

Board of Supervisors

Ann English
Chairman
District 2

Richard R. Searle
Vice-Chairman
District 3

Patrick G. Call
Supervisor
District 1



Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator
Interim Clerk

AGENDA FOR REGULAR BOARD MEETING

Tuesday, July 23, 2013 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 the Minutes of the regular meeting of the Board of Supervisors of July 9, 2013.

Community Development

2. Approve the renewal of Contract No. IFB 11-48-HFP-04 for Hot and Cold Mix Road Material to Granite Construction Company in the estimated amount of \$210,000 for the period of July 1, 2013 through June 30, 2014 for the Community Development Highway and Floodplain Division.

County Assessor

3. Accept the Assessor's recommendation to approve the attached list of 124 property tax exemption applications which qualify for the exemption but were filed with the Assessor after the statutory filing deadline of March 1, 2013.

County Attorney

4. Approve the proposed settlement of the Tax Appeal in Sears, Roebuck and Company v. Cochise County, TX2012-000673 (Assessor parcel No. 105-16-038), now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.
5. Approve renewal of Contract through June 30, 2018 for professional services with Catholic Community Services of Southern Arizona, Inc. for providing investigative and reporting services to the Court in adoption cases as required by A.R.S. § 8-112.

County Sheriff

6. Approve the Federal Fiscal Year Operations Stone Garden program award-reallocation grant, Agreement Number 11-AZDOHS-OPSG-888421-04 (purchase 12 thermal cameras) between the Sheriff's Office and the Arizona Department of Homeland Security for the period of July 1, 2013 through June 30, 2014 in the amount of \$47,546.
7. Approve the Federal Fiscal year Operations Stone Garden, Agreement Number 11-AZDOHS-OPSG-888421-03 (for overtime and mileage) between the Sheriff's Office and the Arizona Department of Homeland Security for the period of July 1, 2013 through June 30, 2014 in the amount of \$36,287.55.

Facilities

8. Approve an agreement with Bisbee Vogue Inc. (Formerly Save Our Stairs) for the Bisbee Stair Climb to be held on Saturday, October 19, 2013, in the City of Bisbee.

Finance

9. Approve demands and budget amendments for operating transfers.

Health

10. Approve the renewal of Professional Services Agreement (PSA) No. 12-21-HEA-03 with Copper Queen Community Hospital for Jail and Juvenile Detainee Hospital Services for the Cochise County Health Department in the estimated amount of \$200,000 for the period of August 1, 2013 through July 31, 2014.

Juvenile Probation

11. Approve Amendment #2 to the Inter-Government Agreement, Attorney General Contract #KR11-0109 for Title Funds for Juvenile Detention Education Services for additional Title I funds to be received.

PUBLIC HEARINGS

Board of Supervisors

12. Adopt Resolution 13-25, granting a renewal of a Telecommunications Services Franchise to Copper Valley Telephone, Inc. for five years from today's date until July 22, 2018.
13. Approve a new liquor license application for a series #13 (domestic farm winery) liquor license submitted by Ms. Arlene Linda Domanico for Salvatore Vineyards located at 3052 N. Fort Grant Road, Willcox, 85643.

Community Development

14. Grant the appeal of the decision authorizing a special use permit to the Van Warts for a portable restroom and septic pumping business in St. David, Arizona (Docket SU-13-07), thereby reversing the decision of the Planning and Zoning Commission
15. Adopt Resolution 13-26 to (1) amend certain Cochise County zoning districts boundaries from RU-4 (Rural, one dwelling per 4 acres) to PD (Planned Development District), (2) amend the Cochise County Comprehensive Plan, and (3) approve a Master Development Plan (MDP), pursuant to the application of Mr. C.J. Dorland (The Planning Center, Agent) of Inde Motorsports Park.

ACTION

Board of Supervisors

16. Ratify a letter to the BLM from Chairman English regarding the proposed SunZia route and Cochise County jurisdiction.

Community Development

17. Adopt Resolution 13-27 to grant an easement for Robison Road and Gaskill Road in the Kansas Settlement area, as described therein.

County Sheriff

18. Approve the award of Invitation for Bids (IFB) No. 13-34-SHF-03 to Canyon Building and Design, LLC for the construction of a Firing Range for the Sheriff's Office in the amount of \$704,936.00.
19. Approve the purchase and installation of a Containment Trap and Target System from Action Target, Inc for the Sheriff's Office Firing Range in the amount of \$205,894.49 plus applicable use tax.

Juvenile Probation

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"

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

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 July 9, 2013.

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:** 07/23/2013

Contract Renewal - Hot and Cold Mix

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** N/A**TITLE** N/A**of PRESENTER:****of PRESENTER:****Mandated Function?:** Federal or State Mandate**Source of Mandate
or Basis for Support?:****Docket Number (If applicable):****Information****Agenda Item Text:**

Approve the renewal of Contract No. IFB 11-48-HFP-04 for Hot and Cold Mix Road Material to Granite Construction Company in the estimated amount of \$210,000 for the period of July 1, 2013 through June 30, 2014 for the Community Development Highway and Floodplain Division.

Background:

This will be the second renewal of Contract No. IFB 11-48-HFP-04 approved by the Board of Supervisors on June 21, 2011. Granite Construction Company has agreed to hold their pricing firm for the contract renewal period.

Department's Next Steps (if approved):

Process purchase orders and monitor contract performance.

Impact of NOT Approving/Alternatives:

Procurement would be required to obtain quotes every time there was a requirement for hot and cold mix resulting in higher prices and additional workload for both the Procurement and Highway and Floodplain Division.

To BOS Staff: Document Disposition/Follow-Up:

No action required.

Fiscal Impact**Fiscal Year:****One-time Fixed Costs? (\$\$\$):****Ongoing Costs? (\$\$\$):****County Match Required? (\$\$\$):****A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):****Source of Funding?:****Fiscal Impact & Funding Sources (if known):**

The Highway and Floodplain Division has budgeted for this expenditure in the FY 2013-14 annual work plan in fund line 251-4010-9-413.700.

Attachments

Renewal Letter

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Approve 124 property tax exemptions for 2013

Submitted By: Bobby Garrard, County Assessor

Department: County Assessor

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME of PRESENTER: Philip S. Leiendecker

TITLE of PRESENTER: Assessor

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?: ASR
42-11153B

Docket Number (If applicable):

Information

Agenda Item Text:

Accept the Assessor's recommendation to approve the attached list of 124 property tax exemption applications which qualify for the exemption but were filed with the Assessor after the statutory filing deadline of March 1, 2013.

Background:

ARS 42-11153(B) allows the county board of supervisors to grant a qualified property tax exemption to a taxpayer who files their exemption after the March 1 filing deadline but prior to the setting of the tax rate for tax year 2013. See Attached List.

Department's Next Steps (if approved):

Upon approval Assessor will implement property tax exemptions for the 2013 tax roll.

Impact of NOT Approving/Alternatives:

The attached 124 property owners would be denied the 2013 property tax exemption.

To BOS Staff: Document Disposition/Follow-Up:

N/A

Fiscal Impact

Fiscal Year: 2013

One-time Fixed Costs? (\$\$\$): 0

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

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

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

Source of Funding?: 0

Fiscal Impact & Funding Sources (if known):

N/A

Attachments

2013 Exemptions

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Approve Proposed Settlement of a Tax Appeal

Submitted By: Annette Weems, County Attorney

Department: County Attorney

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT 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 proposed settlement of the Tax Appeal in Sears, Roebuck and Company v. Cochise County, TX2012-000673 (Assessor parcel No. 105-16-038), now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

Background:

Taxpayer filed a civil action in Arizona Tax Court asking for a reduction in assessed value from \$3,600,000.00 to no more than \$2,900,000.00 for Tax Year 2013. After inspecting the property, reviewing the taxpayer's documentation and other market factors/comparables, the Assessor agrees that the property assessment for Tax Year 2013 should be lowered, and so recommended a settlement offer that lowers the full cash value to \$3,200,000.00 (three million two hundred thousand dollars) for Tax Year 2013. The taxpayer has accepted the settlement offer.

Fiscal Impact & Funding Sources: Not applicable, no funding sources are required. Fiscal impact will be a slight reduction in the tax base.

Department's Next Steps (if approved):

Upon approval by the Board, Counsel for the County will sign a Stipulation for Entry of Judgment that has already been signed by the taxpayer, and will submit a form of Judgment to the Arizona Tax Court disposing of this matter pursuant to the settlement terms.

Impact of NOT Approving/Alternatives:

Additional litigation for the County, with the risk that the Arizona Tax Court would rule in the taxpayer's favor, reducing the assessed value of the subject property and subjecting the County to paying the Plaintiff's fees and expenses.

To BOS Staff: Document Disposition/Follow-Up:

Advise County Attorney's Office - Civil Division upon Board's approval.

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Approve Contract for Professional Services Agreement for Providing Adoption Social Studies

Submitted By: Sue Blanchard, County Attorney

Department: County Attorney

Presentation:	No A/V Presentation	Recommendation:	Approve
Document Signatures:	BOS Signature Required	# of ORIGINALS	2
		Submitted for Signature:	
NAME of PRESENTER:	N/A	TITLE of PRESENTER:	N/A
Docket Number (If applicable):			
Mandated Function?:	Federal or State Mandate	Source of Mandate or Basis for Support?:	A.R.S. § 8-127

Information

Agenda Item Text:

Approve renewal of Contract through June 30, 2018 for professional services with Catholic Community Services of Southern Arizona, Inc. for providing investigative and reporting services to the Court in adoption cases as required by A.R.S. § 8-112.

Background:

In June 2004, the Board approved the first contract of this nature after ADES terminated its funding for non-ADES adoption social studies. County general funds of \$10,000.00 were provided at that time to be supplemented by funds from the Civil Enhancement Fund (127) as needed. Continued yearly funding was approved by the Board in the 2006-2007 budget in the amount of \$5,000.00 per year from the General Fund and supplemented as needed from the Civil Enhancement Fund (127). In the proposed contract, Catholic Community Services of Southern Arizona, Inc. agrees to provide any pre-adoption certification study required by law at no additional cost to the County. The cost for each report remains at last year's level of \$1,000.00 per report. The agency will complete a financial screening of all parties and charge all parties 1% of their adjusted gross income, up to the \$1,000.00 total cost of each study. The County's obligation for each report is reduced by any amount directly collected from the proposed adoptive parent(s). The County Attorney's Office will continue to request waivers of the social study reports when appropriate. Such practice has resulted in substantial savings under the current contract. For FY 2012-2013, we have been billed for 6 social studies that have been completed (totaling \$4,727.90 to date) and have 3 pending. For FY 2013-2014, we are requesting a budget of \$5,000.00 from General Fund 100, to be supplemented with \$5,000.00 from Fund #127. Fiscal Impact & Funding Sources: Funds 100 & 127

Department's Next Steps (if approved):

The County Attorney's Office will continue to request waivers of the social study reports when appropriate.

Impact of NOT Approving/Alternatives:

The County Attorney's services to the residents of Cochise County in these adoption matters is required to be provided free of charge pursuant to A.R.S. § 8-127. If not approved, social studies would not get done and adoptions could not proceed.

To BOS Staff: Document Disposition/Follow-Up:

Please return one signed original to the County Attorney's Office for delivery to the Contractor.

Attachments

Professional Services Contract - 2013 - Catholic Social Services

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Operation Stone Garden Overtime and Equipment

Submitted By: Mark Genz, County Sheriff

Department: County Sheriff

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME of PRESENTER: Mark Genz

TITLE of PRESENTER: Commander

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 the Federal Fiscal Year Operations Stone Garden program award-reallocation grant, Agreement Number 11-AZDOHS-OPSG-888421-04 (purchase 12 thermal cameras) between the Sheriff's Office and the Arizona Department of Homeland Security for the period of July 1, 2013 through June 30, 2014 in the amount of \$47,546.

Background:

The Sheriff's Office has participated in Operation Stone Garden for several years. The Arizona Department of Homeland Security provides funding for the Sheriff's Office to address criminal activity related to drug smuggling and illegal immigration. The funding will provide equipment that will be mounted on the exterior spotlights on the deputies' vehicles. These thermal cameras will enable deputies to search dark areas at night to locate not only those involved in criminal activity but lost and injured persons.

This agreement has been reviewed and approved as to form by Ms. Terry Bannon, Deputy County Attorney.

Department's Next Steps (if approved):

Upon completion of the agreements and subsequent authorization from AZDOHS, the Sheriff's Office will purchase and install thermal imaging cameras.

Impact of NOT Approving/Alternatives:

If not approved, the Sheriff would need to utilize general fund monies to pay for this equipment. Not having this equipment diminishes our ability to find criminal activity and lost or injured persons.

To BOS Staff: Document Disposition/Follow-Up:

Please return BOTH original copies the agreement to the Sheriff's Office so they can be forwarded to AZDOHS.

Attachments

Equipment

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Operation Stone Garden Overtime and Equipment

Submitted By: Mark Genz, County Sheriff

Department: County Sheriff

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME of PRESENTER: Mark Genz

TITLE of PRESENTER: Commander

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 the Federal Fiscal year Operations Stone Garden, Agreement Number 11-AZDOHS-OPSG-888421-03 (for overtime and mileage) between the Sheriff's Office and the Arizona Department of Homeland Security for the period of July 1, 2013 through June 30, 2014 in the amount of \$36,287.55.

Background:

The Sheriff's Office has participated in Operation Stone Garden for several years. The Arizona Department of Homeland Security provides funding for the Sheriff's Office to address criminal activity related to drug smuggling and illegal immigration. The funding allocated for overtime and mileage reimbursement is used to deploy deputies on an overtime basis to those areas that are suffering an impact from criminal activity related to illegal immigration and drug smuggling across the international border. These funds are left over from previous funding and have been reallocated. These agreements have been reviewed and approved as to form by Ms. Terry Bannon, Deputy County Attorney.

Department's Next Steps (if approved):

Upon completion of the agreements and subsequent authorization from AZDOHS, the Sheriff's Office will initiate spending these funds for Stone Garden operations in coordination with the US Border Patrol.

Impact of NOT Approving/Alternatives:

If not approved, the Sheriff would need to utilize general fund monies to pay for additional interdiction and disruption operations to address criminal activity related to border issues.

To BOS Staff: Document Disposition/Follow-Up:

Please return BOTH original copies the agreement to the Sheriff's Office so they can be forwarded to AZDOHS.

Attachments

Overtime

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Bisbee 1000 Stair Climb

Submitted By: Eddie Levins, Facilities

Department: Facilities

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 1

Submitted for Signature:

**NAME
of PRESENTER:** Eddie Levins

**TITLE
of PRESENTER:** Facilities
Director

Docket Number (If applicable):

Mandated Function?: Federal or State Mandate

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

Information

Agenda Item Text:

Approve an agreement with Bisbee Vogue Inc. (Formerly Save Our Stairs) for the Bisbee Stair Climb to be held on Saturday, October 19, 2013, in the City of Bisbee.

Background:

This is an annually sponsored event.

Department's Next Steps (if approved):

If the agreement is approved the Facilities Department will grant Bisbee Vogue Inc. (Formerly Save Our Stairs) authorized use of the County Courthouse steps, plaza and lawn area, and County parking lots surrounding the Courthouse Administration building as a meeting point for commencement of the event.

Impact of NOT Approving/Alternatives:

The event sponsors will not have availability to an adequate assembly area that will safely accommodate the number of participants that customarily take part in the event.

To BOS Staff: Document Disposition/Follow-Up:

Please sign and approve the agreement, and return one copy to the Facilities Management Department. One original and a copy of the agreement will be hand delivered to the Clerk of the Board.

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

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.

Health & Social Services

Regular Board of Supervisors Meeting**Meeting Date:** 07/23/2013

Contract Renewal - Jail and Juvenile Detainee Hospital Services

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** N/A**TITLE** N/A**of PRESENTER:****of PRESENTER:****Mandated Function?:** Federal or State Mandate**Source of Mandate
or Basis for Support?:****Docket Number (If applicable):**

Information**Agenda Item Text:**

Approve the renewal of Professional Services Agreement (PSA) No. 12-21-HEA-03 with Copper Queen Community Hospital for Jail and Juvenile Detainee Hospital Services for the Cochise County Health Department in the estimated amount of \$200,000 for the period of August 1, 2013 through July 31, 2014.

Background:

The terms and conditions of this agreement have a provision to renew this agreement for up to four (4) years in one-year increments. This will be the first one-year renewal option. The purpose of this agreement is to provide in-patient and out-patient services as required for jail and juvenile inmates. Copper Queen Community Hospital is the only hospital in Cochise County that can meet the requirements for these services because of the proximity to the jail and the need for a secured area for the inmate. Currently, EMT service is required to transport inmates to the closest hospital, which is the Copper Queen Community Hospital in Bisbee.

Therefore, a Request for Proposals would result in a sole bid and a decision was made to negotiate a sole source agreement with Copper Queen Community Hospital. Payment for services shall reflect AHCCS billing charges for all U.S Citizens and a discount of 45% of billed charges for all non-citizens.

Department's Next Steps (if approved):

Issue purchase orders. Monitor contract performance.

Impact of NOT Approving/Alternatives:

Procurement would have to use Copper Queen Community Hospital without a PSA at a much higher cost.

To BOS Staff: Document Disposition/Follow-Up:

No action required.

Fiscal Impact**Fiscal Year:**

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

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

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

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

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

The estimated expenditures for FY 2013-14 are \$200,000. Funding for this expenditure is out of line item 100-5000-9-431.332 for the Jail and 100-5000-5235-9-431-332 for Juvenile Detention.

Attachments

Contract Renewal Letter

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

IGA Amendment #2 Attorney General Contract KR11-0109

Submitted By: Tracey Rocco, Juvenile Probation

Department: Juvenile Probation

Presentation: No A/V Presentation
Document Signatures: BOS Signature Required

Recommendation: Approve

of ORIGINALS 3
Submitted for Signature:

NAME of PRESENTER: Patrick Schmitt

TITLE of PRESENTER: Detention
Services
Division
Dtr.

Mandated Function?: Not Mandated

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

Docket Number (If applicable):

Information

Agenda Item Text:

Approve Amendment #2 to the Inter-Government Agreement, Attorney General Contract #KR11-0109 for Title Funds for Juvenile Detention Education Services for additional Title I funds to be received.

Background:

The Arizona Supreme Court-Administrative Office of the Courts (AOC) administers title funding received from the Arizona Department of Education (ADE) annually for distribution to the juvenile detention center to fund education and transition programming services.

Department's Next Steps (if approved):

Upon approval and signature by Board of Supervisor's Chairman; the department will utilize the additional funds to install new ultra-flex ground covering in the juvenile detention center's recreation area for physical education used daily by the juvenile detainees.

Impact of NOT Approving/Alternatives:

No funding for replacement of the current ground covering in the recreation area at juvenile detention center. The rock/gravel has been identified by the department staff as being used to deface the interior of the detention center and also creates a safety risk to detention staff.

To BOS Staff: Document Disposition/Follow-Up:

AOC has directed to use blue ink for signatures. Please do not sign the attached IGA provided for reference only. The original IGA documents will be provided to the BOS prior to the meeting on July 23rd.

Fiscal Impact

Fiscal Year:	2014
One-time Fixed Costs? (\$\$\$):	45,397.88
Ongoing Costs? (\$\$\$):	0
County Match Required? (\$\$\$):	0

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

Source of Funding?: AOC/ADE

Fiscal Impact & Funding Sources (if known):

The additional title I funds of \$36,942.73 available with BOS approval of the IGA amendment and the already budgeted \$8,455.15 for FY2014 in this title I fund will provide the budget for total cost of \$45,397.88 reference the attached quote #P13-2760 from Flex-Ground, Playground Safety Surfacing. The quote was submitted to, reviewed and approved by County Procurement Senior Buyer, Terry Rutan and Director, David Seward.

Attachments

Amend IGA Title I Funds

Project quote P13-2760

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Grant a Telecommunications Franchise

Submitted By: Gussie Motter, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME Britt Hanson
of PRESENTER:

Recommendation:
of ORIGINALS
Submitted for Signature:

TITLE Chief
of PRESENTER: Civil
Deputy
Attorney

Mandated Function?:

Source of Mandate
or Basis for Support?:

Information

Agenda Item Text:

Adopt Resolution 13-25, granting a renewal of a Telecommunications Services Franchise to Copper Valley Telephone, Inc. for five years from today's date until July 22, 2018.

Background:

Copper Valley Telecom applied for a franchise and paid the \$500 nonrefundable franchise fee. The Public Hearing has been advertised for three consecutive weeks in the Arizona Range News, July 3, 10 and 17, 2013. The Public notice is attached below. The Board of Supervisors has received no public comment to date.

Department's Next Steps (if approved):

Record fully executed Resolution with the Acceptance of Franchise. Send a recorded copy to Robin Barnes, DeConcini McDonald Yetwin & Lacy, 2523 E Broadway Blvd, Suite 200, Tucson, AZ 85716-5300.

Impact of NOT Approving/Alternatives:

Copper Valley Telephone, Inc will not be able to operate legally in the County rights-of-way.

To BOS Staff: Document Disposition/Follow-Up:

See above instructions.

Attachments

Resolution and Acceptance of Franchise

Public Notice

Application

Public Hearings 13.
Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

New Liquor License Salvatore Vineyards

Submitted By: Kelly Craig, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0
Submitted for Signature:

NAME
of PRESENTER: Arlethe Rios

TITLE
of PRESENTER: Assistant
to Clerk
of the
Board

Mandated Function?: Not Mandated

Source of Mandate
or Basis for Support?:

Docket Number (If applicable):

Information

Agenda Item Text:

Approve a new liquor license application for a series #13 (domestic farm winery) liquor license submitted by Ms. Arlene Linda Domanico for Salvatore Vineyards located at 3052 N. Fort Grant Road, Willcox, 85643.

Background:

Ms. Arlene Linda Domanico has applied for a series #13 (domestic farm winery) for Salvatore Vineyards located at 3052 N. Fort Grand Road, Willcox, 85643. The Sheriff's Office and the Planning and Zoning Department have recommended approval of the application. There have been no formal protests to this liquor license.

The Environmental Health Division that they have no objections to issuing a liquor license to Ms. Arlene Linda Domanico. The Treasurer's Office noted that all property taxes for the location are current.

Ms. Arlene Linda Domanico has paid the \$100.00 processing fee. Supporting documentation regarding this liquor license is attached.

Department's Next Steps (if approved):

Board staff will forward the Board's decision to the Arizona Department of Liquor License and Control.

Impact of NOT Approving/Alternatives:

A hearing on this application will be scheduled with the State Liquor Board.

To BOS Staff: Document Disposition/Follow-Up:

Send packet to ADLLC and copy of letter w/out attachments to applicant.

Fiscal Impact

Fiscal Year: .00

One-time Fixed Costs? (\$\$\$):	.00
Ongoing Costs? (\$\$\$):	.00
County Match Required? (\$\$\$):	.00
A-87 Overhead Amt? (Co. Cost Allocation \$\$\$):	.00
Source of Funding?:	.00

Fiscal Impact & Funding Sources (if known):

N/A

Attachments

Application

Reviews

Notice

Public Hearings 14.
Community Development

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Docket SUA-13-07 (Van Wart Appeal)

Submitted By: Keith Dennis, Community
Development

Department: Community Development

Division: Planning & Zoning

Presentation: PowerPoint

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0

Submitted for Signature:

NAME of PRESENTER: Keith Dennis

TITLE of PRESENTER: Planner
II

Mandated Function?: Not Mandated

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

Docket Number (If applicable): SUA-13-07

Information

Agenda Item Text:

Grant the appeal of the decision authorizing a special use permit to the Van Warts for a portable restroom and septic pumping business in St. David, Arizona (Docket SU-13-07), thereby reversing the decision of the Planning and Zoning Commission

Background:

APPEAL OF A SPECIAL USE AUTHORIZATION

Cochise Citizens for Fair Zoning has filed an appeal of a decision rendered by the Cochise County Planning and Zoning Commission on Wednesday, May 15, 2013. On a 4–3 vote, the Commission granted Special Use authorization for a portable restroom and septic pumping business located at 144 S. Sundust Trail in St. David (parcel 124-41-005H). Section 1716.04 of the Zoning Regulations provides that appeals of Special Use decisions shall be heard by the Board of Supervisors at a duly noticed public hearing.

I. NATURE OF THE APPEAL

Cochise Citizens for Fair Zoning (CCFZ) initiated the appeal of Docket SU-13-07 after the Commission approved the request on May 15, 2013 in a 4–3 decision (Yes: Martzke; Bemis; Edie and Garcia. No: Lynch; Cervantes and Weissler). The Appellants' rationales for appeal include:

- ? The Docket was approved under false information provided by the Applicants;
- ? The project is incompatible with the rural character of the neighborhood and does not, therefore, comply with the land use policies of the St. David Area Plan; and
- ? The business was started without permits either from the County, or from the state Department of Environmental Quality (ADEQ).

Also of concern to the Appellants is the fact that the business utilizes a 1,000-gallon residential septic tank, used for temporary storage of waste on the property. This aspect of the business was not disclosed as part of the Citizen Review process, which the Appellants consider a significant deviation from the scope and type of project that was presented by the Applicant to his neighbors as part of the requisite Citizen Review process for Special Use requests.

Attachment A to this report includes the Appellants' analysis of the proposed use, transcripts of the May 15, 2013 Commission hearing testimony from Mr. Van Wart and others, and information from ADEQ regarding the septic trucks used by the Applicant. Attachment B provides Mr. Van Wart's response to the appeal, and additional information.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 4.0-acres

Zoning: Rural (RU-4)

Growth Area: Category D (Rural)

Plan Designation: Rural-Density Residential

Area Plan: St. David Area Plan

Existing Uses: Single-family residential and portable restroom/septic service

Surrounding Zoning and Uses

Relation to Subject Parcel Zoning District Use of Property

North RU-4 Rural Residential

South RU-4 Rural Residential

East RU-4 Companero Road, Rural Residential

West RU-4 Sundust Trail, Undeveloped Land

III. PARCEL HISTORY

? The parcel subject to this request was originally part of a larger parcel, parcel 124-41-005E. In 2004, staff processed a permit for three single family homes on this 13.40-acre parcel, which was subsequently split into three parcels.

? The owners and Applicants purchased the property in 2008, and conducted the septic service and portable restroom business at another location. In 2012, the Applicants moved the business to their place of residence.

? In 2013, a Violation was issued for a business without a permit. Docket SU-13-07 was initiated to resolve the Violation.

IV. NATURE OF SPECIAL USE REQUEST

Applicants Tom and Ashley Van Wart have operated a septic pumping and service as well as a portable restroom business for about five years. Mr. Van Wart decided in 2012 to relocate the business headquarters from Mescal to his residence in St. David; the residence also serves as the home office for the business.

The business owns and services approximately 120-portable restroom units, for use by the Border Patrol and at job sites in Sierra Vista and Tucson. The majority of these portable units are out in the field most of the time, with as many as 25 to 30 stored on the property at any given time. The septic service part of this business operates three pump trucks to service septic systems in the St. David area, as well as regionally. The three trucks carry either a 250-gallon, 1,000-gallon, or a 2,500-gallon storage tank for servicing area septic systems as well as the portable restrooms. The Applicant has also installed a 1,000-gallon septic tank, below ground level on the property. This tank is used to temporarily store waste material from the smaller pump trucks. The larger truck then removes the waste material for transport to designated dump sites in Sierra Vista and Tucson.

V. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what conditions and/or Modifications may be needed. Eight of the 10 criteria apply to this request. The project as submitted complies with four of the eight applicable Special Use factors. If the Conditions of Approval recommended by Staff and the Modifications requested by the Applicant are applied, the project would comply with each of the eight applicable factors.

A. Compliance with Duly Adopted Plans: Complies

The business is within the boundaries of the St. David Area Plan.

As a sub-set of the overall County Comprehensive Plan, the St. David Area Plan was adopted in 2005 as a policy guideline for future development in the community. In the Plan document there are a number of

Vision Statements that articulate the community goals for future development, as well as specific policy statements that apply to rezoning and Special Use requests. Both the Vision Statements and policies emphasize support for businesses that serve the local area, particularly with regard to the rural residential nature of the area. One Vision Statement suggests support for “locally owned- and operated small scale, neighborhood-serving businesses.”

The Applicant’s business does serve the needs of the rural St. David community in its capacity as a septic service, although the portable restroom portion of the business is more regional in nature.

B. Compliance with the Zoning District Purpose Statement: Complies

Section 601.02 of the Zoning Regulations encourages “those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.”

C. Development Along Major Streets: Not Applicable

State Route 80 is the nearest major roadway, approximately ½-mile east.

D. Traffic Circulation Factors: Complies (Subject to Condition #2)

The property takes access from Patton Road, a rural minor access, County-maintained chip-sealed roadway to Sundust Trail, a private roadway with a 30-foot ingress/egress and utility easement. Compliance with this factor is assured through off-site improvements under certain circumstances. In this case, such improvements are warranted in order to protect the Patton Road travelway from degradation from continuous travel by trucks weighing as much as 10-tons. To accomplish this, the Commission imposed Condition #2, which would require the Applicant to obtain a County right-of-way permit, and install a commercial apron along the Patton Road access.

E. Adequate Services and Infrastructure: Complies

This factor concerns the ability of the Applicant to provide for necessary street, water, sewer and utility services on the property. The nature of the business is such that most activities take place off-site; apart from administration of the operation from the Applicant’s home, the site is used to store trucks, restroom units and septic waste on a temporary basis. In terms of infrastructure needs, the property is otherwise typical of Rural Residential homes in the area. The exception to this is the impact that larger trucks would have on the Patton Road travelway over time. This road impact is addressed in Condition #2, discussed above.

F. Significant Site Development Standards: Complies (Subject to Requested Modification)

The site is equipped with a covered parking structure used to shelter the pump trucks. This structure sits 25-feet from the southern property line, which means it does not comply with the 40-foot setback required for Special Uses in the Rural Districts.

The Applicant has asked that this standard be Modified in order to accommodate the existing structure.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received three responses: one neighbor stated they could not support the project, one supported it, and one offered a qualified statement of concern with ideas on how to mitigate off-site impacts and possible effects on neighboring property values.

H. Hazardous Materials: Complies (See Condition #4)

The Applicant maintains that all portable restrooms are cleaned off-site prior to being stored on the property. However, as discussed, there is a 1,000-gallon septic tank on the property used for temporary storage of waste materials. Condition #4 would require that the Applicant obtain all necessary permits and fulfill all conditions as required under local and state regulations for the operation of this tank.

I. Off-Site Impacts: Complies (See Conditions #2, #3, #4 and #6)

Condition #2, previously discussed, would mitigate impacts to the nearby Patton Road travelway.

Off-site impacts associated with this project could include dust, noise, odor, and visual impacts. The Applicant has already installed a dust-abating gravel surface for parking and driving areas, but County development standards would require that the area used to store the portable restroom units also be graveled (see Condition #4, requiring adherence to other local regulations).

The Applicant states that the portable restroom units are always clean before being stored on the property, and that no cleaning of these units takes place on the property. Staff recommends, as Condition #3, that no such washing or rinsing of portable restroom units take place on the property, to ensure mitigation of possible contamination and odor-related off-site impacts, as well as to conserve water.

In order to mitigate visual impacts, the Commission added a condition of approval (Condition #6), requiring that outdoor storage areas be screened.

J. Water Conservation: Not Applicable (See Condition #3)

This factor is not applicable, as the Applicant uses no water in the operation of the business on the property. However, Condition #3, as imposed by the Commission, would require that all portable restroom units be washed and rinsed off-site.

VI. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on June 13, 2013, and published a legal notice in the Bisbee Observer on June 27, 2013. In response to this mailing, the Department has received one statement of support from a neighboring property owner, and a petition with 50-signatures from County residents inside and outside the 1,500-foot notification buffer opposing the request.

VII. MODIFICATION TO DEVELOPMENT STANDARDS

Because the parking structure used on the site is already built, and is 25-feet from the southern property line, the Applicant requested that the Commission modify the 40-foot setback requirement for Special Uses in the Rural Districts, to accommodate existing site conditions. Staff supported the request, which the Planning Commission granted in their motion to approve this Docket.

VIII. SUMMARY AND CONCLUSION

The land use under consideration is one that is allowed by Special Use in the Rural Districts. Special Use Permit requests are considered on a case-by-case basis, and if there is a reasonable presumption that off-site impacts can be effectively mitigated through Conditions of Approval, as is the case here, a recommendation of Conditional Approval is appropriate.

In the case of this particular land use, the Applicant demonstrated a willingness to work with neighbors and staff to find ways to mitigate off-site impacts. The Condition of Approval requiring screening for outdoor storage, for instance, was first recommended by a neighbor, and was eventually imposed as a Condition by the Commission (Condition #6). While it is located in an area designated Rural Residential, the property is a short distance from a paved road in the County maintenance system, and less than one-mile from nearby State Highway 80. In addition, the use is in a location fairly suited to provide services to local residents with a minimum of through traffic.

The Appellants have indicated various concerns as to why the Commission's decision should be overturned. For example, the business activities began at this location without a permit and the use of the underground storage tank was not revealed at the time of Citizen Review. (The tank is considered accessory to the septic pumping business and does not of itself constitute an additional land use category). However, the underground storage tank, and concerns about the potential impact in the event of a spill, resulted in some neighbors who initially supported the business to later oppose it. The Applicant is in discussion with ADEQ and the County Health Department as to how to permit the tank in a safe and effective manner; Condition #5 would obligate the Applicant to follow through on such permits and requirements.

Although the Docket did result in a good deal of discussion and debate at the May 15, 2013 Commission hearing, the majority of the Commission voted to approve.

Factors in Favor of Denying the Appeal

1. With the Conditions of Approval recommended by staff, the request complies with the eight applicable Special Use factors used by staff to analyze such requests;
2. The St. David Area Plan supports, in its Vision Statements and Policies, locally-owned businesses that serve the local area;
3. Off-site impacts can be effectively mitigated with the Conditions of Approval recommended by Staff;
4. Within the 1,500-foot buffer, two neighbors support the Special Use request;
5. The Rural Zoning Districts allow for various business activities as Special Uses; and
6. On a 4 – 3 vote, the Planning Commission voted to Conditionally Approve.

Factors Against Denying the Appeal

1. The Applicant established the land use without a permit; the Special Use request is intended to rectify a violation;
2. Although the St. David Area Plan is generally supportive of Special Uses that serve the local residents, such uses are encouraged in Neighborhood Business Districts, or areas with a Neighborhood Conservation designation, not in Rural Residential Areas as in this case; and
3. The Appellants have submitted a petition with 50-signatures for residents inside and outside the 1,500-foot notification area opposing the Special Use for the reasons mentioned earlier.

IX. RECOMMENDATION

Based on the factors in favor of denial, Staff recommends the Board of Supervisors deny the appeal, and uphold the May 15, 2013 decision of the Planning and Zoning Commission, granting Special Use approval for Docket SU-13-07.

Staff further recommends the Board subject the land use to the following Conditions of Approval, which were approved by the Commission on May 15, 2013.

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. As part of the commercial permit process, the Applicant shall obtain a right-of-way permit for installation of a commercial apron at the Patton Road access;
3. There shall be no on-site washing or rinsing of portable restroom units on the property;
4. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
5. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission; and
6. All portable restroom units/commercial vehicles shall be screened with a minimum six-foot high,

opaque screening device, per the standards set forth in Section 1805 of the Zoning Regulations.

Finally, staff also recommends that the setback Modification discussed above be applied to the land use as part of such approval.

Department's Next Steps (if approved):

If the Board grants the appeal, the decision of the Planning Commission, taken on May 15, 2013, approving Docket SU-13-07 will be overturned.

Impact of NOT Approving/Alternatives:

If the Board does not grant the appeal, the Commission approval of Docket SU-13-07 will stand, and the Special Use will move forward to the commercial permitting phase.

To BOS Staff: Document Disposition/Follow-Up:

No further actions will be required.

Attachments

Staff Memo

PowerPoint Presentation

SUA-13-07 Attachments A-E

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Request for a Master Development Plan (MDP) & Rezoning to Planned Development (PD) for the Inde Motorsports Ranch

Submitted By: Mike Turisk, Community Development

Department: Community Development

Division: Planning & Zoning

Presentation: PowerPoint

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS Submitted for Signature: 1

NAME of PRESENTER: Michael Turisk

TITLE of PRESENTER: Planning Manager

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?:

Docket Number (If applicable):

Information

Agenda Item Text:

Adopt Resolution 13-26 to (1) amend certain Cochise County zoning districts boundaries from RU-4 (Rural, one dwelling per 4 acres) to PD (Planned Development District), (2) amend the Cochise County Comprehensive Plan, and (3) approve a Master Development Plan (MDP), pursuant to the application of Mr. C.J. Dorland (The Planning Center, Agent) of Inde Motorsports Park.

Background:

APPLICATION FOR A MASTER DEVELOPMENT PLAN (MDP) AND REZONING

The Planning Center and Perry Engineering have jointly submitted an application for a Master Development Plan (MDP) and rezoning on behalf of the Inde Motorsports Ranch located west of the City of Willcox in order to facilitate a long-range vision for a mixed-use development project. The rezoning request is to establish a 312-acre Planned Development (PD) zoning district at the 458-acre subject property located approximately 5.5 acres west of Willcox off Airport Rd. The proposed project would include a new two-mile road course circuit with control tower and paddock, airplane hangars and tie down area, a members' clubhouse, and a residential component which is described in more detail in the narrative below.

PLANNING AND ZONING COMMISSION MEETING ON JULY 10, 2013

After staff's presentation, the Applicant's agent reiterated that these requests are intended to facilitate the long-term vision for the Inde Motorsports Ranch and help the organization respond to possible changes in market demand within the motorsports enthusiasts' community. Staff confirmed with District 2 Commissioner Bemis that water assurances would be required from ADEQ for the residential subdivision component of the MDP. District 3 Commissioner Martzke mentioned that he has visited the site on several occasions and remarked on the high quality of the project. One member of the public voiced support, indicating that the owners have been good neighbors, that it's a "top notch" facility and organization, and that off-site noise generated from motorsports activities is minimal. One neighboring property owner who grazes/ranches property adjacent to the site expressed protest through concern about the possible impact the expansion would have on the local water table and their ranching activities. After additional brief discussion, the Planning and Zoning Commission voted unanimously (9-0) to forward a recommendation of Condition Approval to the Board of Supervisors.

NATURE OF THE REQUEST

Master Development Plan (MDP)

Master Development Plans represent conceptual long-range and typically large-scale and mixed-use development visions, and are useful where a variety of uses and impacts may be proposed on one property. In addition, MDPs provide a great deal of flexibility in addressing building placement in order to, in part, encourage innovative design with local topography and environmental conditions in mind.

The Cochise County Zoning Regulations describe MDPs as duly adopted components of the Cochise County Comprehensive Plan that provide detailed plans for the coordinated development of specific areas. MDP developments shall only be approved in conformance with the policies of the Comprehensive Plan and are considered amendments to the Comprehensive Plan and shown on the Plan's map like a new growth area. Any proposed zoning districts or Special Uses within a MDP must be in conformance with the submitted MDP. Once adopted as an element of the Comprehensive Plan, proposed future Modifications to the MDP would necessitate this project going through a thorough evaluation and perhaps a new public review process. MDPs address larger conceptual planning issues, and therefore address broad aspects of a project such as housing density, open space, access, water use and topography. MDPs help to ensure that land uses are arranged to provide for compatibility with the surrounding area, to avoid adverse impacts on surrounding properties, and ensure that necessary facilities and improvements are available (or are provided) to support the development. Because of their conceptual nature, extreme detail is unnecessary until the Applicant moves towards the building permit application or plat review phases of a given project.

Inde Motorsports Ranch Master Development Plan

This MDP and associated rezoning request is intended to build upon the existing development and concept that was proposed and approved by the County in 2008 through the Special Use process. At that time, future expansion was discussed, including development of on-site living accommodations, so this application represents a larger, much longer-range vision for the Inde Motorsports Ranch.

The trend in private motorsports organizations is to offer current and prospective members the option to live on site with the benefit of amenities to serve motorsports enthusiasts, such as large private garages with ready access to onsite track facilities. The Inde Motorsports project proposed would include three development areas described in brief as follows:

- Development Area A would include residential homes and casitas on 80-acres of the site that would be sold to seasonal and permanent residents (12-36 privately owned casitas and 4-5 single-family homes and garages);
- Development Area B would include member facilities, a clubhouse with restaurant, lounge, and locker rooms on two-acres of the site; and
- Development Area C would include a new two-mile road course and accessory uses and possibly additional private garages, airplane hangars, paddock and control tower.

To help to preserve the rural nature of the site, amenities would be provided as needed for the various Development Areas, including the Open Space component which would be dedicated with approval of Phase 1. The preliminary phasing plan is described below:

Phase I:

- Open Space dedication;
- North/South Spine Road improvements;
- 6 casitas in the 24-unit project area;
- 4 garage buildings (identical to the existing three now on-site); and
- Member locker room with showers and restrooms.

Phase II:

- Six casitas in the 24-unit project area;
- Four garage buildings (identical to the existing three to the southeast of the existing road course);

- New road course with associated buildings to include timing and scoring; and building, classroom, and restroom.

Phase III:

- Six casitas in the 24-unit project area;
- Four garage buildings (identical to the existing three);
- 8,000 sq.-ft. member clubhouse with restrooms and dining area/kitchen;
- Pedestrian paths from clubhouse to residential and road course areas; and
- Up to four single-family homes.

Phase IV:

- Six casitas in the overall 24-unit project;
- Four garage buildings (identical to the existing three);
- Four single family homes; and
- 20-private garages and casitas to the northeast of the proposed road course.

Compliance with Submittal Requirements for Master Development Plans (Section 406.06A)

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

1. Title of the development, a legal description of the property, parcel number(s), name of the developer and registered land surveyor or engineer, date of the plan, a north arrow and scale. (Complies)
2. A vicinity map showing the general location of the property, development and any incorporated city boundaries within 3 miles of the development. (Complies)
3. Boundary lines and ties to at least two section corners or quarter corners, and dimensions of plan area boundaries. Section lines and mid-section lines shall be clearly designated. (Not Applicable)
4. Existing land uses, existing zoning status, roads and wash corridors within the designated area and within ¼ mile of the proposed plan area. (Complies)
5. Proposed sizes of the various types of lots or parcels to be developed (acreage or square footage). (Complies)
6. General topography, at 10-foot contour intervals, all drainageways having a contributing drainage area of 150 acres or more, and all flood hazard zones. (Complies)
7. Major street layout, including: existing major thoroughfares serving, traversing, abutting, or otherwise affecting or affected by the proposed plan area; proposed collector and arterial streets; existing easements and rights-of-way within the plan area. (Complies)
8. If more than one zoning district is proposed, boundaries of the different zoning districts. (Not Applicable)
9. Locations of proposed and existing structures, land use locations, major off-street parking and loading areas, open space, pedestrian circulation systems, bike and/or equestrian trails, public facilities such as schools, and approximate densities. (Complies)
10. General location of utilities, easements and other service facilities: (Complies)
Shown on the preliminary Record of Survey.

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

Typically, MDPs have a long build-out because of the scope and long-range vision that drives the process. The Applicant has offered four proposed phases of the project in the submitted narrative and has indicated a 15-20 year timeframe for full build out. The proposed phasing is outlined in Section III above.

Compliance with Submittal Requirements for Master Development Plans (Section 406.06B)

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

The Applicant has proposed open space as well as a buffer area around development

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

Open space is described in the Zoning Regulations as that area of land not occupied by buildings, towers, walls, billboards, or man-made impervious surfaces that is set aside or reserved in perpetuity for the use of the public or the residents or visitors of the development.

The proposed 142-acres of open space meets this requirement. The MDP narrative and conceptual plans indicate that much of the proposed open space is concentrated on the northern portion of the property and adjacent to Airport Rd. Therefore, like existing development, new development would be set back considerably from the Airport Rd. right-of-way and scattered private lands in this area. Development under this provision is intended to provide an innovative site planning design in harmony with existing natural conditions or features and constraints of specific sites, for example.

As part of the MDP application, the Applicant has proposed PD (Planned Development) Zoning, described in more detail below; therefore, Article 15 of the Zoning Regulations requires a minimum of 50% open space for the residential component of the project.

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

Pedestrian circulation is would be a component of this project and be constructed of pervious materials to maximize recharge. While the proposed housing areas are relatively small, and residents are projected to be at the site on a part-time basis at best, the availability of the proposed open space to these residents will provide an amenity as well as preserve a large portion of the site.

View Westward of Inde Motorsports Ranch Track from Control Tower

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

The project narrative does provide information regarding fire protection and utility services. A letter from the Willcox Rural Fire Department confirms fire protection services are available.

The Arizona Department of Environmental Quality would determine if the proposed methods of wastewater treatment would adequately service the casitas and homes that are being proposed.

Applications have been submitted to the Arizona Department of Water Resources (ADWR) for water availability determination, and an analysis of Adequate Water Supply will be required prior to Final Plat approval.

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

The Applicant has indicated that curbs and sidewalks would not be provided for the residential component. Because the Inde Motorsports Ranch is a very rural and private, gated community with all internal roadways being private, these amenities would not be required nor are they as important by virtue of the rural location of the project site. As noted in Section 3 above, internal pedestrian circulation would be integrated as a design feature of the project, and open space would be featured within the development. Landscaping is installed onsite and all future landscaping would consist of low water use varieties, per the Applicant.

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

Development standards would be enforced through yet to be crafted CC&Rs. The Applicant intends to offer prospective lot and homebuyers a standard home design and model; however, the Applicant also intends to provide for the option of custom home designs. Common areas would include dog parks and swimming pools and would be maintained by residents through a Homeowners Association (HOA). The submitted concept plans indicate a large buffer area around development activities that is intended to provide for additional protection from potential off-site impacts.

In 2008, a Condition of Special Use Approval included limiting noise levels to 65-decibels (Dba) over a continuous 30-minute period due to the potential for off-site vehicle noise impacts associated with the touring track. At that time, the Arizona State Lands Department (ASLD) expressed no concern with regard to noise levels on the adjacent State Lands tracts. No comments have been received from that agency regarding these requests. Staff proposes the same Condition of Approval be carried forward for

this proposal.

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

The current population associated with the existing facilities is one full-time resident, three part-time residents, and four part-time workers. The existing improvements have little to no impact to community services or facilities. Furthermore, since water and sewer services are private, the only use of public utilities would be from the Sulphur Springs Valley Electric Coop (SSVEC). The projected population is likely going to be primarily seasonal. It is anticipated each new residential unit would have an average of 1.5-residents per unit.

With up to 52 proposed dwelling units, additional population of approximately 78 residents is estimated. Staffing needs for the ultimate build out would add approximately three full-time equivalent workers. However, since these are seasonal residents and staffing would be minimal, the impact to regional and community facilities would not be significant.

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

For water service, three wells exist on site, with each capable of producing around 30-gallons per minute. The existing development is served by two of these wells. Proposed water service improvements would be served by the two wells at the western portion of the site and by an improved existing well to the east. New piping would be provided between the wells and the proposed developments. Storage tanks might also be provided in order to meet future domestic water flow requirements. Staff recommends a Condition of Approval that requires submittal of a formal plan for water conservation as part of any draft CC&Rs and/or as a stand-alone water conservation document prior to first permit issuance.

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

The project site is located in a remote, rural area with the only access provided by improved, County-maintained, two-lane Airport Rd. that, subsequent to Special Use approval in 2008, the owners contributed funds to improve. Projected future traffic is expected to be generated by residents and from those only visiting the road courses and garages.

Currently, approximately 15-cars visit the road course per week when no special events are scheduled. However, planned special events can attract up to 100-vehicles. Almost all traffic coming from and going to the site is from the east and off I-10. Because vehicular traffic is anticipated to generate from the more heavily populated areas near Willcox, this suggests that most traffic on Airport Rd. visiting this site would use Airport and Taylor Roads to gain access to and from I-10.

The project narrative suggests that average daily trip counts (ADT) are low, particularly in the vicinity of the site, and per the County's Transportation Planner, traffic counts are currently minimal. The submitted project narrative suggests residential traffic to be about 8-average daily trips per residence. Fifty-two homes are proposed at build out, for a daily average (if not seasonal) of 416-trips per day. Seasonal traffic would generate traffic counts lower than this figure. Indee staff would account for 10-trips per day as they travel to and from work.

The recreational use currently generates a small number of trips and the future road course is not anticipated to generate many additional trips. The Applicant participated in the improvements made to Airport Rd. at the time the existing road course, clubhouse, garages and other facilities were constructed.

On occasion, larger special events are held that generate more traffic than is typical. However, per the

County Transportation Planner the residential component would possibly double existing traffic counts on Airport Rd. due to the total number of proposed housing units. Residential uses typically produce 10-trips per residential unit; with 52-units at build out at full occupancy, the project could generate an estimated 690 to 1,370 trips per day.

Left turn lanes with sufficient queuing and commercial aprons would possibly be needed for the residential component of this project. A formal Traffic Impact Analysis (TIA) with detailed information about how access would be controlled, the surface treatment of travelways and the scope of planned special event activities would be required at the time of Tentative Plat submittal.

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

The use of drought-tolerant and native vegetative species will be strongly encouraged in landscaping within both the common and private areas, except in limited rear-yard areas. The use of low-water irrigation systems, such as drip irrigation will be strongly encouraged among the residents of the community.

The Applicant has indicated that Design Guidelines and Sustainability Standards would encourage various water conservation features such as gray water systems, low flow appliances, rainwater harvesting systems and resident awareness and education of water conservation methods. Because water conservation is an important consideration, particularly for projects of this magnitude, as a Condition of Approval, staff recommends a water conservation plan be memorialized in the project's CC&Rs or as a stand-alone document prior to first permit issuance.

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

The information provided indicates onsite soils are characterized as having "medium" to "high" corrosivity, but does not appear to be especially erosive.

12. Statement of development not to exceed 5-years from approval unless otherwise approved by the Board of Supervisors: (Does Not Comply)

As noted, the Applicant has suggested 15-20 years for build out. The Applicant is requesting a waiver from Section 406.06B13 due in part because the project would be largely market-driven; therefore, a more demand reactive and deliberate development approach is intended.

Compliance with Site Development Standards for Planned Development (Section 1503)

Rezoning Request

The Planned Development (PD) Zoning District is intended to set the development standards for the project area and how those standards are applied, as well as afford the Applicant additional flexibility in the types of uses and the locations of activities and structures. In exchange for this flexibility, a minimum of 50% of the residential portion of the project area must be preserved as open space (a minimum of 20% must be provided for commercial uses).

Of the 458-acres that make up the Inde Motorsports Ranch project site, the area requested for rezoning to PD totals approximately 312-acres (approximately 146-acres would remain RU-4).

Compliance with Applicable Site Development Standards for Planned Development Districts (Section 1503)

1503.01 Minimum Development Area: (Complies)

The minimum site area allowed for MDPs is 10-acres; at 458-acres, the project easily meets this minimum standard.

1503.02 Density: (Complies with Condition)

Maximum densities are not restricted with MDPs if the existing infrastructure and recommended improvements (if any are necessary) are capable of adequately handling the proposed maximum number of residential units. The number of units proposed (52) represents a significant increase from what exists in the area, as there are only very scattered rural homesites and ranches. As noted, a Traffic Impact Analysis would be required at the time of submittal of the first Tentative Plat in order to accurately determine what improvements are needed based on the level of service and the scope of the project. The following chart is from the project narrative and illustrates the proposed development standards for this project.

1503.03 Site Coverage and Design: (Complies)

MDPs permit site coverage flexibility in part to encourage innovative site design. The Zoning Regulations indicate that site coverage ratios for similar uses in other zoning districts shall generally be used as guidelines and shall be evaluated in the context of integrated use of open space, drainage, topography, vehicular and pedestrian circulation. More detail-specific design evaluation would occur at the permit submittal and plat review phases.

1503.04 Setbacks: (Complies)

The Applicant selected the site in 2008 due to its remote location, large acreage and scenic vistas. As noted, site development standards with MDPS are flexible, but the various activities and structures would be set back considerable distances from the property lines to minimize off-site impacts.

1503.05 Open Space: (Complies)

Development with the Open Space provision is intended to provide an innovative site planning design in harmony with existing natural conditions or features and with the constraints of specific sites in mind, for example. As part of the MDP application, the Applicant has proposed PD (Planned Development) Zoning (discussed in more detail below); therefore, a minimum of 50% open space is required for all residential uses.

1503.06 Non-Residential Uses: (Does Not Comply)

A MDP should be designed to provide non-residential services for the use of the development's residents and guests in order to minimize potential off-site average daily vehicle trips. As proposed, the project would not include onsite services that would reduce vehicle trips to Willcox, for example, to obtain food and other goods and services.

1503.07 Sanitary Sewer and Water Systems: (Complies with Condition)

Per the Zoning Regulations, no building permits shall be issued for development until provisions have been made for connection onto community water and sanitary sewer systems or some other approved system. Wastewater treatment for the existing facilities is achieved with septic tanks and leach fields. Sewer service for future commercial development would also likely be provided by septic systems. The wastewater facilities would be constructed entirely within the common areas of the proposed subdivisions, and would be maintained by a Homeowners' Association or another mechanism and permitted by the Arizona Department of Environmental Quality (ADEQ). The Applicant continues discussion with the ADEQ regarding wastewater treatment, and whatever approach is taken to treat wastewater must be approved by that agency.

1503.08 Access, Circulation, and Street Improvements: (Complies)

Airport Rd. is a County-maintained improved road serving scattered rural homesites and ranches in the area of the project site. The Zoning Regulations require MDPs to have external access to at least one publicly-maintained collector or arterial street, and that the site shall be designed to discourage direct access to a predominantly residential street outside of the development.

The County's Subdivision Regulations would require submittal of a Traffic Impact Analysis with the first

Tentative Plat submittal to help in determining what improvements, if any, would be warranted given the scope and nature of the proposed residential developments.

1503.08D. Design of Pedestrian Circulation Systems: (Complies)

Pedestrian ways, equestrian and bicycle paths shall be, to the maximum extent feasible, separate and protected from vehicular access points, and shall form logical, safe, and convenient non-vehicular access to all dwelling units, facilities, recreational open space and off-site pedestrian destinations. This component of the project proposal as submitted meets this standard.

1503.09 Screening: (Complies)

Screening is not required along the exterior boundaries because the project site does not abut a residential zoning district. However, interior screening of PD districts is required in order to minimize the visual impacts of non-residential uses on the residential portions of the development.

Staff recommends a Waiver of this requirement because the residential areas would be sited some distance from the track and associated structures, and also to allow the Applicant to decide whether this would be appropriate given the nature of the project and the clientele.

1503.10 Landscaping: (Complies)

Per the Zoning Regulations, development shall be landscaped within the MDP district in a manner consistent with the site development standards described in Section 1806.02B. According to the project narrative, the use of drought-tolerant and native plant species would be encouraged in the project's Design Guidelines and Sustainability Standards within both the common and private areas. The use of low-water irrigation systems, gray water systems, low-flow appliances and water harvesting systems would also be strongly encouraged. Staff recommends that a formal water conservation plan be submitted as part of any CC&Rs or as a stand-alone document which provides specific and effective water conservation measures prior to the issuance of the first permit.

1503.11 Maximum Structure Height: (Complies)

The maximum height permitted in the PD districts is 50-feet. The Applicant has not proposed any structure at this height.

1503.12 Minimum Distance Between Structures: (Complies)

For the purposes of MDP and rezoning review, the project complies. This site development standard would be closely scrutinized at the permit and plat submittal phases.

Compliance with Applicable Site Development Standards for Planned Development Districts (Section 1503)

Summary of Compliance with Rezoning Factors (Section 2208.03)

Section 2208.03 of the Zoning Regulations provides a list of 14-evaluation factors in addition to compliance with an area or master plan, with factors 8 (Traffic Circulation) and 9 (Development Along Major Streets) combined below. This Rezoning request complies with eight factors, complies with conditions with three factors and does not comply with one factor, with one factor not applicable.

1. Compliance with a Comprehensive Plan, Area Plan or MDP: (Complies)

Although not within an approved Area Plan, the project would need to proceed in substantial conformance with the approved Master Development Plan. MDPs allow staff the opportunity to review and evaluate the significant characteristics for a particular development with enough detail to justify the rezoning request. The Comprehensive Plan provides voluntary development alternatives, including providing increased densities for a master planned development and subdivisions setting aside open space.

The project site is within a Category D Rural Area, characterized as areas between cities and

unincorporated communities having a low rate of growth, unimproved roads, low density, and large lot rural residential development, agricultural production, and large tracts of undeveloped private and public lands. Non-residential development typically is directed at providing local services, tourism or intensive uses that are not appropriate in more the densely populated parts of the County. The Comprehensive Plan also indicates that the County's sparsely populated rural lands have the potential for future master-planned communities that will provide the infrastructure to support any proposed increases in residential density or non-residential activities.

2. Land Use/Concept Plan: (Complies)

The Applicant submitted a MDP application packet in accordance with Article 4 of the Zoning Regulations. The submitted materials illustrate the configuration of the existing and proposed development in a clear manner that meets the minimum standard for this factor.

3. Compliance with Applicable Site Development Standards: (Complies)

All structures and activity areas appear capable of meeting minimum applicable site developments standards. However, the submitted plans are conceptual, therefore, the Applicant would be required to submit more details at the time of commercial permit submittal and plat review. Although there is flexibility afforded, all development would be closely scrutinized for compliance with fire codes and applicable site development standards at the time of commercial and residential permit application.

4. Adjacent Districts Capable of Development: (Complies)

Adjacent properties would remain capable of development if the rezoning is approved.

5. Limitation on Non-Conforming Uses: (Complies)

The proposed rezoning would not create any non-conforming uses despite the flexibility that PD zoning allows in terms of site coverage and design.

6. Compatibility with Existing Development: (Does Not Comply)

The surrounding area is characterized by very scattered rural homesites and ranches with large acreages of undeveloped private and State land in particular. The project proposes up to 52-residential units which would be out of character with existing area development.

7. Rezoning to More Intense Districts: (Complies)

The Applicant would be required to develop residential uses under the subdivision process and all applicable site development standards would be considered during that process.

Non-residential uses would be required to be developed as separate development plans consistent with the MDP.

8. Adequate Services and Infrastructure: (Complies)

The site is served by the Sulphur Springs Valley Electric Cooperative. The Application indicates that the Willcox Rural Fire Department serves the project site. All other essential utilities are currently provided on-site, including septic and potable water.

9. Traffic Circulation/ Development Along Major Streets: (Complies)

A Traffic Impact Analysis is required at the time of the submittal of the first Tentative Plat.

10. Infill: (Not Applicable)

This project site is not proposed to be rezoned to General Business, Light Industry or Heavy Industry.

11. Water Conservation: (Complies with Condition)

Provisions for water conservation measures have not been adequately addressed. The subject property is not located within an adopted Water Conservation Overlay District; however, all residential and non-residential uses would be required to comply with Section 1820 of the Cochise County Zoning Regulations governing water conservation measures. As mentioned in Section 10 above, a recommended Condition of Approval speaks to the need to submit a formal water conservation plan in the project's CC&Rs or as a stand-alone document prior to the issuance of the first permit.

12. Public Input: (Complies)

The Applicant's public notification process was completed and is documented in Appendix A of the project narrative. The Applicant mailed Citizen Review letters on May 13 to property owners within 1,500-feet of the subject parcel; however, no comments were received.

The Department also mailed letters to property owners within 1,500-feet of the site on June 17, published legal notices in the Sierra Vista Herald and the Willcox Range News and posted a notice of public hearing at the project site. To date, the Department has received one letter expressing support (indicated that Inde has been a good neighbor) and one letter expressing opposition to the project, citing concerns about increased traffic and water use. The Department has also received five letters of support from various area local government, agencies and businesses including the Willcox Chamber of Commerce and the Southeast Arizona Economic Development Group.

13. Hazardous Materials: (Complies)

Comparatively small amounts of racing fuels and motor oils have been stored onsite since 2008. Material Data Safety Sheets were submitted in 2008; staff received no comments or objections from the Arizona Department of Environmental Quality or any other agency at that time with regard to the use and storage of such substances.

IX. SUMMARY

Inde Motorsports Ranch has submitted an application for a Master Development Plan (MDP) and rezoning to Planned Development (PD) to facilitate a mixed-use project on 458-acres located approximately 5.5 miles west of the City of Willcox off Airport Rd.

The Inde Motorsports Ranch has been operating as an existing private motorsports club for approximately three years, and these requests reflect the Applicant's long range development plans and vision for the property, including a new two-mile road course circuit with control tower and paddock, airplane hangars and tie down area, clubhouse and residential uses. Approximately 146-acres would remain RU-4 zoning and be preserved as open space. The project is projected to take 15 – 20 years to complete.

Water and sewer services would be provided by wells, septic systems and possibly water treatment facilities that must meet State agency approval. A Traffic Impact Analysis at the time of submittal of the first Tentative Plat would indicate whether off-site road improvements are necessary.

Factors in Favor of Approval of the MDP and Rezoning:

1. The development meets the Master Development Plan intent, and the Planned Development zoning district and MDP are designed to work as a planned, cohesive development that encourages innovative site design;
2. Rezoning to Planned Development ensures that a large portion of the property is preserved as open space;
3. The project represents an extension of an existing use;
4. Residential units would be provided through the subdivision process rather than by lot-splitting;
5. The project would attract visitors and their accompanying economic benefits to Cochise County, particularly to Willcox and Benson, the communities nearest the project site;
6. The projected build out time (approximately 15-20 years) would allow the project to grow based on market demand;
7. The project site is in a remote area of the County, few residents would experience possible off-site

impacts;

8. Two local government agencies, three businesses and one neighbor have expressed support for the project; and

9. On July 10, the Planning and Zoning Commission voted unanimously (9-0) to forward a recommendation of approval.

Factors Against Approval of the MDP and Rezoning:

1. The project at build out has the potential to generate significant additional traffic that might require offsite improvements;

2. Residential development at the proposed scale would be considered out of character with development in the area; and

3. One neighboring property owner has expressed opposition to the project.

Recommendation

Note that two distinct motions are required; one for the MDP and one for the Rezoning, however, the Factors in Favor and Factors Against for the MDP and rezoning are combined.

