

MARANA ORDINANCE NO. 2014.013

RELATING TO UTILITIES; ADOPTING DEVELOPMENT IMPACT FEES FOR WATER INFRASTRUCTURE, WATER RESOURCES, AND WASTEWATER FACILITIES, ACCEPTING AND APPROVING THE WATER AND WASTEWATER UTILITY IMPACT FEE STUDY, AND PROVIDING AN EFFECTIVE DATE

WHEREAS the Town is authorized by the Arizona municipal utilities enabling statute, A.R.S. § 9-511.01, to adopt and assess utility system capacity fees; and

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 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 water and sewer infrastructure improvement plans prepared in accordance with the 2011 legislation were approved by the Town Council's adoption of Resolution 2014-016 on February 25, 2014; and

WHEREAS a draft water and wastewater utility impact fee study report for water infrastructure, water resources, and wastewater facilities, prepared in accordance with the 2011 legislation, was published for public comment on February 28, 2014; and

WHEREAS a public hearing on water and wastewater development impact fees was held by the Marana Mayor and Town Council on April 1, 2014; and

WHEREAS the Town has finalized its water and wastewater utility impact fee study report for water infrastructure, water resources, and wastewater facilities that identifies the relevant benefit areas and determines the fair-share development impact fees attributable to new development within the benefit areas based on water meter size.

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

Section 1. Water Infrastructure Development Impact Fees are hereby adopted as follows:

- A. The North Marana, Twin Peaks, Saguaro Bloom, Palo Verde, Airport, and Falstaff Water Infrastructure Development Impact Fee Benefit Areas, being the water service areas for those respective portions of the Marana Utilities Department’s water utility, as depicted in Figure 1 of the Water Impact Fee Infrastructure Improvements Plan adopted on February 25, 2014 by Marana Resolution 2014-016, as they may be expanded from time to time by water main extensions, are hereby established.
- B. Water Infrastructure Development Impact Fees, determined based on Benefit Areas and water meter size, are hereby adopted as follows (with meter sizes larger than 8” calculated using standard industry ratios):

| Water Infrastructure Fee Benefit Area | 5/8" x 3/4" | 3/4" x 3/4" | 1" | 1.5" | 2" | 3" | 4" | 6" | 8" |
|---------------------------------------|-------------|-------------|----------|-----------|-----------|-----------|-----------|------------|------------|
| North Marana | \$ 2,122 | \$ 2,547 | \$ 5,306 | \$ 10,612 | \$ 16,979 | \$ 31,835 | \$ 53,058 | \$ 106,116 | \$ 169,760 |
| Twin Peaks | \$ 2,457 | \$ 2,948 | \$ 6,142 | \$ 12,284 | \$ 19,654 | \$ 36,851 | \$ 61,419 | \$ 122,837 | \$ 196,560 |
| Saguaro Bloom | \$ 1,189 | \$ 1,427 | \$ 2,973 | \$ 5,945 | \$ 9,512 | \$ 17,835 | \$ 29,725 | \$ 59,450 | \$ 95,120 |
| Palo Verde | \$ 1,046 | \$ 1,255 | \$ 2,615 | \$ 5,230 | \$ 8,368 | \$ 15,690 | \$ 26,150 | \$ 52,300 | \$ 83,680 |
| Airport | \$ 1,189 | \$ 1,427 | \$ 2,973 | \$ 5,945 | \$ 9,512 | \$ 17,835 | \$ 29,725 | \$ 59,450 | \$ 95,120 |
| Falstaff | \$ 1,046 | \$ 1,255 | \$ 2,615 | \$ 5,230 | \$ 8,368 | \$ 15,690 | \$ 26,150 | \$ 52,300 | \$ 83,680 |

- C. Town Staff shall collect Water Infrastructure Development Impact Fees upon issuance of a building permit for a structure or use served with potable water by the respective Marana Utilities Department water service area, unless a development agreement provides otherwise.
- D. When assessing Water Infrastructure Development Impact Fees, Town Staff shall give credit for the required dedication of public sites and improvements provided by the property owner that correspond to the Water Impact Fee Infrastructure Improvements Plan, as provided by law.
- E. All Water Infrastructure 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 Water Infrastructure Development Impact Fees shall begin at 6:00 PM Mountain Standard Time on July 31, 2014.

Section 2. Water Resources Development Impact Fees are hereby adopted as follows:

- A. The Water Resources Development Impact Fee Benefit Area is hereby established, being the combination of the following: (i) the entire Marana Utilities Department water service area as depicted in Figure 1 of the Water Impact Fee Infrastructure Improvements Plan adopted on February 25, 2014 by Marana Resolution 2014-016, as it may be expanded from time to time by water main extensions, and (ii) those areas located within the current or future town limits of the Town of Marana which are served by the Tucson Water Department and for which the Marana Utilities Department is obligated to provide water resources pursuant to an intergovernmental agreement between the City of Tucson and the Town of Marana.

