MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, April 4, 2023, 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 4, 2023, 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

PR1 Proclamation recognizing April 10, 2023, as Lineworker Appreciation Day (David L. Udall)

PR2 Proclamation recognizing April 1-7, 2023 as the Week of the Young Child (David L. Udall)

PR3 Proclamation recognizing Karen Opoku-Appoh (David L. Udall)

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 Ordinance No. 2023.009: Relating to Business Regulations; adopting revisions to Title 9 "Business Regulations" of the Marana Town Code, including deleting section 9-2-4 (Vacation rental or short-term rental contact information) and adding new chapter 9-14 "Short-Term and Vacation Rentals"; and other various revisions to Title 9 of the Marana Town Code; and designating an effective date

Resolution No. 2023-029: Relating to Business Regulations; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2023.009, revisions to Title 9 "Business Regulations" of the Marana Town Code, including deleting section 9-2-4 (Vacation rental or short-term rental contact information) and adding new chapter 9-14 "Short-Term and Vacation Rentals"; and other various revisions to Title 9 of the Marana Town Code (Jane Fairall)

C2 Ordinance No. 2023.010: Relating to Finance; amending the Town of Marana comprehensive fee schedule by adding fees for business licenses for short-term and vacation rentals; and designating an effective date (Jane Fairall)

C3 Resolution No. 2023-030: Relating to Development; approving the final plat for Linda Vista Village North, Village IV (Lots 1-70), Village V (Lots 1-58) and Common Areas "A", "D", "E", "F", "G", and "H" located on the north side of Linda Vista Boulevard, 0.1 miles east of Twin Peaks Road (Steve Cheslak)

C4 Resolution No. 2023-031: Relating to Personnel; approving the establishment of the Arizona State Retirement Supplemental Salary Deferral 457 Plan administered by Nationwide Retirement Solutions (Curry C. Hale)

C5 Approval of Special Council Meeting/Retreat Summary Minutes of March 13 - 15, 2023, and of Regular Council Meeting Summary Minutes of March 21, 2023 (David L. Udall)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 PUBLIC HEARING: Ordinance No. 2023.011: Relating to Business Regulations; continuing the occupational licensing requirement for managers of massage establishments as set forth in Marana Town Code Title 9 (Business Regulations), Chapter 9-5 (Massage Establishments), Section 9-5-7 (Manager license required; non-transferability) and finding that the licensing requirement is necessary to protect the healthy, safety or welfare of the public; and declaring an emergency (Libby Shelton)

ITEMS FOR DISCUSSION/POSSIBLE ACTION

D1 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 (Steve Cheslak)

D2 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)

D3 Relating to Budget; discussion, direction, and possible action regarding development of the fiscal year 2023/2024 budget, including proposed budget initiatives and expenditures (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)(3) and (4) for discussion or consultation with the Town's attorneys and to instruct the Town's representatives concerning the litigation entitled *Southern Arizona Home Builders Association v. Town of Marana*, Pima County Superior Court Case No. C20184411.

E3 Executive session pursuant to A.R.S. §38-431.03 (A) (3) and (4) for discussion or consultation with the Town's attorneys and to instruct the Town's representatives concerning the litigation entitled *Town of Marana v Pulte Home Company, LLC*, Pima County Superior Court Case No. C20205095.

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 **PR1**

Meeting Date: 04/04/2023

Submitted For: David L. Udall, Town Clerk/Assistant Town Attorney

Date: April 4, 2023

Subject: Proclamation recognizing April 10, 2023, as Lineworker Appreciation Day (David L. Udall)

Attachments

Proclamation

MARANA AZ
CELEBRATING 45 YEARS

PROCLAMATION
Recognizing Lineworker Appreciation Day

WHEREAS, the profession of lineworker is steeped in personal, family, and professional tradition; and

WHEREAS, lineworkers are often first responders during storms and other catastrophic events, working to make the scene safe for other public safety heroes and to restore power to the communities they serve; and

WHEREAS, lineworkers work with thousands of volts of electricity atop power lines 24 hours a day, 365 days a year, in order to keep electricity flowing; and

WHEREAS, lineworkers must often work under dangerous conditions far from their families to construct and maintain the energy infrastructure of the State of Arizona and United States of America; and

WHEREAS, lineworkers put their lives on the line every day without asking for recognition or acclaim; and

WHEREAS, the Town of Marana joins other communities in recognizing and celebrating the lineworker profession and in honoring those who selflessly perform dangerous work every day to ensure we receive the electricity we depend on.

NOW, THEREFORE, I, Ed Honea, Mayor of the Town of Marana, do hereby proclaim April 10, 2023 as Lineworkder Appreciation Day in the Town and recognize and express gratitude for the efforts of local lineworkers from Trico Electric Cooperative and Tucson Electric Power and of all lineworkers everywhere in their work to keep the power on and the public safe.

Dated this 4th day of April, 2023.

ATTEST:

David L. Udall, Town Clerk

Ed Honea, Mayor

Council-Regular Meeting **PR2**

Meeting Date: 04/04/2023

Date: April 4, 2023

Subject: Proclamation recognizing April 1-7, 2023 as the Week of the Young Child (David L. Udall)

Attachments

Proclamation

MARANA AZ
CELEBRATING 45 YEARS

PROCLAMATION
Recognizing the Week of the Young Child

WHEREAS, the first years of a child's life are the period of the most rapid brain development and lay the foundation for all future learning; and

WHEREAS, participation in high-quality early childhood education saves taxpayer dollars, allows working families to be more economically secure, and prepares children to succeed in school, earn higher wages, and live healthier lives; and

WHEREAS, high-quality early childhood education depends on high-quality early childhood educators who help ensure children have early experiences needed for a strong foundation; and

WHEREAS, young children need skilled, educated, competent, consistent, and compensated early childhood educators and working families need robust subsidies, scholarships, and tax credits for families at all income levels that support the true cost of quality early childhood education; and

WHEREAS, early childhood educators should earn a family-sustaining wage commensurate with the required education and skills they bring to the complex and valuable work they do; and

WHEREAS, First Things First, Arizona Association for the Education of Young Children, Southern Arizona Association for the Education of Young Children, and other community organizations, in conjunction with the National Association for the Education of Young Children (NAEYC), are celebrating the 52nd anniversary of the Week of the Young Child; and

WHEREAS, these organizations are working to improve equitable early learning opportunities that provide a strong start for children in the Town of Marana.

NOW, THEREFORE, I, Ed Honea, Mayor of the Town of Marana, do hereby proclaim April 1 – 7, 2023, as the Week of the Young Child in Marana and urge everyone to support efforts that increase children and families' access to high-quality early childhood education.

Dated this 4th day of April, 2023.

ATTEST:

David L. Udall, Town Clerk

Ed Honea, Mayor

Council-Regular Meeting **PR3**

Meeting Date: 04/04/2023

Date: April 4, 2023

Subject: Proclamation recognizing Karen Opoku-Appoh (David L. Udall)

Attachments

Proclamation

MARANA AZ
CELEBRATING 45 YEARS

PROCLAMATION
Recognizing Karen Opoku-Appoh

WHEREAS, the Town of Marana would like to recognize Karen Opoku-Appoh, an eighth grader from Marana Middle School, for her hard work, dedication, and determination; and

WHEREAS, on March 18, 2023 Karen Opoku-Appoh won the 2023 Arizona Spelling Bee hosted by the Arizona Educational Foundation, out-spelling 26 other competitors; and

WHEREAS, on June 1, 2023 Karen Opoku-Appoh will head to nationals to represent Marana at the Scripps National Spelling Bee in National Harbor, Maryland; and

WHEREAS, the Town of Marana wishes her the best of luck as she represents Marana and the state as an official champion in the Scripps National Spelling Bee.

NOW, THEREFORE, I, Ed Honea, Mayor of the Town of Marana, do hereby recognize Karen Opoku-Appoh for this outstanding achievement.

Dated this 4th day of April, 2023.

ATTEST:

David L. Udall, Town Clerk

Ed Honea

Ed Honea, Mayor

Council-Regular Meeting **C1**

Meeting Date: 04/04/2023

To: Mayor and Council

From: Jane Fairall, Town Attorney

Date: April 4, 2023

Strategic Plan Focus Area:
Vibrant Community, Proactive Public Services

Subject: Ordinance No. 2023.009: Relating to Business Regulations; adopting revisions to Title 9 "Business Regulations" of the Marana Town Code, including deleting section 9-2-4 (Vacation rental or short-term rental contact information) and adding new chapter 9-14 "Short-Term and Vacation Rentals"; and other various revisions to Title 9 of the Marana Town Code; and designating an effective date

Resolution No. 2023-029: Relating to Business Regulations; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2023.009, revisions to Title 9 "Business Regulations" of the Marana Town Code, including deleting section 9-2-4 (Vacation rental or short-term rental contact information) and adding new chapter 9-14 "Short-Term and Vacation Rentals"; and other various revisions to Title 9 of the Marana Town Code (Jane Fairall)

Discussion:

In 2016, the Arizona state legislature adopted SB 1350 which prohibited municipalities from prohibiting vacation rentals or short-term rentals (STR) in their communities and from regulating vacation rentals or short-term rentals based on their classification, use or occupancy. A city or town was only allowed to regulate vacation rentals or short-term rentals for limited purposes.

In the 2022 legislative session, the legislature adopted SB 1168 (a copy of which is

included within the agenda materials for this item) which allows municipalities some additional regulatory authority regarding vacation and short-term rentals. The League of Arizona Cities and Towns developed a model ordinance after the adoption of SB 1168. The attached proposed regulations, which would add a new chapter 9-14 entitled "Short-Term and Vacation Rentals" to the Marana Town Code, are based upon the League's model ordinance.

Among other things, the proposed ordinance would do the following:

- Require the owner of an STR to obtain a business license
- Require the owner to provide an emergency point of contact for the STR who will be available over the phone or text, within 60 minutes of a police officer's request for contact.
- Require the owner to notify neighbors of the use of the property as an STR prior to offering it for use
- Require the owner or the online lodging marketplace on which the vacation rental is advertised to conduct a sex offender background check on each guest within 24 hours of every booking
- Allow the Town to deny an STR license for the reasons allowed under state law
- Allow the Town to prohibit certain types of uses in a STR
- Allow the Town to suspend an STR license for 12 months for violations of the ordinance
- Allow the Town to impose various civil penalties for violations, as allowed under the state law

At the Council's March 21, 2023 meeting, staff presented the proposed Town Code revisions and sought feedback from Council. Council directed staff to bring the Town Code revisions back to Council for adoption. Also on tonight's agenda is a separate item which would amend the Town's comprehensive fee schedule to include fees for a short-term/vacation rental business license.

Staff Recommendation:

Town staff recommends adoption of the revisions to Town Code regarding short-term and vacation rentals.

Suggested Motion:

I move to adopt Ordinance No. 2023.009, adopting revisions to Title 9 “Business Regulations” of the Marana Town Code, including deleting section 9-2-4 (Vacation rental or short-term rental contact information) and adding new chapter 9-14 “Short-Term and Vacation Rentals” and Resolution No. 2023-029, declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2023.009.

Attachments

Ordinance No. 2023.009

Resolution No. 2023-029

Exhibit A to Resolution No. 2023-029

MARANA ORDINANCE NO. 2023.009

RELATING TO BUSINESS REGULATIONS; ADOPTING REVISIONS TO TITLE 9 "BUSINESS REGULATIONS" OF THE MARANA TOWN CODE, INCLUDING DELETING SECTION 9-2-4 (VACATION RENTAL OR SHORT-TERM RENTAL CONTACT INFORMATION) AND ADDING NEW CHAPTER 9-14 "SHORT-TERM AND VACATION RENTALS"; AND OTHER VARIOUS REVISIONS TO TITLE 9 OF THE MARANA TOWN CODE; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS local governments may regulate short-term rentals and vacation rentals except as limited by Arizona Revised Statutes ("A.R.S.") §9-500.39; and

WHEREAS a central and significant goal for the Town of Marana is to protect the health, safety, and welfare of the Town's residents, while preserving its housing stock, and maintaining the quality and character of residential neighborhoods; and

WHEREAS the Marana Town Council deems it necessary to adopt certain regulations regarding the use of property as short-term and vacation rentals to protect the health, safety, and welfare of the Town's residents.

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

SECTION 1. The revisions to Title 9 "Business Regulations" of the Marana Town Code, including deleting section 9-2-4 (Vacation rental or short-term rental contact information) and adding new chapter 9-14 "Short-Term and Vacation Rentals", and other various revisions to Title 9, one paper copy and one electronic copy of which are on file in the office of the Town Clerk, which were made a public record by and attached as Exhibit A to Resolution No. 2023-029 of the Town of Marana, Arizona, are hereby referred to, adopted and made a part of this ordinance as if fully set out here.

SECTION 2. The following penalty clauses are included in Marana Town Code chapter 9-14 "Short-Term and Vacation Rentals" as adopted pursuant to this ordinance:

9-14-18 Civil violations and penalties

A. The remedies in this chapter are cumulative and the town may proceed under one or more remedies.

B. No person shall operate, offer for rent, rent, occupy, or use a short-term rental in violation of any provision of this chapter or other applicable law, rule, or regulation.

C. The owner shall be subject to the suspensions, civil violations, and penalties set forth in this chapter for the owner's designee's violation of any provision of this chapter or failure to perform any act or duty required by this chapter.

D. Any person who violates a provision of this chapter will be subject to a civil code violation case in accordance with chapter 5-7 of this code.

E. In addition to any other penalty pursuant to the town code, and notwithstanding any other law, the town may impose civil penalties of the following amounts against an owner if the owner causes, allows, facilitates, aides, or abets in the commission of a verified violation or fails to perform any act or duty required by this chapter, related to the same vacation rental property within the same 12-month period. If multiple violations arise out of the same response to an incident at a vacation rental, those violations are considered one violation for the purpose of assessing civil penalties.

1. Up to $500 or up to an amount equal to one night's rent for the vacation rental as advertised, whichever is greater, for the first violation.

2. Up to $1,000 or up to an amount equal to two nights' rent for the vacation rental as advertised, whichever is greater, for the second violation.

3. Up to $3,500 or up to an amount equal to three nights' rent for the vacation rental as advertised, whichever is greater, for a third and any subsequent violation.

F. In addition to any other penalty, any property that operates as a vacation rental and fails to apply for a vacation rental license in accordance with this chapter within 30 days of the application process being made available by the town, must cease operations immediately. In addition to any fines imposed pursuant paragraph E above, the town may impose a civil penalty of up to $1,000 per month against the owner if the owner or owner's designee fails to apply for a license within 30 days of receiving written notice from the town of the failure to comply.

G. In addition to any other penalty, the town may impose a civil penalty of up to $1,000 for every 30 days the owner fails to provide contact information for an emergency point of contact to the town as required by this chapter. Before imposing the initial civil penalty, the town shall provide 30 days' notice to the owner by emailing a notice of violation to the owner's email address that was provided to the town. Notwithstanding the date of the notice of violation, the date for calculating the penalties shall be the first day the vacation rental is occupied following the owner's failure to provide the information to the town.

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. This ordinance is effective on the 31st day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 4th day of April, 2023.

_____
Mayor Ed Honea

ATTEST:

_____
David L. Udall, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

MARANA RESOLUTION NO. 2023-029

RELATING TO BUSINESS REGULATIONS; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS ADOPTED BY ORDINANCE NO. 2023.009, REVISIONS TO TITLE 9 "BUSINESS REGULATIONS" OF THE MARANA TOWN CODE, INCLUDING DELETING SECTION 9-2-4 (VACATION RENTAL OR SHORT-TERM RENTAL CONTACT INFORMATION) AND ADDING NEW CHAPTER 9-14 "SHORT-TERM AND VACATION RENTALS"; AND OTHER VARIOUS REVISIONS TO TITLE 9 OF THE MARANA TOWN CODE

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the revisions to Title 9 "Business Regulations" of the Marana Town Code, including deleting section 9-2-4 (Vacation rental or short-term rental contact information) and adding new chapter 9-14 "Short-Term and Vacation Rentals", and other various revisions to Title 9 of the Marana Town 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, are hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 4th day of April, 2023.

Mayor Ed Honea

ATTEST:

David L. Udall, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

SECTION 1. Title 9 "Business Regulations", Chapter 9-1 "General Provisions", section 9-1-2 (Definitions) of the Marana Town Code is hereby revised as follows (with additions shown with double-underlining and deletions shown with ~~strikeouts~~):

9-1-2 Definitions

The following definitions shall apply throughout this title unless the context clearly indicates or requires a different meaning.

[No revisions to paragraphs A through G]

H. "Licensee" means the person who applied for a license pursuant to this ~~article~~ title and in whose name ~~such~~ the license was issued by the town pursuant to this title.

[No revisions to paragraphs I through O]

~~P. "Vacation rental" or "short-term rental" means the same as defined in A.R.S. § 9-500.39.~~

SECTION 2. Title 9 "Business Regulations", Chapter 9-2 "Business Licenses" of the Marana Town Code is hereby revised by deleting section 9-2-4 (Vacation rental or short-term rental contact information) in its entirety and renumbering the sections that follow, and any affected cross-references, to conform to the deletion.

SECTION 3. Title 9 "Business Regulations" of the Marana Town Code is hereby revised by adding new chapter 9-14 "Short-Term and Vacation Rentals" as follows:

CHAPTER 9-14. SHORT-TERM AND VACATION RENTALS

9-14-1 Purpose

The purpose of this chapter is to protect the health, safety, and welfare of the community by enacting reasonable regulations for short-term rentals and vacation rentals. These regulations are in addition to other codes of the town.

9-14-2 Definitions

In this chapter, unless the context or definitions in A.R.S. § 9-500.39 indicate otherwise, the following terms or phrases are defined as follows:

A. "Advertisement" means any method of soliciting the use of property for vacation rental purposes.

B. "Online lodging marketplace" has the same meaning prescribed in A.R.S. § 42-5076.

C. "Days" means calendar days unless stated otherwise.

D. "Designee" and "agent" are interchangeable for purposes of this chapter and mean any person or persons with the charge, care, or control of any property, dwelling unit, or portion thereof. "Designee" includes the "emergency point of contact."

E. "Emergency point of contact" means the owner or individual designated by the owner to:

1. Serve as the local 24-hour emergency point of contact for the vacation rental; and

2. Respond to complaints and emergencies relating to the vacation rental in a timely manner as required by this chapter.

F. "License" means authorization by the town to operate a vacation rental in accordance with this chapter.

G. "Nonresidential use" means any use that is not permitted in a residential zoning district pursuant to a town zoning ordinance.

H. "Owner" means any person who, alone or with others, has title or interest in a property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and includes any person who as agent, executor, administrator, trustee, or guardian has charge, care, or control of any property, dwelling unit, or portion thereof.

I. "Person" means an individual, public entity, firm, corporation, partnership, limited liability company, trust, association, or any other business entity or juridical person, whether operating on a for-profit or nonprofit basis.

J. "Short-term rental" and "vacation rental" are interchangeable for purposes of this chapter and have the same meaning as prescribed in A.R.S. § 9-500.39.

K. "Transaction privilege tax license" is the license issued by the state of Arizona pursuant to A.R.S., title 42.

L. "Transient" has the same meaning prescribed in A.R.S. § 42-5070.

M. "Verified violation" has the same meaning as prescribed in A.R.S. § 9-500.39.

9-14-3 License required; license non-transferable

A. It is unlawful for any person to use or offer to use a property as a short-term or vacation rental in the town without first obtaining and maintaining a short-term rental license issued pursuant to this chapter.

B. A separate license is required for each short-term rental.

C. All licenses issued pursuant to this chapter are non-transferable as to location and as to person. Attempted transfer will void the license and all fees paid will be forfeited.

9-14-4 Application; fees

A. The owner of a proposed vacation rental shall submit to the town a license application on a form furnished by the town. The application shall be signed by the applicant and shall contain the following information, which shall be made publicly available:

1. The physical address of the residential property proposed to be used as a vacation rental.
2. The name, address, and telephone number of the owner for which the vacation rental license is to be issued. If the property owner is an entity, the legal name of the entity and its statutory agent.
3. The name, address, and telephone number of each designee of the owner, if any.
4. The full name, address, and 24-hour telephone number of the individual who will serve as the emergency point of contact.
5. Proof of a valid transaction privilege tax license.
6. Acknowledgment by the owner of an agreement to comply with all applicable laws, regulations, and ordinances, including the requirement that the owner and each designee shall not be a registered sex offender, been convicted of any felony act that resulted in death or serious physical injury, or been convicted of any felony use of a deadly weapon within the past five years.
7. Evidence of liability insurance appropriate to cover the vacation rental in the aggregate of at least $500,000, or evidence that each vacation rental transaction will be provided through a platform that provides equal or greater primary liability insurance coverage for the vacation rental.
8. Evidence the vacation rental is registered with county assessor's office in accordance with A.R.S. § 33-1902.

B. Each application shall be accompanied by the applicable fee as set forth in a fee schedule approved by the council and amended from time to time. The license inspector will not process an application until the applicant has paid the applicable fee.

9-14-5 Issuance of license; term of license

A. The town shall issue or deny the license within seven business days after receipt of a complete application.

B. The license shall remain in effect for one year, unless sooner suspended by the license inspector.

9-14-6 Maintenance of accurate information

All applicants and persons holding licenses issued pursuant to this chapter shall give prior written notice to the license inspector of any change in information submitted in connection with an application for a license or renewal of a license. The notice shall be provided to the license inspector not less than ten days prior to the effective date of the change

9-14-7 License renewal

A. Within one year of the issue date for the previously effective license, all licensees under this chapter wishing to remain licensed shall submit the applicable license renewal fee to the license inspector.

B. If the renewal fee is submitted more than 15 days after the expiration of the license, the licensee will also be assessed a late license renewal fee as set forth in the fee schedule approved by the council and amended from time to time.

C. The license inspector will not renew a license until the licensee has paid all applicable fees.

D. The licensee shall also submit proof of continuing compliance with all regulations, if any, of the business being operated, including but not limited to, continued possession of any required certification, permit, or similar documentation.

E. No license shall be renewed unless the licensee complies with all provisions of this chapter.

9-14-8 Grounds for denial of license; notice

A. The town may deny issuance or renewal of a license for any of the following reasons:

1. The applicant failed to provide the information required under section 9-14-4.
2. The applicant failed to pay the required license fee.
3. The applicant provided false information.
4. The owner or designee of the owner:
    a. is a registered sex offender; or
    b. has been convicted of any felony act that resulted in death or serious physical injury; or
    c. has been convicted of any felony use of a deadly weapon within five years of submitting the application; or
    d. at the time of application, has a suspended license for the same vacation rental.

B. The license inspector shall give written notice of the denial of an application to the applicant as described in section 9-14-16.

9-14-9 Compliance with laws; prohibited uses

A. The operation of a vacation rental shall be in compliance with all federal, state, and local laws, including this chapter.

B. The use of a vacation rental property for any of the following uses or purposes is strictly prohibited:

1. Any nonresidential use
2. Holding a special event that requires a permit or license pursuant to a town ordinance or state law or rule
3. Operating a retail business, restaurant, event center, banquet hall or similar use
4. Housing sex offenders
5. Operating or maintaining a sober living home
6. Selling or offering for sale, consideration, or entrance fee, liquor or illegal drugs
7. Commercial display or production of pornography
8. Obscenity as prohibited by A.R.S. title 13, chapter 35
9. Operating or maintaining an adult-oriented business including nude or topless dancing
10. Any other use prohibited by A.R.S. § 9-500.39 or the town code.

C. A vacation rental lacking a valid transaction privilege tax license issued by the state of Arizona shall not be rented or offered for rent.

D. No person or entity may receive payment or accept a fee, directly or indirectly, for facilitating the rental of a vacation rental operating in violation of this code or other law.

E. The failure of any designee to comply with this chapter shall not relieve the owner of liability under this chapter.

9-14-10 Emergency point of contact requirements

A. When requested by a police officer in an emergency, the owner or emergency point of contact whose name appears on the license application must be on the vacation rental premises, or be available over the phone or text, within 60 minutes of the request.

B. The owner or emergency point of contact shall respond to all other non-emergency complaints relating to the vacation rental in person, over the phone, by email, or by text within 24 hours of the request.

C. All applicants and persons holding licenses issued pursuant to this chapter shall give prior written notice to the license inspector of any change to the contact information provided to the town for the emergency point of contact. The notice shall be provided to the license inspector not less than ten days prior to the effective date of the change.

9-14-11 Neighbor notification requirements

A. Prior to offering for rent or renting a short-term rental within the town, the owner or owner's designee must provide notice in writing that the property will be used as a short-term rental as follows:

1. If the short-term rental is a single-family residential unit, notice shall be provided to the owners or residents of all single-family residential units and lots located (a) adjacent to the lot on which the short-term rental is located, (b) directly across the street from the lot on which the short-term rental is located, and (c) diagonally across the street from the lot on which the short-term rental is located. The requirements of this subsection may be met by providing notice to all owners or residents of single-family residential units and lots located within 200 feet of the property line of the lot on which the short-term rental is located.

2. If the short-term rental is a multi-family residential unit, notice shall be provided to the owners or residents of all residential units located on the same floor of the same building as the short-term rental.

B. The neighbor notification shall be provided in writing and shall include, at a minimum, all of the following information:

1. The license number issued by the town

2. The physical address of the vacation rental

3. The name, physical address, email address, and 24-hour telephone number of the emergency point of contact.

C. The owner or designee shall provide additional neighbor notification of any change to the information provided under paragraph A of this section not later than five days prior to each change. The additional notification shall be provided in the manner required by paragraph A.

D. Prior to offering a vacation rental for rent for the first time, the owner or designee shall provide to the town an attestation of compliance with the neighbor notification required by this section. The attestation shall include, at a minimum, all the following:

1. The license number for the short-term rental.

2. The address of each property notified.
3. A description of the manner in which the owner or owner's designee provided written notice to each property requiring notification.
4. The name and contact information of the person attesting to compliance.

9-14-12 Advertisement requirements

To protect the peace, health, safety, and general welfare of the town's residents and visitors, the owner or owner's designee shall be responsible for displaying the license number issued by the town on each advertisement for the vacation rental.

9-14-13 Posting requirements

The owner of the vacation rental must display the name, phone number, and email address of the owner, designee, and emergency point of contact in a conspicuous place within five feet of the primary entrance of the vacation rental.

9-14-14 Background check requirements

A. No sex offender shall be permitted to rent or occupy the vacation rental.

B. The owner or the online lodging marketplace on which the vacation rental is advertised shall conduct a sex offender background check on each guest within 24 hours of every booking. The owner shall demonstrate compliance with this requirement by retaining a full copy of each background check for a minimum of 12 months after the booking date and providing the copy to the town upon a request by a police officer.

9-14-15 Grounds for suspension of license; notice

A. The town may initiate an administrative process to suspend a vacation rental license for a period of up to 12 months for any of the following:

1. Three verified violations of this chapter within a 12-month period, not including any verified violation based on an aesthetic, solid waste disposal, or vehicle parking violation that is not also a serious threat to public health and safety.
2. One verified violation that results in or constitutes any of the following:
    a. A felony offense committed at or in the vicinity of a vacation rental by the owner of the vacation rental or by the owner's designee.
    b. A serious physical injury or wrongful death at or related to a vacation rental resulting from the knowing, intentional or reckless conduct of the owner of the vacation rental or the owner's designee.
    c. The owner of the vacation rental or the owner's designee knowingly or intentionally housing a sex offender, allowing offenses related to adult-

oriented businesses, sexual offenses, or prostitution, or operating or maintaining a sober living home.

d. The owner of the vacation rental or the owner's designee knowingly or intentionally allowing the use of a vacation rental for a special event that would otherwise require a permit or license pursuant to the town code or a state law or rule or for a retail, restaurant, banquet space or other similar use.

B. If a license is suspended pursuant to this chapter, the short-term rental is prohibited from operating during the suspension period and, if the suspension is for a period beyond the term of the license, then, to operate the short-term rental, the owner will be required to obtain a new license after completion of the suspension period. A person may not apply for a new license for a short-term rental until the suspension period is over.

C. The license inspector shall give written notice of a license suspension to the owner as described in section 9-14-16 below.

9-14-16 Notice of license denial or suspension

A. If the license inspector determines that grounds exist to deny an initial or renewal vacation rental license or to suspend a vacation rental license, the license inspector shall notify the applicant or owner in writing of the denial or suspension.

B. The notice shall include justification for the denial or suspension with references to the statutes, ordinances, codes or substantive policy statements on which the denial or suspension is based.

C. The notice shall be either:

1. Personally served upon the applicant or owner, or upon any responsible person at a business address on file with the license inspector; or

2. Mailed by certified mail or other method for which proof of receipt may be obtained by the license inspector to the address of the applicant or owner listed in the current year's license application or renewal application or to the business address of the applicant or owner.

D. The effective date of the notice shall be the date the notice is actually received.

E. The notice shall advise the applicant or owner that he or she may submit a written request for an appeal hearing to the license inspector within ten calendar days of receipt of the notice.

9-14-17 Appeals

A. If an applicant or owner requests a hearing pursuant to the procedure described in section 9-14-16, the hearing shall be scheduled within 30 calendar days of the license inspector's receipt of the request, and the applicant or

owner shall receive notice of the date, time and place of the hearing delivered in the manner described in subparagraph 9-14-16(C).

1. The hearing shall be before the town manager or his or her designee to determine whether the license should have been denied, suspended, or denied renewal.
2. The hearing shall be conducted in an informal manner and the rules of evidence shall not apply.

B. If applicable, the applicant or owner may take remedial action while awaiting the review hearing, and apply to the license inspector to have the license issued or fully restored.

C. The decision of the town manager or designee is final and not subject to any further administrative review.

9-14-18 Civil violations and penalties

A. The remedies in this chapter are cumulative and the town may proceed under one or more remedies.

B. No person shall operate, offer for rent, rent, occupy, or use a short-term rental in violation of any provision of this chapter or other applicable law, rule, or regulation.

C. The owner shall be subject to the suspensions, civil violations, and penalties set forth in this chapter for the owner's designee's violation of any provision of this chapter or failure to perform any act or duty required by this chapter.

D. Any person who violates a provision of this chapter will be subject to a civil code violation case in accordance with chapter 5-7 of this code.

E. In addition to any other penalty pursuant to the town code, and notwithstanding any other law, the town may impose civil penalties of the following amounts against an owner if the owner causes, allows, facilitates, aides, or abets in the commission of a verified violation or fails to perform any act or duty required by this chapter, related to the same vacation rental property within the same 12-month period. If multiple violations arise out of the same response to an incident at a vacation rental, those violations are considered one violation for the purpose of assessing civil penalties.

1. Up to $500 or up to an amount equal to one night's rent for the vacation rental as advertised, whichever is greater, for the first violation.
2. Up to $1,000 or up to an amount equal to two nights' rent for the vacation rental as advertised, whichever is greater, for the second violation.
3. Up to $3,500 or up to an amount equal to three nights' rent for the vacation rental as advertised, whichever is greater, for a third and any subsequent violation.

F. In addition to any other penalty, any property that operates as a vacation rental and fails to apply for a vacation rental license in accordance with this chapter within 30 days of the application process being made available by the town, must cease operations immediately. In addition to any fines imposed pursuant paragraph E above, the town may impose a civil penalty of up to $1,000 per month against the owner if the owner or owner's designee fails to apply for a license within 30 days of receiving written notice from the town of the failure to comply.

G. In addition to any other penalty, the town may impose a civil penalty of up to $1,000 for every 30 days the owner fails to provide contact information for an emergency point of contact to the town as required by this chapter. Before imposing the initial civil penalty, the town shall provide 30 days' notice to the owner by emailing a notice of violation to the owner's email address that was provided to the town. Notwithstanding the date of the notice of violation, the date for calculating the penalties shall be the first day the vacation rental is occupied following the owner's failure to provide the information to the town.

9-14-19 Judicial relief

A. Notwithstanding section 9-14-15, any one attempted or completed felony act arising from the occupancy or use of a vacation rental that results in a death, or actual or attempted serious physical injury, shall be grounds for judicial relief in the form of a suspension of the property's use as a vacation rental for a period that shall not exceed 12 months.

B. The town attorney or designee may initiate proceedings in the Marana municipal court or other court of competent jurisdiction to enforce this section.

Statutory definitions referred to in Chapter 9-14

"Online lodging marketplace" has the same meaning prescribed in A.R.S. § 42-5076.

"Online lodging marketplace" means a person that provides a digital platform for compensation through which an unaffiliated third party offers to rent lodging accommodations in this state to an occupant, including a transient, as defined in section 42-5070, and the accommodations are not classified for property tax purposes under section 42-12001. For the purposes of this paragraph:

(a) "Lodging accommodations" means any space offered to the public for lodging, including any hotel, motel, inn, tourist home or house, dude ranch, resort, campground, studio or bachelor hotel, lodging house, rooming house, residential home, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location in this state or other similar structure or space.

(b) "Unaffiliated third party" means a person that is not owned or controlled, directly or indirectly, by the same interests.

"Short-term rental" and "vacation rental" are interchangeable for purposes of this chapter and have the same meaning as prescribed in A.R.S. § 9-500.39.

"Vacation rental" or "short-term rental":

(a) Means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium or cooperative that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under section 42-12001.

(b) Does not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

"Transient" has the same meaning prescribed in A.R.S. § 42-5070.

"transient" means any person who either at the person's own expense or at the expense of another obtains lodging space or the use of lodging space on a daily or weekly basis, or on any other basis for less than thirty consecutive days.

"Verified violation" has the same meaning as prescribed in A.R.S. § 9-500.39.

"Verified violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in subsection B or K of this section that has been finally adjudicated.

Subsection B:

B. A city or town may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A city or town may regulate vacation rentals or short-term rentals as follows:

1. To protect the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control and solid or hazardous waste and pollution control, if the city or town demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. To adopt and enforce use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. To limit or prohibit the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

4. To require the owner of a vacation rental or short-term rental to provide the city or town an emergency point of contact information for the owner or the owner's designee who is responsible for responding to complaints or emergencies in a timely manner in person if required by public safety personnel, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental. In addition to any other penalty pursuant to this section, the city or town may impose a civil penalty of up to $1,000 against the owner for every thirty days the owner fails to provide contact information as prescribed by this paragraph. The city or town shall provide thirty days' notice to the owner before imposing the initial civil penalty.

5. To require an owner of a vacation rental or short-term rental to obtain and maintain a local regulatory permit or license pursuant to title 9, chapter 7, article 4. As a condition of issuance of a permit or license, the application for the permit or license may require an applicant to provide only the following:

(a) Name, address, phone number and email address for the owner or owner's agent.

(b) Address of the vacation rental or short-term rental.

(c) Proof of compliance with section 42-5005.

(d) Contact information required pursuant to paragraph 4 of this subsection.

(e) Acknowledgment of an agreement to comply with all applicable laws, regulations and ordinances.

(f) A fee not to exceed the actual cost of issuing the permit or license or $250, whichever is less.

6. To require, before offering a vacation rental or short-term rental for rent for the first time, the owner or the owner's designee of a vacation rental or short-term rental to notify all single-family residential properties adjacent to, directly and diagonally across the street from the vacation rental or short-term rental. Notice shall be deemed sufficient in a multifamily residential building if given to residents on the same building floor. A city or town may require additional notification pursuant to this paragraph if the contact information previously provided changes. Notification provided in compliance with this paragraph shall

include the permit or license number if required by the city or town, the address, and the information required pursuant to paragraph 4 of this subsection. The owner or the owner's designee shall demonstrate compliance with this paragraph by providing the city or town with an attestation of notification compliance that consists of the following information:

(a) The permit or license number of the vacation rental or short-term rental, if required by the city or town.

(b) The address of each property notified.

(c) A description of the manner in which the owner or owner's designee chose to provide notification to each property subject to notification.

(d) The name and contact information of the person attesting to compliance with this paragraph.

7. To require the owner or owner's designee of a vacation rental or short-term rental to display the local regulatory permit number or license number, if any, on each advertisement for a vacation rental or short-term rental that the owner or owner's designee maintains. A city or town that does not require a local regulatory permit or license may require the owner or owner's designee of a vacation rental or short-term rental to display the transaction privilege tax license required by section 42-5042 on each advertisement for a vacation rental or short-term rental that the owner or owner's designee maintains.

8. To require the vacation rental or short-term rental to maintain liability insurance appropriate to cover the vacation rental or short-term rental in the aggregate of at least $500,000 or to advertise and offer each vacation rental or short-term rental through an online lodging marketplace that provides equal or greater coverage.

Subsection K

K. A vacation rental or short-term rental may not be used for nonresidential uses, including for a special event that would otherwise require a permit or license pursuant to a city or town ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 343

SENATE BILL 1168

AN ACT

AMENDING SECTIONS 9-500.39 AND 11-269.17, ARIZONA REVISED STATUTES; REPEALING SECTION 42-1125.02, ARIZONA REVISED STATUTES; AMENDING SECTION 42-5042, ARIZONA REVISED STATUTES; RELATING TO VACATION RENTALS AND SHORT-TERM RENTALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 9-500.39, Arizona Revised Statutes, is amended to read:

9-500.39. Limits on regulation of vacation rentals and short-term rentals; state preemption; civil penalties; transaction privilege tax license suspension; definitions

A. A city or town may not prohibit vacation rentals or short-term rentals.

B. A city or town may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A city or town may regulate vacation rentals or short-term rentals ~~for the following purposes~~ AS FOLLOWS:

1. ~~Protecting~~ TO PROTECT the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control~~,~~ AND solid or hazardous waste and pollution control, ~~and designation of an emergency point of contact,~~ if the city or town demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. ~~Adopting~~ TO ADOPT and ~~enforcing residential~~ ENFORCE use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. ~~Limiting~~ TO LIMIT or ~~prohibiting~~ PROHIBIT the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

4. ~~Requiring~~ TO REQUIRE the owner of a vacation rental or short-term rental to provide the city or town ~~with~~ AN EMERGENCY POINT OF contact information for the owner or the owner's designee who is responsible for responding to complaints OR EMERGENCIES in a timely manner in person IF REQUIRED BY PUBLIC SAFETY PERSONNEL, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental. IN ADDITION TO ANY OTHER PENALTY PURSUANT TO THIS SECTION, THE CITY OR TOWN MAY IMPOSE A CIVIL PENALTY OF UP TO $1,000 AGAINST THE OWNER FOR EVERY THIRTY DAYS THE OWNER FAILS TO PROVIDE CONTACT INFORMATION AS PRESCRIBED BY THIS PARAGRAPH. THE CITY OR TOWN SHALL PROVIDE THIRTY DAYS' NOTICE TO THE OWNER BEFORE IMPOSING THE INITIAL CIVIL PENALTY.

5. TO REQUIRE AN OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL TO OBTAIN AND MAINTAIN A LOCAL REGULATORY PERMIT OR LICENSE PURSUANT TO TITLE 9, CHAPTER 7, ARTICLE 4. AS A CONDITION OF ISSUANCE OF A PERMIT OR

LICENSE, THE APPLICATION FOR THE PERMIT OR LICENSE MAY ONLY REQUIRE AN APPLICANT TO PROVIDE THE FOLLOWING:

(a) NAME, ADDRESS, PHONE NUMBER AND EMAIL ADDRESS FOR THE OWNER OR OWNER'S AGENT.

(b) ADDRESS OF THE VACATION RENTAL OR SHORT-TERM RENTAL.

(c) PROOF OF COMPLIANCE WITH SECTION 42-5005.

(d) CONTACT INFORMATION REQUIRED PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION.

(e) ACKNOWLEDGMENT OF AN AGREEMENT TO COMPLY WITH ALL APPLICABLE LAWS, REGULATIONS AND ORDINANCES.

(f) A FEE NOT TO EXCEED THE ACTUAL COST OF ISSUING THE PERMIT OR LICENSE OR $250, WHICHEVER IS LESS.

6. TO REQUIRE, BEFORE OFFERING A VACATION RENTAL OR SHORT-TERM RENTAL FOR RENT FOR THE FIRST TIME, THE OWNER OR THE OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO NOTIFY ALL SINGLE-FAMILY RESIDENTIAL PROPERTIES ADJACENT TO, DIRECTLY AND DIAGONALLY ACROSS THE STREET FROM THE VACATION RENTAL OR SHORT-TERM RENTAL. NOTICE SHALL BE DEEMED SUFFICIENT IN A MULTI-FAMILY RESIDENTIAL BUILDING IF GIVEN TO RESIDENTS ON THE SAME BUILDING FLOOR. A CITY OR TOWN MAY REQUIRE ADDITIONAL NOTIFICATION PURSUANT TO THIS PARAGRAPH IF THE CONTACT INFORMATION PREVIOUSLY PROVIDED CHANGES. NOTIFICATION PROVIDED IN COMPLIANCE WITH THIS PARAGRAPH SHALL INCLUDE THE PERMIT OR LICENSE NUMBER IF REQUIRED BY THE CITY OR TOWN, THE ADDRESS, AND THE INFORMATION REQUIRED PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION. THE OWNER OR THE OWNER'S DESIGNEE SHALL DEMONSTRATE COMPLIANCE WITH THIS PARAGRAPH BY PROVIDING THE CITY OR TOWN WITH AN ATTESTATION OF NOTIFICATION COMPLIANCE THAT CONSISTS OF THE FOLLOWING INFORMATION:

(a) THE PERMIT OR LICENSE NUMBER OF THE VACATION RENTAL OR SHORT-TERM RENTAL, IF REQUIRED BY THE CITY OR TOWN.

(b) THE ADDRESS OF EACH PROPERTY NOTIFIED.

(c) A DESCRIPTION OF THE MANNER IN WHICH THE OWNER OR OWNER'S DESIGNEE CHOSE TO PROVIDE NOTIFICATION TO EACH PROPERTY SUBJECT TO NOTIFICATION.

(d) THE NAME AND CONTACT INFORMATION OF THE PERSON ATTESTING TO COMPLIANCE WITH THIS PARAGRAPH.

7. TO REQUIRE THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO DISPLAY THE LOCAL REGULATORY PERMIT NUMBER OR LICENSE NUMBER, IF ANY, ON EACH ADVERTISEMENT FOR A VACATION RENTAL OR SHORT-TERM RENTAL THAT THE OWNER OR OWNER'S DESIGNEE MAINTAINS. A CITY OR TOWN THAT DOES NOT REQUIRE A LOCAL REGULATORY PERMIT OR LICENSE MAY REQUIRE THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO DISPLAY THE TRANSACTION PRIVILEGE TAX LICENSE REQUIRED BY SECTION 42-5042 ON EACH ADVERTISEMENT FOR A VACATION RENTAL OR SHORT-TERM RENTAL THAT THE OWNER OR OWNER'S DESIGNEE MAINTAINS.

8. TO REQUIRE THE VACATION RENTAL OR SHORT-TERM RENTAL TO MAINTAIN LIABILITY INSURANCE APPROPRIATE TO COVER THE VACATION RENTAL OR SHORT-TERM RENTAL IN THE AGGREGATE OF AT LEAST $500,000 OR TO ADVERTISE AND OFFER EACH VACATION RENTAL OR SHORT-TERM RENTAL THROUGH AN ONLINE LODGING MARKETPLACE THAT PROVIDES EQUAL OR GREATER COVERAGE.

~~C. Within thirty days after a verified violation, a city or town shall notify the department of revenue and the owner of the vacation rental or short-term rental of the verified violation of the city's or town's applicable laws, regulations or ordinances and, if the owner of the vacation rental or short-term rental received the verified violation, whether the city or town imposed a civil penalty on the owner of the vacation rental or short-term rental and the amount of the civil penalty, if assessed. If multiple verified violations arise out of the same response to an incident at a vacation rental or short-term rental, those verified violations are considered one verified violation for the purpose of assessing civil penalties pursuant to section 42-1125.02, subsection B.~~

C. A CITY OR TOWN THAT REQUIRES A LOCAL REGULATORY PERMIT OR LICENSE PURSUANT TO THIS SECTION SHALL ISSUE OR DENY THE PERMIT OR LICENSE WITHIN SEVEN BUSINESS DAYS OF RECEIPT OF THE INFORMATION REQUIRED BY SUBSECTION B, PARAGRAPH 5 OF THIS SECTION AND OTHERWISE IN ACCORDANCE WITH SECTION 9-835, EXCEPT THAT A CITY OR TOWN MAY DENY ISSUANCE OF A PERMIT OR LICENSE ONLY FOR ANY OF THE FOLLOWING:

1. FAILURE TO PROVIDE THE INFORMATION REQUIRED BY SUBSECTION B, PARAGRAPH 5, SUBDIVISIONS (a) THROUGH (e) OF THIS SECTION.

2. FAILURE TO PAY THE REQUIRED PERMIT OR LICENSE FEE.

3. AT THE TIME OF APPLICATION THE OWNER HAS A SUSPENDED PERMIT OR LICENSE FOR THE SAME VACATION RENTAL OR SHORT-TERM RENTAL.

4. THE APPLICANT PROVIDES FALSE INFORMATION.

5. THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL IS A REGISTERED SEX OFFENDER OR HAS BEEN CONVICTED OF ANY FELONY ACT THAT RESULTED IN DEATH OR SERIOUS PHYSICAL INJURY OR ANY FELONY USE OF A DEADLY WEAPON WITHIN THE PAST FIVE YEARS.

D. A CITY OR TOWN THAT REQUIRES A LOCAL REGULATORY PERMIT OR LICENSE PURSUANT TO THIS SECTION SHALL ADOPT AN ORDINANCE TO ALLOW THE CITY OR TOWN TO INITIATE AN ADMINISTRATIVE PROCESS TO SUSPEND A LOCAL REGULATORY PERMIT OR LICENSE FOR A PERIOD OF UP TO TWELVE MONTHS FOR THE FOLLOWING VERIFIED VIOLATIONS ASSOCIATED WITH A PROPERTY:

1. THREE VERIFIED VIOLATIONS WITHIN A TWELVE MONTH PERIOD, NOT INCLUDING ANY VERIFIED VIOLATION BASED ON AN AESTHETIC, SOLID WASTE DISPOSAL OR VEHICLE PARKING VIOLATION THAT IS NOT ALSO A SERIOUS THREAT TO PUBLIC HEALTH AND SAFETY.

2. ONE VERIFIED VIOLATION THAT RESULTS IN OR CONSTITUTES ANY OF THE FOLLOWING:

(a) A FELONY OFFENSE COMMITTED AT OR IN THE VICINITY OF A VACATION RENTAL OR SHORT-TERM RENTAL BY THE VACATION RENTAL OR SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.

(b) A SERIOUS PHYSICAL INJURY OR WRONGFUL DEATH AT OR RELATED TO A VACATION RENTAL OR SHORT-TERM RENTAL RESULTING FROM THE KNOWING, INTENTIONAL OR RECKLESS CONDUCT OF THE VACATION RENTAL OR SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.

(c) AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY HOUSING A SEX OFFENDER, ALLOWING OFFENSES RELATED TO ADULT-ORIENTED BUSINESSES, SEXUAL OFFENSES OR PROSTITUTION, OR OPERATING OR MAINTAINING A SOBER LIVING HOME, IN VIOLATION OF A REGULATION OR ORDINANCE ADOPTED PURSUANT TO SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.

(d) AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY ALLOWING THE USE OF A VACATION RENTAL OR SHORT-TERM RENTAL FOR A SPECIAL EVENT THAT WOULD OTHERWISE REQUIRE A PERMIT OR LICENSE PURSUANT TO A CITY OR TOWN ORDINANCE OR A STATE LAW OR RULE OR FOR A RETAIL, RESTAURANT, BANQUET SPACE OR OTHER SIMILAR USE.

3. NOTWITHSTANDING PARAGRAPHS 1 AND 2 OF THIS SUBSECTION, ANY ATTEMPTED OR COMPLETED FELONY ACT, ARISING FROM THE OCCUPANCY OR USE OF A VACATION RENTAL OR SHORT-TERM RENTAL, THAT RESULTS IN A DEATH, OR ACTUAL OR ATTEMPTED SERIOUS PHYSICAL INJURY, SHALL BE GROUNDS FOR JUDICIAL RELIEF IN THE FORM OF A SUSPENSION OF THE PROPERTY'S USE AS A VACATION RENTAL OR SHORT-TERM RENTAL FOR A PERIOD OF TIME THAT SHALL NOT EXCEED TWELVE MONTHS.

E. A CITY OR TOWN THAT REQUIRES SEX OFFENDER BACKGROUND CHECKS ON A VACATION RENTAL OR SHORT-TERM RENTAL GUEST SHALL WAIVE THE REQUIREMENT IF AN ONLINE LODGING MARKETPLACE PERFORMS A SEX OFFENDER BACKGROUND CHECK OF THE BOOKING GUEST.

F. NOTWITHSTANDING ANY OTHER LAW, A CITY OR TOWN MAY IMPOSE A CIVIL PENALTY OF THE FOLLOWING AMOUNTS AGAINST AN OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL IF THE OWNER RECEIVES ONE OR MORE VERIFIED VIOLATIONS RELATED TO THE SAME VACATION RENTAL OR SHORT-TERM RENTAL PROPERTY WITHIN THE SAME TWELVE-MONTH PERIOD:

1. UP TO $500 OR UP TO AN AMOUNT EQUAL TO ONE NIGHT'S RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR THE FIRST VERIFIED VIOLATION.

2. UP TO $1,000 OR UP TO AN AMOUNT EQUAL TO TWO NIGHTS' RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR THE SECOND VERIFIED VIOLATION.

3. UP TO $3,500 OR UP TO AN AMOUNT EQUAL TO THREE NIGHTS' RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR A THIRD AND ANY SUBSEQUENT VERIFIED VIOLATION.

G. A VACATION RENTAL OR SHORT-TERM RENTAL THAT FAILS TO APPLY FOR A LOCAL REGULATORY PERMIT OR LICENSE IN ACCORDANCE WITH SUBSECTION B, PARAGRAPH 5 OF THIS SECTION, WITHIN 30 DAYS OF THE LOCAL REGULATORY PERMIT

OR LICENSE APPLICATION PROCESS BEING MADE AVAILABLE BY THE CITY OR TOWN ISSUING SUCH PERMITS OR LICENSES, MUST CEASE OPERATIONS. IN ADDITION TO ANY FINES IMPOSED PURSUANT TO SUBSECTION F OF THIS SECTION, A CITY OR TOWN MAY IMPOSE A CIVIL PENALTY OF UP TO $1,000 PER MONTH AGAINST THE OWNER IF THE OWNER OR OWNER'S DESIGNEE FAILS TO APPLY FOR A REGULATORY PERMIT OR LICENSE WITHIN 30 DAYS AFTER RECEIVING WRITTEN NOTICE OF THE FAILURE TO COMPLY WITH SUBSECTION B, PARAGRAPH 5 OF THIS SECTION.

H. IF MULTIPLE VERIFIED VIOLATIONS ARISE OUT OF THE SAME RESPONSE TO AN INCIDENT AT A VACATION RENTAL OR SHORT-TERM RENTAL, THOSE VERIFIED VIOLATIONS ARE CONSIDERED ONE VERIFIED VIOLATION FOR THE PURPOSE OF ASSESSING CIVIL PENALTIES OR SUSPENDING THE REGULATORY PERMIT OR LICENSE OF THE OWNER OR OWNER'S DESIGNEE PURSUANT TO THIS SECTION.

~~D.~~ I. If the owner of a vacation rental or short-term rental has provided contact information to a city or town pursuant to subsection B, paragraph 4 of this section and if the city or town issues a citation for a violation of the city's or town's applicable laws, regulations or ordinances or a state law that occurred on the owner's vacation rental or short-term rental property, the city or town shall make a reasonable attempt to notify the owner or the owner's designee of the citation within seven business days after the citation is issued using the contact information provided pursuant to subsection B, paragraph 4 of this section. If the owner of a vacation rental or short-term rental has not provided contact information pursuant to subsection B, paragraph 4 of this section, the city or town is not required to provide such notice.

~~E.~~ J. This section does not exempt an owner of a residential rental property, as defined in section 33-1901, from maintaining with the assessor of the county in which the property is located information required under title 33, chapter 17, article 1.

~~F.~~ K. A vacation rental or short-term rental may not be used for nonresidential uses, including for a special event that would otherwise require a permit or license pursuant to a city or town ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.

~~G.~~ L. For the purposes of this section:

1. "ONLINE LODGING MARKETPLACE" HAS THE SAME MEANING PRESCRIBED IN SECTION 42-5076.

~~1.~~ 2. "Transient" has the same meaning prescribed in section 42-5070.

~~2.~~ 3. "Vacation rental" or "short-term rental":

(a) Means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium~~,~~ OR cooperative ~~or timeshare,~~ that is also a transient public lodging establishment or owner-occupied residential home offered for transient use if the accommodations are not classified for property taxation under section 42-12001. ~~Vacation rental and short-term rental do~~

(b) DOES not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

~~3.~~ 4. "Verified violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in subsection B or ~~F~~ K of this section that has been finally adjudicated.

Sec. 2. Section 11-269.17, Arizona Revised Statutes, is amended to read:

11-269.17. Limits on regulation of vacation rentals and short-term rentals; state preemption; civil penalties; transaction privilege tax license suspension; definitions

A. A county may not prohibit vacation rentals or short-term rentals.

B. A county may not restrict the use of or regulate vacation rentals or short-term rentals based on their classification, use or occupancy except as provided in this section. A county may regulate vacation rentals or short-term rentals ~~for the following purposes~~ WITHIN THE UNINCORPORATED AREAS OF THE COUNTY AS FOLLOWS:

1. ~~Protecting~~ TO PROTECT the public's health and safety, including rules and regulations related to fire and building codes, health and sanitation, transportation or traffic control~~,~~ AND solid or hazardous waste and pollution control, ~~and designation of an emergency point of contact,~~ if the county demonstrates that the rule or regulation is for the primary purpose of protecting the public's health and safety.

2. ~~Adopting~~ TO ADOPT and ~~enforcing residential~~ ENFORCE use and zoning ordinances, including ordinances related to noise, protection of welfare, property maintenance and other nuisance issues, if the ordinance is applied in the same manner as other property classified under sections 42-12003 and 42-12004.

3. ~~Limiting~~ TO LIMIT or ~~prohibiting~~ PROHIBIT the use of a vacation rental or short-term rental for the purposes of housing sex offenders, operating or maintaining a sober living home, selling illegal drugs, liquor control or pornography, obscenity, nude or topless dancing and other adult-oriented businesses.

4. ~~Requiring~~ TO REQUIRE the owner of a vacation rental or short-term rental to provide the county with contact information for the owner or the owner's designee who is responsible for responding to complaints OR EMERGENCIES in a timely manner in person IF REQUIRED BY PUBLIC SAFETY PERSONNEL, over the phone or by email at any time of day before offering for rent or renting the vacation rental or short-term rental. IN ADDITION TO ANY OTHER PENALTY PURSUANT TO THIS SECTION, THE COUNTY MAY IMPOSE A CIVIL PENALTY OF UP TO $1,000 AGAINST THE OWNER FOR EVERY THIRTY DAYS THE OWNER FAILS TO PROVIDE CONTACT INFORMATION AS

PRESCRIBED BY THIS PARAGRAPH. THE COUNTY SHALL PROVIDE THIRTY DAYS' NOTICE TO THE OWNER BEFORE IMPOSING THE INITIAL CIVIL PENALTY.

5. TO REQUIRE AN OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL TO OBTAIN AND MAINTAIN A LOCAL REGULATORY PERMIT OR LICENSE. AS A CONDITION OF ISSUANCE OF A PERMIT OR LICENSE, THE APPLICATION FOR THE PERMIT OR LICENSE MAY ONLY REQUIRE AN APPLICANT TO PROVIDE THE FOLLOWING:

(a) NAME, ADDRESS, PHONE NUMBER AND EMAIL ADDRESS FOR THE OWNER OR OWNER'S AGENT.

(b) ADDRESS OF THE VACATION RENTAL OR SHORT-TERM RENTAL.

(c) PROOF OF COMPLIANCE WITH SECTION 42-5005.

(d) CONTACT INFORMATION REQUIRED PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION.

(e) ACKNOWLEDGMENT OF AN AGREEMENT TO COMPLY WITH ALL APPLICABLE LAWS, REGULATIONS AND ORDINANCES.

(f) A FEE NOT TO EXCEED THE ACTUAL COST OF ISSUING THE PERMIT OR LICENSE OR $250, WHICHEVER IS LESS.

6. TO REQUIRE, BEFORE OFFERING A VACATION RENTAL OR SHORT-TERM RENTAL FOR RENT FOR THE FIRST TIME, THE OWNER OR THE OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO NOTIFY ALL SINGLE-FAMILY RESIDENTIAL PROPERTIES ADJACENT TO, DIRECTLY AND DIAGONALLY ACROSS THE STREET FROM THE VACATION RENTAL OR SHORT-TERM RENTAL. NOTICE SHALL BE DEEMED SUFFICIENT IN A MULTI-FAMILY RESIDENTIAL BUILDING IF GIVEN TO RESIDENTS ON THE SAME BUILDING FLOOR. A COUNTY MAY REQUIRE ADDITIONAL NOTIFICATION PURSUANT TO THIS PARAGRAPH IF THE CONTACT INFORMATION PREVIOUSLY PROVIDED CHANGES. NOTIFICATION PROVIDED IN COMPLIANCE WITH THIS PARAGRAPH SHALL INCLUDE THE PERMIT OR LICENSE NUMBER IF REQUIRED BY THE COUNTY, THE ADDRESS, AND THE INFORMATION REQUIRED PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION. THE OWNER OR THE OWNER'S DESIGNEE SHALL DEMONSTRATE COMPLIANCE WITH THIS PARAGRAPH BY PROVIDING THE COUNTY WITH AN ATTESTATION OF NOTIFICATION COMPLIANCE THAT CONSISTS OF THE FOLLOWING INFORMATION:

(a) THE PERMIT OR LICENSE NUMBER OF THE VACATION RENTAL OR SHORT-TERM RENTAL, IF REQUIRED BY THE COUNTY.

(b) THE ADDRESS OF EACH PROPERTY NOTIFIED.

(c) A DESCRIPTION OF THE MANNER IN WHICH THE OWNER OR OWNER'S DESIGNEE CHOSE TO PROVIDE NOTIFICATION TO EACH PROPERTY SUBJECT TO NOTIFICATION.

(d) THE NAME AND CONTACT INFORMATION OF THE PERSON ATTESTING TO COMPLIANCE WITH THIS PARAGRAPH.

7. TO REQUIRE THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO DISPLAY THE LOCAL REGULATORY PERMIT NUMBER OR LICENSE NUMBER, IF ANY, ON EACH ADVERTISEMENT FOR A VACATION RENTAL OR SHORT-TERM RENTAL THAT THE OWNER OR OWNER'S DESIGNEE MAINTAINS. A COUNTY THAT DOES NOT REQUIRE A LOCAL REGULATORY PERMIT OR LICENSE MAY REQUIRE THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL TO DISPLAY THE

TRANSACTION PRIVILEGE TAX LICENSE REQUIRED BY SECTION 42-5042 ON EACH ADVERTISEMENT FOR A VACATION RENTAL OR SHORT-TERM RENTAL THAT THE OWNER OR OWNER'S DESIGNEE MAINTAINS.

8. TO REQUIRE THE VACATION RENTAL OR SHORT-TERM RENTAL TO MAINTAIN LIABILITY INSURANCE APPROPRIATE TO COVER THE VACATION RENTAL OR SHORT-TERM RENTAL IN THE AGGREGATE OF AT LEAST $500,000 OR TO ADVERTISE AND OFFER EACH VACATION RENTAL OR SHORT-TERM RENTAL THROUGH AN ONLINE LODGING MARKETPLACE THAT PROVIDES EQUAL OR GREATER COVERAGE.

~~C. Within thirty days after a verified violation, a county shall notify the department of revenue and the owner of the vacation rental or short-term rental of the verified violation of the county's applicable laws, regulations or ordinances and, if the property owner received the verified violation, whether the county imposed a civil penalty on the owner of the vacation rental or short-term rental and the amount of the civil penalty, if assessed. If multiple verified violations arise out of the same response to an incident at a vacation rental or short-term rental, those verified violations are considered one verified violation for the purpose of assessing civil penalties pursuant to section 42-1125.02, subsection B.~~

C. A COUNTY THAT REQUIRES A LOCAL REGULATORY PERMIT OR LICENSE PURSUANT TO THIS SECTION SHALL ISSUE OR DENY THE PERMIT OR LICENSE WITHIN SEVEN BUSINESS DAYS OF RECEIPT OF THE INFORMATION REQUIRED BY SUBSECTION B, PARAGRAPH 5 OF THIS SECTION AND OTHERWISE IN ACCORDANCE WITH SECTION 11-1602, EXCEPT THAT A COUNTY MAY DENY ISSUANCE OF A PERMIT OR LICENSE ONLY FOR ANY OF THE FOLLOWING:

1. FAILURE TO PROVIDE THE INFORMATION REQUIRED BY SUBSECTION B, PARAGRAPH 5, SUBDIVISIONS (a) THROUGH (e) OF THIS SECTION.

2. FAILURE TO PAY THE REQUIRED PERMIT OR LICENSE FEE.

3. AT THE TIME OF APPLICATION THE OWNER HAS A SUSPENDED PERMIT OR LICENSE FOR THE SAME VACATION RENTAL OR SHORT-TERM RENTAL.

4. THE APPLICANT PROVIDES FALSE INFORMATION.

5. THE OWNER OR OWNER'S DESIGNEE OF A VACATION RENTAL OR SHORT-TERM RENTAL IS A REGISTERED SEX OFFENDER OR HAS BEEN CONVICTED OF ANY FELONY ACT THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY OR ANY FELONY USE OF A DEADLY WEAPON WITHIN THE PAST FIVE YEARS.

D. A COUNTY THAT REQUIRES A LOCAL REGULATORY PERMIT OR LICENSE PURSUANT TO THIS SECTION SHALL ADOPT AN ORDINANCE TO ALLOW THE COUNTY TO INITIATE AN ADMINISTRATIVE PROCESS TO SUSPEND A LOCAL REGULATORY PERMIT OR LICENSE FOR A PERIOD OF UP TO TWELVE MONTHS FOR THE FOLLOWING VERIFIED VIOLATIONS ASSOCIATED WITH A PROPERTY:

1. THREE VERIFIED VIOLATIONS WITHIN A TWELVE MONTH PERIOD, NOT INCLUDING ANY VERIFIED VIOLATION BASED ON AN AESTHETIC, SOLID WASTE DISPOSAL OR VEHICLE PARKING VIOLATION THAT IS NOT ALSO A SERIOUS THREAT TO PUBLIC HEALTH OR SAFETY.

2. ONE VERIFIED VIOLATION THAT RESULTS IN OR CONSTITUTES ANY OF THE FOLLOWING:

(a) A FELONY OFFENSE COMMITTED AT OR IN THE VICINITY OF A VACATION RENTAL OR SHORT-TERM RENTAL BY THE VACATION RENTAL OR SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.

(b) A SERIOUS PHYSICAL INJURY OR WRONGFUL DEATH AT OR RELATED TO A VACATION RENTAL OR SHORT-TERM RENTAL RESULTING FROM THE KNOWING, INTENTIONAL OR RECKLESS CONDUCT OF THE VACATION RENTAL OR SHORT-TERM RENTAL OWNER OR OWNER'S DESIGNEE.

(c) AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY HOUSING A SEX OFFENDER, ALLOWING OFFENSES RELATED TO ADULT-ORIENTED BUSINESSES, SEXUAL OFFENSES OR PROSTITUTION, OR OPERATING OR MAINTAINING A SOBER LIVING HOME, IN VIOLATION OF REGULATION OR ORDINANCE ADOPTED PURSUANT TO SUBSECTION B, PARAGRAPH 3 OF THIS SECTION.

(d) AN OWNER OR OWNER'S DESIGNEE KNOWINGLY OR INTENTIONALLY ALLOWING THE USE OF A VACATION RENTAL OR SHORT-TERM RENTAL FOR A SPECIAL EVENT THAT WOULD OTHERWISE REQUIRE A PERMIT OR LICENSE PURSUANT TO A COUNTY OR A STATE LAW OR RULE OR FOR A RETAIL, RESTAURANT, BANQUET SPACE OR OTHER SIMILAR USE.

3. NOTWITHSTANDING PARAGRAPHS 1 AND 2 OF THIS SUBSECTION, ANY ATTEMPTED OR COMPLETED FELONY ACT, ARISING FROM THE OCCUPANCY OR USE OF A VACATION RENTAL OR SHORT-TERM RENTAL, THAT RESULTS IN A DEATH, OR ACTUAL OR ATTEMPTED SERIOUS PHYSICAL INJURY, SHALL BE GROUNDS FOR JUDICIAL RELIEF IN THE FORM OF A SUSPENSION OF THE PROPERTY'S USE AS A VACATION RENTAL OR SHORT-TERM RENTAL FOR A PERIOD OF TIME THAT SHALL NOT EXCEED TWELVE MONTHS.

E. A COUNTY THAT REQUIRES SEX OFFENDER BACKGROUND CHECKS ON A VACATION RENTAL OR SHORT-TERM RENTAL GUEST SHALL WAIVE THE REQUIREMENT IF AN ONLINE LODGING MARKETPLACE PERFORMS A SEX OFFENDER BACKGROUND CHECK OF THE BOOKING GUEST.

F. NOTWITHSTANDING ANY OTHER LAW, A COUNTY MAY IMPOSE A CIVIL PENALTY OF THE FOLLOWING AMOUNTS AGAINST AN OWNER OF A VACATION RENTAL OR SHORT-TERM RENTAL IF THE OWNER RECEIVES ONE OR MORE VERIFIED VIOLATIONS RELATED TO THE SAME VACATION RENTAL OR SHORT-TERM RENTAL PROPERTY WITHIN THE SAME TWELVE-MONTH PERIOD:

1. UP TO $500 OR UP TO AN AMOUNT EQUAL TO ONE NIGHT'S RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR THE FIRST VERIFIED VIOLATION.

2. UP TO $1,000 OR UP TO AN AMOUNT EQUAL TO TWO NIGHTS' RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR THE SECOND VERIFIED VIOLATION.

3. UP TO $3,500 OR UP TO AN AMOUNT EQUAL TO THREE NIGHTS' RENT FOR THE VACATION RENTAL OR SHORT-TERM RENTAL AS ADVERTISED, WHICHEVER IS GREATER, FOR A THIRD AND ANY SUBSEQUENT VERIFIED VIOLATION.

G. A VACATION RENTAL OR SHORT-TERM RENTAL THAT FAILS TO APPLY FOR A LOCAL REGULATORY PERMIT OR LICENSE IN ACCORDANCE WITH SUBSECTION B, PARAGRAPH 5 OF THIS SECTION, WITHIN 30 DAYS OF THE LOCAL REGULATORY PERMIT OR LICENSE APPLICATION PROCESS BEING MADE AVAILABLE BY THE COUNTY ISSUING SUCH PERMITS OR LICENSES, MUST CEASE OPERATIONS. IN ADDITION TO ANY FINES IMPOSED PURSUANT TO SUBSECTION F OF THIS SECTION, A COUNTY MAY IMPOSE A CIVIL PENALTY OF UP TO $1,000 PER MONTH AGAINST THE OWNER IF THE OWNER OR OWNER'S DESIGNEE FAILS TO APPLY FOR A REGULATORY PERMIT OR LICENSE WITHIN 30 DAYS AFTER RECEIVING WRITTEN NOTICE OF THE FAILURE TO COMPLY WITH SUBSECTION B, PARAGRAPH 5 OF THIS SECTION.

H. IF MULTIPLE VERIFIED VIOLATIONS ARISE OUT OF THE SAME RESPONSE TO AN INCIDENT AT A VACATION RENTAL OR SHORT-TERM RENTAL, THOSE VERIFIED VIOLATIONS ARE CONSIDERED ONE VERIFIED VIOLATION FOR THE PURPOSE OF ASSESSING CIVIL PENALTIES OR SUSPENDING THE REGULATORY PERMIT OR LICENSE OF THE OWNER OR OWNER'S DESIGNEE PURSUANT TO THIS SECTION.

~~D.~~ I. If the owner of a vacation rental or short-term rental has provided contact information to a county pursuant to subsection B, paragraph 4 of this section and if the county issues a citation for a violation of the county's applicable laws, regulations or ordinances or a state law that occurred on the owner's vacation rental or short-term rental property, the county shall make a reasonable attempt to notify the owner or the owner's designee of the citation within seven business days after the citation is issued using the contact information provided pursuant to subsection B, paragraph 4 of this section. If the owner of a vacation rental or short-term rental has not provided contact information pursuant to subsection B, paragraph 4 of this section, the county is not required to provide such notice.

~~E.~~ J. This section does not exempt an owner of a residential rental property, as defined in section 33-1901, from maintaining with the assessor of the county in which the property is located information required under title 33, chapter 17, article 1.

~~F.~~ K. A vacation rental or short-term rental may not be used for nonresidential uses, including for a special event that would otherwise require a permit or license pursuant to a county ordinance or a state law or rule or for a retail, restaurant, banquet space or other similar use.

~~G.~~ L. For the purposes of this section:

1. "ONLINE LODGING MARKETPLACE" HAS THE SAME MEANING PRESCRIBED IN SECTION 42-5076.

~~1.~~ 2. "Transient" has the same meaning prescribed in section 42-5070.

~~2.~~ 3. "Vacation rental" or "short-term rental":

(a) Means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium~~,~~ OR cooperative ~~or timeshare,~~ that is also a transient public lodging establishment or owner-occupied residential home offered

for transient use if the accommodations are not classified for property taxation under section 42-12001. ~~Vacation rental and short-term rental do~~

(b) DOES not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or another similar use.

~~3.~~ 4. "Verified violation" means a finding of guilt or civil responsibility for violating any state law or local ordinance relating to a purpose prescribed in subsection B or ~~F~~ K of this section that has been finally adjudicated.

Sec. 3. Repeal

Section 42-1125.02, Arizona Revised Statutes, is repealed.

Sec. 4. Section 42-5042, Arizona Revised Statutes, is amended to read:

42-5042. Online lodging operators; requirements; civil penalty; definitions

A. An online lodging operator may not offer for rent or rent a lodging accommodation without a current transaction privilege tax license. The online lodging operator shall list the transaction privilege tax license number on each advertisement for each lodging accommodation the online lodging operator maintains, including online lodging marketplace postings. AN ONLINE LODGING OPERATOR THAT FAILS TO COMPLY WITH THIS SUBSECTION SHALL PAY A CIVIL PENALTY OF $250 FOR A FIRST OFFENSE AND $1,000 FOR A SECOND OR ANY SUBSEQUENT OFFENSE.

B. For the purposes of this section:

1. "Lodging accommodation" has the same meaning prescribed in section 42-5076.

2. "Online lodging marketplace" has the same meaning prescribed in section 42-5076.

3. "Online lodging operator" has the same meaning prescribed in section 42-5076 and includes an owner of a vacation rental or short-term rental~~, as defined in section 9-500.39 or 11-269.17,~~ that is not offered through an online lodging marketplace.

4. "VACATION RENTAL" AND "SHORT-TERM RENTAL" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 9-500.39 OR 11-269.17.

5. "VERIFIED VIOLATION" HAS THE SAME MEANING PRESCRIBED IN SECTION 9-500.39 OR 11-269.17.

APPROVED BY THE GOVERNOR JULY 6, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 2022.

Council-Regular Meeting **C2**

Meeting Date: 04/04/2023

To: Mayor and Council

From: Jane Fairall, Town Attorney

Date: April 4, 2023

Strategic Plan Focus Area:
Vibrant Community, Proactive Public Services

Subject: Ordinance No. 2023.010: Relating to Finance; amending the Town of Marana comprehensive fee schedule by adding fees for business licenses for short-term and vacation rentals; and designating an effective date (Jane Fairall)

Discussion:

At the Council's March 21, 2023 meeting, staff made a presentation regarding a proposed new ordinance regulating the business of short-term and vacation rentals. As a part of that presentation, staff discussed a proposed amendment to the comprehensive fee schedule to add a fee for the vacation or short-term rental license in the amount of $60 for the initial license, and $40 for an annual renewal. The Town's current fee for regular business licenses is $50 for the initial license and $40 for an annual renewal; however, the Town is proposing to change the initial business license fee to $60 for FY 2024 as part of the annual comprehensive fee schedule update.

At the March 21st meeting, Council directed staff to bring the short-term/vacation rental ordinance as well as the fee schedule amendment back to Council for adoption. This item would amend the fee schedule to add the noted fees. The Town Code revisions regarding short-term and vacation rentals are on tonight's agenda as a separate item.

Financial Impact:

The revenue generated from the short-term/vacation rental license fee is not expected to have a material impact on the general fund.

Staff Recommendation:
Staff recommends approval of the ordinance.

Suggested Motion:
I move to adopt Ordinance No. 2023.010, amending the Town of Marana comprehensive fee schedule by adding fees for business licenses for short-term and vacation rentals.

Attachments

Ordinance No. 2023.010

MARANA ORDINANCE NO. 2023.010

RELATING TO FINANCE; AMENDING THE TOWN OF MARANA COMPREHENSIVE FEE SCHEDULE BY ADDING FEES FOR BUSINESS LICENSES FOR SHORT-TERM AND VACATION RENTALS; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town Council is authorized by A.R.S. § 9-240(A) to control the finances of the Town; and

WHEREAS the Town Council, via Ordinance No. 2021.008, adopted an amended comprehensive fee schedule on May 18, 2021, which was made a public record by and attached as Exhibit A to Resolution No. 2021-071; and; and

WHEREAS from time to time the Town Council has adopted amendments to the comprehensive fee schedule, most recently on October 18, 2022, via Ordinance No. 2022.023; and

WHEREAS amending the comprehensive fee schedule as set forth in this ordinance is in the best interests of the Town of Marana.

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

SECTION 1. The Town of Marana comprehensive fee schedule adopted via Ordinance No. 2021.008, as previously amended, is hereby amended by adding the following fees (only added fees are shown; all other fees remain unchanged):

Fee/Description	Amount	Unit of Measure	Notes
GENERAL SERVICES: LICENSING			
Business License; Short-Term/Vacation Rental; Initial Fee	$60.00	Per License	$40.00 refundable if license application is denied
Business License; Short-Term/Vacation Rental; Renewal Fee	$40.00	Per Year	Non-refundable

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

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance shall become effective on the 31st day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 4th day of April, 2023.

_____
Mayor Ed Honea

ATTEST:

_____
David L. Udall, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

Council-Regular Meeting **C3**

Meeting Date: 04/04/2023

To: Mayor and Council

Submitted For: Steven Cheslak, Principal Planner

From: Brian Varney, Senior Planner

Date: April 4, 2023

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2023-030: Relating to Development; approving the final plat for Linda Vista Village North, Village IV (Lots 1-70), Village V (Lots 1-58) and Common Areas "A", "D", "E", "F", "G", and "H" located on the north side of Linda Vista Boulevard, 0.1 miles east of Twin Peaks Road (Steve Cheslak)

Discussion:

Request
Presidio Engineering, representing Red Point Development, is requesting approval of the final plat for Linda Vista Village North. The proposed final plat includes 128 residential lots and Common Areas 'A', 'D', 'E', 'F', 'G', and 'H'.

Location
The proposed final plat is located on the north side of Linda Vista Boulevard, 0.1 miles east of Twin Peaks Road.

Zoning
The Town Council adopted Marana Ordinance No. 2006.23 on December 5, 2006 approving the Cascada Specific Plan. The Town Council subsequently adopted Marana Ordinance 2016.001 on January 19, 2016, approving the Linda Vista Village at Cascada Specific Plan. Village V and the western portion of Village IV, including lots 14-17, as well as the associated common area and right-of-way of the proposed plat are located within the zoning established by the Cascada Specific Plan. The remaining majority of

Village IV, including the associated common area and right-of-way, is located within the zoning established by the Linda Vista Village at Cascada Specific Plan.

Land Use
The proposed 48.66 acre final plat intends, within Villages IV and V, a total of 128 lots, and six distinct common areas designations. Both Village IV and V have the same Employment Center land use designation from the respective specific plan zoning and are proposed to be developed as Medium Density Residential (Linda Vista Village at Cascada Specific Plan) and High Density Residential (Cascada Specific Plan). The minimum lot size proposed within this plat is 4,576 square feet. The maximum lot size proposed is 9,321 square feet and the average lot size is 4,600 square feet. A maximum building height of 28 feet and 40 feet, per the respective specific plan zoning, is allowed within the Villages. All single-family residential development will comply with the Town's Residential Design Standards except as indicated within the Linda Vista Village at Cascada Specific Plan and Cascada Specific Plan.

Access and Traffic Circulation
Access is proposed from Linda Vista Boulevard and Calle Bilboa. Approximately 1.1 miles of new public streets are proposed. The entry spine road, Camino Benicardo, will be constructed as a divided roadway and will be signalized at its intersection with Linda Vista Boulevard.

Utilities
The subdivision will be served by Marana Water. The property owners will be responsible for constructing all on-site and off-site water infrastructure needed to serve potable water and fire protection for the project. Sewer service will be provided by Pima County Wastewater. Northwest Fire District, Tucson Electric Power, and Southwest Gas will provide their respective services.

Staff Recommendation:
Staff has reviewed the proposed amended final plat against the requirements of the Cascada Specific Plan as well as the Linda Vista Village at Cascada Specific Plan, the Marana Town Code, and the Marana General Plan. The final plat is in substantial conformance with all required development regulations, and staff recommends approval.

Suggested Motion:
I move to adopt Resolution No. 2023-030 approving the final plat for Linda Vista Village North, Village IV (Lots 1-70), Village V (Lots 1-58) and Common Areas “A”, “D”, “E”, “F”, “G”, and “H”.

Attachments

Resolution No. 2023-030
Final Plat

MARANA RESOLUTION NO. 2023-030

RELATING TO DEVELOPMENT; APPROVING THE FINAL PLAT FOR LINDA VISTA VILLAGE NORTH, VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A", "D", "E" , "F", "G" AND "H", LOCATED ON THE NORTH SIDE OF LINDA VISTA BOULEVARD, 0.1 MILE EAST OF TWIN PEAKS ROAD

WHEREAS, on December 5, 2006, the Mayor and Town Council adopted Ordinance No. 2006.23, approving a rezoning of approximately 1,454 acres to create the Cascada Specific Plan; and

WHEREAS, on January 6, 2009, the Mayor and Town Council adopted Resolution No. 2009-001, approving the Final Plat for Cascada, Village I (Lots 1-430), Blocks I-XVIII, "A", "B", "C", "D" and Common Areas "A", "B", "C", "D", "E", "F", "G", "H", and "I", recorded in the Pima County Recorder's office on January 23, 2009 at Book 64 of Maps and Plats, Page 35 (Sequence 20090150376) (the "Original Cascada Plat"); and

WHEREAS, on January 19, 2016, the Mayor and Town Council adopted Ordinance 2016.001, approving a rezoning of 155 acres to create the Linda Vista Village at Cascada Specific Plan; and

WHEREAS, on September 4, 2018, the Mayor and Town Council adopted Resolution No. 2018-079, approving the Preliminary Plat for Linda Vista Village at Cascada, Village I (Lots 1-39), Village II (Lots 1-93), Village III (Lots 1-131), Blocks I-VII, and Common Areas "A", "B", "C", "D", "E", "F", "G", and "H"; and

WHEREAS, on September 15, 2020, the Mayor and Town Council adopted Resolution No. 2020-099, approving the Final Plat for Linda Vista Village at Cascada, Village I (Lots 1-39), Village II (Lots 1-93), Village III (Lots 1-131), Blocks I-VII, and Common Areas "A", "B", "C", "D", "E", "F", "G", and "H"; and

WHEREAS on November 16, 2021, the Mayor and Town Council adopted Resolution No. 2021-143, approving the Amended Final Plat for Linda Vista Village at Cascada Village I (Lots 1-39), Village II (Lots 1-93), Village III (Lots 1-131), Blocks I-VII, and Common Areas "A", "B", "C", "D", "E", "F", "G", and "H"; and

WHEREAS Presidio Engineering, on behalf of the landowner, has applied for approval of the final plat for Linda Vista Village North, Village IV (Lots 1-70), Village V (Lots 1-58) and Common Areas "A", "D", "E", "F", "G", and "H"; and

WHEREAS the Mayor and Town Council, at its April 4, 2023 meeting, determined that the final plat for Linda Vista Village North should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the final plat for Linda Vista Village North is hereby approved.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 4th day of April, 2023.

_____
Mayor Ed Honea

ATTEST:

_____
David L. Udall, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

GENERAL NOTES

1. THE PURPOSE OF THIS PLAT IS TO CREATE AND SUBDIVIDE VILLAGE IV (LOTS 1–70) AND V (LOTS 1–58) THROUGH A RE–SUBDIVISION OF A PORTION OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA (SEQ. NO. 20213260195), INCLUDING BLOCKS II, III & IV, AND THE SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE MINOR LAND DIVISION (SEQ. NO. 20220420098). ADDITIONALLY, PREVIOUSLY DEDICATED RIGHTS–OF–WAY AND GRANTED EASEMENTS, AS ESTABLISHED BY THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA (SEQ. NO. 20213260195), WILL BE ABANDONED OR RELEASED BY THIS PLAT.
2. THE LOTS WITHIN VILLAGE I, AS PREVIOUSLY ESTABLISHED BY THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA (SEQ. NO. 20213260195), WILL NOT BE ALTERED BY THIS PLAT. PORTIONS OF THE ADJACENT RIGHTS–OF–WAY AND COMMON AREAS WILL BE ALTERED BY THIS PLAT.
3. THE GROSS AREA OF THE SUBDIVISION IS ±48.66 ACRES (2,119,620 S.F.), NOT INCLUDING VILLAGE 1 LOTS.
   THE EXISTING ZONING IS "F" PER THE LINDA VISTA VILLAGE AT CASCADA SPECIFIC PLAN, PCZ1503–001 PER ORDINANCE NO. 2016.001 AND THE CASCADA SPECIFIC PLAN, PCZ–04004 PER ORDINANCE NO. 2006.23.
4. TOTAL MILES OF NEW PUBLIC STREETS IS 1.1 MILES.
5. THE TOTAL NUMBER OF NEW LOTS PROPOSED WITHIN THIS PLAT IS 128. DENSITY: VILLAGE IV AT 3.6 RAC (70 LOTS/19.46 AC) AND VILLAGE V AT 4.55 RAC (58 LOTS/12.75 AC).
6. A. THE MAXIMUM NUMBER OF DWELLING UNITS ALLOWED WITHIN THE LINDA VISTA VILLAGE (PCZ 1503–001) PROJECT IS 693.
   THE NUMBER OF DWELLING UNITS PROPOSED WITHIN THE LINDA VISTA VILLAGE PROJECT WITH THE INCLUSION OF THIS PLAT IS 329 AND IS DISTRIBUTED AS FOLLOWS:
   VILLAGE I WITH 39 LOTS (PER SEQ. NO. 20213260195)
   VILLAGE II WITH 93 LOTS (PER SEQ. NO. 20213260195)
   VILLAGE III WITH 131 LOTS (PER SEQ. NO. 20213260195)
   VILLAGE IV WITH 66 LOTS (1–13, 18–70 PER THIS PLAT)
   B. THE MAXIMUM NUMBER OF DWELLING UNITS ALLOWED WITHIN THE CASCADA PROJECT (PCZ–04004) IS 3806. THE NUMBER OF DWELLING UNITS PROPOSED WITHIN THE CASCADA PROJECT WITH THE INCLUSION OF THIS PLAT IS 622 AND IS DISTRIBUTED AS FOLLOWS:
   OASIS HILLS WITH 90 LOTS (PER BK. 60, M&P, PG. 38)
   OASIS HILL II WITH 40 LOTS (PER BK. 63, M&P, PG. 15)
   CASCADA VILLAGE I WITH 430 LOTS (PER BK. 64, M&P, PG. 35)
   VILLAGE IV WITH 4 LOTS (14–17 PER THIS PLAT)
   VILLAGE V WITH 58 LOTS (1–58 PER THIS PLAT)
7. THE FOLLOWING LOT AREAS ARE PROPOSED WITHIN THIS PLAT:
   MINIMUM LOT SIZE ALLOWED 3,500 S.F.
   SMALLEST LOT 4,576 S.F., LARGEST LOT 9,321 S.F. AND AVERAGE LOT 4,600 S.F.
8. DEVELOPMENT STANDARDS ARE TO BE PER THE LINDA VISTA VILLAGE AT CASCADA SPECIFIC PLAN (PCZ1503–001) AND THE CASCADA SPECIFIC PLAN (PCZ–04004), AND ARE AS FOLLOWS:

	LINDA VISTA VILLAGE S.P. EC LAND USE–MDR DEVELOPMENT TYPE & MDR LAND USE, VILLAGE IV LOTS 1–13, 18–70	CASCADA S.P. EC LAND USE – HDR DEVELOPMENT TYPE VILLAGE IV LOTS 14–17 & VILLAGE V LOTS 1–58
a. MAXIMUM GROSS DENSITY:	6 RAC	10 RAC
b. MINIMUM LOT SIZE:	3500 S.F.	
c. MAXIMUM LOT COVERAGE:	65%	
d. MAXIMUM BUILDING HEIGHT:	28 FEET	40 FEET
e. BUILDING SETBACKS:		
A. FRONT:		
(i) MAIN STRUCTURE:	10 FEET*	15 FEET*
(ii) FRONT LOADING GARAGE:	20 FEET**	
(iii) SIDE LOADING GARAGE:	10 FEET*	
(iv) SETBACKS STAGGERING:	A MINIMUM OF 20% ON EVERY THIRD LOT SO THAT THE FRONT SETBACK WILL NOT BE THE SAME FOR THREE CONSECUTIVE HOMES	
B. SIDE		
(i) MAIN STRUCTURE:	0 FEET	
(ii) MINIMUM BETWEEN BUILDINGS:	10 FEET	
(iii) SIDE YARD ADJACENT TO STREET:	10 FEET	
C. REAR		
(i) MAIN STRUCTURE:	10 FEET	15 FEET
(ii) REAR LOADING GARAGES:	FROM ALLEY, LESS THAN OR EQUAL TO 5 FEET OR GREATER THAN 18 FEET	
(iii) ACCESSORY STRUCTURES:	0 FEET	
f. MINIMUM LOT WIDTH:	NONE	
g. MINIMUM LOT DEPTH:	NONE	
h. BUILDING MASS:	PER RESIDENTIAL DESIGN CRITERIA AND THE DEVELOPMENT REVIEW COMMITTEE (DRC)	

* EFFECTIVE MAIN STRUCTURE FRONT SETBACK IS 15 FEET DUE TO THE DEDICATION OF A 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT.
** MEASURED FROM BACK OF SIDEWALK OR PEDESTRIAN ACCESSWAY

9. PARKING PROVISIONS INCLUDE TWO (2) ON–SITE PARKING SPACES FOR EACH LOT.
   TOTAL PROVIDED PARKING IS AS FOLLOWS:
   VILLAGE IV: 70 LOTS X 2 = 140 SPACES
   VILLAGE V: 58 LOTS X 2 = 116 SPACES
10. THIS DEVELOPMENT WILL COMPLY WITH THE CASCADA SPECIFIC PLAN (PCZ–04004) AND THE LINDA VISTA VILLAGE AT CASCADA SPECIFIC PLAN (PCZ1503–001). IF AN ISSUE, CONDITION OR SITUATION ARISES THAT IS NOT ADDRESSED OR PROVIDED FOR WITHIN THE RESPECTIVE APPLICABLE SPECIFIC PLANS, THE REGULATIONS OF THE TOWN OF MARANA LAND DEVELOPMENT CODE THAT ARE CURRENT AT THE TIME OF DEVELOPMENT PERMITTING SHALL APPLY.
11. PROJECT AREA TOTALS (SEE SHEET 4 FOR ADDITIONAL DETAILS).
    A. COMMON AREAS "A" – NATURAL UNDISTURBED OPEN SPACE (WITH REVEGETATED UTILITY EASEMENTS), 9.48 AC.
    D. COMMON AREAS "D" – OPEN SPACE / DRAINAGE / PASSIVE RECREATION AREA, 12.00 AC.
    E. COMMON AREAS "E" – OPEN SPACE / DRAINAGE, 1.77 AC.
    F. COMMON AREAS "F" – OPEN SPACE / DRAINAGE / PUBLIC UTILITIES / PASSIVE RECREATION AREA, 2.11 AC.
    G. COMMON AREAS "G" – OPEN SPACE / PUBLIC UTILITIES / MAINTENANCE, SIGNAGE, LANDSCAPE, SIDEWALK AND ACCESS, 1.43 AC.
    H. COMMON AREAS "H" – OPEN SPACE / DRAINAGE / PUBLIC UTILITIES / SLOPES, 0.52 AC.
    I. RESIDENTIAL DEVELOPMENT AREA: VILLAGES I, IV, V 20.05 AC.
    J. RIGHT–OF–WAY AREA: 6.67 AC.
12. OBJECTS AND MATERIALS WITHIN THE SIGHT VISIBILITY TRIANGLES SHALL BE PLACED SO AS NOT TO INTERFERE WITH A VISIBILITY PLANE DESCRIBED BY TWO HORIZONTAL LINES LOCATED 30 INCHES AND 72 INCHES ABOVE FINISHED GRADE OF THE ROADWAY SURFACE, AND SHALL CONFORM TO OF THE TOWN OF MARANA SUBDIVISION STREET STANDARDS.
13. ACCORDING TO THE DRAINAGE REPORTS PREPARED BY CMG, DATED JUNE, 2017 (DRA1707–001) AND FEBRUARY 25, 2022 (DRA2110–005). PORTIONS OF THIS SUBDIVISION ARE LOCATED IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOODPLAIN (ZONES A01) AND (ZONE X) IN ACCORDANCE WITH FLOOD INSURANCE RATE MAP (FIRM) PANEL NO'S. 04019C1065L AND 04019C1655L EFFECTIVE DATE JUNE 16, 2011. PROPOSED SUBDIVISION DEVELOPMENT AREAS ARE LOCATED WITHIN ZONES A01 AND ZONE X. UNTIL A LETTER OF MAP REVISION (LOMR) HAS BEEN ACCEPTED BY FEMA AND A REVISED MAP HAS BEEN SUBMITTED TO THE TOWN OF MARANA, THE ACTIVITIES THAT TAKE PLACE IN THE PROPOSED (ZONE A01) AREA SHALL GO THROUGH THE TOWN OF MARANA FLOODPLAIN PERMITTING PROCESS.
14. 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.
15. 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. THE LICENSE AGREEMENT SHALL BE EXECUTED AND APPROVED BY THE TOWN OF MARANA PRIOR TO APPROVAL OF THE CLOSEOUT PACKAGE FOR THIS PROJECT.
16. 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.
17. 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 OR COMPLIANCE WITH ANY DEED RESTRICTIONS OR EASEMENTS.
18. 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.
19. NO FURTHER LOT SPLITTING SHALL BE DONE WITHOUT THE WRITTEN APPROVAL OF TOWN OF MARANA.
20. THE PROFESSIONAL ENGINEER OR RECORD SHALL CERTIFY AS TO THE FORM, LINE AND FUNCTION OF ALL PUBLIC AND PRIVATE ROADWAYS AND DRAINAGE STRUCTURES BEFORE THE RELEASE OF ASSURANCES.
21. ALL LOT, BLOCK, RIGHT–OF–WAY AND CENTERLINE MONUMENTS SET ARE TO BE IN COMPLIANCE WITH THE ARIZONA STATE BOARD OF TECHNICAL REGISTRATION SUBSTANTIVE POLICY STATEMENT EFFECTIVE FEBRUARY 22, 2011, AS FOLLOWS: ALL MONUMENTS SET SHALL BE UNDER THE DIRECT SUPERVISION OF THE SURVEYOR OF RECORD. IF FOR ANY REASON THE SURVEYOR OF RECORD IS NOT AVAILABLE TO SUPERVISE THE SETTING OF THE INTERIOR CORNER MONUMENTS, SUBSEQUENT TO THE RECORDING OF THE FINAL PLAT, THE REPLACEMENT SURVEYOR SHALL SET MONUMENTS WITH HIS/HER IDENTIFYING NUMBER AND A RECORD OF SURVEY SHALL BE RECORDED IN ACCORDANCE WITH THE STATE STATUTES.
22. THE ABANDONMENT OF PUBLIC RIGHTS–OF–WAY (PURSUANT TO A.R.S. § 28–7203) AND EXTINGUISHMENT OF TOWN EASEMENTS (PURSUANT TO A.R.S. § 9–402(E)) AS SHOWN ON THIS PLAT (REFER TO SHEET 3 OF THIS PLAT) ARE ACCOMPLISHED PURSUANT TO THE MARANA TOWN COUNCIL RESOLUTION APPROVING THIS PLAT.

CERTIFICATION

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

MICHAEL AMERSON R.L.S. NO. 22245
AMERSON SURVEYING, INC.
4552 E. CAMP LOWELL DR.
TUCSON, AZ 85712
(520) 325–5883

I HEREBY CERTIFY THAT THE 100–YEAR FLOOD PRONE LIMITS AND EROSION HAZARD SETBACKS WERE REVIEWED AND SHOWN UNDER MY SUPERVISION.

SCOTT ALTHERR P.E. NO. 43795
CMG DRAINAGE ENGINEERING, INC.
3555 N. MOUNTAIN AV.
TUCSON, AZ 85719
(520) 882–4244

NO:_____
FEE:_____

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION AND THAT ALL INTERIOR GEOMETRY AND EASEMENTS WERE REVIEWED AND SHOWN UNDER MY SUPERVISION.

BENJAMIN E. ZISMANN R.L.S. NO. 66889

RECORDING

DATE

STATE OF ARIZONA)
) SS
COUNTY OF PIMA)

THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF PRESIDIO ENGINEERING, INC.,
ON THIS _____ DAY OF _____, 20___, IN SEQUENCE NO. _____ OF,
PIMA COUNTY RECORDS

GABRIELLA CAZARES–KELLY, PIMA COUNTY RECORDER

BY:_____ _____
DEPUTY

DEDICATION

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, DRAINAGEWAYS, AND EASEMENTS, INCLUDING NO ACCESS EASEMENTS. UTILITY EASEMENTS AS SHOWN ON THIS PLAT ARE DEDICATED TO THE TOWN OF MARANA, PIMA COUNTY, 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.

WE THE UNDERSIGNED, OUR SUCCESSORS AND ASSIGNS, DO HEREBY HOLD THE TOWN OF MARANA, ITS EMPLOYEES, OFFICERS, AND AGENTS HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS FOR DAMAGES RELATED TO THE USE OF THESE LANDS NOW AND IN THE FUTURE BY REASON OF FLOODING, FLOWAGE, EROSION, OR DAMAGE CAUSED BY WATER, WHETHER SURFACE, FLOOD, OR RAINFALL. NATURAL DRAINAGE SHALL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT THE APPROVAL OF THE TOWN OF MARANA.

COMMON AREAS AS SHOWN ON THIS PLAT ARE RESERVED FOR THE PRIVATE USE AND CONVENIENCE OF ALL OWNERS OF PROPERTY WITHIN THIS SUBDIVISION AND THEIR GUESTS AND INVITEES. COMMON AREAS, BUT NOT NATURAL UNDISTURBED OPEN SPACE, ARE GRANTED AS EASEMENTS TO THE TOWN OF MARANA, PIMA COUNTY, AND ALL PUBLIC AND PRIVATE UTILITY COMPANIES FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF, AND ACCESS TO, UNDERGROUND PUBLIC AND PRIVATE UTILITIES AND SEWERS. PRIVATE DRAINAGEWAYS ARE ALSO RESERVED FOR THE FLOW OF WATER, WHETHER SURFACE, FLOOD, OR RAINFALL, FROM THIS SUBDIVISION AND OTHER LANDS AS APPROVED BY THE TOWN ENGINEER. TITLE TO ALL PRIVATE DRAINAGEWAYS AND COMMON AREA SHALL BE VESTED IN AN ASSOCIATION OF INDIVIDUAL LOT OWNERS AS ESTABLISHED BY COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN DKT. 13480 AT PG. 1394 AND AMENDED BY SEQUENCE NO. 20220660632. IN THE OFFICE OF THE RECORDER OF PIMA COUNTY, ARIZONA. EACH AND EVERY LOT OWNER WITHIN THE SUBDIVISION SHALL BE A MEMBER OF THE ASSOCIATION, WHICH IS RESPONSIBLE FOR THE CONTROL, MAINTENANCE, SAFETY, AND LIABILITY OF THE PRIVATE DRAINAGEWAYS AND COMMON AREA WITHIN THIS SUBDIVISION.

STEWART TITLE & TRUST OF TUCSON, AN ARIZONA CORPORATION AS TRUSTEE UNDER TRUST NUMBER 3773 ONLY AND NOT OTHERWISE, AS TO VILLAGE IV (LOTS 1–70), VILLAGE V (LOTS 1–58) AND COMMON AREAS A#9, D#1A–D#1C, D#4A–D#4D, D#18, D#18A–D#18C, F#1A, G#1A–G#11, G#8A–G#8L.

BY: _____ DATE: _____
ERIK ZWERK, TRUST OFFICER

STEWART TITLE & TRUST OF TUCSON, AN ARIZONA CORPORATION AS TRUSTEE UNDER TRUST NUMBER 3772 ONLY AND NOT OTHERWISE, AS TO COMMON AREAS A#1–A#2, D#1–D#4, E#1–E#2, E#2A, F#1–F#2, F#1B, G#1–G#8, H#1–H#2 AND H#8.

BY: _____ DATE: _____
ERIK ZWERK, TRUST OFFICER

ACKNOWLEDGEMENT FOR TRUST #3773

STATE OF ARIZONA)
) SS
COUNTY OF PIMA)

ON THIS _____ DAY OF _____, 20___. BEFORE ME, PERSONALLY APPEARED THE UNDERSIGNED OFFICIAL, _____ WHO ACKNOWLEDGED TO BE THE TRUST OFFICER OF STEWART TITLE & TRUST OF TUCSON, AN ARIZONA CORPORATION, AS TRUSTEE UNDER TRUST NO. 3773, AND NOT IN ITS CORPORATE CAPACITY, AND BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN.

MY COMMISSION EXPIRES: _____ _____
NOTARY PUBLIC

ACKNOWLEDGEMENT FOR TRUST #3772

STATE OF ARIZONA)
) SS
COUNTY OF PIMA)

ON THIS _____ DAY OF _____, 20___. BEFORE ME, PERSONALLY APPEARED THE UNDERSIGNED OFFICIAL, _____ WHO ACKNOWLEDGED TO BE THE TRUST OFFICER OF STEWART TITLE & TRUST OF TUCSON, AN ARIZONA CORPORATION, AS TRUSTEE UNDER TRUST NO. 3772, AND NOT IN ITS CORPORATE CAPACITY, AND BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN.

MY COMMISSION EXPIRES: _____ _____
NOTARY PUBLIC

BENEFICIARY OF TRUST #3773

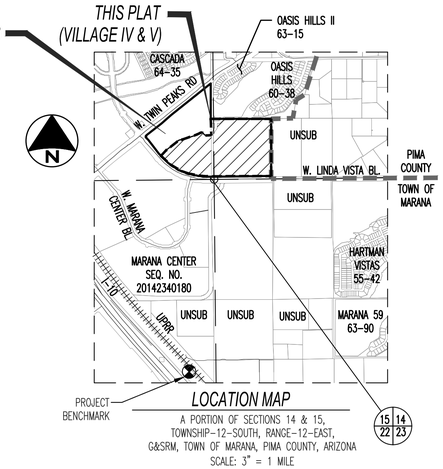
AMH LINDA VISTA DEVELOPMENT TRS, LLC, A DELAWARE LIMITED LIABILITY COMPANY
23975 PARK SORRENTO, SUITE 300
CALABASAS, CA 91302
ATTN: LEGAL DEPARTMENT
(702) 847–7842

BENEFICIARY OF TRUST #3772

AMH DEVELOPMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY
23975 PARK SORRENTO, SUITE 300
CALABASAS, CA 91302
ATTN: LEGAL DEPARTMENT
(702) 847–7842

PARCEL A
SEQ. NO. 20220420098

THIS PLAT
(VILLAGE IV & V)



LOCATION MAP

A PORTION OF SECTIONS 14 & 15, TOWNSHIP–12–SOUTH, RANGE–12–EAST, G&SRM, TOWN OF MARANA, PIMA COUNTY, ARIZONA
SCALE: 3" = 1 MILE

ABBREVIATION

BK	BOOK	PAG	PIMA ASSOCIATION OF GOVERNMENTS
BM	BENCH MARK	PC	PIMA COUNTY
(C)	CALCULATED DIMENSION	PG.	PAGE
C2	INDICATES CURVE NUMBER (SEE TABLE ON SHT. 17)	Q100	100–YR FLOW
C.A.	COMMON AREA	(R1)	RECORD VALUE PER RECORD OF SURVEY
DTL.	DETAIL	(R)	RECORD DIMENSION
EG	EXISTING GRADE	(RAD)	RADIAL BEARING
ESMT	EASEMENT	R/W	RIGHT–OF–WAY
FG	FINISH GRADE ELEVATION	RWC3	INDICATES RIGHT–OF–WAY CURVE NUMBER (SEE TABLE ON SHT. 17)
FP1	INDICATES 100–YEAR FLOOD PLAIN LIMIT LINE NUMBER (SEE TABLE ON SHT. 18)	SEQ. NO.	INDICATES SEQUENCE NUMBER
FZ3	INDICATES FEMA FLOOD ZONE "A" LIMIT LINE NUMBER (SEE TABLE ON SHT. 18)	S.F.	SQUARE FOOTAGE
		STD.	STANDARD
(M)	MEASURED DIMENSION	SVT	INDICATES SIGHT VISIBILITY TRIANGLE LIMITS

BASIS OF ELEVATION

NGS DESIGNATION 261+04.8 PID CZ0530, A SURVEY DISK IN A CULVERT MARKED 2136.58 261.04.04 AZHD SET IN THE CENTER OF THE NORTHEAST HEADWALL OF A CONCRETE CULVERT UNDER THE FRONTAGE ROAD, 0.90 MILES NORTHWEST OF THE CORTARO ROAD OVERPASS, 124.00 FEET SOUTHWEST OF THE SOUTHWEST RAIL OF THE RAILROAD TRACKS AND 16.00 FEET NORTHEAST OF THE FRONTAGE ROAD,
ELEVATION BEING 2138.24 FEET (NAVD 88).

BASIS OF BEARING

THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 12 SOUTH, RANGE 12 EAST, GILA AND SALT RIVER MERIDIAN, AS SHOWN ON MARANA CENTER FINAL BLOCK PLAT RECORDED IN SEQUENCE NO. 20142340180,
BEARING BEING: N 00°30'54" W.

SHEET INDEX

SHEET 1 ..... COVER SHEET
SHEET 2 ..... BOUNDARY TIES
SHEET 3 ..... EASEMENT RELEASE & RIGHT–OF–WAY ABANDONMENT
SHEET 4 ..... C.A. MAP SHEET
SHEET 5 ..... SHEET INDEX
SHEETS 6–16 ..... PLAN SHEETS
SHEETS 17–18 ..... KEYNOTES AND TABLES

ASSURANCES

ASSURANCES IN THE FORM OF A THIRD PARTY TRUST AGREEMENT, TRUST NO'S. 3772 AND 3773 FROM STEWART TITLE AND TRUST OF TUCSON, AN ARIZONA CORPORATION AS RECORDED IN SEQ. NO. _____ (TRUST NO. 3772) AND IN SEQ. NO. _____ (TRUST NO. 3773), IN THE OFFICE OF THE RECORDER PIMA COUNTY, ARIZONA HAVE BEEN PROVIDED TO GUARANTEE THE INSTALLATION OF REQUIRED STREET, SEWER, ELECTRIC, GAS, UTILITIES, DRAINAGE, FLOOD CONTROL AND OTHER SUBDIVISION IMPROVEMENTS MEETING ESTABLISHED MINIMUM STANDARDS OF DESIGN AND CONSTRUCTION.

BY:_____ _____
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

APPROVAL:

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

_____ _____
MARANA PLANNING MANAGER DATE

_____ _____
PIMA COUNTY REGIONAL WASTEWATER RECLAMATION DEPARTMENT DATE

I, _____, CLERK OF THE TOWN OF MARANA HEREBY CERTIFY THAT THIS PLAT WAS APPROVED BY THE TOWN COUNCIL OF THE TOWN OF MARANA ON THE _____ DAY OF _____, 20___.

_____ _____
CLERK OF THE TOWN OF MARANA DATE

ADMINISTRATIVE ADDRESS:

6093 W. LINDA VISTA BLVD., TUCSON, AZ 85742

LEGEND

EXISTING		PROPOSED
	RIGHT–OF–WAY LINE	
	100 YEAR FLOODPLAIN LIMITS LINE	
○	SURVEY MONUMENT AS NOTED	
●	INDICATES NUMBER 4 REBAR TO BE SET UPON COMPLETION OF CONSTRUCTION AND STAMPED BY AN R.L.S.	
■	INDICATES FOUND BRASS CAP SURVEY MONUMENT	
×	INDICATES CALCULATED POINT, NOTHING FOUND OR SET	
★	INDICATES LOT ACCESS DRIVEWAYS WILL NOT BE LOCATED WITHIN RETURNS	
	F.E.M.A. ZONE BOUNDARY	
	EXISTING 100–YR LINE FLOODPLAIN LIMITS	
	POST DEVELOPMENT 100–YR FLOODPLAIN LIMITS	
	NEW RIGHT–OF–WAY LINE	
	EXIST. RIGHT–OF–WAY LINE	
	INDICATES SUBDIVISION BOUNDARY	
	INDICATES EASEMENT LINE.	
	INDICATES CENTERLINE OF PAAL	
	SIGHT VISIBILITY TRIANGLE	
1	INDICATES EASEMENT NOTE (SEE SHT. 17 FOR EASEMENT NOTES)	
	INDICATES CONTINUATION OF LINE OR CURVE DATA TO MATCHING SHEET	
	PROJECT BENCHMARK	
	SURVEY MONUMENT PER PAG STD DTL. NO. 103 TO BE SET BY ARIZONA RLS UPON COMPLETION OF CONSTRUCTION	
BCSM	BRASS CAP SURVEY MONUMENT	
	FLOW DIRECTION	

Presidio ENGINEERING, INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795–7255 • Fax (520) 795–6747
PRESIDIO JOB. No. 114024–10–0106

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH
VILLAGE IV (LOTS 1–70), VILLAGE V (LOTS 1–58) AND COMMON AREAS "A" (#1–#2, #9), "D" (#1–#4, #1A–#1C, #4A–#4D, #18, #18A–#18C,), "E" (#1–#2, #2A), "F" (#1–#2, #1A–#1B), "G" (#1–#8, #1A–#1I, #8A–#8L) AND "H" (#1–#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS–OF–WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP–12–SOUTH, RANGE–12–EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

PRV2210–001

REFERENCE: PRV1707–001, PRV1905–002, PRV2108–001, PRV2110–005, PCZ1503–001, POM2110–002

FEBRUARY 15, 2023 SCALE: AS SHOWN
PRESIDIO JOB No. 114024–10–0106 SHEET 1 OF 18

SEQ. NO. _____

SEQ. NO. _____

SEQ. NO.

F (CASCADA)
CASCADA BLOCK XI
RECORDED, JANUARY 23, 2009
SEQ. NO. 20090150376, M&P

W TWIN PEAKS RD
(EXIST. PUBLIC STREET)
(DKT. 13421, PG. 3601)

S 51°20'27" W 1699.24'

150' R/W PER
DKT. 13421, PG. 3601

75' 1/2 R/W

NOTHING FOUND
NOTHING SET

FND 3" T.O.M. BCSM
RLS 19316

F (CASCADA)
OASIS HILLS II,
LOTS 1-40 & C.A. "A"
RECORDED,
OCOTOBER 11, 2007
SEQ. NO. 20071970208

FND PCP
RLS 18557

OASIS HILLS C.A. "A"
PARCEL 216-34-1590
SEQ. NO. 20052030153

N 00°31'26" W 790.99'

PARCEL "A"
PER MINOR LAND DIVISION
RECORDED, FEBRUARY 11, 2022,
SEQ. NO. 20220420098, M&P
(NOT A PART OF THIS PLAT)

F (CASCADA)
OASIS HILLS
LOTS 1-90, BLK I & C.A.'S, "A" & "B"
RECORDED, OCTOBER 19, 2005
SEQ. NO. 20052030153, M&P

F (LINDA VISTA VILLAGE AT CASCADA, BLOCK III)
RECORDED, SEPTEMBER 18, 2020
SEQ. NO. 20213260195
PARCEL 216-45-2670

FND 1-1/2" ACP
LS 4785

FND 1/2" IR
RLS 11892

N 89°25'40" E 1317.49' (M)

N 89°25'40" E 1317.44' (M)

SR
UNSUBDIVIDED
LAUREN BETH GOODMAN
PARCEL 216-34-0670

TOWN OF MARANA

PIMA COUNTY

F (LINDA VISTA VILLAGE
AT CASCADA, BLOCK IV)
RECORDED, SEPTEMBER 18, 2020
SEQ. NO. 20213260195
PARCEL 216-45-2680

N 00°31'26" W 352.75'

N 00°30'08" W 1241.26' (M)

S 36°50'25" E
18.30'

L=80.21'
Δ=76°35'53"
R=60.00'

L=62.26'
Δ=17°50'08"
R=200.00'

L=93.70'
Δ=53°41'01"
R=100.00'

N 48°43'35" E
16.37'

L=51.73'
Δ=29°38'29"
R=100.00'

L=32.60'
Δ=18°40'38"
R=100.00'

N 85°56'35" E
12.76'

L=23.87'
Δ=13°40'29"
R=100.00'

L=41.09'
Δ=23°32'31"
R=100.00'

N 67°15'57" E
6.66'

L=13.39'
Δ=15°20'57"
R=50.00'

S 38°29'33" E
541.35'

N 72°16'05" E 295.66'

N 89°28'34" E
34.58'

L=44.09'
Δ=25°15'48"
R=100.00'

L=36.60'
Δ=20°58'11"
R=100.00'

S 47°37'24" W
106.11'

N 51°55'00" E 317.45'

W PASEO HILARIO

VILLAGE I

W CALLE BILBOA

VILLAGE V

N RANCHO LOZANO

W PASEO VITO

VILLAGE IV

N AVENIDA TORCAL

N AVENIDA LUCENA

W CALLE LINGO

W CALLE PALMITAS

N CAMINO BENICARDO

N 00°31'26" W
1241.90' (M)

1267.01' (M)

45' R/W PER
DKT. 13421, PG. 3601

FND 2" ACP
LS 21080

45.00' (R&M)

FND 1 1/2" ACP
RLS 7599

W LINDA VISTA BL
(PUBLIC STREET)
(DKT. 13421, PG. 3601)

1316.85'

N 89°23'59" E 2633.71' (R&M)

1316.85'

CALCULATED POINT

S 00°29'47" E
105.00'

60' R/W PER
BK. 2, PG. 64 (RM)

45' R/W PER
DKT. 13415, PG. 862

F (SPECTRUM)
MARANA CENTER, PARCEL 1, RE-SUB TRACTA
(LOTS 1-2)
RECORDED, JANUARY 22, 2016
SEQ. NO. 20160220176
PARCEL 221-04-0380

L=1297.29'
Δ=51°53'30"
R=1432.39'

L=1136.23'
Δ=47°57'37"
R=1357.39'

L=362.88'
Δ=14°30'54"
R=1432.39'

F (LINDA VISTA VILLAGE AT CASCADA, BLOCK II)
RECORDED, SEPTEMBER 18, 2020
SEQ. NO. 20213260195
PARCEL 216-45-2660

FND 3" T.O.M. BCSM
RLS 27239

S 89°29'18" E
89.81'

N 00°31'26" W
75.00'

N 89°23'59" W
50.01'

FND MAG NAIL

15 14
22 23

SEE DETAIL "A"
ON THIS SHEET

F (LINDA VISTA VILLAGE AT CASCADA, BLOCK V)
RECORDED, SEPTEMBER 18, 2020
SEQ. NO. 20213260195
PARCEL 216-45-2690

F (LINDA VISTA VILLAGE AT CASCADA, BLOCK VI)
RECORDED, SEPTEMBER 18, 2020
SEQ. NO. 20213260195
PARCEL 216-45-2700

L=1297.29'
Δ=51°53'30"
R=1432.39'

N 00°25'41" W
1.47'

N 89°34'19" E
89.98'

75.00'
45.00'
30.00'

FND MAG NAIL

DETAIL "A"
NTS

PROJECT LAYOUT
0' 150' 300'
SCALE 1"=150'

Registered Professional Engineer (Civil)
CERTIFICATE NO.
43795
SCOTT J.
ALTHERR
Date Signed 12-5-22
Scott J. Altherr

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
22245
MICHAEL
AMERSON
Date Signed 12-5-22
ARIZONA U.S.A.

Registered Land Surveyor
CERTIFICATE NO.
66889
BENJAMIN E
ZISMANN
Date Signed 12-5-22
ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C.), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PC2103-001, PCM2110-002

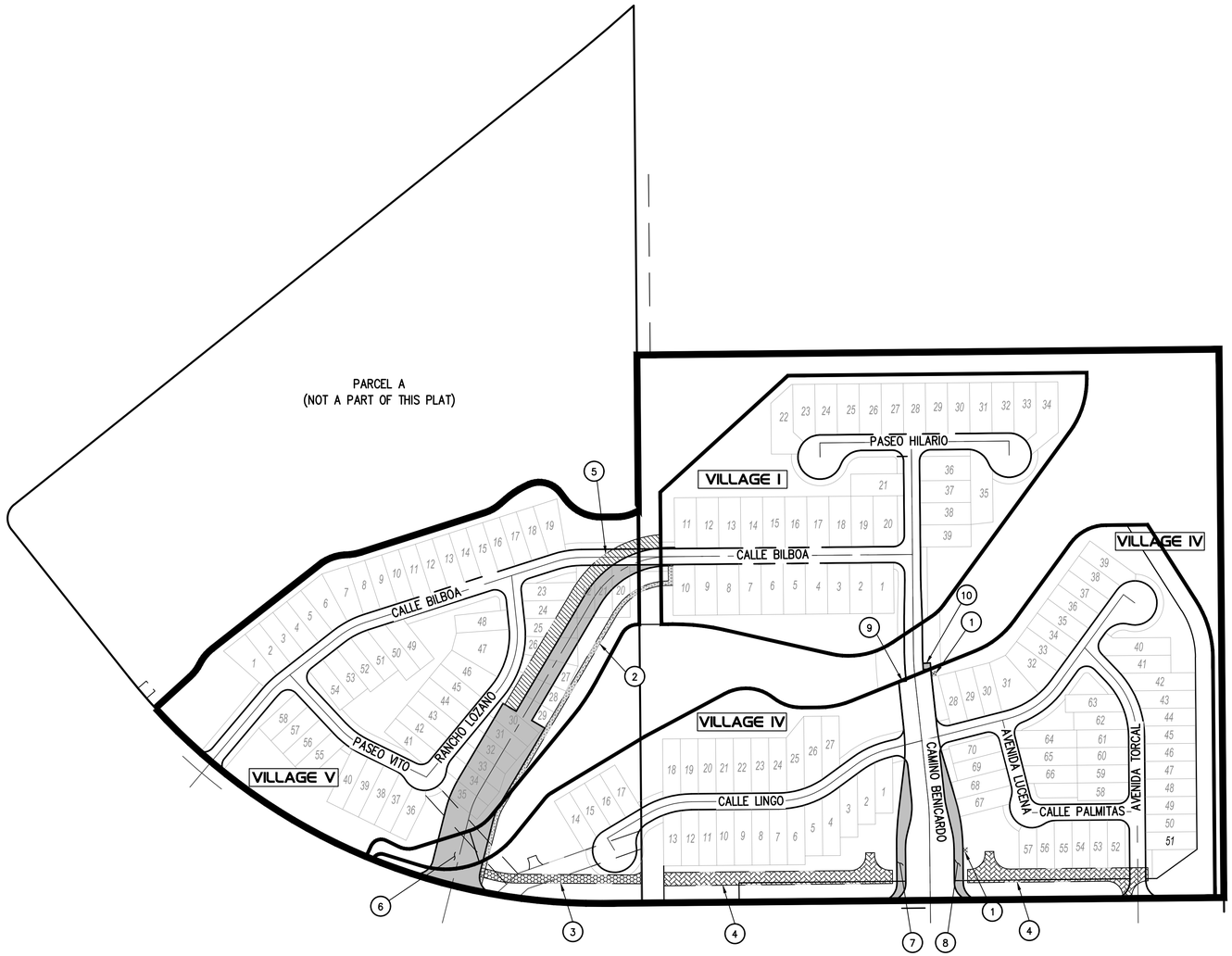
FEBRUARY 15, 2023 SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 SHEET 2 OF 18

Presidio ENGINEERING INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

SEQ. NO.

SEQ. NO.



EASEMENT RELEASE / RIGHT-OF-WAY ABANDONMENT KEYNOTES

1. EXISTING 10'x10' ELECTRIC EASEMENT GRANTED TO TUCSON ELECTRIC POWER PER SEQ. NO. 20213260195, M&P TO BE RELEASED BY SEPARATE INSTRUMENT.
2. EXISTING 10' ELECTRIC EASEMENT GRANTED TO TUCSON ELECTRIC POWER PER SEQ. NO. 20213260195, M&P TO BE RELEASED BY SEPARATE INSTRUMENT.
3. EXISTING 20' PUBLIC SEWER EASEMENT PER SEQ. NO. 20213260195, M&P TO BE RELEASED BY SEPARATE INSTRUMENT.
4. EXISTING 30' PUBLIC SEWER EASEMENT PER SEQ. NO. 20213260195, M&P TO BE RELEASED BY SEPARATE INSTRUMENT.
5. EXISTING TEMPORARY 30' PUBLIC SLOPE EASEMENT PER SEQ. NO. 20213260195, M&P TO BE RELEASED BY THIS PLAT.
6. A PORTION OF EXISTING CALLE BILBOA PUBLIC RIGHT-OF-WAY PER SEQ. NO. 20213260195, M&P TO BE ABANDONED BY THIS PLAT.
7. A PORTION OF EXISTING CAMINO BENICARDO PUBLIC RIGHT-OF-WAY PER SEQ. NO. 20213260195, M&P TO BE ABANDONED BY THIS PLAT.
8. A PORTION OF EXISTING CAMINO BENICARDO PUBLIC RIGHT-OF-WAY PER SEQ. NO. 20213260195, M&P TO BE ABANDONED BY THIS PLAT.
9. A PORTION OF EXISTING CAMINO BENICARDO PUBLIC RIGHT-OF-WAY PER SEQ. NO. 20213260195, M&P TO BE ABANDONED BY THIS PLAT.
10. A PORTION OF EXISTING CAMINO BENICARDO PUBLIC RIGHT-OF-WAY PER SEQ. NO. 20213260195, M&P TO BE ABANDONED BY THIS PLAT.

EASEMENT RELEASE & RIGHTS-OF-WAY ABANDONMENT DETAIL

1"=150'

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

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PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PC21503-001, PCM2110-002

FEBRUARY 15, 2023 — SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 — SHEET 3 OF 18

Registered Professional Engineer — CERTIFICATE NO. 43795 — SCOTT J. ALTHERR — Date Signed 02/15/23 — ARIZONA, U.S.A.

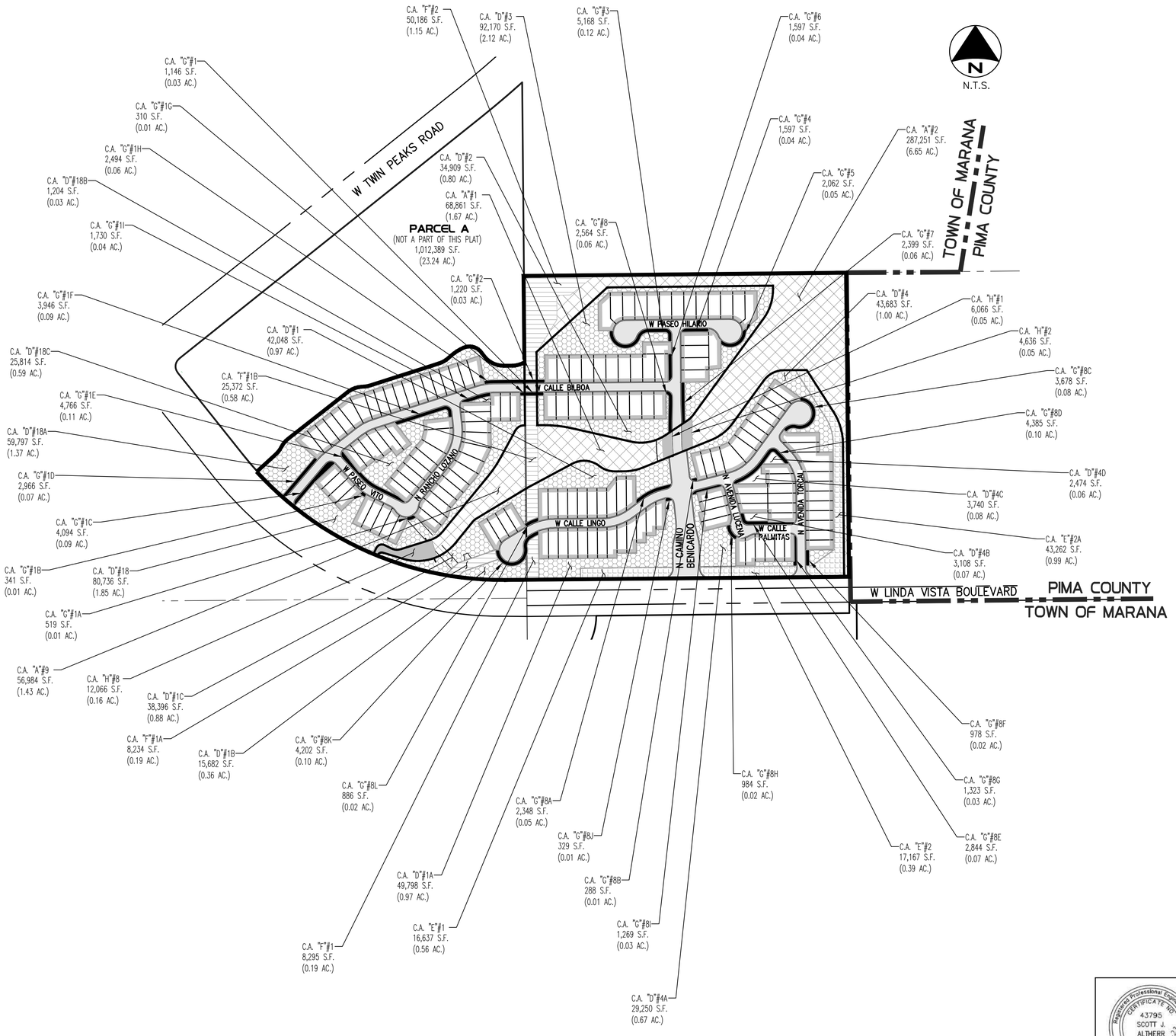
REGISTERED LAND SURVEYOR — CERTIFICATE NO. 22245 — MICHAEL AMERSON — Date Signed 02/15/23 — ARIZONA U.S.A.

Registered Land Surveyor — CERTIFICATE NO. 66889 — BENJAMIN E ZISMANN — Date Signed 02/15/23 — ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

Presidio ENGINEERING INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

SEQ. NO.



LEGEND

- COMMON AREA "A" – NATURAL UNDISTURBED OPEN SPACE
- COMMON AREA "B" – OPEN SPACE / PASSIVE RECREATION (N/A TO THIS PLAT)
- COMMON AREA "C" – OPEN SPACE / ACTIVE RECREATION (N/A TO THIS PLAT)
- COMMON AREA "D" – OPEN SPACE / DRAINAGE / PASSIVE RECREATION
- COMMON AREA "E" – OPEN SPACE / DRAINAGE
- COMMON AREA "F" – OPEN SPACE / DRAINAGE / PUBLIC UTILITIES / PASSIVE RECREATION
- COMMON AREA "G" – OPEN SPACE / PUBLIC UTILITIES / MAINTENANCE, SIGNAGE, LANDSCAPE, SIDEWALK & ACCESS
- COMMON AREA "H" – OPEN SPACE / DRAINAGE / PUBLIC UTILITIES / SLOPES
- RIGHT–OF–WAY
- RESIDENTIAL DEVELOPMENT AREAS

AREA TOTALS

I. TOTAL THIS PLAT

COMMON AREA "A" = 413,096 S.F. (9.48 AC.)

COMMON AREA "B" = (NOT PART OF THIS PLAT)

COMMON AREA "C" = (NOT PART OF THIS PLAT)

COMMON AREA "D" = 522,810 S.F. (12.00 AC.)

COMMON AREA "E" = 77,066 S.F. (1.77 AC.)

COMMON AREA "F" = 92,087 S.F. (2.11 AC.)

COMMON AREA "G" = 62,434 S.F. (1.43 AC.)

COMMON AREA "H" = 22,769 S.F. (0.52 AC.)

RIGHT–OF–WAY = 290,674 S.F. (6.67 AC.)

RESIDENTIAL DEVELOPMENT AREA (VILLAGES I, IV & V) = 873,559 S.F. (20.05 AC.)

II. TOTAL WITHIN LINDA VISTA VILLAGES AT CASCADA FINAL PLAT
SAME AREA AS THIS PLAT

COMMON AREA "A" = 412,936 S.F. (9.47 AC.)

COMMON AREA "B" = (N/A TO THIS PLAT)

COMMON AREA "C" = (N/A TO THIS PLAT)

COMMON AREA "D" = 163,062 S.F. (3.74 AC.)

COMMON AREA "E" = 74,855 S.F. (1.72 AC.)

COMMON AREA "F" = 88,988 S.F. (2.04 AC.)

COMMON AREA "G" = 16,205 S.F. (0.39 AC.)

COMMON AREA "H" = 40,211 S.F. (0.93 AC.)

RIGHT–OF–WAY = 195,011 S.F. 4.48 AC.)

RESIDENTIAL DEVELOPMENT AREA (VILLAGES I) = 231,684 S.F. (5.32 AC.)

BLOCKS I–IV = 2,143,945 S.F. (49.22 AC.)

SEQ. NO.

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH
VILLAGE IV (LOTS 1–70), VILLAGE V (LOTS 1–58) AND COMMON AREAS "A" (#1–#2, #9), "D" (#1–#4, #1A–#1C, #4A–#4D, #18, #18A–#18C,), "E" (#1–#2, #2A), "F" (#1–#2, #1A–#1B), "G" (#1–#8, #1A–#1I, #8A–#8L) AND "H" (#1–#2, #8)

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PRV2210–001

REFERENCE: PRV1707–001, PRV1905–002, PRV2108–001, PRV2110–005, PCZ1503–001, PCM2110–002

FEBRUARY 15, 2023 SCALE: AS SHOWN

PRESIDIO JOB No. 114024–10–0106 SHEET 4 OF 18

Registered Professional Surveyor Exhibit
CERTIFICATE NO. 43795
SCOTT J. ALTHERR
Date Signed 12-15-22
Not Valid Without Signature and Original Seal

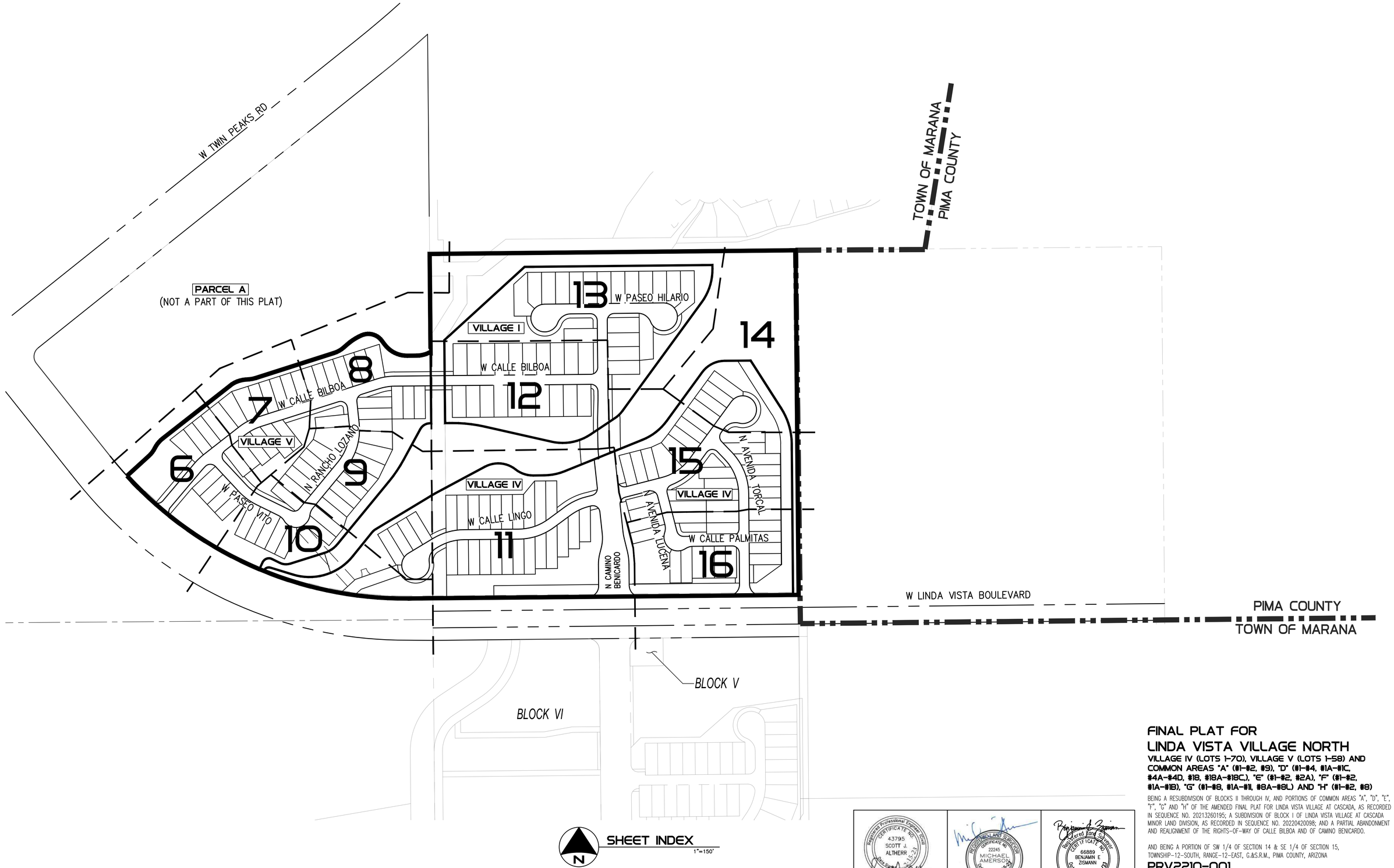
REGISTERED LAND SURVEYOR
CERTIFICATE NO. 22245
MICHAEL AMERSON
Date Signed 12-15-22
ARIZONA U.S.A.

Registered Land Surveyor
CERTIFICATE NO. 66889
BENJAMIN E. ZISMANN
Date Signed 12-15-22
ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

Presidio ENGINEERING, INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795–7255 • Fax (520) 795–6747
PRESIDIO JOB. No. 114024–10–0106

SEQ. NO.



SEQ. NO.

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

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PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PCZ1503-001, PCM2110-002

FEBRUARY 15, 2023 SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 SHEET 5 OF 18

Registered Professional Engineer (Civil) CERTIFICATE NO. 43795 SCOTT J. ALTHERR Date Signed 02-15-23

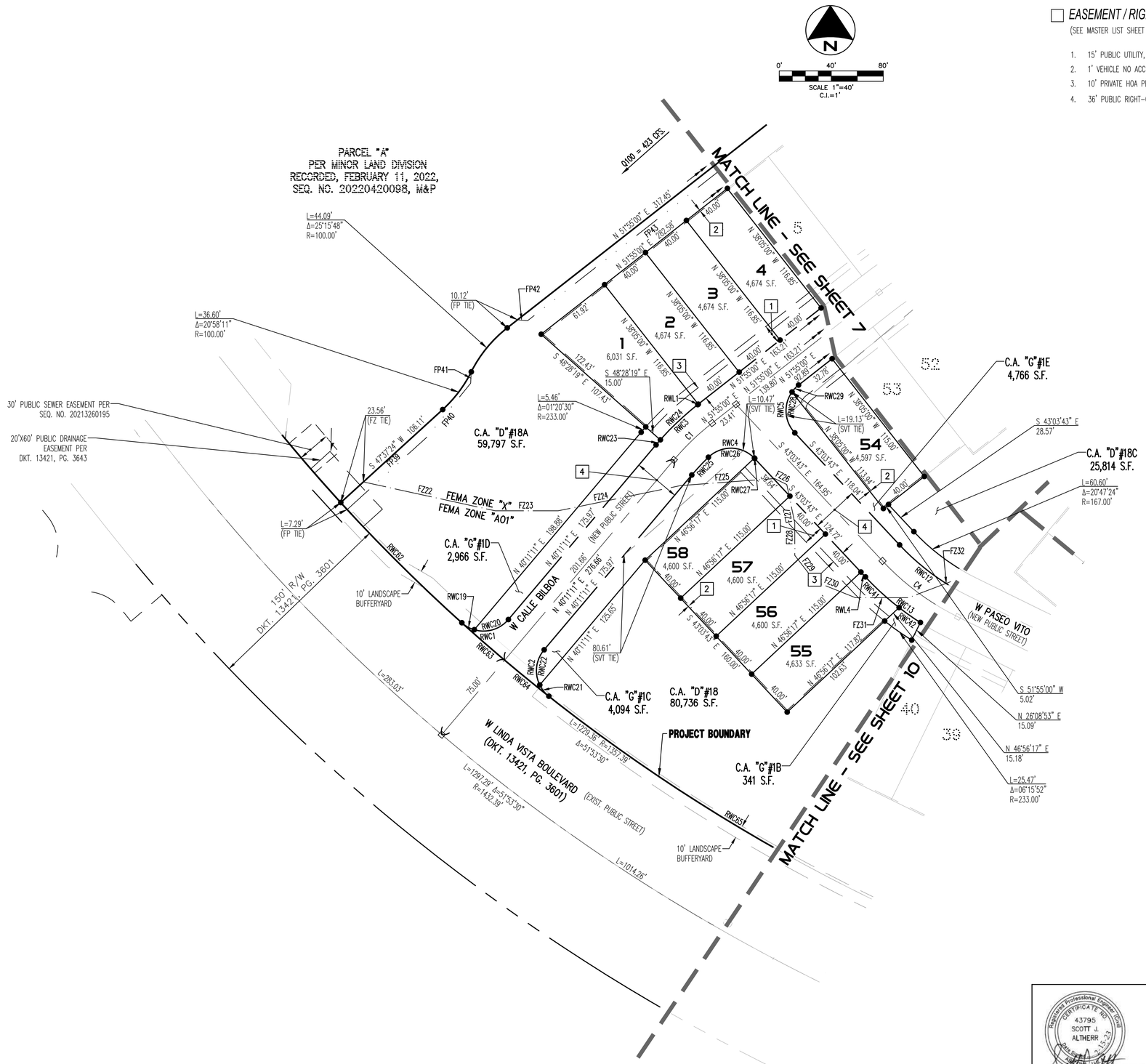
REGISTERED LAND SURVEYOR CERTIFICATE NO. 22245 MICHAEL AMERSON Date Signed 02-15-23 ARIZONA U.S.A.

Registered Land Surveyor CERTIFICATE NO. 66889 BENJAMIN E. ZISMANN Date Signed 02/15/23 ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

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Civil • Land Development • Water Resources
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(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

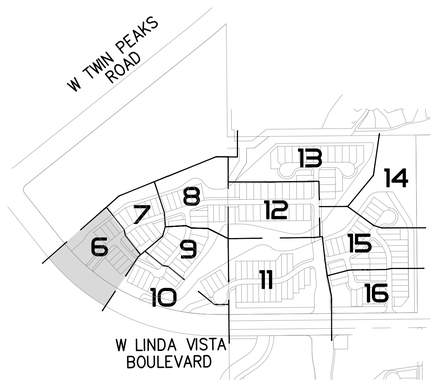
SEQ. NO.



EASEMENT / RIGHT-OF-WAY KEYNOTES

(SEE MASTER LIST SHEET 17)

1. 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT BY THIS PLAT.
2. 1' VEHICLE NO ACCESS EASEMENT BY THIS PLAT.
3. 10' PRIVATE HOA PEDESTRIAN, SIDEWALK, AND LANDSCAPE EASEMENT BY THIS PLAT.
4. 36' PUBLIC RIGHT-OF-WAY BY THIS PLAT.



SHEET PLACEMENT INDEX

CENTERLINE CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
C1	40.95'	200.00'	11°43'49"
C4	72.57'	200.00'	20°47'24"

RIGHT-OF-WAY LINE DATA TABLE (SEE MASTER LIST ON SHEET 17)		
NUMBER	BEARING	DISTANCE
RWL1	S 51°55'00" W	0.53'
RWL4	S 43°03'43" E	5.07'

FLOODPLAIN LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FP39	N 47°46'23" E	82.11'
FP40	N 39°08'23" E	53.77'
FP41	N 02°38'48" E	8.77'
FP42	S 84°37'06" E	7.72'
FP43	N 51°58'05" E	228.34'

FEMA FLOOD ZONE LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FZ22	S 77°38'44" E	103.91'
FZ23	N 90°00'00" E	48.31'
FZ24	N 78°21'14" E	96.14'
FZ25	N 85°42'19" E	72.61'
FZ26	S 63°26'06" E	10.41'
FZ27	S 11°49'17" E	30.20'
FZ28	S 00°00'00" E	24.88'
FZ29	S 37°37'43" E	25.49'
FZ30	S 68°13'06" E	33.52'
FZ31	N 90°00'00" E	40.44'
FZ32	N 69°21'26" E	101.32'

RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC1	40.08'	25.00'	91°50'58"
RWC2	40.08'	25.00'	91°50'58"
RWC3	44.63'	218.00'	11°43'49"
RWC4	39.64'	25.00'	90°50'50"
RWC5	41.44'	25.00'	94°58'43"
RWC12	66.04'	182.00'	20°47'24"
RWC13	79.10'	218.00'	20°47'24"
RWC19	11.09'	25.00'	25°25'39"
RWC20	28.98'	25.00'	66°25'19"
RWC21	11.21'	25.00'	25°41'17"
RWC22	28.87'	25.00'	66°09'41"
RWC23	5.10'	218.00'	1°20'30"
RWC24	39.53'	218.00'	10°23'19"
RWC25	18.76'	182.00'	5°54'16"
RWC26	39.28'	25.00'	90°01'31"
RWC27	0.36'	25.00'	0°49'18"
RWC28	34.12'	25.00'	78°12'03"
RWC29	7.32'	25.00'	16°46'40"
RWC41	35.08'	218.00'	9°13'09"
RWC42	20.01'	218.00'	5°15'30"
RWC62	131.26'	1357.39'	5°32'25"
RWC63	43.81'	1357.39'	1°50'58"
RWC64	43.81'	1357.39'	1°50'58"
RWC65	368.86'	1357.39'	15°34'11"

SEQ. NO.

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PC21503-001, PCM2110-002

FEBRUARY 15, 2023 SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 SHEET 6 OF 18

Registered Professional Engineer Seal — CERTIFICATE NO. 43795 — SCOTT J. ALTHERR — Date Signed 11-15-23 — Not Valid Without Signature and Original Seal — ARIZONA, U.S.A.

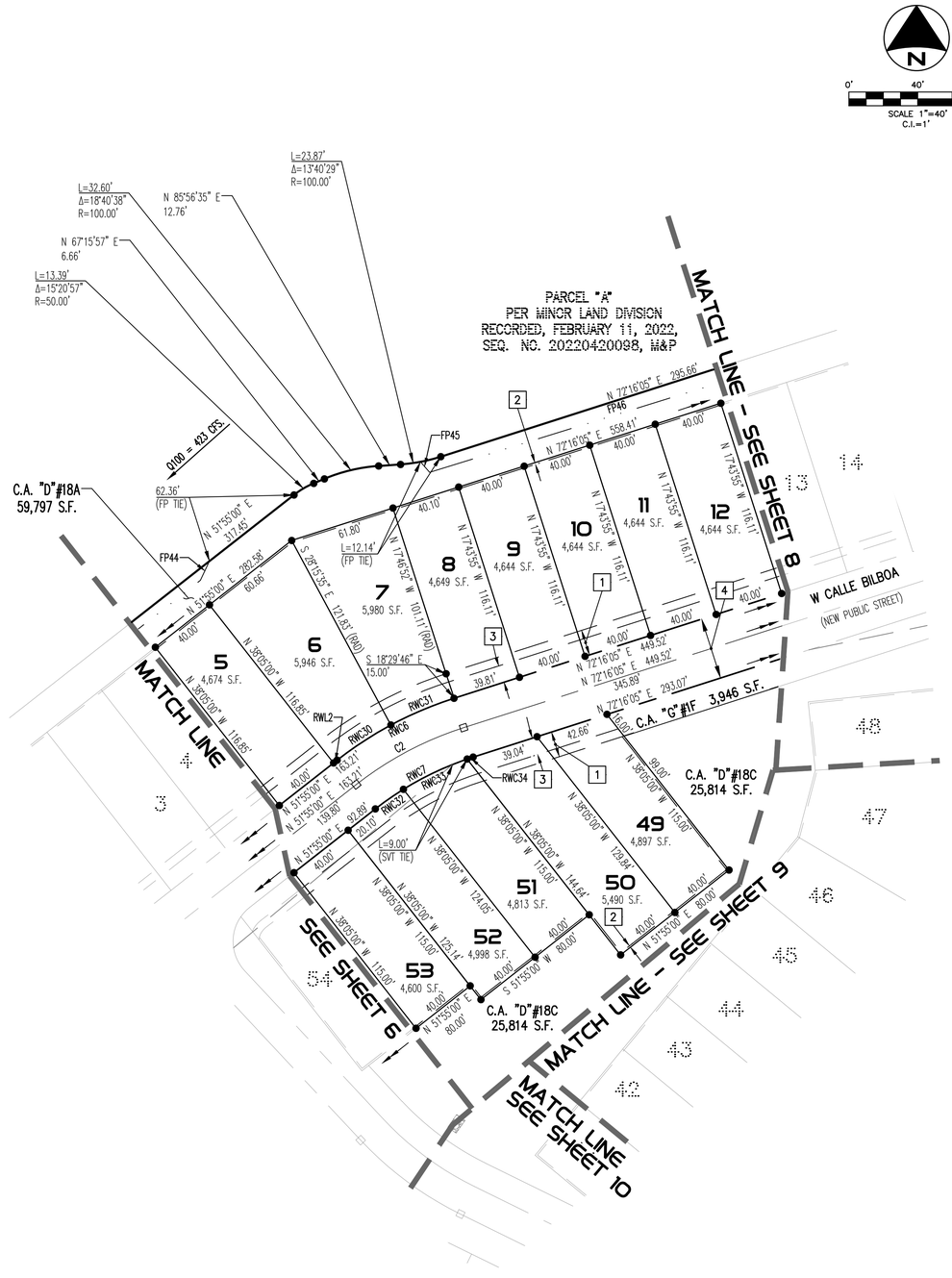
REGISTERED LAND SURVEYOR — CERTIFICATE NO. 22245 — MICHAEL AMERSON — Date Signed 11-15-23 — ARIZONA U.S.A.

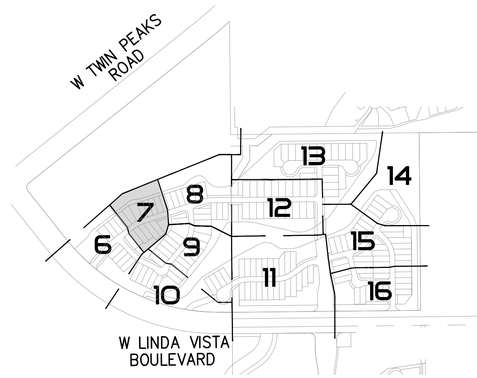
Registered Land Surveyor — CERTIFICATE NO. 66889 — BENJAMIN E ZISMANN — Date Signed 11-15-23 — Not Valid Without Signature and Original Seal — ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

Presidio ENGINEERING, INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

SEQ. NO._____





SHEET PLACEMENT INDEX

SEQ. NO.

☐ *EASEMENT / RIGHT-OF-WAY KEYNOTES*

(SEE MASTER LIST SHEET 17)

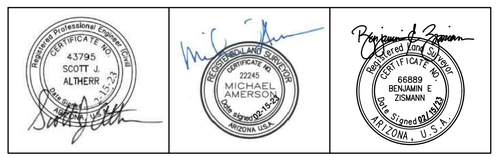
1. 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT BY THIS PLAT.
2. 1' VEHICLE NO ACCESS EASEMENT BY THIS PLAT.
3. 10' PRIVATE HOA PEDESTRIAN, SIDEWALK, AND LANDSCAPE EASEMENT BY THIS PLAT.
4. 36' PUBLIC RIGHT-OF-WAY BY THIS PLAT.

FLOODPLAIN LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FP44	N 25°20'45" E	12.33'
FP45	S 40°57'08" E	8.06'
FP46	N 72°49'36" E	210.84'

RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC6	77.43'	218.00'	20°21'06"
RWC7	64.65'	182.00'	20°21'06"
RWC30	37.38'	218.00'	9°49'25"
RWC31	40.06'	218.00'	10°31'40"
RWC32	19.94'	182.00'	6°16'33"
RWC33	41.10'	182.00'	12°56'17"
RWC34	3.61'	182.00'	1°08'16"

RIGHT-OF-WAY LINE DATA TABLE (SEE MASTER LIST ON SHEET 17)		
NUMBER	BEARING	DISTANCE
RWL2	N 51°55'00" E	2.68'

CENTERLINE CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
C2	71.04'	200.00'	20°21'06"



IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

PRV2210-001

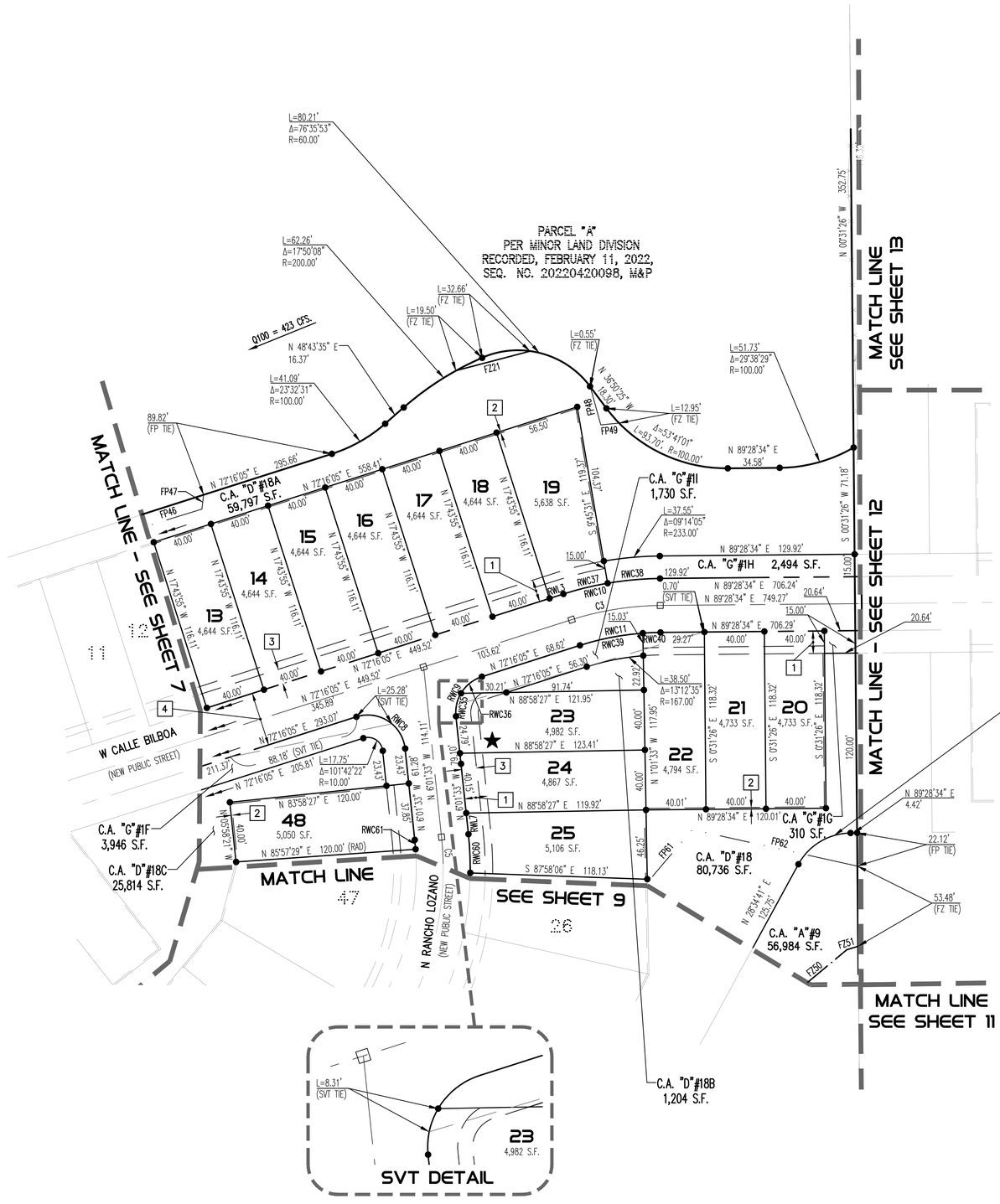
REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PC21503-001, PCM2110-002

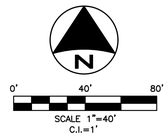
FEBRUARY 15, 2023 SCALE: AS SHOWN

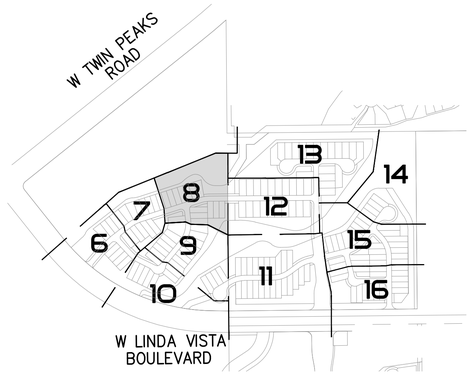
PRESIDIO JOB No. 114024-10-0106 SHEET 7 OF 18

Presidio ENGINEERING, INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

SEQ. NO._____







SHEET PLACEMENT INDEX

SEQ. NO.

☐ EASEMENT / RIGHT-OF-WAY KEYNOTES

(SEE MASTER LIST SHEET 17)

1. 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT BY THIS PLAT.
2. 1' VEHICLE NO ACCESS EASEMENT BY THIS PLAT.
3. 10' PRIVATE HOA PEDESTRIAN, SIDEWALK, AND LANDSCAPE EASEMENT BY THIS PLAT.
4. 36' PUBLIC RIGHT-OF-WAY BY THIS PLAT.

FLOODPLAIN LINE DATA TABLE
(SEE MASTER LIST ON SHEET 18)

NUMBER	BEARING	DISTANCE
FP46	N 72°49'36" E	210.84'
FP47	N 06°30'05" E	9.57'
FP48	S 15°21'32" E	26.18'
FP49	N 84°20'19" E	12.18'
FP61	N 40°22'47" E	42.41'
FP62	S 77°33'08" E	112.81'

FEMA FLOOD ZONE LINE DATA TABLE
(SEE MASTER LIST ON SHEET 18)

NUMBER	BEARING	DISTANCE
FZ21	S 75°15'03" W	51.13'
FZ50	N 50°04'59" E	161.22'
FZ51	N 73°23'21" E	7.87'

RIGHT-OF-WAY CURVE DATA TABLE
(SEE MASTER LIST ON SHEET 17)

NUMBER	LENGTH	RADIUS	DELTA
RWC8	44.38'	25.00'	101°42'22"
RWC9	34.16'	25.00'	78°17'38"
RWC10	65.47'	218.00'	17°12'29"
RWC11	54.66'	182.00'	17°12'29"
RWC35	15.99'	25.00'	36°39'27"
RWC36	18.17'	25.00'	41°38'11"
RWC37	30.34'	218.00'	7°58'24"
RWC38	35.14'	218.00'	9°14'05"
RWC39	42.88'	182.00'	13°29'54"
RWC40	11.78'	182.00'	3°42'35"
RWC60	25.87'	218.00'	6°48'02"
RWC61	6.30'	182.00'	1°59'02"

RIGHT-OF-WAY LINE DATA TABLE
(SEE MASTER LIST ON SHEET 17)

NUMBER	BEARING	DISTANCE
RWL3	S 72°16'05" W	9.71'
RWL7	N 06°01'33" W	14.16'

CENTERLINE CURVE DATA TABLE
(SEE MASTER LIST ON SHEET 17)

NUMBER	LENGTH	RADIUS	DELTA
C3	60.07'	200.00'	17°12'29"
C5	159.03'	200.00'	45°33'27"

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PCZ1503-001, PCM2110-002

FEBRUARY 15, 2023
PRESIDIO JOB No. 114024-10-0106

SCALE: AS SHOWN
SHEET 8 OF 18

Registered Professional Engineer (Civil)
CERTIFICATE NO.
43795
SCOTT J. ALTHERR
Date Signed 12-15-22

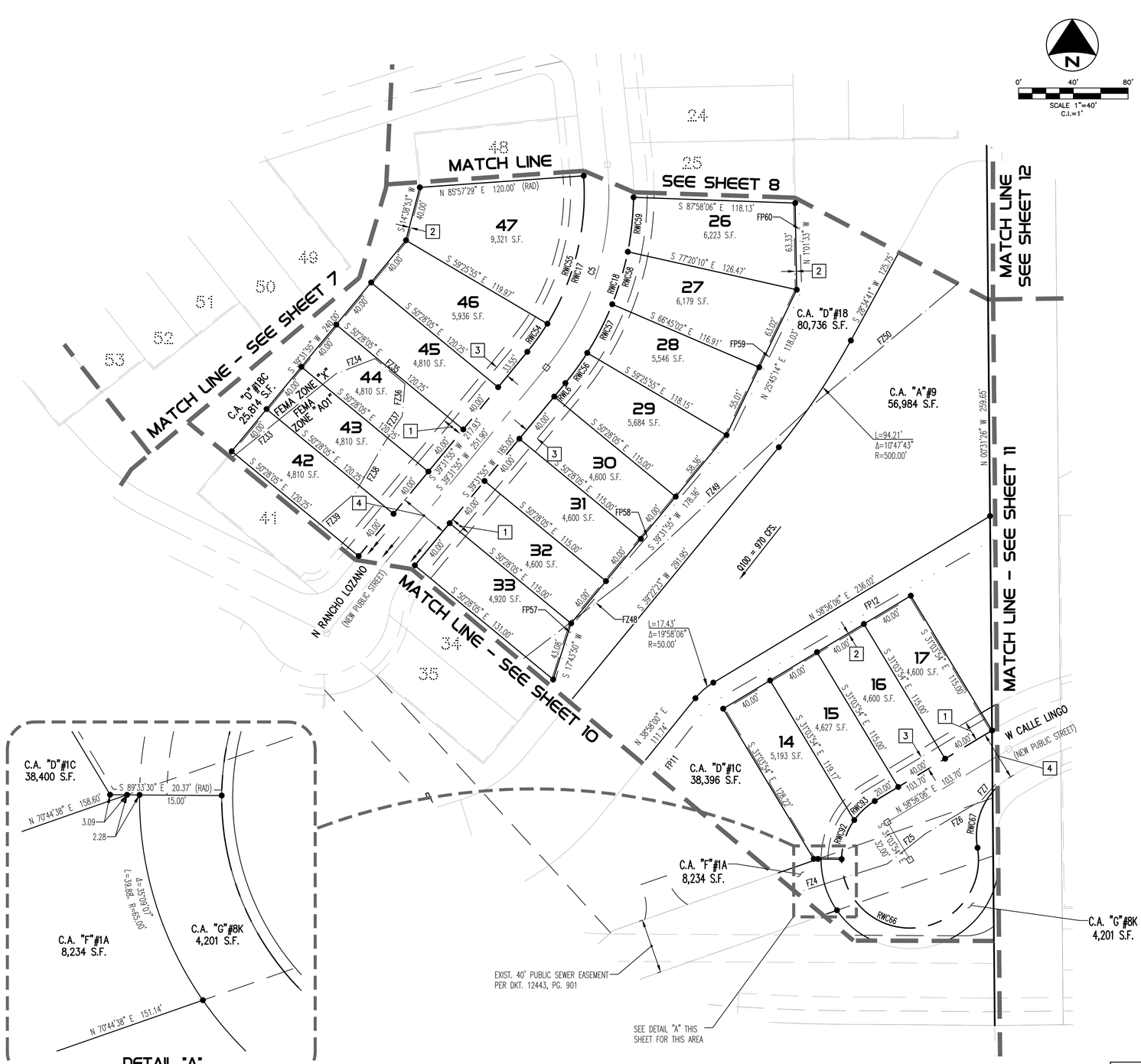
REGISTERED LAND SURVEYOR
CERTIFICATE NO.
22245
MICHAEL AMERSON
Date Signed 12-15-22
ARIZONA U.S.A.

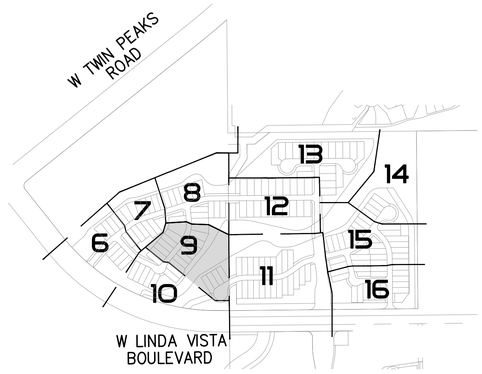
Registered Land Surveyor
CERTIFICATE NO.
66889
BENJAMIN E. ZISMANN
Date Signed 12-15-22
ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

Presidio ENGINEERING, INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

SEQ. NO. _____





SHEET PLACEMENT INDEX

SEQ. NO.

☐ *EASEMENT / RIGHT-OF-WAY KEYNOTES*

(SEE MASTER LIST SHEET 17)

1. 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT BY THIS PLAT.
2. 1' VEHICLE NO ACCESS EASEMENT BY THIS PLAT.
3. 10' PRIVATE HOA PEDESTRIAN, SIDEWALK, AND LANDSCAPE EASEMENT BY THIS PLAT.
4. 36' PUBLIC RIGHT-OF-WAY BY THIS PLAT.

FLOODPLAIN LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FP11	S 37°49'48" W	147.91'
FP12	S 59°48'22" W	269.80'
FP57	N 17°43'50" E	43.08'
FP58	N 40°14'19" E	176.58'
FP59	N 25°54'39" E	121.47'
FP60	N 02°00'20" W	64.65'

FEMA FLOOD ZONE LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FZ4	N 72°21'29" E	94.24'
FZ5	N 51°50'54" E	36.32'
FZ6	N 59°03'20" E	47.59'
FZ7	N 41°08'21" E	21.66'
FZ33	N 51°07'27" E	113.92'
FZ34	N 68°57'34" E	30.53'
FZ35	S 49°35'17" E	28.46'
FZ36	S 04°47'15" W	23.68'
FZ37	S 33°44'04" W	22.40'
FZ38	S 30°18'36" W	43.22'
FZ39	S 49°00'48" W	47.36'
FZ48	N 52°21'49" E	98.10'
FZ49	N 46°57'53" E	186.62'
FZ50	N 50°04'59" E	161.22'

RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC17	144.71'	182.00'	45°33'27"
RWC18	173.34'	218.00'	45°33'27"
RWC54	25.22'	182.00'	7°56'26"
RWC55	113.19'	182.00'	35°38'00"
RWC56	27.30'	218.00'	7°10'32"
RWC57	40.05'	218.00'	10°31'34"
RWC58	40.06'	218.00'	10°31'40"
RWC59	40.06'	218.00'	10°31'40"

RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC66	217.21'	50.00'	248°53'59"
RWC67	60.13'	50.00'	68°53'59"
RWC92	30.47'	50.00'	34°54'55"
RWC93	20.58'	50.00'	23°34'41"

RIGHT-OF-WAY LINE DATA TABLE (SEE MASTER LIST ON SHEET 17)		
NUMBER	BEARING	DISTANCE
RWL6	N 39°31'55" E	12.72'

CENTERLINE CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
C5	159.03'	200.00'	45°33'27"

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

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PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PCZ1503-001, PCM2110-002

FEBRUARY 15, 2023 — SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 — SHEET 9 OF 18

Registered Professional Engineer (Civil) CERTIFICATE NO. 43795 SCOTT J. ALTHERR Date Signed 12-15-22

REGISTERED LAND SURVEYOR CERTIFICATE NO. 22245 MICHAEL AMERSON Date Signed 12-15-22 ARIZONA U.S.A.

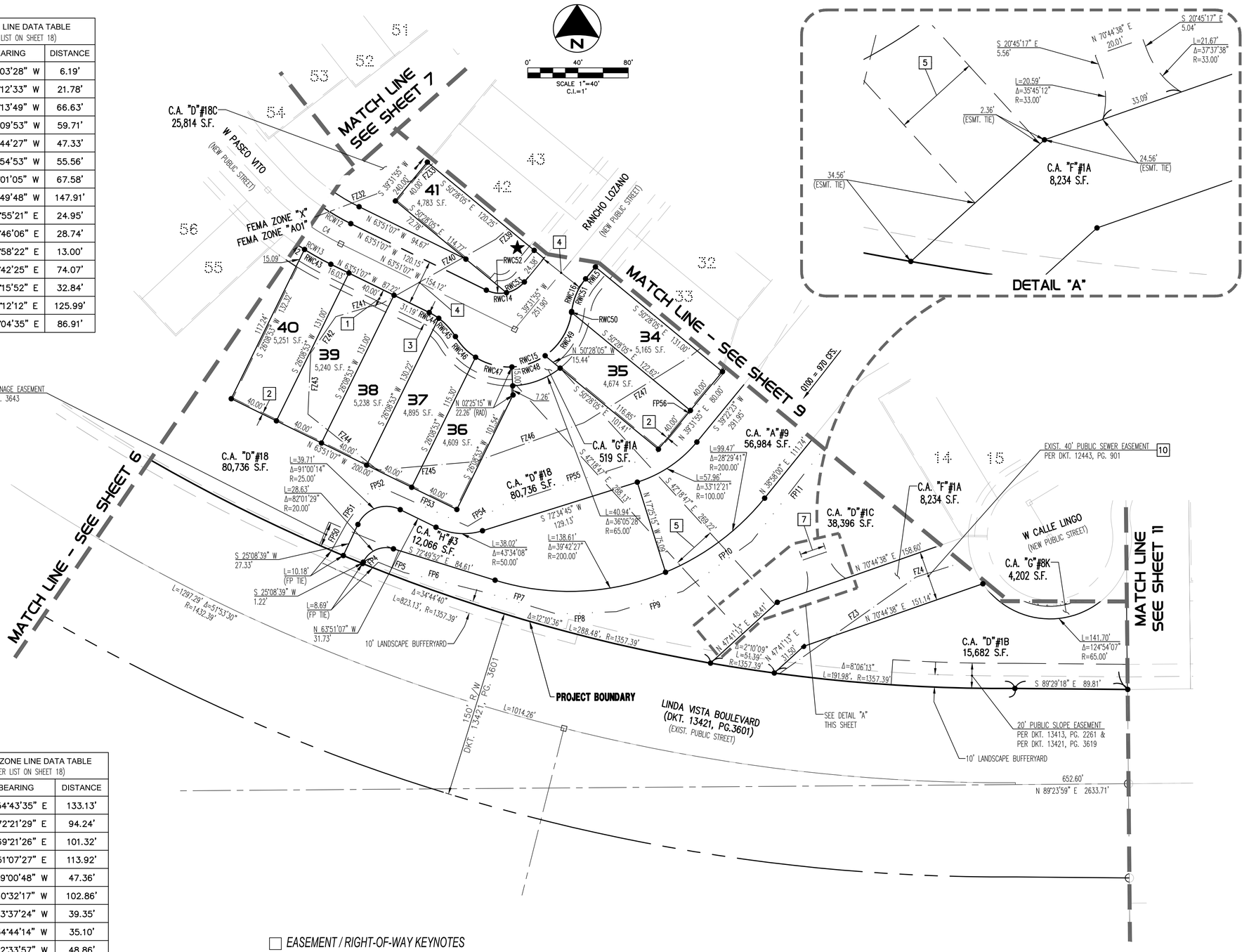
Registered Land Surveyor CERTIFICATE NO. 66889 BENJAMIN E ZISMANN Date Signed 12/15/2022 ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

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PRESIDIO JOB. No. 114024-10-0106

SEQ. NO. _____

FLOODPLAIN LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FP4	S 46°03'28" W	6.19'
FP5	N 68°12'33" W	21.78'
FP6	N 76°13'49" W	66.63'
FP7	N 73°09'53" W	59.71'
FP8	S 87°44'27" W	47.33'
FP9	S 72°54'53" W	55.56'
FP10	S 54°01'05" W	67.58'
FP11	S 37°49'48" W	147.91'
FP50	N 28°55'21" E	24.95'
FP51	N 35°46'06" E	28.74'
FP52	N 68°58'22" E	13.00'
FP53	S 65°42'25" E	74.07'
FP54	N 58°15'52" E	32.84'
FP55	N 72°12'12" E	125.99'
FP56	N 40°04'35" E	86.91'





RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC12	66.04'	182.00'	20°47'24"
RWC13	79.10'	218.00'	20°47'24"
RWC14	33.43'	25.00'	76°36'58"
RWC15	124.21'	50.00'	142°20'09"
RWC16	28.68'	50.00'	32°51'36"
RWC43	24.02'	218.00'	6°18'45"
RWC44	8.86'	50.00'	10°09'10"
RWC45	19.82'	50.00'	22°42'25"
RWC46	23.22'	50.00'	26°36'29"
RWC47	30.39'	50.00'	34°49'14"
RWC48	28.30'	50.00'	32°25'26"
RWC49	41.60'	50.00'	47°40'31"
RWC50	0.71'	50.00'	0°48'28"
RWC51	28.68'	50.00'	32°51'36"
RWC52	16.55'	25.00'	37°56'05"
RWC53	16.88'	25.00'	38°40'53"

RIGHT-OF-WAY LINE DATA TABLE (SEE MASTER LIST ON SHEET 17)		
NUMBER	BEARING	DISTANCE
RWL5	N 39°31'55" E	12.28'

CENTERLINE CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
C4	72.57'	200.00'	20°47'24"

FEMA FLOOD ZONE LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FZ3	N 54°43'35" E	133.13'
FZ4	N 72°21'29" E	94.24'
FZ32	N 69°21'26" E	101.32'
FZ33	N 51°07'27" E	113.92'
FZ39	S 49°00'48" W	47.36'
FZ40	S 60°32'17" W	102.86'
FZ41	S 73°37'24" W	39.35'
FZ42	S 34°44'14" W	35.10'
FZ43	S 02°33'57" W	48.86'
FZ44	S 51°21'21" E	71.06'
FZ45	N 85°06'10" E	77.97'
FZ46	N 70°15'35" E	91.97'
FZ47	N 58°09'48" E	96.74'

☐ EASEMENT / RIGHT-OF-WAY KEYNOTES

(SEE MASTER LIST SHEET 17)

1. 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT BY THIS PLAT.
2. 1' VEHICLE NO ACCESS EASEMENT BY THIS PLAT.
3. 10' PRIVATE HOA PEDESTRIAN, SIDEWALK, AND LANDSCAPE EASEMENT BY THIS PLAT.
4. 36' PUBLIC RIGHT-OF-WAY BY THIS PLAT.
5. 35' PUBLIC UTILITY EASEMENT BY THIS PLAT.
7. PUBLIC SEWER EASEMENT BY THIS PLAT.
10. 40' PUBLIC UTILITY EASEMENT BY THIS PLAT.

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IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#11, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

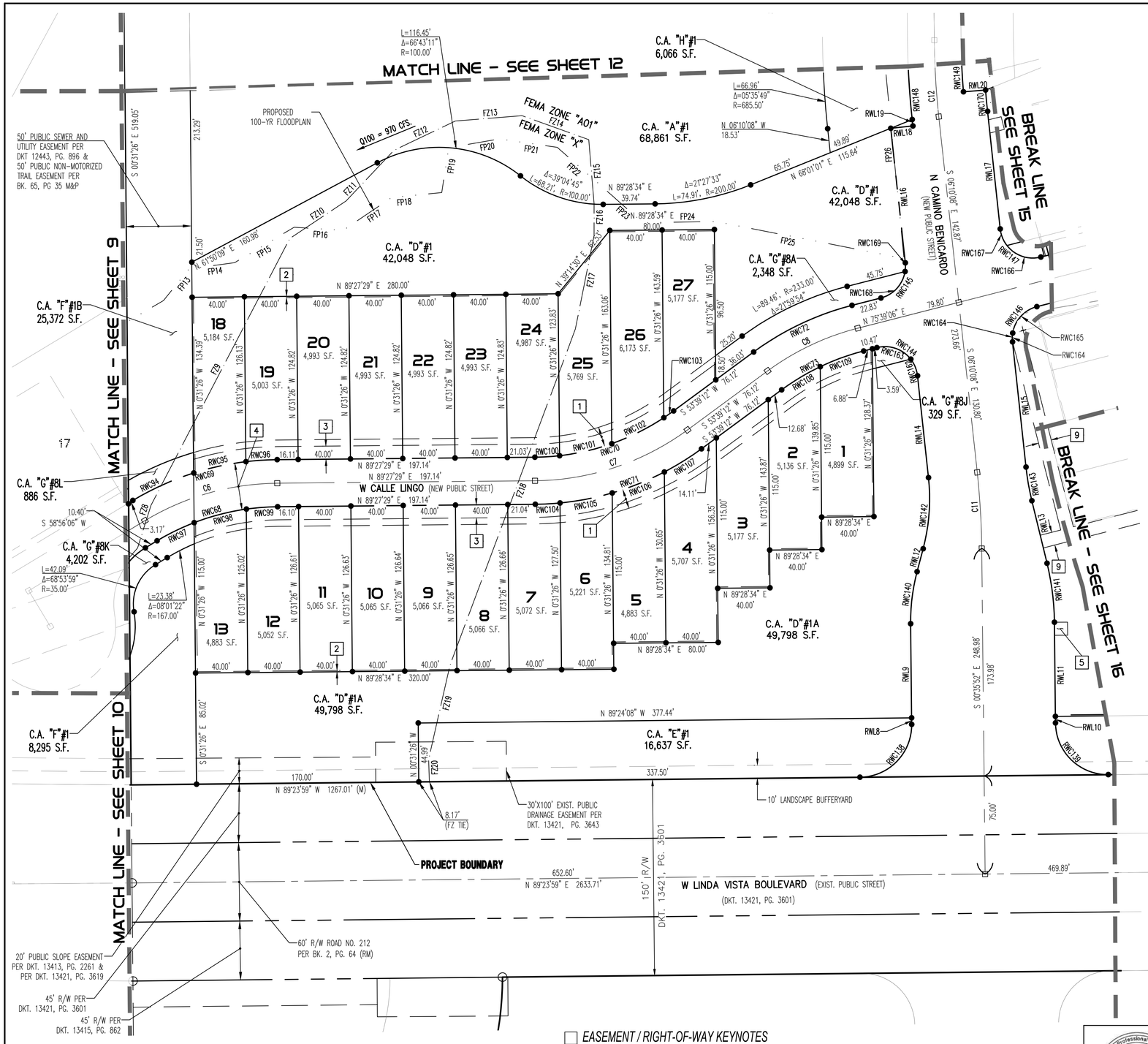
PRV2210-001

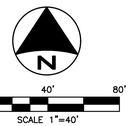
REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PCZ1503-001, PCM2110-002

FEBRUARY 15, 2023 — SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 — SHEET **10** OF **18**

SEQ. NO.





CENTERLINE CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
C6	106.55'	200.00'	30°31'24"
C7	124.98'	200.00'	35°48'17"
C8	76.79'	200.00'	21°59'54"
C11	58.34'	600.00'	5°34'16"
C12	58.61'	600.00'	5°35'49"

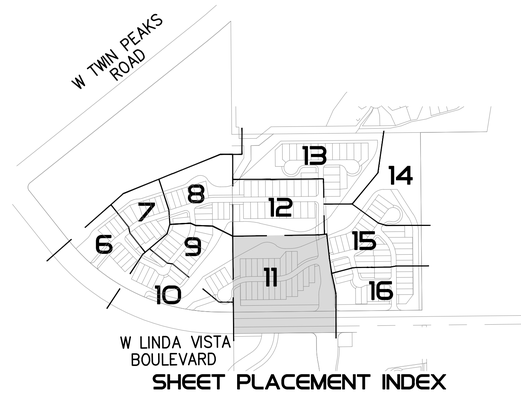
FLOODPLAIN LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FP13	S 38°41'16" W	31.01'
FP14	S 82°14'20" W	35.39'
FP15	S 59°11'52" W	52.89'
FP16	N 86°20'59" W	37.53'
FP17	S 55°54'00" W	44.62'
FP18	S 84°12'53" W	38.73'
FP19	S 08°36'40" W	34.67'
FP20	S 80°15'51" W	39.57'
FP21	N 81°43'51" W	44.59'
FP22	N 48°43'15" W	53.17'
FP23	N 48°27'06" W	34.08'
FP24	S 89°01'26" W	55.87'
FP25	N 78°53'14" W	146.66'
FP26	S 05°33'42" E	183.72'

FEMA FLOOD ZONE LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FZ8	N 17°25'33" E	34.23'
FZ9	N 27°29'17" E	229.93'
FZ10	N 56°15'43" E	51.71'
FZ11	N 43°28'57" E	53.41'
FZ12	N 64°27'03" E	52.02'
FZ13	N 85°24'39" E	51.16'
FZ14	S 70°14'23" E	54.26'
FZ15	S 04°44'33" E	49.14'
FZ16	S 00°00'00" E	24.47'
FZ17	S 11°20'03" W	72.83'
FZ18	S 20°27'30" W	274.30'
FZ19	S 12°49'06" W	73.81'
FZ20	S 02°00'19" E	17.28'

RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC68	96.96'	182.00'	30°31'24"
RWC69	116.14'	218.00'	30°31'24"
RWC70	113.73'	182.00'	35°48'17"
RWC71	136.23'	218.00'	35°48'17"
RWC72	83.70'	218.00'	21°59'54"
RWC73	69.88'	182.00'	21°59'54"
RWC94	51.29'	218.00'	13°28'50"
RWC95	40.91'	218.00'	10°45'04"
RWC96	23.94'	218.00'	6°17'29"
RWC97	31.66'	182.00'	9°58'02"
RWC98	41.33'	182.00'	13°00'35"
RWC99	23.97'	182.00'	7°32'46"
RWC100	19.01'	182.00'	5°59'01"
RWC101	41.05'	182.00'	12°55'26"
RWC102	44.59'	182.00'	14°02'20"
RWC103	9.08'	182.00'	2°51'30"
RWC104	18.99'	218.00'	4°59'23"
RWC105	40.72'	218.00'	10°42'10"
RWC106	43.02'	218.00'	11°18'25"
RWC107	33.50'	218.00'	8°48'19"
RWC108	34.50'	182.00'	10°51'41"
RWC109	35.38'	182.00'	11°08'13"
RWC138	62.83'	40.00'	89°59'51"
RWC139	62.83'	40.00'	90°00'09"
RWC140	40.26'	150.00'	15°22'35"
RWC141	45.56'	200.00'	13°03'09"
RWC142	54.84'	150.00'	20°56'51"
RWC143	26.11'	200.00'	7°28'53"
RWC144	42.84'	25.00'	98°10'45"
RWC145	35.70'	25.00'	81°49'16"

RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC146	35.70'	25.00'	81°49'15"
RWC147	42.84'	25.00'	98°10'46"
RWC148	60.61'	620.50'	5°35'49"
RWC149	39.74'	579.50'	3°55'45"
RWC162	13.86'	25.00'	31°45'27"
RWC163	28.98'	25.00'	66°25'19"
RWC164	6.72'	25.00'	15°23'56"
RWC165	28.98'	25.00'	66°25'19"
RWC166	28.98'	25.00'	66°25'19"
RWC167	13.86'	25.00'	31°45'25"
RWC168	28.98'	25.00'	66°25'19"
RWC169	6.72'	25.00'	15°23'57"

RIGHT-OF-WAY LINE DATA TABLE (SEE MASTER LIST ON SHEET 17)		
NUMBER	BEARING	DISTANCE
RWL8	S 00°35'52" E	4.98'
RWL9	S 00°35'52" E	72.00'
RWL10	S 00°35'52" E	4.97'
RWL11	S 00°35'52" E	72.00'
RWL12	N 14°46'43" E	18.15'
RWL13	N 13°39'01" W	49.24'
RWL14	N 06°10'08" W	78.37'
RWL15	N 06°10'08" W	96.34'
RWL16	S 06°10'08" E	103.47'
RWL17	N 06°10'08" W	90.44'
RWL18	S 83°50'09" W	17.00'
RWL19	N 06°10'08" W	4.94'
RWL20	N 85°29'56" E	17.00'



SEQ. NO.

EASEMENT / RIGHT-OF-WAY KEYNOTES

(SEE MASTER LIST SHEET 17)

1. 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT BY THIS PLAT.
2. 1' VEHICLE NO ACCESS EASEMENT BY THIS PLAT.
3. 10' PRIVATE HOA PEDESTRIAN, SIDEWALK, AND LANDSCAPE EASEMENT BY THIS PLAT.
4. 36' PUBLIC RIGHT-OF-WAY BY THIS PLAT.
9. 10' WIDE ELECTRIC EASEMENT BY THIS PLAT.

Presidio ENGINEERING, INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

Registered Professional Engineer (Civil) CERTIFICATE NO. 43795 SCOTT J. ALTHERR Date Signed 3.15.23

REGISTERED LAND SURVEYOR CERTIFICATE NO. 22345 MICHAEL AMERSON Date Signed 02.15.23 ARIZONA U.S.A.

Registered Land Surveyor CERTIFICATE NO. 66889 BENJAMIN E. ZISMANN Date Signed 02/15/23 ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#11, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

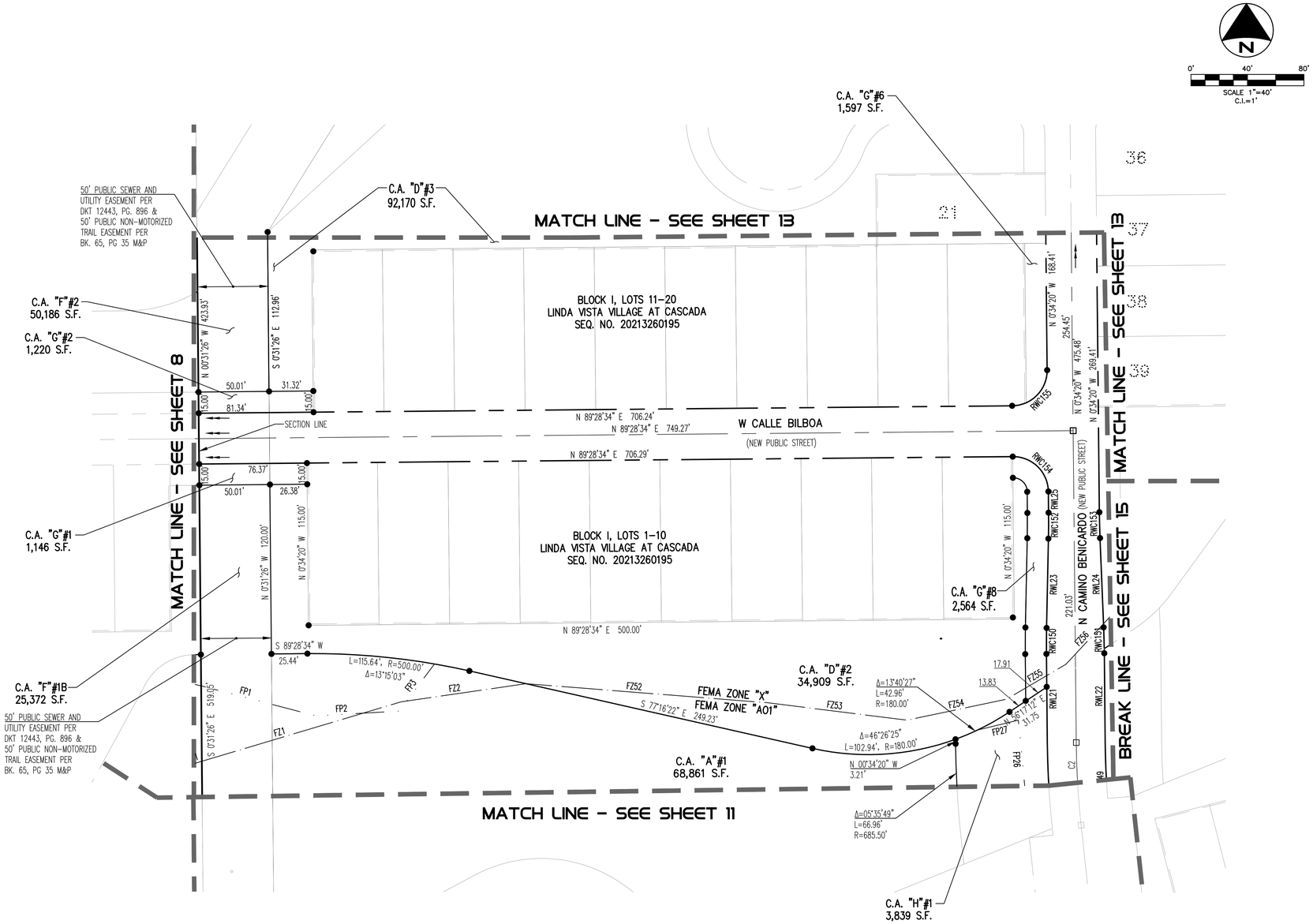
PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PCZ1503-001, POM2110-002

FEBRUARY 15, 2023 SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 SHEET **11** OF **18**

SEQ. NO.



SHEET PLACEMENT INDEX

FLOODPLAIN LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FP1	S 75°19'47" E	84.33'
FP2	N 86°37'44" E	58.54'
FP3	N 37°12'44" E	41.90'
FP26	S 05°33'42" E	183.72'
FP27	N 76°21'46" E	29.97'

FEMA FLOOD ZONE LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FZ1	N 73°23'21" E	147.36'
FZ2	N 81°44'56" E	89.36'
FZ52	S 85°29'52" E	171.34'
FZ53	S 82°52'46" E	99.83'
FZ54	N 78°07'13" E	72.11'
FZ55	N 59°31'57" E	48.87'
FZ56	N 42°51'37" E	45.57'

CENTERLINE CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
C12	58.61'	600.00'	5°35'49"

RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC150	18.37'	600.00'	1°45'15"
RWC151	18.37'	600.00'	1°45'15"
RWC152	18.37'	600.00'	1°45'15"
RWC153	18.37'	600.00'	1°45'15"
RWC154	39.25'	25.00'	89°57'06"
RWC155	39.29'	25.00'	90°02'54"

RIGHT-OF-WAY LINE DATA TABLE (SEE MASTER LIST ON SHEET 17)		
NUMBER	BEARING	DISTANCE
RWL21	N 00°34'20" W	63.07'
RWL22	N 00°34'20" W	63.07'
RWL23	N 01°10'56" E	63.29'
RWL24	N 02°19'35" W	63.29'
RWL25	N 00°34'20" W	15.00'

SEQ. NO.

Presidio ENGINEERING, INC.
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PRESIDIO JOB. No. 114024-10-0106

Registered Professional Engineer Seal
CERTIFICATE NO. 43795
SCOTT J. ALTHERR
Date Signed 2-15-23
ARIZONA, U.S.A.

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 22245
MICHAEL AMERSON
Date Signed 2/14/23
ARIZONA U.S.A.

Registered Land Surveyor
CERTIFICATE NO. 66889
BENJAMIN E ZISMANN
Date Signed 2/14/23
ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH
VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

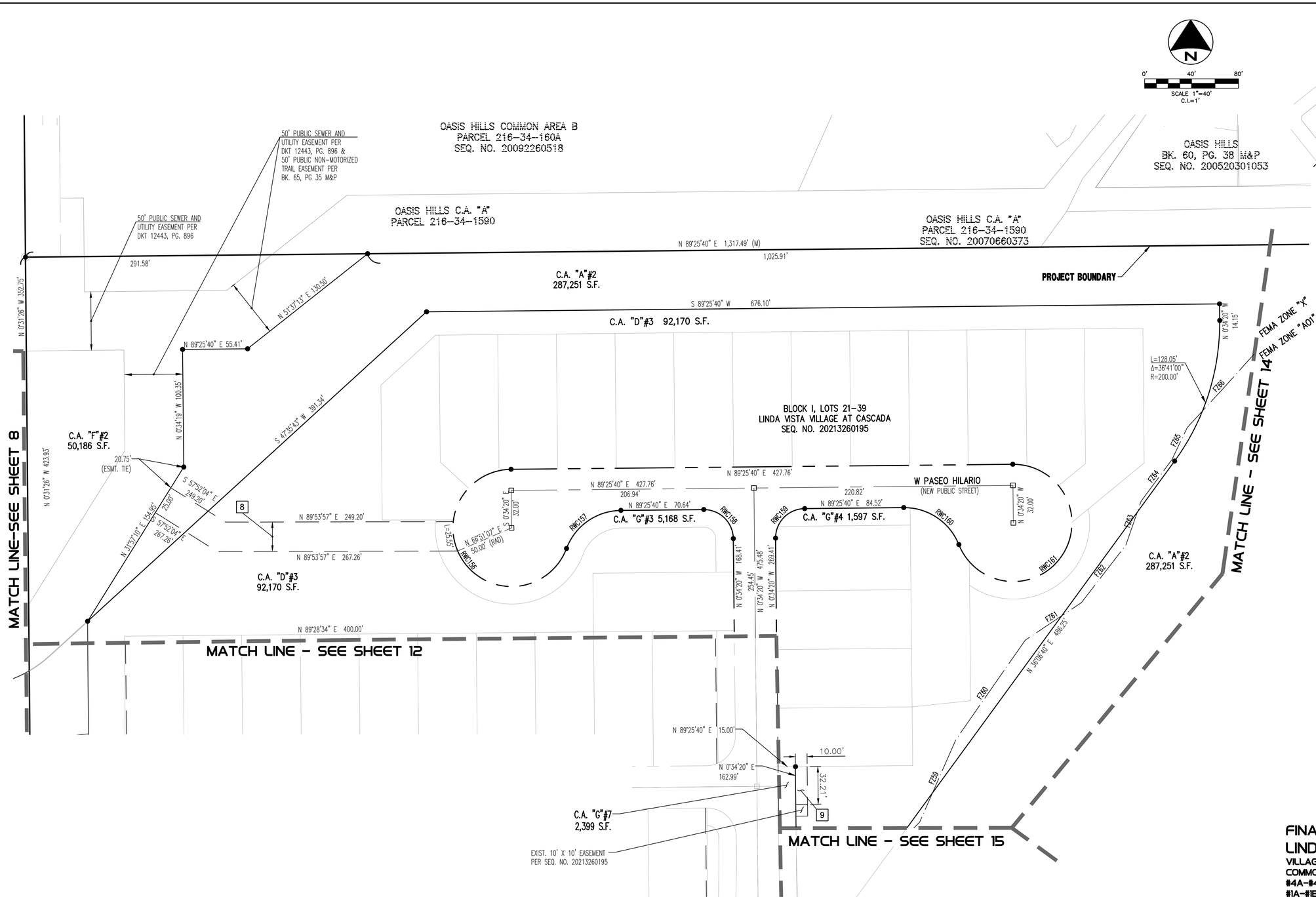
PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PC21503-001, PCM2110-002

FEBRUARY 15, 2023 SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 SHEET **12** OF **18**

SEQ. NO._____



SHEET PLACEMENT INDEX

SEQ. NO.

RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC156	217.21'	50.00'	248°54'00"
RWC157	60.13'	50.00'	68°53'59"
RWC158	39.27'	25.00'	90°00'00"
RWC159	39.27'	25.00'	90°00'00"
RWC160	60.13'	50.00'	68°53'59"
RWC161	217.21'	50.00'	248°53'59"

FEMA FLOOD ZONE LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FZ59	N 23°42'28" E	77.10'
FZ60	N 34°54'16" E	103.30'
FZ61	N 56°12'22" E	57.70'
FZ62	N 37°39'24" E	61.89'
FZ63	N 19°09'51" E	39.60'
FZ64	N 36°33'11" E	44.08'
FZ65	N 25°30'50" E	30.47'
FZ66	N 42°39'38" E	45.47'

EASEMENT / RIGHT-OF-WAY KEYNOTES

(SEE MASTER LIST SHEET 17)

8. 25' PUBLIC WATER EASEMENT BY THIS PLAT.
9. 10' WIDE ELECTRIC EASEMENT BY THIS PLAT.

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PC21503-001, PCM2110-002

FEBRUARY 15, 2023 — SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 — SHEET 13 OF 18

Registered Professional Engineer Proof CERTIFICATE NO. 43795 SCOTT J. ALTHERR Date Signed 02-15-23 ARIZONA, U.S.A.

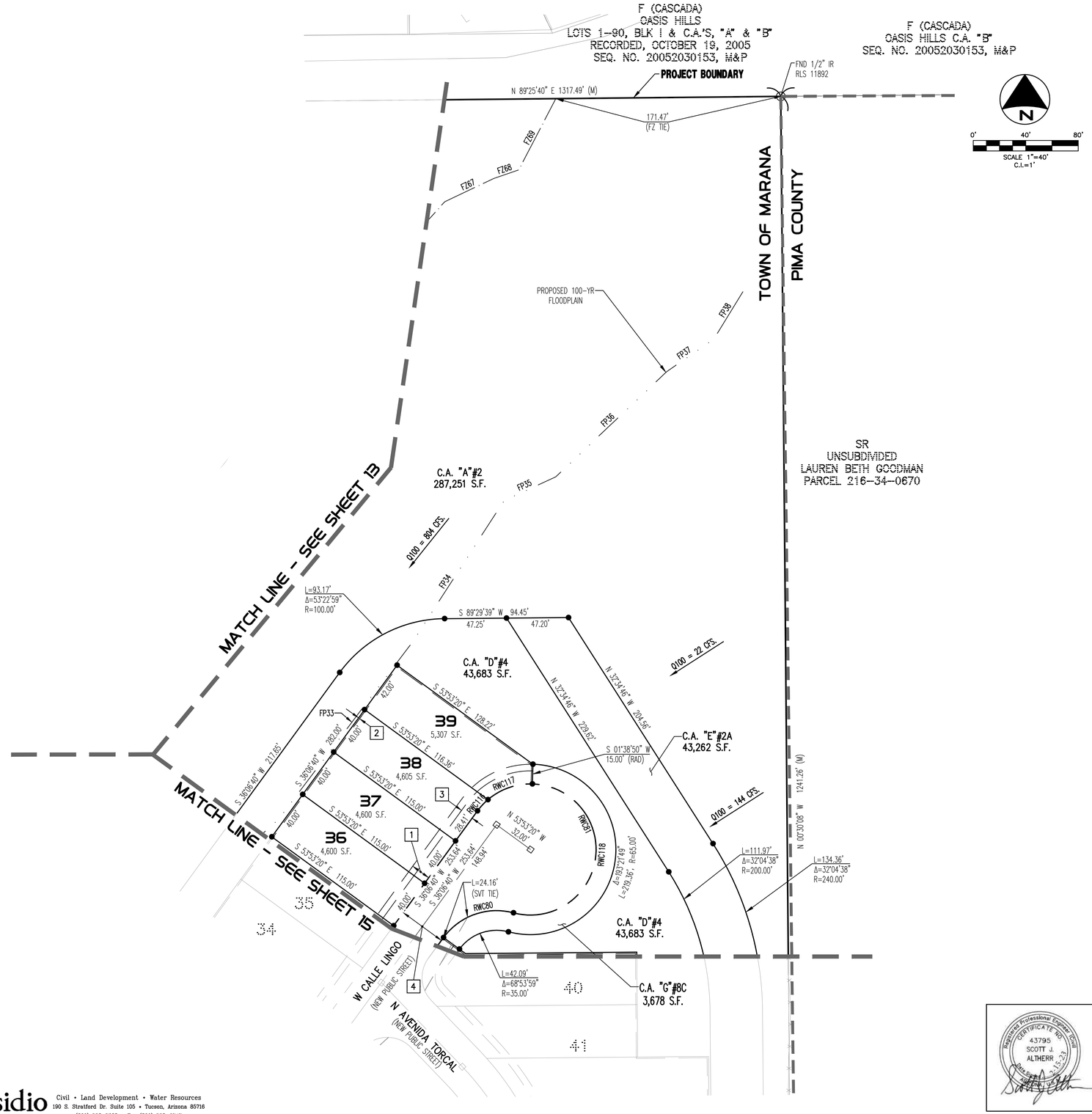
REGISTERED LAND SURVEYOR CERTIFICATE NO. 22245 MICHAEL AMERSON Date Signed 02-15-23 ARIZONA U.S.A.

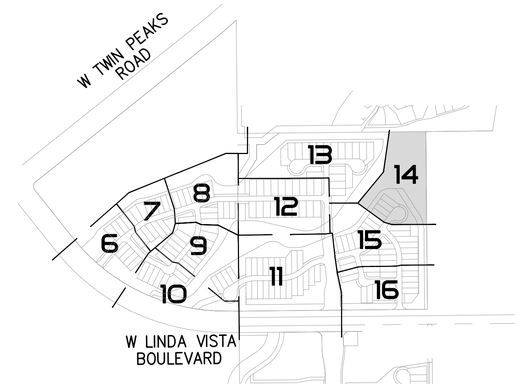
Registered Land Surveyor CERTIFICATE NO. 66889 BENJAMIN E. ZISMANN Date Signed 02-14-23 ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

Presidio ENGINEERING, INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

SEQ. NO. _____





SHEET PLACEMENT INDEX

SEQ. NO.

EASEMENT / RIGHT-OF-WAY KEYNOTES

(SEE MASTER LIST SHEET 17)

1. 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT BY THIS PLAT.
2. 1' VEHICLE NO ACCESS EASEMENT BY THIS PLAT.
3. 10' PRIVATE HOA PEDESTRIAN, SIDEWALK, AND LANDSCAPE EASEMENT BY THIS PLAT.
4. 36' PUBLIC RIGHT-OF-WAY BY THIS PLAT.

FLOODPLAIN LINE DATA TABLE
(SEE MASTER LIST ON SHEET 18)

NUMBER	BEARING	DISTANCE
FP33	N 37°05'11" E	168.80'
FP34	N 32°55'54" E	128.75'
FP35	N 65°18'38" E	43.27'
FP36	N 46°31'09" E	116.68'
FP37	N 55°21'06" E	43.54'
FP38	N 31°33'54" E	42.36'

FEMA FLOOD ZONE LINE DATA TABLE
(SEE MASTER LIST ON SHEET 18)

NUMBER	BEARING	DISTANCE
FZ67	N 64°35'46" E	41.38'
FZ68	N 71°00'12" E	20.16'
FZ69	N 27°28'46" E	61.19'

RIGHT-OF-WAY CURVE DATA TABLE
(SEE MASTER LIST ON SHEET 17)

NUMBER	LENGTH	RADIUS	DELTA
RWC80	60.13'	50.00'	68°53'59"
RWC81	217.21'	50.00'	248°53'59"
RWC116	11.70'	50.00'	13°24'17"
RWC117	36.77'	50.00'	42°07'53"
RWC118	168.74'	50.00'	193°21'49"

Registered Professional Engineer
CERTIFICATE NO.
43795
SCOTT J.
ALTHERR
Date Signed 02-15-23
Scott J. Altherr
Registered Land Surveyor
CERTIFICATE NO.
22245
MICHAEL
AMERSON
Date Signed 02-15-23
ARIZONA U.S.A.
Registered Land Surveyor
CERTIFICATE NO.
66889
BENJAMIN E
ZISMANN
Date Signed 02/14/23
ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH
VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

PRV2210-001

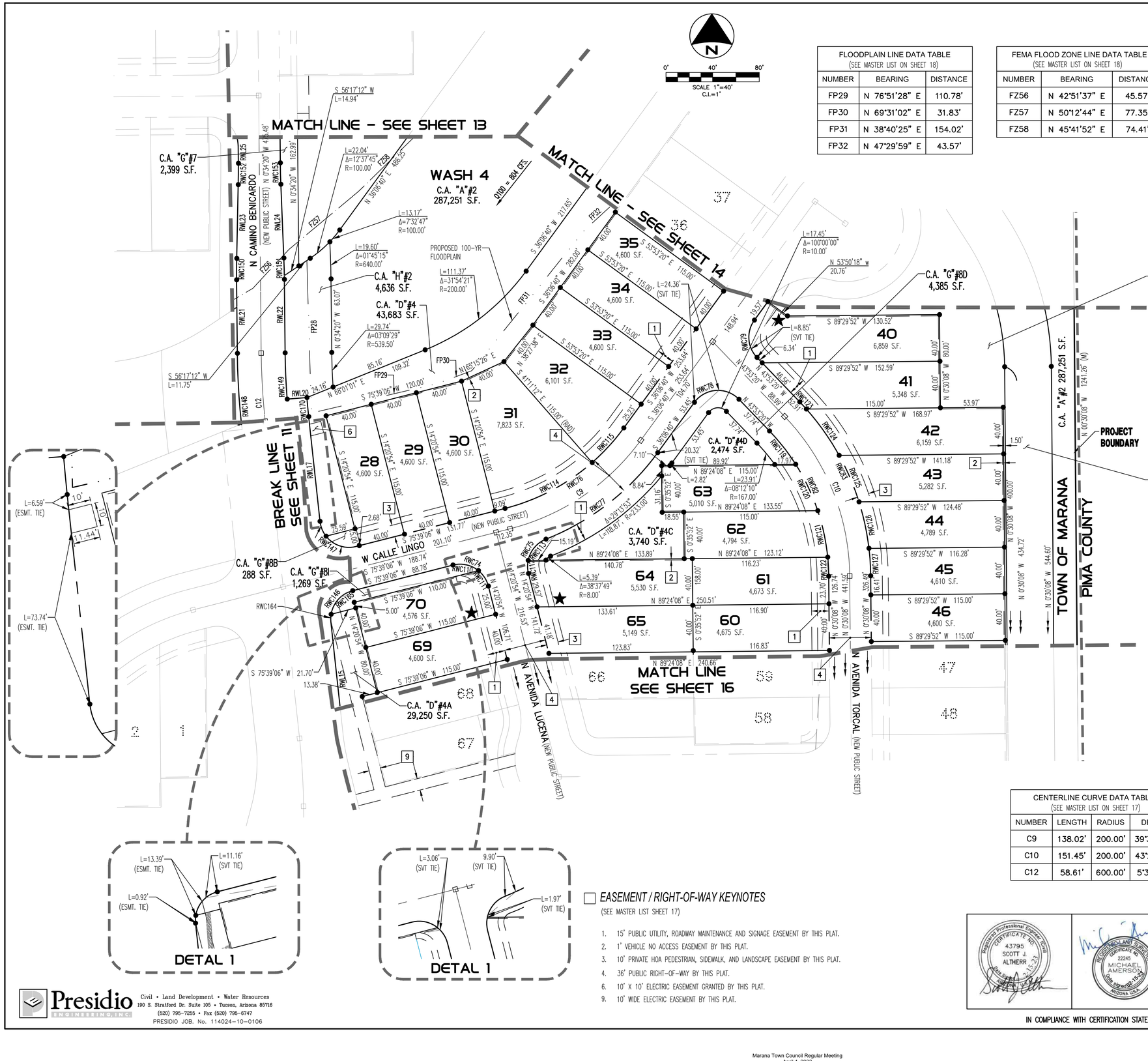
REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PC21503-001, PCM2110-002

FEBRUARY 15, 2023 SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 SHEET 14 OF 18

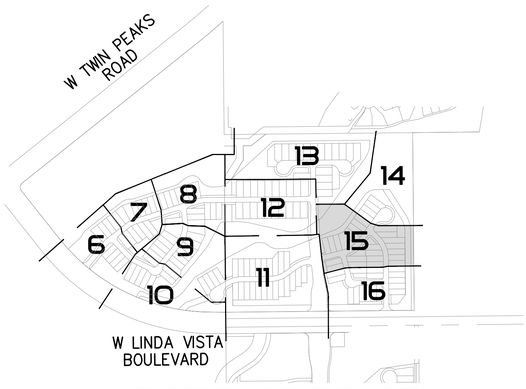
Presidio ENGINEERING INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

SEQ. NO.



FLOODPLAIN LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FP29	N 76°51'28" E	110.78'
FP30	N 69°31'02" E	31.83'
FP31	N 38°40'25" E	154.02'
FP32	N 47°29'59" E	43.57'

FEMA FLOOD ZONE LINE DATA TABLE (SEE MASTER LIST ON SHEET 18)		
NUMBER	BEARING	DISTANCE
FZ56	N 42°51'37" E	45.57'
FZ57	N 50°12'44" E	77.35'
FZ58	N 45°41'52" E	74.41'



SHEET PLACEMENT INDEX

RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC74	39.27'	25.00'	90°00'00"
RWC75	36.11'	25.00'	82°45'16"
RWC76	125.60'	182.00'	39°32'26"
RWC77	122.88'	218.00'	32°17'42"
RWC78	43.63'	25.00'	100°00'00"
RWC79	34.91'	25.00'	80°00'00"
RWC82	137.82'	182.00'	43°23'12"
RWC83	165.08'	218.00'	43°23'12"
RWC110	23.18'	25.00'	53°07'48"
RWC111	16.09'	25.00'	36°52'12"
RWC112	11.38'	25.00'	26°04'42"
RWC113	24.73'	25.00'	56°40'34"
RWC114	85.25'	182.00'	26°50'19"
RWC115	40.35'	182.00'	12°42'08"
RWC119	36.39'	182.00'	11°27'25"
RWC120	44.20'	182.00'	13°54'52"
RWC121	40.90'	182.00'	12°52'36"
RWC122	16.32'	182.00'	5°08'19"
RWC123	8.33'	218.00'	2°11'21"
RWC124	48.80'	218.00'	12°49'37"
RWC125	43.42'	218.00'	11°24'42"
RWC126	40.89'	218.00'	10°44'51"
RWC127	23.63'	218.00'	6°12'41"
RWC146	35.70'	25.00'	81°49'15"
RWC147	42.84'	25.00'	98°10'46"

RIGHT-OF-WAY CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
RWC148	60.61'	620.50'	5°35'49"
RWC149	39.74'	579.50'	3°55'45"
RWC150	18.37'	600.00'	1°45'15"
RWC151	18.37'	600.00'	1°45'15"
RWC152	18.37'	600.00'	1°45'15"
RWC153	18.37'	600.00'	1°45'15"
RWC164	6.72'	25.00'	15°23'56"
RWC165	28.98'	25.00'	66°25'19"
RWC166	28.98'	25.00'	66°25'19"
RWC167	13.86'	25.00'	31°45'25"
RWC170	16.37'	562.50'	1°40'04"

RIGHT-OF-WAY LINE DATA TABLE (SEE MASTER LIST ON SHEET 17)		
NUMBER	BEARING	DISTANCE
RWL15	N 06°10'08" W	96.34'
RWL17	N 06°10'08" W	90.44'
RWL20	N 85°29'56" E	17.00'
RWL21	N 00°34'20" W	63.07'
RWL22	N 00°34'20" W	63.07'
RWL23	N 01°10'56" E	63.29'
RWL24	N 02°19'35" W	63.29'
RWL25	N 00°34'20" W	15.00'

CENTERLINE CURVE DATA TABLE (SEE MASTER LIST ON SHEET 17)			
NUMBER	LENGTH	RADIUS	DELTA
C9	138.02'	200.00'	39°32'26"
C10	151.45'	200.00'	43°23'12"
C12	58.61'	600.00'	5°35'49"

EASEMENT / RIGHT-OF-WAY KEYNOTES

(SEE MASTER LIST SHEET 17)

1. 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT BY THIS PLAT.
2. 1' VEHICLE NO ACCESS EASEMENT BY THIS PLAT.
3. 10' PRIVATE HOA PEDESTRIAN, SIDEWALK, AND LANDSCAPE EASEMENT BY THIS PLAT.
4. 36' PUBLIC RIGHT-OF-WAY BY THIS PLAT.
6. 10' X 10' ELECTRIC EASEMENT GRANTED BY THIS PLAT.
9. 10' WIDE ELECTRIC EASEMENT BY THIS PLAT.

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PCZ1503-001, PCM2110-002

FEBRUARY 15, 2023 — SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 — SHEET 15 OF 18

Registered Professional Engineer Seal — CERTIFICATE NO. 43795 — SCOTT J. ALTHERR — 12-5-23

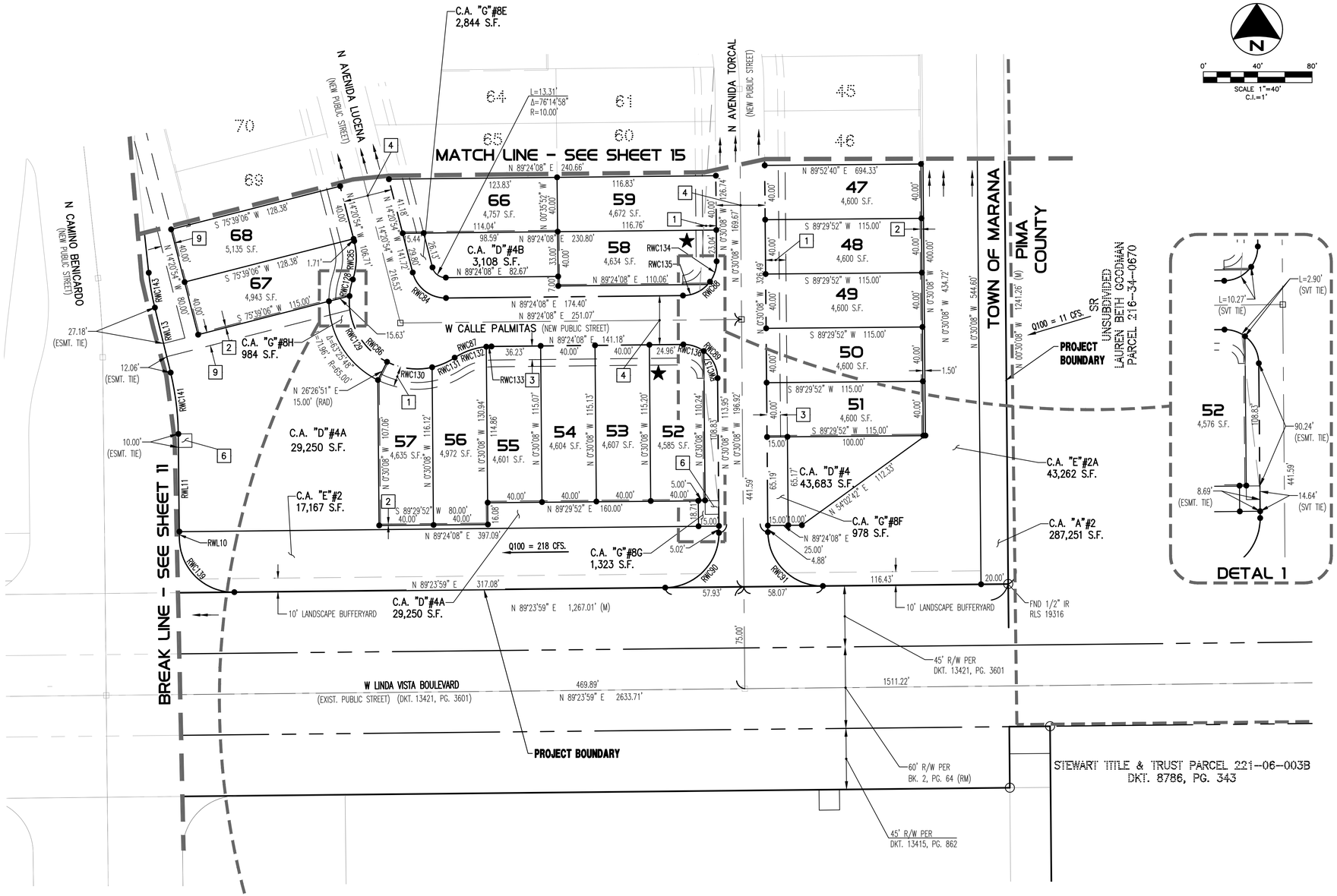
REGISTERED LAND SURVEYOR — CERTIFICATE NO. 22245 — MICHAEL AMERSON — Date Signed 12-15-23 — ARIZONA U.S.A.

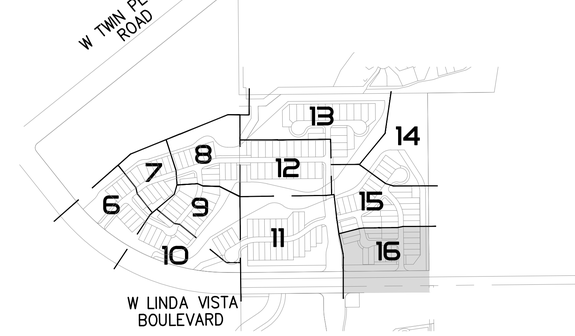
Registered Land Surveyor — CERTIFICATE NO. 66889 — BENJAMIN E. ZISMANN — Date Signed 12-15-23 — ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

Presidio ENGINEERING, INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

SEQ. NO. _____





SEQ. NO.

☐ *EASEMENT / RIGHT-OF-WAY KEYNOTES*
(SEE MASTER LIST SHEET 17)

1. 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT BY THIS PLAT.
2. 1' VEHICLE NO ACCESS EASEMENT BY THIS PLAT.
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9. 10' WIDE ELECTRIC EASEMENT BY THIS PLAT.

RIGHT-OF-WAY LINE DATA TABLE
(SEE MASTER LIST ON SHEET 17)

NUMBER	BEARING	DISTANCE
RWL10	S 00°35'52" E	4.97'
RWL11	S 00°35'52" E	72.00'
RWL13	N 13°39'01" W	49.24'

RIGHT-OF-WAY CURVE DATA TABLE
(SEE MASTER LIST ON SHEET 17)

NUMBER	LENGTH	RADIUS	DELTA
RWC84	33.27'	25.00'	76°14'58"
RWC85	28.68'	50.00'	32°51'36"
RWC86	123.89'	50.00'	141°58'10"
RWC87	28.68'	50.00'	32°51'36"
RWC88	39.23'	25.00'	89°54'16"
RWC89	39.31'	25.00'	90°05'44"
RWC90	62.76'	40.00'	89°54'07"
RWC91	62.90'	40.00'	90°05'53"
RWC128	12.42'	50.00'	14°13'46"
RWC129	59.20'	50.00'	67°50'06"
RWC130	34.14'	50.00'	39°07'15"
RWC131	18.14'	50.00'	20°47'04"
RWC132	24.90'	50.00'	28°31'52"
RWC133	3.78'	50.00'	4°19'43"
RWC134	18.65'	25.00'	42°44'53"
RWC135	20.58'	25.00'	47°09'23"
RWC136	16.13'	25.00'	36°57'56"
RWC137	23.18'	25.00'	53°07'48"
RWC139	62.83'	40.00'	90°00'09"
RWC141	45.56'	200.00'	13°03'09"
RWC143	26.11'	200.00'	7°28'53"

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH
VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#11, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

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PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PC21503-001, PCM2110-002

FEBRUARY 15, 2023 — SCALE: AS SHOWN
PRESIDIO JOB No. 114024-10-0106 — SHEET 16 OF 18

Registered Professional Engineer (Civil) CERTIFICATE NO. 43795 SCOTT J. ALTHERR Date Signed 02-15-23 ARIZONA, U.S.A.

REGISTERED LAND SURVEYOR CERTIFICATE NO. 22245 MICHAEL AMERSON Date Signed 02-15-23 ARIZONA U.S.A.

Registered Land Surveyor CERTIFICATE NO. 66889 BENJAMIN E ZISMANN Date Signed 02/15/23 ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

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PRESIDIO JOB. No. 114024-10-0106

SEQ. NO. _____

RIGHT-OF-WAY CURVE DATA TABLE (MASTER LIST)			
NUMBER	LENGTH	RADIUS	DELTA
RWC1	40.08'	25.00'	91°50'58"
RWC2	40.08'	25.00'	91°50'58"
RWC3	44.63'	218.00'	11°43'49"
RWC4	39.64'	25.00'	90°50'50"
RWC5	41.44'	25.00'	94°58'43"
RWC6	77.43'	218.00'	20°21'06"
RWC7	64.65'	182.00'	20°21'06"
RWC8	44.38'	25.00'	101°42'22"
RWC9	34.16'	25.00'	78°17'38"
RWC10	65.47'	218.00'	17°12'29"
RWC11	54.66'	182.00'	17°12'29"
RWC12	66.04'	182.00'	20°47'24"
RWC13	79.10'	218.00'	20°47'24"
RWC14	33.43'	25.00'	76°36'58"
RWC15	124.21'	50.00'	142°20'09"
RWC16	28.68'	50.00'	32°51'36"
RWC17	144.71'	182.00'	45°33'27"
RWC18	173.34'	218.00'	45°33'27"
RWC19	11.09'	25.00'	25°25'39"
RWC20	28.98'	25.00'	66°25'19"
RWC21	11.21'	25.00'	25°41'17"
RWC22	28.87'	25.00'	66°09'41"
RWC23	5.10'	218.00'	1°20'30"
RWC24	39.53'	218.00'	10°23'19"
RWC25	18.76'	182.00'	5°54'16"
RWC26	39.28'	25.00'	90°01'31"
RWC27	0.36'	25.00'	0°49'18"
RWC28	34.12'	25.00'	78°12'03"
RWC29	7.32'	25.00'	16°46'40"
RWC30	37.38'	218.00'	9°49'25"
RWC31	40.06'	218.00'	10°31'40"
RWC32	19.94'	182.00'	6°16'33"
RWC33	41.10'	182.00'	12°56'17"
RWC34	3.61'	182.00'	1°08'16"
RWC35	15.99'	25.00'	36°39'27"

RIGHT-OF-WAY CURVE DATA TABLE (MASTER LIST)			
NUMBER	LENGTH	RADIUS	DELTA
RWC36	18.17'	25.00'	41°38'11"
RWC37	30.34'	218.00'	7°58'24"
RWC38	35.14'	218.00'	9°14'05"
RWC39	42.88'	182.00'	13°29'54"
RWC40	11.78'	182.00'	3°42'35"
RWC41	35.08'	218.00'	9°13'09"
RWC42	20.01'	218.00'	5°15'30"
RWC43	24.02'	218.00'	6°18'45"
RWC44	8.86'	50.00'	10°09'10"
RWC45	19.82'	50.00'	22°42'25"
RWC46	23.22'	50.00'	26°36'29"
RWC47	30.39'	50.00'	34°49'14"
RWC48	28.30'	50.00'	32°25'26"
RWC49	41.60'	50.00'	47°40'31"
RWC50	0.71'	50.00'	0°48'28"
RWC51	28.68'	50.00'	32°51'36"
RWC52	16.55'	25.00'	37°56'05"
RWC53	16.88'	25.00'	38°40'53"
RWC54	25.22'	182.00'	7°56'26"
RWC55	113.19'	182.00'	35°38'00"
RWC56	27.30'	218.00'	7°10'32"
RWC57	40.05'	218.00'	10°31'34"
RWC58	40.06'	218.00'	10°31'40"
RWC59	40.06'	218.00'	10°31'40"
RWC60	25.87'	218.00'	6°48'02"
RWC61	6.30'	182.00'	1°59'02"
RWC62	131.26'	1357.39'	5°32'25"
RWC63	43.81'	1357.39'	1°50'58"
RWC64	43.81'	1357.39'	1°50'58"
RWC65	368.86'	1357.39'	15°34'11"

RIGHT-OF-WAY CURVE DATA TABLE (MASTER LIST)			
NUMBER	LENGTH	RADIUS	DELTA
RWC66	217.21'	50.00'	248°53'59"
RWC67	60.13'	50.00'	68°53'59"
RWC68	96.96'	182.00'	30°31'24"
RWC69	116.14'	218.00'	30°31'24"
RWC70	113.73'	182.00'	35°48'17"
RWC71	136.23'	218.00'	35°48'17"
RWC72	83.70'	218.00'	21°59'54"
RWC73	69.88'	182.00'	21°59'54"
RWC74	39.27'	25.00'	90°00'00"
RWC75	36.11'	25.00'	82°45'16"
RWC76	125.60'	182.00'	39°32'26"
RWC77	122.88'	218.00'	32°17'42"
RWC78	43.63'	25.00'	100°00'00"
RWC79	34.91'	25.00'	80°00'00"
RWC80	60.13'	50.00'	68°53'59"
RWC81	217.21'	50.00'	248°53'59"
RWC82	137.82'	182.00'	43°23'12"
RWC83	165.08'	218.00'	43°23'12"
RWC84	33.27'	25.00'	76°14'58"
RWC85	28.68'	50.00'	32°51'36"
RWC86	123.89'	50.00'	141°58'10"
RWC87	28.68'	50.00'	32°51'36"
RWC88	39.23'	25.00'	89°54'16"
RWC89	39.31'	25.00'	90°05'44"
RWC90	62.76'	40.00'	89°54'07"
RWC91	62.90'	40.00'	90°05'53"
RWC92	30.47'	50.00'	34°54'55"
RWC93	20.58'	50.00'	23°34'41"
RWC94	51.29'	218.00'	13°28'50"
RWC95	40.91'	218.00'	10°45'04"
RWC96	23.94'	218.00'	6°17'29"
RWC97	31.66'	182.00'	9°58'02"
RWC98	41.33'	182.00'	13°00'35"
RWC99	23.97'	182.00'	7°32'46"
RWC100	19.01'	182.00'	5°59'01"
RWC101	41.05'	182.00'	12°55'26"

RIGHT-OF-WAY CURVE DATA TABLE (MASTER LIST)			
NUMBER	LENGTH	RADIUS	DELTA
RWC102	44.59'	182.00'	14°02'20"
RWC103	9.08'	182.00'	2°51'30"
RWC104	18.99'	218.00'	4°59'23"
RWC105	40.72'	218.00'	10°42'10"
RWC106	43.02'	218.00'	11°18'25"
RWC107	33.50'	218.00'	8°48'19"
RWC108	34.50'	182.00'	10°51'41"
RWC109	35.38'	182.00'	11°08'13"
RWC110	23.18'	25.00'	53°07'48"
RWC111	16.09'	25.00'	36°52'12"
RWC112	11.38'	25.00'	26°04'42"
RWC113	24.73'	25.00'	56°40'34"
RWC114	85.25'	182.00'	26°50'19"
RWC115	40.35'	182.00'	12°42'08"
RWC116	11.70'	50.00'	13°24'17"
RWC117	36.77'	50.00'	42°07'53"
RWC118	168.74'	50.00'	193°21'49"
RWC119	36.39'	182.00'	11°27'25"
RWC120	44.20'	182.00'	13°54'52"
RWC121	40.90'	182.00'	12°52'36"
RWC122	16.32'	182.00'	5°08'19"
RWC123	8.33'	218.00'	2°11'21"
RWC124	48.80'	218.00'	12°49'37"
RWC125	43.42'	218.00'	11°24'42"
RWC126	40.89'	218.00'	10°44'51"
RWC127	23.63'	218.00'	6°12'41"
RWC128	12.42'	50.00'	14°13'46"
RWC129	59.20'	50.00'	67°50'06"
RWC130	34.14'	50.00'	39°07'15"
RWC131	18.14'	50.00'	20°47'04"
RWC132	24.90'	50.00'	28°31'52"
RWC133	3.78'	50.00'	4°19'43"
RWC134	18.65'	25.00'	42°44'53"
RWC135	20.58'	25.00'	47°09'23"
RWC136	16.13'	25.00'	36°57'56"
RWC137	23.18'	25.00'	53°07'48"

RIGHT-OF-WAY CURVE DATA TABLE (MASTER LIST)			
NUMBER	LENGTH	RADIUS	DELTA
RWC138	62.83'	40.00'	89°59'51"
RWC139	62.83'	40.00'	90°00'09"
RWC140	40.26'	150.00'	15°22'35"
RWC141	45.56'	200.00'	13°03'09"
RWC142	54.84'	150.00'	20°56'51"
RWC143	26.11'	200.00'	7°28'53"
RWC144	42.84'	25.00'	98°10'45"
RWC145	35.70'	25.00'	81°49'16"
RWC146	35.70'	25.00'	81°49'15"
RWC147	42.84'	25.00'	98°10'46"
RWC148	60.61'	620.50'	5°35'49"
RWC149	39.74'	579.50'	3°55'45"
RWC150	18.37'	600.00'	1°45'15"
RWC151	18.37'	600.00'	1°45'15"
RWC152	18.37'	600.00'	1°45'15"
RWC153	18.37'	600.00'	1°45'15"
RWC154	39.25'	25.00'	89°57'06"
RWC155	39.29'	25.00'	90°02'54"
RWC156	217.21'	50.00'	248°54'00"
RWC157	60.13'	50.00'	68°53'59"
RWC158	39.27'	25.00'	90°00'00"
RWC159	39.27'	25.00'	90°00'00"
RWC160	60.13'	50.00'	68°53'59"
RWC161	217.21'	50.00'	248°53'59"
RWC162	13.86'	25.00'	31°45'27"
RWC163	28.98'	25.00'	66°25'19"
RWC164	6.72'	25.00'	15°23'56"
RWC165	28.98'	25.00'	66°25'19"
RWC166	28.98'	25.00'	66°25'19"
RWC167	13.86'	25.00'	31°45'25"
RWC168	28.98'	25.00'	66°25'19"
RWC169	6.72'	25.00'	15°23'57"
RWC170	16.37'	562.50'	1°40'04"

RIGHT-OF-WAY LINE DATA TABLE (MASTER LIST)		
NUMBER	BEARING	DISTANCE
RWL1	S 51°55'00" W	0.53'
RWL2	N 51°55'00" E	2.68'
RWL3	S 72°16'05" W	9.71'
RWL4	S 43°03'43" E	5.07'
RWL5	N 39°31'55" E	12.28'
RWL6	N 39°31'55" E	12.72'
RWL7	N 06°01'33" W	14.16'
RWL8	S 00°35'52" E	4.98'
RWL9	S 00°35'52" E	72.00'
RWL10	S 00°35'52" E	4.97'
RWL11	S 00°35'52" E	72.00'
RWL12	N 14°46'43" E	18.15'
RWL13	N 13°39'01" W	49.24'
RWL14	N 06°10'08" W	78.37'
RWL15	N 06°10'08" W	96.34'
RWL16	S 06°10'08" E	103.47'
RWL17	N 06°10'08" W	90.44'
RWL18	S 83°50'09" W	17.00'
RWL19	N 06°10'08" W	4.94'
RWL20	N 85°29'56" E	17.00'
RWL21	N 00°34'20" W	63.07'
RWL22	N 00°34'20" W	63.07'
RWL23	N 01°10'56" E	63.29'
RWL24	N 02°19'35" W	63.29'
RWL25	N 00°34'20" W	15.00'

CENTERLINE CURVE DATA TABLE (MASTER LIST)			
NUMBER	LENGTH	RADIUS	DELTA
C1	40.95'	200.00'	11°43'49"
C2	71.04'	200.00'	20°21'06"
C3	60.07'	200.00'	17°12'29"
C4	72.57'	200.00'	20°47'24"
C5	159.03'	200.00'	45°33'27"
C6	106.55'	200.00'	30°31'24"
C7	124.98'	200.00'	35°48'17"
C8	76.79'	200.00'	21°59'54"
C9	138.02'	200.00'	39°32'26"
C10	151.45'	200.00'	43°23'12"
C11	58.34'	600.00'	5°34'16"
C12	58.61'	600.00'	5°35'49"

☐ EASEMENT / RIGHT-OF-WAY KEYNOTES

(MASTER LIST)

1. 15' PUBLIC UTILITY, ROADWAY MAINTENANCE AND SIGNAGE EASEMENT BY THIS PLAT.
2. 1' VEHICLE NO ACCESS EASEMENT BY THIS PLAT.
3. 10' PRIVATE HOA PEDESTRIAN, SIDEWALK, AND LANDSCAPE EASEMENT BY THIS PLAT.
4. 36' PUBLIC RIGHT-OF-WAY BY THIS PLAT.
5. 35' PUBLIC UTILITY EASEMENT BY THIS PLAT.
6. 10' X 10' ELECTRIC EASEMENT GRANTED BY THIS PLAT.
7. PUBLIC SEWER EASEMENT BY THIS PLAT.
8. 25' PUBLIC WATER EASEMENT BY THIS PLAT.
9. 10' WIDE ELECTRIC EASEMENT BY THIS PLAT.
10. 40' PUBLIC UTILITY EASEMENT BY THIS PLAT.

SEQ. NO.

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PCZ1503-001, PCM2110-002

FEBRUARY 15, 2023 — SCALE: AS SHOWN

PRESIDIO JOB No. 114024-10-0106 — SHEET 17 OF 18

Registered Professional Surveyor CERTIFICATE NO. 43795 SCOTT J. ALTHERR Date Signed 12-12-22

REGISTERED LAND SURVEYOR CERTIFICATE NO. 22245 MICHAEL AMERSON Date Signed 12-15-22 ARIZONA U.S.A.

Registered Land Surveyor CERTIFICATE NO. 66889 BENJAMIN E. ZISMANN Date Signed 12/16/22 ARIZONA, U.S.A.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

Presidio ENGINEERING, INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

SEQ. NO.

FLOODPLAIN LINE DATA TABLE (MASTER LIST)		
NUMBER	BEARING	DISTANCE
FP1	S 75°19'47" E	84.33'
FP2	N 86°37'44" E	58.54'
FP3	N 37°12'44" E	41.90'
FP4	S 46°03'28" W	6.19'
FP5	N 68°12'33" W	21.78'
FP6	N 76°13'49" W	66.63'
FP7	N 73°09'53" W	59.71'
FP8	S 87°44'27" W	47.33'
FP9	S 72°54'53" W	55.56'
FP10	S 54°01'05" W	67.58'
FP11	S 37°49'48" W	147.91'
FP12	S 59°48'22" W	269.80'
FP13	S 38°41'16" W	31.01'
FP14	S 82°14'20" W	35.39'
FP15	S 59°11'52" W	52.89'
FP16	N 86°20'59" W	37.53'
FP17	S 55°54'00" W	44.62'
FP18	S 84°12'53" W	38.73'
FP19	S 08°36'40" W	34.67'
FP20	S 80°15'51" W	39.57'
FP21	N 81°43'51" W	44.59'
FP22	N 48°43'15" W	53.17'
FP23	N 48°27'06" W	34.08'
FP24	S 89°01'26" W	55.87'
FP25	N 78°53'14" W	146.66'
FP26	S 05°33'42" E	183.72'
FP27	N 76°21'46" E	29.97'
FP28	S 01°41'19" E	130.92'
FP29	N 76°51'28" E	110.78'
FP30	N 69°31'02" E	31.83'
FP31	N 38°40'25" E	154.02'
FP32	N 47°29'59" E	43.57'
FP33	N 37°05'11" E	168.80'
FP34	N 32°55'54" E	128.75'
FP35	N 65°18'38" E	43.27'

FLOODPLAIN LINE DATA TABLE .		
NUMBER	BEARING	DISTANCE
FP36	N 46°31'09" E	116.68'
FP37	N 55°21'06" E	43.54'
FP38	N 31°33'54" E	42.36'
FP39	N 47°46'23" E	82.11'
FP40	N 39°08'23" E	53.77'
FP41	N 02°38'48" E	8.77'
FP42	S 84°37'06" E	7.72'
FP43	N 51°58'05" E	228.34'
FP44	N 25°20'45" E	12.33'
FP45	S 40°57'08" E	8.06'
FP46	N 72°49'36" E	210.84'
FP47	N 06°30'05" E	9.57'
FP48	S 15°21'32" E	26.18'
FP49	N 84°20'19" E	12.18'
FP50	N 28°55'21" E	24.95'
FP51	N 35°46'06" E	28.74'
FP52	N 68°58'22" E	13.00'
FP53	S 65°42'25" E	74.07'
FP54	N 58°15'52" E	32.84'
FP55	N 72°12'12" E	125.99'
FP56	N 40°04'35" E	86.91'
FP57	N 17°43'50" E	43.08'
FP58	N 40°14'19" E	176.58'
FP59	N 25°54'39" E	121.47'
FP60	N 02°00'20" W	64.65'
FP61	N 40°22'47" E	42.41'
FP62	S 77°33'08" E	112.81'

FEMA FLOOD ZONE LINE DATA TABLE (MASTER LIST)		
NUMBER	BEARING	DISTANCE
FZ1	N 73°23'21" E	147.36'
FZ2	N 81°44'56" E	89.36'
FZ3	N 54°43'35" E	133.13'
FZ4	N 72°21'29" E	94.24'
FZ5	N 51°50'54" E	36.32'
FZ6	N 59°03'20" E	47.59'
FZ7	N 41°08'21" E	21.66'
FZ8	N 17°25'33" E	34.23'
FZ9	N 27°29'17" E	229.93'
FZ10	N 56°15'43" E	51.71'
FZ11	N 43°28'57" E	53.41'
FZ12	N 64°27'03" E	52.02'
FZ13	N 85°24'39" E	51.16'
FZ14	S 70°14'23" E	54.26'
FZ15	S 04°44'33" E	49.14'
FZ16	S 00°00'00" E	24.47'
FZ17	S 11°20'03" W	72.83'
FZ18	S 20°27'30" W	274.30'
FZ19	S 12°49'06" W	73.81'
FZ20	S 02°00'19" E	17.28'
FZ21	S 75°15'03" W	51.13'
FZ22	S 77°38'44" E	103.91'
FZ23	N 90°00'00" E	48.31'
FZ24	N 78°21'14" E	96.14'
FZ25	N 85°42'19" E	72.61'
FZ26	S 63°26'06" E	10.41'
FZ27	S 11°49'17" E	30.20'
FZ28	S 00°00'00" E	24.88'
FZ29	S 37°37'43" E	25.49'
FZ30	S 68°13'06" E	33.52'
FZ31	N 90°00'00" E	40.44'
FZ32	N 69°21'26" E	101.32'
FZ33	N 51°07'27" E	113.92'
FZ34	N 68°57'34" E	30.53'
FZ35	S 49°35'17" E	28.46'

FEMA FLOOD ZONE LINE DATA TABLE (MASTER LIST)		
NUMBER	BEARING	DISTANCE
FZ36	S 04°47'15" W	23.68'
FZ37	S 33°44'04" W	22.40'
FZ38	S 30°18'36" W	43.22'
FZ39	S 49°00'48" W	47.36'
FZ40	S 60°32'17" W	102.86'
FZ41	S 73°37'24" W	39.35'
FZ42	S 34°44'14" W	35.10'
FZ43	S 02°33'57" W	48.86'
FZ44	S 51°21'21" E	71.06'
FZ45	N 85°06'10" E	77.97'
FZ46	N 70°15'35" E	91.97'
FZ47	N 58°09'48" E	96.74'
FZ48	N 52°21'49" E	98.10'
FZ49	N 46°57'53" E	186.62'
FZ50	N 50°04'59" E	161.22'
FZ51	N 73°23'21" E	7.87'
FZ52	S 85°29'52" E	171.34'
FZ53	S 82°52'46" E	99.83'
FZ54	N 78°07'13" E	72.11'
FZ55	N 59°31'57" E	48.87'
FZ56	N 42°51'37" E	45.57'
FZ57	N 50°12'44" E	77.35'
FZ58	N 45°41'52" E	74.41'
FZ59	N 23°42'28" E	77.10'
FZ60	N 34°54'16" E	103.30'
FZ61	N 56°12'22" E	57.70'
FZ62	N 37°39'24" E	61.89'
FZ63	N 19°09'51" E	39.60'
FZ64	N 36°33'11" E	44.08'
FZ65	N 25°30'50" E	30.47'
FZ66	N 42°39'38" E	45.47'
FZ67	N 64°35'46" E	41.38'
FZ68	N 71°00'12" E	20.16'
FZ69	N 27°28'46" E	61.19'

SEQ. NO.

IN COMPLIANCE WITH CERTIFICATION STATEMENT SHOWN ON SHEET 1

FINAL PLAT FOR
LINDA VISTA VILLAGE NORTH

VILLAGE IV (LOTS 1-70), VILLAGE V (LOTS 1-58) AND COMMON AREAS "A" (#1-#2, #9), "D" (#1-#4, #1A-#1C, #4A-#4D, #18, #18A-#18C,), "E" (#1-#2, #2A), "F" (#1-#2, #1A-#1B), "G" (#1-#8, #1A-#1I, #8A-#8L) AND "H" (#1-#2, #8)

BEING A RESUBDIVISION OF BLOCKS II THROUGH IV, AND PORTIONS OF COMMON AREAS "A", "D", "E", "F", "G" AND "H" OF THE AMENDED FINAL PLAT FOR LINDA VISTA VILLAGE AT CASCADA, AS RECORDED IN SEQUENCE NO. 20213260195; A SUBDIVISION OF BLOCK I OF LINDA VISTA VILLAGE AT CASCADA MINOR LAND DIVISION, AS RECORDED IN SEQUENCE NO. 20220420098; AND A PARTIAL ABANDONMENT AND REALIGNMENT OF THE RIGHTS-OF-WAY OF CALLE BILBOA AND OF CAMINO BENICARDO.

AND BEING A PORTION OF SW 1/4 OF SECTION 14 & SE 1/4 OF SECTION 15, TOWNSHIP-12-SOUTH, RANGE-12-EAST, G.&S.R.M., PIMA COUNTY, ARIZONA

PRV2210-001

REFERENCE: PRV1707-001, PRV1905-002, PRV2108-001, PRV2110-005, PCZ1503-001, POM2110-002

FEBRUARY 15, 2023 SCALE: AS SHOWN

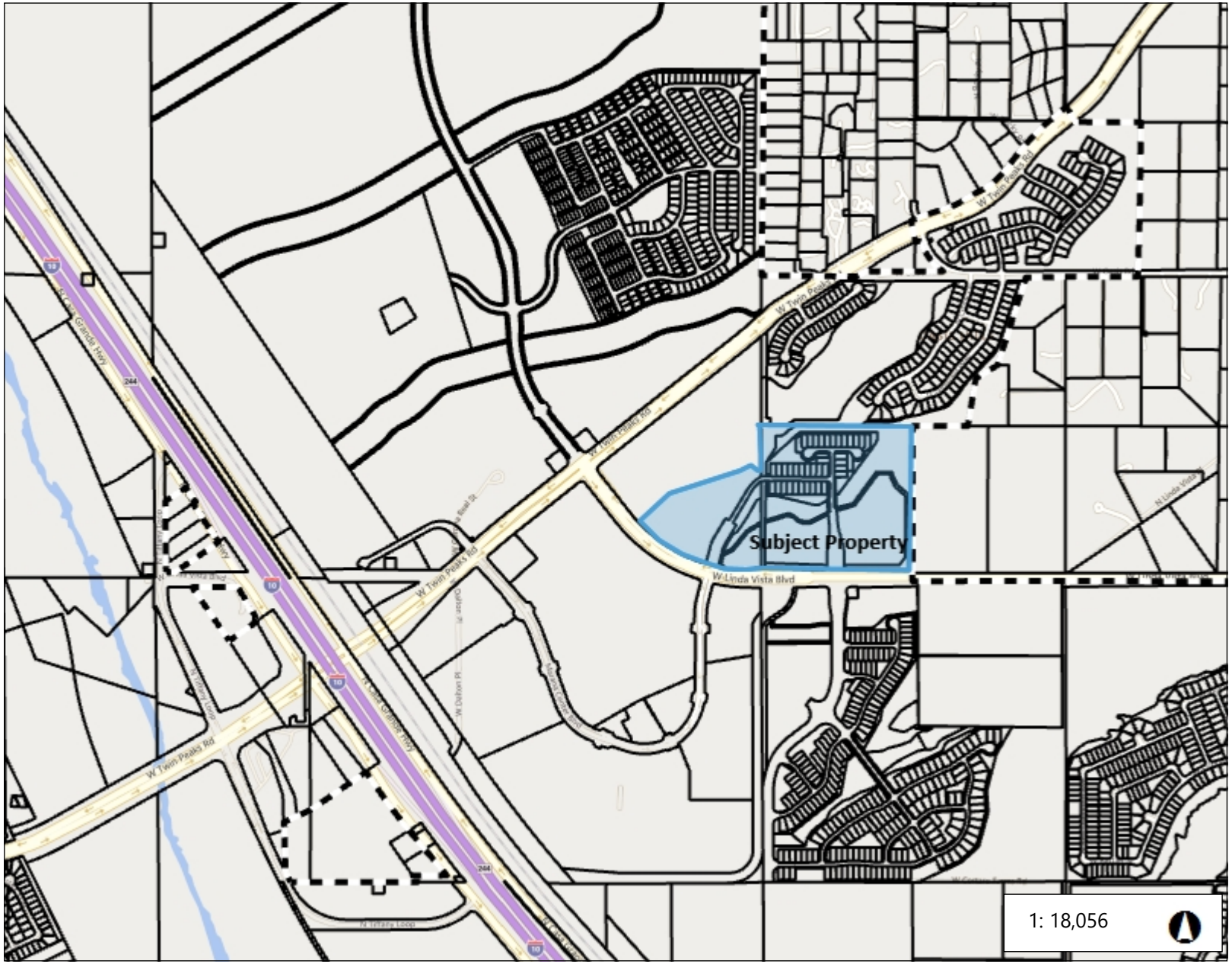
PRESIDIO JOB No. 114024-10-0106 SHEET 18 OF 18

Presidio ENGINEERING, INC.
Civil • Land Development • Water Resources
190 S. Stratford Dr. Suite 105 • Tucson, Arizona 85716
(520) 795-7255 • Fax (520) 795-6747
PRESIDIO JOB. No. 114024-10-0106

SEQ. NO.

Town of Marana Planning

Location Map





Legend

- Marana Town Limits
- Parcel Labels
- Parcels (Black)

Notes

PRV2210-001 Linda Vista Village North Final Plat

0.6 0 0.28 0.6 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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: Linda Vista Village North, Village I Lots 1-39, Village IV Lots 1-70, Village V Lots 1 - 58			
Description of Project: Single Family Detached Residential		Number of Lots: 167	
Parcel No.(s): See attached list		Gross Area (Acres): 54.05+/-	
Project Address: 6093 W. Linda Vista Blvd.			
Ref. Project No.: PRV2110-005, PRV2108-001, PCM2110-002			

CONTACT INFORMATION

Owner: See attached	Contact Name: Brian Frazier		
Address: 280 E. Pilot Road, Suite #200	City: Las Vegas	State: NV	Zip: 89119
Email: HCHO@AH4R.com	Phone No.: (702) 847-7842		
Applicant: AMH Dev, LLC c/o Presidio Engineering	Contact Name: Tanya Washington/Brian Frazier		
Address: 190 S. Straford Dr. #105	City: Tucson	State: AZ	Zip: 85716
Email: tanya@presidioengineering.com	Phone No.: (520) 795-7255		
Consultant/Engineer: Presidio Engineering, Inc.	Contact Name: Tanya Washington		
Address: 190 S. Stratford Dr. #105	City: Tucson	State: AZ	Zip: 85716
Email: tanya@presidioengineering.com	Phone No.: (520) 795-7255		

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.)

Brian Frazier	Brian Frazier	
Applicant Name (PRINT)	Signature	Date

FOR OFFICIAL USE ONLY

Revision Date 03/29/2019

Project No._____ **Date Received**_____

Project Name:

Linda Vista Village North

Property Owner:

Stewart Title and Trust of Tucson
Trust Nos. 3772 and 3773
ATTN: Teresa Ives
3939 E. Broadway Blvd.
Tucson, AZ 85711
(520) 327-7373

Tax Parcel Nos.

216-45-5360
216-45-5430
216-45-5470
216-45-5480
216-45-5500
216-45-5680
216-45-5540
216-45-6230
216-45-6250
216-45-6260
216-45-6270

Council-Regular Meeting **C4**

Meeting Date: 04/04/2023

To: Mayor and Council

From: Curry C. Hale, Human Resources Director

Date: April 4, 2023

Strategic Plan Focus Area:
Proactive Public Services

Subject: Resolution No. 2023-031: Relating to Personnel; approving the establishment of the Arizona State Retirement Supplemental Salary Deferral 457 Plan administered by Nationwide Retirement Solutions (Curry C. Hale)

Discussion:

The Town of Marana conducted a plan analysis of our Deferred Compensation Plan (457(b) Plan) with MissionSquare (formerly ICMA-RC) and found that we had an opportunity to significantly lower fees for employees and increase customer service by partnering with a different 457(b) plan/vendor. In choosing another vendor for our 457(b) plan, the Town reviewed fees, investment options and customer service. Additionally, the Town considered new legislation that passed in 2022 which mandates that any employee of an ASRS employer will have the opportunity to voluntarily participate in any deferred compensation plan offered by ASRS, so long as the employee meets the eligibility requirements for the plan. More recently, additional legislation was recently passed in 2023 that mandates that members of PSPRS can elect to join the PSPRS deferred compensation plan and members of ASRS can elect to join the ASRS deferred compensation Plan. The Town plans to implement both of these plans through Nationwide Retirement Solutions as our only deferred compensation plans for Town employees to voluntarily participate based on your current retirement plan eligibility (PSPRS or ASRS).

On January 17th the Mayor and Council approved Resolution No. 2023-006, authorizing Town staff to send 60-day notice of termination to MissionSquare Retirement (formerly ICMA-RC) and to begin the transition process to ASRS and

PSPRS deferred compensation plans through Nationwide Retirement Solutions. The transition process is expected to take 60-70 days (June 2023) to complete before enrollments, contributions, and account balances can be transferred from MissionSquare to Nationwide.

Staff Recommendation:

Staff recommends approval of the 457(b) Deferred Compensation Plan transition to Nationwide Retirement Solutions.

Suggested Motion:

I move to adopt Resolution No. 2023-031, approving the establishment of the Arizona State Retirement Supplemental Salary Deferral 457 Plan Administered by Nationwide Retirement Solutions.

Attachments

Resolution No. 2023-031

Exhibit A to Resolution No. 2023-031

MARANA RESOLUTION NO. 2023-031

RELATING TO PERSONNEL; APPROVING THE ESTABLISHMENT OF THE ARIZONA STATE RETIREMENT SUPPLEMENTAL SALARY DEFERRAL 457 PLAN ADMINISTERED BY NATIONWIDE RETIREMENT SOLUTIONS

WHEREAS on November 15, 1994, the Town Council adopted Resolution No. 94-34 adopting the deferred compensation plan and appointing ICMA Retirement Corporation, now known as MissionSquare, to serve as administrator of the plan; and

WHEREAS effective September 29, 2021, the Arizona Legislature passed Senate Bill 1348, Consolidation of State Deferred Compensation Plans, amending A.R.S. § 38-781; and

WHEREAS the amended A.R.S. § 38-781 mandates that as of July 1, 2022, any employee of an Arizona State Retirement System (hereinafter "ASRS") employer will have the opportunity to voluntarily participate in any deferred compensation plan offered by ASRS; and

WHEREAS Nationwide Retirement Solutions (hereinafter "Nationwide") has partnered with ASRS to offer the Supplemental Salary Deferral (SSDP) 457 Plan, which can be offered to all benefit-eligible employees, including employees covered by the Public Safety Personnel Retirement System; and

WHEREAS because A.R.S. § 38-781 mandates that any employee of an ASRS employer will have the opportunity to voluntarily participate in any deferred compensation plan offered by ASRS, the Town must offer the SSDP 457 Plan administered by Nationwide as an option for employees; and

WHEREAS upon reviewing both MissionSquare and Nationwide, Town staff determined that the SSDP 457 plan administered by Nationwide is financially advantageous to employees and, therefore, Town staff sought to terminate our agreement with MissionSquare and transition to Nationwide effective March 25, 2023; and

WHEREAS in order to terminate our agreement with MissionSquare, Town staff was required to send a 60-day notice of termination to MissionSquare; and

WHEREAS on January 17, 2023, via Resolution 2023-006, the Town Council authorized Town staff to send 60-day notice of termination of 457 deferred compensation

plan to MissionSquare and to begin the transition process to the Nationwide SSDP 457 plan; and

WHEREAS the Town desires to establish a supplemental defined contribution plan for all of its eligible officer and employees to be administered by ASRS under Article 2, Chapter 5, Title 38 of the Arizona Revised Statutes; and

WHEREAS the Town Council finds that transitioning to the ASRS SSDP 457 Plan administered by Nationwide 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 Town hereby adopts the Supplemental Salary Deferral Plan established by ASRS pursuant to A.R.S. § 38-781, attached hereto as Exhibit A, for officers and employees of the Town who are eligible for participation in the Arizona State Retirement Supplemental Salary Deferral 457 Plan.

SECTION 2. The Town Manager is designated as the Authorized Agent of the Town and directed as the representative of the Town to conduct all negotiations, conclude all arrangements and modifications of agreements which may be necessary to carry out the intent of the Agreement in conformity with all applicable federal and state laws, rules and regulations.

SECTION 3. The Town Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 4th day of April, 2023.

_____
Mayor Ed Honea

ATTEST:

_____
David L. Udall, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

ARIZONA STATE RETIREMENT SYSTEM
(Name of Employer)

DEFERRED COMPENSATION PLAN FOR PUBLIC EMPLOYEES

457 GOVERNMENTAL PLAN AND TRUST

Document provided as a courtesy of:



Nationwide®
Retirement Solutions

On Your Side™

DC-4057-0211

457 GOVERNMENTAL PLAN AND TRUST

The Employer adopts this 457 Governmental Plan and Trust. The Plan is intended to be an "eligible deferred compensation plan" as defined in Code §457(b) of the Internal Revenue Code of 1986 ("Eligible 457 Plan"). The Plan consists of the provisions set forth in this plan document and is applicable to the Employer and each Employee who elects to participate in the Plan. If the Employer adopts this Plan as a restated Plan in substitution for, and in amendment of, an existing plan, the provisions of this Plan, as a restated Plan, apply solely to an Employee on or after the execution of this Plan. The Plan is effective as to each Employee upon the date he/she becomes a Participant by entering into and filing with the Employer or the Administrative Services Provider a Participation Agreement or an Acknowledgement Form/Card.

ARTICLE I
DEFINITIONS

1.01 **"Account"** means the separate Account(s) which the Administrative Services Provider or the Trustee maintains under the Plan for a Participant's Deferred Compensation. The Administrative Services Provider or Trustee may establish separate Accounts for multiple Beneficiaries of a Participant to facilitate required minimum distributions under Section 4.03 based on each Beneficiary's life expectancy.

1.02 **"Accounting Date"** means the last day of the Plan Year.

1.03 **"Acknowledgement Form/Card"** means the application to the Administrative Services Provider to participate in the Plan when the Plan is a Social Security replacement plan.

1.04 **"Administrative Services Provider"** means Nationwide Retirement Solutions, Inc. which acts as the third party administrative services provider appointed by the Employer to carry out nondiscretionary administrative functions for the Plan.

1.05 **"Beneficiary"** means a person who the Plan or a Participant designates and who is or may become entitled to a Participant's Account upon the Participant's death. A Beneficiary who becomes entitled to a benefit under the Plan remains a Beneficiary under the Plan until the Beneficiary has received full distribution of his/her Plan benefit. A Beneficiary's right to (and the Administrative Services Provider's or a Trustee's duty to provide to the Beneficiary) information or data concerning the Plan does not arise until the Beneficiary first becomes entitled to receive a benefit under the Plan.

1.06 **"Code"** means the Internal Revenue Code of 1986, as amended.

1.07 **"Compensation"** for purposes of allocating Deferral Contributions means the employee's wages, salaries, fees for professional services, and other amounts received without regard to whether or not an amount is paid in cash for personal services actually rendered in the course of employment with the Employer, to the extent that the amounts are includible in gross income (or to the extent amount would have been received and includible in gross income but for an election under Code §§ 125(a), 132(f)(4), 402(e)(3), 402(h)(1)(B), 402(k), and 457(b), including an election to defer Compensation under Article III. See Section 1.16 as to Compensation for an Independent Contractor. Compensation also includes any amount that the Internal Revenue Service in published guidance declares to constitute compensation for purposes of an Eligible 457 Plan.

(A) Elective Contributions. Compensation under Section 1.07 includes Elective Contributions. "Elective Contributions" are amounts excludible from the Employee's gross income under Code §§125, 132(f)(4), 402(e)(3), 402(h)(1)(B), 403(b), 408(p) or 457, and contributed by the Employer, at the Employee's election, to a cafeteria plan, a qualified transportation fringe benefit plan, a 401(k) arrangement, a SARSEP, a tax-sheltered annuity, a SIMPLE plan or a Code § 457 plan.

(B) Differential wage payments. For years beginning after December 31, 2008, (i) an individual receiving a differential wage payment, as defined by Code § 3401(h)(2), shall be treated as an employee of the employer making the payment; (ii) the differential wage payment shall be treated as compensation; and (iii) the plan will not be treated as failing to meet the requirements of any provision described in Code §414(u)(1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

1.08 **"Deferral Contributions"** means Salary Reduction Contributions, Nonelective Contributions and Matching Contributions. The Employer or the Administrative Services Provider (if applicable) in applying the Code § 457(b) limit will take into account Deferral Contributions in the Taxable Year in which deferred. The Employer or Administrative Services Provider (if applicable) in determining the amount of a Participant's Deferral Contributions disregards the net income, gain and loss attributable to Deferral Contributions.

1.09 **"Deferred Compensation"** means as to a Participant the amount of Deferral Contributions,

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Rollover Contributions and Transfers adjusted for allocable net income, gain or loss, in the Participant's Account.

1.10 **"Effective Date"** of this Plan is the date indicated on the execution line unless the Code, Treasury regulations, or other applicable guidance provides otherwise.

1.11 **"Employee"** means an individual who provides services for the Employer, as a common law employee of the Employer. See Section 1.16 regarding potential treatment of an Independent Contractor as an Employee.

1.12 **"Employer"** means an employer who adopts this Plan by executing the Plan.

1.13 **"Employer Contribution"** means Nonelective Contributions or Matching Contributions.

1.14 **"Excess Deferrals"** means Deferral Contributions to an Eligible 457 Plan for a Participant that exceed the Taxable Year maximum limitation of Code §§457(b) and (e)(18).

1.15 **"Includible Compensation"** means, for the Employee's Taxable Year, the Employee's total Compensation within the meaning of Code § 415(c)(3) paid to an Employee for services rendered to the Employer. Includible Compensation includes Deferral Contributions under the Plan, compensation deferred under any other plan described in Code §457, and any amount excludible from the Employee's gross income under Code §§401(k), 403(b), 125 or 132(f)(4) or any other amount excludible from the Employee's gross income for Federal income tax purposes. The Employer will determine Includible Compensation without regard to community property laws.

1.16 **"Independent Contractor"** means any individual who performs service for the Employer and who the Employer does not treat as an Employee or a Leased Employee. The Employer may permit Independent Contractors to participate in the Plan. To the extent that the Employer permits Independent Contractor participation, references to Employee in the Plan include Independent Contractors and Compensation means the amounts the Employer pays to the Independent Contractor for services.

1.17 **"Leased Employee"** means an Employee within the meaning of Code § 414(n).

1.18 **"Matching Contribution"** means an Employer fixed or discretionary contribution made or forfeiture allocated on account of Salary Reduction Contributions. The Employer may provide for matching contributions.

1.19 **"Nonelective Contribution"** means an Employer fixed or discretionary contribution not made as a result of a Participation Agreement and which is not a Matching Contribution. The Employer may provide for nonelective contributions.

1.20 **"Normal Retirement Age"** means the age designated by the Participant unless the Employer designates in writing a Normal Retirement Age. The Normal Retirement Age designated by the Participant or Employer shall be no earlier than age 65 or the age at which Participants have the right to retire and receive, under the basic defined benefit pension plan of the Employer (or a money purchase plan in which the Participant also participates if the Participant is not eligible to participate in a defined benefit plan), immediate retirement benefits without actuarial or similar reduction because of retirement before some later specified age. The Normal Retirement Age also shall not exceed age 70½.

Special Rule for Eligible Plans of Qualified Police or Firefighters. A Participant who is a qualified police officer or firefighter as defined under Code §415(b)(2)(H)(ii)(I) may designate a Normal Retirement Age between age 40 and age 70 ½.

1.21 **"Participant"** is an Employee who elects to participate in the Plan in accordance with the provisions of Section 2.01 or an individual who has previously deferred Compensation under the Plan by a Participation Agreement and has not received a complete distribution of his/her Account.

1.22 **"Participation Agreement"** means the agreement to enroll and participate in the Plan that is completed by the Participant and provided to the Administrative Services Provider. The Participation Agreement is the agreement, by which the Employer reduces the Participant's Compensation for contribution to the Participant's Account.

1.23 **"Plan"** means the 457 plan established or continued by the Employer in the form of this Plan and (if applicable) Trust Agreement. All section references within the Plan are Plan section references unless the context clearly indicates otherwise.

1.24 **"Plan Entry Date"** means the date on which an Employee completes and files a Participation Agreement with the Administrative Services Provider.

1.25 **"Plan Year"** means the calendar year.

1.26 **"Rollover Contribution"** means the amount of cash or property which an eligible retirement plan described in Code §402(c)(8)(B) distributes to an eligible Employee or to a Participant in an eligible rollover distribution under Code §402(c)(4) and which the eligible Employee or Participant transfers directly or indirectly to an

Eligible 457 Plan. A Rollover Contribution includes net income, gain or loss attributable to the Rollover Contribution. A Rollover Contribution excludes after-tax Employee contributions, as adjusted for net income, gain or loss.

1.27 **"Salary Reduction Contribution"** means a contribution the Employer makes to the Plan pursuant to a Participation Agreement.

1.28 **"Service"** means any period of time the Employee is in the employ of the Employer. In the case of an Independent Contractor, Service means any period of time the Independent Contractor performs services for the Employer on an independent contractor basis. An Employee or Independent Contractor terminates Service upon incurring a Severance from Employment.

(A) Qualified Military Service. Service includes any qualified military service the Plan must credit for contributions and benefits in order to satisfy the crediting of Service requirements of Code §414(u). A Participant whose employment is interrupted by qualified military service under Code §414(u) or who is on a leave of absence for qualified military service under Code §414(u) may elect to make additional Salary Reduction Contributions upon resumption of employment with the Employer equal to the maximum Deferral Contributions that the Participant could have elected during that period if the Participant's employment with the Employer had continued (at the same level of Compensation) without the interruption of leave, reduced by the Deferral Contributions, if any, actually made for the Participant during the period of the interruption or leave. This right applies for five years following the resumption of employment (or, if sooner, for a period equal to three times the period of the interruption or leave). The Employer shall make appropriate make-up Nonelective Contributions and Matching Contributions for such a Participant as required under Code §414(u). The Plan shall apply limitations of Article III to all Deferral Contributions under this paragraph with respect to the year to which the Deferral Contribution relates.

(B) "Continuous Service" means Service with the Employer during which the Employee does not incur a Severance from Employment.

(C) "Severance from Employment."

(1) **Employee.** An Employee has a Severance from Employment when the Employee ceases to be an Employee of the Employer. A Participant does not incur a Severance from Employment if, in connection with a change in employment, the Participant's new employer continues or assumes sponsorship of the Plan or accepts a Transfer of Plan assets as to the Participant.

(2) **Independent Contractor.** An Independent Contractor has a Severance from Employment when the contract(s) under which the Independent Contractor performs services for the Employer expires (or otherwise terminates), unless the Employer anticipates a renewal of the contractual relationship or the Independent Contractor becoming an Employee. The Employer anticipates renewal if it intends to contract for the services provided under the expired contract and neither the Employer nor the Independent Contractor has eliminated the Independent Contractor as a potential provider of such services under the new contract. Further, the Employer intends to contract for services conditioned only upon the Employer's need for the services provided under the expired contract or the Employer's availability of funds. Notwithstanding the preceding provisions of this Section 1.28, the Administrative Services Provider will consider an Independent Contractor to have incurred a Severance from Employment: (a) if the Administrative Services Provider or Trustee will not pay any Deferred Compensation to an Independent Contractor who is a Participant before a date which is at least twelve months after the expiration of the Independent Contractor's contract (or the last to expire of such contracts) to render Services to the Employer; and (b) if before the applicable twelve-month payment date, the Independent Contractor performs Service as an Independent Contractor or as an Employee, the Administrative Services Provider or Trustee will not pay to the Independent Contractor his/her Deferred Compensation on the applicable date.

(3) **Uniformed Services.** for purposes of distributions to an individual in the uniformed services, such individual will be treated as incurring a Severance from Employment during any period the individual is performing service in the uniformed services described in Code § 3401(h)(2)(A). However, the plan will not distribute the benefit to such an individual without that individual's consent, so long as the individual is receiving differential wage payments.

If an individual elects to receive a distribution under this provision, the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

1.29 **"State"** means (a) one of the 50 states of the United States or the District of Columbia, or (b) a political subdivision of a State, or any agency or instrumentality of a State or its political subdivision. A State does not include the federal government or any agency or instrumentality thereof.

1.30 **"Taxable Year"** means the calendar year or other taxable year of a Participant.

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1.31 **"Transfer"** means a transfer of Eligible 457 Plan assets to another Eligible 457 Plan which is not a Rollover Contribution and which is made in accordance with Section 9.03.

1.32 **"Trust"** means the Trust created under the adopting Employer's Plan. The Trust created and established under the adopting Employer's Plan is a separate Trust, independent of the trust of any other Employer adopting this Eligible 457 Plan and is subject to Article VIII.

1.33 **"Trustee"** means the person or persons designated by the Employer to serve in the position of Trustee.

ARTICLE II
PARTICIPATION IN PLAN

2.01 ELIGIBILITY. Each Employee becomes a Participant in the Plan as soon as he/she completes and files a Participation Agreement. If this Plan is a restated Plan, each Employee who was a Participant in the Plan on the day before the Effective Date continues as a Participant in the Plan.

2.02 PARTICIPATION UPON RE-EMPLOYMENT. A Participant who incurs a Severance from Employment will re-enter the Plan as a Participant on the date of his/her re-employment.

2.03 SPECIAL ELIGIBILITY PROVISIONS FOR PARTICIPANTS IN A PLAN USED AS A SOCIAL SECURITY REPLACEMENT PLAN. Notwithstanding any provision to the contrary, the provisions of this Section 2.03 will apply if the Employer elects in a written agreement with the Administrative Services Provider to use the Plan as a Social Security replacement plan. If the Plan is used as a Social Security replacement plan, the provisions of Sections 4.05(a) and 5.03 will not apply.

(A) Eligibility to participate for new Employees. A new Employee shall, as a condition of employment participate in the Plan sign and file with the Administrative Services Provider an Acknowledgement Form/Card and thereby consenting to a reduction of salary by the amount of the Deferral Contribution specified in the Acknowledgement Form/Card. Contributions to the Participant's Account must equal at least 7.5% of the Participant's Compensation, or such other minimum amount as shall be required for the Plan to be considered a retirement system under Code §3121(b)(7)(F) and Treas. Reg. 31.3121(b)(7)-2, and the reduction in the Participant's salary shall begin immediately thereafter.

(B) Eligibility to participate for current Employees. An Employee who is newly eligible to participate in the Plan shall, prior to becoming eligible to participate in the Plan, sign and file with the Administrative Services Provider an Acknowledgement Form/Card and thereby consent to a reduction of salary by the amount of the Deferral Contribution specified in the Acknowledgement Form/Card. Allocations to the Participant's Account must equal at least 7.5% of the Participant's Compensation or such other minimum amount as shall be required for the Plan to be considered a retirement system under Code §3121(b)(7)(F) and Treas. Reg. §31.3121(b)(7)-2, and the reduction in the Participant's salary shall begin no earlier than the first pay period commencing during the first month after the date on which the Acknowledgement Form/Card is filed with the Administrative Services Provider.

(C) Takeover Plans. If the Plan is a restated Plan, an Employee who participated in the predecessor plan shall become a Participant in the Plan upon the Employer's execution of the enabling documents for this Plan. Allocations to each such Participant's Account must equal at least 7.5% of the Participant's Compensation, or such other minimum amount as shall be required for the Plan to be considered a retirement system under Code §3121(b)(7)(F) and Treas. Reg. §31.3121(b)(7)-2, and the reduction in the Participant's salary shall begin immediately thereafter.

ARTICLE III
DEFERRAL CONTRIBUTIONS/LIMITATIONS

3.01 AMOUNT.

(A) Contribution Formula. For each Plan Year, the Employer will contribute to the Plan the amount of Deferral Contributions the Employee elects to defer under the Plan.

(B) Return of Contributions. The Employer contributes to this Plan on the condition its contribution is not due to a mistake of fact. If any Participant Salary Reduction Contribution is due to a mistake of fact, the Employer or the Trustee upon written request from the Employer will return the Participant's contribution, within one year after payment of the contribution.

The Trustee may require the Employer to furnish it whatever evidence the Trustee deems necessary to enable the Trustee to confirm the amount the Employer has requested be returned is properly returnable.

(C) Time of Payment of Contribution. An Employer will deposit Salary Reduction Contributions to the Trust within a period that is not longer than is reasonable for the administration of Participant Accounts. Neither the Administrative Services Provider nor the Trustee is responsible for the delay of deposits of Salary Reduction Contributions caused by the Employer.

3.02 SALARY REDUCTION CONTRIBUTIONS. The Plan does not apply any limitations on Salary Reduction Contributions other than the limitations applicable under the Code.

(A) Deferral from Sick, Vacation and Back Pay. Participants may make Salary Reduction Contributions from accumulated sick pay, from accumulated vacation pay or from back pay.

(B) Application to Leave of Absence and Disability. The Participation Agreement will continue to apply during the Participant's leave of absence or the Participant's disability (as the Employer shall establish), if the Participant has Compensation other than imputed compensation or disability benefits.

(C) Post-severance deferrals limited to Post-Severance Compensation. Deferral Contributions are permitted from an amount received following Severance from Employment only if the amount is Post-Severance Compensation.

Post-Severance Compensation defined. Post-Severance Compensation includes the amounts described in (1) and (2) below, paid after a Participant's Severance from Employment with the Employer, but only to the extent such amounts are paid by the later of 2½ months after Severance from Employment or the end of the calendar year that includes the date of such Severance from Employment.

(1) Regular pay. Post-Severance Compensation *includes* regular pay after Severance of Employment if: (i) the payment is regular compensation for services during the Participant's regular working hours, or compensation for services outside the Participant's regular working hours (such as overtime or shift differential), commissions, bonuses, or other similar payments; and (ii) the payment would have been paid to the Participant prior to a Severance from Employment if the Participant had continued in employment with the Employer.

(2) Leave cashouts. Post-Severance Compensation *includes* leave cashouts if those amounts would have been included in the definition of Compensation if they were paid prior to the Participant's Severance from Employment, and the amounts are payment for unused accrued bona fide sick, vacation, or other leave, but only if the Participant would have been able to use the leave if employment had continued.

(3) Salary continuation payments for military service Participants. Post-Severance Compensation includes payments to an individual who does not currently perform services for the Employer by reason of Qualified Military Service (as described in Code §414(u)(1)) to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the Employer rather than entering Qualified Military Service.

Limitation on Post-Severance Compensation. Any payment of Compensation paid after Severance of Employment that is not described in Section 3.02(C)(1) or 3.02(C)(2) is not Post-Severance Compensation, even if payment is made by the later of 2½ months after Severance from Employment or by the end of the calendar year that includes the date of such Severance of Employment.

3.03 NORMAL LIMITATION. Except as provided in Sections 3.04 and 3.05, a Participant's maximum Deferral Contributions (excluding Rollover Contributions and Transfers) under this Plan for a Taxable Year may not exceed the lesser of:

(a) The applicable dollar amount as specified under Code §457(e)(15) (or, beginning January 1, 2006) such larger amount as the Commissioner of the Internal Revenue may prescribe), or

(b) 100% of the Participant's Includible Compensation for the Taxable Year.

3.04 NORMAL RETIREMENT AGE CATCH-UP CONTRIBUTION. For one or more of the Participant's last three Taxable Years ending before the Taxable Year in which the Participant attains Normal Retirement Age, the Participant's maximum Deferral Contributions may not exceed the lesser of:

(a) Twice the dollar amount under Section 3.03 normal limitation, or (b) the underutilized limitation.

(A) Underutilized Limitation. A Participant's underutilized limitation is equal to the sum of: (i) the normal limitation for the Taxable Year, and (ii) the normal limitation for each of the prior Taxable Years of the Participant commencing after 1978 during which the Participant was eligible to participate in the Plan and the Participant's Deferral Contributions were subject to the normal limitation or any other Code § 457(b) limit, *less* the amount of Deferral Contributions for each such prior Taxable Year, excluding age 50 catch-up contributions.

(B) Multiple 457 Plans. If the Employer maintains more than one Eligible 457 Plan, the Plans may not permit any Participant to have more than one Normal Retirement Age under the Plans.

(C) Pre-2002 Coordination. In determining a Participant's underutilized limitation, the

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coordination rule in effect under now repealed Code §457(c)(2) applies. Additionally, the normal limitation for pre-2002 Taxable Years is applied in accordance with Code § 457(b)(2) as then in effect.

3.05 AGE 50 CATCH-UP CONTRIBUTION. All Employees who are eligible to make Salary Reduction Contributions under this Plan and who have attained age 50 before the close of the Taxable Year are eligible to make age 50 catch-up contributions for that Taxable Year in accordance with, and subject to the limitations of, Code § 414(v). Such catch-up contributions are not taken into account for purposes of the provisions of the plan implementing the required limitations of Code § 457. If, for a Taxable Year, an Employee makes a catch-up contribution under Section 3.04, the Employee is not eligible to make age 50 catch-up contributions under this Section 3.05. A catch-up eligible Participant in each Taxable Year is entitled to the greater of the amount determined under Section 3.04 or Section 3.05 catch-up amount plus the Section 3.03 normal limitation.

3.06 CONTRIBUTION ALLOCATION. The Administrative Services Provider will allocate to each Participant's Account his/her Deferral Contributions.

3.07 ALLOCATION CONDITIONS. The Plan does not impose any allocation conditions.

3.08 ROLLOVER CONTRIBUTIONS. The Plan permits Rollover Contributions.

(A) Operational Administration. The Employer, operationally and on a nondiscriminatory basis, may elect to permit or not to permit Rollover Contributions to this Plan or may elect to limit an eligible Employee's right or a Participant's right to make a Rollover Contribution. If the Employer permits Rollover Contributions, any Participant (or as applicable, any eligible Employee), with the Employer's written consent and after filing with the Trustee the form prescribed by the Administrative Services Provider, may make a Rollover Contribution to the Trust. Before accepting a Rollover Contribution, the Trustee may require a Participant (or eligible Employee) to furnish satisfactory evidence the proposed transfer is in fact a "Rollover Contribution" which the Code permits an employee to make to an eligible retirement plan. The Trustee, in its sole discretion, may decline to accept a Rollover Contribution of property which could: (1) generate unrelated business taxable income; (2) create difficulty or undue expense in storage, safekeeping or valuation; or (3) create other practical problems for the Trust.

(B) Pre-Participation Rollover. If an eligible Employee makes a Rollover Contribution to the Trust prior to satisfying the Plan's eligibility conditions, the Administrative Services Provider and Trustee must treat the Employee as a limited Participant (as described in Rev. Rul. 96-48 or in any successor ruling). If a limited Participant has a Severance from Employment prior to becoming a Participant in the Plan, the Trustee will distribute his/her Rollover Contributions Account to the limited Participant in accordance with Article IV.

(C) Separate Accounting. If an Employer permits Rollover Contributions, the Administrative Services Provider must account separately for: (1) amounts rolled into this Plan from an eligible retirement plan (other than from another Eligible 457 plan); and (2) amounts rolled into this Plan from another Eligible 457 Plan. The Administrative Services Provider for purposes of ordering any subsequent distribution from this Plan may designate a distribution from a Participant's Rollover Contributions as coming first from either of (1) or (2) above if the Participant has both types of Rollover Contribution Accounts.

3.09 DISTRIBUTION OF EXCESS DEFERRALS. In the event that a Participant has Excess Deferrals, the Plan will distribute to the Participant the Excess Deferrals and allocable net income, gain or loss, in accordance with this Section 3.09.

The Administrative Services Provider will distribute Excess Deferrals from an Eligible 457 Plan as soon as is reasonably practicable following the Administrative Services Provider's or Employer's determination of the amount of the Excess Deferral.

(A) Plan Aggregation. If the Employer maintains more than one Eligible 457 Plan, the Employer must aggregate all such Plans in determining whether any Participant has Excess Deferrals.

(B) Individual Limitation. If a Participant participates in another Eligible 457 Plan maintained by a different employer, and the Participant has Excess Deferrals, the Administrative Services Provider may, but is not required, to correct the Excess Deferrals by making a corrective distribution from this Plan.

3.10 DOLLAR LIMITS. The table below shows the applicable dollar amounts described in paragraph 3.03(a) and limitations on age 50 catch-up contributions described in Section 3.05. These amounts are adjusted after 2006 for changes in the cost-of-living to the extent permitted in Code § 415(d).

Year	Applicable Dollar Amount	Age 50+ Catch-up Contribution Limitation
2002	$11,000	$1,000
2003	$12,000	$2,000
2004	$13,000	$3,000
2005	$14,000	$4,000
2006	$15,000	$5,000

ARTICLE IV
TIME AND METHOD OF PAYMENT OF BENEFITS

4.01 DISTRIBUTION RESTRICTIONS. Except as the Plan provides otherwise, the Administrative Services Provider or Trustee may not distribute to a Participant his/her Account prior to the Participant's Severance from Employment, the calendar year in which the Participant attains age 70½, or such other event for which federal legislation is enacted or regulatory relief granted permitting the Plan to make distributions to qualifying Participants.

(A) Distribution of Rollover Contributions. To the extent the Employer permits Rollover Contributions (but not Transfers) to this Plan, a Participant may receive a distribution of such Rollover Contributions without regard to the restrictions found in this Section 4.01.

4.02 TIME AND METHOD OF PAYMENT OF ACCOUNT. The Administrative Services Provider, or Trustee at the direction of the Administrative Services Provider, will distribute to a Participant who has incurred a Severance from Employment the Participant's Account under one or any combination of payment methods elected by the Participant. The Participant may elect one of the following methods of payment: (1) lump sum payment, (2) partial lump sum payment, (3) installment, or (4) an annuity. In no event will the Administrative Services Provider direct (or direct the Trustee to commence) distribution, nor will the Participant elect to have distribution commence, later than the Participant's required beginning date, or under a method that does not satisfy Section 4.03.

Subject to any restrictions imposed by the Participant's investment providers and the Administrative Services Provider, the Participant: (1) may elect to commence distribution no earlier than is administratively practical following Severance from Employment; (2) may elect to postpone distribution of his/her Account to any fixed or determinable date including, but not beyond, the Participant's required beginning date; and (3) may elect the method of payment. A Participant may elect the timing and method of payment of his/her Account no later than 30 days before the date the Participant first would be eligible to commence payment of the Participant's Account. The Administrative Services Provider must furnish to the Participant a form for the Participant to elect the time and a method of payment.

4.03 REQUIRED MINIMUM DISTRIBUTIONS. The Administrative Services Provider may not distribute nor direct the Trustee to distribute the Participant's Account, nor may the Participant elect any distribution his/her Account, under a method of payment which, as of the required beginning date, does not satisfy the minimum distribution requirements of Code § 401(a)(9) or which is not consistent with applicable Treasury regulations.

(A) General Rules.

(1) **Precedence.** The requirements of this Section 4.03 will take precedence over any inconsistent provisions of the Plan.

(2) **Requirements of Treasury Regulations Incorporated.** All distributions required under this Section 4.03 will be determined and made in accordance with the Treasury regulations under Code § 401(a)(9).

(B) Time and Manner of Distribution

(1) **Required Beginning Date.** The Participant's entire interest will be distributed, or begin to be distributed, to the Participant no later than the Participant's required beginning date.

(2) **Death of Participant Before Distribution Begins.** If the Participant dies before distributions begin, the Participant's entire interest will be distributed, or begin to be distributed, no later than as follows:

(a) Spouse Designated Beneficiary. If the Participant's surviving spouse is the Participant's sole designated Beneficiary, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant dies, or by December 31 of the calendar year in which the Participant would have attained age 70½, if later.

(b) Non-Spouse Designated Beneficiary. If the Participant's surviving spouse is not the Participant's sole designated Beneficiary, then, distributions to the designated Beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died.

(c) No Designated Beneficiary. If there is no designated Beneficiary as of September 30 of the year following the year of the Participant's death, the Participant's entire interest will be distributed by

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December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(d) Death of Spouse. If the Participant's surviving spouse is the Participant's sole designated Beneficiary and the surviving spouse dies after the Participant but before distributions to the surviving spouse begin, this Section 4.03(B)(2) other than Section 4.03(B)(2)(a), will apply as if the surviving spouse were the Participant.

For purposes of this Section 4.03(B) and Section 4.03(D), unless Section 4.03(B)(2)(d) applies, distributions are considered to begin on the Participant's required beginning date. If Section 4.03(B)(2)(d) applies, distributions are considered to begin on the date distributions are required to begin to the surviving spouse under Section 4.03(B)(2)(a). If distributions under an annuity purchased from an insurance company irrevocably commence to the Participant before the Participant's required beginning date (or to the Participant's surviving spouse before the date distributions are required to begin to the surviving spouse under Section 4.03(B)(2)(a), the date distributions are considered to begin is the date distributions actually commence.

(3) **Forms of Distribution.** Unless the Participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with Sections 4.03(C) and 4.03(D). If the Participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Section 4.01(a)(9) of the Code and the Treasury regulations.

(C) Required Minimum Distributions during Participant's Lifetime.

(1) **Amount of Required Minimum Distribution for Each Distribution Calendar Year.** During the Participant's lifetime, the minimum amount that will be distributed for each distribution calendar year is the lesser of:

(a) ULT. The quotient obtained by dividing the Participant's account balance by the number in the Uniform Life Table set forth in Treas. Reg. §1.401(a)(9)-9, using the Participant's attained age as of the Participant's birthday in the distribution calendar year; or

(b) Younger Spouse. If the Participant's sole designated Beneficiary for the distribution calendar year is the Participant's spouse, the quotient obtained by dividing the Participant's account balance by the number in the Joint and Last Survivor Table set forth in Treas. Reg. §1.401(a)(9)-9, using the Participant's and spouse's attained ages as of the Participant's and spouse's birthdays in the distribution calendar year.

(2) **Lifetime Required Minimum Distributions Continue Through Year of Participant's Death.** Required minimum distributions will be determined under this Section 4.03(C) beginning with the first distribution calendar year and up to and including the distribution calendar year that includes the Participant's date of death.

(D) Required Minimum Distributions after Participant's Death.

(1) **Death On or After Distributions Begin.**

(a) Participant Survived by Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is a designated Beneficiary, the minimum amount that will be distributed for the distribution calendar year of the Participant's death is obtained by dividing the Participant's account balance by the remaining life expectancy of the Participant. The Participant's remaining life expectancy is calculated using the attained age of the Participant as of the Participant's birthday in the calendar year of death. For each distribution calendar year after the year of the Participant's death, the minimum amount that will be distributed is the quotient obtained by dividing the Participant's account balance by the remaining life expectancy of the Participant's designated Beneficiary.

(b) No Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is no designated Beneficiary as of September 30 of the calendar year after the calendar year of the Participant's death, the minimum amount that will be distributed for each distribution calendar year after the calendar year of the Participant's death is the quotient obtained by dividing the Participant's account balance by the Participant's remaining life expectancy calculated using the attained age of the Participant as of the Participant's birthday in the calendar year of death, reduced by one for each subsequent calendar year.

(2) **Death before Date Distributions Begin.**

(a) Participant Survived by Designated Beneficiary. If the Participant dies before the date distributions begin and there is a designated Beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's account balance by the remaining life expectancy of the Participant's designated Beneficiary, determined as provided in Section 4.03(D)(1).

(b) No Designated Beneficiary. If the Participant dies before the date distributions begin and there is no designated Beneficiary as of September 30 of the year following the year of the Participant's death, distribution of the Participant's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(c) Death of Surviving Spouse Before Distributions to Surviving Spouse Are Required to Begin. If the Participant dies before the date distributions begin, the Participant's surviving spouse is the Participant's sole designated Beneficiary, and the surviving spouse dies before distributions are required to begin to the surviving spouse under Section 4.03(B)(2)(a), this Section 4.03(D)(2) will apply as if the surviving spouse were the Participant.

(E) Definitions

(1) **Designated Beneficiary.** The individual who is designated as the Beneficiary under the Plan and is the designated beneficiary under Code §401(a)(9) and Treas. Reg. §1.401(a)(9)-1, Q&A-4.

(2) **Distribution calendar year.** A distribution calendar year means a calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the Participant's required beginning date. For distributions beginning after the Participant's death, the first distribution calendar year is the calendar year in which the distributions are required to begin under Section 4.03(B)(2). The required minimum distribution for the Participant's first distribution calendar year will be made on or before the Participant's required beginning date. The required minimum distribution for other distribution calendar years, including the required minimum distribution for the distribution calendar year in which the Participant's required beginning date occurs, will be made on or before December 31 of that distribution calendar year.

(3) **Life expectancy.** Life expectancy as computed by use of the Single Life Table in Treas. Reg. §1.401(a)(9)-9.

(4) **Participant's account balance.** The account balance as of the last valuation date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased by the amount of any contributions made and allocated or forfeitures allocated to the account balance as of dates in the valuation calendar year after the valuation date and decreased by distributions made in the valuation calendar year after the valuation date. The account balance for the valuation calendar year includes any Rollover Contributions or Transfers to the Plan either in the valuation calendar year or in the distribution calendar year if distributed or transferred in the valuation calendar year.

(5) **Required beginning date.** A Participant's required beginning date is the April 1 of the calendar year following the later of: (1) the calendar year in which the Participant attains age 70½, or (2) the calendar year in which the Participant retires or such other date under Code § 401(a)(9) by which required minimum distributions must commence.

(F) General 2009 waiver. The requirements of Code § 401(a)(9) and the provisions of the Plan relating thereto, will not apply for the distribution calendar year 2009.

(1) **Special rule regarding waiver period.** For purposes of Code § 401(a)(9) and the provisions of the Plan relating thereto: (a) the required beginning date with respect to any individual will be determined without regard to this Article IV for purposes of applying Code § 401(a)(9) for distribution calendar years other than 2009; and (b) if the 5-year rule of Code § 401(a)(9)(B)(ii) applies, the 5-year period described therein shall be determined without regard to calendar year 2009.

(2) **Eligible rollover distributions.** If all or any portion of a distribution during 2009 is treated as an eligible rollover distribution but would not be so treated if the minimum distribution requirements under Code § 401(a)(9) had applied during 2009, then the Plan will not treat such distribution as an eligible rollover distribution for purposes of the direct rollover rules of Code § 401(a)(31), the notice requirements of Code §402(f), or the 20% withholding requirement of Code §3405(c).

(3) **Participant may elect.** The Plan will permit an affected Participant to elect whether to receive his/her RMD distribution for 2009. If the Participant fails to notify the Administrative Services Provider of his/her waiver, the Plan will distribute the 2009 RMD to the Participant.

4.04 DEATH BENEFITS. Upon the death of the Participant, the Administrative Services Provider must pay or direct the Trustee to pay the Participant's Account in accordance with Section 4.03. Subject to Section 4.03, a Beneficiary may elect the timing and method of payment in the same manner as a Participant may elect under Section 4.02, if such elections apply.

In the case of a death occurring on or after January 1, 2007, if a participant dies while performing qualified military service (as defined in Code § 414(u)), the survivors of the Participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the Plan as if the participant

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had resumed and then terminated employment on account of death.

4.05 DISTRIBUTIONS PRIOR TO SEVERANCE FROM EMPLOYMENT. Notwithstanding the Section 4.01 distribution restrictions, the Plan permits the following in-service distributions in accordance with this Section.

(A) Unforeseeable Emergency. In the event of a Participant's unforeseeable emergency, the Administrative Services Provider may make a distribution to a Participant who has not incurred a Severance from Employment.

An unforeseeable emergency is a severe financial hardship of a Participant or Beneficiary resulting from: (1) illness or accident of the Participant, the Participant's Beneficiary, or the Participant's spouse or dependent (as defined in Code § 152, and, for taxable years beginning on or after January 1, 2005, without regard to Code § 152(b)(1), (b)(2), and (d)(1)(B)); (2) loss of the Participant's or Beneficiary's property due to casualty; (3) the need to pay for the funeral expenses of the Participant's spouse or dependent (as defined in Code § 152, and, for taxable years beginning on or after January 1, 2005, without regard to Code § 152(b)(1), (b)(2), and (d)(1)(B)); or (4) other similar extraordinary and unforeseeable circumstances arising from events beyond the Participant's or Beneficiary's control. The Administrative Services Provider will not pay the Participant or the Beneficiary more than the amount reasonably necessary to satisfy the emergency need, which may include amounts necessary to pay taxes or penalties on the distribution. The Administrative Services Provider will not make payment to the extent the Participant or Beneficiary may relieve the financial hardship by cessation of deferrals under the Plan, through insurance or other reimbursement, or by liquidation of the individual's assets to the extent such liquidation would not cause severe financial hardship.

The Participant's Beneficiary is a person who a Participant designates as a "primary beneficiary" and who is or may become entitled to a Participant's Plan account upon the Participant's death.

A Participant's unforeseeable emergency event includes a severe financial hardship of the participant's primary Beneficiary under the Plan, that would constitute an emergency event if it occurred with respect to the participant's spouse or dependent as defined under Code § 152.

(B) De minimis distribution. A Participant may elect to receive a distribution of his/her Account where: (1) the Participant's Account (disregarding Rollover Contributions) does not exceed $5,000 (or such other amount as does not exceed the Code § 411(a)(11)(A) dollar amount); (2) the Participant has not made or received an allocation of any Deferral Contributions under the Plan during the two-year period ending on the date of distribution; and (3) the Participant has not received a prior distribution under this Section 4.05(B).

(C) Distribution of Rollover Contributions. A Participant may request and receive distribution of his/her Account attributable to Rollover Contributions (but not to Transfers) before the Participant has a distributable event under Section 4.01.

4.06 DISTRIBUTIONS UNDER QUALIFIED DOMESTIC RELATIONS ORDERS (QDROs). Notwithstanding any other provision of this Plan, the QDRO provisions will apply. The Administrative Services Provider (and any Trustee) must comply with the terms of a QDRO, as defined in Code § 414(p), which is issued with respect to the Plan.

(A) Time and Method of Payment. This Plan specifically permits distribution to an alternate payee under a QDRO at any time, notwithstanding any contrary Plan provision and irrespective of whether the Participant has attained his/her earliest retirement age (as defined under Code § 414(p)) under the Plan. Nothing in this Section 4.06 gives a Participant a right to receive distribution at a time the Plan otherwise does not permit nor authorizes the alternate payee to receive a form of payment the Plan does not permit.

(B) QDRO Procedures. Upon receiving a domestic relations order, the Administrative Services Provider promptly will notify the Participant and any alternate payee named in the order, in writing, of the receipt of the order and the Plan's procedures for determining the qualified status of the order. Within a reasonable period of time after receiving the domestic relations order, the Administrative Services Provider must determine the qualified status of the order and must notify the Participant and each alternate payee, in writing, of the Administrative Services Provider's determination. The Administrative Services Provider must provide notice under this paragraph by mailing to the individual's address specified in the domestic relations order.

(C) Accounting. If any portion of the Participant's Account Balance is payable under the domestic relations order during the period the Administrative Services Provider is making its determination of the qualified status of the domestic relations order, the Administrative Services Provider may maintain a separate accounting of the amounts payable. If the Administrative Services Provider determines the order is a QDRO within 18 months of the date amounts first are payable following receipt of the domestic relations order, the Administrative Services Provider will distribute or will direct the Trustee to distribute the payable amounts in accordance with the

QDRO. If the Administrative Services Provider does not make its determination of the qualified status of the order within the 18-month determination period, the Administrative Services Provider will distribute or will direct the Trustee to distribute the payable amounts in the manner the Plan would distribute if the order did not exist and will apply the order prospectively if the Administrative Services Provider later determines the order is a QDRO.

To the extent it is not inconsistent with the provisions of the QDRO, the Administrative Services Provider may segregate or may direct the Trustee to segregate the QDRO amount in a segregated investment account. The Administrative Services Provider or Trustee will make any payments or distributions required under this Section 4.06 by separate benefit checks or other separate distribution to the alternate payee(s).

(D) Permissible QDROs. A domestic relations order that otherwise satisfies the requirements for a qualified domestic relations order ("QDRO") will not fail to be a QDRO: (i) solely because the order is issued after, or revises, another domestic relations order or QDRO; or (ii) solely because of the time at which the order is issued, including issuance after the annuity starting date or after the participant's death.

4.07 DIRECT ROLLOVER OF ELIGIBLE ROLLOVER DISTRIBUTIONS – GOVERNMENTAL PLAN.

(A) Participant Election. A Participant (including for this purpose, a former Employee) may elect, at the time and in the manner the Administrative Services Provider prescribes, to have any portion of his/her eligible rollover distribution from the Plan paid directly to an eligible retirement plan specified by the Participant in a direct rollover election. For purposes of this election, a "Participant" includes as to their respective interests, a Participant's surviving spouse and the Participant's spouse or former spouse who is an alternate payee under a QDRO.

(B) Rollover and Withholding Notice. At least 30 days and not more than 180 days prior to the Trustee's distribution of an eligible rollover distribution, the Administrative Services Provider must provide a written notice (including a summary notice as permitted under applicable Treasury regulations) explaining to the distributee the rollover option, the applicability of mandatory 20% federal withholding to any amount not directly rolled over, and the recipient's right to roll over within 60 days after the date of receipt of the distribution ("rollover notice").

(C) Non-spouse Beneficiary rollover right. A non-spouse Beneficiary who is a "designated beneficiary" under Code § 401(a)(9)(E) and the regulations thereunder, by a direct trustee-to-trustee transfer ("direct rollover"), may roll over all or any portion of his/her distribution to an individual retirement account the Beneficiary establishes for purposes of receiving the distribution. In order to be able to roll over the distribution, the distribution otherwise must satisfy the definition of an eligible rollover distribution.

(1) **Certain requirements not applicable.** Although a non-spouse Beneficiary may roll over directly a distribution, commencing with distributions after December 31, 2009, the distribution will be subject to the direct rollover requirements of Code § 401(a)(31) (including the automatic rollover provisions of Code § 401(a)(31)(B)), the notice requirements of Code § 402(f) and the mandatory withholding requirements of Code § 3405(c). If a non-spouse Beneficiary receives a distribution from the Plan, the distribution is not eligible for a "60-day" rollover.

(2) **Trust Beneficiary.** If the participant's named Beneficiary is a trust, the Plan may make a direct rollover to an individual retirement account on behalf of the trust, provided the trust satisfies the requirements to be a designated beneficiary within the meaning of Code § 401(a)(9)(E).

(3) **Required minimum distributions not eligible for rollover.** A non-spouse Beneficiary may not roll over an amount which is a required minimum distribution, as determined under applicable Treasury regulations and other Revenue Service guidance. If the participant dies before his/her required beginning date and the non-spouse Beneficiary rolls over to an IRA the maximum amount eligible for rollover, the Beneficiary may elect to use either the 5-year rule or the life expectancy rule, pursuant to Treas. Reg. § 1.401(a)(9)-3, A-4(c), in determining the required minimum distributions from the IRA that receives the non-spouse Beneficiary's distribution.

(D) Definitions. The following definitions apply to this Section:

(1) **Eligible rollover distribution.** An eligible rollover distribution is any distribution of all or any portion of a Participant's Account, except an eligible rollover distribution does not include: (a) any distribution which is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Participant or the joint lives (or joint life expectancies) of the Participant and the Participant's designated Beneficiary, or for a specified period of ten years or more; (b) any Code § 401(a)(9) required minimum distribution; (c) any unforeseeable emergency distribution; and (d) any distribution which otherwise would be an eligible rollover distribution, but where the total distributions to the Participant during that calendar year are reasonably expected to be less than $200.

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(2) **Eligible retirement plan.** An eligible retirement plan is an individual retirement account described in Code § 408(a), an individual retirement annuity described in Code § 408(b), an annuity plan described in Code § 403(a), a qualified plan described in Code § 401(a), an annuity contract (or custodial agreement) described in Code § 403(b), or an eligible deferred compensation plan described in Code § 457(b) and maintained by an Employer described in Code § 457(e)(1)(A), which accepts the Participant's, the Participant's spouse or alternate payee's eligible rollover distribution. For distributions made after December 31, 2007, a Participant or Beneficiary may elect to roll over directly an eligible rollover distribution to a Roth IRA described in Code § 408A(b).

(3) **Direct rollover.** A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee.

(4) **Mandatory distribution.** The Administrative Services Provider is directed to make a mandatory distribution, which is an eligible rollover distribution, without the Participant's consent provided that the Participant's Account is less than $1,000. A distribution to a Beneficiary is not a mandatory distribution.

(5) **401(a)(31)(B) Effective Date.** The § 401(a)(31)(B) Effective Date is the date of the close of the first regular legislative session of the legislative body with the authority to amend the Plan that begins on or after January 1, 2006.

4.08 ELECTION TO DEDUCT FROM DISTRIBUTION. For distributions in taxable years beginning after December 31, 2006, an Eligible Retired Public Safety Officer may elect annually for that taxable year to have the Plan deduct an amount from a distribution which the Eligible Retired Public Safety Officer otherwise would receive and include in income. The plan will pay such deducted amounts directly to the provider as described in Section 4.08(A).

(A) Direct payment. The Plan will pay directly to the provider of the accident or health insurance plan or qualified long-term care insurance contract the amounts the Eligible Retired Public Safety Officer has elected to have deducted from the distribution. Such amounts may not exceed the lesser of $3,000 or the amount the Participant paid for such taxable year for qualified healthcare premiums, and which otherwise complies with Code § 402(l).

(B) Definitions.

(1) **Eligible retired public safety officer.** An "Eligible Retired Public Safety Officer" is an individual who, by reason of disability or attainment of normal retirement age, has experienced a Severance from Employment as a Public Safety Officer with the Employer.

(2) **Public safety officer.** A "Public Safety Officer" has the same meaning as in § 1204(9)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3796b(9)(A)).

(3) **Qualified health insurance premiums.** The term "qualified health insurance premiums" means premiums for coverage for the Eligible Retired Public Safety Officer, his/her spouse, and dependents, by an accident or health plan or qualified long-term care insurance contract (as defined in Code § 7702B(b)).

ARTICLE V
ADMINISTRATIVE SERVICES PROVIDER - DUTIES

5.01 TERM / VACANCY. The Administrative Services Provider will serve until his/her successor is appointed. In case the Employer has not appointed a successor Administrative Services Provider, the Employer will exercise any and all duties of the Administrative Services Provider pending the filling of the vacancy.

5.02 DUTIES. The Administrative Services Provider will have the following duties:

(a) To create administrative forms necessary for the proper and efficient administration of the Plan provided the forms are not inconsistent with the terms of the Plan;

(b) To enforce the terms of the Plan and its procedures, including this document and such other documents related to the Plan's operation;

(c) To make, at the direction of the Participant or Beneficiary or pursuant to Section 4.07(D)(4), distributions of an Account;

(d) To review in accordance with the Plan's procedures respecting a claim for (or denial of a claim for) a benefit under the Plan;

(e) To furnish the Employer with information which the Employer may require for tax or other purposes;

(f) To make distributions on account of unforeseeable emergency in accordance with the Plan's procedures;

(g) To accept Deferral Contributions, Employer Contributions, and Rollover Contributions;

(h) To accept Transfers;

(i) To accept Participant or, in the case of a deceased Participant, Beneficiary direction of investment;

(j) To comply with any reporting and disclosure rules applicable to the Plan;

(k) To make loans to Participants if elected by the Employer;

(l) To appoint agents to act for and in performing its third party administrative services to the Plan; and

(m) To undertake any other action the Administrative Services Provider deems reasonable or necessary to provide third party administrative services to the Plan.

5.03 LOANS TO PARTICIPANTS. The Employer may elect to permit the Administrative Services Provider and/or Trustee to make Plan loans to Participants by executing a participant loan program document with the Administrative Services Provider. Any loan by the Plan to a Participant shall be made in compliance with Code § 72(p). If Plan loans are permitted, the Administrative Services Provider, with the approval and direction of the Employer, may establish, amend or terminate from time to time, nondiscriminatory administrative procedures for administering loans. Such loan procedures must be a written document and must include: (1) the procedure for applying for a loan; (2) the criteria for approving or denying a loan; (3) the limitations, if any, on the types and amounts of loans available; and (4) the events constituting default and the steps the Plan will take to preserve Plan assets in the event of default. Any administrative procedures adopted under this Section 5.03 shall be construed as part of the Plan.

5.04 INDIVIDUAL ACCOUNTS / RECORDS. The Administrative Services Provider will maintain a separate Account in the name of each Participant to reflect the value of the Participant's Deferred Compensation under the Plan.

5.05 VALUE OF PARTICIPANT'S ACCOUNT. The value of each Participant's Account consists of his/her accumulated Deferred Compensation, as of the most recent Accounting Date or any later date as the Administrative Services Provider may determine.

5.06 ALLOCATION OF NET INCOME, GAIN OR LOSS. As of each Accounting Date (and each other valuation date determined under Section 5.04), the Administrative Services Provider will adjust Accounts to reflect net income, gain or loss, if any, since the last Accounting Date or Account valuation. The Administrative Services Provider will continue to allocate net income, gain and loss to a Participant's Account subject to an installment distribution, until the Account is fully distributed.

5.07 ACCOUNT CHARGED. The Administrative Services Provider will charge all distributions made to a Participant or to his/her Beneficiary, or transferred under Section 9.03 from his/her Account, against the Account of the Participant when made.

5.08 PARTICIPANT DIRECTION OF INVESTMENT. Subject to the terms and conditions required by the Administrative Services Provider and the Trustee, if any, a Participant will have the right to direct the investment or re-investment of the assets comprising the Participant's Account. The Administrative Services Provider will account separately for the Participant-directed Accounts. The Participant's right to direct investment does not give the Participant any vested interest or secured or preferred position with respect to assets over which he/she has investment responsibility.

5.09 VESTING / SUBSTANTIAL RISK OF FORFEITURE. Each Participant's Account will be immediately 100% vested.

5.10 PRESERVATION OF ELIGIBLE PLAN STATUS. The Employer may take any such necessary and appropriate action to preserve the status of the Plan as an Eligible 457 Plan.

5.11 LIMITED LIABILITY. The Employer will not be liable to pay plan benefits to a Participant in excess of the value of the Participant's Account as the Administrative Services Provider determines in accordance with the Plan terms. The Employer, the Administrative Services Provider, or the Trustee will not be liable for losses arising from depreciation or shrinkage in the value of any investments acquired under this Plan.

5.12 LOST PARTICIPANTS. If the Administrative Services Provider is unable to locate any Participant or Beneficiary whose Account becomes distributable (a "lost Participant"), the Administrative Services Provider will apply the provisions of this Section 5.12.

(A) Attempt to Locate. The Administrative Services Provider will attempt to locate a lost Participant and may use one or more of the following methods: (1) provide a distribution notice to the lost Participant at his/her last known address by certified or registered mail; (2) use the IRS letter forwarding program under Rev. Proc. 94-22; (3) use a commercial locator service, the internet or other general search method; (4) use the Social Security Administration or PBGC search program; or (5) use such other methods as the Administrative Services Provider believes prudent.

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(B) Failure to Locate. If a lost Participant is not located after 6 months following the date the Administrative Services Provider first attempts to locate the lost Participant using one or more of the methods described in Section 5.12(A), the Administrative Services Provider may employ the unclaimed property processes of the state of the lost Participant's last known address. Neither the Administrative Services Provider nor the Trustee shall be responsible for restoring the Account (including potential gains) if a lost Participant whose Account was deposited with a state later makes a claim for his/her Account.

(C) Nonexclusivity and Uniformity. The provisions of this Section 5.12 are intended to provide permissible but not exclusive means for the Administrative Services Provider to administer the Accounts of lost Participants. The Administrative Services Provider may utilize any other reasonable method to locate lost Participants and to administer the Accounts of lost Participants, including such methods as the Revenue Service or other regulatory agency may in the future specify. The Administrative Services Provider will apply Section 5.12 in a reasonable manner, but may in determining a specific course of action as to a particular Account, reasonably take into account differing circumstances such as the amount of a lost Participant's Account, the expense in attempting to locate a lost Participant, the Administrative Services Provider's ability to establish and the expense of establishing a rollover IRA, and other factors. The Administrative Services Provider may charge to the Account of a lost Participant the reasonable expenses incurred under this Section 5.12 and which are associated with the lost Participant's Account.

5.13 PLAN CORRECTION. The Administrative Services Provider, as directed by the Employer, may undertake such correction of Plan errors as the Employer deems necessary, including but not limited to correction to maintain the Plan's status as an "eligible deferred compensation plan" under the Code.

ARTICLE VI
PARTICIPANT ADMINISTRATIVE PROVISIONS

6.01 BENEFICIARY DESIGNATION. A Participant from time to time may designate, in writing, any person(s) (including a trust or other entity), contingently or successively, to whom the Administrative Services Provider or Trustee will pay the Participant's Account (including any life insurance proceeds payable to the Participant's Account) in the event of death. A Participant also may designate the method of payment of his/her Account. The Administrative Services Provider will prescribe the form for the Participant's written designation of Beneficiary and, upon the Participant's filing the form with the Administrative Services Provider, the form revokes all designations filed prior to that date by the same Participant. Provided the Administrative Services Provider has been provided reasonable notice thereof, a divorce decree, or a decree of legal separation, revokes the Participant's designation, if any, of his/her spouse as his/her Beneficiary under the Plan unless: (a) the decree or a QDRO provides otherwise; or (b) the Participant has re-designated his/her former spouse as Beneficiary following the date of the divorce decree, or other decree of legal separation. The foregoing revocation provision (if applicable) applies only with respect to a Participant whose divorce or legal separation becomes effective on or following the date the Employer executes the Plan.

6.02 NO BENEFICIARY DESIGNATION. If a Participant fails to name a Beneficiary in accordance with Section 6.01, or if the Beneficiary named by a Participant predeceases the Participant, then the Administrative Services Provider will pay the Participant's remaining Account to the Participant's estate.

If the Beneficiary survives the Participant, but dies prior to distribution of the Participant's entire Account, the Trustee will pay the remaining Account to the Beneficiary's estate unless: (1) the Participant's Beneficiary designation provides otherwise; or (2) the Beneficiary has properly designated a Beneficiary. A Beneficiary only may designate a Beneficiary for the Participant's Account Balance remaining at the Beneficiary's death, and the Beneficiary's designation otherwise complies with the Plan terms. The Administrative Services Provider will direct a Trustee if applicable as to the method and to whom the Trustee will make payment under this Section 6.02.

6.03 PARTICIPATION AGREEMENT.

(A) General. A Participant must elect to make Salary Reduction Contributions on a Participation Agreement form the Administrative Services Provider provides for this purpose. The Participation Agreement must be consistent with the procedures of the Administrative Services Provider. The Participation Agreement may impose such other terms and limitations as the Employer or Administrative Services Provider may determine.

(B) Election Timing. A Participation Agreement may not take effect earlier than the first day of the calendar month following the date the Participant executes the Participation Agreement and as to Compensation paid or made available in such calendar month. However, if an Employee is eligible to become a Participant during the Employee's calendar month of hire, the Employee may execute a Participation Agreement on or before the date he/she

becomes an Employee, effective for the month in which he/she becomes an Employee.

(C) Sick, Vacation and Back Pay. If the Employer adopts a policy that permits Participants to make Salary Reduction Contributions from accumulated sick pay, from accumulated vacation pay or from back pay, a Participant who will incur a Severance from Employment may execute a Participation Agreement before such amounts are paid or made available provided: (i) such amounts are paid or made available before the Participant incurs the Severance; and (ii) the Participant is an Employee in that month.

(D) Modification of Participation Agreement. A Participation Agreement remains in effect until a Participant modifies it or ceases to be eligible to participate in the Plan. A Participant may modify his/her Participation Agreement by executing a new Participation Agreement. Any modification will become effective no earlier than the beginning of the calendar month commencing after the date the Participant executes the new Participation Agreement. Filing a new Participation Agreement will revoke all Participation Agreements filed prior to that date. The Employer or Administrative Services Provider may restrict the Participant's right to modify his/her Participation Agreement in any Taxable Year.

6.04 PERSONAL DATA TO ADMINISTRATIVE SERVICES PROVIDER. Each Participant and each Beneficiary of a deceased Participant must furnish to the Administrative Services Provider such evidence, data or information as the Administrative Services Provider considers necessary or desirable for the purpose of administering the Plan. The provisions of this Plan are effective for the benefit of each Participant upon the condition precedent that each Participant will furnish promptly full, true and complete evidence, data and information when requested by the Administrative Services Provider, provided the Administrative Services Provider advises each Participant of the effect of his failure to comply with its request.

6.05 ADDRESS FOR NOTIFICATION. Each Participant and each Beneficiary of a deceased Participant must file with the Administrative Services Provider from time to time, in writing, his/her address and any change of address. Any communication, statement or notice addressed to a Participant, or Beneficiary, at his/her last address filed with the Administrative Services Provider, or as shown on the records of the Employer, binds the Participant, or Beneficiary, for all purposes of this Plan.

6.06 PARTICIPANT OR BENEFICIARY INCAPACITATED. If evidence is submitted to the Administrative Services Provider which supports an opinion that a Participant or Beneficiary entitled to a Plan distribution is not able to care for his/her affairs because of a mental condition, a physical condition, or by reason of age, the Administrative Services Provider or the Trustee may make the distribution to the Participant's or Beneficiary's guardian, conservator, trustee, custodian (including under a Uniform Transfers or Gifts to Minors Act) or to his/her attorney-in-fact or to other legal representative upon furnishing evidence of such status satisfactory to the Administrative Services Provider and to the Trustee. The Administrative Services Provider and the Trustee do not have any liability with respect to payments so made and neither the Administrative Services Provider nor the Trustee has any duty to make inquiry as to the competence of any person entitled to receive payments under the Plan.

ARTICLE VII
MISCELLANEOUS

7.01 NO ASSIGNMENT OR ALIENATION. A Participant or Beneficiary does not have the right to commute, sell, assign, pledge, transfer or otherwise convey or encumber the right to receive any payments under the Plan or Trust and the Administrative Services Provider and the Trustee will not recognize any such anticipation, assignment, or alienation. The payments and the rights under this Plan are non-assignable and nontransferable. Subject to Section 8.15, a Participant's or Beneficiary's interest in the Trust is not subject to attachment, garnishment, levy, execution or other legal or equitable process.

7.02 EFFECT ON OTHER PLANS. This Plan does not affect benefits under any other retirement, pension, or benefit plan or system established for the benefit of the Employer's Employees, and participation under this Plan does not affect benefits receivable under any such plan or system, except to the extent provided in such plan or system.

7.03 WORD USAGE. Words used in the masculine will apply to the feminine where applicable, and wherever the context of the Plan dictates, the plural will be read as the singular and the singular as the plural.

7.04 STATE LAW. The laws of the state of the Employer's principal place of business will determine all questions arising with respect to the provisions of this Prototype Plan, except to the extent Federal law supersedes State law.

7.05 EMPLOYMENT NOT GUARANTEED. Nothing contained in this Plan, or any modification or amendment to the Plan, or in the creation of any Account, or the payment of any benefit, gives any Employee, Participant or Beneficiary any right to continue employment, any legal or equitable right against the Employer, the

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Administrative Services Provider, the Trustee, any other Employee of the Employer, or any agents thereof except as expressly provided by the Plan.

7.06 NOTICE, DESIGNATION, ELECTION, CONSENT AND WAIVER. All notices under the Plan and all Participant or Beneficiary designations, elections, consents or waivers must be in writing and made in a form acceptable to the Administrative Services Provider. To the extent permitted by Treasury regulations or other applicable guidance, any Plan notice, election, consent or waiver may be transmitted electronically. Any person entitled to notice under the Plan may waive the notice or shorten the notice period except as otherwise required by the Code.

7.07 LIMITATIONS ON TRANSFERS AND EXCHANGES. The Employer and the Administrative Services Provider may adopt procedures to govern Participant elections and directions concerning a Participant's, Beneficiary's, or Alternate Payee's investment specifications and may impose limitations on transfers and exchanges from one investment option with the Plan to another. These procedures shall be in addition to any established by investment providers to the Plan. The Employer and the Administrative Services Provider may decline to implement any investment instructions for a Participant, Beneficiary, or Alternate Payee where either deems appropriate.

7.08 EMPLOYER RESPONSIBILITY FOR DISTRIBUTION OF PLAN RELATED INFORMATION. The Employer will distribute all Plan related amendments, restated plan documents, and deferred compensation plan tax related documentation to the Administrative Service Providers when there are multiple Administrative Service Providers of the Plan.

7.09 USE OF PLAN ASSETS THAT ARE NOT ATTRIBUTABLE TO AN ACCOUNT. If the Plan receives money that is not attributable to an Account, then the Employer will direct the Administrative Services Provider as to the use of these amounts. Examples include, but are not limited to, money received by the Plan as part of a settlement, litigation award or fee reimbursement. The Employer may use these amounts to offset Plan expenses or may allocate these amounts to Participants or as it deems appropriate

ARTICLE VIII
TRUST PROVISIONS

8.01 APPLICATION. The provisions of this Article VIII apply only if the Employer has not elected to substitute another trust, custodial accounts or annuity contracts in lieu of the Trust established under this Article VIII.

8.02 ACCEPTANCE / HOLDING. The Trustee accepts the Trust created under the Plan and agrees to perform the duties and obligations imposed. The Trustee must hold in trust under this Article VIII, all Deferred Compensation until paid in accordance with the Plan terms.

8.03 RECEIPT OF CONTRIBUTIONS. The Trustee is accountable to the Employer for the funds contributed to it by the Employer or the Administrative Services Provider, but the Trustee does not have any duty to see that the contributions received comply with the provisions of the Plan.

8.04 FULL INVESTMENT POWERS. The Trustee is authorized and empowered, but not by way of limitation, to exercise and perform the following duties:

(a) To invest any part or all of the Trust in any common or preferred stocks, open-end or closed-end mutual funds, put and call options traded on a national exchange, United States retirement plan bonds, corporate bonds, debentures, convertible debentures, commercial paper, U. S. Treasury bills, U. S. Treasury notes and other direct or indirect obligations of the United States Government or its agencies, improved or unimproved real estate situated in the United States, limited partnerships, insurance contracts of any type, mortgages, notes or other property of any kind, real or personal, and to buy or sell options on common stock on a nationally recognized options exchange with or without holding the underlying common stock, as a prudent person would do under like circumstances. Any investment made or retained by the Trustee in good faith will be proper but must be of a kind constituting a diversification considered by law suitable for trust investments;

(b) To retain in cash so much of the Trust as it may deem advisable to satisfy liquidity needs of the Plan and to deposit any cash held in the Trust in a bank account at reasonable interest;

(c) To invest, if the Trustee is a bank or similar financial institution supervised by the United States or by a State, in any type of deposit of the Trustee (or a bank related to the Trustee within the meaning of Code §414(b)) at a reasonable rate of interest or in a common trust fund as described in Code §584, or in a collective investment fund, the provisions of which the Trust incorporates by this reference, which the Trustee (or its affiliate, as defined in Code §1504) maintains exclusively for the collective investment of money contributed by the bank (or its affiliate) in its capacity as Trustee and which conforms to the rules of the Comptroller of the Currency;

(d) To manage, sell, contract to sell, grant options to purchase, convey, exchange, transfer, abandon, improve, repair, insure, lease for any term even though commencing in the future or extending beyond the term of the Trust, and otherwise deal with all property, real or personal, in such manner, for such considerations and on such terms and conditions as the Trustee decides;

(e) To credit and distribute the Trust as directed by the Administrative Services Provider of the Plan. The Trustee will not be obliged to inquire as to whether any payee or distributee is entitled to any payment or whether the distribution is proper or within the terms of the Plan, or as to the manner of making any payment or distribution. The Trustee will be accountable only to the Administrative Services Provider for any payment or distribution made by it in good faith on the order or direction of the Administrative Services Provider;

(f) To borrow money, to assume indebtedness, extend mortgages and encumber by mortgage or pledge;

(g) To compromise, contest, arbitrate or abandon claims and demands;

(h) To have with respect to the Trust all of the rights of an individual owner, including the power to exercise any and all voting rights associated with Trust assets, to give proxies, to participate in any voting trusts, mergers, consolidations or liquidations, to tender shares and to exercise or sell stock subscriptions or conversion rights;

(i) To lease for oil, gas and other mineral purposes and to create mineral severances by grant or reservation; to pool or unitize interest in oil, gas and other minerals; and to enter into operating agreements and to execute division and transfer orders;

(j) To hold any securities or other property in the name of the Trustee or its nominee, with depositories or agent depositories or in another form as it may deem best, with or without disclosing the trust relationship;

(k) To perform any and all other acts in its judgment necessary or appropriate for the proper and advantageous management, investment and distribution of the Trust;

(l) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery of the funds or property until a court of competent jurisdiction makes a final adjudication;

(m) To file all tax returns required of the Trustee;

(n) To furnish to the Employer and the Administrative Services Provider an annual statement of account showing the condition of the Trust and all investments, receipts, disbursements and other transactions effected by the Trustee during the Plan Year covered by the statement and also stating the assets of the Trust held at the end of the Plan Year, which accounts will be conclusive on all persons, including the Employer and the Administrative Services Provider, except as to any act or transaction concerning which the Employer or the Administrative Services Provider files with the Trustee written exceptions or objections within 90 days after the receipt of the accounts; and

(o) To begin, maintain or defend any litigation necessary in connection with the administration of the Trust, except that the Trustee will not be obliged or required to do so unless

8.05 RECORDS AND STATEMENTS. The records of the Trustee pertaining to the Trust will be open to the inspection of the Employer at all reasonable times and may be audited from time to time by any person or persons as the Employer may specify in writing. The Trustee will furnish the Administrative Services Provider whatever information relating to the Trust the Administrative Services Provider considers necessary.

8.06 FEES AND EXPENSES FROM FUND. The Trustee will receive reasonable annual compensation in accordance with its fee schedule as published from time to time. The Trustee will pay from the Trust all fees and expenses the Trustee reasonably incurs in its administration of the Trust, unless the Employer pays the fees and expenses.

8.07 PROFESSIONAL AGENTS. The Trustee may employ and pay from the Trust reasonable compensation to agents, attorneys, accountants and other persons to advise the Trustee as in its opinion may be necessary. The Trustee may delegate to any agent, attorney, accountant or other person selected by it any non-Trustee power or duty vested in it by the Trust, and the Trustee may act or refrain from acting on the advice or opinion of any agent, attorney, accountant or other person so selected.

8.08 DISTRIBUTION OF CASH OR PROPERTY. The Trustee may make distribution under the Plan in cash or property, or partly in each, at its fair market value as determined by the Trustee.

8.09 RESIGNATION AND REMOVAL. The Trustee or the Custodian may resign its position by giving written notice to the Employer and to the Administrative Services Provider. The Trustee's notice must specify the effective date of the Trustee's resignation, which date must be at least 30 days

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following the date of the Trustee's notice, unless the Employer consents in writing to shorter notice.

The Employer may remove a Trustee or a Custodian by giving written notice to the affected party. The Employer's notice must specify the effective date of removal which date must be at least 30 days following the date of the Employer's notice, except where the Employer reasonably determines a shorter notice period or immediate removal is necessary to protect Plan assets.

8.10 SUCCESSOR TRUSTEE.

(A) Appointment. In the event of the resignation or the removal of a Trustee, where no other Trustee continues to service, the Employer must appoint a successor Trustee if it intends to continue the Plan. If two or more persons hold the position of Trustee, in the event of the removal of one such person, during any period the selection of a replacement is pending, or during any period such person is unable to serve for any reason, the remaining person or persons will act as the Trustee. If the Employer fails to appoint a successor Trustee as of the effective date of the Trustee resignation or removal and no other Trustee remains, the Trustee will treat the Employer as having appointed itself as Trustee and as having filed the Employer's acceptance of appointment as successor Trustee with the former Trustee.

(B) Automatic Successor. Any corporation which succeeds to the trust business of the Trustee, or results from any merger or consolidation to which the Trustee is a party, or is the transferee of substantially all the Trustee's assets, will be the successor to the Trustee under this Trust. The successor Trustee will possess all rights, duties and powers under this Trust as if the successor Trustee were the original Trustee. Neither the Trustee nor the successor Trustee need provide notice to any interested person of any transaction resulting in a successor Trustee. The successor Trustee need not file or execute any additional instrument or perform any additional act to become successor Trustee.

8.11 VALUATION OF TRUST. The Trustee will value the Trust as of each Accounting Date to determine the fair market value of the Trust assets. The Trustee will value the Trust on such other date(s) the Administrative Services Provider may direct.

8.12 PARTICIPANT DIRECTION OF INVESTMENT. Consistent with the Administrative Services Provider's policy adopted under Section 5.02(i), the Trustee may consent in writing to permit Participants in the Plan to direct the investment to the Trust assets. The Administrative Services Provider will advise the Trustee of the portion of the Trust credited to each Participant's Account under the Plan, and subject to such Participant direction. As a condition of Participant direction, the Trustee may impose such conditions, limitations and other provisions as the Trustee may deem appropriate and as are consistent with the Administrative Services Provider's policy. The Trustee will report to the Administrative Services Provider the net income, gain or losses incurred by each Participant directed Account separately from the net income, gain or losses incurred by the general Trust during the Trust Year.

8.13 THIRD PARTY RELIANCE. No person dealing with the Trustee will be obliged to see to the proper application of any money paid or property delivered to the Trustee, or to inquire whether the Trustee has acted pursuant to any of the terms of the Trust. Each person dealing with the Trustee may act upon any notice, request or representation in writing by the Trustee, or by the Trustee's duly authorized agent, and will not be liable to any person whomsoever in so doing. The certificate of the Trustee that it is acting in accordance with the Trust will be conclusive in favor of any person relying on the certificate.

8.14 INVALIDITY OF ANY TRUST PROVISION. If any clause or provision of this Article VIII proves to be or is adjudged to be invalid or void for any reason, such void or invalid clause or provision will not affect any of the other provisions of this Article VIII and the balance of the Trust provisions will remain operative.

8.15 EXCLUSIVE BENEFIT. The Trustee will hold all the assets of the Trust for the exclusive benefit of the Participants and their Beneficiaries and neither the Employer nor the Trustee will use or divert any part of the corpus or income of the Trust for purposes other than the exclusive benefit of the Participants and Beneficiaries of the Plan. The Employer will not have any right to the assets held by the Trustee and the Trust assets will not be subject to the claims of the Employer's creditors or, except as provided in Section 4.06, of the creditors of any Participant or Beneficiary. No Participant or Beneficiary shall have any right to sell, assign, transfer or otherwise convey his/her Account or any interest in his/her Deferred Compensation. Notwithstanding the foregoing, the Administrative Services Provider may pay from a Participant's or Beneficiary's Account the amount the Administrative Services Provider finds is lawfully demanded under a levy issued by the Internal Revenue Service with respect to that Participant or Beneficiary or is sought to be collected by the United States Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary. The Trust created under the Employer's Plan is irrevocable and its assets will not inure to the benefit of the Employer.

8.16 SUBSTITUTION OF CUSTODIAL ACCOUNT OR ANNUITY CONTRACT. The

Employer may elect to use one or more custodial accounts or annuity contracts in lieu of or in addition to the Trust established in this Article VIII. Any such custodial account or annuity contract must satisfy the requirements of Code §457(g)(3) and applicable Treasury regulations.

8.17 GROUP TRUST AUTHORITY. Notwithstanding any contrary provision in this Plan, the Trustee may, unless restricted in writing by the Administrative Services Provider, transfer assets of the plan to a group trust that is operated or maintained exclusively for the commingling and collective investment of monies provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under Code section 401(a), individual retirement accounts that are exempt under Code section 408(e), and eligible governmental plans that meets the requirements of Code section 457(b). For this purpose, a trust includes a custodial account that is treated as a trust under Code section 401(f) or under Code section 457(g)(3). For purposes of valuation, the value of the interest maintained by the Plan in such group trust shall be the fair market value of the portion of the group trust held for Plan, determined in accordance with generally recognized valuation procedures.

ARTICLE IX
AMENDMENT, TERMINATION, TRANSFERS

9.01 AMENDMENT BY EMPLOYER / SPONSOR. The Employer has the right at any time and from time to time:

(a) To amend this Plan and Trust Agreement in any manner it deems necessary or advisable in order to continue the status of this Plan as an Eligible 457 Plan; and

(b) To amend this Plan and Trust Agreement in any other manner, including deletion, substitution or modification of any Plan or Trust.

The Employer must make all amendments in writing. The Employer may amend the Plan by addenda, by separate amendment, or by restatement of the Plan. Each amendment must state the date to which it is either retroactively or prospectively effective. The Employer also may not make any amendment that affects the rights, duties or responsibilities of the Trustee or the Administrative Services Provider without the written consent of the affected Trustee or the Administrative Services Provider.

The Employer will accept amendments from the Administrative Services Provider (including adoption of a substitute Plan and Trust) without being required to re-execute the Plan, provided that the amendments are necessary to continue the Plan as an Eligible 457 Plan.

9.02 TERMINATION / FREEZING OF PLAN. The Employer has the right, at any time, to terminate this Plan or to cease (freeze) further Deferral Contributions to the Plan. Upon termination or freezing of the Plan, the provisions of the Plan (other than provisions permitting continued Deferral Contributions) remain operative until distribution of all Accounts. Upon Plan termination, the Administrative Services Provider or Trustee shall distribute to Participants and Beneficiaries all Deferred Compensation as soon as is reasonably practicable following termination.

9.03 TRANSFERS. The Plan: (a) may accept a Transfer of a Participant's Account in another employer's Eligible 457 Plan; or (b) may Transfer a Participant's (or Beneficiary's) Account in this Plan to the another employer's Eligible 457 Plan. The other plan involved in the Transfer must provide for Transfers. The Participant or Beneficiary, after the Transfer will have Deferred Compensation in the recipient plan at least equal to his/her Deferred Compensation in the transferring plan immediately before the Transfer. Any Transfer also must comply with applicable Treasury regulations, and in particular Treas. Reg. §§1.457-10(b)(2) as to post-severance transfers between Eligible 457 Plans; 1.457-10(b)(3) as to transfers of all assets between Eligible 457 Plans; and 1.457-10(b)(4) as to transfers between Eligible 457 Plans of the same Employer. The Administrative Services Provider will credit any Transfer accepted under this Section 9.03 to the Participant's Account and will treat the transferred amount as a Deferral Contribution for all purposes of this Plan except such Transfer will not be treated as a Deferral Contribution subject to the limitations of Article III. The Plan's Transfer of any Participant's or Beneficiary's Account under this Section 9.03 completely discharges the Employer, the Administrative Services Provider, the Trustee and the Plan from any liability to the Participant or Beneficiary for any Plan benefits.

9.04 PURCHASE OF PERMISSIVE SERVICE CREDIT. A Participant, prior to otherwise incurring a distributable event under Article IV, may direct the Trustee to transfer (as of January 1, 2002, or later) all or a portion of his/her Account to a governmental defined benefit plan (under Code §414(d)) for: (a) the purchase of permissive service credit (under Code §415(n)(3)(A)) under such plan, or (b) the repayment of contributions and earnings previously refunded with respect to a forfeiture of service credited under the plan (or under another governmental plan within the same State) to which Code §415 does not apply by reason of Code §415(k)(3).

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457 Governmental Plan and Trust

IN WITNESS WHEREOF, the undersigned has executed this Plan and Trust to become effective the 25 day of SEPTEMBER, 2015 for the:

ASRS SUPPLEMENTAL SALARY DEFERRAL PLAN (SSDP)
(Plan Name)

By: _____
(signature)

PAUL MATSON
(printed name)

EXECUTIVE DIRECTOR ASRS
(title/role)

20 1/10

DC-4057-0211

Council-Regular Meeting **C5**

Meeting Date: 04/04/2023

To: Mayor and Council

From: David L. Udall, Town Clerk/Assistant Town Attorney

Date: April 4, 2023

Subject: Approval of Special Council Meeting/Retreat Summary Minutes of March 13 - 15, 2023, and of Regular Council Meeting Summary Minutes of March 21, 2023 (David L. Udall)

Attachments

Special Council Meeting / Retreat Summary Minutes, 03/13-15/2023

Regular Council Meeting Summary Minutes, 3/21/2023

DRAFT

MARANA TOWN COUNCIL
SPECIAL COUNCIL MEETING/ RETREAT

Wigwam Resort, 300 E. Wigwam Blvd., Litchfield Park, AZ 85340
March 13-15, 2023

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

SPECIAL COUNCIL MEETING/RETREAT SUMMARY MINUTES

[Each item on the agenda was subject to presentation, discussion, and possible direction from Council. All agendized times in the left column are approximates only. Actual times are included in the body of the minutes.]

Monday, March 13, 2023 Travel to The Wigwam Resort - Council and Staff on their own

3:00PM - 3:30PM Welcome and Retreat Overview

Mayor Honea called the meeting to order at 3:00 PM and directed the Town Clerk to call the roll. **Council Member Kai** was absent when the meeting began, but was present thereafter, beginning at 3:43 PM. All other Council Members were present, constituting a quorum. Town staff present at the meeting included the following:

- Present for all three days: **Town Manager Terry Rozema, Deputy Town Manager Erik Montague, Assistant to the Town Manager Andrea Caicedo, Town Attorney Jane Fairall, Town Clerk/Assistant Town Attorney David Udall, Public Works Director/Acting Town Engineer Fausto Burruel, Deputy Public Works Director Jennifer Flood**, **Development Services Director Jason Angell,** and **Water Director Jing Luo**.
- Present for the first two days: **Finance Director Yiannis Kalaitzidis**.
- Present for the afternoon of Wednesday, March 14, 2023: **Economic Development Director Curt Woody**.

Town Manager Terry Rozema welcomed everyone to the meeting and provided a brief overview of topics. He welcomed thoughts, feedback, and direction from Council.

3:30PM - 5:00PM **Capital Improvement Program:** Presentation and discussion of Draft Town of Marana Five-Year Capital Improvement Program for Fiscal Years 2024 through 2028
Presentation by: Fausto Burruel, Jennifer Flood & Jing Luo

Public Works Director/Acting Town Engineer Fausto Burruel, **Deputy Public Works Director Jennifer Flood**, and **Water Director Jing Luo** presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the slides for more detail and to view images, tables, charges, graphs, and other visual information. Town staff answered clarifying questions during the presentation. To view listed projects, please see the presentation slides. A summary of the Council's discussion on this topic is as follows:

Regarding the Twin Peaks Road, Rattlesnake Pass Widening project, which involves widening the road into a four-lane road and signalizing an intersection, **Council Member Craig** said the Coalition for Sonoran Desert Protection's newsletter indicated the Coalition was raising funds for a wildlife bridge. **Mr. Rozema** stated he had not heard that, and it was his understanding that the Regional Transportation Authority (RTA) would be utilizing Arizona Department of Game and Fish funding to complete a design of the bridge.

Mr. Burruel, Deputy Public Works Director Jennifer Flood, and **Water Director Jing Luo** showed several funding schedule tables outlining various airport, transportation, facilities, park, and water/wastewater improvement projects,

general fund projects, and other projects. To view the project tables, please see the presentation slides.

Regarding the Airport Tower project, **Council Member Ziegler** asked when the project would be completed. **Mr. Rozema** said the Town is hoping for completion by December 2024. **Mr. Burruel** explained the five-year deadline imposed by the Federal Aviation Administration (FAA) to complete the tower as part of the federal funding requirements, and said the Town has had and would continue to have discussions with the FAA regarding the deadline. He said the Town received its approval letter December of 2019, shortly before the COVID-19 pandemic, and that there have been considerable roadblocks that have delayed the project. He explained the FAA does not have an extension mechanism and does not take COVID-19 into account. Under the FAA's current stance, it does not appear possible to complete the project in 2024, but Town staff is attempting to work with the FAA regarding this.

Mayor Honea asked if the Town would lose all federal funding for the project if not completed on time, and **Mr. Burruel** said they have not received a clear answer on that yet from the FAA. **Mayor Honea** said he would be really upset if the Town lost funding, and that the Town has been working to get this tower for ten years.

[Council Member Kai joined the meeting.]

Mr. Rozema said the FAA has been slow getting back to the Town. **Mayor Honea** said there are some political options available, such as working through senators or legislators that are up for re-election, and that quick action was needed. **Council Member Ziegler** said the tower has been advertised and that individuals with aircraft are looking forward to the tower being at the airport. She said this was a safety issue and requested **Mayor Honea** to immediately put pressure on those who could influence this project. **Council Member Kai** agreed. **Mayor Honea** said this should not be put on the backburner and that he would do everything he could.

Council Member Ziegler asked if the Town had money involved, and **Mr. Burruel** said it does, but not much. **Council Members Comerford** and **Ziegler** expressed the Council's support for **Mr. Burruel** and his team on this issue.

Regarding the Marana Municipal Complex Landscape Improvements project, **Mayor Honea** requested that zeroscaping not be considered by staff until it comes before the Council for consideration. **Mr. Rozema** highlighted **Parks and Recreation Director Jim Conroy's** concern at removing all grass at the Municipal Complex because it would impact Town special events and noted the increased

heat generated by zeroscape landscaping. He said **Mr. Conroy** would look into the amount of zeroscaping and that Town staff would bring his recommendations before Council. **Council Member Craig** said the Municipal Complex need not be completely zeroscaped, and that artificial turf could be employed instead of grass.

Regarding the Mandarina Community Park project, **Ms. Flood** explained the Town and developer were in conversations regarding whether the Town or the developer would install a park in the detention basin. **Mayor Honea** and **Council Member Ziegler** expressed their understanding that the developer was required to build the park and that the Town would reimburse the developer through impact fees. **Town Attorney Jane Fairall** explained that nothing in the development agreement addressed the park because the parties at the time the agreement was negotiated did not contemplate such a park and did not until after the basin was completed. She said the park was put in the infrastructure improvement plan (IIP) because the Town thought it would be a good project and that there will likely be a development agreement amendment at some point that comes before Council regarding the park.

Mayor Honea expressed his desire for the developer to build the park. **Mr. Rozema** said that had been the nature of the discussion thus far with the developer, but that the developer expressed it will not construct the park until it actually receives funding from impact fees, which would be many years down the road. **Council Member Craig** asked if the park would be required to be a public park. **Ms. Fairall** explained that part of the development agreement required the developer to dedicate the detention basin to the Town.

Regarding the Avra Valley Road Overlay project, **Mr. Burruel** explained this project involved overlaying the micromill conducted to address a pressing safety concern. **Deputy Town Manager Erik Montague** explained that now that the safety issue was addressed, this project would improve the quality of the stretch of road that was micromilled. **Mayor Honea** asked whether revenues from tipping fees collected from the landfill could be used to help fund this project. **Mr. Montague** said they could be used for any public purpose and confirmed they could help fund the project. **Mayor Honea** recommended using the tipping fees for this project.

Discussion ensued regarding the amount of money currently in the tipping fee fund, the timing and structure of the transaction to pay for the project, and the need to prevent unnecessary delay. **Mr. Rozema** said **Finance Director Yiannis Kalaitzidis** would do some research and get back with Council.

Vice Mayor Post expressed concern that the Town was allowing contractors to do a bad job on the road only to have to redo it with Town money. **Mr. Burruel** said **Ms. Fairall** informed him that it came down to whether the Town could prove who or what caused the slickness of that stretch of Avra Valley road and that the Town would probably spend more time and money figuring out who did what than if it went ahead and fixed it.

Regarding the Marana Gateway Monument Signage project, **Council Member Ziegler** commented that she would like to see consistent branding across the Town with regard to monumentation. She also commented that the tiled monument off of Interstate 10 coming into Marana from Phoenix was good for its time, but that the Town needed updated monuments.

Council Member Comerford suggested the Town's monument signs incorporate the ability to advertise Town events and other information.

Mr. Rozema said one of the challenges is that many of the interchanges will be changing soon. **Council Member Comerford** said it was a good time to discuss monuments now so they are all consistent.

Regarding the Water Reclamation Facility Phase 2 Expansion project, **Dr. Luo** explained this project needed to be prioritized because the Town is running out of assigned (but not actual) capacity, and that upgrades to the facility were required to provide more assigned capacity to serve future development. **Mayor Honea** emphasized the Town is not out of actual capacity and explained the concept is similar to water credits. He said he anticipates high costs for the water/wastewater projects. **Council Member Craig** commented that developers would need to wait until the projects can be paid for.

[Council Member Officer left the meeting at 5:31 PM.]

Mr. Rozema provided concluding comments, and said this day was meant to be an introduction. He then highlighted the topics to be covered over the next two days.

Mayor Honea asked for a motion to adjourn the meeting.

Vice Mayor Post moved to adjourn the meeting. Motion passed, 6-0. Meetin adjourned at 5:34 PM until the morning of Tuesday, March 14, 2023.

Dinner - Council and Staff on their own

Tuesday, March 14, 2023

7:30AM - 8:30AM Breakfast at Hotel

Mayor Honea reconvened the meeting at 8:30 AM and led meeting attendees in the pledge of allegiance. He then took chairman's privilege and provided an update on SB 1117 (related to zoning), which failed in the Arizona Senate but could return as a striker bill.

Mayor Honea directed the Town Clerk to call the roll. All Council Members were present, constituting a quorum.

Mr. Rozema provided a brief overview of the day's topics, which centered around sustainable growth.

8:30AM - 12:00PM **Funding Growth:** Discussion of revenue streams available for infrastructure; impact fees - their purpose and challenges; timing challenges related to funding; and related topics
Presentation by: Yiannis Kalaitzidis & Jane Fairall

Mr. Kalaitzidis first addressed the tipping fees question posed the day before and said the Town would likely have approximately $800,000.00 in available funding. He then presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office.

Mr. Kalaitzidis said the Town is one of the fastest growing municipalities in Arizona and that it is well positioned. He posed the following question about the Town's growth philosophy: does the Town want aggressive growth or controlled/sustainable growth? He outlined the issues as follows:

- Aggressive Growth:
  - Issue debt to do projects
  - Less money to pay as you go projects
  - General fund exposure for shortfalls
  - Operational issues
  - Difficult decisions in the future

- Controlled/Sustainable Growth

- Prioritize growth projects and areas
- Some growth projects deferred
- Fewer favorable developer agreements
- Fewer developments
- Stop being the bank for developers

Mr. Kalaitzidis outlined the available and potential sources of funding for the Town, financing challenges, the Town's history of financing successful projects, and the pros and cons of debt. **Mr. Kalaitzidis** and Town staff answered clarifying questions during the presentation. Please see the presentation slides for more detailed information. A summary of Council's discussion regarding this topic is as follows:

Regarding community facilities districts (CFDs), **Council Member Ziegler** said it can be confusing to inform residents that the Town does not have a property tax, except for in certain areas where a CFD is established. **Mayor Honea** agreed that technically the Town does not have a property tax, but kind of does only in specific areas where the Town has CFDs established.

Council Member Kai explained the history of early Town property taxes to fund operations. **Council Member Comerford** said the Town could get rid of CFDs as an option because they primarily benefit developers rather than Marana homeowners. She said the original reasons for CFDs no longer exist. **Council Member Ziegler** said CFDs were utilized to incentivize developers to come to Marana in the past and asked whether the Town needed CFDs anymore.

Mayor Honea recommended CFDs should not be taken off the table, but that the Town should be cautious going forward regarding when it creates a CFD. He said that, while he is not in favor of eliminating them completely, the Town can be more assertive in ensuring any new CFD benefits the Town and not just the developer. **Council Member Officer** agreed, and said that when developers come to the Town asking for one, the Town should have an idea of what it is going to ask of them.

Regarding RICO money, **Council Member Ziegler** asked whether funding from the seizure of contraband could be utilized more as a funding source. **Mr. Rozema** explained that the contraband usually sits for years as evidence before funds come to the police.

Council Member Ziegler commented on the infrastructure bill and asked if the Town was getting any funding from it. **Mr. Rozema** said that funding is distributed through grants, and the Town is looking for opportunities to apply and has applied for an approximately $5 million grant. **Mr. Rozema** complimented the Town's new

grant manager. **Council Member Ziegler** said there is a lot of money out there that could be collected.

Regarding the Town's debt-per-capita ratio, **Council Member Zigler** said it was good to see a reduction in the ratio from ten years ago. **Mr. Rozema** said the residents of the Town are willing to pay for a higher standard of service and that the ratio would continue to decrease as Marana's population grows. **Mayor Honea** said that while the Town has a higher debt-per-capita ratio than its neighboring jurisdictions, its residents also have a higher average income.

Council Member Craig asked if it was advisable for a municipality to have a certain amount of debt on its books, and whether other jurisdictions were wrong to have lower debt-per-capita rations. **Mr. Kalaitzidis** said it depends on the needs of each municipality. **Mr. Rozema** said Tucson and Oro Valley, for example, are mostly built out and do not need a lot of new infrastructure, which is more costly than maintaining existing infrastructure. He highlighted the need for the Town to determine what its mindset will be regarding growth, noting that it was cheaper to build next to existing infrastructure than to extend it really far out for development.

Regarding the Town's growth philosophy, **Council Member Ziegler** commented that the desire has always been to have sustainable growth, but that the Town has been more aggressive because growth was current. She said some residents are nervous the Town is getting too aggressive. She said she understands the philosophy that if a municipality is not growing, it is dying, but she expressed concern about the aggressive rate of growth recently. She recommended being more selective and asked how the Town could say no to development. **Ms. Fairall** explained that, generally, if a development meets the Town's zoning requirements, it can develop, but that the Council has discretion when property is rezoned or during annexation proceedings.

