Board of Supervisors

Patrick G. Call
Chairman
District 1

Ann English
Vice-Chairman
District 2

Richard R. Searle
Supervisor
District 3

Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator

Katie A. Howard
Clerk

AGENDA FOR REGULAR BOARD MEETING
Tuesday, August 23, 2011 at 10:00 AM
BOARD OF SUPERVISORS HEARING ROOM
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ROLL CALL
Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

Note that some attachments may be updated after the agenda is published. This means that some presentation materials displayed at the Board meeting may differ slightly from the attached version.

PRESENTATION

1. Mr. Bill Hardy is presenting the Steve Besich Scholarship. This Scholarship Fund is a non-profit organization dedicated to providing scholarships in the name of former Gila County Manager, Steve Besich. Steve dedicated his life to serving others- this Fund is a tribute to this legacy and will continue to help others for years to come. These scholarships will be awarded to children of employees from Apache, Cochise, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Pinal, Santa Cruz, and Yavapai Counties.

CONSENT

Board of Supervisors

1. Approve the Grant Agreement from The Nature Conservancy awarded to County Cochise in the amount of $8,000 to pass these funds on to the United States Geological Survey (USGS) for the monitoring of the USGS Benson/Narrows Gage for the fiscal year 2011.

2. Approve the Minutes of the regular meeting of the Board of Supervisors of August 9, 2011.

3. Approve the appointments of the following persons as Precinct Committee persons for the Democratic and Republican Parties of Cochise County: Precinct #01 BE Benson, Mark Suagee; Precinct #20 DO Sunnyside, Susan F. Bickel; Precinct #52 SV Snyder, Joy R. Mims; Precinct #55 SV Village One, Lise R. Dencoff; Precinct #54 SV Village Meadows, Michael Richard Ligon; Precinct #58 Tombstone, Mary Ella Cowan.

Community Development

4. Accept a petition to establish approximately 8 miles of Airport Road, as described therein, as a Declared County Highway, and schedule a Public Hearing for September 13, 2011.

Finance

5. Approve demands and budget amendments for operating transfers.

Health

6. Approve the renewal Subcontract Agreement, First Things First – Bright Futures Collaboration, between Child & Family Resources and the Cochise County Health Department in the amount of $31,834 for the period of July 1, 2011 to June 30, 2012.

7. Approve Purchase Order No.: HG752220:2, Proposition 201 Smoke Free Arizona, between the Arizona Department of Health Services and the Cochise County Health Department, in the amount of $69,807, for the period of July 1, 2011 to June 30, 2012.

8. Approve Amendment 2 to IGA: HG060004, Tobacco Education and Prevention Program, between the Arizona Department of Health Services and the Cochise County Health Department in the amount of $331,050, for the period July 1, 2011 and June 30, 2012.

9. Approve the renewal of Contract No. 08-73-HEA-03 for Pharmacy Services for the Cochise County Health Department with Diamond Pharmacy Services in the estimated amount of $65,000 for the period of July 1, 2011 through June 30, 2012.

Juvenile Probation

10. Approve additional allocated funding of $25,622 as distributed by Arizona Supreme Court from Arizona Dept of Education Federal Title Funding.

Procurement

11. Approve the award of renewal of a lease agreement for the lease of Airport Hanger T-4096 at BDI Airport in the amount of $369 per month to Theodore R. Vieu for a five year period with the option to renew for up to three (3) five year periods.

12. Adopt Resolution 11-36 authorizing the Distribution of FY 2011 Local Transportation Assistance Funding II Awarded from the Arizona Department of Transportation to Cochise County

PUBLIC HEARINGS

Community Development

13. Adopt Ordinance 11-04, to rezone parcels #106-24-013 and #106-24-014, from General Business to R-18, with the two conditions recommended by Staff.

14. Adopt Ordinance 11-05 (1) amending certin Cochise County zoning districts boundaries from, RU-4 (Rural, one dwelling per 4 acres), to PD (Planned Development District), (2) amending the Cochise County Comprehensive Plan, and (3) approving a master development plan, pursuant to the application of James Lee of Madison Diversified.

Health

15. Adopt Resolution 11-36 changing the schedule of fees for Vital Records Services provided by the County, as noted in Exhibit A of the Resolution.

ACTION

Board of Supervisors

16. Adopt Resolution 11-37 to approve the recommendationd of the Public Lands Advisory Committee (PLAC) for Southern Arizona Resource Advisory Council funding.

Community Development

17. Approve Intergovernmental Agreement 11-052 between the State of Arizona and Cochise County for the Davis Road Drainage Improvements at Mileposts 5 and 13.

18. Approve Intergovernmental Agreement 11-121 between the State of Arizona and Cochise County for the Davis Road Project Assessment and Design Concept Report.

REPORT BY MICHAEL J. ORTEGA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

CALL TO THE PUBLIC

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Report by District 2 Supervisor, Ann English

Report by District 3 Supervisor, Richard Searle

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

Presentations / Special Events .

Regular Board of Supervisors Meeting **Board of Supervisors**

Date: 08/23/2011

ACIP Scholarship Presentation

Submitted By:	Arlethe Rios, Board of Supervisors		
Department:	Board of Supervisors		
Presentation:	No A/V Presentation		
NAME of PRESENTER:	Bill Hardy	**TITLE of PRESENTER:**	Director
ORGANIZATION NAME of PRESENTER:	Arizona Counties Insurance Pool		

Agenda Item Text:

Mr. Bill Hardy is presenting the Steve Besich Scholarship. This Scholarship Fund is a non-profit organization dedicated to providing scholarships in the name of former Gila County Manager, Steve Besich. Steve dedicated his life to serving others- this Fund is a tribute to this legacy and will continue to help others for years to come. These scholarships will be awarded to children of employees from Apache, Cochise, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Pinal, Santa Cruz, and Yavapai Counties.

Background:

The Steve Besich Scholarship Fund is dedicated to building a brighter future for students. Scholarships will be provided to students who submit a completed application, demonstrate community involvement, provide a 3 page essay, and have been approved by the Board. Five scholarships will be awarded on a 4-year basis:

Will be reviewed each semester for continuation of 3.0 GPA
Must remain in good standing with the University or school all 4 years
Will receive $1,000 per year.

To BOS Staff: Document Disposition/Follow-Up:

Help with presentation.

Consent 1.

Regular Board of Supervisors Meeting **Board of Supervisors**

Date: 08/23/2011

Grant from The Nature Conservancy for USGS Benson/Narrows Gage monitoring

Submitted By: Kim Lemons, Board of Supervisors

Department: Board of Supervisors

Presentation:	No A/V Presentation	**Recommendation:**	
Document Signatures:		**# of ORIGINALS Submitted for Signature:**	
NAME of PRESENTER:	na	**TITLE of PRESENTER:**	na
Mandated Function?:		**Source of Mandate or Basis for Support?:**	

Agenda Item Text:

Approve the Grant Agreement from The Nature Conservancy awarded to County Cochise in the amount of $8,000 to pass these funds on to the United States Geological Survey (USGS) for the monitoring of the USGS Benson/Narrows Gage for the fiscal year 2011.

Background:

On August 9, 2011 the Board of Supervisors approved the Annual Joint Funding Agreement (JFA No. 4) with United States Geological Survey (USGS) in the amount of $8,000 for the period of October 1, 2010 to September 30, 2011 for the operation and maintenance of a streamflow gage on the San Pedro River near Benson.

This grant agreement is a pass through grant from The Nature Conservancy that grants money to Cochise County for monitoring of the USGS Benson/Narrows Gage that we in turn give to USGS.

Department's Next Steps (if approved):

Route agreement as requested.

Impact of NOT Approving/Alternatives:

Important work for monitoring of the USGS Benson/Narrows Gage will not be accomplished.

To BOS Staff: Document Disposition/Follow-Up:

Send copy of signed grant agreement to The Nature Conservancy and pass funds on to the USGS by September 30, 2011.

Attachments

GrantAgreement

The Nature Conservancy
Protecting nature. Preserving life.™

The Nature Conservancy in Arizona
Phoenix Conservation Center
7600 N. 15th Street, Suite 100
Phoenix, AZ 85020-4330

Tel (602) 712-0048
Fax (602) 712-0059

nature.org/arizona

August 15, 2011

Budget Center: 103052 3011

Cochise County
Attn: Mike Ortega
1415 Melody lane, Building G
Bisbee, AZ 85603

Re: Cochise County- *Grant from The Nature Conservancy for USGS Benson/Narrows Gage monitoring*

2011 AUG 17

Dear Mr. Ortega:

The Nature Conservancy (the "Conservancy") has awarded Cochise County a grant in the amount of $8,000 for the FY11 monitoring of the USGS Benson/Narrows Gage (the "Grant"). Cochise County may pass on these funds to the U.S. Geological Survey.

In support of the above goals and objectives, The Nature Conservancy shall provide this funding to *Cochise County* under the conditions listed below:

1. You must repay any portion of the amount granted which is not used for the purposes of this Grant.

2. No Lobbying. The funds must not be used to engage in any lobbying activities.

3. No Political Campaigning. No portion of funds transferred under this Grant shall be used to participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office, to cause any private inurnment or improper private benefit to occur in favor of any person or organization.

4. Payment Schedule. Disbursement of the Grant funds shall be made in the following manner:
   a) One time upfront payment of $8,000.

5. Payments to Third Party Contractors. You may use the granted funds to retain third party contractors as long as such work is consistent with the goals and objectives and selection of such contractors is based on price, quality, experience and resources. Your records must reflect cost/price analyses and justification for selection of the contractor.

6. Accounts, Audits and Records. You agree to maintain books, records, documents and other evidence pertaining to all costs and expenses incurred under this letter of agreement. These records shall be maintained for one year after the final report is submitted and shall be turned over to the Conservancy at that time. The Conservancy has the right to inspect these records at any time.

7. Title to any materials developed with Grant funds shall belong to you, with the Conservancy and the Grantor receiving free irrevocable license to use, publish or distribute all such copyrighted, trademarked, patented materials, or inventions, trade secrets or other intellectual property rights. "Materials" shall include, but is not limited to, reports, studies, photographs (including negatives), computer programs, drawings, writings or other similar works or documents, along with all supporting data and material produced under this agreement. You agree to provide the Conservancy with originals of the materials at no cost. You may use the materials produced under this agreement for non-commercial, conservation purposes.

100% post-consumer materials

8. The Grant may not be assigned to any other person, in whole or in part, without prior written consent of the Conservancy.

9. You shall be solely responsible for payment of any and all claims for loss, personal injury, death or property damage arising out of any of your own acts or omissions, or your agents' or employees' acts or omissions, in connection with your performance under this agreement. You agree to indemnify, defend and hold the Conservancy harmless from any and all claims, loss, damages, costs and expenses, including attorneys fees through all appellate levels made against or incurred by the Conservancy arising out of work performed by you under this Grant agreement, or arising out of any your own acts or omissions.

10. No Agency. No legal Partnership or agency is established by this Grant. Neither party is authorized or empowered to act as an agent, employee or representative of the other, nor transact business or incur obligations in the name of the other party or for the account of the other party. Neither party shall be bound by any acts, representations, or conduct of the other.

11. Entire Agreement. This Grant constitutes the entire Grant between the Conservancy and Cochise County. No waiver, modification or amendment of any of the terms or conditions stated herein shall be effective unless set forth in writing and duly signed by the Conservancy and Cochise County.

12. If any provision of this Agreement is held invalid, the other provisions shall not be affected thereby.

Sincerely,

The Nature Conservancy

Patrick J. Graham
State Director

ACCEPTED AND AGREED TO:

Recipient: Cochise County

_____

Signed: ,

Date: _____

Consent 2.

Regular Board of Supervisors Meeting **Board of Supervisors**

Date: 08/23/2011

Minutes

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation:	No A/V Presentation	**Recommendation:**	
Document Signatures:		**# of ORIGINALS Submitted for Signature:**	
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a
Mandated Function?:		**Source of Mandate or Basis for Support?:**	

Agenda Item Text:

Approve the Minutes of the regular meeting of the Board of Supervisors of August 9, 2011.

Background:

Minutes

Department's Next Steps (if approved):

Signed minutes routed for processing and posted on the internet.

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

Send to the Recorder's Office for microfiche purposes.

Attachments

8.9.11_Minutes_Final

PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR BOARD MEETING HELD 0N
TUESDAY, AUGUST 9, 2011

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, August 9, 2011 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona. In attendance were Patrick Call, Chair; Ann English, Vice-Chairman; Richard Searle, Supervisor; Michael Ortega, County Administrator; Jim Vlahovich, Deputy County Administrator; Britt W. Hanson, Chief Civil Deputy County Attorney; and Arlethe Rios, Assistant to the Clerk of the Board.

Chairman Call called the meeting to order at 10:00 a.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ROLL CALL – All three supervisors present

CONSENT

Board of Supervisors

1. Approve the Court Consolidation Agreement between Cochise County and the City of Benson, effective July 1, 2011 through June 30, 2012.

2. Approve a liquor license application for a special event submitted by Ms. Donna M. Parsons for Our Lady of the Mountains for August 13, 2011.

3. Approve the Annual Joint Funding Agreement (JFA No. 4) with United States Geological Survey (USGS) in the amount of $8,000 for the period of October 1, 2010 to September 30, 2011 for the operation and maintenance of a streamflow gage on the San Pedro River near Benson.

4. Approve the Minutes of the regular meeting of the Board of Supervisors of July 26, 2011.

County Attorney

5. Approve the City of Tucson High Intensity Drug Trafficking Area (HIDTA) Grant Agreement (Cycle 21) in the amount of $229,335 between the City of Tucson and Cochise County for the period January 1, 2011 through December 31, 2012.

6. Approve the Arizona Criminal Justice Commission (ACJC) Drug, Gang and Violent Crime Control Grant Agreement (Byrne) in the amount of $167,425 between the Arizona Criminal Justice Commission and Cochise County for the period January 1, 2011 through December 31, 2012.

7. Approve the renewal Crime Victim Compensation Grant No. VC-12-050, in the amount of $88,933, and Certified Assurances between the Arizona Criminal Justice Commission and Cochise County Attorney's Office, for the period July 1, 2011 to June 30, 2012.

8. Approve the proposed settlement of the Tax Appeal in Brazos River Investments Corporation v. Cochise County, ST2011-000055, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

9. Approve the renewal Crime Victim Assistance Grant No. VC-12-019, in the amount of $14,400 between the Arizona Criminal Justice Commission and Cochise County Attorney's Office, for the period July 1, 2011 to June 30, 2012.

10. Approve the Award Agreement A.G. 2012-043 from the Arizona Attorney General's Office providng the Sheriff's Office with $14,900 to support the direct costs of implementing victim's rights law pursuant to state law for the term of July 1. 2011 to June 30, 2012.

Facilities

11. Approve Save Our Stairs Agreement for 2011 between the County of Cochise and Save Our Stairs, Inc. for the Bisbee 1000 Stair Climb Event to be held on October 15, 2011.

Finance

12. Approve demands and budget amendments for operating transfers.

Warrant No. 48583-48656, 48691-48935, 48937-49155 were issued in the amount of $1,579,061.20

Pursuant to A.R.S. §11-217(C), the published minutes shall include all demands and warrants approved by the Board in excess of one thousand dollars except that multiple demands and warrants from a single supplier or individual under one thousand dollars whose cumulative total exceeds one thousand dollars in a single reporting period shall also be published. The voided warrants are listed below:

Fund	Vendor	Amount
100	Cochise County Justice Court	21.80
508	Chase Dennis Emerg. Med Group	14.02
100	Michael J. Ortega	1,111.55

Issued warrants are listed as an attachment at the end of the minutes.

Health

13. Approve a Professional Services Agreement (PSA) with Copper Queen Community Hospital for Jail and Juvenile Detainee Hospital Services for the Cochise County Health Department in the estimated amount of $200,000 for the period of August 1, 2011 through July 31, 2012.

Legal Defender

14. Approve agreement and addendum between Cochise County Office of the Legal Defenders and the Arizona Department of Transportation, Motor Vehicle Division (MVD) to authorize Cochise County to receive motor vehicle records form MVD via the Motor Vehicle Record Request System (MVRRS).

Procurement

15. Approve the award of Invitation for Bids (IFB) No. 11-39-FAC-03 for the purchase and installation of a generator from AJP Electric in the amount of $58,585.00.

Workforce Development

16. Approve Amendment #4 to Title IB Adult, Youth, and Dislocated Worker contract DE111004001 between Cochise County and the Arizona Department of Economic Security for the Workforce Investment Act (WIA) Service Delivery Area from April 1, 2010 to August 31, 2015.

Vice-Chairman English made a motion to approve items 1 through 16 of the Consent Agenda. Supervisor Searle seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Community Development

17. Adopt Zoning Ordinance 11-03 reverting parcel 403-20-004E from General Business to TR-18, pursuant to the application of Robert Burk.

Ms. Beverly Wilson, Interim Planning Manager, presented this item using a PowerPoint presentation. Ms. Wilson stated that this had been requested by the property owner. She gave a brief background and stated that the original request was for a three acre parcel and portion of a larger parcel purchased in 2008 and was approved by the Board of Supervisors with a condition that a commercial permit would be submitted. The parcel was rezoned from residential to commercial in order to accommodate construction and operation of a new impound yard. Since 2009

Mr. Burk has been given several extensions to fulfill the commercial permit requirements and since this did not happen Mr. Burk requested a reversion from the current General Business (GB) to a Residential (TR18). Ms. Wilson stated that the staff recommended the reversion.

Supervisor Searle asked if the cattle guard was a requirement for the county.

Mr. Hanson stated that the county is no longer enforcing Arizona Department of Transportation (ADOT) requirements.

Mr. Ortega stated that the county would notify both ADOT and the applicant of the requirement, but would not stop the permit because of the requirement.

Chairman Call opened the public hearing.

Mr. Robert Burk stated that the state requires cattle guards for businesses, but not for residential parcels.

Mr. John King, property owner to the south of the parcel, stated that he was against it from the beginning and thanked the Board for considering reverting this back.

Chairman Call closed the public hearing.

Supervisor Richard Searle made a motion to adopt Zoning Ordinance 11-03 reverting parcel 403-20-004E from General Business to TR-18, pursuant to the application of Robert Burk. Vice-Chairman English seconded the motion and it carried unanimously.

Solid Waste Management

18. Adopt Resolution 11-35 to approve the following changes to the Solid Waste tipping fees - Weighed Load Rate: Increase of $1 per ton, for a final rate of $51 per ton; Weighed Load Rate: decrease of $15 per ton, for a final rate of $35 per ton for system member cities when transporting loads to the Western Regional Landfill; Un-Weighed Load Rate: Increase $1 per bag, $1 per car/van/SUV, $1 per pick-up load, for a final rate of $2 per bag, $4 per car/van/SUV, $7 per pick-up load; Appliance/White Good Fee: $5 per item decreased to $0.

Supervisor Searle removed the item from the table. Vice-Chairman English seconded the motion and it carried unanimously.

Supervisor Searle moved to adopt Resolution 11-35 to approve the following changes to the Solid Waste tipping fees - Weighed Load Rate: Increase of $1 per ton, for a final rate of $51 per ton; Weighed Load Rate: decrease of $15 per ton, for a final rate of $35 per ton for system member cities when transporting loads to the Western Regional Landfill; Un-Weighed Load Rate: Increase $1 per bag, $1 per car/van/SUV, $1 per pick-up load, for a final rate of $2 per bag, $4 per car/van/SUV, $7 per pick-up load; Appliance/White Good Fee: $5 per item decreased to $0. Vice-Chairman English seconded the motion.

Mr. Marty Haverty, Solid Waste Director, presented this item. Mr. Haverty stated that in order to make up for the lack of revenue and cover the cost to the county. His staff is recommending increasing the fees.

Mr. Haverty stated that wild cat dumping had been taken into consideration when the new fees were proposed, but staff decided that revenue was necessary and the fees should be increased.

Vice-Chairman English noted that the county had implanted a recycling program and citizens who participated would get a discount on tipping fees.

Supervisor Searle expressed his concern for raising the fees due to wild cat dumping and stated that he did not agree with raising the fees and thought that county tax dollars could be used to make up the costs.

Vice-Chairman English stated that she supported the fee increase because the county had a deficit.

Mr. Ortega stated that projections were already made with the tipping fee increase. He noted that if the increase was not approved the general fund would pick up the difference, but the deficit would increase.

Supervisor Searle moved to amend the original motion and remove the $1 increase per bag/car/load so they remain the same. Vice-Chairman English seconded the motion and stated that the county would have to make the landfill pay for itself and count tax dollars could not keep subsidizing the land fill.

Chairman Call called for the vote on the amended motion and it failed 2-1(Call and English opposed).

Chairman Call opened the public hearing.

No one wished to address the Board and Chairman Call closed the public hearing.

Chairman Call agreed with Vice-Chairman English regarding raising the tipping fees.

Chairman Call called for the vote on the original motion and it carried 2-1 (Searle opposed).

ACTION

Procurement

19. Approve rejection of all bids in response to Invitation for Bids No. IFB 11-49-HFP-04 and approve the award of Invitation for Bids No. IFB 11-54-HFP-04 for Aggregate and Concrete Crushing at various County located pits in the estimated amount of $300,000 for the period of August 1, 2011 through July 31, 2012 for the Highway and Floodplain Division.

Mr. Dave Seward, Procurement Director, presented this item. Mr. Seward stated that the purpose of this contract was for flexibility and mobility countywide.

Vice-Chairman English moved to approve rejection of all bids in response to Invitation for Bids No. IFB 11-49-HFP-04 and approve the award of Invitation for Bids No. IFB 11-54-HFP-04 for Aggregate and Concrete Crushing at various County located pits in the estimated amount of $300,000 for the period of August 1, 2011 through July 31, 2012 for the Highway and Floodplain Division. Supervisor Searle seconded the motion and it carried unanimously.

CALL TO THE PUBLIC

Chairman Call opened the Call to the Public.

Mr. John Langhoff expressed his concern with Fairfield road washing out and stated it was a safety issue. He asked for the county's help.

Mr. Ross Miller explained the flow of the water on Fairfield road and said he had called 911 to inform Fry Fire that there was not a way emergency vehicles could get through the road. He stated that this was an issue of concern and that he felt the county should help.

Mr. Jack Cook addressed the Board on matters of personal concern.

No one else wished to address the Board and Chairman Call closed the Call to the Public.

REPORT BY MICHAEL J. ORTEGA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Ortega said that he would be attending the Arizona Rural Development Council forum.

SUMMARY OF CURRENT EVENTS BY BOARD MEMBERS

REPORT BY SUPERVISOR PAT CALL, DISTRICT NO. 1
Chairman Call stated that he had meetings on several legislative issues and that on Thursday he would be giving a tour of the county to Mr. Peterman, Editor of the Sierra Vista Herald.

REPORT BY SUPERVISOR ANN ENGLISH, DISTRICT NO. 2
Vice-Chairman English suggested using the summary of current events to report to the other supervisors updates on past meetings and events.

REPORT BY SUPERVISOR RICHARD SEARLE, DISTRICT NO. 3
Supervisor Searle stated that he attended the Arizona Association of Counties meeting and a meeting for the Arizona/New Mexico Coalition.

Chairman Call adjourned the meeting at 10:45 a.m.

APPROVED:

_____
Patrick Call, Chairman

ATTEST:

_____
Katie Howard, Clerk of the Board

((SUPPORTING DOCUMENTATION IS AVAILABLE AT THE BOARD OF SUPERVISORS' OFFICE) at (520) 432-9200, FAX (520) 432-5016, TDD (520) 432-8360, 1415 Melody Lane, Building G, Bisbee, Arizona 85603.

48252	07/20/2011	Abrio Family Services & Supports	$61.76
48253	07/20/2011	AccentCare	$30,424.63
48254	07/20/2011	Advantage Medical & Oxygen Supply	$235.32
48255	07/20/2011	Agave Surgical Associates, PC	$735.69
48256	07/20/2011	Apothecary Shops	$29.46
48257	07/20/2011	AZ Community Physicians	$82.50
48258	07/20/2011	AZ Community Surgeons PC	$24.41
48259	07/20/2011	AZ Family Care Associates (AFCA)	$390.18
48260	07/20/2011	AZ Inpatient Medicine Associates	$69.55
48261	07/20/2011	AZ Kidney Disease Hypertension Ctr AKDHC, LLC	$204.95
48262	07/20/2011	AZ Medical Transit	$284.56
48263	07/20/2011	AZ World Express	$4,424.39
48264	07/20/2011	Associated Internists of Tucson	$143.94
48265	07/20/2011	Avalon Care Center	$998.91
48266	07/20/2011	BASHAS 100	$937.01
48267	07/20/2011	Benson Family Dental Care, PC	$90.00
48268	07/20/2011	Benson Hospital Corporation	$556.90
48269	07/20/2011	Blake Foundation (The)	$957.60
48270	07/20/2011	Canyonlands Community Healthcare	$162.35
48271	07/20/2011	Carefree Senior Living of Cal. dba Villa Vista	$22,991.09
48272	07/20/2011	Casa de las Montanas	$11,352.62
48273	07/20/2011	CDE Transport & Services, Inc.	$7,297.66
48274	07/20/2011	Chauhan MD, Narendra	$120.45
48275	07/20/2011	Chiricahua Comm Health Centers, Inc.	$15.54
48276	07/20/2011	Cochise Ear Nose and Throat Assoc	$225.32
48277	07/20/2011	Cochise Heart Center, PLLC	$45.01
48278	07/20/2011	Cochise Lung Center, PLLC	$101.41
48279	07/20/2011	Cochise Oncology, LLC	$5,453.64
48280	07/20/2011	Community Provider Enrichment Services (CPES)	$11,216.31
48281	07/20/2011	Cypress Inn Assisted Living Center	$26,668.46
48282	07/20/2011	Devon Gables	$492.99
48283	07/20/2011	Diagnostic Pathology Consultants PC	$9.90
48284	07/20/2011	Dialysis Center Inc. dba Desert Dialysis Center	$1,407.60
48285	07/20/2011	District Medical Group	$48.45
48286	07/20/2011	Douglas Association for Retarded Children, Inc.	$5,263.64
48287	07/20/2011	Douglas Family Care PLLC	$166.50
48288	07/20/2011	Douglas Pharmacy, LLC	$1,233.35
48289	07/20/2011	Eldercare for Life	$1,988.76
48290	07/20/2011	Emergency Surgical Services of AZ, PLLC	$5.38
48291	07/20/2011	Evangelical Lutheran Good Samaritan Society	$163,616.54
48292	07/20/2011	Food City-#111 & #112	$3,832.59
48293	07/20/2011	Fry Fire District	$529.59
48294	07/20/2011	GAMBRO Healthcare-Sierra Vista	$2,946.82
48295	07/20/2011	Gila Valley Clinic, PC	$189.42
48296	07/20/2011	Healthcare Innovations, Inc.	$966.52
48297	07/20/2011	Healthsouth Rehab Tucson	$39.20
48298	07/20/2011	Helmsetter, B. Jean, M.A.	$609.00
48299	07/20/2011	Hospitalists of AZ	$99.35
48300	07/20/2011	House of Hope	$2,309.33
48301	07/20/2011	Ironwood Gastroenterology	$20.34
48302	07/20/2011	Kords Ambulance Service	$43.59
48303	07/20/2011	Laboratory Corporation of America	$42.52
48304	07/20/2011	Maddur, Jaya MD	$13.64
48305	07/20/2011	Maricopa Medical System	$361.56
48306	07/20/2011	Marshall MD, Timothy M.	$3.50
48307	07/20/2011	Medicap Pharmacy	$2,638.35
48308	07/20/2011	Medicine Shoppe (The)	$214.45
48309	07/20/2011	Michael B. Bayless & Associates	$369.95
48310	07/20/2011	Millennium Medical Supply, Inc	$1,307.75
48311	07/20/2011	Mt Graham Community Hospital	$2,599.95
48312	07/20/2011	Neurological Associates of Tucson	$39.93
48313	07/20/2011	Norma Bryce dba Mulberry House	$5,146.52
48314	07/20/2011	Northern Cochise Comm Hosp, Inc.	$71,533.91
48315	07/20/2011	Nusrum Iqbal, MD, PLLC-AZ Primary Care Center	$14.91
48316	07/20/2011	Pacific Mobile Diagnostic	$2.90
48317	07/20/2011	Park Waverly Healthcare, LLC dba Waverly Park HCC	$6,839.52
48318	07/20/2011	PharMerica Mountain, Inc.	$5,316.50
48319	07/20/2011	PharMerica Mountain, Inc.	$139.32
48320	07/20/2011	Pima Heart Physicians PC	$134.32
48321	07/20/2011	Pima Pathologists	$77.72
48322	07/20/2011	Pinnacle Healthcare, LLC	$11.67
48323	07/20/2011	Professional Medical Transport	$89.31
48324	07/20/2011	Pueblo Dental Management Inc.	$64.10
48325	07/20/2011	Radiologists of Sierra Vista	$104.50
48326	07/20/2011	Radiology Ltd	$151.60
48327	07/20/2011	Reed, James P. DO	$52.10
48328	07/20/2011	RF Eye PC dba Cochise Eye & Laser	$30.30
48329	07/20/2011	Saddle Gap Emergency Physician	$320.84
48330	07/20/2011	Saguaro Orthopedics - Arnold A. MD	$1.66
48331	07/20/2011	Salmon, Julia V.	$3.56
48332	07/20/2011	San Pedro Family Care PLC	$49.42
48333	07/20/2011	Santa Cruz Radiology, LLC	$135.66
48334	07/20/2011	Schildhauer Center, LLC	$360.00
48335	07/20/2011	Schmaling, John NP	$20.28
48336	07/20/2011	Schryver Medical AZ	$485.43
48337	07/20/2011	Sidi, Sylvain MD PC	$26.35
48338	07/20/2011	Sierra Vista Diagnostics	$47.46
48339	07/20/2011	Sierra Vista Emergency Physicians	$174.18
48340	07/20/2011	Sierra Vista Group Anesthesia	$27.51
48341	07/20/2011	Sierra Vista Regional Health Center	$4,738.70
48342	07/20/2011	Southern AZ Anesthesia Service, PC	$83.36
48343	07/20/2011	Southwest Ambulance/86-0758145	$87.42
48344	07/20/2011	Southwest Kidney Institute PLC	$11.42
48345	07/20/2011	Standage, Gregg P. MD	$369.22
48346	07/20/2011	Stronghold Emergency Physician	$20.60
48347	07/20/2011	Struminger, Janin M.D.	$16.22
48348	07/20/2011	Sun Valley Family Medicine	$3.99
48349	07/20/2011	SWEA, P.C.	$285.06
48350	07/20/2011	Tiburon Diagnostic Laboratory	$153.38
48351	07/20/2011	Tilsner, Thomas J.	$127.46
48352	07/20/2011	Tucson Heart Group	$86.49
48353	07/20/2011	Tucson Inpatient Medicine PLLC	$88.86
48354	07/20/2011	Tucson Pulmonolgy PC	$38.45
48355	07/20/2011	Tucson, City of	$865.10
48356	07/20/2011	University Physicians, Inc.	$197.89
48357	07/20/2011	Walton & Walton, Inc.	$563.04
48358	07/20/2011	West Valley Internal Medicine	$2.14
48359	07/20/2011	Western Neurosurgery Ltd	$23.93
48360	07/20/2011	Whetstone Fire District	$226.14
48361	07/20/2011	Wick, Jeffery S. MD	$643.79
48362	07/20/2011	Willcox Healthmart Pharmacy	$1,057.69
48363	07/20/2011	AZ Water Company	$4,781.83
48364	07/20/2011	Cable One	$99.95
48365	07/20/2011	Graham Co. Electric Cooperative, Inc.	$96.97
48366	07/20/2011	QWEST	$338.27
48367	07/20/2011	QWEST	$64.72
48368	07/20/2011	Sierra Vista Herald/Bisbee Review	$62.27
48369	07/20/2011	Southwest Gas Corporation	$3,568.19
48370	07/20/2011	Sprint	$26.82
48371	07/20/2011	Sulphur Springs Valley Electric Cooperative, Inc.	$14,186.29
48372	07/20/2011	Sulphur Springs Valley Electric Cooperative, Inc.	$345.89
48373	07/20/2011	Sulphur Springs Valley Electric Cooperative, Inc.	$1,884.17
48374	07/20/2011	Valley Telephone Cooperative, Inc.	$278.63
48375	07/21/2011	Adele Drumlevitch, Attorney-At-Law	$2,687.34
48376	07/21/2011	Alley Carpet & Flooring, Inc.	$5,658.00
48377	07/21/2011	ARAMARK Services, Inc.	$7,721.74
48378	07/21/2011	ARAMARK Services, Inc.	$7,282.84
48379	07/21/2011	ARAMARK Services, Inc.	$30,372.96
48380	07/21/2011	AZ Association of Counties	$15,361.50
48381	07/21/2011	AZ Bag Company, LLC	$1,420.90
48382	07/21/2011	AZ DOC - Douglas	$138.00
48383	07/21/2011	AZ DOC - Douglas	$17.00
48384	07/21/2011	AZ DOC - Douglas	$31.50
48385	07/21/2011	AZ DOC - Douglas	$97.75
48386	07/21/2011	AZ DOC - Douglas	$38.25
48387	07/21/2011	AZ DOC - Douglas	$1,226.25
48388	07/21/2011	AZ DOC - Douglas	$251.25
48389	07/21/2011	AZ DOC - Douglas	$718.50
48390	07/21/2011	AZ DOC - Douglas	$787.75
48391	07/21/2011	AZ DOC - Douglas	$1,232.63
48392	07/21/2011	AZ DOC - Douglas	$67.50

48393	07/21/2011	AZ DOC - Douglas	$55.25
48394	07/21/2011	AZ Department of Education	$60.00
48395	07/21/2011	AZ Department of Revenue	$510.91
48396	07/21/2011	AZ Family Care Associates (AFCA)	$296.00
48397	07/21/2011	AZ Public Service (APS)	$2,000.00
48398	07/21/2011	AZ Range News	$119.00
48399	07/21/2011	AZ State Prison Complex - Fort Grant	$5.00
48400	07/21/2011	AZ State Prison Complex - Fort Grant	$177.11
48401	07/21/2011	AZ State Prison Complex - Fort Grant	$155.00
48402	07/21/2011	AZ State Treasurer	$184,567.00
48403	07/21/2011	AZ Supreme Court	$1.00
48404	07/21/2011	AZ Supreme Court	$624.60
48405	07/21/2011	Arora, Mona	$1,500.00
48406	07/21/2011	AZ Supreme Court/Debt Setoff Prog	$18.00
48407	07/21/2011	B&S Supply Co, Inc	$1,729.13
48408	07/21/2011	Bradley R. Johnson, M.D., P.L.L.C.	$500.00
48409	07/21/2011	Cable One	$19.35
48410	07/21/2011	Call 24 Answering Service	$220.00
48411	07/21/2011	Capital Mitigation & Investigation Services, LLC	$1,332.50
48412	07/21/2011	Capital Service Investigation	$4,554.74
48413	07/21/2011	Catholic Community Services	$420.00
48414	07/21/2011	Center for Disease Detection, LLC	$42.00
48415	07/21/2011	Chiricahua Community Health Centers, Inc.	$450.40
48416	07/21/2011	Cochise Co. Assc. for the Handicapped	$119.84
48417	07/21/2011	Cochise Co. Fire Chiefs Association	$50.00
48418	07/21/2011	Cochise Co. Fire Chiefs Association	$50.00
48419	07/21/2011	Cochise Co. Sheriff / Contingency	$10,000.00
48420	07/21/2011	Cochise Co. Sub-Regional EMS Council (CCEMS)	$50.00
48421	07/21/2011	Cochise Co. Sub-Regional EMS Council (CCEMS)	$50.00
48422	07/21/2011	Conner, Royce G.	$1,500.80
48423	07/21/2011	Copper Queen Community Hospital	$5,668.56
48424	07/21/2011	CRM of America LLC	$2,854.15
48425	07/21/2011	Crowlie, Colleen	$525.00
48426	07/21/2011	Deirdre A. Gorman, PC	$7,821.50
48427	07/21/2011	Dell Marketing L.P.,	$46,685.27
48428	07/21/2011	Dex Media West, Inc.	$11.22
48429	07/21/2011	DiRoberto, Joseph	$7,190.42
48430	07/21/2011	Dorado Personnel, Sierra Vista Personnel	$7,005.60
48431	07/21/2011	Douglas Daily Dispatch	$167.70
48432	07/21/2011	Douglas Police Department	$3,347.75
48433	07/21/2011	ESRI, Inc.	$4,603.20
48434	07/21/2011	FasPsych, LLC	$780.00
48435	07/21/2011	Federal Express Corporation	$51.61
48436	07/21/2011	Federal Express Corporation	$6.13
48437	07/21/2011	Federal Express Corporation	$84.23
48438	07/21/2011	Frank's Fix It Shop	$102.00
48439	07/21/2011	Galbreath LLC dba Wastequip	$7,044.28
48440	07/21/2011	Gale Group	$209.52
48441	07/21/2011	Gonzales, Mario A.	$100.00
48442	07/21/2011	Greater AZ Central Credentialing	$825.00
48443	07/21/2011	Hancock, Charles	$54.06
48444	07/21/2011	Hansen, Karla F	$60.00
48445	07/21/2011	Harik, Vaira	$568.82
48446	07/21/2011	Hatfield Funeral Home	$500.00
48447	07/21/2011	Hawks, Pat	$100.00
48448	07/21/2011	HealthCare Systems Development	$12,000.00
48449	07/21/2011	Hillyard Inc.	$2,162.67
48450	07/21/2011	Hinkley, Harold	$2.08
48451	07/21/2011	IDCSERVCO	$948.24
48452	07/21/2011	Info-Tracts, L.L.C.	$286.62
48453	07/21/2011	Johns, C. Michael	$75.00
48454	07/21/2011	Joseph Daniel & Meyer, Inc.	$540.00
48455	07/21/2011	Keefe Supply Company	$1,312.48
48456	07/21/2011	Kelly, Peter A.	$17,171.36
48457	07/21/2011	Kennedy Kleaning Supplies, Inc.	$1,785.00
48458	07/21/2011	Kennedy Partners, LLC	$1,374.40
48459	07/21/2011	L3 Communications Security & Detection Systems Inc	$5,500.00
48460	07/21/2011	Laboratory Corporation of America	$341.00
48461	07/21/2011	Legend Technical Services, Inc.	$89.00
48462	07/21/2011	Levitt, Harriette P.	$1,618.86
48463	07/21/2011	Lewis Esq., Edward	$4,659.40
48464	07/21/2011	Lindstrom, Jason A.	$2,225.73
48465	07/21/2011	Little Caesars	$126.08
48466	07/21/2011	M. Lee Smith Publishers	$377.00
48467	07/21/2011	Manring, Donald Gene	$58.24
48468	07/21/2011	McDonald-Berger, Catherine	$1,962.10
48469	07/21/2011	McGowan, Mark J.	$4,679.00
48470	07/21/2011	Merle's Automotive Supply, Inc.	$1,820.12
48471	07/21/2011	Moreno, Joe	$150.00
48472	07/21/2011	Mundt, Lester E.	$14.56
48473	07/21/2011	Mundt, Lester E.	$14.56
48474	07/21/2011	Natale, Gail Gianasi	$458.24
48475	07/21/2011	Northern Cochise Comm Hosp, Inc.	$1,113.71
48476	07/21/2011	Oertel, Brian R.	$59.04
48477	07/21/2011	Office of Vital Records	$1,011.00
48478	07/21/2011	Orkin Exterminating Co, Inc.	$55.32
48479	07/21/2011	Parent, Carol	$22.44
48480	07/21/2011	Pendpac, Inc	$989.24
48481	07/21/2011	Pima Heart Physicians PC	$83.55
48482	07/21/2011	Pitney Bowes, Inc	$423.82
48483	07/21/2011	Poliquin, Angela C.	$1,077.38
48484	07/21/2011	Pro Petroleum, Inc.	$24,607.64
48485	07/21/2011	PTS of America, LLC	$1,373.70
48486	07/21/2011	Public Surplus	$22,407.97
48487	07/21/2011	Purcell's Western State Tire Company	$10,747.95
48488	07/21/2011	QWEST	$32.30
48489	07/21/2011	QWEST	$204.58
48490	07/21/2011	Recorded Books, LLC	$74.20
48491	07/21/2011	Ross, Ramiro	$89.82
48492	07/21/2011	RSC Equipment Rental, Inc.	$3,395.33
48493	07/21/2011	RWC International, LTD	$477.63
48494	07/21/2011	Ryan, Carla G.	$827.00
48495	07/21/2011	Safeway Stores Inc	$39.11
48496	07/21/2011	Seton Name Plate Company	$23.20
48497	07/21/2011	Sierra Vista, City of	$23,734.03
48498	07/21/2011	Simmons, Sylvia	$435.00
48499	07/21/2011	Skalak, Bill	$300.00
48500	07/21/2011	Solid Waste Association of North America (SWANA)	$231.00
48501	07/21/2011	Southwest Polygraph Services, Inc.	$2,250.00
48502	07/21/2011	Sparkletts	$18.00
48503	07/21/2011	Sparkletts	$11.00
48504	07/21/2011	Sparkletts	$94.50
48505	07/21/2011	Sparkletts	$29.00
48506	07/21/2011	Spillman Technologies, Inc.	$101,146.00
48507	07/21/2011	St. Patrick Church	$900.00
48508	07/21/2011	Stan's Fence	$731.99
48509	07/21/2011	Stan's Fence	$16.64
48510	07/21/2011	Stantec Consulting Services, Inc.	$7,111.16
48511	07/21/2011	Streitfeld, Stephen V. MD PC	$500.00
48512	07/21/2011	Stronghold Signs, Inc.	$130.62
48513	07/21/2011	Thomson West	$1,693.00
48514	07/21/2011	Tombstone Marshal's Office	$4,838.28
48515	07/21/2011	USA Dry Van Logistics	$41.81
48516	07/21/2011	Valley Security Service, Inc.	$275.00
48517	07/21/2011	Valley Security Service, Inc.	$300.00
48518	07/21/2011	Verhelst Recovery House	$540.00
48519	07/21/2011	Verhelst Recovery House	$360.00
48520	07/21/2011	Verizon Wireless	$249.25
48521	07/21/2011	Verizon Wireless	$241.38
48522	07/21/2011	West Group	$410.00
48523	07/21/2011	West Group	$3,873.45
48524	07/21/2011	Western Emulsion, Inc	$65,966.77
48525	07/21/2011	Western Emulsion, Inc	$3,000.00
48526	07/21/2011	White, Michael	$77.01
48527	07/21/2011	WR Ryan Company	$4,516.28
48528	07/21/2011	Yuma Co. Sheriff's Office	$125.00
48529	07/21/2011	Adamson, Brian J.	$20.65
48530	07/21/2011	AZ Rural Schools Association (ARSA)	$625.00
48531	07/21/2011	Cochise Co. Juvenile Court Services	$1,037.21
48532	07/21/2011	Cochise Co. Sheriff / Contingency	$63.82
48533	07/21/2011	Customer Service of America, Inc.	$9.60
48534	07/21/2011	De La Cruz, Noriko	$30.98
48535	07/21/2011	Estelle, Forest (Dave)	$15.00
48536	07/21/2011	Housing Authority of Cochise Co.	$36,394.84
48537	07/21/2011	K-Mart	$100.00
48538	07/21/2011	Peralta, Julia	$500.00

48539	07/21/2011	Porter, Radi Ann	$15.00
48540	07/21/2011	Sipe, Brett Lee	$15.00
48541	07/21/2011	Sparkletts	$47.00
48542	07/21/2011	US Postal Service	$10,000.00
48543	07/21/2011	Verizon Wireless	$145.83
48544	07/21/2011	Acuna, Gloria	$359.58
48545	07/21/2011	Adrams, Dan	$36.29
48546	07/21/2011	Austin, David	$215.00
48547	07/21/2011	Brofer, Duane R	$36.29
48548	07/21/2011	Corley, Richard	$19.96
48549	07/21/2011	Corley, Richard	$24.75
48550	07/21/2011	Corley, Richard	$21.49
48551	07/21/2011	De La Cruz, Noriko	$216.63
48552	07/21/2011	Diaz, Carlos	$34.00
48553	07/21/2011	Edelman, Sanford	$68.00
48554	07/21/2011	Eric Levy, Esq.	$75.00
48555	07/21/2011	Faucher, Roland	$54.00
48556	07/21/2011	Fifer, David C.	$320.36
48557	07/21/2011	Harguess, Rusty	$92.31
48558	07/21/2011	Holt, Tammy Jo	$33.66
48559	07/21/2011	Jenkins, Clarence	$203.75
48560	07/21/2011	John F. Kelliher, Jr., PC	$133.12
48561	07/21/2011	Jones, Erin	$92.00
48562	07/21/2011	Kelly, Tanja	$203.75
48563	07/21/2011	Klein, Jody	$266.27
48564	07/21/2011	Leikem, Wanda	$7.00
48565	07/21/2011	Lewkowitz, Seth	$68.00
48566	07/21/2011	Littrell, Ann	$171.18
48567	07/21/2011	Lynch, Jim	$22.21
48568	07/21/2011	Martzke, James	$52.83
48569	07/21/2011	Mazanek, Tim	$302.66
48570	07/21/2011	Miller, Donna	$67.34
48571	07/21/2011	Mills, Heather	$185.12
48572	07/21/2011	Motter, Kay L.	$61.00
48573	07/21/2011	Nikitas, Danny	$34.00
48574	07/21/2011	Sanchez, George	$34.00
48575	07/21/2011	Santa Cruz, Frances	$75.00
48576	07/21/2011	Schaaf, Stephanie	$107.12
48577	07/21/2011	Suagee, Mark A	$68.00
48578	07/21/2011	Thorn, David	$92.00
48579	07/21/2011	Welch, Catherine	$16.80
48580	07/21/2011	Wright, Melissa	$68.00
48581	07/21/2011	Wyatt, Timothy L.	$34.00
48582	07/22/2011	Cochise Enterprises, LLC	$8,215.20
48583	07/25/2011	Bank One	$78,465.14
48584	07/28/2011	AccentCare	$26,912.85
48585	07/28/2011	Advantage Medical & Oxygen Supply	$474.00
48586	07/28/2011	Agave Surgical Associates, PC	$5.38
48587	07/28/2011	Apria Healthcare, Inc.	$7,815.13
48588	07/28/2011	AZ Community Physicians	$68.75
48589	07/28/2011	AZ Family Care Associates (AFCA)	$20.34
48590	07/28/2011	AZ First Assistants	$25.21
48591	07/28/2011	AZ Inpatient Medicine Associates	$101.47
48592	07/28/2011	AZ Medical Transit	$353.55
48593	07/28/2011	AZ World Express	$3,304.60
48594	07/28/2011	Benson Hospital Corporation	$833.41
48595	07/28/2011	Carondelet Health Care Corp	$25,535.87
48596	07/28/2011	Carondelet Specialist Group, Inc.	$168.65
48597	07/28/2011	Catalina Chest Clinic PC	$184.40
48598	07/28/2011	Chiricahua Community Health Centers, Inc.	$71.74
48599	07/28/2011	Cochise Heart Center, PLLC	$77.50
48600	07/28/2011	Cochise Surgical Care	$17.51
48601	07/28/2011	Community Healthcare of Douglas, Inc.	$2,030.44
48602	07/28/2011	Community Provider Enrichment Services (CPES)	$7,227.10
48603	07/28/2011	Desert Cardiovascular Group	$64.58
48604	07/28/2011	District Medical Group	$53.58
48605	07/28/2011	Douglas Family Care PLLC	$107.26
48606	07/28/2011	Eldercare for Life	$1,762.80
48607	07/28/2011	Elham Medical International	$10.44
48608	07/28/2011	Emergency Room Associcates	$11.72
48609	07/28/2011	Family Medical Center, PLLC	$10.69
48610	07/28/2011	Freund MD, Carl Joseph	$9.04
48611	07/28/2011	Gila Health Resources	$6.16
48612	07/28/2011	Gila Valley Clinic, PC	$210.20
48613	07/28/2011	Guruprasad, Raju, MD PLLC	$8.71
48614	07/28/2011	Heart Felt Help	$36,330.56
48615	07/28/2011	Hill-Rom Company, Inc.	$1,013.20
48616	07/28/2011	Hospitalists of AZ	$321.37
48617	07/28/2011	House of Hope	$2,127.20
48618	07/28/2011	Inpatient Medical Consultants PLLC	$17.80
48619	07/28/2011	La Solana Care and Rehab, Inc.	$483.22
48620	07/28/2011	Laboratory Corporation of America	$77.65
48621	07/28/2011	Legacy Home Health Care of Southern AZ, LLC	$1,140.30
48622	07/28/2011	Maricopa Medical System	$131.76
48623	07/28/2011	McCafferty, Sean J., MD	$137.74
48624	07/28/2011	Mt Graham Community Hospital	$1,292.90
48625	07/28/2011	Neurological Associates of Tucson	$47.83
48626	07/28/2011	Northern Cochise Comm Hosp, Inc.	$12,041.17
48627	07/28/2011	Northwest Tucson Emergency Physicans PC	$8.80
48628	07/28/2011	Nusrum Iqbal, MD, PLLC-AZ Primary Care Center	$473.46
48629	07/28/2011	Old Pueblo Anesthesia	$70.02
48630	07/28/2011	Pacific Mobile Diagnostic	$17.24
48631	07/28/2011	Palo Verde Homecare LLC dba Tucson House Calls	$377.35
48632	07/28/2011	Physiatry Assoc Ltd	$19.10
48633	07/28/2011	Pima Heart Physicians PC	$1,680.33
48634	07/28/2011	Portable Imaging of AZ	$3.02
48635	07/28/2011	Radiologists of Sierra Vista	$39.06
48636	07/28/2011	Radiology Ltd	$57.34
48637	07/28/2011	Saguaro Podiatry Associates	$23.35
48638	07/28/2011	Santa Cruz Radiology, LLC	$52.06
48639	07/28/2011	Schryver Medical AZ	$224.34
48640	07/28/2011	Scottsdale Healthcare	$152.45
48641	07/28/2011	Sierra Vista Diagnostics	$17.38
48642	07/28/2011	Sierra Vista Emergency Physicians	$233.23
48643	07/28/2011	Sierra Vista Regional Health Center	$3,456.65
48644	07/28/2011	Southern AZ Anesthesia Service, PC	$39.18
48645	07/28/2011	Southwestern Eye Center, Ltd	$19.70
48646	07/28/2011	Stronghold Emergency Physician	$14.02
48647	07/28/2011	Sun Valley Family Medicine	$41.01
48648	07/28/2011	SWEA, P.C.	$13.55
48649	07/28/2011	Tucson Gastroenterology Specialists	$5.38
48650	07/28/2011	Tucson Heart Group	$102.03
48651	07/28/2011	Tucson Orthopaedic Institute PC	$15.86
48652	07/28/2011	Tucson Pulmonolgy PC	$44.80
48653	07/28/2011	Twena, Mordechai F. MD PLLC	$13.64
48654	07/28/2011	United Pathology Inc.	$48.47
48655	07/28/2011	United Seating and Mobility	$4,412.77
48656	07/28/2011	University Physicians, Inc.	$761.04
48657	07/29/2011	AOC Corrections Officer Retire	$17,553.78
48658	07/29/2011	AZ Department of Revenue	$50.00
48659	07/29/2011	AZ Department of Revenue	$75.00
48660	07/29/2011	Aron & Associates,P.C.	$290.33
48661	07/29/2011	Bursey & Associates, P.C.	$339.43
48662	07/29/2011	Bursey & Associates, P.C.	$252.65
48663	07/29/2011	Citibank (South Dakota), N.A.	$20.12
48664	07/29/2011	CK Ventures, LLC	$482.50
48665	07/29/2011	Colonial Suppemental Insurance	$51.63
48666	07/29/2011	Correction Officers	$13,132.89
48667	07/29/2011	Creta, Vincent M.	$147.59
48668	07/29/2011	Davenport, Joubert W.	$190.09
48669	07/29/2011	DCS	$352.27
48670	07/29/2011	DeConcini McDonald Yetwin	$333.19
48671	07/29/2011	General Revenue Corporation	$234.85
48672	07/29/2011	GMAC, c/o Jennifer A. Christie	$116.30
48673	07/29/2011	Guglielmo, Paul D.	$173.96
48674	07/29/2011	JP Morgan Chase	$1,016,623.80
48675	07/29/2011	JP Morgan Chase	$330,032.16
48676	07/29/2011	JP Morgan Chase	$41,923.92
48677	07/29/2011	Kaplan, Jerold Law Office, PC	$131.31
48678	07/29/2011	NACO West	$28,938.40
48679	07/29/2011	Nadine Lockhart - c/o Flager Law	$299.23
48680	07/29/2011	National Bank	$5,873.60
48681	07/29/2011	Public Safety Retirement Syst	$16,975.84
48682	07/29/2011	Public Safety Retirement Syst	$64,813.62
48683	07/29/2011	SEAFCU	$199.84
48684	07/29/2011	Seidberg Law Offices, P.C.	$274.85
48685	07/29/2011	Sheakley Pension Administratio	$521.25

48686	07/29/2011	Support Payment Clearinghouse	$6,602.20
48687	07/29/2011	TIAA-CREF as agent for JPMorgan Chase	$1,205.00
48688	07/29/2011	U.S. Department of Education	$159.91
48689	07/29/2011	United States Treasury	$100.00
48690	07/29/2011	United Way	$95.00
48691	07/27/2011	AZ Public Service (APS)	$48,802.92
48692	07/27/2011	AZ Public Service (APS)	$2,347.48
48693	07/27/2011	AZ Water Company	$156.96
48694	07/27/2011	AZ Water Company	$4,659.19
48695	07/27/2011	AZ Water Company	$18.71
48696	07/27/2011	Clear Springs Utility, Inc.	$53.41
48697	07/27/2011	Federal Express Corporation	$71.68
48698	07/27/2011	QWEST	$2,364.35
48699	07/27/2011	QWEST	$64.03
48700	07/27/2011	Southwest Gas Corporation	$131.36
48701	07/27/2011	Sulphur Springs Valley Electric Cooperative, Inc.	$1,046.35
48702	07/27/2011	Sulphur Springs Valley Electric Cooperative, Inc.	$319.92
48703	07/27/2011	Sulphur Springs Valley Electric Cooperative, Inc.	$3,614.14
48704	07/27/2011	Sulphur Springs Valley Electric Cooperative, Inc.	$704.80
48705	07/27/2011	Sulphur Springs Valley Electric Cooperative, Inc.	$139.15
48706	07/27/2011	Sulphur Springs Valley Electric Cooperative, Inc.	$1,147.49
48707	07/27/2011	Valley Telephone Cooperative, Inc.	$48.41
48708	07/27/2011	Valley Telephone Cooperative, Inc.	$1,959.48
48709	07/27/2011	Whetstone Water Impro District	$96.74
48710	07/28/2011	AGE AZ Gen Eng Contracting, Inc.	$77,721.54
48711	07/28/2011	Ambrose, Adam	$208.00
48712	07/28/2011	Apache Elementry School	$30,710.32
48713	07/28/2011	ARAMARK Services, Inc.	$8,425.42
48714	07/28/2011	AZ Chief Probation Officer Assoc	$100.00
48715	07/28/2011	AZ DOC - Douglas	$12.75
48716	07/28/2011	AZ DOC - Douglas	$80.00
48717	07/28/2011	AZ DOC - Douglas	$40.00
48718	07/28/2011	AZ DOC - Douglas	$2,833.91
48719	07/28/2011	AZ DOC - Douglas	$640.50
48720	07/28/2011	AZ DOC - Douglas	$29.75
48721	07/28/2011	AZ Public Service (APS)	$479.40
48722	07/28/2011	AZ State Prison Complex - Fort Grant	$2,426.47
48723	07/28/2011	AZ State Prison Complex - Fort Grant	$42.12
48724	07/28/2011	AZ State Prison Complex - Fort Grant	$20.00
48725	07/28/2011	AZ State Prison Complex - Fort Grant	$114.37
48726	07/28/2011	AZ State Prison Complex - Fort Grant	$2,342.64
48727	07/28/2011	AZ State Prison Complex - Fort Grant	$85.00
48728	07/28/2011	Aronna, Pasquale	$100.00
48729	07/28/2011	Bahn, James C.	$232.30
48730	07/28/2011	Baker & Taylor, Inc.	$1,017.98
48731	07/28/2011	Benson Police Department	$1,209.20
48732	07/28/2011	Bertrand, Joy Esq.	$826.22
48733	07/28/2011	Beyond Technology, Inc.	$2,666.96
48734	07/28/2011	Border Construction Specialist	$6,382.35
48735	07/28/2011	Buchella, Jeffrey G	$1,513.16
48736	07/28/2011	Bug-Wiser Exterminating, Inc.	$75.00
48737	07/28/2011	Burick Esq, Bernadette	$9,530.88
48738	07/28/2011	Calvert, Ernestine	$150.00
48739	07/28/2011	Cass, Homer L.	$91.00
48740	07/28/2011	Center Point Large Print	$66.16
48741	07/28/2011	Centerline Supply West	$4,549.61
48742	07/28/2011	Chivers North America, Inc. dba AudioGO	$39.95
48743	07/28/2011	Coan, Sandra	$200.00
48744	07/28/2011	Cochise College	$1,200.00
48745	07/28/2011	Cochise Enterprises, LLC	$11,398.60
48746	07/28/2011	Co. Supervisors Association	$46,251.00
48747	07/28/2011	Curfman Storage, LLC	$100.00
48748	07/28/2011	Davidson, Dan	$100.00
48749	07/28/2011	DeRienzo & Williams, PLLC	$600.90
48750	07/28/2011	Desert Scale & Weighing Equipment, Inc.	$3,803.10
48751	07/28/2011	Dorado Personnel, Sierra Vista Personnel	$2,469.05
48752	07/28/2011	Durham Communication	$950.00
48753	07/28/2011	EcoWater of Sierra Vista	$266.68
48754	07/28/2011	Elkins, Martha R	$260.00
48755	07/28/2011	Emily Lorna Danies, Esq.	$1,830.30
48756	07/28/2011	Evans, Michael B	$61.00
48757	07/28/2011	Federal Express Corporation	$19.49
48758	07/28/2011	Gaylord Bros., Inc.	$2.07
48759	07/28/2011	Government Finance Officers Assoc	$840.00
48760	07/28/2011	Graves, Brigitte	$150.00
48761	07/28/2011	Hamilton, Linda T.	$225.00
48762	07/28/2011	Heinzl, Joe Lawrence Esq.	$1,037.84
48763	07/28/2011	Highway Technologies, Inc.	$32,551.20
48764	07/28/2011	Insight Public Sector	$3,225.66
48765	07/28/2011	Insight Public Sector	$1,742.90
48766	07/28/2011	John R. Gustafson, Esq.	$837.50
48767	07/28/2011	John William Lovell, PC	$2,254.68
48768	07/28/2011	KE&G Construction Inc.	$54,380.82
48769	07/28/2011	Keefe Supply Company	$4,434.99
48770	07/28/2011	La Quinta Motor Inn	$68.70
48771	07/28/2011	Lamberton, Karen Lynn	$75.00
48772	07/28/2011	Laura E. Udall, Esq. dba Cooper & Udall	$4,461.10
48773	07/28/2011	Law Office of William F. Lakosil	$9,330.06
48774	07/28/2011	Law Offices of Joseph Mendoza PLLC	$7,184.53
48775	07/28/2011	Loren Sheldon / Alison Rock Sand & Construction	$20,426.30
48776	07/28/2011	Lowell A. Jensen, PLC	$893.38
48777	07/28/2011	Malanga Law Office	$977.58
48778	07/28/2011	Mattson, Luanne	$2,500.00
48779	07/28/2011	McNeil's Custom Engraving	$116.11
48780	07/28/2011	Merle's Automotive Supply, Inc.	$234.17
48781	07/28/2011	Merle's Automotive Supply, Inc.	$1,023.27
48782	07/28/2011	Morin, Travis	$125.00
48783	07/28/2011	National Business Furniture, LLC	$3,928.88
48784	07/28/2011	New World Systems Corporation	$5,000.00
48785	07/28/2011	Nina L. Caples, P.C.	$949.74
48786	07/28/2011	OSAM Document Solutions Inc.	$2,150.00
48787	07/28/2011	Pima Co. Public Defender's Office	$1,398.00
48788	07/28/2011	Pro Petroleum, Inc.	$9,364.11
48789	07/28/2011	PTS of America, LLC	$2,943.00
48790	07/28/2011	QWEST	$32.13
48791	07/28/2011	QWEST	$66.01
48792	07/28/2011	QWEST	$678.69
48793	07/28/2011	Recorded Books, LLC	$33.00
48794	07/28/2011	Robert J. Zohlmann, Esq.	$1,705.00
48795	07/28/2011	Ronald Zack PLC	$2,199.12
48796	07/28/2011	RSC Equipment Rental, Inc.	$81.64
48797	07/28/2011	Safeway Stores Inc	$12.08
48798	07/28/2011	Sager, Elizabeth	$150.00
48799	07/28/2011	Sierra Vista Public Schools Dist #68	$147.50
48800	07/28/2011	Southeastern AZ Contr Assoc (SACA)	$30.00
48801	07/28/2011	Southern AZ Children's Advocacy Center-SACAC	$400.00
48802	07/28/2011	Southwest Laboratories, Inc.	$4.00
48803	07/28/2011	Sparkletts	$13.50
48804	07/28/2011	Sparkletts	$18.00
48805	07/28/2011	St. David Unified School District #21	$20,252.21
48806	07/28/2011	Stennis, Anthony	$43.00
48807	07/28/2011	Stericycle Inc.	$231.21
48808	07/28/2011	The Haven	$2,940.00
48809	07/28/2011	Trebilcock, Robert Esq.	$3,998.00
48810	07/28/2011	Tucson Airport Information Ctr	$2,100.00
48811	07/28/2011	United States / Mexico Border Co. Coalition	$8,485.56
48812	07/28/2011	University Physicians, Inc.	$1,164.80
48813	07/28/2011	Valley Telephone Cooperative, Inc.	$190.18
48814	07/28/2011	Valley Telephone Cooperative, Inc.	$52.50
48815	07/28/2011	Valley Telephone Cooperative, Inc.	$210.06
48816	07/28/2011	VER-MAC, Inc.	$6,708.00
48817	07/28/2011	Verhelst Recovery House	$330.00
48818	07/28/2011	Verhelst Recovery House	$540.00
48819	07/28/2011	Verizon Wireless	$862.82
48820	07/28/2011	Waxie Sanitary Supply	$328.87
48821	07/28/2011	WR Ryan Company	$2,618.02
48822	07/28/2011	Apache Clean Air	$6,500.00
48823	07/28/2011	AZ Justice of the Peace Association	$160.00
48824	07/28/2011	AZ Peace Officer Standards & Training Board APOST	$1,475.17

48825	07/28/2011	Berry, Trudy	$1,447.38
48826	07/28/2011	Boyden, Kristen	$16.81
48827	07/28/2011	Carranza Aguirre, Jose Antonio	$6,380.00
48828	07/28/2011	Cochise Co. Sheriff / Contingency	$10,000.00
48829	07/28/2011	Cochise Co. Sheriff / Contingency	$1,255.09
48830	07/28/2011	Dell Marketing L.P.,	$52,300.00
48831	07/28/2011	Denny's	$53.64
48832	07/28/2011	Diaz, Carlos	$10.00
48833	07/28/2011	Nikitas, Danny	$10.00
48834	07/28/2011	Sanchez, George	$10.00
48835	07/28/2011	Sierra Vista Magistrate Court	$208.00
48836	07/28/2011	Traywick, Benton	$8.40
48837	07/28/2011	Wyatt, Timothy L.	$10.00
48838	07/28/2011	Brownson, Heather	$169.00
48839	07/28/2011	Brownson, Heather	$183.00
48840	07/28/2011	Evans, Michael B	$51.00
48841	07/28/2011	Evans, Michael B	$95.00
48842	07/28/2011	Evans, Michael B	$41.00
48843	07/28/2011	Gilligan, Judith	$162.44
48844	07/28/2011	Gilligan, Judith	$143.00
48845	07/28/2011	Honorable Charles A. Irwin	$181.12
48846	07/28/2011	Honorable Joseph Knoblock	$32.48
48847	07/28/2011	Howard, Katie A	$61.00
48848	07/28/2011	Nelson, Anita	$32.48
48849	07/28/2011	Philhower, Elizabeth C.	$51.00
48850	07/28/2011	Philhower, Elizabeth C.	$27.00
48851	07/28/2011	Philhower, Elizabeth C.	$24.00
48852	07/28/2011	Philhower, Elizabeth C.	$41.00
48853	07/28/2011	Roy, Amy	$37.00
48854	07/28/2011	Sparkletts	$95.80
48855	07/28/2011	Cochise Co. Treasurer / Petty Cash	$32.88
48856	08/01/2011	Educational Achievement Services, Inc.	$3,000.00
48857	08/01/2011	Bank One	$70,079.22
48934	08/02/2011	Ortega, Michael J.	$1,111.55
48935	08/02/2011	Ortega, Michael J.	$1,131.76
48936	07/29/2011	JP Morgan Chase	$231,820.18

Consent 3.

Regular Board of Supervisors Meeting **Board of Supervisors**

Date: 08/23/2011

Precinct Committee Members

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature NOT Required	**# of ORIGINALS Submitted for Signature:**	0
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a

Docket Number (If applicable):

Mandated Function?:

Source of Mandate or Basis for Support?:

Agenda Item Text:

Approve the appointments of the following persons as Precinct Committee persons for the Democratic and Republican Parties of Cochise County: Precinct #01 BE Benson, Mark Suagee; Precinct #20 DO Sunnyside, Susan F. Bickel; Precinct #52 SV Snyder, Joy R. Mims; Precinct #55 SV Village One, Lise R. Dencoff; Precinct #54 SV Village Meadows, Michael Richard Ligon; Precinct #58 Tombstone, Mary Ella Cowan.

Background:

Requested by the Cochise County Democratic and Republican Committees and verified as eligible by the County Elections department with the exception of Mark H. Snyder-Stonebraker and Sheryl S. Ozuna (democratic committee) who were ineligible because the precinct positions were all filled.

Department's Next Steps (if approved):

Send letters to those approved with copies to Elections and to Cochise County Democratic and Republican Parties.

Impact of NOT Approving/Alternatives:

Vacancies will exist in these positions.

To BOS Staff: Document Disposition/Follow-Up:

Send letters to committee members.

Attachments

Verification

8.26.11 Rep Verification

Cochise County Democratic Committee
PO Box 3233
Sierra Vista, AZ 85836
Rich Brownell, Chair
seelifedive@gmail.com **520-456-7160**

July xx, 2011

Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, AZ, 85603

RECEIVED
COCHISE COUNTY
BOARD OF SUPERVISORS
2011 AUG -1 P 2:14

Dear Ann, Pat, and Richard,

As Chair of the Cochise County Democratic Committee, I would like to nominate the following as additional Precinct Committee Members for the Democratic Party of Cochise County:

Precinct 1 BE Benson:

✓ **Mark Suagee**, 374 W. Duane St., Benson, AZ, 85602

Precinct 56 SV, Vista Village:

~~**Mark H. Snyder-Stonebraker**, 1381 Cholla Cir., SV, 85635~~ HAS MOVED

Precinct 20 DO Sunnyside:

✓ **Susan F. Bickel**, 3463 E. Geronimo Trl. Douglas, 85607

Precinct 49 SV Moson:

Sheryl S. Ozuna, 4224 S. Kino Rd. Sierra Vista, 85650 POSITIONS FILLED

Precinct 52 SV Snyder:

✓ **Joy R. Mims**, 4464 Big Bend St., SV, 85650

Precinct 55 SV Village One:

✓ **Lise R. Dencoff**, 5343 S. Sioux Ave., SV, 85650

8-2-11

I appreciate your assistance in this matter.

Sincerely,

Rich Brownell
Chair, Cochise County Democratic Committee

PRECINCT COMMITTEEPERSON VERIFICATION FORM

NAME MARK SUAGEE

ADDRESS 374 W. DUANE ST P.O. BOX 1074

BENSON, AZ 85602

PARTY DEM PRECINCT #01 BE BENSON

NUMBER OF PRECINCT COMMITTEEPERSONS NEEDED 4

NUMBER OF CURRENT PRECINCT COMMITTEEPERSONS Ø

APPROVE APPOINTMENT X

DO NOT APPROVE APPOINTMENT

DATE 8-2-2011 BY Martha Domann

PRECINCT COMMITTEEPERSON VERIFICATION FORM

NAME MARK H. SNYDER-STONEBRAKER

ADDRESS 1381 CHOLLA CIR

SIERRA VISTA AZ 85635

PARTY DEM PRECINCT #56 SV VISTA VILLAGE

NUMBER OF PRECINCT COMMITTEEPERSONS NEEDED 4

NUMBER OF CURRENT PRECINCT COMMITTEEPERSONS 3

APPROVE APPOINTMENT

DO NOT APPROVE APPOINTMENT X HAS MOVED 3716 E. CHOCTAW DR SV. AZ #57 SV YAQUI

DATE 8-2-2011 BY Martha Domann

(I CALLED PARTY CHAIR)

PRECINCT COMMITTEEPERSON VERIFICATION FORM

NAME SUSAN F. BICKEL

ADDRESS 3463 E. GERONIMO TRL. DOUGLAS, AZ 85607
P.O. BOX 834 DOUGLAS, AZ 85608

PARTY DEM PRECINCT #20 DO SUNNYSIDE

NUMBER OF PRECINCT COMMITTEEPERSONS NEEDED 6

NUMBER OF CURRENT PRECINCT COMMITTEEPERSONS Ø

APPROVE APPOINTMENT X

DO NOT APPROVE APPOINTMENT _____

DATE 8-2-2011 BY Martha Donann

PRECINCT COMMITTEEPERSON VERIFICATION FORM

NAME SHERYL S. OZUNA

ADDRESS 4224 S. KINO RD
SIERRA VISTA, AZ 85650

PARTY DEM PRECINCT #49 SV MOSON

NUMBER OF PRECINCT COMMITTEEPERSONS NEEDED 3

NUMBER OF CURRENT PRECINCT COMMITTEEPERSONS 3

APPROVE APPOINTMENT _____

DO NOT APPROVE APPOINTMENT X, POSITIONS FILLED

DATE 8-2-2011 BY Martha Donann

PRECINCT COMMITTEEPERSON VERIFICATION FORM

NAME JOY R. MIMS

ADDRESS 4464 BIG BEND ST.

SIERRA VISTA, AZ 85650

PARTY DEM PRECINCT #52 SV SNYDER

NUMBER OF PRECINCT COMMITTEEPERSONS NEEDED 4

NUMBER OF CURRENT PRECINCT COMMITTEEPERSONS Ø

APPROVE APPOINTMENT X

DO NOT APPROVE APPOINTMENT

DATE 8-2-2011 BY Martha Domann

PRECINCT COMMITTEEPERSON VERIFICATION FORM

NAME LISE R. DENCOFF

ADDRESS 5343 S. SIOUX AVE

SIERRA VISTA AZ 85650

PARTY DEM PRECINCT #55 SV VILLAGE ONE

NUMBER OF PRECINCT COMMITTEEPERSONS NEEDED 3

NUMBER OF CURRENT PRECINCT COMMITTEEPERSONS Ø

APPROVE APPOINTMENT X

DO NOT APPROVE APPOINTMENT

DATE 8-2-2011 BY Martha Domann

COCHISE COUNTY REPUBLICAN COMMITTEE
P_O_BOX615
SIERRA VISTA, AZ 85636

Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, Arizona, 85603

August 10, 2011

Dear Supervisors,

I would like to recommend that the following people be appointed as Republican County Committeemen:

Michael Richard Ligon ✓
3001 Cardinal Drive
Sierra Vista, AZ 85635 — Precinct # 54 Village Meadows

Mary Cowan
P.O. Box 6 ✓
2621 E. Deer Run
Tombstone, AZ 85638 — Precinct # 58 Tombstone

Respectfully

Matthew Creegan

Matthew Creegan
Chairman
Cochise County Republican Committee

RECEIVED AUG 12 2011

PRECINCT COMMITTEEPERSON VERIFICATION FORM

NAME MICHAEL RICHARD LIGON

ADDRESS 3001 CARDINAL DRIVE

SIERRA VISTA AZ 85635

PARTY REP PRECINCT #54 SV VILLAGE MEADOWS

NUMBER OF PRECINCT COMMITTEEPERSONS NEEDED 9

NUMBER OF CURRENT PRECINCT COMMITTEEPERSONS 3

APPROVE APPOINTMENT X

DO NOT APPROVE APPOINTMENT _____

DATE 8-12-2011 BY Martha Domann

PRECINCT COMMITTEEPERSON VERIFICATION FORM

NAME MARY ELLA COWAN

ADDRESS 2621 E. DEER RUN P.O. BOX 6

TOMBSTONE AZ 85638

PARTY REP PRECINCT _____

NUMBER OF PRECINCT COMMITTEEPERSONS NEEDED 6

NUMBER OF CURRENT PRECINCT COMMITTEEPERSONS Ø

APPROVE APPOINTMENT X

DO NOT APPROVE APPOINTMENT _____

DATE 8-12-2011 BY Martha Domann

Consent 4.

Regular Board of Supervisors Meeting **Community Development**

Date: 08/23/2011

Accepting a petition to establish a portion of Airport Road in the Willcox Area as a Declared County Highway

Submitted By:	Terry Couchenour, Community Development		
Department:	Community Development	**Division:**	Right of Way
Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	1
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a
Docket Number (If applicable):			
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	ARS 28-6701 & 28-6702

Agenda Item Text:

Accept a petition to establish approximately 8 miles of Airport Road, as described therein, as a Declared County Highway, and schedule a Public Hearing for September 13, 2011.

Background:

Airport Road is located west of Willcox and portions of which have been maintained by the County since the late 1800's. In 2003 the portion of Airport Road west of Hamilton Road was designated as a Primitive Road in the effort to more properly conform to our historical maintenance. In 2008 Inde Motorsports was granted a Special Use Permit to develop a private, high-end automobile club and since that time has met with County staff to discuss the possibility of paving Airport Road to their entry. In 2009 Inde Motorsports contributed $100,000 and the County was able to reshape the road and add millings under the Primitive Road designation.

Currently Inde Motorsports desires to partner with the County to provide a chip sealed surface to the road. The proposal is for Inde Motorsports to contribute $200,000 and the County would perform minor re-shaping and re-compaction and applying a double chip seal to the surface. The proposed improvements are incorporated in the tentative 11-12 Annual Work Plan.

Cochise County strives to promote regional economic development as well as supporting local economies (Willcox). With this in mind, developing a partnership with Inde Motorsports to improve Airport Road is considered to be a good regional economic development strategy as well as it ensures that past road improvements and investments made by Inde Motorsports and Cochise County along the same reach of Airport Road are preserved and protected while enhancing and improving a roadway that will provide a better public road for Cochise County residents utilizing Airport Road. In order to facilitate the desired improvements, Airport Road must be established as a Declared County Highway. Therefore in accordance with state statutes a petition was signed and verified requesting a public hearing.

Department's Next Steps (if approved):

Upon acceptance of the petition, a public hearing will be scheduled and advertised as required by statute.

Impact of NOT Approving/Alternatives:

That portion of Airport Road will remain designated as a Primitive Road and Cochise County will not be able to partner with Inde Motorsports to receive funding.

To BOS Staff: Document Disposition/Follow-Up:

Please return the signed legal notice to the H&F Right-of-way Division for H&F staff to advertise.

Attachments

Executive Summary for Airport Road

Map for Airport Road

Petition for Airport Road

Verification of Signatures for Airport Road

Legal Notice for Public Hearing for Airport Road

COCHISE COUNTY

HIGHWAY AND FLOODPLAIN DEPARTMENT
MEMORANDUM

MAKING IT BETTER

Your County Questions answered:
www.cochise.az.gov

DATE: August 16, 2011

TO: Board of Supervisors

THRU: Carlos De La Torre, Director

FROM: Terry Couchenour, Right-of-way Agent II

SUBJECT: **Establishing Airport Road as a Declared County Highway**

Recommendation: This department recommends that the accompanying petition be accepted and that a public hearing be set for September 13, 2011 to establish a portion of Airport Road as a Declared County Highway.

Background (Brief): Airport Road is located west of Willcox and portions of which have been maintained by the County since the late 1800's. In 2003 the portion of Airport Road west of Hamilton Road was designated as a Primitive Road in the effort to more properly conform to our historical maintenance. In 2008 Inde Motorsports was granted a Special Use Permit to develop a private, high-end automobile club and since that time has met with County staff to discuss the possibility of paving Airport Road to their entry. In 2009 Inde Motorsports contributed $100,000 and the County was able to reshape the road and add millings under the Primitive Road designation.

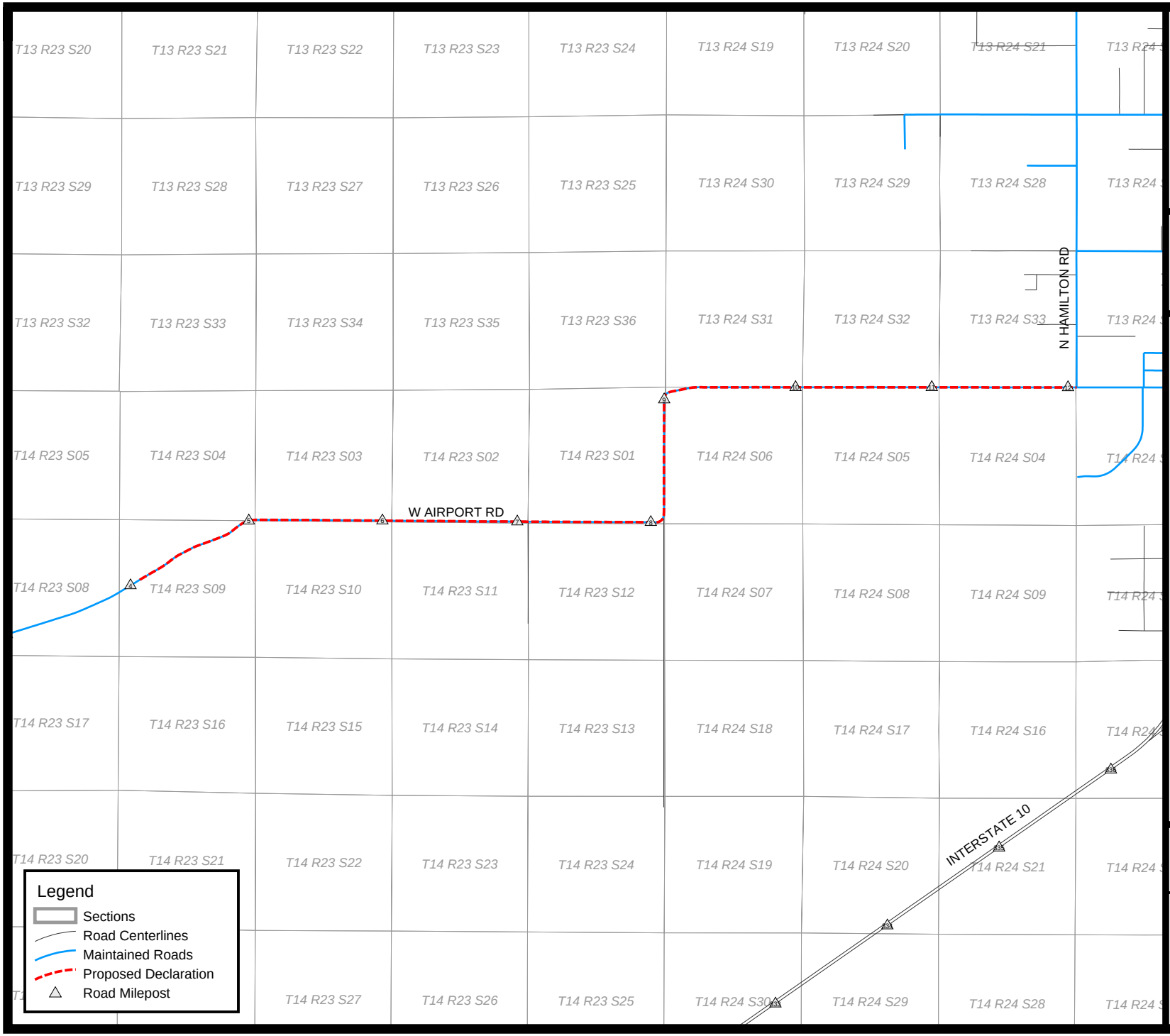
Currently Inde Motorsports desires to partner with the County to provide a chip sealed surface to the road. The proposal is for Inde Motorsports to contribute $200,000 and the County would perform minor re-shaping and re-compaction and applying a double chip seal to the surface. The proposed improvements are incorporated in the tentative 11-12 Annual Work Plan.

Cochise County strives to promote regional economic development as well as supporting local economies (Willcox). With this in mind, developing a partnership with Inde Motorsports to improve Airport Road is considered to be a good regional economic development strategy as well as it ensures that past road improvements and investments made by Inde Motorsports and Cochise County along the same reach of Airport Road are preserved and protected while enhancing and improving a roadway that will provide a better public road for Cochise County residents utilizing Airport Road. In order to facilitate the desired improvements, Airport Road must be established as a Declared County Highway. Therefore in accordance with state statutes a petition was signed and verified requesting a public hearing.

Fiscal Impact & Funding Sources: No fiscal impact for accepting the petition.

Next Steps/Action Items/Follow-up: Upon acceptance of the petition, a public hearing will be scheduled and advertised as required by statute.

Impact of <u>Not</u> Approving: That portion of Airport Road will remain designated as a Primitive Road and Cochise County will not be able to partner with Inde Motorsports to receive funding.



COUNTY OF COCHISE
1881
ARIZONA

Map for Executive Summary

Proposed establishment of a Declared County Highway known as Airport Road in the Willcox area

This map is a product of the Cochise County GIS

tcouchenour, 2011-08-16 11:34:13
(\\ccappml3\Geodesy\Encompass\Admin\Metal\View.Mdb)

This document is a graphic representation only of best available sources.
Cochise County assumes no responsibility for any errors.

ROAD PETITION

TO THE HONORABLE BOARD OF SUPERVISORS, COCHISE COUNTY, ARIZONA:

The petition of the undersigned petitioners of Cochise County, in the State of Arizona, respectfully show:

1. That the undersigned are bona fide residents of Cochise County, in the State of Arizona.

2. That each of the undersigned petitioners is a taxpayer in said County of said State.

3. That the laying out of the roads, the proposed routes of which are hereinafter described, would be for the convenience and accommodation of the general public of Cochise County, Arizona.

THEREFORE: Your petitioners pray that the following roads may be established as Declared County Highways pursuant to A.R.S. 28-6701, and the route: Beginning, Terminus, general course and direction, are as follows:

That portion of Airport Road located within Sections 1, 2, 3, 4, 9, 10, 11, and 12, Township 14 South, Range 23 East, and Sections 31, 32, and 33, Township 13 South, Range 24 East, and Sections 4, 5, and 6, Township 14 South, Range 24 East of the Gila and Salt River Meridian, Cochise County, Arizona, and more particularly described as follows:

Said Airport Road, being 80 feet in width, beginning at milepost 4.08 and running Northeasterly, Easterly, Northerly, and Easterly, a distance of approximately 8 miles to the intersection of Hamilton Road.

And your petitioners pray that a day be set by your Honorable body to consider whether said roads are necessary and to hear objections thereto, if any.

ROAD PETITION

And your petitioners will ever pray.

DATED this 16th day of August, A.D., 2011.

PRINT NAME HERE	SIGN HERE
Frances Martinez	Frances Martinez (signature)
Jennifer Salcido	Jennifer Salcido (signature)
JANET SMITH	Janet Smith (signature)
Aurora Perez	Aurora Perez (signature)
JACK PETTY	Jack Petty (signature)
LYNN GARCIA	Lynn C Garcia (signature)
Richard Dohe	Richard Dohe (signature)
Teresa Vasquez	Teresa Vasquez (signature)
Lola Pregler	Lola Pregler (signature)
PAT HOEFEL	Pat Hoefel (signature)
CHRIS SAYLOR	(signature)
IRENE GARNICA	(signature)

Verification of Signatures

ROAD PETITION

And your petitioners will ever pray.

DATED this 16th day of August, A.D., 2011.

	PRINT NAME HERE	SIGN HERE
102-57-109	Frances Martinez	Frances Martinez (signature)
407-56-001	Jennifer Salcido	Jennifer Salcido (signature)
101-06-123	JANET SMITH	Janet Smith (signature)
102-24-014	Aurora Perez	Aurora Perez (signature)
105-16-544	JACK PETTY	Jack Petty (signature)
102-20-037	LYNN GARCIA	Lynn E Garcia (signature)
103-61-423	Richard Dohe	Richard Dohe (signature)
102-05-040	Teresa Vasquez	Teresa Vasquez (signature)
105-03-317	Lola Pregler	Lola Pregler (signature)
104-03-004a	PAT HOEFEL	Pat Hoefel (signature)
107-78-676	CHRIS SAYLOR	Chris Saylor (signature)
102-57-295a	IRENE GARNICA	(signature)

PUBLIC HEARING

ESTABLISHMENT OF A COUNTY HIGHWAY

There has been filed with the Board of Supervisors of Cochise County, Arizona, a road petition praying for the establishment of a County Highway, more particularly described as follows:

That portion of Airport Road located within Sections 1, 2, 3, 4, 9, 10, 11, and 12, Township 14 South, Range 23 East, and Sections 31, 32, and 33, Township 13 South, Range 24 East, and Sections 4, 5, and 6, Township 14 South, Range 24 East of the Gila and Salt River Meridian, Cochise County, Arizona, and more particularly described as follows:

Said Airport Road, being 80 feet in width, beginning at milepost 4.08 and running Northeasterly, Easterly, Northerly, and Easterly, a distance of approximately 8 miles to the intersection of Hamilton Road.

Notice is hereby given that Tuesday, September 13, 2011 at the hour of 10:00 a.m., at the Office of the Board of Supervisors in Building G, 1415 W. Melody Lane, Bisbee, Arizona, is hereby set as the time and place for Hearing on said Petition and all objections thereto, and all persons wishing to object to the action prayed for in the petition are directed to file with the Board, a statement in writing setting forth any objections, or opposition and to show cause why said petition should not be granted; and

That notice of said hearing be published in the San Pedro Valley News-Sun once (1) a week for two (2) consecutive weeks prior to the date of said hearing.

Dated this ___ day of August, 2011.

_____ _____

Katie Howard, Clerk of the Board

Patrick Call, Chairman
Board of Supervisors
Cochise County, State of Arizona

Consent 5.

Regular Board of Supervisors Meeting **Finance**

Date: 08/23/2011

Demands & Operating Transfers

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation:	No A/V Presentation	**Recommendation:**	
Document Signatures:		**# of ORIGINALS Submitted for Signature:**	
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a
Mandated Function?:		**Source of Mandate or Basis for Support?:**	

Agenda Item Text:

Approve demands and budget amendments for operating transfers.

Background:

Auditor-General's requirement for Board of Supervisors to approve.

Department's Next Steps (if approved):

Return to Finance after BOS approval.

Impact of NOT Approving/Alternatives:

Board of Supervisors will not be in compliance with State law.

To BOS Staff: Document Disposition/Follow-Up:

Return to Finance after BOS approval.

Consent **6.**

Regular Board of Supervisors Meeting **Health**

Date: 08/23/2011

First Things First - Bright Futures Collaboration

Submitted By: Jennifer Steiger, Health

Department: Health

Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature NOT Required	**# of ORIGINALS Submitted for Signature:**	0
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

REMINDER: You will use this Agenda Item template if your item involves a Grant (whether a new or renewal grant). You also must attach the Grant Approval Form to the item before Finance will approve it. Select the SPECIAL LINKS on your left-hand menu and Click on "Grant Approval Form". Then complete the form, save it and attach it to your item (on the Attachments tab).

Agenda Item Text:

Approve the renewal Subcontract Agreement, First Things First – Bright Futures Collaboration, between Child & Family Resources and the Cochise County Health Department in the amount of $31,834 for the period of July 1, 2011 to June 30, 2012.

Background:

Cochise County Health Department and Child and Family Resources developed a collaborative effort under First Things First funding during FY 09/10. During that time we developed a decision tree to determine which program could benefit our clients most effectively, as both agencies deliver home visitation services of differing intensity.

This relationship will continue, with CFR being the primary contractor with FTF, and with the Health Department being a subcontractor to CFR to provide home visitation services they refer to us. The subcontract scope of work has the Health Department providing information and preventive services on the following specialty topics:

Abuse/Domestic violence
Alcohol/FASD
Breastfeeding
Changes after pregnancy
Child Hazards
Contraception/Family Planning
Dental Health
Environmental
Exercise/physical
Gestational Diabetes
Healthy weight
Maternal diet
Mother/Baby Activity
Never shake a baby

Prenatal classes
Stress reduction
Tobacco/drug use

Department's Next Steps (if approved):

Your approvals are respectfully requested.

Impact of NOT Approving/Alternatives:

Not approving this amendment will terminate a productive and developing collaborative effort with a sister agency in Cochise County. Also, continuity of care by our staff of approximately 100 clients will be stalled.

To BOS Staff: Document Disposition/Follow-Up:

A fully executed copy will be sent to the Clerk of the Board for filing purposes.

Fiscal Impact

Fiscal Year:	2011-2012
One-time Fixed Costs? ($$$):	
Ongoing Costs? ($$$):	
County Match Required? ($$$):	
A-87 Overhead Amt? (Co. Cost Allocation $$$):	9416
Source of Funding?:	CFR

Fiscal Impact & Funding Sources (if known):

This is a grant-funded, fee-for-services contract. Cochise County is contracted to provide up to 200 one-hour visits set at $157.17 per visit, for a maximum billable amount of $31,834.00. These payments will be used to offset the staff, travel, and materials costs. Net county subsidy is calculated as follows:

A-87 OH at 48.83% (of current estimate of salaries/EREs of $19,284
based on 200 visits at all-in pers. cost of $96.42/visit) $9,416
Authorized overhead (5% of $19,284) 964
Net county subsidy $8,452

Attachments

FTF BF GAF 8-11

FTF BF Renewal 8-11

COCHISE COUNTY GRANT APPROVAL FORM

Form Initiator: Jennifer Steiger

Department/Division: Health/Prevention

Date Prepared: 8/3/11

Telephone: 520-432-9402

Grantor: Child & Family Resources, Inc.

Grant Title: First Things First - Bright Futures Collaboration

Grant Term From: 7/1/11 To: 6/30/12

Fund No/Dept. No: 250-5000-5800 Note: Fund No. will be assigned by the Finance Department if new.

New Grant ☐ Yes ☒ No Amendment No. n/a Increase $ n/a Decrease $ n/a

Briefly describe purpose of grant:

To provide specialized home visitation services for high risk families, and community evaluation of the most effective programs for families.

If amendment, provide reason:

This is an annual renewal, no changes are being made.

If this is a mandated service, cite source. If not mandated, cite indications of local customer support for this service:

This is not a mandated service.

Funding Sources	Federal Funds 332.100	State Funds 336.100	County Funds 391.000	Other	Total
Current Fiscal Year				$31,834.00	$31,834.00
Remaining Years					
Total Revenue				$31,834.00	$31,834.00

Is County match required? ☐ Yes ☒ No If yes, dollar amount $ _____

Has this amount been budgeted? ☒ Yes ☐ No Identify Funding Source: Child & Family Resources, Inc.

Federal Catalog of Federal Domestic Assistance (CFDA) No: _____

Method of collecting grant funds: Lump sum payment ☐ Quarterly payments ☐ Draw ☐ Reimbursement ☒

Is revertment of unexpended funds required at end of grant period? ☐ Yes ☐ No

a) Total A-87 cost allocation $9,416

b) Amount of overhead allowed by grant $964 County subsidy (a-b) $8,452

Does Grantor accept indirect costs as an allowable expenditure? ☒ Yes ☐ No

If yes, dollar amount $ _____ OR percentage allowed 5 %

Number of new positions that will be funded from grant: 0 Number of existing positions funded from grant: 4+/-

Executive Summary Form

Agenda Number: ----- (Subcontract Agreement with Child & Family Resources)

Recommendation:
Approval of Subcontract Agreement between Child & Family Resources (CFR) and the Cochise County Health Department whereby the Health Department may receive up to $31,834 in payment for providing home visitation services for the period July 1, 2011 to June 30, 2012.

Background (Brief):

Cochise County Health Department and Child and Family Resources developed a collaborative effort under First Things First funding during FY 09/10. During that time we developed a decision tree to determine which program could benefit our clients most effectively, as both agencies deliver home visitation services of differing intensity.

This relationship will continue, with CFR being the primary contractor with FTF, and with the Health Department being a sub-contractor to CFR to provide home visitation services they refer to us. The sub-contract scope of work has the Health Department providing information and preventive services on the following specialty topics:

Abuse/Domestic violence	Alcohol/FASD
Breastfeeding	Changes after pregnancy
Child Hazards	Contraception/Family Planning
Dental Health	Environmental
Exercise/physical	Gestational Diabetes
Healthy weight	Maternal diet
Mother/Baby Activity	Never shake a baby
Prenatal classes	Stress reduction
Tobacco/drug use	Other _____

Fiscal Impact & Funding Sources:

This is a grant-funded, fee-for-services contract. Cochise County is contracted to provide up to 200 one-hour visits set at $157.17 per visit, for a maximum billable amount of $31,834.00.

These payments will be used to offset the staff, travel, and materials costs.

Net county subsidy is calculated as follows:

A-87 OH at 48.83% (of current estimate of salaries/EREs of $19,284 based on 200 visits at all-in pers. cost of $96.42/visit)	$9,416
Authorized overhead (5% of $19,284)	964
Net county subsidy	**$8,452**

Executive Summary Form

Next Steps/Action Items/Follow-up:

Your approvals are respectfully requested.

Impact of Not Approving:

Not approving this amendment will terminate a productive and developing collaborative effort with a sister agency in Cochise County. Also, continuity of care by our staff of approximately 100 clients will be stalled.

Child & Family
RESOURCES, INC.

SUBCONTRACT AGREEMENT

This Subcontract Agreement is entered into this 1st day of July 2011, and terminates on the 30th day of June, 2012, between Child & Family Resources, Inc. and Cochise County Health Department (hereinafter referred to as "Contractor") whose Federal Tax Identification Number (FEIN) is 86-6000398.

Child & Family Resources, Inc. and Contractor mutually desire Contractor to perform services for a project entitled First Things First Bright Futures. Child & Family Resources, Inc. and Contractor, therefore, agree as follows:

1. Scope of Work

Contractor will provide the following services (include target population, objectives, and outcomes, as appropriate):

The contractor will provide up to 200 one-hour home visits. These single, one-hour visits will consist of specialty content that will enhance the service delivery of each family being seen in the Bright Futures Collaboration. The specific topics can include but will not be limited to:

Abuse/Domestic violence	Alcohol/FASD
Breastfeeding	Changes after pregnancy
Child Hazards	Contraception/Family Planning
Dental Health	Environmental
Exercise/physical	Gestational Diabetes
Healthy weight	Maternal diet
Mother/Baby Activity	Never shake a baby
Prenatal classes	Stress reduction
Tobacco/drug use	Other _____

The contractor will also attend 5 in county collaboration meetings to coordinate service delivery across the Bright Futures Project.

2. Program Director

The Program Director for the above referenced project is Pam Patt (hereinafter referred to as "Director"). The Director will be responsible for assuring that the Contractor's performance under this Agreement complies with the service standards and performance requirements with which Child & Family Resources, Inc. must comply as related to the scope of work described above. The scope of work will be monitored, at minimum, on a quarterly basis.

3. Billing and Payment

Child & Family Resources, Inc. will pay Contractor the fixed fee amount of $159.17 per hour for the services described above, not to exceed the amount of $31,834.00 for the program year 2011-2012. A monthly invoice for hours/services provided, with justifying documentation, must be delivered to Child & Family Resources, Inc, no later than the 10th day of the month following the provision of services. Child & Family Resources, Inc will reimburse (subcontractor) on a cost reimbursement basis as determined by First Things First policy. Invoices for services must be submitted to the Program Director, or directly to the Finance Department, after all invoiced services are provided, and no later than the 10th of the month following the month of service. Child and Family Resources agrees to pay Contractor within 30 days of the invoice date. Invoices must indicate the Contractor's name and address, services rendered, dates of services and Contractor's SSN or FEIN. Any request for reimbursement received more than 90 days after the provision of services may be denied.

4. Facilities and Supplies

Any supplies, space or equipment desired by the Contractor in connection with the provision of services described above shall be supplied by the Contractor at the Contractor's expense, unless otherwise stated in this Agreement.

5. Insurance and Liability

Child & Family Resources, Inc. shall maintain general liability insurance. Any professional liability insurance required or desired by the Contractor shall be provided by the Contractor at Contractor's expense.

The Contractor agrees to indemnify and hold harmless Child & Family Resources, Inc. and its employees, volunteers, independent Contractors and appointed or elected boards from all losses, claims, suits, demands, expenses, fees and/or actions of any kind arising out of the action or inaction of the Contractor.

Child & Family Resources, Inc. agrees to indemnify and hold harmless Cochise County Health Department and its employees, volunteers, independent Contractors and appointed or elected boards from all losses, claims, suits, demands, expenses, fees and/or actions of any kind arising out of the action or inaction of Child & Family Resources, Inc.

6. Reports/Monitoring

The Program Director or Associate Director, identified in the signature section of this Agreement, will monitor compliance on a monthly basis. The Contractor will provide the Director with periodic progress reports, as requested. The Contractor may also be required to provide oral or written report(s) regarding the status of the project, feedback on the project and/or the participants in the project as well as to comply with any required monitoring/evaluation activities, as follows:

Completion of monthly, quarterly and annual reports outlining service delivery and outcomes.

Confidential Information/Client Care

The Contractor must make reasonable efforts to maintain the confidentiality of information gained in connection with providing services described above, and as outlined in the Child & Family Resources, Inc. *Confidentiality and Release of Information Policy* (See attached.) Subcontractors agree to abide by all other Child & Family Resources, Inc. policies related to client care. (See attached policies.)

7. Termination

Child & Family Resources, Inc. may terminate this Agreement at any time upon written notice to the Contractor, if: (a) funding for the project is expended; (b) circumstances beyond the control of either party prevent the continuation of the Agreement; (c) the Contractor's performance does not comply with the Standard Terms and Conditions set forth in the operational contract between Child & Family Resources, Inc. and Cochise County First Things First Regional Partnership Council and Cochise County Health Department; (d) fails to perform the services described above; (e) the Contractor fails to adhere to any service, procedural, administrative, or legal requirement of this Agreement; or, (f) Contractor's services are deemed unsatisfactory by Child & Family Resources, Inc.

8. Conflict of Interest

The Contractor may not use the information or contacts gained through this Agreement for personal gain or to the detriment of Child & Family Resources, Inc. If Contractor does so, this Agreement may be terminated and Child & Family Resources, Inc. may seek legal recourse and remedies.

This Agreement may be cancelled if any person significantly uses the contacts developed through the project for personal financial gain.

9. Status of Contractor

The Contractor is an independent Contractor and not an employee of Child & Family Resources, Inc. The Contractor is solely responsible for all federal, state and local taxes. This Agreement shall not be construed to limit the Contractor's right to contract with other agencies simultaneously during the duration of this Agreement, or to provide services similar to those described in this Agreement in another setting. Child & Family Resources, Inc. and the Contractor may not bind the other, except for as herein provided or authorized in writing.

10. Disputes

In the event of a dispute under this Agreement, the parties agree to make a good faith attempt to resolve the dispute prior to taking formal action.

11. Discrimination

Subcontractors agree to comply with all relevant and applicable federal, state, and local laws, regulations and standards relating to discrimination in employment and all applicable Equal Opportunity and Affirmative Action requirements.

12. Federal Single Audit Act

In compliance with the Federal Single Audit Act, all Contractors in receipt of Federal funds from all sources totaling $300,000 or more, must have an annual audit conducted in accordance with the audit and reporting standards as prescribed in OMB Circular A-133. A copy of the Audit Report, Management Letter and Auditor's Opinion must be submitted to Child & Family Resources, Inc. upon request.

13. Additional Terms of the Agreement

The Cochise Building Bright Futures Program Director will monitor compliance with this Agreement.

This Agreement may be executed in multiple parts.

CHILD & FAMILY RESOURCES, INC.

_____
Executive Director

_____
Signature

_____
Date

CONTRACTOR

Mary Gomez
Name

Mary Gomez
Signature

7/20/11
Date

_____
Program Director

_____
Signature

_____
Date

SUBCONTRACT AGREEMENT DETERMINATION

RE: Contractor Agreement to perform services for the First Things First Bright Futures project in the form of home visitations between Child & Family Resources and the Cochise County Health Department.

The attached Agreement, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 on behalf of Cochise County Health Department by the undersigned Deputy County Attorney, who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona to each of the above-identified parties.

Approved as to form this 11th day of July, 2011.

EDWARD G. RHEINHEIMER
Cochise County Attorney

By: _____
Terry Bannon
Deputy County Attorney

Consent **7.**

Regular Board of Supervisors Meeting **Health**

Date: 08/23/2011

Proposition 201, Purchase Order HG752220:2

Submitted By: Jennifer Steiger, Health

Department: Health

Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature NOT Required	**# of ORIGINALS Submitted for Signature:**	0
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	ADHS

REMINDER: You will use this Agenda Item template if your item involves a Grant (whether a new or renewal grant). You also must attach the Grant Approval Form to the item before Finance will approve it. Select the SPECIAL LINKS on your left-hand menu and Click on "Grant Approval Form". Then complete the form, save it and attach it to your item (on the Attachments tab).

Agenda Item Text:

Approve Purchase Order No.: HG752220:2, Proposition 201 Smoke Free Arizona, between the Arizona Department of Health Services and the Cochise County Health Department, in the amount of $69,807, for the period of July 1, 2011 to June 30, 2012.

Background:

With the passage of voter approved Proposition 201, Cochise County Health Department continues to conduct education and compliance activities per this agreement since May 2007. The initial contract amount, $91,250 has been revised downward by ADHS over successive years as tobacco tax revenues wane statewide and local responsibilities in implementing the Act have come into clearer focus.

Furthermore, Proposition 201 stipulates that all inspectors performing education and compliance activities attend smoke-free training once per year. Such training is provided by ADHS on an annual basis.

Department's Next Steps (if approved):

Your approvals are respectfully requested.

Impact of NOT Approving/Alternatives:

Not approving this Purchase Order may cause the inability for the Health Department to collect the reimbursement for services rendered in a timely manner and could ultimately cause the revocation of the contract and associated funding.

To BOS Staff: Document Disposition/Follow-Up:

A fully executed copy of the Purchase Order will be sent to the Clerk of the Board for filing purposes.

Fiscal Impact

Fiscal Year: 2011-2012

One-time Fixed Costs? ($$$):
Ongoing Costs? ($$$):
County Match Required? ($$$):
A-87 Overhead Amt? (Co. Cost Allocation $$$): $13,126
Source of Funding?: ADHS

Fiscal Impact & Funding Sources (if known):

Maximum billable amount for FY 2011/2012 remains the same as FY 2010/2011, $ 69,807.00. No fiscal impact to salaries or operations is foreseen. Net County Subsidy of $9,636 is calculated as follows:

Budgeted Salaries/EREs: $26,880

A-87 Overhead at 48.83%: $13,126

Collected Overhead at 5% small-grant rate: $3,490

Net County Subsidy: $9,636

Attachments

Prop 201 8-11 GAF
Prop 201 PO 8-11

COCHISE COUNTY GRANT APPROVAL FORM

Form Initiator: Jennifer Steiger

Department/Division: Health/Env Health

Date Prepared: 8/3/11

Telephone: 432-9402

Grantor: ADHS

Grant Title: Proposition 201 Smoke Free Arizona

Grant Term From: 7/1/11 To: 6/30/12

Fund No/Dept. No: 240-5000-5300 Note: Fund No. will be assigned by the Finance Department if new.

New Grant ☐ Yes ☒ No Amendment No. n/a Increase $ n/a Decrease $ n/a

Briefly describe purpose of grant:

To provide voter established education and compliance activities within Cochise County at all regulated establishments.

If amendment, provide reason:

n/a. Purchase Order only showing continuation of IGA's funding.

If this is a mandated service, cite source. If not mandated, cite indications of local customer support for this service:

These services are mandated by the Arizona Department of Health Services.

Funding Sources	Federal Funds 332.100	State Funds 336.100	County Funds 391.000	Other	Total
Current Fiscal Year		$69,807			$69,807
Remaining Years					
Total Revenue		$69,807			$69,807

Is County match required? ☐ Yes ☒ No If yes, dollar amount $ _____

Has this amount been budgeted? ☒ Yes ☐ No Identify Funding Source: ADHS

Federal Catalog of Federal Domestic Assistance (CFDA) No: _____

Method of collecting grant funds: Lump sum payment ☐ Quarterly payments ☐ Draw ☐ Reimbursement ☒

Is revertment of unexpended funds required at end of grant period? ☐ Yes ☒ No

a) Total A-87 cost allocation $13,126

b) Amount of overhead allowed by grant $3,490 County subsidy (a-b) $9,636

Does Grantor accept indirect costs as an allowable expenditure? ☒ Yes ☐ No

If yes, dollar amount $ _____ OR percentage allowed 5%

Number of new positions that will be funded from grant: n/a Number of existing positions funded from grant: n/a

EXECUTIVE SUMMARY FORM

Agenda Number: HLT-- (Prop 201 – Smoke Free AZ – Cochise County)

Recommendation:

Approval of Purchase Order No.: HG752220:2, Proposition 201 Smoke Free Arizona, between Arizona Department of Health Services and Cochise County Health Department, in the amount of $69,807, for the period of 7/01/11 to 6/30/12.

Background (Brief):

With the passage of voter approved Proposition 201, Cochise County Health Department continues to conduct education and compliance activities per this agreement since May 2007. The initial contract amount, $91,250 has been revised downward by ADHS over successive years as tobacco tax revenues wane statewide and local responsibilities in implementing the Act have come into clearer focus.

Furthermore, Proposition 201 stipulates that all inspectors performing education and compliance activities attend smoke-free training once per year. Such training is provided by ADHS on an annual basis.

Fiscal Impact & Funding Sources:

Maximum billable amount for FY 2011/2012 remains the same as FY 2010/2011, $ 69,807.00.

No fiscal impact to salaries or operations is foreseen.

Net County Subsidy of $9,636 is calculated as follows:

Budgeted Salaries/EREs	26,880
A-87 Overhead at 48.83%	13,126
Collected Overhead at 5% small-grant rate	3,490
Net County Subsidy	9,636

Next Steps/Action Items/Follow-up;

Your approvals are respectfully requested.

Impact of Not Approving:

Not approving this Purchase Order may cause the inability for the Health Department to collect the reimbursement for services rendered in a timely manner and could ultimately cause the revocation of the contract and associated funding.

ARIZONA STATE CONTRACT

CONTRACT RELEASE

ProcureAZ Purchase Order No.: HG752220:2
Organizational Reference No.: E0015327
Issued: 07/19/2011

VENDOR

Vendor Number: 000007901
COCHISE COUNTY
1415 Melody Lane, Building C
Bisbee, AZ 85603

Contract No.: HG752220
Title: Prop 201 - Smoke Free - Cochise County

SHIP TO

Arizona Department of Health Services
EDC - Office of Inspection and Compliance
150 N. 18th Avenue, Suite 130
Phoenix, AZ 85007
US
Email: procure@azdhs.gov

(602) 364-3292

BILL TO

MAIL INVOICE IN DUPLICATE TO:
Arizona Department of Health Services
EDC - Office of Inspection and Compliance
150 N. 18th Avenue, Suite 130
Phoenix, AZ 85007
US
Email: procure@azdhs.gov

(602) 364-3292

Release Instructions

TERMS AND CONDITIONS set forth in our Bid, Quotation, or Purchase Order are incorporated herein by reference and become a part of this order.

Solicitation (Bid) No.:

Payment Terms: Net 45
Shipping Terms: As Specified
Delivery Calendar Day(s) A.R.O.: 0

Item	Description	Requisition	Quantity	Unit	Unit Price	Total
1	Class-Item 948-34 PROP 201 SMOKE FREE AZ Contract # HG752220 through 6/30/12 PO period 7/1/11 - 6/30/12. LN/FY/Account Code: 1/12/12-86507-55100-6811- --------- Dollar Amount: $ 69,807.00		1.00	YR	$ 69,807.00	$ 69,807.00

TOTAL: $ 69,807.00

Approved By: Cindy Sullivan
Phone No.: (602) 542-2934

Consent **8.**

Regular Board of Supervisors Meeting **Health**

Date: 08/23/2011

Tobacco Education & Prevention Program, Amend 2

Submitted By: Jennifer Steiger, Health

Department: Health

Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature NOT Required	**# of ORIGINALS Submitted for Signature:**	0
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

REMINDER: You will use this Agenda Item template if your item involves a Grant (whether a new or renewal grant). You also must attach the Grant Approval Form to the item before Finance will approve it. Select the SPECIAL LINKS on your left-hand menu and Click on "Grant Approval Form". Then complete the form, save it and attach it to your item (on the Attachments tab).

Agenda Item Text:

Approve Amendment 2 to IGA: HG060004, Tobacco Education and Prevention Program, between the Arizona Department of Health Services and the Cochise County Health Department in the amount of $331,050, for the period July 1, 2011 and June 30, 2012.

Background:

Cochise County Health Department's Tobacco Education Prevention Program includes two strategies to improve of chronic disease prevention. The Active Adults program provides nutrition and exercise assessments & individualized plans to employees of Cochise County and Cochise College, enhancing the current employee wellness program provided through the Cochise Combined Trust. The SPARK (Sports, Play and Active Recreation for Kids) program is non-competitive, physical education curriculum designed to encourage physical activity among children – it is provided at school districts throughout the county, during PE time, recess or as an after school activity. This year, plans are to expand the tobacco-prevention component by developing youth coalitions organized around anti-tobacco activities.

Department's Next Steps (if approved):

Your approvals are respectfully requested.

Impact of NOT Approving/Alternatives:

Not approving this amendment would result in the termination of both aspects of the Tobacco Prevention Program: chronic disease prevention among County employees and tobacco-prevention education for school children.

To BOS Staff: Document Disposition/Follow-Up:

A fully executed original will be sent to the Clerk of the Board for filing purposes.

Fiscal Impact

Fiscal Year: 2011-2012

One-time Fixed Costs? ($$$):

Ongoing Costs? ($$$):

County Match Required? ($$$):

A-87 Overhead Amt? (Co. Cost Allocation $$$): $121,512

Source of Funding?: ADHS

Fiscal Impact & Funding Sources (if known):

This is a grant-funded, cost reimbursement program through the Arizona Department of Health Services in the amount of $331,050. The ADHS allowable indirect rate for this program is 15% versus the county A-87 rate of 48.83%. This results in a net County subsidy of $84,185:

Personnel: $248,848

County A-87 Rate @ 48.83%: $121,512

ADHS Indirect @ 15%: $37,327

Net County Subsidy: $84,185

Attachments

TEPP Amend 2 GAF 8-11

TEPP Amend 2 8-11

COCHISE COUNTY GRANT APPROVAL FORM

Form Initiator: Jennifer Steiger

Department/Division: Health/Prevention

Date Prepared: 8/3/11

Telephone: 432-9402

Grantor: ADHS

Grant Title: IGA#: HG060004, Amend 2, TEPP

Grant Term From: 7/1/11 To: 6/30/12

Fund No/Dept. No: 249-5000-5800

Note: Fund No. will be assigned by the Finance Department if new.

New Grant ☐ Yes ☒ No Amendment No. 2 Increase $ n/a Decrease $ n/a

Briefly describe purpose of grant:

To provide Tobacco and Chronic Disease prevention and education programs to children in Cochise County, and to Cochise County employees.

If amendment, provide reason:

This amendment extends the IGA's funding for the FY11/12.

If this is a mandated service, cite source. If not mandated, cite indications of local customer support for this service:

This is not mandated.

Funding Sources	Federal Funds 332.100	State Funds 336.100	County Funds 391.000	Other	Total
Current Fiscal Year		$331,050			$331,050
Remaining Years					
Total Revenue		$331,050			$331,050

Is County match required? ☐ Yes ☒ No If yes, dollar amount $

Has this amount been budgeted? ☐ Yes ☒ No Identify Funding Source: ADHS

Federal Catalog of Federal Domestic Assistance (CFDA) No:

Method of collecting grant funds: Lump sum payment ☐ Quarterly payments ☐ Draw ☐ Reimbursement ☒

Is revertment of unexpended funds required at end of grant period? ☐ Yes ☒ No

a) Total A-87 cost allocation $121,512

b) Amount of overhead allowed by grant $37,327 County subsidy (a-b) $84,185

Does Grantor accept indirect costs as an allowable expenditure? ☒ Yes ☐ No

If yes, dollar amount $ OR percentage allowed 15%

Number of new positions that will be funded from grant: 0 Number of existing positions funded from grant: 4+/-

Executive Summary Form

Agenda Number: HLT (Tobacco Grant)

Recommendation:

Approval **of IGA HG060004 (Amendment 2)** for the Tobacco Education and Prevention Program, between the Arizona Department of Health Services and the Cochise County Health Department for the period 07/01/11 – 06/30/12 and is in the amount of $331,050. The original contract is for the period of 07/01/09 – 06/30/2014.

Background (Brief):

Cochise County Health Department's Tobacco Education Prevention Program includes two strategies to improve of chronic disease prevention. The Active Adults program provides nutrition and exercise assessments & individualized plans to employees of Cochise County and Cochise College, enhancing the current employee wellness program provided through the Cochise Combined Trust. The SPARK (Sports, Play and Active Recreation for Kids) program is non-competitive, physical education curriculum designed to encourage physical activity among children – it is provided at school districts throughout the county, during PE time, recess or as an after school activity. This year, plans are to expand the tobacco-prevention component by developing youth coalitions organized around anti-tobacco activities.

Fiscal Impact & Funding Sources:

This is a grant-funded, cost reimbursement program through the Arizona Department of Health Services in the amount of $331,050. The ADHS allowable indirect rate for this program is 15% versus the county A-87 rate of 48.83%. This results in a net County subsidy of $84,185:

Personnel:	$248,848
County A-87 Rate @ 48.83%:	$121,512
ADHS Indirect @ 15%:	$37,327
Net County Subsidy:	**$84,185**

Next Steps/Action Items/Follow-up: Your approvals are respectfully requested.

Impact of Not Approving:
Not approving this amendment would result in the termination of both aspects of the Tobacco Prevention Program: chronic disease prevention among County employees and tobacco-prevention education for school children.

	INTERGOVERNMENTAL AGREEMENT (IGA) AMENDMENT		ARIZONA DEPARTMENT OF HEALTH SERVICES 1740 W. Adams, Room 303 Phoenix, Arizona 85007 (602) 542-1040 (602) 542-1741 Fax
	Contract No: HG060004	Amendment No. 2	Procurement Specialist Manuel Gonzales

Tobacco Education and Prevention Services

It is mutually agreed that the Intergovernmental Agreement referenced is amended, effective date of final signature unless otherwise specified, as follows:

1. Pursuant to Terms and Conditions, Page Seven (7), Provision Six (6) Contract Changes, Paragraph (6.1) Amendments, Purchase Orders and Change Orders, the Contract is amended to replace all references to "Scope of Work/Action Plan" with "Action Plan".

2. Replace sentence Scope of Work, Page Thirteen (13), 3. Task and Requirements, Paragraph 3.2: with "Develop and Perform an Action Plan in conjunction with ADHS, inclusive of goals, objectives and timelines to address ADHS Strategic Plan Goals. (See Attachment A)."

3. Replace "Goal #1: Reduce Initiation of Tobacco Use among Youth;" Scope of Work, Page Thirteen (13), 3. Task and Requirements, 3.2.1 with "Implement the Action Plan upon ADHS approval."

4. Delete in its entirety, 3.2.2, 3.2.3 & 3.2.4 Scope of Work, Page Fourteen (14), 3. Task and Requirements.

5. Delete in its entirety, Paragraph 3.4 Scope of Work, Page Fourteen (14), 3. Task and Requirements.

6. Replace Paragraph on Scope of Work, Page Fourteen (14), 3. Task and Requirements, with "Collect and report to the ADHS-BTCD Research and Evaluation Team or its evaluation partners data as identified in the Contractor Evaluation Guidelines (Attachment B).

7. Replace (Attachment B) Contractor Evaluation Guidelines Page Twenty-Two (22) of the Contract, with (Attachment B) Contractor Evaluation Guidelines, Amendment Two (2), Page Twelve (12).

8. Delete "Program Director", Scope of Work, Page Fourteen (14), 3. Task and Requirements, Paragraph, 3.7

9. Replace "Quarterly County Partner Meetings" Scope of Work, Page Fourteen (14), 3. Task and Requirements, 3.7.1 with "County Partner Meetings".

10. Delete in its entirety, 3.7.2 Scope of Work, Page Fourteen (14), 3. Task and Requirements.

11. Delete "in person or" & "Program Director", Scope of Work, Page Fourteen (14), 3. Task and Requirements, Paragraph, 3.8

12. Replace "County Partner Updates Meetings" Scope of Work, Page Fourteen (14), 3. Task and Requirements, 3.8.1 with "Monthly Partner Update Conference Calls".

13. Delete in its entirety, 3.8.2 and 3.8.3 Scope of Work, Page Fourteen (14), 3. Task and Requirements.

14. Replace "no less than five (5) business days" Scope of Work, Page Fourteen (14), 3. Task and Requirements, 3.8 with "no less than four (4) business days".

15. Add the following Task and Requirement to Scope of Work, Page Fourteen (14), 3. Task and Requirements,

    a) 3.9 Assist State & Federal Agencies with Merchant Tobacco Compliance Checks.

16. Replace sentence Scope of Work, Page Fourteen (14), 4. Deliverables, Paragraph, 4.1 with "Every other month contractor shall participate in one-on-one phone conversation to follow up on activities listed in the Action Plan. Calls will be scheduled by ADHS-BTCD staff and notes from the call shall serve as a progress update."

17. Replace sentence Scope of Work, Page Fourteen (14), 4. Deliverables, Paragraph, 4.3 with "Contractor shall enter at least one submission, in one category, for annual awards/recognition program available at www.tobaccofreearizona.com/resources due by July 31st of each contract year."

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18. Delete in its entirety, Paragraph, 4.4 Scope of Work, Page Fourteen (14), 4. Deliverables.

19. Scope of Work, Page Fifteen (15), 5. Notices, Correspondence and Deliverables, 5.1.

    a) Replace "Todd Pearce, Program Director" with "Program Manager"

    b) Replace telephone number "602-364-0837" with "602-364-0845"

    c) Replace E-Mail: "pearcet@azdhs.gov" with "stacy.green@azdhs.gov"

20. Replace Price Sheet Page (2) Amendment One (1) with Price Page, Page Three (3) Amendment Two (2).

21. Replace (Attachment A) Scope of Work/Action Plan, Page Three (3) through Page Seven (7) of Amendment One (1) with (Attachment A) Action Plan FY 2012, Pages Five (5) through Eleven (11) of Amendment Two (2).

22. Replace Terms and Conditions, Page Four (4), Section 4, Contract Administration and Operation, Paragraph 4.4 with: Non-Discrimination. The Contractor shall comply with State Executive Order No. 2009-09 and all other applicable Federal and State laws, rules and regulations, including the Americans with Disabilities Act.

23. Replace Terms and Conditions Page Twelve (12), Section Eighteen (18), with:

    Health Insurance Portability and Accountability Act of 1996

    The Contractor warrants that it is familiar with the requirements of HIPAA, as amended by the Health Information Technology for Economic and Clinical Health Act (HITECH Act) of 2009, and accompanying regulations and will comply with all applicable HIPAA requirements in the course of this Contract. Contractor warrants that it will cooperate with the Arizona Department of Health Services (ADHS) in the course of performance of the Contract so that both ADHS and Contractor will be in compliance with HIPAA, including cooperation and coordination with the Government Information Technology Agency (GITA), Statewide Information Security and Privacy Office (SISPO) Chief Privacy Officer and HIPAA Coordinator and other compliance officials required by HIPAA and its regulations. Contractor will sign any documents that are reasonably necessary to keep ADHS and Contractor in compliance with HIPAA, including, but not limited to, business associate agreements.

    If requested by the ADHS Procurement Office, Contractor agrees to sign a "Pledge To Protect Confidential Information" and to abide by the statements addressing the creation, use and disclosure of confidential information, including information designated as protected health information and all other confidential or sensitive information as defined in policy. In addition, if requested, Contractor agrees to attend or participate in HIPAA training offered by ADHS or to provide written verification that the Contractor has attended or participated in job related HIPAA training that is: (1) intended to make the Contractor proficient in HIPAA for purposes of performing the services required and (2) presented by a HIPAA Privacy Officer or other person or program knowledgeable and experienced in HIPAA and who has been approved by the GITA/SISPO Chief Privacy Officer and HIPAA Coordinator.

24. Replace Terms and Conditions Page Twelve (12), Section Nineteen 19, Paragraphs 19.1 through 19.3 with:

    19.1 Federal Immigration and Nationality Act. The contractor shall comply with all federal, state and local immigration laws and regulations relating to the immigration status of their employees during the term of the contract. Further, the contractor shall flow down this requirement to all subcontractors utilized during the term of the contract. The State shall retain the right to perform random audits of contractor and subcontractor records or to inspect papers of any employee thereof to ensure compliance. Should the State determine that the contractor and/or any subcontractors be found noncompliant, the State may pursue all remedies allowed by law, including, but not limited to; suspension of work, termination of the contract for default and suspension and/or debarment of the contractor.

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19.2 E-Verify Requirements. In accordance with A.R.S. § 41-4401, Contractor warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. § 23-214, Subsection A.

19.3 Scrutinized Businesses. In accordance with A.R.S. § 35-391 and A.R.S. § 35-393, Contractor certifies that the Contractor does not have scrutinized business operations in Sudan or Iran.

25. Delete in its entirety Terms and Conditions, Page Twelve (12), Section Twenty (20).

All other provisions of this agreement remain unchanged.

Cochise County Community Health Services

Contractor Name

P. O. Box 936
1415 Melody Lane, Building A

Address

Bisbee AZ 86503

City **State** **Zip**

CONTRACTOR SIGNATURE

In accordance with A.R.S. 35-391.06 and A.R.S. 35-393.06, the Contractor hereby certifies that the Contractor does not have scrutinized business operations in Sudan or Iran.

Mary Gomez

Contractor Authorized Signature

MARY GOMEZ

Printed Name

HEALTH DIRECTOR

Title

CONTRACTOR ATTORNEY SIGNATURE

Pursuant to A.R.S. § 11-952, the undersigned public agency attorney has determined that this Intergovernmental Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

7-11-11

Signature **Date**

Jenny Barnes

Printed Name

This Intergovernmental Agreement Amendment shall be effective the date indicated. The Public Agency is hereby cautioned not to commence any billable work or provide any material, service or construction under this IGA until the IGA has been executed by an authorized ADHS signatory.

State of Arizona

Signed this _____ day of _____ 2011

Procurement Officer

Attorney General Contract No. PIGA2011000344, which is an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General, who has determined that it is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

Signature Date
Assistant Attorney General

Printed Name: Ronald E. Johnson

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Effective July, 2011

Cost Reimbursement Line Items	Budget Amount
1. Personnel Services/ERE	$248,848
2. Professional & Outside Services	11,338
3. Travel Expenses	15,483
4. Other Operating Expense	18,054
5. Capital Outlay Expense	0
6. Other (Indirect Costs)	37,327
Total Contract Amount (not to exceed)	**$331,050**

ITEMIZED SERVICE BUDGET (ISB) RESTRICTIONS:

A. The Contractor is authorized to transfer up to a maximum of 10% of the total contract amount among the categorical line items. Transfers of funds are only allowed among funded line items as detailed in the original ISB. Transfers exceeding 10% of the contracted amount, or to a non-funded line item, shall require a contract amendment.

B. Indirect Costs shall not exceed 15% of the combined total of Personnel Services and Employee Related Expenses as listed on the ISB. For more detailed information regarding indirect costs, refer to the ADHS Accounting and Auditing Procedures Manual for Contractors of ADHS Funded Programs. This manual is incorporated into this contract by reference herein.

AUTHORIZATION FOR PROVISION OF SERVICES

Authorization for Provision of Services: Authorization for purchase of services under this contract shall be made only upon ADHS issuance of a Purchase Order that is signed by an authorized agent. The Purchase Order will indicate the contract number and the dollar amount of funds authorized. The Contractor shall only be authorized to perform services up to the amount on the Purchase Order. ADHS shall not have any legal obligation to pay for services in excess of the amount indicated on the Purchase Order. No further obligation for payment shall exist on behalf of ADHS unless a) the Purchase Order is changed or modified with an official ADHS Procurement Change Order, and/or b) an additional Purchase Order is issued for purchase of services under this contract.

	INTERGOVERNMENTAL AGREEMENT (IGA) AMENDMENT ATTACHMENT A – ACTION PLAN		**ARIZONA DEPARTMENT OF HEALTH SERVICES** 1740 W. Adams, Room 303 Phoenix, Arizona 85007 (602) 542-1040 (602) 542-1741 Fax
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Action Plan for FY 2012

Time Frame: July 1st – June 30th, of each year

Vision Statement: In an effort to advance a sustainable wellness program our certified staff will continue to provide a comprehensive, evidence-based prevention program in a controlled environment as a template for a rural health employee wellness program.
Strategies (a specific number is not required):

1. Educate youth throughout Cochise County on the health effects of tobacco
2. Increased knowledge and awareness of the harmful effects of tobacco and increased adult referrals to ASHLine
3. Market and Implement the Healthy Living Program (CDSMP) for Cochise County Employees.
4. Build a Sustainable Wellness Program within Cochise County Government through the use of Chronic Disease Prevention and Health Management Programs.
5. Build Sustainable Youth-Based Chronic Disease Prevention Programs through Physical Activity.
6. Build Sustainable Youth-Based Chronic Disease Prevention Programs through Physical Activity.
7. Empower youth to address issues related to tobacco control and addiction through Youth Coalitions.
8. Create designated smoking areas at Cochise County worksites

Goal: 1 Reduce Initiation of Tobacco Use among Youth			**Strategy is integrated with (check all that apply):** ☒ *Tobacco – reduce initiation* ☒ *Chronic Disease Prevention* ☐ *Tobacco cessation* ☐ *Chronic Disease management* ☐ *Other:*
1. Strategy: Educate youth throughout Cochise County on the health effects of tobacco			
Agency Lead: Cochise County **Partners:** Schools, After School programs and Attorney General's office (AGO)	**Related policy change:**	**Related environmental change:** Informed youth regarding tobacco use	
What do you plan to do?	**Who will do the work?**	**What does success look like?**	**What non financial resources are needed?**
Action 1: Identify high risk schools/after school programs needing tobacco prevention education. *Targeted completion date: Sept 1st , of each year*	Program Coordinator Tobacco Health Educator	Partner with schools and after school programs to promote tobacco prevention.	
Action 2: Provide stand alone presentations to youth at schools and/or after school programs. *Targeted completion date: June 30th , of each year*	Tobacco Health Educator	At least 2 presentation per month at schools or after school programs	
Action 3: Attend community events geared toward youth. Promote Venomocity.	Staff	Attend 6 community events	Display materials from BTCD

Targeted completion date: June 30th , of each year			BTCD 2nd & 3rd Hand Smoke information
Action 4: Assist with AGO annual compliance checks *Targeted completion date: June 30th , of each year*	Staff AGO Youth	Completion of compliance checks with all or a majority of all vendors being compliant.	AGs office

Goal: 3 Promote Smoking Cessation among Youth and Adults and Help Smokers Quit			**Strategy is integrated with (check all that apply):** ☐ *Tobacco – reduce initiation* ☒ *Chronic Disease Prevention* ☒ *Tobacco cessation* ☐ *Chronic Disease management* ☐ *Other:*
2. Strategy: Increased knowledge and awareness of the harmful effects of tobacco and increased adult referrals to ASHLine.			
Agency Lead: Cochise County **Partners:** Cochise County Juvenile Detention System Arizona Smokers Help Line (ASHLine)	**Related policy change:**	**Related environmental change:** Change in behavioral norm in regards to tobacco use.	
What do you plan to do?	**Who will do the work?**	**What does success look like?**	**What non financial resources are needed?**
Action 1: Provide "Tobacco Health Effects" presentations to high risk youth. *Targeted completion date: ongoing*	Tobacco Health Educator	The behavioral norm of youth using tobacco will change and they will be aware of consequences and health effects.	
Action 2: Educate adult tobacco users of ASHLine services with possible referral. *Targeted completion date: ongoing*	Staff	Adult tobacco users can utilize ASHLine services successfully and hassle free.	ASHLine materials BTCD materials
Goal: 4 Identify and Eliminate Tobacco Related Disparities in Specific Population Groups			**Strategy is integrated with (check all that apply):** ☐ *Tobacco – reduce initiation* ☒ *Chronic Disease Prevention* ☒ *Tobacco cessation* ☒ *Chronic Disease management* ☐ *Other:*
3. Strategy: Market and Implement the Healthy Living Program (CDSMP) for Cochise County Employees.			
Agency Lead: Cochise County **Partners:** Az Living Well Institute and Cochise Combined Trust	**Related policy change:** BOS and Wellness Program support for workshops provided during business hours.	**Related environmental change:** Empower adults to manage their chronic disease. Management endorsement for well-being.	

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What do you plan to do?	**Who will do the work?**	**What does success look like?**	**What non financial resources are needed?**
Action 1: Market Healthy Living Program and continue to build relationships with partners *Targeted completion date: ongoing*	Program Coordinator AA Health Educator, master trained	Public will be advised of workshop information and benefits of curriculum	Partnerships
Action 2: Identify and obtain participants for workshops. *Targeted completion date: ongoing*	Program Coordinator AA Health Educator, master trained	Completion of workshops	Location of workshops
Action 3: Provide and Complete five 6-week Health Living (CDSMP) workshops. *Targeted completion date: June 30th , of each year*	AA Health Educator A, master trained AA Health Educator B, lay leader trained	10 completers or more per workshop	Location of workshops
Goal: 5 Assist in the Prevention and Early Detection of the Four Leading Tobacco Related Causes of Death in Arizona			**Strategy is integrated with (check all that apply):** ☐ *Tobacco – reduce initiation* ☒ *Chronic Disease Prevention* ☒ *Tobacco cessation* ☒ *Chronic Disease management* ☐ *Other:*
4. Strategy: Build a Sustainable Wellness Program within Cochise County Government through the use of Chronic Disease Prevention and Health Management Programs.			
Agency Lead: Cochise County **Partners:** Cochise Combined Trust, Cochise County Board of Supervisors, National Academy of Sports Medicine (NASM)	**Related policy change:** Implement Cochise County Wellness Policy	**Related environmental change:** Healthy worksite environment	
What do you plan to do?	**Who will do the work?**	**What does success look like?**	**What non financial resources are needed?**
Action 1: Meet and discuss w/BOS the objective of our program obtaining buy in to provide chronic disease prevention/mgmt activities *Targeted completion date: July 30th , of each year*	Director Staff	Receive endorsement from BOS to proceed with program	
Action 2: Schedule and pilot chronic disease prevention/mgmt activities during work hours *Targeted completion date: ongoing*	AA Health Educators	Successful informational activities and presentations to county employees	County Site locations to facilitate activities

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Action 3: Meet w/BOS to f/u on pilot project and begin to work on Cochise Wellness Policy to sustain the program *Targeted completion date: January 31st, of each year*	Director Program Coordinator AA Health Educator	Implementation of Cochise County Wellness policy	Result and employee feedback from pilot project
Goal: 5 Assist in the Prevention and Early Detection of the Four Leading Tobacco Related Causes of Death in Arizona			**Strategy is integrated with (check all that apply):** ☐ *Tobacco – reduce initiation* ☒ *Chronic Disease Prevention* ☐ *Tobacco cessation* ☐ *Chronic Disease management* ☐ *Other:*
5. Strategy: Build Sustainable Youth-Based Chronic Disease Prevention Programs through Physical Activity.			
Agency Lead: Cochise County **Partners:** School Districts	**Related policy change:** School based policies related to tobacco & chronic disease prevention	**Related environmental change:** Healthy school environment	
What do you plan to do?	**Who will do the work?**	**What does success look like?**	**What non financial resources are needed?**
Action 1: Obtain school wellness policies from various school within Cochise County *Targeted completion date: July 31st, of each year*	Tobacco Health Educator	Staff will have clear understanding of Cochise County wellness policies	School wellness policies
Action 2: Identify schools that want assistance with the implementation of structured recess and increased physical activity due to the elimination of P.E. *Targeted completion date: Sept. 30th, of each year*	Tobacco Health Educator Program Coordinator	Readiness among schools to participate in a school health advisory council	
Action 3: Establish a school health advisory council within 1 school district *Targeted completion date: Dec. 30th, of each year*	Tobacco Health Educator Program Coordinator	School Health Advisory Council will have a clear understanding of the councils' goal	School data
Action 4: Implement physical activity/structured recess policy *Targeted completion date: June 30th, of each year*	All Health Educator Program Coordinator	Completion of physical activity policy. Policy to be implemented by School Advisory Council.	Compilation of data and reporting

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Goal: 5 Assist in the Prevention and Early Detection of the Four Leading Tobacco Related Causes of Death in Arizona			**Strategy is integrated with (check all that apply):** ☒ *Tobacco – reduce initiation* ☒ *Chronic Disease Prevention* ☐ *Tobacco cessation* ☐ *Chronic Disease management* ☐ *Other:*
6. Strategy: Build Sustainable Youth-Based Chronic Disease Prevention Programs through Physical Activity.			
Agency Lead: Cochise **Partners:** Douglas Unified School District (DUSD) and Sierra Vista Unified School District (SV USD)	**Related policy change:** Implementation of physical activity policy w/in DUSD	**Related environmental change:** Sustainable SPARK activities	
What do you plan to do?	**Who will do the work?**	**What does success look like?**	**What non financial resources are needed?**
Action 1: Meet w/DUSD to discuss undertaking of SPARK activities by district Teacher's Aides (TAs). *Targeted completion date: July 1st, of each year*	Program Coordinator Tobacco Health Educator	DUSD TAs providing curriculum rather than Cochise County Health Educator	
Action 2: Schedule and execute SPARK curriculum training to DUSD TAs. *Targeted completion date: July 31st, of each year*	Tobacco Health Educator with assistance from staff	Successful completion of SPARK train-the-trainer event.	Training location at district
Action 3: Implement SPARK curriculum into DUSD elementary schools by TAs. *Targeted completion date: Sept 1st, of each year*	DUSD TAs with technical assistance from Tobacco Health Educator	SPARK curriculum implemented in 5 DUSD elementary schools	
Action 4: Contact and meet with SV USD in regards to the benefits of the SPARK curriculum. *Targeted completion date: Sept. 15th, of each year*	Program Coordinator Tobacco Health Educator	Pilot SPARK curriculum in SV USD	
Action 5: Pilot SPARK curriculum in Sierra Vista USD. *Targeted completion date: Oct. 1st, of each year*	Tobacco Health Educator	Implementation of SPARK curriculum at 2 elementary schools.	School equipment

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Goal: 5 Assist in the Prevention and Early Detection of the Four Leading Tobacco Related Causes of Death in Arizona			**Strategy is integrated with (check all that apply):** ☒ *Tobacco – reduce initiation* ☒ *Chronic Disease Prevention* ☐ *Tobacco cessation* ☐ *Chronic Disease management* ☐ *Other:*
1. Strategy: Empower youth to address issues related to tobacco control and addiction through Youth Coalitions.			
Agency Lead: Cochise County **Partners:** Bisbee, Douglas, St. David, Tombstone, and Willcox High Schools	**Related policy change:** Establishment of standardized youth tobacco messaging through coalitions.	**Related environmental change:** Create sustainable youth coalitions	
What do you plan to do?	**Who will do the work?**	**What does success look like?**	**What non financial resources are needed?**
Action 1: Meet with existing school partners re: youth coalition objectives *Targeted completion date: Aug. 31st, of each year*	Program Coordinator Tobacco Health Educator	Obtain buy in from school partners	
Action 2: Provide one-hour training to youth coalition members on coalition objectives and state tobacco prevention messaging. *Targeted completion date: Nov. 30th , of each year*	Tobacco Health Educator	Empowerment to youth to recruit and educate peers	BTCD youth coalition training manual
Action 3: Assist in the development of a mission, vision, and goals for each coalition. *Targeted completion date: Dec. 31st, of each year*	Tobacco Health Educator Coalition Members	Establish sustainability	Documented mission, vision, and goals from each coalition
Action 4: Plan and execute activities facilitated by youth coalitions. *Targeted completion date: Dec. 31st, of each year*	Coalition Members	Successful and information activities	

	INTERGOVERNMENTAL AGREEMENT (IGA) AMENDMENT ATTACHMENT A – ACTION PLAN	**ARIZONA DEPARTMENT OF HEALTH SERVICES** 1740 W. Adams, Room 303 Phoenix, Arizona 85007 (602) 542-1040 (602) 542-1741 Fax
	Contract No: HG060004 / Amendment No. 2	Procurement Specialist Manuel Gonzales

Goal: 8 Develop and Promote Public Policies that Reduce the Impact of Commercial Tobacco Use			**Strategy is integrated with (check all that apply):** ☐ *Tobacco – reduce initiation* ☒ *Chronic Disease Prevention* ☒ *Tobacco cessation* ☒ *Chronic Disease management* ☐ *Other:*
1. Strategy: Create designated smoking areas at Cochise County worksites			
Agency Lead: Cochise County **Partners:** Cochise County Board of Supervisors (BOS) and ASHLine	**Related policy change:** Implementation of Worksite Designated Smoking Area Policy	**Related environmental change:** Healthy worksite environment	
What do you plan to do?	**Who will do the work?**	**What does success look like?**	**What non financial resources are needed?**
Action 1: Presentation of tobacco health effects and benefits of non-smoking areas to BOS *Targeted completion date: Dec. 31st, of each year*	Staff	Endorsement of BOS	Current Cochise County smoking policy
Action 2: BOS approval of Worksite Designated Smoking Area Policy *Targeted completion date: May 31st , of each year*	Staff	Implementation of Worksite Designated Smoking Area Policy	
Action 3: Refer County employees to ASHLine & Active Adults Program if needed. *Targeted completion date: ongoing*	Staff	Increased # of Cochise County employees contemplating to quit tobacco	Compilation of data from ASHLine BTCD 2nd and 3rd Hand Smoke information.
Action 4: Continue to market and follow-up with tobacco health effects information to employees. Targeted completion date: *ongoing*	Staff	Program being utilized by employees and view our program as beneficial.	BTCD 2nd and 3rd Hand smoke information.

ATTACHMENT B – CONTRACTOR EVALUATION GUIDELINES

In order to implement a quality evaluation plan of Arizona's comprehensive tobacco control program, ADHS-BTCD Contractors shall participate in the following activities based on their Contractor Action Plan Strategies:

1. Collaborate on the development of evaluation instruments and reports, including review and feedback on report drafts, and

   1.1 Participate in discussions regarding the interpretation of report results;

2. When applicable participate in Prevention Reporting System for School Health Index (SHI), School Health Advisory Council (SHAC), and Youth Coalition activities:

   2.1 Participate in trainings for each reporting system to assure data quality,

   2.2 Adhere to online directions for each reporting system for completing and entering forms, and

   2.3 Input events into web-based form on quarterly basis;

3. When applicable participate in WebQuit for cessation related data collection:

   3.1 Participate in trainings for this reporting system to assure data quality,

   3.2 Adhere to online directions for this reporting system for completing and entering forms, and

   3.3 Input events into web-based form on a monthly basis;

4. When applicable participate in AZ Living Well Institute for Chronic Disease Self Management Plan data collection:

   4.1 Participate in trainings for this reporting system to assure data quality,

   4.2 Adhere to online directions for this reporting system for completing and entering forms, and

   4.3 Input events into web-based form on a monthly basis;

5. Identification and implementation of additional program evaluation activities to fulfill individual project needs, as necessary:

   5.1 Evaluation activities (including surveys) shall be planned with input from ADHS-BTCD staff to assure consistency of methods and instruments, and

   5.2 Pilot projects shall have an evaluation plan in place before being implemented.

Consent 9.

Regular Board of Supervisors Meeting **Health**

Date: 08/23/2011

Contract Renewal - Pharmacy Services

Submitted By: Dave Seward, Procurement

Department: Procurement

Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature NOT Required	**# of ORIGINALS Submitted for Signature:**	0
NAME of PRESENTER:	N/A	**TITLE of PRESENTER:**	N/A
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	

Docket Number (If applicable):

Agenda Item Text:

Approve the renewal of Contract No. 08-73-HEA-03 for Pharmacy Services for the Cochise County Health Department with Diamond Pharmacy Services in the estimated amount of $65,000 for the period of July 1, 2011 through June 30, 2012.

Background:

This is the 3rd renewal of Contract No. 08-73-HEA-03 approved by the Board of Supervisors on June 24, 2008. The special terms and conditions of the solicitation allow for this contract to be renewed for a period of up to four (4) successive one-year periods. The Health Department is satisfied with the services provided by Diamond Pharmacy Services and has requested that the contract be renewed for another year. Diamond Pharmacy Services has agreed to hold their original contract pricing firm for the one-year contract renewal period.

Department's Next Steps (if approved):

Issue blanket purchase orders. Monitor contract performance.

Impact of NOT Approving/Alternatives:

The Procurement Department would be required to obtain quotes each time there was a requirement for pharmacy services resulting in higher prices and additional workload.

To BOS Staff: Document Disposition/Follow-Up:

No action required.

Fiscal Impact

Fiscal Year:

One-time Fixed Costs? ($$$):

Ongoing Costs? ($$$):

County Match Required? ($$$):

A-87 Overhead Amt? (Co. Cost Allocation $$$):

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

The Cochise County Health Department is projecting expenditures of $24,000 for the Jail and $1,000 for Juvenile in FY 2011-12. Mental Health anticipated expenditures year to date in FY 2011-12 are $40,000.00. Anticipated expenditures for FY 2011-12 are $65,000.00. Funding sources are as follows:

Jail: 100-5000-5220-9-431-333
Juvenile: 1100-5000-5235-9-431-333
Mental Health: 100-5000-5230-431.333

Consent 10.

Regular Board of Supervisors Meeting **Juvenile Probation**

Date: 08/23/2011

Inter-Governmental Agreement for Additional Title Funds Allocation

Submitted By: Tracey Rocco, Juvenile Probation

Department: Juvenile Probation

Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	2
NAME of PRESENTER:	Tracey Rocco	**TITLE of PRESENTER:**	Administrative/Finance Manager
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	

Docket Number (If applicable):

Agenda Item Text:

Approve additional allocated funding of $25,622 as distributed by Arizona Supreme Court from Arizona Dept of Education Federal Title Funding.

Background:

Juvenile Court Services and the County School Superintendent have been notified that an additional $25,622 is available for use prior to September 30, 2011. Title funding is awarded annually by Arizona Department of Education to the Arizona Supreme Court for county detention education programs. The Arizona Supreme Court then distributes the title funding to County School's Superintendent, Trudy Berry and together with Delcy Scull, Director of Juvenile Court Services; funds are managed for use in Juvenile Detention Center classrooms.

Department's Next Steps (if approved):

Upon approval by Board of Supervisors with signature on both originals of the inter-governmental agreement (IGA), Juvenile Court Services will pick up the document and return it to the Arizona Supreme Court.

Impact of NOT Approving/Alternatives:

Additional funding of $25,622 will not be received. This funding has been requested for personnel costs (salary/ERE's); and purchase of small equipment for classroom at Juvenile Detention Center classrooms.

To BOS Staff: Document Disposition/Follow-Up:

Please contact Juvenile Court Services at 432-7523 for pick up of document after signatures are completed on both originals.

Fiscal Impact

Fiscal Year:	FY2012
One-time Fixed Costs? ($$$):	0
Ongoing Costs? ($$$):	0
County Match Required? ($$$):	0
A-87 Overhead Amt? (Co. Cost Allocation $$$):	0

Source of Funding?: Az Supreme Court

Fiscal Impact & Funding Sources (if known):

Arizona Dept of Education awards federal title funding to the Arizona Supreme Court to be distributed to the county school superintendent's for use in juvenile detention centers for mandated education programming and detention school classrooms. This title funding has been made available in addition to the regular budget allocated to the Arizona Supreme Court and therefore was not included in the FY2012 budget submitted by Juvenile Court Services. Annually, this funding is reported in fund 551, within the Juvenile Court Services budget submission. Attached to the agenda item is the budget description submitted to and has been accepted by the Arizona Supreme Court for use of the additional $25,622 as allocated title funding.

Attachments

FY2012 Budget Description 9302011

P. L. 107-110 NO CHILD LEFT BEHIND ACT OF 2001 (NCLB)

Budget Description Page 2011, Exhibit A – 2

When listing staff, salaries, calculate and include full-time equivalencies (FTEs)
For ALL costs, give specific program descriptions and rationale

Cochise County Juvenile Court Services / Budget Description		
Function and Object Code	Itemized Project Costs	Budgeted Amount
Instruction 1000		
Salaries 6100 Title I-D, Part B IDEA and ARRA IDEA only		
Employee Benefits 6200 Title I-D, Part B IDEA and ARRA IDEA only		
Purchased Professional Services 6300 Title I-D only		
Purchased Property Services 6400 Title I-D only		
Supplies 6600 Title I-D; Part B IDEA, ARRA IDEA and IDEA Secure Care only	Dell Latitude E6520 w/Microsoft Office-Pro Software for use in two detention classrooms and Juvenile LEARN Center to allow mobility of monitoring juveniles during instruction within the online school resource. Dell quote for equipment on July 19, 2011 is laptop: $1480 + 348 for operational software application.	Total: 1,828
Support Services 2100		
Salaries 6100 Title I-D & II-A only	Personnel expenses supplementing the transition program manager for projected 87% (100% FTE = 38,310.00) per time/effort log. Personnel expenses supplementing detention transition program registrar for projected 70% (100% FTE = 35,980.00) per time/effort log.	18,153
Employee Benefits 6200 Title I-D & II-A only	Personnel expenses supplementing the transition program manager for projected 87% (100% FTE = 13,018.00) per time/effort log. Personnel expenses supplementing detention transition program registrar for projected 70% (100% FTE = 12,629.00) per time/effort log.	5,641
Purchased Professional Services 6300 Title I-D; Title II-A; ARRA IDEA and Part B IDEA only		
Other Purchased Services 6500 Title I-D and Title II-A only		
Support Services 2100 (cont.)		
Other Expenses 6800 Title I-D Only		

COPY

Support Services 2300		
Salaries 6100 Title I-D and Title II-A only		
Employee Benefits 6200 Title I-D and Title II-A only		
Capital Outlay 6700 et. al. Title I-D; Title II-A; ARRA IDEA and Part B IDEA only		

COPY

Consent 11.

Regular Board of Supervisors Meeting **Procurement**

Date: 08/23/2011

Renewal of Airport Hanger Lease Agreement

Submitted By: Dave Seward, Procurement

Department: Procurement

Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	2
NAME of PRESENTER:	N/A	**TITLE of PRESENTER:**	N/A
Docket Number (If applicable):			
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	

Agenda Item Text:

Approve the award of renewal of a lease agreement for the lease of Airport Hanger T-4096 at BDI Airport in the amount of $369 per month to Theodore R. Vieu for a five year period with the option to renew for up to three (3) five year periods.

Background:

On September 5, 2006, the Board of Supervisors approved the lease of Aircraft Hanger T-4096 to Theodore R. Vieu for a period of five-years with the option to renew for successive five-year periods upon mutual consent of both parties and as approved by the Cochise County Board of Supervisors. The lessee has agreed to renew the lease for an additional five-year period in the amount of 369.00which is the adjusted rate in accordance with the Consumer Price Index and in accordance with the terms of the lease agreement. The original price was $360.00.

Department's Next Steps (if approved):

Approve lease agreement. Collect rent.

Impact of NOT Approving/Alternatives:

Lost revenue of $4,428.00 per year.

To BOS Staff: Document Disposition/Follow-Up:

Copies of the contract signed by the lessee will be hand carried to the Clerk of the Board.

Attachments

Contract

COCHISE COUNTY PROCUREMENT DEPARTMENT

1415 Melody Lane, Building C, Bisbee, AZ 85603
Phone: (520) 432-8392 Fax: (520) 432-8397
Website: www.cochise.az.gov

RENEWAL LEASE AGREEMENT
Aircraft Hanger – Building T-4096
Aircraft Storage

1st Renewal Term **September 1, 2011** through **August 31, 2016**

Between Cochise County Facilities Department
and

Theodore R.l Vieu

This Lease Renewal is made between the County of Cochise Facilities Department, whose authorized representative is:

Terry Rutan
Senior Buyer
Cochise County Procurement Director
1415 Melody Lane, Building C
Bisbee, Arizona 85603

and the LESSEE, whose complete name, address and Authorized Representative are:

Theodore R. Vieu
P.O. Box 2497
Benson, Arizona 85602
(520) 444-0176

The County and the LESSEE agree as follows:

Lease Agreement: The Lease Agreement Documents consist of this Lease Renewal Agreement and the original Lease Agreement.

Article III. Payment The LESSEE shall pay the County in the amount as stated below and at the times as prescribed in the original Lease Agreement:

$369.00

Article IV. Term: The term of this lease renewal shall be for a minimum of five years and shall begin on the 1st day of September 2011 and continue and include the 31st day of August 2016.

Per original Lease Agreement terms

This Agreement is entered into as of this _____ day of _____ 2010.

IN WITNESS WHEREOF, the parties have caused this Lease Agreement Renewal to be signed by their duly authorized representatives:

APPROVED:
BY LESSEE

_____

DATE: _____

APPROVED;
COCHISE COUNTY

_____
PAT CALL, CHAIRMAN BOARD OF SUPERVISORS

DATE: _____

ATTEST:

_____
KATIE HOWARD, CLERK
BOARD OF SUPERVISORS

APPROVED AS TO FORM:

_____
BRITT HANSON, COUNTY ATTORNEY'S OFFICE

Consent 12.

Regular Board of Supervisors Meeting **Procurement**

Date: 08/23/2011

FY11 LTAF II Resolution

Submitted By: Patty Lewis, Facilities

Department: Facilities

Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	5 or More
NAME of PRESENTER:	Patty Lewis	**TITLE of PRESENTER:**	Grants Administrator
Docket Number (If applicable):			
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

Agenda Item Text:

Adopt Resolution 11-36 authorizing the Distribution of FY 2011 Local Transportation Assistance Funding II Awarded from the Arizona Department of Transportation to Cochise County

Background:

Cochise County has received $45,543.08 of Local Transportation Assistance Funding (LTAF II) from the Arizona Department of Transportation. LTAF II funding must be used for public transportation purposes only. Since the County does not have a public transportation system, the County used the same process from previous LTAF II funding years by soliciting applications from local transportation providers to apply for the LTAF II funding received by the County. Transportation providers must serve the general public, elderly persons, persons with disabilities, welfare recipients or low-income persons needing transportation for work related purposes.

On August 1, 2011 the Board of Supervisors held a work session to discuss and review the applications received from local transportation providers. At this work session the Board provided direction and determined the following award/distribution amounts to local transportation providers:

Provider Award

City of Bisbee $6,000.00
City of Sierra Vista $5,000.00
Catholic Community Services $6,000.00
Cochise County Assoc. for the Handicapped $6,000.00
Douglas Assoc. for Retarded Citizens $8,000.00
Northern Cochise Community Hospital $6,643.08
Town of Huachuca City $2,000.00
Volunteer Interfaith Caregiver Program $3,500.00
Wynne Chapel $2,400.00

Approval of Resolution 11-___ will authorize distribution of FY11 LTAF II to the local transportation providers within Cochise County.

Department's Next Steps (if approved):

After Board approval of the Resolution cooperative grant agreements between the County and the private non-profit transportation providers will be signed by the Board of Supervisors Chairman (a requirement in the LTAF II guidelines).

Impact of NOT Approving/Alternatives:

: FY11 LTAF II funding awarded to the County will remain undistributed.

To BOS Staff: Document Disposition/Follow-Up:

One original Resolution, plus six sets (2 originals in each set) of cooperative grant agreements for the private transportation providers will be provided to the clerk of the Board. After formal Board approval and appropriate signatures please return one copy of the Resolution and one original of each cooperative grant agreement to the Grants office. Thank you for your assistance.

Attachments

FY11 LTAF II

RESOLUTION 11-___

AUTHORIZING THE DISTRIBUTION OF FY 2011 LOCAL TRANSPORTATION ASSISTANCE FUNDING II AWARDED FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION TO COCHISE COUNTY

WHEREAS, the County of Cochise has received $45,543.08 of Local Transportation Assistance Funding (LTAF II) from the Arizona Department of Transportation to provide assistance to public transportation providers in Cochise County; and

WHEREAS, for purposes of LTAF II, public transportation is defined as any service, vehicle(s), or support facility for vehicle(s) intended for the purpose of conveying multiple passengers, typically five or more, which meets applicable state and federal safety and accessibility laws, rules, and regulations; and

WHEREAS, the intent of LTAF II is to provide funds to communities and counties for the purpose of providing transportation service that is open to the general public, elderly persons, persons with disabilities, welfare recipients and "low-income" persons engaged in employment activities; and

WHEREAS, the County of Cochise has solicited and obtained applications from local transportation providers which meet LTAF II program guidelines for public transportation,

NOW, THEREFORE, BE IT RESOLVED that the Cochise County Board of Supervisors hereby authorize the distribution of the awarded FY11 LTAF II funds to the following organizations in the amounts specified:

1. The City of Bisbee	$6,000.00
2. Catholic Community Services	$6,000.00
3. Cochise County Association for the Handicapped	$6,000.00
4. Douglas Association for Retarded Citizens	$8,000.00
5. The City of Sierra Vista	$5,000.00
6. Northern Cochise Community Hospital	$6,643.08
7. Town of Huachuca City	$2,000.00
8. Volunteer Interfaith Caregiver Program	$3,500.00
9. Wynne Chapel	$2,400.00

/ / /

/ / /

BE IT FURTHER RESOLVED THAT the Chairman of the Board of Supervisors is hereby authorized to sign cooperative grant agreements between the County of Cochise and each of the private organizations receiving LTAF II funding.

PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF AUGUST 2011 BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY.

_____
Patrick G. Call, Chairman
Cochise County Board of Supervisors

ATTEST:

_____
Katie Howard,
Clerk of the Board

APPROVED AS TO FORM:

_____
David C. Fifer,
Civil Deputy County Attorney

Public Hearings 13.

Regular Board of Supervisors Meeting **Community Development**

Date: 08/23/2011

Docket Z-11-05 (Reaves)

Submitted By: Beverly Wilson, Community Development

Department:	Community Development	**Division:**	Planning
Presentation:	PowerPoint	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	1
NAME of PRESENTER:	Beverly Wilson	**TITLE of PRESENTER:**	Interim Planning Manager
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

Docket Number (If applicable): Z-11-06

Agenda Item Text:

Adopt Ordinance 11-04, to rezone parcels #106-24-013 and #106-24-014, from General Business to R-18, with the two conditions recommended by Staff.

Background:

MEMORANDUM

TO: Board of Supervisors
Through: Michael J. Ortega, County Administrator

FROM: Beverly Wilson, Interim Planning Manager
For: Michael Turisk, Interim Planning Director

SUBJECT: Docket Z-11-05 (Reaves)
DATE: August 12, 2011 for the August 23, 2011 Meeting
APPLICATION FOR A REZONING
This is a request to downzone two parcels from GB (General Business) to R-18 (one dwelling per 18,000 square feet). The subject parcels are 106-24-013 and 106-24-014 and are located on the Coronado Frontage Road north of Huachuca City. The Applicants are Everette and Carla Reaves.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES
Size: 55,190.53 square feet (1.27 acres)
Zoning: General Business (GB)
Growth Area: Category B (Community Growth Area)
Area Plan: None
Plan Designation: Neighborhood Conservation
Existing Uses: Living quarters with an attached warehouse and garage
Proposed Uses: R-18 (Residential; one dwelling per 18,000 square feet)
Surrounding Zoning
Relation to Subject Parcel Zoning District Use of Property
North GB General Business – Used as residential
South GB General Business – Used as residential
East GB General Business -- Used as residential

West GB General Business – Highway 90

II. PLANNING AND ZONING COMMISSION
On August 10, 2011, the Planning and Zoning Commission voted unanimously (6 – 0) to forward Docket Z-11-05 to the Board of Supervisors, with a recommendation of conditional approval.

III. PARCEL HISTORY
A permit was issued on August 31, 1990 to build a 1,536 square foot Auto Repair Shop with sanitary septic system. A permit for the Auto Repair Shop was issued in 1994. In 2002, a violation was filed for operating a business without a permit. In 2004, a commercial permit was issued for a roofing business.

In 2006, a violation was filed for using a warehouse for storage without a permit. In 2008, a violation was issued for not meeting the conditions of a permit. The 2004 permit was then voided, and the business was removed from the parcel.

IV. NATURE OF THE REQUEST
The Applicant seeks to change the zoning designation from General Business (GB) to R-18 (one dwelling per 18,000 square feet) to facilitate the sale of this property, which is in a foreclosure action. The Applicant has a buyer with financing for a residential-zoned property.

V. ANALYSIS OF IMPACTS
Section 2208.03.A of the Cochise County Zoning Regulations lists fifteen (15) factors used to evaluate the appropriateness of a rezoning application. The Planning and Zoning Commission and the Board of Supervisors shall consider these in deciding whether to approve a rezoning, or to deny a rezoning. In more typical “upzonings” (to a more “intense” district), there will be both factors in favor and factors against. Consequently, the importance of individual factors is heightened and are analyzed and balanced against other factors when making a recommendation; in other words, individual factors may weigh more heavily than other factors. As stated in Section 2208.03B of the Zoning Regulations, "No set of factors, however, can totally determine the acceptability of all land use proposals. For example, a property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may be able to receive approval in spite of non-compliance with any individual factor. Conversely, a determination that unusual circumstances exist or there is great public protest pertaining to a rezoning request may result in a denial even though the rezoning appears to comply with other factors." Nine of the 15 factors are applicable to the rezoning request, and the request complies with each of them. Six of these factors are not applicable to this request.

Mandatory Compliance
The subject property lies within a Category “B”—Neighborhood Conservation land use designation area. Section 402 of the County Zoning Regulations permits owners of property lying within “Neighborhood Conservation” land use areas to request a rezoning to R-18.

1. Provides an Adequate Land Use/Concept Plan.— Complies

The Applicant has provided sufficient information to comply with this requirement, although a map was not included.

2. Compliance with Applicable Site Development Standards. — Complies

There is residential development on the lot, but no new land uses are being proposed. As a downzoning, the requested rezoning will be more in harmony with the residential use of the land.

3. Adjacent Districts Remain Capable of Development.— Complies

Adjoining parcels can continue to meet site development standards, such as setbacks.

4. Limitation on Creation of Nonconforming Uses. — Complies

This rezoning will not result in non-conforming uses, as the existing structure is already being used as a residence.

5. Compatibility with Existing Development. — Complies

While the existing building gives the appearance of a commercial structure with large garage doors and an office located at the front, there is evidence of a home attached to the rear. The surrounding parcels also have residential uses despite all being zoned GB.

6. Rezonings to More Intense Districts. — Not Applicable

This request is to downzone to a less intense district.

7. Adequate Services and Infrastructure. — Complies

There is adequate existing infrastructure to support the use of these parcels as residential. The property is served by a private well and sanitary sewer system. SSVEC provides electricity, and Qwest provides telephone service. The property is protected by the Whetstone Fire District.

8. Traffic Circulation Criteria. — Complies

Because this request is to downzone to residential zoning, it is compatible with the surrounding area and uses and would not burden existing transportation infrastructure.

9. Development along Major Street. — Not applicable

10. Infill. — Not applicable as it applies to non-residential zoning.
This rezoning factor intends to encourage infill in areas where commercial and industrial development exists if rezoning to GB, LI or HI and the site is in an existing Enterprise or Enterprise Redevelopment plan designation area.

11. Unique Topographic Features.— Not Applicable

12. Water Conservation. — Not applicable

13. Public Input — Complies

The Applicant did not conduct a Citizen Review, as this is optional for downzoning requests. However, the Planning Department mailed a legal notice to property owners within 1,500 feet of the site, posted notices at the site, and a legal notice was published in the Arizona Range News. At the time of this memorandum, two letters and one phone call were received in support of this rezoning.

14. Hazardous Materials. — Not applicable

15. Compliance with Applicable Area Plan, Master Development Plan or Comprehensive Plan Policies. — Complies

This proposal complies with the policies of the Comprehensive Plan regarding downzonings. A downzoning to R-18 will ensure that the property is limited to less intensive residential uses compared to what is allowed with the current GB zoning designation.

VI. SUMMARY

An evaluation of all rezoning criteria, per the Cochise County Zoning Regulations, has been performed and staff finds the following factors in favor and against apply to this rezoning request:

Factors in Favor of Approval

1. On August 10, 2011, the Planning and Zoning Commission voted unanimously (6 – 0) to recommend conditional approval of this Docket.

2. The Comprehensive Plan and Zoning Regulations allow consideration of the proposed R-18 zoning for these two parcels. The proposed residential use is consistent with the Category B and "Neighborhood Conservation" Comprehensive Plan land use designation.

3. There is residential development on the lot, but no new land uses are being proposed. As a downzoning, the requested rezoning will legitimize the residential use of the land.

4. Of the fifteen (15) factors used to evaluate the appropriateness of a rezoning application, eight factors comply; six are not applicable and one does not comply.

5. Three neighbors have expressed support.

Factors Against Approval

There are no apparent factors against approval.

VII. RECOMMENDATION
Based on the Factors in Favor of Approval, staff recommends that the Board of Supervisors approve Docket Z-11-05 and sign Ordinance 11-__ to rezone parcels # 106-24-013 and #106-24-014 from General Business to R-18, subject to the following conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning or the approval of the rezoning may be deemed void; and

2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

Sample Motion: Mr. Chairman, I move to approve Docket Z-11-05, rezoning Parcels # 106-24-013 and #106-24-014 from General Business to R-18, with the conditions of approval recommended by staff.

VII. ATTACHMENTS
A. Rezoning Application
B. Location Map/Site Map
C. Public Comment

Department's Next Steps (if approved):
Record Ordinance 11-__ and return a copy to the Planning Department for the file.

Impact of NOT Approving/Alternatives:
If the Board denies this request, the property will remain zoned General Business.

To BOS Staff: Document Disposition/Follow-Up:
Please return a copy of the recorded Ordinance #11-___ for the files.

Attachments

Memo
Presentation
Attachments

COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Board of Supervisors
Through: Michael J. Ortega, County Administrator

FROM: Beverly Wilson, Interim Planning Manager
For: Michael Turisk, Interim Planning Director

SUBJECT: Docket Z-11-05 (Reaves)

DATE: August 12, 2011 for the August 23, 2011 Meeting

APPLICATION FOR A REZONING

This is a request to downzone two parcels from GB (General Business) to R-18 (one dwelling per 18,000 square feet). The subject parcels are 106-24-013 and 106-24-014 and are located on the Coronado Frontage Road north of Huachuca City. The Applicants are Everette and Carla Reaves.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 55,190.53 square feet (1.27 acres)

Zoning: General Business (GB)

Growth Area: Category B (Community Growth Area)

Area Plan: None

Plan Designation: Neighborhood Conservation

Existing Uses: Living quarters with an attached warehouse and garage

Proposed Uses: R-18 (Residential; one dwelling per 18,000 square feet)

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	General Business – Used as residential
South	GB	General Business – Used as residential
East	GB	General Business -- Used as residential
West	GB	General Business – Highway 90

II. PLANNING AND ZONING COMMISSION

On August 10, 2011, the Planning and Zoning Commission voted unanimously (6 – 0) to forward Docket Z-11-05 to the Board of Supervisors, with a recommendation of conditional approval.

III. PARCEL HISTORY

A permit was issued on August 31, 1990 to build a 1,536 square foot Auto Repair Shop with sanitary septic system. A permit for the Auto Repair Shop was issued in 1994. In 2002, a violation was filed for operating a business without a permit. In 2004, a commercial permit was issued for a roofing business.

In 2006, a violation was filed for using a warehouse for storage without a permit. In 2008, a violation was issued for not meeting the conditions of a permit. The 2004 permit was then voided, and the business was removed from the parcel.

This photo is looking to the east at the front of the building.

IV. NATURE OF THE REQUEST

The Applicant seeks to change the zoning designation from General Business (GB) to R-18 (one dwelling per 18,000 square feet) to facilitate the sale of this property, which is in a foreclosure action. The Applicant has a buyer with financing for a residential-zoned property.

V. ANALYSIS OF IMPACTS

Section 2208.03.A of the Cochise County Zoning Regulations lists fifteen (15) factors used to evaluate the appropriateness of a rezoning application. The Planning and Zoning Commission and the Board of Supervisors shall consider these in deciding whether to approve a rezoning, or to deny a rezoning. In more typical “upzonings” (to a more “intense” district), there will be both factors in favor and factors against. Consequently, the importance of individual factors is heightened and are analyzed and balanced against other factors when making a recommendation; in other words, individual factors may weigh more heavily than other factors. As stated in Section 2208.03B of the Zoning Regulations, "No set of factors, however, can totally determine

the acceptability of all land use proposals. For example, a property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may be able to receive approval in spite of non-compliance with any individual factor. Conversely, a determination that unusual circumstances exist or there is great public protest pertaining to a rezoning request may result in a denial even though the rezoning appears to comply with other factors." Nine of the 15 factors are applicable to the rezoning request, and the request complies with each of them. Six of these factors are not applicable to this request.

This photo is looking at the south side of the building.

Mandatory Compliance

The subject property lies within a Category "B"—Neighborhood Conservation land use designation area. Section 402 of the County Zoning Regulations permits owners of property lying within "Neighborhood Conservation" land use areas to request a rezoning to R-18.

1. *Provides an Adequate Land Use/Concept Plan*.— Complies

The Applicant has provided sufficient information to comply with this requirement, although a map was not included.

***2. Compliance with Applicable Site Development Standards*. — Complies**

There is residential development on the lot, but no new land uses are being proposed. As a downzoning, the requested rezoning will be more in harmony with the residential use of the land.

***3. Adjacent Districts Remain Capable of Development*.— Complies**

Adjoining parcels can continue to meet site development standards, such as setbacks.

***4. Limitation on Creation of Nonconforming Uses*. — Complies**

This rezoning will not result in non-conforming uses, as the existing structure is already being used as a residence.

***5. Compatibility with Existing Development*. — Complies**

While the existing building gives the appearance of a commercial structure with large garage doors and an office located at the front, there is evidence of a home attached to the rear. The surrounding parcels also have residential uses despite all being zoned GB.

This photo shows the family home to the east of the parcel.

***6. Rezonings to More Intense Districts*. — Not Applicable**

This request is to downzone to a less intense district.

***7. Adequate Services and Infrastructure*. — Complies**

There is adequate existing infrastructure to support the use of these parcels as residential. The property is served by a private well and sanitary sewer system. SSVEC provides electricity, and Qwest provides telephone service. The property is protected by the Whetstone Fire District.

***8. Traffic Circulation Criteria*. — Complies**

Because this request is to downzone to residential zoning, it is compatible with the surrounding area and uses and would not burden existing transportation infrastructure.

***9. Development along Major Street*. — Not applicable**

***10. Infill*. — Not applicable as it applies to non-residential zoning.**

This rezoning factor intends to encourage infill in areas where commercial and industrial development exists if rezoning to GB, LI or HI and the site is in an existing Enterprise or Enterprise Redevelopment plan designation area.

11. Unique Topographic Features. **— Not Applicable**

12. Water Conservation. **— Not applicable**

13. Public Input **— Complies**

The Applicant did not conduct a Citizen Review, as this is optional for downzoning requests. However, the Planning Department mailed a legal notice to property owners within 1,500 feet of the site, posted notices at the site, and a legal notice was published in the *Arizona Range News*. At the time of this memorandum, two letters and one phone call were received in support of this rezoning.

14. Hazardous Materials. **— Not applicable**

15. Compliance with Applicable Area Plan, Master Development Plan or Comprehensive Plan Policies. **— Complies**

This proposal complies with the policies of the Comprehensive Plan regarding downzonings. A downzoning to R-18 will ensure that the property is limited to less intensive residential uses compared to what is allowed with the current GB zoning designation.

VI. SUMMARY

An evaluation of all rezoning criteria, per the Cochise County Zoning Regulations, has been performed and staff finds the following factors in favor and against apply to this rezoning request:

Factors in Favor of Approval

1. On August 10, 2011, the Planning and Zoning Commission voted unanimously (6 – 0) to recommend conditional approval of this Docket.

2. The Comprehensive Plan and Zoning Regulations allow consideration of the proposed R-18 zoning for these two parcels. The proposed residential use is consistent with the Category B and "Neighborhood Conservation" Comprehensive Plan land use designation.

3. There is residential development on the lot, but no new land uses are being proposed. As a downzoning, the requested rezoning will legitimize the residential use of the land.

4. Of the fifteen (15) factors used to evaluate the appropriateness of a rezoning application, eight factors comply; six are not applicable and one does not comply.

5. Three neighbors have expressed support.

Factors Against Approval

There are no apparent factors against approval.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Board of Supervisors **approve** Docket Z-11-05 and sign Ordinance 11-__ to rezone parcels # 106-24-013 and #106-24-014 from General Business to R-18, subject to the following conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning or the approval of the rezoning may be deemed void; and

2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

Sample Motion: *Mr. Chairman, I move to approve Docket Z-11-05, rezoning Parcels # 106-24-013 and #106-24-014 from General Business to R-18, with the conditions of approval recommended by staff.*

VII. ATTACHMENTS

A. Rezoning Application
B. Location Map/Site Map
C. Public Comment

Z-11-05 (Reaves)

An application to rezone two parcels north of Huachuca City from

GB (General Business) to R-18 (Residential; one dwelling per 18,000 square feet).

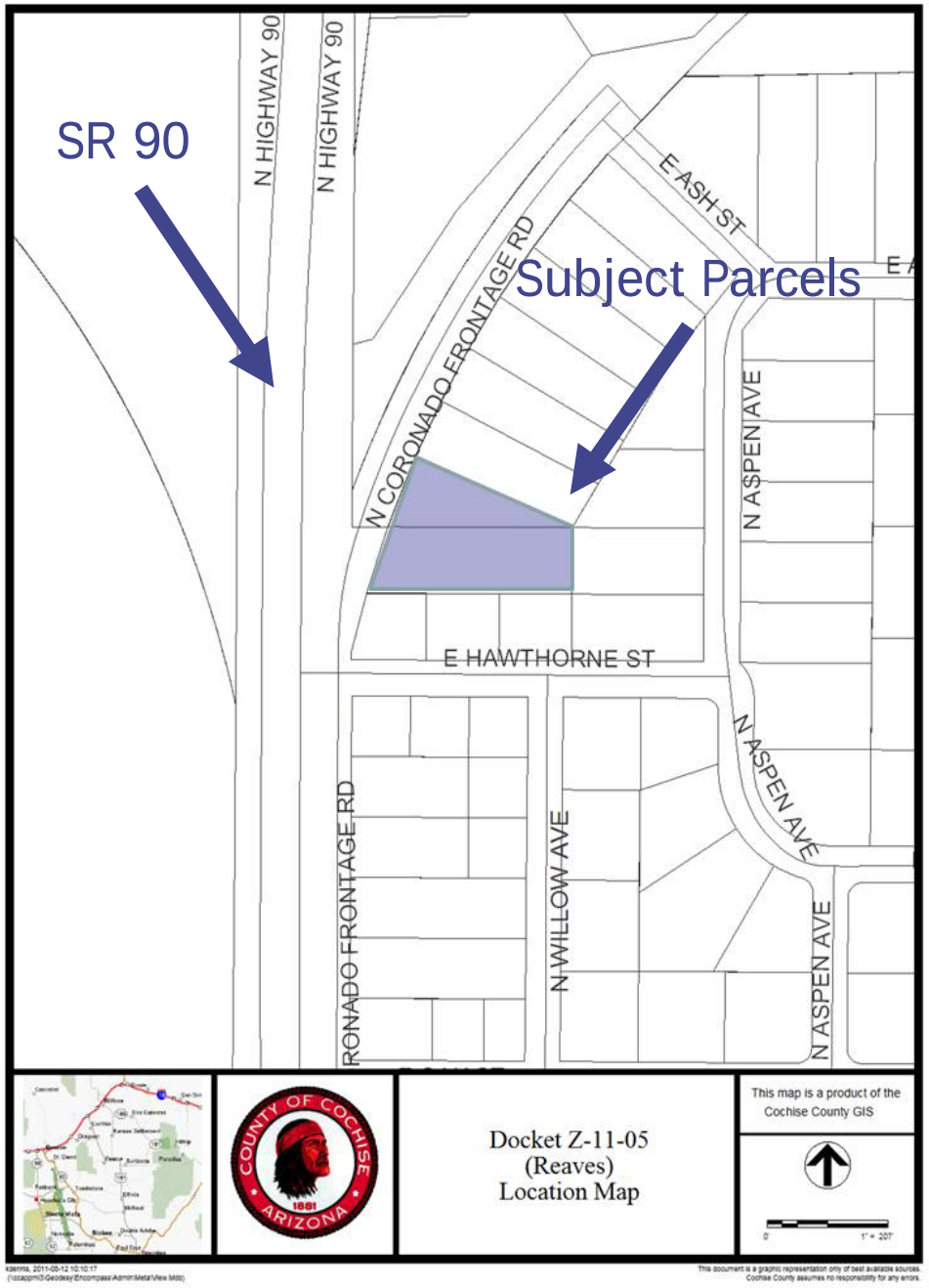
Applicants: Everette and Carla Reaves

Planning and Zoning Commission

- **On August 10, 2011, the Commission voted unanimously (6-0) to forward this request to the Board of Supervisors, with a recommendation of conditional approval.**

Location

The subject parcel is Southeast of the SR 90 / SR 82 intersection, in Whetstone.

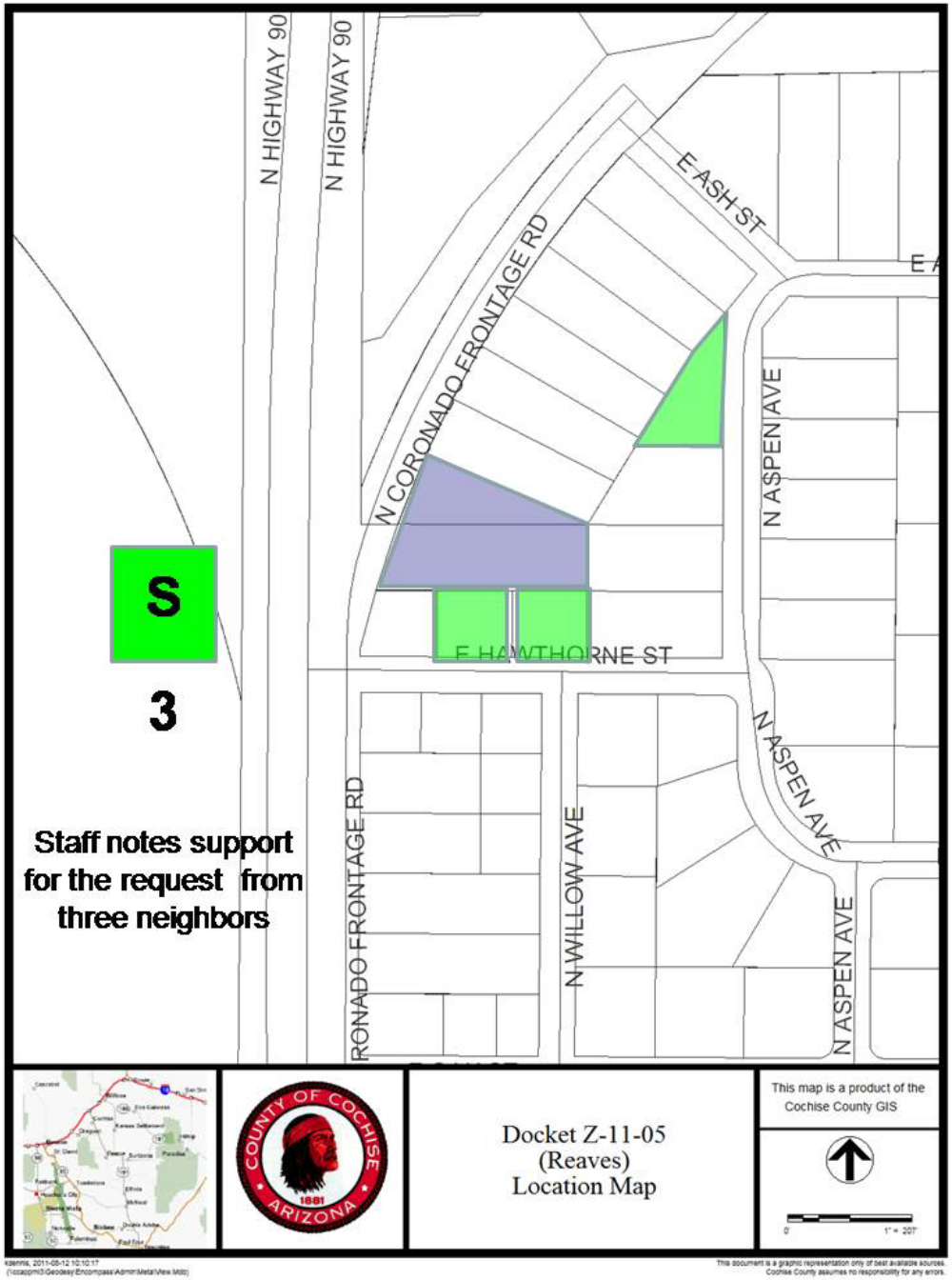


Eastward View of building front

View to the Northwest

Southeastward View of vacant lot

Support


N HIGHWAY 90
N HIGHWAY 90
E ASH ST
N CORONADO FRONTAGE RD
N ASPEN AVE
E HAWTHORNE ST
S
3
Staff notes support for the request from three neighbors
RONADO FRONTAGE RD
N WILLOW AVE
N ASPEN AVE
N ASPEN AVE
This map is a product of the Cochise County GIS
Docket Z-11-05
(Reaves)
Location Map

Factors Favoring Approval

1. On August 10, 2011, the Planning and Zoning Commission voted unanimously (6 – 0) to recommend conditional approval of this Docket.
2. Residential use is consistent with Category B and Neighborhood Conservation Comprehensive Plan land use designations.
3. Legitimize the building's current use as a residence. No new uses are being proposed.
4. Nine evaluation factors comply, six are not applicable.
5. Three neighbors expressed support.

Factors Favoring Denial

There are no apparent factors favoring denial.

Discussion

Staff Recommendation

Staff and the Planning and Zoning Commission recommend <u>Conditional Approval</u> of Docket Z-11-05, with the following conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and

2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

cochiseroofing@aol.com

COCHISE COUNTY PLANNING DEPARTMENT
1415 Melody Lane, Bisbee, Arizona 85603
(520) 432-9240
Fax 432-9278

Susan Buchan, Director

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Planning and Zoning Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Everette & Carla Reaves
2. Mailing Address: PO Box 1810
Sierra Vista AZ 85636
City State Zip Code
3. Telephone Number of Applicant: 520 266-3114
4. Telephone Number of Contact Person if Different: ( ) 014
5. Assessor's Tax Parcel Number: 106-24-013 2 ~~106-24-015~~ 5 (Can be obtained from your County property tax statement) Number of acres proposed for rezoning: 1.25 ac
6. Applicant is (check one):
   - Sole owner: X
   - Joint Owner: _____ (See number 8)
   - Designated Agent of Owner: _____
   - If not one of the above, explain interest in rezoning: _____
7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
   - List attached (if applicable): X (Tax coupon)
8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached: n/a
   - If corporation, corporate resolution designating applicant to act as agent: _____
   - If partnership, written authorization from partner: _____
   - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.
9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:
   - Copy of deed of ownership: _____

A1 7

- Copy of title report: _____
- Copy of tax notice: X
- Other, list: _____

10. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached. n/a

    Will approval of the rezoning result in more than one zoning district on any tax parcel?
    Yes _____ No _____

11. Is more than one parcel contained within the area to be rezoned? Yes X No _____
    - If yes and more than one property owner is involved, all property owners must sign the attached consent signature form.

12. Indicate existing Zoning District for Property: GB

13. Indicate proposed Zoning District for Property: R-18

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

14. Comprehensive Plan Category: B (A County planner can provide this information.)

15. Comprehensive Plan Designation or Community Plan: NC (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

16. Describe all structures already existing on the property: 2-car garage/ warehouse w/ living qtrs (2 bedrooms/bathrooms)

17. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. At a minimum, attach a Land Use/Concept Plan per Section 2208.03 B.1. of the Zoning Regulations. n/a

18. Citizen Review Report attached? Yes ____ No ____ **(Note: a rezoning application is not considered complete without a citizen review report per Section 2203 of the Zoning Regulations)**

19. Which streets or easements will be used for traffic entering and exiting the property? N. Coronado Frontage Rd - off Hwy 90 (ADOT)
    These streets are (check one): _____Private _____County-maintained X *Other
    *If you checked private or other, attach documentation describing your right to use this access for the use proposed.

AZ 8

20. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? n/a

21. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? n/a

22. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	existing (well)	none
Sewer/Septic	existing	none
Electricity	SSVEC/existing	none
Natural Gas	n/a	none
Telephone	existing/Qwest	none
Fire Protection	Whetstone Fire Dist.	none

23. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed). Please attached letter for specific details about request to down-zone.

24. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: Carla J Reaves
Date: 6/07/2021

Attn: Keith Dennis

Everette and Carla Reaves
PO Box 1810
Sierra Vista, AZ 85636
(520)266-3114

May 31st, 2011

MEMO TO: Director of Planning and Zoning, 1415 Melody Lane, Bisbee, AZ 85603
Attn: Michael Turisk

Subject: Request to Down-Zone a Commercial (GB or GC) Property to Residential Zoning for the property located at 2136 Coronado Frontage Road, Huachuca City, AZ 85616, Parcel #s: 106-24-013 2 and 106-24-014 5 (Coronado Est #3, Lot 9, Blk 2 and Coronado Est#3, Lot 10, Blk 2) in the Whetstone area (of Cochise County)

1. The afore-mentioned property was zoned GB (or GC) at the time we bought it, in October 2001. We planned to use the property for our business, Reaves Roofing. Unfortunately, due to numerous County Code violations with the construction, of the interior building, and the requirements for numerous exterior renovations, it was too costly for us to make the improvements – in order to use the building for commercial use. Therefore, we never used this property for what we originally purchased it for.

2. And because of the downward spiral of the construction/roofing industry and the economy, our business was forced to declare bankruptcy. We have had the property on the market "for sale" for almost 2 years and no perspective buyer has been able to obtain a "commercial" loan to purchase the property. Finally, because of the bankruptcy and our lack of funds to continue paying for this property, the mortgage company has informed us that they will be initiating the "foreclosure" process on or about June 15th, 2011.

3. We were recently contacted by a local military man who wants to purchase the property – prior to it going into foreclosure. The perspective buyer does NOT intend to use the property in a commercial manner. He is a military pilot who travels a lot and wishes to house his elderly grand-parents. The property has 2 small bedrooms, bathrooms, a kitchen, living room, and laundry room – a perfect little home - which we have also used to house our "snow-bird" parents for the past several years (since we were not able to use it in a commercial manner.) It really is a perfect little "nest" for an elderly couple in a very quiet, retirement neighborhood. All neighboring properties (on both sides of the home and on the entire block) are zoned residential.

* Since the property has always been used as a "residential" home, our neighbors would NOT be happy if the property ended up with someone who wants to run a business – they are fearful that a business might "pollute" the integrity of their neighborhood.

4. Additionally, another important reason for this request, is that the perspective buyer has contacted several lenders, but can NOT find a bank willing to approve a "commercial" loan as an investment property. Due to the economy and the bank's strict guidelines to buy commercial property, it is not possible to purchase the property if it remains zoned "commercial," just like all the previous perspective buyers have reported to us.

   Right now, banks are finally starting to make residential loans again; but, who knows how long it will be until they start approving "commercial" loans again??!! Due to the timing of this econom: "Desperate times call for desperate measures..." We are certainly desperate in this situation.

   Therefore, if the property were re-zoned "residential," he could simply purchase the property with a local bank or military credit union... it is a "win-win" outcome!!

   * If we don't get this property down-zoned in a timely manner, we are not only going to lose the property to a foreclosure sale, but, the perspective buyer will also will lose the opportunity to purchase the perfect home for his elderly family members. And, just a side note, that even though the bankruptcy has already affected our credit, the *sale* of the property would be significantly more advantageous to our re-building efforts, than a *foreclosure* proceeding.

5. I recently spoke with Keith Dennis about our predicament and he appeared optimistic that, given the special circumstances and the particular location, there might be a possibility of this request being approved. Mr. Dennis e-mailed the Cochise County Planning and Zoning link to us. We have extensively reviewed the General Business (GB) requirements/purposes and feel that the original zoning was not supported - due to the faulty construction of the building. And, the location (stuffed between all residential properties) does not support the operation of a business, at the location. For the past 10 years, the property has been used as a "residential" property; therefore, we sincerely request that the down-zoning be approved. (Enclosed is certified check for $250 to cover processing.)

6. Please, please, please consider this request in a timely manner since "Time is of the Essence." The perspective buyer has already submitted a "Purchase Contract" for the property, but he can not move forward with financing – until we have received a response from your organization. Thank you, in advance, for your prompt attention to this matter.

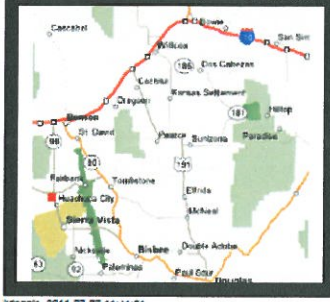
Everette & Carla Reaves

- Everette and Carla Reaves

(520) 266-3114

11

A6



COUNTY OF COCHISE 1881 ARIZONA

Docket Z-11-05 (Reaves) Location Map

This map is a product of the Cochise County GIS

0' 1" = 782'

kdennis, 2011-07-07 11:41:51
(\\ccappmi3\Geodesy\Encompass\Admin\Meta\View.Mdb)

This document is a graphic representation only of best available sources. Cochise County assumes no responsibility for any errors.

12

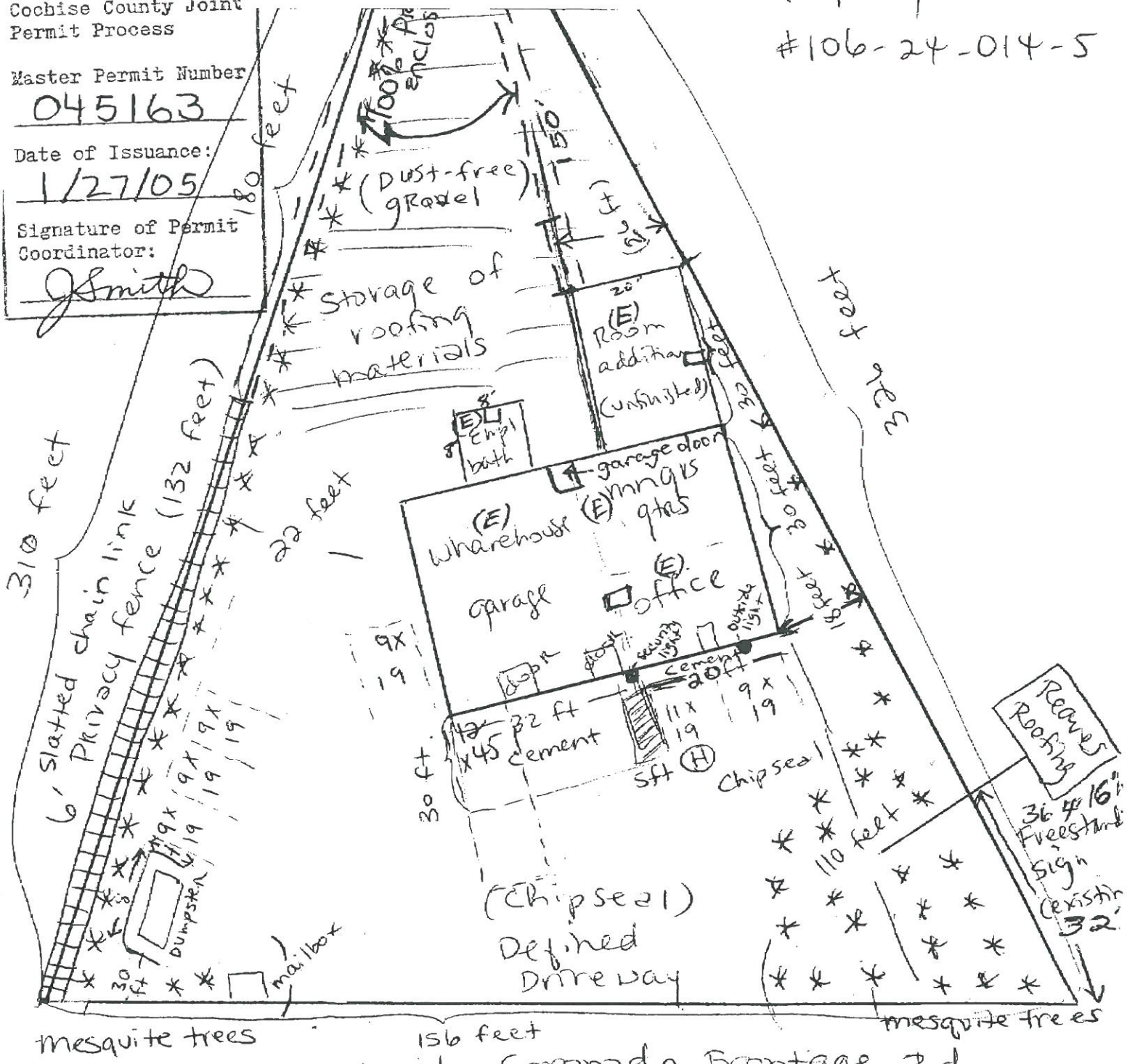
B1

Attn: Beverly or Keith ASAP!!

Dirt easement/access

APPROVED
Cochise County Joint Permit Process
Master Permit Number
045163
Date of Issuance:
1/27/05
Signature of Permit Coordinator:
J Smith

Property (vacant)
#106-24-014-5



2136 N. Coronado Frontage Rd.
Huachuca City, Az 85616

13
B2

E No washes within 300 feet
Any adverse impact to adjacent properties and/or

SPECIAL USE: Docket Z-11-05 (Reaves)

X **YES**, I SUPPORT THIS REQUEST
Please state your reasons: _____

_____ **NO**, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): SEFERINO E. RAMIREZ

SIGNATURE(S): _____

YOUR TAX PARCEL NUMBER: 106-24-017A3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 51 E. HAWTHORNE ST HUACHUCA CITY AZ. 85616

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on August 2, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the pubic hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Beverly Wilson
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: bjwilson@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY
JUL 18 2011
PLANNING

14
C1

SPECIAL USE: Docket Z-11-05 (Reaves)

✓ **YES**, I SUPPORT THIS REQUEST

Please state your reasons: PLEASE FIND IN FAVOR OF THE REAVES SO THEY HAVE FULL ENJOYMENT OF THEIR PROPERTY.

Brian Ulmer

_____ **NO**, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): Brian Ulmer _____

SIGNATURE(S): Brian Ulmer _____

YOUR TAX PARCEL NUMBER: 10624017 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 35 Hawthorne St.

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on August 2, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the pubic hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

COCHISE COUNTY
JUL 18 2011
PLANNING

RETURN TO: Beverly Wilson
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: bjwilson@cochise.az.gov
Fax: (520) 432-9278

15
C2

7.20.11 9:15am
Margory Church
245 N Aspen
HC

via phone call
She supports
the Rezoning.
(Reeves)

DexKnows.com™

Public Hearings 14.

Regular Board of Supervisors Meeting **Community Development**

Date: 08/23/2011

Z-11-03 / MDP-11-01 (Madison 1240)

Submitted By: Keith Dennis, Community Development

Department: Community Development **Division:** Planning

Presentation:	PowerPoint	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	1
NAME of PRESENTER:	Keith Dennis	**TITLE of PRESENTER:**	Senior Planner
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

Docket Number (If applicable): Z-11-03 / MDP-11-01 (Concurrent)

Agenda Item Text:

Adopt Ordinance 11-05 (1) amending certin Cochise County zoning districts boundaries from, RU-4 (Rural, one dwelling per 4 acres), to PD (Planned Development District), (2) amending the Cochise County Comprehensive Plan, and (3) approving a master development plan, pursuant to the application of James Lee of Madison Diversified.

Background:

MASTER DEVELOPMENT PLAN AND REZONING REQUEST
The item consists of two Dockets, MDP-11-01 and Z-11-03, and is a proposal for a 1,240-acre Master Development Plan (MDP) West of Willcox, Arizona. The nature of the proposed development, which would take place in several phases, would include a rezoning of the entire tract to Planned Development District (PDD) in order to facilitate the MDP.

The MDP is proposed as a four-phase development plan. At full build-out, the MDP would include densities ranging from 12 dwellings per acre to one dwelling per four acres, and would include a commercial mixed use area.

The subject property is located west of incorporated Willcox, Arizona, along the north side of Airport Road (between Mileposts 10 and 11). The Parcels subject to the Application are: 202-35-002A, 002B, 005, 202-01-009C, 009D, 009E, 202-23-004. The Applicant, James Lee, is represented by David Bohn of Kinetix Engineering.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES
Size: 1,240 Acres
Zoning: RU-4 (Rural, 1 dwelling per 4 acres)
Growth Area: D (Rural Growth Area)
Plan Designation: Rural
Area Plan: None Applicable
Existing Use: Grazing Land, Undeveloped
Proposed Use: Rezone to Planned Development District to allow development of a 1,240-acre Master Development Plan

Surrounding Zoning and Land Use
Direction Zoning Use(s)
North RU-4 Marguerite Road, Rural Residential and Undeveloped Land
South RU-4 Airport Road, Rural Residential and Undeveloped Land
East RU-4 Judd Drive, Rural Residential and Undeveloped Land
West RU-4 Rural Residential and Undeveloped Land

II. PLANNING AND ZONING COMMISSION HEARING – JULY 13, 2011
On July 13, 2011, the Planning and Zoning Commission voted unanimously (5 – 0) to forward these Dockets with a recommendation of conditional approval to the Board of Supervisors in two separate motions: the first for Docket Z-11-03, and the second for MDP 11-01. The Commission's motions included staff recommendations regarding suggested approval conditions.

II. PARCEL HISTORY
There are no records of any permits or violations associated with the subject parcels.

In 2005, a previous owner submitted a proposal for an MDP for the same property (called Winchester, Docket MDP 05-01). The report and some of the accompanying materials constitute what might be called the "parent document," of which the current proposal is a more mature derivation. The project was abandoned in 2006 and the current owner and developer, James Lee of Madison Diversified, took ownership of the project. This includes the tract itself as well as the MDP groundwork, such as the MDP Report, and hydrology and soils reports that had been completed for the Winchester MDP concept at that time.

In 2010, the developer submitted a proposal for a subdivision called "Madison 40" (S-10-01). This was intended to be the first phase of the larger Madison project, a 9-lot subdivision on 40 acres adjacent to Airport Road. The project was subsequently withdrawn, as the developer changed course and decided to revive and pursue efforts towards an MDP that would facilitate and govern the development of the entire 1,240 acre tract.

III. PROJECT DESCRIPTION
Master Planned Communities Defined

A Master Development Plan is defined in Article 4 of the Zoning Regulations as follows:

A master development plan is a duly adopted component of the Cochise County Comprehensive Plan that provides a detailed plan for the coordinated development of a specific area. A master development plan will address, at a minimum: basic densities; specific future land uses and boundaries thereof; the general character, extent, and location of major thoroughfares, collector streets, major drainageways, structures, open space, schools, parks, and community facilities, as applicable, for a designated area of Cochise County (406.01).

MDPs, when enacted by the Board of Supervisors, become the guiding policy vehicle for future land use, infrastructure improvement, subdivision development, architectural guidelines, and community facilities within the boundaries of the plan area. Future development within the area must abide by the policies and guidelines proffered in the MDP report; any rezoning that occurs within the MDP boundaries must also be in substantial conformance with the MDP policies. Thus, over the span of the MDP build-out, development in the area will be guided and informed by site specific data as provided in such documents as the MDP policy document proper, as well as soils and hydrology reports, water quality and adequacy analyses, and traffic impact studies. Policies specific to the MDP area are informed by these studies, with a whole, working, planned community being the intended result.

Planned Development District (PDD) Rezoning

As established in Article 15 of the Zoning Regulations, the PDD is an option for developers pursuing an

MDP. PD Districts may, in fact, only be established within an approved Master Development Plan area, and development within such Districts must be in substantial conformance with the governing MDP. Master Development Plans need not be followed by a rezoning to a PD District, in other words, but rezonings to PD cannot take place outside the framework of an approved MDP.

As stated above, the goal of an MDP is to define a set of policies and development standards for the plan area, so as to facilitate the development of a planned community, with its own distinct identity and character. The PDD is a powerful tool that developers can utilize to achieve this end. Within the context of an approved MDP, a developer may essentially establish their own Zoning Districts within the plan area, with unique development standards, permitted, accessory and Special Uses, all of which serve, over time, to guide development towards the intended goal. In drafting the MDP report under current consideration, the developer has used the Cochise County Zoning Regulations as a starting point from which to craft these proposed Districts within the MDP area. The Districts proposed within the MDP Report would, upon Board approval, be established as the available zones for future development within the MDP area. These are described in detail in Section IV of the MDP Report, and are briefly described below:

Low-Density Residential (LDR), with lot sizes ranging from 36,000 square feet to 4 acres;

Hig- Density Residential (HDR), which can include apartment dwellings, townhomes, zero lot line homes and similar products, with densities averaging one dwelling per 2,500 square feet;

Mobile Home Park (MHP), which would be subject to the development standards for Manufactured Home Parks (Section 1812); and

Mixed-Use District (MUD), which would allow a mixture of high-density housing, commercial and some light industrial uses.

Due to land and water constraints, the Madison project will include a maximum of 1,200 residential units, or a combination of residential and non-residential units which do not exceed the 1,200 single family residence capacity.

Comprehensive Plan Amendment

Master Development Plans, when approved by the Board of Supervisors, serve as an amendment to the Comprehensive Plan and will replace the existing, underlying growth category and plan designations for the property or properties that it addresses (406.02).
Currently the project area carries a “Rural” Comprehensive Plan designation, within a Category D (Rural) Growth Area. The eastern boundary of the plan area borders the Willcox Category B Growth area, which is also the boundary of the Willcox Strategic Plan area. Staff’s position is that, should the MDP be approved, it would be appropriate to re-designate the plan area as a Category B (Community) Growth Area with a “Developing” Plan designation. If approved by the Board of Supervisors as recommended, Condition #2 would make this Comprehensive Plan amendment explicit.

Although the proposal is an amendment to the Comprehensive Plan, and although the PD District allows the developer considerable flexibility with regard to development and use standards, the MDP policies as offered in the Report demonstrate a strong foundation in the policies of the Cochise County Comprehensive Plan, the Zoning Regulations, and the design standards of Cochise County regarding public improvements. For the benefit of decision makers and stakeholders, staff has separately attached Section IV.E.3 of the MDP Report (“General Administration”). Upon Board approval, these policies will serve as the policy mechanism governing all development in the MDP area, and will effectively establish the MDP area plan policies as an outgrowth of the broader set of policies and regulations of Cochise County. These are attached as Attachment C, and much of the analysis on the following pages will reference these important policy statements.

IV. MDP ANALYSIS
Below is the Planning Department's analysis of the MDP proposal. The project is analyzed according to three sets of criteria:

? The MDP requirements as set forth in Article 4 of the Zoning Regulations (Section 406);
? The Planned Development District requirements per Article 15; and
? The Rezoning Factors as provided in Section 2208.03.

For ease of reference, we have, where possible, quoted the applicable sections from the Regulations.

IV – 1. Compliance with Submittal Requirements for Master Development Plans (Section 406.06)

A. The applicant shall submit a master development plan map, drawn at a scale of either 50, 100, or 200 feet to one inch, or at a scale approved by the Zoning Inspector, and including the following information: (Complies)

1. Title of the development, a legal description of the property, parcel number(s), name of the developer and registered land surveyor or engineer, date of the plan, a north arrow and scale.(Complies)

2. A vicinity map showing the general location of the property, development and any incorporated city boundaries within three miles of the development. (Complies)

3. Boundary lines and ties to at least two section corners or quarter corners and dimensions of plan area boundaries. Section lines and mid-section lines shall be clearly designated. (Complies)

4. Existing land uses, existing zoning status, roads and wash corridors within the designated area and within ¼ mile of the proposed plan area. (Complies)

5. Proposed sizes of the various types of lots or parcels to be developed (acreage or square footage). (Complies)

6. General topography, at 10-foot contour intervals, all drainageways having a contributing drainage area of 150 acres or more, and all flood hazard zones. (Complies, with MDP report exhibits)

7. Major street layout, including: existing major thoroughfares serving, traversing, abutting, or otherwise affecting or affected by the proposed plan area; proposed collector and arterial streets; existing easements and rights-of-way within the plan area. (Complies)

8. If more than one zoning district is proposed, boundaries of the different zoning districts. (Complies)

9. Locations of proposed and existing structures, land use locations, major off-street parking and loading areas, open space, pedestrian circulation systems, bike and/or equestrian trails, public facilities such as schools, and approximate densities. (Complies)

10. General location of utilities, easements and other service facilities (Complies)

11. Intended phasing of the development, if applicable (Complies)

The maps and exhibits described above are included as Attachment B to this Memo.

The Applicant has submitted a Phasing Plan as part of the MDP report. Phase 1 is slated for construction as a Mobile Home Park. Phase 2 is proposed as "Low Density Residential" with an average lot size of two acres. Phase 3 is similarly characterized, with average lot sizes of four acres. Finally, Phase 4 would

see the development of the High Density Residential and Mixed Use Commercial areas designated along Airport Road.

B. The Master Development Plan map shall be accompanied by a written report, to be adopted as a part of the Master Development Plan, that includes the following information:

1. Methods of screening and buffering, where incompatible land use configurations necessitate protection for the proposed development or surrounding development (Complies)

The Plan document provides for screening and buffering on Page 32 of the Report, in Section IV.B.6: “At the time of site plan review, all commercial developments shall submit a plan detailing fencing, walls, landscaping, building placement, and other details, which must be in conformance with the PD design guidelines for commercial structures.”

2. Provisions for creation, use and maintenance of open space, recreation areas and preservation of scenic features of the land (Complies)

The developer has included provisions in Section IV of the MDP report (Attachment C) which address the requirements of 406.06.B.2, above:

• Prior to tentative plat approval for any phase of development, the Applicant shall provide a draft charter for a property maintenance district which will be responsible for HOAs within the Plan area. The draft CC&Rs shall include provisions which obligate the association to maintain all open space, trail system, common areas parks, landscaping in common areas and medians, entry features, and etc within the development. The CC&Rs shall also include deed restrictions enforcing the site development standards proposed within the MDP Area.

3. General provisions for pedestrian, bicycle and equestrian circulation throughout the development (Complies)

The property maintenance district discussed above would ultimately be responsible for the upkeep of amenities such as described here. The design and construction of these are provided for through the following provision in Section IV of the MDP report:

• A detailed pedestrian and equestrian circulation plan shall accompany any tentative plat submittal within the Plan area, which generally conforms to the “Pedestrian Circulation Exhibit” accompanying the MDP proposal. The pedestrian circulation system will comply with the standards for Planned Development District Pedestrian Circulation Systems as provided in Section 1503.08.D of the Zoning Regulations;

4. Statement specifying how roads, State-approved waste disposal, water supply, fire protection, and utilities will be provided, with approximate timing and location, including closest sewer and community waterlines and capacity to serve this development (Generally Complies)

As demonstrated in Attachment C, policy provisions have been made that will address all of these requirements prior to the undertaking of any development in the plan area. This includes requirements that all public improvements be constructed to Cochise County standards, as well as service commitments from fire and utility service providers. Staff has identified these as “generally” compliant because the “approximate timing” provision of this requirement is not given. However, staff’s position is that, with these policies in place, the necessary provisions will be implemented regardless of the timing of development.

5. Statement specifying how amenities are to be provided (sidewalks, open space, parks, recreational facilities, streetlights, curb and gutter, landscaping) including approximate timing and location (Complies)

As discussed above, property owners' associations will be formed and be responsible for these amenities and infrastructure improvements. The design and construction of these will, according to the MDP policies, meet with County standards for such improvements.

6. Statement of general kinds of development standards intended to be controlled through deed restrictions (i.e., architectural design, building height, construction materials, common area development and maintenance, landscaping, screening and buffering of individual sites (Complies)

As discussed, CC&Rs will be recorded and enforced by the property owners' association through deed restrictions. In addition to deed restrictions, the Madison MDP policies will themselves govern future subdivision development.

7. Statement of the projected population and anticipated impact of the development upon existing regional utilities and community facilities and services including, but not limited to water, electricity, sewer and solid waste disposal, schools and parks, police and fire protection: (Complies)

The MDP policies stipulate that water, wastewater and property maintenance districts or other equivalent bodies shall be formed to ensure adequacy for these resources.

With regard to law enforcement, fire and school district impacts, these impacts are not adequately addressed in the MDP report. However, the requirement for service commitments from such organizations would be incorporated as governing policies of the MDP should it be approved as recommended.

8. Report or narrative assessing adequacy of water supply to serve the proposed development (Complies)

The report does contain a Analysis of Adequate Water Supply issued by the Department of Water Resources on April 19, 2005 (See Attachment D). This determination is a vital first step in obtaining a full determination of water adequacy from ADWR. The analysis allows for a capacity of up to 1200 dwelling units, or an equivalent combination of residential and non-residential units.

9. Projected trip generation for the entire project at completion. If projected trip generation is of sufficient magnitude to significantly increase traffic, thereby reducing the level of service on one or more abutting or surrounding streets, or where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near, at, or over capacity, a traffic impact study including the following additional information is necessary (Complies):

a. Survey of thoroughfares, existing and planned, within at least ½ mile of the proposed plan area and may extend to collector and arterial streets serving the site.

b. Consolidation of existing traffic data; estimates of future traffic.

c. Trip assignments and their effect on traffic flow along streets serving the site, proposed thoroughfare alignments, capacities, signalization requirements, lanes, intersection configurations, etc.

d. Timing and methods of right-of-way improvements as necessary to serve projected traffic loads.

e. Current level of improvement of major routes serving the site (i.e. built to County standards)

f. An inventory and analysis of off-site improvements to be made, with approximate timing for each phasing.

g. Provisions for controlling access to major streets.

The Applicant has provided a robust initial traffic study that has been revised per the County Transportation Planner comments. The policy provisions in Section IV.E of the MDP report stipulate that traffic-related mitigation recommendations and methods in the TIA will be adhered to as the area develops.

10. Provisions for water conservation measures such as effluent re-use, recharge facilities, low-flow appliances, deed restrictions governing water use, drought-tolerant landscaping, limitations on irrigation, or others (Complies)

As with other requirements, the policy provisions in Section IV.E of the MDP report will ensure that County-approved water conservation methods will be employed:

• Except as explicitly modified herein, the MDP area shall be subject to the applicable policies of the Comprehensive Plan, related to Master Development Plans, Water Conservation and Transportation. The Water Conservation standards in Section 1820 of the Zoning Regulations shall also apply to all new construction.

11. Soils analyses for any proposed plan area shown on the most recent soil survey (USDA, Natural Resources Conservation Service) as containing soils having moderate to severe erosion hazard or corrosivity (Complies)

The Applicant has provided a Soils Evaluation Report as part of the on-site application package. However, more site specific soils analyses will be required as part of the subdivision and permitting processes for future development phases.

12. 3-Dimensional renderings of the development proposal overlaid onto aerials or maps showing the visual context of the proposed development in relation to existing development or staking when appropriate to evaluate impact on views (Waived – Not Applicable)

Section 406.06.C allows the Zoning Inspector to waive requirements of Sections 406.06.A or B where deemed appropriate. The Developer was relieved of this requirement during the application process.

13. Statement of development not to exceed 5 years from approval unless otherwise approved by the Board of Supervisors (Does not Comply – See Condition #10 and Attachment E)

The Applicant as asked for a Waiver to this requirement, citing uncertain market conditions, and the size and scope of the project as requiring a longer period until full build out is reached. The MDP Report projects a 15-year time frame for full development. Attachment E is the Engineer's request for Waiver from this requirement, and includes the Developer's rationale for the request. Staff can support the request given the scale and scope of the project. Staff offers the Planning Department recommendation on this matter as Condition #10, which provides a period of just over eight years for development (January 1, 2020), unless otherwise authorized by the Board of Supervisors.

IV – 2. Compliance with Applicable Site Development Standards for Planned Development Districts (Section 1503)
MDPs should be designed with the intent to minimize negative impacts to properties adjacent to the development, minimize impacts upon community facilities and services, prevent undue hazards to people or property on or off site from traffic, flooding, erosion, subsidence, soil slipping or other dangers, annoyances or inconveniences and protect the visual and physical character of the site.
1503.01 Minimum Development Area (Complies)
The minimum site area allowed for MDPs is 10 acres; at 1,240 acres, Madison meets this standard.
1503.02 Density (Complies)
Density within a PDD is limited only to what the developer can provide in terms of adequate water, sewer, utility and road infrastructure and improvements. Upon approval by the Board of Supervisors, the MDP report policies and regulations would become the governing policy document for the MDP area, thereby

codifying the provision of such infrastructure and improvements.

1503.03 Site Coverage and Design (Complies)

The developer thus has the option of creating site coverage and design standards. Section 1503.03 recommends using development standards from similar Districts for site coverage standards, and the Developer has done so. The proposed PD development standards include provisions for permitted and Special Uses, accessory uses, setbacks and distances between structures, as well as site coverage standards. More detail-specific design evaluation will occur at the subdivision review stage.

1503.04 Setbacks (Complies)

Setbacks for all uses, including site design, building design, screening, landscaping, and open space, are provided to alleviate potential land use conflicts. Again, more detail-specific design evaluation will occur at the subdivision review or permitting stage.

1503.05 Open Space (Does Not Comply - See Condition #8)

Open space is that area of land not occupied by buildings, towers, walls, billboards, or man-made impervious surfaces that is set aside or reserved in perpetuity for the use of the public or the residents of the development. Development under this provision is intended to provide an innovative site planning design in harmony with the natural features and constraints of specific sites, among others. As the Applicant proposes a rezoning to a PDD, a minimum of 50% open space is required for all residential phases, and 10% for non-residential development. The Applicant is asking for a 45% open space for the entire project (See Attachment E). Staff's position on the matter is that the PDD open space requirements should be met. Condition #8 would require that residential development follow the 50% open space standard, and that non-residential phases follow the 10% open space standard.

1503.06 Non-Residential Uses (Complies)

A predominantly residential MDP District should, according to Article 15, include some provision for non-residential development to serve the residents of the PD. The Applicant proposes an 80-acre mixed use commercial development along Airport Road and the Southeast corner of the MDP site. The developer also proposes a school site and fire station site to serve future residents.

1503.07 Sanitary Sewer and Water Systems (Complies)

Per this Section of the Zoning Regulations, "[n]o building permits shall be issued for development within a PD zoning district until provisions have been made for connection onto community water and sanitary sewer system or some other [ADEQ]-approved waste disposal system." The MDP report includes policy statements that make such provisions explicit, in that a water improvement district or company would be formed prior to any development taking place. Similarly, a wastewater improvement district would have to be formed prior to a plat submittal. In lower-density phases along the northern portion of the project area, conventional septic systems would be used. Septic systems are allowed under Section 1503.07 "if a community sanitary sewer is not feasible."

1503.08 Access, Circulation, and Street Improvements (Complies)

The Zoning Regulations indicate that PDDs shall have external access to at least one publicly maintained collector or arterial street and that the site shall be designed to discourage direct access to a predominantly residential street outside of the development. Furthermore, one additional external access to a collector or arterial street improved to minimum County standards is encouraged to improve overall circulation and provide emergency access. The developer has designated Airport Road as the primary access, with secondary access in future phases North to Marguerite Road. The policies of the MDP are written in such a way as to require adherence to mitigation and off-site improvements as recommended in the current and any future traffic analysis.

1503.09 Screening (Complies)

This Section requires that "[s]creening, as defined in Section 1805.02, shall be required along the exterior boundaries of all planned developments where a proposed non-residential use abuts a residential zoning district, unless this protection is provided by other means." The Applicant has provided regulations and policies within the MDP Report stipulating that screening will be required according to this requirement on Page 33 of the MDP report. The language featured in this Section of the report is taken, as recommended, from existing County Zoning Regulations concerning screening and would require that non-residential uses be screened from residential uses with approved screening methods. The manufactured home park proposed in Phase 1 would, according to the MDP regulations, be subject to the development standards for such uses as found in Section 1812 of the Zoning Regulations. Such standards do include screening requirements as well.

1503.10 Landscaping (Complies)
The developer has included the following statement in Section IV.B of the MDP Report:
• Landscaping for common areas, open spaces and parks will be provided and maintained by the HOAs or designees as applicable throughout the MDP, subject to the Planned Development Landscape standards set forth in Section 1503.10 of the Zoning Regulations;
As a proposed Category B Growth Area, the Madison MDP would be subject to County Regulations concerning landscaping, as set forth in Section 1806 of the Zoning Regulations and Section 1820 (regarding drought-tolerant landscaping).
IV – 3. Compliance with Rezoning Factors (Section 2208.03)

Section 2208.03 of the Zoning Regulations provides a list of 14 evaluation factors. Where applicable, these factors or criteria form the basis for staff analysis of any rezoning request. In this case, 13 of these apply to the Madison 1240 Planned Development. This rezoning proposal complies with 11 of the 13 applicable factors.

1. Compliance with an Adopted Area Plan, Master Development Plan or Comprehensive Plan (Complies)

Although the Madison project is not within an approved Area Plan, if approved, future development within the MDP boundary would proceed in substantial conformance with the approved MDP.

As discussed in Section III of this Memorandum, the MDP includes regulations, development standards and policy statements that would ensure future development is in keeping not only with the Comprehensive Plan policies, but with other County regulations and policies as well.

2. Land Use/Concept Plan (Does Not Comply – See Attachment E and Condition #9)
The Applicant submitted an MDP in accordance with Article 4 of the Zoning Regulations, including an MDP and rezoning application, conceptual site plans, Traffic Impact Analysis (TIA), hydrological report and an MDP map and narrative. A phasing plan is included as well. Although the maps accompanying the proposal satisfy the Article 4 requirements relative to MDP maps and exhibits, Article 22 (Section 2208.03.B.1) requires a more detailed and thorough plan for non-residential uses than what is provided. For rezonings intended to allow residential development, a “conceptual subdivision plat and a statement that a subdivision plat will be submitted within 18 months to 3 years” is required, and the submittal does not include such a plat. The Developer has provided a request to waive the time limit requirements relative to the rezoning as well as the MDP time limit stipulation (See Attachment E). Condition #9 would require the Developer to submit a subdivision tentative plat or development plan for Phase 1 within three years of Board approval.

3. Compliance with Applicable Site Development Standards (Complies)
As the proposal is a rezoning to a PDD, the developer has the option of drafting site development standards for the PD. This the developer has done, and much of the material in the development standards section of the MDP Report is drawn from the Cochise County Zoning Regulations.

There may be instances, as yet unknown, in which the MDP standards do not adequately address site development standards. At the request of staff, the developer has added the following language to the MDP report, stating that development will proceed

…in conformance with the PD District standards (Article 15) and as set forth in Article 18 of the zoning regulations. When any site development standard in article 18 conflicts with these regulations, the MDP standards shall override County standards; where development standards are not mentioned in the MDP standards, the applicable County regulations shall apply, subject to reasonable interpretation by the Planning Director as needed.”

4. Adjacent Districts Capable of Development (Complies)
Adjacent properties would remain capable of development if this proposal were approved.

5. Limitation on Non-Conforming Uses (Complies)
PD Districts are allowed considerable flexibility in terms of site coverage, design and density; the proposed rezoning would not create any non-conforming uses as proposed.

6. Compatibility of Existing Development (Does Not Comply)
The surrounding area is characterized by several rural homesites, large swaths of vacant land and grazing activities. The proposal would create, over time, a development which is largely incompatible with the character of the surrounding area.

7. Rezonings to More Intense Districts (Complies)
This factor evaluates whether a rezoning proposal to a more intensive District will include measures to protect adjacent development. Methods to achieve this end could include transition zones between more and less intensely developed areas, or enhanced screening, buffering or landscaping measures. The size and scope of the Madison proposal, given the varied development types proposed as well as the surrounding area, means compliance with this factor is difficult to achieve. However, there are some methods by which some measure of protection may be afforded.

Along the northern side of the tract, larger lot sizes are proposed which would provide some means of density transition towards the North. The MDP development standards for the Mixed Use Commercial area along the Southeast corner of the property does include provisions for screening and landscaping, and as such some protection may be possible in this area. The manufactured home park proposed as Phase 1 would be developed according to County regulations as set for in Section 1812, and this Section also includes screening and landscaping requirements. Finally, the PDD requirement that residential development include a 50% open space standard will help to alleviate impacts to neighboring properties.

8. Adequate Services and Infrastructure (Complies – See Condition #4)
The developer has submitted an acceptable Traffic Impact Analysis, which includes recommendations for strategies adequate to mitigate traffic impacts created by the development. The Madison MDP report, as discussed, includes policies linking future development to the recommendations in the TIA.

There are instances throughout Cochise County in which public roads in the County maintenance system are not under County ownership. Whenever possible, the County tries to acquire Right-of-Way along such roads in the maintenance system. Airport Road is such a road: that portion of Airport Road that fronts the Madison project area is maintained by the County but is not under County ownership. Staff recommends, as Condition #4, that the Developer acquire and dedicate Right-of-Way along the entire frontage of Airport Road prior to the development of Phase 1.

9. Traffic Circulation/ Development Along Major Streets (Complies)
Primary access to the site is North from Airport Road, and South through Marguerite Road. A traffic impact analysis is included in the submittal, and the MDP policy statements make clear those recommendations in this and future traffic studies will be adhered to.

10. Infill (Not Applicable)
This project is in a Rural plan area, and is therefore not considered to be infill development.

11. Water Conservation (Complies)
Provisions for water conservation measures such as effluent re-use, recharge facilities, low-flow appliances, deed restrictions governing water use, drought-tolerant landscaping, limitations on irrigation, have not been addressed in the MDP analysis. The subject properties are not located within an adopted Water Conservation Overlay District; however, all residential and non-residential uses will be required to comply with Section 1820 of the Cochise County Zoning Regulations governing water conservation measures.

12. Public Input (Complies)

The Regulations require Applicants to send a Citizen Review letter (See Attachment F). The Developer did so prior to submittal, and reports no responses. The Planning Department has received minimal comment from neighbors regarding the proposal: one in favor and one opposing.

13. Hazardous Materials (Not Applicable)
No hazardous materials are proposed at this time. Should any use involving hazardous materials be proposed within the MDP area in the future, hazmat mitigation would be addressed at permitting phases.

14. Comprehensive or Area Plan Policies (Complies)

This factor concerns the compliance with applicable Comprehensive Plan, Area Plan, or MDP policies. As discussed in Section III of this Memo, the adoption of an MDP constitutes a Comprehensive Plan Amendment, and as such, the proposal would comply with this factor.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500 feet. Staff posted the property on June 27, 2011 and published a legal notice in the San Pedro Valley News-Sun on June 23, 2011. To date, the Department has received one letter from a neighbor opposing the request, and one in support.

VI. WAIVER REQUESTS (SEE ATTACHMENT E)

The Developer has asked for a Waiver to the time limit on development for an MDP, which is supported by staff for reasons previously discussed. The waiver request does not cite a specific regulation, but the requirements of Sections 406.06.B.12 and 2208.03.B.1 are the regulations that apply to the request:

1. Section 406.06B12 (MDP application): Development shall not exceed five years; and

2. Section 2208.03B1: (Rezoning application) Subdivision plat to be submitted within “18 months to 3 years”.

While a general time frame is provided in Attachment E for completion of the Madison MDP, specifics such as to when development would begin, and end, are lacking and are in any case difficult to predict. Section 2208.03.B.1 requires “a statement that a subdivision plat will be submitted within 18 months to 3 years.” Staff recommends, as Condition #9, approving the request, while holding the Developer to the maximum range offered in this Section. This would provide a target date by which development must begin. Staff supports a modification to Section 406.06.B.12 as well, but would prefer not to leave the development schedule open-ended. Rather, staff recommends, as Condition #10, that the Madison MDP achieves full build-out before January 1, 2020, unless otherwise extended by the Board. This condition would provide a target date for completion of the MDP. Any extension of these schedules, or revocation in the event that the target dates cannot be met, would have to be brought before the Board of Supervisors for consideration and action.

Included in Attachment E is the Developer’s request for a 5% overall reduction in open space as required by Article 15. The proposal is to provide 45% open space throughout the entire project area. Staff does not support this Modification request, preferring to uphold the 1505.03 requirement that each residential phase retain 50% open space, and that non-residential phases uphold the 10% open space requirement (See Condition #8).

VII. SUMMARY AND CONCLUSION

If adopted by the Board of Supervisors, approval of the Madison 1240 MDP proposal would mean that a large area of unincorporated land would develop in an orderly fashion, with hard policies guaranteeing that adequate services and infrastructure will be in place to provide for such development.

In the proceeding Section of this Memo, staff has presented its analysis of the plan, checking the policies and provisions of the MDP Report against the applicable regulations governing the establishment of a MDP, the PDD, and of rezonings generally. Overall, the plan is in substantial conformance with each of these sets of criteria. Moreover, the Developer and Engineer have worked closely with staff to ensure that the MDP report and exhibits also have a firm foundation in the County Comprehensive Plan policies. The development parameters established by the MDP would, in staff's view, pave the way for a number of subdivisions to be built over time, under conditions favorable to County regulations and policies concerning adequate infrastructure, public improvement standards, open space provisions, densities, water conservation, drainage and development standards.

The Developer has requested a waiver which would allow a longer build-out period for the plan area than what is provided in the County regulations, based in part on the size and scope of the project as well as market uncertainties. Staff generally supports the request, particularly in light of the size and scope of the project.

FACTORS IN FAVOR OF APPROVAL

1. On July 13, the Planning and Zoning Commission voted unanimously (5 – 0) to recommend approval of these Dockets to the Board of Supervisors.

2. The MDP Report, Plans, Maps and Exhibits generally conform to the Master Development Plan requirements as set forth in Section 406 of the Zoning Regulations;

3. The MDP proposal complies with all applicable requirements for the PDD;

4. The project complies with 11 of the 12 applicable Rezoning Criteria;

5. One neighbor has expressed support in writing for the proposal.

FACTOR AGAINST APPROVAL

1. One neighbor has expressed opposition to the proposal.

VIII. RECOMMENDATIONS

Based on the factors in favor of approval, staff recommends that the Board of Supervisors grant conditional approval of Dockets Z-11-03 and MDP-11-03. Staff offers the following conditions of approval for Board consideration:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the Madison MDP parcels within thirty (30) days of approval from the Board of Supervisors;

2. Upon Board of Supervisors approval of the Madison 1240 Master Development Plan, the tract shall be re-designated as a Category B Growth Area, with a "Developing" Plan Designation.

3. All development within the MDP area shall conform to the architectural guidelines, development standards, and other policies and regulations set forth in the MDP Report, Plan Map, Site Plans and other exhibits provided as part of the Madison 1240 MDP. Where there is any conflict between the MDP regulations or policies and those of the Cochise County Zoning Regulations, the MDP regulations shall take precedent. In the event that a development standard or other regulation is found to be missing from the MDP, such circumstance shall be resolved through the closest applicable Section of the County Zoning or Subdivision Regulations, subject to reasonable interpretation by the County Planning Director.

4. Prior to any development for Phase 1, the Developer shall work with County staff to provide dedicated Right-of-Way along Airport Road for the entire MDP area frontage along this road;

5. Prior to the issuance of any building permits, the Applicant will provide a letter of intent to serve from a fire/emergency services provider;

6. Prior to the issuance of any land clearing permits, the Applicant will provide a Drainage Report that meets the standards and requirements of the County Highway and Floodplain Department and other applicable State and Federal Laws;

7. The developers shall be required to obtain all other necessary permits and licenses prior to the construction or operation of any use described in the MDP pursuant to local, state, and federal laws and regulations. Any proposed development plan, rezoning or land use that is not deemed to be in substantial conformance with the Madison MDP shall be subject to review by the Planning Department and may require an MDP amendment process;

8. In accordance with Section 1503.05, at least 50% of the gross area of any residential portion of the development shall be retained as open space; at least 10% of the gross area of any non-residential portion of the development shall be retained as open space;

9. Unless allowed by Board of Supervisors action, the Developer shall submit a development plan or subdivision tentative plat for Phase 1 within three years of Board approval, otherwise the Planned Development rezoning may be brought before the Board of Supervisors for revocation;

10. Unless allowed by Board of Supervisors action, the Madison MDP must be fully developed prior to January 1, 2020, otherwise the MDP may be brought before the Board of Supervisors for revocation.

Sample Motions (two are required): Mr. Chairman, I move to approve Docket Z-11-03, rezoning Parcels 202-35-002A, 002B, 005, 202-01-009C, 009D, 009E, and 202-23-004 from RU-4 to the Planned Development District, subject to the conditions as recommended by staff.

Mr. Chairman, I move to approve Docket MDP 11-01, approving the Madison 1240 Master Development Plan subject to the conditions as recommended by staff, and re-designating the area within the Madison 1240 project boundaries as a Category B Growth Area on the Comprehensive Plan Map.

IX. ATTACHMENTS
A. Madison 1240 MDP Report
B. Concept Plans and Exhibits
C. “General Provisions” MDP Policy Statements
D. Agency Comments
E. Waiver Requests
F. Citizen Review Letter and Public Comment
G. Legal Notice

Department's Next Steps (if approved):

If the Board approves the Rezoning and MDP requests, the next step would be for the Chairman to sign the Resolution.

Impact of NOT Approving/Alternatives:

If the Board does not grant the request, the 1,240-acre tract will remain as a Category D - Rural area on the Comprehensive Plan Map; the Zoning District boundaries would be unchanged, such that the Madison 1240 tract would remain within an RU-4 Zoning District.

To BOS Staff: Document Disposition/Follow-Up:

Please return a copy of the signed, recorded Resolution for the Planning Department files.

Attachments

Zoning Ordinance Z-11-03 James Lee of Madison Diversified
Staff Memo
Powerpoint Presentation
Attachments A - F
Attachment G - Legal Notice

ZONING ORDINANCE 11-___

(i) AMENDING CERTAIN COCHISE COUNTY ZONING DISTRICT BOUNDARIES FROM, RU-4 (RURAL, ONE DWELLING PER 4 ACRES), TO PD (PLANNED DEVELOPMENT DISTRICT), (ii) AMENDING THE COCHISE COUNTY COMPREHENSIVE PLAN, AND (iii) APPROVING A MASTER DEVELOPMENT PLAN, PURSUANT TO THE APPLICATION OF JAMES LEE OF MADISON DIVERSIFIED

WHEREAS, A.R.S. § 11-829 allows property owners or their authorized agent to request amendments to the Zoning District boundaries through the Board of Supervisors in a public hearing; and

WHEREAS, the Cochise County Board of Supervisors recognizes that zoning amendments can affect land use patterns and therefore warrant careful consideration of local and regional impacts at a public hearing; and

WHEREAS, Section 406.02 of the Cochise County Zoning Regulations requires the adoption of a Master Development Plan when a rezoning to the Planned Development District is proposed; and

WHEREAS, Section 406.02 of the Cochise County Zoning Regulations states that the adoption of a Master Development Plan shall serve as an amendment to the Comprehensive Plan, changing the Growth Category and Plan Designation of the parcels subject to the Master Development Plan; and

WHEREAS, the Cochise County Board of Supervisors promotes effective, early and continuous public participation by citizens; and

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Zoning District boundaries, the master development plan and amendment to the Comprehensive Plan, hereby known as Dockets MDP-11-01/Z-11-03; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on the amendments to the Zoning District boundaries, the Master Development Plan and amendment to the Comprehensive Plan, as proposed by James Lee of Madison Diversified; and

WHEREAS, the Board of Supervisors approved the rezoning, and the Master Development Plan with the accompanying amendment to the Comprehensive Plan, with the conditions noted below,

NOW, THEREFORE, BE IT RESOLVED that the Cochise County Zoning District Boundaries and the Cochise County Comprehensive Plan shall be amended as follows:

The Zoning District classification for the 1,240-acre tract known as Madison 1240, consisting of Parcels 202-35-002A, 002B, 005, 202-01-009C, 009D, 009E, and 202-23-004, is hereby amended, re-zoning the Madison 1240 tract from RU-4 (Rural) to PD (Planned Development District). The Cochise County Comprehensive Plan is hereby amended, such that the Comprehensive Plan Growth Category and Plan Designation for the Madison 1240 tract shall be re-designated from Category D – Rural to Category B – Developing. The Madison 1240 Master Development Plan, to which all future development within the Madison 1240 tract shall henceforth be subject, is hereby approved. The change in Zoning District boundaries, the Comprehensive Plan Amendment, and the Madison Master Development Plan approval are subject to the following conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the Madison MDP parcels within thirty (30) days of approval from the Board of Supervisors;

2. Upon Board of Supervisors approval of the Madison 1240 Master Development Plan, the tract shall be re-designated as a Category B Growth Area, with a "Developing" Plan Designation.

3. All development within the MDP area shall conform to the architectural guidelines, development standards, and other policies and regulations set forth in the MDP Report, Plan Map, Site Plans and other exhibits provided as part of the Madison 1240 MDP. Where there is any conflict between the MDP regulations or policies and those of the Cochise County Zoning Regulations, the MDP regulations shall take precedent. In the event that a development standard or other regulation is found to be missing from the MDP, such circumstance shall be resolved through the closest applicable Section of the County Zoning or Subdivision Regulations, subject to reasonable interpretation by the County Planning Director.

4. Prior to any development for Phase 1, the Developer shall work with County staff to provide dedicated Right-of-Way along Airport Road for the entire MDP area frontage along this road;

5. Prior to the issuance of any building permits, the Applicant will provide a letter of intent to serve from a fire/emergency services provider;

6. Prior to the issuance of any land clearing permits, the Applicant will provide a Drainage Report that meets the standards and requirements of the County Highway and Floodplain Department and other applicable State and Federal Laws;

7. The developers shall be required to obtain all other necessary permits and licenses prior to the construction or operation of any use described in the MDP pursuant to local, state, and federal laws and regulations. Any proposed development plan, rezoning or land use that is not deemed to be in substantial conformance with the Madison MDP shall be subject to review by the Planning Department and may require an MDP amendment process;

8. In accordance with Section 1503.05, at least 50% of the gross area of any residential portion of the development shall be retained as open space; at least 10% of the gross area of any non-residential portion of the development shall be retained as open space;

9. Unless allowed by Board of Supervisors action, the Developer shall submit a development plan or subdivision tentative plat for Phase 1 within three years of Board approval, otherwise the Planned Development rezoning may be brought before the Board of Supervisors for revocation;

10. Unless allowed by Board of Supervisors action, the Madison MDP must be fully developed prior to January 1, 2020, otherwise the MDP may be brought before the Board of Supervisors for revocation.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 23rd day of August, 2011.

_____
Patrick G. Call, Chairman
Board of Supervisors

ATTEST:

_____
Katie Howard,
Clerk of the Board

APPROVED AS TO FORM:

_____
Britt W. Hanson, Chief Civil
Deputy County Attorney

COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Board of Supervisors

FROM: Keith Dennis, Senior Planner

For: Michael Turisk, Interim Planning Director

SUBJECT: Dockets MDP-11-01 and Z-11-03 (Madison 1240)

DATE: August 12, 2011, for the August 23, 2011 Meeting

MASTER DEVELOPMENT PLAN AND REZONING REQUEST

The item consists of two Dockets, MDP-11-01 and Z-11-03, and is a proposal for a 1,240-acre Master Development Plan (MDP) West of Willcox, Arizona. The nature of the proposed development, which would take place in several phases, would include a rezoning of the entire tract to Planned Development District (PDD) in order to facilitate the MDP.

The MDP is proposed as a four-phase development plan. At full build-out, the MDP would include densities ranging from 12 dwellings per acre to one dwelling per four acres, and would include a commercial mixed use area.

The subject property is located west of incorporated Willcox, Arizona, along the north side of Airport Road (between Mileposts 10 and 11). The Parcels subject to the Application are: 202-35-002A, 002B, 005, 202-01-009C, 009D, 009E, 202-23-004. The Applicant, James Lee, is represented by David Bohn of Kinetix Engineering.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size:	1,240 Acres
Zoning:	RU-4 (Rural, 1 dwelling per 4 acres)
Growth Area:	D (Rural Growth Area)
Plan Designation:	Rural
Area Plan:	None Applicable
Existing Use:	Grazing Land, Undeveloped
Proposed Use:	Rezone to Planned Development District to allow development of a 1,240-acre Master Development Plan

Surrounding Zoning and Land Use

Direction	Zoning	Use(s)
North	RU-4	Marguerite Road, Rural Residential and Undeveloped Land
South	RU-4	Airport Road, Rural Residential and Undeveloped Land
East	RU-4	Judd Drive, Rural Residential and Undeveloped Land
West	RU-4	Rural Residential and Undeveloped Land

II. PLANNING AND ZONING COMMISSION HEARING – JULY 13, 2011

On July 13, 2011, the Planning and Zoning Commission voted unanimously (5 – 0) to forward these Dockets with a recommendation of conditional approval to the Board of Supervisors in two separate motions: the first for Docket Z-11-03, and the second for MDP 11-01. The Commission's motions included staff recommendations regarding suggested approval conditions.

II. PARCEL HISTORY

There are no records of any permits or violations associated with the subject parcels.

In 2005, a previous owner submitted a proposal for an MDP for the same property (called Winchester, Docket MDP 05-01). The report and some of the accompanying materials constitute what might be called the "parent document," of which the current proposal is a more mature derivation. The project was abandoned in 2006 and the current owner and developer, James Lee of Madison Diversified, took ownership of the project. This includes the tract itself as well as the MDP groundwork, such as the MDP Report, and hydrology and soils reports that had been completed for the Winchester MDP concept at that time.

In 2010, the developer submitted a proposal for a subdivision called "Madison 40" (S-10-01). This was intended to be the first phase of the larger Madison project, a 9-lot subdivision on 40 acres adjacent to Airport Road. The project was subsequently withdrawn, as the developer changed course and decided to revive and pursue efforts towards an MDP that would facilitate and govern the development of the entire 1,240 acre tract.

III. PROJECT DESCRIPTION

Master Planned Communities Defined

A Master Development Plan is defined in Article 4 of the Zoning Regulations as follows:

A master development plan is a duly adopted component of the Cochise County Comprehensive Plan that provides a detailed plan for the coordinated development of a specific area. A master development plan will address, at a minimum: basic densities; specific future land uses and boundaries thereof; the general character, extent, and location of major thoroughfares, collector streets, major drainageways, structures, open space, schools, parks, and community facilities, as applicable, for a designated area of Cochise County (406.01).

MDPs, when enacted by the Board of Supervisors, become the guiding policy vehicle for future land use, infrastructure improvement, subdivision development, architectural guidelines, and community facilities within the boundaries of the plan area. Future development within the area must abide by the policies and guidelines proffered in the MDP report; any rezoning that occurs within the MDP boundaries must also be in substantial conformance with the MDP policies. Thus, over the span of the MDP build-out, development in the area will be guided and informed by site specific data as provided in such documents as the MDP policy document proper, as well as soils and hydrology reports, water quality and adequacy analyses, and traffic impact studies. Policies specific to the MDP area are informed by these studies, with a whole, working, planned community being the intended result.

Planned Development District (PDD) Rezoning

As established in Article 15 of the Zoning Regulations, the PDD is an option for developers pursuing an MDP. PD Districts may, in fact, only be established within an approved Master Development Plan area, and development within such Districts must be in substantial conformance with the governing MDP. Master Development Plans need not be followed by a rezoning to a PD District, in other words, but rezonings to PD cannot take place outside the framework of an approved MDP.