B. Water Resources Development Impact Fees, determined based on water meter size, are hereby adopted as follows (with meter sizes larger than 8” calculated using standard industry ratios):

| | 5/8" x 3/4" | 3/4" x 3/4" | 1" | 1.5" | 2" | 3" | 4" | 6" | 8" |
|---------------------|-------------|-------------|----------|----------|-----------|-----------|-----------|-----------|------------|
| Water Resources DIF | \$ 1,771 | \$ 2,125 | \$ 4,428 | \$ 8,856 | \$ 14,170 | \$ 26,568 | \$ 44,281 | \$ 88,561 | \$ 141,680 |

C. Town Staff shall collect Water Resources Development Impact Fees upon issuance of a building permit for a structure or use served with potable water by the Marana Utilities Department or by Tucson Water within the Water Resources Development Impact Fee Benefit Area, unless a development agreement provides otherwise.

D. When assessing Water Resources Development Impact Fees, Town Staff shall give credit for the required dedication of water resources provided by the property owner to the Town, as provided by law.

E. All Water Resources 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 Water Resources Development Impact Fees shall begin at 6:00 PM Mountain Standard Time on July 31, 2014.

Section 3. Wastewater Facilities Development Impact Fees are hereby adopted as follows:

A. The Wastewater Facilities Development Impact Fee Benefit Area, being the Marana Designated Management Area of the Marana Utilities Department’s sanitary sewer utility, as depicted in Figure 1 of the Sewer Impact Fee Infrastructure Improvements Plan adopted on February 25, 2014 by Marana Resolution 2014-016, is hereby established.

B. Wastewater Facilities Development Impact Fees, determined based on water meter size, are hereby adopted as follows (with meter sizes larger than 8” calculated using standard industry ratios):

| | 5/8" x 3/4" | 3/4" x 3/4" | 1" | 1.5" | 2" | 3" | 4" | 6" | 8" |
|---------------------------|-------------|-------------|-----------|-----------|-----------|-----------|------------|------------|------------|
| Wastewater Facilities DIF | \$ 4,241 | \$ 5,090 | \$ 10,603 | \$ 21,207 | \$ 33,931 | \$ 63,615 | \$ 106,025 | \$ 212,050 | \$ 339,280 |

C. Town Staff shall collect Wastewater Facilities Development Impact Fees upon issuance of a building permit for a structure or use connected to the Marana Utilities Department’s sewer utility within the Wastewater Facilities Development Impact Fee Benefit Area, unless a development agreement provides otherwise.

D. When assessing Wastewater Facilities Development Impact Fees, 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 Sewer Impact Fee Infrastructure Improvements Plan, as provided by law.

- E. All Wastewater 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 Wastewater Facilities Development Impact Fees shall begin at 6:00 PM Mountain Standard Time on July 31, 2014.

Section 4. Twin Peaks Section 23 Pass-Through Fees are hereby adopted, as follows:

- A. The Twin Peaks Section 23 Pass-Through Fee Benefit Area is hereby established, being the land area depicted with cross-hatching on Exhibit A to the Intergovernmental Agreement between the Town of Marana and the Town of Oro Valley recorded in the office of the Recorder of Pima County, Arizona, on June 21, 2001, at Docket 11575, Page 2734. This land area consists of most of the following described land: Section 23, Township 12 South, Range 12 East, except the west half of the southwest quarter of said Section 23.
- B. Twin Peaks Section 23 Pass-Through Fees are hereby adopted in the following amount per service connection to the Town's water utility:
 - \$1,101 through May 31, 2015
 - \$1,134 from June 1, 2015 through May 31, 2016
 - \$1,168 from June 1, 2016 through May 31, 2017
 - \$1,203 from June 1, 2017 through May 31, 2018
 - \$1,239 from and after June 1, 2018
- C. Town Staff shall collect Twin Peaks Section 23 Pass-Through Fees upon issuance of a building permit for a structure or use served with potable water by the Marana Utilities Department, unless a development agreement provides otherwise.
- D. Twin Peaks Section 23 Pass-Through Fees collected by the Town shall be held and disbursed in accordance with the requirements of A.R.S. § 9-463.05.
- E. The collection of Twin Peaks Section 23 Pass-Through Fees shall begin at 6:00 PM Mountain Standard Time on July 31, 2014.
- F. Once it has been determined that the financial obligation giving rise to the Twin Peaks Section 23 Pass-Through Fees has been satisfied or terminated, Town Staff shall terminate collection of the Twin Peaks Section 23 Pass-Through Fees.

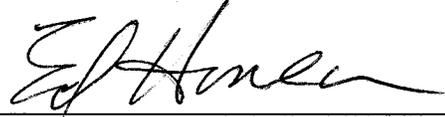
Section 5. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

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.

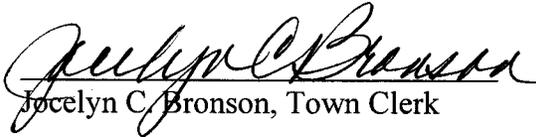
Section 8. This ordinance shall become effective on the thirty-first day after its adoption.

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



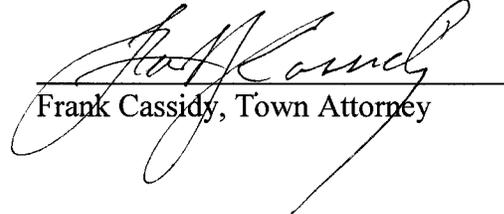
Mayor Ed Honea

ATTEST:



Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney