

Board of Supervisors

Richard R. Searle
Chairman
District 3

Patrick G. Call
Vice-Chairman
District 1

Ann English
Supervisor
District 2



Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator

Katie A. Howard
Clerk

AGENDA FOR REGULAR BOARD MEETING

Tuesday, April 24, 2012 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.

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.

CONSENT

Board of Supervisors

1. Approve an application for a permanent Extension of Premises liquor license submitted by Ms. Crystal Belle Miller for Western Junction Bar & Grill located on 5838 W. Double Adobe Road in McNeal.
2. Approve the Minutes of the regular meeting of the Board of Supervisors of April 10, 2012.

Community Development

3. Approve the appointment of Ms. Carmen Miller to the Planning and Zoning Commission, representing District 3, for a four-year term ending December 31, 2015.
4. Adopt Zoning Ordinance 12-06, conditionally approving Docket Z-12-04, a request to rezone five acres from RU-4 to Heavy Industry, pursuant to the application of Daniel Doberstein.

Facilities

5. Approve correction of funding source (from ADOT to Half-Cent Sales Tax) and approve County match, in the amount \$53,883, for the Joint Project Agreement previously approved by the Board on March 27, 2012.

Finance

6. Approve demands and budget amendments for operating transfers.

Health

7. Approve second amendment of IGA# ADHS12-007884, Bioterrorism Preparedness Grant for Emergency Preparedness Program to increase the amount by \$43,575 for the period of August 31, 2011 and ending June 30, 2013, to a total of \$245,171.61.

Housing Authority

8. Ratify the signature of Chairman Searle on HUD-2991 Certification of Consistency with the Consolidated Plan, signed April 10, 2012.

Workforce Development

9. Approve Amendment #6 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.

PUBLIC HEARINGS

Community Development

10. Adopt Zoning Ordinance 12-07 approving Docket Z-12-03, conditionally amending the Zoning District classification for Parcel 202-26-006A from R-36 (Residential, minimum lot size 36,000 square feet) to RU-2 (Rural, minimum lot size two-acres), with the three conditions recommended in the staff memorandum as well as the waivers and modifications.
11. [TABLED ITEM, FROM 4.10.2012 MEETING] Adopt Resolution 12-10 authorizing the abandonment of a portion of Cactus Lane public right-of-way south of Sierra Vista.

ACTION

Community Development

12. Adopt Resolution 12-12 approving Docket S-07-06, a Substitute Assurance Agreement for the Morning Star Airpark Subdivision with First American Title Insurance Company as trustee under trust number 9307, and extending the deadline to complete improvements to April 24, 2017.

Facilities

13. Approve Change Order Requests 26, 42, 44, 47, 48, 49, 50, 52, 55, 57, 58, 59, 60, 61, 62, 63, and 64 for Concord General Contracting in the amount of \$79,650.09 for the Douglas Government Center Construction Project.

Health

14. Approve inter-departmental transfer of \$120,000 from Cochise Health Systems contingency fund to Title 36 Mental Health Department.

STATE & FEDERAL LEGISLATION

15. Discussion and possible action regarding state and federal legislative matters, including but not limited to the items in the attached County Supervisors Association Legislative Policy Committee Agenda.

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

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.

Cochise County - 1415 Melody Lane, Building G - Bisbee, Arizona 85603
(520) 432-9200 - Fax (520) 432-5016 - Email: board@cochise.az.gov
www.cochise.az.gov

"PUBLIC PROGRAMS, PERSONAL SERVICE"

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

Permanent Extension of Premises Liquor License Western Bar & Grill

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

Recommendation:

of ORIGINALS

Submitted for Signature:

NAME
of PRESENTER: n/aTITLE
of PRESENTER: n/a

Mandated Function?:

Source of Mandate
or Basis for Support?:

Information

Agenda Item Text:

Approve an application for a permanent Extension of Premises liquor license submitted by Ms. Crystal Belle Miller for Western Junction Bar & Grill located on 5838 W. Double Adobe Road in McNeal.

Background:

Ms. Crystal B. Miller has applied for a Permanent Extension of Premises/Patio liquor license for Western Junction Bar & Grill located at 5838 W. Double Adobe Road in McNeal. The extension of premises/patio is permanent and will cover and extra area surrounded by a fence not previously included. The Sheriff's Office and Planning and Zoning have recommended approval of the application. Supporting documentation regarding this liquor license is on file with the Clerk of the Board of Supervisors. The applicant is planning to hold several events at the location which require use of this area.

Department's Next Steps (if approved):

Board staff will forward the Board's decision to the ADLLC.

Impact of NOT Approving/Alternatives:

The applicant will not be able to serve liquor outside of the established premises.

To BOS Staff: Document Disposition/Follow-Up:

Board staff will forward the Board's decision to the ADLLC.

Attachments

Application

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

RECEIVED
COCHISE COUNTY
BOARD OF SUPERVISORS
2012 APR 11 AM 11:11

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

THIS APPLICATION MUST BE RETURNED TO THE DEPARTMENT OF LIQUOR

- ☒ Permanent change of area of service – List specific purpose for change: To utilize my area for special Events (ie: Charities, Weddings, Reunions) It's already fenced in also.
- ☐ Temporary change for date(s) of: ___/___/___ through ___/___/___ List specific purpose for change: _____

1. Licensee's Name: Muller Crystal Belle
Last First Middle
2. Mailing Address: 8827 E Nevada Dr Heretford AZ 85015
City State Zip
3. Business Name: Western Tat Bar & Grill LICENSE #: 060A0056
City State Zip
4. Business Address: 5838 W Double Arrow Rd McKean Arizona AZ 85017
City COUNTY State Zip
5. Business Phone: (520) 508-8736 Residence Phone: (520) 508-8736
6. Do you understand Arizona Liquor Laws and Regulations? ☒ YES ☐ NO Fax #: ()
7. Have you received approved Liquor Law Training? ☐ NO ☒ YES If so, when does your Certificate expire? ___/___/___
8. What security precautions will be taken to prevent liquor violations in the extended area? Fencing/Surveillance
9. Does this extension bring your premises within 300 feet of a church or school? ☐ YES ☒ NO
10. IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.

- ☐ Barrier Exemption: an exception to the requirement of barriers surrounding a patio/outdoor serving area may be requested. Barrier exemptions are granted based on public safety, pedestrian traffic, and other factors unique to a licensed premises. List specific reasons for exemption: _____

Investigation Recommendation ☐ Approval ☐ Disapproval by: _____ Date: ___/___/___

**** After completing sections 1-10, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.

This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:

(Authorized Signature)

(Title)

(Agency)

I, Crystal Muller, being first duly sworn upon oath, hereby depose, swear and declare, under penalty of perjury, that I am the APPLICANT making the foregoing application. I have read this application and the contents and all statements are true, correct and complete.

State of Arizona County of Cochise
SUBSCRIBED IN MY PRESENCE AND SWORN TO before me this date

9th April 2012
Day Month Year

(Signature of NOTARY PUBLIC)

(Signature of Owner or Agent)



ARLETHE G. RIOS

NOTARY PUBLIC ARIZONA
COCHISE COUNTY
My Comm. Exp. September 11, 2012

Investigation Recommendation ☐ Approval ☐ Disapproval by: _____ Date: ___/___/___

Director Signature required for Disapprovals _____ Date: ___/___/___

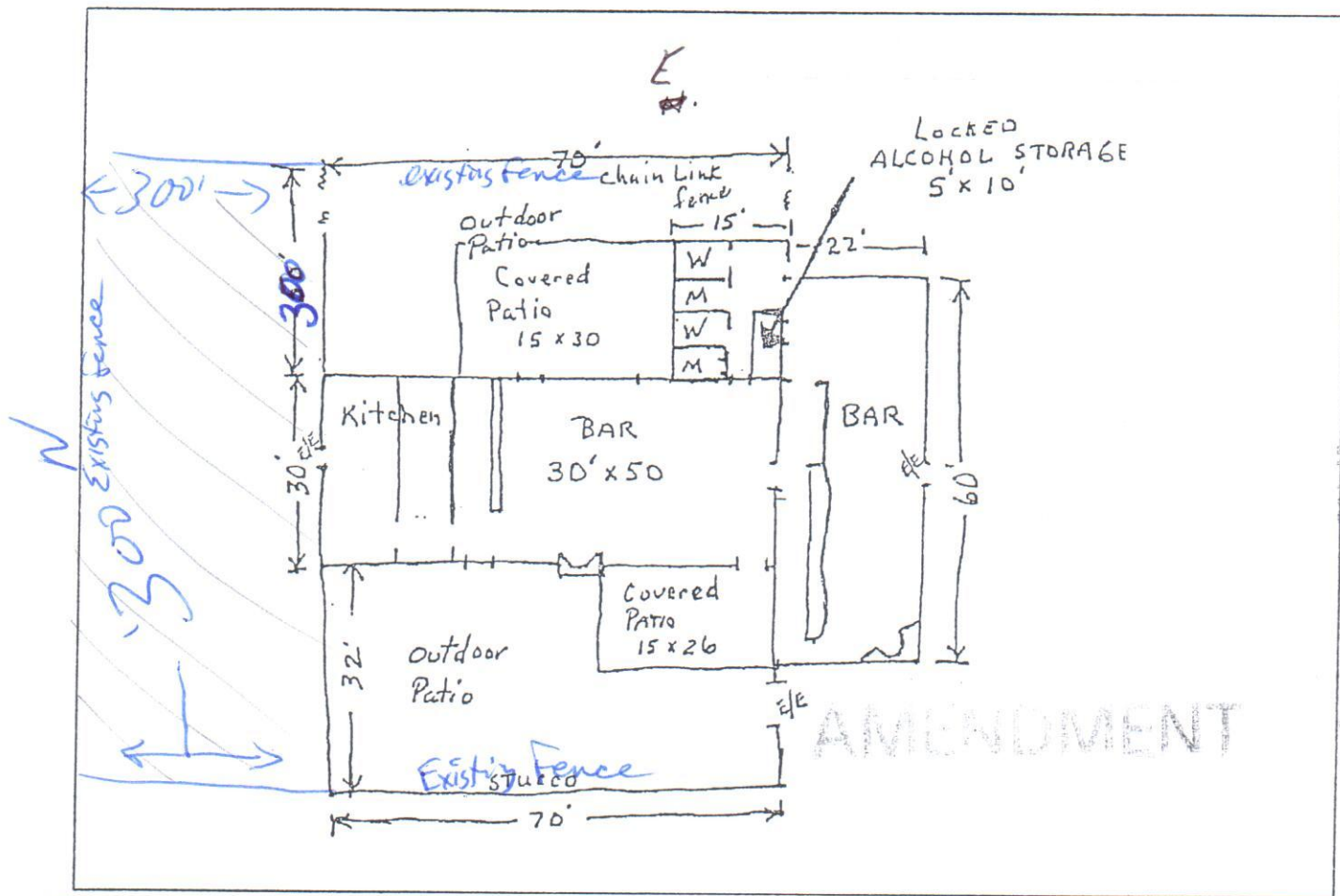
2/8/2012

*Disabled individuals requiring special accommodation, please call the Department (602) 542-9027.

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liqu is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



SECTION 16 Signature Block

I, Crystal Belle Miller, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete

X *Crystal Belle Miller*
(signature of applicant listed in Section 4, Question 1)

State of Arizona County of Cochise

The foregoing instrument was acknowledged before me this
26th of July, 2010
Day Month Year

[Signature]
signature of NOTARY PUBLIC

My commission expires on : 04/May/2011
Day Month Year



Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

Minutes

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a
of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a
of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Approve the Minutes of the regular meeting of the Board of Supervisors of April 10, 2012.

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.

Regular Board of Supervisors Meeting**Community Development****Meeting Date:** 04/24/2012

Appoint Carmen Miller to the Planning and Zoning Commission for District 3

Submitted By: Mike Turisk, Community Development**Department:** Community Development**Division:** Planning**Presentation:** No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature Required**# of ORIGINALS** 0**Submitted for Signature:****NAME of PRESENTER:** N/A**TITLE of PRESENTER:** N/A**Docket Number (If applicable):****Mandated Function?:** Not Mandated**Source of Mandate or Basis for Support?:****Information****Agenda Item Text:**

Approve the appointment of Ms. Carmen Miller to the Planning and Zoning Commission, representing District 3, for a four-year term ending December 31, 2015.

Background:

The Planning and Zoning Commission consists of nine members, three members appointed by each County Supervisor and residing in their respective Supervisorial District. Planning and Zoning Commissioners serve staggered four-year terms.

On December 31, 2011, the term of District 3 Planning Commissioner Mr. Rusty Harguess expired. District 3 Supervisor Richard Searle is recommending appointment of Ms. Carmen Miller for a four-year term ending December 31, 2015.

Department's Next Steps (if approved):

Send appointment letter, oath of office and open meeting law to Ms. Miller (please see BOS Staff notes).

Impact of NOT Approving/Alternatives:

There will continue to be a vacancy on the Planning and Zoning Commission for District 3.

To BOS Staff: Document Disposition/Follow-Up:

Please send Ms. Miller the standard letter from the Board's Office affirming her appointment along with an Oath of Office and Open Meeting Law documents. The Community Development Department will send the appropriate By-Laws, training materials and other supporting documents to Ms. Miller:

Carmen Miller
P.O. Box 1753
Benson, AZ 85602
(520) 403-2586
arbor_solutions@yahoo.com

Regular Board of Supervisors Meeting**Community Development****Meeting Date:** 04/24/2012

Docket Z-12-04 (Doberstein)

Submitted By: Keith Dennis, Community Development**Department:** Community Development**Division:** Planning**Presentation:** No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature Required**# of ORIGINALS Submitted for Signature:** 1**NAME of PRESENTER:** Keith Dennis**TITLE of PRESENTER:** Senior Planner**Docket Number (If applicable):** Z-12-04 (Doberstein)**Mandated Function?:** Not Mandated**Source of Mandate or Basis for Support?:****Information****Agenda Item Text:**

Adopt Zoning Ordinance 12-06, conditionally approving Docket Z-12-04, a request to rezone five acres from RU-4 to Heavy Industry, pursuant to the application of Daniel Doberstein.

Background:**MEMORANDUM**

TO: Cochise County Planning and Zoning Commission

FROM: Keith Dennis, Senior Planner

For: Carlos De La Torre, P.E., Planning Director

SUBJECT: Docket Z-12-04 (Doberstein)

DATE: April 12, 2012, for the April 24, 2012 Meeting

APPLICATION FOR A REZONING

Docket Z-12-04 (Doberstein): The Applicant obtained a Special Use Permit in 2010 for manufacturing in an RU District (Docket SU-10-05). That Special Use carried a maximum of 5,000 square-feet of operating area. The Applicant now seeks to expand his operation beyond the maximum allowed for the approved Special Use in the RU District, and so requests to rezone the 5-acre property to HI (Heavy Industry). The subject parcel (305-73-020B) is located at 3911 E. Shelton Road in Kansas Settlement, AZ. The Applicant is Daniel Doberstein of DRD Fabricating.

Note: this Docket appears on the Board Consent Agenda because, per Section 2206.09 of the Zoning Regulations, a rezoning request may so appear if no public protest was registered prior to the initial public hearing before the Planning Commission.

I. PLANNING AND ZONING COMMISSION

On April 12, 2012, the Planning Commission voted unanimously (7 – 0) to forward this Docket to the Board of Supervisors with a recommendation of conditional approval. This recommendation includes the approval conditions recommended by staff, as well as the approval of a setback modification, as the principal structure on the property would be rendered non-conforming as a result of the increased HI setbacks.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 30.04 Acres
Zoning: RU-4 (Rural – 1 dwelling per 4 acres)
Growth Category: D (Rural)
Plan Designation: Rural
Area Plan: None Applicable
Existing Uses: Metal Fabricating Business
Proposed Uses: Unchanged; the Applicant intends to expand existing business as described above.
Surrounding Zoning
Relation to Subject Parcel Zoning District Use of Property
North RU-4 Undeveloped Land
South RU-4 Undeveloped Land
East RU-4 Undeveloped Land, Rural Residential
West RU-4 Agricultural

Eastward view of the DRD Fabricating shop.

III. PARCEL HISTORY (SEE CONDITION #2)

There are no violations, code enforcement actions or permits currently associated with the property. Assessor's records show a 1,120 square foot house built in 1953, an 820 square foot "bunk house" built in 1954, and a 1,297 square foot Quonset building constructed in 1980.

In April 2010, the Applicant applied for and received Special Use approval from the Planning Commission authorizing manufacturing in an RU-4 District. At the time, the current Applicant, Daniel Doberstein, was renting the structures from Jonathan Schmidt, who was the owner of Parcel 305-73-020. The then 30-acre property also included a farmhouse. As part of the Special Use approval, the Applicant was required to obtain a commercial permit for the business, but this has yet to take place. Condition #2 would require the Applicant to file for a commercial permit within six months of Board of Supervisors approval.

In October of that year, the Applicant purchased a five-acre portion of Parcel 305-73-020, which included the structures and yard for DRD Fabricating. This parcel, 305-73-020B, is subject to the current rezoning request.

IV. PROJECT DESCRIPTION

The Applicant, Daniel Doberstein of DRD Fabricating, operates a small-scale metal fabrication and welding business on the subject property. The business' clientele includes local farmers and ranchers who require fabricated metal replacement blades and other parts for farm equipment. The business also performs some work for the Border Patrol, welding fuel and water tanks onto one-axle trailers. In addition, Mr. Doberstein has seen an increase in business from local mining interests, as mining activity in the area has increased significantly in recent years. The increase in activity has prompted him to seek to expand the business. Manufacturing is allowed as a Special Use in the RU District, provided that the total activity area does not exceed 5,000 square feet. The Applicant has decided that 5,000 square feet of operating area (which includes outdoor storage) is not sufficient, hence this request.

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. Staff utilizes these factors in formulating a recommendation, including conditions under which a recommendation of approval is appropriate. The Planning and Zoning Commission and the Board of Supervisors will also consider these in deciding whether to approve or deny a rezoning. For most rezoning Dockets, there will be factors in favor and against the request, and some individual factors may weigh more heavily than others. 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." Thirteen of the 15 factors are applicable to the rezoning request, and with the recommended conditions and one waiver, the request would comply with 12 of these factors.

Mandatory Compliance

The subject property lies within a Category D—Rural land use designation area. Section 402 of the County Zoning Regulations permits owners of property lying within “Rural” land use areas to request a rezoning to HI. Initially a rezoning to Light Industry was discussed, as this would allow for the proposed use as a permitted principal use. However, Section 402 of the Zoning Regulations does not allow rezonings to LI in a Rural Comprehensive Plan Designation area, and the Applicant has instead asked for a rezoning to Heavy Industry (HI).

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

The Applicant has provided what staff considers a strong concept plan for the request. In any subsequent commercial permitting phase, a site plan meeting commercial permit standards would be required.

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

This parcel is capable of complying with most site development standards for commercial use as required for setbacks, site coverage, distance between structures, glare, noise, odors, landscaping, parking, and nuisance. There is one unavoidable deficiency, however, which is the location of the existing structures relative to the North property line. If the property is rezoned, the new setback would be 100 feet from property lines and 20 feet from road travelways. The existing shop would be within the 100 foot setback. The Applicant has asked that the shop be legitimized in its current location.

3. Adjacent Districts Remain Capable of Development.— Complies

The proposal is intended to facilitate the expansion of an existing, light industrial business. It is essentially surrounded by agricultural land, and is in close proximity to the Faria Dairy operation to the immediate Northwest, another business which operates under HI zoning. The zoning change would not affect the development potential of neighboring properties.

4. Limitation on Creation of Nonconforming Uses. — Complies

This rezoning will not result in non-conforming uses. It will, rather, take what is now allowed by Special Use under certain size restrictions, and make the use a permitted principal use with no restrictions on size.

5. Compatibility with Existing Development. — Complies

The business has existed at this location for approximately six years and is considered compatible with the character of development in the area.

6. Rezonings to More Intense Districts. — Complies

The property is already home to an industrial land use; a large HI District (the Faria Dairy) lies 300 feet away from the property. Staff considers the project site as a reasonable extension of this existing industrial district.

7. Adequate Services and Infrastructure. — Complies

As proposed, rezoning this parcel to accommodate the business expansion will not create a significantly higher traffic volume as analyzed by the County Transportation Planner. As an agricultural resource production area, the road network is already accustomed to traffic from larger vehicles.

There is adequate existing infrastructure to support the commercial use of this parcel. The property is served by a well-share from the adjacent parent parcel, and has a private sanitary sewer system. SSVEC

provides electricity, and the property is within the Willcox Rural Fire District.

8. Traffic Circulation Criteria. — Complies

The change to an HI Zoning District would not burden the existing transportation infrastructure, nor will it result in any traffic through residential areas.

9. Development along Major Street. — Complies

This proposal does not include new access points to any major street. The concept plan does, however, propose two additional curb cuts along Alamo Lane.

10. Infill.— Does Not Comply

Compliance with this factor is described in Section 2208.B.7 as follows: “If rezoning to GB, LI, or HI, the site is in an existing Enterprise or Enterprise Redevelopment plan designation area.” The property is instead within a Rural plan designation area.

11. Unique Topographic Features.— Not Applicable

12. Water Conservation. — Complies

Compliance with this factor is determined by compliance with Section 102E of the Comprehensive Plan (Water Conservation Goal and Policies). The property is served by a metered well-share originating from the parent parcel, of which the project site was formerly a part. The land use already uses minimal water, particularly relative to the agricultural and feedlot uses in the immediate vicinity. Having been historically used for agricultural-related activities, the property was cleared of large vegetation decades ago. The use of gravel surfacing rather than paved surfacing on what is currently a native surfaced property will mean that runoff issues would be improved through the commercial permitting process.

13. Public Input — Complies

The Applicant conducted a Citizen Review, and received no correspondence. At the time of this memorandum, the Department has received no communication regarding this proposal.

14. Hazardous Materials. — Not applicable (See Condition #3)

Although the proposal is a rezoning to a Heavy Industry District, the purpose is to expand an existing metal fabrication/machine shop. No hazardous materials are utilized as part of the business. Should this change, the Applicant would be responsible for compliance with any applicable permit requirements or hazardous material-related conditions as may be applicable pursuant to local, state, or federal regulations (see Condition #3).

15. Compliance with Applicable Area Plan, Master Development Plan or Comprehensive Plan Policies. — Complies. Both the Category D Growth Area description and the Rural Plan Comprehensive Plan Designation specify these areas as appropriate for industrial development.

VI. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within one mile. Staff posted the property on March 21, 2012, and published a legal notice in the Bisbee Observer on March 22, 2012. To date, staff has received no input from neighbors regarding the proposal.

VII. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Rezoning

1. The proposal comes as a result of the success of a business providing valuable machine tool services to area agricultural, law enforcement, and mining sectors of the local economy;
2. The project site is within close proximity to an existing HI District;

The proposal would comply with the applicable Comprehensive Plan Growth Category and Plan Designation policy guidelines;

3. Rezoning to Hi to facilitate business expansion would not generate a significant increase in traffic;
4. With the conditions of approval recommended by staff, the project would comply with 12 of the 13 applicable rezoning evaluation factors; and
5. One neighboring property owner supports the request.

Factors Against Approval

None Apparent.

VIII. RECOMMENDATIONS

Based on the factors in favor of approval, staff recommends conditional approval of the rezoning request.

Sample Motion: Mr. Chair, I move to approve Docket Z-12-04, based on the Factors in Favor of approval as the Findings of Fact, with the conditions of approval recommended in the staff memorandum, and the setback modification as requested by the Applicant.

Recommended Conditions of Approval:

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 within thirty (30) days of Board of Supervisors approval of the rezoning or the approval of the rezoning may be deemed void;
2. Within six months of Board of Supervisors approval of the rezoning, the Applicant shall apply for a commercial permit for the existing and/or expanded operation; and
3. It is the Applicant's responsibility to provide a revised site plan in conformance with all site development standards except as waived, 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.

IX. WAIVER REQUEST

The Applicant requests that the existing structures on the property be allowed to remain in their current location, modifying the 100-foot setback required for principal uses in the HI District.

X. ATTACHMENTS

- A. Rezoning Application
- B. Location Map
- C. Concept Plan
- D. Citizen Review and Public Comment

Department's Next Steps (if approved):

If the Board adopts the Zoning Ordinance, the Department will ensure that all records are updated to reflect the change in Zoning District boundaries.

Impact of NOT Approving/Alternatives:

If the Board does not adopt the Zoning Ordinance, the property will retain its current status as being within an RU-4 District.

To BOS Staff: Document Disposition/Follow-Up:

If the Board adopts the Zoning Ordinance and the Chairman signs it, please record the Ordinance and return a copy of the recorded document to the Planning Department.

Attachments

Staff Memo

Memo Attachments

Zoning Ordinance

Zoning Ordinance Exhibit A

Z-12-04 Legal Notice



COMMUNITY DEVELOPMENT DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Senior Planner
For: Carlos De La Torre, P.E., Planning Director
SUBJECT: Docket Z-12-04 (Doberstein)
DATE: April 12, 2012, for the April 24, 2012 Meeting

APPLICATION FOR A REZONING

Docket Z-12-04 (Doberstein): The Applicant obtained a Special Use Permit in 2010 for manufacturing in an RU District (Docket SU-10-05). That Special Use carried a maximum of 5,000 square-feet of operating area. The Applicant now seeks to expand his operation beyond the maximum allowed for the approved Special Use in the RU District, and so requests to rezone the 5-acre property to HI (Heavy Industry). The subject parcel (305-73-020B) is located at 3911 E. Shelton Road in Kansas Settlement, AZ. The Applicant is Daniel Doberstein of DRD Fabricating.

Note: this Docket appears on the Board Consent Agenda because, per Section 2206.09 of the Zoning Regulations, a rezoning request may so appear if no public protest was registered prior to the initial public hearing before the Planning Commission.

I. PLANNING AND ZONING COMMISSION

On April 12, 2012, the Planning Commission voted unanimously (7 – 0) to forward this Docket to the Board of Supervisors with a recommendation of conditional approval. This recommendation includes the approval conditions recommended by staff, as well as the approval of a setback modification, as the principal structure on the property would be rendered non-conforming as a result of the increased HI setbacks.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

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Growth Category: D (Rural)
Plan Designation: Rural
Area Plan: None Applicable
Existing Uses: Metal Fabricating Business
Proposed Uses: Unchanged; the Applicant intends to expand existing business as described above.

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped Land
South	RU-4	Undeveloped Land
East	RU-4	Undeveloped Land, Rural Residential
West	RU-4	Agricultural



Eastward view of the DRD Fabricating shop.

III. PARCEL HISTORY (SEE CONDITION #2)

There are no violations, code enforcement actions or permits currently associated with the property. Assessor's records show a 1,120 square foot house built in 1953, an 820 square foot "bunk house" built in 1954, and a 1,297 square foot Quonset building constructed in 1980.

In April 2010, the Applicant applied for and received Special Use approval from the Planning Commission authorizing manufacturing in an RU-4 District. At the time, the current Applicant, Daniel Doberstein, was renting the structures from Jonathan Schmidt, who was the owner of Parcel 305-73-020. The then 30-acre property also included a farmhouse. As part of the Special Use approval, the Applicant was required to obtain a commercial permit for the business, but this has yet to take place. Condition #2 would require the Applicant to file for a commercial permit within six months of Board of Supervisors approval.

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IV. PROJECT DESCRIPTION

The Applicant, Daniel Doberstein of DRD Fabricating, operates a small-scale metal fabrication and welding business on the subject property. The business' clientele includes local farmers and ranchers who require fabricated metal replacement blades and other parts for farm equipment. The business also performs some work for the Border Patrol, welding fuel and water tanks onto

one-axle trailers. In addition, Mr. Doberstein has seen an increase in business from local mining interests, as mining activity in the area has increased significantly in recent years. The increase in activity has prompted him to seek to expand the business. Manufacturing is allowed as a Special Use in the RU District, provided that the total activity area does not to exceed 5,000 square feet. The Applicant has decided that 5,000 square feet of operating area (which includes outdoor storage) is not sufficient, hence this request.

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. Staff utilizes these factors in formulating a recommendation, including conditions under which a recommendation of approval is appropriate. The Planning and Zoning Commission and the Board of Supervisors will also consider these in deciding whether to approve or deny a rezoning. For most rezoning Dockets, there will be factors in favor and against the request, and some individual factors may weigh more heavily than others. 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." Thirteen of the 15 factors are applicable to the rezoning request, and with the recommended conditions and one waiver, the request would comply with 12 of these factors.



Southeast view of native-surfaced yard with outdoor storage.

Mandatory Compliance

The subject property lies within a Category D—Rural land use designation area. Section 402 of the County Zoning Regulations permits owners of property lying within “Rural” land use areas to request a rezoning to HI. Initially a rezoning to Light Industry was discussed, as this would allow for the proposed use as a permitted principal use. However, Section 402 of the Zoning Regulations

does not allow rezonings to LI in a Rural Comprehensive Plan Designation area, and the Applicant has instead asked for a rezoning to Heavy Industry (HI).

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

The Applicant has provided what staff considers a strong concept plan for the request. In any subsequent commercial permitting phase, a site plan meeting commercial permit standards would be required.



Looking South at outdoor storage area.

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

This parcel is capable of complying with most site development standards for commercial use as required for setbacks, site coverage, distance between structures, glare, noise, odors, landscaping, parking, and nuisance. There is one unavoidable deficiency, however, which is the location of the existing structures relative to the North property line. If the property is rezoned, the new setback would be 100 feet from property lines and 20 feet from road travelways. The existing shop would be within the 100 foot setback. The Applicant has asked that the shop be legitimized in its current location.

3. Adjacent Districts Remain Capable of Development. — Complies

The proposal is intended to facilitate the expansion of an existing, light industrial business. It is essentially surrounded by agricultural land, and is in close proximity to the Faria Dairy operation to the immediate Northwest, another business which operates under HI zoning. The zoning change would not affect the development potential of neighboring properties.

4. Limitation on Creation of Nonconforming Uses. — Complies

This rezoning will not result in non-conforming uses. It will, rather, take what is now allowed by Special Use under certain size restrictions, and make the use a permitted principal use with no restrictions on size.

5. Compatibility with Existing Development. — Complies

The business has existed at this location for approximately six years and is considered compatible with the character of development in the area.

6. Rezoning to More Intense Districts. — Complies

The property is already home to an industrial land use; a large HI District (the Faria Dairy) lies 300 feet away from the property. Staff considers the project site as a reasonable extension of this existing industrial district.

7. Adequate Services and Infrastructure. — Complies

As proposed, rezoning this parcel to accommodate the business expansion will not create a significantly higher traffic volume as analyzed by the County Transportation Planner. As an agricultural resource production area, the road network is already accustomed to traffic from larger vehicles.

There is adequate existing infrastructure to support the commercial use of this parcel. The property is served by a well-share from the adjacent parent parcel, and has a private sanitary sewer system. SSVEC provides electricity, and the property is within the Willcox Rural Fire District.

8. Traffic Circulation Criteria. — Complies

The change to an HI Zoning District would not burden the existing transportation infrastructure, nor will it result in any traffic through residential areas.

9. Development along Major Street. — Complies

This proposal does not include new access points to any *major* street. The concept plan does, however, propose two additional curb cuts along Alamo Lane.

10. Infill. — Does Not Comply

Compliance with this factor is described in Section 2208.B.7 as follows: “If rezoning to GB, LI, or HI, the site is in an existing Enterprise or Enterprise Redevelopment plan designation area.” The property is instead within a Rural plan designation area.

11. Unique Topographic Features. — Not Applicable

12. Water Conservation. — Complies

Compliance with this factor is determined by compliance with Section 102E of the Comprehensive Plan (Water Conservation Goal and Policies). The property is served by a metered well-share originating from the parent parcel, of which the project site was formerly a part. The land use already uses minimal water, particularly relative to the agricultural and feedlot uses in the immediate vicinity. Having been historically used for agricultural-related activities, the property was cleared of large vegetation decades ago. The use of gravel surfacing rather than

paved surfacing on what is currently a native surfaced property will mean that runoff issues would be improved through the commercial permitting process.

13. Public Input — Complies

The Applicant conducted a Citizen Review, and received no correspondence. At the time of this memorandum, the Department has received no communication regarding this proposal.

14. Hazardous Materials. — Not applicable (See Condition #3)

Although the proposal is a rezoning to a Heavy Industry District, the purpose is to expand an existing metal fabrication/machine shop. No hazardous materials are utilized as part of the business. Should this change, the Applicant would be responsible for compliance with any applicable permit requirements or hazardous material-related conditions as may be applicable pursuant to local, state, or federal regulations (see Condition #3).

15. Compliance with Applicable Area Plan, Master Development Plan or Comprehensive Plan Policies. — Complies. Both the Category D Growth Area description and the Rural Plan Comprehensive Plan Designation specify these areas as appropriate for industrial development.

VI. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within one mile. Staff posted the property on March 21, 2012, and published a legal notice in the *Bisbee Observer* on March 22, 2012. To date, staff has received no input from neighbors regarding the proposal.

VII. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Rezoning

1. The proposal comes as a result of the success of a business providing valuable machine tool services to area agricultural, law enforcement, and mining sectors of the local economy;
2. The project site is within close proximity to an existing HI District;

The proposal would comply with the applicable Comprehensive Plan Growth Category and Plan Designation policy guidelines;

3. Rezoning to Hi to facilitate business expansion would not generate a significant increase in traffic;
4. With the conditions of approval recommended by staff, the project would comply with 12 of the 13 applicable rezoning evaluation factors; and
5. One neighboring property owner supports the request.

Factors Against Approval

None Apparent.

VIII. RECOMMENDATIONS

Based on the factors in favor of approval, staff recommends **conditional approval** of the rezoning request.

Sample Motion: Mr. Chair, I move to approve Docket Z-12-04, based on the Factors in Favor of approval as the Findings of Fact, with the conditions of approval recommended in the staff memorandum, and the setback modification as requested by the Applicant.

Recommended Conditions of Approval:

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 within thirty (30) days of Board of Supervisors approval of the rezoning or the approval of the rezoning may be deemed void;
2. Within six months of Board of Supervisors approval of the rezoning, the Applicant shall apply for a commercial permit for the existing and/or expanded operation; and
3. It is the Applicant's responsibility to provide a revised site plan in conformance with all site development standards except as waived, 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.

IX. WAIVER REQUEST

The Applicant requests that the existing structures on the property be allowed to remain in their current location, modifying the 100-foot setback required for principal uses in the HI District.

X. ATTACHMENTS

- A. Rezoning Application
- B. Location Map
- C. Concept Plan
- D. Citizen Review and Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Development Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: DANIEL DOBERSTEIN
2. Mailing Address: 3911 E. SHELTON ROAD
WILCOX AZ 85643
City State Zip Code
3. Telephone Number of Applicant: (520) 507-2437
4. Telephone Number of Contact Person if Different: ()
5. Email Address: drdfab@gmail.com
6. Assessor's Tax Parcel Number: 305 - 73 - 020 B (Can be obtained from your County property tax statement)
7. Applicant is (check one):
 - Sole owner: ☒
 - 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): _____
8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
 - 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: ☐
- Copy of title report: ☐
- Copy of tax notice: ☒
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes ☐ No ☒

11. 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.

12. Is more than one parcel contained within the area to be rezoned? Yes ☐ No ☒

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: RU-4

14. Indicate proposed Zoning District for Property: LI

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.

15. Comprehensive Plan Category: D (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: RURAL (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.

17. Describe all structures already existing on the property: SHOP: 1250 ± SF,

STORAGE CONTAINER: 405 ± SF, DRILL/TAP MACH: 950 ± SF

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: NO CHANGE OF USE

19. Are there any deed restrictions or private covenants in effect for this property?

- No ☒ Yes ☐
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes ☐ No ☐

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

ALAMO LANE

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? PRIVATE MAINTENANCE AGREEMENT TO MAINTAIN ALAMO LANE FROM SHELTON TO SITE ACCESS.

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 2

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	WELL	METER WATER USE FROM NEIGHBOR'S WELL
Sewer/Septic		NEW SEPTIC SYSTEM
Electricity	SSVEC	
Natural Gas	—	
Telephone	VOIP	
Fire Protection	WILLCOX DISTRICT	

24. 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).

SEE ATTACHED.

25. 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: David B. [Signature]

Date: 1-26-2012

Answer to question 24

Use of property (repair services and manufacturing, wholesaling, warehousing, distribution or storage of goods) was approved as a special use. The 5,000 SF limit on total development, however, restricts potential growth of the business. Anticipated growth will require up to 14,500 SF of structures.

Use is permitted in the proposed LI (Light Industrial) zone. Proposed development will comply with site development standards except as follows:

- Existing shop and storage container is within the required setback
- Owner requests relief from requirement to screen abutting undeveloped Residential-zoned property to the east and south
- Owner requests relief from the requirement to screen outdoor storage as the quantity varies greatly and access to it is frequent

Property is within Comprehensive Plan Category D with Rural Designation and is primarily surrounded by undeveloped land. The property is proximate to Faria Dairy which is zoned (HI) Heavy Industrial.

Impact on roads is expected to be minimal; anticipated traffic is not expected to increase much beyond that which is already generated by the special use. Owner will sign a private road maintenance agreement to maintain Alamo Lane from Shelton Road to his property access points. Owner proposes to close one of the three existing access points to Alamo Lane.

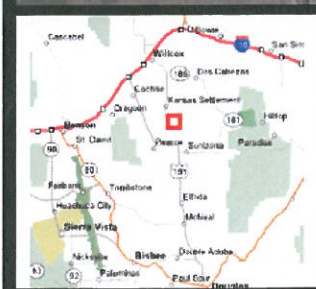
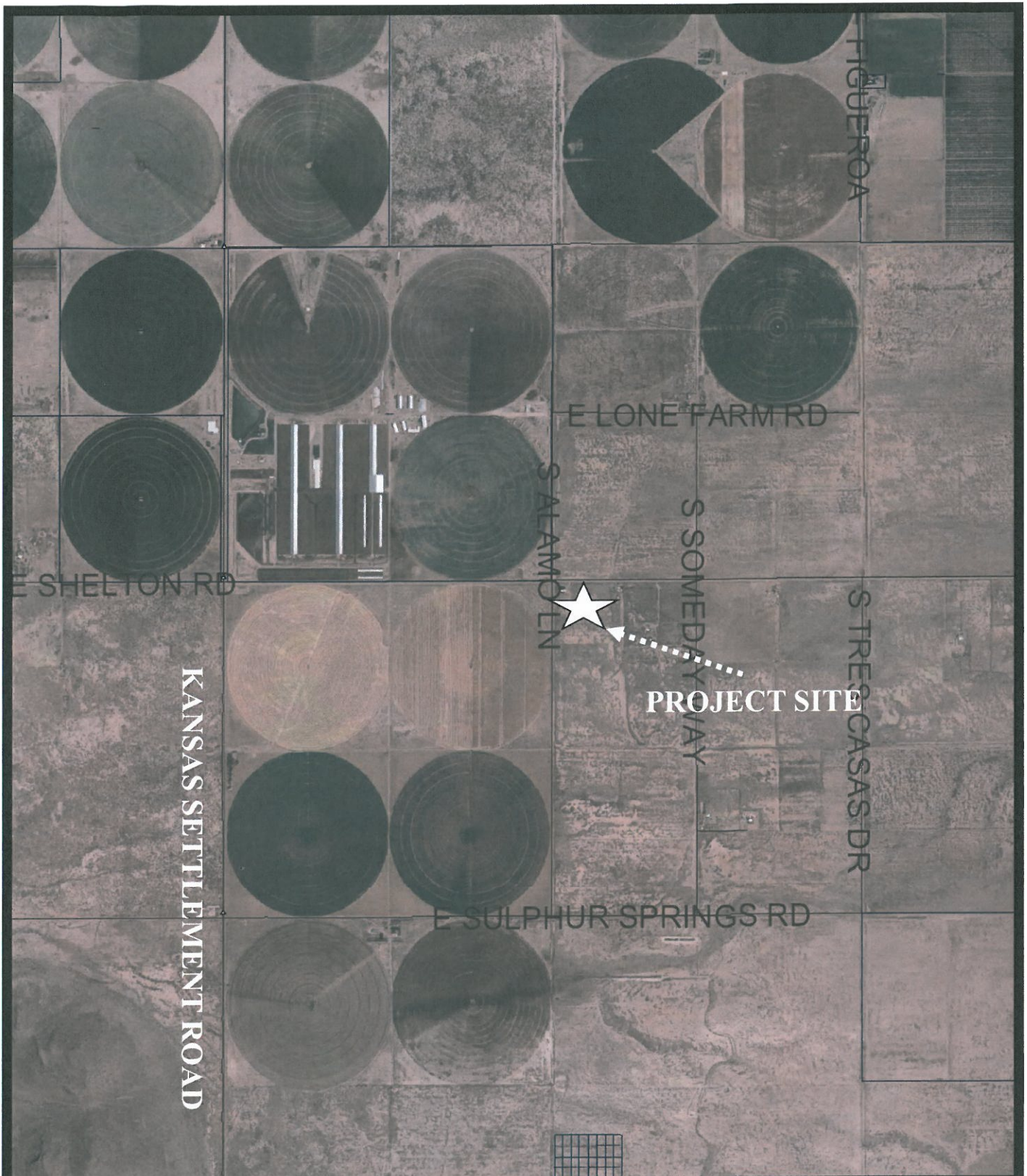
Impact on other public facilities is nil. There are no unique topographic features. Water usage is minimal.

We do not anticipate major public opposition as the use is already existing and many of the neighbors are also customers.

Use of hazardous materials is minimal and all precautions will be taken to mitigate their impact.

It is our opinion that this use does not have a negative impact on the neighborhood and is consistent with the HI zoning of Faria Dairy.

261 A



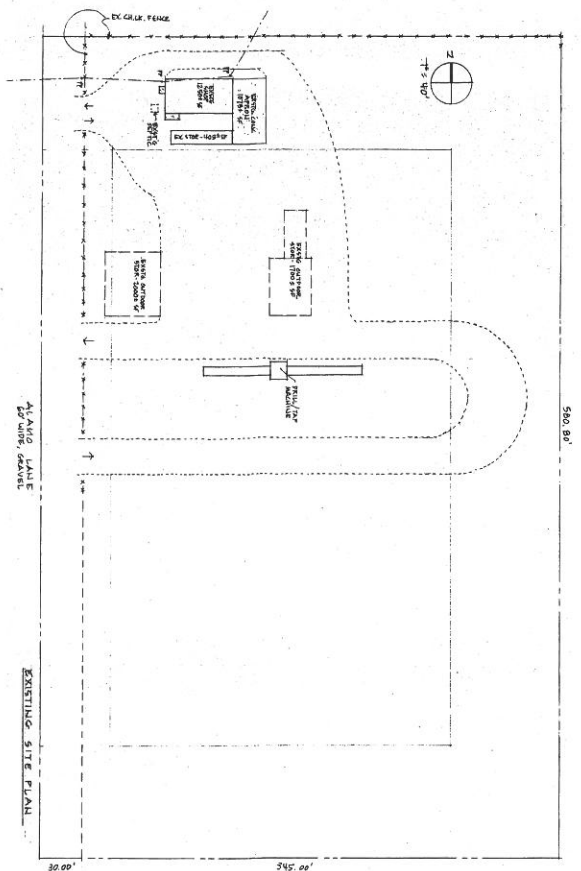
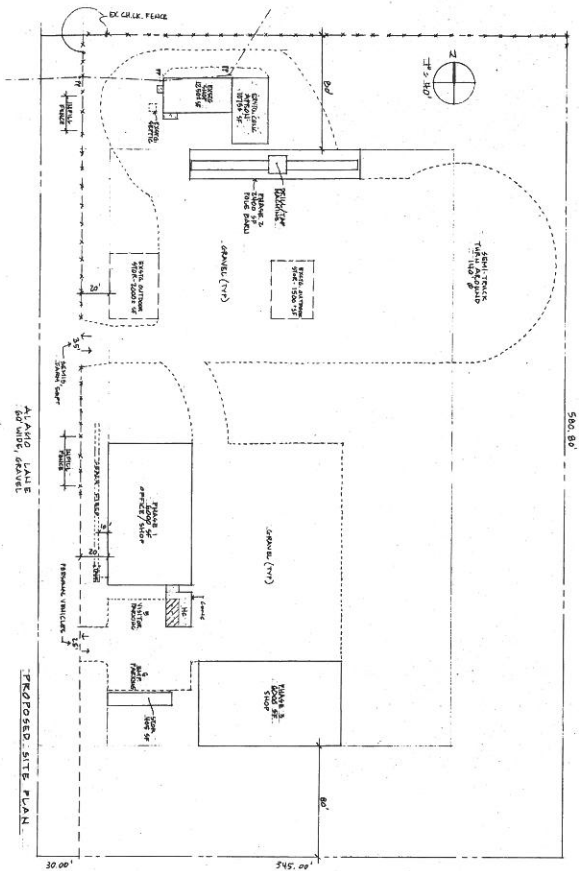
**Z-12-04
(Doberstein)**

This map is a product of the
Cochise County GIS



0 1" = 2175'

26B



NO.	DATE	BY	CHK	DESCRIPTION
1	10/12/12	SK	SK	PROPOSED SITE PLAN
2	10/12/12	SK	SK	EXISTING SITE PLAN
3	10/12/12	SK	SK	PROPOSED SITE PLAN
4	10/12/12	SK	SK	EXISTING SITE PLAN
5	10/12/12	SK	SK	PROPOSED SITE PLAN
6	10/12/12	SK	SK	EXISTING SITE PLAN
7	10/12/12	SK	SK	PROPOSED SITE PLAN
8	10/12/12	SK	SK	EXISTING SITE PLAN
9	10/12/12	SK	SK	PROPOSED SITE PLAN
10	10/12/12	SK	SK	EXISTING SITE PLAN

DRD FABRICATING
3911 EAST SHELTON ROAD
APN 305-73-020B
WILLCOX, COCHISE COUNTY, AZ 85643



RAYMOND KLUMB ARCHITECT
571 NORTH FRONTAGE ROAD
PO BOX 128
PEARCE, AZ 85625
PHONE: (520) 238-3333
FAX: (520) 238-3344
AZ 10108 NJ AZ 12328 HNA 004971 PA 81806

263

January 21, 2012

Dear Neighbor:

My name is Daniel Doberstein and I own and operate DRD Fabricating on Alamo Lane just south of Shelton Road. My business has been approved as a special use, but in order to expand beyond the limitations of a special use permit, I am applying to Cochise County to have my 5-acre property re-zoned from Rural to Light Industrial.

My business is custom fabrication of metals and plastics and repair of agricultural equipment. Most of my customers are local agricultural businesses. The balance of my work is for the mining industry. The first phase of my proposed expansion is a 1-story 3,200 SF or 6,000 SF building depending on how much use can be made of the existing building on the property. My long range plan includes a second 1-story building of 6,000 SF. In addition to myself, I currently employ 2 persons; ultimately I may have as many as 6 employees.

Business hours are 7 AM to 5 PM Monday through Saturday. We don't make much noise, we don't emit noxious odors, we don't use much water and our outdoor lighting will be shielded. Access to the property is from Kansas Settlement Road east on Shelton and then south on Alamo. Traffic includes personal vehicles, farm equipment and, on average, one tractor-trailer per week.

Your input is important to us. Make sure your questions are answered.

Thank you for your consideration.

Please submit written comments to: Daniel Doberstein
DRD Fabricating
3911 E. Shelton Road
Willcox, AZ 85643

Email comments: drdfab@gmail.com

Call me: (520) 507-2437

D
244

REZONING: Docket Z-12-04 (Doberstein)

☒ YES, I SUPPORT THIS REQUEST

Please state your reasons:

We own the parcel adjacent to the west
of the Doberstein property. Daniel has been a good neighbor
and has demonstrated that he is a responsible businessman
and proven himself to be an asset to the community.

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

JOHN J. TERRY (TERRY BROS FARMS)

SIGNATURE(S):

[Signature]

YOUR TAX PARCEL NUMBER: 205-47-003 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS _____

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 April 2, 2012, if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public 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, Senior Planner

Cochise County Planning Department 520.432.9240

1415 Melody Lane, Building E

Bisbee, AZ 85603

kdennis@cochise.az.gov

Fax: 520.432.9278

COCHISE COUNTY

MAR 30 2012

PLANNING

265

ZONING ORDINANCE 12-

Re: (Z-12-01) Conditionally Amending Certain Zoning District Boundaries in Kansas Settlement, AZ, pursuant to the Application of Mr. Daniel Doberstein

Page 1

ZONING ORDINANCE 12-__

**CONDITIONALLY AMENDING CERTAIN ZONING DISTRICT
BOUNDARIES IN KANSAS SETTLEMENT, AZ, PURSUANT TO THE
APPLICATION OF MR. DANIEL DOBERSTEIN**

WHEREAS, pursuant to A.R.S. § 11-814 property owners or their authorized agents may request amendments to the Zoning District boundaries through the Board of Supervisors at 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, the Cochise County Board of Supervisors seeks to promote effective, early and continuous public participation by citizens; and

WHEREAS, on April 11, 2012, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Zoning District classifications for a 5-acre tract of land, Parcel No. 305-73-020B as depicted on the legal description attached hereto as "Exhibit A," and hereby known as Docket Z-12-04 (Doberstein), being an Application to amend Zoning District boundaries; and

WHEREAS, on April 24, 2012, the Board of Supervisors held a duly noticed public hearing on the amendments to the Zoning District classifications for Parcel No. 305-73-020B as recommended by the Planning and Zoning Commission,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Cochise County Zoning District classification for Parcel No. 305-73-020B as described in "Exhibit A," attached, is changed from Rural (RU-4) to Heavy Industry (HI). The Parcel is located at 3911 E. Shelton Road in Kansas Settlement, AZ. It is further described as being situated in Section 30 of Township 16, Range 26 East of the G&SRB&M, in Cochise County, Arizona.

The rezoning is 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 within thirty (30) days of Board of Supervisors approval of the rezoning or the approval of the rezoning may be deemed void;
2. Within six months of Board of Supervisors approval of the rezoning, the Applicant shall apply for a commercial permit for the existing and/or expanded operation; and

3. It is the Applicant's responsibility to provide a revised site plan in conformance with all site development standards except as waived, 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.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 24th day of April, 2012.

Richard R. Searle, Chairperson
Cochise County Board of Supervisors

ATTEST:

Katie A. Howard
Clerk of the Board

APPROVED AS TO FORM:

Britt W. Hanson
Chief Civil Deputy County Attorney

24

E LONE

S ALAMO LN

E SHELTON RD

S KANSAS SETTLEMENT RD

S SOMEDAY WAY

PORT OF GLO LOT 1 SEC 30 16 26 VALLE VERDE FARMS
SURVEY BK 3 PG 9 DESC BY M&B COMM AT THE NW
CORNER OF SEC 30 THN S00DEG 00MIN 29SEC
(S00DEG 00MIN 54SEC- RECORD) E272.60' TO THE POB
THN N89DEG 59MIN 31SEC E375.00' S00DEG 00MIN
29SEC E580.80' S89DEG 59MIN 31SEC W375.00'
N00DEG 00MIN 29SEC W580.80 TO THE POB SEC 30-
16-26 5.00AC ON SITE AG REVIEW 2/25/03 #0206
10/09 LV CHT 08-2 +2HS

E SULPHUR SPRINGS RD



EXHIBIT A
Docket Z-12-04
Doberstein
Parcel 305-73-020B

This map is a product of the
Cochise County GIS



0 1" = 1145'

ZONING ORDINANCE 12-

Re: (Z-12-01) Conditionally Amending Certain Zoning District Boundaries in Kansas Settlement, AZ, pursuant to the Application of Mr. Daniel Doberstein

Page 1

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PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 24th day of April, 2012.

Richard R. Searle, Chairperson
Cochise County Board of Supervisors

ATTEST:

Katie A. Howard
Clerk of the Board

APPROVED AS TO FORM:

Britt W. Hanson
Chief Civil Deputy County Attorney

Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

Approve correction of funding source (from ADOT to Half-Cent Sales Tax) and approve county match for Joint Project Agreement with ADOT

Submitted By: Patty Lewis, Facilities

Department: Facilities

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0

Submitted for Signature:

NAME n/a
of PRESENTER:

TITLE n/a
of PRESENTER:

Mandated Function?:

**Source of Mandate
or Basis for Support?:**

Docket Number (If applicable):

Information

Agenda Item Text:

Approve correction of funding source (from ADOT to Half-Cent Sales Tax) and approve County match, in the amount \$53,883, for the Joint Project Agreement previously approved by the Board on March 27, 2012.

Background:

On March 27, 2012 the Board of Supervisors approved a Joint Project Agreement with the Arizona Department of Transportation for an Airport Surface Treatment Project at the Cochise County Airport. The Board also approved the required 10% or \$53,883 Airport Sponsor share toward the project based on estimated construction costs. The Airport Sponsor will be reimbursed for any contribution exceeding the final project costs after final accounting reconciliation of project costs by ADOT. Inadvertently the agenda item indicated a one-time fixed cost where it should have indicated county match required and fiscal impact on the agenda indicated the source of funding was ADOT, where it should have indicated half cent sales tax.

Department's Next Steps (if approved):

The fiscal impact funding county match and source (half cent sales tax) will be corrected.

Impact of NOT Approving/Alternatives:

The fiscal impact funding county match and source will not be corrected.

To BOS Staff: Document Disposition/Follow-Up:

No documents included with this agenda item - administrative action only.

Fiscal Impact

Fiscal Year: 12

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

Ongoing Costs? (\$\$\$):

County Match Required? (\$\$\$): 53883

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

Source of Funding?: half cent sales tax

Fiscal Impact & Funding Sources (if known):

Corrects fiscal impact from Board of Supervisors meeting on March 27, 2012 for JPA 12-026

Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

Demands

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a
of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a
of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Information

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.

Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

Director, CHSS

Submitted By: Mary Gomez, Health & Social
Services

Department: Health & Social Services

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 1
Submitted for Signature:

NAME Mary Gomez
of PRESENTER:

TITLE Director
of PRESENTER: CHSS

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).

Information

Agenda Item Text:

Approve second amendment of IGA# ADHS12-007884, Bioterrorism Preparedness Grant for Emergency Preparedness Program to increase the amount by \$43,575 for the period of August 31, 2011 and ending June 30, 2013, to a total of \$245,171.61.

Background:

The Bioterrorism Preparedness Contract for the Cooperative Agreement (PHEP) Grant, beginning August 31, 2011 and ending August 30, 2016, was approved during the September 27, 2011 Board Meeting. A new Purchase Order was received on November 14, 2011. This amendment increases the funds through carry over from the prior year's budget by \$43,575.00. The new total for the contract is \$245,171.61 which shall be spendable through the current grant year. Please see Executive Summary and Budget Tool attached.

Department's Next Steps (if approved):

Submit signed amendment to Az Department of Health Services and await disbursement of award - anticipate receiving funds prior to 7/1/12.

Impact of NOT Approving/Alternatives:

The Bioterrorism Preparedness Grant Program will be restricted in addressing and completing the associated Public Health Emergency Preparedness Deliverables. The Program will also not be able hire two half time administrative assistants to accomplish the scope of work attached to the IGA for the next 12 months. These carry-over funds would be retained by the State for distribution to other counties.

To BOS Staff: Document Disposition/Follow-Up:

Need Supervisor Searle's signature and please return to CHSS - Attn: Elizabeth Lueck

Attachments

Executive Summary

Amendment

Budget Tool

Justification for Staff

Executive Summary Form

Executive Summary Form

Agenda Number: HLT--

Recommendation:

Approve a second amendment to increase the amount of IGA#: ADHS12-007884, Bioterrorism Preparedness Grant for the Emergency Preparedness Program, between the Arizona Department of Health Services and Cochise Health & Social Services, by \$43,575.00 for the period of August 31, 2011 and ending June 30, 2013. A proposal to use this additional funding to support **one full-time administrative position** for one year was submitted to ADHS on the 20th of March.

Background:

The Bioterrorism Preparedness Contract for the Cooperative Agreement (PHEP) Grant, beginning August 31, 2011 and ending August 30, 2016, was approved during the September 27, 2011 Board Meeting. A new Purchase Order was received on November 14, 2011. This amendment increases the funds through carry over from the prior year's budget by \$43,575.00. The new total for the contract is \$245,171.61 which shall be spendable through the current grant year.

Fiscal Impact & Funding Sources:

Grant Title	Contract #	Amount with carry over	Salaries + ERE's	Authorized Overhead	A-87 OH @48.83%	Net Co. Subsidy
PHEP	ADHS 12-007884	\$245,171.61	\$202,264.88	\$0 *	\$98,765.94	\$98,765.94

* Overhead used to meet the required 10% soft match this grant year.

Next Steps/Action Items/Follow-up:

Your approval is respectfully requested.

Impact of Not Approving:

The Bioterrorism Preparedness Grant Program will be restricted in addressing and completing the associated Public Health Emergency Preparedness Deliverables. The Program will also not be able hire **one full** time administrative **assistant** to accomplish the scope of work attached to the IGA for the next 12 months.

Prepared by:
Elizabeth Lueck
Program Director
Emergency Planning and Preparedness
March 28, 2012

	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: ADHS12-007884	Amendment No. 2	Procurement Specialist Cindy Sullivan
<u>Emergency Preparedness Program</u>			
It is mutually agreed that the Intergovernmental Agreement referenced is amended as follows:			
1 Replace Price Sheet, Page Fourteen (14), of the original Agreement, with Price Sheet, Amendment Two (2), Page Two (2) The effective date of the amended Price Sheet is August 31, 2011, which reflects a total of \$245,171.61. The increase is a result of the carryover of funds in the amount of \$43,575.00 from prior year's budget.			
All other provisions of this agreement remain unchanged.			
Cochise County Health Department		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	
Contractor Name		Contractor Authorized Signature	
1415 West Melody Lane, Building A		Printed Name	
Address		Title	
Bisbee	AZ	85603	
City	State	Zip	
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.		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	
Signature		Signed this _____ day of _____ 20____	
Date			
Printed Name		Procurement Officer	
Attorney General Contract No. P0012012000033, 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.		RESERVED FOR USE BY THE SECRETARY OF STATE	
Signature		Under House Bill 2011, A.R.S. § 11-952 was amended to remove the requirement that Intergovernmental Agreements be filed with the Secretary of State.	
Assistant Attorney General			
Date			
Printed Name:			

	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: ADHS12-007884	Amendment No. 2	Procurement Specialist Cindy Sullivan

PRICE SHEET
Cochise County

Cost Reimbursement

Description	Quantity	Unit Rate	Extended Price
CDC Deliverables for Public Health Emergency Preparedness – PHEP	1	\$245,171.61	\$ 245,171.61
Total			\$ 245,171.61

FY 11-12

County: Cochise				Submitted by: Elizabeth Lueck		Date: 3-20-12			
staff draft				Budget Tool for Carryover to 2011-2012					
				Carryover to 11-12	Explanation or Description				
Personnel				30971	I propose to hire two part-time employees at \$14.89/hr for 20 hours a week each, to assist with community outreach, PHEP inventory management, expense reports, Healthcare partnership collaborative planning and be responsible for functional needs populations and caregiver preparedness involvement.				
Employee Related Expenses (ERE) Fringe				10840	ERE's are the standard 35%				
Professional/Outside Services (P&O)									
Other Operating									
Capitol Equipment (Over \$5000)									
Non-Capitalized Equipment				1764	I propose purchasing 6 new radio batteries for \$100.00 and purchasing a laptop for approximately 1164 to replace an old existing one.				
Subtotal				43575					
Indirect Costs @									
Match (neither added nor subtracted from total)				4358					
Grand Total				43575					

Justification for Administrative Assistants For Public Health Emergency Preparedness

- ❖ *For budget period July 1, 2012 through June 30, 2013*
- ❖ *Utilizing Carry-over funds from BP11 under ADHS contract #12-2007884 and approved for a total of \$43,575.00 by amendment #2 to the Cooperative Agreement*
- ❖ *Award anticipated prior to July 1, 2012*

Proposal:

To hire two part-time Administrative Assistants for the Public Health Emergency Preparedness Program (formerly Bioterrorism Preparedness Program) utilizing carry-over funds from the previous grant year. The two Administrative Assistants would work for the period of one year beginning July 1, 2012 and ending June 30, 2013. Their hourly wage is budgeted for \$14.89/hr with a 35 % ERE rate. They would assist the program in accomplishing the PHEP grant deliverables in a cohesive and accurate manner and allow additional emergency preparedness projects to be achieved in the coming year.

Scope of work:

To assist the program with community outreach, purchase, categorize, and track program inventory, prepare expense reports and credit card logs, arrange community stakeholder meetings and be responsible for all minutes, plans, contact lists, and partner information. They will participate in emergency preparedness operations and endeavors and assist with collaborative planning with an emphasis on functional needs populations and caregiver stakeholders both in the county and throughout the state. The goal is to utilize the additional assistance to improve emergency preparedness among the disabled populations through training, planning, identifying contacts, and providing various groups within the county with a forum to engage those with functional needs in preparedness endeavors. Day-to-day activities for both Administrative Assistants are outlined under the following list of projected duties.

Projected Duties:

- Daily mail distribution
- Internal and external correspondence
- Tracking all supplies and inventory including capitol equipment, furniture, computers, and storage locker inventory
- Assisting with purchasing program supplies
- Tracking Time Distribution Reports
- Making all hotel and travel arrangements and submitting vouchers
- Program vehicle maintenance and travel log

- Photo coping of preparedness materials
- Making meeting arrangements to include procuring venue, arranging refreshments, and inviting partners
- Tabulating meeting attendees
- Taking meeting notes
- Updating contact lists
- Tracking educational endeavors
- Preparing monthly reports
- Preparing credit card logs
- Preparing contractual expense reports
- Taking all required training for program
- Preparing information packets for partners
- Assisting with communications drills and preparing communications reports
- Participating in all required programmatic endeavors as required
- Responsible for quarterly employee certification documentation including those used for grant requirements
- Organization of shared folders

- ❖ *Request internal recruitment for positions by May 1st*
- ❖ *Request two part time Administrative Assistant positions be added to PHEP org chart*
- ❖ *Request necessary office space*

Prepared 3-28-12
 By Elizabeth Lueck
 PHEP Program Director

Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

Ratify signature on HUD-2991 Certification with the Consolidated Plan

Submitted By: Anita Baca, Housing Authority

Department: Housing Authority

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 1

Submitted for Signature:

**NAME
of PRESENTER:** Anita Baca

**TITLE
of PRESENTER:** Executive
Director

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).

Information

Agenda Item Text:

Ratify the signature of Chairman Searle on HUD-2991 Certification of Consistency with the Consolidated Plan, signed April 10, 2012.

Background:

This form is a requirement for the submission of the Section 8 Housing Choice Voucher Family Self-Sufficiency Coordinator renewal grant. This is the fifth year we will be applying for a renewal of this grant which pays the salary of the coordinator. The award is \$55,476/year. The signed form had a submission deadline which did not align with established Board meeting dates and Chairman Searle signed on April 10th. This action is to ratify his signature with official Board action.

Department's Next Steps (if approved):

If approved, the grant application will likely be approved in good standing.

Impact of NOT Approving/Alternatives:

If not approved, HUD may consider the grant renewal application incomplete. This may jeopardize the grant renewal approval.

To BOS Staff: Document Disposition/Follow-Up:

No follow-up necessary.

Attachments

Certification of Consistency with the Consolidated Plan

**Certification of Consistency
with the Consolidated Plan****U.S. Department of Housing
and Urban Development**

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.
(Type or clearly print the following information:)

Applicant Name: Housing Authority of Cochise County

Project Name: Cochise County Family Self-Sufficiency Program

Location of the Project: Housing Authority of Cochise County
100 Clawson Avenue, P.O. Box 167
Bisbee, AZ 85603

Name of the Federal
Program to which the
applicant is applying: HCV FSS Program Coordinator Funding

Name of
Certifying Jurisdiction: Cochise County, Arizona

Certifying Official
of the Jurisdiction
Name: Richard Searle

Title: Chairman, Cochise County Board of Supervisors

Signature: 

Date: 4/10/12

Workforce Development**Regular Board of Supervisors Meeting****Meeting Date:** 04/24/2012

Amendment #6 to Contract DE111004001

Submitted By: Kim Lemons, Board of Supervisors**Department:** Board of Supervisors**Presentation:** No A/V Presentation**Document Signatures:****NAME** NA
of PRESENTER:**Mandated Function?:****Recommendation:****# of ORIGINALS****Submitted for Signature:****TITLE** NA
of PRESENTER:**Source of Mandate
or Basis for Support?:****Information****Agenda Item Text:**

Approve Amendment #6 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.

Background:

Programs through the Department of Labor contracts and funds come from the DOL to the State. Cochise County Workforce Development, Inc. (CCWD) works with Adult, Youth, Dislocated Worker and Rapid Response training programs in Cochise County. CCWD is reimbursed for their allowable expense through DOL and the State. This Intergovernmental Agreement is for the term of April 1, 2010 to August 31, 2015.

The contract reimbursement maximum for all services provided during the term of the contract and/or for the term specified above shall be \$2,297,190. Cochise County acts as a pass through; there is no fiscal impact to Cochise County.

Department's Next Steps (if approved):

Review and sign the four copies of the Intergovernmental Agreement so that once expenses have been submitted to the State for reimbursement, the State WIA funds (only up to the contract limit) can be wired to Cochise County and passed to Cochise County Workforce Development Inc. in order to cover expenses.

Impact of NOT Approving/Alternatives:

Funds would not be available for the program.

To BOS Staff: Document Disposition/Follow-Up:

The documents should be mailed to: Cochise County Workforce Development Inc., 900 Carmelita Drive, Sierra Vista, AZ 85635, Attn: Michelle Huff.

AttachmentsContract DE111004-001 Amend 6r1Attachment H

Intergovernmental Agreement
CONTRACT AMENDMENT

1. CONTRACTOR (Name and address) Cochise County Board of Supervisors 1415 W. Melody Lane Bisbee, AZ	2. CONTRACT ID NUMBER DE111004001
	3. AMENDMENT NUMBER 06

4. THE PARTIES AGREE TO THE FOLLOWING AMENDMENT

This Amendment changes allocations by Program and fiscal year

Pursuant to Section 6.1 Compensation, The following changes are made:

\$791.00 is added to PY2011 AD ADMIN funding.
Therefore, PY2011 AD ADMIN funding is changed from \$2,277.00 to \$3,068.00

\$2,736.00 is added to PY2011 YT ADMIN funding.
Therefore, PY2011 YT ADMIN funding is changed from \$28,508.00 to \$31,244.00

\$760.00 is added to PY2011 DW ADMIN funding.
Therefore, PY2011 DW ADMIN funding is changed from \$5,762.00 to \$6,522.00

\$1,745.00 is added to FY2012 AD ADMIN funding.
Therefore, PY2012 AD ADMIN funding is changed from \$27,681.00 to \$29,426.00

\$303.00 is added to FY2012 DW ADMIN funding.
Therefore, FY2012 DW ADMIN funding is changed from \$24,405.00 to \$24,708.00

\$24,646.00 is added to PY2011 YOUTH funding.
Therefore, PY2011 YOUTH funding is changed from \$256,575.00 to \$281,221.00

\$7,125.00 is added to PY2011 ADULT funding.
Therefore, PY2011 ADULT funding is changed from \$20,491.00 to \$27,616.00

\$15,709.00 is added to FY2012 ADULT funding.
Therefore, FY2012 ADULT funding is changed from \$249,131.00 to \$264,840.00

\$6,841.00 is added to PY2011 DW funding.
Therefore, PY2011 DW funding is changed from \$51,856.00 to \$58,697.00

\$2,805.00 is added to FY2012 DW funding.
Therefore, FY2012 DW funding is changed from \$219.641.00 to \$222.446.00

The reimbursement ceiling is increased from \$2,233,729.00 to \$2,297,190.00

Attachment H, revised 3/27/2012 is attached.

5. In accordance with A.R.S. § 35-393.06, the Contractor certifies that the Contractor does not have scrutinized business operations in Iran.

In accordance with A.R.S. § 35-391.06, the Contractor certifies that the Contractor does not have scrutinized business operations in Sudan.

6. EXCEPT AS PROVIDED HEREIN, ALL TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AS HERETOFORE CHANGED AND/OR AMENDED REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT. THE AMENDMENT SHALL BECOME EFFECTIVE ON THE DATE OF LAST SIGNATURE UNLESS OTHERWISE SPECIFIED HEREIN. BY SIGNING THIS FORM ON BEHALF OF THE CONTRACTOR, THE SIGNATORY CERTIFIES HE/SHE HAS THE AUTHORITY TO BIND THE CONTRACTOR TO THIS CONTRACT.

7.	ARIZONA DEPARTMENT OF ECONOMIC SECURITY	8. NAME OF CONTRACTOR Cochise County Board of Supervisors
SIGNATURE OF AUTHORIZED INDIVIDUAL		SIGNATURE OF AUTHORIZED INDIVIDUAL
TYPED NAME Elizabeth G. Csaki, CPPB		TYPED NAME Richard Searle
TITLE Procurement Manager		TITLE Chairman, Cochise County Board of Supervisors
DATE		DATE

IN ACCORDANCE WITH ARS §11-952 THIS CONTRACT AMENDMENT HAS BEEN REVIEWED BY THE UNDERSIGNED WHO HAVE DETERMINED THAT THIS CONTRACT AMENDMENT IS IN APPROPRIATE FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO EACH RESPECTIVE PUBLIC BODY.

ARIZONA ATTORNEY GENERAL'S OFFICE

By: _____
Assistant Attorney General

By: _____
Public Agency Legal Counsel

Date: _____

Date: _____

Attachment H - Allocation by Program and Fiscal Year

COCHISE COUNTY

DE111004-001

PY/FY	Year	Program	Amount	Start Date	End Date	Final Report Submission Deadline
PY	2010	ADMIN	\$ 39,315.00	4/1/2010	6/30/2012	8/15/2012
FY	2011	ADMIN	\$ 43,160.00	10/1/2010	6/30/2012	8/15/2012
PY	2010	YOUTH	\$ 242,011.00	4/1/2010	6/30/2012	8/15/2012
PY	2010	ADULT	\$ 43,442.00	7/1/2010	6/30/2012	8/15/2012
FY	2011	ADULT	\$ 206,801.00	10/1/2010	6/30/2012	8/15/2012
PY	2010	DW	\$ 68,379.00	7/1/2010	6/30/2012	8/15/2012
FY	2011	DW	\$ 181,635.00	10/1/2010	6/30/2012	8/15/2012
PY	2010	RR	\$ 10,029.00	7/1/2010	6/30/2012	8/15/2012
FY	2011	RR	\$ 26,640.00	10/1/2010	6/30/2012	8/15/2012
PY	2010	SAS	\$ 54,049.00	7/1/2010	6/30/2013	8/15/2013
PY	2010	SAS	\$ 400,000.00	7/1/2010	3/31/2013	8/15/2013
PY	2011	AD ADMIN	3,068.00	7/1/2011	6/30/2013	8/15/2013
PY	2011	YT ADMIN	31,244.00	4/1/2011	6/30/2013	8/15/2013
PY	2011	DW ADMIN	6,522.00	7/1/2011	6/30/2013	8/15/2013
FY	2012	AD ADMIN	29,426.00	10/1/2011	6/30/2013	8/15/2013
FY	2012	DW ADMIN	24,708.00	10/1/2011	6/30/2013	8/15/2013
PY	2011	YOUTH	281,221.00	4/1/2011	6/30/2013	8/15/2013
PY	2011	ADULT	27,616.00	7/1/2011	6/30/2013	8/15/2013
FY	2012	ADULT	264,840.00	10/1/2011	6/30/2013	8/15/2013
PY	2011	DW	58,697.00	7/1/2011	6/30/2013	8/15/2013
FY	2012	DW	222,446.00	10/1/2011	6/30/2013	8/15/2013
PY	2011	RR	6,101.00	7/1/2011	6/30/2013	8/15/2013
FY	2012	RR	25,840.00	10/1/2011	6/30/2013	8/15/2013

Revised 3/27/2012

Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

Request from Marshall Miles (GM Propane) to rezone a parcel

Submitted By: Beverly Wilson, Community
Development

Department: Community Development

Presentation: PowerPoint

Document Signatures: BOS Signature Required

**NAME
of PRESENTER:** Beverly Wilson

Mandated Function?: Federal or State Mandate

Recommendation: Approve

of ORIGINALS 1

Submitted for Signature:

**TITLE
of PRESENTER:** Senior
Planner

**Source of Mandate
or Basis for Support?:**

Docket Number (If applicable):

Information

Agenda Item Text:

Adopt Zoning Ordinance 12-07 approving Docket Z-12-03, conditionally amending the Zoning District classification for Parcel 202-26-006A from R-36 (Residential, minimum lot size 36,000 square feet) to RU-2 (Rural, minimum lot size two-acres), with the three conditions recommended in the staff memorandum as well as the waivers and modifications.

Background:

MEMORANDUM

TO: Cochise County Board of Supervisors

FROM: Beverly Wilson, Senior Planner

For: Carlos De La Torre, P.E., Director of Community Development

SUBJECT: Dockets Z-12-03 (Miles)

DATE: April 12, 2012 for the April 24, 2012 Meeting

APPLICATION FOR A REZONING

This is a request from Marshall Miles, the owner of GM Propane, to rezone a parcel of land from R-36 (Residential, one dwelling per 36,000 square feet) to RU-2 (Rural, one dwelling per 2-acres). The subject parcel (#202-26-006A) is located at 1551 West Archery Lane, northwest of the City of Willcox.

I. PLANNING AND ZONING COMMISSION ACTIONS

On April 11, 2012, the Planning and Zoning Commission voted (8-0) to forward this Docket to the Board, with a recommendation of conditional approval. The Commission recommendation included waiver requests for screening and landscape requirements and a modification of driveway and parking lot surface requirements to allow 2" gravel instead of a double bituminous surface treatment. In addition, the Commission recommended the following conditions of approval, as recommended by Staff:

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;

2. It is the Applicant's responsibility to submit a revised site plan showing the correct parking stalls with a

Building/Use permit application within 30 days of approval. The application will include a completed joint permit application, a Right-of-Way permit application, and a Land Clearing Permit. The Applicant will work with the Health Department and the Highway/Floodplain Department to meet all requirements and dedicate to the County 33-ft. of Joe Hines Road. A permit must be issued within 12 months of the rezoning/special use approval, otherwise these approvals may be deemed void upon a 30-day notice to the applicant; and

3. The Applicant must 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.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 4.52-acres (196,701.63 square feet)

Existing Zoning: TR-36

Proposed Zoning: RU-2

Growth Area: Category B – Community Growth Area

Plan Designation: Developing

Existing Use: Propane distribution company (GM Propane)

Proposed Use: Adding propane storage facility to the propane distribution company

Surrounding Zoning

Relation to Subject Parcel Zoning District Use of Property

North TR-36 Undeveloped

South TR-36 Residential

East TR-36 Residential

West TR-36 Residential

III. PARCEL HISTORY

February 13, 1990–Permit issued for an 18' by 80' mobile home, 9'–10' tall.

There are no permits issued for the 30'x70' metal building on site, or for the commercial business - GM Propane.

IV. NATURE OF THE REZONING REQUEST

The Applicant states that he is seeking to legitimize an existing business (GM Propane) and to add a large propane storage tank to the site. 'Wholesaling, warehousing, distribution or storage of propane' is allowed with Special Use Authorization in the Rural Zoning District; however, it is not allowed in the current Zoning District of R-36. Therefore, to legitimize the existing business, the parcel must be rezoned and a Special Use authorization obtained.

V. ANALYSIS OF REZONING IMPACTS

§ 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 or deny a rezoning. Twelve of the fifteen factors are applicable to this rezoning request, and the request complies with all of the applicable factors (one with conditions and waivers).

Mandatory Compliance

The subject property is located in a Growth Category B - Developing area, which is described in §404.03 of the Cochise County Zoning Regulations as follows:

"Lands that are developed with scattered, mixed residential, business or industrial and agriculture-related uses and that ultimately will accommodate future growth, as the more populated areas reach build-out."

Rezoning to RU-2 is permitted in a Developing Plan Designation under §402 of the Cochise County Zoning Regulations. Although the current zoning is Residential, at this time, the character of the surrounding neighborhood is more rural in character; as such, this is a reasonable request with regard to the Comprehensive Plan and Zoning Regulations.

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

For a non-residential application, §2208.03B1 of the Zoning Regulations requires a land use/concept plan for a non-residential use which shows:

“The general location, size and height of all structures, location, surface and width of driveways, general location and number of parking spaces, setbacks, proposed screening and landscaping and any significant topographical features such as washes, wetlands, cultural, archaeological or historical sites, hills, and rock outcroppings.”

This application includes a concept plan (See Attachment B) which depicts the required elements as stated above. The concept plan is in conformance with all but three site development standards (discussed below) for the RU-2 district and is sufficient to review the Special Use as proposed. The Applicant has requested a waiver from the screening, landscape, and parking surface requirements as described below (See Attachment C). The Applicant also included two additional detailed plans showing the traffic circulation plan for a new 56-foot long propane storage tank, as well as critical details of the tank installation, including emergency shut-off switches.

2. Compliance with Applicable Site Development Standards: Complies with Conditions and Waivers

This 4.52-acre parcel is of a size and configuration that will allow compliance with most of the applicable site development standards for the proposed RU-2 district when used as a commercial site. Standards not currently in minimum compliance will become so with the requested conditions and waivers, as shown below. Articles 6 and 18 of the Zoning Regulations require the following development standards:

Setbacks: Special Uses require at least double the minimum setback of the district in which the Use is located. The RU-2 district's minimum setback is 20-feet; therefore, the required minimum setback would be 40-feet; the concept plan indicates that the Applicant complies with this requirement.

Maximum height: The building, at 14-feet, 9-inches tall, is well under the 30-foot maximum allowed.

Maximum site coverage: The maximum site coverage allowed in the RU Zoning District is 25%. The site consists of 196,701.63 square feet. The building is 2,100 square feet, well within the limits of coverage.

Screening: §604.06 of the Zoning Regulations states: “In Category B Growth Areas, whenever a non-residential use abuts a residential zoning district, the developed area of the non-residential site shall be screened with a 6-foot high solid screen.” The Applicant has asked for a waiver of this standard as he has operated the business since 1999 without screening. A 6-foot high screen around the perimeter of the site would not sufficiently screen the business due to the large size of the lot (See Attachment C).

Off-street parking: §1804 of the Zoning Regulations addresses off-street parking requirements. The current commercial use requires one parking stall for every 250-square feet of gross floor space in the building, for a total of eight required parking stalls. The site plan depicts seven stalls, but will be corrected on a new site plan, submitted with the commercial permit. In addition, one handicapped stall must also be provided. If approved, a revised site plan will be required prior to permit issuance.

§1804.07 of the regulations address parking area improvements. In the Category B Areas, all parking areas, loading areas and driveways must be improved with a double bituminous surface treatment, or with an equivalent or better treatment approved by the County Zoning Inspector. Furthermore, the site must be graded to drain sufficiently. The site plan indicates that the entire area will be graveled; however, the Applicant states in his waiver request that the gravel has been in place for many years (See Attachment C). However, the Applicant would be required to install a new concrete apron that meets or exceeds the County Road Construction Standards.

Landscaping: Commercial sites in a Category B Areas are required to install a minimum of 5 percent of the site as landscaping. The Applicant has requested a waiver from this requirement due to the nature of

the propane business, the fact that it has been in operation for 13 years and the increased potential for fire (See Attachment C). And, as stated previously, the character of the immediate area is more Rural than Residential. Staff supports this request for the reasons stated.

Legal access: The Applicant shows a 60-foot wide concreted driveway accessing this parcel from Joe Hines Road. If approved, the Applicant would be required to obtain a Right-of-Way permit, as the County Highway Department does not have record of one for the site. In addition, the County is requesting that the Owner of this parcel dedicate a 33-foot wide portion of Joe Hines Road traversing the subject property. Staff will prepare the documentation that will be needed to coordinate this easement (See Attachment E). These requirements would be included as a condition for approval (See Condition #2).

Sewage Disposal and Water Requirements: An existing septic system is in place. During the Commercial Permitting process, the Department of Environmental Health requirements must be met (See Condition #2). Water is provided by a private well on-site.

Floodplain and Drainage Requirements: The County Floodplain Engineer has reviewed this site and does not see any flood zone restrictions.

Outdoor Lighting Standards: This proposed use does not include nighttime lighting, as it will not conduct business during nighttime hours. Any future outdoor lighting must comply with the county's Light Pollution Code.

Outdoor Storage: Per Section 1804.08 of the Zoning Regulations, areas of the site used for the storage of vehicles, materials, or equipment requires a dust-free, gravel surface, or with an equivalent or better surface approved by the County Zoning Inspector. The concept plan shows gravel over the entire site, which would meet the requirements for this standard.

Land Clearing: Any clearing of more than one-acre of land will require compliance with the requirements of the Cochise County Land Clearing Ordinance. This requirement can be met at the commercial use permit phase if these requests for rezoning and special use authorization are approved.

3. Adjacent Districts Remain Capable of Development: Complies.

The adjoining parcels will be able to continue to meet site development standards, such as setbacks, so if approved, adjacent parcels would be able to develop.

4. Limitation on Creation of Nonconforming Uses: Complies.

If this application is approved, the rezoning would not create any nonconforming uses. There is no alternative zoning district that would allow the establishment of a facility for wholesaling, warehousing, distribution or storage of propane, therefore this request is reasonable.

5. Compatibility with Existing Development: Complies.

Although the property and surroundings are currently zoned TR-36, the existing development of the area is more in keeping with the Rural (RU) zoning district, and characterized by large lots and low-density development. As a result, this request is considered both compatible and reasonable with existing development.

6. Rezoning to More Intense Districts: Not Applicable

This is a request to rezone a less intense zoning district (a "downzoning"); therefore, this factor is not applicable.

7. Adequate Services and Infrastructure: Complies

The rezoning and Special Use requested would not have a significant impact on roads or infrastructure. Per the County's Transportation Planner, the uses would generate minimal traffic, which appears to be equivalent to the number of trips that would otherwise be generated if used for residential uses under the current zoning.

The subject parcel has electric service and telephone in place, and is served by an individual well with an existing septic system.

Fire Protection: The Applicant has stated that the property is protected by the Willcox Rural Fire Department, a subscription fire department serving this area.

8. Traffic Circulation Criteria: Complies

This Rezoning/Special Use request would not create any new access points along Joe Hines Road nor would it affect or alter existing traffic circulation patterns or add to local traffic congestion. As previously stated, the Applicant will be required to obtain a Right-of-Way permit for the existing access to Joe Hines Road.

9. Development Along Major Streets: Not Applicable.

The property does not access any major roadway.

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

11. Unique Topographic Features: Complies.

This request is not for an intensification of development and no topographic features exist that would limit the existing development.

12. Water Conservation: Complies

This is not a request for new construction as the existing building was constructed in 1999. The building is not used for retail sales, but to house an office for customers to remit payments for propane delivered to their homes. There is no public restroom in which a waterless urinal could be installed. In addition, the Applicant has requested a waiver from landscape requirements to avoid potential fire danger on the site. This will also reduce his water use.

13. Public Input: Complies.

The Applicant submitted a letter of support for this project with his application. He also submitted a Consent Signature Form with seven signatures; all signatories support his request.

The Planning Department mailed a legal notice to property owners within 300 feet of the Site, posted notices at the site on March 15, 2012, and published a legal notice in the Bisbee Observer on March 15, 2012. Staff has received several calls reporting the appearance of the large storage tank on the site, asking if the Applicant had taken the steps to legitimize it. After being informed that this rezoning/special use application was submitted by the Applicant on February 17, 2012, no one expressed opposition or submitted a protest letter. One violation was reported, but an Inspector visited the site and said that the tank was being repainted, but remained empty.

14. Hazardous Materials: Complies

The Applicant has submitted the Material Safety Data Sheets (MSDS) for the propane, indicating that the size of the gas cylinder, which will be used for propane storage, is 8-ft. wide by 56-ft. long. The Applicant will be required to install the tank, per an approved site plan at the commercial permitting phase if the Rezoning and Special Use Authorization are approved. The standard used by Cochise County will be the 2003 International Fire Code, Chapter 38. The location of the tank will be required to meet Table 3804.3 "Location of LP-Gas Containers". In addition, any electrical installation will be installed per the requirements of the 2005 National Electric Code, Article 500 "Hazardous (classified) Locations". The Applicant notes that propane will evaporate, however, no propane should escape, as there are four safety features on this storage tank: fill line, burn links, and shut off valves.

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 Developing Areas. The characteristics of scattered mixed residential, business, or industrial and agriculture-related uses that will accommodate future growth as the more populated areas reach build-out describes the areas

surrounding Willcox.

VI. SUMMARY

Factors in Favor of Approval of Rezoning

1. The rezoning request complies with eleven of the fifteen factors as listed in §2208.03.A of the Cochise County Zoning Regulations and used to evaluate the appropriateness of a rezoning application. One factor complies with conditions and waivers, while three factors are not applicable to this request;
2. The rezoning request is permitted within the Growth Category B Areas, Developing Plan Designation, and therefore meets the mandatory compliance for rezoning;
3. The subject parcel is of a size and configuration that would allow compliance with all applicable site development standards with the conditions and waivers requested; and
4. The Applicant received one written letter of support and seven signatures supporting his request, with no indication of protest. The Cochise County Planning Department has received one letter of support for the proposal.
5. At their regular meeting on April 11, 2012, the Planning Commission voted unanimously to forward a recommendation of conditional approval.

Factors in Favor of Denial

1. The Applicant has established his business, including building the structure and taking Right- of- Way to Joe Hines Road, with no permits; and
2. There are no RU-2 zoning districts directly abutting the boundaries of the subject parcel, therefore this is not an expansion of an existing zoning district.

VII. STAFF RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Board of Supervisors conditionally approve this request, 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;
2. It is the Applicant's responsibility to submit a revised site plan showing the correct parking stalls with a Building/Use permit application within 30 days of approval. The application will include a completed joint permit application, a Right-of-Way permit application, and a Land Clearing Permit. The Applicant will work with the Health Department and the Highway/Floodplain Department to meet all requirements and dedicate to the County 33-ft. of Joe Hines Road. A permit must be issued within 12 months of the rezoning/special use approval, otherwise these approvals may be deemed void upon a 30-day notice to the applicant; and
3. The Applicant must 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-12-03, rezoning Parcel # 202-26-006A from R-36 to RU-2, with the requested waivers for screening and landscape requirements, the modification of parking area improvements to allow 2" of gravel and the conditions of approval recommended by staff.

VIII. ATTACHMENTS

A. Rezoning Application

- B. Concept Plan
- C. Waiver Request
- D. Location Map
- E. Memo dated 3.8.12 from T. Couchenour
- F. Transportation Planner's Memo
- G. Citizen Review Notification

Department's Next Steps (if approved):

The Zoning District classification for the subject property would change to RU-2 (Rural, minimum lot size two-acres), thus facilitating the Applicants' wish to legitimize an existing propane business (GM Propane) and add a large propane storage tank to the site.

Impact of NOT Approving/Alternatives:

If this rezoning is not approved, the special use authorization granted on April 11, 2012 by the Planning and Zoning Commission would be void and GM Propane would be forced to move their business elsewhere in the County.

To BOS Staff: Document Disposition/Follow-Up:

If approved, the Zoning Ordinance should be recorded with copies provided to the Planning Department for the files.

Attachments

Staff memo
Rezoning Application
Concept Plan
Waiver Request
Location Map
Location Map
ROW Staff Memo
Trans Planr Memo
Citizen Review
Power Point Presentation



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: Beverly Wilson, Senior Planner
For: Carlos De La Torre, P.E., Director of Community Development
SUBJECT: Dockets Z-12-03 (Miles)
DATE: April 12, 2012 for the April 24, 2012 Meeting

APPLICATION FOR A REZONING

This is a request from Marshall Miles, the owner of GM Propane, to rezone a parcel of land from R-36 (Residential, one dwelling per 36,000 square feet) to RU-2 (Rural, one dwelling per 2-acres). The subject parcel (#202-26-006A) is located at 1551 West Archery Lane, northwest of the City of Willcox.

I. PLANNING AND ZONING COMMISSION ACTIONS

On April 11, 2012, the Planning and Zoning Commission voted (8-0) to forward this Docket to the Board, with a recommendation of conditional approval. The Commission recommendation included waiver requests for screening and landscape requirements and a modification of driveway and parking lot surface requirements to allow 2" gravel instead of a double bituminous surface treatment. In addition, the Commission recommended the following conditions of approval, as recommended by Staff:

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;
2. It is the Applicant's responsibility to submit a revised site plan showing the correct parking stalls with a Building/Use permit application within 30 days of approval. The application will include a completed joint permit application, a Right-of-Way permit application, and a Land Clearing Permit. The Applicant will work with the Health Department and the Highway/Floodplain Department to meet all requirements and dedicate to the County 33-ft. of Joe Hines Road. A permit must be issued within 12 months of the rezoning/special use approval, otherwise these approvals may be deemed void upon a 30-day notice to the applicant; and

3. The Applicant must 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.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 4.52-acres (196,701.63 square feet)

Existing Zoning: TR-36

Proposed Zoning: RU-2

Growth Area: Category B – Community Growth Area

Plan Designation: Developing

Existing Use: Propane distribution company (GM Propane)

Proposed Use: Adding propane storage facility to the propane distribution company

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	Undeveloped
South	TR-36	Residential
East	TR-36	Residential
West	TR-36	Residential

III. PARCEL HISTORY

February 13, 1990–Permit issued for an 18’ by 80’ mobile home, 9’–10’ tall.

There are no permits issued for the 30’x70’ metal building on site, or for the commercial business - GM Propane.

IV. NATURE OF THE REZONING REQUEST

The Applicant states that he is seeking to legitimize an existing business (GM Propane) and to add a large propane storage tank to the site. ‘Wholesaling, warehousing, distribution or storage of propane’ is allowed with Special Use Authorization in the Rural Zoning District; however, it is not allowed in the current Zoning District of R-36. Therefore, to legitimize the existing business, the parcel must be rezoned and a Special Use authorization obtained.

V. ANALYSIS OF REZONING IMPACTS

§ 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 or deny a rezoning. Twelve of the fifteen factors are applicable to this rezoning request, and the request complies with all of the applicable factors (one with conditions and waivers).

Mandatory Compliance

The subject property is located in a Growth Category B - Developing area, which is described in §404.03 of the Cochise County Zoning Regulations as follows:

"Lands that are developed with scattered, mixed residential, business or industrial and agriculture-related uses and that ultimately will accommodate future growth, as the more populated areas reach build-out."

Rezoning to RU-2 is permitted in a Developing Plan Designation under §402 of the Cochise County Zoning Regulations. Although the current zoning is Residential, at this time, the character of the surrounding neighborhood is more rural in character; as such, this is a reasonable request with regard to the Comprehensive Plan and Zoning Regulations.



GM Propane is located in this large metal building on the east side of Joe Hines Road.

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

For a non-residential application, §2208.03B1 of the Zoning Regulations requires a land use/concept plan for a non-residential use which shows:

"The general location, size and height of all structures, location, surface and width of driveways, general location and number of parking spaces, setbacks, proposed screening and landscaping and any significant topographical features such as washes, wetlands, cultural, archaeological or historical sites, hills, and rock outcroppings."

This application includes a concept plan (See Attachment B) which depicts the required elements as stated above. The concept plan is in conformance with all but three site development standards (discussed below) for the RU-2 district and is sufficient to review the Special Use as proposed. The Applicant has requested a waiver from the screening, landscape, and parking surface requirements as described below (See Attachment C). The Applicant also included two additional detailed plans showing the traffic circulation plan for a new 56-foot long propane storage tank, as well as critical details of the tank installation, including emergency shut-off switches.

2. Compliance with Applicable Site Development Standards: Complies with Conditions and Waivers

This 4.52-acre parcel is of a size and configuration that will allow compliance with most of the applicable site development standards for the proposed RU-2 district when used as a commercial site. Standards not currently in minimum compliance will become so with the requested conditions and waivers, as shown below. Articles 6 and 18 of the Zoning Regulations require the following development standards:

Setbacks: Special Uses require at least double the minimum setback of the district in which the Use is located. The RU-2 district's minimum setback is 20-feet; therefore, the required minimum setback would be 40-feet; the concept plan indicates that the Applicant complies with this requirement.

Maximum height: The building, at 14-feet, 9-inches tall, is well under the 30-foot maximum allowed.

Maximum site coverage: The maximum site coverage allowed in the RU Zoning District is 25%. The site consists of 196,701.63 square feet. The building is 2,100 square feet, well within the limits of coverage.

Screening: §604.06 of the Zoning Regulations states: *"In Category B Growth Areas, whenever a non-residential use abuts a residential zoning district, the developed area of the non-residential site shall be screened with a 6-foot high solid screen."* The Applicant has asked for a waiver of this standard as he has operated the business since 1999 without screening. A 6-foot high screen around the perimeter of the site would not sufficiently screen the business due to the large size of the lot (See Attachment C).

Off-street parking: §1804 of the Zoning Regulations addresses off-street parking requirements. The current commercial use requires one parking stall for every 250-square feet of gross floor space in the building, for a total of eight required parking stalls. The site plan depicts seven stalls, but will be corrected on a new site plan, submitted with the commercial permit. In addition, one handicapped stall must also be provided. If approved, a revised site plan will be required prior to permit issuance.

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the increased potential for fire (See Attachment C). And, as stated previously, the character of the immediate area is more Rural than Residential. Staff supports this request for the reasons stated.

Legal access: The Applicant shows a 60-foot wide concreted driveway accessing this parcel from Joe Hines Road. If approved, the Applicant would be required to obtain a Right-of-Way permit, as the County Highway Department does not have record of one for the site. In addition, the County is requesting that the Owner of this parcel dedicate a 33-foot wide portion of Joe Hines Road traversing the subject property. Staff will prepare the documentation that will be needed to coordinate this easement (See Attachment E). These requirements would be included as a condition for approval (See Condition #2).

Sewage Disposal and Water Requirements: An existing septic system is in place. During the Commercial Permitting process, the Department of Environmental Health requirements must be met (See Condition #2). Water is provided by a private well on-site.

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The adjoining parcels will be able to continue to meet site development standards, such as setbacks, so if approved, adjacent parcels would be able to develop.

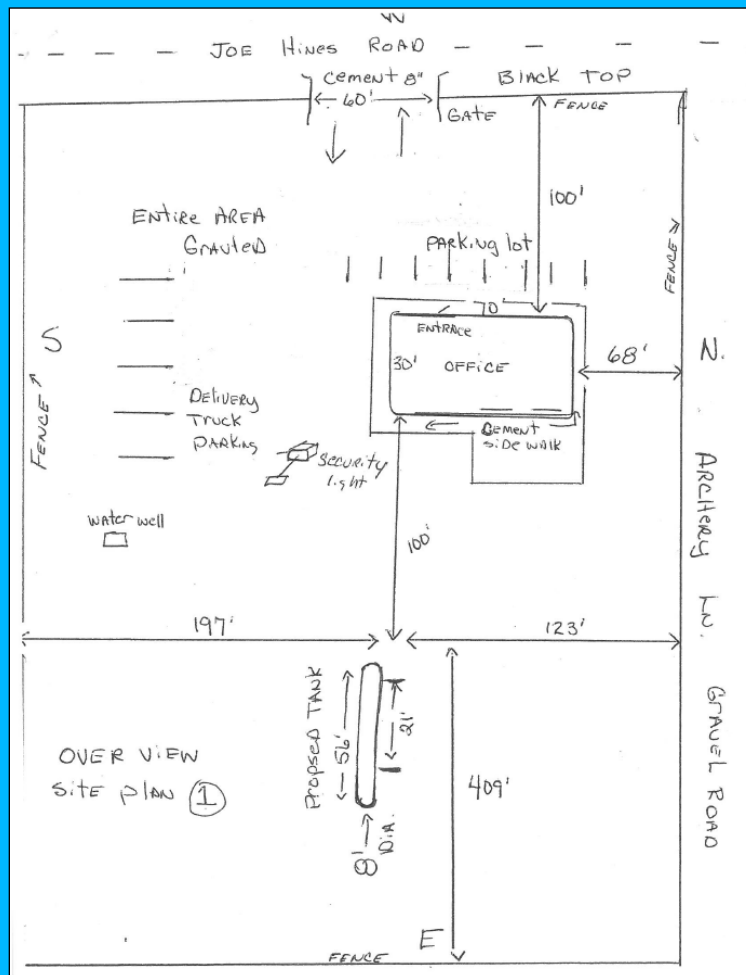
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Although the property and surroundings are currently zoned TR-36, the existing development of the area is more in keeping with the Rural (RU) zoning district, and characterized by large lots

and low-density development. As a result, this request is considered both compatible and reasonable with existing development.



Page one of the Concept Site Plan as submitted.

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This is a request to rezone a less intense zoning district (a “downzoning”); therefore, this factor is not applicable.

7. Adequate Services and Infrastructure: Complies

The rezoning and Special Use requested would not have a significant impact on roads or infrastructure. Per the County’s Transportation Planner, the uses would generate minimal traffic, which appears to be equivalent to the number of trips that would otherwise be generated if used for residential uses under the current zoning.

The subject parcel has electric service and telephone in place, and is served by an individual well with an existing septic system.

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The property does not access any major roadway.

10. Infill: Not applicable as it applies to non-residential zoning.**11. Unique Topographic Features: Complies.**

This request is not for an intensification of development and no topographic features exist that would limit the existing development.

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This is not a request for new construction as the existing building was constructed in 1999. The building is not used for retail sales, but to house an office for customers to remit payments for propane delivered to their homes. There is no public restroom in which a waterless urinal could be installed. In addition, the Applicant has requested a waiver from landscape requirements to avoid potential fire danger on the site. This will also reduce his water use.

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VI. SUMMARY

Factors in Favor of Approval of Rezoning

1. The rezoning request complies with eleven of the fifteen factors as listed in §2208.03.A of the Cochise County Zoning Regulations and used to evaluate the appropriateness of a rezoning application. One factor complies with conditions and waivers, while three factors are not applicable to this request;
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2. There are no RU-2 zoning districts directly abutting the boundaries of the subject parcel, therefore this is not an expansion of an existing zoning district.

VII. STAFF RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Board of Supervisors **conditionally approve** this request, 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;
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Sample Motion: *Mr. Chairman, I move to approve Docket Z-12-03, rezoning Parcel # 202-26-006A from R-36 to RU-2, with the requested waivers for screening and landscape requirements, the modification of parking area improvements to allow 2" of gravel and the conditions of approval recommended by staff.*

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360 2-12-03

COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: MARSHALL Lee Miles
2. Mailing Address: 1551 WEST ARCHERY LN.
Willcox ARIZONA 85643
City State Zip Code
3. Telephone Number of Applicant: (520) 384-9150
4. Telephone Number of Contact Person if Different: (520) 254-7011
5. Email Address: _____
6. Assessor's Tax Parcel Number: 202 - 26 - 006A (Can be obtained from your County property tax statement)
7. 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): _____
8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
 - 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: _____
- Copy of title report: _____
- Copy of tax notice: X
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes X No _____

11. 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.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No _____

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: TR 36

14. Indicate proposed Zoning District for Property: RU2

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.

15. Comprehensive Plan Category: _____ (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: _____ (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.

17. Describe all structures already existing on the property: 30x70' metal Buildings

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. You may want to attach a site plan: STORAGE OF BULK

PROPANE.

19. Are there any deed restrictions or private covenants in effect for this property?

- No X Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

JOE HINE'S ROAD

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? NONE

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? NONE (1) EXISTING

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Domestic Well	
Sewer/Septic	SEPTIC TANK	
Electricity	S.S.U.E.C.	
Natural Gas	PROPANE	
Telephone	Century Link	
Fire Protection	~~Fire extinguisher~~	Willcox Rural Fire

24. 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).

~~For~~ The planner we spoke to, suggested we Down zone, to make it easier to fill the desired result.

25. 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: Marshall Miles
Date: 2-1-12

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No _____ Yes X If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature Marshall Miles

Date signed 2-16-2012

MATERIAL SAFETY DATA SHEET

PROPANE Product Name

SYNERGY GAS

BOX 169

SPRINGDALE, AR 72764

Emergency Phone No. 501-751-9181

Date: August 1989

PRODUCT IDENTIFICATION

Synonyms: Dimethylmethane
Chemical Name: Propane
Chemical Family: Paraffinic Hydrocarbon

Chemical Formula: C_3H_8
CAS Reg. No: 74-98-6
Product No: NE

Product and/or Components Entered on EPA's TSCA Inventory: Yes ☒ No ☐

HAZARDOUS COMPONENTS

INGREDIENTS	CAS NUMBER	% BY WT.	OSHA PEL	ACGIH TLV
Propane	74-98-6	> 90	1000 ppm	Simple Asphyxiant
Propylene	115-07-1	< 5	NE	Simple Asphyxiant
n-Butane	106-97-8	< 2.5	NE	800 ppm

PERSONAL PROTECTION INFORMATION

Ventilation: Use adequate ventilation to control exposure below recommended levels.

Respiratory Protection: Not generally required. When entry into or exit from concentrations of unknown exposure, use NIOSH/MSHA approved self-contained breathing apparatus (SCBA).

Eye Protection: Use safety glasses with side shields.

Skin Protection: No special garments required. Avoid unnecessary skin contamination with material.

Note: Personal protection information shown above is based upon general information as to normal uses and conditions. Where special or unusual uses or conditions exist, it is suggested that the expert assistance of an industrial hygienist or other qualified professional be sought.

HANDLING AND STORAGE PRECAUTIONS

Avoid inhalation and skin and eye contact. Wear protective equipment and/or garments described above if exposure conditions warrant. Wash hands after handling. Protect containers against physical damage.

Store in a cool, well ventilated area away from ignition sources. Provide means for controlling leaks. Bond and ground during transfer. Keep containers closed.

REACTIVITY DATA

Stability: Stable ☒ Unstable ☐ Conditions to Avoid: Incompatibility (Materials to Avoid): Oxygen and strong oxidizing agents.

Hazardous Polymerization: None known
Conditions to Avoid: None known
Hazardous Decomposition Products: Carbon oxides formed when burned.

HEALTH HAZARD DATA

RECOMMENDED EXPOSURE LIMITS:

OSHA PEL 1000 ppm (propane).
ACGIH simple asphyxiant (propane)

ACUTE EFFECTS OF OVEREXPOSURE:

EYE: Very high gas concentrations may cause mild irritation effects. Liquefied gas may cause freeze-burns upon direct contact.

SKIN: Very high gas concentrations may cause mild irritation to mucous membranes. Liquefied gas may cause freeze-burns upon direct contact.

INHALATION: Simple asphyxiant. Extreme over exposure may produce dizziness, headache, disorientation, excitation, fatigue, inability to concentrate, vomiting, coughing, anesthesia, unconsciousness and death.

INGESTION: Not a likely exposure route. Liquefied gas may cause freeze-burns to the mucous membranes and possible central nervous system depression.

SUBCHRONIC AND CHRONIC EFFECTS OF OVEREXPOSURE:

Exposure to 1000 ppm for 8 hours a day, 5 days a week, for approximately 2 weeks produced no abnormal reactions.

Effects, including cardiac, pulmonary, and neurologic functions in humans.

OTHER HEALTH EFFECTS:

Propane was not mutagenic in the AMES assay.

HEALTH HAZARD CATEGORIES:

	Animal	Human		Animal	Human
Known Carcinogen	☐	☐	Toxic	☐	☐
Suspect Carcinogen	☐	☐	Corrosive	☐	☐
Mutagen	☐	☐	Irritant	☐	☐
Teratogen	☐	☐	Target Organ Toxic	☐	20
Allergic Sensitizer	☐	☐	Specific: Eye and skin freeze-burns.		
Highly Toxic	☐	☐			

FIRST AID AND EMERGENCY PROCEDURES:

EYE: Immediately flush eyes with running water for at least 15 minutes. If irritation develops, seek medical attention.

SKIN: Flush skin with water for 15 minutes. If irritation develops, seek medical attention.

INHALATION: Remove from exposure. If breathing ceases, administer artificial respiration followed by oxygen. Seek medical attention.

INGESTION: Seek immediate medical attention.

PHYSICAL DATA

Appearance: Colorless liquefied petroleum gas
Odor: None (Repetitive odor if odorant has been added)
Boiling Point: -44°F (-42°C)
Vapor Pressure: 208 psig at 100°F
Vapor Density (Air = 1): 1.5

Solubility in Water: Negligible
Specific Gravity ($H_2O = 1$): 0.508-0.510 at $60/60^{\circ}\text{F}$
Percent Volatile by Volume: 100
Evaporation Rate (Ethyl Ether = 1): > 1
Viscosity: NE

FIRE and EXPLOSION DATA

Flash Point (Method Used): -156°F (-104°C) (Estimated)
Flammable Limits (% By Volume in Air): LEL 2.1 UEL 9.5
Fire Extinguishing Media: Dry chemical; foam or carbon dioxide (CO_2).
Special Fire Fighting: Evacuate area of all unnecessary personnel. Use NIOSH/MSHA approved self-contained breathing apparatus and other protective equipment and/or garments described on Page 1 if conditions warrant.

Shut off source, if possible. Water fog or spray may be used to cool exposed containers and equipment. Allow fire to burn until gas flow is shut off, if possible.
Fire and Explosion Hazards: Carbon oxides formed when burned. Highly flammable vapors which are heavier than air may accumulate in low areas and/or spread along ground away from handling site.

SPILL, LEAK and DISPOSAL PROCEDURES

Precautions Required if Material is Released or Spilled: Evacuate area of all unnecessary personnel. Wear protective equipment and/or garments described on Page 1 if exposure conditions warrant. Shut off source, if possible.

Protect from ignition. Ventilate area thoroughly.
Waste Disposal (insure conformity with All Applicable Disposal Regulations): Incinerate or otherwise manage RCRA permitted waste management facility.

DOT TRANSPORTATION

Shipping Name: Liquefied Petroleum Gas
Hazard Class: Flammable Gas
ID Number: UN 1075
Marking: Liquefied Petroleum Gas/UN 1075
Label: Flammable Gas
Placard: Flammable Gas/1075

Hazardous Substance/NO: NA
Shipping Description: Liquefied Petroleum Gas, Flammable Gas, UN 1075
Packaging References: 49 CFR 173.304, 173.306, 173.314, and 173.315

RCRA CLASSIFICATION:

(FOR UNALDERATED PRODUCT AS A WASTE): Ignitable

PROTECTIVE MEASURES DURING REPAIR AND MAINTENANCE OF CONTAMINATED EQUIPMENT

Wear protective equipment and/or garments described on Page 1 if exposure conditions warrant. Contact immediate supervisor for specific instructions before work is initiated.

HAZARD CLASSIFICATION

THIS PRODUCT MEETS THE FOLLOWING HAZARD DEFINITIONS(S) AS DEFINED BY OCCUPATIONAL SAFETY AND HEALTH REGULATIONS (29 CFR PART 1910.1200):

- ☒ Not Hazardous
☒ Combustible Liquid
☒ Compressed Gas
☒ Flammable Gas
☒ Flammable Liquid
☐ Flammable Solid
☐ Flammable Aerosol
☐ Explosive
☒ Health Hazard (See Page 3)
☐ Organic Peroxide

- ☐ Oxidizer
☐ Pyrophoric
☐ Unstable
☐ Water Reactive

NA-NOT APPLICABLE

NE-NOT ESTABLISHED

WARNING

Danger! Extremely flammable. Compressed Gas Asphyxiant in high concentrations. Contact with liquid causes burns similar to frostbite. OSHA permissible exposure limit (PEL) 1000 ppm for an 8-hour workday.

Appearance and Odor: Vapor and liquid are colorless. Product contains an odorant (pungent odor).



ADDITIONAL COMMENTS

Synergy Gas believes that the information contained herein (including data and statements) is accurate as of the date hereof. NO WARRANTY OF MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE, OR ANY OTHER WARRANTY, EXPRESS OR IMPLIED, IS MADE AS CONCERNS THE INFORMATION HEREIN PROVIDED. The information provided herein relates only to the specific product designated and may not be valid where such product is used in combination with any other materials or

in any process. Further, since the conditions and methods of use of the product and the information referred to herein are beyond the control of Synergy Gas (inferences to Synergy Gas including its divisions, affiliates, and subsidiaries), Synergy Gas expressly disclaims any and all liability as to any results obtained or arising from any use of the product or such information. No statement made herein shall be construed as a permission or recommendation for the use of any product in a manner that might infringe existing patents.

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Hazardous Materials Attachment

Firm's current name: GM PROPANE.

Current location: 1551 W ARCHERY LN. Willcox

Fire district: CITY OF Willcox, RURAL FIRE

Nearest main intersection with street names: JOE HINES & PACKING plant

Distance: 1/8 mile packing plant miles

Direction: NORTH

Firm's previous location(s)

Previous name(s) of firm/operation: NONE

Previous location(s): _____ Date(s): _____

Previous compliance/accident history: _____

Date(s): _____

1. List hazardous and polluting materials (including raw materials, products, wastes, emissions, discharges, etc.) that will be brought to, stored, manufactured, produced, generated, processed or otherwise used at or released or transferred from the site and the quantities you will store. Material Safety Data Sheets (MSDS) are required for all such substances.

Material	<u>PROPANE</u>	Quantity	<u>15,000</u>
----------	----------------	----------	---------------

Material		Quantity	
----------	--	----------	--

Material		Quantity	
----------	--	----------	--

Material		Quantity	
----------	--	----------	--

2. How will substances be stored? (For example, automotive batteries require impervious flooring, flammables require NFPA 30 cabinets, gas cylinders need restraints, and many chemicals have specific requirements, such as secondary containment areas for liquids. These requirements are found in the MSDS or can be requested from ADEQ.)

GAS CYLINDER, 8' DIAMETER 56' LONG

3. What methods will ensure proper containment during use or ventilation? (Waste and by-products as well as substances have specific needs to control damage from those products.)

Thi's product. has 4 safety's per
Fill Line, Burn link's, AND Automatic.
SHUT OFF' VALVES. We Will Follow The
NATIONAL CODE For INSTillation

4. Is any welding being performed and where? (Flammables must be kept away from sources of ignition such as electricity, arcs, sparks, hot metal or open flame. Gas cylinders must be secured.)

NO.

5. How will waste/ excess substances be disposed of? (Commercial operators may not use the County transfer stations' hazardous waste program. They handle only household materials.)

PROPANE EVAPORATES WITH NO REMAINING RESIDUE.
NO PROPANE SHOULD EVER ESCAPE.

6. What evacuation, treatment and notification will be made if there are any releases to groundwater or air? (Notification may be required to the Sheriff's Department, adjacent neighborhoods, State Fire Marshal, local fire district, ADEQ, and/ or EPA.)

STATE FIRE MARSHAL, SHERIFFS, OFFICE Will
be contacted.

Signature Markell Hill
Date 2-17-2012

**I Billy & Helen, Miles
Give Marshall, Miles permission to
Use said property at 1551 W. Archery Ln.
We give permission to Instal & get all
Permits Required for 15,000 Gallon
Storage Tank.**

Billy, Miles Billy Miles
Helen, Miles Helen Miles

JOE Hines ROAD

Cement 8" 60' GATE BLACK TOP FENCE

ENTIRE AREA GRAVELLED

PARKING lot

ENTRANCE

OFFICE (14'-9" Tall)

Cement SIDE WALK

Security light

Water well

197'

123'

100'

100'

409'

Proposed TANK 56' 8' 21' 8" D.I.A.

OVER VIEW SITE PLAN (1)

N.

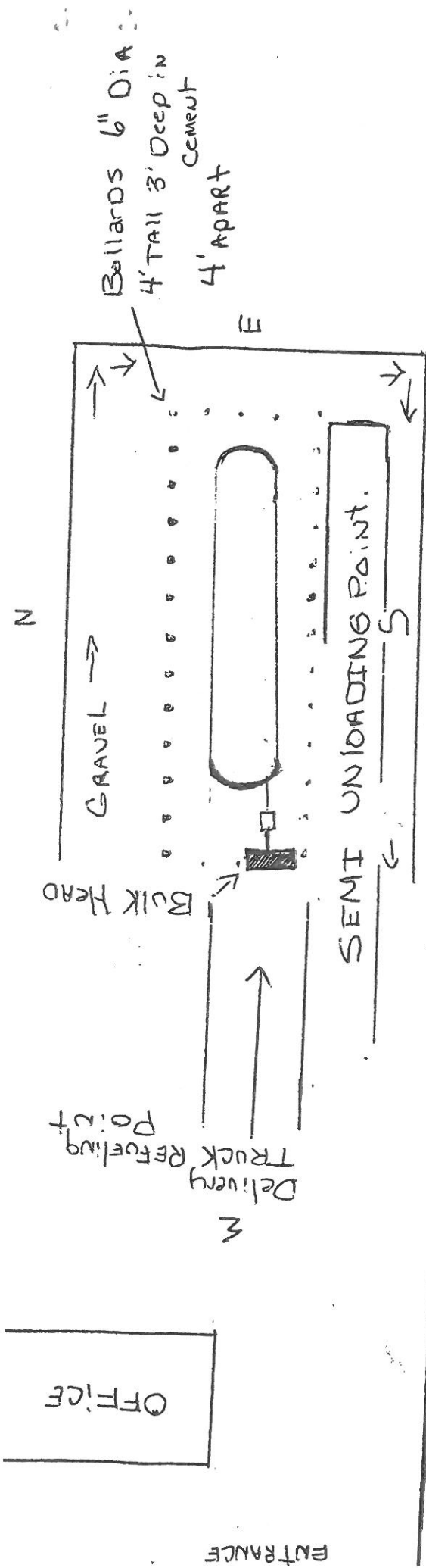
Archeology

h.o.

GRAVEL ROAD

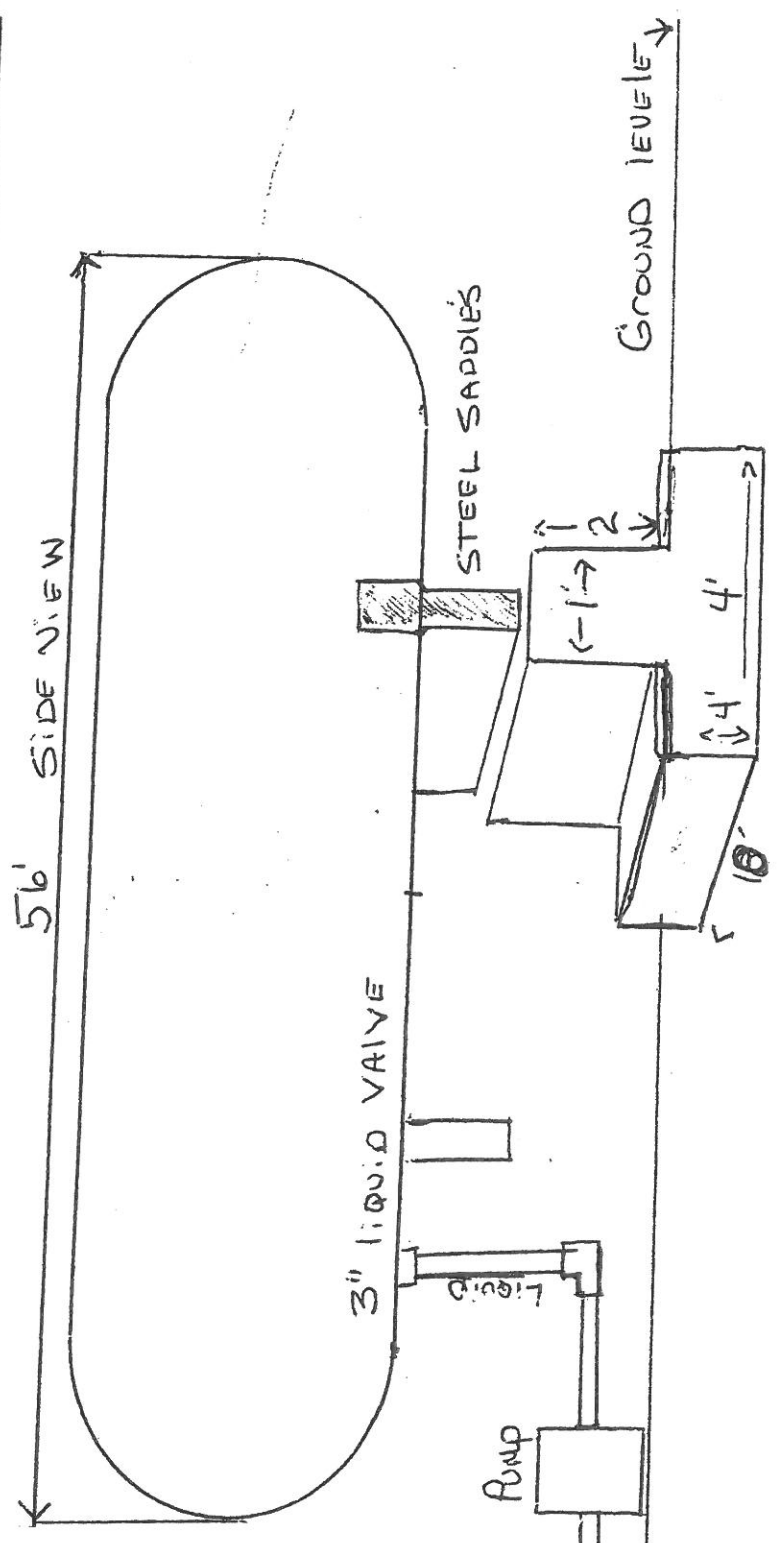
239

FENCE

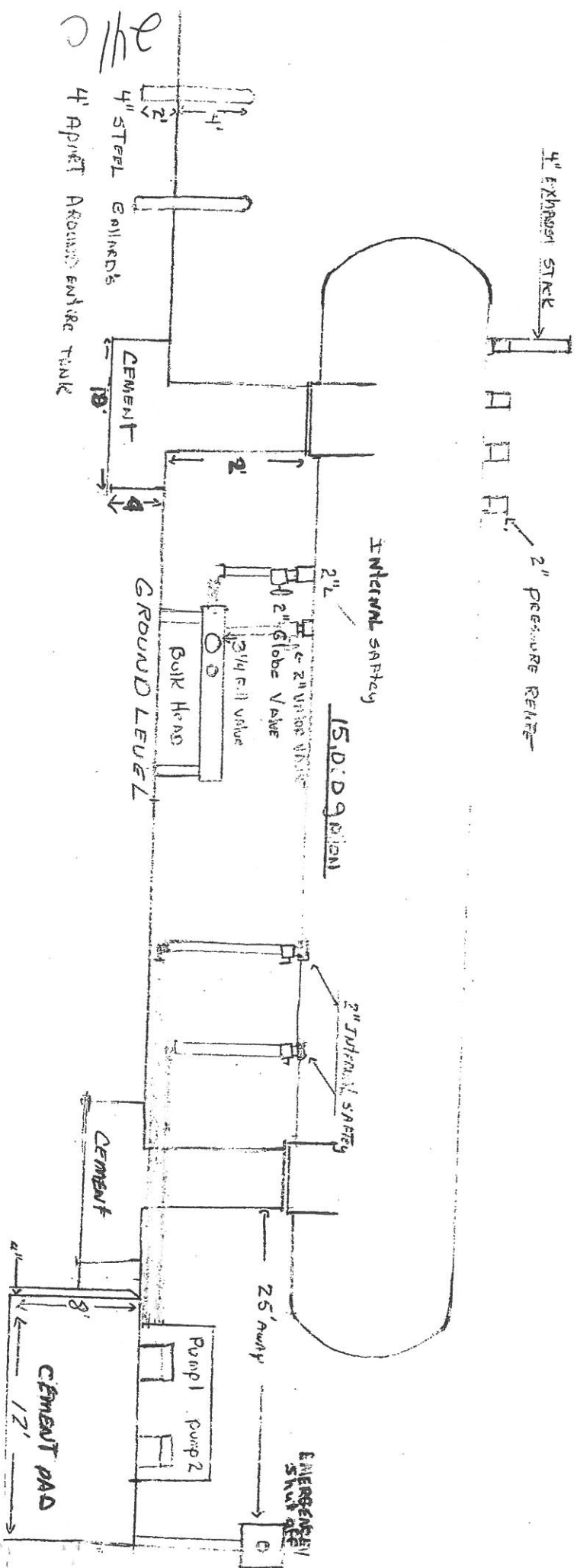


oting SPECS
 3" REBAR. ON 8" CENTERS

1' WIDE
 1' TAIL
 1' THICK.
 REDUCING TO
 THICK
 1' WIDE
 8" inch
 Bulk Head
 10' 9" ground



0420



March 27, 2012

TO: Cochise County Community Development Department
Planning, Zoning and Building Safety
ATTENTION: Beverly Wilson, Senior Planner
REGARDING: Permit Requirement, consideration for waiver

GM Propane is requesting a waiver on the following items:

1. **Landscaping:** When dealing with Propane, we believe it would create a fire hazard around the facility in the event of a fire. We are asking this be waived for safety reasons.
2. **Screening:** The tank is set up on cement and is large in size and in height. Putting in screening would not cover the sight of the tank. We would like your consideration on this item, due to the ineffectiveness of its purpose.
3. **Chip Sealing:** At present we have a five-inch rock and pea gravel on the ground at the facility. We have had this on the ground surface for the past 10 years, and have been extremely effective in not creating any dust or debris. We have had heavy trucks and traffic in and out during that time period and the ground has performed well to that regard. In addition, chip sealing would be a large cost increase to the projects bottom line, due to the size of the facility with no real advantage.

(With regards to the turnout of the facility, we will be using the diagram labeled "D". It will be a straight type, and the material used will be concrete and rebar.)

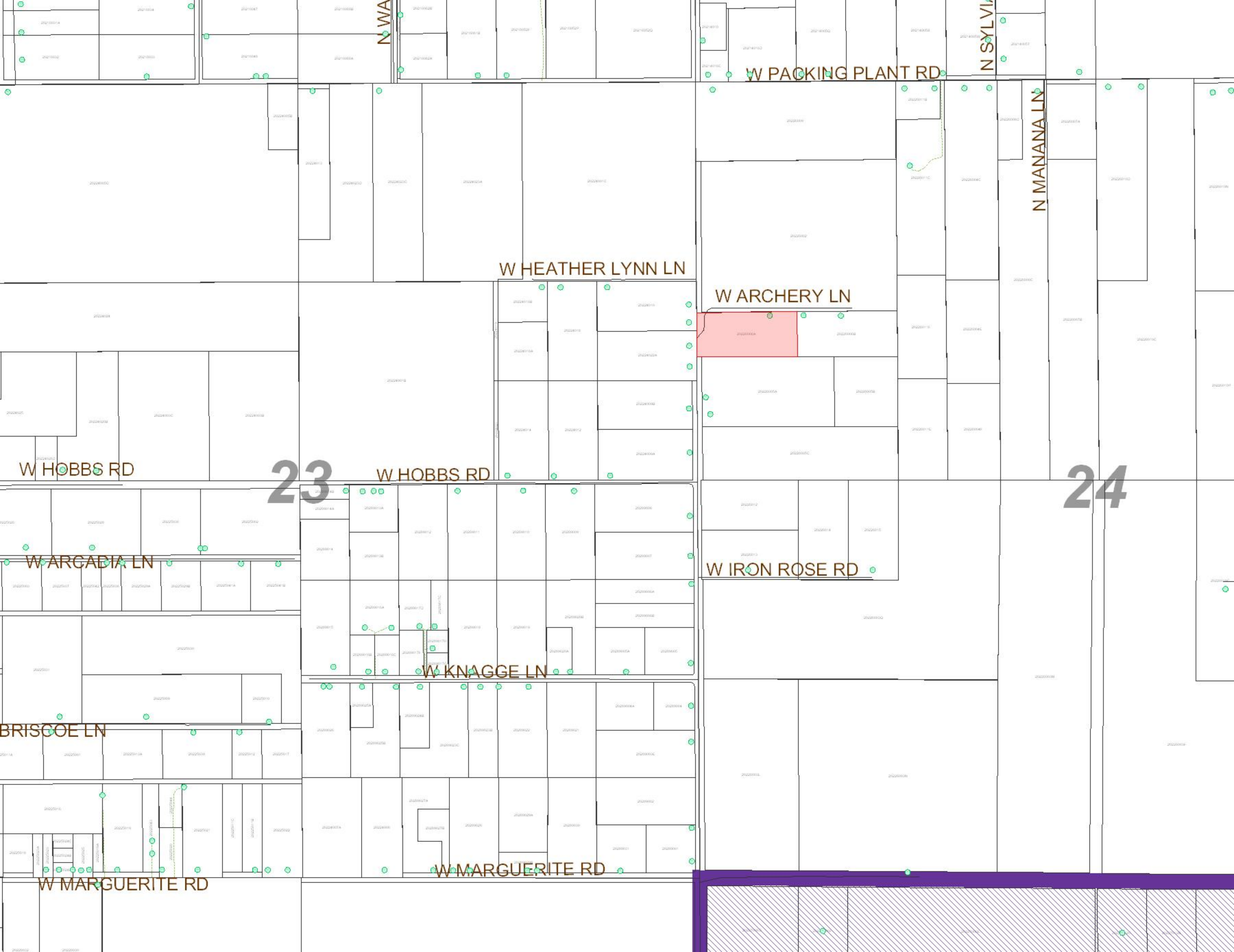
Thank you for your consideration in this matter!

Sincerely,

Marshall Miles

Marshall Miles, CEO
GM Propane

94215



W HOBBS RD

23

W HOBBS RD

24

W ARCADIA LN

W IRON ROSE RD

W KNAGGE LN

BRISCOE LN

W MARGUERITE RD

W HEATHER LYNN LN

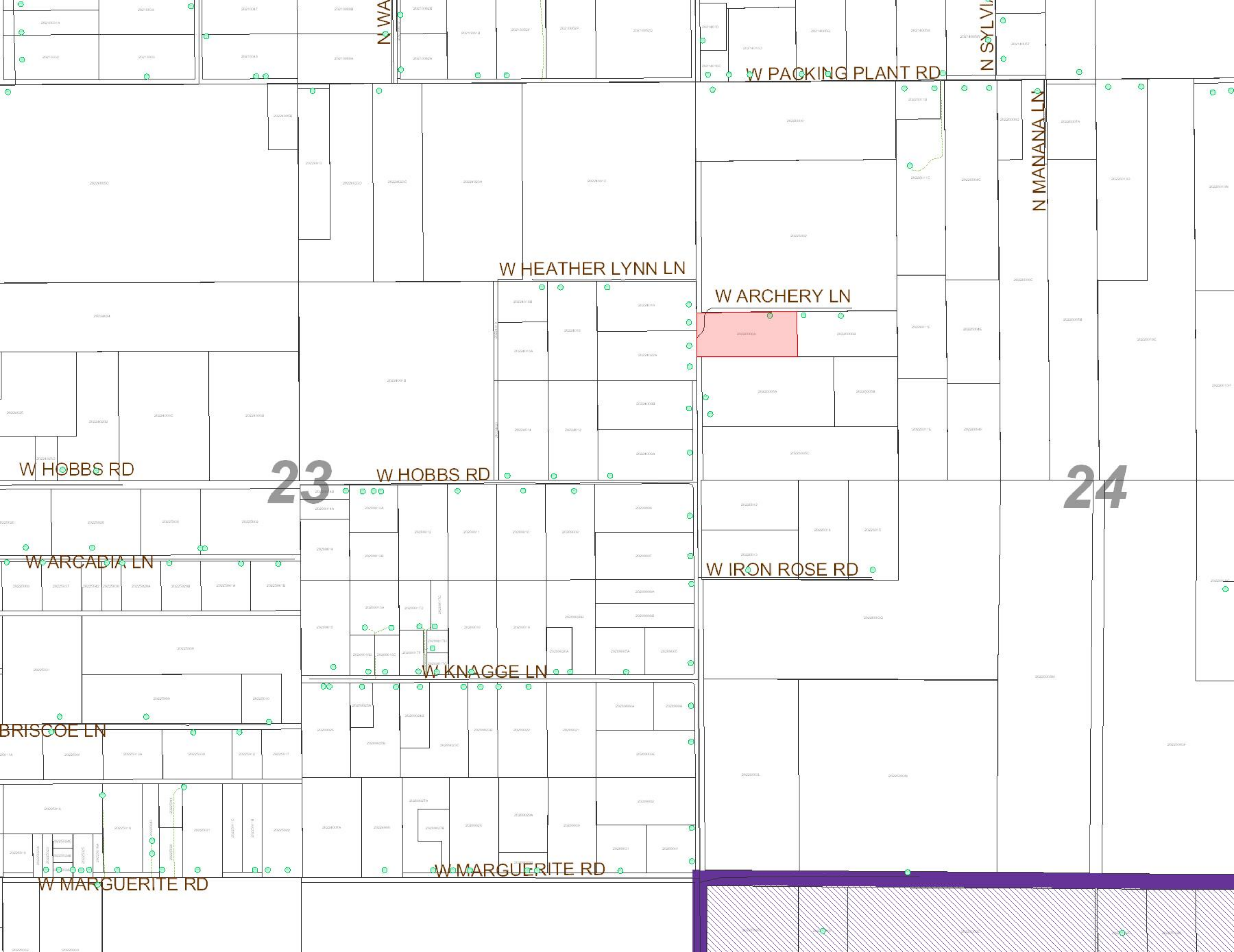
W ARCHERY LN

W PACKING PLANT RD

N WANA

N SYLVA

N MANANA LN



23

24

N WANA

N SYLVA

N MANANA LN

W HOBBS RD

W HOBBS RD

W HEATHER LYNN LN

W ARCHERY LN

W ARCADIA LN

W IRON ROSE RD

W KNAGGE LN

BRISCOE LN

W MARGUERITE RD

W MARGUERITE RD





COCHISE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
Highway and Floodplain



MEMORANDUM

DATE: March 8, 2012
TO: Beverly Wilson, Senior Planner
FROM: Terry Couchenour, Right-of-way Agent II
SUBJECT: Docket Z-12-03 (GM Propane), APN 202-26-006A

Background

Marshall Lee Miles is requesting to rezone APN 202-26-006A to legitimize an existing propane distribution business and add propane storage. The subject parcel adjoins and derives access from Joe Hines Road, a County Maintained Road. Right-of-way staff was requested to review the application for right-of-way dedication needs.

Analysis

This segment of Joe Hines Road was first established as a County Highway per Map and Plat Book 2 page 63, approved by the Board of Supervisors June 2, 1914. The established width is 66 feet total, 33 feet each side, based on A.R.S. 28-7042.A. This segment of Joe Hines Road qualifies for a RS 2477 right-of-way granted by the federal government due to the fact that the road was established while still under ownership of the federal government. The land was transferred from the government to a private party on July 14, 1914 per Patent number 421942. The Assessor's records show no record of subsequent dedication by a private party.

Recommendation

Even though the road qualifies for RS 2477 staff recommends that owner of APN 202-26-006A dedicate a 33 foot wide portion of Joe Hines Road traversing the subject property. Right-of-way staff can prepare the document(s) necessary to complete the dedication. Please inform the applicant to contact Right-of-way staff to coordinate dedication, as well as any questions or comments they may have regarding dedication.

F



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Community Development Director

MEMORANDUM

TO: Beverly Wilson, Senior Planner

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Propane Storage and Distribution: Z-12-03 & SU-12-04\Parcel #202-26-006A

DATE: March 21, 2012

The applicant is seeking to legitimize an existing propane storage and distribution business currently being operated in an R-36 zone. The applicant is requesting a re-zoning of his 4.52 acre site to RU-2 and a Special Use Permit to continue to operate this business at this location. Access is taken from one (1) existing driveway onto Joe Hines Rd., a county-maintained, chip-sealed, 24-foot cross-section, rural minor collector roadway established in 1914. The existing driveway is approximately 36 feet in width and an Encroachment/ROW permit is not on record with the Highway Dept. for this access onto Joe Hines Rd. A traffic count taken in 2005 on Joe Hines Rd. was 817 vehicles per day.

Per the ITE Manual, 8th ed., this type use is classified a light industrial use (Land Use 110) and, based on the number of proposed employees, square foot of office space and five (5) delivery trucks, is likely to generate an average of 38 vehicles trips per day. There would be a minimal impact on peak hour travel from this operation.

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. Given the use for which both a rezoning and a Special Use Permit has been requested estimated trip generation appears to be equivalent to the level of trips that would otherwise be generated by the site if used for residential uses under the current zoning.

During the commercial permit process there are also a number of site development standards for a commercial use that may require changes to existing conditions, including meeting commercial driveway apron standards, driveway and site surface treatments, and depth of gravel on parking surfaces. These standards can be reviewed in the County's Road Design Standards and Specifications. However, it is premature to do this level of analysis at the re-zoning/Special Use Permit stage and it is anticipated that these details will be worked out with the applicant during the commercial permit stage. The applicant is advised to consider any waivers or variances that they might need to obtain from the Commission in advance of their commercial permit application.

Public Programs/Personal Service

www.cochise.az.gov

G
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Dedication of a 33 foot wide portion of Joe Hines Rd. traversing the subject property is requested. No other off-site mitigation on Joe Hines Rd. is anticipated if the commercial permit is consistent with the re-zoning and Special Use Permit proposal. County Right-of-Way staff are willing to assist the applicant with this dedication prior to and during the commercial permit process. The applicant will also be required, as part of the commercial permit process, to obtain from the Highway Dept. an Encroachment/ROW permit for their existing driveway and meet (or obtain a waiver from the County Engineer) commercial driveway standards.

cc: Docket Z-12-03 & SU 12-04; Highway Dept.

CONSENT SIGNATURE FORM

OF PROPERTY OWNERS WITHIN THE PROPOSED ZONING DISTRICT

This form is to be completed if there is more than one property owner and more than one parcel within the proposed zoning district.

I, the undersigned owner of record of property which lies within the area of the proposed rezoning set forth in the attached application, do hereby consent to the proposed change of zoning district boundary or reclassification of the property (ies) sought for rezoning. I do hereby certify and declare that I was afforded an opportunity to read the full and complete application prior to affixing by signature hereon.

Parcel Number	Owner of Record, Printed Name & Address	Signature	Date
	Larry Schmeltz 10179 N. Ft. Grant Rd Willcox	Larry Schmeltz	2-13-12
	JoAnn Romero 2951 N Joe Hines Rd Willcox	JoAnn Romero	2-17-12
	Ed Housley 1835 W. Housley Ln	Ed Housley	2-17-12
	Priscilla Miles 1415 W Necherry		2-17-12
	JACK GLICK JOE HINES		2-17-12
	Billy Miles P.O. BOX 492	Billy Miles	2-17-12
	NELEN MILES P.O. BOX 492	Nelen Miles	2-17-12

(Attach separate pages if necessary)

S. M. Spencer
2405 N. Joe Hines Rd.
Willcox, Arizona 85643

Tel. 520-384-3053 Fax 520-384-2144

Sspencer1@powerc.net

COCHISE COUNTY PLANNING & ZONING
1415 Melody Lane
Bisbee, Arizona, 85603

Subject: G. M. Propane, Storage Tank

Members: I wish to submit for your consideration the following comments in support of G M Propane placing a storage tank at their facility at 1551 W. Archery Lane at Joe Hines Road in northern Cochise County.

I have been associated with GM Propane for many years both as a customer and law enforcement officer. As a Lieutenant with the Arizona Department of Transportation Enforcement Bureau and a trained commercial vehicle safety inspector I had occasion to observe the attention to safety demonstrated by Marshal Miles and all of his employees. It is obvious that there exists an attitude of "safety first" among the personnel at GM Propane. The company vehicles are maintained in perfect, road safe condition. I have never seen an unsafe vehicle operated by GM Propane. They have a large, well equipped shop in which they perform safety maintenance on vehicles and equipment. The condition and appearance of their vehicles display the pride of the personnel in their equipment.

As a customer I have noted through the years that Mr. Miles has taken an interest in constantly improving the appearance of his property and facility. GM Propane buildings and grounds are kept in a condition that shows an interest in being a "good neighbor" and an asset to the community. I am sure that if a storage tank were placed at this facility it would not be allowed to become an eyesore.

I live less than four tenths of a mile from GM Propane and have always found them be a good neighbors and an asset to the community. I have such faith and confidence in the GM Propane that I would have no qualms in allowing them to place a tank at my place if it was needed.

H

REZONING: Docket Z-12-03 (GM Propane)

SPECIAL USE: Docket SU-12-04 (GM Propane)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

We feel the condition our Economy is in, that any business we can keep in our Community will help bring others into our Valley. The propane tank needs to be where the business is.

____ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

Billy Ray Miles

Helen F. Miles

SIGNATURE(S):

B. Miles

Helen F. Miles

YOUR TAX PARCEL NUMBER: 202-25-0181 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 2644 W Marguerite Rd Willcox, AZ, 85648

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 March 28, 2012 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 public 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) 432-9240

COCHISE COUNTY

APR 06 2012

PLANNING

At the present time the storage tank is located on a rented, unmanned and unsupervised location 6+ miles from GM Propane. The round trip to the tank takes approximately 25-30 minutes. The rental fees, loss of man hours and fuel usage costs GM Propane thousands of dollars monthly, a savings that could be passed on to the consumers of Cochise County.

I have been a resident of Cochise County since December of 1969, a Willcox City Police officer, a Cochise County Deputy Sheriff and an ADOT Enforcement Officer and have a great interest in the growth of this county. I hope the board will look favorably on GM Propane's request to place a storage tank at their facility.

Very Respectfully

A handwritten signature in cursive script, appearing to read "S. M. Spencer".

Lt. S. M. Spencer, Ret.
ADOT Enforcement

REZONING: Docket Z-12-03 (GM Propane)

SPECIAL USE: Docket SU-12-04 (GM Propane)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

We feel the condition our Economy is in, that any business we can keep in our Community will help bring others into our Valley. The propane tank needs to be where the business is.

____ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

Billy Ray Miles

Helen F. Miles

SIGNATURE(S):

B. Miles

Helen F. Miles

YOUR TAX PARCEL NUMBER: 202-25-0181 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Beverly Wilson

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: bjwilson@cochise.az.gov

Fax: (520) 432-9240

COCHISE COUNTY

APR 06 2012

PLANNING



Docket Z-12-03

Request for a Rezoning

**Request to Downzone from R-36
To RU-2 Zoning District**

Applicant: Marshall Miles of GM Propane

**Board of Supervisors
April 24, 2012**



Docket Z-12-03

GM Propane

- April 11, 2012 – Planning and Zoning Commission Recommended Conditional Approval (8-0) and approved a Special Use Permit.
- Request to legitimize an existing business (1999) and add new storage tank on 4.52 acre site.
- Wholesaling, warehousing, distribution or storage of propane (607.18) is allowed in RU-2, not in current R-36 Zoning District.
- No complaints were received until large tank was installed.
- Commercial LPG Tank Permits are issued by State Fire Marshall's Office (Electrical and all other requirements will be inspected by County Building Department).

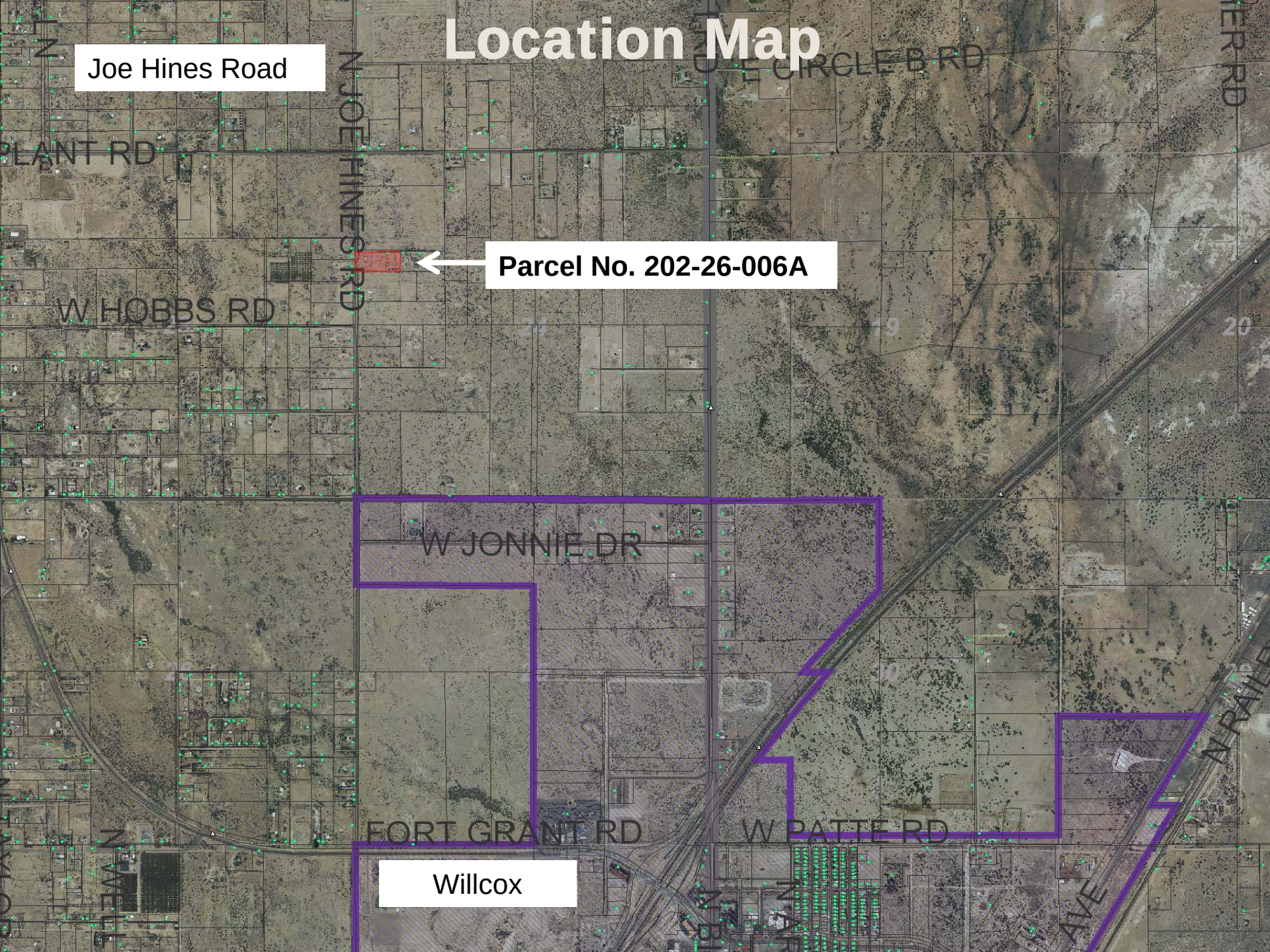
Location Map

Joe Hines Road

Parcel No. 202-26-006A

W JONNIE DR

Willcox



Site Photos



Looking Northeast from North Joe Hines Road. The business has been on this site since 1999.

Site Photos



This is the new 54' x 8' propane storage tank.

Site Photos



Looking towards the southern parcel boundary.

Site Photos



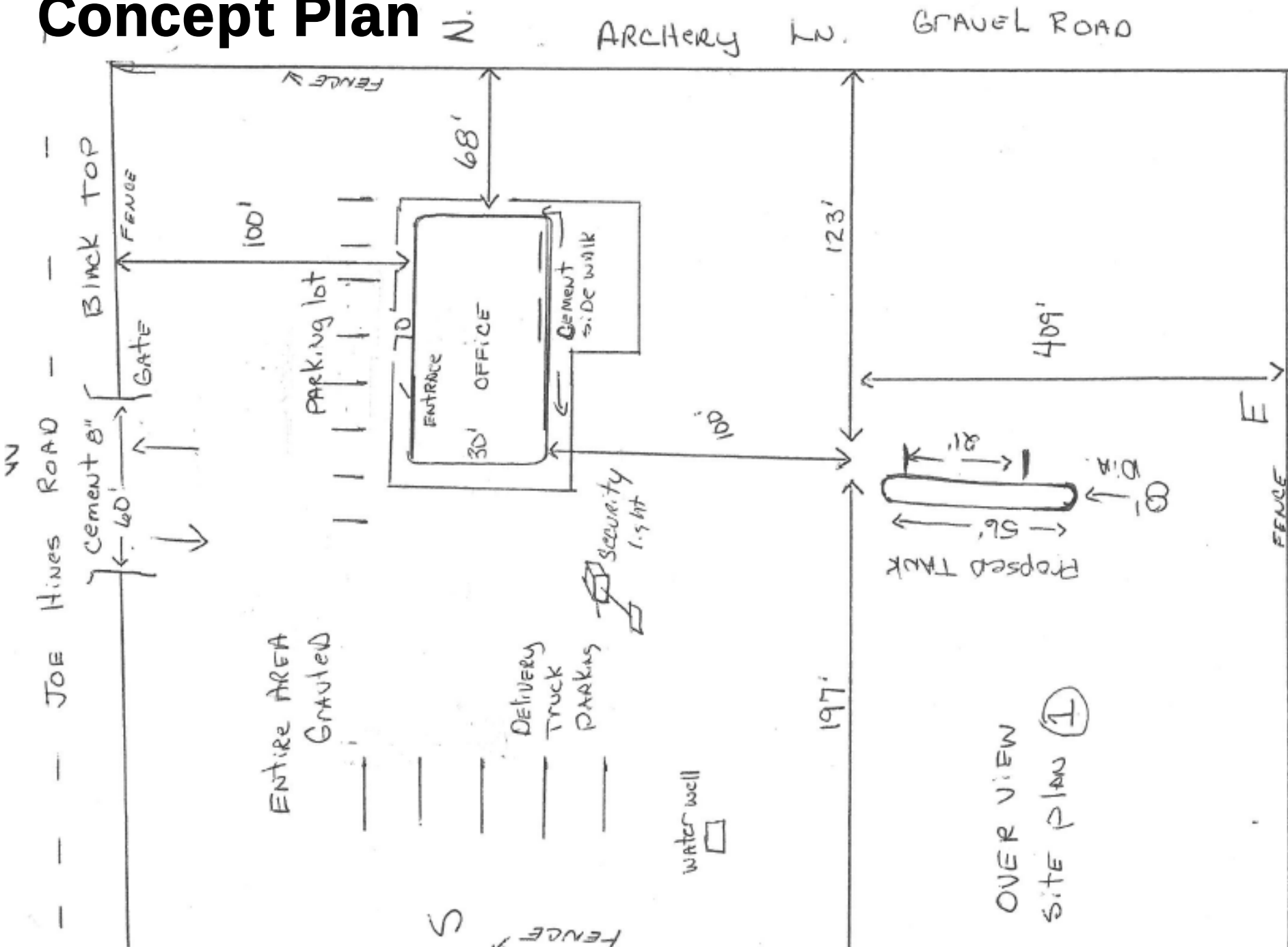
These tanks are along Joe Hines Road.

Site Photos



This photo was taken looking to the southeast from Joe Hines Road.

Concept Plan





Requested Modifications

Applicant has requested the following Site Development Standard Modifications:

- 1. A waiver from Section 604.06, which requires screening with a 6-foot high solid screen when non-residential use abuts a residential zone in a Category B Growth Area. Staff supports this request as a 6-foot screen will not block the large tank.**
- 2. A Modification to Section 1804.07, which requires a double bituminous surface treatment—Applicant is requesting a modification to allow 2” gravel. Site is currently covered with gravel and there have been no complaints of dust.**
- 3. A waiver from Section 1806, which requires a minimum of 5% of the site to be landscaped. Staff supports this request as there could be a real danger of fire.**



Factors in Favor of Approval

1. The rezoning request complies with eleven of the fifteen factors as listed in §2208.03.A of the Cochise County Zoning Regulations and used to evaluate the appropriateness of a rezoning application. One factor complies with conditions and waivers, while three factors are not applicable to this request;
2. The rezoning request is permitted within the Growth Category B Areas, Developing Plan Designation, and therefore meets the mandatory compliance for rezoning;
3. The subject parcel is of a size and configuration that would allow compliance with all applicable site development standards with the conditions and waivers requested; and
4. The Applicant received one written letter of support and seven signatures supporting his request, with no indication of protest. The Cochise County Planning Department has received one letter of support for the proposal.



Factors Against Approval

1. The Applicant has established his business, including building the structure and taking Right- of- Way to Joe Hines Road, with no permits;
2. There are no RU-2 zoning districts directly abutting the boundaries of the subject parcel, therefore this is not an expansion of an existing zoning district; and
3. One person appeared at the Planning and Zoning Commission meeting to express his opposition.



Staff Recommendation

Recommendation: Adopt the Zoning Ordinance Conditionally Approving the request to downzone parcel # 202-26-006A from the R-36 to the RU-2 Zoning District and approve the requested waivers and modifications with the following conditions:



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;
2. It is the Applicant's responsibility to submit a revised site plan showing the correct parking stalls with a Building/Use permit application within 30 days of approval. The application will include a completed joint permit application, a Right-of-Way permit application, and a Land Clearing Permit. The Applicant will work with the Health Department and the Highway/Floodplain Department to meet all requirements and dedicate to the County 33-ft. of Joe Hines Road. A permit must be issued within 12 months of the rezoning/special use approval, otherwise these approvals may be deemed void upon a 30-day notice to the applicant; and
3. The Applicant must 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.

Public Hearings 11.
Community Development

Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

An Abandonment for a portion of Cactus Lane

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: PowerPoint

Document Signatures: BOS Signature Required

NAME of PRESENTER: Carlos De La Torre

Mandated Function?: Federal or State Mandate

Recommendation: Approve

of ORIGINALS 1

Submitted for Signature:

TITLE of PRESENTER: Director

Source of Mandate or Basis for Support?: ARS
28-7201
thru
7215

Docket Number (If applicable):

Information

Agenda Item Text:

[TABLED ITEM, FROM 4.10.2012 MEETING] Adopt Resolution 12-10 authorizing the abandonment of a portion of Cactus Lane public right-of-way south of Sierra Vista.

Background:

Richard Aguirre, owner of APN 104-06-002C, -002E, & -007, has requested an abandonment of a portion of Cactus Lane in order to reconstruct his place of business, Ricardo's Restaurant which was destroyed by the Monument Fire. While the business will be reconstructed in its original location on APN -007 it is necessary to relocate the septic system to -002C. Regulations require that the septic system be a part of the same parcel that the septic system services and therefore it is necessary to abandon that portion of Cactus Lane which bisects these properties.

A review of the criteria for the abandonment was conducted as follows:

- The public right-of-way is not a section line or mid-section line road.
- Notification of the proposed abandonment was sent to the adjacent parcels owners and no objections were received. Please see attached letters. The proposed action will not deny legal access to any parcel as there are alternative private easements or a private easement will be retained along Cactus Lane as necessary.
- Utility companies that serve the area were notified and Qwest (also known as Century Link) and Sulphur Springs Valley Electric Co-op responded. After the fire Qwest installed lines within Cactus Lane and SSVEC intends to install services for the restaurant. While state statutes retain easements for existing utilities upon abandonment, staff and the applicant worked with both utilities to secure separate and more defined utility easements. Easements were recorded for SSVEC and easements for Qwest will be recorded at a later date.
- The Transportation Planner has no objections to the proposed abandonment and her comments are attached.
- A site review confirmed the proposed abandonment is open for use, but used as access for unauthorized dumping in the area.
- The Land Purchase Fee is \$6,150 which is based upon an assessed value of \$3/sq.ft. with a 50% reduction due to a degree of fragmentation/marketability. The Fee has been received.

Department's Next Steps (if approved):

If abandoned, and once abandonment documents have been executed, no further Board action is required.

Impact of NOT Approving/Alternatives:

If the abandonment is not approved, the public right-of-way will remain public, and Mr. Aguirre will be unable to improve his property.

To BOS Staff: Document Disposition/Follow-Up:

Please put the Resolution number on the Quit Claim Deeds and record as separate documents. Please return a copy of the recorded documents to H&F, attn: Right-of-Way Division.

Community Development

Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

Substitute Assurance Agreement for Morning Star Airpark

Submitted By: Beverly Wilson, Community
Development

Department: Community Development

Division:

Planning

Presentation: PowerPoint

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 3

Submitted for Signature:

NAME
of PRESENTER: Beverly WilsonTITLE
of PRESENTER: Senior
Planner

Docket Number (If applicable):

Mandated Function?: Federal or State Mandate

Source of Mandate
or Basis for Support?:

Information

Agenda Item Text:

Adopt Resolution 12-12 approving Docket S-07-06, a Substitute Assurance Agreement for the Morning Star Airpark Subdivision with First American Title Insurance Company as trustee under trust number 9307, and extending the deadline to complete improvements to April 24, 2017.

Background:

MEMORANDUM

TO: BOARD OF SUPERVISORS

For: Michael Ortega, County Administrator

FROM: Beverly Wilson, Senior Planner

For: Carlos De La Torre, Community Development Director

SUBJECT: Morning Star Airpark Substitute Assurance Agreement

DATE: April 12, 2010 for April 24, 2012 Board of Supervisors Meeting

I. NATURE OF REQUEST AND DESCRIPTION OF SUBDIVISION

This request is for approval of a Substitute Assurance Agreement for the Morning Star Airpark Subdivision. The property has been sold through a foreclosure action to Mr. Ed Curry of Pearce, Arizona. Mr. Curry's intent is to preserve the entitlements granted by the Final Plat during the current economic conditions, while continuing to pursue his farming interests on the parcel. He has provided a Substitute Assurance Agreement to assure the required improvements approved by the Final Plat are made upon the parcel prior to selling any lots. Mr. Curry has stated that he may wish to farm the land for another 8 – 10 years while keeping options for his retirement open, and before making any final decisions regarding the further development of this property.

The Morning Star Airpark Subdivision consists of 483.78 acres, zoned RU-4, which was to be developed in four phases consisting of a total of 142 lots ranging in size from 1.29 to 1.45 acres. The subdivision was approved as a Conservation Subdivision in 2008. which grants a 34% density bonus and allows

flexible lot sizes if 50% of the acreage is conserved as open space. The Conservation area is 229.74 acres (Tract B). The density bonus results in 30 additional lots for a total of 142 residential lots and 2 non-residential lots (condo hangars). The site is located on the east side of Highway 191 with frontage on Birch Road and is designed to be a private, gated airpark. In 2007, a Special Use Permit for a private landing strip was approved by the Planning and Zoning Commission for this site (SU-07-07). Special Use Permits run with the land, not with the Owner.

STAFF RECOMMENDATIONS

An Assurance Agreement is a method accepted by Cochise County as a means of securing subdivision improvements and is described in Article 5 of the Subdivision Regulations. The title to the subdivided property is placed in trust with a third party escrow agency or trust company authorized to do business in the State of Arizona along with an agreement between the County and the trustee that title to any lot or parcel within the subdivision will not be transferred until written approval is given by the County for the release or partial release of property held in trust. The agreement is recorded with the final plat. The subdivision regulations also set a three (3) year time limit for construction of improvements to be completed, and authorizes the County to abandon the plat if the conditions of the assurances are not met in a timely manner. Section 501.01.F2 states "The Board of Supervisors may extend the time specified to complete these improvements for additional terms if the purposes of the Regulations would still be served."

