MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, November 17, 2020, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
Patti Comerford, Council Member
Jackie Craig, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Marana Town Council and to the general public that the Town Council will hold a meeting open to the public on November 17, 2020, at or after 6:00 PM located in the Council Chambers of the Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COUNCIL ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

As a courtesy to others, please turn off or put in silent mode all electronic devices.

Meeting Times

Welcome to this Marana Town Council meeting. Regular Council meetings are usually held the first and third Tuesday of each month at 6:00 PM at the Marana Municipal Complex, although the date or time may change and additional meetings may be called at other times and/or places. Contact the Town Clerk or watch for posted agendas for other meetings. This agenda may be revised up to 24 hours prior to the meeting. In such a case a new agenda will be posted in place of this agenda.

Speaking at Meetings

If you are interested in speaking to the Council during the Call to the Public or Public Hearings, you must fill out a speaker card (located in the lobby outside the Council

Chambers) and deliver it to the Town Clerk prior to the convening of the meeting.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed from the meeting and will not be allowed to return.

Accessibility
To better serve the citizens of Marana and others attending our meetings, the Council Chambers are wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

Agendas
Copies of the agenda are available the day of the meeting in the lobby outside the Council Chambers or online at www.maranaaz.gov under Agendas and Minutes. For questions about the Council meetings, special services or procedures, please contact the Town Clerk, at (520) 382-1999, Monday through Friday from 8:00 AM to 5:00 PM.

This Notice and Agenda Posted no later than 24 hours prior to the meeting, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov under Agendas and Minutes.

REGULAR COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

CALL TO THE PUBLIC
At this time any member of the public is allowed to address the Town Council on any issue within the jurisdiction of the Town Council, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three minutes to speak. Any persons wishing to address the Council must complete a speaker card located outside the Council Chambers and deliver it to the Town Clerk prior to the commencement of the meeting. Individuals addressing a meeting at the Call to the Public will not be provided with electronic technology capabilities beyond the existing voice amplification and recording capabilities in the facilities. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Council may respond to criticism made by those who have addressed the Council, and may ask staff to review the matter, or may ask that the matter be placed on a

future agenda.

PROCLAMATIONS

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

PRESENTATIONS

P1 Relating to Budget; presentation of monthly financial revenues (July-October) of the Town's General Fund funds for the 2020-2021 fiscal year (Yiannis Kalaitzidis)

P2 Relating to Budget; presentation of first quarter results (July-September) for the Town's General Fund and other selected major funds for the 2020-2021 fiscal year (Yiannis Kalaitzidis)

CONSENT AGENDA

The Consent Agenda contains items requiring action by the Council which are generally routine items not requiring Council discussion. A single motion and affirmative vote will approve all items on the Consent Agenda, including any resolutions or ordinances. Prior to a motion to approve the Consent Agenda, any Council member may remove any item from the Consent Agenda and that item will be discussed and voted upon separately.

C1 Resolution No. 2020-120: Relating to Budget; approving the transfer of $85,500 and $650 in budgeted expenditure authority from the General Fund contingency line item to the restricted budget line items within the Police Department and the Legal Department, respectively, in the fiscal year 2019-2020 budget (Yiannis Kalaitzidis)

C2 Resolution No. 2020-121: Relating to Utilities: approving and authorizing the Mayor to sign a new intergovernmental agreement, effective December 1, 2020, between the Town of Marana and Pima County for provision of water consumption data and sewer user account billing services (Scott Schladweiler)

C3 Resolution No. 2020-122: Relating to Real Estate; approving and authorizing the Mayor to execute the First Amendment to Lease Agreement with Marana Chamber of Commerce, Inc. regarding the lease of Town-owned property located at 13251 N. Lon Adams Road (Jane Fairall)

C4 Resolution No. 2020-123: Relating to Real Estate; approving and authorizing the Mayor to execute a building access agreement with Qwest Corporation, d/b/a CenturyLink QC to grant access to the Town's property at 13249 North Lon Adams Road (Jane Fairall)

C5 Approval of the Council Regular Meeting Summary Minutes of October 20, 2020, and the Council Special Session Meeting Summary Minutes of October 20, 2020 (Cherry L. Lawson)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

B1 [Town Council acting as Floodplain Board] Resolution 2020-124: Relating to floodplain management; granting a variance to Marana Town Code Chapter 17-15 (Floodplain and Erosion Hazard Management Code) for property located at 4801 W. Flying Diamond (Keith Brann)

COUNCIL ACTION

A1 PUBLIC HEARING: Ordinance 2020.016: Relating to Development; amending Ordinance No. 2018.023 which rezoned approximately 17.3 acres of land known as Tortolita Ridge generally located 0.75 miles north of Moore Road on the west side of Tortolita Road by eliminating the requirement for an emergency access road and replacing it with a requirement for installation of automatic fire sprinkler systems (Cynthia Ross)

A2 PUBLIC HEARING: Resolution No. 2020-125: Relating to Development; approving a Conditional Use Permit to allow the development of a self-storage facility at 8611 N. Continental Reserve Loop in the Pima Farms North Specific Plan -Villas at Sombrero Peak (Cynthia Ross)

A3 PUBLIC HEARING: Ordinance No. 2020.017: Relating to Development; amending the Continental Ranch Specific Plan Chapter V. Development Regulations, revising regulations pertaining to Congregate Care Housing, and Chapter VII. Specific Plan Implementation, revising the procedures for approval of a site plan; and establishing an effective date (Brian D. Varney)

Resolution No. 2020-126: Relating to Development; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2020.017, amending the Continental Ranch Specific Plan; Chapter V. Development Regulations revising regulations pertaining to Congregate Care Housing, and Chapter VII. Specific Plan Implementation revising the procedures for approval of a site plan. (Brian D. Varney)

A4 PUBLIC HEARING: Ordinance No. 2020.018: Relating to Development; approving a rezoning of approximately 63.8 acres of land located on the north side of Avra Valley Road, approximately 0.70 miles east of the intersection of Avra Valley Road and Sandario Road, from 'C' Large Lot Zone and 'AG' Agricultura to 'HI' Heavy Industry (Anita McNamara)

A5 Resolution No. 2020-127: Relating to Finance; rescinding Section 3 of Mayor Honea's Amendment No. 4 to Proclamation of Local Emergency which temporarily waived the assessment of certain fees in the Town of Marana comprehensive fee schedule (Jane Fairall)

A6 Ordinance No. 2020.019: Relating to Offenses; revising Marana Town Code Title 11 (Offenses) by adding new Chapter 11-9 (Recreational Marijuana) relating to the regulation of recreational marijuana and renumbering the chapters that follow to conform; and declaring an emergency (Jane Fairall)

Resolution No. 2020-128: Relating to Offenses; declaring as a public record filed with the Town Clerk new Chapter 11-9 (Recreational Marijuana) of Title 11 (Offenses) of the Marana Town Code adopted by Marana Ordinance No. 2020.019 (Jane Fairall)

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal, and local legislation/government actions and on recent and upcoming meetings of the other governmental bodies (Terry Rozema)

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

FUTURE AGENDA ITEMS

Notwithstanding the Mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT

Council-Regular Meeting **P1**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Yiannis Kalaitzidis, Finance Director

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Budget; presentation of monthly financial revenues (July-October) of the Town's General Fund funds for the 2020-2021 fiscal year (Yiannis Kalaitzidis)

Discussion:

The Town of Marana started the new fiscal year 2020-2021 with a reduced revenue budget in anticipation of the continued negative impact of the COVID-19 pandemic to the economy.

During budget development Council and the Town Manager took steps to ensure that the Town continued to provide services at existing levels, while also presenting a structurally balanced budget, where ongoing revenues cover ongoing expenses. These steps included deferring projects to future periods, delaying or freezing the hiring of certain positions, and restricting some budget capacity until such time when fiscal year 2020-2021 revenues come in better than anticipated.

Staff will present an update of the Town's most significant General Fund revenue sources to Council on a monthly basis to assist Council in remaining informed during this period of economic uncertainty.

Overall, revenues for the month of July through October 2020 are higher than anticipated, while in some cases they are lower than amounts collected for the same periods in 2019.

While the current revenue levels are encouraging, economic data in this environment is still limited and the future continues to be uncertain. Factors that may impact the

economy include the effectiveness of current measures against the disease, additional federal relief funds, and a solution to the virus that is still several months away.

As such, staff will continue to monitor revenues and recommends maintaining the course set in the adopted Town Budget for fiscal year 2020-2021.

Staff Recommendation:
Presentation only.

Suggested Motion:
Presentation only.

Attachments

July-October 2020 Monthly update

Fiscal Year 2020-2021: Monthly Update Revenues July - October

MARANA AZ



ITEMS FOR DISCUSSION

- Economy - Local indicators
- July - October revenue update

FY 2021

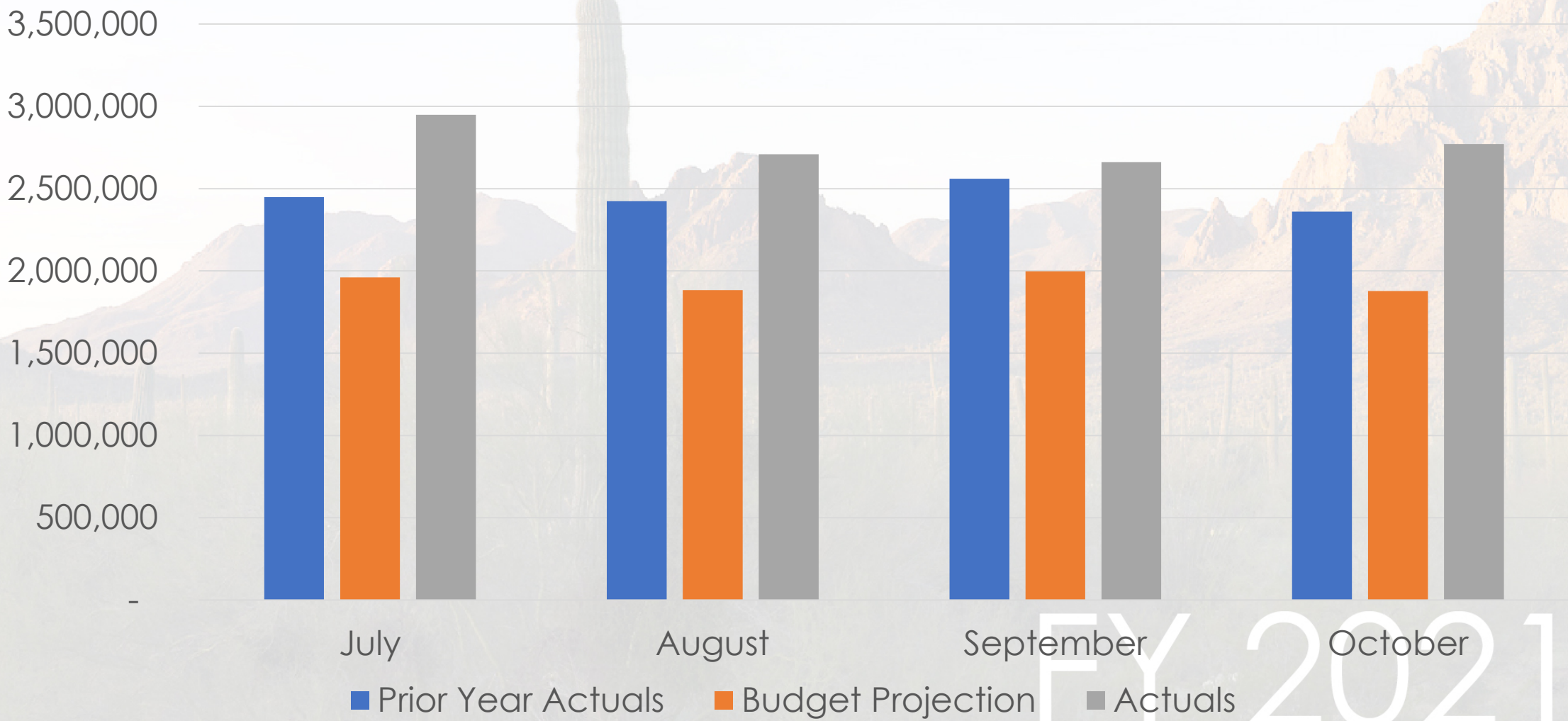
FY2021 INDICATORS

- Real-Time Indicators & Trends
  - Marana Hotel Occupancy rate fell by 8.7% (September Year over Year)
  - Marana Hotel Revenues declined by 22.8% (September Year over Year)
  - Housing Permits still being issued at good rate
    - 340 issued July-October 2020 vs. 289 July-October 2019

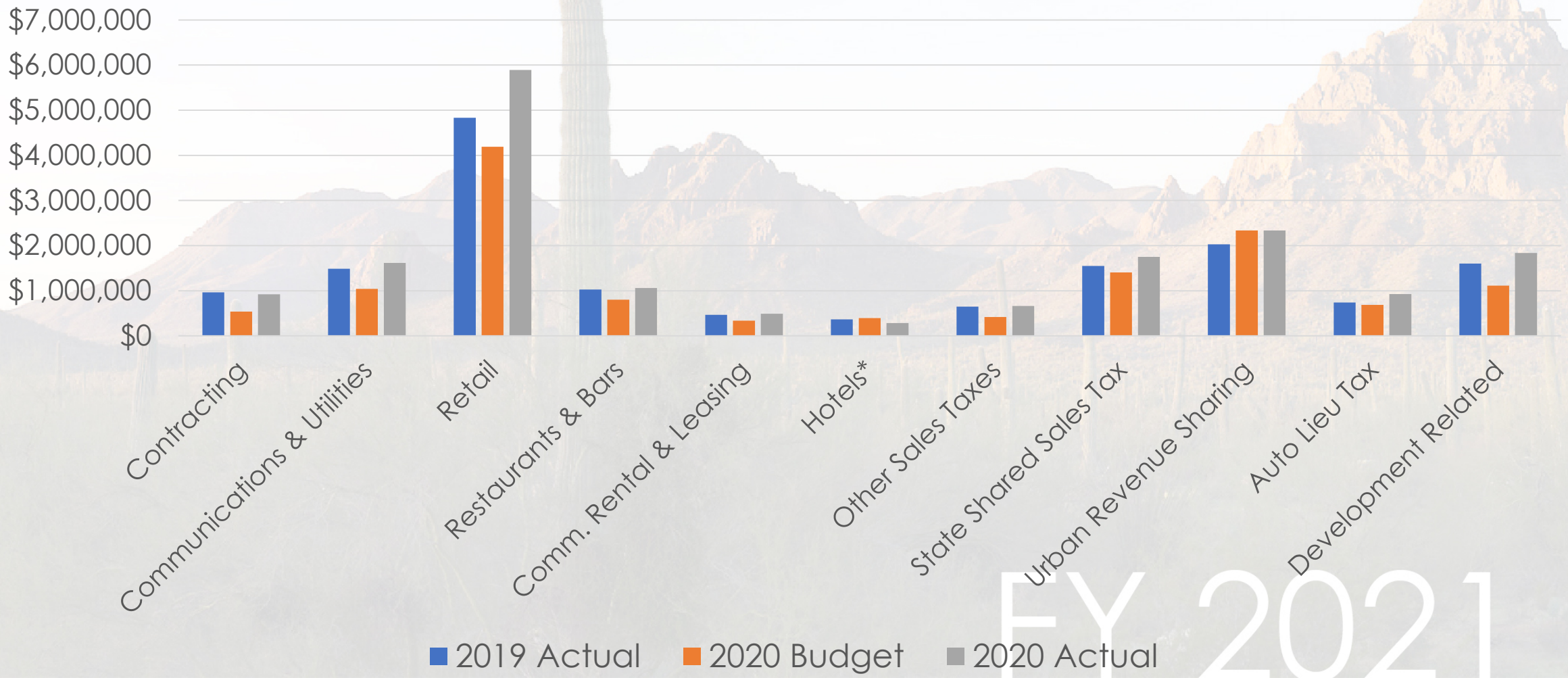
FY 2021

Sources: STR Report, Marana Development Services

July – October Revenues
General Fund Sales Taxes



July-October General Fund Collections-Year On Year Comparison



*Hotel sales taxes were adjusted for amounts that related to April-June collections but paid in July.

IN SUMMARY

- Revenues are better than anticipated
- Uncertainty remains
- The future will depend on
  - Federal relief funds
  - Virus solution (Vaccine or therapeutics)
  - Effectiveness of current measures
  - Impact of second wave of COVID-19
- Continue to monitor revenues



DISCUSSION

MARANA AZ

Council-Regular Meeting **P2**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Yiannis Kalaitzidis, Finance Director

Date: November 17, 2020

Strategic Plan Focus Area:
Commerce

Subject: Relating to Budget; presentation of first quarter results (July-September) for the Town's General Fund and other selected major funds for the 2020-2021 fiscal year (Yiannis Kalaitzidis)

Discussion:

The purpose of this item is to present a summary of the Town's first quarter financial results (July-September) for the Town's General Fund and other selected major funds for fiscal year 2020-2021. It is important to note that these results are preliminary, unaudited and subject to change based upon adjusting entries, as necessary. The attached provides a high-level revenue and expenditure summary at the end of the current quarter.

Revenue

Overall, revenues are within or above expectations for all funds at this time of the year.

- Revenues for the General Fund are better than expected due to better than anticipated sales taxes in most categories except for hotels & lodging, but also due to better than expected residential permits activity and a large dividend distribution from the Town's risk pool.
- HURF fund revenues are just above expectations, while Bed Tax fund revenues is below expectations when adjusted for collections related to returns for the months of April through June.
- Transportation fund revenues are above expectations due to stronger than anticipated residential and commercial construction activity spurred by low interest rates.
- Charges for services revenues in the enterprise funds are within expectations for this time of year.

Additional detail on these variances is included within the visualization slides attached to this item.

Expenditures

Expenditures in all funds are at or below expectations. This is primarily due to the timing of one-time projects and programs which are expected to occur in future quarters. The Water and Water reclamation funds are within expectations when excluding debt service payments that happen during the first quarter of the fiscal year.

Staff Recommendation:

Presentation of first quarter results only.

Suggested Motion:

Presentation of first quarter results only.

Attachments

FY2020-2021 First Quarter Financial Update

Financial Brief: First Quarter

Fiscal Year

2020 – 2021

Prepared by: Finance Department

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FISCAL YEAR 2020 - 2021 FIRST QUARTER FINANCIAL BRIEF

This financial brief is intended to provide a broad overview and status of revenues and expenditures for the Town's selected major funds through the first quarter of fiscal year 2021 (July 2020 - September 2020). Major funds included in this financial brief are the General Fund, Highway User Revenue Fund (HURF), Bed Tax Fund and Transportation Fund. Also included are the enterprise funds Airport, Water, and Water Reclamation. Please note that all amounts are preliminary, un-audited and subject to change based upon adjusting entries, as necessary.

The table below shows an overview for each fund.

	REVENUES			EXPENDITURES			OVER/UNDER
Fund	FY 2021 Budget	Actual	% Budget	FY 2021 Budget	Actual	% Budget	YTD Over/Under
GENERAL FUND	50,205,356	14,607,515	29%	47,851,333	8,363,363	17%	6,244,152
HURF	3,281,296	1,167,900	36%	4,166,655	340,277	8%	827,623
TRANSPORTATION FUND	5,800,000	2,128,499	37%	21,037,629	109,257	1%	2,019,242
BED TAX FUND	1,104,840	229,611	21%	1,092,603	53,039	5%	176,572
WATER FUND	7,065,276	1,896,034	27%	7,658,018	2,104,615	27%	-208,581
WATER RECLAMATION FU...	2,681,248	528,038	20%	2,497,887	258,030	10%	270,008
AIRPORT FUND	585,178	102,554	18%	585,178	77,613	13%	24,941

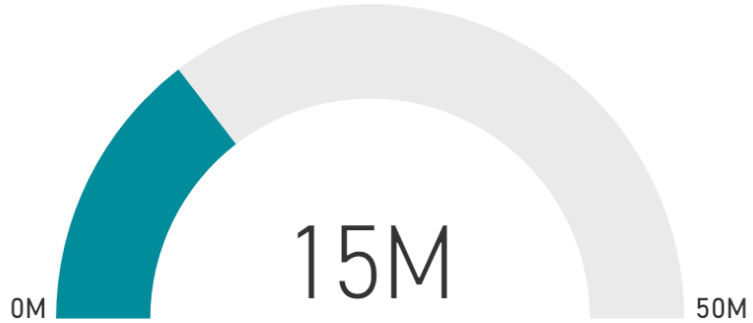
Click HERE for a User Guide and FAQ about this report

FY 2020-2021 FIRST QUARTER: GENERAL FUND REVENUES

Select Revenue or Expense

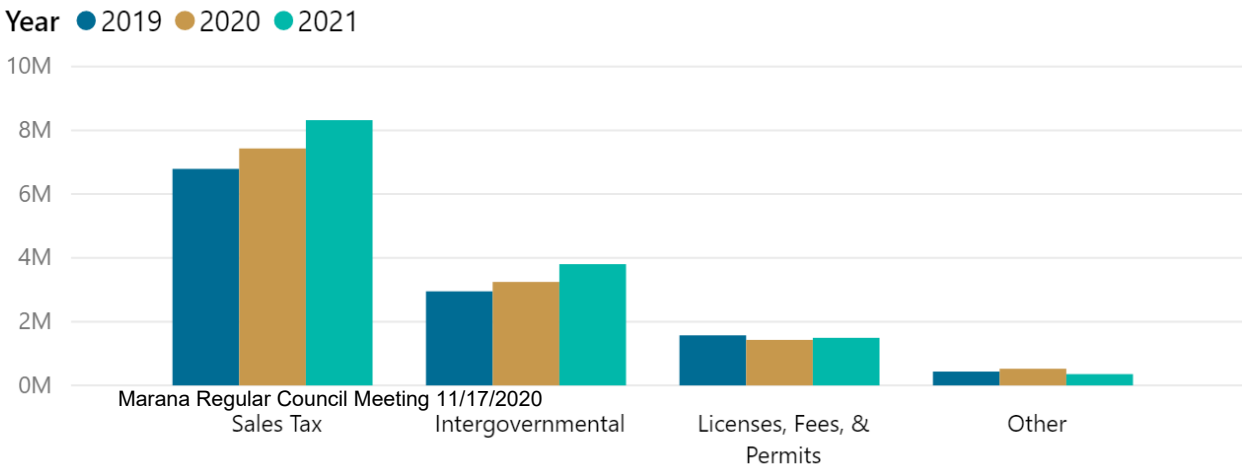
- ☐ EXPENSES
- ■ REVENUES

Category	FY 2021 Budget	Actual	% Budget
Sales Tax	24,389,464	8,319,808	34%
Intergovernmental	13,435,743	3,803,001	28%
Licenses, Fees, & Permits	4,427,112	1,538,491	35%
Charges for Services	503,000	116,801	23%
Other	7,450,037	829,413	11%
Total	**50,205,356**	**14,607,515**	**29%**



General Fund Relevant Information

The General Fund is the Town's primary operating fund. Sales Tax, Intergovernmental Revenues and Licenses, Fees, & Permits make up 95% of budgeted revenues for the fund. First quarter collections are mostly above expected levels for FY2021 due to stronger than anticipated activity in most categories. Intergovernmental Revenues are amounts received from the State's shared revenue program and are distributed based upon population estimates and economic conditions. Licenses, Fees, & Permits include Single Family Residential (SFR) permit revenue. Other revenues, comprised of various sources include investment income earnings, AMRRP dividends and budgeted transfers-in from AZ CARES funding.



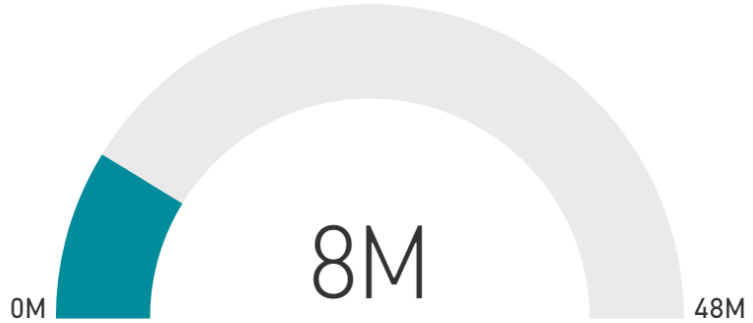
Category	2019	2020	2021
Sales Tax	6,790,954	7,431,751	8,319,808
Intergovernmental	2,950,239	3,245,275	3,803,001
Licenses, Fees, & Permits	1,654,259	1,478,729	1,538,491
Charges for Services	132,353	115,679	116,801
Other	882,631	1,039,403	829,413
Total	**12,410,437**	**13,310,837**	**14,607,515**

FY 2020-2021 FIRST QUARTER: GENERAL FUND EXPENSES

Select Revenue or Expense

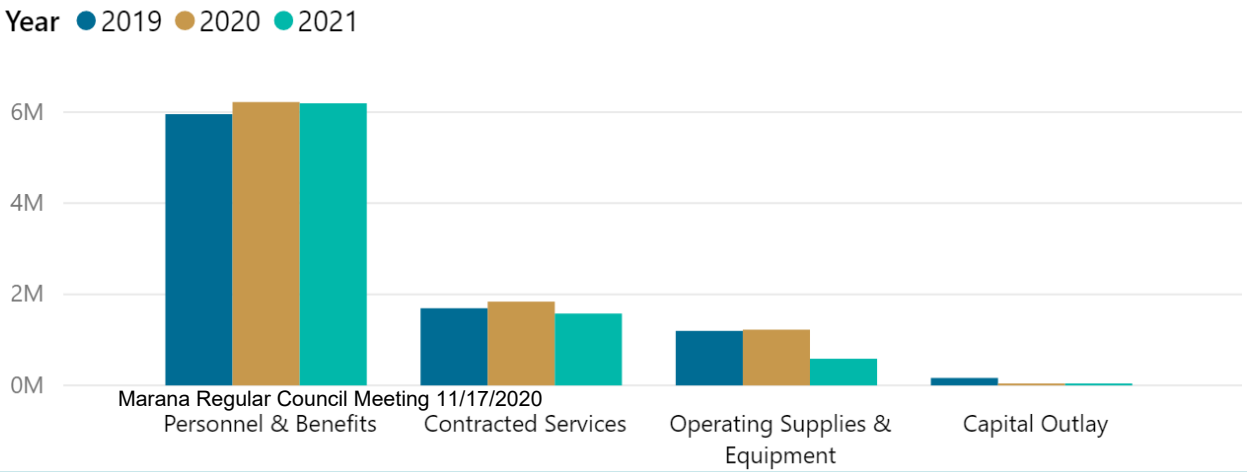
- [x] EXPENSES
- [ ] REVENUES

Category	FY 2021 Budget	Actual	% Budget
Personnel & Benefits	30,344,536	6,194,093	20%
Contracted Services	5,457,114	1,570,380	29%
Operating Supplies & Equipment	5,833,253	585,190	10%
Capital Outlay	1,524,105	13,700	1%
Other Financing Uses	4,692,325		
Total	**47,851,333**	**8,363,363**	**17%**



General Fund Relevant Information

General Fund expenses through the first quarter of FY2021 are overall as expected. Operating Supplies & Equipment is below budget primarily due to developer rebates that are processed after the end of the first quarter and due to the vehicle replacement program which has largely been paused as we monitor the state of the economy. Capital Outlay is primarily associated with large projects such as the Pines Roadway Stabilization and the Downtown Visitor's Center. Other Financing Uses is related to all budgeted transfers, scheduled to take place later in the fiscal year.



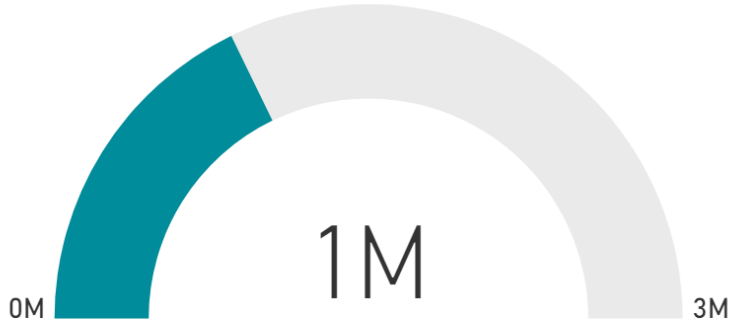
Category	2019	2020	2021
Personnel & Benefits	5,955,534	6,221,230	6,194,093
Contracted Services	1,692,022	1,834,622	1,570,380
Operating Supplies & Equipm...	1,195,176	1,224,063	585,190
Capital Outlay	163,536	42,717	13,700
Other Financing Uses	4,000	4,000	
Total	**9,010,267**	**9,326,632**	**8,363,363**

FY 2020-2021 FIRST QUARTER: HURF REVENUES

Select Revenue or Expense

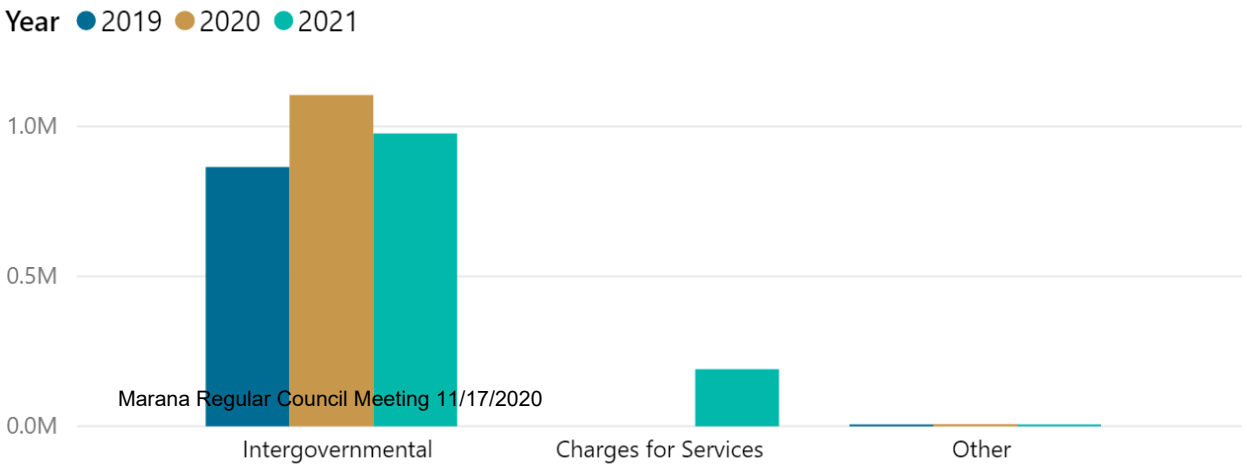
- ☐ EXPENSES
- ■ REVENUES

Category	FY 2021 Budget	Actual	% Budget
Intergovernmental	3,276,296	976,963	30%
Charges for Services	0	190,631	0%
Other	5,000	306	6%
Total	**3,281,296**	**1,167,900**	**36%**



HURF Relevant Information

The Highway User Revenue Fund or HURF is set by the collection of fees and taxes from users of the State's roads and highways which the State collects. Cities and towns receive a percentage of revenues based on population estimates and gasoline sales within each county. First quarter HURF revenue collections are above forecasted levels. Charges for services are pavement in lieu of fees collected from third parties to be expended for the preservation of roads. Other revenue is comprised of investment income.



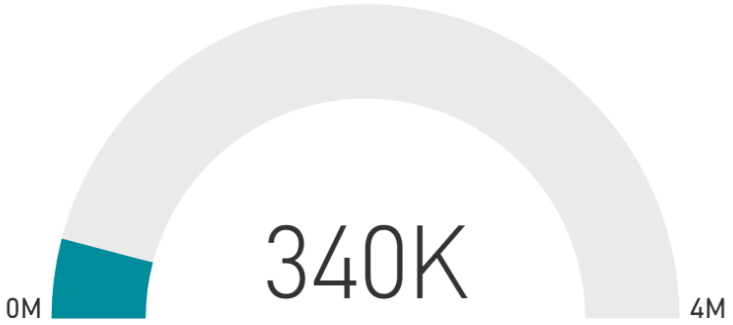
Category	2019	2020	2021
Intergovernmental	864,915	1,105,129	976,963
Charges for Services			190,631
Other	6,105	7,345	306
Total	**871,020**	**1,112,474**	**1,167,900**

FY 2020-2021 FIRST QUARTER: HURF EXPENSES

Select Revenue or Expense

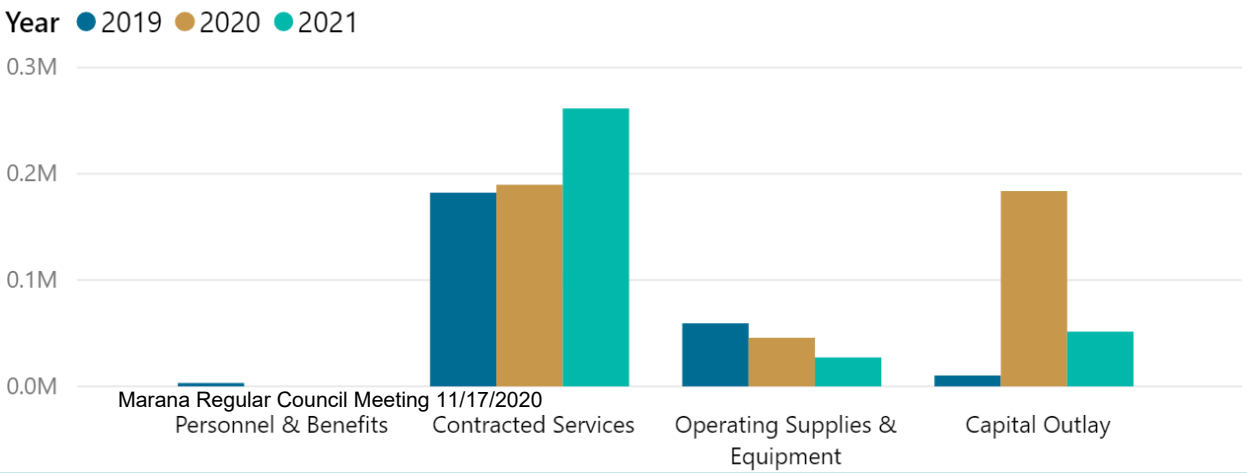
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Category	FY 2021 Budget	Actual	% Budget
Contracted Services	2,969,230	261,522	9%
Operating Supplies & Equipment	240,000	27,250	11%
Capital Outlay	298,155	51,505	17%
Other Financing Uses	659,270		
Total	**4,166,655**	**340,277**	**8%**



HURF Relevant Information

HURF expenses are below budgeted amounts through the first quarter of FY2021. Contracted Services is sharply below budget due to the timing of the Town's Pavement Preservation Program scheduled to take place later in the fiscal year. Operating Supplies & Equipment are below budgeted levels due to savings in fuel and oil and in utility costs, as the Town continues the process of converting to LED street lamps. Capital Outlay is associated with capital projects that are just getting started and will be completed later this fiscal year. Other Financing Uses is restricted budget for possible monsoon storm damage and vehicle/equipment purchases.



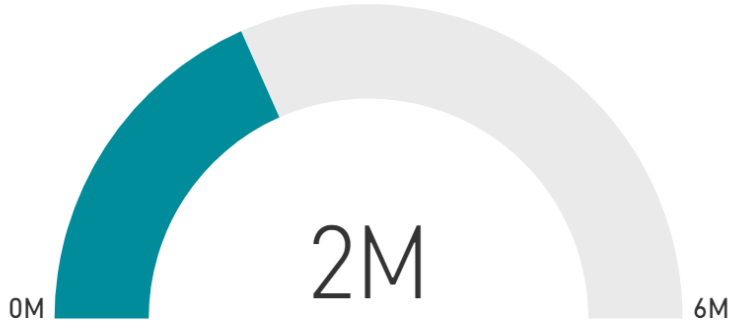
Category	2019	2020	2021
Personnel & Benefits	3,194		
Contracted Services	182,278	189,759	261,522
Operating Supplies & Equipm...	58,694	45,765	27,250
Capital Outlay	10,250	183,806	51,505
Total	**254,416**	**419,330**	**340,277**

FY 2020-2021 FIRST QUARTER: TRANSPORTATION FUND REVENUES

Select Revenue or Expense

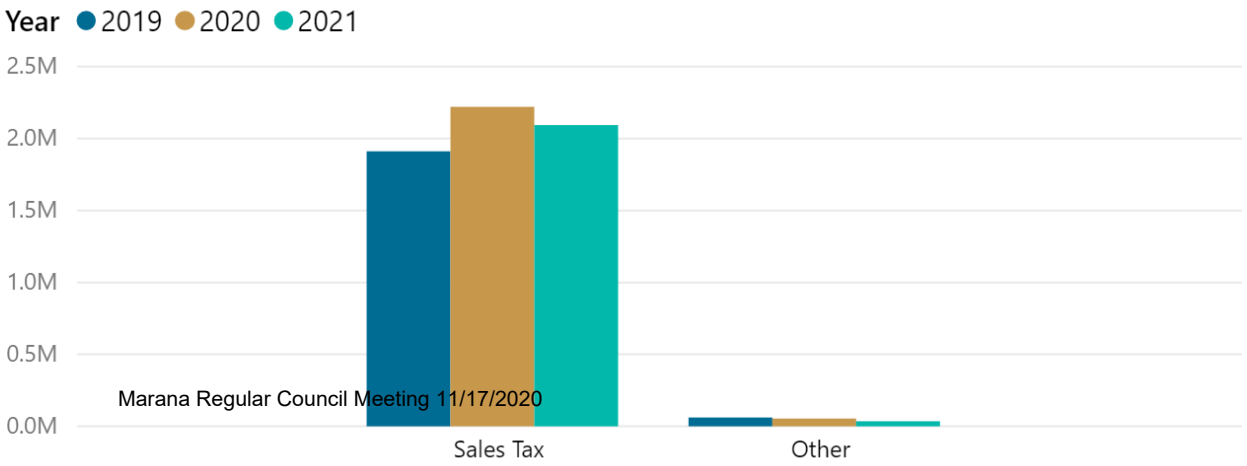
- ☐ EXPENSES
- ■ REVENUES

Category	FY 2021 Budget	Actual	% Budget
Sales Tax	5,750,000	2,093,305	36%
Other	50,000	35,194	70%
Total	**5,800,000**	**2,128,499**	**37%**



Transportation Fund Relevant Information

The Transportation Fund is comprised of 75% of all contracting taxes collected by the Town and is to be used for new road construction and reconstruction projects. First quarter revenue collections are higher than anticipated due to strong residential housing (258 SFR permits issued vs. 617 budgeted for the year) and commercial construction spurred by low interest rates. Other revenue is comprised of investment income.



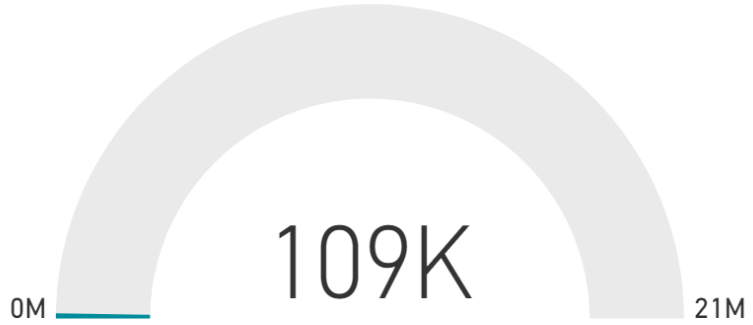
Category	2019	2020	2021
Sales Tax	1,911,167	2,220,199	2,093,305
Other	61,258	54,128	35,194
Total	**1,972,426**	**2,274,327**	**2,128,499**

FY 2020-2021 FIRST QUARTER: TRANSPORTATION FUND EXPENSES

Select Revenue or Expense

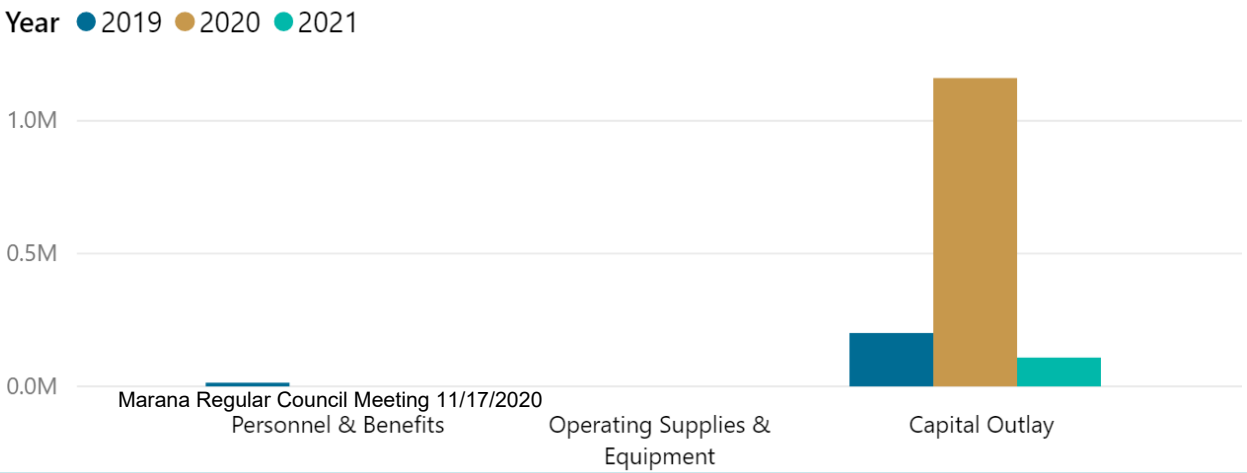
- EXPENSES
- REVENUES

Category	FY 2021 Budget	Actual	% Budget
Operating Supplies & Equipment	996,200	0	0%
Capital Outlay	19,347,698	108,446	1%
Debt Service	0	811	0%
Other Financing Uses	693,731		
Total	**21,037,629**	**109,257**	**1%**



Transportation Fund Relevant Information

Transportation Fund expenses are below budgeted levels through the first quarter of FY2021. Operating Supplies & Equipment is associated with ongoing developer reimbursements paid on a quarterly basis after the end of the first quarter. Capital Outlay is associated with CIP projects many of which kicked off during the first quarter while others are scheduled to take place later in the fiscal year such as the Avra Valley Road, Camino de Oeste and Lon Adams reconstructions, and the Adonis Road extension project. Other Financing Uses is associated with planned transfers related to debt service.



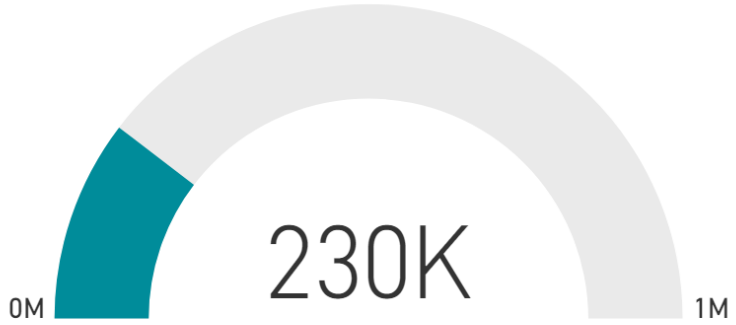
Category	2019	2020	2021
Personnel & Benefits	13,959		
Operating Supplies & Equipm...			0
Capital Outlay	199,280	1,160,451	108,446
Debt Service	1,243	1,023	811
Total	**214,482**	**1,161,474**	**109,257**

FY 2020-2021 FIRST QUARTER: BED TAX FUND REVENUES

Select Revenue or Expense

- ☐ EXPENSES
- ■ REVENUES

Category	FY 2021 Budget	Actual	% Budget
Sales Tax	1,104,840	229,611	21%
Total	**1,104,840**	**229,611**	**21%**



Bed Tax Fund Relevant Information

The Bed Tax Fund accounts for the collection of the discriminatory portion of revenues restricted for tourism initiatives. First quarter revenue collections for FY2021 are below forecasted levels due to the impact of the pandemic on the hospitality industry. Town staff will continue to monitor these revenues closely over the next few months.



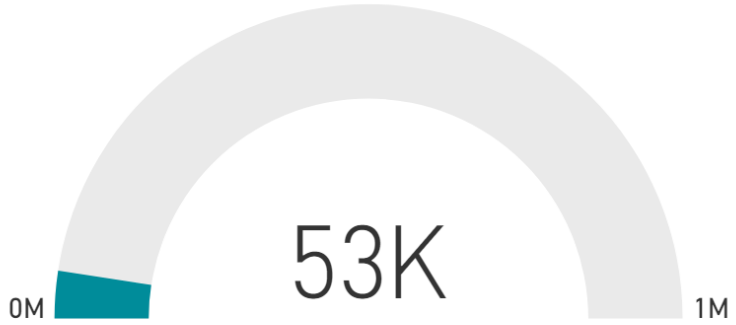
Category	2019	2020	2021
Sales Tax	159,142	273,687	229,611
Total	**159,142**	**273,687**	**229,611**

FY 2020-2021 FIRST QUARTER: BED TAX FUND EXPENSES

Select Revenue or Expense

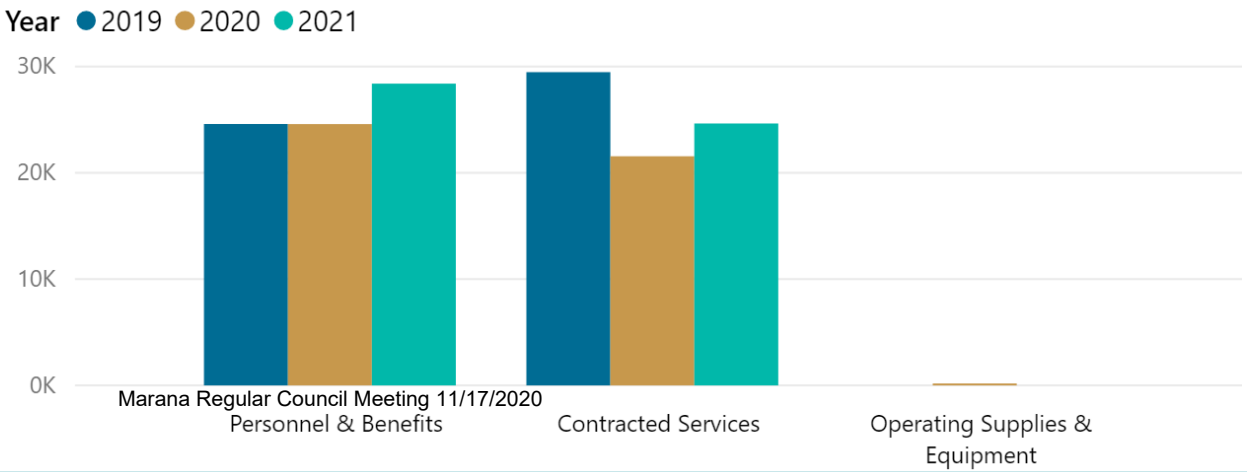
- EXPENSES
- REVENUES

Category	FY 2021 Budget	Actual	% Budget
Personnel & Benefits	137,707	28,394	21%
Contracted Services	829,891	24,645	3%
Operating Supplies & Equipment	125,005		
Total	**1,092,603**	**53,039**	**5%**



Bed Tax Fund Relevant Information

As a whole, the Bed Tax Fund is spending it's resources as expected through the first quarter of FY2021. Contracted Services are below budget due to the timing of the annual State Land lease payment which is due in the second fiscal quarter. Operating Supplies & Equipment should reach budgeted levels as the winter tourism season approaches.



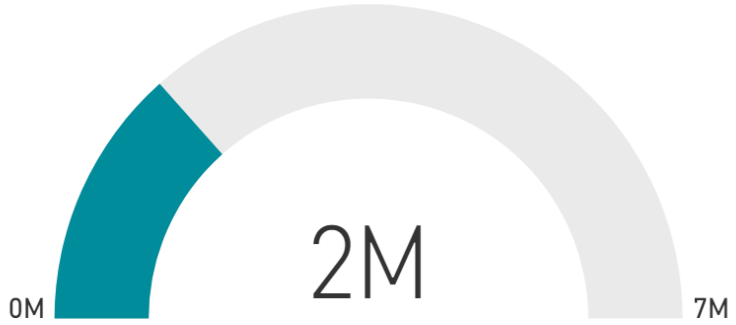
Category	2019	2020	2021
Personnel & Benefits	24,596	24,588	28,394
Contracted Services	29,474	21,550	24,645
Operating Supplies & Equipment		104	
Total	**54,070**	**46,242**	**53,039**

FY 2020-2021 FIRST QUARTER: WATER OPERATING FUND REVENUES

Select Revenue or Expense

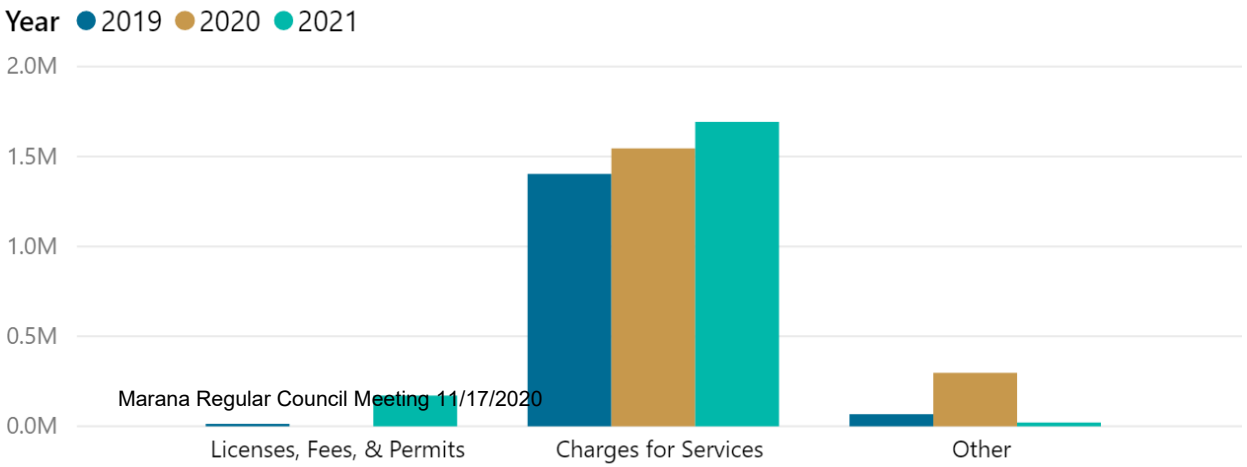
- ☐ EXPENSES
- ■ REVENUES

Category	FY 2021 Budget	Actual	% Budget
Intergovernmental	85,000		
Licenses, Fees, & Permits	42,500	170,888	402%
Charges for Services	5,655,873	1,704,136	30%
Other	1,281,903	21,010	2%
Total	**7,065,276**	**1,896,034**	**27%**



Water Fund Relevant Information

The current rates and fees for Marana Water customers can be found at - http://www.maranaaz.gov/water-rates-and-fees . Charges for Services (water sales) comprise the majority of the revenue for the fund. First quarter revenue collections are slighly above expectations for FY2021. Licenses, fees, & Permits is above expectations primarily due to fees collected in connection with the Water Treatment Plants construction. Other revenue is primarily comprised of miscellaneous revenue sources and an interfund transfer associated with a WIFA loan payment scheduled to take place later in the fiscal year.



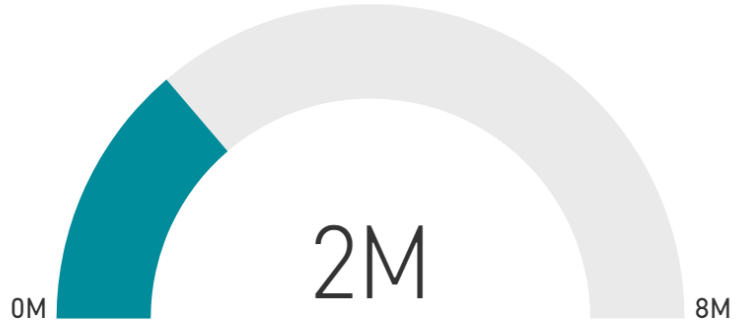
Category	2019	2020	2021
Licenses, Fees, & Permits	13,704		170,888
Charges for Services	1,413,986	1,556,416	1,704,136
Other	69,257	307,474	21,010
Total	**1,496,947**	**1,863,890**	**1,896,034**

FY 2020-2021 FIRST QUARTER: WATER OPERATING FUND EXPENSES

Select Revenue or Expense

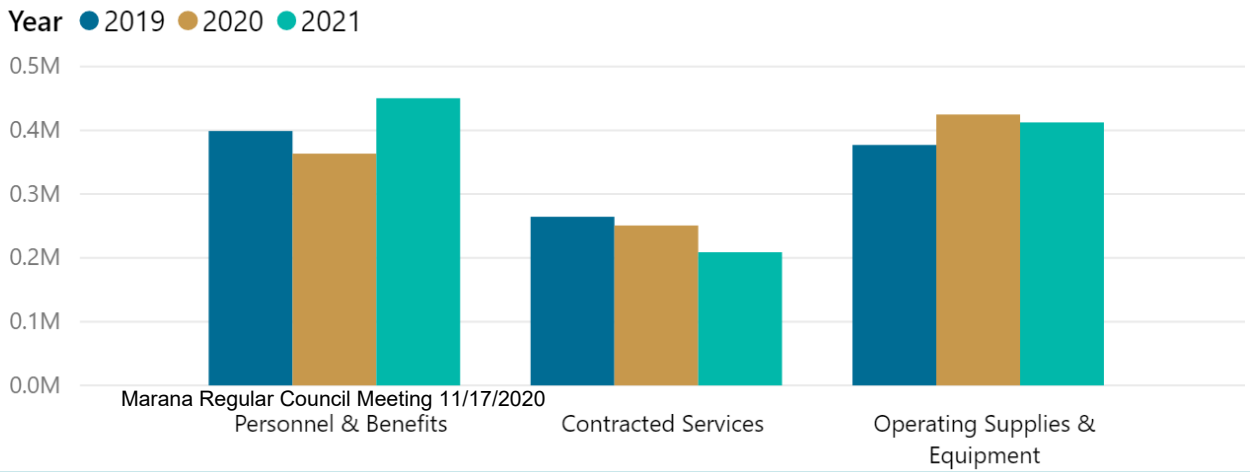
- ■ EXPENSES
- □ REVENUES

Category	FY 2021 Budget	Actual	% Budget
Personnel & Benefits	2,287,468	450,353	20%
Contracted Services	1,813,273	208,752	12%
Operating Supplies & Equipment	1,784,971	412,438	23%
Capital Outlay	114,000	56	0%
Debt Service	1,399,956	1,032,791	74%
Other Financing Uses	258,350		
Total	**7,658,018**	**2,104,390**	**27%**



Water Fund Relevant Information

Overall, FY2021 first quarter expenses for the Water Operating Fund are at or below expected levels. Capital Outlay is associated with two vehicle purchases related to the two new positions to be hired later in the year. Debt Service is related to an annual WIFA loan payment that took place in the first quarter of FY2021, as we continue to draw down the full amount of the WIFA loans that are financing the Water Treatment Plant projects. Capital costs associated with infrastructure and CIP projects are captured in separate funds.



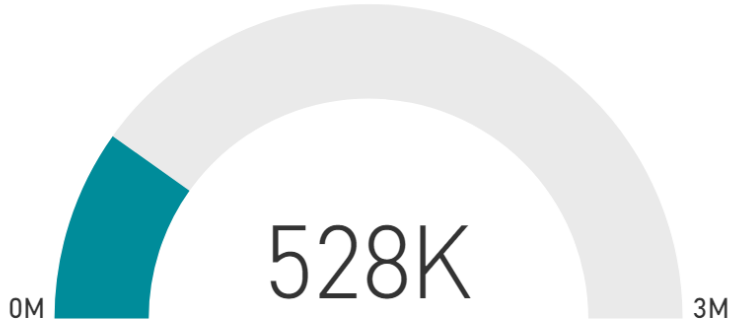
Category	2019	2020	2021
Personnel & Benefits	398,916	363,462	450,353
Contracted Services	263,648	250,755	208,752
Operating Supplies & Equipm...	377,060	424,861	412,438
Capital Outlay	90,468		56
Debt Service	407,000	1,009,469	1,032,791
Total	**1,537,091**	**2,048,548**	**2,104,390**

FY 2020-2021 FIRST QUARTER: WATER RECLAMATION OPERATING FUND REVENUES

Select Revenue or Expense

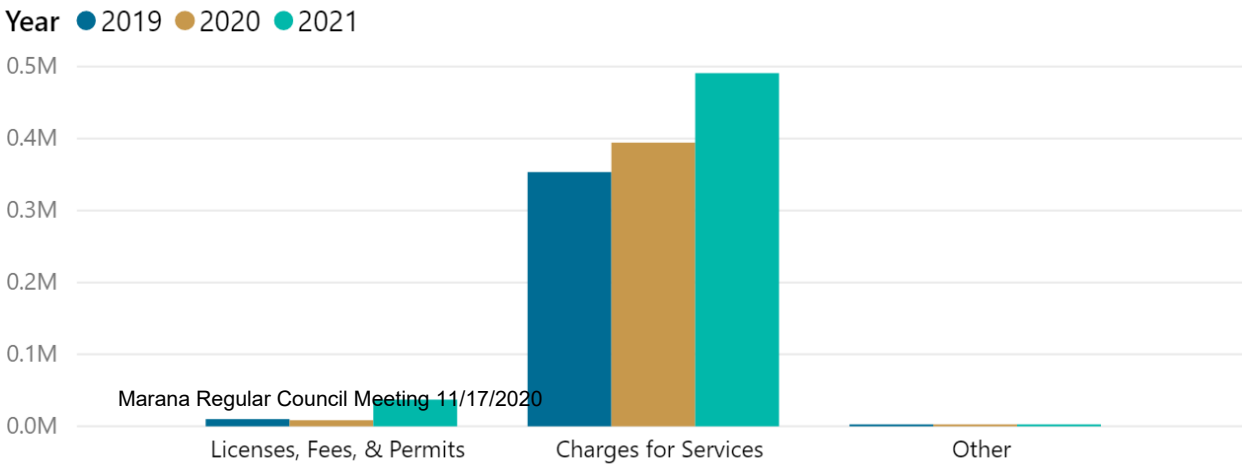
- ☐ EXPENSES
- ■ REVENUES

Category	FY 2021 Budget	Actual	% Budget
Licenses, Fees, & Permits	28,900	37,106	128%
Charges for Services	1,841,278	490,877	27%
Other	811,070	55	0%
Total	**2,681,248**	**528,038**	**20%**



Water Reclamation Fund Relevant Information

The current rates and fees for Marana Sewer customer can be found at - http://www.maranaaz.gov/water-rates-and-fees. Charges for Services (sewer rates) comprise the majority of the revenue for the fund. Overall, preliminary FY2021 first quarter revenue collections are as expected. Licenses, Fees, & Permits are above expectations due to stronger than anticipated growth. The majority of Other revenue is mainly related to budgeted transfers between funds for debt service payments that are scheduled to take place later in the fiscal year.



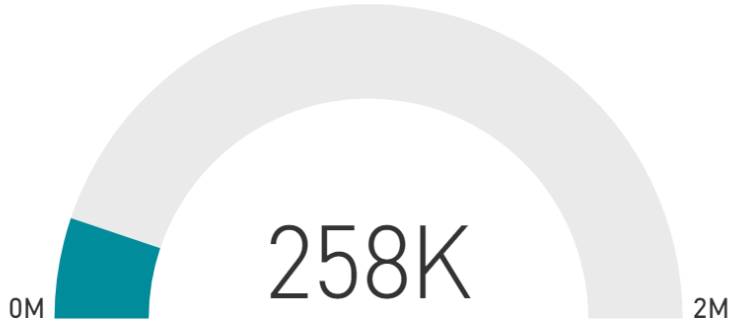
Category	2019	2020	2021
Licenses, Fees, & Permits	10,018	9,439	37,106
Charges for Services	353,359	394,304	490,877
Other	962	2,167	55
Total	**364,340**	**405,911**	**528,038**

FY 2020-2021 FIRST QUARTER: WATER RECLAMATION OPERATING FUND EXPENSES

Select Revenue or Expense

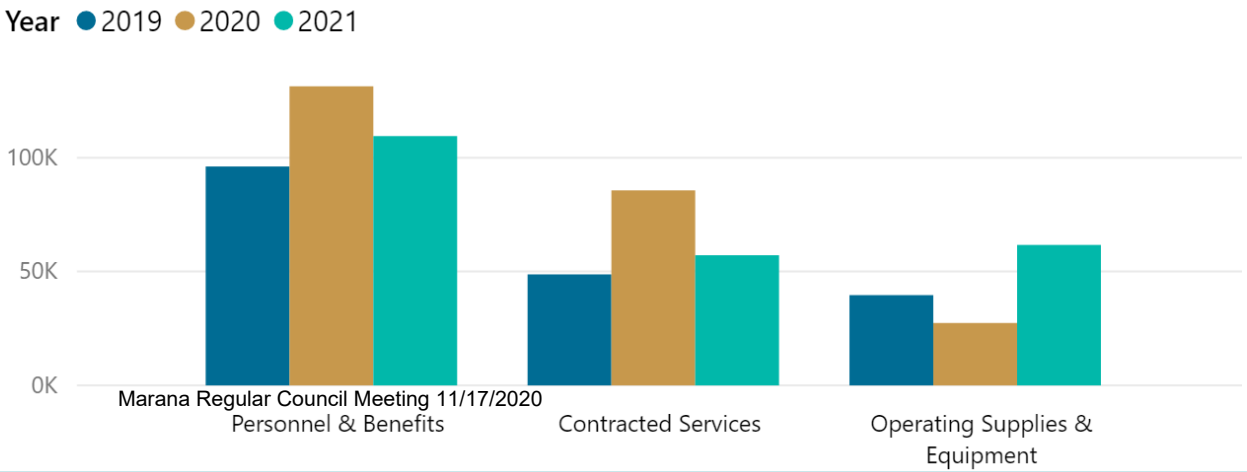
- EXPENSES
- REVENUES

Category	FY 2021 Budget	Actual	% Budget
Personnel & Benefits	583,306	109,471	19%
Contracted Services	427,000	57,163	13%
Operating Supplies & Equipment	302,800	61,685	20%
Debt Service	858,781	29,711	3%
Other Financing Uses	326,000		
Total	**2,497,887**	**258,030**	**10%**



Water Reclamation Fund Relevant Information

Overall, first quarter expenses for the Water Reclamation Operating Fund are below budgeted levels but as expected at this time of the year. Debt Service is related to annual WIFA loan payments, most of which are due later in the year. Other Financing Uses is associated with transfers out and restricted budget amounts. Capital costs associated with infrastructure and CIP projects are captured in separate funds.



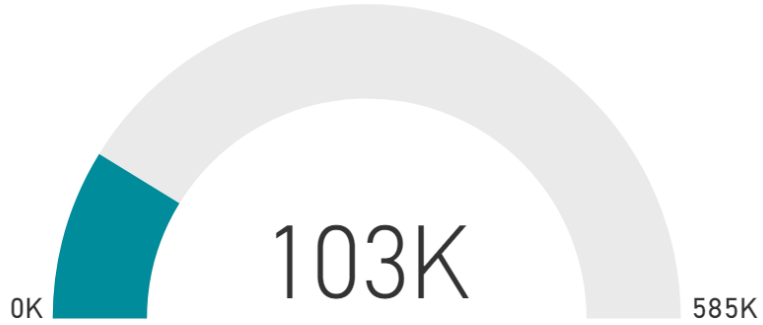
Category	2019	2020	2021
Personnel & Benefits	96,132	131,332	109,471
Contracted Services	48,675	85,643	57,163
Operating Supplies & Equipm...	39,640	27,410	61,685
Capital Outlay		3,044	
Debt Service	404,534	28,984	29,711
Total	**588,981**	**276,413**	**258,030**

FY 2020-2021 FIRST QUARTER: AIRPORT OPERATING FUND REVENUES

Select Revenue or Expense

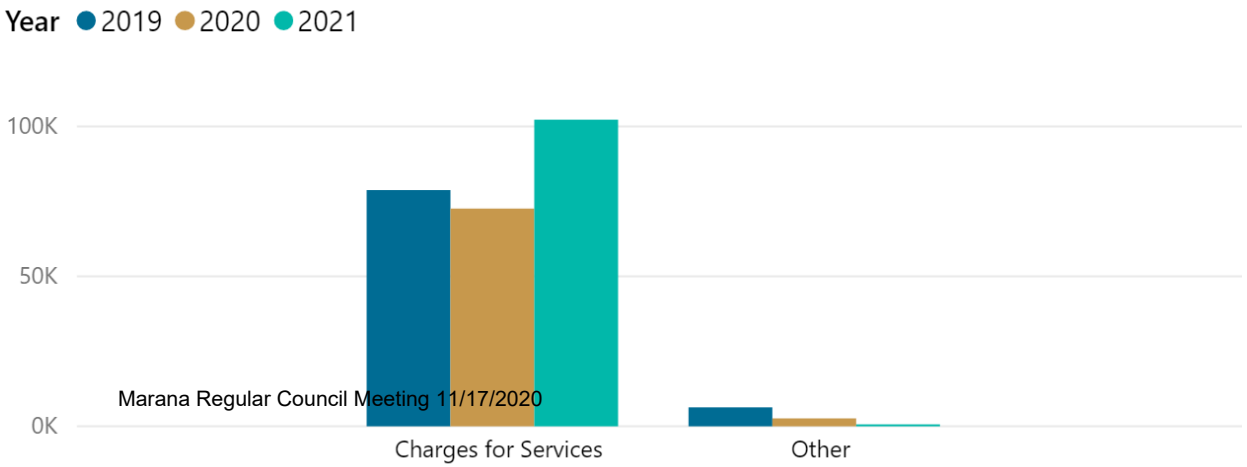
- ☐ EXPENSES
- ■ REVENUES

Category	FY 2021 Budget	Actual	% Budget
Charges for Services	360,336	102,288	28%
Other	224,842	266	0%
Total	**585,178**	**102,554**	**18%**



Airport Fund Relevant Information

Overall, preliminary first quarter revenue collections for the Airport Fund are as expected. Charges for Services comprise of the majority of budgeted operating revenue, while Other revenue is primarily comprised of miscellaneous revenues and transfers between funds scheduled to take place once all fund activity is finalized.



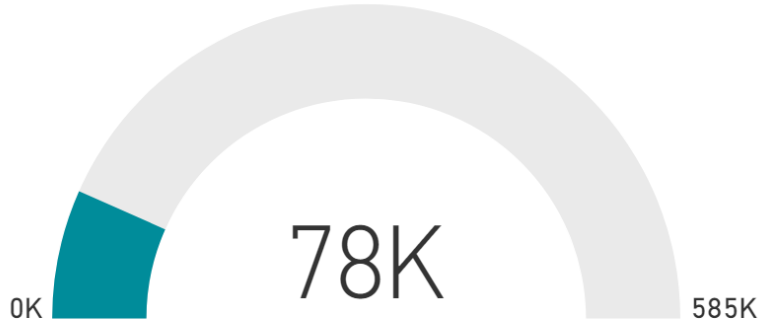
Category	2019	2020	2021
Charges for Services	78,808	72,634	102,288
Other	6,327	2,645	266
Total	**85,135**	**75,279**	**102,554**

FY 2020-2021 FIRST QUARTER: AIRPORT OPERATING FUND EXPENSES

Select Revenue or Expense

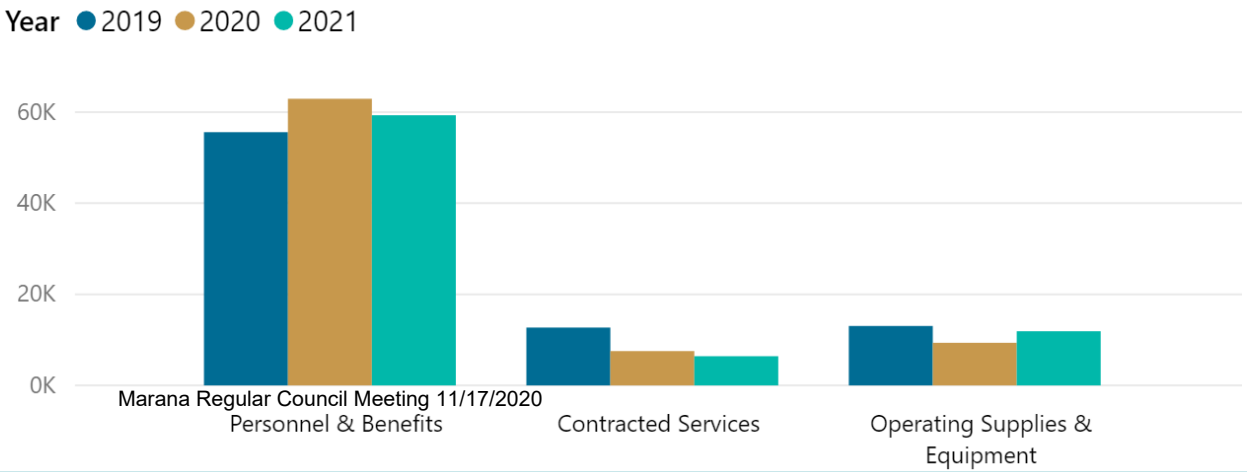
- EXPENSES
- REVENUES

Category	FY 2021 Budget	Actual	% Budget
Personnel & Benefits	290,663	59,315	20%
Contracted Services	108,665	6,406	6%
Operating Supplies & Equipment	60,850	11,891	20%
Other Financing Uses	125,000		
Total	**585,178**	**77,613**	**13%**



Airport Fund Relevant Information

Overall, expenses for the Airport Fund are at or below budgeted levels through the first quarter of FY2021. Other Financing Uses is related to restricted budget amounts. Costs related to CIP projects are captured in other funds.



Category	2019	2020	2021
Personnel & Benefits	55,595	62,931	59,315
Contracted Services	12,699	7,532	6,406
Operating Supplies & Equipm...	13,050	9,355	11,891
Total	**81,344**	**79,818**	**77,613**

Council-Regular Meeting **C1**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Yiannis Kalaitzidis, Finance Director

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2020-120: Relating to Budget; approving the transfer of $85,500 and $650 in budgeted expenditure authority from the General Fund contingency line item to the restricted budget line items within the Police Department and the Legal Department, respectively, in the fiscal year 2019-2020 budget (Yiannis Kalaitzidis)

Discussion:

The budget for fiscal year 2019-2020 was adopted on June 18, 2019, which set the legal level of budgetary control at the department level for the General Fund and at the fund level for all other funds. Council approval is required for budgetary transfers between General Fund departments, between funds, and for any transfer of contingency. The purpose of this item is to request transfers of General Fund contingency to the Police and Legal Departments, which exceeded their legal level of budgetary control due to unanticipated costs. This item is part of the normal year-end annual closing and reconciliation process. The following provides additional detail on those costs:

Unanticipated Police Department Costs

Transfer of General Fund expenditure authority from the contingency line item to the Police Department restricted budget line item for the amount of $85,500 as a result of the following:

- Personnel Costs – Overall budget overages were due to a combination of factors including unanticipated overtime due to COVID-19, as well as greater than budgeted retirement contributions. The latter exceeded the allocated budget primarily due to a budget process precision issue which will be addressed in the fiscal year 2021-2022 budget process. The overage is less than 1% of the Police Department's budget of $14.6 million.

Unanticipated Legal Department Costs

Transfer of General Fund expenditure authority from the contingency line item to the Legal Department restricted budget line item for the amount of $650 as a result of the following:

- Professional Services Costs - Approximately $15,863 is attributable to outside counsel and representation in the SAHBA v. Town of Marana lawsuit which was not a budgeted expense. The additional lawsuit costs were mostly offset by costs savings in other line items such as travel. The overage is less than 1% of the Legal Department's budget of $1.043 million.

The unanticipated costs described above will be included within the Town's annual financial statements which will be presented to Council in the near future, once the Town's external auditors complete their audit. If approved, the expenditure transfer of contingency described in this report will not increase overall, actual expenditures.

Financial Impact:

Fiscal Year:	2020
Budgeted Y/N:	Y
Amount:	NA

The requested budget adjustment does not increase the overall expenditure amount for the General Fund. The transfer would only reallocate existing budgetary authority to other department line item budgets.

Staff Recommendation:

Staff recommends approval of the budget transfer from the General Fund contingency line item to the Police and Legal Department budgets for unanticipated costs.

Suggested Motion:

I move to adopt Resolution No. 2020-120, approving the transfer of $85,500 and $650 in budgeted expenditure authority from the General Fund contingency line item to the restricted budget line items within the Police Department and the Legal Department, respectively, in the fiscal year 2019-2020 budget

Attachments

Resolution 2020-120

MARANA RESOLUTION NO. 2020-120

RELATING TO BUDGET; APPROVING THE TRANSFER OF $85,500 AND $650 IN BUDGETED EXPENDITURE AUTHORITY FROM THE GENERAL FUND CONTINGENCY LINE ITEM TO THE RESTRICTED BUDGET LINE ITEMS WITHIN THE POLICE DEPARTMENT AND THE LEGAL DEPARTMENT, RESPECTIVELY, IN THE FISCAL YEAR 2019-2020 BUDGET

WHEREAS on June 18, 2019, the Town Council adopted the fiscal year 2019-2020 budgetary document and overall financial plan which set the legal level of budgetary control at the department level for the General Fund and at the fund level for all other funds; and

WHEREAS the Police and Legal Departments incurred unanticipated costs which could not be offset by savings within other budgetary line items; and

WHEREAS transferring amounts within the fiscal year 2019-2020 budget will not significantly impact the General Fund; and

WHEREAS reallocations of budgetary amounts between the contingency line item in the General Fund to other line items are necessary from time to time; and

WHEREAS the Council finds that the reallocations addressed by this resolution are in the best interest of the Town of Marana and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

SECTION 1. The transfer of $85,500 to the restricted budget line item within the Police Department and $650 to the restricted budget line item within the Legal Department from the General Fund's budgeted contingency line item in the fiscal year 2019-2020 budget is hereby approved.

SECTION 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 17th day of November, 2020.

Mayor Ed Honea

ATTEST:

Cherry Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Interim Town Attorney

Council-Regular Meeting **C2**

Meeting Date: 11/17/2020

To: Mayor and Council

Submitted For: Scott Schladweiler, Water Director

From: Amanda Jones, Water Business Coordinator

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2020-121: Relating to Utilities: approving and authorizing the Mayor to sign a new intergovernmental agreement, effective December 1, 2020, between the Town of Marana and Pima County for provision of water consumption data and sewer user account billing services (Scott Schladweiler)

Discussion:

The Marana Water Department processes billing for Pima County Regional Wastewater Reclamation Department (RWRD) customers each month and sends appropriate data and revenues to RWRD. For this service, the Town is reimbursed per customer account processed based on an intergovernmental agreement signed in 2014. The rate defined in the 2014 agreement is $1.27 per customer per month, and the agreement will expire on November 30, 2020.

Town staff have negotiated a new, three-year intergovernmental agreement with Pima County that provides several optional one-year contract extensions. Under the terms of the new intergovernmental agreement, the rate is increased from $1.27 to $1.59 per account per month to cover the cost of providing data and sewer billing services to RWRD.

Financial Impact:

Fiscal Year:	FY21
Budgeted Y/N:	Y
Amount:	$65,000

The update to the fee will happen halfway through the fiscal year and will likely only be a slight increase in the projected revenues from the current budget. Existing budgeted revenues for FY21 are approximately $48,000.

Staff Recommendation:

Staff recommends adoption of Resolution No. 2020-121, approving and authorizing the Mayor to sign a new intergovernmental agreement, effective December 1, 2020, between the Town of Marana and Pima County for provision of water consumption data and sewer user account billing services.

Suggested Motion:

I move to adopt Resolution No. 2020-121, approving and authorizing the Mayor to sign a new intergovernmental agreement, effective December 1, 2020, between the Town of Marana and Pima County for provision of water consumption data and sewer user account billing services.

Attachments

Resolution 2020-121

Exhibit A to Resolution No. 2020-121

Exhibit A to Intergovernmental Agreement

MARANA RESOLUTION NO. 2020-121

RELATING TO UTILITIES: APPROVING AND AUTHORIZING THE MAYOR TO SIGN A NEW INTERGOVERNMENTAL AGREEMENT, EFFECTIVE DECEMBER 1, 2020, BETWEEN THE TOWN OF MARANA AND PIMA COUNTY FOR PROVISION OF WATER CONSUMPTION DATA AND SEWER USER ACCOUNT BILLING SERVICES

WHEREAS Pima County operates and maintains a public sanitary sewerage system and is the designated public sewer system provider for the eastern and southern portions of the Town of Marana; and

WHEREAS the Town of Marana is the potable water provider for a portion of the area that receives sewer service from Pima County; and

WHEREAS the Town and Pima County previously entered into an intergovernmental agreement, effective December 1, 2014, for the provision of water consumption data and sewer user account billing services, which, with previously adopted extensions, terminates on November 30, 2020; and

WHEREAS the Town and Pima County desire to enter into a new intergovernmental agreement, effective December 1, 2020, for the provision of water consumption data and sewer user account billing services.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

SECTION 1. The new intergovernmental agreement between the Town of Marana and Pima County for provision of water consumption data and sewer user account billing services set forth in the agenda materials accompanying this resolution is hereby approved, and the Mayor is hereby authorized to sign it for and on behalf of the Town of Marana.

SECTION 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the intergovernmental agreement.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 17th day of November, 2020.

Mayor Ed Honea

ATTEST:

Cherry Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Interim Town Attorney

Intergovernmental Agreement
between
Pima County
and the
Town of Marana
for
the provision of
Water Consumption Data

This Intergovernmental Agreement (IGA) is entered into by and between Pima County, a body politic and corporate of the State of Arizona ("County") and the Town of Marana ("Town") pursuant to A.R.S. § 11-952.

Recitals

A. County and Town may contract for services and enter into agreements with one another for joint or cooperative action pursuant to A.R.S. § 11-951, *et seq*.

B. County and Town desire to exchange proprietary water use information for the purpose of calculating billings to sewer users.

Therefore, County and Town, pursuant to the above and in consideration of the matters set forth herein, mutually agree as follows:

Agreement

1. **Purpose.** The purpose of this IGA is to exchange water use data for the purpose of calculating, billing, and collecting sewer user fees from the Town's customers.

2. **Scope of Services**. See attached Exhibit A, comprised of two (2) pages.

3. **Financing**.

    a. For the services described in Exhibit A - Scope of Services, the County agrees to pay Town a monthly administrative and billing fee (collectively, the "Unit Price") of $1.59 per account per month, for the purpose of reimbursing the Town for the cost of billing and collection services each year. The billing fee is also intended to compensate Town for its implementation of cost and price control activities. Town will invoice County on a monthly basis for the billing and collection services rendered. Each invoice will include detailed documentation supporting the requested payment. Payment requests will assign all costs to items identified and authorized by this IGA. County will pay Town within 30 days for the services invoiced pursuant to this IGA. County may challenge any invoice or may request

additional supporting data, but such challenge or data request will not delay County's payment.

b. Total payment for this contract shall not exceed $65,000.00 (the "Maximum Yearly Limit") annually. In the event population growth projections indicate that the Maximum Yearly Limit will be exceeded, County and Town will meet to discuss increasing funding to cover the costs for services. The terms of this IGA, however, may only be amended pursuant to Article 20 below.

c. No state or municipal taxes are applicable to the IGA.

d. The Parties intend for the Unit Price to remain firm during the term of the IGA and changes in the Unit Price will be considered only in conjunction with the renewal of this IGA. In the event that economic conditions cause Town to seek an increase in the Unit Price, at least 90 days prior to the termination date of the IGA, Town will submit a written request to the County with supporting documents justifying any requested increase.

4. Term. The term of this Agreement commences on December 1, 2020 and will terminate on November 30, 2022 unless terminated sooner or extended pursuant to the provisions of this Agreement. The Parties may renew this IGA for up to four (4) additional one-year periods or any portion thereof.

5. Disposal of Property. Upon the termination of this IGA, all property involved will revert back to the owner. Termination will not relieve any Party from liabilities or costs already incurred, nor affect any ownership of property acquired, pursuant to this IGA.

6. Indemnification. To the extent allowed by law, each Party (as Indemnitor) agrees to indemnify, defend and hold harmless the other Party (as Indemnitee) from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the Indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

7. Insurance. During the entire term of this IGA, each Party must obtain and maintain at its own expense the following types and amounts of insurance:

a. Commercial General Liability in the amount of $2,000,000.00 combined single limit Bodily Injury and Property Damage.

b. Commercial or Business automobile liability coverage for owned, non-owned and hired vehicles used in the performance of this Contract with limits in the amount of $1,000,000.00 combined single limit or $1,000,000.00 Bodily Injury, $1,000,000.00 Property Damage.

c. If this IGA involves professional services, professional liability insurance in the amount of $1,000,000.00.

d. If required by law, workers' compensation coverage including employees' liability coverage.

Each Party will provide thirty (30) days written notice to the other Party of cancellation, non-renewal or material change of coverage.

The insurance requirements of this IGA may be alternatively met through self-insurance pursuant to A.R.S. §§ 11-261 and 11-981 or participation in an insurance risk pool under A.R.S. § 11.952.01 at no less than the minimum coverage levels set forth in this article.

8. **Compliance with Laws**. The Parties will comply with all federal, state and local laws, rules, regulations, standards and Executive Orders, without limitation to those designated within this IGA. The laws and regulations of the State of Arizona will govern the rights of the Parties, the performance of this IGA and any disputes hereunder. Any action relating to this IGA must be brought in an Arizona court in Pima County.

9. **Non-Discrimination.** The Parties will not discriminate against any County employee, client or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin in the course of carrying out their duties pursuant to this IGA. The Parties will comply with the provisions of Executive Order 75-5, as amended by Executive Order 2009-09, which are incorporated into this IGA as if set forth in full herein.

10. **ADA**. The Parties will comply with all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36.

11. **Severability.** If any provision of this IGA, or application of any provision to any person, circumstance, or the Parties, is held invalid, any such invalid provision is severable. Such invalidity will therefore not affect other provisions or applications of this IGA which can be given effect without the invalid provision or application.

12. **Termination/Cancellation**. This Agreement may be terminated by either the County or the Town with written notice to the other Party no less than one hundred-twenty days in advance of termination.

13. **Conflict of Interest.** This contract is subject to cancellation for conflict of interest pursuant to A.R.S. § 38-511, the pertinent provisions of which are incorporated herein.

14. **Non-Appropriation.** Notwithstanding any other provision in this IGA, this IGA may be terminated if for any reason the Pima County Board of Supervisors does not appropriate sufficient monies for the purpose of maintaining this IGA. In the event of such cancellation,

the County will have no further obligation to the Town other than for payment for services rendered prior to cancellation.

15. **Legal Authority**. Neither party warrants to the other its legal authority to enter into this IGA. If a court, at the request of a third person, should declare that either Party lacks authority to enter into this IGA, or any part of it, then the IGA, or parts of it affected by such order, shall be null and void, and no recovery may be had by either Party against the other for lack of performance or otherwise.

