MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, January 6, 2026, at or after 6:00 PM

Jon Post, Mayor
Roxanne Ziegler, Vice Mayor
Patrick Cavanaugh, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Teri Murphy, Council Member
John Officer, 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 January 6, 2026, at or after 6:00 PM located in the Council Chambers of the Ed Honea Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona. If the Council Chambers reaches capacity, overflow seating with a live stream of the meeting will be available at the Marana Police Department Community Room.

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. Revisions to the agenda 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 Ed Honea 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. Public access to the Council Chambers begins 20 minutes prior to the start of the meeting.

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 and deliver it to the Town Clerk.

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 Ed Honea 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

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 Resolution No. 2026-001: Relating to Budget and Procurement: approving a change in budget authority for the Tangerine TI Improvements (ST107) project; approving the transfer of up to $1,500,000 in budgeted expenditure authority from Other Agency Funding (Fund 3045) to Northeast Impact fees (fund 3066) and the transfer of up to $2,259,327 in budgeted expenditure authority from Other Agency Funding (fund 3045) to Transportation funds (Fund 3030); approving change orders to the contract with Borderland Construction Inc. for the Tangerine TI Improvements (ST107) project in the amount of $9,065,553.33 for the construction of the project and to construct a driveway entrance for Cottonwood Properties; authorizing the transfer of appropriations if necessary for this change in budget authority and change orders; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change in budget authority and change orders (Fausto Burruel)

C2 Resolution No. 2026-002: Relating to Public Works; approving and authorizing the Mayor to sign a public improvement participation agreement with R11 Tangerine Corporation for the construction of driveway improvements as part of the Tangerine Road Traffic Interchange (TI) Improvement Project No. ST107 (Jane Fairall)

C3 Resolution No. 2026-003: Relating to Real Estate; vacating public right-of-way located south of West Massingale Road and east of North Hartman Lane in Section 36, Township 12 South, Range 12 East (George Cardieri)

C4 Relating to Procurement; approving a change order to the contract with Psomas, Inc. in the amount of $181,580.93 for the Tangerine Road Widening Phase 2A Project (ST098); authorizing the transfer of appropriations, if necessary, for the change order; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change order (Fausto Burruel)

C5 Approval of Council Study Session Summary Minutes of December 9, 2025, Special Council Meeting Summary Minutes of December 10, 2025, and Regular Council Meeting Summary Minutes of December 16, 2025 (Jill McCleary)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 PUBLIC HEARING: Ordinance No. 2026.001: Relating to Utilities; amending the Town of Marana comprehensive fee schedule by successively increasing the water base fee, water consumption rates, groundwater resource/acquisition fee, monthly wastewater service fee, and wastewater volume charge for all Marana residential and non-residential water and wastewater customers effective February 6, 2026, January 1, 2027, January 1, 2028, January 1, 2029, and January 1, 2030 (Heidi Lasham)

Resolution No. 2026-004: Relating to Utilities; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2026.001, amending the Town of Marana comprehensive fee schedule by successively increasing the water base fee, water consumption rates, groundwater resource/acquisition fee, monthly wastewater service fee, and wastewater volume charge for all Marana residential and non-residential water and wastewater customers effective February 6, 2026, January 1, 2027, January 1, 2028, January 1, 2029, and January 1, 2030 (Heidi Lasham)

A2 PUBLIC HEARING: Ordinance No. 2026.002: Relating to Development; approving a rezoning of approximately 300.5 acres of land located west of Interstate 10 along North Luckett Road and just south of the Pinal County line in a portion of Section 1, Township 11, Range 10E, from R-144 (Residential) to SP (Specific Plan), creating the Luckett Road North Specific Plan; and

approving a minor amendment to the General Plan amending the land use category from Employment to Master Planned Area (Jason Angell)

Resolution No. 2026-005: Relating to Development; declaring as a public record filed with the Town Clerk the Luckett Road North Specific Plan adopted by Ordinance No. 2026.002 (Jason Angell)

A3 PUBLIC HEARING: Ordinance No. 2026.003: Relating to Development; approving a rezoning of approximately 310.7 acres of land located at 14990 W Hardin Road, northwest of the intersection of North Luckett Road and West Hardin Road, from R-144 (Residential) to SP (Specific Plan), creating the Luckett Road South Specific Plan; and approving a minor amendment to the General Plan amending the land use category from Employment to Master Planned Area (Jason Angell)

Resolution No. 2026-006: Relating to Development; declaring as a public record filed with the Town Clerk the Luckett Road South Specific Plan adopted by Ordinance No. 2026.003 (Jason Angell)

ITEMS FOR DISCUSSION / POSSIBLE ACTION

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).

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 **C1**

Meeting Date: 01/06/2026

To: Mayor and Council

Submitted For: Fausto Burruel, Public Works Director

From: Dan Grossman, CIP Process Analyst

Date: January 6, 2026

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2026-001: Relating to Budget and Procurement: approving a change in budget authority for the Tangerine TI Improvements (ST107) project; approving the transfer of up to $1,500,000 in budgeted expenditure authority from Other Agency Funding (Fund 3045) to Northeast Impact fees (fund 3066) and the transfer of up to $2,259,327 in budgeted expenditure authority from Other Agency Funding (fund 3045) to Transportation funds (Fund 3030); approving change orders to the contract with Borderland Construction Inc. for the Tangerine TI Improvements (ST107) project in the amount of $9,065,553.33 for the construction of the project and to construct a driveway entrance for Cottonwood Properties; authorizing the transfer of appropriations if necessary for this change in budget authority and change orders; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change in budget authority and change orders (Fausto Burruel)

Discussion:

The budget for fiscal year 2025-2026 was adopted on June 17, 2025, which set the legal level of budgetary control at the department level for the General Fund and at the fund level for all other funds. Council approval is required for budgetary transfers between General Fund departments, between funds, and for any transfer of contingency. The Council-approved budget also includes funding for the Town's five-year CIP program. The Tangerine TI Improvements, Project No. ST107 (the "Project") was properly

included within the Town of Marana's FY2026 Capital Improvement Plan.

The Project was originally programmed in the fiscal year 2026 budget with $4,059,327 of Other Agency Funding (fund 3045) to allow the expenditure of funds from outside agencies. To align the project funding with the Town's previously adopted Infrastructure Improvement Plan, Town staff is requesting that $1,500,000 in budget authority of Other Agency Funding be reprogrammed as Northeast Impact Fees (Fund 3066) and $2,259,327 in budget authority of Other Agency Funding will need to be reprogrammed as Transportation funds (Fund 3030) to provide funding needed to deliver the project timely. Staff are working to calculate the reimbursable portion of Transportation funds from current and/or future impact fees. The remaining $300,000 in Other Agency Funding will remain to fund a driveway entrance for Cottonwood Properties and other potential private improvements that may be requested.

Marana Town Code ("MTC") Section 3-4-7(B)(3) provides that Town Council approval is necessary for change orders that individually or cumulatively exceed the amounts set forth in MTC 3-4-8(A)(3).

The Town has received a Guaranteed Maximum Price (GMP) bid to construct the Project from Borderland Construction in the amount of $8,976,829.77. This will be GMP 18 and will require council approval as stated in the Marana Town Code ("MTC"), Section 3-4-7(B)(3).

The Town has received a request to construct a private driveway on the project from Cottonwood Properties. The cost to construct this driveway is $88,723.56. The cost to construct this driveway will be paid for by Cottonwood Properties. This will be GMP 19 and will require council approval as stated in the Marana Town Code ("MTC"), Section 3-4-7(B)(3).

The total of these two change orders is $9,065,553.33.

Financial Impact:

Fiscal Year:	2026
Budgeted Y/N:	Yes
Amount:	$3,759,327

Transferring $1,500,000 from Other Agency Funding (Fund 3045) to Northeast Impact fees (fund 3066).
Transferring $2,259,327 from Other Agency Funding (fund 3045) to Transportation funds (Fund 3030).
As this is a reallocation of budget authority there is no impact to the overall Town budget.
Further, the costs for GMP18 were budgeted as part of the FY 2026 budget and the cost of the driveway will be paid by a third party.

Staff Recommendation:

Staff recommends approval of Resolution No. 2026-001.

Suggested Motion:

I move to adopt Resolution No. 2026-001, approving a change in budget authority for the Tangerine TI Improvements (ST107) project; approving the transfer of up to $1,500,000 in budgeted expenditure authority from Other Agency Funding (Fund 3045) to Northeast Impact fees (fund 3066) and the transfer of up to $2,259,327 in budgeted expenditure authority from Other Agency Funding (fund 3045) to Transportation funds (Fund 3030); approving change orders to the contract with Borderland Construction Inc. for the Tangerine TI Improvements (ST107) project in the amount of $9,065,553.33 for the construction of the project and to construct a driveway entrance for Cottonwood Properties; authorizing the transfer of appropriations if necessary for this change in budget authority and change orders; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change in budget authority and change orders.

Attachments

Resolution No. 2026.001

MARANA RESOLUTION NO. 2026-001

RELATING TO BUDGET AND PROCUREMENT; APPROVING A CHANGE IN BUDGET AUTHORITY FOR THE TANGERINE TI IMPROVEMENTS (ST107) PROJECT; APPROVING THE TRANSFER OF UP TO $1,500,000 IN BUDGETED EXPENDITURE AUTHORITY FROM OTHER AGENCY FUNDING (FUND 3045) TO NORTHEAST IMPACT FEES (FUND 3066) AND THE TRANSFER OF UP TO $2,259,327 IN BUDGETED EXPENDITURE AUTHORITY FROM OTHER AGENCY FUNDING (FUND 3045) TO TRANSPORTATION FUNDS (FUND 3030); APPROVING CHANGE ORDERS TO THE CONTRACT WITH BORDERLAND CONSTRUCTION INC. FOR THE TANGERINE TI IMPROVEMENTS (ST107) PROJECT IN THE AMOUNT OF $9,065,553.33 FOR THE CONSTRUCTION OF THE PROJECT AND TO CONSTRUCT A DRIVEWAY ENTRANCE FOR COTTONWOOD PROPERTIES; AUTHORIZING THE TRANSFER OF APPROPRIATIONS IF NECESSARY FOR THIS CHANGE IN BUDGET AUTHORITY AND CHANGE ORDERS; AND AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO EXECUTE THE NECESSARY DOCUMENTS TO EFFECTUATE THE CHANGE IN BUDGET AUTHORITY AND CHANGE ORDERS

WHEREAS on June 17, 2025, the Town Council adopted the fiscal year 2025-2026 budgetary document and overall financial plan which set the legal level of budgetary control at the department level for the General Fund and at the fund level for all other funds; and

WHEREAS Council approval is required for budgetary transfers between General Fund departments, between funds, and for any transfer of contingency; and

WHEREAS the Council-approved budget also includes funding for the Town's five-year CIP program; and

WHEREAS the Tangerine TI Improvements, Project No. ST107 (the "Project") was properly included within the Town of Marana's FY2026 Capital Improvement Plan; and

WHEREAS the Project was originally programmed with $4,059,327 of Other Agency Funding (fund 3045) to allow the expenditure of funds from outside agencies. To align the project funding with the Town's Infrastructure Improvement Plan, Town staff is requesting that $1,500,000 in budget authority of Other Agency Funding be

reprogrammed as Northeast Impact Fees (Fund 3066) and $2,259,327 in budget authority of Other Agency Funding be reprogrammed as Transportation funds (Fund 3030). The remaining $300,000 in Other Agency Funding will remain to fund a driveway entrance for Cottonwood Properties and other potential private improvements that may be requested; and

WHEREAS transferring amounts within the fiscal year 2025-2026 budget will not significantly impact the General Fund; and

WHEREAS Marana Town Code ("MTC") Section 3-4-7(B)(3) provides that Town Council approval is necessary for change orders that individually or cumulatively exceed the amounts set forth in MTC 3-4-8(A)(3); and

WHEREAS the Town has received a Guaranteed Maximum Price (GMP) bid to construct the Project from Borderland Construction in the amount of $8,976,829.77. This will be GMP 18 and will require council approval as stated in the Marana Town Code ("MTC"), Section 3-4-7(B)(3); and

WHEREAS the Town has received a request to construct a private driveway on the project from Cottonwood Properties. The cost to construct this driveway is $88,723.56. The cost to construct this driveway will be paid for by Cottonwood Properties. This will be GMP 19 and will require council approval as stated in the Marana Town Code ("MTC"), Section 3-4-7(B)(3); and

WHEREAS the total of these two change orders is $9,065,553.33; and

WHEREAS the Mayor and Council find that this resolution is in the best interests 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 transfer of up to $1,500,000 in budgeted expense authority from the Other Agency Funding (Fund 3045) to Northeast Impact fees (fund 3066) and the transfer of up to $2,259,327 in budgeted expense authority from Other Agency Funding (fund 3045) to Transportation funds (Fund 3030) in the fiscal year 2025-2026 budget is hereby approved and the Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the transfers.

SECTION 2. The Town Council hereby (1) approves the two change orders to the agreement with Borderland Construction Inc. for the Tangerine TI Improvements project (ST107) in the combined total amount of $9,065,553.33, (2) authorizes the transfer of appropriations, if necessary, for the change orders, (3) authorizes the Town Manager or

designee to execute the necessary documents to effectuate the change orders, and (4) directs and authorizes the Town Manager and staff to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the change orders.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of January, 2026.

_____
Mayor Jon Post

ATTEST:

_____
Jill McCleary, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

Council-Regular Meeting **C2**

Meeting Date: 01/06/2026

To: Mayor and Council

Submitted For: Jane Fairall, Town Attorney

From: Reyna Celis, Senior Legal Assistant

Date: January 6, 2026

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2026-002: Relating to Public Works; approving and authorizing the Mayor to sign a public improvement participation agreement with R11 Tangerine Corporation for the construction of driveway improvements as part of the Tangerine Road Traffic Interchange (TI) Improvement Project No. ST107 (Jane Fairall)

Discussion:

R11 Tangerine Corporation ("R11"), an affiliate of Cottonwood Properties, Inc., plans to develop Lot 6 of the Final Plat for Tangerine/I-10 Lots 1-10, Parcel A, recorded in the Pima County Recorder's Office at Sequence No. 20210990141, located within the Tangerine Commerce Park Specific Plan on the south side of Tangerine Road, west of the Interstate 10 and Tangerine Road traffic interchange (the "Subject Property"). R11 will be developing the Subject Property for various commercial uses and needs a driveway within the eastbound dual right turn bay on Tangerine Road (the "Driveway Improvements"). The Town of Marana has selected Borderland Construction Company, Inc. ("Borderland") as the Construction Manager at Risk ("CMAR") for the Tangerine Road Traffic Interchange Project, Town of Marana Project No. ST107 (the "Road Project").

R11 has requested that the Town build the Driveway Improvements as a part of its Road Project, with R11 being responsible for all costs. The proposed public improvement participation agreement ("PIPA") provides that R11 shall deposit with the Town the full anticipated costs of construction of the Driveway Improvements ($88,723.56) in order for the Town to complete the Driveway Improvements for

R11. No later than 90 days after substantial completion of the Driveway Improvements, the Town will provide to R11 an itemized statement of the Town's construction and design costs for the Driveway Improvements and a check or invoice representing the difference between Marana's costs and R11's cash deposit. If R11's cash deposit was insufficient to cover R11's obligations under the agreement, R11 will pay Marana the balance of the costs for the Driveway Improvements as set forth in the invoice within 30 days after the itemized statement and invoice are provided to R11. Any amounts unpaid after 30 days shall accrue simple interest at the rate of 10% per year until paid in full.

Financial Impact:

No financial impact to the Town is anticipated due to this agreement, as R11 Tangerine Corporation will pay for all costs associated with the Driveway Improvements.

Staff Recommendation:

Staff recommends approval of the agreement.

Suggested Motion:

I move to adopt Resolution No. 2026-002, approving and authorizing the Mayor to sign a public improvement participation agreement with R11 Tangerine Corporation for the construction of driveway improvements as part of the Tangerine Road Traffic Interchange (TI) Improvement Project No. ST107.

Attachments

Resolution No. 2026-002

Exhibit A to Resolution No. 2026-002

MARANA RESOLUTION NO. 2026-002

RELATING TO PUBLIC WORKS; APPROVING AND AUTHORIZING THE MAYOR TO SIGN A PUBLIC IMPROVEMENT PARTICIPATION AGREEMENT WITH R11 TANGERINE CORPORATION FOR THE CONSTRUCTION OF DRIVEWAY IMPROVEMENTS AS PART OF THE TANGERINE ROAD TRAFFIC INTERCHANGE (TI) IMPROVEMENT PROJECT NO. ST107

WHEREAS Marana has entered into a Construction Manager at Risk ("CMAR") contract with Borderland Construction Company, Inc. for the construction of the Tangerine Road Traffic Interchange (TI) improvements, Town of Marana Project No. ST107 (the "Road Project"); and

WHEREAS Tangerine/I-10 LLC (the "Owner") previously purchased all of the commercial property located within the Tangerine Commerce Park Specific Plan established by the December 20, 2005 adoption of Marana Ordinance No. 2005.27, recorded in the Pima County Recorder's Office at Docket 2706, Page 1559 (Sequence No. 20052470427), generally located on the south side of Tangerine Road, west of the Interstate 10 and Tangerine Road traffic interchange; and

WHEREAS Lot 6 as identified on the Final Plat for Tangerine/I-10 Lots 1-10, Parcel A, recorded in the Pima County Recorder's Office at Sequence No. 20210990141 is owned by the Owner and R11 Tangerine Corporation ("R11") has entered into an agreement to purchase the northern portion of Lot 6 along the Tangerine Road frontage upon subdivision thereof by R11 and the Owner; and

WHEREAS R11 will be developing the Subject Property for various commercial uses and needs a driveway within the eastbound dual right turn bay on Tangerine Road (the "Driveway Improvements"); and

WHEREAS Town staff has negotiated an agreement with R11 to assure payment of all costs associated with the construction of the Driveway Improvements as part of the Road Project; and

WHEREAS the Mayor and Council of the Town of Marana feel it is in the best interests of the citizens of Marana to enter into the public improvement participation agreement for the construction of the Driveway Improvements as part of the Road Project.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, that the public improvement participation agreement with

R11 Tangerine Corporation for the construction of the Driveway Improvements as part of the Road Project, attached to and incorporated within this resolution as Exhibit A, is hereby approved, and the Mayor is authorized to sign it for and on behalf of the Town of Marana.

IT IS FURTHER RESOLVED that 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, obligations, conditions and objectives of the agreement.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of January, 2026.

_____
Mayor Jon Post

ATTEST:

_____
Jill McCleary, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

PUBLIC IMPROVEMENT PARTICIPATION AGREEMENT
TOWN OF MARANA, ARIZONA

This Public Improvement Participation Agreement (this "Agreement") is made and entered into by and between R11 TANGERINE CORPORATION, an Arizona corporation ("R11"), and the TOWN OF MARANA, an Arizona municipal corporation ("Marana"). R11 and Marana are sometimes collectively referred to in this Agreement as the "Parties," either of which is sometimes referred to as a "Party."

RECITALS

A. Marana has entered into a Construction Manager at Risk ("CMAR") contract with BORDERLAND CONSTRUCTION COMPANY, INC. ("Borderland") for the construction of the Tangerine Road Traffic Interchange (TI) improvements, Town of Marana Project No. ST107 (the "Road Project").

B. Tangerine/I-10 LLC ("Owner") previously purchased all of the commercial property located within the Tangerine Commerce Park Specific Plan established by the December 20, 2005 adoption of Marana Ordinance No. 2005.27, recorded in the Pima County Recorder's Office at Docket 2706, Page 1559 (Sequence No. 20052470427), generally located on the south side of Tangerine Road, west of the Interstate 10 and Tangerine Road traffic interchange.

C. Lot 6 as identified on the Final Plat for Tangerine/I-10 Lots 1-10, Parcel A, recorded in the Pima County Recorder's Office at Sequence No. 20210990141 is owned by the Owner and R11 has entered into an agreement to purchase the northern portion of Lot 6 along the Tangerine Road frontage ("Subject Property") upon subdivision thereof by R11 and the Owner.

D. R11 will be developing the Subject Property for various commercial uses and needs a driveway within the eastbound dual right turn bay on Tangerine Road (the "Driveway Improvements").

E. The Parties believe that the most economical and least disruptive way to accomplish the prompt Driveway Improvements for and on the Subject Property is for the Parties to arrange to have the work completed by Borderland in connection with the construction of the Road Project.

F. Borderland has provided the Parties with a proposed price of $88,723.56 for the Driveway Improvements. A true and correct copy of Borderland's proposal is attached to and incorporated in this Agreement as Exhibit A.

G. The purpose of this Agreement is to facilitate Marana's completion of the Driveway Improvements for and on the Subject Property as part of the Road Project with funding provided by R11.

AGREEMENT

NOW, THEREFORE, based on the foregoing recitals, which are incorporated here as the intention of the Parties in entering into this Agreement, the Parties agree as follows:

1. **Depiction of the Driveway Improvements for and on the Subject Property.** The Driveway Improvements depiction attached as Exhibit B shows the nature and extent of the work to be completed by Borderland pursuant to this Agreement, which Marana and Borderland shall incorporate into the Road Project design.

2. **Grant of right of entry and temporary construction easement. Owner and** R11 hereby grant Marana and Borderland a right of entry and temporary construction easement over the Subject Property, to accommodate completion of the Driveway Improvements. Owner joins in this Agreement for the purpose of granting such easement as evidenced by Owner's signature below.

3. **R11's obligation to pay costs for the Driveway Improvements as described in Exhibit A.** R11 shall pay all costs associated with the completion of the Driveway Improvements for and on the Subject Property. Marana and R11 agree that the construction costs for the Driveway Improvements are anticipated to be $88,723.56, as itemized and attached to this Agreement as Exhibit A.

4. **Cash deposit to secure R11's obligations under this Agreement.** R11's obligations under this Agreement, including without limitation R11's obligations under paragraph 3 above, shall be secured by a cash deposit to Marana in the amount of $88,723.56, referred to in this Agreement as "R11's Cash Deposit." R11 shall provide R11's Cash Deposit to the Town within 15 business days after the Effective Date of this Agreement.

5. **Reconciliation and final payment.** No later than 90 days after substantial completion of the Driveway Improvements for and on the Subject Property, Marana shall provide to R11 an itemized statement of Marana's construction and design costs for the Driveway Improvements and a check or invoice representing the difference between Marana's costs and R11's Cash Deposit. If R11's Cash Deposit was insufficient to cover R11's obligations under this Agreement, R11 shall pay Marana the balance of the costs for the Driveway Improvements for and on the Subject Property as set forth in the invoice within 30 days after the itemized statement and invoice are provided to R11. Any amounts unpaid after 30 days shall accrue simple interest at the rate of 10% per year until paid in full.

6. **Recording.** This Agreement shall not be recorded.

7. **Notices.** All notices shall be in writing and shall be sufficiently given and served upon the other Party by electronic mail, receipt of which has been acknowledged by the other Party, or by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by reputable overnight courier service and addressed as follows:

R11: R11 TANGERINE CORPORATION
c/o Bill Hallinan
3567 East Sunrise Drive, Suite 219
Tucson, AZ 85718

Marana: TOWN OF MARANA
c/o Marana Legal Department
11555 West Civic Center Drive
Marana, AZ 85653

8. **Governing law.** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Arizona, and any lawsuit to enforce any provision of this Agreement or to

obtain any remedy with respect to this Agreement shall be brought in the Pima County Superior Court, and for this purpose the Parties expressly and irrevocably consent to the jurisdiction of the Pima County Superior Court.

9. **Court costs and reasonable attorneys' fees to prevailing Party in dispute.** If a Party fails to perform any of its obligations under this Agreement, or if a dispute arises concerning the meaning or interpretation of any provision of this Agreement, the prevailing Party shall be entitled to its reasonable attorneys' fees and costs determined pursuant to A.R.S. § 12-341.01.

10. **Exhibits.** Any exhibit attached to this Agreement shall be deemed to have been incorporated in this Agreement by reference with the same force and effect as if fully set forth in the body of this Agreement.

11. **Cancellation for conflicts.** This Agreement is subject to A.R.S. § 38-511, which provides for cancellation of contracts in certain instances involving conflicts of interest.

12. **Counterparts.** This Agreement may be executed in any number of counterparts. Each counterpart shall be deemed an original, but all counterparts shall constitute but one agreement.

13. **Effective Date of Agreement.** The date of this Agreement (the "Effective Date") shall for all purposes be the date of the Mayor's signature on this Agreement.

[SIGNATURE PAGE FOLLOWS]

R11:

R11 TANGERINE CORPORATION, an Arizona corporation

By: _____
William Hallinan, Authorized Signatory

Date: _____

Owner easement grant under Section 2:

TANGERINE/ I-10 LLC, an Arizona limited liability company by its manager DM Administration, Inc., an Arizona corporation

By: _____
William Hallinan, Vice President

Date: _____

Marana:

TOWN OF MARANA, an Arizona municipal corporation

By: _____
Jon Post, Mayor

Date: _____

ATTEST:

_____
Jill McCleary, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

STATE OF ARIZONA)
) ss.
County of Pima)

The foregoing instrument was acknowledged before me this ____ day of _____, 202_, by William Hallinan, Authorized Signatory of R11 TANGERINE CORPORATION, an Arizona corporation, on behalf of the corporation.

(Seal)

_____
Notary Public

STATE OF ARIZONA)
) ss.
County of Pima)

The foregoing instrument was acknowledged before me this ____ day of _____, 202_, by William Hallinan, Vice President of DM Administration Inc. an Arizona Corportaion in its capacity as manager of Tangerine/I-10 LLC, an Arizona limited liability company.

(Seal)

_____
Notary Public

Borderland

CONSTRUCTION MANAGER AT-RISK (CMAR) - CONSTRUCTION SERVICES

GMP#19 - SUMMARY

Town of Marana
Department of Public Works
Marana Project Number: ST107

INTERIM TRAFFIC INTERCHANGE (INTERSTATE-10/TANGERINE ROAD)

GMP#19 - COTTONWOOD PROPERTIES DRIVEWAY (PIPA ITEMS ONLY)

Updated: November 24, 2025

CONSTRUCTION	AMOUNT
CONSTRUCTION COSTS:	-
I. Cost of Construction	$ 71,199.38
II. CMAR Contingency	$ -
SUBTOTAL *(Direct Construction Cost)*	***$ 71,199.38***
INDIRECT CONSTRUCTION COSTS:	-
III. General Conditions	$ -
IV. Overhead	$ 5,724.43
V. General Liability Insurance	$ 236.50
VI. Payment and Performance Bonds	$ 789.64
SUBTOTAL *(Indirect Construction Cost)*	***$ 6,750.57***
SUBTOTAL *(Direct Construction Cost + Indirect Construction Cost)*	***$ 77,949.95***
VII. Construction Fee	$ 5,307.74
SUBTOTAL *(Direct Cons. Cost + Gen Cond + Overhead + Insurance + Bonds + Fee)*	***$ 83,257.69***
VIII. Arizona Gross Receipts Tax	$ 5,465.87
GUARANTEED MAXIMUM PRICE (GMP)	**$ 88,723.56**
OTHER PROJECT COSTS:	-
IX. Owner's Contingency	$ -
TOTAL CONTRACT COST	**$ 88,723.56**

For supporting documentation - see also:
Attachment #1 - Schedule of Values
Attachment #2 - Scope of Work (List of Plans/Specifications)
Attachment #3 - Clarifications, Assumptions, and Exclusions to the scope of work
Attachment #4 - Schedule

EXHIBIT A
Page 1 of 2

Borderland

CONSTRUCTION MANAGER AT-RISK (CMAR) - CONSTRUCTION SERVICES

ATTACHMENT #1 - SCHEDULE OF VALUES

INTERIM TRAFFIC INTERCHANGE (INTERSTATE-10/TANGERINE ROAD)

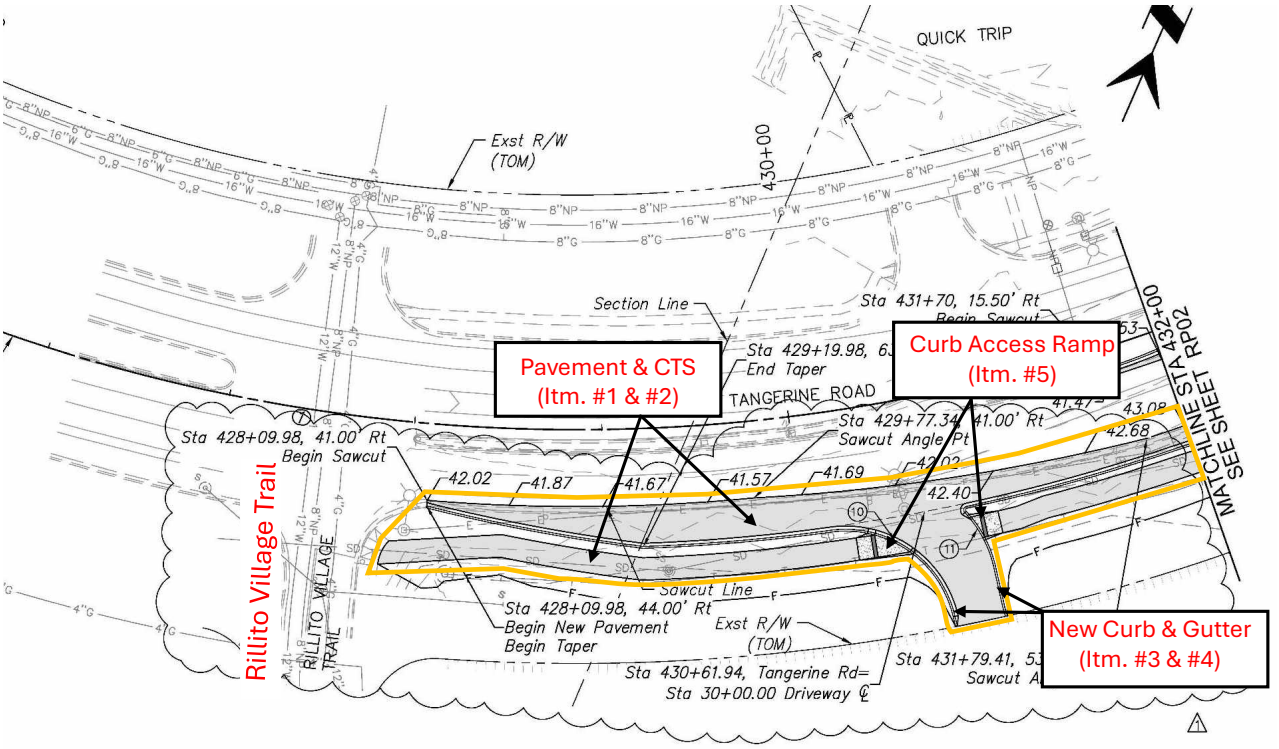
GMP#19 - COTTONWOOD PROPERTIES DRIVEWAY (PIPA ITEMS ONLY)

Updated: November 24, 2025

Line No.	Item No.	Item Description	Unit	Quantity	Unit Cost	Extended Amount
1	-	**I. COST OF CONSTRUCTION - LINE ITEMS**				-
2	-	**COTTONWOOD PROPERTIES DRIVEWAY (ST107-DWY #1, STA.430+61.94)** *(to be constructed simultaneously with Interim TI GMP#18 project)*				-
3	2030300	Roadway Excavation	CY	33.00	$ 227.64	$ 7,512.12
4	2031002	Borrow (Source = GMP#18 Drainage Excavation)	CY	330.00	$ 8.24	$ 2,719.20
5	2050001	Grading Roadway For Pavement	SY	373.00	$ 5.86	$ 2,185.78
6	3020001	Cement Treated Subgrade	SY	428.00	$ 17.39	$ 7,442.92
7	3020011	Cement For CTS	TON	23.00	$ 228.50	$ 5,255.50
8	3030003	Aggregate Base (PAG)	CY	60.00	$ 125.28	$ 7,516.80
9	4060001	Asphaltic Concrete (No. 1)	TON	95.00	$ 136.35	$ 12,953.25
10	4060004	Asphaltic Concrete No. 2 (Terminal Mix)	TON	34.00	$ 196.58	$ 6,683.72
11	7060020	Pavement Marker, Reflective, (Type C, Clear, Red)	EA	18.00	$ 3.25	$ 58.50
12	7080011	Painted Pavement Marking (Symbols/Legends) (Temporary)	EA	1.00	$ 55.00	$ 55.00
13	7080012	Painted Pavement Marking (Symbols/Legends) (Final)	EA	1.00	$ 75.00	$ 75.00
14	9080001	Concrete Curb (Std. Dtl. 209) (Type 1)	LF	56.00	$ 35.21	$ 1,971.76
15	9080051	Concrete Curb And Gutter (Std. Dtl. 209) (Type G)	LF	25.00	$ 84.01	$ 2,100.25
16	9080291	Curb Access Ramp	EA	2.00	$ 4,521.79	$ 9,043.58
17	9240170	Contractor Quality Control	LS	1.00	$ 4,426.00	$ 4,426.00
18	9250001	Construction Survey and Layout	LS	1.00	$ 1,200.00	$ 1,200.00
19	-	***COST OF CONSTRUCTION - LINE ITEMS SUBTOTAL***				**$ 71,199.38**
20	-	**II. CMAR CONTINGENCY**				-
21	299.001	*N/A - Excluded*	-	-	$ -	$ -
22	**299.100**	***CMAR CONTINGENCY - LINE ITEMS SUBTOTAL***				**$ -**
23	-	***SUBTOTAL A.*** *(DIRECT CONSTRUCTION COSTS)*				**$ 71,199.38**
24	-	**INDIRECT CONSTRUCTION COSTS**				-
25	-	**III. GENERAL CONDITIONS**				-
26	300.001	*(N/A - to occur simultaneously with GMP#18)*	-	-	-	$ -
27	**300.100**	***SUBTOTAL B.*** *(III. GENERAL CONDITIONS)*				**$ -**
28	-	***SUBTOTAL C.*** *(DIRECT COSTS + GENERAL CONDITIONS)*				**$ 71,199.38**
29	**400.100**	**IV. CMAR OVERHEAD** (8.04% of Subtotal C)	LS	1.00	$ 5,724.43	$ 5,724.43
30	-	***SUBTOTAL D.*** *(DIRECT COSTS + GENERAL CONDITIONS + OVERHEAD)*				**$ 76,923.81**
31	**700.100**	**VII. CONSTRUCTION FEE** (6.90% of Subtotal D)	LS	1.00	$ 5,307.74	$ 5,307.74
32	**500.100**	**V. GENERAL LIABILITY INSURANCE** (0.2876% of Subtotal D + VII)	LS	1.00	$ 236.50	$ 236.50
33	**600.100**	**VI. PAYMENT & PERFORMANCE BONDS**	LS	1.00	$ 789.64	$ 789.64
34	-	***SUBTOTAL E.*** *(SUBTOTAL D + VII + V + VI)*				**$ 83,257.69**
35	**800.100**	**VIII. TOWN OF MARANA SALES TAX**				$ 5,465.87
36	-	***GUARANTEED MAXIMUM PRICE (GMP)***				**$ 88,723.56**

EXHIBIT A
Page 2 of 2

EXHIBIT B



Item No.	Item Description	Unit	Quantity
1	New pavement for roadway	SY	373
2	Cement Treated Subgrade (CTS)	SY	428
3	Install Concrete Curb Type 1	LF	56
4	Install Concrete Curb and Gutter Type G	LF	25
5	Install Curb Access Ramp	EA	2

Council-Regular Meeting **C3**

Meeting Date: 01/06/2026

To: Mayor and Council

Submitted For: George Cardieri, Real Property Manager

From: George Cardieri, Real Property Manager

Date: January 6, 2026

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2026-003: Relating to Real Estate; vacating public right-of-way located south of West Massingale Road and east of North Hartman Lane in Section 36, Township 12 South, Range 12 East (George Cardieri)

Discussion:

Town staff have identified a triangular-shaped area designated as public right-of-way, located south of West Massingale Road and east of North Hartman Lane, that lies entirely within a privately owned parcel (APN: 226-35-004B) owned by Mr. Bults, Inc., an Illinois corporation. The area is approximately 5,811 square feet and was originally intended for use by Pima County for floodplain management related to a project that ultimately was not constructed. The subject public right-of-way and surrounding property were subsequently annexed into the Town of Marana on April 16, 1991, through adoption of Ordinance No. 91.12, recorded in the office of the Pima County Recorder on June 25, 1991, at Docket 9067, Page 623. Since then, the property has retained its designation as "right-of-way" but is not needed by the Town for right-of-way uses now or in the future. The Town is authorized by A.R.S. §§ 9-240(B)(3)(e) and 28-7205 to vacate and abandon unneeded Town rights-of-way and roadways. Approval of the proposed resolution will abandon the right-of-way and authorize the Town Engineer to sign a Quit Claim Deed of Abandonment, quit-claiming the right-of-way to Mr. Bult's, Inc., the current owner of the adjacent land.

Staff Recommendation:

Staff recommends approval of the abandonment.

Suggested Motion:

I move to adopt Resolution No. 2026-003, vacating public right-of-way located south of West Massingale Road and east of North Hartman Lane in Section 36, Township 12 South, Range 12 East.

Attachments

Resolution No. 2026-003

Exhibit A (Legal Description)

Exhibit B (Quit Claim Deed of Abandonment)

Map of Massingale ROW

MARANA RESOLUTION NO. 2026-003

RELATING TO REAL ESTATE; VACATING PUBLIC RIGHT-OF-WAY LOCATED SOUTH OF WEST MASSINGALE ROAD AND EAST OF NORTH HARTMAN LANE IN SECTION 36, TOWNSHIP 12 SOUTH, RANGE 12 EAST

WHEREAS, on April 16, 1991, the Town of Marana passed and adopted Ordinance No. 91.12, recorded in the office of the Pima County Recorder on June 25, 1991, at Docket 9067 Page 623, approving an annexation of property to the Town of Marana (the "Lawyer's Title Annexation"); and

WHEREAS the Lawyer's Title Annexation included property that had been established in Pima County as right-of-way, including approximately 5,811 square feet of right-of-way located south of West Massingale Road and east of North Hartman Lane in Section 36, Township 12 South, Range 12 East (the "Subject Right-of-Way"); and

WHEREAS the Subject Right-of-Way was originally intended to be used by Pima County for floodplain management for a project that ultimately was not constructed; and

WHEREAS the Town of Marana is authorized by A.R.S. §§ 9-240 (B)(3)(e) and 28-7205 to vacate and abandon Town rights-of-way and roadways; and

WHEREAS the Town Council finds that the value of the Subject Right-of-Way is nominal and that vacating it is in the best interests 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 of Marana hereby vacates and abandons the Subject Right-of-Way more particularly described in Exhibit A attached to and incorporated within this resolution by this reference.

SECTION 2. The Town Engineer is hereby authorized to sign the Quit Claim Deed of Abandonment in substantially the form attached to and incorporated within this resolution by this reference as Exhibit B, quit-claiming the Subject Right-of-Way to Mr. Bult's, Inc., the current owner of the adjacent land.

SECTION 3. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out this resolution.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 6th day of January, 2026.

_____
Mayor Jon Post

ATTEST:

_____
Jill McCleary, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

Exhibit "A"

A part of the Northwest one-quarter (NW 1/4) of the Southwest one-quarter (SW 1/4) of Section 36, Township 12 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northwest corner of the said Northwest one-quarter (NW 1/4);

THENCE N 89°24'52" E along the North line of the said Northwest one-quarter (NW 1/4) a distance of 577.00 feet to the POINT OF BEGINNING at the point of curvature of a tangent curve concave to the South;

THENCE Easterly along the arc of said curve, to the right, having a radius of 373.00 feet and a central angle of 19°18'32" for an arc distance of 125.70 feet to a point of reverse curvature of a tangent curve concave to the North;

THENCE Easterly along the arc of said curve, to the left, having a radius of 427.00 feet and a central angle of 19°18'32" for an arc distance of 143.90 feet to a point of cusp on a line 45.00 feet South of and parallel with the said North line;

THENCE S 89°24'52" W along the said parallel line a distance of 264.36 feet to a line 577.00 feet East of and parallel with the West line of the said Northwest one-quarter (NW 1/4);

THENCE N 00°48'19" W along the said parallel line a distance of 45.00 feet to the POINT OF BEGINNING.

Containing 5,811 square feet, more or less.

QUIT CLAIM DEED OF ABANDONMENT

Exempt: A.R.S. § 28-7210

THE TOWN OF MARANA, an Arizona municipal corporation, hereby quit claims in favor of MR. BULT'S, INC., an Illinois corporation, the following described real property situated in Pima County, Arizona:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" INCORPORATED HERE BY THIS REFERENCE

RESERVING easements, if any, pursuant to A.R.S. § 28-7210 for the following as they existed before this abandonment: (a) existing sewer, gas, water or similar pipelines and appurtenances, (b) existing canals, laterals or ditches and appurtenances, and (c) electric, telephone and similar lines and appurtenances.

SUBJECT TO reservations in patents and all covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

DATED _____, 2026.

THE TOWN OF MARANA, an Arizona municipal corporation

By: _____
Fausto Burruel, Town Engineer

*Per Marana Resolution No. 2026-003

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

STATE OF ARIZONA)
ss
County of Pima)

The foregoing instrument was acknowledged before me on _____, 2026, by Fausto Burruel, the Town Engineer of THE TOWN OF MARANA, an Arizona municipal corporation, on its behalf.

(Seal)

_____
Notary Public

Exhibit "A"

A part of the Northwest one-quarter (NW 1/4) of the Southwest one-quarter (SW 1/4) of Section 36, Township 12 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northwest corner of the said Northwest one-quarter (NW 1/4);

THENCE N 89°24'52" E along the North line of the said Northwest one-quarter (NW 1/4) a distance of 577.00 feet to the POINT OF BEGINNING at the point of curvature of a tangent curve concave to the South;

THENCE Easterly along the arc of said curve, to the right, having a radius of 373.00 feet and a central angle of 19°18'32" for an arc distance of 125.70 feet to a point of reverse curvature of a tangent curve concave to the North;

THENCE Easterly along the arc of said curve, to the left, having a radius of 427.00 feet and a central angle of 19°18'32" for an arc distance of 143.90 feet to a point of cusp on a line 45.00 feet South of and parallel with the said North line;

THENCE S 89°24'52" W along the said parallel line a distance of 264.36 feet to a line 577.00 feet East of and parallel with the West line of the said Northwest one-quarter (NW 1/4);

THENCE N 00°48'19" W along the said parallel line a distance of 45.00 feet to the POINT OF BEGINNING.

Containing 5,811 square feet, more or less.

Public Right-of-Way to be Abandoned



Legend

Parcels



400.0 0 200.00

Feet


W Massingale Rd
W Massingale Rd
W Massingale Rd
W Massingale Rd
N Star Gras
W Camino De Fuego
10
W Mars St
N Starmount Way
W INA RD
W INA RD

Council-Regular Meeting **C4**

Meeting Date: 01/06/2026

To: Mayor and Council

Submitted For: Fausto Burruel, Public Works Director

From: Dan Grossman, CIP Process Analyst

Date: January 6, 2026

Strategic Plan Focus Area:
Not Applicable

Strategic Plan Focus Area Additional Info:

Subject: Relating to Procurement; approving a change order to the contract with Psomas, Inc. in the amount of $181,580.93 for the Tangerine Road Widening Phase 2A Project (ST098); authorizing the transfer of appropriations, if necessary, for the change order; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change order (Fausto Burruel)

Discussion:
Marana Town Code ("MTC") Section 3-4-7(B)(3) provides that Town Council approval is necessary for change orders that individually or cumulatively exceed the amounts set forth in MTC Section 3-4-8(A)(3).

The budget for fiscal year 2025-2026 was adopted on June 17, 2025 and included the Town's five-year CIP program. The Tangerine Road Widening, Phase 2A, Project No. ST098 (the "Project") was properly included within the Town of Marana's FY2026 Capital Improvement Plan.

Effective January 31, 2022, the Town entered into a professional services agreement with Psomas, Inc. ("Consultant") for the design of Tangerine 2A in the amount of $3,500,548 ("Agreement"). Since then, several amendments have been executed

involving change orders (a summary of which can be reviewed in the staff report accompanying the agenda materials for the November 18, 2025 Town Council Meeting). Some of the amendments involved archaeological discoveries that were made on the site, as follows:

- Effective February 8, 2024, the Town executed an amendment to the Agreement adding Phase II data recovery to the scope of work and increasing the Consultant's fee in the amount of $349,695.00 to account for the added work.
- Effective August 5, 2024, the Town executed an amendment to the Agreement adding Phase II data recovery to the scope of work and increasing the Consultant's fee in the amount of $381,786.75 to account for the added work.
- Effective September 23, 2024, the Town executed an amendment to the Agreement adding Phase II data recovery to the scope of work and increasing the Consultant's fee in the amount of $282,242.50 to account for the added work.
- Effective February 17, 2025, the Town executed an amendment to the Agreement adding Phase II data recovery to the scope of work and increasing the Consultant's fee in the amount of $561,272.00to account for the added work.

While performing the Phase II data recovery, the consultant has continued to encounter cultural resources and funeral remains that require additional data recovery efforts. A change order is required in the amount of $181,580.93 for this additional work.

The total fee for the Consultant for Phase II data recovery will increase to $1,756,577.68.

Financial Impact:

Fiscal Year:	2026
Budgeted Y/N:	Yes
Amount:	$181,580.93

This change order will be funded with Northeast Impact Fees, GL Account # 36643000-8025-ST098.

Staff Recommendation:

Staff recommends approval of the change order to the Psomas Inc. Professional Service Agreement for the Tangerine Rd Widening Phase 2A, ST098 project in the amount of $181,580.93.

Suggested Motion:

I move to approve the change order to the contract with Psomas, Inc. in the amount of $181,580.93 for the Tangerine Road Widening Phase 2A Project (ST098); authorizing the transfer of appropriations, if necessary, for the change order; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change order.

Attachments

Cultural Data Recovery ST098

PSOMAS

December 8, 2025

Jennifer Flood
Deputy Director of Public Works
Town of Marana
5100 W. Ina Road
Marana, AZ 85743

Re: ST098 - Tangerine Road Ph. 2, I-10 to Dove Mountain Blvd
Phase II Data Recovery – Change Order
Psomas Job 7TMA210210

Dear Jennifer:

While performing the Phase II data recovery in advance of the Tangerine Road construction, Westland Resources has encountered historic artifacts and resources that are in excess of the amount of recovery effort assumed in their initial scope and previous contract modifications. Westland is requesting a change order to cover the additional level of effort associated with the data recovery.

Please see attached scope of work from Westland Resources and estimated fee, with proposed not to exceed authorization of **$181,580.93** to perform this work. Per Westland's previous discussions with you, it is anticipated that a modification to the existing contract will be issued for this work.

If you have any questions concerning this proposal, please do not hesitate to call me at (520) 822-4581. We appreciate the opportunity to continue to provide services to the Town of Marana.

Respectfully Submitted,
Psomas

Sean Samsel, P.E.
Principal | Arizona Regional Manager
ssamsel@psomas.com

Attachments: Westland Change Order Scope of Work and Fee Proposal

CHANGE ORDER

Change Order No.: **10**

Name of Project: **Continued Cultural Resource Services for the Tangerine Road Corridor Project (Interstate 10 to Dove Mountain Boulevard/Twin Peaks Road)**

Project No.: **756.14**

Date: **December 8, 2025**

WestLand Resources, Inc., an Arizona corporation, d/b/a WestLand Engineering & Environmental Services ("WestLand") is providing this contract modification to the Agreement that was fully executed on March 30, 2022 by WestLand and **PSOMAS**.

1. CHANGES TO SCOPE OF SERVICES.

The Scope of Services is changed as follows:

WestLand initiated Phase II data recovery investigations at AZ AA:12:422(ASM) on February 26, 2024. To date, WestLand has completed Phase II excavations and Phase III construction monitoring in support of the project. During Phase II excavations, WestLand documented and excavated a total of 382 archaeological features and fully recovered a total of 198 mortuary features and isolated human remains. Change Order No. 9 assumed a total of 177 mortuary features would be recovered and documented. This is 22 more mortuary features than originally assumed in the previous proposal and subsequent change orders. The original proposal and subsequent change orders stated that a fee of $3,500.00 would be assessed for the excavation, analysis, reporting, and repatriation in the event that additional ancestral burials are encountered. For these 22 additional mortuary features, the $3,500.00 fee per burial totals **$73,500.00**.

Overall, the data recovery work at AZ AA:12:422(ASM) contained a higher than anticipated number of habitation structures, mortuary features, deeper sediment deposition, and a higher number of artifacts. This has led to increased levels of effort in the post-fieldwork tasks that remain to be completed for the project. To date, WestLand's cultural resources team has drafted three end-of-fieldwork reports to support and expedite construction clearance for the project. This was **two more end-of-fieldwork reports** than originally assumed in the previous proposals and change orders.

In November 2024, WestLand repatriated the first set of mortuary features to the Tohono O'odham Nation based on the Nation's traditional cultural practices. WestLand subsequently drafted the first Report of Remains, a permit obligation that documents the mortuary features that have been repatriated to the Nation. In November 2025, WestLand transported all of the remaining mortuary features to the Nation outside of Sells, Arizona. WestLand is actively working on the second Report of Remains that documents the final repatriation event for the project. This was **one more report** than originally assumed in the previous proposals and change orders.

WestLand's cultural resources team is also actively working on the artifact analysis, the draft data recovery report, and curation tasks that remain to be completed for the project. Due to the extent of the Phase II excavation work, more artifacts, specialized samples, and faunal specimens were recovered than originally anticipated. This has led to an increase in labor efforts by our analysts, report authors, and laboratory staff conducting the documentation, reporting, and curation work.

WestLand will continue to complete the following tasks for the project:

1. **Laboratory Processing.** Additional labor hours to complete the lab processing to state standards for archaeological data recovery projects.

2. **Analysis.** Additional labor hours to complete the documentation and analysis required by the ASM for archaeological data recovery projects.
3. **Report.** Additional labor hours to draft a draft data recovery report and the second report of remains to current State Historic Preservation Office (SHPO) and ASM standards. A draft archaeological report will be submitted within 12 months of the end of fieldwork, and the Report of Remains must be submitted within 120 days of repatriation. It is anticipated that the draft data recovery report will be submitted in May 2026 and the second report of remains will be submitted in March 2026.
4. **Curation.** The artifacts and samples recovered during the phased data recovery program will be curated with the ASM along with all field notes, photographs, and reports. Given the size of the artifact assemblage, additional labor hours will be needed to prepare the collection for curation in perpetuity at the ASM. The Project's collection must meet the Museum's curation standards which includes multiple reviews prior to Museum's acceptance of the collection. The final estimated ASM project registration and curation fee for the project is **$134,194.73**.

2. COST(S).

As of December 2025, the remaining project funds total **$84,343.00**. The final estimated ASM project registration and curation fee for the project is **$134,194.73**. WestLand's estimate, to the best of our ability and in good faith, of the total cost of the Services added by this Change Order is **$181,580.93**. A breakdown of costs is provided in **Table 1**.

Table 1. Cost Summary

Phase 11 Continued Cultural Resource Services	Rate	Hours	Total
Task 3. Lab Processing			
Field Technician III	$ 61.00	40	$ 2,440.00
Lab Director	$ 90.00	40	$ 3,600.00
Field Technician I	$ 55.00	80	$ 4,400.00
		Task 3 Total	**$ 10,440.00**
Task 4. Analysis			
Faunal Analyst (Project Manager I)	$ 175.00	40	$ 7,000.00
Osteologist (Project Manager I)	$ 175.00	40	$ 7,000.00
Ceramic Analyst (Crew Chief II)	$ 90.00	80	$ 7,200.00
		Task 4 Labor Total	**$ 21,200.00**
Task 5. Reporting			
Field Director II	$ 100.00	120	$ 12,000.00
Ceramic Analyst (Crew Chief II)	$ 90.00	40	$ 3,600.00
Project Manager II	$ 190.00	20	$ 3,800.00
Osteologist (Project Manager I)	$ 175.00	80	$ 14,000.00
Faunal Analyst (Project Manager I)	$ 175.00	40	$ 7,000.00
Tech Editor I	$ 100.00	120	$ 12,000.00
Geospatial Analyst III	$ 122.00	20	$ 2,440.00
		Task 5 Labor Total	**$ 54,840.00**
Task 6. Curation and Project Close Out			
Lab Director	$ 90.00	160	$ 14,400.00
Field Technician III	$ 67.00	160	$ 10,720.00
Task 6 Labor Total			**$ 25,120.00**
ASM Registration Fee	$134,194.73 (please see attached)	15% markup ($20,129.20)	$ 154, 323.93
		Task 6 Total	**$ 179,443.93**
		PROJECT TOTAL	**$ 265,923.93**
		REMAINING PROJECT BUDGET AS OF DECEMEBER 2025	**-$84,343.00**
		CHANGE ORDER TOTAL	**$181,580.93**

This cost estimate is based on the following assumptions:

1. Funds can be moved between tasks as needed.
2. The draft data recovery report will be submitted electronically, no printing other than what is included the final curation will be required.
3. There will be one round of comments on the Report of Remains from the Arizona State Museum Repatriation Office.
4. There will be one round of combined comments on the draft data recovery report from the Town of Marana, ASM, SHPO, and the ASLD.
5. The final ASM Registration and Curation fee will not exceed **$134,194.73**

3. ADJUSTMENT IN PRICE.

The payment (in an amount not to exceed the estimate stated above for increases in the Services) by **PSOMAS** on account of such change in the Services will be adjusted as determined by and strictly limited to the original Agreement and any subsequent change orders.

4. COMPLETION DATE.

There is no change in the completion date unless otherwise specified herein.

All other original conditions of the Agreement remain unchanged and are in full force and effect.

PSOMAS	**WestLand Resources, Inc., an Arizona corporation, d/b/a WestLand Engineering & Environmental Services**
Signature	Signature
Printed Name	Printed Name
Title	Title
Date	Date

ARIZONA STATE MUSEUM

Arizona State Museum c/o ORP Business Center
University of Arizona
Marshall Building - Room 525
845 N Park Avenue
PO Box 210158B
Tucson, AZ 85721

Westland Resources Inc.
4001 E. Paradise Falls Drive,
Tucson, Arizona 85712

Quote

Quote No. 12879-Q1
Date: December 3, 2025
Valid to: February 1, 2026

Request No. 12879
Company Name: Westland Resources Inc.
Request Name: Tangerine Road Widening, Phase 2A
Company Project No. 756.14

Request Contact
Contact Name: Shalyn Bristow (sbristow@westlandresources.com)

Services Requested
Service: Burial Discovery Agreement

Burial Agreement Landownership: State Land
Burial Agreement Type: Standard

No. of Estimated BDA Linear Inches: 12

Service: Project Registration

Project Type: Site Monitoring, Testing, and Data Recovery
Landownership: State County or Municipal

Site Number(s): AZ AA:12:82(ASM), AZ AA:12:422(ASM)
No. of Person Field Days: 360

Arizona Antiquities Act Permit

Site Monitoring, Testing and Data Recovery takes place within the boundary of an ASM Site on State Land: Yes

AAA Project-Specific Permit: SELECTED
Treatment Plan Type: Project-Specific

ASM Repository Agreement

Request a Repository Agreement with ASM: SELECTED
Expedited ASM Repository Agreement: NOT REQUESTED

Estimated quantities of materials to be curated at ASM

No. of Linear Inches of documents to be curated at ASM: 12
No. of New ASM Site Cards to be submitted: 0
No. of ASM Site Card Updates to be submitted: 2
No. of Digital Images to be submitted: 600
No. of Half Boxes to be submitted: 126
No. of Catalog Objects to be submitted: 100

Request note: This quote has been issued for budgeting purposes only and will be cancelled after issuance. The project registration (AP-2023-0163) is already in progress under ASM Job No. 005700. Per correspondence between WestLand Resources, Inc. (in Arizona dba WestLand Engineering & Environmental Services) and the ASM Quotes Team, this quote only includes the Curation variables for this project.

Please Note: Tasks and Costs below where the Curation column is listed as "YES" will appear on Invoice 2 and the quantities listed on this quote are subject to change.

Rate Based Fees

Task Name	Curation Task	Quantity	Quantity Type	Task Time (minutes)	Rate (hourly)	Amount
ASM Site Card Update - Assistant	YES	2	No. of ASM Site Card Updates	45	38	$57.00
ASM Site Card Update - Specialist	YES	2	No. of ASM Site Card Updates	120	83	$332.00
Catalog Individual Artifact - Assistant	YES	100	No. of Catalog Objects	36	38	$2,280.00
Catalog Individual Artifact - Specialist	YES	100	No. of Catalog Objects	132	83	$18,260.00
Catalog Individual Artifacts Curation - Professional	YES	100	No. of Catalog Objects	15	125	$3,125.00
Collections Intake - Assistant	YES	1	No. of Projects	12	38	$7.60
Collections Intake - ARO Assistant	YES	1	No. of Projects	40	38	$25.33
Collections Intake - Specialist	YES	1	No. of Projects	120	83	$166.00
Prepare Archive - Assistant	YES	12	No. of BDA Linear Inches	18	38	$136.80
Prepare Archive - Assistant	YES	12	No. of Linear Inches	18	38	$136.80
Prepare Archive - Professional	YES	12	No. of BDA Linear Inches	20	125	$500.00
Prepare Archive - Professional	YES	12	No. of Linear Inches	20	125	$500.00
Prepare Bulk Artifacts - Assistant	YES	126	No. of Half Boxes	24	38	$1,915.20
Prepare Bulk Artifacts - Specialist	YES	126	No. of Half Boxes	30	83	$5,229.00
Prepare Photos - Specialist	YES	600	No. of Digital Images	18	83	$14,940.00
Process Images - Professional	YES	600	No. of Digital Images	6	125	$7,500.00
Review Draft Report (BA) - Professional	YES	1	No. of BDAs	120	125	$250.00

~~Project Registration: Site Monitoring, Testing/Excavation - Assistant~~	~~NO~~	~~1~~	~~No. of Projects~~	~~36~~	~~38~~	~~$22.80~~
~~Project Registration: Site Monitoring, Testing/Excavation - Specialist~~	~~NO~~	~~1~~	~~No. of Projects~~	~~36~~	~~83~~	~~$49.80~~
~~Receive Burial Agreement Application - Professional~~	~~NO~~	~~1~~	~~No. of BDAs~~	~~30~~	~~125~~	~~$0.00~~
~~Repository Services Agreement Processing - Specialist~~	~~NO~~	~~1~~	~~No. of Projects~~	~~100~~	~~83~~	~~$138.33~~
~~Review Burial Agreement Application - Professional~~	~~NO~~	~~1~~	~~No. of BDAs~~	~~30~~	~~125~~	~~$0.00~~
~~Review Draft Report - Professional~~	~~NO~~	~~1~~	~~No. of Permits~~	~~240~~	~~125~~	~~$500.00~~
~~Review Draft Report - Specialist~~	~~NO~~	~~1~~	~~No. of Permits~~	~~330~~	~~83~~	~~$456.50~~
~~Review Permit Application - Professional~~	~~NO~~	~~1~~	~~No. of Permits~~	~~120~~	~~125~~	~~$0.00~~
~~Review Permit Application - Specialist~~	~~NO~~	~~1~~	~~No. of Permits~~	~~240~~	~~83~~	~~$0.00~~

Subtotal: $55,360.73

Unit Based Fees

Cost Description	Curation Cost	Quantity	Quantity Type	Unit Cost	Amount
Curation in perpetuity of a half-cubic-foot box of artifacts	YES	126	No. of Half Boxes	$613.00	$77,238.00
Curation in perpetuity of a linear inch of BDA documentation	YES	12	No. of BDA Linear Inches	$66.50	$798.00
Curation in perpetuity of a linear inch of documentation	YES	12	No. of Linear Inches	$66.50	$798.00

Subtotal: $78,834.00

Total: $134,194.73

This quote is provided in good faith based on the assumptions and information submitted via the Arizona State Museum (ASM) Request for Quote Questionnaire. This quote applies only to the specific project for which the Request for Quote was submitted. If at any time the scope of this project escalates beyond that which was outlined within the Request for Quote Questionnaire, a revised quote (Rev.) will be issued, and thereafter become binding. The rates and fees listed in this quote are valid for 60 calendar days after the date issued.

Council-Regular Meeting **C5**

Meeting Date: 01/06/2026

To: Mayor and Council

From: Jill McCleary, Town Clerk

Date: January 6, 2026

Subject: Approval of Council Study Session Summary Minutes of December 9, 2025, Special Council Meeting Summary Minutes of December 10, 2025, and Regular Council Meeting Summary Minutes of December 16, 2025 (Jill McCleary)

Attachments

Study Session Summary Minutes, 12/09/2025

Special Council Summary Minutes, 12/10/2025

Regular Council Meeting Summary Minutes, 12/16/2025

MARANA TOWN COUNCIL
STUDY SESSION
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, December 9, 2025, at or after 6:00 PM

Jon Post, Mayor
Roxanne Ziegler, Vice Mayor
Patti Comerford, Council Member
Patrick Cavanaugh, Council Member
Herb Kai, Council Member
Teri Murphy, Council Member
John Officer, Council Member

SUMMARY MINUTES

CALL TO ORDER AND ROLL CALL

Mayor Post called the meeting to order at 6:01 PM and directed the Town Clerk to call the roll. **Council Member Comerford** was absent. All other Council Members were present, constituting a quorum.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE: Led by Mayor Post.

APPROVAL OF AGENDA

Council Member Kai moved to approve the agenda as presented. Vice Mayor Ziegler seconded the motion. Motion passed, 6-0.

DISCUSSION/DIRECTION/POSSIBLE ACTION

D1 Relating to Wastewater: Presentation and discussion on the Water Reclamation Master Plan Update by HDR, Inc. (Mike Osborne)

Water Director Heidi Lashman introduced the agenda item and provided a brief background on its history. She encouraged the Council to ask questions and introduced the **HDR Senior Project Manager Eric Hielema.**

HDR Water/Wastewater Engineer Hadley Habeck presented an update to the Town's sewer master plan for the Town's designated management area. A copy of the presentation slides is on file with the Town Clerk's Office.

Ms. Habeck summarized existing system conditions, projected future wastewater flows, recommended facility and infrastructure improvements, and a phased implementation strategy. She stated that, based on planning for 13% growth, a new treatment plant referred to as the "North WRF" would need to open in 2034, an expansion to the existing treatment plant would need to be completed in 2037, and a new treatment plant referred to as the "South WRF" would need to open in 2041.

Throughout the presentation, Council Members asked clarifying questions. Some of the topics covered in the questions included how basins were defined within the plan, the size of the designated management area, growth projections, locations for treatment facilities, odor control, funding, long-term storage credits, and the use of impact fees.

Mayor Post and Council Members thanked staff and the HDR representatives for the presentation.

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).

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 Post requested future agenda items. There were no requests for future agenda items from Council Members.

DRAFT

ADJOURNMENT

Mayor Post asked for a motion to adjourn.

Vice Mayor Ziegler moved to adjourn the meeting. Council Member Officer seconded the motion. Motion passed, 6-0. The meeting was adjourned at 6:53 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Town Council Study Session held on December 9, 2025. I further certify that a quorum was present.

_____

Jill McCleary, Town Clerk

DRAFT

MARANA TOWN COUNCIL
SPECIAL COUNCIL MEETING
11555 W. Civic Center Drive, Marana, Arizona 85653
Board Room, December 10, 2025, at or after 8:30 AM

Jon Post, Mayor
Roxanne Ziegler, Vice Mayor
Patrick Cavanaugh, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Teri Murphy, Council Member
John Officer, Council Member

SUMMARY MINUTES

CALL TO ORDER AND ROLL CALL

Mayor Post called the meeting to order at 8:45 AM. He directed the Town Clerk to call the roll. **Vice Mayor Ziegler** and **Council Member Comerford** were absent. All other Council Members were present, constituting a quorum. Also present were **State Representative Rachel Keshel, State Representative Kevin Volk**, **State Senator Vince Leach**, **Triadvocates Public Affairs Advisor Roxanna Pitones, Triadvocates Principal Julie Rees, Town Manager Terry Rozema, Assistant to the Town Manager Andrea De La Cruz, Town Attorney Jane Fairall,** and **Town Clerk Jill McCleary.**

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

Mayor Post asked for a motion to approve the agenda.

Council Member Cavanaugh moved to approve the agenda as presented. Council Member Officer seconded the motion. Motion passed, 5-0.

ITEMS FOR DISCUSSION / POSSIBLE ACTION

D1 Relating to Intergovernmental Relations; discussion with the Town's legislative delegates regarding the Town of Marana, including the Town's operations, projected growth, and legislative priorities (Terry S. Rozema)

Mayor Post welcomed **Representative Keshel, Senator Leach,** and **Representative Volk**, and thanked them for attending the meeting. He acknowledged the one-year anniversary of the late Mayor Ed Honea's passing. The current draft of the 2026 Marana Legislative Policy Priority Program document was available to attendees. A copy is on file with the Town Clerk's Office.

Mayor Post opened with an overview of current topics affecting Marana.

Mayor Post, **Representative Keshel, Representative Volk**, **Senator Leach**, Council Members, and Town staff participated in a discussion regarding the Town's legislative priorities and the representatives' legislative priorities for the upcoming 2026 Legislative Session. General topics included data centers, referendum laws, engagement with residents, growth, water resources and water laws, affordable housing, the ability of municipalities to govern themselves, the history of the Regional Transportation Authority, RTA Next, economic development, traffic and transportation infrastructure, the Ironwood Forest National Monument, potential uses of a former Marana prison, and the upcoming state budget.

Mayor Post thanked everyone for coming.

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).

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

Mayor Post asked for a motion to adjourn.

Council Member Cavanaugh moved to adjourn the meeting. Council Member Kai seconded the motion. Motion passed, 5-0. The meeting was adjourned at 10:17 AM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Special Town Council meeting held on December 10, 2025. I further certify that a quorum was present.

_____

Jill McCleary, Town Clerk

DRAFT

MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, December 16, 2025, at or after 6:00 PM

Jon Post, Mayor
Roxanne Ziegler, Vice Mayor
Patrick Cavanaugh, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Teri Murphy, Council Member
John Officer, Council Member

DRAFT

SUMMARY MINUTES

CALL TO ORDER AND ROLL CALL

Mayor Post called the meeting to order at 6:03 PM and directed the Town Clerk to call the roll. Council Member Kai 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 Post.**

APPROVAL OF AGENDA

Council Member Cavanaugh moved to approve the agenda as presented. Vice Mayor Ziegler seconded the motion. Motion passed, 5-0.

CALL TO THE PUBLIC

Prior to public comment, **Mayor Post** reported that he and **Town Manager Terry Rozema** met with representatives from Management and Training Corporation (MTC) and that they expressed a preference for the facility to operate as a private prison rather than as an ICE detention facility.

Four speakers addressed the Council during the Call to the Public, including **Mary Romer**, **Nicole Borchaloui**, **Jon Curry**, and **Carter Weeks**. They all spoke in opposition to a potential ICE facility in Marana. One speaker also addressed concerns about a proposed data center.

PROCLAMATIONS

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

Council Member Murphy reported attending an Impact Marana event that included visits to the Marana Police Department and Northwest Fire Department.

Council Member Cavanaugh reported attending a Marana Chamber of Commerce ribbon cutting for Peachwave Frozen Yogurt & Gelato. He also reported attending a 70th-anniversary celebration at the Sanctuary Cove Chapel.

Vice Mayor Ziegler reported on recent improvements at the Tangerine Road interchange, attendance at a ribbon-cutting ceremony for a new apartment complex in Gladden Farms, participation in a Wreaths Across America event, and attendance at a recent program with Impact Marana.

Mayor Post reported attending a ribbon-cutting for Ascent Aviation and the Marana Chamber of Commerce year-end luncheon. He stated that the Chamber of Commerce now has over 800 members, which made it the largest chamber in Southern Arizona.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Terry Rozema elected to forgo his report in the interest of time due to the Holiday event scheduled for that evening.

PRESENTATIONS

CONSENT AGENDA

C1 Ordinance No. 2025.025: Relating to Municipal Court; amending Marana Town Code Title 5 (Municipal Court), Chapter 5-6 (Fees) to update and clarify fees, remove collection language, and consolidate in one section the Court's authority to waive fees; and declaring an emergency (Libby Shelton)

C2 Resolution No. 2025-118: Relating to Intergovernmental Relations; adopting a 2026 Town of Marana Legislative Policy Priority Program and authorizing and directing those authorized to lobby on behalf of the Town of Marana to represent and pursue it (Andrea De La Cruz)

C3 Resolution No. 2025-119: Relating to Municipal Court; approving the appointment of Troy Simon as a magistrate pro tempore for the Marana Municipal Court (Libby Shelton)

C4 Resolution No. 2025-120: Relating to Utilities; approving and authorizing the Mayor to sign an Intergovernmental Agreement with Pima County for Usage of Extra Storage Capacity at Marana High Plains Effluent Recharge Project (Jerry Huerstel)

C5 Approval of Regular Town Council Meeting Summary Minutes of December 2, 2025 (Jill McCleary)

Vice Mayor Ziegler moved to approve the consent agenda. Council Member Cavanaugh seconded the motion. The Town Clerk conducted a roll call vote. Motion passed, 5-0.

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 Resolution No. 2025-121: Relating to Development; approving and authorizing the Mayor to execute a Lease and Development Agreement with Marana Urban LLC for the lease and development of approximately 19 acres of Town-owned property located east of Marana Main Street and north of Civic Center Drive (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** provided an overview of the proposed Lease and Development Agreement, including the project background, development phasing, required public and commercial improvements, and the agreement's financial terms. Council Members asked questions regarding the phasing, drainage considerations, tenant procurement, and the project's orientation to the Marana Aquatics & Recreation Center.

Principal owner of Marana Urban LLC Scott Stiteler addressed the Council regarding the project's vision, community integration, and development approach.

Mr. Rozema provided remarks recognizing the project's significance and acknowledging the staff and partners involved.

Mayor Post moved to adopt Resolution No. 2025-121. Council Member Cavanaugh seconded the motion. Motion passed, 5-0.

ITEMS FOR DISCUSSION / POSSIBLE ACTION

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).

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 Post requested future agenda items. There were no requests for future agenda items from Council Members.

ADJOURNMENT

Mayor Post asked for a motion to adjourn.

Vice Mayor Ziegler moved to adjourn the meeting. Council Member Cavanaugh seconded the motion. Motion passed, 5-0. The meeting was adjourned at 6:57 PM.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the regular Town Council meeting held on December 16, 2025. I further certify that a quorum was present.

_____

Jill McCleary, Town Clerk

DRAFT

Council-Regular Meeting **A1**

Meeting Date: 01/06/2026

To: Mayor and Council

Submitted For: Heidi Lasham, Water Director

From: Mike Osborne, Water Deputy Director

Date: January 6, 2026

Strategic Plan Focus Area:
Thriving Commerce, Proactive Public Services

Subject: PUBLIC HEARING: Ordinance No. 2026.001: Relating to Utilities; amending the Town of Marana comprehensive fee schedule by successively increasing the water base fee, water consumption rates, groundwater resource/acquisition fee, monthly wastewater service fee, and wastewater volume charge for all Marana residential and non-residential water and wastewater customers effective February 6, 2026, January 1, 2027, January 1, 2028, January 1, 2029, and January 1, 2030 (Heidi Lasham)

Resolution No. 2026-004: Relating to Utilities; declaring as a public record filed with the Town Clerk the amendments adopted by Ordinance No. 2026.001, amending the Town of Marana comprehensive fee schedule by successively increasing the water base fee, water consumption rates, groundwater resource/acquisition fee, monthly wastewater service fee, and wastewater volume charge for all Marana residential and non-residential water and wastewater customers effective February 6, 2026, January 1, 2027, January 1, 2028, January 1, 2029, and January 1, 2030 (Heidi Lasham)

Discussion:

In the summer of 2024, the Town of Marana Water Department engaged Raftelis to provide consulting services to conduct a rate analysis for the Town's water and water reclamation rates and fees to ensure they are meeting cost of service needs for the upcoming five years of operations. On October 21, 2025, Raftelis and Town staff presented the preliminary findings of the analysis to Mayor & Council. On November 4, 2025, Mayor and Council adopted a notice of intention to increase water and water reclamation rates, rate components, fees, and service charges over a multi-year (2026-2030) period; and set the date of tonight's public hearing on the proposed increases in order to comply with A.R.S. § 9-511.01.

Based on the analysis performed by Raftelis, Town staff is proposing to increase water and water reclamation rates, rate components, fees and service charges effective February 6, 2026, and again to increase rates for four additional annual cycles on January 1, 2027, January 1, 2028, January 1, 2029, January 1, 2030, as outlined in the resolution and rate study included in the agenda materials.

Staff held two open house meetings regarding rate changes to inform the public about the suggested rates, provide the basis for the suggested rate adjustments, and provide an opportunity for the public to ask questions. One open house was held on November 13, 2025 at the Marana Municipal Complex and another was held on November 19, 2025 at Rattlesnake Ridge Elementary School.

Because of the length of the comprehensive fee schedule revisions, a separate public records resolution has been prepared and included as part of this item.

If adopted, the proposed ordinance will implement the water and water reclamation rate increases recommended by Raftelis.

Financial Impact:

In anticipation of the analysis, the current FY26 department budget did include increases related to proposed rate changes effective after implementation date. As such, pending approval by Council, an increase to the rates effective February 2026 will increase revenues beyond budget expectations for the remainder of this fiscal year. This item will allow the Water Department to increase revenue and meet the cost of service needs identified in the report.

Staff Recommendation:

Staff recommends adoption of Ordinance No. 2026.001, amending the Town of Marana comprehensive fee schedule by successively increasing the water base fee, water consumption rates, groundwater resource/acquisition fee, monthly wastewater service fee, and wastewater volume charge for all Marana residential and non-residential water and wastewater customers effective February 6, 2026, January 1, 2027, January 1, 2028, January 1, 2029, and January 1, 2030; and adoption of Resolution No. 2026-004, making the changes a public record.

Suggested Motion:

I move to adopt Ordinance No. 2026.001, amending the Town of Marana comprehensive fee schedule by successively increasing the water base fee, water consumption rates, groundwater resource/acquisition fee, monthly wastewater service fee, and wastewater volume charge for all Marana residential and non-residential water and wastewater customers effective February 6, 2026, January 1, 2027, January 1, 2028, January 1, 2029, and January 1, 2030; and to adopt Resolution No. 2026-004, making the changes a public record.

Attachments

Ordinance No. 2026.001

Resolution No. 2026.004

Rates Study

MARANA ORDINANCE NO. 2026.001

RELATING TO UTILITIES; AMENDING THE TOWN OF MARANA COMPREHENSIVE FEE SCHEDULE BY SUCCESSIVELY INCREASING THE WATER BASE FEE, WATER CONSUMPTION RATES, GROUNDWATER RESOURCE/ACQUISITION FEE, MONTHLY WASTEWATER SERVICE FEE, AND WASTEWATER VOLUME CHARGE FOR ALL MARANA RESIDENTIAL AND NON-RESIDENTIAL WATER AND WASTEWATER CUSTOMERS EFFECTIVE FEBRUARY 6, 2026, JANUARY 1, 2027, JANUARY 1, 2028, JANUARY 1, 2029, AND JANUARY 1, 2030

WHEREAS the Town Council finds that increasing the water base fee, water consumption rates, groundwater resource/acquisition fee, monthly wastewater service fee, and wastewater volume charge for all Marana Water Department residential and non-residential water and wastewater customers is necessary for self-sustaining water and wastewater utilities and 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 amendments to the Town of Marana comprehensive fee schedule successively increasing the water base fee, water consumption rates, groundwater re-source/acquisition fee, monthly wastewater service fee, and wastewater volume charge for all Marana residential and non-residential water and wastewater customers effective February 6, 2026, January 1, 2027, January 1, 2028, January 1, 2029, and January 1, 2030; one electronic and one paper copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona; which were made a public record by and are attached as Exhibit A to Resolution No. 2026-004 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. 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.

SECTION 4. This ordinance is effective on February 6, 2026, but the fee and rate increases are effective on the dates indicated in Section 1 above and in Exhibit A to Town of Marana Resolution No. 2026-004.

SECTION 5. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of this ordinance.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 6th day of January, 2026.

_____
Mayor Jon Post

ATTEST:

_____
Jill McCleary, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

MARANA RESOLUTION NO. 2026-004

RELATING TO UTILITIES; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS ADOPTED BY ORDINANCE NO. 2026.001, AMENDING THE TOWN OF MARANA COMPREHENSIVE FEE SCHEDULE BY SUCCESSIVELY INCREASING THE WATER BASE FEE, WATER CONSUMPTION RATES, GROUNDWATER RESOURCE/ACQUISITION FEE, MONTHLY WASTEWATER SERVICE FEE, AND WASTEWATER VOLUME CHARGE FOR ALL MARANA RESIDENTIAL AND NON-RESIDENTIAL WATER AND WASTEWATER CUSTOMERS EFFECTIVE FEBRUARY 6, 2026, JANUARY 1, 2027, JANUARY 1, 2028, JANUARY 1, 2029, AND JANUARY 1, 2030

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the amendments to the Town of Marana comprehensive fee schedule, a copy of which is attached to and incorporated in this resolution as Exhibit A and one electronic and one paper 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 6th day of January, 2026.

Mayor Jon Post

ATTEST:

Jill McCleary, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

EXHIBIT A TO MARANA RESOLUTION NO. 2026-004
Amendments to the Town of Marana comprehensive fee schedule adopted pursuant to Marana Ordinance No. 2026.001, increasing the water base fee, water consumption rates, groundwater resource/acquisition fee, monthly wastewater service fee, and wastewater volume charge for all Marana residential and non-residential utility customers

SECTION 1. The Town of Marana comprehensive fee schedule is hereby amended by successively increasing the water base fee, water consumption rates, and groundwater resource/acquisition fee for all Marana residential and non-residential water utility customers effective February 6, 2026, January 1, 2027, January 1, 2028, January 1, 2029, and January 1, 2030, as follows (with additions shown by double underlining and deletions shown by ~~strikethrough~~):

Fee/Description	Amount	Unit of Measure	Notes
PUBLIC SERVICES: WATER			
Water Meter Monthly Base Rate; 5/8" Meter	~~$19.31~~ $21.34[1]	Per meter	
Water Meter Monthly Base Rate; 3/4" Meter	~~$20.19~~ $22.31[2]	Per meter	
Water Meter Monthly Base Rate; 1" Meter	~~$21.52~~ $23.78[3]	Per meter	
Water Meter Monthly Base Rate; 1.5" Meter	~~$31.65~~ $34.97[4]	Per meter	
Water Meter Monthly Base Rate; 2" Meter	~~$51.94~~ $57.39[5]	Per meter	
Water Meter Monthly Base Rate; 3" Meter	~~$79.29~~ $87.62[6]	Per meter	
Water Meter Monthly Base Rate; 4" Meter	~~$117.22~~ $129.53[7]	Per meter	

[1] Effective February 6, 2026. Increases to $23.58 effective January 1, 2027; to $26.06 effective January 1, 2028; to $28.80 effective January 1, 2029; and to $31.82 effective January 1, 2030.

[2] Effective February 6, 2026. Increases to $24.65 effective January 1, 2027; to $27.24 effective January 1, 2028; to $30.10 effective January 1, 2029; and to $33.26 effective January 1, 2030.

[3] Effective February 6, 2026. Increases to $26.28 effective January 1, 2027; to $29.04 effective January 1, 2028; to $32.09 effective January 1, 2029; and to $35.46 effective January 1, 2030.

[4] Effective February 6, 2026. Increases to $38.64 effective January 1, 2027; to $42.70 effective January 1, 2028; to $47.18 effective January 1, 2029; and to $52.13 effective January 1, 2030.

[5] Effective February 6, 2026. Increases to $63.42 effective January 1, 2027; to $70.08 effective January 1, 2028; to $77.44 effective January 1, 2029; and to $85.57 effective January 1, 2030.

[6] Effective February 6, 2026. Increases to $96.82 effective January 1, 2027; to $106.99 effective January 1, 2028; to $118.22 effective January 1, 2029; and to $130.63 effective January 1, 2030.

[7] Effective February 6, 2026. Increases to $143.13 effective January 1, 2027; to $158.16 effective January 1, 2028; to $174.77 effective January 1, 2029; and to $193.12 effective January 1, 2030.

EXHIBIT A TO MARANA RESOLUTION NO. 2026-004
Amendments to the Town of Marana comprehensive fee schedule adopted pursuant to Marana Ordinance No. 2026.001, increasing the water base fee, water consumption rates, groundwater resource/acquisition fee, monthly wastewater service fee, and wastewater volume charge for all Marana residential and non-residential utility customers

Fee/Description	Amount	Unit of Measure	Notes
Water Meter Monthly Base Rate; 6" Meter	~~$202.35~~ $223.60[8]	Per meter	
Water Use Charge; Standpipe/Hydrant Meters and Irrigation Uses (Billed Monthly)	~~$5.27~~ $5.82[9]	Per 1,000 gallons	
Water Use Charge; Multi-family, Commercial, Industrial, and Government (Billed Monthly)	~~$4.79~~ $5.29[10]	Per 1,000 gallons	
Water Use Charge; Single Family Residences, Consumption between 0 and 10,000 gallons (Billed Monthly)	~~$3.80~~ $4.20[11]	Per 1,000 gallons	
Water Use Charge; Single Family Residences, Consumption between 10,001 and 20,000 gallons (Billed Monthly)	~~$5.34~~ $5.90[12]	Per 1,000 gallons	
Water Use Charge; Single Family Residences, Consumption between 20,001 and 30,000 gallons (Billed Monthly)	~~$6.86~~ $7.58[13]	Per 1,000 gallons	
Water Use Charge; Single Family Residences, Consumption between 30,001 and 40,000 gallons (Billed Monthly)	~~$8.57~~ $9.47[14]	Per 1,000 gallons	
Water Use Charge; Single Family Residences, Consumption over 40,000 gallons (Billed Monthly)	~~$12.37~~ $13.67[15]	Per 1,000 gallons	

[8] Effective February 6, 2026. Increases to $247.08 effective January 1, 2027; to $273.02 effective January 1, 2028; to $301.69 effective January 1, 2029; and to $333.37 effective January 1, 2030.

[9] Effective February 6, 2026. Increases to $6.43 effective January 1, 2027; to $7.11 effective January 1, 2028; to $7.86 effective January 1, 2029; and to $8.69 effective January 1, 2030.

[10] Effective February 6, 2026. Increases to $5.85 effective January 1, 2027; to $6.46 effective January 1, 2028; to $7.14 effective January 1, 2029; and to $7.89 effective January 1, 2030.

[11] Effective February 6, 2026. Increases to $4.64 effective January 1, 2027; to $5.13 effective January 1, 2028; to $5.67 effective January 1, 2029; and to $6.27 effective January 1, 2030.

[12] Effective February 6, 2026. Increases to $6.52 effective January 1, 2027; to $7.20 effective January 1, 2028; to $7.96 effective January 1, 2029; and to $8.80 effective January 1, 2030.

[13] Effective February 6, 2026. Increases to $8.38 effective January 1, 2027; to $9.26 effective January 1, 2028; to $10.23 effective January 1, 2029; and to $11.30 effective January 1, 2030.

[14] Effective February 6, 2026. Increases to $10.46 effective January 1, 2027; to $11.56 effective January 1, 2028; to $12.77 effective January 1, 2029; and to $14.11 effective January 1, 2030.

[15] Effective February 6, 2026. Increases to $15.11 effective January 1, 2027; to $16.70 effective January 1, 2028; to $18.45 effective January 1, 2029; and to $20.39 effective January 1, 2030.

Fee/Description	Amount	Unit of Measure	Notes
Groundwater Resource/Acquisition Fee (Billed Monthly)	~~$1.37~~ $1.51[16]	Per 1,000 gallons	

SECTION 2. The Town of Marana comprehensive fee schedule amended pursuant to Section 1 of this ordinance is hereby further amended by increasing the wastewater monthly service fee and wastewater volume charge for all Marana residential and non-residential wastewater utility customers effective February 6, 2026, January 1, 2027, January 1, 2028, January 1, 2029, and January 1, 2030, as follows (with additions shown by double underlining and deletions shown by ~~strikethrough~~):

Fee/Description	Amount	Unit of Measure	Notes
PUBLIC SERVICES: WATER			
Wastewater Monthly Service Fee Residential	~~$17.66~~ $18.10[17]	Per water meter	
Wastewater Monthly Service Fee Non-Residential	~~$17.66~~ $18.10[18]	Per water meter	
Wastewater Volume Charge Residential (Billed Monthly)	~~$5.69~~ $5.83[19]	Per 1,000 gallons	Based on average winter water use (winter quarterly average)
Wastewater Volume Charge Non-Residential (Billed Monthly)	~~$5.69~~ $5.83[20]	Per 1,000 gallons	Based on actual monthly billable water use

SECTION 3. Fees set forth in the Town of Marana comprehensive fee schedule and not revised by this ordinance remain in effect and are unaffected by this ordinance.

[16] Effective February 6, 2026. Increases to $1.67 effective January 1, 2027; to $1.85 effective January 1, 2028; to $2.04 effective January 1, 2029; and to $2.25 effective January 1, 2030.

[17] Effective February 6, 2026. Increases to $18.55 effective January 1, 2027; to $19.01 effective January 1, 2028; to $19.49 effective January 1, 2029; and to $19.98 effective January 1, 2030.

[18] Effective February 6, 2026. Increases to $18.55 effective January 1, 2027; to $19.01 effective January 1, 2028; to $19.49 effective January 1, 2029; and to $19.98 effective January 1, 2030.

[19] Effective February 6, 2026. Increases to $5.98 effective January 1, 2027; to $6.13 effective January 1, 2028; to $6.28 effective January 1, 2029; and to $ 6.44 effective January 1, 2030.

[20] Effective February 6, 2026. Increases to $5.98 effective January 1, 2027; to $6.13 effective January 1, 2028; to $6.28 effective January 1, 2029; and to $ 6.44 effective January 1, 2030.

RAFTELIS



MARANA AZ

TOWN OF MARANA

Water and Water Reclamation Rate Study

FINAL REPORT / DECEMBER 5, 2025

RAFTELIS

December 5, 2025

Ms. Heidi Lasham
Water Director | Marana Water
Town of Marana
11555 W Civic Center Drive
Marana, AZ 85653

Subject: Water and Water Reclamation Rate Study Report

Dear Ms. Lasham:

Raftelis Financial Consultants, Inc. (Raftelis) is pleased to provide this Water and Water Reclamation Rate Study Report for the Town of Marana (Town). The overarching objective for the study is to ensure that rates continue to be fair and reasonable to deliver safe and reliable drinking water, and support the delivery of high-quality service today, and in the future.

The key outcome for this study is rate recommendations, which will fund ongoing operation and maintenance expenses, and critical infrastructure improvements to ensure the ongoing provision of safe and reliable service and meet increasing regulatory requirements.

This report represents the culmination of many months of work, not only on behalf of the Raftelis project team, but Town staff as well. We truly appreciate the willingness of the entire Town project team to provide the information, insights and feedback needed to complete the study. It has been a pleasure working with you, and we thank you and Town staff for the support provided during the course of this study.

Sincerely,



Collin Drat
Vice President

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1. EXECUTIVE SUMMARY

BACKGROUND

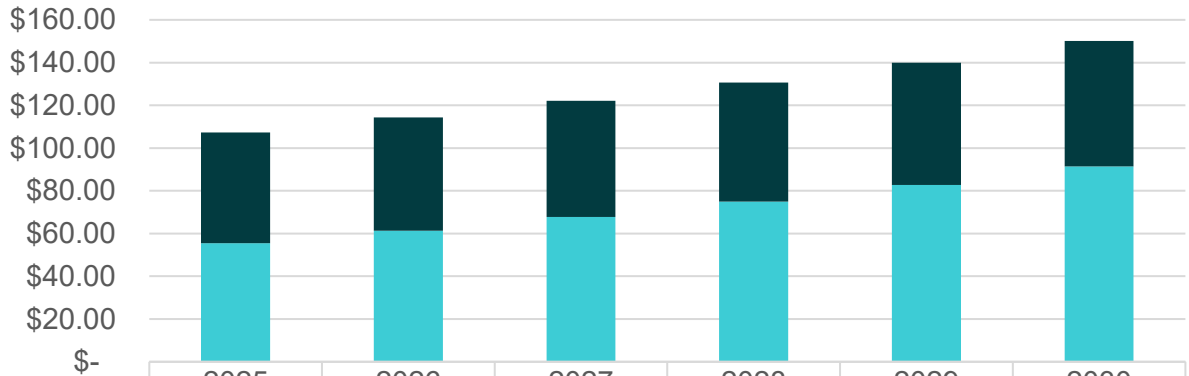
The Town of Marana (Town) engaged Raftelis to conduct a water and water reclamation rate study. Raftelis worked closely with Town staff to develop an in-depth understanding of each utility's finances and operations to develop the recommendations contained in this report. The rate study process involves a 5-year forecast of revenues and expenses and an evaluation of the sufficiency of current revenues to cover projected expenses. To the extent that a gap between current revenues and expenses is forecasted, rate adjustments are recommended to align revenues and expenses over the period.

FINDINGS AND RECOMMENDATIONS

For both water and water reclamation, revenues are not sufficient to cover projected expenses over the 5-year period. This gap is driven by increased operating expenses associated with maintaining a growing water and water reclamation system as well as addressing regulatory requirements. For water, capital expenses are also a significant driver, particularly those driven by addressing Per- and Polyfluoroalkyl Substances (PFAS) in the treatment of the Town's groundwater. Capital needs for water reclamation are more modest, with the largest upcoming project (the expansion of the Town's Water Reclamation Facility) funded through impact fees, rather than rates.

We recommend annual rate adjustments of 10.5% per year for water and 2.5% per year for water reclamation from FY 2026 to FY 2030. The first adjustment would be effective for bills rendered on, or after, February 6, 2026, with subsequent adjustments effective each January 1st. Based on these recommendations, Figure 1 indicates the impact on the typical residential user with both services, an increase of approximately 6-7% per year.

Figure 1: Combined Monthly Bill Impact (7,000 gallons water, 6,000 gallons water reclamation)



	2025	2026	2027	2028	2029	2030
Reclamation	$51.80	$53.08	$54.43	$55.79	$57.17	$58.62
Water	$55.50	$61.31	$67.75	$74.92	$82.77	$91.46
Total	$107.30	$114.39	$122.18	$130.71	$139.94	$150.08
$ Change		$7.09	$7.79	$8.53	$9.23	$10.14
% Change		6.6%	6.8%	7.0%	7.1%	7.2%

Figure 2 indicates a bill comparison between the Town and neighboring communities. The bill calculation is based on rates currently in effect as of September 2025. Differences in rates are driven by a variety of factors including density, economies of scale and the level and timing of capital improvements by community.

Figure 2: Community Bill Comparison (7,000 gallons water, 6,000 gallons water reclamation)

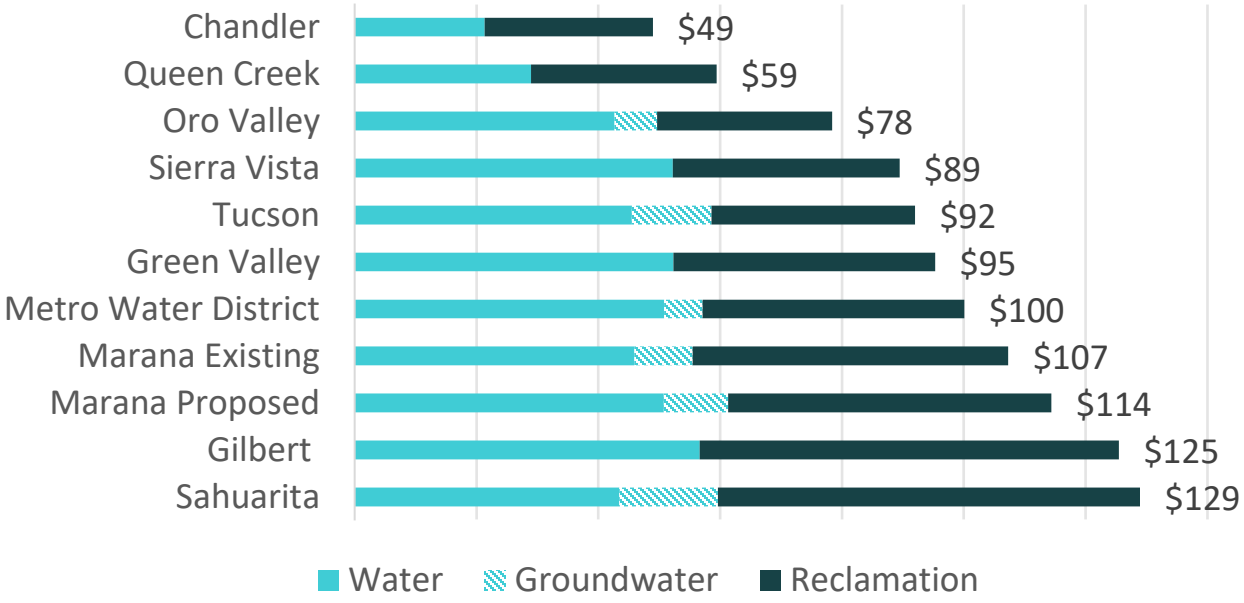
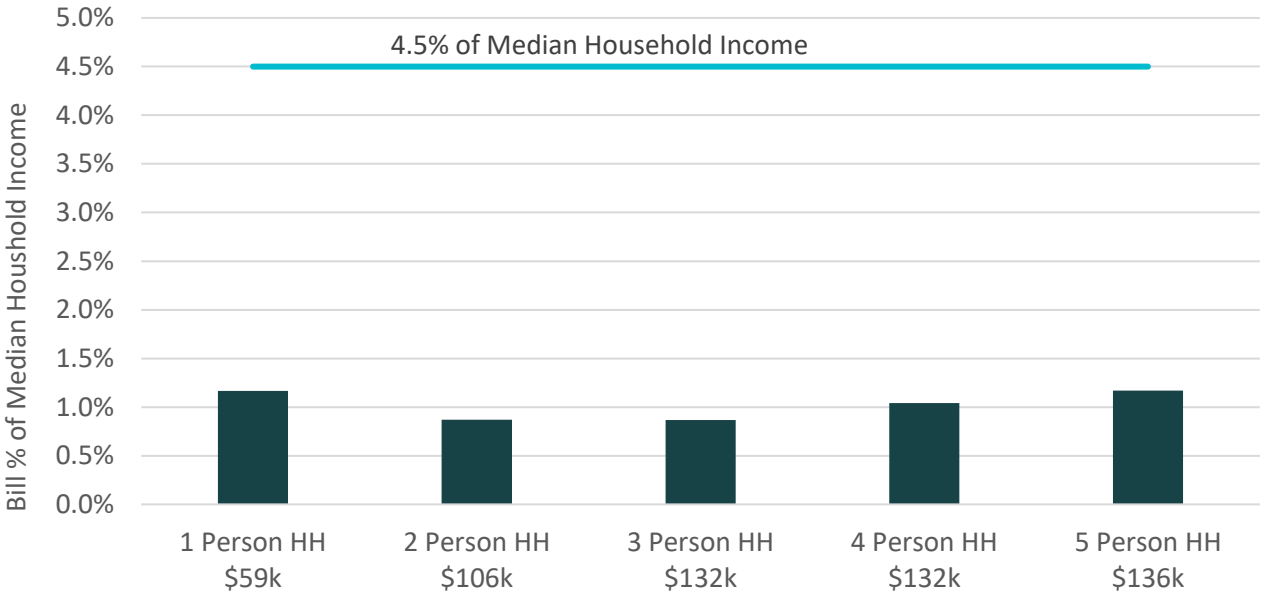


Figure 3 indicates a comparison of the combined bill at different household sizes[1] to median household income. 4.5% of median household income is a commonly used threshold. As shown below the proposed 2026 bill is well under 4.5% of median household income for all household sizes which suggests that the proposed increases will not pose significant affordability challenges for most customers[2].

[1] Usage by household size calculated for an assumed indoor usage of 50 gallons.

[2] For customers for whom affordability is an issue, the Town could consider customer assistance programs, bill round-up programs, payment plans etc., which identify customers based qualification for other forms of assistance, such as SNAP.