As stated above, the goal of an MDP is to define a set of policies and development standards for the plan area, so as to facilitate the development of a planned community, with its own distinct identity and character. The PDD is a powerful tool that developers can utilize to achieve this end. Within the context of an approved MDP, a developer may essentially establish their own Zoning Districts within the plan area, with unique development standards, permitted, accessory and Special Uses, all of which serve, over time, to guide development towards the intended goal. In drafting the MDP report under current consideration, the developer has used the Cochise County Zoning Regulations as a starting point from which to craft these proposed Districts within the MDP area. The Districts proposed within the MDP Report would, upon Board approval, be established as the available zones for future development within the MDP area. These are described in detail in Section IV of the MDP Report, and are briefly described below:

Low-Density Residential (LDR), with lot sizes ranging from 36,000 square feet to 4 acres;

Hig- Density Residential (HDR), which can include apartment dwellings, townhomes, zero lot line homes and similar products, with densities averaging one dwelling per 2,500 square feet;

Mobile Home Park (MHP), which would be subject to the development standards for Manufactured Home Parks (Section 1812); and

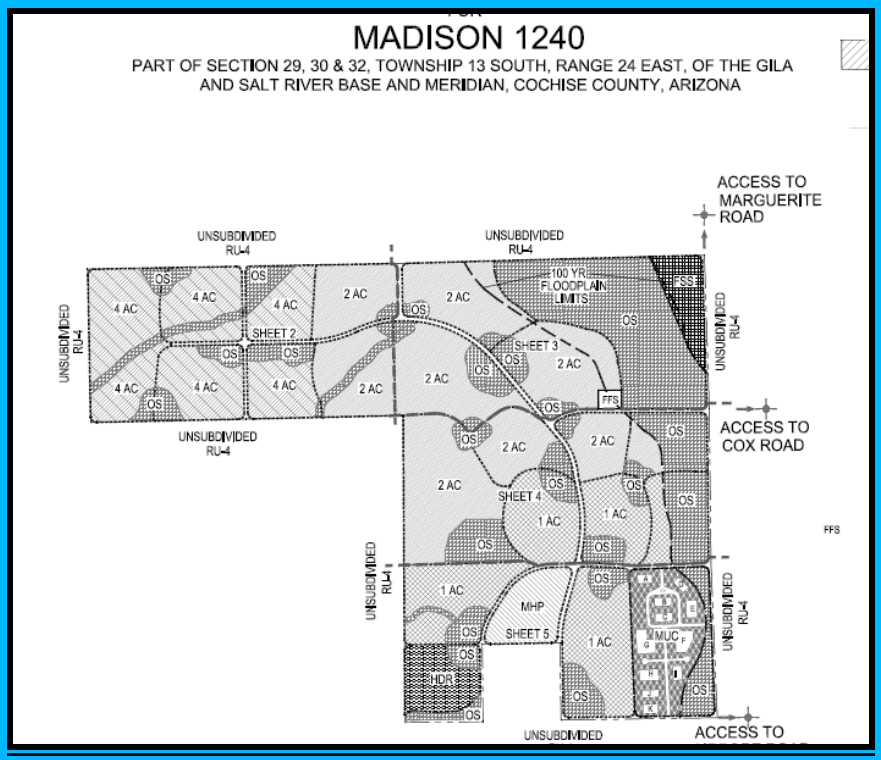
Mixed-Use District (MUD), which would allow a mixture of high-density housing, commercial and some light industrial uses.

Due to land and water constraints, the Madison project will include a maximum of 1,200 residential units, or a combination of residential and non-residential units which do not exceed the 1,200 single family residence capacity.

Comprehensive Plan Amendment

Master Development Plans, when approved by the Board of Supervisors, serve as *an amendment to the Comprehensive Plan and will replace the existing, underlying growth category and plan designations for the property or properties that it addresses* (406.02).
Currently the project area carries a "Rural" Comprehensive Plan designation, within a Category D (Rural) Growth Area. The eastern boundary of the plan area borders the Willcox Category B Growth area, which is also the boundary of the Willcox Strategic Plan area. Staff's position is that, should the MDP be approved, it would be appropriate to re-designate the plan area as a Category B (Community) Growth Area with a "Developing" Plan designation. If approved by the Board of Supervisors as recommended, Condition #2 would make this Comprehensive Plan amendment explicit.

Although the proposal is an amendment to the Comprehensive Plan, and although the PD District allows the developer considerable flexibility with regard to development and use standards, the MDP policies as offered in the Report demonstrate a strong foundation in the policies of the Cochise County Comprehensive Plan, the Zoning Regulations, and the design standards of Cochise County regarding public improvements. For the benefit of decision makers and stakeholders, staff has separately attached Section IV.E.3 of the MDP Report ("General Administration"). Upon Board approval, these policies will serve as the policy mechanism governing all development in the MDP area, and will effectively establish the MDP area plan policies as an outgrowth of the broader set of policies and regulations of Cochise County. These are attached as Attachment C, and much of the analysis on the following pages will reference these important policy statements.



IV. MDP ANALYSIS

Below is the Planning Department's analysis of the MDP proposal. The project is analyzed according to three sets of criteria:

- The MDP requirements as set forth in Article 4 of the Zoning Regulations (Section 406);
- The Planned Development District requirements per Article 15; and
- The Rezoning Factors as provided in Section 2208.03.

For ease of reference, we have, where possible, quoted the applicable sections from the Regulations.

IV – 1. Compliance with Submittal Requirements for Master Development Plans (Section 406.06)

A. The applicant shall submit a master development plan map, drawn at a scale of either 50, 100, or 200 feet to one inch, or at a scale approved by the Zoning Inspector, and including the following information: (Complies)

1. Title of the development, a legal description of the property, parcel number(s), name of the developer and registered land surveyor or engineer, date of the plan, a north arrow and scale.(Complies)

2. A vicinity map showing the general location of the property, development and any incorporated city boundaries within three miles of the development. (Complies)

3. Boundary lines and ties to at least two section corners or quarter corners and dimensions of plan area boundaries. Section lines and mid-section lines shall be clearly designated. (Complies)

4. Existing land uses, existing zoning status, roads and wash corridors within the designated area and within ¼ mile of the proposed plan area. (Complies)

5. Proposed sizes of the various types of lots or parcels to be developed (acreage or square footage). (Complies)

6. General topography, at 10-foot contour intervals, all drainageways having a contributing drainage area of 150 acres or more, and all flood hazard zones. (Complies, with MDP report exhibits)

7. Major street layout, including: existing major thoroughfares serving, traversing, abutting, or otherwise affecting or affected by the proposed plan area; proposed collector and arterial streets; existing easements and rights-of-way within the plan area. (Complies)

8. If more than one zoning district is proposed, boundaries of the different zoning districts. (Complies)

9. Locations of proposed and existing structures, land use locations, major off-street parking and loading areas, open space, pedestrian circulation systems, bike and/or equestrian trails, public facilities such as schools, and approximate densities. (Complies)

10. General location of utilities, easements and other service facilities (Complies)

11. Intended phasing of the development, if applicable (Complies)

The maps and exhibits described above are included as Attachment B to this Memo.

The Applicant has submitted a Phasing Plan as part of the MDP report. Phase 1 is slated for construction as a Mobile Home Park. Phase 2 is proposed as "Low Density Residential" with an average lot size of two acres. Phase 3 is similarly characterized, with average lot sizes of four acres. Finally, Phase 4 would see the development of the High Density Residential and Mixed Use Commercial areas designated along Airport Road.

B. The Master Development Plan map shall be accompanied by a written report, to be adopted as a part of the Master Development Plan, that includes the following information:

1. Methods of screening and buffering, where incompatible land use configurations necessitate protection for the proposed development or surrounding development (Complies)

The Plan document provides for screening and buffering on Page 32 of the Report, in Section IV.B.6: "At the time of site plan review, all commercial developments shall submit a plan detailing fencing, walls, landscaping, building placement, and other details, which must be in conformance with the PD design guidelines for commercial structures."

2. Provisions for creation, use and maintenance of open space, recreation areas and preservation of scenic features of the land (Complies)

The developer has included provisions in Section IV of the MDP report (Attachment C) which address the requirements of 406.06.B.2, above:

- Prior to tentative plat approval for any phase of development, the Applicant shall provide a draft charter for a property maintenance district which will be responsible for HOAs within the Plan area. The draft CC&Rs shall include provisions which obligate the association to maintain all open space, trail system, common areas parks, landscaping in common areas and medians, entry features, and etc within the development. The CC&Rs shall also include deed restrictions enforcing the site development standards proposed within the MDP Area.

3. General provisions for pedestrian, bicycle and equestrian circulation throughout the development (Complies)

The property maintenance district discussed above would ultimately be responsible for the upkeep of amenities such as described here. The design and construction of these are provided for through the following provision in Section IV of the MDP report:

- A detailed pedestrian and equestrian circulation plan shall accompany any tentative plat submittal within the Plan area, which generally conforms to the "Pedestrian Circulation Exhibit" accompanying the MDP proposal. The pedestrian circulation system will comply with the standards for Planned Development District Pedestrian Circulation Systems as provided in Section 1503.08.D of the Zoning Regulations;

4. Statement specifying how roads, State-approved waste disposal, water supply, fire protection, and utilities will be provided, with approximate timing and location, including closest sewer and community waterlines and capacity to serve this development (Generally Complies)

As demonstrated in Attachment C, policy provisions have been made that will address all of these requirements prior to the undertaking of any development in the plan area. This includes requirements that all public improvements be constructed to Cochise County standards, as well as service commitments from fire and utility service providers. Staff has identified these as "generally" compliant because the "approximate timing" provision of this requirement is not given. However, staff's position is that, with these policies in place, the necessary provisions will be implemented regardless of the timing of development.

5. Statement specifying how amenities are to be provided (sidewalks, open space, parks, recreational facilities, streetlights, curb and gutter, landscaping) including approximate timing and location (Complies)

As discussed above, property owners' associations will be formed and be responsible for these amenities and infrastructure improvements. The design and construction of these will, according to the MDP policies, meet with County standards for such improvements.

6. Statement of general kinds of development standards intended to be controlled through deed restrictions (i.e., architectural design, building height, construction materials, common area development and maintenance, landscaping, screening and buffering of individual sites (Complies)

As discussed, CC&Rs will be recorded and enforced by the property owners' association through deed restrictions. In addition to deed restrictions, the Madison MDP policies will themselves govern future subdivision development.

7. Statement of the projected population and anticipated impact of the development upon existing regional utilities and community facilities and services including, but not limited to water, electricity, sewer and solid waste disposal, schools and parks, police and fire protection: (Complies)

The MDP policies stipulate that water, wastewater and property maintenance districts or other equivalent bodies shall be formed to ensure adequacy for these resources.

With regard to law enforcement, fire and school district impacts, these impacts are not adequately addressed in the MDP report. However, the requirement for service commitments from such organizations would be incorporated as governing policies of the MDP should it be approved as recommended.

8. Report or narrative assessing adequacy of water supply to serve the proposed development (Complies)

The report does contain a Analysis of Adequate Water Supply issued by the Department of Water Resources on April 19, 2005 (See Attachment D). This determination is a vital first step in obtaining a full determination of water adequacy from ADWR. The analysis allows for a capacity of up to 1200 dwelling units, or an equivalent combination of residential and non-residential units.

9. Projected trip generation for the entire project at completion. If projected trip generation is of sufficient magnitude to significantly increase traffic, thereby reducing the level of service on one or more abutting or surrounding streets, or where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near, at, or over capacity, a traffic impact study including the following additional information is necessary (Complies):

a. Survey of thoroughfares, existing and planned, within at least ½ mile of the proposed plan area and may extend to collector and arterial streets serving the site.

b. Consolidation of existing traffic data; estimates of future traffic.

c. Trip assignments and their effect on traffic flow along streets serving the site, proposed thoroughfare alignments, capacities, signalization requirements, lanes, intersection configurations, etc.

d. Timing and methods of right-of-way improvements as necessary to serve projected traffic loads.

e. Current level of improvement of major routes serving the site (i.e. built to County standards)

f. An inventory and analysis of off-site improvements to be made, with approximate timing for each phasing.

g. Provisions for controlling access to major streets.

The Applicant has provided a robust initial traffic study that has been revised per the County Transportation Planner comments. The policy provisions in Section IV.E of the MDP report stipulate that traffic-related mitigation recommendations and methods in the TIA will be adhered to as the area develops.

10. Provisions for water conservation measures such as effluent re-use, recharge facilities, low-flow appliances, deed restrictions governing water use, drought-tolerant landscaping, limitations on irrigation, or others (Complies)

As with other requirements, the policy provisions in Section IV.E of the MDP report will ensure that County-approved water conservation methods will be employed:

- Except as explicitly modified herein, the MDP area shall be subject to the applicable policies of the Comprehensive Plan, related to Master Development Plans, Water Conservation and Transportation. The Water Conservation standards in Section 1820 of the Zoning Regulations shall also apply to all new construction.

11. Soils analyses for any proposed plan area shown on the most recent soil survey (USDA, Natural Resources Conservation Service) as containing soils having moderate to severe erosion hazard or corrosivity (Complies)

The Applicant has provided a Soils Evaluation Report as part of the on-site application package. However, more site specific soils analyses will be required as part of the subdivision and permitting processes for future development phases.

12. 3-Dimensional renderings of the development proposal overlaid onto aerials or maps showing the visual context of the proposed development in relation to existing development or staking when appropriate to evaluate impact on views (Waived – Not Applicable)

Section 406.06.C allows the Zoning Inspector to waive requirements of Sections 406.06.A or B where deemed appropriate. The Developer was relieved of this requirement during the application process.

13. Statement of development not to exceed 5 years from approval unless otherwise approved by the Board of Supervisors (Does not Comply – See Condition #10 and Attachment E)

The Applicant as asked for a Waiver to this requirement, citing uncertain market conditions, and the size and scope of the project as requiring a longer period until full build out is reached. The MDP Report projects a 15-year time frame for full development. Attachment E is the Engineer's request for Waiver from this requirement, and includes the Developer's rationale for the request. Staff can support the request given the scale and scope of the project. Staff offers the Planning Department recommendation on this matter as Condition #10, which provides a period of just over eight years for development (January 1, 2020), unless otherwise authorized by the Board of Supervisors.

IV – 2. Compliance with Applicable Site Development Standards for Planned Development Districts (Section 1503)

MDPs should be designed with the intent to minimize negative impacts to properties adjacent to the development, minimize impacts upon community facilities and services, prevent undue hazards to people or property on or off site from traffic, flooding, erosion, subsidence, soil

slipping or other dangers, annoyances or inconveniences and protect the visual and physical character of the site.

1503.01 Minimum Development Area (Complies)

The minimum site area allowed for MDPs is 10 acres; at 1,240 acres, Madison meets this standard.

1503.02 Density (Complies)

Density within a PDD is limited only to what the developer can provide in terms of adequate water, sewer, utility and road infrastructure and improvements. Upon approval by the Board of Supervisors, the MDP report policies and regulations would become the governing policy document for the MDP area, thereby codifying the provision of such infrastructure and improvements.

1503.03 Site Coverage and Design (Complies)

The developer thus has the option of creating site coverage and design standards. Section 1503.03 recommends using development standards from similar Districts for site coverage standards, and the Developer has done so. The proposed PD development standards include provisions for permitted and Special Uses, accessory uses, setbacks and distances between structures, as well as site coverage standards. More detail-specific design evaluation will occur at the subdivision review stage.

1503.04 Setbacks (Complies)

Setbacks for all uses, including site design, building design, screening, landscaping, and open space, are provided to alleviate potential land use conflicts. Again, more detail-specific design evaluation will occur at the subdivision review or permitting stage.

1503.05 Open Space (Does Not Comply - See Condition #8)

Open space is that area of land not occupied by buildings, towers, walls, billboards, or man-made impervious surfaces that is set aside or reserved in perpetuity for the use of the public or the residents of the development. Development under this provision is intended to provide an innovative site planning design in harmony with the natural features and constraints of specific sites, among others. As the Applicant proposes a rezoning to a PDD, a minimum of 50% open space is required for all residential phases, and 10% for non-residential development. The Applicant is asking for a 45% open space for the entire project (See Attachment E). Staff's position on the matter is that the PDD open space requirements should be met. Condition #8 would require that residential development follow the 50% open space standard, and that non-residential phases follow the 10% open space standard.

1503.06 Non-Residential Uses (Complies)

A predominantly residential MDP District should, according to Article 15, include some provision for non-residential development to serve the residents of the PD. The Applicant proposes an 80-acre mixed use commercial development along Airport Road and the Southeast corner of the MDP site. The developer also proposes a school site and fire station site to serve future residents.

1503.07 Sanitary Sewer and Water Systems (Complies)

Per this Section of the Zoning Regulations, "[n]o building permits shall be issued for development within a PD zoning district until provisions have been made for connection onto community water and sanitary sewer system or some other [ADEQ]-approved waste disposal system." The MDP report includes policy statements that make such provisions explicit, in that a water improvement district or company would be formed prior to any development taking place. Similarly, a wastewater improvement district would have to be formed prior to a plat submittal. In lower-density phases along the northern portion of the project area, conventional septic systems would be used. Septic systems are allowed under Section 1503.07 "if a community sanitary sewer is not feasible."

1503.08 Access, Circulation, and Street Improvements (Complies)

The Zoning Regulations indicate that PDDs shall have external access to at least one publicly maintained collector or arterial street and that the site shall be designed to discourage direct access to a predominantly residential street outside of the development. Furthermore, one additional external access to a collector or arterial street improved to minimum County standards is encouraged to improve overall circulation and provide emergency access. The developer has designated Airport Road as the primary access, with secondary access in future phases North to Marguerite Road. The policies of the MDP are written in such a way as to require adherence to mitigation and off-site improvements as recommended in the current and any future traffic analysis.

1503.09 Screening (Complies)

This Section requires that "[s]creening, as defined in Section 1805.02, shall be required along the exterior boundaries of all planned developments where a proposed non-residential use abuts a residential zoning district, unless this protection is provided by other means." The Applicant has provided regulations and policies within the MDP Report stipulating that screening will be required according to this requirement on Page 33 of the MDP report. The language featured in this Section of the report is taken, as recommended, from existing County Zoning Regulations concerning screening and would require that non-residential uses be screened from residential uses with approved screening methods. The manufactured home park proposed in Phase 1 would, according to the MDP regulations, be subject to the development standards for such uses as found in Section 1812 of the Zoning Regulations. Such standards do include screening requirements as well.

1503.10 Landscaping (Complies)

The developer has included the following statement in Section IV.B of the MDP Report:

- Landscaping for common areas, open spaces and parks will be provided and maintained by the HOAs or designees as applicable throughout the MDP, subject to the Planned Development Landscape standards set forth in Section 1503.10 of the Zoning Regulations;

As a proposed Category B Growth Area, the Madison MDP would be subject to County Regulations concerning landscaping, as set forth in Section 1806 of the Zoning Regulations and Section 1820 (regarding drought-tolerant landscaping).

IV – 3. Compliance with Rezoning Factors (Section 2208.03)

Section 2208.03 of the Zoning Regulations provides a list of 14 evaluation factors. Where applicable, these factors or criteria form the basis for staff analysis of any rezoning request. In this case, 13 of these apply to the Madison 1240 Planned Development. This rezoning proposal complies with 11 of the 13 applicable factors.

1. Compliance with an Adopted Area Plan, Master Development Plan or Comprehensive Plan (Complies)

Although the Madison project is not within an approved Area Plan, if approved, future development within the MDP boundary would proceed in substantial conformance with the approved MDP.

As discussed in Section III of this Memorandum, the MDP includes regulations, development standards and policy statements that would ensure future development is in keeping not only with the Comprehensive Plan policies, but with other County regulations and policies as well.

2. Land Use/Concept Plan (Does Not Comply – See Attachment E and Condition #9)
The Applicant submitted an MDP in accordance with Article 4 of the Zoning Regulations, including an MDP and rezoning application, conceptual site plans, Traffic Impact Analysis (TIA), hydrological report and an MDP map and narrative. A phasing plan is included as well. Although the maps accompanying the proposal satisfy the Article 4 requirements relative to MDP maps and exhibits, Article 22 (Section 2208.03.B.1) requires a more detailed and thorough plan for non-residential uses than what is provided. For rezonings intended to allow residential development, a "conceptual subdivision plat and a statement that a subdivision plat will be submitted within 18 months to 3 years" is required, and the submittal does not include such a plat. The Developer has provided a request to waive the time limit requirements relative to the rezoning as well as the MDP time limit stipulation (See Attachment E). Condition #9 would require the Developer to submit a subdivision tentative plat or development plan for Phase 1 within three years of Board approval.

3. Compliance with Applicable Site Development Standards (Complies)
As the proposal is a rezoning to a PDD, the developer has the option of drafting site development standards for the PD. This the developer has done, and much of the material in the development standards section of the MDP Report is drawn from the Cochise County Zoning Regulations.

There may be instances, as yet unknown, in which the MDP standards do not adequately address site development standards. At the request of staff, the developer has added the following language to the MDP report, stating that development will proceed

…in conformance with the PD District standards (Article 15) and as set forth in Article 18 of the zoning regulations. When any site development standard in article 18 conflicts with these regulations, the MDP standards shall override County standards; where development standards are not mentioned in the MDP standards, the applicable County regulations shall apply, subject to reasonable interpretation by the Planning Director as needed."

4. Adjacent Districts Capable of Development (Complies)
Adjacent properties would remain capable of development if this proposal were approved.

5. Limitation on Non-Conforming Uses (Complies)
PD Districts are allowed considerable flexibility in terms of site coverage, design and density; the proposed rezoning would not create any non-conforming uses as proposed.

6. Compatibility of Existing Development (Does Not Comply)
The surrounding area is characterized by several rural homesites, large swaths of vacant land and grazing activities. The proposal would create, over time, a development which is largely incompatible with the character of the surrounding area.

7. Rezonings to More Intense Districts (Complies)
This factor evaluates whether a rezoning proposal to a more intensive District will include measures to protect adjacent development. Methods to achieve this end could include transition zones between more and less intensely developed areas, or enhanced screening, buffering or landscaping measures. The size and scope of the Madison proposal, given the varied development types proposed as well as the surrounding area, means compliance with this factor is difficult to achieve. However, there are some methods by which some measure of protection may be afforded.

Along the northern side of the tract, larger lot sizes are proposed which would provide some means of density transition towards the North. The MDP development standards for the Mixed Use Commercial area along the Southeast corner of the property does include provisions for screening and landscaping, and as such some protection may be possible in this area. The manufactured home park proposed as Phase 1 would be developed according to County regulations as set for in Section 1812, and this Section also includes screening and landscaping requirements. Finally, the PDD requirement that residential development include a 50% open space standard will help to alleviate impacts to neighboring properties.

8. Adequate Services and Infrastructure (Complies – See Condition #4)
The developer has submitted an acceptable Traffic Impact Analysis, which includes recommendations for strategies adequate to mitigate traffic impacts created by the development. The Madison MDP report, as discussed, includes policies linking future development to the recommendations in the TIA.

There are instances throughout Cochise County in which public roads in the County maintenance system are not under County ownership. Whenever possible, the County tries to acquire Right-of-Way along such roads in the maintenance system. Airport Road is such a road: that portion of Airport Road that fronts the Madison project area is maintained by the County but is not under County ownership. Staff recommends, as Condition #4, that the Developer acquire and dedicate Right-of-Way along the entire frontage of Airport Road prior to the development of Phase 1.

9. Traffic Circulation/ Development Along Major Streets (Complies)
Primary access to the site is North from Airport Road, and South through Marguerite Road. A traffic impact analysis is included in the submittal, and the MDP policy statements make clear those recommendations in this and future traffic studies will be adhered to.

10. Infill (Not Applicable)
This project is in a Rural plan area, and is therefore not considered to be infill development.

11. Water Conservation (Complies)
Provisions for water conservation measures such as effluent re-use, recharge facilities, low-flow appliances, deed restrictions governing water use, drought-tolerant landscaping, limitations on irrigation, have not been addressed in the MDP analysis. The subject properties are not located within an adopted Water Conservation Overlay District; however, all residential and non-residential uses will be required to comply with Section 1820 of the Cochise County Zoning Regulations governing water conservation measures.

12. Public Input (Complies)
The Regulations require Applicants to send a Citizen Review letter (See Attachment F). The Developer did so prior to submittal, and reports no responses. The Planning Department has received minimal comment from neighbors regarding the proposal: one in favor and one opposing.

13. Hazardous Materials (Not Applicable)
No hazardous materials are proposed at this time. Should any use involving hazardous materials be proposed within the MDP area in the future, hazmat mitigation would be addressed at permitting phases.

14. Comprehensive or Area Plan Policies (Complies)

This factor concerns the compliance with applicable Comprehensive Plan, Area Plan, or MDP policies. As discussed in Section III of this Memo, the adoption of an MDP constitutes a Comprehensive Plan Amendment, and as such, the proposal would comply with this factor.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500 feet. Staff posted the property on June 27, 2011 and published a legal notice in the San Pedro Valley News-Sun on June 23, 2011. To date, the Department has received one letter from a neighbor opposing the request, and one in support.

VI. WAIVER REQUESTS (SEE ATTACHMENT E)

The Developer has asked for a Waiver to the time limit on development for an MDP, which is supported by staff for reasons previously discussed. The waiver request does not cite a specific regulation, but the requirements of Sections 406.06.B.12 and 2208.03.B.1 are the regulations that apply to the request:

1. Section 406.06B12 (MDP application): Development shall not exceed five years; and

2. Section 2208.03B1: (Rezoning application) Subdivision plat to be submitted within "18 months to 3 years".

While a general time frame is provided in Attachment E for completion of the Madison MDP, specifics such as to when development would begin, and end, are lacking and are in any case difficult to predict. Section 2208.03.B.1 requires "a statement that a subdivision plat will be submitted within 18 months to 3 years." Staff recommends, as Condition #9, approving the request, while holding the Developer to the maximum range offered in this Section. This would provide a target date by which development must begin. Staff supports a modification to Section 406.06.B.12 as well, but would prefer not to leave the development schedule open-ended. Rather, staff recommends, as Condition #10, that the Madison MDP achieves full build-out before January 1, 2020, unless otherwise extended by the Board. This condition would provide a target date for completion of the MDP. Any extension of these schedules, or revocation in the event that the target dates cannot be met, would have to be brought before the Board of Supervisors for consideration and action.

Included in Attachment E is the Developer's request for a 5% overall reduction in open space as required by Article 15. The proposal is to provide 45% open space throughout the entire project area. Staff does not support this Modification request, preferring to uphold the 1505.03 requirement that each residential phase retain 50% open space, and that non-residential phases uphold the 10% open space requirement (See Condition #8).

VII. SUMMARY AND CONCLUSION

If adopted by the Board of Supervisors, approval of the Madison 1240 MDP proposal would mean that a large area of unincorporated land would develop in an orderly fashion, with hard policies guaranteeing that adequate services and infrastructure will be in place to provide for such development.

In the proceeding Section of this Memo, staff has presented its analysis of the plan, checking the policies and provisions of the MDP Report against the applicable regulations governing the establishment of a MDP, the PDD, and of rezonings generally. Overall, the plan is in substantial conformance with each of these sets of criteria. Moreover, the Developer and Engineer have worked closely with staff to ensure that the MDP report and exhibits also have a firm foundation in the County Comprehensive Plan policies. The development parameters established by the MDP would, in staff's view, pave the way for a number of subdivisions to be built over time, under conditions favorable to County regulations and policies concerning adequate infrastructure, public improvement standards, open space provisions, densities, water conservation, drainage and development standards.

The Developer has requested a waiver which would allow a longer build-out period for the plan area than what is provided in the County regulations, based in part on the size and scope of the project as well as market uncertainties. Staff generally supports the request, particularly in light of the size and scope of the project.

FACTORS IN FAVOR OF APPROVAL

1. On July 13, the Planning and Zoning Commission voted unanimously (5 – 0) to recommend approval of these Dockets to the Board of Supervisors.

2. The MDP Report, Plans, Maps and Exhibits generally conform to the Master Development Plan requirements as set forth in Section 406 of the Zoning Regulations;

3. The MDP proposal complies with all applicable requirements for the PDD;

4. The project complies with 11 of the 12 applicable Rezoning Criteria;

5. One neighbor has expressed support in writing for the proposal.

FACTOR AGAINST APPROVAL

1. One neighbor has expressed opposition to the proposal.

VIII. RECOMMENDATIONS

Based on the factors in favor of approval, staff recommends that the Board of Supervisors grant conditional approval of Dockets Z-11-03 and MDP-11-03. Staff offers the following conditions of approval for Board consideration:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the Madison MDP parcels within thirty (30) days of approval from the Board of Supervisors;

2. Upon Board of Supervisors approval of the Madison 1240 Master Development Plan, the tract shall be re-designated as a Category B Growth Area, with a "Developing" Plan Designation.

3. All development within the MDP area shall conform to the architectural guidelines, development standards, and other policies and regulations set forth in the MDP Report, Plan Map, Site Plans and other exhibits provided as part of the Madison 1240 MDP. Where there is any conflict between the MDP regulations or policies and those of the Cochise County Zoning Regulations, the MDP regulations shall take precedent. In the event that a development standard or other regulation is found to be missing from the MDP, such circumstance shall be resolved through the closest applicable Section of the County Zoning or Subdivision Regulations, subject to reasonable interpretation by the County Planning Director.

4. Prior to any development for Phase 1, the Developer shall work with County staff to provide dedicated Right-of-Way along Airport Road for the entire MDP area frontage along this road;

5. Prior to the issuance of any building permits, the Applicant will provide a letter of intent to serve from a fire/emergency services provider;

6. Prior to the issuance of any land clearing permits, the Applicant will provide a Drainage Report that meets the standards and requirements of the County Highway and Floodplain Department and other applicable State and Federal Laws;

7. The developers shall be required to obtain all other necessary permits and licenses prior to the construction or operation of any use described in the MDP pursuant to local, state, and federal laws and regulations. Any proposed development plan, rezoning or land use that is not deemed to be in substantial conformance with the Madison MDP shall be subject to review by the Planning Department and may require an MDP amendment process;

8. In accordance with Section 1503.05, at least 50% of the gross area of any residential portion of the development shall be retained as open space; at least 10% of the gross area of any non-residential portion of the development shall be retained as open space;

9. Unless allowed by Board of Supervisors action, the Developer shall submit a development plan or subdivision tentative plat for Phase 1 within three years of Board approval, otherwise the Planned Development rezoning may be brought before the Board of Supervisors for revocation;

10. Unless allowed by Board of Supervisors action, the Madison MDP must be fully developed prior to January 1, 2020, otherwise the MDP may be brought before the Board of Supervisors for revocation.

Sample Motions (two are required): *Mr. Chairman, I move to approve Docket Z-11-03, rezoning Parcels 202-35-002A, 002B, 005, 202-01-009C, 009D, 009E, and 202-23-004 from RU-4 to the Planned Development District, subject to the conditions as recommended by staff.*

Mr. Chairman, I move to approve Docket MDP 11-01, approving the Madison 1240 Master Development Plan subject to the conditions as recommended by staff, and re-designating the area within the Madison 1240 project boundaries as a Category B Growth Area on the Comprehensive Plan Map.

IX. ATTACHMENTS

A. Madison 1240 MDP Report
B. Concept Plans and Exhibits
C. “General Provisions” MDP Policy Statements
D. Agency Comments
E. Waiver Requests
F. Citizen Review Letter and Public Comment
G. Legal Notice

Docket MDP-11-01 / Z-11-03

A 1,240 Acre Master Development Plan Proposal,
West of Willcox, AZ.

Cochise County Board of Supervisors

August 23, 2011

Docket MDP-11-01 / Z-11-03 (Madison 1240)

- 1,240-Acre Master Development Plan (MDP) proposal;
- Rezoning proposal to Planned Development District (PDD) for the proposed MDP;
- Four-phase development plan, with densities ranging from 12 dwellings per acre to one dwelling per four acres, including a commercial mixed use area;

Madison 1240

- The subject property is located west of incorporated Willcox, Arizona, along the north side of Airport Road (between Mileposts 10 and 11). The Parcels subject to the Application are: 202-35-002A, 002B, 005, 202-01-009C, 009D, 009E, 202-23-004.

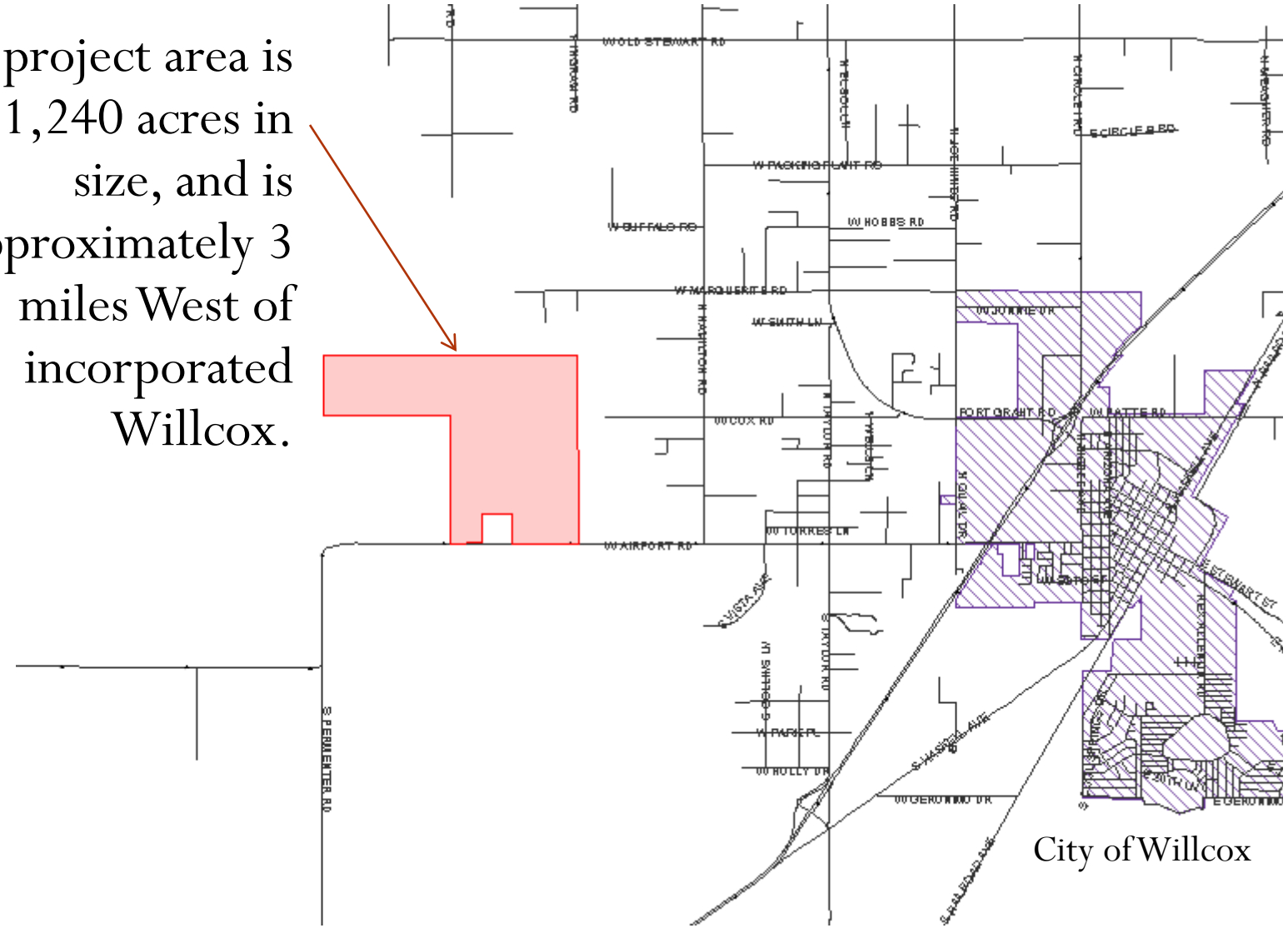
- The Applicant, James Lee, is represented by David Bohn of Kinetix Engineering.

Planning and Zoning Commission

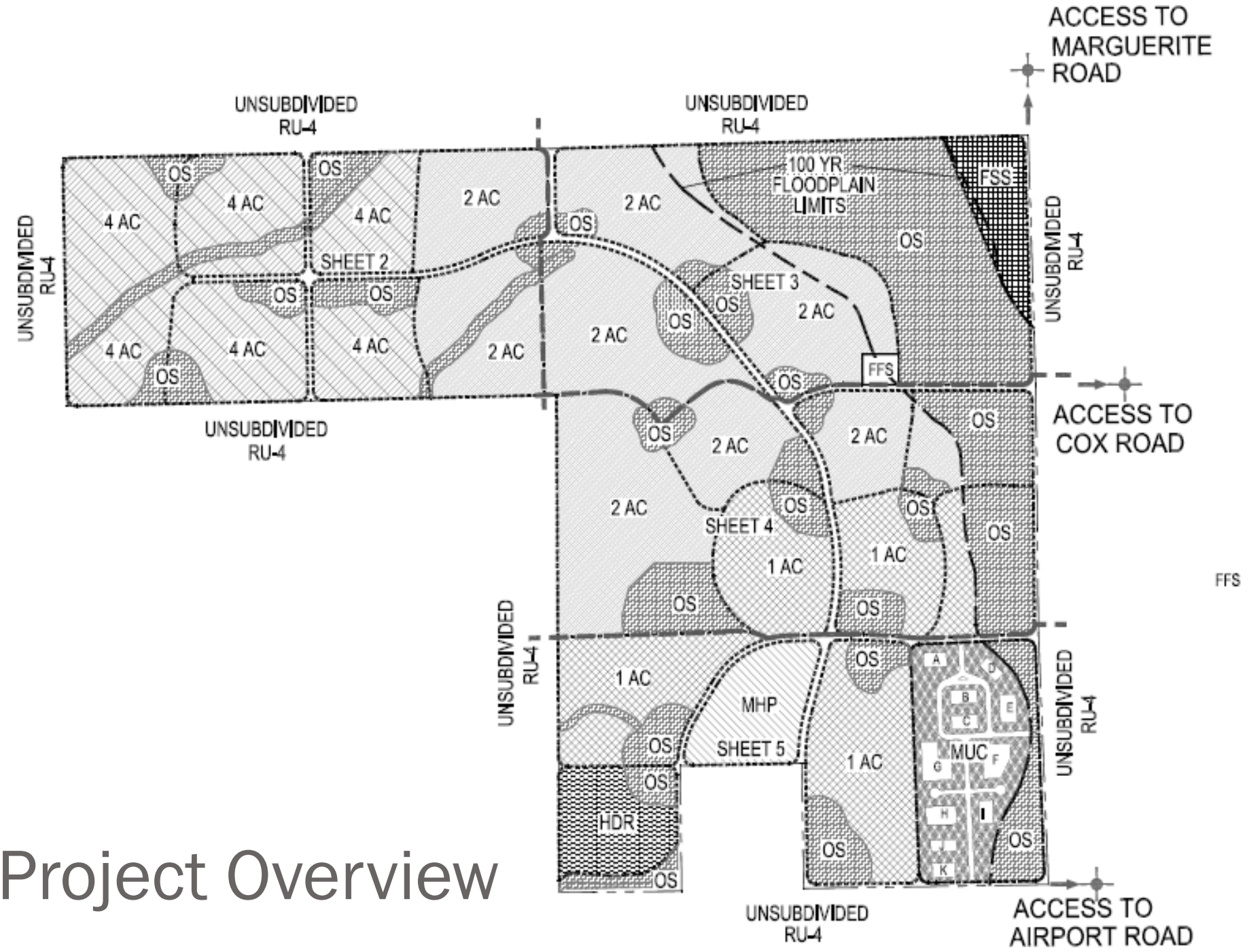
- On July 13, 2011, the Planning and Zoning Commission voted unanimously (5 – 0) to recommend approval of these Dockets to the Board of Supervisors.
- The Commission's motions included the conditions of approval recommended by staff.

Location

The project area is 1,240 acres in size, and is approximately 3 miles West of incorporated Willcox.

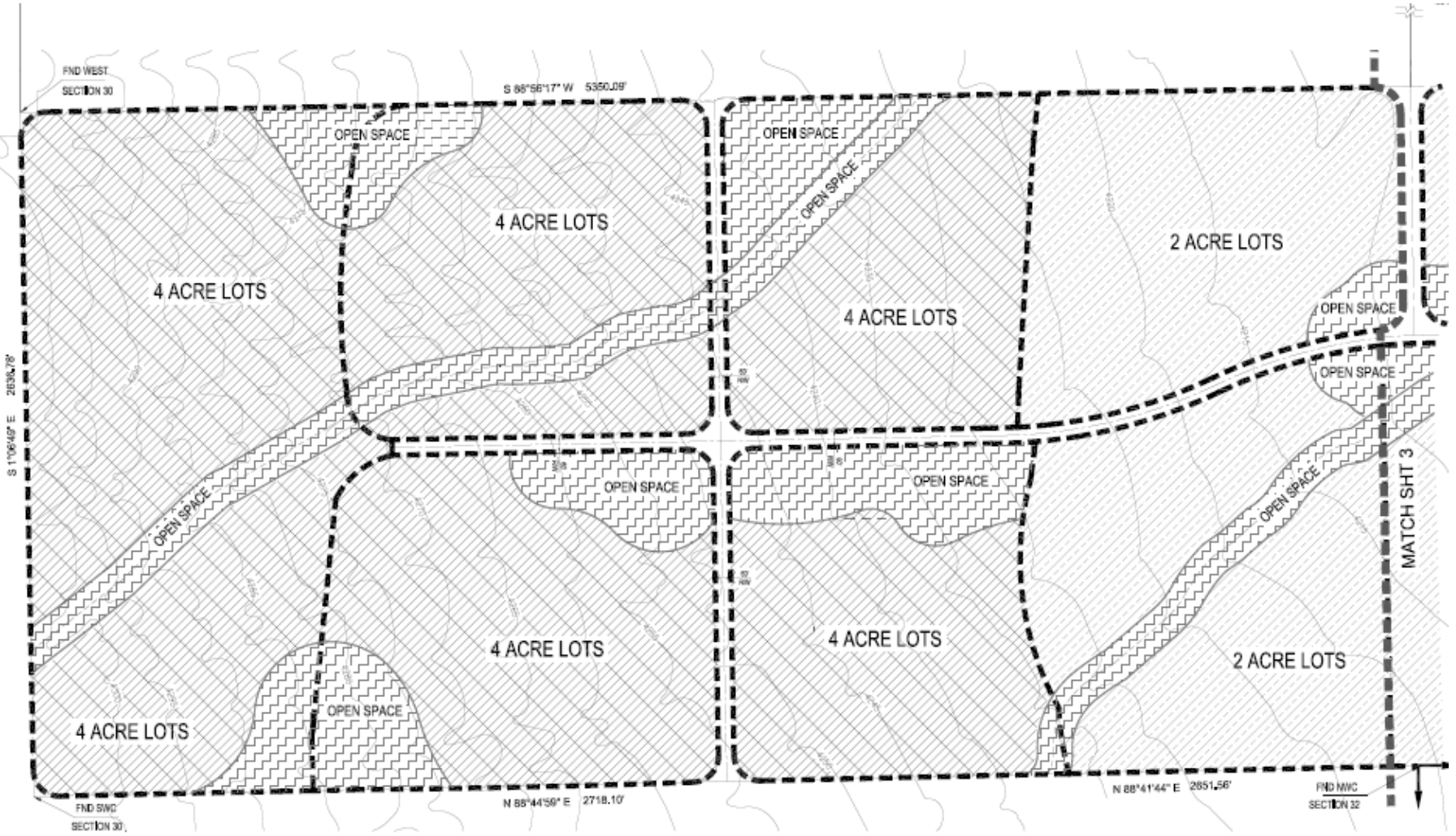


City of Willcox

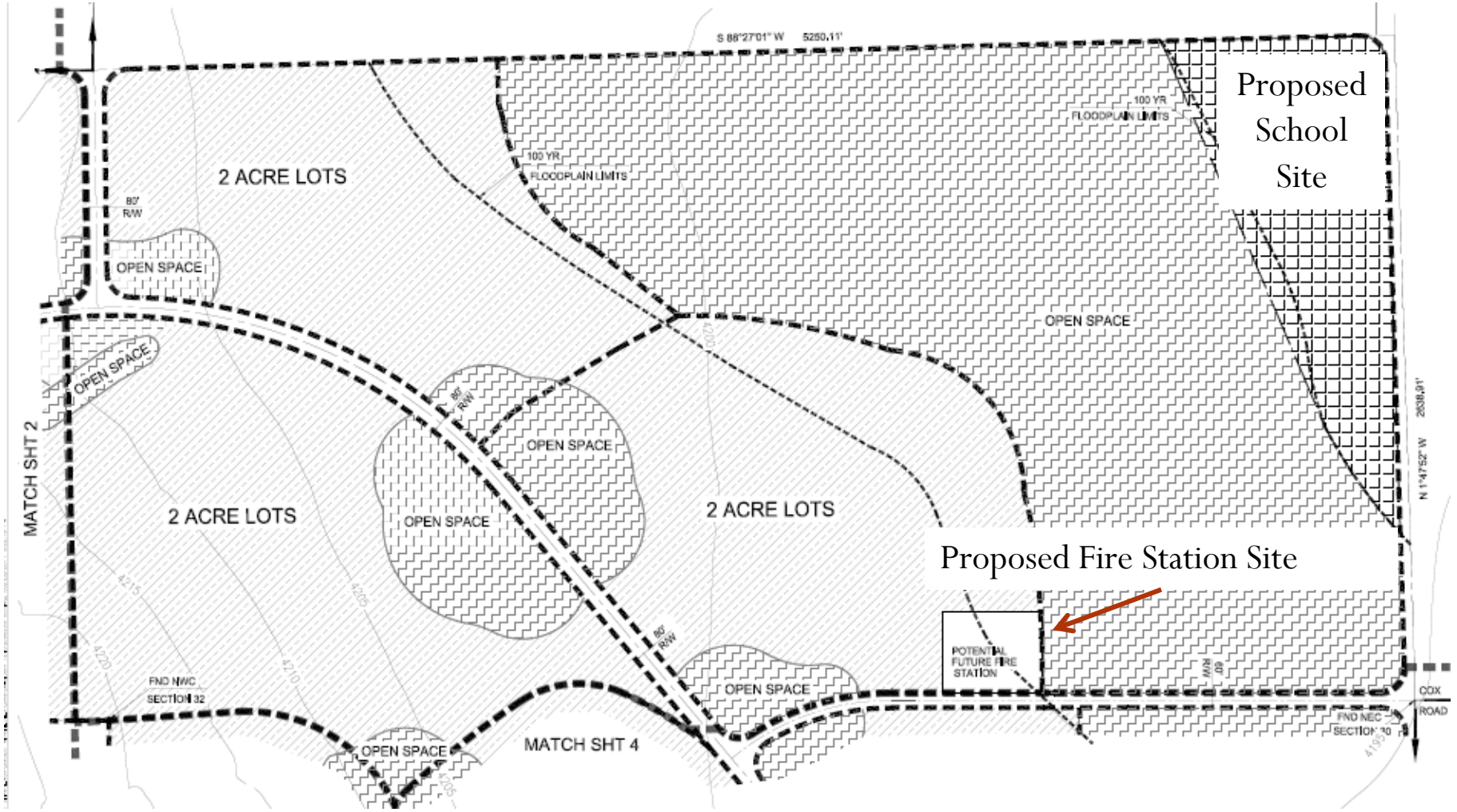


Project Overview

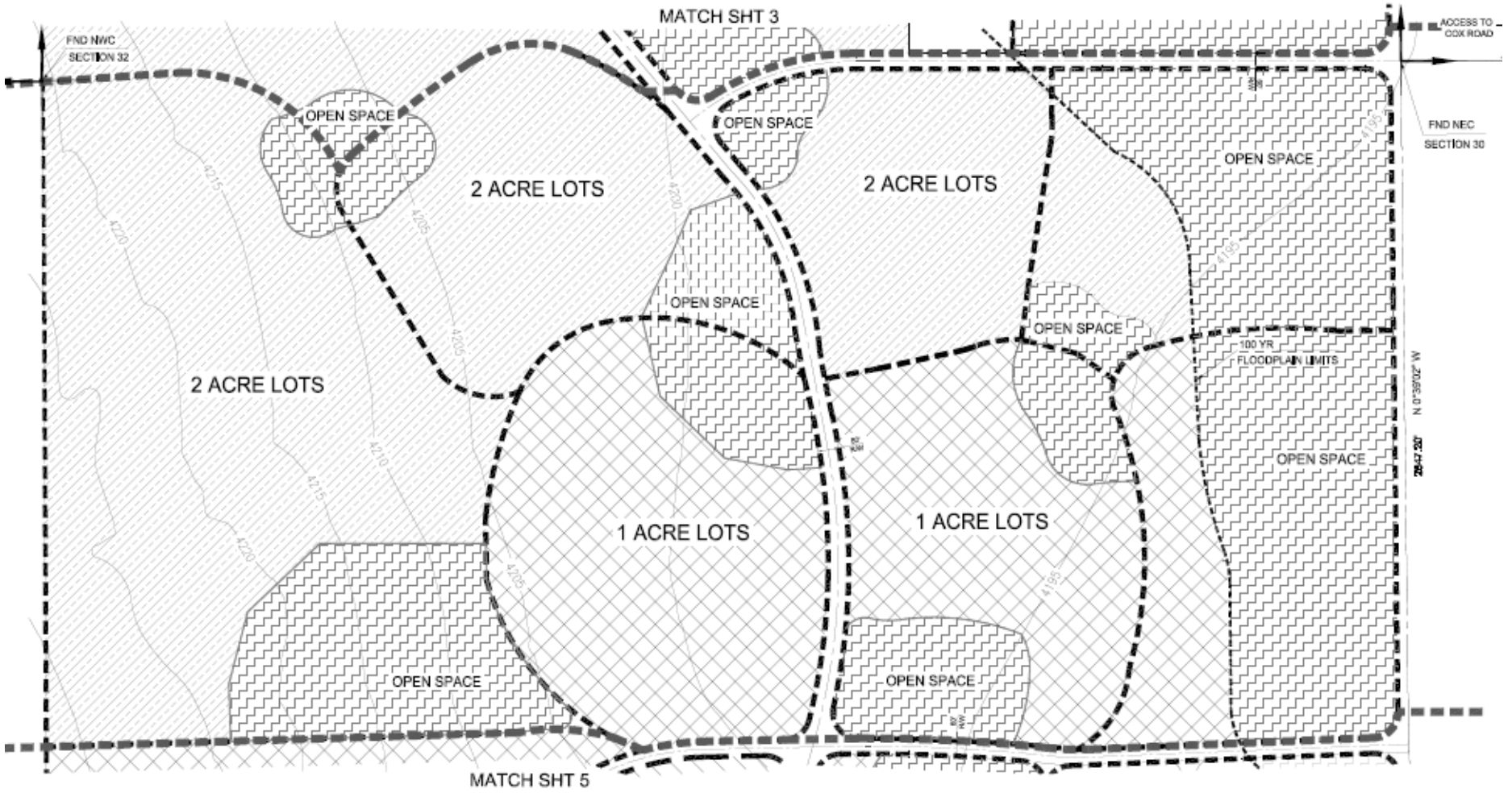
Northwest Portion



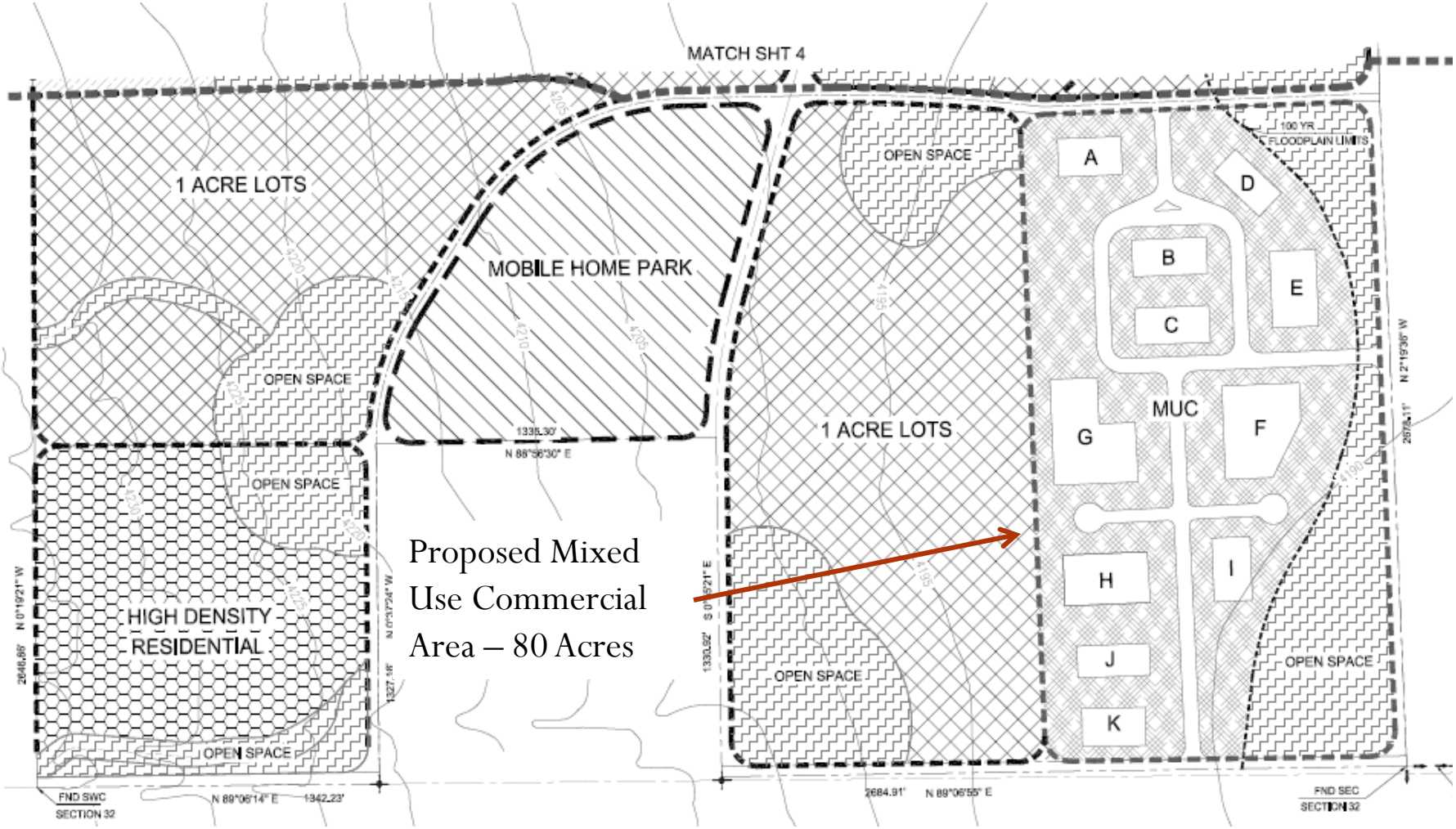
Northeast Portion

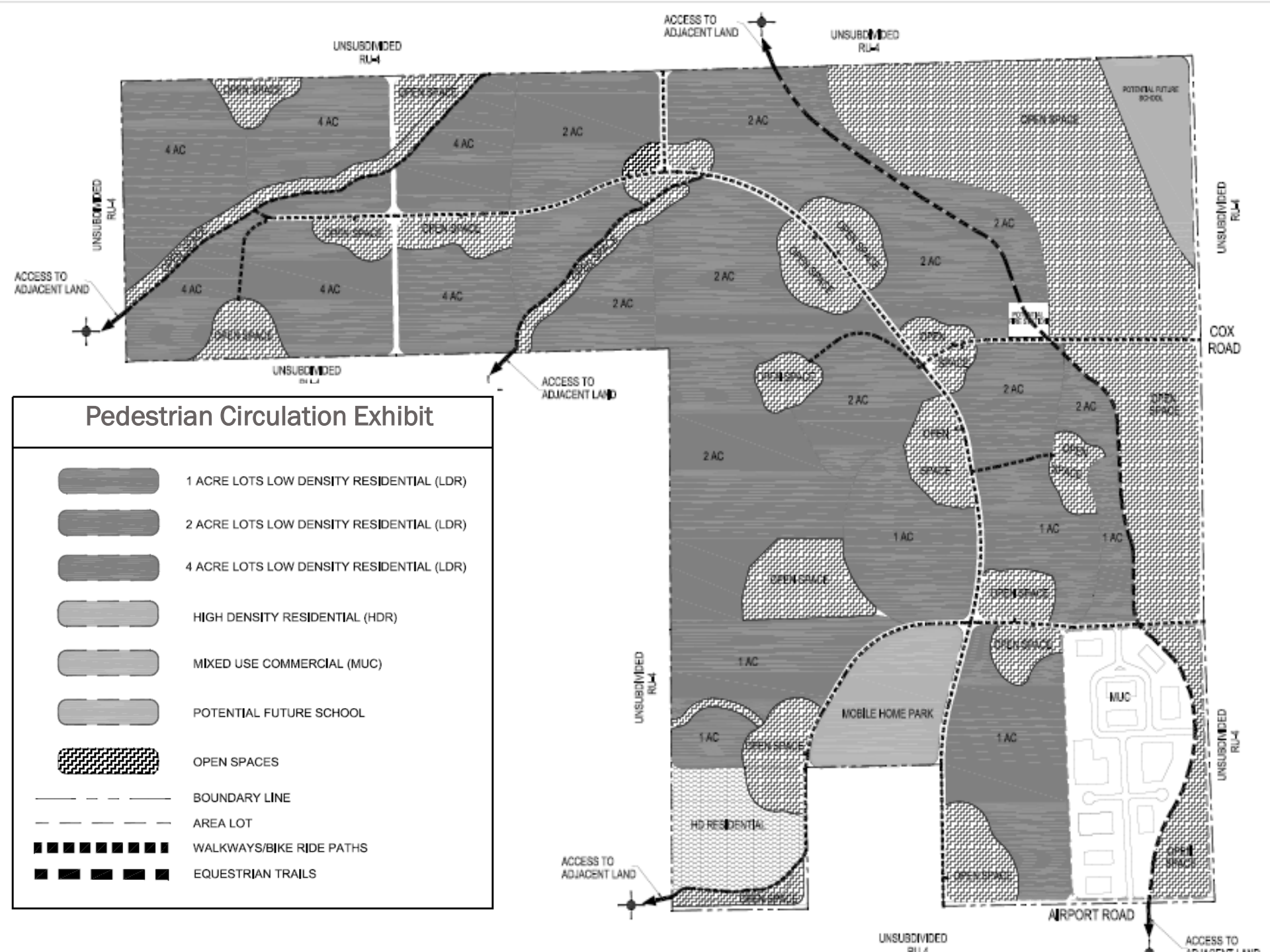


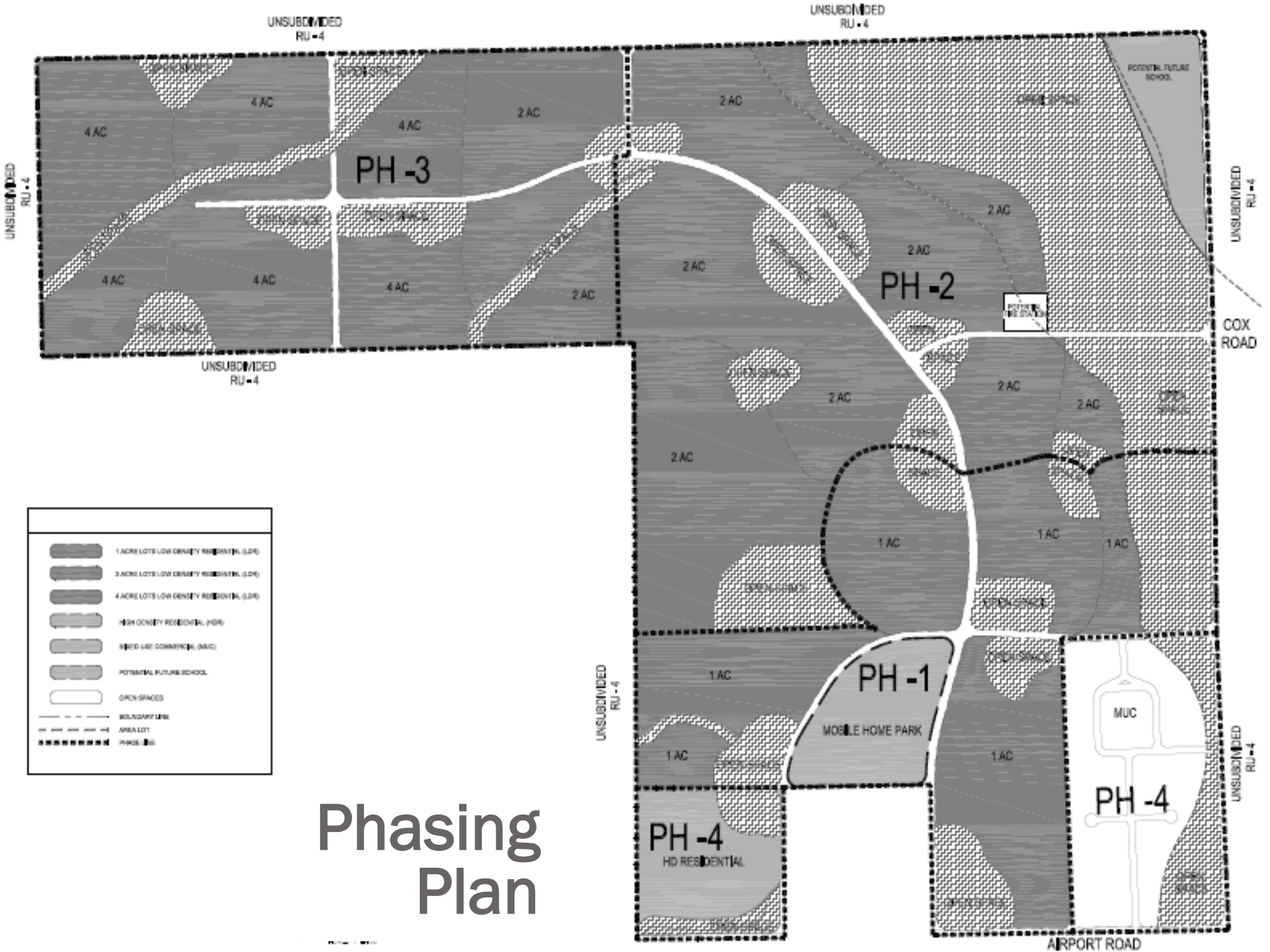
Central Portion



Southern Portion




Pedestrian Circulation Exhibit
1 ACRE LOTS LOW DENSITY RESIDENTIAL (LDR)
2 ACRE LOTS LOW DENSITY RESIDENTIAL (LDR)
4 ACRE LOTS LOW DENSITY RESIDENTIAL (LDR)
HIGH DENSITY RESIDENTIAL (HDR)
MIXED USE COMMERCIAL (MUC)
POTENTIAL FUTURE SCHOOL
OPEN SPACES
BOUNDARY LINE
AREA LOT
WALKWAYS/BIKE RIDE PATHS
EQUESTRIAN TRAILS
ACCESS TO ADJACENT LAND
UNSUBDIVIDED RU-4
COX ROAD
AIRPORT ROAD
MOBILE HOME PARK
MUC
HD RESIDENTIAL
POTENTIAL FUTURE SCHOOL
OPEN SPACE
4 AC
2 AC
1 AC



Phasing Plan

MDP Analysis

Staff Analyzed the Madison MDP proposal according to three sets of criteria:

- The MDP Map and Report requirements from Article 4;
- The Planned Development District Standards from Article 15; and
- The Rezoning Factors from Article 22.