16. **Worker's Compensation**. Each Party will comply with the notice provisions of A.R.S. § 23-1022 (E). For purposes of A.R.S. §23-1022, each Party is be considered the primary employer of all personnel currently or hereafter employed by that Party, irrespective of the operations of protocol in place, and said Party will be solely responsible for the payment of Worker's Compensation benefits or other fringe benefits of said employees.

17. **No Joint Venture**. This IGA is not intended, and nothing in this IGA may be construed, to create any partnership, joint venture or employment relationship between the Parties or create any employer-employee relationship between County and any Town employees, or between Town and any County employees. Neither Party will be liable for any debts, accounts, obligations or other liabilities whatsoever of the other, including (without limitation) the other Party's obligation to withhold Social Security and income taxes for itself or any of its employees.

18. **No Third-Party Beneficiaries**. Nothing in the provisions of this IGA is intended to create duties or obligations to or rights in third parties not Parties to this IGA, or affect the legal liability of either Party by imposing any standard of care with respect to the maintenance of public facilities different from the standard of care imposed by law.

19. **Notice**. Any notice required or permitted to be given under this IGA must be in writing and served by delivery or by certified mail upon the other Party as follows (or at such other address as may be identified by a Party in writing to the other Party):

COUNTY:
Director
Regional Wastewater Reclamation Dept.
201 N. Stone, 8th Floor
Tucson AZ 85701

With copies to:
Pima County Administrator
130 W. Congress, 10th Floor
Tucson AZ 85701

TOWN:
Town Manager
Town of Marana
11555 W. Civic Center Drive
Marana AZ 85653

With copies to:
Town Attorney
Town of Marana
11555 W. Civic Center Drive
Marana AZ 85653

and:
Clerk of the Board
Pima County
130 W. Congress, 5th Floor
Tucson AZ 85701

20. Entire Agreement. This document constitutes the entire Agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are superseded and merged herein. This IGA may not be modified, amended, altered, or extended except through a written amendment signed by the Parties.

21. Counterparts. This agreement may be executed in counterparts, each of which when fully executed and delivered will constitute a duplicate original. All counterparts together shall constitute a single agreement.

In Witness Thereof, the Parties have affixed their signatures to this IGA on the date written below.

PIMA COUNTY:	**TOWN OF MARANA:**
_____	_____
Chairperson, Board of Supervisors	Mayor, Town of Marana
ATTEST:	ATTEST:
_____	_____
Clerk of the Board	Town Clerk
Date: _____	Date: _____

APPROVAL:

The foregoing Intergovernmental Agreement between Pima County and the Town of Marana has been reviewed by the undersigned, and is hereby approved as to content.

PIMA COUNTY:	**TOWN OF MARANA:**
_____	_____
Director, RWRD	Marana Water Director
_____	_____
Director, Finance Department	Marana Finance Director

Intergovernmental Agreement Determination

The foregoing Intergovernmental Agreement between Pima County and the Town of Marana has been reviewed pursuant to A.R.S. § 11-952 by the undersigned, who have determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to those Parties to the Intergovernmental Agreement represented by the undersigned.

PIMA COUNTY:	**TOWN OF MARANA:**
_____	_____
Deputy County Attorney	Town Attorney

EXHIBIT A
Scope of Services for IGA Between
Pima County and Town of Marana

The Town will perform the following sewer billing and collection services for the County

A. Provide water consumption data for each water and sewer account and provide monthly billings and collection of these accounts monthly.

B. Update all water and sewer accounts (turn-on and turn-off) to maintain an accurate active customer file.

C. Bill and disconnect delinquent sewer accounts in same manner the Town uses to bill and disconnect delinquent water accounts and transmit to the County for collecting those delinquent sewer accounts that cannot be collected through the water billing system.

D. Process sewer user fee adjustments transmitted by the County and adjust sewer user fees in accordance with adjustment policies authorized by the County.

E. Maintain an accurate, computerized sewer billing and accounts receivable.

F. Provide the County with read-only access to the computerized customer billing system maintained by the Town.

G. Provide the County with winter (December, January and February) water use data for those sewer users on the Town water system.

H. Process all customer wastewater account vacant/vacation requests consistent with Pima County Code §13.24.200(D)(4).

I. Provide a monthly report of vacant/vacation requests processed by the Town, including the account number, customer name, service address, initiation date of vacancy, and the termination date of vacancy.

J. Provide the County with all necessary and agreed upon computer-oriented reports required to effectively manage the revenues and customer accounts of the sewer utility.

K. Allow the County to insert sewer utility-related information into the monthly customer billings.

L. Provide a register showing active account status of each account on a monthly basis and provide a final delinquent account register of all accounts considered as the inactive final billing register, at County's request.

M. Provide the County all data related to the billing and collection of sewer user fees within the Town, at County's request and at no additional cost to the County.

N. Provide a Project Manager for this Agreement who shall serve as liaison with the County on all issues relating to this Agreement.

O. Permit the County to provide input with respect to any billing system changes prior to the Town's implementation.

P. Cooperate with the County to develop procedures and reporting modifications to satisfy deficiencies identified in yearly audits.

Q. Provide additional computer services in the form of special computer programs or printouts to the County at no additional cost to County, to the extent possible.

R. Maintain books, records, documents and other evidence directly pertinent to performance under this Agreement in accordance with generally accepted accounting principles and practices, maintain the financial information and data used by the Town in the preparation or support of the cost submission and a copy of the cost summary submitted to the County, and provide the County with access to such books, records, documents and other evidence for inspection, audit and copying. The Town will provide proper facilities for such access and inspection. Audits conducted under this provision will be in accordance with generally accepted auditing standards and established procedures and guidelines of the reviewing or auditing agency.

S. Permit disclosure to the County designated auditor of all information and reports resulting from access to records as described in Item R above, provided that the Town is afforded the opportunity for an audit exit conference and an opportunity to comment and submit any supporting documentation on the pertinent portions of the draft audit report and that the final audit report will include written comments of reasonable length, if any, of the Town.

The County will provide the following services for the Town

A. Adjust the Town sewer user fee accounts as required.

B. Answer sewer user complaints from Town customers.

C. Be responsible for collection of delinquent sewer accounts served by the Town after they have been written off to bad debt expense by the Town.

D. Inspect and identify any computer errors and notify the Town of any necessary changes.

Other requirements and joint responsibilities

A. Upon receipt of sewer user fee payments, the Town will deposit the funds with the County Treasurer in compliance with the Parties' agreed upon schedule.

B. At County's request and with Town's agreement, Town may provide billing and collection services for sewer accounts receiving water from private water companies, for the same fee as Town charges County under this IGA.

C. On an annual basis, County and Town will review and if appropriate, adjust, the monthly administrative billing.

D. County and Town will each provide its own security measures for its hardware and software adequate to assure confidentiality of the information each receives as a result of this agreement.

Council-Regular Meeting **C3**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Jane Fairall, Deputy Town Attorney

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2020-122: Relating to Real Estate; approving and authorizing the Mayor to execute the First Amendment to Lease Agreement with Marana Chamber of Commerce, Inc. regarding the lease of Town-owned property located at 13251 N. Lon Adams Road (Jane Fairall)

Discussion:

On October 6, 2020, the Town Council approved a lease agreement between the Town and the Marana Chamber of Commerce for the lease of a portion of the Town's building located at 13251 N. Lon Adams Road. The lease agreement and accompanying exhibit incorrectly described the property as being located at 13250 N. Lon Adams Road. The attached amendment to the lease agreement amends the lease and exhibit to correct this error.

Staff Recommendation:

Staff recommends approval of the amendment to the lease agreement with the Chamber.

Suggested Motion:

I move to adopt Resolution No. 2020-122, approving and authorizing the Mayor to execute the First Amendment to Lease Agreement with Marana Chamber of Commerce, Inc. regarding the lease of Town-owned property located at 13251 N. Lon Adams Road.

Attachments

Resolution 2020-122

MARANA RESOLUTION NO. 2020-122

RELATING TO REAL ESTATE; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO LEASE AGREEMENT WITH MARANA CHAMBER OF COMMERCE, INC. REGARDING THE LEASE OF TOWN-OWNED PROPERTY LOCATED AT 13251 N. LON ADAMS ROAD

WHEREAS on October 6, 2020, the Marana Town Council adopted Resolution No. 2020-111, approving a lease agreement between the Town and the Marana Chamber of Commerce, Inc.; and

WHEREAS the lease agreement incorrectly described the property where the leased premises are located; and

WHEREAS the Mayor and Council of the Town of Marana find that the best interests of Marana and its citizens are served by entering into an amendment to the lease agreement with the Chamber to correct the error.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, that the First Amendment to Lease Agreement with Marana Chamber of Commerce, Inc. is hereby approved in substantially the form set forth in the agenda materials accompanying this resolution, and the Mayor is authorized to sign it for and on behalf of the Town of Marana.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of November, 2020.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Interim Town Attorney

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT (this "First Amendment") is entered into by and between the TOWN OF MARANA, an Arizona municipal corporation (the "Town") and the MARANA CHAMBER OF COMMERCE, INC., an Arizona 501(c)(6) non-profit corporation (the "Chamber"). The Town and the Chamber are sometimes referred to collectively as the "Parties," either of which is sometimes individually referred to as a "Party."

RECITALS

A. The Town and the Chamber are parties to that certain lease agreement entitled "Lease Agreement" made and entered into effective December 1, 2020 (the "Lease"), by which the Town leases to the Chamber a certain portion of real property. The Lease was approved by the Marana Town Council on October 6, 2020, through the adoption of Marana Resolution No. 2020-111.

B. Paragraph 1 and Exhibit A of the Lease incorrectly described the Property where the Leased Premises are located as being at 13250 N. Lon Adams Road.

C. The Parties desire to amend the Lease to correct this error.

AGREEMENT

1. *Property*. Paragraph 1 of the Lease is hereby amended to correctly describe the Property where the Leased Premises are located as being at 13251 N. Lon Adams Road in Pima County, Arizona. Exhibit A, attached to and incorporated in the Lease, is hereby replaced by Exhibit A1, attached to this First Amendment and incorporated in the Lease.

2. *Effective Date of First Amendment*. This First Amendment shall be effective as of the signature date of the last Party to sign this First Amendment ("Effective Date").

3. *Other Terms and Provisions*. All other terms and provisions of the Lease and its exhibits not specifically changed by this First Amendment, shall remain in effect and be binding upon the Parties as provided for in the Lease. Words and phrases having a defined meaning in the Lease have the same respective meanings when used in this First Amendment unless otherwise expressly stated.

4. *Recitals*. The recitals set forth at the beginning of this First Amendment are hereby acknowledged, confirmed to be accurate, and incorporated here by reference.

5. *Entire Agreement*. This First Amendment constitutes the entire agreement between the Parties pertaining to the subject matter of this First Amendment. All prior and

contemporaneous agreements, representation and understanding of the Parties, oral or written, are hereby superseded and merged in this First Amendment.

6. *Governing Law*. This First Amendment is entered into in Arizona and shall be construed and interpreted under the laws of Arizona, and any actions to enforce or interpret the terms and provisions of this First Amendment shall be brought and maintained in Pima County, Arizona.

IN WITNESS WHEREOF, the Parties have duly executed this instrument below.

THE TOWN OF MARANA,
an Arizona municipal corporation

By: _____
Ed Honea, Mayor

Date: _____

ATTEST:

_____
Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Interim Town Attorney

MARANA CHAMBER OF COMMERCE, INC.,
an Arizona 501(c)(6) non-profit corporation

By: _____
Audra Winters, IOM
President/CEO

Date: _____

STATE OF ARIZONA)
ss.
County of Pima)

The foregoing instrument was acknowledged before me this ___ day of _____ , 2020 by Audra Winters, President/CEO of MARANA CHAMBER OF COMMERCE, INC., an Arizona 501(c)(6) non-profit corporation, on behalf of the corporation.

(Seal)

_____
Notary Public

LIST OF EXHIBITS

Exhibit A1: Map of Property


Parcel
217370610
N LON ADAMS RD
Parcel
21736004B
Parcel
217370570
Parcel
217370560
Exhibit A1 to Lease Agreement
13251 N. Lon Adams Road
N
W
E
S
MARANA AZ
0
10
20
Yards

Council-Regular Meeting **C4**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Jane Fairall, Deputy Town Attorney

Date: November 17, 2020

Strategic Plan Focus Area:

Subject: Resolution No. 2020-123: Relating to Real Estate; approving and authorizing the Mayor to execute a building access agreement with Qwest Corporation, d/b/a CenturyLink QC to grant access to the Town's property at 13249 North Lon Adams Road (Jane Fairall)

Discussion:

Staff from the Avra Valley Fire District (AVFD) contacted Town staff requesting that the Town grant CenturyLink access to the Town's communications building located at 13249 North Lon Adams Road so that CenturyLink can connect AVFD to fiber and provide services to AVFD. The proposed Building Access Agreement allows CenturyLink to place equipment and facilities in the Town's building for the purpose of serving AVFD only. CenturyLink may not use the Town's building to serve any other customers. The initial term of the agreement is 5 years, with two possible 5-year renewal periods. The Town may terminate the agreement if it determines to redevelop, remodel, demolish and/or rebuild any portion of the building. Because CenturyLink is accessing the building only to provide service to AVFD, the agreement provides that the Town will not charge any fees to CenturyLink.

Staff Recommendation:

Staff recommends approval of the agreement.

Suggested Motion:

I move to adopt Resolution No. 2020-123, approving and authorizing the Mayor to execute a building access agreement with Qwest Corporation, d/b/a CenturyLink QC to grant access to the Town's property at 13249 North Lon Adams Road.

Attachments

Resolution 2020-123
Building Access Agreement

MARANA RESOLUTION NO. 2020-123

RELATING TO REAL ESTATE; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A BUILDING ACCESS AGREEMENT WITH QWEST CORPORATION, D/B/A CENTURYLINK QC TO GRANT ACCESS TO THE TOWN'S PROPERTY AT 13249 NORTH LON ADAMS ROAD

WHEREAS the Town owns that certain real property having an address of 13249 North Lon Adams Road, Marana, Arizona 85653 ("Property"), and owns the building located on the Property ("Building"); and

WHEREAS Qwest Corporation, d/b/a CenturyLink QC ("CenturyLink") desires access to the Building to install facilities and equipment to provide services to the Avra Valley Fire Department; and

WHEREAS the Mayor and Council of the Town of Marana find that the best interests of Marana and its citizens are served by entering into the building access agreement with CenturyLink.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, that the building access agreement with Qwest Corporation, d/b/a CenturyLink QC is hereby approved in substantially the form set forth in the agenda materials accompanying this resolution, and the Mayor is authorized to sign it for and on behalf of the Town of Marana.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of November, 2020.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Interim Town Attorney

BUILDING ACCESS AGREEMENT

This Building Access Agreement ("Agreement") is made and entered into as of the "Effective Date" (as defined below) by and between **Town of Marana (**"Licensor") and **Qwest Corporation, d/b/a CenturyLink QC** and its affiliates ("Licensee").

BACKGROUND:

Licensor represents and warrants that it owns that certain real property having an address of **13249 North Lon Adams Road, Marana, Arizona 85653** ("Property"), and owns the building located on the Property ("Building"). Licensor is willing to grant a license to Licensee pursuant to the terms and conditions of this Agreement.

For good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, Licensor and Licensee agree as follows:

1. License. Licensor grants Licensee a license ("License") so that Licensee can provide communications services to the Avra Valley Fire District in the Building. This grant of License permits Licensee, its employees, agents, contractors, and affiliates a non-exclusive right: (a) to enter into, access, and use those parts of the Building, which are deemed necessary by Licensee for Licensee to construct, install, operate, maintain, upgrade, monitor, and remove any cables and miscellaneous equipment (collectively, "Equipment") at any time or from time to time in order to provide such communications services; and (b) to construct, install, operate, maintain, upgrade, monitor, and remove Equipment at any time and from time to time over, upon, under, through, and along the Property, including entrance facilities from the public right of way to the Building as indicated in the attached engineered drawings, as is deemed necessary by Licensee so that Licensee can provide such communication services, as well as the right of reasonable ingress and egress over and across the Property to access such Equipment. In the event Licensee needs roof access, it shall obtain Licensor's prior written approval. This License also extends to Licensee's non-exclusive right to use any conduit previously installed by Licensor, to the extent space is available therein and subject to Licensor's approval. Nothing contained in this Section will be construed as: (i) granting to Licensee any property or ownership rights in the Property or Licensor's other real or personal property, except as may be provided for in this Agreement; (ii) granting to Licensor any right, title, or interest in and to the Equipment; or (iii) creating a partnership or joint venture between Licensor and Licensee. Licensee will have exclusive use of any conduit it installs on the Property. This License does not grant Licensee the right to use the Building for any other customers, tenants, or occupants of the Building, other than the Avra Valley Fire District.

2. Consideration. Licensor acknowledges that the consideration received by it in connection with the grant of License is the enhanced value of the Building to current or potential tenants or occupants attributable to the installation of the Equipment, and therefore, at no time will Licensor charge Licensee any monetary fee or assessment of any kind in connection with the License and this Agreement.

3. Construction. Prior to the commencement of any work in or near the Building (including periodic installation of the Equipment), Licensee will, at its expense, prepare and deliver to Licensor plans describing all proposed work for Licensor's approval, which approval shall not be unreasonably delayed, conditioned, or withheld. By entering this Agreement, Licensor grants such approval for any plans that may be attached hereto as of the Effective Date. Licensee will: (a) perform all work in a safe manner consistent with prudent construction standards; (b) perform all work in such a way as to minimize unreasonable interference with the operation of the Building; and (c) obtain prior to the commencement of any work all federal, state and municipal permits, licenses, and approvals required in connection with such construction and work. In the event any mechanics' or materialmen's liens or other encumbrances that are caused by or result from any work performed or materials furnished by or at the request of Licensee are placed upon the

Building or Property during the Term of this Agreement, Licensee shall at its own expense, cause the same to be discharged of record or bonded around within thirty business days after Licensee receives written notice from Licensor of the filing thereof. Licensee shall have the right to contest the validity or amount of such lien or encumbrance by appropriate proceeding, provided that such lien is removed from record by Licensee by the posting of a bond or other such security in an amount sufficient to remove such lien from record within the thirty business days period.

4. Equipment. All risk associated with the Equipment will be borne by Licensee. Licensor will not be liable for damage to, theft of, misappropriation of, or loss of, the Equipment regardless of the cause, except if the cause is due to the negligence, unlawful activity, or willful misconduct of Licensor, its employees, or agents. Licensor agrees that neither it nor anyone acting by or under the authority of Licensor shall tamper with, make alterations to, or remove Equipment without the prior written consent of Licensee.

5. Relocation of Equipment. If at any time during the term of this Agreement Licensor shall desire to alter its common areas, the public spaces and/or public ways, and/or the Building, or otherwise require the relocation of the Equipment, Licensor shall provide at least 10 business days' notice to Licensee describing the need for and specifications of the relocation. In the event Licensor requires any such relocation, it shall be at Licensee's sole cost and expense. Should such request be made by Licensor, Licensee reserves the right to terminate this Agreement upon written notice to Licensor within ten (10) business days of receipt of Licensor's request. If Licensee does not terminate this Agreement, then Licensor shall allow Licensee 30 days from receipt of Licensor's request for such relocation.

6. Term. This Agreement will have an initial term of five (5) years ("Initial Term"), commencing on the Effective Date, and thereafter will automatically renew for two additional periods of five (5) years each, unless one party provides the other party written notice of its election to terminate this Agreement for one of the reasons set forth in this paragraph. The time period in which this Agreement is in effect will be referred to in this Agreement as the "Term."

a. Licensor may terminate this Agreement:
    i. For convenience, only after the Initial Term of the Agreement and upon sixty (60) days' written notice to Licensee of its election to terminate, provided, however, that Licensor shall not have the right to terminate this Agreement if Licensee is providing its services to the Avra Valley Fire District on the Property; or
    ii. At any time during the Initial Term or thereafter if Licensee is in breach of this Agreement beyond the applicable cure period after notice from Licensor has been provided; or
    iii. Notwithstanding any other term, condition, or provision of this Agreement, at any time after the Initial Term, if Licensor determines to redevelop, remodel, demolish and/or rebuild any portion of the Building, , provided that Licensor shall give Licensee written notice of such termination at least ninety (90) days prior to the termination date.
b. Licensee may terminate this Agreement:
    i. As of the date of a casualty to all or any portion of the Building if the result of such casualty is, in Licensee's reasonable judgment, to render the continued services by Licensee under this Agreement impractical; or
    ii. As of the date of condemnation or taking of all or any portion of the Building or the Property if the result of such condemnation or taking is, in Licensee's reasonable judgment, to render the continued services by Licensee under this Agreement impractical.

7. Notice. Whenever any notice or other communication (collectively, "Notice") is required or permitted under this Agreement, Notice must be in writing and sent by certified mail, return receipt requested, postage prepaid or by a nationally recognized overnight courier service to the following addresses:

If Notice to Licensor: Town of Marana

	Attn: Town Manager 11555 W Civic Center Dr. Marana, AZ 85653-7005
With a copy to:	Town of Marana Attn: Town Attorney 11555 W Civic Center Dr. Marana, AZ 85653-7005
If Notice to Licensee:	CenturyLink 6801 Gaylord Parkway, S-300 Frisco, TX 75034 Attention: Building Access Coordinator
With a copy for default notices only:	CenturyLink 931 14th Street Denver, CO 80202 Attn: Law Department

Notice will be deemed effective on the date shown on the return receipt if given by certified mail or the confirmation of delivery form if Notice is given by overnight courier service. Rejection, refusal to accept, or the inability to deliver because of a changed address of which no Notice was given will be deemed to be receipt of Notice as of the date of rejection, refusal, or inability to deliver. Either party may change its above address by giving Notice of such address change in the manner for giving Notice prescribed in this Section.

8. Indemnification and Waiver. Licensee will indemnify, defend, and hold Licensor harmless from and against any and all third party loss, cost, liability, claim, damage, and expense of whatever kind, including reasonable attorneys' fees and court costs (collectively, "Damages") to the extent such Damages arise from Licensee's breach of this Agreement or Licensee's negligence or willful misconduct; provided, however, that Licensee shall not be obligated to indemnify, defend, or hold Licensor harmless to the extent any claim arises out of or in connection with any breach by or negligence of Licensor. Licensor will indemnify, defend, and hold Licensee harmless from and against any and all Damages to the extent such Damages arise from Licensor's breach of this Agreement or Licensor's negligence or willful misconduct. Neither party shall be liable to the other party for any consequential, special, or punitive damages. The provisions of this Section will survive termination of this Agreement.

9. Insurance. Without limiting the liabilities or indemnification obligations of Licensee, Licensee will, at all times during the Term, carry and maintain at its expense the following insurance from insurers with minimum Best's ratings of "A-VII" authorized to do business in the state where the Building is located: (a) Workers' Compensation insurance in accordance with the law of the state where any work under this Agreement is being performed including Employer's Liability insurance with limits not less than $1,000,000 each accident; (b) Commercial General Liability Insurance with an occurrence limit of not less than One Million Dollars ($1,000,000) and an aggregate limit of not less than Two Million Dollars ($2,000,000) covering personal injury, bodily injury, death, property damage, products/completed operations and contractual liability; (c) Commercial Automobile Liability with limits not less than $1,000,000 combined single limit per occurrence covering bodily injury and property damage for all owned, non-owned and hired vehicles used in connection with the performance of this Agreement; and (d) "All Risk" property insurance covering its Equipment and other personal property in sufficient amounts to cover any loss of such Equipment and personal property. At all times during the Term, Licensor will carry and

maintain at its expense "All Risk" property insurance covering the Building and its equipment in amounts not less than their full replacement cost, as well as commercial general liability insurance covering claims for bodily injury, death, personal injury and property damage with a minimum limit of $1,000,000 per occurrence and $2,000,000 aggregate.

Licensor, its affiliates, subsidiaries, and parent, as well as the officers, directors, employees and agents of all such entities will be included as additional insureds on the policies described in subsections (b) and (c) above. The coverage described in subsection (b) will be primary and not contributory to insurance which may be maintained by Licensor, subject to the indemnification provisions of this Agreement. Prior to Licensee commencing any work under this Agreement, Licensee will make available to Licensor evidence of the insurance required herein. Evidence of Licensee's insurance is available at www.centurylink.com/moi.

10. Breach. If either party breaches any term or condition of this Agreement, the non-breaching party shall provide written notice specifying the nature of the breach to the breaching party. If the breaching party has not cured the breach within 30 days after receipt of the notice, the non-breaching party shall have (in addition to any other rights and remedies it may have at law or in equity) the right to terminate this Agreement upon ten days' written notice to the breaching party, unless the breach cannot reasonably be cured within such 30 day period, then the breaching party shall have such additional time to cure as is reasonable before the non-breaching party can pursue its rights and remedies, provided the breaching party has commenced the cure within said 30 day period and diligently prosecutes the cure to completion.

11. Force Majeure. Neither party shall be liable for any breach or failure to timely perform any of its obligations under this Agreement if such party is prohibited or precluded from performing due to fire, theft, casualty, flood, earthquake, storm, lightning, natural disaster, physical calamity, acts by a public enemy, injunction, riot, labor dispute, strike, insurrection, war, act of terrorism, court order, order from a government agency, Act of God, or any other reason, whether or not similar to the foregoing, beyond the party's reasonable control, but excluding such party's financial inability or fault or negligence.

12. Miscellaneous. (a) Either party may assign this Agreement without the consent of the other party, and the Agreement shall be binding upon the parties' respective successors and assigns; (b) Licensor acknowledges that Licensee may retain third parties to exercise its rights under this Agreement, and Licensee will cause the removal from the Building or the Property of any such third party to which Licensor reasonably objects and for which Licensor gives notice of objection; (c) Licensee will not, at any time, record or attempt to record in the public records this Agreement or any memorandum of this Agreement; (d) This Agreement represents the full understanding of the parties with respect to its subject matter and cannot be modified or amended except in a writing signed by all of the parties; (e) This Agreement shall be governed by and construed in accordance with the laws of the state in which the Building is located; and (f) In the event of litigation, the prevailing party shall be entitled to recover its reasonable costs, including reasonable attorney fees, from the other party.

13. Counterparts, Facsimile and Electronic Mail Signatures. This Agreement may be signed in several counterparts, each of which will be fully effective as an original and all of which together will constitute one and the same instrument. Signatures to this Agreement may be transmitted by facsimile or electronic mail, and signatures so transmitted will be deemed the equivalent of delivery of an original signature.

14. Effective Date. This Agreement is effective on the date it is last signed by all parties ("Effective Date").

IN WITNESS WHEREOF, the parties duly execute and agree to be bound by this Agreement as of the Effective Date by the signatures of their authorized representatives below.

"Licensee"	**"Licensor"**
Qwest Corporation, d/b/a CenturyLink QC	**Town of Marana**
By:_____ (signature)	By:_____ (signature)
Name:_____ (print name)	Name:_____ (print name)
Title:_____ (print title)	Title:_____ (print title)
Date:_____	Date:_____

CenturyLink™

CenturyLink® Fiber Services

Pre-Installation Site Readiness

What is this Pre-Installation Site Readiness Guide and for whom is it intended?

This document is intended to address common requirements that must be satisfied by the property owner, business owner or customer technical staff to help ensure a smooth and efficient physical installation of fiber service. Keep in mind these are general requirements and specific requirements for your location are determined by conducting a site survey. Some items may require you to bring in a contractor to meet the requirements. Other items, CenturyLink may provide, potentially at an additional cost.

Electrical Power

X	Existing		Customer Action Required

A permanent, grounded, 3-prong electrical outlet is required within 6 feet of equipment location. Note: Extension cords do not meet this requirement.

- We recommend a standard duplex outlet, called a NEMA 5-15R.
- CenturyLink electronics need to be powered by 120 VAC (15-30 Amp) dedicated circuit.
- Circuit breakers must be identified / labeled at the AC service panel (breaker box) provided for the system.
- It is recommended that the circuit breakers be covered or locked to prevent accidentally being tripped.
- Each outlet must be wired to an individual circuit breaker. Each circuit must have individual hot, neutral and ground wires. Each ground wire must be terminated on the Isolated Ground Bus located in the AC panel supplied for the system. Splices or daisy chaining not accepted.

Grounding

X	Existing		Customer Action Required

A ground bar or minimum #6 AWG copper ground wire from an approved grounding source. Common ground must be 25 ohm or less. This is separate from the outlet grounding and is a safety requirement

Equipment Placement (Space & Location)

X	Existing		Customer Action Required

Your site's Telco Room where CenturyLink will deliver service must be easily accessible with adequate space and have a 4 x 4 foot (3/4 inch thick) fire-rated piece of plywood securely mounted to the Telco Room's wall or a data equipment rack with four consecutive rack units.

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CenturyLink® Fiber Services

Pre-Installation Site Readiness

Equipment Environment

X	Room/Area/Closet Meets Environmental Conditions		Customer Action Required

The CenturyLink equipment requires a clean, well lit, dust and vibration free environment that is controlled to temperatures of 55 to 85 degrees Fahrenheit and humidity of 70% or less.

Entrance Facilities

	Existing		Customer Action Required	X	*CenturyLink may assist

Conduit is a plastic pipe which will run from the edge of your business property line to the negotiated (between building owner and CenturyLink) equipment location inside your building ("demarcation point").

*CenturyLink may assist in providing entrance facilities on qualified opportunities on a per-site basis within the guidelines. Check with your sales representative to identify options that may benefit your business.

Note: If your business is located in a building that is not owned by your company, then CenturyLink will need the name and contact information for your building owner/manager to attain the necessary agreement to meet this requirement.

Clear Path

	Existing	X	Customer Action Required		CenturyLink will provide

A clear path, as shown in the below visual diagram, from the building's Main Point of Entry (MPOE) to your suite/floor's Telco Room is required. A clear path is typically established with conduit, to include pull tape, which allows for the cable extensions (Cat5e or above/fiber) within the building.

We may or may not be able to use the existing conduit for various reasons such as full capacity or private ownership. Please address this with your building manager to ensure a clear path is available. CenturyLink may assist in providing clear path on qualified opportunities on a per-site basis within the guidelines.

Customer = Property Owner

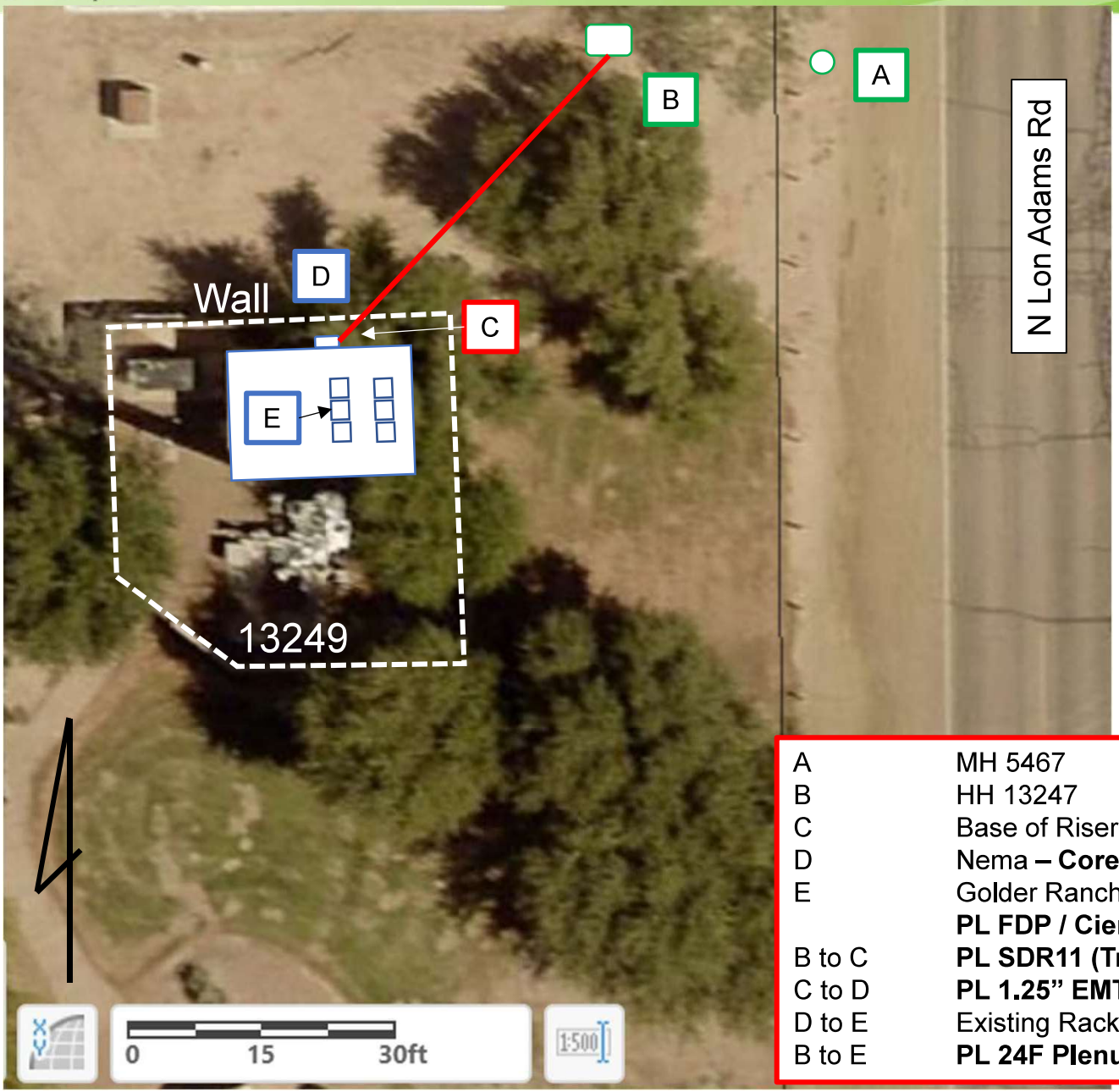
	Yes	X	No

Fielder to ask customer on site if they are the property owner. Property ownership verification to aid in application on BEA triggers.

CenturyLink™

Customer: Avra Valley Fire District
Street Address: 13249 N Lon Adams Rd
Suite:

Century Link Reference Only:
DSR: 638648 **ARMOR:** NA
FW: N.776604 **WFMT:** S.2766673



Town of Marana
Permit Required

BEA Required

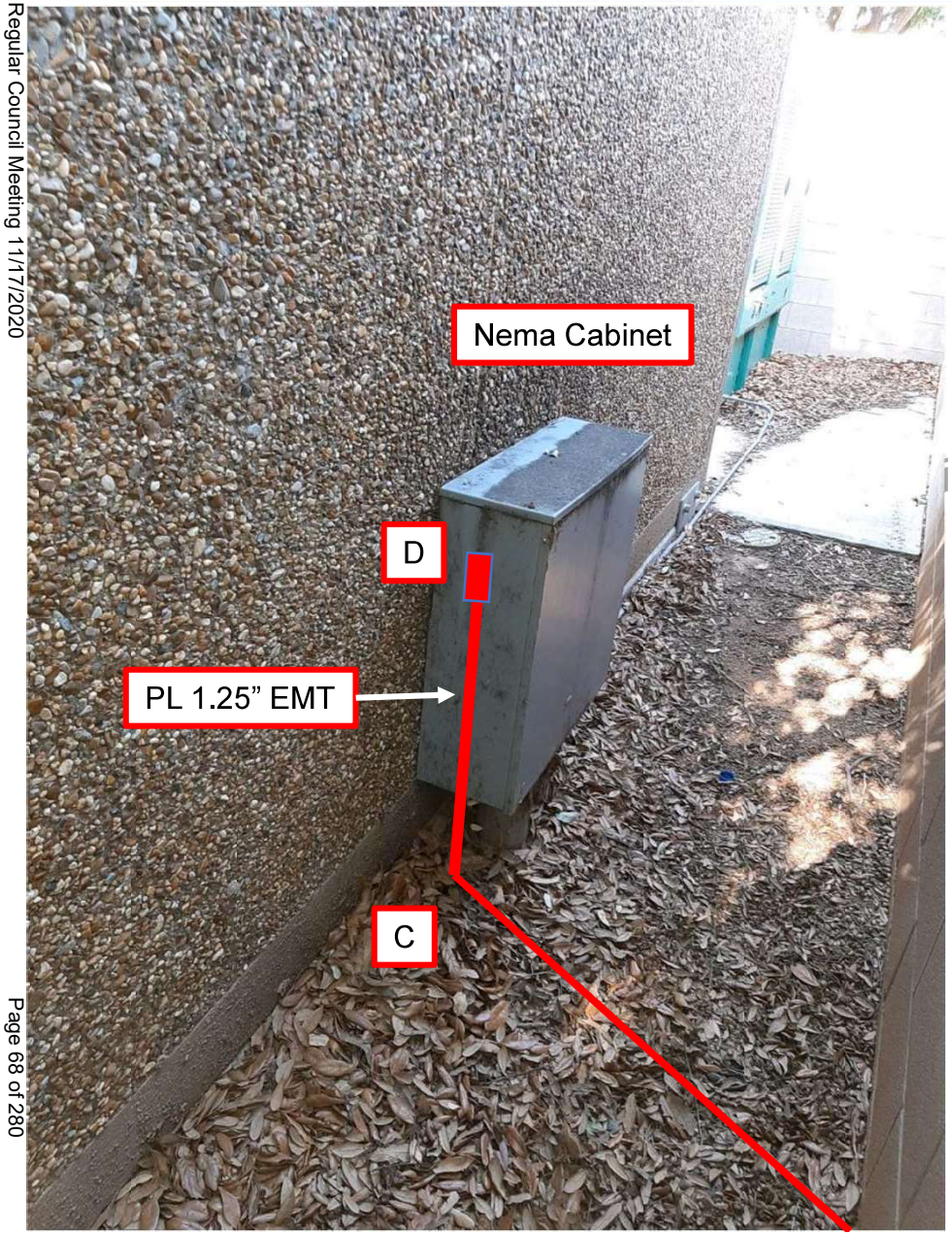
Contact
Chief Ray Klein
520-940-0158

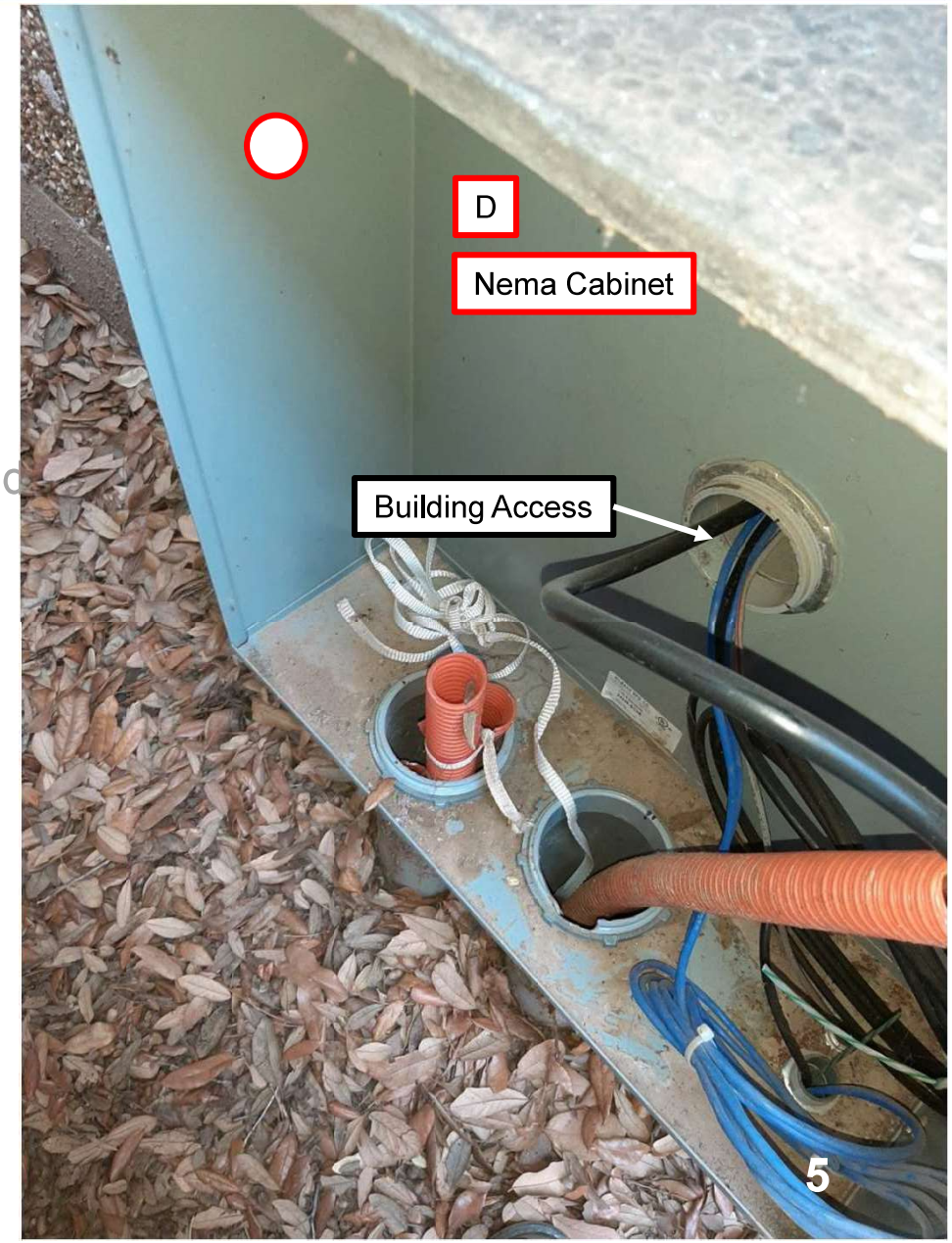
A	MH 5467	
B	HH 13247	
C	Base of Riser	
D	Nema – **Core - PL LB**	
E	Golder Ranch Relay Rack **PL FDP / Ciena 3916**	
B to C	**PL SDR11 (Trench)**	45’
C to D	**PL 1.25” EMT**	2’
D to E	Existing Racking **PL 1” ID**	20’
B to E	**PL 24F Plenum**	120’

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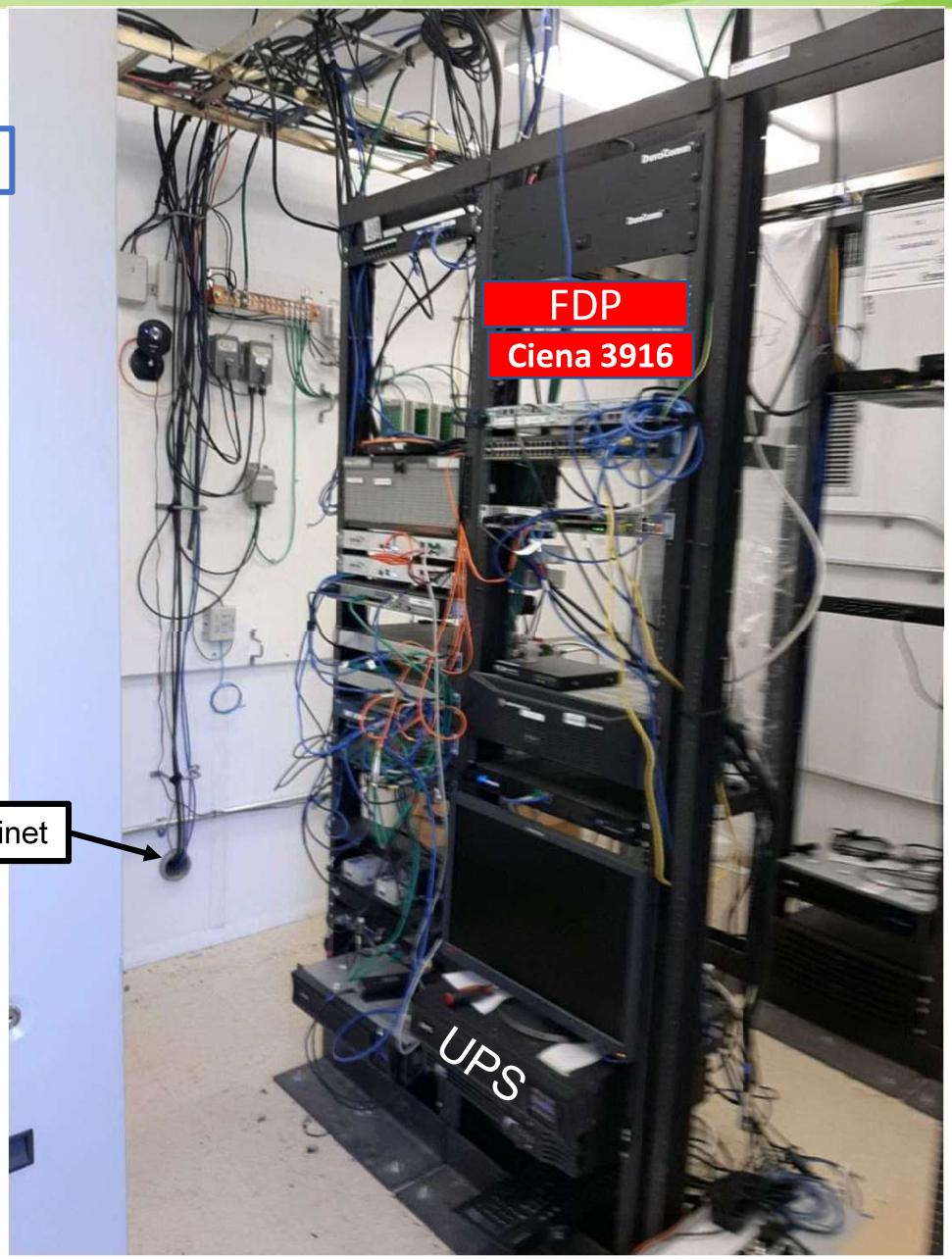
CenturyLink™

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Suite:

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DSR: 638648 **ARMOR:** NA
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D

Golder Ranch Rack

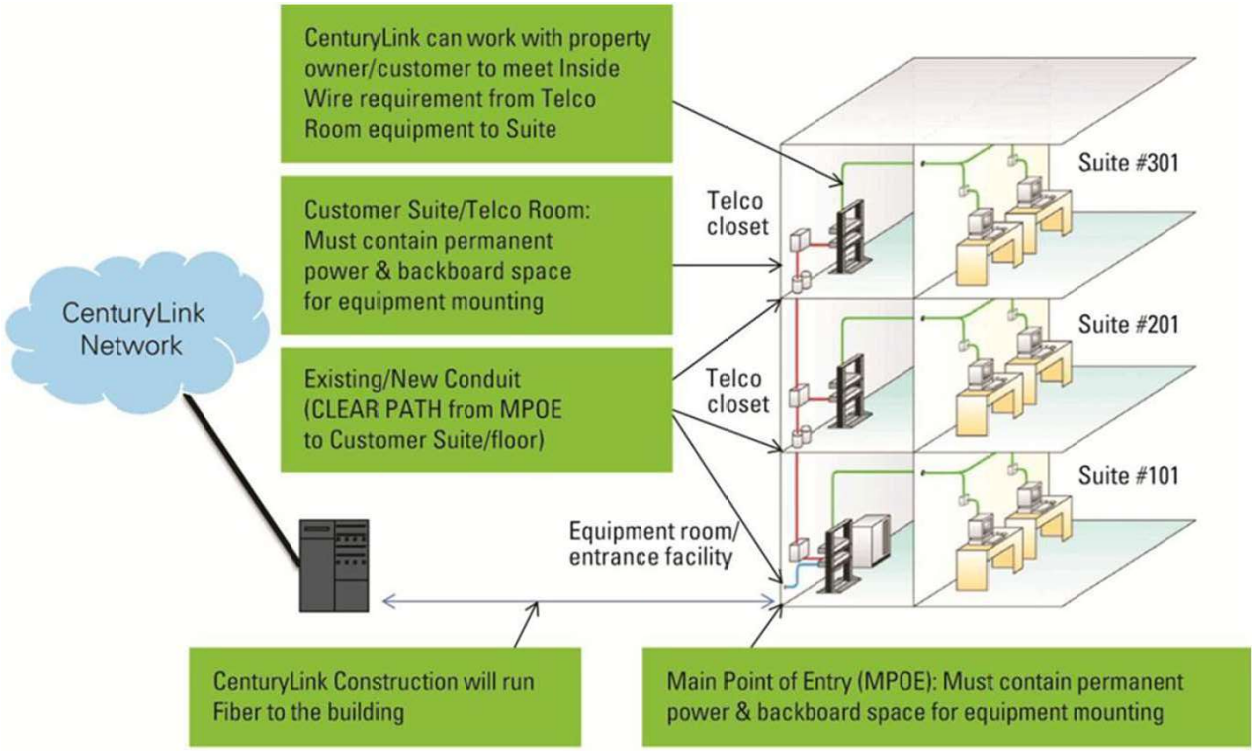


To Nema Cabinet

CenturyLink® Fiber Services

Pre-Installation Site Readiness

Visual Diagram of Installation



The following slides depict a visual diagram specific to this customer's site

CenturyLink™

Glossary / Legend

Do Not Remove this Slide

Reference	Definition
APOP	Alternate Point of Presence: Another room/location where service is requested to be delivered from the MPOP
BB	Backboard: Usually ¾" fire-rated plywood for mounting a switch or terminal for Fiber or Copper (Required in MPOP/APOP locations)
Conduit	Tube that provides a path for Fiber or Copper cable to travel underground and/or through walls. Size to be indicated on drawing
Customer Suite	Office/location where service is being requested
DMARC	Demarcation: The physical location where service provided by CenturyLink terminates in the Customer building (this location can be at the MPOP, MPOE, APOP)
Duct	See Conduit
FDP	Fiber Distribution Point: Location where Fiber from outside terminates
Meet Point	Location where customer building entrance facilities (ie. conduit) meets CenturyLink service connection point (typically at property line / municipal right of way
MPOP/MPOE	Minimum Point of Presence/Entry (Minimum typically means closest to the street. This is the location that service enters the building)
HH	Hand Hold: A service box located on outside either off or on private property (Picture) [ie. 3048 HH is 30"x48" box]
MH	Manhole: Location fiber feed.
PED	Pedestal: Metal Box that terminates conduit and cable outside either off or on private property.
POF	Point of Feed: Location where fiber is currently terminated – can be a Manhole, PED or HH
RR	Relay Rack : Usually 19" or 23" server rack - may or may not exist at the MPOP/APOP

Right of Way (ROW) / Municipal Land – Permit Required

New Conduit Route on Property / Entrance Facility (BEF)

Existing Conduit on Property

Council-Regular Meeting **C5**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Cherry L. Lawson, Town Clerk

Date: November 17, 2020

Subject: Approval of the Council Regular Meeting Summary Minutes of October 20, 2020, and the Council Special Session Meeting Summary Minutes of October 20, 2020 (Cherry L. Lawson)

Attachments

Regular Council Meeting Summary Minutes, 10/20/2020
Council Special Meeting Summary Minutes, 10/20/2020

MARANA TOWN COUNCIL

REGULAR COUNCIL MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, October 20, 2020, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

ADMINISTRATIVE SUMMARY

CALL TO ORDER AND ROLL CALL

Mayor Honea called the meeting to order at 6:00 PM and directed the Clerk to call the roll. **Mayor Honea, Vice Mayor Post, Council Members: Dave Bowen, Patti Comerford, Roxanne Ziegler, John Officer, and Herb Kai.**

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE: Led by **Mayor Honea.**

APPROVAL OF AGENDA

Council Member Bowen moved and Council Member Officer second the motion to approve the agenda as presented. Motion passes, 7-0.

CALL TO THE PUBLIC

Mayor Honea opened the meeting to receive public comments. The following individuals provided comments to Council.

Paul Callum resident in the Dove Mountain community spoke to Council related to the road surface, road noise and traffic safety on Dove Mountain Boulevard of vehicles traveling. He indicated that he had forwarded to the Town Council 1700 signatures petitioning for improvements to the boulevard, along with their recommendation summary for those improvements.

Jim Haleen resident in the Dove Mountain community commented on the petitions signed by 1700 residents in that community. He complimented the Town's staff for their efforts as he and others met with **Deputy Finance Director Erik Montague and Public Works Director Mo El-Ali** on Zoom and appreciated their professionalism. He asked for the Town's cooperation in assisting the community in repairing Dove Mountain Boulevard within the next six to eight months.

PROCLAMATIONS

P1 Proclamation declaring October 21, 2020 as, "Imagine a Day Without Water" (Amanda Jones)

P2 Proclamation honoring Frank Cassidy, Marana Town Attorney (Cherry L. Lawson)

P3 Proclamation honoring David (Dave) Bowen, Marana Town Council Member (Cherry L. Lawson)

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Officer reported that there is a joy in being in Marana, as he travels around the state visiting other communities. He complimented Town staff for their quick service in handling concerns reported within the community. He commented on his recent retirement with Central Arizona Project after having spent 32 years there. He will have the opportunity to spend time in his office as he works to learn about upcoming projects within the town. He really appreciates Town staff efforts to make Marana what others see and appreciate.

Council Member Ziegler said farewell to former **Town Manager Jamsheed Mehta**, as he had done a great job for the Town.

Mayor Honea acknowledged former **Town Manager Jamsheed Mehta** and stated that he had an opportunity to meet with **Mr. Mehta** prior to the Council Meetings, acknowledged him as a friend, and wished him the very best in his future. He also congratulated **Interim Town Manager Terry Rozema** on his appointment.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Deputy Town Manager Erik Montague report on the following:

- Frank Cassidy Celebration of Service
    - In continuation of recognizing Frank for his service this evening, we would like to let Council know that we will be celebrating that service on Wednesday, October 28 from 2-4pm here in the Courtyard at the MMC.
    - We are working to ensure we take reasonable precautions with COVID-19 and will be providing a combination of in-person and remote participation. Please feel free to reach out to the Manager's Office should you need additional information.

- Town of Marana SFRs – September 2020
    - October SFRs currently sit at 62 issuances. October of 2019, we closed with 79 SFRs for the month.

- Parks and Rec
    - FALL PROGRAMMING 2020: Fall Recreation Programming is going very well this year. We have seen approximately 486 registrations to date for our programs, which offer a variety of experiences, from Yoga in the Park to CPR Certification Courses. Fall Programming runs all the way through December 31.

- 2020 Census Count
    - The 2020 Census count has officially ended its counting operations on 10-15-2020.
    - As of that date, nationwide, over 99.9% of housing units have been counted.
    - In AZ, 98.9% of homes have been counted.
    - Marana's last reported completion percentage was just over 70%, with numbers still being finalized. We did; however, beat our 2010 response rate.

- COVID19 Update: *Town Operations*

    - The Town has entered Phase 2B of returning to work. He thanked the Public Works Department for helping prepare some of the physical operations needed to Town employees prepared to return to work safely. They will continue to work with the department directors to ensure that we are aware of the needs of individual employees with respect to the organizational reopening.
    - This phase includes the vast majority of Staff returning to work on normal schedules in their normal work areas.
    - Those "excluded" from this phase are those employees who have preexisting conditions, childcare, and dependent care conflicts.
    - As we move deeper into flu season, as well as the holidays, we ask all our Staff to be responsive and respectful to the Administrative Direction we have in place to limit the spread of COVID19 in the workplace. We are all in this together, and as such, can help on another stay healthy and keep Town operations flowing seamlessly.

DRAFT

- COVID19 Update: *Business Reopening/EO Enforcement (October 15, 2020 update)*
  - Both the State as a whole (all counties) and Pima County are still in the Moderate Transmission designation as it pertains to the Governor's EO 2020-43 that paused some business operations.
  - The Statewide numbers are seeing slight upticks in all three categories (cases/100k, percent positivity, and hospital visits for COVID-like illness).
  - Marana has had no additional issues regarding enforcement at this time.

- COVID19 Update: *Reopening of schools (October 15, 2020 update)*
  - The numbers presented on the Schools Dashboard continue to trend down slightly. In fact, all three-core benchmarks have been met.
  - *Cases*
    - We are seeing a rise in cases Statewide over recent weeks. This is due in part to changes at the Federal level in defining COVID19 cases, as well as defining COVID19 deaths. The Governor said, in a previous press conference, that we would indeed see a rise during this time-period, so while it is unfortunate, it is "expected".
    - Cases: AZ sits at a cumulative number of 232,937 (PC – 27,019)
    - Deaths: AZ sits at a cumulative number of 5,837 (PC – 634; 0 today)
    - Tests: Number of PCR tests completed is 1.9 million.
    - Average/Day: Cases reported/day is now at approximately 800. As of October 1, it was around 400/day.
    - Cases Reported Today: 1,040 cases were reported at the beginning of today.

- Legislative Update
  - FEDERAL
    - There are no significant developments regarding additional COVID19-specific legislation or stimulus packages at this time.
  - STATE
    - There is no new COVID-related legislation information available at this time.

- LEGISLATIVE SESSION PREPARATION
  - The Town has begun initial preparation to establish its legislative priorities for the 2021 Legislative Session. We are working with Tri-Advocates to establish these priorities based on past legislative activity, as well as legislation expected to be proposed this coming session.

PRESENTATIONS

CONSENT AGENDA

DRAFT

C1 Resolution No. 2020-115: Relating to Police Department; approving and authorizing the Chief of Police to execute the Arizona Internet Crimes Against Children Task Force Intergovernmental Agreement between the Marana Police Department and the Phoenix Police Department (Libby Shelton)

C2 Resolution No. 2020-116: Relating to Police Department; approving and authorizing the Chief of Police and the Town Manager to execute GOHS Contract Numbers 2021-PTS-033 and 2021-II-003 between the State of Arizona by and through the Governor's Office of Highway Safety (GOHS) and the Town of Marana for grant funding for DUI/Impaired Driving Enforcement Program and STEP Enforcement Program (Kristin Taft)

C3 Approval of the Regular Council Meeting Summary Minutes of October 6, 2020, and the Council Study Session Summary Meeting Minutes of September 22, 2020 (Cherry L. Lawson)

Council Member Ziegler moved and Council Member Bowen second the motion approving the Consent Agenda as presented. Motion passes unanimously, 7-0.

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 PUBLIC HEARING: Ordinance No. 2020.014: Relating to Development; approving a rezoning of approximately 9.38 acres of land generally located on the north side of Tangerine Road, approximately 1,200 feet east of the intersection of Tangerine Road and Camino de Oeste, from 'R-144' Residential to 'F' Dove Mountain Specific Plan and approving a minor amendment to the General Plan (Cynthia Ross)

Resolution No. 2020-117: Relating to Development; declaring as a public record filed with the Town Clerk the amended Dove Mountain Specific Plan adopted by Ordinance No. 2020.014 (Cynthia Ross)

[6:49 PM Minutes:] Mayor Honea open the public hearing to receive testimony on this item.

Senior Planner Cynthia Ross provided an overview of this public hearing item stating, the public hearing for the Dove Mountain Specific Plan Amendment and Minor General Plan Amendment Case numbers PCC 2006-001 and GPA 2006-001. The applicant is requesting an amendment to the Dove Mountain Specific Plan boundary to add approximately 9.3 acres of land located 1200 feet east of the town's Rain Road and Camino de Oeste intersection in the southeastern corner of the Dove Mountain Specific Plan area. The proposal includes a rezoning of R144 Single Family Residential to F

Specific Plan, an amendment to the General Plan to change the Land Use Designation from Low Density Residential to Master Plan area.

The subject property is bound by Tangerine Rd on the South of single-family residence to the North and Claws Drive to the East. The 28-acre vacant property immediately west was annexed into the Dove Mountain Specific Plan in 2017 with the land use designation of Mixed-Use Commercial. Staff is currently reviewing a development plan on this site for 222-Unit Semi-attached One-story Rental Home Community. To the far south across Tangerine Rd is that Sky Community Park and Sky Ranch HOA common area.

The amendment is comprised of three vacant parcels Assessor Parcels Number 219350078, 21935008 A, and 21935011 a proposed amount Land Use Designation is Mixed Use Commercial. This designation allows for a range of commercial uses including office, retail, restaurants, medium density residential, and more. Whatever uses are proposed for this site, a Development Plan or plat will be required, and the Town Council will need to approve the plan. Upon approval of the Specific Plan Amendment, the Land Use Map table and relevant pages within their approved Dove Mountain Specific Plan will be modified to include the additional acres. The Development Capability Report will then be inserted into the Appendix of the Specific Plan as Appendix Z this public hearing was properly notice.

Staff recommends adoption of Ordinance No. 2020.014 and Resolution No. 2020-117 approving a rezoning of approximately 9.3 acres of land from R144 to F Dove Mountain Specific Plan, approving a minor amendment to the General Plan and declaring the amended Specific Plan at public record filed with the Town Clerk.

Kayleen Thompson submitted written comments related to the Tortolita 30 Rezoning as it relates to the proposed development of new homes. She expressed concern with the traffic during school hours, that adding additional homes would increase traffic congestion in that area.

[6:54 PM Minutes:] Mayor Honea closed the public hearing for comment.

Council Member Ziegler moved and Council Member Kai second the motion adopting Ordinance No. 2020.014 and Resolution No. 2020-117 approving a rezoning of approximately 9.38 acres of land from 'R-144' to 'F' Dove Mountain Specific Plan, approving a minor amendment to the General Plan, and declaring the amended specific plan a public record filed with the Town Clerk. Motion passes unanimously, 7-0.

A2 PUBLIC HEARING: Ordinance No. 2020.015: Relating to Development, approving a rezoning of approximately 30 acres of land located north of Moore Road and west of Tortolita Road from R-144 Residential to R-8 Residential (Brian D. Varney)

[6:54 PM Minutes:] Mayor Honea open the public hearing to receive testimony on this item.

Senior Planner Brian Varney provided a PowerPoint Presentation overview of a rezoning of approximately 30 acres of land located north of Moore Road and west of Tortolita Road from R-144 Residential to R-8 Residential. *(A copy of the presentation is on file in the Town Clerk's Office for review.)*

Traffic Engineer Dion Swartz provided a PowerPoint Presentation overview of the traffic in the area of Dove Mountain Boulevard, Moore Road, Tangerine Road, and Tortolita Road, and provided recommendations based upon review of the area. *(A copy of the presentation is on file in the Town Clerk's Office for review.)*

Paradigm Land Design, LLC Engineer Paul Orland provided a PowerPoint Presentation overview of the area in the Dove Mountain traffic concerns, and how the community concerns will be addressed with traffic improvements including adding a roundabout within its recommendations. *(A copy of the presentation is on file in the Town Clerk's Office for review.)*

Mark Johnson submitted written comments related to the item on behalf of the Tortolita Alliance expressing concern with the traffic study and requesting the item be postponed until the Tortolita Traffic Study Re-Do and other related traffic studies are received.

Amy and Steven Frieman submitted written comments related to the item expressing concerns over traffic, density, safety, wildlife concerns, and the general well-being of the neighborhood.

Connie Stukenberg submitted written comments expressing concerns over the rezoning and the increased density of the community of Dove Mountain.

Elizabet Troudt submitted written comments expressing concerns with the rezoning of 30 acres of land locate north of Moore Road and possible traffic concerns related to the proposed rezoning.

Karen Kansfield submitted written comments opposing the rezoning and the proposed development of homes in the area. She expressed concern with overdevelopment, traffic, limiting of mountain views, and the requirement of homes being single story.

Natasha Jabbar submitted written comments expressing opposition to the proposed rezoning to allow D.R. Horton to build homes in the Tortolita area including increased traffic, the extension of the CSTEM School, negative impact to existing property values, and safety concerns.

Teresa Urias submitted written comments expressing opposition to the proposed rezoning due to safety and traffic concerns in the Dove Mountain area.

Barbara Rose submitted written comments related to the proposed rezoning of approximately 30 acres of land at Moore Road and Tortolita Road. She spoke in opposition of the proposed development citing wildlife corridor concerns.

Micki Storrs commented on the proposed project thanking **Mr. Orland** for taking the time to meet with the residents regarding concerns for the development. She expressed concerns for traffic in the area as well as the children who are traveling to the CSTEM School. She asked that Council keep the safety and security of its residents in mind as they consider the ordinance.

Meredith Shannon commented on the traffic study and the proposed development in the Tortolita area. She expressed concern with the traffic mitigation and the proposed roundabout in how it will address the increased traffic in the area.

Amy Freiman commented on the proposed development stating Council has been mis-informed as to the information presented on the traffic study in the area. She stated the traffic study is flawed, and the conclusions presented are not accurate. She asked Council for consideration before making a decision on the proposed development.

Connie Stukenberg commented on the proposed development stating she and her husband are from California and purchased a home in the area. She expressed concern for the wildlife corridor, as the additional development will affect the wildlife that is currently there. She also commented on the increased traffic that will arise upon the completion of the project.

Brad D'Emidio commented on the impacts to the Dove Mountain community with the proposed development. He opposes the Ordinance 2020.015, and wholeheartedly supports the Tortolita Alliance stance and recommendations on the proposed development. He commented on the process surrounding the development to the Planning Commission, and the residents' feelings of being disregarded. He viewed the session as a dog and pony show.

Michael Sherwood commented on the proposed development, he represents a large group of residents in the area. He submitted to the Town Clerk petitions that were signed by the residents in the area opposing the development based upon many traffic concerns, the increase number of homes in the proposed development, as well as the expansion of the CSTEM School.

Charles Kmet commented on the proposed development and the effect on the traffic in the area to the community and to its residents in Dove Mountain. He commented on the Planning Commission Meeting that addressed the project and not having a Plan B as a backup. He appreciates the concessions that D.R. Horton has proposed, but also

understand that Marana cannot make a living on rooftops. He would like to see a schematic drawing of the roundabout in Marana, not Scottsdale for that intersection.

Robert Elmquist reiterated the comments of the previous speakers stating there are 300 homes for the new development, 296 RV spots, 165 storage areas, and one way in and out of the Dove Mountain community. He stated the answer is not a roundabout, he suggested developing Coyote Hal so that it is another entrance and exit. He asked that Council consider its residents before making a decision.

Nancy DeZess expressed opposition on the proposed development due to the affects it will have on traffic in the area. She asked about the space to the north to the homes, and what will be placed in that area.

Carolyn Campbell thanked **Frank Cassidy** for his work with the Town of Marana. She also thanked **Council Member Bowen** for his service. She commented on the letter that she sent to the Planning Commission on September 30, related to the proposed development, addressing errors in the property owner's report, clustering of homes and the wildlife in the area.

Dave Watson expressed support for the comments of residents within the Dove Mountain community, as well as the concerns with the proposed roundabout. He expressed concern with possible light pollution directed towards his and neighboring homes and the tire noise that the development will bring.

[7:59 Minutes:] Mayor Honea closed the public hearing to comments.

Council Member Bowen responded to some of the comments made related to the traffic and the proposed roundabout that is of concern to residents in the community. Safety for the children is extremely important for the members of Council, that Council realizes that more traffic will increase the possibility of something happening. No one is promoting roundabouts as a panacea, as they are simply a tool in a traffic engineer's toolbox that they can employ. It is being proposed, as it is an appropriate proposition in mitigation effort for the traffic. He asked **Mr. Orland** whether a roundabout would exist within the existing intersection, or whether it would expand the existing intersection. Would the existing intersection have to be expanded to accommodate the roundabout?

Mr. Orland replied stating there is currently 150 ft. of existing public right-of-way for Moore Road. There is beyond what is built there for actual pavement, and there is sufficient room in the town's right-of-way. Eventually, Moore Road will become a four-lane road that will connect to Tangerine or I-10 in the future. **Council Member Bowen** stated he drove the road at night and looked at the headlight situation as mentioned by **Mr. Watson**. It is true that cars exiting the subdivision, the lights will shine on the wall, but there is grade separation between Dove Mountain and the road. There would not be any lights shining into the homes within the community. He stated the property owner

has rights as well. The Council never knows the profit margin of developers when a development is proposed, and the Town does not make any money from these developments.

However, certain amenities like a roundabout could not be added to a community with a certain number of homes being build. There would be increased traffic without any mitigation afforded, and the only way to deal with it is to have a certain number of homes in order to add the amenity.

Vice Mayor Post stated he has some of the same concerns as **Council Member Bowen.** He asked of **Mr. Orland** how a single road access for many communities in Dove Mountain, how construction would occur without affecting access to the homeowners in that community. **Mr. Orland** replied stating construction would have to occur during summer break, when school is not in session. He expressed concerns over the comments that roundabouts are not effective. Although he is not a traffic engineer, the Town's Traffic Engineer as well as the developer's traffic engineer have determined that a roundabout in this area is the best way to move forward with mitigating traffic concerns.

Vice Mayor Post asked of **Mr. Varney or Development Director Jason Angell** of the number of road projects that will occur in this community. **Mr. Angell** responded stating as part of the 2040 General Plan the transportation element that is incorporated into the plan—Moore Road is one of those roads that is incorporated for future expansion going towards the west, as well as a second north/south connection into the Dove Mountain area. As the Town stated in the Planning Commission discussion, that is left up to the future development that would occur. The Town's approach has been, as development comes forward, they extend infrastructure to serve those areas. With State Lands holding the majority of the property to the west, those future road improvements will be subject to the time at which State Land decides to move forward with any type of sale of property in that area. Any other major type of transportation improvements in the Dove Mountain area are not on the books, and not planned for the near future. He added there are two phases in Dove Mountain to be built at the end of Dove Mountain Boulevard, and this property is an infill. All other areas there have either been titled, have plans (like tapestry), or are State Lands in the area. There is not much property outside of the Dove Mountain Specific Plan that is available for development with the appropriate infrastructure.

Vice Mayor Post commented on the need of the town to handle major infrastructure projects, that the Town does have funds planned for other projects. It would take some years before a project like the roundabout to occur.

Council Member Comerford asked whether this property qualifies for impact fees. **Mr. Cassidy** stated it does. **Council Member Comerford** explained how Dove Mountain came into being the development that it is today, thanks to **David Neal**. She appreciates the residents' view of where they live. However, as explained by **Council Member**

Bowen, the property owner has rights. The prior zoning has changed many years ago as the Dove Mountain area became developed. Council had been hearing these comments for years after their home had been built. That **Ms. Campbell** did not want to have anything built in that area. If the Council had listened to those comments and others, the residents would not live in that area today. The community must take the time to listen to the developer's vision, and have faith that they will do the right thing for the community. We need more mitigation from the schools. The school is its own government. She asked the town to work with the schools to determine a better way for the traffic at the CSTEM School, as that is what needs to be mitigated.

Council Member Kai stated the developer has tried to work with the town on the roundabout. He thinks with density, as he understand the property rights, with 88 homes proposed. He asked whether there is room to decrease the number of homes by 10 lots and increase the size of the lots, and charge a premium for the larger lots.

Council Member Bowen moved and Vice Mayor Post second the motion to adopt Ordinance No. 2020.015, approving the Tortolita 30 Rezoning subject to the recommended conditions. Motion passes, 6-1 (Council Member Kai – Nay).

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Resolution No. 2020-118: Relating to Budget; authorizing the transfer of up to $60,000 in budgeted expense authority from the Water operating fund System Repairs and Upgrades line item to the Water operating fund Software Maintenance line item in the FY21 budget for costs related to the implementation of a new customer information system (CIS) (Scott Schladweiler)

Water Director Scott Schladweiler provided an overview of this item stating the request is to replace an existing outdated and cumbersome system; that has been in place for over 20 years. A new Customer Information System (CIS) was included in the FY21 budget. The estimated expense of $100,000 was listed as a placeholder until further evaluation could be performed. After a rigorous procurement process, a preferred vendor was identified. The new system will increase operational efficiencies, save staff time through faster processing, and provide the department and the Town better access to data for faster reporting and enabling data driven decisions. The budget required to implement this system is $160,000, including contingency for any costs associated with data migration from our existing system. The additional funding was identified with the department's approved budget in the System Repairs and Upgrades line item. This request is to move $60,000 to the Software Maintenance line item to cover the full cost of this implementation. There would be no change the overall department budget.

Town Code section 3-4-7(B)(3) requires separate Council approval for purchases where the purchase is authorized in the adopted budget but the funds exceed the budgeted

amount by more than $50,000. Staff recommends approval of the transfer of up to $60,000 within the Water Department budget for the upgrades to the system.

Vice Mayor Post moved and Council Member Bowen second the motion adopting Resolution No. 2020-118 authorizing the transfer of up to $60,000 in budgeted expense authority from the Water Operating Fund System Repairs and Upgrades in line to the Water Operating Fund Software Maintenance line item in FY21 budget for costs related to the implementation of a new Customer Information System (CIS). Motion passes unanimously, 7-0.

D2 Relating to Utilities; presentation, discussion and direction regarding possible design and construction of a sewer line in Lon Adams Road (Scott Schladweiler)

Mr. Schladweiler provided a PowerPoint Presentation overview on the design and construction of a sewer line in Lon Adams Road. *(A copy of the presentation is on file in the Town Clerk's Office for review.)*

Grant Walton spoke in support of this project and thank town staff and Council for its consideration. Out of the six or seven parcel owners on the roadway, two are willing to participate at this time, as it is cost prohibited. It is his hope that the Town of Marana can assist them in succeeding its business attempts as he has been in business on Lon Adams for eight years. He would love to partner with the town to get them off septic and onto sewer from a health and safety standpoint.

Carson Wagstaff spoke in support of this project and thank town staff and Council for its consideration of the sewer line on Lon Adams. He was excited to hear that this item was moving forward by the Water Department, and thanked Council for its consideration in viewing this as a necessity as opposed to a luxury.

Council spoke in support of this project, as it would benefit the community as well as the businesses in the Lon Adams area. **Vice Mayor Post** asked that the work be timed when school is not in session.

Council Member Officer moved and Council Member Ziegler second the motion directing Town staff to go forward with the project. Motion passes unanimously, 7-0.

D3 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal and local legislation/government actions and on recent and upcoming meetings of the other governmental bodies (Jamsheed Mehta)

Mr. Montague stated he did not have anything further to report.

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

FUTURE AGENDA ITEMS

Notwithstanding the Mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT

Mayor Honea ask for a motion to adjourn the meeting.

Vice Mayor Post, moved and Council Member Bowen second the motion to adjourn the meeting. Motion passes unanimously, 7-0. The meeting adjourned at 8:34 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Town Council meeting held on October 20, 2020. I further certify that a quorum was present.

_____

Cherry L. Lawson, Town Clerk

DRAFT

MARANA TOWN COUNCIL
SPECIAL COUNCIL MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, October 20, 2020 at or after 5:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

SUMMARY MINUTES

CALL TO ORDER AND ROLL CALL

Mayor Honea called the meeting to order at 6:00 PM and directed the Clerk to call the roll. **Mayor Honea, Vice Mayor Post, Council Members: Dave Bowen, Patti Comerford, Roxanne Ziegler, John Officer, and Herb Kai.**

APPROVAL OF AGENDA

Vice Mayor Post moved and Council Member Officer second the motion to approve the agenda as presented. Motion passes unanimously, 7-0.

COUNCIL ACTION

D1 Relating to Administration: consideration and possible approval of one of the following actions related to the Town Manager's employment:

Option A:

Resolution No. 2020-119: Relating to Administration; approving and authorizing the Mayor to execute a separation agreement between the Town of Marana and Jamsheed Mehta
or

Option B:
Relating to Administration; terminating the employment of Town Manager Jamsheed Mehta for convenience subject to the terms and conditions of the Employment Agreement between the Town of Marana and Jamsheed Mehta

Council Member Bowen moved and Vice Mayor Post second the motion to accept Option A, adopting Resolution No. 2020-119 approving and authorizing the Mayor to execute a separation agreement between the Town of Marana and Jamsheed Mehta.

Mayor Honea asked for a roll call vote due to the nature of the item.

Ayes: Mayor Honea, Vice Mayor Post, Council Members Bowen, Comerford, Ziegler, Officer and Kai.

Nays: None.

Motion passes unanimously, 7-0.

D2 Relating to Administration; appointing an interim Town Manager

Council Member Comerford moved and Vice Mayor Post second the motion appointing Terry Rozema as Interim Town Manager, effective immediately with the salary of the current Town Manager's rate during the interim appointment.

Council Member Ziegler expressed concern with the quickness of the appointment of **Police Chief Terry Rozema** as the Town's Interim Manager. She cited past practices of selecting a Town Manager, and the desire to follow the process that town has used in the past. She feels as though **Deputy Town Manager Erik Montague** should be appointed as the interim, as opposed to **Mr. Rozema** who does not have the necessary experience of a manager, despite being a stellar Police Chief.

Council Member Comerford called for the question. **Council Member Ziegler** requested personal preference to continue her remarks.

Mayor Honea asked for a roll call vote on this item.

Ayes: Mayor Honea, Vice Mayor Post, Council Members Bowen, Comerford, Officer and Kai.

Nays: Council Member Ziegler
Motion passes, 6-1.

EXECUTIVE SESSIONS
Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A), Council may ask for discussion or consideration, or consultation with designated Town representatives, or consultation for legal advice with the Town Attorney, concerning any matter listed on this agenda for any of the reasons listed in A.R.S. §38-431.03 (A).

FUTURE AGENDA ITEMS
Notwithstanding the Mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT

Mayor Honea asked for a motion to adjourn the meeting.

Council Member Bowen moved and Vice Mayor Post second the motion to adjourn the meeting. Motion passed unanimously, 7-0. Meeting Adjourned at 5:20 P.M.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Town Council meeting held on October 20, 2020. I further certify that a quorum was present.

_____
Cherry L. Lawson, Town Clerk

DRAFT

Council-Regular Meeting **B1**

Meeting Date: 11/17/2020

To: Mayor and Council

Submitted For: Keith Brann, Town Engineer

From: Keith Brann, Town Engineer

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: [Town Council acting as Floodplain Board] Resolution 2020-124: Relating to floodplain management; granting a variance to Marana Town Code Chapter 17-15 (Floodplain and Erosion Hazard Management Code) for property located at 4801 W. Flying Diamond (Keith Brann)

Discussion:

On October 6, 2020, staff brought a report to the Floodplain Board regarding a violation at 4801 W Flying Diamond. The residence at 4801 W. Flying Diamond was expanded without first obtaining a required floodplain use permit.

At the October 6, 2020 meeting, the Floodplain Board directed the owner to provide additional information before rendering a final decision.

At this time, the owner has engaged consultants to advise on dry floodproofing the existing residence and addition. Floodproofing is normally reserved for commercial structures. Marana Town Code section 17-15-10.B.3 provides:

e. Non-residential construction shall either be elevated in conformance with the preceding requirements or shall, together with attendant utility and sanitary facilities:
i. be flood-proofed so that below the regulatory flood level the structure is watertight with walls substantially Impermeable to the passage of water;
ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
iii. be certified by an Arizona registered professional civil engineer or architect that the

standards of this subsection are satisfied.

A variance would be required from the Floodplain Board to allow floodproofing to be used for this residential structure.

As stated in the October 6, 2020 meeting, section 17-15-7(A) requires the Floodplain Board to take one of the following actions:

1. Take any necessary action to effect the abatement of such violation; or

2. Issue a floodplain variance to this chapter in accordance with the provisions of Section 17-15-11; or

3. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the floodplain administrator within 30 days of such order and the floodplain administrator shall submit an amended report to the floodplain board within 20 days. At the next regularly scheduled public meeting, the floodplain board shall either order the abatement of said violation or they shall grant a floodplain variance in accordance with the provisions of Section 17-15-11

4. For FEMA regulated special flood hazard areas, submit to the administrator of FIA a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to Section 1316 of the FIA of 1968 as amended.

FEMA and the Town have strict guidelines on the granting of variances. Marana Town Code section 17-5-11(C)(6) states that floodplain variances should only be issued upon:

a. A showing of good and sufficient cause;
b. A determination that failure to grant the floodplain variance would result in exceptional hardship to the applicant;
c. A showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in section 17-15-2 of this chapter in the definition of "functionally dependent use"; and,
d. A determination that the granting of a floodplain variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

Additionally, Marana Town Code section 17-15-11(C)(5) states: "[f]loodplain variances shall only be issued upon a determination that the floodplain variance is the minimum necessary, considering the flood hazard, to afford relief."

If a variance were granted contrary to the Floodplain Ordinance and FEMA regulations, FEMA could impose probationary penalties upon the Town, including increased flood insurance premiums for all Town of Marana residents who purchase flood insurance and difficulty in accessing federal flood relief funds if flooding occurs.

It is staff's opinion that the variance does meet the criteria to grant a floodplain variance. By taking into account the status of the original structure which predates floodplain mapping of the area, staff believes that the option to grant a variance to allow the structure to be dry floodproofed will address the violation and protect the structure from flooding.

Staff Recommendation:

Staff recommends the granting of a variance to dry floodproof the property at 4801 W. Flying Diamond subject to the following conditions:

1. Payment of the floodplain variance fee per the Town's comprehensive fee schedule ($1000);
2. Securing a Marana floodplain use permit for the work;
3. Providing an elevation certificate of the work performed; and
4. Providing a hold harmless agreement to the Town regarding the work.

Suggested Motion:

Option 1: I move to deny the floodplain variance.
Option 2: I move to adopt Resolution No. 2020-124, granting a variance to Marana Town Code Chapter 17-15 (floodplain and erosion hazard management code) for property located at 4801 W. Flying Diamond.

Attachments

Resolution 2020-124
Location map

MARANA RESOLUTION NO. 2020-124

RELATING TO FLOODPLAIN MANAGEMENT; GRANTING A VARIANCE TO MARANA TOWN CODE CHAPTER 17-15 (FLOODPLAIN AND EROSION HAZARD MANAGEMENT CODE) FOR PROPERTY LOCATED AT 4801 W FLYING DIAMOND

WHEREAS the residence located at 4801 W. Flying Diamond was expanded without Town floodplain use permits first being issued; and

WHEREAS the owner of the residence has engaged consultants to advise on dry floodproofing the existing residence and addition; and

WHEREAS floodproofing is normally reserved for commercial structures pursuant to Marana Town Code section 17-15-10.B.3, therefore a variance would be required from the Floodplain Board to allow floodproofing to be used for a residential structure; and

WHEREAS the Town Council, acting as the Floodplain Board, and pursuant to the Marana Town Code Title 17 (Land Development) and Chapter 17 (Floodplain and Erosion Hazard Management Code), is empowered to grant variances, provided all variance actions must be reported in a biennial report to FEMA.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Marana, Arizona, acting as the Floodplain Board, that the property located at 4801 W. Flying Diamond, Marana, Arizona, is hereby granted a variance from Marana Town Code section 17-15-10.B.3, which would otherwise prohibit floodproofing of a residential structure, subject to the following conditions:

1. Payment of the floodplain variance fee per the Town's comprehensive fee schedule ($1000);

2. Securing a Marana floodplain use permit for the work;

3. Providing an elevation certificate for the work performed; and

4. Providing a hold harmless agreement to the Town regarding the work.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, acting as the Floodplain Board of the Town of Marana, Arizona, this 17th day of November, 2020.