Figure 3: Residential Bill versus Household Income



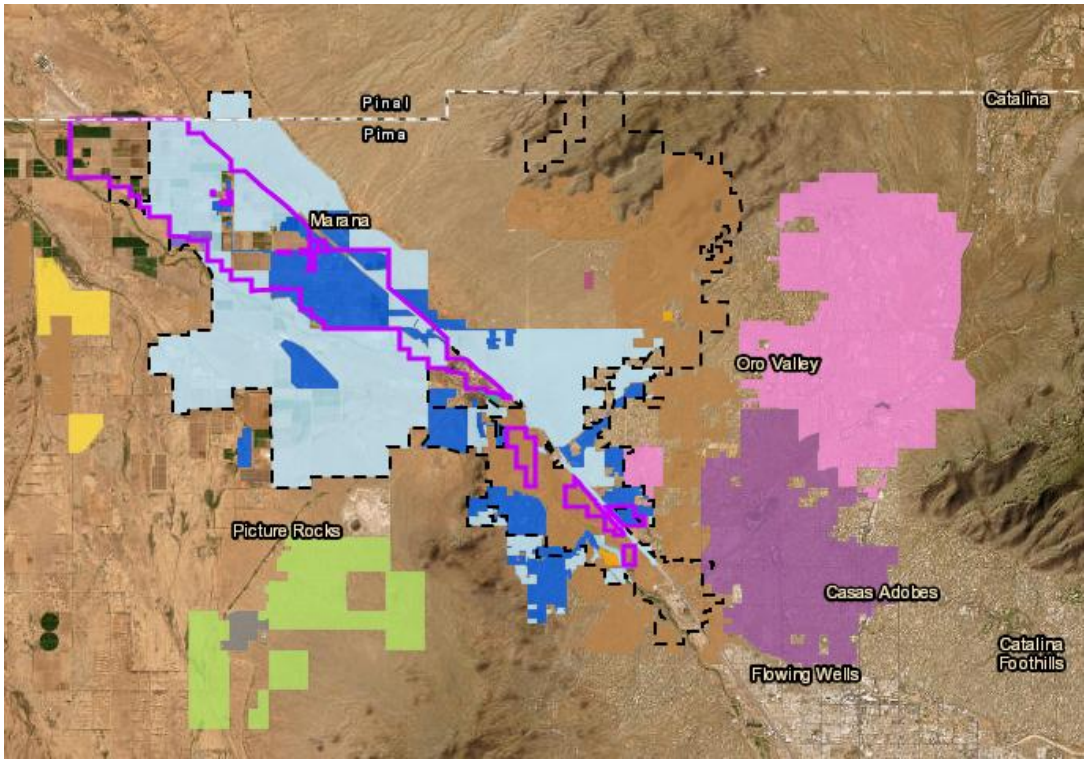
2. INTRODUCTION

2.1. Town of Marana Water and Water Reclamation System

The Town began serving water customers in 1997 with approximately 500 customers. Since that time, the Town's system has grown to approximately 12,600 water customers and 7,900 water reclamation customers and 7 water systems. The Town serves water customers through 14 groundwater wells, treated as needed to maintain drinking water quality and distributed to customers through a network of over 218 miles of distribution mains throughout the Town's service area. The Town collects and conveys customer wastewater through a network of 106 miles of sewer collection mains to a 1.5 million gallon per day (mgd) water reclamation facility where it is treated and disinfected for discharge into recharge basins, which the Town uses to generate groundwater recharge credits.

The Town's utility infrastructure is relatively young with an average age of 12 years for water infrastructure and 14 years for water reclamation infrastructure. The Town's system is growing, with a projected addition of 2,700 equivalent dwelling units for water and 2,300 equivalent dwelling units for water reclamation over the next 5 years alone. Additional infrastructure required to serve new customers will be funded through the Town's impact fees, mitigating the impact of growth related infrastructure on existing customers. In addition to addressing growth, the Town also faces increasing regulatory requirements related to Per- and Polyfluoroalkyl Substances (PFAS), requiring new and additional treatment processes to maintain compliance. The Town employs a dedicated staff of 45 across 7 divisions: Water Distribution, Production and Water Quality, Water Resources, Engineering, Business Services and Water Reclamation.

Figure 4: Marana Water System



2.2. Study Background

2.2.1. Study Purpose

The Town's water and water reclamation utilities are enterprise funds, meaning they must operate like a business and charge rates to customers to cover the cost of providing them service. While the Town budgets for the cost of providing utility service annually, the budget is heavily influenced by the need to repair and replace utility infrastructure, the cost of which can fluctuate from year to year. To account for this the Town, like many communities through the United States, conducts periodic *rate studies*, which evaluate costs over multiple years to allow for planning and smoothing the impact of potential fluctuations on customer bills.

The Town conducts rate studies approximately every 5 years to ensure that water and water reclamation rates produce sufficient revenue to support the delivery of safe and reliable utility service. The Town's last study was completed in 2019 and following its completion, the Town adopted water and water reclamation rates for 2020 through 2024, effective January 1 of each year.

To conduct the rate study, Raftelis worked closely with staff to review operational, financial and customer data to develop a strategic financial plan to fund water and water reclamation operations over the next 5 fiscal years. The key outcomes of the plan are rate recommendations which fund the operating and capital expenditures necessary to provide service to customers in a financially sustainable manner.

2.2.2. Staff Acknowledgements

To conduct the study, Raftelis relied heavily on the institutional knowledge and experience of the Town's internal experts. Successful completion of the study would not have been possible without significant collaboration with staff. Accordingly, we thank the following individuals for their assistance in providing the necessary data, reviewing the technical analysis and providing feedback on study deliverables:

- Terry Rozema, Town Manager
- Erik Montague, Deputy Town Manager
- Yiannis Kalitzidis, Finance Director
- Heidi Lasham, Director | Marana Water
- Mike Osborne, Deputy Director | Marana Water
- Sheila Nylund, Business Financial Manager
- Emily Liscum, Business Services Supervisor
- Paul Martinez, Water Operations Manager
- Thomas Kibler, Water Reclamation Operations Manager
- Jerry Huerstel, Water Resource Administrator
- Francis Hemmah, Water Engineering Manager

2.3. Report Organization

The remainder of this report is organized into three sections.

» **Section 3 overviews the rate study process**, including the fund structure the Town uses to account for water and water reclamation costs, the process of developing the multi-year financial plans and the key financial metrics which drive the financial forecast and rate recommendations.

» **Section 4 overviews the financial plans**, which identify the level of revenue necessary to fund ongoing operations and capital repair and replacement in a financially sustainable manner.

» **Section 5 overviews our rate recommendations and customer impacts**, based on the overall revenue needs identified in Section 4.

3. RATE STUDY PROCESS

3.1. Fund Structure

The Town accounts for water and water reclamation utility costs in the following funds:

Operating Funds. The water and water reclamation operating funds are the primary funds for the Town's utilities. The primary source of revenue for these funds is rate revenue, generated from the Town's monthly fixed charges and volume charges. Expenses paid from these funds include operating expenses and principal and interest payments (debt service) related to outstanding debt issued by the Town to fund capital improvements. Each fund also makes transfers to the capital funds, as needed, to fund cash funded capital improvements. The operating funds, and the rates used to support them are the focus of the rate study.

Capital Funds. The water and water reclamation capital funds are used to track funding for capital improvements needed for existing Town customers. The capital funds only account for repair and replacement projects related to existing customers. Growth related projects for new customers are accounted for in the Town's impact fee funds. Sources of funding for the capital funds include proceeds from loans or bonds issued by the Town for debt financed capital improvements, transfers in from the operating funds for cash financed capital improvements and grant funding provided from outside sources for applicable projects.

The capital funds impact the rates indirectly, depending on how the projects are financed. Cash funded projects require transfers in from the operating funds. Debt funded projects result in additional debt service, which is paid out of the operating funds. Grant funded projects, which are funded by outside sources, do not impact the operating funds or the rates.

Impact Fee Funds. The impact fee funds operate like the capital funds, but track growth related capital improvements. The Town accounts for growth related capital improvements separately because they have a dedicated funding source: impact fees. Impact fees are one-time charges paid by developers to offset the cost of the additional infrastructure required to serve new customers, mitigating the impact on existing customers (i.e. "growth pays for growth"). Similar to projects for existing customers, growth related capital projects may be cash funded, or impact fee funded, but this funding does not impact rates. Some of the Town's capital improvement projects benefit both existing and new customers. For those projects, the Town carefully allocates the cost of each project between the funds, such that existing customers (and rates) only cover the portion of the project that benefits them.

The basis for the rate recommendations in the study is a financial plan, which identifies the level of revenue needed for the water and water reclamation operating funds to cover operating expenses and the cash flow impact of financing capital projects (transfers to the capital funds and debt service)

3.2. Financial Planning Methodology

3.2.1. Financial Planning Process

The primary objective of financial planning involves comparing forecasted utility revenues under existing rates to forecasted expenditures and determining what annual adjustments to revenues are necessary to ensure the financial sustainability of the water and water reclamation utilities. The forecast for this study covers the Town's

Fiscal Year ending June 30, 2026 (FY 2026), through FY 2030. Given that the study is being completed shortly after the close of FY 2025, that year, its revenues, expenses and closing cash balances are also forecasted[3].

This involves the following three steps:

Step 1: Forecast Baseline Revenue. Step 1 involves a forecast of customer accounts, usage and revenue in the absence of a rate increase. This revenue baseline is then compared to projected expenses (developed in Step 2), as part of a multi-year cash flow forecast (in Step 3) to determine whether existing revenues are sufficient to cover projected expenses.

Step 2: Forecast Operating and Capital Expenses. Step 2 involves a forecast of operating expenses based on the Town's budget, assumed inflation factors and any incremental costs associated with additional personnel or processes. Capital expenses are forecasted based on the Town's capital improvement projects and incorporated as annual cash outlays for capital projects or as principal and interest for debt financed projects.

Step 3: Cash Flow Forecast and Revenue Sufficiency Evaluation. Step 3 involves a cash flow forecast of revenues (from Step 1), and expenses (from Step 2) to assess the sufficiency of existing revenues to fund projected expenses and achieve appropriate financial metrics. If revenues do not cover costs, a series of rate revenue adjustments will be recommended over the multi-year period to bring revenues and expenses into alignment and to achieve the recommended financial performance targets.

3.2.2. Financial Performance Targets

The water and water reclamation utilities represent enterprise funds of the Town, and—as a result—the rates and fees they charge need to be sufficient to cover the cost of providing service without support from any other Town funds. Assessing the sufficiency of water and water reclamation rates involves assessing financial performance targets related to liquidity and debt service coverage. Both factors are indicators of the financial health of a utility and the measurement of both is best practice for municipal utilities.

Days Cash on Hand is a common measure of liquidity and the ability of the utility to deal with unanticipated declines in revenue or emergency expenditures without reducing service quality or dramatically increasing rates. Without cash already available, a utility is left with much less palatable options for addressing emergencies such as emergency rate increases, or temporary borrowing from other Town funds. Days cash on hand is expressed as: (available cash/expenses) x 365, with the resultant value being equivalent to the number of days expenses a utility could pay from available cash. A value of 30, for example, would indicate that a utility could cover 30 days of expenses from existing cash.

Our recommendation for the Town is a minimum of 90 days of O&M. This balance is available to provide working capital, rate stabilization and emergency capital funding. Working capital refers to the timing difference between when expenses are incurred and revenues received. A typical working capital allowance is 1/8 of expenses. Rate stabilization refers to funds set aside to offset or smooth into a rate increase, reducing the immediate impact on customers. A typical target for rate stabilization is 5-10% of annual rate revenues. Finally, reserves for emergency capital expenditures can be used to cash fund or pre-fund (in the event bonds will later be issued) repairs or replacement to critical infrastructure. Targets for emergency capital are often tied to a hypothetical emergency repair (e.g., the estimated costs to repair a critical component of water transmission infrastructure).

[3] Staff provided estimated operating expenses and capital spending and carry-over for FY 25. Ending FY 25 cash balances by fund are based on ending balances on 6/30/2025, plus projected revenues and expenses for FY 25.

To provide a concrete example, based on the cash flow forecast in Section 3.3, water expenses are projected to be $11 million in 2026, which suggests a minimum balance of approximately $2,700,000. This could be sub-divided into the above categories as follows:

- Working Capital: $1,375,000 ($11,000,000 x 1/8)
- Rate Stabilization: $900,000 (10% of historical revenues of ~$9 million)
- Emergency Capital: $425,000 remaining after working capital and rate stabilization

We would not recommend that the Town formally establish separate funds for these categories, which can be administratively burdensome. Instead, they are more typically used as a tool for communicating the intent and level of cash held in reserve by policy.

A debt service coverage ratio is the second metric used to evaluate utility financial performance. A debt service coverage ratio is calculated as: (revenues – operating expenses) / debt service. A ratio of 1 indicates that a utility is generating enough revenue to operate and repay its debt obligations with no room for unforeseen circumstances.

A debt service coverage ratio of greater than one indicates that the utility can cover operating costs and repay debt with some room to spare. A debt service coverage ratio of greater than 1 also means that funds above and beyond operating expenses and debt service are being generated. These are typically used for cash funding of capital projects. A debt service coverage ratio of less than 1 indicates ongoing revenues are not sufficient to pay for operations and repay debt obligations and that cash on hand is being used to supplement current revenues.

As described in further detail below, the Town's capital improvement needs are significant, which will likely require additional borrowing over the next 5 years. While the rates proposed in this study are based on cash flows (aligning revenues and expenses) over the 5 years, we recommend the Town work toward at least 1.0 coverage for the debt covered by utility rates, assuming the Town can employ sources of financing without a specific coverage requirement. If the Town issues additional bonds with a specific debt service coverage ratio, a higher target may be appropriate.

4. Water and Water Reclamation Financial Plans

The principal objective of the water and water reclamation financial plans is to determine the level of revenue required to fund projected operating and capital expenses while maintaining alignment with financial performance targets for days cash on hand and debt service coverage. The development of the water and water reclamation financial plans for the Town involves a forecast of baseline revenues (Step 1); a forecast of operating and capital expenses (Step 2) and a cash flow forecast and revenue sufficiency evaluation (Step 3).

4.1. Step 1 – Forecast Baseline Revenue

Determining revenue under the Town's existing rate levels is the first step in developing the financial plans. These revenues form the baseline (i.e. in the absence of any action to adjust rates) against which projected expenditures are compared. Step 1 answers the question: "what would our revenues be, if we did not take any action to adjust rates?" Baseline revenue is a function of customer accounts and usage over the forecast period. Account growth is impacted by development in the Town, which is itself a function of a wide range of macroeconomic factors, Town policies targeted at promoting development, and regional competition for development.

One point of reference for *account* growth are the Town's Infrastructure Improvement Plan's (IIPs), which are planning documents that identify the capital improvements required associated with growth over a 10 year period. These plans are informed by land use assumptions documents which identify the amount and types of development which is anticipated to occur over a 10 year period. These planning documents are used to develop impact fees which are used to offset growth related capital improvements as described above. The Town's 2022 IIPs projected equivalent dwelling unit (EDU) growth of approximately 1,200 EDUs per year for water and 900 EDUs per year for water reclamation.

That said, since these documents are used for infrastructure planning, they are somewhat conservative in that they err on the side of higher growth assumptions to ensure the recommended infrastructure improvements are not undersized. Accordingly, for conservatism and to use the latest available data, Raftelis employed EDU projections provided by the Town's Development Services staff as the basis for account growth forecasts over the next 5 years. Based on these forecasts account growth is anticipated to be 780 EDUs for water and 660 EDUs for reclamation this fiscal year (FY 26), with an average of 480 EDUs and 400 EDUs for water and water reclamation, respectively for FY 2027-FY 2030.

Usage is impacted by both short and long-run factors. In the short-run (year to year) usage is impacted by weather, with higher temperatures and lower precipitation driving increased usage and vice versa. In the long run, utilities throughout the United States are seeing declining per capita consumption due to increased fixture and appliance efficiency and an increased conservation ethos among customers. To account for anticipated conservation, we have assumed a slightly lower usage growth rate (1% less) than the anticipated growth in customer accounts, to factor in anticipated conservation.

Baseline revenue is calculated by multiplying the forecast number of bills (accounts x 12) by the fixed charges and forecast usage by the volume charges. Table 1 and Table 2 indicate the baseline revenue for water and water

reclamation respectively. Also shown are non-rate revenues, which are derived from fees the Town charges for specific services charged to the recipient of the service at the time the service is rendered. These non-rate revenues offset the cost of these services to specific customers, which would otherwise be incorporated into the rates of all customers. The projection of non-rate revenue is based on the Town's budget for FY 2026, and assumed to be flat for FY 2027 to FY 2030[4].

Impact fee revenues are not included in the revenues shown below because they are used solely to finance impact fee projects. As described above, the focus of a rate study is to determine rates to cover costs incurred to serve existing customers. Growth related infrastructure costs and impact fee revenue are accounted for in separate impact fee funds (as described in Section 3.1) and do not impact rates for existing customers.

Table 1: Water Baseline Revenue

Description	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Rate Revenues						
Volume Charge	$ 4,727,228	$ 4,878,000	$ 4,964,859	$ 5,032,745	$ 5,114,187	$ 5,176,405
Groundwater Resource Fee	1,492,703	1,543,459	1,573,003	1,596,094	1,623,796	1,644,959
Fixed Charge	2,988,532	3,145,053	3,252,280	3,344,160	3,449,955	3,539,789
Subtotal Water Rate Revenues	$ 9,208,463	$ 9,566,512	$ 9,790,143	$ 9,972,999	$ 10,187,938	$ 10,361,153
Non-Rate Revenue						
OTHER INTERGOV REVENUE	$ 178,000	$ 1,027,045	$ 231,045	$ 231,045	$ 231,045	$ 231,045
FEDERAL REVENUE	-	225,000	-	-	-	-
STATE REVENUE	2,198	180,000	-	-	-	-
INSPECTION FEE FORM A	213,436	241,867	241,867	241,867	241,867	241,867
PLAN REVIEW FEES	35,871	41,200	41,200	41,200	41,200	41,200
NEW HOOKUPS	460,871	450,790	450,790	450,790	450,790	450,790
LATE FEES	227,324	185,400	185,400	185,400	185,400	185,400
WATER SERVICE CHARGES	116,502	123,600	123,600	123,600	123,600	123,600
HYDRAULIC MODELING FEES	57,811	82,800	91,080	100,188	110,207	121,227
WATER - SEWER FEES	87,081	102,000	102,000	102,000	102,000	102,000
OTHER AGENCY REVENUES	-	32,400	32,400	32,400	32,400	32,400
MISCELLANEOUS REVENUES	53,516	42,300	35,700	35,700	35,700	35,700
Subtotal: Non-Rate Revenue	$ 1,432,609	$ 2,734,402	$ 1,535,082	$ 1,544,190	$ 1,554,209	$ 1,565,229
Total Water Revenues	**$ 10,641,073**	**$ 12,300,914**	**$ 11,325,225**	**$ 11,517,189**	**$ 11,742,147**	**$ 11,926,383**

[4] Budgeted non-rate revenue for the water includes grants for the water and reclamation operating funds in FY 2026 (Other Intergovernmental Revenue, Federal Revenue and State Revenue). These were one-time revenue sources and were not forecasted for FY 2027 and beyond.

Table 2: Water Reclamation Baseline Revenue

Description	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Rate Revenues						
Volume Charge	$ 2,118,908	$ 2,270,157	$ 2,360,844	$ 2,426,687	$ 2,509,405	$ 2,581,315
Fixed Charge	1,589,785	1,729,440	1,821,625	1,894,738	1,983,320	2,064,274
Subtotal Water Reclamation Rate Revenues	$ 3,708,693	$ 3,999,598	$ 4,182,469	$ 4,321,425	$ 4,492,726	$ 4,645,589
Non-Rate Revenue						
UTILITY PERMITS	$ 1,227	$ -	$ -	$ -	$ -	$ -
INSPECTION FEE - FORM MS	165,785	171,574	171,574	171,574	171,574	171,574
PLAN REVIEW FEES	40,705	41,200	41,200	41,200	41,200	41,200
WATER - NEW HOOKUPS	17,062	17,819	17,819	17,819	17,819	17,819
HYDRAULIC MODELING FEES	17,407	46,800	51,480	56,628	62,291	68,520
MISCELLANEOUS REVENUES	1,898	23,800	23,800	23,800	23,800	23,800
Subtotal: Non-Rate Revenue	$ 244,084	$ 301,193	$ 305,873	$ 311,021	$ 316,684	$ 322,913
Total Water Reclamation Revenues	**$ 3,952,777**	**$ 4,300,791**	**$ 4,488,342**	**$ 4,632,446**	**$ 4,809,409**	**$ 4,968,502**

4.2. Step 2 – Forecast Operating Expenses

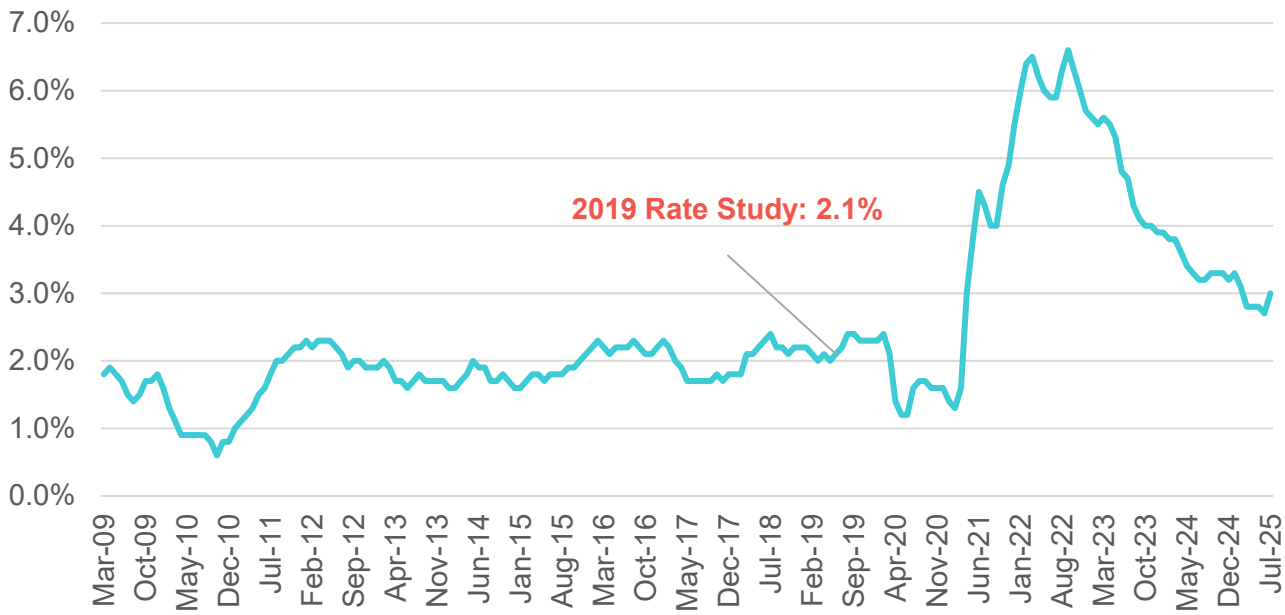
Operating expenses are those which the utility incurs on a consistent day to day basis, and which do not involve the construction of a capital asset. The basis for the operating expense forecast was the Town's FY 2026 budget. From this we removed any capital expenses which we forecast separately. For projections beyond the budget year, there are 3 factors which impact the forecast:

Budget performance. To the extent that the utility tends to outperform in certain areas (i.e., spend less than budgeted), realization adjustments are incorporated so that the projection of baseline O&M (i.e., before any incremental expenses and inflationary adjustments) is a reasonable reflection of what is likely to occur. Based on discussions with Town staff, there is not a material difference between budgeted and actual expenses. Accordingly, no adjustment was made.

Inflation. The Town's utilities purchase goods and services like any other consumer and are therefore subject to the same inflationary pressures. Figure 5 below indicates the year over year change in the consumer price index (CPI), excluding food and energy, often referred to as "Core Inflation". As shown, the years immediately following the COVID-19 pandemic were marked by significantly higher inflation. The Town's previous study was conducted pre-COVID before the recent round of high inflation. While the previous rate study assumed inflationary increases, it did not incorporate the unprecedented inflation that has occurred over the past few years. While the rate of change has decreased, the prices themselves remain at elevated levels. Further, utilities also face inflation pressures from tariffs and potential interest rate adjustments by the United States Federal Reserve[5].

[5] Tariffs impact any imported products that serve as utility inputs but can also impact domestically produced products that are partially produced overseas. The primary impact of Federal Reserve action would be interest rate reductions, which—depending on the size and pace of the adjustments—could push general inflation higher.

Figure 5: Year over Year Change in Core Inflation



To incorporate anticipated inflation, Raftelis incorporated the following assumptions, developed in conjunction with Town staff:

- Salaries and Benefits: 4%
- Health Insurance: 9%
- Variable/Growth Related: Usage Forecast + Inflation
- All Other: 2.2% (long-run Federal Reserve Forecast)

Incremental expenses. As the Town continues to grow it will incur incremental operating expenses associated with serving a larger customer base and maintaining additional infrastructure. Since inflation alone is not sufficient to capture these incremental costs, Town staff reviewed the applicable budget items to determine appropriate forecasts for the relevant expenses. The major categories of incremental costs include additional staff and related vehicles, construction equipment, water quality test expenses and contracted services.

- **Staffing.** In total 13 additional positions were included in the projections: 6 for water, 4 for water reclamation, 1 shared position and 2 interns. For water staff, the Town employed benchmarking data from the American Water Works Association to guide growth in staffing levels as the Town's water system grows. For water reclamation, staffing levels were based on the Town's 2016 Water Reclamation Facility Master Plan. The cost of purchasing vehicles for the additional staff, and additional maintenance on those vehicles was also included.

- **Construction Equipment.** These anticipated purchases include a backhoe, tractor, skidster, excavator, forklift, vacuum truck, camera van and telehandler. These one-time purchases were incorporated into the forecast in the expected year of purchase based on the anticipated cost.

- **Water Quality Expenses.** As the Town adds additional treatment facilities, additional water quality testing will be required to meet regulatory requirements.

- **Contracted Services.** The Town utilizes contractors to maintain its water and water reclamation systems. Examples include repairs and maintenance to water distribution and sewer collection mains, well and reservoir rehabilitation and service line replacement.

Table 3 and Table 4 indicate the O&M expense forecast from 2026 to 2030.

Table 3: Water O&M Expense Forecast

Description	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personnel	$ 2,873,179	$ 3,902,337	$ 4,273,357	$ 4,555,863	$ 4,855,558	$ 5,173,491
Contracted Services	3,280,900	3,048,372	4,283,373	4,673,587	4,867,903	5,071,396
Variable (Water, Utilities, Chemicals)	1,874,778	1,889,112	1,975,235	2,093,859	2,210,407	2,324,306
Shared Services (Admin, IT, Vehicle Maint	1,068,089	1,090,283	1,184,626	1,284,010	1,397,151	1,519,120
Vehicles and Equipment	405,278	411,600	350,016	206,897	247,593	248,304
Supplies	107,450	125,250	134,897	142,038	149,561	157,485
All Other	407,429	568,294	590,651	613,881	638,169	663,569
Total	$ 10,017,102	$ 11,035,248	$ 12,792,155	$ 13,570,135	$ 14,366,341	$ 15,157,670

Table 4: Water Reclamation O&M Expense Forecast

Description	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Personnel	$ 636,863	$ 872,834	$ 1,099,564	$ 1,152,394	$ 1,316,002	$ 1,379,154
Contracted Services	1,347,978	1,619,500	1,560,072	1,785,321	1,968,768	2,173,007
Variable (Water, Utilities, Chemicals)	137,104	246,158	261,674	271,410	282,250	292,277
Shared Services (Admin, IT, Vehicle Maint	187,607	253,144	254,438	299,175	452,793	624,751
Vehicles and Equipment	103,795	339,000	626,764	11,635	11,898	12,167
Supplies	149,790	176,970	208,154	246,746	269,336	299,398
All Other	48,950	67,870	69,429	73,651	77,084	80,692
Total	$ 2,612,088	$ 3,575,476	$ 4,080,097	$ 3,840,332	$ 4,378,131	$ 4,861,446

4.3. Step 2 – Forecast Capital Expenses

Capital expenses are incurred to finance the construction of capital assets used to deliver water and water reclamation service to customers. There are two primary sources of financing for capital projects: cash, which represents funding out of current resources (today's revenues, today's available cash), and referred to as pay-as-you-go or PAYGO capital; and debt, which represents funding available today, but repaid over time, with interest.

The Town has historically funded major capital improvements using debt financing. This strategy is common among municipal utilities because the improvements being financed have long useful lives (40-50+ years). The use of debt spreads the cost of the asset over its useful life and, in so doing, also spreads the impact over all the potential users of a project (today and 10-20 years down the road).

Forecasted capital expenditures to be recovered from rates include principal and interest payments on previously debt financed projects, and funding for new projects either from cash, or additional debt financing based on a capital financing plan.

4.3.1.1. Existing Debt

In order to determine the impact on rates, the portion of utility debt associated with projects for existing customers must be identified. Debt service for growth related projects (or portions of projects) is tracked

separately and incorporated into the Town's impact fees. Table 5 below indicates the split of each outstanding debt issue. Debt attributable to water rates includes a portion of the 2017 A&C and 2024 A&C bonds[6] and the non-growth portion of 3 WIFA loans. Debt attributable to water reclamation rates includes a portion of the 2017 A&C and 2024 A&C bonds[7] and the 2020 Adonis Sewer WIFA Loan.

Table 5: Allocation of Existing Utility Debt

Description	Water			Reclamation		General Fund
	Operating Fund	Infrastructure Impact Fee	Resources Impact Fee	Operating Fund	Reclamation Impact Fee	
2010 WIFA	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
2017 A&C - WRF	17.5%	0.0%	32.5%	12.5%	37.5%	0.0%
2024 A&C - WRF	17.5%	0.0%	32.5%	12.5%	37.5%	0.0%
2018 WIFA - Adonis Sewer	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
2019 WIFA - Water Quality	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
2020 WIFA - Water Quality	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
2020 WIFA - Adonis Sewer	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
2023 WIFA - Marana Park Res	32.0%	68.0%	0.0%	0.0%	0.0%	0.0%
2023 WIFA - CR/PR	66.0%	34.0%	0.0%	0.0%	0.0%	0.0%
2024 WIFA - Marana Park PFAS	38.0%	62.0%	0.0%	0.0%	0.0%	0.0%

4.3.1.2. Capital Financing Plan

To determine the capital expenses associated with new projects, Raftelis worked with staff to develop a capital financing plan for major water and water reclamation capital improvement projects anticipated over the next 5 years. For each project, Raftelis and staff identified the relevant funds (i.e., water operations, water infrastructure impact etc.) and anticipated funding sources. Funding sources include cash, proceeds from new debt and grant proceeds.

Cash financed projects are funded by cash already available in the capital funds and additional transfers from the operating funds. Grants include American Rescue Plan Act (ARPA) funds and WIFA grants. For debt financed projects the Town will continue to pursue additional grant opportunities as well as low interest financing from WIFA. Since these sources are competitive and not guaranteed, a more conservative debt financing assumption (20 years, 5%) was incorporated for debt financed projects.

For water, the biggest projects are related to addressing Per- and Polyfluoroalkyl Substances (PFAS) through additional treatment processes at its well sites. For reclamation, the largest capital improvement project is the Phase II expansion of the Water Reclamation Facility (WRF) and recharge basins. The vast majority of this project will be funded through impact fees, with a small portion—related to an administrative building at the WRF site, included in rates.

Table 6 and Table 7 summarize the capital financing plans for water and water reclamation. For water, while much of the infrastructure is growth related and anticipated to be funded through impact fees, there is still a

[6] Historically, debt service on the 2017 A&C and 2024 A&C bonds has been attributed 100% to the impact fee funds. Based on a recent settlement of impact fee litigation, a portion of these bonds has been attributed to existing customers and cannot be included in future impact fees.

[7] Ibid.

significant portion associated with existing customers which will need to be incorporated into rates. For reclamation, the capital improvement needs are more modest, with the largest project (the Phase II WRF) expansion funded through impact fees.

Table 6: Water Capital Improvement Financing Plan

Description	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Water Operating						
Cash	$ 247,671	$ 1,534,818	$ 830,000	$ 610,000	$ 610,000	$ 610,000
Debt	256,316	6,294,240	10,891,403	10,814,973	-	8,138,480
Grants	1,811,573	3,974,379	-	-	-	-
Subtotal:	$ 2,315,560	$ 11,803,437	$ 11,721,403	$ 11,424,973	$ 610,000	$ 8,748,480
Water Impact Fees (Infrastructure/Resources)						
Cash	$ 985,659	$ 4,828,446	$ 3,315,611	$ 615,518	$ 3,283,409	$ 6,308,080
Debt	1,995,083	23,750,976	25,679,707	16,074,430	7,434,212	7,565,658
Grants	296,085	2,939,868	-	-	-	-
Subtotal:	$ 3,276,827	$ 31,519,289	$ 28,995,318	$ 16,689,948	$ 10,717,621	$ 13,873,738
Total	$ 5,592,387	$ 43,322,726	$ 40,716,721	$ 28,114,921	$ 11,327,621	$ 22,622,218

Table 7: Water Reclamation Capital Improvement Financing Plan

Description	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Water Reclamation Operating						
Cash	$ 446,569	$ 2,006,759	$ 292,192	$ 292,192	$ 292,192	$ -
Debt	87,025	856,488	856,488	-	-	-
Grants	-	-	-	-	-	-
Subtotal:	$ 533,594	$ 2,863,247	$ 1,148,680	$ 292,192	$ 292,192	$ -
Water Reclamation Impact Fees						
Cash	$ 2,180,528	$ 10,100,230	$ 6,554,802	$ 3,970,362	$ -	$ -
Debt	1,363,387	14,018,134	13,418,306	-	-	-
Grants	12,100,000	1,250,000	-	-	-	-
Subtotal:	$ 15,643,916	$ 25,368,364	$ 19,973,108	$ 3,970,362	$ -	$ -
Total	$ 16,177,509	$ 28,231,611	$ 21,121,788	$ 4,262,554	$ 292,192	$ -

4.4. Step 3 – Cash Flow Forecast

The final step in the financial planning process involves compiling a cash flow forecast which identifies the revenue adjustments necessary to ensure financial sustainability.

Table 8 indicates the cash flow forecast for the water utility. While current revenues are projected to grow annually based on growth in customer accounts and usage, this growth is outpaced by the projected growth in expenses. By 2030, current total revenues (rate and non-rate revenues) are projected to be about $12.2 million

compared to expenses of $18.8 million, a gap of about $6.6 million. We recommend rate adjustments of 10.5% per year to reduce the gap by 2030. While a slight deficit would still persist in FY 2030, the fund's cash position, at 172 days cash on hand would exceed the 90 day minimum. The Town will conduct another rate study in FY 2030 to determine what additional adjustments may be needed for FY 2031 and beyond. In the interim, staff will need to carefully monitor the performance of the fund relative to plan and course correct as needed.

Table 8: Water Utility Cash Flow Forecast

Description	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues						
Existing Rate Revenues	$ 9,208,463	$ 9,566,512	$ 9,790,143	$ 9,972,999	$ 10,187,938	$ 10,361,153
Add'l Rate Revenue	-	502,242	1,595,916	2,843,589	4,279,620	5,897,303
Total Rate Revenues	$ 9,208,463	$ 10,068,753	$ 11,386,059	$ 12,816,589	$ 14,467,558	$ 16,258,456
Other Revenues	1,529,937	2,842,582	1,644,932	1,640,163	1,636,520	1,638,877
Admin Transfer from Recl.	105,909	133,975	147,373	162,110	178,321	196,153
Total Revenues	**$ 10,844,310**	**$ 13,045,311**	**$ 13,178,363**	**$ 14,618,861**	**$ 16,282,398**	**$ 18,093,486**
Expenses						
Operating Expenses	$ 10,017,102	$ 11,035,248	$ 12,792,155	$ 13,570,135	$ 14,366,341	$ 15,157,670
Debt Service	53,400	574,522	1,472,813	2,348,905	2,347,864	3,007,643
Transfers to Capital Fund	-	-	-	387,759	610,000	610,000
Total Expenses	**$ 10,070,502**	**$ 11,609,769**	**$ 14,264,967**	**$ 16,306,798**	**$ 17,324,205**	**$ 18,775,313**
Beginning Balance	$ 9,447,517	$ 10,221,325	$ 11,656,866	$ 10,570,261	$ 8,882,324	$ 7,840,517
Annual Surplus (Deficiency)	773,808	1,435,541	(1,086,605)	(1,687,937)	(1,041,807)	(681,827)
Ending Balance	$ 10,221,325	$ 11,656,866	$ 10,570,261	$ 8,882,324	$ 7,840,517	$ 7,158,689
90 Day Minimum	$ 2,469,970	$ 2,721,020	$ 3,154,230	$ 3,346,061	$ 3,542,385	$ 3,737,508
Days Cash on Hand	372	386	302	239	199	172
Debt Service Coverage Ratio	15.49	3.50	0.26	0.45	0.82	0.98

Table 9 indicates the cash flow forecast for the water reclamation utility. While current revenues are projected to grow annually based on growth in customer accounts and usage, this growth is outpaced by the projected growth in expenses. By 2030, current total revenues (rate and non-rate revenues) are projected to be about $5.0 million compared to expenses of $5.6 million, a gap of about $600,000. We recommend rate adjustments of 2.5% per year to close the gap. The Town will conduct another rate study in FY 2030 to determine what additional adjustments may be needed for FY 2031 and beyond. In the interim, staff will need to carefully monitor the performance of the fund relative to plan and course correct as needed.

Table 9: Water Reclamation Utility Cash Flow Forecast

Description	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues						
Existing Rate Revenues	$ 3,708,693	$ 3,999,598	$ 4,182,469	$ 4,321,425	$ 4,492,726	$ 4,645,589
Add'l Rate Revenue	-	49,995	158,150	275,525	405,926	546,370
Total Rate Revenues	$ 3,708,693	$ 4,049,593	$ 4,340,619	$ 4,596,949	$ 4,898,651	$ 5,191,960
Other Revenues	292,252	358,216	365,544	372,819	381,835	389,212
Total Revenues	**$ 4,000,945**	**$ 4,407,809**	**$ 4,706,163**	**$ 4,969,768**	**$ 5,280,486**	**$ 5,581,172**
Expenses						
Operating Expenses	$ 2,612,088	$ 3,575,476	$ 4,080,097	$ 3,840,332	$ 4,378,131	$ 4,861,446
Debt Service	65,989	135,397	509,454	509,062	508,325	508,464
Transfers to Capital Fund	-	-	-	-	-	-
Admin Transfer to Water	105,909	133,975	147,373	162,110	178,321	196,153
Total Expenses	$ 2,783,985	$ 3,844,848	$ 4,736,923	$ 4,511,503	$ 5,064,778	$ 5,566,063
Beginning Balance	$ 4,232,416	$ 5,449,376	$ 6,012,337	$ 5,981,577	$ 6,439,842	$ 6,655,550
Annual Surplus (Deficiency)	1,216,960	562,961	(30,760)	458,265	215,709	15,109
Ending Balance	$ 5,449,376	$ 6,012,337	$ 5,981,577	$ 6,439,842	$ 6,655,550	$ 6,670,659
90 Day Minimum	$ 644,076	$ 881,624	$ 1,006,051	$ 946,931	$ 1,079,539	$ 1,198,713
Days Cash on Hand	761	614	535	612	555	501
Debt Service Coverage Ratio	19.44	5.16	0.94	1.90	1.42	1.03

5. Rate Recommendations

5.1. Recommendation

Raftelis recommends increasing all water rates by 10.5% per year over the next 5 years and increasing all water reclamation rates by 2.5% per year over the next 5 years. Table 10 indicates the recommended rates for FY 2026 to FY 2030. The FY 2026 rates would be effective for bills rendered, on or after February 6, 2026. Subsequent adjustments would be applied to bills rendered on, or after, January 1st of each year. The winter implementation will mitigate the impact of the adjustments by implementing the change when usage and bills are typically lower.

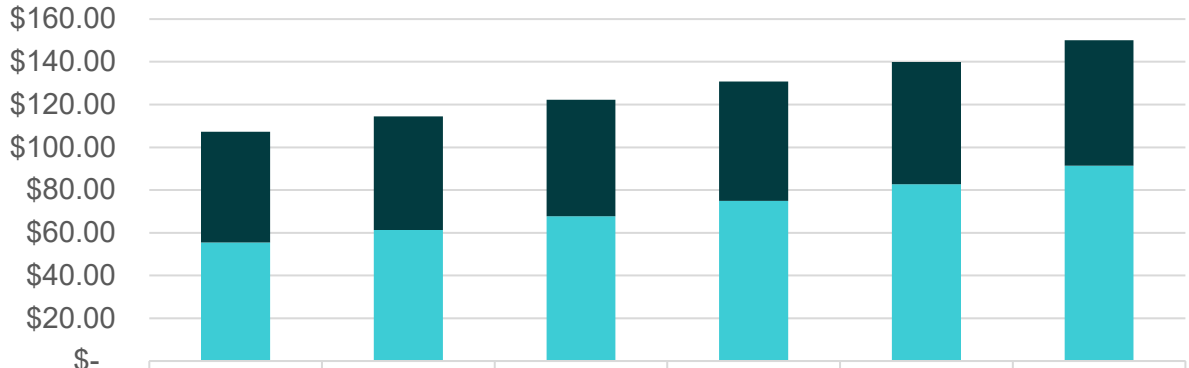
Table 10: Recommended Water and Water Reclamation Rates

Description	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Water Rates						
Fixed Charge ($/Mo)						
5/8"	$ 19.31	$ 21.34	$ 23.58	$ 26.06	$ 28.80	$ 31.82
3/4"	20.19	22.31	24.65	27.24	30.10	33.26
1"	21.52	23.78	26.28	29.04	32.09	35.46
1-1/2"	31.65	34.97	38.64	42.70	47.18	52.13
2"	51.94	57.39	63.42	70.08	77.44	85.57
3"	79.29	87.62	96.82	106.99	118.22	130.63
4"	117.22	129.53	143.13	158.16	174.77	193.12
6"	202.35	223.60	247.08	273.02	301.69	333.37
Volume Charge ($/1,000 gallons)						
Residential						
Tier 1 (0-10,000 gallons)	$ 3.80	$ 4.20	$ 4.64	$ 5.13	$ 5.67	$ 6.27
Tier 2 (10,001-20,000 gallons)	5.34	5.90	6.52	7.20	7.96	8.80
Tier 3 (20,001-30,000 gallons)	6.86	7.58	8.38	9.26	10.23	11.30
Tier 4 (30,001-40,000 gallons)	8.57	9.47	10.46	11.56	12.77	14.11
Tier 5 (40,001+ gallons)	12.37	13.67	15.11	16.70	18.45	20.39
Non-Residential	$ 4.79	$ 5.29	$ 5.85	$ 6.46	$ 7.14	$ 7.89
Irrigation	$ 5.27	$ 5.82	$ 6.43	$ 7.11	$ 7.86	$ 8.69
Water Rights Acquisition	$ 1.37	$ 1.51	$ 1.67	$ 1.85	$ 2.04	$ 2.25
Water Reclamation Rates						
Fixed Charge ($/Mo)	$ 17.66	$ 18.10	$ 18.55	$ 19.01	$ 19.49	$ 19.98
Volume Charge ($/1,000)	$ 5.69	$ 5.83	$ 5.98	$ 6.13	$ 6.28	$ 6.44

5.2. Customer Impacts

The impact on a typical residential customer with a 5/8" meter with 7,000 gallons of water usage and 6,000 gallons of water reclamation usage is shown in Figure 6 below. As indicated, the impact on a user with both services would be around 6-7% per year.

Figure 6: Combined Monthly Bill Impact (7,000 gallons water, 6,000 gallons water reclamation)



	2025	2026	2027	2028	2029	2030
Reclamation	$51.80	$53.08	$54.43	$55.79	$57.17	$58.62
Water	$55.50	$61.31	$67.75	$74.92	$82.77	$91.46
Total	$107.30	$114.39	$122.18	$130.71	$139.94	$150.08
$ Change		$7.09	$7.79	$8.53	$9.23	$10.14
% Change		6.6%	6.8%	7.0%	7.1%	7.2%

Figure 7 indicates a bill comparison between the Town and neighboring communities. The bill calculation is based on rates currently in effect as of September 2025. Differences in rates are driven by a variety of factors including density, economies of scale and the level and timing of capital improvements by community.

Figure 7: Community Bill Comparison (7,000 gallons water, 6,000 gallons water reclamation)

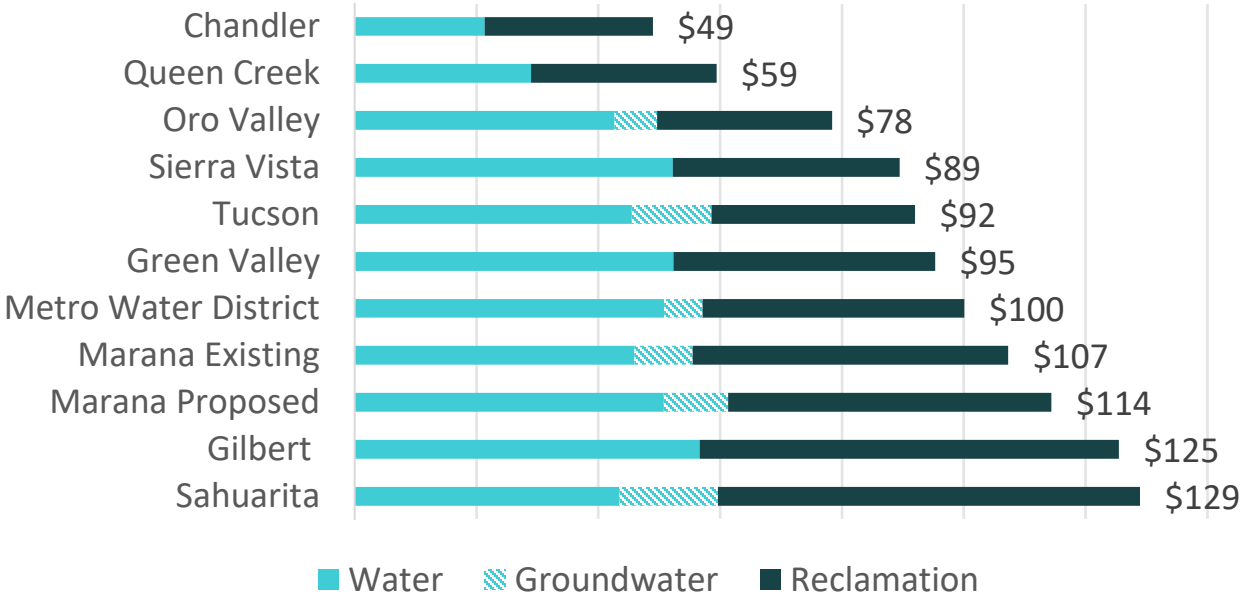
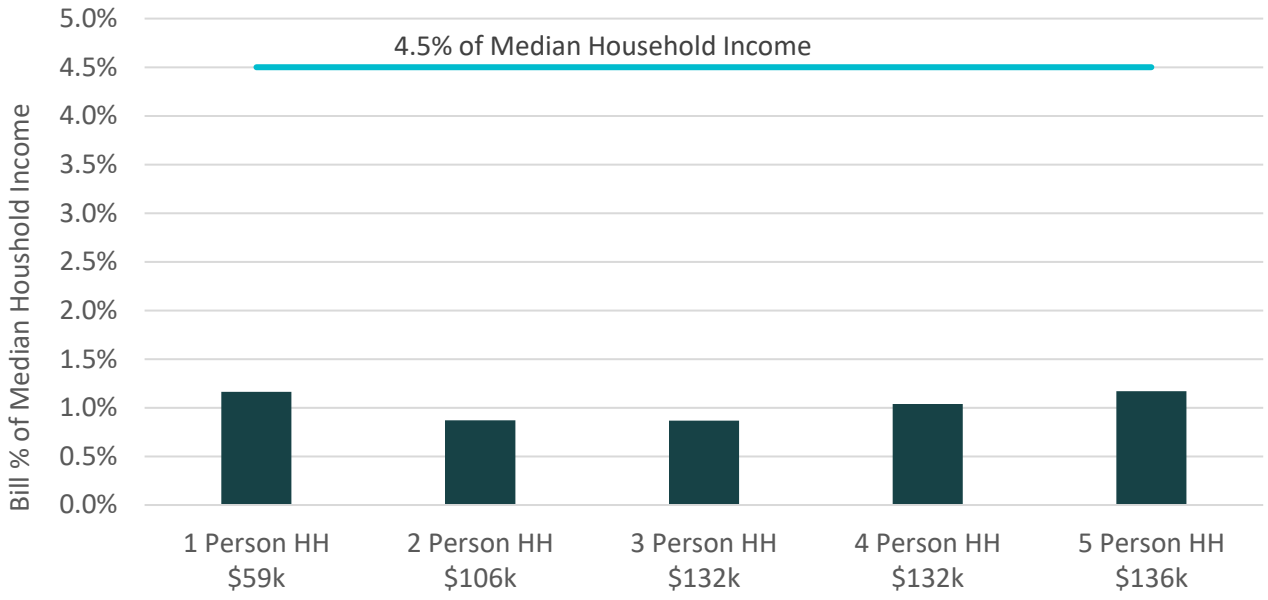


Figure 8 indicates a comparison of the combined bill at different household sizes[8] to median household income. While there is no 100% objective measure of affordability, 4.5% of median household income is a commonly used threshold. As shown below the proposed 2026 bill is well under 4.5% of median household income for all household sizes which suggests that the proposed increases will not pose significant affordability challenges for most customers[9].

Figure 8: Residential Bill versus Household Income



[8] Usage by household size calculated for an assumed indoor usage of 50 gallons.

[9] For customers for whom affordability is an issue, best practice is to offer direct assistance to the affected customers, rather than limiting needed rate adjustments for all customers. This could take the form of customer assistance programs, bill round-up programs, payment plans etc., which identify customers based qualification for other forms of assistance, such as SNAP.

Council-Regular Meeting **A2**

Meeting Date: 01/06/2026

To: Mayor and Council

Submitted For: Jason Angell, Development Services Director

From: Matt Taylor, Planning Manager

Date: January 6, 2026

Strategic Plan Focus Area:
Not Applicable

Subject: PUBLIC HEARING: Ordinance No. 2026.002: Relating to Development; approving a rezoning of approximately 300.5 acres of land located west of Interstate 10 along North Luckett Road and just south of the Pinal County line in a portion of Section 1, Township 11, Range 10E, from R-144 (Residential) to SP (Specific Plan), creating the Luckett Road North Specific Plan; and approving a minor amendment to the General Plan amending the land use category from Employment to Master Planned Area (Jason Angell)

Resolution No. 2026-005: Relating to Development; declaring as a public record filed with the Town Clerk the Luckett Road North Specific Plan adopted by Ordinance No. 2026.002 (Jason Angell)

Discussion:

Request
Lazarus and Silvyn, PC, representing the property owner, the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints, is requesting approval of the Luckett Road North Specific Plan, to rezone approximately 300.5 acres of land from R-144 (Residential) to SP (Specific Plan). The proposed rezoning is accompanied by a request for a minor amendment to the Marana General Plan Land Use category designation from Employment to Master Planned Area.

Marana 2040 General Plan
The 2040 Marana General Plan designates the future land use of the area proposed to be rezoned as Employment. A minor amendment to the General Plan accompanies this rezoning proposal to change the designation to Master Planned Area.

Surrounding Land Use and Zoning
The property located to the west has the same owner; it is currently farmed and is also used for solar energy production and storage. The property is also being farmed to the south and a similar rezoning has been proposed for a data center development in conjunction with this application. Property to the north, which lies in Pinal County, is home to an existing sand and gravel mining operation. The Arizona Veteran's Memorial Cemetery is located to the east; this site contains several structures. Zoning to the north in Pinal County is industrial, while land in all other directions has a rural residential zoning designation.

Proposed Land Use
The site is proposed to be used as a data center in conformance with section 17-6-13 of the Marana

Town Code. Data centers are specialized facilities designed to house computer systems, servers, and related hardware that store, process, and manage vast amounts of digital information. Related infrastructure improvements, including a substation, drainage improvements, and street and utility extensions are also proposed.

Access and Circulation
The site will be accessed via two driveways on Luckett Road on the east side of the property. A proposed extension of Luckett Road to the north to Pinal Airpark Road will provide regional access and a direct route to US I-10.

Utilities
The Marana Town Code requires estimates of future energy and water needs, as well as commitments from utility providers. A 2.25-mile waterline extension for potable water is proposed to be constructed from the site to the intersection of Wentz and Sagebrush Road, where the existing waterline ends. Industrial, irrigation, and fire water supply will be withdrawn from the adjacent CMID irrigation canal.

A new 2-mile force sewer main is proposed to be constructed within the Luckett Road right-of-way south to where Luckett intersects with Sagebrush Road. A sewer lift station will also be required to reach the existing sewer main at Sagebrush.

The project will need an estimated 550 to 750 megawatts of power at full build-out. The applicant is currently engaged with Trico Electric to ensure a future energy supply.

Fire Service
The property is located within the Avra Valley Fire District. A water storage tank and booster station will be installed as part of this project.

Citizen Participation
A neighborhood meeting was held virtually via Microsoft Teams on November 19th at 6:00 PM; there were approximately ten neighbors present. An overview of the project was given. The only question that arose was regarding the expected opening date. The applicant indicated that the anticipated opening would be in either 2028 or 2029.

Public Notification
This public hearing was noticed in The Daily Territorial newspaper, and all property owners within 300 feet of the rezoning area were noticed by United States Mail of the date, time, and topic of the public hearing. Additional notice was posted at the property, various locations within the community and on the Town's website.

Case Analysis Review Criteria
The applicant has satisfied the requirements of section 17-4-15 of the Town Code, which outlines the necessary contents of a specific plan. The applicant has also addressed the requirements for data centers found in section 17-6-13(B) of the Town Code, including the provision of a baseline noise study, identification of the intended sources of water and electric, and an assessment of future water and energy needs.

Pursuant to Town Code section 17-3-1(D), the Planning Commission and Town Council shall also consider the following questions, at a minimum, in reviewing an application for rezoning:

1. Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development;

Based upon the requirements in the Town Code and the proposed conditions, the rezoning amendment does not appear to be detrimental to the character of the area due to installation of public facilities or any changes associated with the rezoning.

2. The degree to which the proposed zoning will benefit the community; whether there will be benefits derived by the community, or area, by granting the proposed rezoning;

Based upon the requirements of the Town Code and the recommended conditions, this rezoning will benefit the community by providing the extension of streets, utilities, and drainage infrastructure.

3. Whether the proposed rezoning is compatible with the surrounding area or whether there will be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm runoff, water, air, or noise pollution, excessive nighttime lighting, or other nuisances;

Based upon the requirements in the Town Code and the recommended conditions, the proposed rezoning is compatible with the surrounding area, and any potential impacts will be mitigated with the extension of public infrastructure and noise attenuation.

4. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the general plan, other adopted plans, and the goals, objectives and policies of the land development code, and other town regulations and guidelines, including goals and policies relating to economic development;

With the acceptance of the recommended conditions and the approval of the accompanying minor General Plan Amendment from Employment to Master Planned Area, the rezoning amendment conforms with the goals and policies of the general plan, the land development code, and other town regulations and guidelines.

5. The zoning districts and existing land uses of the surrounding properties;

Considering its location, and based upon the requirements of the Town Code and recommended conditions, the proposed rezoning is compatible with the existing zoning and uses of surrounding properties .

6. Whether the existing and proposed transportation infrastructure is suitable and adequate to serve the traffic anticipated to be generated by the proposed development:

With the acceptance of the recommended conditions and considering the proposed infrastructure improvements, the existing and proposed transportation infrastructure is suitable and adequate to serve the traffic anticipated to be generated by the proposed development.

7. Whether the existing and proposed utility infrastructure, public facilities, and public services are suitable and adequate to serve the proposed rezoning area;

Based upon the requirements of the Town Code and recommended conditions, and considering the proposed extension of public infrastructure, there is adequate utility infrastructure, public facilities, and public services in the area to serve the proposed rezoning area.

8. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification:

Considering the location, and based upon the requirements of the Town Code and recommended conditions, the subject property is suitable for the proposed uses.

9. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character:

Based upon the rezoning requirements and conditions and considering the location, this rezoning amendment is compatible with the adjacent neighborhood in area stability and character.

10. If applicable, the length of time the subject property has remained vacant as zoned:

The parcel has remained vacant since its annexation by the Town in 2001.

11. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs:

Considering its location, there is an adequate supply of land available in the area and the surrounding community to accommodate the zoning and community needs.

Staff Recommendation:

This is a discretionary item for the Town Council to consider. Should the Town Council choose to approve this item, staff recommends it be based upon the recommended findings and subject to the conditions set forth in the draft ordinance attached.

Planning Commission Recommendation

The proposed rezoning was considered at a public hearing before the Marana Planning Commission on December 10, 2025. The Planning Commission voted unanimously (6-0 with one commissioner absent) to recommend to Town Council approval of the requested rezoning.

Suggested Motion:

I move to approve Ordinance No. 2026.002, approving a rezoning of approximately 300.5 acres of land located west of Interstate 10 along North Luckett Road and just south of the Pinal County line from R-144 (Residential) to SP (Specific Plan), creating the Luckett Road North Specific Plan; and approving a minor amendment to the General Plan amending the land use category from Employment to Master Planned Area; and Resolution No. 2026-005, declaring as a public record filed with the Town Clerk the Luckett Road North Specific Plan adopted by Ordinance No. 2026.002.

Attachments

Ordinance No. 2026.002

Exhibit A to Ordinance No. 2026.002 - Luckett Road North Legal Description

Resolution No. 2026-005

Exhibit A to Resolution No. 2026-005 - Luckett Road North Specific Plan

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MARANA ORDINANCE NO. 2026.002

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 300.5 ACRES OF LAND LOCATED WEST OF INTERSTATE 10 ALONG NORTH LUCKETT ROAD AND JUST SOUTH OF THE PINAL COUNTY LINE IN A PORTION OF SECTION 1, TOWNSHIP 11, RANGE 10E, FROM R-144 (RESIDENTIAL) TO SP (SPECIFIC PLAN), CREATING THE LUCKETT ROAD NORTH SPECIFIC PLAN; AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN AMENDING THE LAND USE CATEGORY FROM EMPLOYMENT TO MASTER PLANNED AREA

WHEREAS the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints (collectively the "Property Owners") own 300.5 acres of land located west of Interstate 10 along North Luckett Road and just south of the Pinal County line in Section 1, Township 11 South, Range 10 East, described on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have authorized Lazarus & Silvyn, P.C. to submit an application to rezone the Rezoning Area from R-144 (Residential) to SP (Specific Plan) ("this Rezoning") and to amend the Make Marana 2040 General Plan (the "General Plan") land use category from Employment to Master Planned Area; and

WHEREAS the Marana Planning Commission held a public hearing to consider this Rezoning on December 10, 2025, and voted 6 to 0 with one Commissioner absent to recommend that the Town Council approve this Rezoning, subject to the recommended conditions; and

WHEREAS the Marana Town Council held a public hearing to consider this Rezoning on January 6, 2026, and determined that this Rezoning should be approved.

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

Section 1. The zoning of the Rezoning Area is hereby changed from R-144 (Residential) to SP (Specific Plan), creating the Luckett Road North Specific Plan. The Luckett Road North Specific Plan, one electronic and one printed copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which was made a public record by and is attached as Exhibit A to Marana Resolution No. 2026-005, is hereby referred to, adopted and made part of this ordinance as if fully set out here.

Section 2. A minor amendment to the General Plan is hereby approved, changing the General Plan designation of the Rezoning Area from Employment to Master Planned Area.

Section 3. This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on the Property Owners, the applicant, and any other relevant parties involved in this particular rezoning and their successors in interest (all of whom are collectively included in the term "Property Owners" in the following conditions):

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 development plan for any portion of the Rezoning Area shall be in general conformance with the conceptual land use plan presented to and approved by the Town Council as part of this Rezoning.
3. A master drainage study must be submitted by the Property Owners and accepted by the Town Engineer prior to Town approval of a development plan for any portion of the Rezoning Area.
4. A detailed traffic impact analysis (TIA) must be submitted by the Property Owners and accepted by Town staff prior to approval of a development plan for any portion of the Rezoning Area. The Property Owners may be required to submit an updated TIA or updated traffic studies when warranted by changes to the Rezoning Area or in development surrounding the Rezoning Area.
5. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by the Marana Water Department (the "water provider") prior to approval of a development plan for any portion of the Rezoning Area. 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 Owners must enter into a water service agreement with the water provider consistent with the accepted WIP. The Property Owners may be required to submit an updated WIP when warranted by changes to the Rezoning Area or in development surrounding the Rezoning Area.
6. A master sewer plan must be submitted by the Property Owners and accepted by the Marana Water Department (the "wastewater utility") prior to the approval of any development plan for the Rezoning Area. 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 Owners must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan. The Property Owners may be required to submit an updated sewer plan when warranted by changes to the Rezoning Area or in development surrounding the Rezoning Area.

7. The Property Owners 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 preliminary plat (if applicable), final plat, or development plan for any portion of the Rezoning Area.
8. The Property Owners shall install a non-potable water system for industrial and fire suppression uses, and to serve the common open space areas and other landscaped amenities, as accepted by the Cortaro-Marana Irrigation District.
9. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owners 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 Owners should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.
10. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
11. The Property Owners are responsible for paying the full costs of design and construction of Luckett Road to a two-lane rural collector, per Marana Standard Detail 110-1, from the southern boundary of the Rezoning Area north to Pinal Airpark Road (the "Luckett Road Extension"). The Property Owners' financial obligations under this condition include paying the full costs for the acquisition of any property rights associated with the improvements. The Town of Marana shall acquire any necessary property rights for the Luckett Road Extension from the Arizona State Land Department (ASLD), subject to full reimbursement by the Property Owners.
    a. Within 30 days after the issuance of any grading permit in the Rezoning Area, the Property Owners shall pay in cash to the Town a deposit in the full estimated acquisition amount for the acquisition of property rights from ASLD.
    b. Within 30 days after the issuance of any grading permit in the Rezoning Area and the Town providing Property Owners the full estimated costs of pre-construction and design services for the Luckett Road Extension, the Property

Owners shall pay in cash to the Town the full estimated cost of the pre-construction and design services.

c. The Property Owners may participate in and provide input into the design of the Luckett Road Extension.

d. Within 30 days after the Property Owners' receipt of a written engineer's estimate based on 100% design plans from the Town, the Property Owners shall pay in cash to the Town the full estimated cost of construction of the Luckett Road Extension. Property Owners shall be responsible only for actual construction costs by the contractor with no additional Town administrative or other fees. In lieu of providing payment to the Town for construction costs as described in this condition, the Property Owners may elect to construct the Luckett Road Extension, pursuant to the design procured by the Town, by providing the Town with written notice of their election within 30 days after the Town's delivery of the engineer's estimate to the Property Owners.

e. No later than 60 days after final completion of the Luckett Road Extension, the Town shall provide to the Property Owners an itemized statement of the Town's actual costs for the Luckett Road Extension and a check or invoice representing the difference between the Town's costs and the Property Owners' payments to the Town. If the Property Owners' payments to the Town were insufficient to cover the Property Owners' obligations pursuant to this ordinance, the Property Owners shall pay the Town the balance of the costs as set forth in the invoice within 30 days after the itemized statement and invoice are provided to the Property Owners. Any amounts unpaid after 30 days shall accrue simple interest at the rate of 10% per year until paid in full

f. The completion of the Luckett Road Extension is not a prerequisite for the Town to issue certificates of occupancy for structures in the Rezoning Area.

12. The Property Owners shall coordinate with the Town to manage construction traffic for the Rezoning Area consistent with the provisions of the TIA.

13. The Property Owners shall construct an 8-inch water main from the Rezoning Area southerly along Luckett Road, easterly along Hardin Road, southerly along Wentz Road, to the intersection of Wentz Road and Sagebrush Road. The final alignment will be determined by Town water modeling.

14. The Property Owners shall construct a new sewer force main aligning with the Luckett Road public right-of-way from the Rezoning Area southerly to a point of connection to the existing 27-inch gravity sewer at the intersection with Sagebrush Road.

15. The Property Owners shall construct a new sewer lift station to serve the Rezoning Area. Final location of the sewer lift station will be confirmed through the design process.

16. The Property Owners shall construct the portion of a drainage channel referred to in the Town of Marana Northwest Area Drainage Master Plan as the "10.5 Channel" that is located within the Rezoning Area (except as necessary to match current, offsite, downstream flow patterns) in conjunction with the owners of the property immediately to the south, identified as Assessor's Parcel Number (APN) 208-09-001E. The Property Owners shall design the entire 10.5 Channel, including the portions of the channel located outside the boundaries of the Rezoning Area, to 30% plans, which must be approved by the Town, and construct the portion of the 10.5 Channel that is in the Rezoning Area to those 30% plans. That constructed portion of the 10.5 Channel will have no outfall until construction of the 10.5 Channel is fully completed (by the Town). Until that occurs, the excavated channel segment in the Rezoning Area will serve as detention/retention for the onsite development. After offsite construction of the 10.5 Channel is complete, the onsite retention requirements will be accomplished via recharge within the 10.5 Channel and/or the Santa Cruz River. The Property Owners shall assign to the Town any and all of the Property Owners' rights to the 30% design plans. If APN 208-09-001E is not developed in conjunction with the Rezoning Area, the Property Owners shall not be required to construct the 10.5 Channel, but will still be required to design the 10.5 Channel to 30% plans, and shall construct the drainage infrastructure required to serve the Rezoning Area as determined by the master drainage study. Upon demand of the Town, the Property Owners shall dedicate to the Town at no cost the portion of the Rezoning Area where the 10.5 Channel is located or will be located, whether the channel has been constructed or not. At the time of the dedication, the Property Owners shall contribute their proportionate share of costs to convert the retention/detention system in the Rezoning Area to a conveyance system.
17. Within 60 days after the adoption of this ordinance, the Property Owners shall provide the Development Services Department with one electronic copy in PDF format which will also include graphics of the conceptual land use plan in JPEG or other suitable format of the Luckett Road North Data Center Specific Plan as amended by this ordinance.
18. This Rezoning is valid for five years from the date of Town Council approval; if the Property Owners fail to have a development plan approved prior to the end of the five-year time period, the Town may schedule a public hearing before the Town Council to take administrative action to extend, remove, or determine compliance with the schedule for development or legislative action to revert the property to the previous zoning (R-144).

Section 4. 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 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, 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 6th day of January, 2026.

Mayor Jon Post

ATTEST:

Jill McCleary, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

ALL OF SECTION 1, TOWNSHIP 11 SOUTH, RANGE 10 EAST, GILA AND SALT RIVER BASE AND MERIDIAN PIMA COUNTY, ARIZONA;

EXCEPT ALL SUBTERRANEAN PERCOLATING WATERS CONTAINED WITHIN, UNDERLYING AND WHICH MAY BE PRODUCED AS CONVEYED TO CORTARO-WATER USER'S ASSOCIATION BY DEED RECORDED IN BOOK 314 OF DEEDS, PAGE 445.

MARANA RESOLUTION NO. 2026-005

RELATING TO DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE LUCKETT ROAD NORTH SPECIFIC PLAN ADOPTED BY ORDINANCE NO. 2026.002

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA that the Luckett Road North Specific Plan adopted by Ordinance No. 2026.002 and attached to and incorporated in this resolution as Exhibit A, one electronic and one paper copy of which are on file in the office of the Town Clerk, is 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 6th day of January, 2026.

_____
Mayor Jon Post

ATTEST:

_____
Jill McCleary, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

Luckett Road North Specific Plan

MARANA, ARIZONA 85653

TOWN OF MARANA PROJECT NO.: PCZ2510-002

December 1, 2025

Law Offices of
Lazarus & Silvyn, P.C.

Project Team

FREMONT PEAK PROPERTIES, LLC

LAZARUS & SILVYN, PC

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I. INTRODUCTION & POLICY

A. Background

Data centers are specialized facilities designed to house computer systems, servers and related hardware that store, process and manage vast amounts of digital information. Data centers are the backbone of U.S. technological advancement, driving economic growth and securing national leadership in innovation. Through cloud computing, they support online education, empower communities to advance seamless connectivity, and host AI systems that drive personalized experiences, real-time navigation and critical decision-making tools. Demand for data centers is supported by a diverse set of industries with durable long-term employment and positive fiscal impacts for local communities.

Long-term infrastructure investment supports communities within Pima County (the "County"), and specifically the Town of Marana (the "Town"), to play a leading role in an increasingly dynamic and interconnected 21st century economy. Approximately 300 acres (Parcel No. 208-08-004A, the "Property") located west of Interstate 10 ("I-10") along N. Luckett Road and just south of the Pinal County line, has been identified as an ideal site for this type of investment. (See *Exhibit I.A: Regional Context*.)

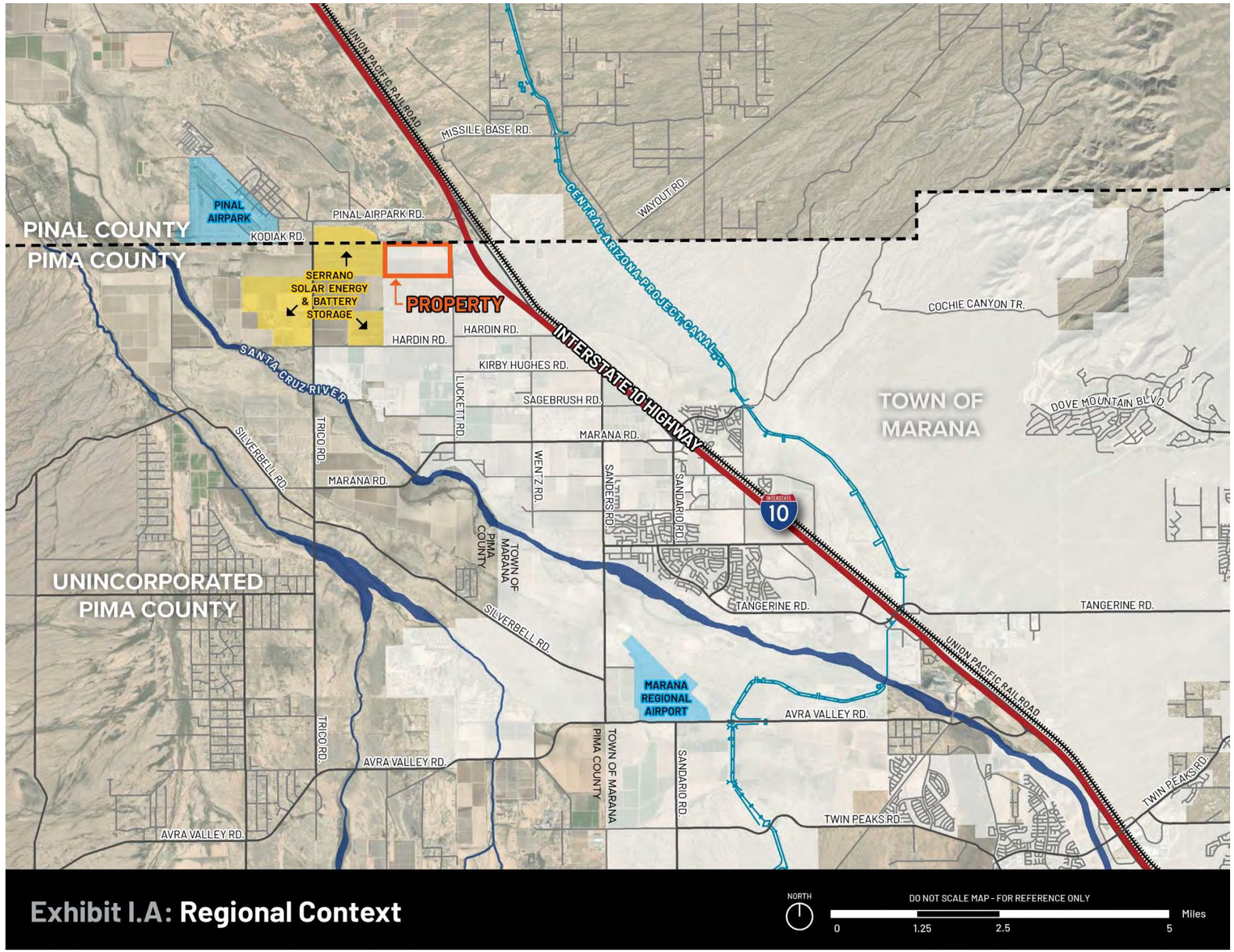


Exhibit I.A: Regional Context

B. Project Overview

Fremont Peak Properties, LLC (the "Applicant") is interested in developing the Property with a data center and related infrastructure improvements (the "Project") that are already in high demand in northern Marana. The Project, entitled through the Luckett Road North Specific Plan ("Specific Plan"), positions the Town to become a hub for technology, innovation and business growth. (See *Exhibit I.B.1: Specific Plan Boundaries*.)

The Project will create high-quality jobs related to the Information Technology sector, which has been targeted as one of four key industries for employment growth within the Town.

This Specific Plan has been drafted in conformance with Marana Town Code ("MTC") § 17-6-13, *Data Centers*. Potential impacts to adjacent uses will be minimized through strategic mitigation measures, as outlined in Section IV, Development & Design Regulations, such as:

- limiting building heights to diminish visual impacts;
- incorporating adequate drainage infrastructure to offset an increase in impervious surfaces; and
- providing ample setbacks and bufferyards for sound attenuation.

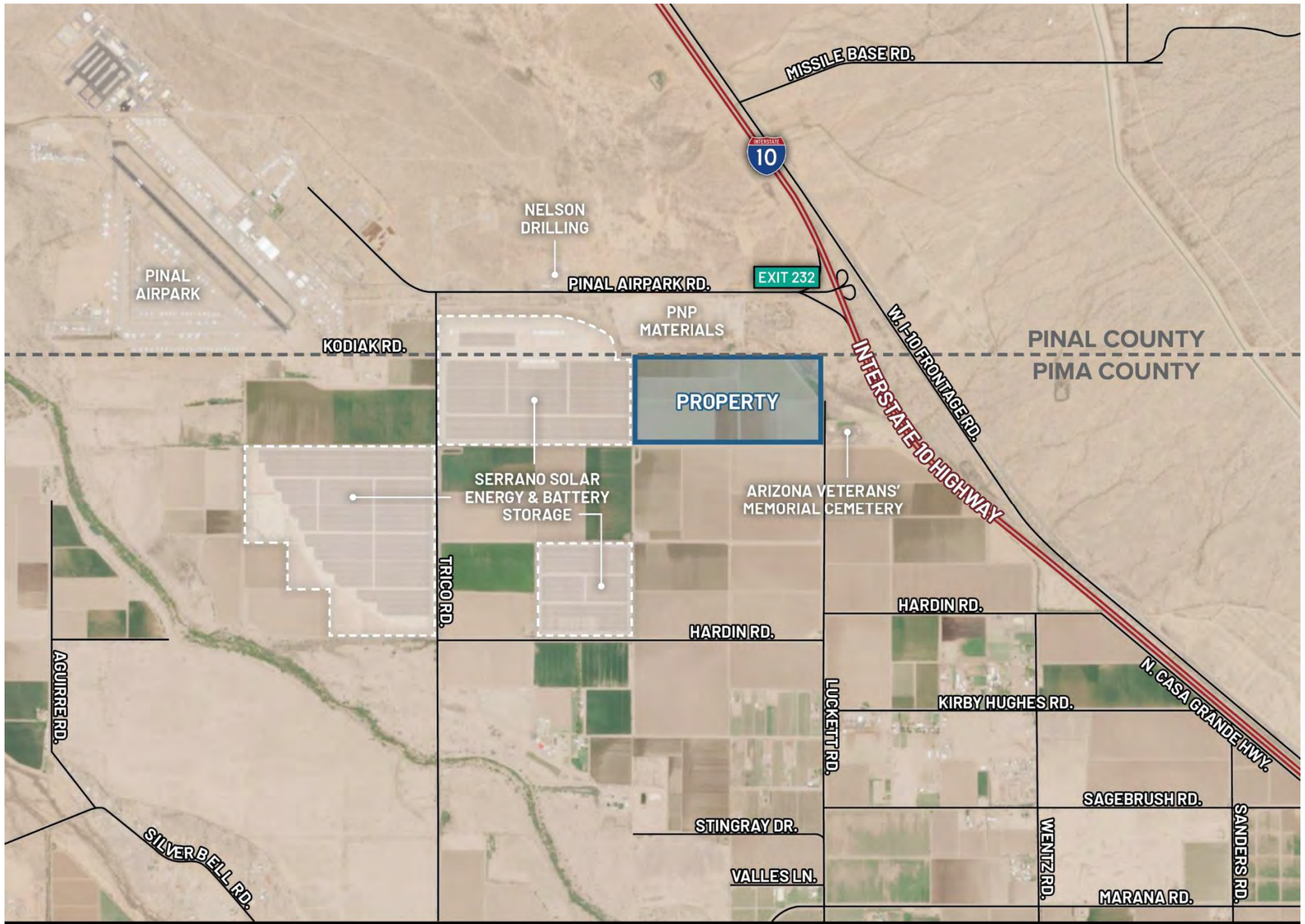


Exhibit I.B.1: Specific Plan Boundaries

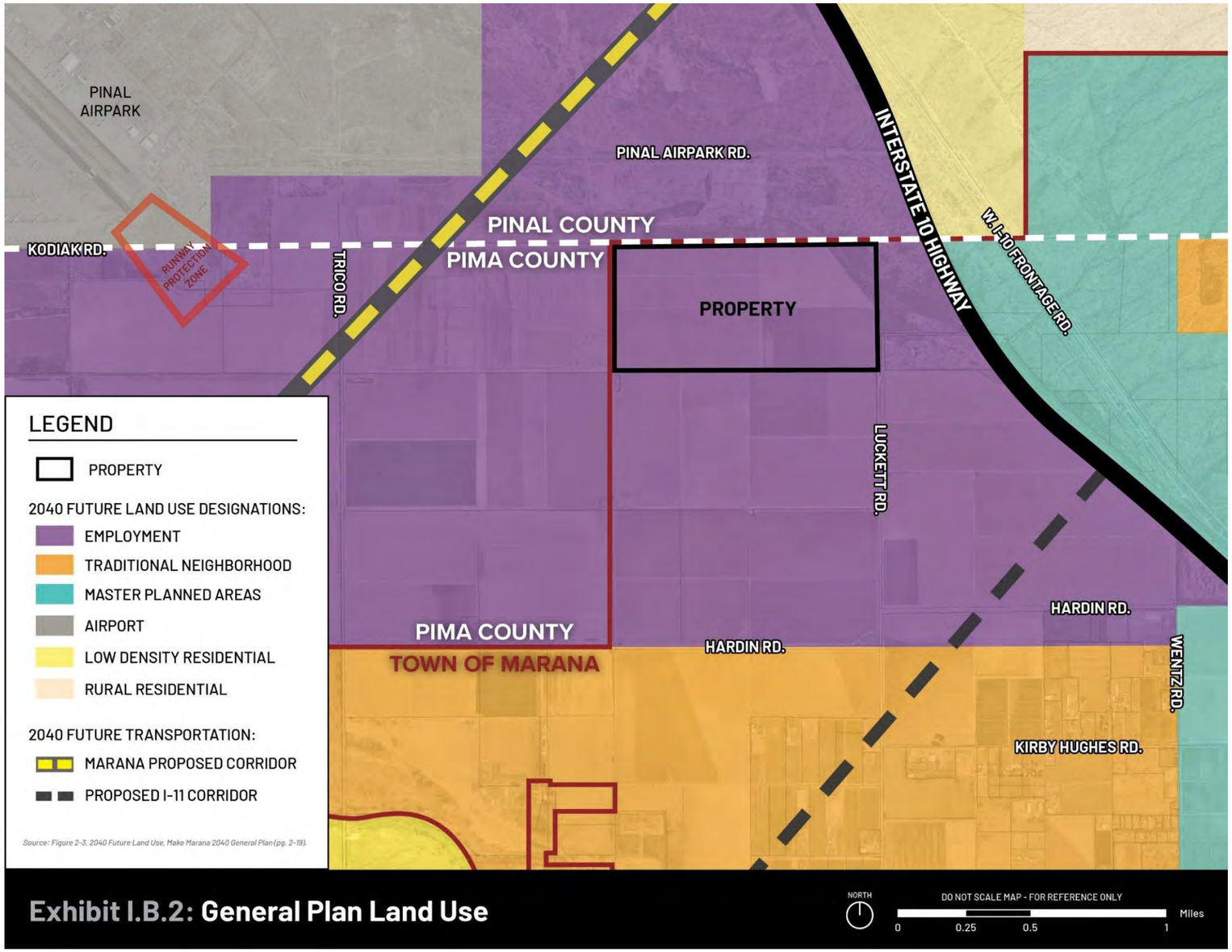


Exhibit I.B.2: General Plan Land Use

C. General Plan Amendment

The Property is located in the General Plan's North Growth Area, which is *"envisioned to become a premier employment hub in Marana, concentrated around Pinal Airpark [that] will attract manufacturing, distribution, and logistics industries for its advantageous location between Pinal Airpark, Interstate 10, and the Union Pacific Railroad, as well as the future Interstate 11 corridor."* As shown on *Exhibit I.B.2*, the General Plan Future Land Use Map designates the Property as Employment, which supports a range of industrial, warehousing, manufacturing, business parks and other uses that present employment opportunities. The Project will result in significant infrastructure investment in North Marana, not only funding this Project, but also potentially serving as a catalyst for additional economic development in this area.

Concurrent with this Specific Plan proposal is a request to amend the Property's land use designation from Employment to Master Planned Area ("MPA"). Make Marana 2040's Table 1-1 indicates a change from Employment to MPA qualifies as a minor amendment. The MPA designation *"denotes areas that are guided by separate development approvals. These approvals establish the land uses, densities and intensities of development, and the character of the area."* MPA is meant for properties appropriately planned and designed within the context of its environment. This Specific Plan is consistent with the intent of the MPA designation and the vision for the Town's North Growth Area as a future employment center, as well as the goals and policies of Make Marana 2040.

II. DEVELOPMENT CAPABILITY REPORT

A. Existing Land Use & Zoning

1. Onsite

As depicted in *Exhibit II.A: Existing Land Use & Zoning*, the Property is zoned R-144 and is currently used for agricultural purposes. *Make Marana 2040* designates this Property as Employment on the Future Land Use Map. (Refer to *Exhibit I.B.2: General Plan Land Use* in Section I.)

2. Surrounding Properties

The land uses and zoning of surrounding properties are identified on *Exhibit II.A: Existing Land Use & Zoning*. Adjacent properties to the south and west are currently farmed and have no existing onsite structures. There is a County-approved development plan for a solar energy production and battery storage use on the property to the west. Across the Town boundary to the north is an existing sand and gravel mining operation within Pinal County. Adjacent to the Property's eastern boundary is the Arizona Veteran's Memorial Cemetery, which includes three single-story structures.

All adjacent properties are also designated Employment by *Make Marana 2040*.

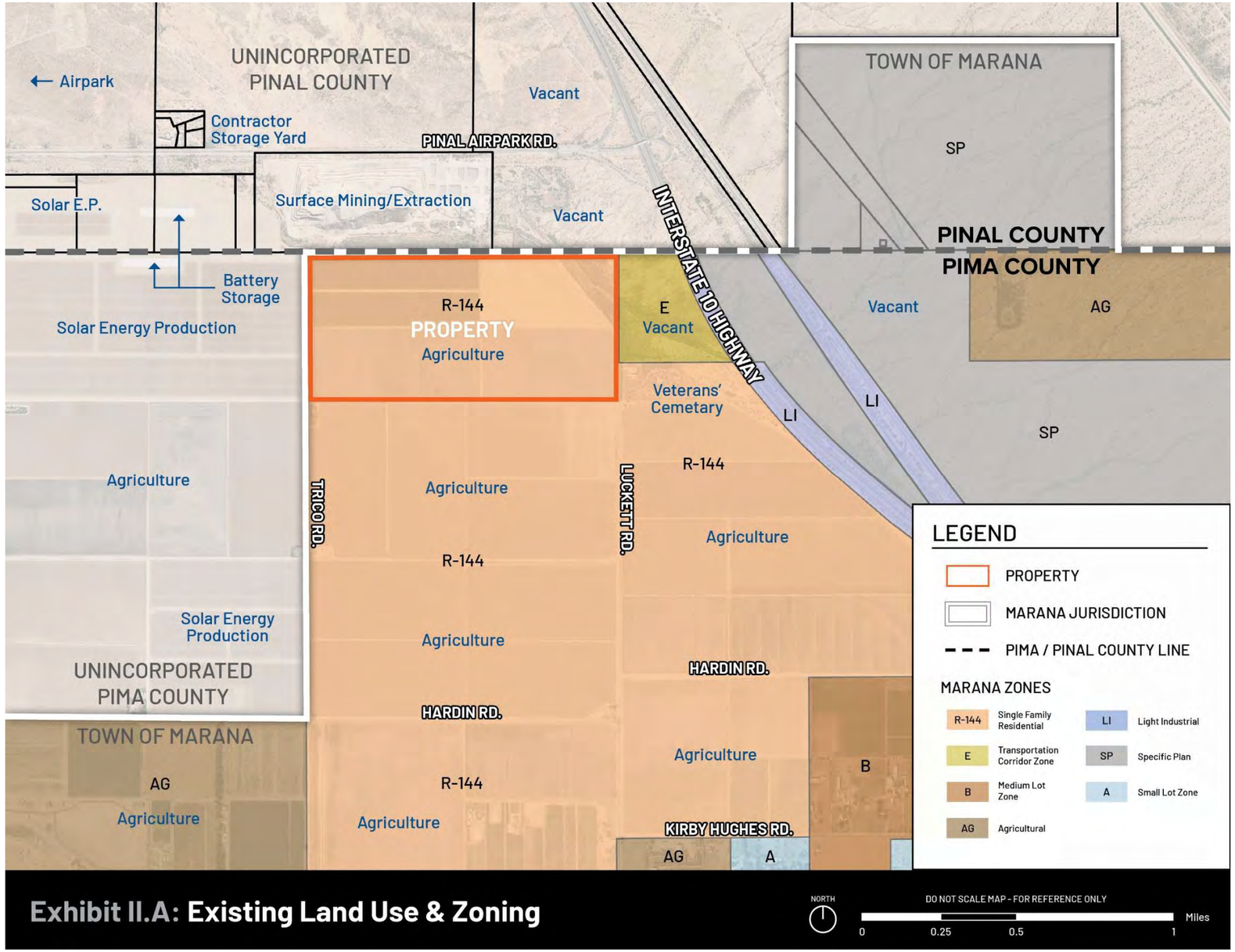


Exhibit II.A: Existing Land Use & Zoning

B. Topography

1. Pre-Development Cross-Slope

The majority of the Property is relatively flat with gradual sloping from east to west and approximately 18 feet of fall across the Property. As shown on *Exhibit II.B*, the west portion of the Property is generally 16 to 18 feet lower in elevation than the east portion. The Property contains some areas with slopes 15% or greater near the irrigation canal and diversion channel at the northeast corner.

2. Significant Topographic Features

There are no hillside conservation areas, rock outcrops, or significant topographic features on the Property. Areas around the northeast corner of the Property are built-up into earthen berms for flood mitigation purposes.

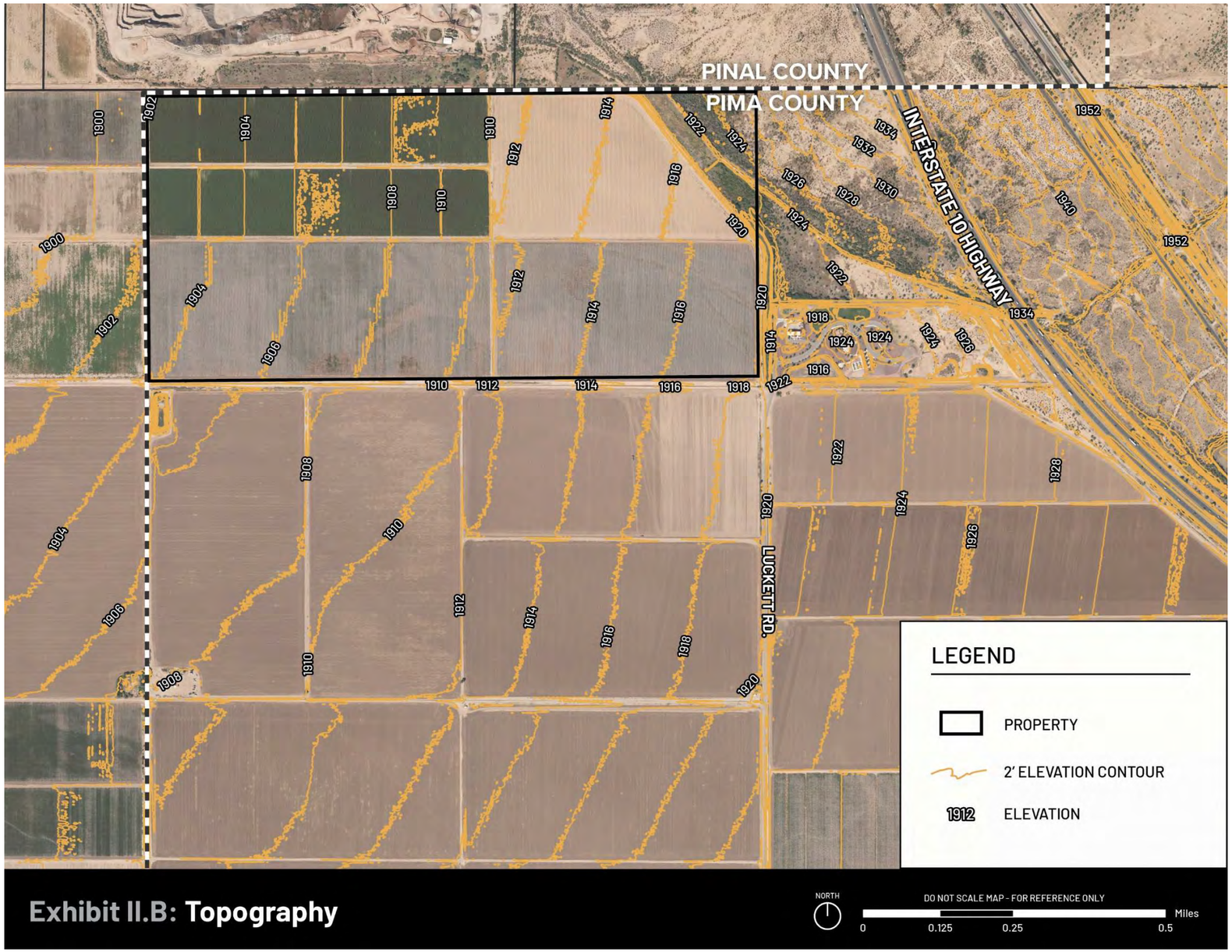


Exhibit II.B: Topography

C. Hydrology

The Property and surrounding area are subject to runoff originating in the Tortolita Mountains to the east, which is conveyed in bridges and culverts through the Central Arizona Project ("CAP") Canal and the Interstate 10/Union Pacific Railroad ("UPRR") transportation corridor. West of Interstate 10, runoff flows overland primarily in a sheet flow manner, to the north and west toward the Santa Cruz River. Runoff impacting the Property is defined by the Tortolita Alluvial Fan Study ("TAFS"), which is the basis for the effective Federal Emergency Management Administration ("FEMA") Flood Zone designations. The total drainage area within the TAFS models (HEC-1 and FLO-2D) is 174.9 square miles. *Exhibit II.C.1* depicts the Property within the TAFS study area. Significant alterations have been made to the terrain in the vicinity due to historic agricultural activity. A higher resolution HEC-RAS 2D model was created to better model flow patterns in the project vicinity. The RAS 2D model utilizes inflow hydrographs generated by the effective TAFS model.

Runoff impacts the Property as sheet flow across farm fields separated by graded roads and irrigation canals. In addition, a diversion channel conveys runoff across the northeast corner of the Property and to the west along the north Property line. *Exhibit II.C.2* depicts the diversion channel along with drainage patterns across the Property and the 100-year peak discharges at key cross sections. The majority of the Property is characterized by shallow sheet flooding. The 100-year sheet flood depths and peak discharges are depicted on *Exhibit II.C.2*.

The Property is almost completely inundated by the 100-year flood, and the majority of the Property lies within designated FEMA floodplains. Most of the Property lies within Zone AO1, with small areas of Zone AO2 and Zone X (shaded) to the southeast. The northeast corner is outside the FEMA floodplain (Zone X). (See *Exhibit II.C.2*.) Runoff exits the Property to the west in a sheet flow manner, with depths typically ranging between 1 and 2 feet. Flow within the diversion channel is conveyed westerly in an irregular offsite channel along the northern Property line.

Exhibit II.C.1: Existing Regional Drainage

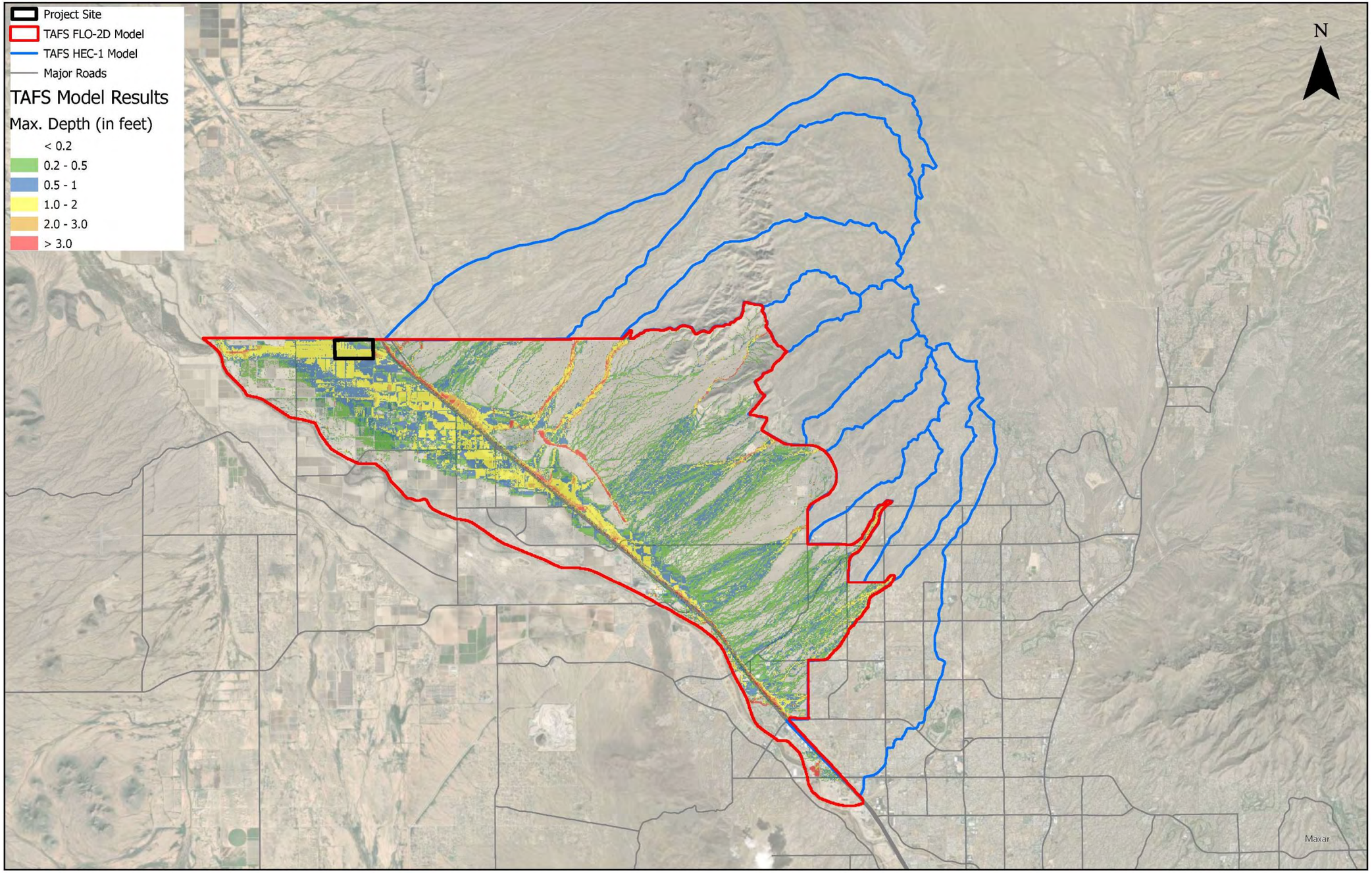
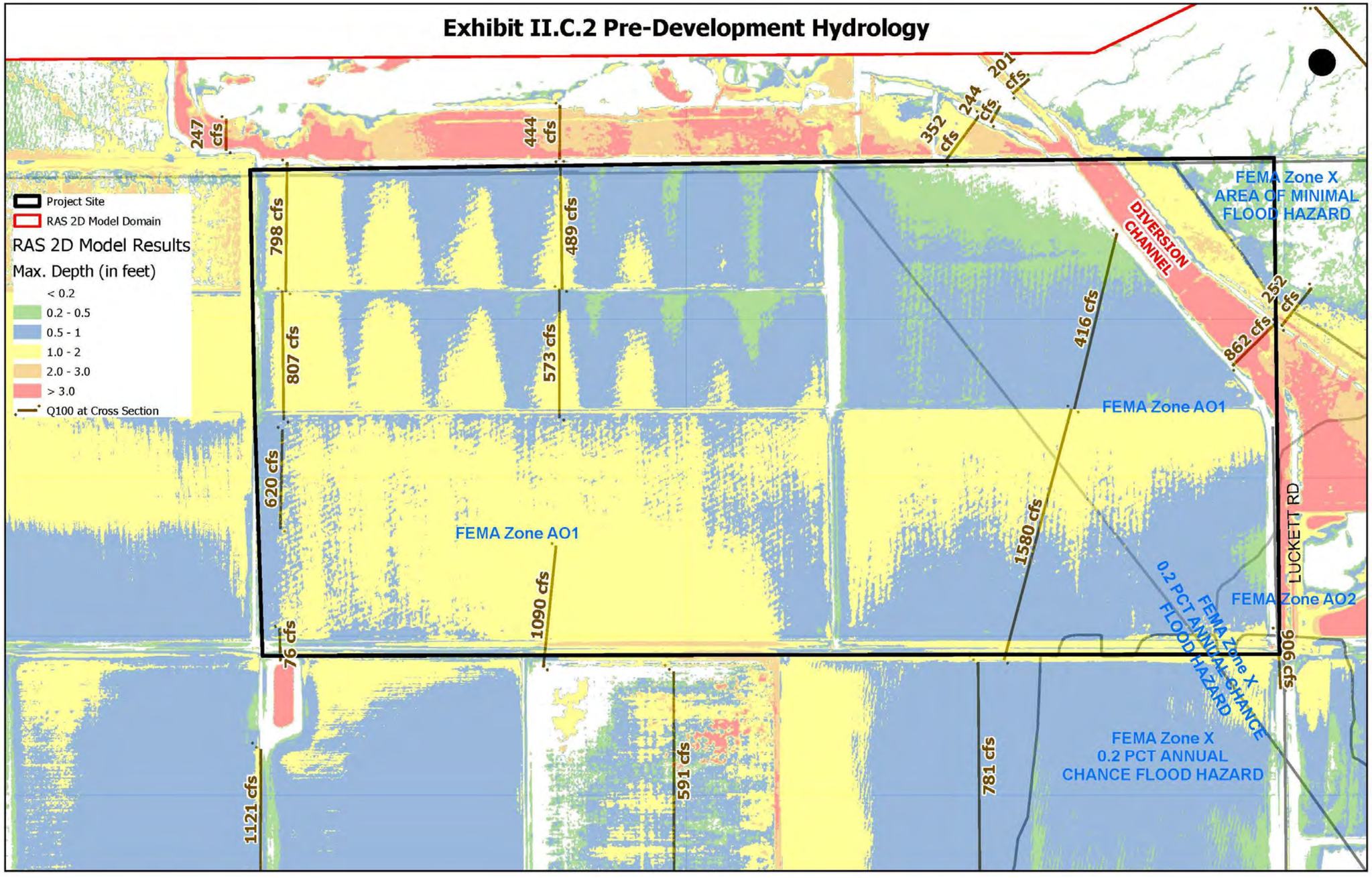


Exhibit II.C.2: Existing Local Drainage



D. Vegetation & Wildlife

The majority of the Property is currently used for agriculture. The Property contains significant groups of relatively dense vegetation and riparian habitat at the northeast corner and along the eastern boundary west of Luckett Rd. The northern Property boundary also contains mapped groups of Sonoran Desert Scrub. (See *Exhibit II.D.*) The Property contains no significant groups of cacti.

The northeast corner of the Property is located within a mapped Priority Conservation Area for the Cactus Ferruginous Pygmy Owl. The entire Property is located within mapped Priority Conservation Areas for both the Western Burrowing Owl and Ground Snake.

Additional information on vegetation and wildlife habitat is provided in *Appendix B: Biological Evaluation*.

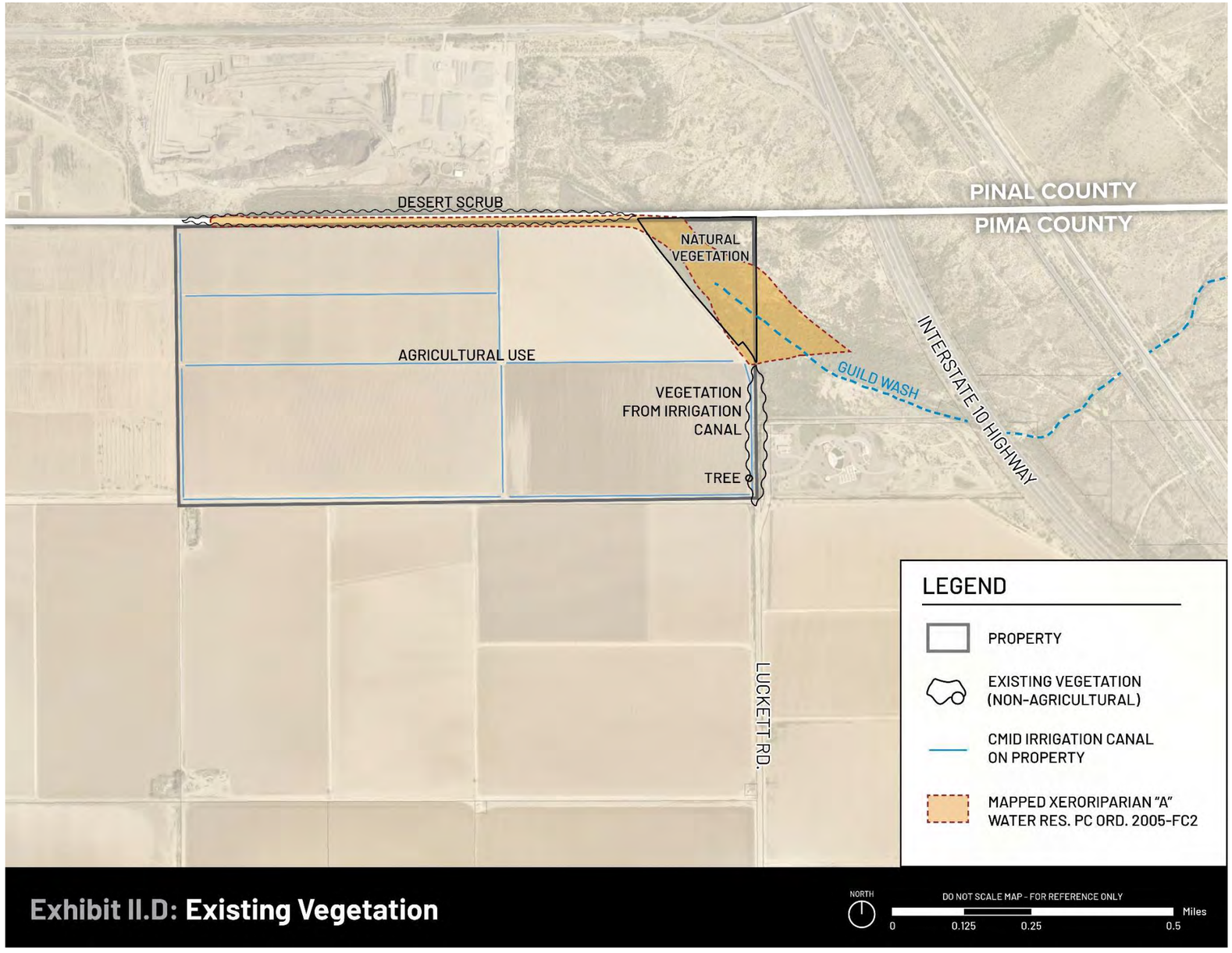


Exhibit II.D: Existing Vegetation

E. Soils & Geology

The primary use of the Property is agricultural with irrigation channels and berms around the perimeter and offsite stormwater impacting the eastern Property line. A preliminary geotechnical engineering field exploration was conducted, and preliminary borings generally encountered soft to medium, stiff, fine-grained soils and loose sand soils with variable amounts of silt, clay and gravel to depths of approximately 19 to 28 feet below the existing ground surface. These upper soils were generally overlying very stiff to hard clay soils and dense to very dense sand soils. Groundwater was not encountered in any test boring at the time of drilling.

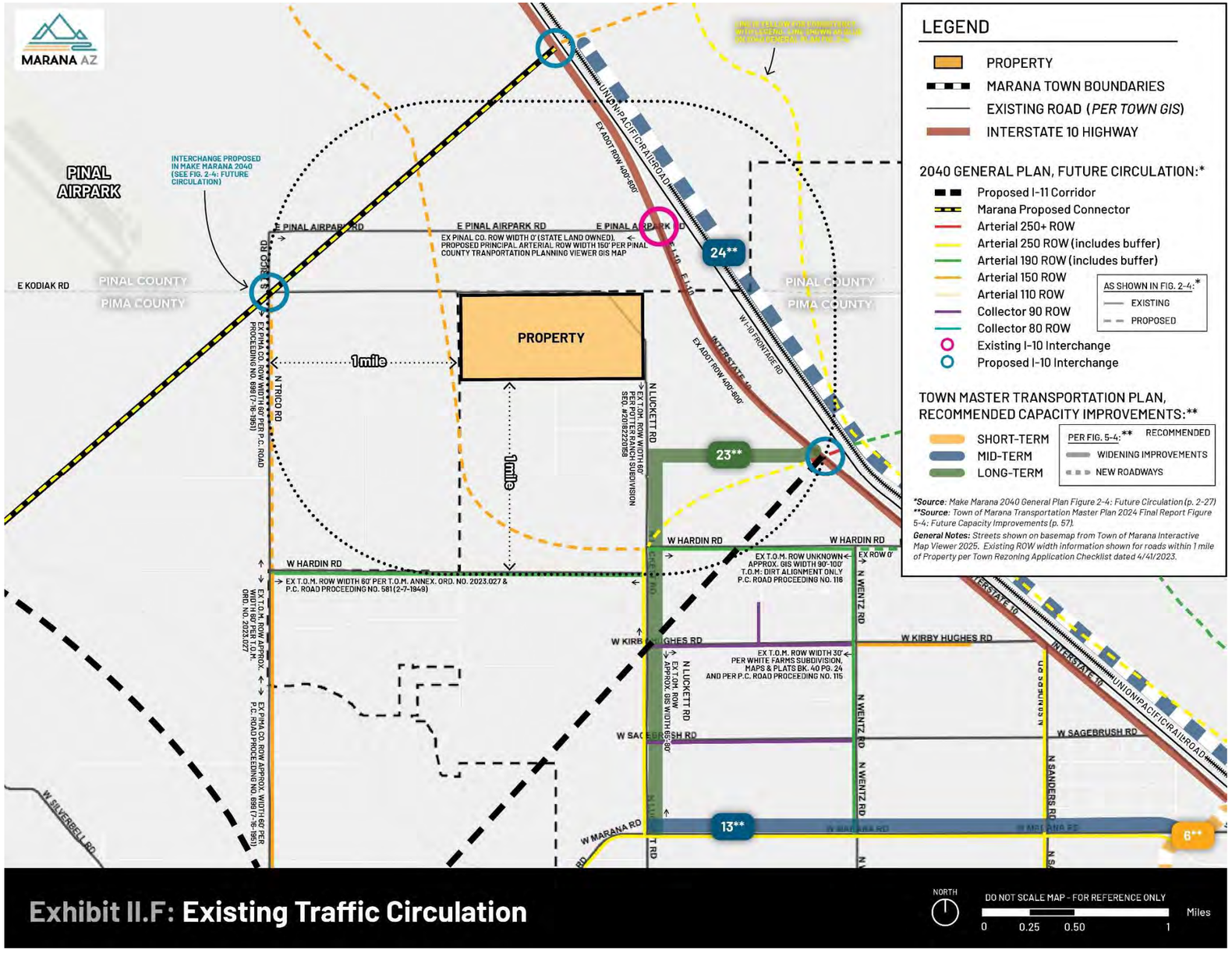


Exhibit II.F: Existing Traffic Circulation

F. Traffic

Existing roadways within one mile of the Property are depicted in *Exhibit II.F: Existing Traffic Circulation*, and each roadway's characteristics are listed in *Table II.F: Roadway Inventory.*

Table II.F: Roadway Inventory

ROADWAY	ROADWAY CLASSIFICATION	POSTED SPEED LIMIT (MPH)	NUMBER OF TRAVEL LANES	ROW WIDTH (FT)	BICYCLE FACILITIES	PARKING	SIDEWALKS	EXISTING DAILY TRAFFIC	OWNER	MAX. VOLUME THRESHOLD	DIFFERENCE IN THRESHOLD & EXISTING ADT	TRUCK RESTRICTIONS
I-10	PRINCIPAL ARTERIAL	75	6	300-800	NO	NO	NO	59,811	ADOT	104,100*	62,989	NO
MARANA ROAD	MAJOR COLLECTOR (90’ ROW)	35-45	2	250	NO	NO	NO	2,921	MARANA	10,000^	7,079	30,000 LB
LUCKETT ROAD	MINOR COLLECTOR (80’ ROW)	45	2	250	NO	NO	NO	283	MARANA	2,500^	2,217	NO
HARDIN ROAD	MINOR COLLECTOR (80’ ROW)	50	2	190	NO	NO	NO	264	MARANA	2,500^	2,236	NO
PINAL AIRPARK ROAD	MAJOR COLLECTOR (90’ ROW)	50	2	250	NO	NO	NO	2,801	PINAL COUNTY	10,000^	7,199	NO

*Arterial threshold comes from FDOT Multimodal Quality/Level of Service Handbook for I-10 and is considered transitioning.

^Collector comes from Pima County Subdivision and Street Development Standards, Table 4.1 Summary of Design Characteristics by Street Classification.

G. Recreation & Trails

There are no public trails, parks or recreation areas within one mile of the Property. The only mapped bicycle lane within a one-mile radius is along the Interstate 10 right-of-way ("ROW"), as shown on *Exhibit II.G*.

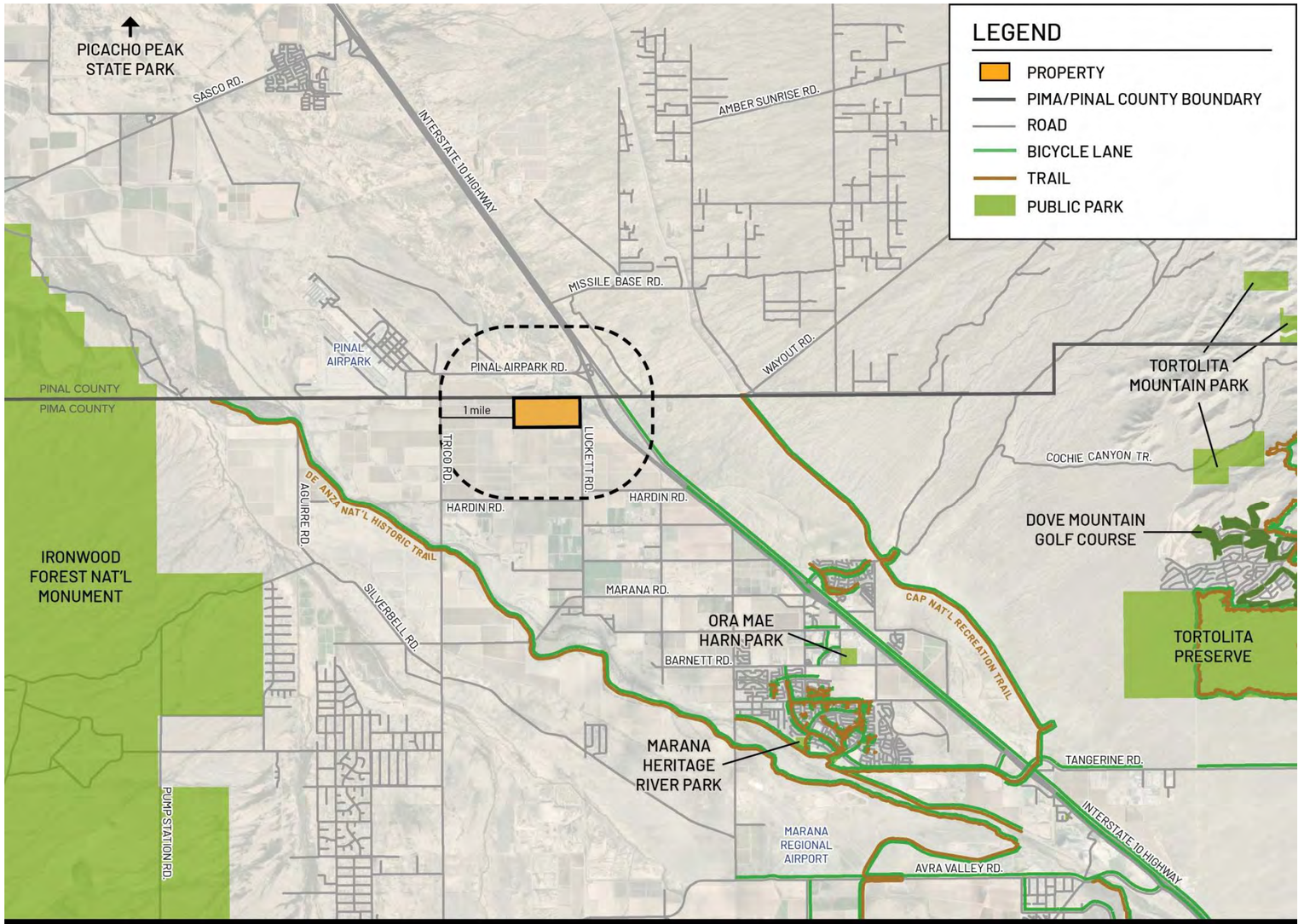


Exhibit II.G: Recreation & Trails

H. Viewsheds

With the exception of the mature vegetation surrounding the irrigation canal at the northeast corner, the entire Property and neighboring properties are completely flat and absent of vegetation from years of agricultural use. The only buildings visible from the Property are those associated with the Arizona Veterans Memorial Cemetery to the east. Distant mountain views are available from several vantage points around the Property. (See photos onto and across Property, *Exhibit II.H*.)

I. Cultural Resources

A Class III Cultural Resources Survey of the Property to be submitted under separate cover.

Exhibit II.H: Views Onto & Across Property



Looking southwest from I-10 Highway southbound at eastern portion of Property.



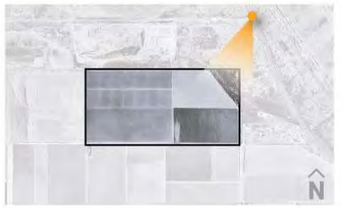


Looking west from I-10 Highway northbound at southeast corner of Property.



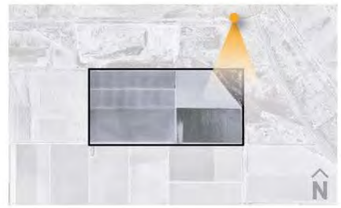


Looking southeast from I-10 overpass near Exit 232, Pinal Airpark Rd., at northeast corner of Property.



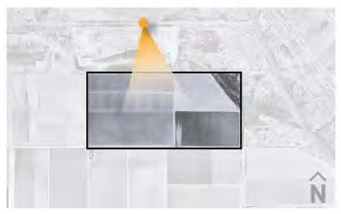


Looking south from Pinal Airpark Rd. at northeast corner of Property.





Looking south from Pinal Airpark Rd. across PNP Materials extraction site at northern Property boundary.





Looking southeast across adjacent solar farm and battery energy storage system at northwest corner of Property.



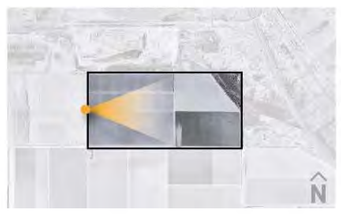


Looking northeast across Property from southwest corner of Property.





Looking east across middle of Property from western Property boundary.



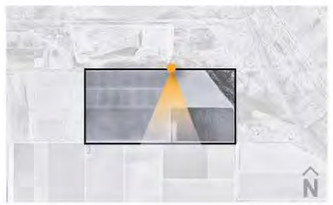


Looking south across western portion of Property from northwest corner of Property.





Looking south across middle of Property from northern Property boundary.





Looking west across northern portion of Property from northeast corner of Property.





Looking southeast across northeast portion of Property from northeast corner of Property.





Looking north at eastern Property boundary from southeast corner of Property.





Looking east towards Luckett Rd. and Property from main entrance of Arizona Veterans' Memorial Cemetary.





Looking east towards Property from Cemetary's central gathering place.



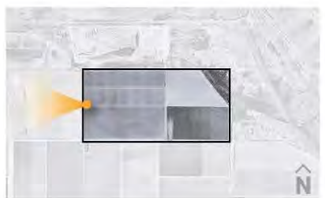


Looking north at middle of Property from southern Property boundary.



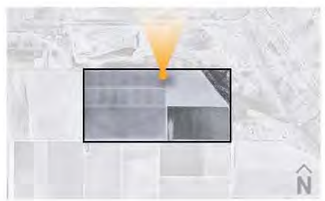


Looking west at adjacent solar farm within unincorporated Pima County from western Property boundary.





Looking north at adjacent extraction site within Pinal County jurisdiction from northern Property boundary.





Looking east at adjacent irrigation canal and vegetation between Luckett Rd. and Property.





Looking north at existing grade differential along eastern Property boundary.





Looking north at adjacent irrigation canal, Luckett Rd. and Cemetary main entrance from southeast corner of Property.





Looking northeast across Luckett Rd. at Cemetary main entrance from southeast corner of Property.





Looking north at segment of Luckett Rd. serving Cemetary and southeast corner of Property.





Looking south at adjacent agricultural lands within Town of Marana jurisdiction from southern Property boundary.



J. Utilities

1. Sewer

The Property is within the Marana Sewer Designated Management Area ("DMA"). There is no sewer infrastructure currently located on the Property. As shown on *Exhibit II.J.1*, the Property is outside of the Town's sewer service area.

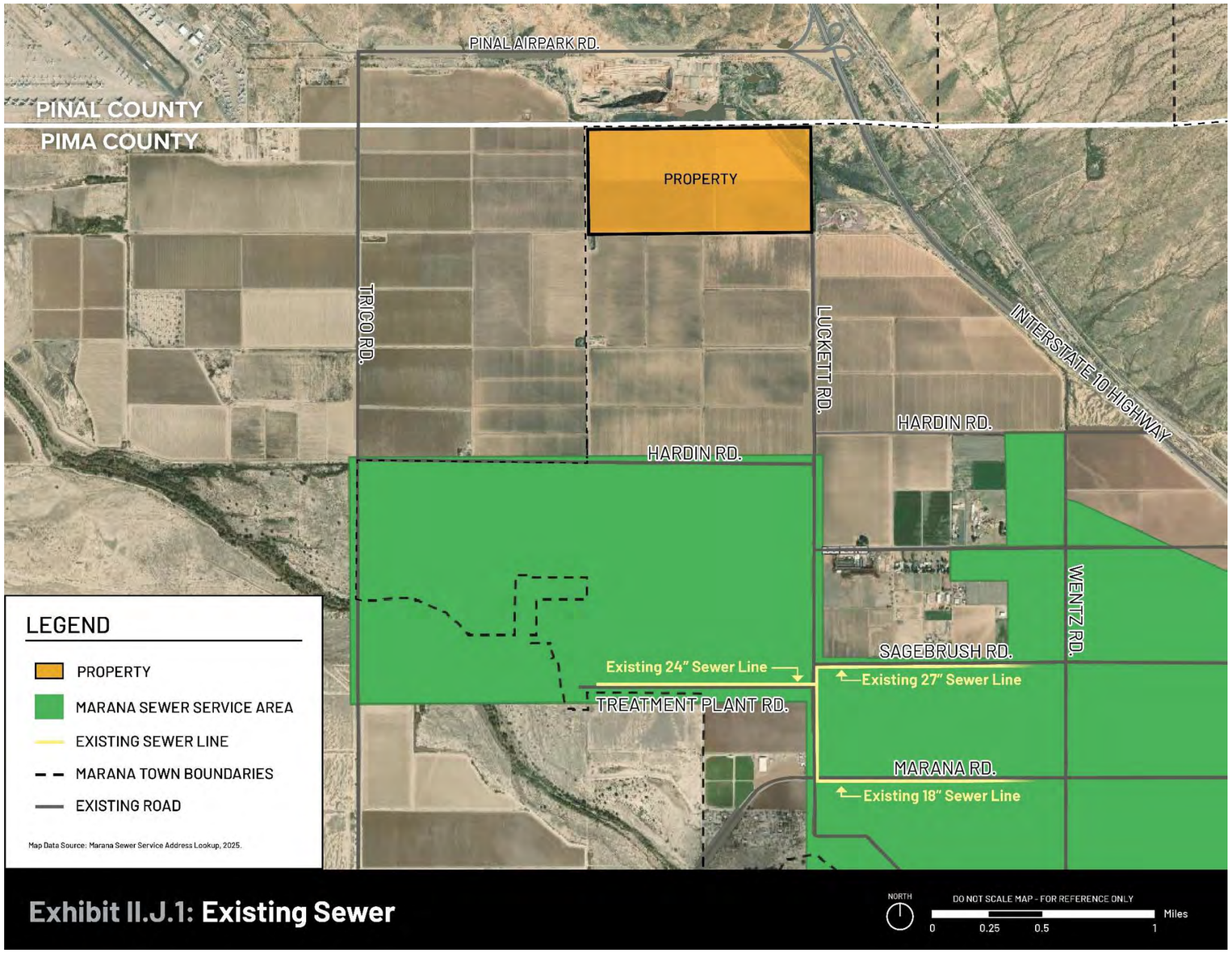


Exhibit II.J.1: Existing Sewer

2. Water

As shown on *Exhibit II.J.2*, the Property is located within the Marana Water Intended Service Area and adjacent to the existing Cortaro-Marana Irrigation District ("CMID") canal. The CMID currently provides water to the Property for agricultural use, estimated at 950 to 1,250 acre-feet per year ("AFY"). An existing 8-inch potable water line is located within Wentz Road south of Sagebrush Road, and an existing 4-inch potable water line is located within Sagebrush Road, west of Wentz Road.

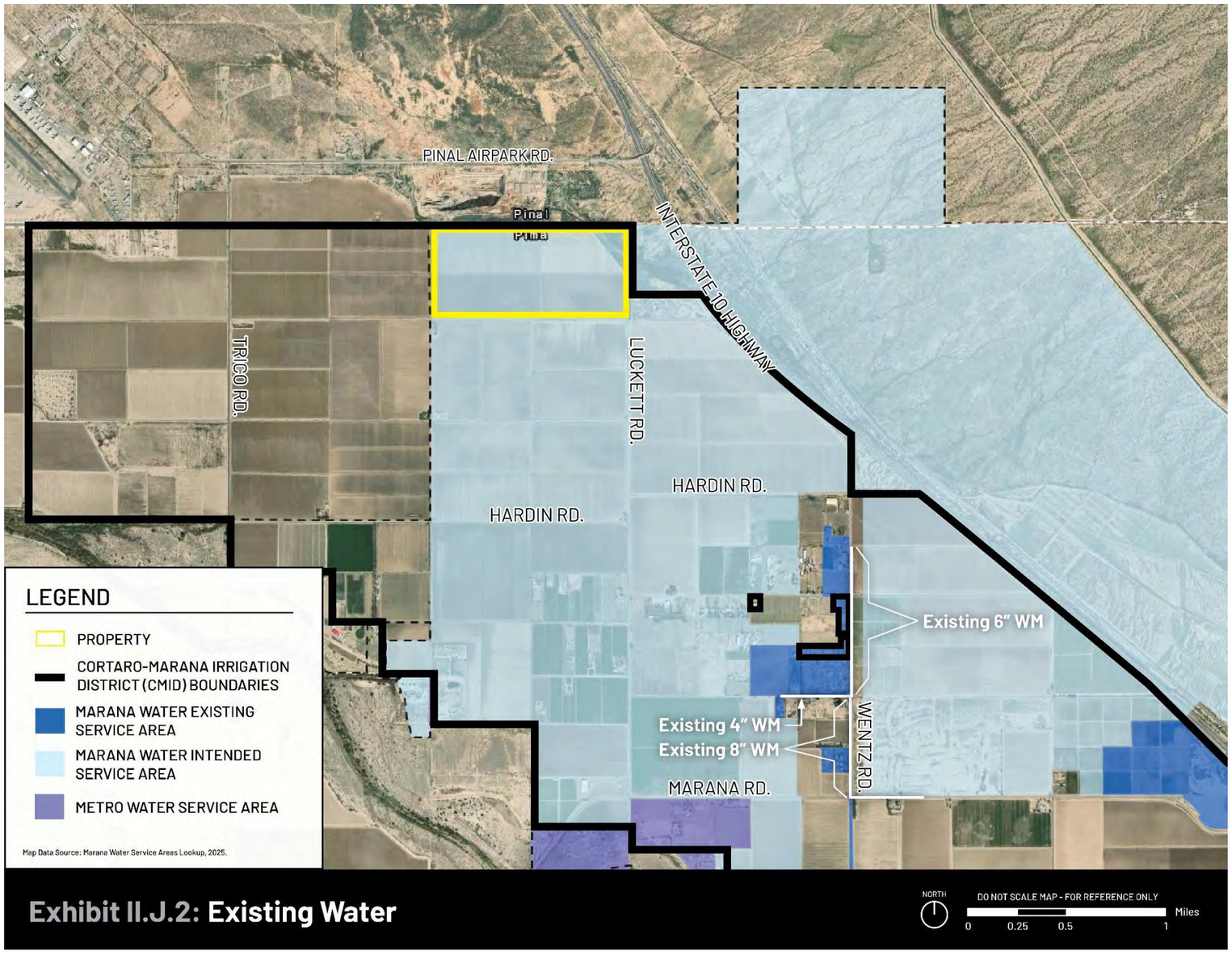


Exhibit II.J.2: Existing Water

K. McHarg Composite Map

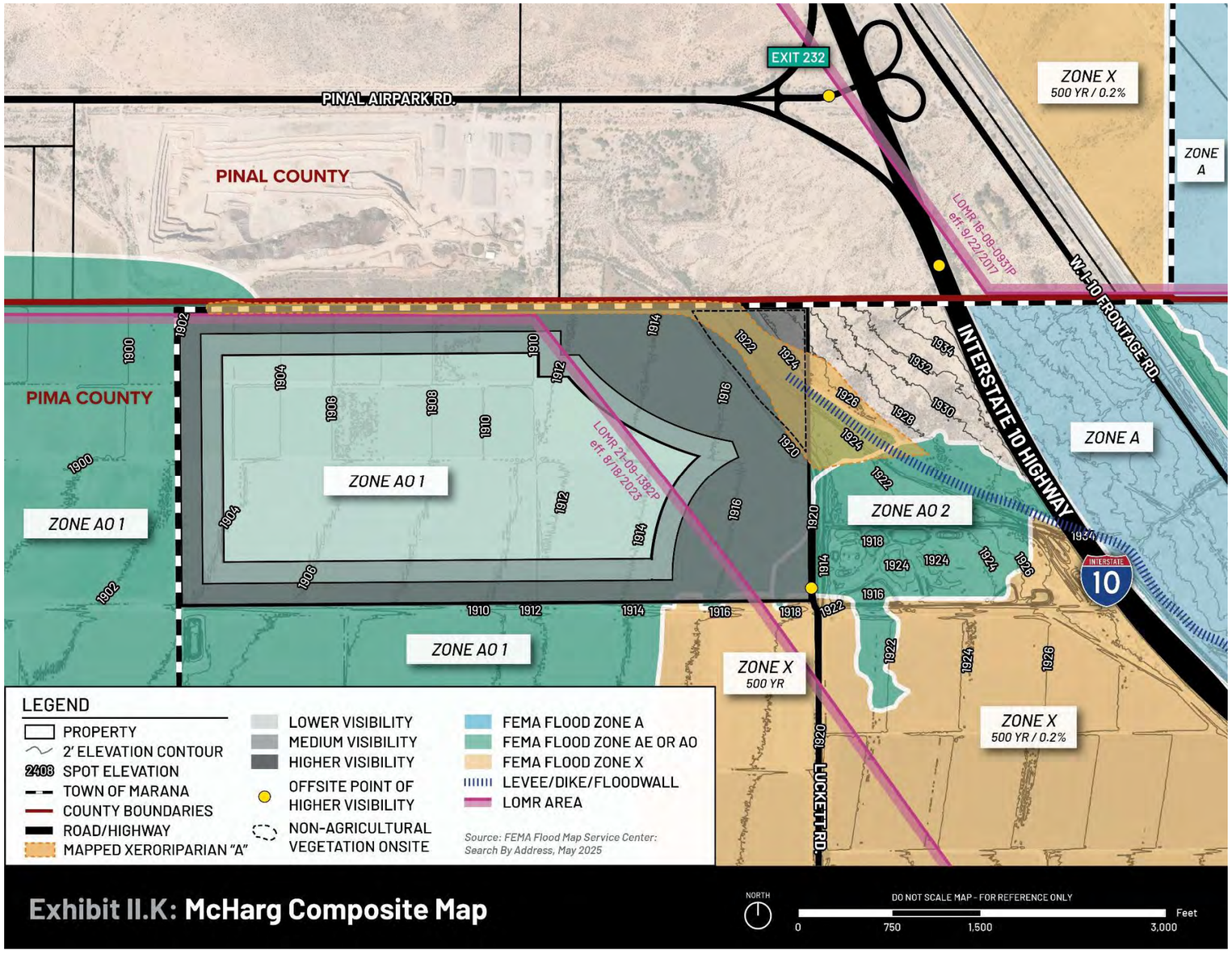


Exhibit II.K: McHarg Composite Map

III. LAND USE PROPOSAL

A. Land Use

Data centers are specialized facilities designed to house computer systems, servers and related hardware that store, process and manage vast amounts of digital information. Data centers are the backbone of U.S. technological advancement, driving economic growth and securing national leadership in innovation. Through cloud computing, they support online education, empower communities to advance seamless connectivity, and host systems that drive personalized experiences, real-time navigation and critical decision-making tools. Demand for data centers is supported by a diverse set of industries with durable long-term employment and positive fiscal impacts for local communities.

Long-term infrastructure investment supports communities within the County, and specifically the Town, to play a leading role in an increasingly dynamic and interconnected 21st century economy. The Property has been identified as an ideal site for this type of investment.

The Applicant is interested in developing the Property with a data center and related infrastructure improvements that are already in high demand in northern Marana. The Specific Plan positions the Town to become a hub for technology, innovation and business growth.

The Project will create high-quality jobs in the Information Technology sector, which has been targeted as one of four key industries for employment growth within the Town.

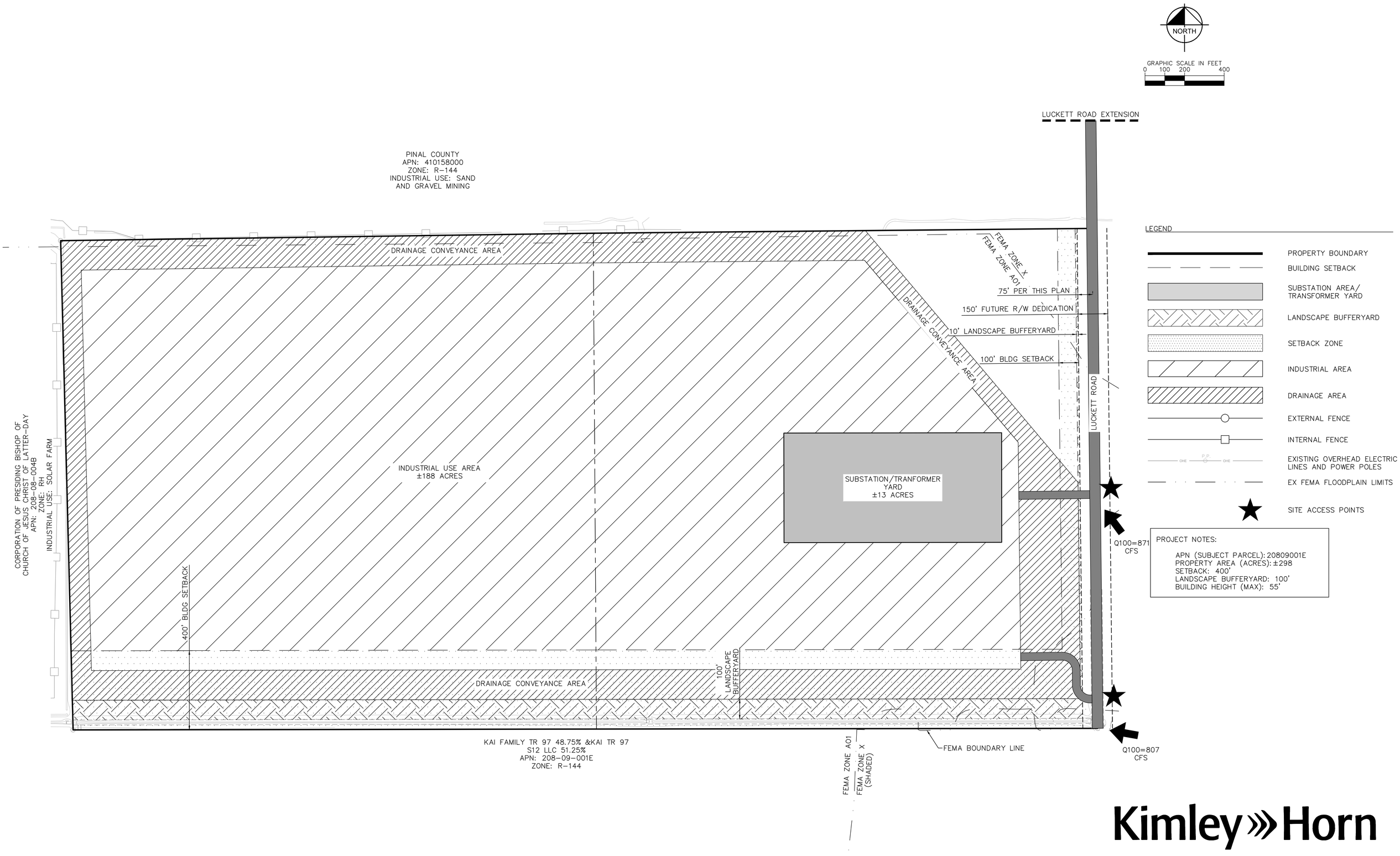
This Specific Plan has been drafted in conformance with MTC § 17-6-13, Data Centers. Potential impacts to adjacent uses will be minimized through strategic mitigation measures, as outlined in Section IV, Development & Design Regulations, such as:

- limiting building heights to diminish visual impacts;
- incorporating adequate drainage infrastructure to offset an increase in impervious surfaces; and
- providing ample setbacks and bufferyards for sound attenuation.

The Property is located in the General Plan's North Growth Area, which is *"envisioned to become a premier employment hub in Marana, concentrated around Pinal Airpark [that] will attract manufacturing, distribution, and logistics industries for its advantageous location between Pinal Airpark, Interstate 10, and the Union Pacific Railroad, as well as the future Interstate 11 corridor."* The General Plan Future Land Use Map designates the Property as Employment, which supports a range of industrial, warehousing, manufacturing, business parks and other uses that present employment opportunities. The Project will result in significant infrastructure investment in North Marana, not only funding this Project, but also potentially serving as a catalyst for additional economic development in this area.

A Conceptual Land Use Plan is provided as *Exhibit III.A* to illustrate how the Project may be developed.

Exhibit III.A: Conceptual Land Use Plan



Kimley»Horn

B. Topography & Grading

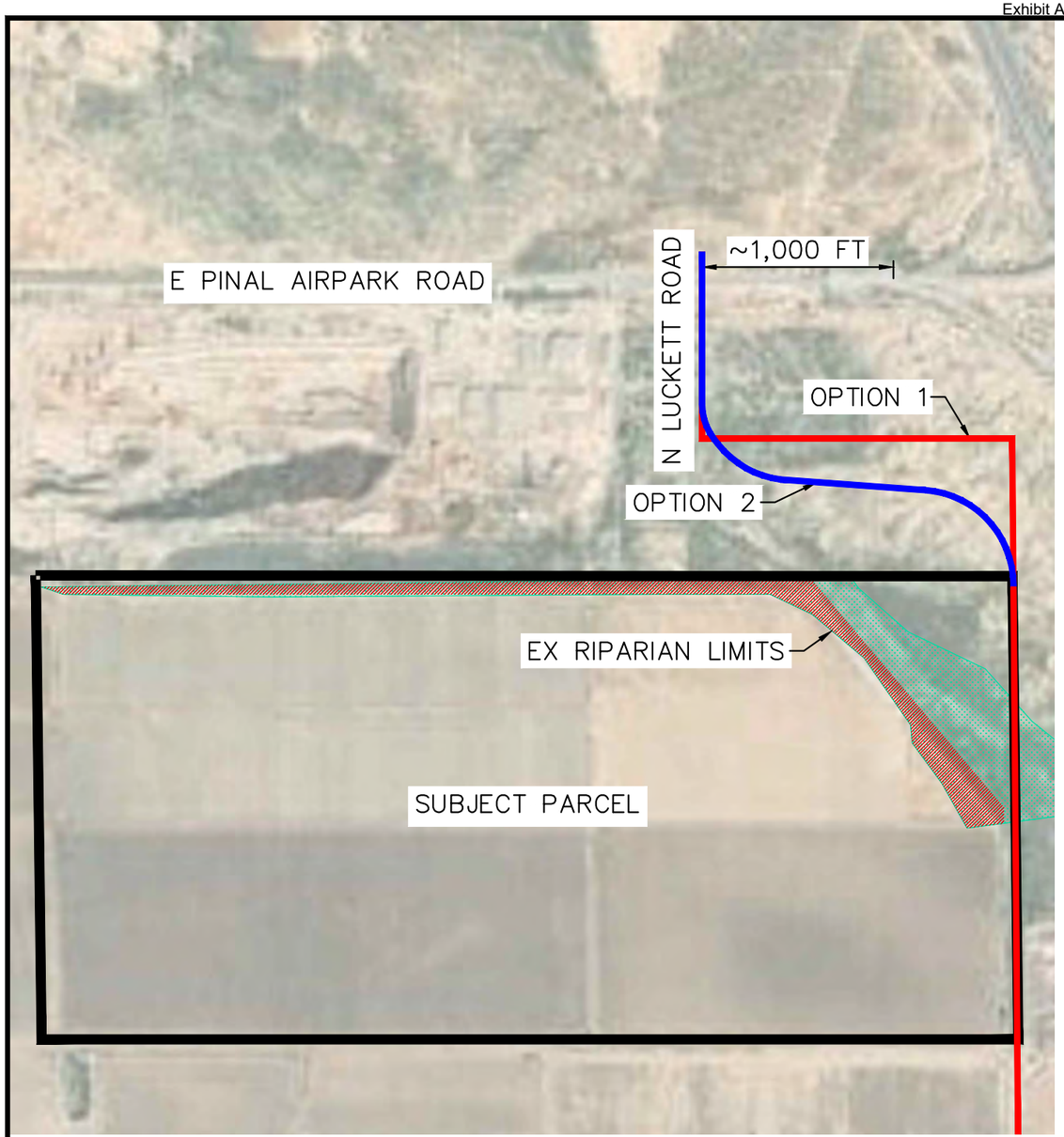
The proposed grading design will be largely influenced by offsite drainage conveyance through and around the Property, as well as the minimum required finished floor elevation building pads. The building Finished Floor Elevations ("FFE") will be constructed in accordance with FEMA and Town requirements as follows: in proposed CLOMR/LOMR flood zone mapping Zone Shaded X, A or AE, a minimum of 1 foot above the 100-year WSEL; Zone AO-1, 2 feet above highest adjacent natural grade ("HANG"); Zone AO-2, 3 feet above HANG; AO-3, 4 feet above HANG. Areas not impacted by a mapped FEMA Zone (Unshaded Zone X) will have no minimum FFE requirement or a minimum of 2 feet above the highest adjacent local 100-year WSEL. The fill pads are proposed to be generally sloping at a 1% grade to the internal drainage basins.

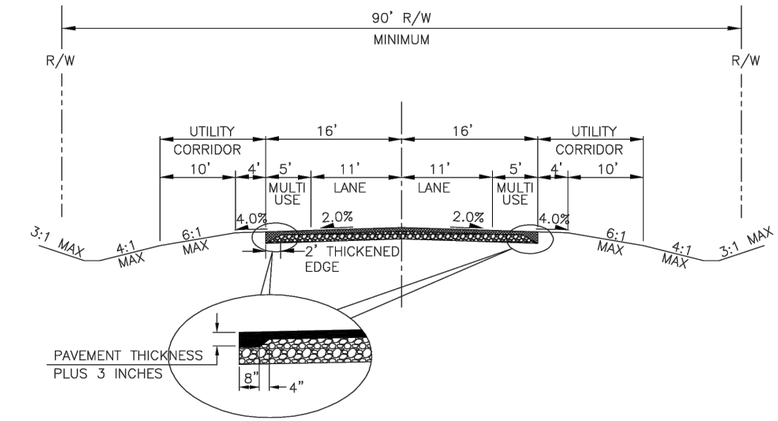
C. Traffic

1. General Onsite Circulation

No access driveways to the Property currently exist. The Project proposes access driveways at two locations along Luckett Road on the east side of the Property. Each driveway is assumed to have one ingress lane and one egress lane. Internal access lanes will be constructed per Town standards.

Regional access to the Property will be via Pinal Airpark Road from the north by extending Luckett Road into Pinal County. *Exhibit III.C* illustrates two options for the Luckett Road extension.





1. RIGHT OF WAY WIDTHS FROM THE MAJOR ROUTES RIGHT OF WAY PLAN SUPERCEDE RIGHT OF WAY WIDTHS SHOWN ON THIS STANDARD

APPROVED FOR DISTRIBUTION:

Keith E. Brann, P.E.,
Town Engineer

EXPIRES 6/30/2019

NOT TO SCALE

STANDARD DETAIL	DETAIL NO:
2-LANE RURAL COLLECTOR	110-1
DATE: 2/16/2007 REVISED: 8/1/2016	SHEET 1 OF 1

Exhibit III.C: Luckett Road Extension

LUCKETT ROAD EXHIBIT	SCALE: 1"=750'

Kimley»Horn

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3300 East Sunrise Drive, Suite 130
Tucson, Arizona 85718 (520) 615-9191

2. Projected ADT

The Project is estimated to generate the following:

- 2028 Construction Traffic Volume
  - 5,984 daily trips, 1,427 AM peak hour trips, 1,482 PM peak hour trips
- 2028 Construction with Shuttle Traffic Volume
  - 4,819 daily trips, 848 AM peak hour trips, 896 PM peak hour trips
- 2029 Operation Traffic Volume
  - 2,840 daily trips, 360 AM peak hour trips, 280 PM peak hour trips

3. Required Roadway & Traffic Control Improvements

The Project's Traffic Impact Study has been submitted for review under separate cover. Most trips are anticipated to arrive and depart from the north side of the Project using the Luckett Road Extension connecting to I-10. All study intersections are anticipated to operate at an acceptable level of service in all analyzed conditions.

The following recommendations outlined in the TIS have been made based on the auxiliary lane warrant criteria in the *2016 Pima County Subdivision and Development Street Standards*:

- A westbound left turn lane is warranted and recommended on Pinal Airpark Road at the Luckett Road Extension (Intersection 7).
- A northbound left turn lane is warranted and recommended on Luckett Road at the North Driveway (Intersection 6).
- A northbound left turn lane is warranted and recommended on Luckett Road at the South Driveway (Intersection 5).

All turn lanes are recommended to have a minimum 150 feet of storage length, except the westbound right turn at the Luckett Road Extension (Intersection 7), which has a recommended 225 feet of storage to accommodate 95th percentile queues.

D. Hydrology

The Conceptual Land Use Plan (*Exhibit III.A*) includes two clusters of large, light industrial buildings with interconnecting road access, along with a single large utility yard. *Exhibit III.D.1* depicts the drainage system under post-development conditions. All three development areas will be elevated above the 100-year flood, constituting significant flow obstructions. Offsite runoff will be captured in below-grade earthen perimeter channels and a single upstream detention basin and conveyed along the north and south sides of the Property into a single, large spreader basin. Culverts will be placed at two locations (East and West) to maintain flow connectivity across elevated access roads. The constructed channels conveying higher flow concentrations are designed to flow at velocities below 3 feet per second but may require scour protection at specific transition points to alleviate erosion potential. (See *Exhibit III.D.2: Channel Cross-Sections*.) The perimeter drainage concept is designed to release runoff as shallow sheet flow at the same locations as existing conditions, consistent with the Town of Marana Drainage Manual ("Drainage Manual"). The downstream spreader basin is sized to release runoff to the west over a low-level containment weir without increasing downstream 100-year water surface elevations more than 0.1 feet relative to existing conditions. The intent is to have no adverse impact with regards to flow depths or erosion hazards to the existing downstream floodplain areas. This design approach is consistent with the Town's development requirements and will serve as the basis for eventual Federal Emergency Management Agency ("FEMA") Conditional Letter of Map Revision ("CLOMR") and Letter of Map Revision ("LOMR") applications to remove the flood zone designations within the Property. FEMA CLOMR/LOMR map revision applications will be based on effective TAFS FLO-2D hydrology, based on non-regional rainfall, in accordance with Section 4.1 of the Drainage Manual. It is anticipated that the map revision applications will utilize two dimensional HEC-RAS software for updated hydraulic modeling of the post-development floodplain, in accordance with the Drainage Manual.

Onsite runoff increases due to substantially increased impervious areas will be mitigated in accordance with the Drainage Manual with the installation of multiple interior retention basins, which will be sized to capture the total onsite flow volume from successive 100-year and 10-year rainfall events. All impervious development areas will drain into the interior basins. Each basin will include low-flow outlets to allow the basins to gradually drain into the perimeter drainage channels. The downstream spreader basin and all four interior basins will require drywells to allow the basins to fully drain within the maximum storage time allowed.

An alternative drainage mitigation method has been suggested by the Town, which corresponds to Alternate 4B of the 2020 Marana Northwest Area Drainage Master Plan ("ADMP"). Under this approach, a portion of the CMID 10.5 channel would be constructed within new public ROW along the south Property line and extending downstream the full distance to the Santa Cruz River outfall. Design approval and construction of the CMID 10.5 channel will require CLOMR and LOMR applications to the Town and FEMA. The preliminary design capacity of the CMID 10.5 channel is 1,654 cfs, which represents approximately half of the offsite 100-year peak storm event reaching the Property under existing conditions. The applicant will work with the Town to design the CMID 10.5 channel as a water recharge structure, if feasible. With the addition of the CMID 10.5 channel, the onsite perimeter channels, basins and culverts detailed in *Exhibit III.D.1* could be substantially reduced and/or partially eliminated based on revised hydraulic modeling. Under this option, the onsite retention requirements would be accomplished via direct discharge to the Santa Cruz River, while onsite detention would be accomplished within the perimeter basins. If other ADMP alternative channels located farther upstream (along Barnett Road, Marana Road or Hardin Road) are fully implemented prior to development, there could be additional reductions to the offsite runoff reaching the Property. As such improvements are deemed unlikely in the short term, these potential future flow reductions will have no impact on the current Project requirements.

Exhibit III.D.1: Post-Development Hydrology

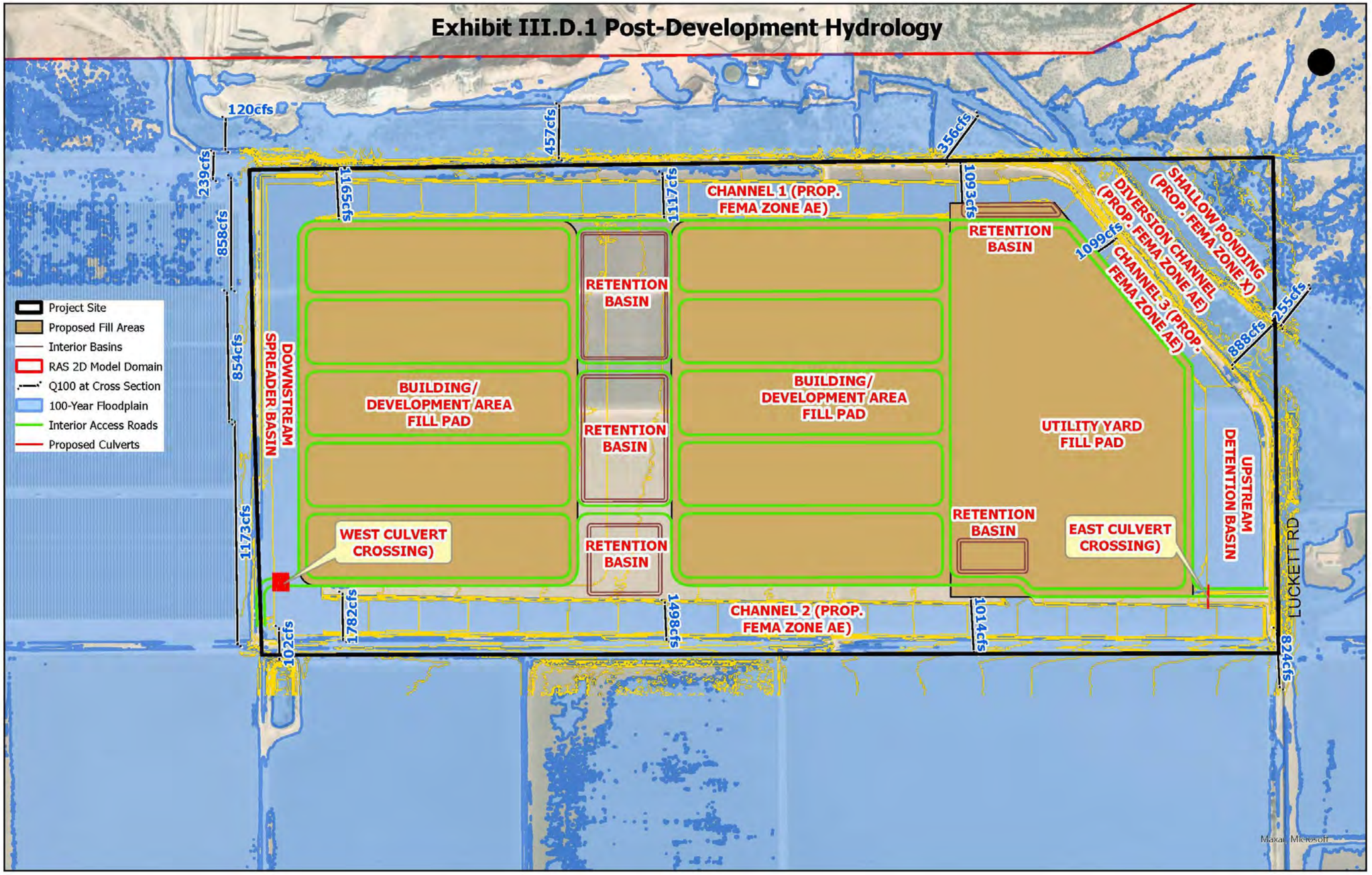
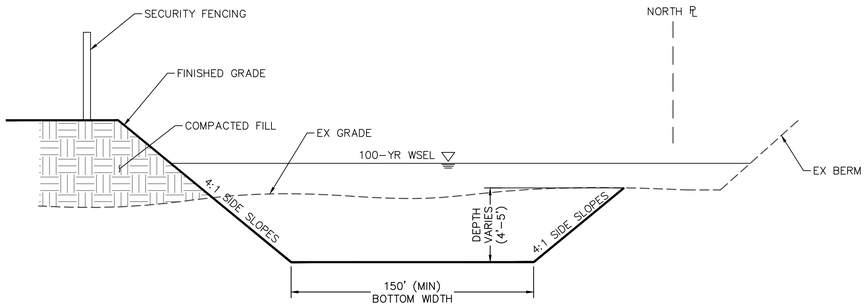
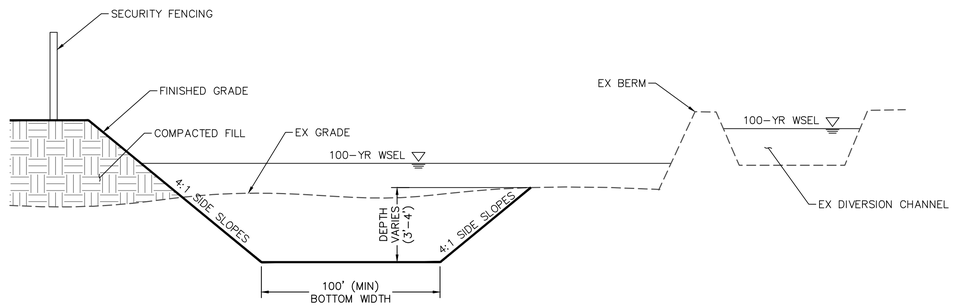


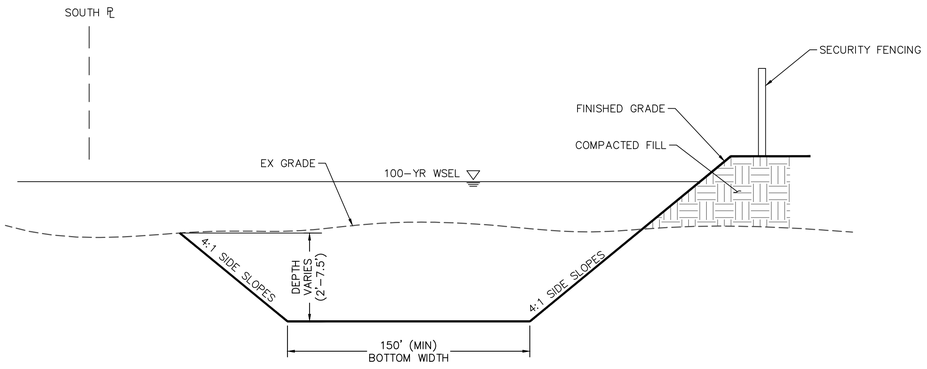
Exhibit III.D.2: Channel Cross-Sections



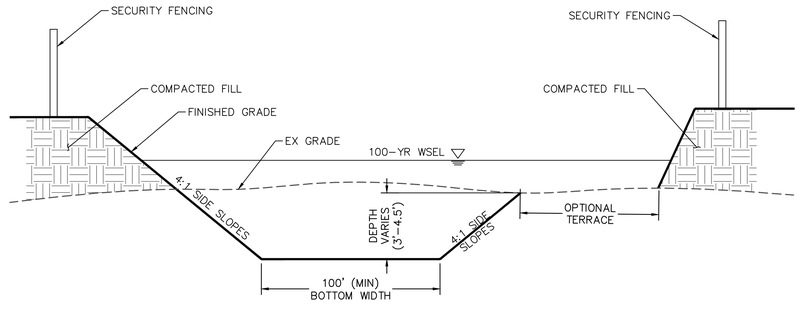
CHANNEL 1 (FACING WEST) N.T.S.



CHANNEL 3 (FACING NORTHWEST) N.T.S.



CHANNEL 2 (FACING WEST) N.T.S.



CHANNEL 4 (FACING NORTH) N.T.S.

PARCEL DATA NOTES

APN:	208–08–004A
ADDRESS:	ADDRESS NOT ASSIGNED
EXISTING USE:	VACANT
PROPOSED USE:	DATA CENTER CAMPUS

SUBJECT TO TOWN OF MARANA SPECIFIC PLAN AND AMENDMENTS

Contact Arizona 811 at least two full working days before you begin excavation

Call 811 or click Arizona811.com

CHANNEL CROSS–SECTIONS | SCALE: N/A

Kimley»Horn

© 2025 KIMLEY–HORN AND ASSOCIATES, INC.
3300 East Sunrise Drive, Suite 130
Tucson, Arizona 85718 (520) 615–9191

PRELIMINARY – NOT FOR CONSTRUCTION

TUSXXX–JAGUAR NORTH CAMPUS

ADMINISTRATIVE ADDRESS: ADDRESS NOT ASSIGNED | REFERENCE:

PLAN NO. | 1 OF 1

E. Vegetation & Wildlife

The proposed Luckett Road extension will impact the Xeroriparian A riparian habitat located at the northeast corner of the Property. The riparian vegetation will be mitigated through transplanting or replacing with plantings chosen to match adjacent undisturbed natural areas. Additionally, located primarily in the riparian area, species of native plants, as listed on the Marana Protected Native Plant List, will be impacted by the Luckett Road extension. The most notable of these species is the Prosopis, Parkinsonia and Acacia. The native plant preservation plan will detail the mitigation approach for impacted vegetation. The balance of the site, used for the proposed data centers, is currently agricultural and does not contain riparian areas or protected native plant species.

The yellow-billed cuckoo, western burrowing owl and southwestern willow flycatcher are identified within 3 miles of, and may inhabit, the Property. The developer and contractor have additional responsibilities prior to and during construction to mitigate the influence on these species:

- The developer will employ a biologist to complete a pre-construction survey for burrowing owls prior to construction in all suitable habitats that will be disturbed. The biologist shall possess a burrowing owl survey protocol training certificate issued by the Arizona Game and Fish Department.
- Prior to construction, all personnel who will be onsite, including, but not limited to, contractors, contractors' employees, supervisors, inspectors, and subcontractors shall review the "Western Burrowing Owl Awareness" flyer.
- If any burrowing owls or active burrows are identified, the contractor shall notify the developer immediately. No construction activities shall take place within 100 feet of any active burrow. If the developer, in cooperation with the biologist, determines that burrowing owls cannot be avoided, the contractor shall employ a qualified biologist holding a permit from the U.S. Fish and Wildlife Service to relocate burrowing owls from the Property, as appropriate.
- If vegetation clearing occurs during the migratory bird breeding season (March 1 – August 31), the contractor shall avoid any active bird nests. If the active nests cannot be avoided, the contractor shall notify the engineer for evaluation. During the non-breeding season (September 1 – February 28), vegetation removal is not subject to this restriction.

Based on the completed Biological Evaluation (provided as *Appendix B*), no potential for "Take" exists (meaning that the Project has no potential to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) to threatened and endangered species.

Potential Waters of the United States (WOTUS) are not located on the Property. Therefore, Section 404/401 permitting is not required or proposed for this development.

F. Utilities

As described in Section II (Development Capability Report), public utilities are readily accessible for extension through the Property. Services will be extended with proper design capacity to meet the demands of the Project.

1. Sewer

The Project will produce sanitary wastewater from bathrooms and other facilities, as well as a small amount of industrial wastewater on an infrequent basis. These wastewater streams will be blended together.

The Project will discharge wastewater through a new 2-mile force main proposed to align with the Luckett Road public ROW from the Property, southerly to a point of connection to the existing 27-inch gravity sewer at the intersection with Sagebrush. A new sewer lift station is required to transfer the domestic wastewater uphill to the existing line. The final location of the sewer lift station will be confirmed through the design process.

See *Exhibit III.F.1.a: Sewer Intent to Serve Letter* and *Exhibit III.F.1.b: Proposed Wastewater*.

Exhibit III.F.1.a: Sewer Intent to Serve Letter

MARANA AZ
WATER

October 31, 2025

Lazarus & Silvyn, P.C.
5983 E. Grant Rd., Ste. 290
Tucson, AZ 85712

RE: Letter of Intent to Serve – Sewer (ITSS)

To Whom it May Concern,

Marana Water finds the following pertaining to the Luckett Road North & South Data Center Development:

- Is within the Town of Marana Boundary
- Is in Marana Water's Sewer Designated Management Area.
- Will be a part of the **North Marana Benefit Area.**
- Preliminary assessment indicates that Marana Sewer system, at the time of this letter, currently has adequate sewer capacity to serve this project.

Please be advised that this letter of intent to serve does not serve as a reservation of capacity. Service connections are available on a first-come, first-serve impartial and non-discriminatory basis. This Letter of Intent to Serve – Sewer is valid for a period of 1-year from the date of this letter.

Sincerely,

Francis Hemmah, P.E.
Marana Water/Water Reclamation Engineer

11555 W. Civic Center Dr. / MARANA, ARIZONA 85653 / (520) 382-2500 / FAX: (520) 382-2590 / MaranaAZ.gov

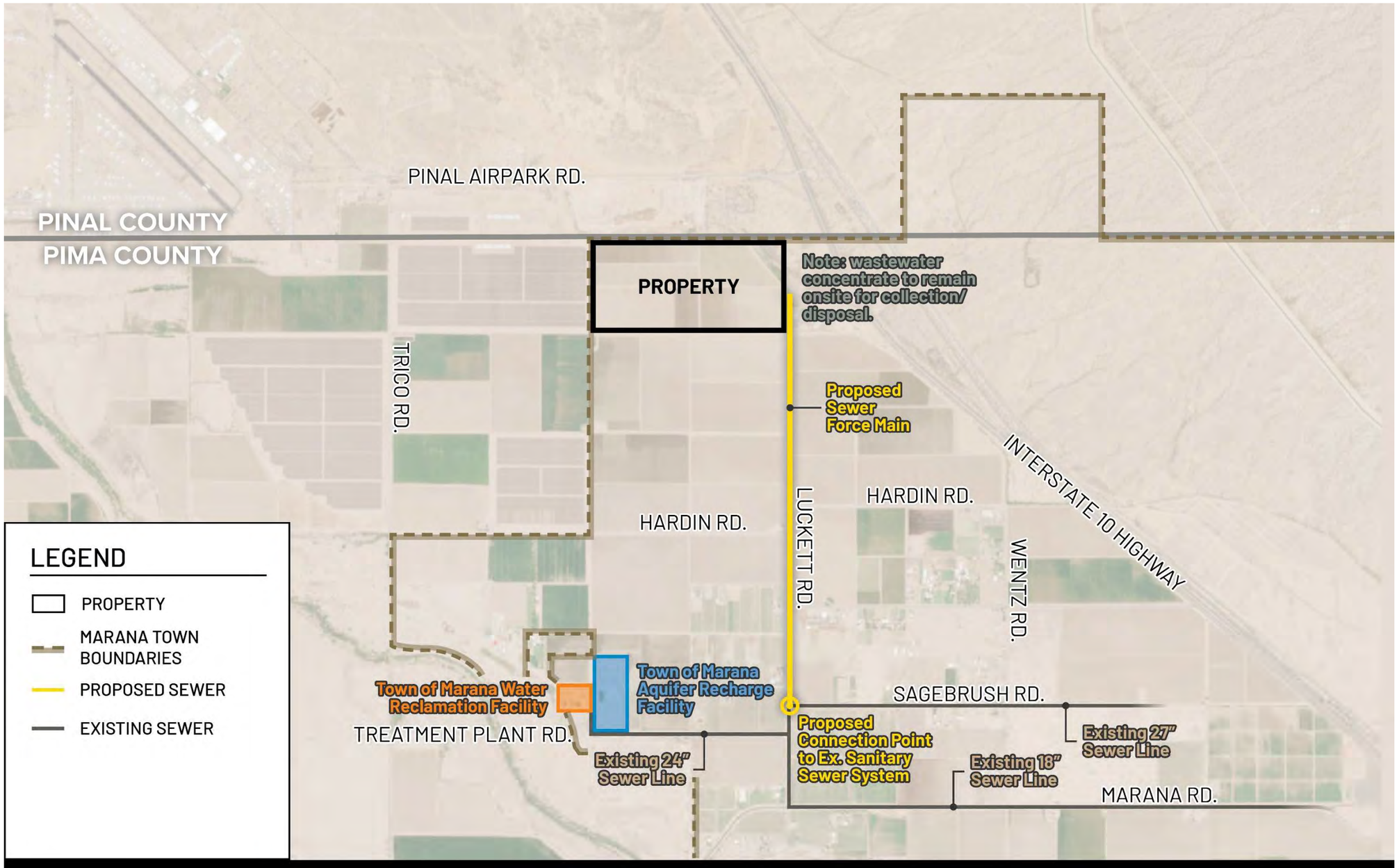


Exhibit III.F.1.b: Proposed Wastewater

2. Water

The Project will draw water from two sources.

Potable water will be provided by a pipeline extension and upsizing a portion of existing infrastructure. The Project will connect to the Marana Water system via a 2.25-mile, 8-inch extension along Luckett Road, Hardin Road and Wentz Road to the intersection of Sagebrush Road. The final alignment will be determined by Town water modeling. (See *Exhibit III.F.2.a: Water Intent to Serve Letter* and *Exhibit III.F.2.b: Proposed Potable Water*.)

Industrial water and fire water supply will be withdrawn from the adjacent CMID irrigation canal. CMID has indicated an average supply rate of 12 cubic feet per second, or 7.8 million gallons ("MG") per day, is available. CMID has confirmed capacity is available to supply the non-potable water to the site for industrial purposes. The Project's estimated operational non-potable water needs average approximately 18 AFY, with a fire storage requirement of up to 2 AFY. The Applicant will also work with CMID on the landscaping and construction water. The current agricultural uses have an estimated demand of 950 to 1,250 AFY per year.

The Project, at full build out, has an estimated average annual demand for both potable and non-potable water use of 40 AFY for all potential uses.

A water storage tank and booster pump are required to meet fire flow requirements for the Project.

A letter from CMID affirming sufficient water is available to serve the Project is provided as *Appendix C*.

Exhibit III.F.2.a: Water Intent to Serve Letter

MARANA AZ
WATER

October 31, 2025

Lazarus & Silvyn, P.C.
5983 E. Grant Rd., Ste. 290
Tucson, AZ 85712

RE: Letter of Intent to Serve – Water (ITSW)

To Whom it May Concern,

Marana Water finds the following pertaining to the Luckett Road North & South Data Center Development:

- Is within the Town of Marana Boundary
- Is in Marana Water's Existing Water Service Area.
- Will be a part of the **North Marana Benefit Area.**
- Preliminary assessment indicates that Marana Water system, at the time of this letter, currently has pressure and storage to serve this project.

Please be advised that this letter of intent to serve does not serve as a pressure and storage letter required for permitting. Service connections are available on a first-come, first-serve impartial and non-discriminatory basis. This Letter of Intent to Serve – Water is valid for a period of 1-year from the date of this letter.

Sincerely,

Francis Hemmah, P.E.
Marana Water/Water Reclamation Engineer

11555 W. Civic Center Dr. / MARANA, ARIZONA 85653 / (520) 382-2500 / FAX: (520) 382-2590 / MaranaAZ.gov

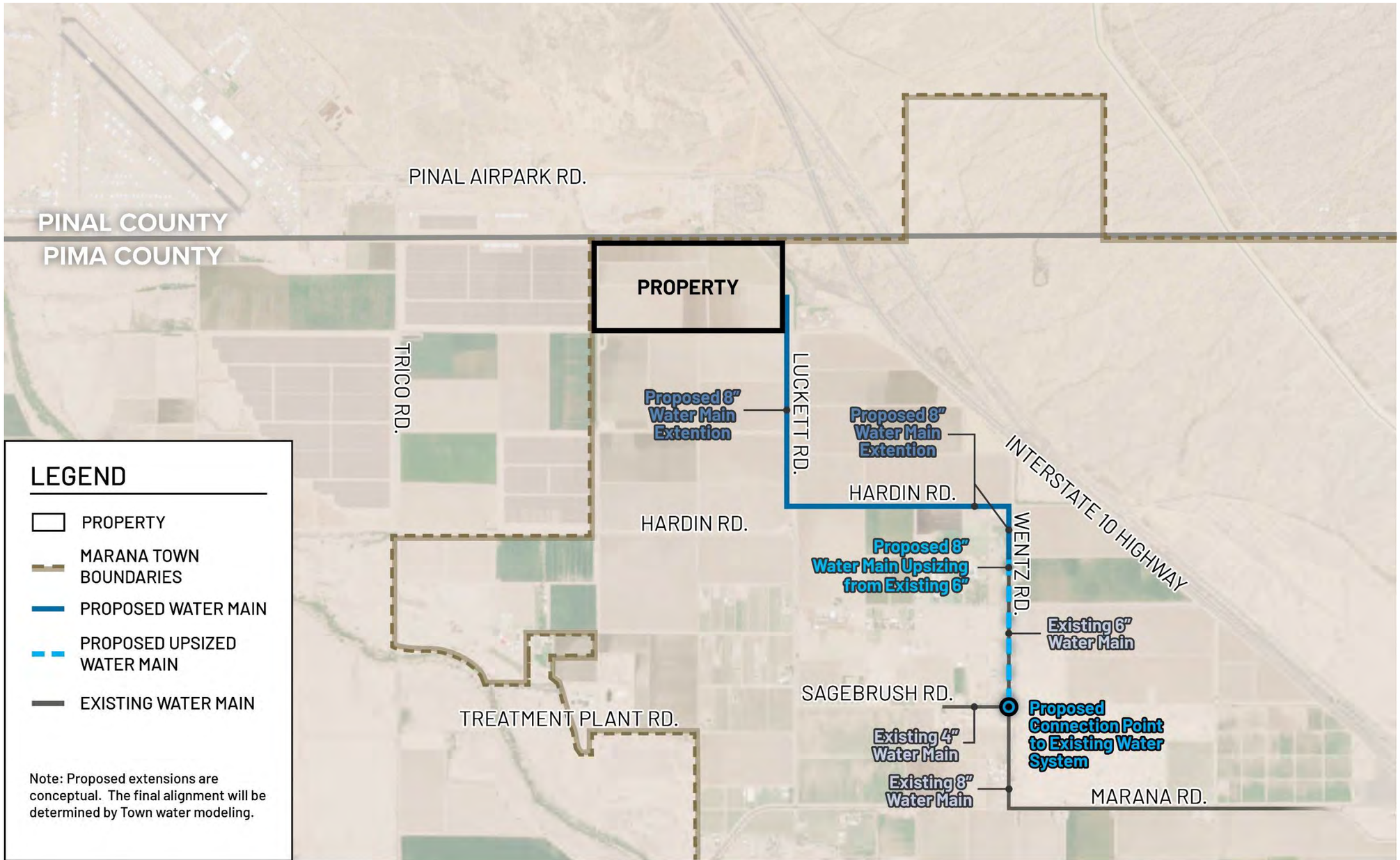


Exhibit III.F.2.b: Proposed Potable Water

3. Electric Service

The Project will utilize an estimated 550 to 750 megawatts ("MW") of power at full buildout. The Project's consumption will ramp up over time, typically starting with approximately 10-20% initial load and increasing gradually to the full build capacity over the course of 2-3 years. While these estimates are subject to change as the Project develops, the Project's power utilization will be subject to finalization through ongoing utility studies and subsequent energy supply agreements directly with the energy provider(s). All energy supply agreements are subject to regulatory approval by the Arizona Corporation Commission (ACC).

A letter from Trico affirming engagement with the Applicant to serve power needs of the Project is provided as *Appendix D*.

G. Public Services

The Property is within the Avra Valley Fire District. As discussed in Subsection III.F.2 above, water for fire water supply will be drawn from the adjacent CMID canal, and a water storage tank with booster station will be installed as part of this Project.

There will be no impacts to schools or parks as a result of this Project.

H. Recreation & Trails

For security reasons, the interior of the Project will not be connected to a pedestrian/trail system outside of the secure perimeter. Private amenities may be provided for employees within the interior of the Project.

I. Cultural Resources

A Class III Cultural Resources Survey of the Property to be submitted under separate cover.

IV. DEVELOPMENT & DESIGN REGULATIONS

A. Applicability

The standards and guidelines contained with this Specific Plan shall supersede the standards within the MTC. If an issue, situation or condition arises that is not addressed by this Specific Plan, the Specific Plan shall be administered and interpreted per Section V.A of this Specific Plan.

All construction and development within the Specific Plan area shall comply with applicable provisions of various codes and regulations adopted by the Town including, but not limited to, drainage, public water/wastewater infrastructure, building, fire and lighting codes current at the time of development.

B. Land Uses

1. Primary Uses

- Data Center

2. Ancillary Uses

- Land uses ancillary to the Data Center use or in support of employees of the Data Center use, including:
    - Retail (food, beverage, office supplies, pharmacy)
    - Coffee shop/bakery/café/restaurant
    - Mail/shipping service
    - Recreation/gym/fitness studio facilities
    - Buildings and grounds maintenance (landscaping, facilities or janitorial)
    - Recycling collection
    - Utility switchyards and substations with or without battery storage
        - Battery storage use is limited to the area designated for the switchyard/substation use
    - Ancillary renewable energy systems (including solar, wind or waste-to-energy)
    - Water treatment/auxiliary water building/water storage
    - Utility operations building
    - Central logistics & security buildings
    - Parks, trails and functional open space areas
- Uses that are not expressly permitted but are similar in type, scale and intensity to other ancillary uses allowed within the Specific Plan, and which are not otherwise unlawful, injurious to the general health or welfare, or specifically excluded, may be approved by the Zoning Administrator or their authorized designee.

3. Prohibited Uses

- Besides the Data Center use, no other Primary Uses are permitted within this Specific Plan, including, but not limited to, Mineral Extraction.

C. Development Standards

The dimensional standards provided in *Table IV.C* and depicted on *Exhibit IV.C* apply to all development within this Specific Plan.

Table IV.C: Development Standards	
Minimum Lot Area	None
Maximum Lot/Site Coverage	None
Minimum Perimeter Setbacks	• North & West: None (adjacent to industrial uses) • South: 400 feet (adjacent to residential zone); if adjacent parcel is developed with industrial uses, no perimeter setback is required • East: 100 feet (adjacent to use other than residential or industrial uses)
Maximum Height	Fifty-five (55) feet with an additional ten (10) feet permitted for rooftop mounting of screened mechanical equipment.
Minimum Building Separation	Per Building Code
Minimum Landscape Buffer	The following standards supersede the landscape buffer requirements in section 17-6-13(I), Table 3 (Site Design Standards for Data Center Development): • North & West: None (adjacent to industrial uses) • South: 100 feet (adjacent to residential zone); if adjacent parcel is developed with industrial uses, no landscape buffer is required • East: 10 feet (adjacent to Luckett Road extension)

TRICO RD.
1 mile west with cross-county public connection to Pinal Airpark Rd.

PINAL AIRPARK RD.
Approx. 0.3 miles north with public connection to I-10

PNP MATERIALS
SURFACE MINING/EXTRACTION

INTERSTATE 10 HIGHWAY
Approx. 0.2 miles east

LUCKETT RD. EXTENSION TO PINAL AIRPARK RD.

PINAL COUNTY

PIMA COUNTY + TOWN OF MARANA

PINAL COUNTY
PIMA COUNTY + TOWN OF MARANA

UNINCORP. PIMA COUNTY

TOWN OF MARANA

SERRANO SOLAR FARM & BATTERY ENERGY STORAGE SYSTEM

PROJECT AREA

ARIZONA VETERANS' MEMORIAL CEMETARY AT MARANA (STATE)

TRICO RD.
1 mile west

UNINCORP. PIMA COUNTY

TOWN OF MARANA

LUCKETT RD. EXTENSION TO PINAL AIRPARK RD.

AGRICULTURAL USE

HARDIN RD.
Approx. 0.9 miles south

MARANA RD.
Approx. 2.3 miles south with public connection to I-10 Interchange

LUCKETT RD.

LEGEND

- Developable Area
- Existing Vegetation
- County Line
- Marana Jurisdiction
- Potential Access*
- Irrigation Easement, 25 ft wide along southern property line
- Building Setback = 0 ft, & Landscape Buffer = 0 ft
- Landscape Buffer = 10 ft
- Landscape Buffer = 100 ft**
- Building Setback = 100 ft
- Building Setback = 400 ft**

DEVELOPMENT STANDARDS

Maximum Height: 55 ft
Minimum Building Separation: per building code

NOTES

** Approximate - location subject to change based on traffic analysis and final site design.*

***Buffer & setback may be reduced to 0 feet if adjacent parcel on south is developed with an industrial use.*

Low Impact Development (LID) techniques, such as the use of rainwater harvesting basins and permeable pavements, will be incorporated into the Project design.

Exhibit IV.C: Regulatory Land Use Concept

NORTH

MAP SCALE FOR REFERENCE ONLY

DATE: 11/24/2025

0 250 500 1,000 Feet

D. Design Standards

The following design standards apply to the Project.

1. Noise Attenuation

a. Baseline Sound Study

An Acoustic Report was prepared to determine baseline (ambient) noise levels surrounding the Property. (See *Appendix E*.)

Noise contour exhibits depicting the anticipated noise levels to be generated by the data center are included in the Acoustic Modeling Results, provided as *Appendix F*.

Except for site construction work, the maximum sound levels for Project operations adjacent to specific land uses will be as follows:

ADJACENT USE	MAXIMUM dBA DAYTIME/NIGHTTIME*
RESIDENTIAL/MIXED-USE	55/55
AGRICULTURE	60/55
COMMERCIAL	65/60
INDUSTRIAL	72/65

*"Daytime" is defined as the hours between 7:00AM to 7:00PM on weekdays, or between 9:00AM to 8:00PM on Saturdays, Sundays, and legal holidays observed by the Town. "Nighttime" is defined in the code as between 7:00PM to 7:00AM on weekdays, or between 8:00PM to 9:00AM on Saturdays, Sundays, and legal holidays observed by the Town.

b. Post-Development Sound Study

- A post-construction noise study will be performed to document sound levels emanating from the Project during peak operation of the Project's mechanical equipment measured at the Property line adjacent to residential or other noise-sensitive land uses, as determined by the Zoning Administrator. The post-construction noise study must demonstrate that sound levels do not exceed the maximum sound levels set forth above. The post-construction noise study will occur prior to issuance of a certificate of occupancy or certificate of completion, whichever occurs first.
- Annual sound study results will be provided to the Town within 30 days of the anniversary of a certificate of occupancy being issued for the Project each year for a period of five years.

2. Building Placement & Orientation

- Buildings shall orient principal facades, including visitor, staff and administrative entrances, to primary adjacent roads.
- Loading docks and service entries of buildings shall not face or be visible from public ROW. When possible, existing buildings may be used to screen loading docks. Where building locations do not offer screening, and in the case of phased development plans, screening of loading docks and service entries shall be accomplished by existing or proposed landscaping, fencing, walls, or similarly effective methods.
- Loading docks are permitted on only one side of the building.
- Refuse collection areas must be fully screened on all four sides.

3. Generators

- Generators and generator use must comply with all applicable state and federal regulations.
- If a data center uses diesel generators, only generators that meet tier IV or newer emissions standards are permitted.
- Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.

- Generator testing shall be limited to weekdays between 8:00 a.m. and 5:00p.m., except in emergencies.

4. Screening & Fencing

- Use of fencing, including the use of wrought-iron, is permitted.
- Chain-link fencing, with or without slatted inserts, and barbed wire fencing are prohibited along public or private street frontages.
- Substations and mechanical equipment shall be screened from public and private ROW (except for private ROW that are internal to the Project) and from any adjacent property that is planned or zoned with any use other than industrial uses using one or multiple of the following methods of screening:
    - Existing vegetation that will remain on the property
    - Landscaping improvements constructed on the property
    - A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building; these features shall be at least ten feet in height; chain link fencing with slats is not permitted to satisfy this requirement
    - If the substation is located visible to Luckett Road, the screening shall be a 10-foot masonry wall located between Luckett Road and the substation in a location that does not interfere with site drainage.
- Ground mounted mechanical equipment is prohibited in front yards.
- Solid screening walls must be constructed with a design, materials, details, and treatment compatible with those used on the nearest principal facade of a building but may include perforated surfaces as needed for ventilation of mechanical equipment and/or facilitate site drainage.
- Mechanical equipment shall be located and screened with materials that provide appropriate levels of noise attenuation to reduce sound impacts on surrounding properties. On properties adjacent to residentially zoned/planned properties, mechanical equipment must be screened on all four sides by an acoustical barrier. For purposes of this section, "acoustical barrier" is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution, or another effective mitigation measure specified by a qualified third-party acoustic engineer when found by the Zoning Administrator to provide appropriate levels of noise attenuation. Alternatively, an acoustical barrier may be provided around the Project perimeter rather than surrounding each set of mechanical equipment.
- Electric power lines, except electrical transmission lines carrying 48 kV or more, shall be located underground.

5. Landscape Buffers

- Agricultural and commercial zoned/planned properties: A minimum 50-foot buffer. Buffering may be achieved through existing mature landscaping or a landscaped earthen berm that screens the Property. Berms shall have a slope no steeper than 2:1 with a minimum height of four feet and planted with a minimum of 320 plant units per 100 feet of ROW or Property line.
- Residential or mixed-use zoned/planned properties: A minimum 100-foot buffer. Buffering may be achieved through existing mature landscaping or a landscaped earthen berm that screens the Property. Berms shall have a slope no steeper than 2:1 with a minimum height

of six feet and planted and planted with a minimum of 320 plant units per 100 feet of ROW or Property line.

- The preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the Zoning Administrator to provide visual screening from adjacent land uses at the density, depth, and height equivalent to the landscape buffer with earthen berm.
- To protect the landscaping and the preservation of open space, linear co-location of utilities shall not be located within the buffer.

6. Building Design

a. Massing & Scale

- Buildings shall use broad, large-scale architectural gestures to provide variety and modulation in facade and massing as seen from public ROW.
- Variation at the ground plane shall be provided to create transitions in scale and mass as viewed from public ROW.
- Additive and subtractive shifts in the building footprint shall be provided to reduce mass and scale and to provide outdoor amenity spaces for employees and visitors.

b. Principal Façade

The following facade requirements apply to all principal façades, which are building façades that face adjacent existing or planned public roads or that face property that is planned or zoned for any use other than industrial uses.

- Principal facades must incorporate differentiated surfaces at horizontal linear intervals that may vary in frequency, including:
    - Fenestration; and
    - A change in one of the following design elements:
        - Building material;
        - Pattern;
        - Texture;
        - Color; or
        - Accent materials.
- Principal facades must include building step-backs or recesses, which shall be a minimum of two feet in depth.
- When a building has more than one principal facade, the principal façades must be consistent in terms of design, materials, details, and treatment.

c. Fenestration

- Each principal facade must include fenestration comprising at least 20% of the total surface coverage area of the principal facade.
- The fenestration must be compatible with the other design, materials, details, and treatment used on the same principal facade.

d. Main Building Entryways

- A data center building must include a main entrance feature that is differentiated from the remainder of the building façade by a change inbuilding material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.

e. Exterior Colors & Materials

- Primary building facades shall use a neutral color palette and avoid high-contrast colors.
- Accent colors shall be selected to complement the dominant building color, and any color change shall occur where changes in the building plane or recesses are provided.
- Colors shall not act as advertisements or billboards.
- Building exteriors shall use materials with texture and character.
- Changes in materials shall be reflected in massing or offsets. The number of disparate materials shall be limited to a maximum of three primary materials to avoid a busy appearance.
- Design elements shall be used to enhance the overall expression of datacenter buildings, with an emphasis on the pedestrian experience,

particularly at entryways. All buildings shall include at least five of the following architectural features:

- Overhang
- Canopy or portico
- Recesses or projections
- Arcade
- Raised corniced parapets over the entrance
- Tower elements
- Variation in the roof line

E. Parking

Parking will be provided in accordance with MTC Chapter 17-9 (Parking).

F. Signage

Signage will be designed and permitted in accordance with MTC Chapter 17-10 (Signs). The Applicant will process a sign package at time of development.

Address and unit number signage will be incorporated per Town Addressing requirements.

G. Vegetation & Landscaping

1. Native Plant Protection

Per MTC § 17-11-5 (Native Plant Protection).

2. Landscape Requirements

Per MTC § 17-11-8 (Landscape Standards for Off Street Parking Areas).

Landscape buffers provided per *Table IV.C* and Subsection IV.D.5, above.

H. Lighting

This Project is committed to "Dark Skies" principles and the Town's Outdoor Lighting Code ("OLC"), which requires shielded lighting that does not spill over onto adjacent properties. A lighting plan will be prepared and submitted with the Project's building permit plans in accordance with the OLC's permit submission requirements.

V. IMPLEMENTATION & ADMINISTRATION

A. Administration & Interpretation

The Specific Plan shall be administered by the Town's Zoning Administrator, and all implementation decisions shall be based on the purpose of the Specific Plan. If a conflict arises between the Specific Plan and the MTC, the Specific Plan shall control. If the Specific Plan is silent on any issue, and the MTC is consulted, the purpose and intent of the Specific Plan shall control the Zoning Administrator's decision whether and how to apply the MTC. Appeals of any Zoning Administrator interpretation of this Specific Plan may be made to the Board of Adjustment within 15 days of the date of the interpretation. The Specific Plan will not result in the modification or change of any existing Town-adopted building codes.

All subsequent land use and zoning entitlements, including plats and development plan submittals, shall be processed in accordance with established Town development review procedures.

B. Implementation Responsibilities

The Master Developer is the entity responsible for ensuring the basic infrastructure facilities, including sewer, water and roads, are planned and constructed to serve the development areas within the Specific Plan in a timely and coordinated manner.

Annual sound study results shall be provided to the Town within 30 days of the anniversary of a certificate of occupancy being issued for Project.

C. Amendments

Amendments to the Specific Plan are categorized as either administrative amendments or substantial amendments.

The Zoning Administrator may approve administrative amendments, as defined in MTC § 17-4-15(D), after written application is made.

Substantial amendments to the Specific Plan shall be those changes or modifications that would result in a substantial change to the Specific Plan's regulations or the overall intent of the Specific Plan, as defined in MTC § 17-4-15(D)(3). Substantial amendments to the Specific Plan shall be processed in accordance with MTC § 17-3-1.

D. Phasing

This Project will be developed in multiple phases over a five- to seven-year period. Details of Project phasing will be determined at a later date and may be in conjunction with the Luckett Road South Specific Plan being processed simultaneously with this Specific Plan.

APPENDIX A: ALTA Survey

ALTA/NSPS LAND TITLE SURVEY

A PORTION OF SECTION 1, TOWNSHIP 11 SOUTH, RANGE 10 EAST OF THE GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA

GENERAL NOTES

1. TITLE INFORMATION AND EASEMENTS OF RECORD ARE BASED ON THE FOLLOWING FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE FILE NO. 16134-6336419 WITH A COMMITMENT DATE OF NOVEMBER 06, 2024 AT 8:00 A.M.
2. THE BASIS OF BEARINGS IS GRID NORTH, NAD83 STATE PLANE, ARIZONA CENTRAL ZONE AS ESTABLISHED BY GPS.
3. THE VERTICAL RELIEF AND SUBSTANTIAL FEATURES SHOWN ON THE SURVEY ARE BASED ON AN AERIAL SURVEY AND GROUND SURVEY PERFORMED BY LANDCOR CONSULTING DURING THE MONTH OF DECEMBER 2024.
4. NO ADDRESS AVAILABLE OR OBSERVED DURING THE SURVEY.
5. NO MARKERS FOR WETLANDS WERE OBSERVED DURING THE SURVEY.
6. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED DURING THE PROCESS OF CONDUCTING THE FIELD WORK.
7. NO ZONING SETBACK REQUIREMENTS WERE PROVIDED BY THE CLIENT.
8. THERE WERE NO PROPOSED R.O.W. CHANGES PROVIDED TO SURVEYOR.
9. THERE IS NO EVIDENCE TO SUGGEST THERE IS A CEMETERY OR BURIAL GROUND ON THE SUBJECT PARCELS.
10. THE GROSS LAND AREA OF SUBJECT PARCEL IS 298.46 ACRES MORE OR LESS.
11. THE WORDS CERTIFY, CERTIFICATION AND CERTIFICATE SHOWN AND USED HEREON, ARE DEFINED BY ARS 32-151 IN THAT A PERSON OR FIRM REGISTERED BY THE BOARD IS EXPRESSING A PROFESSIONAL OPINION REGARDING THE FACTS OR FINDING THAT ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE OR EXPRESS IMPLIED WARRANTY OR GUARANTEE.
12. UTILITIES SHOWN ARE FROM VISIBLE ABOVE GROUND EVIDENCE, PLANS OR AS-BUILTS WERE NOT PROVIDED, HOWEVER LACKING EXCAVATION, THE EXACT LOCATION OF THE UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE OWNER IS ADVISED THAT EXCAVATION MAY BE NECESSARY. THE FOLLOWING UTILITIES HAVE BEEN CONTACTED AND PLANS REQUESTED.

    A. CENTURY LINK
    B. COX COMMUNICATIONS
    C. EL PASO NATURAL GAS
    D. TUCSON ELECTRIC POWER
    E. PIMA WASTEWATER DEPARTMENT

13. PURSUANT TO TABLE A ITEM NO. 19, THE SURVEYOR HAS PROFESSIONAL LIABILITY INSURANCE IN THE MINIMUM AMOUNT OF $2,000,000 TO BE IN EFFECT THROUGHOUT THE CONTRACT TERM.
14. THE PROPERTY DEPICTED IS THE SAME AS DESCRIBED IN THE COMMITMENT.
15. THERE WAS NO EVIDENCE OBSERVED OF THE PROPERTY BEING USED AS A LANDFILL OR SOLID WASTE DUMP.
16. THERE WERE NO PROPOSED CHANGES TO STREET RIGHT OF WAY MADE AVAILABLE TO THE SURVEYOR.
17. THE SITE HAS DIRECT ACCESS TO LUCKETT ROAD AT THE SOUTHEAST PORTION OF THE PROPERTY.
18. DEVELOPER AND OWNERS WILL HOLD THE TOWN OF MARANA, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING.
19. DRAINAGE WILL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT THE APPROVAL OF THE MARANA TOWN COUNCIL.

FLOOD ZONE

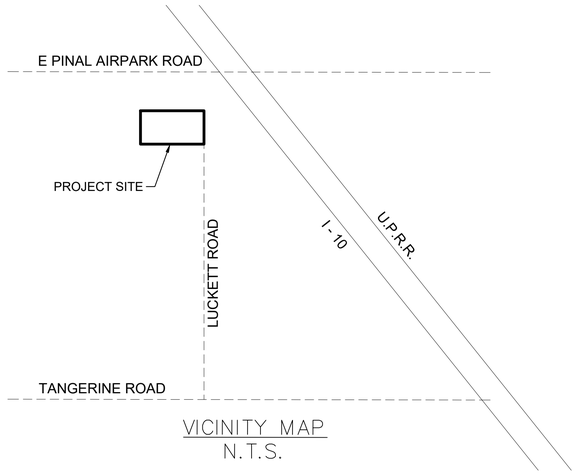
THE PROJECT PARCEL LIES WITHIN FEMA ZONE "AO2" FEMA "A01", FEMA SHADED ZONE "X", AREA WITH 2% ANNUAL CHANCE FLOOD HAZARD, AND FEMA ZONE "X" AS SHOWN ON FIRM PANEL 04019C1010L WITH AN EFFECTIVE DATE ON JUNE 16, 2011 AND LOMR 21-09-1382P EFFECTIVE DATE AUGUST 18, 2023.

REFERENCE DOCUMENTS

1. OFFICIAL GOVERNMENT PLAT FOR TOWNSHIP 11 SOUTH, RANGE 10 EAST OF THE GILA AND SALT RIVER MERIDIAN OFFICIALLY FILED APRIL 15, 1913.

UTILITY OWNERSHIP TABLE

Utility	Owner	Contact	Phone
Communications	CenturyLink/Lumen	Jason Jensen	801-735-2464
Electric	ADOT	Gustavo Ruiz	520-262-5909
Electric	Tucson Electric Company	Corporate Switchboard	520-571-4000
Electric	Trico Electric Cooperative - Tucson	Main Office	520-744-2944
Natural Gas	Southwest Gas - Casa Grande Pinal	Stephanie Rodriguez	520-289-0481
Irrigation	Cortaro Marana Irrigation	Doug Greenland	520-682-3233



VICINITY MAP
N.T.S.

CONTROL DATUM

THE HORIZONTAL DATUM FOR THIS PROJECT IS NAD 83 STATE PLANE, ARIZONA CENTRAL ZONE, BASED ON THE FOLLOWING PARAMETERS:

COORDINATE SYSTEM: NAD 83 (2011 EPOCH)
ZONE: ARIZONA CENTRAL
ELLIPSOID: WGS 84
GEOID MODEL: GEOID 12B
UNITS: INTERNATIONAL FEET
VERTICAL DATUM: NAVD 88

FINAL COORDINATES FOR THE PROJECT ARE GROUND COORDINATES. TO GET GRID COORDINATES DIVIDE EACH GROUND VALUE BY 1.00016.

PROJECT BENCHMARK

THE BENCHMARK FOR THIS SURVEY IS NGS CONTROL POINT "F 424" BEING A CONTROL DISK STAMPED F424 NEAR INTERSTATE 10 AND THE MARANA INTERCHANGE.

NAVD88 ELEVATION = 1946.36'

LEGEND

⚙	INDICATES MONUMENT AS NOTED
XXX.XX'	INDICATES MEASURED DATA
FD.	FOUND
S.F.N.F.	SEARCHED FOR NOT FOUND
HH	HAND HOLE
BC	BRASS CAP
BCHH	BRASS CAP IN HAND HOLE
ACHH	ALUMINUM CAP IN HAND HOLE
ESMT.	EASEMENT
E-UGC	EXISTING UNDERGROUND CABLE
E-UGG	EXISTING UNDERGROUND GAS
E-UT	EXISTING UNDERGROUND TELEPHONE
E-OHE	EXISTING OVERHEAD ELECTRIC

LEGEND

———	BOUNDARY LINE
— — — —	EASEMENT LINE
——— · ———	BUILDING LINE
——— W ———	WATER LINE
——— SS ———	SANITARY SEWER LINE
— — — —	STORM SEWER LINE
——— GAS ———	UNDERGROUND GAS LINE
——— OHE ———	OVERHEAD UTILITY LINE
——— UGE ———	UNDERGROUND ELECTRIC LINE
——— UGT ———	UNDERGROUND TELEPHONE LINE
-x-x-x-x-	FENCE
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT

SURVEY CERTIFICATION

TO: FREMONT PEAK PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY
FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1 - 5, 8, 11A, 13, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED IN DECEMBER 2024.

CHAD W. HUBER RLS 35316

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
35316
CHAD
HUBER
10/28/25
Date Signed
ARIZONA, U.S.A.

Kimley»Horn
1661 E. Camelback Rd., Suite 400
Phoenix, Arizona 85016
Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N.T.S.	CWH	CWH	10/23/2025	292093000	1 OF 3

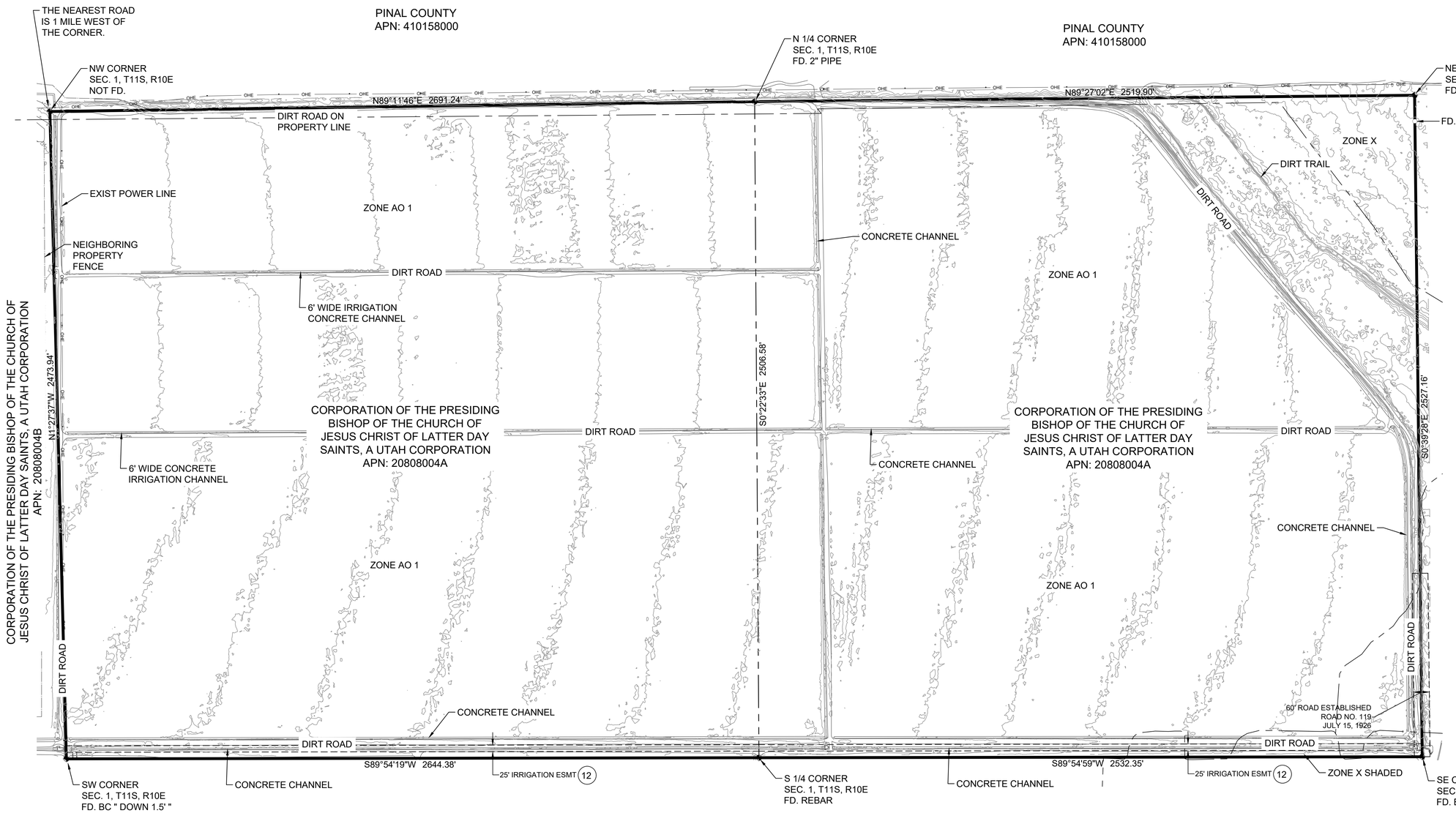
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ALTA/NSPS LAND TITLE SURVEY

SECTION 1, TOWNSHIP 11 SOUTH, RANGE 10 EAST

NORTH

GRAPHIC SCALE IN FEET
200 0 100 200 400
1" = 200' @ 24X36



LEGEND

ROOF DRAIN		MAIL BOX	
CABLE TV BOX		SANITARY SEWER CLEAN OUT	
CABLE TV HANDHOLE		SANITARY SEWER MANHOLE	
CABLE TV MANHOLE		SANITARY SEWER MARKER FLAG	
CABLE TV MARKER FLAG		SANITARY SEWER MARKER SIGN	
CABLE TV MARKER SIGN		SANITARY SEWER SEPTIC TANK	
CABLE TV VAULT		SANITARY SEWER VAULT	
COMMUNICATIONS BOX		STORM SEWER BOX	
COMMUNICATIONS HANDHOLE		STORM SEWER DRAIN	
COMMUNICATIONS MANHOLE		STORM SEWER MANHOLE	
COMMUNICATIONS MARKER FLAG		STORM SEWER VAULT	
COMMUNICATIONS MARKER SIGN		TRAFFIC BARRIER	
COMMUNICATIONS VAULT		TRAFFIC BOLLARD	
ELEVATION BENCHMARK		TRAFFIC BOX	
FIBER OPTIC BOX		CROSS WALK SIGNAL	
FIBER OPTIC HANDHOLE		TRAFFIC HANDHOLE	
FIBER OPTIC MANHOLE		TRAFFIC MANHOLE	
FIBER OPTIC MARKER FLAG		TRAFFIC MARKER SIGN	
FIBER OPTIC MARKER SIGN		TRAFFIC SIGNAL	
FIBER OPTIC VAULT		TRAFFIC VAULT	
MONITORING WELL		UNIDENTIFIED BOX	
GAS HANDHOLE		UNIDENTIFIED HANDHOLE	
GAS METER		UNIDENTIFIED METER	
GAS MANHOLE		UNIDENTIFIED MANHOLE	
GAS MARKER FLAG		UNIDENTIFIED MARKER FLAG	
GAS SIGN		UNIDENTIFIED MARKER SIGN	
GAS TANK		UNIDENTIFIED POLE	
GAS VAULT		UNIDENTIFIED TANK	
GAS VALVE		UNIDENTIFIED VAULT	
TELEPHONE BOX		UNIDENTIFIED VALVE	
TELEPHONE HANDHOLE		TREE	
TELEPHONE MANHOLE		WATER BOX	
TELEPHONE MARKER FLAG		FIRE DEPT. CONNECTION	
TELEPHONE MARKER SIGN		WATER HAND HOLE	
TELEPHONE VAULT		FIRE HYDRANT	
PIPELINE MARKER SIGN		WATER METER	
ELECTRIC BOX		WATER MANHOLE	
FLOOD LIGHT		WATER MARKER FLAG	
GUY ANCHOR		WATER MARKER SIGN	
GUY ANCHOR POLE		WATER VAULT	
ELECTRIC HANDHOLE		WATER VALVE	
LIGHT STANDARD		AIR RELEASE VALVE	
ELECTRIC METER		WATER WELL	
ELECTRIC MANHOLE	C.M.	CONTROLLING MONUMENT	
ELECTRIC MARKER FLAG	IRSC	5/8" IRON ROD W/ "KHA" CAP SET	
ELECTRIC MARKER SIGN	IRFC	IRON ROD WITH CAP FOUND	
UTILITY POLE	MNS	MAG NAIL SET	
ELECTRIC TRANSFORMER	PKF	PK NAIL FOUND	
ELECTRIC VAULT	IRF	IRON ROD FOUND	
HANDICAPPED PARKING	IPF	IRON PIPE FOUND	
SIGN	ADF	ALUMINUM DISK FOUND	
MARQUEE/BILLBOARD	XS	"X" CUT IN CONCRETE SET	
BORE LOCATION	XF	"X" CUT IN CONCRETE FOUND	
FLAG POLE	P.O.B.	POINT OF BEGINNING	
GREASE TRAP	P.O.C.	POINT OF COMMENCING	

LEGEND

	BOUNDARY LINE
	EASEMENT LINE
	BUILDING LINE
W	WATER LINE
SS	SANITARY SEWER LINE
	STORM SEWER LINE
GAS	UNDERGROUND GAS LINE
OHE	OVERHEAD UTILITY LINE
UGE	UNDERGROUND ELECTRIC LINE
UGT	UNDERGROUND TELEPHONE LINE
	FENCE
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	CWH	CWH	12/30/2024	292093000	2 OF 3

DWG NAME: K:\PHX_ROADWAYMARKET\NGA - OTHERSURVEY\2024\2024-124_IPI_JAGUAR_WEST\JAGUAR_WEST_ALTA.DWG PLOTTED BY: HUBER, CHAD 10/28/2025 10:21 AM LAST SAVED 10/23/2025 1:19 PM

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PIMA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

ALL OF SECTION 1, TOWNSHIP 11 SOUTH, RANGE 10 EAST, GILA AND SALT RIVER BASE AND MERIDIAN PIMA COUNTY, ARIZONA;

EXCEPT ALL SUBTERRANEAN PERCOLATING WATERS CONTAINED WITHIN, UNDERLYING AND WHICH MAY BE PRODUCED AS CONVEYED TO CORTARO-WATER USER'S ASSOCIATION BY DEED RECORDED IN BOOK 314 OF DEEDS, PAGE 445.

SCHEDULE B, PART II—EXCEPTIONS

1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I—REQUIREMENTS ARE MET. (NOT PLOTTABLE)
2. (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS. (NOT PLOTTABLE)
3. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THAT ARE NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND. (NOT PLOTTABLE)
4. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS. (NOT PLOTTABLE)
5. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS. (NOT PLOTTABLE)
6. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS. (NOT PLOTTABLE)
7. ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR, MATERIAL OR EQUIPMENT, UNLESS SUCH LIEN IS SHOWN BY THE PUBLIC RECORDS AT DATE OF POLICY AND NOT OTHERWISE EXCEPTED FROM COVERAGE HEREIN. (NOT PLOTTABLE)
8. SECOND INSTALLMENT OF 2024 TAXES, A LIEN, PAYABLE ON OR BEFORE MARCH 1, 2025, AND DELINQUENT MAY 1, 2025. (NOT PLOTTABLE)
9. ANY CHARGE UPON SAID LAND BY REASON OF ITS INCLUSION IN CENTRAL ARIZONA WATER CONSERVATION DISTRICT. (ALL ASSESSMENTS DUE AND PAYABLE ARE PAID.) (NOT PLOTTABLE)
10. ANY MATTER ARISING BY REASON OF RESERVATION OF UNDERGROUND WATER AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 314 OF DEEDS, PAGE 445, AND INCLUSION OF SAID LAND WITHIN THE BOUNDARIES OF THE CORTARO-MARANA IRRIGATION DISTRICT AND/OR THE CORTARO WATER USER'S ASSOCIATION. (ALL ASSESSMENTS DUE AND PAYABLE ARE PAID.) (AFFECTS SUBJECT PROPERTY, NOT PLOTTABLE)
11. RESERVATIONS OR EXCEPTIONS IN PATENTS, OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF. (NOT PLOTTABLE)
12. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "RIGHT OF WAY AGREEMENT" RECORDED IN BOOK 107 OF MISCELLANEOUS, PAGE 151. (AFFECTS SUBJECT PROPERTY AS SHOWN ON THE SURVEY)
13. THE TERMS AND CONDITIONS AS SET FORTH IN INSTRUMENT RECORDED AS BOOK 110 OF MISCELLANEOUS, PAGE 309. (AFFECTS SUBJECT PROPERTY, NOT PLOTTABLE)
14. AN UNRECORDED LEASE DATED APRIL 06, 2020, EXECUTED BY THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE AS LESSOR AND LSH LAND HOLDINGS, LLC AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF SOLAR OPTION AND LEASE AGREEMENT RECORDED APRIL 29, 2020 AS 2020-1200058, OF OFFICIAL RECORDS; AMENDMENT RECORDED AS 2021-1621036, OF OFFICIAL RECORDS; SECOND AMENDMENT RECORDED AS 2021-3440225 OF OFFICIAL RECORDS AND THIRD AMENDMENT RECORDED AS 2023-0690525 OF OFFICIAL RECORDS. DEFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LEASEHOLD ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS ARE NOT SHOWN HEREIN. (COVERS MORE PROPERTY) (NOT PLOTTABLE)
15. ANY CLAIM THAT THE TITLE IS SUBJECT TO A TRUST OR LIEN CREATED UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (7 U.S.C. §§499A, ET SEQ.) OR THE PACKERS AND STOCKYARDS ACT (7 U.S.C. §§181ET SEQ.) OR UNDER SIMILAR STATE LAWS. CONSIDERATION FOR THE DELETION OF THIS EXCEPTION IS HIGHLY FACT INTENSIVE. PLEASE CONTACT THE UNDERWRITER ASSIGNED TO YOUR FILE AS SOON AS POSSIBLE TO DISCUSS. (NOT PLOTTABLE)
16. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS THAT MAY EXIST OR ARISE BY REASON OF THE FOLLOWING MATTERS DISCLOSED BY AN ALTA/NSPS SURVEY MADE BY _____ ON _____, DESIGNATED JOB NUMBER _____:_____
17. THE RIGHTS OF PARTIES IN POSSESSION BY REASON OF ANY UNRECORDED LEASE OR LEASES OR MONTH TO MONTH TENANCIES AFFECTING ANY PORTION OF THE WITHIN DESCRIBED PROPERTY. NOTE: THIS MATTER WILL BE MORE FULLY SET FORTH OR DELETED UPON COMPLIANCE WITH THE APPLICABLE REQUIREMENT(S) SET FORTH HEREIN. (NOT PLOTTABLE)

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Phoenix, Arizona 85016
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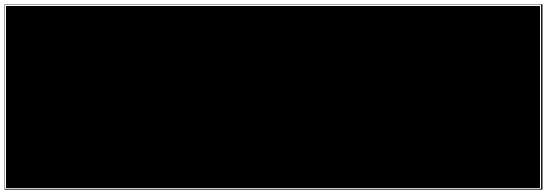
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N.T.S.	CWH	CWH	12/30/2024	292093000	3 OF 3

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APPENDIX B: Biological Evaluation

BIOLOGICAL EVALUATION

JAGUAR NORTH
303-ACRE PROJECT AREA
MARANA, PIMA COUNTY, ARIZONA



Prepared By:

Kimley»Horn

Project No. 292093000
January 2025

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Project Purpose 1
Scope of Work 1
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Project Action Area 4
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Appendix B. Arizona Game and Fish Department On-line Environmental Review Tool and U.S. Fish and Wildlife Service Arizona Ecological Services Field Office Official Species List
Appendix C. Agency Coordination
Appendix D. Ground Photographs
Appendix E. Western Burrowing Owl Awareness Flyer

PROJECT LOCATION

The Jaguar North project is located along Luckett Road, south of the Pinal Airpark Road, and west of Interstate 10 (I-10) in Marana, Pima County, Arizona **(Figure 1. Vicinity Map).** This Biological Evaluation (BE) has been prepared to support a Conditional Letter of Map Revision (CLOMR) application and the 303-acre site consists of privately owned lands. Land use within the site consists of agricultural land and associated improvements including agricultural canals and ditches and an agricultural pond. The surrounding land consists of agricultural land, a cemetery, a solar photovoltaic (PV) facility, a material source pit, and disturbed desert.

The project is located in Sections 1-2, and 11-12 of Township 10 South, Range 10 East and Section 6 of Township 11 South, Range 11 East of the Gila and Salt River Base Line and Meridian and is depicted on the *Red Rock, Arizona* and *West of Marana, Arizona 2021* USGS 7.5-minute topographic quadrangle maps (**Figure 2. USGS 7.5-Minute Quadrangle Map**).

Throughout this BE, the construction footprint is defined as all areas of ground disturbance (303 acres). The action area includes all areas to be affected directly or indirectly by the action and not merely the construction footprint. In delineating the action area, we evaluated the farthest reaching physical, chemical, and biotic effects of the action on the environment, focusing on, but not exclusive to, the proposed construction of a campus style industrial development.

PROJECT PURPOSE

The purpose of this project is to construct a campus style industrial development (Jaguar North).

SCOPE OF WORK

The scope of work for this project includes:

- Clear and grub vegetation onsite
- Construct utilities
- Construct roadway infrastructure
- Construction onsite buildings

Aerial Source/Date: Esri, 2024
Ownership Source/Date: Pima County Assessor's Office, 2025

Exhibit A to Marana Resolution 2026-005

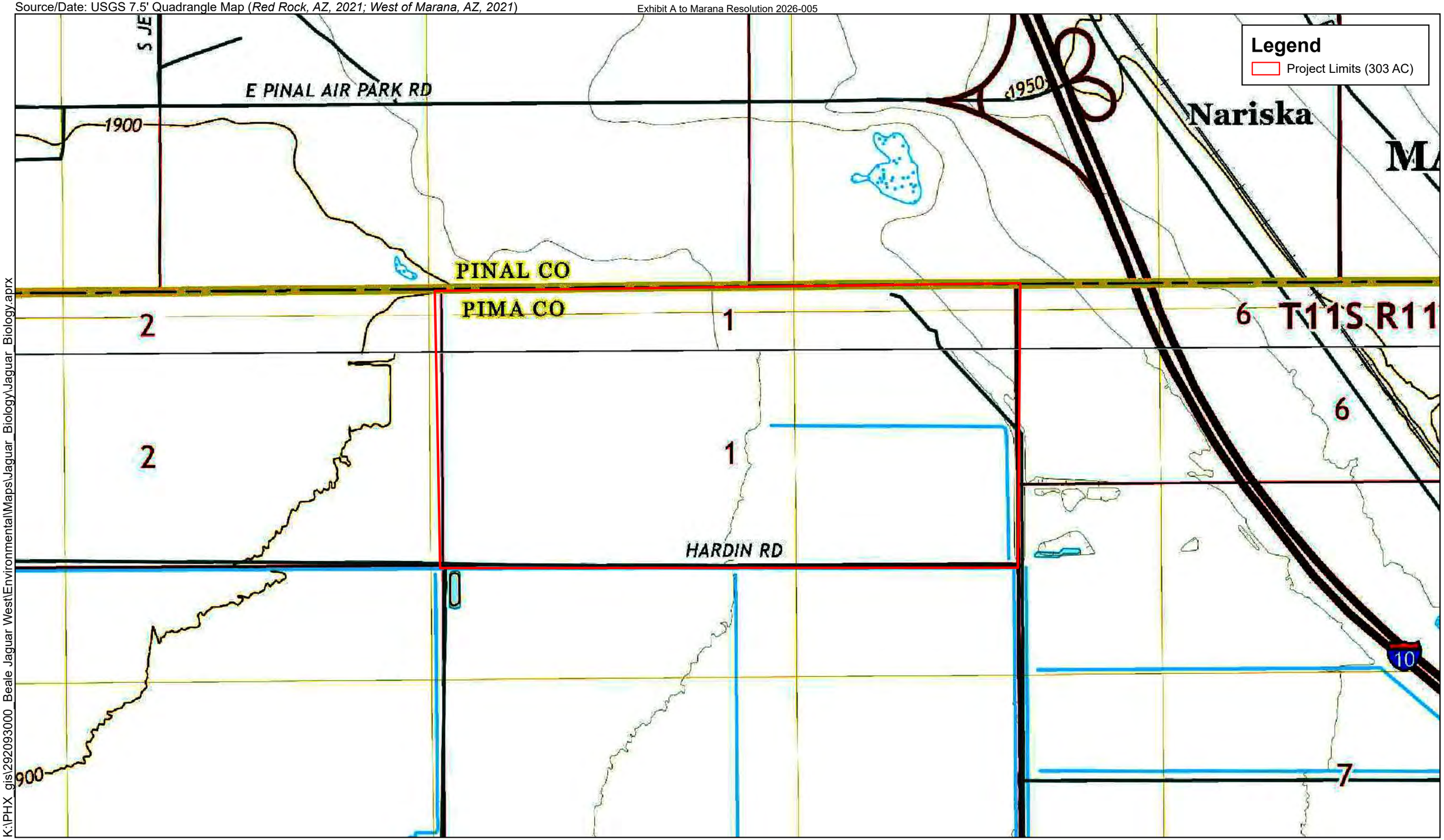


K:\PHX_gis\292093000_Beale Jaguar West\Environmental\Maps\Jaguar_Biology\Jaguar_Biology.aprx

Kimley»Horn Expect More. Experience Better.	Figure 1. Vicinity Map	0 400 800 1,600 Feet Scale: 1" = 800' N W E S
	Jaguar North	Marana, Pima County, Arizona

Source/Date: USGS 7.5' Quadrangle Map (*Red Rock, AZ, 2021; West of Marana, AZ, 2021*)

Exhibit A to Marana Resolution 2026-005



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Figure 2. USGS 7.5' Quadrangle Map

Jaguar North

Marana, Pima County, Arizona

0 400 800 1,600 Feet

Scale: 1" = 800'

N W E S

PROJECT CONSTRUCTION

Construction phasing for the project consists of clearing and grubbing of vegetation onsite, mass grading and raising the site elevation with fill, installing utilities, and construction of roadway infrastructure and onsite buildings.

Project Construction

The contractor will clear/grub and mass grade the site to allow for stockpile and staging areas, installation of utilities, and construction of roadway infrastructure and onsite buildings. Clearing, grubbing, and grading are required to allow earth moving equipment such as an excavator, backhoe, bobcat, grader, bulldozer, front-end loader, or scraper to operate. A bulldozer, front-end loader, or excavator with claw attachment may be required to pick up or drag trees, shrubs, and groundcover to remove them from the construction footprint. If additional staging/stockpiling areas are required, they are the responsibility of the contractor. The next phase will consist of installation of utilities. Equipment such as a trencher, excavator, backhoe, or bobcat may be required to trench for pipe, conduit, or cables underground. After installation of utilities, roadway infrastructure would be constructed. Constructing new roadway would include grading and paving with asphalt and constructing curb and gutter with heavy machinery such as dump trucks, pickup trucks, front-end loaders or tractors, and a paving machine. After roadway infrastructure is constructed, onsite buildings would be constructed. Anticipated equipment would include cranes and heavy machinery to erect building walls, an excavator, backhoe, and bobcat.

Construction Footprint

Permanent impacts are defined as ground disturbance that would convert a pervious surface to an impervious surface. Due to the scope of work (mass grade), the entirety of the project limits (approximately 303 acres) would be permanently impacted. 19 acres of vegetation, including trees, shrubs, and groundcover will be removed from the construction footprint during construction. The construction footprint is illustrated in **Figure 3. Action Area Map.**

PROJECT ACTION AREA

The action area includes all areas to be affected directly or indirectly by the action and not merely the construction footprint (50 CFR §402.02). In delineating the action area, we evaluated the farthest reaching physical, chemical, and biological effects of the action on the environment, focusing on, but not exclusive to the campus style industrial development.

Potential effects of this action on the environment resulting from this project include loss of habitat due to removal of vegetation, potential degradation of suitable habitat due to the introduction of invasive plant species, sedimentation and associated water quality impacts from grubbing and grading within the agricultural pond, disruption of wildlife from construction noise. The action area was determined based on temporary construction noise which is the farthest-reaching impact.

The removal of vegetation may cause loss of shelter and foraging habitat for insects, predator, and prey. Introduction of invasive plant species from construction equipment and activities can potentially allow for alteration or degradation of suitable habitat of species. Introduction of these species could cause degradation of potentially suitable habitat for insects, predator, and prey. Approximately 19 acres of vegetation, including trees, shrubs, and groundcover will be removed during construction of this project. The removal of vegetation may cause loss of shelter and foraging habitat for wildlife. However, suitable habitat is available adjacent to the action area.

Regarding sedimentation and associated water quality impacts from earth moving activities, construction will disturb more than one acre; therefore, a Section 402 (Arizona Pollutant Discharge Elimination System) permit and a Stormwater Pollution Prevention Plan (SWPPP) will be required from the Arizona Department of Environmental Quality (ADEQ).

Sustained noise levels produced during construction can cause disruption of wildlife use of the action area. The ambient noise level within the construction footprint was estimated to be approximately 60 A-weighted decibels (dBA) (FHWA 2022). The action area is based on the loudest piece of equipment used for the longest duration (a bulldozer) that will be utilized for approximately 18 months. A bulldozer, which produces a noise level of 85 dBA at 50 feet from the source on flat ground surface, was utilized as a point source to compare construction noise levels with the ambient noise produced by traffic on I-10 and the adjacent material source pit to evaluate potential noise impacts to wildlife. L_{eq} is defined as the equivalent continuous noise level measured over a specific time period. In defining the action area for this project, the Roadway Construction Noise Model (RCNM) was used to determine the distance between the construction footprint and where the construction noise would attenuate to ambient dBA measured from L_{eq}, which was determined to be approximately 400 feet (FHWA 2006). Construction noise could temporarily preclude wildlife from utilizing the action area; however, suitable habitat is available beyond the action area.

The action area is defined as the construction footprint and 400 feet beyond in all directions (**Figure 3. Action Area Map**).

Aerial Source/Date: Esri, 2024

Exhibit A to Marana Resolution 2026-005



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Figure 3. Action Area Map

Jaguar North

Marana, Pima County, Arizona

0 250 500 1,000 Feet

Scale: 1" = 500'

N
W E
S

LOCATION DESCRIPTION

The project limits are approximately 1,900 feet above mean sea level (MSL) and slope/drain southwest. There are no Outstanding Arizona Waters (OAWs) or Impaired Streams in the project limits (ADEQ 2024).

A site visit was conducted on December 19, 2024, by Kimley-Horn biologists (Avery Pritchard and Grace Harwin). Wildlife observed in the field included Cooper's hawk (*Accipiter cooperii*), white-crowned sparrow (*Zonotrichia leucophrys*), Say's phoebe (*Sayornis saya*), hooded oriole (*Icterus cucullatus*), and song sparrow (*Melospiza melodia*). Nests were not observed during field reconnaissance.

According to Biotic Communities, Southwestern United States, the action area is within the Lower Colorado Subdivision of the Sonoran Desertscrub biotic community (Data Basin 2012). The action area is situated west of I-10, north of the Tucson Mountains, east of the Silver Bell Mountains, and west of the Tortolita Mountains. The terrain slopes west throughout out the project limits and is relatively flat. The predominant geological features along the action area includes Holocene river alluvium (0-10 ka) (USGS 2025). The following soils occur within the construction footprint: Gila loam, 0 to 1 percent slopes; Grabe silty clay loam; Anthony sandy loam, 0 to 1 percent slopes and 1 to 3 percent slopes; and Denure sandy loam, 1 to 3 percent slopes (USDA 2025).

The action area consists of disturbed desert and agricultural land. Beyond the action area lands are primarily additional agricultural land, a solar PV facility, a cemetery, a material source pit, and disturbed desert.

An agricultural pond is the primary aquatic feature within the action area. The agricultural pond and irrigation ditches are manmade and used for agricultural irrigation. No perennial or semi-perennial streams are present within the action area. See **Figure 3. Action Area Map** for representative photographs of the construction footprint, action area, and surrounding landscape.

Information from the Arizona Department of Water Resources (ADWR) was reviewed for water wells located within the vicinity of the action area. According to well registration records, groundwater exists at approximately 120 feet below ground surface (ADWR 2024). However, groundwater levels can fluctuate due to seasonal variations, groundwater withdrawal or injection and other factors.

The construction footprint is located within the action area and includes agricultural fields, an agricultural pond, and disturbed desert. The majority of the construction footprint consists of fallow agricultural fields. Dominant vegetation observed within the agricultural pond in the northeast corner of the site included velvet mesquite (*Prosopis velutina*), desertbroom (*Baccharis sarothroides*), and Bermuda grass (*Cynodon dactylon*). Within the northeast corner of the site, the canopy primarily consists of velvet mesquite with a density of 90%. The subcanopy consists of desertbroom ranging from 10-30% density. Groundcover ranges from 0-90% with and consists of Bermuda grass and inland saltgrass (*Disticlis spicata*) near areas with surface water. Approximately 19 acres of vegetation, including trees, shrubs, and groundcover, will be removed during construction.

ENDANGERED SPECIES ACT (ESA) LISTED SPECIES

SPECIES IDENTIFICATION

Kimley-Horn obtained an official species list from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system on January 14, 2025. The list included eleven threatened, endangered, or candidate species that should be evaluated. A qualified biologist reviewed the list to determine species that may occur in the project vicinity. Two species shown in **Table 1** have the potential to occur in the project area and are analyzed in detail in **Species Evaluation.**

Table 1. Federally Listed and Special Status Species Included in This Evaluation

Common Name	Scientific Name	Status *
Yellow-Billed Cuckoo	(*Coccyzus americanus*)	ESA LT
Monarch	(*Danaus plexippus*)	ESA PT

* Status Definitions: ESA = Endangered Species Act, LT = Listed Threatened, PT= Proposed Threatened

Species included in the USFWS list but excluded from further evaluation are addressed in **Table 2**. This project will have no effect on the species listed in **Table 2**. Additionally, there is no federally designated Critical Habitat within the project limits.

Table 2. Species Excluded from Further Evaluation

Species	Status	Habitat Requirements[1]	Exclusion Justification
		Mammals	
Jaguar (*Panthera onca*)	ESA LE	Found in thornscrub, desertscrub, chaparral, semidesert grassland, Madrean evergreen woodland, deciduous forest, and conifer forest between 1,600 and 9,000 feet and associated with water in southeastern Arizona.	No suitable habitat and no documented occurrences within three miles of the construction footprint.
Ocelot (*Leopardus pardalis*)	ESA LE	Variable, including thorn scrub, semi-arid woodland, tropical deciduous and semi-deciduous forest, subtropical forest, lowland rainforest, palm savanna, and seasonally flooded savanna woodland. In Arizona, most recent (since 2009) detections have occurred in Madrean evergreen	No suitable habitat and no documented occurrences within three miles of the construction footprint.

[1] United States Fish and Wildlife Service (USFWS). 2016. All Arizona Species. 24 pp.

Table 2. Species Excluded from Further Evaluation (continued)

Species	*Status*	*Habitat Requirements*	*Exclusion Justification*
		woodland, semidesert grassland, and Great Plains grassland in habitats greater than 9,850 feet	
Sonoran Pronghorn (*Antilocapra americana sonoriensis*)	ESA, XN	Broad alluvial valleys separated by block-faulted mountains with ephemeral streams most frequently between 400 and 1,600 feet in elevation.	No suitable habitat and no documented occurrences within three miles of the construction footprint.
Birds			
Cactus Ferruginous Pygmy-owl (*Glaucidium brasilianum cactorum*)	ESA LT	Found in mesquite thickets, desert riverine woods and saguaros in desertscrub and semi-desert grasslands in southern Arizona; historic range continued into central Arizona. Found below 4,000 feet in elevation.	No suitable habitat and no documented occurrences within three miles of the construction footprint.
California least tern (Sterna anitllarum browni)	ESA LE	Open, bare or sparsely vegetated sand, sandbars, gravel pits, or exposed flats along shorelines of inland rivers, lakes, reservoirs, or drainage systems below 2,000 feet.	No suitable habitat and no documented occurrences within three miles of the construction footprint.
Yellow-billed Cuckoo (*Coccyzus americanus*)	ESA LT	Uses large contiguous patches of multi-layered riparian habitat, such as cottonwood-willow gallery forests along rivers and streams below 6,600 feet in elevation.	Evaluated in detail. See Species Evaluation section.
Reptiles			
Sonoyta Mud Turtle (*Kinosternon sonoriese longifemorale*)	ESA LE	Ponds and streams at elevations of approximately 1,100 feet.	No suitable habitat and no documented occurrences within three miles of the construction footprint.

Table 2. Species Excluded from Further Evaluation (continued)

Fishes			
Gila Chub (*Gila intermedia*)	ESA LE	Found in pools, springs, cienegas, and streams at elevations between 2,000 and 5,500 feet. The species is dependent on undercut banks, terrestrial vegetation, boulders, root wads, fallen logs, and thick overhanging or aquatic vegetation for cover.	No suitable habitat and no documented occurrences within three miles of the construction footprint.
Gila Topminnow (Poeciliopsis occidentalis)	ESA LE	Small, perennial streams, springs and cienegas in upland desertscrub, semidesert grasslands and interior chaparral communities below 5,000 feet.	No suitable habitat and no documented occurrences within three miles of the construction footprint.
Insects			
Monarch Butterfly (*Danaus plexippus*)	ESA PT	Open grasslands and meadows consisting of a variety of flowering plants. Particularly drawn toward milkweed.	Evaluated in detail. See Species Evaluation section.
Flowering Plants			
Arizona Eryngo (*Eryngium spargonophyllum*)	ESA LE	Cienega obligate that occurs at elevation between 2,700 and 4,000 feet.	No suitable habitat and no documented occurrences within three miles of the construction footprint.

[1]Status Definitions: ESA = Endangered Species Act, LE = Listed Endangered, XN = Experimental Population, LT = Listed Threatened, PT = Proposed Threatened

SPECIES EVALUATION

Yellow-Billed Cuckoo

Status

Threatened (79 FR 59991; October 03, 2014) with Final Critical Habitat (86 FR 20798 21005; April 21, 2021).

Table 3 – Species Summary Table (Yellow-billed cuckoo)

	Feeding		Breeding	Sheltering	
	Juvenile	Adult	Adult	Juvenile	Adult
Habitat	Riparian woodlands with cottonwood-willow, salt cedar, or mesquite communities.	Riparian woodlands with cottonwood-willow, salt cedar, or mesquite communities. Woody lowland vegetation near fresh water during winter.	Riparian woodlands with cottonwood-willow, salt cedar, or mesquite communities.	Riparian woodlands with cottonwood-willow, salt cedar, or mesquite communities.	Riparian woodlands with cottonwood-willow, salt cedar, or mesquite communities. Woody lowland vegetation near fresh water during winter.
Prey	Insect regurgitant	Insects, frogs, and lizards	Insects, frogs, and lizards	N/A	N/A
Perches	N/A	Tree branches	Tree branches	N/A	Tree branches
Cover	Nest 1 to 6 meters above ground within dense understory foliage and > 70 percent canopy coverage.	Greater than 70 percent canopy cover.	Greater than 70 percent canopy cover.	Nest 1 to 6 meters above ground within dense understory foliage and > 70 percent canopy coverage.	Greater than 70 percent canopy cover.
Temperature	N/A	N/A	Nests require canopy coverage that provides cooler temperatures	N/A	N/A
Lighting	Diurnal	Diurnal	Day light hours	Roosts during the night and under dense canopy coverage during the day.	Roosts during the night and under dense canopy coverage during the day.
Moisture	N/A	N/A	Nests require canopy coverage that	N/A	N/A

	Feeding		Breeding	Sheltering	
	Juvenile	Adult	Adult	Juvenile	Adult
			provides higher humidity.		
Sound	Sensitive to noise	Sensitive to noise	Sensitive to noise	Sensitive to noise	Sensitive to noise
Water	Perennial rivers and streams	Perennial rivers and streams	Perennial rivers and streams	Perennial rivers and streams	Perennial rivers and streams
Dispersal	N/A	Home ranges average 100 acres in size.	Migrates from Central and South America to the western United States.	N/A	N/A
Seasonal Activity	N/A	Insects, frogs, and lizards during summer. Fruits and seeds during winter	Mid-June to late August	Late August begin migration to winter grounds	Late August begin migration to winter grounds

Life History

Species Description and Ecology

The yellow-billed cuckoo (YBCU) is a medium-sized bird with a slender, long-tailed profile and a stout, slightly down-curved bill that is blue-black above and yellow on the base of the lower mandible. Plumage is grayish brown above and white below, with red primary flight feathers and tail feathers that are boldly patterned with black and white below. YBCUs have short, bluish gray legs, and adults have a narrow, yellow eye ring. As a member of the avian family Cuculidae, they share the common feature of a zygodactyl foot (two toes pointing forward and two toes pointing backward).

The YBCU is a long-distance neotropical migrant and the western population breeds along river systems west of the Rocky Mountains, which separates them from the eastern yellow-billed cuckoo population. The western population is considered a biologically separate population segment; therefore, populations west of the Continental Divided have been identified as a Distinct Population Segment for conservation purposes. (Daw, 2014).

YBCUs hunt while perched motionless on a tree branch, scanning foliage for prey items. During migration and breeding season, the species feeds primarily on insects such as caterpillars, cicadas, and katydids; but will also consume tree frogs and lizards. The species migrates to Central and South America for the winter, where fruits and seeds are eaten more frequently (AGFD, 2011 and Daw, 2014). YBCUs have relatively large home ranges, with the average home range size covering over 100 acres; however, home ranges encompassing up to 500 acres have been recorded (USFWS, 2014b).

Reproduction

Typically, western YBCUs are late migraters and arrive on their breeding grounds in early to mid-June. Once on the breeding grounds, the species may time the onset of breeding to coincide with an abundance of large insects such as cicadas. Peak nesting season for the YBCU occurs from July to early August. Nests are placed on the horizontal branch of a tree such as a willow and both the male and female participate in constructing the nest. The nest is a loosely-built, flat, saucer-shaped, stick nest lined with bark and leaves. The cup nest is relatively shallow ranging from 2 to 4 centimeters deep and is usually positioned 1 to 6 meters above ground; below a dense patch of canopy and concealed by surrounding foliage. YBCUs will

lay 3 to 4 unmarked, pale greenish-blue eggs. Incubation lasts 9 to 11 days and eggs will change color to greenish-yellow before hatching. Young are born altricial and will leave the nest 6 to 9 days after hatching. On occasion the species may parasitize broods of other cuckoos (AGFD, 2011 and Daw, 2014).

Suitable Habitat

The western population of YBCUs occupy riparian woodlands along perennial rivers and streams at elevations below 6,600 feet. Cottonwood-willow galleries are most often inhabited; however, salt cedar, mesquite bosques, and other riparian tree communities may also be used. The species requires relatively large contiguous patches of multi-layered riparian habitat with dense understory foliage for nesting. The multi-layered canopy structure provides the necessary microclimate of cooler temperatures and higher humidity needed for successful nesting (AGFD, 2011 and Daw, 2014).

PBFs for YBCU habitat were identified as three distinct habitat elements; riparian woodland structure, availability of prey populations, and riverine processes. The PBFs that were identified in the April 2021 Final Rule Designation of Critical Habitat for the species include:

PBF 1—Riparian woodlands; mesquite woodlands (mesquite-thorn-forest), and Madrean evergreen woodland drainages.

a. Rangewide breeding habitat (including areas in the Southwest) – woodlands within floodplains or in upland areas or terraces often greater than 325 feet in width and 200 acres or more in extent with an overstory and understory vegetation component in contiguous or nearly contiguous patches adjacent to intermittent or perennial watercourses. The slope of the watercourses is generally less than 3 percent but may be greater in some instances. Nesting sites within the habitat have an above average canopy closure (greater than 70 percent), and have a cooler, more humid environment than the surrounding riparian and upland habitats.

b. Southwestern breeding habitat – composed of more arid riparian woodlands (including mesquite bosques), desert scrub and desert grassland drainages with a tree component, and Madrean evergreen woodlands (oak and other tree species), in perennial, intermittent, and ephemeral drainages. These more arid riparian woodland drainages also bisect other habitat types, including Madrean evergreen woodland, native and nonnative desert grassland, and desert scrub. More than one habitat type within and adjacent to the drainage may contribute toward nesting habitat. Southwestern breeding habitat is more water-limited, contains a greater proportion of xero-riparian and non-riparian plant species, and is often narrower, more open, patchier, or sparser than elsewhere in the DPS and may persist only as narrow bands or scattered patches along the bankline or as small in-channel islands. The habitat contains a tree or large-shrub component with a variable overstory canopy and understory component that is sometimes less than 200 acres. Riparian trees (including xero-riparian) in these ecosystems may even be more sparsely distributed and less prevalent than non-riparian trees. Adjacent habitat may include managed (mowed) nonnative vegetation or terraces of mesquite or other drought-tolerant species within the floodplain. In narrow or arid ephemeral drainages, breeding habitat commonly contains a mix of non-riparian vegetation found in the base habitat as well as riparian (including xero-riparian) trees.

PBF 2—Adequate prey base.

Presence of prey base consisting of large insect fauna (for example, cicadas, caterpillars, katydids, grasshoppers, large beetles, dragonflies, moth larvae, spiders), lizards, and frogs for adults and young in breeding areas during the nesting season and in post-breeding dispersal areas.

PBF 3—Hydrologic processes, in natural or altered systems, that provide for maintaining and regenerating breeding habitat.

a. Rangewide breeding habitat hydrologic processes – Hydrologic processes (either natural or managed) in river and reservoir systems that encourage sediment movement and deposits and promote riparian tree seedling germination and plant growth, maintenance, health, and vigor (e.g., lower-gradient streams and broad floodplains, elevated subsurface groundwater table, and perennial rivers and streams). In some areas where habitat is being restored, such as on terraced slopes above the floodplain, this may include managed irrigated systems that may not naturally flood due to their elevation above the floodplain.

b. Southwestern breeding habitat hydrologic processes – In southwestern breeding habitat, elevated summer humidity and runoff resulting from seasonal water management practices or weather patterns and precipitation (typically from North American Monsoon or other tropical weather events) provide suitable conditions for prey species production and vegetation regeneration and growth. Elevated humidity is especially important in southeastern Arizona, where cuckoos breed in intermittent and ephemeral drainages.

Threats

The primary causes for YBCU declines in the western United States are due to loss, degradation, and fragmentation of riparian habitats. The threats to riparian habitat used by YBCUs are a result of alteration of hydrology due to dams, water diversions, management of riverflow that differs from natural hydrological patterns, channelization, and levees and other forms of bank stabilization that encroach into the floodplain (USFWS, 2014c).

Range and Survey History

Within Arizona, the YBCU is found along rivers in southern and central Arizona, as well as extreme northeast portions of the state (AGFD, 2011). Statewide surveys have been conducted in Arizona at historical YBCU locations during 1998 and 1999. During these surveys, cuckoos were documented along 25 drainages, with the majority occurring along the San Pedro, Agua Fria, and Verde rivers and Sonoita and Cienega creeks (Corman and Magill, 2000). Another survey effort conducted in 2005, focused on sites along the Lower Colorado and Gila Rivers in La Paz and Yuma County. The majority of YBCU detections for this study occurred at the Colorado and Gila River confluence, Limitrophe Division North near Yuma, and the Quigley Wildlife Management Area along the Gila River (Johnson et. al., 2006). These studies have attributed the decline in western YBCU populations to habitat loss, as loss of riparian habitat in Arizona has been substantial.

Habitat Suitability Evaluation

The construction footprint and action area are not located within Critical Habitat (CH) for the YBCU. The nearest CH to the action area is approximately 30 miles east in the Peppersauce Canyon.

The construction footprint does not contain suitable nesting habitat as it lacks large contiguous patches of overstory and understory, and key riparian tree species such as cottonwood, willow, ash, sycamore, etc. for nesting. The northeastern corner of the construction footprint consists of dense mesquite bosque with a multi-layered canopy structure. The canopy primarily consists of velvet mesquite approximately eight feet

in height with a density of 90%. The subcanopy consists of desertbroom ranging from 10-30% density. The bosque is bisected by patches of saturated soils and surface water comprised of saltgrass *(Disticlis spicata)* with a density of 80% and three large tamarisk trees. In conclusion, the construction footprint and action are do not contain nesting; however, does contain potential stopover and foraging habitat. According to the AGFD, the nearest documented occurrences of YBCU are approximately 2 miles southwest along the Santa Cruz River (Tiffany Sprague, AGFD, pers. Comm. 2024).

Regarding an adequate prey base within the construction footprint and action area, the agricultural pond provides intermittent insect variety and populations within the construction footprint; therefore, supports prey base intermittently based on water manipulation in surrounding agricultural fields that would impact levels within the agricultural pond. Prey base would only be utilized by foraging YBCU as breeding habitat is not present.

The hydrologic processes within the construction footprint are lacking as the agricultural pond is stagnant and periodically manipulated for adjacent agricultural operations. No perennial or semi-perennial streams are present within the action area.

Analysis and Determination of Effects
Effects: Potential effects to YBCU from this project would include loss of potentially suitable stopover and foraging habitat due to removal of vegetation and construction noise deterring YBCUs from the action area.

Potentially suitable stopover and foraging habitat removal (approximately eight acres of mesquite bosque) will occur as part of clearing and grubbing the construction footprint to facilitate construction that would begin in fall of 2026; however, potentially suitable stopover and foraging habitat occurs beyond the action area in the Santa Cruz River.

Construction activities involved with the project will produce sustained noise levels above the average daily noise levels. The loudest construction equipment that will be used for the project is a bulldozer, which can reach 85 dBA at 50 feet from the source (FHWA 2006). The increase in activity and noise could deter the species from using the action area for stopover or foraging during construction; however, potentially suitable stopover and foraging habitat occurs beyond the action area in the Santa Cruz River.

No potential for "Take" exists (meaning that the project has no potential to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) to YBCU.

Monarch Butterfly

Status

Proposed to be listed as a threatened species (December 12, 2024) (USFWS, 2024).

Table 4- Species Summary Table (Monarch butterfly)

	Feeding		Breeding	Overwintering
	Egg, larva, pupa	Adult	Adult	Adult
Habitat	Milkweed	Blooming nectar plants	Blooming nectar plants along migration route to higher elevations and cooler temperatures	Roosting trees in groves along the coast of California and Baja California or low-elevation riparian areas in central and southern Arizona

Food Source	Milkweed	Blooming nectar plants	Blooming nectar plants; require milkweed for oviposition	Blooming nectar plants
Cover	N/A	N/A	N/A	Roosting trees provide protection from excessive sunlight and extreme weather
Temperature	Requires temperatures 53°-91° F to develop	Requires temperatures 53°-91° F to develop	Moderate temperatures	Moderate temperatures
Water	N/A	Sources must be present	More commonly found near water sources	Sources must be present
Dispersal	N/A	N/A	Throughout Arizona	Central and southern Arizona and coastline in California and Mexico
Seasonal Activity	Daily and year-round	Daily and year-round	Early Spring to Fall	Winter

Life History

Species Description and Ecology

The adult monarch butterfly is characterized by bright orange wings surrounded by a black border with white spots and covered with black veins (USFWS, 2024). There are two migratory populations in North America, separated by the Rocky Mountains: the Eastern migratory population and the Western migratory population.

Monarch butterflies are thought to have four life stages: egg, larva, pupa, and adults. Larva emerge from eggs after two to five days. Larva pupates into a pupa, which emerges 6 to 14 days later as an adult butterfly. Multiple generations of adult butterflies are produced during the breeding season, typically living two to five weeks, while overwintering migratory adults live six to nine months (USFWS, 2024).

Monarch butterflies migrate to Arizona in the spring from overwintering sites in California and Mexico. They follow the blooming of nectar plants to the north and from low to higher elevations and back between spring and fall. While the majority of monarch butterflies return to overwintering sites in the fall, some monarch butterflies remain in sheltered low-elevation riparian areas in central and southern Arizona during the winter months (USFWS, 2024).

Adult monarch butterflies eat nectar from blooming nectar plants. Common desert blooming nectar plants with high numbers of monarch butterflies observed across their range in Arizona include rubber rabbitbrush (*Ericameria nauseosa*), lateflowering thoroughwort (*Eupatorium serotinum*), common sunflower (*Helianthus annuus*), and golden crownbeard (*Verbesina encelioides*) (The Xeres Society for Invertebrate Conservation, 2018). Eggs and larval monarch butterflies are milkweed obligates; larvae feed on milkweed to sequester toxic cardenolides as a defense against predators (USFWS, 2024).

Reproduction

Monarch butterfly breeding season in Arizona typically occurs from early spring to early fall. Monarch butterflies migrating to overwintering sites in the fall enter reproductive diapause (suspended reproduction) and break reproductive diapause before migrating away from their overwintering sites in February and March. As they migrate to cooler climates, monarch butterflies breed and their offspring continue to disperse further north until they reenter reproductive diapause in the fall and begin the cycle of generational migration over again (USFWS, 2024).

Suitable Habitat

Monarch butterflies can be found throughout Arizona where blooming nectar plants are available. They also require milkweed to lay eggs and develop as larvae. Nectar and milkweed resources are often associated with riparian corridors, but are found throughout Arizona (Western Monarch Milkweed Mapper, 2017). Suitable overwintering sites protect monarch butterflies from the elements and maintain moderate temperatures that are warm enough to prevent freezing yet cool enough to prevent lipid depletion. In Arizona, monarch butterflies may overwinter in low desert washes (USFWS, 2024).

Threats

Primary threats to monarch butterfly include habitat loss, continued exposure to insecticides, and effects of climate change. Urban, agricultural, and industrial development have resulted in significant loss and degradation of the species habitat. Other factors causing the loss or alteration of monarch butterfly habitat include intensive herbicide usage for weed control which has resulted in widespread milkweed eradication. Additional threats to the species include disease and parasitism: specifically, a protozoan parasite *Ophryocystis elektroscirrha*, which decreases survival and fitness in the monarch (USFWS, 2024).

Range and Survey History

Monarch butterfly populations have been declining at overwintering sites in both the Eastern and Western migratory populations. Non-migratory populations inside and outside of North America are considered extant. Milkweed and monarch have been documented throughout Arizona (Western Monarch Milkweed Mapper, 2017). Based on available data, the current range and distribution for the species is largely the same as was historically documented. No population extirpations or range reductions have been documented in Arizona (USFWS, 2024).

Habitat Suitability Evaluation

The construction footprint and action area contain vegetation suitable as food or stopover habitat, including desertbroom and velvet mesquite. According to AGFD, the are documented occurrences within three miles of the construction footprint. According to the Western Monarch Mapper, the nearest documented monarch butterfly breeding observation is over 16 miles from the construction footprint and the nearest documented milkweed occurrence is over 12 miles away from the construction footprint (Western Monarch Milkweed Mapper, 2017).

Analysis and Determination of Effects

Impacts: Potential impacts to monarch butterfly from this project would include removal of suitable stopover and foraging habitat.

Approximately 19 acres of vegetation, including trees, shrubs, and groundcover will be removed during construction of this project. Nectar plants observed during field reconnaissance include velvet mesquite and desert broom. No milkweed was observed within the construction footprint.

To summarize, the construction footprint contains suitable stopover and foraging habitat that will be removed. However, there is suitable stopover and foraging habitat beyond the construction footprint within the action area and beyond. Therefore, impacts are discountable.

No potential for "Take" exists (meaning that the project has no potential to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) to monarch butterfly.

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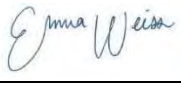
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COORDINATION

During the environmental review process, the following were scoped for species concerns:

- AGFD On-Line Environmental Review Tool Report accessed on 12/17/2024 and is recorded under Project ID: HGIS- 23838 (**Appendix B**).
- USFWS IPaC system accessed on 01/14/2025 and is recorded under Consultation Code: 2025-0042163 (**Appendix B**).

SIGNATURES

Prepared By
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Date

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APPENDIX A

Other Federal and State Sensitive Species, Protected Native Plants, and Migratory Bird Treaty Act

OTHER FEDERAL AND STATE SENSITIVE SPECIES

Kimley-Horn accessed the AGFD Online Environmental Review Tool (OERT) report on December 17, 2025. The AGFD OERT listed the western burrowing owl (*Athene cinicularia hypugaea*), yellow-billed cuckoo (*Coccyzus americanus*), and southwestern willow flycatcher (*Empidonax traillii extimus*) within three miles of the project. The yellow-billed cuckoo was analyzed in detail. The western burrowing owl and southwestern willow flycatcher are evaluated below in **Table 5.**

Table 5. Other Federal and State Sensitive Species

Common Name	Scientific Name	Status	Occupied Habitat Present?	Suitable Habitat Present?	Suitable Habitat Affected?	Species Potentially Affected?
Birds						
Western burrowing owl	*Athene cunicularia hypugaea*	SC, SGCN 2	No	Yes	Yes	No
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	ESA LE, SGCN 1	No	Yes	Yes	No
Status Definitions: SC = species of concern, SGCN = Species of Greatest Conservation Need, ESA = Endangered Species Act, LE = Listed Endangered						

Western burrowing owl (*Athene cunicularia hypugaea*)

The western burrowing owl is listed as a species of concern by the USFWS and a Tier 2 SGCN by the AGFD. They are also protected federally by the MBTA and Arizona State Law (ARS Title 17). The western burrowing owl utilizes well drained grasslands, steppes, deserts, prairies, and agricultural lands, often associated with burrowing mammals. Western burrowing owls are known to occupy vacant lots near human habitation, golf courses, and/or airports (AGFD 2022).

According to AGFD's habitat suitability model, on average 99% of the habitat within the project limits is potentially suitable for the western burrowing owl. During field reconnaissance, no western burrowing owls were observed; however, suitable burrows and suitable habitat (primarily along agricultural ditches) are present within the project limits. Additionally, according to the AGFD, the nearest documented occurrence was adjacent to the project limits (Tiffany Sprague, AGFD, pers. Comm. 2024). Therefore, mitigation measures will be required.

Since there is a high probability for burrowing owls onsite we recommend conducting and initial protocol survey ~120 days prior to construction. Assuming owls are documented, we recommend obtaining a project specific permit from USFWS to allow for relocation of owls ~30 days prior to construction. Lastly, we recommend a final preconstruction survey less than 30 days from construction to ensure owls have not inhabited the site post-relocation.

Developer Responsibility:

- ***The Developer will employ a biologist to complete a pre-construction survey for burrowing owls prior to construction in all suitable habitats that will be disturbed. The biologist shall possess a burrowing owl survey protocol training certificate issued by the Arizona Game and Fish Department.***

Contractor Responsibilities:

- ***Prior to construction, all personnel who will be on-site, including, but not limited to, contractors, Contractors' employees, supervisors, inspectors, and subcontractors shall review the attached "Western Burrowing Owl Awareness" flyer.***
- ***If any burrowing owls or active burrows are identified the contractor shall notify the Developer immediately. No construction activities shall take place within 100 feet of any active burrow.***
- ***If the Developer in cooperation with the Biologist determines that burrowing owls cannot be avoided, the contractor shall employ a qualified biologist holding a permit from the U.S. Fish and Wildlife Service to relocate burrowing owls from the project area, as appropriate.***

Southwestern Willow Flycatcher

Status

Endangered (60 FR 10695; February 27, 1995) with Designated Critical Habitat (78 FR 343; January 03, 2013).

Table 6 – Species Summary Table (Southwestern willow flycatcher)

	Feeding		Breeding	Sheltering	
	Juvenile	Adult	Adult	Juvenile	Adult
Habitat	Tightly woven, open-cup nest	Within and above canopy, patch edges, openings, above water	Dense riparian vegetation near permanent or semi-permanent sources of water or saturated soil	Tightly woven, open-cup nest	Dense riparian vegetation near permanent or semi-permanent sources of water or saturated soil
Prey	Small-medium sized insects	Small-medium sized insects	Small-medium sized insects	N/A	N/A
Perches	2-7 meters above the ground in dense riparian vegetation	2-7 meters above the ground in dense riparian vegetation	Males establish breeding territories from favored tall perches 2-7 meters above the ground	2-7 meters above the ground in dense riparian vegetation	2-7 meters above the ground in dense riparian vegetation
Cover	In nest in ~50-100% tree or shrub canopy	Openings in territories, along patch edges, and above water near dense cover	~50-100% tree or shrub canopy	In nest in ~50-100% tree or shrub canopy	~50-100% tree or shrub canopy
Temperature	N/A	N/A	N/A	N/A	N/A
Lighting	N/A	N/A	N/A	N/A	N/A
Moisture	N/A	N/A	N/A	N/A	N/A

	Feeding		Breeding	Sheltering	
	Juvenile	Adult	Adult	Juvenile	Adult
Sound	N/A	N/A	Prefer secluded areas with little human-related noise disturbance	N/A	N/A
Water	N/A	May hunt above water	Important for breeding territories	N/A	N/A
Dispersal	N/A	0.1 hectare -70 hectares	0.1 hectare -70 hectares	N/A	N/A
Seasonal Activity	Fed by parents after hatching from late April to mid-June	N/A	Migrate to southwestern United States in late April to mid-June to breed	Migrate to wintering grounds approximately two weeks after their parents in early August	Migrate to breeding habitat late April to mid-June. Migrate to wintering grounds early August-September

Life History

Species Description and Ecology

The southwestern willow flycatcher (SWFL) is a small songbird approximately 15 centimeters long with a grayish-green back and wings, whitish throat, and light grey-olive breast, and pale yellowish belly. They have two white wingbars with a dark upper mandible and a light yellowish lower mandible. SWFLs are distinguished from other flycatchers by its primary song, a sneezy "fitz-bew" (USFWS, 2002).

SWFLs are neotropical migratory birds that winter in Central America and migrate north to breed in the U.S. and Canada during summer. Collectively, SWFLs spend the majority of their time in wintering grounds and migrating to and from wintering grounds, with only a small amount of time spent within the U.S. These birds typically arrive at breeding sites in Arizona from late April to mid-June. Males generally arrive before females and claim territories by constantly singing at favored, tall perches within the territory. SWFLs are strongly territorial and usually occupy the same breeding territories year after year. SWFLs begin their southward migration in early August through September. During their northward or southward migration, SWFLs will stop at food-rich stopover locations in order to replenish their energy reserves (USFWS, 2002; USFWS, 2013).

As the name implies, flycatchers predominantly consume flies (Diptera), and other small-medium sized insects including wasps and bees (Hymenoptera), beetles (Coleoptera), butterflies/moths and caterpillars (Lepidoptera), and spittlebugs (Homoptera). They are considered insect generalists and consume whatever insects are available along their migration routes, stopover locations, and breeding territories. They forage within and above the canopy, along patch edges, in openings within their territories, above water, and glean from tall trees as well as herbaceous ground cover (USFWS, 2002).

Reproduction

From late April to mid-June, male SWFLs establish their breeding territories prior to the arrival of females. Females arrive approximately one to two weeks later; pairs establish, and mating begins. Females build a tightly woven, open-cup nest, typically in tight forks of the substrate tree over the course of 4-7 days. Nests are typically placed 2-7 meters above the ground, but the nest placement can vary on the height of the nest plant, overall canopy height, and/or the height of the vegetation strata (USFWS, 2002).

Female flycatchers lay an average of three eggs, which generally hatch in 12 days. Young SWFLs typically fledge 12 days after hatching, though fledglings remain dependent on parents for food for approximately 2 weeks. Only the female incubates the eggs, although both parents feed nestlings and fledglings. Fledglings likely leave the breeding areas a week or two after the adults in early August (USFWS, 2002).

Suitable Habitat

Suitable breeding habitat for SWFL includes dense riparian vegetation near a permanent or semi-permanent water source or saturated soils throughout the southwestern U.S. below 8,530 feet in elevation. Although breeding SWFLs are riparian obligates, non-riparian habitats and riparian habitat not suitable for breeding are important during migration. They are used by SWFLs as stopover locations which are important to their survival, health, and productivity. These stopover locations generally occur along major drainages in the southwest, and may include riparian habitats without an understory, non-riparian areas with high food concentrations, or within linear patches that are too small or short (USFWS, 2013; USFWS, 2014a).

Physical or biological features (PBFs) essential to SWFL habitat were identified as two distinct habitat elements, riparian vegetation structure and availability of prey populations. The PBFs that were identified in the 2013 Designation for SWFL include:

1. *Riparian vegetation.* Riparian habitat along a dynamic river or lakeside in a natural or manmade successional environment (for nesting, foraging, migration, dispersal, and shelter) that is comprised of trees and shrubs (that can include Goodding's willow, coyote willow, Geyer's willow, arroyo willow, red willow, yewleaf willow, Pacific willow, boxelder, saltcedar, Russian olive, buttonbush, cottonwood, stinging nettle, alder, velvet ash, poison hemlock, blackberry, seep willow, oak, rose, sycamore, false indigo, Pacific poison ivy, grape, Virginia creeper, Siberian elm, and walnut) and some combination of:

    b) Dense riparian vegetation with thickets of trees and shrubs that can range in height from 2-30 meters. Lower stature thickets are found at higher elevation riparian forest and tall-stature thickets are found at middle-and lower elevation riparian forests commonly associated with designated critical habitat

    c) Areas of dense riparian foliage at least from the ground level up to approximately 4 meters above ground or dense foliage only at the shrub or tree level as a low, dense canopy

    d) Sites for nesting that contain a dense (~50-100%) tree or shrub canopy

    e) Dense patches of riparian forest that is interspersed with small openings of open water or marsh or areas with shorter and sparser vegetation that creates a variety of habitat that is not uniformly dense. Patch size may be as small as 0.1 hectare or as large as 70 hectares

2. *Insect prey populations*. A variety of insect prey populations found within or adjacent to riparian floodplains or moist environments, which can include: flying ants, wasps, and bees (Hymenoptera); dragonflies (Odonata); flies (Diptera); true bugs (Hemiptera); beetles (Coleoptera); butterflies, moths, and caterpillars (Lepidoptera); and spittlebugs (Homoptera).

<u>Threats</u>

The primary cause of the flycatcher's decline is the loss and modification of habitat due to water management and land use practices. These practices have impacted riparian ecosystems by lowering levels of flowing water and groundwater; interrupting natural hydrological events and cycles; physically modifying streams; directly removing riparian vegetation; and increasing the amount fire events. Specific

actions or phenomena that represent the ongoing and increasing significant threats to flycatchers, their habitat, and recovery include ground water pumping and diversion, the introduction and spread of the saltcedar leaf beetle, urbanization, agriculture, and climate change (USFWS, 2014a).

Range and Survey History

SWFLs occur throughout Arizona along major waterways where dense riparian vegetation is present. They occur at various elevations, but typically stay below 8,530 feet. They have been documented along portions of the Colorado River, Salt River, Verde River, Bill Williams River, San Pedro River, Gila River, and San Francisco River.

Designated critical habitat was finalized in 2013 and established three Recovery Units within Arizona, including the Upper Colorado Recovery Unit, the Lower Colorado Recovery Unit, and the Gila Recovery Unit. The Upper Colorado Recovery Unit encompasses northeastern Arizona and a small portion of northern Arizona. There is no designated critical habitat within the Upper Colorado Recovery Unit in Arizona. The Lower Colorado Recovery Unit spans the entire midsection of the state from the Arizona-New Mexico Border over to the mainstem of the Colorado River within the Grand Canyon and its tributaries. This recovery unit also includes the western border of the state, following the Colorado River downstream to the Mexican Border. Critical habitat is designated within the Lower Colorado Recovery Unit along stream segments of the Little Colorado River, the west fork of the Little Colorado River, the Virgin River, the Big Sandy River, the Bill Williams River, the Santa Maria Rivers, and Alamo Lake. Lastly, the Gila Recovery Unit includes the Gila River Watershed from southeastern Arizona through central and southern Arizona towards the Colorado River. The Gila Recovery Unit includes designated habitat along segments of the Verde River, Salt River, Tonto Creek, Gila River, San Pedro River, San Francisco River, and Hassayampa River (USFWS, 2013). The Recovery Units are divided into smaller sections classified as Management Units. Each Management Unit has detailed information pertaining to known breeding territories from historic and recent survey data (USFWS, 2014a). Surveys for this species are currently ongoing across federal and state agencies including the UWSFW, the U.S. Geological Survey (USGS), the U.S. Forest Service (USFS), the BOR, and the AGFD, to name a few.

Habitat Suitability Evaluation

The construction footprint and action area are not located within CH for the SWFL. The nearest CH to the action area is approximately 40 miles east along the San Pedro River.

The construction footprint and action area do not contain suitable nesting habitat as it lacks species diversity, tall stature thickets, and has few trees associated with nesting habitat. Although dense foliage is present, it primarily consists of mesquite. There are no riparian shrub species present. The canopy primarily consists of velvet mesquite approximately eight feet in height with a density of 90%. The subcanopy consists of desertbroom ranging from 10-30% density. The bosque is bisected by patches of saturated soils and surface water and three large tamarisks are present. In conclusion, the construction footprint and action area do not contain suitable nesting habitat; however, do contain stopover and foraging habitat. According to AGFD, documented occurrences are approximately 2 miles west, southwest, and south of the construction footprint along the Santa Cruz River (Tiffany Sprague, AGFD, pers. Comm. 2024).

Regarding an adequate prey base within the construction footprint and action area, the agricultural pond provides seasonal insect variety and populations within the construction footprint; therefore, supports prey base intermittently based on water manipulation in surrounding agricultural fields that would impact levels within the agricultural pond. Prey base would only be utilized by foraging SWFL as breeding habitat is not present.

Analysis and Determination of Effects

Effects: Potential effects to SWFL from this project would include loss of suitable stopover and foraging habitat due to removal of vegetation and construction noise deterring SWFLs from the action area.

Potentially suitable stopover habitat removal (approximately eight acres of mesquite bosque) will occur as part of clearing and grubbing the construction footprint to facilitate construction that would begin in fall of 2026; however, potentially suitable stopover and foraging habitat occurs beyond the action area in the Santa Cruz River.

Construction activities involved with the project will produce sustained noise levels above the average daily noise levels. The loudest construction equipment that will be used for the project is a bulldozer, which can reach 85 dBA at 50 feet from the source (FHWA 2006). The increase in activity and noise could deter the species from using the action area for stopover or foraging during construction; however, potentially suitable stopover and foraging habitat occurs beyond the action area in the Santa Cruz River.

No potential for "Take" exists (meaning that the project has no potential to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) to SWFL.

PROTECTED NATIVE PLANTS

Protected native plants within the project limits include velvet mesquite and blue paloverde. Native plants will be removed as part of the project; therefore, the following mitigation measure should be implemented.

Contractor Responsibility:

- **Protected native plants within the project limits may be impacted by this project; therefore, the Developer will determine if Arizona Department of Agriculture notification is needed. If notification is needed, the Developer will send the notification at least 60 (sixty) calendar days prior to the start of construction.**

MIGRATORY BIRD TREATY ACT

Migratory birds may nest on the ground, on structures, or in trees, shrubs, or other vegetation within the project limits. No nests were observed during the site visit; however, trees, shrubs, and groundcover suitable for nesting will be removed. Therefore, the following mitigation measure should be implemented:

Contractor Responsibility:

- **If vegetation clearing will occur during the migratory bird breeding season (March 1 - August 31), the contractor shall avoid any active bird nests. If the active nests cannot be avoided, the contractor shall notify the Engineer to evaluate the situation. During the non-breeding season (September 1 - February 28) vegetation removal is not subject to this restriction.**

APPENDIX B

AGFD On-line Environmental Review Tool and U.S. Fish and Wildlife Service Arizona Ecological Services Field Office Official Species List

Arizona Environmental Online Review Tool Report

Arizona Game and Fish Department Mission
To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

The Department requests further coordination to provide project/species specific recommendations. Please use the Project Evaluation Form to submit your project to the Project Evaluation Program at PEP@azgfd.gov.

[redacted]

Project Type:
Development Outside Municipalities (Rural Development), Commercial/industrial (mall) and associated infrastructure, New construction or expansion

Project ID:
HGIS-23838

Project Description:
Proposed Data Center

Contact Person:
Grace Harwin

Organization:
Kimley-Horn

On Behalf Of:
OTHER

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. Arizona Wildlife Conservation Strategy (AWCS), specifically Species of Greatest Conservation Need (SGCN), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

Locations Accuracy Disclaimer:
Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

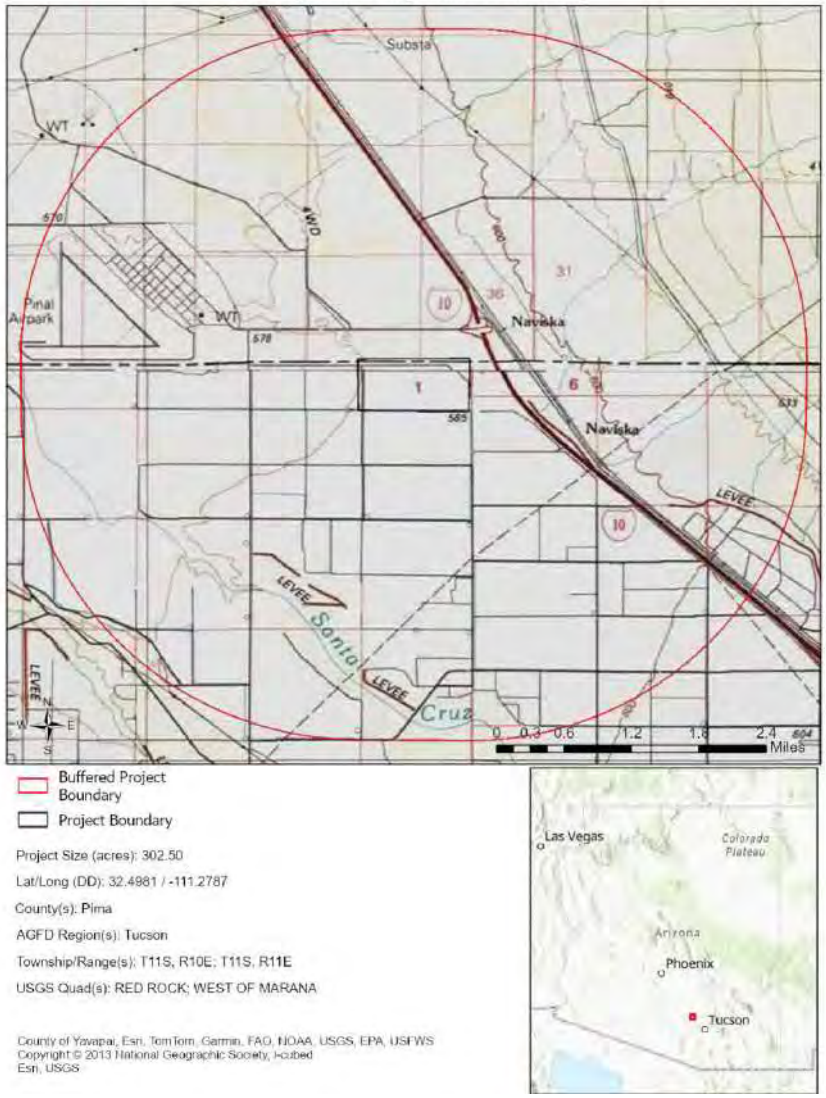
Recommendations Disclaimer:

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
   Project Evaluation Program, Habitat Branch
   Arizona Game and Fish Department
   5000 West Carefree Highway
   Phoenix, Arizona 85086-5000
   Phone Number: (623) 236-7600
   Fax Number: (623) 236-7366
   Or
   PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies.

Arizona Game and Fish Department
Project ID: HGIS-23838
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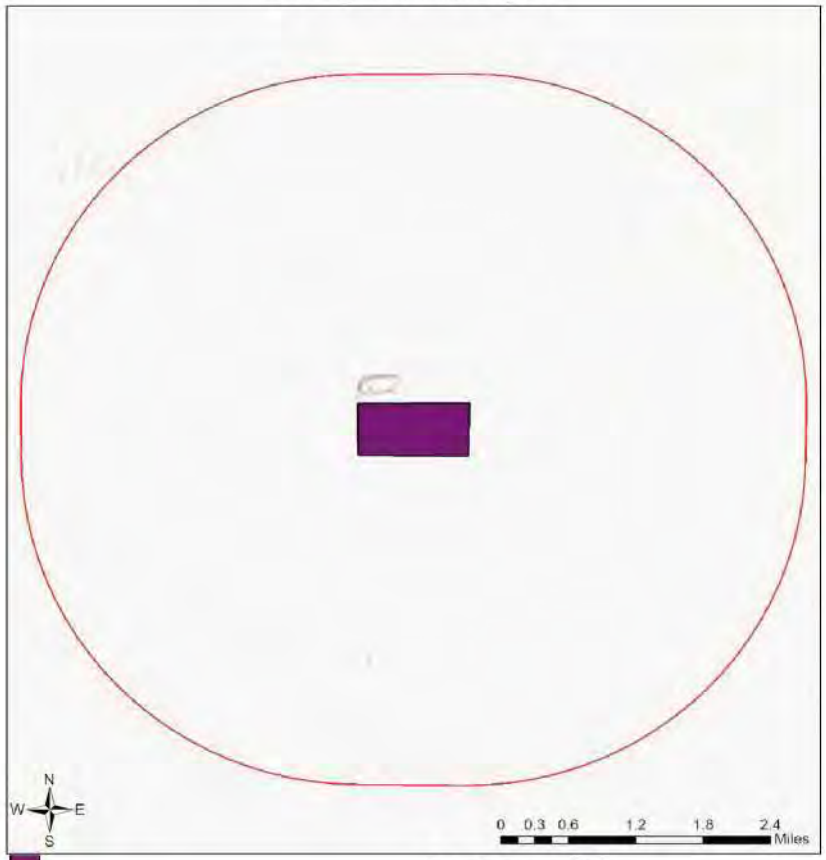
Beale Jaguar West

USA Topo Basemap With Locator Map



Beale Jaguar West

Web Map As Submitted By User



Buffered Project Boundary
Project Boundary

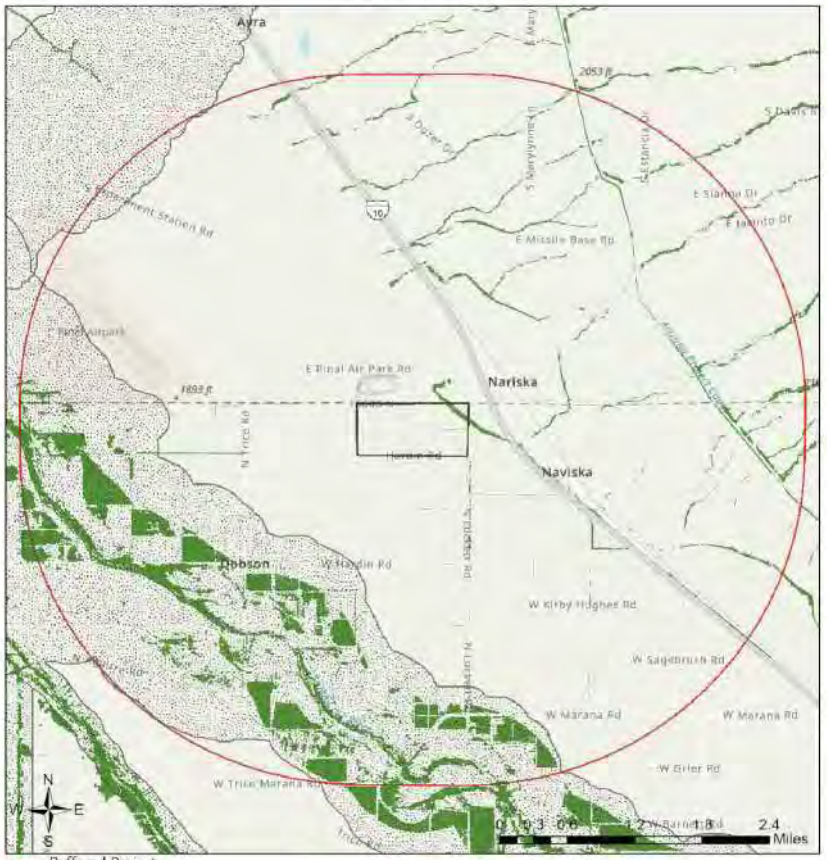
Project Size (acres): 302.50
Lat/Long (DD): 32.4981 / -111.2787
County(s): Pima
AGFD Region(s): Tucson
Township/Range(s): T11S, R10E; T11S, R11E
USGS Quad(s): RED ROCK; WEST OF MARANA

Esri, NASA, NGA, USGS, FEMA

Arizona Game and Fish Department
Project ID: HGIS-23838
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Beale Jaguar West

Important Areas



Buffered Project Boundary
Project Boundary
Important Bird Areas
Critical Habitat
Pinal County Riparian
Wildlife Connectivity

Project Size (acres): 302.50
Lat/Long (DD): 32.4981 / -111.2787
County(s): Pima
AGFD Region(s): Tucson
Township/Range(s): T11S, R10E; T11S, R11E
USGS Quad(s): RED ROCK; WEST OF MARANA

CONANP, Esri, TomTom, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS
Esri, NASA, NGA, USGS, FEMA

Beale Jaguar West

Township/Ranges and Land Ownership



- Buffered Project Boundary
- Project Boundary
- AZ Game & Fish Dept.
- BLM
- BOR
- Indian Res.
- Military
- Mixed/Other
- National Park/Mon.
- Private
- State & Regional Parks
- State Trust
- US Forest Service
- Wildlife Area/Refuge
- Township/Ranges

Project Size (acres): 302.50
Lat/Long (DD): 32.4981 / -111.2787
County(s): Pima
AGFD Region(s): Tucson
Township/Range(s): T11S, R10E; T11S, R11E
USGS Quad(s): RED ROCK; WEST OF MARANA

CONANP, Esri, TomTom, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS
Esri, NASA, NGA, USGS, FEMA

Special Status Species Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Agelaius phoeniceus	Red-winged Blackbird					2
Amphispiza bilineata	Black-throated Sparrow					2
Aphelocoma woodhouseii	Woodhouse's Scrub-Jay					2
Athene cunicularia hypugaea	Western Burrowing Owl	SC	S	S		2
Auriparus flaviceps	Verdin					2
Bat Colony						
Buteo regalis	Ferruginous Hawk	SC		S		2
Buteo swainsoni	Swainson's Hawk					2
Calamospiza melanocorys	Lark Bunting					2
Calypte costae	Costa's Hummingbird					2
Camptostoma imberbe	Northern Beardless-Tyrannulet		S			2
Campylorhynchus brunneicapillus	Cactus Wren					2
Cardinalis sinuatus	Pyrrhuloxia					2
Catharus guttatus	Hermit Thrush					2
Catharus ustulatus	Swainson's Thrush					2
Charadrius vociferus	Killdeer					2
Chilomeniscus cinctus	Variable Sandsnake					2
Circus hudsonius	Northern Harrier					2
Coccyzus americanus	Yellow-billed Cuckoo (Western DPS)	LT	S	S		1
Columbina inca	Inca Dove					2
Contopus cooperi	Olive-sided Flycatcher	SC				2
Contopus sordidulus	Western Wood-Pewee					2
Corvus cryptoleucus	Chihuahuan Raven					2
Cynanthus latirostris	Broad-billed Hummingbird		S			2
Dendrocygna autumnalis	Black-bellied Whistling-Duck					2
Empidonax traillii extimus	Southwestern Willow Flycatcher	LE		S		1
Empidonax wrightii	Gray Flycatcher					2
Eremophila alpestris	Horned Lark					2
Euphagus cyanocephalus	Brewer's Blackbird					2
Falco mexicanus	Prairie Falcon					2
Falco peregrinus anatum	American Peregrine Falcon	SC	S	S		1
Falco sparverius	American Kestrel					2
Geothlypis tolmiei	MacGillivray's Warbler					2
Icterus bullockii	Bullock's Oriole					2
Icterus cucullatus	Hooded Oriole					2
Incilius alvarius	Sonoran Desert Toad					2
Lanius ludovicianus	Loggerhead Shrike	SC				2
Lepus alleni	Antelope Jackrabbit					2
Melanerpes uropygialis	Gila Woodpecker					2

Special Status Species Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Melospiza lincolnii	Lincoln's Sparrow					2
Melozone aberti	Abert's Towhee		S			2
Melozone fusca	Canyon Towhee					2
Myotis velifer	Cave Myotis	SC		S		2
Oreoscoptes montanus	Sage Thrasher					2
Parabuteo unicinctus	Harris's Hawk					2
Passerculus sandwichensis	Savannah Sparrow					2
Peucaea carpalis	Rufous-winged Sparrow					2
Phrynosoma solare	Regal Horned Lizard					2
Phyllorhynchus browni	Saddled Leaf-nosed Snake					2
Pooecetes gramineus	Vesper Sparrow					2
Selasphorus platycercus	Broad-tailed Hummingbird					2
Setophaga nigrescens	Black-throated Gray Warbler					2
Spizella breweri	Brewer's Sparrow					2
Toxostoma bendirei	Bendire's Thrasher					2

Note: Status code definitions can be found at https://www.azgfd.com/wildlife-conservation/on-the-ground-conservation/state-wildlife-action-plan/state-wildlife-action-plan-status-definitions/.

Special Areas Documented that Intersect with Project Footprint as Drawn

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Riparian Area	Riparian Area					

Note: Status code definitions can be found at https://www.azgfd.com/wildlife-conservation/on-the-ground-conservation/state-wildlife-action-plan/state-wildlife-action-plan-status-definitions/.

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Ammodramus savannarum perpallidus	Western Grasshopper Sparrow					2
Ammospermophilus harrisii	Harris' Antelope Squirrel					2
Anthus spragueii	Sprague's Pipit	SC				2
Aquila chrysaetos	Golden Eagle			S		2
Artemisiospiza nevadensis	Sagebrush Sparrow					3
Asio otus	Long-eared Owl					2
Athene cunicularia hypugaea	Western Burrowing Owl	SC	S	S		2
Auriparus flaviceps	Verdin					2
Botaurus lentiginosus	American Bittern					2
Buteo regalis	Ferruginous Hawk	SC		S		2
Buteo swainsoni	Swainson's Hawk					2

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Calcarius ornatus	Chestnut-collared Longspur					2
Calypte costae	Costa's Hummingbird					2
Campylorhynchus brunneicapillus	Cactus Wren					2
Catharus ustulatus	Swainson's Thrush					2
Charadrius montanus	Mountain Plover	SC				2
Chilomeniscus cinctus	Variable Sandsnake					2
Coccyzus americanus	Yellow-billed Cuckoo (Western DPS)	LT	S	S		1
Colaptes chrysoides	Gilded Flicker			S		2
Columbina inca	Inca Dove					2
Corynorhinus townsendii pallescens	Pale Townsend's Big-eared Bat	SC	S	S		1
Cynanthus latirostris	Broad-billed Hummingbird		S			2
Empidonax wrightii	Gray Flycatcher					2
Eumops perotis californicus	Greater Western Bonneted Bat	SC		S		2
Falco mexicanus	Prairie Falcon					2
Falco peregrinus anatum	American Peregrine Falcon	SC	S	S		1
Falco sparverius	American Kestrel					2
Glaucidium brasilianum cactorum	Cactus Ferruginous Pygmy-owl	LT	S	S		1
Gopherus morafkai	Sonoran Desert Tortoise	CCA	S	S		1
Heloderma suspectum	Gila Monster					1
Icterus cucullatus	Hooded Oriole					2
Incilius alvarius	Sonoran Desert Toad					2
Lanius ludovicianus	Loggerhead Shrike	SC				2
Lasiurus cinereus	Hoary Bat					2
Lasiurus frantzii	Desert Red Bat		S			2
Lasiurus xanthinus	Western Yellow Bat		S			2
Lepus alleni	Antelope Jackrabbit					2
Macrotus californicus	California Leaf-nosed Bat	SC		S		2
Megascops kennicottii	Western Screech-owl					2
Melanerpes uropygialis	Gila Woodpecker					2
Melospiza lincolnii	Lincoln's Sparrow					2
Melozone aberti	Abert's Towhee		S			2
Micrathene whitneyi	Elf Owl					3
Myotis velifer	Cave Myotis	SC		S		2
Myotis yumanensis	Yuma Myotis	SC				2
Nyctinomops femorosaccus	Pocketed Free-tailed Bat					2
Nyctinomops macrotis	Big Free-tailed Bat	SC				2
Parabuteo unicinctus	Harris's Hawk					2
Passerculus sandwichensis	Savannah Sparrow					2
Peucaea carpalis	Rufous-winged Sparrow					2

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Phrynosoma solare	Regal Horned Lizard					2
Phyllorhynchus browni	Saddled Leaf-nosed Snake					2
Pooecetes gramineus	Vesper Sparrow					2
Progne subis hesperia	Desert Purple Martin			S		2
Rana yavapaiensis	Lowland Leopard Frog	SC	S	S		1
Spizella breweri	Brewer's Sparrow					2
Tadarida brasiliensis	Brazilian Free-tailed Bat					2
Toxostoma bendirei	Bendire's Thrasher					2

Species of Economic and Recreation Importance Predicted that Intersect with Project Footprint as Drawn

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Callipepla gambelii	Gambel's Quail					
Pecari tajacu	Javelina					
Puma concolor	Mountain Lion					
Zenaida asiatica	White-winged Dove					
Zenaida macroura	Mourning Dove					

Project Type: Development Outside Municipalities (Rural Development), Commercial/industrial (mall) and associated infrastructure, New construction or expansion

Project Type Recommendations:
During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/planning-for-wildlife-wildlife-friendly-guidelines/.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects and pathogens. Precautions should be taken to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. See the Arizona Department of Agriculture website for a list of prohibited and restricted noxious weeds at https://www.invasivespeciesinfo.gov/unitedstates/az.shtml and the Arizona Native Plant Society https://aznps.com/invas for recommendations on how to control. To view a list of documented invasive species or to report invasive species in or near your project area visit iMapInvasives - a national cloud-based application for tracking and managing invasive species at https://imap.natureserve.org/imap/services/page/map.html.

- To build a list: zoom to your area of interest, use the identify/measure tool to draw a polygon around your area of interest, and select "See What's Here" for a list of reported species. To export the list, you must have an account and be logged in. You can then use the export tool to draw a boundary and export the records in a csv file.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herpetofauna (snakes, lizards, tortoise) from entering ditches.

Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors, and the incorporation of these critical wildlife components into the community plans and programs. Community planners should identify open spaces and habitat blocks that can be maintained in their area, and the necessary connections between those blocks to be preserved or protected. Community planners should also work with State and local transportation planning entities, and planners from other communities, to foster coordination and cooperation in developing compatible development plans to ensure wildlife habitat connectivity. The Department's guidelines for incorporating wildlife considerations into community planning and developments can be found on the Wildlife Friendly Guidelines portion of the Wildlife Planning page at https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/planning-for-wildlife-wildlife-friendly-guidelines/.

Development plans should provide for open natural space for wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please contact Project Evaluation Program for more information on living with urban wildlife at PEP@azgfd.gov or at https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/project-evaluation-program/ and https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/planning-for-wildlife-wildlife-friendly-guidelines/.

Project Location and/or Species Recommendations:
HDMS records indicate that one or more **Listed, Proposed, or Candidate** species or **Critical Habitat** (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at https://www.fws.gov/office/arizona-ecological-services or:

Phoenix Main Office
9828 North 31st Avenue #C3
Phoenix, AZ 85051-2517
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office
201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office
SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

This review has identified **riparian areas** within the vicinity of your project. During the planning stage of your project, avoid, minimize, or mitigate any potential impacts to riparian areas identified in this report. Riparian areas play an important role in maintaining the functional integrity of the landscape, primarily by acting as natural drainages that convey water through an area, thereby reducing flood events. In addition, riparian areas provide important movement corridors and habitat for fish and wildlife. Riparian areas are channels that contain water year-round or at least part of the year. Riparian areas also include those channels which are dry most of the year, but may contain or convey water following rain events. All types of riparian areas offer vital habitats, resources, and movement corridors for wildlife. The Pinal County Comprehensive Plan (i.e. policies *6.1.2.1* and *7.1.2.4*), Open Space and Trails Master Plan, Drainage Ordinance, and Drainage Design Manual all identify riparian area considerations, guidance, and policies. Guidelines to avoid, minimize, or mitigate impacts to riparian habitat can be found at https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/planning-for-wildlife-wildlife-friendly-guidelines/. Further consultation with the Arizona Game and Fish Department and Pinal County may be warranted.

HDMS records indicate that **Western Burrowing Owls** have been documented within the vicinity of your project area. Please review the western burrowing owl resource page at https://www.azgfd.com/wildlife-conservation/conservation-and-endangered-species-programs/burrowing-owl-management/.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Arizona Ecological Services Field Office
9828 North 31st Ave
#c3
Phoenix, AZ 85051-2517
Phone: (602) 242-0210 Fax: (602) 242-2513

In Reply Refer To: 01/14/2025 21:35:22 UTC
Project Code: 2025-0042163
Project Name: Jaguar

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The Fish and Wildlife Service (Service) is providing this list under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The list you have generated identifies threatened, endangered, proposed, and candidate species, and designated and proposed critical habitat, that *may* occur within the One-Range that has been delineated for the species (candidate, proposed, or listed) and it's critical habitat (designated or proposed) with which your project polygon intersects. These range delineations are based on biological metrics, and do not necessarily represent exactly where the species is located. Please refer to the species information found on ECOS to determine if suitable habitat for the species on your list occurs in your project area.

The purpose of the Act is to provide a means whereby threatened and endangered species and the habitats upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of Federal trust resources and to determine whether projects may affect federally listed species and/or designated critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.
If the Federal action agency determines that listed species or critical habitat *may be affected* by a federally funded, permitted or authorized activity, the agency must consult with us pursuant to 50 CFR 402. Note that a "may affect" determination includes effects that may not be adverse and that may be beneficial, insignificant, or discountable. An effect exists even if only one individual

or habitat segment may be affected. The effects analysis should include the entire action area, which often extends well outside the project boundary or "footprint." For example, projects that involve streams and river systems should consider downstream affects. If the Federal action agency determines that the action may jeopardize a *proposed* species or may adversely modify *proposed* critical habitat, the agency must enter into a section 7 conference. The agency may choose to confer with us on an action that may affect proposed species or critical habitat.

Candidate species are those for which there is sufficient information to support a proposal for listing. Although candidate species have no legal protection under the Act, we recommend that they be considered in the planning process in the event they become proposed or listed prior to project completion. More information on the regulations (50 CFR 402) and procedures for section 7 consultation, including the role of permit or license applicants, can be found in our Endangered Species Consultation Handbook at: https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf.

We also advise you to consider species protected under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712) and the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668 *et seq.*). The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when authorized by the Service. The Eagle Act prohibits anyone, without a permit, from taking (including disturbing) eagles, and their parts, nests, or eggs. Currently 1,026 species of birds are protected by the MBTA, including the western burrowing owl (*Athene cunicularia hypugaea*). Protected western burrowing owls can be found in urban areas and may use their nest/burrows year-round; destruction of the burrow may result in the unpermitted take of the owl or their eggs.

If a bald eagle or golden eagle nest occurs in or near the proposed project area, our office should be contacted for Technical Assistance. An evaluation must be performed to determine whether the project is likely to disturb or harm eagles. The National Bald Eagle Management Guidelines provide recommendations to minimize potential project impacts to bald eagles (see https://www.fws.gov/law/bald-and-golden-eagle-protection-act and https://www.fws.gov/program/eagle-management).

The Division of Migratory Birds (505/248-7882) administers and issues permits under the MBTA and Eagle Act, while our office can provide guidance and Technical Assistance. For more information regarding the MBTA, BGEPA, and permitting processes, please visit the following web site: https://www.fws.gov/program/migratory-bird-permit. Guidance for minimizing impacts to migratory birds for communication tower projects (e.g. cellular, digital television, radio, and emergency broadcast) can be found at https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation.

The U.S. Army Corps of Engineers (Corps) may regulate activities that involve streams (including some intermittent streams) and/or wetlands. We recommend that you contact the Corps to determine their interest in proposed projects in these areas. For activities within a National Wildlife Refuge, we recommend that you contact refuge staff for specific information about refuge resources, please visit this link or visit https://www.fws.gov/program/national-

wildlife-refuge-system to locate the refuge you would be working in or around.

If your action is on tribal land or has implications for off-reservation tribal interests, we encourage you to contact the tribe(s) and the Bureau of Indian Affairs (BIA) to discuss potential tribal concerns, and to invite any affected tribe and the BIA to participate in the section 7 consultation. In keeping with our tribal trust responsibility, we will notify tribes that may be affected by proposed actions when section 7 consultation is initiated. For more information, please contact our Tribal Coordinator, John Nystedt, at 928/556-2160 or John_Nystedt@fws.gov.

We also recommend you seek additional information and coordinate your project with the Arizona Game and Fish Department. Information on known species detections, special status species, and Arizona species of greatest conservation need, such as the western burrowing owl and the Sonoran desert tortoise (*Gopherus morafkai*) can be found by using their Online Environmental Review Tool, administered through the Heritage Data Management System and Project Evaluation Program (https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/project-evaluation-program/).

We appreciate your concern for threatened and endangered species. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office. If we may be of further assistance, please contact our Flagstaff office at 928/556-2118 for projects in northern Arizona, our general Phoenix number 602/242-0210 for central Arizona, or 520/670-6144 for projects in southern Arizona.

Sincerely,
/s/

Heather Whitlaw
Field Supervisor
Attachment

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

Project code: 2025-0042163 01/14/2025 21:35:22 UTC

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arizona Ecological Services Field Office
9828 North 31st Ave
#c3
Phoenix, AZ 85051-2517
(602) 242-0210

PROJECT SUMMARY

Project Code: 2025-0042163
Project Name: Jaguar
Project Type: Commercial Development
Project Description: Commercial
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@32.4981293,-111.2787178537269,14z



Counties: Pima and Pinal counties, Arizona

ENDANGERED SPECIES ACT SPECIES

There is a total of 11 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Jaguar *Panthera onca* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3944	Endangered
Ocelot *Leopardus (=Felis) pardalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4474	Endangered
Sonoran Pronghorn *Antilocapra americana sonoriensis* Population: U.S.A. (AZ), Mexico No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4750	Experimental Population, Non-Essential

BIRDS

NAME	STATUS
Cactus Ferruginous Pygmy-owl *Glaucidium brasilianum cactorum* There is **final** critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1225	Threatened
California Least Tern *Sternula antillarum browni* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

REPTILES

NAME	STATUS
Sonoyta Mud Turtle *Kinosternon sonoriense longifemorale* There is **final** critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/7276	Endangered

FISHES

NAME	STATUS
Gila Chub *Gila intermedia* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/51	Endangered
Gila Topminnow (incl. Yaqui) *Poeciliopsis occidentalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1116	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

FLOWERING PLANTS

NAME	STATUS
Arizona Eryngo *Eryngium sparganophyllum* Population: There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/10705	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

1. The Bald and Golden Eagle Protection Act of 1940.
2. The Migratory Birds Treaty Act of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

THERE ARE NO BALD AND GOLDEN EAGLES WITHIN THE VICINITY OF YOUR PROJECT AREA.

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) [1] prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Avocet *Recurvirostra americana* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/11927	Breeds Apr 21 to Aug 10
Bendire's Thrasher *Toxostoma bendirei* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9435	Breeds Mar 15 to Jul 31
Costa's Hummingbird *Calypte costae* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9470	Breeds Jan 15 to Jun 10
Gila Woodpecker *Melanerpes uropygialis* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/5960	Breeds Apr 1 to Aug 31
Lawrence's Goldfinch *Spinus lawrencei* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9464	Breeds Mar 20 to Sep 20
Long-eared Owl *asio otus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds Mar 1 to Jul 15

NAME	BREEDING SEASON
Willet *Tringa semipalmata* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10669	Breeds elsewhere

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

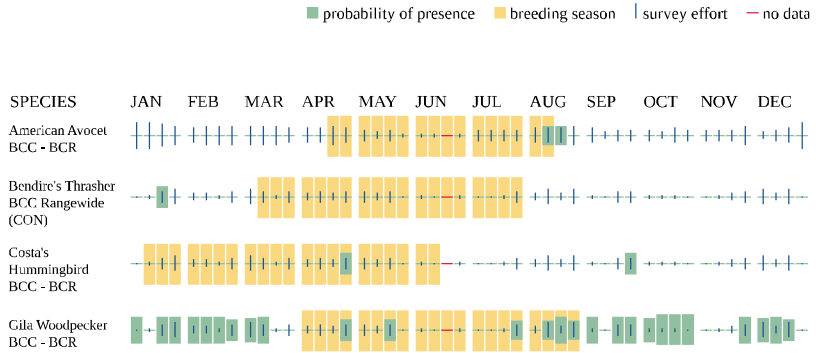
Probability of Presence (■)

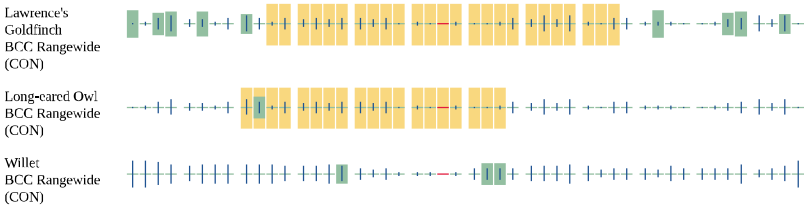
Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (–)
A week is marked as having no data if there were no survey events for that week.





Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

WETLANDS

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

RIVERINE

- R5UBFx
- R4SBC

FRESHWATER POND

- PUBF

IPAC USER CONTACT INFORMATION

Agency:	Private Entity
Name:	Grace Harwin
Address:	1661 East Camelback Road
Address Line 2:	Suite 400
City:	Phoenix
State:	AZ
Zip:	85016
Email	grace.harwin@kimley-horn.com
Phone:	6026783437

APPENDIX C

Agency Coordination

Harwin, Grace

From: Tiffany Sprague <tsprague@azgfd.gov>
Sent: Thursday, December 19, 2024 10:51 AM
To: Harwin, Grace
Cc: Pritchard, Avery
Subject: Re: Beales Jaguar West: OERT HGIS- 23838

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from tsprague@azgfd.gov. Learn why this is important

Hi, Grace. Below is the requested info. Please note that this info is based on data available in our system and likely does not provide a complete picture of species occurrence in the project vicinity. Absence of data does not equate to absence of a species. Suitable habitat for each of these species occurs in the vicinity of the project area, and the species might be present. Please also note that the information below is generalized so as to not provide specific locations; if more specific information is needed, I can provide information to request a data sharing agreement.

Western burrowing owl has been documented immediately adjacent to the project area.
Yellow-billed cuckoo has been documented within 2 mi. SW of the project area.
Southwestern willow flycatcher has been documented within 2 mi W, SW, and S of the project area.

Please let me know if you have any questions. Thanks!

Tiffany Sprague
HERITAGE DATA PROGRAM MANAGER
ARIZONA GAME AND FISH DEPARTMENT

5000 W. Carefree Highway
Phoenix, AZ 85086

OFFICE: 623.236.7222
CELL: 623.670.0750
azgfd.gov

On Wed, Dec 18, 2024 at 10:10 AM 'Harwin, Grace' via HDMS - Game and Fish <HDMS@azgfd.gov> wrote:

> Hello HDMS Team,
>
> We have a question about OERT HGIS-23838. According to the report Western burrowing owl (*Athene cunicularia hypugaea)*, yellow-billed cuckoo (*Coccyzus americanus*), and Southwestern willow

flycatcher (*Empidonax traillii extimus*) were documented within 2 miles of our project limits. We were hoping you could provide more detailed data on their proximity to our project.

Thank you!

Grace Harwin
Kimley-Horn | 1661 East Camelback Rd #400, Phoenix, AZ 85016
Direct 602-678-3437 | Mobile: 540-597-8712

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APPENDIX D

Ground Photographs

Photo No. 1



View of typical fallow agricultural fields and suitable western burrowing owl habitat within the northwest corner of the construction footprint.

Photo No. 2



View of typical fallow agricultural fields and suitable western burrowing owl habitat within the central portion of the construction footprint.

Photo No. 3



View looking toward suitable monarch butterfly foraging and stopover habitat located in the northwest corner of the construction footprint.

Photo No. 4



View of potentially suitable yellow-billed cuckoo, southwestern willow flycatcher, and monarch butterfly stopover and foraging habitat located in the northwest corner of the construction footprint.

Photo No. 5



View of potentially suitable yellow-billed cuckoo, southwestern willow flycatcher, and monarch butterfly stopover and foraging habitat located in the northwest corner of the construction footprint.

Photo No. 6



View of potentially suitable yellow-billed cuckoo, southwestern willow flycatcher, and monarch butterfly stopover and foraging habitat located in the northwest corner of the construction footprint.

APPENDIX E

Western Burrowing Owl Awareness Flyer



Western Burrowing Owl Awareness

The purpose of this flyer is to provide contractors working on projects with basic knowledge to reduce the risk of incidental take of Western Burrowing Owls.

Legal Status:

Western Burrowing Owls (*Athene cunicularia*) are protected under the Federal Migratory Bird Treaty Act of 1918. All migratory birds and their parts are fully protected. They are also protected under Arizona State Law in Title 17-101, Title 17-235, and Title 17-236.

What to look for:

- Description– small, ground-dwelling owl.
- Length– 19.5-25.0 cm (7.68-9.85 inches)
- Wingspan– 58.42 cm (23.0 inches)
- Mass– about 150 grams
- Males are typically slightly larger than females.
- Round head, lacks ear tufts.
- Distinct oval facial ruff, framed by a broad, puffy white eyebrow.
- Eyes contain a bright yellow iris.

Where are owls found?

- Dry, open, short grass, treeless plains.
- Dependent on fossorial mammals. (ground squirrels, prairie dogs, badgers, etc.) to construct burrows.
- Human dominated landscapes: golf courses, airports, agricultural fields.

Identifying an active burrow:

- Owls use burrows constructed by ground squirrels, badgers, coyotes and tortoises. They can also use pipes, culverts, and ditches.
- Presence of excrement (whitewash) near entrance to burrow.
- Burrowing owls frequently decorate entrance of burrows with cow or horse manure, feathers, vegetation and trash items.

How to avoid them:

- Scan ahead prior to arriving at a sign location.
- If burrowing owls are observed within the project area, stop and move at least 100 feet beyond the owl or occupied burrow before resuming work.

If you think your work may potentially impact a Burrowing Owl or active burrow, please stop.
Move at least 100 feet from the animal or burrow before resuming work.

Source: Arizona Game and Fish Department Animal Abstract: Western Burrowing Owl. Heritage Data Management System

APPENDIX C: Letter from CMID

Cortaro-Marana Irrigation District
Cortaro Water Users' Association

12253 West Grier Road • Marana, Arizona 85653
Telephone: (520) 682-3233 • FAX: (520) 682-3456
Office@cmidwater.com

October 10, 2025

Town of Marana
Development Services Director
Jason Angell
11555 W Civic Center Drive
Marana, AZ 85653

Re: Project: Luckett North Specific Plan ("Project"); APN 208-08-004A.

Dear Mr. Angell:

As requested by the applicant for the Project Luckett North Specific Plan located along North Luckett Road, APN 208-08-004A (the "Property"), below is information from Cortaro Water Users' Association ("CWUA"), as managing agent for Cortaro-Marana Irrigation District ("CMID") on non-potable water needs and service.

The Property is within the CMID service area and, subject to certain contingencies, CMID/CWUA is willing to provide non-potable water service to the Project. CMID/CWUA is working with the applicant on the Project and understands the applicant's operational non-potable water needs to average approximately 18 acre-feet per year (AFY), with a fire storage requirement of up to 2 acre feet. CMID/CWUA is also willing to provide non-potable construction water and landscaping water for the Project. CMID/CWUA and the applicant will be working on the non-potable water needs, required water studies, and contractual negotiations/requirements to serve the Property for their non-potable water needs.

Service to the Project is subject to water source determination and location, legal review, design and engineering requirements and limitations, and the negotiation and execution of a mutually approved service agreement.

Feel free to contact us if you need any further information regarding CMID/CWUA's provision of non-potable water for the Project.

Doug Greenland,
General Manager

APPENDIX D: Letter from Trico

TRICO
AN ENERGY COOPERATIVE

October 9, 2025

Town of Marana
Development Services Director
Jason Angell
11555 W Civic Center Drive
Marana, AZ 85653

Re: Project Luckett North Specific Plan

Dear Mr. Angell:

As requested by the application for the Project Luckett South Specific Plan located along North Luckett Road, APN 208-08-004A (the "Property"), below is information from Trico Electric Cooperative, Inc. ("TRICO") on power needs and service.

The Property is within the TRICO service area and TRICO is working with the applicant to study and potentially serve the project. TRICO is working with the applicant on the proposed data center and understands the buildable limit is between 550-750 MW, with the final capacity needs and potential of phasing that ultimate load to be determined over time. TRICO and the applicant will be working on the phased energy needs, required power studies, and contractual negotiations/requirements to serve the Property for their power needs. As you know, the Arizona Corporation Commission will ultimately need to approve the negotiated power agreements through a public process.

Please let us know if you need any further information as we believe this should satisfy the requirements for submittal and approval of the above-referenced specific plan.

Sincerely,

Brian Heithoff

CEO & General Manager

POWERED WITH PURPOSE

PO Box 930 • Marana, AZ 85653-0930 • (520) 744-2944 • (866) 337-2052 (toll free) • WWW.TRICO.COOP • A Touchstone Energy® Cooperative

Trico is an equal opportunity provider and employer.

APPENDIX E: Acoustic Report



Final Acoustic Report-Update

Luckett Road Industrial Campus - North

Marana, AZ

August 29, 2025

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Executive Summary

HDR performed a preliminary desktop code review and pre-construction background noise monitoring for the proposed Luckett Road Industrial Campus - North Project.

To determine existing background noise levels at nearby noise-sensitive receivers, HDR performed 48-hour noise measurements at three locations in proximity to Project site boundaries. The results of these measurements were used to inform Project ambient noise.

The L_{max} represents the highest root-mean-square sound pressure level during a given time period. The L_{90} level represents the sound level exceeded for 90 percent of a given time period. As such, the L_{90} level is generally considered a reasonable metric for describing the background noise level in the absence of temporary elevated noise events such as transient vehicle passbys, or plane flyovers.

The highest hourly L_{90} level was found to be 51 dBA at ML1 during the nighttime, while the quietest hourly L_{90} was found to be 31 dBA, which occurred during the daytime at ML3.

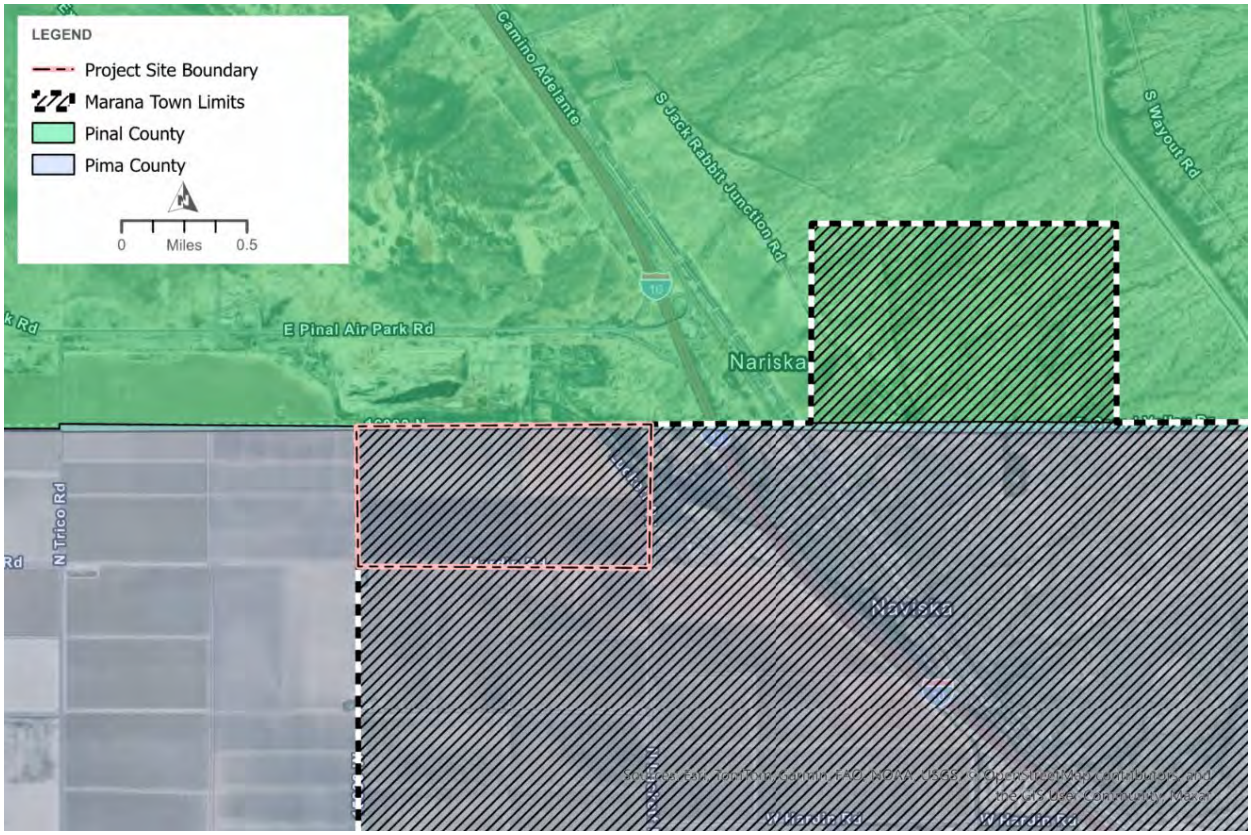
HDR identified a single existing noise sensitive area (NSA) within 1,000 feet of the Project site. This is the Arizona Veteran's Memorial Cemetery at Marana, which is located approximately 150 feet from the Project site. It is located in the Town of Marana, and zoned residential, which is subject to a 55 dBA L_{max} at the property line, according to the Town of Marana code. Note that while residentially zoned land is adjacent to the Project site, no residences have been identified within these parcels from aerial observation.

Zoning in adjacent unincorporated areas of Pinal and Pima counties are also subject to their respective county's noise limits. With the exception of the existing cemetery at the southwest corner of the site, design of the facility to current residential zoning noise limits where noise-sensitive residences do not currently exist could lead to unnecessary expenditures; conversely, designing the facility to less noise-sensitive land use limits affiliated with present land uses could lead to future unexpected noise control expenditures that may be very challenging to implement post-construction, if residential allowance were realized. Site planning should be coordinated with the various authorities having jurisdiction (AHJ) on established noise limits, planned land uses, and active permits.

1 Introduction

Luckett Road Industrial Campus - North (the Project) is a proposed data center facility planned to be constructed in the Town of Marana, Arizona. Although Marana spans portions of both Pima and Pinal Counties, the Project site is located in Pima County, with the northern property line bordering Pinal County, as shown in Figure 1. HDR has performed a preliminary environmental noise desktop review, along with noise monitoring of existing environmental background noise conditions for the Project.

Figure 1. Site Location in Marana, Arizona



2 Acoustical Concepts

Sound is comprised of tiny fluctuations in air pressure and is characterized by parameters such as amplitude, frequency, and duration. Within the range of human hearing, sound can vary in amplitude by over 1 million units. Therefore, a logarithmic scale, known as the decibel (dB) scale, is used to quantify sound intensity and to compress the scale to a more manageable range. The terms “sound” and “noise” (unwanted sound) will be used interchangeably in this report.

The human ear does not hear all frequencies equally, as the hearing organs of the inner ear de-emphasize low and very high frequencies. The A-weighting scale is the most common weighting scale used to represent this selective sensitivity of human hearing to sound pressure levels. It places more emphasis or “weight” on the frequencies we hear

effectively, and less weight on frequencies we do not hear effectively. A-weighted decibels are noted using the abbreviation dBA. Being a decibel quantity, root-mean-square (RMS) sound pressure levels are referenced 20 µPa, the accepted threshold of hearing. Table 1 lists typical A-weighted sound pressure levels for some common noise sources.

Table 1. Typical Source Noise Levels

Sound Pressure Level, dBA	Typical Sources
90	Motorcycle at 25 feet Gas lawn mower at 3 feet
80	Garbage disposal
70	City street corner Vacuum Cleaner at 10 ft.
60	Conversational speech
50	Typical office
40	Living room (without television)
30	Quiet bedroom at night
20	Approximate threshold of hearing

dBA = A-weighted sound pressure level
Source: Minnesota Pollution Control Agency, 2015 [5]

Because of the logarithmic scale, sound levels cannot be simply added or subtracted. If sound energy is doubled, the sound pressure level only increases by 3 dB. However, a doubling of sound energy is not perceived by humans as a doubling of loudness. A 3-dB change is considered a “just noticeable” difference, a 5-dB change is considered a “clearly noticeable” difference, and a 10-dB change is considered a perceived doubling or halving of loudness.

Most sounds are made up of a wide range of frequencies and are termed broadband sounds. Sounds that are focused within a particular narrow frequency range are tonal sounds. Sound sources can be constant or time-varying. Environmental sound levels are often expressed over periods of time, allowing time-varying signals to be represented by sound levels averaged over intervals (for example, a one-hour period). One metric used to describe environmental sound is the equivalent continuous sound pressure level (L_{eq}). The L_{eq} represents a constant sound that, over the specified time period, has the same acoustic energy as the time-varying signal. Another descriptor is the L_n, which is the noise level exceeded “n” percent of the time. For example, the L_{90} is the noise level that is exceeded 90 percent of a given time. For a one-hour period, this would represent the noise level exceeded for 54 minutes during that hour. The L_{max} and L_{min} represent the highest and lowest root-mean-square sound pressure levels during a given time period, respectively.

3 Preliminary Code Review

HDR conducted a preliminary desktop review of national, regional, and local authority requirements regarding noise trespass and permissible facility noise levels to surrounding land uses. To the extent possible, noise ordinances and guidance applicable to standard data center operations, focusing on mechanical equipment noise emissions, routine generator exercising and maintenance, and emergency generator usage were identified. Note that code review efforts are focused on facility operations; construction noise limits, vibration limits, and other non-operational noise emissions are beyond the scope of this review.

3.1 Federal Environmental Noise Requirements

Applicability of federal environmental noise requirements has been considered for the Project but deemed not applicable. In their summary of the Noise Control Act (42 U.S.C. §4901 et seq. (1972), the USEPA states "*primary responsibility for control of noise rests with State and local governments",* with Federal action being *"essential to deal with major noise sources in commerce, control of which require national uniformity of treatment*" [2]. As a private commercial venture, federal funds or property are understood to be not affiliated with the Project. Note that the USEPA's 1974 *Information on Levels of Environmental Noise Requisite to Protect Public Health and* Welfare *with an Adequate Margin of Safety* [3] document provides guidance of 55 dBA (L_{dn} or 24-hour L_{eq}) and 45 dBA (L_{dn} or 24-hour L_{eq}) depending on specific application for outdoor and indoor areas, respectively. The Day-Night Average Sound Level, or L_{dn}, is a weighted 24-hour average sound level with a 10 dBA "penalty" added to noise that occurs at night to better account for increased noise sensitivity associated with those hours.

3.2 State Environmental Noise Requirements

While Arizona does not have a designated statewide noise ordinance, Title 13 Chapter 2903 (ARS 13-2903) *Disorderly conduct classification* of the Arizona Revised Statutes (ARS) [1], codifies criminal conduct related to unreasonable noise as follows:

> *A. A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, such person:*
>
> *2. Makes unreasonable noise.*

Aside from disorderly conduct laws for unreasonable noise, State of Arizona statutes also apply to vehicle exhaust systems (ARS 28-955), shooting ranges (ARS 17-602), sound attenuation building standards in the vicinity of miliary airports (ARS 28-8482), and others, but data center noise emissions are not specifically addressed. Environmental quality prescripts within the Arizona Administrative Code address some industrial applications such as water resources, mining operations, and worker noise limits, but do not appear to apply to data center operations. Noise policies pertaining to ADEQ are understood to follow those established by the USEPA within the Noise Control Act of 1972 [2].

3.3 County Environmental Noise Requirements

The Project is located in the Town of Marana, AZ, with unincorporated Pinal County bordering the northern property line, and unincorporated portions of Pima County located along the western property boundary.

3.3.1 Pima County

Chapter 9.30 – *Regulation of Excessive, Unnecessary and Annoying Noises* of the Pima County, Arizona Code of Ordinances [6] governs unincorporated areas of the county, including adjacent receiving properties to the west and southwest of the site. Because the Project is located within the incorporated boundaries of the Town of Marana, specific applicability of the Pima County ordinance is unclear. If applicable, such as at receiving properties, Pima County provides subjective, annoyance-based prescripts for regulating noise in Section 9.30.040 *Impermissible sound levels,* as follows:

> *In addition to the prohibited noises described in 9.30.050, 9.30.060 and 9.30.070, it shall be unlawful for any person to make or continue, or cause or permit to be made or continued, any excessive, unnecessary or offensive noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.*

Sections 9.30.050, 9.30.060, and 9.30.070 referenced in the above ordinance excerpt address noise emissions from loud radios/sound sets, vehicular noise, and construction, respectively. Section 9.30.080 *Exemptions* does not specifically exempt emergency generator operation.

Although the receiving parcel adjacent to the western property line, extending also to the southwest of the Project parcel, is presently a solar energy installation, current zoning maps designate this land use as an RH Rural Homestead Zone parcel. Title 18 *Zoning* of the Pima County, Arizona Code of Ordinances sets forth zoning requirements for various types of land uses. Chapter 18.13 *RH Rural Homestead Zone* provides for “commercial and industrial development only where appropriate and necessary to serve the needs of the rural area” but does not appear to prescribe specific noise related zoning requirements.

3.3.2 Pinal County

Chapter II – *Noise* of the Pinal County, Arizona Code of Ordinances [7] governs unincorporated areas of the county, including receiving properties to the north of the site. Within 1 mile of the site, unincorporated Pinal County land uses include properties zoned as various industrial and industrial buffer areas (CI-1, I-1, I-2, and I-3), commercial (C-3), rural (GR), and activity center (AC-3) uses. Since the Project is located within the incorporated boundaries of the Town of Marana, the specific applicability of the Pinal County ordinance is unclear. If applicable, Pinal County provides subjective, annoyance-based prescripts for regulating noise in Section 10-21 - *Excessive noise violation*, as follows:

It shall be unlawful and a violation of this chapter for any person to knowingly and/or intentionally make, continue, or cause to be made or continued, or to allow or permit any excessive noise as defined in section 10-22.

Additionally, Section 10-24 – *Acts or conditions declared as excessive noise*s also provides quantitative sound pressure level limits for various land uses from which the noise is emitted. However, if the receiving property has a zoned land use with a lower noise limit, the lower of the two limits must be achieved. These limits are expressed in terms of a 2-minute L_{eq} in dBA. Table 2 shows these limits. Presuming industrial, commercial, and rural receiving property land use applications within 1 mile of the Project parcel, L_{eq} lower limits of 65 dBA and 60 dBA for a given 2-minute interval during daytime and nighttime hours, respectively, may apply. It should be noted that per zoning descriptions, noise-sensitive uses, such as educational institutions, hospitals, childcare centers, churches, offices, assisted living facilities, and similar, could be included within these zoning areas.

Table 2. Limiting Sound Levels for Land Use Districts, Pinal County

Zoning District	Leq Limits (dBA)
(Residential) CR-1A, CR-1, CR-2, CR-3, CR-4, CR-5, OS, MH, RV, MHP, PM/RVP, TR	60 dBA (7:00 a.m. – 8 p.m.); 55 dBA (8:00 p.m. – 7:00 a.m.)
(Commercial or business) CB-1, CB-2	65 dBA (7:00 a.m. – 10:00 p.m.); 60 dBA (10:00 p.m. – 7:00 a.m.)
(Industrial) CI-B, CI-1, CI-2	70 dBA (7:00 a.m. – 10:00 p.m.); 65 dBA (10:00 p.m. – 7:00 a.m.)
(Rural) CAR, SR, SR-1, SH, GR, GR-5, GR-10	65 dBA (7:00 a.m. – 9:00 p.m.); 60 dBA (9:00 p.m. – 7:00 a.m.)

Source: Pinal County Code of Ordinances, 2011 [7]

Noise level limits for activity center zoning district, AC-3, are unclear based on Table 2 information. This zoning district is described to be used in areas with a comprehensive plan designation of high intensity activity center core, designed to create a vibrant urban center, while allowing for “some less intense uses in the short term”. As with the previously mentioned industrial, commercial, and rural zoning districts, listed AC-3 zoning district applications can include noise-sensitive land uses. The most stringent noise limits in all circumstances, however, are reserved for residential zoning districts, as listed in Table 2.

Section 10-27 *Exemptions* does not specifically exempt emergency generator operation.

3.4 Local Noise Ordinance Requirements

Being within the incorporated Town of Marana limits, facility operations are governed by the *Marana Town Code. Chapter 11-5. Noise* [8] of this code regulates noise. Similar to previously discussed county codes, it qualitatively limits nuisance noise from loud radios, and sets construction start/stop times. Additionally, it prohibits causing false alarms in the town, and sets quantitative noise limits applying to properties within Resort and Recreation zoning. No Resort and Recreation zoned properties exist within the vicinity of

the Project site, such that this portion of the noise code is understood not to apply to the Project.

Receiving properties adjacent to the east and south property lines are zoned for single-family residential. An additional adjacent property to the east is zoned as a transportation corridor. Specific plan uses understood to be approved for residential homes largely east of I-10, along with light industrial uses are included in non-adjacent land use applications within the general vicinity.

Section 17-6-13 Data Centers of *Chapter 17-6. General and Miscellaneous Development Regulations* additionally regulates data centers within the town, with *Paragraph G – Noise Attenuation* providing specific prescripts in the regulation of data center noise generation. This paragraph provides quantitative noise limits for data centers, based on the receiving property's zoning, to be measured at the receiving property line. These limits are based on the maximum sound level, or L_{max}, in dBA, which are listed in Table 3.

Note that the code defines "Daytime" as the hours between 7:00AM to 7:00PM on weekdays, or between 9:00AM to 8:00PM on Saturdays, Sundays, and legal holidays observed by the town. "Nighttime" is defined in the code as between 7:00PM to 7:00AM on weekdays, or between 8:00PM to 9:00AM on Saturdays, Sundays, and legal holidays observed by the town.

Table 3. Maximum Sound Levels for Data Center Operation, Town of Marana

Planned or Zoned Use Affected Property	Maximum dBA Daytime / Nighttime
Residential and mixed-use	55/55
Agricultural	60/55
Commercial	65/60
Industrial	72/65

Source: Town of Marana Code, 2025 [9]

This portion of the ordinance states that generators and generator use must be in compliance with all applicable state and federal regulations and that if a data center uses diesel generators, only Tier IV or newer generators are permitted. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only and generator testing is to be limited to weekdays between 8:00 a.m. and 5:00 p.m., except in emergencies. However, noise emissions from the generators are not specifically excluded, noting that the limits in Table 3, above, apply to "*any noise which emanates from any operation, activity, or source on a data center site, including, but not limited to, heating and cooling system(s).*"

The ordinance states that *"the data center must be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the data center, as determined by a qualified third-party acoustic engineer, from exceeding the maximum sound levels set forth"* and that *"design specifications for the required sound mitigation must be provided to the town before building permit approval."*

Further, the data center specific portion of the noise code specifies that a noise study must be conducted to document baseline sound levels in the area of the proposed data center and the expected noise levels generated by the facility. Moreover, a post-construction noise study must be performed to document noise levels measured at the nearest property line during peak operation of facility equipment prior to issuance of a certificate of occupancy or certificate of completion as demonstration of project compliance with maximum allowable noise level limits. Such post-construction compliance measurements are to occur annually for five years after completion and upon request of the town thereafter. The pre-construction background noise measurement portion of code requirements has been recently completed by HDR and is presented in subsequent sections of the report. Other requirements are beyond HDR's scope at this time.

3.5 Code Summary

Due to the numerous jurisdictions bordering the Project site, it is challenging to determine which specific ordinances, particularly to receiving properties located in jurisdictions other than the proposed Project, are applicable to the Project. It is therefore recommended that these jurisdictions be engaged in the development process to clarify and confirm the full extent of project requirements. The ordinances with quantitative noise limits include the Pinal County code, as well as the specific data center section (Section 17-6-13) of the Town of Marana code. In addition, sections of the Pima County and Pinal County ordinances place subjective, nuisance-based limitations on noise. Issues of acoustical annoyance are complex and can be influenced by many factors, including loudness perception, low frequency noise content, time of day operations, relative noise level increases, and noise character, such as tonal content.

3.6 Land Use Applications

Zoning and land use application information is presented within this section of the report.

3.6.1 Zoning and Land Uses

To identify nearby noise-sensitive areas (NSA's), HDR utilized aerial imagery, in combination with zoning and parcel data of Pima County, Pinal County, and the Town of Marana.

Figure 2 and Figure 3 show the zoning data of unincorporated portions of Pinal County and Pima County, respectively, for all parcels within one mile of the Project site. Figure 4 shows zoning data for the Town of Marana within one mile of the Project site. Figure 5 delineates noise-sensitive areas within proximity of the site.

Unincorporated Pinal County parcels within relative proximity of the site (up to one mile away) are a combination of industrial or industrial buffer areas (CI-1, I-1, I-2, and I-3), commercial (C-3), rural (GR), and activity center (AC-3) uses, although zoning use descriptions permit potential noise-sensitive applications, such as educational institutions, hospitals, childcare centers, churches, offices, assisted living facilities, and similar in these zoning districts. No residences were identified in the vicinity based on current zoning and aerial observations. The nearest residential equivalent is an RVP

(Recreational Vehicle Park) zoned parcel to the northwest, outside the screening distance.

Surrounding unincorporated Pima County parcels are zoned rural homestead uses.

Note that the Project site itself is currently zoned single-family residential within the Town of Marana, with adjacent properties to the east and south identically zoned within the incorporated town limits. An additional adjacent property to the east is zoned as a transportation corridor. Specific plan uses understood to be approved for residential homes largely east of I-10, along with light industrial uses are included in non-adjacent land use applications within the general vicinity.

Based on aerial observations, no residences have been identified within a mile of the Project site.

Other noise-producing land uses in the vicinity of the Project include the nearby Pinal Air Park (a small commuter airport) and Serrano Solar (a solar farm), both of which generated audible noise at the proposed facility site during HDR's noise monitoring visit. Nelson Drilling, a drilling company, and PNP Materials, a construction company, are also shown in the area according to Google Maps, but did not appear to create any noticeable noise to HDR attendants during the site noise monitoring.

Figure 2. Pinal County Zoning

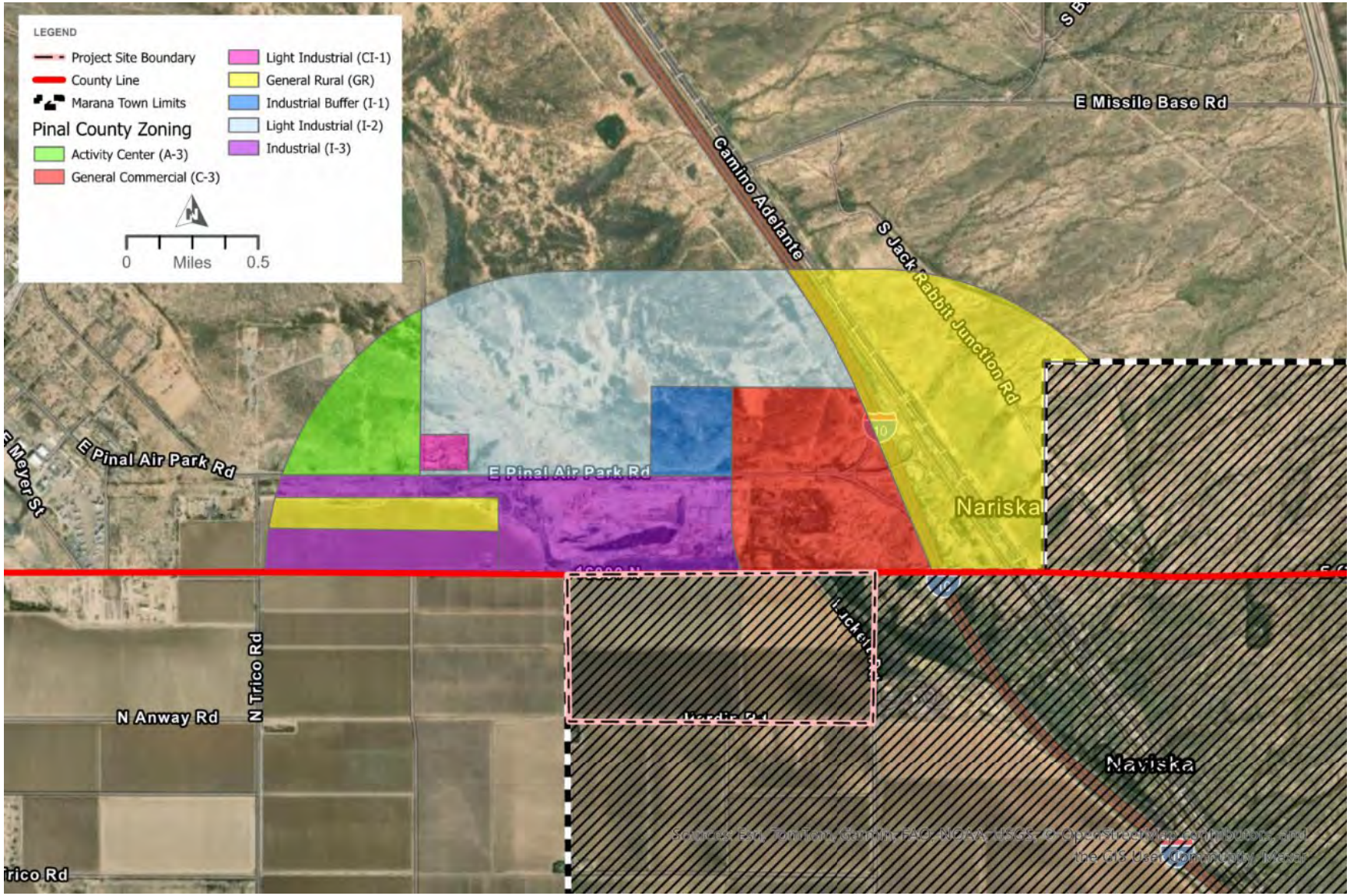


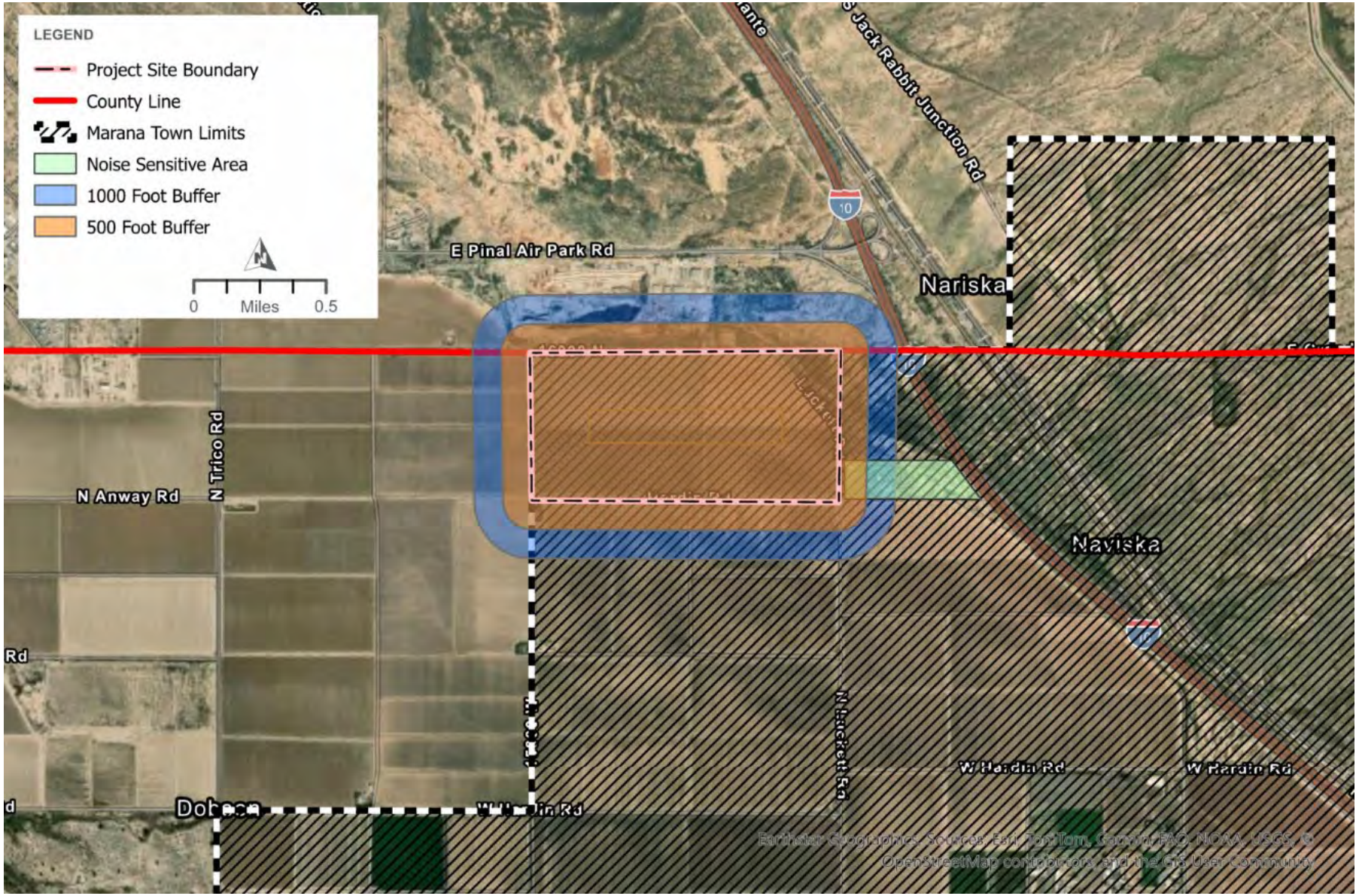
Figure 3. Pima County Zoning



Figure 4. Town of Marana Zoning



Figure 5. Noise Sensitive Areas within Vicinity of Project Site



3.6.2 Noise-Generating Surroundings

Sources of noise in the vicinity of the Project which were noticed during the site visit, audio review, or both, are as follows:

- Pinal Air Park
- Serrano Solar Farm
- I-10 Highway
- Nearby railway

Other potential sources of noise, which were not noticed during either the site visit or audio review are as follows:

- Nelson Drilling, drilling company
- PNP Materials, construction company

3.6.3 Potential Risk Assessment

The only identified noise sensitive area within 1,000 feet of the Project site is Arizona Veteran's Memorial Cemetery at Marana. This cemetery is located approximately 150 feet from the edge of the Project site and is separated from the Project by N Luckett Road. Figure 5 shows this location.

Due to the presence of a noise-sensitive area within 500 feet or less of the data center property boundary, the Project should be considered Critical until noise modeling is completed. The most restrictive noise limits of these codes are the nighttime residential noise limits, which set a 55 dBA limit. However, note that these codes define both the limiting noise metric and the daytime and nighttime periods differently. The Pinal County code defines its noise limits in terms of a 2-minute L_{eq} in dBA and defines nighttime at residences as being from 8:00 PM – 7:00 AM. The Town of Marana code defines its noise limits in terms of an L_{max} in dBA and defines nighttime during the weekday as between 7:00 PM – 7:00 AM.

Note that while the most restrictive noise limit for both these codes are for residentially zoned properties, no residences have been identified within a mile from the site boundary. However, residentially zoned parcels have been identified within this distance.

Due to the various jurisdictional boundaries involved (one town and two counties), along with the disparity between (less noise-sensitive) existing land use applications compared to (more noise-sensitive) zoning, some level of uncertainty exists in definitively identifying noise level limits and applying noise codes. It is therefore recommended that the Project team work to determine noise code applications, which may be part of any potential rezoning process or as project development in general, issues that are difficult to discern within the parameters of a desktop review.

With the exception of the existing cemetery at the southwest corner of the site, design of the facility to current residential zoning noise limits where noise-sensitive residences do not currently exist could lead to unnecessary expenditures; conversely, designing the facility to less noise-sensitive land use limits affiliated with present land uses could lead to future unexpected noise control expenditures that may be very challenging to

implement post-construction, if residential allowance were realized. Site planning should be coordinated with the various authorities having jurisdiction (AHJ) on established noise limits, planned land uses, and active permits.

In addition to the aforementioned zoning and land use characterization, be aware that both Pima and Pinal County noise ordinances place subjective, nuisance-based limitations on noise emissions where issues of acoustical annoyance, such as low frequency noise content, time of day operations, relative noise level increases, and noise character, such as tones, may arise. Once again, such consideration should be taken in the context of existing noise-generating surrounding land uses and nearby transportation corridors, including already present tonal noise emissions from surrounding solar equipment. Table 4 presents an acoustic risk matrix.

Table 4. Acoustic Risk Matrix

Key Questions	Summary Statement (Issue and Mitigation)	Risk Rating
Provide and justify acoustic risk category for the site based on Noise Desktop Review.	Noise sensitive receivers are within 500 feet or less of the Project property boundary.	Critical
Provide daytime noise limits and compliance point.	Pinal County sets noise limits in the form of a 2-minute L_{eq} at the receiving property line. Compliance points depend on land use and range from 60 dBA to 70 dBA. The Town of Marana sets noise limits in the form of an L_{max} at the receiving property line. Compliance points depend on land use and range from 55 dBA to 72 dBA.	Critical
Provide nighttime noise limits and compliance point.	Pinal County sets noise limits in the form of a 2-minute L_{eq} at the receiving property line. Compliance points depend on land use and range from 55 dBA to 65 dBA. The Town of Marana sets noise limits in the form of an L_{max} at the receiving property line. Compliance points depend on land use and range from 55 dBA to 65 dBA.	Critical
Are there sensitive receptors nearby? If so, what and how far away? Are there compliance thresholds at sensitive receptors?	Arizona Veteran's Memorial Cemetery at Marana is located approximately 150 feet from the Project boundary. This cemetery is located in the Town of Marana and zoned residential. It is subject to a 55 dBA L_{max} during both the daytime and nighttime.	Critical
Is there any acoustic threshold exemption for emergency usage of the generators (e.g. caused by a power failure)?	No, none of the applicable noise codes or ordinances provide exemptions for use of emergency generators.	Critical
Are there any regulations that require sound assessments to be submitted to the Authority Having Jurisdiction (AHJ)? If so, provide summary and include additional details in the regulatory section above.	Yes, the Town of Marana code requires sound assessments to be submitted to the town, including both pre-construction and post-construction noise monitoring. Refer to Section 3.4 above.	Critical
High level overview of ambient sound survey results.	Noise was dominated by highway traffic noise from nearby I-10 and freight train noise from the nearby railway. The nearby Pinal Air Park contributed to commuter airplane flyover noise. Electrical hum from the nearby Serrano Solar farm was audible at certain measurement locations. Existing ambient noise was found to be generally greater during the nighttime than during the daytime.	Medium

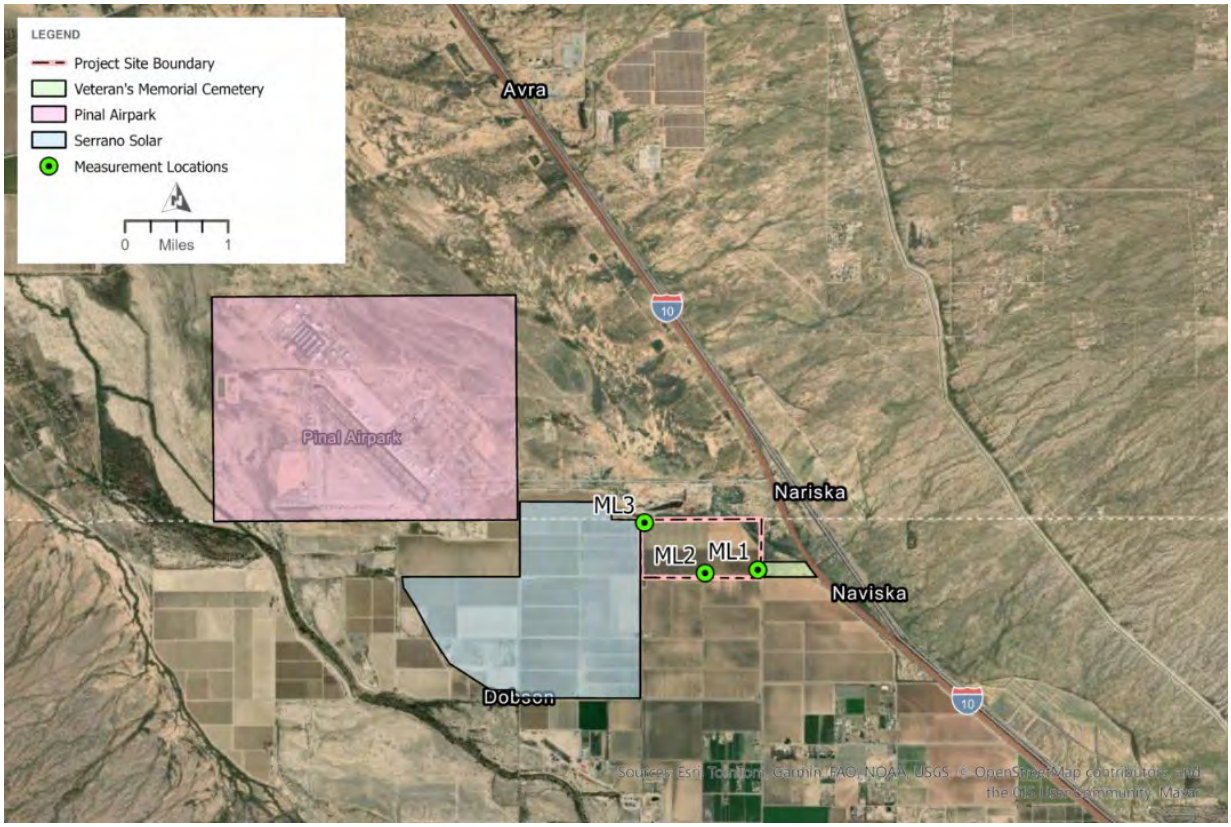
4 Noise Measurements

In order to document existing background noise levels at the proposed site, HDR performed 48-hour unattended noise monitoring at three representative locations within the Project boundaries. Noise monitoring locations were selected in the vicinity of noise-sensitive receivers as pertinent, as well as areas where the environmental soundscape

of the project may differ due to neighboring noise-generating property uses. Figure 6 shows the measurement locations, as well as the Project boundaries and the nearest locations of interest.

The 48-hour measurement locations ML1 and ML3 were selected to obtain 48-hour noise levels representative of these locations of interest. ML2 was selected to obtain 48-hour noise levels representative of the southern-middle section of the site.

Figure 6. Measurement Locations



The start and end times for each measurement were as follows:

- ML1
  - Began Wednesday, June 25, 2025, at 8:56 AM.
  - Ended Friday, June 27, 2025, at 8:40 AM.
- ML2
  - Began Wednesday, June 25, 2025, at 8:06 AM.
  - Ended Friday, June 27, 2025, at 8:01 AM.
- ML3
  - Began Wednesday, June 25, 2025, at 8:30 AM.
  - Ended Friday, June 27, 2025, at 8:24 AM.

The periods immediately after the beginning and before the end of the measurement periods, when HDR staff were still onsite, were excluded from each set of measurement data. HDR staff additionally performed equipment checks on each sound level meter from 6:50 AM to 7:30 AM on Thursday, June 26, 2025. This time period was also excluded from the measurement data due to the inherent extraneous noise created during these efforts.

Therefore, the time periods from Wednesday, June 25, 2025 9:00 AM to Thursday, June 26, 2025 6:50 AM and Thursday, June 26, 2025 7:30 AM to Friday, June 27, 2025, 8:00 AM were used for analysis.

4.1 Instrumentation

HDR used digital sound level meters with 1/3 octave band filters to perform the noise measurements. The sound level meters and handheld calibrator meet Class 1/Type 1 precision requirements of ANSI and International Electrotechnical Commission standards. All instrumentation used to measure noise levels on this project is calibrated on a regular basis by an independent accredited calibration laboratory using standards traceable to the National Institute of Standards and Technology. The instrumentation was adjusted to a reference level traceable to the National Institute of Standards and Technology prior to transportation to the measurement site. Calibration checks were performed in the field prior to and upon completion of each measurement. Measurement logs and photos for each location are included in Appendix B.

The equipment operated continuously at each measurement location. All meters recorded sound level data at 1-second intervals to aid in identifying transient events that could affect results. Additionally, the meter at ML2 collected weather data including wind speed, direction, and precipitation, also at 1-second intervals. All meters recorded sound level data at a height of approximately 5’-0” above grade (standard listening height) and approximately 10’-0” from any reflective surfaces. All sound measurement metrics were captured with a fast time constant.

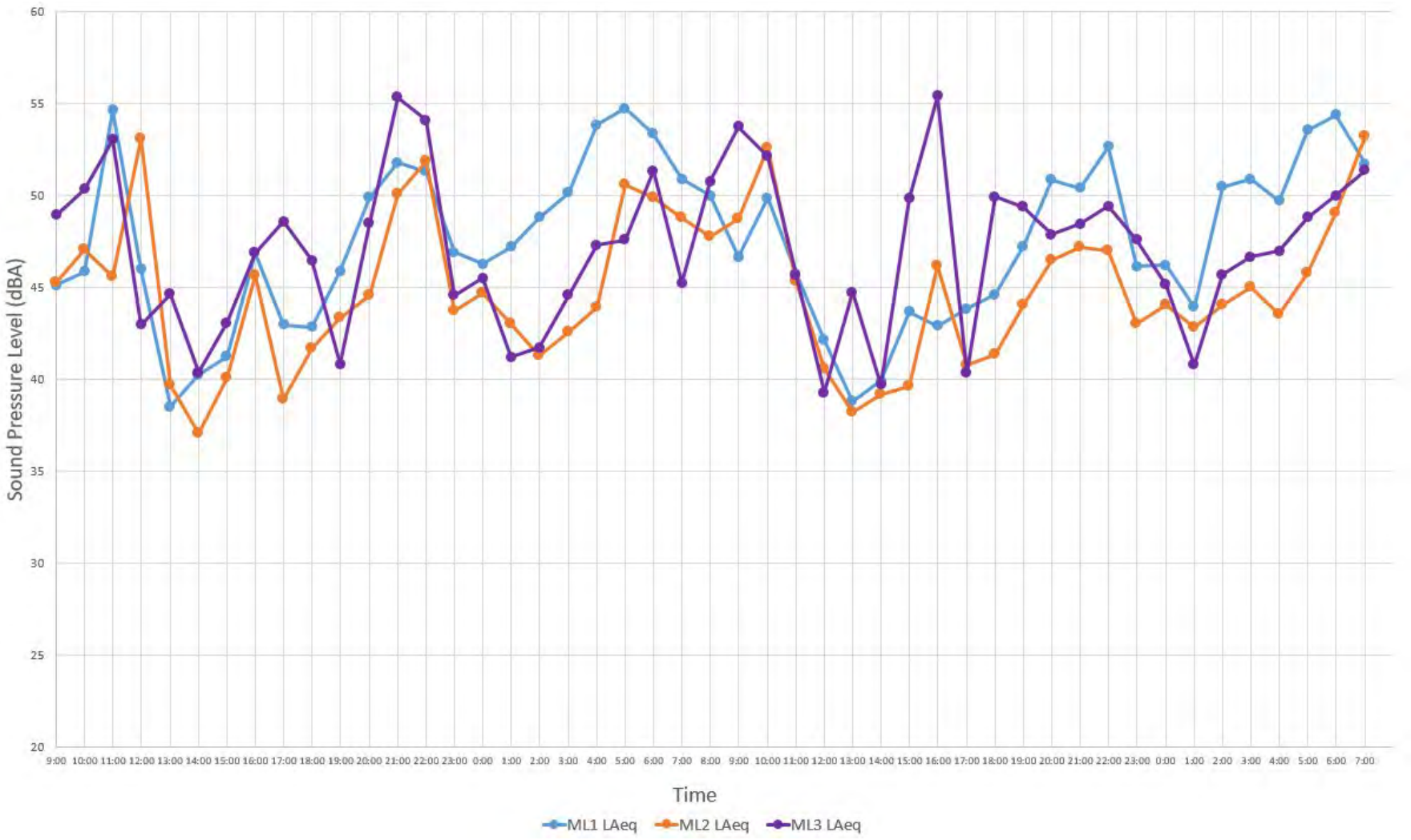
Weather in the form of precipitation and high winds (typically defined as winds in excess of 11 mph) can create spurious noise, contaminating measurement results. During these measurements, no precipitation events were recorded.

However, wind speeds at or in excess of 11 miles per hour were recorded for a total of 26 minutes over the course of the measurement period. Sampling periods during which wind speeds greater than or equal to 11 miles per hour occurred have been removed from analysis.

4.2 Results

For the purposes of analysis, daytime hours will be considered to be from 7:00 AM-7:00 PM, while nighttime hours will be considered to be from 7:00 PM-7:00 AM, based on the Town of Marana’s designations for weekday limits on data center noise. In addition, for reference purposes, the period from 12:00 AM to 5:00 AM will be analyzed as a “quietest hours” designation. Figure 7 provides a graphical summary of the hourly L_{eq} measurement results.

Figure 7. Hourly L_{eq} Levels



At ML1, the main source of noise was traffic from the nearby roadway, N. Luckett Road to the south, and from the nearby I-10 Highway to the northeast. Additionally, commuter airplane flyovers from the nearby Pinal Air Park, northwest of the property, and freight train passbys from the nearby railway, northeast of the property, were both noticeable on-site and upon audio review. Birdsong and bug chirping was also audible, with birdsong being most active in the early daytime, and bug chirping during the nighttime.

At ML2, noise sources were largely similar to that of ML1, with the principal difference being lower traffic noise level contributions due to the measurement location's increased distance from roadways. Additionally, occasional water babbling from a nearby irrigation canal was audible. Bug chirping was also found to increase greatly during the nighttime at this location.

Similar to ML2, traffic noise was the primary noise contribution at ML3, but to a lesser extent than ML1. As this measurement location was the closest to Pinal Air Park, commuter airplane flyovers and operations contributed to the noise environment as well. Freight train noise, birdsong, and bug chirping was also audible. This measurement location was located in proximity to Serrano Solar, a solar farm adjacent to the Project site. As such, a low-frequency, tonal, electrical humming noise, presumed to be emitted from solar power inverters, was consistently present and audible.

A summary of results at the three measurement locations is given in Table 5. Results are given as the overall average L_{eq}, L_{90}, L_{max}, and L_{min} for the daytime, nighttime, and late night periods. Additionally, Table 6 presents the maximum and minimum L_{eq}, L_{90}, L_{max}, and L_{min} for the daytime, nighttime, and late night periods, for each measurement location. Periods with high wind speeds are excluded from these results.

Table 5. Overall Average Measurement Results Summary

Measurement Location	Metric (dBA)	Daytime (7:00 AM – 7:00 PM)	Nighttime (7:00 PM – 7:00 AM)	Late Night (12:00 AM – 5:00 AM)
ML1	L_{eq}	47	51	50
	L_{90}	35	43	42
	L_{max}	78	70	70
	L_{min}	28	33	36
ML2	L_{eq}	47	47	44
	L_{90}	35	39	39
	L_{max}	81	73	73
	L_{min}	31	34	34
ML3	L_{eq}	49	49	45
	L_{90}	34	38	38
	L_{max}	78	77	77
	L_{min}	28	29	29

Table 6. Maximum and Minimum Measurement Results Summary

Measurement Location	Metric (dBA)	Daytime (7:00 AM – 7:00 PM)	Nighttime (7:00 PM – 7:00 AM)	Late Night (12:00 AM – 5:00 AM)
ML1	Maximum L_{eq}	55	55	54
	Minimum L_{eq}	39	44	44
	Maximum L_{90}	48	51	50
	Minimum L_{90}	32	38	38
	Maximum L_{max}	78	70	64
	Minimum L_{max}	53	56	57
	Maximum L_{min}	44	48	43
	Minimum L_{min}	28	33	33
ML2	Maximum L_{eq}	53	52	45
	Minimum L_{eq}	37	41	41
	Maximum L_{90}	47	45	42
	Minimum L_{90}	33	36	37
	Maximum L_{max}	81	73	64
	Minimum L_{max}	47	46	46
	Maximum L_{min}	44	42	40
	Minimum L_{min}	31	34	34
ML3	Maximum L_{eq}	55	55	47
	Minimum L_{eq}	39	41	41
	Maximum L_{90}	45	47	43
	Minimum L_{90}	31	32	36
	Maximum L_{max}	78	77	66
	Minimum L_{max}	56	48	48
	Maximum L_{min}	41	43	38
	Minimum L_{min}	28	29	30

The L_{90} represents the sound level exceeded for 90 percent of a given time period. As such, it is generally considered a reasonable metric for describing the background noise level in the absence of temporary elevated noise events such as transient vehicle passbys, or plane flyovers.

The average nighttime and late night L_{90} values are higher than the daytime values, which implies that the background noise levels during the nighttime are louder than those during the daytime. The loudest hourly L_{90} was found to be 51 dBA at ML1 during the nighttime, while the quietest hourly L_{90} was found to be 31 dBA, which occurred during the daytime at ML3.

5 References

1. Arizona State Legislature
   2025 13-2904 Disorderly Conduct; classification
2. Environmental Protection Agency
   2024 Summary of the Noise Control Act
3. Environmental Protection Agency
   1974 Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety
4. Legal Clarity
   2025 Noise Disturbance Law in Arizona: Regulations and Penalties
5. Minnesota Pollution Control Agency
   2015 A Guide to Noise Control in Minnesota
6. Pima County
   2001 Code of Ordinances, Chapter 9.30, Regulation of Excessive, Unnecessary, and Annoying Noises.
7. Pinal County
   2011 Code of Ordinances, Title 10 - Environment, Chapter II – Noise
8. Town of Marana
   2025 Marana Town Code, Chapter 11-5, Noise.
9. Town of Marana
   2025 Marana Town Code, Section 17-6-13 Data Centers.

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Appendix A. Acoustician Qualifications

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Nolan Ames

Noise Specialist 1

Nolan is a recent graduate of the University of Southampton's Acoustical and Vibration Engineering master's program. He is a burgeoning acoustician, working on a variety of projects ranging from traffic noise to architectural acoustics, and beyond. He has experience in both noise control simulation and building acoustics measurements and is always looking for new topics to tackle.

MEMBERSHIPS

INCE

INDUSTRY TENURE

3 years

HDR TENURE

1 year

OFFICE LOCATION

Saint Louis Park, MN, US

RELEVANT EXPERIENCE

City of Cedar Rapids, Seventh Avenue Water Main Improvements | Cedar Rapids, Iowa, United States

Seventh Avenue Water Main Improvements | City of Cedar Rapids, Iowa
Provided preliminary design and final design of improvements to install a 16-inch-diameter high-density polyethylene (HDPE) water main across the Cedar River by horizontal directional drilling (HDD) at 7th Avenue to replace the existing 16-inch-diameter ductile iron water main at the 8th Avenue Bridge Cedar River Crossing.
Project Start/End Dates: Sep 2024-Oct 2025
Participation Dates: Jan 2025-Mar 2025

City of Philadelphia Water Department, TO_1 Georges Hill PS Dsgn | United States

HDR is currently completing a new 15 MGD Georges Hill Booster pump station facility design for PWD that will act as a redundant source to the existing Belmont High Booster Station. As the station is located within Fairmount Park, the new pump station will be designed to meet PWD's Green Stormwater Infrastructure design standards, allowing it to blend into the environment and limit disturbance to the community during and after construction. Additionally, the project includes designs for new water and sewer piping, a stormwater runoff system, permitting, architectural, HVAC, electrical, controls, structural, Fire Protection, and security for complete integration within the existing land and infrastructure. The project is currently at the basis of design phase.
Project Start/End Dates: Jan 2020-Aug 2025
Participation Dates: Mar 2025-May 2025

City of Puyallup, Knutson Farms EIS | Puyallup, Pierce County, Washington, United States

HDR is leading the effort to prepare a SEPA EIS for the Knutson Farms Industrial Project for the City of Puyallup. A private developer is proposing seven warehouses with about 2.5 million square feet of warehouse space at a site adjacent to the Puyallup River in in the Urban Growth Area of the City in unincorporated Pierce County. The SEPA analysis focuses on potential traffic impacts from truck traffic generated by the project as well as consideration of land use code compliance and natural resource impacts.

Project Start/End Dates: Oct 2020-May 2025
Participation Dates: Aug 2024-Oct 2024

National Park Service, Grand Canyon National Park, North Rim Utilities Improvements, DD | Grand Canyon National Park, Arizona, United States
HDR is assisting the National Park Service and will be rehabilitating utility infrastructure systems located on the North Rim and down to Roaring Springs/Manzanita/Cottonwood at Grand Canyon National Park. Infrastructure includes water (raw water, treatment, and distribution), wastewater (conveyance, lift stations, treatment), power (North Rim standby and to Roaring Springs/Manzanita/Cottonwood), controls, and telecom.
Project Start/End Dates: Jan 2023-Aug 2025
Participation Dates: Jan 2024-Mar 2024

Appendix B. Measurement Logs and Photos

ML1

Note: Time 1hr ahead

HDR

Measurement Log

Project	Jaguar North
Location	ML1
Attendant	PCB/NJA

Equipment	Manufacturer	Model	Serial Number
Sound Level Meter	Larson Davis	831C	12865
Preamplifier	Larson Davis	PRM831	54487
Microphone	Larson Davis	377B02	349406
Weather Sensor	—	—	—
Audio Recorder	—	—	—
Calibrator	Larson Davis	CAL200	

☑ Photos of equipment at measurement location
☑ Photo of sound level meter with measurement running
☑ GPS Coordinates

	Date and Time	Equipment	Notes
Measurement Start	Date: 6/25 Time of Start: 9:00 Times On-site:	Start Calibration: -0.49 Battery: Memory:	Birds, Traffic noise Next to canal
Measurement End	Date: 6/27 Times On-site: Time of End: 8:40	End Calibration: -0.09 Battery: Memory:	

6/26 7:19 AM
- Batt 68%
- Meter Running





ML2

HDR

Measurement Log

Project	Jaguar North
Location	ML2
Attendant	PCB / NVA

Equipment	Manufacturer	Model	Serial Number
Sound Level Meter	Larson Davis	831C	12358
Preamplifier	Larson Davis	PRM831	0007E992
Microphone	Larson Davis	377B02	360892
Weather Sensor	Vaisala		
Audio Recorder	—	—	—
Calibrator	Larson Davis	CAL200	

☑ Photos of equipment at measurement location
☑ Photo of sound level meter with measurement running
☑ GPS Coordinates

	Date and Time	Equipment	Notes
Measurement Start	Date: 6/25 Time of Start: 8:00 Times On-site:	Start Calibration: -0.12 Battery: Memory:	Airplanes Birds Train truck visible Irrigation system Mainly traffic
Measurement End	Date: 6/27 Times On-site: 8:00 Time of End: 8:00	End Calibration: 0.08 Battery: Memory:	Traffic Bugs Irrigation

checked 6/26 6:55 AM
- Still running properly
- Batt 65%

hdrinc.com 1601 Utica Avenue South, Suite 600, St. Louis Park, MN 55416-3400
(763) 591-5400





ML3

HDR

Measurement Log

Project	Jaguar North
Location	ML3
Attendant	Nolan Amey, Patrick Buffington

Equipment	Manufacturer	Model	Serial Number
Sound Level Meter	Larson Davis	831C	12864
Preamplifier	Larson Davis	PRM831	0007121
Microphone	Larson Davis	377B02	0034778
Weather Sensor	N/A	N/A	N/A
Audio Recorder	N/A	N/A	N/A
Calibrator			

☐ Photos of equipment at measurement location
☐ Photo of sound level meter with measurement running
☐ GPS Coordinates

	Date and Time	Equipment	Notes
Measurement Start	Date: 6/25 Time of Start: 8:30 Times On-site:	Start Calibration: -0.19 Battery: Memory:	Planes Birds next to solar farm, inverter
Measurement End	Date: 6/27 Times On-site: 8:30 Time of End: 8:30	End Calibration: 0.14 Battery: Memory:	Planes

6/26, 7:06 AM check
- Still running
- Batt: 89.1%
- Heavy Equipment @ site to north

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(763) 591-5400





APPENDIX F: Acoustic Modeling Results

Luckett North

Preliminary Modeling Results

September 29, 2025

Kimley»Horn

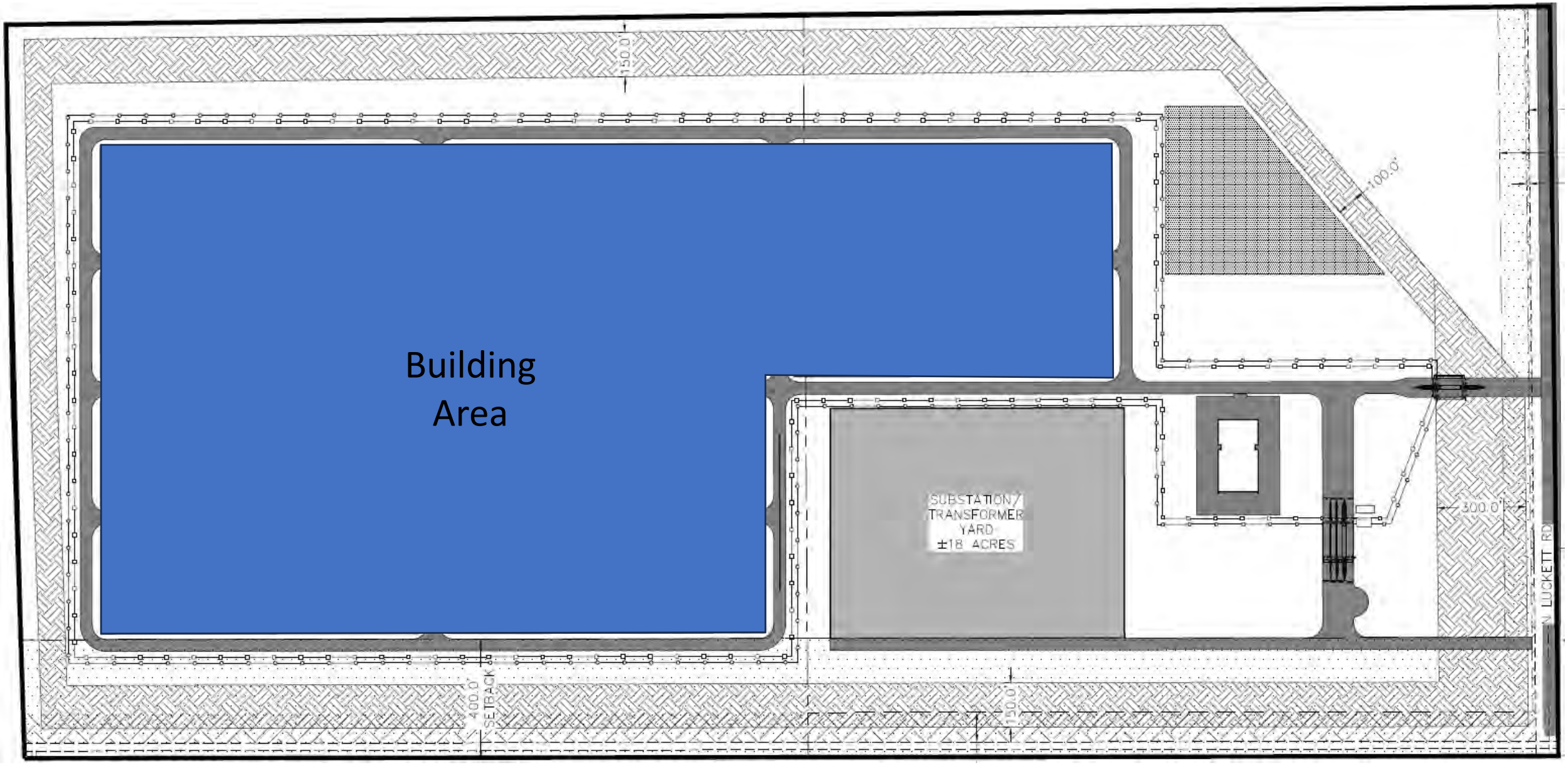
Regulations

- The data center noise ordinance in the Town of Marana Code of Ordinance indicates that the noise levels are “measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the zoning administrator, during peak operation of the data center mechanical equipment.” Per the Town of Marana GIS, the surrounding parcels are zoned as “Single Family Residential”.
- Noise emanating from the Project will not exceed the maximum permissible sound levels for the affected adjacent use per Town ordinance. The Town has identified this Property and surrounding properties as appropriate for Employment uses in its long-range plans. The Property is adjacent to industrial uses on its northern and western boundaries. Although the property to the south is zoned residential, it is also expected to be developed with an industrial use.
- The limits specific to data centers are:

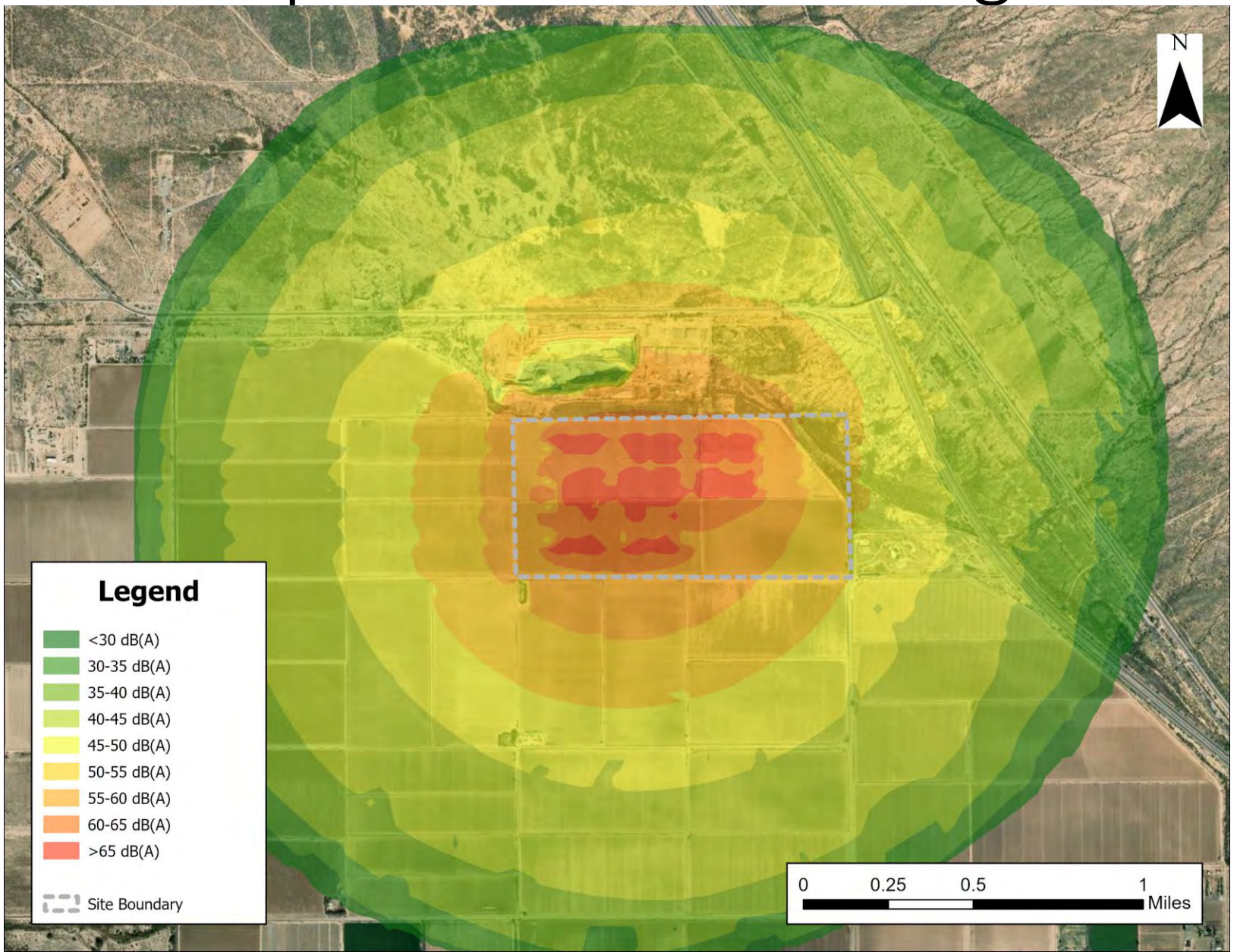
Planned or zoned use of affected property	Maximum dBA Daytime/Nighttime
Residential and mixed-use	55/55
Agricultural	60/55
Commercial	65/60
Industrial	72/65

Mitigation Options

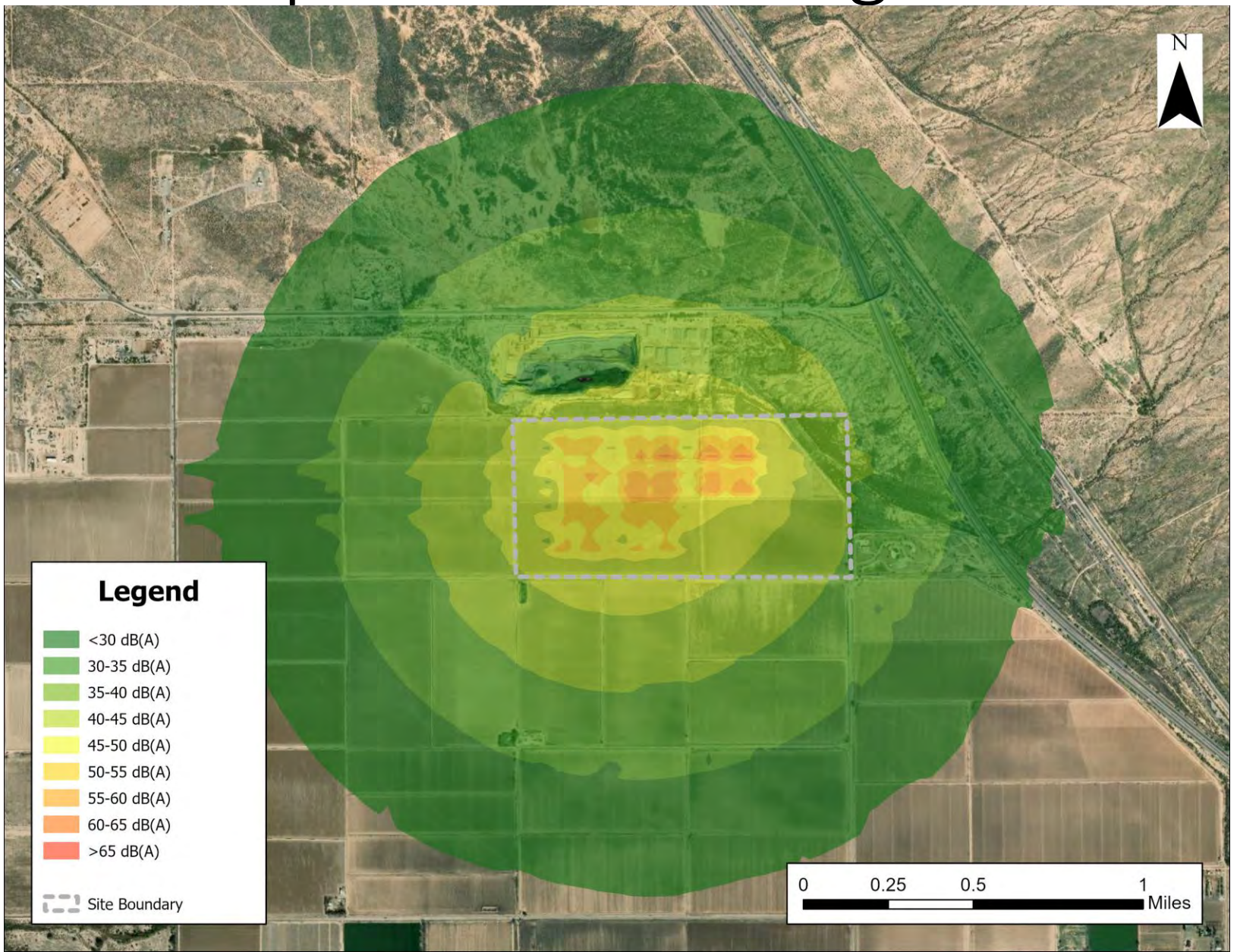
- Quieter rooftop fans, mitigated inlet louvers, and mitigated exhausts were used in the “Mitigation” scenarios. These solutions impact the normal mechanical operations scenario primarily, with some benefit for the scenarios that also have generators running.
- Noise barrier walls or quieter generator enclosures around the generator yards can further reduce noise during the maintenance and emergency scenarios but are not modeled in the following graphics.


Building Area
SUBSTATION / TRANSFORMER YARD ±18 ACRES
150.0'
100.0'
300.0'
400.0' SETBACK
150.0'
N LUCKETT RD

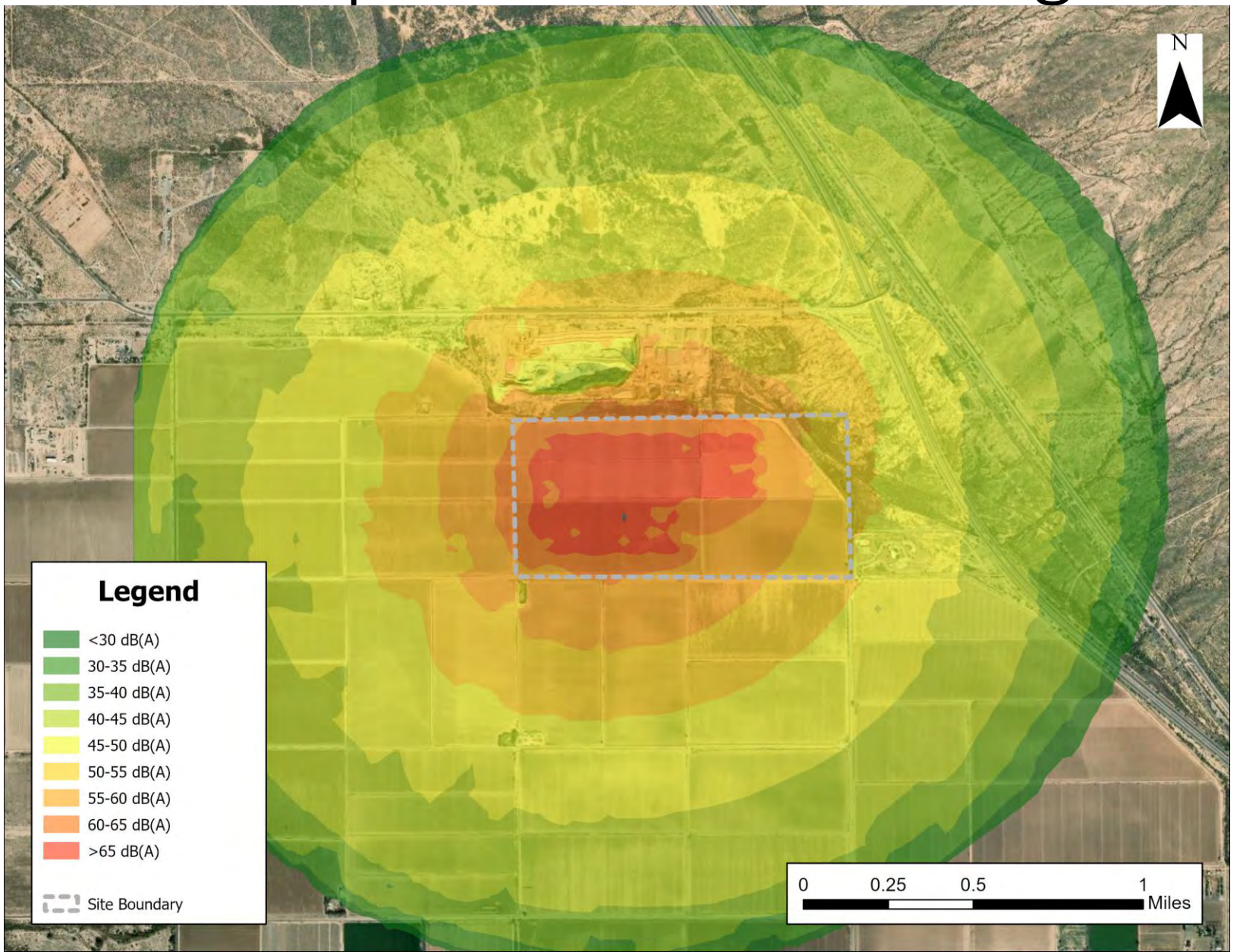
Mechanical Operations – No Mitigation



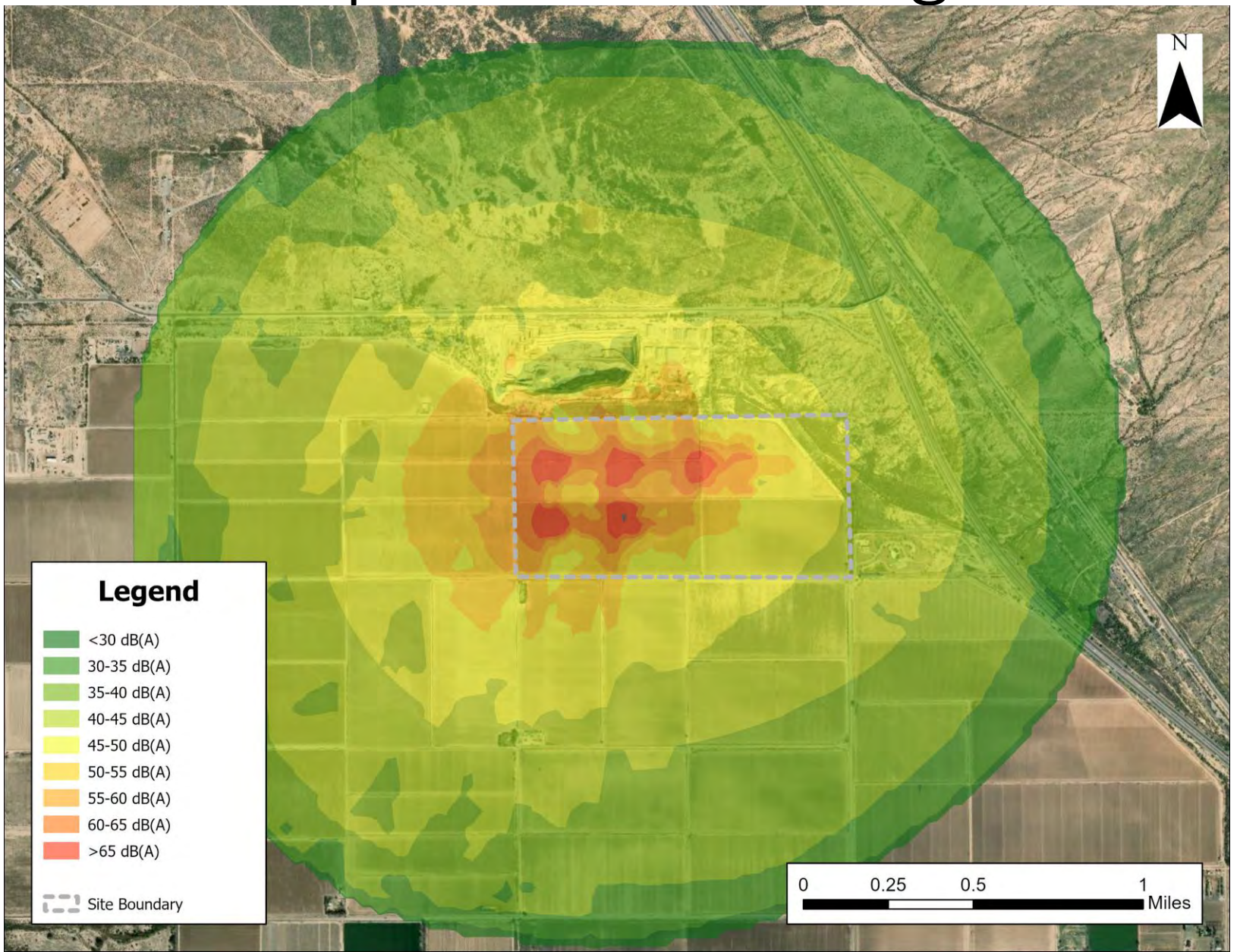
Mechanical Operations – Mitigation



Maintenance Operations – No Mitigation



Maintenance Operations – Mitigation



Council-Regular Meeting **A3**

Meeting Date: 01/06/2026

To: Mayor and Council

Submitted For: Jason Angell, Development Services Director

From: Matt Taylor, Planning Manager

Date: January 6, 2026

Strategic Plan Focus Area:
Not Applicable

Subject: PUBLIC HEARING: Ordinance No. 2026.003: Relating to Development; approving a rezoning of approximately 310.7 acres of land located at 14990 W Hardin Road, northwest of the intersection of North Luckett Road and West Hardin Road, from R-144 (Residential) to SP (Specific Plan), creating the Luckett Road South Specific Plan; and approving a minor amendment to the General Plan amending the land use category from Employment to Master Planned Area (Jason Angell)

Resolution No. 2026-006: Relating to Development; declaring as a public record filed with the Town Clerk the Luckett Road South Specific Plan adopted by Ordinance No. 2026.003 (Jason Angell)

Discussion:

Request
Lazarus and Silvyn, PC, representing the property owners, Herbert Kai S12 LLC, Kai Trst 97 S12, LLC, and Jihong S12 LLC, is requesting approval of the Luckett Road South Specific Plan, rezoning approximately 310.7 acres of land from R-144 (Residential) to SP (Specific Plan). The proposed rezoning is accompanied by a request for a minor amendment to the Marana General Plan Land Use category designation from Employment to Master Planned Area.

Marana 2040 General Plan
The 2040 Marana General Plan designates the future land use of the area proposed to be rezoned as Employment. A minor amendment to the General Plan accompanies this rezoning proposal to change the designation to Master Planned Area.

Surrounding Land Use and Zoning
Adjacent properties are all currently being farmed and have no on-site structures. The property immediately to the north is subject to a proposed similar rezoning for a data center development in conjunction with this application. Properties to the northwest and southwest are currently used for solar energy production and battery storage. The Arizona Veteran's Memorial Cemetery is located to the northeast of the property and includes several structures. Zoning in all directions has a rural residential designation.

Proposed Land Use
The site is proposed to be used as a data center in conformance with section 17-6-13 of the Marana Town Code. Data centers are specialized facilities designed to house computer systems, servers, and

related hardware that store, process, and manage vast amounts of digital information. Related infrastructure improvements, including a substation, drainage improvements, and street and utility extensions are also proposed.

Access and Circulation
A proposed extension of Luckett Road to the north to Pinal Airpark Road will provide regional access and a direct route to US I-10.

Utilities
The Marana Town Code requires estimates of future energy and water needs, as well as commitments from utility providers. A 2.25-mile waterline extension for potable water is proposed to be constructed from the site to the intersection of Wentz and Sagebrush Road, where the existing waterline ends. Industrial, irrigation, and fire water supply will be withdrawn from the adjacent CMID irrigation canal.

A new 2-mile force sewer main is proposed to be constructed within the Luckett Road right-of-way south to where Luckett intersects with Sagebrush Road. A sewer lift station will also be required to reach the existing sewer main at Sagebrush.

The project will need an estimated 550 to 750 megawatts of power at full build-out. The applicant is currently engaged with Tucson Electric Power (TEP) to ensure a future energy supply.

Fire Service
The property is not currently located within a fire district. Annexation into a fire district will be required prior to the issuance of a building permit. A water storage tank and booster station will be installed as part of this project.

Citizen Participation
A neighborhood meeting was held virtually via Microsoft Teams on November 19th at 6:00 PM; there were approximately ten neighbors present. An overview of the project was given. The only question that arose was regarding the expected opening date. The applicant indicated that the anticipated opening would be in either 2028 or 2029.

Public Notification
This public hearing was noticed in The Daily Territorial newspaper, and all property owners within 300 feet of the rezoning area were noticed by United States Mail of the date, time, and topic of the public hearing. Additional notice was posted at the property, various locations within the community and on the Town's website.

Case Analysis Review Criteria
The applicant has satisfied the requirements of section 17-4-15 of the Town Code, which outlines the necessary contents of a specific plan. The applicant has also addressed the requirements for data centers found in section 17-6-13(B) of the Town Code, including the provision of a baseline noise study, identification of the intended sources of water and electric, and an assessment of future water and energy needs.

Pursuant to Town Code section 17-3-1(D), the Planning Commission and Town Council shall also consider the following questions, at a minimum, in reviewing an application for rezoning:

1. Any change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, and development;

Based upon the requirements in the Town Code and the proposed conditions, the rezoning amendment does not appear to be detrimental to the character of the area due to installation of public facilities or any changes associated with the rezoning.

2. The degree to which the proposed zoning will benefit the community; whether there will be benefits derived by the community, or area, by granting the proposed rezoning;

Based upon the requirements of the Town Code and the recommended conditions, this rezoning will benefit the community by providing the extension of streets, utilities, and drainage infrastructure.

3. Whether the proposed rezoning is compatible with the surrounding area or whether there will be

adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new use will generate such as excessive storm runoff, water, air, or noise pollution, excessive nighttime lighting, or other nuisances;

Based upon the requirements in the Town Code and the recommended conditions, the proposed rezoning is compatible with the surrounding area, and any potential impacts will be mitigated with the extension of public infrastructure and noise attenuation.

4. Whether the proposal conforms with and is in furtherance of the implementation of the goals and policies of the general plan, other adopted plans, and the goals, objectives and policies of the land development code, and other town regulations and guidelines, including goals and policies relating to economic development;

With the acceptance of the recommended conditions and the approval of the accompanying minor General Plan Amendment from Employment to Master Planned Area, the rezoning amendment conforms with the goals and policies of the general plan, the land development code, and other town regulations and guidelines.

5. The zoning districts and existing land uses of the surrounding properties;

Considering its location, and based upon the requirements of the Town Code and recommended conditions, the proposed rezoning is compatible with the existing zoning and uses of surrounding properties.

6. Whether the existing and proposed transportation infrastructure is suitable and adequate to serve the traffic anticipated to be generated by the proposed development;

With the acceptance of the recommended conditions and considering the proposed infrastructure improvements, the existing and proposed transportation infrastructure is suitable and adequate to serve the traffic anticipated to be generated by the proposed development.

7. Whether the existing and proposed utility infrastructure, public facilities, and public services are suitable and adequate to serve the proposed rezoning area;

Based upon the requirements of the Town Code and recommended conditions, and considering the proposed extension of public infrastructure, there is adequate utility infrastructure, public facilities, and public services in the area to serve the proposed rezoning area.

8. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification;

Considering the location, and based upon the requirements of the Town Code and recommended conditions, the subject property is suitable for the proposed uses.

9. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character:

Based upon the rezoning requirements and conditions and considering the location, this rezoning amendment is compatible with the adjacent neighborhood in area stability and character.

10. If applicable, the length of time the subject property has remained vacant as zoned:

The parcel has remained vacant since its annexation by the Town in 2001.

11. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs:

Considering its location, there is an adequate supply of land available in the area and the surrounding community to accommodate the zoning and community needs.

Staff Recommendation:

This is a discretionary item for the Town Council to consider. Should the Town Council choose to approve this item, staff recommends it be based upon the recommended findings and subject to the conditions set forth in the draft ordinance attached.

Planning Commission Recommendation

The proposed rezoning was considered at a public hearing before the Marana Planning Commission on December 10, 2025. The Planning Commission voted unanimously (6-0 with one commissioner absent) to recommend to the Town Council approval of the requested rezoning.

Suggested Motion:

I move to approve Ordinance No. 2026.003, approving a rezoning of approximately 310.7 acres of land located at 14990 W Hardin Road from R-144 (Residential) to SP (Specific Plan), creating the Luckett Road South Specific Plan; and approving a minor amendment to the General Plan amending the land use category from Employment to Master Planned Area; and Resolution No. 2026-006, declaring as a public record filed with the Town Clerk the Luckett Road South Specific Plan adopted by Ordinance No. 2026.003.

Attachments

Ordinance No. 2026.003

Exhibit A to Ordinance No. 2026.003 - Luckett Road South Legal Description

Resolution No. 2026-006

Exhibit A to Resolution No. 2026-006 - Luckett Road South Specific Plan

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MARANA ORDINANCE NO. 2026.003

RELATING TO DEVELOPMENT; APPROVING A REZONING OF APPROXIMATELY 310.7 ACRES OF LAND LOCATED AT 14990 W HARDIN ROAD, NORTHWEST OF THE INTERSECTION OF NORTH LUCKETT ROAD AND WEST HARDIN ROAD, FROM R-144 (RESIDENTIAL) TO SP (SPECIFIC PLAN), CREATING THE LUCKETT ROAD SOUTH SPECIFIC PLAN; AND APPROVING A MINOR AMENDMENT TO THE GENERAL PLAN AMENDING THE LAND USE CATEGORY FROM EMPLOYMENT TO MASTER PLANNED AREA

WHEREAS Herbert Kai S12 LLC, Kai Trst 97 S12, LLC, and Jihong S12 LLC (collectively the "Property Owners") own 310.7 acres of land located at 14990 W Hardin Road, northwest of the intersection of North Luckett Road and West Hardin Road, described on Exhibit "A" attached to and incorporated in this ordinance by this reference (the "Rezoning Area"); and

WHEREAS the Property Owners have authorized Lazarus & Silvyn, P.C. to submit an application to rezone the Rezoning Area from R-144 (Residential) to SP (Specific Plan) ("this Rezoning") and to amend the Make Marana 2040 General Plan (the "General Plan") land use category from Employment to Master Planned Area; and

WHEREAS the Marana Planning Commission held a public hearing to consider this Rezoning on December 10, 2025, and voted 6 to 0 with one Commissioner absent to recommend that the Town Council approve this Rezoning, subject to the recommended conditions; and

WHEREAS the Marana Town Council held a public hearing to consider this Rezoning on January 6, 2026 and determined that this Rezoning should be approved.

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

Section 1. The zoning of the Rezoning Area is hereby changed from R-144 (Residential) to SP (Specific Plan), creating the Luckett Road South Specific Plan. The Luckett Road South Specific Plan, one electronic and one printed copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which was made a public record by and is attached as Exhibit A to Marana Resolution No. 2026-006, is hereby referred to, adopted and made part of this ordinance as if fully set out here.

Section 2. A minor amendment to the General Plan is hereby approved, changing the General Plan designation of the Rezoning Area from Employment to Master Planned Area.

Section 3. This Rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of the Town of Marana Land Development Code (but which shall not cause a reversion of this Rezoning), and which shall be binding on the Property Owners, the applicant, and any other relevant parties involved in this particular rezoning and their successors in interest (all of whom are collectively included in the term "Property Owners" in the following conditions):

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 development plan for any portion of the Rezoning Area shall be in general conformance with the conceptual land use plan presented to and approved by the Town Council as part of this Rezoning.
3. A master drainage study must be submitted by the Property Owners and accepted by the Town Engineer prior to Town approval of a development plan for any portion of the Rezoning Area.
4. A detailed traffic impact analysis (TIA) must be submitted by the Property Owners and accepted by Town staff prior to approval of a development plan for any portion of the Rezoning Area. The Property Owners may be required to submit an updated TIA or updated traffic studies when warranted by changes to the Rezoning Area or in development surrounding the Rezoning Area.
5. A water infrastructure and phasing plan (WIP) must be submitted by the Property Owners and accepted by the Marana Water Department (the "water provider") prior to approval of a development plan for any portion of the Rezoning Area. 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 Owners must enter into a water service agreement with the water provider consistent with the accepted WIP. The Property Owners may be required to submit an updated WIP when warranted by changes to the Rezoning Area or in development surrounding the Rezoning Area.
6. A master sewer plan must be submitted by the Property Owners and accepted by the Marana Water Department (the "wastewater utility") prior to the approval of any development plan for the Rezoning Area. 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 Owners must enter into a sewer service agreement with the wastewater utility consistent with the accepted master sewer plan. The Property Owners may be required to submit an updated sewer plan when warranted by changes to the Rezoning Area or in development surrounding the Rezoning Area.

7. The Property Owners 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 preliminary plat (if applicable), final plat, or development plan for any portion of the Rezoning Area.
8. The Property Owners shall install a non-potable water system for industrial and fire suppression uses, and to serve the common open space areas and other landscaped amenities, as accepted by the Cortaro-Marana Irrigation District.
9. No approval, permit or authorization by the Town of Marana authorizes violation of any federal or state law or regulation or relieves the Property Owners 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 Owners should retain appropriate experts and consult appropriate federal and state agencies to determine any action necessary to assure compliance with applicable laws and regulations.
10. The Property Owners shall not cause any lot split of any kind without the written consent of the Town of Marana.
11. The Property Owners are responsible for paying the full costs of design and construction of Luckett Road to a two-lane rural collector, per Marana Standard Detail 110-1, from the southern boundary of the Rezoning Area north to Pinal Airpark Road (the "Luckett Road Extension"). The Property Owners' financial obligations under this condition include paying the full costs for the acquisition of any property rights associated with the improvements. The Town of Marana shall acquire any necessary property rights for the Luckett Road Extension from the Arizona State Land Department (ASLD), subject to full reimbursement by the Property Owners.
    a. Within 30 days after the issuance of any grading permit in the Rezoning Area, the Property Owners shall pay in cash to the Town a deposit in the full estimated acquisition amount for the acquisition of property rights from ASLD.
    b. Within 30 days after the issuance of any grading permit in the Rezoning Area and the Town providing Property Owners the full estimated costs of pre-construction and design services for the Luckett Road Extension, the Property

Owners shall pay in cash to the Town the full estimated cost of the pre-construction and design services.

c. The Property Owners may participate in and provide input into the design of the Luckett Road Extension.

d. Within 30 days after the Property Owners' receipt of a written engineer's estimate based on 100% design plans from the Town, the Property Owners shall pay in cash to the Town the full estimated cost of construction of the Luckett Road Extension. Property Owners shall be responsible only for actual construction costs by the contractor with no additional Town administrative or other fees. In lieu of providing payment to the Town for construction costs as described in this condition, the Property Owners may elect to construct the Luckett Road Extension, pursuant to the design procured by the Town, by providing the Town with written notice of their election within 30 days after the Town's delivery of the engineer's estimate to the Property Owners.

e. No later than 60 days after final completion of the Luckett Road Extension, the Town shall provide to the Property Owners an itemized statement of the Town's actual costs for the Luckett Road Extension and a check or invoice representing the difference between the Town's costs and the Property Owners' payments to the Town. If the Property Owners' payments to the Town were insufficient to cover the Property Owners' obligations pursuant to this ordinance, the Property Owners shall pay the Town the balance of the costs as set forth in the invoice within 30 days after the itemized statement and invoice are provided to the Property Owners. Any amounts unpaid after 30 days shall accrue simple interest at the rate of 10% per year until paid in full

f. The completion of the Luckett Road Extension is not a prerequisite for the Town to issue certificates of occupancy for structures in the Rezoning Area.

12. The Property Owners shall coordinate with the Town to manage construction traffic for the Rezoning Area consistent with the provisions of the TIA.

13. The Property Owners shall construct an 8-inch water main from the Rezoning Area southerly along Luckett Road, easterly along Hardin Road, southerly along Wentz Road, to the intersection of Wentz Road and Sagebrush Road. The final alignment will be determined by Town water modeling.

14. The Property Owners shall construct a new sewer force main aligning with the Luckett Road public right-of-way from the Rezoning Area southerly to a point of connection to the existing 27-inch gravity sewer at the intersection with Sagebrush Road.

15. The Property Owners shall construct a new sewer lift station to serve the Rezoning Area. Final location of the sewer lift station will be confirmed through the design process.

16. The Property Owners shall construct the portion of a drainage channel referred to in the Town of Marana Northwest Area Drainage Master Plan as the "10.5 Channel" that is located within the Rezoning Area (except as necessary to match current, offsite, downstream flow patterns) in conjunction with the owners of the property immediately to the north, identified as Assessor's Parcel Number (APN) 208-08-004A. The Property Owners shall design the entire 10.5 Channel, including the portions of the channel located outside the boundaries of the Rezoning Area, to 30% plans, which must be approved by the Town, and construct the portion of the 10.5 Channel that is in the Rezoning Area to those 30% plans. That constructed portion of the 10.5 Channel will have no outfall until construction of the 10.5 Channel is fully completed (by the Town). Until that occurs, the excavated channel segment in the Rezoning Area will serve as detention/retention for the onsite development. After offsite construction of the 10.5 Channel is complete, the onsite retention requirements will be accomplished via recharge within the 10.5 Channel and/or the Santa Cruz River. The Property Owners shall assign to the Town any and all of the Property Owners' rights to the 30% design plans. If APN 208-08-004A is not developed in conjunction with the Rezoning Area, the Property Owners shall not be required to construct the 10.5 Channel, but will still be required to design the 10.5 Channel to 30% plans, and shall construct the drainage infrastructure required to serve the Rezoning Area as determined by the master drainage study. Upon demand of the Town, the Property Owners shall dedicate to the Town at no cost the portion of the Rezoning Area where the 10.5 Channel is located or will be located, whether the channel has been constructed or not. At the time of the dedication, the Property Owners shall contribute their proportionate share of costs to convert the retention/detention system in the Rezoning Area to a conveyance system.
17. The Rezoning Area shall be annexed into a fire district prior to the issuance of any building permit within the Rezoning Area.
18. Within 60 days after the adoption of this ordinance, the Property Owners shall provide the Development Services Department with one electronic copy in PDF format which will also include graphics of the conceptual land use plan in JPEG or other suitable format of the Luckett Road South Data Center Specific Plan as amended by this ordinance.
19. This Rezoning is valid for five years from the date of Town Council approval; if the Property Owners fail to have a development plan approved prior to the end of the five-year time period, the Town may schedule a public hearing before the Town Council to take administrative action to extend, remove, or determine compliance with the schedule for development or legislative action to revert the property to the previous zoning (R-144).

Section 4. 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 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, 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 6th day of January, 2026.

_____
Mayor Jon Post

ATTEST:

_____
Jill McCleary, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

THE NORTH HALF OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 10 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY ARIZONA.

EXCEPT THAT IRRIGATION WELL SITE PARCEL DESCRIBED IN DEED DATED FEBRUARY 19, 1963, RECORDED MAY 16, 1963 RECORDED IN DOCKET 2101, PAGE 131, DOCUMENT NO. 35638, IN THE OFFICE OF THE PIMA COUNTY RECORDER, PIMA COUNTY, ARIZONA AND THE EAST 30 FEET FOR ROADS;

EXCEPT ALL SUBTERRANEAN PERCOLATING WATER CONTAINED WITHIN, UNDERLYING, AND WHICH MAY BE PRODUCED;

EXCEPT SUCH WATER AS MAY BE USED BY THE OWNERS AND INHABITANTS FOR DOMESTIC AND OTHER PURPOSES THAT MAY BE PRODUCED FROM WELLS OF THE CAPACITY OF NOT TO EXCEED FIFTY GALLONS PER MINUTE, AS CONVEYED BY DEED RECORDED IN BOOK 314 OF DEEDS, PAGE 445.

MARANA RESOLUTION NO. 2026-006

RELATING TO DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE LUCKETT ROAD SOUTH SPECIFIC PLAN ADOPTED BY ORDINANCE NO. 2026.003

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA that the Luckett Road South Specific Plan adopted by Ordinance No. 2026.003 and attached to and incorporated in this resolution as Exhibit A, one electronic and one paper copy of which are on file in the office of the Town Clerk, is 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 6th day of January, 2026.

_____
Mayor Jon Post

ATTEST:

_____
Jill McCleary, Town Clerk

APPROVED AS TO FORM:

_____
Jane Fairall, Town Attorney

Luckett Road South Specific Plan

MARANA, ARIZONA 85653

TOWN OF MARANA PROJECT NO.: PCZ2510-001

December 1, 2025

Law Offices of
Lazarus & Silvyn, P.C.

Project Team

FREMONT PEAK PROPERTIES, LLC

LAZARUS & SILVYN, PC

5983 East Grant Road, Suite 290

Tucson, Arizona 85712

KIMLEY HORN

3300 East Sunrise Drive, Suite 130

Tucson, Arizona 85718

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I. INTRODUCTION & POLICY

A. Background

Data centers are specialized facilities designed to house computer systems, servers and related hardware that store, process and manage vast amounts of digital information. Data centers have become the backbone of U.S. technological advancement, driving economic growth and securing national leadership in innovation. Through cloud computing, they support online education, empower communities to advance seamless connectivity, and host artificial intelligence ("AI") systems that drive personalized experiences, real-time navigation and critical decision-making tools. Demand for data centers is supported by a diverse set of industries with durable long-term employment and positive fiscal impacts for local communities.

Long-term infrastructure investment supports communities within Pima County (the "County"), and specifically the Town of Marana (the "Town"), playing a leading role in an increasingly dynamic and interconnected 21st century economy. Approximately 310 acres (Parcel No. 208-09-001E, the "Property") located west of Interstate 10 ("I-10") along N. Luckett Road has been identified as an ideal site for this type of investment. (See *Exhibit I.A: Regional Context*.)

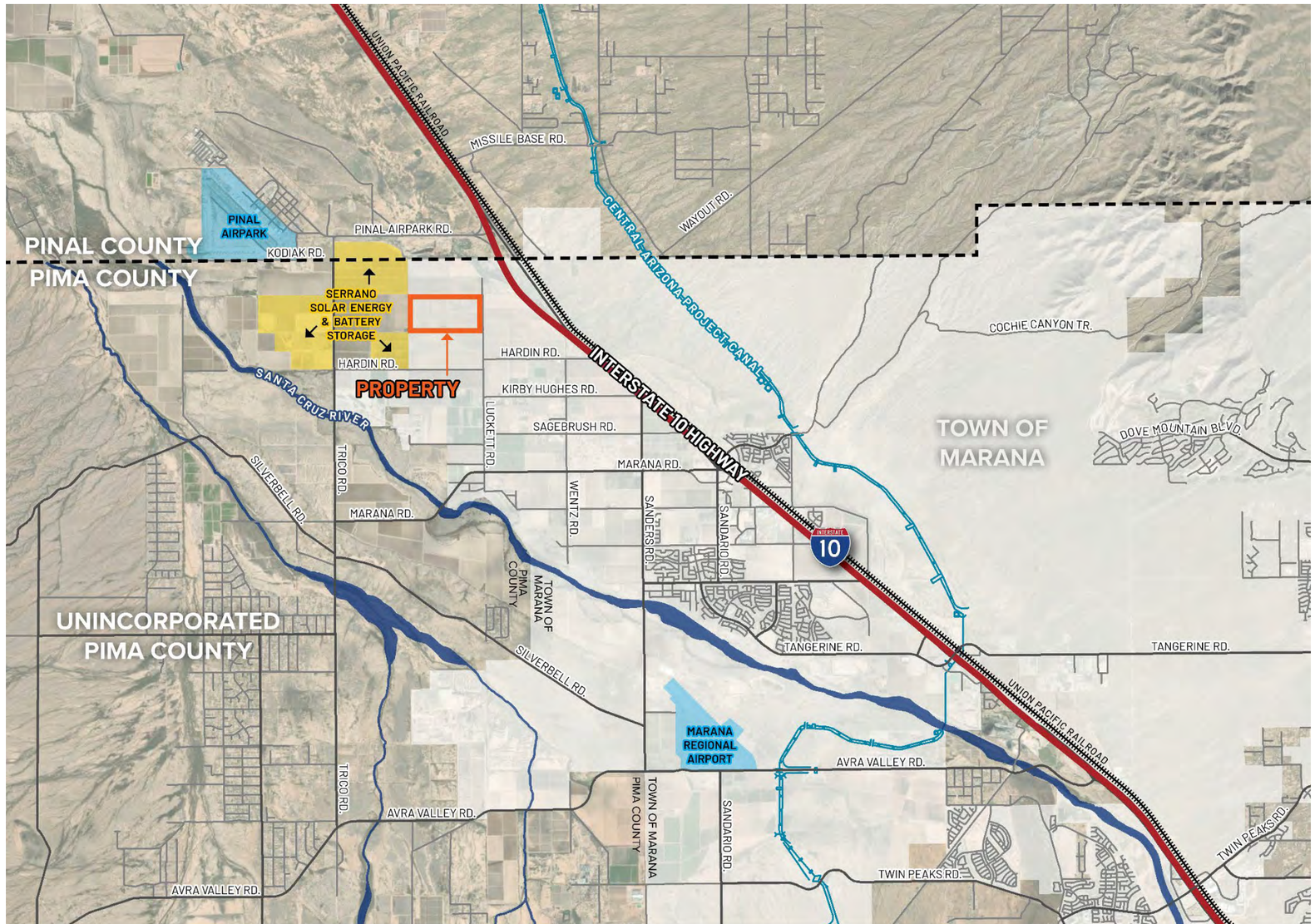


Exhibit I.A: Regional Context

B. Project Overview

Fremont Peak Properties, LLC (the "Applicant") is interested in developing the Property with a data center and related infrastructure improvements (the "Project"). The Project, entitled through the Luckett Road South Specific Plan ("Specific Plan"), positions the Town to become a hub for technology, innovation and business growth. (See *Exhibit I.B.1: Specific Plan Boundaries*.)

The Project will create high-quality jobs related to the Information Technology sector, which has been targeted as one of four key industries for employment growth within the Town.

This Specific Plan has been drafted in conformance with Marana Town Code ("MTC") § 17-6-13, *Data Centers*. Potential impacts to adjacent uses will be minimized through strategic mitigation measures, as outlined in Section IV, Development & Design Regulations, such as:

- limiting building heights to diminish visual impacts;
- incorporating adequate drainage infrastructure to offset an increase in impervious surfaces; and
- providing ample setbacks and bufferyards for sound attenuation.

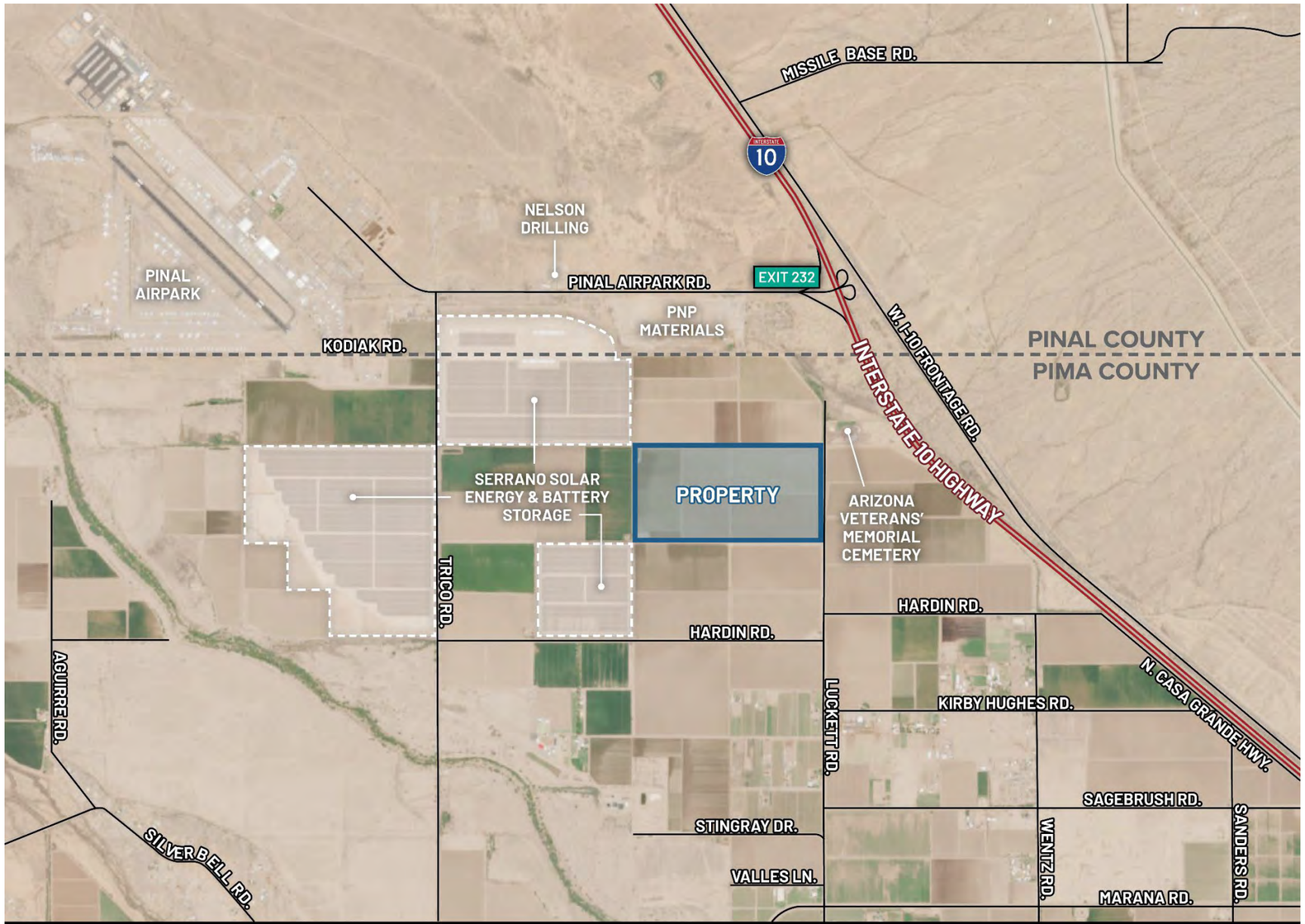


Exhibit I.B.1: Specific Plan Boundaries

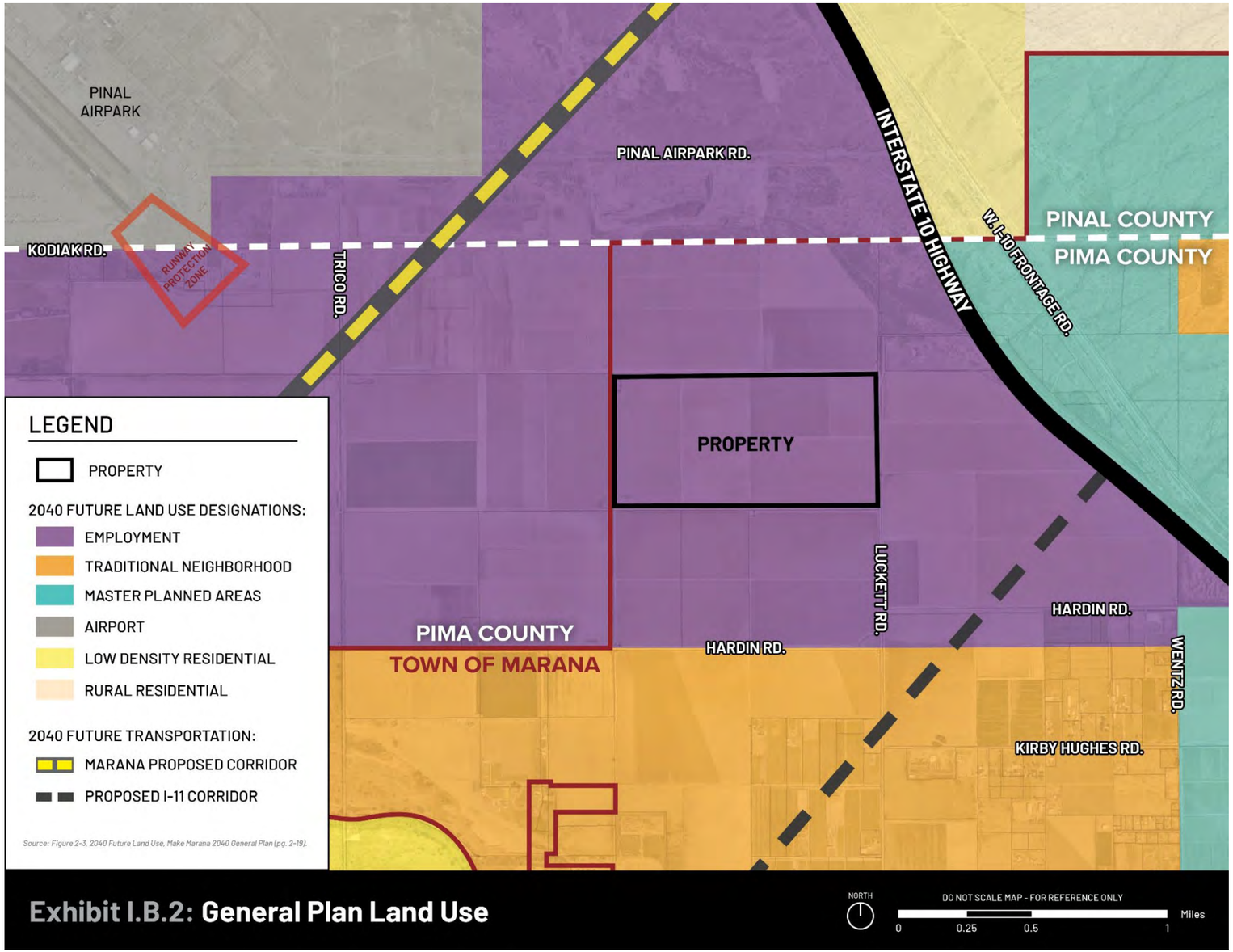


Exhibit I.B.2: General Plan Land Use

C. General Plan Amendment

The Property is located in the General Plan's North Growth Area, which is *"envisioned to become a premier employment hub in Marana, concentrated around Pinal Airpark [that] will attract manufacturing, distribution, and logistics industries for its advantageous location between Pinal Airpark, Interstate 10, and the Union Pacific Railroad, as well as the future Interstate 11 corridor."* As shown on *Exhibit I.B.2*, the General Plan Future Land Use Map designates the Property as Employment, which supports a range of industrial, warehousing, manufacturing, business parks and other uses that present employment opportunities. The Project will result in significant infrastructure investment in North Marana, not only funding this Project, but also potentially serving as a catalyst for additional economic development in this area.

Concurrent with this Specific Plan proposal is a request to amend the Property's land use designation from Employment to Master Planned Area ("MPA"). Make Marana 2040's Table 1-1 indicates a change from Employment to MPA qualifies as a minor amendment. The MPA designation *"denotes areas that are guided by separate development approvals. These approvals establish the land uses, densities and intensities of development, and the character of the area."* MPA is meant for properties appropriately planned and designed within the context of its environment. This Specific Plan is consistent with the intent of the MPA designation and the vision for the Town's North Growth Area as a future employment center, as well as the goals and policies of Make Marana 2040.

II. DEVELOPMENT CAPABILITY REPORT

A. Existing Land Use & Zoning

1. Onsite

As depicted in *Exhibit II.A: Existing Land Use & Zoning*, the Property is zoned R-144 and is currently used for agricultural purposes. *Make Marana 2040* designates this Property as Employment on the Future Land Use Map. (Refer to *Exhibit I.B.2: General Plan Land Use* in Section I.)

2. Surrounding Properties

Exhibit II.A identifies the land uses and zoning of surrounding properties. Adjacent properties in all directions are currently farmed and have no existing onsite structures. Properties to the northwest and southwest are currently used for solar energy production and battery storage. The Arizona Veteran's Memorial Cemetery is located northeast of the Property and includes three single-story structures.

All adjacent properties are also designated Employment by *Make Marana 2040*.

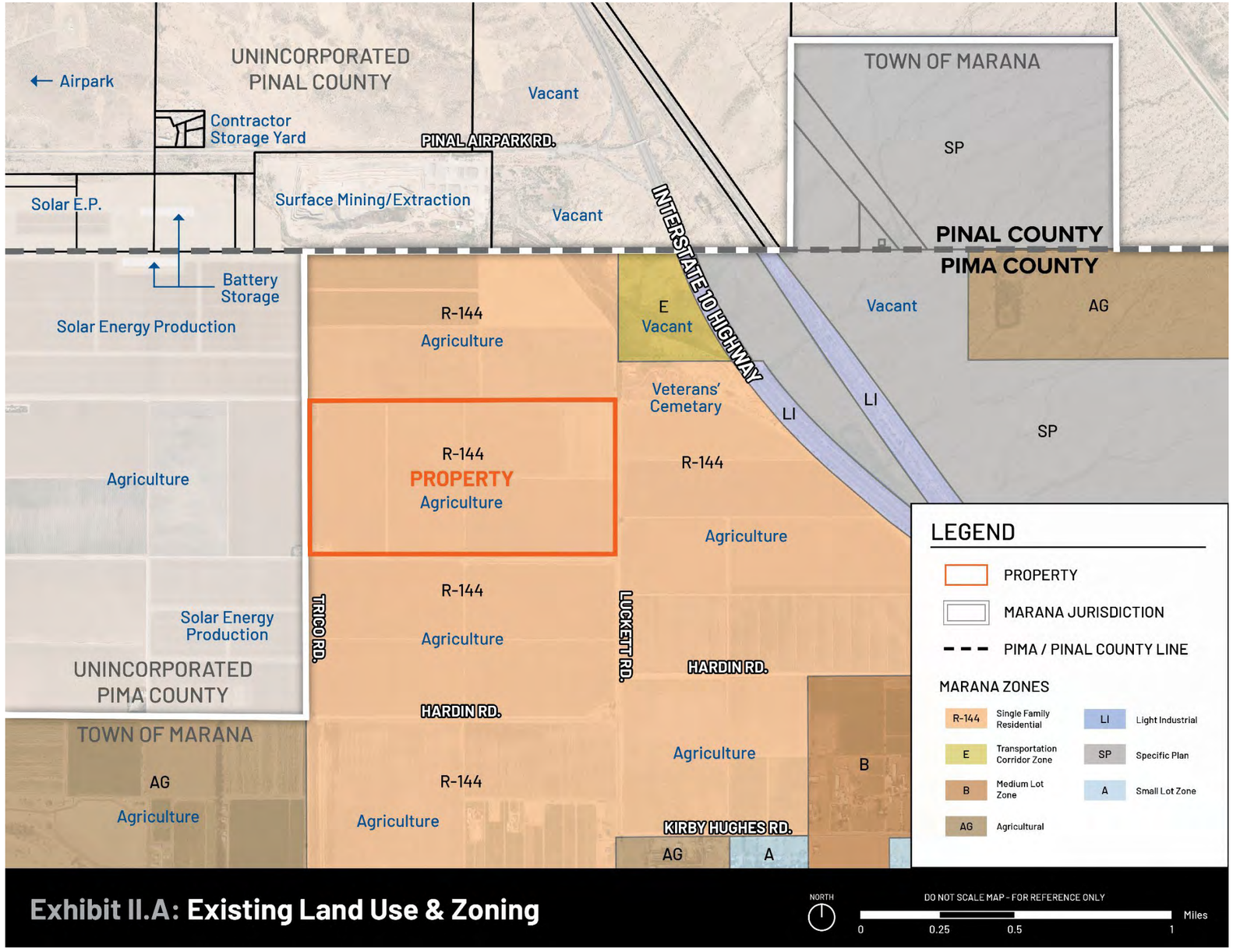


Exhibit II.A: Existing Land Use & Zoning

B. Topography

1. Pre-Development Cross-Slope

The majority of the Property is relatively flat with gradual sloping from east to west and approximately 16 to 18 feet of fall across the Property. As shown on *Exhibit II.B*, the west portion of the Property is generally 12 to 14 feet lower in elevation than the east portion. The Property does not contain areas with slopes 15% or greater.

2. Significant Topographic Features

There are no hillside conservation areas, rock outcrops, or significant topographic features on the Property. Areas around the northwest and southwest corners of the Property are graded to serve existing agricultural purposes.



Exhibit II.B: Topography

C. Hydrology

The Property and surrounding area are subject to runoff originating in the Tortolita Mountains to the east that is conveyed via bridges and culverts through the Central Arizona Project ("CAP") Canal and the Interstate 10/Union Pacific Railroad ("UPRR") transportation corridor. West of Interstate 10, runoff flows overland primarily in a sheet flow manner to the north and west toward the Santa Cruz River. Runoff impacting the Property is defined by the Tortolita Alluvial Fan Study ("TAFS"), which is the basis for effective Federal Emergency Management Administration ("FEMA") Flood Zone designations in this area. The total drainage area within the TAFS models (HEC-1 and FLO-2D) is 174.9 square miles. *Exhibit II.C.1* depicts the Property within the TAFS study area. Significant alterations have been made to the terrain in the vicinity due to historic agricultural activity. A higher resolution HEC-RAS 2D model was created to better model flow patterns in the Project vicinity. The RAS 2D model utilizes inflow hydrographs generated by the effective TAFS model. Runoff impacts the Property as sheet flow across farm fields separated by graded roads and irrigation canals. *Exhibit II.C.2* depicts the drainage patterns across the Property and the 100-year peak discharges at key cross sections. The Property is characterized by shallow sheet flooding. The 100-year sheet flood depths and peak discharges are depicted on *Exhibit II.C.2*.

Most of the Property is inundated by the 100-year flood. The majority of the Property lies within FEMA Zone AO1, with a large area of Zone X (shaded) to the east and a small area in the southwest corner. (See *Exhibit II.C.2*.) Runoff exits the Property to the north and west in a sheet flow manner, with depths typically ranging between 1 and 2 feet.

Exhibit II.C.1: Existing Regional Drainage

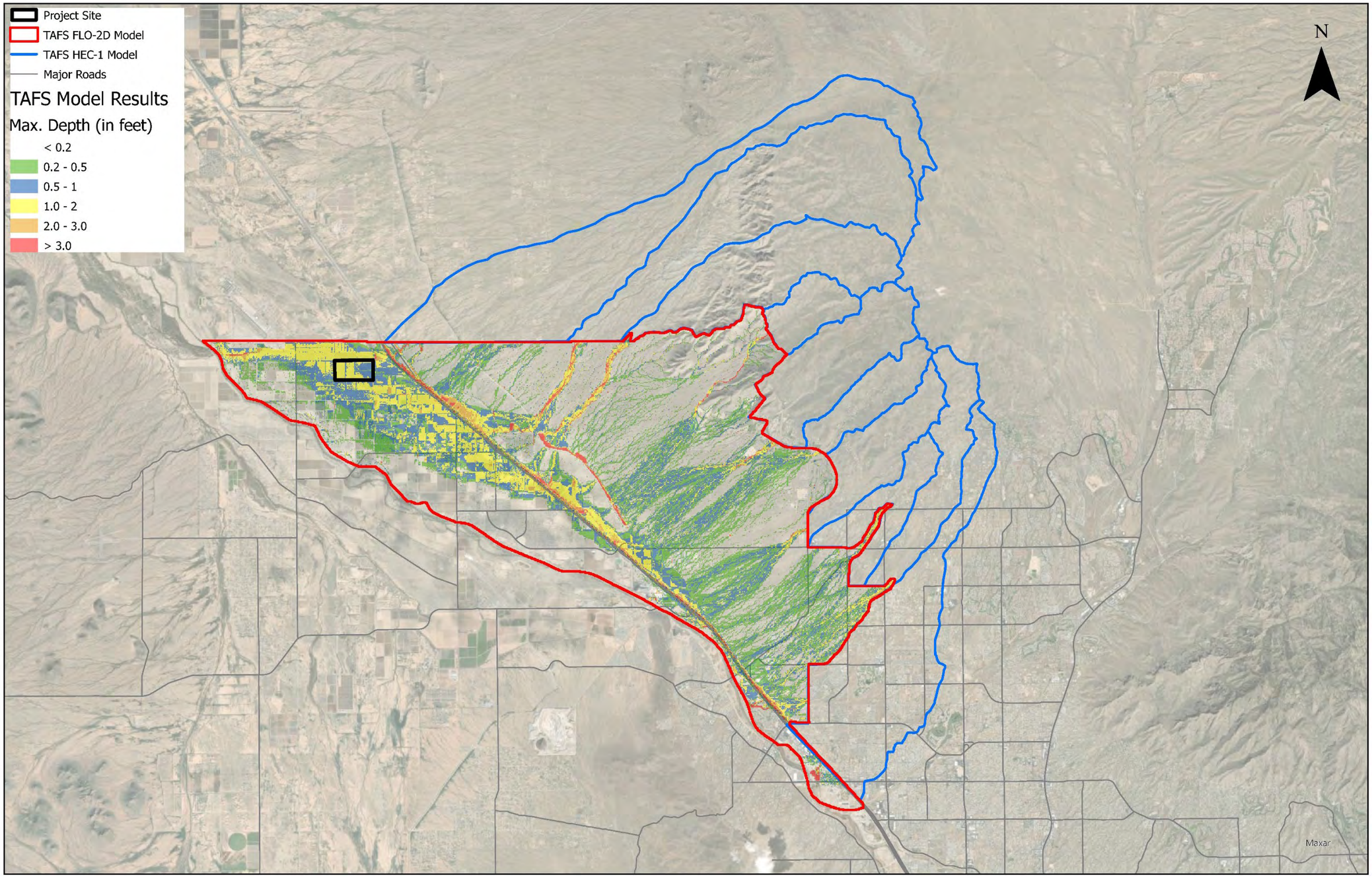
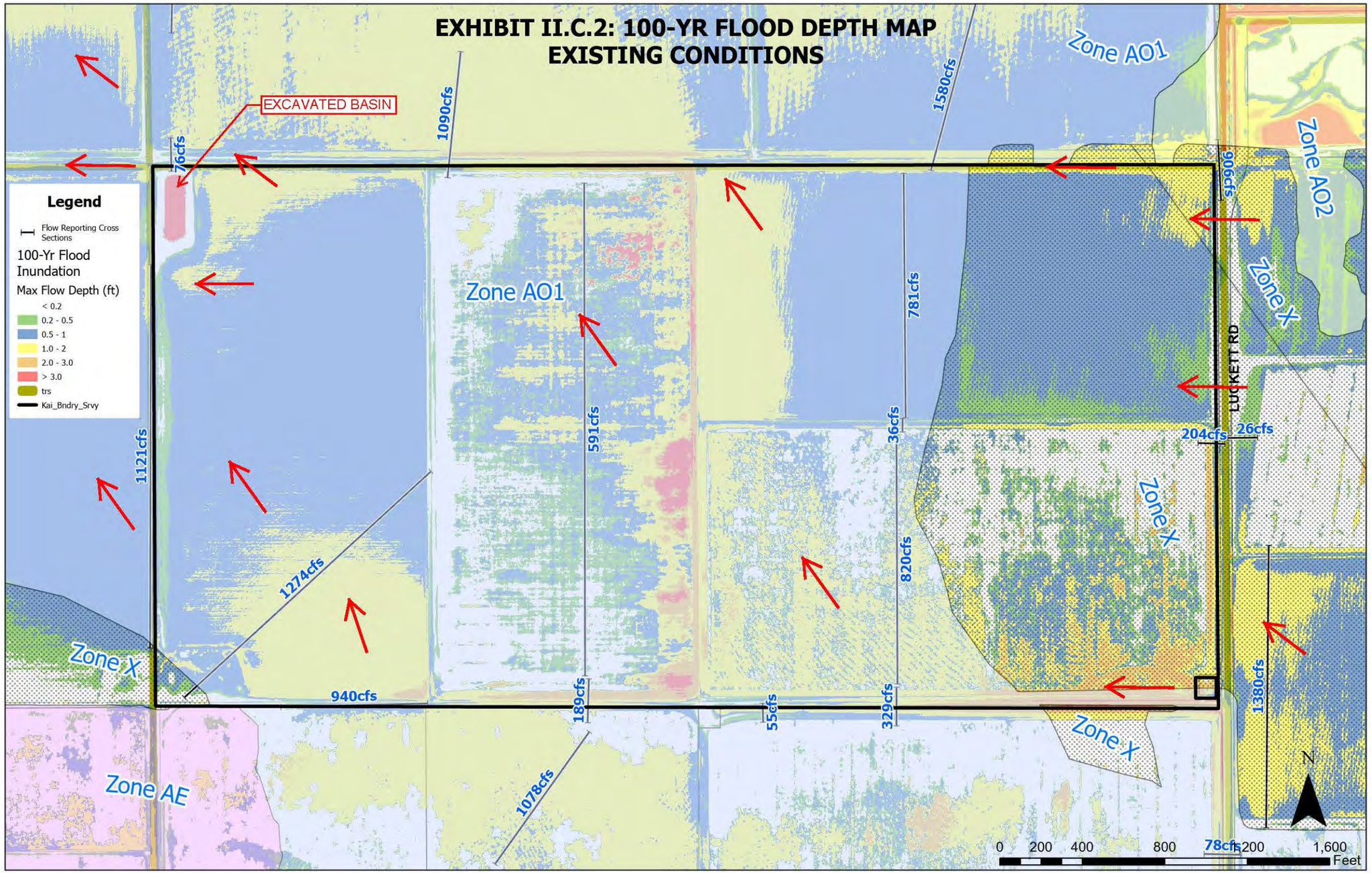


Exhibit II.C.2: Existing Local Drainage



D. Vegetation & Wildlife

The majority of the Property is currently used for agriculture. The Property contains no significant groups of vegetation or riparian habitat. There are small, vegetated areas near the northwest and southwest corners of the Property, as shown on *Exhibit II.D*. The Property contains no significant groups of cacti.

Additional information on vegetation and wildlife habitat is provided in *Appendix B: Biological Evaluation*.

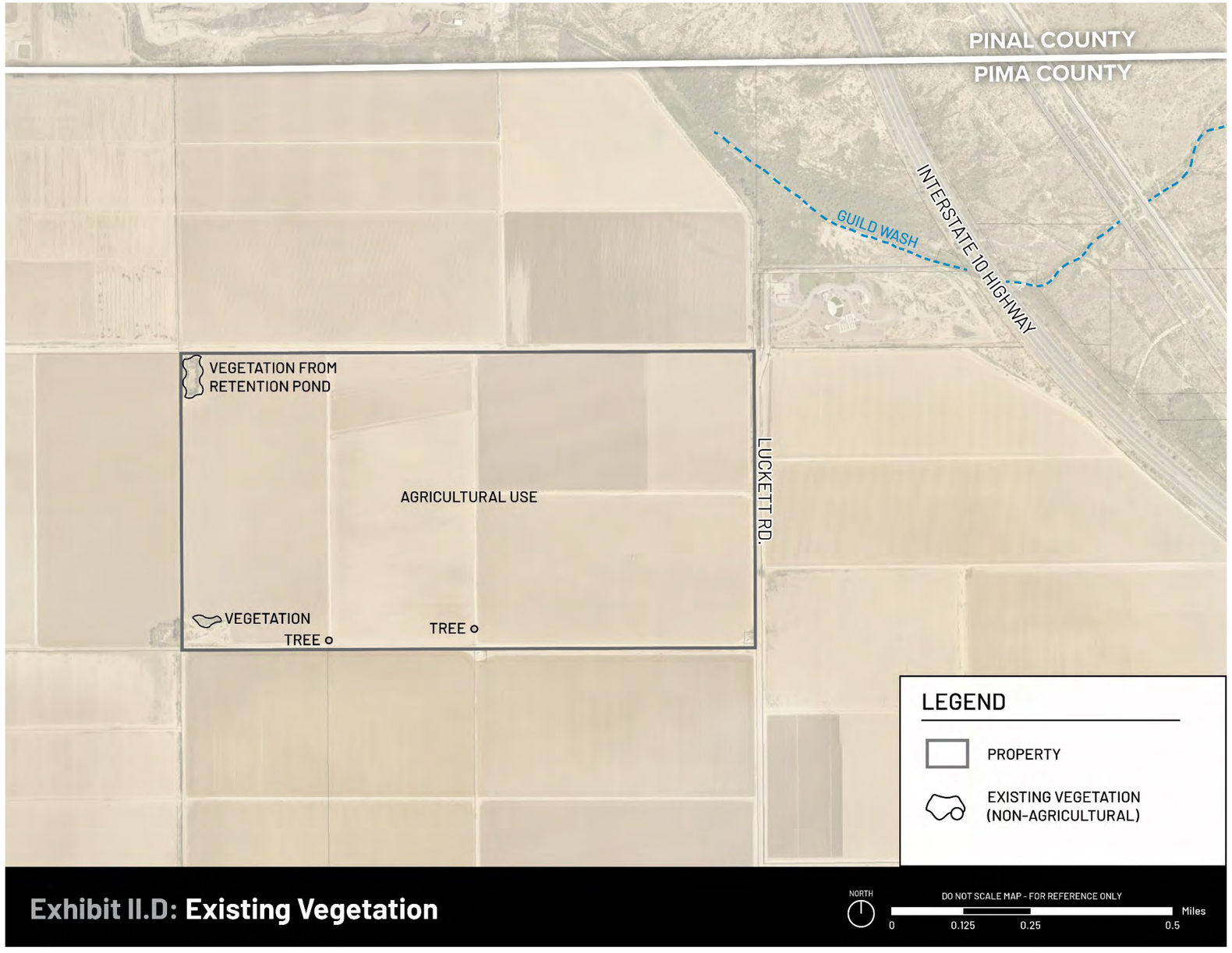


Exhibit II.D: Existing Vegetation

E. Soils & Geology

The primary use of the Property is agricultural with irrigation channels. A preliminary geotechnical engineering field exploration was conducted, and preliminary borings generally encountered soft to medium, stiff, fine-grained soils and loose sand soils with variable amounts of silt, clay and gravel to depths of approximately 13 to 30 feet below the existing ground surface. These upper soils were generally overlying very stiff to hard clay soils and dense to very dense sand soils. Groundwater was not encountered in any test boring at the time of drilling.

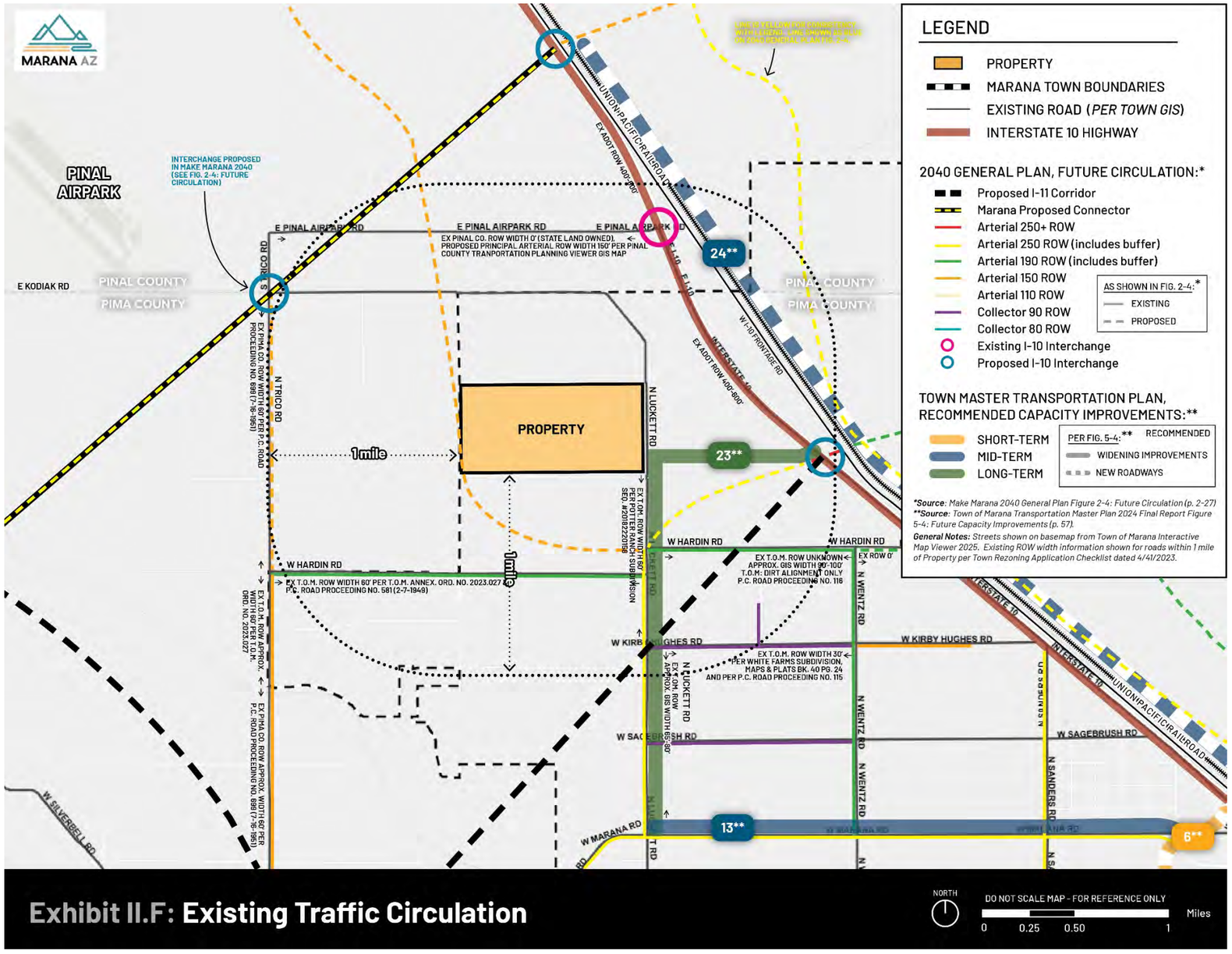


Exhibit II.F: Existing Traffic Circulation

F. Traffic

Existing roadways within one mile of the Property are depicted in *Exhibit II.F: Existing Traffic Circulation*, and each roadway's characteristics are listed in *Table II.F: Roadway Inventory.*

Table II.F: Roadway Inventory

ROADWAY	ROADWAY CLASSIFICATION	POSTED SPEED LIMIT (MPH)	NUMBER OF TRAVEL LANES	ROW WIDTH (FT)	BICYCLE FACILITIES	PARKING	SIDEWALKS	EXISTING DAILY TRAFFIC	OWNER	MAX. VOLUME THRESHOLD	DIFFERENCE IN THRESHOLD & EXISTING ADT	TRUCK RESTRICTIONS
I-10	PRINCIPAL ARTERIAL	75	6	300-800	NO	NO	NO	59,811	ADOT	104,100*	62,989	NO
MARANA ROAD	MAJOR COLLECTOR (90’ ROW)	35-45	2	250	NO	NO	NO	2,921	MARANA	10,000^	7,079	30,000 LB
LUCKETT ROAD	MINOR COLLECTOR (80’ ROW)	45	2	250	NO	NO	NO	283	MARANA	2,500^	2,217	NO
HARDIN ROAD	MINOR COLLECTOR (80’ ROW)	50	2	190	NO	NO	NO	264	MARANA	2,500^	2,236	NO
PINAL AIRPARK ROAD	MAJOR COLLECTOR (90’ ROW)	50	2	250	NO	NO	NO	2,801	PINAL COUNTY	10,000^	7,199	NO

*Arterial threshold comes from FDOT Multimodal Quality/Level of Service Handbook for I-10 and is considered transitioning.

^Collector comes from Pima County Subdivision and Street Development Standards, Table 4.1 Summary of Design Characteristics by Street Classification.

G. Recreation & Trails

There are no public trails, parks or recreation areas within one mile of the Property. The only mapped bicycle lane within a one-mile radius is along the Interstate 10 right-of-way ("ROW"), as shown on *Exhibit II.G*.

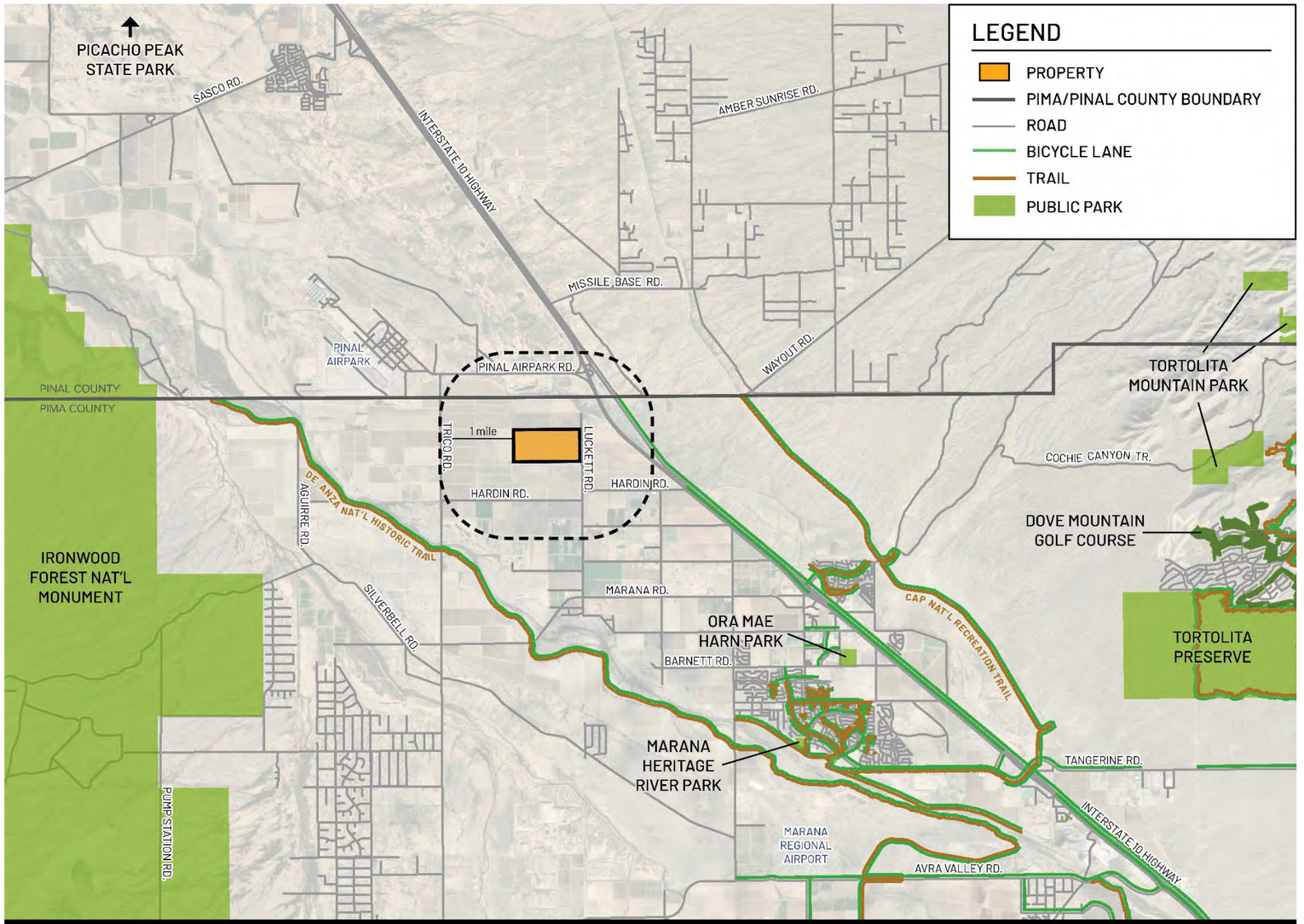


Exhibit II.G: Recreation & Trails

H. Viewsheds

With the exception of the vegetation surrounding the retention pond and graded area near the northwest and southwest corners, respectively, the entire Property and neighboring properties are completely flat and absent of vegetation from years of agricultural use. The only buildings visible from the Property are those associated with the Arizona Veterans Memorial Cemetery to the east. Distant mountain views exist from several vantage points around the Property. (See photos onto and across Property, *Exhibit II.H*.)

I. Cultural Resources

A Class I Cultural Resources Report for the Property to be submitted under separate cover.

Exhibit II.H: Views Onto & Across Property



Looking southwest from I-10 Highway southbound at eastern portion of Property.



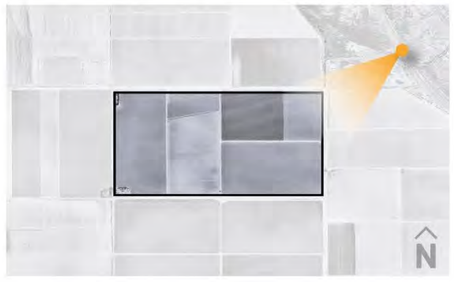
Looking southwest across Property from Luckett Rd. at northeast corner of Property.

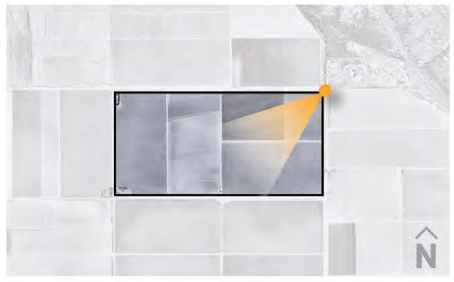


Looking southeast from adjacent property at northwest corner of Property.



Looking east from northwest corner of Property at northern Property boundary.











Looking north at Veteran's Memorial Cemetary (right) and Luckett Rd. terminus (left) from northeast corner of Property.



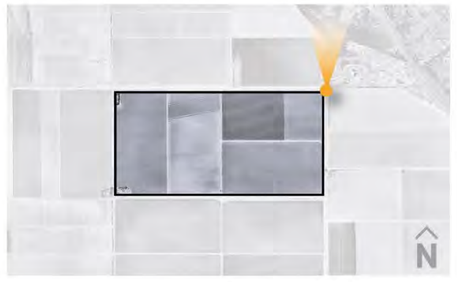
Looking directly south across center of Property from northern Property boundary.

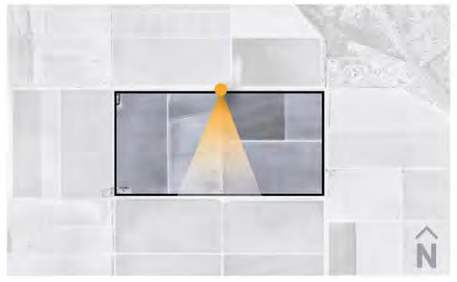


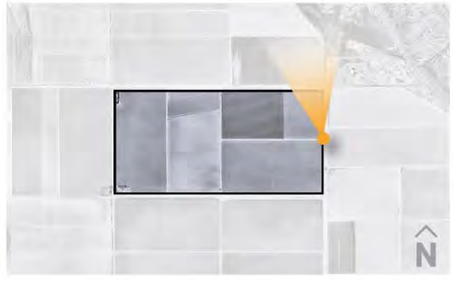
Looking north at northeast corner of Property from Luckett Rd.

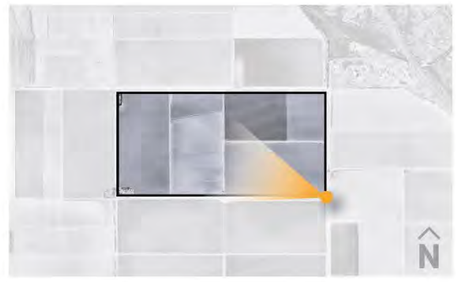


Looking west at southeast corner of Property from Luckett Rd.









J. Utilities

1. Sewer

The Property is within the Marana Sewer Designated Management Area ("DMA"). There is no existing sewer infrastructure located on the Property. As shown on *Exhibit II.J.1*, the Property is outside of the Town's sewer service area.

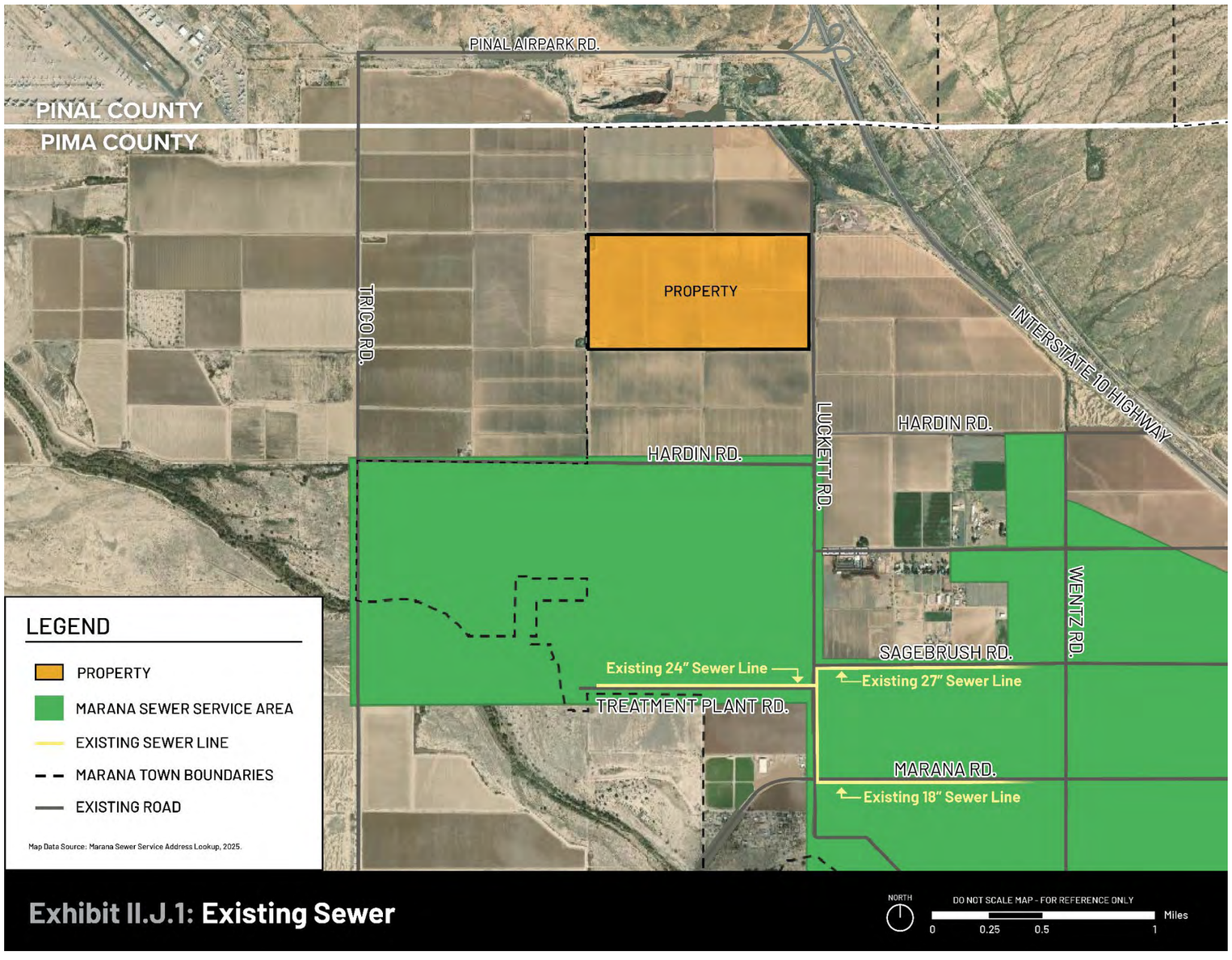


Exhibit II.J.1: Existing Sewer

2. Water

As shown on *Exhibit II.J.2*, the Property is located within the Marana Water Intended Service Area and adjacent to the existing Cortaro-Marana Irrigation District ("CMID") canal. The CMID currently provides water to the Property for agricultural use, estimated at 800 to 1,100 acre-feet per year("AFY"). An existing 8-inch potable water line is located within Wentz Road south of Sagebrush Road, and an existing 4-inch potable water line is located within Sagebrush Road, west of Wentz Road.

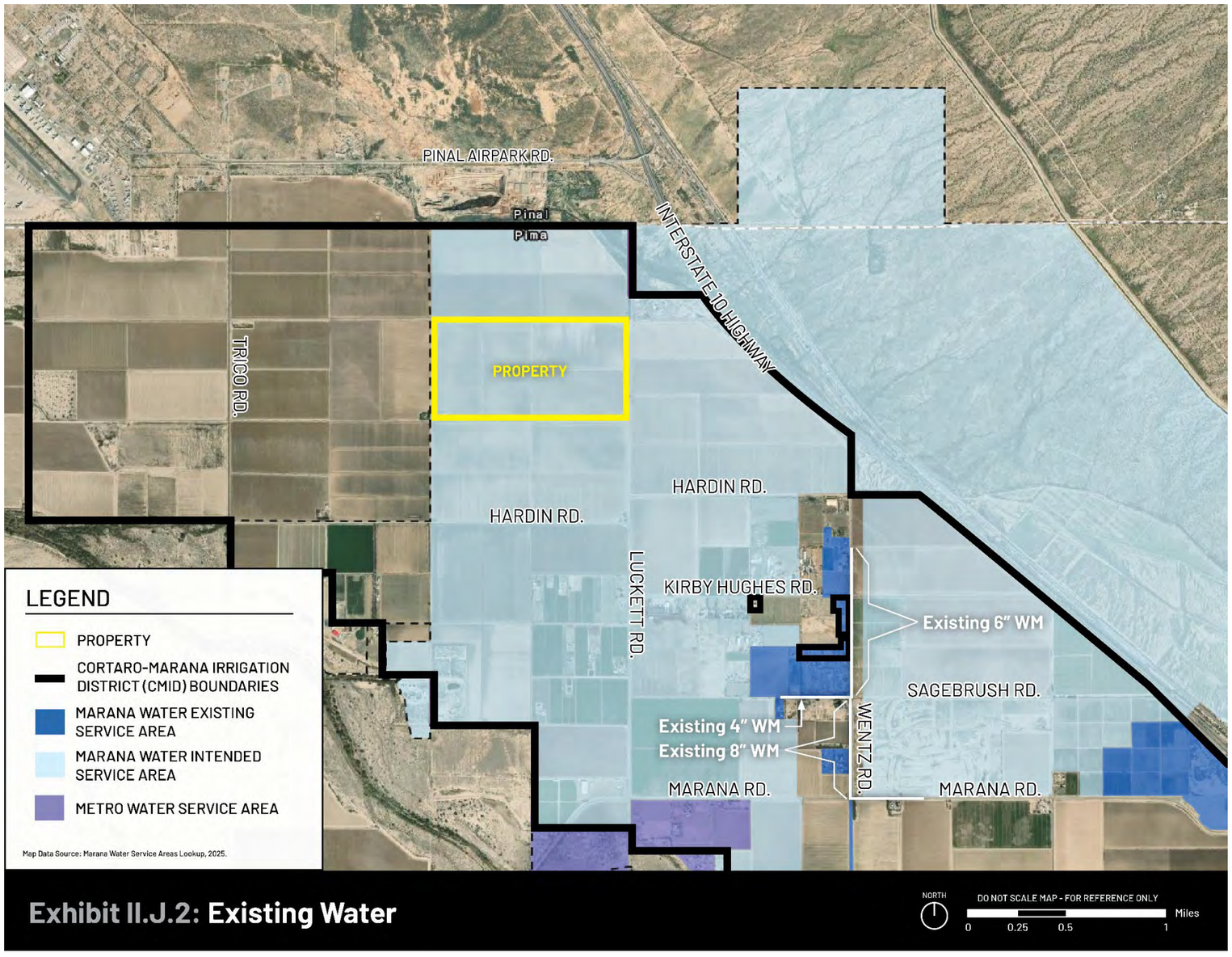


Exhibit II.J.2: Existing Water

K. McHarg Composite Map

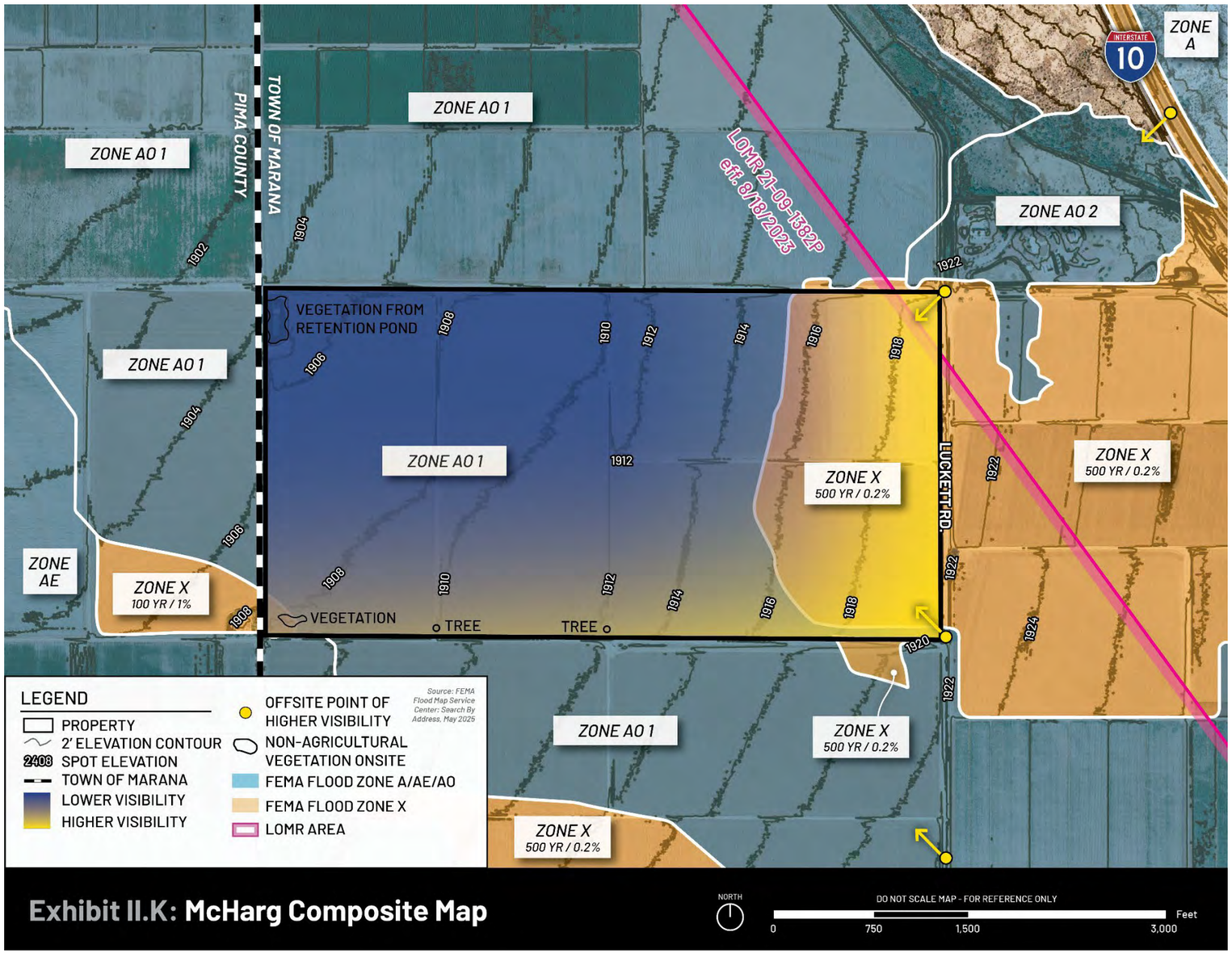


Exhibit II.K: McHarg Composite Map

III. LAND USE PROPOSAL

A. Land Use

The Property has been identified as an ideal site for future data center development. The Applicant intends to develop the Property with a data center and related infrastructure improvements that are already in high demand in northern Marana.

Data centers are specialized facilities designed to house computer systems, chips, servers and other related hardware that store, process and manage vast amounts of digital information. Data centers are the backbone of U.S. technological advancement, driving economic growth and securing national leadership in innovation. Through cloud computing, they support online education and video conferencing, empower communities to advance seamless digital connectivity, and host systems that generate personalized experiences, real-time navigation and critical decision-making tools. Demand for data centers is supported by a diverse set of industries with durable long-term employment and positive fiscal impacts for local communities.

The Specific Plan positions the Town to become a hub for technology, innovation and business growth, and provides the Town with a unique opportunity to play a critical role in an increasingly dynamic and interconnected 21st century economy. This investment will also create high-quality jobs in the Information Technology sector, which has been targeted as one of four key industries for employment growth within the Town.

This Specific Plan has been drafted in conformance with MTC § 17-6-13, Data Centers. Potential impacts to adjacent uses will be minimized through strategic mitigation measures, as outlined in Section IV, Development & Design Regulations, such as:

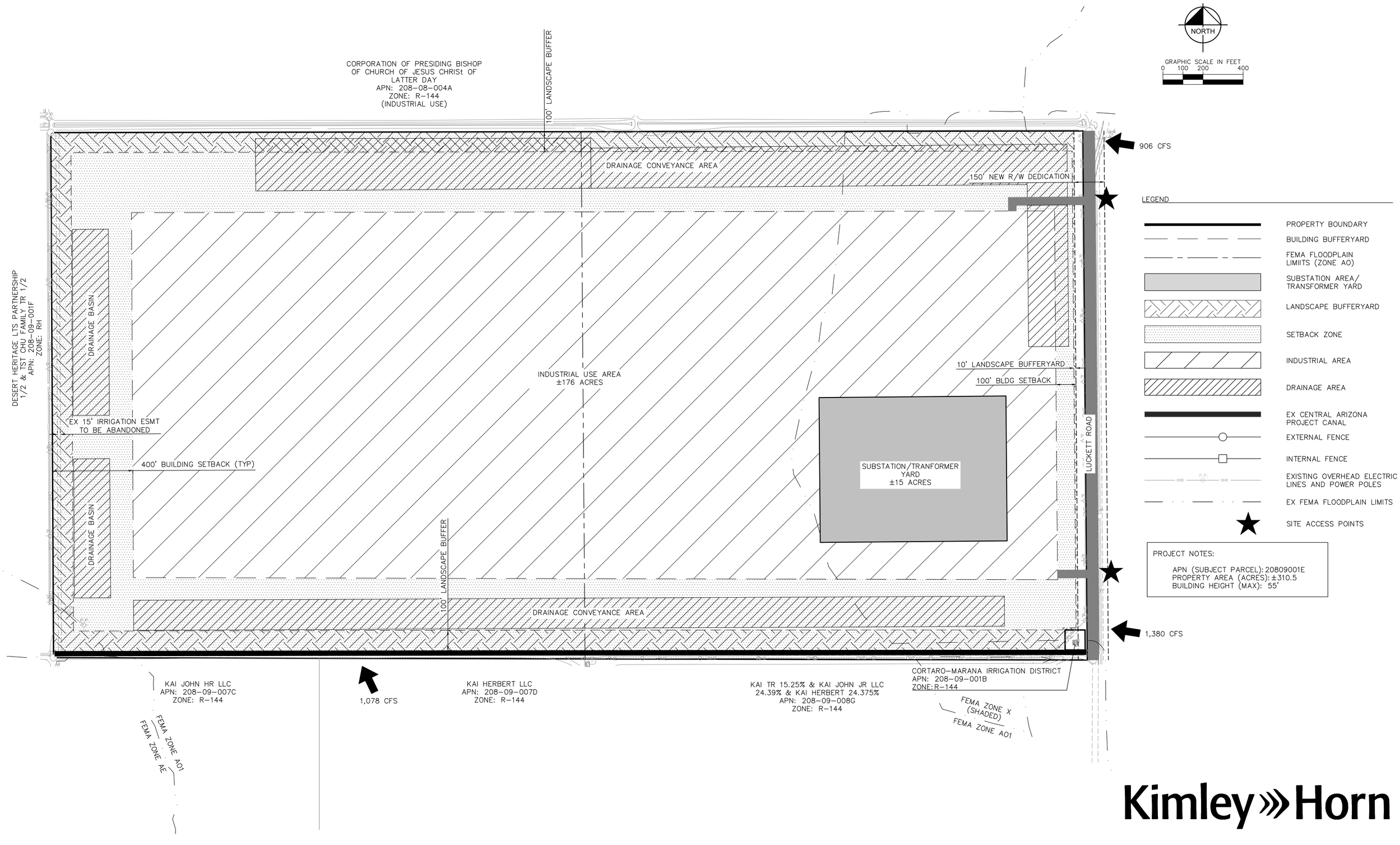
- limiting building heights to diminish visual impacts;
- incorporating adequate drainage infrastructure to offset an increase in impervious surfaces; and
- providing ample setbacks and bufferyards for sound attenuation.

The Property is located in the General Plan's North Growth Area, which is *"envisioned to become a premier employment hub in Marana, concentrated around Pinal Airpark [that] will attract manufacturing, distribution, and logistics industries for its advantageous location between Pinal Airpark, Interstate 10, and the Union Pacific Railroad, as well as the future Interstate 11 corridor."* The General Plan Future Land Use Map designates the Property as Employment, which supports a range of industrial, warehousing, manufacturing, business parks and other uses that present employment opportunities. The Project will result in significant infrastructure investment in North Marana, not only funding this Project, but also potentially serving as a catalyst for additional economic development in this area.

A Conceptual Land Use Plan is provided as *Exhibit III.A* to illustrate how the Project may be developed.

Exhibit III.A: Conceptual Land Use Plan

Exhibit A to Resolution No. 2026-006



Kimley»Horn

B. Topography & Grading

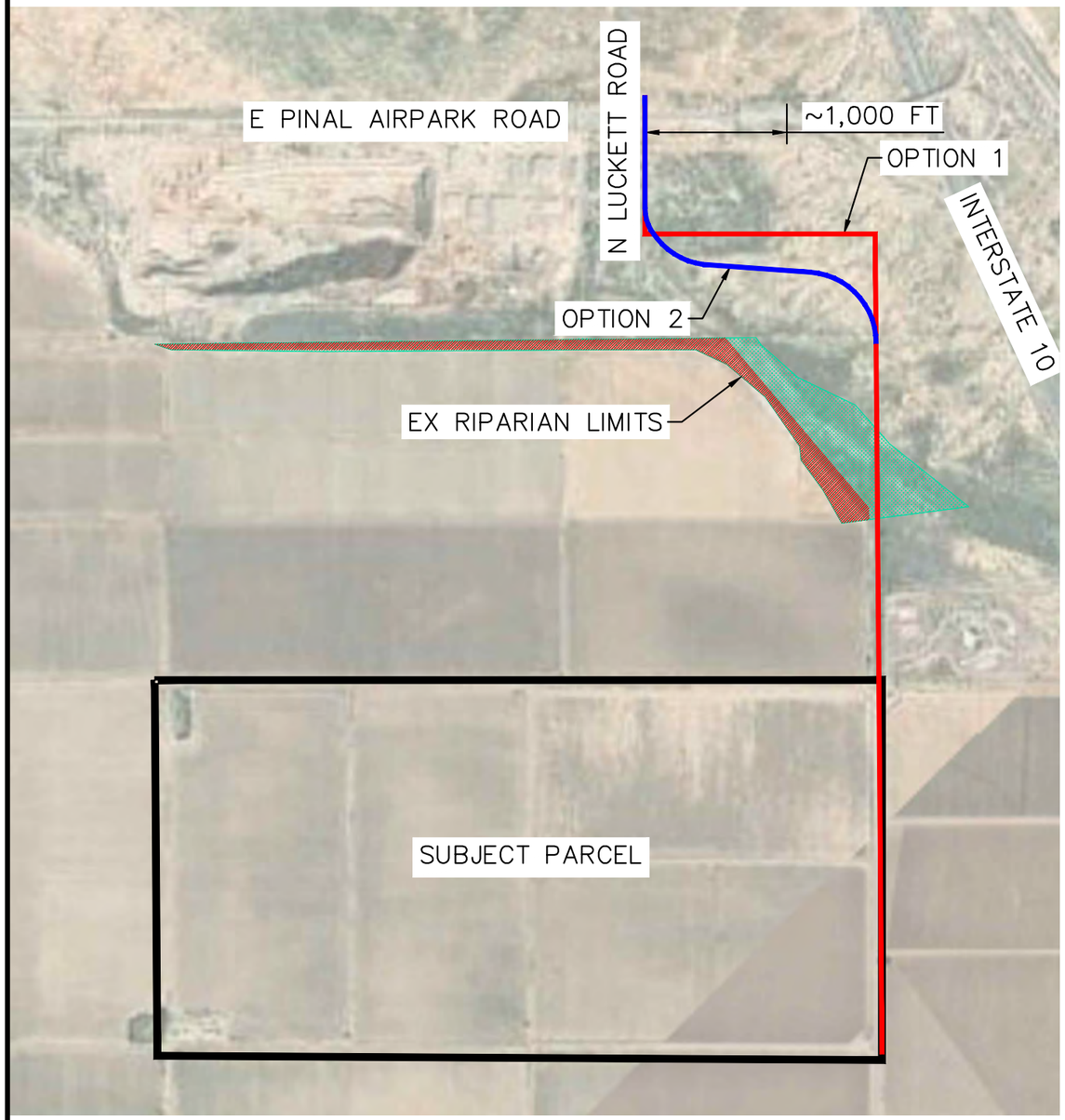
The proposed grading design will be largely influenced by offsite drainage conveyance through and around the Property, as well as the minimum required finished floor elevation building pads. The building Finished Floor Elevations ("FFE") will be constructed in accordance with FEMA and Town requirements as follows: in proposed CLOMR/LOMR flood zone mapping Zone Shaded X, A or AE, a minimum of 1 foot above the 100-year WSEL; Zone AO-1, 2 feet above highest adjacent natural grade ("HANG"); Zone AO-2, 3 feet above HANG; AO-3, 4 feet above HANG. Areas not impacted by a mapped FEMA Zone (Unshaded Zone X) will have no minimum FFE requirement or a minimum of 2 feet above the highest adjacent local 100-year WSEL. The fill pads are proposed to be generally sloping at a 1% grade to the internal drainage basins.

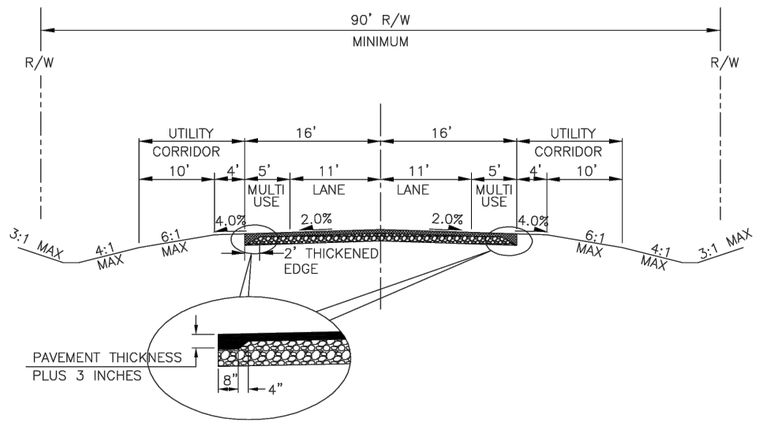
C. Traffic

1. General Onsite Circulation

The Project proposes two access driveways along Luckett Road on the east side of the Property. Each access drive is assumed to have one ingress lane and one egress lane with full access to Luckett Road. Internal access lanes will be constructed per Town standards.

Regional access to the Property will be via Pinal Airpark Road from the north by extending Luckett Road into Pinal County. *Exhibit III.C* illustrates two options for the Luckett Road extension.





1. RIGHT OF WAY WIDTHS FROM THE MAJOR ROUTES RIGHT OF WAY PLAN SUPERCEDE RIGHT OF WAY WIDTHS SHOWN ON THIS STANDARD

APPROVED FOR DISTRIBUTION:

Keith E. Brann, P.E.,
Town Engineer

EXPIRES 6/30/2019

NOT TO SCALE

STANDARD DETAIL	DETAIL NO:
2-LANE RURAL COLLECTOR	110-1
DATE: 2/16/2007 REVISED: 8/1/2016	SHEET 1 OF 1

Exhibit III.C: Luckett Road Extension

LUCKETT ROAD EXHIBIT

SCALE: 1"=1000'

Kimley»Horn

© 2025 KIMLEY-HORN AND ASSOCIATES, INC.
3300 East Sunrise Drive, Suite 130
Tucson, Arizona 85718 (520) 615-9191

2. Projected ADT

The Project is estimated to generate the following:

- 2031 Construction Traffic Volume
  - 5,984 daily trips, 1,427 AM peak hour trips, 1,482 PM peak hour trips
- 2031 Construction with Shuttle Traffic Volume
  - 4,819 daily trips, 848 AM peak hour trips, 896 PM peak hour trips
- 2032 Operation Traffic Volume
  - 2,840 daily trips, 360 AM peak hour trips, 280 PM peak hour trips

3. Required Roadway & Traffic Control Improvements

The Project's Traffic Impact Study ("TIS") has been submitted for review under separate cover. Most trips are anticipated to arrive and depart from the north side of the Project using the Luckett Road Extension connecting to I-10. All study intersections are anticipated to operate at an acceptable level of service in all analyzed conditions.

The following recommendations outlined in the TIS have been made based on the auxiliary lane warrant criteria in the *2016 Pima County Subdivision and Development Street Standards*:

- A westbound left turn lane is warranted and recommended on Pinal Airpark Road at the Luckett Road Extension (Intersection 7).
- A northbound left turn lane is warranted and recommended on Luckett Road at the North Driveway (Intersection 4).
- A northbound left turn lane is warranted and recommended on Luckett Road at the South Driveway (Intersection 3).

All 95th percentile queue movements in each design scenario are expected to be accommodated by the existing movement storage. Recommended auxiliary lanes shall have 150 feet of storage based on the minimum requirements except the westbound left turn lane on Pinal Airpark, which is recommended to have 475 feet of storage.

D. Hydrology

Exhibit III.D.1 depicts the drainage system under post-development conditions. (*Note: Exhibits III.D.1 and III.D.2 depict two different drainage development approaches, as discussed below.*)

The Conceptual Land Use Plan (*Exhibit III.A*) includes light industrial buildings and utility yards with interconnecting road access. The development areas will be elevated above the 100-year flood. Offsite runoff will be captured upstream of the fill areas in below-grade earthen perimeter channels. The offsite flows will be conveyed around the elevated portions of the Property into multiple flow release basins located along the north and west Property lines. The constructed channels conveying higher flow concentrations are designed to flow at low velocities but may require scour protection at specific transition points to alleviate erosive potential.

The perimeter drainage concept is designed to release runoff as shallow sheet flow at the same locations as existing conditions, consistent with the Town of Marana Drainage Manual ("Drainage Manual"). The downstream basins are sized to release runoff to the north and west over low-level containment weirs without increasing downstream 100-year water surface elevations more than 0.1 feet relative to existing conditions. The intent is to have no impact with regards to flow depths or erosion hazards to the existing downstream floodplain areas. This "no rise" design approach is consistent with the Town's development requirements and will serve as the basis for eventual Federal Emergency Management Agency ("FEMA") Conditional Letter of Map Revision ("CLOMR") and Letter of Map Revision ("LOMR") applications to remove the flood zone designations within the Property. FEMA CLOMR/LOMR map revision applications will be based on effective TAFS FLO-2D *hydrology*, based on non-regional rainfall, in accordance with Section 4.1 of the Drainage Manual. It is anticipated that the map revision applications will utilize two dimensional HEC-RAS software for updated *hydraulic* modeling of the post-development floodplain, in accordance with the Drainage Manual.

Onsite runoff increases due to substantially increased impervious areas will be mitigated in accordance with the Drainage Manual with the installation of multiple interior retention basins, which will be sized to capture the total onsite flow volume from successive 100-year and 10-year rainfall events. All impervious development areas will drain into the interior basins. Each basin will include low-flow outlets to allow the basins to gradually drain into the perimeter drainage channels. The downstream basins, and possibly the interior basins, will require drywells to allow the basins to fully drain within the maximum storage time allowed.

As the upstream ADMP alternative channels have not yet been constructed, one option would be for construction of an oversized version of the CMID 10.5 channel within new public ROW along the north Property line and extending downstream the full distance to the Santa Cruz River outfall. Design approval and construction of the CMID 10.5 channel will require CLOMR and LOMR applications to the Town and FEMA. The oversized channel would allow capture of substantially more runoff, thereby reducing the requirements for onsite fill and drainage infrastructure. The Applicant will work with the Town to design the CMID 10.5 channel as a water recharge structure, if feasible. Under this option, the onsite retention requirements would be accomplished via direct discharge to the Santa Cruz River, while onsite detention would be accomplished within the perimeter basins. *Exhibit III.D.2* depicts a conceptual drainage plan for this optional scenario. The internal development areas would not require substantial fill.

Exhibit III.D.1: Post-Development Hydrology

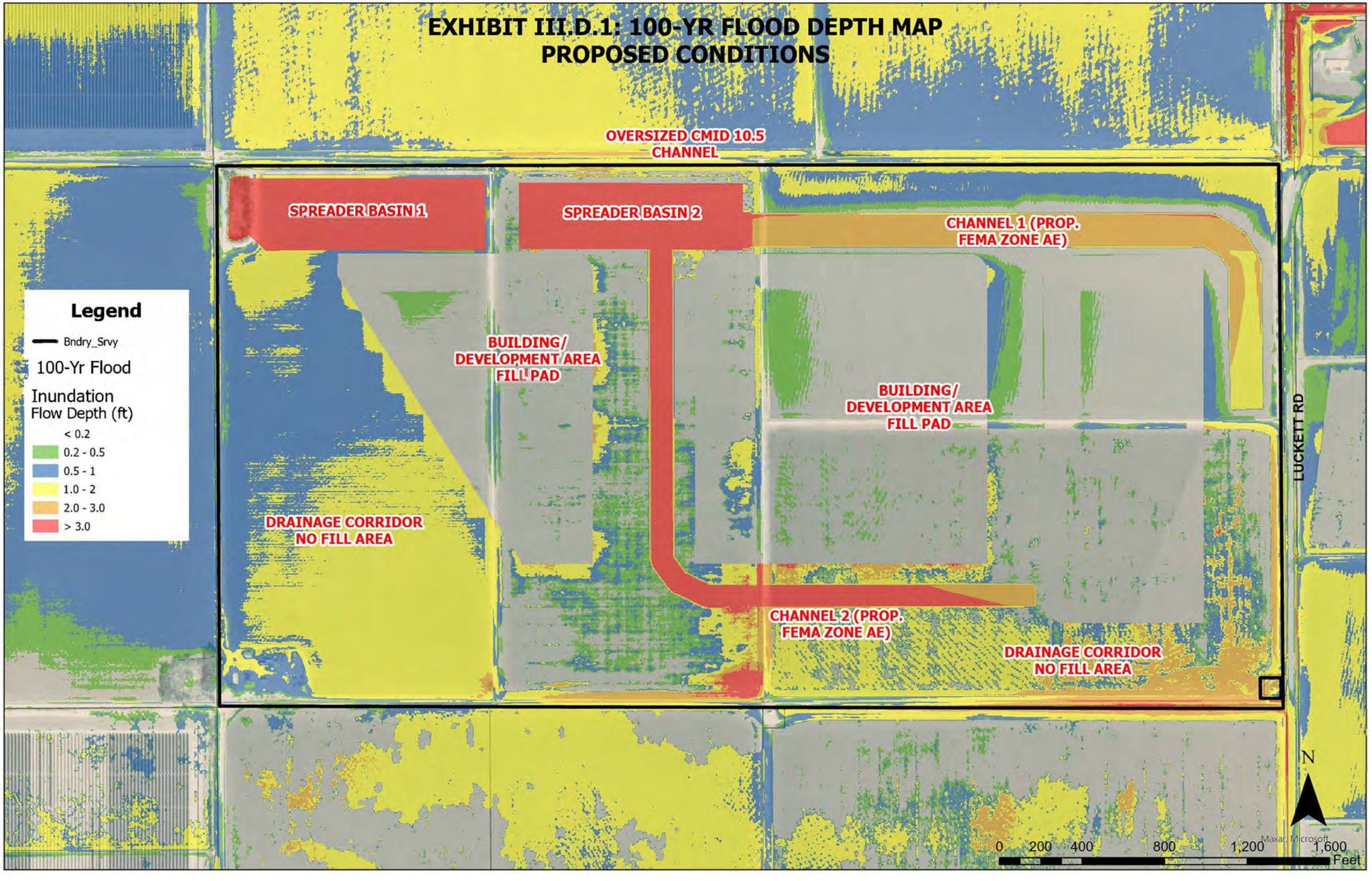
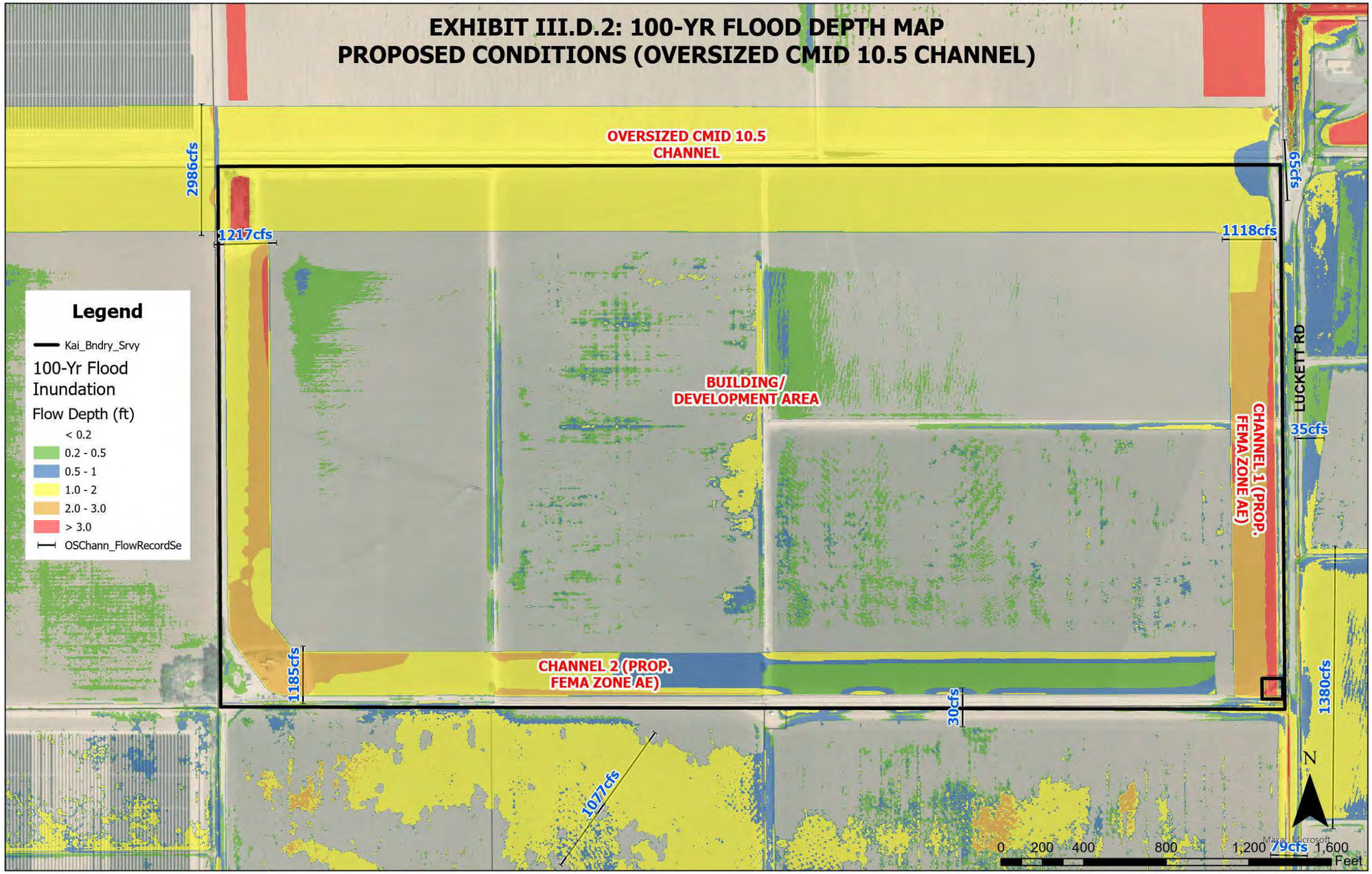


Exhibit III.D.2: Oversized CMID 10.5 Channel Option



E. Vegetation & Wildlife

The proposed Luckett Road extension will impact the Xeroriparian A riparian habitat located at the northeast corner of the Property. The riparian vegetation will be mitigated through transplanting or replacing with plantings chosen to match adjacent undisturbed natural areas. Additionally, located primarily in the riparian area, species of native plants, as listed on the Marana Protected Native Plant List, will be impacted by the Luckett Road extension. The most notable of these species is the Prosopis, Parkinsonia and Acacia. The native plant preservation plan will detail the mitigation approach for impacted vegetation. The balance of the site, used for the proposed data center, is currently agricultural and does not contain riparian areas or protected native plant species.

The yellow-billed cuckoo, western burrowing owl and southwestern willow flycatcher are identified within 3 miles of, and may inhabit, the Property. The developer and contractor have additional responsibilities prior to and during construction to mitigate the influence on these species:

- The developer will employ a biologist to complete a pre-construction survey for burrowing owls prior to construction in all suitable habitats that will be disturbed. The biologist shall possess a burrowing owl survey protocol training certificate issued by the Arizona Game and Fish Department.
- Prior to construction, all personnel who will be onsite, including, but not limited to, contractors, contractors' employees, supervisors, inspectors, and subcontractors shall review the "Western Burrowing Owl Awareness" flyer.
- If any burrowing owls or active burrows are identified, the contractor shall notify the developer immediately. No construction activities shall take place within 100 feet of any active burrow. If the developer, in cooperation with the biologist, determines that burrowing owls cannot be avoided, the contractor shall employ a qualified biologist holding a permit from the U.S. Fish and Wildlife Service to relocate burrowing owls from the Property, as appropriate.
- If vegetation clearing occurs during the migratory bird breeding season (March 1 – August 31), the contractor shall avoid any active bird nests. If the active nests cannot be avoided, the contractor shall notify the engineer for evaluation. During the non-breeding season (September 1 – February 28), vegetation removal is not subject to this restriction.

Based on the completed Biological Evaluation (provided as *Appendix B*), no potential for "Take" exists (meaning that the Project has no potential to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) to threatened and endangered species.

Potential Waters of the United States (WOTUS) are not located on the Property. Therefore, Section 404/401 permitting is not required or proposed for this development.

F. Utilities

As described in Section II (Development Capability Report), public utilities are readily accessible for extension through the Property. Services will be extended with proper design capacity to meet the demands of the Project.

1. Sewer

The Project will produce sanitary wastewater from bathrooms and other facilities, as well as a small amount of industrial wastewater on an infrequent basis. These wastewater streams will be blended together

The Project will discharge wastewater through a new 2-mile force main proposed to align with the Luckett Road public ROW from the Property, southerly to a point of connection to the existing 27-inch gravity sewer at the intersection with Sagebrush. A new sewer lift station is required to transfer the domestic wastewater uphill to the existing line. Final location of sewer lift station will be confirmed through the design process.

See *Exhibit III.F.1.a: Sewer Intent to Serve Letter* and *Exhibit III.F.1.b: Proposed Wastewater*.

Exhibit III.F.1.a: Sewer Intent to Serve Letter

MARANA AZ
WATER

October 31, 2025

Lazarus & Silvyn, P.C.
5983 E. Grant Rd., Ste. 290
Tucson, AZ 85712

RE: Letter of Intent to Serve – Sewer (ITSS)

To Whom it May Concern,

Marana Water finds the following pertaining to the Luckett Road North & South Data Center Development:

- Is within the Town of Marana Boundary
- Is in Marana Water's Sewer Designated Management Area.
- Will be a part of the **North Marana Benefit Area.**
- Preliminary assessment indicates that Marana Sewer system, at the time of this letter, currently has adequate sewer capacity to serve this project.

Please be advised that this letter of intent to serve does not serve as a reservation of capacity. Service connections are available on a first-come, first-serve impartial and non-discriminatory basis. This Letter of Intent to Serve – Sewer is valid for a period of 1-year from the date of this letter.

Sincerely,

Francis Hemmah, P.E.
Marana Water/Water Reclamation Engineer

11555 W. Civic Center Dr. / MARANA, ARIZONA 85653 / (520) 382-2500 / FAX: (520) 382-2590 / MaranaAZ.gov

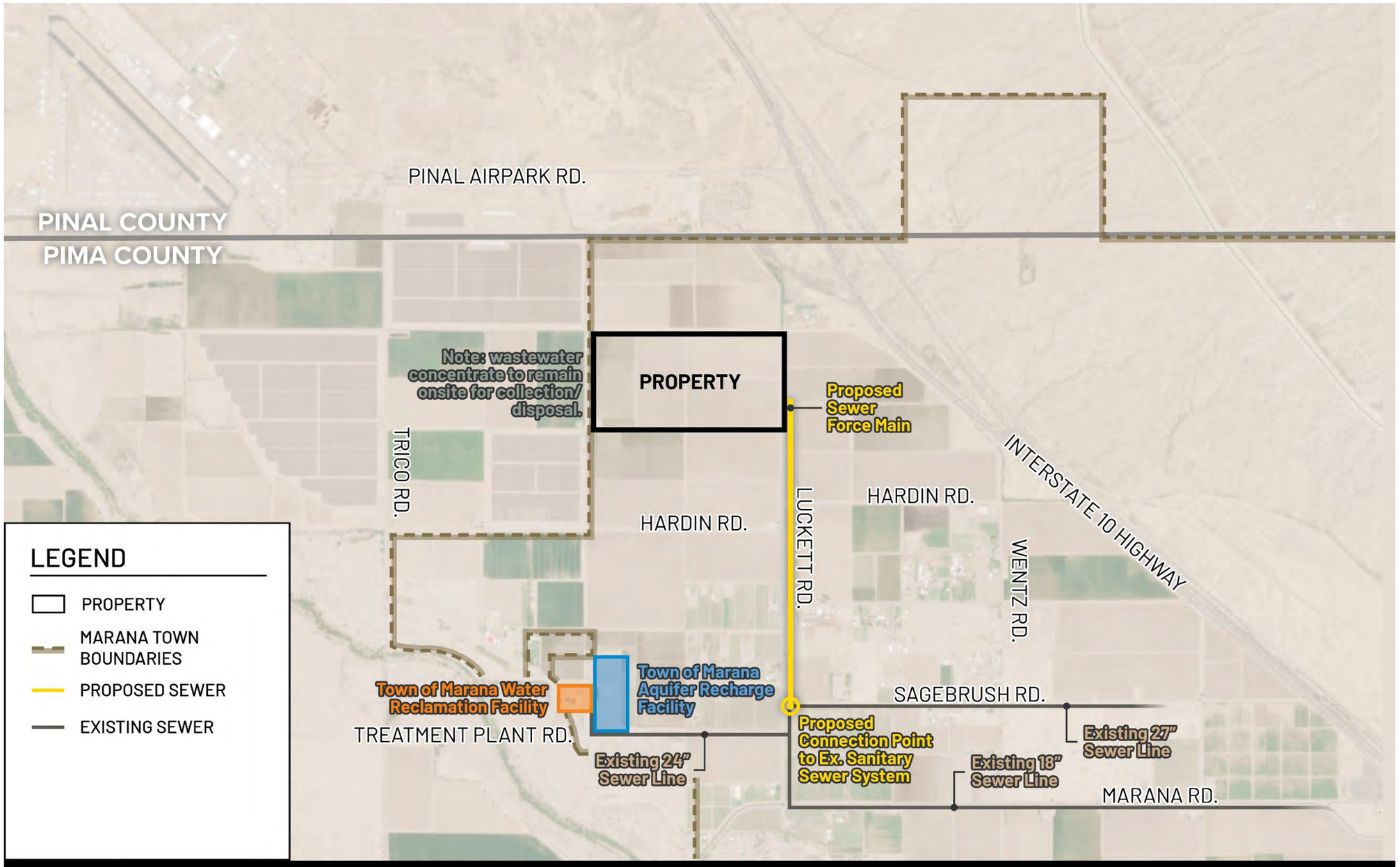


Exhibit III.F.1.b: Proposed Wastewater

2. Water

The Project will draw water from two sources.

For domestic use only, potable water will be provided by a pipeline extension and upsizing a portion of existing infrastructure. The Project will connect to the Marana Water system via a 2.25-mile, 8-inch extension along Luckett Road, Hardin Road and Wentz Road to the intersection of Sagebrush Road. The final alignment will be determined by Town water modeling. (See *Exhibit III.F.2.a: Water Intent to Serve Letter* and *Exhibit III.F.2.b: Proposed Potable Water*.)

Industrial water and fire water supply will be withdrawn from the adjacent CMID irrigation canal. CMID has indicated an average supply rate of 12 cubic feet per second, or 7.8 million gallons ("MG") per day, is available. CMID has confirmed capacity is available to supply the non-potable water to the site for industrial purposes. The Project's estimated operational non-potable water needs average approximately 18 AFY, with a fire storage requirement of up to 2 AFY. The Applicant will also work with CMID on the landscaping and construction water. The current agricultural uses have an estimated demand of 800 to 1,100 AFY per year.

The Project, at full build out, has an estimated average annual demand for both potable and non-potable water use of 40 AFY for all potential uses.

A water storage tank and booster pump are required to meet fire flow requirements for the Project.

A letter from CMID affirming sufficient water is available to serve the Project is provided as *Appendix C*.

Exhibit III.F.2.a: Water Intent to Serve Letter

MARANA AZ
WATER

October 31, 2025

Lazarus & Silvyn, P.C.
5983 E. Grant Rd., Ste. 290
Tucson, AZ 85712

RE: Letter of Intent to Serve – Water (ITSW)

To Whom it May Concern,

Marana Water finds the following pertaining to the Luckett Road North & South Data Center Development:

- Is within the Town of Marana Boundary
- Is in Marana Water's Existing Water Service Area.
- Will be a part of the **North Marana Benefit Area.**
- Preliminary assessment indicates that Marana Water system, at the time of this letter, currently has pressure and storage to serve this project.

Please be advised that this letter of intent to serve does not serve as a pressure and storage letter required for permitting. Service connections are available on a first-come, first-serve impartial and non-discriminatory basis. This Letter of Intent to Serve – Water is valid for a period of 1-year from the date of this letter.

Sincerely,

Francis Hemmah, P.E.
Marana Water/Water Reclamation Engineer

11555 W. Civic Center Dr. / MARANA, ARIZONA 85653 / (520) 382-2500 / FAX: (520) 382-2590 / MaranaAZ.gov

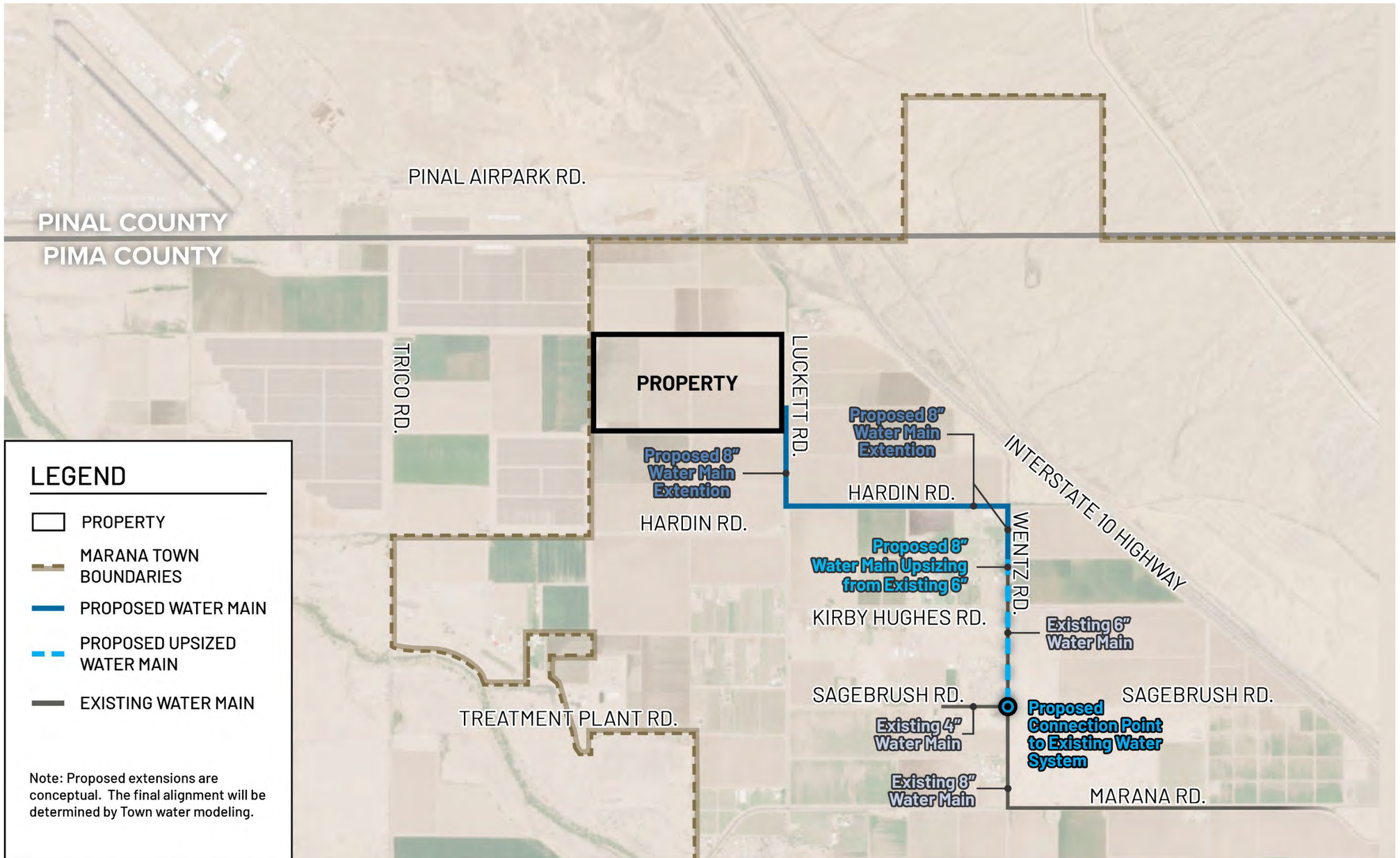


Exhibit III.F.2.b: Proposed Potable Water

3. Electric Service

The Project will utilize an estimated 550 to 750 megawatts ("MW") of power at full buildout. The Project's consumption will ramp up over time, typically starting with approximately 10-20% initial load and increasing gradually to the full build capacity over the course of 2-3 years. While these estimates are subject to change as the Project develops, the Project's power utilization will be subject to finalization through ongoing utility studies and subsequent energy supply agreements directly with the energy provider(s). All energy supply agreements are subject to regulatory approval by the Arizona Corporation Commission (ACC).

A letter from TEP affirming engagement with the Applicant to serve power needs of the Project is provided as *Appendix D*.

G. Public Services

The Property is not currently located within a fire district. Annexation into Northwest Fire District will be required prior to issuance of building permits. As discussed in Subsection III.F.2 above, water for fire water supply will be drawn from the adjacent CMID canal, and a water storage tank with booster station will be installed as part of this Project.

There will be no impacts to schools or parks as a result of this Project.

H. Recreation & Trails

For security reasons, the interior of the Project will not be connected to a pedestrian/trail system outside of the secure perimeter. Private amenities may be provided for employees within the interior of the Project.

I. Cultural Resources

A Class I Cultural Resources Report for the Property to be submitted under separate cover.

IV. DEVELOPMENT & DESIGN REGULATIONS

A. Applicability

The standards and guidelines contained with this Specific Plan shall supersede the standards within the MTC. If an issue, situation or condition arises that is not addressed by this Specific Plan, the Specific Plan shall be administered and interpreted per Section V.A of this Specific Plan.

All construction and development within the Specific Plan area shall comply with applicable provisions of various codes and regulations adopted by the Town including, but not limited to, drainage, public water/wastewater infrastructure, building, fire and lighting codes current at the time of development.

B. Land Uses

1. Primary Uses

- Data Center

2. Ancillary Uses

- Land uses ancillary to the Data Center use or in support of employees of the Data Center use, including:
    - Retail (food, beverage, office supplies, pharmacy)
    - Coffee shop/bakery/café/restaurant
    - Mail/shipping service
    - Recreation/gym/fitness studio facilities
    - Buildings and grounds maintenance (landscaping, facilities or janitorial)
    - Recycling collection
    - Utility switchyards and substations with or without battery storage
        - Battery storage use is limited to the area designated for the switchyard/substation use
    - Ancillary renewable energy systems (including solar, wind or waste-to-energy)
    - Water treatment/auxiliary water building/water storage
    - Utility operations building
    - Central logistics & security buildings
    - Parks, trails and functional open space areas
- Uses that are not expressly permitted but are similar in type, scale and intensity to other ancillary uses allowed within the Specific Plan, and which are not otherwise unlawful, injurious to the general health or welfare, or specifically excluded, may be approved by the Zoning Administrator or their authorized designee.

3. Prohibited Uses

- Besides the Data Center use, no other Primary Uses are permitted within this Specific Plan, including, but not limited to, Mineral Extraction.

C. Development Standards

The dimensional standards provided in *Table IV.C* and depicted on *Exhibit IV.C* apply to all development within this Specific Plan.

Table IV.C: Development Standards	
Minimum Lot Area	None
Maximum Lot/Site Coverage	None
Minimum Perimeter Setbacks	400 feet (adjacent to residential zone); if adjacent parcel is developed with industrial use(s), no perimeter setback is required
Maximum Height	Fifty-five (55) feet with an additional ten (10) feet permitted for rooftop mounting of screened mechanical equipment.
Minimum Building Separation	Per Building Code
Minimum Landscape Buffer	The following standards supersede the landscape buffer requirements in section 17-6-13(I), Table 3 (Site Design Standards for Data Center Development): • North, south & west: 100 feet (adjacent to residential zone); if adjacent parcel is developed with industrial use(s), no landscape buffer is required • East: 10 feet (adjacent to Luckett Road); no bufferyard required surrounding CMID parcel (APN 208-09-001B)

SERRANO SOLAR FARM & BATTERY ENERGY STORAGE SYSTEM

TOWN OF MARANA

EXISTING AGRICULTURAL USE / POTENTIAL FUTURE INDUSTRIAL CAMPUS

PINAL AIRPARK RD.
Approx. 0.8 miles north via proposed Luckett Rd. extension with public connection to Pinal Airpark Rd.

ARIZONA VETERANS' MEMORIAL CEMETARY AT MARANA (STATE)

UNINCORP. PIMA COUNTY

PROJECT AREA

LUCKETT RD.

AGRICULTURAL USE

AGRICULTURAL USE

UNINCORP. PIMA COUNTY

TOWN OF MARANA

SERRANO SOLAR FARM & BATTERY ENERGY STORAGE SYSTEM

Existing CMID Parcel (not a part)

AGRICULTURAL USE

HARDIN RD.
Approx. 0.4 miles south

MARANA RD.
Approx. 1.8 miles south with public connection to I-10 interchange

LEGEND

- Developable Area
- Marana Jurisdiction
- Potential Access*
- Existing CAP Canal
- Landscape Buffer = 100 ft**
- Landscape Buffer = 10 ft
- Building Setback = 400 ft**

DEVELOPMENT STANDARDS

Maximum Building Height: 55 ft
Minimum Building Separation: per building code

NOTES

** Approximate - location subject to change based on traffic analysis and final site design.*

***Buffer & setback may be reduced to 0 feet if adjacent parcel is developed with an industrial use.*

Low Impact Development (LID) techniques, such as the use of rainwater harvesting basins and permeable pavements, will be incorporated into the Project design.

Exhibit IV.C: Regulatory Land Use Concept

NORTH

MAP SCALE FOR REFERENCE ONLY

DATE: 9/5/2025

0 250 500 1,000 Feet

D. Design Standards

The following design standards apply to the Project.

1. Noise Attenuation

a. Baseline Sound Study

An Acoustic Report was prepared to determine baseline (ambient) noise levels surrounding the Property. (See *Appendix E*.)

Noise contour exhibits depicting the anticipated noise levels to be generated by the data center are included in the Acoustic Modeling Results, provided as *Appendix F*.

Except for construction work, the maximum sound levels for Project operations adjacent to specific land uses will be as follows:

ADJACENT USE	MAXIMUM dBA DAYTIME/NIGHTTIME*
RESIDENTIAL/MIXED-USE	55/55
AGRICULTURE	60/55
COMMERCIAL	65/60
INDUSTRIAL	72/65
*"Daytime" is defined as the hours between 7:00AM to 7:00PM on weekdays, or between 9:00AM to 8:00PM on Saturdays, Sundays, and legal holidays observed by the Town. "Nighttime" is defined in the code as between 7:00PM to 7:00AM on weekdays, or between 8:00PM to 9:00AM on Saturdays, Sundays, and legal holidays observed by the Town.	

The Project will incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the Project from exceeding the maximum sound levels set forth above. Design specifications for the required sound mitigation will be provided to the Town before building permit approval.

b. Post-Development Sound Study

- A post-construction noise study will be performed to document sound levels emanating from the Project during peak operation of the Project's mechanical equipment measured at the Property line adjacent to residential or other noise-sensitive land uses, as determined by the Zoning Administrator. The post-construction noise study must demonstrate that sound levels do not exceed the maximum sound levels set forth above. The post-construction noise study will occur prior to issuance of a certificate of occupancy or certificate of completion, whichever occurs first.

Annual sound study results will be provided to the Town within 30 days of the anniversary of a certificate of occupancy being issued for the Project each year for a period of five years.

2. Building Placement & Orientation

- Buildings shall orient principal facades, including visitor, staff and administrative entrances, to primary adjacent roads.
- Loading docks and service entries of buildings shall not face or be visible from public ROW. When possible, existing buildings may be used to screen loading docks. Where building locations do not offer screening, and in the case of phased development plans, screening of loading docks and service entries shall be accomplished by existing or proposed landscaping, fencing, walls, or similarly effective methods.
- Loading docks are permitted on only one side of the building.
- Refuse collection areas must be fully screened on all four sides.

3. Generators

- Generators and generator use must comply with all applicable state and federal regulations.

- If a data center uses diesel generators, only generators that meet tier IV or newer emissions standards are permitted.
- Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.
- Generator testing shall be limited to weekdays between 8:00 a.m. and 5:00p.m., except in emergencies.

4. Screening & Fencing

- Use of fencing, including the use of wrought-iron, is permitted.
- Chain-link fencing, with or without slatted inserts, and barbed wire fencing are prohibited along public or private street frontages.
- Substations and mechanical equipment shall be screened from public and private ROW (except for private ROW that are internal to the Project) and from any adjacent property that is planned or zoned with any use other than industrial uses using one or multiple of the following methods of screening:
  - Existing vegetation that will remain on the property
  - Landscaping improvements constructed on the property
  - A visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building; these features shall be at least ten feet in height; chain link fencing with slats is not permitted to satisfy this requirement
  - If the substation is located visible to Luckett Road, the screening shall be a 10-foot masonry wall located between Luckett Road and the substation in a location that does not interfere with site drainage.
- Ground mounted mechanical equipment is prohibited in front yards (i.e., setback).
- Solid screening walls must be constructed with a design, materials, details, and treatment compatible with those used on the nearest principal facade of a building but may include perforated surfaces as needed for ventilation of mechanical equipment and/or facilitate site drainage.
- Mechanical equipment shall be located and screened with materials that provide appropriate levels of noise attenuation to reduce sound impacts on surrounding properties. Where adjacent to residentially zoned/planned properties, mechanical equipment must be screened on all four sides by an acoustical barrier. Alternatively, an acoustical barrier may be provided around the Project perimeter rather than surrounding each set of mechanical equipment.

  For purposes of this section, "acoustical barrier" is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution, or another effective mitigation measure specified by a qualified third-party acoustic engineer when found by the Zoning Administrator to provide appropriate levels of noise attenuation.
- Electric power lines, except electrical transmission lines carrying 48 kV or more, shall be located underground.

5. Landscape Buffers

- Agricultural and commercial zoned/planned properties: A minimum 50-foot buffer. Buffering may be achieved through existing mature landscaping or a landscaped earthen berm that screens the Property. Berms shall have a slope no steeper than 2:1 with a minimum height of four feet and planted with a minimum of 320 plant units per 100 feet of ROW or Property line.

- Residential or mixed-use zoned/planned properties: A minimum 100-foot buffer. Buffering may be achieved through existing mature landscaping or a landscaped earthen berm that screens the Property. Berms shall have a slope no steeper than 2:1 with a minimum height of six feet and planted and planted with a minimum of 320 plant units per 100 feet of ROW or Property line.
- The preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the Zoning Administrator to provide visual screening from adjacent land uses at the density, depth, and height equivalent to the landscape buffer with earthen berm.
- To protect the landscaping and the preservation of open space, linear co-location of utilities shall not be located within the buffer. Co-location with an integrated drainage design is acceptable.

6. Building Design

a. Massing & Scale

- Buildings shall use broad, large-scale architectural gestures to provide variety and modulation in facade and massing as seen from public ROW.
- Variation at the ground plane shall be provided to create transitions in scale and mass as viewed from public ROW.
- Additive and subtractive shifts in the building footprint shall be provided to reduce mass and scale and to provide outdoor amenity spaces for employees and visitors.

b. Principal Façade

The following facade requirements apply to all principal façades, which are building façades that face adjacent existing or planned public roads or that face property that is planned or zoned for any use other than industrial uses.

- Principal facades must incorporate differentiated surfaces at horizontal linear intervals that may vary in frequency, including:
  - Fenestration; and
  - A change in one of the following design elements:
    - Building material;
    - Pattern;
    - Texture;
    - Color; or
    - Accent materials.
- Principal facades must include building step-backs or recesses, which shall be a minimum of two feet in depth.
- When a building has more than one principal facade, the principal façades must be consistent in terms of design, materials, details, and treatment.

c. Fenestration

- Each principal facade must include fenestration comprising at least 20% of the total surface coverage area of the principal facade.
- The fenestration must be compatible with the other design, materials, details, and treatment used on the same principal facade.

d. Main Building Entryways

- A data center building must include a main entrance feature that is differentiated from the remainder of the building façade by a change in building material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.

e. Exterior Colors & Materials

- Primary building facades shall use a neutral color palette and avoid high-contrast colors.
- Accent colors shall be selected to complement the dominant building color, and any color change shall occur where changes in the building plane or recesses are provided.
- Colors shall not act as advertisements or billboards.
- Building exteriors shall use materials with texture and character.
- Changes in materials shall be reflected in massing or offsets. The number of disparate materials shall be limited to a maximum of three primary materials to avoid a busy appearance.
- Design elements shall be used to enhance the overall expression of datacenter buildings, with an emphasis on the pedestrian experience,

particularly at entryways. All buildings shall include at least five of the following architectural features:

- Overhang
- Canopy or portico
- Recesses or projections
- Arcade
- Raised corniced parapets over the entrance
- Tower elements
- Variation in the roof line

E. Parking

Parking will be provided in accordance with MTC Chapter 17-9 (Parking).

F. Signage

Signage will be designed and permitted in accordance with MTC Chapter 17-10 (Signs). The Applicant will process a sign package at time of development.

Address and unit number signage will be incorporated per Town Addressing requirements.

G. Vegetation & Landscaping

1. Native Plant Protection

Per MTC § 17-11-5 (Native Plant Protection).

2. Landscape Requirements

Per MTC § 17-11-8 (Landscape Standards for Off Street Parking Areas).

Landscape buffers provided per *Table IV.C* and Subsection IV.D.5, above.

H. Lighting

This Project is committed to "Dark Skies" principles and the Town's Outdoor Lighting Code ("OLC"), which requires shielded lighting that does not spill over onto adjacent properties. A lighting plan will be prepared and submitted with the Project's building permit plans in accordance with the OLC's permit submission requirements.

V. IMPLEMENTATION & ADMINISTRATION

A. Administration & Interpretation

The Specific Plan shall be administered by the Town's Zoning Administrator, and all implementation decisions shall be based on the purpose of the Specific Plan. If a conflict arises between the Specific Plan and the MTC, the Specific Plan shall control. If the Specific Plan is silent on any issue, and the MTC is consulted, the purpose and intent of the Specific Plan shall control the Zoning Administrator's decision whether and how to apply the MTC. Appeals of any Zoning Administrator interpretation of this Specific Plan may be made to the Board of Adjustment within 15 days of the date of the interpretation. The Specific Plan will not result in the modification or change of any existing Town-adopted building codes.

All subsequent land use and zoning entitlements, including plats and development plan submittals, shall be processed in accordance with established Town development review procedures.

B. Implementation Responsibilities

The Master Developer is the entity responsible for ensuring the basic infrastructure facilities, including sewer, water and roads, are planned and constructed to serve the development areas within the Specific Plan in a timely and coordinated manner.

Annual sound study results shall be provided to the Town within 30 days of the anniversary of a certificate of occupancy being issued for Project.

C. Amendments

Amendments to the Specific Plan are categorized as either administrative amendments or substantial amendments.

The Zoning Administrator may approve administrative amendments, as defined in MTC § 17-4-15(D), after written application is made.

Substantial amendments to the Specific Plan shall be those changes or modifications that would result in a substantial change to the Specific Plan's regulations or the overall intent of the Specific Plan, as defined in MTC § 17-4-15(D)(3). Substantial amendments to the Specific Plan shall be processed in accordance with MTC § 17-3-1.

D. Phasing

This Project will be developed in multiple phases over a five- to seven-year period. Details of Project phasing will be determined at a later date and may be in conjunction with the Luckett Road North Specific Plan being processed simultaneously with this Specific Plan.

APPENDIX A: ALTA Survey

ALTA/NSPS LAND TITLE SURVEY
"JAGUAR SOUTH"
A PORTION OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 10 EAST OF THE GILA AND SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA

GENERAL NOTES

1. TITLE INFORMATION AND EASEMENTS OF RECORD ARE BASED ON THE FOLLOWING FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE FILE NO. 16134-6361530 REVISION NO. 1 WITH A COMMITMENT DATE OF AUGUST 22, 2025 AT 8:00 A.M.
2. THE BASIS OF BEARINGS IS GRID NORTH, NAD83 STATE PLANE, ARIZONA CENTRAL ZONE AS ESTABLISHED BY GPS.
3. THE VERTICAL RELIEF AND SUBSTANTIAL FEATURES SHOWN ON THE SURVEY ARE BASED ON AN AERIAL SURVEY AND GROUND SURVEY PERFORMED BY LANDCOR CONSULTING DURING THE MONTH OF AUGUST 2025.
4. NO ADDRESS AVAILABLE OR OBSERVED DURING THE SURVEY.
5. NO MARKERS FOR WETLANDS WERE OBSERVED DURING THE SURVEY.
6. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED DURING THE PROCESS OF CONDUCTING THE FIELD WORK.
7. NO ZONING SETBACK REQUIREMENTS WERE PROVIDED BY THE CLIENT.
8. THERE IS NO EVIDENCE TO SUGGEST THERE IS A CEMETERY OR BURIAL GROUND ON THE SUBJECT PARCELS.
9. THE GROSS LAND AREA OF SUBJECT PARCEL IS 13,525,336 SQ.FT OR 310.499 ACRES MORE OR LESS.
10. THE WORDS CERTIFY, CERTIFICATION AND CERTIFICATE SHOWN AND USED HEREON, ARE DEFINED BY ARS 32-151 IN THAT A PERSON OR FIRM REGISTERED BY THE BOARD IS EXPRESSING A PROFESSIONAL OPINION REGARDING THE FACTS OR FINDING THAT ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE OR EXPRESS IMPLIED WARRANTY OR GUARANTEE.
11. THEIR WERE NO PROPOSED CHANGES TO RIGHT OF WAY AVAILABLE TO SURVEYOR AND NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED DURING THE FIELDWORK.
12. THE PROPERTY HAS DIRECT ACCESS TO LUCKETT ROAD A PUBLIC RIGHT OF WAY AND DIRECT ACCESS TO HARDIN ROAD NOT A PUBLIC ROADWAY.
13. DEVELOPER AND OWNERS WILL HOLD THE TOWN OF MARANA, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING.
14. DRAINAGE WILL NOT BE ALTERED, DISTURBED, OR OBSTRUCTED WITHOUT THE APPROVAL OF THE MARANA TOWN COUNCIL.
13. UTILITIES SHOWN ARE FROM VISIBLE ABOVE GROUND EVIDENCE, PLANS OR AS-BUILTS WERE NOT PROVIDED, HOWEVER LACKING EXCAVATION, THE EXACT LOCATION OF THE UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE OWNER IS ADVISED THAT EXCAVATION MAY BE NECESSARY. THE FOLLOWING UTILITIES HAVE BEEN CONTACTED AND PLANS REQUESTED.

A. CENTURY LINK
B. COX COMMUNICATIONS
C. EL PASO NATURAL GAS
D. TUCSON ELECTRIC POWER
E. PIMA WASTEWATER DEPARTMENT

UTILITY OWNERSHIP TABLE

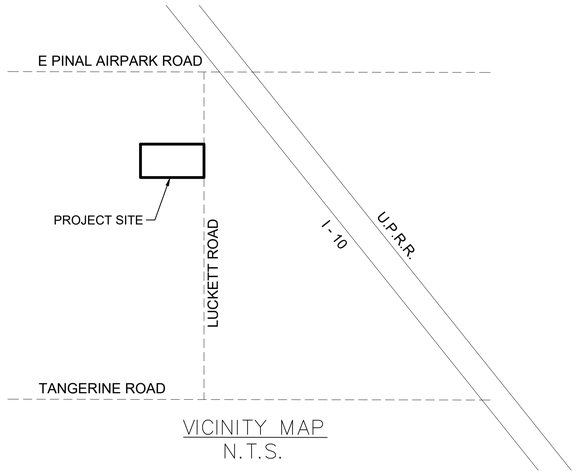
Utility	Owner	Contact	Phone
Communications	CenturyLink/Lumen	Jason Jensen	801-735-2464
Electric	ADOT	Gustavo Ruiz	520-262-5909
Electric	Tucson Electric Company	Corporate Switchboard	520-571-4000
Electric	Trico Electric Cooperative - Tucson	Main Office	520-744-2944
Natural Gas	Southwest Gas - Casa Grande Pinal	Stephanie Rodriguez	520-289-0481
Irrigation	Cortaro Marana Irrigation	Doug Greenland	520-682-3233

FLOOD ZONE

THE PROJECT LIES WITHIN FEMA ZONE “A01” AND FEMA SHADED ZONE “X”, AREA WITH 2% ANNUAL CHANCE FLOOD HAZARD, AS SHOWN ON FIRM PANEL 04019C1010L WITH AN EFFECTIVE DATE ON JUNE 16, 2011 AND LOMR 21-09-1382P EFFECTIVE DATE AUGUST 18, 2023.”

REFERENCE DOCUMENTS

1. OFFICIAL GOVERNMENT PLAT FOR TOWNSHIP 11 SOUTH, RANGE 10 EAST OF THE GILA AND SALT RIVER MERIDIAN OFFICIALLY FILED APRIL 15, 1913.
2. RECORD OF SURVEY RECORDED IN BOOK 73 OF SURVEYS, PAGE 48, PIMA COUNTY RECORDS, ARIZONA.



VICINITY MAP
N.T.S.

CONTROL DATUM

THE HORIZONTAL DATUM FOR THIS PROJECT IS NAD 83 STATE PLANE, ARIZONA CENTRAL ZONE, BASED ON THE FOLLOWING PARAMETERS:

COORDINATE SYSTEM: NAD 83 (2011 EPOCH)
ZONE: ARIZONA CENTRAL
ELLIPSOID: WGS 84
GEOID MODEL: GEOID 12B
UNITS: INTERNATIONAL FEET
VERTICAL DATUM: NAVD 88

FINAL COORDINATES FOR THE PROJECT ARE GROUND COORDINATES. TO GET GRID COORDINATES DIVIDE EACH GROUND VALUE BY 1.00016.

PROJECT BENCHMARK

THE BENCHMARK FOR THIS SURVEY IS NGS CONTROL POINT "F 424" BEING A CONTROL DISK STAMPED F424 NEAR INTERSTATE 10 AND THE MARANA INTERCHANGE.

NAVD88 ELEVATION = 1946.36'

LEGEND

⚽	INDICATES MONUMENT AS NOTED
XXX.XX'	INDICATES MEASURED DATA
FD.	FOUND
S.F.N.F.	SEARCHED FOR NOT FOUND
HH	HAND HOLE
BC	BRASS CAP
BCHH	BRASS CAP IN HAND HOLE
ACHH	ALUMINUM CAP IN HAND HOLE
ESMT.	EASEMENT
E-UGC	EXISTING UNDERGROUND CABLE
E-UGG	EXISTING UNDERGROUND GAS
E-UT	EXISTING UNDERGROUND TELEPHONE
E-OHE	EXISTING OVERHEAD ELECTRIC

LEGEND

———	BOUNDARY LINE
— — — —	EASEMENT LINE
——— . ———	BUILDING LINE
——— W ———	WATER LINE
——— SS ———	SANITARY SEWER LINE
= = = = =	STORM SEWER LINE
——— GAS ———	UNDERGROUND GAS LINE
——— OHE ———	OVERHEAD UTILITY LINE
——— UGE ———	UNDERGROUND ELECTRIC LINE
——— UGT ———	UNDERGROUND TELEPHONE LINE
-x-x-x-x-	FENCE
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT

SURVEY CERTIFICATION

TO: HUMPHREY'S PEAK PROPERTIES, LLC, A DELAWARE LIMITED LIABILITY COMPANY
FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1 - 5, 8, 11A, 13, 14, 16 AND 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED IN AUGUST 2025.

CHAD W. HUBER RLS 35316

REGISTERED LAND SURVEYOR
CERTIFICATE NUMBER
35316
CHAD
HUBER
10/28/25
Date Signed
ARIZONA, U.S.A.

Kimley»Horn
1661 E. Camelback Rd., Suite 400
Phoenix, Arizona 85016
Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N.T.S.	CWH	CWH	10/23/2025	292093003	1 OF 4

DWG NAME: K:\PHX_ROADWAY\MARKETING\A - OTHER\SURVEY\2025\2025-02_JAGUAR_SOUTH\JAGUAR_SOUTH_ALTA.DWG PLOTTED BY HUBER, CHAD 10/28/2025 10:42 AM LAST SAVED 10/23/2025 2:38 PM

ALTA/NSPS LAND TITLE SURVEY

NORTH HALF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 10 EAST

NORTH

GRAPHIC SCALE IN FEET
200 0 100 200 400
1" = 200' @ 24X36

NW CORNER
SEC. 12, T11S, R10E
FD. BC " DOWN 1.5' "

HARDIN ROAD
(NOT A PUBLIC ROAD)

N89°54'19"E 2644.38'

CONCRETE CHANNEL

N 1/4 CORNER
SEC. 12, T11S, R10E
FD. REBAR

COPRPORATION OF PRESIDING BISHOP OF CHURCH OF
JESUS CHRIST OF LATTER DAY SAINTS
APN: 20808004A
DKT. 5225, PG. 269
NOT A PART

N89°54'59"E 2502.35'

NE CORNER
SEC. 12, T11S, R10E
FD. BC (LS 28745)

DESERT HERITAGE LTD PARNTERSHIP
APN: 20809001F
DKT. 4928, PG. 528
NOT A PART

S0°17'53"E 2617.87'

15' IRRIGATION R.O.W.
13

THE KAI TRUST
JOHN KAI JR., LLC
HERBERT KAI
APN: 20809001E

FLOOD ZONE "AO 1"

S0°25'29"E 2628.25'

FLOOD ZONE "X SHADED"

THE KAI TRUST
JOHN KAI JR., LLC
HERBERT KAI
APN: 20809001E

EXCEPTION
DKT. 2101, PG. 131
30' R.O.W.

LUCKETT ROAD
(PUBLIC ROADWAY)

S0°28'32"E 2637.69'

S0°28'32"E 2637.57'

N89°52'15"W
100.00'

17 16' ELEC ESMT

S0°28'32"E
100.00'

N0°28'32"W
100.00'

N11°51'30"W
50.68'

S89°52'15"E
100.00'

S89°52'15"E 2650.25'

13 25' IRRIGATION R.O.W.

S89°52'15"E 2504.76'

13 25' IRRIGATION R.O.W.

W 1/4 CORNER
SEC. 12, T11S, R10E
FD. REBAR / CAP

C 1/4 CORNER
SEC. 12, T11S, R10E
FD. REBAR / CAP

CORTARO-MARANA
IRRIGATION DISTRICT
APN: 20809001B
DKT. 2101, PG. 131
NOT A PART
(EXCEPTION PARCEL)

E 1/4 CORNER
SEC. 12, T11S, R10E
FD. PIPE

KAI JOHN JR, LLC
APN: 20809007C
SEQ. NO. 20183380536
NOT A PART

KAI HERBERT, LLC
APN: 20809007D
SEQ. NO. 20183380678
NOT A PART

THE KAI TRUST
JOHN KAI JR., LLC
HERBERT KAI
APN: 20809001E
DKT. 7941, PG. 2992
NOT A PART

LEGEND

	BOUNDARY LINE
	EASEMENT LINE
	BUILDING LINE
W	WATER LINE
SS	SANITARY SEWER LINE
	STORM SEWER LINE
GAS	UNDERGROUND GAS LINE
OHE	OVERHEAD UTILITY LINE
UGE	UNDERGROUND ELECTRIC LINE
UGT	UNDERGROUND TELEPHONE LINE
X X X X	FENCE
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT

LEGEND

	ROOF DRAIN		MAIL BOX
TV	CABLE TV BOX		SANITARY SEWER CLEAN OUT
TV	CABLE TV HANDHOLE	S	SANITARY SEWER MANHOLE
TV	CABLE TV MANHOLE	SS	SANITARY SEWER MARKER FLAG
TV	CABLE TV MARKER FLAG		SANITARY SEWER MARKER SIGN
TV	CABLE TV MARKER SIGN	ST	SANITARY SEWER SEPTIC TANK
TV	CABLE TV VAULT	S	SANITARY SEWER VAULT
C	COMMUNICATIONS BOX	D	STORM SEWER BOX
C	COMMUNICATIONS HANDHOLE		STORM SEWER DRAIN
C	COMMUNICATIONS MANHOLE	D	STORM SEWER MANHOLE
C	COMMUNICATIONS MARKER FLAG	D	STORM SEWER VAULT
C	COMMUNICATIONS MARKER SIGN		TRAFFIC BARRIER
C	COMMUNICATIONS VAULT		TRAFFIC BOLLARD
	ELEVATION BENCHMARK	TR	TRAFFIC BOX
F	FIBER OPTIC BOX	TR	CROSS WALK SIGNAL
F	FIBER OPTIC HANDHOLE	TR	TRAFFIC HANDHOLE
F	FIBER OPTIC MANHOLE	TR	TRAFFIC MANHOLE
F	FIBER OPTIC MARKER FLAG		TRAFFIC MARKER SIGN
	FIBER OPTIC MARKER SIGN		TRAFFIC SIGNAL
F	FIBER OPTIC VAULT	TR	TRAFFIC VAULT
	MONITORING WELL	U	UNIDENTIFIED BOX
G	GAS HANDHOLE	U	UNIDENTIFIED HANDHOLE
G	GAS METER	U	UNIDENTIFIED METER
G	GAS MANHOLE	U	UNIDENTIFIED MANHOLE
G	GAS MARKER FLAG	U	UNIDENTIFIED MARKER FLAG
G	GAS SIGN	U	UNIDENTIFIED MARKER SIGN
G	GAS TANK	U	UNIDENTIFIED POLE
G	GAS VAULT	U	UNIDENTIFIED TANK
G	GAS VALVE	U	UNIDENTIFIED VAULT
T	TELEPHONE BOX	U	UNIDENTIFIED VALVE
T	TELEPHONE HANDHOLE		TREE
T	TELEPHONE MANHOLE	W	WATER BOX
T	TELEPHONE MARKER FLAG		FIRE DEPT. CONNECTION
	TELEPHONE MARKER SIGN	W	WATER HAND HOLE
T	TELEPHONE VAULT		FIRE HYDRANT
	PIPELINE MARKER SIGN	W	WATER METER
E	ELECTRIC BOX	W	WATER MANHOLE
	FLOOD LIGHT	W	WATER MARKER FLAG
	GUY ANCHOR	W	WATER MARKER SIGN
	GUY ANCHOR POLE	W	WATER VAULT
E	ELECTRIC HANDHOLE		WATER VALVE
	LIGHT STANDARD		AIR RELEASE VALVE
E	ELECTRIC METER	W	WATER WELL
E	ELECTRIC MANHOLE	C.M.	CONTROLLING MONUMENT
E	ELECTRIC MARKER FLAG	IRSC	5/8" IRON ROD W/ "KHA" CAP SET
	ELECTRIC MARKER SIGN	IRFC	IRON ROD WITH CAP FOUND
	UTILITY POLE	MNS	MAG NAIL SET
T	ELECTRIC TRANSFORMER	PKF	PK NAIL FOUND
E	ELECTRIC VAULT	IRF	IRON ROD FOUND
	HANDICAPPED PARKING	IPF	IRON PIPE FOUND
	SIGN	ADF	ALUMINUM DISK FOUND
	MARQUEE/BILLBOARD	XS	"X" CUT IN CONCRETE SET
	BORE LOCATION	XF	"X" CUT IN CONCRETE FOUND
	FLAG POLE	P.O.B.	POINT OF BEGINNING
G1	GREASE TRAP	P.O.C.	POINT OF COMMENCING

Kimley»Horn
1661 E. Camelback Rd., Suite 400
Phoenix, Arizona 85016
Tel. No. (602) 837-5511

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	CWH	CWH	10/07/2025	292093003	2 OF 4

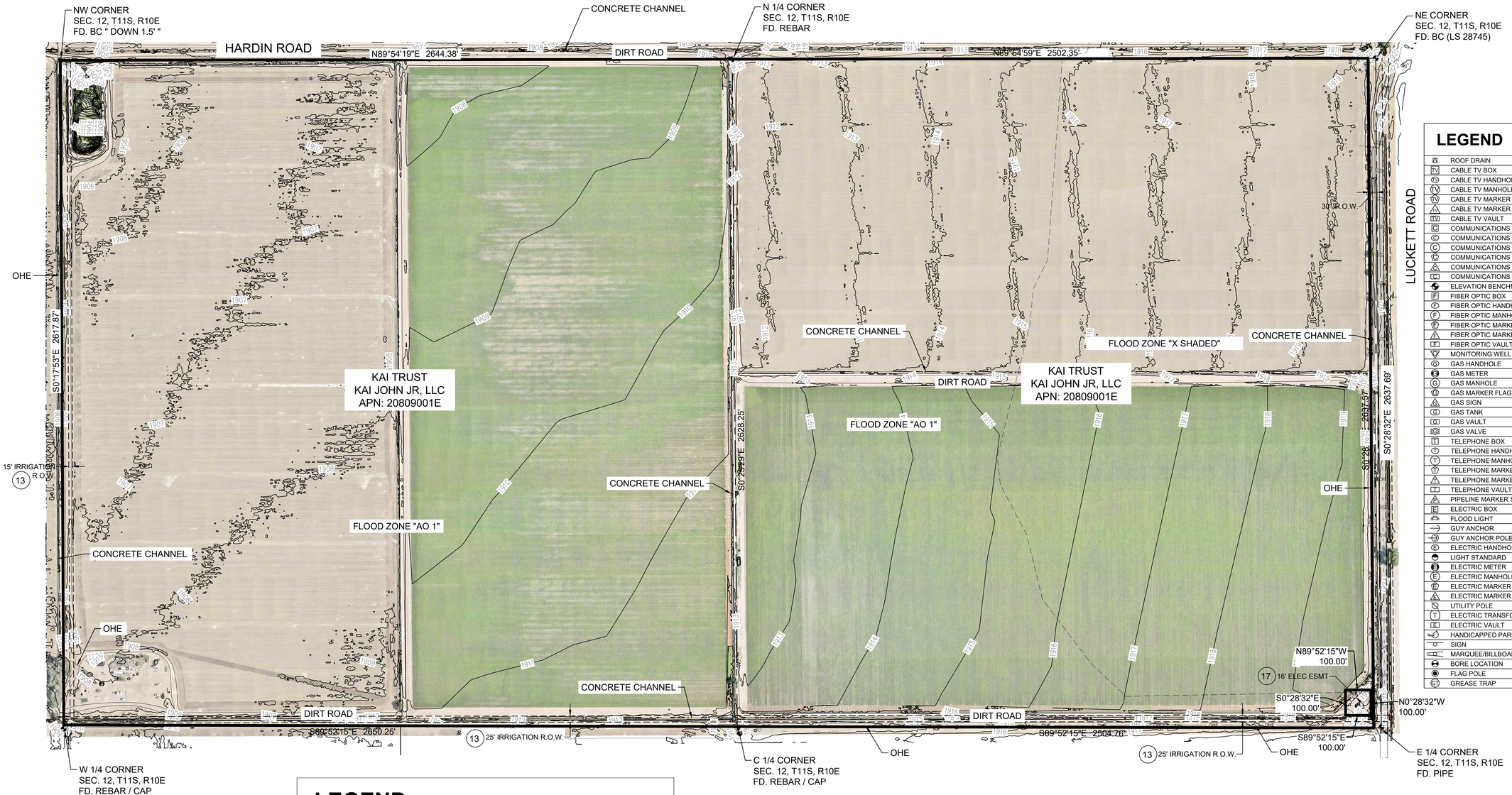
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ALTA/NSPS LAND TITLE SURVEY

NORTH HALF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 10 EAST

NORTH

GRAPHIC SCALE IN FEET
200 0 100 200 400
1" = 200' @ 24X36



LEGEND

ROOF DRAIN		MAIL BOX	
CABLE TV BOX		SANITARY SEWER CLEAN OUT	
CABLE TV HANDHOLE		SANITARY SEWER MANHOLE	
CABLE TV MANHOLE		SANITARY SEWER MARKER FLAG	
CABLE TV MARKER FLAG		SANITARY SEWER MARKER SIGN	
CABLE TV MARKER SIGN		SANITARY SEWER SEPTIC TANK	
CABLE TV VAULT		SANITARY SEWER VAULT	
COMMUNICATIONS BOX		STORM SEWER BOX	
COMMUNICATIONS HANDHOLE		STORM SEWER DRAIN	
COMMUNICATIONS MANHOLE		STORM SEWER MANHOLE	
COMMUNICATIONS MARKER FLAG		STORM SEWER VAULT	
COMMUNICATIONS MARKER SIGN		TRAFFIC BARRIER	
COMMUNICATIONS VAULT		TRAFFIC BOLLARD	
ELEVATION BENCHMARK		TRAFFIC BOX	
FIBER OPTIC BOX		CROSS WALK SIGNAL	
FIBER OPTIC HANDHOLE		TRAFFIC HANDHOLE	
FIBER OPTIC MANHOLE		TRAFFIC MANHOLE	
FIBER OPTIC MARKER FLAG		TRAFFIC MARKER SIGN	
FIBER OPTIC MARKER SIGN		TRAFFIC SIGNAL	
FIBER OPTIC VAULT		TRAFFIC VAULT	
MONITORING WELL		UNIDENTIFIED BOX	
GAS HANDHOLE		UNIDENTIFIED HANDHOLE	
GAS METER		UNIDENTIFIED METER	
GAS MANHOLE		UNIDENTIFIED MANHOLE	
GAS MARKER FLAG		UNIDENTIFIED MARKER FLAG	
GAS SIGN		UNIDENTIFIED MARKER SIGN	
GAS TANK		UNIDENTIFIED POLE	
GAS VAULT		UNIDENTIFIED TANK	
GAS VALVE		UNIDENTIFIED VAULT	
TELEPHONE BOX		UNIDENTIFIED VALVE	
TELEPHONE HANDHOLE		TREE	
TELEPHONE MANHOLE		WATER BOX	
TELEPHONE MARKER FLAG		FIRE DEPT. CONNECTION	
TELEPHONE MARKER SIGN		WATER HAND HOLE	
TELEPHONE VAULT		FIRE HYDRANT	
PIPELINE MARKER SIGN		WATER METER	
ELECTRIC BOX		WATER MANHOLE	
FLOOD LIGHT		WATER MARKER FLAG	
GUY ANCHOR		WATER MARKER SIGN	
GUY ANCHOR POLE		WATER VAULT	
ELECTRIC HANDHOLE		WATER VALVE	
LIGHT STANDARD		AIR RELEASE VALVE	
ELECTRIC METER		WATER WELL	
ELECTRIC MANHOLE	C.M.	CONTROLLING MONUMENT	
ELECTRIC MARKER FLAG	IRSC	5/8" IRON ROD W/ "KHA" CAP SET	
ELECTRIC MARKER SIGN	IRFC	IRON ROD WITH CAP FOUND	
UTILITY POLE	MNS	MAG NAIL SET	
ELECTRIC TRANSFORMER	PKF	PK NAIL FOUND	
ELECTRIC VAULT	IRF	IRON ROD FOUND	
HANDICAPPED PARKING	IPF	IRON PIPE FOUND	
SIGN	ADF	ALUMINUM DISK FOUND	
MARQUEE/BILLBOARD	XS	"X" CUT IN CONCRETE SET	
BORE LOCATION	XF	"X" CUT IN CONCRETE FOUND	
FLAG POLE	P.O.B.	POINT OF BEGINNING	
GREASE TRAP	P.O.C.	POINT OF COMMENCING	

LEGEND

	BOUNDARY LINE
	EASEMENT LINE
	BUILDING LINE
W	WATER LINE
SS	SANITARY SEWER LINE
	STORM SEWER LINE
GAS	UNDERGROUND GAS LINE
OHE	OVERHEAD UTILITY LINE
UGE	UNDERGROUND ELECTRIC LINE
UGT	UNDERGROUND TELEPHONE LINE
x x x x	FENCE
	CONCRETE PAVEMENT
	ASPHALT PAVEMENT

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	CWH	CWH	10/07/2025	292093003	3 OF 4

DWG NAME: K:\PHX_ROADWAY\MARKETING\A - OTHERSURVEY\2025\2025-02_JAGUAR_SOUTH\JAGUAR_SOUTH_ALTA.DWG PLOTTED BY: HUBER, CHAD 10/28/2025 10:43 AM LAST SAVED: 10/23/2025 2:35 PM

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PIMA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

THE NORTH HALF OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 10 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PIMA COUNTY ARIZONA.

EXCEPT THAT IRRIGATION WELL SITE PARCEL DESCRIBED IN DEED DATED FEBRUARY 19, 1963, RECORDED MAY 16, 1963 RECORDED IN DOCKET 2101, PAGE 131, DOCUMENT NO. 35638, IN THE OFFICE OF THE PIMA COUNTY RECORDER, PIMA COUNTY, ARIZONA AND THE EAST 30 FEET FOR ROADS;

EXCEPT ALL SUBTERRANEAN PERCOLATING WATER CONTAINED WITHIN, UNDERLYING, AND WHICH MAY BE PRODUCED;

EXCEPT SUCH WATER AS MAY BE USED BY THE OWNERS AND INHABITANTS FOR DOMESTIC AND OTHER PURPOSES THAT MAY BE PRODUCED FROM WELLS OF THE CAPACITY OF NOT TO EXCEED FIFTY GALLONS PER MINUTE, AS CONVEYED BY DEED RECORDED IN BOOK 314 OF DEEDS, PAGE 445.

SCHEDULE B, PART II—EXCEPTIONS

1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I—REQUIREMENTS ARE MET. (NOT A SURVEY MATTER)
2. (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS. (NOT A SURVEY MATTER)
3. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THAT ARE NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND. (NOT A SURVEY MATTER)
4. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS. (NOT PLOTTABLE)
5. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS. (NOT PLOTTABLE)
6. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS. (NOT PLOTTABLE)
7. ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR, MATERIAL OR EQUIPMENT, UNLESS SUCH LIEN IS SHOWN BY THE PUBLIC RECORDS AT DATE OF POLICY AND NOT OTHERWISE EXCEPTED FROM COVERAGE HEREIN. (NOT A SURVEY MATTER)
8. TAXES FOR THE FULL YEAR OF 2025. (THE FIRST HALF IS DUE OCTOBER 1, 2025 AND IS DELINQUENT NOVEMBER 1, 2025. THE SECOND HALF IS DUE MARCH 1, 2026 AND IS DELINQUENT MAY 1, 2026.) (NOT A SURVEY MATTER)
9. ANY CHARGE UPON SAID LAND BY REASON OF ITS INCLUSION IN CENTRAL ARIZONA WATER CONSERVATION DISTRICT. (ALL ASSESSMENTS DUE AND PAYABLE ARE PAID.) (BLANKET IN NATURE, NOT PLOTTABLE)
10. RESERVATIONS OR EXCEPTIONS IN PATENTS, OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF. (NOT PLOTTABLE)
11. ANY MATTER ARISING BY REASON OF RESERVATION OF UNDERGROUND WATER AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 314 OF DEEDS, PAGE 445, AND INCLUSION OF SAID LAND WITHIN THE BOUNDARIES OF THE CORTARO-MARANA IRRIGATION DISTRICT AND/OR THE CORTARO WATER USER'S ASSOCIATION. (ALL ASSESSMENTS DUE AND PAYABLE ARE PAID.) (AFFECTS THIS SURVEY, NOT PLOTTABLE)
12. ALL MATTERS AS SET FORTH IN RESOLUTION NO. 1997-71, RECORDED APRIL 18, 1997 IN DOCKET 10527, PAGE 1726. (BLANKET AGREEMENT, NOT PLOTTABLE)
13. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RIGHT OF WAY AGREEMENT" RECORDED JANUARY 22, 1947 IN DOCKET 107, PAGE 151 OF OFFICIAL RECORDS. (AS SHOWN ON SURVEY)
14. AN EASEMENT FOR ELECTRICAL RIGHT OF WAY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED IN DOCKET 5517, PAGE 886. (NOT PLOTTABLE, NO LEGAL GIVEN, NW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$)
15. ALL MATTERS AS SET FORTH IN RESOLUTION, RECORDED MARCH 17, 1976 IN DOCKET 5227, PAGE 125. (BLANKET AGREEMENT, NOT PLOTTABLE)
16. ALL MATTERS AS SET FORTH IN DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL DISTRICT, RECORDED MAY 12, 1994 IN DOCKET 9791, PAGE 1016. (BLANKET AGREEMENT, NOT PLOTTABLE)
17. AN EASEMENT FOR RIGHT OF WAY AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS 2015-1910224 OF OFFICIAL RECORDS. (AS SHOWN ON SURVEY)
18. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS THAT MAY EXIST OR ARISE BY REASON OF THE FOLLOWING MATTERS DISCLOSED BY AN ALTA/NSPS SURVEY MADE BY KIMLEY HORN, CERTIFIED BY CHAD W. HUBER, R.P.L.S. NO. 35316, DATED 08/26/2025, DESIGNATED PROJECT # 292093003: (THE "SURVEY') 1. LOCATION OF FENCE ALONG THE NORTHWEST CORNER OF SUBJECT LAND; 2. OVERHEAD UTILITY LINES AND ELECTRIC METER ALONG SOUTHWEST CORNER WITHOUT THE BENEFIT OF AN EASEMENT. 3. OVERHEAD UTILITY LINES ALONG THE SOUTHERLY AND EASTERLY BOUNDARY LINES WITHOUT THE BENEFIT OF AN EASEMENT; 4. CONCRETE CHANNELS OVER AND ACROSS SUBJECT PROPERTY WITHOUT THE BENEFIT OF AN EASEMENT; 5. RIGHTS OF THIRD PARTIES, IF ANY, BY USE OF VARIOUS DIRT ROADS OVER AND ACROSS SUBJECT PROPERTY FOR INGRESS/EGRESS;
19. THE RIGHTS OF PARTIES IN POSSESSION BY REASON OF ANY UNRECORDED LEASE OR LEASES OR MONTH TO MONTH TENANCIES AFFECTING ANY PORTION OF THE WITHIN DESCRIBED PROPERTY. NOTE: THIS MATTER WILL BE MORE FULLY SET FORTH OR DELETED UPON COMPLIANCE WITH THE APPLICABLE REQUIREMENT(S) SET FORTH HEREIN. (BLANKET, NOT PLOTTABLE)
20. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS. (BLANKET, NOT PLOTTABLE)
21. COVENANT RUNNING WITH THE LAND RECORDED IN DOCKET 9791, PAGE 1018. (BLANKET NOTICE, NOT PLOTTABLE)

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N.T.S.	CWH	CWH	10/07/2025	292093003	4 OF 4

DWG NAME: K:\PHX_ROADWAYMARKET\NDA - OTHERSURVEY\2025\2025-02_JAGUAR_SOUTH\JAGUAR_SOUTH_ALTA.DWG PLOTTED BY: HUBER, CHAD 10/28/2025 10:43 AM LAST SAVED: 10/23/2025 2:35 PM

APPENDIX B: Biological Evaluation

BIOLOGICAL EVALUATION

LUCKETT ROAD INDUSTRIAL CAMPUS - SOUTH
314-ACRE PROJECT AREA
MARANA, PIMA COUNTY, ARIZONA

Prepared for:

C/O Lazarus & Silvyn P.C.
5983 E. Grant Road, Suite 290
Tucson, AZ 85712

Prepared By:

Kimley»Horn

Project No. 292093003
September 2025

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Appendix A. Other Federal and State Sensitive Species, Protected Native Plants, and Migratory Bird Treaty Act

Appendix B. Arizona Game and Fish Department On-line Environmental Review Tool and U.S. Fish and Wildlife Service Arizona Ecological Services Field Office Official Species List

Appendix C. Ground Photographs

Appendix D. Western Burrowing Owl Awareness Flyer

PROJECT LOCATION

The Luckett Road Industrial Campus – South project is located along Luckett Road, south of Hardin Road, and west of Interstate 10 (I-10) in Marana, Pima County, Arizona **(Figure 1. Vicinity Map).** This Biological Evaluation (BE) has been prepared to support a Conditional Letter of Map Revision (CLOMR) application and the 314-acre site consists of privately owned lands. Land use within the site consists of agricultural land and associated improvements including agricultural irrigation ditches and an agricultural pond. The surrounding land consists of agricultural land, a cemetery, and a solar photovoltaic (PV) facility.

The project is located in Section 12 of Township 11 South, Range 10 East of the Gila and Salt River Base Line and Meridian and is depicted on the *Red Rock, Arizona 2021* and *West of Marana, Arizona 2021* USGS 7.5-minute topographic quadrangle maps (**Figure 2. USGS 7.5-Minute Quadrangle Map**).

Throughout this BE, the construction footprint is defined as all areas of ground disturbance (314 acres). The action area includes all areas to be affected directly or indirectly by the action and not merely the construction footprint. In delineating the action area, we evaluated the farthest reaching physical, chemical, and biotic effects of the action on the environment, focusing on, but not exclusive to, the proposed construction of a campus style industrial development.

PROJECT PURPOSE

The purpose of this project is to construct a campus style industrial development (Luckett Road Industrial Campus – South).

SCOPE OF WORK

The scope of work for this project includes:

- Clear and grub vegetation onsite
- Construct utilities
- Construct roadway infrastructure
- Construction of onsite buildings

PROJECT CONSTRUCTION

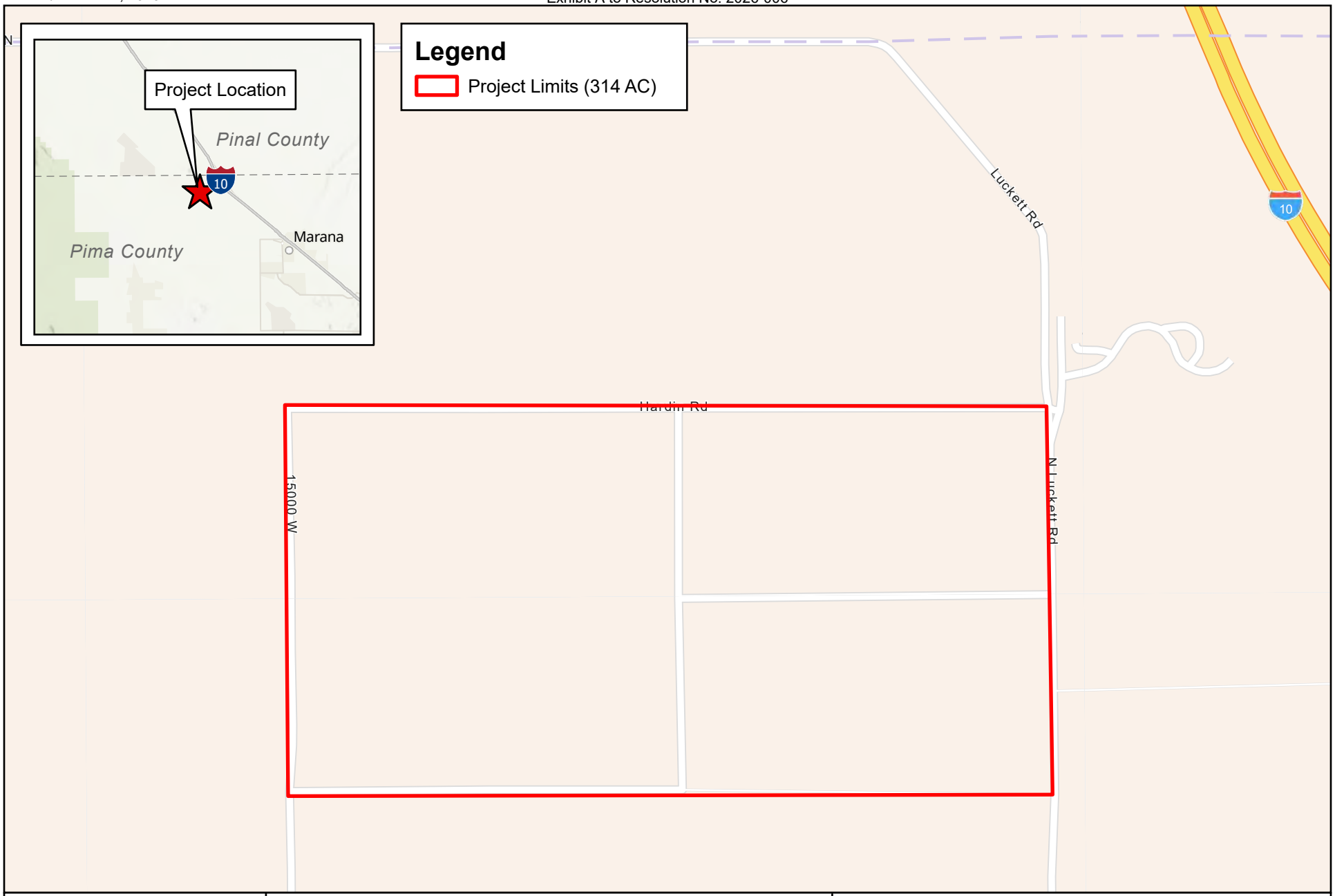
Construction phasing for the project consists of clearing and grubbing of vegetation onsite, mass grading and raising the site elevation with fill, installing utilities, and construction of roadway infrastructure and onsite buildings.

Project Construction

The contractor will clear/grub and mass grade the site to allow for stockpile and staging areas, installation of utilities, and construction of roadway infrastructure and onsite buildings. Clearing, grubbing, and grading are required to allow earth moving equipment such as an excavator, backhoe, bobcat, grader, bulldozer, front-end loader, or scraper to operate. A bulldozer, front-end loader, or excavator with claw attachment may be required to pick up or drag trees, shrubs, and groundcover to remove them from the construction footprint. If additional staging/stockpiling areas are required, they are the responsibility of the contractor. The next phase will consist of installation of utilities. Equipment such as a trencher, excavator, backhoe, or bobcat may be required to trench for pipe, conduit, or cables underground.

Source/Date: Esri, 2025

Exhibit A to Resolution No. 2026-006



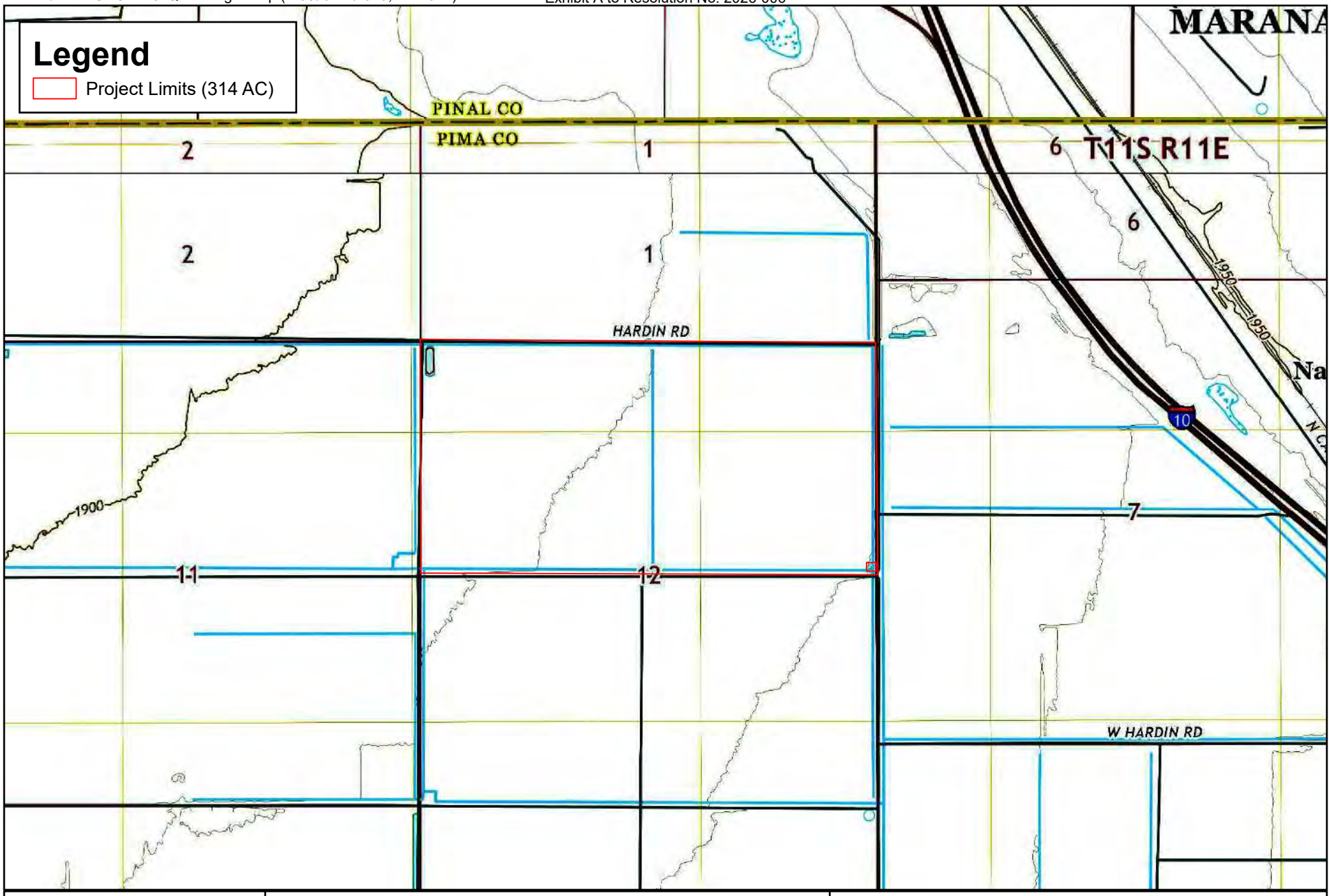
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Luckett Road Industrial Campus - South

Figure 1. Vicinity Map | Marana, Pima County, Arizona Arizona

Source/Date: USGS 7.5' Quadrangle Map (*West of Marana, AZ 2021*)

Exhibit A to Resolution No. 2026-006



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Luckett Road Industrial Campus - South

Figure 2. USGS 7.5' Quadrangle Map | Marana, Pima County, AZ

0 750 1,500 3,000

Scale: 1" = 1,500'

N W E S

The action area is defined as the construction footprint and 1,100 feet beyond in all directions (**Figure 3. Action Area Map**).

After installation of utilities, roadway infrastructure would be constructed. Constructing new roadway would include grading and paving with asphalt and constructing curb and gutter with heavy machinery such as dump trucks, pickup trucks, front-end loaders or tractors, and a paving machine. After roadway infrastructure is constructed, onsite buildings would be constructed. Anticipated equipment would include cranes and heavy machinery to erect building walls, an excavator, backhoe, and bobcat.

Construction Footprint

Permanent impacts are defined as ground disturbance that would convert a pervious surface to an impervious surface. Due to the scope of work (mass grade), the entirety of the project limits (approximately 314 acres) would be permanently impacted. Approximately 110 acres of vegetation, primarily groundcover (cotton), and sparse trees and shrubs will be removed from the construction footprint during construction. The construction footprint is illustrated in **Figure 3. Action Area Map.**

PROJECT ACTION AREA

The action area includes all areas to be affected directly or indirectly by the action and not merely the construction footprint (50 CFR §402.02). In delineating the action area, we evaluated the farthest reaching physical, chemical, and biological effects of the action on the environment, focusing on, but not exclusive to the campus style industrial development.

Potential effects of this action on the environment resulting from this project include loss of habitat due to removal of vegetation, potential degradation of suitable habitat due to the introduction of invasive plant species, sedimentation and associated water quality impacts from filling the agricultural pond, disruption of wildlife from construction noise. The action area was determined based on temporary construction noise which is the farthest-reaching impact.

The removal of vegetation may cause loss of shelter and foraging habitat for insects, predators, and prey. Introduction of invasive plant species from construction equipment and activities can potentially allow for alteration or degradation of suitable habitat of species. Introduction of these species could cause degradation of potentially suitable habitat for insects, predators, and prey. Approximately 110 acres of vegetation, primarily groundcover (cotton), and sparse trees and shrubs will be removed during construction of this project. The removal of vegetation may cause loss of shelter and foraging habitat for wildlife. However, suitable habitat is available adjacent to the action area.

Regarding sedimentation and associated water quality impacts from earth moving activities, construction will disturb more than one acre; therefore, a Section 402 (Arizona Pollutant Discharge Elimination System) permit and a Stormwater Pollution Prevention Plan (SWPPP) will be required from the Arizona Department of Environmental Quality (ADEQ).

Sustained noise levels produced during construction can cause disruption of wildlife use of the action area. The ambient noise level within the construction footprint was estimated to be approximately 55 A-weighted decibels (dBA) (FHWA 2017). The action area is based on the loudest piece of equipment used for the longest duration (a bulldozer) that will be utilized for approximately 18 months. A bulldozer, which produces a noise level of 85 dBA at 50 feet from the source on flat ground surface, was utilized as a point source to compare construction noise levels with the ambient noise produced by surrounding land uses to evaluate potential noise impacts to wildlife. L_{eq} is defined as the equivalent continuous noise level measured over a specific time period.

Aerial Source/Date: Esri, 2025

Exhibit A to Resolution No. 2026-006



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Figure 3. Action Area Map

Luckett Road Industrial Campus - South

Marana, Pima County, Arizona

0 300 600 1,200 Feet

Scale: 1" = 600'

N W E S

In defining the action area for this project, the Roadway Construction Noise Model (RCNM) was used to determine the distance between the construction footprint and where the construction noise would attenuate to ambient dBA measured from Leq, which was determined to be approximately 1,100 feet (FHWA 2006). Construction noise could temporarily preclude wildlife from utilizing the action area; however, suitable habitat is available beyond the action area.

LOCATION DESCRIPTION

The project limits are approximately 1,910 feet above mean sea level (MSL) and slope/drain west. There are no Outstanding Arizona Waters (OAWs) or Impaired Streams in the project limits (ADEQ 2024).

A site visit was conducted on August 22, 2025, by Kimley-Horn biologists (Avery Pritchard and Emily Curci). Wildlife observed in the field included Cooper's hawk (*Accipiter cooperii*), ash-throated flycatcher (*Myiarchus cinerascens*), black phoebe (*Sayornis saya*), red-winged black bird (*Agelaius phoeniceus*), blue grosbeak (*Passerina caerulea*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*), common raven (*Corvus corax*), American kestrel (*Falco sparverius*), and Sonoran collared lizard (*Crotaphytus nebrius*). Nests were not observed during field reconnaissance.

According to Biotic Communities, Southwestern United States, the action area is within the Lower Colorado Subdivision of the Sonoran Desertscrub biotic community (Data Basin 2012). The action area is situated west of I-10, north of the Tucson Mountains, east of the Silver Bell Mountains, and west of the Tortolita Mountains. The terrain slopes west throughout out the project limits and is relatively flat. The predominant geological features along the action area includes Holocene river alluvium (0-10 ka) (USGS 2025). The following soils occur within the construction footprint: Gila loam, 0 to 1 percent slopes; Grabe silty clay loam; Glendale loam, and Pima silty clay (USDA 2025).

The action area consists of agricultural land, a solar PV facility, and a cemetery. Beyond the action area lands are primarily additional agricultural land.

An agricultural pond is the primary aquatic feature within the action area. The agricultural pond and irrigation ditches are manmade and used for agricultural irrigation. No perennial or semi-perennial streams are present within the action area. See **Figure 3. Action Area Map** for representative photographs of the construction footprint, action area, and surrounding landscape.

Information from the Arizona Department of Water Resources (ADWR) was reviewed for water wells located within the vicinity of the action area. According to well registration records, groundwater exists at approximately 115 feet below ground surface (ADWR 2025). However, groundwater levels can fluctuate due to seasonal variations, groundwater withdrawal or injection and other factors.

The construction footprint is located within the action area and includes agricultural fields and an agricultural pond. The majority of the construction footprint consists of active and fallow cotton agricultural fields. Dominant vegetation observed within the agricultural pond in the northwest corner of the site included velvet mesquite (*Prosopis velutina*), salt cedar (*Tamarix ramosissima*), desertbroom (*Baccharis sarothroides*), Russian thistle (*Salsola tragus*), and Johnson grass (*Sorghum halepense*). Within the northwest corner of the site, the canopy primarily consists of salt cedar with a density of 50%. The subcanopy consists of desertbroom ranging from 10-15% density. Groundcover ranges from 0-90% with and consists of Johnson grass near areas with surface water. Approximately 110 acres of vegetation, primarily cotton and sparse trees and shrubs, will be removed during construction.

ENDANGERED SPECIES ACT (ESA) LISTED SPECIES

SPECIES IDENTIFICATION

Kimley-Horn obtained an official species list from the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) system on July 30, 2025. The list included nine threatened, endangered, or candidate species that should be evaluated. A qualified biologist reviewed the list to determine species that may occur in the project vicinity. One species shown in **Table 1** has the potential to occur in the project area and is analyzed in detail in **Species Evaluation.**

Table 1. Federally Listed and Special Status Species Included in This Evaluation

Common Name	Scientific Name	Status *
Monarch	(*Danaus plexippus*)	ESA PT

* Status Definitions: ESA = Endangered Species Act, PT= Proposed Threatened

Species included in the USFWS list but excluded from further evaluation are addressed in **Table 2**. This project will have no effect on the species listed in **Table 2**. Additionally, there is no federally designated Critical Habitat within the project limits.

Table 2. Species Excluded from Further Evaluation

Species	Status	Habitat Requirements[1]	Exclusion Justification
Mammals			
Jaguar (*Panthera onca*)	ESA LE	Found in thornscrub, desertscrub, chaparral, semidesert grassland, Madrean evergreen woodland, deciduous forest, and conifer forest between 1,600 and 9,000 feet and associated with water in southeastern Arizona.	No suitable habitat within the action area.
Ocelot (*Leopardus pardalis*)	ESA LE	Variable, including thorn scrub, semi-arid woodland, tropical deciduous and semi-deciduous forest, subtropical forest, lowland rainforest, palm savanna, and seasonally flooded savanna woodland. In Arizona, most recent (since 2009) detections have occurred in Madrean evergreen woodland, semidesert grassland, and Great Plains grassland in habitats greater than 9,850 feet.	No suitable habitat within the action area.

[1] United States Fish and Wildlife Service (USFWS). 2016. All Arizona Species. 24 pp.

Sonoran Pronghorn (*Antilocapra americana sonoriensis*)	ESA, XN	Broad alluvial valleys separated by block-faulted mountains with ephemeral streams most frequently between 400 and 1,600 feet in elevation.	No suitable habitat within the action area.
Birds			
Cactus Ferruginous Pygmy-owl (*Glaucidium brasilianum cactorum*)	ESA LT	Found in mesquite thickets, desert riverine woods and saguaros in desertscrub and semi-desert grasslands in southern Arizona; historic range continued into central Arizona. Found below 4,000 feet in elevation.	No suitable habitat within the action area.
California least tern (*Sterna antillarum browni*)	ESA LE	Open, bare or sparsely vegetated sand, sandbars, gravel pits, or exposed flats along shorelines of inland rivers, lakes, reservoirs, or drainage systems below 2,000 feet.	No suitable habitat within the action area.
Yellow-billed Cuckoo (*Coccyzus americanus*)	ESA LT	Uses large contiguous patches of multi-layered riparian habitat, such as cottonwood-willow gallery forests along rivers and streams below 6,600 feet in elevation.	No suitable habitat within the action area.
Fishes			
Gila Topminnow (*Poeciliopsis occidentalis*)	ESA LE	Small, perennial streams, springs and cienegas in upland desertscrub, semidesert grasslands and interior chaparral communities below 5,000 feet.	No suitable habitat within the action area.
Insects			
Monarch Butterfly (*Danaus plexippus*)	ESA PT	Open grasslands and meadows consisting of a variety of flowering plants. Particularly drawn toward milkweed.	Evaluated in detail. See Species Evaluation section.
Flowering Plants			
Arizona Eryngo (*Eryngium spargonophyllum*)	ESA LE	Cienega-obligate that occurs at elevation between 2,700 and 4,000 feet.	No suitable habitat within the action area.

[1]Status Definitions: ESA = Endangered Species Act, LE = Listed Endangered, XN = Experimental Population, LT = Listed Threatened, PT = Proposed Threatened

SPECIES EVALUATION

Monarch Butterfly

Status

Proposed to be listed as a threatened species (December 12, 2024) (USFWS, 2024).

Species Summary Table (Monarch butterfly)

	Feeding		Breeding	Overwintering
	Egg, larva, pupa	Adult	Adult	Adult
Habitat	Milkweed	Blooming nectar plants	Blooming nectar plants along migration route to higher elevations and cooler temperatures	Roosting trees in groves along the coast of California and Baja California or low-elevation riparian areas in central and southern Arizona
Food Source	Milkweed	Blooming nectar plants	Blooming nectar plants; require milkweed for oviposition	Blooming nectar plants
Cover	N/A	N/A	N/A	Roosting trees provide protection from excessive sunlight and extreme weather
Temperature	Requires temperatures 53°-91° F to develop	Requires temperatures 53°-91° F to develop	Moderate temperatures	Moderate temperatures
Water	N/A	Sources must be present	More commonly found near water sources	Sources must be present
Dispersal	N/A	N/A	Throughout Arizona	Central and southern Arizona and coastline in California and Mexico
Seasonal Activity	Daily and year-round	Daily and year-round	Early Spring to Fall	Winter

Life History

Species Description and Ecology

The adult monarch butterfly is characterized by bright orange wings surrounded by a black border with white spots and covered with black veins (USFWS, 2024). There are two migratory populations in North America, separated by the Rocky Mountains: the eastern migratory population and the western migratory population.

Monarch butterflies are thought to have four life stages: egg, larva, pupa, and adults. Larva emerge from eggs after two to five days. Larva pupates into a pupa, which emerges 6 to 14 days later as an adult butterfly. Multiple generations of adult butterflies are produced during the breeding season, typically living two to five weeks, while overwintering migratory adults live six to nine months (USFWS, 2024).

Monarch butterflies migrate to Arizona in the spring from overwintering sites in California and Mexico. They follow the blooming of nectar plants to the north and from low to higher elevations and back between spring and fall. While the majority of monarch butterflies return to overwintering sites in the fall, some monarch butterflies remain in sheltered low-elevation riparian areas in central and southern Arizona during the winter months (USFWS, 2024).

Adult monarch butterflies eat nectar from blooming nectar plants. Common desert blooming nectar plants with high numbers of monarch butterflies observed across their range in Arizona include rubber rabbitbrush (*Ericameria nauseosa*), lateflowering thoroughwort (*Eupatorium serotinum*), common sunflower (*Helianthus annuus*), and golden crownbeard (*Verbesina encelioides*) (The Xeres Society for Invertebrate Conservation, 2018). Eggs and larval monarch butterflies are milkweed obligates; larvae feed on milkweed to sequester toxic cardenolides as a defense against predators (USFWS, 2024).

Reproduction

Monarch butterfly breeding season in Arizona typically occurs from early spring to early fall. Monarch butterflies migrating to overwintering sites in the fall enter reproductive diapause (suspended reproduction) and break reproductive diapause before migrating away from their overwintering sites in February and March. As they migrate to cooler climates, monarch butterflies breed and their offspring continue to disperse further north until they reenter reproductive diapause in the fall and begin the cycle of generational migration over again (USFWS, 2024).

Suitable Habitat

Monarch butterflies can be found throughout Arizona where blooming nectar plants are available. They also require milkweed to lay eggs and develop as larvae. Nectar and milkweed resources are often associated with riparian corridors but are found throughout Arizona (Western Monarch Milkweed Mapper, 2017). Suitable overwintering sites protect monarch butterflies from the elements and maintain moderate temperatures that are warm enough to prevent freezing yet cool enough to prevent lipid depletion. In Arizona, monarch butterflies may overwinter in low desert washes (USFWS, 2024).

Threats

Primary threats to monarch butterfly include habitat loss, continued exposure to insecticides, and effects of climate change. Urban, agricultural, and industrial development have resulted in significant loss and degradation of the species' habitat. Other factors causing the loss or alteration of monarch butterfly habitat include intensive herbicide usage for weed control which has resulted in widespread milkweed eradication. Additional threats to the species include disease and parasitism: specifically, a protozoan parasite *Ophryocystis elektroscirrha*, which decreases survival and fitness in the monarch (USFWS, 2024).

Range and Survey History

Monarch butterfly populations have been declining at overwintering sites in both the Eastern and Western migratory populations. Non-migratory populations inside and outside of North America are considered extant. Milkweed and monarch have been documented throughout Arizona (Western Monarch Milkweed Mapper, 2017). Based on available data, the current range and distribution for the species is largely the

same as was historically documented. No population extirpations or range reductions have been documented in Arizona (USFWS, 2024).

Habitat Suitability Evaluation

The construction footprint and action area contain vegetation suitable as food or stopover habitat, including desertbroom and velvet mesquite. According to the Western Monarch Mapper, the nearest documented breeding monarch butterfly observation is over 16 miles from the construction footprint and the nearest documented milkweed occurrence is over 12 miles away from the construction footprint (Western Monarch Milkweed Mapper, 2017).

Analysis and Determination of Effects

Impacts: Potential impacts to monarch butterfly from this project would include removal of suitable stopover and foraging habitat.

Approximately 110 acres of vegetation, primarily cotton and sparse trees and shrubs, will be removed during construction of this project. Nectar plants observed during field reconnaissance include velvet mesquite and desert broom. Approximately 1 percent of plants within the project area are nectar producing plants. No milkweed was observed within the construction footprint.

To summarize, the construction footprint contains suitable stopover and foraging habitat that will be removed. However, there is suitable stopover and foraging habitat beyond the construction footprint within the action area and beyond. Therefore, impacts are discountable.

No potential for "Take" exists (meaning that the project has no potential to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) to monarch butterfly.

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Western Monarch Milkweed Mapper. 2017. Sightings Map. https://www.monarchmilkweedmapper.org/. Accessed August 29, 2025.

COORDINATION

During the environmental review process, the following were scoped for species concerns:

- AGFD On-Line Environmental Review Tool Report accessed on 07/30/2025 and is recorded under Project ID: HGIS- 25743 (**Appendix B**).
- USFWS IPaC system accessed on 07/30/2025 and is recorded under Consultation Code: 2025-0128982 (**Appendix B**).

SIGNATURES

Prepared By
Signature  09/04/2025
Date

Typed Name: Emily Curci
Title, Firm: Biologist, Kimley-Horn

Reviewed By
Signature  09/04/2025
Date

Typed Name: Jennifer Simpkins
Title, Firm: Senior Biologist, Kimley-Horn

APPENDIX A

Other Federal and State Sensitive Species, Protected Native Plants, and Migratory Bird Treaty Act

OTHER FEDERAL AND STATE SENSITIVE SPECIES

Kimley-Horn accessed the AGFD Online Environmental Review Tool (OERT) report on July 30, 2025. The AGFD OERT listed the western burrowing owl (*Athene cunicularia hypugaea*), yellow-billed cuckoo (*Coccyzus americanus*), and southwestern willow flycatcher (*Empidonax traillii extimus*) within three miles of the project. Yellow-billed cuckoo was excluded from further evaluation in **Table 2**. The western burrowing owl and southwestern willow flycatcher are evaluated below in **Table 3.**

Table 3. Other Federal and State Sensitive Species

Common Name	Scientific Name	Status	Occupied Habitat Present?	Suitable Habitat Present?	Suitable Habitat Affected?	Species Potentially Affected?
Birds						
Western burrowing owl	*Athene cunicularia hypugaea*	SC, SGCN 2	No	Yes	Yes	No
Southwestern Willow Flycatcher	*Empidonax traillii extimus*	ESA LE, SGCN 1	No	No	No	No
Status Definitions: SC = species of concern, SGCN = Species of Greatest Conservation Need, ESA = Endangered Species Act, LE = Listed Endangered						

Western Burrowing Owl (*Athene cunicularia hypugaea*)

The western burrowing owl is listed as a species of concern by the USFWS and a Tier 2 SGCN by the AGFD. They are also protected federally by the MBTA and Arizona State Law (ARS Title 17). The western burrowing owl utilizes well drained grasslands, steppes, deserts, prairies, and agricultural lands, often associated with burrowing mammals. Western burrowing owls are known to occupy vacant lots near human habitation, golf courses, and/or airports (AGFD 2022).

According to AGFD's habitat suitability model, on average 99% of the habitat within the project limits is potentially suitable for the western burrowing owl. During field reconnaissance, no western burrowing owls were observed; however, suitable burrows and suitable habitat (primarily along agricultural ditches) are present within the project limits. Therefore, mitigation measures will be required.

Since there is a high probability for burrowing owls to occur onsite, we recommend conducting an initial protocol survey ~120 days prior to construction. Assuming owls are observed, we recommend obtaining a project-specific permit from USFWS to allow for relocation of owls ~30 days prior to construction. Lastly, we recommend a final preconstruction survey less than 30 days from construction to ensure owls have not inhabited the site post-relocation.

Developer Responsibilities:

- **The Developer will employ a biologist to complete a pre-construction survey for burrowing owls prior to construction in all suitable habitats that will be disturbed. The biologist shall possess a burrowing owl survey protocol training certificate issued by the Arizona Game and Fish Department.**

- **Prior to construction, all personnel who will be on-site, including, but not limited to, contractors, Contractors' employees, supervisors, inspectors, and subcontractors shall review the attached "Western Burrowing Owl Awareness" flyer.**

Contractor Responsibilities (continued):

- **If any burrowing owls or active burrows are identified the contractor shall notify the Developer immediately. No construction activities shall take place within 100 feet of any active burrow.**

- **If the Developer in cooperation with the Biologist determines that burrowing owls cannot be avoided, the contractor shall employ a qualified biologist holding a permit from the U.S. Fish and Wildlife Service to relocate burrowing owls from the project area, as appropriate.**

PROTECTED NATIVE PLANTS

Protected native plants within the project limits include velvet mesquite. Native plants will be removed as part of the project; therefore, the following mitigation measure should be implemented.

Contractor Responsibility:

- **Protected native plants within the project limits may be impacted by this project; therefore, the Developer will determine if Arizona Department of Agriculture notification is needed. If notification is needed, the Developer will send the notification at least 60 (sixty) calendar days prior to the start of construction.**

MIGRATORY BIRD TREATY ACT

Migratory birds may nest on the ground, on structures, or in trees, shrubs, or other vegetation within the project limits. No nests were observed during the site visit; however, trees, shrubs, and groundcover suitable for nesting will be removed. Therefore, the following mitigation measure should be implemented:

Contractor Responsibility:

- **If vegetation clearing occurs during the migratory bird breeding season (March 1 - August 31), the contractor shall avoid any active bird nests. If the active nests cannot be avoided, the contractor shall notify the Engineer to evaluate the situation. During the non-breeding season (September 1 - February 28) vegetation removal is not subject to this restriction.**

APPENDIX B

AGFD On-line Environmental Review Tool and U.S. Fish and Wildlife Service Arizona Ecological Services Field Office Official Species List

Arizona Environmental Online Review Tool Report

Arizona Game and Fish Department Mission
To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

The Department requests further coordination to provide project/species specific recommendations. Please use the Project Evaluation Form to submit your project to the Project Evaluation Program at PEP@azgfd.gov.

Project Name:
Luckett Road Industrial Campus - South

Project Type:
Development Outside Municipalities (Rural Development), Commercial/industrial (mall) and associated infrastructure, New construction or expansion

Project ID:
HGIS-25747

Project Description:
Campus style industrial development

Contact Person:
Emily Curci

Organization:
Kimley Horn

On Behalf Of:
CONSULTING

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. Arizona Wildlife Conservation Strategy (AWCS), specifically Species of Greatest Conservation Need (SGCN), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

Locations Accuracy Disclaimer:
Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Recommendations Disclaimer:

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
   Project Evaluation Program, Habitat Branch
   Arizona Game and Fish Department
   5000 West Carefree Highway
   Phoenix, Arizona 85086-5000
   Phone Number: (623) 236-7600
   Fax Number: (623) 236-7366
   Or
   PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies.

Luckett Road Industrial Campus - South

USA Topo Basemap With Locator Map



Buffered Project Boundary

Project Boundary

Project Size (acres): 313.97

Lat/Long (DD): 32.4911 / -111.2787

County(s): Pima

AGFD Region(s): Tucson

Township/Range(s): T11S, R10E

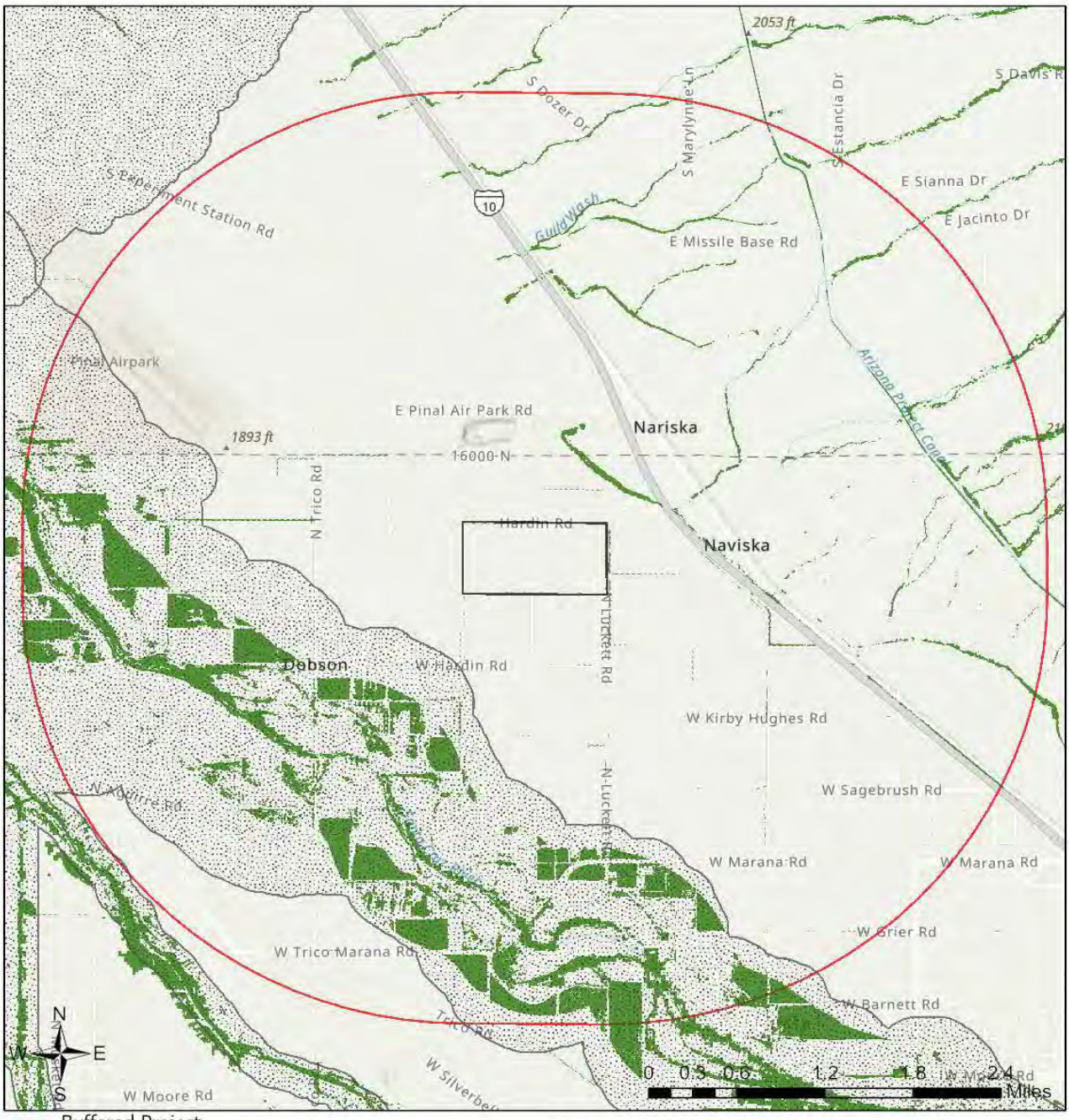
USGS Quad(s): WEST OF MARANA



County of Yavapai, Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
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Esri, USGS

Luckett Road Industrial Campus - South

Important Areas



- Buffered Project Boundary
- Project Boundary
- Important Bird Areas
- Critical Habitat
- Pinal County Riparian
- Wildlife Connectivity

Project Size (acres): 313.97

Lat/Long (DD): 32.4911 / -111.2787

County(s): Pima

AGFD Region(s): Tucson

Township/Range(s): T11S, R10E

USGS Quad(s): WEST OF MARANA

CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS
Esri, NASA, NGA, USGS, FEMA

Luckett Road Industrial Campus - South

Township/Ranges and Land Ownership



- Buffered Project Boundary
- Project Boundary
- AZ Game & Fish Dept.
- BLM
- BOR
- Indian Res.
- Military
- Mixed/Other
- National Park/Mon.
- Private
- State & Regional Parks
- State Trust
- US Forest Service
- Wildlife Area/Refuge
- Township/Ranges

Project Size (acres): 313.97

Lat/Long (DD): 32.4911 / -111.2787

County(s): Pima

AGFD Region(s): Tucson

Township/Range(s): T11S, R10E

USGS Quad(s): WEST OF MARANA

CONANP, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, USFWS
Esri, NASA, NGA, USGS, FEMA

Special Status Species Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Agelaius phoeniceus	Red-winged Blackbird					2
Aphelocoma woodhouseii	Woodhouse's Scrub-Jay					2
Athene cunicularia hypugaea	Western Burrowing Owl		S	S		2
Auriparus flaviceps	Verdin					2
Bat Colony						
Buteo regalis	Ferruginous Hawk			S		2
Buteo swainsoni	Swainson's Hawk					2
Calamospiza melanocorys	Lark Bunting					2
Calypte costae	Costa's Hummingbird					2
Camptostoma imberbe	Northern Beardless-Tyrannulet		S			2
Campylorhynchus brunneicapillus	Cactus Wren					2
Cardinalis sinuatus	Pyrrhuloxia					2
Catharus guttatus	Hermit Thrush					2
Catharus ustulatus	Swainson's Thrush					2
Charadrius vociferus	Killdeer					2
Chilomeniscus cinctus	Banded Sandsnake					2
Circus hudsonius	Northern Harrier					2
Coccyzus americanus	Yellow-billed Cuckoo (Western DPS)	LT	S	S		1
Columbina inca	Inca Dove					2
Contopus cooperi	Olive-sided Flycatcher					2
Contopus sordidulus	Western Wood-Pewee					2
Corvus cryptoleucus	Chihuahuan Raven					2
Cynanthus latirostris	Broad-billed Hummingbird		S			2
Dendrocygna autumnalis	Black-bellied Whistling-Duck					2
Empidonax traillii extimus	Southwestern Willow Flycatcher	LE		S		1
Empidonax wrightii	Gray Flycatcher					2
Eremophila alpestris	Horned Lark					2
Euphagus cyanocephalus	Brewer's Blackbird					2
Falco mexicanus	Prairie Falcon					2
Falco peregrinus anatum	American Peregrine Falcon		S	S		1
Falco sparverius	American Kestrel					2
Geothlypis tolmiei	MacGillivray's Warbler					2
Icterus bullockii	Bullock's Oriole					2
Icterus cucullatus	Hooded Oriole					2
Incilius alvarius	Sonoran Desert Toad					2
Lanius ludovicianus	Loggerhead Shrike					2
Lepus alleni	Antelope Jackrabbit					2
Melanerpes uropygialis	Gila Woodpecker					2
Melospiza lincolnii	Lincoln's Sparrow					2

Special Status Species Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Melozone aberti	Abert's Towhee		S			2
Melozone fusca	Canyon Towhee					2
Myotis velifer	Cave Myotis			S		2
Oreoscoptes montanus	Sage Thrasher					2
Parabuteo unicinctus	Harris's Hawk					2
Passerculus sandwichensis	Savannah Sparrow					2
Peucaea carpalis	Rufous-winged Sparrow					2
Phrynosoma solare	Regal Horned Lizard					2
Phyllorhynchus browni	Saddled Leaf-nosed Snake					2
Pooecetes gramineus	Vesper Sparrow					2
Selasphorus platycercus	Broad-tailed Hummingbird					2
Setophaga nigrescens	Black-throated Gray Warbler					2
Spizella breweri	Brewer's Sparrow					2
Toxostoma bendirei	Bendire's Thrasher					2

Note: Status code definitions can be found at https://www.azgfd.com/wildlife-conservation/on-the-ground-conservation/state-wildlife-action-plan/state-wildlife-action-plan-status-definitions/.

Special Areas Documented that Intersect with Project Footprint as Drawn

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Riparian Area	Riparian Area					

Note: Status code definitions can be found at https://www.azgfd.com/wildlife-conservation/on-the-ground-conservation/state-wildlife-action-plan/state-wildlife-action-plan-status-definitions/.

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Ammodramus savannarum perpallidus	Western Grasshopper Sparrow					2
Ammospermophilus harrisii	Harris' Antelope Squirrel					2
Anthus spragueii	Sprague's Pipit					2
Aquila chrysaetos	Golden Eagle	BGA		S		2
Artemisiospiza nevadensis	Sagebrush Sparrow					3
Asio otus	Long-eared Owl					2
Athene cunicularia hypugaea	Western Burrowing Owl		S	S		2
Auriparus flaviceps	Verdin					2
Botaurus lentiginosus	American Bittern					2
Buteo regalis	Ferruginous Hawk			S		2
Buteo swainsoni	Swainson's Hawk					2
Calcarius ornatus	Chestnut-collared Longspur					2

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Calypte costae	Costa's Hummingbird					2
Campylorhynchus brunneicapillus	Cactus Wren					2
Catharus ustulatus	Swainson's Thrush					2
Charadrius montanus	Mountain Plover					2
Chilomeniscus cinctus	Variable Sandsnake					2
Coccyzus americanus	Yellow-billed Cuckoo (Western DPS)	LT	S	S		1
Colaptes chrysoides	Gilded Flicker			S		2
Columbina inca	Inca Dove					2
Corynorhinus townsendii pallescens	Pale Townsend's Big-eared Bat		S	S		1
Cynanthus latirostris	Broad-billed Hummingbird		S			2
Empidonax wrightii	Gray Flycatcher					2
Eumops perotis californicus	Greater Western Bonneted Bat			S		2
Falco mexicanus	Prairie Falcon					2
Falco peregrinus anatum	American Peregrine Falcon		S	S		1
Falco sparverius	American Kestrel					2
Glaucidium brasilianum cactorum	Cactus Ferruginous Pygmy-owl	LT	S	S		1
Gopherus morafkai	Sonoran Desert Tortoise	CCA	S	S		1
Heloderma suspectum	Gila Monster					1
Icterus cucullatus	Hooded Oriole					2
Incilius alvarius	Sonoran Desert Toad					2
Lanius ludovicianus	Loggerhead Shrike					2
Lasiurus cinereus	Hoary Bat					2
Lasiurus frantzii	Desert Red Bat		S			2
Lasiurus xanthinus	Western Yellow Bat		S			2
Lepus alleni	Antelope Jackrabbit					2
Macrotus californicus	California Leaf-nosed Bat			S		2
Megascops kennicottii	Western Screech-owl					2
Melanerpes uropygialis	Gila Woodpecker					2
Melospiza lincolnii	Lincoln's Sparrow					2
Melozone aberti	Abert's Towhee		S			2
Micrathene whitneyi	Elf Owl					3
Myotis velifer	Cave Myotis			S		2
Myotis yumanensis	Yuma Myotis					2
Nyctinomops femorosaccus	Pocketed Free-tailed Bat					2
Nyctinomops macrotis	Big Free-tailed Bat					2
Parabuteo unicinctus	Harris's Hawk					2
Passerculus sandwichensis	Savannah Sparrow					2
Peucaea carpalis	Rufous-winged Sparrow					2
Phrynosoma solare	Regal Horned Lizard					2

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Phyllorhynchus browni	Saddled Leaf-nosed Snake					2
Pooecetes gramineus	Vesper Sparrow					2
Progne subis hesperia	Desert Purple Martin			S		2
Rana yavapaiensis	Lowland Leopard Frog		S	S		1
Spizella breweri	Brewer's Sparrow					2
Tadarida brasiliensis	Brazilian Free-tailed Bat					2
Toxostoma bendirei	Bendire's Thrasher					2

Species of Economic and Recreation Importance Predicted that Intersect with Project Footprint as Drawn

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Callipepla gambelii	Gambel's Quail					
Pecari tajacu	Javelina					
Puma concolor	Mountain Lion					
Zenaida asiatica	White-winged Dove					
Zenaida macroura	Mourning Dove					

Project Type: Development Outside Municipalities (Rural Development), Commercial/industrial (mall) and associated infrastructure, New construction or expansion

Project Type Recommendations:
During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and it is important to identify and conserve upland wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife species. Guidelines for many of these can be found at: https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/planning-for-wildlife-wildlife-friendly-guidelines/.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Artificial lighting could impair the ability of nocturnal animals to navigate (e.g., owls, migratory birds, bats, and other nocturnal mammals) and may affect wildlife behavior and populations. The AZGFD recommends using only the minimum amount of light needed for safety, especially in areas immediately adjacent to open space or undeveloped lands. The AZGFD encourages the use of motion sensing lighting and narrow spectrum lighting (amber or warm tones typically 2700 Kelvin or lower) wherever possible to lower the range of species affected by lighting. Also, please consider shielding, canting, or cutting all lighting, where possible, to ensure that light reaches only areas needing illumination and to minimize impacts to nocturnal wildlife.

Minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects and pathogens. Precautions should be taken to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. See the Arizona Department of Agriculture website for a list of prohibited and restricted noxious weeds at https://www.invasivespeciesinfo.gov/ and the Arizona Native Plant Society https://aznps.com/invas for recommendations on how to control these species. To view a list of documented invasive species or to report invasive species in or near your project area visit iMapInvasives - a national cloud-based application for tracking and managing invasive species at https://imap.natureserve.org/imap/services/page/map.html.

- To build a list: zoom to your area of interest, use the identify/measure tool to draw a polygon around your area of interest, and select “See What’s Here” for a list of reported species. To export the list, you must have an account and be logged in. You can then use the export tool to draw a boundary and export the records in a csv file.

Evaluate potential impacts to wildlife and fish species due to changes in access to water, water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods). Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing the project to minimize impacts to spawning fish and other aquatic species. Wash, drain, and dry equipment to reduce the spread of exotic invasive species. AZGFD recommends early coordination with the Project Evaluation Program (PEP@azgfd.gov) for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The AZGFD recommends that wildlife surveys are conducted to determine if noise-sensitive species, such as birds or mammals, occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

If trenching or digging of large holes is necessary, the AZGFD recommends trenching/digging and backfilling crews be close together to minimize the amount of open holes at any given time. Where trenches or holes cannot be back-filled immediately, the AZGFD recommends escape ramps be constructed in each hole and at least every 90 meters in trenches. Escape ramps can be short lateral trenches or wooden planks sloping to the surface. The AZGFD recommends that slopes be less than 45 degrees (1:1) and trenches and holes that have been left open be inspected to remove animals prior to backfilling.

Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors to be preserved, and the incorporation of these critical wildlife components into community plans and programs. Community planners should also work with State and local transportation planning entities, and planners from other communities, to foster coordination and cooperation in developing compatible development plans to ensure wildlife habitat connectivity. The AZGFD's guidelines for incorporating wildlife considerations into community planning and developments can be found on the Wildlife Friendly Guidelines portion of the Wildlife Planning page at https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/planning-for-wildlife-wildlife-friendly-guidelines/.

The AZGFD recommends development plans include open, natural space to facilitate wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please reference the Department’s Wildlife Friendly Guidelines for community and project planners at https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/planning-for-wildlife-wildlife-friendly-guidelines/. Coordination with the Project Evaluation Program (PEP@azgfd.gov or 623-236-7600) is recommended for project specific recommendations to maximize wildlife permeability and minimize human-wildlife conflicts.

Project Location and/or Species Recommendations:
HDMS records indicate that one or more **Listed, Proposed, or Candidate** species or **Critical Habitat** (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at https://www.fws.gov/office/arizona-ecological-services or:

Phoenix Main Office
9828 North 31st Avenue #C3
Phoenix, AZ 85051-2517
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office
201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office
SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

This review has identified **riparian areas** within the vicinity of your project. During the planning stage of your project, avoid, minimize, or mitigate any potential impacts to riparian areas identified in this report. Riparian areas play an important role in maintaining the functional integrity of the landscape, primarily by acting as natural drainages that convey water through an area, thereby reducing flood events. In addition, riparian areas provide important movement corridors and habitat for fish and wildlife. Riparian areas are channels that contain water year-round or at least part of the year. Riparian areas also include those channels which are dry most of the year, but may contain or convey water following rain events. All types of riparian areas offer vital habitats, resources, and movement corridors for wildlife. The Pinal County Comprehensive Plan (i.e. policies *6.1.2.1* and *7.1.2.4*), Open Space and Trails Master Plan, Drainage Ordinance, and Drainage Design Manual all identify riparian area considerations, guidance, and policies. Guidelines to avoid, minimize, or mitigate impacts to riparian habitat can be found at https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/planning-for-wildlife-wildlife-friendly-guidelines/. Further consultation with the Arizona Game and Fish Department and Pinal County may be warranted.

HDMS records indicate that **Western Burrowing Owls** have been documented within the vicinity of your project area. Please review the western burrowing owl resource page at https://www.azgfd.com/wildlife-conservation/conservation-and-endangered-species-programs/burrowing-owl-management/.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Arizona Ecological Services Field Office
9828 North 31st Ave
#c3
Phoenix, AZ 85051-2517
Phone: (602) 242-0210 Fax: (602) 242-2513

In Reply Refer To: 07/30/2025 16:48:20 UTC
Project Code: 2025-0128982
Project Name: Luckett Road Industrial Campus - South

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The Fish and Wildlife Service (Service) is providing this list under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The list you have generated identifies threatened, endangered, proposed, and candidate species, and designated and proposed critical habitat, that *may* occur within the One-Range that has been delineated for the species (candidate, proposed, or listed) and it's critical habitat (designated or proposed) with which your project polygon intersects. These range delineations are based on biological metrics, and do not necessarily represent exactly where the species is located. Please refer to the species information found on ECOS to determine if suitable habitat for the species on your list occurs in your project area.

The purpose of the Act is to provide a means whereby threatened and endangered species and the habitats upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of Federal trust resources and to determine whether projects may affect federally listed species and/or designated critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.
If the Federal action agency determines that listed species or critical habitat *may be affected* by a federally funded, permitted or authorized activity, the agency must consult with us pursuant to 50 CFR 402. Note that a "may affect" determination includes effects that may not be adverse and that may be beneficial, insignificant, or discountable. An effect exists even if only one individual

or habitat segment may be affected. The effects analysis should include the entire action area, which often extends well outside the project boundary or "footprint." For example, projects that involve streams and river systems should consider downstream affects. If the Federal action agency determines that the action may jeopardize a *proposed* species or may adversely modify *proposed* critical habitat, the agency must enter into a section 7 conference. The agency may choose to confer with us on an action that may affect proposed species or critical habitat.

Candidate species are those for which there is sufficient information to support a proposal for listing. Although candidate species have no legal protection under the Act, we recommend that they be considered in the planning process in the event they become proposed or listed prior to project completion. More information on the regulations (50 CFR 402) and procedures for section 7 consultation, including the role of permit or license applicants, can be found in our Endangered Species Consultation Handbook at: https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf.

We also advise you to consider species protected under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712) and the Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668 *et seq.*). The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when authorized by the Service. The Eagle Act prohibits anyone, without a permit, from taking (including disturbing) eagles, and their parts, nests, or eggs. Currently 1,026 species of birds are protected by the MBTA, including the western burrowing owl (*Athene cunicularia hypugaea*). Protected western burrowing owls can be found in urban areas and may use their nest/burrows year-round; destruction of the burrow may result in the unpermitted take of the owl or their eggs.

If a bald eagle or golden eagle nest occurs in or near the proposed project area, our office should be contacted for Technical Assistance. An evaluation must be performed to determine whether the project is likely to disturb or harm eagles. The National Bald Eagle Management Guidelines provide recommendations to minimize potential project impacts to bald eagles (see https://www.fws.gov/law/bald-and-golden-eagle-protection-act and https://www.fws.gov/program/eagle-management).

The Division of Migratory Birds (505/248-7882) administers and issues permits under the MBTA and Eagle Act, while our office can provide guidance and Technical Assistance. For more information regarding the MBTA, BGEPA, and permitting processes, please visit the following web site: https://www.fws.gov/program/migratory-bird-permit. Guidance for minimizing impacts to migratory birds for communication tower projects (e.g. cellular, digital television, radio, and emergency broadcast) can be found at https://www.fws.gov/media/recommended-best-practices-communication-tower-design-siting-construction-operation.

The U.S. Army Corps of Engineers (Corps) may regulate activities that involve streams (including some intermittent streams) and/or wetlands. We recommend that you contact the Corps to determine their interest in proposed projects in these areas. For activities within a National Wildlife Refuge, we recommend that you contact refuge staff for specific information about refuge resources, please visit this link or visit https://www.fws.gov/program/national-

wildlife-refuge-system to locate the refuge you would be working in or around.

If your action is on tribal land or has implications for off-reservation tribal interests, we encourage you to contact the tribe(s) and the Bureau of Indian Affairs (BIA) to discuss potential tribal concerns, and to invite any affected tribe and the BIA to participate in the section 7 consultation. In keeping with our tribal trust responsibility, we will notify tribes that may be affected by proposed actions when section 7 consultation is initiated. For more information, please contact our Tribal Coordinator, John Nystedt, at 928/556-2160 or John_Nystedt@fws.gov.

We also recommend you seek additional information and coordinate your project with the Arizona Game and Fish Department. Information on known species detections, special status species, and Arizona species of greatest conservation need, such as the western burrowing owl and the Sonoran desert tortoise (*Gopherus morafkai*) can be found by using their Online Environmental Review Tool, administered through the Heritage Data Management System and Project Evaluation Program (https://www.azgfd.com/wildlife-conservation/planning-for-wildlife/project-evaluation-program/).

We appreciate your concern for threatened and endangered species. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office. If we may be of further assistance, please contact our Flagstaff office at 928/556-2118 for projects in northern Arizona, our general Phoenix number 602/242-0210 for central Arizona, or 520/670-6144 for projects in southern Arizona.

Sincerely,
/s/

Heather Whitlaw
Field Supervisor
Attachment

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arizona Ecological Services Field Office
9828 North 31st Ave
#c3
Phoenix, AZ 85051-2517
(602) 242-0210

PROJECT SUMMARY

Project Code: 2025-0128982
Project Name: Luckett Road Industrial Campus - South
Project Type: Commercial Development
Project Description: Campus style industrial development
Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@32.49113415,-111.27867407949753,14z



Counties: Pima County, Arizona

Project code: 2025-0128982 07/30/2025 16:48:20 UTC

ENDANGERED SPECIES ACT SPECIES

There is a total of 9 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

---

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Jaguar *Panthera onca* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3944	Endangered
Ocelot *Leopardus (=Felis) pardalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4474	Endangered
Sonoran Pronghorn *Antilocapra americana sonoriensis* Population: U.S.A. (AZ), Mexico No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4750	Experimental Population, Non-Essential

BIRDS

NAME	STATUS
Cactus Ferruginous Pygmy-owl *Glaucidium brasilianum cactorum* There is **final** critical habitat for this species. Species profile: https://ecos.fws.gov/ecp/species/1225	Threatened
California Least Tern *Sternula antillarum browni* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8104	Endangered
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

FISHES

NAME	STATUS
Gila Topminnow (incl. Yaqui) *Poeciliopsis occidentalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1116	Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

FLOWERING PLANTS

NAME	STATUS
Arizona Eryngo *Eryngium sparganophyllum* Population: There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/10705	Endangered

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Kimley Horn
Name: Emily Curci
Address: 1001 West Southern Ave Suite 131
City: Mesa
State: AZ
Zip: 85210
Email emily.curci@kimley-horn.com
Phone: 6026783442

APPENDIX C

Ground Photographs

Photo No. 1



View from the southwest corner of the project limits looking north. Note salt cedar lacks density and acreage to support listed species.

Photo No. 2



View looking north toward agricultural pond in northwest corner of project limits. Note salt cedar lacks density and acreage to support listed species.

Photo No. 3



View of suitable western burrowing owl burrow along the northern boundary of the project limits. No sign observed.

Photo No. 4



View from the northwest corner of the project limits looking east. Note potentially suitable western burrowing owl habitat along agricultural canal.

Photo No. 5



View looking north from the center of the project limits. Note suitable burrowing owl habitat under the canal.

Photo No. 6



View of active cotton fields from the center of the project limits looking west.

APPENDIX D

Western Burrowing Owl Awareness Flyer



Western Burrowing Owl Awareness

The purpose of this flyer is to provide contractors working on projects with basic knowledge to reduce the risk of incidental take of Western Burrowing Owls.

Legal Status:

Western Burrowing Owls (*Athene cunicularia*) are protected under the Federal Migratory Bird Treaty Act of 1918. All migratory birds and their parts are fully protected. They are also protected under Arizona State Law in Title 17-101, Title 17-235, and Title 17-236.

What to look for:

- Description– small, ground-dwelling owl.
- Length– 19.5-25.0 cm (7.68-9.85 inches)
- Wingspan– 58.42 cm (23.0 inches)
- Mass– about 150 grams
- Males are typically slightly larger than females.
- Round head, lacks ear tufts.
- Distinct oval facial ruff, framed by a broad, puffy white eyebrow.
- Eyes contain a bright yellow iris.

Where are owls found?

- Dry, open, short grass, treeless plains.
- Dependent on fossorial mammals. (ground squirrels, prairie dogs, badgers, etc.) to construct burrows.
- Human dominated landscapes: golf courses, airports, agricultural fields.

Identifying an active burrow:

- Owls use burrows constructed by ground squirrels, badgers, coyotes and tortoises. They can also use pipes, culverts, and ditches.
- Presence of excrement (whitewash) near entrance to burrow.
- Burrowing owls frequently decorate entrance of burrows with cow or horse manure, feathers, vegetation and trash items.

How to avoid them:

- Scan ahead prior to arriving at a sign location.
- If burrowing owls are observed within the project area, stop and move at least 100 feet beyond the owl or occupied burrow before resuming work.

If you think your work may potentially impact a Burrowing Owl or active burrow, please stop.
Move at least 100 feet from the animal or burrow before resuming work.

Source: Arizona Game and Fish Department Animal Abstract: Western Burrowing Owl. Heritage Data Management System

APPENDIX C: Letter from CMID

Cortaro-Marana Irrigation District
Cortaro Water Users' Association

12253 West Grier Road • Marana, Arizona 85653
Telephone: (520) 682-3233 • FAX: (520) 682-3456
Office@cmidwater.com

October 10, 2025

Town of Marana
Development Services Director
Jason Angell
11555 W Civic Center Drive
Marana, AZ 85653

Re: Project: Luckett South Specific Plan ("Project"); APN 208-09-001E.

Dear Mr. Angell:

As requested by the applicant for the Project Luckett South Specific Plan located along North Luckett Road, APN 208-09-001E (the "Property"), below is information from Cortaro Water Users' Association ("CWUA"), as managing agent for Cortaro-Marana Irrigation District ("CMID") on non-potable water needs and service.

The Property is within the CMID service area and, subject to certain contingencies, CMID/CWUA is willing to provide non-potable water service to the Project. CMID/CWUA is working with the applicant on the Project and understands the applicant's operational non-potable water needs to average approximately 18 acre-feet per year (AFY), with a fire storage requirement of up to 2 acre feet. CMID/CWUA is also willing to provide non-potable construction water and landscaping water for the Project. CMID/CWUA and the applicant will be working on the non-potable water needs, required water studies, and contractual negotiations/requirements to serve the Property for their non-potable water needs.

Service to the Project is subject to water source determination and location, legal review, design and engineering requirements and limitations, and the negotiation and execution of a mutually approved service agreement.

Feel free to contact us if you need any further information regarding CMID/CWUA's provision of non-potable water for the Project.

Doug Greenland,
General Manager

APPENDIX D: Letter from TEP

Tucson Electric Power
88 East Broadway Blvd.
Tucson, AZ 85701-1720

October 10, 2025

Town of Marana
Development Services Director
Jason Angell
11555 W Civic Center Drive
Marana, AZ 85653

Re: Project Luckett South Specific Plan

Dear Mr. Angell:

As requested by the application for the Project Luckett South Specific Plan located along North Luckett Road, APN 208-09-001E (the "Property"), below is information from Tucson Electric Power ("TEP") on power needs and service.

The Property is within the TEP service area. TEP is working with the applicant to study and potentially supply up to 550-750 megawatts (MW) to a potential data center (the "Project") at the Property. The Project's final capacity needs and the dates by which TEP could provide some or all of that power will be determined over time through required power studies and contractual negotiations. If TEP and the applicant reach terms on an energy supply agreement, that agreement would be subject to review by the Arizona Corporation Commission through a public process.

We are hopeful that the information above satisfies the requirements for submittal and approval of the above-referenced specific plan. Please feel free to contact us if additional information is needed.

Sincerely,

Chris Norman
Vice President of Public Policy
Tucson Electric Power

APPENDIX E: Acoustic Report



Final Acoustic Report-Update

Luckett Road Industrial Campus - South

Marana, AZ

August 29, 2025

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Appendix A. Acoustician Qualifications

Appendix B. Measurement Logs and Photos

Executive Summary

HDR performed a preliminary desktop code review and pre-construction background noise monitoring for the proposed Luckett Road Industrial Campus - South Project.

To determine existing background noise levels at nearby noise-sensitive receivers, HDR performed 24-hour noise measurements at three locations proximal to Project site boundaries. The results of these measurements were used to inform Project ambient noise.

The L_{max} represents the highest root-mean-square sound pressure level during a given time period. The L_{90} level represents the sound level exceeded for 90 percent of a given time period. As such, the L_{90} level is generally considered a reasonable metric for describing the background noise level in absence of temporary elevated noise events such as transient vehicle passbys or plane flyovers.

The highest hourly L_{90} level was 55 dBA at Measurement Location 2 (ML2) during the late night, while the lowest hourly L_{90} was 27 dBA, which occurred during the daytime at ML1.

HDR identified a single existing noise sensitive area (NSA) within 1,000 feet of the Project site. This is the Arizona Veteran's Memorial Cemetery at Marana, which is located approximately 150 feet northeast of the Project site in the Town of Marana, and zoned residential.

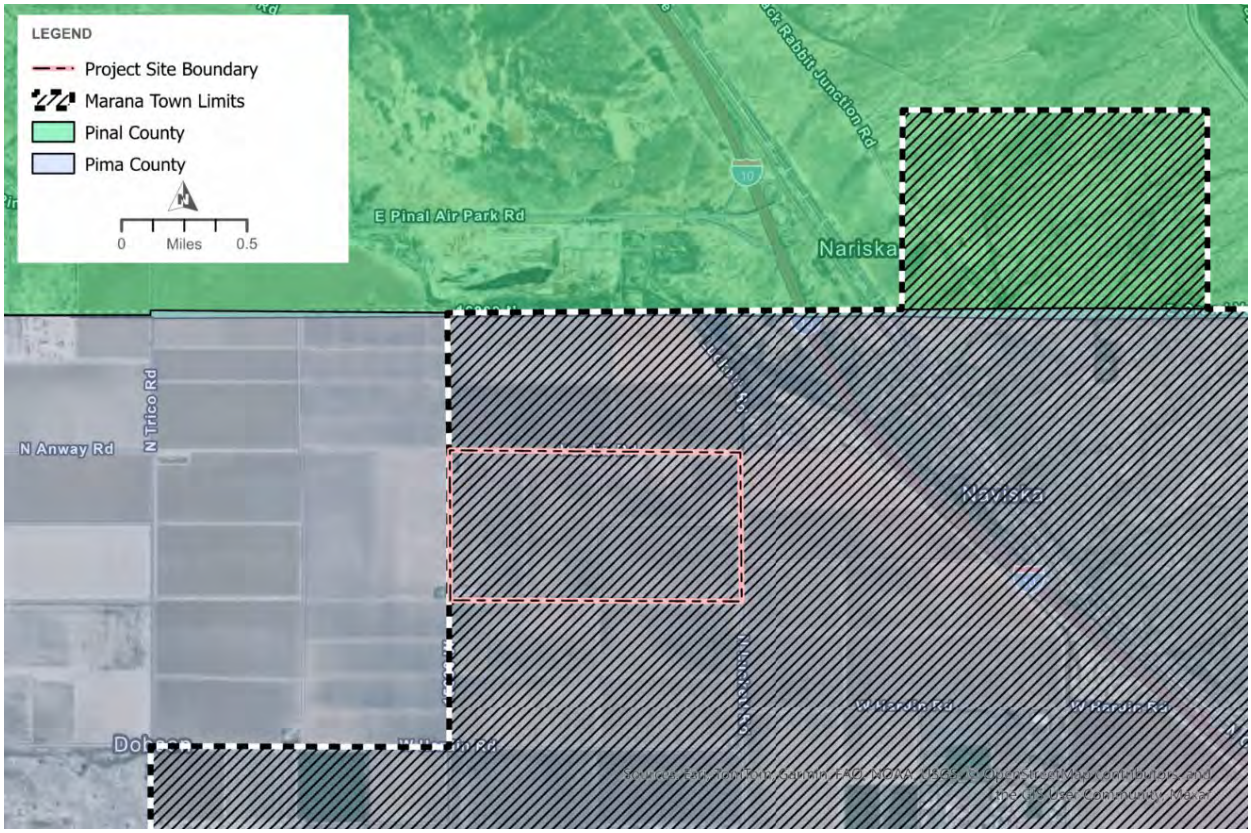
The nearest identified residences are 15426 W Hardin Road, located 0.8 miles southwest in unincorporated Pima County land, zoned for Rural Homestead, and 14975 N Luckett Road, located 0.9 miles south within the Town of Marana, zoned for single family residential.

Zoning in adjacent unincorporated areas of Pinal and Pima counties are also subject to their respective county's noise limits. Site planning should be coordinated with the various authorities having jurisdiction on established noise limits, planned land uses, and active permits.

1 Introduction

Luckett Road Industrial Campus – South (the Project) is a proposed data center facility planned to be constructed in the Town of Marana, Arizona. Although Marana spans portions of both Pima and Pinal Counties, the Project site is located in Pima County, as shown in Figure 1. HDR has performed a preliminary environmental noise desktop review, along with noise monitoring of existing environmental background noise conditions for the Project (Appendix A).

Figure 1. Site Location in Marana, Arizona



2 Acoustic Concepts

Sound is comprised of tiny fluctuations in air pressure and characterized by parameters such as amplitude, frequency, and duration. Within the range of human hearing, sound can vary in amplitude by more than 1 million units. Therefore, a logarithmic scale, known as the decibel (dB) scale, is used to quantify sound intensity and compress the scale to a more manageable range. The terms “sound” and “noise” (unwanted sound) are used interchangeably in this report.

The human ear does not hear all frequencies equally, as the hearing organs of the inner ear de-emphasize low and very high frequencies. The A-weighting scale is the most common weighting scale used to represent this selective sensitivity of human hearing to sound pressure levels. It places more emphasis or “weight” on the frequencies we hear

effectively, and less weight on frequencies we do not hear effectively. A-weighted decibels are noted using the abbreviation dBA. Being a decibel quantity, root-mean-square (RMS) sound pressure levels are referenced to 20 µPa, the accepted threshold of human hearing. Table 1 lists typical A-weighted sound pressure levels for some common noise sources.

Table 1. Typical Source Noise Levels

Sound Pressure Level, dBA	Typical Sources
90	Motorcycle at 25 feet Gas lawn mower at 3 feet
80	Garbage disposal
70	City street corner Vacuum cleaner at 10 ft.
60	Conversational speech
50	Typical office
40	Living room (without television)
30	Quiet bedroom at night
20	Approximate threshold of hearing

dBA = A-weighted sound pressure level
Source: Minnesota Pollution Control Agency, 2015 [5]

Because of the logarithmic scale, sound levels cannot be simply added or subtracted. If sound energy is doubled, the sound pressure level only increases by 3 dB. However, a doubling of sound energy is not perceived by humans as a doubling of loudness. A 3-dB change is considered a “just noticeable” difference, a 5-dB change is considered a “clearly noticeable” difference, and a 10-dB change is considered a perceived doubling or halving of loudness.

Most sounds are made up of a wide range of frequencies and termed broadband sounds. Sounds that are focused within a particular narrow frequency range are tonal sounds. Sound sources can be constant or time-varying. Environmental sound levels are often expressed over periods of time, allowing time-varying signals to be represented by sound levels averaged over intervals (e.g., a 1-hour period). One metric used to describe environmental sound is the equivalent continuous sound pressure level (L_{eq}). The L_{eq} represents a constant sound that, over the specified time period, has the same acoustic energy as the time-varying signal. Another descriptor is L_n, which is the noise level exceeded “n” percent of the time. For example, the L_{90} is the noise level exceeded 90 percent of a given time. For a 1-hour period, this would represent the noise level exceeded for 54 minutes during that hour. The L_{max} and L_{min} represent the highest and lowest RMS sound pressure levels during a given time period, respectively.

3 Preliminary Code Review

HDR conducted a preliminary desktop review of national, regional, and local authority requirements regarding noise trespass and permissible facility noise levels to surrounding land uses. To the extent possible, noise ordinances and guidance applicable to standard data center operations, focusing on mechanical equipment noise emissions, routine generator exercising and maintenance, and emergency generator usage were identified. Note that code review efforts are focused on facility operations; construction noise limits, vibration limits, and other non-operational noise emissions which are beyond the scope of this review.

3.1 Federal Environmental Noise Requirements

Applicability of federal environmental noise requirements has been considered for the Project but deemed not applicable. In their summary of the Noise Control Act (42 U.S.C. §4901 et seq. (1972), the USEPA states "*primary responsibility for control of noise rests with State and local governments",* with Federal action being *"essential to deal with major noise sources in commerce, control of which require national uniformity of treatment*" [2]. As a private commercial venture, federal funds or property are understood to be not affiliated with the Project. Note that the USEPA's 1974 *Information on Levels of Environmental Noise Requisite to Protect Public Health and* Welfare *with an Adequate Margin of Safety* [3] document provides guidance of 55 dBA (L_{dn} or 24-hour L_{eq}) and 45 dBA (L_{dn} or 24-hour L_{eq}) depending on specific application for outdoor and indoor areas, respectively. The Day-Night Average Sound Level, or L_{dn}, is a weighted 24-hour average sound level with a 10 dBA "penalty" added to noise that occurs at night to better account for increased noise sensitivity associated with those hours.

3.2 State Environmental Noise Requirements

While Arizona does not have a designated statewide noise ordinance, Title 13 Chapter 2903 (ARS 13-2903) *Disorderly conduct classification* of the Arizona Revised Statutes (ARS) [1], codifies criminal conduct related to unreasonable noise as follows:

> *A. A person commits disorderly conduct if, with intent to disturb the peace or quiet of a neighborhood, family or person, or with knowledge of doing so, such person:*
>
> *2. Makes unreasonable noise.*

Aside from disorderly conduct laws for unreasonable noise, State of Arizona statutes also apply to vehicle exhaust systems (ARS 28-955), shooting ranges (ARS 17-602), sound attenuation building standards in the vicinity of miliary airports (ARS 28-8482), and others, but data center noise emissions are not specifically addressed. Environmental quality prescripts within the Arizona Administrative Code address some industrial applications such as water resources, mining operations, and worker noise limits, but do not appear to apply to data center operations. Noise policies pertaining to ADEQ are understood to follow those established by the USEPA within the Noise Control Act of 1972 [2].

3.3 County Environmental Noise Requirements

The Project is located in the Town of Marana, Arizona, with the nearest portions of unincorporated Pinal County located approximately 1/2-mile to the north, and unincorporated portions of Pima County located along the western property boundary.

3.3.1 Pima County

Chapter 9.30 – *Regulation of Excessive, Unnecessary and Annoying Noises* of the Pima County, Arizona Code of Ordinances [6] governs unincorporated areas of the county, including adjacent receiving properties to the west, northwest, and southwest of the site. Because the Project is located within the incorporated boundaries of the Town of Marana, specific applicability of the Pima County ordinance is unclear. If applicable, such as at receiving properties, Pima County provides subjective, annoyance-based prescripts for regulating noise in Section 9.30.040 *Impermissible sound levels,* as follows:

> *In addition to the prohibited noises described in 9.30.050, 9.30.060 and 9.30.070, it shall be unlawful for any person to make or continue, or cause or permit to be made or continued, any excessive, unnecessary or offensive noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.*

Sections 9.30.050, 9.30.060, and 9.30.070 referenced in the above ordinance excerpt address noise emissions from loud radios/sound sets, vehicular noise, and construction, respectively. Section 9.30.080 *Exemptions* does not specifically exempt emergency generator operation.

Although the receiving parcel adjacent to the western property line, extending also to the northwest and southwest of the Project parcel, is presently a solar energy installation, current zoning maps designate this land use as an RH Rural Homestead Zone parcel. Title 18 *Zoning* of the Pima County, Arizona Code of Ordinances sets forth zoning requirements for various types of land uses. Chapter 18.13 *RH Rural Homestead Zone* provides for “commercial and industrial development only where appropriate and necessary to serve the needs of the rural area” but does not appear to prescribe specific noise related zoning requirements.

3.3.2 Pinal County

Chapter II – *Noise* of the Pinal County, Arizona Code of Ordinances [7] governs unincorporated areas of the county, including potential non-adjacent receiving properties as close as approximately 1/2-mile north of the site. Within 1 mile of the site, unincorporated Pinal County land uses include properties zoned as various industrial and industrial buffer areas (CI-1, I-1, I-2, and I-3), commercial (C-3), rural (GR), and activity center (AC-3) uses. Because the Project is located within the incorporated boundaries of the Town of Marana, specific applicability of the Pinal County ordinance is unclear. If applicable, Pinal County provides subjective, annoyance-based prescripts for regulating noise in Section 10-21 - *Excessive noise violation*, as follows:

> *It shall be unlawful and a violation of this chapter for any person to knowingly and/or intentionally make, continue, or cause to be made or continued, or to allow or permit any excessive noise as defined in section 10-22.*

Additionally, Section 10-24 – *Acts or conditions declared as excessive noises* also provides quantitative sound pressure level limits for various land uses from which the noise is emitted. However, if the receiving property has a zoned land use with a lower noise limit, the lower of the two limits must be achieved. These limits are expressed in terms of a 2-minute L_{eq} in dBA. Table 2 shows these limits. Presuming industrial, commercial, and rural receiving property land use applications within 1 mile of the Project parcel, L_{eq} lower limits of 65 dBA and 60 dBA for a given 2-minute interval during daytime and nighttime hours, respectively, may apply. It should be noted that per zoning descriptions, noise-sensitive uses, such as educational institutions, hospitals, childcare centers, churches, offices, assisted living facilities, and similar, could be included within these zoning areas.

Table 2. Limiting Sound Levels for Land Use Districts, Pinal County

Zoning District	Leq Limits (dBA)
(Residential) CR-1A, CR-1, CR-2, CR-3, CR-4, CR-5, OS, MH, RV, MHP, PM/RVP, TR	60 dBA (7:00 AM – 8 PM) 55 dBA (8:00 PM – 7:00 AM)
(Commercial or business) CB-1, CB-2	65 dBA (7:00 AM – 10:00 PM) 60 dBA (10:00 PM – 7:00 AM)
(Industrial) CI-B, CI-1, CI-2	70 dBA (7:00 AM – 10:00 PM) 65 dBA (10:00 PM – 7:00 AM)
(Rural) CAR, SR, SR-1, SH, GR, GR-5, GR-10	65 dBA (7:00 AM – 9:00 PM) 60 dBA (9:00 PM – 7:00 AM)

Source: Pinal County Code of Ordinances, 2011 [7]

Noise level limits for activity center zoning district, AC-3, are unclear based on Table 2 information. This zoning district is described for use in areas with a comprehensive plan designation of high intensity activity center core, designed to create a vibrant urban center, while allowing for “some less intense uses in the short term.” As with the previously mentioned industrial, commercial, and rural zoning districts, listed AC-3 zoning district applications can include noise-sensitive land uses. The most stringent noise limits in all circumstances, however, are reserved for residential zoning districts, as listed in Table 2.

Section 10-27 *Exemptions* does not specifically exempt emergency generator operation.

3.4 Local Noise Ordinance Requirements

Being within the incorporated Town of Marana limits, facility operations are governed by the *Marana Town Code* [8]. *Chapter 11-5. Noise* of this code regulates noise. Similar to previously discussed county codes, it qualitatively limits nuisance noise from loud radios and sets construction start/stop times. Additionally, it prohibits causing false alarms in the town and sets quantitative noise limits applying to properties within Resort and

Recreation zoning. Because no Resort and Recreation zoned properties exist near the Project site, this portion of the noise code is deemed not applicable to the Project.

Receiving properties adjacent to the north, east, and south property lines are zoned for single-family residential. Specific plan uses understood to be approved for residential homes largely east of I-10, agricultural, light industrial, medium lot, small lot, and transportation corridor uses are included in non-adjacent land use applications within the general vicinity. Small and medium lot uses may span residential, agricultural, commercial, and industrial applications.

Section 17-6-13 Data Centers of *Chapter 17-6. General and Miscellaneous Development Regulations* additionally regulates data centers within the town, with *Paragraph G – Noise Attenuation* providing specific prescripts in the regulation of data center noise generation. This paragraph provides quantitative noise limits for data centers, based on the receiving property's zoning, to be measured at the receiving property line. These limits are based on the maximum sound level, or L_{max}, in dBA, which are listed in Table 3.

Note that the code defines "Daytime" as the hours between 7:00AM and 7:00PM on weekdays, or between 9:00AM and 8:00PM on Saturdays, Sundays, and legal holidays observed by the town. "Nighttime" is defined in the code as between 7:00PM and 7:00AM on weekdays, or between 8:00PM and 9:00AM on Saturdays, Sundays, and legal holidays observed by the town.

Table 3. Maximum Sound Levels for Data Center Operation, Town of Marana

Planned or Zoned Use Affected Property	Maximum dBA Daytime/ Nighttime
Residential and mixed-use	55/55
Agricultural	60/55
Commercial	65/60
Industrial	72/65

Source: Town of Marana Code, 2025 [9]

This portion of the ordinance states that generators and generator use must comply with all applicable state and federal regulations and if a data center uses diesel generators, only Tier IV or newer generators are permitted. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only and limited to weekdays between 8:00AM and 5:00PM, except in emergencies. However, noise emissions from the generators are not specifically excluded, noting that the limits in Table 3 apply to "*any noise which emanates from any operation, activity, or source on a data center site, including, but not limited to, heating and cooling system(s).*"

The ordinance states that "*the data center must be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the data center, as determined by a qualified third-party acoustic engineer, from exceeding the maximum sound levels set forth"* and *"design specifications for the required sound mitigation must be provided to the town before building permit approval."*

Further, the data center specific portion of the noise code specifies a noise study must be conducted to document baseline sound levels in the area of the proposed data center and the expected noise levels generated by the facility. Moreover, a post-construction noise study must be performed to document noise levels measured at the nearest property line during peak operation of facility equipment prior to issuance of a certificate of occupancy or certificate of completion to demonstrate Project compliance with maximum allowable noise level limits. Such post-construction compliance measurements are to occur annually for 5 years after completion and upon the town's request thereafter. HDR recently completed the pre-construction background noise measurement portion of code requirements and is presented herein. Other requirements are beyond HDR's scope at this time.

3.5 Code Summary

Due to numerous jurisdictions bordering the Project site, it is challenging to determine which specific ordinances, particularly to receiving properties located in jurisdictions other than the proposed Project, are applicable to the Project. It is therefore recommended these jurisdictions be engaged during the development process to clarify and confirm the full extent of Project requirements. The ordinances with quantitative noise limits include the Pinal County code, as well as the specific data center section (Section 17-6-13) of the Town of Marana code. In addition, sections of the Pima County and Pinal County ordinances place subjective, nuisance-based limitations on noise. Issues of acoustical annoyance are complex and can be influenced by many factors, including loudness perception, low frequency noise content, time of day operations, relative noise level increases, and noise character (i.e., tonal content).

3.6 Land Use Applications

Zoning and land use application information is presented in this section.

3.6.1 Zoning and Land Uses

To identify nearby noise-sensitive areas (NSAs), HDR used aerial imagery, in combination with Pima County, Pinal County, and the Town of Marana zoning and parcel data.

For reference, Figure 2 shows the zoning data of Pinal County for non-adjacent parcels beginning 1/2-mile from the Project site, extending to 1 mile from the Project site. Figure 3 and Figure 4 show zoning data for unincorporated Pima County and Town of Marana parcels within 1 mile of the Project site, respectively. Figure 5 delineates noise-sensitive areas within proximity of the Project site.

Unincorporated Pinal County parcels within relative proximity of the Project site (at or greater than 1/2-mile) are a combination of industrial or industrial buffer areas (CI-1, I-1, I-2, and I-3), commercial (C-3), rural (GR), and activity center (AC-3) uses, although zoning use descriptions permit potential noise-sensitive applications (i.e., educational institutions, hospitals, childcare centers, churches, offices, assisted living facilities, and similar) in these zoning districts. No residences were identified in the vicinity based on current zoning and aerial observations. The nearest residential equivalent is an RVP

(Recreational Vehicle Park) zoned parcel to the northwest, outside the screening distance.

Surrounding unincorporated Pima County parcels are zoned rural homestead uses.

Note that the Project site is currently zoned single-family residential within the Town of Marana, with adjacent properties to the east, north, and south identically zoned within the incorporated town limits. Specific plan uses understood to be approved for residential homes largely east of I-10, agricultural, light industrial, medium lot, small lot, and transportation corridor uses are included in non-adjacent land use applications within the general vicinity. Small and medium lot uses may span residential, agricultural, commercial, and industrial applications.

Based on aerial observations, the nearest residences near the Project site include 15426 W Hardin Rd in the unincorporated area of Pima County, located approximately 0.8 miles southwest of the site, and 14975 N Luckett Rd in the Town of Marana, located approximately 0.9 miles south of the site. The first property (15426 W Hardin Rd) is zoned for rural homestead use, while 14975 N Luckett Rd is zoned for single family residential use.

Noise-producing land uses in the vicinity of the Project include the nearby Pinal Air Park (a small commuter airport), which generated audible noise at the proposed facility site during HDR's noise monitoring visit. Serrano Solar, a solar farm, Nelson Drilling (a drilling company), and PNP Materials (a construction company) are also shown in the area according to Google Maps, but did not appear to create any subjectively noticeable noise to HDR attendants during the site noise monitoring.

Figure 2. Pinal County Zoning

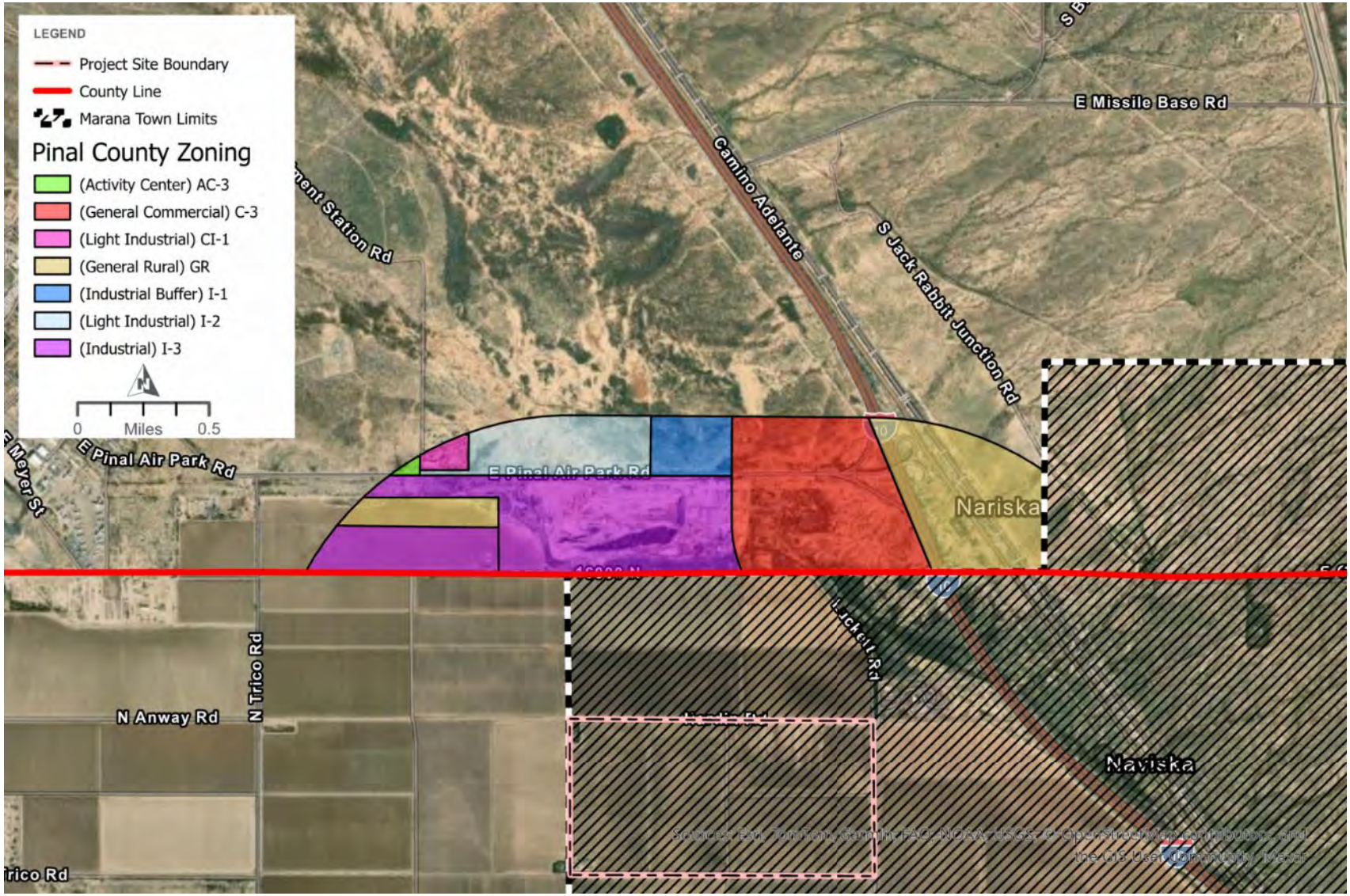


Figure 3. Pima County Zoning

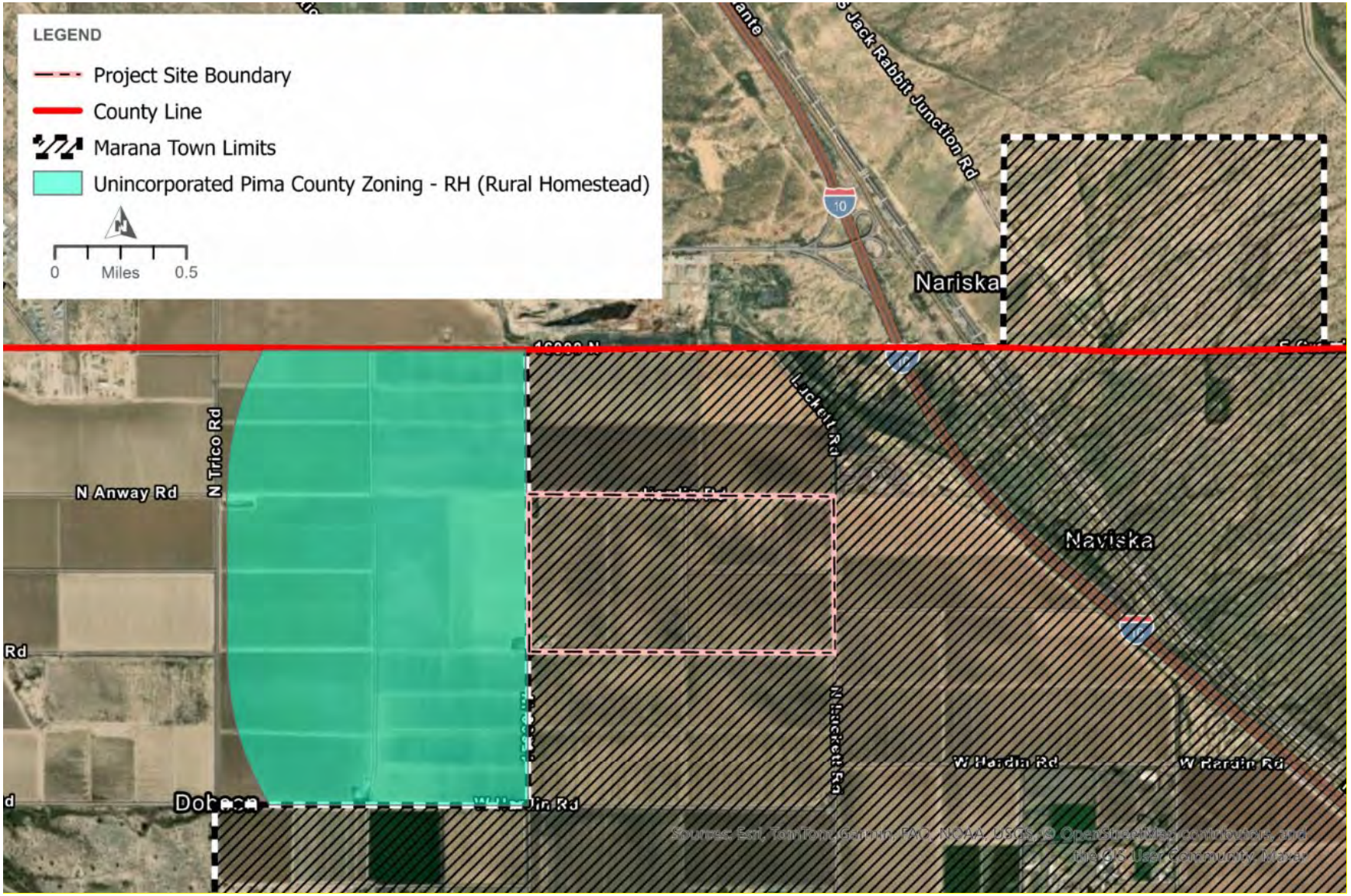
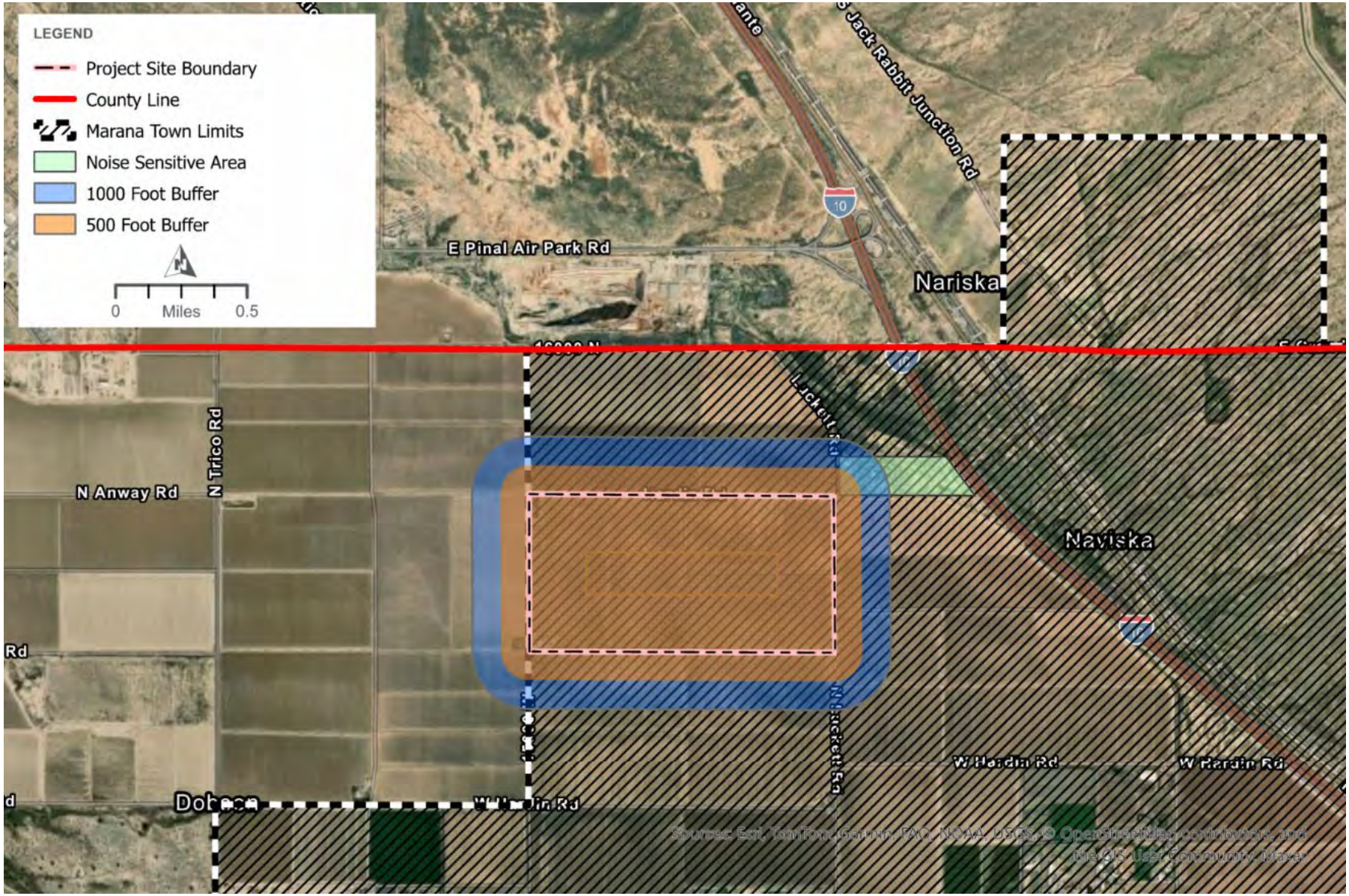


Figure 4. Town of Marana Zoning



Figure 5. Noise Sensitive Areas Within Vicinity of Project Site



3.6.2 Noise-Generating Surroundings

Sources of noise near the Project that were noticed during the site visit, audio review, or both, are as follows:

- Pinal Air Park
- I-10 Highway

Other potential sources of noise, which were not noticed during either the site visit or audio review are as follows:

- Serrano Solar Farm
- Nearby Railway
- Nelson Drilling
- PNP Materials

3.6.3 Potential Risk Assessment

The only identified noise sensitive area within 1,000 feet of the Project site is Arizona Veteran's Memorial Cemetery at Marana. This cemetery is located approximately 150 feet from the edge of the Project site and is separated from the Project by N Luckett Road. Figure 5 shows this location.

Due to the presence of a noise-sensitive area within 500 feet or less of the data center property boundary, the Project should be considered Critical until noise modeling is completed. The most restrictive noise limits of these codes are the nighttime residential noise limits, which set forth a 55 dBA limit. However, these codes define both the limiting noise metric and the daytime and nighttime periods differently. The Pinal County code (potentially applying to more distant properties from the Project site) defines its noise limits in terms of a 2-minute L_{eq} in dBA and defines nighttime at residences as being from 8:00 PM to 7:00 AM. The Town of Marana code defines its noise limits in terms of an L_{max} in dBA and defines nighttime during the weekday as between 7:00 PM and 7:00 AM.

Note that the most restrictive noise limit for both codes is for residentially zoned properties. The nearest residence which has been identified is approximately 0.8 miles from the site boundary. However, residentially zoned parcels, including directly adjacent to the Project, have been identified closer. Unincorporated Pinal County parcels are at least approximately 1-half mile from the Project site.

Due to the various jurisdictional boundaries involved (one town and two counties), along with the disparity between (less noise-sensitive) existing land use applications compared to (more noise-sensitive) zoning, some level of uncertainty exists in definitively identifying noise level limits and applying noise codes. Therefore it is recommended the Project team work to determine noise code applications, which may be part of any potential rezoning process or as Project development in general, issues that are difficult to discern within the parameters of a desktop review.

With the exception of the existing cemetery at the northeast corner of the site, design of the facility to current residential zoning noise limits where noise-sensitive residences do not currently exist could lead to unnecessary expenditures; conversely, designing the

facility to less noise-sensitive land use limits affiliated with present land uses could lead to future unexpected noise control expenditures that may be very challenging to implement post-construction, if residential allowance were realized. Site planning should be coordinated with the various authorities having jurisdiction on established noise limits, planned land uses, and active permits.

In addition to the aforementioned zoning and land use characterization, both Pima and Pinal County noise ordinances place subjective, nuisance-based limitations on noise emissions where issues of acoustical annoyance, such as low frequency noise content, time of day operations, relative noise level increases, and noise character (i.e., tones), may arise. Once again, such consideration should be taken in the context of existing noise-generating surrounding land uses and nearby transportation corridors, including already present tonal noise emissions from surrounding solar equipment. Table 4 presents an acoustic risk matrix.

Table 4. Acoustic Risk Matrix

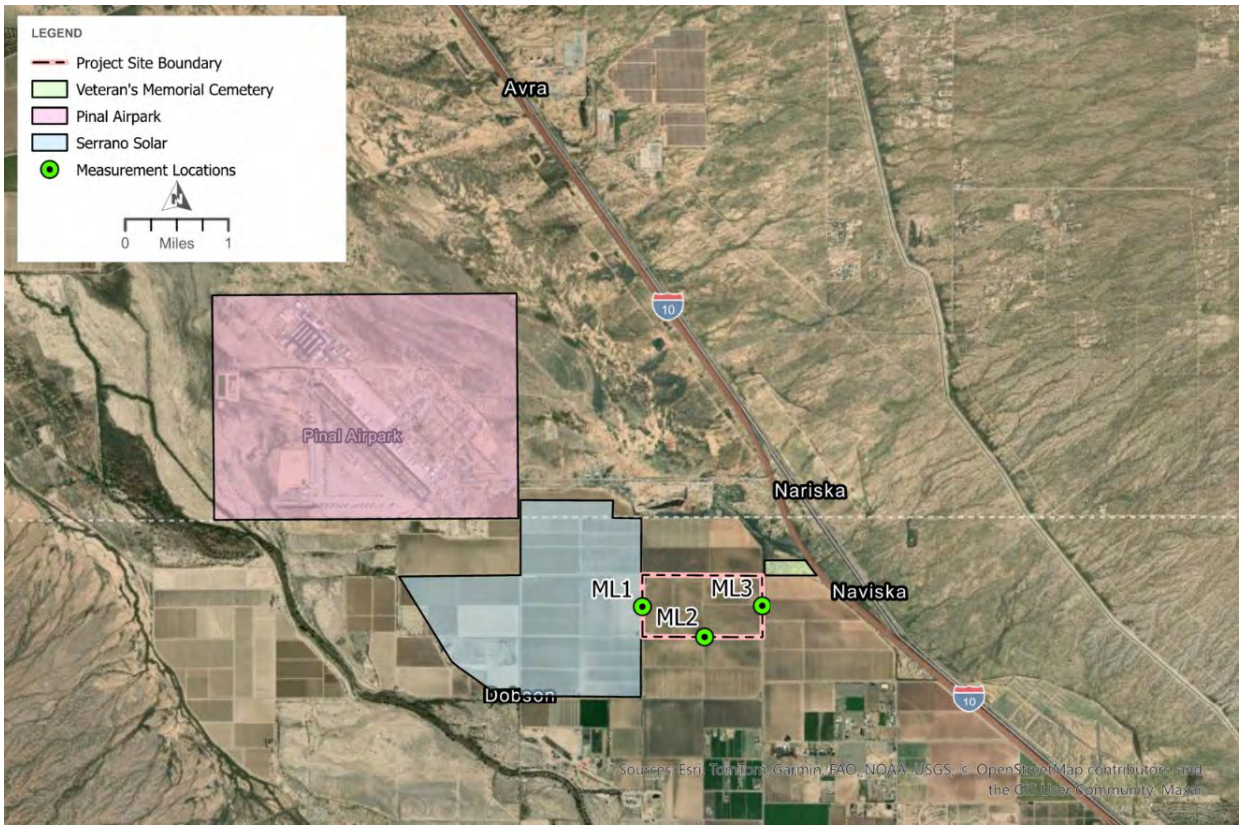
Key Questions	Summary Statement (Issue and Mitigation)	Risk Rating
Provide and justify acoustic risk category for the site based on Noise Desktop Review.	Noise sensitive receivers are within 500 feet of the Project property boundary.	Critical
Provide daytime noise limits and compliance point.	Pinal County sets noise limits in the form of a 2-minute L_{eq} at the receiving property line. Compliance points depend on land use and range from 60 dBA to 70 dBA. The Town of Marana sets noise limits in the form of an L_{max} at the receiving property line. Compliance points depend on land use and range from 55 dBA to 72 dBA.	Critical
Provide nighttime noise limits and compliance point.	Pinal County sets noise limits in the form of a 2-minute L_{eq} at the receiving property line. Compliance points depend on land use and range from 55 dBA to 65 dBA. The Town of Marana sets noise limits in the form of an L_{max} at the receiving property line. Compliance points depend on land use and range from 55 dBA to 65 dBA.	Critical
Are there sensitive receptors nearby? If so, what and how far away? Are there compliance thresholds at sensitive receptors?	Arizona Veteran's Memorial Cemetery at Marana is located approximately 150 feet from the Project boundary. This cemetery is in the Town of Marana and zoned residential. It is subject to a 55 dBA L_{max} during both the daytime and nighttime. The nearest identified residence to the Project is 15426 W Hardin Rd in unincorporated Pima County, located approximately 0.8 miles southwest of the site.	Critical
Is there any acoustic threshold exemption for emergency usage of the generators (e.g., caused by a power failure)?	No, none of the applicable noise codes or ordinances provide exemptions for use of emergency generators.	Critical
Are there any regulations that require sound assessments be submitted to the Authority Having Jurisdiction? If so, provide summary and include additional details in the regulatory section above.	Yes, the Town of Marana code requires sound assessments be submitted to the town, including both pre-construction and post-construction noise monitoring. Refer to Section 3.4 above.	Critical
High level overview of ambient sound survey results.	Noise was dominated by highway traffic noise from nearby I-10 Highway. The nearby Pinal Air Park contributed to commuter airplane flyover noise. Electrical hum from a nearby electrical box was audible at certain measurement locations. Existing ambient noise was generally greater during the nighttime than the daytime.	Medium

4 Noise Measurements

To document existing background noise levels at the proposed Project site, HDR performed 24-hour unattended noise monitoring at three representative locations within the Project boundaries. Noise monitoring locations were selected near noise-sensitive receivers as pertinent, as well as areas where the environmental soundscape of the Project may differ due to neighboring noise-generating property uses. Figure 6 shows the measurement locations, Project boundaries, and nearest locations of interest.

The measurement locations ML1 and ML3 were selected to obtain 24-hour noise levels representative of nearby known noise-generating and noise-sensitive locations of interest. ML2 was selected to obtain 24-hour background noise levels adjacent to residential zoned parcels to the south, although current land uses are not noise-sensitive.

Figure 6. Measurement Locations



The start and end times for each measurement were as follows:

- ML1
  - Began Tuesday, July 29, 2025, at 8:32 AM
  - Ended Wednesday, July 30, 2025, at 8:51 AM

- ML2
  - Began Wednesday, July 30, 2025, at 9:40 AM
  - Ended Thursday, July 31, 2025, at 10:00 AM
- ML3
  - Began Thursday, July 31 2025, at 10:24 AM
  - Ended Friday, August 1, 2025, at 10:33 AM

Limited time spans immediately after the beginning and before the end of the measurement periods, when HDR staff were still onsite, were excluded from each set of measurement data due to noise generated by equipment set-up, disassembly, and checks not affiliated with actual environmental background noise levels.

Therefore, the time periods analyzed for each measurement, after adjustment for staff activity, comprised the following:

- ML1
  - Began Tuesday, July 29, 2025, at 8:50 AM
  - Ended Wednesday, July 30, 2025, at 8:40 AM
- ML2
  - Began Wednesday, July 30, 2025, at 9:45 AM
  - Ended Thursday, July 31, 2025, at 9:55 AM
- ML3
  - Began Thursday, July 31, 2025, at 10:35 AM
  - Ended Friday, August 1, 2025, at 10:30 AM

4.1 Instrumentation

HDR used a digital sound level meter with 1/3 octave band filters to perform the noise measurements. The sound level meter and handheld calibrator meet Class 1/Type 1 precision requirements of ANSI and International Electrotechnical Commission standards. All instrumentation used to measure noise levels on this Project is calibrated on a regular basis by an independent accredited calibration laboratory using standards traceable to the National Institute of Standards and Technology. The instrumentation was adjusted to a reference level traceable to the National Institute of Standards and Technology prior to transportation to the measurement site. Calibration checks were performed in the field prior to and upon completion of each measurement. Measurement logs and photos for each location are included in Appendix B.

The equipment operated continuously at each measurement location. The meter recorded sound level data at 1-second intervals to aid in identifying transient events that could affect results. Additionally, the meter collected weather data including wind speed, direction, and precipitation, also at 1-second intervals. The meter recorded sound level data at a height of approximately 5 feet above grade (industry-accepted standard

listening height) and approximately 10 feet from any reflective surfaces. All sound measurement metrics were captured with a fast time constant.

Weather in the form of precipitation and high winds (typically defined as winds in excess of 11 miles per hour [mph]) can create spurious noise, contaminating measurement results. During these measurements, no precipitation events were recorded.

However, wind speeds at or in excess of 11 mph were recorded for a total of 97 minutes over the course of the measurement period. Sampling periods during which wind speeds greater than or equal to 11 mph occurred have been removed from analysis.

The periods during which most of these wind speed exceedances occurred are as follows:

- At ML1, 3:00 PM to 7:00 PM on Tuesday, July 29, 2025
- At ML2, 8:00 PM to 9:00 PM on Wednesday, July 30, 2025
- At ML3, 3:00 PM to 4:00 PM on Thursday, July 31, 2025

4.2 Results

For the analysis, daytime hours are from 7:00 AM to 7:00 PM, while nighttime hours are from 7:00 PM to 7:00 AM, based on the Town of Marana's designations for weekday limits on data center noise. In addition, for reference purposes, the period from 12:00 AM to 5:00 AM will be analyzed as a "quietest hours" designation. Figure 7, Figure 8, and Figure 9 provide graphical summaries of the hourly L_{eq} measurement results at ML1, ML2, and ML3, respectively.

Note that certain periods of measurement did not include an entire hour of analyzed data due to removal of recorded data which occurred while HDR staff were on-site. This occurred during the following time periods:

- Tuesday, July 29, 2025, from 8:00 AM to 8:50 AM
- Wednesday, July 30, 2025, from 8:40 AM to 9:45 AM
- Thursday, July 31, 2025, from 9:55 AM to 10:35 AM
- Friday, August 1, 2025, from 10:30 AM to 11:00 AM

Figure 7. Hourly L_{eq} Levels at ML1

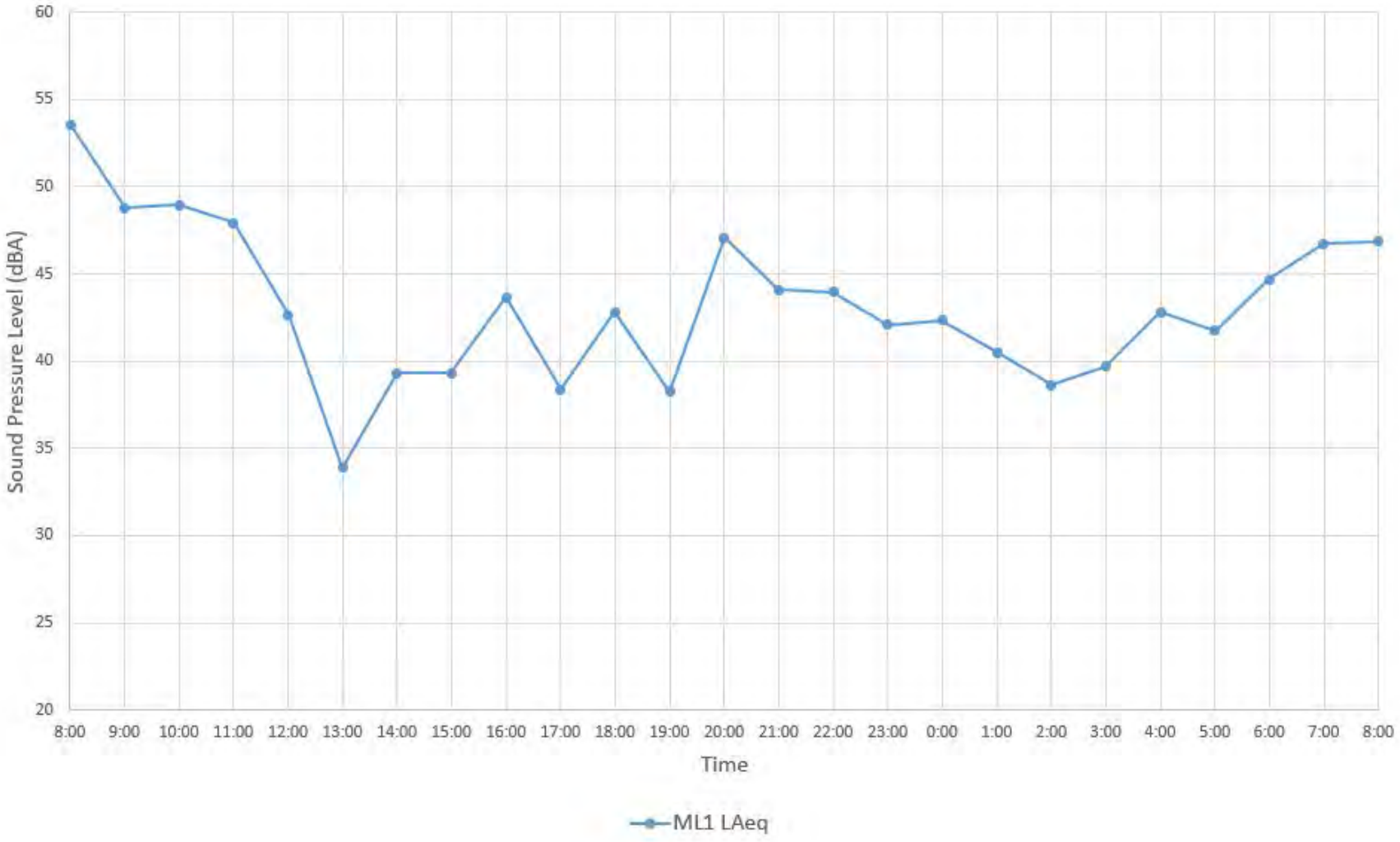


Figure 8. Hourly L_{eq} Levels at ML2

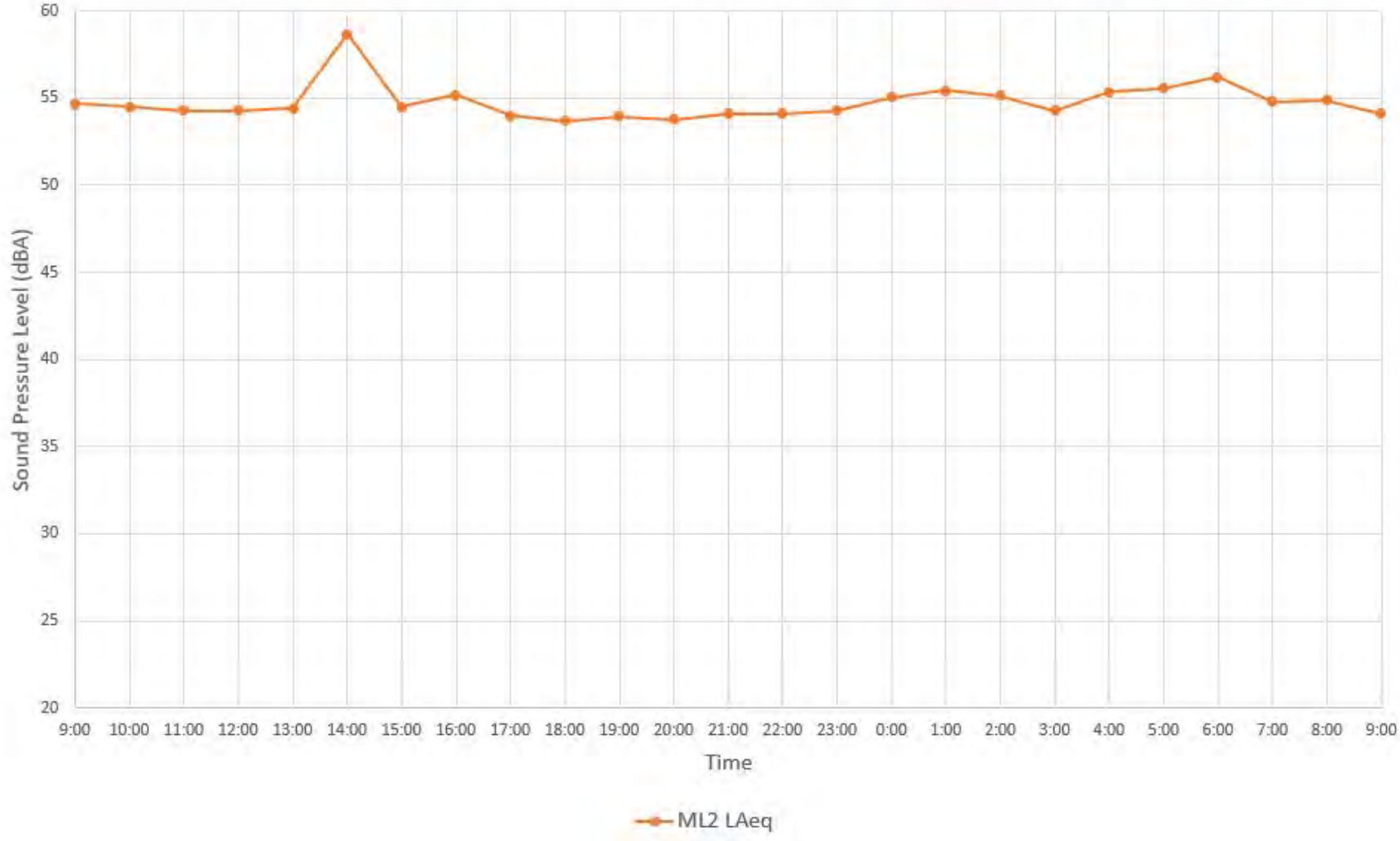
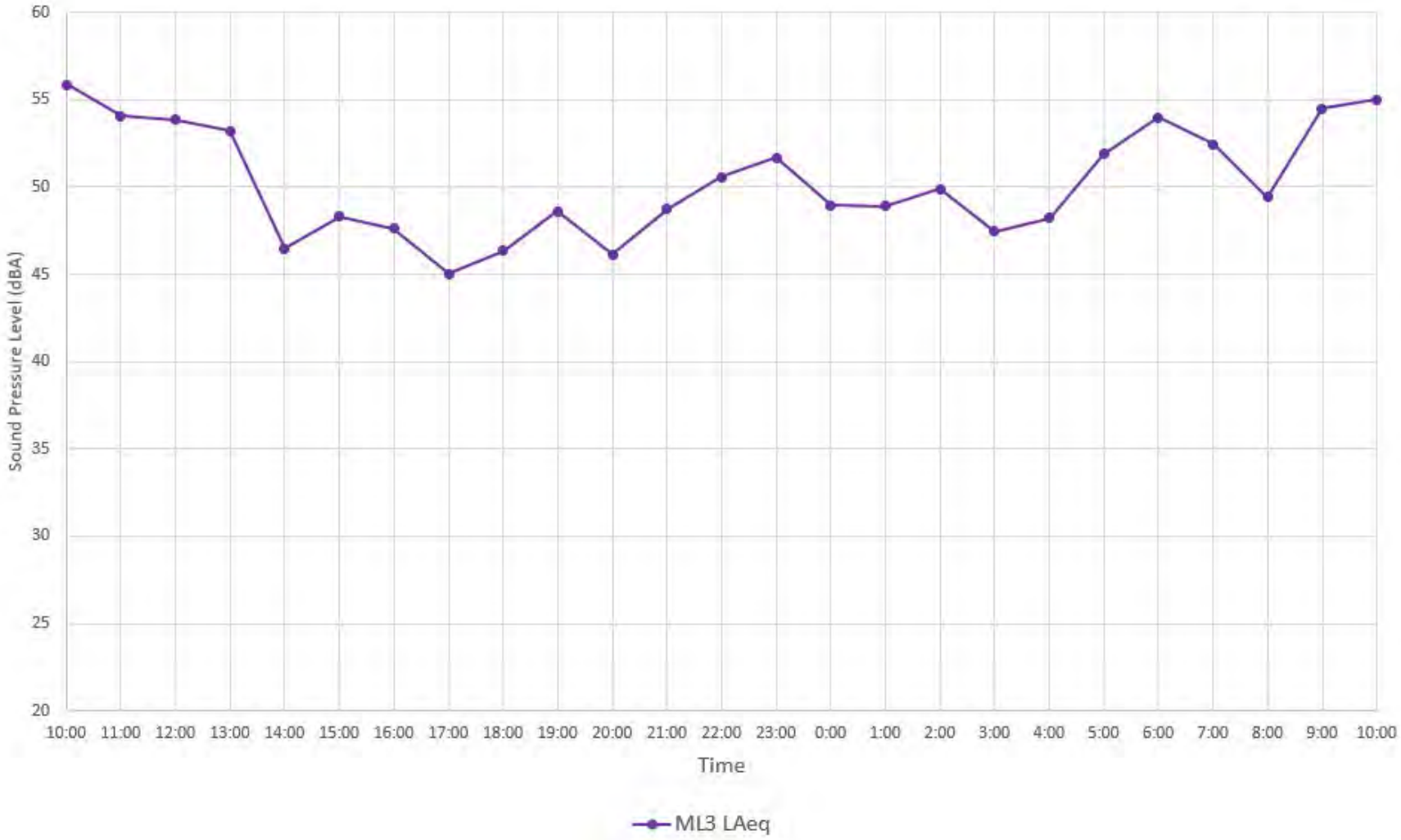


Figure 9. Hourly L_{eq} Levels at ML3



At ML1, the primary source of noise was traffic from the nearby I-10 Highway to the northeast. Additionally, commuter airplane flyovers from the nearby Pinal Air Park, northwest of the property, were noticeable on-site and upon audio review. Birdsong and bug chirping was also audible, with birdsong being most active in the early daytime, and bug chirping during the nighttime.

At ML2, noise was dominated by a nearby electrical equipment box used to control pumps to the irrigation canals in the field. Noise generated from water babbling from a nearby irrigation canal was also present throughout the measurement period, which became dominant when pump flow increased. Similar to ML1, traffic noise from the nearby I-10 Highway and commuter airplane flyovers from the nearby Pinal Air Park also contributed.

Of the three measurement locations, traffic noise from the nearby I-10 Highway was the most dominant at ML3, due to its proximity to this roadway. As such, this source dominated most of the measurement period at this location. Commuter airplane flyovers from the nearby Pinal Air Park were also noticeable. Insect chirping was also active during the nighttime.

A summary of results at the three measurement locations is provided in Table 5. Results are given as the overall average L_{eq}, L_{90}, L_{max}, and L_{min} for the daytime, nighttime, and late-night periods. Additionally, Table 6 presents the maximum and minimum L_{eq}, L_{90}, L_{max}, and L_{min} for the daytime, nighttime, and late-night periods, for each measurement location. Periods with high wind speeds are excluded from these results.

Table 5. Overall Average Measurement Results Summary

Measurement Location	Metric (dBA)	Daytime (7:00 AM – 7:00 PM)	Nighttime (7:00 PM – 7:00 AM)	Late Night (12:00 AM – 5:00 AM)
ML1	L_{eq}	46	43	41
	L_{90}	28	35	35
	L_{max}	71	62	62
	L_{min}	24	28	28
ML2	L_{eq}	55	55	55
	L_{90}	53	54	54
	L_{max}	76	77	77
	L_{min}	51	52	52
ML3	L_{eq}	52	50	49
	L_{90}	33	41	44
	L_{max}	81	78	78
	L_{min}	28	31	31

Table 6. Maximum and Minimum Measurement Results Summary

Measurement Location	Metric (dBA)	Daytime (7:00 AM – 7:00 PM)	Nighttime (7:00 PM – 7:00 AM)	Late Night (12:00 AM – 5:00 AM)
ML1	Maximum L_{eq}	54	47	43
	Minimum L_{eq}	34	38	39
	Maximum L_{90}	35	43	39
	Minimum L_{90}	27	30	34
	Maximum L_{max}	71	62	60
	Minimum L_{max}	56	48	48
	Maximum L_{min}	32	39	37
	Minimum L_{min}	24	28	32
ML2	Maximum L_{eq}	59	56	55
	Minimum L_{eq}	54	54	54
	Maximum L_{90}	54	55	55
	Minimum L_{90}	53	53	54
	Maximum L_{max}	76	77	75
	Minimum L_{max}	56	56	56
	Maximum L_{min}	53	54	54
	Minimum L_{min}	51	52	52
ML3	Maximum L_{eq}	56	54	50
	Minimum L_{eq}	45	46	47
	Maximum L_{90}	46	49	45
	Minimum L_{90}	31	34	43
	Maximum L_{max}	81	78	69
	Minimum L_{max}	72	55	55
	Maximum L_{min}	43	45	42
	Minimum L_{min}	28	31	39

The L_{90} represents the sound level exceeded for 90 percent of a given time period. As such, it is generally considered a reasonable metric for describing the background noise level in the absence of temporary elevated noise events such as transient vehicle passbys, or plane flyovers.

The average nighttime and late night L_{90} values at ML1 and ML3 are higher than the daytime values, which implies that the background noise levels during the nighttime at these locations are louder than those during the daytime. The loudest hourly L_{90} was found to be 55 dBA at ML2 during late night, while the quietest hourly L_{90} was found to be 27 dBA, which occurred during the daytime at ML1.

5 References

1. Arizona State Legislature
   2025 13-2904 Disorderly Conduct; classification
2. Environmental Protection Agency
   2024 Summary of the Noise Control Act
3. Environmental Protection Agency
   1974 Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety
4. Legal Clarity
   2025 Noise Disturbance Law in Arizona: Regulations and Penalties
5. Minnesota Pollution Control Agency
   2015 A Guide to Noise Control in Minnesota
6. Pima County
   2001 Code of Ordinances, Chapter 9.30, Regulation of Excessive, Unnecessary, and Annoying Noises.
7. Pinal County
   2011 Code of Ordinances, Title 10 - Environment, Chapter II – Noise
8. Town of Marana
   2025 Marana Town Code, Chapter 11-5, Noise.
9. Town of Marana
   2025 Marana Town Code, Section 17-6-13 Data Centers.

Appendix A. Acoustician Qualifications

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Nolan Ames

Noise Specialist 1

Nolan is a recent graduate of the University of Southampton's Acoustical and Vibration Engineering master's program. He is a burgeoning acoustician, working on a variety of projects ranging from traffic noise to architectural acoustics, and beyond. He has experience in both noise control simulation and building acoustics measurements and is always looking for new topics to tackle.

MEMBERSHIPS

INCE

INDUSTRY TENURE

3 years

HDR TENURE

1 year

OFFICE LOCATION

Saint Louis Park, MN, US

RELEVANT EXPERIENCE

City of Cedar Rapids, Seventh Avenue Water Main Improvements | Cedar Rapids, Iowa, United States

Seventh Avenue Water Main Improvements | City of Cedar Rapids, Iowa
Provided preliminary design and final design of improvements to install a 16-inch-diameter high-density polyethylene (HDPE) water main across the Cedar River by horizontal directional drilling (HDD) at 7th Avenue to replace the existing 16-inch-diameter ductile iron water main at the 8th Avenue Bridge Cedar River Crossing.
Project Start/End Dates: Sep 2024-Oct 2025
Participation Dates: Jan 2025-Mar 2025

City of Philadelphia Water Department, TO_1 Georges Hill PS Dsgn | United States

HDR is currently completing a new 15 MGD Georges Hill Booster pump station facility design for PWD that will act as a redundant source to the existing Belmont High Booster Station. As the station is located within Fairmount Park, the new pump station will be designed to meet PWD's Green Stormwater Infrastructure design standards, allowing it to blend into the environment and limit disturbance to the community during and after construction. Additionally, the project includes designs for new water and sewer piping, a stormwater runoff system, permitting, architectural, HVAC, electrical, controls, structural, Fire Protection, and security for complete integration within the existing land and infrastructure. The project is currently at the basis of design phase.
Project Start/End Dates: Jan 2020-Aug 2025
Participation Dates: Mar 2025-May 2025

City of Puyallup, Knutson Farms EIS | Puyallup, Pierce County, Washington, United States

HDR is leading the effort to prepare a SEPA EIS for the Knutson Farms Industrial Project for the City of Puyallup. A private developer is proposing seven warehouses with about 2.5 million square feet of warehouse space at a site adjacent to the Puyallup River in in the Urban Growth Area of the City in unincorporated Pierce County. The SEPA analysis focuses on potential traffic impacts from truck traffic generated by the project as well as consideration of land use code compliance and natural resource impacts.

Project Start/End Dates: Oct 2020-May 2025
Participation Dates: Aug 2024-Oct 2024

National Park Service, Grand Canyon National Park, North Rim Utilities Improvements, DD | Grand Canyon National Park, Arizona, United States
HDR is assisting the National Park Service and will be rehabilitating utility infrastructure systems located on the North Rim and down to Roaring Springs/Manzanita/Cottonwood at Grand Canyon National Park. Infrastructure includes water (raw water, treatment, and distribution), wastewater (conveyance, lift stations, treatment), power (North Rim standby and to Roaring Springs/Manzanita/Cottonwood), controls, and telecom.
Project Start/End Dates: Jan 2023-Aug 2025
Participation Dates: Jan 2024-Mar 2024

Appendix B. Measurement Logs and Photos

ML1

Calibration : 0.0 dB @ 114 (start) // -0.03 dB @ 114 (end)
ML01 831C-1
Environmental Kit 2
Start: 8:32 AM // End: 8:51 AM
Predominant noise: Traffic on I-16, other field staff on site
Weather station oriented and checked





ML2

Calibration: 0.05 dB @ 114 (start) // 0.13 dB @ 114 (end)
ML2 8315-1
Environmental Kit 2
Start: 9:40AM // End: 10:00 AM
Predominant noise: Traffic on I-10, harvesting to East
insects, birds, flowing water from irrigation, transformer noise





ML3

Ce Calibration : 0.11 dB@114 (start) // -0.12 end
ML3 831C-1
Environmental Kit 2
Start : 10:30
Predominant Noise : Traffic Noise on I-10, other : Field staff





APPENDIX F: Acoustic Modeling Results

Exhibit A to Resolution No. 2026-006

Luckett South

Preliminary Modeling Results

September 29, 2025

Kimley»Horn

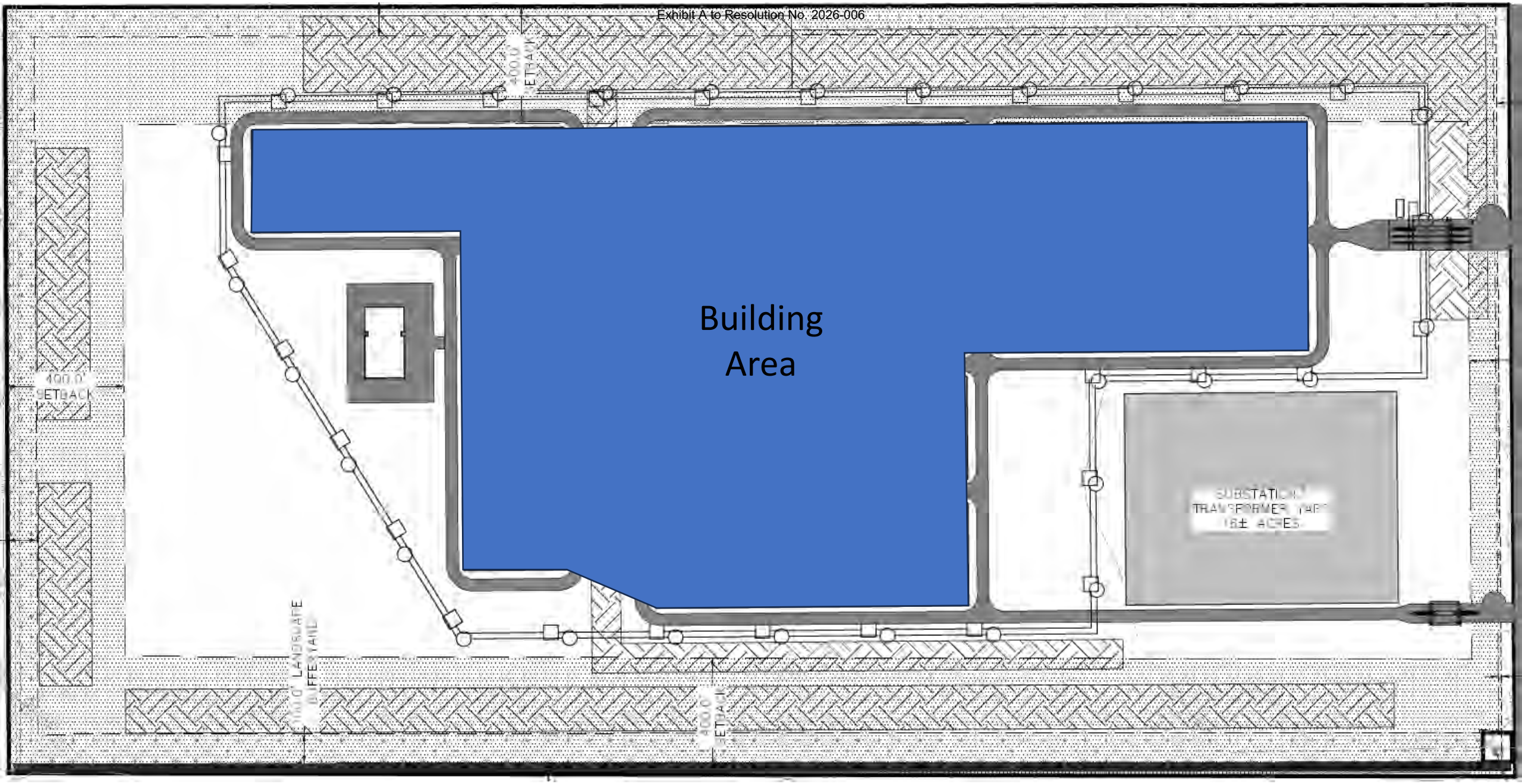
Regulations

- The data center noise ordinance in the Town of Marana Code of Ordinance indicates that the noise levels are “measured at the property line of the nearest property to the data center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the zoning administrator, during peak operation of the data center mechanical equipment.” Per the Town of Marana GIS, the surrounding parcels are zoned as “Single Family Residential”.
- Noise emanating from the Project will not exceed the maximum permissible sound levels for the affected adjacent use per Town ordinance. The Town has identified this Property and surrounding properties as appropriate for Employment uses in its long-range plans. Although the property to the north is zoned residential, it is also expected to be developed with an industrial use.
- The limits specific to data centers are:

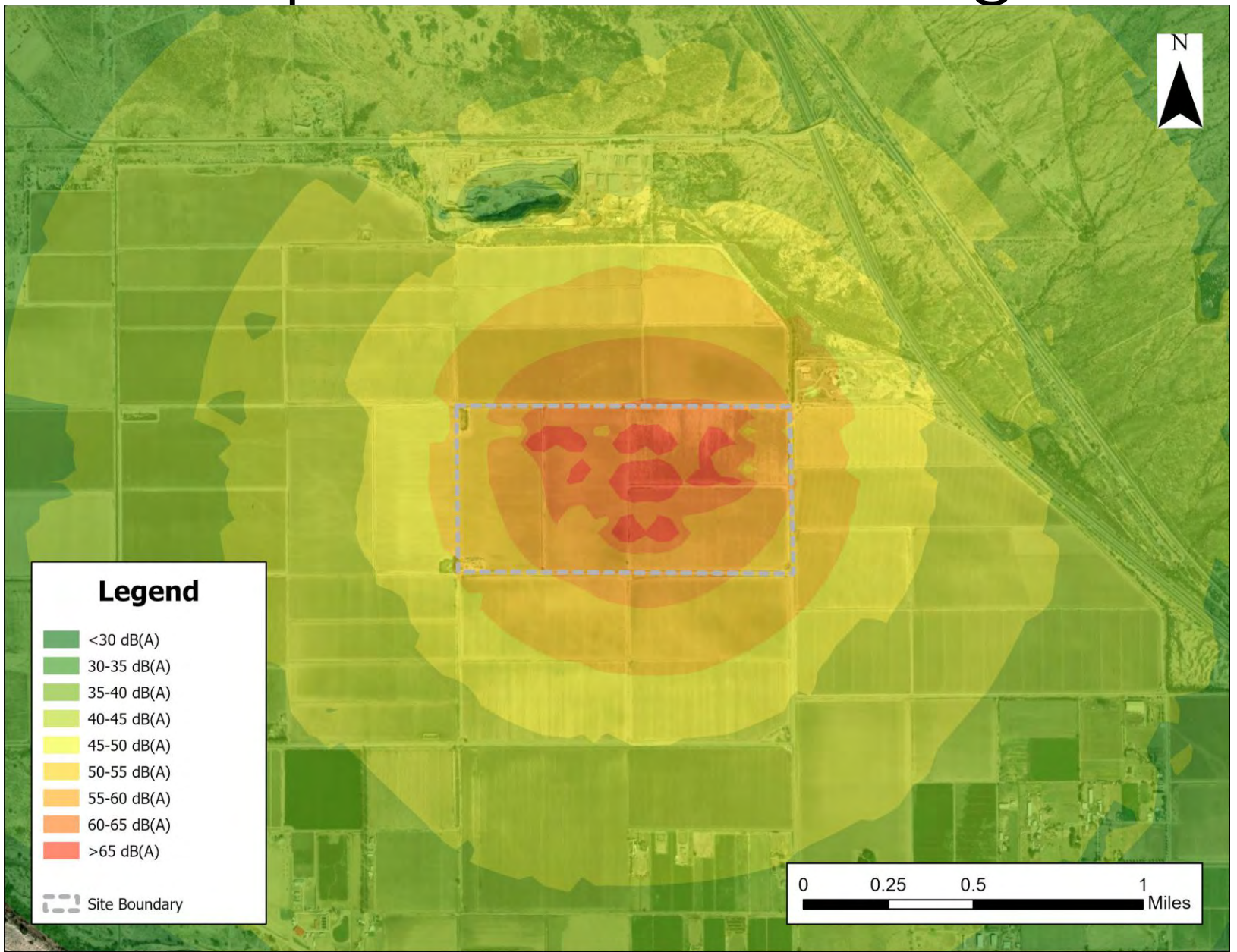
Planned or zoned use of affected property	Maximum dBA Daytime/Nighttime
Residential and mixed-use	55/55
Agricultural	60/55
Commercial	65/60
Industrial	72/65

Mitigation Options

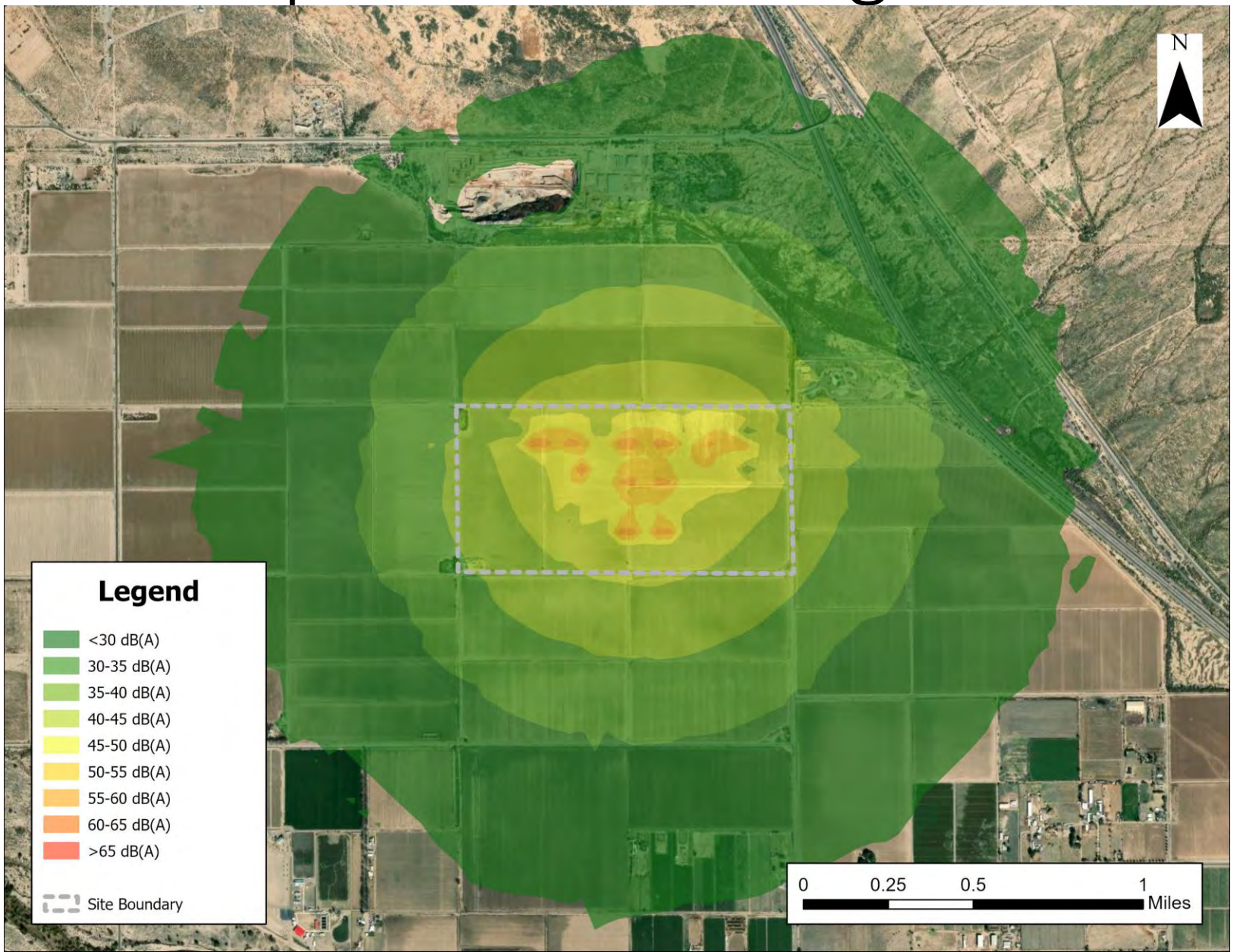
- Quieter rooftop fans, mitigated inlet louvers, and mitigated exhausts were used in the “Mitigation” scenarios. These solutions impact the normal mechanical operations scenario primarily, with some benefit for the scenarios that also have generators running.
- Noise barrier walls or quieter generator enclosures around the generator yards can further reduce noise during the maintenance and emergency scenarios but are not modeled in the following graphics.


Building
Area
400.0'
SETBACK
400.0'
SETBACK
400.0'
SETBACK
100.0' LANDSCAPE
BUFFER YARD
SUBSTATION /
TRANSFORMER YARD
18± ACRES

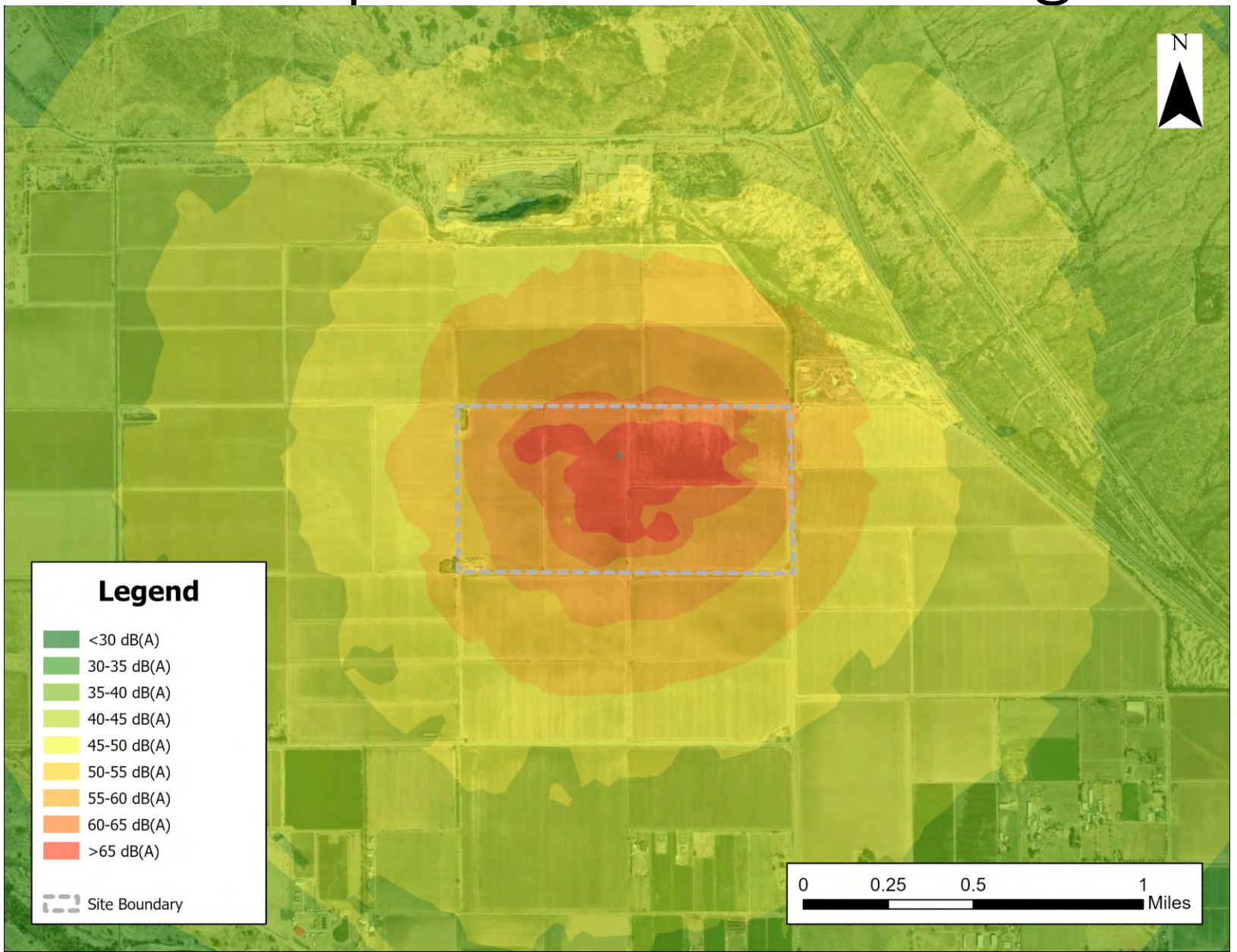
Mechanical Operations – No Mitigation



Mechanical Operations – Mitigation



Maintenance Operations – No Mitigation



Maintenance Operations – Mitigation

