



AMENDED JULY 13, 2020 @ 3:55 PM

MARANA TOWN COUNCIL
STUDY SESSION
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, July 14, 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

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 July 14, 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*.

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.

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.

Due to concerns related to the COVID-19 pandemic, meetings may be viewed online by clicking the below link:

<http://maranaaz.swagit.com/live>

As an alternative to appearing in person, citizens may speak during the Call to the Public or Public Hearings or when called upon by Council by using Zoom, as directed below:

Please click the link below to participate in the Council meeting (refer to the instructions below for how to participate):

<https://us02web.zoom.us/j/89257463786?pwd=Nm15d2k3VmVNaUxENnRWUXU4QksrUT09>

Password: 536715

For instructions on participating virtually in the Town Council Meeting click here:

<https://www.maranaaz.gov/virtual-meetings>

Please note that by participating virtually, you will not be able to watch video of the Council meeting, you will only be able to hear the meeting and to speak if you are called upon.

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

DISCUSSION/DIRECTION/POSSIBLE ACTION

- D1 Relating to Development; Discussion and feedback concerning the possible annexation of a portion of the La Puerta del Norte county island adjacent to Continental Ranch and potential terms of a pre-annexation development agreement with KB Home for the proposed development of the annexation area (Jason Angell)
- D2 Relating to Development; Discussion and direction concerning a proposed new private low-volume subdivision road standard (Keith Brann)
- D3 Relating to Parks & Recreation; Discussion and direction concerning a possible amendment to the infrastructure improvements plan supporting development impact fees for parks and recreation facilities by revising the projects to accommodate additional funding for Town of Marana Project No. PK023, Santa Cruz River Shared Use Path at CalPortland (Jim Conroy)
- D4 Relating to Utilities; Discussion and direction regarding a draft amendment to Town Code Title 14 (Utilities), to add a new Chapter 14-11 concerning non-potable water service within Cortaro-Marana Irrigation District's service area (Scott Schladweiler)
- D5 *Relating to Emergency Management; presentation and discussion regarding Town of Marana's actions in relation to COVID-19 emergency orders of Arizona Governor Douglas A. Ducey and other entities (Jane Fairall)*

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-Study Session

D1

Meeting Date: 07/14/2020

To: Mayor and Council

Submitted For: Jason Angell, Development Services Director

From: Frank Cassidy, Town Attorney

Date: July 14, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Development; Discussion and feedback concerning the possible annexation of a portion of the La Puerta del Norte county island adjacent to Continental Ranch and potential terms of a pre-annexation development agreement with KB Home for the proposed development of the annexation area (Jason Angell)

Discussion:

KB Home is investigating the acquisition of 50.99 acres of MUSD-owned land north and south of Coachline Boulevard in the La Puerta del Norte area -- an unincorporated county island located adjacent to Continental Ranch. An overview map of the proposed KB Home acquisition, its associated annexation area, and the surrounding residential densities is included in the backup materials, along with a copy of the PowerPoint presentation staff anticipates using at the Council meeting for this agenda item.

The MUSD-owned land north of Coachline consists of two parcels (the "North Parcels") totaling 10.99 acres located immediately south of the El Rio Preserve. One of the two parcels, consisting of 2.24 acres, is already located in the Marana town limits, and the other, consisting of 8.75 acres, is in unincorporated Pima County.

The MUSD-owned land south of Coachline consists of four parcels (the "South Parcels") located between the Sunflower area of Continental Ranch and the remaining remnant of the La Puerta del Norte neighborhood. The four parcels total 40.00 acres, consisting of a main 38.87-acre parcel and three vacant MUSD-owned La Puerta del Norte Subdivision lots totaling 1.13 acres.

KB Home's proposed acquisition of the MUSD-owned land is part of a complicated three-party deal among MUSD, Gladden Phase II LLC, and KB Home. If consummated, the deal would involve KB Home's purchase from Gladden of land acquired in trade from MUSD in exchange for a school site in Gladden Farms II.

The portions of the MUSD-owned land sought to be annexed total 48.75 acres -- the 8.75-acres parcel north of Coachline and all of the South Parcels. If this annexation is brought forward, the following additional lands will be included in the annexation:

1. A narrow 1.27-acre strip of land the Town purchased from MUSD just north of the North Parcels, where part of The Loop is located along the south side of the El Rio Preserve.
2. Three well sites (one owned by CMID and two by Marana Water) one within the exterior boundaries of and two adjacent to the main 38.87-acre parcel.
3. About 1460 linear feet of Linda Vista public right-of-way, including about 385 linear feet of Linda Vista public right-of-way fronting the main 38.87-acre parcel.
4. A narrow drainageway parcel and two small segments of public right-of-way that separate the main 38.87-acre parcel and the three vacant MUSD-owned La Puerta del Norte subdivision lots.

For this study session, Town staff seeks Council's feedback on several development and annexation matters.

Water Service

The South Parcels are located in Marana Water's existing Airline/Lambert Service Area, whose water infrastructure is insufficient to provide required fire flow for KB Home's proposed subdivision. A map showing the service area and its facilities is in the backup materials. Marana's provision of potable water service to the property will require improvements to the Airline/Lambert Service Area infrastructure or an interconnection to the existing Tucson Water infrastructure pursuant to the forthcoming "Intergovernmental Agreement between the City of Tucson and the Town of Marana relating to the Delivery of Central Arizona Project Water" (the "Wheeling IGA"). The Wheeling IGA is not yet finalized and is still in negotiations.

During initial discussions with KB Home, Town staff indicated that the estimated cost of the required improvements to the Airline/Lambert Service Area infrastructure would be about \$1.5M. Based on further evaluation, Town staff now believes the project can be served at a cost of around \$750,000 by constructing a new reservoir next to the Town's wellsite at the east terminus of Linda Vista (near the southeast corner of the proposed annexation). Construction of the reservoir will require expansion of the Town's wellsite. In exchange for the additional space, the Town could at Council's discretion transfer to KB Home an inactive second Marana Water wellsite located within the exterior boundaries of the main 38.87-acre parcel. The exchange would make it possible for KB Home to dedicate the additional reservoir space without the net loss of a developable lot. The inactive well is unusable and would require proper abandonment.

Town staff seeks feedback on the proposed alternatives for water service and whether and to what extent the Council is willing to participate in or contribute to public water infrastructure costs.

Zoning

KB Home seeks to develop a 163-lot residential subdivision with minimum lot sizes of 4,400 square feet on the South Parcels. A proposed site plan for the subdivision is included in the backup materials. The South Parcels total 40.00 acres, so the proposed subdivision would have a gross density of 4.075 residences per acre. This is slightly higher than the gross density of the Sunflower subdivisions to the east and south, and lower than the gross density of the El Rio at Continental Ranch subdivision to the north. The overview map included in the backup materials shows surrounding densities.

The South Parcels are zoned TH (trailer homesite) in the County. Pima County TH zoning allows trailer parks on a minimum lot size of 18,000 square feet with 2,000 square feet per trailer; and allows single family dwellings, manufactured or mobile homes, or trailers on lots in subdivisions approved before January 6, 1971, with a minimum lot size of 8,000 square feet. See Pima County Code sections 18.11.020 and 18.11.040. Town staff recommends zoning translation in the annexation ordinance that allows single family residential on a minimum lot size of 4,400 square feet, which is more restrictive than trailers on 2,000 square feet as allowed by the existing Pima County zoning.

KB Home does not have a preliminary site plan for development of the North Parcels, which consist of an 8.75-acre parcel zoned GR-1 (rural residential) in the County and a 2.24-acre parcel already within the Town limits and included in the Continental Ranch Specific Plan. Pima County GR-1 zoning allows a single detached dwelling, manufactured or mobile home, or trailer on a minimum lot size of 36,000 square feet. Town of Marana R-36 residential zone would be the translational zoning for this property.

KB Home has discussed possibly transferring the North Parcels to Pima County to be set aside as permanent open space. If this occurs, KB Home could request that the 8.75-acre parcel be excluded from the proposed annexation. If KB Home does not transfer the North Parcels to Pima County and instead seeks annexation of the 8.75-acre parcel, Town staff anticipates that KB Home will seek rezoning of the North Parcels after annexation. Based on existing surrounding residential densities, Town staff will recommend rezoning of the North Parcels to R-6 after annexation.

Town staff seeks Council's initial feedback on these proposed zoning and rezoning recommendations.

Financial Considerations

KB Home has expressed concerns about the financial implications of annexation; in particular, (i) Marana's 4% construction sales tax (vs. 2% in unincorporated Pima County), and (ii) the cost of Town of Marana development impact fees (DIFs). Town construction sales tax revenues from the project will depend on the actual construction costs. Town staff's rough estimate of the 3/4 portion of the Town's construction sales tax revenues that will be generated from the South Parcels and allocated to transportation purposes is \$700,000.

Town staff seeks Council's feedback on its willingness to enter into a pre-annexation

development agreement that includes reimbursement of some or all of the Town's portion of construction sales tax allocated to transportation purposes toward public transportation infrastructure costs. One possible candidate for these dollars is Linda Vista Boulevard from Silverbell Road to the south KB Home project entrance, which is anticipated to need reconstruction as a two-lane road with curb and sidewalk on one side. Town staff estimates that the cost to improve this portion of Linda Vista will be approximately \$1M. The construction sales tax funding could be reimbursed to KB Home with the same form of agreement as was used for the Lazy K project for reimbursement toward the costs of the Pima Farms Road and Scenic Drive improvements.

Archaeology

The proposed project is less than a quarter mile east of Pima County's Los Morteros Conservation Area. The Pima County Flood Control District also owns many La Puerta del Norte subdivision lots along the south side of Coachline, which allow for direct access to Los Morteros Conservation Area from KB Home's proposed project. The proposed site plan for the subdivision shows a 9.49-acre "Cultural Preservation/Open Space" area along the west side of the project.

Town staff seeks Council feedback on who should own the Cultural Preservation area and whether subdivision recreation credit should be given if pedestrian and interpretive pathways are constructed across the Cultural Preservation area. One possible ownership entity would be the New Mexico-based Archaeological Conservancy, which owns a cultural resource site in Cortaro Ranch. Other possibilities include Pima County or the future homeowners' association for the project.

Staff Recommendation:

Council's pleasure.

Suggested Motion:

I move to authorize Town staff to proceed with the proposed annexation and to proceed with pre-annexation development agreement negotiations with KB Home for the development of the site, with terms consistent with Council's feedback at tonight's meeting.

