOPMENT IMPACT FEES FOR STREET FACILITIES AND PARKS AND RECREATION FACILITIES, ACCEPTING AND APPROVING THE TECHNICAL REPORTS IDENTIFYING BENEFIT AREAS AND FACILITIES NEEDS, AND PROVIDING AN EFFECTIVE DATE PURSUANT TO A.R.S. § 9-463.05(C); PROVIDING NOTICE OF CONTINUATION OF CERTAIN PREVIOUSLY-ADOPTED DEVELOPMENT IMPACT FEES PURSUANT TO A.R.S. § 9-463.05(R)

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 Arizona Legislature amended the municipal development impact fee enabling statute by Laws 2011 Chapter 243 (SB 1525); and

WHEREAS land use assumptions, infrastructure improvement plan for street facilities, and infrastructure improvement plan for parks and recreation facilities prepared in accordance with the 2011 legislation were approved by the Town Council's adoption of Resolution 2014-010 on February 11, 2014; and

WHEREAS draft development impact fee reports for street facilities and parks and recreation facilities prepared in accordance with the 2011 legislation were published for public comment on February 14, 2014; and

WHEREAS a public hearing on street facilities and parks and recreation facilities development impact fees was held by the Marana Mayor and Town Council on March 18, 2014; and

WHEREAS the Town has finalized its development impact fee reports for street facilities and parks and recreation 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; and

WHEREAS the Town Council finds that the street facilities development impact fees for the Northwest Marana Transportation Benefit Area and for the South Transportation Benefit Area as calculated and determined in the April 28, 2014 draft of the Streets Facilities Development Fee Report should not be implemented.

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

Section 1. The Parks and Recreation Facilities Development Impact Fee is hereby adopted in the amount of $2,461 per EDU, as follows:

A. The Parks and Recreation Facilities Development Impact Fee benefit area, as depicted in the parks and recreation facilities development impact fee report, is hereby established.

B. Town Staff shall collect the Parks and Recreation Facilities Development Impact Fee upon issuance of a building permit within the Parks and Recreation Facilities Development Impact Fee benefit area, unless a development agreement provides otherwise.

C. When calculating the amount of Parks and Recreation 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 parks and recreation facilities development impact fee report.

D. When assessing the Parks and Recreation Facilities Development Impact Fee, 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 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 shall begin at 6:00 PM Mountain Standard Time on July 31, 2014.

Section 2. The Northeast Street Facilities Development Impact Fee is hereby adopted in the amount of $5,599 per EDU, as follows:

A. The Northeast 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 Northeast Street Facilities Development Impact Fee upon issuance of a building permit within the Northeast Street Facilities Development Impact Fee benefit area, unless a development agreement provides otherwise.

C. When calculating the amount of Northeast 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 Northeast 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 northeast street facilities, as provided by law.

E. All Northeast 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 Northeast Street Facilities Development Impact Fee shall begin at 6:00 PM Mountain Standard Time on July 31, 2014.

Section 3. In accordance with A.R.S. § 9-463.05(R), the Town of Marana hereby gives notice to continue the collection of the Marana South Transportation Development Impact Fee, as originally adopted under Ordinance 2001.02 and modified pursuant to Ordinance 2006.12, as follows:

A. The Marana South Transportation Development Impact Fee will continue at its current rate of $3,465 per EDU.

B. Town Staff shall continue to collect the Marana South Transportation Development Impact Fee upon issuance of a building permit within the Marana South Transportation Development Impact Fee benefit area, unless a development agreement provides otherwise.

C. When calculating the amount of Marana South Transportation Development Impact Fee to be collected for a given development other than a single family residence, Town Staff shall continue to use the methods and equivalencies set forth in the original technical report for the Marana South Transportation benefit area.

D. When assessing the Marana South Transportation Development Impact Fee, Town Staff shall continue to give credit for the required improvements provided by the property owner that correspond to the original technical report for the Marana South Transportation benefit area, as provided by law.

E. All Marana South Transportation 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. Once it has been determined that the principal and interest debt service for the Twin Peaks interchange (previously identified as the Linda Vista Interchange in the original technical report for the Marana South Transportation Development benefit area) has been paid, Town Staff shall terminate collection of the Marana South Transportation Development Impact Fee.

Section 4. In accordance with A.R.S. § 9-463.05(R), the Town of Marana hereby gives notice to continue the collection of the Lower Santa Cruz River Levee Fee, originally adopted under ordinance 99.02, as follows:

A. The Lower Santa Cruz River Levee Fee will continue at its current rate of $500 per acre.

B. Town Staff shall continue to collect the Lower Santa Cruz River Levee Fee upon issuance of a grading permit within the Lower Santa Cruz River Levee Fee benefit area, unless a development agreement provides otherwise.

C. All Lower Santa Cruz River Levee Fees collected by the Town shall be held and disbursed in accordance with the requirements of A.R.S. § 9-463.05.

D. Once it has been determined that the original financial obligation giving rise to the Lower Santa Cruz River Levee Fee has been satisfied, Town Staff shall terminate collection of the Lower Santa Cruz River Levee Fee.

Section 5. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

Section 6. 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 7. 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 8. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of May, 2014.

Mayor Ed Honea

ATTEST:

Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney