

## MARANA ORDINANCE NO. 2024.006

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RELATING TO DEVELOPMENT; APPROVING A MODIFICATION TO ORDINANCE NO. 99.02 WHICH REQUIRES DEVELOPERS OF LAND WITHIN THE LOWER SANTA CRUZ RIVER LEVEE BENEFIT AREA TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE TOWN FOR PAYMENT OF THE LOWER SANTA CRUZ RIVER LEVEE FEE TO REMOVE THE REQUIREMENT FOR A DEVELOPMENT AGREEMENT

WHEREAS, on January 20, 1998, the Mayor and Council adopted Resolution No. 98.03 approving an intergovernmental agreement (the "IGA") between the Town and Pima County Flood Control District (the "District") for development of the Lower Santa Cruz Flood Control Levee Project (the "Project"); and

WHEREAS the IGA provides that the Town shall reimburse the District for the Town's share of the Project costs at \$500 per benefitting acre; and

WHEREAS the IGA further provides that the Town shall adopt policies, procedures, and ordinances designed to levy and collect the \$500 per benefitting acre fee from new development within the benefit area and that the method used to collect the fee shall be at the sole discretion of the Town; and

WHEREAS, on February 16, 1999, the Mayor and Council adopted Ordinance No. 99.02 which provides that property owners subject to the \$500 per benefitting acre fee (the "Lower Santa Cruz River Levee Fee" or the "Fee") shall enter into a development agreement with the Town prior to the issuance of a building permit on the property and that the development agreement shall contain provisions for payment of the Fee at the time of issuance of a building permit; and

WHEREAS, on May 17, 2006, the Mayor and Council adopted Resolution No. 2006-067, approving an intergovernmental agreement between the Town, Pima County, and the District, authorizing the Town to use the Fee towards funding of design and construction of additional joint projects related to Santa Cruz River bank protection, including projects authorized by 1997 and 2004 Pima County bonds for the "Santa Cruz River Park in the Vicinity of Continental Ranch" and "Marana Rattlesnake Park" projects; and

WHEREAS, on May 6, 2014, the Mayor and Council adopted Ordinance No. 2014.012, adopting certain development impact fees and continuing previously adopted development impact fees, including the Lower Santa Cruz Flood Control Levee Fee, and

providing that the Fee shall be collected upon issuance of a grading permit in the benefit area; and

WHEREAS the adoption of Ordinance No. 2017.029 on December 19, 2017, and Ordinance No. 2022.029 on December 20, 2022, continued the collection of the Fee as originally adopted in Ordinance No. 99.02 and described in Ordinance No. 2014.012; and

WHEREAS the Mayor and Council find that the requirement for a property owner to enter into a development agreement to pay the Lower Santa Cruz Flood Control Levee Fee is not necessary and that the removal of that requirement is in the best interests of the Town and its citizens.

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

**Section 1.** Marana Ordinance No. 99.02 is hereby modified to remove the requirement for property owners to enter into a development agreement to pay the Lower Santa Cruz Flood Control Levee Fee. All other provisions of Ordinance No. 99.02 shall remain in force and effect, as provided for in Ordinance Nos. 2014.012, 2017.029, and 2022.029 and the Town shall collect the Fee upon issuance of a grading permit in the benefit area.

**Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed 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, the 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 6th day of February 2024.



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Mayor Ed Honea

ATTEST:



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David L. Udall, Town Clerk

APPROVED AS TO FORM:



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Jane Fairall, Town Attorney