Mayor Honea agreed that the Town is big enough now that it can be more selective. **Council Member Kai** commented that the Town should be more aggressive in its commercial growth, because that is where the money is and it will benefit the Town in the long term. **Council Member Comerford** said the Town does not even need to be aggressive in commercial growth because commercial development is coming to the Town on its own now.

Council Member Ziegler said it is good for the Town to have another basket of eggs (commercial development) when housing development is slow and **Mayor Honea** said commercial projects are and will be paying impact fees and that the Town will make up a lot of debt service from commercial development.

Council Member Ziegler said that while she previously liked the idea of the Town paying for certain infrastructure to attract development, she is now in favor of developers paying for their own development.

Vice Mayor Post said that going forward, the Town needed to find a way to ensure net-zero communities, in which, over time, the development and maintenance of communities would cost the Town zero dollars - such as by coming up with calculations addressing how much the developer, the Town, and the homeowner are paying toward infrastructure and Town services. He also recommended the Town require all new development to have private, not public, streets to save the Town money on road maintenance.

Council Member Craig said it was good for the Town to grow from the inside out and that the Town should consider recovering more of its water that is currently not recovered through the Town's sewer system. She also commented that if the Town grows from the center out, it should not be growing and extending water infrastructure along Tangerine Road to the east of Interstate 10. **Mayor Honea** said redundancy was needed in the Town's water system.

Vice Mayor Post recommended the Town structure some of its development agreement terms differently to discourage developers from sitting on a project, and recommended as an example that developers be required to pay a percentage of a project's cost rather than a fixed amount. **Council Member Ziegler** recommended that development agreements include sunset clauses, and asked if the Town could update its existing development agreements. **Ms. Fairall** said the Town could not do so unilaterally, but that the Town could try and renegotiate them when developers request amendments.

Council Member Comerford said sunset clauses would prevent problems that can occur as times change and said that the property could revert back to its original zoning if a developer delays moving on a project after a number of years. **Vice Mayor Post** said he was not in favor of sunsetting zoning, but instead to have sunset clauses in development agreements that would allow for the renegotiation of the agreement. **Council Members Comerford** and **Ziegler** agreed. **Ms. Fairall** said the Town could not alter zoning entitlements unilaterally without running into Proposition 207 issues.

Vice Mayor Post expressed concerns with the practice of allowing specific plans, and referenced the Amazon facility as an example.

Council Member Craig commented that centralizing high-density restaurants, retail, and commercial uses in mixed use zoning should be encouraged, and asked

what we need to do to change zoning laws to allow for more mixed use. **Development Services Director Jason Angell** and **Ms. Fairall** said that mixed-use zoning is currently allowed in Marana's downtown area.

Mayor Honea recessed the meeting for an approximately ten-minute break around 10:25 AM and then reconvened the meeting.

Ms. Fairall presented on the impact fee portion of this item. A copy of the presentation slides is on file with the Town Clerk's Office. **Ms. Fairall** discussed the purpose of impact fees, the relevant statute and its 2011 changes implemented in 2014, the recent Arizona Supreme Court case in the ongoing Southern Arizona Home Builders Association (SAHBA) litigation, the challenges associated with impact fees, what the Town could do if it didn't utilize impact fees, and the pros and cons of such an approach.

Ms. Fairall and other Town staff answered clarifying questions during the presentation. For further information, please see the presentation slides. A summary of Council's discussion regarding this topic is as follows:

Vice Mayor Post asked if a negotiated development agreement could get around certain statutory impact fee requirements, and **Ms. Fairall** said it could not. However, she said the Town could decide what to put in the IIP, and said that is where the decision point is for the Council. **Mr. Rozema** said the risk on the other end (if a project is not in the IIP) is that the Town becomes reliant on developers to pay for certain infrastructure and that often developers do not pay for it or take a long time to do so.

Vice Mayor Post recommended that the Town review its impact fees on a more regular basis, and **Council Member Ziegler** agreed. **Vice Mayor Post** asked if the Town could choose which areas are subject to impact fees and which are not, and **Ms. Fairall** said the Town is already doing that.

Mayor Honea expressed his displeasure at being sued over impact fees and commented that perhaps the Town is not charging enough in impact fees. He said the Town should utilize more impact fees that the Town is entitled to utilize. He also expressed concern that the Town would be sued more over impact fees.

Ms. Fairall explained the SAHBA lawsuit involved a unique issue due to the nature of the wastewater treatment plant benefiting both new and existing development, and that other impact fees do not involve the same issue. She said the Town would also be taking the Supreme Court's recent decision into account for future impact

fee calculations and said she feels very comfortable with the impact fees recently calculated.

Vice Mayor Post asked why the Town couldn't have just one impact fee zone for roads like park impact fees. He said this would allow the Town to have the flexibility to move funds from transportation impact fees around where needed. **Mr. Montague** explained that it would be ideal for the Town, but SAHBA has taken the position that roads should be in different zones because people should not have to pay for roads they never drive on. **Ms. Fairall** agreed.

Council Member Craig asked what happened when the Town received money from outside of its impact fee program that impacts a project listed within the IIP. **Mr. Montague** explained that if that happens during the impact fee review process period, the Town can update the impact fee calculations prior to adoption and, if it does not happen during the impact fee review period, the Town can amend the IIP. **Ms. Fairall** said that is part of the challenge with impact fees – it is difficult to incorporate possible outside factors and unknowns into the calculations.

Mayor Honea asked if impact fees could be used for items other than infrastructure, and specifically asked if they could be used for police-related funding. **Ms. Fairall** said impact fees could be used to fund police equipment. Council Members, including **Vice Mayor Post**, **Mayor Honea,** and **Council Member Ziegler**, expressed support for looking into assessing police-related impact fees. **Mr. Montague** said the Town has looked into general government impact fees in the past, but didn't pursue it at the time. He said Town staff could take a look at utilizing impact fees for police.

Mr. Rozema said that Tucson has impact fees dedicated toward the police and that Sahuarita does not utilize impact fees at all but instead relies on a half-cent sales tax. He also mentioned Marana's impact fees are the highest in southern Arizona, but that Gilbert and Queen Creek - two quickly growing communities - also have high impact fees and serve as a good comparison for the Town. He further explained the Town's impact fees were high because of the need for new infrastructure required to support new development.

Ms. Fairall said the impact fee discussion has a lot to do with the Town's own self-determination - how, when, and where the Town grows. She said it depends on how the Town's elected official wants to control the Town's growth. **Vice Mayor Post** commented that the Town does not need to grow - that it is financially solvent and it could stop growing now. He said the Town wants to grow, and to ensure success in that regard, the Town needs to assess appropriate impact fees.

Vice Mayor Post said that as a long-time resident of the Town, growth is great, but he and other current residents do not want to pay for it. He commented that if developers want to build here, that is fine, but they need to pay for it.

Council Member Ziegler commented that the Town is now at a point where it can more fully implement a development-pays-for-itself policy.

Council Member Craig commented she now realizes the critical nature of the decision-making process involving which projects should be added into an IIP.

Mayor Honea recessed the meeting for lunch at 11:49 AM.

12:00PM - 1:00PM Lunch at Hotel

Mayor Honea reconvened the meeting at 12:36 PM. All Council Members were present, constituting a quorum.

Mr. Rozema provided a brief overview of the next portion of the meeting and commented that the topics thus far have been building on each other and that the building would continue this afternoon. He thanked Town staff for all of the work put into the next presentations.

1:00PM - 5:00PM **Planning for Sustainable Growth:** How do we want to grow (invest) in the future? Infrastructure planning for growth; service costs and how services are paid; infrastructure maintenance and replacement; and related topics
Presentation by: Erik Montague & Jason Angell

Mr. Angell presented first on this item. A copy of the presentation slides is on file with the Town Clerk's Office. **Mr. Angell** discussed the Town's Strategic Plan 5 and general plan related to the Town's growth, highlighted how the Town is not small anymore and needs to consider the maintenance of its assets, discussed the costs of development, demonstrated how all areas in the Town (and in the region) are either built out or spoken for and that regional development is now focused on north Marana west of Interstate 10, and discussed how these facts put the Town in the driver's seat related to development.

Economic Development Director Curt Woody also presented on this item and outlined opportunities for commercial and industrial development, along with related water and wastewater infrastructure challenges, east of Interstate 10 just

south of Tangerine Road, including opportunities and challenges involving State Trust Land.

During the presentations, Town staff answered clarifying questions. Please see the presentation slides, which include maps and other detailed information. Council's discussion on this topic is summarized as follows:

Mayor Honea commented that companies in Coolidge and Casa Grande are expanding and that many of their new employees may reside in Marana because of where the Town is positioned in relation to them. **Council Member Kai** said Marana is ideally located for commercial movement.

Vice Mayor Post commented that if the State wants development on State Trust Land, the State should bring its own water.

Mr. Montague presented next and provided an overview on a draft formula designed to maintain the Town's assets. He analogized the relationship between the Town and individual developments to parent company and its subsidiaries. He said sustainability is achieved when revenues generated from development (through sales tax and other methods) meet or exceed Town-wide costs (or deficits), and he used the Gladden Farms Phase 1 development to show an example of how the draft formula works.

Mr. Montague highlighted that if the Town refined and utilized the formula as an assessment tool, it would be able to determine whether a specific development pencils for the Town in a similar way that developers utilize formulas to determine if development pencils for them. He said the tool would also serve as a temperature check and would help facilitate necessary conversations.

During the presentation, **Mr. Montague** and other Town staff answered clarifying questions. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the slides for more detailed information. A summary of Council's discussion on this topic is as follows:

Council Member Craig and **Vice Mayor Post** expressed the tool illustrates that denser communities cost less to operate. **Mayor Honea** said that fact must be weighed against quality-of-life concerns. **Mr. Rozema** emphasized that the evaluation tool discussed by **Mr. Montague** would give the Town the ability to evaluate any development coming forward and would allow the Town to determine if the proposed development makes sense for the Town.

Mr. Angell, in answer to a question from **Council Member Ziegler**, provided as an example that if public streets did not pencil for a development after evaluating the development with the tool, then the Town would not accept the streets as public streets. **Mr. Kalaitzidis** said the tool could also give the Town a way to evaluate incorporating empty space between developments where infrastructure would need to be put into place for development to occur.

Vice Mayor Post asked if there was a way to require home owners' associations to contribute maintenance money to the Town through a development agreement. **Ms. Fairall** said that may be a possibility. **Vice Mayor Post** said much of the Town has already been developed, and that some of these measures would have been good to put into play ten years ago. He asked if there was any money in RTA for maintenance. **Mr. Rozema** said there was very little dedicated for that purpose and that there may not be much available because of the many other projects going on.

Vice Mayor Post commented that the formula presented was very eye-opening.

Discussion ensued regarding the Villages of Tortolita development that highlighted the need for the Town to structure transactions with developers in such a way so as to not let one developer hold infrastructure installation hostage.

Mayor Honea commented that without the Barnett Channel, many of the north Marana projects may not go forward. **Mr. Montague** said Town staff is aware of the problem, but the main roadblock is the cost of the Barnett Channel project. **Mr. Rozema** indicated some developers are thinking about coming together with the Town to construct the Barnett Channel instead of investing in their own drainage infrastructure. He said Pima County may be willing to assist as well if it sees the Town is serious and comes up with enough funds.

Mayor Honea recessed the meeting for a break at 2:19 PM and reconvened the meeting at 2:34 PM.

Council Member Craig suggested that the Town should think seriously about development requiring infrastructure to be extended beyond the Town's core areas. **Mr. Rozema** said the Town will have the ability to take a stronger stance on this going forward.

- If time permits, Hot Topics:

- Public Art Policy/Monumentation

Mr. Angell presented on this item and recommended that developers contribute to a public art fund so the Town can have control over the style, quality, and placement of public art in the Town. A copy of the presentation slides is on file with the Town Clerk's Office. For tables, images, and more detailed information, please see the presentation slides. **Mr. Angell** and other Town staff answered clarifying questions during the presentation. A brief summary of Council's discussion on this topic is as follows:

Vice Mayor Post questioned why the Town should exclude residential development from the requirements in the draft policy, and **Mr. Angell** said staff was looking for feedback on the specific policy requirements and that the draft policy was open to change. He and **Mr. Rozema** said a balance would also need to be struck on whether there should be a cap and, if so, on what the cap should be.

Vice Mayor Post asked if the RTA could abide by the policy requirements if placed in the Town Code. **Mayor Honea** said the RTA has art within their budget, but that the requirement would likely be apportioned to its partners, including to Marana.

Vice Mayor Post expressed concern at how large the public art contribution would need to be as a percentage for the Tangerine interchange. **Council Member Craig** was in support of a 1% cap. **Mr. Rozema** said Town staff would prepare some numbers and present the Council with options to consider during a study session.

Vice Mayor Post said he was not fond of spending public money on art, but that if the Town keeps the art at the same level of quality as displayed in recent projects (reindeer project, Spirit of Marana, birds project etc.), that he is in favor of it. **Council Member Ziegler** expressed that she prefers the design style of the recent art projects. Sjhe thinks it will give the Town a cohesive feel and thinks it is great that the art is made in conjunction with the Marana School District.

Mayor Honea discussed older art projects in the Town and expressed the need to maintain them better. **Council Members Comerford** and **Ziegler** expressed concern regarding who would be appointed to help select what art is placed in the Town, and **Council Member Ziegler** said the art review committee should not be too large. **Mayor Honea** asked if the Town Council would have final selection authority. **Mr. Angell** said the Council would.

Council Members Craig and **Ziegler** expressed their support for the policy, and **Council Member Ziegler** requested one of the art project involve a turtle, possibly in the El Rio Preserve.

Ms. Caidedo presented on monumentation options, showed images of the Ina Road monument, the Twin Peaks Road monument, and a rendering of a hybrid monument, and asked for Council Members' preferences and feedback. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the slides for visuals and other information. **Ms. Caicedo** and other Town staff answered clarifying questions during the presentation. A summary of Council's discussion on this topic is as follows:

Council Member Craig was in favor of the Ina Road monument. **Vice Mayor Post** liked the Twin Peaks Road option and the hybrid option. At one point, six Council Members raised their hand in support of the Twin Peaks Road option when asked which of the three they preferred, but when the hybrid option was shown during this time, **Council Member Ziegler** indicated she did not know there was a third option to vote on and said she liked the hybrid option. **Council Member Comerford** indicated she liked aspects of the hybrid option as well. Council Members expressed displeasure at the cost of the options, which were around $150,000.00 for the Ina Road option and $200,000.00 for the hybrid option.

- Marana Citizens' Forum reboot

Mr. Rozema presented on this topic and counseled against adopting an alternative, open-house style of the new Forum proposed by a resident at a the Town Council's February 21, 2023 regular meeting. He said that style of forum has not worked for the Town in the past. He recommended the original plan proposed by **Ms. Caicedo** at the February 21st meeting, and answered clarifying questions during his presentation. A summary of Council's discussion on this topic is as follows:

Mayor Honea and **Council Member Craig** agreed with **Mr. Rozema** and supported the plan for the citizen's forum he and **Ms. Caicedo** proposed. **Vice Mayor Post** said that as long as the new Forum is given meaningful work do, he is in favor of it.

Regarding appointment duration, **Vice Mayor Post** and **Council Member Craig** liked the idea of three-year appointments. **Vice Mayor Post** expressed a desire for the option to end an appointment before that time if it does not work out and for the option to rotate appointees based on the topic before the Forum. **Council Members Ziegler** and **Comerford** agreed with **Vice Mayor Post** regarding topic-related appointments. **Mr. Rozema** said they would take that into account and try and incorporate it into the Forum plan. **Ms. Fairall** said provisions could be added allowing the Council to remove members, similar to other boards.

Regarding the number of appointments, **Council Members Craig** and **Ziegler** said there would be difficulty in reaching a consensus with bigger groups, and requested just one appointment per Council Member instead of two. **Council Member Comerford** disagreed with that option. **Mr. Rozema** clarified that the new iteration of the Forum would not need to reach a consensus, but only discuss projects so that its members' feedback on projects could be relayed to the Council.

Council Members Officer and **Comerford** expressed a desire to see a consistent date on which Forum members would meet. **Mr. Rozema** said members could be given plenty of advance notice (around two months or so) regarding upcoming meetings.

Council Member Comerford and **Vice Mayor Post** recommended **Mr. Rozema** do a podcast once the new Forum is ready. **Council Member Officer** asked which Town department would run the new Forum, and **Mr. Rozema** said it is now being run by the Town Managers Office.

- Employee Benefits

Mr. Rozema presented on this topic and answered clarifying questions during the presentation. He informed Council Members that the Town was at the bottom regarding leave accrual when compared with other jurisdictions in Pima County. He recommended the Town adopt the following:

[Note that the numbered items below were acquired from the Town Manager's Office after the meeting concluded. These items include additional information to what was presented at the meeting for the purpose of completeness.]

Max Accrual

1. Current:
    1. 0-5 years of service – 180 max accrued vacation hours
    2. 5-10 years of service – 200 max accrued vacation hours
    3. 10+ years of service – 240 max accrued vacation hours
2. Proposed:
    1. 0-3 years of service – 200 max accrued vacation hours
    2. 3-5 years of service – 240 max accrued vacation hours
    3. 5-7 years of service – 264 max accrued vacation hours
    4. 7-10 years of service – 288 max accrued vacation hours
    5. 10-15 years of service – 304 max accrued vacation hours
    6. 15+ years of service – 320 max accrued vacation hours

Vacation Accrual

3. Current:
    1. 0-5 years of service – 80 hours per year
    2. 5-10 years of service – 120 ours per year
    3. 10+ years of service – 160 hours per year
4. Proposed:
    1. 0-3 years of service – 80 hours per year
    2. 3-5 years of service – 120 hours per year
    3. 5-7 years of service – 144 hours per year
    4. 7-10 years of service – 168 hours per year
    5. 10-15 years of service – 184 hours per year
    6. 15+ years of service – 200 hours per year

Mr. Rozema explained that the proposed changes would put Marana somewhere in the middle of where other jurisdictions are currently at. He said the changes do come with a cost, and **Mr. Kalaitzidis** explained how the cost was quantified and accounted for.

Mr. Rozema said the next proposed change involved sick leave payout. Please see the table below for details:

[Note that this table was acquired from the Town Manager's Office after the meeting concluded. It includes additional information to what was presented at the meeting for the purpose of completeness.]

Sick Leave Payout

Separation/Retirement Type	Hours of Accrued MTO/Sick Leave	Payout
Official Retirement *Regardless of Years of Service*	250 - 499	25%
Separation/Retirement *15+ Years of Service*	500 - 749	25%
	750 - 999	35%
	1,000 - 1,500	50%

Mr. Rozema said the Town was the only jurisdiction in Pima County that was not doing this and that this proposed change would put the Town somewhere in the middle of the other jurisdictions. He explained that the proposed change incentivizes employees to accrue sick leave.

Mr. Rozema said the last recommendation involved recognizing Juneteenth as a Town-recognized holiday.

Council Members, including **Council Member Comerford, Council Member Ziegler, Council Member Craig**, and **Mayor Honea**, expressed support for the accrual and sick leave payout proposals. **Council Member Ziegler** said she would not support the Juneteenth holiday, and other Council Members had questions about it. **Mr. Rozema** invited them to think about it and provide him feedback.

- Potential Environmental Challenges to Development
[Time did not permit discussion of this Hot Topic during the retreat.]

Mayor Honea asked for a motion to adjourn the meeting.

Vice Mayor Post moved to adjourn the meeting. Council Member Comerford seconded the motion. Motion passed, 7-0. Meeting adjourned at 4:37 PM until the morning of Wednesday, March 15, 2023.

Dinner - Council and Staff on their own

Wednesday, March 15, 2023

7:30AM - 8:30AM Breakfast at Hotel

Mayor Honea reconvened the meeting and called the meeting to order at 8:33 AM. He directed the Town Clerk to call the roll. All Council Members were present, constituting a quorum.

Mayor Honea led meeting attendees in the pledge of allegiance. As a housekeeping item, he asked those in attendance to consider where the Council retreat should be held next year.

Mr. Rozema provided a brief introduction of the day's topics.

8:30AM - 12:00PM **Transportation Planning and Projects:** Discussion of timing and costs of major transportation projects, including improvements to Marana Road, Tangerine Road, and Cortaro Road Traffic Interchanges; discussion of possible Moore Road Traffic Interchange; transportation master plan update
Presentation by: Fausto Burruel

Mr. Burruel presented on the pending Marana Transportation Master Plan, major transportation CIP project updates, and Interstate 10 traffic interchange projects. He and other Town staff answered clarifying questions during the presentation. A copy of the presentation slides is on file with the Town Clerk's Office. Please see the presentation slides for visuals and more information. A summary of Council's discussion on this topic is as follows:

Regarding the Tangerine Phase 2A project, **Council Member Comerford** recommended getting senators involved if ADOT keeps dragging its feet regarding the issues at the Tangerine intershange. **Mr. Rozema** said Town staff has spoken with high-ranking staff at ADOT, and they informed the Town they believe the Tangerine intersection is safe and therefore the project is not a priority for ADOT.

Regarding the Twin Peaks Road/Rattlesnake Pass project, **Council Member Craig** asked about the wildlife bridge. **Mr. Burruel** said there is not funding for the bridge currently but that it could be constructed when funding becomes available. **Council Member Ziegler** asked why there was not funding available for the wildlife crossing and said there was such funding for the Lazy K project in the past. **Ms. Flood** said wildlife funding has been included for certain projects, but when the RTA ran out of money, the categorical funds were cut, including environmental money. She said the Town never intended to pay for the bridge with its own funds. **Mr. Rozema** said such funding would be in the millions of dollars. **Council Member Craig** suggested the Town at least pay for the design.

Regarding the Tangerine Farms Extension project, **Vice Mayor Post** asked about the future of Barnett Road. **Mr. Rozema** said the hope is to establish the Barnett Channel to take north Marana out of the flood plain. He said one concept involved installing a linear park along the channel and removing Barnett Road, which could not take place until Clark Farms Boulevard is completed. The other concept would leave Barnett Road in place and not have a linear park. He said Pima County is not very interested in participating in a drainage project if it does not involve a park that ties into the Huckleberry Loop. **Council Member Ziegler** said she would like more information before a decision is made, and **Mr. Rozema** agreed.

Also regarding the Tangerine Farms Extension project, **Council Member Ziegler** asked when the downtown stretch of road would be completed. **Mr. Rozema** said Town staff had a meeting scheduled with an involved property owner next week.

Vice Mayor Post suggested that the downtown area would take off once the Marana traffic interchange was constructed.

Regarding the Cortaro Road Traffic Interchange project, **Vice Mayor Post** asked how much the Town needed to contribute to the $200 million project and if the cost was so high due to right-of-way acquisitions. **Mr. Burruel** said the Town possibly could be on the hook for around $10 million, but that it was not certain yet. **Mr. Rozema** said the there would be a significant amount of taking for this project.

Mayor Honea said he met with Tucson's mayor last week and that it appears the parties involved in RTA Next are getting close to being on the same page. **Mr. Rozema** said if RTA Next does not happen, the Town may need to look at imposing a half-cent sales tax for transportation projects. **Vice Mayor Post** said the Cortaro project alone would consume all such tax revenue for years to come. **Council Member Ziegler** said she does not seeing the Town funding the project if it came down to it, and she expressed her concern for the businesses in that area if current conditions persist.

Mayor Honea recessed the meeting for a break at 10:06 AM and reconvened the meeting at 10:24 AM.

Regarding the Tangerine Road/Interstate 10 Traffic Interchange project, **Council Member Kai** asked about the timing for the presented improvements. **Mr. Burruel** said the initial improvements were scheduled to occur this calendar year and that the interim improvements would be around two years out.

Regarding the Marana Road/Interstate 10 Traffic Interchange project, **Mayor Honea** asked if a roundabout was included in the project improvements, and **Mr. Burruel** said a roundabout was not included. **Council Member Kai** said it seemed like a roundabout was needed on the west side of the freeway. **Mayor Honea** said he was not sure how it would all be tied together without a roundabout. **Mr. Burruel** said a signalized intersection was being contemplated instead.

Vice Mayor Post suggested the frontage roads needed to go. He also commented that the Marana interchange was at capacity now and will be much worse with any additional development in north Marana. He and **Council Member Comerford** expressed that development would be more likely to happen there if the interchange improvements were already in place.

Regarding the possibility of a prioritized Moore Road/Interstate 10 Traffic Interchange project, Town staff emphasized that this project (which is estimated to cost around $60 million) would provide for an alternate route when the Marana and Tangerine interchanges are closed. **Council Member Ziegler** said she was not in favor of prioritizing the Moore Road interchange project. She said it likely would be the right decision if other interchanges were not as bad as they are. **Mayor**

Honea expressed concern regarding the Moore Road interchange project's funding and its timing with RTA Next already wrapping up. **Council Member Kai** preferred to focus on the Marana Road interchange, but said it would be nice to have Moore Road as a backup. **Vice Mayor Post** discussed possibly putting the funding for Moore Road into the Marana Road interchange.

Mayor Honea recessed the meeting for lunch at 11:38 AM.

12:00PM - 1:00PM Lunch at Hotel *[Some brief follow-up discussion took place during the first part of lunch regarding RTA Next and the Moore Traffic Interchange.]*

1:00PM - 3:00PM **Mayor Honea** reconvened the meeting at 12:19 PM. All Council Members were present, constituting a quorum.

Mr. Rozema provided a brief introduction of the next topic.

Water Resources: General water resources and Designation of Assured Water Supply (DAWS) update; water resources task force update and water acquisition opportunities; drought preparedness plan update; water conservation program update
Presentation by: Jing Luo

Dr. Luo presented on this item, along with representatives from WestWater Research. A copy of the presentation slides is on file with the Town Clerk's Office. **Dr. Luo** first provided an update on the Town's Water resources management and its current Designated Assured Water Supply (DAWS) Modification, which is designed to double the Town's DAWS and which is projected to be approved in July of 2023.

Dr. Luo, along with **Ms. Jessica Fox, Southwest Regional Director of WestWater Research**, then provided an update related to the Water Resources Master Plan Task Force and recommended the Town seek the acquisition of long-term storage credits (LTSC), effluent rights, and that it monitor opportunities to purchase other supplies or take advantage of potential augmentation opportunities.

Dr. Luo presented specific water acquisition opportunities consistent with the Task Force's recommended approach. She then provided an update regarding the Town's revision of its drought preparedness plan and its water conservation program.

WestWater Research representatives and Town staff answered clarifying questions during the presentations. For more detailed information, including tables, maps, and graphical information, please see the presentation slides associated with this topic. A summary of Council's discussion of this topic is as follows:

Mayor Honea said that under state law, rental housing does not require the Town to use water credits to support it and that the Town should start factoring that into its calculations. He highlighted that a lot of new rental units are coming in. **Vice Mayor Post** and **Mr. Angell** clarified that if a property is platted, there must be an assured water supply and that Pinal County is getting around the requirement because they are not platting properties. **Mayor Honea** said the Town is different from Pinal County because the Town has enough physical water, but just doesn't have the credits it hopes to have.

Council Member Kai said some jurisdictions are informing developers they need to bring their own water rather than relying on the municipality's DAWS.

Mr. Rozema commented that this was a good discussion, but one that should take place another day after Town staff has had an opportunity to look into it. **Dr. Luo** commented that if the Town receives approval of its DAWS modification from the Arizona Department of Water Resources (ADWR), it will be in a much better position. If not, perhaps at that time the Town could consider other options.

Regarding the projected increasing membership fee for the Town to be a member of the Central Arizona Groundwater Replenishment District (CAGRD), **Vice Mayor Post** asked how the Water Department plans on paying for it. **Dr. Luo** said the cost would be built into the Water Department's water rate study, which is scheduled to take place in the coming fiscal year. **Council Member Craig** asked what would happen if CAGRD ran out of water. **Council Member Kai** said CAGRD is fine storage-wise.

Ms. Fox said jurisdictions cannot use CAGRD without having physical water available. She explained that CAGRD's role is to make jurisdictions whole through replenishment for water the jurisdictions are pumping out of the ground. **Vice Mayor Post** commented that was why the Town needed to go through the DAWS process even if it was a member of CAGRD because it needs to show it has physical water in the ground. **Ms. Fox** confirmed that is the case. She emphasized that CAGRD is not intended to be a water supply, but rather is used to replenish what a jurisdiction has already pumped.

Regarding the specific water resource acquisition opportunities, and referring to the options depicted in the tables located on slide number 17 of her presentation, **Dr. Luo** requested feedback on how many LTSC's the Town should purchase.

Vice Mayor Post suggested the Town purchase the highest (the third) option that would provide five years of reserve and cost between $9,600,000.00 and $10,800,000.00. He compared purchasing LTSC to buying cash and said the Town could pay itself back when it needed to.

Mayor Honea said there may be entities the Town could purchase banked water resources from, and mentioned Tucson has banked 45 years of excess water.

Mr. Rozema stated that Town staff did not need direction from Council immediately on how many LTSC to acquire and that Town staff would prepare some additional information to bring before the Council.

Vice Mayor Post commented that the Town's water resource impact fee should accumulate a significant amount each year. **Dr. Luo** and **Mr. Rozema** stated the amount is tied to the water rate evaluation, which will be taking place in the upcoming fiscal year. **Vice Mayor Post** said he thinks it is time for the Town to use water rates to acquire water resources.

Mayor Honea asked if the Town has looked at purchasing credits from Pima County. **Dr. Luo** said Town staff has expressed interest to the County, but the County said it wants to use the credits for development. **Vice Mayor Post** commented that the County's credits wouldn't make much of a difference to the Town.

[Council Member Kai left the meeting at 2:20 PM.]

Regarding the Town's water conservation program, and specifically regarding the proposed water-conservation-related rebate program, **Council Member Craig** asked if the Town required high-efficiency toilets for new development, and **Vice Mayor Post** commented that would be low-hanging fruit from a water conservation perspective and was in favor of such a requirement. **Mayor Honea** asked how the Town would police and enforce such a requirement.

In response to the presentation on rainwater harvesting, **Vice Mayor Post** said it does not work well in certain areas. **Council Member Officer** said he has seen rain water harvesters be installed only to be uninstalled later.

Mr. Rozema clarified that the question in the presentation was whether the Town should provide rebates for high efficiency toilets, tankless water heaters, and for installing rainwater harvesting systems. He emphasized that the focus was on saving water, not enforcing requirements.

Vice Mayor Post said he was fine with the tankless water heater and the high-efficiency toilets, but would like to see how the rainwater harvesting system is set up before providing a $2,000.00 rebate for it. **Council Member Craig** liked all three rebate options.

Dr. Luo requested feedback on how the Town should fund the water conservation program. **Council Member Craig** was against utilizing the general fund as an option. **Council Member Craig, Council Member Comerford**, and **Vice Mayor Post** were in favor of increasing the water conservation fee to $.017/1,000 gallons utilized and **Vice Mayor Post** and **Council Member Craig** would also like to see the Town pursue grant funding. Vice Mayor Post requested this be brought before Council for adoption.

Mayor Honea asked for a motion to adjourn the meeting.

Vice Mayor Post moved to adjourn the meeting. Mayor Honea seconded the motion. Motion passed, 6-0. Meeting adjourned at 3:03 PM.

3:00PM Depart for Return Travel - Council and Staff on their own

CERTIFICATION

I hereby certify that the forgoing are the true and correct minutes of the Marana Town Council Special Meeting/Retreat held on March 13 - 15, 2023. I further certify that a quorum was present.

_____

David L. Udall, Town Clerk

MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, March 21, 2023, 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 Town Clerk to call the roll. **Council Member Craig** and **Council Member Officer** were absent. All other Council Members were present, constituting a quorum.

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

APPROVAL OF AGENDA

Council Member Kai moved to approve the agenda as presented. Vice Mayor Post seconded the motion. Motion passed 5-0.

CALL TO THE PUBLIC

PROCLAMATIONS

PR1 *Proclamation recognizing April 2, 2023 as, "Education & Sharing Day" (David L. Udall)*
The proclamation was not read at the meeting and will be mailed to the recipient.

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Comerford praised the recent Concerts in the Courtyard and Founder's Day events.

Council Member Ziegler thanked Town staff for their efforts in putting on the Special Council Meeting/Retreat (Council Retreat) held the week prior. She commented on a Marana School District event praised Parks and Recreation staff. She also commented on the LIV Golf event and expressed her desire for the event organizers and the media to highlight Marana more.

Mayor Honea praised the Council Retreat and thanked Town staff for the detailed information. He also praised the Founder's Day event and the number of people and families that attended.

Council Member Kai commented on the LIV Golf event and thanked the Police Department for their work at the event. He recommended the event organizers highlight Marana more in the event.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manger Terry Rozema said the Town issued 35 single-family residential permits so far in March. Last March, there were 146 total permits issued. **Mr. Rozema** said there is a lot of commercial development currently in the Town. He praised Founder's Day and the staff that helped make the event happen. He highlighted a recent guided hike and a new episode of Real Talk with the Town related to the environment. **Mr. Rozema** also said the Community Development Block Grant (CDBG) consolidation plan draft was posted online and available for 30 days for the public to review and provide comments.

PRESENTATIONS

CONSENT AGENDA

C1 Resolution No. 2023-027: Relating to Development; approving a final plat for Saguaro Ranch II Lots 56-57 located approximately one mile north of the north terminus

of Thornydale Road within a portion of Section 20, Township 11 South and Range 13 East (Brian D. Varney)

C2 Approval of the Regular Council Meeting Summary Minutes of March 7, 2023 (David L. Udall)

Council Member Kai moved to approve the consent agenda. Council Member Ziegler seconded the motion. Motion passed, 5-0.

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 PUBLIC HEARING: Ordinance No. 2023.007: Relating to Development; approving an amendment to the Rancho Marana West Town Center Specific Plan Amendment, approved by Ordinance No. 2008.14, which rezoned approximately 99 acres generally located north of Barnett Road, south of Grier Road and west of Lon Adams Road, in Section 27, Township 11S, Range 11E, creating the Rancho Marana West Town Center Specific Plan, to revise certain development and architectural standards in the specific plan (Scott S. Radden)

Resolution No. 2023-028: Relating to Development; declaring as a public record filed with the Town Clerk the amended Rancho Marana West Town Center Specific Plan Amendment adopted by Ordinance No. 2023.007 (Scott S. Radden)

Mayor Honea opened the public hearing at 6:14 PM.

Senior Planner Scott Radden presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. He said this item involved a Town-initiated rezoning and provided a summary of the zoning history, which is detailed in the slides. **Mr. Radden** said this rezoning request involved amending Development Standards related to street frontage, building separation, building height, traffic access, parking, signs, and noise and amending the design standards for street design, lighting, pedestrian access, and decorative and architectural design requirements. For more information highlighting specific changes, please see the presentation slides.

Mayor Honea commented on the history of the Ranch Marana West Town Center Specific Plan and said we are in a different world now.

Council Member Kai praised the proposed amendment.

Mayor Honea closed the public hearing at 6:21 PM.

Council Member Ziegler moved to adopt Ordinance No. 2023.007 and Resolution No. 2023-028. Vice Mayor Post seconded the motion. Motion passed, 5-0.

A2 Ordinance No. 2023-008: Relating to Finance; exempting contracted, non-profit youth sport organizations from paying special event permit fees for their annual opening and closing ceremony events (Wayne Barnett)

Parks and Recreation Deputy Director Wayne Barnett presented on this item. **Mr. Barnett** said the item involved a request for Council to waive contracted, non-profit youth organizations from paying the $500.00 special event permit fee for annual opening and closing ceremony events. He explained that qualifying organizations would still be required to go through the special event permitting process and pay regular facility use fees.

Council Member Comerford requested that Town staff gently walk the Little League organizations through the permitting process since they have not done it before.

Council Member Comerford moved to adopt Ordinance No. 2023-008. Vice Mayor Post seconded the motion. Motion passed, 5-0.

ITEMS FOR DISCUSSION / POSSIBLE ACTION

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

Mr. Rozema provided an update to the following bills:

- SB 1117 (related to zoning). The bill failed, but has been brought back as a striker bill under HB 2536. HB 2536 essentially keeps all of the elements of SB 1117 except for at-right zoning. The Town continues to oppose the bill.

- SB 1162 (related to exempting home-based businesses from licensing requirements). The Town opposes this bill.

Mr. Rozema also provided an update on a bill related to law enforcement video records fees, which the Town supports, and on a bill related to public notices being posted on municipal websites, which the Town supports as well, but which has been amended to effectually only apply to jurisdictions in Maricopa County.

Mayor Honea commented on SB 1117 (now HB 2536). He said he has been speaking with legislators and believes the striker bill will fail in the House of Representatives.

D2 Relating to Budget; discussion, direction, and possible action regarding development of the fiscal year 2023/2024 budget, including proposed budget initiatives and expenditures (Terry Rozema)

Mr. Rozema said he and **Deputy Town Manager Erik Montague** will go through the Council Retreat minutes to extract areas where more guidance and direction from the Council is needed regarding what should be included in the budget.

D3 Relating to Business Regulations; discussion, consideration and possible direction regarding the proposed addition of new chapter 9-14 "Short-Term and Vacation Rentals" to the Marana Town Code, for the purpose of enacting reasonable regulations for short-term rentals and vacation rentals (Jane Fairall)

Town Attorney Jane Fairall presented on this item. A copy of the presentation slides is on file with the Town Clerk's Office. **Ms Fairall** explained the proposed ordinance would allow the Town to further regulate short-term/vacation rentals. She briefly outlined the legislative history regarding short-term/vacation rental regulation, which can be viewed in the presentation slides.

Ms. Fairall said the proposed ordinance was based on the League of Arizona Cities & Towns' model short-term/vacation rental ordinance. She provided an overview of what the proposed ordinance would allow the Town to regulate, which can be viewed in the presentation slides. **Ms. Fairall** emphasized that the statute allowing the Town to impose additional regulations prohibits the Town from regulating beyond what the statute allows the Town to regulate under the statute.

Ms. Fairall recommended next steps, which included bringing this item back before Council for adoption at the Town's April 4, 2023 Regular Town Council Meeting along with a concurrent ordinance amending the Town's Comprehensive Fee Schedule to add

a $60 initial license fee and a $40 annual license renewal fee. If the proposed ordinance is approved on April 4, 2023, the Town will notify any known short-term/vacation rentals within the Town of the new requirements and provide a 30-day window for compliance.

Council Member Kai expressed concern about the duration of short-term/vacation rental stays, stating that shorter stays incentivize constant weekend parties at rental properties. He highlighted out-of-state jurisdictions that require longer stay durations. **Ms. Fairall** said she does not believe the Town can regulate short-term/vacation rentals in this way under Arizona law.

Council Member Ziegler brought attention to the statutory provisions allowing municipalities to limit or prohibit sober living homes in short-term/vacation rentals and recommended removing "limit" from the provisions so that sober living homes would be prohibited. She also asked if drug rehab homes could be included in the prohibition. **Council Member Ziegler** expressed concerns related to sober living and drug rehab homes being established in the community.

Ms. Fairall said that the Town cannot change state statute and explained that the proposed ordinance would prohibit, rather than limit, the uses outlined in the statute. She also clarified that the proposed ordinance only governs short-term/vacation rentals and what they can and cannot do and does not regulate sober living homes, which are governed by a separate body of law. **Ms. Fairall** said the Town cannot prohibit sober living homes under the Fair Housing Act, but that it has regulations addressing these homes and that Town staff is looking at additional regulations.

Council Member Ziegler expressed support for the proposed ordinance. **Vice Mayor Post** asked that it be brought back before Council for adoption. **Mayor Honea** said the proposed ordinance gives the Town a start for regulating short-term/vacation rentals.

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.

Mayor Honea asked for a motion to go into executive session on Item E2.

Vice Mayor Post moved to go into executive session on Item E2. Council Member Comerford seconded the motion. Motion passed 5-0.

[An executive session was held on Item E2, beginning at 6:53 PM and concluding at 7:03 PM.]

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)(4) for discussion or consultation with the Town's attorneys in order to consider the Town's position and instruct its attorneys regarding the Town's position regarding settlement participation related to the One Arizona Opioid Settlement Memorandum of Understanding and five additional Defendants who have entered into National Opioids Settlements.*

Once back in the open meeting, Vice Mayor Post moved to authorize the Town Manager to execute participation forms related to the national opioid settlements with the five family defendants. Council Member Comerford seconded the motion. Motion passed, 5-0.

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).

Mayor Honea asked for future agenda items. **Council Member Ziegler** requested monthly reports on the status of the Airport Tower project. **Mr. Rozema** said he has had conversations with Town staff regarding this since the Council Retreat to assess the issue and to brainstorm possible solutions. He affirmed that a monthly report on the project was reasonable and would be provided.

ADJOURNMENT

Mayor Honea asked for a motion to adjourn the meeting.

Vice Mayor Post moved to adjourn the meeting. Council Member Comerford seconded the motion. Motion passed, 5-0. Meeting adjourned at 7:06 PM.

CERTIFICATION

I hereby certify that the forgoing are the true and correct minutes of the Marana Town Council meeting held on March 21, 2023. I further certify that a quorum was present.

_____

David L. Udall, Town Clerk

DRAFT

Council-Regular Meeting **A1**

Meeting Date: 04/04/2023

To: Mayor and Council

Submitted For: Yiannis Kalaitzidis, Finance Director

From: Libby Shelton, Deputy Town Attorney

Date: April 4, 2023

Strategic Plan Focus Area:
Vibrant Community

Subject: PUBLIC HEARING: Ordinance No. 2023.011: Relating to Business Regulations; continuing the occupational licensing requirement for managers of massage establishments as set forth in Marana Town Code Title 9 (Business Regulations), Chapter 9-5 (Massage Establishments), Section 9-5-7 (Manager license required; non-transferability) and finding that the licensing requirement is necessary to protect the healthy, safety or welfare of the public; and declaring an emergency (Libby Shelton)

Discussion:

On February 15, 2011, the Town Council adopted Ordinance 2011.01 establishing Chapter 9-4 "Massage Establishments" in Marana Town Code (MTC) Title 9 "Business Regulations". Chapter 9-4 was subsequently renumbered to Chapter 9-5 by adoption of Ordinance 2019.012. Chapter 9-5 contains various regulatory provisions designed to enhance the professionalism of the massage service industry in the Town and to protect the health and safety of the Town's citizens and reduce unprofessional practices.

Among the regulatory provisions, MTC 9-5-7 requires the manager of a massage establishment to obtain a massage establishment manager license ("manager license") from the Town. As part of the application and review process for a manager license, Town staff process the application to ensure compliance with Town Code and the applicant provides fingerprints so that a background check can be completed. If certain criminal convictions are discovered during the background check, MTC 9-5-14

provides that the manager license application can be denied, suspended, revoked, or not renewed.

In 2018, Arizona added section 9-842 to Arizona Revised Statutes (A.R.S.) Title 9 "Cities and Towns". A.R.S. 9-842 prohibits a city or town from imposing an occupational licensing requirement on any occupation, trade or profession, unless the occupational licensing requirement is necessary to protect the health, safety or welfare of the public. Additionally, before adopting an occupational licensing requirement, a city or town must hold at least one public hearing and provide public notice of the hearing.

The Town's massage manager license is an occupational licensing requirement pursuant to A.R.S. 9-842. Because the Town's occupational licensing requirement was adopted prior to the August 3, 2018 effective date of A.R.S. 9-842, A.R.S. 9-842(G) states that the manager license requirement will terminate on August 3, 2023 unless the Town both holds a properly noticed public hearing regarding the occupational licensing requirement three months prior to August 3, 2023 and makes the required finding that the occupational licensing requirement is necessary to protect the public health, safety or welfare of the public.

Town staff have properly noticed this public hearing, in accordance with A.R.S. 9-812, by posting notice of this public hearing at Town buildings, on the Town website, and in the newspaper beginning on March 20, 2023. Town staff also advise that this occupational licensing requirement protects public safety by authorizing denial, revocation, suspension or nonrenewal of the manager license due to certain criminal convictions of the applicant or licensee or failure to follow Town Code. Moreover, there are additional provisions in MTC 9-5-14 that allow for denial, revocation, suspension or nonrenewal of a manager license to include, but not limited to, the applicant/licensee: is guilty of fraud in conducting the business of the massage establishment; is guilty of misleading or deceptive advertising; takes photos of the customer without the customer's consent; or knows or should know that prostitution, indecent exposure or pornographic acts are occurring in the operation of the massage establishment. Accordingly, having a manager license requirement is necessary to protect the public health, safety, or welfare of the public.

By adopting this ordinance following a public hearing, Town Council will authorize Town staff to continue to regulate manager licenses for massage establishments as they have since 2011.

Financial Impact:

There is no significant financial impact related to this item.

Staff Recommendation:

Staff recommends adoption of the ordinance.

Suggested Motion:

I move to adopt Ordinance No. 2023.011, continuing the occupational licensing requirement for managers of massage establishments as set forth in Marana Town Code Title 9 (Business Regulations), Chapter 9-5 (Massage Establishments), Section 9-5-7 (Manager license required; non-transferability) and finding that the licensing requirement is necessary to protect the healthy, safety or welfare of the public as required by A.R.S. 9-842, and declaring an emergency.

Attachments

Ordinance No. 2023.011

MARANA ORDINANCE NO. 2023.011

RELATING TO BUSINESS REGULATIONS; CONTINUING THE OCCUPATIONAL LICENSING REQUIREMENT FOR MANAGERS OF MASSAGE ESTABLISHMENTS AS SET FORTH IN MARANA TOWN CODE TITLE 9 (BUSINESS REGULATIONS), CHAPTER 9-5 (MASSAGE ESTABLISHMENTS), SECTION 9-5-7 (MANAGER LICENSE REQUIRED; NON-TRANSFERABILITY) AND FINDING THAT THE LICENSING REQUIREMENT IS NECESSARY TO PROTECT THE HEALTH, SAFETY OR WELFARE OF THE PUBLIC; AND DECLARING AN EMERGENCY

WHEREAS the Town Council is authorized by A.R.S. § 32-4258 to adopt and enforce regulations affecting the establishments, locations and settings in which individuals, entities, and businesses engage in the practice of massage therapy; and

WHEREAS on February 15, 2011 the Town Council, via Ordinance No. 2011.01, adopted Chapter 9-4 "Massage Establishments" adding regulatory provisions to the Marana Town Code (MTC) designed to enhance professionalism of the massage service industry in the Town and to protect the health and safety of the Town's citizens and reduce unprofessional practices; and

WHEREAS on June 4, 2019, the Town Council, via Ordinance 2019.012, renumbered Chapter 9-4 to Chapter 9-5; and

WHEREAS MTC 9-5-7 requires the manager of a massage establishment to obtain a massage manager license ("manager license") from the Town thereby allowing the Town, as part of the application and review process, to ensure compliance with Town Code and to conduct a criminal background check on the applicant; and

WHEREAS effective August 3, 2018, the Arizona Legislature added section 9-842 to the Arizona Revised Statutes (A.R.S.) prohibiting a city or town from imposing an occupational licensing requirement, such as a manager license, unless the requirement is necessary to protect the health, safety or welfare of the public and requiring a public hearing before adoption of an occupational licensing requirement; and

WHEREAS because the Town's manager license requirement was adopted prior to the effective date of A.R.S. § 9-842, A.R.S. § 9-842(G) requires, in order to continue enforcement of the requirement to obtain a massage manager license, that the Town hold a public hearing to continue the manager license requirement three months prior to

August 3, 2023 and to make the required findings that the occupational licensing requirement is necessary to protect the public health, safety, or welfare of the public; and

WHEREAS the Town Council finds that the manager license requirement set forth in MTC 9-5-7 is necessary to protect the public health, safety, or welfare of the public.

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

SECTION 1. The Town Council finds that continuing enforcement of MTC 9-5-7 requiring a massage manager license is necessary to protect the public health, safety or welfare of the public.

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

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, this 4th day of April, 2023.

Mayor Ed Honea

ATTEST:

David L. Udall, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney