

## MARANA ORDINANCE NO. 2021.021

---

RELATING TO DEVELOPMENT; AMENDING MARANA ORDINANCE NO. 2004.23, WHICH APPROVED THE REZONING OF APPROXIMATELY 107 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF NORTH SANDERS ROAD AND SOUTH OF WEST BARNETT ROAD FROM "A" SMALL LOT ZONE TO "R-6" RESIDENTIAL, BY ELIMINATING A REZONING CONDITION RELATED TO LOT SIZES AND REVISING OTHER REZONING CONDITIONS TO CONFORM TO INTERVENING TOWN ACTIONS, CURRENT TOWN POLICIES, AND CURRENT ARIZONA LAW

WHEREAS Tucson Farms, LLC (the "Property Owner") owns approximately 97.4 acres of land generally located southeast of North Sanders Road and south of West Barnett Road in Section 28 Township 11 South, Range 11 East, described and depicted on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Property"); and

WHEREAS, on January 4, 2005, the Mayor and Town Council adopted Ordinance No. 2004.23 rezoning the Property from "A" Small Lot Zone to "R-6" Residential, and Resolution No. 2004-168, approving a Development Agreement for the Property, formerly known as Payson Farms; and

WHEREAS, on December 6, 2005, the Mayor and Town Council adopted Resolution No. 2005-149, approving the final plat for Payson Farms; and

WHEREAS the Town of Marana and the Property Owner intend to negotiate an amended/restated Development Agreement; and

WHEREAS the Property Owners have submitted an application to amend Ordinance No. 2004.23 (this "Amendment Request") to remove rezoning condition number 18 which requires larger lot sizes than is required by standard R-6 zoning; and

WHEREAS the conditions of rezoning numbers 2, 3, 5, 6, 10, 11, 12, 15, and 16 set forth in Marana Ordinance No. 2004.23 include provisions inconsistent with Town of Marana actions that have occurred in the intervening years and current Town of Marana policies; and

WHEREAS this ordinance makes other revisions to the conditions of rezoning to conform to current Town of Marana policies and standard conditions; and

WHEREAS the Marana Planning Commission held a public hearing on this Amendment Request on September 29, 2021, and voted unanimously, 7-0 to recommend

that the Town Council approve this Amendment Request and the other ordinance revisions; and

WHEREAS the Marana Town Council held a public hearing on this Amendment Request on October 5, 2021, and determined that the Amendment Request and other ordinance revisions should be approved.

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

**Section 1.** Marana Ordinance No. 2004.23 is hereby amended by revising the conditions of rezoning as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

1. Compliance with all applicable provisions of the Town's codes and ordinances current at the time of any subsequent development including, but not limited to, requirements for public improvements and payment of application fees and applicable development impact fees.

2. Any plat or development plan for any portion of the Property submitted after the effective date of this ordinance shall be in general conformance with the conceptual land use plan attached to and incorporated in this ordinance by this reference as Exhibit "B".

3. The Property Owner must submit a master drainage study which must be accepted by the Town Engineer prior to Town approval of any plat or development plan for any portion of the Property submitted after the effective date of this ordinance.

~~2. This rezoning is valid for five years from the date of Town Council approval; if the developer fails to have a final subdivision plat recorded prior to the five years' the Town may initiate the necessary action to revert the property to the original zoning, upon action by the Town Council.~~

~~3. The applicant shall construct a temporary secondary access via Barnett Road or Sanders Road (pending completion of Tangerine Farms Loop Road construction) prior to the issuance of the twenty-fifth residential building permit~~

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

~~5. The applicant shall submit a TIA with the preliminary plat.~~

~~6. The Developer shall dedicate, or cause to have dedicated, an additional 190' feet of Right of Way along the Western portion of Sanders Road and 90' of new Right of Way from Sanders Road East to the connection point of Rancho Marana for the construction of Clark Farms Road.~~

5. 7. A water service agreement and a master water plan must be submitted by the Developer and accepted by the Utilities Director prior to the approval of the first

plat by the Town Council. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owner and accepted by Marana Water (the "water provider") prior to approval of any plat for any portion of the Property submitted after the effective date of this ordinance. The WIP shall identify all on-site and off-site water facilities needed to serve the proposed development. The WIP shall include all information required by the water provider, such as (but not limited to) analysis of water use and fire flow requirements, and well source, reservoir, and booster station infrastructure needed to serve the proposed development. If the water provider requires a water service agreement as a condition of service to the proposed development, the Property Owner must enter into a water service agreement with the water provider consistent with the accepted WIP.

~~6. 8. The Developer shall develop a reclaimed water irrigation system, dedicated to the Town, to distribute irrigation water to all properties and recreation areas within this development. The Property Owner shall install a non-potable system to serve the common open space areas and other landscaped amenities, as accepted by the Cortaro-Marana Irrigation District.~~

~~7. 9. A sewer service agreement and master sewer plan must be submitted by the Developer and accepted by Pima County Wastewater Management and the Town Engineer prior to the approval of the first plat by the Town Council. A master sewer plan must be submitted by the Property Owner and accepted by Marana Water Reclamation Department (the "wastewater utility") prior to the approval of any final plat or development plan for the Property submitted after the effective date of this ordinance. The master sewer plan shall identify all on-site and off-site wastewater facilities needed to serve the proposed development, and shall include all information required by the wastewater utility. If the wastewater utility requires a sewer service agreement as a condition of service to the proposed development, the Property Owner must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan.~~

~~10. The applicant shall comply with all design standards and guidelines within the Northwest Marana Area Plan and Land Development Code with the first preliminary plat submittal.~~

~~11. The project shall comply with the construction design standards regarding noise level reduction as stated in an 8/30/04 letter from the Marana Regional Airport.~~

~~12. Special landscape and design treatments shall be provided at project entryways, as well as perimeter walls, which create an individual identity for the project and consistency with the Northwest Marana Area Plan Marana Residential Design Guidelines.~~

~~8. 13. The site shall be surveyed for archaeological resources before any ground disturbing activities take place. Prior to the issuance of any grading permits, the Property Owner shall submit evidence to the Town that all federal permit~~

requirements have been met through the Corps of Engineers and the State Historic Preservation Office, if federal permits are required for the development of the property.

~~9. 14. The Property Owner shall transfer to the water provider with the final plat, by the appropriate Arizona Department of Water Resources form, those water rights being IGR Type I or Type II to the Town of Marana for providing designation of assured water supply and water service to said the Pproperty. If Type I or Type II is needed on said the Pproperty, the Town water provider and developer/landowner the Property Owner shall arrive at an agreeable solution to the use of those water rights appurtenant to the affected portion of the Property said land.~~

~~15. Prior to the issuance of a building permit and pursuant to Marana Ordinance No. 99.02 the property owner(s) within the Lower Santa Cruz River Levee Benefit Area shall enter into a Development Agreement with the Town of Marana to reimburse the Town for this project's proportionate share for the cost of construction of the levee.~~

~~16. Potential buyers shall be notified that the property is located within the flight path of the Northwest Marana Regional Airport.~~

~~10. 17. Potential buyers shall be notified that some or all of the Property is subject an annual tax and assessment by Cortaro Marana Irrigation District and Cortaro Water Users' Association.~~

~~18. As per the July 28, 2004 Site Analysis and Tentative Development Exhibit II.B the following range of lot sizes shall be provided on the plat:~~

- ~~• 6,050 square foot minimum – maximum 49% of the total lots~~
- ~~• 6,900 square foot minimum – maximum 28% of the total lots~~
- ~~• 7,800 square foot minimum – minimum 23% of the total lots~~

~~11. The Property Owner must design and construct any roadway, drainage, water, and wastewater improvements, and dedicate or acquire any property rights associated with those improvements, that the Town requires based on the data and findings of the accepted traffic impact analysis, the accepted master drainage study, the accepted WIP, the accepted master sewer plan, and other studies approved in connection with the approval of a plat or development plan for any portion of the Property.~~

~~12. The final design of all streets and circulation facilities, including gated access (if applicable) and emergency access, must be accepted by the Northwest Fire District prior to Town Council consideration of a final plat for any portion of the Property.~~

~~13. The maximum number of single-family detached residential lots within the Property shall not exceed 435.~~



14. The ultimate development of the Property shall be consistent with the adopted development agreement as it may be amended.