Mayor Ed Honea

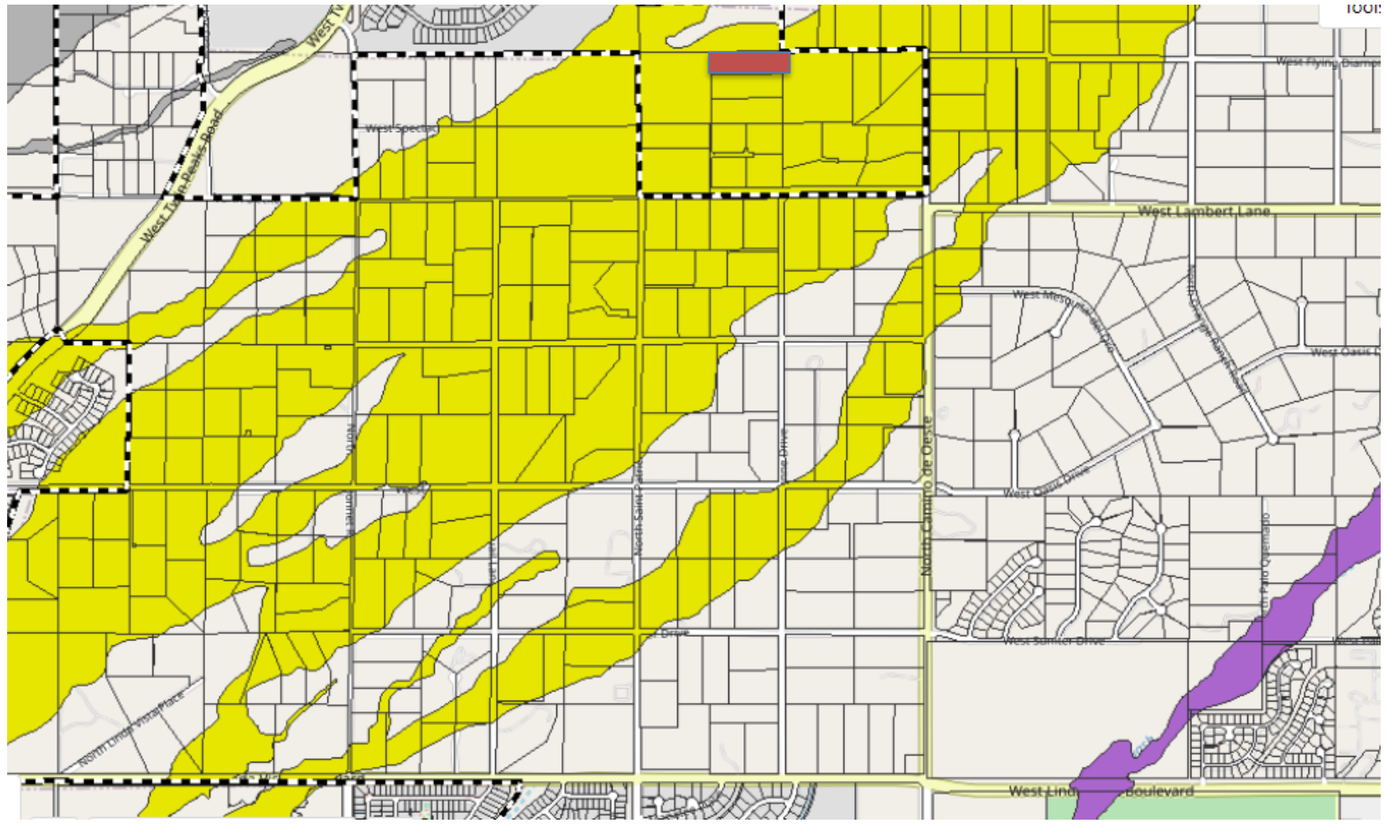
ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

Property Location



Linda Vista

Camino de Oeste

Council-Regular Meeting **A1**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Cynthia Ross, Senior Planner

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: PUBLIC HEARING: Ordinance 2020.016: Relating to Development; amending Ordinance No. 2018.023 which rezoned approximately 17.3 acres of land known as Tortolita Ridge generally located 0.75 miles north of Moore Road on the west side of Tortolita Road by eliminating the requirement for an emergency access road and replacing it with a requirement for installation of automatic fire sprinkler systems (Cynthia Ross)

Discussion:

Request

Baker and Associates, on behalf of DR Horton Inc., has submitted a request to replace Condition #22 of Ordinance 2018.023 requiring the property owners to construct a 20-foot–wide emergency access drive with a stabilized surface capable of supporting fire apparatus prior to the issuance of the 17th certification of occupancy on the rezoning area with the following: Property Owners shall install automatic fire sprinkler systems in each home acceptable to the Northwest Fire District.

Background

The Mayor and Town Council adopted Marana Ordinance 2018.023 on December 18, 2018, rezoning approximately 17.3 acres of land from 'R-80' (single-family residential) and Zone 'C' (Large Lot Zone) to 'R-8' (single-family residential), generally located 0.75 miles north of Moore Road on the west side of Tortolita Road, known as the Tortolita Ridge Rezoning.

Condition #22 of the ordinance states that the Property Owners shall construct a 20-foot-wide emergency access drive with a stabilized surface capable of supporting fire apparatus prior to the issuance of the 17th certificate of occupancy on the Rezoning Area.

At the time of the rezoning request, it was anticipated that the emergency access drive would be provided from the proposed northerly cul-de-sac to Tortolita Road to the east, across the adjacent properties utilizing two 15' wide existing access easements. During the course of the preliminary plat process currently under review (Marana Case # PRV2009-002), it was determined by Town staff and the applicant that the aforementioned existing access easements do not provide access rights for use by this project to Tortolita Road. Therefore, the applicant has no legal means to provide the emergency access drive as stipulated in the rezoning condition.

Marana Subdivision Street Standards

Under Section 4.14.1.a.i. of the Marana Subdivision Street Standards Manual, July 16 Edition, subdivisions of more than 30 and not more than 80 lots shall in addition to the primary access have either an emergency access drive with a stabilized surface capable of supporting fire apparatus or another permanent roadway.

Under Section 4.14.1.a.ii., in areas where it is determined by the Town Engineer that the provision of a secondary access is not practicable based on topography or other access constraints, the Town Engineer, in conjunction with the Fire Marshall may allow a single point of access provided that other mitigating requirements such as intermittent turn-around areas, fire sprinkler protection systems and/or other similar measures are implemented.

Engineering Division Design Exception Application

On September 29, 2020, DR Horton Inc., submitted a Design Exception application (Marana Case #ENG2009-007) proposing to provide all 32 lots with automatic fire sprinklers, which is an allowable mitigating requirement for approval of a single point of access. On October 12, 2020, Town Engineer Keith Brann approved the Design Exception application.

Public Notification

This public hearing was properly noticed in the Daily Territorial newspaper, and all property owners within 300 feet for the proposed amended area were noticed by U.S. Mail of the date, time, and topic of the public hearing. Notice was also posted at various locations within the community and on the Town website.

Staff Recommendation:

Staff recommends adoption of Ordinance 2020.016, revising rezoning condition #22 found in Marana Ordinance 2018.023, with a condition that states that the property owners shall install automatic fire sprinkler systems in each home acceptable to the Northwest Fire District.

Suggested Motion:

I move to adopt Ordinance No. 2020.016, amending Ordinance No. 2018.023 by eliminating the requirement for an emergency access road and replacing it with a requirement for installation of automatic fire sprinkler systems.

Attachments

Ordinance No. 2020.016
Application
Request Letter
Location Map
Existing Subdivision Configuration
Proposed Subdivision Configuration
Ordinance 2018.023
Tortolita Ridge Rezoning Presentation

MARANA ORDINANCE NO. 2020.016

RELATING TO DEVELOPMENT; AMENDING ORDINANCE NO. 2018.023 WHICH REZONED APPROXIMATELY 17.3 ACRES OF LAND KNOWN AS TORTOLITA RIDGE GENERALLY LOCATED .75 MILES NORTH OF MOORE ROAD ON THE WEST SIDE OF TORTOLITA ROAD BY ELIMINATING THE REQUIREMENT FOR AN EMERGENCY ACCESS ROAD AND REPLACING IT WITH A REQUIREMENT FOR INSTALLATION OF AUTOMATIC FIRE SPRINKLER SYSTEMS

WHEREAS the Mayor and Council of the Town of Marana adopted Marana Ordinance No. 2018.023 on December 18, 2018, rezoning approximately 17.3 acres of land known as Tortolita Ridge (the "Rezoning Area") from 'R-80' (Single-Family Residential) and Zone 'C' (Large Lot Zone) to 'R-8' (Single-Family Residential), and amending the 2010 Marana General Plan designation for the Rezoning Area from Rural Density Residential (RDR) to Low Density Residential (LDR); and

WHEREAS Section 3, condition 22 of Ordinance No. 2018.023 requires the property owners to construct a 20-foot–wide emergency access drive with a stabilized surface capable of supporting fire apparatus prior to the issuance of the 17th certificate of occupancy on the Rezoning Area; and

WHEREAS D.R. Horton, Inc., the current owner of the Rezoning Area (the "Property Owner") has no legal means to provide the emergency access drive as required in the rezoning condition; and

WHEREAS the Marana Subdivision Street Standards, July 2016 Edition, Section 4.14.1.a.ii. provides that in areas where it is determined by the Town Engineer that the provision of a secondary access is not practicable based on topography or other access constraints, the Town Engineer, in conjunction with the Fire Marshall, may allow a single point of access provided that other mitigating requirements such as intermittent turn-around areas, fire sprinkler protection systems, or other similar measures are implemented; and

WHEREAS on October 12, 2020, the Town Engineer approved a Design Exception application for the Rezoning Area, approving a single point of access with the provision that all 32 lots in the Rezoning Area be equipped with automatic fire sprinklers; and

WHEREAS the Marana Town Council held a public hearing to consider this amendment to Ordinance No. 2018.023 on November 17, 2020, and determined that the amendment is in the best interest of the Town of Marana and the general public.

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

Section 1. Marana Ordinance No. 2018.023, Section 3, condition 22 is hereby amended as follows (with deletions shown with ~~strikethrough~~ and additions shown with double underlining);

22. The Property Owners shall ~~construct a 20-foot-wide emergency access drive with a stabilized surface capable of supporting fire apparatus prior to the issuance of the 17th certificate of occupancy on the Rezoning Area~~ install automatic fire sprinkler systems acceptable to the Northwest Fire District in each home in the Rezoning Area.

Section 2. All ordinances or parts of ordinances in conflict with the provision of this ordinance are repealed as of the effective date of this ordinance; provided, however that this repeal shall not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

S**ection 3**. If any section, subsection, sentence, clause, phrases 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 4. This ordinance is administrative and shall be effective immediately.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of November, 2020.

_____
Mayor Ed Honea

ATTEST:

_____
Cherry Lawson, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Interim Town Attorney

MARANA AZ

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

☐ Annexation	☐ Development Plan	☐ Development Plan Package	☐ General Plan Amendment
☒ Rezone	☐ Minor Land Division	☐ Significant Land Use Change	☐ Conditional Use Permit
☐ Specific Plan	☐ Landscape Plan	☐ Native Plant Plan/Exception	☐ SWPP
☐ Variance	☐ Hydraulic Model	☐ Sewer Capacity Assurance	☐ Sign Program
☐ Plat	☐ Improvement Plan	☐ Report (Type): _____	☐ Other: _____

PROJECT INFORMATION

Project Name: Tortolita Ridge (MARANA ORDINANCE 2018.023)	
Description of Project: REMOVE REZONING CONDITION # 22	Number of Lots: 32
Parcel No.(s): 218-44-022H and 218-44-022L	Gross Area (Acres): 17.2
Project Address: 13423 N. Tortolita Road	
Ref. Project No.:	

CONTACT INFORMATION

Owner: DR Horton	Contact Name: Brent Davis		
Address: 3580 W. Ina Road, Ste. 100	City: Tucson	State: AZ	Zip: 85741
Email: btdavis@drhorton.com	Phone No.: (520) 790-6005		
Applicant: Same as above	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		
Consultant/Engineer: Baker & Assoc. Engineering	Contact Name: Marty Magelli, P.E.		
Address: 3561 E. Sunrise Dr., #225	City: Tucson	State: AZ	Zip: 85718
Email: marty@baetucson.com	Phone No.: (520) 318-1950		

OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

Brent Davis		9/3/20
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY **Project No:** _____ **Date Received** _____

Revision Date 03/29/2019

Baker & Associates Engineering, Inc.

William H. Baker Jr., P.E., R.L.S.
Martin V. Magelli, P.E.

3561 E. Sunrise Dr., Suite 225
Tucson, Arizona 85718
520.318.1950 Fax 318.1930

September 24, 2020

Town of Marana
Planning Department
11555 W. Civic Center Drive
Marana, AZ 85653

Re: Marana Ordinance No. 2018.023 (Tortolita Ridge)
BAE File #2492

To whom it may concern:

As part of the on-going development process for the above project and per our recent conversations with Town of Marana staff, we are requesting rezoning condition #22 for the above referenced ordinance be removed.

The proposed development of 32 lots provides a single permanent access from Tortolita Road, an existing public road. Under Section 4.14.1.a of the Town of Marana Subdivision Street Standards, July 2016 edition, given the proposed 32 lots in the development, a single permanent access and an emergency access drive are required. At the time of the rezoning process, it was anticipated that the emergency access drive (as stipulated in above referenced rezoning condition #22) would be provided from the proposed northerly cul-de-sac to Tortolita Road to the east, across the adjacent properties utilizing two 15' wide existing access easements. During the course of the preliminary plat process is has been recently determined by both Town staff and the developer's attorneys that the aforementioned existing access easements do not provide access rights for use by this project to Tortolita Road. Therefore, we have no legal means to provide the emergency access drive as stipulated in the rezoning condition. As such, we hereby request the removal of said condition as the property cannot legally comply with said condition.

Per our conversations with Town and Northwest Fire staff, we have submitted a design exception request, under separate cover, to the Town Engineer to propose providing all 32 lots with automatic fire sprinklers, which is an allowable mitigating requirement for not providing an emergency access drive as permitted under the Town of Marana Subdivision Street Standards. Based on this allowance under the Town's Street Standards, we feel the request for removal of this rezoning condition would not be considered a substantial change to the original rezoning conditions.

Thank you for your consideration of this request. If you have any questions, please give me a call at 318-1950, extension 104.

Sincerely,

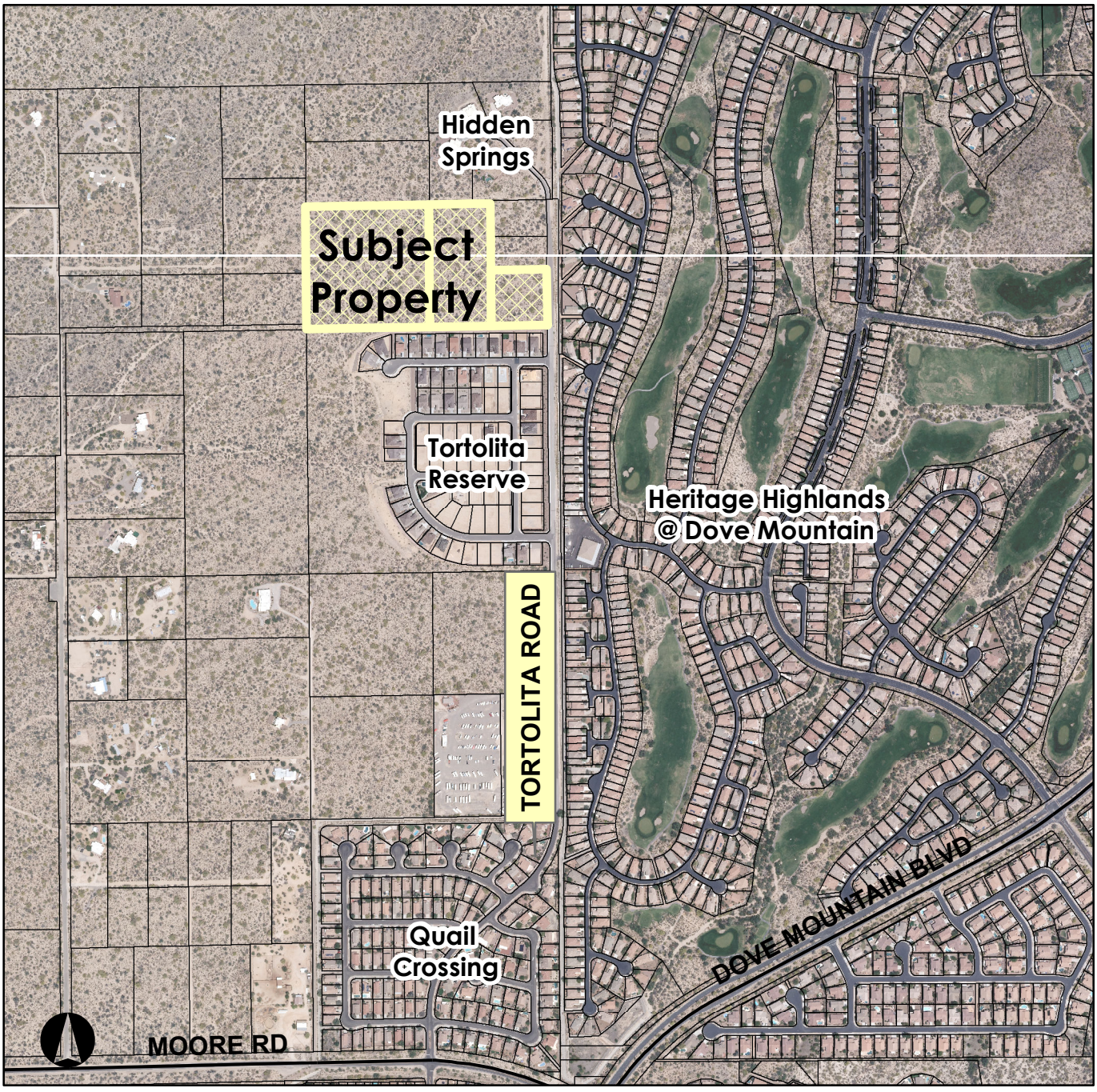
Baker & Associates Engineering, Inc.

Martin V. Magelli

Martin V. Magelli, P.E.

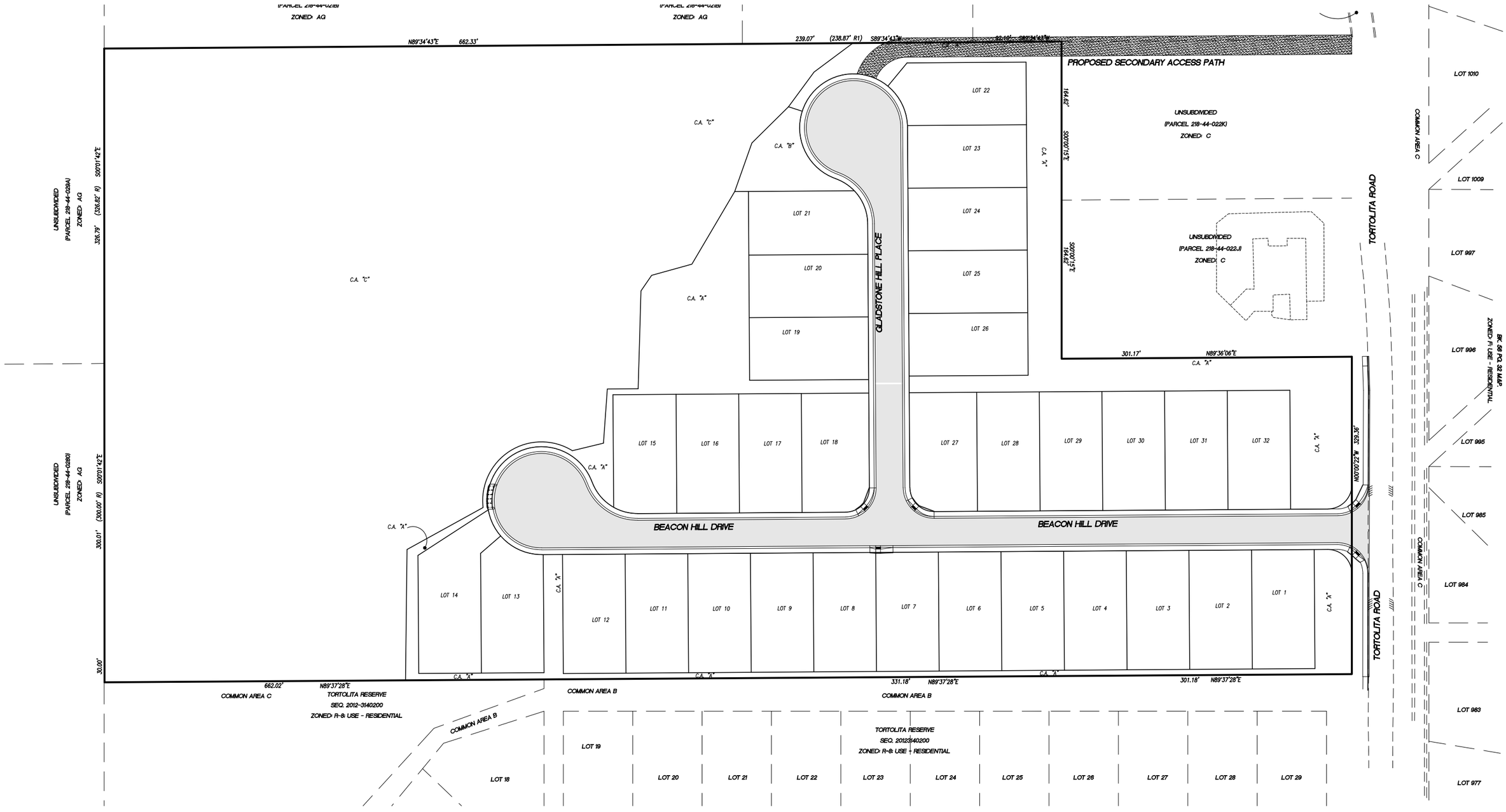
x:\2492\wpdoc\mar-rezoning condition removal request.ltr

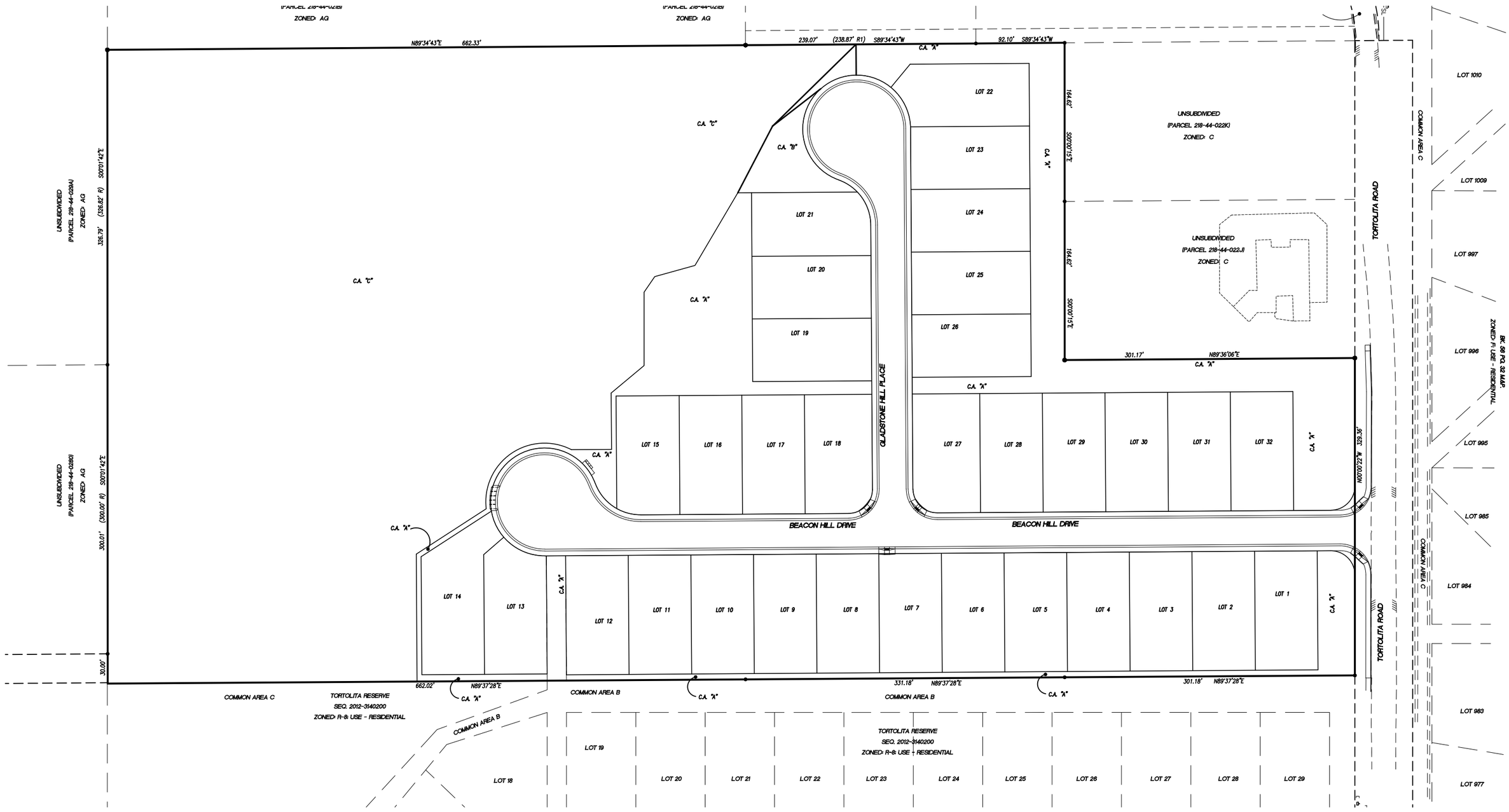
Tortolita Ridge
Rezoning Condition Revision
PCM2009-001



A request to amend Marana Ordinance 2018.023, an ordinance that approved a rezoning of approximately 17.3 acres of land from 'R-80' (single-family residential) and Zone 'C' (Large Lot Zone) to 'R-8' (single-family residential). The proposed amendment is to replace a rezoning condition that required the developer to construct an emergency access drive with a requirement that the developer install fire sprinkler systems in each home.

Data Disclaimer: The Town of Marana provides this map information "As Is" at the time of creation. Although the data is thought to be accurate, correct or complete and conclusions drawn from such information are the responsibility of the user. Images © 2020 Town of Marana become liable to users of these data, or any other party, for any loss or direct, indirect, special, incidental, or consequential damages, including but not limited to time, money, or goodwill, arising from the use or modification of the data.


PROPOSED SECONDARY ACCESS PATH
UNSUBDIVIDED
(PARCEL 218-44-022K)
ZONED: C
UNSUBDIVIDED
(PARCEL 218-44-022J)
ZONED: C
UNSUBDIVIDED
(PARCEL 218-44-029A)
ZONED: AG
UNSUBDIVIDED
(PARCEL 218-44-028O)
ZONED: AG
ZONED: AG
ZONED: AG
N89°34'43"E 662.33'
239.07' (238.87' R1) S89°34'43"W
S00°01'42"E 326.79' (326.82' R)
S00°01'42"E 300.01' (300.00' R)
164.67'
S00°00'15"E 351.00'
164.67'
S00°00'15"E 351.00'
301.17' N89°36'06"E
329.36' N00°00'22"W
30.00'
662.02' N89°37'28"E
331.18' N89°37'28"E
301.18' N89°37'28"E
C.A. "A"
C.A. "B"
C.A. "C"
QUADSTONE HILL PLACE
BEACON HILL DRIVE
BEACON HILL DRIVE
TORTOLITA ROAD
TORTOLITA ROAD
COMMON AREA C
COMMON AREA B
COMMON AREA B
COMMON AREA C
COMMON AREA B
TORTOLITA RESERVE
SEQ. 2012-3140200
ZONED: R-6 USE - RESIDENTIAL
TORTOLITA RESERVE
SEQ. 20123140200
ZONED: R-6 USE - RESIDENTIAL
BK. 58 PG. 32 M&P.
ZONED: FI USE - RESIDENTIAL
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
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LOT 21
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LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
LOT 1010
LOT 1009
LOT 997
LOT 996
LOT 995
LOT 985
LOT 984
LOT 983
LOT 977


UNSUBDIVIDED
(PARCEL 218-44-022A)
ZONED: AG
S00°01'42"E
326.79'
(326.82' R)
N89°34'43"E
662.33'
(PARCEL 218-44-022B)
ZONED: AG
239.07'
(238.87' R1)
S89°34'43"W
92.10'
S89°34'43"W
C.A. "A"
C.A. "C"
C.A. "B"
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 21
LOT 20
LOT 19
C.A. "A"
164.62'
S00°00'15"E
UNSUBDIVIDED
(PARCEL 218-44-022K)
ZONED: C
UNSUBDIVIDED
(PARCEL 218-44-022J)
ZONED: C
301.17'
N89°36'06"E
C.A. "A"
GLADSTONE HILL PLACE
TORTOLITA ROAD
COMMON AREA C
LOT 1010
LOT 1009
LOT 997
LOT 996
LOT 995
LOT 985
LOT 984
LOT 983
LOT 977
BK. 58 PG. 32 M&P.
ZONED: FI USE - RESIDENTIAL
C.A. "A"
LOT 15
LOT 16
LOT 17
LOT 18
LOT 27
LOT 28
LOT 29
LOT 30
LOT 31
LOT 32
N00°00'22"W
329.35'
BEACON HILL DRIVE
BEACON HILL DRIVE
C.A. "A"
LOT 14
LOT 13
LOT 12
LOT 11
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LOT 9
LOT 8
LOT 7
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LOT 5
LOT 4
LOT 3
LOT 2
LOT 1
UNSUBDIVIDED
(PARCEL 218-44-029A)
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S00°01'42"E
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COMMON AREA C
TORTOLITA RESERVE
SEQ. 2012-3140200
ZONED: R-6 USE - RESIDENTIAL
COMMON AREA B
COMMON AREA B
COMMON AREA B
TORTOLITA RESERVE
SEQ. 2012-3140200
ZONED: R-6 USE - RESIDENTIAL
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
LOT 26
LOT 27
LOT 28
LOT 29

F. ANN RODRIGUEZ, RECORDER
Recorded By: LW
DEPUTY RECORDER
41

SMARA
TOWN OF MARANA
PICKUP

SEQUENCE: 20183550040
NO. PAGES: 6
12/21/2018
9:41:07

MARANA ORDINANCE NO. 2018.023

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 17.3 ACRES OF LAND FROM 'R-80' (SINGLE-FAMILY RESIDENTIAL) AND ZONE 'C' (LARGE LOT ZONE) TO 'R-8' (SINGLE-FAMILY RESIDENTIAL); AND APPROVING A MINOR AMENDMENT TO THE MARANA GENERAL PLAN AMENDING THE LAND USE CATEGORY FROM RURAL DENSITY RESIDENTIAL (RDR) TO LOW DENSITY RESIDENTIAL (LDR), GENERALLY LOCATED .75 MILES NORTH OF MOORE ROAD ON THE WEST SIDE OF TORTOLITA ROAD

WHEREAS David L. Lam (as to two of the three parcels owned in fee title and as to the easement parcel) and David L. Lam and Hon T. Lam (as to the third of the three parcels owned in fee title) (collectively the "Property Owners") own 17.3 acres of land generally located .75 miles north of Moore Road in Section 26, Township 11 South, Range 12 East, described and depicted on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have submitted an application to rezone the Rezoning Area from 'R-80' (Single-Family Residential) and Zone 'C' (Large Lot Zone) to 'R-8' (Single-Family Residential), and to amend the 2010 Marana General Plan from Rural Density Residential (RDR) to Low Density Residential (LDR); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on November 28, 2018, and voted five to zero (with two Commissioners absent) to recommend that the Town Council approve this Rezoning, subject to the recommended conditions; and

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

Section 1. The zoning of the Rezoning Area is hereby changed from 'R-80' (Single-Family Residential) and Zone 'C' (Large Lot Zone) to 'R-8' (Single Family Residential).

Section 2. A minor amendment to the General Plan is hereby approved, changing the General Plan designation of the Rezoning Area from 'RDR' (Rural Density Residential) to 'LDR' (Low Density Residential).

Section 3. This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on the Property Owners and their successors in interest (all of whom are collectively included in the term "Property Owners" in the following conditions):

1. Compliance with all applicable provisions of the Town's codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.
2. Any preliminary plat or development plan for any portion of the Rezoning Area shall be in general conformance with the conceptual land use plan presented to and approved by the Town Council as part of this Rezoning.
3. A master drainage study must be submitted by the Property Owners and accepted by the Town Engineer prior to Town approval of a preliminary plat or development plan for any portion of the Rezoning Area.
4. A detailed traffic impact analysis must be submitted by the Property Owners and accepted by Town staff prior to approval of a preliminary plat or development plan for any portion of the Rezoning Area.
5. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by Tucson Water (the "water provider") prior to approval of a preliminary plat for any portion of the Rezoning Area. The WIP shall identify all on-site and off-site water facilities needed to serve the proposed development. The WIP shall include all information required by the water provider, such as (but not limited to) analysis of water use and fire flow requirements, and well source, reservoir, and booster station infrastructure needed to serve the proposed development. If the water provider requires a water service agreement as a condition of service to the proposed development, the Property Owners must enter into a water service agreement with the water provider consistent with the accepted WIP.
6. A master sewer plan must be submitted by the Property Owners and accepted by the Pima County Regional Wastewater Reclamation Department (the "wastewater utility") prior to the approval of any final plat or development plan for the Rezoning Area. The master sewer plan shall identify all on-site and off-site wastewater facilities needed to serve the proposed development, and shall include all information required by the wastewater utility. If the wastewater utility requires a sewer service agreement as a condition of service to the proposed development, the Property Owners must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan.
7. The Property Owners must design and construct any roadway, drainage, water, and wastewater improvements, and dedicate or acquire any property rights associated with those improvements, that the Town requires based on the data and findings of the accepted traffic impact analysis, the accepted master drainage study, the accepted WIP, the accepted master sewer plan, and other studies approved in connection with the approval of a preliminary plat or development plan for any portion of the Rezoning Area.
8. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Rezoning Area.
9. The maximum number of single-family detached residential lots within the Rezoning Area shall not exceed 34.
10. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owners from responsibility to ensure compliance with all applicable federal and state laws and regulations, including the

Endangered Species Act and the Clean Water Act. The Property Owners should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.

11. The Property Owners shall transfer to Marana, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for the Town providing designation of assured water supply and water service to the Rezoning Area. If Type I or Type II is needed on the Rezoning Area, the Town and the Property Owners shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Rezoning Area.

12. Prior to the issuance of any grading permits, the Property Owners shall submit evidence to the Town that all federal permit requirements have been met through the Corps of Engineers and the State Historic Preservation Office, if federal permits are required for the development of the Rezoning Area.

13. A 100% clearance survey for the desert tortoise shall be completed by a qualified biologist at the Property Owners' expense and a survey report shall be submitted to the Town and to the Arizona Game and Fish Department (AZGFD) prior to issuance of any grading permits. If a desert tortoise is found during the survey or at any time during construction, the Property Owners shall immediately notify the Town and AZGFD, and the tortoise shall be moved in accordance with the most current *AZGFD Tortoise Handling Guidelines* at the Property Owners' expense.

14. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.

15. Within 60 days after the adoption of this ordinance, the Property Owners shall provide the Planning Department with two bound copies and two electronic CD copies in PDF format (including graphics of the conceptual land use plan in JPEG or other suitable format) of the Tortolita Ridge Rezoning.

16. Before a certificate of occupancy can be issued for any dwelling unit on the Rezoning Area, the Property Owners shall have completed or shall provide evidence to the Town's satisfaction that the Property Owners have made a diligent effort to complete the process of having Pima County Assessor parcel number 218-44-022H into the Northwest Fire District.

17. The Property Owners shall enter into a written agreement addressing the funding, design and construction of off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the Rezoning Area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.

18. The Property Owners shall submit final covenants, conditions, and restrictions for the Rezoning Area for Town review and approval prior to the Town Council consideration of the final plat.

19. The conditions, covenants, and restrictions governing the project must include a provision stating that all natural undisturbed open space shall be left entirely undisturbed and in their natural desert state, except for utility installations, constructed drainage ways and road

crossings, which shall be revegetated with native species similar to those found in the surrounding area.

20. Lots 1-14, 26-28, 33, and 34 as designated on the conceptual land use plan shall be restricted to single story homes.
21. The Property Owners shall construct a park area containing a ramada, picnic benches, barbeque pit, and grassy area prior to approval of the 34th building permit on the Rezoning Area.
22. The Property Owners shall construct a 20-foot-wide emergency access drive with a stabilized surface capable of supporting fire apparatus prior to the issuance of the 17th certificate of occupancy on the Rezoning Area.
23. The perimeter wall design shall be included as part of the subdivision landscaping plan to be reviewed and approved by the Town planning staff. The final design shall be complementary to both the built and natural environment of the surrounding area.

Section 5. All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

Section 6. 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, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 18th day of December, 2018.

Mayor Ed Honea

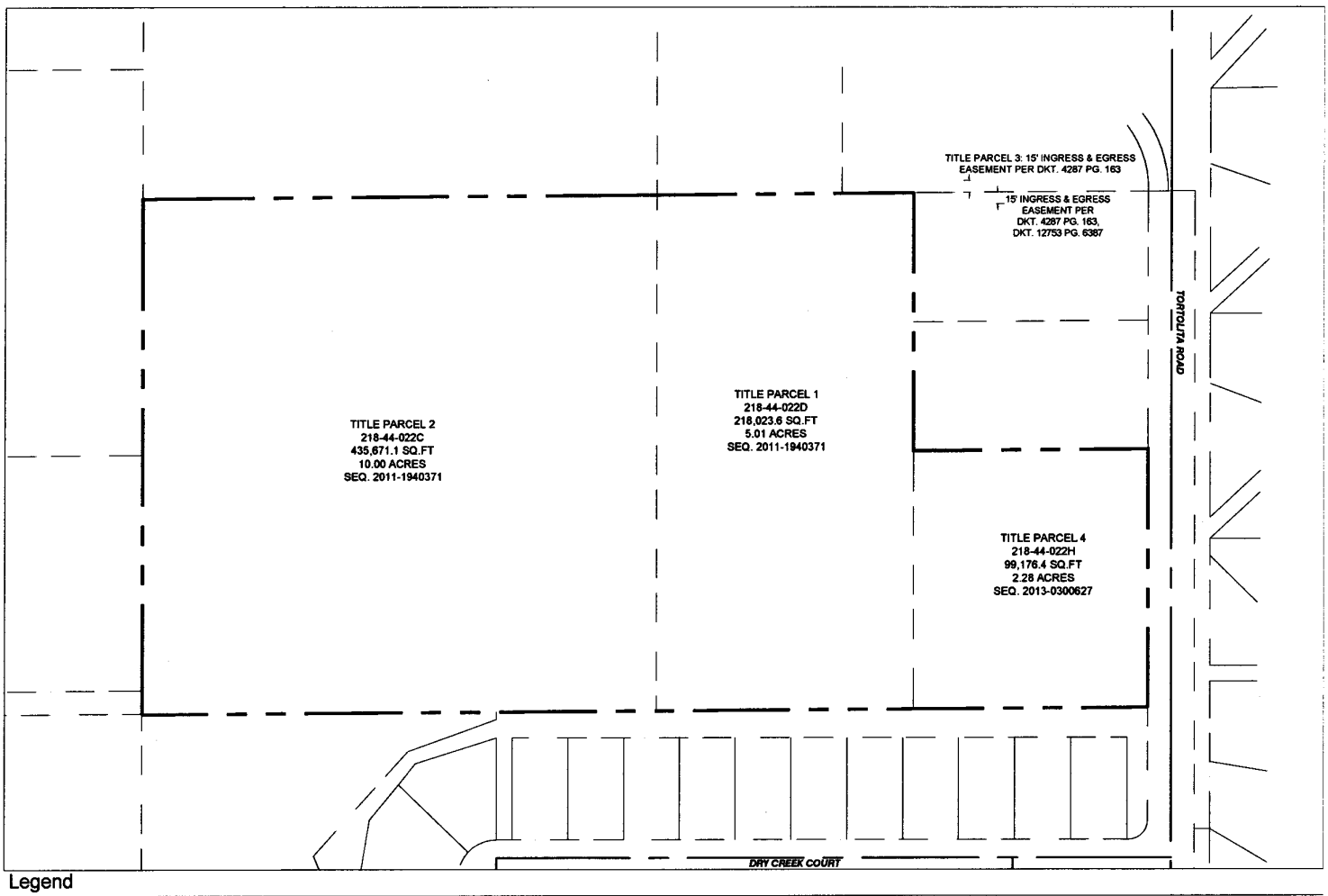
ATTEST:

Hilary H. Hiser, Interim Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

MARANA AZ
ESTABLISHED 1977



Legend

PROPERTY BOUNDARY

PARCELS

EXHIBIT A

NORTH 0' 100' 200'

FILE NAME: LEGAL EXHIBIT.dwg

EXHIBIT A – LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Pima, State of Arizona, and is described as follows:

Parcel 1:

The West half of the Southeast quarter of the Northeast quarter of the Northeast quarter of Section 26, Township 11 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

(JV Arb 129)

Parcel 2:

The West half of the South half of the Northeast quarter of the Northeast quarter of Section 26, Township 11 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

(JV Arb 130)

Parcel 3:

Easement for ingress and egress over the South 15 feet of the Northeast quarter of the Northeast quarter of the Northeast quarter of Section 26, Township 11 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

Parcel 4:

The South half of the East half of the East half of the South half of the Northeast quarter of the Northeast quarter of Section 26, Township 11 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

EXCEPT the East 30 feet thereof as conveyed to the Town of Marana by Deed recorded in Docket 10474 at page 509.

MARANA AZ

Tortolita Ridge Rezoning – Condition Amendment

Case No. PCM2009-002

Public Hearing – Town Council

November 17, 2020

Ordinance 2018.023 Condition Amendment

Background

Marana Ordinance 2018.023

- Adopted December 18, 2018
- Rezoning of ~17.3 acres to R-8
- 34 lot subdivision

Request

Amend rezoning condition No. 22

"The Property Owners shall construct a 20-foot-wide-emergency access drive with a stabilized surface capable of supporting fire apparatus prior to issuance of the 17th certificate of occupancy."

- Alternative access requirement for more than 30 lots
- No legal access determination at platting
- Subdivision Street Standards Design Exception Request
- Proposed fire sprinkler protection system for homes
- Approval by Town Engineer and NWFD

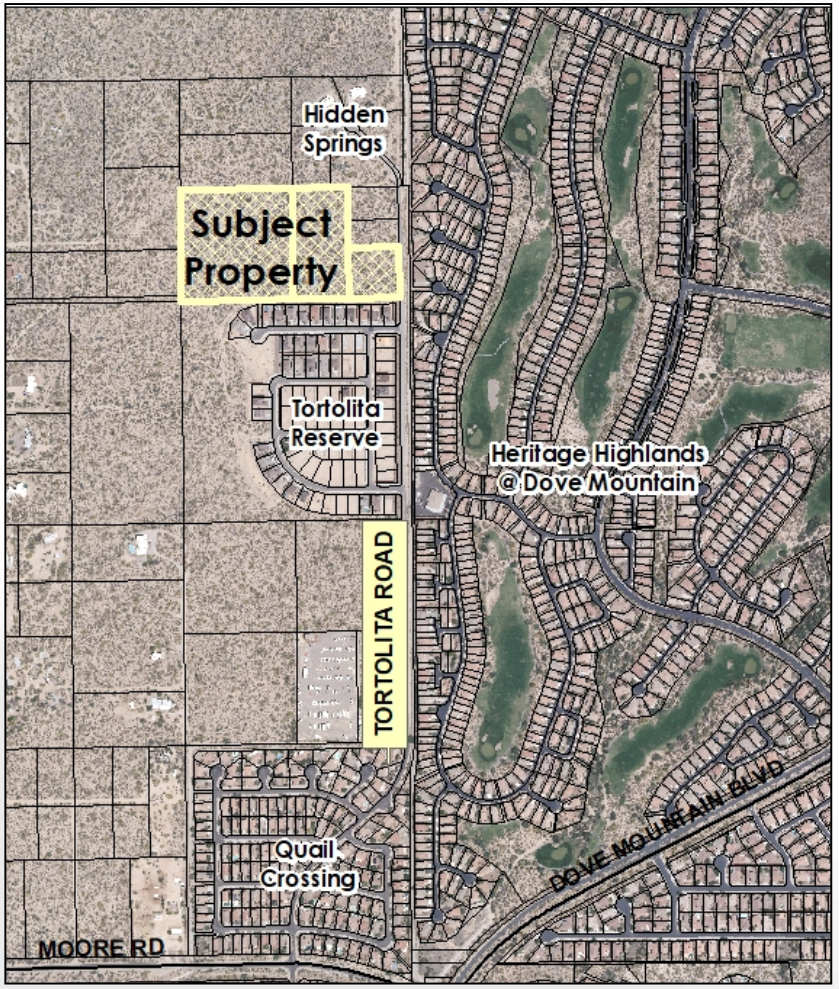
Amendment to Rezoning Condition No. 22

From

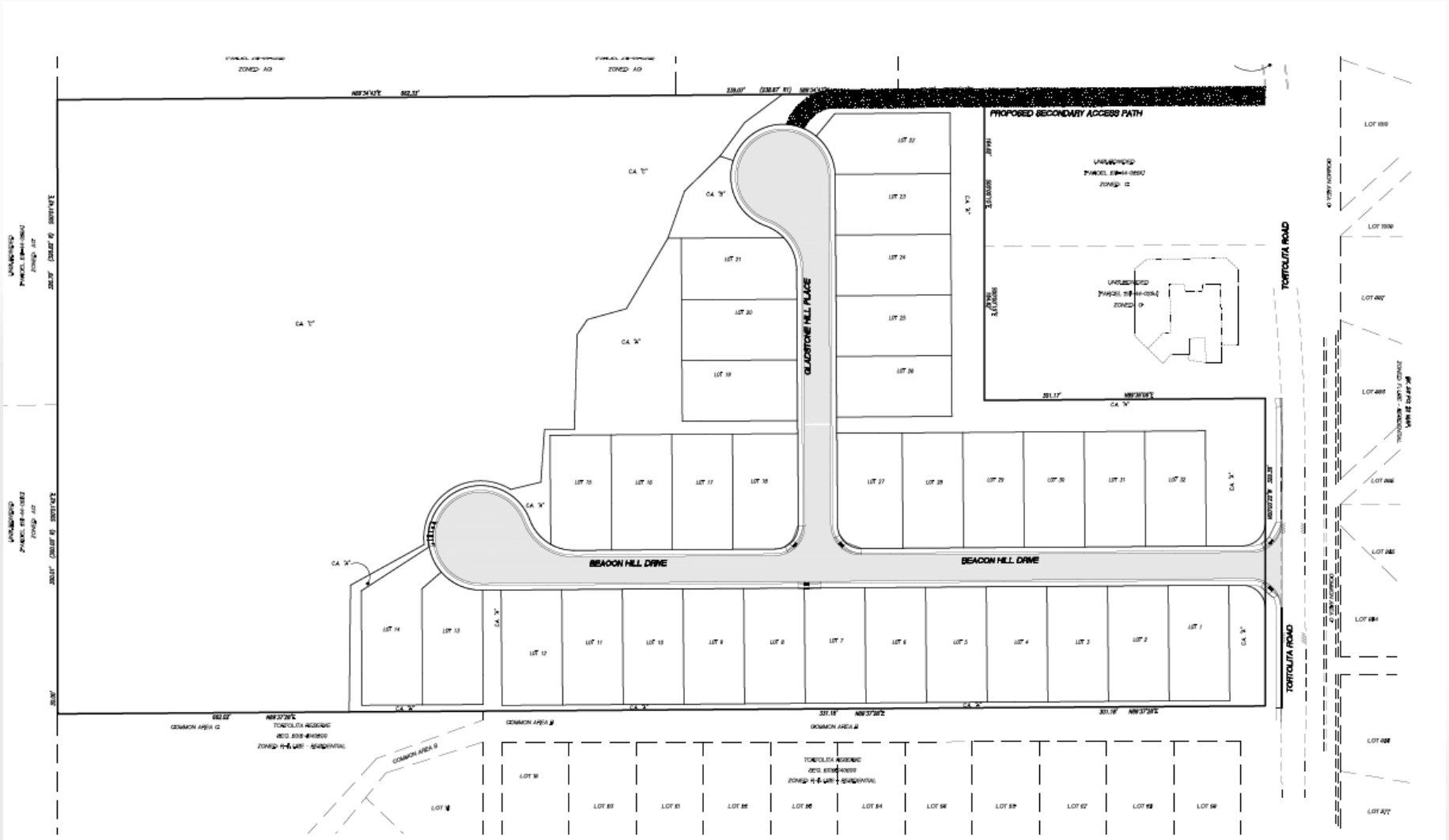
The Property Owners shall construct a 20-foot-wide-emergency access drive with a stabilized surface capable of supporting fire apparatus prior to issuance of the 17th certificate of occupancy.

To

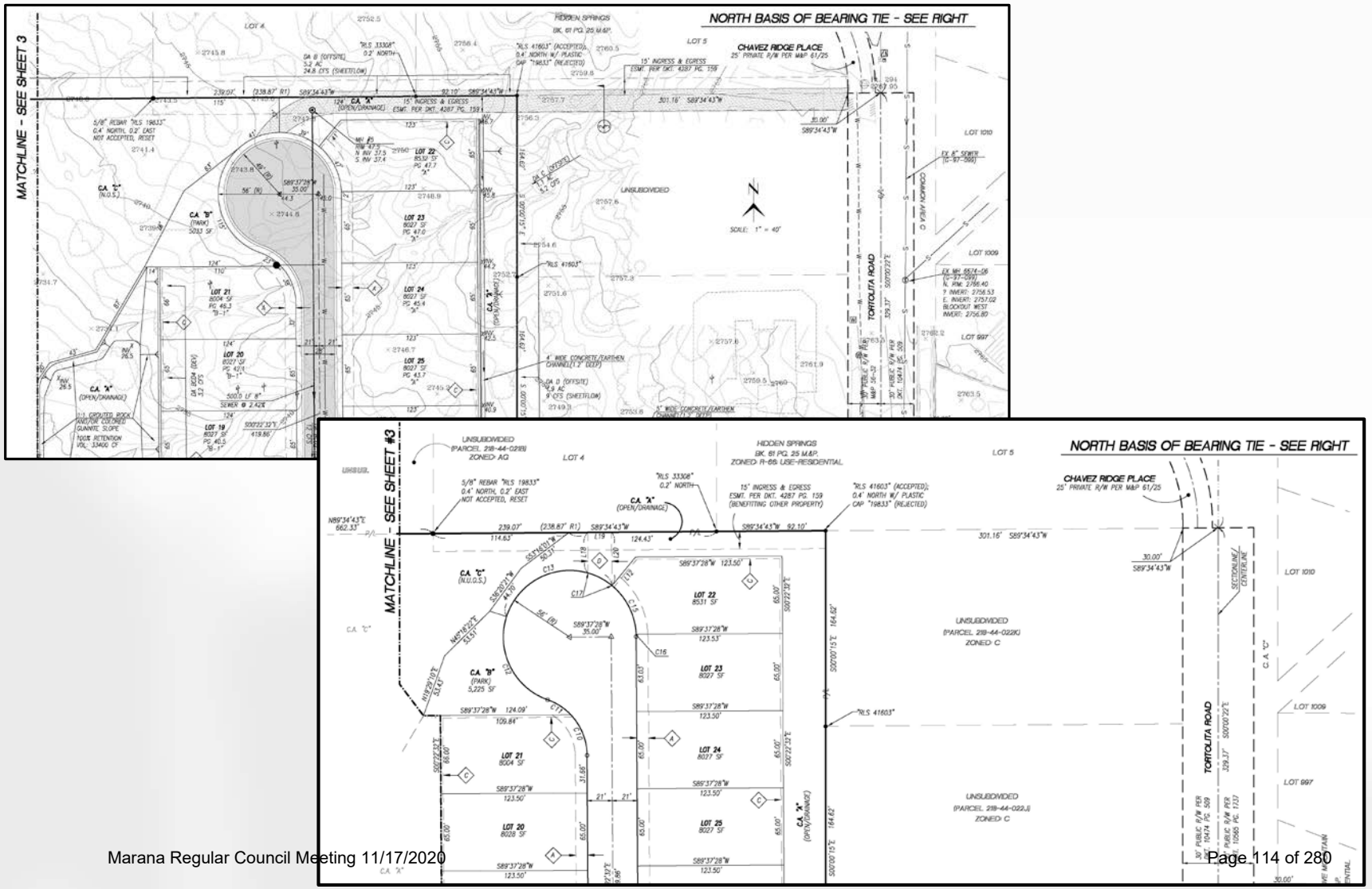
Property owners shall install fire sprinkler systems in each home acceptable to the Northwest Fire District.



Proposed Secondary Access Road



Platting


NORTH BASIS OF BEARING TIE - SEE RIGHT
MATCHLINE - SEE SHEET 3
CHAVEZ RIDGE PLACE
25' PRIVATE R/W PER M&P 61/25
HIDDEN SPRINGS
BK. 61 PG. 25 M&P
LOT 5
LOT 4
LOT 1010
LOT 1009
LOT 997
TORTOLITA ROAD
UNSUBDIVIDED
LOT 22
LOT 23
LOT 24
LOT 25
LOT 21
LOT 20
LOT 19
C.A. "A"
C.A. "B"
C.A. "C"
15' INGRESS & EGRESS
ESMT. PER DKT. 4287 PG. 159
SCALE: 1" = 40'
MATCHLINE - SEE SHEET #3
UNSUBDIVIDED
(PARCEL 219-44-022B)
ZONED: AG
HIDDEN SPRINGS
BK. 61 PG. 25 M&P.
ZONED: R-6S USE-RESIDENTIAL
15' INGRESS & EGRESS
ESMT. PER DKT. 4287 PG. 159
(BENEFITTING OTHER PROPERTY)
"RLS 41603" (ACCEPTED);
0.4' NORTH W/ PLASTIC
CAP "19833" (REJECTED)
5/8" REBAR "RLS 19833"
0.4' NORTH, 0.2' EAST
NOT ACCEPTED, RESET
"RLS 33308"
0.2' NORTH
UNSUBDIVIDED
(PARCEL 219-44-022K)
ZONED: C
UNSUBDIVIDED
(PARCEL 219-44-022J)
ZONED: C
30' PUBLIC R/W PER
104/74 PG. 509
30' PUBLIC R/W PER
10565 PG. 1737

Council-Regular Meeting **A2**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Cynthia Ross, Senior Planner

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: PUBLIC HEARING: Resolution No. 2020-125: Relating to Development; approving a Conditional Use Permit to allow the development of a self-storage facility at 8611 N. Continental Reserve Loop in the Pima Farms North Specific Plan -Villas at Sombrero Peak (Cynthia Ross)

Discussion:

Summary
DAZ7-Sombrero Peak L.L.C., represented by the Planning Center, is requesting approval of a Conditional Use Permit (CUP) to allow a self-storage facility in the Pima Farms North Specific Plan – Villas at Sombrero Peak and the Silverbell Road Corridor Overlay District.

Location
The 1.42 acre subject property lies within the Pima Farms North Specific Plan and is located at 8861 North Continental Reserve Loop, approximately 250 feet south of Silverbell Road, on the west side of Continental Reserve Loop, recorded as Lot 3 of Continental Crossing Lots 1-4 Final Plat within a portion of Section 28, Township 12 South, Range 12 East.

Pima Farms North Specific Plan – The Villas at Sombrero Peak
The property is zoned 'F' (Pima Farms North Specific Plan – Villas at Sombrero Peak) and the land use designation is Village Core-Commercial. The property is zoned for commercial uses, but pursuant to the terms of the Villas at Sombrero Peak Specific Plan, self-storage facilities are conditionally permitted only upon approval of a conditional use permit (CUP) by both the Planning Commission and the Town Council. Grounds for approval are compliance with the Villas at Sombrero Peak development standards.

Silverbell Road Corridor Overlay District (SRCOD)
The proposed development is located within the Silverbell Road Corridor Overlay District (SRCOD) and subject to the provisions of the Silverbell Road Corridor Overlay District established by Ordinance 2003.27 and amended by Ordinance 2009.05. The purpose of the SRCOD is to ensure high-quality development along Silverbell Road while providing for specific uses in a planned commercial setting, compatible and complementary to adjacent residential subdivisions. New developments in the SRCOD are subject to review and approval by the Planning Commission to ensure compliance with a coordinated set of design principles for buildings, site planning, landscaping, and signage outlined in Title 24.01 of the Marana Land Development Code. Self-storage facilities are allowed in the SRCOD with approval of a condition use permit by the Planning Commission and demonstrated compliance with Title 24.01.

Proposed Operation
The proposed indoor, self-storage facility at Continental Reserve will be three stories (two above ground, one below ground) with a building height of twenty-eight (28) feet and a combined floor area of approximately 76,065 square feet. The building will be situated on the northern portion of the property near the existing commercial uses with landscaping, parking and a drive aisle located closer to the southern portion of the site. The site fronts onto Continental Reserve Loop, a collector street, that has an existing curb, gutter, and sidewalk facilities. Access to the site will be provided via an existing curb cut on Continental Reserve Loop. Cross-access with the Watermark at Continental Reserve assisted living facility will be located along the western boundary for emergency purposes only.

Business Activities and Hours of Operation
Storage and operation activities will take place indoors in a climate-controlled environment. Customers may rent varying sized storage units ranging from 25 square feet to 300 square feet. Storage will be limited to the interior of the building, and no outdoor storage of any kind will take place at this facility. Outdoor RV or boat storage, and truck or trailer rentals, shall also be prohibited at this facility.

Operating more like a hands-on service business than a traditional self-storage facility, employees assist customers in assessing storage needs and ensure proper upkeep of the facility and the parking areas. Two to three employees, one full-time and two part-time, will staff the facility during operating hours. No residential accommodations will be provided, and no employees will be living on site. The storage facility area will be open daily, seven days a week from 7:00 AM to 9:00 PM. The business office will be open from 9:00 AM to 6:00 PM Monday through Friday, and 10:00 AM to 4:00 PM on Saturday. Storage units may be accessed from 7:00 AM to 9:00 PM via keycards. The operation will also have high-tech, 24-hour surveillance on the property to promote a safe environment for users of the facility and the surrounding residents.

Adjacent Land Uses
Land uses surrounding the parcels are: Commercial to the north (Quik-Mart) and to the west (Watermark Assisted Senior Living) and Commercial to the east across Continental Reserve Loop (Pima Federal Credit Union and assorted retails and services). Adjacent to

the south is "Common Area A" as identified on the final block plat of Continental Reserve. This approximately 1-acre parcel is owned by the Continental Reserve Master Homeowners Association and has a drainage easement and 100 foot wide powerline easement with existing poles and electrical lines on it. South of "Common Area A" is the Pima Farms Sierra Crest (aka Sierra Ridge) subdivision that has a land use designation of Medium-High Density Residential (MHDR).

Compliance with Pima Farms North Specific Plan - Villas at Sombrero Peak and the SRCOD

The proposed self-storage facility and site design are consistent with the overall goals, policies, standards, and regulations of the Pima Farms North Specific Plan – The Villas at Sombrero Peak and Title 24.01 the Silverbell Road Corridor Overlay District site design, architecture, landscaping and buffering, lighting and signage. The below discussion details how each design element meets the intent of both regulations.

Site Design & Building Orientation

The building is positioned as far north on the site as possible to create ample separation from the Sierra Ridge subdivision, situated near the existing Quik Mart and in line with the neighboring assisted living facility with parking, the access lane, and landscaping located south of the building. The main entry faces south, creating visual diversity for the residents to the south. This configuration, combined with the electrical easement situated adjacent to the southern property boundary, creates a setback of over 165' from the proposed facility and the homes in Sierra Ridge to the south. (See attached proposed Site Plan for additional details.)

Architecture

The proposed building will be two stories above-grade and one level below grade and limited to 28 feet in height with an allowable building height of 34 feet. The proposed building has four-sided architecture with windows, ornamentation, roof overhangs, columns, and awnings to establish visual interest from offsite vantage points. The architectural styles, materials, and color palettes are consistent with the Desert Southwest and complementary to the adjacent commercial development and residential communities. Architectural embellishments include stucco, arched windows (real and faux), rounded towers, and stone veneer columns. (See attached proposed Building Elevations for additional details.)

Landscaping, Buffering and Screen

Buffers from the adjacent subdivision to the south include enhanced landscaping featuring a combination of vegetation (trees, shrubs, understory, and groundcover) and a 50-foot building setback. Where commercial uses are adjacent to residential areas, landscape planting and/or a 6-foot masonry wall shall be required to emulate residential landscaping and diffuse light and glare, which may occur from night operations. A bufferyard shall be provided along the main wash from each edge of bank with a required plant count of three plants per 100 square feet. A 15-foot bufferyard shall be provided along the northern boundary adjacent to Silverbell Road. An enhanced landscape bufferyard shall be provided along the south and west project boundaries adjacent to existing residential subdivisions. The landscaping shall consist of 5 tree and 15 shrubs/accents per 1000 square feet. (See attached proposed Landscape Plan for

additional details.)

Lighting
All wall lighting and parking fixtures will be downward directed and shielded to prevent spillover to adjacent properties. The proposed outdoor lighting will comply with Town of Marana Outdoor Lighting Code, the International Dark Sky Association ordinances, the Pima Farms North Specific Plan – Villas at Sombrero Peak, and the SRCOD. (See attached proposed Photometric Plan for additional details.)

Signage
The proposed signage for the facility includes two wall signs oriented on the north/northeastern side of the building to eliminate light trespass onto residential properties to the south. A wall sign is located on the north building façade and a marquee sign is situated on the northern portion of the eastern façade. (See attached proposed Sign Plan for additional details).

Traffic Impact
Marana Traffic Engineering staff has reviewed and conditionally approved the DRAFT National Self Storage Traffic Impact Statement (Marana Case # TRA2009-002). Traffic Engineering staff have indicated that they consider the proposed self-storage operation as a low traffic generating use that should not have significant impact on the existing street network. Continental Reserve Loop has sufficient capacity to serve the minimal amount of traffic that is anticipated to be generated. In addition, customer use of the facility primarily on weekends will minimize potential conflicts and congestion with the nearby Rattlesnake Ridge Elementary School.

Compliance
Overall, staff finds this proposal is consistent with the intent the Pima Farms North Specific Plan – The Villas at Sombrero Peak, and the Silverbell Road Corridor Overlay District, and complies with the requirements of the Conditional Use Permit criteria.

Applicant Neighborhood Outreach
The Planning Center held a neighborhood meeting on the subject property on October 6, 2020, at 5:30 PM. In addition to all property owners within 300 feet of the subject site, the Sierra Ridge / Sierra Crest Subdivision HOA and the Continental Reserve Master Association were invited to attend the meeting.

Public Notification
This public hearing was properly noticed in the Daily Territorial newspaper, and all property owners within 300 feet for the proposed amended area were noticed by U.S. Mail of the date, time, and topic of the public hearing. Notice was also posted at various locations within the community and on the Town website. Staff has received two letters of opposition and they are attached to this report.

Recommended Findings of Fact
Staff finds that this proposal is consistent with the intent of the Town of Marana 2040 General Plan, the Town of Marana Land Development Code, and complies with the requirements of a conditional use permit. Staff finds the following:

1. The applicant has demonstrated that the proposed use is appropriate to the specific location and complies with the intent of the Pima Farms North Specific Plan and Silverbell Road Corridor Overlay District.
2. The proposed use does not appear to be detrimental to the immediate area and to the health, safety, and general welfare of the inhabitants of the area and the Town of Marana.
3. The proposed use will not adversely affect the orderly development of property within the town.
4. The proposal will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the Town of Marana.
5. The proposed use is consistent with the objectives, policies, general land uses and programs specified in the Town of Marana General Plan.
6. The proposed use is not anticipated to create a nuisance or enforcement problem within the neighborhood.
7. The proposed use is allowable within this zoning designation subject to conditional use permit approval and will not encourage marginal development within the neighborhood.
8. The proposed use is not anticipated to create a demand for public services with the Town beyond that of the ability of the Town to meet in the light of taxation and spending restraints imposed by law.
9. The proposed use does not conflict with the Town's approved funding priorities.
10. The proposed site is adequate in size and shape to accommodate the intended use and all requirements for the zone district including but not limited to setbacks, walls, landscaping and buffer yards.

Case Review

1. Ability to comply with Findings 1 through 10 of Administration and Enforcement, Chapter 17-3 of the Town of Marana Town Code pertaining to Conditional Use Permits, Section 17-3-2.D.
2. Ability to comply with Title 24.01.G, Silverbell Road Corridor Overlay District of the Town of Marana Land Development Code pertaining to Design Guidelines, Objectives and Considerations.

Staff Recommendation:

Planning Commission Recommendation

The Planning Commission heard the request for the proposed Conditional Use Permit at a public hearing on October 28, 2020 and voted 6-0 to:

1. Recommend approval to the Town Council of the Conditional Use Permit subject to the addition of two new conditions: (1) Change the daily hours of operation from 6:00 am – 10:00 pm to 7:00 am – 9:00 pm, and (2) Adjust the traffic pattern; requiring vehicles to enter from the west side of the covered loading area and exit to the east off Continental Reserve Loop.
2. Approve the National Self Storage at Continental Reserve Silverbell Road Corridor Overlay District design review application.

Staff Recommendation
Staff recommends Council approval of CUP2009-001 based on the recommended findings of fact and subject to the following conditions:

1. Outdoor RV or boat storage, and truck and trailer rentals, shall be prohibited at this facility.
2. Nothing that can be construed as building signage shall be visible through windows on the south, east and west sides of the building.
3. All wall and site lighting shall be downward directed and shielded to prevent spillover to adjacent properties, and shall conform to the attached approved Lighting Plan.
4. All second floor windows facing south shall be fully opaque, spandrel black glass, except for the window lighting under the portico in the covered loading drive.
5. All second floor windows facing Continental Reserve Loop shall be fully opaque, spandrel black glass.
6. Daily hours of operation shall be 7:00 a.m. to 9:00 p.m.
7. Vehicles shall enter the business parking area from the west side of the covered loading area and exit to the east off Continental Reserve Loop.

Suggested Motion:
I move to adopt Resolution No. 2020-125, approving a Conditional Use Permit to allow the development of a self-storage facility at 8611 N. Continental Reserve Loop in the Pima Farms North Specific Plan Villas at Sombrero Peak.

Attachments

Resolution 2020-125
Application
Applicant Narrative
Proposed Site Plan
Building Elevations
Proposed Landscaping Plan
Proposed Sign Plan
Proposed Light Plan - Photometric
Letters of Opposition
National Self Storage CUP

MARANA RESOLUTION NO. 2020-125

RELATING TO DEVELOPMENT; APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE DEVELOPMENT OF A SELF-STORAGE FACILITY AT 8611 N. CONTINENTAL RESERVE LOOP IN THE PIMA FARMS NORTH SPECIFIC PLAN - VILLAS AT SOMBRERO PEAK

WHEREAS DAZ7-Sombrero Peak L.L.C., represented by the Planning Center (the "Applicant") has applied to the Town of Marana for a Conditional Use Permit (CUP) to allow a self-storage facility at 8611 N. Continental Reserve Loop (the "Property"); and

WHEREAS the Property is zoned 'F' Pima Farms North Specific Plan – Villas at Sombrero Peak (the "Villas at Sombrero Peak Specific Plan"), and pursuant to the terms of the Villas at Sombrero Peak Specific Plan, self-storage facilities are conditionally permitted only upon approval of a CUP by both the Planning Commission and the Town Council; and

WHEREAS the Marana Planning Commission considered the request for approval of the conditional use permit on October 28, 2020, and voted 6-0 to approve, and to recommend that the Mayor and Council approve, the conditional use permit subject to several staff-recommended conditions and two additional conditions; and

WHEREAS the Mayor and Council find that the best interests of Marana and its residents are served by approval of the conditional use permit.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, that the conditional use permit to allow the development of a self-storage facility at 8611 N. Continental Reserve Loop is hereby approved subject to the following conditions:

1. The Applicant shall comply with all applicable provisions of the Town of Marana codes and ordinances current at the time of development and with the development standard of the Villas at Sombrero Peak Specific Plan.
2. Outdoor RV or boat storage, and truck and trailer rentals, shall be prohibited at this facility.
3. Nothing that can be construed as building signage shall be visible through windows on the south, east, and west sides of the building.
4. All wall and site lighting shall be downward directed and shielded to prevent spillover to adjacent properties, and shall conform to the approved Lighting Plan.

5. All second floor windows facing south shall be fully opaque, spandrel black glass, except for the window lighting under the portico in the covered loading drive.
6. All second floor windows facing Continental Reserve Loop shall be fully opaque, spandrel black glass.
7. Daily hours of operation shall be 7:00 a.m. to 9:00 p.m.
8. Vehicles shall enter the business parking area from the west side of the covered loading area and exit to the east off Continental Reserve Loop.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of November, 2020.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Interim Town Attorney

MARANA AZ

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

❑ Annexation	❑ Development Plan	❑ Development Plan Package	❑ General Plan Amendment
❑ Rezone	❑ Minor Land Division	❑ Significant Land Use Change	☒ Conditional Use Permit
❑ Specific Plan	❑ Landscape Plan	❑ Native Plant Plan/Exception	❑ SWPP
❑ Variance	❑ Hydraulic Model	❑ Sewer Capacity Assurance	❑ Sign Program
❑ Plat	❑ Improvement Plan	❑ Report (Type): _____	❑ Other: _____

PROJECT INFORMATION

Project Name: National Self Storage at Continental Reserve	
Description of Project: CUP for climate-controlled self-storage facility	Number of Lots: N/A
Parcel No.(s): 226-22-6160	Gross Area (Acres): 1.42
Project Address: 8611 North Continental Reserve Loop	
Ref. Project No.: PCZ2007-002	

CONTACT INFORMATION

Owner: DAZ7-Sombrero Peak LLC	Contact Name: Travis Morrow (representative)		
Address: P.O. Box 90540	City: Tucson	State: AZ	Zip: 85752
Email: tmorrow@nationalselfstorage.com	Phone No.: (520) 577-9777		
Applicant: The Planning Center	Contact Name: Lexy Wellott		
Address: 2 East Congress Street, Suite 600	City: Tucson	State: AZ	Zip: 85701
Email: lwellott@azplanningcenter.com	Phone No.: (520) 623-6123		
Consultant/Engineer: EPS Group, Inc.	Contact Name: Francis Hemmah		
Address: 8710 North Thornydale Road, Suite 140	City: Tucson	State: AZ	Zip: 85742
Email: francis.hemmah@epsgroupinc.com	Phone No.: (520) 408-1400		

OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

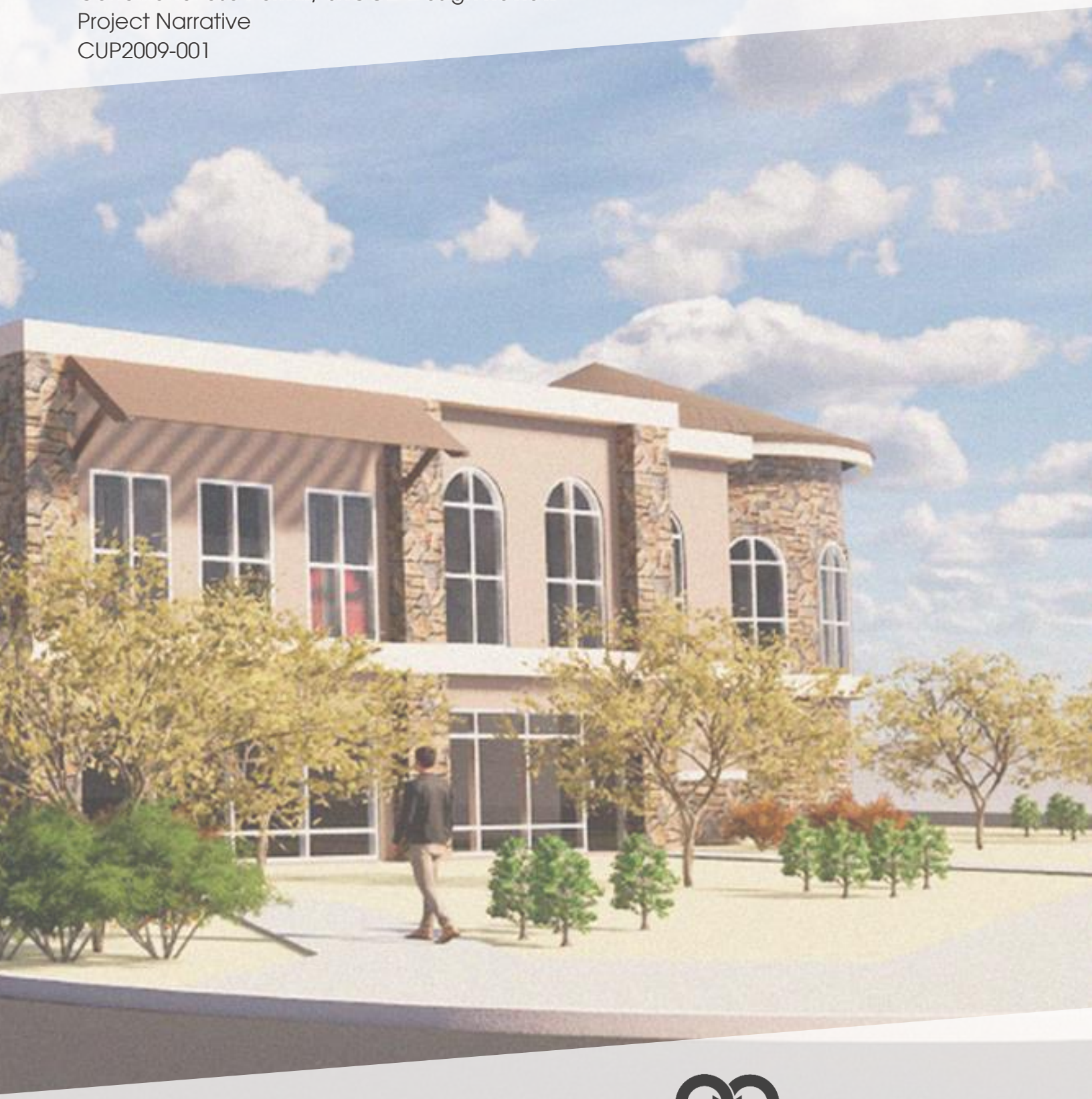
Lexy Wellott		9/16/2020
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY **Project No.** CUP2009-001 **Date Received** 9/17/2020

Revision Date 03/29/2019

NATIONAL SELF STORAGE - CONTINENTAL RESERVE

Conditional Use Permit/ SRCOD Design Review
Project Narrative
CUP2009-001



THE PLANNING CENTER
a division of TPC Group, Inc.

National Self Storage - Continental Reserve

Conditional Use Permits
Silverbell Road Corridor Overlay District Design Review
Project Narrative
CUP2009-001

8611 N. Continental Reserve Loop
Tucson, AZ 85743

Submitted to:

Town of Marana
Planning Department
11555 W. Civic Center Drive
Marana, AZ 85653

Prepared for:

National Self Storage
P.O. Box 90540
Tucson, AZ 85752

Prepared by:

The Planning Center
2 East Congress Street, Suite 600
Tucson, Arizona 85701
Telephone: (520) 623-6146

With assistance from:

EPS Group, Inc.
8710 North Thornydale Road, Suite 140
Tucson, AZ 85742
Telephone: (520) 408-1400

October 2020

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I. Background

On behalf of the property owner, DAZ7-Sombrero Peak LLC, and National Self Storage, this document serves as the formal project narrative to accompany the Conditional Use Permit (CUP) application as required by the Pima Farms North Specific Plan Amendment – The Villas at Sombrero Peak and the Silverbell Road Corridor Overlay District Conditional Use Permit and Design Review processes for a climate-controlled self-storage facility in Continental Reserve. The property subject to these requests is located at 8611 North Continental Reserve Loop, approximately 250 feet south of West Silverbell Road. As shown in *Exhibit I,* the property consists of a single, 1.42-acre parcel, identified by Assessor Parcel Number (APN): 226-22-6160.

Exhibit I: Project Location



National Self Storage (NSS) is a local Tucson self-storage company that takes pride in its innovative business model, high-quality management, high-tech security, and thoughtful building and landscape design. NSS intentionally designs its facilities to soften the outward appearance to surrounding neighborhoods while also providing curb appeal and a more superior experience for customers. A testament to the thoughtfulness and care they put into their facilities is evident at the National Self Storage in Dove Mountain located just north of the intersection of Tangerine Road and Thornydale Road. Intended to be designed similarly, the proposed facility at Continental Reserve will continue NSS's commitment to integrating high-quality architecture and landscape treatments that complement and enhance the aesthetic of the neighborhoods they are located in.

II. Site Conditions

The 1.42-acre site property is currently vacant and devoid of any significant vegetation. It was previously graded and served as a staging area for nearby development projects (the assisted living facility on the parcel to the west) and public improvement projects. The terrain is generally flat, with the southeast corner being slightly higher in elevation and gently sloping down to the northwest. The average cross slope is approximately four percent. The site fronts onto Continental Reserve Loop, a collector street, which has an existing curb, gutter, and sidewalk facilities in place.

Ingress/egress is provided by an existing curb cut located in the center of the eastern property boundary. Refer to Exhibit *II.A: Photo Location* and *Exhibit II.B: Site Photos* for photographs of the site and an aerial showing the vantage point locations for each photo.

The property is currently zoned 'F' (Pima Farms North Specific Plan) and is designated as 'MPA' (Master Planned Area) located within the Town of Marana's General Plan, *Make Marana 2040.* Additionally, the subject property is situated within the Silverbell Road Overlay District. The following provides a summary of the property's existing entitlements. It also demonstrates how the proposed self-storage facility is in line with the policies, regulations, and design standards prescribed in each regulatory document.

A. Pima Farms North Specific Plan – The Villas at Sombrero Peak

Approved by the Town Council on September 15, 2020 (Ordinance No. 2020.10), the subject site is located within the Pima Farms North Specific Plan Amendment – The Villas at Sombrero Peak, herein referred to as 'The Villas at Sombrero Peak,' with a land use designation of Village Core-Commercial (see *Exhibit I.A: Specific Plan)*. While the property is currently zoned for commercial uses, The Villas at Sombrero Peak does not expressly permit self-storage uses but allows the property owner to apply for a conditional use permit for self-storage; thus, the impetus for this CUP request.

The proposed National Self Storage at Continental Reserve conforms to the development standards and design guidelines prescribed in The Villas at Sombrero Peak by:

- Providing a commercial use that directly serves the surrounding neighborhoods and accommodates an unmet market demand;
- Providing a low-intensity commercial use that provides a transition between the more intensive commercial uses along Silverbell Road and the subdivisions south of the subject site;
- Providing a low traffic generating use that is primarily used on weekends, minimizing potential conflicts and congestion associated with the nearby school;
- Providing architectural styles, materials, and color palettes consistent with and complementary to the adjacent commercial development and residential communities;
- Providing four-sided architecture with windows, ornamentation, roof overhangs, columns, and awnings to establish visual interest from offsite vantage points;
- Providing onsite signage and lighting in compliance with the Silverbell Road Corridor Overlay District and the Dark Skies Ordinance;
- Positioning the building on the north end of the property creating ample separation from the residences located in Sierra Ridge/Sierra Crest subdivision;
- Limiting building height to 28 feet, which is less than the allowable building height (34 feet);
- Installing new healthy vegetation in the landscape buffers and parking areas to mitigate urban heat island effect and provide visual interest and variation from adjacent properties; and

- Providing primary access from a collector road, Continental Reserve Loop, that has sufficient capacity to support the proposed self-storage facility.

B. Make Marana 2040

The Town of Marana's General Plan, *Make Marana 2040*, designates the subject property as MPA (Master Plan Area). The MPA land use designation demonstrates where a specific plan has been adopted in the Town and is characterized by a variety of land uses, densities and intensities. The subject property is also located within the 'South Growth Area,' which contains most the Town's commercially designated properties and is envisioned to grow with infill development and redevelopment that is compatible and enhances existing neighborhoods.

Make Marana 2040 supports the proposed self-storage facility as it furthers the goals of the plan by:

- Providing a commercial use that supports the current and future needs of the surrounding community;
- Providing a use that generates sales tax revenue for the Town;
- Providing onsite transitional land use techniques (building location, landscape bufferyards, height limitations, etc.); and
- Providing architectural styles, materials, and color palettes consistent with and complementary to the adjacent commercial development and residential communities.

C. Silverbell Road Corridor Overlay District (SRCOD)

The subject property is located within the Silverbell Road Corridor Overlay District (SCROD). The purpose of the SRCOD is to encourage and promote high-quality commercial development that is oriented to serve the adjacent neighborhoods and is compatible and complementary to the surrounding community. The SRCOD recognizes the value of establishing an aesthetically pleasing commercial corridor that supports and preserves the character of the residential neighborhoods and is ensured by a design review process subject to approval by the Planning Commission. While the subject site is permitted for commercial uses, the SRCOD does not expressly authorize self-storage uses but instead requires a conditional use permit and design review process to ensure that the site design, building location, and overall business operations do not adversely impact the adjoining properties.

