



MARANA PLANNING COMMISSION
REGULAR MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, September 30, 2026, at or after 6:00 P.M.

Thomas Schnee, Chairman
John Flint, Vice Chair
David Bowen, Commissioner
Ronald Hill, Commissioner
John McIntyre, Commissioner
Joseph Parsons, Commissioner
Sharon Tyson, Commissioner

SUMMARY MINUTES

CALL TO ORDER

Chairman Schnee called the meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE AND INVOCATION/MOMENT OF SILENCE: Led by **Chairman Schnee**.

ROLL CALL

Chairman Schnee directed the Commission Secretary to call roll. All commission members were present. The Planning Commission secretary stated that a quorum was present.

CALL TO THE PUBLIC

There were no speakers.

APPROVAL OF AGENDA

Vice Chair Flint moved to approve the agenda as presented. Commissioner McIntyre seconded the motion. Motion passed, 7-0.

ANNOUNCEMENTS

There were no announcements.

GENERAL ORDER OF BUSINESS

Approval of the Regular Planning Commission Meeting Summary Minutes of August 26, 2026.

Commissioner Hill moved, and Vice Chair Flint seconded the motion approving the minutes. Motion passed, 7-0.

PUBLIC HEARING

1. **Data Centers Land Development Code Text Amendment;** Recommendation to the Town Council regarding revisions to the Land Development Code (Title 17 of the Marana Town Code), revising Section 17-6-13 (Data centers); revising Section 17-6-13(G) (Noise Attenuation) to clarify and add additional requirements for noise attenuation for data centers; and adding a new paragraph to Section 17-6-13 establishing requirements for the decommissioning of data centers (Brett Wittenberg)

Development Services Director Brett Wittenberg presented the proposed Land Development Code text amendment. **Mr. Wittenberg** explained that the Town had retained an acoustical consultant following public comments on data center regulations. **Mr. Wittenberg** stated that the amendments addressed noise attenuation and decommissioning and did not reconsider previously approved data center rezonings.

Town Attorney Jane Fairall reviewed the proposed amendments and identified revisions made since the agenda packet was published. **Ms. Fairall** explained that the noise provisions added limits for low-frequency noise, a five-decibel adjustment for audible tonal noise, and standards for measuring baseline ambient noise over a 24-hour period. **Ms. Fairall** stated that the quietest hourly averages would establish daytime and nighttime ambient levels and that ambient levels exceeding the ordinance limits would become the applicable maximums.

Ms. Fairall clarified that the amendments exempted backup and emergency generator operation from the noise limits and defined qualifying and excluded uses. **Ms. Fairall** reminded the Commission members that the existing ordinance already limited generators to backup and emergency use.

Ms. Fairall explained that decommissioning would be required after an entire site ceased operations for 12 continuous months or the operator notified the Town of permanent closure. **Ms. Fairall** stated that decommissioning would begin within 180 days and be completed within 12 months after commencement, with completion extensions available in 90-day increments for good cause. **Ms. Fairall** reviewed requirements for removing equipment and hazardous materials and securing the site, including an exclusion for infrastructure owned by public utilities.

Ms. Fairall added that the developer would submit financial assurances with the development plan to cover projected decommissioning costs plus a 15 percent

contingency. **Ms. Fairall** explained that acceptable assurances included surety bonds, letters of credit, trust funds, or other mechanisms acceptable to the Town and would remain in effect until decommissioning is completed. **Ms. Fairall** reiterated that staff recommended approval of the revised language presented at the meeting.

Chairman Schnee opened the public hearing at 6:21 P.M.

Jackie McGuire, Ellen Mendelson, Sue Ritz, Greg Johnsen, Julie Prince, and Zach Stout addressed the Commission during the public hearing.

Speakers raised concerns about the adequacy of public notice, the limited time to review the revised ordinance being presented, decommissioning triggers, financial assurances, enforcement, and handling unfinished construction or ownership changes. Additional concerns included resource consumption (water and electricity), pollution, noise, utility costs for vulnerable residents, and limited job creation. One speaker called for a moratorium on data center development pending additional regulation and expert review. Additional comments requested greater public and expert involvement, stronger cleanup and remediation provisions, restrictions on financial-assurance mechanisms, and protections for the Veterans Memorial Cemetery.

Chairman Schnee closed the public hearing at 6:37 P.M.

Ms. Fairall confirmed that the published notice incorrectly cited Section 17-6-3 instead of Section 17-6-13 on two of the three occasions the code was mentioned. **Ms. Fairall** advised that the notice nevertheless satisfied statutory requirements by stating the hearing's time and place and providing a general explanation of the proposed noise and decommissioning amendments as related to the Data Center Section of the Land Development Code. **Ms. Fairall** explained that the Commission could consider revisions during the hearing and that the Commission-recommended version would be included in the Council packet and posted on the Town's website. **Ms. Fairall** also noted that state law does not require the Town to publish the ordinance; however, the Town includes it in the agenda packet and posts it on the Town's website for transparency.

Commissioner Bowen asked about penalties for exceeding noise limits and failing to complete decommissioning. **Ms. Fairall** explained that code enforcement would handle violations, which could result in citations, fines, and business-license action, with each day constituting a separate violation. **Ms. Fairall** also described noise testing before issuance of a certificate of occupancy and continued studies for five years after operations began.

Commissioner Bowen asked about the timing and professional review of financial assurances. **Ms. Fairall** clarified that assurances would be submitted with the development plan, before construction, and that the developer's cost estimate required Town Engineer approval. **Ms. Fairall** stated that the Town could obtain expert review

when needed and clarified that some provisions **Commissioner Bowen** referenced appeared in a public commenter's handout rather than the staff draft.

Vice Chair Flint supported and commended Town staff on the continued refinement of the ordinance and asked about federal generator standards. **Ms. Fairall** clarified that Tier 4 standards addressed emissions rather than noise and confirmed that the Town could consider future amendments if federal requirements changed. **Vice Chair Flint** also asked about site safety, incomplete construction, and enforcement. **Mr. Wittenberg** and **Ms. Fairall** confirmed that decommissioning focused on securing the site and that existing building and Town Code provisions addressed unfinished construction and property maintenance. **Vice Chair Flint** thanked members of the public for participating and said their input contributed to the proposed protections.

Chairman Schnee noted the acoustical consultant's recommendations were incorporated into the ordinance and expressed support for the ordinance amendment.

Vice Chair Flint moved to recommend Town Council approval of the staff recommendation as revised and presented at the meeting. Commission Bowen seconded the motion. Motion passed by roll call vote, 7-0.

COMMISSION ACTION

INFORMATIONAL ITEMS/POSSIBLE ACTION ITEMS

1. Discussion and possible rescheduling or cancellation of the November 25, 2026, and December 30, 2026, Planning Commission Meetings. (Brett Wittenberg)

Mr. Wittenberg explained that the regular November and December meetings fell near the holidays and proposed a special meeting in December.

Vice Chair Flint moved to cancel November 25, 2026, and December 30, 2026, Planning Commission meetings and schedule a special meeting on December 9, 2026. Commissioner Tyson seconded the motion. The motion passed unanimously.

FUTURE AGENDA ITEMS

ADJOURNMENT

Chairman Schnee moved to adjourn the meeting. Commissioner McIntyre seconded the motion. Motion passed, 7-0. The meeting adjourned at 6:57 P.M.

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Planning Commission meeting held on September 30, 2026. I further certify that a quorum was present.



Laura Dzieman, Commission Secretary

DRAFT