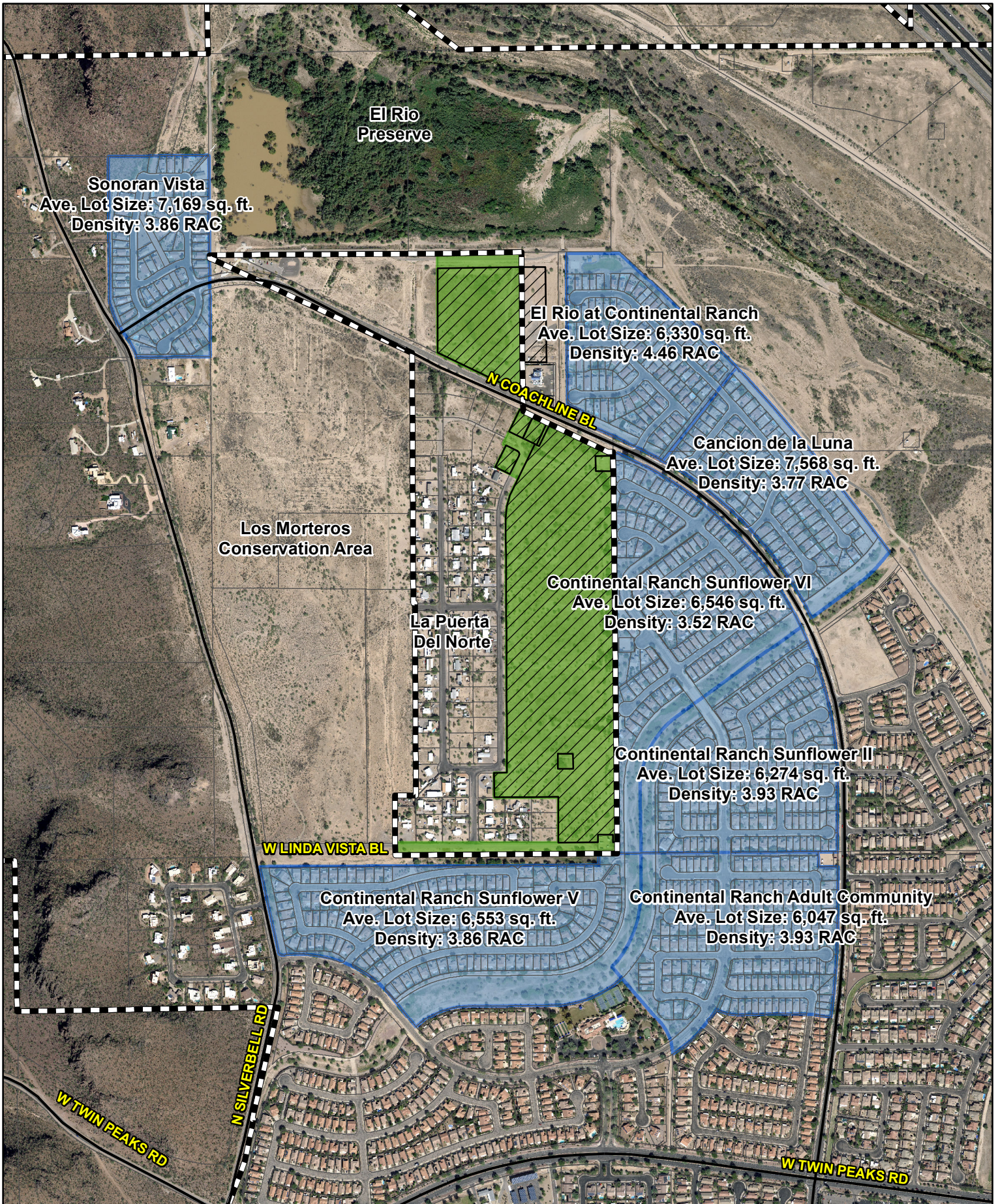
Attachments

Overview map

PowerPoint

Marana Water facilities

Proposed Site Plan South Parcels





KB Home possible annexation and PADA

Jason Angell, Development Service Director
Scott Schladweiler, Water Director

1. Annexation Breakdown
2. Zoning
3. Conceptual Plan
4. Transportation Improvements & Cultural Preservation
5. Water System
6. Annexation Process
7. Next Steps

Annexation Breakdown

1. 50.99 acres – currently owned by MUSD
2. North parcels total 10.99 acres
 - 2.24 acres already located in Marana
 - 8.75 acres in unincorporated Pima County
3. South parcels total 40 acres



1. Parcel C

County zoning – TH (Trailer homesite).

Allows trailer parks with a minimum lot size of 18,000 SF with 2,000 SF per trailer.

Applicant request – detached residential with a minimum lot size of 4,400 SF.

Recommended zoning – R-3.5 residential with a minimum lot size of 4,400 SF.

2. Parcel A

County zoning – GR-1 (Rural residential).

Minimum lot size of 36,000 SF.

Applicant request – staff anticipates the applicant would request rezoning based upon surrounding densities.

Recommended zoning – R-6 residential

3. Parcel B

Current zoning – F (Specific Plan)

Recommended zoning – existing or R-6

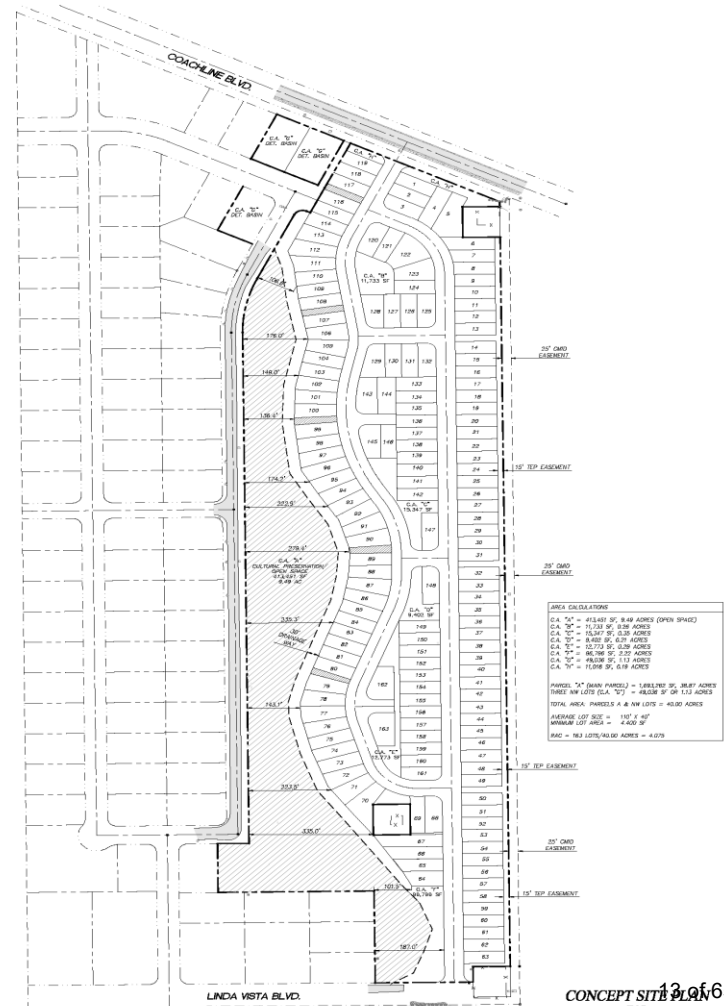


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Conceptual Plan – south parcels

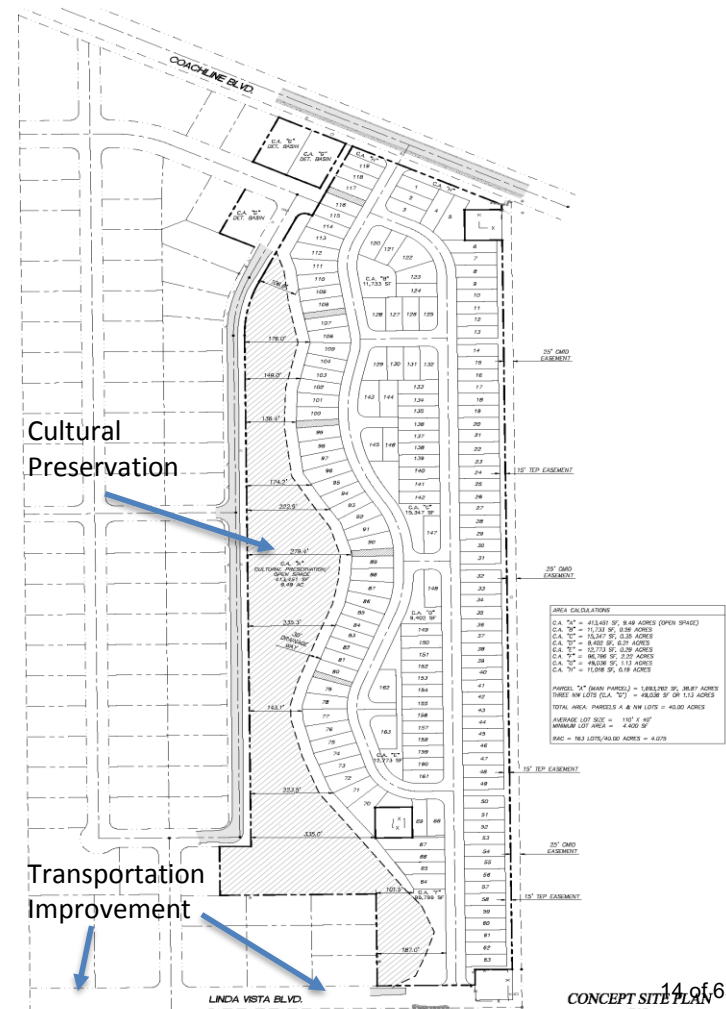
1. 40 acre site
 2. 9.49 acres = Cultural Preservation
 3. Average lot size = 110' x 40'
 4. Minimum lot area = 4,400 SF
 5. RAC = 163 lots/40 acres = 4.075
 6. Open space
 - Current code requires 185 SF per unit.
- 163 x 185 = 30,155 SF or 0.69 acres
- 13.1 acres (570,520 SF) includes Cultural Preservation area
 - 3.6 acres (157,069 SF) excludes Cultural preservation area