Staff is recommending the Board consider the following:

1. A Waiver of the three (3) year limit for the improvements to be completed in this case, and would recommend that Mr. Curry be granted five (5) years to utilize his land for farming purposes with the mutual understanding that he may again request a time extension in the future.
2. Staff is also recommending that as a condition of approving this waiver, at the end of the five (5) year period, Mr. Curry will meet with Staff to re-evaluate the economic viability and potential for the eventual development of the Morning Star Airpark. At the end of five years, a firm date will be agreed upon and set for either the completion of the improvements to Morning Star Airpark, or the requirement for Mr. Curry to initiate the process to abandon the subdivision plat.

Staff recommends that the Board of Supervisors approve the Substitute Assurance Agreement between First American Title Insurance Company, a California corporation, as Trustee under Trust No. 9307, Ed Curry, as Beneficiary of Trust No. 9307, and Cochise County, Arizona. Staff also recommends that the Board approve the Waiver of the three (3) year time limit given to make improvements, per the Subdivision Regulations, to allow Mr. Curry up to five (5) years to make subdivision improvements before the Assurance Agreement expires, with a Condition that Mr. Curry agrees to submit a clear and firm plan with timelines for completion of the project prior to the expiration of the five-year extension, or agree to abandon this plat.

ATTACHMENTS: Substitute Assurance Agreement

Department's Next Steps (if approved):

Record the Assurance Agreement for the Subdivision File.

Impact of NOT Approving/Alternatives:

The Subdivision Plat will be abandoned.

To BOS Staff: Document Disposition/Follow-Up:

Record the Resolution and the Lot Release form and send copies to Planner for the file. Sign and return the Assurance Agreement to Planner for recording.

Attachments

Assurance Agreement

Power Point Presentation

**COCHISE COUNTY
SUBSTITUTE ASSURANCE AGREEMENT
FOR COMPLETION OF SUBDIVISION IMPROVEMENTS**

THIS AGREEMENT made and entered as of this 22 day of December, 2011, between FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, as Trustee under Trust no. 9307, hereinafter referred to as "Trustee", ED CURRY, a married man as his sole and separate property, as Beneficiary of Trust No. 9307, hereinafter referred to as "Beneficiary", and COCHISE COUNTY, Arizona, hereafter referred to as "County."

RECITALS :

1. Trustee is owner of a certain parcel of property located in Cochise County, Arizona, and described in paragraph 1 below.
2. Beneficiary has established Trust no. 9307 for the purpose of developing a subdivision of Cochise County and has conveyed legal title to the Trustee.
3. The parties hereto wish to establish specific terms, conditions and guidelines for compliance with the provision of A.R.S. Section 11-806.01 and the Cochise County Subdivision Regulations.

AGREEMENT :

The parties mutually agree that:

1. Property Description. The property which is the subject matter of this agreement is described in that attached Exhibit "A" and recorded in Book 15, at Page(s) 99-99H of Maps and Plats on the 18th day of August, 2008, in the Office of the Cochise County Recorder.
2. Assurances. This Agreement is submitted as a means of assuring the completion of the subdivision improvements required by A.R.S. Section 11-806.01, the Cochise County Subdivision Regulations, all Plans and Specifications approved and on file with the County, and any special conditions, if applicable, on Exhibit "B" attached hereto and made a part hereof. These subdivision improvements include but are not limited to,

streets, alleys, sidewalks, curbs and gutters, sanitary sewer systems, water supply, lot staking and monuments, traffic and street signs, and drainage and flood control improvements, as applicable.

3. Conveyances and Transfers of Title. The Trustee shall not transfer title to, enter into contracts for sale of property, lease, or in any way convey, in whole or in part, any of the property described in paragraph 1 without obtaining prior written approval from the County, except as authorized in the Agreement. A Release of Assurances shall only be given by the County upon satisfactory completion as verified by County inspections of the required improvements.
4. Bulk Sales. Notwithstanding paragraph 3, the Trustee may sell or convey all of the property described in paragraph 1 in one transaction to a single successor to the beneficiary's interests, provided that such successor, prior to the conveyance, shall have entered into an appropriate agreement with the County to assure completion of the improvements, and the County has approved, in writing, the transfer.
5. Conveyance Out of Trust for the Purpose of Encumbrance; Condition on Other Interests. Notwithstanding paragraph 3, the Trustee may convey the property described in paragraph 1 to the Beneficiary of the Trust for the limited purposes of allowing any obligations secured by the Trust, other than those which are the subject of this Agreement with Cochise County, to be subordinated to subsequent loans for the purpose of constructing improvements on the subject land or to create security for additional loans for the purchase or improvement of this land. In such event, the property shall immediately thereafter be reconveyed to the Trustee. This Agreement shall be deemed to be a condition on and restriction on the rights and interests of any third party whose interest in the property arises after the date of this Agreement, however such interest is created, the same as if such party were included as a signatory of this Agreement.

6. Substitution of Assurances. Subdivider or Beneficiary may offer substitute assurances at any time during the term of this Agreement in accordance with the provisions of the Cochise County Subdivision Regulations. The Assurance shall be in a form and amount acceptable to the County, and shall to the extent applicable, partially or wholly replace the Assurances in this Agreement.
7. Completion of Improvements. The required improvements shall be completed by the Subdivider within three (3) years from the date of this Agreement. This date for completion of improvements may be extended by separate agreement of the parties where Subdivider or Beneficiary is prevented from completing the improvements by act of God, strike or similar event or circumstances beyond its control, or at the discretion of the County.
8. Inspection and Approval of Improvements. The Subdivider shall arrange for the inspection of all improvements required for this project, to ensure satisfactory completion. Satisfactory completion of all such improvements, in conformance with the required standards and specifications, shall be confirmed by a written statement, signed and sealed by the project engineer. Until these improvements have been satisfactorily completed, the County will not release the property
9. Payment of Applicable Property Taxes. The County shall not release, in whole or in part, any of the property described in paragraph 1 until all property and taxes and assessments due and owing on the subject property have been paid in full.
10. Partial Release of Assurances. The County, in its discretion, and upon receipt of a written request from Trustee, may give the Trustee a Release of Assurances for a portion of the Lots created by the subdivision plat described in paragraph 1, provided that all of the improvements required in connection with such lots have been satisfactorily completed and accepted,

and provided further that the lots released and improvements associated with such lots can function independently on a permanent basis in the event the remaining portion of the subdivision is never developed.

11. Release of Assurances. Upon completion of all improvements required under this Agreement or upon receipt of acceptable substitute assurances replacing this Agreement, the County shall release the Assurances in this Agreement.
12. Failure to Complete Improvements. Trustee and Beneficiary hereby agree that in the event that the required improvements are not completed within the time period provided by paragraph 7, the County may replat that portion of the property described in paragraph 1 for which a release of assurances has not been given. The purpose of the new plat will be to abandon the subdivision and return the property to approximately the same boundary configurations of record as existed before the subdivision plat was recorded. Prior to initiating any action to replat, the County shall provide Trustee and Beneficiary with thirty (30) days written notice of the intent to replat.

The County, by this Agreement, is expressly authorized to replat this property after the required notice has been provided. All expenses by the County, including legal costs if applicable, in executing a replat shall be paid for by Beneficiary, and shall, if unpaid, become a lien on the property.

13. Effect on Trust Agreement. Trustee and Beneficiary agree that any provision of Trust No. 9307 that is incompatible or inconsistent with this Agreement shall be null and void and not enforceable. The Trust shall not be revoked prior to a full Release of Assurances without prior written consent of Cochise County. Nor shall any amendment which would alter this Assurance Agreement be effective until the County has approved such amendment.

14. Incorporation or Annexation. In the event the property which is the subject matter of this Agreement is incorporated into or annexed by a city or town, the city or town shall automatically become the successor in interest to all of the County's rights and obligations under this Agreement.
15. Purpose of Agreement. The purpose and intent of this Agreement is to prohibit the sale of individual subdivision lots to the public prior to the completion of the subdivision improvements that are associated with such lots. The sale or conveyance of such lots without the necessary improvements is harmful to the public and places excessive burdens on the County. The terms and conditions of this Agreement shall be construed and interpreted as broadly as necessary to accomplish this purpose.

IN WITNESS WHEREOF, the parties have executed this Substitute Assurance Agreement this _____ day of _____, 20_____.

COCHISE COUNTY:

Chairman, Cochise County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Deputy County Attorney

TRUSTEE:

FIRST AMERICAN TITLE INSURANCE
COMPANY, a California corporation, as
as Trustee under Trust no. 9307 only and
not in its corporate capacity and not otherwise

By: Rachel L. Turnipseed
Trust Officer

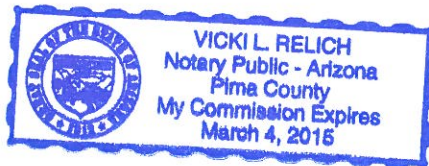
STATE OF ARIZONA)
) ss.
COUNTY OF Pima)

On this the 22 day of December, 2011, before me, the undersigned
notary public, personally appeared Rachel L. Turnipseed, who acknowledged
himself/herself to be the Trust Officer of First American Title Insurance Company,
a California corporation, and that he/she as such officer being authorized so to do,
executed the foregoing instrument for the purposes therein contained by signing
the name of the corporation by himself/herself as such officer.

In witness whereof, I have hereunto set my hand and official seal.

Vicki L. Relich
Notary Public

My Commission Expires:



COCHISE COUNTY ASSURANCE AGREEMENT

7

OWNER/BENEFICIARY:

Ed Curry, a married man as his sole and separate property

Ed Curry
Ed Curry

STATE OF ARIZONA)
)
COUNTY OF PIMA) ss.

The foregoing instrument was acknowledged before me this 22 day of December, 2011, by Ed Curry.

Vicki L. Relich
Notary Public

My Commission Expires: 3-4-2015

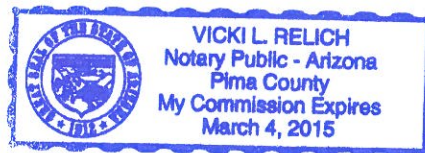


EXHIBIT "A"

Lots 1-142 and Common Area 'A' (Private Streets, Runway, and Tie-Down), Tract B (Conservation Area) of MORNING STAR AIRPARK, according to Book 15 of Maps, Pages 99-99H, records of Cochise County, Arizona.

EXHIBIT "B"

Before lots can be released for sale, applicant will provide an amended letter from Arizona Department of Water Resources showing physical, continuous, and legal groundwater adequacy as required by the Cochise County Subdivision Regulations.



S-07-06 Morning Star Airpark Conservation Subdivision



Request for a Substitute Assurance Agreement

Board of Supervisors – April 24, 2012



S-07-06 Morning Star Airpark Conservation Subdivision

- **142 Lots on 443.517 acres east of Sunsites, access from Birch Road off State Route 191**
- **Zoned RU-4, which will develop in four phases, lot size will range from 1.29 to 1.45 acres**
- **Conservation area is 227.693 acres (Tract B)**
- **Density bonus results in additional 30 lots**
- **Internal roads will be private, with two paved access roads via Birch Road**
- **Private Airstrip**



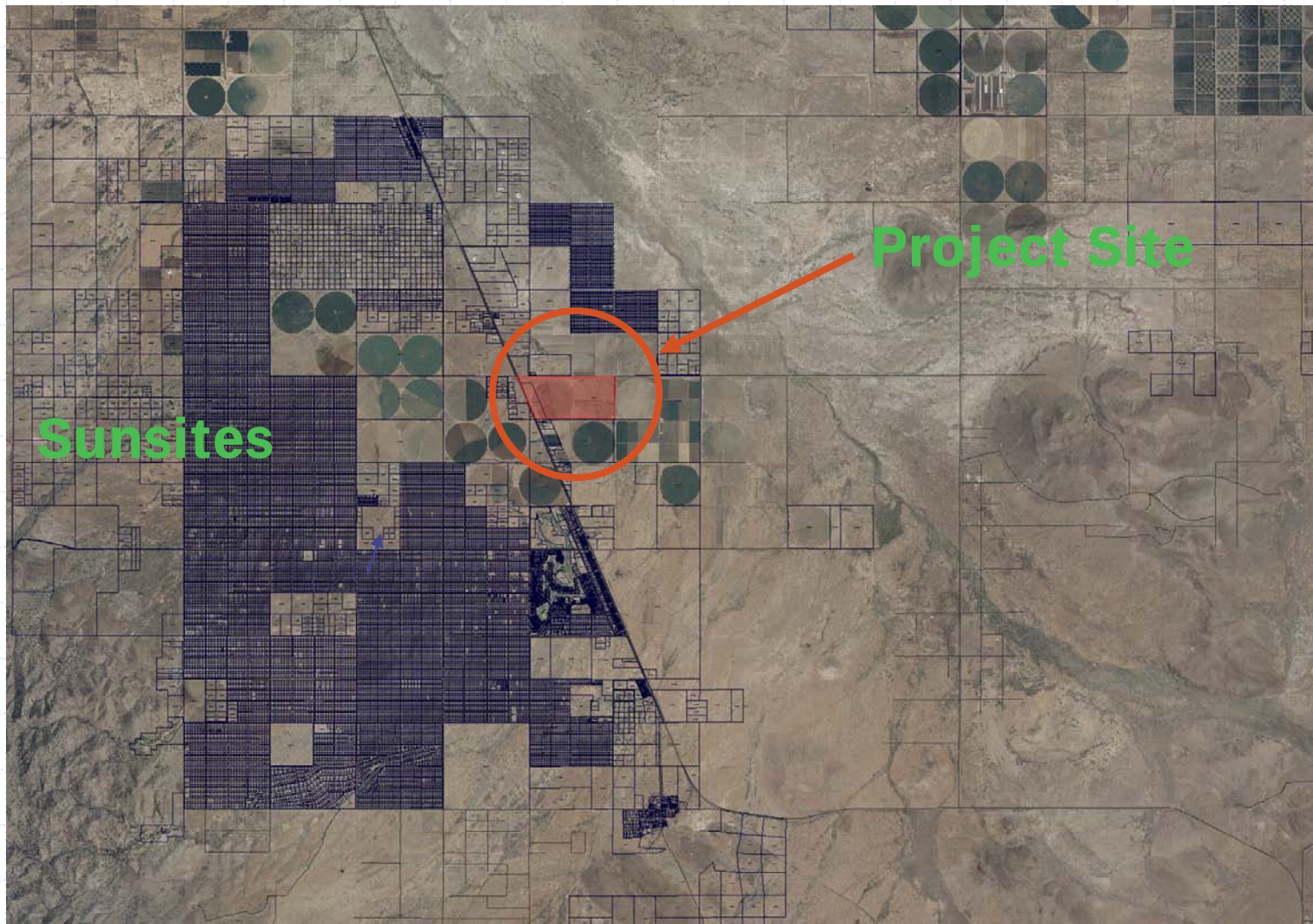
MORNING STAR AIRPARK SUBDIVISION

Request to Substitute Assurance Agreement

- **Ed Curry purchased the land after a Trustee's Sale.**
- **Mr. Curry's intent is to preserve the entitlements on the land while continuing to pursue his farming interests on the parcel.**
- **Staff is recommending a Waiver of the 3-year limit for making improvements and granting Mr. Curry's request for 5 years.**
- **As a condition of approving the requested waiver, at the end of 5-years, the economic conditions and Mr. Curry's intent for developing the subdivision be re-evaluated.**
- **At that time, if development does not seem likely, Mr. Curry will agree to abandon the plat to prevent a future 'paper subdivision'.**



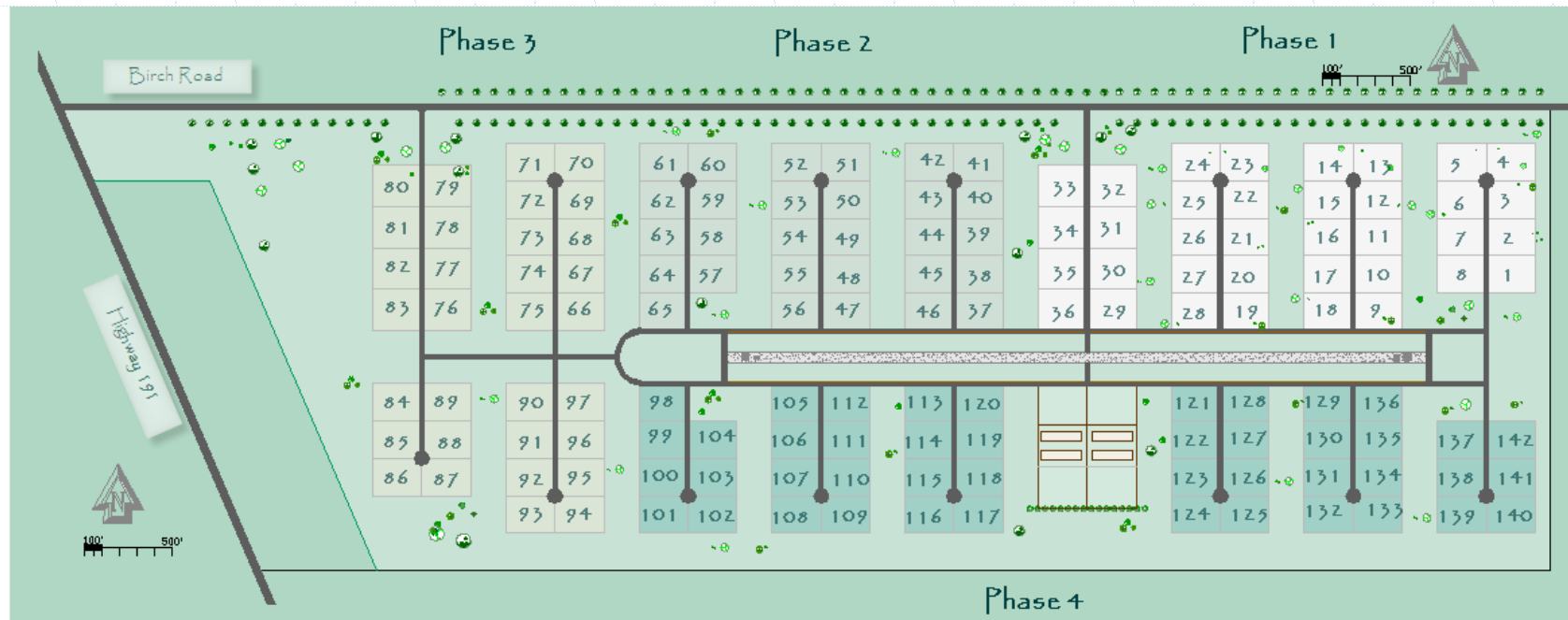
S-07-06 Morning Star Airpark Subdivision Location Map





MORNING STAR AIRPARK SUBDIVISION

Phasing and Lot Layout



MORNING STAR AIRPARK SUBDIVISION



View to south from Birch Road

MORNING STAR AIRPARK SUBDIVISION



View into the site

MORNING STAR AIRPARK SUBDIVISION



View to east with Guzman Meat Market to left.



MORNING STAR AIRPARK SUBDIVISION

Request to Substitute Assurance Agreement

Staff recommendation:

- 1. Approve the Substitute Assurance Agreement;**
- 2. Approve the waiver of time limits for development from 3-years to 5-years; and**
- 3. Approve the Condition that at the end of 5-years, Mr. Curry will convey his intentions for development including the possibility of abandoning the plat.**

Regular Board of Supervisors Meeting**Meeting Date:** 04/24/2012

Approval of Change Orders - Douglas Government Center Construction Project

Submitted By: Dave Seward, Procurement**Department:** Procurement**Presentation:** No A/V Presentation**Recommendation:** Approve**Document Signatures:** BOS Signature NOT Required**# of ORIGINALS** 0**Submitted for Signature:****NAME
of PRESENTER:** Dave Seward**TITLE
of PRESENTER:** Procurement
Director**Mandated Function?:** Federal or State Mandate**Source of Mandate
or Basis for Support?:****Docket Number (If applicable):**

Information**Agenda Item Text:**

Approve Change Order Requests 26, 42, 44, 47, 48, 49, 50, 52, 55, 57, 58, 59, 60, 61, 62, 63, and 64 for Concord General Contracting in the amount of \$79,650.09 for the Douglas Government Center Construction Project.

Background:

The original contract amount with Concord General Contracting was \$3,849,000. Previously approved change orders with Concord total \$175,336. The contingency amount for this project is \$200,000. A brief explanation for these change orders is attached. Substantial completion for this project is April 23, 2012. There are three outstanding change orders that total approximately \$4,000 that are currently being negotiated.

The Architect, Construction Manager, and Project Manager have reviewed and approved these change orders. The total amount requested by Concord was negotiated from \$92,558.09 to the amount of \$79,650.09 during the change order review process. Change orders of \$30,000 or more require Board of Supervisors approval in accordance with the procurement policy.

Department's Next Steps (if approved):

Process a contract amendment to Concord General Contracting.

Impact of NOT Approving/Alternatives:

The work required by these change orders will not be done.

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):

Budgeted in the construction contingency fund.

Attachments

Change Order Summary

CONTRACT NO. 11-35-FAC-01

AMENDMENT NO. 11

CHANGE ORDER SUMMARY

(= original change order amount requested by Contractor))

Change Order No. 26 - \$12,597 (\$13,947)

Structural changes due to unforeseen conditions behind exterior wall. Required all new structural steel beams to support the wall at SE corner of building

Change Order No. 42 - \$4,022 (\$5,354)

Request from Sheriff to modify evidence isolation room.

Change Order No. 44 - \$8,139

Window Head detail requiring framing, drywall & stucco at storefront entrance. Existing head was deficient and had to be rebuilt.

Change Order No. 47 - \$3,944.93

Existing wood headers at storefront were rotted. Required new metal framed wood headers.

Change Order No. 48 - \$802

Additional steel lintel required. Existing lintel was deemed inadequate when installing the air handler and ductwork.

Change Order No. 49 - \$3,064 (\$3,251)

Soffit and flat oval duct run original design in Museum had to be revised (lowered) due to conflict with fire protection and windows

Change Order No. 50 - \$6,398 (\$7,197)

Transfer openings to allow transfer of air from one space to another.

Change Order No. 52 - \$3,582.28

Replace existing steel door & framing at storefront with aluminum storefront entrance. Existing framing would not support a steel door. Original doors turned over to Facilities.

Change Order No. 55 - \$3,679.88

Install historic guardrail at jury box in courtroom. Refinish wood & metal.

Change Order No. 57 - \$372 (\$503)

Construct drywall soffit in room 149. Existing conditions with regard to the columns and gridline required modification to original plans.

Change Order No. 58 - \$2,036.00 (\$2,362)

Construct fire-rated stairwell. Drywall ceiling to replace suspended acoustical ceiling at 2nd floor mezzanine.

Change Order No. 59 - \$4,734 (\$5,517)

Construct one-hour enclosure room at basement elevator in order to comply with code for elevator installation.

Change Order No. 60 - \$20,667.00 (\$28,667.00)

Additional floor patch and prep under carpeting and VCT due to an error in the plans & specifications.

Change Order No. 61 - \$1,759

Remove top of retaining wall at the request of the City of Douglas when they were installing the sidewalk. This should be the responsibility of the City of Douglas.

Change Order No. 62 - \$760

Trim SE corner of building with stucco because of unstable brick and for aesthetic purposes and a clean finish.

Change Order No. 63 - \$1,568

Prime coat to tin ceiling required after SW hazard had to sand blast ceiling.

Change Order No. 64 - \$1,525

Demolish and remove existing material in room #97. This should have been included in change order #59.

Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

Director - CHSS

Submitted By: Mary Gomez, Health & Social
Services

Department: Health & Social Services

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 2

Submitted for Signature:

NAME of PRESENTER: Mary Gomez

TITLE of PRESENTER: Director
- CHSS

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?: Title 36

Docket Number (If applicable):

Information

Agenda Item Text:

Approve inter-departmental transfer of \$120,000 from Cochise Health Systems contingency fund to Title 36 Mental Health Department.

Background:

Title 36 claims exceeded the annual budgeted amount of \$210,00 by mid-February. Have paid approximately \$30,000 per month for Title 36 in-patient evaluations this FY to date. Estimating an additional \$120,000 for remainder of this FY.

Department's Next Steps (if approved):

Contact Finance to transfer funds ASAP.

Impact of NOT Approving/Alternatives:

Unable to pay Title 36 claims which are the responsibility of Cochise County.

To BOS Staff: Document Disposition/Follow-Up:

None.

Fiscal Impact

Fiscal Year: 2012

One-time Fixed Costs? (\$\$\$): 120000

Ongoing Costs? (\$\$\$): 0

County Match Required? (\$\$\$): 0

A-87 Overhead Amt? (Co. Cost Allocation \$\$\$): 0

Source of Funding?: CHS Contingency

Fiscal Impact & Funding Sources (if known):

Funds to be moved from cash carry forward/excess revenue previously accumulated by Cochise Health Systems.

Regular Board of Supervisors Meeting

Meeting Date: 04/24/2012

State and Federal Legislation Discussion

Submitted By: Kim Lemons, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME na
of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE na
of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Discussion and possible action regarding state and federal legislative matters, including but not limited to the items in the attached County Supervisors Association Legislative Policy Committee Agenda.