15. Potential buyers are advised that this project falls in the Airport Influence Area as delineated in the Marana Regional Airport Master Plan, and is subject to frequent overflight by general aviation aircraft. Aviation Easement recorded at Docket 12773, Page 2698.

16. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owner from responsibility to ensure compliance with all applicable federal and state laws and regulations, including the Endangered Species Act and the Clean Water Act. The Property Owner should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.

17. The Property contains potentially suitable habitat for the burrowing owl. Please note that the Western Burrowing Owl is protected under the Federal Migratory Bird Treaty Act of 1918 and State Law Titles 17-101 and 17-235. Per the Act and state law, a qualified biologist (certified by AZ Game & Fish Dept. - AZGFD) must perform a survey 30 days prior to the start of grading. If a burrowing owl is detected during the survey, AZGFD will coordinate with the property owner to exclude or move the owls without causing delay to the project.

**Section 2.** All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

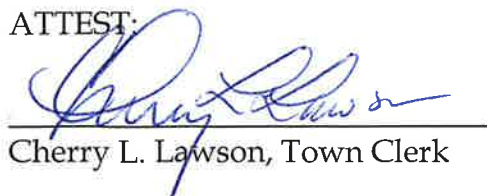
**Section 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 5<sup>th</sup> day of October 2021.



Mayor Ed Honea

ATTEST:



Cherry L. Lawson, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney



## LEGAL DESCRIPTION FOR REMINGTON RANCH

All of the Southwest One-Quarter of Section 28, Township 11 South, Range 11 East, of the Gila and Salt River Meridian, Pima County, Arizona.

Excepting therefrom the north 175 thereof and, the south 825 feet thereof and, further excepting the portions of said Southwest One-Quarter lying within the rights of way of Sanders Road and Barnett Road as they currently exist.



Expires 

Machen Land Surveying, LLC  
9261 E. Magdalena  
Tucson, Arizona 85710

THE VILLAGES AT BARNETT

LOTS 1-251  
SEQ. No. 20183200072

W 1/4 CNR  
SECTION 28  
T11S, R11E,  
G&SRB&M

1/4 CNR  
SECTION 28  
T11S, R11E,  
G&SRB&M

BARNETT ROAD  
BOOK 14, PAGE 21 RM

S89°54'25"W 2640.20'

N89°54'25"E 2610.24'

SUBJECT  
PROPERTY

RANCHO MARANA 154  
BLOCK 4, LOTS 1-81  
BOOK 62, PAGE 26 M&P

RANCHO MARANA 154  
BLOCK 2, LOTS 1-140  
BOOK 61, PAGE 65 M&P

SANDERS ROAD  
BOOK 2, PAGE 48 RM

N0°00'25"E 2626.53'

N0°00'24"E 1626.51'

S0°00'47"W 1624.84'

S89°52'12"W 2610.06'

S0°00'42"W 2624.86'

SC RANCH  
LOTS 1-54  
SEQ. #201916302013

FIANCHETTO FARMS  
LOTS 1-114  
BOOK 60, PAGE 97 M&P

S89°52'14"W 2639.99'  
MOORE ROAD  
BOOK 2, PAGE 12 RM

SW CNR  
SECTION 28  
T11S, R11E,  
G&SRB&M

S 1/4 CNR  
SECTION 28  
T11S, R11E,  
G&SRB&M



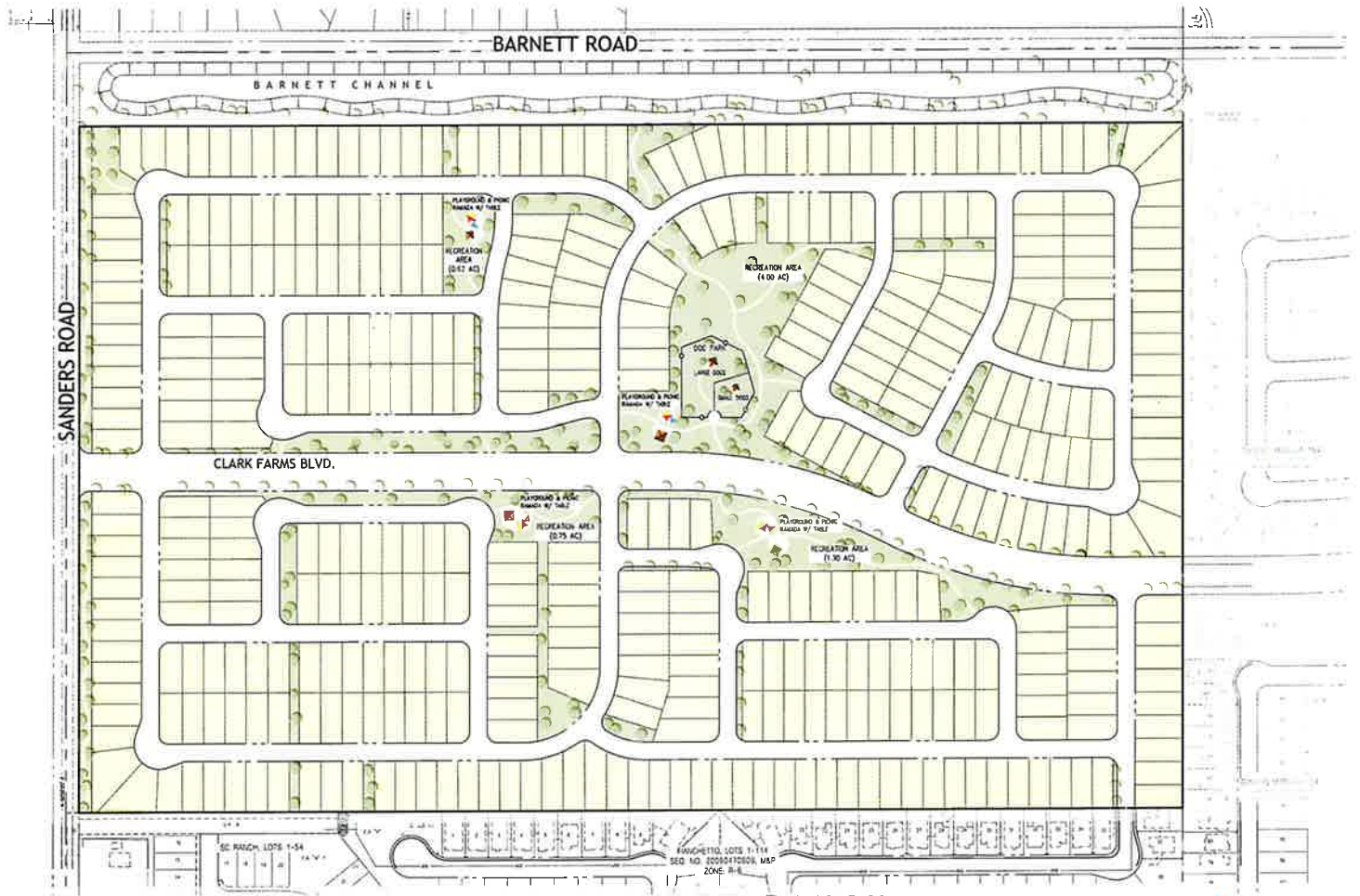
SCALE: 1"=500'  
0' 500' 1000'

Expires 1/1/22

REMINGTON RANCH  
LEGAL DESCRIPTION MAP

**MARUM & ASSOCIATES ENGINEERING, LLC**  
2730 E. BROADWAY BLVD., STE. 250  
TUCSON ARIZONA 85716 (520) 448-4440

Machen Land Surveying, LLC  
9261 E. Magdalena  
Tucson, Arizona 85710



**REMINGTON RANCH**

LOTS 1-435 (50'x120')

MARANA \* ARIZONA

CONCEPT PLAN

EXHIBIT B

