MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, April 20, 2021, 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 April 20, 2021, 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

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. 2021-046: Relating to Development; approving and authorizing the Mayor to sign the Second Amendment to Cortaro Ranch Commercial Assurance and Development Agreement with Cortaro Commercial JV, LLC to assure dedication and construction of Joplin Lane with development of certain Cortaro Ranch commercial properties. (Jane Fairall)

C2 Resolution No. 2021-047: Relating to Development; approving a release of assurances for a portion of Gladden Farms Blocks 36 & 40 and accepting public improvements for maintenance (Keith Brann)

C3 Resolution No. 2021-048: Relating to Development; approving a final plat for Marana Air Commerce Park Lot 1 and Block A, located on the north side of Avra Valley Road, approximately 0.70 miles east of the intersection of Avra Valley Road and Sandario Road (Anita McNamara)

C4 Resolution No. 2021-049: Relating to Building; approving and authorizing the Mayor to sign the Intergovernmental Agreement between Pima County and the Town of Marana for Building Permit Regulation of Public Property in Each Other's Jurisdictional Territory (David L. Udall)

C5 Resolution No. 2021-050: Relating to the Police Department; approving and authorizing the Chief of Police to execute a grant agreement between the Town of Marana and DARTdrones and to receive funding under the DARTdrones Public Safety Grant program (Kristin Taft)

C6 Approval of Council Regular Meeting Summary Minutes of April 6, 2021 (Cherry L. Lawson)

LIQUOR LICENSES

L1 Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding an application for a new series #012 Restaurant Liquor License submitted by Yazmin Vanessa Aldecoa Hernandez on behalf of Tacos Apson, located at 6741 North Thornydale Road Suite 121, Tucson, AZ 85741 (Cherry L. Lawson)

BOARDS, COMMISSIONS AND COMMITTEES

B1 Resolution No. 2021-051: Relating to Boards, Commissions, and Committees; making appointments to the Town of Marana Board of Adjustment (David L. Udall)

COUNCIL ACTION

A1 PUBLIC HEARING: Ordinance No. 2021.006: Relating to Development; rezoning approximately 1.16 acres of land located at 4201 W. Jeremy Place, east of N. Camino Martin and south of Ina Road, from R-36 Residential to Heavy Industry (HI) (Anita McNamara)

A2 Resolution No. 2021-052: Relating to Economic Development; expanding the Marana Job Creation Incentive Program to include certain retail businesses and industries as Targeted Employers (Curt Woody)

A3 Ordinance No. 2021.007: Relating to Building; adopting by reference the 2021 Town of Marana Outdoor Lighting Code; amending Town Code Section 7-1-2 (Building Codes Adopted); and designating an effective date (David L. Udall)

Resolution No. 2021-053: Relating to Building; declaring the 2021 Town of Marana Outdoor Lighting Code as a public record filed with the Town Clerk (David L. Udall)

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Resolution 2021-054: Relating to Utilities; approving and authorizing the Town Manager to sign Contract No: 2020-3123 IGA with the Arizona Department of Water Resources for funding in an amount not to exceed $25,000 to support the creation and implementation of the Marana Citizens' Water Academy (Amanda Jones)

D2 Relating to Budget; discussion, direction and possible action regarding development of the fiscal year 2021/2022 budget, including proposed budget initiatives and expenditures (Terry Rozema)

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 (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).

E2 Executive Session pursuant to A.R.S. §38-431.03(A)(1) for discussion, consideration, and possible interviews of candidates for appointment to the Town of Marana Board of Adjustment.

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 **C1**

Meeting Date: 04/20/2021

To: Mayor and Council

Submitted For: Jane Fairall, Town Attorney

From: Brian Varney, Senior Planner

Date: April 20, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2021-046: Relating to Development; approving and authorizing the Mayor to sign the Second Amendment to Cortaro Ranch Commercial Assurance and Development Agreement with Cortaro Commercial JV, LLC to assure dedication and construction of Joplin Lane with development of certain Cortaro Ranch commercial properties. (Jane Fairall)

Discussion:

Joplin Lane is a licensed temporary road on land owned by Tucson Electric Power Company. As a condition of Marana Ordinance 95.30, approving the rezoning for Cortaro Ranch subdivision, the developer is required to re-route the portion of Joplin Lane that originally ran through Cortaro Ranch, as a first step in transforming Joplin Lane from a licensed temporary road to a permanent public road.

In September 2015, the Town and Caddis Bridge, LLC entered into the Cortaro Ranch Commercial Assurance and Development Agreement ("Original Agreement"), which established the terms for the dedication and construction of Joplin Lane over the land owned by Caddis Bridge or over adjacent land purchased from TEP by Caddis Bridge. The 2015 Original Agreement required Caddis Bridge to complete the dedication of right-of-way for Joplin Lane within the earlier of, three years after the effective date of the Original Agreement or before the issuance of permits for vertical construction on Caddis Bridge's Cortaro Ranch properties.

In May 2018, the Town and Caddis Bridge, L.L.C. entered into the First Amendment to Cortaro Ranch Commercial Assurance and Development Agreement ("First

Amendment"), which included a modification of the subject property, as defined in the Original Agreement, to exclude development areas that had little or no connection to, or benefit from, the developer dedications. The First Amendment also extended the calendar deadline for dedication of right-of-way to the earlier of September 1, 2020, or the date a building permit was requested for vertical construction on any portion of the Subject Property

Cortaro Commercial JV, LLC, the current developer of the commercial portion of Cortaro Ranch and the successor in interest to Caddis Bridge, L.L.C., dedicated the majority of the right-of-way for the re-alignment of Joplin Lane by the approval and recordation of the final plat for Cortaro Ranch Phase II Lots 1 through 6 and Common Areas "A" and "B". The final plat was approved by the Town Council on April 2, 2019 and recorded on April 12, 2019 in the Office of the Pima County Recorder. The remaining and final portion of right-of-way for Joplin Lane was dedicated to the Town by a Deed of Dedication executed on August 7, 2020 and recorded on August 21, 2020 in the Office of the Pima County Recorder.

Town staff is still working on acquiring other segments of the Joplin Lane right-of-way. Portions have been dedicated with the De Anza subdivision final plat and the Linda Vista Village at Cascada subdivision final plat; however, other segments are still needed in order to provide a seamless connection of right-of-way from Cortaro Farms Road to Linda Vista Boulevard.

The Original Agreement required the developer to construct the portion of Joplin Lane within the right-of-way the developer dedicated to the Town. Pursuant to the Original Agreement, the construction was to commence within 180 days after completing the dedications, and construction was to be completed within 180 days after commencement. Pursuant to the extension granted by the First Amendment, the construction should have commenced by February 3, 2021, with a completion of construction no later than August 2, 2021.

The developer contends that the recent COVID pandemic and other unanticipated challenges have resulted in a change of circumstances affecting the timing of the construction of Joplin Lane. Town staff and the developer have agreed that an extension of the construction timeline is reasonable and have agreed, subject to Town Council approval, to the following:

The Developer shall commence construction of the Developer's Joplin Lane Construction Obligation not later than 180 days after the effective date of this second amendment, and shall complete the construction within 120 days of commencement of construction. If this second amendment is approved tonight, the developer will be required to commence construction on or about October 20, 2021, and finish construction on or about February 20, 2022.

Staff Recommendation:

Staff recommends adoption of Resolution No. 2021-046, approving and authorizing the Mayor to sign the Second Amendment to Cortaro Ranch Commercial Assurance and Development Agreement.

Suggested Motion:

I move to adopt Resolution No. 2021-046, approving and authorizing the Mayor to sign the Second Amendment to Cortaro Ranch Commercial Assurance and Development Agreement.

Attachments

Resolution 2021-046

Exhibit A to Resolution- Second Amendment to DA

MARANA RESOLUTION NO. 2021-046

RELATING TO DEVELOPMENT; APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE SECOND AMENDMENT TO CORTARO RANCH COMMERCIAL ASSURANCE AND DEVELOPMENT AGREEMENT WITH CORTARO COMMERCIAL JV, LLC, TO ASSURE DEDICATION AND CONSTRUCTION OF JOPLIN LANE WITH DEVELOPMENT OF CERTAIN CORTARO RANCH COMMERCIAL PROPERTIES

WHEREAS the Town Council adopted Resolution No. 2015-085 on September 1, 2015, approving and authorizing the Mayor to sign the Cortaro Ranch Commercial Assurance and Development Agreement (the "Original Agreement") with Caddis Bridge, L.L.C., to assure dedication and construction of Joplin Lane; and

WHEREAS the Town Council adopted Resolution No. 2018-039 on May 1, 2018, approving and authorizing the Mayor to sign the First Amendment to Cortaro Ranch Commercial Assurance and Development Agreement (the "First Amendment") with Caddis Bridge, L.L.C.; and

WHEREAS Cortaro Commercial JV, LLC (the "Developer") is the successor in interest to Caddis Bridge, L.L.C.; and

WHEREAS Cortaro Commercial JV, LLC is actively marketing properties in the Cortaro Ranch Phase II development subject to the Original Agreement and the First Amendment; and

WHEREAS the Original Agreement required the Developer to complete certain developer dedications and to construct the portion of Joplin Lane located in the developer dedications within a specified timeframe; and

WHEREAS Cortaro Commercial JV, LLC has requested an extension of time for the commencement and completion of construction of its portion of Joplin Lane; and

WHEREAS the Mayor and Council, find that entering into the Second Amendment to Cortaro Ranch Commercial Assurance and Development Agreement is in the best interest of the Town and its citizens.

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

SECTION 1. The Second Amendment to the Cortaro Ranch Commercial Assurance and Development Agreement attached to and incorporated within this

resolution as Exhibit A is hereby approved, and the Mayor is hereby authorized and directed to sign it for and on behalf of the Town of Marana.

SECTION 2. The various Town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution and the agreement it approves.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of April, 2021.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

SECOND AMENDMENT TO CORTARO RANCH COMMERCIAL ASSURANCE AND DEVELOPMENT AGREEMENT

(Town of Marana, Arizona)

THIS SECOND AMENDMENT TO CORTARO RANCH COMMERCIAL ASSURANCE AND DEVELOPMENT AGREEMENT (this "Second Amendment") is made and entered into by and between the TOWN OF MARANA, an Arizona municipal corporation (the "Town"), and CORTARO COMMERCIAL JV, LLC, an Arizona limited liability company (the "Developer"). The Town and the Developer are sometimes collectively referred to as the "Parties," each of which is sometimes individually referred to as a "Party."

RECITALS

A. The Town and CADDIS BRIDGE, L.L.C., an Arizona limited liability company ("Caddis") entered into the CORTARO RANCH COMMERCIAL ASSURANCE AND DEVELOPMENT AGREEMENT (the "Original Agreement"), recorded in the office of the Pima County Recorder on September 4, 2015, at Sequence 20152470219.

B. The Town and Caddis subsequently entered into the FIRST AMENDMENT TO CORTARO RANCH COMMERCIAL ASSURANCE AND DEVELOPMENT AGREEMENT (the "First Amendment"), recorded in the office of the Pima County Recorder on May 4, 2018, at Sequence 20181240060.

C. The Developer is the successor in interest to Caddis.

D. Paragraphs 1, 2, and 3 of the Original Agreement required the Developer to complete certain Developer Dedications (as described in Paragraphs 1, 2, and 3 of the Original Agreement).

E. The First Amendment modified the Subject Property, as defined in the Original Agreement, to remove areas that had little or no connection to or benefit from the Developer Dedications, identifying the Subject Property as Lots 295, 296, and 297 of the Cortaro Ranch subdivision, recorded in the office of the Pima County Recorder on May 21, 1998, in Book 51 of Maps and Plats at Page 6 (Sequence 19980780741).

F. Lots 295, 296, and 297 of the Cortaro Ranch subdivision were subsequently resubdivided by the Final Plat for Cortaro Ranch Phase II Lots 1 through 6 and Common Areas "A" and "B", recorded in the office of the Pima County Recorder on April 12, 2019, at Sequence 20191020080, and lots 4 through 6 were again resubdivided by the Final Plat for Cortaro Ranch Phase II Lots 4 through 6, recorded in the office of the Pima County Recorder on February 7, 2020, at Sequence 20200380096.

G. The property that is the subject of this Second Amendment is Cortaro Ranch Phase II Lots 1 through 6, as collectively described in the Final Plat for Cortaro Ranch Phase II Lots 1 through 6 and Common Areas "A" and "B", and the Final Plat for Cortaro Ranch Phase II Lots 4 through 6, as described in Recital F above (the "Subject Property").

H. Paragraph 4(A) of the Original Agreement required the Developer to complete the Developer Dedications on the earlier of the following: (1) the third anniversary of the effective date of the Original Agreement or (2) the date a building permit was requested for vertical construction on any portion of the Subject Property.

I. The First Amendment extended the time for completion of the Developer Dedications to the earlier of the following: (1) September 1, 2020, or (2) the date a building permit was requested for vertical construction on any portion of the Subject Property.

J. Paragraph 5 of the Original Agreement required the Developer to construct the portion of Joplin Lane located in the Developer Dedications (the "Developer Joplin Lane Construction Obligation").

K. Paragraph 6(C) of the Original Agreement required the Developer to commence construction of the Developer Joplin Lane Construction Obligation not later than 180 days after making the Developer Dedications, and to complete the construction within 180 days of commencement of construction.

L. Pursuant to the extension granted by the First Amendment, the Developer completed the Developer Dedications as of August 7, 2020; as such, the Developer was required to commence construction of the Developer Joplin Lane Construction Obligation no later than February 3, 2021, and to complete construction no later than August 2, 2021.

M. The Parties desire to amend the Original Agreement (i) to extend the time for the Developer Joplin Lane Construction Obligation, and (ii) to reflect changes in circumstances since the date of the Original Agreement.

N. This Amendment is consistent with the portions of the Town's General Plan applicable to the Subject Property.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements set forth in this Second Amendment, the Parties hereby agree as follows:

1. *Modification of subparagraph 6(C) of the Original Agreement*. Subparagraph 6(C) of the Original Agreement is hereby rescinded and replaced with the following paragraph:

(A) *Construction initiation and completion*. Except as provided in paragraph 6(B) above, the Developer shall commence construction of the Developer Joplin Lane Construction Obligation not later than 180 days after the Effective Date of this Second Amendment, and shall complete the construction within 120 days of commencement

of construction. The improvements constituting the Developer Joplin Lane Construction Obligation shall not be considered completed unless and until they have been constructed in accordance with all applicable plans and regulations and inspected by the Town for compliance with the plans and regulations.

2. *Notices and filings*. Paragraph 11 of the Original Agreement, as amended by the First Amendment, is amended by replacing "Jamsheed Mehta, Town Manager" with "Terry Rozema, Town Manager."

3. *Other terms of the Original Agreement remain in effect*. Except as amended by this Second Amendment, the terms of the Original Agreement, as previously amended, remain in full force and effect.

4. *Conflict of interest*. This Second Amendment is subject to A.R.S. § 38-511, which provides for cancellation of contracts in certain instances involving conflicts of interest.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the last date set forth below their respective signatures (the "Effective Date").

The "Town":	The "Developer":
TOWN OF MARANA, an Arizona municipal corporation	CORTARO COMMERCIAL JV, LLC, an Arizona limited liability company
By: _____	By: _____
Ed Honea, Mayor	Paul M. Thrift, Manager
Date: _____	Date: _____

ATTEST:

_____
Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

STATE OF ARIZONA)
ss
County of Pima)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2021, by Paul M. Thrift, the Manager of CORTARO COMMERCIAL JV, LLC, an Arizona limited liability company, on behalf of the LLC.

(Seal)

_____
Notary Public

Council-Regular Meeting **C2**

Meeting Date: 04/20/2021

To: Mayor and Council

Submitted For: Keith Brann, Town Engineer

From: Keith Brann, Town Engineer

Date: April 20, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2021-047: Relating to Development; approving a release of assurances for a portion of Gladden Farms Blocks 36 & 40 and accepting public improvements for maintenance (Keith Brann)

Discussion:

This resolution will release a portion of Gladden Farms Blocks 36 & 40, specifically the second phase. The original assurance agreement for Gladden Farms Blocks 36 & 40 was between the Town, KB Home under Title Security trust number 201665-T, and Gladden II LLC under Fidelity trust number 60423 and consisted of lots 1-176. After the original assurance agreement the subdivision was divided into 2 phases. A substitute assurance agreement for phase 2 lots was entered into between the Town and Meritage Homes under Title Security trust number 201952-S.

Construction of phase 2 has been completed and is satisfactory for acceptance.

This resolution will release the phase 2 lots, consisting of Lots 23-37, 79-154 and all remaining common areas.

The infrastructure to be accepted includes streets, water, and wastewater utilities.

Staff Recommendation:

Staff recommends approval of the resolution

Suggested Motion:

I move to adopt Resolution No. 2021-047, approving a release of assurances for a portion of Gladden Farms Blocks 36 & 40 and accepting public improvements for maintenance.

Attachments

Resolution 2021-047

Gladden Farms Blocks 36 & 40 Phase 2 Plans

MARANA RESOLUTION NO. 2021-047

RELATING TO DEVELOPMENT; APPROVING A RELEASE OF ASSURANCES FOR A PORTION OF GLADDEN FARMS BLOCKS 36 & 40 AND ACCEPTING PUBLIC IMPROVEMENTS FOR MAINTENANCE

WHEREAS the final plat for 'Gladden Farms Blocks 36 & 40 Lots 1-176, Common Areas "A-1" - "A-7" & "B-1" – "B-5"' ("Gladden Farms Blocks 36 & 40") was recorded in the Pima County Recorder's Office on November 27, 2019, at Sequence 20193310053; and

WHEREAS the Town has a third party trust assurance agreement (the "Assurance Agreement") with Meritage Homes of Arizona, Inc. (the "Subdivider") and Title Security Agency, LLC, under Trust No. 201952-S, recorded in the Pima County Recorder's office on December 20, 2019, at Sequence 20193540149, assuring the completion of public improvements for a portion of Gladden Farms Blocks 36 & 40, referred to in this resolution as "GF 36 & 40 Phase 2", consisting of Lots 23-37 and 79-154, and associated common areas ("A-4" – "A-6" and "B-1," "B-4" & "B-5"); and

WHEREAS the Subdivider has completed the public improvements for GF 36 & 40 Phase 2 acceptable to Town standards in accordance with the Assurance Agreement.

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

Section 1. The Assurance Agreement for GF 36 & 40 Phase 2 is hereby released.

Section 2. The Town accepts for maintenance, including maintenance of regulatory traffic control and street signs, approximately 0.47 miles of the following paved streets as shown on the plat of Gladden Farms Blocks 36 & 40 serving GF 36 & 40 Phase 2:

- Golson Drive
- Dickerson Drive
- Fulton Avenue
- The portion of Sutter Drive located south of Golson Drive

Section 3. The Town accepts for maintenance the potable water system serving GF 36 & 40 Phase 2, consisting of approximately 2,310 linear feet of potable water line, water meters, valves, fire hydrants and appurtenances with an estimated value of $257,625.

Section 4. The Town accepts for maintenance the sanitary sewer system serving GF 36 & 40 Phase 2, consisting of approximately 3,460 linear feet of conveyance system and appurtenances with an estimated value of $299,520.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of April, 2021.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

PAVING & SEWER PLANS FOR
GLADDEN FARMS
BLOCKS 36&40 PHASE 2
LOTS 23-37, 79-154 AND COMMON AREAS "A" & "B"

ENG1910-009/S-2020-006

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS PROJECT IS WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 11 EAST, GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA.SAID LINE MONUMENTED BY A FOUND 1 1/2" ALUM CAP STAMPED "17436" AT THE WEST QUARTER AND A FOUND 1/2" REBAR TAGGED "PCHD3" AT THE SOUTHWEST CORNER OF SAID SECTION. SAID BEARING BEING S00°30'03"E.

BASIS OF ELEVATION

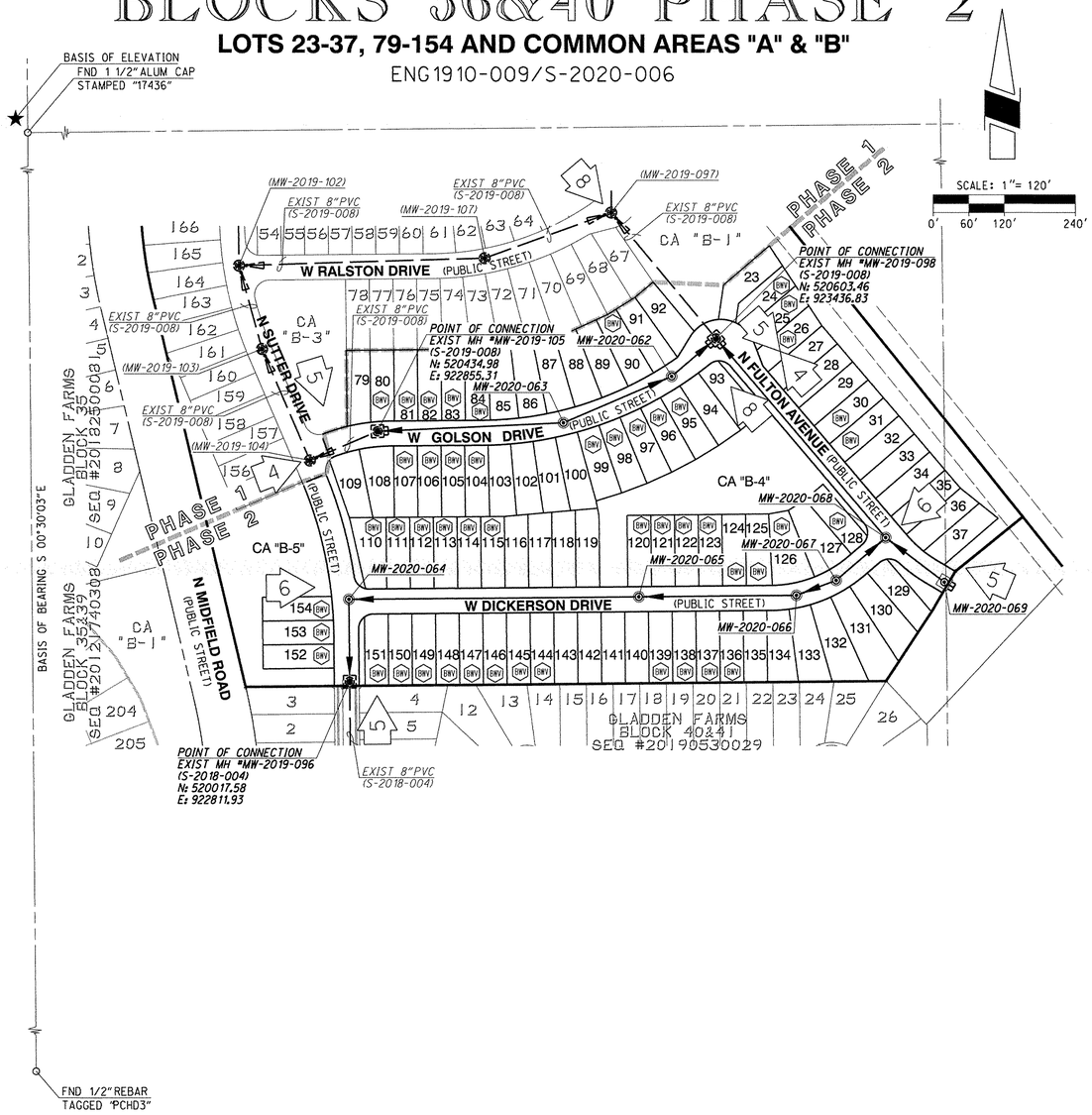
PIMA COUNTY OPUS CONTROL POINT 11S11E_17. A "+" ON THE SOUTHEAST CORNER OF A CONCRETE BOX W/ GRATE. 41'+/- NORTHWEST OF THE WEST QUARTER CORNER SECTION 35 AND 16' +/- SOUTH OF THE SOUTHEAST CORNER OF A WELL SITE. ELEVATION = 2011.61 (NAVD 88)

PAVING NOTES

1. THE DESIGN SPEED FOR THESE STREETS ARE 25 MPH. THE DESIGN VEHICLE IS WB-40.
2. ASPHALTIC CONCRETE SHALL CONFORM TO PAG STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, SECTION 406, MIX #2, UNLESS OTHERWISE SPECIFIED.
3. ALL CONCRETE SHALL COMPLY WITH PAG STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, SECTION 1006, CLASS S, 3,000 PSI COMPRESSIVE STRENGTH AT 28 DAYS, UNLESS OTHERWISE SPECIFIED.
4. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATIONS.
5. THE CONTRACTOR SHALL OBTAIN ALL PERMITS REQUIRED BY GOVERNMENTAL AGENCIES.
6. IF ANY UNANTICIPATED CONDITIONS ARE ENCOUNTERED DURING THE COURSE OF CONSTRUCTION AND ARE BEYOND THE SCOPE OF THE DESIGN, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND THE ENGINEER SHALL SUBMIT THE NECESSARY REVISED OR SUPPLEMENTAL IMPROVEMENT PLANS FOR REVIEW AND APPROVAL BY THE TOWN ENGINEER.
7. UPON COMMENCEMENT OF WORK, TRAFFIC CONTROL DEVICES SHALL BE POSTED AND MAINTAINED BY THE CONTRACTOR UNTIL SUCH TIME AS THE WORK IS COMPLETED. ALL WARNING SIGNS, BARRICADES, ETC. SHALL BE IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES ADOPTED BY THE STATE OF ARIZONA PURSUANT TO A.R.S.§ 28-650.
8. ALL STATIONING IS MEASURED ALONG STREET CENTERLINE, UNLESS OTHERWISE NOTED.
9. UTILITY LOCATIONS AS SHOWN ON THE PLANS ARE BASED ON A SEARCH OF AVAILABLE RECORDS AND INFORMATION PROVIDED BY THE UTILITY COMPANIES OR AGENCIES. UTILITY LOCATIONS SHOWN ARE APPROXIMATE, AND THERE MAY BE EXISTING UTILITIES WHICH ARE NOT SHOWN ON THE PLANS; THEREFORE, THE POSSIBILITY OF CONFLICTS WITH UTILITIES IN SERVICE EXISTS. THE CONTRACTOR SHALL CALL ARIZONA 811 AT 811, AT LEAST 2 WORKING DAYS PRIOR TO COMMENCING CONSTRUCTION, TO REQUEST VERIFICATION OF THE LOCATION AND ELEVATION OF ALL UTILITIES WITHIN THE WORK AREA. THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR COSTS INCURRED AS A RESULT OF DAMAGE TO UTILITIES CAUSED BY HIS OPERATIONS.
10. A REGISTERED ENGINEER MUST CERTIFY THAT THIS PROJECT WAS CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE ACCEPTED PLANS PRIOR TO REQUEST FOR FINAL INSPECTION OR THE RELEASE OF ASSURANCES.
11. DURING CONSTRUCTION, THE TOWN ENCOURAGES GRADING CREWS TO BE ALERT FOR BURROWING OWLS WHICH CAN BE SPOTTED STANDING ON THE GROUND, PARTICULARLY ALONG THE PERIMETER OF FIELDS. THE BURROWING OWL IS KNOWN TO OCCUR IN AND AROUND AGRICULTURAL FIELDS IN THE TOWN OF MARANA. IF GRADING CREWS FIND A BURROWING OWL DURING GRADING, PLEASE CALL THE ARIZONA GAME AND FISH DEPARTMENT AT (520) 628-5376. THEY WILL COME OUT AND RELOCATE THE BIRD(S) OFFSITE.

FOR GENERAL NOTES SEE SHEET 3

FOR SEWER NOTES SEE SHEET 7



QUANTITIES TABLE

8" SEWER MAIN PVC	2,116	LF
8" SEWER MAIN C900	138	LF
4' MANHOLE	8	EA

* QUANTITIES FOR ESTIMATION ONLY. CONTRACTOR TO PERFORM HIS/HER OWN TAKEOFF QUANTITIES*

ACCEPTED

BY: _____ P.E. 3 JAN 20
TOWN OF MARANA DEVELOPMENT ENGINEER/TOWN ENGINEER DATE

BY: _____ A.I.C.P. 1-3-20
TOWN OF MARANA PLANNING DIRECTOR DATE

BY: _____ P.E. 1.3.20
MARANA WATER DIRECTOR DATE

AS-BUILT CERTIFICATION

I HEREBY CERTIFY THAT THE "AS-BUILT ANNOTATIONS" PROVIDED ON THIS DRAWING WERE BASED ON AN AS-BUILT SURVEY CONDUCTED UNDER MY SUPERVISION AND ACCURATELY DEPICTS EXISTING FIELD CONDITIONS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

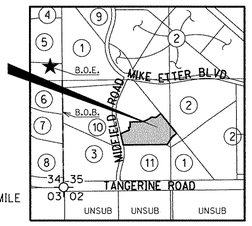
REGISTERED LAND SURVEYOR DATE

REGISTRATION NUMBER EXPIRES

MARANA AZ
WATER

1. SEQ #20071020612
2. SEQ #20181100137
3. SEQ #20121740308
4. SEQ #20040110791
5. SEQ #20032160454
6. SEQ #20052030148
7. SEQ #20051970423
8. SEQ #20072170310
9. SEQ #20173130070
10. SEQ #20182500081
11. SEQ #20190530029

THIS PROJECT



SCALE: 3"= 1 MILE

LOCATION MAP
SECTION 35, T 11 S, R 11 E
G & SRM TOWN OF MARANA
PIMA COUNTY, ARIZONA

OWNER/DEVELOPER

GLADDEN PHASE II, L.L.C.
C/O CROWN WEST LAND GROUP
333 EAST WETMORE ROAD, SUITE 250
TUCSON, AZ 85705
(520) 888-3962
CONTACT: DEAN WINGERT

SHEET INDEX

1	COVER SHEET
2	MARANA GENERAL NOTES AND STANDARD DETAILS
3	ANNOTATION AND NOTES
4-6	PAVING AND SEWER PLANS
7	HCS DATA, SEWER DETAILS, SEWER NOTES AND BACKWATER VALVE TABLE
8	SIGNING AND STRIPING PLANS
9	SIGNING AND STRIPING NOTES & DETAILS
10	PAVING DETAILS

WORK TO BE DONE

THE IMPROVEMENTS AND GRADING CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS AND SPECIFICATIONS AND STANDARD DETAILS:

STANDARD SPECIFICATIONS

1) STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS (2015 EDITION), PIMA ASSOCIATION OF GOVERNMENTS (PAG).
2) STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION (2016 EDITION) PIMA COUNTY REGIONAL WASTEWATER RECLAMATION DEPARTMENT.

STANDARD DETAILS/DRAWINGS

1) STANDARD DETAILS FOR PUBLIC IMPROVEMENTS (2015 EDITION), PIMA ASSOCIATION OF GOVERNMENTS (PAG).
2) STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION (2016 EDITION) PIMA COUNTY REGIONAL WASTEWATER RECLAMATION DEPARTMENT.
3) PAVEMENT MARKING DESIGN MANUAL (AUGUST 2008 EDITION), PIMA COUNTY CITY OF TUCSON.
4) TRAFFIC SIGNING DESIGN MANUAL (MAY 2002 EDITION), PIMA COUNTY AND CITY OF TUCSON.
5) THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) LATEST EDITION.
6) SUBDIVISION STREET STANDARDS MANUAL, TOWN OF MARANA (2017 EDITION)

LEGEND

ITEM	STANDARD DETAIL	SYMBOL
A.C. PAVING (REGULAR)	SEE DETAIL E, SHEET 10	
6" VERTICAL CURB (TYPE 2)	SD 209	
5" WEDGE CURB	SD 209	
6" x 12" CONCRETE HEADER	SD 213	
TOP OF CURB ELEVATION		TC 52.50
EXIST ELEVATION		(49.50)
PROPOSED SEWER	RWRD 104	
PROPOSED 4' SEWER MANHOLE	RWRD 205, RWRD 211	
PROPOSED MH W/CONC COLLAR	RWRD 205, RWRD 212	
STORM DRAIN	(FOR REFERENCE ONLY)	
NEW WATERLINE W/VALVE	(FOR REFERENCE ONLY)	
LOT REQUIRES BACKWATER VALVE ON HCS		DRY
DETAIL REFERENCE	A = DETAIL IDENTIFICATION, 1 = SHEET SHOWING DETAIL	A 1
CURB ACCESS RAMP	TOM SD 600-1 & 600-2	
CONCRETE SIDEWALK	SD 200	
SURVEY MONUMENT	SD 103	
EXIST SEWER AND MANHOLE		
EXIST WATERLINE W/VALVE		W
EXIST UNDERGROUND ELECTRIC LINE		E
EXIST CURB & PAVEMENT		
PROJECT BOUNDARY		
EXIST ROW LINE		
CENTERLINE		
LOT NUMBERS		23
TEP TRANSFORMER	(FOR REFERENCE ONLY)	
TEP PEDESTAL	(FOR REFERENCE ONLY)	
PHASE LINE		
SHEET INDEX		2

NO.	BY	DATE	REVISION

RICK ENGINEERING COMPANY
Tucson
3945 EAST FORT LOWELL ROAD - SUITE 111
TUCSON, AZ 85712
520-795-1000
San Diego - Riverside - Orange - Sacramento - San Luis Obispo - Phoenix - Denver
rickengineering.com

J-4453

DESIGNED BY: SOH	DATE: 04/2019	DATE: 04/2019
DRAWN BY: RSM	CHECKED BY:	APPROVED BY: BMP

PAVING & SEWER PLANS PREPARED FOR:
GLADDEN FARMS
BLOCKS 36&40
PHASE 2
LOTS 23-37, 79-154 AND
COMMON AREAS "A" & "B"

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811
Call 811 or click Arizona811.com

ENG1910-009
S-2020-006
PRV1901-002

SCALE: HORIZ : 1"=120'
VERT : N/A

SHEET 1 Page 9 of 10

(C)2020 Rick Engineering Company

Council-Regular Meeting **C3**

Meeting Date: 04/20/2021

To: Mayor and Council

From: Anita McNamara, Long-Range Planner

Date: April 20, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2021-048: Relating to Development; approving a final plat for Marana Air Commerce Park Lot 1 and Block A, located on the north side of Avra Valley Road, approximately 0.70 miles east of the intersection of Avra Valley Road and Sandario Road (Anita McNamara)

Discussion:

Request
The Town of Marana is requesting the approval of a final plat consisting of two industrial\commercial parcels, Lot 1 (4.184 acres) and Block A (51.365 acres) totaling approximately 63.8 acres of land.

Location
The proposed subdivision is located adjacent to the Marana Regional Airport on the north side of Avra Valley Road, approximately 0.70 miles east of the intersection of Avra Valley Road and Sandario Road.

Marana General Plan
The 2040 Marana General Plan designates the proposed rezoning area in 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.

Zoning

The property was rezoned to Heavy Industry (HI) by Ordinance 2020.018 in November 2020. The HI zoning district allows manufacturing, wholesaling and warehousing and commercial services on a minimum lot size of 1 acre.

Transportation
Access from West Avra Valley Road to Lot 1 and Block A will be provided by Air Commerce Way, dedicated by this plat,

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.

Staff Recommendation:
Staff has reviewed the request against the requirements the Marana Land Development Code, the Town Code, and the Marana General Plan. This final plat is in substantial conformance with all required development regulations and staff recommends approval.

Suggested Motion:
I move to adopt Resolution No. 2021-048, approving a final plat for Marana Air Commerce Park Lot 1 and Block A located on the north side of Avra Valley Road, approximately 0.70 miles east of the intersection of Avra Valley Road and Sandario Road.

Attachments

Resolution 2021-048
Marana Air Commerce Park Final Plat
Location Map
Application

MARANA RESOLUTION NO. 2021-048

RELATING TO DEVELOPMENT; APPROVING A FINAL PLAT FOR MARANA AIR COMMERCE PARK LOT 1 AND BLOCK A, LOCATED ON THE NORTH SIDE OF AVRA VALLEY ROAD, APPROXIMATELY 0.70 MILES EAST OF THE INTERSECTION OF AVRA VALLEY ROAD AND SANDARIO ROAD

WHEREAS, on November 17, 2020, the Town Council adopted Ordinance No. 2020.018 approving a rezoning of 63.8 acres of land from "C" Large Lot Zone and Agricultural (AG) to Heavy Industry (HI); and

WHEREAS the Town of Marana has applied for approval of a final plat for Marana Air Commerce Park Lot 1 and Block A located north of West Avra Valley Road and approximately 0.70 miles east of the intersection of Avra Valley Road and Sandario Road; and

WHEREAS the Mayor and Town Council, at its April 20, 2021 meeting, determined that the Marana Air Commerce Park Lot 1 and Block A Final Plat should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA that the Marana Air Commerce Park Lot 1 and Block A Final Plat is hereby approved.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of April, 2021.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

OWNER:

TOWN OF MARANA
11555 WEST CIVIC CENTER DRIVE
MARANA, ARIZONA 85653
PH: (520) 382-2600
CONTACT: KEITH BRANN, P.E., C.F.M.
EMAIL: kbrann@maranaaz.gov

SITE ADDRESS:

MARANA AIR COMMERCE PARK
11070 N. AIR COMMERCE WAY
MARANA, ARIZONA 85653

LAND SURVEYOR:

ERIC V. SNYDER
REGISTERED LAND SURVEYOR
RLS NUMBER 50658
STANTEC CONSULTING, INC.
3133 W. FRYE ROAD, SUITE 300
CHANDLER, ARIZONA 85226
PH: (480) 687-6100
WEB: www.stantec.com

GENERAL NOTES

1. THE GROSS AREA OF THIS PLAT IS 63.785 ACRES (2,778,491 SQ.FT.) BEING COMPOSED OF THE FOLLOWING CLASSIFICATIONS:

TOTAL NUMBER OF PARCELS IS 2		
TOTAL AREA OF BLOCK A IS	51.365 ACRES	(2,237,452 SQ.FT.).
TOTAL AREA OF LOT 1 IS	4.184 ACRES	(182,254 SQ.FT.).
TOTAL COMBINED PARCEL AREA IS	55.549 ACRES	(2,419,706 SQ. FT.)
TOTAL LINEAR MILES OF NEW PUBLIC STREETS IS	0.668 MILES	(3,526 LINEAR FT.)
NEW STREETS R.O.W. AREA IS	8.237 ACRES	(358,785 SQ. FT.)
SUMMARIZED TOTALS:	63.785 ACRES	(2,778,491 SQ. FT.)

2. NO FURTHER LOT SPLITTING SHALL BE DONE WITHOUT THE WRITTEN APPROVAL OF THE TOWN OF MARANA.
3. APPROVAL OF THIS PLAT DOES NOT AFFIRM, CERTIFY, OR APPROVE ANY LAND DIVISION THAT MAY BE CONTRARY TO STATE LAW, NOR DOES IT CERTIFY THE EXISTENCE OF, OR COMPLIANCE WITH, ANY DEED RESTRICTIONS OR EASEMENTS.
4. ALL NEW AND EXISTING UTILITIES WITHIN OR CONTIGUOUS TO THE SITE SHALL BE PLACED UNDERGROUND EXCEPT ELECTRICAL TRANSMISSION LINES CARRYING 48KV OR GREATER, AND THOSE LINES WHICH CAN BE SHOWN TO EXIST IN CURRENT OR FUTURE ELECTRICAL TRANSMISSION CORRIDORS.
5. OBJECTS AND MATERIALS WITHIN SIGHT VISIBILITY TRIANGLES SHALL BE PLACED SO AS NOT TO INTERFERE WITH A VISIBILITY PLANE DESCRIBED BY TWO HORIZONTAL LINES LOCATED 30" AND 72" ABOVE FINISHED GRADE OF THE ROADWAY SURFACE, AND SHALL CONFORM TO THE TOWN OF MARANA SUBDIVISION STREET STANDARDS.
6. THE AREA BETWEEN 100-YEAR FLOOD LIMITS REPRESENTS AN AREA THAT MAY BE SUBJECT TO FLOODING FROM A 100-YEAR FREQUENCY FLOOD AND ALL LAND IN THIS AREA WILL BE RESTRICTED TO USES THAT ARE COMPATIBLE WITH FLOODPLAIN MANAGEMENT AS APPROVED BY THE FLOODPLAIN ADMINISTRATOR.
7. THE PROFESSIONAL ENGINEER OF RECORD SHALL CERTIFY AS TO THE FORM, LINE, AND FUNCTION OF ALL PUBLIC AND PRIVATE ROADWAYS AND DRAINAGE STRUCTURES BEFORE THE RELEASE OF ASSURANCES.
8. INSTALLATION OF ITEMS SUCH AS LANDSCAPING, IRRIGATION, SIGNAGE, MONUMENTS, WALLS AND DRAINAGE IMPROVEMENTS IN THE PUBLIC RIGHTS-OF-WAY SHALL REQUIRE A PERPETUAL LICENSE AGREEMENT FOR INSTALLATION, MAINTENANCE AND INDEMNIFICATION. THIS DOCUMENT SHALL BE EXECUTED PRIOR TO FINAL APPROVAL OF LANDSCAPE PLANS OR IMPROVEMENT PLANS ALLOWING INSTALLATION WITHIN THE PUBLIC RIGHTS-OF-WAY.
9. THIS SUBDIVISION IS LOCATED WITHIN THE TOWN OF MARANA WATER SERVICE AREA, WHICH HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY UNDER A.R.S. §45-576.
10. THE BASIS OF BEARINGS OF THIS PROJECT IS THE CENTERLINE OF AVRA VALLEY ROAD HELD BETWEEN THE EAST QUARTER-CORNER AND THE CENTER OF SECTION MONUMENTS FOR SECTION 10. SAID BEARING TAKEN AS SOUTH 89°23'54" WEST AS NOTED ON SHEET 2 OF 2.
11. THE CURRENT ZONING DESIGNATIONS OF THE PARCELS WITHIN THE FINAL PLAT AREA IS "HI" FOR HEAVY INDUSTRY, ACCORDING TO THE TOWN OF MARANA ORDINANCE NO. 2020.018. ZONING DESIGNATION "HI" HAS A MINIMUM LOT SIZE OF 1 ACRE WITH SETBACKS OF: 50' FROM PROPERTY LINES AND RESIDENTIAL STREETS; 10' FROM LOCAL INDUSTRIAL STREETS; 30' FROM RESIDENTIAL AREAS; 20' FROM COMMERCIAL PARCELS; 10' FROM INDUSTRIAL PARCELS AND 50' FROM FLOOD CONTROL AREAS.
12. THIS DEVELOPMENT IS SUBJECT TO THE CONDITIONS OF REZONING ORDINANCE #2020.018

DEDICATIONS

WE, THE UNDERSIGNED, HEREBY WARRANT THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY FEE TITLE INTEREST IN THE LAND SHOWN ON THIS PLAT, AND WE CONSENT TO THE SUBDIVISION OF THIS LAND IN THE MANNER SHOWN ON THIS PLAT. WE HEREBY DEDICATE TO THE TOWN OF MARANA ALL RIGHTS-OF-WAY SHOWN ON THIS PLAT, INCLUDING ALL STREETS, ALLEYS, AND DRAINAGEWAYS, AND EASEMENTS, INCLUDING NO ACCESS EASEMENTS. UTILITY EASEMENTS AS SHOWN ON THIS PLAT, ARE DEDICATED TO THE TOWN OF MARANA AND ALL PUBLIC AND PRIVATE UTILITY COMPANIES FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF, AND ACCESS TO, PUBLIC AND PRIVATE UTILITIES AND PUBLIC SEWERS. NO ACCESS EASEMENTS SHOWN ON THIS PLAT ARE DEDICATED TO THE TOWN OF MARANA FOR THE PURPOSE OF ACCESS CONTROL TO ADJACENT RIGHTS-OF-WAY. OTHER EASEMENTS SHOWN ON THIS PLAT ARE DEDICATED TO THE TOWN OF MARANA FOR THE PURPOSE OR PURPOSES NOTED ON THIS PLAT.

NATURAL DRAINAGE SHALL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT THE APPROVAL OF THE TOWN OF MARANA.

WE HEREBY DEDICATE AND CONVEY TO THE PUBLIC FOREVER ALL PUBLIC RIGHTS-OF-WAY SHOWN HEREON AS AIR COMMERCE WAY.

TOWN OF MARANA, AN ARIZONA MUNICIPAL CORPORATION

_____.

BY: ED HONEA, MAYOR

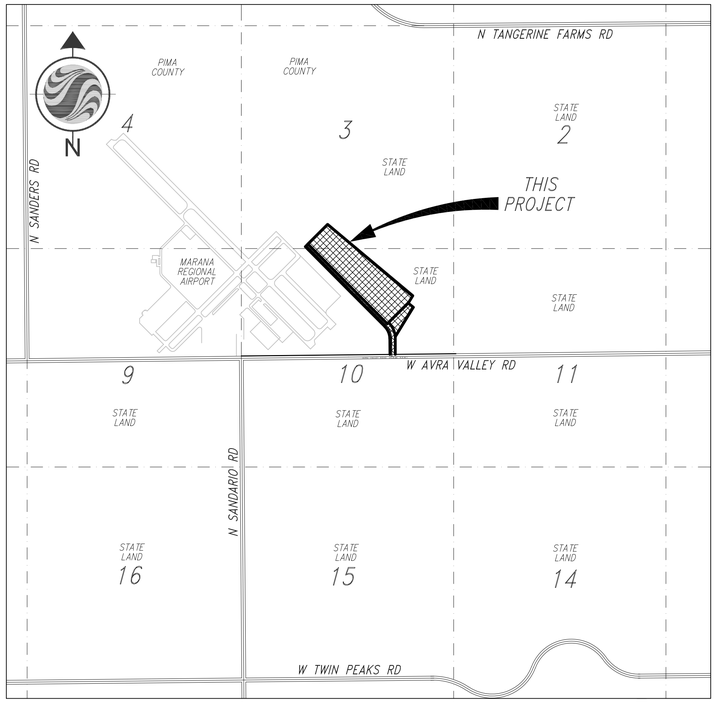
ACKNOWLEDGMENT

STATE OF)
)S.S.
COUNTY OF)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021, BY ED HONEA, MAYOR OF TOWN OF MARANA, AN ARIZONA MUNICIPAL CORPORATION, ON BEHALF OF THE CORPORATION.

MY COMMISSION EXPIRES: _____

_____
NOTARY PUBLIC:



LOCATION MAP

SECTIONS 2,3,4, 9,10,11, 14,15,16
OF TOWNSHIP 12 SOUTH - RANGE 11 EAST,
GILA & SALT RIVER MERIDIAN
TOWN OF MARANA, PIMA COUNTY, ARIZONA
SCALE: 3 INCHES = 1 MILE

SHEET INDEX

1 COVER SHEET
2 SURVEY PLAN

LEGEND

- BOUNDARY LINE
- PROPERTY LINE
- ROAD CENTERLINE
- EASEMENT LINE
- SECTION LINE OR MID-SECTION LINE
- INDICATES FOUND SECTION MONUMENT AS NOTED HEREON
- INDICATES FOUND PROPERTY CORNER AS NOTED HEREON
- INDICATES NEW PROPERTY CORNER TO BE SET

Sequence_____

Fee_____

State of Arizona_____

County of Pima_____

I hereby certify that the instrument was filed for record at the request

Of STANTEC CONSULTING SERVICES INC.

Date_____

Time_____

Witness my hand and Official Seal
day and year above written.

GABRIELLA CÁZARES-KELLY, County Recorder

BY_____
Deputy

ASSURANCES ARE NOT REQUIRED

THE TOWN OF MARANA DOES NOT REQUIRE THE SUBDIVIDER TO PROVIDE SUBDIVISION ASSURANCES FOR THIS SUBDIVISION. ANY SUBDIVISION IMPROVEMENTS REQUIRED BY ARIZONA REVISED STATUTES SECTION 9-463.01(C)(8) AND MARANA TOWN CODE SECTION 17-5-5 HAVE BEEN PROVIDED.

_____ _____
TOWN OF MARANA DATE

ASSURED WATER SUPPLY

A CERTIFICATE OF ASSURED WATER SUPPLY HAS BEEN RECEIVED FROM THE DIRECTOR OF WATER RESOURCES.

BY _____ _____
MARANA WATER DIRECTOR DATE

CERTIFICATION

I, _____, CLERK OF THE TOWN OF MARANA, ARIZONA, HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF MARANA, ARIZONA ON THE _____ DAY OF _____, 2021

BY _____
CLERK OF THE TOWN OF MARANA DATE

TOWN OF MARANA APPROVALS

BY _____, P.E. _____
MARANA TOWN ENGINEER / DEVELOPMENT ENGINEER DATE

BY _____ _____
MARANA PLANNING DIRECTOR DATE

BY _____ _____
MARANA WATER DIRECTOR DATE

FLOOD ZONE DESIGNATION

REVIEW OF THE F.E.M.A. FLOOD INSURANCE RATE MAP 04019C1040L, DATED JUNE 16, 2011 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) AND AS MODIFIED BY LETTER OF MAP REVISION, CASE NO. 20-09-0784P, WITH AN ISSUE DATE OF NOVEMBER 19, 2020 AND AN EFFECTIVE DATE OF APRIL 5, 2021 SHOW THAT THE PROJECT SITE LIES WITHIN FLOOD ZONES "D" AND "AO" (DEPTH 1')

ZONE "D" IS DEFINED BY F.E.M.A. AS "AREAS OF UNDETERMINED FLOOD HAZARD".

ZONE "AO" IS DEFINED BY F.E.M.A. AS "AREAS HAVING FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FLOODING, VELOCITIES ALSO DETERMINED.

Digitally signed by Snyder, Eric
Date: 2021.04.03 07:01:13 -07'00'

04-03-2021

ERIC V. SNYDER
REGISTERED LAND SURVEYOR
RLS NUMBER 50658

CERTIFICATION OF SURVEY

I HEREBY CERTIFY THAT THE BOUNDARY SURVEY AS SHOWN ON THIS PLAT WAS PERFORMED UNDER MY DIRECTION AND THAT ALL EXISTING OR PROPOSED SURVEY MONUMENTS AND MARKERS SHOWN ARE CORRECTLY DESCRIBED. I FURTHER CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION.

Digitally signed by Snyder, Eric
Date: 2021.04.03 06:56:44 -07'00'

04-03-2021

ERIC V. SNYDER
REGISTERED LAND SURVEYOR
RLS NUMBER 50658

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
50658
ERIC V.
SNYDER
Date Signed 3/31/2021
ARIZONA, U.S.A.
Expires 03/31/2022

FINAL PLAT

MARANA AIR COMMERCE PARK
LOT 1 AND BLOCK A

CONSISTING OF:
LOT 1 AND BLOCK A AND AIR COMMERCE WAY,
VARIABLE WIDTH, PUBLIC RIGHT OF WAY

A PORTION OF SECTIONS 3 & 10 OF TOWNSHIP 12 SOUTH, RANGE 11 EAST,
GILA & SALT RIVER MERIDIAN, TOWN OF MARANA, PIMA COUNTY, ARIZONA

CASE REFERENCES:
PCZ2009-001
x#-##-##

PRV2012-001
JANUARY 2021

Sheet 1 of 2

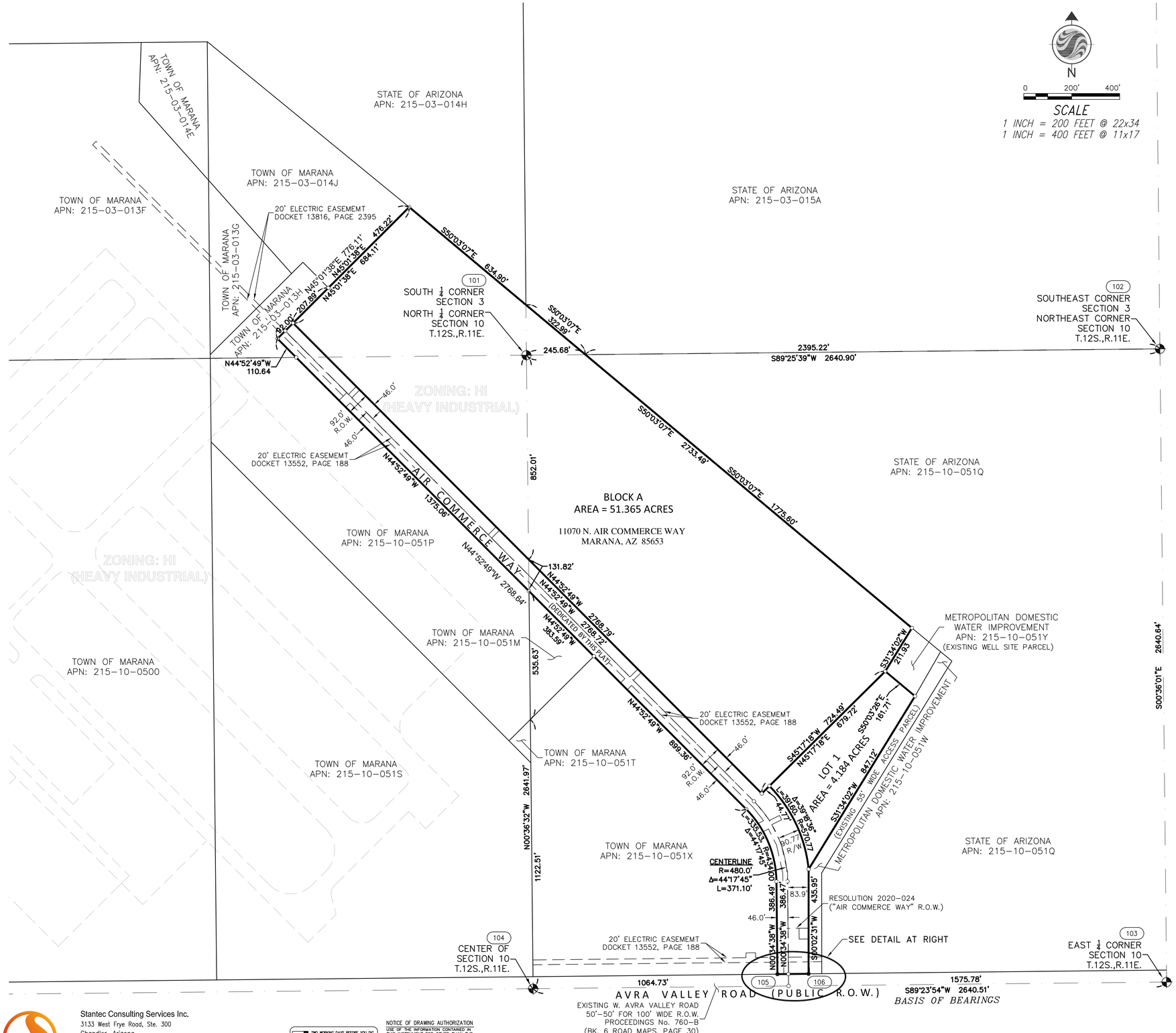
Stantec Consulting Services Inc.
3133 West Frye Road, Ste. 300
Chandler, Arizona
85226-5110
Tel. 480.687.6100
Fax. 602.431.9562
www.stantec.com

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 PROHIBITED 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.

SEQ.



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

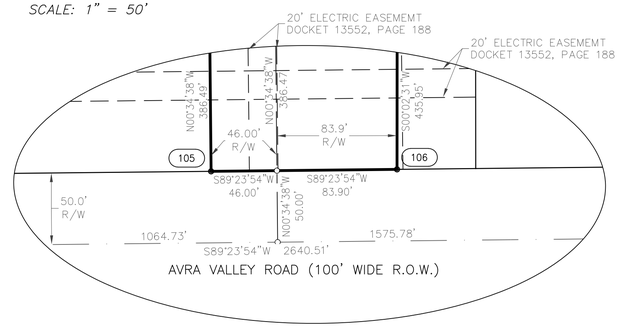
(106) FOUND 1/2" REBAR
HELD FOR AIRPORT ROADWAY RIGHT-OF-WAY CORNER

LEGEND

- BOUNDARY LINE
- PROPERTY LINE
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- EASEMENT LINE
- SECTION LINE OR MID-SECTION LINE
- ZONING LIMITS LINE
- INDICATES FOUND SECTION MONUMENT AS NOTED HEREON
- INDICATES FOUND PROPERTY CORNER AS NOTED HEREON
- INDICATES NEW PROPERTY CORNER TO BE SET

DETAIL VIEW

SCALE: 1" = 50'



REGISTERED LAND SURVEYOR
CERTIFICATE NO.
50658
ERIC V. SNYDER
Date Signed 04/03/2021
ARIZONA, U.S.A.
Expires 03/31/2022

Digitally signed by Snyder, Eric
Date: 2021.04.03 07:00:23 -07'00'

IN ACCORDANCE WITH CERTIFICATION SHOWN ON SHEET 1

FINAL PLAT

MARANA AIR COMMERCE PARK LOT 1 AND BLOCK A

CONSISTING OF:
LOT 1 AND BLOCK A AND AIR COMMERCE WAY,
VARIABLE WIDTH, PUBLIC RIGHT OF WAY

A PORTION OF SECTIONS 3 & 10 OF TOWNSHIP 12 SOUTH, RANGE 11 EAST, GILA & SALT RIVER MERIDIAN, TOWN OF MARANA, PIMA COUNTY, ARIZONA

CASE REFERENCES:
PCZ2009-001
x#-##-##

PRV2012-001
JANUARY 2021

Sheet 2 of 2

Stantec Consulting Services Inc.
3133 West Frye Road, Ste. 300
Chandler, Arizona
85226-5110
Tel. 480.687.6100
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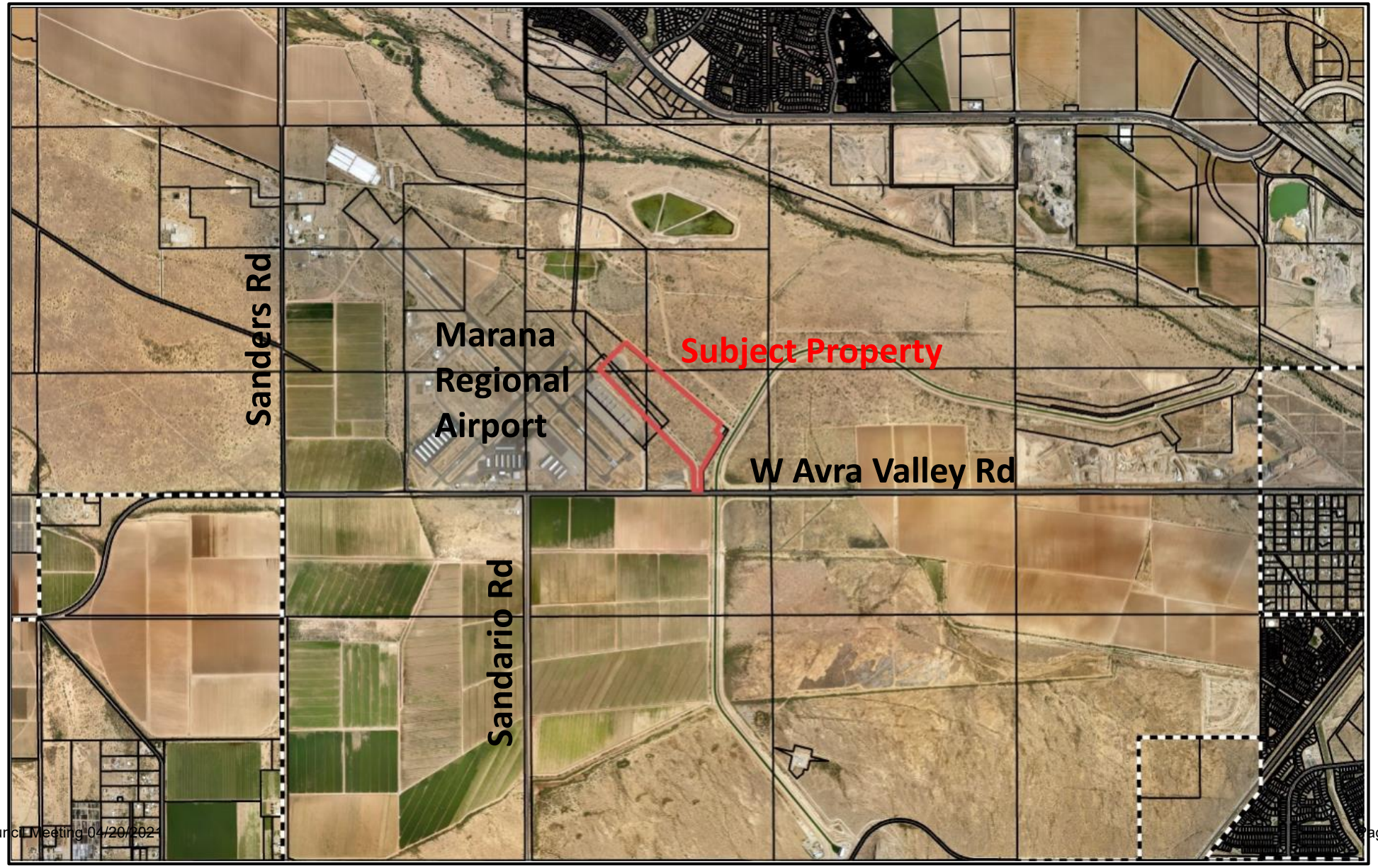
PROJECT No. 2042530019

TWO WORKING DAYS BEFORE YOU DIG CALL FOR THE BLUE STAKES
1-800-782-5348
BLUE STAKE CENTER CALL COLLECT

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\\corp\031\cspfs01\workgroup\2042\Active\2042530019\Drawings\Model_Files\FinalPlat\530019_FinalPlat.dwg
2021/04/03 8:54 AM By: snyder, EE

Location Map



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 Airport JDR plat		
Description of Project: subdivide portion of Marana Airport		Number of Lots: 2
Parcel No.(s): 215-10-051X, 215-10-051P, 215-03-014J		Gross Area (Acres): 63.8
Project Address: ~~11246 W Avra Valley Road~~, Marana, AZ 85653	11070 N AIRPORT COMMERCE DR	
Ref. Project No.: PCZ2009-001		

CONTACT INFORMATION

Owner: Town of Marana	Contact Name: Keith Brann		
Address: 11555 W Civic Center Drive	City: marana	State: az	Zip: 85653
Email: kbrann@maranaaz.gov	Phone No.: (520) 382-2629		
Applicant: Town of Marana	Contact Name: Keith Brann		
Address: 11555 W Civic Center Drive	City: marana	State: az	Zip: 85653
Email: kbrann@maranaaz.gov	Phone No.: (520) 382-2629		
Consultant/Engineer: stantec	Contact Name: Tony Cuomo		
Address: 3133 W Frye Rd #300	City: chandler	State: az	Zip: 92618
Email: tony.cuomo@stantec.com	Phone No.: (714) 785-0396		

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.)

Keith Brann	Keith Brann Digitally signed by Keith Brann DN: dc=local, dc=MARANA, ou=Public Works Department, ou=Public Works Users, cn=Keith Brann, email=kbrann@MARANAAZ.GOV Date: 2020.09.03 13:35:51 -07'00'	9/3/2020
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY **Project No.** PRV2012-001 **Date Received** 12/4/2020

Revision Date 03/29/2019

Council-Regular Meeting **C4**

Meeting Date: 04/20/2021

To: Mayor and Council

From: David Udall, Associate Town Attorney

Date: April 20, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2021-049: Relating to Building; approving and authorizing the Mayor to sign the Intergovernmental Agreement between Pima County and the Town of Marana for Building Permit Regulation of Public Property in Each Other's Jurisdictional Territory (David L. Udall)

Discussion:

In 2001, the Town entered into an intergovernmental agreement (IGA) with Pima County related to the regulation of public property within each other's jurisdictional territory. The 2001 IGA was extended several times in accordance with the terms of the agreement and ultimately expired in 2020.

This item authorizes the Mayor to sign a new IGA authorizing Pima County to handle building codes compliance for its own buildings and structures within the Marana town limits and authorizing Marana to handle building codes compliance for its own buildings and structures in unincorporated Pima County. If approved, the IGA will be retroactively effective on July 1, 2020 and will terminate on June 25, 2025. The IGA may thereafter be renewed for up to three additional five-year periods by a formal, written amendment signed by both the Town and Pima County.

Staff Recommendation:

Staff recommends adoption of Resolution 2021-049, approving and authorizing the Mayor to sign the Intergovernmental Agreement between Pima County and the Town of Marana for Building Permit Regulation of Public Property in Each Other's Jurisdictional Territory.

Suggested Motion:

I move to adopt Resolution 2021-049, approving and authorizing the Mayor to sign the Intergovernmental Agreement between Pima County and the Town of Marana for Building Permit Regulation of Public Property in Each Other's Jurisdictional Territory.

Attachments

Resolution 2021-049

Exhibit A

MARANA RESOLUTION NO. 2021-049

RELATING TO BUILDING; APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE INTERGOVERNMENTAL AGREEMENT BETWEEN PIMA COUNTY AND THE TOWN OF MARANA FOR BUILDING PERMIT REGULATION OF PUBLIC PROPERTY IN EACH OTHER'S JURISDICTIONAL TERRITORY

WHEREAS the Town of Marana and Pima County desire to enter into an intergovernmental agreement for the regulation of public property within each other's jurisdictional territory; and

WHEREAS the Mayor and Council feel it is in the best interests of the Town and its citizens to enter this intergovernmental agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the "Intergovernmental Agreement between Pima County and the Town of Marana for Building Permit Regulation of Public Property in Each Other's Jurisdictional Territory" attached to and incorporated by this reference in this resolution as Exhibit A is hereby approved, and the Mayor is hereby authorized and directed to sign it for and on behalf of the Town of Marana.

IT IS FURTHER RESOLVED that 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 aforementioned intergovernmental agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of April, 2021.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

Intergovernmental Agreement
between
Pima County and the Town of Marana
for
Building Permit Regulation of Public Property in Each Other's Jurisdictional Territory

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 ("Marana") pursuant to A.R.S. § 11-952.

Recitals

A. County and Marana may contract for services and enter into agreements with one another for joint or cooperative action pursuant to A.R.S. §§ 11-951-11-954.

B. County is authorized by A.R.S. §§ 11-861 – 11-867 to regulate the quality, type of material and workmanship of all aspects of building construction and to adopt uniform codes regulating such construction.

C. Marana is authorized by A.R.S. § 9-240 and A.R.S. Title 9, Chapter 9, Article 1 to regulate the quality, type of material and workmanship of all aspects of building construction and to adopt uniform codes regulating such construction.

D. County and Marana desire to enter into this Agreement to authorize each party to exercise the authority over the design and construction compliance of its building and other structures within the territorial jurisdiction of the other party with the other party's building, plumbing, electrical, fire prevention and mechanical codes and to authorize the issuance of appropriate permits by each party for its buildings and other structures in such instances.

NOW, THEREFORE, County and Marana, pursuant to the above recitals, and in consideration of the matters and things set forth in this agreement, do mutually agree as follows:

Agreement

1. **Purpose.** The purpose of this IGA is to give each party the authority over design and construction compliance for its building and other structures within the territorial jurisdiction of the other party with the other party's building, plumbing, electrical, fire prevention and mechanical codes and to authorize the issuance of appropriate permits by each party for its buildings and other structures in such instances.
2. **Marana responsibilities:**
   2.1 Marana shall be responsible for the design and construction compliance with adopted building, plumbing, electrical, fire prevention, and mechanical codes of Marana building, and other structures it builds or causes to be built in unincorporated Pima

County. Marana will review and approve the plans and issue the required permits for the buildings or other structures, and perform required inspections.

2.2 Marana shall notify the County in writing before Marana undertakes permitting and inspection of its buildings and structures in unincorporated Pima County pursuant to this Agreement.

2.3 All buildings and structures permitted and inspected by Marana in unincorporated Pima County pursuant to this Agreement must be owned and operated by Marana.

2.4 Where a fire district formed and existing under the provisions of Title 9, Chapter 9, Article 1, Arizona Revised Statutes, has legally adopted the fire prevention code adopted by the State Fire Marshall, Marana shall submit plans for a building or other structure proposed to be constructed within that fire district to the fire district for review and approval. Where a fire district has not been formed and does not exist under the provisions of Title 9, Article 1, Arizona Revised Statutes, Marana shall submit plans for a building or other structure proposed to be constructed to the State Fire Marshal for review and approval.

3. County responsibilities.

3.1 The County shall be responsible for the design and construction compliance with adopted building, plumbing, electrical, fire prevention and mechanical codes of County buildings, and other structures it builds or causes to be built within the town limits of Marana. The County will review and approve the plans and issue the required permits for the buildings or other structures, and perform required inspections.

3.2 The County shall notify Marana in writing before the County undertakes permitting and inspection of its buildings and structures within the town limits of Marana pursuant to this Agreement.

3.3 All buildings and structures permitted and inspected by the County within the town limits of Marana pursuant to this Agreement must be owned and operated by Pima County or the Pima County Regional Flood Control District.

3.4 Where a fire district formed and existing under the provisions of Title 9, Chapter 9, Article 1, Arizona Revised Statutes, has legally adopted the fire prevention code adopted by the State Fire Marshall, County shall submit plans for a building or other structure proposed to be constructed within that fire district to the fire district for review and approval. Where a fire district has not been formed and does not exist under the provisions of Title 9, Article 1, Arizona Revised Statutes, County shall submit plans for a building or other structure proposed to be constructed to the State Fire Marshal for review and approval.

4. **Financing**. Where this Agreement is applicable, if any fees are required in connection with the design (plan review fees) and construction (fees for permits for code activity), they shall be paid to itself by the jurisdiction responsible under this Agreement for compliance.

5. **Term**. Upon being fully executed by both parties, this IGA shall be retroactively effective on July 1, 2020 and shall terminate on June 30, 2025 unless it is extended or terminated by written agreement of the parties. The parties may renew this Agreement for up to three additional five-year periods by a formal, written amendment executed by the parties.

6. **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 under this IGA, nor affect any ownership of property pursuant to this IGA.

7. **Indemnification.** 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") for bodily injury of any person (including death) or property damage, but only to the extent that such injury or damage is caused or alleged to be caused by a negligent or intentionally wrongful act or omission of the Indemnitor, or of any of its officers, officials, agents, employees, or volunteers.

8. **Insurance.** Each party will obtain and maintain at its own expense, during the entire term of this IGA the following type(s) and amounts of insurance:

   a) Commercial General Liability in the amount of $1,000,000.00 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 Contract 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 30 days written notice to the other party of cancellation, non-renewal or material change of coverage.

   The above requirement may be alternatively met through self insurance pursuant to A.R.S. §§ 11-261 and 11-981 (or if a school district, § 15-382) or participation in an insurance risk pool under A.R.S. § 11.952.01 (if a school district, § 15-382), at no less than the minimum

coverage levels set forth in this article.

9. **Compliance with Laws**. The parties will comply with all federal, state and local laws, rules, regulations, standards and Executive Orders. The laws and regulations of the State of Arizona will govern the rights of the parties, the performance of this IGA and any disputes. Any action relating to this IGA will be brought in a court in Pima County.

10. **Non-Discrimination**. The parties will not discriminate against any 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 under this IGA. The parties will comply with the provisions of Executive Order 75-5, as amended by Executive Order 2009-09, which is incorporated into this IGA by reference.

11. **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.

12. **Severability**. If any provision of this IGA, or any application of a provision to the parties or any person or circumstance, is found by a court to be invalid, that invalidity will not affect other provisions or applications of this IGA that can be given effect without the invalid provision or application.

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 by reference.

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 or the Marana Town Council does not appropriate sufficient monies for the purpose of maintaining this IGA. In the event of such cancellation, the parties will have no further obligations under this IGA 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, will 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 of A.R.S. § 23-1022 (E). For purposes of A.R.S. § 23-1022, irrespective of the operations protocol in place, each party is solely responsible for the payment of Worker's Compensation benefits for its employees.

17. **No Joint Venture**. It is not intended by this IGA to, and nothing contained in this IGA will be construed to, create any partnership, joint venture or employment relationship between the parties or create any employer-employee relationship between a party and the employees of the other party. 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 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 to the IGA 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:	Marana:
Development Services Director 201 N. Stone Avenue, 1st Floor Tucson, AZ 85701	Town Manager 11555 W. Civic Center Drive Marana, AZ 85653

20. **Entire Agreement**. This document, and any exhibits attached to it, constitutes the entire agreement between the parties pertaining to the subject matter addressed, and all prior or contemporaneous agreements and understandings, oral or written, are superseded and merged into this IGA. This IGA may not be modified, amended, altered or extended except through a written amendment signed by the parties.

[Signature page to follow]

In Witness Whereof, County has caused this IGA to be executed by the Chairman of its Board of Supervisors, upon resolution of the Board, and attested to by the Clerk of the Board, and Marana has caused this Intergovernmental Agreement to be executed by the Mayor upon resolution of the its Mayor and Council and attested to by its Town Clerk.

PIMA COUNTY:

_____
Chairman
Board of Supervisors

ATTEST

_____
Clerk of the Board

Town of Marana:

_____
Mayor

ATTEST

_____
Town Clerk

Approval
The foregoing Intergovernmental Agreement between Pima County and Marana has been reviewed and approved as to content.

PIMA COUNTY:

_____
Carla Blackwell
Director, Pima County Development Services

Town of Marana:

_____
Jason Angell
Director, Marana Development Services

Intergovernmental Agreement Determination

The foregoing Intergovernmental Agreement between Pima County and the Town of Marana has been reviewed by the undersigned, each of whom has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to the party he or she represents.

PIMA COUNTY:

_____
Deputy County Attorney

Town of Marana

_____
Town Attorney

Council-Regular Meeting **C5**

Meeting Date: 04/20/2021

To: Mayor and Council

From: Kristin Taft, Grants Manager

Date: April 20, 2021

Strategic Plan Focus Area:
Community, Progress & Innovation

Strategic Plan Focus Area Additional Info:
Community: creating a safe community
Innovation: search for innovative solutions

Subject: Resolution No. 2021-050: Relating to the Police Department; approving and authorizing the Chief of Police to execute a grant agreement between the Town of Marana and DARTdrones and to receive funding under the DARTdrones Public Safety Grant program (Kristin Taft)

Discussion:

The Marana Police Department (MPD) has been working to implement a drone program. In August 2020, MPD received funding from the Office of the Arizona Attorney General (AGO) which included funding to purchase 2 drone units. In addition to purchasing the equipment, there is a need for officer safety training and licensing prior to implementing the Drone Program.

The Public Safety Grant Agreement from DARTdrones will provide MPD with the following training opportunities to further the department's goal:

1. Free access for 2 participants to Online Part 107 Test Prep
2. 40% off In-Person Basic Flight Training course for up to 4 participants
3. 50% off all online courses

Financial Impact:

Fiscal Year:	2021
Budgeted Y/N:	Y

Amount: $1,276

The grant provides the Free access for 2 participants to Online Part 107 Test Prep, 40% off In-Person Basic Flight Training course for up to 4 participants, and 50% off all online course. MPD intents to initially train 5 officers in the drone program using a combination of funding from the DARTdrones and AGO grants.

2 officers training will be free with the DARTdrones grant, 2 officers will receive training for $348, and 1 officer for $580. This remaining $1,276 needed will be covered through the existing AGO grant. Budget appropriation is available in the Grants Fund (Fund 2015).

Staff Recommendation:

Staff recommends approval of the Grant Agreement with DARTdrones.

Suggested Motion:

I move to adopt Resolution No. 2021-050; approving and authorizing the Chief of Police to execute a grant agreement between the Town of Marana and DARTdrones and to receive funding under the DARTdrones Public Safety Grant program.

Attachments

Resolution 2021-050

Grant Agreement

MARANA RESOLUTION NO. 2021-050

RELATING TO THE POLICE DEPARTMENT; APPROVING AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE A GRANT AGREEMENT BETWEEN THE TOWN OF MARANA AND DARTDRONES AND TO RECEIVE FUNDING UNDER THE DARTDRONES PUBLIC SAFETY GRANT PROGRAM

WHEREAS the Town of Marana Police Department (MPD) desires to implement a drone program to enhance the department's mission to protect lives and property; and

WHEREAS MPD officers must have safety training and licensing before operating a drone; and

WHEREAS DARTdrones will provide training opportunities to MPD officers through its DARTdrones Public Safety Grant Program; and

WHEREAS the Mayor and Council find that it is in the best interests of the Town and its citizens to enter into this agreement.

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

SECTION l. The Town Council hereby approves the DARTdrones Public Safety Grant Agreement by and between the Town of Marana and DARTdrones, attached to and incorporated by this reference in this Resolution as Exhibit A, and the Chief is hereby authorized and directed to sign it for and on behalf of the Town of Marana.

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

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 20th day of April, 2021.

Mayor Ed Honea

ATTEST:

Cherry Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

DARTDRONES

#980531, Park City, UT 84098

800.264.3907 ext. 701 | www.dartdrones.com | michael@dartdrones.com

Dear Grant Applicant,

Congratulations!

After a review of your application for the DARTdrones Public Safety Grant, the Grant Committee is delighted to inform you that your department has been awarded funds towards your department's drone training. You are invited to select one of two grant package options for your team:

Option #1

- **Free** access for 2 participants to:
  - Either an upcoming In-Person Part 107 Test Prep course or Online Part 107 Test Prep course
  - Online Real World Flight Planning and Execution course
- 40% off In-Person Basic Flight Training course for up to 4 participants
  - Original Cost = $580
    - **40% off = $348 per person**
  - **Please note that payment or PO must be received upfront to save a spot in the course.*
- 50% off all online courses

Option #2

- A $2000 credit towards any multi-day On-Site Private Training for up to 8 participants
  - Class Topics: Basic Flight Training (1 day), Part 107 Test Prep (1 day), Aerial Search and Rescue (1 day), Night Operations and Thermal Imaging (1 day), Aerial Mapping and Modeling (2 days)
  - Original Cost: $7,500: $5,000 for the 1st Day; $2,500 for each additional

    **Grant credit cannot be combined with another recipient's grant credit for private training.*

- Free 1 Hour Consultation with a Public Safety Drone Instructor
- 50% off all online courses

Next Steps

Please contact the Grant Committee Representative, Mike McCann, to discuss which option is a better fit for you and your team. Your department will have until **October 31, 2021** to accept grant funding and submit the attached Public Safety Grant Acceptance Form.

The Grant Committee Representative can be reached at 800-264-3907 ext. 701 or michael@dartdrones.com

Share Your Experience

All grant recipients agree to share with the DARTdrones team:

- Pictures of your team during the course
- A comprehensive review of your experience at the course
- Success stories and pictures of your team utilizing drones in the field

We look forward to helping your department start or expand your drone program.

Sincerely,
The DARTdrones Grant Committee

#980531, Park City, UT 84098

www.dartdrones.com

DARTdrones Public Safety Grant Acceptance Form

Please fill out and return this form once your department is ready to accept grant funds and the terms listed above.

Training Package (Circle One): Option #1 Option #2

Date: _____

Department Name: _____

Chief Name: _____

Chief Signature: _____

Option #1 Details

Will anyone on your team be utilizing the 40% Basic Flight Training courses? Yes No

If Yes, our team will coordinate with you for scheduling and payment.

Free Courses Participant # 1:

DARTdrones Part 107 Course (Circle One): Online In-Person

If In-Person Part 107 Class, select:

Class City: _____ Class Date: _____

Choose from a list of available dates in 30+ cities. View a list of available Part 107 Test Prep classes in your area on the DARTdrones website.

Full Name: _____

Email Address: _____

Phone Number: _____

Free Courses Participant # 2:

DARTdrones Part 107 Course (Circle One): Online In-Person

If In-Person Part 107 Class, select:

Class City: _____ Class Date: _____

Choose from a list of available dates in 30+ cities. View a list of available Part 107 Test Prep classes in your area on the DARTdrones website.

Full Name: _____

Email Address: _____

Phone Number: _____

Option #2 Details

When do you estimate your department will be ready to complete this training?

_____

Council-Regular Meeting **C6**

Meeting Date: 04/20/2021

To: Mayor and Council

From: Cherry L. Lawson, Town Clerk

Date: April 20, 2021

Subject: Approval of Council Regular Meeting Summary Minutes of April 6, 2021 (Cherry L. Lawson)

Attachments

Regular Council Meeting Summary Minutes, 04/06/20201

MARANA TOWN COUNCIL

REGULAR COUNCIL MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, April 06, 2021, 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

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: Jackie Craig, Patti Comerford, Roxanne Ziegler (Excused), John Officer, and Herb Kai.**

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

APPROVAL OF AGENDA

Vice Mayor Post, moved and Council Member Kai second the motion to approve the agenda as presented. Motion passes, 6-0.

CALL TO THE PUBLIC

Mayor Honea opened to the meeting to public comments, and the following individuals provided comments:

Dot Santy, Cindy Rose and Pat *(no last name provided)* commented on the Marana Unified School District SOS (Success of Students) fundraising drive for school supplies and backpacks.

David Morales presented **Vice Mayor Post and Council Member Kai** with a plaque thanking them for their donations to the veteran's foundation.

PROCLAMATIONS

P1 Proclamation declaring April 18 – 24, 2021 as, "Volunteer Appreciation Week" (Cherry L. Lawson)

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Mayor Honea reported that he met with **Superintendent Dr. Dan Streeter of MUSD** last week and stated the school district is doing well.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Rozema reported on the following:

- March 2021 Executive Report is complete, provided to the Council, and posted to the Town's website.
- The Town issued 77 single-family residential permits for the month of March, which is less than the town had in March of 2020. Calendar year to date, the Town has issued 276 single-family residential permits. Fiscal year to date, Marana is at 742; staff projected above 600. For the month of April, the Town issued 19 single-family residential permits.
- Parks and Recreation open the Splash Pads at Crossroad and Gladden Farms Community Parks. The Senior Center will reopen on Monday, April 12, with the programming to begin while maintaining certain restrictions due to Covid-19.
- Adonis Road project at Tangerine and I-10 is near completion. The Town will hold a grand opening for the project on April 23 at 9:00 a.m.
- The Town was granted its LOMR late last fall 2020 for the airport that took effect this day. It will be much less for people to develop out at the airport.
- The Town organization has returned to 2B operation with the Covid numbers decreasing, and vaccinations are up as well—55% of Town employees who signed up for vaccination have received it. That number also includes those who did not sign up through the Town for the vaccine.

PRESENTATIONS

CONSENT AGENDA

C1 Resolution No. 2021-034: Relating to Personnel; approving and authorizing the Human Resources Director to execute a Memorandum of Understanding between the

Town and the Arizona Board of Regents, Arizona State University Establishing a Tuition Discount Program for Town Employees (Curry C. Hale)

C2 Resolution No. 2021-035: Relating to Personnel; approving and authorizing the Human Resources Director to execute a Memorandum of Understanding between the Town and the Arizona Board of Regents for and on behalf of Northern Arizona University Establishing a Tuition Discount Program for Town Employees (Curry C. Hale)

C3 Resolution No. 2021-036: Relating to Personnel; approving and authorizing the Human Resources Director to execute the University of Arizona Online Letter Agreement for an Employee Degree Attainment Program Partnership (Curry C. Hale)

C4 Resolution No. 2021-037: Relating to Personnel; approving and adopting amendments to the Town's Personnel Policies and Procedures, revising Chapter 4 - Employment Benefits and Leaves by amending Section 4-3-4 "Amount of Managed Time Off Leave", Section 4-4-2 "Town Approved Holidays", and Section 4-4-4 "Miscellaneous Rules" (Curry C. Hale)

C5 Resolution No. 2021-038: Relating to Development; approving the first amendment to the Marana Main Street Development Agreement and Right-of-Way License (Heath Vescovi-Chiordi)

C6 Resolution No. 2021-039: Relating to Real Estate; approving and authorizing the Town Manager to execute an amended and restated License Agreement with Marana Health Center, Inc. for use of Town-owned property located north of Bill Gaudette Drive between Marana Main Street and North Sandario Road for a COVID-19 drive-through vaccination site (Jane Fairall)

C7 Resolution No. 2021-040: Relating to Real Estate; approving and authorizing the Town Manager to execute a License Agreement with CORE Construction, Inc. for use of Town-owned property located adjacent to Northwest fire District Station 36, 13475 Marana Main Street, for a construction staging area (Jane Fairall)

C8 Resolution No. 2021-041: Relating to Development; approving a final plat for Tangerine/I-10 Lots 1 through 10, Parcel A located west of the intersection of Tangerine Road and Interstate 10 (Justin Currie)

C9 Resolution No. 2021-042: Relating to Police Department; approving and authorizing the Chief of Police and the Town Manager to execute DUI Abatement Grant Program Agreement number DUIAC-E-146 between the State of Arizona by and through the Oversight Council on Driving or Operating Under the Influence Abatement and the Town of Marana for grant funding for DUI Warrant Detail (Kristin Taft)

C10 Approval of Council Regular Meeting Summary Minutes of March 16, 2021 (Cherry L. Lawson)

Council Member Kai moved and Vice Mayor Post second the motion approving the Consent Agenda as presented. Motion passes, 6-0.

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 PUBLIC HEARING: Ordinance No.2021.004: Relating to Land Development; revising Marana Town Code Title 17 (Land Development), chapter 17-2 (Administrative bodies and officers) by deleting existing section 17-2-3 (Planning director) and replacing it with new section 17-2-3 (Planning department and planning manager); deleting section 17-2-4 (Cultural resources preservation board); providing that the planning manager shall be primarily responsible for the administration of Title 17 instead of the planning director and making corresponding changes throughout Title 17; and declaring an emergency (Jane Fairall)

[6:28 PM Minutes:] Mayor Honea opened the public hearing to receive testimony on this item.

Development Services Director provided a brief overview of this item relating to the Land Development of the Marana Town Code Title 17.

[6:32 PM Minutes:] Mayor Honea closed the public hearing.

Council Member Kai moved and Vice Mayor Post second the motion to adopt Ordinance No. 2021.004, revising Marana Town Code Title 17 (Land Development), Chapter 17-2 (Administrative Bodies and Officers), and declaring an emergency. Motion passes, 6-0.

A2 Resolution 2021-043: Relating to Budget; authorizing the transfer of up to $75,000 in budgeted expense authority from the General Fund contingency line item to the Water Department budget in the FY21 budget for costs related to customer assistance programs (Amanda Jones)

Water Business Coordinator Amanda Jones provided a PowerPoint Presentation overview of this item requesting Council to authorize the transfer of up to $75,000 in budgeted expense authority from the General Fund Contingency line item to the Water Department budget in the FY21 budget for costs related to customer assistance programs. *(A copy of the presentation is on file in the Town Clerk's Office for review, and the video is available on the Town's website at www.maranaaz.gov)*

Vice Mayor Post moved and Council Member Officer second the motion to adopt Resolution 2021-043, authorizing the transfer of up to $75,000 in budgeted expense authority from the General Fund contingency line item to the Water Department budget in the FY21 budget for costs related to customer assistance programs. Motion passes, 6-0.

A3 Ordinance No. 2021.005: Relating to Animal Control; amending Marana Town Code Title 6 (Animal Control); revising section 6-1-1 (Definitions) to amend several definitions and to add new definitions; revising section 6-4-1 (Dogs at large prohibited; exceptions; classification) to add a new classification of offense; revising section 6-5-1 (Animal waste removal; exceptions; classification) to add a time period for offense and disposal provision; revising section 6-6-2 (Neglect prohibited; classification; penalty) to add offense related to tie outs; revising Chapter 6-7 to rename it as "Vicious, aggressive, or destructive animals and biting animals" and to add a civil procedure for declaration of animal as vicious, aggressive or destructive, clarifying prohibited acts, relocating provisions related to vicious, aggressive or destructive animals from Chapter 6-8, and adding a penalty for failure to report animal's status; revising Chapter 6-8 (Removal, impoundment, forfeiture and disposition of animals) to add provisions regarding impoundment of vicious, aggressive, or destructive animals; modifying various other provisions and designating an effective date (Libby Shelton)

Resolution No. 2021-044: Relating to Animal Control; declaring as a public record filed with the Town Clerk the amendments to Marana Town Code Title 6 (Animal Control); revising section 6-1-1 (Definitions) to amend several definitions and to add new definitions; revising section 6-4-1 (Dogs at large prohibited; exceptions; classification) to add a new classification of offense; revising section 6-5-1 (Animal waste removal; exceptions; classification) to add a time period for offense and disposal provision; revising section 6-6-2 (Neglect prohibited; classification; penalty) to add offense related to tie outs; revising Chapter 6-7 to rename it as "Vicious, aggressive, or destructive animals and biting animals" and to add a civil procedure for declaration of animal as vicious, aggressive or destructive, clarifying prohibited acts, relocating provisions related to vicious, aggressive or destructive animals from Chapter 6-8, and adding a penalty for failure to report animal's status; revising Chapter 6-8 (Removal, impoundment, forfeiture and disposition of animals) to add provisions regarding impoundment of vicious, aggressive, or destructive animals; modifying various other provisions and designating an effective date (Libby Shelton)

Ms. Shelton provided a PowerPoint Presentation overview of this item. *(A copy of the presentation is on file in the Town Clerk's Office for review, and the video is available on the Town's website www.maranaaz.gov.)*

Vice Mayor Post moved and Council Member Kai second the motion to adopt Ordinance No. 2021.005, amending Marana Town Code Title 6 (Animal Control) and Resolution No. 2021-044 declaring the amendments a public record. Motion passes, 6-0.

A4 Resolution No. 2021-045: Relating to Development; approving and authorizing the Mayor to execute an Acquisition Agreement & Administrative Settlement and the Town Engineer to execute all other documentation necessary for the purchase of property rights needed from the Twin Peaks Homeowners' Association for Scenic Drive improvements required pursuant to the Lazy K Bar Ranch Development Agreement (Jane Fairall)

Town Engineer Keith Brann provided a brief overview of the item requesting Council to authorize the Mayor to execute an Acquisition Agreement & Administrative Settlement and the Town Engineer to execute all other documentation necessary for the purchase of property rights needed from the Twin Peaks Homeowners' Association for Scenic Drive improvements required pursuant to the Lazy K Bar Ranch Development.

Council Member Kai moved and Vice Mayor Post second the motion to adopt Resolution No. 2021-045, approving and authorizing the Mayor to execute an Acquisition Agreement & Administrative Settlement and the Town Engineer to execute all other documentation necessary for the purchase of property rights needed from the Twin Peaks Homeowners' Association for Scenic Drive improvements required pursuant to the Lazy K Bar Ranch Development Agreement. Motion passes, 6-0.

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Relating to Budget; discussion, direction and possible action regarding development of the fiscal year 2021/2022 budget, including proposed budget initiatives and expenditures (Terry Rozema)

Mr. Rozema reported that this item is standard and provides the Council an opportunity to discuss budget changes, or additions for the upcoming fiscal year. He has a follow-up to a discussion the town and Council had a short time ago relating to the American Rescue Plan Act that would provide $11.7M to the Town, and the possibility of where those funds can be spent. At that time, the Town did not have sufficient information to provide to the Council. He has asked **Deputy Town Manager Erik Montague** to provide an overview of where those funds can be spent and to provide some options.

Mr. Montague provided a PowerPoint Presentation related to the American Rescue Plan Act (ARPA). *(A copy of the presentation is on file in the Town Clerk's Office for review, and the video is available on the Town's website at www.maranaaz.gov for viewing.)*

Items
- Brief summary of ARPA and impact to Marana.
- ARPA funding uses and limitations.
- Direction regarding allowable uses.

ARPA Summary
- Marana is getting $11.7M in emergency relief funding.

- Non-entitlement cities/towns will receive the funds passed through the State.
- Funds will be paid in two equal payments 12 months apart.
- First payment could be received this fiscal year.
- Funds must be used or transferred by December 31, 2024.

Eligible uses of these funds include:
- COVID-19 expenditures or its negative economic impacts.
- Premium pay for essential workers.
- Revenue replacement for the provision of government services.
- Necessary investments in water, sewer, and broadband infrastructure.

Restrictions on the uses of these funds include:
- Funds allocated to states cannot be used directly or indirectly to offset tax reductions or delay a tax or tax increase;
- Funds cannot be deposited into any pension fund.

Illustrative Listing of Possible Water Infrastructure
- Northwest Recharge, Recovery, and Delivery System
- Tangerine water line from I-10 to Twin Peaks
- Twin Peaks water line from Blue Bonnet to Tangerine

Mayor Honea expressed his interest in moving forward with the NRRDS water and wastewater project, as it is covered under the act. The Town has a commitment with the Town of Oro Valley and Metro Water to do this project. The Town's cost continues to rise at $12M +; those funds would cover that project. This is a project that we are committed too.

He continued stating **Vice Mayor Post** had questioned whether the Town would recover approximately one-half back from the NRRDS Impact Fee line. **Mr. Montague** replied stating that is what the Town is looking to do. Based upon some assumptions, that roughly 50% of capacity in that line that serves current and 50% future the Town would incorporate those funds.

Council Member Craig stated she agrees with **Mayor Honea** that the Town needs to move forward on this, as it is an admirable project. It is one of the Town's highest priority projects to complete.

Vice Mayor Post agrees with using the funds for the NRRDS Project. He did questioned whether the Town would recover impact fees from the project. He commented on the lack of items that municipalities could spend those funds on. Marana already has a project to use those funds on; however, other municipalities may not be as fortunate. **Mr. Montague** stated every municipality is treated in the same manner. If those funds will be used for a project, a project would need to be shovel ready due to the short window of time.

D2 Relating to Development and Public Works; update, discussion, and possible direction regarding public and private projects and development applications on the Town's Marana Current and Proposed Projects internet site (Jason Angell)

Development Services Director Jason Angell provided an update to the development activities across the Town. He highlighted the changes within the Business License tab to provide a much better viewing and accessing experience.

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 (Terry Rozema)

Mr. Rozema reported on the recent legislative actions related to bills proposed to the state legislative body. *(A copy of the full report is on file in the Town Clerk's Office for review.)*

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.

Vice Mayor Post, moved and Council Member Officer second the motion to adjourn the meeting. Motion passes, 6-0. Meeting adjourned at 7:24 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Town Council meeting held on April 06, 2021. I further certify that a quorum was present.

_____

Cherry L. Lawson, Town Clerk

Council-Regular Meeting **L1**

Meeting Date: 04/20/2021

To: Mayor and Council

Submitted For: Cherry L. Lawson, Town Clerk

From: Nolette Hernandez, Records Clerk

Date: April 20, 2021

Strategic Plan Focus Area:
Community

Strategic Plan Focus Area Additional Info:
1. Leverage the Town's coordinating capability to facilitate enhanced customer interaction with multiple governmental and external agencies.

a. Ensure Marana residents and business owners experience excellent customer service interactions.

Subject: Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding an application for a new series #012 Restaurant Liquor License submitted by Yazmin Vanessa Aldecoa Hernandez on behalf of Tacos Apson, located at 6741 North Thornydale Road Suite 121, Tucson, AZ 85741 (Cherry L. Lawson)

Discussion:

This application is for a series #012 Restaurant Liquor License at Tacos Apson, located at 6741 North Thornydale Road Suite 121, Tucson, AZ 85741.

Pursuant to state law, the application was posted at the premises where the business is to be conducted. The posted notice provided that residents within a one-mile radius from the premises may file written arguments in favor of or opposed to the issuance of the license with the Town Clerk's Office within 20 days of the posting. Any written arguments received by the Clerk's Office for or against the proposed liquor license are attached to this item and will be submitted to the Department of Liquor Licenses and Control (DLLC).

Town staff has reviewed this application to determine whether the applicant is in

compliance with zoning, building and other legal requirements for the business. Additionally, the Marana Police Department has conducted a local background check.

The Town Council must enter an order recommending approval or disapproval of the application within 60 days after filing of the application. Pursuant to state statute, a license will only be issued after a satisfactory showing of the capability, qualifications and reliability of the applicant and "in all proceedings before the town council, the applicant bears the burden of showing that the public convenience requires and that the best interests of the community will be substantially served by the issuance of a license."

If the Council's recommendation is for disapproval, the order must include an attachment stating the specific reasons for the recommendation of disapproval and including a summary of the testimony or other evidence supporting the recommendation.

If the Council enters an order recommending approval of the application, or makes no recommendation, then no hearing before the Arizona state liquor board will take place, unless the director of the DLLC, the liquor board or a resident within a one-mile radius from the premises requests a hearing. If the Council enters an order recommending disapproval of the application, or if the director, board or a resident within a one-mile radius from the premises requests a hearing, then the state board will hold a hearing regarding the application.

At the hearing, the state board will consider all evidence and testimony in favor of or opposed to the granting of the license. The decision of the board to either grant or deny an application will normally take place within 105 days after the application has been filed, unless the director of the DLLC deems it necessary to extend the time period.

Staff Recommendation:

Town staff recommends that an order recommending approval be submitted to the DLLC for this liquor license application.

Suggested Motion:

OPTION 1: I move to approve and submit to the DLLC an order recommending approval of an application for a new series #012 Restaurant Liquor License submitted by Yazmin Vanessa Aldecoa Hernandez on behalf of Tacos Apson, located at 6741 North Thornydale Road Suite 121, Tucson, AZ 85741.

OPTION 2: I move to approve and submit to the DLLC an order recommending disapproval of an application for a new series #012 Restaurant Liquor License submitted by Yazmin Vanessa Aldecoa Hernandez on behalf of Tacos Apson, located at 6741 North Thornydale Road Suite 121, Tucson, AZ 85741.

Attachments

Redacted Application
Affidavit of Posting
Local Governing Body Recommendation
Descriptions of Common Liquor Licenses

State of Arizona
Department of Liquor Licenses and Control

Created 03/01/2021 @ 02:04:40 PM

Local Governing Body Report

LICENSE

Number:		Type:	012 RESTAURANT
Name:	TACOS APSON		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	6741 N THORNYDALE ROAD #117 & #121 TUCSON, AZ 85741 USA		
Mailing Address:	6741 N THORNYDALE ROAD #117 & #121 TUCSON, AZ 85741 USA		
Phone:	(520)395-0871		
Alt. Phone:	[redacted]		
Email:	[redacted]		

AGENT

Name:	YAZMIN VANESSA ALDECOA HERNANDEZ
Gender:	Female
Correspondence Address:	6741 N THORNYDALE ROAD #117 & #121 TUCSON, AZ 85741 USA
Phone:	[redacted]
Alt. Phone:	
Email:	[redacted]

OWNER

Name: TACOS APSON BOYS LLC
Contact Name: YAZMIN VANESSA ALDECOA HERNANDEZ
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: L19893590 State of Incorporation: AZ
Incorporation Date: 03/10/2015
Correspondence Address: 6741 N THORNYDALE ROAD
#117 & #121
TUCSON, AZ 85741
USA
Phone: [redacted]
Alt. Phone:
Email: [redacted]

Officers / Stockholders

Name:	Title:	% Interest:
FRANCISCO JAVIER DURAZO	MEMBER	50.00
YAZMIN VANESSA ALDECOA HERNANDEZ	MEMBER	50.00

TACOS APSON BOYS LLC - MEMBER

Name: FRANCISCO JAVIER DURAZO
Gender: Male
Correspondence Address: 6741 N THORNYDALE ROAD
#117 & #121
TUCSON, AZ 85741
USA
Phone: [redacted]
Alt. Phone:
Email: [redacted]

TACOS APSON BOYS LLC - MEMBER

Name: YAZMIN VANESSA ALDECOA HERNANDEZ
Gender: Female
Correspondence Address: 6741 N THORNYDALE ROAD
#117 & #121
TUCSON, AZ 85741
USA
Phone: [redacted]
Alt. Phone:
Email: [redacted]

APPLICATION INFORMATION

Application Number: 137254
Application Type: New Application
Created Date: ~~02/03/2021~~ 3-1-2021 Abby

QUESTIONS & ANSWERS

012 Restaurant

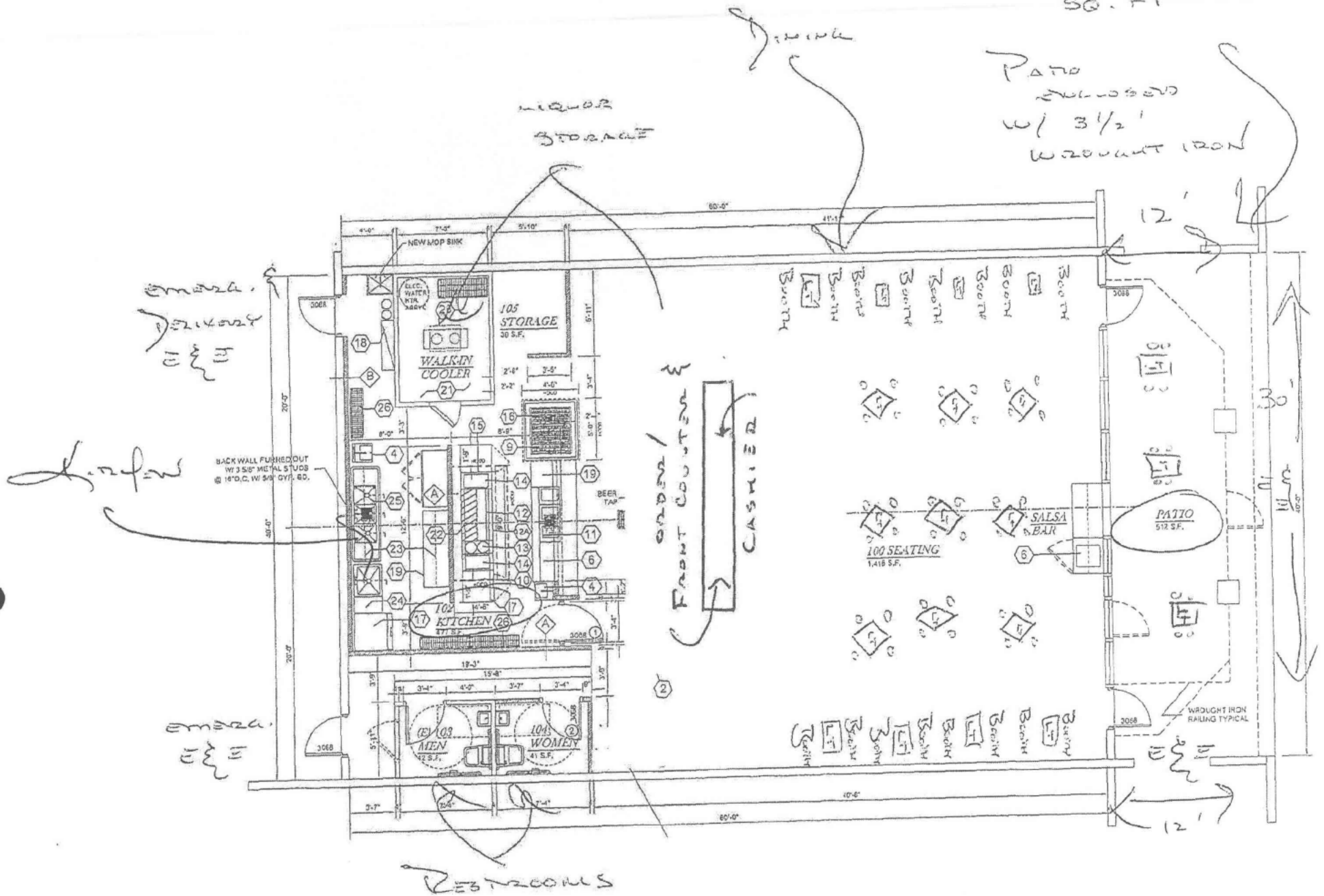
1) Are you applying for an Interim Permit (INP)?
   No
2) Are you one of the following? Please indicate below.
   Property Tenant
   Subtenant
   Property Owner
   Property Purchaser
   Property Management Company
   Property Tenant
3) Is there a penalty if lease is not fulfilled?
   Yes
   What is the penalty?
   Loss of $5,000 security deposit and Landlord lockout
4) Is the Business located within the incorporated limits of the city or town of which it is located?
   No
   If no, in what City, Town, County or Tribal/Indian Community is this business located?
   Marana
5) What is the total money borrowed for the business not including the lease?
   Please list each amount owed to lenders/individuals.
   $20,000.00
   Tacos Apson, Inc.
   3501 S. 12th Ave., Tucson, AZ 85713
6) Is there a drive through window on the premises?
   No
7) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
   Yes, contiguous
8) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   No

DOCUMENTS

DOCUMENT TYPE	FILE NAME	UPLOADED DATE
DIAGRAM/FLOOR PLAN	Floor Plan.pdf	02/03/2021
QUESTIONNAIRE	Francisco Q.pdf	02/03/2021
MENU	Menu.pdf	02/03/2021
RESTAURANT OPERATION PLAN	Rest Op Plan.pdf	02/03/2021
RECORDS REQUIRED FOR AUDIT	RRFA.pdf	02/03/2021
QUESTIONNAIRE	Yazmin Q ASF Naturalization.pdf	02/03/2021

'21 MAR 1 Liq. Lic. PM 2:06

2,400
SQ. FT



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

804-892

QUESTIONNAIRE

A.R.S.§4-202, 4-210
Type or Print with Black Ink

The fees allowed by R19-1-102 will be charged for all dishonored checks.

ATTENTION APPLICANT: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL $13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 137254

1. Check the Appropriate Box → ☒ Controlling Person ☒ Agent | ☐ Premises Manager (complete all questions except #12)

2. Name: ALDECOA HERNANDEZ (Last) YAZMIN (First) VANESSA (Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Driver License#: [redacted] State: ARIZONA

4. Place of birth: LA PAZ (City) BAJA CA. (State) MEXICO (COUNTRY (not county)) Height: 5'08" Weight: 280 Eyes: BRO Hair: BRO

5. Name of current/most recent spouse: DURAZO (Last) FRANCISCO (First) JAVIER (Middle) Birth Date: [redacted] (NOT a public record)

6. Are you a bona fide resident of Arizona? ☒ Yes ☐ No If yes, what is your date of residency: 1999

7. Daytime telephone number: [redacted] E-mail address: [redacted]

8. Business Name: TACOS APSON Business Phone: 520/395/0871

9. Business Location Address: 6741 N. THORNYDALE RD. #117 & 121 (Street (do not use PO Box)) TUCSON (City) AZ (State) PIMA (County) 85741 (Zip)

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
08/2020	CURRENT	CO-OWNER	TACOS APSON 6741 N. THORNYDALE RD. #117 & 121 TUCSON, AZ 85741
04/2000	CURR.	CO-OWNER	TACOS APSON 3561 S. 12TH AVE. TUCSON, AZ 85713

(ATTACH ADDITIONAL SHEET IF NECESSARY)

21 MAR 1 Liq. Lic. AM 2:05

11. Provide your residence address information for the last five (5) years: *A.R.S. §4-202(D)*

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
03/2016	CURRENT	[redacted]
06/2012	03/2016	[redacted]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☒ Yes ☐ No
If you answered YES, then answer **#13 below. If NO, skip to #14.**

13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? ☐ Yes ☒ No

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☐ Yes ☒ No

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) *A.R.S.§4-202,4-210* ☐ Yes ☒ No

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐ Yes ☒ No

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐ Yes ☒ No

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐ Yes ☒ No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.
CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

I (Print Full Name) Yazmin Vanessa Aldecoa Hernandez hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: [signature]

State of Arizona County of Pima

The foregoing instrument was acknowledged before me this 3rd Day of February 2021

My Commission Expires on: 06/05/2021 (Date)

OFFICIAL SEAL
KEVIN A KRAMBER
Notary Public - State of Arizona
PIMA COUNTY
My Comm. Expires June 5, 2021

[signature]
Signature of Notary

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: _____ SIGNATURE: _____

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

804-892

QUESTIONNAIRE

A.R.S.§4-202, 4-210
Type or Print with Black Ink

The fees allowed by R19-1-102 will be charged for all dishonored checks.

ATTENTION APPLICANT: This is a legally binding document. Please type or print in black ink. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL $13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 137254

1. Check the Appropriate Box → ☒ Controlling Person ☐ Agent ☐ Premises Manager (complete all questions except #12)

2. Name: Suzazo (Last) Francisco (First) Javier (Middle) Birth Date [redacted] (NOT a public record)

3. Social Security #: [redacted] Driver License#: [redacted] State: Arizona

4. Place of birth: Aqua Prieta (City) Sonora (State) Mexico (COUNTRY (not county)) Height: 5'09" Weight: 180 Eyes: Bro Hair: Bro

5. Name of current/most recent spouse: Aldecoa Hernandez (Last) Yazmin (First) Vanessa (Middle) Birth Dat [redacted] (NOT a public record)

6. Are you a bona fide resident of Arizona? ☒ Yes ☐ No If yes, what is your date of residency: 1989

7. Daytime telephone number: [redacted] E-mail address: [redacted]

8. Business Name: Talos Apson Business Phone: 520/395/0871

9. Business Location Address: 6741 N. Thornydale Rd. #117 & 121 (Street (do not use PO Box)) Tucson (City) Az (State) Pima (County) 85741 (Zip)

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
08/2020	CURRENT	CO-OWNER	Talos Apson 6741 N. Thornydale Rd. #117 & 121 Tucson, Az 85741
04/2000	2022.	CO-OWNER	Talos Apson 3501 S. 12th Ave. Tucson, Az 85713

(ATTACH ADDITIONAL SHEET IF NECESSARY)

21 MAR 1 Liq. Lic. Rec'd

11. Provide your residence address information for the last five (5) years: *A.R.S. §4-202(D)*

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
03/2016	CURRENT	[redacted]
06/2012	03/2016	[redacted]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14.** ☐Yes ☒No

13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? N/A ☐Yes ☐No

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☐Yes ☒No TR

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) *A.R.S.§4-202,4-210* ☐Yes ☒No

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐Yes ☒No

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐Yes ☒No

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐Yes ☒No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

I (Print Full Name) FRANCISCO AVILA DURAZO hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: _____ State of Arizona County of Pima

The foregoing instrument was acknowledged before me this 3rd Day of March, 2021

My Commission Expires on: 06/05/2021 Date

OFFICIAL SEAL
KEVIN A KRAMBER
Notary Public - State of Arizona
PIMA COUNTY
My Comm. Expires June 5, 2021

_____ Signature of Notary

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: _____ SIGNATURE: _____

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

AFFIDAVIT OF POSTING

Date of Posting: March 5, 2021 Date of Posting Removal: 3/25/21

Applicant's Name: Aldecoa Hernandez (Last) Yazmin (First) Vanessa (Middle)

Business Address: 6741 N Thornydale Rd, Ste 121 (Street) Tucson (City) 85741 (Zip)

License #: 137254

I hereby certify that pursuant to A.R.S. 4-201, I posted notice in a conspicuous place on the premises proposed to be licensed by the above applicant and said notice was posted for at least twenty (20) days.

JR Burns	Housing Rehabilitation Specialist	(520) 990-2496
Print Name of City/County Official	Title	Phone Number

Elton E Burns Jr. — Signature

3/5/2021 — Date Signed

Return this affidavit with your recommendations (i.e., Minutes of Meeting, Verbatim, etc.) or any other related documents.
If you have any questions please call (602) 542-5141 and ask for the Licensing Division.

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Local Governing Body Recommendation
A.R.S. § 4-201(C)

1. City or Town of: Town of Marana (Circle one) Liquor License Application #: 137254 (Arizona application #)

2. County of: Pima County City/Town/County #: LL2021-06

3. If licensed establishment will operate within an "entertainment district" as described in A.R.S. §4-207(D)(2),

_____ (Name of entertainment district) _____ (Date of resolution to create the entertainment district)

A boundary map of entertainment district must be attached.

4. The Marana Town Council (Governing body) at a Regular (Regular or special) meeting held on the 20 (Day) of April (Month), 2021 (Year) considered the application of Yazmin Vanessa Aldecoa Hernandez (Name of applicant)

for a license to sell spirituous liquor at the premises described in application 137254 (Arizona liquor license application #),

for the license series #: type Series #12 Restaurant (i.e.: series #10: beer & wine store) as provided by A.R.S §4-201.

ORDER OF APPROVAL/DISAPPROVAL

IT IS THEREFORE ORDERED that the license APPLICATION OF Yazmin Vanessa Aldecoa Hernandez (Name of applicant)

to sell spirituous liquor of the class and in the manner designated in the application, is hereby recommended

for _____. (Approval, disapproval, or no recommendation)

TRANSMISSION OF ORDER TO STATE

IT IS FURTHER ORDERED that a certified copy of this order be immediately transmitted to the State Department of Liquor, License Division, 800 W Washington, 5th Floor, Phoenix, Arizona.

Dated at _____ (Location) on _____ (Day), _____ (Month), _____ (Year).

_____ (Printed name of city, town or county clerk) _____ (Signature of city, town or county clerk)

Individuals requiring ADA accommodations please call (602)542-9027

Series 6 Bar

The bar (series 6) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a bar retailer to sell and serve all types of spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. A.R.S. § 4-206.01.F. states that after January 1, 2011, the off-sale privileges associated with a bar license shall be limited to no more than 30% of the total annual sales receipts of liquor by the licensee at that location. Payment must be made no later than the time of delivery. Off-sale ("To Go") package sales of spirituous liquor can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the ones provided for the bar. A hotel or motel with a Series 6 license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is by a key or magnetic card device and not furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m.

Series 7 Beer and Wine Bar

The beer and wine bar (series 7) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a beer and wine bar retailer to sell and serve beer and wine (no other spirituous liquors), primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. A.R.S. § 4-206.01.F. states that after January 1, 2011, the off-sale privileges associated with a bar license shall be limited to no more than 30% of the total annual sales receipts of liquor by the licensee at that location. Off-sale ("To Go") package sales can be made on the bar premises as long as the area of off-sale operation does not utilize a separate entrance and exit from the one provided for the bar. Payment must be made no later than the time of delivery.

Series 9 Liquor Store

The liquor store (series 9) license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows a spirituous liquor store retailer to sell all types of spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Series 9 (liquor store) licensees and applicants may apply for unlimited sampling privileges by completing the Sampling Privileges form.

Series 10 Beer and Wine Store

This non-transferable, off-sale retail privileges liquor license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Series 10 (beer and wine store) licensees and applicants may apply for unlimited sampling privileges by completing the Sampling Privileges form.

Series 11 Hotel/Motel

This non-transferable, on-sale retail privileges liquor license allows the holder of a hotel/motel license to sell and serve all types of spirituous liquor solely for consumption on the premises of a hotel or motel that has a restaurant where food is served on the premises. The restaurant on the licensed premises must derive at least forty percent (40%) of its gross revenue from the sale of food. The holder of this license may sell spirituous liquor in sealed containers in individual portions to its registered guests at any time by means of a minibar located in the guest rooms of registered guests. The registered guest must be at least twenty-one (21) years of age. Access to the minibar is provided by a key or magnetic card device and may not be furnished to a guest between the hours of 2:00 a.m. and 6:00 a.m.

Series 12 Restaurant

This non-transferable, on-sale retail privileges liquor license allows the holder of a restaurant license to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.

Council-Regular Meeting **B1**

Meeting Date: 04/20/2021

To: Mayor and Council

From: David Udall, Associate Town Attorney

Date: April 20, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2021-051: Relating to Boards, Commissions, and Committees; making appointments to the Town of Marana Board of Adjustment (David L. Udall)

Discussion:

Section 17-2-2 of the Marana Town Code establishes the Town of Marana Board of Adjustment. The Board of Adjustment hears and decides appeals for variances and appeals from zoning decisions of the planning director, and may also consider any other matters referred to it by the Town Council. The Board of Adjustment is a seven-member board consisting of residents of the Town who serve at the pleasure of the Town Council.

Two board positions are currently vacant. Town staff has solicited applications to fill these vacancies and has received applications from Mark Wiener and Norman Farmer. Both applicants meet the requirements set forth in the Marana Town Code for appointment to the Board of Adjustment, and copies of their applications are included in the agenda materials for the Council's review. Appointed members will begin serving immediately upon appointment and will each serve a four-year term.

Pursuant to Marana Town Code Section 2-6-2(E), the Council may do one or more of the following at tonight's meeting:

1. Interview one or more applicants either in public or in an executive session scheduled for that purpose. (An executive session has been scheduled on tonight's agenda for interviewing candidates, should the Council desire to do so.)
2. Make one or more appointments.

3. Order the solicitation of additional applications.
4. Take any other action it deems appropriate.

Staff Recommendation:

Council's pleasure.

Suggested Motion:

I move to adopt Resolution No. 2021-051, appointing _____ and _____ to the Town of Marana Board of Adjustment.

Attachments

Resolution 2021-051
Mark Wiener Application
Norman Farmer Application

MARANA RESOLUTION NO. 2021-051

RELATING TO BOARDS, COMMISSIONS, AND COMMITTEES; MAKING APPOINTMENTS TO THE TOWN OF MARANA BOARD OF ADJUSTMENT

WHEREAS Section 17-2-2 of the Marana Town Code establishes the Town of Marana Board of Adjustment and requires that its membership consist of seven residents of the Town who serve at the pleasure of the Town Council; and

WHEREAS two board positions are currently vacant; and

WHEREAS the Mayor and Council find that the appointments addressed by this resolution are in the best interest of the Town and its citizens.

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

SECTION 1. _____ and _____ are hereby appointed to the Town of Marana Board of Adjustment effective immediately and shall each serve four-year terms.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of April, 2021.

_____
Mayor Ed Honea

ATTEST:

_____
Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

Board and Commission Application

Town of Marana

Submitted On:
February 6, 2021 5:21am
America/Los_Angeles

Board or Commission	Board of Adjustment
Please upload your resume here.	https://seam.ly/AfwsSmaj Mark Wiener NEW AZ Resume.doc
First Name	Mark
Last Name	Wiener
Email	[redacted]
Full Address	[redacted]
How many years have you lived at this address?	6
How many years have you lived in Marana?	6
Phone Number (Daytime)	[redacted]
Phone Number (cell or home)	[redacted]
Occupation	Builder Representative/Associated Broker Real Estate
Employer	D.R. Horton, Inc.
What is your vision for the Town?	Continued responsible growth, allowing for Citizens, Services, and Business/Industry to develop as Marana continues to be the progressive, yet, established community it is.
What are some of the most important concerns or issues that you think the Town will have to face in the next 5 - 10 years?	Balance of road, utilities, business, residential, business/industry, park and recreation, and natural habitat to achieve and maintain the calculated and analyzed growth and adaptation of our city.
What do you see as the Town's best asset to bring visitors and new residents to the Town?	Premier Location between City of Tucson, Phoenix/Scottsdale within state, as well as, bordering communities. In addition, travel within the Town of Marana and the City of Tucson proper. Lastly, easy accessibility from other Cities both Nationally and Internationally.
Please explain your professional background	Over 30 plus years of Real Estate, and development allowing for listening/communication/negotiating and resolving equitable concerns between involved parties when resolution is required.
Describe your experience working with a Council-appointed board or commission	I have successfully worked with a number of municipal commissions and departments, within my career, over the years, as well as, a member of non profit Boards and Executive Committees.
Describe a time when you had to stand firm and make a tough or unpopular decision	Throughout my real estate career and management, one has always been in a position to make correct decisions that, although may not be popular, but in the long term, and evaluating the issues to determine and implement the correct course of action.
If appointed by the Council you will be representing all of the	I am involved in decisions, daily, that I am successfully objective in determining what is best for the Town of Marana, and not, concerned for individual gains.

Town of Marana in your decisions. Describe how you will maintain your objectivity in making decisions for locations other than your own residence.	
Full Name	Gregory Stover
Full Address	[redacted]
Relationship	Friend/Business Partner
Phone Number	[redacted]
Full Name	Bill DeMuth
Full Address	[redacted]
Relationship	Friend
Phone Number	[redacted]
Phone Number	[redacted]
Name of Business	N/A
Person with Interest	N/A
Type of Interest	0
Additional Information	
Have any of the above businesses conducted any business (e.g. supplier of goods or services, contractor, consultant) with the Town of Marana in the past 24 months?	No
If Yes, please explain	
Are you, a relative, or any member of your household an employee of the Town of Marana?	No
If Yes, please explain	
List by name any compensated lobbyist with whom you, or a relative, or a member of your household shares any direct economic interest such as a partnership, joint venture or similar business relationship.a?	0

Signature Data	First Name: Mark Last Name: Wiener Email Address: [redacted]  Signed at: February 6, 2021 5:20am America/Los_Angeles
Full Date	2 6 2021

Board and Commission Application

Town of Marana

Submitted On:
March 8, 2021 2:50pm
America/Los_Angeles

Board or Commission	Board of Adjustment
Please upload your resume here.	https://seam.ly/cwgNnFfM Farmer, Norman Resume 2021.docx
First Name	Norman
Last Name	Farmer
Email	[redacted]
Full Address	[redacted]
How many years have you lived at this address?	8
How many years have you lived in Marana?	8
Phone Number (Daytime)	[redacted]
Phone Number (cell or home)	[redacted]
Occupation	Director/manager of Landscape Management Division
Employer	AAA Landscpape
What is your vision for the Town?	I am for the most part pleased with much of growth/additions I have seen in the past five to ten years or so including the lovely Town Center. I cannot completely articulate my thoughts and vision here, however, clean, interesting, blending in, unconventional, uncrowded, naturalistic, convenience and fun are some tag words that I will offer up. Polar opposites to our neighboring communities in many aspects.
What are some of the most important concerns or issues that you think the Town will have to face in the next 5 - 10 years?	Rapid growth and the challenges of keeping infrastructure at pace with said growth, possible recession, worsening weather conditions and drought. Accelerated deterioration of our roadways and other Town property. Issues with local agriculture/land use, lack of DOT workers due to Covid casing our roadway landscaping and washway clearing falling behind. Communication with existing and yet to be built subdivision HOA''s.
What do you see as the Town's best asset to bring visitors and new residents to the Town?	Affordable and diversity in housing communities and costs. The "hometown" feeling, beauty and uniqueness of Marana.
Please explain your professional background	I have worked in contracting for many years. I began a career in electronics, not television and computer sales or repair but rather with the parts that are used to build electronic devises, such as fighter jet starters, wiring harnesses etc. While I was very successful, It was uncreative and unfulfilling. I went to work for a neighbor and friend that owned a small contracting business years ago and quickly found that I loved and missed the outdoors and care about it a great deal. Having grown up working on Ranches this was no surprise to me. As stated, I have worked within every conceivable capacity in the green industry and have been successful at it, because I love it so. I have always view the mission of the Landscape industry as the mitigation of mans footprint on the earth. Others build homes and communities that people love and we wrap them

	in living art.
Describe your experience working with a Council-appointed board or commission	I have and continue to work with various Town Boards and Departments almost daily and to a lesser degree with the Towns Boards and Commissions. Weve built great relationships on both sides and working with the Towns professional staff has always been very rewarding and a very satisfying experience for me.
Describe a time when you had to stand firm and make a tough or unpopular decision	In my professional experience especially with Covid, I daily have to make decisions and offer directives that effect individuals and customers relations. The priority being is to place neither party at risk or in harms way at any time.
If appointed by the Council you will be representing all of the Town of Marana in your decisions. Describe how you will maintain your objectivity in making decisions for locations other than your own residence.	At present in my personal and professional life I try to make every decision and treat all people as I wish to be treated all based on respect. Integrity is paramount with me, integrity demands that I treat all people with humility and respect.
Full Name	John McIntyre
Full Address	[redacted]
Relationship	Professional working relationship at Dove Mountain Commuity Association
Phone Number	[redacted]
Full Name	Don Duncan
Full Address	[redacted]
Relationship	Professional working relationship at Dove Mountain Homeowners Association
Phone Number	[redacted]
Phone Number	[redacted]
Name of Business	N/A
Person with Interest	N/A
Type of Interest	N/A
Additional Information	I am an employee of AAA Landscape
Have any of the above businesses conducted any business (e.g. supplier of goods or services, contractor, consultant) with the Town of Marana in the past 24 months?	Yes
If Yes, please explain	AAA Has and does work for the Town of Marana as a vendor

Are you, a relative, or any member of your household an employee of the Town of Marana?	No
If Yes, please explain	N/A
List by name any compensated lobbyist with whom you, or a relative, or a member of your household shares any direct economic interest such as a partnership, joint venture or similar business relationship.a?	N/A
Signature Data	First Name: Norman Last Name: Farmer Email Address: [redacted]  Signed at: March 8, 2021 2:48pm America/Los_Angeles
Full Date	3 8 2021

Council-Regular Meeting **A1**

Meeting Date: 04/20/2021

To: Mayor and Council

From: Anita McNamara, Long-Range Planner

Date: April 20, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: PUBLIC HEARING: Ordinance No. 2021.006: Relating to Development; rezoning approximately 1.16 acres of land located at 4201 W. Jeremy Place, east of N. Camino Martin and south of Ina Road, from R-36 Residential to Heavy Industry (HI) (Anita McNamara)

Discussion:

Request
Pamela Sorenson, the property owner of a 1.16 acre parcel (Pima County Assessor's parcel #101050340), and owner of Ina Road/I-10 RV & Boat Storage, currently operating on the site at 4201 W. Jeremy Place, requests approval to rezone the parcel from R-36 (Residential) to Heavy Industry (HI).

History
The proposed rezoning area was annexed by Marana in 1993 by Ordinance #1993.12. The Pima County zoning of Suburban Homestead (SH), that has a 36,000 square feet minimum parcel area, was translated to the Town zoning of R-36 Residential.

The current use, RV and boat storage, recently began operation without the benefit of Town approval. Town Code Enforcement staff cited the property owner for operating a business without a business license. When the business license application was under review by Town staff, Development Services recommended denial of the application because the use is not permitted in the R-36 residential zoning district. The Town is working with the property owner to correct the situation through a simplified rezoning process in order to rezone the property to the appropriate, and surrounding, Heavy Industry zone that will allow the RV storage use.

Surrounding Land Use and Zoning
The rezoning area is located at the east end of the Jeremy Place cul-de-sac, east of N. Camino Martin and south of W. Ina Road. A majority of the properties on Jeremy Place and along Camino Martin currently have industrial uses in operation. The subject property and the two lots immediately to west are an island of R-36 Residential zoning in a Heavy Industry zoned area.

Immediately to the north of the subject property is a roofing contractor on property zoned HI. Immediately to the west are two residential mobile homes on land zoned R-36 Residential. Directly to the east of the subject property is a 15' public utility easement and 50' public drainage easement with a drainage canal. On the eastern side of the drainage canal is the Avilla Marana multi-family development also zoned Heavy Industry. To the south of the subject property is a personal storage facility and vacant land all zoned Heavy Industry.

Make Marana General Plan 2040
The 2040 General Plan designates this area as Employment, which accommodates industrial land uses. Rezoning to HI will bring the zoning into compliance with 2040 General Plan.

Access and Circulation
The property will use the existing driveway on the W. Jeremy Place cul-de-sac. Approximately 625 feet to the west of the property, Jeremy Place intersects N. Camino Martin that provides access to W. Ina Road.

Utilities
The rezoning area is serviced by Tucson Water and the Pima County Regional Wastewater Reclamation Department. The rezoning area also lies within the service areas of Tucson Electric Power, Southwest Gas, Century Link and Comcast.

Grading and Drainage
The rezoning area is generally flat. In the event of a major storm, stormwater can flow east across the property and then south to the Canada Del Oro Wash in a drainage canal located along the entire eastern property line. The property owner states that drainage has not been an issue in the past.

Fire District Services
The rezoning area is located within the Northwest Fire 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. There has been no contact to the staff regarding the rezoning.

Recommended Findings of Fact
1. The property is currently zoned R-36 Residential. The proposed change in zoning to Heavy Industry is supported by the Employment 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 amendment 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 amendment complies with the requirements of the zoning and the purpose and intent of the 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 Land Development Code and 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 amendment 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 March 31, 2021. By a vote of 7-0, the Planning Commission voted to recommend approval to the Town Council.

Staff Recommendation
Staff recommends the adoption of Ordinance No. 2021.006, approving the rezoning, subject to the conditions set forth in the Ordinance.

Suggested Motion:

I move to adopt Ordinance No. 2021.006, approving a rezoning of approximately 1.16 acres of land located at 4201 W. Jeremy Place from R-36 Residential to Heavy Industry.

Attachments

Ordinance 2021.006
Exhibit A- Legal Description
Application
Application Narrative
Location Map
Site Plan
Map Exhibits
Presentation

MARANA ORDINANCE NO. 2021.006

RELATING TO DEVELOPMENT; REZONING APPROXIMATELY 1.16 ACRES OF LAND LOCATED AT 4201 W. JEREMY PLACE, EAST OF N. CAMINO MARTIN AND SOUTH OF INA ROAD, FROM R-36 RESIDENTIAL TO HEAVY INDUSTRY (HI)

WHEREAS Pamela R. Sorenson (the "Property Owner") owns 1.16 acres of land located at 4201 W. Jeremy Place, east of North Camino Martin and south of West Ina Road in Section 6 Township 13 South, Range 13 East, described and depicted on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owner has submitted an application to rezone the Rezoning Area from R-36 Residential to Heavy Industry (HI) ("this Rezoning"); and

WHEREAS the Marana Planning Commission held a public hearing on this Rezoning on March 31, 2021, and voted 7 to 0 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 April 20, 2021 and determined that this 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 R-36 Residential to Heavy Industry (HI).

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 Owner, and her 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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. The property owners shall transfer to the water provider, by the appropriate Arizona Department of Water Resources form, those water rights being IGR, Type I or Type II for 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 water provider 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.

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 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.

10. 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.

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

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 20th day of April, 2021.

_____
Mayor Ed Honea

ATTEST:

_____
Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

Exhibit A to Marana Ordinance No. 2021.006

Legal Description

Lot 8 of JEREMY SUBDIVISION, a subdivision of Pima County, Arizona, according to the map or plat of record in the office of the County Recorder in Book 22 of Maps, page 81.

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: Ina Rd/I-10 RV & Boat Storage LLC		
Description of Project: RV & Boat Parking	Number of Lots: 1	
Parcel No.(s): 8 101-05-0340	Gross Area (Acres): 1.1613	
Project Address: 4201 W Jeremy Pl Tucson, AZ 85741		
Ref. Project No.:		

CONTACT INFORMATION

Owner: Pamela Sorensen	Contact Name: Pamela Sorensen		
Address: 4201 W Jeremy Pl	City: Tucson	State: AZ	Zip: 85741
Email: tigerlilyprs@mac.com	Phone No.: 520-576-2969		
Applicant: Pamela Sorensen	Contact Name:		
Address: P O Box 89103 Tucson, AZ 85752	City:	State:	Zip:
Email: tigerlilyprs@mac.com	Phone No.:		
Consultant/Engineer:	Contact Name:		
Address:	City:	State:	Zip:
Email:	Phone No.:		

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.)

Pamela Sorensen		02/04/2021
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY
Revision Date 03/29/2019

Project No. PCZ2103-002 **Date Received** 3/11/2021

Translational Rezoning (Non-Site Analysis Rezoning)

Attendance to a pre-application meeting is a pre-requisite to a rezoning application submittal. Application requirements shall be established by the planning director. However, at a minimum, applications for an amendment to the zoning map, or change in zoning classification, shall include the following:

1: Narrative Request

Please provide the following information for a **residential** rezoning:

1. The proposed use of the property and why the rezoning is needed:

   I've started an RV and Boat Storage Business. I live here, also. I want to just have the business here, only. I would like to move off of the property. I believe I need to change the zoning for that reason.
   Staff: Rezoning to Heavy Industrial will allow the existing RV storage use to remain.

2. The proposed rezoning land use relationship to the Marana General Plan Future Land Use

   Heavy Industrial. I'm located in a commercial area. The location is perfect for my business.
   Staff: The 2040 General Plan designates this area as Employment. The current R-36 zoning is inconsistent with the Employment future land use designation. Rezoning the property to HI Heavy Industrial will bring the zoning into compliance with the General Plan.

3. The total number and size of residential units and lots proposed.

   None proposed. Not applicable.

4. Describe the existing uses on the site, if any and whether the existing uses will be removed, altered or remain.

   I live here now. I would like to move off of the property, and only have my business here. RV and Boat Parking - I would like it to remain.

5. Discuss public service and utility information, including how the property will be served by water, sewer, gas, electricity, telephone, fire district and other utilities.

   I have all my utilities in place. My automatic gate is in compliance with the fire dept.
   Staff: The property is served by the following: Tucson Water, Pima County Wastewater Reclamation, Southwest Gas, TEP, cable companies and cellular companies for telephone and Northwest Fire District.

6. Describe the proposed site disturbance and preliminary grading.

   No disturbance. Property is level and graveled.

7. Describe site information such as topography and preliminary hydrology or drainage information.

   No drainage issues.
   Staff: Property is graveled, is generally flat. A drainage channel is located along the eastern boundary that runs into the Canada del Oro (CDO). A standard condition of approval in the rezoning ordinance will require a master drainage study for any future development plan.

8. Other pertinent information as requested at the pre-application meeting
   Not applicable.

Please include the following items for a **commercial** rezoning:

1. Items 1, 2, 4, 5, 6 and 7 as listed above for a residential rezoning.

2. Describe the operational plan of the proposed business including total number of employees, number of parking spaces and expected hours of operation.

   My gate hours are Sunrise to Sunset. I expect to have 100 spaces when I have finished with the project. I am the only employee. My office hours are 10am-5pm Tuesday through Saturday.

3. Planned height and square footage of any proposed buildings.

   No buildings are planned right now.
   Staff: There is an existing modular building with attached shade structures that current serves as a residence and office. This building will continue to be used as an office after the owner moves off-site.

4. Describe planned or existing access to the public street network.

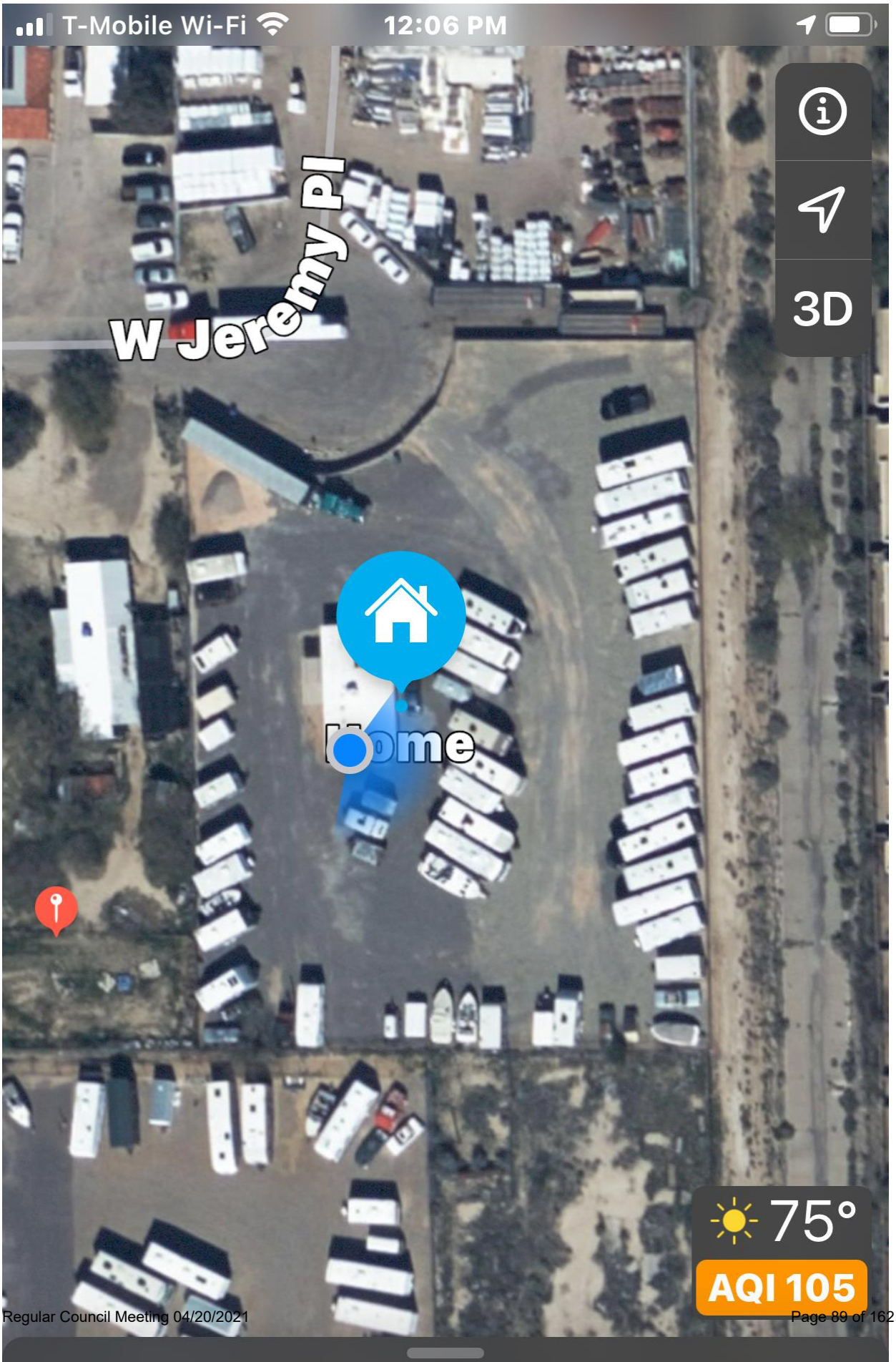
   My clients enter and exit through my automatic gate, which is located at the end of the cul-de-sac.
   Staff: Access to property is from Jeremy Place, public right-of-way, along the northern property line. Jeremy Place, a cul-de-sac, intersects with Camino Martin, which is a cul-de-sac road that is accessed from West Ina Road.

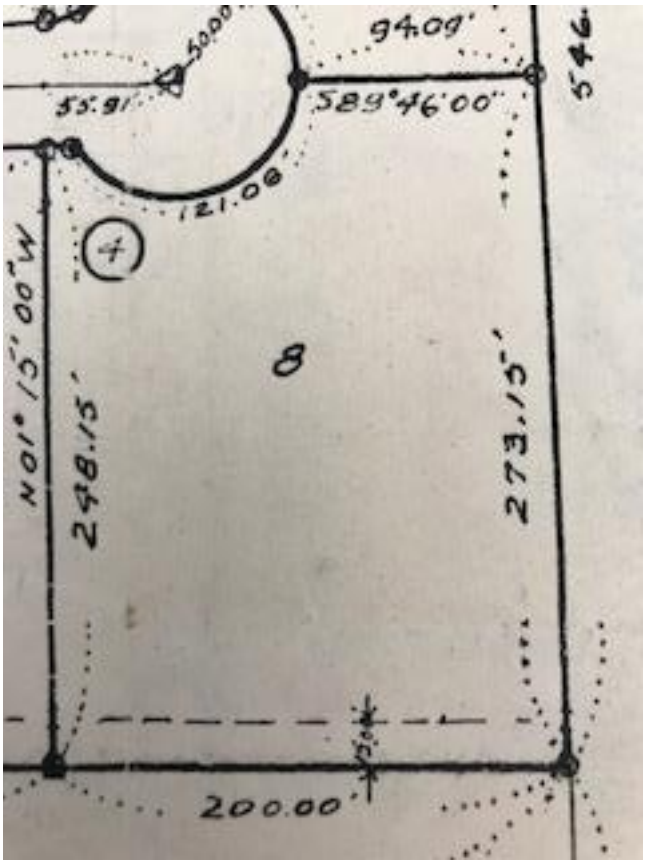
5. Other pertinent information as requested at the pre-application meeting
   Not applicable.

2: Concept Site Plan

A concept site plan is a birds-eye view of a property which contains sufficient information to understand the scope, impact and development proposal of a property. Please show the following applicable items:

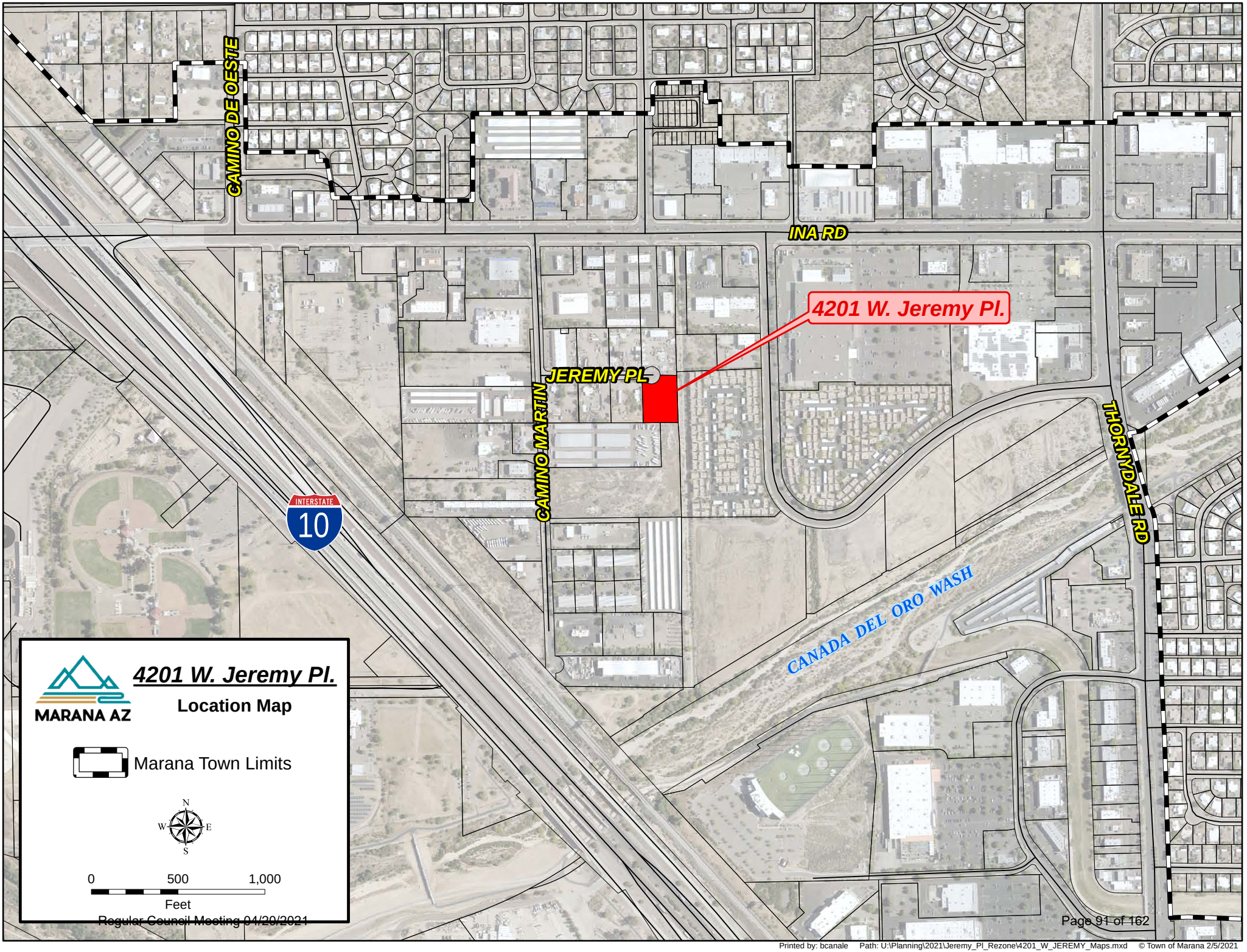
- Property dimensions on all sides of proposed or existing lot(s)
- North Arrow
- Existing and proposed driveways
- Existing and proposed easements
- Adjacent street names
- Grading limits clearly marked
- Location of drainage areas
- Location and setbacks of all existing/proposed structures
- Square footage of existing/proposed structures
- Building height of existing/proposed structures
- Location of utilities, including water, sewer, gas, electricity, telephone, and other utilities.
- Applicable bufferyards labeled with the width and type
- Extent of paving or parking area
- Adjacent properties zoning/use
- Other pertinent information as requested at the Pre-Application meeting


T-Mobile Wi-Fi
12:06 PM
W Jeremy Pl
3D
Home
75°
AQI 105



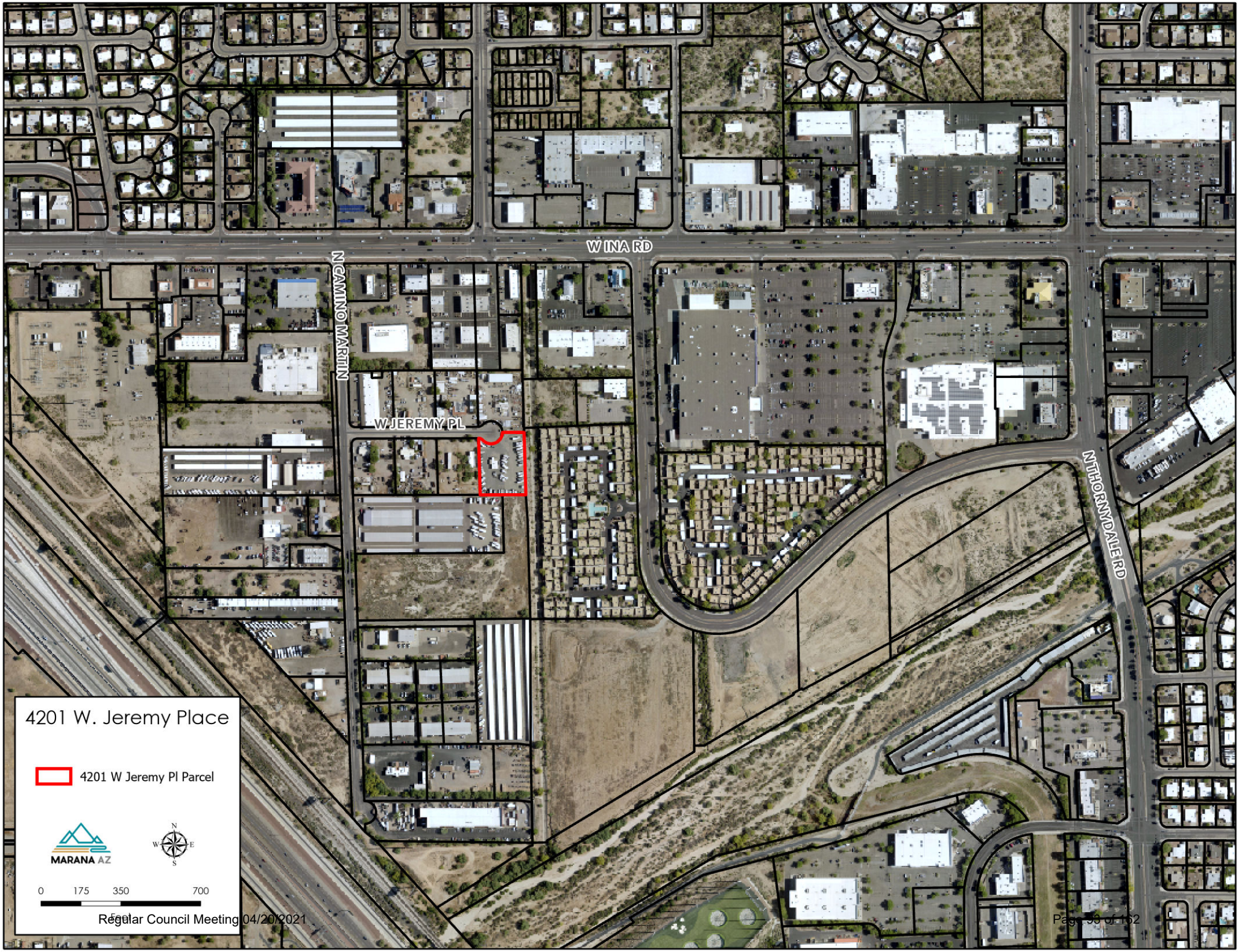
Standardized Town-generated maps provided to applicant:

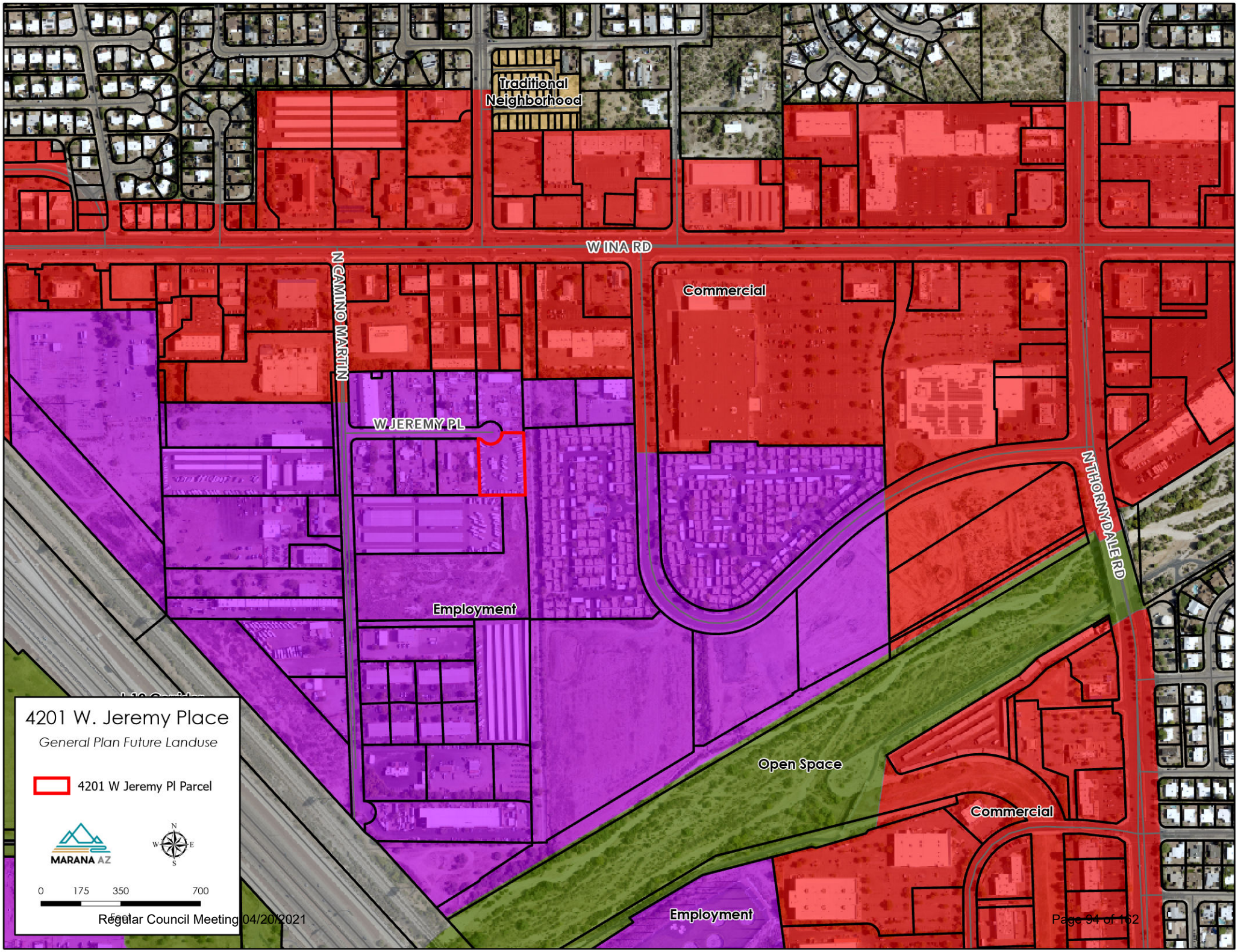
1. Location
2. Existing zoning
3. Proposed zoning
4. General Plan
5. Floodplain

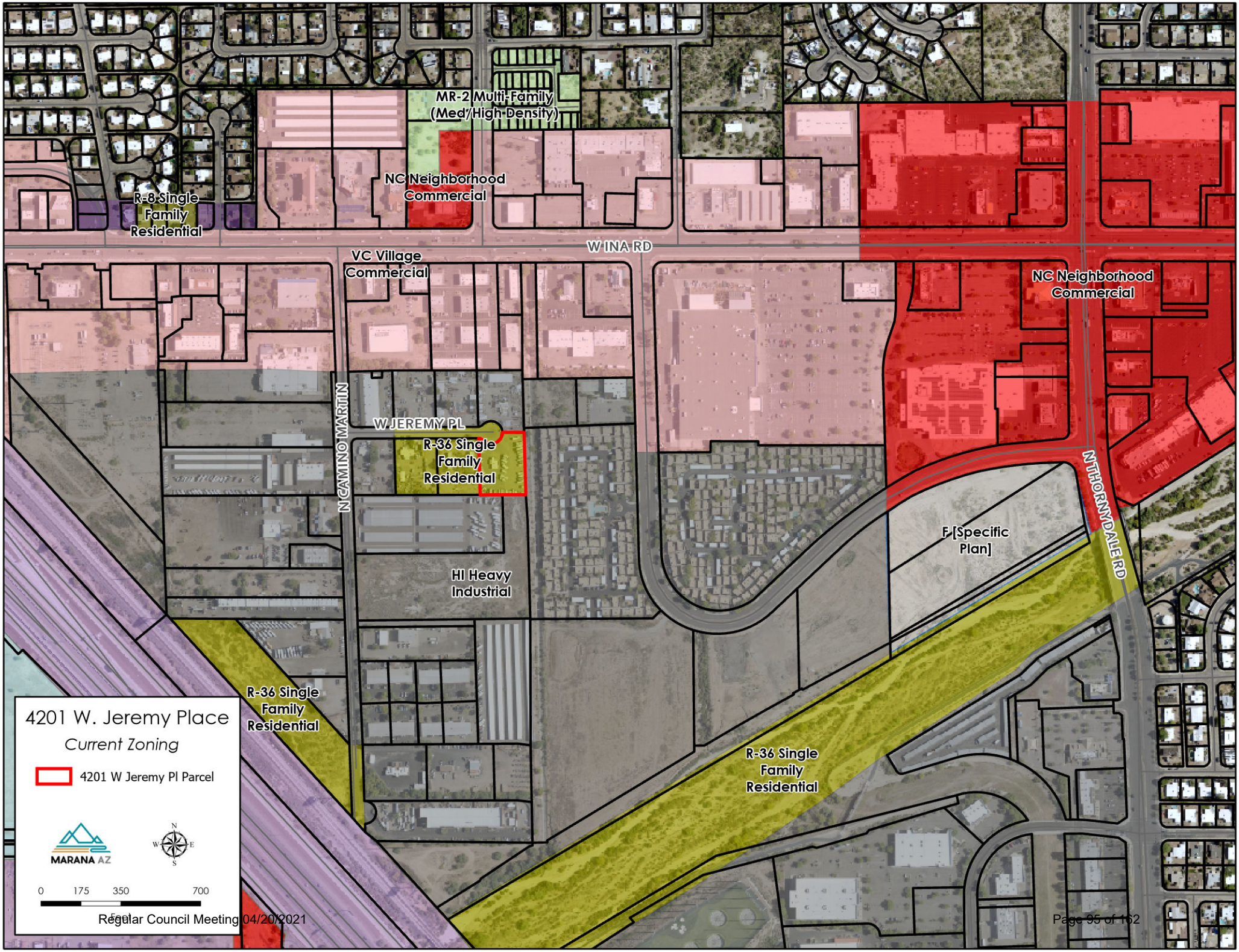


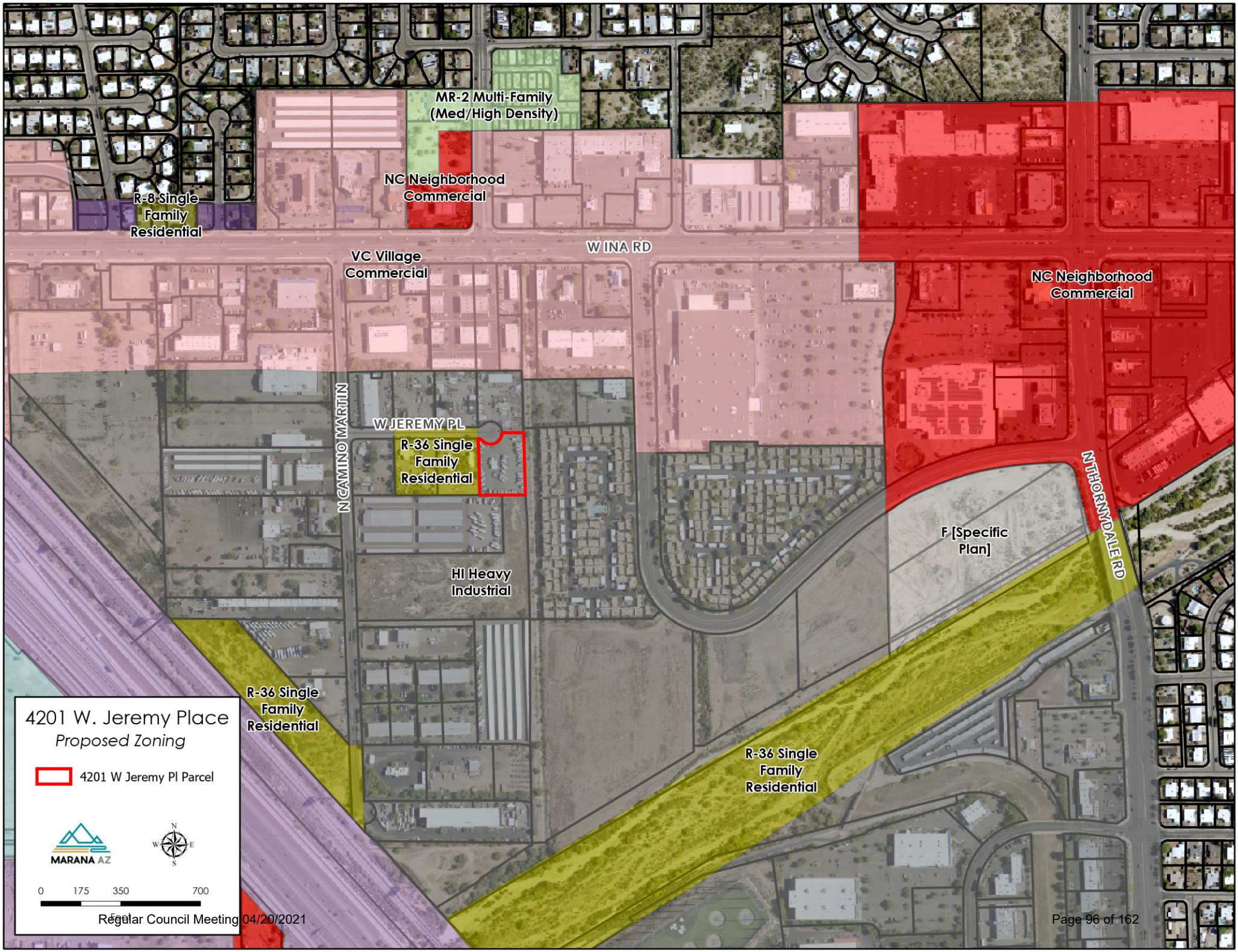
Printed by: bcanale Path: U:\Planning\2021\Jeremy_Pl_Rezone\4201_W_JEREMY_Maps.mxd © Town of Marana 2/5/2021


W JEREMY PL
Customer Parking
Office
4201 W. Jeremy Place
Site Plan
4201 W Jeremy Pl Parcel
Regular Parking
Parking Spaces
Office
MARANA AZ
N
W
E
S
0
12.5
25
50
Feet


W INA RD
N CAMINO MARTIN
W JEREMY PL
N THORNYDALE RD
4201 W. Jeremy Place
4201 W Jeremy Pl Parcel
MARANA AZ
N
W
E
S
0
175
350
700
Feet


Traditional Neighborhood
W INA RD
N CAMINO MARTIN
Commercial
W JEREMY PL
N THORNYDALE RD
Employment
Open Space
Commercial
Employment
4201 W. Jeremy Place
General Plan Future Landuse
4201 W Jeremy Pl Parcel
MARANA AZ
N
W
E
S
0
175
350
700
Feet


MR-2 Multi-Family (Med/High-Density)
NC Neighborhood Commercial
R-8 Single Family Residential
W INA RD
VC Village Commercial
NC Neighborhood Commercial
N CAMINO MARTIN
W JEREMY PL
R-36 Single Family Residential
N THORNYDALE RD
F [Specific Plan]
HI Heavy Industrial
R-36 Single Family Residential
R-36 Single Family Residential
4201 W. Jeremy Place
Current Zoning
4201 W Jeremy Pl Parcel
MARANA AZ
N
W
E
S
0
175
350
700
Feet


MR-2 Multi-Family (Med/High Density)
NC Neighborhood Commercial
R-8 Single Family Residential
W INA RD
VC Village Commercial
NC Neighborhood Commercial
N CAMINO MARTIN
W JEREMY PL
R-36 Single Family Residential
N THORNYDALE RD
F [Specific Plan]
HI Heavy Industrial
R-36 Single Family Residential
R-36 Single Family Residential
4201 W. Jeremy Place
Proposed Zoning
4201 W Jeremy Pl Parcel
MARANA AZ
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Feet

MARANA, ARIZONA

YOUR TOWN

PCZ2103-002
4201 W Jeremy Place Rezoning

Town Council
April 20, 2021

MARANA, ARIZONA
YOUR TOWN

Location and Request

- **Applicant/Owner**

  Pamela Sorenson

- **Request**

  Recommendation to Town Council for approval of rezoning

- **Location**

  4201 W Jeremy Place

  East of Camino Martin and south of Ina Road

- **Size**

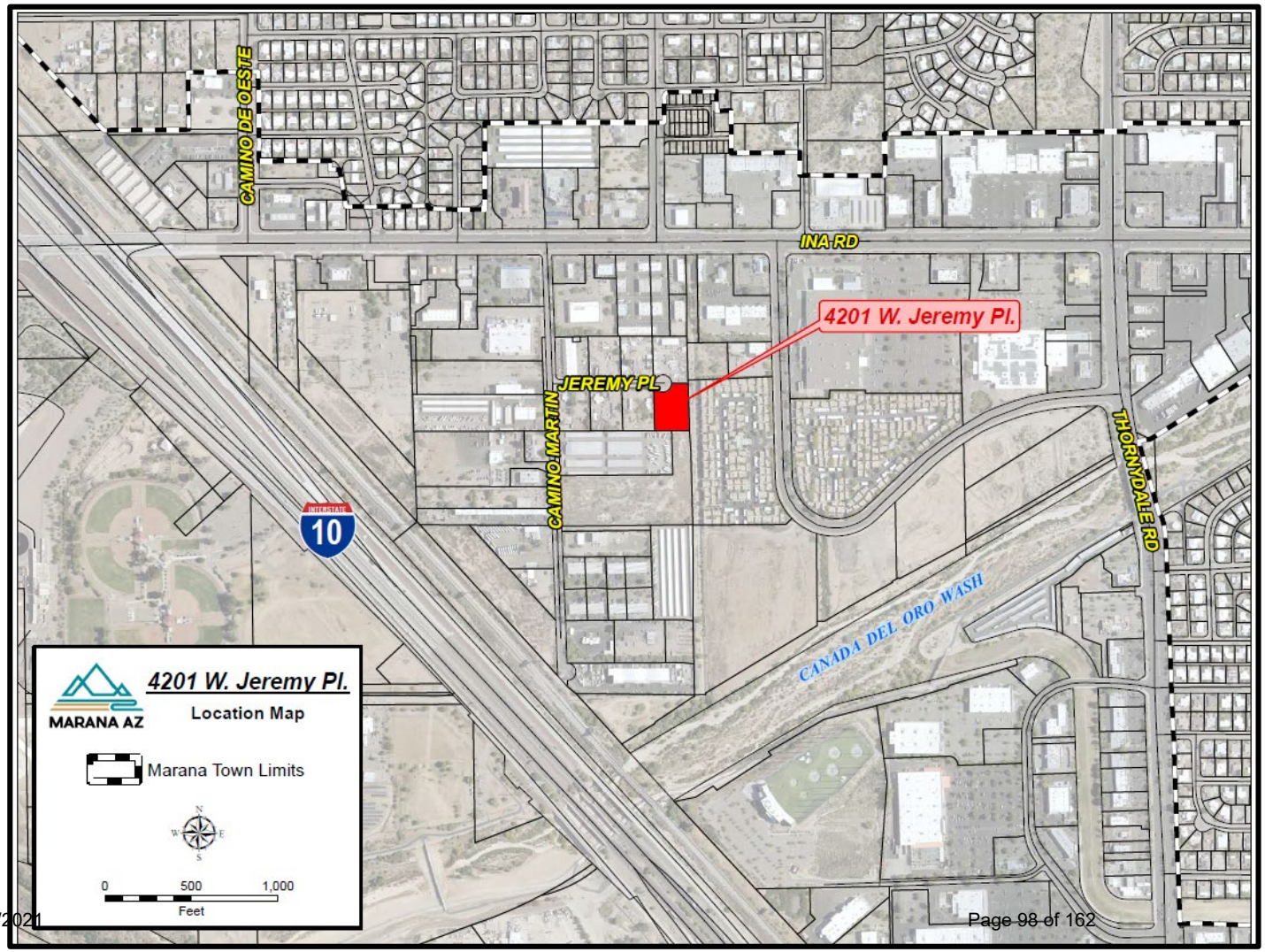
  1.16 acres

- **Current Zoning**

  R-36 Residential

- **FEMA Floodplain**

  Zone X



MARANA, ARIZONA
YOUR TOWN

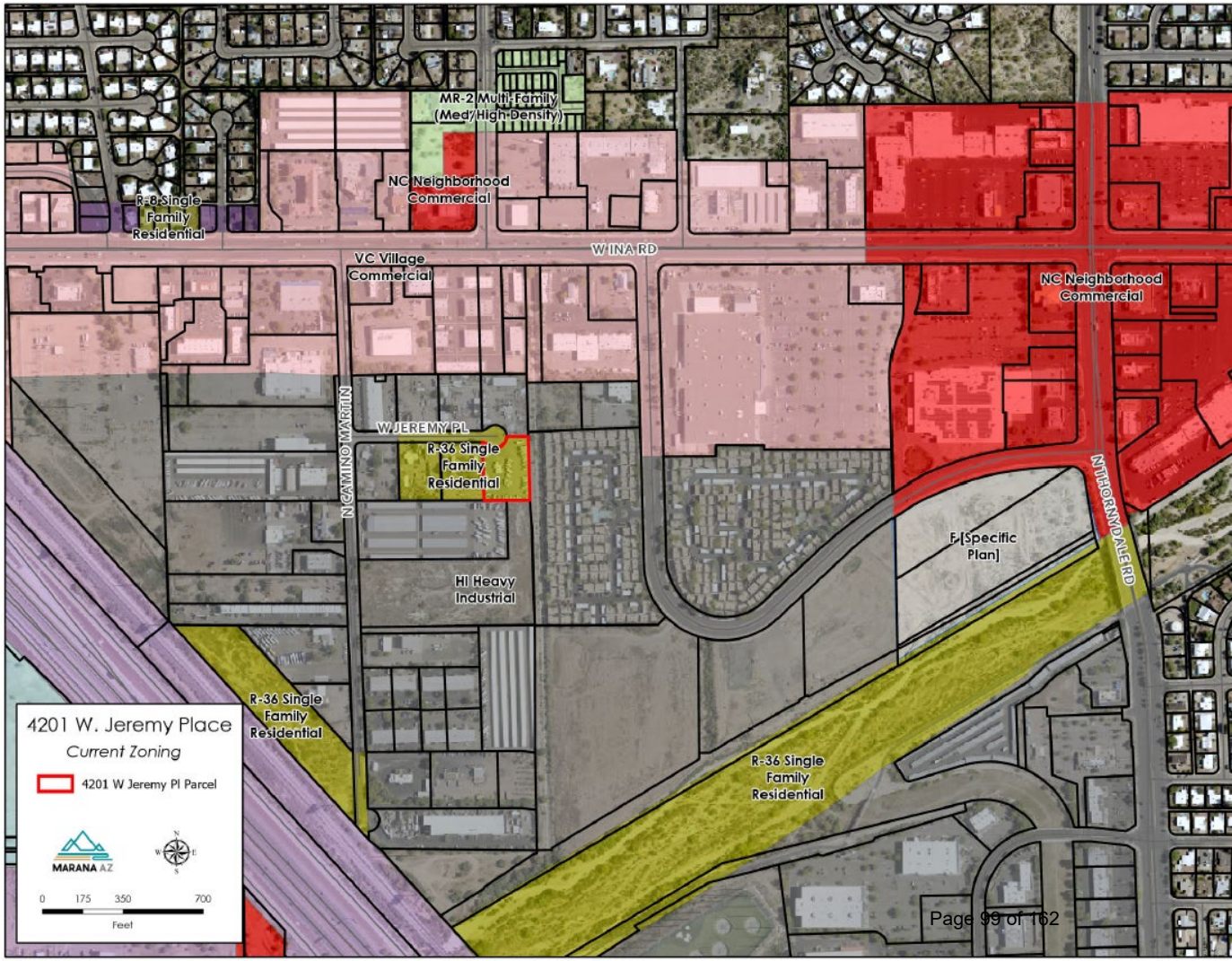
Existing Zoning

- **Town Annexation**

  Part of 1993 Ina/Thornydale Annexation (Ordinance #93.12)

- **Translational Zoning**

  Pima County Zoning - Suburban Homestead to Marana Zoning - R-36 Residential



General Plan

- **2040 General Plan Future Land Use**

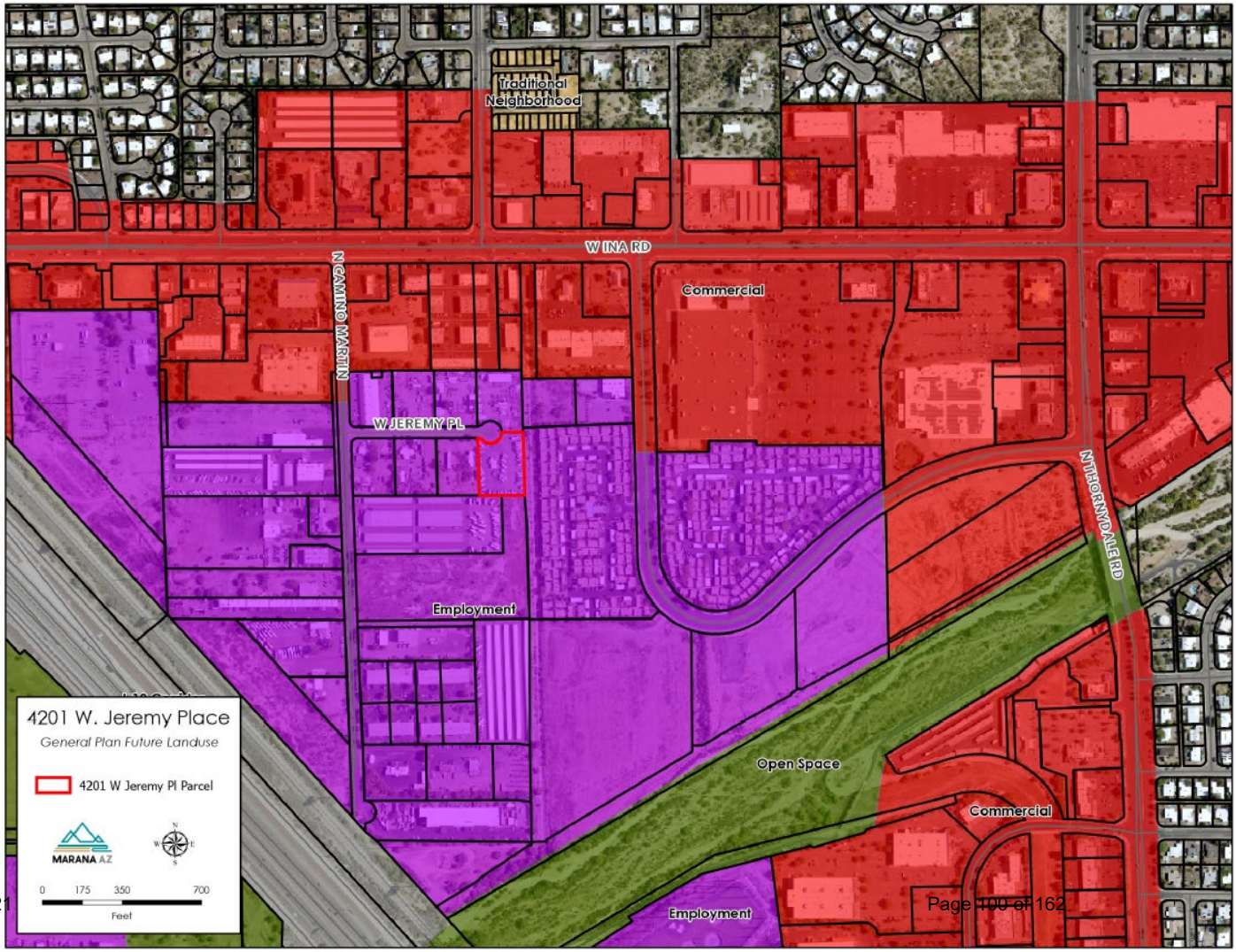
  Employment

  Industrial

  Warehousing

  Manufacturing

  R & D uses



Proposed Zoning

Rezoning Request

Heavy Industry (HI)

Consistent with General Plan Future Land Use - Employment

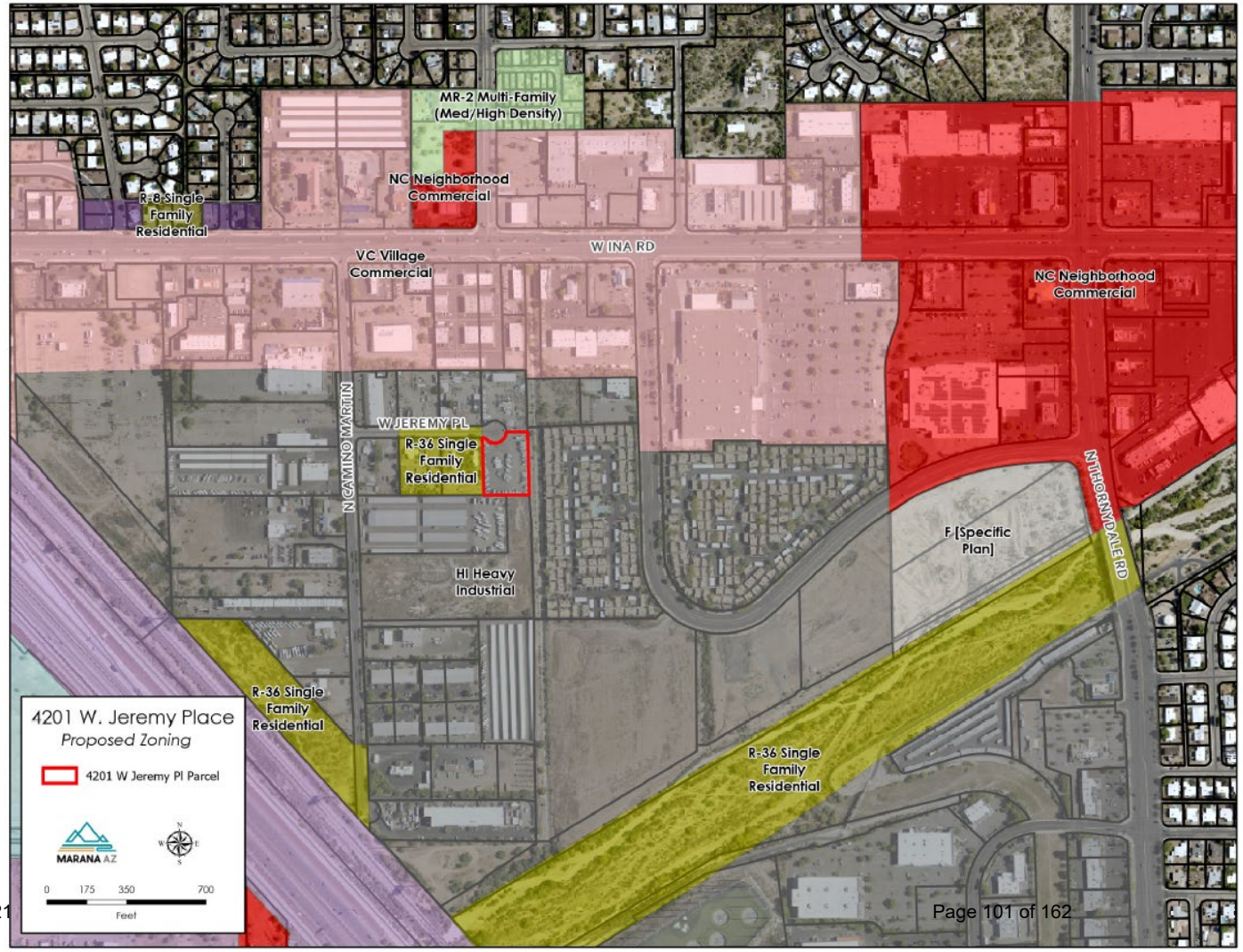
Allowed Use Examples

Manufacturing

Wholesale/ Warehouse

Commercial Services

All uses in MR-1, RC, LI



Recommendation

Recommendation

Staff recommends the adoption of Ordinance No. 2021.006, approving a rezoning of approximately 1.16 acres of land from R-36 Residential to HI Heavy Industry.

Council-Regular Meeting **A2**

Meeting Date: 04/20/2021

To: Mayor and Council

Submitted For: Curt Woody, Director of Economic Development and Tourism

From: Jane Fairall, Town Attorney

Date: April 20, 2021

Strategic Plan Focus Area:
Commerce

Strategic Plan Focus Area Additional Info:
Principle Statement 2: We will seek and retain diverse industries and commerce. Initiative 2. Research, evaluate, and implement economic development tools and strategies to support business development and expansion.

Subject: Resolution No. 2021-052: Relating to Economic Development; expanding the Marana Job Creation Incentive Program to include certain retail businesses and industries as Targeted Employers (Curt Woody)

Discussion:

The Marana Job Creation Incentive Program (MJCIP) was created in 2010 and extended and expanded in 2012 and 2017. The MJCIP is designed to attract "Targeted Employers" to Marana.

Under the MJCIP, a Targeted Employer is eligible to receive certain economic incentive reimbursements from Marana construction sales tax proceeds generated by the Targeted Employer. The economic incentives currently authorized under the MJCIP include certain employee relocation expenses, roadway beautification reimbursements, training costs, sustainable development activities, public infrastructure costs (including development impact fees for public infrastructure purposes), and other similar incentives. The Town's MJCIP summary sheet, taken from the Town's website, is attached as backup material.

The MJCIP currently defines a Targeted Employer as any non-retail business or industry that relocates or expands into facilities that generate at least $24,000 in Marana

construction sales tax and creates at least ten new Marana jobs with wages that equal or exceed $40,000. If approved, this proposed amendment will expand the program to include auto and RV dealerships as Targeted Employers, notwithstanding the general exclusion of retail businesses. The amended language will also allow the Town Manager to approve other similar retail businesses for the program, if the Town Attorney determines that it is within the Town's legal authority to do so.

Staff Recommendation:

Staff recommends approval of the resolution expanding the MJCIP.

Suggested Motion:

I move to adopt Resolution No. 2021-052, expanding the Marana Job Creation Incentive Program to include certain retail businesses and industries as Targeted Employers.

Attachments

Resolution 2021-052
MJCIP Summary

MARANA RESOLUTION NO. 2021-052

RELATING TO ECONOMIC DEVELOPMENT; EXPANDING THE MARANA JOB CREATION INCENTIVE PROGRAM TO INCLUDE CERTAIN RETAIL BUSINESSES AND INDUSTRIES AS TARGETED EMPLOYERS

WHEREAS A.R.S. § 9-500.11 authorizes the Town to make expenditures in support of economic development; and

WHEREAS the Mayor and Council originally adopted the Marana Job Creation Incentive Program (MJCIP) on May 4, 2010 by the adoption of Resolution No. 2010-044; and

WHEREAS the Mayor and Council expanded and extended the MJCIP on November 7, 2012 by the adoption of Resolution No. 2012-087; and

WHEREAS the Mayor and Council further expanded and extended the MJCIP on April 4, 2017 by the adoption of Resolution No. 2017-029; and

WHEREAS Section 3 of Resolution No. 2012-087 provides that for purposes of the MJCIP, a "Targeted Employer" is a non-retail business or industry that meets all of the qualifications of the MJCIP; and

WHEREAS the Mayor and Council find that expansion of the Marana Job Creation Incentive Program to include certain retail businesses is appropriate and prudent to address a continuing need to attract job growth and private investment in the town limits; and

WHEREAS the Mayor and Council find that, as expanded pursuant to this resolution, the Marana Job Creation Incentive Program will generate more direct and indirect revenue than the cost of the program.

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

SECTION 1. The definition of a "Targeted Employer" for purposes of the Marana Job Creation Incentive Program is hereby expanded by amending Section 3 of Marana Resolution No. 2012-087 as follows (with additions <u>double-underlined</u>):

For purposes of this resolution, a "Targeted Employer" is a non-retail business or industry<u>, except for those retail businesses or industries described in paragraph C, below,</u> that meets all of the following qualifications:

A. Relocates or expands into buildings and other improvements for which at least $24,000 in Marana construction sales tax has been generated since the effective date of this resolution. The qualification set forth in this paragraph is referred to in this resolution as the "Minimum Construction Requirement." The Targeted Employer is responsible to track and provide supporting documentation for Marana construction sales tax actually paid in connection with the construction of Targeted Employer's facility. Any contractor who does other taxable construction work in the town limits of Marana while working on Targeted Employer's facility must provide Marana with a separate accounting of Marana construction sales tax paid in connection with the construction of Targeted Employer's facility.

B. Since the effective date of this resolution has created at least 10 new jobs in Marana with wages that equal or exceed $40,000.

C. Notwithstanding the general exclusion of retail businesses and industries, automobile and recreational vehicle dealerships may qualify as Targeted Employers if they meet all of the qualifications outlined in paragraphs A and B, above. In addition, other retail businesses and industries similar to those enumerated in this paragraph C may qualify as Targeted Employers for purposes of this resolution, if approved by the Town Manager and if the Town Attorney determines that including them is within the town's legal authority.

SECTION 2. Except as modified by this resolution and by Resolution No. 2017-029, the Marana Job Creation Incentive Program adopted by Marana Resolution No. 2012-087 shall remain in full force and effect.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 20th day of April, 2021.

_____
Mayor Ed Honea

ATTEST:

_____
Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

MARANA JOB CREATION INCENTIVE PROGRAM (MJCIP)

MARANA AZ
ECONOMIC DEVELOPMENT & TOURISM

Established by Marana Resolution 2012-087 (effective Jan. 1, 2013)

GOAL

The goal of the Marana Job Creation Incentive Program (MJCIP) is to stimulate the development of sustainable, career-oriented, head-of-household wage jobs and commerce in Marana. The program is designed to encourage both new business attraction and existing business expansion, and meet the objectives set forth in the Marana Strategic Plan.

ADMINISTRATION

The MJCIP reallocates construction sales tax revenues received from a new construction or expansion project and makes them available for reimbursement to a qualifying employer. A participating employer must track and document construction sales taxes paid in association with its project. Funding available for reimbursement is limited to the amount collected in construction sales tax revenues by the Town of Marana from an individual project. Reimbursement requests must be made to the Town within three years of issuance of Certificate of Occupancy for the new or renovated structure. All program elements operate on a reimbursement basis. Documentation of allowable expenses must be submitted to the Town in order to receive reimbursement.

EMPLOYER QUALIFICATIONS

To qualify for the MJCIP, an employer must:

1. Generate a minimum of $24,000 in construction sales tax revenues (approximately equal to a $1 million construction cost investment) in Marana; and
2. Create at least 10 new, permanent, non-construction jobs in Marana which pay at least $40,000 annually; and
3. Be a non-retail enterprise.

ELEMENTS

Qualifying employers may request reimbursement for any or all of the following program elements:

1. Employee Relocation Expenses: An allowance of $3,000 per employee-purchased home within the Marana town limits to assist with the cost of relocating employees to a new facility. This reimbursement is also available to any new employee that does not already live in Marana who is hired as part of the employer's relocation or expansion.
2. I-10 Corridor and Main Arterial Roadways Beautification: Expenses which improve the appearance of the I-10 Corridor and main arterial roadways within the Marana town limits, including signage, building facade, and landscaping. Allowable projects must conform to Marana Commercial Design Standards and may be in public or private rights-of-way.
3. Student Internship and Training Opportunities: Actual costs of internship and training programs in the employer's industry for high school and college students who are Marana Residents.
4. Job Training: Actual costs of training programs for new or existing employees, including but not limited to the cost of course design and development, instruction costs for job-specific training, training materials and supplies, and training facility rental.
5. Sustainable Development: Actual costs associated with solar and/or wind energy improvements, low environmental impact development, and other green industry best practices.
6. Public Infrastructure Costs: Actual costs of constructing public infrastructure needed to serve the Targeted Employer's facilities, including the cost of any Town of Marana-adopted development impact fees paid by or on behalf of the Targeted Employer toward public infrastructure.

PROGRAM CONTACT

Curt Woody, Director - Economic Development \ (520) 382 -1900 ~ cwoody@maranaaz.gov

Council-Regular Meeting **A3**

Meeting Date: 04/20/2021

To: Mayor and Council

Submitted For: David Spurlock, Chief Building Official

From: David Spurlock, Chief Building Official

Date: April 20, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: Ordinance No. 2021.007: Relating to Building; adopting by reference the 2021 Town of Marana Outdoor Lighting Code; amending Town Code Section 7-1-2 (Building Codes Adopted); and designating an effective date (David L. Udall)

Resolution No. 2021-053: Relating to Building; declaring the 2021 Town of Marana Outdoor Lighting Code as a public record filed with the Town Clerk (David L. Udall)

Discussion:

The greater Tucson region of Southern Arizona is considered a premier location for astronomical observation and enjoyment of the night sky. To help preserve these assets, comprehensive outdoor lighting codes have been a priority within the region and for the Town of Marana. The Town's existing Outdoor Lighting Code was adopted in 2008 and has not been updated since that time.

The 2008 Outdoor Lighting Code does not address lighting technologies and trends that have become more common over the years in many households, such as the use of light emitting diode (LED) lighting and certain types of patio lighting. In addition to general clean-up, the proposed 2021 Outdoor Lighting Code accounts for LED lighting and plasma screens, removes the time-of-year restrictions for seasonal decorative lighting, adds special inspection requirements for certain lighting, removes restrictions on installing unshielded lighting that can be seen from adjacent residential property, adds a motion detection requirement for flood and spot lighting, and makes adjustments to total outdoor light output and outdoor light shielding requirements. The proposed 2021

Outdoor Lighting Code also sets forth new outdoor lighting source color temperature and curfew requirements and outlines the powers and duties of the building official as related to the lighting code. The proposed adjustments are designed to bring the lighting code up to date and to better align the administration of the lighting code with other adopted building codes.

While working on these revisions, Town staff has engaged with the Southern Arizona Home Builders Association (SAHBA) and the University of Arizona Astronomy Department.

Staff Recommendation:

Staff recommends adoption of the 2021 Town of Marana Outdoor Lighting Code.

Suggested Motion:

I move to adopt Ordinance No. 2021.007, adopting by reference the 2021 Town of Marana Outdoor Lighting Code and amending Marana Town Code Section 7-1-2 (Building Codes Adopted), and to adopt Resolution No. 2021-053, declaring the 2021 Town of Marana Outdoor Lighting Code a public record.

Attachments

Ordinance 2021.007
Resolution 2021-053
Exhibit A
Lighting Code appendix a map
Outdoor Lighting Code Comparison Redline

MARANA ORDINANCE NO. 2021.007

RELATING TO BUILDING; ADOPTING BY REFERENCE THE 2021 TOWN OF MARANA OUTDOOR LIGHTING CODE; AMENDING TOWN CODE SECTION 7-1-2 (BUILDING CODES ADOPTED); AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Mayor and Council of the Town of Marana find that the adoption of the 2021 Town of Marana Outdoor Lighting Code is in the best interest of the Town of Marana and the general public; and

WHEREAS the 2021 Town of Marana Outdoor Lighting Code is a lengthy document that may appropriately be adopted by reference under A.R.S. § 9-802.

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

SECTION 1. The document known as the "2021 Town of Marana Outdoor Lighting Code," 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 was made a public record by and attached as Exhibit A to Marana Resolution No. 2021-053, is hereby referred to, adopted, and made part of this ordinance as if fully set forth here.

SECTION 2. Marana Town Code Section 7-1-2 (Building Codes Adopted), paragraph B is revised as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

> B. The Marana building code adopts by reference the ~~2008~~2021 Town of Marana outdoor lighting code, which is on file with the town clerk's office.

SECTION 3. The following penalty clauses are included in the 2021 Town of Marana Outdoor Lighting Code:

SECTION 108
VIOLATIONS

108.1 Unlawful acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, install, use or demolish outdoor lighting equipment as regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code

108.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing, demolition or use of any outdoor lighting in

violation of this code or in violation of a detail statement or a plan approved hereunder, or in violation of a permit issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The property owner or authorized agent of the owner shall comply with the requirements of the notice of violation or file a notice of appeal in accordance with the provisions of section 102.10 above within the time period given on the notice for abatement of the violation.

108.3 Enforcement and penalties. Failure to address a notice of violation in a timely fashion may result in the issuance of a civil citation as provided for in chapter 5-7 of the Marana Town Code. Such citation shall not excuse the need to correct or abate such violation, or to remove or terminate the unlawful use of outdoor lighting in violation of the provisions of this code or of the order or direction made pursuant thereto. Each day a violation continues shall be considered a separate offense.

SECTION 4. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance, including but not limited to the 2008 Marana Outdoor Lighting Code, are hereby repealed, effective 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 6. If any section, subsection, sentence, clause, phrase or portion of the 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 7. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of April, 2021.

_____
Mayor Ed Honea

ATTEST:

_____
Cherry Lawson, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

MARANA RESOLUTION NO. 2021-053

RELATING TO BUILDING; DECLARING THE 2021 TOWN OF MARANA OUTDOOR LIGHTING CODE AS A PUBLIC RECORD FILED WITH THE TOWN CLERK

BE IT RESOLVED by the Mayor and Council of the Town of Marana, Arizona, that the "2021 Town of Marana Outdoor Lighting Code," 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 20th day of April, 2021.

Mayor Ed Honea

ATTEST:

Cherry Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

TOWN OF MARANA OUTDOOR LIGHTING CODE

ORDINANCE #2021.007

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CHAPTER l
SCOPE AND ADMINISTRATION

SECTION 101
GENERAL

101.1 Title. These provisions shall be known as the Outdoor Lighting Code for the Town of Marana. They shall be cited as such and will be referred to herein as "this code."

101.2 Scope. The provisions of the Town of Marana Outdoor Lighting Code apply to the construction, alteration, movement, enlargement, replacement and installation of outdoor lighting throughout the town.

101.3 Purpose and intent. The purpose of this code is to preserve the relationship of the residents of the Town of Marana to their unique desert environment through protection of access to the dark night sky. Intended outcomes include continuing support of astronomical activity and minimizing wasted energy, while not compromising the safety, security and wellbeing of persons engaged in outdoor night time activities. It is the intent of this code to control the obtrusive aspects of excessive and careless outdoor lighting usage while preserving, protecting and enhancing the lawful nighttime use and enjoyment of any and all property. It is recognized that portions of properties may be required to be unlit, covered, or have reduced lighting levels in order to allow enough lumens in the lighted areas to achieve light levels in accordance with nationally recognized recommended practices.

101.4 Conformance with codes. All outdoor illuminating devices shall be installed in conformance with the provisions of this code and all codes adopted under title 7 of the Marana Town Code and under appropriate permit and inspection.

SECTION 102
APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between the general requirements and a specific requirement, the specific requirement shall be applicable.

102.2 Other laws. If any part of this title conflicts with federal or state law or regulation, then such federal or state authority shall take precedence. In any case where a provision of this code is in conflict with a provision of any ordinance, code, rule, or regulation of the Town of Marana, the provision that establishes the most restrictive standard shall apply.

102.3 Application of references. References to chapter or section numbers herein, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. Other codes and standards referenced in this code shall be considered as part of the requirements of this code to the prescribed extent of each such reference, subject to the following:

102.4.1 Conflicts. Where conflicts occur between provisions of this code and other referenced codes and standards, the provisions of this code shall apply.

102.4.2 Provisions in referenced code and standards. To the extent a reference to another code or standard includes subject matter that is within the scope of this code or the codes listed in section 101.4, the provisions of this code or codes listed in section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.5 Partial invalidity. If any of the provisions of this code or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this code which can be given effect, and to this end, the provisions of this code are declared to be servable.

102.6 New uses, buildings and additions or modifications. All proposed new land uses, developments, buildings, structures, or building additions, shall meet the requirements of this code. Modification or replacement (other than maintenance) of outdoor lighting fixtures shall meet the provisions of this code.

102.7 Existing installations. All outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified under this chapter are exempt from all requirements of this code. The installation shall be maintained in accordance with the edition of the Outdoor Lighting Code under which it was installed.

102.8 Resumption of use after abandonment. If a property or use with non-conforming lighting is abandoned as defined in chapter 2, then all outdoor lighting shall be reviewed and brought into compliance with this code before the use is resumed.

102.9 Change of use. Whenever the use of any existing building, structure, or premises is changed to a new use as defined in the building code referenced in title 7 of the Marana Town Code, all outdoor lighting shall be reviewed and brought into compliance with this code before the new use commences.

102.10 Appeals. Any person substantially aggrieved by any decision of the building official made in administration of this code has the right and responsibilities of appeal to the Advisory/Appeals Board of this jurisdiction.

SECTION 103
DUTIES AND POWERS OF THE BUILDING OFFICIAL

103.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures for the purposes of applying this code. Such interpretations, policies and procedures shall conform to the purpose and intent of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

103.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the construction, alteration, movement, enlargement, replacement and installation of outdoor lighting throughout the town.

103.3 Notices and orders. The building official shall issue necessary notices or orders to insure compliance with this code.

103.4 Inspections. The building official shall make the required inspections and shall have the authority to accept reports of inspections by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by an officer of the approved agency or by the individual. The building official is authorized to seek expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the Marana Town Council.

103.5 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that, if such structure or premises be occupied, credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

103.6 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records of the building official for the period required for retention of public records.

103.7 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's authorized agent, provided that the building official shall first find that special individual reason makes the strict application of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications shall be documented and entered in the files of the department of building safety.

103.8 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been

approved by the building official. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

103.8.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

103.8.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require testing for evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized testing standards. In the absence of recognized and accepted testing methods, the building official shall approve the testing procedures. Testing shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION 104
EXEMPTIONS

104.1 Gas lighting. All outdoor lighting fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the provisions of this code.

104.2 Lighting in the public right-of-way. Outdoor lighting installed in the public right-of-way is exempt from the provisions of this code. Engineering standards apply and require an approval from the Town of Marana Engineering Department

104.3 Seasonal decorative lighting. Seasonal decorations using unshielded low wattage lamps following curfew requirements under section 405, color temperature requirements under section 404, and maximum lumens under section 401 are exempt from the provisions of this code

104.4 Neon sign lighting. Neon lighting shall be exempt from the requirements of chapter 4 of this code when used for sign lighting, but not exempt for any other uses.

104.5 Emergency egress lighting. Emergency egress lighting, when required under building regulations and illuminated only during an emergency event, shall be exempt from the requirements of this code.

104.6 Temporary exemption. Any person may submit a written request, on a form prepared by the jurisdiction, to the jurisdiction for temporary exemption request. A temporary exemption shall contain the following information:

1. Specific exemption(s) requested.
2. Type and use of outdoor light fixture involved.
3. Duration of time of the requested exemption.

4. Type of lamp and lamp lumens.
5. Total wattage of lamp or lamps and number of lamps to be used.
6. Proposed location on premises of the outdoor lighting fixture(s).
7. Previous temporary exemptions, if any, and addresses of premises thereunder.
8. Physical size of outdoor light fixture(s) and type of shielding provided.
9. Other data and information that may be required by the building official.

104.7 Approval and duration. The jurisdiction shall have five business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than thirty days from the date of issuance of the approval. The approval shall be renewable at the discretion of the building official upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty additional days.

104.8 Disapproval and appeal. If the request for temporary exemption is disapproved, the person making the request will have the appeal rights provided in section 102.10 of this code.

SECTION 105
PERMIT, PLAN SUBMISSION AND INSPECTION REQUIREMENTS

105.1 Permit required. Any owner, occupant or authorized agent who intends to install, construct, enlarge, alter, repair, move, or change any outdoor lighting within Town of Marana jurisdiction, the installation of which is regulated by this code, shall first make application to the building official and obtain the required outdoor lighting permit.

105.2 Permit submission requirements. The permit submission shall contain the following:

1. Plans indicating the location and type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, additional shielding, and other devices that may include, but is not limited to, catalog cut sheets from the manufacturer.
3. If canopy lighting is being proposed, then provide calculations for average maintained levels of horizontal illuminance at 36 inches above grade level in foot candles. Provide evidence of the fixtures being hidden from sight at the property line.
4. Photometric data established by the fixture manufacturers or credible source, showing the angle of cutoff or light emissions. Photometric data need not be submitted when the full cutoff performance of the fixture is obvious to the reviewer.
5. Additional photometric data and site structure information as necessary to assure that there is no light trespass on adjacent properties in excess of that allowed by this code.
6. A stamp or statement on the plans stamped by a registered design professional certifying compliance with the requirements of this code. The building official may waive this requirement for small installations.
7. For sites in Lighting Area E3 that exceed 6 acres, a master lighting study may be submitted that indicates an overall lumen calculation for the entire site. The study shall indicate actual lumens used for lighting being presently installed and an estimate for future pads, parcels, buildings and phases. The total lumens for the overall project shall be tracked by a single design professional designated by the owner and submitted as a cumulative total to the Town of Marana. The overall project lumens shall be tracked to show current compliance and ability to develop future areas within the limit of the overall allowed lumens. If a parcel is sold by the owner after a master lighting study is approved, the new owner has the option to continue development with the original designated design professional utilizing the overall project lumens.

105.3 Luminaire schedule on plans. There shall be a schedule on the plans to confirm compliance with the lumen cap per table 401.1, and which includes the following information:

1. Each exterior luminaire type with the mean lumens for that type.
2. The quantity of each type and whether the luminaire is full cutoff or non-cutoff shielded.
3. The total of full cutoff and non-cutoff shielded mean lumens for the parcel.
4. A statement of the lighting area, the size of the permitted parcel, and the maximum allowed full cutoff and non-cutoff shielded mean lumens.
5. Acreage of the parcel and/or site.
6. Option used per table 401.1.
7. Total allowed lumens for the parcel and/or site.

Exception: When a submittal includes a statement by a registered design professional stating that the existing site lighting is being modified less that ten percent, it shall not be necessary to comply with section 105.3.

105.4 Additional submissions. The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily ascertain code compliance. If such plans, descriptions and data are insufficient to enable this ready determination, by reason of the nature of configuration of devices, fixtures, or lamps proposed, the application will be deemed incomplete. The plans examiner may require additional evidence of compliance such as certified reports of tests by a recognized testing laboratory

105.5 Subdivision plat certification and development plan. If any subdivision or development proposed to have installed common or public area outdoor lighting, the final plat or development plan shall contain a statement certifying that the applicable provisions of this code will be complied with. Specific plans for lighting shall not be included on the plat but will rather be contained on the building permit plans.

105.6 Lamp or fixture substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted by the design professional to the building official for approval, together with adequate information to assure compliance with this code.

105.7 Inspections. The owner of a property, or the authorized agent of the owner, shall request all required inspections as noted on the permit issued under this code. All inspection requests shall be made at appropriate intervals as noted on the permit and it is the responsibility of the property owner or authorized agent of the owner to assure that all required inspections receive approval from the building official and that final inspection approval is obtained prior to placing the permitted outdoor lighting into service.

105.7.1 Special inspection requirement. Special inspection shall be required when:

1. The lumens per net acre are greater than 100,000 or 75% of the allowable lumens per table 401.1, whichever is less.
2. All recreational facility lighting.
3. All outdoor display lots.

SECTION 106
PROHIBITIONS

106.1 Mercury vapor lamps and fixtures. The installation, sale, offer for sale, lease or purchase of any mercury vapor lamp for use within the Town of Marana as outdoor lighting is prohibited.

106.2 Bottom mounted outdoor advertising sign lighting. Bottom mounted outdoor advertising sign lighting is prohibited.

106.3 Laser source lighting. The use of laser source lighting or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.

106.4 Searchlights. The operation of searchlights for advertising purposes is prohibited.

SECTION 107
OUTDOOR LIGHTING DESIGN STANDARDS

107.1 General design standards. The design shall incorporate at least 80 percent of the allowed lumens or meet the minimum illumination levels recommended in the latest Handbook of the Illuminating Engineering Society of North America (IESNA).

107.2 Spacing. Light poles and luminaires shall be spaced in a manner to provide lighting distribution as recommended by the IESNA in areas of frequent use such as parking lots and pedestrian walkways taking height limitations into account.

107.3 Canopy lighting. Canopy lighting shall have a maximum average maintained horizontal illuminance level at 36 inches above grade of 60 foot candles (fc) in Area E3 and 45 fc in Area E2

107.4 Non-cutoff shielded lighting. All non-cutoff shielded light fixtures, including unshielded seasonal decorations, shall be turned off between 11:00 p.m. and sunrise.

Exception: Commercial properties that operate on a 24 hour basis.

107.5 Flood and spot lights. Flood and spot lights shall be installed within a shielded housing and aimed such that the source shall not be visible from any adjacent residential property. When installed on a residential property, flood and spot lights must be controlled by a motion detection device.

107.6 Lighting types approved. Lighting types shall consist of low pressure sodium (LPS), high pressure sodium (HPS), metal halide (MH), fluorescent, incandescent, gas filled tubing, light emitting diode (LED) and any other lighting source approved by the building official.

107.7 Lighting required for business operation. Lighting required for business operation may be allowed to remain on until 11:00 p.m. or until close of business, whichever is later.

SECTION 108
VIOLATIONS

108.1 Unlawful acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, install, use or demolish outdoor lighting equipment as

regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code

108.2 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing, demolition or use of any outdoor lighting in violation of this code or in violation of a detail statement or a plan approved hereunder, or in violation of a permit issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The property owner or authorized agent of the owner shall comply with the requirements of the notice of violation or file a notice of appeal in accordance with the provisions of section 102.10 above within the time period given on the notice for abatement of the violation.

108.3 Enforcement and penalties. Failure to address a notice of violation in a timely fashion may result in the issuance of a civil citation as provided for in chapter 5-7 of the Marana Town Code. Such citation shall not excuse the need to correct or abate such violation, or to remove or terminate the unlawful use of outdoor lighting in violation of the provisions of this code or of the order or direction made pursuant thereto. Each day a violation continues shall be considered a separate offense.

CHAPTER 2
DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings indicated in this chapter.

201.2 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202
DEFINITIONS

ABANDONMENT. The relinquishment of a property, or the cessation of the use or activity by the owner or tenant for a period of six months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principal use of the property.

APPROVED. Acceptable to the building official.

BUILDING OFFICIAL. The official or other designated authority charged with the administration of this code, or a duly authorized representative.

CURFEW. A time established for listed lighting systems to be automatically extinguished.

DEVELOPMENT PROJECT. Any residential, commercial, industrial or mixed use subdivision plan

or development plan which is submitted to the jurisdiction for approval or for permit.

DIRECT ILLUMINATION. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

DISPLAY LOT OR AREA. Outdoor areas where active nighttime sales activities occur, and where accurate color perception by customers is required. To qualify as a display lot, one of the following specific uses must occur:

1. Vehicle sales (autos, recreational vehicles, boats, motorcycles etc.).
2. Assembly lots.
3. Swap meets.
4. Airport and automobile fueling areas.

Uses not on this list must be approved as a display lot use by the building official.

FULL CUTOFF LIGHT FIXTURE. A light fixture shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane, as certified by photometric test reports. Such candela information shall be as determined by a photometric test report from a nationally recognized independent testing laboratory and as certified by the manufacturer. Any structural part of the luminaire provided this cutoff angle shielding shall be permanently attached.

GLARE. The definition of glare shall be as found in the Illuminating Engineering Society of North America (IESNA) handbook.

INSTALLED. The attachment, or assembly fixed in place, whether or not connected to a power source, or any outdoor light fixture.

LAMP. Generic term for a man-made source of light. In the context of this code, "lamp" means electrically powered light bulb, fluorescent or neon tube or LED light source.

LED. Light emitting diode solid state lighting source.

LIGHT FIXTURE OR LUMINAIRE. The complete lighting assembly, less the support assembly. The terms "light fixture" and "luminaire" may be used interchangeably in this code. "Light fixture" and "luminaire" do not include unshielded lighting strings that are plugged into an approved receptacle. Two or more units with lamps less than three feet apart shall be considered a single light fixture or luminaire.

LUMEN. Unit of luminous flux used to measure the amount of light emitted by lamps.

NET ACREAGE. The remaining found area after deleting all portions of proposed and existing public streets within a parcel.

NON-CUTOFF SHIELDED FIXTURE. A light fixture that does not comply with the full cutoff light fixture requirements of this code, but does comply with shielding requirements.

OPAQUE. "Opaque" means that the material shall not transmit visible light.

OUTDOOR LIGHT FIXTURE. An outdoor illuminating device, outdoor lighting or reflective

surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but not be limited to:

1. Street lighting.
2. Parking lot lighting.
3. Building and structural lighting.
4. Landscaping lighting.
5. Recreational lighting.
6. Billboards and other signs (advertising or otherwise).
7. Product display area lighting.
8. Building overhangs and open canopy lighting.
9. Security lighting.
10. Searchlight, spotlight, flood lights and laser lights.

OUTDOOR RECREATION FACILITY. An area designed for active recreation, whether publicly or privately owned, including but not limited to baseball, soccer, and football fields, golf courses, tennis courts, swimming pools and race tracks of any sort.

PERSON. Any individual, tenant, lessee, owner, or any commercial entity, including but not limited to a firm, business, partnership, joint venture or corporation.

PROPERTY LINE. The property line used to determine pole height shall be the actual property line. Common areas, streets and right-of-ways shall not be used to allow increases in pole heights.

PUBLIC RIGHT-OF-WAY. A road, street, alley or highway permanently dedicated to the public for public use.

SHIELDING/SHIELDED. Construction of a luminaire, the location of a fixture or the addition of materials to prevent the light source from being seen from an adjacent residential property. The shielding must be permanent and non-reflective. Care should be taken to ensure additional shielding added to a luminaire does not affect the listing or warranty of the luminaire.

TEMPORARY LIGHTING. Lighting which does not conform to the provisions of this code and which will not be used for more than one thirty day period within a calendar year, with one thirty day extension. Temporary lighting is intended for uses that, by their nature, are of limited duration (e.g., holiday decorations, civic events or construction projects).

CHAPTER 3
LIGHTING AREAS

SECTION 301
DESCRIPTION OF LIGHTING AREAS

301.1 Lighting areas. Lighting areas shall be as described and defined on the Town of Marana Lighting Area Map incorporated within this code as Appendix A, and as further described within this section.

301.2 Lighting Area E3. Lighting Area E3 is an urban area with primary land uses for commercial, business, industrial activity, apartments and surrounded by suburban residential areas.

301.3 Lighting Area E2. Lighting Area E2 comprises rural residential and agricultural areas.

Exception: Properties located within Lighting Area E2 on the Marana Lighting Area Map that are determined to be a commercial or industrial use by the Town of Marana planning manager, or otherwise have an allowed commercial use, shall be deemed to be located within Lighting Area E3. In the case of rezoning, outdoor lighting levels and the purposes and intent of this code shall be a rezoning consideration and outdoor lighting levels may be restricted by the rezoning authority.

301.4 Lighting area C. Lighting Area C comprises areas designated as land banks, conservation areas or any environmental areas of special consideration as designated by the Marana Town Council. Lighting in these areas shall be limited to lighting for public safety only.

301.5 Properties in more than one lighting area. A property located in more than one of the lighting areas described within this chapter shall be considered to be only in the most restrictive lighting area.

CHAPTER 4
TOTAL OUTDOOR LIGHT OUTPUT, SHIEDLING, FIXTURE HEIGHT REQUIREMENTS

SECTION 401
TOTAL OUTDOOR LIGHT OUTPUT

401.1 Calculation of total outdoor light output for property. Total outdoor light output shall not exceed the lumen limits given in table 401.1. In the table, "total" means the sum of emitted light on the site. For determining compliance with this code, the total lumens shall be the sum of the following:

1. One hundred percent of the lumens from outdoor full cutoff and non-cutoff shielded fixtures installed on grade, on poles, and on the top or sides of buildings or other structures, when not shielded from above by the structure.
2. One hundred percent of the lumens from externally illuminated signs.
3. Fifty percent of the lumens from underwater light fixtures unless the fixture is aimed at an angle of less than 45 degrees above the horizontal plane, in which case the lumens shall be calculated at ten percent of the total lumen output.
4. Twenty percent of full cutoff fixtures installed under canopies, building overhangs or roof eaves.
5. Zero percent of internally illuminated and LED signs, and lights illuminating a flag of the United States of America when shining downward.

401.2 Calculation of total light output for fixture lamps. The total amount of light, measured in lumens, is limited to a value per net acre of the site. The output from all outdoor light fixture lamps shall be determined as follows:

1. For lamp types that vary in light output as they age (such as fluorescent or high intensity discharge lamps) the mean lumen output, as defined by the lamp manufacturer, shall be the lumen value used. For lamps not listed with mean lumens, the initial rating shall be used.
2. The light output for each outdoor light fixture shall be based on the largest lamp that the outdoor light fixture is rated to accommodate. Furthermore, the largest lamp rating for fluorescent and high intensity discharge fixtures shall be based on the installed ballast rating.

401.3 Other than full cutoff lighting. Unshielded fixtures or lighting sources shall not exceed 3,000 lumens per luminaire.

Exception: Non-full cutoff lighting installed in accordance with section 601.

TABLE 401.1

MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT REQUIREMENTS

LUMEN CAPS: MEAN LUMENS PER NET ACRE OF PARCEL OR LOT			
LIGHTING AREAS *(As defined in section 301 and on Town of Marana Outdoor Lighting Map.)*	**E3**	**E2**	**C**
COMMERCIAL AND INDUSTRIAL - OPTION 1 (1) *(Mostly low pressure sodium fixtures.)*			
Total full cutoff LPS fixtures, plus full cutoff non-LPS fixtures, plus non-cutoff shielded fixtures. (5)	450,000	200,000	SP (4)
Limit on non-LPS full cutoff fixtures. (5)	45,000	18,000	SP (4)
Limit on non-cutoff shielded fixtures. (5)	12,000	6,000	SP (4)
COMMERCIAL AND INDUSTRIAL - OPTION 2 (1) *(Mostly non-low pressure sodium fixtures)*			
Total full cutoff fixtures, plus non-cutoff shielded fixtures. (5)	300,000	65,000	SP (4)
Limit on non-cutoff shielded fixtures. (5)	12,000	6,000	SP (4)
ALL RESIDENTIAL ZONING (2) (3)			
Total full cutoff fixtures, plus non-cutoff shielded fixtures.	55,000	24,000	SP (4)
Limit on non-cutoff shielded fixtures. (5)	12,000	6,000	SP (4)

Table footnotes:

1. Use any one of the options for the entire property.
2. This refers to all residential land-use zoning, including all densities and types of housing such as single family, detached and duplexes.
3. If LPS is used for residential lighting, then the total lumens in the table for all areas can be increased by 50 percent of full cutoff LPS lighting.
4. "SP" indicates special permit where local conditions warrant low level lighting design.
5. Non-cutoff shielded fixtures shall not exceed 3,000 mean lumens output per fixture, and shall meet the shielding requirements of this code.

SECTION 402
OUTDOOR LIGHT SHIELDING

402.1 Full cutoff requirements. All outdoor light fixtures are required to meet the full cutoff requirements of this code.

Exception: Fixtures described in table 401.1 as non-cutoff shielded, internal and LED

sign lighting. Seasonal decorative lighting as described in section 104.

402.2 Shielding requirements. All outdoor lighting fixtures are required to meet the following shielding requirements:

1. All outdoor lighting within 150 feet or ten times the mounting height of the fixture, whichever is greater, of an adjacent residential property shall have external shields installed. Additional shielding may be required by the building official when glare intrudes into residential areas or affects visibility of traffic signals or signage.
2. Flood and spot lights shall be installed within a shielded housing and aimed such that the source shall not be visible from any adjacent residential property.
3. Light trespass into residential areas shall not exceed 0.3 foot candles measured vertically at 5 feet above the ground.
4. Residential and commercial luminaires shall be full cutoff within 25 feet of adjacent residential property lines, measured perpendicular to the lot line.

Exception: Internal and LED sign lighting. Seasonal decorative lighting as described within section 104.

SECTION 403
FIXTURE HEIGHT REQUIREMENTS

403.1 Outdoor light fixture height requirements:

1. The height of a pole-mounted luminaire shall be measured from finished grade to the bottom of the lens of the luminaire and fixture poles shall not extend more than two feet above the allowed mounting height.
2. The height of a pole-mounted luminaire above finished grade shall not exceed 42 feet for a property that exceeds 25 acres, 30 feet for a property between six and 25 acres, and 20 feet for a property less than six acres. For properties that exceed six acres, any pole within 150 feet of an adjacent residential property shall not exceed 20 feet in height.
3. All lighting fixtures on the residential side of commercial or industrial property and adjacent to residential property shall be full cutoff and shall be limited in height to ten feet at the property line and may increase in height at a rate of one foot for every two feet and six inches away from the property line up to the maximum height for the area of the site.
4. All wall mounted luminaires utilizing lamps in excess of 4,000 lumens and/or installed above nine feet in elevation shall be equipped with external shields and provided with forward throw optical characteristics so as to minimize the reflected light off the wall below the luminaire. See sections 401.1 and 401.2 for additional requirements.

SECTION 404
OUTDOOR LIGHTING SOURCE COLOR TEMPERATURE

404.1 Rated color temperature. The rated color temperature of light sources (lamps and fixtures) shall not exceed 3000K.

Exception No. 1: Recreation and outdoor display lots complying with chapters 6 and 7 of this code.
Exception No. 2: Existing legal, non-conforming light fixtures may be re-lamped with greater than 3000K rated lamps when 3000K or lower rated lamps are not manufactured for such fixtures.

SECTION 405
CURFEW REQUIREMENTS

405.1 Unshielded Light Sources. Unshielded lighting shall be extinguished between 11:00 p.m. and sunrise the following day.

Exception No. 1: Unshielded lighting installed for the illumination of the flag of the United States of America.

Exception No. 2: Unshielded lighting installed in accordance with section 601.2 shall be turned off in accordance with the curfew requirements of section 601.3.

405.2 Illuminated signs. Refer to section 501.5.

405.3 Recreational facilities. Refer to section 601.3.

405.4 Outdoor display lot. Refer to section 701.3.

405.5 Outdoor lighting controls. The use of outdoor lighting controls shall be as follows:

405.5.1. The means of controlling the specific "off" curfew shall be by a 24-hour timing device that includes stand-by power to maintain the time and program for a minimum of six hours.

405.5.2. Whenever any curfew "off" time is required by this code, a permanent sign or notice shall be installed in or on the 24-hour timing device stating the required turn-off time. Such sign or notice may be installed within the cover of the 24-hour timing device such that it is visible whenever the device is set or adjusted.

CHAPTER 5
SIGN LIGHTING

SECTION 501
OUTDOOR ADVERTISING SIGNS

501.1 External illumination of on-site signs. External illumination for on-site signs shall conform to all provisions of this code and shall also conform to the lamp source, shielding restrictions, color temperature and lumen caps set forth in chapter 4.

501.2 Illumination of off-site advertising signs. Illumination of outdoor advertising off-site signs is prohibited.

Exception: The use of lighting fixtures legally installed in Lighting Areas E2 and E3 prior to the effective date of this code may continue, provided such fixtures are mounted on the top of the sign structure, are not illuminated between the hours of 11:00 p.m. and sunrise, and comply with all other provisions of the code.

501.3 Internally illuminated advertising signs. Internally illuminated outdoor advertising signs shall not be counted toward the lumen caps described in chapter 4 of this code. Outdoor internally illuminated advertising signs constructed with an opaque or colored background and translucent text and symbols are strongly preferred so as to reduce any potential detrimental effects.

501.4 LED, LCD, plasma screen and similar signs. LED, LCD, plasma screen and similar outdoor advertising signs shall not be counted within the lumen caps described within chapter 4 of this code. All outdoor LED, LCD, plasma screen and similar advertising signs shall be limited to a maximum luminous intensity of 280 cd/m^2 (candela per square meter), full white mode, from sunset to sunrise. In addition, outdoor LED, LCD, plasma screen advertising signs shall be turned off at curfew times listed within table 501.5, or the close of business, whichever is later.

501.5 Outdoor illuminated sign curfews. Illumination for all advertising signs, both external and internal, shall be reduced by 50 % or turned off at the curfew times listed in table 501.5, or when the business activities cease, whichever is later. Billboards with legally installed lights shall be turned off at 11:00 p.m.

TABLE 501.5
ILLUMINATED SIGN CURFEWS

LIGHTING AREAS (Defined in section 301 and on Town of Marana Outdoor Lighting Map.)	**E3**	**E2**	**C**
COMMERCIAL AND INDUSTRIAL ZONING	12:00 a.m.	11:00 p.m.	X
ALL RESIDENTIAL ZONING	11:00 p.m.	10:00 p.m.	X

X = Not allowed

CHAPTER 6
RECREATIONAL FACILITES

SECTION 601
ILLUMINATION OF RECREATIONAL FACILITES

601.1 Lighting not directly related to athletic areas. All site lighting not directly associated with the athletic playing areas shall conform to the lighting standards described in this code, including but not limited to the shielding requirements set forth in chapter 4 and the lumens-per-acre limits in table 401.1.

601.2 Athletic lighting exempt from lumen limits. Lighting for athletic fields, courts or tracks shall be exempt from the lumens-per-acre limits in table 401.1. All such lighting shall utilize full cutoff luminaires that are installed in a fashion that maintains the full cutoff characteristics. Every such lighting system design shall be certified by a registered engineer as conforming to all applicable restrictions of this code.

Exception: Where full cutoff fixtures are not utilized, acceptable luminaires shall include those which are provided with internal and/or external glare control louvers and installed so as to limit direct up-light to less than five percent of the total lumens exiting from the installed fixture, and minimize offsite light trespass by installing additional shielding for any residential area. Acceptable fixtures must also be installed with minimum aiming angles of 25 degrees downward from horizontal. This aiming angle shall be measured from the axis of the luminaire maximum beam candlepower as certified by an independent testing agency.

601.3 Athletic lighting curfew. All events shall be scheduled so as to complete all activity before the curfew times listed in table 601.3. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to be concluded before the curfew due to unusual circumstances.

601.4 Lighting Area C prohibition. No recreational lighting is permitted in Lighting Area C. Trailheads or other facilities may have low levels of lighting for security and shall require a special permit.

TABLE 601.3
RECREATIONAL FACILTY LIGHTING CURFEWS

LIGHTING AREAS (Defined in section 301 and on Town of Marana Outdoor Lighting Map.)	**E3**	**E2**	**C**
CURFEW TIME	11:00 p.m.	11:00 p.m.	X

X = Not allowed

CHAPTER 7
OUTDOOR DISPLAY LOT LIGHTING

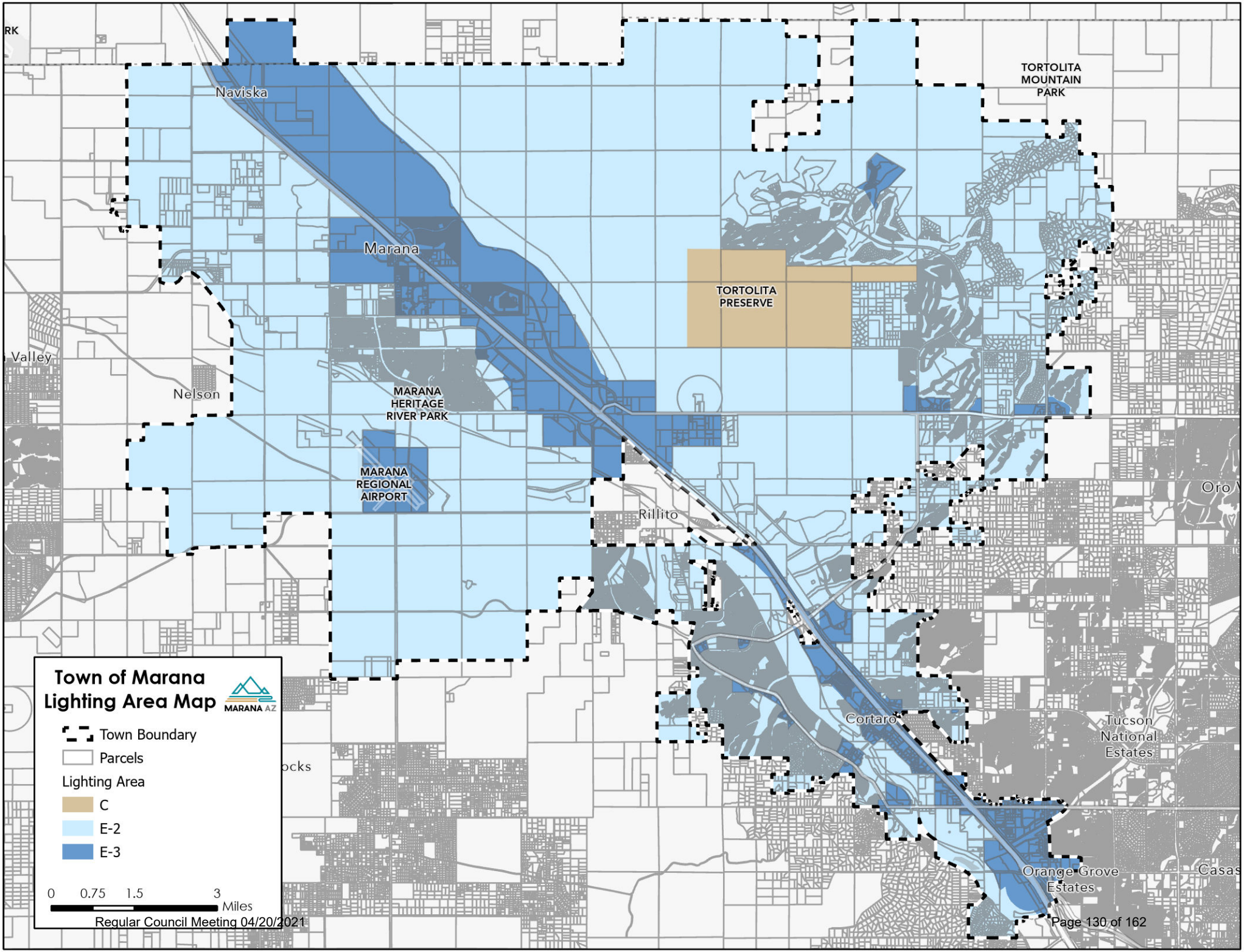
SECTION 701
ILLUMINATION OF OUTDOOR DISPLAY LOT AREAS

701.1 Lighting not associated with display lot areas. All site lighting not directly associated with the display lot areas shall conform to the lighting standards described in this code, including but not limited to the requirements of chapter 4.

701.2 Lighting for display lot areas. Lighting for display lot areas shall be exempt from the lumens-per-acre limits of chapter 4. All such lighting shall utilize full cutoff luminaires that are installed in a fashion that maintains the full cutoff characteristics. Every such lighting system design shall be certified by a registered lighting or electrical engineer as conforming to all applicable restrictions of this code.

701.3 Curfew requirements for display lot lighting. Display lot area lighting exceeding the lumens-per-acre limits of chapter 4 shall be turned off at the curfew times listed in section 405 or within thirty minutes after closing of business, whichever is later.

Exemption: Display lot area lighting used for security and safety purposes is exempt from the curfew requirements of section 405 provided it is in full compliance with all requirements of chapter 4 and all other aspects of this code.


Town of Marana
Lighting Area Map
MARANA AZ
Town Boundary
Parcels
Lighting Area
C
E-2
E-3
0 0.75 1.5 3
Miles
Naviska
Marana
TORTOLITA MOUNTAIN PARK
TORTOLITA PRESERVE
Valley
Nelson
MARANA HERITAGE RIVER PARK
MARANA REGIONAL AIRPORT
Rillito
Cortaro
Tucson National Estates
Orange Grove Estates
Casas



MARANA AZ

TOWN OF MARANA OUTDOOR LIGHTING CODE

ORDINANCE # ~~2008.18~~ 2021.007

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CHAPTER1

CHAPTER 1
SCOPE AND ADMINISTRATION

SECTION 101
TITLE, SCOPE AND PURPOSE

GENERAL

101.1 Title. These provisions shall be known as the Outdoor Lighting Code for the Town of Marana. They shall be cited as such and will be referred to herein as "this code".

101.2 Scope. The provisions of the Town of Marana Outdoor Lighting Code apply to the construction, alteration, movement, enlargement, replacement and installation of outdoor lighting throughout the Townto town.

101.3 Purpose and intent. The purpose of this code is to preserve the relationship of the residents of the Town of Marana to their unique desert environment through protection of access to the dark night sky. Intended outcomes include continuing support of astronomical activity and minimizing wasted energy, while not compromising the safety, security and well-beingwellbeing of persons engaged in outdoor night time activities. It is the intent of this code to control the obtrusive aspects of excessive and careless outdoor

lighting usage while preserving, protecting and enhancing the lawful nighttime use and enjoyment of any and all property. It is recognized that portions of properties may be required to be unlit, covered, or have reduced lighting levels in order to allow enough lumens in the lighted areas to achieve light levels in accordance with nationally recognized recommended practices.

101.4 Conformance with codes. All outdoor illuminating devices shall be installed in conformance with the provisions of this code~~, the building code, the electrical code and the sign code of the authorizing jurisdiction as applicable~~ and all codes adopted under title 7 of the Marana Town Code and under appropriate permit and inspection.

SECTION 102
APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between the general requirements and a specific requirement, the specific requirement shall be applicable.

102.2 Other laws. ~~Where~~If any ~~provision of federal, state, county, or city statutes, codes or laws~~part of this title conflicts with ~~any~~ federal or state law or regulation, then such federal or state authority shall take precedence. In any case where a provision of this code~~,~~ is in conflict with a provision of any ordinance, code, rule, or regulation of the Town of Marana, the provision that establishes the most restrictive standard shall ~~govern unless otherwise regulated~~apply.

102.3 Application of references. References to chapter or section numbers herein, or to provisions not specifically identified by ~~law~~number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. Other codes and standards referenced in this code shall be considered as part of the requirements of this code to the prescribed extent of each such reference, subject to the following:

102.4.1 Conflicts. Where conflicts occur between provisions of this code and other referenced codes and standards, the provisions of this code shall apply.

102.4.2 Provisions in referenced code and standards. To the extent a reference to another code or standard includes subject matter that is within the scope of this code or the codes listed in section 101.4, the provisions of this code or codes listed in section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.5 Partial invalidity. If any of the provisions of this code or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this code which can be given effect, and to this end, the provisions of this code are declared to be servable.

102.6 New uses, buildings~~,~~ and additions or modifications. All proposed new land uses, developments, buildings, structures, or building additions, shall meet the requirements of this code. Modification or replacement (other than maintenance) of outdoor lighting fixtures shall meet the provisions of this code.

102.7 Existing installations. All outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified under this chapter are exempt from all requirements of this code. The installation shall be maintained in accordance with the edition of the Outdoor Lighting Code under which it was installed.

102.8 Resumption of use after abandonment. If a property or use with non-conforming lighting is abandoned as defined in chapter 2, then all outdoor lighting shall be reviewed and brought into compliance with this code before the use is resumed.

102.9 Change of use. Whenever the use of any existing building, structure, or premises is changed to a new use as defined in the building code referenced in title 7 of the Marana Town Code, all outdoor lighting shall be reviewed and brought into compliance with this code before the new use commences.

~~**102.1 Alternate materials and methods of construction.** The provisions of this code are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed by this code, provided any such alternate has been approved. The Building Official may approve any such proposed alternate provided he or she finds that it:~~

~~1. Provides at least approximate equivalence to the applicable specific requirements of this code and;~~
~~2. Is otherwise satisfactory or complies with the intent of this code and;~~
~~3. Has been designed or approved by a registered lighting or electrical engineer and is supported by calculations showing that the design submitted meets that intent of the code.~~

102.10 Appeals. Any person substantially aggrieved by any decision of the ~~Building Official~~building official made in administration of this code has the right and responsibilities of appeal to the Advisory/Appeals Board of this jurisdiction.

SECTION 103
DUTIES AND POWERS OF THE BUILDING OFFICIAL

103.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures for the purposes of applying this code. Such interpretations, policies and procedures shall conform to the purpose and intent of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

103.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the construction, alteration, movement, enlargement, replacement and installation of outdoor lighting throughout the town.

103.3 Notices and orders. The building official shall issue necessary notices or orders to insure compliance with this code.

103.4 Inspections. The building official shall make the required inspections and shall have the authority to accept reports of inspections by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by an officer of the approved agency or by the individual. The building official is authorized to seek expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the Marana Town Council.

103.5 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that, if such structure or premises be occupied, credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having

charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

103.6 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections and notices and orders issued. Such records shall be retained in the official records of the building official for the period required for retention of public records.

103.7 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's authorized agent, provided that the building official shall first find that special individual reason makes the strict application of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications shall be documented and entered in the files of the department of building safety.

103.8 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved by the building official. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

103.8.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

103.8.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require testing for evidence of compliance to be made without expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized testing standards. In the absence of recognized and accepted testing methods, the building official shall approve the testing procedures. Testing shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

SECTION 104
EXEMPTIONS

104.1 Gas lighting. All outdoor lighting fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the provisions of this code.

104.2 Lighting in the public right-of-way. Outdoor lighting installed in the public right-of-way is exempt from the provisions of this code. Engineering standards apply and require an approval from the Town of Marana Engineering Department.

104.3 Seasonal decorative lighting. Seasonal decorations using unshielded ~~50 watt or less incandescent~~low wattage lamps following curfew requirements under section 405, color temperature requirements under

section 404, and maximum lumens under section 401 are exempt from ~~Thanksgiving to January 15th. These fixtures must be turned off between 11:00 p.m. and sunrise except for commercial operations open on a 24 hour basis.~~the provisions of this code

104.4 Neon sign lighting. Neon lighting shall be exempt from the requirements of ~~Chapter~~chapter 4 of this code when used for sign lighting, but not exempt for any other uses.

104.5 Emergency ~~Egress Lighting~~egress lighting. Emergency egress lighting, when required under building regulations and illuminated only during an emergency event, shall be exempt from the requirements of this code.

104.6 Temporary exemption. Any person may submit a written request, on a form prepared by the jurisdiction, to the jurisdiction for temporary exemption request. A temporary exemption shall contain the following information:

1. Specific exemption(s) requested.
2. Type and use of outdoor light fixture involved.
3. Duration of time of the requested exemption.
4. Type ~~of lamp~~of lamp and lamp lumens.
5. Total wattage ~~of lamp~~of lamp or lamps and number of lamps to be used.
6. Proposed location on premises ofthe outdoor lighting fixture(s).
7. Previous temporary exemptions, if any, and addresses of premises ~~there under~~thereunder.
8. Physical size of outdoor light fixture(s) and type of shielding provided.
9. Other data and information that may be required by the ~~Building Official~~building official.

104.7 Approval and duration. The jurisdiction shall have five business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than thirty days from the date of issuance of the approval. The approval shall be renewable at the discretion of the ~~Building Official~~building official upon a consideration of all the circumstances. Each such renewed exemption shall be valid for not more than thirty additional days.

104.8 Disapproval and appeal. If the request for temporary exemption is disapproved, the person making the request will have the appeal rights provided in ~~Section~~section 102.10 of this code.

SECTION 105

~~SECTION 104~~
PERMIT, PLAN SUBMISSION AND INSPECTION REQUIREMENTS

105.1 Permit required. Any owner, occupant or authorized agent who intends to install, construct, enlarge, alter, repair, move, or change any outdoor lighting within Town of Marana jurisdiction, the installation of which is regulated by this code, shall first make application to the ~~Building Official~~building official and obtain the required outdoor lighting permit.

105.2 Permit submission requirements. The permit submission shall contain the following:

1. Plans indicating the location and type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
2. Description of the illuminating devices, fixtures, lamps, supports, reflectors, additional shielding, and other devices that may include, but is not limited to, catalog cut sheets from the manufacturer.

3. If canopy lighting is being proposed, then provide calculations for average maintained levels of horizontal illuminance at 36 inches above grade level in foot candles. Provide evidence of the fixtures being hidden from sight at the property line.
4. Photometric data established by the fixture manufacturers or credible source, showing the angle of cutoff or light emissions. Photometric data need not be submitted when the full cutoff performance of the fixture is obvious to the reviewer.
5. Additional photometric data and site structure information as necessary to assure that there is no light trespass on adjacent properties in excess of that allowed by ~~Section 107.5 of the Design Standards~~this code.
6. A stamp or statement on the plans stamped by a registered design professional certifying compliance with the requirements of this ~~Code~~code. The ~~Building Official~~building official may waive this requirement for small installations.
7. For sites in Lighting Area E3 that exceed 6 acres, a master lighting study may be submitted that indicates an overall lumen calculation for the entire site. The study shall indicate actual lumens used for lighting being presently installed and an estimate for future pads, parcels, buildings and phases. The total lumens for the overall project shall be tracked by a single design professional designated by the owner and submitted as a cumulative total to the Town of Marana. The overall project lumens shall be tracked to show current compliance and ability to develop future areas within the limit of the overall allowed lumens. If a parcel is sold by the owner after a master lighting study is approved, the new owner has the option to continue development with the original designated design professional utilizing the overall project lumens.

105.3 Luminaire schedule on plans. There shall be a schedule on the plans to confirm compliance with the lumen cap per ~~Table~~table 401.1, and which includes the following information:

1. Each exterior luminaire type with the mean lumens for that type~~, the~~.
~~1.~~2. The quantity of each type and whether the luminaire is full cutoff or non-cutoff shielded.
~~2.~~3. The total of full cutoff and non-cutoff shielded mean lumens for the parcel.
~~3.~~4. A statement of the lighting area, the size of the permitted parcel, and the maximum allowed full cutoff and non-cutoff shielded mean lumens.
5. Acreage of the parcel and/or site.
6. Option used per table 401.1.
7. Total allowed lumens for the parcel and/or site.

Exception: When a submittal includes a statement by a registered design professional stating that the existing site lighting is being modified less that ~~10~~ten percent, it shall not be necessary to comply with ~~Section 104~~section 105.3.

105.4 Additional submissions. The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily ascertain code compliance. If such plans, descriptions and data are insufficient to enable this ready determination, by reason of the nature of configuration of devices, fixtures, or lamps proposed, the application will be deemed incomplete. The plans examiner may require additional evidence of compliance such as certified reports of tests by a recognized testing laboratory~~.~~

105.5 Subdivision plat certification and development plan. If any subdivision or development proposed to have installed common or public area outdoor lighting, the final plat or development plan shall contain a statement certifying that the applicable provisions of this code will be complied with. Specific plans for lighting shall not be included on the plat but will rather be contained on the building permit plans.

105.6 Lamp or fixture substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted by the design professional to the building official for ~~his/her~~ approval, together with adequate information to assure compliance with this code.

105.7 Inspections. The owner of a property, or the authorized agent of the owner, shall request all required inspections as noted on the permit issued under this code. All inspection requests shall be made at appropriate intervals as noted on the permit and it is the responsibility of the property owner or authorized agent of the owner to assure that all required inspections receive approval from the ~~Building Official~~building official and that final inspection approval is obtained prior to placing the permitted outdoor lighting into service.

105.7.1 Special inspection requirement. Special inspection shall be required when:

1. The lumens per net acre are greater than 100,000 or 75% of the allowable lumens per table 401.1, whichever is less.
2. All recreational facility lighting.
3. All outdoor display lots.

SECTION 106

~~SECTION 105~~
PROHIBITIONS

106.1 Mercury vapor lamps and fixtures. The installation, sale, offer for sale, lease or purchase of any mercury vapor lamp for use within the Town of Marana as outdoor lighting is prohibited.

106.2 Bottom mounted outdoor advertising sign lighting. Bottom mounted outdoor advertising sign lighting is prohibited.

~~**105.1 Other fixtures and lamps.** The installation of lighting where the unshielded portion of the lamp can be seen from an adjacent residential property, except as approved in the design standards, is prohibited. Any lighting not listed in this code is not permitted without the approval of the Building Official.~~

106.3 Laser source lighting. The use of laser source lighting or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.

106.4 Searchlights. The operation of searchlights for advertising purposes is prohibited.

~~SECTION 106~~

SECTION 107
OUTDOOR LIGHTING DESIGN STANDARDS

107.1 General design standards. The design shall incorporate at least 80 percent of the allowed lumens or meet the minimum illumination levels recommended in the latest Handbook of the Illuminating Engineering Society of North America (IESNA).

107.2 Spacing. Light poles and luminaires shall be spaced in a manner to provide lighting distribution as recommended by the IESNA in areas of frequent use such as parking lots and pedestrian walkways taking height limitations into account.

107.3 Canopy lighting. Canopy lighting shall have a maximum average maintained horizontal illuminance level at 36 inches above grade of 60 foot candles (fc) in Area E3 and 45 fc in Area E2~~.~~

107.4 Non-cutoff shielded lighting. All non-cutoff shielded light fixtures, including unshielded seasonal decorations, shall be turned off between 11:00 p.m. and sunrise.

Exception: Commercial properties that operate on a 24 hour basis.

107.5 Flood and spot lights. Flood and spot lights shall be installed within a shielded housing and aimed such that the source shall not be visible from any adjacent residential property. When installed on a residential property, flood and spot lights must be controlled by a motion detection device.

107.6 Lighting types approved. Lighting types shall consist of low pressure sodium (LPS), high pressure sodium (HPS), metal halide (MH), fluorescent, incandescent, gas filled tubing, light emitting diode (LED) and any other lighting source approved by the ~~Building Official. The preferred method of lighting is **LPS** and should be utilized unless color rendering is essential~~building official.

107.7 Lighting required for business operation. Lighting required for business operation may be allowed to remain on until 11:00 p.m. or until close of business, whichever is later.

SECTION ~~107~~ 108
VIOLATIONS

108.1 Unlawful acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, install, use or demolish outdoor lighting equipment as regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code~~.~~

108.2 Notice of violation. The ~~Building Official~~building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing, demolition or use of any outdoor lighting in violation of this code or in violation of a detail statement or a plan approved hereunder, or in violation of a permit issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The property owner or authorized agent of the owner shall comply with the requirements of the notice of violation or file a notice of appeal in accordance with the provisions of ~~Section~~section 102.~~9~~10 above within the time period given on the notice for abatement of the violation.

108.3 Enforcement and ~~Penalties~~penalties. Failure to address a notice of violation in a timely fashion may result in the issuance of a civil citation as provided for in ~~Chapter~~chapter 5-7 of the Marana Town Code. Such citation shall not excuse the need to correct or abate such violation, or to remove or terminate the unlawful use of outdoor lighting in violation of the provisions of this code or of the order or direction made pursuant thereto. Each day a violation continues shall be considered a separate offense.

~~**CHAPTER2**~~

CHAPTER 2
DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings indicated in this chapter.

~~**201.1 Interchangeability.** Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.~~

~~201.2~~ **Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 202
DEFINITIONS

ABANDONMENT. The relinquishment of a property, or the cessation of the use or activity by the owner or tenant for a period of six months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principal use of the property.

APPROVED. Acceptable to the building official.

BUILDING OFFICIAL. The official or other designated authority charged with the administration of this code, or a duly authorized representative.

CURFEW. A time established for listed lighting systems to be automatically extinguished.

DEVELOPMENT PROJECT. Any residential, commercial, industrial or mixed use subdivision plan or development plan which is submitted to the jurisdiction for approval or for permit.

DIRECT ILLUMINATION. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

DISPLAY LOT OR AREA. Outdoor areas where active nighttime sales activities occur, and where accurate color perception by customers is required. To qualify as a display lot, one of the following specific uses must occur:

1. Vehicle sales (autos, recreational vehicles, boats, ~~motor cycles~~motorcycles etc~~).~~.).
2. Assembly lots.
3. Swap meets.
4. Airport and automobile fueling areas.

~~**Special condition.**~~ Uses not on this list must be approved as a display lot use by the ~~Building Official~~building official.

FULL CUTOFF LIGHT FIXTURE. A light fixture shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane, as certified by photometric test reports. Such candela information shall be as determined by a photometric test report from a nationally recognized independent testing laboratory and as certified by the manufacturer. Any structural part of the luminaire provided this cutoff angle shielding shall be permanently attached.

GLARE. The definition of glare shall be as found in the Illuminating Engineering Society of North America (IESNA) handbook.

INSTALLED. The attachment, or assembly fixed in place, whether or not connected to a power source, or any outdoor light fixture.

LAMP. Generic term for a man-made source of light. In the context of this code, "lamp" means electrically powered light bulb, fluorescent or neon tube or LED light source.

LED. Light emitting diode solid state lighting source.

LIGHT FIXTURE OR LUMINAIRE. The complete lighting assembly, less the support assembly. The terms "light fixture" and "luminaire" may be used interchangeably in this code. "Light fixture" and "luminaire" do not include unshielded lighting strings that are plugged into an approved receptacle. Two or more units with lamps less than three feet apart shall be considered a single light fixture or luminaire.

LUMEN. Unit of luminous flux used to measure the amount of light emitted by lamps.

~~**LUMINAIRE.** The complete lighting assembly, less the support assembly. Two or more units with lamps less than three feet apart shall be considered a single luminaire.~~

NET ACREAGE. The remaining found area after deleting all portions of proposed and existing public streets within a parcel.

NON-CUTOFF SHIELDED FIXTURE. A light fixture that does not comply with the full cutoff light fixture requirements of this code, but does comply with shielding requirements.

OPAQUE. "Opaque" means that the material shall not transmit visible light.

OUTDOOR LIGHT FIXTURE. An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but not be limitedto:

1. Street lighting.
2. Parking lot lighting.
3. Building and structural lighting.
4. Landscaping lighting.
5. Recreational lighting.
6. Billboards and other signs (advertising or otherwise).
7. Product display area lighting.
8. Building overhangs and open canopy lighting.
9. Security lighting.
10. Searchlight, spotlight, flood lights and laser lights.

OUTDOOR RECREATION FACILITY. An area designed for active recreation, whether publicly or privately owned, including~~,~~ but not limited to baseball, soccer, and football fields, golf courses, tennis courts, swimming pools and race tracks of any sort.

PERSON. Any individual, tenant, lessee, owner, or any commercial entity, including but not limited to a firm, business, partnership, joint venture or corporation.

PROPERTY LINE. The property line used to determine pole height shall be the actual property line. Common areas, streets~~,~~ and right-of-ways shall not be used to allow increases in pole heights.

PUBLIC RIGHT-OF-WAY. A road, street, alley or highway permanently dedicated to the public for public use.

SHIELDING/SHIELDED. Construction of a luminaire, the location of a fixture~~,~~ or the addition of materials to prevent the light source from being seen from an adjacent residential property. The shielding must be permanent and non-reflective. Care should be taken to ensure additional shielding added toa luminaire does not

affect the listing or warranty of the luminaire.

TEMPORARY LIGHTING. Lighting which does not conform to the provisions of this ordinancecode and which will not be used for more than one thirty day period within a calendar year, with one thirty day extension. Temporary lighting is intended for uses whichthat, by their nature, are of limited duration; (e.g., holiday decorations, civic events, or construction projects.).

CHAPTER3

CHAPTER 3
LIGHTING AREAS

SECTION 301
DESCRIPTION OF LIGHTING AREAS

301.1 Lighting areas. Lighting areas shall be as described and defined on the Town of Marana Lighting Area Map incorporated within this code as APPENDEXAppendix A, and as further described within this section.

301.2 Lighting areaArea E3. Lighting areaArea E3 is an urban area with primary land uses for commercial, business, industrial activity, apartments and surrounded by suburban residential areas.

301.3 Lighting areaArea E2. Lighting areaArea E2 iscomprises rural residential and agricultural areas.

Exception: Properties located within lighting area Lighting Area E2 on the Marana Lighting Area Map that are determined to be a commercial or industrial usesuse by the Town of Marana Planning and Zoning Directorplanning manager, or otherwise have an allowed commercial usesuse, shall be deemed to be located within Lighting Area E3. In the case of rezoning, outdoor lighting levels and the purposes and intent of this code shall be a rezoning consideration and outdoor lighting levels may be restricted by the rezoning authority.

301.4 Lighting area C. Lighting areaArea C iscomprises areas designated as land banks, conservation areas or any environmental areas of special consideration as designated by the Town of Marana Town Council. Lighting in these areas shall be limited to lighting for public safety only.

301.5 Properties in more than one lighting area. A property located in more than one of the lighting areas described within this chapter shall be considered to be only in the most restrictive lighting area.

CHAPTER4

CHAPTER 4
TOTAL OUTDOOR LIGHT OUTPUT, SHIELDINGSHIEDLING, FIXTURE HEIGHT REQUIREMENTS

SECTION 401
TOTAL OUTDOOR LIGHT OUTPUT

401.1 Calculation of total outdoor light output for property. Total outdoor light output shall not exceed the lumen limits given in Tabletable 401.1. In the table, "total" means the sum of emitted light on the site. For determining compliance with this code, the total lumens shall be the sum of the following:

1. One hundred percent of the lumens from outdoor full cutoff and non-cutoff shielded fixtures installed on

grade, on poles, and ~~installed~~ on the top or sides of buildings or other structures, when not shielded from above by the structure.

2. One hundred percent of the lumens from externally illuminated signs.
3. Fifty percent of the lumens from underwater light fixtures unless the fixture is aimed at an angle of less than 45 ~~degreed~~degrees above the horizontal plane, in which case the lumens shall be calculated at ~~10~~ten percent of the total lumen output.
4. Twenty percent of full cutoff fixtures installed under canopies, building overhangs or roof eaves.