The proposed National Self Storage at Continental Reserve conforms to the design guidelines, objectives, and considerations of the SRCOD by:

- Providing a commercial use that directly serves the surrounding neighborhoods and accommodates an unmet market demand;
- Providing a low-intensity commercial use that provides a transition between the more intensive commercial uses along Silverbell Road and the subdivisions south of the subject site;

- Designing the site with sensitivity to the adjacent residences (positioning the building as far north on the site as possible to create ample separation, providing an enhanced landscape buffer, limiting building height, etc.);
- Providing high-quality architectural styles, materials, and color palettes consistent with the Desert Southwest and complementary to the adjacent commercial development and residential communities;
- Providing four-sided architecture with windows, ornamentation, roof overhangs, columns, and awnings to establish visual interest from offsite vantage points;
- Installing new healthy vegetation in the landscape buffers and parking areas to mitigate urban heat island effect, and provide visual interest and a robust architectural edge as well as screening from adjacent properties;
- Providing high-tech 24-hour surveillance on the property to promote a safe environment for users of the facility and residents of the surrounding residents;
- Maintaining the existing driveway along Continental Reserve Loop, a collector road, for direct access and cross-access easement on the western property boundary for emergency access purposes;
- Prohibiting outdoor storage of materials, boats, and recreational vehicles;
- Limiting the hours of operation to daytime hours of 6:00 AM and 10:00 PM;
- Providing onsite lighting that is shielded, down-ward directed in compliance with the Dark Skies Ordinance;
- Orienting signage on the north/northeastern side of the building to eliminate light trespass on to residential properties to the south;

Exhibit II.A: Photo Locations

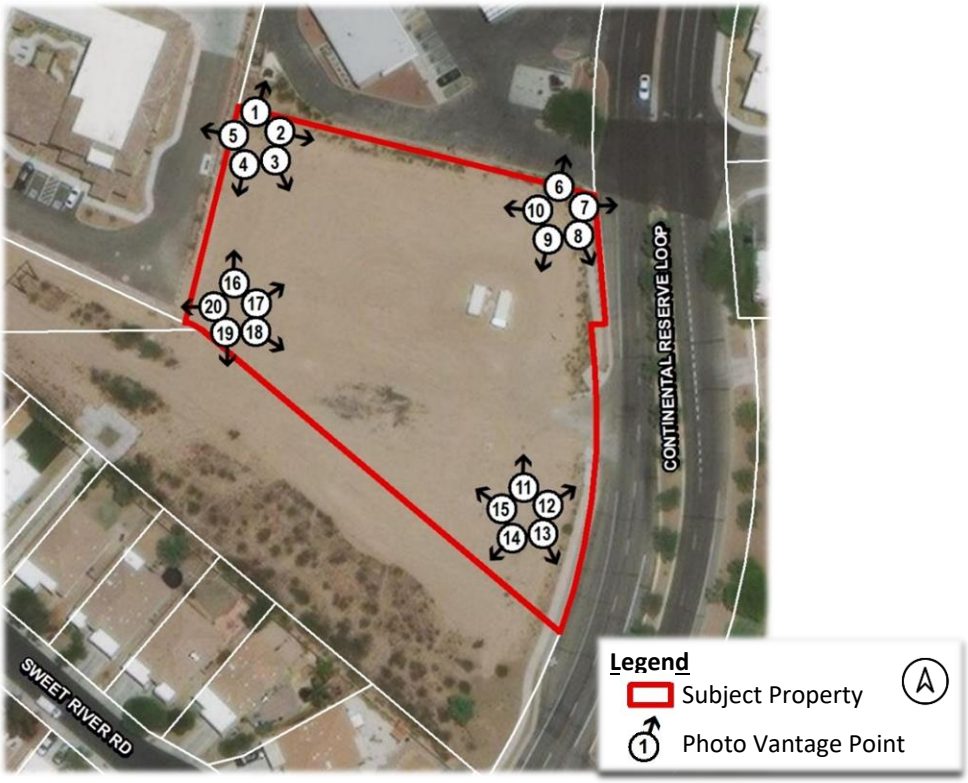


Exhibit II.B: Site Photos



1. View from the northwest corner looking north.



2. View from the northwest corner looking east.



3. View from the northwest corner looking southeast .



4. View from the northwest corner looking south.



5. View from the northwest corner looking west.



6. View from the northeast corner looking north .



7. View from the northeast corner looking east.



8. View from the northeast corner looking southeast.



9. View from the northeast corner looking south.



10. View from the northeast corner looking west.



11. View from the southeast corner looking north.



12. View from the southeast corner looking northeast.



13. View from the southeast corner looking northeast.



14. View from the southeast corner looking south.



15. View from the southeast corner looking northwest.



16. View from the southwest corner looking north.



17. View from the southwest corner looking northeast.



18. View from the southwest corner looking east.



19. View from the southwest corner looking south.



20. View from the southwest corner looking west.

III. Offsite Conditions

Exhibit III.A: Surrounding Land Uses



As demonstrated in *Exhibit III.A,* surrounding land uses can be generally described as commercial to the north and west, commercial and recreation to the east, and common area/ utility easements and single-family residences to the south. More specifically, Quik Mart convenience store and gas station abuts the northern site boundary. Farther north, across Silverbell Road, sits an approximately five-and-a-half-acre vacant lot and two subdivisions of Continental Ranch consisting of one and two-story homes. The Watermark at Continental Ranch, a two-story assisted living facility, is situated on the parcel directly to the west. Farther to the west, plans for a two-story charter school are currently under review by the Town of Marana.

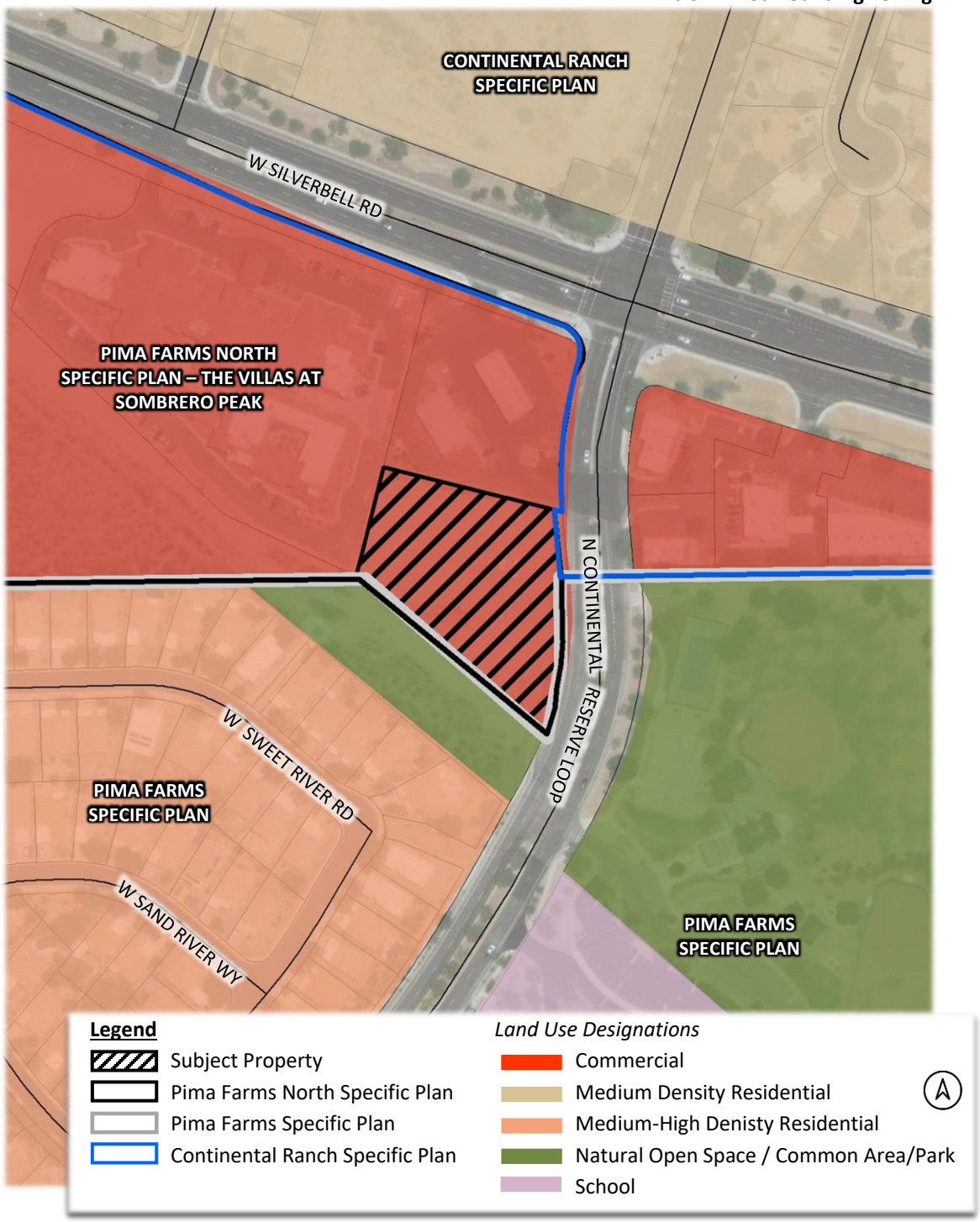
Continental Reserve Loop, a divided 4-lane minor local road with a raised landscaped median, runs along the eastern property boundary. Commercial and office development continues across Continental Reserve Loop to the east along Silverbell Road, and the nine-acre Continental Reserve Community Park is east of Continental Reserve Loop. Rattlesnake Ridge Elementary School is located south of the property on the opposite side of Continental Reserve Loop. The Sierra Ridge / Sierra Crest Subdivision lies to the south and consists of 146 single-family homes. The subject property is separated from the residential subdivision by a 100-foot WAPA electrical transmission easement and a 20’ utility easement.

All properties in the general project vicinity are zoned ‘F’ (Specific Plan). Similar to the subject site, the properties to the north and west are located within the Pima Farms North Specific Plan – The Villas at Sombrero Peak with a land use designation of Village Core-Commercial. The properties located south and east (across Continental Reserve Loop) of the site are within the Pima Farms Specific Plan with land use designations of Natural Open Space/ Common Area/ Park, Medium-High Density Residential, and School. Properties located at the southwest corner of Silverbell Road and Continental Reserve Loop, and across Silverbell Road are located in the planning boundaries of the Continental Ranch Specific Plan

with land use designations of Commercial and Medium-Density Residential (refer to *Exhibit III.B: Surrounding Zoning).*

All properties in the general project vicinity are designated as MPA (Master Plan Area) in the Town of Marana's General Plan, *Make Marana 2040*.

Exhibit III.B: Surrounding Zoning



IV. Land Use Proposal

This proposal is for an infill development consisting of a climate-controlled self-storage facility on the 1.42-acre site bound on the west by Continental Reserve Loop Road, approximately 250 feet south of Silverbell Road. As demonstrated in *Exhibit IV.A: Proposed Site Plan,* this project envisions the development of a 76,065 square self-storage facility operated by National Self-Storage, parking areas, and landscape buffers. Landscape buffers will feature a combination of trees, shrubs, understory, and groundcover in compliance with the Town of Marana standards. Access to the site will be provided via an existing curb cut on Continental Reserve Loop. Cross-access with the Watermark at Continential Reserve assisted living facility will be provided along the western boundary for emergency purposes only.

The proposed building will be three stories (two stories above-grade and one level below grade) in height, limited to 28 feet. As shown in *Exhibit IV.B: Colored Building Elevations,* the proposed facility features four-sided architecture with a mix of earth tones color palettes, and architectural embellishments such as colored stucco, arched windows (real and faux), rounded towers, and stone veneer columns; all of which are commonly displayed throughout the Town of Marana and Continental Reserve.

Lighting will be provided on the building's facades and the loading dock, and throughout the parking areas. As demonstrated on the Proposed Lighting Plan, submitted under separate cover, exterior lights consist of small sconce fixtures, surface-mounted fixtures, or low-profile light poles. All lighting, including building lighting and parking lot lighting, shall be in conformance with the Town of Marana Outdoor Lighting Code, Dark Skies Ordinances, and in compliance with the Pima Farms North Specific Plan – Villas at Sombrero Peak and the Silverbell Road Corridor Overlay District. All lighting shall be downward directed and shielded to prevent spillover on adjacent properties.

As shown in *Exhibit IV.C: Sign Renderings,* the proposed facility will feature two signs: a traditional panel sign located on the north building façade and a marquee sign situated on the northern portion of the eastern façade. The signs, particularly the marquee sign, have been uniquely designed and are intended to give homage to National Self Storage's birthplace, Tucson, and its history with neon signs. With the thoughtfully selected sign locations and the building's articulations, it is anticipated that the signs and light generated from the signs will not noticeable from the residential properties south of the project property given that the windows located on the southern façade will be opaque, using black spandrel. Complete details of the proposed signs can be found under separate cover. Should additional signage be proposed on the property (small monument signs), an amended sign program will be submitted to the Town of Marana for review and approval.

This site was carefully selected to conveniently serve the area that has an unmet demand for storage uses while being designed with the residential uses south of the site in mind. The building is positioned on the northern portion of the site, closer to the existing Quik Mart and in line with the neighboring assisted living facility with parking, the access lane, and landscaping located south of the building. Furthermore, the building is oriented with the main entry facing towards the south, which provides articulation to the building's façade creating visual diversity for the residents to the south.

As discussed previously, the proposed self-storage facility and site design are consistent with the overall goals, policies, standards, and regulations of the Pima Farms North Specific Plan – The Villas at Sombrero Peak, Make Marana 2040, and the Silverbell Road Corridor Overlay District.

A. Business Activities and Hours of Operation

Storage and operation activities will take place indoors in a climate-controlled environment. Customers may rent varying sized storage units ranging from 25 square feet to 300 square feet. Storage will be limited to the interior of the building, and no outdoor storage of any kind will take place at this facility. Additionally, no truck rentals will be provided at this location.

NSS operates more like a hands-on service business than a traditional self-storage facility. Employees assist customers in assessing storage needs and ensure proper upkeep of the facility and the parking areas. Two to three employees, one full-time and two part-time, will staff the facility during operating hours. No residential accommodations will be provided, and no employees will be living on site.

National Self Storage at Continential Reserve will be open daily, seven days a week from 6:00 AM to 10:00 PM. The business office will be open from 9:00 AM to 6:00 PM Monday through Friday, and 10:00 AM to 4:00 PM on Saturday. Storage units may be accessed from 6:00 AM to 10:00 PM via keycards.

B. Traffic Impact

According to the draft Traffic Impact Statement (TIS) prepared by EPS Group, Inc. (Marana Case No. TRA2009-00), the proposed self-storage facility will have no significant impact on the existing street network as Continental Reserve Loop has sufficient capacity to serve the minimal amount of traffic that is anticipated to be generated. The draft TIS, submitted under separate cover, has been conditionally accepted by Town of Marana Traffic Engineering staff.

Per the draft TIS prepared by EPS Group, Inc., the National Self Storage facility is anticipated to generate less than 115 daily trips with 8 AM peak-hour trips and 13 PM peak-hour trips. Due to the existing driveway configuration and landscaped median, access to the site will be limited to right-in/right-out. The findings of the traffic study have indicated that no improvements or turn lanes are warranted as a result of the proposed development.

For a point of comparison related to traffic, from January 2020 to August 2020, the National Self Storage at Dove Mountain generated an average of 47 trips per day, which is measured by the number of times a unit is accessed via a keycard with the majority of the trips occuring on weekends or during non-peak-hours. The facility at Dove Mountain is significantly larger than the proposed facility; thus, it is anticipated that this proposed facility will generate much less. Furthermore, the proposed self-storage use generates far less traffic than other uses (office, retail, restaurant, multi-family apartments, etc.) that are currently permitted on the property. Because of the low number of trips generated and

typical usage times, the proposed use is ideal for this location as it presents few conflicts with traffic generated by the school or community park.

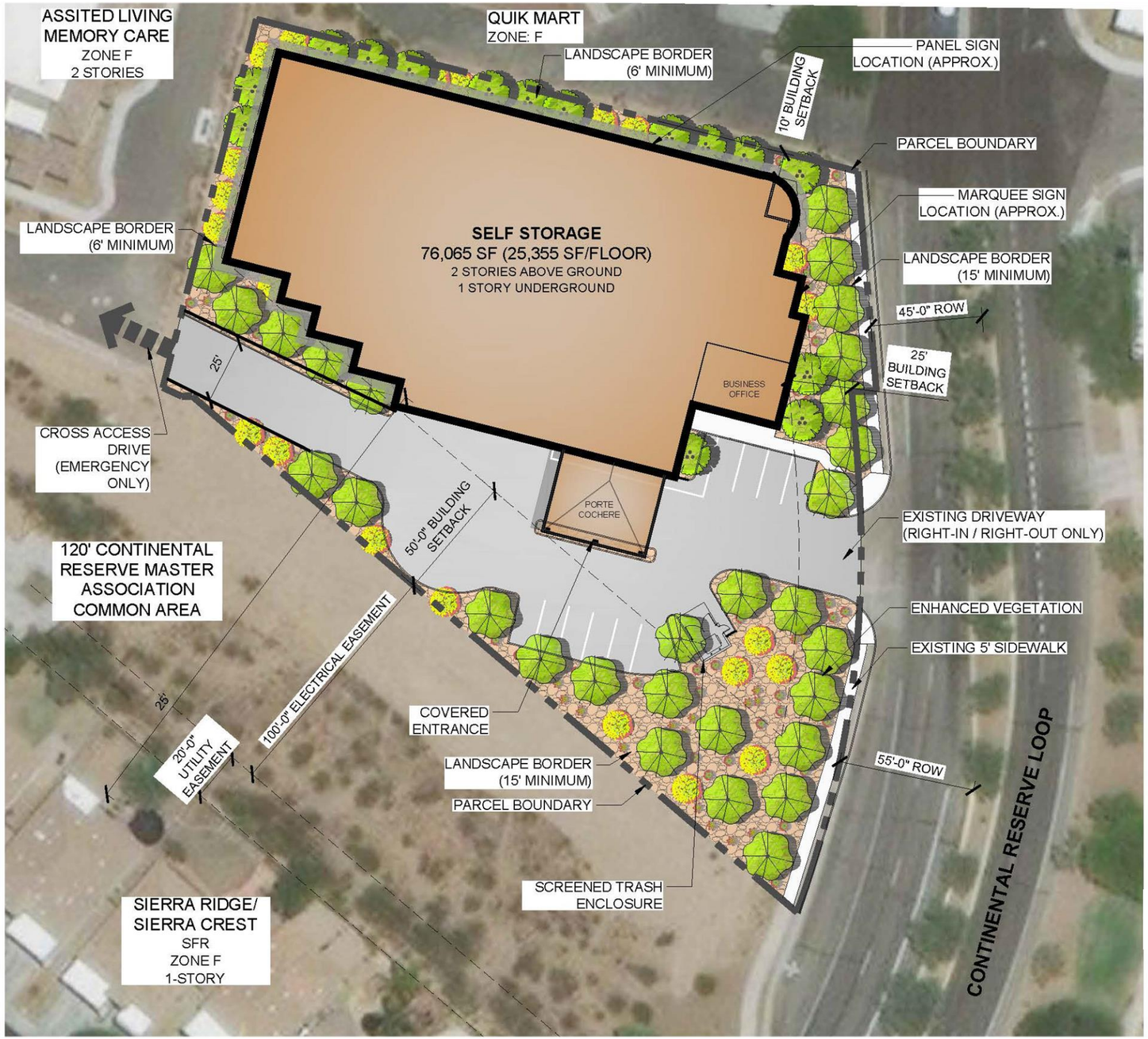
C. Mitigation Techniques to Minimize Neighbor Impact

The site is bordered by existing commercial development (Quik Mart) to the north, an assisted living facility to the west, Continental Reserve Loop on the east, and the Sierra Ridge/Sierra Crest Subdivision to the south. Between the site and the residences located in the Sierra Ridge/Sierra Crest Subdivision is a 120-foot wide strip of common area that contains a 20-foot utility easement and a 100' WAPA transmission line easement, which will remain as open space indefinitely. The site configuration, in conjunction with the 120-foot wide area, places the proposed self-storage building over 165 feet away from the nearest backyard wall in Sierra Ridge.

In addition to establishing ample separation, which aids in preserving distance mountain views, the following will be incorporated to minimize impact to adjacent properties:

- Overall building design to nearly mimic the existing National Self Storage facility in Dove Mountain, which received an award for of being the best self-storage facility in the industry in 2018 (refer to *Exhibit IV.D: National Self Storage-Dove Mountain)*;
- Landscape buffers with new healthy vegetation will be provided on all property boundaries to provide screening and visual interest from offsite viewpoints;
- A 50-foot building setback will be provided from the southern property boundary providing a transition across the site;
- Faux windows will be provided on the southern building façade to eliminate privacy concerns for the residents of the subdivision to the south;
- Signage will be limited to the northern and eastern (northern portion) building façade;
- Building height will be limited to 28 feet, which is less than the allowable building height per the existing entitlements;
- Trash receptacles, loading areas, and mechanical elements will be appropriately screened with landscaping, masonry walls, or other screening mechanisms;
- An onsite manager will be present during business hours to ensure the safety of the facility users and members of the community;
- Outdoor storage of vehicles, boats, and R.V.s are prohibited at this location;
- State-of-the-art surveillance technologies with 24-hour video monitoring will be installed to monitor activities internal and external to the building;
- Onsite lighting provided in compliance with the Dark Skies Ordinance with appropriate pedestrian level lighting;
- Access to storage units will be limited to 6:00 AM and 10:00 PM, and office hours will be limited to 9:00 AM and 6:00 PM, daily.

Exhibit IV.A: Proposed Site Plan



NOTES

PARCEL: 226-22-6160

ADDRESS: 8611 N CONTINENTAL RESERVE LOOP, TUCSON, AZ 85743

SIZE: 1.42 AC
JURISDICTION: TOWN OF MARANA

EXISTING ZONING:
SPECIFIC PLAN (F) - PIMA FARMS NORTH: THE VILLAS AT SOMBRERO PEAK (VILLAGE-CORE COMMERCIAL)
SILVERBELL ROAD CORRIDOR OVERLAY DISTRICT

CONDITIONAL USE PERMIT AS REQUIRED BY SPECIFIC PLAN AND OVERLAY DISTRICT

TOTAL BUILDING AREA:	76,065 (2 UP/1 DOWN)
MAX BUILDING COVERAGE:	75% GROUND LEVEL, 60% ABOVE GROUND LEVEL
BUILDING HEIGHT	28'
PARKING PROVIDED	10 SPACES, 1 ADA SPACE
PROVIDED BUILDING COVERAGE:	44%
MIN. LANDSCAPE COVERAGE:	7,812 SF (10% OF SITE AREA)
PROVIDED LANDSCAPE COVERAGE:	19,563 SF

PROJECT: EPS-01
FILE NAME: EPS-01 PDP_091320.DWG
DATE: 09/13/2020

0' 40 80
SCALE: 1"-40'-0"

NORTH

THE PLANNING CENTER
a division of TPC Group, Inc.

Exhibit IV.B: Colored Building Elevations



1 NORTHEAST BUILDING ELEVATION

(VIEW LOOKING SOUTHWEST FROM CONTINENTAL RESERVE LOOP / QUIKMART DRIVE)





2 SOUTH BUILDING ELEVATION

(VIEW LOOKING NORTHEAST FROM SOUTHERN PROPERTY BOUNDARY)

Exhibit IV.B: Colored Building Elevations (continued)



1 SOUTHEAST BUILDING ELEVATION

(VIEW LOOKING NORTHWEST FROM CONTINENTAL RESERVE LOOP)

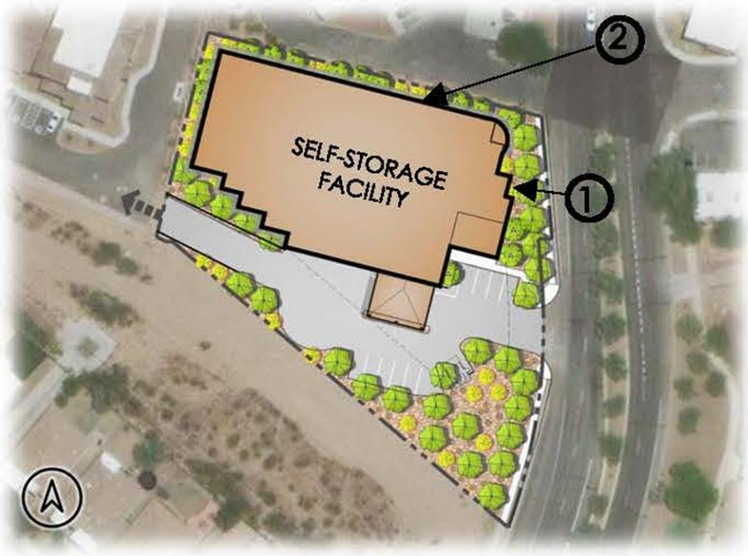




2 EAST BUILDING ELEVATION

(VIEW LOOKING WEST FROM CONTINENTAL RESERVE LOOP)

Exhibit IV.C: Sign Renderings



2 PANEL SIGN



1 MARQUEE SIGN



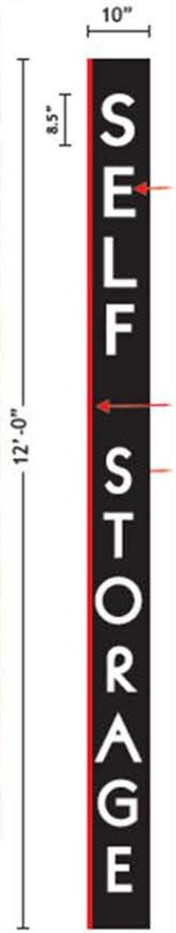
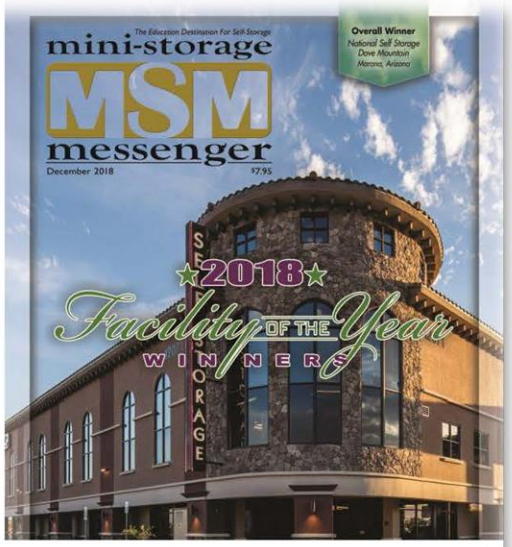




Exhibit IV.D: National Self Storage-Dove Mountain









V. Public Participation

The following describes the public outreach efforts for the proposed National Self Storage facility located south of the Quik Mart at Silverbell Road and Continental Reserve Loop.

A. Pre-Submittal Outreach

Before application submittal, a letter was mailed on June 8, 2020, to the owners of the properties located immediately south of the project site, inviting them to discuss the proposed self-storage facility. In addition to the adjacent property owners, the Sierra Ridge Subdivision HOA and the Continental Reserve Master Association were invited. *Exhibit V.A: Pre-Submittal Public Outreach* provides a copy of the letter and mailing labels as well as a map of the notified properties. To date, no one has responded to this offer to meet.

B. Public Notification

A notification letter was sent on July 28, 2020, to all property owners within 300 feet of the subject property, inviting them to attend a virtual meeting on August 13, 2020, to discuss the proposed project. In addition to all property owners within 300 feet, the Sierra Ridge Subdivision HOA, Continental Reserve Master Association, and Continental Ranch Master Association were notified. *Exhibit V.B: Public Outreach Packet* provides a copy of the letter and mailing labels as well as a map of the notified properties. Approximately ten individuals expressed interest in participating in the virtual meeting.

C. Public Outreach Summary

A virtual neighborhood meeting was hosted on August 13, 2020, using FreeConferenceCall.com, an online meeting platform. Approximately 14 individuals participated in the meeting, 3 of which were members of the development team (refer to *Exhibit V.C: Virtual Meeting Attendance List*). Two individuals on the call expressed that they lived in the Sierra Ridge Subdivision south of the property; others lived within Continental Reserve A presentation was provided to participants describing the site context, proposed site plan, and building and sign elevations for the storage facility as well as the entitlement processes required to develop the facility at this site.

The following presents a list of concerns that were expressed by neighbors before, during, or after the virtual meeting.

- Building Size – it was expressed that the building's footprint is "too big" for the site. The Pima Farms North Specific Plan – The Villas at Sombrero Peak allows for building coverage up to 75% of the site. The proposed self-storage facility is well under this limit, at approximately 44% of the site.

- Building Height – there was a general concern that the proposed two-story building is not appropriate at this location. The proposed storage facility will be a maximum of 28 feet in height, which is consistent with the Watermark at Continental Reserve facility located immediately west of the site. It should be noted that the existing

entitlements on the property allow buildings to reach a maximum height of 34 feet, similar to the permitted building height of the homes in Sierra Ridge and other nearby Continental Reserve neighborhoods.

- Land Use Compatibility - It was stated that the proposed storage facility does not "fit in" with the residential neighborhood. This project is an infill development on a property that has commercial zoning and commercial development on two of the four sides. Critical to the Silverbell Road Corridor Overlay District is providing commercial uses that serve the neighborhoods. Based on a market study performed by the developer, Continental Reserve and Continental Ranch are currently underserved and need storage facilities. Furthermore, the subject site does not immediately abut a residential neighborhood. It is separated by a 120-foot utility easement and will remain as open space indefinitely.

- Architectural style – it was stated that the building architecture does not emulate the surrounding area nor display characteristics of the desert southwest. The architectural style utilized for this building draws upon a variety of styles, material, and color palettes that are consistent with the desert southwest and the surrounding commercial and residential homes. It will feature earth tones and stone veneer as well as architectural elements such as rounded towers that are displayed throughout the Town of Marana. This storage facility will nearly mimic the design of the facility located in Dove Mountain, which was voted as the 2018 Facility of the Year by the industry.

- Landscaping – there was a general concern that the trees provided on the southern boundary would not be big enough to screen the building. It was explained to neighbors that all landscaping would be provided in compliance with the Town of Marana requirements and that over time the trees would mature to effectively screen the proposed facility from the residential neighborhood to the south.

- Traffic – it was stated that the traffic generated from the proposed storage facility would overburden Continental Reserve Loop and would present conflicts with school traffic. A preliminary traffic analysis indicates that the proposed self-storage facility will generate approximately 115 total trips per day (8 - AM peak hour trips and 13 - PM peak hour trips), which is negligible compared to an apartment complex or other commercial/residential use that is permitted on the property today.

- Noise – there were concerns associated with the noise generated from moving trucks onsite. It was explained that most users of these storage facilities are there for more extended periods and that it is typical for customers to turn off their vehicles before entering the facility to collect their belongings. They are also generally arriving in their vehicles, not large moving trucks. Hours of operation will be limited to 6:00 AM to 10:00 PM, and after-hours access will be prohibited. Therefore, noise impacts will be minimal.
- Crime – it was expressed that overall crime in the general area would increase as a result of the storage facility. National Self Storage uses state-of-the-art 24-hour

surveillance technology to ensure that both users of the facility and nearby residents and property owners are protected from unwanted criminal activity. Additionally, a manager will be present on-site during business hours to ensure the facility is monitored appropriately. Since opening its facility in Dove Mountain, National Self Storage has had zero crime incidents. The Town of Marana Police Department has verified that crime associated with other commercial uses, such as grocery stores, restaurants, etc. is more substantial than crime generated by an indoor self-storage facility.

- Property Values – concern was expressed that the proposed development would lower property values adjacent to the site. This is simply not the case; residential property values are assessed utilizing market comparables of home sales in the general vicinity. Adjacent commercial development plays a small part in determining the assessed value. It is our understanding that vacant property has a more negative impact on property values than commercial development does due to the uncertainty of future uses. To verify this, values of properties located near the self-storage facility in Dove Mountain were examined to see if there were any noticeable impacts on value since the facility opened based on the assessed home values. As suspected, there is no evidence that property values decreased.

D. Post-Submittal Public Outreach

A neighborhood meeting was held on the subject property on October 6, 2020, at 5:30 PM. In addition to all property owners within 300 feet of the subject site, the Sierra Ridge / Sierra Crest Subdivision HOA and the Continental Reserve Master Association were invited to attend the meeting. All attendees at the August 13, 2020, virtual meeting were also emailed an invitation to the meeting on site. Refer to *Exhibit V.D.1: Post-Submittal Public Outreach Packet* for the notification letter, email to virtual meeting attendees, mailing labels, and map of notified property owners. As part of the notification letter, the applicant provided individuals with an opportunity to express comments and concerns and indicate support for the project.

Four individuals stopped by the property to ask general questions about the project. All four individuals expressed support for the project. Topics of discussion generally revolved around the high-quality design of the building and landscaping, lighting being downward directed in compliance with the Dark Skies Ordinance, thoughtful placement of the building, similar building height as the adjacent development, sense of security that the facility will bring compared to the gas station, demand for storage uses in the project vicinity, and low-impact commercial development being preferential at this location.

Since disseminating the notification letter for the October 6 meeting, the applicant has received two letter from property owners indicating support for the proposed project (see *Exhibit V.D.2: Neighbor Support Letters).*

Exhibit V.A: Pre-Submittal Public Outreach Packet (Notified Adjacent Properties Map)

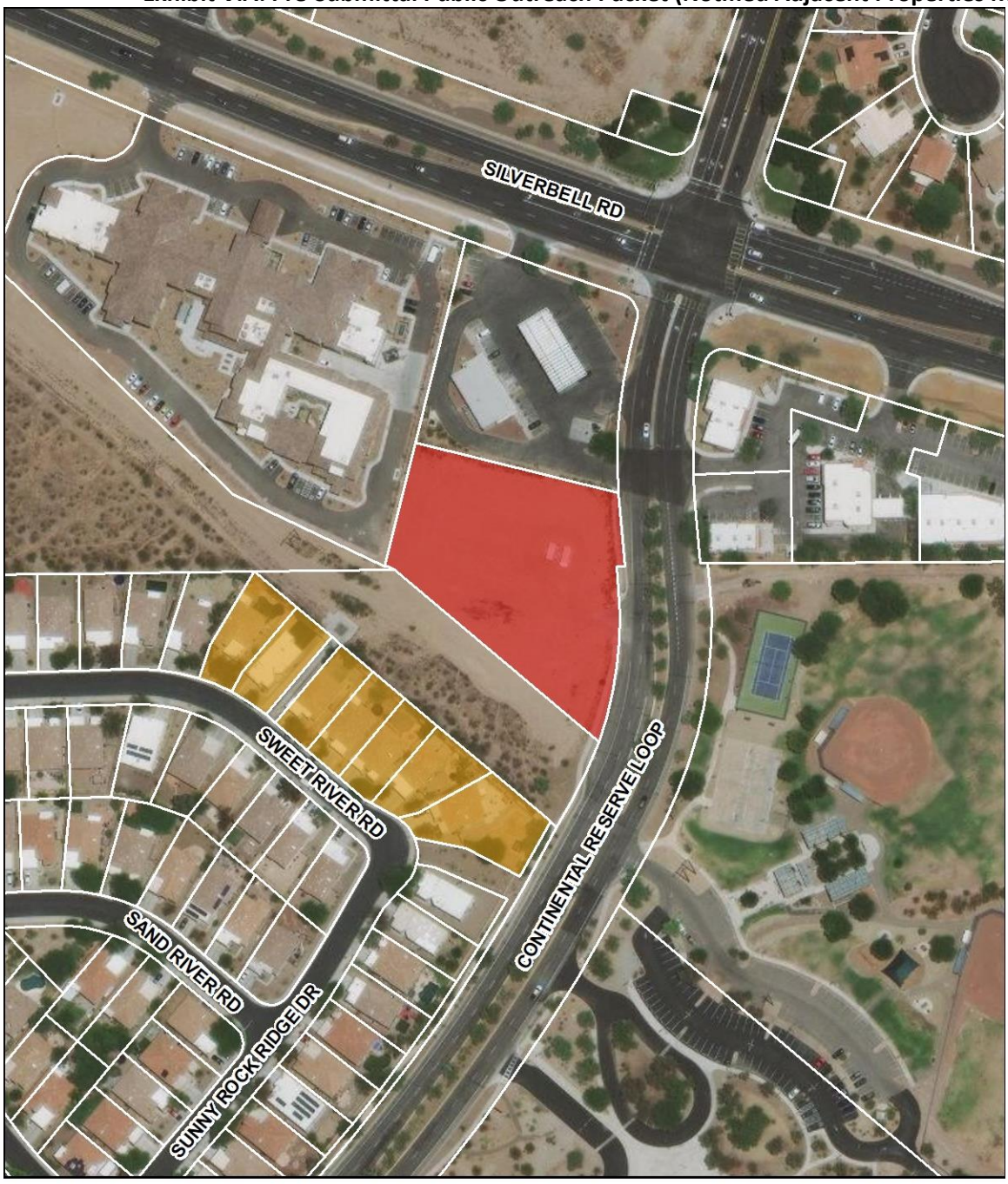


Exhibit V.A: Pre-Submittal Public Outreach Packet (Notified Adjacent Properties Mailing Labels)

TAYLOR W GARRETT
7504 W SWEET RIVER RD
TUCSON, AZ 85743-1464

AMANDA G WHITE & KYLER HERRING
7496 W SWEET RIVER RD
TUCSON, AZ 85743-1462

ANGEL ALEJANDRO & PILAR REVOC TR
1770 E CAMINO CIELO
TUCSON, AZ 85718-1107

THOMAS & MARIE OCONNELL
7480 W SWEET RIVER RD
TUCSON, AZ 85743-1462

PAUL & SAMANTHA BOETTCHER
7472 W SWEET RIVER RD
TUCSON, AZ 85743-1462

NINA DAVAULT
8951 N VERIDIAN DR
TUCSON, AZ 85743-9087

ROBERT QUACKENBUSH
7456 W SWEET RIVER RD
TUCSON, AZ 85743-1462

SIERRA CREST HOA
ATTN: FIRST SERVICE RESIDENTIAL AZ LLC
9000 E PIMA CENTER PKWY STE 300
SCOTTSDALE, AZ 85258-4471

CONTINENTAL RESERVE MASTER HOA
ATTN: ASSOCIA ARIZONA
6840 N ORACLE RD STE 130
TUCSON, AZ 85704-4282

Exhibit V.A: Pre-Submittal Public Outreach Packet (Letter to Adjacent Neighbors)

THE PLANNING CENTER
a division of TPC Group, Inc.

June 8, 2020

Dear Neighbor,

National Self Storage is exploring the possibility of developing a climate-controlled self-storage facility on the southeast corner of Silverbell Road and Continental Reserve Loop, just south of Quik Mart (see location map).



As one of the closest property owners, National Self Storage would like to discuss their proposal with you before starting the rezoning and conditional use permit processes.

National Self Storage prides itself on developing facilities that are thoughtfully designed with sensitivity to the surrounding communities. The quality of their efforts can be seen at their existing facility located in Dove Mountain at Tangerine Road and Thornydale Road which was named the 2018 Facility of the Year It is intended that this facility will be constructed and operate very similarly. Images of the Dove Mountain facility can be found on the back-side of this letter.

Due to the Coronavirus Pandemic, we will not be offering to meet in-person at this time. However, a virtual meeting will be set up with National Self Storage and the development team to discuss the project details more in-depth. If you are interested in meeting, please contact Lexy Wellott or Linda Morales by ***June 22nd.*** Details for the virtual meeting will be provided via email or telephone shortly thereafter.

Thank you for your time.

Sincerely,

THE PLANNING CENTER

Lexy Wellott, AICP
Project Manager
(520) 623-6146
lwellott@azplanningcenter.com

Linda Morales, AICP
CEO / Owner
(520) 623-6146
lmorales@azplanningcenter.com

a 2 e. congress ste 600 tucson az 85701
o 520.623.6146
f 520.622.1950
w azplanningcenter.com

Exhibit V.A: Pre-Submittal Public Outreach Packet (Letter to Adjacent Neighbors - continued)









Exhibit V.B: Public Outreach Packet (Notified Properties within 300')



Exhibit V.B: Public Outreach Packet (Notified Properties within 300' Mailing Labels)

ANGEL ALEJANDRO & PILAR REVOC TR
1770 E CAMINO CIELO
TUCSON AZ 85718-1107

APPLEBAUM CYNTHIA A & STRUWE JEFFREY R
7479 W SWEET RIVER RD
TUCSON AZ 85743-1463

BOETTCHER PAUL M & SAMANTHA CP/RS
7472 W SWEET RIVER RD
TUCSON AZ 85743-1462

CANYON COMMUNITY BANK
7981 N ORACLE RD
TUCSON AZ 85704-6347

CANYON COMMUNITY BANK
7981 N ORACLE RD
TUCSON AZ 85704-6347

CANYON COMMUNITY BANK
7981 N ORACLE RD
TUCSON AZ 85704-6347

CONTINENTAL RESERVE MASTER HOA
ATTN: ASSOCIA ARIZONA
6840 N ORACLE RD STE 130
TUCSON AZ 85704-4282

COPE PROPERTIES LLC
1477 W COMMERCE CT
TUCSON AZ 85746-6016

DAVAULT NINA R
8951 N VERIDIAN DR
TUCSON AZ 85743-9087

DOTSON KEITH & LESLIE M JT/RS
7165 W ORACLE RIDGE TRL
TUCSON AZ 85743-5534

EISENHOWER MARK C & TAYLOR A CP/RS
8546 N SUNNY ROCK RIDGE DR
TUCSON AZ 85743-1446

FRAZIER SHERYN KAY
7512 W SWEET RIVER RD
TUCSON AZ 85743-1464

GARRETT TAYLOR W
7504 W SWEET RIVER RD
TUCSON AZ 85743-1464

GRANILLO HENRY JR & SHERRY CP/RS
7520 W SWEET RIVER RD
TUCSON AZ 85743-1464

HELINSKI DENNIS F
418 E NATALIA PL
TUCSON AZ 85737-7384

HILDRETH LIVING TRUST
ATTN: GEORGE REGINALD HILDRETH JR & CATHERINE CLAIR HILDRETH TR
560 SAND DOLLAR DR
WATSONVILLE CA 95076-1816

JOHNSON MARK E & DANETTE B JT/RS
PO BOX 1470
CORTARO AZ 85652-1470

MARANA PROPERTY OWNER LLC
2020 W RUDASILL RD, SECOND FLOOR
TUCSON AZ 85704-7800

MARANA UNIFIED SCHOOL DISTRICT NO 6
.
. 0-0

OCONNELL THOMAS J & MARIE E CP/RS
7480 W SWEET RIVER RD
TUCSON AZ 85743-1462

PHILIPP NANCY
7511 W SWEET RIVER RD
TUCSON AZ 85743-1465

QUACKENBUSH ROBERT G
7456 W SWEET RIVER RD
TUCSON AZ 85743-1462

QUIK-MART STORES INC
8351 E BROADWAY BLVD
TUCSON AZ 85710-4052

SANCHEZ ANA & ELIJAH CP/RS
7495 W SWEET RIVER RD
TUCSON AZ 85743-1463

SIERRA CREST HOA
ATTN: FIRST SERVICE RESIDENTIAL AZ LLC
9000 E PIMA CENTER PKWY STE 300
SCOTTSDALE AZ 85258-4471

TOWN OF MARANA
.
. 0-0

WHITE AMANDA G & HERRING KYLER JT/RS
7496 W SWEET RIVER RD
TUCSON AZ 85743-1462

THE PLANNING CENTER
ATTN: LEXY WELLOTT
2 E CONGRESS ST, SUITE 600
TUCSON, AZ 85701

CONTINENTAL RANCH COMMUNITY ASSOCIATION
9150 N COACHLINE BLVD
TUCSON, AZ 85743-5167

-

Exhibit V.B: Public Outreach Packet (Letter to Neighbors within 300')

THE PLANNING CENTER
a division of TPC Group, Inc.

July 28, 2020

Dear Neighbor,

On behalf of the property owner, National Self Storage invites you to provide feedback on their proposal to develop a climate-controlled self-storage facility in Continental Reserve. The subject site is about 1.42 acres immediately south of the Quik Mart at Continental Reserve Loop and Silverbell Road (see location map).



National Self Storage is a local Tucson self-storage company that takes pride in its innovative business model, high-quality management, high-tech security, and thoughtful building and landscape design. National Self Storage intentionally designs its facilities to soften the outward appearance to surrounding neighborhoods while also providing curb appeal and a more delightful experience for customers.

A testament to the thoughtfulness and care they put into their facilities is evident at the Dove Mountain National Self Storage (voted 2018 Facility of the Year) located just north of the intersection of Tangerine Road and Thornydale Road. Intended to be designed similarly, the Continental Reserve facility will continue National Self Storage's commitment to integrating high-quality architecture and landscape treatments that complement and enhance the aesthetic of the neighborhoods they are located in. Images of the Dove Mountain facility are included with this letter, and we invite you to drive by and see it for yourself.

The proposed facility at Continental Reserve will be three stories (two above ground, one below ground) with a building height of twenty-eight (28) feet and a floor area of approximately 76,000 square feet. The building will be situated on the northern portion of the property near the existing commercial uses with landscaping, parking and a drive aisle located closer to the southern portion of the site. This configuration, combined with the electrical easement situated adjacent to the southern property boundary, creates a setback of over 165' from the proposed facility and the homes in Sierra Ridge. The building and signage will be designed in compliance with the Silverbell Road Corridor Overlay District, and all onsite lighting will be downward directed, following the Dark Skies Ordinance. Storage areas will be limited to the enclosed building; no outdoor RV or boat storage is proposed at this location. Additionally, truck and trailer rentals will be prohibited at this facility. Attached to this letter are the site plan and conceptual building elevations for the proposed facility.

See reverse side.

a 2 e. congress ste 600 tucson az 85701
o 520.623.6146
f 520.622.1950
w azplanningcenter.com

Exhibit V.B: Public Outreach Packet (Letter to Neighbors within 300' - continued)

July 28, 2020
National Self Storage
Continental Reserve
Page 2

Primary access to the site will be from an existing curb cut on Continental Reserve Loop. The driveway will be extended to the western property boundary connecting this site to the driveway serving the assisted living facility to the west. This connection provides convenient cross-access between the assisted living and the self-storage facility with minimal impact on the surrounding street network.

To develop the facility at this location, National Self Storage is requesting to amend the Pima Farms North Specific Plan – The Villas at Sombrero Peak Plan Amendment as well as process two conditional use permit requests as required by 1) the Pima Farms North Specific Plan -The Villas at Sombrero Peak and 2) Silverbell Road Corridor Overlay District. The purpose of the specific plan amendment is to correct a split zoning designation and give the subject property a single land use designation, commercial. The purpose of the conditional use permits is to ensure that the proposed facility complies with the development standards and regulations of the Pima Farms North Specific Plan -The Villas at Sombrero Peak and the Silverbell Road Corridor Overlay District.

Due to the Coronavirus Pandemic, we will not be offering to meet in-person at this time. However, a virtual meeting will be set up with National Self Storage and the development team to discuss the project details more in-depth. If you are interested in meeting, please contact Lexy Wellott by ***Friday, August 7***. Details for a virtual meeting the following week (tentatively August 13) will be provided via email or telephone shortly thereafter.

Sincerely,

Lexy Wellott, AICP
Project Manager
(520) 623-6146
lwellott@azplanningcenter.com

THE PLANNING CENTER
a division of TPC Group, Inc.

Exhibit V.B: Public Outreach Packet (Letter to Neighbors within 300' - continued)





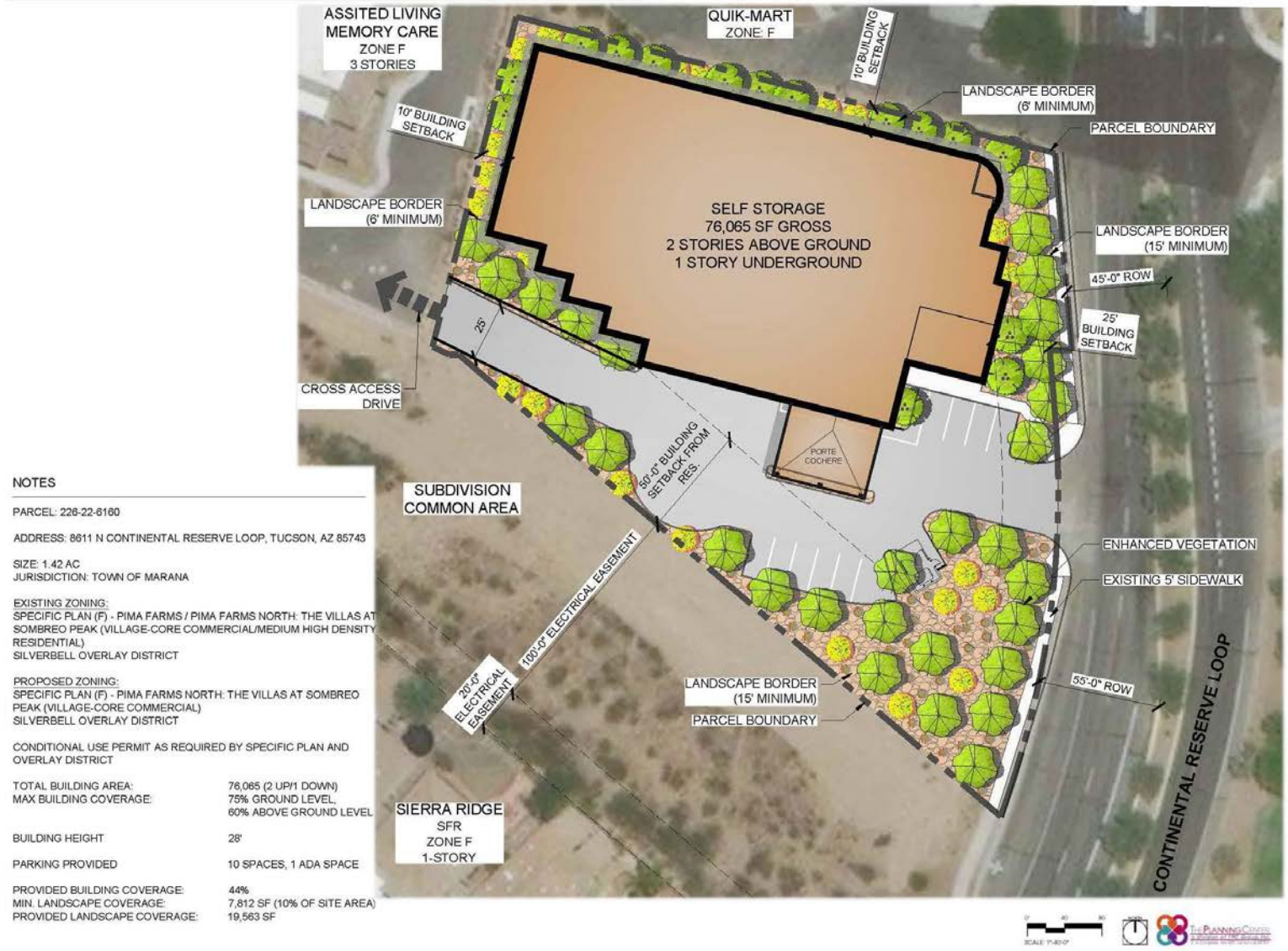




National Self Storage - Dove Mountain

Exhibit V.B: Public Outreach Packet (Letter to Neighbors within 300' - continued)

National Self Storage – Continential Reserve (Site Plan)



NOTES

PARCEL: 226-22-6160

ADDRESS: 8611 N CONTINENTAL RESERVE LOOP, TUCSON, AZ 85743

SIZE: 1.42 AC
JURISDICTION: TOWN OF MARANA

EXISTING ZONING:
SPECIFIC PLAN (F) - PIMA FARMS / PIMA FARMS NORTH: THE VILLAS AT SOMBREO PEAK (VILLAGE-CORE COMMERCIAL/MEDIUM HIGH DENSITY RESIDENTIAL)
SILVERBELL OVERLAY DISTRICT

PROPOSED ZONING:
SPECIFIC PLAN (F) - PIMA FARMS NORTH: THE VILLAS AT SOMBREO PEAK (VILLAGE-CORE COMMERCIAL)
SILVERBELL OVERLAY DISTRICT

CONDITIONAL USE PERMIT AS REQUIRED BY SPECIFIC PLAN AND OVERLAY DISTRICT

TOTAL BUILDING AREA:	76,065 (2 UP/1 DOWN)
MAX BUILDING COVERAGE:	75% GROUND LEVEL, 60% ABOVE GROUND LEVEL
BUILDING HEIGHT	28'
PARKING PROVIDED	10 SPACES, 1 ADA SPACE
PROVIDED BUILDING COVERAGE:	44%
MIN. LANDSCAPE COVERAGE:	7,812 SF (10% OF SITE AREA)
PROVIDED LANDSCAPE COVERAGE:	19,563 SF

Exhibit V.B: Public Outreach Packet (Letter to Neighbors within 300' - continued)

National Self Storage – Continential Reserve (Conceptual Elevations)



PERSPECTIVE VIEW LOOKING NORTHWEST



PERSPECTIVE VIEW LOOKING WEST

Exhibit V.B: Public Outreach Packet (Letter to Neighbors within 300' - continued)

National Self Storage – Continential Reserve (Conceptual Elevations)



PERSPECTIVE VIEW LOOKING SOUTHWEST



PERSPECTIVE VIEW LOOKING NORTHEAST

Exhibit V.C: Virtual Meeting Attendance List

Audio

Caller	Service Type	Start Time	End Time	Du
Linda Morales - lmorales@azplanningcenter.com Host		4:58:45 PM	6:53:43 PM	
+1 928 202 8861 - WIRELESS CALLER		4:59:38 PM	5:02:01 PM	
+1 928 202 8861 - WIRELESS CALLER		5:02:16 PM	5:06:12 PM	
Travis Morrow - tmorrow@nationalselfstorage.com		5:37:04 PM	6:53:32 PM	
Letty Thies - scottletty@prodigy.net		5:37:24 PM	6:35:50 PM	
+1 520 390 7095 - TRAVIS MORROW		5:38:20 PM	6:53:32 PM	
+1 520 975 3928 - Edwards Wanda M		5:43:53 PM	5:59:15 PM	
Dawn - +1 267 943 5199		5:44:57 PM	5:47:14 PM	
Mary Johnson - maj187@comcast.net		5:45:32 PM	6:53:18 PM	
Gridley Quihuis - gridq@att.net		5:46:34 PM	6:53:54 PM	
Dawn - dawncooper@cox.net		5:47:05 PM	6:46:55 PM	
+1 520 408 1400 - EPS GROUP PIM		5:47:09 PM	5:56:10 PM	
+1 314 223 5509 - THIES LETTY		5:47:36 PM	5:48:37 PM	
Nancy - njphilipp@msn.com		5:48:36 PM	6:53:19 PM	
+1 314 223 5509 - THIES LETTY		5:49:02 PM	5:52:08 PM	
William Johnson - chiefwej@comcast.net		5:49:24 PM	5:50:35 PM	
+1 520 401 1058 - ROBERT QUACKENB		5:49:32 PM	6:51:59 PM	
+1 520 891 6028 - Private		5:50:29 PM	6:41:43 PM	
William Johnson - chiefwej@comcast.net		5:50:48 PM	6:53:18 PM	
Bob Schoff - bschoff@nationalselfstorage.com		5:55:43 PM	6:53:02 PM	
+1 715 650 1079 - KIM ANGELL		5:57:09 PM	6:43:35 PM	
Wanda - +1 267 998 3369		5:58:58 PM	6:53:13 PM	
+1 602 292 8870 - WIRELESS CALLER		6:27:02 PM	6:53:15 PM	
Letty Thies - scottletty@prodigy.net		6:36:31 PM	6:53:20 PM	
Nancy - njphilipp@msn.com		6:39:28 PM	6:53:12 PM	
+1 520 891 6028 - Private		6:44:29 PM	6:53:38 PM	
+1 520 603 7980 - Cooper Dawn		6:52:39 PM	6:53:11 PM	

Number of attendees: 27

Note: All times ir

2

Exhibit V.C: Virtual Meeting Attendance List (continued)

Toll minutes: 314m **VoIP minutes:** 561m

Online Meeting

Caller	Service Type	Duration	
		Screen Sharing	Video
Linda Morales - lmorales@azplanningcenter.com Host		91m	113m
Travis Morrow - tmorrow@nationalselfstorage.com		73m	77m
Letty Thies - scottletty@prodigy.net		55m	58m
Dawn - +1 267 943 5199		3m	3m
Mary Johnson - maj187@comcast.net		68m	68m
Gridley Quihuis - gridq@att.net		68m	68m
Dawn - dawncooper@cox.net		60m	60m
Nancy - njphilipp@msn.com		65m	65m
William Johnson - chiefwej@comcast.net		2m	2m
William Johnson - chiefwej@comcast.net		63m	63m
Jackie - jackie.shaub@outlook.com		61m	61m
Nancy - njphilipp@msn.com		1m	1m
Nancy - njphilipp@msn.com		60m	60m
Bob Schoff - bschoff@nationalselfstorage.com		58m	58m
Wanda - +1 267 998 3369		55m	55m
Letty Thies - scottletty@prodigy.net		17m	17m
Nancy - njphilipp@msn.com		14m	14m
Dawn - dawncooper@cox.net		6m	6m

3

Exhibit V.D.1: Post-Submittal Public Outreach Packet (Notified Individuals Map)



Exhibit V.D.1: Post-Submittal Public Outreach Packet (Notified Individuals Mailing Labels)

QUIK-MART STORES INC
8351 E BROADWAY BLVD
TUCSON, AZ 85710-4052

CONTINENTAL RESERVE MASTER HOA
ATTN: ASSOCIA ARIZONA
6840 N ORACLE RD STE 130
TUCSON, AZ 85704-4282

JOHNSON MARK E & DANETTE B JT/RS
PO BOX 1470
CORTARO, AZ 85652-1470

APPLEBAUM CYNTHIA A & STRUWE JEFFREY R
7479 W SWEET RIVER RD
TUCSON, AZ 85743-1463

HILDRETH LIVING TRUST
ATTN: GEORGE REGINALD HILDRETH JR & CATHERINE CLAIR HILDRETH TR
560 SAND DOLLAR DR
WATSONVILLE, CA 95076-1816

SANCHEZ ANA & ELIJAH CP/RS
7495 W SWEET RIVER RD
TUCSON, AZ 85743-1463

DOTSON KEITH & LESLIE M JT/RS
7165 W ORACLE RIDGE TRL
TUCSON, AZ 85743-5534

PHILIPP NANCY
7511 W SWEET RIVER RD
TUCSON, AZ 85743-1465

GRANILLO HENRY JR & SHERRY CP/RS
7520 W SWEET RIVER RD
TUCSON, AZ 85743-1464

FRAZIER SHERYN KAY
7512 W SWEET RIVER RD
TUCSON, AZ 85743-1464

GARRETT TAYLOR W
7504 W SWEET RIVER RD
TUCSON, AZ 85743-1464

WHITE AMANDA G & HERRING KYLER JT/RS
7496 W SWEET RIVER RD
TUCSON, AZ 85743-1462

ANGEL ALEJANDRO & PILAR REVOC TR
1770 E CAMINO CIELO
TUCSON, AZ 85718-1107

OCONNELL THOMAS J & MARIE E CP/RS
7480 W SWEET RIVER RD
TUCSON, AZ 85743-1462

ANDERSON E MICHAEL & DESLIE L CP/RS
7472 W SWEET RIVER RD
TUCSON, AZ 85743-1462

DAVAULT NINA R
8951 N VERIDIAN DR
TUCSON, AZ 85743-9087

QUACKENBUSH ROBERT G
7456 W SWEET RIVER RD
TUCSON, AZ 85743-1462

HELINSKI DENNIS F
418 E NATALIA PL
TUCSON, AZ 85737-7384

EISENHOWER MARK C & TAYLOR A CP/RS
8546 N SUNNY ROCK RIDGE DR
TUCSON, AZ 85743-1446

SIERRA CREST HOA
ATTN: FIRST SERVICE RESIDENTIAL AZ LLC
9000 E PIMA CENTER PKWY, STE 300
SCOTTSDALE, AZ 85258-4471

SIERRA CREST HOA
ATTN: ASSOCIA ARIZONA C/O TARA YOKLEY
6840 N ORACLE RD STE 130
TUCSON, AZ 85258-4471

CANYON COMMUNITY BANK
7981 N ORACLE RD
TUCSON, AZ 85704-6347

CANYON COMMUNITY BANK
7981 N ORACLE RD
TUCSON, AZ 85704-6347

CANYON COMMUNITY BANK
7981 N ORACLE RD
TUCSON, AZ 85704-6347

MARANA PROPERTY OWNER LLC
2020 W RUDASILL RD, SECOND FLOOR
TUCSON, AZ 85704-7800

DAZ7-SOMBRERO PEAK LLC
1795 E SKYLINE DR STE 193
TUCSON, AZ 85718-8104

COPE PROPERTIES LLC
1477 W COMMERCE CT
TUCSON, AZ 85746-6016

Exhibit V.D.1: Post-Submittal Public Outreach Packet (Email to Virtual Meeting Attendees)

Upcoming Neighborhood Meeting - National Self Storage Continental Reserve

Reply | Reply All | Forward | ...

LW

Lexy Wellott
To Lexy Wellott
Cc Linda Morales; Travis Morrow

Thu 9/24/2020 8:34 AM


NSS_Continental Reserve_Site Plan.jpg
370 KB


NSS_Continental Reserve_Building Elevation #1.jpg
315 KB


NSS_Continental Reserve_Building Elevation #2.jpg
313 KB

Dear Neighbor,

I hope this email finds you well.

On September 15, 2020, the Marana Town Council unanimously approved our request to amend the Pima Farms North Specific Plan – Villas at Sombrero Peak to permit commercial uses on the southern half of the property located at 8611 North Continental Reserve Loop Road. This approval allows National Self Storage to proceed with a Conditional Use Permit application for a two-story climate-controlled self-storage facility. See attached site plan and conceptual building elevations

To continue our discussions from the August 13, 2020, virtual meeting, National Self Storage and I invite you to attend a socially-distanced, in-person meeting on the site. All recommended CDC guidelines will be followed, and face masks will be available for anyone in need.

Please join us:

Date: **October 6, 2020**
Time: **5:30 PM**
Location: **8611 N. Continental Reserve Loop**

Working with you, our neighbors and the community at large to ensure that the facility fits in well with the surrounding area is important to National Self Storage. This community commitment is a key to their success; any and all feedback is welcomed and appreciated. If you are so inclined to support this proposal, please email me indicating your support, including your full name and address.

Best regards,
Lexy Wellott

LEXY WELLOTT, AICP | Project Manager
THE PLANNING CENTER
2 E Congress Ste 600, Tucson, AZ 85701
Office: 520.623.6146 | Direct: 520.209.2634

Exhibit V.D.1: Post-Submittal Public Outreach Packet (Notification Letter)

THE PLANNING CENTER
a division of TPC Group, Inc.

September 22, 2020

Dear Neighbor,

I hope this letter finds you and yours well.

On September 15, 2020, the Marana Town Council unanimously approved our request to amend the Pima Farms North Specific Plan – Villas at Sombrero Peak to permit commercial uses on the southern half of the property located at 8611 North Continental Reserve Loop Road (see location map). This approval allows National Self Storage to proceed with a Conditional Use Permit application for a two-story climate-controlled self-storage facility. See attached site plan and conceptual building elevations.



To continue our discussions from the August 13, 2020 virtual meeting, National Self Storage and I invite you to attend a socially-distanced, in-person meeting on the site. All recommended CDC guidelines will be followed, and face masks will be available for anyone in need.

Please join us:

Date: **October 6, 2020**
Time: **5:30 PM**
Location: **8611 N. Continental Reserve Loop**

We understand that an in-person meeting may not be preferential for all at this time. If this is the case, please do let me know. We are more than happy to make special accommodations to discuss the proposal further.

Working with you, our neighbors and the community at large to ensure that the facility fits in well with the surrounding area is important to National Self Storage. This community commitment is a key to their success; any and all feedback is welcomed and appreciated. If you are so inclined to support this proposal, please print and sign your name in the space provided below and mail to 2 E. Congress, Suite 600, Tucson, AZ 85701. Or, simply email me indicating your support, including your full name and address.

Sincerely,

Lexy Wellott, AICP
Project Manager
(520) 623-6146
lwellott@azplanningcenter.com

I support the proposal to develop 8611 North Continental Reserve Loop for an indoor National Self Storage facility.

Name:_____

Signature:_____

Address:_____

a 2 e. congress ste 600 tucson az 85701
o 520.623.6146
f 520.622.1950
w azplanningcenter.com

Exhibit V.D.1: Post-Submittal Public Outreach Packet (Notification Letter - continued)

National Self Storage – Continential Reserve (Site Plan)



NOTES

PARCEL: 226-22-6160

ADDRESS: 8611 N CONTINENTAL RESERVE LOOP, TUCSON, AZ 85743

SIZE: 1.42 AC
JURISDICTION: TOWN OF MARANA

EXISTING ZONING:
SPECIFIC PLAN (F) - PIMA FARMS NORTH: THE VILLAS AT SOMBRERO PEAK (VILLAGE-CORE COMMERCIAL)
SILVERBELL ROAD CORRIDOR OVERLAY DISTRICT

CONDITIONAL USE PERMIT AS REQUIRED BY SPECIFIC PLAN AND OVERLAY DISTRICT

TOTAL BUILDING AREA:	76,065 (2 UP/1 DOWN)
MAX BUILDING COVERAGE:	75% GROUND LEVEL, 60% ABOVE GROUND LEVEL
BUILDING HEIGHT	28'
PARKING PROVIDED	10 SPACES, 1 ADA SPACE
PROVIDED BUILDING COVERAGE:	44%
MIN. LANDSCAPE COVERAGE:	7,812 SF (10% OF SITE AREA)
PROVIDED LANDSCAPE COVERAGE:	19,563 SF

Exhibit V.D.1: Post-Submittal Public Outreach Packet (Notification Letter - continued)

National Self Storage – Continential Reserve (Conceptual Elevations)



PERSPECTIVE VIEW LOOKING NORTHWEST



PERSPECTIVE VIEW LOOKING WEST

Exhibit V.D.1: Post-Submittal Public Outreach Packet (Notification Letter - continued)

National Self Storage – Continential Reserve (Conceptual Elevations)



PERSPECTIVE VIEW LOOKING SOUTHWEST



PERSPECTIVE VIEW LOOKING NORTHEAST

Exhibit V.D.2: Neighbor Support Letters

THE PLANNING CENTER
a division of TPC Group, Inc.

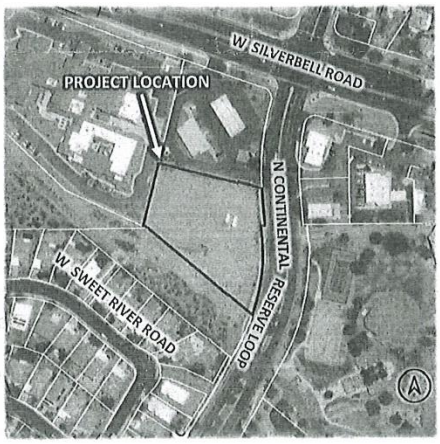
RECEIVED
SEP 24 2020
BY: .....

September 22, 2020

Dear Neighbor,

I hope this letter finds you and yours well.

On September 15, 2020, the Marana Town Council unanimously approved our request to amend the Pima Farms North Specific Plan – Villas at Sombrero Peak to permit commercial uses on the southern half of the property located at 8611 North Continental Reserve Loop Road (see location map). This approval allows National Self Storage to proceed with a Conditional Use Permit application for a two-story climate-controlled self-storage facility. See attached site plan and conceptual building elevations.



To continue our discussions from the August 13, 2020 virtual meeting, National Self Storage and I invite you to attend a socially-distanced, in-person meeting on the site. All recommended CDC guidelines will be followed, and face masks will be available for anyone in need.

Please join us:

Date: **October 6, 2020**
Time: **5:30 PM**
Location: **8611 N. Continental Reserve Loop**

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Working with you, our neighbors and the community at large to ensure that the facility fits in well with the surrounding area is important to National Self Storage. This community commitment is a key to their success; any and all feedback is welcomed and appreciated. If you are so inclined to support this proposal, please print and sign your name in the space provided below and mail to 2 E. Congress, Suite 600, Tucson, AZ 85701. Or, simply email me indicating your support, including your full name and address.

Sincerely,

Lexy Wellott, AICP
Project Manager
(520) 623-6146
lwellott@azplanningcenter.com

I support the proposal to develop 8611 North Continental Reserve Loop for an indoor National Self Storage facility.

Name: Gene Therriault
Signature: Gene Therriault
Address: 7622 W. Sugar Ranch Rd. Tucson, AZ

a 2 e. congress ste 600 tucson az 85701
o 520.623.6146
f 520.622.1950
w azplanningcenter.com

Exhibit V.D.2: Neighbor Support Letters (continued)

THE PLANNING CENTER
a division of TPC Group, Inc.

RECEIVED
SEP 24 2020
BY: .....

September 22, 2020

Dear Neighbor,

I hope this letter finds you and yours well.

On September 15, 2020, the Marana Town Council unanimously approved our request to amend the Pima Farms North Specific Plan – Villas at Sombrero Peak to permit commercial uses on the southern half of the property located at 8611 North Continental Reserve Loop Road (see location map). This approval allows National Self Storage to proceed with a Conditional Use Permit application for a two-story climate-controlled self-storage facility. See attached site plan and conceptual building elevations.



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Please join us:

Date: **October 6, 2020**
Time: **5:30 PM**
Location: **8611 N. Continental Reserve Loop**

We understand that an in-person meeting may not be preferential for all at this time. If this is the case, please do let me know. We are more than happy to make special accommodations to discuss the proposal further.

Working with you, our neighbors and the community at large to ensure that the facility fits in well with the surrounding area is important to National Self Storage. This community commitment is a key to their success; any and all feedback is welcomed and appreciated. If you are so inclined to support this proposal, please print and sign your name in the space provided below and mail to 2 E. Congress, Suite 600, Tucson, AZ 85701. Or, simply email me indicating your support, including your full name and address.

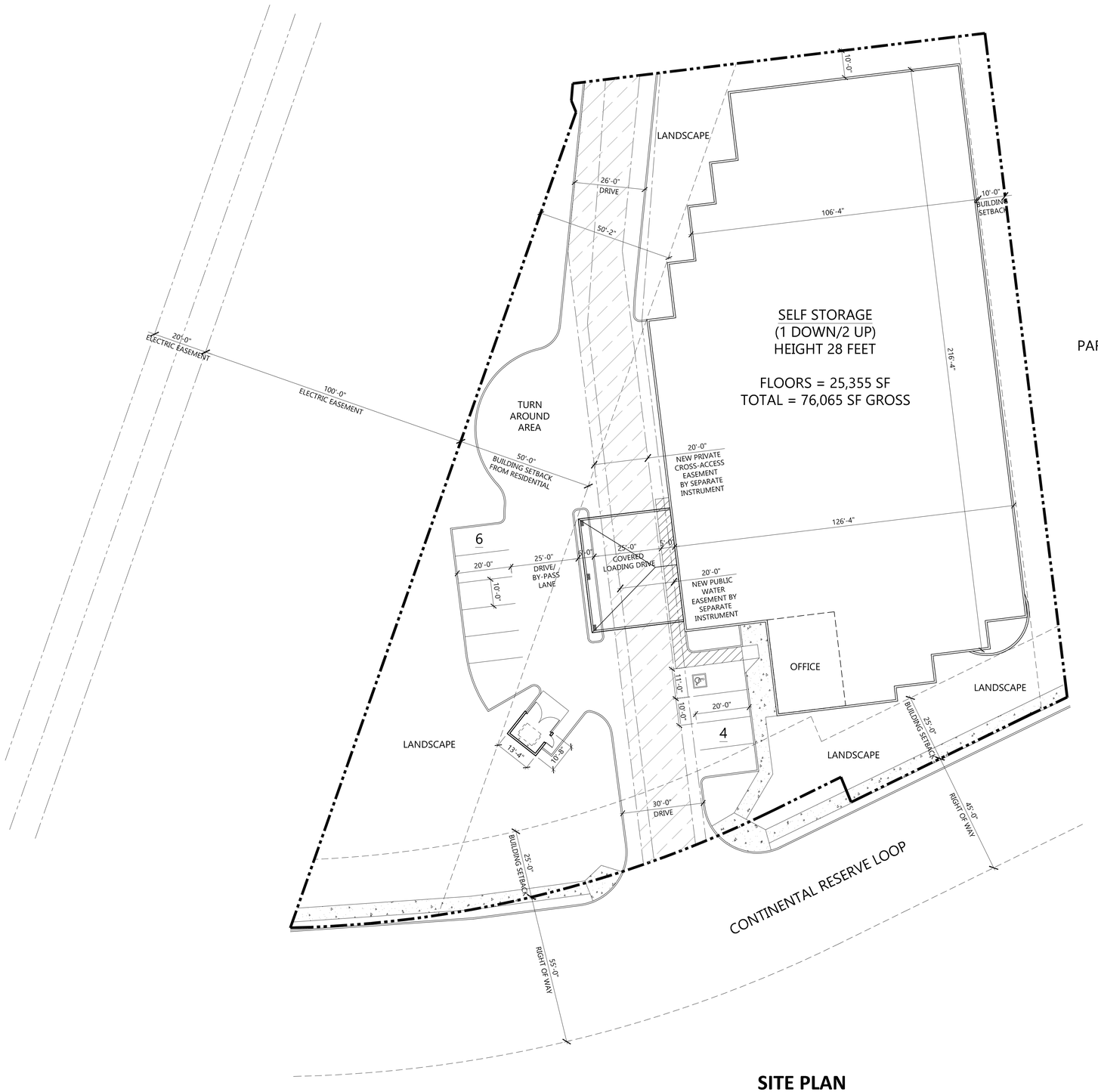
Sincerely,

Lexy Wellott, AICP
Project Manager
(520) 623-6146
lwellott@azplanningcenter.com

I support the proposal to develop 8611 North Continental Reserve Loop for an indoor National Self Storage facility.

Name: KATHLEEN CORLEY RAMLET
Signature: Kathy N Ramlet
Address: 8349 N Island Serpentine

a 2 e. congress ste 600 tucson az 85701
o 520.623.6146
f 520.622.1950
w azplanningcenter.com



SITE PLAN

SCALE: 1" = 20'-0"

NORTH

0' 10' 20' 40'

PROJECT DIRECTORY:

DEVELOPER:

NATIONAL SELF STORAGE
PO BOX 90540
TUCSON, ARIZONA 85752
POINT OF CONTACT: TRAVIS MORROW
PHONE: (520) 577-9777
EMAIL: tmorrow@nationalselfstorage.com

ARCHITECT:

EAPC ARCHITECTS ENGINEERS
901 E. MADISON ST.
PHOENIX, ARIZONA 85034
POINT OF CONTACT: MICHELLE BACH
PHONE: (602) 441-4505
EMAIL: michelle.bach@eapc.net

LANDSCAPE ARCHITECT:

T.J. MCQUEEN & ASSOCIATES, INC.
10450 N. 74TH ST., SUITE 120
SCOTTSDALE, ARIZONA 85258
POINT OF CONTACT: TIM MCQUEEN
PHONE: (602) 265-0320
EMAIL: timmcqueen@tjmla.net

SITE PLAN DATA:

EXISTING ZONING:	SPECIFIC PLAN (PIMA FARMS NORTH), COMMERCIAL
PROPOSED ZONING:	SPECIFIC PLAN (PIMA FARMS NORTH), COMMERCIAL/CONDITIONAL USE PERMIT
SUBDIVISION:	CONTINENTAL CROSSING - LOT 3
GROSS SITE AREA:	1.79 ACRES (78,127 S.F.)
NET SITE AREA:	1.41 ACRES (61,579 S.F.)
PROPOSED BUILDING USE:	INTERNALIZED SELF STORAGE
OCCUPANCY TYPE:	S-1 (STORAGE) AND B (OFFICE)
BUILDING HEIGHT ALLOWED:	34 FEET
BUILDING HEIGHT PROPOSED:	28 FEET

BUILDING AREA:

TOTAL BUILDING AREA:	76,065 S.F. (2 UP/1 DOWN)
MAX BUILDING COVERAGE:	75% AT GROUND LEVEL/ 60% ABOVE GROUND LEVEL
PROVIDED BUILDING COVERAGE:	44%
MIN LANDSCAPE COVERAGE:	10% OF GROSS SITE AREA .10 (78,127) = 7,812.7 SF
PROVIDED LANDSCAPE COVERAGE:	19,563 SF

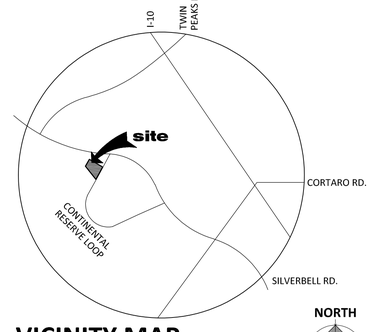
PARKING CALCULATION:

NOTE:
1. TITLE 22 OF THE MARANA LAND DEVELOPMENT CODE WAS REPEALED EFFECTIVE SEPTEMBER 6, 2019, BY MARANA ORDINANCE NO. 2019.018, WHICH ALSO ADOPTED CHAPTER 17-9 (PARKING) OF THE MARANA TOWN CODE.
2. FOR ALL USES, OTHER THAN RESIDENTIAL USES ON LOTS OF 16,000 SF OR LESS, A PARKING JUSTIFICATION ANALYSIS SHALL BE PROVIDED.

TOTAL PARKING PROVIDED:	10 SPACES
REQUIRED ADA PARKING:	1 SPACES
PROVIDED ADA PARKING:	1 SPACES

SITE NOTES:

1. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED AND LOCATED TO MINIMIZE NOISE TO THE ADJACENT PROPERTIES.
2. LIGHTING SHALL BE IN CONFORMANCE WITH THE TOWN OF MARANA OUTDOOR LIGHTING CODE. ALL LIGHTING SHALL BE DOWNWARD DIRECTED AND SHIELDED TO PREVENT SPILLOVER TO ADJACENT PROPERTIES. LIGHTING ADJACENT TO THE MAIN WASH RUNNING NORTH SOUTH ACROSS THE PROPERTY SHALL BE RESTRICTED AND INSTALLED IN SUCH A MANNER TO REDUCE INTRUSIVE LIGHT WITHIN THE WASH CORRIDOR.
3. LANDSCAPE BUFFER YARDS SHALL BE IN CONFORMANCE WITH THE TOWN OF MARANA LAND DEVELOPMENT CODE. AN ENHANCED LANDSCAPE BUFFERYARD SHALL BE PROVIDED ALONG THE SOUTH AND WEST PROJECT BOUNDARIES ADJACENT TO EXISTING RESIDENTIAL SUBDIVISIONS. THE LANDSCAPING SHALL CONSIST OF 5 TREE AND 15 SHRUBS/ACCENTS PER 1,000 SQUARE FEET. CONSULTATIONS WILL BE HELD WITH ADJACENT NEIGHBORS TO ADDRESS SPECIFIC SCREENING CONCERNS.
4. ANY INCREASE IN SITE ELEVATION SHALL BE THE MINIMUM NECESSARY FOR DRAINAGE PURPOSES.
5. ALL SIGNS SHALL ADHERE TO THE MARANA SIGN CODE AND THE SILVERBELL OVERLAY DISTRICT.



VICINITY MAP

SCALE: N.T.S.

EAPC
Architecture | Engineering | Industrial
Wind Energy | Interior Design | Construction
TELE 602.441.4505 FAX
901 E Madison ST, Phoenix, AZ 85034
Grand Forks ND | Fargo ND | Bismarck ND
Williston ND | Minot ND | Norwich VT
Bemidji MN | Buenos Aires ARG | Sioux Falls SD
St. Paul MN | Fort Collins CO | Phoenix AZ
www.eapc.net

CLIENT

NATIONAL SELF STORAGE

PROJECT DESCRIPTION

SELF STORAGE FACILITY

CITY MARANA

STATE ARIZONA

ISSUE DATES

MARK	DESCRIPTION	DATE
DD	DESIGN DEVELOPMENT	03-16-2020
SP	SITE PLAN PRE-APPLICATION	02-06-2020
SD	SCHEMATIC DESIGN	11-22-2019

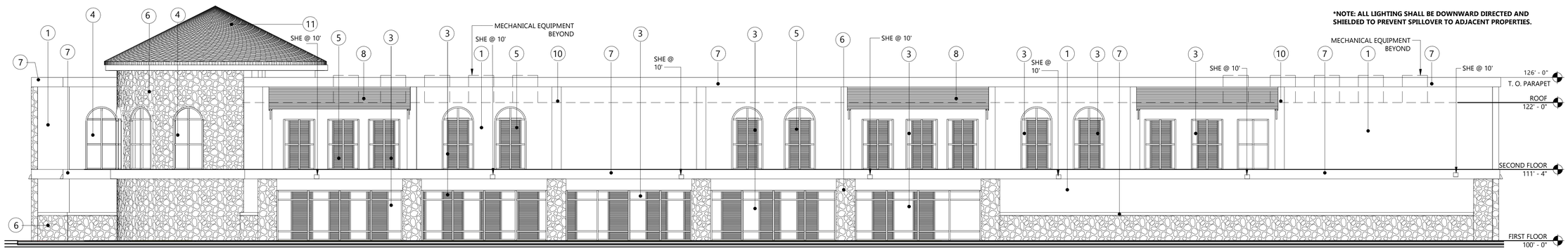
PROJECT NO: 20195410
DRAWN BY: MAB
CHECKED BY: MAB

COPYRIGHT:
All plans, specifications, computer files, field data, notes and other documents and instruments prepared by EAPC as instruments of service shall remain the property of EAPC. EAPC shall retain all common law, statutory and other reserved rights, including the copyright thereto.

