

# ARTICLE 5

## DESIGN AND IMPROVEMENT STANDARDS

### 5.1 ADEQUATE PUBLIC FACILITIES

**A. PURPOSE AND INTENT.** The purpose and intent of this Section is:

1. To ensure that Public Facilities needed to support new development meet or exceed the Level of Service standards established by the *Queen Creek General Plan* and this Section;
2. To ensure that no rezonings are approved which would cause a reduction in the levels of service for any Public Facilities below the Adopted Level of Service established in the *Queen Creek General Plan* and this Section;
3. to ensure that adequate Public Facilities needed to support new development are available concurrent with the impacts of such development;
4. To establish uniform procedures for the review of development applications subject to the adequate public facilities standards and requirements.
5. To facilitate implementation of goals and policies set forth in the *Queen Creek General Plan* relating to adequacy of Public Facilities and Level of Service standards; and
6. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

**B. APPLICABILITY.**

1. It is the intent of this Section that no rezoning to a zoning district which would increase the intensity or density of a parcel shall be approved unless a positive determination or a positive determination subject to conditions has been rendered by the Town Council.
2. No application for a rezoning requesting the reclassification of a parcel to a zoning district which would increase the net density or intensity of a parcel shall be accepted, approved, granted or issued unless it is accompanied by information relating to the impact of the proposed development on the facilities set forth in §5.1.F.1 consistent with Appendix C and this Section.
3. This Section shall not apply to any use, development, project, structure, fence, sign or activity which does not result in a new equivalent dwelling unit.
4. The determination of adequacy of public facilities shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards or other applicable standards or requirements of the Queen Creek Zoning Ordinance or Queen Creek Subdivision Ordinance, all of which shall be operative and remain in full force and effect without limitation.

**C. GENERAL PROVISIONS; MONITORING.**

1. **PUBLIC FACILITIES INFORMATION DATABASE.** The Planning Department shall develop, maintain, and update an Information Database which shall provide

support to the Town officials and departments responsible for adequacy of public facilities review, monitoring and planning for Public Facilities. At a minimum, the database shall contain the following:

- a. Existing dwelling units and nonresidential development;
- b. Committed Development;
- c. The capacity of existing Public Facilities provided by the Town of Queen Creek and/or which are listed in the Capital Improvements Program; and
- d. The capacity created by the completion of Public Facilities included in a Capital Improvements Program for the current year.

2. **ANNUAL REVIEW.** The Administrator shall, not less frequently than annually, prepare and submit to the Town Council an Annual Adequacy of public facilities Management Report. The report shall include:

- a. Growth trends and projections;
- b. Proposed changes to the boundaries of Impact Areas for any Public Facility;
- c. Proposed changes to existing or adopted levels of service standards;
- d. Proposed changes in adequacy of public facilities analysis methodologies;
- e. Recommendations on amendments to the Adequate Public Facilities Ordinance, if appropriate; and
- f. Other data, analysis or recommendations as the Administrator may deem appropriate, or as may be requested by the Town Council.

3. **EFFECT OF ANNUAL REVIEW.** The Annual Review may, in whole or in part, form the basis for Town recommendations to the Town Council and Town Council actions to repeal, amend or modify this Section; other data, reports, analyses and documents relevant to such decisions as may be available may be used.

4. **AMENDMENTS.** Nothing herein precludes the Town Council or limits its direction to amend this Section at such other times as may be deemed necessary or desirable.

**D. PROCEDURES FOR THE PROCESSING OF APPLICATIONS AND DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.**

1. **SUBMISSION REQUIREMENTS.** All applications for development approval shall include sufficient information to allow the Town to determine the impact of the proposed development on Public Facilities pursuant to the adequacy of public facilities determination procedures. The application for a determination of adequacy of public facilities shall be made on a form prepared by the Department. The information required shall include, but shall not be limited to:

- a. The total number, type of dwelling units, and gross density of proposed development;
- b. The location of the proposed development;
- c. An identification of the Public Facilities impacted by the proposed development; and
- d. Any other appropriate information as may be required by the Town consistent with the provisions of Appendix C herein.