Background:

na

Department's Next Steps (if approved):

na

Impact of NOT Approving/Alternatives:

na

To BOS Staff: Document Disposition/Follow-Up:

na

Attachments

Board of Directors Meeting



County Supervisors ASSOCIATION of arizona

1905 W. Washington St., Ste. 100, Phoenix, AZ 85009
(602) 252-5521 fax: (602) 253-3227

**COUNTY SUPERVISORS ASSOCIATION
BOARD OF DIRECTORS
AGENDA
April 19, 2012
Boardrooms A and B
County Supervisors Association
1905 W. Washington St.
Phoenix, AZ**

10:00 a.m. Call to Order / Pledge / Prayer ~ *President Max Wilson*

- 1) Approval of Minutes
 - ❖ March 15, 2012, Board of Directors Meeting
 - ❖ April 13, 2012, Legislative Policy Committee Meeting
- 2) Recognition of Outgoing Maricopa County Manager David Smith
- 3) Legislative Policy Committee Discussion
 - ❖ Budget Negotiations Update
 - County Priorities – 2012 Legislative Session
 - ❖ Regulatory Reform
 - [HB 2570](#): political subdivisions; proceedings; governing bodies (*Olson*)
 - [HB 2827](#): administrative procedures; counties; districts (*Ugenti*)
 - ❖ [HB 2543](#): S/E state highway; signage; nonprofit museum (*Carter*)
 - ❖ [HB 2729](#): state regulation of firearms (*Gowan*)
 - ❖ [HB 2815](#): employment; incentives; regulatory tax credit (*Mesnard*)
 - ❖ [HB 2826](#): consolidated election dates; political subdivisions (*Ugenti*)
 - ❖ [SB 1040](#): NOW: county highways; county engineer recommendations (*Gray*)
 - ❖ [SB 1311](#): civil actions; justice courts; jurisdiction (*Antenori*)
 - ❖ CSA Legislative Package
 - [HB 2360](#): flood control districts; immunity (*Fann*)
 - [HB 2389](#): lease of county property; requirements (*Pratt*)
 - [HB 2495](#): counties; purchases; local dealers (*Jones*)
 - [HB 2651](#): road enhancement improvement districts (*Burges*)
 - [HB 2658](#): flood control authority; relinquishment; districts (*Pratt*)
- 4) Nominations/election of NACo Board of Directors Representative
- 5) Nominations/election of NACo WIR Board of Directors Representative
- 6) Secure Rural Schools Coalition Action Team
- 7) Gabe Zimmerman Public Service Awards

- 8) NACo Report
 - ❖ National County Government Month (April, 2012)
 - ❖ Western Interstate Region Conference, May 16-18, 2012, Santa Fe, NM
 - ❖ NACo Presidential Leadership and Committee Appointments Process Deadline of May, 2012 (*TBD*)
 - ❖ NACo Steering Committee Process Deadline of June, 2012 (*TBD*)
 - ❖ NACo Annual Conference, July 13-17, 2012, Pittsburgh, PA
- 9) County Managers Association Report ~ *Robert Pickels*
- 10) County Caucus Reports
- 11) Other Business
- 12) Adjourn

Attendance may occur by teleconference or videoconference

The County Supervisors Association Board of Directors may vote to order an executive session for the purposes of discussion on any of the agenda items. A.R.S. § 38-431.03(A)(1), (3), (4), and (5).

Executive Budget and House & Senate Joint Budget Proposal

Impacts to Counties

DRAFT

On February 20, 2012, the House of Representatives and the State Senate each introduced a set of budget bills that appear to be nearly identical in content. This budget package does not reflect an agreement negotiated with the Governor. Governor Brewer released the details of her FY2012-2013 budget recommendations on January 13, 2012. A review of the Governor's plan and the House & Senate Joint Proposal, identified the following county-related items:

<u>Budget Provision</u>	<u>Executive Budget</u>	<u>House & Senate</u>
<u>Prison shift:</u> Triggered shift, from last year's budget, SB1621.	Repeals	Repeals
<u>Mandated county cash contributions</u>	Eliminates	Eliminates
<u>HURF to MVD:</u> Continues the FY2012 shift from HURF to MVD into FY2013. Holds the 10 smallest counties harmless (\$4,090,000).	Continues	Continues
<u>HURF to DPS:</u> Continues the transfer from HURF to DPS. - Executive Proposal removes the statutory cap of \$10 million to DPS from the HURF. - House & Senate Proposal makes some changes to the HURF shift to DPS, possibly lowering the impact to counties by approximately \$4.5 million over prior years.	<u>Continues the transfer and removes the statutory cap.</u> Does not include changes to HURF shift.	Continues the transfer, withstands the statutory cap removal. <u>Includes the change to HURF Shift.</u>
<u>SVP/RTC Payments:</u> Continues county payments for 100% of RTC patients and 50% of SVPs housed at the AZ State Hospital. Includes "flexibility language" allowing the counties to pay through any county resource.	Continues	Continues
<u>County Attorneys Fund:</u> Provides \$973,600 of ACJC grant monies.	Funded	Funded
<u>Diversion of the Indigent Defense Fund:</u> Diverts the State Indigent Defense Fund to the GIITEM Fund Border Security and Law Enforcement Subaccount.	Continues	Continues
<u>Law Enforcement Boating Safety Fund (LEBSF):</u> Appropriates funds to be used for LEBSF by the counties. The Executive Budget appropriates \$1.8 million and the House & Senate Budget appropriates \$2,183,800.	Continues	Continues at a higher level
<u>Justice of the Peace salaries:</u> Maintains the 80.75% county share.	Continues	Continues
<u>Suspension of County Non-Supplanting Funding Requirements:</u> Suspends county non-supplanting requirements associated with funding for probation services, criminal case processing, and alternative dispute resolution programs.	Continues	Continues
<u>Suspension of Grand Jury and Attorney Reimbursement:</u> Suspends the requirement that the Supreme Court reimburse counties 50% of the costs of grand juries and state-funded counsel assigned to first-time capital post-conviction relief proceedings.	Continues	Continues
<u>State Capitol Post-Conviction Public Defenders Office:</u> Funds the Capital Post-conviction Public Defender Office Fund at \$161,000, with no increase from 2011.	Funded	Eliminates
<u>County Attorney Immigration Enforcement:</u> Maintains \$1,213,200 for county attorney immigration enforcement, including \$200,000 for the Maricopa County Attorney, and \$500,000 for the Maricopa County Sheriff.	Funded	Funded
<u>ASRS Pension Contribution Rate:</u> Reversal of the current 47% employer and 53% employee contribution rate split to the original 50/50 split for the Arizona State Retirement System (ASRS). Includes the return of employee contributions paid to the system in excess of the employer contributions from the effective date of the original change, June 30, 2011.	Not included	Included

Bills for Consideration
CSA Board of Directors Meeting
April 19, 2012 (10:00 a.m.)

Bill Number	Short Title	Description	Comment
<i>Legislative Bills for Discussion</i>			
<u>HB 2543</u>	S/E state highway; signage; nonprofit museum (<i>Carter</i>)	The Department of Transportation may approve, install and maintain interim or temporary directional signage on state highways for nonprofit museums if the museum files an application for a permit for installation of the signage. The applicant must agree that the signage is temporary and that ADOT may remove it at any time.	Passed on Senate Third Read 27-3, conference committee recommended in House
<u>HB 2570</u> :	political subdivisions; proceedings; governing bodies (<i>Olson</i>)	Political subdivisions cannot enact any ordinance or other form of legislation unless it has passed three public readings in its governing body on three separate days and been made available to the public for at least 14 days.	Failed Senate Third Read 9-21-0 & Motion to Reconsider
<u>HB 2827</u> :	administrative procedures; counties; districts (<i>Ugenti</i>)	Counties and special taxing districts are required to establish and maintain a public ordinance or rule adoption docket containing specified information on proposed ordinances or rules; file a notice of proposed action before ordinance or rule adoption, amendment, or repeal; provide at least 30 days for public participation on proposed ordinances or rules; publish the full text of each ordinance or rule at least once every quarter; publish a register containing a schedule of hearings on proposed ordinances or rules, the full text of ordinances or rules, and a summary of action on ordinances or rules; and annually publish a directory of current ordinances or rules and substantive policy statements, which must be open to public inspection. Provides processes for emergency and expedited ordinance or rule adoption under specified circumstances, and exempts a list of ordinances or rules from the required adoption process. Effective January 1, 2013.	DPA Senate COW
<u>HB 2729</u>	state regulation of firearms (<i>Gowan</i>)	Modifies the definition of misdemeanor with a weapon, to only entering a public building or public event with a firearm if the building or event posts a sign saying guns are not allowed and it is secured with armed guards, metal detectors and lockers for storing firearms. This legislation does not have an appropriation.	Governor VETOED, 4/17

HB 2815:	employment; incentives; regulatory tax credit (<i>Mesnard</i>)	Beginning in tax year 2014, establishes an individual and corporate income tax credit for the creditable costs and expenses of “excessive regulation” (defined) incurred by a taxpayer. The credit is capped at \$1,000 for individuals and \$4,000 for corporations in tax years 2014 and 2015, and \$2,000 for individuals and \$8,000 in tax years 2016 and after. The unused credit may be carried forward for up to 10 consecutive taxable years. Establishes caps for the aggregate amount of credits in claims against different government entities. Establishes a process for claiming the credit, including approval by the Department of Revenue. An approved credit constitutes a debit against the general fund appropriation for a responsible state agency, a debit against state shared revenues for responsible counties and municipalities, and a debit against any other taxing entity’s monies in the custody of the State Treasurer for other taxing entities. All or part of an unclaimed credit may be sold or transferred under specified conditions. Additionally, the list of amounts subtracted from Arizona gross income for individual and corporate income tax purposes is expanded to include net capital gain included in federal adjusted gross income for the taxable year that is derived from an investment in a capital asset acquired after December 31, 2011, beginning with 25 percent of net capital gain in tax year 2013 and increasing 25 percent per tax year to 100 percent in tax year 2016 and after. Corporations may carryover net operating losses arising in tax years beginning with 2013 for 20 years, increased from 5 years.	DP Senate Appropriations
HB 2826	consolidated election dates; political subdivisions (<i>Ugenti</i>)	Beginning with elections held in 2014, political subdivision elections, except special elections, can no longer be held in March or May and may only be held in even-numbered years.	Failed Senate Third Read 11-17-2 & Motion to Reconsider
SB 1040	S/E county highways; county engineer recommendations (<i>Gray</i>)	County highways may be established or authorized by the county engineer's recommendation after a public hearing (in addition to the current process of a petition signed by county residents). If a county board of supervisors is abandoning or vacating a highway, the board is required to give written notice by certified mail to the owners of the land abutting the highway. The board cannot abandon or vacate the highway unless a majority of the landowners approve of the action or vacate the highway.	Transmitted to Governor
SB 1311	civil actions; justice courts; jurisdiction (<i>Antenori</i>)	This measure increases the jurisdictional limit over civil actions in justice of the peace courts from its current level of \$10,000 to \$15,000. Includes a legislative intent clause that states the following, <i>"The legislature intends that any increase in justice court caseloads that results from this act be fully funded according to the existing judicial productivity credit formula as provided by law. A county may fund any increase by using any savings that are associated with the corresponding decrease in superior court caseloads or by any other means of funding that is available."</i>	Free Conference Committee Members Appointed

CSA Legislative Agenda

<u>HB 2360:</u>	flood control districts; immunity (<i>Fann</i>)	A county flood control district and its employees are not liable for any injury or property damage arising out of a flood control project when a reasonably adequate warning of any unreasonably dangerous hazard is given to potentially affected property owners.	Signed by Governor, Chapter 222
<u>HB 2389:</u>	lease of county property; requirements (<i>Pratt</i>)	The appointment of an appraiser is not required for the lease of county property valued at \$5,000 or less if the value has been estimated and justified by a market analysis based on comparable sales.	Signed by Governor, Chapter 254
<u>HB 2495:</u>	counties; purchases; local dealers (<i>Jones</i>)	For purchases in excess of \$50,000, counties must award contracts to a local dealer in preference to competing bidders if the bid of the competing bidder is less than five percent lower.	Transmitted to Governor
<u>HB 2651:</u>	road enhancement district; governance (<i>Burges</i>)	Establish a mechanism where a BOS may be replaced by an independently elected board of directors for a Road Enhancement Improvement Districts.	Signed by Governor, Chapter 104
<u>HB 2658:</u>	flood control authority; relinquishments; districts (<i>Pratt</i>)	Clarify municipal responsibility for long-term impacts, such as maintenance costs, when the municipality acting as a floodplain administrator, makes these decisions and gives up floodplain administration duties.	Signed by Governor, Chapter 228

Legislative Compromise Digital Billboards

Conference Committee Amendment to HB 2543

BACKGROUND

A recent Arizona Court of Appeals has overturned several years of established property rights by ruling that digital billboards that change messages on federal and state highways are illegal under state law, despite the existence of over 70 such billboards that had been approved in accordance with both Federal Highway Administration and ADOT policy guidelines. In its decision, the Court of Appeals stated that an amendment to Arizona's Highway Beautification Act would be necessary in order to clarify that digital billboards that change messages are permitted along Federal and State highways.

COMPROMISE LEGISLATION

The billboard industry, along with Arizona's astronomy community, has reached a **compromise** that will protect Arizona's astronomy industry and still allow digital outdoor billboards in parts of the state. This compromise strikes a balance to competing economic interests while ensuring the public benefits that both bring to the state.

The work done by observatories here brings jobs, tourism and prestige to the state. The presence of outdoor billboards in our urban area supports thousands of businesses and provides important charitable and crime fighting benefits for our residents.

CONFERENCE COMMITTEE AMENDMENT PROVISIONS:

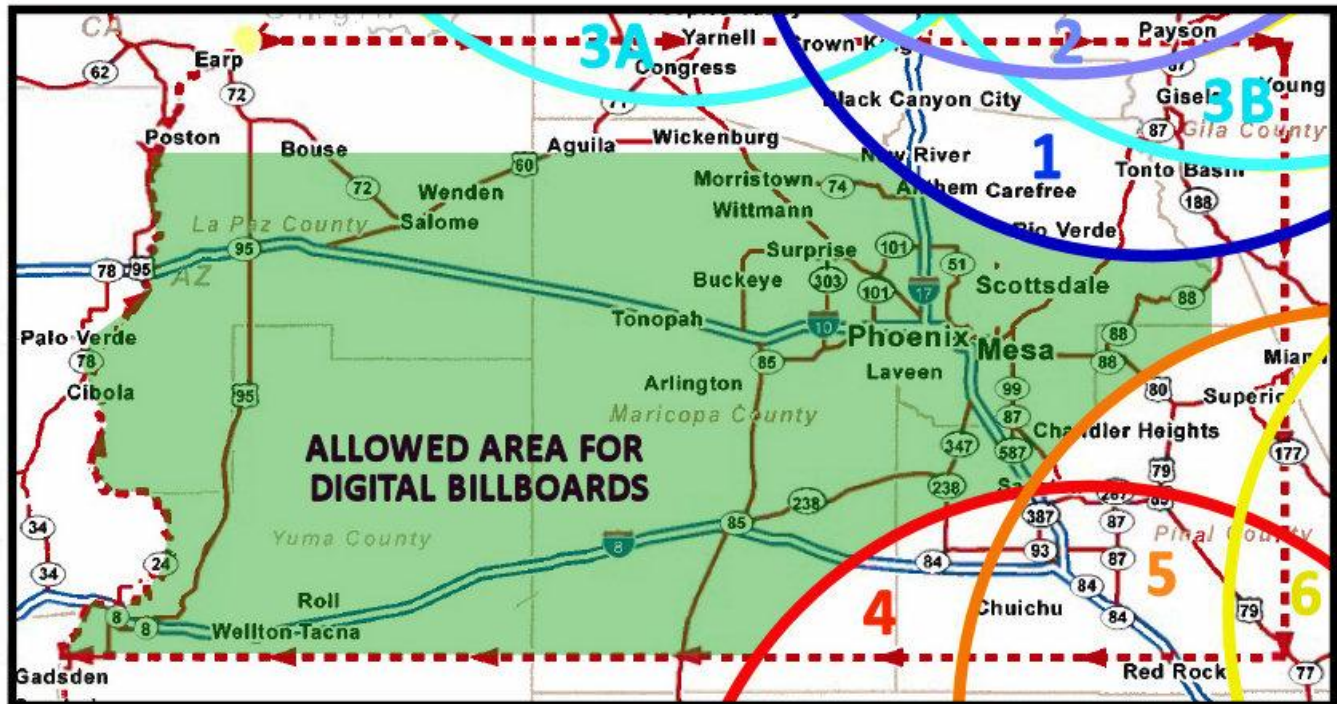
The compromise amendment updates Arizona's statute and makes it consistent with 41 other states by doing the following:

- Prohibits digital billboards on Arizona highways in over two thirds of Arizona. It prohibits new signs or conversion of existing signs south of Sacaton and north of New River. (Map attached)
- Expands the curfew on digital outdoor billboards by one hour, from the current Midnight deadline to 11 p.m.
- Restricts the brightness of the boards and requires operators to comply with the spacing and size requirements in the Highway Beautification Act.
- Grandfathers all existing digital billboards to prevent future takings claims and permits ADOT to enact workable rules to regulate digital signs throughout the state.
- Protects the right of local jurisdictions to enact tougher restrictions and maintains any existing city and county ordinances banning electronic billboards.
- Includes an emergency clause to immediately put into effect the law that would prevent billboards outside the approved area unless they are already grandfathered according to the legislation.

1 DISCOVERY CHANNEL TELESCOPE

2 ANDERSON MESA (LOWELL OBSERVATORY) / NAVY OPTICAL INTERFEROMETER

3A/3B CHERENKOV TELESCOPE ARRAY PROPOSED SITES



4 KITT PEAK NATIONAL OBSERVATORY

5 MOUNT LEMMON OBSERVATORIES

6 MT. GRAHAM INTERNATIONAL OBSERVATORY



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 17, 2012

The Honorable Andy Tobin
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2729 (state regulation of firearms)

Dear Speaker Tobin,

Today, I vetoed House Bill 2729 (state regulation of firearms). This bill would have required public entities to provide security personnel and equipment in public buildings in order to limit or prohibit weapons. As you know, I vetoed a similar measure last year, and it appears the majority of my concerns were not addressed in House Bill 2729.

I am a strong proponent of the Second Amendment, and I have signed into law numerous pieces of legislation over these past few years to advance gun rights. However, I cannot support this measure in its current form. United States Supreme Court Justice Antonin Scalia, in the *Heller* decision, recognized the legitimacy of laws "forbidding the carrying of firearms in sensitive places such as schools and government buildings." Decisions made by government officials at the state, county and municipal level impact all areas of life and can have a profound impact upon an individual's family and livelihood. Emotions can run high. The decision to permit or prohibit guns in these extremely sensitive locations – whether a City Council chamber or branch office staffed with State workers – should be cooperatively reached and supported by a broad coalition of stakeholders, including citizens, law enforcement officials and local government leaders.

I am also concerned about the fiscal impact of this legislation. Clearly, the Arizona House of Representatives and Senate buildings and Executive Tower would not be impacted by the legislation, as security measures are already in place. However, many other government jurisdictions across our state do not have this same luxury. They would face this choice: Either spend untold dollars in order to provide their officials and employees the same level of protection that we have at the Arizona State Capitol complex, or accept weapons on the premises. If nothing else, the result would be extensive confusion regarding where guns are permitted or not permitted in public buildings.

The Honorable Andy Tobin

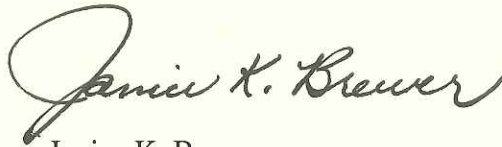
April 17, 2012

Page 2 of 2

While I appreciate the efforts of the bill sponsor, there is still a tremendous amount of work to be done before this concept can become law. Ultimately, there must be a more thorough and collaborative discussion of the proper place for guns in the public arena. As the proponents of this measure continue to work toward expanding the application of this right, the CCW permit-holder concept and the protection of private property rights must play an important role. In addition, we need to thoughtfully consider public venues and situations in which weapons may not be appropriate, or may be prohibited by federal law.

Until these and other issues are resolved, this legislation is not ready to become part of Arizona law.

Sincerely,

A handwritten signature in black ink, reading "Janice K. Brewer". The signature is fluid and cursive, with the first name "Janice" being more prominent and the last name "Brewer" following in a similar style.

Janice K. Brewer
Governor

cc: The Honorable Steve Pierce
The Honorable David Gowan

NACo Board of Directors CSA Appointment

Position to be Held: CSA has one dedicated seat on the NACo Board of Directors. The election for this position will be held at the April CSA Board of Directors meeting. The term would begin July 2012 and would be held for a minimum of two-years, with no term limit, to be affirmed on a bi-annual basis at the April board meeting of even-numbered years (*per CSA Bylaws Articles 6.9 and 6.10*).

Purpose of the Board: The 126-member board oversees NACo operations. CSA's appointment provides an opportunity to advance the interests of Arizona's supervisors within NACo.

NACo Board of Directors Meeting Schedule for FY12-13: The NACo Board meets four times each year during the following periods:

- o July 13-17, 2012 at the NACo Annual Conference in Allegheny County (Pittsburgh), Pennsylvania (*NACo and NACoRF BOD will meet on July 16*)
- o December 2012 at the NACo Fall Board of Directors Meeting, *Date and Location TBD*
- o March 2-6, 2013 at the NACo Legislative Conference in Washington, D.C. (*NACo Board will meet on March 4*)
- o May 22-24, 2013 at the Annual Western Interstate Region Conference in Coconino County (Flagstaff), Arizona (*NACo Board will meet on May 23*)

Reimbursement Policy: \$6,000 reimbursement in budget based on CSA's reimbursement policy

WIR Board of Directors CSA Appointment

Position to be Held: CSA has one dedicated seat on the Western Interstate Region (WIR) Board of Directors. The election for this position will be held at the April CSA Board of Directors meeting. The term would begin July 2012 and would be held for a minimum of two-years, with no term limit, to be affirmed on a bi-annual basis at the April board meeting of even-numbered years (*per CSA Bylaws Articles 6.9 and 6.10*).

Purpose of the Board: The 23-member board focuses on public lands policy (including PILT funding) and other issues critical to the western region of the United States. WIR provides a forum to hear speakers, discussion legislation, and network with other officials to exchange policy information. CSA's appointment provides an opportunity to advance the interests of Arizona's supervisors within WIR.

WIR Board of Directors Meeting Schedule for FY12-13: The WIR Board meets four times each year during the following periods:

- o July 13-17, 2012 at the NACo Annual Conference in Allegheny County (Pittsburgh), Pennsylvania (*the WIR BOD will meet during this conference*)
- o October 2012 at the WIR Board of Directors Meeting, Kodiak, AK (*Date TBD*)
- o March 2-6, 2013 at the NACo Legislative Conference in Washington, D.C. (*the WIR BOD will meet during this conference*)
- o May 22-24, 2013 at the Annual Western Interstate Region Conference in Coconino County (Flagstaff), Arizona

Reimbursement Policy: There is not a travel reimbursement for this position, because CSA pays annual dues to WIR totaling \$8,744 for 2012.

Call For Nominations: The 2012 Gabe Zimmerman Public Service Awards

The Gabe Zimmerman Public Service Awards are a statewide competition created to recognize those non-elected professional public servants who serve as the critical link between citizens and the people elected to represent them. They are named in honor of Gabrielle Giffords' director of community outreach, who lost his life on January 8, 2011, while serving the citizens of Arizona.

These awards are an opportunity to showcase the commitment and dedication of more than 100,000 professional public servants working at all levels of government. The purpose of the awards is to recognize those Arizonans who exemplify the importance and impact of public service. See [Eligibility](#).

The Gabe Zimmerman Public Service Awards will be conferred in three categories:

LEADERSHIP: Recognizing the long-term achievements and efforts of public servants who have displayed and sustained leadership contributions throughout their careers, with a minimum of 20 years of public service.

INNOVATION: Recognizing the achievements and efforts of public servants who bring transformative new ideas and technology to public service, and who have the skills to implement their ideas in ways that benefit the citizens they serve.

CIVIC ENGAGEMENT: Recognizing the achievements and efforts of public servants who have materially helped inform, engage and connect citizens in ways that encourage their active participation in 21st century democracy and community building.

Nominations are due by 11:59 pm, Monday, June 4, 2012.

Honorees of the Gabe Zimmerman Awards will be recognized at the 2012 League of Arizona Cities and Towns Annual Meeting, to be held in late August.

Center for the Future of Arizona
541 E. Van Buren, Suite B-5
Phoenix, AZ 85004
602-496-1360

Eligibility

Any Arizona-based public servant who is employed by any of the following may be nominated for one of the Gabe Zimmerman Public Service Awards:

- Cities and Towns
- Counties
- Special Districts
- Agencies of the Executive and Legislative Branches of State Government
- Tribal Governments
- Personal Staff employed by Members of the Arizona Congressional Delegation

As there are other recognition programs for education and public safety employees, this program will focus on **all other categories of public service** in Arizona at the levels of government listed above.

Nominate an Outstanding Public Employee

Nominations for the **2012 Gabe Zimmerman Public Service Awards** are now being accepted.

Deadline for Submission: 11:59 pm, Monday, June 4, 2012.

Award Ceremony: Honorees of the Gabe Zimmerman Awards will be recognized at the 2012 League of Arizona Cities and Towns Annual Meeting, which will be held in late August.

Thank you for your participation in this effort to recognize extraordinary public service in Arizona.

Nomination Process

ONLINE NOMINATION APPLICATION <http://www.thearizonawewant.org/zimmerman/nominate.php>

All nominations must be submitted electronically.

Please note that if you are unable to complete the online application in one session, your responses will not be saved.

To help ensure that you can complete the nomination process in one online session, worksheets are available in both Adobe PDF and Microsoft Word to help you plan your responses to the essay questions in the online application. When you are ready, proceed to the online version to copy and paste your essay responses into the application form for electronic submission.

Award Sponsors

County Supervisors Association of Arizona (CSA)

For 30 years, the CSA has served as a forum for county officials to address important issues facing local constituents. The association provides a mechanism to share information among county officials and professional staff, and works to advance issues of county interest with the state and federal governments. Membership includes the 55 elected supervisors from Arizona's 15 counties.

League of Arizona Cities and Towns

The League of Arizona Cities and Towns is a voluntary association of all the 91 incorporated cities and towns in the state of Arizona. It provides policy and legislative advocacy, information and inquiry services, along with publications and educational programs to strengthen the quality and efficiency of municipal government. It was founded in 1937 to serve the interests of cities and towns and to preserve the principles of home rule and local determination.

Inter Tribal Council of Arizona, Inc.

In 1952, the elected leaders of nine Indian Tribes formed an association to provide members with a united voice. Today, 20 federally recognized Indian Tribes belong to the Council. Their mission is "...to be the voice of the member Tribes in bringing about Indian involvement and self-determination."