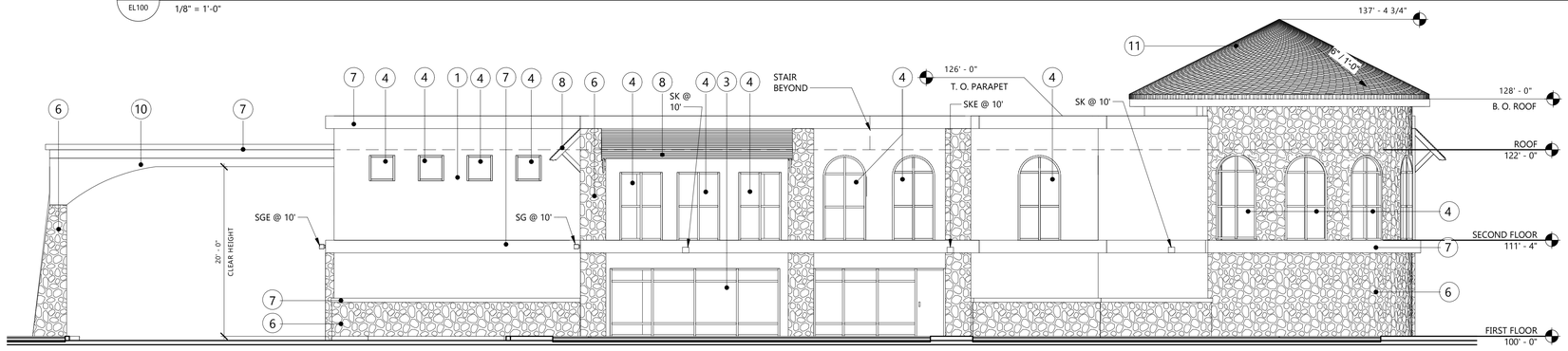
DRAWING TITLE

PRELIMINARY SITE PLAN

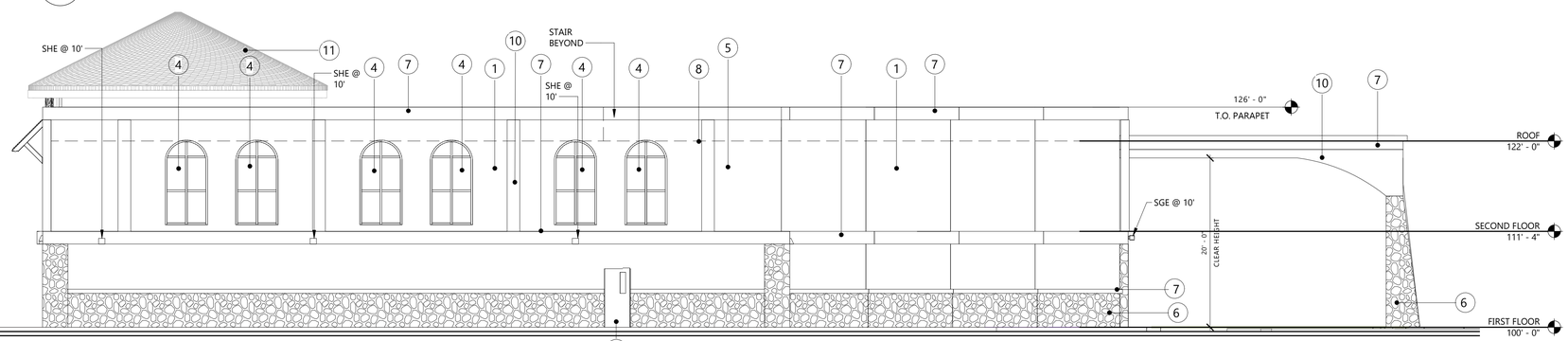
SP100



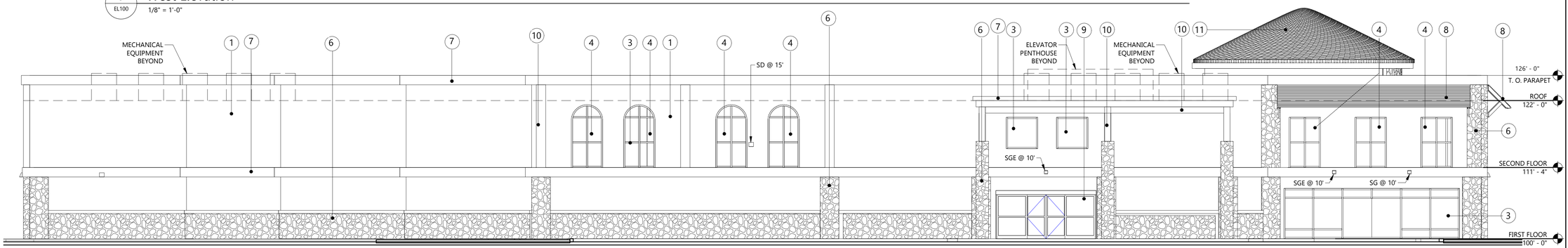
2 EL100 **North Elevation**
1/8" = 1'-0"



1 EL100 **East Elevation**
1/8" = 1'-0"



3 EL100 **West Elevation**
1/8" = 1'-0"



4 EL100 **South Elevation**
1/8" = 1'-0"

MATERIALS

1. FINE FINISH STUCCO PAINTED
   DUNN EDWARDS
   DE6095 HOWDY PARTNER
2. STROREFRONT
   KAWNEER
   CHARCOAL
3. INSULATED GLAZING UNIT
   CLEAR
4. INSULATED GLAZING UNIT
   SPANDREL- BLACK
5. ROLL UP DOOR
   JANUS INTERNATIONAL GROUP
   CEDAR RED
6. STONE VENEER
   ENVIRONMENTAL STONEWORKS
   BRONZE CHISEL ROCK
7. STUCCO- TRIM
   DUNN EDWARDS
   DE6073 NEW WOOL
8. METAL AWNING
   DUNN EDWARDS
   DE6392 MINK
9. AUTOMATIC SLIDING DOOR
   KAWNEER
10. FINE FINISH STUCCO-ACCENT PAINTED
    DUNN EDWARDS
    DEC702 ANTIQUE ROSE
11. ROOF TILE
    EAGLE ROOFING PRODUCTS
    901 OAKWOOD
12. METAL DOOR PAINTED
    DUNN EDWARDS
    DE6384 IRON FIXTURE

EAPC
Architecture | Engineering | Industrial
Wind Energy | Interior Design | Construction
TELE 601.441.4505 FAX
901 E Madison St, Phoenix, AZ 85034
Grand Forks ND, Williston ND, Bernidji MN, St. Paul MN
Fargo ND, Minot ND, Buenos Aires ARG, Fort Collins Co
Bismarck ND, Norwich VT, Sioux Falls SD, Phoenix AZ
www.eapc.net

CLIENT
NATIONAL SELF STORAGE®

PROJECT DESCRIPTION
SELF-STORAGE FACILITY

CITY MARANA
STATE AZ

ISSUE DATES

PRELIMINARY - NOT FOR CONSTRUCTION

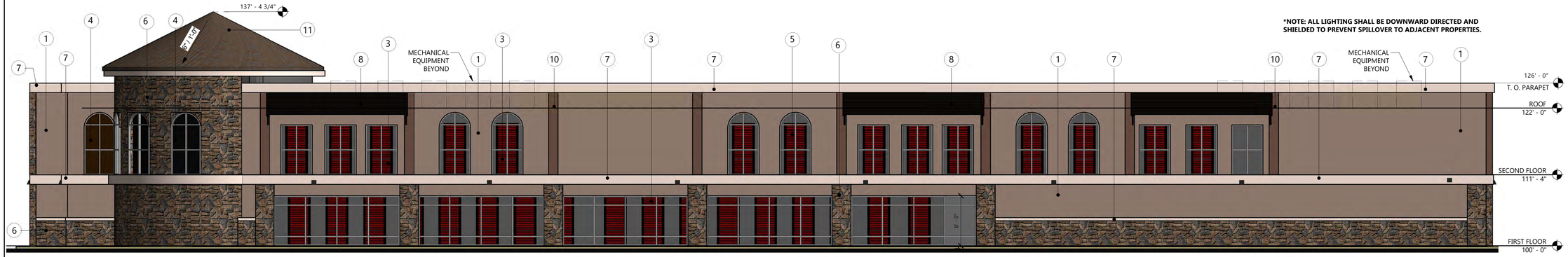
CUP	CONDITIONAL USE PERMIT	10-16-2020
MARK	DESCRIPTION	DATE

PROJECT NO: 20195410
DRAWN BY: SD
CHECKED BY: MAB

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DRAWING TITLE
BUILDING ELEVATIONS

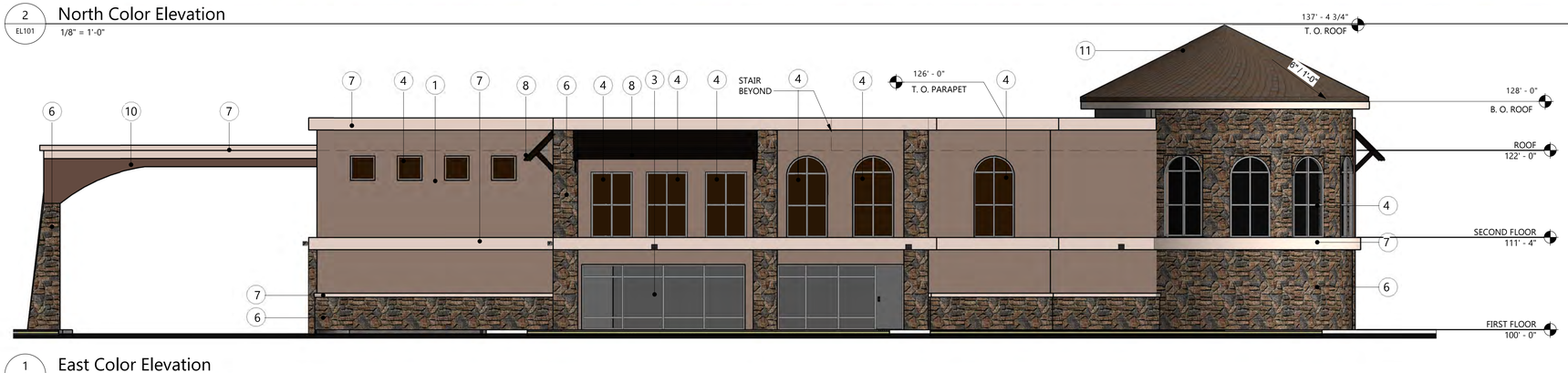
EL100



*NOTE: ALL LIGHTING SHALL BE DOWNWARD DIRECTED AND SHIELDED TO PREVENT SPILLOVER TO ADJACENT PROPERTIES.

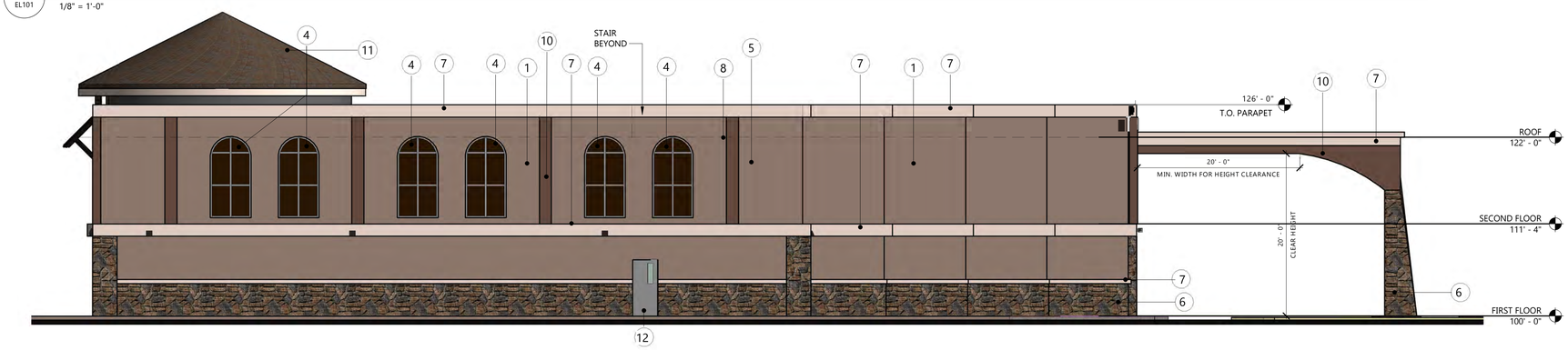
2 EL101 North Color Elevation

1/8" = 1'-0"



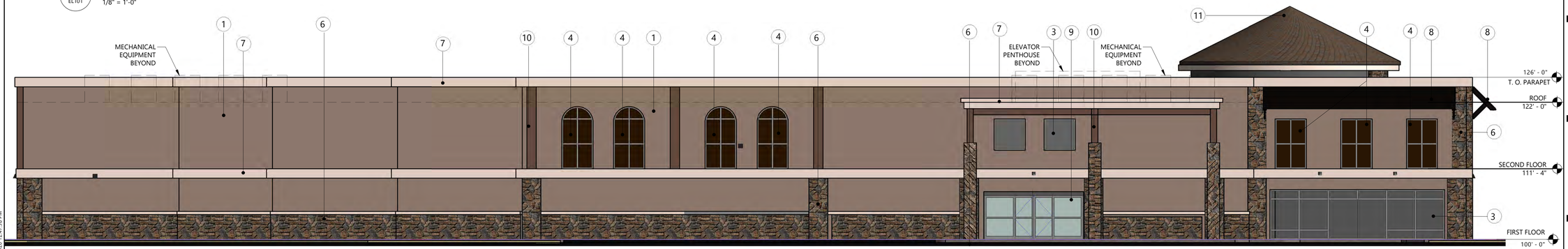
1 EL101 East Color Elevation

1/8" = 1'-0"



3 EL101 West Color Elevation

1/8" = 1'-0"



4 EL101 South Color Elevation

1/8" = 1'-0"

MATERIALS

1	FINE FINISH STUCCO PAINTED DUNN EDWARDS DE6095 HOWDY PARTNER
2	STROREFRONT KAWNEER CHARCOAL
3	INSULATED GLAZING UNIT CLEAR
4	INSULATED GLAZING UNIT SPANDREL- BLACK
5	ROLL UP DOOR JANUS INTERNATIONAL GROUP CEDAR RED
6	STONE VENEER ENVIRONMENTAL STONEWORKS BRONZE CHISEL ROCK
7	STUCCO- TRIM DUNN EDWARDS DE6073 NEW WOOL
8	METAL AWNING DUNN EDWARDS DE6392 MINK
9	AUTOMATIC SLIDING DOOR KAWNEER
10	FINE FINISH STUCCO-ACCENT PAINTED DUNN EDWARDS DEC702 ANTIQUE ROSE
11	ROOF TILE EAGLE ROOFING PRODUCTS 901 OAKWOOD
12	METAL DOOR PAINTED DUNN EDWARDS DE6384 IRON FIXTURE

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DRAWING TITLE

COLOR ELEVATIONS

EL101

Plot Date: 10/16/2020 12:47:38 PM



PERSPECTIVE VIEW LOOKING NORTHWEST



PERSPECTIVE VIEW LOOKING WEST

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NATIONAL SELF STORAGE®

PROJECT DESCRIPTION

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CITY MARANA

STATE ARIZONA

ISSUE DATES

DD	DESIGN DEVELOPMENT	03-16-2020
SP	SITE PLAN PRE-APPLICATION	02-06-2020
SD	SCHEMATIC DESIGN	11-22-2019
MARK	DESCRIPTION	DATE

PROJECT NO: 20195410

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DRAWING TITLE

PERSPECTIVE VIEWS

EL200



PERSPECTIVE VIEW LOOKING SOUTHWEST



PERSPECTIVE VIEW LOOKING NORTHEAST

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MARK	DESCRIPTION	DATE

PROJECT NO: 20195410

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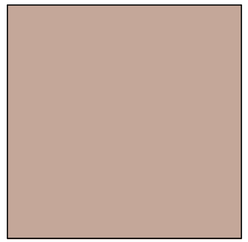
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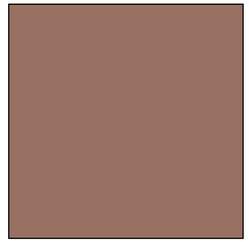
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PERSPECTIVE VIEWS

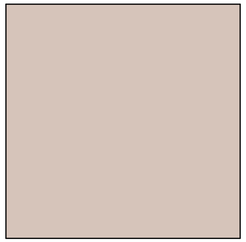
EL201



FINE FINISH STUCCO PAINTED
DUNN EDWARDS
DE6095
HOWDY PARTNER



FINE FINISH STUCCO-
ACCENT PAINTED
DUNN EDWARDS
DEC702
ANTIQUE ROSE



STUCCO-TRIM PAINTED
DUNN EDWARDS
DE6073
NEW WOOL



METAL AWNINGS, PAINTED
DUNN EDWARDS
DE6392 MINK



STONE VENEER
ENVIRONMENTAL STONEWORKS
BRONZE CHISEL ROCK



ROOF TILE
EAGLE ROOFING PRODUCTS
2136 MISSION RED FLASHED



METAL DOOR,
PAINTED
DUNN EDWARDS
DE6384
IRON FIXTURE



ROLL UP DOOR
JANUS INTERNATIONAL
GROUP
CEDAR RED



STOREFRONT GLAZING SYSTEM
W/ BLACK SPANDREL GLASS
KAWNEER
CHARCOAL

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NATIONAL SELF STORAGE

PROJECT DESCRIPTION

SELF-STORAGE
FACILITY

CITY MARANA

STATE AZ

ISSUE DATES

PRELIMINARY - NOT FOR CONSTRUCTION

MARK	DESCRIPTION	DATE
1	DESIGN REVIEW	05-11-20

PROJECT NO: 20195410
DRAWN BY: SD
CHECKED BY: MAB

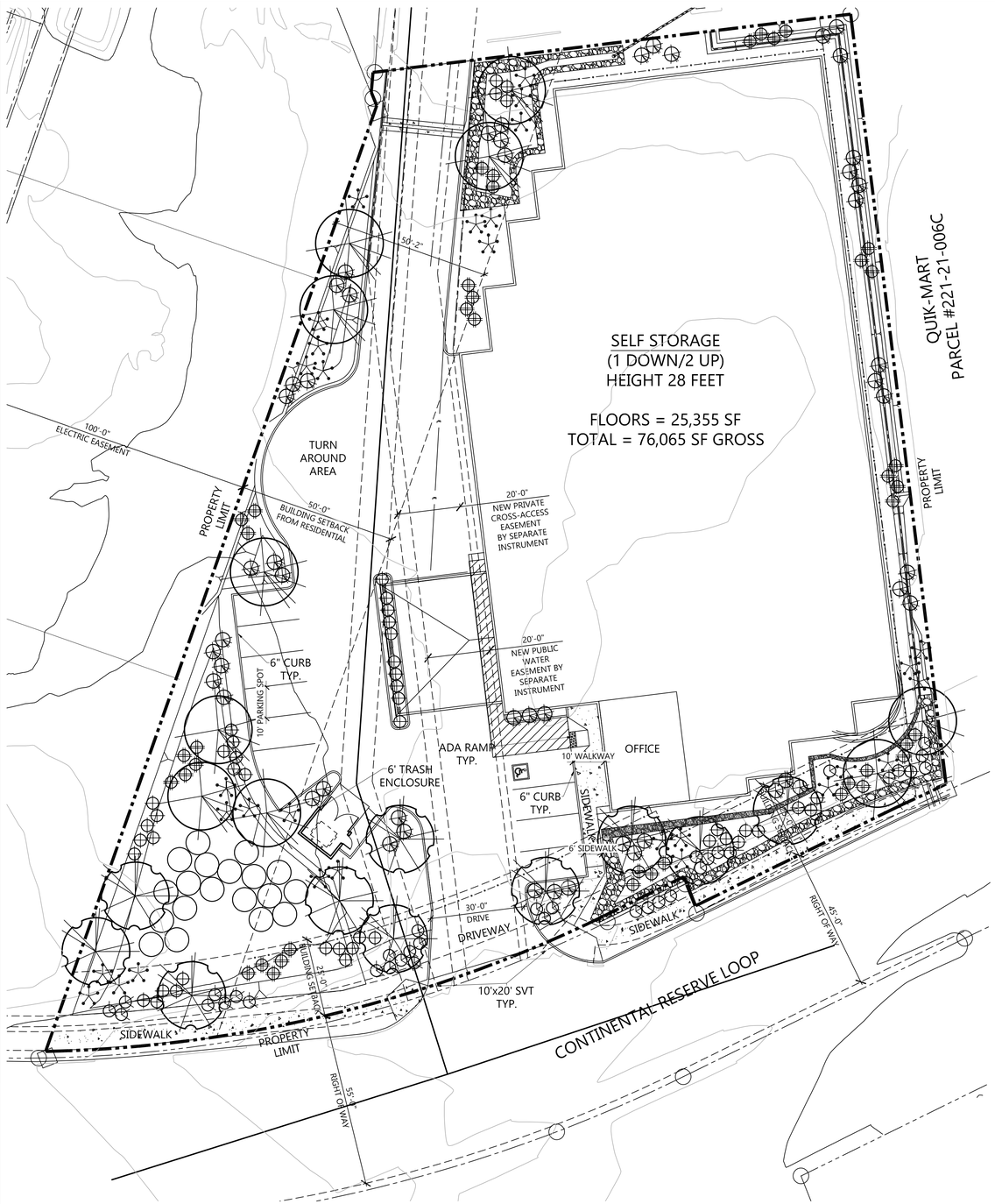
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DRAWING TITLE

MATERIALS BOARD

EL300

Plot Date: 5/11/2020 4:20:25 PM



LANDSCAPE PLAN

SCALE: 1" = 20'-0"

0' 10' 20' 40'

ADDITIONAL LANDSCAPE NOTES:

x

LANDSCAPE LEGEND

CERCIDIUM FLORIDUM
BLUE PALO VERDE
24" BOX (1.5" CALIPER) (MULTI) (10)

PROSOPIS CHILENSIS
CHILEAN MESQUITE (THORNLESS)
24" BOX (10)

CAESALPINIA MEXICANA
MEXICAN BIRD OF PARADISE
5 GALLON (30)

LEUCOPHYLLUM FRUTESCENS
'GREEN CLOUD'
5 GALLON (49)

HESPERALOE PARVIFLORA
RED YUCCA
5 GALLON (49)

DASYLIRION WHEELERII
DESERT SPOON
5 GALLON (42)

ROSEMARINUS PROSTRATA
TRAILING ROSEMARY
5 GALLON (32)

ACACIA REDOLENS
'DESERT CARPET' tm
1 GALLON (19)

MATCH ADJACENT QUIK-MART
DECOMPOSED GRANITE
2" DEPTH IN ALL LANDSCAPE AREAS

IRRIGATION NOTES:

ALL LANDSCAPE AREAS SHALL BE IRRIGATED ON A REGULAR MAINTENANCE SCHEDULE UNDER THE SUPERVISION OF THE OWNER, USING AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. IRRIGATION SHALL BE CONTINUOUSLY TESTED AND SHALL BE REPAIRED AS NEEDED. IMPROPER IRRIGATION SYSTEM MAINTENANCE WHICH RESULTS IN POOLING OR RUNOFF OF EXCESS WATER SHALL RESULT IN A WARNING. IF THE PROBLEM IS NOT RESOLVED IN 30 DAYS, THE IMPROPERLY FUNCTIONING IRRIGATION SYSTEM SHALL BE SUBJECT TO FINES.

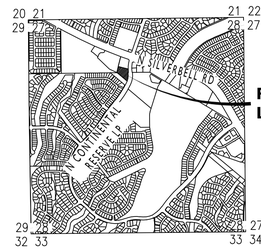
MAINTENANCE NOTE:

ALL LANDSCAPED AREAS SHALL BE MAINTAINED ON A REGULAR MAINTENANCE SCHEDULE UNDER THE SUPERVISION OF THE OWNER. THIS REGULAR MAINTENANCE SCHEDULE IS TO INCLUDE PRUNING, FERTILIZING, CLEARING OF DEBRIS, LITTER, AND WEEDS, AND THE REMOVING AND REPLACING OF ALL DEAD PLANTS. ALL PLANT MATERIAL THAT DOES NOT SURVIVE SHALL BE REPLACED WITH AN EQUIVALENT SIZE AND SPECIES WITHIN 30 DAYS OF THE DEMISE ON AN ONGOING BASIS FAILURE TO REPLACE DEAD MATERIAL WITHIN THE SPECIFIED TIME PERIOD SHALL CONSTITUTE A ZONING VIOLATION AND IS SUBJECT TO FINES.

SHEET INDEX:
La.01 - LANDSCAPE PLAN

ACCEPTANCE:

MARANA PLANNING DIRECTOR DATE



LOCATED IN THE NW ¼ OF SECTION 28, T12S, R12E, G&SRM, PIMA COUNTY, ARIZONA

PROJECT DIRECTORY:

DEVELOPER:

NATIONAL SELF STORAGE
PO BOX 90540
TUCSON, ARIZONA 85752
POINT OF CONTACT: TRAVIS MORROW
PHONE: (520) 577-9777
EMAIL: tmorrow@nationalselfstorage.com

ARCHITECT:

EAPC ARCHITECTS ENGINEERS
901 E. MADISON ST.
PHOENIX, ARIZONA 85034
POINT OF CONTACT: MICHELLE BACH
PHONE: (602) 441-4505
EMAIL: michelle.bach@eapc.net

LANDSCAPE ARCHITECT:

T.J. MCQUEEN & ASSOCIATES, INC.
10450 N. 74TH ST., SUITE 120
SCOTTSDALE, ARIZONA 85258
POINT OF CONTACT: TIM MCQUEEN
PHONE: (602) 265-0320
EMAIL: timmcqueen@tjmla.net

SITE PLAN DATA:

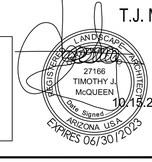
EXISTING ZONING:	SPECIFIC PLAN (PIMA FARMS NORTH), COMMERCIAL
PROPOSED ZONING:	SPECIFIC PLAN (PIMA FARMS NORTH), COMMERCIAL/CONDITIONAL USE PERMIT
SUBDIVISION:	CONTINENTAL CROSSING - LOT 3
GROSS SITE AREA:	1.79 ACRES (78,127 S.F.)
NET SITE AREA:	1.41 ACRES (61,579 S.F.)
PROPOSED BUILDING USE:	INTERNALIZED SELF STORAGE
OCCUPANCY TYPE:	S-1 (STORAGE) AND B (OFFICE)
BUILDING HEIGHT ALLOWED:	34 FEET
BUILDING HEIGHT PROPOSED:	28 FEET
BUILDING AREA:	
TOTAL BUILDING AREA:	76,065 S.F. (2 UP/1 DOWN)
MAX BUILDING COVERAGE:	75% AT GROUND LEVEL/ 60% ABOVE GROUND LEVEL
PROVIDED BUILDING COVERAGE:	44%
MIN LANDSCAPE COVERAGE:	10% OF GROSS SITE AREA .10 (78,127) = 7,812.7 SF
PROVIDED LANDSCAPE COVERAGE:	19,563 SF (32%)
PARKING CALCULATION:	
TOTAL PARKING PROVIDED:	10 SPACES
REQUIRED ADA PARKING:	1 SPACES
PROVIDED ADA PARKING:	1 SPACES

NOTE:
1. TITLE 22 OF THE MARANA LAND DEVELOPMENT CODE WAS REPEALED EFFECTIVE SEPTEMBER 6, 2019, BY MARANA ORDINANCE NO. 2019.018, WHICH ALSO ADOPTED CHAPTER 17-9 (PARKING) OF THE MARANA TOWN CODE.
2. FOR ALL USES, OTHER THAN RESIDENTIAL USES ON LOTS OF 16,000 SF OR LESS, A PARKING JUSTIFICATION ANALYSIS SHALL BE PROVIDED.

SITE NOTES:

1. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED AND LOCATED TO MINIMIZE NOISE TO THE ADJACENT PROPERTIES.
2. LIGHTING SHALL BE IN CONFORMANCE WITH THE TOWN OF MARANA OUTDOOR LIGHTING CODE. ALL LIGHTING SHALL BE DOWNWARD DIRECTED AND SHIELDED TO PREVENT SPILLOVER TO ADJACENT PROPERTIES. LIGHTING ADJACENT TO THE MAIN WASH RUNNING NORTH SOUTH ACROSS THE PROPERTY SHALL BE RESTRICTED AND INSTALLED IN SUCH A MANNER TO REDUCE INTRUSIVE LIGHT WITHIN THE WASH CORRIDOR.
3. LANDSCAPE BUFFER YARDS SHALL BE IN CONFORMANCE WITH THE TOWN OF MARANA LAND DEVELOPMENT CODE. AN ENHANCED LANDSCAPE BUFFERYARD SHALL BE PROVIDED ALONG THE SOUTH AND WEST PROJECT BOUNDARIES ADJACENT TO EXISTING RESIDENTIAL SUBDIVISIONS. THE LANDSCAPING SHALL CONSIST OF 5 TREE AND 15 SHRUBS/ACCENTS PER 1,000 SQUARE FEET. CONSULTATIONS WILL BE HELD WITH ADJACENT NEIGHBORS TO ADDRESS SPECIFIC SCREENING CONCERNS.
4. ANY INCREASE IN SITE ELEVATION SHALL BE THE MINIMUM NECESSARY FOR DRAINAGE PURPOSES.
5. ALL SIGNS SHALL ADHERE TO THE MARANA SIGN CODE AND THE SILVERBELL OVERLAY DISTRICT.
6. **THIS LANDSCAPE PLAN HAS BEEN SUBMITTED FOR MARANA REVIEW FOR COMPLIANCE WITH PIMA FARMS NORTH SPECIFIC PLAN - VILLAS AT SOMBRERO PEAK DEVELOPMENT STANDARDS AND MARANA LAND DEVELOPMENT CODE TITLE 24.01 THE SILVERBELL ROAD CORRIDOR OVERLAY DISTRICT DESIGN STANDARDS. A LANDSCAPE PLAN WILL BE SUBMITTED FOR REVIEW AND APPROVAL WITH THE DEVELOPMENT PLAN PACKAGE AND SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE LANDSCAPE PLAN APPROVED BY CUP2009.001**

T.J. McQUEEN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
URBAN DESIGN
SITE PLANNING
10450 N. 74th Street , Suite 120
Scottsdale, Arizona 85258
P.(602)265-0320
EMAIL: timmcqueen@tjmla.net



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STATE ARIZONA

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DD	DESIGN DEVELOPMENT	03-16-2020
SP	SITE PLAN PRE-APPLICATION	02-06-2020
SD	SCHEMATIC DESIGN	11-22-2019
MARK	DESCRIPTION	DATE

PROJECT NO: 20195410
DRAWN BY: MAB
CHECKED BY: MAB

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DRAWING TITLE

LANDSCAPE PLAN FOR SRCOD DESIGN REVIEW ONLY

La.01

NATIONAL SELF STORAGE SIGNAGE

"This sign plan has been submitted for design review compliance with Marana Land Development Code Title 24.0, the Silverbell Road Corridor Overlay District. A separate sign permit shall be submitted for building compliance review and shall be in substantial conformance with the sign plan design approved by CUP2009.001."

* SUBJECT TO FINAL REVIEW BY CITY OFFICIALS FOR SIGN CODE COMPLIANCE.
** DUE TO PRINTER TECHNOLOGY, PRINTED COLORS MAY VARY FROM COLOR CALL OUTS SHOWN, SEE PHYSICAL SAMPLES OF COLORS FOR MOST ACCURATE REPRESENTATION.

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TUCSON, ARIZONA 85713
520.748.1540

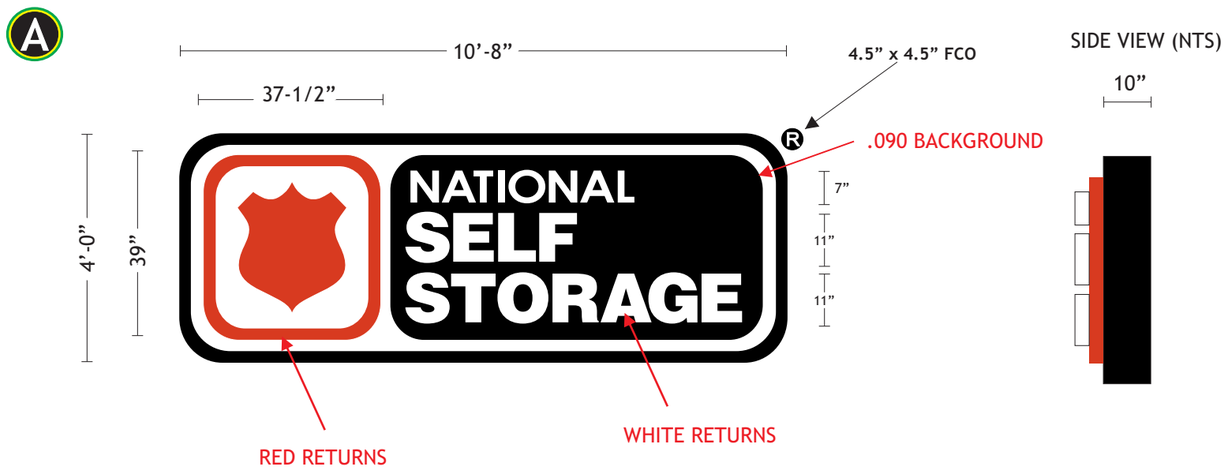
FILE NAME:	13469[PRO] NATIONAL SELF STORAGE R2-AVW				
JOB NAME:	NATIONAL SELF STORAGE	**PROJECT CONTACT:**	TRAVIS MORROW	**PROJECT MGR:**	MIKE ADDIS
JOB ADDRESS:	CONTINENTAL RESERVE LOOP & SILVERBELL	**ADDRESS:**	PO BOX 90540	**DESIGNER:**	AVW
SUITE:	N/A	**CITY, ZIP:**	TUCSON, AZ 85752	**ECY#:**	13469
CITY, ZIP:	TUCSON, AZ	**PHONE:**	CELL: 520-390-7095	**REV DATE:**	10-13-20

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PROPOSAL

SCALE 3/8”=1’-0”

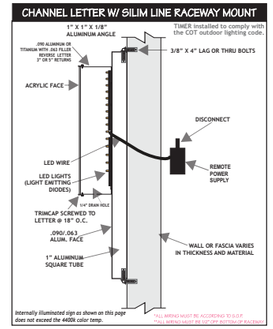


SIDE VIEW (NTS)

DARK RED
3630-73
PANTONE 7621 C

Black
3630-22
PANTONE BLACK C

WHITE
3630-20





FABRICATE AND INSTALL ONE (1) SET OF ILLUMINATED PAN CHANNEL LETTERS ON A RACEWAY.

PC LETTERS:
RETURNS: TO BE OF 3” PRE-FINISHED ALUMINUM .040 PAINTED BLACK.
BACKS: TO BE ALUMINUM .090. UNFINISHED.
LIGHTING: TO BE RED AND WHITE LEDS.
INSTALL: LETTERS MOUNTED ON A BACKER PANEL, ALL MOUNTED ON A RACEWAY ONTO BUILDING.

SUBJECT TO CODE AND LANDLORD APPROVAL. CUSTOMER TO PROVIDE LABELED, DEDICATED CIRCUIT(S) THAT MEETS CODE REQUIREMENTS TO THE SIGN LOCATION. IF CUSTOMER NEEDS PHOTO CELLS OR TIME CLOCKS PLEASE REQUEST FROM ADDISIGNS THAT THESE ITEMS BE ADDED TO YOUR ORDER.



* THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND THE BONDING OF THE SIGN AND CURRENT UL STANDARDS.

* SUBJECT TO FINAL REVIEW BY CITY OFFICIALS FOR SIGN CODE COMPLIANCE.
** DUE TO PRINTER TECHNOLOGY, PRINTED COLORS MAY VARY FROM COLOR CALL OUTS SHOWN, SEE PHYSICAL SAMPLES OF COLORS FOR MOST ACCURATE REPRESENTATION.

addisigns INC.
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TUCSON, ARIZONA 85713
520.748.1540

FILE NAME:	13469[PRO] NATIONAL SELF STORAGE R2-AVW				
JOB NAME:	NATIONAL SELF STORAGE	**PROJECT CONTACT:**	TRAVIS MORROW	**PROJECT MGR:**	MIKE ADDIS
JOB ADDRESS:	CONTINENTAL RESERVE LOOP & SILVERBELL	**ADDRESS:**	PO BOX 90540	**DESIGNER:**	AVW
SUITE:	N/A	**CITY, ZIP:**	TUCSON, AZ 85752	**ECY#:**	13469
CITY, ZIP:	TUCSON, AZ	**PHONE:**	CELL: 520-390-7095	**REV DATE:**	10-13-20

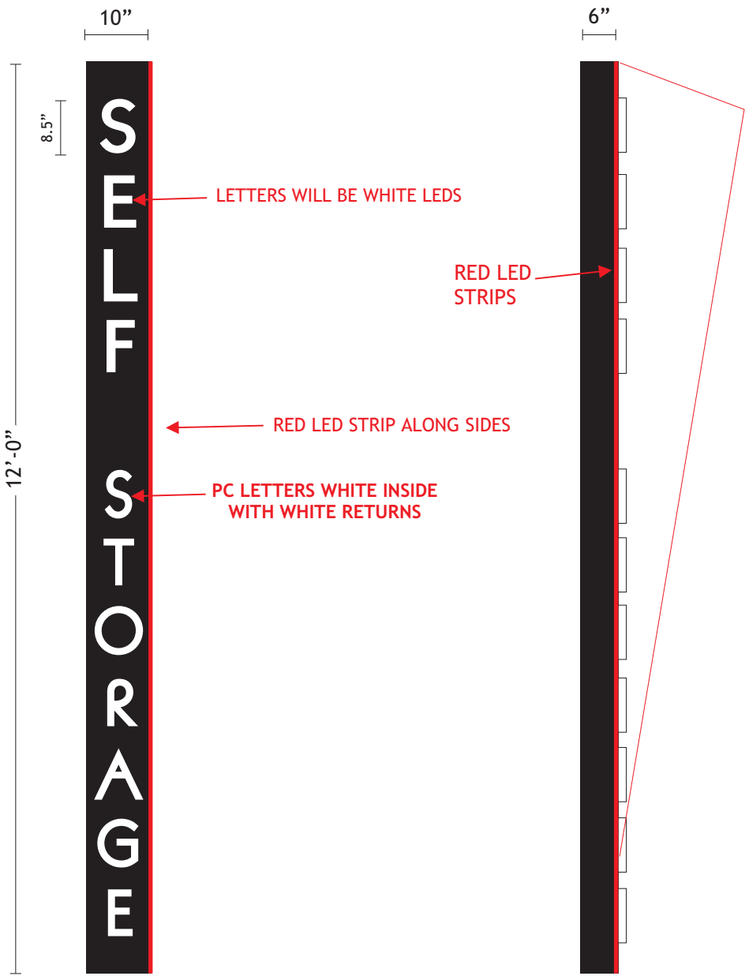
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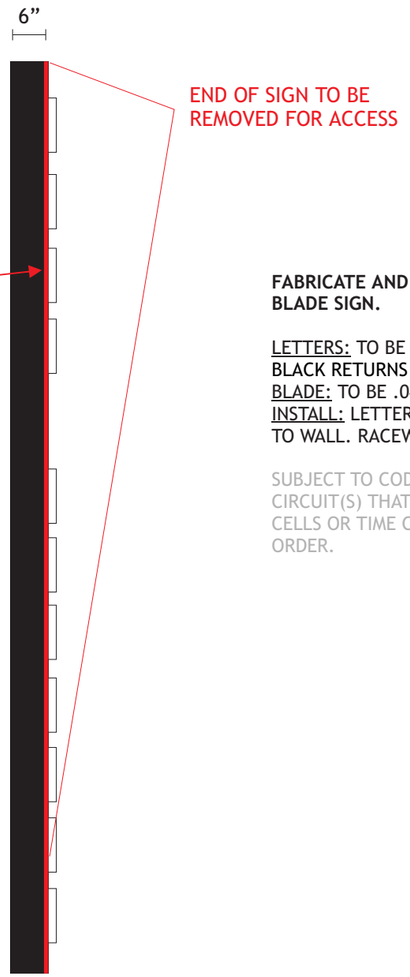
PROPOSAL

SCALE 1/2”=1’-0”

B SOUTH ELEVATION



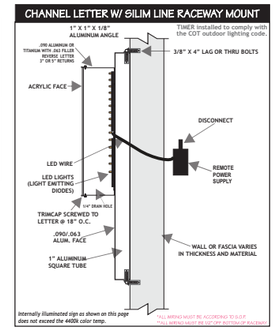
END VIEW





Black
3630-22
PANTONE BLACK C

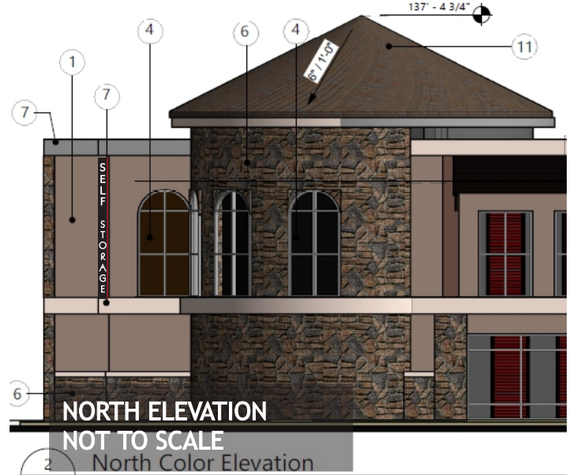
WHITE
3630-20



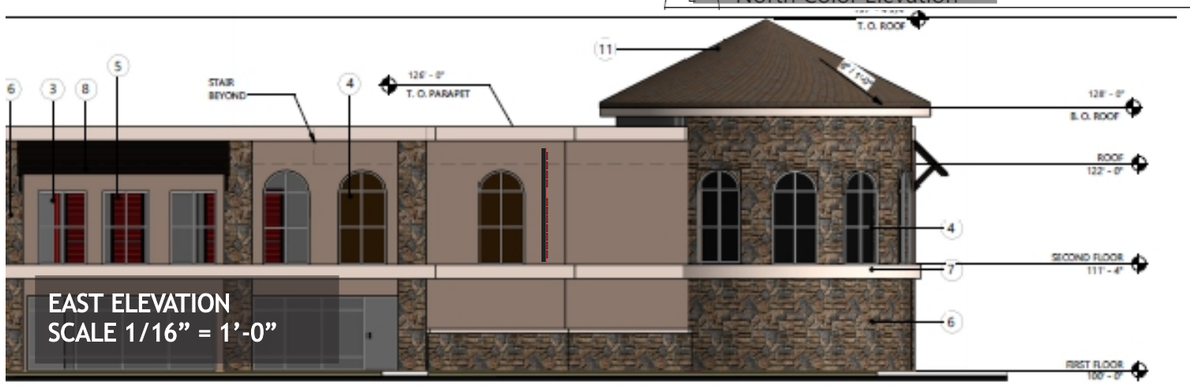
FABRICATE AND INSTALL (1) SET OF ILLUMINATED PAN CHANNEL LETTERS FOR SINGLE SIDED BLADE SIGN.

LETTERS: TO BE OF 3” OPEN FACE PRE-FINISHED ALUMINUM .040, PAINTED WHITE INTERIOR AND BLACK RETURNS
BLADE: TO BE .040 ALUMINUM RACEWAY WITH RED LED STRIP ON BUILDING SIDE.
INSTALL: LETTERS TO BE FLUSH MOUNTED ON RACEWAY, WHICH WILL BE MOUNTED PERPENDICULAR TO WALL. RACEWAY TO BE PAINTED BLACK.

SUBJECT TO CODE AND LANDLORD APPROVAL. CUSTOMER TO PROVIDE LABELED, DEDICATED CIRCUIT(S) THAT MEETS CODE REQUIREMENTS TO THE SIGN LOCATION. IF CUSTOMER NEEDS PHOTO CELLS OR TIME CLOCKS PLEASE REQUEST FROM ADDISIGNS THAT THESE ITEMS BE ADDED TO YOUR ORDER.



2 North Color Elevation



* SUBJECT TO FINAL REVIEW BY CITY OFFICIALS FOR SIGN CODE COMPLIANCE.
** DUE TO PRINTER TECHNOLOGY, PRINTED COLORS MAY VARY FROM COLOR CALL OUTS SHOWN, SEE PHYSICAL SAMPLES OF COLORS FOR MOST ACCURATE REPRESENTATION.

addisigns INC.
SINCE 1955
3808 E. 38TH STREET
TUCSON, ARIZONA 85713
520.748.1540

FILE NAME: 13469[PRO] NATIONAL SELF STORAGE R2-AVW			
JOB NAME: NATIONAL SELF STORAGE	**PROJECT CONTACT:** TRAVIS MORROW	**PROJECT MGR:** MIKE ADDIS
JOB ADDRESS: CONTINENTAL RESERVE LOOP & SILVERBELL	**ADDRESS:** PO BOX 90540	**DESIGNER:** AVW
SUITE: N/A	**CITY, ZIP:** TUCSON, AZ 85752	**ECY#:** 13469
CITY, ZIP: TUCSON, AZ	**PHONE:** CELL: 520-390-7095	**REV DATE:** 10-13-20

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BUYERS SIGNATURE SIGN HERE _____ DATE: _____ SHOP APPROVAL 1:_____ SHOP APPROVAL 2:_____



PERSPECTIVE VIEW LOOKING SOUTHWEST



North Color Elevation

* SUBJECT TO FINAL REVIEW BY CITY OFFICIALS FOR SIGN CODE COMPLIANCE.
** DUE TO PRINTER TECHNOLOGY, PRINTED COLORS MAY VARY FROM COLOR CALL OUTS SHOWN, SEE PHYSICAL SAMPLES OF COLORS FOR MOST ACCURATE REPRESENTATION.

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PROPOSAL - SITE MAP

SCALE 1/128”=1’-0”



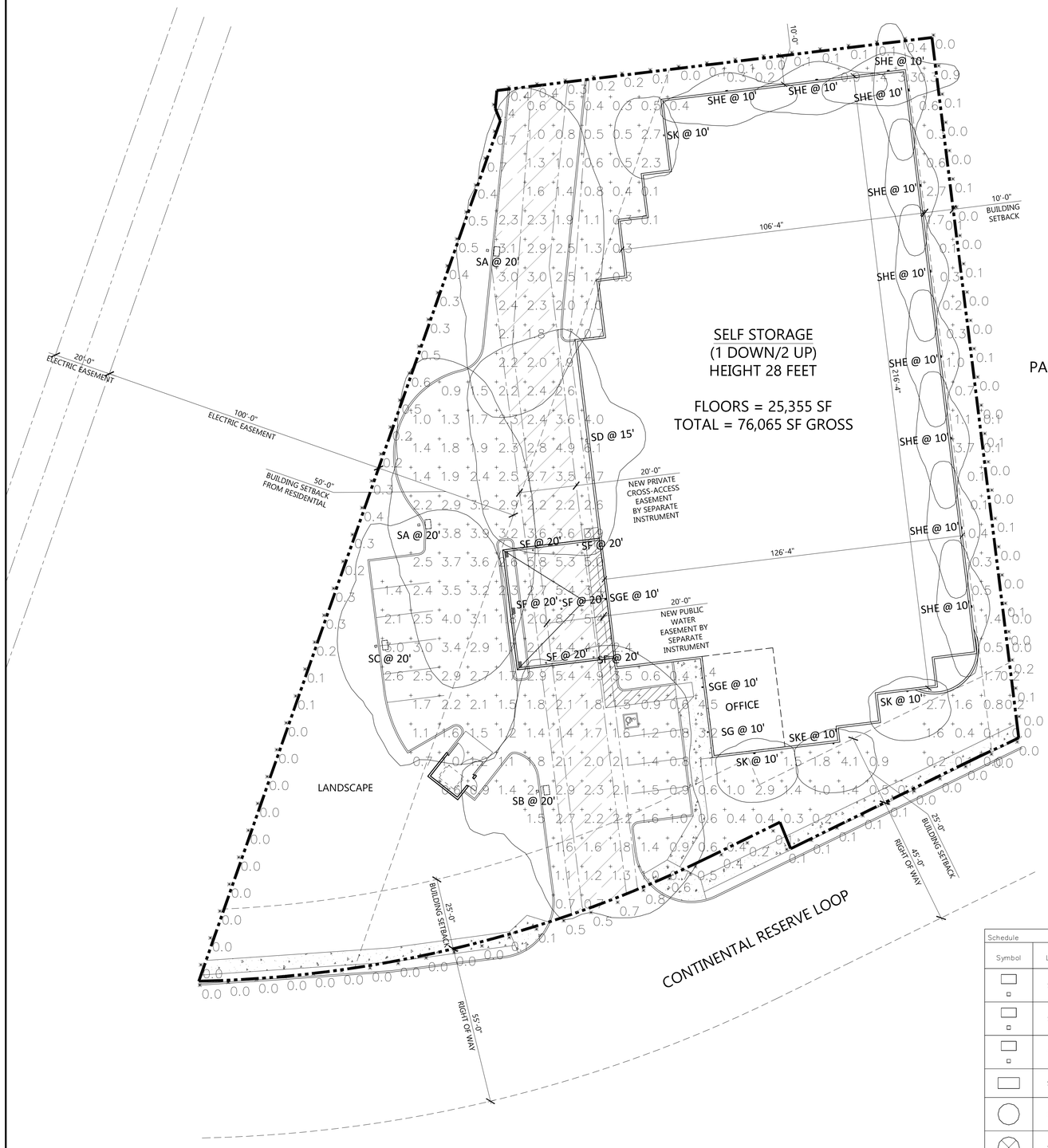
* SUBJECT TO FINAL REVIEW BY CITY OFFICIALS FOR SIGN CODE COMPLIANCE.
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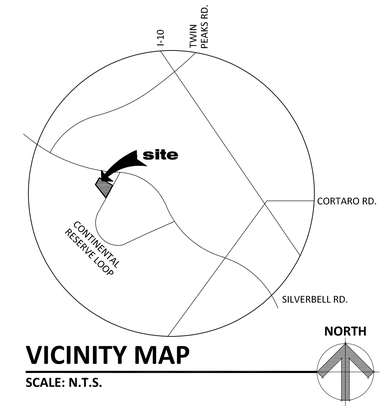
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BUYERS SIGNATURE SIGN HERE _____ DATE: _____ SHOP APPROVAL 1:_____ SHOP APPROVAL 2:_____



PHOTOMETRIC PLAN

SCALE: 1" = 20'-0"



VICINITY MAP

SCALE: N.T.S.

SITE PLAN DATA:

EXISTING ZONING:	SPECIFIC PLAN (PIMA FARMS NORTH), COMMERCIAL
PROPOSED ZONING:	SPECIFIC PLAN (PIMA FARMS NORTH), COMMERCIAL/CONDITIONAL USE PERMIT
SUBDIVISION:	CONTINENTAL CROSSING - LOT 3
GROSS SITE AREA:	1.79 ACRES (78,127 S.F.)
NET SITE AREA:	1.41 ACRES (61,579 S.F.)
PROPOSED BUILDING USE:	INTERNALIZED SELF STORAGE
OCCUPANCY TYPE:	S-1 (STORAGE) AND B (OFFICE)
BUILDING HEIGHT ALLOWED:	34 FEET
BUILDING HEIGHT PROPOSED:	28 FEET
BUILDING AREA:	
TOTAL BUILDING AREA:	76,065 S.F. (2 UP/1 DOWN)
MAX BUILDING COVERAGE:	75% AT GROUND LEVEL/ 60% ABOVE GROUND LEVEL
PROVIDED BUILDING COVERAGE:	44%
MIN LANDSCAPE COVERAGE:	10% OF GROSS SITE AREA .10 (78,127) = 7,812.7 SF
PROVIDED LANDSCAPE COVERAGE:	19,563 SF (32%)

PARKING CALCULATION:

NOTE:
1. TITLE 22 OF THE MARANA LAND DEVELOPMENT CODE WAS REPEALED EFFECTIVE SEPTEMBER 6, 2019, BY MARANA ORDINANCE NO. 2019.018, WHICH ALSO ADOPTED CHAPTER 17-9 (PARKING) OF THE MARANA TOWN CODE.
2. FOR ALL USES, OTHER THAN RESIDENTIAL USES ON LOTS OF 16,000 SF OR LESS, A PARKING JUSTIFICATION ANALYSIS SHALL BE PROVIDED.

TOTAL PARKING PROVIDED:	10 SPACES
REQUIRED ADA PARKING:	1 SPACES
PROVIDED ADA PARKING:	1 SPACES

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
PROPERTY LINE – FC @ GRADE	X	0.2 fc	0.9 fc	0.0 fc	N/A	N/A
SITE – FC @ GRADE	+	1.8 fc	8.7 fc	0.0 fc	N/A	N/A

Schedule

Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Lamp	Filename	Lumens per Lamp	LLF	Wattage
	SA	2	Lithonia Lighting	DSX0 LED P4 40K T2M MVOLT SPA HS (FINISH) / SSS 17.5' W/2.5' BASE	DSX0 LED P4 40K T2M MVOLT with houseside shield	LED	DSX0_LED_P4_40K_T2M_MVOLT_HS.ies	8633	0.91	92
	SB	1	Lithonia Lighting	DSX0 LED P4 40K TFTM MVOLT SPA (FINISH) / SSS 17.5' W/2.5' BASE	DSX0 LED P4 40K TFTM MVOLT	LED	DSX0_LED_P4_40K_TFTM_MVOLT.ies	10558	0.91	92
	SC	1	Lithonia Lighting	DSX0 LED P4 40K TFTM MVOLT SPA HS (FINISH) / SSS 17.5' W/2.5' BASE	DSX0 LED P4 40K TFTM MVOLT with houseside shield	LED	DSX0_LED_P4_40K_TFTM_MVOLT_HS.ies	8243	0.91	92
	SD	1	Lithonia Lighting	WDGE3 LED P1 70CRI R4 40K MVOLT (FINISH)	WDGE3 LED WITH P1 – PERFORMANCE PACKAGE, 4000K, 70CRI, TYPE 4 OPTIC	LED	WDGE3_LED_P1_70CRI_R4_40K.ies	7753	0.91	51.1717
	SF	6	ALW	C4SS D N W 20 83 40 51 (FINISH)	CORE 400 SX SCONCE	LED	CORE_QUBE 400_83CRI_2000lm_51 degree.IES	2000	0.91	15.2
	SG	1	ALW	C4SM D N W 10 83 40 51 (FINISH)	CORE 400 SX SURFACE MOUNT	LED	CORE_QUBE 400_83CRI_1000lm_51 degree.IES	965	0.91	6.6
	SGE	2	ALW	C4SM D E W 10 83 40 51 (FINISH)	CORE 400 SX SURFACE MOUNT W/EM BATTERY PACK	LED	CORE_QUBE 400_83CRI_1000lm_51 degree.IES	965	0.91	6.6
	SHE	10	Evenlite Inc	WW EM (FINISH)	WWAC/EM WEatherway in Normal AC Mode	LED	WWAC_EM–WeatherWay–In––Normal–AC–Mode.ies	1529	0.91	15.8
	SK	3	Lithonia Lighting	WDGE1 LED P1 40K 80CRI VF MVOLT (FINISH)	WDGE1 LED WITH P1 – PERFORMANCE PACKAGE, 4000K, 80CRI, VISUAL COMFORT FORWARD OPTIC	LED	WDGE1_LED_P1_40K_80CRI_VF.ies	1227	0.91	10.0002
	SKE	1	Lithonia Lighting	WDGE1 LED P1 40K 80CRI VF MVOLT E4WH (FINISH)	WDGE1 LED WITH P1 – PERFORMANCE PACKAGE, 4000K, 80CRI, VISUAL COMFORT FORWARD OPTIC	LED	WDGE1_LED_P1_40K_80CRI_VF.ies	1227	0.91	10.0002

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CLIENT

NATIONAL SELF STORAGE®

PROJECT DESCRIPTION

SELF STORAGE FACILITY

CITY MARANA

STATE ARIZONA

ISSUE DATES

CUP	CONDITIONAL USE PERMIT	10-16-2020
DD	DESIGN DEVELOPMENT	03-16-2020
SP	SITE PLAN PRE-APPLICATION	02-06-2020
SD	SCHEMATIC DESIGN	11-22-2019
MARK	DESCRIPTION	DATE

PROJECT NO: 20195410
DRAWN BY: MAB
CHECKED BY: MAB

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DRAWING TITLE

SITE PHOTOMETRIC PLAN

E002

EVENLITE
LIFE SAFETY LIGHTING SOLUTIONS

PROJECT NAME:		APPROVED BY:	
CATALOG NO.:		TYPE NO.:	

WEATHERWAY - High Performance with Aesthetic Appeal

Evenlite's new WeatherWay lights the way for your exit egress lighting needs, for both normal and emergency lighting usage. In normal operating mode, WeatherWay's 1530 lumen output is distributed along an elongated pathway via the purpose-designed optic lenses; in emergency mode, WeatherWay produces 600 lumens to light the way to safety with 60' spacing at 10' mounting height. The WeatherWay also features a full 90° cutoff for reduced direct glare and light pollution.

WeatherWay features a compact, smooth, low-profile, die-cast aluminum housing strategically curved and designed to blend unobtrusively with any architecture. IP65-certified, WeatherWay is available with temperature ratings from as low as -13 F on up to 122 F, making it ideal for either external wet locations or indoor usage.



Silver Finish

Construction
- Quality Pressure Die-Cast Aluminum housing finished in durable polyester powder coat available in Bronze, White, Silver or Black Finish
- Latching stainless-steel spring clips snap locks housing to back plate for ease of installation without visible hardware
- Universal field selectable knockout mounting pattern with pre-applied gasket seal
- Optional 0.5" threaded conduit top entry
- Long-life silicone rubber seal
- Large surface area LED heat sinking for optimum LED longevity
- Self-contained electronics and battery
- Quick connect wiring terminal block
- EM models with low-profile sealed Push-to-Test switch
- Polycarbonate UV-resistant, one-piece optic lens assembly

Electrical
- Field Selectable 120 or 277 VAC 60 HZ input
- Standard Self-Test, Self-Diagnostics performs a monthly test and continuously monitors critical functions to ensure reliability. Manual test may be initiated by depressing the test switch at any time
- Externally accessible test switch includes coded flashing diagnostics LED indicator
- All models include field-selectable Photocell for dusk-to-dawn operation
- Field-selectable wall switch operation for remote normal use switching (defeats photocell operation)
- Solid-state switching power supply and class 2 driver provides high efficiency
- Standard AC only model operating temperature range -13°F ~ 122°F (-25°C ~ 50°C)
- Standard EM Model operating temperature range 32°F ~ 122°F (0°C ~ 50°)
- Optional Cold Weather (CT) heater package extends operating range to -13°F ~ 122°F (-25°C ~ 50°C)
- Premium High Temperature Maintenance-Free Nickel Cadmium battery pack (EM Models) provides required 90 minutes emergency duration
- Power Consumption. EM models: Float charge mode without lamps illuminated 2 watts; Float charge mode with normal lamps illuminated 17 watts. Optional Cold Temperature model adds 15 watts intermittently (thermostat-controlled). AC only models: 17 watts
- Self-compensating solid-state Constant Current charger provides extended float life and rapid 24-hour recharge
- Zero current LVCO ensures positive charge acceptance following an extended battery discharge
- Brownout sensing assures emergency illumination during periods of low-line voltage

Illumination
- Eight LEDs produce 1530 lumens in normal (mains mode) and 600 lumens in emergency battery backup mode
- 4000°K CCT, CRI ≥ 70, L70 > 72,000 hours
- 15-Watt high output array provides 48' spacing at 8' MH and 60' at 10' MH. See spacing guide
- One-piece sealed polycarbonate lens array with eight individual optics
- CIE type: Direct, IES: Type 1 Short
- Design Lights Consortium® DLC Qualified: Outdoor Full Cutoff wall-mounted area luminaire

Certification
- Tested and Listed by Underwriters Laboratories in compliance with UL924 and CSA-C22.2 No. 141-15
- Nema-3R Rated for indoor/outdoor cold-weather and damp locations
- Meets or exceeds all performance standards as required by NFPA 101 Life Safety Code, NEC-70 and OSHA
- IP65 Certified by NTS

IP65 CERTIFIED

Warranty
- 5-Year Limited Warranty

ORDERING GUIDE – WW

Example: WW-AC-BZ-CT

Model	Battery Type/Operation	Mounting	Options
WW	**AC** AC only operation with Photocell Activation **EM** Self-Contained Battery Back up with Photocell Activation ** NOTE Photocell can be bypassed for optional remote switch or normally off standby emergency light*	**BZ** Bronze **BK** Black **WH** White **SL** Silver	**CT** Cold weather option to -25° C (EM models only)
WW			

Fill in fields from categories above and complete type and part number.

Type Number: | Full Part Number:

2575 Metropolitan Drive | Trevose, PA 19053 | T: 1.800.872.0879 | F: 215.244.4208 | mail@evenlite.com | www.evenlite.com

Weatherway – Low Profile Emergency Lighting



Silver Finish



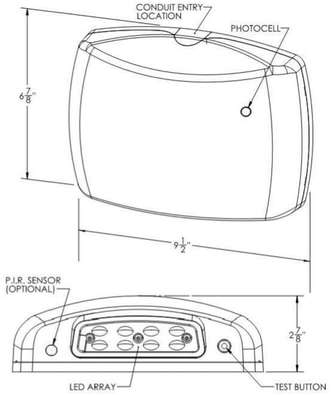
White Finish



Black Finish



Bronze Finish



WeatherWay Emergency Mode Spacing Guidelines

SPACE: Outdoor 200' x 200' 1 wall
EGRESS PATH: 6' from wall
REFLECTION: Ceiling: 0 %
Wall: 30 %
Floor: 10 %
ILLUMINANCE: Ave. 1.0 FC
Min. .01 FC
UNIFORMITY: 40:1 Max/Min

Mounting Height	Spacing ft. (max) Center to Center
8'	48'
9'	55'
10'	60'
12'	53'
14'	45'



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DRAWING TITLE

PHOTOMETRIC CUT SHEETS

E003

CORE 400 SX SCONCE

ALW

PROJECT

Job _____
Type _____
Part # _____

Notes

SPECIFICATIONS

Source Xicato XTM LED module - up to 4000 lumens
CCT 2700K, 3000K, 3500K or 4000K
Color Consistency 1x2 SDCM (MacAdam) along BBL, CCT +/- 40K to 70K, Duv +/- .001
CRI (Ra) 83 or 98
Driver / Location Included / Remote mount or deep canopy options
Dimming 0-10V or phase dimming to 10% standard; DALI, DMX and 1% dimming available
Input Voltage 100 to 277VAC, phase dimmable versions are 120VAC only
Power Up to 48 watts max, depending on LED module / driver
Reflector 11˚, 25˚, 41˚, 51˚, or 83˚ - field replaceable without tools
Material CNC machined aluminum with stainless steel hardware
Finish Powder coat - TGIC polyester for exterior and interior use
Weight 7.5 lb. (3.4 kg)
Location Listed for Wet & Damp locations
Approvals ETL Listed to UL 1598, 2108, 8750 and CSA C22.2# 9 & #250.0
L80 Life > 50,000 hours at 80% lumen maintenance based on IESNA LM-80-08
Warranty Lifetime Limited Warranty - see warranty for details
IES Files LM-79-08 IES files available
Modifications Any modification or customization is possible - consult factory



LED | INDOOR OUTDOOR | WET LOCATION | DIMMABLE | XICATO | TITLE 24 | Intertek

ORDERING LOGIC

Model	Driver Location	Dimming	Mounting Location	Output	CRI *	C.C.T.	Reflector	Shell	Options
C4SS -							-	-	-
	R=Remote D=Deep Canopy	N=None P=Phase V=0-10V Z=Other	D=Damp W=Wet	07=700 lm 10=950 lm 13=1300 lm 20=2000 lm 30=3000 lm 40=4000 lm	83=83 98=98*	27=2700K 30=3000K 35=3500K 40=4000K	11=11°** 25=25° 41=41° 51=51°** 83=83°**	XX (see chart on page 4) ZZ=Custom	

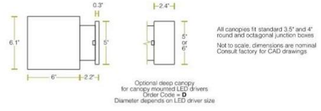
* 98 CRI not available in 4000 lm
** Not available with wet location

Example Part Number: **C4SS-RND-20832741-S3**
CORE 400 **S**X **S**conce - **R**emote Driver, **N**o Dimming, **D**amp Location - **20**30 lm, **83** CRI, **27**00K, **41**° Reflector - **S3** Red Shell

CORE 400 SX SCONCE

ALW

DIMENSIONS



All canopies fit standard 3.5" and 4" round and octagonal junction boxes

Not to scale, dimensions are nominal Consult factory for CAD drawings

Optional deep canopy for canopy mounted LED drivers Order Code = **D** Diameter depends on LED driver size

LED OPTIONS

Reflector Option	LES[1]	CRI	LED Specifications Lumens[2, 3]	Wattage[4] (W)	Efficacy[5] (lm/W)
11°, 25°, 41°, 51° & 83°	19mm	Ra = 83 ± 3	700	5.6	125
			950	8.2	118
			1300	11.7	111
			2000	19.5	102
			3000	29.3	102
			4000	39.1	102
		Ra = 98 R9 ≥ 90 R15 ≥ 95	700	7.4	97
			950	10.9	89
			1300	15.6	83
			2000	26.4	76
			3000	34.1	88

[1] LES: Light Emitting Surface diameter
[2] ± 10%
[3] Source lumens - see photometrics on page 3 for LOR to calculate delivered lumens
[4] Maximum luminaire wattage including LED driver = LED wattage x 1.2
[5] Higher efficacies are available via lower drive currents - consult factory

CONTROL OPTIONS

Standard LED Drivers* (included in base price)	Order Code **V** = 0-10V dimming to 10% Order Code **P** = Phase dimming to 10% Compatible with both forward and reverse phase dimmers
Optional LED Drivers*	eldoLED 0-10V, DALI, or DMX dimming to 0% Lutron Hi-lume™ A-series, EcoSystem or forward phase dimming to 1% Lutron Hi-lume™ 3-series, EcoSystem dimming to 5%

* All LED drivers must be mounted in a deep canopy or remote
* Standard LED drivers are suitable for Wet Location
* Optional LED drivers are suitable for Damp Location
* For EM applications:
All LED drivers may be used with 3rd party inverter style systems

CORE 400 SX SCONCE

ALW

PHOTOMETRICS

LM-79-08 IES files available

Beam Angle	Order Code	Intensity Plot (cd) (3000lm)	Polar Plot (cd) (3000lm)	Cone Diagram (3000lm)	Description
11°	11	0 / 7375 / 14750 / 22125 / 29500	29500 / 23600 / 17700 / 11800 / 5900 / 0 30 60 90	Illuminance at Center: 5' 1178 fc; 10' 295 fc; 15' 131 fc; 20' 74 fc. Beam Diameter: 1.6'; 1.9'; 2.9'; 3.8'	CBCP = 29,547 cd Beam Angle = 11° Field Angle = 23° LOR = 89.1 % Beam = full width @ 50% Field = full width @ 90%
25°	25	0 / 1950 / 3900 / 5850 / 7800	7800 / 6240 / 4680 / 3120 / 1560 / 0 30 60 90	Illuminance at Center: 5' 311 fc; 10' 78 fc; 15' 35 fc; 20' 19 fc. Beam Diameter: 2.2'; 4.5'; 6.7'; 8.9'	CBCP = 7,785 cd Beam Angle = 25° Field Angle = 59° LOR = 87.5 % Beam = full width @ 50% Field = full width @ 90%
41°	41	0 / 1300 / 2600 / 3900 / 5200	5200 / 4160 / 3120 / 2080 / 1040 / 0 30 60 90	Illuminance at Center: 5' 205 fc; 10' 51 fc; 15' 23 fc; 20' 13 fc. Beam Diameter: 3.7'; 7.4'; 11.1'; 14.8'	CBCP = 5,127 cd Beam Angle = 41° Field Angle = 62° LOR = 82.4 % Beam = full width @ 50% Field = full width @ 90%
51°	51	0 / 900 / 1800 / 2700 / 3600	3600 / 2880 / 2160 / 1440 / 720 / 0 30 60 90	Illuminance at Center: 5' 143 fc; 10' 36 fc; 15' 16 fc; 20' 9 fc. Beam Diameter: 4.8'; 9.6'; 14.4'; 19.1'	CBCP = 3,564 cd Beam Angle = 51° Field Angle = 76° LOR = 83.0 % Beam = full width @ 50% Field = full width @ 90%
83°	83	0 / 475 / 950 / 1425 / 1900	1900 / 1520 / 1140 / 760 / 380 / 0 30 60 90	Illuminance at Center: 5' 72 fc; 10' 18 fc; 15' 8 fc; 20' 5 fc. Beam Diameter: 8.9'; 17.8'; 26.7'; 35.6'	CBCP = 1,802 cd Beam Angle = 83° Field Angle = 96° LOR = 84.8 % Beam = full width @ 50% Field = full width @ 90%

Beam Shaping Options

Add the order code shown below to the options box at the end of the part number:

Order Code	Description
-HL	Honeycomb Louver
-DF	Diffusion Lens
-SF	Satin finish on any standard reflector
-LS	Linear Spread Lens (60° x 1°)
-WW	Wall Wash Lens (shifts beam 20° from vertical)



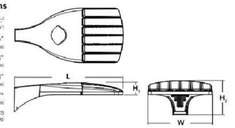
D-Series Size 0
LED Area Luminaire

Catalog Number
Notes
Type

Specifications subject to change without prior notice. Please visit lithonia.com for most current information.

Specifications

EPA: 0.95 ft² (.09 m²)
Length: 26" (66.0 cm)
Width: 13" (33.0 cm)
Height$_L$: 3" (7.62 cm)
Height$_H$: 7" (17.8 cm)
Weight (max): 16 lbs (7.3 kg)



Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment. The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire.

The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. It is ideal for replacing up to 400W metal halide with typical energy savings of 70% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: DSX0 LED P6 40K T3M MVOLT SPA NLTAIR2 PIRHN DDBXD

DSX0 LED

Series	LEDs	Color temperature	Distribution	Voltage	Mounting
DSX0 LED	**Forward optics** P1 P4[1] P7[1] P2 P5 P3 P6 **Rotated optics** P10[1] P12[1] P11[1] P13[1]	30K 3000 K 40K 4000 K 50K 5000 K	T1S Type I short (Automotive) T2S Type II short T2M Type II medium T3S Type III short T3M Type III medium T4M Type IV medium TFTM Forward throw medium T5VS Type V very short[1]	T5S Type V short[1] T5M Type V medium[1] T5W Type V wide[1] BLC Backlight control[2] LCCO Left corner cutoff[2] RCCO Right corner cutoff[2]	MVOLT[3,4] 120[3] 208[3] 240[3] 277[3] 347[3] 480[3] **Shipped included** SPA Square pole mounting RPA Round pole mounting[5] WBA Wall bracket[5] SPUMBA Square pole universal mounting adaptor[6] RPUMBA Round pole universal mounting adaptor[6] **Shipped separately** KMA8 DDBXD U Mast arm mounting bracket adaptor (specify finish)[7]

Control options	Other options	Finish (required)
Shipped installed NLTAIR2 nLight AIR generation 2 enabled[8,9] PIRBNL Network, high/low motion/ambient sensor[10] PER NEMA twist-lock receptacle only (control ordered separately)[11] PER5 Five-pin receptacle only (control ordered separately)[11,12] PER7 Seven-pin receptacle only (leads exit fixture) (control ordered separately)[11,12] DMG 0-10V dimming extend out back of housing for external control (control ordered separately)[13]	PIR High/low, motion/ambient sensor, 8–15' mounting height, ambient sensor enabled at 5fc[14,15] PIRH High/low, motion/ambient sensor, 8–22' mounting height, ambient sensor enabled at 5fc[14,15] PIR1FC3V High/low, motion/ambient sensor, 8–15' mounting height, ambient sensor enabled at 1fc[14,15] PIRHTFC3V High/low, motion/ambient sensor, 8–22' mounting height, ambient sensor enabled at 1fc[14,15] FAO Field adjustable output[16]	**Shipped installed** HS House-side shield[17] SF Single fuse (120, 277, 347V)[13] DF Double fuse (208, 240, 480V)[13] LNS Left rotated optics[12] RNS Right rotated optics[12] DDL Diffused drop lens[18] HA 50°C ambient operation[13] **Shipped separately** BS Bird spikes[19] EGS External glare shield	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white

Ordering Information

Accessories

Ordered and shipped separately.

DLL127F 1.5 JU Photocell - SSL twist-lock (120-277V)[20]
DLL347F 1.5 CUL JU Photocell - SSL twist-lock (347V)[20]
DLL480F 1.5 CUL JU Photocell - SSL twist-lock (480V)[20]
DSX0HS SBK U Shorting cap[21]
DSX0HS 240C U House-side shield for P3, P7, P13 and P6[22]
DSX0HS 360C U House-side shield for P10, P11, P12 and P15[22]
DSX0HS 480C U House-side shield for P5, P8 and P17[22]
DSX0DDL U Diffused drop lens (polycarbonate)[18]
PUMA DDBXD U[23] Square and round pole universal mounting bracket adapter (specify finish)[24]
KMA8 DDBXD U Mast arm mounting bracket adapter (specify finish)[7]
DSX0EGS (FINISH) U External glare shield

For more control options, see CMS and ROAM online. Link to Right Now 2.

NOTES
1. HA not available with P4, P7, and T1S.
2. BLC, LCCO and RCCO not options E9S or E9SD only available together.
3. Any Type 3 distribution with photocell, is not available with NLTAIR2.
4. Not available with 347V or 480V.
5. WBA and RPA not available with P4 or P7.
6. Single fuse (SF) requires 120V, 277V or 347V. Double fuse (DF) requires 208V, 240V or 480V.
7. Shipped separately. Must order fixture with SPA option. Arm not included. Arm must be ordered separately. See Accessories Information.
8. Universal mounting bracket intended for retrofit or existing pre-drilled poles only. 15 QU aluminum load rating per AASHTO 6.06.3. Only usable when pole's drill pattern is NOT Lithonia template 69.
9. Ships with 3" tenon adaptor for tenon mounting. Must be ordered as a separate accessory; see Accessories information. For use with 2-3/8" diameter mast arm (not included).
10. Must be ordered with PIRHN.
11. Sensor cover and block only in dark bronze, black, white and natural aluminum colors.
12. Must be ordered with NLTAIR2. For more information on nLight Air 2 visit this site.
13. Photocell ordered and shipped as a separate line item from Acuity Brands Controls. See accessories. Shorting Cap included.
14. PIR, PIRH, PIR1FC3V, PIRHTFC3V, PIRBNL, PIRHBNL, PIR1FC3VBNL or PIRHTFC3VBNL.
15. DMG not available with PIRHN, PIR1, PIR1, PIR, PIRBNL, PIRHBNL or PIRHTFC3V (NLC).
16. Reference Controls Options table on page 4.
17. Reference Accessories on page 4. Not for use with E9 or E9D see functionality.
18. Not available with other dimming controls options.
19. Not available with BLC, LCCO and RCCO distribution.
20. Must be ordered with fixture for factory pre-drilling.
21. Requires luminaire to be specified with PIR, PIRH or PIRHT option. See Controls Table on page 4.
22. For retrofit use only. Only usable when pole's drill pattern is NOT Lithonia template 69.

EGS – External Glare Shield

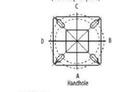




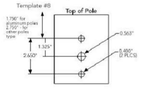


Drilling

HANDHOLE ORIENTATION
(from top of pole)



Template #8



Tenon Mounting Slipfitter

Tenon O.D.	Single unit	2 at 180°	2 at 90°	3 at 90°	3 at 120°	4 at 90°
2-3/8"	AST20-190	AST20-280	AST20-290	AST20-390	AST20-320	AST20-490
2-7/8"	AST25-190	AST25-280	AST25-290	AST25-390	AST25-320	AST25-490
4"	AST35-190	AST35-280	AST35-290	AST35-390	AST35-320	AST35-490

Mounting Option	Drilling Template	Single	2 @ 180	2 @ 90	3 @ 90	3 @ 120	4 @ 90
Mast Location		Side B	Side B & D	Side B & C	Side B, C & D	Round Pole Only	Side A, B, C & D
Drill Pattern/Qty	#8	DM19AS	DM28AS	DM29AS	DM39AS	DM32AS	DM49AS
Minimum Acceptable Outside Pole Dimension							
SPA	4.0	2-7/8"	2-7/8"	3.5"	3.5"		3.5"
RPA	4.0	2-7/8"	2-7/8"	3.5"	3.5"	3"	3.5"
SPUMBA	#5	2-7/8"	3"	4"	4"		4"
RPUMBA	#5	2-7/8"	3.5"	5"	5"	3.5"	5"

DSX0 Area Luminaire - EPA

Includes luminaire and ordering mounting arm. Other tenons, arms, true tests or other accessories are not included in this EPA data.

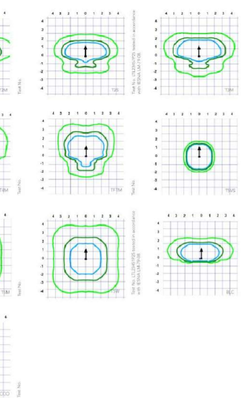
Fixture Quantity & Mounting Configuration	Single (SPA)	2 @ 180 (AS2)	2 @ 90 (AS29)	3 @ 90 (AS39)	3 @ 120 (AS3)	4 @ 90 (AS49)
Mounting Type						
DSX0 LED	0.950	1.900	1.800	2.850	2.850	3.544

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Area Size 0 homepage.

Isofootcandle plots for the DSX0 LED 40C 1000 40K. Distances are in units of mounting height (20').

LEGEND
0.1 fc
0.5 fc
1.0 fc





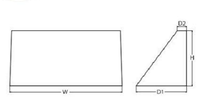
WDGE3 LED
Architectural Wall Sconce

Catalog Number
Notes
Type

Specifications subject to change without prior notice. Please visit lithonia.com for most current information.

Specifications

Depth (D1): 8"
Depth (D2): 1.5"
Height: 9"
Width: 18"
Weight (without options): 19.5 lbs



Introduction

The WDGE LED family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean rectilinear design comes in four sizes with lumen packages ranging from 1,200 to 25,000 lumens, providing a true site-wide solution. Embedded with nLight® AIR wireless controls, the WDGE family provides additional energy savings and code compliance.

WDGE3 has been designed to deliver up to 12,000 lumens through a precision refractive lens with wide distribution, perfect for augmenting the lighting from pole mounted luminaires.

WDGE LED Family Overview

Luminaire	Standard EM, 0°C	Cold EM, -20°C	Sensor	Lumens (4000K) P1	P2	P3	P4	P5	P6
WDGE1 LED	6W	--	--	1,200	2,000	--	--	--	--
WDGE2 LED	10W	18W	Standalone / nLight	1,200	2,000	3,000	4,500	6,000	--
WDGE3 LED	15W	18W	Standalone / nLight	2,500	4,500	10,000	12,000	--	--
WDGE4 LED	--	--	Standalone / nLight	12,000	16,000	18,000	20,000	22,000	25,000

Ordering Information

EXAMPLE: WDGE3 LED P3 40K 70CRI R3 MVOLT SRM DDBXD

Series	Package	Color Temperature	CRI	Distribution	Voltage	Mounting
WDGE3 LED	P1 P2 P3 P4	30K 3000K 40K 4000K 50K 5000K	70CRI 80CRI	R2 Type 2 R3 Type 3 R4 Type 4 RFT Forward Throw	MVOLT 347 480	**Shipped included** SRM Surface mounting bracket RCW Indirect Ceiling/Ceiling Washer bracket (qty 2 during locations only)[1] **Shipped separately** AWS 3/8inch Architectural wall spacer BBW Surface-mounted back box PBBW Premium surface-mounted back box (top, left, right conduit entry)

Options	Finish
E1SWH Emergency battery backup, CEC compliant (1.0W, 0°C min) E20WC Emergency battery backup, CEC compliant (1.0W, -20°C min) PE[2] Photocell, Button Type DMG[3] 0-10V dimming wires pulled outside fixture (for use with an external control, ordered separately) BCE Bottom conduit entry for premium back box (PBBW). Total of 4 entry points. SPD10KV 10kV Surge pack	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DSSXD Sandstone DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white DSSTXD Textured sandstone

Standalone Sensors/Controls
PIR Bi-level (100/35%) motion sensor for 8-15' mounting heights. Intended for use on switched circuits with external dusk to dawn switching.
PIRH Bi-level (100/35%) motion sensor for 15-30' mounting heights. Intended for use on switched circuits with external dusk to dawn switching.
PIR1FC3V Bi-level (100/35%) motion sensor for 8-15' mounting heights with photocell pre-programmed for dusk to dawn operation.
PIRH1FC3V Bi-level (100/35%) motion sensor for 15-30' mounting heights with photocell pre-programmed for dusk to dawn operation.

Networked Sensors/Controls
NLTAIR2 PIR nLight AIR Wireless-enabled bi-level motion/ambient sensor for 8-15' mounting height.
NLTAIR2 PIRH nLight AIR Wireless-enabled bi-level motion/ambient sensor for 15-30' mounting heights.
See page 4 for out of box functionality

Accessories

Ordered and shipped separately.

WDGXMS 30IRD U WDGE 3 Back Architectural Wall Spacer (specify finish)
WDGLPBBW DDBXD U WDGE3 Premium surface-mounted back box (specify finish)
WDGBBW DDBXD U Surface-mounted back box (specify finish)

NOTES
1. 347V and 480V not available with E1SWH and E20WC.
2. PE not available in 480V and with sensors/controls.
3. DMG option not available with sensors/controls.
4. Not qualified for DLC. Not available with emergency battery backup or sensors/controls.

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Performance Package	System Watts	Dist. Type	30K (3000K, 70 CRI) Lumens	LPW	B	U	G	40K (4000K, 70 CRI) Lumens	LPW	B	U	G	50K (5000K, 70 CRI) Lumens	LPW	B	U	G
P1	52W	R2	7,037	136	1	0	1	7,449	148	2	0	1	7,449	148	2	0	1
		R3	6,922	134	1	0	2	7,324	145	1	0	2	7,324	145	1	0	2
		R4	7,133	138	1	0	2	7,753	150	1	0	2	7,753	150	1	0	2
		RFT	6,985	135	1	0	2	7,592	147	1	0	2	7,592	147	1	0	2
P2	59W	R2	7,968	135	2	0	1	8,661	147	2	0	1	8,661	147	2	0	1
		R3	7,838	133	1	0	2	8,519	144	1	0	2	8,519	144	1	0	2
		R4	8,027	137	1	0	2	8,779	149	1	0	2	8,779	149	1	0	2
		RFT	7,909	134	1	0	2	8,597	146	2	0	2	8,597	146	2	0	2
P3	71W	R2	9,404	132	2	0	1	10,221	143	2	0	1	10,221	143	2	0	1
		R3	9,250	130	2	0	2	10,054	141	2	0	2	10,054	141	2	0	2
		R4	9,522	134	2	0	2	10,341	145	2	0	2	10,341	145	2	0	2
		RFT	9,334	131	2	0	2	10,140	142	2	0	2	10,140	142	2	0	2
P4	88W	R2	11,389	129	2	0	1	12,369	140	2	0	1	12,369	140	2	0	1
		R3	11,194	127	2	0	2	12,162	138	2	0	2	12,162	138	2	0	2
		R4	11,535	131	2	0	2	12,538	142	2	0	2	12,538	142	2	0	2
		RFT	11,295	128	2	0	2	12,277	139	2	0	2	12,277	139	2	0	2

Electrical Load

Performance Package	System Watts	Current (A) 120V	208V	240V	277V	347V	480V
P1	52W	0.437	0.245	0.213	0.186	0.150	0.110
P2	59W	0.496	0.282	0.251	0.220	0.175	0.126
P3	71W	0.598	0.344	0.300	0.262	0.210	0.152
P4	88W	0.727	0.424	0.373	0.333	0.260	0.190

Lumen Output in Emergency Mode (4000K, 70 CRI)

Option	Dist. Type	Lumens
E1SWH	R2	3,185
	R3	3,133
	R4	3,229
	RFT	3,162
E20WC	R2	3,669
	R3	3,609
	R4	3,719
	RFT	3,642

Lumen Multiplier for 80CRI

CCT	Multiplier
30K	0.893
40K	0.906
50K	0.906

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.05
10°C	50°F	1.03
20°C	68°F	1.01
25°C	77°F	1.00
30°C	86°F	0.99
40°C	104°F	0.97

Projected LED Lumen Maintenance

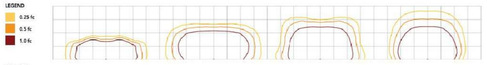
Data references the extrapolated performance projections for the platforms noted in a 25°C ambient, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).
To calculate ELF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	>0.98	>0.97	>0.92

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit the Lithonia Lighting WDGE LED homepage. Tested in accordance with IESNA LM-79 and LM-80 standards.

LEGEND
0.25 fc
0.5 fc
1.0 fc



MH = 15ft
Grid = 15ft x 15ft

WDGE2 LED P3 40K 70CRI R2 | WDGE3 LED P3 40K 70CRI R3 | WDGE3 LED P3 40K 70CRI R4 | WDGE3 LED P3 40K 70CRI RFT

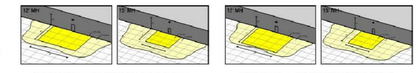
Emergency Egress Options

Emergency Battery Backup

The emergency battery backup is integral to the luminaire — no external housing required! This design provides reliable emergency operation while maintaining the aesthetics of the product. All emergency battery backup configurations include an independent secondary driver with an integral relay to immediately detect loss of normal power and automatically energize the luminaire. The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time normal power is lost and maintain, minimum of 60% of the light output at the end of 90minutes.

