

## MARANA ORDINANCE NO. 2022.025

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RELATING TO DEVELOPMENT; APPROVING A MODIFICATION TO MARANA ORDINANCE NO. 2003.19, WHICH REZONED APPROXIMATELY 40 ACRES OF LAND LOCATED GENERALLY AT THE NORTHEAST CORNER OF SANDERS ROAD AND MOORE ROAD, TO DELETE A PROVISION OF THE ORDINANCE THAT REQUIRED THE DEVELOPER TO INSTALL DUAL WATER LINES

WHEREAS the Mayor and Council of the Town of Marana adopted Ordinance No. 2003.19 on August 19, 2003, approving a rezoning of approximately 50 acres of land located generally at the northeast corner of Sanders Road and Moore Road to R-6 (Single-Family Residential) and NC (Neighborhood Commercial) (the "Rezoning Area"); and

WHEREAS approval of the rezoning was subject to a number of conditions, including condition 9 which provides that the developer is required to install dual water lines per the Northwest Marana Area Plan; and

WHEREAS on March 7, 2006, the Town Council issued a policy decision interpreting the dual water line provision of the Northwest Marana Area Plan to require developer-installed non-potable water system infrastructure to serve all common areas, parks, and other shared or public areas with significant landscape water requirements, and not to require the infrastructure to be installed to each individual residential lot; and

WHEREAS the Northwest Marana Area Plan has since been superseded by adoption of subsequent Marana General Plans from time to time, most recently the Make Marana 2040 General Plan, adopted by the Town Council on December 10, 2019, and ratified by Marana voters at the August 4, 2020 election; and

WHEREAS the Town of Marana and the Cortaro-Marana Irrigation District (CMID) entered into an Intergovernmental Agreement effective December 10, 2013, as recorded in the records of the Pima County Recorder at sequence 20133440257, for the transfer of ownership and operation of the North Marana Non-Potable Water Systems from the Town to CMID (the "Non-Potable IGA"); and

WHEREAS pursuant to the Non-Potable IGA, CMID was designated as the non-potable service provider for all future developments located within areas where the Town and CMID service areas overlap and where it is economically feasible for the developer to extend the non-potable system to the proposed development; and

WHEREAS the Rezoning Area is located within an area where the Town and CMID service areas overlap; and

WHEREAS the Rezoning Area has been developed in two parts, as Fianchetto Farms, a 29.52-acre residential subdivision according to the final plat recorded in the Pima County Recorder’s Office at Book 60, Page 97, and as SC Ranch, a 10.77-acre residential subdivision according to the final plat recorded in the Pima County Recorder’s Office at Sequence 20210220045; and

WHEREAS CMID and the Town determined that it was not economically feasible for the developers of SC Ranch and Fianchetto Farms to extend the non-potable system to their developments due to their distance from CMID infrastructure, and in the case of SC Ranch, due to the small size of the subdivision and its limited need for non-potable water; and

WHEREAS the Mayor and Council find that this condition modification is insubstantial enough not to require or benefit from Planning Commission consideration, and that this ordinance 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.** Section 2, condition 9 of Marana Ordinance No. 2003.19 is hereby deleted.

**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; provided, however, that this repeal shall not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

**Section 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 15th day of November, 2022.



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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