Based on the Factors in Favor of Approval, the Community Development Department recommends that the Board of Supervisors conditionally approve this MDP and Rezoning request with the following Conditions:

1. At the time of Tentative Plat submittal, documentation shall be provided indicating evidence that the proposed method(s) of wastewater treatment is approved by the ADEQ and is adequate to accommodate all structures and uses proposed;

2. Prior to first permit issuance, a formal plan for water conservation shall be submitted as part of any draft CC&Rs for the residential developments and/or as a stand-alone water conservation document;

3. Detailed site plans shall be submitted for each phase for review by the appropriate County Departments and agencies. All residential development is subject to the County's subdivision process and must conform to the requirements of the subdivision process;

4. The Applicant shall ensure that noise levels are kept at 65 decibels (Dba) or below along the eastern property boundary for any 30-minute continuous period of operation for the new track;

5. At the time of the first Tentative Plat submittal, a Traffic Impact Analysis (TIA) shall be submitted and approved by the Community Development Department;

6. The Applicant shall submit the first Tentative Plat within one year from the date of approval from the Board of Supervisors. If build out of the MDP as proposed is not completed within 15-years from the date of approval, any undeveloped portions of the PD district shall revert to the original RU-4 zoning;

7. Within 90 days from the date of Board of Supervisors approval, the Applicant shall submit a legal description for that portion of the subject property rezoned to Planned Development;

8. The Applicant shall be required to obtain all other necessary permits and licenses prior to the construction or operation of any use described in the MDP. Any use that is not deemed to be in substantial conformance with the submitted MDP application shall be subject to review by the Community Development Department and may be required to undergo an MDP amendment process; and

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

Staff also recommends approval of the following Master Development Plan Waivers:

1. Section 406.06B13 which requires development not to exceed 5-years from approval unless otherwise approved by the Board of Supervisors; and

2. Section 1503.09 which requires interior (on site) screening of residential portions of PD districts from non-residential uses.

Department's Next Steps (if approved):

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

Impact of NOT Approving/Alternatives:

If the Board does not adopt the Resolution, the 458-acre property would remain as a Category D - Rural area on the Comprehensive Plan Map, and the Zoning District boundaries for the 312-acres proposed for PD Zoning would remain RU-4.

To BOS Staff: Document Disposition/Follow-Up:

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

Attachments

Staff Report

Application; Narrative; Citizen Review; Comments

PowerPoint

Resolution

Legal Notice

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Letter to the BLM regarding SunZia project

Submitted By: Gussie Motter, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME of PRESENTER: Britt Hanson

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE of PRESENTER: Chief
Civil
Deputy
Attorney

Mandated Function?:

Source of Mandate
or Basis for Support?:

Information

Agenda Item Text:

Ratify a letter to the BLM from Chairman English regarding the proposed SunZia route and Cochise County jurisdiction.

Background:

Should the county decide to protest the SunZia final EIS/RMP, the basis to use is that the BLM failed to recognize that the County has the right to coordination because it is a local government and thus, coordination is required by federal law. It would be good to get this on record by sending the letter whether or not the County decides to protest SunZia. This, at least, sets the stage for remaining BLM efforts, be they energy projects or the new RMP for the SPRNCA. Because the comments were due by July 15, the letter had to be sent before the Board meeting of the 23rd.

Department's Next Steps (if approved):

Letter has been sent

Impact of NOT Approving/Alternatives:

We would be in violation of the OML

To BOS Staff: Document Disposition/Follow-Up:

None

Attachments

Letter and attachmnets

Regular Board of Supervisors Meeting**Community Development****Meeting Date:** 07/23/2013

Granting an easement for Robison Road and Gaskill Road in the Kansas Settlement area

Submitted By: Terry Couchenour, Community Development**Department:** Community Development**Division:** Highways**Presentation:** PowerPoint**Recommendation:** Disapprove**Document Signatures:** BOS Signature Required**# of ORIGINALS Submitted for Signature:** 2**NAME of PRESENTER:** Terry Couchenour**TITLE of PRESENTER:** Right-of-way Agent II**Docket Number (If applicable):** N/A**Mandated Function?:** Not Mandated**Source of Mandate or Basis for Support?:** N/A**Information****Agenda Item Text:**

Adopt Resolution 13-27 to grant an easement for Robison Road and Gaskill Road in the Kansas Settlement area, as described therein.

Background:

Recommendation: This department recommends adopting the accompanying resolution to convey easement rights to a previous owner of a County material site.

Background (Brief): Cochise County has a substantial number of native and surfaced maintained roads within the Sunsites, Pearce and Kansas Settlement areas. Prior to the 1990's, available material sites diminished and the County would import material from the Willcox, Dagoon and Elfrida areas. In order to provide a more cost effective approach to road maintenance, the Board authorized acquisition of a material site in 1993.

The acquired material site consists of 40 acres of land and approximately 0.25 miles of an access easement. The site is located 0.25 miles north of Parker Ranch Road, 3 miles east of Kansas Settlement Road and is commonly referred to as the "Parker Pit". Parker Pit was part of a larger parcel owned by William and Elvena Gaskill. After the sale to County and other neighbors, the Gaskill's retained a 40 acre residential parcel immediately east of Parker Pit.

Access to the Gaskill property is north on Robison Road and east on Gaskill Road along the perimeter of Parker Pit. 1958 maps indicate that the roads were in existence to serve the Gaskill residence and these routes are still open for their use. Records indicate that easement rights were not retained by the Gaskill's at the time of the sale to the County and the Gaskill estate has requested to formalize use of this access to correct the 1993 oversight.

Based on prior property ownership and current use of the roads, staff recommends conveyance of 30 foot wide easement rights to the Gaskill property. The 30 foot width is consistent with the access easement sold to the County and will allow transfer of the property to the Gaskill heir with secure access. Due to the fact that neither Robison Road nor Gaskill Road are included in the County maintenance system, staff further recommends informing users of the easement, that the County assumes no responsibility for their use. This liability statement is incorporated into the resolution and easement.

Department's Next Steps (if approved):

If the easement is authorized, the Board Chair will need to execute and record a Grant of Easement conveying rights-of-way to the Gaskill property. Right-of-way staff will send a copy of the recorded Grant of Easement to the representative of the Gaskill estate. After that, no further Board action is required.

Impact of NOT Approving/Alternatives:

If the easement is not authorized, the current use of these roads will not be formalized for the Gaskill property.

To BOS Staff: Document Disposition/Follow-Up:

Please insert the resolution number on the grant of easement. Please record the resolution and grant of easement as two separate documents. Please return the original recorded grant of easement and a copy of the recorded resolution documents to H&F, attn: R/W.

Attachments

[Executive Summary for Gaskill easement](#)

[Maps for Gaskill Easement](#)

[Resolution for Gaskill easement](#)

[Grant of Easement to Gaskill](#)

[Power Point presentation for Gaskill easement](#)

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Contract Award for Construction of Firing Range

Submitted By: Dave Seward, Procurement

Department: Procurement

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME of PRESENTER: Dave Seward

TITLE of PRESENTER: Dave Seward

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?:

Docket Number (If applicable):

Information

Agenda Item Text:

Approve the award of Invitation for Bids (IFB) No. 13-34-SHF-03 to Canyon Building and Design, LLC for the construction of a Firing Range for the Sheriff's Office in the amount of \$704,936.00.

Background:

IFB No. 13-44-SHF-03 was released on April 17, 2013. The bid was advertised in the Arizona Range News on April 17 & 24, 2013 and posted on the County website. Bid notices were mailed to 35 contractors and two plan rooms were notified of the project. A pre-bid meeting/job walk was held on April 25, 2013. The bid consisted of a base bid and four add alternates. The add alternates consisted of:

- Range House
- Utility Range
- Transport of excavated material to County Pit
- Transport of excavated material to location determined by contractor

The Sheriff has requested an award of the base bid only due to availability of funding.

Three bids were received prior to the bid closing date and time of June 12, 2013 at 2:00 p.m. A bid tabulation is attached.

Department's Next Steps (if approved):

Execute contract. Obtain bonds and insurance. Issue Notice to Proceed. Conduct pre-construction conference. Monitor contract performance and make progress payments. Explore alternative solution to building the range house.

Impact of NOT Approving/Alternatives:

Sheriff's Department will not have a firing range.

To BOS Staff: Document Disposition/Follow-Up:

Contracts will be hand carried to the Clerk of The Board office.

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):

\$912,793 for this project was donated by Howard Buffet and the funds reside in fund line 211-3000-3100.

Attachments

Bid Tabulation

Contract

Regular Board of Supervisors Meeting

Meeting Date: 07/23/2013

Approve the Purchase of a Containment Trap & Target System

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: Dave Seward

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?:

Docket Number (If applicable):

Information

Agenda Item Text:

Approve the purchase and installation of a Containment Trap and Target System from Action Target, Inc for the Sheriff's Office Firing Range in the amount of \$205,894.49 plus applicable use tax.

Background:

Invitation for Bids (IFB) No. 13-34-SHF is scheduled to be approved by the Board of Supervisors on July 23, 2013. The Sheriff's department is requesting the purchase of a containment trap (bullet retrieval) & target system for the firing range from Action Target System. The target system is available off GSA Program 1122. On January 18, 2011 the Board of Supervisors approved a cooperative agreement to purchase off the GSA 1122 program thus precluding the requirement for competitive bids. However, the Procurement Department forwarded alternative target systems available from other vendors to the Sheriff's office for consideration. The Sheriff's Office determined that the system from Action Target most closely met their desired needs for the intended purpose and their budget.

Department's Next Steps (if approved):

Issue purchase order. Schedule installation. Monitor contract performance.

Impact of NOT Approving/Alternatives:

An alternate target solution would have to be determined.

To BOS Staff: Document Disposition/Follow-Up:

Please be sure to put this item on the agenda AFTER the agenda item for the Firing Range.

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):**

A portion of this expenditure will be paid from the donation from Howard Buffet in fund line 203-3000-3300 and the balance will be paid from jail enhancement funds.

Attachments

Quote