Master Development Plan Analysis (Article 4)

Complies with all requirements except as follows:

- Statement that development will be complete within 5 years of Board of Supervisors approval;
- *Developer requests a 15-year build out period; staff recommends eight (Condition #10).*

Planned Development District Analysis (Article 15)

Complies with all standards except as follows:

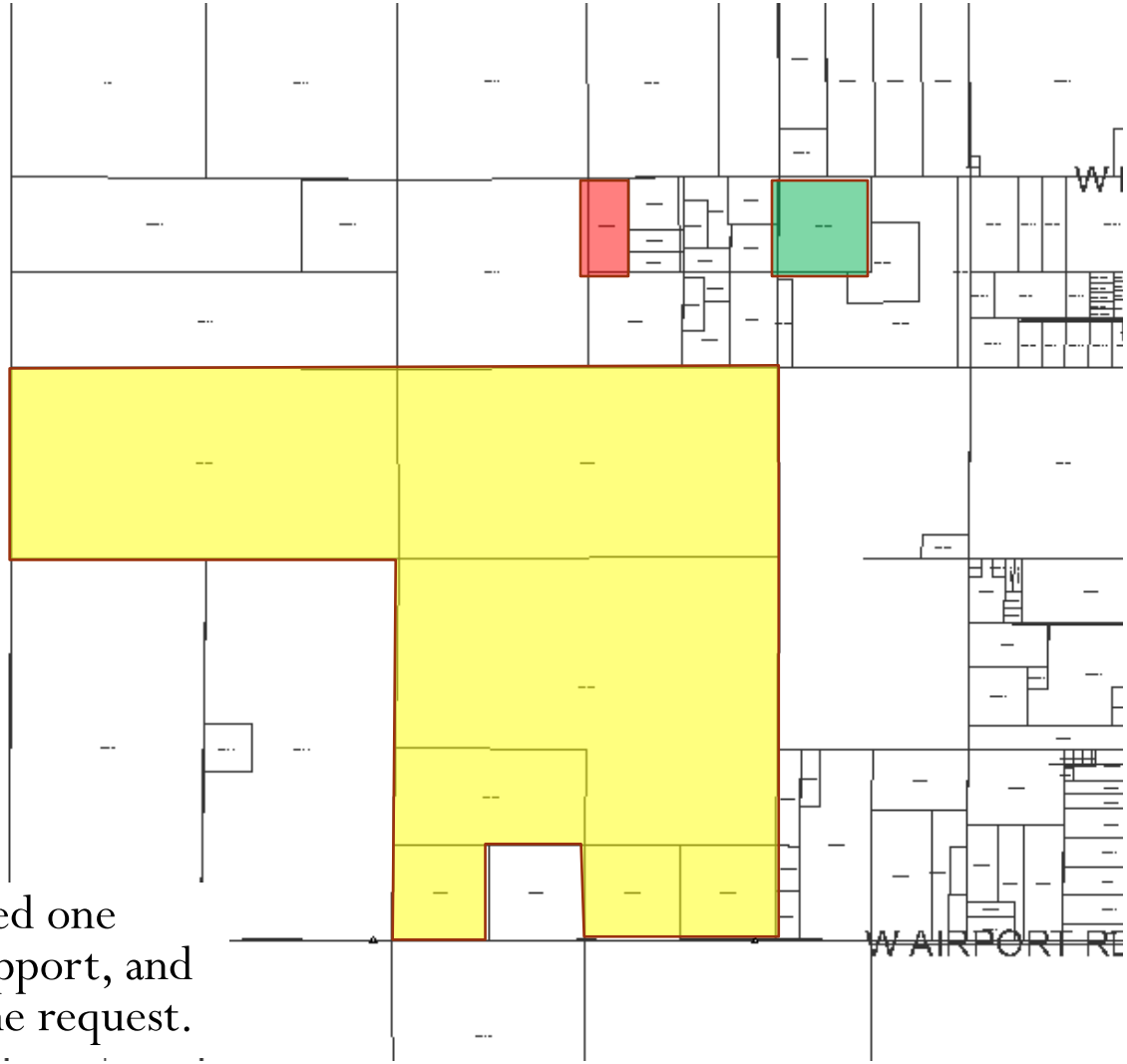
- Open Space: Developer proposes 45% overall open space and requests a waiver to allow this. Staff does not support this waiver request;
- *Condition #8 would require 50% open space for residential and 10% open space for non-residential development per Section 1503.05*

Rezoning Analysis (Article 22)

Complies with all rezoning factors except as follows:

- "Compatibility with Existing Development" factor;
- "Land Use/Concept Plan" factor;
- *Condition #9 would require a subdivision tentative plat or development plan for Phase 1 within 3 years of Board of Supervisors approval.*

Support and Protest



Staff received one statement of support, and one opposing the request.

Factors in Favor of Approval

1. The Planning Commission recommends approval of the MDP;

2. The MDP Report, Plans, Maps and Exhibits generally conform to the Master Development Plan requirements as set forth in Section 406 of the Zoning Regulations;

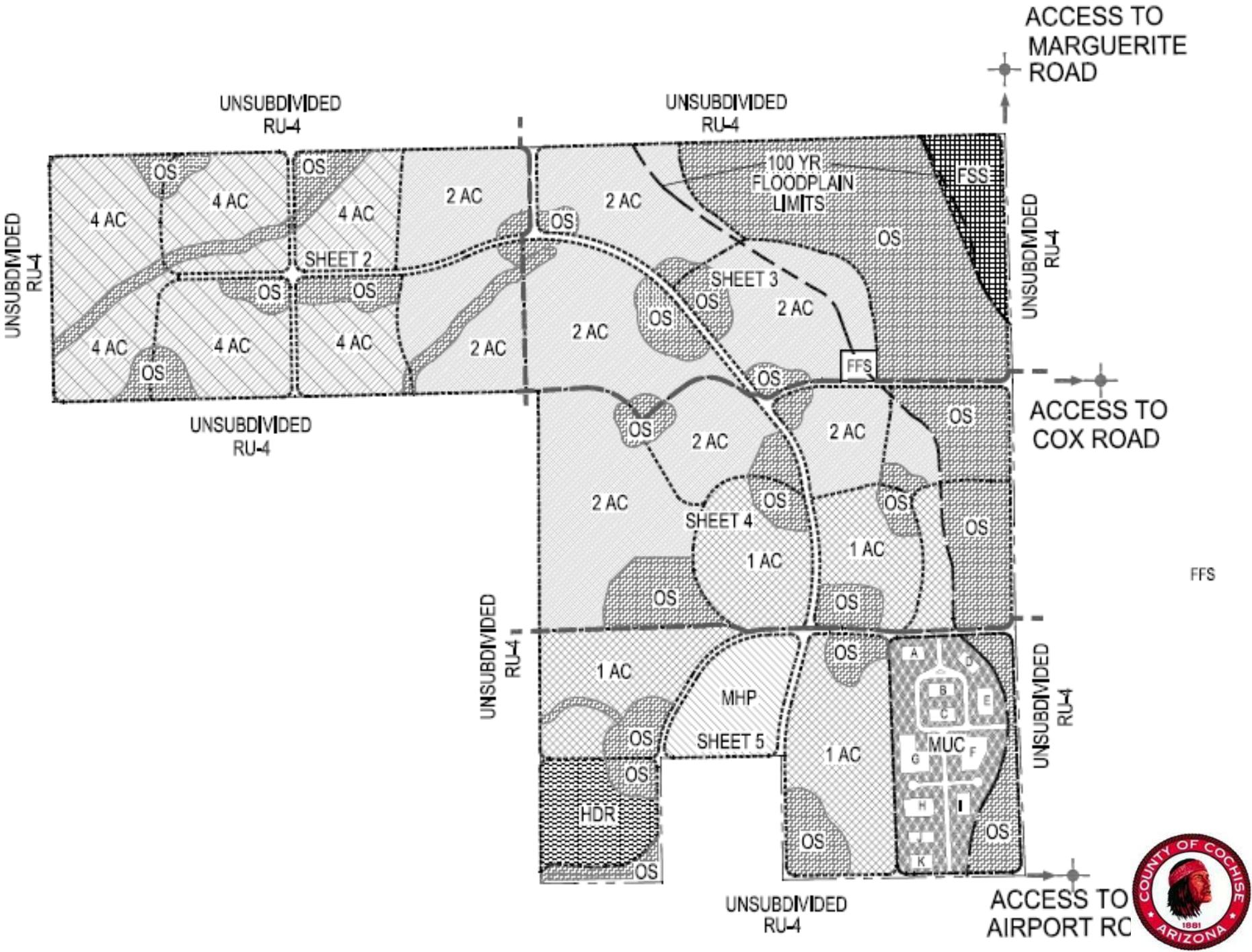
3. The MDP proposal generally complies with applicable requirements for the Planned Development District (open space being the exception);

4. The project complies with 11 of the 12 applicable Rezoning Criteria;

5. One neighbor has expressed support in writing for the proposal.

Factor Against Approval

1. One neighbor has expressed opposition to the proposal.


ACCESS TO MARGUERITE ROAD
UNSUBDIVIDED RU-4
UNSUBDIVIDED RU-4
UNSUBDIVIDED RU-4
UNSUBDIVIDED RU-4
UNSUBDIVIDED RU-4
UNSUBDIVIDED RU-4
UNSUBDIVIDED RU-4
ACCESS TO COX ROAD
ACCESS TO AIRPORT RC
100 YR FLOODPLAIN LIMITS
FSS
FFS
FFS
SHEET 2
SHEET 3
SHEET 4
SHEET 5
MHP
HDR
MUC
4 AC
2 AC
1 AC
OS
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K
COUNTY OF COCHISE
1881
ARIZONA

Recommendation

Based on the factors in favor of approval, staff recommends **Conditional Approval** of Dockets Z-11-03 and MDP-11-01**.** Staff submits the following approval conditions for Board consideration:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the Madison MDP parcels within thirty (30) days of approval from the Board of Supervisors;

2. Upon Board of Supervisors approval of the Madison 1240 Master Development Plan, the tract shall be re-designated as a Category B Growth Area, with a "Developing" Plan Designation.

Recommendation (Continued)

3. All development within the MDP area shall conform to the architectural guidelines, development standards, and other policies and regulations set forth in the MDP Report, Plan Map, Site Plans and other exhibits provided as part of the Madison 1240 MDP. Where there is any conflict between the MDP regulations or policies and those of the Cochise County Zoning Regulations, the MDP regulations shall take precedent. In the event that a development standard or other regulation is found to be missing from the MDP, such circumstance shall be resolved through the closest applicable Section of the County Zoning or Subdivision Regulations, subject to reasonable interpretation by the County Planning Director.

Recommendation (Continued)

4. Prior to any development for Phase 1, the Developer shall work with County staff to provide dedicated Right-of-Way along Airport Road for the entire MDP area frontage along this road;

5. Prior to the issuance of any building permits, the Applicant will provide a letter of intent to serve from a fire/emergency services provider;

Recommendation (Continued)

6. Prior to the issuance of any land clearing permits, the Applicant will provide a Drainage Report that meets the standards and requirements of the County Highway and Floodplain Department and other applicable State and Federal Laws;

7. The developers shall be required to obtain all other necessary permits and licenses prior to the construction or operation of any use described in the MDP pursuant to local, state, and federal laws and regulations. Any proposed development plan, rezoning or land use that is not deemed to be in substantial conformance with the Madison MDP shall be subject to review by the Planning Department and may require an MDP amendment process;

Recommendation (Continued)

8. In accordance with Section 1503.05, at least 50% of the gross area of any residential portion of the development shall be retained as open space; at least 10% of the gross area of any non-residential portion of the development shall be retained as open space;

9. Unless allowed by Board of Supervisors action, the Developer shall submit a development plan or subdivision tentative plat for Phase 1 within three years of Board approval, otherwise the Planned Development rezoning may be brought before the Board of Supervisors for revocation;

10. Unless allowed by Board of Supervisors action, the Madison MDP must be fully developed prior to January 1, 2020, otherwise the MDP may be brought before the Board of Supervisors for revocation.

MASTER DEVELOPMENT PLAN AND PLANNED DEVELOPMENT DISTRICT
FOR "MADISON 1240"

Located in the Cochise County, Arizona.

Prepared For:

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Vancouver, B.C., Canada
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Job # 09020
Prepared: June 2011

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Madison 1240 Master Development Plan and Planned Development District

I. EXISTING CONDITIONS

A. Summary

In 2005, Madison Diversified purchased the subject property which is approximately 1240 acres and has been used as agricultural grazing land for many years, as well as it has been subject to grazing lease agreements.

The preliminary concept of the Madison Master Development Plan is derived by the vision statement "Old West Fun in a 21st Century Style" and by an in depth marketing due diligence analysis of the site. The location of the Madison Master Development Plan (MDP) in the context of Cochise County is shown as Exhibit-B and a regional location map in relationship to other master-planned communities is included as Exhibit-A.

Envisioned as a development featuring a range of housing, the subject property will offer low residential lot sizes ranging from approximately 1 acre to about 4 acre estates along with high density product with a 2500 SF minimum lot size. Residential densities will be greater at the southern end of the property than at the northern and northeastern end. The property will also contain commercial space both for the community and the town of Wilcox and natural open space interconnected through pedestrian/equestrian greenways. The core residential areas of Madison will be accessible through two main access points. The northern access will be through an extension of Marguerite Road and the southern access through Airport Road.

The community by design will be inclusive. Everyone will be welcome to live and enjoy the natural beauty of the Winchester Mountains with the conveniences that Wilcox and Cochise County has to offer. It is expected that a percentage of the community will be composed of active adults moving in from different parts of the country, as well as housing for employers and employees of local business and organizations that have recently expanded or intends to expand in the future. Anyone in the Wilcox area will be welcome to establish in Madison a residence or a vacation house. Buildings, building materials, building orientations, landscape design and open space layout will follow principles of environmental consciousness and sustainability.

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This Master Development Plan document intends to address, Master Development Plan requirements for a Master Development Plan (MDP) as set forth in Article 4 (Section 406.06) of the Cochise County Zoning Code and present the foundation for a community of mixed uses, containing of a range of residential types and densities, commercial, recreational and open space areas.

B. Project location and legal description

The Madison Master Development Plan is located approximately two miles west of the incorporated limits of the City of Wilcox in Cochise County along the north and of Airport Road. It contains five parcels with a total of 1240 acres and an access easement described as follows:

Parcel I: 202-01-009A 801.73 acres

Lots 3 and 4,
The Southeast quarter, and
The East half of the Southwest quarter of Section 30;
The North half, and
The North Half of the South Half of Section 32
All in Township 13 south, Range 24 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona;
EXCEPT as to the South half of the Southeast quarter of Section 30, all the oil and mineral rights as reserved in Deed recorded in Book 131, Deeds of Real Estate, Page 293, records of Cochise County, Arizona.

Parcel II: 202-32-0040 320.00 acres

The Southeast quarter; and the Southeast quarter of Section 29, Township 13 South, Range 24 East of the Gila and Salt River Base and meridian, Cochise County, Arizona; except as to the Southeast quarter, 51% of all oil, gas and mineral rights as reserved in Deed recorded in Book 134, Deeds of Real Estate, page 467, records of Cochise County Arizona.

Parcel III: 202-35-002B 40.80 acres

The Southwest quarter of the Southeast quarter of Section 32, Township 13 South, Range 24 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona.

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Parcel IV: 202-35-0052 40.69 acres

The Southwest quarter of the Southeast quarter of Section 32, Township 13 South, Range 24 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona.

Parcel V: 202-35-002 40.93 acres

The Southwest quarter of the Southeast quarter of Section 32, Township 13 South, Range 24 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona.

Parcel VI: 202-35-0049

Easement for ingress, egress and utilities over the East 60 feet of the Northwest quarter of Section 29, Township 13 South, Range 24 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona.

1. **Existing Uses/Zoning/Comprehensive Plan Designation**

   Existing Zone: RU-4

   The site is currently vacant and undeveloped. Grazing is the only current use of some areas within the site. There is an old well that is no longer in use.

   The site is outside Growth Category A, B, and C Boundaries, as presented on the Cochise County Comprehensive Plan Designation Map of November, 2001.

   The Comprehensive Plan designated the entire Madison Area as Growth Category D (rural area designation).

2. **Surrounding Land Uses/Surrounding Zoning**

   Most of the surrounding is rural housing and ranches. Cochise County Regional Airport is about two miles from the site.

3. **Tax Assessor Parcel Number**

   The tax parcel numbers for the subject property are 202-01-0095, 202-32-0040, 202-35-002A, 202-35-002B, and 202-35-0052.

C. Soils

Western Technologies Inc., prepared a complete geotechnical evaluation in March 2004. A copy of this report is included in Appendix A. A summary of the findings could be expressed as follows:

Surface soils consist of medium to very dense clayey and silky sand and firm to hard sandy clay. Near surface soils are of low to medium plasticity. Zones of light carbonate cementation were encountered in test borings. On-site sub soils near

shallow foundation level exhibit low compressibility at existing water contents. Low to medium additional compression occurs when the water content is increased. Near surface soils are of low to medium plasticity. These clayey soils exhibit low to high expansion potential when re-compacted confined by loads approximating floor loads and saturated. Slabs-on grade supported on re-compacted on-site soils have a low potential for heaving if the water content of the soil increases. On-site sub soils near shallow foundation level exhibited low to medium resistance to penetration using the standard penetration (ASTMD 1586) and ring-lined barrel (ASTM D 3550).

D. Surface water hydrology

The 1240 acre project site is located along the western margin of the Wilcox Basin immediately east of the eastern flanks of the Winchester Mountains. The project property is currently undeveloped. Surface elevations range from about 4,190 feet above mean sea level (msl) in the lower southeast corner of the property to a high of about 4,300 feet above msl along the higher western border of Section 30. Drainage across the property is primarily by sheet flow with essentially no significant defined drainages. The overall direction of surface drainage is easterly, with a northeasterly component in the western half of the property and a more southeasterly component in the eastern half of the property.

The site contains the following FEMA zone designations;

Zone X (areas of minimal Flooding) covering most of the site which represents the bulk of the developable areas,

Zone AO (areas of 100- year shallow flooding where depths are between 1 and 3 feet). Most of these areas are designed to be left as natural open spaces.

A detailed drainage report or hydrology and hydraulic report will be produced to support the site development plans that will safely and efficiently convey storm water through the subject property. This report will be prepared in accordance with the requirements of the Cochise County Floodplain Regulations and will be submitted with the first tentative plat for a residential parcel.

E. Vegetation

The existing vegetation is the result of the site being grazed for many years. Vegetation at the site consists of sporadic mesquite trees and creosote on most of the site, with the exception of the lower eastern half of the property where the areas associated with the drainage contains sparse desert grasses. The density of mesquite tress increases in the higher western half of the site. Minimal desert cacti occur on the property.

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F. Wildlife

Given the nature of onsite vegetation and the history of uses of the site, the majority of the property provides only medium value wildlife habitat. This property does not contain any known threatened or endangered species. Rabbits, Javelina, Deer and a variety of birds and reptiles, all indigenous to the area, are wild animal species observed or known to occur on the property.

G. Existing infrastructure

1. Water

Existing Water Facilities

The Madison project does not have any existing water facilities or directly adjacent to its boundaries.

Existing Wells

An abandoned well exists on the property. This well was referred to as WT4199 and it is shown on Figure 1 of the preliminary evaluation of groundwater conditions report contained in Appendix B.

The Hydrogeological Evaluation and Water Supply Development Study for the Madison Project calculates the water needs for the project to be two supply wells with potentially 720,000 gallons of on-site above ground storage. One of the required wells was dug in October 2004.

There are approximately 70 registered private wells located within about one mile of the project properly. The approximate locations of these wells are shown on Figure 2 of the hydrological report presented by Chuck Dickens' hydrogeology evaluations. Information for each of these wells is summarized and the report included in "Appendix B", Approximately ten wells with reported pump capacities of 200 gpm or greater were historically operated / located within about one mile of the project property. The approximate locations of those wells located within½ mile of the property and with legal descriptions to the nearest 10 acres are shown on Figure 2 of the preliminary evaluation of Groundwater conditions report also contained in Appendix B.

Groundwater Rights

There are no known irrigation, non-irrigation or surface water rights associated with this property.

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2. **Wastewater**

The closest City of Wilcox sewer main is located approximately 3 miles east of the proposed project.

Residential units greater than or equal to one acre will utilize onsite septic systems. An alternative method of waste water treatment for the high density, mobile home park, and commercial sections of the development, which may include a septic treatment system or a form of centralized wastewater treatment system, will be proposed at time of Phase 1 improvements and tentative platting.

3. **Roads**

Existing access to the Madison property is via Marguerite Road through a 60-foot easement to the north and direct access from Airport Road to the south. The primary access will be concentrated on Airport Road.

4. **Other**

Electricity

The property lies within the services area of Sulfur Springs Valley Electric Cooperative, Inc., There are power lines in the immediate area sufficient to serve the property.

Communications - Communications lines will be provided by Qwest.

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II. MASTER DEVELOPMENT PLAN.

A. General provisions

Master planned communities in the southwest offer numerous benefits not only to their residents, but to the surrounding areas that broaden the urban and rural community. Getting back to the basics of strolling around the neighborhood after mealtime, horseback riding to all the gorgeous natural open spaces, walking to the local park or the corner store, enjoying evening barbecues and block parties are common occurrences. Quality social interactions and knowing neighbors not only enhance the quality of living and the psychological well-being of the residents, but also create a safer neighborhood for all. Various important amenities are commonplace within master planned communities such as a variety of housing opportunities, parks, trails, bikeways and roads, shopping close to home, community services, and neighbors that genuinely feel connected. Because these communities offer their own infrastructure by planning for roads, water, police and fire protection, existing resources aren't over stressed. Both the infrastructure and amenities tend to greatly exceed what one may expect from large developments that are not part of a community with a Master Plan.

Some additional benefits include:

- Regulated use of existing transportation systems
- Regulated uses of land
- Regulated use of groundwater resources
- Trail provisions, access, and connectivity
- Quality Open space provisions
- Environmental sensitivity and protection
- Adequate provisions of infrastructure and services due to contributions above existing tax bases
- Efficient use and regulated development of infrastructure (i.e., road and utilities)
- Social, political and economic analysis that results in a mix of land uses promoting the highest and best economic benefit, such as widening of the tax base and employment opportunities.

Master Development Plan policies and regulations regarding screening and buffering, design elements, recreation areas, scenic features, pedestrian circulation, equestrian circulation, bicycle circulation, and provisions for amenities/phasing can all be found in section IV-E of this report.

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B. Proposed land use

The Madison Master Development Plan will contain between 800-1200 dwelling units. With an expected population at build out of 1920-2880 permanent and temporary residents (calculated at 2.4 per household), the development of the property including critical infrastructure will be in carefully designed and planned phases. Based on our research and promoted by strategic marketing, it is the hope that the community will be populated at a much faster rate than the most optimistic current housing absorption rates would predict.

C. Screening and buffering

This proposed community consists of several different residential areas with varying degrees of density. The majority of the property surrounding the subject property is currently non-residential land mostly used for grazing and agriculture. It is intended that any proposed development documents shall provide buffering between major land uses, which include low density residential and high density residential, residential and commercial etc. Along the boundary of the property, landscape buffering consisting of native and indigenous plants will be provided to screen the community from adjacent existing properties.

Therefore, it is intended that all surrounding properties of the Madison Master Planned development will be buffered and insolated by natural and functional landscaped buffer areas or methods. In addition, detailed landscaped plans for the areas between different densities and land uses can be provided at the time of the submittal of independent plats during the phasing of the development.

D. Design elements, recreation area, and scenic features

It is the developer's intent to coordinate active recreation planning with Cochise County and City of Wilcox Parks and Recreations Departments to identify opportunities for collaboration and the development and implementation of a park and recreation plan to serve the passive and active recreation needs of the future family, youth and active adult residents of the project. Recreation amenities will be conceptually addressed in the project phasing plans submitted prior to final determination of the MDP application.

1. Open Space Allocation and Accounting

Madison Master Development Plan will establish the guidelines for all open space areas to be provided by each subsequent subdivision plats and development plans. Development areas and open space shall be defined at the time of development of individual subdivisions. Cochise County open space requirement is 50% per current County regulations. The Madison MDP proposes a 45% open space

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minimum with the assumption that approximately 20 acres will be provided for a public school and approximately 5 acres will be dedicated for a future County fire station.

The Madison Community will provide residents with areas of functional open space that will be available to residents and non-residents of the community. These areas will include community parks, equestrian trails or paths, and intermingling walkways. The allocation of space for these recreation facilities shall be zoned and accounted for in each phase and/or subdivision, and per this MDP Report. Each area will be designed and presented for approval at the time of development through the development process to Cochise County Planning Department.

The proposed open space areas may be coordinated and overseen by the neighborhood associations in Madison and could be delegated to appropriate and professionally run private organizations to manage the day-to-day operations.

2. Open Space Definition

The meaning of open space as presented in this Madison Master Development Plan refers to the following:

- Natural open space: undisturbed natural areas
- Public and private common areas
- Community and neighborhood parks
- Well areas
- Trails and pathways
- Retention/detention basins
- Areas restricted to disturbance and preservation of native landscape

3. Natural Open Space and Passive and Active Recreation Areas

Madison Master Development Plan proposes an open space system that focuses on an interconnected network of green space pathways, easily accessible to all communities in each lot within the community of the development independent of its density. The green area may consist of landscaping, pedestrian, equestrian and/or bicycle paths, sitting areas, and community gathering areas that will respect the natural integrity of the existing landscape and designated corridors. These paths will serve as open space links throughout the community, providing non-vehicular connections between the open spaces, residential, recreational and commercial components of the community. Natural areas will be connected by natural corridors

through the site to protect the movement of wildlife and to take advantage, in particular, of the natural hydrology of the site.

The pathways will also connect to the various communities, neighborhood and other proposed parks within each of the community neighborhoods. Passive and active recreational opportunities including sitting areas, walking paths exploration and recreation trails as well as equestrian paths and service areas.

Madison does not contain steep terrain or areas with slopes exceeding 15 percent. Areas of floodplain located along the east part of the development, their sandy soils and associated vegetation will be utilized as natural open space. This will allow for the continued natural conveyance and recharge of water in the site preserving this natural feature which is so important in desert regions.

E. Pedestrian, Equestrian and Bicycle Circulation

Madison presents a community concept that values the movement of people by walking or by any other of non-motorized method of transportation. The provision of pedestrian, equestrian and bicycle paths interconnecting the community is a desired component of the design of Madison. These trails and paths are designated in the Master Development Plan and will be presented with more detail with the platted phases for the overall development. This is to ensure that the integrity of all proposed non-motorized circulation is available for use from day one of the development process throughout the community.

Potential trail paths offer the opportunity to connect open space areas to a future public trail on lands west of the community that connect with the Winchester Mountains. Trails will also be used as equestrian paths that would allow for the opportunity to connect to public lands abutting the property.

Other trail concepts promote the opportunity to move nature enthusiasts who prefer to walk in a native landscape setting throughout the Madison community. These trails will also connect the residential, commercial, parks and other open space amenities in the community.

All trials within the community are planned such that they will be easily accessible directly from all the residential lots and neighborhoods of the project. Also, potential trail interface nodes are envisioned in areas where different trails converge. These areas will be treated with landscape design elements that reinforce the importance of the Madison community commitment to its lifestyle. The pedestrian, equestrian and bicycle circulation will follow guidelines set forth in Section IV – E of this MDP Report. See Sheet 7 – Pedestrian Circulation Exhibit of the Madison 1240 MDP Plan set.

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F. Provision of amenities/phasing

The Madison Master Development Plan documents will establish the guidelines and space allocation of the open space and open space amenities, although the provision of complementary amenities, including but not limited in scope to sidewalks, open space, parks, recreational facilities, lighting and landscaping, will occur in phases as the community is developed, as required by market demand and County requisite. The provision of amenities within each individual neighborhood will be allocated and phased within the platting process of each neighborhood.

Public streets will be constructed in accordance with Cochise County Standards Road Design and Construction Standards for Public Improvements and all right-of-ways will be dedicated to the public. Upon acceptance of such improvements, Cochise County, will be responsible for the maintenance of all rights of way. Private streets will be constructed in accordance with design guidelines established by Cochise County this MDP document, and individual phases and/or subdivision plats, and will be maintained by the Madison Homeowner Associations (HOAs), sub-associations, or designees of such associations.

Parks and other recreational areas within the MDP shall be maintained by the Madison HOAs, sub-associations, or designers of such associations unless other agreements are reached with Cochise County or the City of Wilcox.

G. Design guidelines

1. Purpose

In order to maintain the integrity of the community concept, the Madison Planned Development District includes a set of design guidelines to be implemented throughout the entire project area. These design guidelines express and guide all development activities in order to preserve the desired community character. Each development within the Madison Community should follow these design guidelines when dealing with issues of circulation, open space, landscapes, architecture and signage. The community will be planned to respond to market trends and needs, aesthetics, form and function as well as to promote community goals. Each neighborhood, planning area and land use should follow the concept idea of the Madison community ruled by the design guidelines.

The Master Development Plan will record a set of CC&Rs for which each individual development shall be governed. Prior to the submittal of subdivision plats to

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Cochise County for review, a finalized version of the CC&Rs should be completed and submitted.

The desired effect of the design guidelines will be:

- Provide Cochise County with the necessary assurance that the MDP area will develop in accordance with the quality and character proposed herein;
- Provide guidance to the County staff, the Planning and Zoning Commission and the Board of Supervisors in the review of future development projects in the MDP area;
- Include cost considerations and marketability effects to design guideline application;
- Provide homebuilders with a feel for how their homes must blend with the character envisioned for the community; and
- Provide homeowner and future residents with assurances that the entire project will be built with the same vision that was present during the construction of their homes and surrounding neighborhood.

Commercial Areas and Parking Zones

As required, commercial areas and parking zones will be screened by the provision of landscape buffer yards that may contain hardscapes like walls and berms. The commercial structures, as set forth in these MDP policies and County code standards, will have varied height limits, broken façade or façade treatments, roof line variations and a diverse palette of color, trims and decorations in order to avoid continuous flats wall massive buildings. All commercial buildings will have a building envelope established by the required setbacks, landscape and parking allocations, set forth in County code standards.

2. Circulation System

Designed to intertwine residential, functional and commercial areas, the Madison circulation system was envisioned by reading the natural enclave of the community. The traffic layout follows urban planning and urban design principles to maximize safety, functionality, efficiency and aesthetics.

The major internal collectors within the project area will contain wide landscaped areas that also allows for pedestrian and non-motorized pathways. All plant materials to be used will be selected from low water use desert plants naturally and indigenous occurring in the region.

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3. Landscape Design Guidelines

The natural enclave of Madison defines the natural character of the community. The landscape design will emphasize the importance of protecting this character. The use of native plants to the maximum extent that is practical will be encouraged.

During the site plan review process, a landscape plan shall be required for each planning area to assure its compliance with Cochise County design guidelines. Each individual landscape plan must take into account the following guidelines:

- The use of native plants. The use of salvaged plants from the site is highly encouraged.
- All areas disturbed by development will be re-vegetated with plants and densities similar to those occurring prior to development.
- The terrain in all landscaped areas should be graded or shaped in a way that takes advantage of water collection and retention.
- Permanent or temporary irrigation systems should be efficient and/or use reclaimed water.
- Parking areas and paved hard surfaces should incorporate planters or means to provide shade.
- Non-native vegetation or water intensive plants should be allowed only in small oasis areas where the cooling benefits to the residents of the community is greater.
- Water features should be encouraged. All water features should be water efficient and located areas where it's cooling and relaxation effect will benefit the residents of the community.

The maintenance and supervision of all landscape and open space areas should be assigned to an entity created by the CC&Rs. This entity should have the authority to preserve, enhance, or modify the landscape design guidelines.

Plant Materials

The incorporation of a plant material palette (see recommended plant lists) into the Madison Development Plan should be used as a guideline for plantings. There is a recommended plant list and a desert plant list that in conjunction is to be used in commercial areas, oasis grounds, and enclosed patios within private residences. All other landscaped areas throughout the community requiring landscape treatment should use the desert plant list exclusively.

The "recommended plant list", which includes native and non-native plants, is selected for performance under the climatic conditions existing within the MDP area. This list provides sample opportunities for landscaping parcels within those limits. Additional information regarding many of the plant species listed below can be found by contacting the University of Arizona Extension Service's Water Wise Program.

The "desert plant list" includes a list of plants found naturally in the Sonoran Desert and is intended to be used on revegetated areas and in areas where the predevelopment character of the site is desired.

The recommended plant list shall incorporate the Cochise County drought tolerant plant list.

4. Architectural Design Guidelines

The intention of the following architectural design guidelines is to define a theme under which the residential, and commercial, structures should be designed. The Madison theme could be defined as the new old West. Arizona, Cochise County, and in particular, the Wilcox area have a very distinct sense of place which has been imprinted in the land and its people by its rich and diverse history. The people, culture and traditions of Native Americans, Spaniards, Mexicans and the new American frontier pioneers along with the recent North to Sunbelt migration have helped shape what we call the new Old West.

The architectural style and vision within Madison should be able to express this richness of culture and traditions by using forms, materials and colors that reflects all the influences of the new Old West. In addition to protecting the character of the place, architectural guidelines will provide uniformity, continuity and building quality standards within the Madison residential and commercial facilities.

Residential Design Guidelines

Horizontal lines defined by flat or low pitch roofs, porches, columnades and large window will be preferred. Rock, stone, adobe, brick, stucco, rough metal and unfinished wood will be the materials of choice.

- Large windows, patios, porches, and transitional elements that reinforce the indoor-outdoor relationship will be encouraged.
- All mechanical equipment shall be hidden, screened or camouflaged from view of major streets, pedestrian areas and neighboring residence.

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- Satellite "Dish" antennas shall be limited to 18 inches in diameter. Larger antennae will be permitted only if they can be hidden from the street of adjacent parcels.
- All trash containers shall be enclosed and screened from street view.
- Structures should follow a combination of forms and styles with a common theme, but avoiding repetition or cookie-cutting effect by not allowing the same or very similar housing models to be located adjacent to each other.
- When same or similar model houses are to be located adjacent to each other, the orientation of the structure, façade treatment or building setback will be modified to avoid repetition. Same or similar structures could be also modified with variations of projecting balconies, recessed porches, entries, and enclosure to avoid repetition.
- All community features and buildings should reflect the new Old West theme by the use materials, details, decoration and colors that look old and weathered out,
- Wilcox area and site-specific climatic conditions should be an important design consideration. Building location and orientation should take into consideration sun inclination and prevalent winds.
- The use of large porches, roof overhangs and balconies should be used to provide shade and take advantage of the cooling effect.
- Insolating materials, windows and skylights should be of high R-values. Efficient air conditioners, furnaces and house appliances should be required. Low water usage fixtures should be encouraged.

Commercial Design Guidelines

Commercial as well as residential architecture should appear as an integrated part of the overall site design concept and theme. Design for individual project will be submitted at the time of the development plan review process to Cochise County.

The architectural styles and elements to be used in the commercial areas will follow the new Old West Style. Some of the elements could be gathered by studying historic buildings located in City of Wilcox Historic District. New building design features should be incorporated to assure economic feasibility, aesthetics, function ability and flexibility of uses. The qualities and design elements for commercial buildings that are most actively encouraged are:

- Incorporation of thematic (new Old West) elements.
- Character and diversity in treatment of surface and texture.

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- Enclave and orientation to maximize view-scapes, light, shapes, shadows, contrast and colors.
- Broken mass by using voids and protuberances
- Façade treatments to break building mass and reflect interior uses
- Variation in wall articulation an decoration
- Wall surface that mimic the textures, patterns of the Old West
- Graphics and signs that use the colors, letter styles, clarity of the Old West

Building Materials

- Modular or Pre-manufactured buildings may be allowed in certain areas
- Wood and Metal
- Stone, rock and adobe variations
- Masonry (concrete, glass, or brick)
- Stucco
- Textured or exposed aggregate
- Pre-cast or tilt-up concrete

Building Facade Treatments

Encourage:

- Porches and openings
- Recessed or projected entries
- Large windows
- Arcades and columnades
- Passages and overhangs
- Facades with diversified front setbacks

Discourage:

- Unarticulated building facades
- Utility lines and boxes
- Flat single colored walls

Colors

- Earth tones and sepias
- Glass, dark with standard tints (not spandrel)
- Aged graphics, signage, address, directions
- Company names/logos

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Layout

- The development of building sites should be coordinated and organized. Shared access, parking and service areas should be encouraged. Areas between buildings should be converted into public or semipublic spaces like plazas, paseos with benches, rest areas, etc
- Minimize the visual impact of exterior components like electrical, plumbing, processing, heating, cooling, and ventilating systems (including but not limited to piping, tanks, stacks, collectors, heating, cooling, and ventilating equipment fans, blowers, duct-work, vents, louvers, meters, compressors, motors, incinerators, ovens, etc)
- Service areas and storage areas outside or within the buildings should be hidden, buffered or screened.
- All building should be sited in a manner that related to the adjacent building, landscape, parking and transitional areas,
- Service utilities will be located underground within the MDP areas, except for major power sources and connections with possible future substation facilities.

Design

- Easy access to public areas
- Handicap accessible pedestrian spaces and amenities
- Parking in the back of buildings

Signs

- Cochise County Code, Article 19
- Graphics and signs will use the colors, letter styles and clarity of the Old West (Madison's theme)

Lighting

- Lighting shall comply with the Cochise County Light Pollution Code

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H. Adequacy and provision of water supply and community impacts

Since the property is not within the CC&N area of an existing water company, water will be provided through the creation of a private water company or domestic water district. However, the property will be required to comply with all Section 4 policies. The provision of potable water to the community is to be specifically addressed prior to issuance of any building permit or tentative plat approval of the Madison development.

Efforts will also be made to ensure that individual wells located to serve the project will not result in unreasonable declines in water levels of existing wells owned by others. Procedures used by ADWR to evaluate individual well impacts within Active Management Areas were employed to evaluate existing and proposed well sites.

Water System Infrastructure

The primary components of the water system will include project supply wells, on-site storage (above ground tanks), and below – grade conveyance piping. The project supply wells will have the estimated combined capacity to provide approximately 450,000 gallons per day (gpd) on a long-term basis and upwards of 30,000 gallons per hour (gph) for short durations during peak demand periods. The project supply wells will be capable of meeting both the long-term average and short-term peak day demands of the project. Fire flow requirements and peak hour project demand will be satisfied utilizing on-site water storage. All demands and requirements for storage and capacity shall be determined at the time of planning and platting of the initial phase of the Madison project.

Community / Regional Impacts

Some of the positive impacts of the development of a potable water provision system at the Madison community include:

- Development of a system that is compatible with and provides redundancy to the water supply system used by the City of Wilcox.
- Provides for the establishment of a water system that has the potential to expand to the west and serve existing and future residences.
- Provides an emergency water storage supply

I. Traffic and circulation issues and community impacts

Transportation efforts as they relate to the community are to be specifically addressed at the time of planning and platting of each individual phase. It is the developer's intent to address any and all potential circulation issues and community impacts that could effect the existing community(ies).

Proposed Internal Circulation

Internal circulation for the Madison MDP is to be provided by a series of collector roads and local streets that will be constructed on a phased basis in coordination with the phased development of the project. Details such as right-of-way widths and number of lanes both at key intersections and otherwise are to be provided in phased construction documents. The Traffic Impact Analysis (TIA) been included as a part of Appendix "E".

J. Other infrastructure improvements and services and community impacts

1. Wastewater

Wastewater Service Provider

Should the developer determine to pursue wastewater treatment via a localized wastewater treatment plant (WWTP), a specified entity will provide the treatment of wastewater through the creation of a private utility company or wastewater improvement district. The wastewater treatment plan constructed on-site will have adequate capacity to serve up to 1,200 home sites.

The developer's representative is actively pursuing and is in design mode for an alternate wastewater treatment system that shall utilize smaller wastewater treatment nodes. Each individual node will act in a similar fashion in treating the sewer effluent which will also incorporate gravity flow to service each residence or building that is conveyed to the node.

Both wastewater treatment system may require an industrial use permit from Cochise County, prior to construction, in addition to the Southeastern Arizona Governments Organization (SEAGO) 208 Water Quantity plan Amendment Process, ADEQ approval, and the Arizona Pollution Discharge Elimination System Permit (ADPDES).

Wastewater Flow Conveyance

The overall onsite wastewater gravity flows from northwest to southeast within the project area and concentrates in the northeast portion of the project. The gravity sewer mains will terminate at a proposed wastewater reclamation facility that will be located in the southeast corner of the project, or at a wastewater treatment node which shall be strategically placed at the low end of the individual phase or subdivision. The wastewater reclamation facility or treatment node will treat the incoming wastewater to a minimum class B reclaimed water standards. A significant portion of the reclaimed water will be used onsite for recharge and various needs, thereby reducing the possibility of negative impacts to existing and future water users in the region. A higher reclaimed water discharge class shall be sought after once localized testing is conducted and more precise design can be applied.

On-site Wastewater Treatment Node Facility

Currently, there are no existing wastewater facilities within or near the project site. It is understood that the closest possible facility is several miles away and would not make feasible sense to pursue at this time. There are several options that the development would implement and each would potentially play a role in the development Madison 1240 project. However, the utilization of each option can be affected by not only the market conditions, but also financing. Each option is explained below if further detail:

- Option 1: Centralized Wastewater Treatment Facility (CWTF). The benefit of the CWTF would include not only the ability to service the entire site, but also the possibility for the City of Willcox to eventually take over maintenance and oversight of such a facility. This would allow Willcox to expand its area and provides waste water service for future developments in the area. A system of this caliber cost many millions of dollars and considering the uncertainty of the economic circumstances that not only the local Willcox market is experiencing, but the real estate market as a whole, it does not make financial sense for the developer to accommodate such a massive expenditure without a joint venture agreement with the City of Willcox or another utility company. No agreements have been pursued by any parties at this time.
- Option 2: For all areas with residential density greater than 1 unit per acre, and all commercial areas, the developer would prefer to pursue on-site

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wastewater treatment node facilities, which is to utilize septic treatment systems that will be strategically located at the lowest point of the corresponding site, accepting flows via gravity wherever possible. It will be constructed using materials and landscape treatments that will make it visually appealing. It will also employ setbacks required by the Arizona Department of Environmental Quality that will permit it to perform its function without negative influence on the surrounding residential, commercial and other community elements. There will be no open storage of solid waste material. An onsite reclamation facility will be sized to provide treatment for the average day wastewater flows. Construction of the treatment facilities will be phased to match the anticipated population growth using sequential treatment facilities. The system will require an Aquifer Protection Permit as part of ADEQ's unified permit system. Two possible reclaimed water disposal options:

  - Onsite usage for irrigation of landscaping and turf use, and
  - Groundwater recharge

- Option 3: For all residential lots that are 1 acre or larger, it is proposed that wastewater treatment be provided by individual septic systems.

Community / Regional Impacts

Some of the positive impacts of the development of an onsite wastewater treatment facility at the Madison community include:

- Reduction in the amount of potable water used for landscape irrigation purposes
- Reintroduction of water into the regional aquifer (recharge)

2. Police and Fire Protection

The Cochise County Sheriff currently provides police protection for the site. The closes Sheriff's office is located at 450 South Haskell Avenue in Willcox. As Madison develops and as the County as a whole grows, the number of service calls requested of the Sheriff's department will increase. As homes develop from zero to several hundred, it is understood that current sheriff staff can support the potential increase of service. As the community continues growing up to a possible total of 1200 homes, there may be a demand for some officers to serve the expanded community. It is anticipated by the developer that as demand increases that the local Sheriff's office will request the County to accommodate for such a demand and expand its personnel. The funding for this expansion of services will be provided via the property tax dollars generated by the residential development of Madison.

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The closest Willcox Fire Department station is Station One located at 501 W. Maley Avenue, which is approximately 4 miles to the east of the site. Currently, the Madison is outside of the Willcox Fire Department boundary limits and would need to annex in order to receive fire protection. Eventually, as the community develops and expands, a separate fire district may need to be formed or an existing provider may be contracted. The developer has set aside a portion of the property for such an expansion.

Community/ Regional Impacts

- Some of the positive impacts of the Madison development will produce increase in property taxes collected by the County, thereby providing funding for the establishment of a sheriff substation.
- The project will be built to the standards of the County, thereby allowing for emergency vehicles to reach their destinations with ease and efficiency.

3. Medical Facilities

The closest hospital to the property is Northern Cochise County Hospital, located on Rex Allen Drive in Wilcox, Arizona. The hospital has a relationship with Tucson Medical Centre and has a helipad for the airlifting of patients to TMC for acute care. Most major healthcare plans include the hospital in its network of service providers.

The Madison property can be located within the San Pedro Valley Hospital District (SPVHD), one of two hospital districts located within Cochise County. The District is a special taxation district that receives a percentage of the property tax leveled by Cochise County and the Madison property will need to be annexed.

Community/ Regional Impacts

Some of the positive impacts of the Madison development as it relates to medical facilities include the following:

- Property owners in the community will financially contribute to the SPVHD.

4. Education

The subject property lies within the district boundary of the Wilcox Unified School District, which provides for kindergarten through grade 12. Capacity data for each of the schools was not available at this time.

As this planned housing development will include significant retired occupants the tax base of the school district would increase and broaden without a corresponding increase in student enrollment. However it is anticipated that many families that would include children will potentially impact the existing school district. This will

necessitate a concise plan so that the districts needs are fully met. It is the developer's intent to coordinate any such plan with the Wilcox Unified School District and its representatives. As part of this plan, the developer is willing to dedicate approximately 20 acres to the school district as the demand for a school in the area requires it. It is currently proposed on the Site Plan that the dedicated school area will be located at the northeast corner and will be incorporated into the development at a date and time as decided upon by the School District and County. The developer's representative has been in contact with Richard Rundhaug, the Willcox School Superintendent. Preliminary discussions have begun concerning the potential of financial impacts to the school district and how the developer can work with the school district to help mitigate such impacts.

5. Other

The various other public utilities and their respective provider are listed below:

Electric – Sulfur Springs Valleys Electric Cooperative, Inc.,

Gas – AmeriGas

Telephone – Qwest Communications.

The developer has worked and will continue to work with the applicable companies in order to provide the required public services to the future residents of the community during the subdivision platting stage.

K. Water conservation

The water conservation effort for Madison will set forth the recommended programs for education of homebuyers, direct recharge of effluent to strategically maximize benefit to the aquifer, use of non-potable water in common areas, and strategies for minimizing the use of potable water. Such strategies may include, but are not limited to: low flow faucets, reduced flow toilets, water timers and automatic shutoff mechanisms. In consideration of the desert climate experienced throughout the Willcox area, it is the goal to recognize the importance of water conservation and implement all prospective water preservation measures recommended above. All water conservation efforts shall comply with Section 4.E.3 of this report.

As part of the water conservation effort, the developer intends to maintain the existing washes as open space. The purpose of this is to sustain the current aquifer recharge that will replenish the water distribution and storage system for the entire community. The developer also intends to incorporate the effluent from the wastewater treatment facilities within the higher density and commercial area as potential recharge and/or reclaimed water for landscaping purposes.

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L. Soils

There are no geological or geotechnical conditions that would prevent the development of the property. There is a possibility of near surface loose or moderately expansive soils that may exist in portions of the site. Mitigation procedures for these conditions will be identified in geotechnical reports produced at the time of the platting phase. At this time, mitigation measures, if required, are expected to be typical for the area, and will likely consist of earthwork or foundation recommendations that account for the existing soil conditions. No unusual or atypical geologic or geotechnical conditions have been observed or identified for the subject property.

M. Timing of development and phasing

At this time it is proposed that there will be four phases for the build-out of the Madison community. The phasing of the community is based on the absorption of development parcels and will respond to housing market demand, retail market demand, job growth for employment space, regional transportation facilities, and sound infrastructure development strategies.

Estimated Implementation schedules based on residential absorptions are projected as follows:

- Phase 1 – 2012-2013
- Phase 2 – 2013-2015
- Phase 3 – 2014-2018
- Phase 4 – 2016-2025

It is understood by the developer that County Regulations require that the development complete construction within 5 years of MDP approval. It is also understood that the abovementioned estimated phasing plan or implementation schedule may change while still complying with County standards and processes.

Commercial and employment land use phasing will respond to demand created by housing growth and/or regional transportation improvements which generate an increase in regional transportations trips within the vicinity to the non-residential development parcels. A projection for the completion of the absorption of commercial and employment land use not been provided due to the many variables, which influence the outcome.

It is estimated that the total Madison Planned Development residential build-out will require approximately ten or more years. This estimate, of course, depends on the

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health of the economy and housing market demand. A formal waiver of the County Standards shall be provided for approval of this MDP.

The Master Development Plan may propose a single master block plat in conjunction with the formation and recordation of a comprehensive development agreement. Inclusive in the block plat and /or development agreement will be detailed "assurance" directives, with exhibits established by "district" or "region" to coordinate the overall implementation of crucial infrastructure inherent to this community, including recreation areas. The assurance package will allow for sufficient flexibility within the framework or implementation of the infrastructure to adjust for market condition changes, as determined by the Master developer or subsequent assignable entries. The Master developer or other said parties are responsible for coordinating and completing the master block plat and /or development agreement and identified infrastructure improvements through community build-out. A single rezoning or planned development reflects a commitment toward the construction and installation of necessary infrastructure without placing undue burden on the government agencies during the life cycle of the development. A Madison Development Agreement and specific plat notes on the block plat will provide assurances for the construction of critical infrastructure prior to or concurrent with development.

In accordance with Cochise County regulation, it is anticipated that the development of the project will be complete within five years of approval by the Board of Supervisors, unless otherwise approved by the same Board.

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III. CONFORMANCE WITH COMPREHENSIVE AND GENERAL PLANS AND COMMUNITY IMPACTS

A. Project conformance with Cochise County Comprehensive Plan

Currently the Madison 1240 site falls within Growth Area Category D (Rural Residential) of the Cochise County Comprehensive Plan. As mentioned in the Comprehensive Plan, referring to Category D Rural Areas, "These sparsely populated rural lands also have the potential for future master-planned communities that will provide the infrastructure to support any proposed increases in residential density or non-residential activities." The project will provide adequate infrastructure to support any and all residential and non-residential activities that it incurs.

Since the initial Madison conception, during its design, and up until today Madison Diversified has been in direct contact with and requested the involvement of key Cochise County stakeholders, including County officials, business leaders, and active citizens. Madison is therefore shaped by the influences of Cochise's current goals and future aspirations all in conjunction with the developer's vision and the opportunities and constraints of the site.

B. Impacts, benefits and advantages for Cochise County

The community planned for the subject property will meet the need for new housing within Cochise County as the County's population continues to grow. The growth within the Tucson metropolitan area and Pima County shall continue to influence housing and economic development of Cochise County.

To summarize, the benefits to Cochise County include six broad provisions:

1. The subject property will provide housing and employment opportunities for the current and future residents of Cochise County.
2. The development will increase the property and sales tax base, providing an increased revenue stream, without creating large infrastructure costs for Cochise County.
3. The subject property will provide a master planned development with a variety of residential and commercial uses.

   This will allow Cochise County to continue to grow in a manner compatible with the Cochise County Comprehensive Plan.

4. The subject property is located near a major transportation corridor. This will set an example for a partnership between ADOT, Cochise County, City of Wilcox, and future developers for improvements and expansion of the existing transportation infrastructure.
5. The project will be built in phases with full build out anticipated to occur in approximately ten to fifteen years. This will allow the project to grow in a manner consistent with the Cochise County Comprehensive Plan and in harmony with infrastructure improvements.
6. The project will expand opportunities for job creation and increased economic vitality to the northern Cochise County and Wilcox area.

C. Economic benefit analysis

It is our belief that the Madison development will have a positive effect on homebuilding for the local economy, including income, jobs and revenue for local governments, and will capture the effects of the construction activity itself, the expenditure of income earned from the construction activity, and the ongoing impact resulting from the new homes being occupied and the new residents paying taxes and otherwise participating in the local economy.

The economic benefit will likely increase over the course of the development project based on such factors as the rate of inflation, increase in the cost and value of homes, wage increase, changes in the prices of permit fees, etc.

Most of the impact will likely benefit Wilcox and those areas closest to the Madison area, providing that those areas can supply the goods, services, and labor necessary for the construction of the homes, as well as those goods and services demanded by new residents once they occupy the new homes. While the supply of these goods and services in the local area may not currently exist at the appropriate levels, it is reasonable to expect that, over time, an unmet demand for them will draw such commercial establishments to the area as are necessary to meet the levels of demand.

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IV.DEVELOPMENT REQUIREMENTS OF THE PLANNED DEVELOPMENT DISTRICT

A. Purpose and intent

In order to provide residents with a progressively planned and high quality of living environment consisting of a variety of land uses, this planned market rate affordable housing community is targeting housing prices from the low $100,000s to the mid $100,000s. Currently, there is a growing demand and the supply of this segment of housing is low; thus Madison will help to fill this gap. The primary mechanism in the implementation of property land uses will be development regulations established herein. In addition, in anticipation of future needs and compatibility between land uses, an appropriate amount of flexibility has been incorporated into the regulations. Thus, for the purpose of this PD, the following land use districts are hereby established (and further detailed in Section IV, C-E of this document):

Residential Districts:

- Low density Residential District (LDR)
- High Density Residential District (HDR)
- Mobile Home Park (MHP)

Mixed Use District:

- Mixed Use District (MUD)
  - High Density Residential District (HDR)
  - Commercial
  - Industrial

B. General provisions

1. All construction and development within the MDP area shall comply with applicable provisions of the Cochise County Building Code and the various related mechanical, electrical, plumbing codes, fire code, grading and excavation code, and the subdivision codes as adopted by Cochise County and the State of Arizona, or as approved by the County Engineer.
2. This MDP may be amended by the procedures outlined in Article 4 of the Zoning Regulations.
3. Any persons, firm, or corporation, whether a principal, agent, employee, or otherwise, violating any provisions of these regulations shall be made to comply with the Cochise County Zoning Code pertaining to zoning misdemeanors.

4. Exceptions to height limitations contained in the development apply only to antennas, chimneys, evaporative coolers, or other architectural appurtenances required for the screening of rooftop equipment.
5. Non-conforming uses of land and non-conforming structures shall comply with Article 20, Section 2003 of the Cochise County Zoning Code.
6. At the time of site plan review, all commercial developments shall submit a plan detailing fencing, walls, landscaping, building placement, and other details, which must be in conformance with the PD design guidelines, Section 1503.09, for commercial structures.
7. Land Use Plan Provisions – Land use designations have been assigned to each parcel identified in the MDP, Land use provisions for the parcels designated for development include planning area letter, land use designation, proposed underlying zoning and gross acres.
8. Landscaping for common areas, open spaces and parks will be provided and maintained by the HOAs or designees as applicable throughout the MDP, subject to the Planned Development Landscape standards set forth in Section 1503.10 of the Zoning Regulations.

To ensure the orderly growth of the community, it is understood that minor modifications in the boundaries and acreage of parcels or adjustments because of final road alignments utilities or grading/hydrology hazards specified by the County will occur during technical refinements in the tentative map process and shall not require an amendment to MDP Maximum dwelling units per cumulative parcel counts will not be thereby affected. The MDP residential dwelling unit maximum shall be 1,200 dwelling units.

A transfer of residential dwelling units from one residential parcel to another parcel may be permitted in the MDP area in accordance with the following provisions;

In no case shall transfers of dwelling units result in:

a. Exceeding the overall plan capacity of 1,200 dwelling units;
b. An increase in the density classification of the overall MDP.
c. Exceeding the capacity of the circulation system or any other public infrastructure system as established for the PD area.
d. Exceeding prescribed development parcel target density by more than 10 percent (but staying within the plan capacity).

A revised MDP Map and Planning Area Summary shall be submitted with the respective tentative plats for review by the Community Development Department.

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Said map and table shall also indicate the remaining number of units, if any, that may be accommodated without exceeding the overall plan capacity of 1,200 units. Said map and table shall be updated accordingly.

1. Drill-sites-Drilling, mining, or exploration for any minerals, oil, gas, or other hydrocarbon substances shall be prohibited in the MDP area. Drilling/drill-sites for groundwater are allowed within the MDP area.
2. Agricultural, ranching, and grazing uses shall be permitted on the property until such time that a specific parcel is platted, the plate is recorded, and improvements are constructed on a portion of the development land that real estate and all parcels without improvements thereon shall be and remain as an agricultural use.
3. Land for public service facilities may be provided within the Mixed Use District.
4. All site development standards specifically applicable to a Category B Growth Area, now and in the future, shall be incorporated in all districts, unless superseded by a more stringent development standard in this MDP.
5. Screening: in a Category B Community Growth Area, whenever a non-residential use abuts a residential zoning district or is separated from such by an alley, the developed area of the non-residential site shall be screened with a six (6) foot high screen (see section 1805.02 of the Cochise County Zoning Code for definition). The Zoning inspector may defer the screening if the abutting residentially zoned property is not developed.
6. Livestock for private use may be kept in all zoning districts provided that the requirements of Article 18, Section 1815 of the Cochise County Zoning Code are met.