AMENDED Marana Study Session Council Meeting 07/14/2020

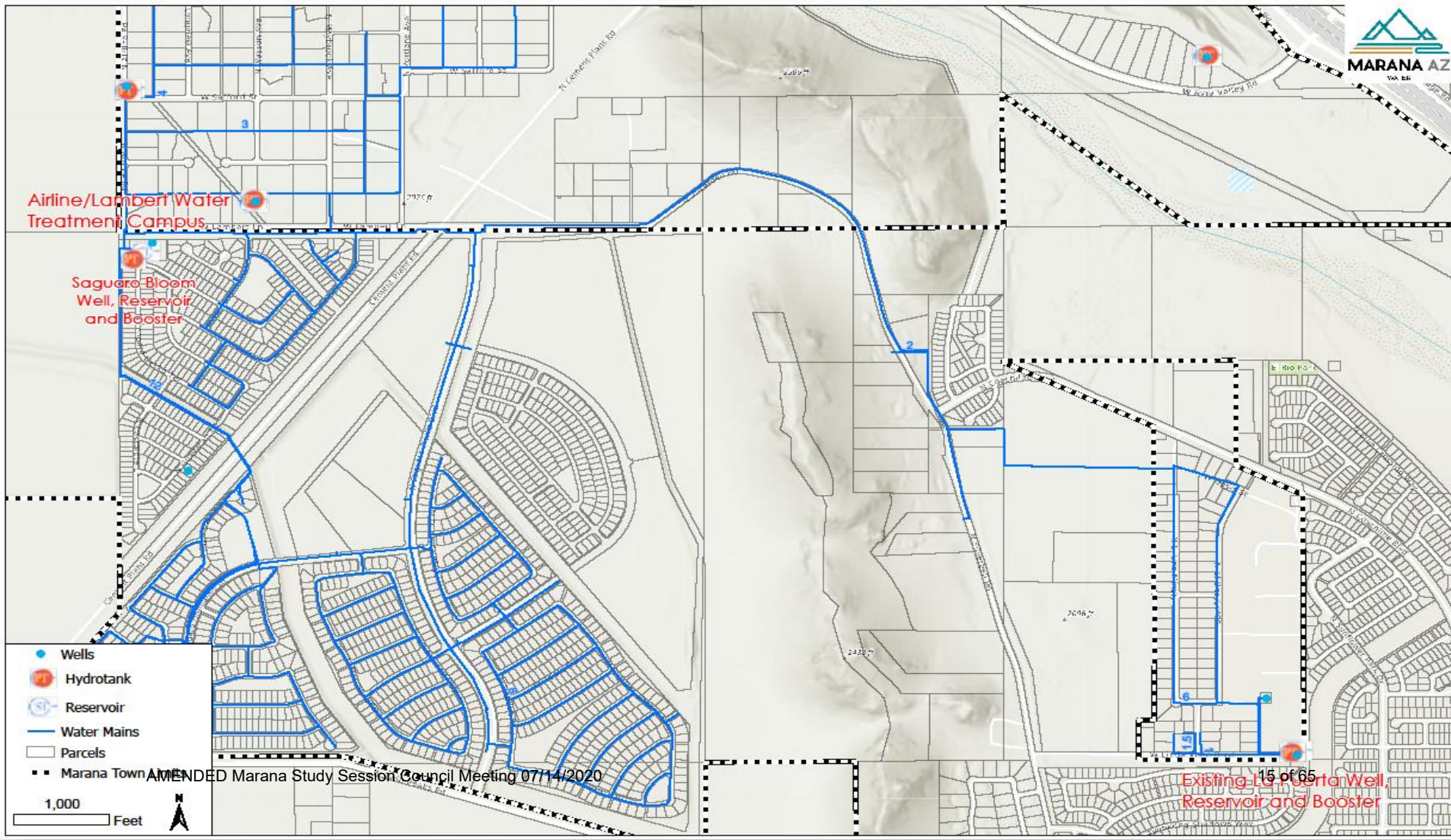


Transportation Improvements & Cultural Preservation

1. Linda Vista Blvd
Reconstruct to two-lane road with curb and sidewalk on one side.
2. Cultural Preservation = 9.49 acres
Preservation Options
 - Home Owners Association
 - Third Party (i.e. Archaeological Conservancy)
 - Pima County – join with the Los Morteros Conservation Area



Water System



Annexation Process

1. Get Council okay to proceed – this meeting
2. Record blank petition (20 to 30 days before public hearing)—sometime between July 20 & 28, if we have the annexation map & legal description
3. Hold public hearing—August 18, if blank petition was recorded per #2
4. Obtain annexation signatures; record signed petition—31 to 395 days after #2
[Possible complication: Is there any taxable property in the annexation area?]
5. Present annexation ordinance (including translational zoning) to Council for consideration/possible action—first available Council meeting after #4
6. Annexation ordinance becomes effective—31st day after #5, if no lawsuit or referendum challenging the annexation ordinance

Council direction/feedback on whether and to what extent the Town should:

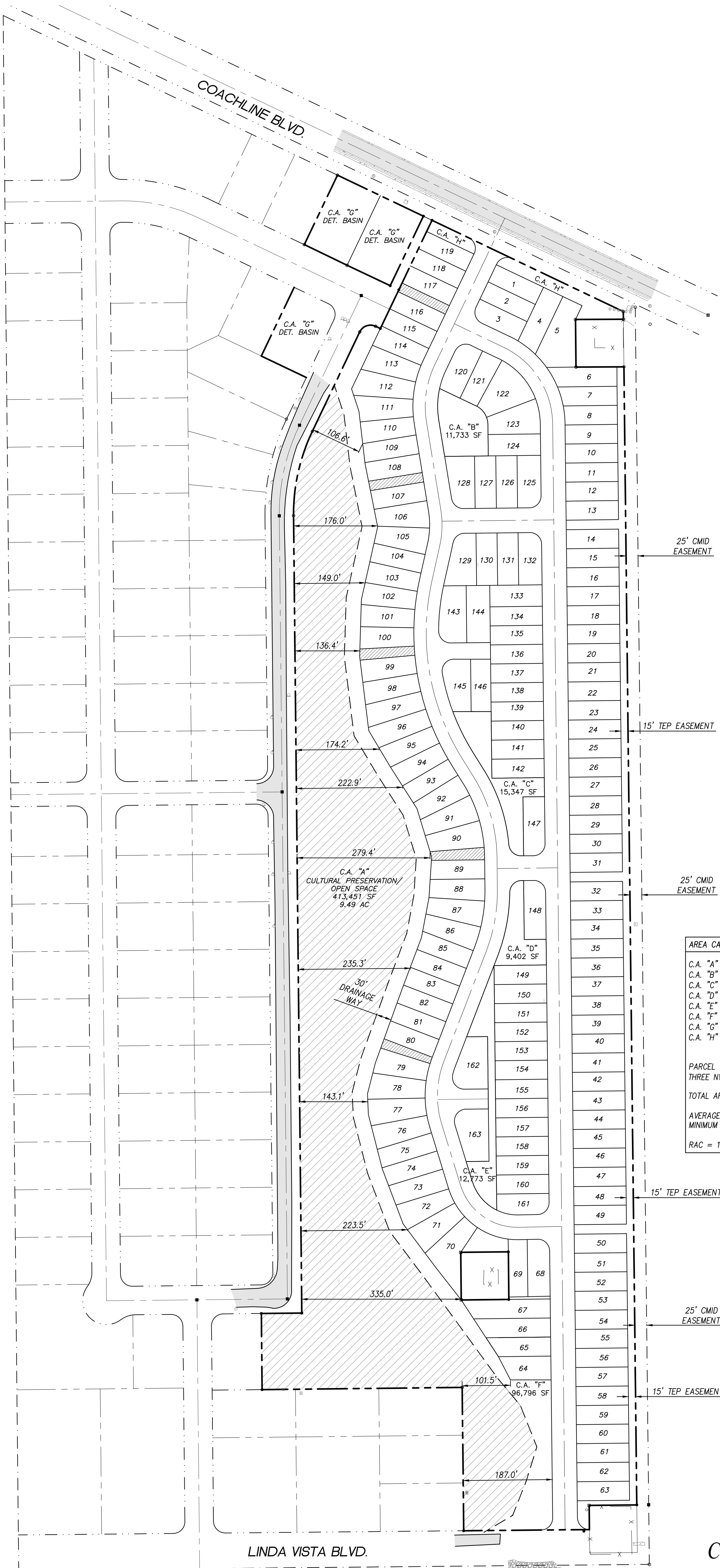
1. Proceed with the proposed annexation
2. Begin negotiations with KB Home on a pre-annexation development agreement

Airline/Lambert Water
Treatment Campus

Saguaro Bloom
Well, Reservoir
and Booster

Existing La Puerta Well,
Reservoir and Booster

- Wells
- Hydrotank
- Reservoir
- Water Mains
- Parcels
- Marana Town Limits



AREA CALCULATIONS	
C.A. "A"	= 413,451 SF, 9.49 ACRES (OPEN SPACE)
C.A. "B"	= 11,733 SF, 0.26 ACRES
C.A. "C"	= 15,347 SF, 0.35 ACRES
C.A. "D"	= 9,402 SF, 0.21 ACRES
C.A. "E"	= 12,773 SF, 0.29 ACRES
C.A. "F"	= 96,796 SF, 2.22 ACRES
C.A. "G"	= 49,036 SF, 1.13 ACRES
C.A. "H"	= 11,018 SF, 0.19 ACRES
PARCEL "A" (MAIN PARCEL) = 1,693,262 SF, 38.87 ACRES	
THREE NW LOTS (C.A. "G") = 49,036 SF OR 1.13 ACRES	
TOTAL AREA: PARCELS A & NW LOTS = 40.00 ACRES	
AVERAGE LOT SIZE = 110' X 40'	
MINIMUM LOT AREA = 4,400 SF	
RAC = 163 LOTS/40.00 ACRES = 4.075	



Council-Study Session

D2

Meeting Date: 07/14/2020

To: Mayor and Council

Submitted For: Keith Brann, Town Engineer

From: Frank Cassidy, Town Attorney

Date: July 14, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Development; Discussion and direction concerning a proposed new private low-volume subdivision road standard (Keith Brann)

Discussion:

The Town's existing subdivision road standards make it prohibitively expensive to develop a 10-lot or fewer large-lot rural subdivision with low-volume private roads. The only large-lot rural subdivision approved in recent years has been Potter Ranch on Luckett Road, which was approved with a lesser roadway standard to allow the existing long-used farm roads to serve the subdivision without the need for reconstruction.

The Town has been approached by other landowners who would like to develop similar subdivisions. In response, the Town Engineer has prepared a new "Ranchette Street" cross-section, for a private low-volume subdivision road. The proposed cross-section is included in the backup material. The Town Attorney has prepared accompanying text in the form of a draft ordinance and a draft public-record resolution, with feedback from the Town Manager and the Town Engineer. The draft ordinance and draft resolution are also included in the backup material.

If the Council is interested in pursuing adoption of this new private roadway standard, Town staff will move forward with receiving community, stakeholder, and interested parties' feedback before bringing it forward through the formal adoption process.

Staff Recommendation:

Council's pleasure.

Suggested Motion:

Council's pleasure.

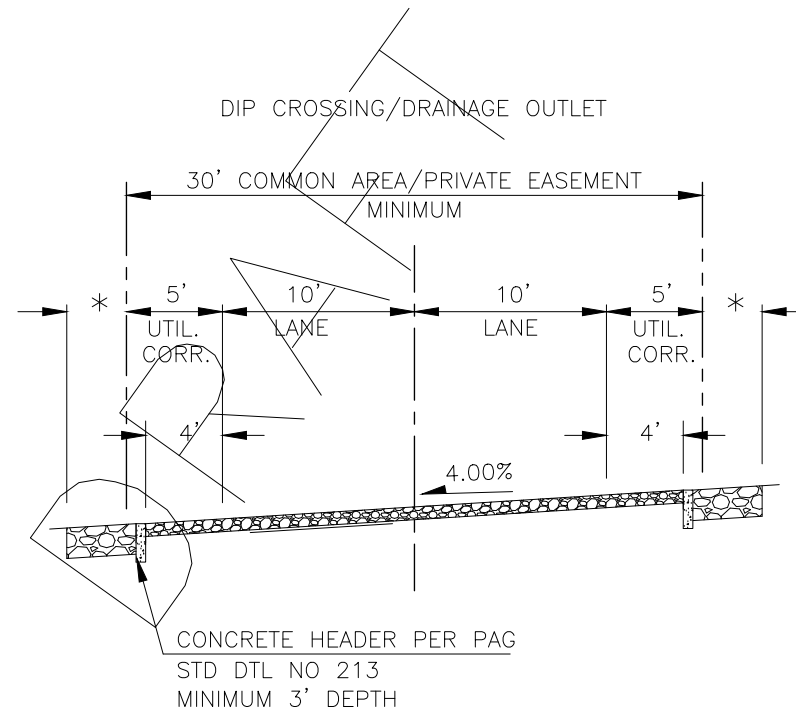
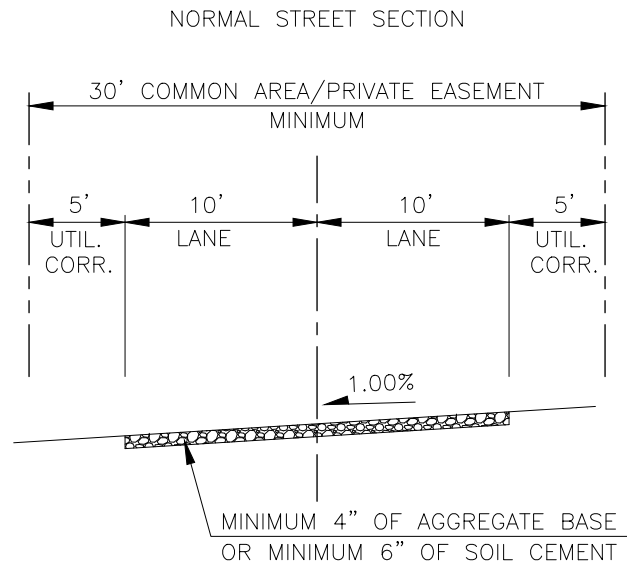
Attachments