Applicable codes: NFPA 70/NEC – section 700.16, NFPA 101 Life Safety Code Section 7.9

The examples below show illuminance of 1 fc average and 0.1 fc minimum in emergency mode with E1SWH or E20WC and R4 distribution.



WDGE3 LED xx 40K 70CRI R4 MVOLT E1SWH | WDGE3 LED xx 40K 70CRI R4 MVOLT E20WC

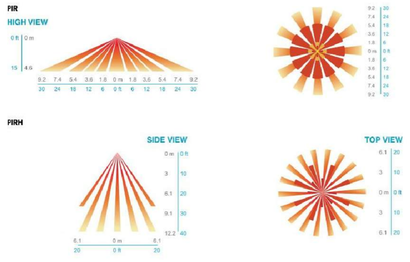
Control / Sensor Options

Motion/Ambient Sensor (PIR _ PIRH_)

Motion/Ambient sensor (Sensor Switch MSOD) is integrated into the the luminaire. The sensor provides both Motion and Daylight based dimming of the luminaire. For motion detection, the sensor utilizes 100% Digital Passive Infrared (PIR) technology that is tuned for walking size motion while preventing false tripping from the environment. The integrated photocell enables additional energy savings during daytime periods when there is sufficient daylight. Optimize sensor coverage by either selecting PIR or PIRH option. PIR option comes with a sensor lens that is optimized to provide maximum coverage for mounting heights between 8-15ft, while PIRH is optimized for 15-40ft mounting height.

Networked Control (NLTAIR2)

nLight® AIR is a wireless lighting controls platform that allows for seamless integration of both indoor and outdoor luminaires. Five-tier security architecture, 900 MHz wireless communication and app (CLARITY™ Pro) based configurability combined together make nLight® AIR a secure, reliable and easy to use platform.



Motion/Ambient Sensor Default Settings

Option	Dim Level	High Level (when triggered)	Photocell Operation	Motion Time Delay	Ramp-down Time	Ramp-up Time
PIR or PIRH	Motion - 3V (37% of full output) Photocell - 0V (turned off)	100V (100% output)	Enabled @ 5fc	5 min	5 min	Motion - 3 sec Photocell - 45 sec
PIR1FC3V, PIRH1FC3V	Motion - 3V (37% of full output) Photocell - 0V (turned off)	100V (100% output)	Enabled @ 1fc	5 min	5 min	Motion - 3 sec Photocell - 45 sec
NLTAIR2 PIR, NLTAIR2 PIRH (out of box)	Motion - 3V (37% of full output) Photocell - 0V (turned off)	100V (100% output)	Enabled @ 5fc	7.5 min	5 min	Motion - 3 sec Photocell - 45 sec

Mounting, Options & Accessories



NLTAIR2 PIR – nLight AIR Motion/Ambient Sensor
D = 6"
H = 11"
W = 18"



PBBW – Premium Back Box
D = 1.75"
H = 9"
W = 18"



BBW – Standard Back Box
D = 1.5"
H = 4"
W = 5.5"



AWS – 3/8inch Architectural Wall Spacer
D = 0.38"
H = 4.4"
W = 7.5"

FEATURES & SPECIFICATIONS

INTENDED USE
Common architectural look, with clean rectilinear shape, of the WDGE LED was designed to blend with any type of construction; whether it be tilt-up, frame or brick. Applications include commercial offices, warehouses, hospitals, schools, malls, restaurants, and other commercial buildings.

CONSTRUCTION
The single-piece die-cast aluminum housing to optimize thermal transfer from the light engine and promote long life. The driver is mounted in direct contact with the casting for a low operating temperature and long life. The die-cast door frame is fully gasketed with a one-piece solid silicone gasket to keep out moisture and dust, providing an IP65 rating for the luminaire.

FINISH
Exterior painted parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a 2 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Standard Super Durable colors include dark bronze, black, natural aluminum, sandstone and white. Available in textured and smooth finishes.

OPTICS
Individually formed acrylic lenses are engineered for superior application efficiency which maximizes the light in the areas where it is most needed. Light engines are available in 3000 K, 4000 K or 5000 K configurations. The WDGE LED has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEEDB and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL
Light engine consists of high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L70[50,000 hours at 25°C). The electronic driver has a power factor of >90%, THD <20%. Luminaires comes with built-in 6kV surge protection, which meets a minimum Category C low exposure (per ANSI/IEEE C62.41.2).

INSTALLATION
A universal mounting plate with integral mounting support arms allows the fixture to hinge down for easy access while making wiring connections. The 3/8" Architectural Wall Spacer (AWS) can be used to create a floating appearance or to accommodate small imperfections in the wall surface. The ICW option can be used to mount the luminaire inverted for indirect lighting in dry and damp locations. Design can withstand up to a 1.5 G vibration load rating per ANSI C136.31.

LISTINGS
CSA certified to U.S. and Canadian standards. Light engines are IP65 rated; luminaire is IP65 rated. PIR options are rated for wet location. Rated for -40°C minimum ambient. DesignLights Consortium® (DLC) Premium qualified product and DLC qualified product. Not all versions of this product may be DLC Premium qualified or DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified. International Dark-Sky Association (IDA) Fixture Seal of Approval (FSA) is available for all products on this page utilizing 3000K color temperature and SIRM mounting only.

WARRANTY
5-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/support/customer-support-terms-and-conditions

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

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SELF STORAGE FACILITY

CITY MARANA
STATE ARIZONA

ISSUE DATES

CUP	CONDITIONAL USE PERMIT	10-16-2020
DD	DESIGN DEVELOPMENT	03-16-2020
SP	SITE PLAN PRE-APPLICATION	02-06-2020
SD	SCHEMATIC DESIGN	11-22-2019
MARK	DESCRIPTION	DATE

PROJECT NO: 20195410
DRAWN BY: MAB
CHECKED BY: MAB

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DRAWING TITLE
PHOTOMETRIC CUT SHEETS

E004

CORE 400 SX
SURFACE MOUNT

ALW

PROJECT

Job _____

Type _____

Part # _____

Notes

SPECIFICATIONS

Source Xicato XTM LED module - up to 4000 lumens
CCT 2700K, 3000K, 3500K or 4000K
Color Consistency 1x2 SDCM (MacAdam) along BBL, CCT +/- 40K to 70K, Duv +/- .001
CRI (Ra) 83 or 98
Driver / Location Included / Remote mount or deep canopy options
Dimming 0-10V or phase dimming to 10% standard; DALI, DMX and 1% dimming available
Input Voltage 100 to 277VAC, phase dimmable versions are 120VAC only
Power Up to 48 watts max, depending on LED module / driver
Reflector 11˚, 25˚, 41˚, 51˚, or 83˚ - field replaceable without tools
Material CNC machined aluminum with stainless steel hardware
Finish Powder coat - TGIC polyester for exterior and interior use
Weight 7 lb. [3.2 kg]
Location Listed for Wet & Damp locations
Approvals ETL Listed to UL 1598, 2108, 8750 and CSA C22.2# 9 & #250.0
L80 Life > 50,000 hours at 80% lumen maintenance based on IESNA LM-80-08
Warranty Lifetime Limited Warranty - see warranty for details
IES Files LM-79-08 IES files available
Modifications Any modification or customization is possible - consult factory



L.E.D. | INDOOR OUTDOOR | WET 4A LOCATION | DIMMABLE | XICATO | TITLE 24 | Intertek

ORDERING LOGIC

Model	Driver Location	Dimming	Mounting Location	Output	CRI *	C.C.T.	Reflector	Shell	Options
C4SM -			-			-		-	-

R=Remote N=None D=Deep P=Press W=Wet Canopy Y=0-10V Z=Other

07=700 lm **10**=950 lm **13**=1300 lm **20**=2000 lm **30**=3000 lm **40**=4000 lm

83=83 **98**=98*

27=2700K **30**=3000K **35**=3500K **40**=4000K **50**=5000K

11=11˚ ** **25**=25˚ **41**=41˚ **51**=51˚ **63**=63˚ **

XX (see chart on page 4)

ZZ=Custom

* 98 CRI not available in 4000 lm

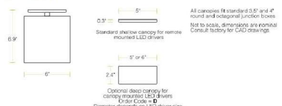
** Not available with wet location

Example Part Number: **C4SM-RND-20837741-53**
CORE 400 **S**X Surface **M**ount • **R**emote Driver, **N**o Dimming, **D**eep Location • **2000** lm, **83** CRI, **2700**K, **41**˚ Reflector • **53** Red Shell

CORE 400 SX
SURFACE MOUNT

ALW

DIMENSIONS



All canopies fit standard 0.5" and 4" round and octagonal junction boxes
Not to scale, dimensions are nominal
Consult factory for CAD drawings

Standard shallow canopy for remote mounted LED drivers

Optional deep canopy for canopy mounted LED drivers
Order Code = **D**
Diameter depends on LED driver size

LED OPTIONS

Reflector Option	LES[1]	CRI	LED Specifications Lumens[2,3]	Wattage[4] (W)	Efficacy[5] (lm/W)
11˚, 25˚, 41˚, 51˚ & 83˚	19mm	Ra = 82 ± 3	700	5.5	129
			950	8.2	118
			1300	11.7	111
			2000	19.5	102
			3000	29.3	102
			4000	39.1	102
		Ra = 98 Rf ≥ 90 R15 ≥ 96	700	7.4	97
			950	10.9	89
			1300	15.6	83
			2000	26.4	76
			3000	34.1	88

[1] LES: Light Emitting Surface diameter
[2] ± 12%
[3] Source Lumens - see photometrics on page 3 for LOR to calculate delivered lumens
[4] Maximum luminaire wattage including LED driver = LED wattage x 1.2
[5] Higher efficacies are available via lower drive currents - consult factory

CONTROL OPTIONS

Standard LED Drivers* (included in base price)	Order Code **V** = 0-10V dimming to 10%
	Order Code **P** = Phase dimming to 10% Compatible with both forward and reverse phase dimmers
Optional LED Drivers*	eldoLED 0-10V, DALI or DMX dimming to 0%
	Lutron Hi-lume™ A-series, EcoSystem or forward phase dimming to 1%
	Lutron Hi-lume™ 5-series, EcoSystem dimming to 5%

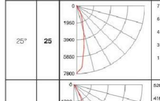
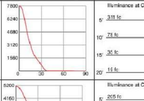
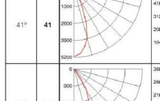
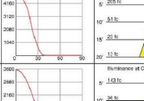
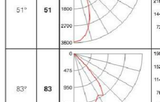
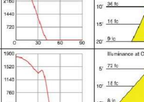
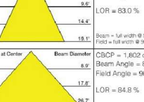
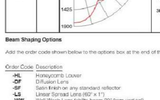
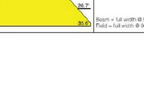
* All LED drivers must be mounted in a deep canopy or remote
* Standard LED drivers are suitable for Wet Location
* Optional LED drivers are suitable for Damp Location
* For LM applications:
All LED drivers may be used with 3rd party Inverter style systems

CORE 400 SX
SURFACE MOUNT

ALW

PHOTOMETRICS

LM-79-08 IES files available

Beam Angle	Order Code	Intensity Plot (cd) (3000lm)	Polar Plot (cd) (3000lm)	Cone Diagram (3000lm)	Description
11˚	11				CBCP = 29,547 cd Beam Angle = 11˚ Field Angle = 23˚ LOR = 89.1 %
25˚	25				CBCP = 7,785 cd Beam Angle = 25˚ Field Angle = 69˚ LOR = 87.5 %
41˚	41				CBCP = 5,127 cd Beam Angle = 41˚ Field Angle = 82˚ LOR = 82.4 %
51˚	51				CBCP = 1,802 cd Beam Angle = 83˚ Field Angle = 98˚ LOR = 84.8 %
83˚	83				

Beam = full width @ 50% Field = full width @ 90%

Beam Shaping Options

Add the order code shown below to the options box at the end of the part number:

Order Code	Description
-HL	Honeycomb Louver
-DF	Diffusion Lens
-SF	Satin finish over any standard reflector
-LS	Linear Spread Lens (60˚ x 1˚)
-WW	Wall Wash Lens (orifice faces 20˚ from vertical)

CORE 400 SX
SURFACE MOUNT

ALW

COLOR OPTIONS

Basic Powder Coat
GW Gloss White
SW Satin White *AW* Antimicrobial option
TW Textured Matte White
TB Textured Matte Black

Satin Anodized Effect Powder Coat
CS Clear Silver
OB Oil-Rubbed Bronze
DB Dark Bronze
SB Satin Black

Metallic Powder Coat
SG Silver Gray
CG Charcoal Gray
CU Copper
BR Brass

Gloss Powder Coat (60-95% Gloss)
GO Orange (RAL 2003)
GR Red (RAL 3003)
GM Magenta (RAL 4010)
GB Blue (RAL 5015)

Aluminum
BA Brushed Aluminum. Cost adder applies.

Special Order
RAL _____ Most RAL Classic Colors (60-95% Gloss) are available for powder coat - consult ALW. Minimum setup fee applies. See: alwusa.com/finishes for more information
CAT _____ The complete range of powder coat colors from the Tiger Drylac and TCI catalogs are available - consult ALW. Minimum setup fee applies.

Custom
CCM _____ Custom powder coat color matching is available - consult ALW. Premium setup fee applies.

Printed or on-screen colors are only approximations - consult actual Color Chip Set before specifying
Note: An individual setup fee will apply to each unique Special Order/Custom Finish per purchase order. (ex. RAL 5023 and RAL 2008 are specified for multiple line items on a purchase order. 2x setup fees will apply)

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CLIENT

NATIONAL SELF STORAGE®

PROJECT DESCRIPTION

SELF STORAGE FACILITY

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STATE ARIZONA

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DRAWING TITLE

PHOTOMETRIC CUT SHEETS

E005



WDGE1 LED
Architectural Wall Sconce

DLC DLC Mini

Catalog Number
Notes
Type

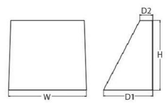
Introduction

The WDGE LED family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean rectilinear design comes in four sizes with lumen packages ranging from 1,200 to 25,000 lumens, providing true site-wide solution.

WDGE1 delivers up to 2,000 lumens with a soft, non-pixelated light source, creating a visually comfortable environment. The compact size of WDGE1, with its integrated emergency battery backup option, makes it an ideal over-the-door wall-mounted lighting solution.

Specifications

Depth (D1): 5.5"
Depth (D2): 1.5"
Height: 8"
Width: 9"
Weight: (without options) 9 lbs



WDGE LED Family Overview

Luminaire	Standard EM, 0˚C	Cold EM, -20˚C	Sensor	Lumens (4000K) P1	P2	P3	P4	P5	P6
WDGE1 LED	4W	--	--	1,200	2,000	--	--	--	--
WDGE2 LED	10W	18W	Standalone / nLight	1,200	2,000	3,000	4,500	6,000	--
WDGE3 LED	15W	18W	Standalone / nLight	7,500	8,500	10,000	12,000	--	--
WDGE4 LED	--	--	Standalone / nLight	12,000	16,000	18,000	20,000	22,000	25,000

Ordering Information

EXAMPLE: WDGE1 LED P2 40K 80CRI VF MVOLT SRM PE DDBXD

Series	Package	Color Temperature	CRI	Distribution	Voltage	Mounting
WDGE1 LED	P1	27K 2700K	80CRI	VF Visual comfort forward throw	MVOLT	Shipped included
	P2	30K 3000K	90CRI	VW Visual comfort wide	347	SRM Surface-mounting bracket
		35K 3500K				ICW Indirect Canopy/Ceiling Washer bracket (drywall/wet locations only)
		40K 4000K				Shipped separately
		50K * 5000K				AWS 3/8inch Architectural wall spacer
						BBW Surface-mounted back box
						PBBW Premium surface-mounted back box (top, left, right conduit entry)

Options		Finish			
E4WH	Emergency battery backup, CEC compliant (4W, 0°C min)	DDBXD	Dark bronze	DDBTXD	Textured dark bronze
PE	Photocell, Button type	DBLXD	Black	DBLBXD	Textured black
DS	Dual-switching (comes with 2 drivers and 2 light engines; see page 3 for details)	DNATXD	Natural aluminum	DNATXD	Textured natural aluminum
DMG	0-10V dimming wires pulled outside fixture (for use with an external control, ordered separately)	DWHXD	White	DWHXD	Textured white
BCE	Bottom conduit entry for premium back box (PBBW). Total of 4 entry points.	DSSTXD	Sandstone	DSSTXD	Textured sandstone

Accessories
Ordered and shipped separately.
WDGEAWS DDBXD U — WDGE 3/8inch Architectural Wall Spacer (specify finish)
WDGE1PBBW DDBXD U — WDGE1 Premium surface-mounted back box (specify finish)
WDGEBBW DDBXD U — Surface-mounted back box (specify finish)

NOTES
1 50K not available in 90CRI.
2 347V not available with E4WH, DS or PE.
3 E4WH not available with PE or DS.
4 PE not available with DS.
5 Not qualified for DLC. Not available with E4WH.

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Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Contact factory for performance data on any configurations not shown here.

Performance Package	System Watts	Dist. Type	27K (2700K, 80 CRI) Lumens	LPW	B	U	G	30K (3000K, 80 CRI) Lumens	LPW	B	U	G	35K (3500K, 80 CRI) Lumens	LPW	B	U	G	40K (4000K, 80 CRI) Lumens	LPW	B	U	G	50K (5000K, 80 CRI) Lumens	LPW	B	U	G
P1	10W	VF	1,120	112	0	0	0	1,141	114	0	0	0	1,104	110	0	0	0	1,227	123	0	0	0	1,235	123	0	0	0
		VW	1,122	112	0	0	0	1,143	114	0	0	0	1,106	111	0	0	0	1,229	123	0	0	0	1,237	124	0	0	0
P2	15W	VF	1,806	120	1	0	0	1,812	121	1	0	0	1,705	114	1	0	0	1,979	132	1	0	0	1,990	133	1	0	0
		VW	1,809	120	1	0	0	1,816	121	1	0	0	1,709	114	1	0	0	1,982	132	1	0	0	1,996	133	1	0	0

Electrical Load

Performance Package	System Watts	Current (A) 120V	208V	240V	277V	347V
P1	10W	0.082	0.049	0.043	0.038	--
	11W	--	--	--	--	0.046
P2	15W	0.132	0.081	0.072	0.064	--
	18W	--	--	--	--	0.056

Lumen Multiplier for 90CRI

CCT	Multiplier
27K	0.845
30K	0.867
35K	0.845
40K	0.885
50K	0.898

Lumen Output in Emergency Mode (4000K, 80 CRI)

Option	Dist. Type	Lumens
E4WH	VF	646
	VW	647

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40˚C (32-104˚F).

Ambient		Lumens Multiplier
0˚C	32˚F	1.03
10˚C	50˚F	1.02
20˚C	68˚F	1.01
25˚C	77˚F	1.00
30˚C	86˚F	0.99
40˚C	104˚F	0.98

Projected LED Lumen Maintenance

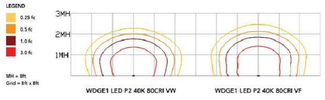
Data references the extrapolated performance projections for the platforms noted in a 25˚C ambient, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).
To calculate L27, see the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	1.0	>0.99	>0.95	>0.91

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Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit the Lithonia Lighting WDGE LED homepage. Tested in accordance with IESNA LM-79 and LM-80 standards.



MH = 8ft
Grid = 8ft x 8ft

WDGE1 LED P2 40K 80CRI VW WDGE1 LED P2 40K 80CRI VF

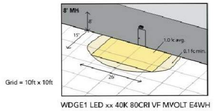
Emergency Egress Options

Emergency Battery Backup

The emergency battery backup is integral to the luminaire — no external housing required! This design provides reliable emergency operation while maintaining the aesthetics of the product. All emergency battery backup configurations include an independent secondary driver with an integral relay to immediately detect loss of normal power and automatically energize the luminaire. The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time normal power is lost and maintain a minimum of 60% of the light output at the end of 90minutes.

Applicable codes: NFPA 70/NEC – section 700.16, NFPA 101 Life Safety Code Section 7.9

The example below shows illuminance of 1 fc average and 0.1 fc minimum in emergency mode with E4WH and VF distribution.

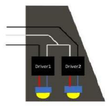


WDGE1 LED xx 40K 80CRI VF MVOLT E4WH

Dual Switching (DS) Option

The dual switching option offers operational redundancy that certain codes require. With this option the luminaire comes integrated with two drivers and two light engines. These work completely independent to each other so that a failure of any individual component does not cause the whole luminaire to go dark. This option is typically used with a back generator or inverter providing emergency power.

Applicable codes: NFPA 70/NEC – section 700.16, NFPA 101 Life Safety Code Section 7.9



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Mounting, Options & Accessories



E4WH – 4W Emergency Battery Backup
D = 5.3"
H = 8"
W = 9"



PBBW – Premium Back Box
D = 1.75"
H = 8"
W = 9"



BBW – Standard Back Box
D = 1.5"
H = 4"
W = 5.5"



AWS – 3/8inch Architectural Wall Spacer
D = 0.38"
H = 4.4"
W = 7.5"

FEATURES & SPECIFICATIONS

INTENDED USE
Common architectural look, with clean rectilinear shape, of the WDGE LED was designed to blend with any type of construction, whether it be tilt-up, frame or brick. Applications include commercial offices, warehouses, hospitals, schools, malls, restaurants, and other commercial buildings.

CONSTRUCTION
The single piece die-cast aluminum housing integrates secondary heat sinks to optimize thermal transfer from the internal light engine heat sinks and promote long life. The driver is mounted in direct contact with the casting for a low operating temperature and long life. The die-cast door frame is fully gasketed with a one piece solid silicone gasket to keep out moisture and dust, providing an IP66 rating for the luminaire.

FINISH
Exterior painted parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Standard Super Durable colors include dark bronze, black, natural aluminum, sandstone and white. Available in textured and non-textured finishes.

OPTICS
Well crafted reflector optics allow the light engine to be recessed within the luminaire, providing visual comfort, superior distribution, uniformity, and spacing in wall-mount applications. The WDGE LED has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL
Light engine consists of high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L91/100,000 hours at 25°C). The electronic driver has a power factor of >90%, THD <20%. Luminaires comes with built-in surge protection, which meets a minimum Category C low exposure (per ANSI/IEEE C62.41.2).

INSTALLATION
A universal mounting plate with integral mounting support arms allows the fixture to hinge down for easy access while making wiring connections. The 3/8" Architectural Wall Spacer (AWS) can be used to create a floating appearance or to accommodate small imperfections in the wall surface. The ICW option can be used to mount the Luminaire inverted for indirect lighting in dry and damp locations. Design can withstand up to a 1.5 G vibrations load rating per ANSI C136.31.

LISTINGS
CSA certified to U.S. and Canadian standards. Luminaire is IP66 rated. PIR options are rated for wet location. Rated for -40°C minimum ambient. DesignLights Consortium® (DLC) Premium qualified product and DLC qualified product. Not all versions of this product may be DLC Premium qualified or DLC qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified. International Dark-Sky Association (IDA) Fixture Seal of Approval (FSA) is available for all products on this page utilizing 2700K and 3000K color temperature only and SRM mounting only.

WARRANTY
5-year limited warranty. Complete warranty terms located at: www.acuitybrands.com/support/customer-support/terms-and-conditions

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

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October 25, 2020

Marana Planning Commission
11555 W. Civic Center Drive
Marana, Arizona 85653

Chairman: Thomas Schnee,

My wife and I live in the Sierra Crest/Sierra Ridge community which is adjacent to the proposed storage site. One of our biggest concerns is that the storage facility would adversely affect property values. A family who just recently purchased a home in our community is upset and stated “had they known about the proposed storage site, they would have never purchased the home in the Sierra Crest/Sierra Ridge community”. This is an indicator that other families might not desire to reside in our community.

Cynthia Ross, Senior Planner, submitted a request for approval of a conditional use permit. In the body of the request is a section “recommended findings of fact”. Statement #4 by the staff states “the proposed will not adversely affect the preservation of property values”. There is no way this should be stated as a fact because no one can predict the outcome.

If a storage facility of this size and with these fees is not successful in renting an adequate amount of spaces then a three story (two above ground) building would be vacant on the property. No telling what might come into that size of a building or if it should be vacant for a period of time inviting problems in the area.

We have heard discussion that less desirable businesses could request approval for building at the proposed site. On the other hand, more favorable businesses could request approval such as a nice restaurant or a one level structure.

We strongly oppose the approval of such a structure being built on this property and hope the planning commission will consider this is not in the best interest of our community and its residents.

Sincerely,

David & Margaret King
7683 W. Rising Ridge Road
Tucson, Az. 85743

cc: Ed Honea, Mayor

From: Terri Byler
To: Cynthia Ross; Steven Cheslak
Subject: Fw: National Self-Storage issues.
Date: Monday, October 26, 2020 10:32:31 PM

FYI

From: Sean Terrill <sean.terrill@outlook.com>
Sent: Monday, October 26, 2020 5:38:35 PM
To: Terri Byler
Subject: National Self-Storage issues.

PLEASE BE CAUTIOUS
THIS MESSAGE AND SENDER COME FROM OUTSIDE THE TOWN OF MARANA. IF YOU DID NOT EXPECT THIS MESSAGE, PROCEED WITH CAUTION. VERIFY THE SENDER'S IDENTITY BEFORE PERFORMING ANY ACTION, SUCH AS CLICKING ON A LINK OR OPENING AN ATTACHMENT.

To whom it may concern;

I'd just like to state that the National Self-Storage plan for Continental Reserve makes absolutely zero sense. After doing more research, Dove mountain has the same company in their general area, but it's located next to the fire department, across the street from eight large stores to include an Auto Zone, Fry's Marketplace , fuel center, and bank so the people living close to Tangerine don't have some huge building looking into their backyards daily.

Second, I'd like to point out just the carelessness of something as simple as their website. Going through their Terms of Use page, it's clearly just a cheap copy/paste as "Use of the Website" first point states " Neither the Company nor any of the Staff member has offered you any recommendation concerning an appropriate service for you;" Which should probably be "staff members", their sales team DOES offer recommendations to the services (it's their job) and this nonsense continues down to the bottom where under Governing Law, Jurisdiction And Venue instead of saying an actual state name where the contract is governed it simply says [State Name]. So a company that can't even fix it's Terms of use is going to be building a storage facility looking into our backyards and the city is trusting that they'll do a better job with this than a single legal page on their website? Also just in general the spelling mistakes, grammar and punctuation issues makes me believe this company needs to focus more on details before being trusted this close to an elementary school and request rezoning of land for a building that would have less overall positive impact at that location than several other less intrusive structures. Their privacy policy also states that the don't sell private information, however they do store it offsite sometimes in countries with less restrictive privacy laws than here in the US and that they are not responsible for how that data is used.

Finally, I'd like to point out that if this company decides to discontinue this location, their building can't be reappropriated in the same way that an office complex could. Your decision to recommend this size and type of building on the specified land will adversely impact this area to include bright tall signs, security lighting around the building, late night traffic, endangering children attending the elementary school, increased day traffic during the day and lowering the value of the homes literally on the other side of the wall from this proposed structure.

Thank you for your time and consideration.

The entire content of this email message is confidential. This also applies to any files attached to it. This email is intended for an individual or entity to whom they are addressed. In case you are not the addressee of this email, and you have received it in error, immediately contact the system manager. The information in this email is very sensitive, and it is intended for the specific addressee. This email should not be disseminated, distributed or copied. If you have received this email and it was not for you, make sure to immediately notify the sender by email and afterwards delete this email from your system. Disclosing, copying, distributing, or taking any action in reliance to the email content is strictly prohibited. Consider yourself notified.

National Self-Storage at Continental Reserve

Conditional Use Permit

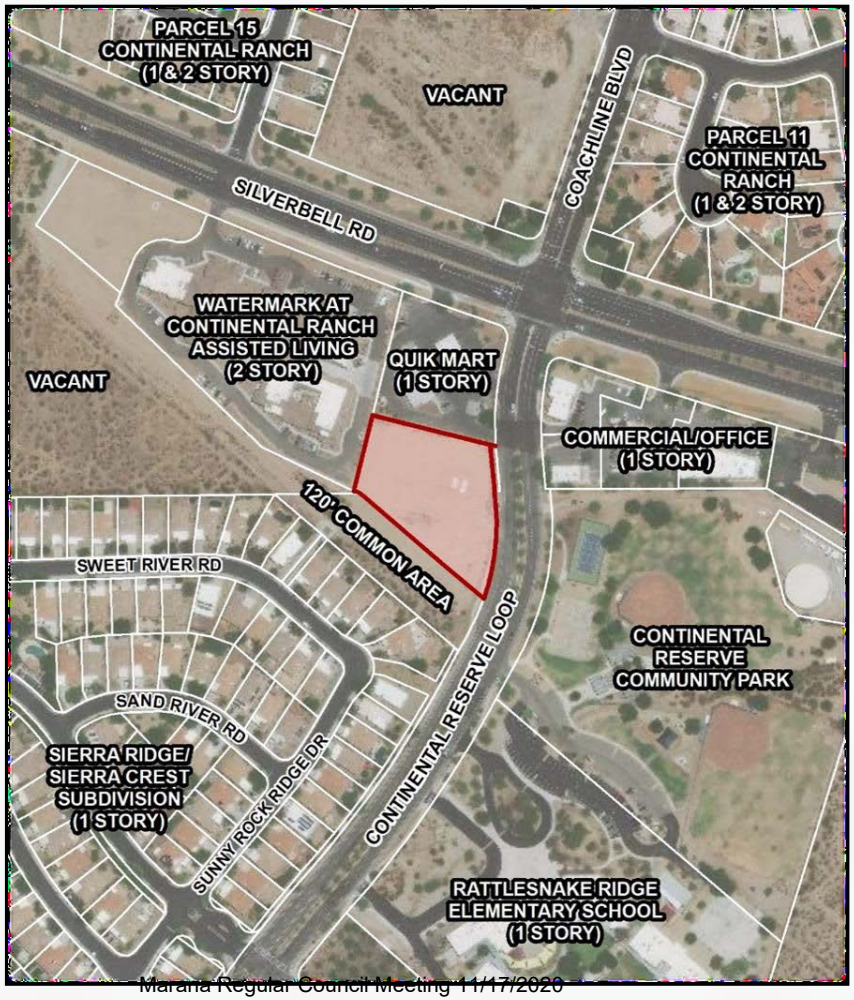
CUP2009-001



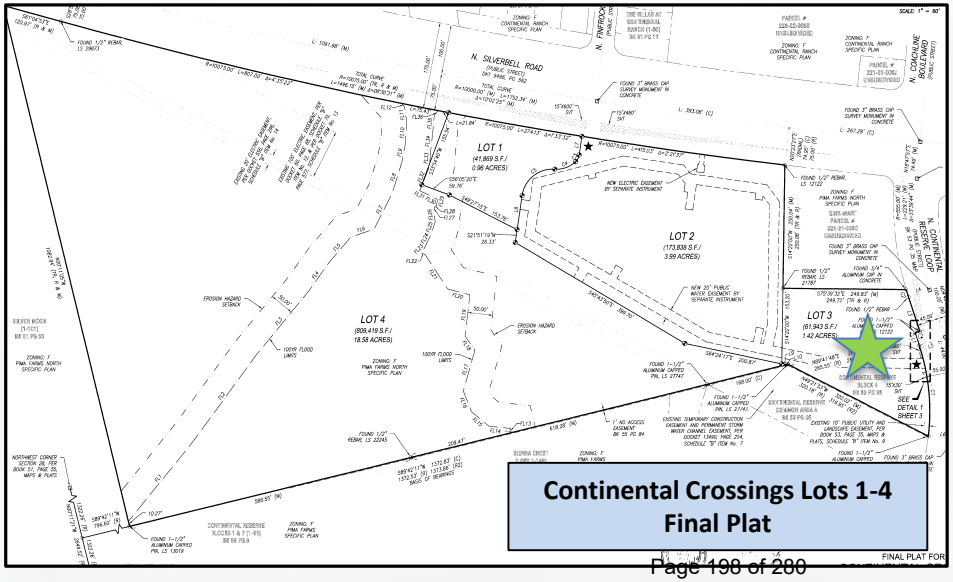
PUBLIC HEARING

Town Council – November 17, 2020

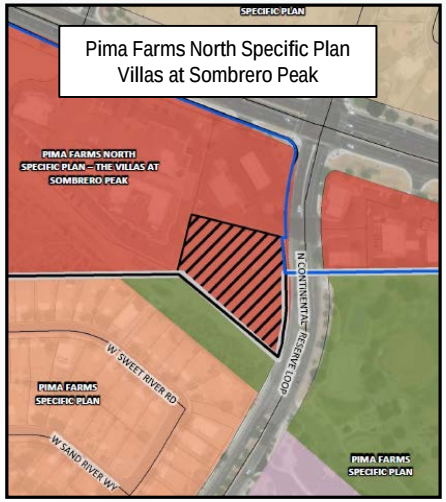
National Self Storage CUP Application

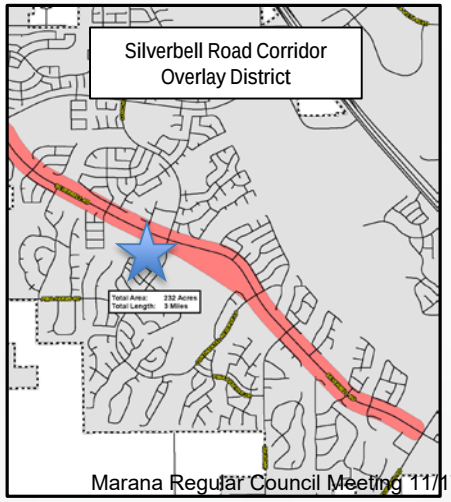


- 1.42 Acre Lot
- 8861 N. Continental Reserve Loop
- Lot 3 Continental Crossings Lots 1-4 Plat
- Pima Farms North Specific Plan – Villas at Sombrero Peak
- Silverbell Road Corridor Overlay District



Approval Criteria





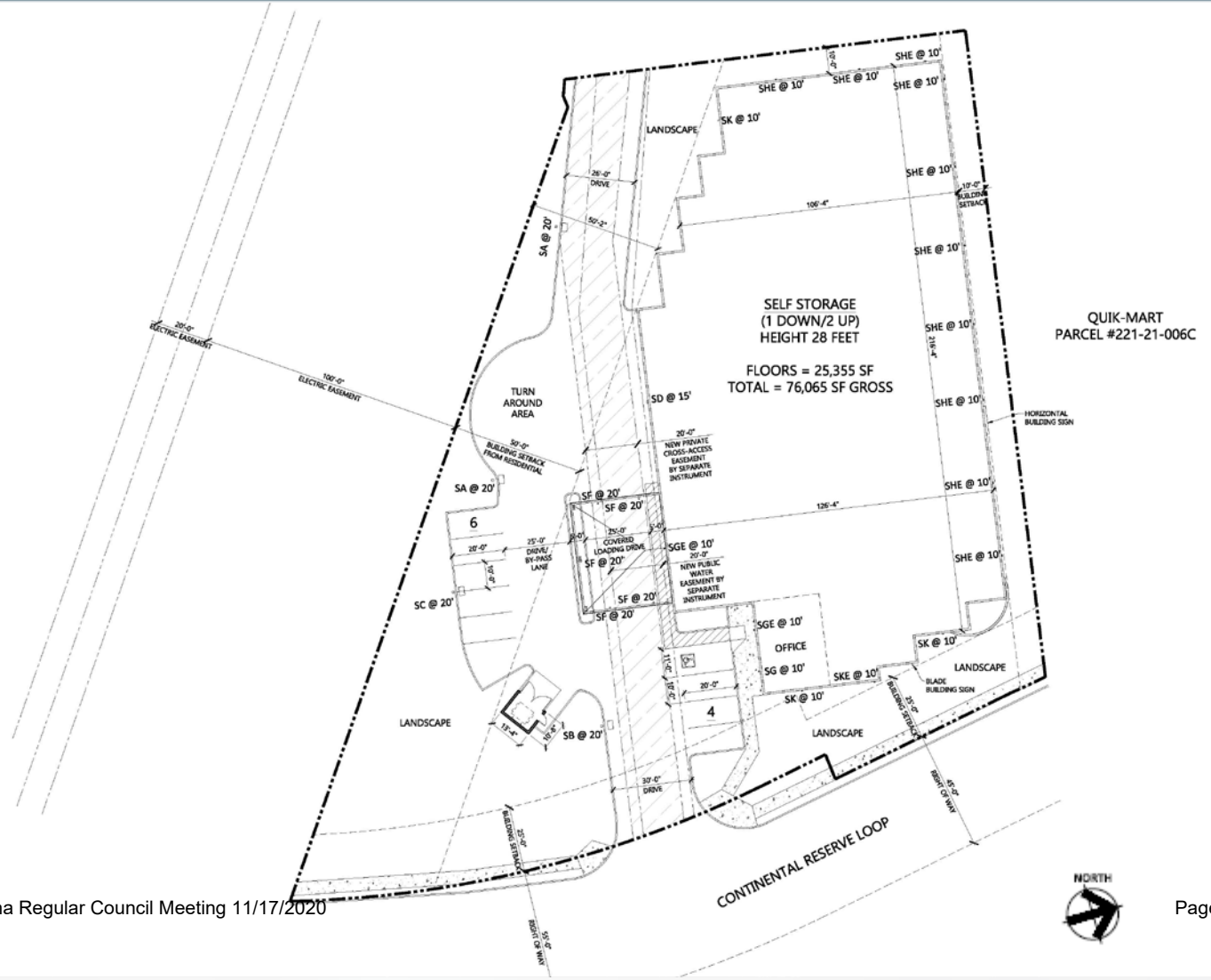
Pima Farms North Specific Plan – Villas at Sombrero Peak

- Development Standard Compliance & Compliance with the SRCOD
- Measure of Conformance (Site Plan & Landscape Plan Review)
  - ✓ Setbacks
  - ✓ Height – Allowed Proposed
  - ✓ Enhanced Landscaping

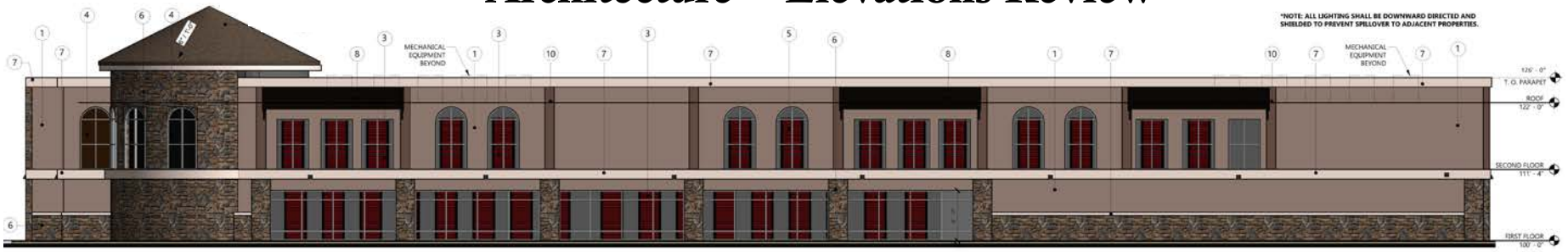
Silverbell Road Corridor Overlay District (SRCOD)

- Design Compliance per LDC 24.01
- Measure of Conformance (Review of the Design Package)
  - ✓ Narrative
  - ✓ Site Design & Building Orientation
  - ✓ Architecture
  - ✓ Landscaping
  - ✓ Signage
  - ✓ Lighting
  - ✓ Traffic Statement

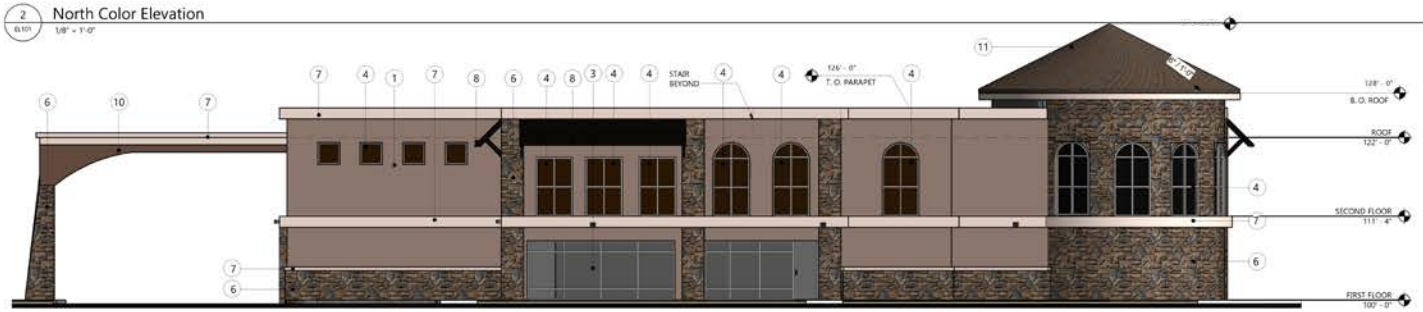
Site Design & Building Orientation
Site Plan Review



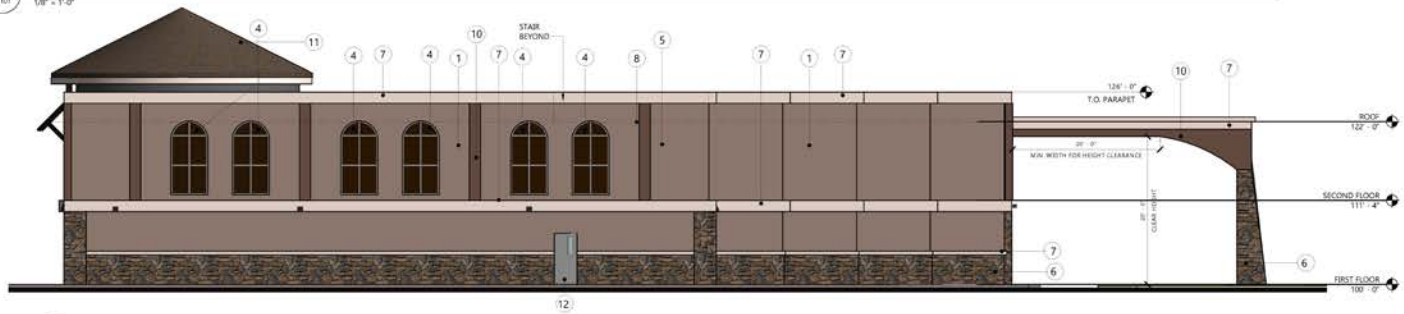
Architecture - Elevations Review



2 North Color Elevation
1/8" = 1'-0"



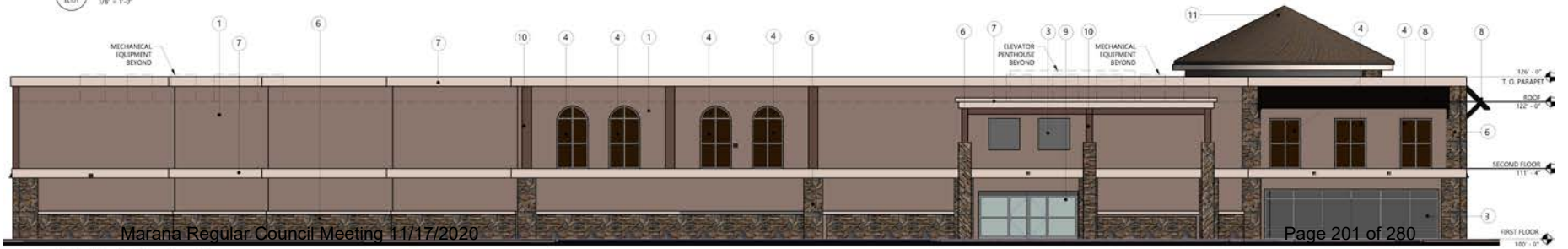
1 East Color Elevation
1/8" = 1'-0"



MATERIALS

1	FINE FINISH STUCCO PAINTED DUNN EDWARDS DE6095 HOWDY PARTNER
2	STROREFRONT KAWNEER CHARCOAL
3	INSULATED GLAZING UNIT CLEAR
4	INSULATED GLAZING UNIT SPANDREL- BLACK
5	ROLL UP DOOR JANUS INTERNATIONAL GROUP CEDAR RED
6	STONE VENEER ENVIRONMENTAL STONEWORKS BRONZE CHISEL ROCK
7	STUCCO- TRIM DUNN EDWARDS DE6073 NEW WOOL
8	METAL AWNING DUNN EDWARDS DE6392 MINK
9	AUTOMATIC SLIDING DOOR KAWNEER
10	FINE FINISH STUCCO-ACCENT PAINTED DUNN EDWARDS DEC702 ANTIQUE ROSE
11	ROOF TILE EAGLE ROOFING PRODUCTS 901 OAKWOOD
12	METAL DOOR PAINTED DUNN EDWARDS DE6384 IRON FIXTURE

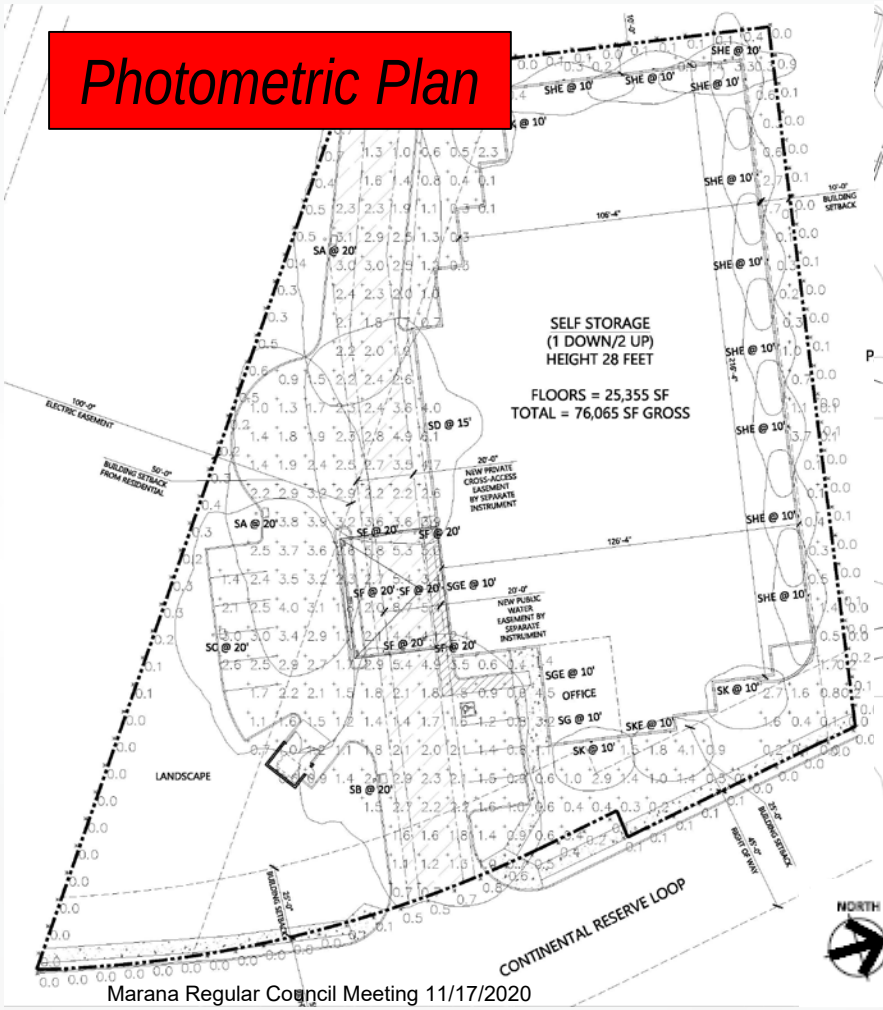
3 West Color Elevation
1/8" = 1'-0"



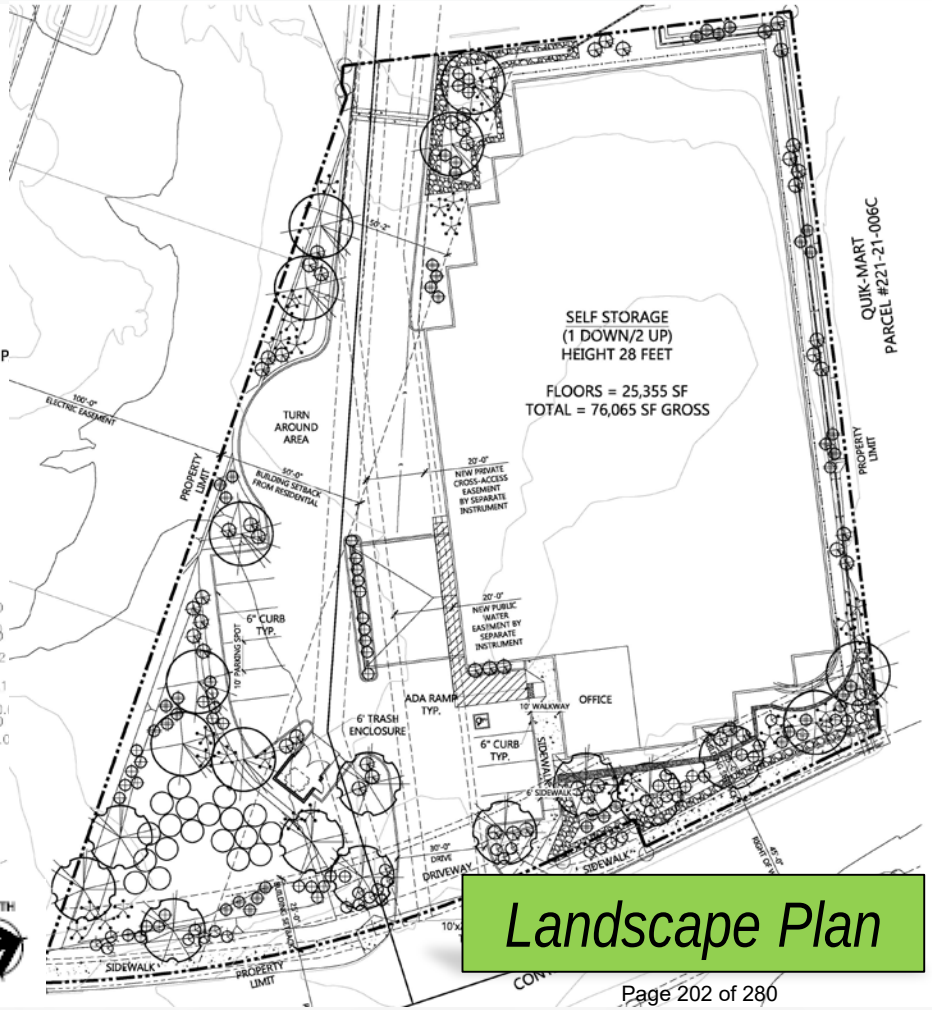
4 South Color Elevation
1/8" = 1'-0"

Lighting & Landscaping Review

Photometric Plan



Landscape Plan



Signage Review – Planned Sign Program



2 PANEL SIGN



1 MARQUEE SIGN







Recommended Conditions of Approval

1. Outdoor RV or boat storage, and truck and trailer rentals, shall be prohibited at this facility.
2. Nothing that can be construed as building signage shall be visible through windows on the south, east and west sides of the building.
3. All wall and site lighting shall be downward directed and shielded to prevent spillover to adjacent properties, and shall conform to the attached approved Lighting Plan.
4. All second floor windows facing south shall be fully opaque, spandrel black glass, except for the window lighting under the portico in the covered loading drive.
5. All second floor windows facing Continental Reserve Loop shall be fully opaque, spandrel black glass.

<u>10/28/20 Planning Commission Recommendations</u>

6. Daily hours of operation shall be 7:00 am – 9:00 pm.
7. Vehicles shall enter the business parking area from the west side of the covered loading area and exit to the east off Continental Reserve Loop.

Council-Regular Meeting **A3**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Brian Varney, Senior Planner

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: PUBLIC HEARING: Ordinance No. 2020.017: Relating to Development; amending the Continental Ranch Specific Plan Chapter V. Development Regulations, revising regulations pertaining to Congregate Care Housing, and Chapter VII. Specific Plan Implementation, revising the procedures for approval of a site plan; and establishing an effective date (Brian D. Varney)

Resolution No. 2020-126: Relating to Development; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2020.017, amending the Continental Ranch Specific Plan; Chapter V. Development Regulations revising regulations pertaining to Congregate Care Housing, and Chapter VII. Specific Plan Implementation revising the procedures for approval of a site plan. (Brian D. Varney)

Discussion:

Request
A23 Studios, representing Greystar, is requesting an amendment to the Continental Ranch Specific Plan to revise the development standards within the Commercial and Freeway Commercial land use designations as they apply to congregate care housing, specifically pertaining to the minimum lot area, minimum gross land area, and minimum parking provisions.

Development Regulation Amendments
The applicant is requesting the amendment in order to plan and design a senior living facility to be proposed at the intersection of Silverbell Road and Schisler Drive, northwest of the Leman Academy in Continental Ranch. The applicant has encountered challenges in designing a facility suitable to current senior housing market needs and

demands under the development standards for residential development within the land use designations as they apply to congregate care housing in the Commercial and Freeway Commercial designated land use areas in the Continental Ranch Specific Plan area.

The current standards have been effective in accommodating multi-family residential developments that consist of the typical variety of residential unit sizes and the majority of the residents drive vehicles. The multi-family residential development standards require a minimum lot area and gross land area of 2,000 square feet per dwelling unit. While this density regulation may be appropriate for the standard apartment complex that is designed to accommodate a wide variety of occupancy arrangements, the typical size of the units in senior living communities are much smaller, generally designed for one or two person occupancy and rely on additional communal living spaces. The applicant contends the land area requirements excessively restrict development and create a limitation on the unit typology and quantity for a senior living facility.

A concept site plan has been attached to this report that represents the general site layout and number of units under consideration for development. The concept plan indicates a proposed 141 unit count on a site area of 3.90 acres resulting in approximately 1,204 square feet of gross land area per dwelling unit. The Unit Matrix on the concept plan indicates that most of the dwelling units contain less than 800 square feet of living area.

The applicant also contends the amount of parking required by the Specific Plan is excessive for congregate care facilities. Many residents in this type of living arrangement no longer drive or own only one vehicle per household. The development standards require a minimum of 1.5 on-site parking spaces per unit. The Town's recently adopted parking standards [Chapter 17.9 (Parking) of the Marana Town Code] allow for user-defined parking standards based upon a parking justification analysis submitted to the Planning Division. This process allows an applicant of a development project to determine the quantity of spaces needed to adequately serve the project and submit a written analysis to the Planning Division for consideration. This process would be applied to Congregate Care Housing within the Continental Ranch Specific Plan area if the currently requested amendment is approved.

If approved, the proposed amendment would result in the following revisions to the standards within the Continental Ranch Specific Plan to address the above-mentioned concerns:

Chapter V. Development Regulations:
Section V.F.2.c)1): Commercial Site Development Standards; Freeway Commercial Use; Property Development Standards - Residential.
The standard [Minimum lot area per dwelling unit (duplex or multiple): 2,000 square feet'] would no longer apply to Congregate Care Housing.

Section V.F.2.c)2): Commercial Site Development Standards; Freeway Commercial Use; Property Development Standards - Residential.

The standard [Density: The minimum gross land area per dwelling unit shall be 2,000 square feet] would no longer apply to Congregate Care Housing.

Section V.F.2.c)7): Commercial Site Development Standards; Freeway Commercial Use; Property Development Standards - Residential.
The standard [Parking: A minimum of one and one-half onsite parking spaces (including garage, carport, and/or driveway) for each dwelling unit shall be provided] would no longer apply to Congregate Care Housing, and the standards within Chapter 17-9 (Parking) of the Marana Land Development Code would apply.

Approval Procedure Amendment
In addition to the amendment proposed by the applicant, Planning staff would like to take this opportunity to amend the process by which site plans (development plans) within Continental Ranch Specific Plan area are approved. This matter has been discussed over the years; however, an updated process has never been formally adopted. The Continental Ranch Specific Plan requires that site plans are not only approved by staff, but also by the Planning Commission. Site plan approval includes development plans for commercial development within Continental Ranch. Typically, commercial development plans throughout the town are approved administratively at the staff level and do not require any further action by the Planning Commission or the Town Council. Such plans in Continental Ranch have historically been subject to the extra layer of scrutiny by the Commission who typically confirm that staff has adequately reviewed a particular project in compliance with Town standards. This redundancy has generally resulted in an unnecessary time delay to applicants operating on strict timelines.

To facilitate the commercial development review process within Continental Ranch, staff proposes the following revisions:

Chapter VII. Specific Plan Implementation

- **Section VII.D**: Site Plan Review Procedures; Procedures and Revisions.

  Staff proposes to revise the occurrences of text references from 'Planning Commission' to 'Planning Staff' only as they apply to approval and revisions to site plans. These occurrences are located in the following subsections: **Procedures; and, Revisions**.

  Additionally, staff proposes to delete the subsection titled, **Mandatory Findings for Approval of a Site Plan**.

Staff Recommendation:
Staff recommends adoption of Ordinance No. 2020.017 approving the proposed amendments to Chapter V. Development Regulations and Chapter VII. Specific Plan Implementation of the Continental Ranch Specific Plan, and Resolution No. 2020-126 declaring the amendments as a public record filed with the Town Clerk.

Planning Commission Recommendation

The Planning Commission held a public hearing on October 28, 2020 to consider the proposed amendments and voted unanimously by a vote of 6-0 to recommend approval to the Town Council.

Suggested Motion:

I move to adopt Ordinance No. 2020.017 and Resolution No. 2020-126, approving amendments to Chapter V. Development Regulations and Chapter VII. Specific Plan Implementation of the Continental Ranch Specific Plan, and declaring the amendments as a public record filed with the Town Clerk.

Attachments

Ordinance 2020.017

Resolution 2020-126

Exhibit A-Specific Plan Amendments

PCZ2010-001 CRSP Amendment_Concept Site Plan

PCZ2010-001 CRSP Amendment_narrative

Continental Ranch SPA Presentation

MARANA ORDINANCE NO. 2020.017

RELATING TO DEVELOPMENT; AMENDING THE CONTINENTAL RANCH SPECIFIC PLAN CHAPTER V. DEVELOPMENT REGULATIONS, REVISING REGULATIONS PERTAINING TO CONGREGATE CARE HOUSING, AND CHAPTER VII. SPECIFIC PLAN IMPLEMENTATION, REVISING THE PROCEDURES FOR APPROVAL OF A SITE PLAN; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS the Mayor and Council of the Town of Marana find that the revisions adopted by this Ordinance are in the best interest of the Town of Marana and the general public.

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

Section 1. The amendments to the Continental Ranch Specific Plan Chapter V. Development Regulations, revising regulations pertaining to Congregate Care Housing, and Chapter VII. Specific Plan Implementation, revising the procedures for approval of a site plan, one electronic and one printed copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which were made a public record by and are attached as Exhibit A to Marana Resolution No. 2020-126, are hereby referred to, adopted and made part of this ordinance as if fully set out here.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed as of the effective date of this ordinance; provided, however, that this repeal shall not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

Section 3. 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 4. This ordinance is effective on the 31st day after its adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of November, 2020.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Interim Town Attorney

MARANA RESOLUTION NO. 2020-126

RELATING TO DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS ADOPTED BY ORDINANCE NO. 2020.017, AMENDING THE CONTINENTAL RANCH SPECIFIC PLAN; CHAPTER V. DEVELOPMENT REGULATIONS REVISING REGULATIONS PERTAINING TO CONGREGATE CARE HOUSING, AND CHAPTER VII. SPECIFIC PLAN IMPLEMENTATION REVISING THE PROCEDURES FOR APPROVAL OF A SITE PLAN

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the amendments to the Continental Ranch Specific Plan adopted by Ordinance No. 2020.017 and attached to and incorporated in this resolution as Exhibit A, one electronic and one paper copy of which are on file in the office of the Town Clerk, are hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of November, 2020.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Interim Town Attorney

EXHIBIT A TO MARANA RESOLUTION NO. 2020-126
Amendments to the Continental Ranch Specific Plan pursuant to
Marana Ordinance No. 2020.017

The Continental Ranch Specific Plan is hereby revised as follows (with added text shown with double underlining and deletions shown with ~~strike-out text~~. Note only sections and text which are affected by the proposed revisions are included in this exhibit. Text not included in this exhibit remains unchanged.)

Chapter V. Development Regulations

[Paragraphs A through E remain unchanged and are omitted]

F. COMMERCIAL SITE DEVELOPMENT STANDARDS (*page V-7*)

1. Commercial Use
   a) Permitted Uses
      1) Commercial
      2) Retail commercial
      3) Commercial Recreation
      4) Office
      5) Financial Institutions
      6) Tourist Commercial
      7) Restaurant
      8) Congregate Care Housing in Parcels 56, 57 & 72 only*
      9) Medical clinics; urgent care facilities; medical/dental offices , and similar low-intensity medical related uses

   [subparagraph b) remains unchanged and is omitted]

   *Using Freeway Commercial Property Development Standards – Residential (V.F.2.c)) subparagraphs 3), 4), 5) and 6) only; see page V-9

2. Freeway Commercial Use (Parcels 53, 63, 64, 65, 65A, 66, Continental Ranch Business Park Lots 56 and 57) (*page V-8*)
   a) Permitted uses
      1) Commercial
      2) Retail Commercial
      3) Commercial Recreation
      4) Office
      5) Financial Institutions
      6) Tourist Commercial
      7) Restaurant
      8) High Density Residential (not permitted on Continental Ranch Business Park Lots 56 and 57)

9) Medical and Heal Care Facilities (Hospital, Congregate Care Housing*, Clinics, etc.)

*Using Freeway Commercial Property Development Standards – Residential (V.F.2.c)) subparagraphs 3), 4), 5) and 6) only; see page V-9

[subparagraph b) remains unchanged and is omitted]

c) Property Development Standards—Residential (*page V-9*)
   1) Minimum lot area per dwelling unit (duplex or multiple): 2,000 square feet.
   2) Density: The minimum gross land area per dwelling unit shall be 2,000 square feet.
   3) Building Height: No building shall exceed three (3) stories in height, and the exterior height shall not exceed thirty-four (34), except within Block 3, The Links at Continental Ranch (portion of Parcel 63), where the maximum height shall be four (4) stories and forty-eight (48) feet.
   4) Landscaping: Any part of the total subdivision not required for buildings, structures, loading and vehicular access, pedestrian walks, and hard surface activity areas shall be landscaped according to Chapter VI, Design Guidelines and using the recommended plant list.
   5) Building Setbacks:
      - Front: 20 feet
      - Side: 5 feet or zero for common wall of zero lot line developments
      - Rear: 5 feet
   6) Walls, Fences and. Screening: See Chapter VI, Design Guidelines.
   7) Parking: A minimum of one and one-half onsite parking spaces (including garage, carport and/or driveway) for each dwelling unit shall be provided.

Chapter VII. Specific Plan Implementation

[Paragraphs A through C remain unchanged and are omitted]

D. Site Plan Review Procedures *(page VII–5*)

The Specific Plan shall be implemented through a method of site plan review. A site plan shall be required for all development within the Specific Plan area requiring a building permit. The tentative plats may be processed independent of the site plan review procedures. Site plan review will not be required for interior alterations where there is no square footage increase or use intensification.

All proposed projects within the Specific Plan area shall be required to have an approved plan prior to issuance of building permits or concurrent with subdivisions, conditional use permits or any other municipal permit for the property. The plan review procedure is necessary for the following reasons:

1. To ensure consistency with the Specific Plan, the General Plan and all implementing ordinances.
2. To promote the highest contemporary standards of site design.
3. To adapt to specific or special development conditions that occur from time to time while continuing to implement the Specific Plan and conform development to the General Plan and implementing ordinances.
4. To facilitate complete documentation of land use entitlement authorized and conditions pertinent thereto.
5. To adapt to substantial changes that may occur with respect to the circumstances under which the project is undertaken.

Exemptions

The following is a list of activities which are exempt from the Site Plan Review process. This list is not all-inclusive. The Planning Director may exempt other special activities not covered by this example listing.

- All interior changes, alterations, construction
- Repainting
- Reglazing, new mullions
- Re-landscaping of existing structure
- Re-roofing with similar roofing materials
- Minor exterior repairs
- Demolition Exterior mechanical (hearing, air conditioning, water heater, etc.

Procedures

Site Plans, which contain plans, drawings, illustrations, design, reports and other detailed information as required herein, shall be submitted to the Town staff for review and comment. Applicants are encouraged to submit preliminary plans for review and comment by the Town Manager prior to the final preparation of a site plan. Comments from other departments and service agencies shall be sought by the staff prior to preparing a recommendation on the finalized site plan.

Applicants should insure that they have obtained a copy for the design guidelines contained within the Specific Plan. This will assist the developer in achieving consistency with the Specific Plan and generally facilitate a quality project.

Upon determination that the site plan complies with the provisions of the Specific Plan and the review factors described in the design guidelines, the Planning Staff shall ~~prepare a staff report with recommendations which shall be submitted along with the site plan to the Planning Commission at the earliest possible regular meeting. The Planning Commission shall~~ approve, conditionally approve, or if not consistent with the Specific Plan, modify or deny the site plan.

Revisions

Revisions that are minor in nature or reasonable extensions other than those applied as a condition of approval shall be submitted for review and approval administratively by the Planning Director. Significant changes, additions or omissions shall be submitted for review and approval by the Planning Commission. (Ordinance 2016.016)

Requirements for Site Plan

A site plan shall consist of plans, drawings, illustrations, and designs, and any other detailed information as required to determine compliance with the provisions of the Specific Plan and responsiveness to design guidelines. The following list of plans and information is required:

1. Assessor's parcel(s) numbers.
2. Area and dimensions of the property.
3. Vicinity map indicating project location.
4. North Arrow/Scale.
5. All applicable tentative plat maps.
6. A physical description of the site, including boundaries, easements, existing topography, natural features, existing buildings, structures and utilities.
7. Location, grade widths and types of improvements proposed for all streets.

8. A site plan showing location of all structures, landscape and hardscape areas, parking areas, walks, internal circulation, access, adjacent streets, sign type and placement and fence/wall type and placement.
9. Building elevations.
10. Description of the extent to which design guidelines have been used in the plan and a statement documenting Specific Plan consistency.
11. A tabulation of square footage, area devoted to parking, parking spaces, landscape coverage, building coverage and heights.
12. Such application and environmental assessment forms as are provided by the staff.

~~Mandatory Findings for Approval of a Site Plan~~

~~The Planning Commission shall make the following written findings before approval or conditionally approving any Site Plan.~~

~~1. The proposed project is compatible with other projects with the Specific Plan area.~~
~~2. The plan will not have an adverse impact on the public health, safety, interest, convenience or general welfare.~~
~~3. The Site Plan is compatible with the regulations and design guidelines of the Continental Ranch Specific plan and the Site plan conforms to the General Plan and implementing ordinances.~~

[Paragraphs E-G remain unchanged and are omitted]

SITE KEYNOTES

1 PRIMARY BUILDING ENTRANCE.
2 EXISTING ASPHALT TO REMAIN.
3 EXISTING CURB TO REMAIN.
4 EXISTING SIDEWALK TO REMAIN.
5 EXISTING CURB RAMP TO REMAIN.
6 EXISTING WALL TO REMAIN.
7 EXISTING BRICK/PAVERS TO REMAIN.
8 SIGHT VISIBILITY TRIANGLE FOR PROPOSED DEVELOPMENT.
9 NEW PAINT STRIPE/STRIPED CROSS WALK.
10 NEW ACCESSIBLE PARKING SIGN AND POST.
11 NEW VERTICAL CURB.
12 NEW CONCRETE SIDEWALK. SIDEWALK ALONG PARKING SPACES INCLUDES VERTICAL CURB. SEE PLAN FOR DIMENSIONS.
13 NEW TRASH ENCLOSURE.
14 EXISTING STORM DRAIN CATCH BASIN TO REMAIN.
15 EXISTING STORM DRAIN PIPE TO REMAIN.
16 EXISTING MONUMENT SIGN TO REMAIN.
17 NEW CONCRETE CURB ACCESS RAMP.
18 NEW STORM DRAIN CATCH BASIN.
19 NEW CONCRETE WHEEL STOPS (TYP.).
20 NEW FENCE (TYP.).
21 NEW VEHICULAR ACCESS GATE.

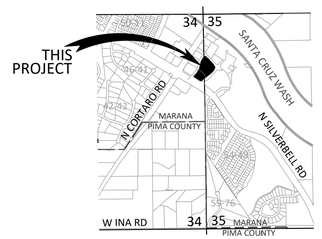
EASEMENT KEYNOTES

1 EXISTING PUBLIC 10' UTILITY EASEMENT AND LANDSCAPE BUFFER PER BK. 60, PG. 16 M&P.
2 EXISTING PUBLIC 1' NO ACCESS EASEMENT PER BK. 60, PG. 16 M&P.
3 EXISTING PUBLIC 10' ELECTRICAL AND COMMUNICATION FACILITIES EASEMENT PER DKT. 12727, PG. 762.
4 EXISTING PUBLIC 10' ELECTRICAL AND COMMUNICATION FACILITIES EASEMENT PER DKT. 12727, PG. 762 TO BE RELEASED.
5 PROPOSED PUBLIC 10' ELECTRICAL AND COMMUNICATION FACILITIES EASEMENT.

UTILITY KEYNOTES

1 EXISTING PUBLIC WATER.
2 EXISTING 1" WATER SERVICE.
3 EXISTING 1" IRRIGATION.
4 EXISTING 6" FIRE SERVICE.
5 EXISTING FIRE HYDRANT.
6 EXISTING PUBLIC GAS.
7 EXISTING PUBLIC ELECTRIC.
8 EXISTING COMMUNICATION.
9 EXISTING PUBLIC SEWER PER PN ___, SEE KEYNOTE FRO PIPE TYPE AND SIZE.
10 EXISTING SEWER MANHOLE.
11 EXISTING PRIVATE MANHOLE.

SCALE: 1"=30'
C.I. = 1 FOOT



IN THE NW ¼ OF SECTION 35 AND THE NE ¼ OF SECTION 34, T. 12 S., R. 12 E., G.&S.R.M., CITY OF MARANA, PIMA COUNTY, ARIZONA

LOCATION MAP NORTH 3" = 1 MILE

GENERAL NOTES

1. THE EXISTING USE IS VACANT. THE PROPOSED USE FOR THE DEVELOPMENT IS **COMMERCIAL - CONREGATED CARE.**
2. THE GROSS SITE AREA IS **169,763** SQUARE FEET, OR 3.90 ACRES.
3. UNIT MATRIX AND TOTAL BUILDING AREA:

TYPE A1:	45 UNITS x 675 SF
TYPE A1 (ALT1):	3 UNITS x 675 SF
TYPE A1 (ALT2):	3 UNITS x 675 SF
TYPE A2:	45 UNITS x 763 SF
TYPE A3:	2 UNITS x 799 SF
TYPE A3 (ALT1):	1 UNITS x 799 SF
TYPE B1:	15 UNITS x 1,092 SF
TYPE B2:	18 UNITS x 1,134 SF
TYPE B3:	6 UNITS x 1,221 SF
TYPE B3 (ALT1):	3 UNITS x 1,270 SF
TOTAL UNITS	= 141
TOTAL BUILDING AREA	= 119,085 SF

4. FLOOR AREA RATIO = 0.45
5. EXISTING ZONING IS **F (SPECIFIC PLAN - CONTINENTAL RANCH)**.
6. THE PROPOSED BUILDING HEIGHT = 34' MAX.
7. TOTAL PARKING PROVIDED ON-SITE IS **156** SPACES.
8. LOCATION OF NEAREST MAJOR INTERSECTION: - N. SILVERBELL RD & N. CORTARO RD.
9. THERE ARE NO NEARBY PUBLIC IMPROVEMENTS THAT WILL AFFECT THIS PROJECT.

QUANTITIES

ASPHALT PAVEMENT	= 56,931 SF
CONCRETE	= 11,195 SF
VERTICAL CURB	= 1,315 LF
6' HIGH CMU WALL	= 124 LF
FENCE	= 1,394 LF

EARTHWORK (RAW):

CUT	= 2,180 CY
FILL	= 1,430 CY
NET	= 750 CY (CUT)

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	N 42° 03' 14" W	216.04'
L2	N 38° 57' 27" E	35.07'
L3	N 56° 15' 54" E	132.60'
L4	S 59° 00' 00" E	176.70'
L5	S 14° 42' 00" W	137.80'
L6	S 33° 19' 47" W	80.77'

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA
C1	41.55'	25.00'	95°13'08"
C2	77.91'	475.00'	9°23'51"
C3	63.40'	185.00'	19°38'12"
C4	27.07'	40.00'	38°46'28"
C5	72.97'	185.00'	22°36'01"
C6	141.67'	469.00'	17°18'27"
C7	78.39'	237.00'	18°57'07"
C8	36.52'	25.00'	83°41'13"
C9	39.27'	25.00'	90°00'00"
C10	52.66'	175.00'	17°14'30"
C11	190.26'	325.00'	33°32'30"
C12	89.42'	275.00'	18°37'47"

CYPRESS PROJECT NO: 20.113
CYPRESS CIVIL
2030 east speedway boulevard
suite #110
tucson, arizona 85719
ph: 520.499.2456
e: info@cypresscivil.com

OWNER/DEVELOPER
SILVERBELL CORTARO LLC
2200 E RIVER RD STE 115, TUCSON AZ 85718-6587
E:

SITE ADDRESS
6185 WEST MAMIE KAI DRIVE, MARANA, ARIZONA 85747
A.P.N.'s 226-27-0310; 226-27-0320

LOT 4 & 5 OF "PARCELS 56, 57, & 72 CONTINENTAL RANCH" AS SHOWN IN BOOK 60, PAGE 16, PIMA COUNTY RECORDS, BEING A PORTION OF THE N.W. 1/4 OF SECTION 35 AND THE N.E. 1/4 OF SECTION 34, T. 12 S., R. 12 E., G.&S.R.M., TOWN OF MARANA, PIMA COUNTY, ARIZONA

PRELIMINARY DEVELOPMENT PLAN for RIVERSIDE PLAZA

1 OF 1

a.23 studios

A23 Studios
Burak Bekat
711 East 9th Street
Tucson, AZ 85719
c. 520.245.4010
e. burak@a23studios.com

Town of Marana – Development Services
11555 West Civic Center Drive
Marana, AZ 85653

To whom it may concern:

The intent of this letter is to request a modification of the minimum lot size requirement in the Continental Ranch Specific Plan under the Freeway Commercial Use, Property Development Standards - Residential. The regulations state in sections, c)1 and c)2 that a minimum of 2000 square feet of land is required per unit, which limits the unit typology and quantity for this project. The higher density development as proposed better serves the Congregate Care Housing residents and the community.

Additionally, we request the removal of the parking regulation under the Freeway Commercial Use, Property Development Standards – Residential, section c)7, that requires a minimum of one and one-half onsite parking spaces for each dwelling unit. The expected amount of parking required for Congregate Care Housing is much lower than that of a standard multi-family project due to the resident restrictions typical of this land use.

For your consideration and review.

Best regards,

Burak Bekat, Principal
a.23 studios

MARANA, ARIZONA

YOUR TOWN

PCZ2010-001
Continental Ranch Specific Plan Amendment

November 17, 2020

Proposed Amendment to the Continental Ranch Specific Plan

- **Chapter V. Development Regulations**
- **Chapter VII. Specific Plan Implementation**

<u>Chapter V. Development Regulations</u>

- **Applies only to the congregate care housing standards within Commercial and Freeway Commercial land use designations.**
  - Minimum lot area of 2,000 square feet
  - Minimum density of 2,000 square feet
  - Minimum parking provisions of 1.5 spaces per unit

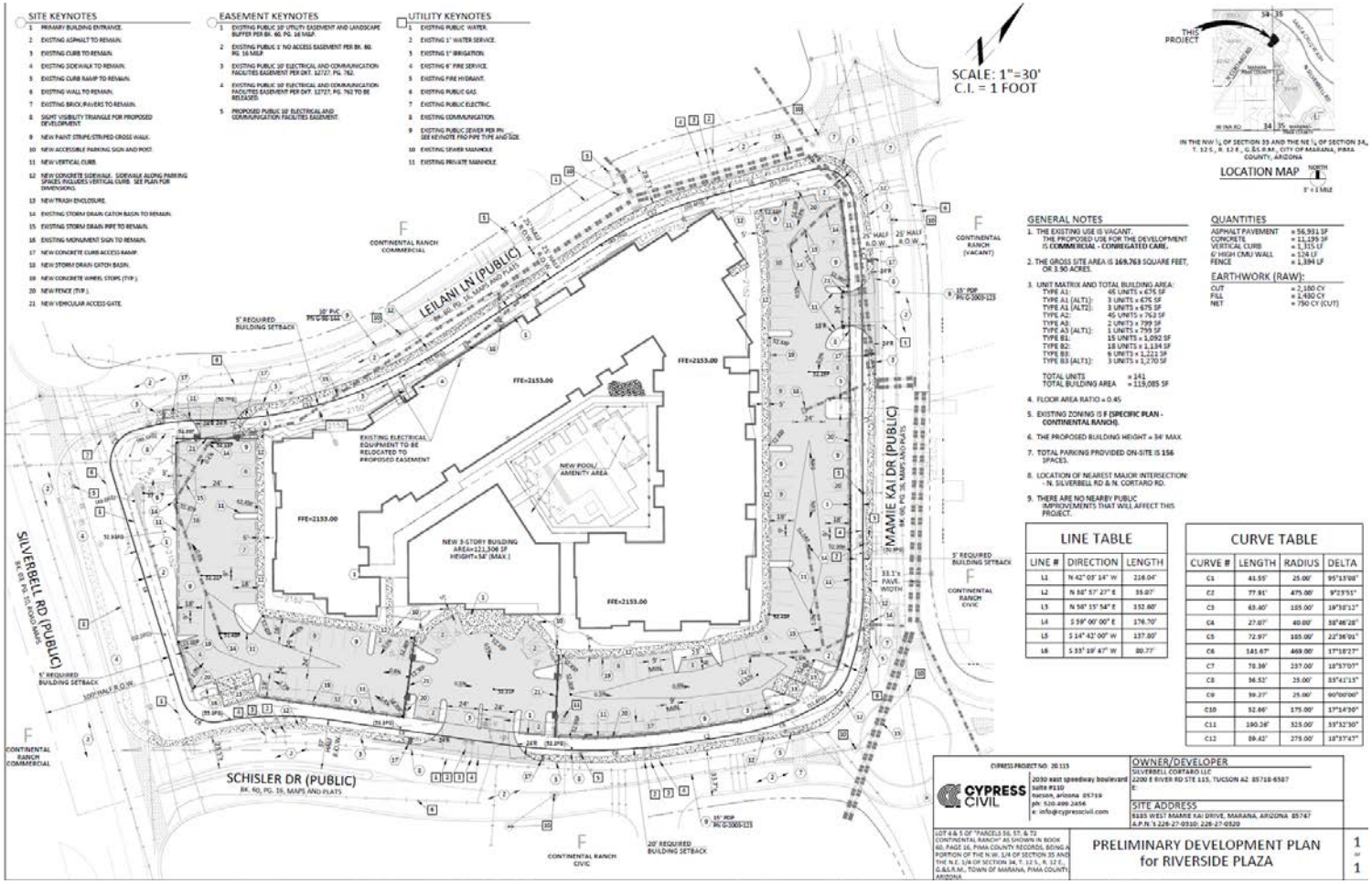
- **Current standards within the plan are suitable for typical multi-family that consists of a variety of residential unit sizes with many drivers**
  - Minimum lot area and gross land area of 2,000 S.F.
  - Minimum parking of 1.5 on-site spaces per unit

- **Congregate care housing operates under a different model**
  - Smaller units needed, as occupancy is typically one or two people
  - Utilize more communal or shared spaces within the facility (dining areas, recreation rooms, laundry rooms, libraries, etc.)
  - Fewer residents per residential unit typically drive
  - Parking is proposed to be calculated the Chapter 17.9 (Parking) of the Marana Town Code

Prospective Project

Proposed:
- 141 units on 3.90 acres
- 1,204 S.F. per d/u
- 156 parking spaces

Existing Standards
- 85 units (at 2,000 S.F. minimum lot area)
- 212 parking spaces



Chapter V. Development Regulations

F. COMMERCIAL SITE DEVELOPMENT STANDARDS

1. Commercial Use

a) Permitted Uses

1) Commercial
2) Retail commercial
3) Commercial Recreation
4) Office
5) Financial Institutions
6) Tourist Commercial
7) Restaurant
8) Congregate Care Housing in Parcels 56, 57 & 72 only*****
9) Medical clinics; urgent care facilities; medical/dental offices , and similar low-intensity medical related uses

***Using Freeway Commercial Property Development Standards – Residential (V.F.2.c)) numbers 3), 4), 5) and 6) only; see page V-9**

Remaining (applicable) standards:

3. *Building height*
4. *Landscaping*
5. *Building Setbacks*
6. *Walls, fencing, and screening*

Chapter V. Development Regulations

F. COMMERCIAL SITE DEVELOPMENT STANDARDS

1. Commercial Uses

…….

2. Freeway Commercial Use (Parcels 53, 63, 64, 65, 65A, 66, Continental Ranch Business Park Lots 56 and 57)

a) Permitted uses

1) Commercial
2) Retail Commercial
3) Commercial Recreation
4) Office
5) Financial Institutions
6) Tourist Commercial
7) Restaurant
8) High Density Residential (not permitted on Continental Ranch Business Park Lots 56 and 57)
9) Medical and Heal Care Facilities (Hospital, Congregate Care Housing*, Clinics, etc.)

***Using Freeway Commercial Property Development Standards – Residential (V.F.2.c)) numbers 3), 4), 5) and 6) only; see page V-9**

Remaining (applicable) standards:

3. *Building height*
4. *Landscaping*
5. *Building Setbacks*
6. *Walls, fencing, and screening*

Text Revisions

Chapter VII. Specific Plan Implementation

- **Amend the process for approving site plans (development plans)**
- **The Planning Commission is required to approve after staff acceptance**
- **Existing process results in unnecessary delays for applicants**
- **Development plans throughout the Town are typically approved by staff only**

Chapter VII. Specific Plan Implementation

D. **Site Plan Review Procedures**

Upon determination that the site plan complies with the provisions of the Specific Plan and the review factors described in the design guidelines, the Planning Staff shall ~~prepare a staff report with recommendations which shall be submitted along with the site plan to the Planning Commission at the earliest possible regular meeting. The Planning Commission shall~~ approve, conditionally approve, or if not consistent with the Specific Plan, modify or deny the site plan.