C. Residential development standards

DEVELOPMENT REQUIREMENTS				
ZONING DISTRICT	**MIN. LOT AREA(S.F)**	**YARD REQUIREMENT (FRONT/ SIDE/REAR)**	**MAX. BLDG HEIGHT (PRINCIPAL/ ACCESSORY)**	**DET.ACC.BLDG. (FRONT/SIDE/REAR SETBACK)**
Low Density Residential (LDR)	36,000	20'/20'/20'	30'/20'	20'/20'/20'
High Density Residential (HDR)	2,500 / 0*	10'/3'/5' 0'/0'/0'*	40'	.....
Mixed Use (MUD)	40% coverage	.....	.....	.....

*Provision for non-detached (attached) residential development.

There must be a minimum 18' between the back of the sidewalk and the front of the garage to allow a vehicle to park in the driveway without protruding into the sidewalk, unless otherwise agreed upon.

Mobile Home Park requirements shall follow Cochise County Regulations, Section 1812, for that specific zoning type.

Low Density Residential District (LDR)

Provided that they conform to the applicable site development standards set forth below and meet any other requirements such uses, the following uses shall be permitted in this district, and can be found in the Cochise County Zoning Regulations, such as off-site road and drainage improvements.

Permitted Uses

- All single household dwellings, excluding mobile and manufactured homes.
- Public or private park, public, private, or parochial school.
- Utility installations not otherwise exempted by section 2002 of the Cochise County Zoning Code, other than electric generation plants, regional sewage treatment plants, solid waste landfills, or incinerators
- Churches or places of religious worship
- Residential cares homes

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Site Development Standards

All uses permitted in this district shall conform to the following minimum site development standards:

- Minimum lot area: 36,000 square feet
- Maximum density: one dwelling unit per 36,000 square feet
- Maximum Height :
  - Principal structure : 30 feet above finished grade
  - Accessory structure : 20 feet above finished grade
  - Fence or walls: 6 feet above finished grade
- Setbacks, Principal, and Accessory Structures/Uses: the minimum setback shall be measured from the closest point on the property line or road to the structure/use. The minimum required setbacks for permitted uses are 20 feet (front, rear, total for both sides). The minimum required setbacks for Special Uses shall be double.
- Distance between structures: except as otherwise provided in these regulations, a minimum distance between principal structures shall be 15 feet or 10 feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.
- Maximum lot coverage is 65%

Permitted Accessory Uses

Accessory uses are permitted in this district provided they are secondary to any established permitted principal use. For residential uses, the following additional accessory uses and buildings shall be permitted:

- Rooms in the principal dwelling for boarders, not exceeding two (2) such persons per dwelling unit (no permit is required)
- One accessory living quarter subject to the definition in Article 2 and the procedures in Section 1717 of the Cochise County Zoning Code.
- Family cemeteries on a minimum lot of one acre (informational permit is required)
- Home occupations

Special Uses

The following uses may be permitted as a Special Use subject to the procedures and review criteria set forth in Section 1716 of the Cochise County Zoning Regulations:

- Welfare and charitable services
- Childcare facilities and establishments
- Personal and professional services
- Health Clinics
- Residential care institutions
- Indoor and outdoor recreational facilities
- Cultural, historic, and nature exhibits
- Resorts

High Density Residential District (HDR)

This zone is established to achieve the following purposes:

- To provide high-density residential development in locations with adequate infrastructure;
- To allow only those additional uses which are complimentary to higher density residential uses; and
- To stabilize and protect residential development

The following uses shall be permitted in this zone, provided that they conform to the applicable site development standards set forth below and meet any other requirements for such uses found in the Cochise County Zoning Regulations, such as off-site road and drainage improvements.

Permitted Uses

- Any use permitted in the High Density Residential District as described herein.
- All single household dwellings, including mobile and manufactured homes and attached single family dwellings such as townhome, condos, apartment.
- Public or private park, public, private, or parochial school
- Group quarters.
- Utility installations not otherwise exempted by Section 2002 of the Cochise County Zoning Code, other than electric generation plants, regional sewage treatment plants, solid waste landfills, incinerators, wastewater pump stations, water storage tanks associated with pumping systems

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- Churches or places of religious worship
- Personal and professional services
- Residential care homes
- Health clinics.

Site Development Standards

All uses permitted in this district shall conform to the following minimum site development standards:

- Minimum lot area: 2,500 square feet or 0 SF
- Maximum density: 12 units per acre
- Maximum height:
  - Principal structure: 30 feet above finished grade
  - Accessory structure: 20 feet above finished grade
  - Fence or walls: 8 feet above finished grade
- Setbacks, Principal, and Accessory Structures/Uses: the minimum setback shall be measured from the closest point on the property line or road to the structure/use. The minimum required setbacks for permitted uses are 10 feet for front and rear yards and 0 feet for side yards. The minimum required setbacks for accessory structure/uses are 0 feet (front, rear and total for both sides).
- Distance between structures: except as otherwise provided in these regulations, a minimum distance between principal structures shall be 6 feet or 10 feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.
- Maximum lot coverage is 70% (Total acreage)

Special Uses

The following uses may be permitted as a Special Use subject to the procedures and review criteria set forth In Section 1716 of the Cochise County Zoning Regulations:

- Welfare and charitable services
- Hospitals
- Bed and breakfast lodgings
- Personal and professional services
- Indoor and outdoor recreational facilities
- Cultural, historic , and nature exhibits
- Resorts

D. Commercial and industrial development standards

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Mixed Use District – Commercial (MUD)

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The mixed Use District is intended to serve the needs of the immediate residential community. This zone is established to achieve the following purpose:

- To provide areas for small shops, businesses, and services establishments in convenient locations to meet the needs of households in surrounding residential areas;
- Provide the essential neighborhood character of the district by preventing encroachment by more intensive commercial uses having market areas extending beyond nearby neighborhoods;
- Maintain compatibility between neighborhood – oriented commercial areas and adjacent residential areas; and
- Avoid any undue concentration of vehicular traffic on local districts.

Permitted Principal Uses

The following uses, which in this district shall be conducted wholly within a completely enclosed building, unless otherwise specified, and use operated as a store, shop, or business shall be a retail establishment and all products on the premises shall be sold at retail on the premises.

- Any use permitted in the High Density Residential District as described herein.
- All single household dwellings
- Group quarters
- Childcare facilities
- Childcare establishments
- Educational services
- All utility installations not otherwise exempted by Section 2002 of the Cochise County Zoning Code, other plan electric generation plants, regional sewage treatment plants, solids waste landfills, incinerators, wastewater pump stations, water storage tanks associated with pumping systems.
- Churches or places of religious worship
- Civil, Social, fraternal, and business associations
- Personal and professional services
- Indoor and outdoor recreational facilities
- Retail sales of merchandise
- Restaurants, bars, taverns, and nightclubs
- Residential care homes
- Emergency vehicle stations not otherwise exempted by Section 2002 of the Cochise County Zoning Code

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- Bed and breakfast lodgings
- Health clinics
- Municipal Uses
- Recreational vehicle parks
- Motel / Hotel guest lodging
- Customer care services such as: auto repair, electronic repair, consultancy services, etc.
- Welfare and charitable services
- Convenience stores
- Residential care institutions
- Retail Sales
- All Light Industrial Uses as provided in Article 13 of the zoning regulations

Site Development Standards

All uses permitted in this district shall conform to the following minimum site development standards in addition to the provisions of Article 18 of the Cochise County Zoning Code:

- Minimum lot area: none
- Maximum density: none
- Maximum height:
  - Principal structure : 50 feet above finished grade
  - Accessory structure (residential): 50 feet above finished grade
  - Fence or walls: 8 feet above finished grade, typical
- Outdoor storage areas: non-residential outdoor storage shall be fully screened.
- Setbacks, Principal, and Accessory Structures/Uses: the minimum setback shall be measured from the closet point on the property line or road to the structure/use. The minimum required setbacks for principal uses are 20 feet (front, rear and total for both sides). The minimum required setbacks for Special Uses shall double.
- Distance between structures: except as otherwise provided in these regulations, a minimum distance between principal structures shall be 15 feet or 10 feet for multiple-household structure. Nothing herein shall prevent permanent attachment of principal structures.
- Max lot coverage is 75%

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Special Uses

Special uses are permitted in this district provided they are secondary to an established permitted principal use:

Special Uses

- Hospitals
- Restaurants
- Indoor and outdoor recreational facilities
- Resort

E. Implementation

1. Purpose and intent

The development of the Madison MDP will be implemented in conformance with the PD District Standards (Article 15) and as set forth in Article 18 of the zoning regulations. When any site development standard in article 18 conflicts with these regulations, the MDP standards shall override default county standards; where development standards are not mentioned in the MDP standards, the applicable County regulations shall apply, subject to reasonable interpretation by the Planning Director as needed. In this section are outlines of the procedures for administration of the provisions contained herein and the phasing plan for the development of the proposed planning area. Other information covered in this chapter concerns the general administration, subdivision, administration procedures, and the linkage between these elements. In addition to the MDP site plan review, the Madison Planned Development District shall be implemented through the subdivision process. Concurrent with site plan processing will be submittal of tentative plats where properties are to be separately financed, sold, leased, or otherwise conveyed. The subdivision process will allow for the creation of lots as tentative parcel or tentative plats which will allow for implementation of the project phasing.

2. Phasing program

The main purpose of the phasing program is to relate infrastructure requirements to site development and market demand.

The MDP allows for flexibility in project phasing because the actual sequence of development may be affected by numerous factors not now predictable, including site plan modifications due to final engineering or changes in the economic market, and housing market. Please see the phasing schedule found in Section II.M of this report.

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3. **General administration, permit processing, and amendments**

The MDP shall be administered and enforced by Cochise County Planning Department, in accordance with the provisions of the Cochise County Zoning Code. Certain changes to explicit provisions in the MDP may be made subject to Section 1505 of the Cochise County Zoning Code. The following items are in addition to Section 1505:

- Adjustments of modifications in the phasing order – as long as infrastructure development is precedent or concurrent.
- Changes in configurations of individual development parcel to include modifications of boundaries, division of larger parcels, or combination of parcels, as long as there is no net loss in overall MDP open space and no net increase in the total number of units allowable within the MDP.
- Changes or modifications in lot sizes and /or lot configuration which encourages diversity of housing types, as long as within the allowable density and density transfers.
- Changes in lot coverage ratios which encourage diversity in housing type by up to 10%, as long as within the allowable density and density transfers.
- Changes in front, rear, or side yard residential setbacks of up to 10% which encourage diversity of housing type, as long as within the allowable density transfers.
- Creation of gated neighborhoods, private streets, or other modifications in common area assets to be voluntarily maintained by a group or resident homeowners, as long as the integrity of the interior circulation plan is maintained.
- Placement and/or construction of identity or character features such as community art, entry monuments, mailboxes, neighborhood signage, etc.
- Addition of a school site or modification of a park site, which enhances the opportunity to create a sense of neighborhood and community, better centralizes the school and / or park sites based on actual development densities, or serves to implement the desires of the School District or County as to the most appropriate location for the school and / or parks site, as long as the maximum number of units within the PD does not increase.
- Terminology, reference, glossary, designation, or nomenclature changes that do not impact the vision of the MDP.

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- A transfer of commercial/mixed-use square footage from one mixed-use parcel to another of up to 10%.
- Changes in front, rear, and side yard commercial setbacks of up to 10%when modifications will increase the diversity of employment opportunities or enhance the integration of neighborhoods and mixed-use developments.
- Modifications in the design and construction of infrastructure based upon technological advances when a proposed modification is accepted by the County Highway and Floodplain Department, the County Health Department, the Arizona Department of Transportation, or the Arizona Department of Environmental Quality. Infrastructure capacity based upon planned target densities and intensities of use and phasing of infrastructure precedent or concurrent with development will remain unchanged.
- Modifications in set-asides, encroachments, easements, rights-of-way ,open space, so long as the modifications fall within the general overall range and target for the community and are based upon County-accepted technical design and engineering and no net reduction in overall open space results.
- Any analogous interpretations of the list of permitted or conditional uses of the property set forth in the MDP, as determined by the County Planning Director.
- Other changes not identified above as deemed appropriate by the County Planning Director, as long as the changes do not impact the general health, safety, and welfare of the residents of Cochise County.
- The additional of new information to the MDP maps or text that does not change the effect of any regulations or guidelines.
- The determination that a use be allowed which is not specifically listed as permitted but which may be determined to be similar in nature to those uses explicitly listed as permitted.
- Except as explicitly modified herein, the MDP area shall be subject to the applicable policies of the Comprehensive Plan, related to Master Development Plans, Water Conservation and Transportation. The Water Conservation standards in Section 1820 of the Zoning Regulations shall also apply to all new construction.
- Prior to tentative plat approval for any phase of development, the Applicant shall provide a draft charter for a property maintenance district which will be responsible for HOAs within the Plan area. The draft CC&Rs shall include provisions which obligate the association to maintain all open space, trail system, common areas parks, landscaping in common areas and medians,

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entry features, and etc within the development. The CC&Rs shall also include deed restrictions enforcing the site development standards proposed within the MDP Area.

- A general note shall be included on all future plats indicating compliance with the MDP standards, policies, development standards, water conservation and architectural guidelines.
- All roads, sidewalks, curb and gutters where applicable, on-site and off-site improvements shall be constructed to County standards as set forth in the *Cochise County Standards Road Design & Construction Standards for Public Improvements*. The vehicular circulation system shall be designed and implemented in accordance with the standards for Planned Development District Access, Circulation and Street Improvements as provided in Section 1503.08.A of the Zoning Regulations and as set forth in an approved Traffic Impact Analysis (TIA) report;
- A detailed pedestrian and equestrian circulation plan shall accompany any tentative plat submittal within the Plan area, which generally conforms to the "Pedestrian Circulation Exhibit" accompanying the MDP proposal. The pedestrian circulation system will comply with the standards for Planned Development District Pedestrian Circulation Systems as provided in Section 1503.08.D of the Zoning Regulations;
- A water improvement district, water company, or state-approved equivalent will be formed prior to any final plat approval. All water services to all phases will be provided by this special district. All waste systems within the MDP area shall be subject to the standards set forth in Section 1503.07 of the Zoning Regulations.;
- That a wastewater improvement district or state-approved equivalent will be formed prior to any final plat approval. All wastewater water services to all phases will be provided by this special district. All wastewater systems within the MDP area shall be subject to the standards set forth in Section 1503.07 of the Zoning Regulations.
- Prior to tentative plat approval, or development of any High-Density Residential or Mixed-Use Commercial phase, a finalized Traffic Impact Analysis shall be approved by the County, which accurately analyzes traffic impacts associated with the proposed development. Subsequent development shall adopt and implement all mitigation strategies recommended in such analyses;
- Prior to the first phase of development, the County will be provided with Intent to Serve letters from the applicable Fire District and all applicable utilities, which

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demonstrate that commitment to provide such services has been secured. Included within this provision is the requirement that a Memorandum or Letter of Understanding be submitted to the County, which adequately addresses impacts and recommendations of the Willcox School District. This policy will satisfy the requirements of Section 406.06.B.4 of the Zoning Regulations.

- All future development within the MDP area shall be subject to the recommendations of the Hydrology Analysis Report for "Madison 1240," as prepared by Kinetix Engineering and Consultation, dated December 2010;
- All future development within the MDP area shall be subject to the recommendations of the Geotechnical Evaluation, as prepared by Western Technologies, Incorporated and dated March 15, 2004.

The MDP shall be implemented through a method of site plan review by the staff of the Cochise County Planning Department. A site plan review shall be required for all development within the MDP area requiring permit. Tentative parcel and plats may be processed independently of the site plan review procedures, in accordance with the Cochise County Subdivision Regulations. Site plan review would apply to commercial, industrial, and multi-family attached.

All proposed projects with the MDP area shall be required to have an approved site plan prior to issuance of building permits or concurrent with subdivision, special use permits, or any other permits for the property. The site plan review procedure is necessary for the following reasons:

- To ensure consistency with the MDP, the County Comprehensive Plan, zoning regulations, building code, and all implementing ordinances
- To promote the highest contemporary standards of site design
- To adapt to specific or special development conditions that occurs from time to time while continuing to implement the MDP and confirm development to the County Comprehensive Plan and implementing ordinances.
- To facilitate complete documentation of land use entitlements authorized and conditions pertinent thereto
- To adapt to changes that may occur with respect to the circumstances under which the project is undertaken
- Site plan review would apply to all residential, commercial, and industrial building permits

Exemptions

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The activities, listed below, are exempt from the site plan review process; however, a building permit may be required. This list is not all-inclusive. Other special activities not covered by the example listing below may be exempt by The Planning Director as well.

- All interior changes, alternations, construction
- Repainting
- Re-glazing, new mullions
- Re-landscaping of existing structure
- Re-roofing with similar-style roofing materials
    - Minor exterior repairs
    - Exterior mechanical (heating, air conditioning , water heater etc)

Procedures

According to Cochise County procedures, site plans that contain plans, drawings, illustrations, designs, reports, and other detailed information as required herein shall be submitted to the County for review and comment. Applicants are encouraged to submit preliminary plans for review and comment by the Planning Department prior to the final preparation of a site plan. The staff shall seek comment from other County Department and service agencies prior to preparing a site plan.

The staff shall seek comment from other County Department and service agencies prior to preparing a recommendation on the finalized MDP site plan.

Applicants should ensure that they have obtained a copy of the design guidelines contained within the MDP. This will assist the developer in achieving consistency with the MDP and generally facilitate a quality project.

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MASTER DEVELOPMENT PLAN
FOR
MADISON 1240
PART OF SECTION 29, 30 & 32, TOWNSHIP 13 SOUTH, RANGE 24 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA

SITE DATA
ASSESSOR'S PARCEL NUMBERS:
202-01-009A 202-35-0052
202-32-0040 202-35-002
202-35-002B 202-35-0049

FLOOD PLAIN DATA
FIRM, PANEL NUMBER: 04003C0425F
ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
ZONE A: NO BASE FLOOD ELEVATIONS ARE DETERMINED AT THIS ZONE.
ZONE AO: FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED.

LEGAL DESCRIPTION
PARCEL I: 202-01-009A 801.73 ACRES
LOTS 3 AND 4,
THE SOUTHEAST QUARTER, AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 30;
THE NORTH HALF, AND THE NORTH HALF OF THE SOUTH HALF OF SECTION 32
ALL IN TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA; EXCEPT AS TO THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 30, ALL THE OIL AND MINERAL RIGHTS AS RESERVED IN DEED RECORDED IN BOOK 131, DEEDS OF REAL ESTATE, PAGE 293, RECORDS OF COCHISE COUNTY, ARIZONA.

PARCEL II: 202-32-0040 320.00 ACRES
THE SOUTHEAST QUARTER; AND THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA; EXCEPT AS TO THE SOUTHEAST QUARTER, 51% OF ALL OIL, GAS AND MINERAL RIGHTS AS RESERVED IN DEED RECORDED IN BOOK 134, DEEDS OF REAL ESTATE, PAGE 467, RECORDS OF COCHISE COUNTY, ARIZONA.

PARCEL III: 202-35-002B 40.80 ACRES
THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA.

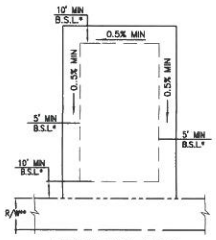
PARCEL IV: 202-35-0052 40.69 ACRES
THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA.

PARCEL V: 202-35-002 40.93 ACRES
THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA.

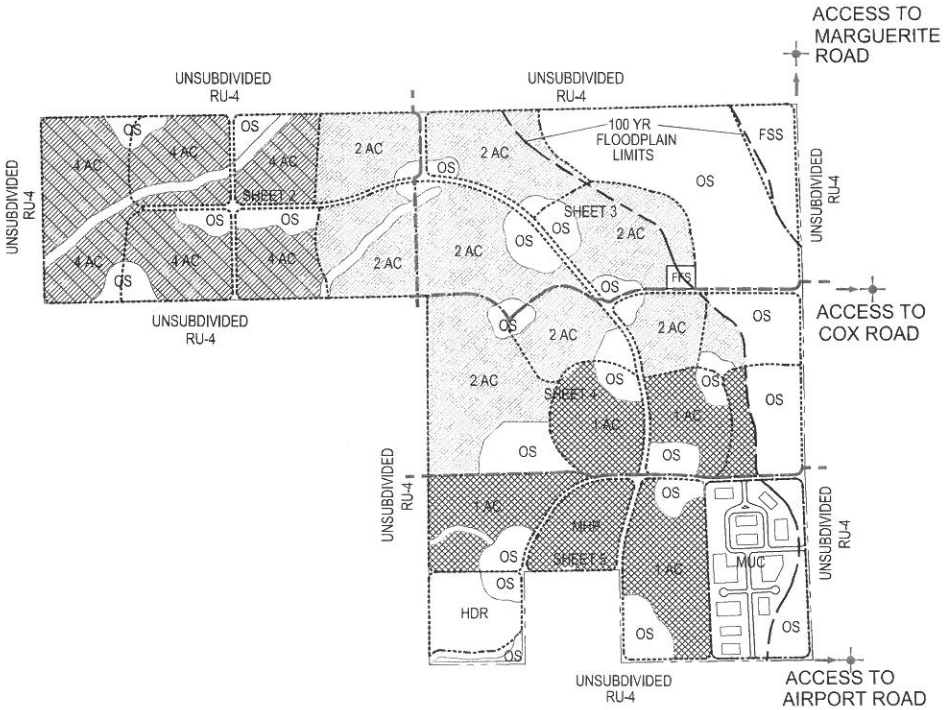
PARCEL VI: 202-35-0049
EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THE EAST 60 FEET OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA.

LEGEND
- 1 ACRE LOTS LOW DENSITY RESIDENTIAL (LDR)
- 2 ACRE LOTS LOW DENSITY RESIDENTIAL (LDR)
- 4 ACRE LOTS LOW DENSITY RESIDENTIAL (LDR)
- HIGH DENSITY RESIDENTIAL (HDR)
- MIXED USE COMMERCIAL (MUC)
- FUTURE SCHOOL SITE (FFS)
- OPEN SPACE (OS)
- MOBILE HOME PARK (MHP)
- FUTURE FIRE STATION (FFS)
- 80' RIGHT OF WAY ROADWAY
- 60' RIGHT OF WAY ROADWAY
- RIGHT OF WAY
- BOUNDARY
- EXISTING OR PROPOSED ACCESS POINTS
- MATCHLINE
- 100YR-FLOODPLAIN LIMITS
- WALKWAYS/BIKE RIDE PATHS
- EQUESTRIAN TRAILS
- AREA LOT

HIGH DENSITY RESIDENTIAL



TYPICAL LOT LAYOUT
& BUILDING SETBACKS
NOTE: N.T.S.
* CORNER LOT SIDE SET BACK 10' MIN
** RIGHT OF WAY DIMENSION AS PER THE PLAN

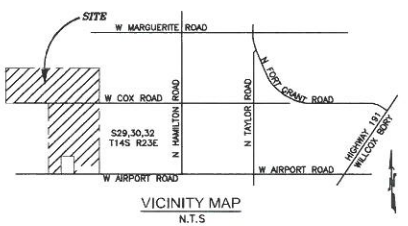


SHEET INDEX

1.....MASTER DEVELOPMENT PLAN
2-5.....SITE PLANS
6.....MIXED USE COMMERCIAL PLAN
7.....PEDESTRIAN CIRCULATION EXHIBIT
8.....MADISON PHASING PLAN

NOTE:
THE ONLY FACILITY WITHIN THE PROJECT IS ELECTRICAL PROVIDED BY SSVEC.

KEY MAP
1"=800'



VICINITY MAP
N.T.S

DEVELOPER / OWNER
MADISON DIVERSIFIED
#115-988, BEACH AVENUE
VANCOUVER B.C., CANADA
PHONE: 604-685-2551
FAX: 604-685-2533
ATTN: JAMES LEE

ENGINEER
KINETIX ENGINEERING & CONSULTATION
12 N. CENTER STREET
MESA, AZ 85201
PHONE: 480-258-6959
FAX: 480-464-5871
ATTN: DAVID BOHN, PE

SURVEYOR
ALL PRO SURVEYING
6636 E. BASELINE ROAD
SUITE 101 MESA, AZ 85206
PHONE: 480-406-3648
FAX: 480-294-6770
ATTN: ROB UNGER, RLS

BENCHMARK
ON-SITE PROJECT BENCHMARK FROM THE SE CORNER OF SECTION 5, T15N, R19W, ELEVATION=1518.23 NGVD 29 DATUM

BASIS OF BEARING
NORTH SECTION LINE OF SECTION 9 FROM THE NW CORNER TO THE N 1/16TH CORNER OF N89°57'42"E.

LAND USE TABLE

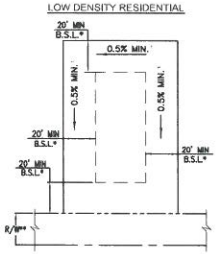
GROSS ACREAGE	1245 ACRES
NET ACREAGE	1000 ACRES (APPROX.)
PROPOSED NUMBER OF LOTS	800 - 1200 (APPROX.)
EXISTING ZONING	RU-4
PROPOSED ZONING	PD
1 AC SUBDIVISION (LDR)	167 AC
2 AC SUBDIVISION (LDR)	368 AC
4 AC SUBDIVISION (LDR)	180 AC
HIGH DENSITY RESIDENTIAL (HDR)	28 AC
MOBILE HOME PARK (MHP)	32 AC
TOTAL OPEN SPACE	588 AC

ZONING TABLE

MIN. FRONT YARD SETBACK	20'
MIN. SIDE YARD SETBACK	20'
MIN. REAR YARD SETBACK	20'

NOTE:
SEE MDP REPORT FOR ZONING DETAILS

LOW DENSITY RESIDENTIAL



TYPICAL LOT LAYOUT
& BUILDING SETBACKS
NOTE: N.T.S.
* CORNER LOT SIDE SET BACK 20' MIN
** RIGHT OF WAY DIMENSION AS PER THE PLAN

KINETIX
ENGINEERING & CONSULTATION
12 N. CENTER STREET
MESA, ARIZONA 85201
PHONE: 480.258.6959
FAX: 480.464.5871

REVISIONS:

MASTER DEVELOPMENT PLAN
PROJECT: "MADISON 1240"
COCHISE COUNTY, ARIZONA

Job No.	09020
Drawn By	KNX
Checked	DB
1st Submittal	10/05/2009
2nd Submittal	07/05/2011
3rd Submittal	

NOT FOR CONSTRUCTION

JOB NO. 09020
09020CS01.DWG
SHEET NO. 1
1 OF 8

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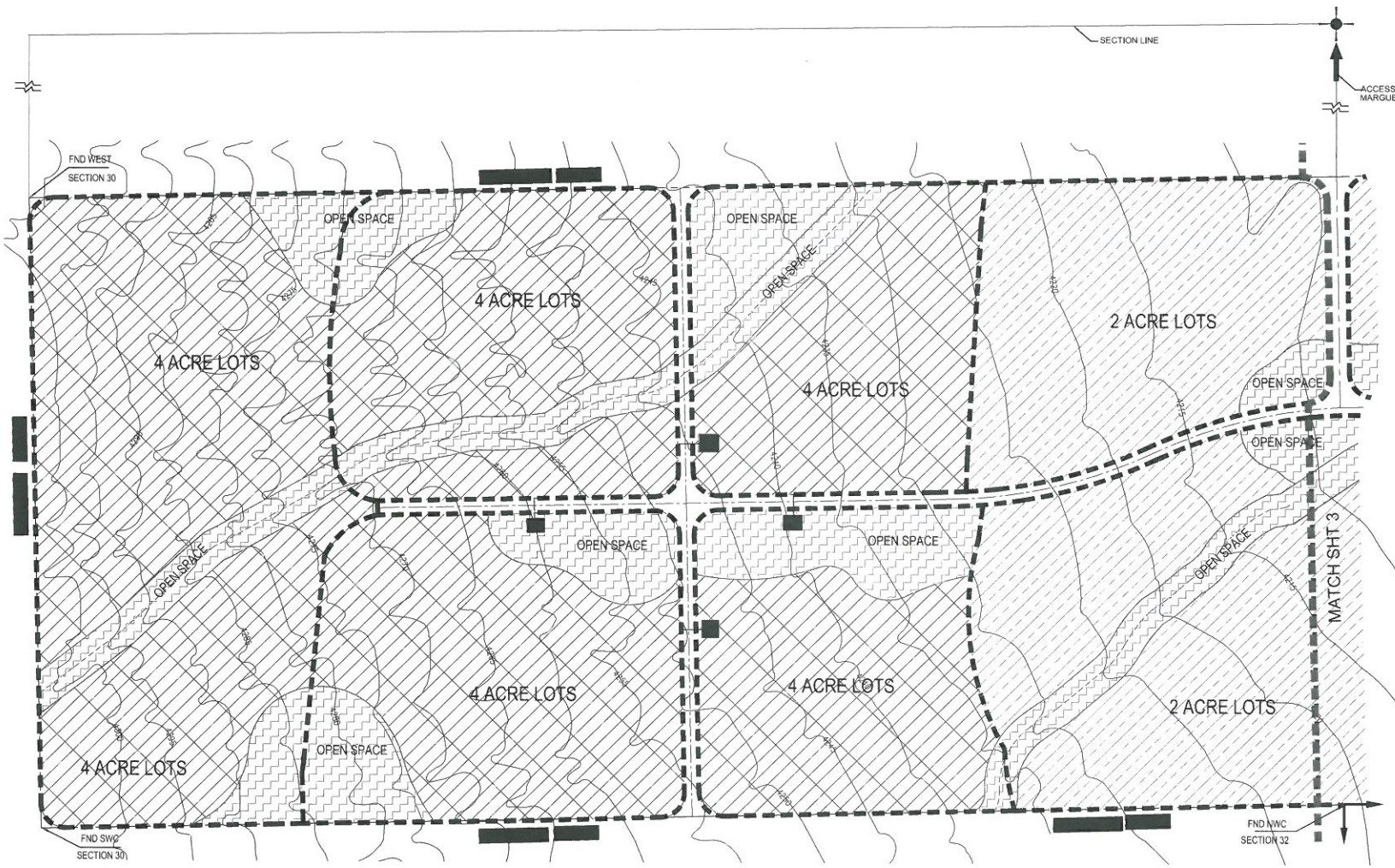
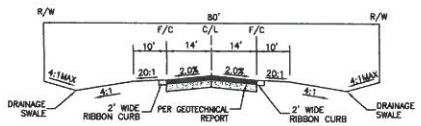
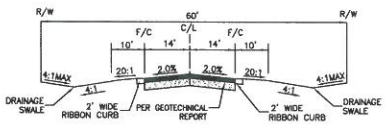
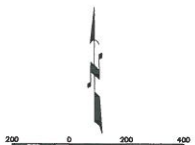


ARTERIAL ROAD



COLLECTOR ROAD





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MESA, ARIZONA 85201
PHONE: 480.258.6959
FAX: 480.464.5871

REVISIONS

SITE PLAN

PROJECT: "MADISON 1240"
COCHISE COUNTY, ARIZONA

Job No.	09020
Drawn By	KNX
Checked	DJB
1st Submittal	10/06/2010
2nd Submittal	07/06/2011

PRELIMINARY NOT FOR CONSTRUCTION OR RECORDATION
REGISTERED PROFESSIONAL ENGINEER
DAVID J. BAILEY
ARIZONA U.S.A.
EXPIRES 09/30/2011

JOB NO. 09020

09020SP02.DWG

SHEET NO. 2

2 OF 8

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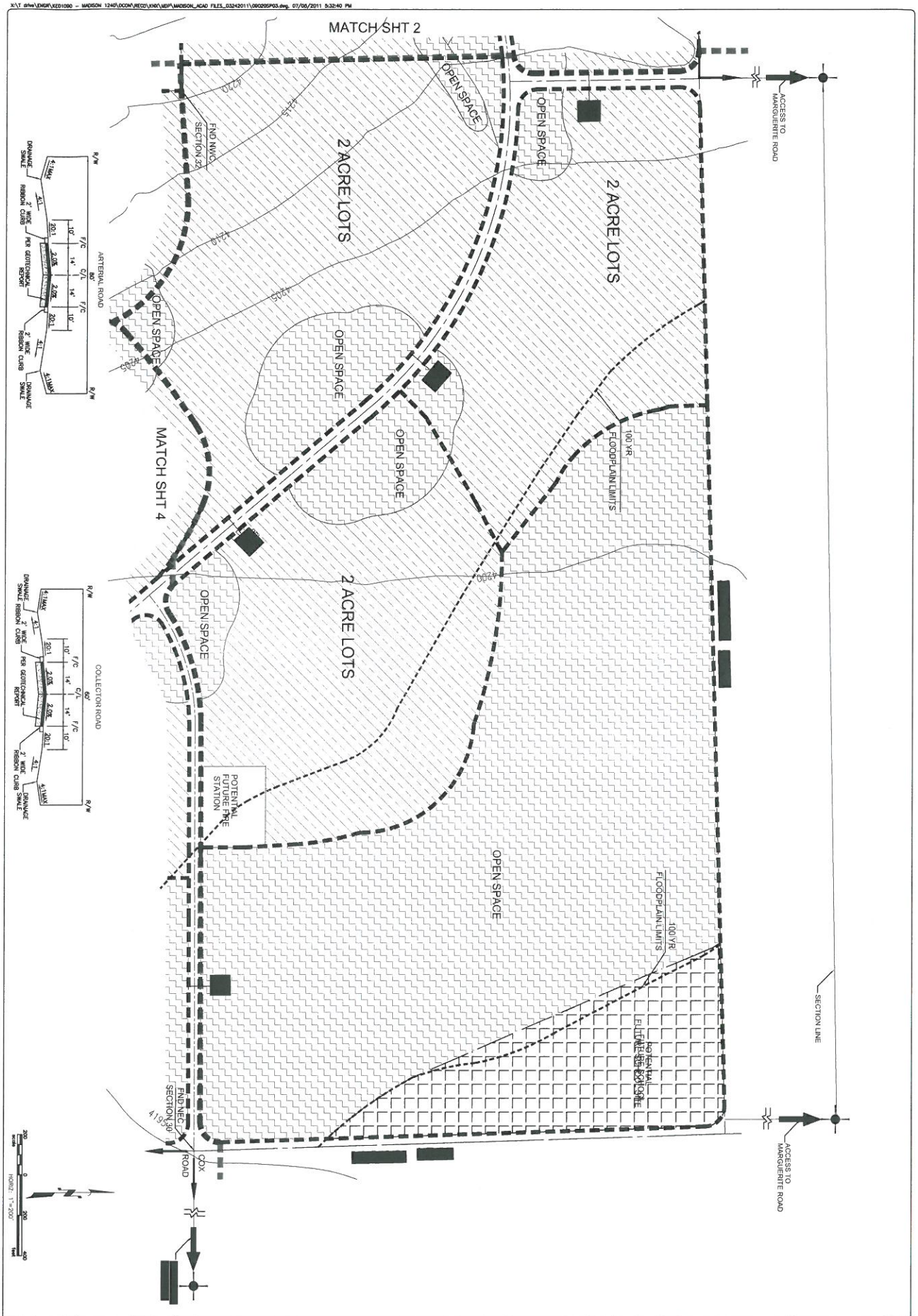

SITE PLAN

PROJECT: "MADISON 1240"
COCHISE COUNTY, ARIZONA

REVISIONS:

KINETIX ENGINEERING & CONSULTATION
12 N. CENTER STREET
MESA, ARIZONA 85201
PHONE: 480.258.6599
FAX: 480.444.3811

JOB NO. 09020
SHEET NO. 3
3 OF 8
09020SPPLDWG

66
B

SITE PLAN

PROJECT: "MADISON 1240"
COCHISE COUNTY, ARIZONA

REVISIONS:

KINETIX
ENGINEERING & LAND DEVELOPMENT CONSULTANTS
2141 E. BASELINE RD. SUITE 202
MESA, ARIZONA 85204
PHONE: 480.756.6599
FAX: 480.444.5571

JOB NO. 09020
09020SP04.DWG
SHEET NO. 4
4 OF 8

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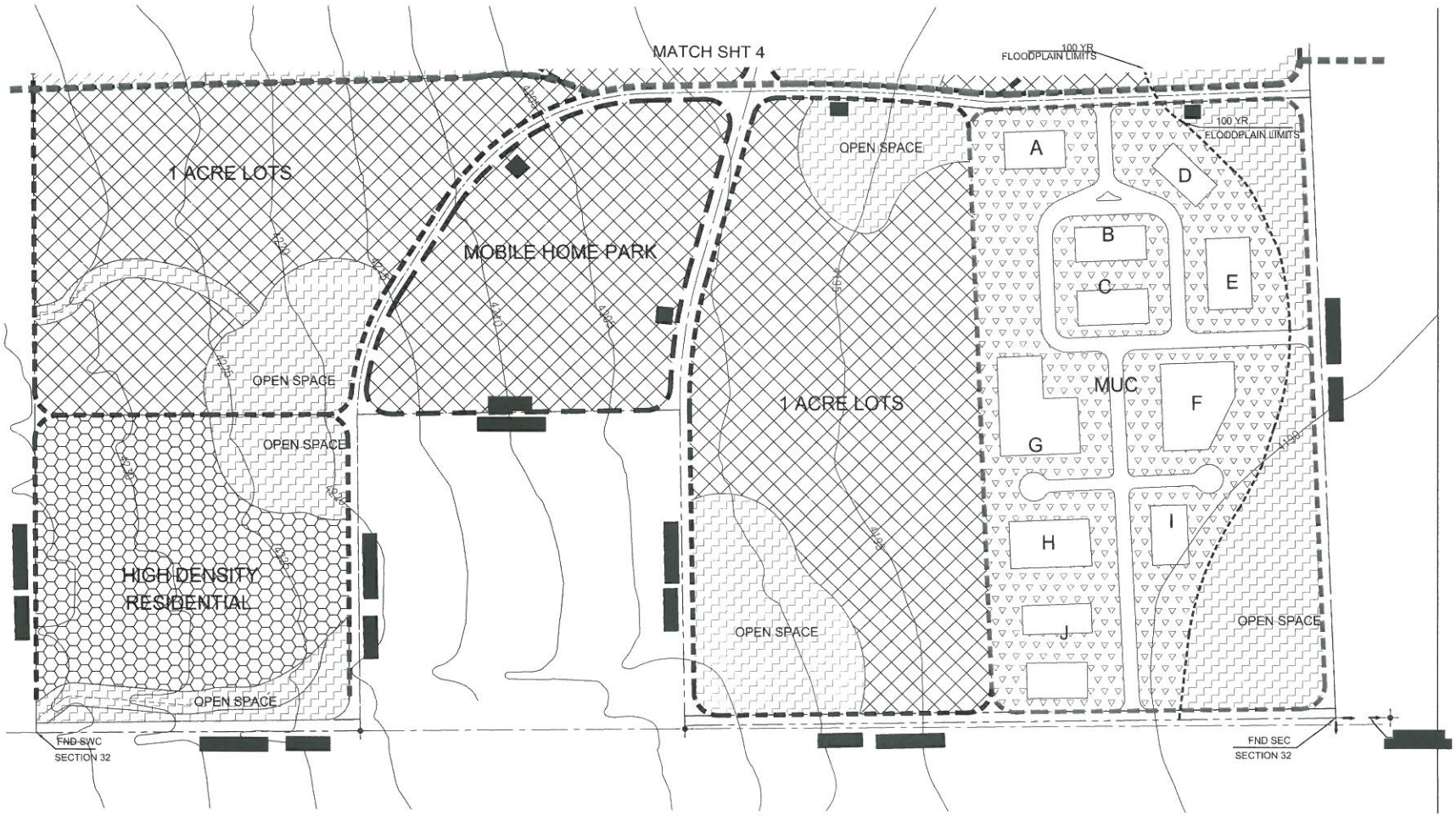

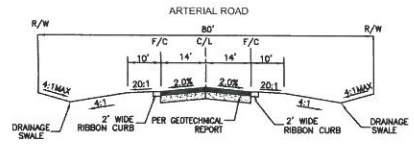

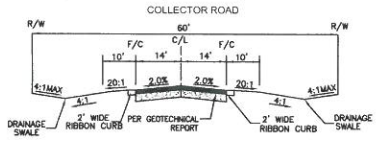

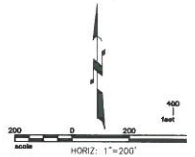

KINETIX
ENGINEERING & CONSULTATION
12 N. CENTER STREET
MESA, ARIZONA 85201
PHONE: 480.258.6959
FAX: 480.464.5871

REVISIONS

SITE PLAN

PROJECT: "MADISON 1240"
COCHISE COUNTY, ARIZONA

Job No.	09020
Drawn By	BMK
Checked	DB
1st Submittal	10/06/2010
2nd Submittal	07/05/2011
3rd Submittal	

EXPIRES 09/30/2011

JOB NO. 09020

09020SP05.DWG

SHEET NO. 5

5 OF 8

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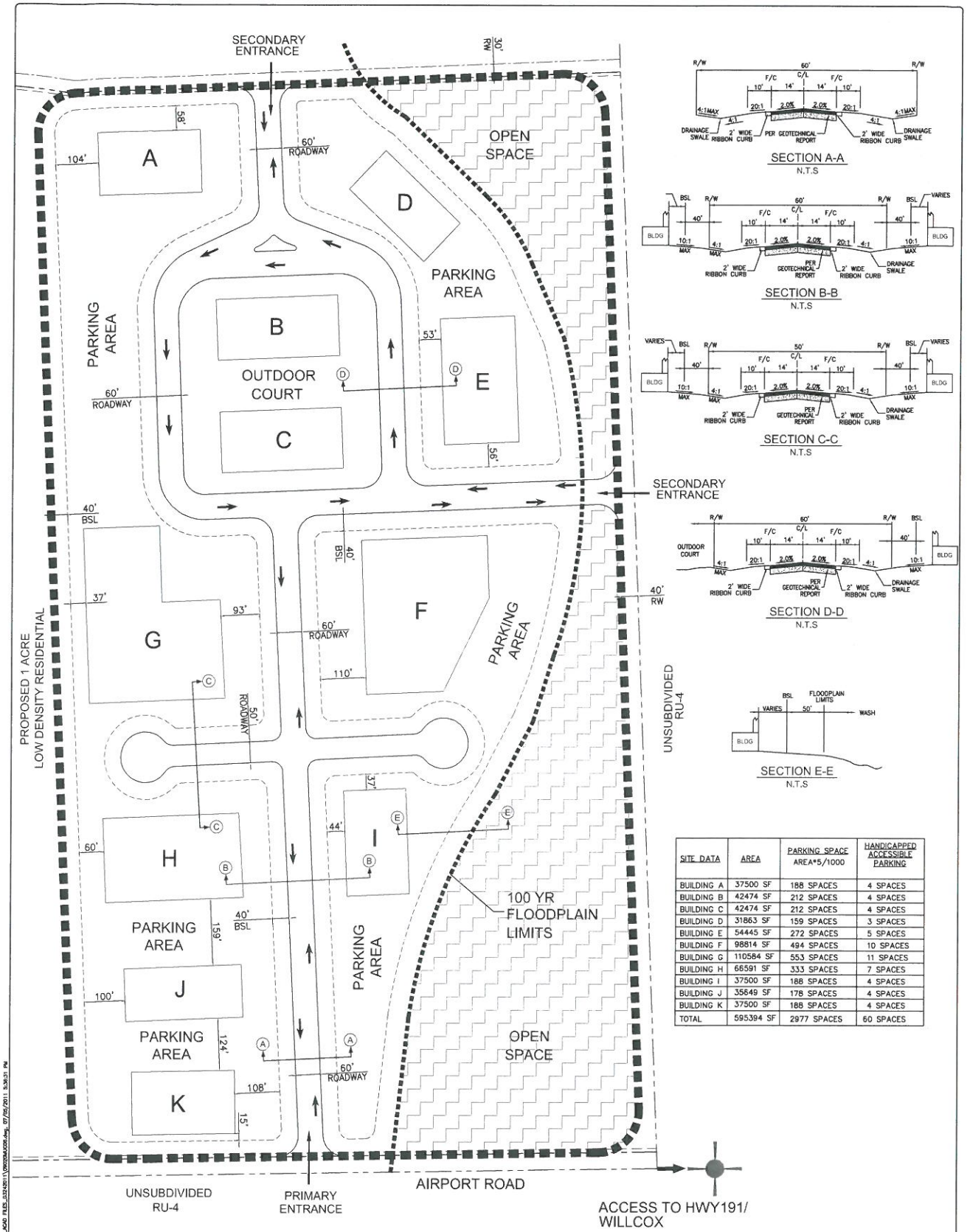

SITE DATA	AREA	PARKING SPACE AREA*5/1000	HANDICAPPED ACCESSIBLE PARKING
BUILDING A	37500 SF	188 SPACES	4 SPACES
BUILDING B	42474 SF	212 SPACES	4 SPACES
BUILDING C	42474 SF	212 SPACES	4 SPACES
BUILDING D	31863 SF	159 SPACES	3 SPACES
BUILDING E	54445 SF	272 SPACES	5 SPACES
BUILDING F	98814 SF	494 SPACES	10 SPACES
BUILDING G	110584 SF	553 SPACES	11 SPACES
BUILDING H	66591 SF	333 SPACES	7 SPACES
BUILDING I	37500 SF	188 SPACES	4 SPACES
BUILDING J	35649 SF	178 SPACES	4 SPACES
BUILDING K	37500 SF	188 SPACES	4 SPACES
TOTAL	595394 SF	2977 SPACES	60 SPACES

LOT USE TABLE

OPEN SPACE	= 18 AC (22%)
BUILDING AREA	= 595394 SF (17%)
MAXIMUM BUILDING HEIGHT	= 40 FT
FRONT SETBACK LINE	= 40 FT
REAR SETBACK LINE	= MIN. 20 FT
SIDE SETBACK LINE	= MIN. 5 FT

NOTE: SEE MDP REPORT FOR MORE DETAILS CONCERNING MIXED USE COMMERCIAL.

100 0 100 200 scale feet
HORIZ: 1"=100'

MIXED USE COMMERCIAL PLAN

PROJECT: "MADISON 1240"
COCHISE COUNTY, ARIZONA

KIMLEY-HORN ENGINEERING & CONSULTATION
12 N. CENTER STREET
MESA, ARIZONA 85201
PHONE: 480.256.6959
FAX: 480.464.5871

REVISIONS:

JOB NO. 09020
09020MUC06.DWG
SHEET NO. 6
6 OF 8

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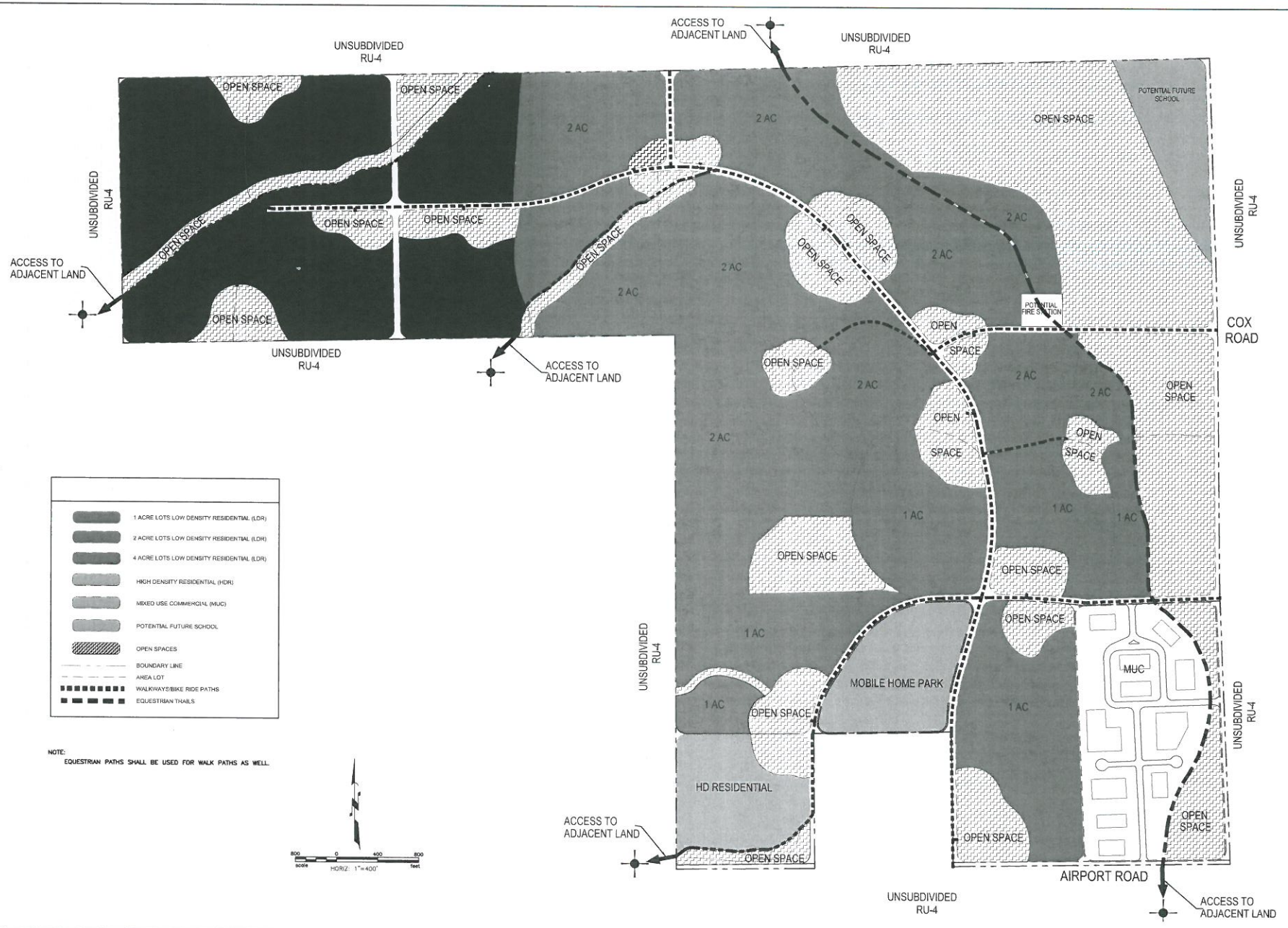


KINETIX
ENGINEERING & CONSULTATION
12 N. CENTER STREET
MESA, ARIZONA 85201
PHONE: 480.258.6959
FAX: 480.464.5871

PEDESTRIAN CIRCULATION EXHIBIT

PROJECT: "MADISON 1240"
COCHISE COUNTY, ARIZONA

Job No:	09020
Drawn By:	KNX
Checked:	DS
1st Submittal:	12/05/2010
2nd Submittal:	01/05/2011
3rd Submittal:	

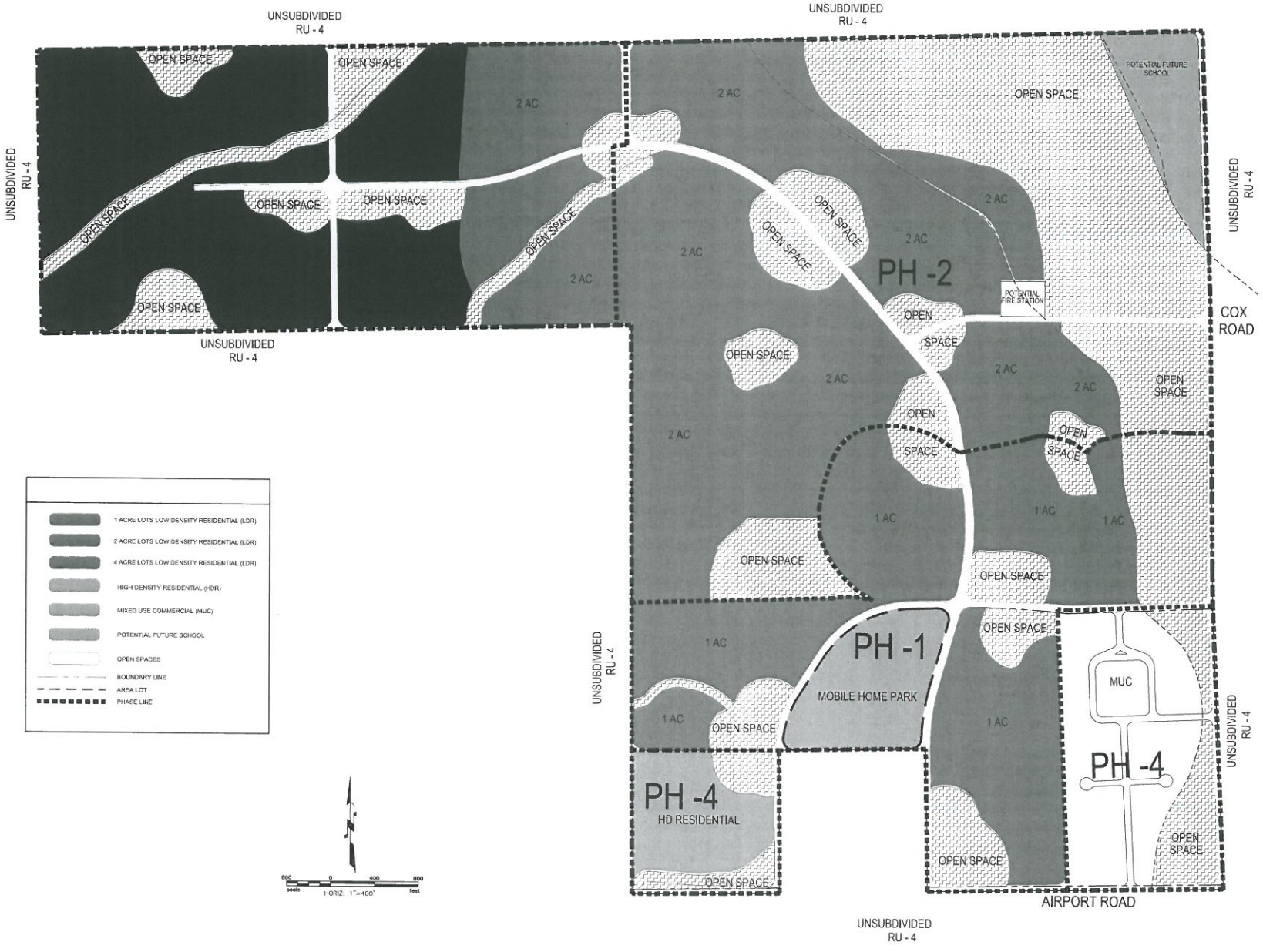
NOT FOR CONSTRUCTION

JOB NO. 09020

09020PC07.DWG

SHEET NO. 7

7 OF 8



KINETIX
ENGINEERING & CONSULTATION
12 N. CENTER STREET
MESA, ARIZONA 85201
PHONE: 480.258.6959
FAX: 480.464.5871

MADISON PHASING PLAN

PROJECT: "MADISON 1240"
COCHISE COUNTY, ARIZONA

Job No.	09020
Drawn By:	KNX
Reviewed:	DS
1st Submittal:	12/15/2010
2nd Submittal:	07/05/2011
3rd Submittal:	

NOT FOR CONSTRUCTION

JOB NO. 09020

09020PP08.DWG

SHEET NO. 8

8 OF 8

3. **General administration, permit processing, and amendments**

The MDP shall be administered and enforced by Cochise County Planning Department, in accordance with the provisions of the Cochise County Zoning Code. Certain changes to explicit provisions in the MDP may be made subject to Section 1505 of the Cochise County Zoning Code. The following items are in addition to Section 1505:

- Adjustments of modifications in the phasing order – as long as infrastructure development is precedent or concurrent.
- Changes in configurations of individual development parcel to include modifications of boundaries, division of larger parcels, or combination of parcels, as long as there is no net loss in overall MDP open space and no net increase in the total number of units allowable within the MDP.
- Changes or modifications in lot sizes and /or lot configuration which encourages diversity of housing types, as long as within the allowable density and density transfers.
- Changes in lot coverage ratios which encourage diversity in housing type by up to 10%, as long as within the allowable density and density transfers.
- Changes in front, rear, or side yard residential setbacks of up to 10% which encourage diversity of housing type, as long as within the allowable density transfers.
- Creation of gated neighborhoods, private streets, or other modifications in common area assets to be voluntarily maintained by a group or resident homeowners, as long as the integrity of the interior circulation plan is maintained.
- Placement and/or construction of identity or character features such as community art, entry monuments, mailboxes, neighborhood signage, etc.
- Addition of a school site or modification of a park site, which enhances the opportunity to create a sense of neighborhood and community, better centralizes the school and / or park sites based on actual development densities, or serves to implement the desires of the School District or County as to the most appropriate location for the school and / or parks site, as long as the maximum number of units within the PD does not increase.
- Terminology, reference, glossary, designation, or nomenclature changes that do not impact the vision of the MDP.

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- A transfer of commercial/mixed-use square footage from one mixed-use parcel to another of up to 10%.
- Changes in front, rear, and side yard commercial setbacks of up to 10%when modifications will increase the diversity of employment opportunities or enhance the integration of neighborhoods and mixed-use developments.
- Modifications in the design and construction of infrastructure based upon technological advances when a proposed modification is accepted by the County Highway and Floodplain Department, the County Health Department, the Arizona Department of Transportation, or the Arizona Department of Environmental Quality. Infrastructure capacity based upon planned target densities and intensities of use and phasing of infrastructure precedent or concurrent with development will remain unchanged.
- Modifications in set-asides, encroachments, easements, rights-of-way ,open space, so long as the modifications fall within the general overall range and target for the community and are based upon County-accepted technical design and engineering and no net reduction in overall open space results.
- Any analogous interpretations of the list of permitted or conditional uses of the property set forth in the MDP, as determined by the County Planning Director.
- Other changes not identified above as deemed appropriate by the County Planning Director, as long as the changes do not impact the general health, safety, and welfare of the residents of Cochise County.
- The additional of new information to the MDP maps or text that does not change the effect of any regulations or guidelines.
- The determination that a use be allowed which is not specifically listed as permitted but which may be determined to be similar in nature to those uses explicitly listed as permitted.
- Except as explicitly modified herein, the MDP area shall be subject to the applicable policies of the Comprehensive Plan, related to Master Development Plans, Water Conservation and Transportation. The Water Conservation standards in Section 1820 of the Zoning Regulations shall also apply to all new construction.
- Prior to tentative plat approval for any phase of development, the Applicant shall provide a draft charter for a property maintenance district which will be responsible for HOAs within the Plan area. The draft CC&Rs shall include provisions which obligate the association to maintain all open space, trail system, common areas parks, landscaping in common areas and medians,

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entry features, and etc within the development. The CC&Rs shall also include deed restrictions enforcing the site development standards proposed within the MDP Area.