~~1. Zero percent of full cutoff light fixtures installed under canopies, building overhangs, or roof eaves in such a manner that no lamp or vertical element of a lens or diffuser is visible from an adjacent property.~~

5. Zero percent of internally illuminated and LED signs, and lights illuminating a ~~US flag~~flag of the United States of America when shining downward.

401.2 Calculation of total light output for fixture lamps. The total amount of light, measured in lumens, is limited to a value per net acre of the site. The output from all outdoor light fixture lamps shall be determined as follows:

1. For lamp types that vary in light output as they age (such as fluorescent or high intensity discharge lamps) the mean lumen output, as defined by the lamp manufacturer, shall be the lumen value used. For lamps not listed with mean lumens, the initial rating shall be used.
2. The light output for each outdoor light fixture shall be based on the largest lamp that the outdoor light fixture is rated to accommodate. Furthermore, the largest lamp rating for fluorescent and high intensity discharge fixtures shall be based on the installed ballast rating.

401.3 Other than full cutoff lighting. Unshielded fixtures or lighting sources shall not exceed 3,000 lumens per luminaire.

Exception: Non-full cutoff lighting installed in accordance with section 601.

TABLE 401.1

MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT REQUIREMENTS

LUMEN CAPS: MEAN LUMENS PER NET ACRE OF PARCEL OR LOT			
LIGHTING AREAS *(As defined in ~~Section~~section 301 and on Town of Marana Outdoor Lighting Map.)*	**E3**	**E2**	**C**
COMMERCIAL AND INDUSTRIAL - OPTION 1 (1) *(Mostly low pressure sodium fixtures.)*			
Total full cutoff LPS fixtures, plus full cutoff non-LPS fixtures, plus non-cutoff shielded fixtures. (5)	450,000	200,000	SP (4)
Limit on non-LPS full cutoff fixtures. (5)	45,000	18,000	SP (4)
Limit on non-cutoff shielded fixtures. (5)	12,000	6,000	SP (4)
COMMERCIAL AND INDUSTRIAL - OPTION 2 (1) *(Mostly non-low pressure sodium ~~-~~fixtures)*			
Total full cutoff fixtures, plus non-cutoff shielded fixtures. (5)	300,000	65,000	SP

			(4)
Limit on non-cutoff shielded fixtures. (5)	12,000	6,000	SP (4)
ALL RESIDENTIAL ZONING (2) (3)			
Total full cutoff fixtures, plus non-cutoff shielded fixtures.	55,000	24,000	SP (4)
Limit on non-cutoff shielded fixtures. (5)	12,000	6,000	SP (4)

Table footnotes:

1. Use any one of the options for the entire property.
2. This refers to all residential land-use zoning, including all densities and types of housing such as single family, detached and duplexes.
3. If LPS is used for residential lighting, then the total lumens in the table for all areas can be increased by 50 percent of full cutoff LPS lighting.
4. "SP" indicates special permit where local conditions warrant low level lighting design.
5. Non-cutoff shielded fixtures shall not exceed 3,000 mean lumens output per fixture, and shall meet the shielding requirements of this code.

SECTION 402
OUTDOOR LIGHT SHIELDING

402.1 Full cutoff requirements. All outdoor light fixtures are required to meet the full cutoff requirements of this code.

Exception: Fixtures described in table 401.1 as non-cutoff shielded, internal and LED sign lighting. Seasonal decorative lighting as described ~~within Section 103~~in section 104.

402.2 Shielding requirements. All outdoor lighting fixtures are required to meet the following shielding requirements:

1. All outdoor lighting within 150 feet or ten times the mounting height of the fixture, whichever is greater, of an adjacent residential property shall have external shields installed. Additional shielding may be required by the ~~Building Official~~building official when glare intrudes into residential areas or affects visibility of traffic signals or signage.
2. Flood and spot lights shall be installed within a shielded housing and aimed such that the source shall not be visible from any adjacent residential property.
3. Light trespass into residential areas shall not exceed 0.3 foot candles measured vertically at 5 feet above the ground.
4. Residential and commercial luminaires shall be full cutoff within 25 feet of adjacent residential property lines, measured perpendicular to the lot line.

Exception: Internal and LED sign lighting. Seasonal decorative lighting as described within ~~Section 103~~section 104.

SECTION 403
FIXTURE HEIGHT REQUIREMENTS

403.1 Outdoor light fixture height requirements:

1. The height of a pole-mounted luminaire shall be measured from finished grade to the bottom of the lens of the luminaire and fixture poles shall not extend more than ~~2~~two feet above the allowed mounting height.
2. The height of a pole-mounted luminaire above finished grade shall not exceed 42 feet for a property that exceeds 25 acres, 30 feet for a property between ~~6~~six and 25 acres, and 20 feet for a property less than ~~6~~six acres. For properties that exceed ~~6~~six acres, any pole within 150 feet of an adjacent residential property shall not exceed 20 feet in height.
3. All lighting fixtures on the residential side of commercial or industrial property and adjacent to residential property shall be full cutoff and shall be limited in height to ~~10~~ten feet at the property line and may increase in height at a rate of ~~1~~one foot for every ~~2ft. 6in.~~two feet and six inches away from the property line up to the maximum height for the area of the site.
4. All wall mounted luminaires utilizing lamps in excess of 4,000 lumens and/or installed above ~~9~~nine feet in elevation shall be equipped with external shields and provided with forward throw optical characteristics so as to minimize the reflected light off the wall below the luminaire. See ~~section~~sections 401.1 and 401.2 for additional requirements.

~~CHAPTERS~~

SECTION 404
OUTDOOR LIGHTING SOURCE COLOR TEMPERATURE

404.1 Rated color temperature. The rated color temperature of light sources (lamps and fixtures) shall not exceed 3000K.

Exception No. 1: Recreation and outdoor display lots complying with chapters 6 and 7 of this code.
Exception No. 2: Existing legal, non-conforming light fixtures may be re-lamped with greater than 3000K rated lamps when 3000K or lower rated lamps are not manufactured for such fixtures.

SECTION 405
CURFEW REQUIREMENTS

405.1 Unshielded Light Sources. Unshielded lighting shall be extinguished between 11:00 p.m. and sunrise the following day.

Exception No. 1: Unshielded lighting installed for the illumination of the flag of the United States of America.
Exception No. 2: Unshielded lighting installed in accordance with section 601.2 shall be turned off in accordance with the curfew requirements of section 601.3.

405.2 Illuminated signs. Refer to section 501.5.

405.3 Recreational facilities. Refer to section 601.3.

405.4 Outdoor display lot. Refer to section 701.3.

405.5 Outdoor lighting controls. The use of outdoor lighting controls shall be as follows:

405.5.1. The means of controlling the specific "off" curfew shall be by a 24-hour timing device that includes stand-by power to maintain the time and program for a minimum of six hours.

405.5.2. Whenever any curfew "off" time is required by this code, a permanent sign or notice shall be installed in or on the 24-hour timing device stating the required turn-off time. Such sign or notice may be installed within the cover of the 24-hour timing device such that it is visible whenever the device is set or adjusted.

CHAPTER 5
SIGN LIGHTING

SECTION 501
OUTDOOR ~~ADVERTISING~~ADVERTISING SIGNS

501.1 External illumination of on-site signs. External illumination for on-site signs shall conform to all provisions of this code and shall also conform to the lamp source, shielding restrictions, color temperature and lumen caps ~~of Chapter~~set forth in chapter 4.

501.2 Illumination of off-site advertising signs. Illumination of outdoor advertising off-site signs ~~1s~~is prohibited.

Exception: The use of lighting fixtures legally installed in Lighting Areas E2 and E3 prior to the effective date of this code may continue, provided such fixtures are mounted on the top of the sign structure ~~and shall~~, are not ~~be~~ illuminated between the hours of 11:00 p.m. and sunrise, and comply with all other provisions of the code.

501.3 Internally illuminated advertising signs. Internally illuminated outdoor advertising signs shall not be counted toward the lumen caps described in ~~Chapter~~chapter 4 of this code. Outdoor internally illuminated advertising signs constructed with an opaque or colored background and translucent text and symbols are strongly preferred so as to reduce any potential detrimental effects.

501.4 LED, LCD, plasma screen and similar signs. LED, LCD, plasma screen and similar outdoor advertising signs shall not be counted within the lumen caps described within ~~Chapter~~chapter 4 of this code. All outdoor LED, LCD, plasma screen and similar advertising signs shall be limited to a maximum luminous intensity of 280 cd/m^2 (candela per square meter), full white mode, from sunset to sunrise. In addition, outdoor LED, LCD, plasma screen advertising signs shall be turned off at curfew times listed within table 501.5, or the close of business, ~~which ever~~whichever is later.

501.5 Outdoor illuminated sign curfews. Illumination for all advertising signs, both external and internal, shall be reduced by 50 % or turned off at the curfew times listed in ~~Table~~table 501.5, or when the business activities cease, whichever is later. Billboards with legally installed lights shall be turned off at 11 ~~P.M~~:00 p.m.

TABLE 501.5
ILLUMINATED SIGN CURFEWS

LIGHTING AREAS (Defined in ~~Section~~section 301 and on Town of Marana Outdoor Lighting Map.)	**E3**	**E2**	**C**
COMMERCIAL AND INDUSTRIAL ZONING	~~12AM~~ 12:00 a.m.	11 ~~P.M~~:00 p.m.	X
ALL RESIDENTIAL ZONING	11 ~~P.M~~:00 p.m.	~~10P.M~~10:00 p.m.	X

X = Not allowed

~~CHAPTER6~~

CHAPTER 6
RECREATIONAL ~~FACILITIES~~FACILITES

SECTION 601
ILLUMINATION OF RECREATIONAL ~~FACILITIES~~FACILITES

601.1 Lighting not directly related to athletic areas. All site lighting not directly associated with the athletic playing areas shall conform to the lighting standards described in this ~~ordinance~~code, including but not limited to the shielding requirements ~~of Chapter~~set forth in chapter 4 and the lumens-per-acre limits ~~of Table~~in table 401.1.

601.2 Athletic lighting exempt from lumen limits. Lighting for athletic fields, courts~~,~~ or tracks shall be exempt from the lumens-per-acre limits ~~of Table~~in table 401.1. All such lighting shall utilize full cutoff luminaires that are installed in a fashion that maintains the full cutoff characteristics. Every such lighting system design shall be certified by a registered engineer as conforming to all applicable restrictions of this ~~ordinance~~code.

> **Exception:** Where full cutoff fixtures are not utilized, acceptable luminaires shall include those which are provided with internal and/or external glare control louvers and installed so as to limit direct up•light to less than ~~5~~five percent of the total lumens exiting from the installed fixture, and minimize offsite light trespass by installing additional shielding for any residential area. Acceptable fixtures must also be installed with minimum aiming angles of 25 degrees downward from horizontal. This aiming angle shall be measured from the axis of the luminaire maximum beam candlepower as certified by an independent testing agency.

601.3 Athletic lighting curfew. All events shall be scheduled so as to complete all activity before the curfew times listed in ~~Table~~table 601.3. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to be concluded before the curfew due to unusual circumstances.

601.4 Lighting Area C prohibition. No recreational lighting is permitted in Lighting Area C. Trailheads or other facilities may have low levels of lighting for security and shall require a special permit.

TABLE 601.3
RECREATIONAL ~~FACILITY~~FACILTY LIGHTING CURFEWS

LIGHTING AREAS (Defined in ~~Section~~section 301 and on Town of Marana Outdoor Lighting Map.)	**E3**	**E2**	**C**
CURFEW TIME	11 ~~P.M~~:00 p.m.	11 ~~P.M~~:00 p.m.	X

X = Not allowed

CHAPTER 7
OUTDOOR DISPLAY LOT LIGHTING

SECTION 701

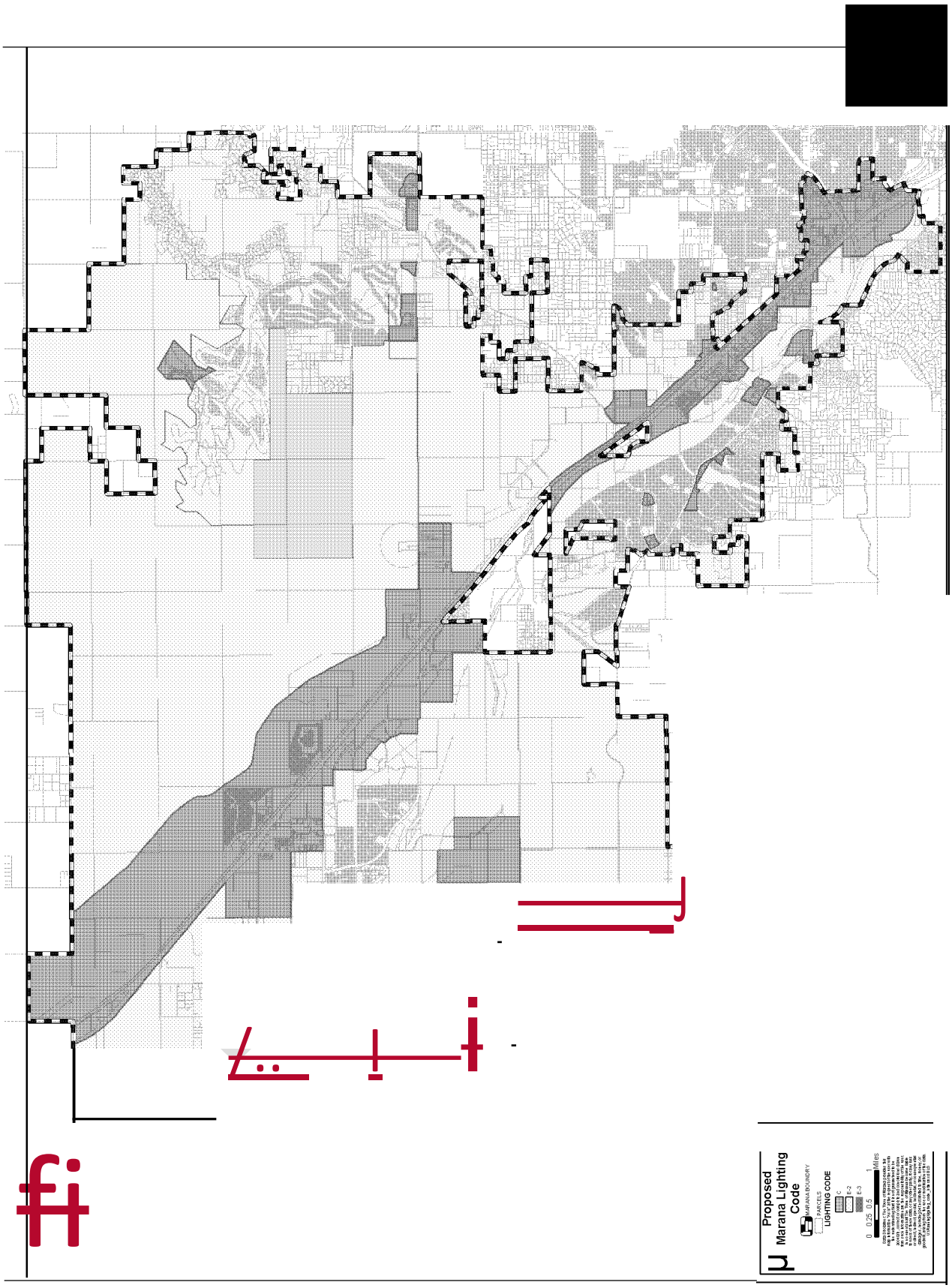
ILLUMINATION OF OUTDOOR ~~DISPLAY LOT~~DISPLAY LOT AREAS

701.1 Lighting not associated with display lot areas. All site lighting not directly associated with the display lot areas shall conform to the lighting standards described in this ~~ordinance~~code, including but not limited to the requirements of ~~Chapter~~chapter 4.

701.2 Lighting for display lot areas. Lighting for display lot areas shall be exempt from the lumens-per-acre limits of ~~Chapter~~chapter 4. All such lighting shall utilize full cutoff luminaires that are installed in a fashion that maintains the full cutoff characteristics. Every such lighting system design shall be certified by a registered lighting or electrical engineer as conforming to all applicable restrictions of this code.

701.3 Curfew requirements for display lot lighting. Display lot area lighting exceeding the lumens-per-acre ~~cap~~limits of ~~Chapter~~chapter 4 shall be turned off at the curfew times listed in ~~Table 601.3~~section 405 or within thirty minutes after closing of business, whichever is later.

Exemption: Display lot area lighting used for security and safety purposes is exempt from the curfew requirements of ~~Table 601.3~~section 405 provided it is in full compliance with all requirements of ~~Chapter~~ chapter 4 and all other aspects of this code.


Proposed
Marana Lighting
Code
MARANA BOUNDRY
PARCELS
LIGHTING CODE
E-2
E-3
0 0.25 0.5
Miles

Council-Regular Meeting **D1**

Meeting Date: 04/20/2021

To: Mayor and Council

Submitted For: Amanda Jones, Water Business Coordinator

From: Amanda Jones, Water Business Coordinator

Date: April 20, 2021

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution 2021-054: Relating to Utilities; approving and authorizing the Town Manager to sign Contract No: 2020-3123 IGA with the Arizona Department of Water Resources for funding in an amount not to exceed $25,000 to support the creation and implementation of the Marana Citizens' Water Academy (Amanda Jones)

Discussion:

The Arizona Department of Water Resources Water Management Assistance Program (WMAP) is intended to provide financial and technical resources to assist water users in the development and implementation of conservation programs, facilitate augmentation and renewable water supply utilization and obtain information on hydraulic conditions and water availability in an Active Management Area (AMA). The program funding comes from groundwater withdrawal fees totaling $2,000,000, with $305,000 allocated to the Tucson AMA. Town staff prepared and presented a proposal to the Groundwater Users Advisory Council (GUAC) in June 2020. Upon recommendation from the GUAC and final approval of the ADWR Director, the Marana Citizens' Water Academy (CWA) was selected from nine original submissions as one of the three final projects to be funded in the Tucson AMA.

The CWA is aimed at informing customers of their current water use, providing interventions to reduce water use through sessions presented by Marana Water staff and other subject-matter experts with the intent of reducing water consumption. Through implementing conservation practices, we are able to extend the period of time in which we can rely on a renewable supply, thus promoting a more efficient use of our water resources.

The funding for this program will be used to update current conservation materials (handouts, website materials, social media posts, flyers and information packets available in the office), for community events related to water and/or conservation programming, and for the development of the CWA. The CWA will span several weeks and include conservation lessons that the participants can implement at home. Upon completion of the program, Marana Water will install an Advanced Metering Infrastructure endpoint at the customer's home. This radio will send meter reading data every 15 minutes and allow the customer to track their water usage in real time. The program also includes a pre- and post- survey to determine which conservation methods were most resonant.

The grant funding will support the creation of the program and promotional materials. Additionally, there is a matching portion from Marana Water budget of approximately $9,000, $2,500 of which is cash and the remaining contribution is in-kind. The program is planned to begin in the summer of 2021, with the first recruitment and session for the CWA.

Financial Impact:

Fiscal Year:	FY2021
Budgeted Y/N:	Yes
Amount:	$25,000

Budget is also planned for this program in fiscal year 2022, as we anticipate the program to cross fiscal years. Budget appropriations are available in the Water Operating Fund.

Staff Recommendation:

Staff recommends adoption of Resolution 2021-054 approving and authorizing the Town Manager to sign Contract No: 2020-3123 IGA with the Arizona Department of Water Resources.

Suggested Motion:

I move to adopt Resolution 2021-054; approving and authorizing the Town Manager to sign Contract No: 2020-3123 IGA with the Arizona Department of Water Resources for funding in an amount not to exceed $25,000 to support the creation and implementation of the Marana Citizens' Water Academy.

Attachments

Resolution 2021-054

Exhibit A

MARANA RESOLUTION NO. 2021-054

RELATING TO UTILITIES; APPROVING AND AUTHORIZING THE TOWN MANAGER TO SIGN CONTRACT NO: 2020-3123 IGA WITH THE ARIZONA DEPARTMENT OF WATER RESOURCES FOR FUNDING IN AN AMOUNT NOT TO EXCEED $25,000 TO SUPPORT THE CREATION AND IMPLEMENTATION OF THE MARANA CITIZENS' WATER ACADEMY

WHEREAS the Town of Marana and the Arizona Department of Water Resources desire to enter into an intergovernmental agreement for funding in an amount not to exceed $25,000 to support the creation and implementation of the Marana Citizens' Water Academy; and

WHEREAS the Mayor and Council feel it is in the best interests of the Town and its citizens to enter this intergovernmental agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the "Contract No: 2020-3123 IGA" attached to and incorporated by this reference in this resolution as Exhibit A is hereby approved, and the Town Manager is hereby authorized and directed to sign it for and on behalf of the Town of Marana.

IT IS FURTHER RESOLVED that 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 aforementioned intergovernmental agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 20th day of April, 2021.

Mayor Ed Honea

ATTEST:

Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

CONTRACT NO: 2020-3123 IGA

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
1110 West Washington Street, Suite 310
Phoenix, AZ 85007

This Agreement is awarded by the Drought Contingency Plan Groundwater Conservation Grant and entered into by the **TOWN OF MARANA ("TOWN")**, and the **DIRECTOR** of the **ARIZONA DEPARTMENT OF WATER RESOURCES** ("**DEPARTMENT"),** pursuant to A.R.S. § 41-2702.

This document, including the General Provisions, Special Provisions, Scope of Service, and any attachments, shall constitute the entire agreement between the parties and supersedes all other understandings, oral or written.

Service: Marana Water Citizens' Water Academy

Term: Effective through April 30, 2025

Amount: Not to exceed $25,000

The parties hereto agree to carry out the Provisions of this Agreement.

TOWN OF MARANA		ARIZONA DEPARTMENT OF WATER RESOURCES	
Signature of Authorized Individual	Date	Signature of Authorized Individual	Date
Terry Rozema		Thomas Buschatzke	
Typed Name		Typed Name	
Town Manager		Director	
Typed Title		Typed Title	

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THIS AGREEMENT CONSISTS OF:

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GENERAL PROVISIONS

1. GENERAL REQUIREMENTS:

1.1. The parties shall obtain and maintain all licenses, permits and authority necessary to perform their obligations pursuant to this Agreement, and shall comply with all applicable state, federal and local laws, including but not limited to those regarding unemployment insurance, disability insurance and worker's compensation. This Agreement does not relieve either party from any obligation or responsibility imposed upon it by law.

1.2. Neither party shall be considered an employee or agent of the other. No monitoring or supervisory responsibility over the other party's activities arises on the part of the other or arises as a result of, or pursuant to, this Agreement other than as expressly provided herein.

1.3. In this Agreement, Special Provisions alter the General Provisions. If the Special Provisions conflict with the General Provisions, the Special Provisions shall govern. If the Scope of Services conflicts with either the Special Provisions or the General Provisions, the terms of the Scope of Services shall govern.

1.4. The provisions of this Agreement are severable to the extent that if any provision is held unenforceable under applicable law, the remaining provisions of the Agreement shall remain in effect.

1.5. This Agreement shall be interpreted in accordance with Arizona law. Disputes arising out of this Agreement are subject to the jurisdiction of the Superior Court of the State of Arizona.

2. INDEMNIFICATION:

Each party to this Agreement is independently responsible in the event of its own negligence. Neither party agrees to indemnify the other party.

3. RESOLUTION OF DIFFERENCES:

3.1. The parties agree to resolve all conflicts to the maximum extent possible through cooperation and coordination of the respective party's staff. If staff is unable to resolve any dispute, it shall be submitted for resolution to the Department of Water Resources' Water Planning and Permitting Division Assistant Director.

3.2. Disputes arising out of this Agreement are subject to arbitration to the extent required by A.R.S. § 12-133 and § 12-1518. Disputes not subject to arbitration are subject to the jurisdiction of the Maricopa County Superior Court.

3.3. The waiver of any breach or default of any of the provisions of this Agreement shall not be construed as a waiver of any succeeding breach of the same or other provisions; nor shall any delay or omission on the part of either Party to exercise or avail itself of any right, power or privilege that it has or may have hereunder operate as a waiver of any breach or default by the other Party.

4. TERMINATION:

4.1. Each party shall have the right to terminate this Agreement in whole or in part, with or without cause, by providing the other party written notice of termination, effective fifteen (15) calendar days subsequent to the mailing by certified mail of such Notice of Termination. If the termination is partial, the parties shall continue to perform those portions of this Agreement which have not been terminated.

4.2. In the event of Termination as provided in subsection 4.1:

4.2.1. The Department shall pay to the Town its reasonable actual costs for work in progress as determined by generally accepted accounting principles and practices.

4.2.2. If any Payments have been made on an advance basis, the Town shall return any unexpended monies within fifteen (15) calendar days of receipt of Notice of Termination.

4.2.3. The Town shall deliver to the Department all work in progress, and any completed documents, programs, data and other information or deliverables as described in this Agreement.

4.3. The Department or the State of Arizona may cancel this Agreement without penalty or further obligation pursuant to A.R.S. § 38-511, which provides for cancellations of any contract made by the State, its political subdivisions, or any of the departments or agencies of either if any persons significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the State, its political subdivisions or any of the departments or agencies of either is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party of the contract with respect to the subject matter of the contract.

4.4. In the event of cancellation under Section 4.3 of this Agreement or if the term of the Agreement expires the Town shall receive or return Payment as established in Section 4.2

4.5. In the event that the parties mutually agree to terminate a portion of the Agreement, the Town shall continue to perform this Agreement to the extent not terminated under the provisions of this Section and receive or return Payment as established in Section 4.2.

5. NON-DISCRIMINATION:

The Parties shall comply with State Executive Order No. 75-5, as amended by State Executive Order No. 2009-9, and all other applicable Federal and State laws, rules and regulations relating to equal opportunity and non-discrimination, including the Americans with Disabilities Act.

6. PAYMENTS:

6.1. Payments made by the Department to the Town pursuant to this Agreement are conditioned upon the availability to the Department of monies authorized for expenditure in the manner and for the purpose provided herein. The Department shall not be liable for any purchases entered into by the Town in anticipation of such funding.

6.2. Payments are conditioned upon receipt of an applicable, accurate and complete invoice prepared by the Town in accordance with the Town's normal format and customary documentation. In the event of any conflict between this Agreement and any invoice, this Agreement shall prevail.

6.3. If the Town is determined by the Department to be in default in the performance of any obligation under this Agreement, the Department, may, at its option and in addition to other available remedies, either adjust the amount of payment or withhold payment until satisfactory resolution of the default.

6.4. The Department may, at its option, withhold payment until receipt of all final reports or documents or until completion of a financial audit.

7. RECOUPMENT OF PAYMENTS:

The Town shall immediately reimburse all monies not spent in accordance with the terms of this Agreement.

8. BOOKS, RECORDS AND INSPECTION:

All books, accounts, reports, files and other records relating to the Agreement shall be subject at all reasonable times to inspection and audit by the State of Arizona and the Department for five (5) years after completion of the Agreement. Such records shall be produced at such state offices as are designated by the State of Arizona and the Department.

9. NOTICES:

Whenever notice is required pursuant to this Agreement, such notice shall be in writing and shall be directed to the persons and addresses specified in the Scope of Services or to such other persons and/or addresses as either party may designate to the other party in writing. Notice shall be delivered in person or by certified mail, return receipt requested.

10. AMENDMENTS:

Amendments to this Agreement shall not be effective unless in writing and signed by all parties.

11. SUBCONTRACTS:

Proposals to subcontract any Task or work described in this Agreement must be approved by the Department. Any subcontractor shall comply with the terms and conditions of the provisions of this Agreement.

12. WAIVERS:

Neither the Town nor the Department shall waive or modify any condition or requirement contained in or made a part of this Agreement without a written amendment signed by the parties. The waiver of any breach or default of any of the provisions of this Agreement shall not be construed as a waiver of any succeeding breach of the same or other provisions.

13. DELIVERABLES:

Upon receipt of a Deliverable, the Department shall have a reasonable time period, not to exceed 45 days, to review the Deliverable. If the Department identifies deficiencies in the Deliverable, the Department shall provide the Town written comments and shall establish a time period by which the identified deficiencies shall be corrected. If the deficiencies are not corrected within this time frame, the Department reserves the right to terminate the Agreement immediately upon sending written notice of such termination.

14. REPORTS, INFORMATION AND DATA:

Ownership of all reports, information, data, computer data elements and software prepared by the Town in performance of this Agreement shall vest jointly in the parties. Subject to applicable State and Federal laws and regulations, the parties shall have full and complete rights to reproduce, duplicate, disclose and otherwise use all such information. In doing so, each party shall give credit for the contribution of the others.

15. DEPARTMENT ACKNOWLEDGMENT:

The Town shall ensure that the Department is acknowledged in all news releases, brochures, websites, other publicity or print pieces funded by the Department through this agreement by specifying that the project is funded, supported or made possible by funds from the Department. The name of the Department and its logo must appear in a conspicuous location and be large enough to be easily legible. If space is limited, the Department logo alone may be used.

SPECIAL PROVISIONS

None

SCOPE OF SERVICES

A. PURPOSE:

The purpose of this project is to provide support to the Town of Marana to develop and implement the Marana Water Citizens' Water Academy (CWA).

B. EFFECTIVE DATE:

This Agreement shall become effective upon the date it is executed by all parties.

C. TERM:

This Agreement shall be effective through April 30, 2025.

D. NOTICES, CORRESPONDENCE AND REPORTS:

1. Notices, correspondence, reports and payments from the Department to the Town shall be sent to:

   Program Administrator:
   Amanda Jones
   Business Services Coordinator
   Town of Marana
   11555 W. Civic Center Dr.
   Marana, AZ 85653
   Email: ajones@maranaaz.gov
   Phone: 520-382-2670

2. Notices and correspondence from Town to the Department shall be sent to:

   Contract Officer:
   Scott Selin
   Arizona Department of Water Resources
   1110 West Washington Street, Suite 310
   Phoenix, AZ 85007
   Email: sdselin@azwater.gov
   Phone: (602) 771-8508

3. Any invoices, quarterly/technical reports and inquiries regarding the technical aspects of this Agreement should be made to:

   Technical Administrator:
   Melissa Sikes
   Arizona Department of Water Resources
   1110 West Washington Street, Suite 310
   Phoenix, AZ 85007
   Email: msikes@azwater.gov
   Phone: (602) 771-8449

E. PAYMENT:

The maximum amount of monies to be expended by the Department pursuant to this Agreement is $25,000. Payments will be made in accordance with the Payment Schedule and are subject to receipt and approval of all Deliverables.

The Program Administrator shall submit invoices to the Technical Administrator for approval. The invoices shall be itemized in sufficient detail to justify payment for services performed in accordance with the tasks listed.

An additional contribution will be made by the Town in the sum of $9,978.30. Of the $9,978.30 contribution, $2,500 will be in the form of cash. The remaining balance of the contribution will consist of work done by Town employees in furtherance of the CWA, as based upon Town employee salary estimates from February 2020.

F. INTRODUCTION:

The purpose of this Agreement is to determine optimal communication strategies and to identify best practices for the use of Advanced Metering Infrastructure (AMI) in the Town's system with the hope to see a decrease in our gallons per capita per day, allowing a greater number of customers to be served with the same renewable supply.

G. SCOPE OF WORK:

Task 1: Conservation Material Creation

The purpose of this task is to research, develop, and create new branded conservation materials. The Town will plan to contract with other subject matter experts to help develop the content, determine what information to include for the general customer base and the CWA participants, and the best platform to communicate that information. Additionally, the Town will determine how to complement or replicate the information for a digital platform. For all digital formats, the Town will determine the proper file sizes and uses to best suit each platform.

Deliverable: Printed materials and digital brand package

Task 2: CWA Participant Recruitment

The purpose of this task is to find 15 to 20 current water customers to participate in the first academy course period. The Town's recruitment strategy will include, but is not limited to, the following methods: direct mailers to all Marana Water customers, notification on the monthly water bills for two months leading up to the registration deadline, social media postings for several months on all Town of Marana pages and the Marana Water Instagram page, messaging through the Town Manager's office, and direct outreach to HOAs and other community partners.

Deliverable: Creation of the recruitment materials will be done in Task 1. Creation of the schedule and contact list will be done by the Business Services Coordinator (BSC) along with the development of the registration website.

Task 3: CWA Development (to be replicated with each subsequent CWA)

The purpose of this task is to establish the content and schedule for the 4 to 6 week academy course. In conjunction with the update to the conservation materials listed in Task 1, the Town will begin outlining the content to present to the CWA. The topics will include a high level of water operations, water financing, water quality, and water conservation. To support each of these subjects, the participants will be given take-home materials and supplies. Examples of these types of materials are leak checklists, sink aerators, and toilet test dye tabs. Each of the topics listed above will be presented in a logical and meaningful order, ending with water conservation over a 4 to 6 week period. The Town anticipates conservation to be the bulk of the content and will include the installation of an Advanced Metering Infrastructure endpoint at each participant's home. The final course in the CWA will include a

training on use of the customer portal and the post-course survey to compare to the pre-course survey conducted at the first course session.

Deliverable: Establishment of the content and schedule for the course periods and the scheduling and installation of the AMI endpoint. Also included will be the creation and delivery of the pre- and post-course surveys.

Task 4: Data Analysis and Tracking

Over the course of the pilot program the Town will need to track the customer experience with the AMI endpoint. Over the course of the year following each cohort's completion of the CWA, Marana Water staff will review and compare the participants' water use to begin to identify any potential change in use due to the interventions learned from the CWA. The Town will track the water use with the newly installed AMI endpoints and compare to previous use. The Town's current system is a monthly Advanced Meter Reading (AMR) reading, so the Town would need to ensure normalization of the data when making comparisons using the AMI data. Eventually, as more cohorts complete the CWA, the Town will be able to compare AMI endpoint use to one another. Throughout the year the Town is planning intermittent contact with the participants to get status updates on the portal function and provide reminders of the conservation programming provided in the CWA.

Deliverable: Surveys will be prepared throughout the 12-month period, but will need to be created the quarter before they are intended to be sent to the customers. Data collection workbooks and data entry will be done as the reviews are happening. Progress and Annual Reports will be submitted as we progress throughout the project.

H. SCHEDULE OF DELIVERABLES AND PAYMENTS:

DELIVERABLES	**DUE DATE(S)**	**PAYMENTS (Not to Exceed)**
Printed Materials and Digital Brand Package	May 31, 2021	$6,000
Recruitment Materials, Schedule, and Contact List	July 31, 2021	$1,000
Schedule for initial (approx. 20 participants) AMI endpoint Installation & pre- and post- survey creation	September 30, 2021	$3,500
2022 Progress Report	March 31, 2022	$1,500
2022 Annual Report	September 30, 2022	$2,500
2023 Progress Report – mid-point of project	March 31, 2023	$1,500
2023 Annual Report	September 30, 2023	$2,500
2023 Progress Report	March 31, 2024	$1,500
2024 Annual Report	September 30, 2024	$2,500
2024 Progress Report	March 31, 2025	$1,500
Final Report including synthesis of all collected surveys	December 31, 2025	$1,000
TOTAL AMOUNT		**$25,000**

LEGAL DETERMINATION

The attached Agreement between the Arizona Department of Water Resources and the Town of Marana has been reviewed by the undersigned attorneys, who have determined that said Agreement is in proper form and is within the powers and authority of those parties represented by the undersigned.

Dated _____

Arizona Department of Water Resources

By: _____
Counsel

Dated _____

Town of Marana

By: _____
Counsel