Ranchette Street Cross-Section

Draft Ordinance for Ranchette Street

Draft Resolution for Ranchette Street

PowerPoint



* DRAINAGE EASEMENT AND RIP RAP AS APPROPRIATE

1. FOR RURAL SUBDIVISIONS THAT FALL UNDER SMALL SUBDIVISION OF 10 LOTS OR LESS
2. MINIMUM LOT SIZE IN SUBDIVISION MUST BE 144,000 SF
3. STREET CROSS SLOPE TO ALIGN WITH NATURAL FALL OF LAND
4. ALL WEATHER ACCESS TO BE MAINTAINED
5. SECTION DOES NOT SUPPORT ON STREET PARKING
6. NOT FOR TOWN MAINTAINED ROADS

NOT TO SCALE

APPROVED FOR DISTRIBUTION:

Keith E. Brann, P.E.,
Town Engineer

DRAFT



STANDARD DETAIL

DETAIL NO:

RANCHETTE STREET

100-7

DATE: 6/16/2020

REVISED:

SHEET 1 OF 1

MARANA ORDINANCE NO. 2020.XXX

RELATING TO DEVELOPMENT; ADDING MARANA STANDARD DETAIL 100-7 FOR "RANCHETTE STREET" AND ACCOMPANYING MARANA SUBDIVISION STREET STANDARDS MANUAL TEXT; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS the Marana Standard Details were most recently modified on September 3, 2019 by Marana Ordinance No. 2019.019; and

WHEREAS the Town finds that existing Town subdivision private roadway standards make the development and sale of large-lot rural subdivisions of 10 lots or fewer prohibitively expensive; and

WHEREAS Town staff proposes a new standard detail for a "Ranchette Street" and new Marana Subdivision Street Standards Manual text to accompany it; and

WHEREAS the Mayor and Council of the Town of Marana find that the new standard detail and accompanying street standards manual text adopted by this ordinance minimize the cost of large-lot rural subdivisions without adversely affecting the public health, safety, and welfare, and are in the best interests of the Town of Marana and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Standard Detail 100-7 for "Ranchette Street" and the accompanying Marana Subdivision Street Standards Manual text, one paper copy and one electronic 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 attached as Exhibit A (Standard Detail 100-7) and Exhibit B (accompanying Marana Subdivision Street Standards text) to Resolution No. 2020-XXX of the Town of Marana, Arizona, are hereby referred to, adopted and made a part of this ordinance as if fully set out here.

SECTION 2. The various Town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. 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 ____ day of _____, 2020.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

MARANA RESOLUTION NO. 2020-XXX

RELATING TO DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS ADOPTED BY ORDINANCE NO. 2020-XXX, MARANA STANDARD DETAIL 100-7 FOR "RANCHETTE STREET" AND ACCOMPANYING MARANA SUBDIVISION STREET STANDARDS MANUAL TEXT

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that Marana Standard Detail 100-7 for "Ranchette Street," a copy of which is attached to and incorporated in this resolution as Exhibit A; and the accompanying Marana Subdivision Street Standards Manual text, a copy of which is attached to and incorporated in this resolution as Exhibit B; one paper and one electronic copy of which are on file in the office of the Town Clerk, are hereby declared to be public records 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 this ____ day of _____, 2020.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

EXHIBIT A TO MARANA RESOLUTION NO. 2020-XXX
Standard Detail 100-7 for "Ranchette Street" adopted by Marana Ordinance No. 2020.XXX

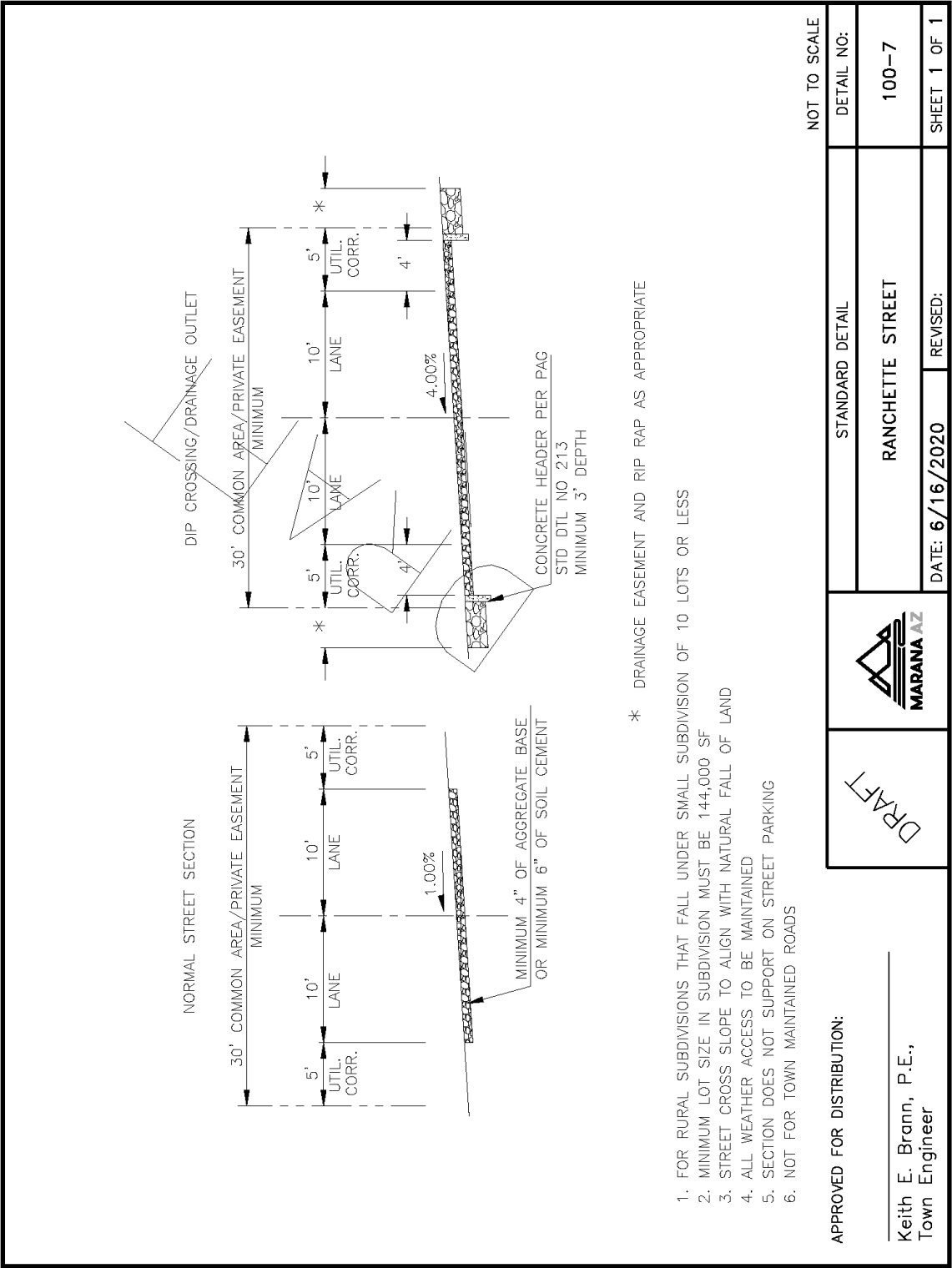


EXHIBIT B TO MARANA RESOLUTION NO. 2020-XXX
Marana Subdivision Street Standards Manual text to accompany Standard Detail 100-7 for
“Ranchette Street” adopted by Marana Ordinance No. 2020-XXX

The Marana Subdivision Street Standards Manual is hereby amended to add new section 4.15 (Ranchette Street) to Chapter 4.0 (Street Layout and Geometric Design):

4.15 Ranchette Street

1. Applicability. The Ranchette Street alternative (Standard Detail 100-7) may be used only if the subdivision meets all of the following criteria:
 - a. Ownership and maintenance of the street is private.
 - b. The subdivision consists of ten or fewer lots.
 - c. Ten or fewer lots take primary access to the street.
 - d. Each lot in the subdivision is at least 144,000 square feet (3.3 acres).
 - e. No more than 100 vehicles per day are anticipated to use the street at buildout.
 - f. The street is and is anticipated to remain permanently a dead end that serves only the subdivision and does not include current or future traffic passing through the subdivision from adjacent lands and streets.
2. Requirements.
 - a. CC&Rs. The owners of all land in the subdivision shall record CC&Rs committing the then-owners of land in the subdivision at their own cost to reconstruct the street to then-current Town roadway standards as soon as the street no longer satisfies any of the criteria set forth in paragraph 1 (“Applicability”) of this section. The CC&Rs shall be in a form acceptable by the Town Engineer and the Town Attorney, shall be enforceable by the Town, and shall include a provision indicating that the commitment set forth above cannot be modified without the formal approval of the Marana Town Council.
 - b. Dust control. If required to meet applicable air quality requirements, the subdivider or the then-owners of land in the subdivision shall at their own cost implement dust control measures to reduce dust from the subdivision to at or below the applicable air quality standards.
 - c. Other. Subdivision road standards that are not explicitly modified and addressed by Standard Detail 100-7 or this section 4.15 shall continue to apply.



Update to Street Standards

Keith Brann, Town Engineer

July 14, 2020



Street Standards update

Street infrastructure is a requirement to subdivide land.
The Town has had standards and/or guidelines for street design since 1990.

An update to the street standards and new standard detail is being sought for large lot rural developments



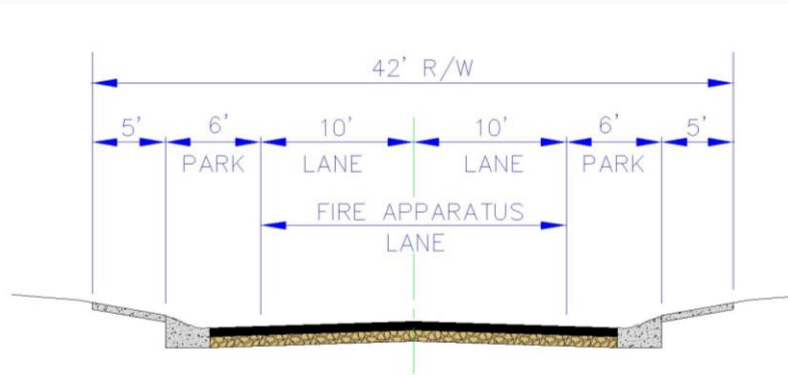
Relevant regulations

ARS 9-463.02 "Subdivision" means, or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or, ...

ARS 9-463.01U For any subdivision that consists of ten or fewer lots, tracts or parcels, each of which is of a size as prescribed by the legislative body, the legislative body of each municipality may waive or reduce infrastructure standards or requirements proportional to the impact of the subdivision. Requirements for dust-controlled access and drainage improvements shall not be waived.

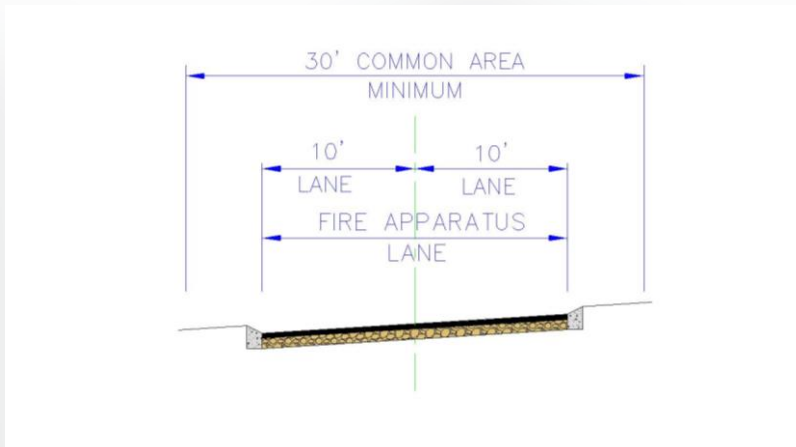
Marana Ord 2006.09 follows state law in creating a simplified process and infrastructure requirements for subdivisions of 10 lots or fewer

Current Subdivision Street Standards



Standard detail 100-1

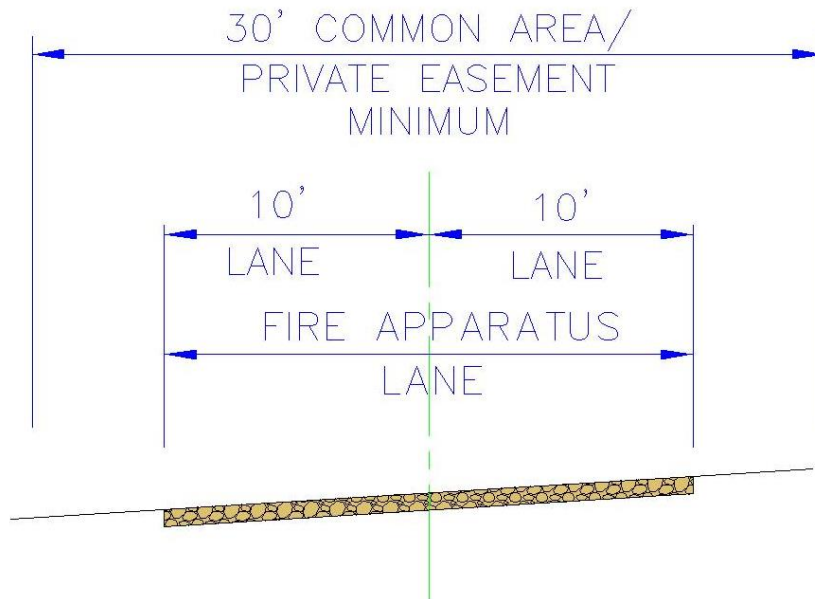
- Normal subdivision street
- May also include curbway
- May be public or private
- 3" Asphalt over 4" Aggregate base



Standard detail 100-6

- Subdivisions with 10 lots or fewer
- Minimum lot size 36,000sf
- May be public or private
- 3" Asphalt over 4" Aggregate base

Proposed Ranchette standard



Proposed Standard detail 100-7

- Rural lifestyle
- Private Use only
- 4" Aggregate or 6" Soil Cement
- Maintains minimum Fire code requirements
- Increased dust
- Increased maintenance



Proposed Ranchette requirements

Applicability

- Private street
- Subdivisions of Ten or fewer lots
- Minimum lot size of 144,000sf
- Ten lots maximum
- Maximum anticipated ADT of 100
- Dead end street

Future Requirements

- Dust Control/Air Quality
- Upgrade to higher standard



Next Steps

- Incorporate Council direction
- Solicit stakeholder feedback
- Return to Council for Adoption



Council-Study Session

D3

Meeting Date: 07/14/2020

To: Mayor and Council

Submitted For: Jim Conroy, Parks & Recreation Director

From: Frank Cassidy, Town Attorney

Date: July 14, 2020

Strategic Plan Focus Area:
Recreation

Strategic Plan Focus Area Additional Info:

Principle Statement 1: We will promote healthy and active lifestyles through ... high-quality recreational amenities for Marana residents and visitors.

Goal 4. Continue creating path, greenway and trail linkage to parks, recreation facilities, schools, commercial development and other public infrastructure.

Subject: Relating to Parks & Recreation; Discussion and direction concerning a possible amendment to the infrastructure improvements plan supporting development impact fees for parks and recreation facilities by revising the projects to accommodate additional funding for Town of Marana Project No. PK023, Santa Cruz River Shared Use Path at CalPortland (Jim Conroy)

Discussion:

The Town's infrastructure improvements plan for parks and recreation facilities (the "Parks IIP") identifies the projects and funding levels for parks and recreation facilities that are proposed to be funded with the Town's Parks and Recreation Facilities Development Impact Fee (the "P&R DIF"), adopted by Marana Ordinance No. 2014.012 and kept in place by Marana Ordinance No 2017.029.

The CalPortland segment of the Santa Cruz River Shared Use Path, Town of Marana Project No. PK023, proposes to extend the Chuck Huckelberry Loop from its current termination point at Avra Valley Road to the existing segment of the Loop serving the Gladden Farms area. PK023 is listed in the Parks IIP as "Santa Cruz SUP Avra Valley Rd. - N. Marana" with proposed P&R DIF funding of \$1,500,000 through fiscal year 2028.

Revised estimates for PK023 indicate that it will likely require \$3,000,000 in P&R DIF funding.

To make the additional \$1,500,000 in P&R DIF funding available for Project PK023, Town staff proposes to shift \$1,050,000 in funding from the "North Marana Sports Fields" line item and \$450,000 in funding from the "Tortolita Trail Extension" line item of the Parks IIP.

The "North Marana Sports Fields" line item of the Parks IIP refers to the new soccer fields to be constructed at Gladden Farms Community Park. With the shift in funding, \$2,300,000 in P&R DIF funding will remain available to the North Marana Sports Fields project, which is consistent with the current cost estimates for those park improvements.

The "Tortolita Trail Extension" line item of the Parks IIP refers to trail improvements in the Tortolitas. The trail improvements have now been completed, so the shifted \$450,000 of funding is no longer needed for that item.

The proposed draft resolution to accomplish this shift in funding is included in the backup materials for this item. When the resolution is brought back to Council for adoption, the Council will need to make a finding that the shift in funding will not change the amount of the fee or the level of service. The P&R DIF is proposed to remain at \$2,461 per single family residence. Town staff believes the shift in funding to the Loop, which provides broad regional benefit to all future P&R DIF payers, will not reduce the level of service anticipated by the Parks IIP.

If Council supports this proposed funding shift, Town staff will proceed with taking the Parks IIP amendment through the formal amendment process.

Staff Recommendation:

Council's pleasure.

Suggested Motion:

I move for Town staff to proceed with the proposed amendment to the infrastructure improvements plan supporting development impact fees for parks and recreation facilities.

Attachments

Proposed Parks IIP revision reso
Parks IIP Projects MC July 2020

MARANA RESOLUTION NO. 2020-XXX

RELATING TO DEVELOPMENT; AMENDING THE INFRASTRUCTURE IMPROVEMENTS PLAN SUPPORTING DEVELOPMENT IMPACT FEES FOR PARKS AND RECREATION FACILITIES BY REVISING THE PROJECTS INCLUDED IN THE INFRASTRUCTURE IMPROVEMENTS PLAN AND SHIFTING THE ANTICIPATED DEVELOPMENT IMPACT FEE FUNDING AMONG THOSE PROJECTS WITHOUT CHANGING THE AMOUNT OF THE FEE OR THE LEVEL OF SERVICE

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

WHEREAS the Town adopted Marana Ordinance No. 2017.029 to, among other things, revise development impact fees for and parks and recreation facilities to conform to A.R.S. § 9-463.05; and

WHEREAS the parks and recreation facilities development impact fee adopted by Ordinance No. 2017.029 relied on the parks and recreation infrastructure improvement plan adopted by paragraph 3 of and incorporated by reference in Marana Resolution No. 2017-090 dated September 19, 2017 (the "2017 Parks IIP"); and

WHEREAS the 2017 Parks IIP used an incremental expansion methodology, which allows the Town to adjust the projects on the capital plan to meet changing needs without having to also go through the process of re-calculating the fees or a master plan update (2017 Parks IIP, last bulleted paragraph on page 2); and

WHEREAS new citizen demand for Town parks and recreation facilities and emerging opportunities make it prudent to revise the projects included in the 2017 Parks IIP and shift the anticipated development impact fee funding among those projects; and

WHEREAS the revisions to the 2017 Parks IIP supporting development impact fees for and parks and recreation facilities will not result in any change in the amount of the parks and recreation development impact fee or the level of service provided to payers of the fee, and therefore fall within the authorization found at A.R.S. § 9-463.05(D)(10), allowing the revisions to be adopted upon 30 days' notice without a public hearing; and

WHEREAS notice of the proposed revisions to the parks and recreation infrastructure improvements plan was published on [four consecutive days in a daily newspaper with last date no later than the 31st day before adoption], 2020; and

WHEREAS the Town Council finds this resolution to be in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Marana, Arizona, that Exhibit 6 of the 2017 Parks IIP is hereby amended as follows (with the “Original Allocation” and corresponding projects being those set forth in the 2017 Parks IIP and the “Amended Allocation” and corresponding projects being those funded pursuant to this resolution):

Project	Original Allocation		
	FY 2018-20	FY 2021-28	Original 10 yr Total
North Marana Sports Fields	\$350,000	\$3,000,000	\$3,350,000
Saguaro Bloom Community Park		\$3,377,800	\$3,377,800
Tangerine Sky Community Park Hard Structures	\$500,000	\$0	\$500,000
Ne District Park Land Acquisition		\$1,500,000	\$1,500,000
CAP Canal Trail Improvements	\$100,000	\$0	\$100,000
Santa Cruz SUP Avra Valley Rd. – N. Marana		\$1,500,000	\$1,500,000
Tortolita Trail Extension		\$450,000	\$450,000
Ora Mae Harn Park Improvements	\$250,000	\$2,200,000	\$2,450,000
Heritage River Park Improvements		\$1,000,000	\$1,000,000
Tangerine Rd. Corridor Path		\$900,000	\$900,000
Santa Cruz Shared Use Path, Phase III	\$1,000,000	\$0	\$1,000,000
Adult Softball Field Ora Mae Harn Park	\$360,000	\$0	\$360,000
Impact Fee Study		\$65,000	\$65,000
Parks, Recreation, Trails, & Open Space Master Plan	\$350,000	\$0	\$350,000
Total:			\$16,902,800

Amended Allocation		
FY 2018-20	FY 2021-28	Amended 10 yr Total
	\$2,300,000	\$2,300,000
	\$3,377,800	\$3,377,800
\$500,000	\$0	\$500,000
	\$1,500,000	\$1,500,000
\$100,000	\$0	\$100,000
	\$3,000,000	\$3,000,000
	\$0	\$ 0
\$250,000	\$2,200,000	\$2,450,000
	\$1,000,000	\$1,000,000
	\$900,000	\$900,000
\$1,000,000	\$0	\$1,000,000
\$360,000	\$0	\$360,000
	\$65,000	\$65,000
\$350,000	\$0	\$350,000
Total: \$16,902,800		

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana,
Arizona, this ____ day of _____, 2020.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