- A general note shall be included on all future plats indicating compliance with the MDP standards, policies, development standards, water conservation and architectural guidelines.
- All roads, sidewalks, curb and gutters where applicable, on-site and off-site improvements shall be constructed to County standards as set forth in the *Cochise County Standards Road Design & Construction Standards for Public Improvements*. The vehicular circulation system shall be designed and implemented in accordance with the standards for Planned Development District Access, Circulation and Street Improvements as provided in Section 1503.08.A of the Zoning Regulations and as set forth in an approved Traffic Impact Analysis (TIA) report;
- A detailed pedestrian and equestrian circulation plan shall accompany any tentative plat submittal within the Plan area, which generally conforms to the "Pedestrian Circulation Exhibit" accompanying the MDP proposal. The pedestrian circulation system will comply with the standards for Planned Development District Pedestrian Circulation Systems as provided in Section 1503.08.D of the Zoning Regulations;
- A water improvement district, water company, or state-approved equivalent will be formed prior to any final plat approval. All water services to all phases will be provided by this special district. All waste systems within the MDP area shall be subject to the standards set forth in Section 1503.07 of the Zoning Regulations.;
- That a wastewater improvement district or state-approved equivalent will be formed prior to any final plat approval. All wastewater water services to all phases will be provided by this special district. All wastewater systems within the MDP area shall be subject to the standards set forth in Section 1503.07 of the Zoning Regulations.
- Prior to tentative plat approval, or development of any High-Density Residential or Mixed-Use Commercial phase, a finalized Traffic Impact Analysis shall be approved by the County, which accurately analyzes traffic impacts associated with the proposed development. Subsequent development shall adopt and implement all mitigation strategies recommended in such analyses;
- Prior to the first phase of development, the County will be provided with Intent to Serve letters from the applicable Fire District and all applicable utilities, which

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demonstrate that commitment to provide such services has been secured. Included within this provision is the requirement that a Memorandum or Letter of Understanding be submitted to the County, which adequately addresses impacts and recommendations of the Willcox School District. This policy will satisfy the requirements of Section 406.06.B.4 of the Zoning Regulations.

- All future development within the MDP area shall be subject to the recommendations of the Hydrology Analysis Report for "Madison 1240," as prepared by Kinetix Engineering and Consultation, dated December 2010;
- All future development within the MDP area shall be subject to the recommendations of the Geotechnical Evaluation, as prepared by Western Technologies, Incorporated and dated March 15, 2004.

The MDP shall be implemented through a method of site plan review by the staff of the Cochise County Planning Department. A site plan review shall be required for all development within the MDP area requiring permit. Tentative parcel and plats may be processed independently of the site plan review procedures, in accordance with the Cochise County Subdivision Regulations. Site plan review would apply to commercial, industrial, and multi-family attached.

All proposed projects with the MDP area shall be required to have an approved site plan prior to issuance of building permits or concurrent with subdivision, special use permits, or any other permits for the property. The site plan review procedure is necessary for the following reasons:

- To ensure consistency with the MDP, the County Comprehensive Plan, zoning regulations, building code, and all implementing ordinances
- To promote the highest contemporary standards of site design
- To adapt to specific or special development conditions that occurs from time to time while continuing to implement the MDP and confirm development to the County Comprehensive Plan and implementing ordinances.
- To facilitate complete documentation of land use entitlements authorized and conditions pertinent thereto
- To adapt to changes that may occur with respect to the circumstances under which the project is undertaken
- Site plan review would apply to all residential, commercial, and industrial building permits

Exemptions

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The activities, listed below, are exempt from the site plan review process; however, a building permit may be required. This list is not all-inclusive. Other special activities not covered by the example listing below may be exempt by The Planning Director as well.

- All interior changes, alternations, construction
- Repainting
- Re-glazing, new mullions
- Re-landscaping of existing structure
- Re-roofing with similar-style roofing materials
    - Minor exterior repairs
    - Exterior mechanical (heating, air conditioning , water heater etc)

Procedures

According to Cochise County procedures, site plans that contain plans, drawings, illustrations, designs, reports, and other detailed information as required herein shall be submitted to the County for review and comment. Applicants are encouraged to submit preliminary plans for review and comment by the Planning Department prior to the final preparation of a site plan. The staff shall seek comment from other County Department and service agencies prior to preparing a site plan.

The staff shall seek comment from other County Department and service agencies prior to preparing a recommendation on the finalized MDP site plan.

Applicants should ensure that they have obtained a copy of the design guidelines contained within the MDP. This will assist the developer in achieving consistency with the MDP and generally facilitate a quality project.

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278
Carlos De La Torre.,P.E., Community Development Director

MEMORANDUM

TO: Keith Dennis, Planner II

FROM: Karen L. Lamberton, AICP, County Transportation Planner

SUBJECT: **Madison 1240 Master Development Plan/MDP 11-01/Z-11-03**

DATE: August 16, 2011

The applicant, Madison Diversified, is proposing a Master Development Plan (MDP) with a mix of residential and commercial uses on a 1,240 acre site located west of the City of Willcox. Access is taken from Airport Rd., currently a two-lane, native surfaced, 20-foot wide cross-section, county-maintained rural minor collector. Average traffic on this corridor is about 148 trips per day (October 2009 counts). Currently there is no posted speed limits along the native-surfaced roadway. There are no current County plans to improve this roadway.

The Master Development Plan anticipates up to 918 housing units and approximately 500,000 square feet of commercial uses. The Madison 1240 proposed residential development is anticipated to generate an estimated 8,785 daily trips per the ITE Manual, 8th ed. The commercial development has the potential of generating close to 25,000 daily trips at full-build out. Factors influencing average daily trips include seasonal use, persons per household, income levels and proximity of services and shopping. Commercial uses also have large ranges of potential trips depending on the mix and interdependency of available services and retail. Internal circulation and access to the roadway network will need to be considered in more detail as the MDP builds out over time.

Avenue Consultants prepared a Traffic Impact Analysis Report (TIA), dated December 10, 2010, for the proposed MDP. A supplemental report was provided by TASK Engineering on August 5, 2011. The combined reports are in substantive conformance with the requirements for a TIA and provide a set of recommendations for phasing needed off-site improvements for this proposed development.

Right-of-Way acquisition poses an substantive challenge in providing an adequate roadway infrastructure to meet the needs of the Madison 1240 development. The applicants are advised to anticipate these needs and look to opportunities to acquire needed roadway alignments.

Recommendation
Transportation related mitigation for development impacts will be phased in over time as the MDP builds out. Off-site mitigation as the development builds out over time is anticipated to include:

- Right-of-Way acquisition and surface improvement of Airport Rd. prior to and during the development of Phase 1;

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- Extension and upgrades to Airport Rd. prior to and during development of Phases 1 and 2;
- Preservation of Right-of-Way alignments and possible future land acquisition for connectivity to Cox Rd. and Marguerite Rd. prior to and during the development of Phase 2 and/or Phase 3;
- An updated and revised TIA prior to the development of commercial sites as part of Phase 3 and/or Phase 4;
- A signal warrant study and left turn movement analysis completed as part of the revised TIA prior to Phase 4;
- Commercial scaled (wide turning radii) access aprons with left-turn bays for access roads onto Airport Rd.;
- Right-of-Way widths for major collector and access roads within the MDP should plan for a minimum of 100 to 80 feet to accommodate the concurrent or future development of bike lanes and multi-use pathways;
- Internal roadways to meet or exceed County Design Standards and Specifications;
- Pedestrian facilities, including bus pull-outs, should be included in design features at the subdivision and commercial development stage.

The applicants will need to obtain Right-of-Way permits as well as Encroachments permits for the construction of proposed new access points and improvements to county-maintained roadways through the County's Highway and Floodplain Department. Off-site improvements will be guided by the TIA and supplemental report. The ultimate configuration of Airport Rd. will be a rural major collector roadway. Improvements will be phased in over time as appropriate for submitted subdivision plats and commercial plans. The first phase (329 residential units) is anticipated in the year 2013 with future phases building out over a ten to fifteen year period.

cc: Docket MDP 11-01/Z-11-03

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From: Richard B. Obenshain [rbobenshain@azwater.gov]
Sent: Monday, April 18, 2011 1:22 PM
To: Dennis, Keith
Cc: Doug W. Dunham
Subject: Madison 1240 Master Plan

Attachments: 234015510000_AAWS.pdf
Dear Mr. Dennis,

The Arizona Dept. of Water Resources examined this particular property in 2005, when it was known as the "Winchester, AZ" master plan development. The owner at that time, Vanguard Development, LLC, applied to the Department for an Analysis of Adequate Water Supply. The Department found that 343.4 acre-feet/year of groundwater was physically available to meet the demand of the development as then proposed. A copy of the Department's 2005 determination is attached. The new owner of the property may rely on the physical availability proven in 2005. However, if the demand of the current master plan exceeds this amount, an additional hydrological study may be required. As you are aware, Cochise County adopted the mandatory adequacy provisions of SB 1575, effective April 18, 2008. Consequently, the developer must apply to the Department for a Water Report and meet all Adequate Water Supply criteria before a subdivision plat can be recorded. Please do not hesitate to contact me if you have any questions.

Rick Obenshain, Water Resource Specialist
Recharge, Assured & Adequate Water Supply Programs
Arizona Department of Water Resources
3550 N. Central Ave., 2nd Floor
Phoenix, AZ 85012
Phone: (602)771-8622
Fax: (602)771-8689

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ARIZONA DEPARTMENT OF WATER RESOURCES
Office of Assured and Adequate Water Supply
500 North Third Street, Phoenix, Arizona 85004
Telephone (602) 417-2465
Fax (602) 417-2467

JANET NAPOLITANO
Governor

HERB GUENTHER
Director

ANALYSIS OF ADEQUATE WATER SUPPLY

April 19, 2005

File Number:	23-401551.0000
Development:	Winchester AZ
Location:	Township 13 South, Range 24 East, Sections 29, 30, 32 Cochise County, Arizona
Land Owner:	Vanguard Development LLC

The Arizona Department of Water Resources has evaluated the application for an Analysis of Adequate Water Supply for Winchester AZ pursuant to A.A.C. R12-15-723. The proposed development includes 1,200 single-family residential lots. Conclusions of the review are indicated below based on the adequate water supply criteria referenced in A.R.S. § 45-108 and A.A.C. R12-15-701, 715, 723 *et seq.*

- **Physical, Continuous, and Legal Availability of Water for 100 Years**
  On the basis of the Department's review, the Department has determined that 343.4 acre-feet per year of groundwater will be **physically available,** which is equivalent to the applicant's projected build out demands for the development, including system losses, of 343.4 acre-feet per year. No provider currently exists for this area; a central water provider will be formed at a future date. Therefore, neither **legal availability** nor **continuous availability** of the water has been proven at this time. Applications for Water Adequacy Reports that follow this Analysis of Adequate Water Supply will need to demonstrate that the water provider has been formed and has met all legal requirements. Individual Notices of Intent to Serve will be required for each application for a Water Adequacy Report.

- **Adequate Water Quality**
  Because there is no existing system, compliance with Arizona Department of Environmental Quality drinking water quality standards cannot be demonstrated at this time. Water from the current project well exceeds standards for fluoride. Each application for a Water Adequacy Report that follows this Analysis of Adequate Water Supply must demonstrate the existence of a central water provider with a treatment system approved by the Arizona Department of Environmental Quality for treatment of fluoride and any other contaminants which exceed drinking water standards.

The term of this Analysis of Adequate Water Supply is ten years from the date of this letter and may be renewed upon request, subject to approval by the Department. Throughout the term of this determination, the projected demand of this development will be considered when reviewing other requests for assured water supply in the area.

Prior to obtaining plat approval by the local platting authority and approval of the public report by the Department of Real Estate, a Water Adequacy Report must be obtained for each subdivision plat. The findings of this Analysis of Adequate Water Supply may be used to demonstrate that certain requirements for a Water Adequacy Report have been met. This determination may be invalidated if the development plan or other conditions change prior to filing for a Water Adequacy Report.

Questions may be directed to the Office of Assured/Adequate Water Supply at (602) 417-2465.

Mark Frank

Mark Frank, Acting Assistant Director
Water Management Division

cc: Vanguard Development, LLC
Alan R. Dulaney, Office of Assured/Adequate Water Supply
Nicole Swindle, Legal Division

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Dennis, Keith

From: Tim Bolton [tbolton@land.az.gov]
Sent: Wednesday, June 08, 2011 2:36 PM
To: Dennis, Keith
Subject: Madison 1240

Hi Keith - I reviewed the above-mentioned proposal for potential impact to surrounding State Land and have no comments. Once submitted, the Department would appreciate the opportunity to review the tentative plat, detailed drainage report and traffic impact analysis. Please contact me with any questions, thank you

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Tim Bolton
Principal Planner
Arizona State Land Department
Southern Arizona Real Estate Office
177 N Church, Suite 1104
Tucson, AZ 85701
(P) 520-209-4263
(f) 520-209-4251
http://www.land.state.az.us/

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KINETIX
ENGINEERING & CONSULTATION

June 9, 2011

COCHISE COUNTY PLANNING AND ZONING DEPARTMENT
1415 Melody Lane, Building E
Bisbee, Arizona 85603
Ph: 520-432-9240
Fax: 520-432-9278

Attn: Keith Dennis

Re: Waiver Request to Extend Construction Period for Madison 1240 Development.

To whom it may concern,

This letter is written on behalf of Madison Diversified, owner of the proposed abovementioned subdivision, Madison 1240, as a formal request to allow variance to the stipulated 5 year time limit per Cochise County development standards.

The reason for this request is due to sheer size of this project, which is 1240 acres total, or approximately 2 square miles. When considering the current market conditions and the historical growth for both Cochise County and the City of Willcox, it is anticipated that this development will need more than 5 years to complete construction based on the projected demands. This request will not adversely affect the development of this property as well as the properties that are adjacent to it. It anticipated that a more realistic timeframe for development completion would be closer to 12-15 years.

It is the request of the owner/developer, Madison Diversified, that the County allow this waiver so that the development of this property can follow a more pragmatic schedule.

Thank you for your consideration.

David Matthew Bohn, PE
Kinetix Engineering & Consultation
12 N. Center Street
Mesa, AZ 85201

KINETIX
ENGINEERING &
CONSULTATION

July 5, 2011

COCHISE COUNTY PLANNING AND ZONING DEPARTMENT
1415 Melody Lane, Building E
Bisbee, Arizona 85603
Ph: 520-432-9240
Fax: 520-432-9278

Attn: Keith Dennis

Re: Waiver Request to Reduce Open Space Minimum Requirement to 45% for Madison 1240 Development.

To whom it may concern,

This letter is written on behalf of Madison Diversified, owner of the proposed abovementioned subdivision, Madison 1240, as a formal request to allow variance to the 50% minimum open space requirement per Cochise County development standards.

The reason for this request is to allow the developer more flexibility to utilize the developable land within the Madison 1240 area. Currently, the developer has proposed to dedicate approximately 23 acres to the Wilcox Unified School District along with an additional 3 acres in support of a new fire / police station. Given these prospective parcels, it is the hope of the developer that the County will allow for a minor reduction in the open space criteria so that the developer is granted slightly more flexibility to improve his property.

It is the request of the owner/developer, Madison Diversified, that the County allow this waiver to provide the developer with more flexibility in the development of his property.

Thank you for your consideration.

David Matthew Bohn, PE
Kinetix Engineering & Consultation
12 N. Center Street
Mesa, AZ 85201

KINETIX
ENGINEERING & CONSULTATION

12 N. Center Street, Mesa, AZ 85201
Ph: 480-258-6959
Fax: 480-452-1786

Madison Diversified
#115-988 Beach Avenue
Vancouver, B.C., Canada
Fax: 604-685-2533
Attn: James Lee

RE: Madison 1240, generally described as the South half of Section 29, the South half of Section 30, all of Section 32 except for the southeast quarter of the southwest quarter (approx. 40 acre exception), T13S, R24E of the Gila and Salt River Base and Meridian, Cochise County, Arizona; owned by Madison Diversified.

Requested Rezone as follows: RU to Master Development Plan (MDP)

Dear Property Owner:

We, Madison Diversified, have applied for a Master Development for the above captioned property. The Cochise County Zoning Ordinance requires all property owners within 1000' of the subject property be notified of this request. The enclosed Vicinity Map and Site Map is included for your reference of the property's location and potential development.

You are being notified because your property could be affected by the proposed request.

Project Description: A Master Planned Development which will mostly include residential lots ranging from 1-4 acres in size, along with a Mixed Use Commercial component and High Density as well. Traffic will enter and exit along Airport Road. We would be happy to meet so please let us know if that is something that you would like to do. Your input is very important to us. We look forward to hearing from you.

Please direct written comments to the Cochise County Planning and Zoning Office at the following address:

Cochise County Planning and Zoning
1415 Melody Lane, Building E
Bisbee, Arizona 85603

As the agent for Madison Diversified, you may direct your questions or comments to Kinetix Engineering & Consultation per the contact information above, or Cochise County Planning and Zoning Office.

Thank you,

David Matthew Bohn, PE
Kinetix Engineering & Consultation

(Madison Notification Letter)

CIAL USE: Docket Z-11-03 / MDP-11-01 (Madison 1240)

✓ **YES**, I SUPPORT THIS REQUEST

Please state your reasons: BETTERMENT OF THE COMMUNITY

_____ **NO**, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): OTIS G. BROGDON Wanda Brogdon

SIGNATURE(S): Otis G. Brogdon Wanda Brogdon

YOUR TAX PARCEL NUMBER: 202-31-002A (the eight-digit identification number found on the tax statement from the Assessor's Office) Prop. add: 4971 W. Marguerite Rd. Willcox, AZ 85643

YOUR ADDRESS 10 CR. 3693, Aztec, NM 87410

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on May 30, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the pubic hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY
MAY 24 2011
PLANNING

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SPECIAL USE: Docket Z-11-03 / MDP-11-01 (Madison 1240)

_____ **YES**, I SUPPORT THIS REQUEST

Please state your reasons: _____

COCHISE COUNTY

MAY 17 2011

PLANNING

_____

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_____

_X_ **NO**, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: What happens to our water level in Wells; High density housing would severly impact our water. Is A Sewer Treatment planned, if not close would the County be responsible To maintain this plant? The city of willcox does not need Competition IN Stores And product Sales. Would All the roads paved? Keep Willcox As IS.

(Attach additional sheets, if necessary) High density Housing is wrong For the Area,

PRINT NAME(S): Jack C. Harris Shelby J. Harris

SIGNATURE(S): Jack C Harris Shelby J. Harris

YOUR TAX PARCEL NUMBER: 202-32-002C-C (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 5500 W. Marguerite Rd. Willcox AZ 85643 384-3519

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on May 30, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the pubic hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

Why not have these meetings in the Area That will be Impacted Having meeting would reduce attendance To the se Meets (Consolin And th drive in Meets

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LEGAL NOTICE
NOTICE OF PUBLIC HEARING

The Cochise County Board of Supervisors hereby gives notice a public hearing will be held at 10:00 a.m., on Tuesday, August 23, 2011, at the Cochise County Board of Supervisors Hearing Room, at 1415 Melody Lane, Building G, in Bisbee, Arizona, to consider the following:

Docket MDP-11-01 / Z-11-03 (Madison 1240): The Board will consider a proposal for a 1,240-acre Master Development Plan (MDP) West of Willcox, Arizona. The nature of the proposed development, which would take place in several phases, would include a rezoning of the entire tract to PD (Planned Development District), in order to facilitate the MDP.

The MDP is proposed as a four-phase development plan. At full build-out, the MDP would include densities ranging from 12 dwellings per acre to one dwelling per four acres, and would include a commercial mixed use area.

The subject property is located West of incorporated Willcox, Arizona, along the North side of Airport Road (between Mileposts 10 and 11). The Parcels subject to the Application are: 202-35-002A, 002B, 005, 202-01-009C, 009D, 009E, 202-23-004. The project site is further described as being situated in Section 32 of Township 13, Range 24 East of the G&SRB&M, in Cochise County, Arizona. The Applicant, James Lee, is represented by David Bohn of Kinetix Engineering.

Details of the above docket are on file in the Cochise County Planning Department and may be examined during office hours. Inquiries may be directed to Planner Keith Dennis by calling 520-432-9240, or by email to kdennis@cochise.az.gov. All persons interested in said matter may appear at the public hearing and show cause why the request should or should not be granted.

Dated July 26, 2011
Pat Call, Chairman, Cochise County Board of Supervisors

Publish: *Bisbee Observer*
No later than August 3, 2011

Public Hearings **15.**

Regular Board of Supervisors Meeting **Health**

Date: 08/23/2011

Office of Vital Records - Proposed Fee Increases

Submitted By: Jennifer Steiger, Health

Department: Health

Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	0
NAME of PRESENTER:	Mary Gomez/Jennifer Steiger	**TITLE of PRESENTER:**	Director/Program Coordinator
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	

Docket Number (If applicable):

Agenda Item Text:

Adopt Resolution 11-36 changing the schedule of fees for Vital Records Services provided by the County, as noted in Exhibit A of the Resolution.

Background:

The Office of Vital Records has determined there is a need to consider fee increases in the program to address the newly approved State Office of Vital Records' Self Sufficiency Plan. The State Office of Vital Records, as part of this plan, has raised the surcharge all counties are required to pay for every certified copy of a death/birth certificate issued from $1 to $5. This is an increase of $4 for every certificate. Currently, we charge $10 for a certified copy. The impact on Cochise County will be a loss of net income of approximately $43,000/annually. We are proposing an increase in fees to offset these rising expenses, and to enable us to continue to provide high quality services to our customers.

The proposed fee increase plan will hold the Cochise County Office of Vital Records harmless, and provide a modest net income increase of approximately $11,000 to the GF. According to ARS 36-341.A, "A local registrar may establish the local registrar's own fees…" we recommend that the proposed fee plan is approved as it is within the authority of the BOS to make such changes.

Department's Next Steps (if approved):

Your approvals are respectfully requested.

Impact of NOT Approving/Alternatives:

The impact on Cochise County will be a loss of net income of approximately $43,000/annually to the General Fund.

To BOS Staff: Document Disposition/Follow-Up:

Resolution for signature is attached. Please provide one fully executed copy to Health for processing purposes.

Attachments

OVR Fee Increase Presentation

OVR Public Notice

OVR Web Public Notice

HD Adopting a Schedule of Fees for Vital Records Services

COCHISE COUNTY HEALTH DEPT. OFFICE OF VITAL RECORDS

Fees Analysis and Proposal

Jennifer Steiger, Deputy Registrar

August 23, 2011

ARS 36-341.A, Vital Records Fees

- "A local registrar may establish the local registrar's own fees…" for:
  - Document Searches
  - Copies of Registered Certificates (Births, Deaths)
  - Amendments and Corrections of Certificates

State VR Office was Mandated to Become Financially Self-Sufficient on July 1, 2011

How?

1. Increase the fees the OVR charges patrons at its Phoenix office;
2. **Increase majority of the surcharges levied against the counties** from $1/Certified Copy to $5.

Note:

While this discussion focuses on birth and death certificate fees, the fee change proposals include a number of other services.

Birth/Death Certs =	97%	of Transactions and Revenue.
Paternities & Corrections =	3%	

What this Means to Cochise County

- **Unless the counties follow suit and raise VR fees we will be facing a net revenue loss of $4 per certificate/ transaction.**

- Presently:

  Net Revenue to GF of VR activities = ~$37,000/Yr.

Total Birth Certs/Year	= ~5,000
Total Death Certs/Year	= ~6,000
Est. Transactions	**11,000**

What this Means to Cochise County:
Breakeven Analysis

→ Every $1 increase charged by the state will cost Cochise approx. $11,000 in revenue.

Breakeven:

If

Net Revenue to GF of VR activities = ~$37K/Yr.

Then

Cochise could afford to absorb the first $3 of the $4 increase without running VR at a loss.

Impact: Loss of ~$37,000 Net Revenue to General Fund

Options

No Change to County Fees

County absorbs the $4 increase, begins paying State $5 per certificate on 7/1/11.

Fiscal Impact:

Net Revenue to GF of VR activities = ($6,600)/Yr.

Total impact on GF revenues =

Loss of Present Net Revenue	- $37,000
New Losses	- $ 6,600
	- $43,600

Pros and Cons

No Change to County Fees

Pros:

1. **Minimizes cost to Clients.**
2. **No CCHD costs (time, money) for transition to new fee structure (est.= $5K)**

Cons:

1. **Negative impact on General Fund of approx. $43.6K (loss of $37K net income + $6.6K increased net loss)**
2. **Is inconsistent with ADHS fee structure**
3. **Each transaction = Loss of $4 to GF**

Options

Increase Fees by $5

-County passes along the $4 surcharge increase to clients, adds additional $1 fee increase.

-Cost per certificate increases from $10 to $15.

Fiscal Impact:

Net Revenue to GF of VR activities = ~$37K to ~$48K/Yr

Total impact on GF revenues = 0 to slight increase *(est. +11k)*

→ Maintains net revenue to GF

Pros and Cons

Increase Fees by $5

From $10 to $15

Pros:

1. **Maintains est. annual revenue flow to the GF; holds county GF "harmless"**
2. **Still cheaper than new ADHS fees (could cause moderate increased revenue from clients "shopping")**

Cons:

1. **Increases costs to clients by $5 per transaction**
2. **Health Dept costs of transition to new fee structure**
3. **Potential to create confusion among Arizona residents in certificates fees.**

Letter to all counties from Will Humble, Director of ADHS

"It is our hope that all certificates and vital records services in Arizona would charge the same price. However, counties in Arizona have statutory authority to set these fees for their county." (4/27/11)

Review of VR Fee Proposal Options

Certified Fees Charged by County	Current Fees	Fee Increase
Birth Certificate	$10.00	$15.00
Establishing Paternity	$23.00	$28.00
BC Correction/Amendment	$23.00	$28.00
Death Certificate	$10.00	$15.00
DC Correction/Amendment	$23.00	$28.00
Fetal Death Certificate	$10.00	$15.00
Certificate of Birth Resulting in Stillbirth	$10.00	$15.00
Other Associated Fees: ***(Fees included in the fee change, rarely requested at the County level.***		
Delayed Birth Application	$10.00	$15.00
Foreign Born Application	$10.00	$15.00
Putative Father Registry	$5.00	$5.00
Presumptive Death	$10.00	$15.00
Non Certified Copies:		
Birth Non-Certified	$3.00	$3.00
Death Non-Certified	$3.00	$3.00
Record Search	$5.00	$5.00

Recommendations

Adopt Fee Increase:

Increase Fees by $5--from $10 to $15.

→ Minimizes financial impact on clients while maintaining crucial net income to County GF.

PUBLIC NOTICE

Pursuant to A.R.S. §11-251.08, the general public is hereby notified that the Cochise County Board of Supervisors will hold a public hearing on August 23, 2011 at 10:00 A.M. to consider increases in Cochise County Vital Records fees. This fee increase would be effective August 23, 2011.

This hearing will be held at the Cochise County Board of Supervisors Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona 85603. This building is accessible by handicapped individuals.

Information is available with the Clerk of the Board by calling (520) 432-9200 or by mail, Attention: Katie A. Howard, Clerk of the Board, Cochise County Board of Supervisors, 1415 Melody Lane, Building G, Bisbee, Arizona 85603 or via email at khoward@cochise.az.gov.

Dated this 12th day of July, 2011
Katie A. Howard, Clerk of the Board

PUBLIC NOTICE

Pursuant to A.R.S. §11-251.08, the general public is hereby notified that the Cochise County Board of Supervisors will hold a public hearing on August 23, 2011 at 10:00 A.M. to consider increases in Cochise County Vital Records fees to the following schedule:

Schedule for Reimbursement	Fees
Birth Certificate	$15.00
Establishing Paternity	$28.00
BC Correction/Amendment	$28.00
Death Certificate	$15.00
DC Correction/Amendment	$28.00
Fetal Death Certificate	$15.00
Certificate of Birth Resulting in Stillbirth	$15.00
Delayed Birth Application	$15.00
Foreign Born Application	$15.00
Putative Father Registry	$5.00
Presumptive Death	$15.00
Birth Non-Certified	$3.00
Death Non-Certified	$3.00
Record Search	$5.00

The fee increases would be effective August 23, 2011.

This hearing will be held at the Cochise County Board of Supervisors Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona 85603. This building is accessible by handicapped individuals.

Information is available with the Clerk of the Board by calling (520) 432-9200 or by mail, Attention: Katie A. Howard, Clerk of the Board, Cochise County Board of Supervisors, 1415 Melody Lane, Building G, Bisbee, Arizona 85603 or via email at khoward@cochise.az.gov.

Dated this 12th day of July, 2011
Katie A. Howard, Clerk of the Board

RESOLUTION 11- _____

ADOPTING A SCHEDULE OF FEES FOR VITAL RECORDS SERVICES PROVIDED BY THE COUNTY

WHEREAS, pursuant to A.R.S. § 36-341.A, the Board of Supervisors shall establish a schedule for reimbursement of county services, which shall not exceed the actual costs for the services provided by the county; and

WHEREAS, the cost to provide the Vital Records services has increased, it is now necessary to adjust the schedule of fees for these services to reflect the current actual cost of providing Vital Records services as specified in the accompanying Exhibit A ; and

WHEREAS, this matter has been noticed for public hearing as required by A.R.S. § 11-251.08, and following this hearing the Cochise County Board of Supervisors has determined that these proposed revisions to the Vital Records Fees are necessary and appropriate,

IT IS HEREBY RESOLVED that the Board of Supervisors adopt the following schedule of fees (as set forth in Exhibit A) for Vital Records services provided by the County, under provisions of A.R.S. § 36-187 and A.R.S. § 11-251.08 and A.R.S. § 36-341.A to be in effect on and after August 23, 2011.

IT IS FURTHER RESOLVED that any and all prior fee schedules adopted for Vital Records are hereby rescinded, effective with the passage of this Resolution.

APPROVED AND ADOPTED in Formal Session this 23rd day of August, 2011.

_____
Patrick G. Call, Chairman
Cochise County Board of Supervisors

ATTEST:

_____
Katie Howard,
Clerk of the Board

APPROVED AS TO FORM:

_____
Terry Bannon,
Civil Deputy County Attorney

EXHIBIT "A"

Schedule for Reimbursement - VR	New Fees
Birth Certificate	$15.00
Establishing Paternity	$28.00
BC Correction/Amendment	$28.00
Death Certificate	$15.00
DC Correction/Amendment	$28.00
Fetal Death Certificate	$15.00
Certificate of Birth Resulting in Stillbirth	$15.00
Delayed Birth Application	$15.00
Foreign Born Application	$15.00
Putative Father Registry	$5.00
Presumptive Death	$15.00
Birth Non-Certified	$3.00
Death Non-Certified	$3.00
Record Search	$5.00

Action 16.

Regular Board of Supervisors Meeting **Board of Supervisors**

Date: 08/23/2011

Adopt Resolution 11-37

Submitted By: Gussie Motter, Board of Supervisors

Department: Board of Supervisors

Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	1
NAME of PRESENTER:	Jim Vlahovich	**TITLE of PRESENTER:**	Deputy County Administrator
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

Docket Number (If applicable):

Agenda Item Text:

Adopt Resolution 11-37 to approve the recommendationd of the Public Lands Advisory Committee (PLAC) for Southern Arizona Resource Advisory Council funding.

Background:

The Southern Arizona Resource Advisory Council (RAC) has received federal funding for projects on public lands. $67,688 has been set aside for projects on public lands in Cochise County. The PLAC considered the funding options at their August 2nd meeting and recommends the projects outlined in the Resolution.

Department's Next Steps (if approved):

Send letter to RAC with the resolution and the funding options

Impact of NOT Approving/Alternatives:

Cochise County will have no impact on how the $67,688 in fuderal funds are spent.

To BOS Staff: Document Disposition/Follow-Up:

n/a

Fiscal Impact

Fiscal Year:

One-time Fixed Costs? ($$$):

Ongoing Costs? ($$$):

County Match Required? ($$$):

A-87 Overhead Amt? (Co. Cost Allocation $$$):

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

No matching funding is required

Attachments

Multi-County projects
Cochise County Projects
REsolution

Multi-County Project Proposals (due June 28, 2011)

Proposal Number	Title and Brief Description	RAC Funding Request	RAC Funding Recommended
Multi-County 4	**Southwest Conservation Corps (SCC) Tonto National Forest – Youth Conservation Crew.** Proposed by SCC, Kamillia Hoban. SCC will partner with the Tonto NF to engage 16 local youth in 8 weeks of conservation work, ecosystem health improvement, outdoor education and career mentoring, on public lands throughout Maricopa and Pinal Counties. The SCC/Tonto youth conservation crew will work alongside USFS employees and volunteers to construct up to 4 miles of new trail and obliterate social trails.	$49,600	
Multi-County 5	**Establishing Cienega Watershed History through Historic Maps and Oral history.** Proposed by Cienega Watershed Partnership (CWP) Back Then Work Group, Shela McFarlin. Work Group will administer the grant funds (through CWP), develop agreements and Statements of Work as needed, oversee the development of databases and resource guides, plan events to bring community segments together, participate in and guide oral history interviews, and draft and/or review all products. Projects: digitize maps, transcribe oral history tapes, develop indexing system for data, etc.	$18,700	
Multi-County 6	**Coronado National Forest Natural History Series.** Proposed by Mike Foster, teacher Sierra Vista Public Schools. Produce 6 fifteen minute videos on the ecology and natural history of the Coronado NF, along with information on how instructors can use the videos to meet Arizona Academic Standards. Partners are University of AZ fine arts students, Buena High graphic arts students and Forest Service personnel.	$63,629	
Multi-County 7	**Coronado National Forest Trail Maintenance.** Proposed by Robert Walter, Dispersed Recreation, CNF. Continues support of two 4-person seasonal trails crew to maintain the existing trail network on the Coronado NF to provide for safe access and reduced resource impacts. Maintain existing backcountry trail networks in a safe condition. Create proper drainage to reduce erosion impacts, ensure trail signs are accurate and repaired, and backcountry springs are functioning.	$178,600	
TOTAL		$310,529	

Cochise County Project Proposals (due June 28, 2011)

Proposal Number	Title and Brief Description	RAC Funding Request	RAC Funding Recommended
Cochise 12	**Clean Forest Project.** Proposed by Clean Forest Project Staff, employing locals. Locate and clean up illegal dumpsites, educate the public, participate in other stewardship opportunities, and implement mission by "bringing communities together to combat the epidemic of illegal dumping on public lands".	$40,000	
Cochise 13	**Douglas High School Endangered Fish and Frog Facility.** Proposed by Kelly Glenn-Kimbro and corporate, private and gov. partners. Create research facility that will teach K-12, community members, youth groups, and disabled citizens about wildlife and land stewardships, endangered and threatened species, and conservation education. Provides continuation of a facility to house endangered Yaqui Chub and Yaqui Top Minnow Fish and Chiricahua Leopard Frogs for captive breeding and future redistribution.	$3,500	
Cochise 14	**Horseshoe II Fire – Fence Reconstruction Materials.** Proposed by Joe Harris, Douglas Ranger District. An estimated 300 miles of fence falls within the perimeter of this May, 2011 230,000 acre fire in the Chiricahuas. This project is to reconstruct fences in coordination with the range permittees. In many cases the fencing will keep livestock from accessing areas, allowing for burned area recovery.	$50,000	
Cochise 15	**Portal CCC House Additional Funding for Barrier-Free Access.** Proposed by Kathy Makansi, FS Archeologist. Restores a Civilian Conservation Corps era house at the Portal Ranger Station to modern standards for safety for habitation. Once restored cabin will be entered into the "Rooms with a View" cabin rental program, which allows the public to stay in historic Forest Service structures in unique environments. Will enhance ecotourism opportunities for the community of Portal while maintaining the historic structure. This cabin will be the only fully accessible cabin in the cabin rental program.	$30,000	

Cochise 16	**Wildfire Community Protection Water Sources.** Proposed by Ruben Morales, Douglas Ranger District. Construction of concrete based/metal sided tanks that can be used for water sources by initial attack resources in close proximity to communities at risk – Portal, Cochise Stronghold and Pinery Canyon. Wells or springs exist in the chosen locations.	**$45,000**	
TOTAL		**$168,500**	

ESTIMATED available RAC funds for projects in Cochise County **$67,688**

Total Recommended for projects that are primarily dedicated to:

Road maintenance, decommissioning or obliteration; or

Restoration of streams and watersheds **$_____**

RESOLUTION 11-___

TO APPROVE THE RECOMMENDATIONS OF THE PUBLIC LANDS ADVISORY COMMITTEE FOR SOUTHERN ARIZONA RESOURCE ADVISORY COUNCIL FUNDING

WHEREAS, the Board Of Supervisors established the Public Lands Advisory Committee ("PLAC") to advise the Board on matters concerning public lands; and

WHEREAS, the Southern Arizona Resource Advisory Council ("RAC") has received federal funding for projects on public lands, including $67,688 set aside for public lands in Cochise County; and

WHEREAS, PLAC has analyzed the options for projects on public lands in Cochise County and is recommending the following: i) Douglas High School Endangered Fish and Frog Facility with a funding recommendation of $3,500; Horseshoe II Fire - Fence Reconstruction Materials with a funding recommendation of $34,188; Portal CCC House Additional Funding for Barrier-Free Access with a funding recommendation of $30,000.

NOW, THEREFORE, IT IS HEREBY RESOLVED that we, the members of the Board of Supervisors of Cochise County, do hereby adopt the PLAC recommendations for RAC funding.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this _____ day of _____, 2011.

_____
Patrick G. Call, Chairman
Cochise County Board of Supervisors

ATTEST:

_____
Katie A. Howard,
Clerk of the Board

APPROVED AS TO FORM:

_____
Britt Hanson
Chief Civil Deputy County Attorney

Action 17.

Regular Board of Supervisors Meeting **Community Development**

Date: 08/23/2011

Davis Road STP IGA/JPA 11-052

Submitted By: Frances Marinez, Community Development

Department: Community Development **Division:** Highways

Presentation:	PowerPoint	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	2
NAME of PRESENTER:	Karen Lamberton	**TITLE of PRESENTER:**	County Transportation Planner
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

Docket Number (If applicable):

Agenda Item Text:

Approve Intergovernmental Agreement 11-052 between the State of Arizona and Cochise County for the Davis Road Drainage Improvements at Mileposts 5 and 13.

Background:

This proposed project is located in Cochise County, on Davis Road between SR 80 and SR 191. This 24 mile road connects the town of Tombstone, along SR 80, and McNeal, along SR 191, and serves commuter traffic, regional traffic and commercial traffic. Countless locations along Davis Road experience frequent flooding resulting in innumerable road closures. The proposed improvements are intended to increase all weather access along the road by adding drainage culverts and improving roadway geometrics.

Cochise County received earmarked SEC 115 federal aid for critical drainage and roadway improvements for Davis Road in 2005. As project design moved forward it became clear that additional funds would be needed to complete construction of the desired project. The County successfully applied for State Transportation Plan (STP) funds through SEAGO and were awarded a total of $3,423,321 in federal funds. These funds will be applied to right-of-way acquisition and construction of improvements are mileposts 5 and 13.

Department's Next Steps (if approved):

Once an approved IGA/JPA is in place, ADOT will work with Cochise County to finalize design plans and then will coordinate going out to bid for right-of-way acquisition and construction.

Impact of NOT Approving/Alternatives:

Awarded federal funds would not be available for this project improvement.

To BOS Staff: Document Disposition/Follow-Up:

Please return a copy of the recorded documents and a copy of the approved minutes to H&F, attn: Karen Lamberton.

Fiscal Impact

Fiscal Year:

One-time Fixed Costs? ($$$):

Ongoing Costs? ($$$):

County Match Required? ($$$): 216,924.

A-87 Overhead Amt? (Co. Cost Allocation $$$):

Source of Funding?: HURF

Fiscal Impact & Funding Sources (if known):

The State Transportation Plan program is federally funded through the U.S. Department of Transportation Federal Highway Administration. Applicants are required to provide a 5.7% match; the match for this project will be a total of $206,924 dollars with a $10,000 design review fee due upon execution of this agreement. Match funds will be provided by local HURF dollars.

Attachments

Davis Road IGA 11-052 Contract

ADOT File No.: IGA/JPA 11-052I
AG Contract No.: P001 2011 002697
Project: Davis Road
Section: Davis Road at MP 5 and 13
Federal Aid No.: CCH-0(200)B
ADOT Project No.: SS642 01C
TIP/STIP No.: SEAGO 2011 Am #2
Budget Source Item No.: Local

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
COCHISE COUNTY

THIS AGREEMENT is entered into this date _____, 2011, pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the COCHISE COUNTY, acting by and through its BOARD OF SUPERVISORS and CHAIRMAN (the " County"). The State and the County are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes § 11-251 to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

3. The construction of drainage and roadway improvements on Davis Road at MP 5 and 13 are hereinafter referred to as the "Project". The drainage improvements include large span arch culverts to convey 25 years discharge under Davis Road. The proposed roadway improvements consist of two 12 (twelve) feet travel lanes and 8 (eight) feet shoulders for a roadway width of 40 (forty) feet. The new right-of way width will be 100 (hundred) feet centered on the new roadway centerline. Horizontal and vertical curve improvement will also be constructed on the roadway to improve the safety condition and accommodate the designed speed of 65MPH.

4. Such Project lies within the boundary of the County and has been selected by the County; the survey of the Project has been completed; and the plans, estimates and specifications will be prepared and, as required, submitted by the State to the Federal Highway Administration (FHWA) for its approval.

5. The interest of the State in this project is the acquisition and distribution of federal funds for the use and benefit of the County and to authorize such federal funds for the project pursuant to Federal law and regulations. The State shall be the designated agent for the County.

6. The Federal funds will be used for right-of-way acquisition and construction of the project, including the construction engineering and administration cost (CE).

The current Project costs are as follows:

State Review Fee	**$ 10,000.00**
ADOT Project No. SS642 01R (Right of Way Acquisition)	
Federal-aid Funds @ (94.3%) (capped)	**$ 94,300.00**
County's match @ (5.7%)	**$ 5,700.00**
Right of Way Acquisition Total	**$ 100,000.00**
ADOT Project No. SS642 01C (Construction)	
Federal-aid Funds @ (94.3%) (capped)	**$ 3,329,021.00**
County's match @ (5.7%)	**$ 201,224.00**
Construction Total	**$ 3,530,245.00**
TOTAL FEDERAL FUNDS	$ **3,423,321.00**
T0TAL COUNTY FUNDS	**$ 216,924.00**
***TOTAL Project Costs**	$ **3,640,245.00**

*(Includes CE and project contingencies)

The Parties acknowledge that the final bid amount may exceed the initial estimate(s) shown above, and in such case, the **County** is responsible for, and agrees to pay, any and all eventual, actual costs exceeding the initial estimate. If the final bid amount is less than the initial estimate, the difference between the final bid amount and the initial estimate will be de-obligated or otherwise released from the Project. The **County** acknowledges it remains responsible for, and agrees to pay according to the terms of this Agreement, any and all eventual, actual costs exceeding the final bid amount.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Upon execution of this Agreement, and prior to performing or authorizing any work, invoice the County for the State's design review fee, currently estimated at **$10,000.00** and the County's estimated share of the Project, currently estimated at **$206,924.00**. Once the Project costs have been finalized, the State will either invoice or reimburse the County for the difference between estimated and actual costs. The State will prepare a final reconciliation upon completion of the Project.

b. Review the design plans, specifications and other such documents and services required for the construction bidding and construction of the Project and incorporate comments from the County as appropriate.

c. On behalf of the County, perform work and prepare documents required by the FHWA to qualify certain projects for and to receive federal funds. Such work may consist of, but is not specifically limited to, the review and approval of the prepared environmental documents; the preparation of the analysis requirements for documentation of environmental categorical exclusion determinations; review of reports, design plans, maps, and specifications; geologic materials testing and analysis; right-of-way related activities and such other related tasks essential to the achievement of the objectives of this Agreement.

d. Request the maximum programmed federal funds for the construction of this Project. Should costs exceed the maximum federal funds available, it is understood and agreed that the County will be responsible for any overage. Cost incurred prior to authorization from the FHWA will not be eligible for reimbursement.

e. Upon approval by the FHWA, and receipt of the County's funds, proceed to advertise for, receive and open bids. The State will enter into a contract(s) with a firm(s) to whom the award is made for the construction of the Project; administer contracts(s) for the Project and make all payments to the contractor(s).

f. Not be obligated to maintain said Project, should the County fail to budget or provide for proper and perpetual maintenance as set forth in this Agreement.

2. The County will:

a. Upon execution of this Agreement, designate the State as authorized agent for the County to perform work required by FHWA to receive and administer federal funds.

b. Within thirty (30) days of receipt of an invoice from the State, and prior to the performance or authorization of any work, remit to the State **$10,000.00** for the State's review fee. Prior to bid advertisement for Right-of-Way Acquisition, remit the County's share of the Project costs currently estimated at **$5,700.00** to the State. Prior to bid advertisement for construction , remit the County's share of the Project costs estimated at **$201,224.00 to the State**.

c. Prepare and provide the design documents required for construction of the Project and provide comments to the State as appropriate.

d. Be responsible for all costs in excess of the maximum amount of federal funds and for any costs ineligible for federal funds. Such costs shall be paid by the County within thirty (30) days of receipt of invoice from the State.

e. Certify that all necessary rights-of-way have been or will be acquired prior to advertisement for bid and also certify that all obstructions or unauthorized encroachments of whatever nature, either above or below the surface of the Project area, shall be removed from the proposed right-of-way, or will be removed prior to the start of construction. Coordinate with the appropriate State's Right-of-Way personnel during any right-of-way process performed by the County, if applicable.

f. Hereby grant the State, its agents and/or contractors, without cost, the right to enter County Rights-of-Way, as required, to conduct any and all construction and preconstruction related activities, including without limitation, temporary construction easements or temporary Rights-of-Entry to accomplish among other things, soil and foundation investigations.

g. Be responsible for any and all costs attributable to any engineering change orders requested by the County not covered by federal funds. The County will also be responsible for contractor claims for additional compensation caused by Project delays attributable to the County.

h. Provide for cost and proper maintenance of the Project, including all of the Project components.

i. Enter into an agreement with the design consultant which states that the design consultant shall provide professional post-design services as required and requested throughout and upon completion of the construction phase of the Project.

j. Provide a set of as-built plans upon completion of the construction phase of the Project. An electronic version of the as-built plans shall be forwarded to Arizona Department of Transportation Local Government Section.

k. Agree to accept, maintain and assume full responsibility of said Project and provide the State written notification that the Project has been completed.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of said Project, except any provisions for maintenance/electrical power and/or landscaping maintenance shall be perpetual by the County. Further, this Agreement may be cancelled at any time prior to advertisement of the project construction contract, upon thirty (30) days written notice to the other party. It is understood and agreed that, in the event the County terminates this Agreement, the State shall in no way be obligated to maintain said Project.

2. The State assumes no financial obligation or liability under this Agreement, or for any resulting construction Project. The County, in regard to the County's relationship with the State only, assumes full responsibility for the design, plans, specifications, reports, the engineering in connection therewith and the construction of the improvements contemplated, cost over-runs and construction claims. It is understood and agreed that the State's participation is confined solely to securing federal aid on behalf of the County and the fulfillment of any other responsibilities of the State as specifically set forth herein; that any damages arising from carrying out, in any respect, the terms of this Agreement or any modification thereof shall be the liability of the County and that to the extent permitted by law, the County hereby agrees to save and hold harmless, defend and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all costs and/or damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by any activity, condition, misrepresentation, directives, instruction or event arising out of the performance or non performance of any provisions of this Agreement by the State, any of its departments, agencies, officers and employees, or its independent contractors, the County, any of its agents, officers and employees, or its independent contractors. Costs incurred by the State, any of its departments, agencies, officers or employees shall include in the event of any action, court costs, and expenses of litigation and attorneys' fees.

3. This agreement shall remain in force and effect until completion of the work and related deposits and reimbursements.

4. The cost of right-of-way acquisition, construction and construction engineering work under this Agreement is to be covered by the federal funds set aside for this Project, up to the maximum available. The County acknowledges that the eventual actual costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by the federal government as eligible for federal funds. Therefore, the County agrees to furnish and provide the difference between actual costs and the federal funds received.

5. The cost of the project under this Agreement includes applicable indirect costs approved by the FHWA.

6. The County and the State warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the County will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

7. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

8. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

9. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes § 35-214 and § 35-215 shall apply to this Agreement.

10. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

11. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

12. In the event of any controversy, which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

13. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
((602) 712-3132 Fax

COCHISE COU NTY
Community Development Dept.
Attn: Karen Lamberton, AICP
County Transportation Planner
1415 E Melody Lane , Bldg E
Bisbee, Arizona 85603
(520) 432-9420
(520)432-9278 Fax
E-mail: klamberton@cochise.az.gov

For Financial Matters:
Vendor # 866000398-46
Attn: Anissa Acedo
1415 Melody Lane
Bisbee, Arizona 85603
(520) 432-9300
(520) 432-9278
E-Mail: aacedo@cochise.az.gov

14. Compliance requirements for Arizona Revised Statutes § 41-4401—immigration laws and E-Verify requirement:

a. The County warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Arizona Revised Statutes § 23-214(A).

b. A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the Agreement, and the County may be subject to penalties up to and including termination of the Agreement.

c. The State retains the legal right to inspect the papers of any employee who works on the Project to ensure that the County or subcontractor is complying with the warranty under paragraph (a).

15. Pursuant to Arizona Revised Statutes § 35-391.06 and § 35-393.06, each Party certifies that it does not have a scrutinized business operation in Sudan or Iran. For the purpose of this Section the term "scrutinized business operations" shall have the meanings set forth in Arizona Revised Statutes § 35-391 and/or § 35-393, as applicable. If any Party determines that another Party submitted a false certification, that Party may impose remedies as provided by law including terminating this Agreement.

16. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

17. In accordance with Arizona Revised Statutes § 11-952(D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

COCHISE COUNTY

By _____
PATRICK CALL
Chairman, Board of Supervisors

ATTEST:

By _____
KATIE HOWARD
Clerk of the Board

STATE OF ARIZONA
Department of Transportation

By _____
SAM MAROUFKHANI, P.E.
Deputy State Engineer, Development

IGA/JPA 11-052I

ATTORNEY APPROVAL FORM FOR THE COCHISE COUNTY

I have reviewed the above-referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the COCHISE COUNTY, an Agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2011.

_____
COCHISE COUNTY Attorney

Action 18.

Regular Board of Supervisors Meeting **Community Development**

Date: 08/23/2011

Davis Road STP IGA JPA 11-121

Submitted By: Frances Marinez, Community Development

Department: Community Development **Division:** Highways

Presentation:	PowerPoint	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	2
NAME of PRESENTER:	Karen Lamberton	**TITLE of PRESENTER:**	County Transportation Planner
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

Docket Number (If applicable):

Agenda Item Text:

Approve Intergovernmental Agreement 11-121 between the State of Arizona and Cochise County for the Davis Road Project Assessment and Design Concept Report.

Background:

This proposed project is located in Cochise County, on Davis Road between SR 80 and SR 191. This 24 mile road connects the town of Tombstone, along SR 80, and McNeal, along SR 191, and serves commuter traffic, regional traffic and commercial traffic. Countless locations along Davis Road experience frequent flooding resulting in innumerable road closures. The proposed improvements are intended to increase all weather access along the road by adding drainage culverts and improving roadway geometrics.

Cochise County received earmarked SEC 115 federal aid for critical drainage and roadway improvements for Davis Road in 2005. As project design moved forward it became clear that additional funds would be needed to fully assess the entire 24 mile corridor and determine what the full build-out configuration should be in the future. In addition, the segment of Davis. Rd., from Central Highway to SR 191 is in need of a full reconstruction. The County successfully applied for Coordinated Border Infrastructure (CBI) funds through SEAGO and were awarded a total of $761,944 in federal funds. These funds will be applied environmental clearance, 30% design plans and a Design Concept Report for the eastern segment of Davis. Rd.

Department's Next Steps (if approved):

Once an approved IGA/JPA is in place, ADOT will coordinate with Cochise County to finalize design plans and then will coordinate going out to bid for right-of-way acquisition and construction.

Impact of NOT Approving/Alternatives:

Awarded federal funds would not be available for this project improvement.

To BOS Staff: Document Disposition/Follow-Up:

Please return a copy of the recorded documents and a copy of the approved minutes to H&F, attn: Karen Lamberton.

Fiscal Impact

Fiscal Year:

One-time Fixed Costs? ($$$):

Ongoing Costs? ($$$):

County Match Required? ($$$): 46,056

A-87 Overhead Amt? (Co. Cost Allocation $$$):

Source of Funding?: HURF

Fiscal Impact & Funding Sources (if known):

The State Transportation Plan program is federally funded through the U.S. Department of Transportation Federal Highway Administration. Applicants are required to provide a 5.7% match; the match for this project will be a total of $46,056. Match funds will be provided by local HURF dollars.

Attachments

Davis Road STP IGA JPA 11-121

ADOT File No.: IGA/JPA 11-121I
AG Contract No.: P001 2011 002693
Project: Study
Section: Davis Rd SR 80 to SR 191
Federal Aid No.: CCH-0(203)A
ADOT Project No.: SS986 03D
TIP/STIP No.: SEAGO 2011 Am #2
Budget Source Item No.: Local

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
COCHISE COUNTY

THIS AGREEMENT is entered into this date _____, 2011, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the COCHISE COUNTY, acting by and through its BOARD OF SUPERVISORS and CHAIRMAN (the "County"). The State and the County are collectively referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes § 11-251 to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

3. The Project Assessment of the 24-mile corridor of Davis Road between State Route 80 and State Route 191 to determine if Davis Road should or will function as a commercial freight corridor is hereinafter referred to as the "Study". The State shall be responsible for managing and administering the Study.

4. Such Project lies within the boundary of the County and has been selected by the County; the plans, estimates and specifications will be prepared and, as required, submitted by the State to the Federal Highway Administration (FHWA) for its approval.

5. The interest of the State in this Study is the acquisition and distribution of federal funds for the use and benefit of the County and to authorize such federal funds for the project pursuant to Federal law and regulations. The State shall be the designated agent for the County.

The current Study costs are as follows:

ADOT Project No. SS986 03D

Federal Funds @ 94.3% (capped)	**$ 761,944.00**
County Funds @ 5.7% match	**$ 46,056.00**
Total Estimated Study Costs	**$ 808,000.00**

The Parties acknowledge that the final cost of the study may exceed the initial estimate(s) shown above, and in such case, the County is responsible for, and agrees to pay, any and all eventual, actual costs exceeding the initial estimate. If the final study amount is less than the initial estimate, the difference between the final study amount and the initial estimate will be de-obligated or otherwise released from the Study. The County acknowledges it remains responsible for, and agrees to pay according to the terms of this Agreement, any and all eventual, actual costs exceeding the final study amount.

THEREFORE, in consideration of the mutual Agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Upon execution of this Agreement, act as the County's designated agent, retain and contract with professional Engineering and Environmental Consultants (the "Consultants") to prepare a Design Concept Report, Environmental Report, and 30% reconstruction plans to complete the Study. Review and approve documents required by FHWA to qualify certain projects for and to receive Federal funds. Such documents may consist of, but are not specifically limited to, environmental documents; the preparation of the analysis requirements for documentation of environmental categorical exclusion determinations; review of prepared reports, design plans, maps, and specifications; geological materials testing and analysis; right-of-way related activities and such other related tasks essential to the achievement of the objectives of this Agreement. Comments from the County will be incorporated, as appropriate.

b. Upon execution of this Agreement, and prior to performing or authorizing any work, invoice the County for the County's estimated share of the Study, currently estimated at **$46,056.00.** Once the Study costs have been finalized, the State will either invoice or reimburse the County for the difference between estimated and actual costs. The State will prepare a final reconciliation upon completion of the Study.

c. Upon receipt of the funding from the County pursuant to Subsection b of this Section, administer the Study, including advertising, hiring and making payments to the Consultants and complete the Study in accordance with ADOT standards, policies, procedures and design guidelines.

d. Jointly coordinate the Study with the County, provide the County with invoices for review prior to making payments to the Consultants, provide the County with the Study documents for review and comment, and incorporate the County's comments in preparation of the final Study documents.

2. The County will:

a. Upon execution of this Agreement designate the State as the authorized agent for and on behalf of the County to retain and contract with the Consultants to prepare the Design Concept Report, Environmental Report, and 30% reconstruction plans.

b. Prior to the commencement of the Study and within thirty (30) days of receipt of an invoice from the State, remit the County's share of the Study costs currently estimated at $46,056.00 to the State.

c. Jointly coordinate the Study with the State, review and comment on invoices submitted by the Consultants for payment within seven (7) days of receipt, review and provide comments to the Study documents provided by the State within fourteen (14) days of receipt.

d. Be responsible for all costs in excess of the maximum amount of federal funds and for any costs ineligible for federal funds. Such cost shall be paid by the County within thirty (30) days of receipt of invoice from the State.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of said Study. Further, this Agreement may be cancelled at any time prior to initiation of a Study, upon thirty (30) days written notice to the other party. It is understood and agreed that, in the event the County terminates this Agreement, the State shall in no way be obligated to complete the Study.

2. The State assumes no financial obligation or liability under this Agreement, or for any resulting construction Project. The County, in regard to the County's relationship with the State only, assumes full responsibility for the design, plans, specifications, reports, the engineering in connection therewith and the construction of the improvements contemplated, cost over-runs and construction claims. It is understood and agreed that the State's participation is confined solely to securing federal aid on behalf of the County and the fulfillment of any other responsibilities of the State as specifically set forth herein; that any damages arising from carrying out, in any respect, the terms of this Agreement or any modification thereof shall be the liability of the County and that to the extent permitted by law, the County hereby agrees to save and hold harmless, defend and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all costs and/or damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by any activity, condition, misrepresentation, directives, instruction or event arising out of the performance or non performance of any provisions of this Agreement by the State, any of its departments, agencies, officers and employees, or its independent contractors, the County, any of its agents, officers and employees, or its independent contractors. Costs incurred by the State, any of its departments, agencies, officers or employees shall include in the event of any action, court costs, and expenses of litigation and attorneys' fees.

3. This agreement shall remain in force and effect until completion of the work and related deposits and reimbursements.

4. The cost of the Study under this Agreement is to be covered by the federal funds set aside for the Study, up to the maximum available. The County acknowledges that the eventual actual costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by the federal government as eligible for federal funds. Therefore, the County agrees to furnish and provide the difference between actual costs and the federal funds received.

5. The cost of the Study under this Agreement includes applicable indirect costs approved by the FHWA.

6. The County and the State warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the County will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

7. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

8. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

9. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes § 35-214 and § 35-215 shall apply to this Agreement.

10. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

11. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

12. In the event of any controversy, which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

13. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

Cochise County
Community Development Dept.
Attn: Karen Lamberton, AICP
County Transportation Planner
1415 E. Melody Lane, Bldg E
Bisbee, Arizona 85603
(520)432-9240
(520) 432-9278 Fax
E-mail: klamberton@cochise.az.gov

For County Financial Matters:
Vendor # 866000398-46
ATTN: Anissa Acedo
1415 E. Melody Lane
Bisbee, Arizona 85603
(520) 432-9300
(520) 432-9278 Fax
E-mail: aacedo@cochise.az.gov

14. Compliance requirements for Arizona Revised Statutes § 41-4401—immigration laws and E-Verify requirement:

a. The County warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Arizona Revised Statutes § 23-214(A).

b. A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the Agreement, and the County may be subject to penalties up to and including termination of the Agreement.

c. The State retains the legal right to inspect the papers of any employee who works on the Project to ensure that the County or subcontractor is complying with the warranty under paragraph (a).

15. Pursuant to Arizona Revised Statutes § 35-391.06 and § 35-393.06, each Party certifies that it does not have a scrutinized business operation in Sudan or Iran. For the purpose of this Section the term "scrutinized business operations" shall have the meanings set forth in Arizona Revised Statutes § 35-391 and/or § 35-393, as applicable. If any Party determines that another Party submitted a false certification, that Party may impose remedies as provided by law including terminating this Agreement.

16. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

17. In accordance with Arizona Revised Statutes § 11-952(D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

COCHISE COUNTY

By _____
PATRICK CALL
Chairman, Board of Supervisors

ATTEST:

By _____
KATIE HOWARD
Clerk of the Board

STATE OF ARIZONA
Department of Transportation

By _____
SAM MAROUFKHANI, P.E.
Deputy State Engineer, Development

IGA/JPA 11-121I

ATTORNEY APPROVAL FORM FOR THE COCHISE COUNTY

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the COCHISE COUNTY, an Agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2011

_____

County Attorney