Revisions

Revisions that are minor in nature or reasonable extensions other than those applied as a condition of approval shall be submitted for review and approval administratively

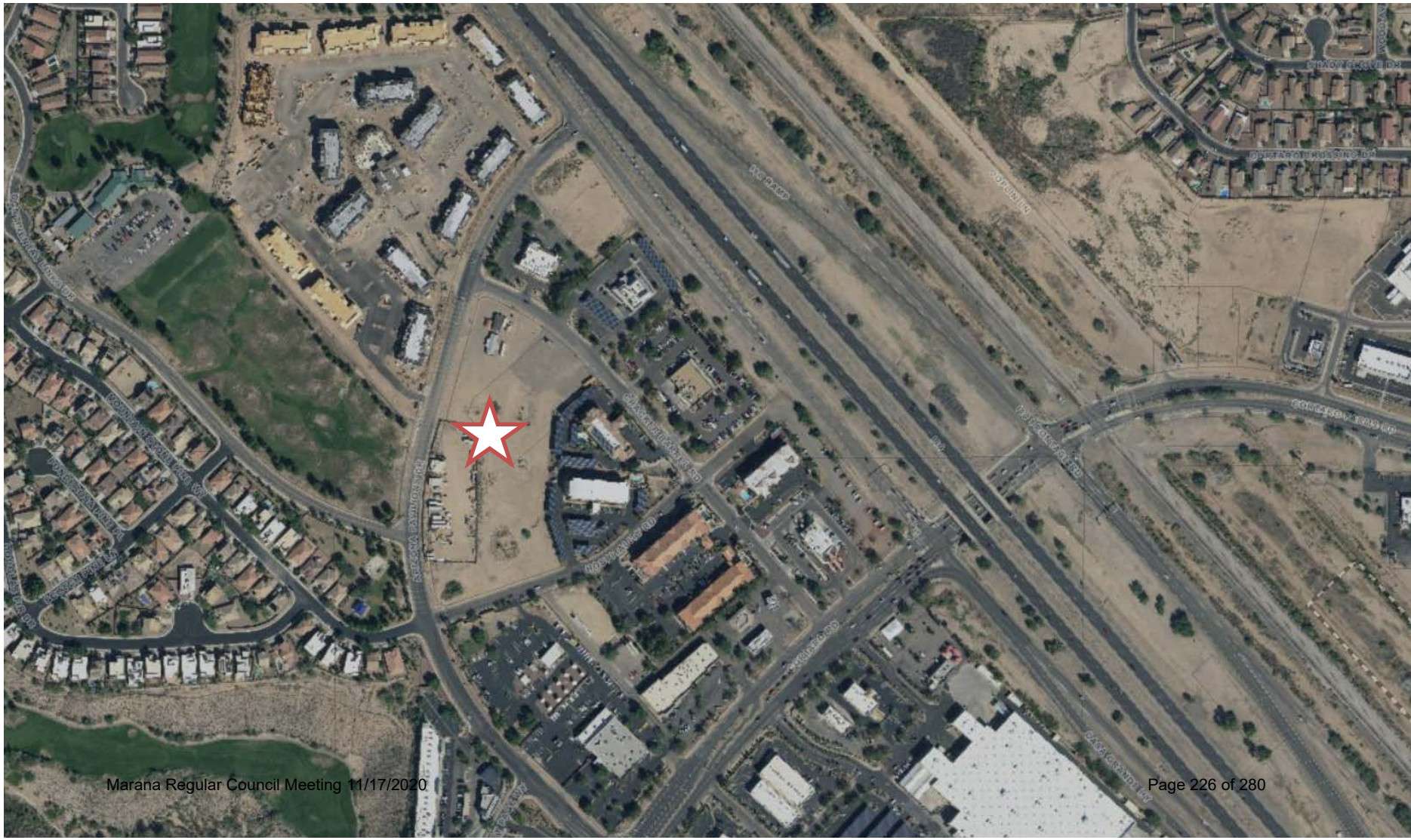
~~**Mandatory Findings for Approval of a Site Plan**~~

~~The Planning Commission shall make the following written findings before approval or conditionally approving any Site Plan.~~

~~1. The proposed project is compatible with other projects with the Specific Plan area.~~
~~2. The plan will not have an adverse impact on the public health, safety, interest, convenience or general welfare.~~
~~3. The Site Plan is compatible with the regulations and design guidelines of the Continental Ranch Specific plan and the Site plan conforms to the General Plan and implementing ordinances.~~

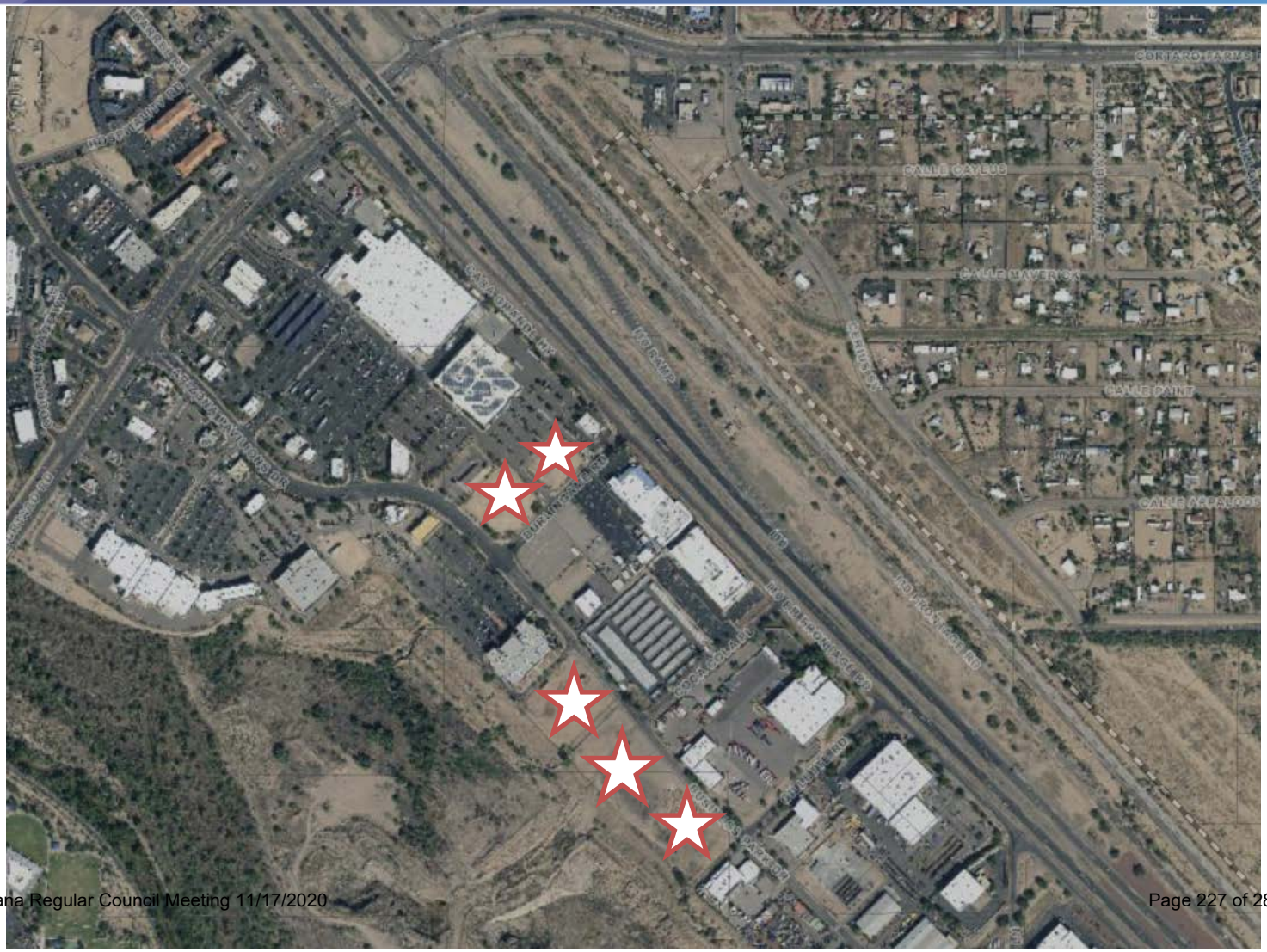
MARANA, ARIZONA
YOUR TOWN

Remaining Parcels



MARANA, ARIZONA
YOUR TOWN

Remaining Parcels



Recommendation

Recommendation:

- **Staff recommends that the Marana Town Council approve PCZ2010-001, Amendments to the Continental Ranch Specific Plan.**

Council-Regular Meeting **A4**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Anita McNamara, Long-Range Planner

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: PUBLIC HEARING: Ordinance No. 2020.018: Relating to Development; approving a rezoning of approximately 63.8 acres of land located on the north side of Avra Valley Road, approximately 0.70 miles east of the intersection of Avra Valley Road and Sandario Road, from 'C' Large Lot Zone and 'AG' Agricultura to 'HI' Heavy Industry (Anita McNamara)

Discussion:

Request
The Town of Marana is requesting approval to rezone approximately 63.8 acres of land from 'C' Large Lot Zone and 'AG' Agricultural to 'HI' Heavy Industry.

Marana General Plan
The 2040 Marana General Plan designates the proposed rezoning area the land use category of Employment (E). The E land use category features areas that focus on creating and developing employment opportunities that include industrial uses, such as warehouses and manufacturing facilities, business parks, corporate centers and research and development facilities. The General Plan also identifies the area surrounding the airport as part of the West Growth Area envisioned as a major business and employment center.

Surrounding and Existing Land Use
The rezoning area is bordered on the north by vacant, undeveloped land zoned 'C' Large Lot Zone and 'AG' Agricultural owned by the State of Arizona. To the west is the Marana Regional Airport, zoned 'HI' Heavy Industry and 'AG' Agricultural. To the east is vacant, undeveloped land zoned 'C' Large Lot Zone owned by the State of Arizona and a Metro Water owned well site property. To the south, across Avra Valley Road,

State of Arizona owned land is land currently used for agricultural and is zoned 'C' Large Lot Zone.

Proposed Land Use
It is intended to develop the rezoning area into a commercial-industrial park as proposed in the 2017 Marana Regional Airport Master Plan and consistent with the 2040 General Plan. The subject area will be platted and lots will become available for purchase to potential buyers for development. The allowed uses in the HI zoning district will be restricted in order to be compatible with the airport operations. Allowed uses will include manufacturing, wholesaling and warehousing, along with office and limited commercial uses. All development will be subject to strict FAA guidelines.

Access and Circulation
An existing paved road from Avra Valley Road provides access to the rezoning area. This access road is to be dedicated as a variable width (between 92 and 129.9 foot wide) right-of-way to be named 'Airport Commerce Park Drive'.

Floodplain
The property is located in AO (1 foot), shallow flooding zone, per FEMA maps. Section 17-15 of the Land Development Code requires that new construction in Zone AO must be either elevated or flood-proofed. The topography of the subject property and surrounding area is relatively flat terrain with a typical slope from southwest to northeast toward the Santa Cruz River. The Town will require that a master drainage study be submitted and accepted by the town engineer prior to development plan approval of any portion of the subject property.

Utilities and Fire District Services
The rezoning area will utilize an existing septic system and be served by TRICO Electric for electrical service and Marana Water for water service. The rezoning area is located in the Northwest Fire District service area.

Public Notification
The public hearing was appropriately noticed in The Daily Territorial, and all property owners within 300 feet of the boundary of the rezoning area were noticed by United States mail of the date, time, and topic of the public hearing. Additional notice was posted at various locations within the community.

Recommended Findings of Fact
1. The property is currently zoned 'C' Large Lot Zone and 'AG' Agricultural. The proposed change in zoning to 'HI' (Heavy Industry) is supported by the Employment (E) land use category of the Marana General Plan.
2. With the acceptance of the recommended conditions, the proposed rezoning is in compliance with all other development standards of the Land Development Code related to the proposed zoning classification.
3. The proposed rezoning, with acceptance of the recommended conditions, does not appear to be detrimental to the immediate area or to the health, safety, and welfare of the inhabitants of the area and the Town of Marana.

Case Analysis Review Criteria
1. Ability to comply with development regulations, i.e. water, sanitation, access, developable parcel, etc.: With the acceptance of the recommended conditions this rezoning complies with the requirements of all agencies.
2. Ability to comply with requirements of the zoning regulations, i.e. lot size, frontage, setbacks, etc.: With the acceptance of the recommended conditions, this rezoning complies with the requirements and the purpose and intent of the Marana Land Development Code.
3. Consistent with the purpose of the zoning regulations and with the intent of the General Plan: This amendment is consistent with the purpose and intent of the Town of Marana General Plan.
4. Compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the Town:
Based upon the requirements and conditions, this rezoning will not be detrimental to the immediate area or to the general health, safety, and welfare of the inhabitants of the area and the Town of Marana.

Staff Recommendation:

Planning Commission Recommendation
The Planning Commission heard the request for the proposed rezoning on October 28, 2020. By a vote of 6-0, the Planning Commission voted to recommend approval to the Town Council.

Staff Recommendation
Staff recommends the adoption of Ordinance No. 2020.018, approving a rezoning of approximately 63.8 acres of land from 'C' Large Lot Zone and 'AG' Agricultural to 'HI' Heavy Industry.

Suggested Motion:
I move to adopt Marana Ordinance No. 2020.18, approving a rezoning of approximately 63.8 acres of land from 'C' Large Lot Zone and 'AG' Agricultural to 'HI' Heavy Industry.

Attachments

Ordinance No.2020.018
Exhibit A
Application
Area Map
Draft Final Plat
Marana Air Commerce Presentation

MARANA ORDINANCE NO. 2020.018

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 63.8 ACRES OF LAND LOCATED ON THE NORTH SIDE OF AVRA VALLEY ROAD, APPROXIMATELY 0.70 MILES EAST OF THE INTERSECTION OF AVRA VALLEY ROAD AND SANDARIO ROAD, FROM 'C' LARGE LOT AND 'AG' AGRICULTURAL TO 'HI' HEAVY INDUSTRY

WHEREAS the Town of Marana (the "Property Owner") owns 63.8 acres of land located on the north side of Avra Valley Road, approximately 0.70 miles east of the intersection of Avra Valley Road and Sandario Road, in Sections 3 and 10, Township 12 South, Range 11 East, described and depicted on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"), which the Town intends to sell to interested parties (the "Future Property Owners") for future development; and

WHEREAS the Property Owner has submitted an application to rezone the Rezoning Area from 'C' Large Lot and 'AG' Agricultural to 'HI' Heavy Industry ("this Rezoning"); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on October 28, 2020, and voted 6 to 0 with one Commissioner absent to recommend that the Town Council approve this Rezoning, subject to the recommended conditions; and

WHEREAS the Marana Town Council held a public hearing on this Rezoning on November 17, 2020 and determined that the application for rezoning should be approved.

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

Section 1. The zoning of the Rezoning Area is hereby changed from 'C' Large Lot and 'AG' Agricultural to 'HI' Heavy Industry.

Section 2. This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on the Property Owners, and their successors in interest (all of whom are collectively included in the term "Property Owners" in the following conditions):

1. Compliance with all applicable provisions of the Town's codes and ordinances current at the time of any subsequent development including, but not limited to,

requirements for public improvements and payment of application fees and applicable development impact fees.

2. Any preliminary plat or development plan for any portion of the Rezoning Area shall be in general conformance with the tentative development plan presented to and approved by the Town Council as part of this Rezoning.
3. A master drainage study must be submitted by the Property Owner and accepted by the Town Engineer prior to Town approval of a preliminary plat or development plan for any portion of the Rezoning Area.
4. A detailed traffic impact analysis must be submitted by the Future Property Owners and accepted by Town staff prior to approval of a preliminary plat or development plan for any portion of the Rezoning Area.
5. A water infrastructure and phasing plan (WIP) must be submitted by the Future Property Owners and accepted by the Marana Water Department (the "water provider") prior to approval of a preliminary plat for any portion of the Rezoning Area. The WIP shall identify all on-site and off-site water facilities needed to serve the proposed development. The WIP shall include all information required by the water provider, such as (but not limited to) analysis of water use and fire flow requirements, and well source, reservoir, and booster station infrastructure needed to serve the proposed development. If the water provider requires a water service agreement as a condition of service to the proposed development, the Future Property Owners must enter into a water service agreement with the water provider consistent with the accepted WIP.
6. A master sewer plan must be submitted by the Future Property Owners and accepted by the Marana Water Department (the "wastewater utility") prior to the approval of any final plat or development plan for the Rezoning Area. The master sewer plan shall identify all on-site and off-site wastewater facilities needed to serve the proposed development, and shall include all information required by the wastewater utility. If the wastewater utility requires a sewer service agreement as a condition of service to the proposed development, the Future Property Owners must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan.
7. The Future Property Owners must design and construct any roadway, drainage, water, and wastewater improvements, and dedicate or acquire any property rights associated with those improvements, that the Town requires based on the data and findings of the accepted traffic impact analysis, the accepted master drainage study, the accepted WIP, the accepted master sewer plan, and other studies approved in connection with the approval of a preliminary plat or development plan for any portion of the Rezoning Area.
8. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the Northwest Fire District

prior to Town Council consideration of a final plat for any portion of the Rezoning Area.

9. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Future Property Owners from responsibility to ensure compliance with all applicable federal and state laws and regulations, including the Endangered Species Act and the Clean Water Act. The Future Property Owners should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.
10. Prior to the issuance of any grading permits, the Future Property Owners shall submit evidence to the Town that all federal permit requirements have been met through the Corps of Engineers and the State Historic Preservation Office, if federal permits are required for the development of the Rezoning Area.
11. A 100% desert tortoise survey shall be completed by a qualified biologist at the Property Owner's expense and approved by the Town prior to the issuance of any grading permits in the Rezoning Area. Any Sonoran Desert tortoises found on the Rezoning Area shall be relocated at the Property Owner's expense.
12. The Property Owner shall not cause any lot split of any kind without the written consent of the Town of Marana.
13. Notwithstanding uses listed as permitted or conditional in the Heavy Industry (HI) zone (Land Development Code (LDC) Section 5.12.03), the following uses are prohibited in the Rezoning Area:
    a. All residential uses
    b. All uses listed in LDC Section 5.11.04. RC, Regional Commercial
    c. Elementary and secondary schools, preschools, day care centers, and similar uses
    d. Colleges, universities, and trade schools
    e. Manufacturing/processing and warehouse/storage of hazardous substances. For purposes of this subparagraph, "hazardous substance" is defined as any substance meeting the definition of "hazardous substance" found in the comprehensive environmental response, compensation, and liability act (CERCLA) § 101(14) (42 U.S.C. § 9601(14)) including but not limited to, those substances listed at 40 CFR § 300.5.
    f. Hotels, motels and other transient lodging establishments
    g. Theaters, playhouses, concert halls, performing arts centers
    h. Outdoor sports events, entertainment and public assembly, amphitheaters

i. Hospitals, nursing and convalescent homes, outpatient surgery centers

j. Religious facilities, libraries, museums, galleries, clubs and lodges

14. Notwithstanding uses listed as permitted or conditional in the HI zone, the following uses are conditional in the Rezoning Area:

    a. Movie, television, and radio studios or broadcasting facilities

15. Land uses that create columns of dust, steam, water vapor, or smoke dense enough to impair pilot or air traffic controller vision and compromise flight safety are prohibited in the Rezoning Area. If the FAA reviews the proposed land use through the 14 CFR Part 77 obstruction evaluation/airport airspace analysis (OE/AAA) process and issues a determination indicating no objections to the proposed land use due to dust, steam, water vapor, or smoke, that determination will be considered adequate evidence that the land use can proceed without creating this hazard.

16. Land uses that produce thermal plumes (such as power plants or other land uses that employ smoke stacks, cooling towers, or that create thermal exhaust), with the potential to interfere with the safe control of aircraft by causing air turbulence, are prohibited in the Rezoning Area. If the FAA reviews the proposed land use through the 14 CFR Part 77 OE/AAA process and issues a determination indicating no objections to the proposed land use due to the potential thermal plume effects, that determination will be considered adequate evidence that the land use can proceed without creating this hazard.

17. Land uses which have the potential to attract birds are prohibited in the Rezoning Area, including the following:

    a. Waste disposal operations, including municipal and commercial solid waste landfills, trash transfer stations that handle waste that are not fully enclosed or lack ventilation and air filtration systems adequate to control odors escaping to the outdoors, and commercial or institutional composting operations that accept food waste

    b. Water management facilities, including stormwater management facilities and artificial ponds, including water detention, retention, or recharge ponds, wastewater treatment facilities and associated settling ponds, and wetlands mitigation projects

18. Notwithstanding the building height restrictions listed in the HI zone, for proposed projects within the Rezoning Area, Future Property Owners and project developers will be required to comply with FAA notice requirements for proposed construction or alteration of objects by filing Form 7460-1, "Notice of Proposed Construction or

Alteration," with the FAA, when the need for filing is indicated by FAA regulations. In general:

a. Objects that penetrate a critical airspace surface, as defined by FAA regulations, and objects that the FAA determines are hazards are prohibited.

b. Objects that do not penetrate a critical airspace surface and that the FAA issues a Determination of No Hazard (DNH) for, are permitted subject to the FAA's DNH conditions.

19. Future Property Owners will be required to incorporate features into the design and construction of buildings in the Rezoning Area where people work or are otherwise present to achieve an outdoor-to indoor noise level reduction of 25 decibels.

20. Future Property Owners shall inform potential buyers that property located within the Rezoning Area falls within the airport influence area as delineated in the Make Marana 2040 General Plan and is subject to frequent overflight by general aviation aircraft.

21. An avigation easement will be recorded concurrently with or prior to issuance of a building permit for any building in the Rezoning Area holding the Town of Marana harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or any other effects that may be caused by aircraft landing, departing or operating at or near the airport, not including the physical impact of aircraft or parts thereof.

22. The following lighting systems are prohibited in the Rezoning Area if they are directed toward the final approach paths of aircraft:

    a. Search lights (including temporary searchlights for special events, etc.)

    b. Stroboscopic lights

    c. Laser lights

    d. A linear array of sequenced flashing lights

    e. Any lighting systems that produce effects mimicking airport identification lighting, runway end identification lighting, or runway approach lighting

23. Building materials that may produce glint and glare causing visual after-images or flash blindness in pilots and air traffic controllers are prohibited in the Rezoning Area. If the FAA reviews the proposed project through the 14 CFR Part 77 OE/AAA process and issues a final Notice of Determination indicating no objections to the potential glint and glare effects of the proposed building materials, the building materials may be used..

Section 3. All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

Section 4. 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, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of November, 2020.

_____
Mayor Ed Honea

ATTEST:

_____
Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Interim Town Attorney

Exhibit A

Legal Description Airport Commerce Rezone

That portion of sections 3 and 10, Township 12 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona, lying North of Avra Valley Road and West of the Central Arizona Project canal, more particularly described as follows:

COMMENCING at the Northeast corner of said section 10;

THENCE S 00°36'01" E along the east line of said section 10 a distance of 2640.64 feet to the southeast corner of the northeast quarter of said section 10;

THENCE S 89°23'54" W along the half section line of said section 10 a distance of 1575.78 feet;

THENCE N 00°34'38" W a distance of 50.00 feet to a point on the north right-of-way of Avra Valley Road and the POINT OF BEGINNING.

THENCE S 89°23'54" W along the north right-of-way of Avra Valley Road a distance of 46.00 feet;

THENCE N 00°34'38" W a distance of 386.49 feet;

THENCE 335.53 feet along a tangential curve to the left, whose radius bears S 89°24'56" E, a distance of 434.00 feet, through a central angle of 44°17'45";

THENCE N 44°52'49" W a distance of 2768.64 feet;

THENCE N 45°01'38" E a distance of 776.11 feet;

THENCE S 50°03'07" E a distance of 2,733.49 feet;

THENCE S 31°34'02" W a distance of 211.93 feet;

THENCE S 50°03'26" E a distance of 161.71 feet;

THENCE S 31°34'02" W a distance of 847.12 feet;

THENCE S 00°02'31" W a distance of 435.95 feet to a point on the N right-of-way of Avra Valley Road;

THENCE S 89°23'54" W along the north right-of-way of Avra Valley Road a distance of 83.90 feet to the POINT OF BEGINNING.

Exhibit A

Legal Description Airport Commerce Rezone



MARANA AZ

Development Services / maranaplanning@maranaAZ.gov
11555 West Civic Center Drive / Marana, AZ 85653
Ph (520) 382-2600 / Fax (520) 382-2641 / maranaAZ.gov

PROJECT APPLICATION

APPLICATION TYPE

☐ Annexation	☐ Development Plan	☐ Development Plan Package	☐ General Plan Amendment
☒ Rezone	☐ Minor Land Division	☐ Significant Land Use Change	☐ Conditional Use Permit
☐ Specific Plan	☐ Landscape Plan	☐ Native Plant Plan/Exception	☐ SWPP
☐ Variance	☐ Hydraulic Model	☐ Sewer Capacity Assurance	☐ Sign Program
☐ Plat	☐ Improvement Plan	☐ Report (Type): _____	☐ Other: _____

PROJECT INFORMATION

Project Name: Marana Air Commerce Park Rezone	
Description of Project: Rezone land along Air Commerce Way	Number of Lots: Two
Parcel No.(s): 1 & 2 Rezone from "C" and "AG" to "HI	Gross Area (Acres): 55.549
Project Address:	
Ref. Project No.:	

CONTACT INFORMATION

Owner: Town of Marana	Contact Name: Curt Woody		
Address: 11555 W. Civic Center Dr.	City: Marana	State: AZ	Zip: 85653
Email: cwoody@maranaaz.gov	Phone No.: (520) 382-1900		
Applicant: Town of Marana	Contact Name: Curt Woody		
Address: 11555 W. Civic Center Dr.	City: Marana	State: AZ	Zip: 85653
Email: cwoody@maranaaz.gov	Phone No.: (520) 382-1900		
Consultant/Engineer: Town Engineer	Contact Name: Keith Brann		
Address: 11555 W. Civic Center Dr.	City: Marana	State: AZ	Zip: 85653
Email: kbrann@maranaaz.gov	Phone No.: 520.382.1900		

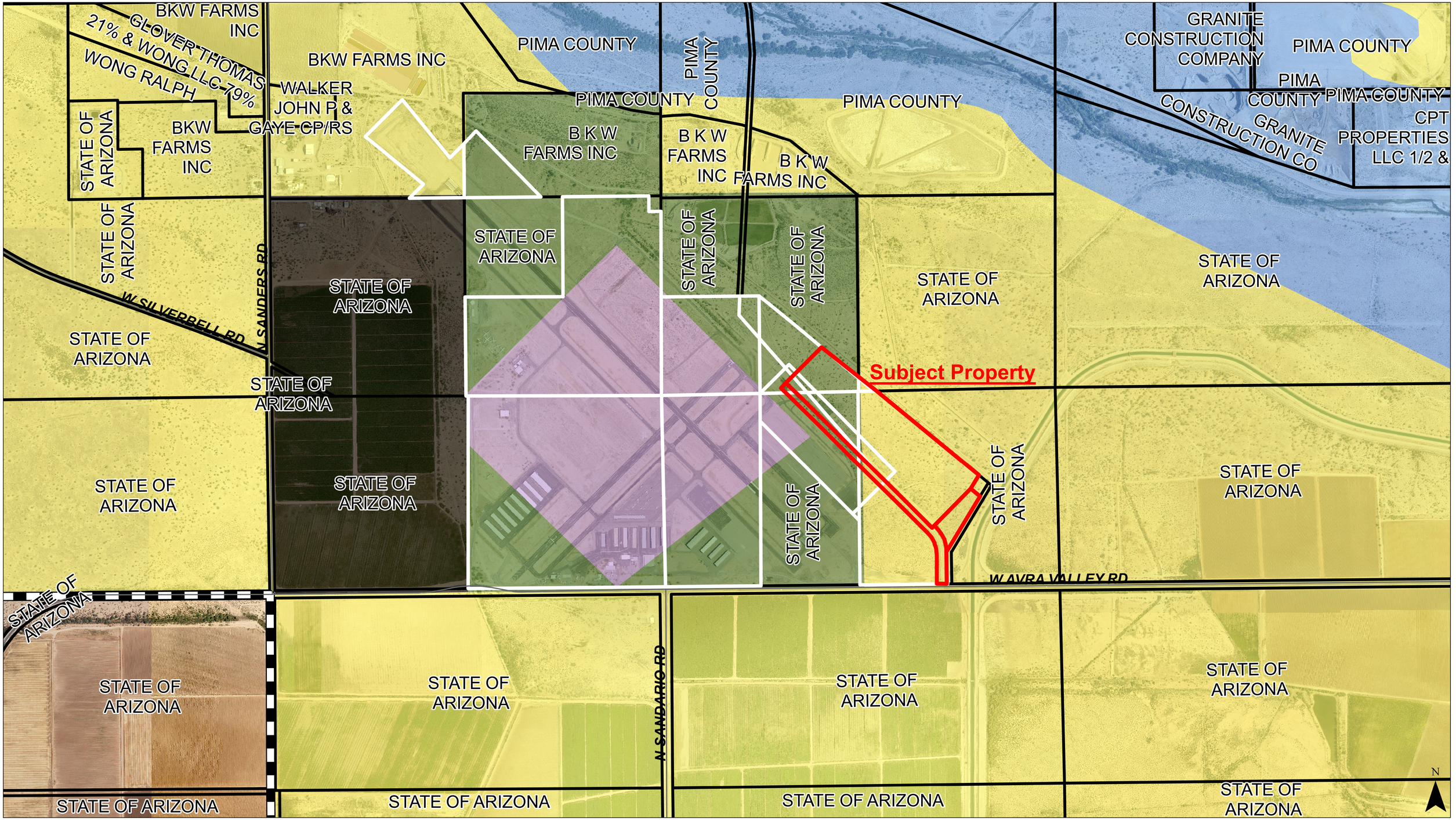
OWNER/APPLICANT AUTHORIZATION

I hereby certify that the information set forth in this application are true and correct to the best of my knowledge and that I am either the owner of the property or that I have been authorized in writing by the owner to file this application. (If applicant is not the owner, attach written authorization from the owner.)

Curt Woody	C Woody	September 20, 2020
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY **Project No** PC2009-001 **Date Received** 9/21/2020

Revision Date 03/29/2019

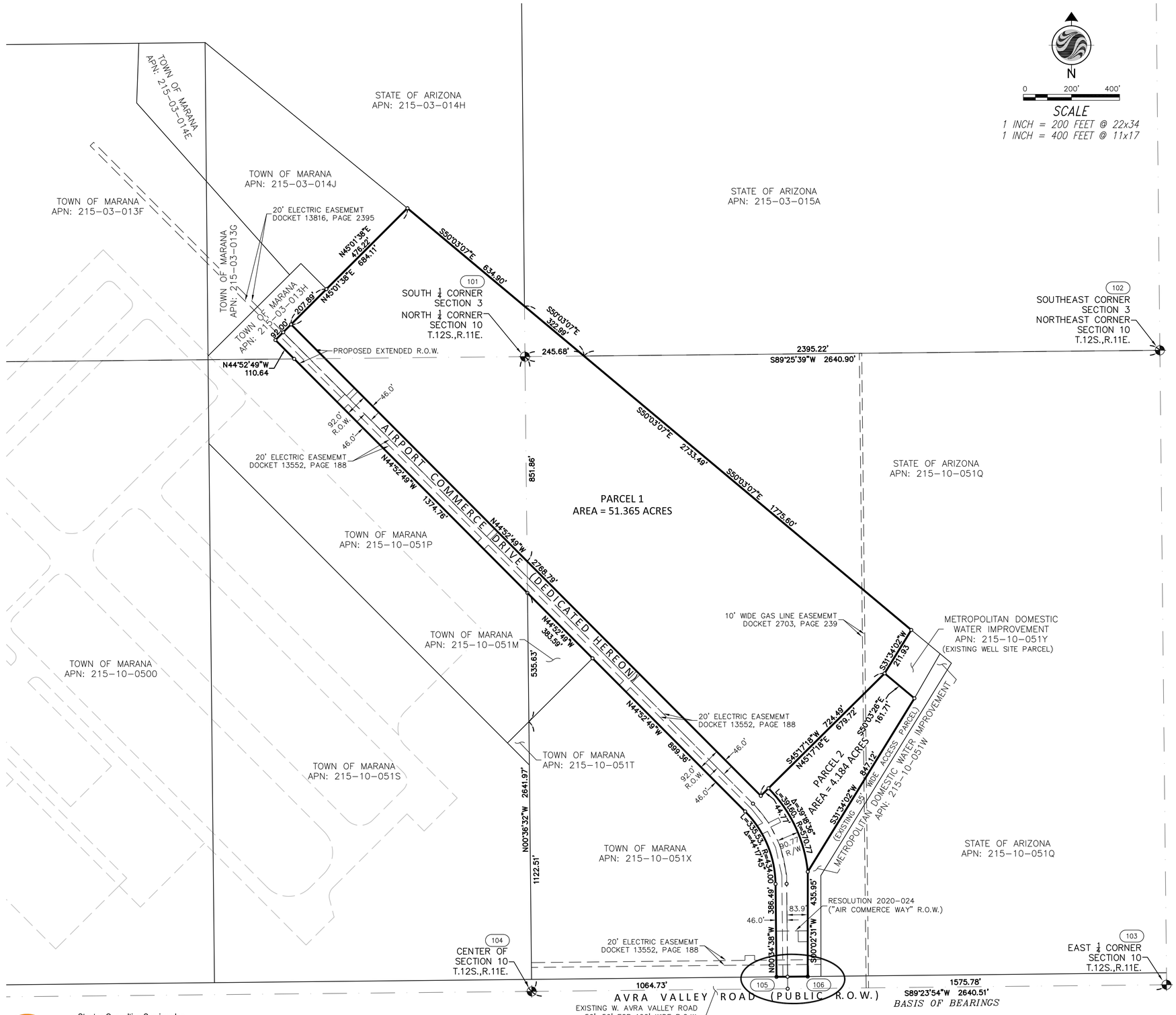


- Streets
- Town Boundary
- East Airport Parcel
- Town of Marana Parcels
- Parcels

Zoning

- AG Agricultural
- C Large Lot Zone
- D Designated Floodplain Zone
- E Transportation Corridor Zone
- HI Heavy Industrial

0 0.25 0.5 1 Mile



MONUMENT NOTES

(101) FOUND 1/2" REBAR W/CAP #39325
HELD FOR NORTH 1/4 CORNER OF SECTION 10

(102) FOUND 2.5" G.L.O. CAP
HELD FOR NORTHEAST CORNER OF SECTION 10

(103) FOUND 3" AZ HIGHWAY DEPT. DISK
HELD FOR EAST QUARTER-CORNER OF SECTION 10

(104) FOUND RAILROAD SPIKE
HELD FOR CENTER CORNER OF SECTION 10

(105) FOUND 1/2" REBAR
HELD AIRPORT ROADWAY RIGHT-OF-WAY CORNER

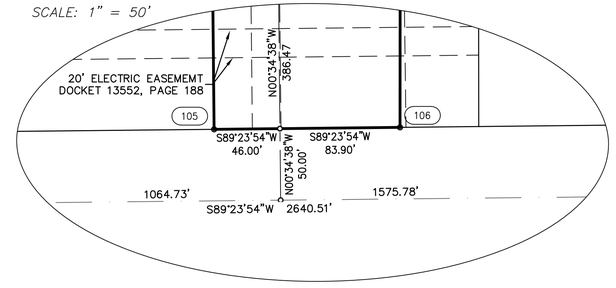
(106) FOUND 1/2" REBAR
HELD FOR AIRPORT ROADWAY RIGHT-OF-WAY CORNER

LEGEND

- BOUNDARY LINE
- PROPERTY LINE
- ROAD CENTERLINE
- EASEMENT LINE
- SECTION LINE OR MID-SECTION LINE
- INDICATES SECTION MONUMENT AS NOTED HEREON
- INDICATES FOUND PROPERTY CORNER AS NOTED HEREON
- INDICATES NEW PROPERTY CORNER TO BE SET

DETAIL VIEW

SCALE: 1" = 50'



DRAFT

IN ACCORDANCE WITH CERTIFICATION
SHOWN ON SHEET 1

FINAL PLAT

MARANA REGIONAL AIRPORT

COMMERCIAL CLUSTER PROJECT
CONSISTING OF:
LOTS 1 AND 2 - PRIVATE COMMERCIAL LOTS
AIRPORT ROAD - VARIABLE WIDTH, PUBLIC RIGHT OF WAY

A RESUBDIVISION OF A PORTION OF THE MARANA REGIONAL AIRPORT, LOCATED IN SECTIONS 3 & 10 OF TOWNSHIP 12 SOUTH, RANGE 11 EAST, G.&S.R.M., TOWN OF MARANA, PIMA COUNTY, ARIZONA

CASE REFERENCES:
xx##-####
x#-##-##

DP 19-####
SEPTEMBER, 2020

Sheet 2 of 2

Stantec Consulting Services Inc.
3133 West Frye Road, Ste. 300
Chandler, Arizona
85226-5110
Tel. 480.687.6100
Fax. 602.431.9562
www.stantec.com

PROJECT No. 2042530019

TWO WORKING DAYS BEFORE YOU DIG CALL FOR THE BLUE STAKES
1-800-782-5348
BLUE STAKE CENTER
CALL COLLECT

NOTICE OF DRAWING AUTHORIZATION
USE OF THE INFORMATION CONTAINED IN THIS INSTRUMENT FOR OTHER THAN THE SPECIFIC PURPOSE FOR WHICH IT WAS INTENDED AND FOR OTHER THAN THE CLIENT FOR WHOM IT WAS PREPARED IS FORBIDDEN UNLESS EXPRESSLY PERMITTED IN WRITING IN ADVANCE BY STANTEC CONSULTING INC. AND STANTEC CONSULTING INC. SHALL HAVE NO LIABILITY TO ANY USE OF THIS INFORMATION WITHOUT THEIR WRITTEN CONSENT.

V:\2042\Active\2042530019\Drawings\Model Files\PrelPlat\530019_PrelPlat.dwg
2020/07/03 10:24 AM by Carr Rick

SEQ.

MARANA, ARIZONA

YOUR TOWN

PCZ2009-001
Marana Air Commerce Park

Town Council
November 17, 2020

MARANA, ARIZONA
YOUR TOWN

Location and Request

- **Location:** Marana Airport
- **Ownership:**

  Town of Marana
- **Town Initiated Request:**

  Recommendation to Town Council for approval of rezoning
- **Size:** 63.8 acres
- **2040 General Plan:**

  Land Use: Employment

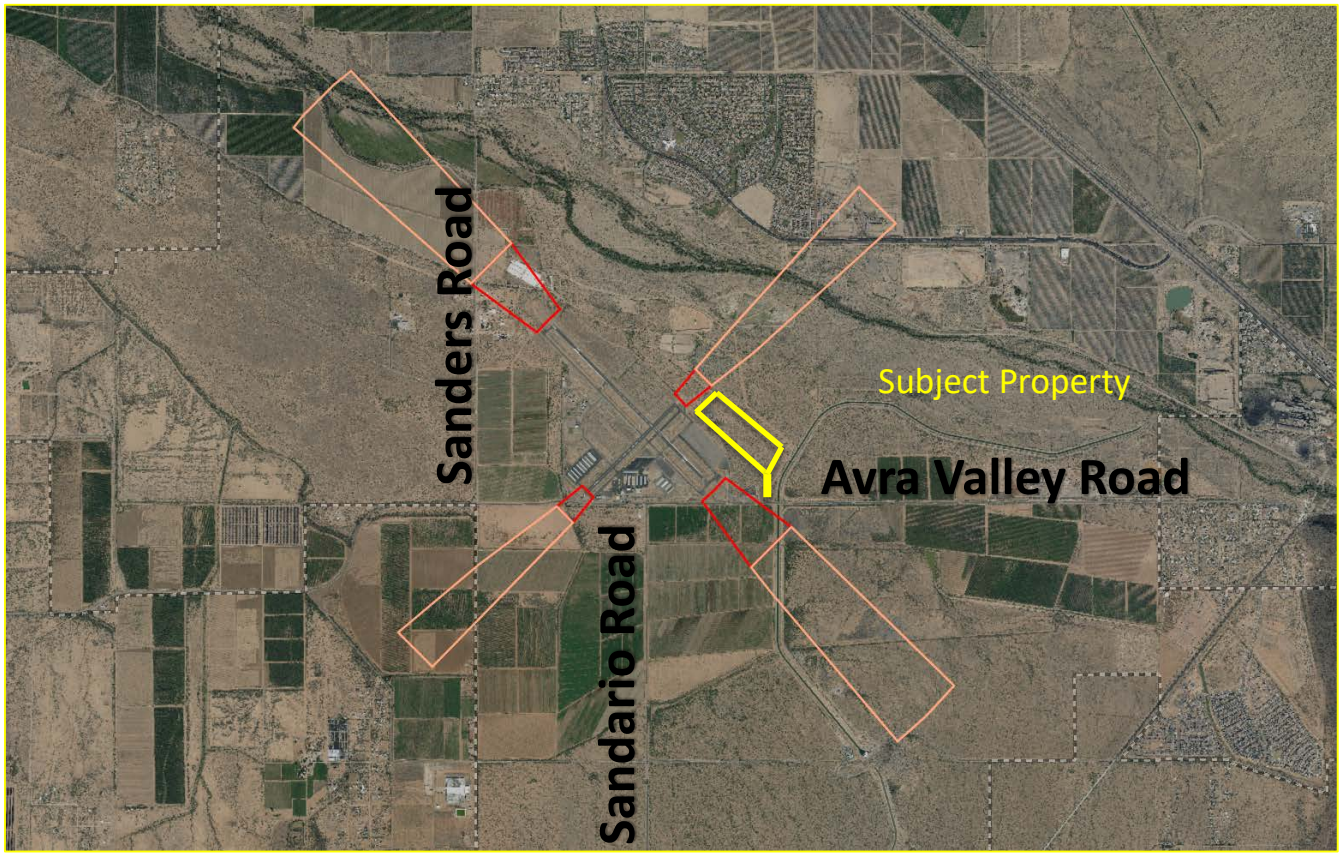
  Airport Safety Zones:

  Runway Protection Zone

  Approach Restriction Area
- **Existing Zoning:**

  C (Large Lot)

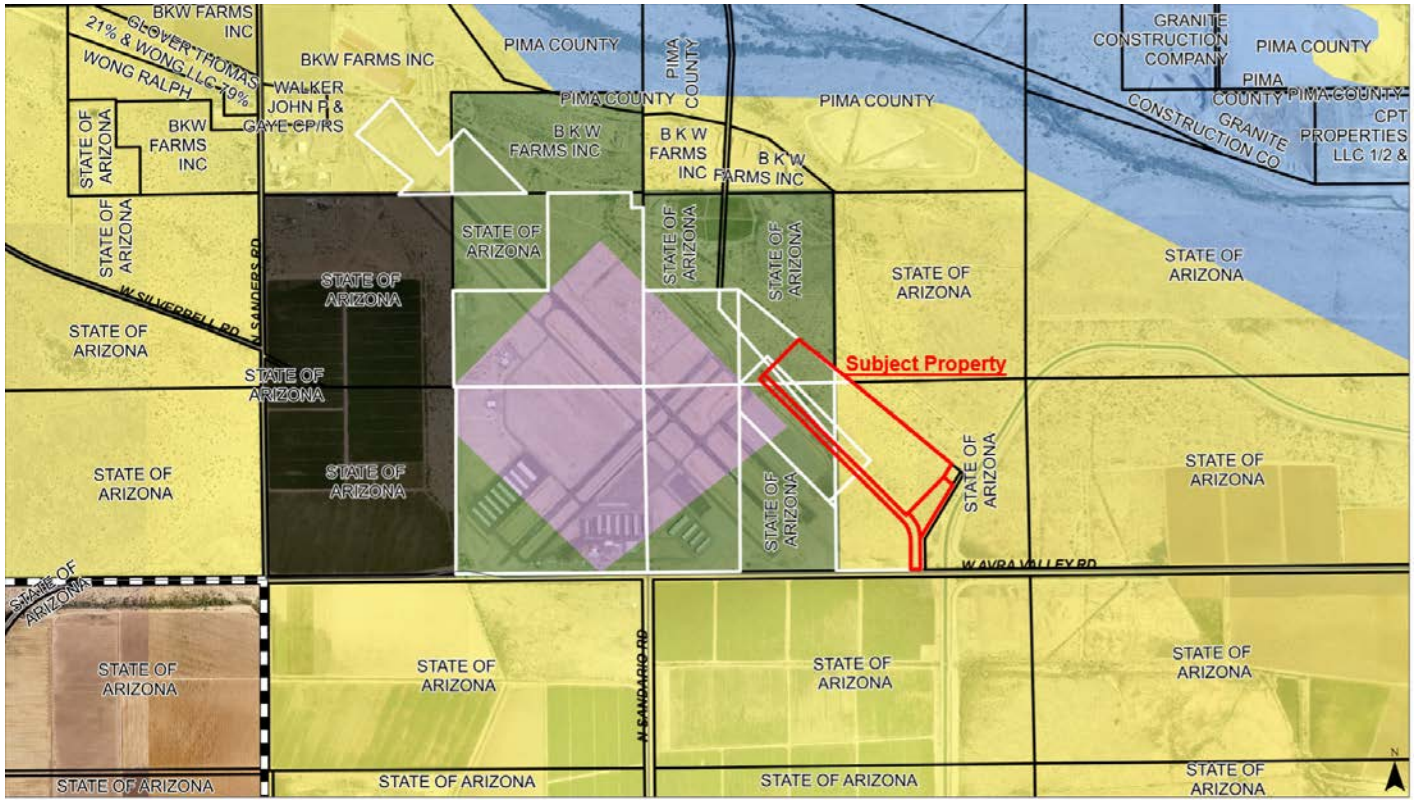
  AG (Agricultural)
- **FEMA Floodplain:** AO Zone



MARANA, ARIZONA
YOUR TOWN

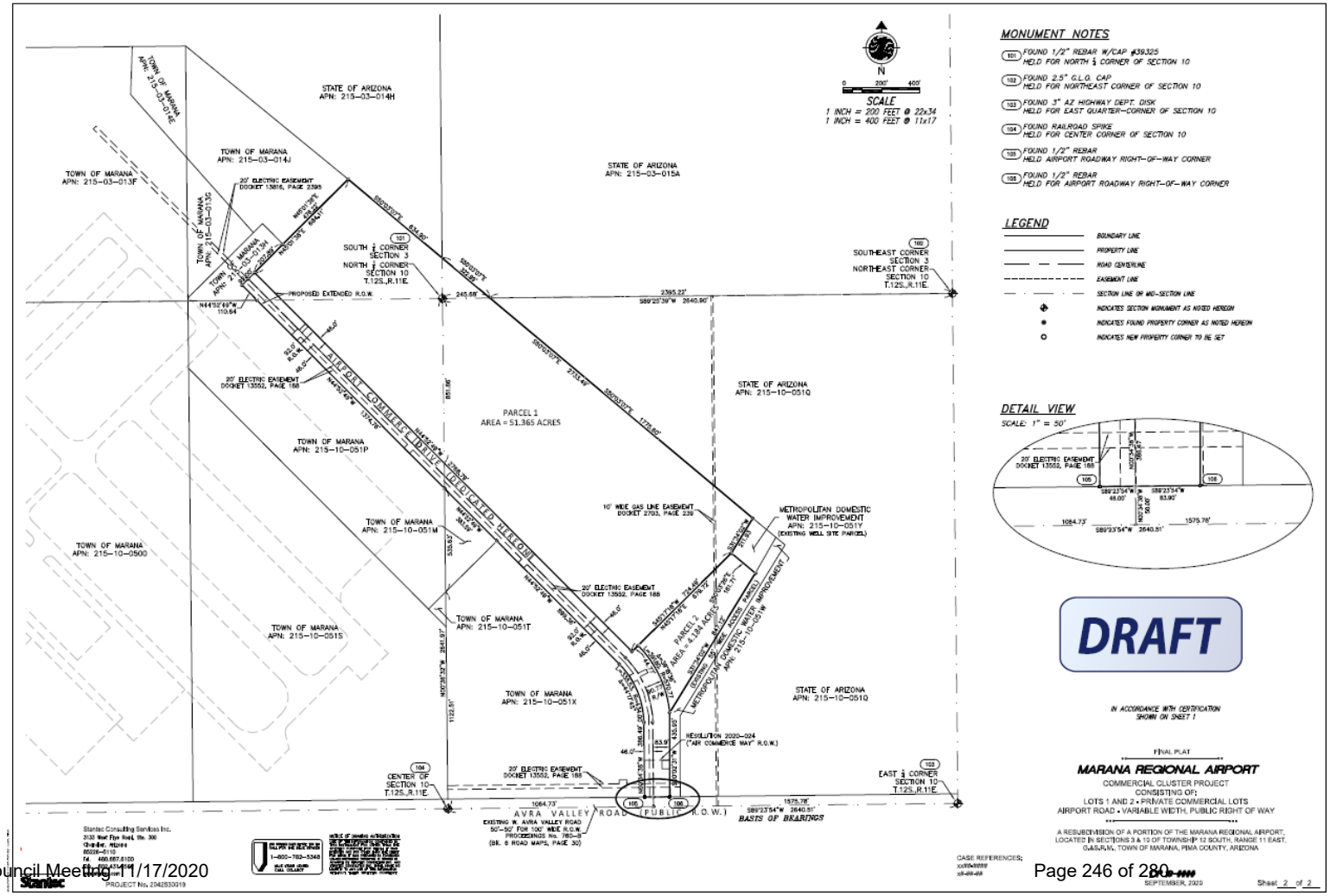
Zoning and Ownership

- **Rezoning**
  - HI (Heavy Industry)
- **Allowed Uses**
  - Manufacturing
  - Wholesaling and Warehousing
  - Services
  - Commercial
- **FAA Restrictions**
  - Height
  - Uses and materials:
    - Uses that create dust, smoke, plumes
    - Materials that produce glare, after images, flash blindness



Future Development

- **Final Platting**
  - Facilitate sale of land
  - Right-of-way dedication (Airport Commerce Drive)



MARANA, ARIZONA
YOUR TOWN

Recommendation

Recommendation:

- **Staff recommends the adoption of Ordinance No. 2020.018, approving the Marana Air Commerce Park Rezoning.**

Council-Regular Meeting **A5**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Jane Fairall, Deputy Town Attorney

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2020-127: Relating to Finance; rescinding Section 3 of Mayor Honea's Amendment No. 4 to Proclamation of Local Emergency which temporarily waived the assessment of certain fees in the Town of Marana comprehensive fee schedule (Jane Fairall)

Discussion:

On March 17, 2020, Mayor Ed Honea issued a Proclamation of Local Emergency in response to the actions taken by federal, state, and local jurisdictions in addressing conditions related to the COVID-19 pandemic outbreak. On March 31, 2020, Mayor Honea issued Amendment No. 4 to the Proclamation of Local Emergency to, among other items, temporarily waive the assessment of certain fees included in the Town of Marana comprehensive fee schedule in light of the continuing emergency and its economic ramifications.

A copy of Amendment No. 4 is attached for reference. The fees that were temporarily waived were as follows:

- Late Payment Fee $15.00
- Returned Check Fee $25.00
- Online Returned Check Fee $10.00
- Dog License Fees; Penalty Fee $10.00
- Late License Renewal Greater of $10.00 or 25% of annual license fee

The proposed resolution will rescind that portion of the Mayor's order that temporarily waived the assessment of these fees. The order was enacted to provide Town of Marana customers temporary relief during a period of transition when the Town closed several Town buildings to customers while dealing with the impact of the pandemic. While the pandemic still exists, Town buildings are fully open to assist customer with their payment needs.

Financial Impact:

The repeal of emergency fee waiver is not anticipated to have a material effect on the Town's budget.

Staff Recommendation:

Staff recommends approval of the repeal of the emergency fee waiver.

Suggested Motion:

I move to adopt Resolution No. 2020-127, rescinding Section 3 of Mayor Honea's Amendment No. 4 to Proclamation of Local Emergency which temporarily waived the assessment of certain fees in the Town of Marana comprehensive fee schedule.

Attachments

Resolution 2020-127

Amendment No. 4 to Emergency Proclamation

MARANA RESOLUTION NO. 2020-127

RELATING TO FINANCE; RESCINDING SECTION 3 OF MAYOR HONEA'S AMENDMENT NO. 4 TO PROCLAMATION OF LOCAL EMERGENCY WHICH TEMPORARILY WAIVED THE ASSESSMENT OF CERTAIN FEES IN THE TOWN OF MARANA COMPREHENSIVE FEE SCHEDULE

WHEREAS on March 17, 2020, Mayor Ed Honea issued a Proclamation of Local Emergency in response to the actions taken by federal, state, and local jurisdictions in addressing conditions related to the COVID-19 pandemic outbreak; and

WHEREAS on March 31, 2020, Mayor Honea issued Amendment No. 4 to the Proclamation of Local Emergency to, among other items, temporarily waive the assessment of certain fees included in the Town of Marana comprehensive fee schedule in light of the continuing emergency and its economic ramifications; and

WHEREAS the Mayor and Council find that the best interests of Marana and its residents are served by approving this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, that Section 3 of Mayor Honea's Amendment No. 4 to the Proclamation of Local Emergency temporarily waiving the assessment of certain fees in the Town of Marana comprehensive fee schedule is hereby rescinded, and the Town Manager and staff are hereby authorized and directed to take further action consistent with the provisions of this resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 17th day of November, 2020.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Interim Town Attorney

MARANA AZ
OFFICE OF THE MAYOR

AMENDMENT NO. 4 TO PROCLAMATION OF THE MAYOR OF THE TOWN OF MARANA DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS on March 17, 2020, Mayor Ed Honea issued a Proclamation of Local Emergency in response to the actions taken by federal, state, and local jurisdictions in addressing conditions related to the COVID-19 pandemic outbreak; and

WHEREAS on March 19, 2020, Mayor Ed Honea issued Amendment No. 1 to the Proclamation of Local Emergency to order all restaurants, bars, gyms, and other places of public gathering to close until midnight on March 31, 2020; and

WHEREAS on March 19, 2020, Arizona Governor Douglas A. Ducey issued Executive Order 2020-09, limiting the operations of certain businesses until further notice to slow the spread of COVID-19; and

WHEREAS on March 21, 2020, Mayor Ed Honea issued Amendment No. 2 to the Proclamation of Local Emergency to order all Town of Marana buildings, service counters, and lobbies closed to use and occupancy by members of the public until midnight on April 10, 2020, with limited exceptions; and

WHEREAS on March 23, 2020, Arizona Governor Douglas A. Ducey issued Executive Order 2020-12, prohibiting counties, cities, or towns from making or issuing any order, rule, or regulation that restricts or prohibits any person from performing any function designated as essential by the Governor, the Director of the Arizona Department of Health Services, or the Division of Emergency Management during the COVID-19 public health emergency; and

WHEREAS on March 25, 2020, Mayor Ed Honea issued Amendment No. 3 to the Proclamation of Local Emergency to clarify his previous Proclamation and Amendments in relation to Governor Ducey's Executive Order 2020-12; and

WHEREAS on March 30, 2020, Arizona Governor Douglas A. Ducey announced that Arizona schools would remain closed for the rest of the school year; and

WHEREAS on March 30, 2020, Arizona Governor Douglas A. Ducey issued Executive Order 2020-18 "Stay Home, Stay Healthy, Stay Connected" ordering that until April 30, 2020, all citizens may leave their place of residence only for Essential Activities, to participate in or receive Essential Governmental Functions, or to participate in or fulfill Essential Functions, all as defined by Executive Orders 2020-18 and 2020-12; and

WHEREAS on March 31, 2020, the President of the United States of America, Donald J. Trump, issued updated "Coronavirus Guidelines for America: 30 Days to Slow the Spread"; and

WHEREAS Mayor Ed Honea has found it necessary to issue Amendment No. 4 to the Proclamation of Local Emergency to conform to Governor Ducey's Executive Order 2020-18, to extend Mayor Honea's previous orders related to the closure of Town buildings, service counters, and lobbies, and to temporarily waive the assessment of certain fees included in the Town of Marana comprehensive fee schedule in light of the continuing emergency and its economic ramifications; and

WHEREAS all other provisions of the Proclamation of Local Emergency, as previously amended, not in conflict with this Amendment No. 4 will remain in force until the emergency declared herein abates and is withdrawn; and

NOW, THEREFORE, pursuant to A.R.S. § 26-307, A.R.S. § 26-311, and Town Code section 2-3-4 (E), the elements of which are met under the circumstances described in the March 17, 2020 Proclamation of Local Emergency, the Mayor of the Town of Marana, Ed Honea:

IT IS PROCLAIMED AND ORDERED AS FOLLOWS:

1. Amendment No. 1 to the Proclamation of Local Emergency ordering all restaurants, bars, gyms, and other places of public gathering in the Town of Marana to close until midnight on March 31, 2020, is hereby rescinded. Citizens shall adhere to the executive orders of Governor Ducey regarding the closure of these businesses and others, including Executive Order 2020-09 "Limiting the Operations of Certain Businesses to Slow the Spread of COVID-19" and Executive Order 2020-18 "Stay Home, Stay Healthy, Stay Connected."
2. The orders included in Amendment No. 2 to the Proclamation of Local Emergency ordering all Town of Marana buildings, service counters, and lobbies closed to use and occupancy by members of the public until midnight on April 10, 2020, with limited exceptions, are hereby extended until midnight on April 30, 2020. If Governor Ducey extends Executive Order 2020-18 "Stay Home, Stay Healthy, Stay Connected" beyond April 30, 2020, the orders included in Amendment No. 2 closing all Town of Marana buildings, service counters, and lobbies will automatically be extended, without further amendment, to correspond to the end date of Governor Ducey's Executive Order 2020-18.
3. The assessment of the following fees, which are included in the Town of Marana comprehensive fee schedule as adopted by the Town Council on February 7, 2017 via Ordinance No. 2017.004, and amended from time to time, most recently on January 21, 2020 via Ordinance 2020.002, is hereby temporarily waived until further notice:

Fee/Description	Amount	Unit of Measure	Notes
Late Payment Fee	$15.00	Per late payment	
Returned Check Fee	$25.00	Per returned check	

Fee/Description	Amount	Unit of Measure	Notes
Online Returned Check Fee	$10.00	Per violation	NSF (for online and phone check/savings transactions with insufficient funds)
Dog License Fees; Penalty Fee	$10.00	Per animal	Assessed when license not renewed within 30 days of due date established by the Town.
Late License Renewal	Greater of $10.00 or 25% of annual license fee	Per late license renewal	

4. These emergency regulations shall remain in full force and effect until such time as the emergency declared herein abates and is withdrawn, or a subsequent proclamation is issued with amendments.

5. In accordance with A.R.S. § 26-307(B), this proclamation shall be effective when a copy is filed in the office of the Town Clerk. All existing laws and rules in conflict of the same are hereby suspended during the time and to the extent that they conflict.

PROCLAIMED this 31st day of March, 2020 at the Town of Marana, Arizona.

TOWN OF MARANA

Ed Honea

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Frank Cassidy, Town Attorney

Council-Regular Meeting **A6**

Meeting Date: 11/17/2020

To: Mayor and Council

From: Jane Fairall, Deputy Town Attorney

Date: November 17, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: Ordinance No. 2020.019: Relating to Offenses; revising Marana Town Code Title 11 (Offenses) by adding new Chapter 11-9 (Recreational Marijuana) relating to the regulation of recreational marijuana and renumbering the chapters that follow to conform; and declaring an emergency (Jane Fairall)

Resolution No. 2020-128: Relating to Offenses; declaring as a public record filed with the Town Clerk new Chapter 11-9 (Recreational Marijuana) of Title 11 (Offenses) of the Marana Town Code adopted by Marana Ordinance No. 2020.019 (Jane Fairall)

Discussion:

The statewide ballot measure known as "Smart and Safe Arizona Act" was certified as Proposition 207 and placed on the November 3, 2020 general election ballot and has been approved by a majority of the votes cast at the election. Proposition 207 contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least 21 years old; authorizing possession, transport, cultivation or processing of marijuana plants in a primary residence by adults over 21 years old; allowing a nonprofit medical marijuana dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allowing the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants.

The act allows a municipality to limit the number of marijuana establishments and marijuana testing facilities in its jurisdiction, or to prohibit them outright. It also allows

a municipality to prohibit the use, sale, cultivation, manufacture, production or distribution of marijuana and marijuana products on the municipality's own property.

Section 17-6-14 of the Land Development Code (as incorporated in the Town Code) allows for and regulates medical marijuana dispensaries in the Town. Section 17-6-14(F) limits the number of medical marijuana dispensaries permitted within the Town limits to two and allows for an increase of one additional medical marijuana dispensary for each Marana population increase of 50,000 over and above the official 2010 census figure for Marana.

The League of Arizona Cities and Towns developed a model ordinance for municipalities' use, with various options based on the Town's preferences. Town staff has drafted the proposed new Town Code Chapter 11-9 regulating recreational marijuana to provide the following:

- Smoking marijuana is prohibited in public places and in open spaces (such as public parks), as set forth in Proposition 207.
- The use, sale, cultivation, manufacture, production or distribution of marijuana and marijuana products on Town property is prohibited.
- The operation of a marijuana establishment is prohibited in the town, except that a dual licensee may operate both a nonprofit medical marijuana dispensary and marijuana establishment cooperatively in a shared location, subject to the provisions and regulations of section 17-6-14.
- The operation of a marijuana testing facility is prohibited in the town.

Violation of the prohibition on smoking in public places and open spaces is classified as a petty offense, in accordance with Proposition 207. Any other violation of Chapter 11-9 is class 1 misdemeanor as provided in existing Section 11-9-1 of the Code (which will be renumbered by adoption of the proposed ordinance).

Staff Recommendation:

Staff recommends approval of the ordinance regulating recreational marijuana.

Suggested Motion:

I move to adopt Ordinance No. 2020.019, revising Marana Town Code Title 11 by adding new Chapter 11-9 relating to the regulation of recreational marijuana.

Attachments

Ordinance No. 2020.019
Resolution 2020-128
Exhibit A to Resolution-Chapter 11-9
Proposition 207

MARANA ORDINANCE NO. 2020.019

RELATING TO OFFENSES; REVISING MARANA TOWN CODE TITLE 11 (OFFENSES) BY ADDING NEW CHAPTER 11-9 (RECREATIONAL MARIJUANA) RELATING TO THE REGULATION OF RECREATIONAL MARIJUANA AND RENUMBERING THE CHAPTERS THAT FOLLOW TO CONFORM; AND DECLARING AN EMERGENCY

WHEREAS marijuana contains tetrahydrocannabinol ("THC"), which remains on Schedule I of the Controlled Substances Act pursuant to 21 U.S.C. § 811 et al. and any possession and use is a violation of federal law pursuant to 21 U.S.C. § 841 et. al.; and

WHEREAS the Arizona Medical Marijuana Act, Arizona Revised Statutes Sections § 36-2801 et al., and Title 9, Chapter 17 of the Arizona Administrative Code allow the establishment and operation of nonprofit medical marijuana dispensaries in the Town according to a prescribed statutory and regulatory process; and

WHEREAS the statewide ballot measure I-23-2020, known as "Smart and Safe Arizona Act" was certified as Proposition 207 and placed on the November 3, 2020 general election ballot and has been approved by a majority of the votes cast at the election; and

WHEREAS Proposition 207 contains provisions authorizing the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least 21 years of age; authorizing possession, transport, cultivation or processing of marijuana plants in a primary residence by adults over 21 years of age; allowing a nonprofit medical marijuana dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allowing the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants; and

WHEREAS the Town finds that Proposition 207 authorizes marijuana establishments to use chemical extraction or chemical synthesis, including butane and other flammable gases, to extract marijuana concentrate, which poses a threat to the health, safety and security of the community and increases the responsibilities of law enforcement and other Town departments to respond to violations of state and local laws, including building, electrical and fire codes; and

WHEREAS the Town seeks to protect public health, safety, and welfare by prohibiting marijuana establishments and marijuana testing facilities in the Town; and

WHEREAS the Town Council finds that adoption of this ordinance is in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 11 (Offenses) is hereby amended by adding new Chapter 11-9 (Recreational Marijuana), which was made a public record by and attached as Exhibit A to Marana Resolution No. 2020-128 and is hereby adopted and made a part of this ordinance by reference as if fully set out here.

SECTION 2. The following penalty clause is included in Chapter 11-9 (Recreational Marijuana):

11-9-3 Smoking marijuana prohibited on public property; classification

A. It is unlawful for a person to smoke marijuana in a public place or open space in the town.

B. Any person who fails to comply with this section is guilty of a petty offense.

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. 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 5. 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 6. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 17th day of November, 2020.

_____
Mayor Ed Honea

ATTEST:

_____
Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Interim Town Attorney

MARANA RESOLUTION NO. 2020-128

RELATING TO OFFENSES; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK NEW CHAPTER 11-9 (RECREATIONAL MARIJUANA) OF TITLE 11 (OFFENSES) OF THE MARANA TOWN CODE ADOPTED BY MARANA ORDINANCE NO. 2020.019

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that new Chapter 11-9 (Recreational Marijuana) of Title 11 (Offenses) of the Marana Town Code adopted by Marana Ordinance No. 2020.019, a copy of which is attached to and incorporated in this resolution as Exhibit A, and one paper copy and one electronic copy of which are on file in the office of the Town Clerk, is hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 17th day of November, 2020.

Mayor Ed Honea

ATTEST:

Cherry Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Interim Town Attorney

SECTION 1. Title 11 "Offenses" of the Marana Town Code is hereby revised by adding new chapter 11-9 "Recreational Marijuana" as follows:

CHAPTER 11-9. RECREATIONAL MARIJUANA

11-9-1 Purpose and intent

The purpose of this chapter is to protect the health, safety, and welfare of the community. Except as allowed by law for personal, private use, the town prohibits the retail sale, cultivation, and manufacturing of marijuana or marijuana products in Marana. Nothing in this article is intended to promote or condone the sale, cultivation, manufacture, transport, production, distribution, possession, or use of marijuana or marijuana products in violation of any applicable law.

11-9-2 Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates or requires a different meaning.

A. "Consume," "consuming," and "consumption" mean the act of ingesting, inhaling or otherwise introducing marijuana into the human body.

B. "Consumer" means an individual who is at least 21 years old and who purchases marijuana or marijuana products.

C. "Cultivate" and "cultivation" mean to propagate, breed, grow, prepare and package marijuana.

D. "Department" means the Arizona department of health services or its successor agency.

E. "Dual licensee" means an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license.

F. "Manufacture" and "nanufacturing" mean to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

G. "Marijuana" means:

1. All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin.

2. Includes cannabis as defined in A.R.S. § 13-3401.

3. Does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

H. "Marijuana concentrate" means:

1. Resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol.

2. Does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products.

I. "Marijuana establishment" means an entity licensed by the department to operate all of the following:

1. A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana, and manufacture marijuana products.

2. A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana, and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

3. A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

J. "Marijuana products" means marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures.

K. "Marijuana testing facility" means the department or another entity that is licensed by the department to analyze the potency of marijuana and test marijuana for harmful contaminants.

L. "Nonprofit medical marijuana dispensary" or "medical marijuana dispensary" means a nonprofit entity as defined in A.R.S. § 36-2801(12).

M. "Open space" means a public park, public sidewalk, public walkway, or public pedestrian thoroughfare.

N. "Person" means an individual, partnership, corporation, association, or any other entity of whatever kind or nature.

O. "Process" and "processing" means to harvest, dry, cure, trim or separate parts of the marijuana plant.

P. "Public place" has the same meaning prescribed in the smoke-free-Arizona act, A.R.S. § 36-601.01.

Q. "Smoke" means to inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic.

11-9-3 Smoking marijuana prohibited in public places and open spaces; classification

A. It is unlawful for a person to smoke marijuana in a public place or open space in the town.

B. Any person who fails to comply with this section is guilty of a petty offense.

11-9-4 Marijuana prohibited on town property

The use, sale, cultivation, manufacture, production or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled or operated by the town.

11-9-5 Marijuana establishment prohibited; dual licensee exception

A. To the fullest extent allowable by law, the operation of a marijuana establishment is prohibited in the town, except where authorized for a dual licensee who:

1. Operates both a nonprofit medical marijuana dispensary and marijuana establishment cooperatively in a shared location, subject to the provisions and regulations of section 17-6-14; and

2. Has not forfeited or terminated the nonprofit medical marijuana dispensary registration from the department.

11-9-6 Marijuana testing facility prohibited

To the fullest extent allowable by law, the operation of a marijuana testing facility is prohibited in the town.

Smart and Safe Arizona
Chad Campbell
2303 N. 44th Street, Suite 14
Box 1192
Phoenix, AZ 85008
info@smartandsafeaz.com

Having completed the requirements of A.R.S. § 19-121.04, I hereby certify that:

674 signature pages bearing **6,093** signatures for initiative petition serial number I-23-2020 have been refused for filing in this office as provided by law. A total of **12,894** signatures included on the remaining petition sheets were found to be ineligible. Of the total random sample of **20,780** signatures, a total of **8,026** signatures were invalidated by the county recorders resulting in a failure rate of **38.62%** percent. The actual number of remaining signatures for such initiative petition number I-23-2020 are equal to or in excess of the minimum required by the constitution to place a measure on the general election ballot. The number of valid signatures filed with this petition, based on the random sample, appears to be at least one hundred percent of the minimum required or through examination of each signature has been certified to be greater than the minimum required by the constitution.



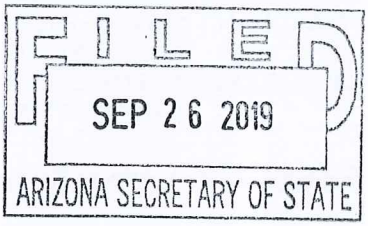
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Arizona. Done at the Capitol in Phoenix, this 10th day of August 2020.

KATIE HOBBS
Secretary of State

OFFICIAL TITLE
AN INITIATIVE MEASURE

AMENDING SECTION 36-2817, ARIZONA REVISED STATUTES; AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.2; AMENDING TITLE 42, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10; AMENDING TITLE 43, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-108; RELATING TO THE RESPONSIBLE ADULT USE, REGULATION AND TAXATION OF MARIJUANA.

TEXT OF PROPOSED AMENDMENT



Be it enacted by the People of the State of Arizona:

Section 1. Short title

This act may be cited as the "Smart and Safe Arizona Act".

Section 2. Findings and declaration of purpose

The People of the State of Arizona find and declare as follows:

1. In the interest of the efficient use of law enforcement resources, enhancing revenue for public purposes, and individual freedom, the responsible adult use of marijuana should be legal for persons twenty-one years of age or older, subject to state regulation, taxation, and local ordinance.

2. In the interest of the health and public safety of our citizenry, the legal adult use of marijuana should be regulated so that:

(a) Legitimate, taxpaying business people, and not criminal actors, conduct sales of marijuana.

(b) Marijuana sold in this state is tested, labeled and subject to additional regulations to ensure that consumers are informed and protected.

(c) Employers retain their rights to maintain drug-and-alcohol-free places of employment.

(d) The health and safety of employees in the marijuana industry are protected.

(e) Individuals must show proof of age before purchasing marijuana.

(f) Selling, transferring, or providing marijuana to minors and other individuals under the age of twenty-one remains illegal.

(g) Driving, flying or boating while impaired to the slightest degree by marijuana remains illegal.

Section 3. Section 36-2817, Arizona Revised Statutes, is amended to read:

36-2817. Medical marijuana fund; private donations

A. The medical marijuana fund is established consisting of fees collected, civil penalties imposed and private donations received under this chapter. The department shall administer the fund. Monies in the fund are continuously appropriated.

B. The director of the department may accept and spend private grants, gifts, donations, contributions and devises to assist in carrying out the provisions of this chapter.

C. Monies in the medical marijuana fund do not revert to the state general fund at the end of a fiscal year.

D. ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, THE DIRECTOR OF THE DEPARTMENT SHALL TRANSFER THE FOLLOWING SUMS FROM THE MEDICAL MARIJUANA FUND FOR THE FOLLOWING PURPOSES:

1. $15,000,000 TO THE ARIZONA TEACHERS ACADEMY FUND ESTABLISHED BY SECTION 15-1655.

2. $10,000,000 TO THE DEPARTMENT TO FUND THE FORMATION AND OPERATION OF COUNCILS, COMMISSIONS AND PROGRAMS DEDICATED TO IMPROVING PUBLIC HEALTH, INCLUDING TEEN SUICIDE PREVENTION, THE MATERNAL MORTALITY REVIEW PROGRAM, IMPROVING YOUTH HEALTH, SUBSTANCE ABUSE PREVENTION, ADDRESSING ADVERSE CHILDHOOD EXPERIENCES, THE ARIZONA POISON CONTROL SYSTEM ESTABLISHED PURSUANT TO SECTION 36-1161, THE ARIZONA HEALTH IMPROVEMENT PLAN, THE CHILD FATALITY REVIEW TEAM ESTABLISHED PURSUANT TO SECTION 36-3501 AND THE CHRONIC PAIN SELF MANAGEMENT PROGRAM.

3. $10,000,000 TO THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY TO DISTRIBUTE GRANTS FOR THE FOLLOWING PURPOSES:

(a) REDUCING IMPAIRED DRIVING, INCLUDING CONDUCTING TRAINING PROGRAMS AND PURCHASING EQUIPMENT FOR DETECTING, TESTING AND ENFORCING LAWS AGAINST DRIVING, FLYING OR BOATING WHILE IMPAIRED.

(b) EQUIPMENT, TRAINING AND PERSONNEL COSTS FOR DEDICATED TRAFFIC ENFORCEMENT.

4. $2,000,000 TO THE DEPARTMENT TO IMPLEMENT, CARRY OUT AND ENFORCE CHAPTER 28.2 OF THIS TITLE.

5. $4,000,000 TO THE DEPARTMENT TO DISTRIBUTE GRANTS TO QUALIFIED NONPROFIT ENTITIES THAT WILL PROVIDE OUTREACH TO INDIVIDUALS WHO MAY BE ELIGIBLE TO FILE PETITIONS FOR EXPUNGEMENT PURSUANT TO SECTION 36-2862 AND WILL ASSIST WITH THE EXPUNGEMENT PETITION PROCESS. THE DEPARTMENT SHALL DISTRIBUTE GRANTS PURSUANT TO THIS PARAGRAPH ON OR BEFORE JUNE 30, 2021.

6. $2,000,000 TO THE DEPARTMENT TO DEVELOP AND IMPLEMENT, IN CONJUNCTION WITH THE DEPARTMENT OF ECONOMIC SECURITY AND OTHER STATE AGENCIES, A SOCIAL EQUITY OWNERSHIP PROGRAM TO PROMOTE THE OWNERSHIP AND OPERATION OF MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES BY INDIVIDUALS FROM COMMUNITIES DISPROPORTIONATELY IMPACTED BY THE ENFORCEMENT OF PREVIOUS MARIJUANA LAWS. FOR THE PURPOSES OF THIS PARAGRAPH, "MARIJUANA ESTABLISHMENT" AND "MARIJUANA TESTING FACILITY" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2850.

7. $1,000,000 TO THE DEPARTMENT TO FUND PROGRAMS AND GRANTS TO QUALIFIED NONPROFIT ORGANIZATIONS FOR EDUCATION AND COMMUNITY OUTREACH RELATED TO CHAPTER 28.2 OF THIS TITLE.

8. $1,000,000 TO THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856.

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Section 4. Title 36, Arizona Revised Statutes, is amended by adding chapter 28.2, to read:

CHAPTER 28.2
RESPONSIBLE ADULT USE OF MARIJUANA

36-2850. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT REQUIRES OTHERWISE:

1. "ADVERTISE," "ADVERTISEMENT" AND "ADVERTISING" MEAN ANY PUBLIC COMMUNICATION IN ANY MEDIUM THAT OFFERS OR SOLICITS A COMMERCIAL TRANSACTION INVOLVING THE SALE, PURCHASE OR DELIVERY OF MARIJUANA OR MARIJUANA PRODUCTS.

2. "CHILD-RESISTANT" MEANS DESIGNED OR CONSTRUCTED TO BE SIGNIFICANTLY DIFFICULT FOR CHILDREN UNDER FIVE YEARS OF AGE TO OPEN, AND NOT DIFFICULT FOR NORMAL ADULTS TO USE PROPERLY.

3. "CONSUME," "CONSUMING" AND "CONSUMPTION" MEAN THE ACT OF INGESTING, INHALING OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

4. "CONSUMER" MEANS AN INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO PURCHASES MARIJUANA OR MARIJUANA PRODUCTS.

5. "CULTIVATE" AND "CULTIVATION" MEAN TO PROPAGATE, BREED, GROW, PREPARE AND PACKAGE MARIJUANA.

6. "DELIVER" AND "DELIVERY" MEAN THE TRANSPORTATION, TRANSFER OR PROVISION OF MARIJUANA OR MARIJUANA PRODUCTS TO A CONSUMER AT A LOCATION OTHER THAN THE DESIGNATED RETAIL LOCATION OF A MARIJUANA ESTABLISHMENT.

7. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES OR ITS SUCCESSOR AGENCY.

8. "DESIGNATED CAREGIVER," "EXCLUDED FELONY OFFENSE," "INDEPENDENT THIRD-PARTY LABORATORY," "NONPROFIT MEDICAL MARIJUANA DISPENSARY," "NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT," AND "QUALIFYING PATIENT" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2801.

9. "DUAL LICENSEE" MEANS AN ENTITY THAT HOLDS BOTH A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION AND A MARIJUANA ESTABLISHMENT LICENSE.

10. "EARLY APPLICANT" MEANS EITHER OF THE FOLLOWING:

(a) AN ENTITY SEEKING TO OPERATE A MARIJUANA ESTABLISHMENT IN A COUNTY WITH FEWER THAN TWO REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

(b) A NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT IS REGISTERED AND IN GOOD STANDING WITH THE DEPARTMENT.

11. "EMPLOYEE," "EMPLOYER," "HEALTH CARE FACILITY," AND "PLACES OF EMPLOYMENT" HAVE THE SAME MEANINGS PRESCRIBED IN THE SMOKE-FREE ARIZONA ACT, SECTION 36-601.01.

12. "GOOD STANDING" MEANS THAT A NONPROFIT MEDICAL MARIJUANA DISPENSARY IS NOT THE SUBJECT OF A PENDING NOTICE OF INTENT TO REVOKE ISSUED BY THE DEPARTMENT.

13. "INDUSTRIAL HEMP" HAS THE SAME MEANING PRESCRIBED IN SECTION 3-311.

14. "LOCALITY" MEANS A CITY, TOWN OR COUNTY.

15. "MANUFACTURE" AND "MANUFACTURING" MEAN TO COMPOUND, BLEND, EXTRACT, INFUSE OR OTHERWISE MAKE OR PREPARE A MARIJUANA PRODUCT.

16. "MARIJUANA":

(a) MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS, WHETHER GROWING OR NOT, AS WELL AS THE SEEDS FROM THE PLANT, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF THE PLANT OR ITS SEEDS OR RESIN.

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(b) INCLUDES CANNABIS AS DEFINED IN SECTION 13-3401.

(c) DOES NOT INCLUDE INDUSTRIAL HEMP, THE FIBER PRODUCED FROM THE STALKS OF THE PLANT OF THE GENUS CANNABIS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, STERILIZED SEEDS OF THE PLANT THAT ARE INCAPABLE OF GERMINATION, OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK OR OTHER PRODUCTS.

17. "MARIJUANA CONCENTRATE":

(a) MEANS RESIN EXTRACTED FROM ANY PART OF A PLANT OF THE GENUS CANNABIS AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF THAT RESIN OR TETRAHYDROCANNABINOL.

(b) DOES NOT INCLUDE INDUSTRIAL HEMP OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH CANNABIS TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK OR OTHER PRODUCTS.

18. "MARIJUANA ESTABLISHMENT" MEANS AN ENTITY LICENSED BY THE DEPARTMENT TO OPERATE ALL OF THE FOLLOWING:

(a) A SINGLE RETAIL LOCATION AT WHICH THE LICENSEE MAY SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS, CULTIVATE MARIJUANA AND MANUFACTURE MARIJUANA PRODUCTS.

(b) A SINGLE OFF-SITE CULTIVATION LOCATION AT WHICH THE LICENSEE MAY CULTIVATE MARIJUANA, PROCESS MARIJUANA AND MANUFACTURE MARIJUANA PRODUCTS, BUT FROM WHICH MARIJUANA AND MARIJUANA PRODUCTS MAY NOT BE TRANSFERRED OR SOLD TO CONSUMERS.

(c) A SINGLE OFF-SITE LOCATION AT WHICH THE LICENSEE MAY MANUFACTURE MARIJUANA PRODUCTS AND PACKAGE AND STORE MARIJUANA AND MARIJUANA PRODUCTS, BUT FROM WHICH MARIJUANA AND MARIJUANA PRODUCTS MAY NOT BE TRANSFERRED OR SOLD TO CONSUMERS.

19. "MARIJUANA FACILITY AGENT" MEANS A PRINCIPAL OFFICER, BOARD MEMBER OR EMPLOYEE OF A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND HAS NOT BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.

20. "MARIJUANA PRODUCTS" MEANS MARIJUANA CONCENTRATE AND PRODUCTS THAT ARE COMPOSED OF MARIJUANA AND OTHER INGREDIENTS AND THAT ARE INTENDED FOR USE OR CONSUMPTION, INCLUDING EDIBLE PRODUCTS, OINTMENTS AND TINCTURES.

21. "MARIJUANA TESTING FACILITY" MEANS THE DEPARTMENT OR ANOTHER ENTITY THAT IS LICENSED BY THE DEPARTMENT TO ANALYZE THE POTENCY OF MARIJUANA AND TEST MARIJUANA FOR HARMFUL CONTAMINANTS.

22. "OPEN SPACE" MEANS A PUBLIC PARK, PUBLIC SIDEWALK, PUBLIC WALKWAY OR PUBLIC PEDESTRIAN THOROUGHFARE.

23. "PROCESS" AND "PROCESSING" MEAN TO HARVEST, DRY, CURE, TRIM OR SEPARATE PARTS OF THE MARIJUANA PLANT.

24. "PUBLIC PLACE" HAS THE SAME MEANING PRESCRIBED IN THE SMOKE-FREE ARIZONA ACT, SECTION 36-601.01.

25. "SMOKE" MEANS TO INHALE, EXHALE, BURN, CARRY OR POSSESS ANY LIGHTED MARIJUANA OR LIGHTED MARIJUANA PRODUCTS, WHETHER NATURAL OR SYNTHETIC.

36-2851. Employers; driving; minors; control of property; smoking in public places and open spaces

THIS CHAPTER:

1. DOES NOT RESTRICT THE RIGHTS OF EMPLOYERS TO MAINTAIN A DRUG-AND-ALCOHOL-FREE WORKPLACE OR AFFECT THE ABILITY OF EMPLOYERS TO HAVE WORKPLACE POLICIES RESTRICTING THE USE OF MARIJUANA BY EMPLOYEES OR PROSPECTIVE EMPLOYEES.

2. DOES NOT REQUIRE AN EMPLOYER TO ALLOW OR ACCOMMODATE THE USE, CONSUMPTION, POSSESSION, TRANSFER, DISPLAY, TRANSPORTATION, SALE OR CULTIVATION OF MARIJUANA IN A PLACE OF EMPLOYMENT.

3. DOES NOT ALLOW DRIVING, FLYING OR BOATING WHILE IMPAIRED TO EVEN THE SLIGHTEST DEGREE BY MARIJUANA OR PREVENT THIS STATE FROM ENACTING AND IMPOSING PENALTIES FOR DRIVING, FLYING OR BOATING WHILE IMPAIRED TO EVEN THE SLIGHTEST DEGREE BY MARIJUANA.

4. DOES NOT ALLOW AN INDIVIDUAL WHO IS UNDER TWENTY-ONE YEARS OF AGE TO PURCHASE, POSSESS, TRANSPORT OR CONSUME MARIJUANA OR MARIJUANA PRODUCTS.

5. DOES NOT ALLOW THE SALE, TRANSFER OR PROVISION OF MARIJUANA OR MARIJUANA PRODUCTS TO AN INDIVIDUAL WHO IS UNDER TWENTY-ONE YEARS OF AGE.

6. DOES NOT RESTRICT THE RIGHTS OF EMPLOYERS, SCHOOLS, DAY CARE CENTERS, ADULT DAY CARE FACILITIES, HEALTH CARE FACILITIES OR CORRECTIONS FACILITIES TO PROHIBIT OR REGULATE CONDUCT OTHERWISE ALLOWED BY THIS CHAPTER WHEN SUCH CONDUCT OCCURS ON OR IN THEIR PROPERTIES.

7. DOES NOT RESTRICT THE ABILITY OF AN INDIVIDUAL, PARTNERSHIP, LIMITED LIABILITY COMPANY, PRIVATE CORPORATION, PRIVATE ENTITY OR PRIVATE ORGANIZATION OF ANY CHARACTER THAT

OCCUPIES, OWNS OR CONTROLS PROPERTY TO PROHIBIT OR REGULATE CONDUCT OTHERWISE ALLOWED BY THIS CHAPTER ON OR IN SUCH PROPERTY.

8. DOES NOT ALLOW ANY PERSON TO:

(a) SMOKE MARIJUANA IN A PUBLIC PLACE OR OPEN SPACE.

(b) CONSUME MARIJUANA OR MARIJUANA PRODUCTS WHILE DRIVING, OPERATING OR RIDING IN THE PASSENGER SEAT OR COMPARTMENT OF AN OPERATING MOTOR VEHICLE, BOAT, VESSEL, AIRCRAFT OR ANOTHER VEHICLE USED FOR TRANSPORTATION.

9. DOES NOT PROHIBIT THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE FROM PROHIBITING OR REGULATING CONDUCT OTHERWISE ALLOWED BY THIS CHAPTER WHEN SUCH CONDUCT OCCURS ON OR IN PROPERTY THAT IS OCCUPIED, OWNED, CONTROLLED OR OPERATED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

10. DOES NOT AUTHORIZE A PERSON TO PROCESS OR MANUFACTURE MARIJUANA BY MEANS OF ANY LIQUID OR GAS, OTHER THAN ALCOHOL, THAT HAS A FLASHPOINT BELOW ONE HUNDRED DEGREES FAHRENHEIT, UNLESS PERFORMED BY A MARIJUANA ESTABLISHMENT.

11. DOES NOT REQUIRE A PERSON TO VIOLATE FEDERAL LAW OR TO IMPLEMENT OR FAIL TO IMPLEMENT A RESTRICTION ON THE POSSESSION, CONSUMPTION, DISPLAY, TRANSFER, PROCESSING, MANUFACTURING OR CULTIVATION OF MARIJUANA IF BY SO DOING THE PERSON WILL LOSE A MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW.

12. DOES NOT SUPERSEDE OR ELIMINATE ANY EXISTING RIGHTS OR PRIVILEGES OF ANY PERSON EXCEPT AS SPECIFICALLY SET FORTH IN THIS CHAPTER.

13. DOES NOT LIMIT ANY PRIVILEGE OR RIGHT OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY UNDER CHAPTER 28.1 OF THIS TITLE EXCEPT AS EXPRESSLY SET FORTH IN THIS CHAPTER.

14. DOES NOT LIMIT ANY PRIVILEGE OR RIGHT OF A QUALIFYING PATIENT OR DESIGNATED CAREGIVER UNDER CHAPTER 28.1 OF THIS TITLE.

36-2852. Allowable possession and personal use of marijuana, marijuana products and marijuana paraphernalia

A. EXCEPT AS SPECIFICALLY AND EXPRESSLY PROVIDED IN SECTIONS 36-2851 AND 36-2853 AND NOTWITHSTANDING ANY OTHER LAW, THE FOLLOWING ACTS BY AN INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE ARE LAWFUL, ARE NOT AN OFFENSE UNDER THE LAWS OF THIS STATE OR ANY LOCALITY, MAY NOT CONSTITUTE THE BASIS FOR DETENTION, SEARCH OR ARREST, AND CANNOT SERVE AS THE SOLE BASIS FOR SEIZURE OR FORFEITURE OF ASSETS, FOR IMPOSING PENALTIES OF ANY KIND UNDER THE LAWS OF THIS STATE OR ANY LOCALITY OR FOR ABROGATING OR LIMITING ANY RIGHT OR PRIVILEGE CONFERRED OR PROTECTED BY THE LAWS OF THIS STATE OR ANY LOCALITY:

1. POSSESSING, CONSUMING, PURCHASING, PROCESSING, MANUFACTURING BY MANUAL OR MECHANICAL MEANS, INCLUDING SIEVING OR ICE WATER SEPARATION BUT EXCLUDING CHEMICAL EXTRACTION OR CHEMICAL SYNTHESIS, OR TRANSPORTING ONE OUNCE OR LESS OF MARIJUANA, EXCEPT THAT NOT MORE THAN FIVE GRAMS OF MARIJUANA MAY BE IN THE FORM OF MARIJUANA CONCENTRATE.

2. POSSESSING, TRANSPORTING, CULTIVATING OR PROCESSING NOT MORE THAN SIX MARIJUANA PLANTS FOR PERSONAL USE AT THE INDIVIDUAL'S PRIMARY RESIDENCE, AND POSSESSING, PROCESSING AND MANUFACTURING BY MANUAL OR MECHANICAL MEANS, INCLUDING SIEVING OR ICE WATER SEPARATION BUT EXCLUDING CHEMICAL EXTRACTION OR CHEMICAL SYNTHESIS, THE MARIJUANA PRODUCED BY THE PLANTS ON THE PREMISES WHERE THE MARIJUANA PLANTS WERE GROWN IF ALL OF THE FOLLOWING APPLY:

(a) NOT MORE THAN TWELVE PLANTS ARE PRODUCED AT A SINGLE RESIDENCE WHERE TWO OR MORE INDIVIDUALS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE RESIDE AT ONE TIME.

(b) CULTIVATION TAKES PLACE WITHIN A CLOSET, ROOM, GREENHOUSE OR OTHER ENCLOSED AREA ON THE GROUNDS OF THE RESIDENCE EQUIPPED WITH A LOCK OR OTHER SECURITY DEVICE THAT PREVENTS ACCESS BY MINORS.

(c) CULTIVATION TAKES PLACE IN AN AREA WHERE THE MARIJUANA PLANTS ARE NOT VISIBLE FROM PUBLIC VIEW WITHOUT USING BINOCULARS, AIRCRAFT OR OTHER OPTICAL AIDS.

3. TRANSFERRING ONE OUNCE OR LESS OF MARIJUANA, OF WHICH NOT MORE THAN FIVE GRAMS MAY BE IN THE FORM OF MARIJUANA CONCENTRATE, TO AN INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IF THE TRANSFER IS WITHOUT REMUNERATION AND IS NOT ADVERTISED OR PROMOTED TO THE PUBLIC.

4. TRANSFERRING UP TO SIX MARIJUANA PLANTS TO AN INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IF THE TRANSFER IS WITHOUT REMUNERATION AND IS NOT ADVERTISED OR PROMOTED TO THE PUBLIC.

5. ACQUIRING, POSSESSING, MANUFACTURING, USING, PURCHASING, SELLING OR TRANSPORTING PARAPHERNALIA RELATING TO THE CULTIVATION, MANUFACTURE, PROCESSING OR CONSUMPTION OF MARIJUANA OR MARIJUANA PRODUCTS.

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6. ASSISTING ANOTHER INDIVIDUAL WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IN ANY OF THE ACTS DESCRIBED IN THIS SUBSECTION.

B. NOTWITHSTANDING ANY OTHER LAW, A PERSON WITH METABOLITES OR COMPONENTS OF MARIJUANA IN THE PERSON'S BODY IS GUILTY OF VIOLATING SECTION 28-1381, SUBSECTION A, PARAGRAPH 3 ONLY IF THE PERSON IS ALSO IMPAIRED TO THE SLIGHTEST DEGREE.

C. NOTWITHSTANDING ANY OTHER LAW, THE ODOR OF MARIJUANA OR BURNT MARIJUANA DOES NOT BY ITSELF CONSTITUTE REASONABLE ARTICULABLE SUSPICION OF A CRIME. THIS SUBSECTION DOES NOT APPLY WHEN A LAW ENFORCEMENT OFFICER IS INVESTIGATING WHETHER A PERSON HAS VIOLATED SECTION 28-1381.

36-2853. Violations; classification; civil penalty; additional fine; enforcement

A. NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, A PERSON WHO POSSESSES AN AMOUNT OF MARIJUANA GREATER THAN THE AMOUNT ALLOWED PURSUANT TO SECTION 36-2852, BUT NOT MORE THAN TWO AND ONE-HALF OUNCES OF MARIJUANA, OF WHICH NOT MORE THAN TWELVE AND ONE-HALF GRAMS IS IN THE FORM OF MARIJUANA CONCENTRATE, IS GUILTY OF A PETTY OFFENSE.

B. NOTWITHSTANDING ANY OTHER LAW, A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO POSSESSES, CONSUMES, TRANSPORTS OR TRANSFERS WITHOUT REMUNERATION ONE OUNCE OR LESS OF MARIJUANA, OF WHICH NOT MORE THAN FIVE GRAMS IS IN THE FORM OF MARIJUANA CONCENTRATE, OR PARAPHERNALIA RELATING TO THE CONSUMPTION OF MARIJUANA OR MARIJUANA PRODUCTS:

1. FOR A FIRST VIOLATION, SHALL PAY A CIVIL PENALTY OF NOT MORE THAN $100 TO THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856 AND IN THE COURT'S DISCRETION MAY BE ORDERED TO ATTEND UP TO FOUR HOURS OF DRUG EDUCATION OR COUNSELING.
2. FOR A SECOND VIOLATION, IS GUILTY OF A PETTY OFFENSE, AND IN THE COURT'S DISCRETION MAY BE ORDERED TO ATTEND UP TO EIGHT HOURS OF DRUG EDUCATION OR COUNSELING.
3. FOR A THIRD OR SUBSEQUENT VIOLATION, IS GUILTY OF A CLASS 1 MISDEMEANOR.

C. A PERSON WHO SMOKES MARIJUANA IN A PUBLIC PLACE OR OPEN SPACE IS GUILTY OF A PETTY OFFENSE.

D. EXCEPT AS OTHERWISE PROVIDED IN CHAPTER 28.1 OF THIS TITLE AND NOTWITHSTANDING ANY OTHER LAW, ANY UNLICENSED PERSON WHO CULTIVATES MARIJUANA PLANTS PURSUANT TO SECTION 36-2852 WHERE THEY ARE VISIBLE FROM PUBLIC VIEW WITHOUT USING BINOCULARS, AIRCRAFT OR OTHER OPTICAL AIDS OR OUTSIDE OF AN ENCLOSED AREA THAT IS EQUIPPED WITH A LOCK OR OTHER SECURITY DEVICE THAT PREVENTS ACCESS BY MINORS IS GUILTY OF:

1. FOR A FIRST VIOLATION, A PETTY OFFENSE.
2. FOR A SECOND OR SUBSEQUENT VIOLATION, A CLASS 3 MISDEMEANOR.

E. A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO MISREPRESENTS THE PERSON'S AGE TO ANY OTHER PERSON BY MEANS OF A WRITTEN INSTRUMENT OF IDENTIFICATION OR WHO USES A FRAUDULENT OR FALSE WRITTEN INSTRUMENT OF IDENTIFICATION WITH THE INTENT TO INDUCE A PERSON TO SELL OR OTHERWISE TRANSFER MARIJUANA OR A MARIJUANA PRODUCT TO THE PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE IS GUILTY OF:

1. FOR A FIRST VIOLATION, A PETTY OFFENSE.
2. FOR A SECOND OR SUBSEQUENT VIOLATION, A CLASS 1 MISDEMEANOR.

F. A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO SOLICITS ANOTHER PERSON TO PURCHASE MARIJUANA OR A MARIJUANA PRODUCT IN VIOLATION OF THIS CHAPTER IS GUILTY OF:

1. FOR A FIRST VIOLATION, A PETTY OFFENSE.
2. FOR A SECOND OR SUBSEQUENT VIOLATION, A CLASS 3 MISDEMEANOR.

36-2854. Rules; licensing; early applicants; fees; civil penalty; legal counsel

A. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT AND ENFORCE THIS CHAPTER AND REGULATE MARIJUANA, MARIJUANA PRODUCTS, MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES. THOSE RULES SHALL INCLUDE REQUIREMENTS FOR:

1. LICENSING MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES, INCLUDING CONDUCTING INVESTIGATIONS AND BACKGROUND CHECKS TO DETERMINE ELIGIBILITY FOR LICENSING FOR MARIJUANA ESTABLISHMENT AND MARIJUANA TESTING FACILITY APPLICANTS, EXCEPT THAT:

(a) AN APPLICATION FOR A MARIJUANA ESTABLISHMENT LICENSE OR MARIJUANA TESTING FACILITY LICENSE MAY NOT REQUIRE THE DISCLOSURE OF THE IDENTITY OF ANY PERSON WHO IS ENTITLED TO A SHARE OF LESS THAN TEN PERCENT OF THE PROFITS OF AN APPLICANT THAT IS A PUBLICLY TRADED CORPORATION.

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(b) THE DEPARTMENT MAY NOT ISSUE MORE THAN ONE MARIJUANA ESTABLISHMENT LICENSE FOR EVERY TEN PHARMACIES THAT HAVE REGISTERED UNDER SECTION 32-1929, THAT HAVE OBTAINED A PHARMACY PERMIT FROM THE ARIZONA BOARD OF PHARMACY AND THAT OPERATE WITHIN THIS STATE.

(c) NOTWITHSTANDING SUBDIVISION (b) OF THIS PARAGRAPH, THE DEPARTMENT MAY ISSUE A MARIJUANA ESTABLISHMENT LICENSE TO NOT MORE THAN TWO MARIJUANA ESTABLISHMENTS PER COUNTY THAT CONTAINS NO REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES, OR ONE MARIJUANA ESTABLISHMENT LICENSE PER COUNTY THAT CONTAINS ONE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY. ANY LICENSE ISSUED PURSUANT TO THIS SUBDIVISION SHALL BE FOR A FIXED COUNTY AND MAY NOT BE RELOCATED OUTSIDE OF THAT COUNTY.

(d) THE DEPARTMENT SHALL ACCEPT APPLICATIONS FOR MARIJUANA ESTABLISHMENT LICENSES FROM EARLY APPLICANTS BEGINNING JANUARY 19, 2021 THROUGH MARCH 9, 2021. NOT LATER THAN SIXTY DAYS AFTER RECEIVING AN APPLICATION PURSUANT TO THIS SUBDIVISION, THE DEPARTMENT SHALL ISSUE A MARIJUANA ESTABLISHMENT LICENSE TO EACH QUALIFIED EARLY APPLICANT. IF THE DEPARTMENT HAS NOT ADOPTED FINAL RULES PURSUANT TO THIS SECTION AT THE TIME MARIJUANA ESTABLISHMENT LICENSES ARE ISSUED PURSUANT TO THIS SUBDIVISION, LICENSEES SHALL COMPLY WITH THE RULES ADOPTED BY THE DEPARTMENT TO IMPLEMENT CHAPTER 28.1 OF THIS TITLE EXCEPT THOSE THAT ARE INCONSISTENT WITH THIS CHAPTER.

(e) AFTER ISSUING MARIJUANA ESTABLISHMENT LICENSES TO QUALIFIED EARLY APPLICANTS, THE DEPARTMENT SHALL ISSUE MARIJUANA ESTABLISHMENT LICENSES AVAILABLE UNDER SUBDIVISIONS (b) AND (c) OF THIS PARAGRAPH BY RANDOM SELECTION AND ACCORDING TO RULES ADOPTED PURSUANT TO THIS SECTION. AT LEAST SIXTY DAYS PRIOR TO ANY RANDOM SELECTION, THE DEPARTMENT SHALL PROMINENTLY PUBLICIZE THE RANDOM SELECTION ON ITS WEBSITE AND THROUGH OTHER MEANS OF GENERAL DISTRIBUTION INTENDED TO REACH AS MANY INTERESTED PARTIES AS POSSIBLE AND SHALL PROVIDE NOTICE THROUGH AN EMAIL NOTIFICATION SYSTEM TO WHICH INTERESTED PARTIES CAN SUBSCRIBE.

(f) NOTWITHSTANDING SUBDIVISIONS (b) AND (c) OF THIS PARAGRAPH, AND NO LATER THAN SIX MONTHS AFTER THE DEPARTMENT ADOPTS FINAL RULES TO IMPLEMENT A SOCIAL EQUITY OWNERSHIP PROGRAM PURSUANT TO PARAGRAPH 9 OF THIS SUBSECTION, THE DEPARTMENT SHALL ISSUE TWENTY-SIX ADDITIONAL MARIJUANA ESTABLISHMENT LICENSES TO ENTITIES THAT ARE QUALIFIED PURSUANT TO THE SOCIAL EQUITY OWNERSHIP PROGRAM.

(g) LICENSES ISSUED BY THE DEPARTMENT TO MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES SHALL BE VALID FOR A PERIOD OF TWO YEARS.

2. LICENSING FEES AND RENEWAL FEES FOR MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES IN AMOUNTS THAT ARE REASONABLE AND RELATED TO THE ACTUAL COST OF PROCESSING APPLICATIONS FOR LICENSES AND RENEWALS AND THAT DO NOT EXCEED FIVE TIMES THE FEES PRESCRIBED BY THE DEPARTMENT TO REGISTER OR RENEW A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

3. THE SECURITY OF MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES.

4. MARIJUANA ESTABLISHMENTS TO SAFELY CULTIVATE, PROCESS AND MANUFACTURE MARIJUANA AND MARIJUANA PRODUCTS.

5. TRACKING, TESTING, LABELING AND PACKAGING MARIJUANA AND MARIJUANA PRODUCTS, INCLUDING REQUIREMENTS THAT MARIJUANA AND MARIJUANA PRODUCTS BE:

(a) SOLD TO CONSUMERS IN CLEARLY AND CONSPICUOUSLY LABELED CONTAINERS THAT CONTAIN ACCURATE WARNINGS REGARDING THE USE OF MARIJUANA OR MARIJUANA PRODUCTS.

(b) PLACED IN CHILD-RESISTANT PACKAGING ON EXIT FROM A MARIJUANA ESTABLISHMENT.

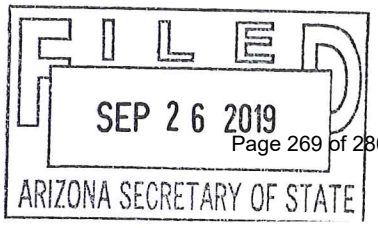
6. FORMS OF GOVERNMENT-ISSUED IDENTIFICATION THAT ARE ACCEPTABLE BY A MARIJUANA ESTABLISHMENT VERIFYING A CONSUMER'S AGE AND PROCEDURES RELATED TO VERIFYING A CONSUMER'S AGE CONSISTENT WITH SECTION 4-241. UNTIL THE DEPARTMENT ADOPTS FINAL RULES RELATED TO VERIFYING A CONSUMER'S AGE, MARIJUANA ESTABLISHMENTS SHALL COMPLY WITH THE PROOF OF LEGAL AGE REQUIREMENTS PRESCRIBED IN SECTION 4-241.

7. THE POTENCY OF EDIBLE MARIJUANA PRODUCTS THAT MAY BE SOLD TO CONSUMERS BY MARIJUANA ESTABLISHMENTS AT REASONABLE LEVELS UPON CONSIDERATION OF INDUSTRY STANDARDS, EXCEPT THAT THE RULES:

(a) SHALL LIMIT THE STRENGTH OF EDIBLE MARIJUANA PRODUCTS TO NO MORE THAN TEN MILLIGRAMS OF TETRAHYDROCANNABINOL PER SERVING OR ONE HUNDRED MILLIGRAMS OF TETRAHYDROCANNABINOL PER PACKAGE.

(b) SHALL REQUIRE THAT IF A MARIJUANA PRODUCT CONTAINS MORE THAN ONE SERVING, IT MUST BE DELINEATED OR SCORED INTO STANDARD SERVING SIZES AND HOMOGENIZED TO ENSURE UNIFORM DISBURSEMENT THROUGHOUT THE MARIJUANA PRODUCT.

8. ENSURING THE HEALTH, SAFETY AND TRAINING OF EMPLOYEES OF MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES.



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9. THE CREATION AND IMPLEMENTATION OF A SOCIAL EQUITY OWNERSHIP PROGRAM TO PROMOTE THE OWNERSHIP AND OPERATION OF MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES BY INDIVIDUALS FROM COMMUNITIES DISPROPORTIONATELY IMPACTED BY THE ENFORCEMENT OF PREVIOUS MARIJUANA LAWS.

B. THE DEPARTMENT MAY:

1. SUBJECT TO TITLE 41, CHAPTER 6, ARTICLE 10, DENY ANY APPLICATION SUBMITTED OR DENY, SUSPEND OR REVOKE, IN WHOLE OR IN PART, ANY REGISTRATION OR LICENSE ISSUED UNDER THIS CHAPTER IF THE REGISTERED OR LICENSED PARTY OR AN OFFICER, AGENT OR EMPLOYEE OF THE REGISTERED OR LICENSED PARTY DOES ANY OF THE FOLLOWING:

(a) VIOLATES THIS CHAPTER OR ANY RULE ADOPTED PURSUANT TO THIS CHAPTER.

(b) HAS BEEN, IS OR MAY CONTINUE TO BE IN SUBSTANTIAL VIOLATION OF THE REQUIREMENTS FOR LICENSING OR REGISTRATION AND, AS A RESULT, THE HEALTH OR SAFETY OF THE GENERAL PUBLIC IS IN IMMEDIATE DANGER.

2. SUBJECT TO TITLE 41, CHAPTER 6, ARTICLE 10, AND UNLESS ANOTHER PENALTY IS PROVIDED ELSEWHERE IN THIS CHAPTER, ASSESS A CIVIL PENALTY AGAINST A PERSON THAT VIOLATES THIS CHAPTER OR ANY RULE ADOPTED PURSUANT TO THIS CHAPTER IN AN AMOUNT NOT TO EXCEED $1,000 FOR EACH VIOLATION. EACH DAY A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION. THE MAXIMUM AMOUNT OF ANY ASSESSMENT IS $25,000 FOR ANY THIRTY-DAY PERIOD. IN DETERMINING THE AMOUNT OF A CIVIL PENALTY ASSESSED AGAINST A PERSON, THE DEPARTMENT SHALL CONSIDER ALL OF THE FACTORS SET FORTH IN SECTION 36-2816, SUBSECTION H. ALL CIVIL PENALTIES COLLECTED BY THE DEPARTMENT PURSUANT TO THIS PARAGRAPH SHALL BE DEPOSITED IN THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856.

3. AT ANY TIME DURING REGULAR HOURS OF OPERATION, VISIT AND INSPECT A MARIJUANA ESTABLISHMENT, MARIJUANA TESTING FACILITY OR DUAL LICENSEE TO DETERMINE IF IT COMPLIES WITH THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER. THE DEPARTMENT SHALL MAKE AT LEAST ONE UNANNOUNCED VISIT ANNUALLY TO EACH FACILITY LICENSED PURSUANT TO THIS CHAPTER.

4. ADOPT ANY OTHER RULES NOT EXPRESSLY STATED IN THIS SECTION THAT ARE NECESSARY TO ENSURE THE SAFE AND RESPONSIBLE CULTIVATION, SALE, PROCESSING, MANUFACTURE, TESTING AND TRANSPORT OF MARIJUANA AND MARIJUANA PRODUCTS.

C. UNTIL THE DEPARTMENT ADOPTS RULES PERMITTING AND REGULATING DELIVERY BY MARIJUANA ESTABLISHMENTS PURSUANT TO SUBSECTION D OF THIS SECTION, DELIVERY IS UNLAWFUL UNDER THIS CHAPTER.

D. ON OR AFTER JANUARY 1, 2023, THE DEPARTMENT MAY, AND NO LATER THAN JANUARY 1, 2025 THE DEPARTMENT SHALL, ADOPT RULES TO PERMIT AND REGULATE DELIVERY BY MARIJUANA ESTABLISHMENTS. THE RULES SHALL:

1. REQUIRE THAT DELIVERY AND THE MARIJUANA AND MARIJUANA PRODUCTS TO BE DELIVERED ORIGINATE FROM A DESIGNATED RETAIL LOCATION OF A MARIJUANA ESTABLISHMENT AND ONLY AFTER AN ORDER IS MADE WITH THE MARIJUANA ESTABLISHMENT BY A CONSUMER.

2. PROHIBIT DELIVERY TO ANY PROPERTY OWNED OR LEASED BY THE UNITED STATES, THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR THE ARIZONA BOARD OF REGENTS.

3. LIMIT THE AMOUNT OF MARIJUANA AND MARIJUANA PRODUCTS BASED ON RETAIL PRICE THAT MAY BE IN A DELIVERY VEHICLE DURING A SINGLE TRIP FROM THE DESIGNATED RETAIL LOCATION OF A MARIJUANA ESTABLISHMENT.

4. PROHIBIT EXTRA OR UNALLOCATED MARIJUANA OR MARIJUANA PRODUCTS IN DELIVERY VEHICLES.

5. REQUIRE THAT DELIVERIES BE MADE ONLY BY MARIJUANA FACILITY AGENTS IN UNMARKED VEHICLES THAT ARE EQUIPPED WITH A GLOBAL POSITIONING SYSTEM OR SIMILAR LOCATION TRACKING SYSTEM AND VIDEO SURVEILLANCE AND RECORDING EQUIPMENT, AND THAT CONTAIN A LOCKED COMPARTMENT IN WHICH MARIJUANA AND MARIJUANA PRODUCTS MUST BE STORED.

6. REQUIRE DELIVERY LOGS NECESSARY TO ENSURE COMPLIANCE WITH THIS SUBSECTION AND RULES ADOPTED PURSUANT TO THIS SUBSECTION.

7. REQUIRE INSPECTIONS TO ENSURE COMPLIANCE WITH THIS SUBSECTION AND RULES ADOPTED PURSUANT TO THIS SUBSECTION.

8. INCLUDE ANY OTHER PROVISIONS NECESSARY TO ENSURE SAFE AND RESTRICTED DELIVERY.

9. REQUIRE DUAL LICENSEES TO COMPLY WITH THE RULES ADOPTED PURSUANT TO THIS SUBSECTION.

E. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, THE DEPARTMENT MAY NOT PERMIT DELIVERY OF MARIJUANA OR MARIJUANA PRODUCTS UNDER THIS CHAPTER BY ANY INDIVIDUAL OR ENTITY. IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW, AN INDIVIDUAL OR ENTITY THAT DELIVERS MARIJUANA OR MARIJUANA PRODUCTS IN A MANNER THAT IS NOT AUTHORIZED BY THIS CHAPTER SHALL PAY

A CIVIL PENALTY OF $20,000 PER VIOLATION TO THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856. THIS SUBSECTION MAY BE ENFORCED BY THE ATTORNEY GENERAL.

F. ALL RULES ADOPTED BY THE DEPARTMENT PURSUANT TO THIS SECTION SHALL BE CONSISTENT WITH THE PURPOSE OF THIS CHAPTER.

G. THE DEPARTMENT MAY NOT ADOPT ANY RULE THAT:

1. PROHIBITS THE OPERATION OF MARIJUANA ESTABLISHMENTS, EITHER EXPRESSLY OR THROUGH REQUIREMENTS THAT MAKE THE OPERATION OF A MARIJUANA ESTABLISHMENT UNDULY BURDENSOME.

2. PROHIBITS OR INTERFERES WITH THE ABILITY OF A DUAL LICENSEE TO OPERATE A MARIJUANA ESTABLISHMENT AND A NONPROFIT MEDICAL MARIJUANA DISPENSARY AT SHARED LOCATIONS.

H. NOTWITHSTANDING SECTION 41-192, THE DEPARTMENT MAY EMPLOY LEGAL COUNSEL AND MAKE AN EXPENDITURE OR INCUR AN INDEBTEDNESS FOR LEGAL SERVICES FOR THE PURPOSES OF:

1. DEFENDING THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER.

2. DEFENDING CHAPTER 28.1 OF THIS TITLE OR RULES ADOPTED PURSUANT TO CHAPTER 28.1 OF THIS TITLE.

I. THE DEPARTMENT SHALL DEPOSIT ALL LICENSE FEES, APPLICATION FEES AND RENEWAL FEES PAID TO THE DEPARTMENT PURSUANT TO THIS CHAPTER IN THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856.

J. ON REQUEST, THE DEPARTMENT SHALL SHARE WITH THE DEPARTMENT OF REVENUE INFORMATION REGARDING A MARIJUANA ESTABLISHMENT, MARIJUANA TESTING FACILITY OR DUAL LICENSEE, INCLUDING ITS NAME, PHYSICAL ADDRESS, CULTIVATION SITE AND TRANSACTION PRIVILEGE TAX LICENSE NUMBER.

K. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT MAY:

1. LICENSE AN INDEPENDENT THIRD-PARTY LABORATORY TO ALSO OPERATE AS A MARIJUANA TESTING FACILITY.

2. OPERATE A MARIJUANA TESTING FACILITY.

L. THE DEPARTMENT SHALL MAINTAIN AND PUBLISH A CURRENT LIST OF ALL MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES BY NAME AND LICENSE NUMBER.

M. NOTWITHSTANDING ANY OTHER LAW, THE ISSUANCE OF AN OCCUPATIONAL, PROFESSIONAL OR OTHER REGULATORY LICENSE OR CERTIFICATION TO A PERSON BY A JURISDICTION OR REGULATORY AUTHORITY OUTSIDE THIS STATE DOES NOT ENTITLE THAT PERSON TO BE ISSUED A MARIJUANA ESTABLISHMENT LICENSE, A MARIJUANA TESTING FACILITY LICENSE, OR ANY OTHER LICENSE, REGISTRATION OR CERTIFICATION UNDER THIS CHAPTER.

36-2855. Marijuana facility agents; registration; card; rules

A. A MARIJUANA FACILITY AGENT SHALL BE REGISTERED WITH THE DEPARTMENT BEFORE WORKING AT A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY.

B. A PERSON WHO WISHES TO BE REGISTERED AS A MARIJUANA FACILITY AGENT OR RENEW THE PERSON'S REGISTRATION AS A MARIJUANA FACILITY AGENT SHALL:

1. SUBMIT A COMPLETED APPLICATION ON A FORM PRESCRIBED BY THE DEPARTMENT AND PAY A NONREFUNDABLE FEE THAT IS REASONABLE AND RELATED TO THE ACTUAL COST OF PROCESSING APPLICATIONS SUBMITTED PURSUANT TO THIS SECTION.

2. SUBMIT EVIDENCE THAT THE APPLICANT HOLDS A CURRENT LEVEL I FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.07, OR SUBMIT A FULL SET OF THE APPLICANT'S FINGERPRINTS FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION WITHOUT DISCLOSING THAT THE RECORDS CHECK IS RELATED TO THIS CHAPTER AND ACTS ALLOWED BY THIS CHAPTER. THE DEPARTMENT OF PUBLIC SAFETY SHALL DESTROY EACH SET OF FINGERPRINTS AFTER THE CRIMINAL RECORDS CHECK IS COMPLETED.

C. IF THE DEPARTMENT DETERMINES THAT AN APPLICANT MEETS THE CRITERIA FOR REGISTRATION UNDER THIS CHAPTER AND RULES PURSUANT TO THIS CHAPTER, THE DEPARTMENT SHALL ISSUE THE APPLICANT A MARIJUANA FACILITY AGENT CARD THAT IS VALID FOR TWO YEARS.

D. A REGISTERED MARIJUANA FACILITY AGENT MAY BE EMPLOYED BY OR ASSOCIATED WITH ANY MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY. A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY SHALL PROMPTLY NOTIFY THE DEPARTMENT WHEN IT EMPLOYS OR BECOMES ASSOCIATED WITH A NEW MARIJUANA FACILITY AGENT. A MARIJUANA FACILITY AGENT SHALL PROMPTLY NOTIFY THE DEPARTMENT WHEN THE MARIJUANA FACILITY AGENT IS EMPLOYED BY OR BECOMES ASSOCIATED WITH A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY AND WHEN THE MARIJUANA FACILITY AGENT IS NO LONGER EMPLOYED BY OR ASSOCIATED WITH A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY.

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E. A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT OF A DUAL LICENSEE WHO HAS APPLIED TO BE REGISTERED AS A MARIJUANA FACILITY AGENT MAY SERVE AS A MARIJUANA FACILITY AGENT OF THAT DUAL LICENSEE UNTIL THE DEPARTMENT HAS APPROVED OR REJECTED THE AGENT'S APPLICATION.

F. THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT THIS SECTION.

36-2856. Smart and safe Arizona fund; disposition; exemption

A. THE SMART AND SAFE ARIZONA FUND IS ESTABLISHED CONSISTING OF ALL MONIES DEPOSITED PURSUANT TO SECTIONS 36-2854, 42-5452 AND 42-5503, PRIVATE DONATIONS AND INTEREST EARNED ON THOSE MONIES. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. MONIES IN THE FUND AND ITS ACCOUNTS MAY NOT BE TRANSFERRED TO ANY OTHER FUND EXCEPT AS PROVIDED IN THIS SECTION, DO NOT REVERT TO THE STATE GENERAL FUND AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF APPROPRIATIONS. THE STATE TREASURER SHALL ADMINISTER THE FUND.

B. ALL MONIES IN THE SMART AND SAFE ARIZONA FUND MUST FIRST BE SPENT, AND THE STATE TREASURER SHALL TRANSFER MONIES FROM THE FUND, TO PAY:

1. THE ACTUAL REASONABLE COSTS INCURRED BY THE DEPARTMENT TO IMPLEMENT, CARRY OUT AND ENFORCE THIS CHAPTER AND RULES ADOPTED PURSUANT TO THIS CHAPTER.

2. THE ACTUAL REASONABLE COSTS INCURRED BY THE DEPARTMENT OF REVENUE TO IMPOSE AND ENFORCE THE TAX AUTHORIZED AND LEVIED BY SECTION 42-5452.

3. THE ACTUAL REASONABLE COSTS INCURRED BY THE SUPREME COURT AND THE DEPARTMENT OF PUBLIC SAFETY TO PROCESS PETITIONS FOR EXPUNGEMENT AND EXPUNGEMENT ORDERS PURSUANT TO SECTION 36-2862 AND TO OTHERWISE IMPLEMENT SECTION 36-2862.

4. THE ACTUAL REASONABLE COSTS INCURRED BY THE STATE TREASURER TO ADMINISTER THE FUND.

5. ANY OTHER MANDATORY EXPENDITURE OF STATE REVENUES REQUIRED BY THIS CHAPTER TO IMPLEMENT OR ENFORCE THE PROVISIONS OF THIS CHAPTER.

C. THE STATE TREASURER MAY PRESCRIBE FORMS NECESSARY TO MAKE TRANSFERS FROM THE SMART AND SAFE ARIZONA FUND PURSUANT TO SUBSECTION B OF THIS SECTION.

D. ON OR BEFORE JUNE 30 AND DECEMBER 31 OF EACH YEAR, THE STATE TREASURER SHALL TRANSFER ALL MONIES IN THE SMART AND SAFE ARIZONA FUND IN EXCESS OF THE AMOUNTS PAID PURSUANT TO SUBSECTION B OF THIS SECTION AS FOLLOWS:

1. 33 PERCENT TO COMMUNITY COLLEGE DISTRICTS AND PROVISIONAL COMMUNITY COLLEGE DISTRICTS, BUT NOT TO COMMUNITY COLLEGE TUITION FINANCING DISTRICTS ESTABLISHED PURSUANT TO SECTION 15-1409, FOR THE PURPOSES OF INVESTING IN AND PROVIDING WORKFORCE DEVELOPMENT PROGRAMS, JOB TRAINING, CAREER AND TECHNICAL EDUCATION, AND SCIENCE, TECHNOLOGY, ENGINEERING AND MATH PROGRAMS, AS FOLLOWS:

(a) 15 PERCENT OF THE 33 PERCENT DIVIDED EQUALLY BETWEEN EACH COMMUNITY COLLEGE DISTRICT.

(b) 0.5 PERCENT OF THE 33 PERCENT DIVIDED EQUALLY BETWEEN EACH PROVISIONAL COMMUNITY COLLEGE DISTRICT, IF ONE OR MORE PROVISIONAL COMMUNITY COLLEGE DISTRICTS EXIST.

(c) THE REMAINDER TO COMMUNITY COLLEGE DISTRICTS AND PROVISIONAL COMMUNITY COLLEGES DISTRICTS IN PROPORTION TO EACH DISTRICT'S FULL-TIME EQUIVALENT STUDENT ENROLLMENT PERCENTAGE OF THE TOTAL STATEWIDE AUDITED FULL-TIME EQUIVALENT STUDENT ENROLLMENT IN THE PRECEDING FISCAL YEAR PRESCRIBED IN SECTION 15-1466.01.

2. 31.4 PERCENT TO MUNICIPAL POLICE DEPARTMENTS, MUNICIPAL FIRE DEPARTMENTS, FIRE DISTRICTS ESTABLISHED PURSUANT TO TITLE 48, CHAPTER 5 AND COUNTY SHERIFFS' DEPARTMENTS IN PROPORTION TO THE NUMBER OF ENROLLED MEMBERS FOR EACH SUCH AGENCY IN THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM ESTABLISHED BY TITLE 38, CHAPTER 5, ARTICLE 4 AND THE PUBLIC SAFETY PERSONNEL DEFINED CONTRIBUTION PLAN ESTABLISHED BY TITLE 38, CHAPTER 5, ARTICLE 4.1, FOR PERSONNEL COSTS.

3. 25.4 PERCENT TO THE ARIZONA HIGHWAY USER REVENUE FUND ESTABLISHED BY SECTION 28-6533.

4. 10 PERCENT TO THE JUSTICE REINVESTMENT FUND ESTABLISHED BY SECTION 36-2863.

5. 0.2 PERCENT TO THE ATTORNEY GENERAL TO USE TO ENFORCE THIS CHAPTER, OR TO GRANT TO LOCALITIES TO ENFORCE THIS CHAPTER.

E. THE MONIES TRANSFERRED AND RECEIVED PURSUANT TO THIS SECTION:

1. ARE IN ADDITION TO ANY OTHER APPROPRIATION, TRANSFER OR OTHER ALLOCATION OF MONIES AND MAY NOT SUPPLANT, REPLACE OR CAUSE A REDUCTION IN OTHER FUNDING SOURCES.

2. ARE NOT CONSIDERED LOCAL REVENUES FOR THE PURPOSES OF ARTICLE IX, SECTIONS 20 AND 21, CONSTITUTION OF ARIZONA.

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36-2857. Localities; marijuana establishments and marijuana testing facilities

A. A LOCALITY MAY:

1. ENACT REASONABLE ZONING REGULATIONS THAT LIMIT THE USE OF LAND FOR MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES TO SPECIFIED AREAS.

2. LIMIT THE NUMBER OF MARIJUANA ESTABLISHMENTS OR MARIJUANA TESTING FACILITIES, OR BOTH.

3. PROHIBIT MARIJUANA ESTABLISHMENTS OR MARIJUANA TESTING FACILITIES, OR BOTH.

4. REGULATE THE TIME, PLACE AND MANNER OF MARIJUANA ESTABLISHMENT AND MARIJUANA TESTING FACILITY OPERATIONS.

5. ESTABLISH REASONABLE RESTRICTIONS ON PUBLIC SIGNAGE REGARDING MARIJUANA, MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES.

6. PROHIBIT OR RESTRICT DELIVERY WITHIN ITS JURISDICTION.

B. A COUNTY MAY EXERCISE ITS AUTHORITY PURSUANT TO SUBSECTION A OF THIS SECTION ONLY IN UNINCORPORATED AREAS OF THE COUNTY.

C. A LOCALITY MAY NOT ENACT ANY ORDINANCE, REGULATION OR RULE THAT:

1. IS MORE RESTRICTIVE THAN A COMPARABLE ORDINANCE, REGULATION OR RULE THAT APPLIES TO NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

2. MAKES THE OPERATION OF A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY UNDULY BURDENSOME IF THE LOCALITY HAS NOT PROHIBITED MARIJUANA ESTABLISHMENTS OR MARIJUANA TESTING FACILITIES.

3. CONFLICTS WITH THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER.

4. PROHIBITS THE TRANSPORTATION OF MARIJUANA BY A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY ON PUBLIC ROADS.

5. RESTRICTS OR INTERFERES WITH THE ABILITY OF A DUAL LICENSEE OR AN ENTITY ELIGIBLE TO BECOME A DUAL LICENSEE TO OPERATE A NONPROFIT MEDICAL MARIJUANA DISPENSARY AND A MARIJUANA ESTABLISHMENT COOPERATIVELY AT SHARED LOCATIONS.

6. EXCEPT AS EXPRESSLY AUTHORIZED BY THIS SECTION OR SECTION 36-2851, PROHIBITS OR RESTRICTS ANY CONDUCT OR TRANSACTION ALLOWED BY THIS CHAPTER, OR IMPOSES ANY LIABILITY OR PENALTY IN ADDITION TO THAT PRESCRIBED BY THIS CHAPTER FOR ANY CONDUCT OR TRANSACTION CONSTITUTING A VIOLATION OF THIS CHAPTER.

36-2858. Lawful operation of marijuana establishments and marijuana testing facilities

A. EXCEPT AS SPECIFICALLY AND EXPRESSLY PROVIDED IN SECTION 36-2857 AND NOTWITHSTANDING ANY OTHER LAW, IT IS LAWFUL AND IS NOT AN OFFENSE UNDER THE LAWS OF THIS STATE OR ANY LOCALITY, MAY NOT CONSTITUTE THE BASIS FOR DETENTION, SEARCH OR ARREST, AND MAY NOT CONSTITUTE THE SOLE BASIS FOR SEIZURE OR FORFEITURE OF ASSETS OR THE BASIS FOR IMPOSING PENALTIES UNDER THE LAWS OF THIS STATE OR ANY LOCALITY FOR:

1. A MARIJUANA ESTABLISHMENT, OR AN AGENT ACTING ON BEHALF OF A MARIJUANA ESTABLISHMENT, TO:

(a) POSSESS MARIJUANA OR MARIJUANA PRODUCTS.

(b) PURCHASE, SELL OR TRANSPORT MARIJUANA AND MARIJUANA PRODUCTS TO OR FROM A MARIJUANA ESTABLISHMENT.

(c) SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS, EXCEPT THAT A MARIJUANA ESTABLISHMENT MAY NOT SELL MORE THAN ONE OUNCE OF MARIJUANA TO A CONSUMER IN A SINGLE TRANSACTION, NOT MORE THAN FIVE GRAMS OF WHICH MAY BE IN THE FORM OF MARIJUANA CONCENTRATE.

(d) CULTIVATE, PRODUCE, TEST OR PROCESS MARIJUANA OR MANUFACTURE MARIJUANA OR MARIJUANA PRODUCTS BY ANY MEANS INCLUDING CHEMICAL EXTRACTION OR CHEMICAL SYNTHESIS.

2. AN AGENT ACTING ON BEHALF OF A MARIJUANA ESTABLISHMENT TO SELL OR OTHERWISE TRANSFER MARIJUANA TO AN INDIVIDUAL UNDER TWENTY-ONE YEARS OF AGE, IF THE AGENT REASONABLY VERIFIED THAT THE INDIVIDUAL APPEARED TO BE TWENTY-ONE YEARS OF AGE OR OLDER BY MEANS OF A GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION IN COMPLIANCE WITH RULES ADOPTED PURSUANT TO SECTION 36-2854, SUBSECTION A, PARAGRAPH 6.

3. A MARIJUANA TESTING FACILITY, OR AN AGENT ACTING ON BEHALF OF A MARIJUANA TESTING FACILITY, TO OBTAIN, POSSESS, PROCESS, REPACKAGE, TRANSFER, TRANSPORT OR TEST MARIJUANA AND MARIJUANA PRODUCTS.

4. A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MARIJUANA ESTABLISHMENT, OR AN AGENT ACTING ON BEHALF OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MARIJUANA ESTABLISHMENT, TO SELL OR OTHERWISE TRANSFER MARIJUANA OR MARIJUANA PRODUCTS TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY, A MARIJUANA ESTABLISHMENT OR AN AGENT ACTING ON BEHALF OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MARIJUANA ESTABLISHMENT.

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5. ANY INDIVIDUAL, CORPORATION OR OTHER ENTITY TO SELL, LEASE OR OTHERWISE ALLOW PROPERTY OR GOODS THAT ARE OWNED, MANAGED OR CONTROLLED BY THE INDIVIDUAL, CORPORATION OR OTHER ENTITY TO BE USED FOR ANY ACTIVITY AUTHORIZED BY THIS CHAPTER, OR TO PROVIDE SERVICES TO A MARIJUANA ESTABLISHMENT, OR MARIJUANA TESTING FACILITY OR AGENT ACTING ON BEHALF OF A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY IN CONNECTION WITH ANY ACTIVITY AUTHORIZED BY THIS CHAPTER.

B. THIS SECTION DOES NOT PRECLUDE THE DEPARTMENT FROM IMPOSING PENALTIES AGAINST A MARIJUANA ESTABLISHMENT OR MARIJUANA TESTING FACILITY FOR FAILING TO COMPLY WITH THIS CHAPTER OR RULES ADOPTED PURSUANT TO THIS CHAPTER.

C. A MARIJUANA ESTABLISHMENT MAY BE OWNED OR OPERATED BY A PUBLICLY TRADED COMPANY.

D. NOTWITHSTANDING ANY OTHER LAW, A DUAL LICENSEE:

1. MAY HOLD A MARIJUANA ESTABLISHMENT LICENSE AND OPERATE A MARIJUANA ESTABLISHMENT PURSUANT TO THIS CHAPTER.

2. MAY OPERATE ON A FOR-PROFIT BASIS IF THE DUAL LICENSEE PROMPTLY NOTIFIES THE DEPARTMENT AND DEPARTMENT OF REVENUE AND TAKES ANY ACTIONS NECESSARY TO ENABLE ITS FOR-PROFIT OPERATION, INCLUDING CONVERTING ITS CORPORATE FORM AND AMENDING ITS ORGANIZATIONAL AND OPERATING DOCUMENTS.

3. MUST CONTINUE TO HOLD BOTH ITS MARIJUANA ESTABLISHMENT LICENSE AND NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION, REGARDLESS OF ANY CHANGE IN OWNERSHIP OF THE DUAL LICENSEE, UNLESS IT TERMINATES ITS STATUS AS A DUAL LICENSEE AND FORFEITS EITHER ITS MARIJUANA ESTABLISHMENT LICENSE OR NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION BY NOTIFYING THE DEPARTMENT OF SUCH A TERMINATION AND FORFEITURE.

4. MAY NOT BE REQUIRED TO:

(a) EMPLOY OR CONTRACT WITH A MEDICAL DIRECTOR.

(b) OBTAIN NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT OR MARIJUANA FACILITY AGENT REGISTRATIONS FOR OUTSIDE VENDORS THAT DO NOT HAVE REGULAR, UNSUPERVISED ACCESS TO THE INTERIOR OF THE DUAL LICENSEE.

(c) HAVE A SINGLE SECURE ENTRANCE AS REQUIRED BY SECTION 36-2806, SUBSECTION C, BUT MAY BE REQUIRED TO IMPLEMENT APPROPRIATE SECURITY MEASURES TO DETER AND PREVENT THE THEFT OF MARIJUANA AND TO REASONABLY REGULATE CUSTOMER ACCESS TO THE PREMISES.

(d) COMPLY WITH ANY OTHER PROVISION OF CHAPTER 28.1 OF THIS TITLE OR ANY RULE ADOPTED PURSUANT TO CHAPTER 28.1 OF THIS TITLE THAT MAKES ITS OPERATION AS A DUAL LICENSEE UNDULY BURDENSOME.

E. NOTWITHSTANDING ANY OTHER LAW, A DUAL LICENSEE THAT ELECTS TO OPERATE ON A FOR-PROFIT BASIS PURSUANT TO SUBSECTION D, PARAGRAPH 2 OF THIS SECTION:

1. IS SUBJECT TO THE TAXES IMPOSED PURSUANT TO TITLE 43.

2. IS NOT REQUIRED TO SUBMIT ITS ANNUAL FINANCIAL STATEMENTS OR AN AUDIT REPORT TO THE DEPARTMENT FOR PURPOSES OF RENEWING ITS NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION.

F. NOTWITHSTANDING ANY OTHER LAW, A DUAL LICENSEE MUST CONDUCT BOTH OF THE FOLLOWING OPERATIONS AT A SHARED LOCATION:

1. SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS PURSUANT TO THIS CHAPTER.

2. DISPENSE MARIJUANA TO REGISTERED QUALIFYING PATIENTS AND REGISTERED DESIGNATED CAREGIVERS PURSUANT TO CHAPTER 28.1 OF THIS TITLE.

G. NOTWITHSTANDING CHAPTER 28.1 OF THIS TITLE OR ANY RULE ADOPTED PURSUANT TO CHAPTER 28.1 OF THIS TITLE, A DUAL LICENSEE MAY ENGAGE IN ANY ACT, PRACTICE, CONDUCT OR TRANSACTION ALLOWED FOR A MARIJUANA ESTABLISHMENT BY THIS CHAPTER.

H. NOTWITHSTANDING ANY OTHER LAW:

1. AN INDIVIDUAL MAY BE AN APPLICANT, PRINCIPAL OFFICER OR BOARD MEMBER OF MORE THAN ONE MARIJUANA ESTABLISHMENT OR MORE THAN ONE DUAL LICENSEE REGARDLESS OF THE ESTABLISHMENT'S LOCATION.

2. TWO OR MORE MARIJUANA ESTABLISHMENTS OR DUAL LICENSEES MAY DESIGNATE A SINGLE OFF-SITE LOCATION AS PRESCRIBED IN SECTION 36-2850, PARAGRAPH 18, SUBDIVISION (c) TO BE JOINTLY USED BY THOSE DUAL LICENSEES OR MARIJUANA ESTABLISHMENTS.

I. MARIJUANA ESTABLISHMENTS, MARIJUANA TESTING FACILITIES AND DUAL LICENSEES THAT ARE SUBJECT TO APPLICABLE FEDERAL OR STATE ANTIDISCRIMINATION LAWS MAY NOT PAY THEIR EMPLOYEES DIFFERENTLY BASED SOLELY ON A PROTECTED CLASS STATUS SUCH AS SEX, RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE OR DISABILITY. THIS SUBSECTION DOES NOT EXPAND OR MODIFY THE JURISDICTIONAL REACH, PROVISIONS OR REQUIREMENTS OF ANY APPLICABLE ANTI-DISCRIMINATION LAW.

36-2859. Advertising restrictions; enforcement; civil penalty

A. A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY ENGAGE IN ADVERTISING.

B. AN ADVERTISING PLATFORM MAY HOST ADVERTISING ONLY IF ALL OF THE FOLLOWING APPLY:

1. THE ADVERTISING IS AUTHORIZED BY A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA DISPENSARY.

2. THE ADVERTISING ACCURATELY AND LEGIBLY IDENTIFIES THE MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA DISPENSARY RESPONSIBLE FOR THE CONTENT OF THE ADVERTISING BY NAME AND LICENSE NUMBER OR REGISTRATION NUMBER.

C. ANY ADVERTISING UNDER THIS CHAPTER INVOLVING DIRECT, INDIVIDUALIZED COMMUNICATION OR DIALOGUE SHALL USE A METHOD OF AGE AFFIRMATION TO VERIFY THAT THE RECIPIENT IS TWENTY-ONE YEARS OF AGE OR OLDER BEFORE ENGAGING IN THAT COMMUNICATION OR DIALOGUE. FOR THE PURPOSES OF THIS SUBSECTION, THAT METHOD OF AGE AFFIRMATION MAY INCLUDE USER CONFIRMATION, BIRTH DATE DISCLOSURE OR OTHER SIMILAR REGISTRATION METHODS.

D. IT IS UNLAWFUL FOR AN INDIVIDUAL OR ENTITY OTHER THAN A MARIJUANA ESTABLISHMENT OR DUAL LICENSEE TO DO ANY OF THE FOLLOWING IN A MANNER THAT IS NOT AUTHORIZED BY THIS CHAPTER OR RULES ADOPTED BY THE DEPARTMENT PURSUANT TO THIS CHAPTER:

1. FACILITATE THE DELIVERY OF MARIJUANA OR MARIJUANA PRODUCTS.

2. SOLICIT OR ACCEPT ORDERS FOR MARIJUANA OR MARIJUANA PRODUCTS OR OPERATE A PLATFORM THAT SOLICITS OR ACCEPTS ORDERS FOR MARIJUANA OR MARIJUANA PRODUCTS.

3. OPERATE A LISTING SERVICE RELATED TO THE SALE OR DELIVERY OF MARIJUANA OR MARIJUANA PRODUCTS.

E. A MARIJUANA ESTABLISHMENT THAT VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION BY THE DEPARTMENT PURSUANT TO SECTION 36-2854, SUBSECTION B. A NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION BY THE DEPARTMENT PURSUANT TO SECTION 36-2816.

F. IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW, AN INDIVIDUAL OR ENTITY OTHER THAN A MARIJUANA ESTABLISHMENT OR NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT ADVERTISES MARIJUANA OR MARIJUANA PRODUCTS IN VIOLATION OF THIS SECTION OR OTHERWISE VIOLATES THIS SECTION SHALL PAY A CIVIL PENALTY OF $20,000 PER VIOLATION TO THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856. THIS SUBSECTION MAY BE ENFORCED BY THE ATTORNEY GENERAL.

36-2860. Packaging; restrictions on particular marijuana products

A. A MARIJUANA ESTABLISHMENT MAY NOT:

1. PACKAGE OR LABEL MARIJUANA OR MARIJUANA PRODUCTS IN A FALSE OR MISLEADING MANNER.

2. MANUFACTURE OR SELL MARIJUANA PRODUCTS THAT RESEMBLE THE FORM OF A HUMAN, ANIMAL, INSECT, FRUIT, TOY OR CARTOON.

3. SELL OR ADVERTISE MARIJUANA OR MARIJUANA PRODUCTS WITH NAMES THAT RESEMBLE OR IMITATE FOOD OR DRINK BRANDS MARKETED TO CHILDREN, OR OTHERWISE ADVERTISE MARIJUANA OR MARIJUANA PRODUCTS TO CHILDREN.

B. A MARIJUANA ESTABLISHMENT THAT VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION BY THE DEPARTMENT PURSUANT TO SECTION 36-2854, SUBSECTION B.

36-2861. Contracts; professional services

A. IT IS THE PUBLIC POLICY OF THIS STATE THAT CONTRACTS RELATED TO MARIJUANA ESTABLISHMENTS AND MARIJUANA TESTING FACILITIES ARE ENFORCEABLE.

B. A PERSON THAT IS LICENSED, CERTIFIED OR REGISTERED BY ANY DEPARTMENT, AGENCY OR REGULATORY BOARD OF THIS STATE IS NOT SUBJECT TO DISCIPLINARY ACTION BY THAT ENTITY FOR PROVIDING PROFESSIONAL ASSISTANCE TO A PROSPECTIVE OR REGISTERED MARIJUANA ESTABLISHMENT, MARIJUANA TESTING FACILITY OR OTHER PERSON FOR ANY LAWFUL ACTIVITY UNDER THIS CHAPTER.

36-2862. Expungement; petition; appeal; dismissal of complaints; rules

A. BEGINNING JULY 12, 2021, AN INDIVIDUAL WHO WAS ARRESTED FOR, CHARGED WITH, ADJUDICATED OR CONVICTED BY TRIAL OR PLEA OF, OR SENTENCED FOR, ANY OF THE FOLLOWING OFFENSES BASED ON OR ARISING OUT OF CONDUCT OCCURRING BEFORE THE EFFECTIVE DATE OF THIS SECTION MAY PETITION THE COURT TO HAVE THE RECORD OF THAT ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE EXPUNGED:

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1. POSSESSING, CONSUMING OR TRANSPORTING TWO AND ONE-HALF OUNCES OR LESS OF MARIJUANA, OF WHICH NOT MORE THAN TWELVE AND ONE-HALF GRAMS WAS IN THE FORM OF MARIJUANA CONCENTRATE.

2. POSSESSING, TRANSPORTING, CULTIVATING OR PROCESSING NOT MORE THAN SIX MARIJUANA PLANTS AT THE INDIVIDUAL'S PRIMARY RESIDENCE FOR PERSONAL USE.

3. POSSESSING, USING OR TRANSPORTING PARAPHERNALIA RELATING TO THE CULTIVATION, MANUFACTURE, PROCESSING OR CONSUMPTION OF MARIJUANA.

B. IF THE COURT RECEIVES A PETITION FOR EXPUNGEMENT PURSUANT TO THIS SECTION:

1. THE COURT SHALL NOTIFY THE PROSECUTING AGENCY OF THE FILING OF THE PETITION, AND ALLOW THE PROSECUTING AGENCY TO RESPOND TO THE PETITION WITHIN THIRTY DAYS.

2. THE COURT MAY HOLD A HEARING:

(a) ON THE REQUEST OF EITHER THE PETITIONER OR THE PROSECUTING AGENCY.

(b) IF THE COURT CONCLUDES THERE ARE GENUINE DISPUTES OF FACT REGARDING WHETHER THE PETITION SHOULD BE GRANTED.

3. THE COURT SHALL GRANT THE PETITION UNLESS THE PROSECUTING AGENCY ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT THE PETITIONER IS NOT ELIGIBLE FOR EXPUNGEMENT.

4. THE COURT SHALL ISSUE A SIGNED ORDER OR MINUTE ENTRY GRANTING OR DENYING THE PETITION IN WHICH IT MAKES FINDINGS OF FACT AND CONCLUSIONS OF LAW.

C. IF THE COURT GRANTS A PETITION FOR EXPUNGEMENT:

1. THE SIGNED ORDER OR MINUTE ENTRY REQUIRED PURSUANT TO SUBSECTION B, PARAGRAPH 4 OF THIS SECTION SHALL DO ALL OF THE FOLLOWING:

(a) IF THE PETITIONER WAS ADJUDICATED OR CONVICTED OF AN OFFENSE SET FORTH IN SUBSECTION A OF THIS SECTION, VACATE THE JUDGMENT OF ADJUDICATION OR CONVICTION.

(b) STATE THAT IT EXPUNGES ANY RECORD OF THE PETITIONER'S ARREST, CHARGE, CONVICTION, ADJUDICATION AND SENTENCE.

(c) IF THE PETITIONER WAS CONVICTED OR ADJUDICATED OF AN OFFENSE SET FORTH IN SUBSECTION A OF THIS SECTION, STATE THAT THE PETITIONER'S CIVIL RIGHTS, INCLUDING THE RIGHT TO POSSESS FIREARMS, ARE RESTORED, UNLESS THE PETITIONER IS OTHERWISE NOT ELIGIBLE FOR THE RESTORATION OF CIVIL RIGHTS ON GROUNDS OTHER THAN A CONVICTION FOR AN OFFENSE SET FORTH IN SUBSECTION A OF THIS SECTION.

(d) REQUIRE THE CLERK OF THE COURT TO NOTIFY THE DEPARTMENT OF PUBLIC SAFETY, THE PROSECUTING AGENCY AND THE ARRESTING LAW ENFORCEMENT AGENCY, IF APPLICABLE, OF THE EXPUNGEMENT ORDER.

(e) REQUIRE THE CLERK OF THE COURT TO SEAL ALL RECORDS RELATING TO THE EXPUNGED ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE AND ALLOW THE RECORDS TO BE ACCESSED ONLY BY THE INDIVIDUAL WHOSE RECORD WAS EXPUNGED OR THE INDIVIDUAL'S ATTORNEY.

2. THE DEPARTMENT OF PUBLIC SAFETY SHALL SEAL AND SEPARATE THE EXPUNGED RECORD FROM ITS RECORDS AND INFORM ALL APPROPRIATE STATE AND FEDERAL LAW ENFORCEMENT AGENCIES OF THE EXPUNGEMENT. UNLESS THE PETITIONER IS INDIGENT, THE DEPARTMENT OF PUBLIC SAFETY MAY CHARGE THE SUCCESSFUL PETITIONER A REASONABLE FEE DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY TO RESEARCH AND CORRECT THE PETITIONER'S CRIMINAL HISTORY RECORD.

3. THE ARRESTING AND PROSECUTING AGENCIES SHALL CLEARLY IDENTIFY IN EACH AGENCY'S FILES AND ELECTRONIC RECORDS THAT THE PETITIONER'S ARREST, CHARGE, CONVICTION, ADJUDICATION AND SENTENCE ARE EXPUNGED AND SHALL NOT MAKE ANY RECORDS OF THE EXPUNGED ARREST, CHARGE, CONVICTION, ADJUDICATION OR SENTENCE AVAILABLE AS A PUBLIC RECORD TO ANY PERSON EXCEPT TO THE INDIVIDUAL WHOSE RECORD WAS EXPUNGED OR THAT INDIVIDUAL'S ATTORNEY.

D. AN ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE THAT IS EXPUNGED PURSUANT TO THIS SECTION MAY NOT BE USED IN A SUBSEQUENT PROSECUTION BY A PROSECUTING AGENCY OR COURT FOR ANY PURPOSE.

E. AN INDIVIDUAL WHOSE RECORD OF ARREST, CHARGE, ADJUDICATION, CONVICTION OR SENTENCE IS EXPUNGED PURSUANT TO THIS SECTION MAY STATE THAT THE INDIVIDUAL HAS NEVER BEEN ARRESTED FOR, CHARGED WITH, ADJUDICATED OR CONVICTED OF, OR SENTENCED FOR THE CRIME THAT IS THE SUBJECT OF THE EXPUNGEMENT.

F. IF THE COURT DENIES A PETITION FOR EXPUNGEMENT, THE PETITIONER MAY FILE A DIRECT APPEAL PURSUANT TO SECTION 13-4033, SUBSECTION A, PARAGRAPH 3.

G. ON MOTION, THE COURT SHALL DISMISS WITH PREJUDICE ANY PENDING COMPLAINT, INFORMATION OR INDICTMENT BASED ON ANY OFFENSE SET FORTH IN SUBSECTION A OF THIS SECTION, TO INCLUDE CHARGES OR ALLEGATIONS BASED ON OR ARISING OUT OF CONDUCT OCCURRING BEFORE THE EFFECTIVE DATE OF THIS CHAPTER. THE INDIVIDUAL CHARGED MAY THEREAFTER PETITION THE COURT TO

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EXPUNGE RECORDS OF THE ARREST AND CHARGE OR ALLEGATION AS PROVIDED IN THIS SECTION. A MOTION BROUGHT PURSUANT TO THIS SUBSECTION MAY BE FILED WITH THE COURT BEFORE JULY 12, 2021.

H. THE SUPREME COURT MAY ADOPT RULES NECESSARY TO IMPLEMENT THIS SECTION, AND MAY ALSO SPONSOR PUBLIC SERVICE ANNOUNCEMENTS OR OTHER NOTIFICATIONS INTENDED TO PROVIDE NOTICE TO INDIVIDUALS WHO MAY BE ELIGIBLE TO FILE PETITIONS FOR EXPUNGEMENT PURSUANT TO THIS SECTION.

I. A PROSECUTING AGENCY MAY FILE A PETITION FOR EXPUNGEMENT PURSUANT TO THIS SECTION ON BEHALF OF ANY INDIVIDUAL WHO WAS PROSECUTED BY THAT PROSECUTING AGENCY, AND THE ATTORNEY GENERAL MAY FILE A PETITION FOR EXPUNGEMENT PURSUANT TO THIS SECTION ON BEHALF OF ANY INDIVIDUAL.

36-2863. Justice reinvestment fund; exemption; distribution; definition

A. THE JUSTICE REINVESTMENT FUND IS ESTABLISHED CONSISTING OF ALL MONIES DEPOSITED PURSUANT TO SECTION 36-2856 AND INTEREST EARNED ON THOSE MONIES. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. MONIES IN THE FUND AND ITS ACCOUNTS MAY NOT BE TRANSFERRED TO ANY OTHER FUND EXCEPT AS PROVIDED IN THIS SECTION, DO NOT REVERT TO THE STATE GENERAL FUND, AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO THE LAPSING OF APPROPRIATIONS. THE STATE TREASURER SHALL ADMINISTER THE FUND.

B. ALL MONIES IN THE JUSTICE REINVESTMENT FUND MUST FIRST BE SPENT, AND THE STATE TREASURER SHALL TRANSFER MONIES FROM THE FUND, TO PAY:

1. THE REASONABLE COSTS INCURRED BY THE STATE TREASURER TO ADMINISTER THE FUND.
2. THE REASONABLE ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT TO CARRY OUT ITS DUTIES PURSUANT TO THIS SECTION.

C. ON OR BEFORE JUNE 30 AND DECEMBER 31 OF EACH YEAR, THE STATE TREASURER SHALL TRANSFER ALL MONIES IN THE JUSTICE REINVESTMENT FUND IN EXCESS OF THE AMOUNTS PAID PURSUANT TO SUBSECTION B OF THIS SECTION AS FOLLOWS:

1. THIRTY-FIVE PERCENT TO COUNTY PUBLIC HEALTH DEPARTMENTS, IN PROPORTION TO THE POPULATION OF EACH COUNTY ACCORDING TO THE MOST RECENT UNITED STATES DECENNIAL CENSUS, FOR THE PURPOSE OF PROVIDING JUSTICE REINVESTMENT PROGRAMS OR DISTRIBUTING GRANTS TO QUALIFIED NONPROFIT ORGANIZATIONS TO PROVIDE JUSTICE REINVESTMENT PROGRAMS IN THAT COUNTY.
2. THIRTY-FIVE PERCENT TO THE DEPARTMENT FOR THE PURPOSE OF DISTRIBUTING GRANTS TO QUALIFIED NONPROFIT ORGANIZATIONS THAT PROVIDE JUSTICE REINVESTMENT PROGRAMS IN THIS STATE.
3. THIRTY PERCENT TO THE DEPARTMENT FOR THE PURPOSE OF ADDRESSING IMPORTANT PUBLIC HEALTH ISSUES THAT AFFECT THIS STATE.

D. GRANTS MADE PURSUANT TO THIS SECTION ARE EXEMPT FROM TITLE 41, CHAPTER 23, AND EACH GRANTEE SHALL PROVIDE THE GRANTING AGENCY WITH AN ANNUAL REPORT DETAILING THE USE OF GRANTED MONIES.

E. MONIES TRANSFERRED AND RECEIVED PURSUANT TO SUBSECTION C OF THIS SECTION ARE NOT CONSIDERED LOCAL REVENUES FOR THE PURPOSES OF ARTICLE IX, SECTION 20, CONSTITUTION OF ARIZONA.

F. THE STATE TREASURER MAY PRESCRIBE FORMS NECESSARY TO MAKE TRANSFERS PURSUANT TO SUBSECTION B OF THIS SECTION.

G. FOR THE PURPOSES OF THIS SECTION, "JUSTICE REINVESTMENT PROGRAMS" MEANS INITIATIVES OR PROGRAMS THAT FOCUS ON ANY OF THE FOLLOWING:

1. PUBLIC AND BEHAVIORAL HEALTH, INCLUDING EVIDENCE-BASED AND EVIDENCE-INFORMED SUBSTANCE USE PREVENTION AND TREATMENT AND SUBSTANCE USE EARLY INTERVENTION SERVICES.
2. RESTORATIVE JUSTICE, JAIL DIVERSION, WORKFORCE DEVELOPMENT, INDUSTRY-SPECIFIC TECHNICAL ASSISTANCE OR MENTORING SERVICES FOR ECONOMICALLY DISADVANTAGED PERSONS IN COMMUNITIES DISPROPORTIONATELY IMPACTED BY HIGH RATES OF ARREST AND INCARCERATION.
3. ADDRESSING THE UNDERLYING CAUSES OF CRIME, REDUCING DRUG-RELATED ARRESTS AND REDUCING THE PRISON POPULATION IN THIS STATE.
4. CREATING OR DEVELOPING TECHNOLOGY AND PROGRAMS TO ASSIST WITH THE RESTORATION OF CIVIL RIGHTS AND THE EXPUNGEMENT OF CRIMINAL RECORDS.

36-2864. Transaction privilege tax; use tax; additional taxes prohibited; exception

A. FOR PURPOSES OF THE TRANSACTION PRIVILEGE TAX AND USE TAX LEVIED AND COLLECTED PURSUANT TO TITLE 42, CHAPTERS 5 AND 6, MARIJUANA AND MARIJUANA PRODUCTS ARE TANGIBLE PERSONAL PROPERTY DEFINED IN SECTION 42-5001 AND ARE SUBJECT TO THE TRANSACTION PRIVILEGE TAX IN THE RETAIL CLASSIFICATION AND USE TAX.

B. EXCEPT AS PROVIDED IN SUBSECTION A OF THIS SECTION AND SECTION 42-5452, THIS STATE AND LOCALITIES MAY NOT LEVY OR COLLECT ADDITIONAL TAXES OF ANY KIND ON THE SALE OF MARIJUANA OR MARIJUANA PRODUCTS AND MAY NOT LEVY OR COLLECT ANY FEES OR ASSESSMENTS OF ANY KIND ON THE

SALE OF MARIJUANA OR MARIJUANA PRODUCTS OR ON THE LICENSING, OPERATIONS OR ACTIVITIES OF MARIJUANA ESTABLISHMENTS OR MARIJUANA TESTING FACILITIES, UNLESS THE FEE OR ASSESSMENT IS OF GENERAL APPLICABILITY TO INDIVIDUALS OR BUSINESSES THAT ARE NOT ENGAGED IN THE SALE OF MARIJUANA OR MARIJUANA PRODUCTS.

C. THE PROHIBITION IMPOSED BY SUBSECTION B OF THIS SECTION DOES NOT APPLY TO UNIFORM INCREASES TO THE TRANSACTION PRIVILEGE TAX RATE FOR THE RETAIL CLASSIFICATION OR USE TAX RATE BY THIS STATE OR A LOCALITY OR TO UNIFORM INCREASES TO FEES OR ASSESSMENTS ALLOWED BY SUBSECTION B OF THIS SECTION.

36-2865. Enforcement of this chapter; special action

A. IF THE DEPARTMENT FAILS TO ADOPT RULES NECESSARY TO IMPLEMENT THIS CHAPTER ON OR BEFORE JUNE 1, 2021, OR FAILS TO BEGIN ACCEPTING APPLICATIONS AS PROVIDED IN SECTION 36-2854, SUBSECTION A, PARAGRAPH 1, SUBDIVISION (d), ANY CITIZEN MAY COMMENCE A SPECIAL ACTION IN SUPERIOR COURT TO COMPEL THE DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS CHAPTER.

B. IF THE DEPARTMENT FAILS TO ISSUE A LICENSE OR SEND A NOTICE OF DENIAL WITHIN SIXTY DAYS AFTER RECEIVING A COMPLETE MARIJUANA ESTABLISHMENT APPLICATION PURSUANT TO SECTION 36-2854, SUBSECTION A, PARAGRAPH 1, SUBDIVISION (d), THE APPLICANT MAY COMMENCE A SPECIAL ACTION IN SUPERIOR COURT TO COMPEL THE DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS CHAPTER.

C. NOTWITHSTANDING CHAPTER 28.1 OF THIS TITLE, IF THE DEPARTMENT FAILS TO ISSUE ANY MARIJUANA ESTABLISHMENT LICENSES PURSUANT TO SECTION 36-2854, SUBSECTION A, PARAGRAPH 1, SUBDIVISION D ON OR BEFORE APRIL 5, 2021, EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY IN GOOD STANDING MAY BEGIN TO CULTIVATE, PRODUCE, PROCESS, MANUFACTURE, TRANSPORT AND TEST MARIJUANA AND MARIJUANA PRODUCTS AND MAY SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS UNTIL THE DEPARTMENT ISSUES LICENSES TO OPERATE MARIJUANA ESTABLISHMENTS. IF THIS OCCURS, NONPROFIT MEDICAL MARIJUANA DISPENSARIES IN GOOD STANDING SHALL:

1. BE TREATED AS MARIJUANA ESTABLISHMENTS FOR ALL PURPOSES UNDER THIS CHAPTER, AND THEIR NONPROFIT MEDICAL MARIJUANA ESTABLISHMENT AGENTS SHALL BE TREATED AS MARIJUANA FACILITY AGENTS FOR ALL PURPOSES UNDER THIS CHAPTER.
2. COMPLY WITH THE RULES ADOPTED BY THE DEPARTMENT TO IMPLEMENT CHAPTER 28.1 OF THIS TITLE, EXCEPT THOSE THAT ARE INCONSISTENT WITH THIS CHAPTER.

Section 5. Title 42, Chapter 5, Arizona Revised Statutes, is amended by adding article 10 to read:

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ARTICLE 10.
MARIJUANA AND MARIJUANA PRODUCTS

42-5451. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CONSUMER," "DUAL LICENSEE," "MARIJUANA," "MARIJUANA ESTABLISHMENT" AND "MARIJUANA PRODUCTS" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2850.
2. "DESIGNATED CAREGIVER," "NONPROFIT MEDICAL MARIJUANA DISPENSARY" AND "QUALIFYING PATIENT" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2801.

42-5452. Levy and rate of tax; effect of federal excise tax

A. THERE IS LEVIED AND THE DEPARTMENT SHALL COLLECT AN EXCISE TAX ON ALL MARIJUANA AND MARIJUANA PRODUCTS SOLD TO A CONSUMER BY A MARIJUANA ESTABLISHMENT AT A RATE OF SIXTEEN PERCENT OF THE PRICE OF THE MARIJUANA OR MARIJUANA PRODUCT SOLD. THIS SUBSECTION DOES NOT APPLY TO MARIJUANA DISPENSED TO A REGISTERED QUALIFYING PATIENT OR REGISTERED DESIGNATED CAREGIVER PURSUANT TO TITLE 36, CHAPTER 28.1 BY A DUAL LICENSEE OR NONPROFIT MEDICAL MARIJUANA DISPENSARY.

B. IF THE UNITED STATES LEVIES AND COLLECTS AN EXCISE TAX ON MARIJUANA AND MARIJUANA PRODUCTS, THE AGGREGATE OF FEDERAL AND STATE EXCISE TAXES MAY NOT EXCEED A RATE OF THIRTY PERCENT OF THE PRICE OF THE MARIJUANA OR MARIJUANA PRODUCT SOLD, AND THE TAX LEVIED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE LOWERED ACCORDINGLY AND AUTOMATICALLY ON THE EFFECTIVE DATE OF THE FEDERAL EXCISE TAX.

C. A PRODUCT SUBJECT TO THE TAX IMPOSED BY THIS SECTION MAY NOT BE BUNDLED WITH A PRODUCT OR SERVICE THAT IS NOT SUBJECT TO THE TAX IMPOSED BY THIS SECTION.

D. THE TAX LEVIED AND COLLECTED PURSUANT TO THIS SECTION SHALL NOT BE INCLUDED IN COMPUTING THE TAX BASE, GROSS PROCEEDS OF SALES OR GROSS INCOME OF A MARIJUANA ESTABLISHMENT

FOR PURPOSES OF TITLE 42, CHAPTERS 5 AND 6, AND IS NOT SUBJECT TO ANY TRANSACTION PRIVILEGE, SALES, USE OR OTHER SIMILAR TAX LEVIED BY A COUNTY, CITY, TOWN OR SPECIAL TAXING DISTRICT.

E. NOTWITHSTANDING SECTION 42-3102, THE DEPARTMENT SHALL DEPOSIT ALL MONIES LEVIED AND COLLECTED PURSUANT TO THIS SECTION IN THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856.

42-5453. Return statement and payment by marijuana establishment; penalty; interest; rules; confidential information

A. THE TAX IMPOSED BY THIS ARTICLE IS DUE AND PAYABLE, TOGETHER WITH A RETURN STATEMENT PRESCRIBED BY THE DEPARTMENT, FOR EACH MONTH ON OR BEFORE THE TWENTIETH DAY OF THE SUCCEEDING MONTH.

B. A MARIJUANA ESTABLISHMENT THAT FAILS TO PAY THE TAX IMPOSED BY THIS ARTICLE WITHIN TEN DAYS AFTER THE DATE THE PAYMENT IS DUE IS SUBJECT TO AND SHALL PAY A PENALTY DETERMINED UNDER SECTION 42-1125, PLUS INTEREST AT THE RATE DETERMINED PURSUANT TO SECTION 42-1123, FROM THE TIME THE TAX WAS DUE AND PAYABLE UNTIL PAID. THE DEPARTMENT MAY WAIVE ANY PENALTY OR INTEREST IF IT DETERMINES THAT THE MARIJUANA ESTABLISHMENT HAS MADE A GOOD FAITH ATTEMPT TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE.

C. THE MONTHLY RETURN STATEMENT PRESCRIBED BY THE DEPARTMENT SHALL INCLUDE AN ACCOUNTING OF THE QUANTITY OF MARIJUANA THAT IS SOLD BY A MARIJUANA ESTABLISHMENT THAT IS SUBJECT TO THE TAX IMPOSED BY THIS ARTICLE DURING THE TAX MONTH.

D. ALL PENALTIES AND INTEREST COLLECTED PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE SMART AND SAFE ARIZONA FUND ESTABLISHED BY SECTION 36-2856.

E. THE DEPARTMENT MAY ADOPT RULES THAT ARE NECESSARY OR CONVENIENT TO ENFORCE THIS ARTICLE, EXCEPT THAT THOSE RULES MAY NOT CONFLICT WITH TITLE 36, CHAPTER 28.2.

F. THE DEPARTMENT MAY SHARE CONFIDENTIAL INFORMATION AS DEFINED IN SECTION 42-2001 WITH THE DEPARTMENT OF HEALTH SERVICES FOR ITS USE IN DETERMINING WHETHER A MARIJUANA ESTABLISHMENT, MARIJUANA TESTING FACILITY OR DUAL LICENSEE IS IN COMPLIANCE WITH TAX OBLIGATIONS UNDER THIS TITLE OR TITLE 43.

Section 6. Title 43, Chapter 1, article 1, Arizona Revised Statutes, is amended by adding Section 43-108 to read:

43-108. Subtraction from gross income; ordinary and necessary expenses; marijuana establishments and marijuana testing facilities; definitions

A. NOTWITHSTANDING ANY OTHER LAW, IN COMPUTING ARIZONA ADJUSTED GROSS INCOME OR ARIZONA TAXABLE INCOME FOR A TAXPAYER, ALL ORDINARY AND NECESSARY EXPENSES PAID OR INCURRED DURING THE TAXABLE YEAR IN CARRYING ON A TRADE OR BUSINESS AS A MARIJUANA ESTABLISHMENT, MARIJUANA TESTING FACILITY, OR DUAL LICENSEE THAT ELECTS TO OPERATE ON A FOR-PROFIT BASIS PURSUANT TO TITLE 36, CHAPTER 28.2 SHALL BE SUBTRACTED FROM ARIZONA GROSS INCOME TO THE EXTENT NOT ALREADY EXCLUDED FROM ARIZONA GROSS INCOME.

B. FOR THE PURPOSES OF THIS SECTION, "DUAL LICENSEE," "MARIJUANA ESTABLISHMENT," AND "MARIJUANA TESTING FACILITY" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 36-2850.

Section 7. Voter Protection Act

For the purposes of the Voter Protection Act, Ariz. Const. art. IV, pt. 1, § 1(6)(C), the People of the State of Arizona declare that the following acts of the Legislature would further the purpose of this act:

1. Enacting a per se law for the presumption of marijuana impairment based on the concentration of delta-9 tetrahydrocannabinol in a person's body when scientific research on the subject is conclusive and the National Highway Traffic Safety Administration recommends the adoption of such a law.
2. Reducing or eliminating any offense, offense level or penalty provided for in this act.
3. Increasing the amount of marijuana that a person may lawfully possess.
4. Amending the provisions of this act to align more closely with federal laws and regulations if marijuana is legalized or decriminalized by the federal government, but only if and to the extent that such federal laws and regulations are not more restrictive than the provisions of this act.
5. Amending the provisions of this act to align more closely with federal laws and regulations governing the possession, processing, cultivation, transport, or transfer of industrial hemp, but only if and to the extent that such federal laws and regulations are not more restrictive than the provisions of this act.
6. Increasing the number of marijuana establishment licenses by up to 10 percent in furtherance of the social equity ownership program established by this act.
7. Facilitating the expungement and sealing of records of arrests, charges, convictions, adjudications and sentences that were predicated on conduct made lawful by this act, including by automatic means, and otherwise preventing or mitigating prejudice to individuals whose arrests, charges, convictions, adjudications or sentences are expunged.

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8. Amending the definition of "smoking" in this act to conform with the Smoke-Free Arizona Act if that act is amended to include the use of an electronic smoking device that creates an aerosol or vapor.

Section 8. Exemption from rulemaking

For the purposes of this act, and for sixty months after the effective date of this act, the department of revenue and the department of health services are exempt from (a) any executive order or other directive purporting to limit or restrict their ability to adopt new rules, and (b) the rulemaking requirements of title 41, chapters 6 and 6.1, Arizona Revised Statutes, except that each department shall provide the public with a reasonable opportunity to comment on proposed rules and shall publish otherwise exempted rules.

Section 9. Severability

If any provision of this act or its application to any person or circumstance is declared invalid by a court of competent jurisdiction, such invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application. The invalidated provision or provisions shall be deemed reformed to the extent necessary to conform to applicable law and to give the maximum effect to the intent of this act and, to the fullest extent possible, the provisions of this act, including each portion of any section of this act containing any invalidated provision that is not itself invalid, shall be construed so as to give effect to the intent thereof.