Project	Original Allocation		
	FY 2018-20	FY 2021-28	Original 10 yr Total
North Marana Sports Fields	\$350,000	\$3,000,000	\$3,350,000
Saguaro Bloom Community Park		\$3,377,800	\$3,377,800
Tangerine Sky Community Park Hard Structures	\$500,000	\$0	\$500,000
Ne District Park Land Acquisition		\$1,500,000	\$1,500,000
CAP Canal Trail Improvements	\$100,000	\$0	\$100,000
Santa Cruz SUP Avra Valley Rd. – N. Marana		\$1,500,000	\$1,500,000
Tortolita Trail Extension		\$450,000	\$450,000
Ora Mae Harn Park Improvements	\$250,000	\$2,200,000	\$2,450,000
Heritage River Park Improvements		\$1,000,000	\$1,000,000
Tangerine Rd. Corridor Path		\$900,000	\$900,000
Santa Cruz Shared Use Path, Phase III	\$1,000,000	\$0	\$1,000,000
Adult Softball Field Ora Mae Harn Park	\$360,000	\$0	\$360,000
Impact Fee Study		\$65,000	\$65,000
Parks, Recreation, Trails, & Open Space Master Plan	\$350,000	\$0	\$350,000

Total: \$16,902,800

FY 2018-20	Amended Allocation	
	FY 2021-28	Amended 10 yr Total
	\$2,300,000	\$2,300,000
	\$3,377,800	\$3,377,800
\$500,000	\$0	\$500,000
	\$1,500,000	\$1,500,000
\$100,000	\$0	\$100,000
	\$3,000,000	\$3,000,000
	\$0	\$0
\$250,000	\$2,200,000	\$2,450,000
	\$1,000,000	\$1,000,000
	\$900,000	\$900,000
\$1,000,000	\$0	\$1,000,000
\$360,000	\$0	\$360,000
	\$65,000	\$65,000
\$350,000	\$0	\$350,000

Total: \$16,902,800



Council-Study Session

D4

Meeting Date: 07/14/2020

To: Mayor and Council

Submitted For: Scott Schladweiler, Water Director

From: Frank Cassidy, Town Attorney

Date: July 14, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Utilities; Discussion and direction regarding a draft amendment to Town Code Title 14 (Utilities), to add a new Chapter 14-11 concerning non-potable water service within Cortaro-Marana Irrigation District's service area (Scott Schladweiler)

Discussion:

The Town's water department and legal department staff have been working with CMID's staff and attorney on a proposed amendment to Town Code Title 14 (Utilities) to add a new chapter dealing with non-potable water service within CMID's service area. The goals of the draft ordinance are to minimize the Town's potable water obligations, to facilitate the expansion of CMID's non-potable water system (where feasible), and to improve staff coordination of non-potable water service.

In 2013, the Town and CMID entered into an IGA transferring to CMID the portions of the Town's non-potable system serving Gladden Farms and Rancho Marana 154. The non-potable facilities in Farm Field Five and Fianchetto Farms and those surrounding the Marana Municipal Complex and connecting to Ora Mae Harn Park were not included in the transfer to CMID. A map of existing non-potable facilities is included in the PowerPoint found in the backup materials.

The 2013 IGA did not address administrative matters common to the Town and CMID; for example, whether and to what extent the Town should require developers in CMID's service area to extend the non-potable system and receive non-potable water service. Since 2013, little new site development has occurred in northern Marana outside areas where non-potable water facilities were previously installed.

The draft ordinance under discussion and presented for the Council's feedback tonight attempts to address the coordinated expansion of the non-potable system, which was not addressed by the 2013 IGA. Unless CMID determines that non-potable service to the project is not feasible, the draft ordinance requires a project in CMID's service area to connect to the non-potable system in three circumstances:

1. When required as a condition of rezoning.
2. When the cost of installing the non-potable infrastructure is equal to or less than the 20-year cost savings of using non-potable versus potable water to serve the project.
3. When the Council requires the connection to offset the environmental burdens of a particular project.

The draft ordinance also requires the water director and CMID and/or its executive director to enter into a memorandum of understanding, to ensure consistency in the provision of service to residents and customers and to coordinate compliance with town code and state laws and regulations.

Staff Recommendation:

Council's pleasure.

Suggested Motion:

I move to direct Town staff to proceed with bringing forward a proposed amendment to Town Code Title 14 (Utilities), to add a new chapter dealing with non-potable water service within the Cortaro-Marana Irrigation District service area, taking into consideration the feedback obtained during tonight's meeting.

Attachments

Draft Non-Potable Ordinance
Draft Non-Potable PR Resolution
Non-Potable Presentation

MARANA ORDINANCE NO. 2020.XXX

RELATING TO UTILITIES; AMENDING TOWN CODE TITLE 14 (UTILITIES) BY ADDING NEW CHAPTER 14-11 (NON-POTABLE WATER SERVICE WITHIN CORTARO-MARANA IRRIGATION DISTRICT SERVICE AREA)

WHEREAS Marana Town Code Title 14 provides that water and/or wastewater service may only be provided pursuant to application to the Town; and

WHEREAS the Town's Water Director is responsible for day-to-day management of the Town's water and wastewater utilities and the enforcement of Title 14; and

WHEREAS the Town of Marana owns and operates a potable water system as a designated provider under the state of Arizona assured water supply program; and

WHEREAS the assured water supply program requires the use of renewable water resources and replenishment of non-renewable groundwater; and

WHEREAS the Cortaro-Marana Irrigation District owns and operates a non-potable water system, using grandfathered groundwater rights, within its service area; and

WHEREAS use of non-potable water for landscaping can be more cost-effective in the long-run, and reduces demand on the Town's potable water system; and

WHEREAS the Town Council finds that this ordinance is in the best interests of the Town and its residents, businesses, and water utility.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 14 (Utilities) is hereby amended by adding new Chapter 14-11 (Non-potable water service within Cortaro-Marana Irrigation District service area), one paper copy and one electronic copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, and which was made a public record by and attached as Exhibit A to Resolution No. 2020-XXX of the Town of Marana, Arizona, which is hereby referred to, adopted, and made a part of this ordinance as if fully set out here.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. 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 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, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. 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 ^ day of ^, 2020.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

MARANA RESOLUTION NO. 2020-XXX

RELATING TO UTILITIES; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK NEW CHAPTER 14-11 (NON-POTABLE WATER SERVICE WITHIN CORTARO-MARANA IRRIGATION DISTRICT SERVICE AREA) OF TOWN CODE TITLE 14 (UTILITIES)

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that new Chapter 14-11 (Non-potable water service within Cortaro-Marana Irrigation District service area) of Town Code Title 14 (Utilities), which was adopted by Marana Ordinance No. 2020-XXX and which is attached to and incorporated in this resolution as Exhibit A, 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 _____ day of _____, 2020.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

New Chapter 14-11 (Non-potable water service within Cortaro-Marana Irrigation District service area) of Town Code Title 14 (Utilities) provides as follows:

14-11-1 NON-POTABLE WATER SERVICE WITHIN CORTARO-MARANA IRRIGATION DISTRICT SERVICE AREA

14-11-1 Background

The use of non-potable water for landscaping reduces demands on the potable water system and, where operated using grandfathered groundwater or other supplies not available to the town's water department, maximizes renewable resources in the town's water resource portfolio. The long-term best interests of the town and its residents, businesses, and water utility require evaluation and consideration of the use of non-potable water for each proposed project where non-potable water facilities are available or can reasonably be made available.

14-11-2 Applicability and definitions

- A. Geographic limitation; CMID defined. The requirements of this chapter apply only within the service area of the Cortaro-Marana Irrigation District (CMID). [Insert a map of the current service area of CMID in a margin map to be located on the right side of the page.]
- B. Proposed project defined. For purposes of this chapter, the term "proposed project" means a proposed public project or a proposed industrial, commercial, or residential development, including all proposed, planned, or required landscaping, park, and/or recreational features of the proposed public project or proposed industrial, commercial or residential development.
- C. CMID waiver. The requirements of this chapter shall not apply to any proposed project where CMID, in its sole discretion, has provided the applicant or the town with a signed, written waiver stating that CMID is unable to feasibly provide non-potable service to the proposed project.
- D. Coordination of responsibilities; MOU defined. The Town's water director is authorized and directed to enter into a memorandum of understanding (MOU) with CMID and/or its executive director to ensure consistency in the provision of service to residents and customers and to coordinate compliance with town code and state laws and regulations, including, for example, planning factors used to calculate proposed water use, conservation requirements, and Tucson active management area management plan goals. The MOU shall be reviewed annually and updated as needed.

14-11-3 Investigation and consultation

- A. Before submission to the town of any subdivision plat or development plan for a proposed project, an applicant shall prepare and provide a written report that includes, at a minimum, all of the following:

EXHIBIT A TO MARANA RESOLUTION NO. 2020-XXX
New Chapter 14-11 (Non-potable water service within Cortaro-Marana
Irrigation District service area) of Town Code Title 14 (Utilities) adopted by
Marana Ordinance No. 2020.XXX

1. The quantity of water the proposed project will use each year for uses not requiring potable water, including landscaping, manufacturing, and other similar purposes, using planning factors for intended water use consistent with those found in the MOU.
 2. The location and availability of potential and existing non-potable sources of water on and within one mile of the site of the proposed project, including without limitation all of the following:
 - a. The existing non-potable water system within the CMID service area.
 - b. Existing and historic wells that could be used or rehabilitated for non-potable water use.
 - c. Existing and historic irrigation canals, laterals, and other irrigation water delivery infrastructure.
 3. In cases where the use of non-potable is not otherwise required as a condition of rezoning (see subparagraph 14-11-4 A. 1 below) or by council determination of environmental impacts (see subparagraph 14-11-4 A. 3 below), the applicant's analysis and supporting documentation of the long-term cost savings of using non-potable water versus the initial cost of installing the necessary non-potable infrastructure (see subparagraph 14-11-4 A. 2 below).
 4. Dates and times and summaries of consultations with CMID's manager or authorized management representative regarding the feasibility of using non-potable water sources for uses not requiring potable water.
- B. Before the town's final approval of a proposed project, the applicant shall provide to the town an updated report of the estimated use of non-potable water to account for any changes to the proposed project since the submission of the original report.
- C. The original report and the updated report shall be reviewed and approved by CMID and by the water director or designee.

14-11-4 Non-potable water service

- A. The owner or developer shall install all infrastructure necessary to serve a proposed project with non-potable water service in any of the following circumstances:
1. Where connection to the non-potable water system is required as a condition of rezoning.
 2. Where the water director determines that the long-term cost savings of using non-potable water exceeds the initial cost of installing the necessary non-potable infrastructure.
 - a. In making this determination, the water director shall use the equation
$$A \leq B - C$$

*EXHIBIT A TO MARANA RESOLUTION NO. 2020-XXX
New Chapter 14-11 (Non-potable water service within Cortaro-Marana
Irrigation District service area) of Town Code Title 14 (Utilities) adopted by
Marana Ordinance No. 2020.XXX*

- b. "A" in the equation is a water director-approved registered civil engineer's estimate of the cost to install all infrastructure necessary to serve a proposed project with non-potable water service.
 - c. "B" in the equation is a water director-approved registered civil engineer's estimate of the cost to use potable water to serve the project, including all of the following:
 - i. All meter fees, connection fees, development impact fees, and other fees and costs required to serve the project with potable water.
 - ii. The cost of the quantity of potable water needed to serve the entire built-out project for 20 years.
 - d. "C" in the equation is a water director-approved registered civil engineer's estimate of the cost to use non-potable water to serve the project, including all of the following:
 - i. All meter fees, connection fees, development impact fees, and other fees and costs required to serve the project with non-potable water.
 - ii. The cost of the quantity of non-potable water needed to serve the entire built-out project for 20 years.
3. Where the town council determines that the use of non-potable water is necessary to offset the environmental impacts or burdens associated with a project.
- B. The water director shall promptly send written notice of a determination under subsection A. 2 above (requiring or not requiring the owner or developer to install all infrastructure necessary to serve a proposed project with non-potable water service) to all of the parties set forth in subparagraphs 14-11-5 A. 1 through 3 below.

14-11-5 Appeal

- A. A determination under subsection 14-11-4 A. 2 above to require or not to require the owner or developer to install all infrastructure necessary to serve a proposed project with non-potable water service may be appealed by any of the following parties to the board of adjustment within 30 days after the date of the water director's notice of determination:
- 1. The CMID manager.
 - 2. The owner or developer.
 - 3. The mayor or a member of the town council.
 - 4. Any other aggrieved party.
- B. The board of adjustment's decision may be appealed as provided by law.



Non-Potable Water Service within the CMID Service Area
Amending Title 14 of Town Code

Scott Schladweiler, Water Director

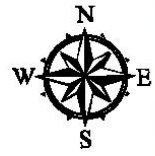
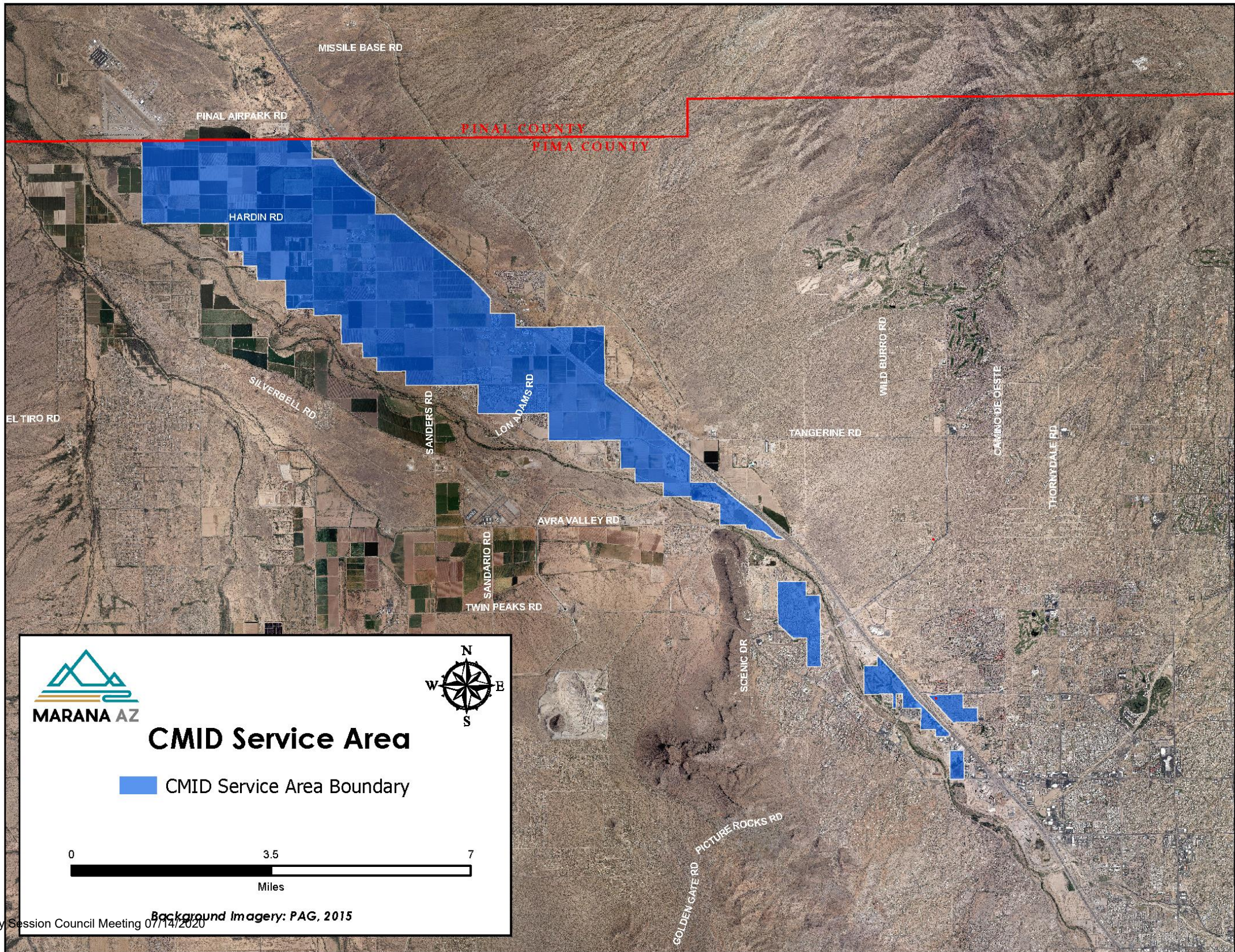
July 14, 2020



Background and Purpose

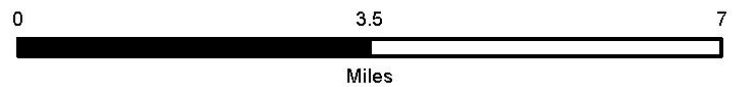
- 2013 IGA transferred North Marana non-potable system to CMID
- Irrigation services represent 10-15% of Marana's current potable demand
- No return on irrigation water (i.e. credits for recharge)
- CMID provided over 300 AF of non-potable water to North Marana in 2019
- ~115 AF of irrigation water provided by Marana Water in North Marana alone

Purpose: Maximize the use of renewable resources in our current water portfolio

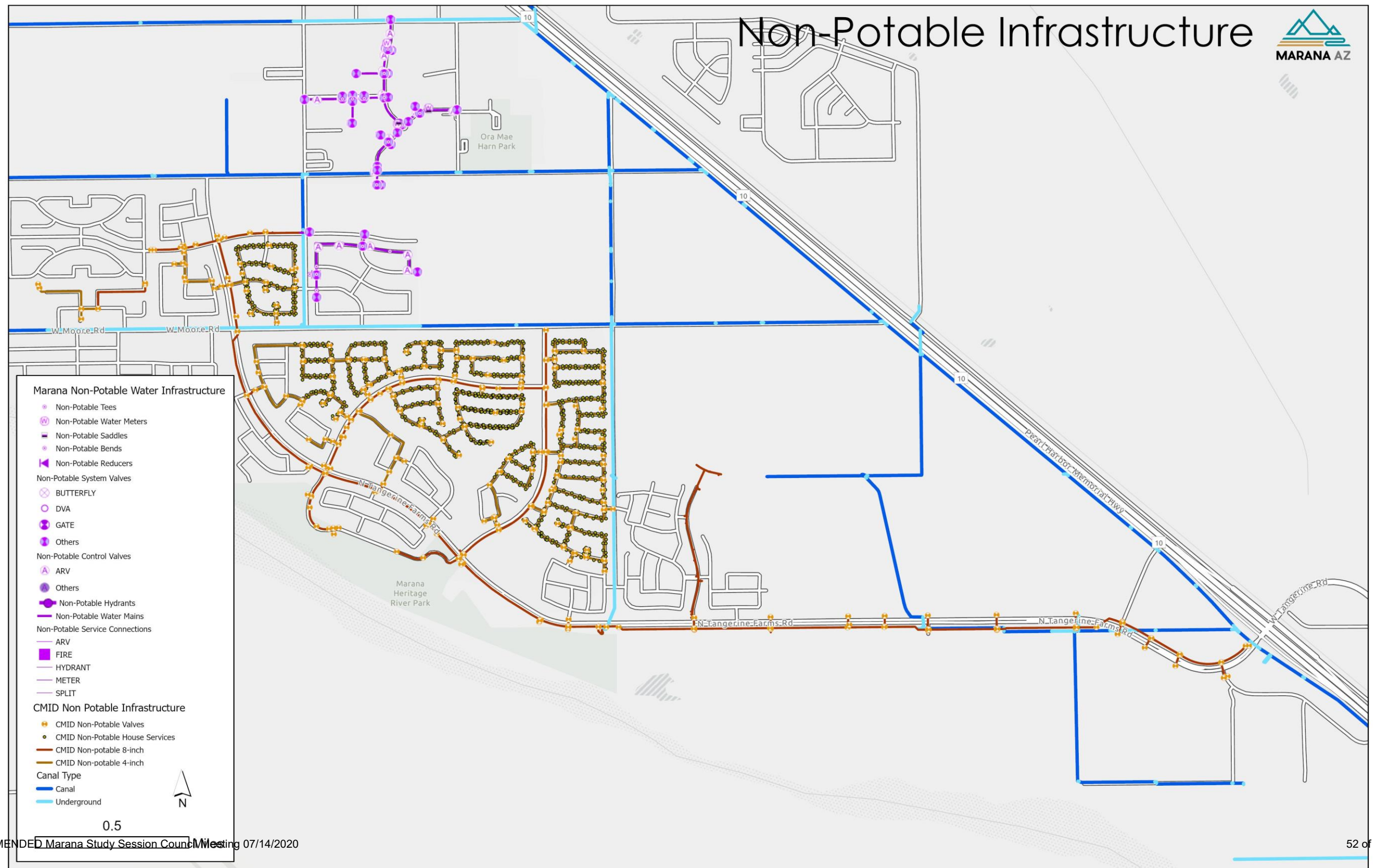


CMID Service Area

CMID Service Area Boundary



Non-Potable Infrastructure





Code Amendment

- Any proposed project within CMID service area
 - Residential, Commercial, Industrial and Public projects
- CMID may waive right to serve
- MOU between CMID and Marana Water
- Prior to submitting a development plan, applicant shall prepare a report containing:
 - Proposed non-potable water demand
 - Location of non-potable water infrastructure
 - Rezoning conditions or Council determination
 - Anticipated long term cost savings compared to the cost of non-potable infrastructure
- Appeals

Service determination:

1. Connection is required as condition of rezoning
2. Long term cost savings:

$$A \leq B - C$$

A = Cost of non-potable infrastructure

B = Cost of potable water service for 20 years

C = Cost of non-potable water service for 20 years

3. Council determines that it is necessary to offset environmental impacts or burdens

Questions?



Council-Study Session

D5

Meeting Date: 07/14/2020

To: Mayor and Council

From: Jane Fairall, Deputy Town Attorney

Date: July 14, 2020

Strategic Plan Focus Area:
Not Applicable

Subject: *Relating to Emergency Management; presentation and discussion regarding Town of Marana's actions in relation to COVID-19 emergency orders of Arizona Governor Douglas A. Ducey and other entities (Jane Fairall)*

Discussion:

Town staff will make a presentation regarding the Town's actions related to the COVID-19 emergency orders of Arizona Governor Douglas A. Ducey and other entities. The presentation will include information and discussion regarding:

- Governor Ducey's recent Executive Orders directed at slowing the spread of COVID-19, and associated guidance from the Arizona Department of Health Services (ADHS) and the Arizona Department of Liquor Licenses and Control (DLLC)
- The Town's goals/objectives regarding education and enforcement of the orders
- The Town's response protocols when complaints are received regarding businesses in our community
- A summary of actions taken by the Town to date

The Town's actions are in relation to the State's most recent emergency orders and requirements, including the following:

- Executive Order (EO) 2020-40 (June 17, 2020) Containing the Spread of COVID-19 - Continuing Arizona Mitigation Efforts
 - ADHS Requirements for Businesses pursuant to EO 2020-40
- EO 2020-43 (June 29, 2020) Pausing of Arizona's Reopening - Slowing the Spread of COVID-19
 - DLLC Guidance related to EO 2020-43
- EO 2020-47 (July 9, 2020) Reducing the Risk, Slowing the Spread - Limiting Indoor

Dining

- ADHS Requirements for Restaurants Providing Dine-In Services updated on 7-9-2020 per EO 2020-47

Attached to this agenda item are the following documents regarding the Town's Response Protocol:

- Business Complaint Response Protocol
- Business Complaint Information Form
- Business letter templates

Staff Recommendation:

Presentation only

Suggested Motion:

Presentation only

Attachments

Enforcement Protocol

Business Complaint Form

Business Letter template re: 2020-43

Follow-up letter to bars

Follow-up letter to gyms

Business letter template re: 2020-40

BUSINESS COMPLAINT RESPONSE PROTOCOL

<u>Type of Complaint</u>	<u>Standard Protocol for Town Response*</u>
Bar is open in violation of Governor's Executive Order 2020-43	1. Call taker obtains details and completes Business Complaint Information Form 2. Call taker goes to Arizona Department of Liquor Licenses and Control (DLLC) website search engine to determine what type of liquor license the establishment holds https://www.azliquor.gov/query/query.cfm 3. If business holds a series 6 or 7 liquor license, call taker forwards all information to the Legal Department (Jane, Libby and/or David) for review • If business holds any other type of liquor license, call taker informs complainant that business may remain open 4. If Legal Department determines business is operating in violation of EO, standard letter will be prepared • Legal Department will advise the call taker (i.e. front desk, Manager's Office, etc.) of its determination so that it can be communicated to the complainant 5. Legal Department will inform Town Manager of determination 6. Code Enforcement will deliver letter and copy may be emailed 7. Further response by Town will depend upon business response, may include suspension of business license, criminal citation, referral to DLLC, etc.
Indoor gym or fitness center/indoor movie theater is open in violation of Governor's Executive Order 2020-43	1. Call taker obtains details and completes Business Complaint Information Form 2. Call taker forwards all information to the Legal Department (Jane, Libby and/or David) for review 3. If Legal Department determines business is operating in violation of EO, standard letter will be prepared

BUSINESS COMPLAINT RESPONSE PROTOCOL

<u>Type of Complaint</u>	<u>Standard Protocol for Town Response*</u>
	• Legal Department will advise the call taker (i.e. front desk, Manager's Office, etc.) of its determination so that it can be communicated to the complainant 4. Legal Department will inform Town Manager of determination 5. Code Enforcement will deliver letter and copy may be emailed 6. Further response by Town will depend upon business response, may include suspension of business license, criminal citation, referral to DLLC, etc.
Restaurant/bar/business employees not wearing masks	1. Call taker obtains details and completes Business Complaint Information Form 2. Call taker advises the complainant they may make a complaint to the Pima County Health Department 3. Call taker forwards all information to the Legal Department (Jane, Libby and/or David) for review 4. If Legal Department determines business is operating in violation of EO/ ADHS requirements, standard letter will be prepared • Legal Department will advise the call taker (i.e. front desk, Manager's Office, etc.) of its determination so that it can be communicated to the complainant 5. Legal Department will inform Town Manager of determination 6. Code Enforcement will deliver letter and copy may be emailed 7. Further response by Town will depend upon business response
Restaurant/bar/business not requiring public to wear masks	Call taker refers the complainant to the Pima County Health Department to lodge a complaint with that entity; Town will not take action

BUSINESS COMPLAINT RESPONSE PROTOCOL

<u>Type of Complaint</u>	<u>Standard Protocol for Town Response*</u>
Restaurant/bar with food/business not following physical distancing rules of 6 feet between tables, customers, etc., or allowing parties of more than 10 to congregate, or not operating at reduced capacity, etc.	1. Call taker obtains details and completes Business Complaint Information Form 2. Call taker forwards all information to the Legal Department (Jane, Libby and/or David) for review 3. If Legal Department determines business is operating in violation of EO/ ADHS requirements, standard letter will be prepared • Legal Department will advise the call taker (i.e. front desk, Manager's Office, etc.) of its determination so that it can be communicated to the complainant 4. Legal Department will inform Town Manager of determination 5. Code Enforcement will deliver letter and copy may be emailed 6. Further response by Town will depend upon business response, may include suspension of business license, criminal citation, referral to DLLC, etc.

BUSINESS COMPLAINT INFORMATION FORM

1) Date/Time Call Received	Date: Time:
2) Contact information for Complainant - If complaint received via email or social media, request a phone call or ask questions via email	Name: Phone: Email Address: ☐ Requested to be Anonymous
3) Ask complainant if they want a follow up call	☐ Yes ☐ No
4) GYM/FITNESS CENTER/MOVIE THEATER CLOSURE COMPLAINTS	a. Name of Gym/Fitness Center/Movie Theater: b. Location of Gym/Fitness Center/Movie Theater: c. Describe what observed that made complainant believe Gym/Fitness Center/Movie Theater is open:
5) BAR CLOSURE COMPLAINTS	a. Name Bar: b. Location of Bar: c. Put complainant on hold and search for business at https://www.azliquor.gov/query/query.cfm . - If business ONLY has a Series 6 or Series 7 license, go to paragraph d below - If not series 6 or 7, OR if there is a license in addition to Series 6 or 7, inform complainant that the business is allowed to remain open under Governor's Order. d. Describe what was observed that made complainant believe bar is open:
6) <u>RESTAURANT/BAR/BUSINESS NON-COMPLIANCE COMPLAINTS</u>	a. Name of Restaurant/Bar/Business: b. Location of Restaurant/Bar/Business: • Description of what was observed that made complainant believe restaurant/bar/business is not in compliance: Get details regarding complaint, not general information that social distancing not in place. Ask for specific details regarding parties of people, tables not separated. If complaint is regarding masks not being worn, get specific information regarding whether employees or patrons not wearing masks and which employees were not wearing masks. i. Social Distancing Specifics: ii. Large gathering specifics: iii. Mask specifics: iv. Hygiene specifics:



July 13, 2020

[Name]

Owner of [Business Name]

[Insert Address]

[Via email: _____]

Re: Compliance with Governor Douglas A. Ducey's Executive Order 2020-43 "Pausing of Arizona's Reopening – Slowing the Spread of COVID-19"

Dear [Name],

The Town of Marana was recently contacted regarding concerns that your business may be operating in violation of Governor Douglas A. Ducey's Executive Order 2020-43 as it relates to [Choose an item.](#) pausing operations to help slow the spread of COVID-19. A copy of the Executive Order [and associated guidance from [Choose an item.](#)] is [are] enclosed with this letter for your review.

On March 11, 2020, a declaration of Public Health State of Emergency was issued due to the COVID-19 pandemic. Due to the increase in COVID-19 cases and hospitalizations in Arizona, Governor Ducey has declared that the following must pause operations until at least July 27, 2020:

- Bars, meaning an entity holding a series 6 or series 7 liquor license from the Arizona Department of Liquor Licenses and Control (DLLC) and whose primary business is the sale or dispensing of alcohol. However, these entities may continue operations through pick up, delivery, and drive-thru options as provided in Executive Order 2020-09, "Limiting the Operations of Certain Businesses to Slow the Spread of COVID-19" and the accompanying guidance from DLLC.
- Indoor gyms and fitness clubs or centers.
- Indoor movie theaters.
- Water parks and tubing operators.

Please respond to this letter within 3 business days and provide information that you would like the Town of Marana to consider as to why your business should be allowed to remain open. We understand this is a difficult time, but together we can help to contain the spread of COVID-19.

Sincerely,

[Name]

[Title]

Encl:

Executive Order 2020-43

[Guidance from [Choose an item.](#)]



July 13, 2020

[Name]

Owner of [Business Name]

[Insert Address]

[Via email: _____]

Re: Compliance with Governor Douglas A. Ducey's Executive Order 2020-43 "Pausing of Arizona's Reopening – Slowing the Spread of COVID-19"

Dear [Name],

The Town of Marana has reviewed your response to our letter dated [insert date] regarding concerns that your business may be operating in violation of Governor Douglas A. Ducey's Executive Order 2020-43. Our review confirms that your business is a bar holding a series 6 [or series 7] liquor license from the Arizona Department of Liquor Licenses and Control (DLLC), whose primary business is the sale or dispensing of alcohol. Therefore, pursuant to Governor Ducey's order, your business must pause operations during the period that Executive Order 2020-43 is in effect. Consistent with Governor Ducey's order, you may continue operations through pick up, delivery, and drive-thru options.

Please be advised that failure to comply with Executive Order 2020-43 may result in further enforcement action, including summary suspension of your business license and criminal citation under A.R.S. §26-317. The Arizona Department of Liquor License and Control may also take action regarding your liquor license.

We hope to avoid any further enforcement action. The Town is following Governor Ducey's order and we ask that you comply with it as well, to help slow the spread of COVID-19 and allow us all to resume normal business operations as soon as possible.

Sincerely,

[Name]

[Title]



July 13, 2020

[Name]
Owner of [Business Name]
[Insert Address]

[Via email: _____]

Re: Compliance with Governor Douglas A. Ducey's Executive Order 2020-43 "Pausing of Arizona's Reopening – Slowing the Spread of COVID-19"

Dear [Name],

The Town of Marana has reviewed your response to our letter dated [insert date] regarding concerns that your business may be operating in violation of Governor Douglas A. Ducey's Executive Order 2020-43. Our review confirms that your business is an indoor gym, fitness club, or center. Therefore, pursuant to Governor Ducey's order, your business must pause operations during the period that Executive Order 2020-43 is in effect.

Please be advised that failure to comply with Executive Order 2020-43 may result in further enforcement action, including summary suspension of your business license and criminal citation under A.R.S. §26-317.

We hope to avoid any further enforcement action. The Town is following Governor Ducey's order and we ask that you comply with it as well, to help slow the spread of COVID-19 and allow us all to resume normal business operations as soon as possible.

Sincerely,

[Name]
[Title]



July 13, 2020

Owner of

Via email:

Re: Compliance with Governor Douglas A. Ducey's Executive Order 2020-40 "Containing the Spread of COVID-19"

Dear ,

The Town of Marana was recently contacted regarding concerns that your business is not operating in compliance with Governor Ducey's Executive Order and the associated Requirements for Restaurants. The Executive Order and Requirements for Restaurants are enclosed with this letter for your review.

On March 11, 2020, a declaration of Public Health State of Emergency was issued due to the COVID-19 pandemic. Due to the increase in COVID-19 cases and hospitalizations in Arizona, Governor Ducey has declared that your business shall assist in efforts to "Contain the Spread" by following the Requirements for Restaurants. The Town of Marana requests that your restaurant comply with these requirements and follow best practices to contain the spread of COVID-19.

The Town of Marana supports your business and can assist with questions regarding compliance with Governor Ducey's Executive Order. Together we can support ongoing business operations while simultaneously implementing safety plans to protect workers and customers to contain the spread of COVID-19.

Sincerely,

Encl:

Executive Order 2020-40 "Containing the Spread of COVID-19"
Requirements for Restaurants