2. **SUBMISSION OF APPLICATION TO DEPARTMENT AND PAYMENT OF FEE FOR REVIEW OF APPLICATION.** Each application, in addition to other applicable and required processing fees, shall be submitted to the Department and shall be accompanied by all required administrative fees.
3. **PROCEDURES FOR ADEQUACY OF PUBLIC FACILITIES RECOMMENDATION BY DEPARTMENT AND ADEQUACY OF PUBLIC FACILITIES DETERMINATION BY TOWN COUNCIL.**
- a. The Administrator shall determine whether the application is complete and complies with the submission requirements set forth in subsection D.1 herein and Appendix C. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. If the application is complete and the submission requirements have been complied with, the Administrator shall evaluate the proposed development for compliance with the Adopted Level of Service and shall submit an adequacy of public facilities recommendation, pursuant to subsection b. herein.
- b. If the Administrator concludes that each Public Facility will be available concurrent with the impacts of the proposed development at the Adopted Levels of Service, the Administrator shall make a positive adequacy of the public facilities recommendation in its staff report. If the Administrator determines that any Public Facility will not be available concurrent with the impacts of the proposed development at the Adopted Level of Service based upon existing Public Facilities, the Administrator shall make a negative adequacy of public facilities recommendation in the staff report or, in the alternative, shall make a positive adequacy of public facilities recommendation with appropriate conditions consistent with the criteria set forth in subsection E. of this Section. If the Administrator recommends that the application be conditionally approved, the staff report shall recommend conditions or stipulations that may be included regarding the density of the proposed development, the timing and phasing of the proposed development, the provision of Public Facilities by the Applicant or any other reasonable conditions to ensure that all Public Facilities will be adequate and available concurrent with the impacts of the proposed development. The staff report shall, at a minimum, include the following, based upon staff and referral agency adequacy of public facilities recommendations:
- (1) The number of equivalent dwelling units proposed by the Applicant, by type, for each Public Facility;
  - (2) The timing and phasing of the proposed development, if applicable;
  - (3) The specific Public Facilities impacted by the proposed development;
  - (4) The extent of the impact of the proposed development in the applicable Impact Areas;
  - (5) The Capacity of existing Public Facilities in the Impact Areas which will be impacted by the proposed development;

- (6) The demand on existing Public Facilities in the Impact Areas from existing and approved development;
  - (7) The availability of Existing Capacity to accommodate the proposed development; and
  - (8) If Existing Capacity is not available, Planned Capacity and the year in which such Planned Capacity is projected to be available.
4. **WITHDRAWAL OF APPLICATION.** The Applicant may withdraw the Application for Development Approval at any time by submitting a written request to the Administrator. Withdrawal may result in the forfeiture of all administrative fees paid by the Applicant for the processing of the application.
5. **DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.**
- a. Upon receipt of the staff report and subject to the compliance with all other applicable standards of approval for a Development Order, the Town Council may:
    - (1) Make a positive adequacy of public facilities determination; or
    - (2) Make a negative adequacy of public facilities determination; or
    - (3) Make a positive adequacy of public facilities determination subject to one or more of the following conditions:
      - (a) Deferral of further Development Orders until all Public Facilities are available and adequate if Public Facilities in the Impact Area are not adequate to meet the Adopted Level of Service for the entire development proposal, consistent with the requirements of the subsection F. of this Section; or
      - (b) Reduction of the density or intensity of the proposed development to a level consistent with the Available Capacity of Public Facilities; or
      - (c) Provision by the Applicant of the Public Facilities necessary to provide Capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur.
  - b. A proposed rezoning which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The adequacy of public facilities review for the application for a rezoning shall compare the Capacity of Public Facilities to the maximum projected demand which may result from the proposed rezoning based upon the potential density of the affected area pursuant to the rezoning. Nothing herein shall authorize a rezoning or the issuance of a conditional use permit that would otherwise be inconsistent with the *Queen Creek General Plan* or the *Queen Creek Future Land Use Map*.

**6. EXPIRATION OF DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.**

- a. A determination of Adequacy of public facilities, pursuant to subsection D.5 of this Section shall be deemed to expire when the Development Order to which it is attached expires, lapses or is waived or revoked, or if the Applicant has not complied with the conditions attached to its issuance.
- b. If a determination of Adequacy of public facilities attached to a rezoning expires, the Town may initiate proceedings to rezone the property to its original zoning classification.

**E. EFFECT OF DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.**

- 1. **ADEQUACY OF PUBLIC FACILITIES DETERMINATION RESULTS.** An adequacy of public facilities determination for a Development Order shall be deemed to indicate that:
  - a. Public Facilities are available at the time of issuance of the determination of adequacy of public facilities.
  - b. Public Facilities will be considered to be available to all subsequent stages of the development approval process up to the date of expiration of the final plat provided, however, that the determination of adequacy of public facilities shall expire and become null and void upon the expiration of the Development Order to which it is attached or the time frame for submitting a subsequent application for approval, recordation of a subdivision plat, or issuance of a certificate of occupancy unless an application for a subsequent Development Order is submitted within the time frames set forth in the *Queen Creek Zoning Ordinance* or the *Queen Creek Subdivision Ordinance*. If no expiration date is provided in the Queen Creek Zoning Ordinance, the Queen Creek Subdivision Ordinance, in the conditions of the determination of adequacy of public facilities or in the conditions of permit approval, the adequacy of public facilities determination shall expire within two (2) years after approval of the Development Order.
- 2. **ADEQUACY OF PUBLIC FACILITIES DETERMINATION NOT EVIDENCE OF SUPPORT OF MAP AMENDMENT.** A determination of adequacy of public facilities shall not be deemed as evidence supporting a request for a Future Land Use Map amendment from the Rural to the Suburban Transitional Tier, or from the Suburban Transitional to the Urban Corridor or Town Center Tier, nor shall it affect the need for the Applicant for a rezoning to meet all other requirements as set forth in this Ordinance.
- 3. **ADVANCEMENT OF CAPACITY.** No advancement of Capacity for Public Facilities needed to avoid a deterioration in the adopted levels of service shall be accepted by the Town Council unless the proposed Public Facility is a Planned Capital Improvement or appropriate conditions are included to ensure that the Applicant will obtain necessary approvals prior to or concurrent with the issuance of a final subdivision plat or if subdivision approval is not required, a building permit. The commitment to construction of Public Facilities prior to the issuance of a building permit shall be included as a condition of the adequacy of public facilities determination and shall contain, at a minimum, the following:

- a. For Planned Capital Improvements, a finding that the Planned Capital Improvement is included within the Capital Improvements Program of the applicable service provider;
- b. An estimate of the total financial resources needed to construct the Planned Capital Improvements and a description of the cost participation associated therewith;
- c. A schedule for commencement and completion of construction of the Planned Capital Improvement with specific target dates for multi-phase or large scale Capital Improvement projects;
- d. A statement, based on analysis, that the Planned Capital Improvement is consistent with the *Queen Creek General Plan*; and
- e. At the option of the Town, and only if the Planned Capital Improvement will provide Capacity exceeding the demand generated by the proposed development, reimbursement to the Applicant for the pro rata cost of the excess Capacity.

**F. METHODOLOGY AND CRITERIA FOR DETERMINING AVAILABILITY AND ADEQUACY OF PUBLIC FACILITIES.**

- 1. **LEVEL OF SERVICE STANDARDS.** Compliance with Level of Service standards shall be measured for each Public Facilities set forth in Column (A) of **Table 5.1-1** in accordance with the standards set forth in Column (B) of **Table 5.1-1**, as measured within the Impact Area for the applicable Public Facility as set forth in Column (C) of **Table 5.1-1**, below:

**Table 5.1-1**  
Level of Service Standards

(A) PUBLIC FACILITY	(B) LOS STANDARD CRITERIA	(C) IMPACT AREA																				
Central Water	<u>Residential uses:</u> 127 gpcd <u>Non-residential uses:</u> 75 gpcd	<u>Source and Treatment Facilities:</u> the service area of the Queen Creek Water Company, H <sub>2</sub> O, Inc., or other service provider, as further defined in subsection a., below.  <u>Water pressure:</u> The proposed development site and any transmission or distribution mains providing water to the proposed development site.																				
Central Sewer	<u>Residential uses:</u> 75 gpcd <u>Non-residential uses:</u> 1,750 gpcd	<u>Collection, transmission and distribution facilities (central sewer):</u> The service area of the Town of Queen Creek Wastewater Collection System.  <u>Treatment:</u> the capacity of any regional wastewater treatment plant serving the property, or any package treatment plant approved prior to the effective date of this Ordinance.																				
Streets	<p style="text-align: center;"><b>ZONING DISTRICT CATEGORY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Category 1</th> <th style="text-align: center;">Category 2</th> <th style="text-align: center;">Category 3</th> <th style="text-align: center;">Town Center</th> </tr> </thead> <tbody> <tr> <td>Major/Minor Arterials</td> <td style="text-align: center;">B</td> <td style="text-align: center;">C</td> <td style="text-align: center;">D</td> <td style="text-align: center;">n/a</td> </tr> <tr> <td>Major Collectors</td> <td style="text-align: center;">B</td> <td style="text-align: center;">C</td> <td style="text-align: center;">D</td> <td style="text-align: center;">n/a</td> </tr> <tr> <td>Local Streets</td> <td style="text-align: center;">B</td> <td style="text-align: center;">C</td> <td style="text-align: center;">C</td> <td style="text-align: center;">n/a</td> </tr> </tbody> </table>		Category 1	Category 2	Category 3	Town Center	Major/Minor Arterials	B	C	D	n/a	Major Collectors	B	C	D	n/a	Local Streets	B	C	C	n/a	<u>Streets:</u> the area, including collector/collector and collector/arterial intersections extending from the proposed residential development to and including the intersection with the nearest major arterial, within which a proposed residential development generates traffic of more than 10 trips per day.
	Category 1	Category 2	Category 3	Town Center																		
Major/Minor Arterials	B	C	D	n/a																		
Major Collectors	B	C	D	n/a																		
Local Streets	B	C	C	n/a																		
Parks/Open Space & Trails	Table 11, page 53 of the <i>General Plan</i> .	<u>Regional Parks:</u> The boundaries of the Town of Queen Creek.  <u>Other parks classifications</u> (within the proposed development or in miles from the exterior boundaries of the proposed development): <u>Playgrounds/Neighborhood Parks:</u> 0.5 <u>Playfields:</u> 1.5 <u>Community Parks:</u> 2.0 <u>District Parks:</u> 3.0																				

<b>(A) PUBLIC FACILITY</b>	<b>(B) LOS STANDARD CRITERIA</b>	<b>(C) IMPACT AREA</b>
Schools	Square footage of classroom space per student as set forth in Table 9 of the <i>General Plan</i> .	<u>Public Schools</u> : High School Feeder Areas as designated by the applicable school district.
Drainage	The proposed development shall be served by a complete drainage system, including detention and retention facilities as necessary, which are sufficient to mitigate the impacts of the 100-year, 2-hour rainfall (hereinafter the "Design Event") as defined in the Drainage Manual (see subsection f., below). Increases in runoff from the Design Event resulting from the proposed development shall be detained within the development and released at a rate no greater than existed prior to the development. Post development runoff shall not exceed pre-development runoff unless a maximum discharge rate has been adopted for the applicable drainage basin and the discharge does not exceed that rate. If a maximum discharge rate has not been adopted for the applicable drainage basin, post development discharge may not exceed pre-development discharge. Storm sewers shall be designed for a 10-year frequency storm and the Design Event.	On-site detention or, if a regional stormwater management system has been provided, regional stormwater management facilities within the same drainage basin as the proposed development.

a. **WATER.** Water requirements shall not apply to agricultural uses. The water standard applies to water rights, water source, water supply and water distribution need to accommodate the gallons per capita per day (gpcd) generated by residential and non-residential uses. Usage figures for residential and non-residential usage for Queen Creek for residential uses are taken from Table 5-B of the Arizona Department of Natural Resources, *Second Management Plan 1990-2000* (March 1991). Because non-residential development has historically been minimal, usage figures for non-residential uses use the regional average from the above-referenced document in order to reflect anticipated future trends. The impact area is as follows:

- (1) With respect to a lot or parcel or other area of land within any service area officially adopted by a city, town, county or other municipality which provides potable water, the "service area" is the area of land actually being served water for a non-irrigation use by a city or town plus: (i) additions to such area which contain an operating distribution system owned by the municipality primarily for the delivery of water for a non-irrigation use, and/or (ii) the service area of a municipality or private water company that obtains its water from the city or town pursuant to a contract entered into prior to the date of the designation of the active management area.
- (2) With respect to a private water company, the "service area" is the area of land of the private water company actually being served water, for a non-irrigation use, by the private water company plus additions to such area which contain an operating distribution system owned by the private water company primarily for the delivery of water for a non-irrigation use.

The "service area" of an irrigation district means:

- With respect to an irrigation district which was engaged in the withdrawal, delivery and distribution of groundwater as of the date of the designation of the active management area, the area of land within the boundaries of the irrigation district actually being served water by the irrigation district at any time during the five years preceding the date of the designation of the active management area plus any areas as of the date of the designation of the active management area within the boundaries of the irrigation district which contain an operating system of canals, flumes, ditches and other works owned or operated by the irrigation district. The service area may be modified, pursuant to §45-494.01, A.R.S.
- With respect to an irrigation district which was not engaged in the withdrawal, delivery and distribution of groundwater as of the date of the designation of the active management area: (i) The acres of member lands within the boundaries of the irrigation district which were legally irrigated at any time from January 1, 1975 through January 1, 1980 for initial active management areas or during the five years preceding the date of the designation of the active management area for subsequent active management areas. (ii) Any areas as of the date of the

designation of the active management area within the boundaries of the irrigation district which contain an operating system of canals, flumes, ditches and other works for the withdrawal, delivery and distribution of water.

- b. **WASTEWATER.** The wastewater standard applies to treatment and transmission facilities. The standard for source facilities applies only to treatment capacity legally reserved for usage by the Town of Queen Creek. The figures for gallons per capital per day (gpcd) and gallons per acre per day (gpac) are taken from SFC Engineering Company, *Sewer Collection System Phase I Preliminary Design Report* (Sept. 1995), at 5.
  
- c. **ROADS/STREETS.** Transportation LOS shall be based upon the volume-to-capacity ratios as established by the Transportation Research Board, *Highway Capacity Manual* (Washington, D.C.: National Research Council, 3d ed. 1994), which document is hereby incorporated by this reference. The traffic analysis shall be consistent with the assumptions and guidelines of the following documents, which are hereby incorporated by reference: JHK & Associates, *Williams Area Transportation Plan* (Jan. 1997), chapters 4 through 6; and the Circulation Element of the *General Plan*. The zoning district categories reported in **Table 5.1-1** are as follows:
  - (1) Category 1 districts correspond to the *Rural Preservation Tier* of the *General Plan*, and are as follows: A-1 Agricultural One; R1-190 Rural Development; R1-145 Rural Development; R1-108 Rural Development; R1- 54 General Rural Development; and R1-43 Rural Estate.
  - (2) Category 2 districts correspond to the *Suburban Transitional Tier* of the *General Plan*, and are as follows: R1-35 Suburban Residential Type A; R1-18 Suburban Residential Type B; R1-15 Suburban Development Type B; R1-12 Suburban Development Type A; R1-9 Urban Development Type A; R1-8 Urban Development Type A; R1-7 Urban Development Type A; R1-6 Urban Development Type A.
  - (3) Category 3 districts correspond to the *Urban Transitional Tier* of the *General Plan*, and are as follows: R-2 Urban Development Type B; R-3 Urban Development Type B District – Limited Multiple Family; R-4 Urban Development Type B District – Multiple Family; B-1 Neighborhood Commercial/Office District; C-1 Light Commercial District; C-2 General Commercial District; I-1 Light Industrial District; I-2 Heavy Industrial District.
  - (4) Road/street LOS analysis is not required within the Town Center Tier, for which the Town Center district is the only corresponding zoning classification.
  - (5) The LOS standard for Planned Area Developments shall correspond to its Tier classification in the *General Plan* and the corresponding LOS established in this subsection.

- d. **PARKS/RECREATION.** The parks and recreation standard shall apply only to the residential zoning districts. The impact area figures are taken from Table 11, page 53 of the *General Plan*.
  
- e. **SCHOOLS.** The number of students generated for each residential dwelling unit (hereinafter the "student generation rate" for each dwelling unit is computed by taking the average number of persons per household for the Phoenix Metropolitan Area, as reported in the *1997 City and County Extra, Annual Metro, City, and County Data Book* (Lanham, Md.: Bernan Press, 1997), and multiplying that figure by the same ratio as the number of school children per family as reported in J. DeChiara & L. Koppelman, *Urban Planning and Design Criteria* (New York: Van Nostrand Reinhold Company, 3d ed. 1982). For purposes of this Ordinance, the student generation rate for each category shall be as follows:
  - (1) Elementary schools: 0.4 students per dwelling unit
  - (2) Middle or Junior High schools: 0.16 students per dwelling unit
  - (3) High School: 0.16 students per dwelling unit.

The above-referenced figures may be adjusted from time to time by the Town Council by amending this Ordinance to reflect trends in household size, enrollment, and educational facility planning.

- f. **DRAINAGE.** The design criteria are derived from Table 2.1 of the document entitled the *Drainage Design Manual for Maricopa County, Arizona, Volume 1 (Hydrology)*, published by the Flood Control District of Maricopa County, adopted January 1, 1992 and as amended to the date of adoption of this Ordinance (hereinafter "Drainage Manual"), which document is hereby incorporated by reference as if set forth in its entirety herein.
2. **AVAILABILITY OF PUBLIC FACILITIES.** Public Facilities shall be deemed to be available if they meet the following standards:
- a. **WATER AND WASTEWATER FACILITIES.** Public Facilities shall be deemed to be available within the applicable Impact Area if:
    - (1) The Public Facilities are currently in place or will be in place when the Development Order is granted; or
    - (2) Provision of the Public Facilities are a condition of the Development Order and are guaranteed to be provided at or before the issuance of a final plat or building permit for proposed development on the subject property; or
    - (3) The Public Facilities are under construction and will be available at the time that the impacts of the proposed development will occur; or
    - (4) The Public Facilities are guaranteed by an enforceable development agreement which ensures that the Public Facilities will be in place at the time that the impacts of the proposed development will occur.

- b. **REGIONAL PARKS AND PUBLIC SCHOOLS.** Parks and public schools shall be deemed to be available within the applicable Impact Area if
  - (1) One of the criteria set forth in subsection F.2.a. of this Section is met; or
  - (2) The Public Facilities are the subject of a written agreement or an enforceable development agreement which provides for the commencement of construction of the required Parks or Public Schools within one (1) calendar year of the issuance of the Development Order; or
  - (3) They are Planned Capital Improvements.
- c. **STREETS.** Streets shall be deemed to be available within the applicable traffic Impact Area if
  - (1) They meet any one of the criteria set forth in subsections F.2.a or F.2.b, above, or
  - (2) The proposed development is located in a Traffic Impact Area in which the streets or intersections needed to achieve the Adopted Level of Service are included in the Capital Improvements Program, and the Town Council makes the following specific findings:
    - (a) The streets identified in this subsection are financially feasible; and
    - (b) The Capital Improvements Program provides for the construction of Public Facilities or improvements to streets within the traffic Impact Area that are necessary to maintain the Adopted Level of Service standards; and
    - (c) The Capital Improvements Program contains a financially feasible funding system based on Currently Available Revenue Sources which are adequate to fund the streets required to serve the development authorized by the Development Order; and
    - (d) The applicable provisions of the Capital Improvements Program show (1) the estimated date of the commencement of construction and (2) the estimated date of project completion for needed streets; and
    - (e) The adequacy of public facilities information data base includes sufficient data to ensure that proposed developments approved subject to this subsection do not cause a reduction of the Level of Service below the Adopted Level of Service.
- 3. **ADEQUACY OF PUBLIC FACILITIES.** Public Facilities shall be deemed to be adequate if it is demonstrated that they have Available Capacity to accommodate

the demand generated by the proposed development in accordance with the following calculation methodology, unless otherwise indicated herein:

- a. Calculate total Capacity by adding together:
  - (1) The total Capacity of Water Facilities, Wastewater Facilities, and Fire Protection Facilities consistent with subsection F.2.a. herein;
  - (2) The total Capacity of Community Parks consistent with subsection F.2.b. herein; and
  - (3) The total Capacity of streets consistent with subsection F.2.c. herein.
  
- b. Calculate Available Capacity by subtracting from the total Capacity the sum of:
  - (1) The demand for each Public Facility created by existing development; and
  - (2) The demand for each Public Facility created by the anticipated completion of Committed Development; and
  - (3) The demand for each Public Facility created by the anticipated completion of the proposed development under consideration for adequacy of public facilities determination.

**4. PUBLIC FACILITIES AFFECTING AREAS OUTSIDE OF INCORPORATED AREA OF TOWN.**

- a. **GENERALLY.** Availability and adequacy of Public Facilities shall be determined only with respect to Public Facilities located within the incorporated area of the Town of Queen Creek. If part of the applicable service area or traffic Impact Area lies in an adjacent municipality or an unincorporated area of Maricopa County or Pinal County, absent an intergovernmental agreement with the County or municipality, availability and adequacy shall be determined only with respect to Public Facilities located within the incorporated area of the Town.
  
- b. **INTERGOVERNMENTAL AGREEMENT.** If the Town has entered into an intergovernmental agreement with an adjacent county or with a municipality in Queen Creek to evaluate Public Facilities in such areas, an Applicant will be subject to the evaluation of the Level of Service standard for the facility as adopted by the adjacent county or municipality. Prior to the determination of adequacy of public facilities, the Town shall require that the adjacent county or municipality certify that issuance of a Development Order for the proposed development will not cause a reduction in the Level of Service standards for those facilities lying within the adjacent county or the municipality in the Town.

**G. ADMINISTRATION**

- 1. **RULES AND REGULATIONS.** The Town Council may adopt, by resolution, rules, regulations, administrative guidelines, forms, worksheets and processes as are necessary to efficiently and fairly administer and implement this Section.

2. **ADMINISTRATIVE FEES.** The Town Council may establish by resolution, a fee schedule for each of the administrative procedures, determinations, approvals and certifications required by this Resolution.
  
3. **CONFLICT.** To the extent of any conflict between other Town resolutions or regulations and this Section, the more restrictive is deemed to be controlling. This Section is not intended to amend or repeal any existing Town, resolution or regulation.