



Cochise County Board of Supervisors

Public Programs...Personal Service
www.cochise.az.gov

ANN ENGLISH
Chairman
District 2

PATRICK G. CALL
Vice-Chairman
District 1

PEGGY JUDD
Supervisor
District 3

EDWARD T. GILLIGAN
County Administrator

ARLETHE G. RIOS
Clerk of the Board

AGENDA FOR REGULAR BOARD MEETING

Tuesday, February 27, 2018 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.

The Board may permit public comment during the discussion of any item on this agenda. If you wish to be heard on a specific item, please sign up to be heard using the 'Specific Item' on the speaker form provided, and please list the item about which you wish to be heard. Persons will be permitted three minutes to speak.

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.

PRESENTATION

Presentation by Ms. Vada Phelps, Executive Director, Arizona @ Work, Southeastern Arizona regarding the highlights of the annual plan.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of February 13, 2018.
2. Approve the appointment of Ms. Linda J. Olsen and reappointment of Mr. Edward Borgnaes to the Pollution Control Corporation of the County of Cochise, for a six year term expiring on February 2, 2024, as requested in correspondence from the Pollution Control Corporation.

County Sheriff

3. Approve the contract amendment with the Arizona Department of Corrections Agreement #18-043-23 Correctional Officer Certification Training.

Court Administration

4. Approve the acceptance of the AOC Court Security Improvement Grant; AOC Administrative Order 2017-15 in the amount of \$31,077 to make necessary upgrades to several court facilities for cameras and ballistic windows for the customer service area of the Bisbee Justice Court.

Elections

5. Approve the appointment of precinct committee member for the Democratic Party upon the recommendation of the Party Chair, Debbie Hickman.
Precinct: 35 SV MOSON, Christie Brown.

Finance

6. Approve demands and budget amendments for operating transfers.

PUBLIC HEARINGS

Board of Supervisors

7. Approve an Interim Permit/Location Transfer liquor license application for a series #6 (Bar) license submitted by Ms. Pamela Karen Cohen for The Thirsty Lizard, LLC, located at 5838 W. Double Adobe Road, Mc Neal, Arizona 85617.

Community Development

8. Adopt Zoning Ordinance 18-02 approving Docket Z-18-02 amending certain zoning district boundaries from RU-4 (rural, one dwelling per four acres) to RU-2 (rural, one dwelling per two acres), pursuant to the application of Jim Colville.
9. Adopt Zoning Ordinance 18-01 approving Docket Z-18-01 amending certain zoning district boundaries from R-9 (residential; one dwelling per 9,000 square feet) to GB (general business), pursuant to the application of Maby C. Pena and Ricardo Andres Pena Cruz.

ACTION

Board of Supervisors

10. Approve license agreement between Cochise County and the City of Bisbee for use of space in the Melody Lane Complex in the amount of \$4,200 on a monthly basis until the City can move to a permanent location.

11. Approve the over-the-counter sale of tax deed properties as set forth in the attached Exhibit A, plus related administrative fees.

STATE & FEDERAL LEGISLATION

REPORT BY EDWARD T. GILLIGAN 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, Peggy Judd

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 Board of Supervisors
1415 Melody Lane, Building G Bisbee, Arizona 85603
520-432-9200 520-432-5016 fax board@cochise.az.gov

Regular Board of Supervisors Meeting**Meeting Date:** 02/27/2018

Arizona @ Work, Southeastern Arizona Presentation

Submitted By: Anita Baca, Housing Authority**Department:** Housing Authority**Presentation:** No A/V Presentation **Recommendation:** Approve**Document Signatures:** BOS Signature NOT Required **# of ORIGINALS Submitted for Signature:** 0**NAME of PRESENTER:** Ms. Vaca Phelps **TITLE of PRESENTER:** Executive Director**Docket Number (If applicable):****Mandated Function?:** Not Mandated **Source of Mandate or Basis for Support?:****Presentations / Special Events
Board of Supervisors**

Information**Agenda Item Text:**

Presentation by Ms. Vada Phelps, Executive Director, Arizona @ Work, Southeastern Arizona regarding the highlights of the annual plan.

Background:

Cochise County is a partner of the AZ @ Work, Southeastern Arizona and Ms. Phelps would like to provide an update on applicable projects, changes in regulations and policies, an overview of the annual plan, and answer questions the Board may have.

Department's Next Steps (if approved):

N/A

Impact of NOT Approving/Alternatives:

N/A

To BOS Staff: Document Disposition/Follow-Up:

N/A

Attachments

No file(s) attached.

Consent 1.

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 02/27/2018

Minutes

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

Recommendation:

of ORIGINALS

Submitted for Signature:

NAME n/a

TITLE n/a

of PRESENTER:

of PRESENTER:

Mandated Function?:

Source of Mandate
or Basis for Support?:

Information

Agenda Item Text:

Approve the Minutes of the regular meeting of the Board of Supervisors of February 13, 2018.

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:

Scan to OnBase and File.

Budget Information

Information about available funds

Budgeted: ☐

Funds Available: ☐

Amount Available:

Unbudgeted: ☐

Funds NOT Available: ☐

Amendment: ☐

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

No file(s) attached.

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 02/27/2018

Pollution Control Corporation Appointment

Submitted By: Kim Lemons, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

Recommendation:

of ORIGINALS

Submitted for Signature:

NAME n/a

TITLE n/a

of PRESENTER:

of PRESENTER:

Mandated Function?:

Source of Mandate
or Basis for Support?:

Information

Agenda Item Text:

Approve the appointment of Ms. Linda J. Olsen and reappointment of Mr. Edward Borgnaes to the Pollution Control Corporation of the County of Cochise, for a six year term expiring on February 2, 2024, as requested in correspondence from the Pollution Control Corporation.

Background:

The Board of Directors of the Pollution Control Corporation of the County of Cochise have appointed Ms. Olsen and reappointment Mr. Borgnaes and would like the Board's approval as per procedure for this Corporation.

Department's Next Steps (if approved):

Notify the Corporation of the Board's decision.

Impact of NOT Approving/Alternatives:

The Corporation will not have a quorum and there will be a vacancy.

To BOS Staff: Document Disposition/Follow-Up:

Contact Patricia Pinson, Secretary-Treasurer, Pollution Control Corporation via email patpinson34@gmail.com stating the approval of these appointments, include the Oath of Office form and Open Meeting Law requirements to be forwarded to both appointees.

Budget Information

Information about available funds

Budgeted: ☐Funds Available: ☐

Amount Available:

Unbudgeted: ☐Funds NOT Available: ☐Amendment: ☐

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

Applicants_Olsen_Borgnaes

OlsenCertificate

Minutes

Correspondence

APPLICATION FOR APPROVAL OF

Edward Borgnaes

TO SERVE AS A DIRECTOR OF THE POLLUTION
CONTROL CORPORATION OF THE COUNTY OF COCHISE

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

The Pollution Control Corporation respectfully requests the Board of Supervisors to approve the election of Edward Borgnaes 1114 Christmas Tree Ln. Pecos, Arizona to serve as a director of this Corporation for a term beginning on February 3, 2018 and expiring on February 2, 2024, or until a properly-authorized successor is duly qualified to assume the position.

1. The Pollution Control Corporation of the County of Cochise is a corporate, politic body duly organized under the laws of the State of Arizona pursuant to the provisions of Arizona Revised Statutes §9-1221, et seq.

2. Such approval is sought pursuant to the provisions of A.R.S. §9-1225.

3. Edward Borgnaes is a duly qualified elector of Cochise County, Arizona, and is not an officer or employee of Cochise County, Arizona, other than serving in his/her capacity as an officer and director of this Corporation.

RESPECTFULLY SUBMITTED THIS 12th day of Nov.,
2017.

Pollution Control Corporation
of the County of Cochise

By: Patricia R. Benson
Sec - Treasurer

RECEIVED
COCHISE COUNTY
BOARD OF SUPERVISORS
2018 FEB 12 PM 2:51

APPLICATION FOR APPROVAL OF

Linda J. Olsen

TO SERVE AS A DIRECTOR OF THE POLLUTION
CONTROL CORPORATION OF THE COUNTY OF COCHISE

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

The Pollution Control Corporation respectfully requests the Board of Supervisors to approve the election of Linda J. Olsen 1003 E. Leone, Pearce, Arizona to serve as a director of this Corporation for a term beginning on February 3, 2018 and expiring on February 2, 2024, or until a properly-authorized successor is duly qualified to assume the position.

1. The Pollution Control Corporation of the County of Cochise is a corporate, politic body duly organized under the laws of the State of Arizona pursuant to the provisions of Arizona Revised Statutes §9-1221, et seq.

2. Such approval is sought pursuant to the provisions of A.R.S. §9-1225.

3. Linda Olsen is a duly qualified elector of Cochise County, Arizona, and is not an officer or employee of Cochise County, Arizona, other than serving in his/her capacity as an officer and director of this Corporation.

RESPECTFULLY SUBMITTED THIS 13th day of Nov.,

2017.

Pollution Control Corporation
of the County of Cochise

By:

Patricia R. Kanner
Secretary - Treasurer

2018 FEB 12 PM 2:51

RECEIVED
COCHISE COUNTY
BOARD OF SUPERVISORS

CERTIFICATE OF RECORDER

STATE OF ARIZONA }
 } ss.
COUNTY OF COCHISE }

I, being a duly qualified and acting Recorder of Cochise County, Arizona, do hereby certify that Linda Solson is currently registered to vote in Cochise County according to the registration books in my office.

WITNESS, my official signature this 7 day of Nov
1970


Cochise County Recorder

MINUTES OF THE ANNUAL MEETING
OF THE BOARD OF DIRECTORS
OF
POLLUTION CONTROL CORPORATION OF THE COUNTY OF COCHISE

A political subdivision of the State of Arizona

October 2, 2017

The board of Directors of the Pollution Control Corporation of the county of Cochise met on October 2, 2017 in a meeting room at the Arizona Electric Power Cooperative, Inc., Apache Station, Cochise, Arizona.

The meeting was called to order at 10:13a.m. by President Gerald Muir. It was noted that in accordance with the open meeting law, should members of the public be present, they address the chair. Present were: Joe King, Mgr. of Financial Services; Megan Mamula, Financial Analyst II-Treasurer Mgt; Rohan Pease, Treasury Services Mgr; Joan Davenport, Financial Planning Analyst III; all from Arizona Electric Power Cooperative. Also present was Linda Olsen, prospective board member. All remained throughout the meeting.

The President noted that the meeting had been called pursuant to (a) written notices sent to each Director, the Board of Supervisors of Cochise County and (B) Snell and Wilmer, Attorneys and (C) notices posted in Bisbee, Willcox, Pearce and notices published in the Range News on September 20 and 27, 2017.

It was noted that one item on the agenda needed to be deleted. It was moved and seconded that the corrected agenda be accepted. Motion Carried.

The president then asked the secretary to call the Roll. Present were Gerald Muir, Mary Dobers, Edward Borgnaes and Patricia Pinson.

It was noted that the six year term for Edward Borgnaes would expire before the next meeting. His renewal to remain as a member will be sent to The County Board of Supervisors along with the application for Linda Olsen for the board. It was moved and seconded and motion carried

A special meeting will be called to seat the new board member, upon approval by the County Board of Supervisor.

The next item of business was the reading of the minutes of the October 3, 2016 annual meeting. It was moved by Mary and seconded by Edward that we dispense with the reading since all had been sent copies. Motion carried.

The president then asked for nominations for the officers for the coming year. It was moved by Mary and seconded by Patricia that the current officers be elected by acclamation. Motion carried.

The president asked for review and approval of the annual financial statement. It had been audited by Kathleen Ortega, Auditor and approved as presented. It was moved and seconded it be accepted. Motion carried.

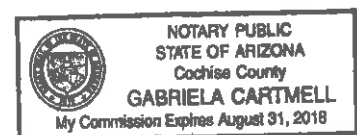
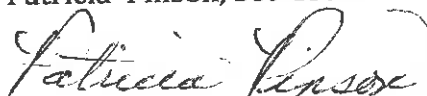
The annual report to the Arizona Corporation Commission had been filed for the current year by Parasec, a Division of Paracorp, the statutory agent. Their annual filing fees and expenses attached, were presented to the board.

It was moved and seconded that the expenses of the annual meeting be paid. Motion carried

Mr. King provided updated information regarding the status of Arizona Electric Power Cooperative's regarding environmental compliance pursuant to Environmental Protection Agency (EPA) standards for mercury and air toxics and regional haze. The clean Power Plan is still under the stay order issued by the U.S. Supreme Court early last year. The conversion of Steam Turbine 2 (ST2) from coal to natural gas as the primary fuel source is still scheduled to be completed by December of 2017. AEPCO is currently using calcium bromide and activated carbon to remove mercury from coal emissions. Testing of various coal blends is underway to assess the effectiveness of a new treatment that would replace the current activated carbon for the removal of mercury. Mr. King discussed the implementation of the Company's Environmental Adjustment Rider (ECAR) for the recovery of expenses related to environmental compliance. ECAR was approved by the Arizona Corporation Commission and allows for the recovery of activated carbon and urea expenses from its Member cooperative.

The meeting was adjourned at 10:45 and Gabriela Cartmell, notary came in to Notarize the necessary papers for the corporation.

Respectively submitted,
Patricia Pinson, Sec-Treas.



Lemons, Kim A

From: Patricia Pinson's Network <patpinson34@gmail.com>
Sent: Thursday, February 8, 2018 11:17 AM
To: Lemons, Kim A
Subject: Re: Pollution Control Board Appointments

Follow Up Flag: Follow up
Flag Status: Flagged

The term of office for Linda Olsen will be February 3, 2018 And ending February 2, 2024.

I have sent under cover a copy of Edward Borgnaes and Linda Olsen. The terms are for. Six years unless filling an unexpired term.

Sorry for the omissions.

Sent from my iPad

On Feb 5, 2018, at 2:12 PM, Lemons, Kim A <klemons@cochise.az.gov> wrote:

Ms. Pinson,

We received the attached via snail mail and since there was no cover letter, I had a couple of questions.

There was no term dates listed for Linda J. Olsen, so do we add "until a properly-authorized successor is duly qualified to assume the position"? Also, the minutes state you would be sending a renewal for Edward Borgnaes with Ms. Olsen's application but it was not part of the packet.

Please advise. Thank you,

Kim Lemons

Deputy Clerk of the Board
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, AZ 85603
520-432-9200 phone
520-432-5016 fax

Public Programs...Personal Service

www.cochise.az.gov

<PollutionControlCorporation_OlsenAppointment.pdf>

Regular Board of Supervisors Meeting

Meeting Date: 02/27/2018
Renew the agreement with the Correctional Officer Training Academy for 5 years
Submitted By: Kenneth Bradshaw, County Sheriff
Department: County Sheriff
Presentation: No A/V Presentation
Document Signatures: BOS Signature Required

NAME of PRESENTER: Ariel Monge
Mandated Function?: Not Mandated

Recommendation: Approve
of ORIGINALS Submitted for Signature: 2
TITLE of PRESENTER: Lieutenant
Source of Mandate or Basis for Support?:

Docket Number (If applicable):

Information

Agenda Item Text:

Approve the contract amendment with the Arizona Department of Corrections Agreement #18-043-23 Correctional Officer Certification Training.

Background:

The Cochise County Sheriff's Office utilizes The Correctional Officer Training Academy to train its Detention Officers. We have had this agreement with the state for over 20 years.

Department's Next Steps (if approved):

Upon Board approval the Sheriff's Office will continue to utilize the Correctional Officer Training Academy to train and certify our Detention Officers.

Impact of NOT Approving/Alternatives:

If not approved the Sheriff's Office would have to find alternative and more costly ways to train and certify its Detention Officers.

To BOS Staff: Document Disposition/Follow-Up:

Upon Board approval please sign the agreement and return the original to the Sheriff's Office so we can forward to ADOC.

Budget Information

Information about available funds

Budgeted: ☒ **Funds Available:** ☒ **Amount Available:** \$810.00
Unbudgeted: ☐ **Funds NOT Available:** ☐ **Amendment:** ☐

Account Code(s) for Available Funds

1:

Fund Transfers

Fiscal Year: 17/18

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

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

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

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

Source of Funding?:

Fiscal Impact & Funding Sources (if known):

The cost is \$810 per employee sent to the training.

Attachments

ADC COTA Agreement

**STATE OF ARIZONA
DEPARTMENT OF CORRECTIONS
1601 West Jefferson
Phoenix, Arizona 85007**

AGREEMENT

This Agreement is entered into pursuant to Arizona Revised Statutes §41-1604, et seq. between the **Cochise County Board of Supervisors**, for and on behalf of the **Cochise County Sheriff's Office**, hereinafter referred to as **County**, and the **Director of the Arizona Department of Corrections**, for and on behalf of its **Correctional Officer Training Academy (COTA)**, hereinafter referred to as **Department**.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Agreement.

COCHISE COUNTY BOARD OF SUPERVISORS
TAX ID # 86-6000398

ARIZONA DEPARTMENT OF CORRECTIONS

Signature of Authorized Individual Date
Ann English

Typed Name
Chairman, Cochise County Board of Supervisors
Typed Title
1415 Melody Lane, Building G
Bisbee, AZ 85603
Address

Signature of Authorized Individual Date
Ken Sanchez

Typed Name
Chief Procurement Officer
Typed Title
1645 West Jefferson Street, M/C 55302
Phoenix, Arizona 85007
Address

Additional Signatures as Applicable

Signature Date

Typed Name

Typed Title

Signature Date

Typed Name

Typed Title

Prepared by:

David Brackney, Sr. Procurement Specialist

Date: January 19, 2018

WHEREAS, the Department is authorized by Arizona Revised Statutes A.R.S. §41-1604, et seq. and §41-2501(B) and wishes to establish and enter into agreement, and;

WHEREAS, the County is authorized by A.R.S. §11-201 and A.R.S. §11-251, has the need and wishes to enter into an agreement, and;

THEREFORE, the Department and the County do hereby agree as follows:

1. Purpose of Agreement

- 1.1 To provide Correctional Officer Certification Training (Pre-Service) and Advanced Training (In Service) to qualified candidates as referred by the County.

2. Description of Services

2.1 Pre-service Training

- 2.1.1 The Department will conduct a certified 280 hour, seven (7) week pre-service training academy taught by certified Peace Officer Standards and Training (POST) Department employees. Training and education will be conducted in (10) core areas:

Ethics and Professionalism
Inmate Management
Legal Issues
Communication
Officer Safety
Applied Skills
Security
Custody and Control
Conflict and Crisis Management
Medical and Mental Issues

- 2.1.2 Instruction is supplemented by practical skills application taught during class exercises in the COTA prison replica dorm and cells. The Academy prepares jail detention officers for employment in a prison and/or jail setting.

- 2.1.3 Upon successful completion of the program, candidates will be issued a certificate of completion and up to twenty-one (21) hours of college credit through Rio Salado College.

- 2.1.4 The cost for each candidate for the certified 280 hour, seven (7) week pre-service training academy to the County shall be \$810.00, through the term of this Agreement.

2.2 In-Service Training

- 2.2.1 All weapons, ammunition and targets to complete the training for Firearms Certification will be provided by the County for their employees as directed by COTA.

- 2.2.2 The cost for In-Service Training to the County shall be \$21.50 per day per participant. A prorated fee for incomplete courses shall apply.

- 2.2.3 COTA will provide staff instructor and certification for In-Service classes. The Department will provide the County with available academy dates for the calendar year.

3. The Department Agrees

- 3.1 To provide complete usage of its facility, and shall provide the following amenities including, but not limited to: food, classroom, textbooks, weapon(s) and ammunition for training purposes. Weapons provided by COTA and used by candidates for training shall remain the property of COTA.

- 3.2 To invoice the County for payment within seven (7) days of graduation. Invoices shall include:

Cadet's Name
Referring Agency
Dates of Training
Total amount invoiced

- 3.3 Invoices will be sent to the County at the following address:

Cochise County Sheriff's Office
Attn: Rea Anne Servia, Administrative Manager
205 North Judd Drive
Bisbee, AZ 85603

4. The County Agrees

To make payment within thirty (30) days from the date of invoice and made payable to the following:

Correctional Officers Training Academy
Attn: Business Manager
5601 West Trails End Road
Tucson, Arizona 85745-9638

5. Special Terms and Conditions

5.1 Term of Agreement

This Agreement shall begin when all signatures are affixed and executed by the Department, and shall continue for a period of **five (5) years** thereafter, unless terminated or canceled, as otherwise provided herein.

5.2 Termination

This Agreement may be terminated, without cause, by either party by provision of prior written notice to the other. Such **Notice of Termination** shall be effective thirty (30) calendar days after mailing by certified mail, return receipt requested, to the other party.

5.3 Agreement Changes

Any changes to this Agreement shall be handled by formal amendment through the Department's Procurement Services office, signed by both parties.

5.4 Unlawful Sexual Conduct

- 5.4.1 A person - who is employed by the State Department of Corrections or the Department of Juvenile Corrections; is employed by a private facility or a city or county jail; contracts to provide services with the State Department of Corrections, the Department of Juvenile Corrections, a private prison facility or a city or county jail; is an official visitor, volunteer or agency representative of the State Department of Corrections, the Department of Juvenile Corrections, a private prison facility or a city or county jail - commits unlawful sexual conduct by intentionally or knowingly engaging in any act of a sexual nature with an offender who is in the custody of the State Department of Corrections, the Department of Juvenile Corrections, a private prison facility or a city or county jail or with an offender who is under the supervision of either Department or a city or county.
- 5.4.2 This section does not apply to a person who is employed by the State Department of Corrections, a private prison facility or a city or county jail or who contracts to provide services with the State Department of Corrections, a private prison facility or a city or county jail or an offender who is on release status if the person was lawfully married to the prisoner or offender on release status before the prisoner or offender was sentenced to the State Department of Corrections or was incarcerated in a city or county jail.
- 5.4.3 Unlawful sexual conduct with an offender who is under fifteen years of ages is a class 2 felony. Unlawful sexual conduct with an offender who is between fifteen and seventeen years of age is a class 3 felony. All other unlawful sexual conduct is a class 5 felony.
- 5.4.4 Unlawful sexual conduct; correctional facilities; classification; Definition A.R.S. § 13-1419.

5.5 Federal Prison Rape Elimination Act 2003

The County shall comply with the Federal Prison Rape Elimination Act of 2003. Reference 28 C.F.R. Part 115.

5.6 Notice Warning

Any person who takes into or out of, or attempts to take into or out of, a correctional facility or the grounds belonging to or adjacent to a correctional facility, any item not specifically authorized by the correctional facility, shall be prosecuted under the provisions of the Arizona Revised Statutes. All persons, including employees and visitors, entering upon these confines are subject to routine searches of their persons, vehicles, property or packages.

Definition: A.R.S. § 13-2501:
A.R.S. § 13-2505,
Arizona Department of Corrections (ADC) Department Order 708

5.7 Contraband

- 5.7.1 Contraband means any dangerous drug, narcotic drug, intoxicating liquor of any kind, deadly weapon, dangerous instrument, explosive or any other article whose use of or possession would endanger the safety, security or

preservation of order in a correctional facility or any person therein. (Any other article includes any substance which could cause abnormal behavior, i.e., marijuana, nonprescription medication, etc.).

Promoting prison contraband A.R.S. § 13-2505:

- 5.7.1.1 A person, not otherwise authorized by law, commits promoting contraband;
- 5.7.1.2 By knowingly taking contraband into a correctional facility or the grounds of such a facility; or
- 5.7.1.3 By knowingly conveying contraband to any persons confined in a correctional facility; or
- 5.7.1.4 By knowingly making, obtaining, or possessing contraband in a correctional facility.

Promoting Prison Contraband is a Class 5 felony:

Definition: A.R.S. § 13-2501:
A.R.S. § 13-2505,
ADC Department Order 708

5.8 Assignment and Delegation

Neither party shall assign any right nor delegate any duty hereunder without the express, written, prior consent of both parties.

5.9 Non-Availability of Funds

In accordance with A.R.S. § 35-154, every payment obligation of each party under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by either party at the end of the period for which funds are available. No liability shall accrue to either party in the event this provision is exercised, and the parties shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

5.10 Audit of Records

Pursuant to A.R.S. § 35-214 and § 35-215, both parties shall retain and shall contractually require each subcontractor to retain all data and other "records" relating to this Agreement for a period of five (5) years after completion of the Agreement. All records shall be subject to inspection and audit by either party at reasonable times. Upon request, a party shall produce a legible copy of any or all such records.

5.11 Cancellation for Conflict of Interest

Pursuant to A.R.S. § 38-511, this Agreement may be cancelled without penalty or further obligation within three (3) years after its execution if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of either party is or becomes at any time while the Agreement or an extension of the Agreement is in effect, an employee of or

consultant to any other party to this Agreement with respect to the subject matter of the Agreement. A cancellation made pursuant to this provision shall be effective when either party receives written notice of the cancellation unless the notice specifies a later time.

5.12 Non-Discrimination

If required by law, pursuant to A.R.S. § 41-1461, each party shall provide equal employment opportunities for all persons, regardless of race, color, creed, religion, sex, age, national origin, disability, or political affiliation. Each party shall comply with the Americans with Disabilities Act.

5.13 Third Party Antitrust Violations

Each party assigns to the State of Arizona any claim for overcharges resulting from antitrust violations to the extent that those violations concern materials or services supplied by third parties to either party, toward fulfillment of this Agreement.

5.14 Applicable Law

The laws of Arizona apply to this Agreement including, where applicable, the Uniform Commercial Code as adopted by the State of Arizona and the Arizona Procurement Code, Arizona Revised Statutes (A.R.S.) Title 41, Chapter 23, and its implementing rules, Arizona Administrative Code (A.A.C.) Title 2, Chapter 7.

5.15 Arbitration

The parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes.

5.16 Entire Agreement

This Agreement contains the entire understanding of the parties hereto. There are no representations or provisions other than those contained herein, any amendment or modification of this Agreement.

5.17 Indemnification

Each party (as "Indemnitor") agrees to defend, indemnify, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees or volunteers. The State of Arizona, Department of Corrections, is self-insured per A.R.S. § 41-621.

5.18 Insurance: Workers' Compensation

The County shall provide Workers' Compensation coverage for their employees participating in the services of this Agreement as provided by statute in the State of Arizona.

5.19 Offshore Performance of Work Prohibited

Any services that are described in the specifications or scope of work that directly serve the State of Arizona or its clients and involve access to secure or sensitive data or personal client data shall be performed within the defined territories of the United States. Unless specifically stated otherwise in the specifications, this paragraph does not apply to indirect or "overhead" services, redundant back-up services or services that are incidental to the performance of the agreement. This provision applies to work performed by subcontractors at all tiers.

5.20 Government Procurement; E-Verify Requirement A.R.S. § 41-4401

If required by law, the County warrants compliance with all Federal Immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. § 23-214, Subsection A. (That subsection reads: "After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.")

5.21 Notices

All notices under this Agreement given by either party to the other shall be in writing and shall be delivered in person or sent by U.S. Postal Service, postage prepaid and addressed to the following individuals:

Arizona Department of Corrections:

Arizona Department of Corrections
Procurement Services
Attn: Chief Procurement Officer
1645 West Jefferson, M/C 55302
Phoenix, AZ 85007
Email: procurement@azcorrections.gov
(602) 542-1172 Phone
(602) 364-3790 Fax

Cochise County Board of Supervisors:

Cochise County Sheriff's Office
Attn: Rea Anne Servia, Administrative Manager
205 N. Judd Drive
Bisbee, AZ 85603
(520) 432-9505 Phone
(520) 432-3517 Fax

STATE OF ARIZONA
DEPARTMENT OF CORRECTIONS
1601 West Jefferson
Phoenix, Arizona 85007

AGREEMENT

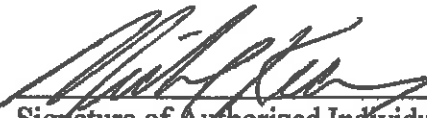
This Agreement is entered into pursuant to Arizona Revised Statutes (A.R.S.) §41-1604, et seq. between the Cochise County Board of Supervisors, for and on behalf of the Cochise County Sheriff's Office hereinafter referred to as the County, and the Director of the Arizona Department of Corrections, for and on behalf of its Correctional Officer Training Academy (COTA), hereinafter known as the Department.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Agreement.

COCHISE COUNTY BOARD OF SUPERVISORS
TAX ID # 86-6000398

ARIZONA DEPARTMENT OF CORRECTIONS

 11.13.12
Signature of Authorized Individual Date
Richard R. Searle
Typed Name
Chairman, Cochise County Board of Supervisors
Typed Title
1415 Melody Lane, Building G
Bisbee, AZ 85603
Address

 11/26/12
Signature of Authorized Individual Date
Michael P. Kearns
Typed Name
Division Director, Administrative Services
Typed Title
1601 West Jefferson Street, M/C 328
Phoenix, Arizona 85007
Address

Additional Signatures as Applicable

 10/23/12
Signature Date
Terry Bannon
Typed Name
Deputy County Attorney
Typed Title

Signature Date
Typed Name
Typed Title

Prepared by: Janie Terry, Senior Procurement Specialist
Date: October 15, 2012

WHEREAS, the Department is authorized by Arizona Revised Statutes A.R.S. §41-1604, et seq. and §41-2501(B) and wishes to establish and enter into agreement, and;

WHEREAS, the Contractor (County) is authorized by A.R.S. §11-201 (A) (3) and A.R.S. §11-251 and has the need and wishes to enter into an agreement, and;

THEREFORE, IT IS AGREED the Department and the County do hereby agree as follows:

1. Purpose of Agreement

- 1.1. To provide Correctional Officer Certification Training and Advanced Training to qualified candidates as referred by the County.

2. Description of Services

- 2.1. The Department will conduct a certified 280 hour, seven (7) week pre-service training academy by certified Peace Officer Standards and Training (POST) Department employees. Training and education will be conducted in (10) core areas:

- 2.1.1. Ethics and Professionalism
- 2.1.2. Inmate Management
- 2.1.3. Legal Issues
- 2.1.4. Communication
- 2.1.5. Officer Safety
- 2.1.6. Applied Skills
- 2.1.7. Security
- 2.1.8. Custody and Control
- 2.1.9. Conflict and Crisis Management
- 2.1.10. Medical and Mental Issues

- 2.2. Instruction is supplemented by practical skills application taught during class exercises in the COTA prison replica dorm and cells. The Academy prepares jail detention officers for employment in a prison and/or jail setting.

- 2.3. Upon successful completion of the program, candidates will be issued a certificate and up to twenty one (21) hours of college credit through Rio Salado College.

- 2.4. The cost for each candidate for the certified 280 hour, seven (7) week course {seven (7) week academy with additional on-line training for an equivalent of a nine (9) week training} to the County shall be \$660.00, not to exceed \$800.00 through the term of this Agreement.

- 2.5. The cost for advance training to the contract shall be \$21.50 per day per participant. A prorated fee for incomplete courses shall apply.

3. The Department Agrees

- 3.1. To provide complete usage of its facility, and shall provide the following amenities including, but not limited to: housing, food, classroom, textbooks, weapon(s) and ammunition for training purposes. Weapons provided by COTA and used by candidates for training shall remain the property of COTA.
- 3.2. To provide staff instructor and certification for Advance Training classes. The Department will provide the contractor with available academy dates for the calendar year.
- 3.3. To invoice the Contractor for payment within seven (7) days of graduation. Invoices shall include:
 - 3.3.1. Cadet's Name
 - 3.3.2. Referring Agency
 - 3.3.3. Dates of Training
 - 3.3.4. Total amount invoiced
- 3.4. Invoices will be sent to the County at the following address:

Cochise County Sheriff's Office
Attention: Administrative Manager
205 North Judd Drive
Bisbee, AZ 85603

4. The County Agrees

- 4.1. To provide all weapons, ammunition and targets to complete the training for Firearms Instructor Certification for their employees sent to training at COTA.
- 4.2. To make payment within thirty (30) days from the date of invoice and made payable to the following:

Correctional Officers Training Academy
Attn: Business Manager
5601 West Trails End Road
Tucson, Arizona 85745-9638

5. Special Terms and Conditions

5.1 Term of Agreement

- 5.1.1 This Agreement shall begin when all signatures are affixed and executed by the Department for a period of **two (2) years** thereafter, unless terminated, canceled or extended, as otherwise provided herein.

5.1.1.1 This Contract is expected to commence with the expiration of the current Contract, in effect through November 30, 2012.

5.2 Agreement Extension

5.2.1 By mutual written agreement, any resultant Agreement may be extended for supplemental periods of one additional 2 year period and one final 1 year period, up to a maximum of 3 years. The agreement term shall not exceed a total of five (5) years.

5.3 Termination

5.3.1 This Agreement may be terminated, without cause, by either party by provision of prior written notice to the other. Such **Notice of Termination** shall be effective thirty (30) calendar days after mailing by certified mail, return receipt requested, to the other party.

5.4 Agreement Changes

5.4.1 Any changes to this Agreement shall be handled by formal amendment through the Department, Procurement Services office signed by both parties.

5.5 Unlawful Sexual Conduct

5.5.1 A person - who is employed by the State Department of Corrections or the Department of Juvenile Corrections; is employed by a private facility or a city or county jail; Contracts to provide services with the State Department of Corrections, the Department of Juvenile Corrections, a private prison facility or a city or county jail; is an official visitor, volunteer or agency representative of the State Department of Corrections, the Department of Juvenile Corrections, a private prison facility or a city or county jail - commits unlawful sexual conduct by intentionally or knowingly engaging in any act of a sexual nature with an offender who is in the custody of the State Department of Corrections, the Department of Juvenile Corrections, a private prison facility or a city or county jail or with an offender who is under the supervision of either Department or a city or county.

5.5.2 This section does not apply to a person who is employed by the State Department of Corrections, a private prison facility or a city or county jail or who Contracts to provide services with the State Department of Corrections, a private prison facility or a city or county jail or an offender who is on release status if the person was lawfully married to the prisoner or offender on release status before the prisoner or offender was sentenced to the State Department of Corrections or was incarcerated in a city or county jail.

5.5.3 Unlawful sexual conduct with an offender who is under fifteen years of ages is a class 2 felony. Unlawful sexual conduct with an offender who is between fifteen and seventeen years of age is a class 3 felony. All other unlawful sexual conduct is a class 5 felony.

5.5.4 Unlawful sexual conduct; correctional facilities; classification; Definition
A.R.S. §13-1419.

5.6 Federal Prison Rape Elimination Act 2003

5.6.1 The Contractor shall comply with the Federal Prison Rape Elimination Act of 2003.

5.7 Notice Warning

5.7.1 Any person who takes into or out of or attempts to take into or out of a correctional facility or the grounds belonging to or adjacent to a correctional facility, any item not specifically authorized by the correctional facility, shall be prosecuted under the provisions of the Arizona Revised Statutes. All persons, including employees and visitors, entering upon these confines are subject to routine searches of their persons, vehicles, property or packages.

Definition: A.R.S. §13-2501:
A.R.S. §13-2505,
ADC Department Order 708

5.8 Contraband

5.8.1 Contraband means any dangerous drug, narcotic drug, intoxicating liquor of any kind, deadly weapon, dangerous instrument, explosive or any other article whose use of or possession would endanger the safety, security or preservation of order in a correctional facility or any person therein. (Any other article includes any substance which could cause abnormal behavior, i.e., marijuana, nonprescription medication, etc.).

Promoting prison contraband A.R.S. §13-2505:

5.8.1.1 A person, not otherwise authorized by law, commits promoting contraband;

5.8.1.2 By knowingly taking contraband into a correctional facility or the grounds of such a facility; or

5.8.1.3 By knowingly conveying contraband to any persons confined in a correctional facility; or

5.8.1.4 By knowingly making, obtaining, or possessing contraband in a correctional facility.

Promoting Prison Contraband is a Class 5 felony:

Definition: A.R.S. §13-2501:
A.R.S. §13-2505,
ADC Department Order 708

5.9 Assignment and Delegation

5.9.1 Neither party shall assign any right nor delegate any duty hereunder without the express, written, prior consent of both parties.

5.10 Non-Availability of Funds

5.10.1 In accordance with A.R.S. §35-154, every payment obligation of each party under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by either party at the end of the period for which funds are available. No liability shall accrue to either party in the event this provision is exercised, and the parties shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

5.11 Audit of Records

5.11.1 Pursuant to A.R.S. §35-214 and §35-215, both parties shall retain and shall contractually require each subcontractor to retain all data and other "records" relating to this Agreement for a period of five (5) years after completion of the Agreement. All records shall be subject to inspection and audit by either party at reasonable times. Upon request, a party shall produce a legible copy of any or all such records.

5.12 Cancellation for Conflict of Interest

5.12.1 Pursuant to A.R.S. §38-511, this Agreement may be cancelled without penalty or further obligation within three (3) years after its execution if any person significantly involved in initiating, negotiating, securing, drafting or creating the Agreement on behalf of either party is or becomes at any time while the Agreement or an extension of the Agreement is in effect, an employee of or consultant to any other party to this Agreement with respect to the subject matter of the Agreement. A cancellation made pursuant to this provision shall be effective when either party receives written notice of the cancellation unless the notice specifies a later time.

5.13 Non-Discrimination

5.13.1 Pursuant to A.R.S. 41-1461, each party shall provide equal employment opportunities for all persons, regardless of race, color, creed, religion, sex, age, national origin, disability, or political affiliation. Each party shall comply with the Americans with Disabilities Act.

5.14 Third Party Antitrust Violations

5.14.1 Each party assigns to the State any claim for overcharges resulting from antitrust violations to the extent that those violations concern materials or services supplied by third parties to either party, toward fulfillment of this Agreement.

5.15 Applicable Law

5.15.1 The Arizona law applies to this Agreement including, where applicable, the Uniform Commercial Code as adopted by the State of Arizona and the Arizona Procurement Code, Arizona Revised Statutes (A.R.S.) Title 41, Chapter 23, and its implementing rules, Arizona Administrative Code (A.A.C.) Title 2, Chapter 7.

5.16 Arbitration

5.16.1 The parties to this Agreement agree to resolve all disputes arising out of relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. §12-1518 except as may be required by other applicable statutes.

5.17 Entire Agreement

5.17.1 This Agreement contains the entire understanding of the parties hereto. There are no representations or provisions other than those contained herein, any amendment or modification of this Agreement.

5.18 Indemnification

5.18.1 Each party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees or volunteers.

5.18.2 In addition, Cochise County Sheriff's Office shall cause its contractor(s) and subcontractors, if any, to indemnify, defend, save and hold harmless the State of Arizona, any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and their respective directors, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused,

in whole or in part, by the negligent or willful acts or omissions of Cochise County Sheriff's Office's contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnatee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable.

5.19 Offshore Performance of Work Prohibited

5.19.1 Any services that are described in the specifications or scope of work that directly serve the State of Arizona or its clients and involve access to secure or sensitive data or personal client data shall be performed within the defined territories of the United States. Unless specifically stated otherwise in the specifications, this paragraph does not apply to indirect or "overhead" services, redundant back-up services or services that are incidental to the performance of the agreement. This provision applies to work performed by subcontractors at all tiers.

5.20 Scrutinized Businesses.

5.20.1 In accordance with A.R.S §35-391 and A.R.S §35-393, the contractor hereby certifies that the contractor does not have scrutinized business in Sudan and Iran.

5.21 Government Procurement; E-Verify Requirement A.R.S. §41-4401

5.21.1 The Contractor warrants compliance with all Federal Immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. §23-214, Subsection A. (That subsection reads: "After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.")

5.21.2 A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the agreement and the contractor may be subject to penalties up to and including termination of the agreement.

5.21.3 Failure to comply with a State audit process to randomly verify the employment records of contractors and subcontractors shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.

5.21.4 The State Agency retains the legal right to inspect the papers of any employee who works on the agreement to ensure that the contractor or subcontractor is complying with the warranty provided herein.

5.22 Notices

5.22.1 All notices under this Agreement given by either party to the other shall be in writing and shall be delivered in person or sent by U.S. Postal Service, postage prepaid and addressed to the following individuals:

Arizona Department of Corrections:

Arizona Department of Corrections
Attn: Leon George, Chief Procurement Officer
Procurement Services
1645 West Jefferson, M/C 55302
Phoenix, Arizona 85007
(602) 542-1172 Phone
(602) 364-3790 Fax

Cochise County Sheriff's Office:

Cochise County Sheriff's Office
Attention: Administrative Manager
205 N. Judd Drive
Bisbee, AZ 85603
(520) 432-9505 Phone
(520) 432-3517 Fax

STATE OF ARIZONA
DEPARTMENT OF CORRECTIONS
1645 West Jefferson, MC 55302
Phoenix, Arizona 85007-3002

AMENDMENT ONE

The Agreement entered into between the Cochise County Board of Supervisors, for and on behalf of the Cochise County Sheriff's Office hereinafter referred to as the County, and the Director of the Arizona Department of Corrections, for and on behalf of the Correctional Officer Training Academy (COTA), hereinafter known as the Department is hereby amended as follows:

Purpose of Amendment: To revise the Agreement Extension language of Section 5, Paragraph 5.2.1 and to renew the contract for the remaining term as stated below.

5.2.1 Shall be revised as follows:

By mutual written agreement, any resultant Agreement may be extended for a supplemental periods of one additional 2 three (3) year period and one final 1 year period, up to a maximum of 3 years. The agreement term shall not exceed a total of five (5) years.

In accordance with Section 5, Paragraph 5.2.1 as revised above, this Agreement is being extended for one additional three (3) year term, effective December 1, 2014 through November 30, 2017.

All other terms and conditions of this Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Amendment.

COCHISE COUNTY BOARD OF SUPERVISORS

 10.14.14
Signature of Authorized Individual Date
Patrick G. Call
Typed Name
Chairman, Cochise County Board of Supervisors
Typed Title
1415 Melody Lane, Building G
Bisbee, AZ 85603
Typed Address

ARIZONA DEPARTMENT OF CORRECTIONS

 10/28/14
Signature of Authorized Individual Date
Michael P. Kearns
Typed Name
Division Director, Administrative Services
Typed Title
1601 West Jefferson, MC 328
Phoenix, Arizona 85007-3002
Typed Address

Additional Signatures as Applicable

 10/22/14
Signature Date
THAD SMITH
Typed Name
CHIEF DEPUTY
Typed Title

 10/23/14
Signature Date
KENNETH BRADSHAW
Typed Name
JAIL COMMANDER
Typed Title

Prepared By: Janie Terry, Senior Procurement Specialist
Date Prepared: September 22, 2014

This amendment shall be effective when all signatures are affixed.

Court Administration

Regular Board of Supervisors Meeting**Meeting Date:** 02/27/2018

AOC Court Security Improvement Grant

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

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 acceptance of the AOC Court Security Improvement Grant; AOC Administrative Order 2017-15 in the amount of \$31,077 to make necessary upgrades to several court facilities for cameras and ballistic windows for the customer service area of the Bisbee Justice Court.

Background:

In 2015, the Arizona Supreme Court adopted Court Security Standards for the Arizona Courts. These standards were meant to serve as a roadmap to ensure that each court is a safe and secure environment for the resolution of disputes.

During the last budget session, the Arizona Supreme Court requested authority to set aside some filing fee revenue to set up a competitive grant program for courts to access security improvements consistent with the standards. In doing so, the results were successful.

The court engaged in security audits of all of their facilities county-wide and requested 31K+ to make these upgrades.

Department's Next Steps (if approved):

Funding has been received. Court Administration staff will work with County Procurement, County Finance, and Facilities staff to make the improvements.

Impact of NOT Approving/Alternatives:

No money to make the improvements and upgrades consistent with the Arizona Supreme Court's Court Security Standards.

To BOS Staff: Document Disposition/Follow-Up:

No follow up required.

Budget Information

Information about available funds

Budgeted: ☐

Funds Available: ☐

Amount Available:

Unbudgeted: ☐

Funds NOT Available: ☐

Amendment: ☐

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

Security Funding Agreement

Arizona Supreme Court
Administrative Office of the Courts

FUNDING AGREEMENT FOR COURT SECURITY IMPROVEMENTS

Cochise County Superior Court
18A02CS001

Fiscal Year 2018

This Agreement is entered into by and between the Arizona Administrative Office of the Courts, herein referred to as "AOC," on behalf of the Arizona Supreme Court, and the Cochise County Superior Court, herein referred to as "the Court," in accordance with A.O. 2017-15 which is incorporated herein by reference.

RECITAL

The purpose of this Agreement is to provide funding to the Court to implement its approved plan for use of Court Security Improvement (CSI) funds for Fiscal Year 2018, as set forth in Addenda A and B which are part of this Agreement.

TERMS AND CONDITIONS

1. TERM OF AGREEMENT

This Agreement becomes effective on January 1, 2018, and shall remain in effect through June 30, 2018.

2. MODIFICATION AND TERMINATION

This Agreement may be modified or terminated by the AOC if in its judgment such action is necessary due to: (a) funding availability; (b) statutory changes in the program; (c) the Court's failure to implement or operate the approved plan; (d) the Court's noncompliance with this Agreement; or (e) other circumstances necessitating such action. Either party may, upon thirty (30) days written notice to the other party by certified mail, terminate this agreement. In the event that a modification request becomes necessary, it must be requested no later than thirty (30) days prior to the closing date of the grant.

3. FUND ACCOUNTING

Funds distributed to the Court shall be deposited in a Special Revenue Fund established for the execution of this Agreement pursuant to Section III (B) of the Auditor General's Uniform Accounting Manual for Arizona Counties. Any interest earned on these monies while in the possession of the Court shall accrue to the fund for use by the Court in accordance with its approved plan.

4. EXPENDITURES

a. Distribution of Funds. The AOC may retain all or any portion of the funds allocated to the Court for the performance of its approved plan and may authorize direct expenditures for the benefit of the Court. Set forth in Addendum A to this Agreement are the specific amounts to be retained and disbursed by the AOC. The AOC may periodically modify the distribution of funds contained in Addendum A based on its determination of the Court's need for and usage of Court Security Improvement Funds.

b. Reporting Requirements. The Court shall submit a progress report to the AOC no later than forty-five days after the end of the grant period and include a financial report along with any unexpended funds and interest in accordance with paragraph 4.c of this funding agreement.

c. Unexpended Funds. Funds unencumbered as of June 30, 2018 and unexpended as of July 31, 2018, plus all unexpended interest accrued on such funds while in the possession of the Court, shall be transmitted to the AOC for reversion to the Court Security Improvement Fund no later than August 15, 2018. The reversion shall be accompanied by a closing financial statement signed by the Presiding Judge.

d. Inappropriate Expenditures. The Court shall expend funds only for the purposes and uses specified in the approved plan and budget. The Court agrees to reimburse the Court Security Improvement Fund for any unauthorized or inappropriate expenditures which are not in compliance with the approved plan and budget and this Agreement.

Court Security Improvement Funds shall not be used to pay county or city administrative costs for services associated with receipt of those funds including, but not limited to, the cost of: accounting, payroll, data processing, purchasing, personnel, and building use. All equipment purchased solely with Court Security Improvement Funds shall be used solely for purposes in the approved plan unless written permission is received from the AOC.

e. Budget Modifications. The Court shall not shift funds from, to, or within budgeted categories without prior written authorization from the AOC. All budget modifications shall be in accordance with the current version of Section 5.03, AOC's Policies and Procedures Manual, entitled Budget Control, Budget Modification Policy, a copy of which can be obtained upon request.

f. Termination of Funding. In the event that this Agreement is terminated prior to June 30, 2018, all unexpended funds in the possession of the Court shall be returned to the AOC within 30 days of such termination, along with, but not limited to: (1) a closing financial statement; (2) a final report outlining the program achievements; and (3) an inventory, including serial numbers, of all equipment purchased with Court Security Improvement Funds.

If termination is due to failure of the Court to comply with the approved plan, the AOC may require return of equipment and supplies purchased with Court Security Improvement Funds.

5. BOOKS AND RECORDS

a. Financial Records and Examination. The Court shall maintain and shall require its subcontractors to maintain acceptable accounting systems, records, and documents to properly reflect all funds expended in the performance of the approved plan. All books, records and other documents relevant to this Agreement shall be retained by the Court and its subcontractors for a period of five (5) years after the final payment has been made, or until after the resolution of any audit questions or contract disputes, whichever is longer. Court, state, or federal auditors, as applicable, and any other persons duly authorized by the AOC shall have full access to, and the right to examine, audit, copy and make use of any and all said materials. All subcontracts shall include a provision acknowledging the authority of the AOC to conduct such audits or examinations.

b. Program Records and Evaluation. The AOC plans to monitor and evaluate the Court Security Improvement Fund Program to determine its effectiveness. As a condition of receipt of Court Security Improvement Funds, the Court agrees to maintain and provide to the AOC such data and statistics as may be required by the AOC for purposes of evaluation. All records and documents relevant to this Agreement shall be retained by the Court and its subcontractors for a period of five (5) years after the final payment has been made. Authorized agents of the AOC shall have full access to, and the right to examine, copy, and make use of, any and all said materials.

The Court further agrees that authorized agents of the AOC shall have the right to conduct on-site visits for purposes of compliance monitoring and program evaluation. All subcontracts shall include a provision acknowledging the authority of the AOC to conduct such inspections and evaluations.

6. AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS

The Court shall comply with the Arizona Judiciary Policy on Access to Court Services by Persons with Disabilities as mandated by Administrative Order 92-32.

7. INVENTORY

The Court retains ownership of equipment purchased with funds received pursuant to this agreement, and shall maintain written inventory and property control policies and procedures. The Court may use its existing inventory system but must at a minimum maintain the information required by Supreme Court policies and procedures. See AOC's Policies and Procedures Manual, Section 5.06 for guidance.

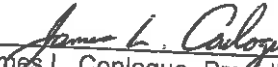
8. USE, LOSS AND DISPOSITION OF EQUIPMENT

Equipment must be used as required by the approved plan for duration of this funding agreement, unless written permission is given by the Supreme Court. After this time, the equipment may be transferred upon approval of the presiding judge. The Court is responsible for any maintenance, loss or damage to the equipment and the Supreme Court makes no assurances regarding its repair or replacement. Equipment, which is no longer needed or usable, shall be placed in surplus as required by this agreement. If no such requirements are included in the funding agreement, then local surplus property procedures may be utilized. The equipment should be offered to another court prior to being placed in surplus. See Attachment C.

9. PERFORMANCE LIABILITY

Except as otherwise provided in law, in the performance of this Agreement and the Court's approved plan both parties hereto will be acting in their individual governmental capacities and not as agents, employees, partners, joint venturers, or associates of each other. The employees, agents, or subcontractors of one party shall not be deemed or construed to be the employees or agents of the other party. Each party agrees to be solely responsible for the actions of its employees under this Agreement, and to indemnify and hold the other harmless for the actions of its own employees.

COCHISE COUNTY SUPERIOR COURT

By 
Honorable James L. Conlogue, Presiding Judge
Cochise County Superior Court

ARIZONA SUPREME COURT

By 
Mike Baumstark, Deputy Director
Administrative Office of the Courts

ADDENDUM A

TO APPROVED RECOMMENDATION AND FUNDING AGREEMENT FOR
COURT SECURITY IMPROVEMENTS

GRANTEE: Cochise County Superior Court

ADDENDUM DATE: January 17, 2018

BEGIN DATE: January 1, 2018

END DATE: June 30, 2018

NOTE: This addendum supersedes all previously dated addenda.

FUND SUMMARY:

Equipment Expenses	\$31,077.00	
TOTAL FUNDS:		\$31,077.00

AMOUNT TO BE DISBURSED TO COURT*:

Upon receipt of signed funding agreement	\$31,077.00	
TOTAL AMOUNT APPROVED FOR DISBURSEMENT:		\$31,077.00
TOTAL AMOUNT APPROVED FOR EXPENDITURE:		\$31,077.00

* Since the AOC cannot guarantee how much revenue will be generated for FY18, any shortfall will be the financial responsibility of the court. In the event that Court Security Improvement funds retained by the AOC are insufficient to fund the approved request, or funds are reduced by legislative action, there is no obligation or approval to provide funds from other sources on the part of the AOC.

Signed:



Marcus Reinkensmeyer, Director, Court Services Division,
Administrative Office of the Courts

Date:

1/17/18

Signed:



Honorable James L. Conlogue
Presiding Judge, Cochise County Superior Court

Date:

01/18/18

ADDENDUM B

**TO APPROVED RECOMMENDATION AND FUNDING AGREEMENT FOR
COURT SECURITY IMPROVEMENTS**

GRANTEE: Cochise County Superior Court

ADDENDUM DATE: January 17, 2018

BEGIN DATE: January 1, 2018

END DATE: June 30, 2018

NOTE: This addendum supersedes all previously dated addenda.

EQUIPMENT EXPENSES:

<u>Court – item(s):</u>	<u>Cost</u>
Cochise County Superior Court: Admin. - 6 cameras	\$ 6,287.00
Cochise County Superior Court: Main Courthouse - 7 cameras	7,047.00
Sierra Vista Justice Court - 3 cameras	4,123.00
Bisbee Justice Court - 1 camera	1,020.00
Bisbee Justice Court - 3 ballistic-resistant glass windows	12,600.00

Subtotal Equipment Expenses:	\$31,077.00
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TOTAL FY18 BUDGET:	\$31,077.00
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ATTACHMENT C
ARIZONA COURTS
INVENTORY AND PROPERTY CONTROL POLICY

The purpose of this section is to set forth minimum procedures and guidelines for fixed assets (furniture and equipment) owned by the Judicial Department Unit (JDU) other than the Supreme Court.

It is the intent of this policy that all equipment items are accounted for under an inventory system. Each court, including its probation departments, must be able to account for all equipment regardless of the funding source used to purchase the equipment.

DEFINITIONS

Capital equipment means any piece of property or a fixed asset with a purchase price of \$5,000 or more and a usable life of one or more years.

Noncapital equipment means any piece of property or a fixed asset with a purchase price of \$2,000 to \$4,999 and usable life of one or more years.

Judicial Department Unit (JDU) is any operating unit, office, or court of the Arizona Judicial Department reporting to the Chief Justice; chief judges of the Court of Appeals; presiding judges of the superior court, justice courts, and municipal courts; clerks of court; staff attorneys; divisions of the Administrative Office of the Courts; court administrators; and probation departments, with responsibility for reporting, care, and custody of the fixed asset.

Local Governmental Unit (LGU) is any county, city or school district with responsibility for reporting, care, and custody of the fixed asset.

POLICY

1. GENERAL

This policy covers any equipment valued over \$2,000 purchased from state, federal, or other funds provided through the AOC. All acquisitions of equipment using Supreme Court funds will be documented in an agreement.

If the AOC provides the funding and the JDU purchases the equipment, a funding agreement will be signed that clearly delineates the JDU owns the equipment. The JDU will record transactions in its fixed asset tracking system. The inventory policy is part of the funding agreement.

If the AOC purchases the equipment and transfers ownership of the asset, the JDU will record transactions in its fixed asset tracking system. The inventory policy is part of the equipment grant agreement.

The JDU shall maintain written inventory and property control policies and procedures.

All equipment included under this policy shall be clearly identified and located for purposes of regular physical inventory.

The JDU shall maintain an inventory log as described in the record keeping section of this policy.

2. TAGGING/NUMBERING SYSTEM

For items that the Supreme Court purchases and maintains ownership of, the Supreme Court will issue tags and require tagging of the equipment. For all other items, the JDU shall maintain a tagging/numbering system.

3. RECORD KEEPING

The inventory and property control person shall establish accurate records for all equipment under this policy. These records for capital and non-capital equipment shall, at a minimum, indicate:

- Acquisition date
- A brief description of the item
- Current location (code or suitable alternative)
- Program funding source
- Tag or asset number
- Model and serial number
- Account number
- Purchase document number (claim/voucher)
- Original cost including shipping, taxes, and installation

The inventory control records shall be maintained in such a fashion as to permit ready access and review.

4. INVENTORY SCHEDULE

The JDU shall conduct a physical inventory of equipment annually. The report of the physical inventory shall be maintained and available for review and audit upon request by the AOC.

5. TRANSFER OF EQUIPMENT

Equipment must be used for the approved purpose for five years, unless written permission is given by the AOC. After five years, the equipment may be transferred upon approval of the presiding judge of the court.

6. SURPLUS PROPERTY

Equipment, which is no longer needed or usable, shall be placed in surplus in accordance with the following:

For equipment for which title was granted to the JDU, the JDU shall follow any procedures required by the original funding agreement. If no such requirements are included in the funding agreement, then local surplus property procedures may be utilized.

7. MODIFICATION TO THIS POLICY

The Arizona Supreme Court, AOC, reserves the right to modify this policy as needed.

Regular Board of Supervisors Meeting

Meeting Date: 02/27/2018

Approve Appointment of Democratic Precinct Committee Member

Submitted By: Martha Rodriguez, Elections

Department: Elections

Presentation: No A/V Presentation **Recommendation:** Approve

Document Signatures: BOS Signature NOT Required **# of ORIGINALS Submitted for Signature:** 0

NAME of PRESENTER: N/A **TITLE of PRESENTER:** N/A

Docket Number (If applicable): N/A

Mandated Function?: Federal or State Mandate **Source of Mandate or Basis for Support?:** §16-821

Information

Agenda Item Text:

Approve the appointment of precinct committee member for the Democratic Party upon the recommendation of the Party Chair, Debbie Hickman.

Precinct: 35 SV MOSON, Christie Brown.

Background:

Requested by Cochise Democratic Party Chair, Debbie Hickman and verified as eligible by Cochise County Elections Department (see attached form)

Department's Next Steps (if approved):

Elections Department will prepare a letter to approved precinct committee member w/copy to Party Chair, Debbie Hickman. Elections Department will create a file for approved precinct committee member and update list/post on website.

Impact of NOT Approving/Alternatives:

Vacancies will exist in these positions.

To BOS Staff: Document Disposition/Follow-Up:

BOS Staff to notify elections of the outcome of BOS decision on this item.

Attachments

DemPCApproval

Cochise County Democratic Committee
P.O. Box 3233
Sierra Vista, AZ 85636
January 29, 2018

RECEIVED

2018 JAN 29 P 4: 30

COCHISE COUNTY
ELECTIONS AND
SPECIAL DISTRICTS

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

Dear Supervisor Chair Ann English and Deputy Elections Director Martha Rodriguez,

Request you appoint the following qualified registered Democrat as Precinct Committee Members with the Cochise County Democratic Party at your earliest convenience:

<u>Last Name</u>	<u>First Name</u>	<u>Precinct</u>	<u>Address</u>
Brown	Christie	SV Moson	4569 S Burro Dr., Sierra Vista, AZ 85650 ✓

Thank you.

Respectfully,

/s/

Debbie Hickman
Chair, Cochise County Democratic Committee 2017-2018
(520) 678-0481
Email: cochisecodemsgmail.com

Cc:
ADP, Chair, Felecia Rotellini (statechair@azdem.org)
ADP, Data Director, Sam Almy (salmy@azdem.org)
CCDP 2VC, Cynthia Aspengren (cochisecountydemspcs@yahoo.com)



PRECINCT COMMITTEE PERSON VERIFICATION FORM

NAME: CHRISTIE SUE BROWN

ADDRESS: 4569 S. BURRD DR.

SIERRA VISTA AZ 85650-8136

PARTY: DEM

PRECINCT: 35 SV MOSON

NUMBER OF PRECINCT COMMITTEE PERSONS NEEDED: 3

NUMBER OF CURRENT PRECINCT COMMITTEE PERSONS: 1

APPROVE APPOINTMENT: X

DO NOT APPROVE APPOINTMENT: _____

DATE: 2/2/2018

BY: Martha L. Rodriguez

Regular Board of Supervisors Meeting

Meeting Date: 02/27/2018

Demands

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

Recommendation:

of ORIGINALS

Submitted for Signature:

NAME n/a

TITLE n/a

of PRESENTER:

of PRESENTER:

Mandated Function?:

**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.

Budget Information

Information about available funds

Budgeted: ☐

Funds Available: ☐

Amount Available:

Unbudgeted: ☐

Funds NOT Available: ☐

Amendment: ☐

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

No file(s) attached.

**Public Hearings 7.
Board of Supervisors**

Regular Board of Supervisors Meeting

Meeting Date: 02/27/2018

Bar Liquor License The Thirsty Lizard, LLC. Series 6

Submitted By: Melissa Belasco, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V **Recommendation:** Approve
Presentation

Document Signatures: BOS **# of ORIGINALS**
Signature **Submitted for Signature:**
NOT
Required

NAME Arlethe Rios **TITLE** Clerk of the Board
of PRESENTER: **of PRESENTER:**

Mandated Function?: Not **Source of Mandate**
Mandated **or Basis for Support?:**

Docket Number (If applicable):

Information

Agenda Item Text:

Approve an Interim Permit/Location Transfer liquor license application for a series #6 (Bar) license submitted by Ms. Pamela Karen Cohen for The Thirsty Lizard, LLC, located at 5838 W. Double Adobe Road, Mc Neal, Arizona 85617.

Background:

Ms. Cohen has applied for a series #6 Bar liquor license for The Thirsty Lizard, LLC, located at 5838 W. Double Adobe Road, Mc Neal, Arizona, 85617. The Sheriff's Office has no recommendation and the Treasurer's Office advised that the property taxes for the parcel in question are current. The Planning and Zoning Department has recommended approval of the application. There have been no formal protests to this liquor license.

The Environmental Health Department has no concerns with the issuance of the liquor license. The Health Department is currently working with the property owner on health-related issues with the subject property.

Ms. Cohen 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.

Budget Information

Information about available funds

Budgeted: ☐

Funds Available: ☐

Amount Available:

Unbudgeted: ☐

Funds NOT Available: ☐

Amendment: ☐

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

Application

Affidavit of Posting

Departmental Review Forms



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

18 JAN 19 1997 Lic. PM1233

DLLC USE ONLY

License #	06020020
Date Accepted:	1/19/18
CSR:	<i>[Signature]</i>

Application for Liquor License
Type or Print with Black Ink

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE
A service fee of \$25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 1 Type of License

- ☒ Interim Permit
☐ New License
☐ Person Transfer
☒ Location Transfer (series 6, 7 and 9)
☐ Probate/ Will Assignment/ Divorce Decree (No Fees)
☐ Seasonal

SECTION 2 Type of Ownership

- ☐ J.T.W.R.O.S.
☐ Individual
☐ Partnership
☐ Corporation
☒ Limited Liability Co
☐ Club
☐ Government
☐ Trust
☐ Tribe
☐ Other (Explain) _____

SECTION 3 Type of license

- ☐ Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application)
A.R.S. § 4-206.01 (G), (H), (I) & (L)
☐ Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies)
A.R.S. § 4-207(A) & (B)

1. Type of License (restaurant, bar etc.): Series 6 2. LICENSE # (if issued): 06020020

SECTION 4 Applicants

1. Agent's Name: COHEN, PAMELA KAREN P1072715
Last First Middle
2. Applicant/Licensee Name: The Thirsty Lizard LLC B1053428
(Ownership name for type of ownership checked on section 1) Middle
3. Business Name (Doing Business As-DBA): THE THIRSTY LIZARD B1001384
4. Business Location Address: 5838 W. DOUBLE ADOBE ROAD, MC NEAL, ARIZONA, 85617, COCHISE
(Do not use PO Box) Street City State Zip Code County
5. Mailing Address: 427 E. ALLEN LANE, HUACHUCA CITY, ARIZONA 85616
(All correspondence will be mailed to this address) Street City State Zip Code
6. Business Phone: 520-456-2337 Daytime Contact Phone: 661-289-2899
7. Email Address: AZTHIRSTYLIZARD@YAHOO.COM

8. Is the Business located within the incorporated limits of the above city or town? ☐ Yes ☒ No
If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? MC NEAL Cochise County

Fees: <u>\$100.00</u>	<u>\$100.00</u>	Department Use Only	<u>\$70.00</u>	<u>\$270.00</u>
Application	Interim Permit	Site Inspection	Finger Prints	Total of All Fees
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete?				☒ Yes ☐ No

1/19/18

To Whom it may concern,

I, Pamela Cohen, am the legal property owner of 5838 W. Double Adobe Rd, McNeal, AZ 85647.

Sincerely,



427 E. Allen Lane
Huachuca City, AZ 85616
(602) 289-2899

SECTION 5 Background Check

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD ALONG WITH \$22. PROCESSING FEE PER CARD.

1. If the applicant is an entity, not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: 9/28/2014 State where Incorporated/Organized: Arizonab) AZ Corporation or AZ LLC. File No: L-1953781-4 Date authorized to do business in AZ 9/24/2014

2. List any individual or entity that own a beneficial interest of 10 % or more and/or controls the license. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed to disclose any controlling person, member, shareholder or general partner who owns a beneficial interest of 10 % or more of the license.

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip
Cohen, Pamela	Karen		Member	51%	427 E. Allen Lane, Huachuca City, AZ	85616		
Ferguson, William	Carmon		Member	49%	427 E. Allen Lane, Huachuca City, AZ	85616		

(Attach additional sheet if necessary)

SECTION 6 Interim Permit

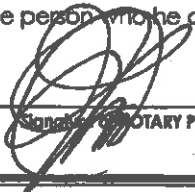
If you intend to operate business while your application is pending you will need an Interim permit pursuant to A.R.S. §4-203.01 For approval of an interim permit:

- There must be a valid license of the same series issued to the current location you are applying for OR
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S. §4-203.01 (A)

1. Enter license number currently at the location: 06020020 060200562. Is the license currently in use? ☐ Yes ☒ No If no, how long has it been out of use? APPROXIMATELY 20 MONTHS 2015

I, (Signature) [Signature] declare that I am the CURRENT OWNER, AGENT, OR CONTROLLING PERSON on the stated license and location.

Attach a copy of the license currently issued at this location to this application.

State of Arizona		} County of <u>Maricopa</u>	NOTARY 
On this <u>19</u> Day of <u>January</u> , 2018 before me personally appeared <u>Pamela Karen Cohen</u> (Print Name of Document Signer)			
Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.			
(Affix Seal Above)		 _____ Notary Public	

SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license ARS § 4-204

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD ALONG WITH \$22. PROCESSING FEE PER CARD.

1. Current Licensee's Name: _____
(Exactly as it appears on the license) Last First Middle2. Assignee's Name: _____
Last First Middle

License Number: _____

ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.

SECTION 8 Government (for Cities, Towns or Counties only)

1. Government Entity: _____
2. Person/Designee: _____
Last First Middle Daytime Contact Phone #

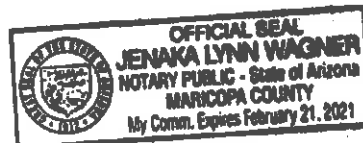
A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 9 ☒ **Person to Person - Current Licensee Information ARS§4-203(C), (D), (G)**
(Bar and Liquor Stores only - Series 06, 07 and 09)

1. License #: 06020020
2. Current Agent Name: COHEN, PAMELA KAREN
Last First Middle
3. Current Licensee Name: THE THIRSTY LIZARD, LLC
(Exactly as it appears on the license)
4. Current Business Name: THE THIRSTY LIZARD
(Exactly as it appears on the license)
5. Current Daytime Phone: 661-289-2899 Primary Email Address: AZTHIRSTYLIZARD@YAHOO.COM
6. Does current licensee intend to operate the business while this application is pending? ☒ Yes ☐ No ^{PC}
7. I authorize the transfer of this license to the applicant: *P. Cohen*
Signature or Agent or Individual controlling person

NOTARY

State of Arizona }
County of Maricopa }



On this 19 Day of January, 2018 before me personally appeared Pamela Karen Cohen
Day Month Year (Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.

(Affix Seal Above)

[Signature] NOTARY PUBLIC

SECTION 10 Proximity to Church or School - Questions to be completed by 6, 7, 9, 10 and 12G applicants.

A.R.S. §4-207. (A) and (B) state that no **retailer's license** shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building.

The above paragraph DOES NOT apply to:

- a) Restaurants that do not sell growlers (A.R.S. §4-205.02) Series 12
- b) Hotel/motel license (A.R.S. §4-205.01) Series 11
- c) Microbrewery (A.R.S. §4-205.08) Series 3
- d) Craft Distillery (A.R.S. §4-205.10) Series 18

- e) Government license (A.R.S. §4-205.03) Series 5
- f) Playing area of a golf course (A.R.S. §4-207 (B)(5))
- g) Wholesaler/Distributor Series 4
- h) Farm Winery Series 13
- i) Producer Series 1

-Section 10 continued -

1. Distance to nearest School: 4.9 MILES Name of School: GREENWAY ELEMENTARY SCHOOL
(If less than one (1) mile note footage) Address: 98 COLE AVENUE, BISBEE, AZ 85603
2. Distance to nearest Church: 4.7 MILES Name of Church: FIRST SOUTHERN BAPTIST CHURCH
(If less than one (1) mile note footage) Address: 500 ARIZONA STREET, BISBEE, AZ 85603

SECTION 11 Business Financials A.R.S. §4-202(F)

1. I am the:

- ☐ Tenant: a person who holds the lease of a property; a lessee.
☐ Sub-tenant: a person who holds a lease which was given to another person (tenant) for all or part of a property.
☒ Owner
☐ Purchaser
☐ Management Company

2. If the premises is leased give lessors: Name: _____

Address: _____
Street City State Zip

3. What is the penalty if the lease is not fulfilled? \$ _____ or Other: _____

4. Total money borrowed for the Business not including lease? \$ 150,000

Please List Lenders/People you owe money to for business.

Last	First	Middle	Amount Owed	Mailing Address	City	State	Zip
COHEN, JANE	TOBY		150,000.00	277 E. ALLEN LANE, HUACHUCA CITY, AZ 85616			

(Attach additional sheet if necessary)

5. Has a license or a transfer license for the premises on this application been denied by the state within the past year?

☐ Yes ☒ No

If yes, attach explanation.

6. Does any spirituous liquor manufacture, wholesaler, or employee have an interest in your business?

☐ Yes ☒ No

If yes, attach explanation.

SECTION 12 Diagram of Premises

Check ALL boxes that apply to your business:

☐ Walk-up or drive-through windows

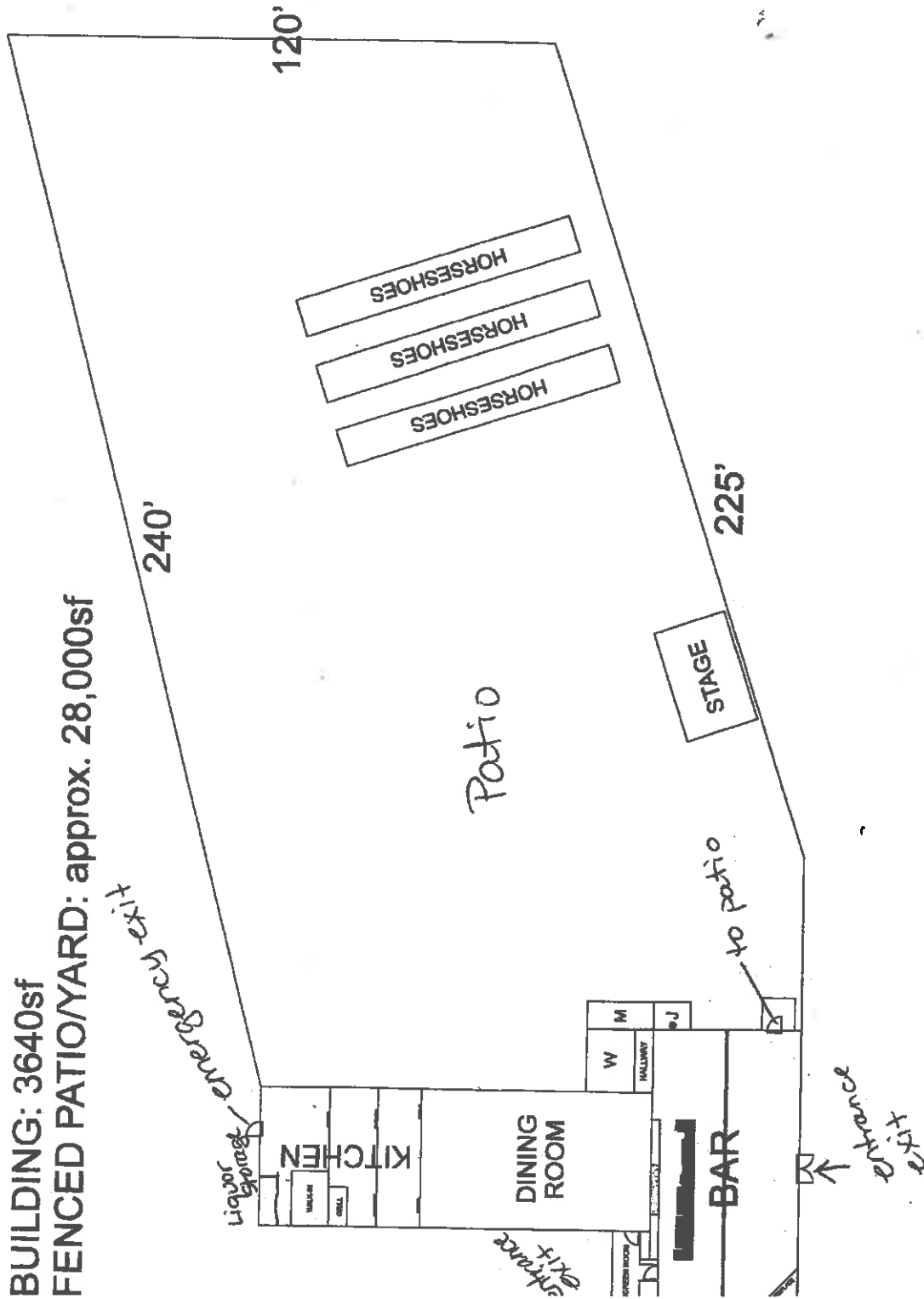
Patio: ☒ Contiguous

☐ Non-Contiguous within 30 feet

1. Is your licensed premises now closed due to construction, renovation or redesign or rebuild?

☐ Yes ☒ No If yes, what is your estimated completion date? ____/____/____

Please attach a diagram of the premises which clearly show only the areas where spirituous liquor will be sold, served, consumed, dispensed, possessed or stored. Include all entrances, exits, interior walls, bar areas, dining areas, dance floor, stage, game room and the kitchen. **DO NOT INCLUDE** parking lots, living quarters or areas where business is not conducted under this liquor license. When completing your premises diagram, please identify which orientation is North.



-Section 12 continued on next page-

2. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed areas such as parking lots, living quarters, etc.

3. As stated in A.R.S. §4-207.01 (B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to the service areas or the square footage of the licensed premises, either by increase or decrease.

PKC

Applicants Initials

RESTAURANTS AND HOTELS/MOTELS ONLY

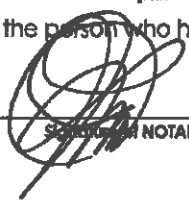
(IMPORTANT NOTE: A site inspection must be conducted prior to activation of the license. The fee of \$50.00 will be due and payable upon submitting this application.)

4a. Provide a detailed drawing of the kitchen and dining areas, including the locations of all kitchen equipment and dining furniture, these are required as part of the diagram. A.R.S. §4-205.02(C)

4b. Provide a restaurant operation plan.

SECTION 13 SIGNATURE BLOCK

I, (Signature) [Signature], hereby declare that I am the Owner/Agent filing this application, I have read this document and verify the content and all statements are true, correct and complete, to the best of my knowledge.

<u>NOTARY</u>		
State of Arizona	}	
County of <u>Maricopa</u>	}	
On this <u>19</u> Day of <u>January</u> , 20 <u>18</u>	Month Year	before me personally appeared <u>Pamela Karen Cohen</u>
		(Print Name of Document Signer)
Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.		
		 _____ NOTARY PUBLIC
(Affix Seal Above)		

A.R.S. §41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE, THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

QUESTIONNAIRE
A.R.S. §4-202, 4-210
Type or Print with Black Ink

'18 JAN 19 Lic. Lic. #11234

804,541

The fees allowed by A.R.S. §4-6852 will be charged for all dishonored checks.

P1012115 Or

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

Attention applicant: This is a sworn document. Type or print in **black ink**. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or the subsequent revocation of a license or permit.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A FINGERPRINT CARD. FINGERPRINTS ON FBI APPROVED CARDS ARE ACCEPTED FROM THE DEPARTMENT OF LIQUOR, LAW ENFORCEMENT AGENCIES, OR A BONA FIDE FINGERPRINT SERVICE. FINGERPRINT FEES WILL VARY. IN ADDITION TO THE FINGERPRINT FEE OF \$13 CHARGED BY THE DEPARTMENT OF LIQUOR, A \$22.00 ARIZONA DEPARTMENT OF PUBLIC SAFETY BACKGROUND CHECK FEE PER FINGERPRINT CARD WILL ALSO BE CHARGED.

Liquor License#: 06020020

(If the location is currently licensed)

1. Check the Appropriate Box

☒ Controlling Person
(complete all questions)

☒ Agent

☐ Manager
(complete all questions except #12)

2. Name: Cohen, Pamela Karen Birth Date: _____
Last First Middle (NOT a public record)

3. Social Security #: _____ Driver License #: _____ State: Arizona
(NOT a public record)

4. Place of birth: Tarzana, California USA Height: 5'7" Weight: 200 Eyes: Blue Hair: Brown
City State COUNTRY (not county)

5. Name of current/most recent spouse: N/A Birth Date: _____
Last First Middle Maiden (NOT a public record)

6. Are you a bona fide resident of Arizona? ☒ Yes ☐ No If yes, what is your date of residency: November, 2014
A.R.S. §4-202(A) and (C)

7. Daytime telephone number: 661-289-2899 E-mail address: lancerway@yahoo.com

8. Business Name: The Thirsty Lizard Business Phone: 520 / 456 / 2337

9. Business Location Address: 5838 W. Double Adobe Road, Mc Neal, AZ, Cochise, 85617
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years. If unemployed, retired, student list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
03/2006	CURRENT	Stay-At-Home Mom	427 E. Allen Lane, Huachuca City AZ 85616

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Indicate your residence address for the last five (5) years: A.R.S. §4-202(D)

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENTIAL Street Address	City	State	Zip
06/2015	CURRENT	Own	427 E. Allen Lane	Huachuca City	AZ	85616
12/2014	06/2015	Rent	485 W. Sunset Road	Huachuca City	AZ	85616
09/2004	12/2014	Own	800 Lancer Way	Lebec	CA	93243

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent will you be physically present and operating the licensed premises?
If you answered YES, then answer #13 below. If NO, skip to #14. ☒ Yes ☐ No
13. Have you attended a DLLC-approved Liquor Law Training Course within the past 3 years?
(Must provide the DLLC-approved certificate of completion issued by a course provider.) ☒ Yes ☐ No
14. Have you been cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? (For traffic violations, include only those that are alcohol and/or drug related.) A.R.S. §4-202 ☐ Yes ☒ No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses pending against you? Include only criminal traffic tickets and complaints. A.R.S. §4-202, 4-210 ☐ Yes ☒ No
16. Has anyone EVER obtained a judgement against you, the subject of which involved fraud or misrepresentation. ☐ Yes ☒ No
17. Have you had a liquor application or license rejected, denied, revoked, suspended or fined in Arizona in? A.R.S. §4-202(D) ☐ Yes ☒ No

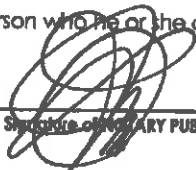
If you answered "YES" to any Question 14 through 17 YOU MUST attach a signed statement.
Give complete details including dates, agencies involved and dispositions.

CHANGES TO THIS APPLICATION MAY NOT BE ACCEPTED

Signature Block

I, (Print Name) Pamela Karen Cohen, hereby declare that I am the Owner/Agent filing this application. I have read this document and verify the content and all statements are true, correct and complete, to the best of my knowledge.

SIGNATURE: *Pamela Cohen*

State of Arizona } County of <u>Maricopa</u> } On this <u>19</u> Day of <u>January</u> , 20 <u>18</u> before me personally appeared <u>Pamela Karen Cohen</u> Day Month Year (Print Name of Document Signer) whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.		NOTARY 
(Affix Seal Above)		 _____ Notary Public

SIGNATURE FOR CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

I, (Print Full Name) _____, hereby authorize the person named on this questionnaire to act as manager for the named liquor license.

SIGNATURE: _____



State of Arizona
Department of Liquor Licenses and Control
800 W. Washington 5th Floor
Phoenix, AZ 85007
(602) 542-5141

*18 JAN 19 Lic. Lic. PM1234

**ARIZONA STATEMENT OF CITIZENSHIP
OR ALIEN STATUS FOR STATE PUBLIC BENEFITS**

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrant, and certain aliens paroled into the United States are eligible to receive state, or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 41-1080 requires, in general, that a person applying for a license must submit documentation to the license agency that satisfactorily demonstrates the applicant's presence in the United States is authorized under federal law.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III.

Submit this completed form and a copy of one or more document(s) from the attached "Evidence of U.S. Citizenship, U.S. National Status, or Alien Status" with your application for license or renewal. If the document you submit does not contain a photograph, you must also provide a government issued document that contains your photograph. You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

SECTION I – APPLICANT INFORMATION

INDIVIDUAL OWNER/AGENT NAME (Print or type) Pamela Karen Cohen

SECTION II – CITIZENSHIP OR NATIONAL STATUS DECLARATION

Are you a citizen or national of the United States?

☒ Yes

☐ No

If Yes, indicate place of birth:

City Tarzana State (or equivalent) California Country or Territory USA

If you answered Yes, 1) Attach a legible copy of a document from the attached list.

2) Name of document: Birth Certificate
Go to Section IV.

If you answered No, you must complete Section III and IV.

SECTION III – ALIEN STATUS DECLARATION

To be completed by applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of a document from the attached list or other document as evidence of your status.

Name of document provided

Qualified Alien Status (8 U.S.C. §§ 1621(a)(1), -1641(b) and (c))

- ☐ 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)
- ☐ 2. An alien who is granted asylum under Section 208 of the INA.
- ☐ 3. A refugee admitted to the United States under Section 207 of the INA.
- ☐ 4. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.
- ☐ 5. An alien whose deportation is being withheld under Section 243(h) of the INA.
- ☐ 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- ☐ 7. An alien who is a Cuban/Haitian entrant.
- ☐ 8. An alien who has, or whose child or child's parent is a "battered alien" or an alien subject to extreme cruelty in the United States.

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

- ☐ 9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C § 1101 et seq.] Non immigrants are persons who have temporary status for a specific purpose. See 8 U.S.C § 1101(a)(15).

Alien Paroled into the United States for Less Than One Year (8 U.S.C. § 1621(a)(3))

- ☐ 10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

Other Persons (8 U.S.C § 1621(c)(2)(A) and (C))

- ☐ 11. A nonimmigrant whose visa for entry is related to employment in the United States, or
- ☐ 12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 et seq.];
- ☐ 13. A foreign national not physically present in the United States.

Otherwise Lawfully Present

- ☐ 14. A person not described in categories 1-13 who is otherwise lawfully present in the United States.

PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. § 1621(a).

SECTION IV - DECLARATION

All applicants must complete this section.

I declare under penalty of perjury under the laws of the State of Arizona that the answers and evidence I have given are true and correct to the best of my knowledge.

^{born}
Pamela Cohen

Individual Owner/Agent Printed Name

January 18, 2018

Today's Date



Individual Owner/Agent Signature

EVIDENCE OF U.S. CITIZENSHIP, U.S. NATIONAL STATUS, OR ALIEN STATUS

You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

Evidence showing authorized presence in the United State includes the following:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification card.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time)
4. A United States certificate of birth abroad.
5. A United States passport. ***Passport must be signed***
6. A foreign passport with a United States visa.
7. An I-94 form with a photograph.
8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood.
12. A tribal or bureau of Indian affairs affidavit of birth.
13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

Certificate of Completion
For
Title 4 **MANAGEMENT** Liquor License Training

*18 JAN 19 Lic. Lic. #1234

A Certificate of Completion must be on a form provided by the Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the certificate is signed by the course instructor.

Basic Title 4 training is a prerequisite for **MANAGEMENT** training. A valid certificate of completion for BASIC Title 4 training must be on file at the Department of Liquor and satisfactory completion of state approved BASIC Title 4 course must be verified by the training provider prior to issuing a Certificate of Completion for **MANAGEMENT** training.

A replacement Certificate of Completion for Title 4 training must be submitted through the training provider for two years after the training completion date.



ABC - Arizona Business Alcohol Education

77 East Columbus, Suite 102, Phoenix, Arizona 85012

Mailing Address

(602) 285-1396

Daytime Contact Phone Number

I, Jesus Altamirano, certify that the above named individual did successfully complete
Instructor Name (please print)

Title 4 **MANAGEMENT** Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.) R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Jesus Altamirano
Instructor Signature

21 / 1 / 2015
Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

In-state Microbrewery (series 3)
Conveyance (series 8)
Restaurant (series 12)

Government (series 5)
Liquor Store (series 9)
In-state Farm Winery (series 13)

Bar (series 6)
Private Club (series 14)

Beer & Wine Bar (series 7)
Hotel/Motel w/restaurant (series 11)
Beer & Wine Store (series 10)

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

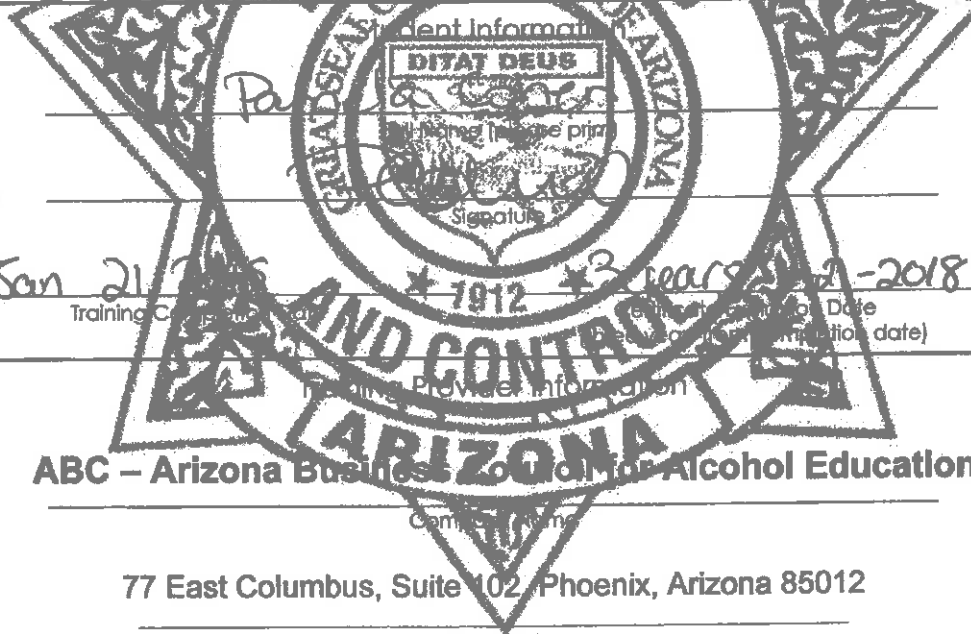
- ☒ On-sale
☐ Off-sale
☐ On- and off-sale

Certificate of Completion For Title 4 BASIC Liquor Law Training

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor Licenses and Control. Certificates are completed by a state-approved training provider and, when issued, the certificate is signed by the course instructor.

The State requires BASIC Title 4 training only as a prerequisite for NEW AGENT Title 2 training or as a result of a liquor law violation. Persons required to have BASIC Title 4 training are listed on the reverse of this certificate. Licensees who are required to have BASIC Title 4 Training as a condition of employment.

A replacement Certificate of Completion for Title 4 training must be available from the training provider for two years after the training completion date.



San 21 2015
Training Completion Date

3 years 12-2018
Expiration Date (add 3 years to completion date)

18 JAN 19 11:47 AM 1234

ABC - Arizona Business and Control for Alcohol Education

77 East Columbus, Suite 102, Phoenix, Arizona 85012

Mailing Address

(602) 285-1396

Daytime Contact Phone Number

I, Jesus Altamirano, certify that the above named individual did successfully complete
Instructor Name (please print)

Title 4 BASIC Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.) R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Jesus Altamirano
Instructor Signature

1 / 21 / 2015
Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

In-state Microbrewery (series 3)	Government (series 5)	Bar (series 6)	Beer & Wine Bar (series 7)
Conveyance (series 8)	Liquor Store (series 9)	Private Club (series 14)	Hotel/Motel w/restaurant (series 11)
Restaurant (series 12)	In-state Farm Winery (series 13)		Beer & Wine Store (series 10)

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

*18 JAN 19 Lic. Lic. #1234



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

QUESTIONNAIRE
A.R.S. §4-202, 4-210
Type or Print with **Black Ink**

8041541

The fees allowed by A.R.S. §4-6852 will be charged for all dishonored checks.

P1072716

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

Attention applicant: This is a sworn document. Type or print in **black ink**. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or the subsequent revocation of a license or permit.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A FINGERPRINT CARD. FINGERPRINTS ON FBI APPROVED CARDS ARE ACCEPTED FROM THE DEPARTMENT OF LIQUOR, LAW ENFORCEMENT AGENCIES, OR A BONA FIDE FINGERPRINT SERVICE. FINGERPRINT FEES WILL VARY. IN ADDITION TO THE FINGERPRINT FEE OF \$13 CHARGED BY THE DEPARTMENT OF LIQUOR, A \$22.00 ARIZONA DEPARTMENT OF PUBLIC SAFETY BACKGROUND CHECK FEE PER FINGERPRINT CARD WILL ALSO BE CHARGED.

1. Check the Appropriate Box →

☒ **Controlling Person** (complete all questions) ☒ **Agent** ☐ **Manager** (complete all questions except #12)

Liquor License#: 06020020 (If the location is currently licensed)

2. Name: Ferguson, William Cannon Birth Date: _____
Last First Middle (NOT a public record)

3. Social Security #: _____ Driver License #: _____ State: Arizona
(NOT a public record)

4. Place of birth: Tucson, Arizona USA Height: 6' Weight: 220 Eyes: Brn Hair: Brn
City State COUNTRY (not county)

5. Name of current/most recent spouse: N/A Birth Date: _____/_____/_____
Last First Middle Maiden (NOT a public record)

6. Are you a bona fide resident of Arizona? ☒ Yes ☐ No If yes, what is your date of residency: 12/2014
A.R.S. §4-202(A) and (C)

7. Daytime telephone number: 661-289-2799 E-mail address: lancerway@yahoo.com

8. Business Name: The Thirsty Lizard Business Phone: 520 / 456 / 2337

9. Business Location Address: 5838 W. Double Adobe Road, McNeal, AZ, Cochise, 85617
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years. If unemployed, retired, student list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
08/2014	CURRENT	Mechanic	Lawley Ford, 100 N. Hwy. 90, Sierra Vista, AZ 85635
03/2013	06/2017	Mechanic	Lebec Automotive, 204 Landfill Rd., Lebec, CA 93243
04/2010	3/2013	Mechanic	Tim Burke Ford 2501 Oak St 93308 Bakersfield CA

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Indicate your residence address for the last five (5) years: A.R.S. §4-202(D)

2/24/2017

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENTIAL Street Address	City	State	Zip
6/2015	CURRENT	Own	427 E. Allen Lane	Huachuca City	AZ	85616
12/2014	06/2015	Rent	485 W. Sunset Road	Huachuca City	AZ	85616
09/2006	12/2014	Own	800 Lancer Way	Lebec	CA	93243

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent will you be physically present and operating the licensed premises?
If you answered YES, then answer #13 below. If NO, skip to #14. ☒ Yes ☐ No
13. Have you attended a DLLC-approved Liquor Law Training Course within the past 3 years?
(Must provide the DLLC-approved certificate of completion issued by a course provider.) ☐ Yes ☒ No
14. Have you been cited, arrested, indicted or summoned into court for violation of ANY law or ordinance,
regardless of the disposition, even if dismissed or expunged, within the past five (5) years? (For traffic
violations, include only those that are alcohol and/or drug related.) A.R.S. §4-202 ☐ Yes ☒ No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or
summonses pending against you? Include only criminal traffic tickets and complaints. A.R.S. §4-202, 4-210 ☐ Yes ☒ No
16. Has anyone EVER obtained a judgement against you, the subject of which involved fraud or
misrepresentation. ☐ Yes ☒ No
17. Have you had a liquor application or license rejected, denied, revoked, suspended or fined in Arizona in?
A.R.S. §4-202(D) ☐ Yes ☒ No

If you answered "YES" to any Question 14 through 17 YOU MUST attach a signed statement.
Give complete details including dates, agencies involved and dispositions.

CHANGES TO THIS APPLICATION MAY NOT BE ACCEPTED

Signature Block

I, (Print Name) William Cannon Ferguson, hereby declare that I am the Owner/Agent filing this application, I
have read this document and verify the content and all statements are true, correct and complete, to the best of my knowledge.

SIGNATURE: [Signature]

NOTARY

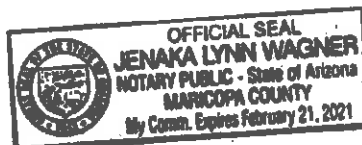
State of Arizona)

County of Maricopa)

On this 19 Day of January, 2018 before me personally appeared William Cannon Ferguson
Day Month Year (Print Name of Document Signer)

whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and
acknowledged that he or she signed the above/attached document.

(Affix Seal Above)



[Signature]
Signature of Notary Public

SIGNATURE FOR CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

I, (Print Full Name) _____, hereby authorize the person named on this questionnaire to act as
manager for the named liquor license.

SIGNATURE: _____

This is to notify all that my full and legal
name is William Cannon Ferguson

Signed  1/19/2018

18 JAN 19 147. LSC MI234

STATE OF CALIFORNIA
CERTIFICATION OF VITAL RECORD

18 JAN 19 11:14 PM 1234

COUNTY OF LOS ANGELES • REGISTRAR-RECORDER/COUNTY CLERK

CERTIFICATE OF LIVE BIRTH

STATE OF CALIFORNIA-DEPARTMENT OF HEALTH

LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER

STATE BIRTH CERTIFICATE NUMBER		LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER	
THIS CHILD	1. NAME OF CHILD—FIRST NAME PAMELA	1b. MIDDLE NAME JANE	1c. LAST NAME COHEN
	2. SEX Female	3a. THIS BIRTH: SINGLE, TWIN, OR TRIPLET? single	3b. IF TWIN OR TRIPLET, THIS CHILD BORN 1ST, 2ND, 3RD?
PLACE OF BIRTH	5a. PLACE OF BIRTH—NAME OF HOSPITAL Medical Center of Tarrana	5b. STREET ADDRESS (STREET, AND NUMBER, OR LOCATION) 18321 Clark Street	5c. ZIP CODE CITY, COUNTY, ELEVATION (SPECIFY YES OR NO) yes
	5d. CITY OR TOWN Tarrana	5e. COUNTY Los Angeles	
MOTHER OF CHILD	6a. MAIDEN NAME OF MOTHER—FIRST NAME Jane	6b. MIDDLE NAME Toby	7. BIRTHPLACE (STATE OR FOREIGN COUNTRY) California
	8. AGE OF MOTHER (AT TIME OF THIS BIRTH) 24 YEARS	8a. SOCIAL SECURITY NUMBER OF MOTHER	10a. RESIDENCE OF MOTHER—STREET ADDRESS (STREET, AND NUMBER, OR LOCATION) 6941 Wilbraut Avenue
	9. COLOR OR RACE OF MOTHER white	10b. RESIDENCE OF MOTHER—CITY OR TOWN Los Angeles	10c. RESIDENCE OF MOTHER—STATE California
	10d. RESIDENCE OF MOTHER—CITY OR TOWN Van Nuys	10e. RESIDENCE OF MOTHER—CITY OR TOWN Los Angeles	10f. RESIDENCE OF MOTHER—STATE California
FATHER OF CHILD	11a. NAME OF FATHER—FIRST NAME Robert	11b. MIDDLE NAME Saul	11c. LAST NAME Cohen
	12. AGE OF FATHER (AT TIME OF THIS BIRTH) 28 YEARS	13a. SOCIAL SECURITY NUMBER OF FATHER	14. COLOR OR RACE OF FATHER white
INFORMANT'S CERTIFICATION	15a. PRESENT OR LAST OCCUPATION Printer	15b. DATE BIRTHED AND SIGNED BY INFORMANT	
	16a. SIGNATURE OF FATHER OR OTHER BEHOLDING SIGNATURE (IF OTHER THAN FATHER, SPECIFY)	16b. SIGNATURE OF OTHER BEHOLDING SIGNATURE (IF OTHER THAN FATHER, SPECIFY)	
ATTENDANT'S CERTIFICATION	17a. SIGNATURE OF OTHER BEHOLDING SIGNATURE (IF OTHER THAN FATHER, SPECIFY)	17b. SIGNATURE OF OTHER BEHOLDING SIGNATURE (IF OTHER THAN FATHER, SPECIFY)	
	17c. ADDRESS 14542 Ventura Blvd., Encino	17d. ADDRESS 14542 Ventura Blvd., Encino	
LOCAL REGISTRAR	18. LOCAL REGISTRAR SIGNATURE John A. Wilson	19. LOCAL REGISTRAR SIGNATURE John A. Wilson	
	20. LOCAL REGISTRAR SIGNATURE John A. Wilson	21. LOCAL REGISTRAR SIGNATURE John A. Wilson	

This is to certify that this document is a true copy of the official record filed with the Registrar-Recorder/County Clerk.

DEAN C. LOGAN
Acting Registrar-Recorder/County Clerk

This copy not valid unless prepared on engraved border displaying the Seal and Signature of the Registrar-Recorder/County Clerk.

JUN 03 2008

019492328

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES
AND CONTROL
ALCOHOLIC BEVERAGE LICENSE

License 06020020

Issue Date: 4/7/2015

Expiration Date: 6/30/2018

Issued To:

PAMELA KAREN COHEN, Agent
THIRSTY LIZARD LLC, Owner

Location:

THIRSTY LIZARD
2092 N HWY 90
HUACHUCA CITY, AZ 85616

Mailing Address:

PAMELA KAREN COHEN
THIRSTY LIZARD LLC
THIRSTY LIZARD
485 W SUNSET RD
HUACHUCA CITY, AZ 85616



EXP 6/30/2018

POST THIS LICENSE IN A CONSPICUOUS PLACE

18 JAN 19 Lic. Lic.



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

AFFIDAVIT OF POSTING

Date of Posting: 1-25-18 Date of Posting Removal: 2-15-18

Applicant's Name: Cohen Pamela Karen
Last First Middle

Business Address: 5838 W. Double Adobe Rd. Mr. Neal 85617
Street City Zip

License #: 06020020

I hereby certify that pursuant to A.R.S. 4-201, I posted notice in a conspicuous place on the premises proposed to be licensed by the above applicant and said notice was posted for at least twenty (20) days.

Charles R. Cooper Code Compliance Officer 520-432-9270
Print Name of City/County Official Title Phone Number

Charles R. Cooper 2-15-18
Signature Date Signed

Return this affidavit with your recommendations (i.e., Minutes of Meeting, Verbatim, etc.) or any other related documents.
If you have any questions please call (602) 542-5141 and ask for the Licensing Division.

NOTICE

APPLICATION TO SELL ALCOHOLIC BEVERAGES

DATE POSTED: Tuesday, January 23, 2018

A HEARING ON A LIQUOR LICENSE APPLICATION SHALL BE HELD BEFORE THE

Louisiana County Board of Supervisors

PLACE: 11515 Highway 101, Bldg. C-2 DATE/TIME: Tuesday, February 27, 2018

HEARING DATES: SUBJECT TO CHANGE. TO VERIFY CALL: 520-432-9220

THE LOCAL GOVERNING BODY WILL RECOMMEND TO THE STATE LIQUOR

BOARD WHETHER THE BOARD SHOULD GRANT OR DENY THE LICENSE. THE

STATE LIQUOR BOARD MAY HOLD A HEARING TO CONSIDER THE

RECOMMENDATION OF THE LOCAL GOVERNING BODY. ANY PERSON RESIDING

OR OWNING OR LEASING PROPERTY WITHIN A ONE-MILE RADIUS MAY CONTACT

THE STATE LIQUOR BOARD IN WRITING TO REGISTER AS A PROTESTER. TO

REQUEST INFORMATION REGARDING PROCEDURES BEFORE THE BOARD AND

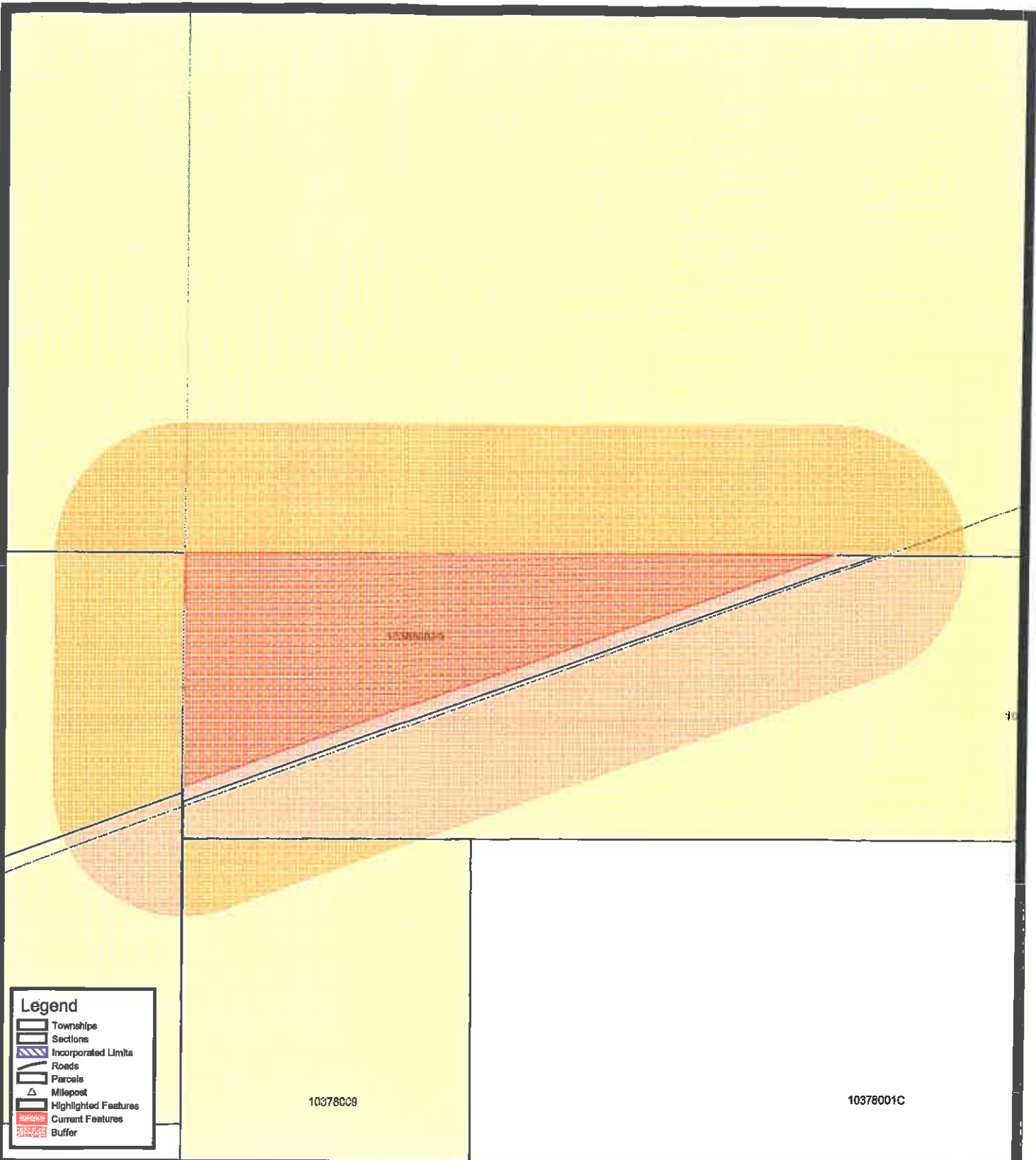
NOTICE OF ANY BOARD HEARINGS REGARDING THIS APPLICATION, CONTACT THE

STATE LIQUOR BOARD 800 25 WASHINGTON, 5TH FLOOR, PHOENIX, AZ 85007 (602) 542-2800

POST ONE COPY OF THE APPLICATION FORM WITHIN THIS NOTICE

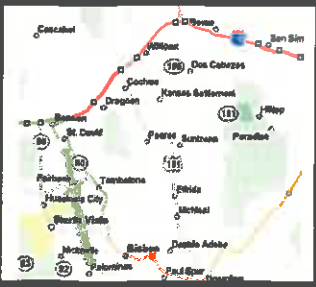
Application form with fields for Name, Address, Phone, and other details. Includes a section for "Comments" and a "Signature" line.

01/25/2018



Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Parcels
- Milepost
- Highlighted Features
- Current Features
- Buffer



103-88-002B
 Lizard Liquor License Rev

This map is a product of the
 Cochise County GIS
 Information Technology Dept.



COCHISE COUNTY BOARD OF SUPERVISORS



Telephone (520) 432-9200

Fax (520) 432-5016

APPLICANT INFORMATION

Applicant Name: Pamela Karen Cohen Address: 5838 W. Double Adobe Road
Business Name: The Thirsty Lizard, LLC City/Zip: McNeal 85617
Liquor License #: 06020020 Parcel #: 103-88-002B
Ownership Type: Limited Liability Co Liquor License ☒ Special Event Liquor License ☐
Partner(s): _____

TO BE COMPLETED BY THE SHERIFF'S OFFICE

Please advise if:

1. There have been a significant number of incidents at the named location within five (5) years prior to the application.

If so, please attach pertinent documentation.

Comments: There has not been a significant number of reported incidents within the last 5 years at the above location.

Based on the above information, the Sheriff's Office recommendation to the Board of Supervisors is:

Approval

☐

Disapproval

☐

No Recommendation

☒

Name: Richard Morales

Title: Lieutenant

Signature: [Signature]

Date: 02/01/18

Contact phone: (520)586-5152

Email: RDMorales@cochise.az.gov

Return completed form with any attachments by:

1/31/18

COCHISE COUNTY BOARD OF SUPERVISORS



Telephone (520) 432-9200

Fax (520) 432-5016

For internal use only:

____ Restaurant/Hotel-
____ Motel

____ Club/Government

____ Transfer of Premises

APPLICANT INFORMATION

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Liquor License #: 06020020 Parcel #: 103-88-002B
Ownership Type: Limited Liability Co Liquor License ☒ Special Event Liquor License ☐
Partner(s): _____

TO BE COMPLETED BY THE PLANNING & ZONING DEPARTMENT

Please advise if, at the time the application was filed:

1. The premises for which the license is being applied for is within 300 horizontal feet of a church; or
2. The premises for which the license is being applied for is within 300 horizontal feet of a public or private school, or a fenced recreation area adjacent to a school building.

If so, please attach pertinent documentation and drawings or maps.

Comments: Proposed area not within 300 horizontal feet of a church, public or private school, or fenced recreation area adjacent to a school building.

Based on the above information, the Planning and Zoning
Department's recommendation to the Board of Supervisors is:

Approval



Disapproval



OTHER PERTINENT INFORMATION FOR THE BOARD'S CONSIDERATION:

Proper Zoning? Y ☒ N ☐

Use permitted by P&Z? Y ☐ N ☒

Date Permit Issued: N/A

If use not permitted, is it LNC? Y ☒ N ☐

Zoning: RU-4

Permit#: N/A Legal Non-Conforming

Use Permitted: Restaurant and Bar

Year LNC Established: 1971

- ☐ The Planning Department will notify the applicant that if any construction is proposed, a Non-Residential Permit must first be submitted and approved by this Department, or if there is a lapse of 12 months of non-operation of the business, a Non-Residential Permit will be required to re-establish the use from this Department.
- ☐ The Planning Department will notify the applicant that he/she will be required to obtain the proper permits before operating the business.
- ☐ The Planning Department is currently working with the property owner on several zoning-related issues with the subject property.
- ☐ The Planning Department is currently working with the property owner on obtaining the proper permits to operate the business.

Name: Dora V Flores

Title: Zoning Administrator

Signature: Dora V Flores

Date: January 25, 2018

Contact phone: 520.432.9300

Email: dflores@cochise.az.gov

Return completed form with any attachments by:

1/31/18

COCHISE COUNTY BOARD OF SUPERVISORS



Telephone (520) 432-9200

Fax (520) 432-5016

APPLICANT INFORMATION

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Business Name: The Thirsty Lizard, LLC City/Zip: McNeal 85617
Liquor License #: 06020020 Parcel #: 103-88-002B
Ownership Type: Limited Liability Co Liquor License ☒ Special Event Liquor License ☐
Partner(s): _____

TO BE COMPLETED BY THE ENVIRONMENTAL HEALTH DEPARTMENT

We would like to request your assistance in reviewing the attached application.

Please provide any pertinent information for the Board's consideration:

OTHER PERTINENT INFORMATION FOR THE BOARD'S CONSIDERATION:

X The Health Department will notify the applicant that he/she will be required to obtain the proper permits before operating the business.

X The Health Department is currently working with the property owner on health-related issues with the subject property.

Name: Michael McGee Title: Interim EH Director
Signature: *Michael McGee* Date: 1/25/18
Contact phone: 520-586-8206 Email: mmcgee@cochise.az.gov

Return completed form with any attachments by: 1/31/18

COCHISE COUNTY BOARD OF SUPERVISORS



Telephone (520) 432-9200

Fax (520) 432-5016

INQUIRY

COCHISE COUNTY TAX INQUIRY

TXPyIngRG

Applicant Name: Pamela Karen Cohen Address: 5838 W. Double Adobe Road
Business Name: The Thirsty Lizard, LLC City/Zip: McNeal 85617
Liquor License #: 06020020 Parcel #: 103-88-002B
Ownership Type: Limited Liability Co Liquor License ☒ Special Event Liquor License ☐
Partner(s): _____

TO BE COMPLETED BY THE TREASURER'S OFFICE

Please advise if the property taxes for the parcel in question are current.

XXX ☐ Yes ☐ No

If not, please attach pertinent documentation.

Comments:
SEE TAX INQUIRY

Name: KATHLEEN WILSON Title: TAX SPECIALIST 1
Signature: KATHLEEN WILSON Date: 1/24/2018
Contact phone: 520-432-8404 Email: KWILSON@COCHISE.AZ.GOV

Return completed form with any attachments by: 1/31/18

Regular Board of Supervisors Meeting**Meeting Date:** 02/27/2018

Z-18-02 (Colville) - A request to amend the Zoning of Parcels 105-28-004B from RU04 to RU-2

Submitted By: Robert Kirschmann, Community Development**Department:** Community Development**Division:** Development Services**Presentation:** PowerPoint**Recommendation:** Approve**Document Signatures:** BOS Signature Required**# of ORIGINALS** 1**Submitted for Signature:****NAME of PRESENTER:** Robert Kirschmann**TITLE of PRESENTER:** Planner II**Mandated Function?:** Not Mandated**Source of Mandate or Basis for Support?:****Docket Number (If applicable):** Z-18-02**Information****Agenda Item Text:**

Adopt Zoning Ordinance 18-02 approving Docket Z-18-02 amending certain zoning district boundaries from RU-4 (rural, one dwelling per four acres) to RU-2 (rural, one dwelling per two acres), pursuant to the application of Jim Colville.

Background:

The Applicant is requesting a rezoning from RU-4 (Rural, one dwelling per four acres) to RU-2 (Rural, one dwelling per two acres). The request is to facilitate the creation of an additional residential lot. The subject parcel totals 5.30 acres in size.

The subject parcel, APN 105-28-004B, is located on the north and south of W. Canelo Hills Trail west of the Parker Lake View Estates, in the community of Parker Lake. The parcel is further described as being situated in Section 17 of Township 23 South, Range 19 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Jim Colville.

On Wednesday, February 14, 2018, the Planning and Zoning Commission voted 6-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff.

Department's Next Steps (if approved):

The Ordinance and Conditions will be recorded and update the official zoning map.

Impact of NOT Approving/Alternatives:

The parcel will remain RU-4 and only one single family home could be constructed.

To BOS Staff: Document Disposition/Follow-Up:

Board Staff will have the Ordinance signed, recorded and a copy provided to Planning Staff.

Budget Information*Information about available funds***Budgeted:** ☐**Funds Available:** ☐**Amount Available:****Unbudgeted:** ☐**Funds NOT Available:** ☐**Amendment:** ☐**Account Code(s) for Available Funds**

1:

Fund Transfers**Attachments**Staff Report and attachmentsZoning OrdinanceExhibit APowerPoint Presentation



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Board of Supervisors
THROUGH: Ed Gilligan, County Administrator
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket Z-18-02 (Colville)
DATE: February 15, 2018 for the February 27, 2018 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from RU-4 (Rural, one dwelling per four acres) to RU-2 (Rural, one dwelling per two acres). The request is to facilitate the creation of an additional residential lot. The subject parcel totals 5.30 acres in size.

The subject parcel, APN 105-28-004B, is located on the north and south of W. Canelo Hills Trail west of the Parker Lake View Estates, in the community of Parker Lake. The parcel is further described as being situated in Section 17 of Township 23 South, Range 19 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Jim Colville.

I. PLANNING & ZONING RECOMMENDATION

On Wednesday, February 14, 2018, the Planning and Zoning Commission voted 6-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	5.30 acres (230,703 sq. ft.)
Current Zoning:	RU-4 (Rural; one dwelling per 4 acres)
Proposed Zoning:	RU-2 (Rural; one dwelling per 2 acres)
Growth Area:	D – Rural
Plan Designation:	Rural
Area Plan:	None
Existing Uses:	vacant land/access road/easement
Proposed Uses:	2 single family lots

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant
South	RU-4	Vacant
East	RU-4	High Density Residential
West	RU-4	Vacant

III. PARCEL HISTORY

None.

IV. NATURE OF REQUEST

The Applicant is requesting to amend the zoning on a 5.30 acre parcel adjacent to the Parker Lakeview Estates Subdivision from RU-4 to RU-2. This request is to facilitate splitting the parcel into lots of two acres minimum. The adjoining subdivision was platted in 1962, and is also zoned RU-4, however the parcel sizes vary from 7,800 square feet for small, single lots, to 64,000 square feet where multiple lots have been combined. Therefore, the entire subdivision is legal non-conforming. Currently there are 48 homes on 103 parcels in the area of the platted subdivision.

This request would permit up to 2 homes to be built on a site that would currently permit one home. The site is bisected by W. Canelo Hills Road (a private easement), which lends itself to creating the two lots. The applicant originally proposed to split the site into four lots. Two of the lots would be sub-standard lots and would not be able to be constructed on. The applicant owns an adjacent property and the purpose of the substandard lots would be to create a buffer. Staff discussed these lots with the applicant and to avoid any issues with the lots being sold in the future, the buffer area will be incorporated into the existing lots.

Other than maximum density, no other site development standards change from RU-4 to RU-2. The only change in uses is that Medical Marijuana Uses, which have not been requested, are permitted in RU-4 (with Special Use Authorization) but not in RU-2.



Location Map



Aerial Photo

V. ANALYSIS OF IMPACTS

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "D" Rural Area and is considered a "Rural" area per the Comprehensive Plan. RU-2 zoning is permitted in the Category "D," "Rural" areas, so this request to rezone complies with the Comprehensive Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Ten of the criteria are applicable to this request. Six of the criteria are met as is, and the remaining four are met with the recommended Conditions of approval.

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

The Applicant intends to create two lots from the 5.30-acre parcel. The private easement currently bisects the parcel. The concept plan provided shows a total of four lots, two of which would not be buildable. The two non-compliant lots are intended to serve as buffers to the applicant existing home and the home directly east of the request. Although the intention is for these to be a buffer, this could result in the lots being sold in the future,

and that new owner not being able to build on the property. After discussion with the applicant, and as conditioned, the rezoning will be limited to 2 lots, and the additional land will be merged into the existing lots, eliminating potential future problems.

2. Compliance with Applicable Site Development Standards: Complies

As noted above, the 5.30 acre site is undeveloped. Up zoning to RU-2 would not negatively impact the ability of the parcel to be developed. The only site development standard that would become less stringent is the maximum density. The Applicant must remain aware that under both the current RU-4 and proposed RU-2 zonings that all structures must remain a minimum of 20 feet from all property lines and road travelways.



3. Adjacent Districts Remain Capable of Development: Complies

The proposal would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

While the surrounding area is all zoned RU-4, the existing legal nonconforming subdivision to the east consists of lots ranging from 7,800 square feet to 64,000 square feet, all of which are smaller than the 87,120 square foot minimum in RU-2.

6. Rezoning to More Intense Districts: Not Applicable

As indicated above, while this request would create a higher density zoning district, the developed subdivision to the east is developed at a much higher density than this proposal will create.

7. Adequate Services and Infrastructure: Complies with Conditions

All roadways currently exist, but have been the subject of recent litigation, as they are the sole access to a number of parcels, but cross privately owned parcel. The applicant has provided a copy of the grant of easement over the subject property. In addition, the topography and natural watercourses on the parcel may hinder the ability to install traditional septic systems. The Applicant shall work with the Highway and Planning Departments to ensure all sites remain accessible and functional.

8. Traffic Circulation Criteria: Complies

The potential additional trips generated from granting the rights to two additional homes will not adversely impact the road network

9. Development Along Major Streets: Not Applicable

This parcel does not take access off a Major roadway; no new roads are proposed.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to General Business, Light Industry or Heavy Industry.

11. Unique Topographic Features: Complies with Conditions

In addition to the roadway bisecting the parcel, the site has significant grades, and rocky areas. Any proposed division must take these features into account, both to protect the environment, and to ensure that the lots are physically buildable.

**12. Water Conservation: Complies with Conditions**

Upon submittal of the proposed split for review, water conservation measures must be detailed.

13. Public Input: Complies

The Applicant completed a Citizen Review, and Staff mailed notices to neighboring property owners within 1 mile of the subject property on January 8, 2018. Staff posted the property on January 24, 2018 and published a legal notice in the *San Pedro Valley Sun-News* on January 24, 2018. Staff received four letters in support, none in opposition.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

The subject property does not lie within an adopted Area Plan.

VI. PUBLIC COMMENT

In response to County mailings, the Planning Department has received four responses in support.

VII. SUMMARY AND CONCLUSION

The request is for a rezoning, from to RU-4 (Rural; one dwelling per four acres), to RU-2 (Rural; one dwelling per two acres) on a 5.30-acre parcel located on Canelo Hills Trail in Parker Canyon. At this time, the area is characterized by open expanses, to the north, west and south and an existing non conforming subdivision to the east, with current development occurring on a Rural scale. The Comprehensive Plan designates the site as Rural. This request would keep the area rural.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area and create a buffer between the small subdivision lots and larger RU-4 zoned parcels;
2. The Comprehensive Plan policies prescribe a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and

3. Four letters of support have been received.

Factors Against Approval

1. A revised conceptual plan has not been provided to show how the parcels will ultimately be configured.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from RU-4 (Rural; one dwelling per four acres) to RU-2 (Rural; one dwelling per two acres) on a 5.30-acre parcel located on Canelo Hills Trail in Parker Canyon to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning;
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. The parcel shall not be split into more than two parcels.

IX. ATTACHMENTS

- A. Application
- B. Location Map
- C. Agency Comment Memos
- D. Citizen Comment

November 6, 2017

James W. Colville
4212 W. Tombolo Trail
Tucson, AZ 85745
520-390-7876 (cell)

Mr. Peter Gardner
Planner 1
1415 Melody Lane, Building E
Bisbee, AZ 85603
Re: Rezoning of Parcel 105-28-00489

Dear Mr. Gardner:

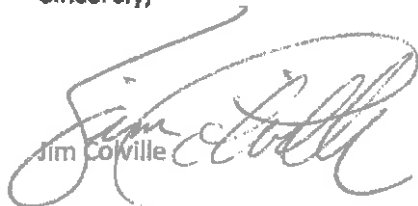
Enclosed please find my Cochise County Rezoning Application for the subject parcel. I am sending you this a little early, as I will be in Chicago from November 13, 2017 to January 8th, 2018. I would like to get on the schedule for the February meeting.

All of the letters have been mailed today (copy attached).

While I will be out of town, I can still be reached at the phone number and email listed above.

Thank for your assistance in this matter.

Sincerely,


Jim Colville



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs... Personal Service"

COCHISE COUNTY REZONING APPLICATION

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

1. Applicant's Name: JAMES W. Colville & Robbie A. Colville

2. Mailing Address: 4212 W. Tombo 10 TRAIL

TUCSON AZ 85745-
City State Zip Code

3. Telephone Number of Applicant: (520) 390-7876

4. Telephone Number of Contact Person if Different: ()

5. Email Address: JCOLVILLE46@GMAIL.COM

6. Assessor's Tax Parcel Number: 105 - 28 - 00489 (Can be obtained from your County property tax statement)

7. Applicant is (check one):

- Sole owner: X
- Joint Owner: SE (See number 8)
- Designated Agent of Owner: _____
- If not one of the above, explain interest in rezoning: _____

7. If applicant is not sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): _____

8. If applicant is not sole owner, indicate which notarized proof of agency is attached:

- If corporation, corporate resolution designating applicant to act as agent: _____
- If partnership, written authorization from partner: _____
- If designated agent, attach a notarized letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

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

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

- Yes _____ No X

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

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

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

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

14. Indicate proposed Zoning District for Property: RU-2

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

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

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

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

17. Describe all structures already existing on the property: N/A

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: N/A

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

- No X Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

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

CANALO HILLS TRAIL TO PRIVATE EASEMENT. SEE ATTCH

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? N/A

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

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	<u>PARKER LAKEVIEW ESTATES HOA</u>	
Sewer/Septic	<u>SEPTIC</u>	
Electricity	<u>N/A</u>	
Natural Gas	<u>N/A</u>	
Telephone	<u>N/A</u>	
Fire Protection	<u>HEREFORD</u>	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed). THIS REZONING WILL NOT CHANGE

THE CHARACTER OF THE AREA. ON ONE SIDE IS PARKER LAKEVIEW ESTATES
WHERE THE LOTS ARE VERY SMALL. THIS REZONING WILL SIMPLY
ALLOW ONE ADDITIONAL RESIDENTIAL SITE.

25. AFFIDAVIT

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

Applicant's Signature: _____

James W. Smith *Robert A. Colville*

Date: _____

11/6/17

[illegible]

CONCLUSIONS

GET IT FIRST! 2007-2008

- [illegible]

CONCLUSIONS

including all items on a company's general inventory. The company's management of inventory is a key factor in its ability to manage its cash flow and its ability to meet its obligations to its creditors.

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Information on this form and other information on the program is available at www.fda.gov/oc/ohrt/.

IF YOU'RE SURE YOU WANT TO COMMIT TO A LONG-TERM RELATIONSHIP, IT'S TIME TO GET THE MOST FROM IT. HERE ARE SOME WAYS TO GET THE MOST FROM YOUR RELATIONSHIP:



STANDARD CONTRACTS: Minimum 1 year term
 SALES & PURCHASE, QUOTE 1300
 NATIONAL SERVICE CENTER
 (800) 368-6864

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	52
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1234

BOOK _____ SURVEY PAGE _____

**A PORTION OF REVENUE TO
OF THE SIA AND SNT MUST BE
OFFERED TO THE AMERICAN**

OF SEC. 17, T.25S. R.10E. OF THE 23RD
CRANE COUNTY, ARIZONA



ALTA LAND SURVEY, INC.
Surveying ~ Drafting ~ Construction Staking
5930 E. Pima St., Suite 130, Tucson, AZ 85712 Ph. (520) 398-6651

JOB 17-403
NOVEMBER 11, 2017

LEGAL DESCRIPTION

PARCEL A

A PORTION OF THE WEST 520.00 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, T 23 S, R 19 EAST OF THE GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ALUMINUM CAP MARKED "PE 8424" ON THE WEST LINE OF SECTION 17 TO WHICH A FOUND ALUMINUM CAP MARKED "PE 8424" AT THE WEST ONE-QUARTER CORNER OF SECTION 17 BEARS NORTH 00° 00' 14" EAST A DISTANCE OF 989.58 FEET;

THENCE SOUTH 00° 00' 14" WEST UPON THE WEST LINE OF SECTION 17 A DISTANCE OF 1200.29 FEET TO THE POINT OF BEGINNING;

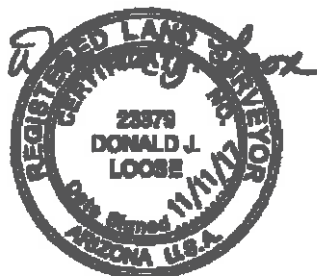
THENCE NORTH 89° 57' 11" EAST, A DISTANCE OF 388.96 FEET;

THENCE SOUTH 00° 00' 14" WEST, A DISTANCE OF 223.82 FEET;

THENCE SOUTH 89° 52' 56" WEST, A DISTANCE OF 388.96 FEET TO THE WEST LINE OF SECTION 17;

THENCE NORTH 00° 00' 14" EAST, A DISTANCE OF 224.30 FEET TO THE POINT OF BEGINNING.

SAID PARCEL A CONTAINS 2.00 ACRES, MORE OR LESS.



EXP: 6/30/18

Drawn By: GWM	11/6/17
Checked By: DL	Sheet: 2 of 2



ALTA LAND SURVEY, INC.
Surveying ~ Drafting ~ Construction Staking
5930 E. Pima St., Suite 130, Tucson, AZ 85712 Ph. (520) 398-6651

JOB 17-403
NOVEMBER 11, 2017

LEGAL DESCRIPTION

PARCEL B

A PORTION OF THE WEST 520.00 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, T 23 S, R 19 EAST OF THE GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ALUMINUM CAP MARKED "PE 8424" ON THE WEST LINE OF SECTION 17 TO WHICH A FOUND ALUMINUM CAP MARKED "PE 8424" AT THE WEST ONE-QUARTER CORNER OF SECTION 17 BEARS NORTH 00° 00' 14" EAST A DISTANCE OF 989.58 FEET;

THENCE SOUTH 00° 00' 14" WEST UPON THE WEST LINE OF SECTION 17 A DISTANCE OF 1424.59 FEET TO THE POINT OF BEGINNING;

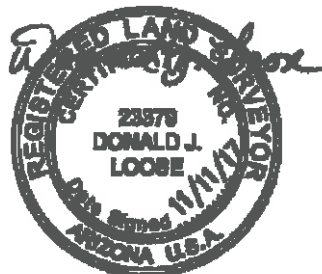
THENCE NORTH 89° 52' 56" EAST, A DISTANCE OF 388.96 FEET;

THENCE SOUTH 00° 00' 14" WEST, A DISTANCE OF 223.82 FEET TO THE SOUTH LINE OF SECTION 17;

THENCE SOUTH 89° 48' 41" WEST, A DISTANCE OF 388.96 FEET TO THE SOUTHWEST CORNER OF SECTION 17;

THENCE NORTH 00° 00' 14" EAST, A DISTANCE OF 224.30 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.00 ACRES, MORE OR LESS.



EXP: 6/30/18



W. 1/4 CORNER
SECTION 17
2" ALUMINUM CAP
"PE 8424"

2" ALUMINUM CAP
"PE 8424"
P.O.C.



EXP: 6/30/18

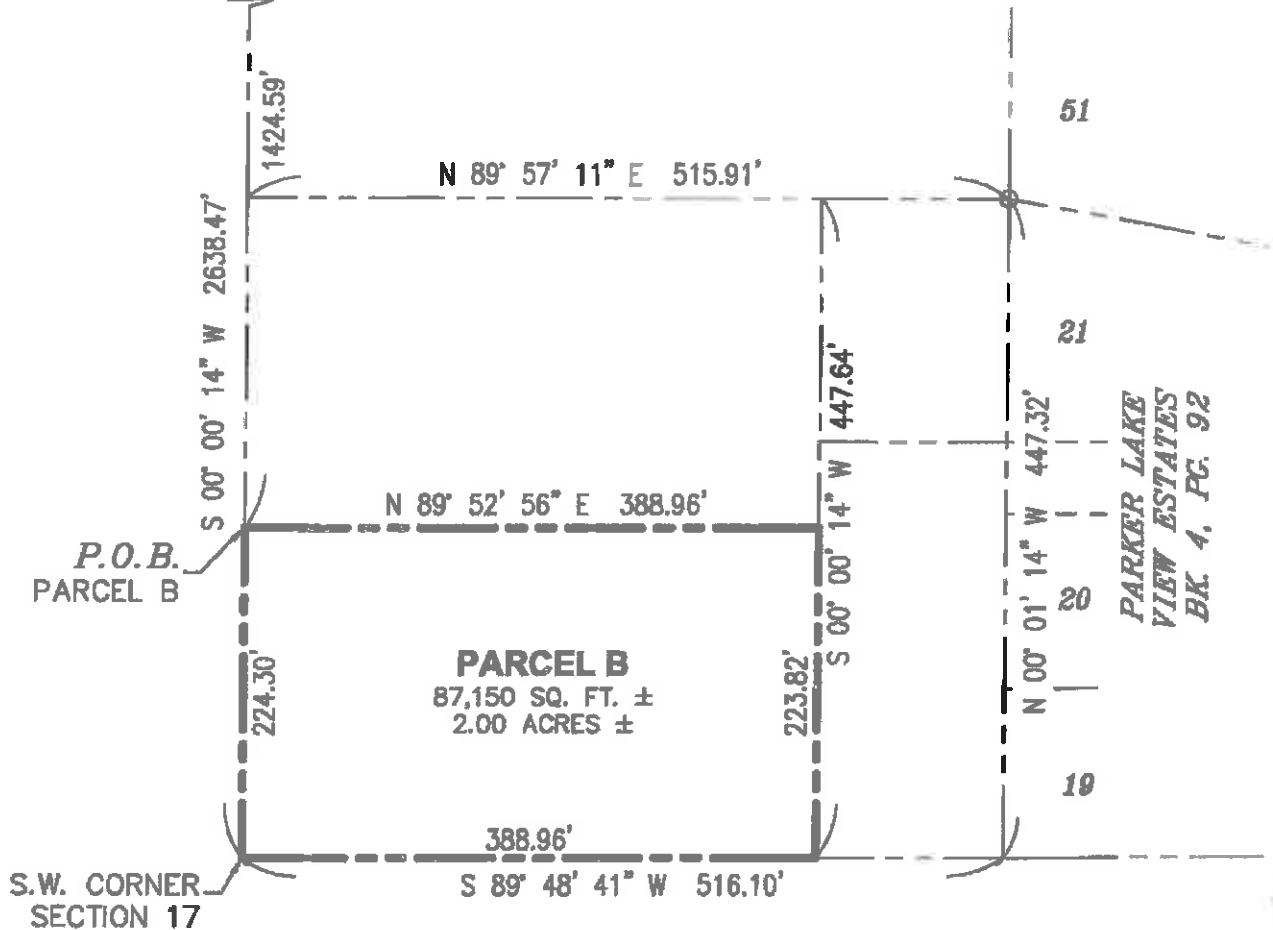


EXHIBIT DRAWING

SCALE 1" = 120'

ALTA LAND SURVEY, INC.

SURVEYING, CONSTRUCTION STAKING & DRAFTING
5930 E. PIMA STREET, SUITE 130
TUCSON, ARIZONA 85712
(520) 398-6651

PARCEL B
A PORTION OF THE SOUTHWEST 1/4 OF SECTION 17,
T.23S., R.19E., G.#5.R.M.
COCHISE COUNTY, ARIZONA

Project No.
17-403

Drawn By: GWM 11/6/17
Checked By: DL Sheet: 2 of 2



ALTA LAND SURVEY, INC.
Surveying ~ Drafting ~ Construction Staking

5930 E. Pima St., Suite 130, Tucson, AZ 85712 Ph. (520) 398-6651

JOB 17-403
NOVEMBER 11, 2017

LEGAL DESCRIPTION

PARCEL C

A PORTION OF THE WEST 520.00 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, T 23 S, R 19 EAST OF THE GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ALUMINUM CAP MARKED "PE 8424" ON THE WEST LINE OF SECTION 17 TO WHICH A FOUND ALUMINUM CAP MARKED "PE 8424" AT THE WEST ONE-QUARTER CORNER OF SECTION 17 BEARS NORTH 00° 00' 14" EAST A DISTANCE OF 989.58 FEET;

THENCE SOUTH 00° 00' 14" WEST UPON THE WEST LINE OF SECTION 17 A DISTANCE OF 1200.29 FEET;

THENCE NORTH 89° 57' 11" EAST, A DISTANCE OF 515.91 FEET TO THE WEST LINE OF PARKER LAKE VIEW ESTATES ACCORDING TO THE FINAL MAP RECORDED IN BOOK 4 AT PAGE 92 ON FILE AT THE RECORDER'S OFFICE OF COCHISE COUNTY, ARIZONA;

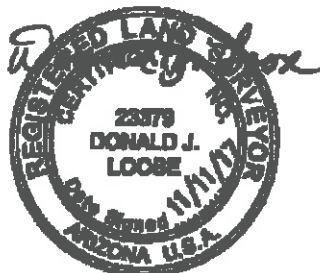
THENCE UPON SAID WEST LINE SOUTH 00° 01' 14" EAST, A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 00° 01' 14" EAST, A DISTANCE OF 282.32 FEET TO THE SOUTH LINE OF SECTION 17;

THENCE UPON THE SOUTH LINE OF SECTION 17 SOUTH 89° 48' 41" WEST, A DISTANCE OF 127.14 FEET;

THENCE NORTH 00° 00' 14" EAST, A DISTANCE OF 282.63 FEET TO THE POINT OF BEGINNING.

SAID PARCEL C CONTAINS 0.82 ACRES, MORE OR LESS.



EXP: 6/30/18



W. 1/4 CORNER
SECTION 17
2" ALUMINUM CAP
"PE 8424"



EXP: 6/30/18

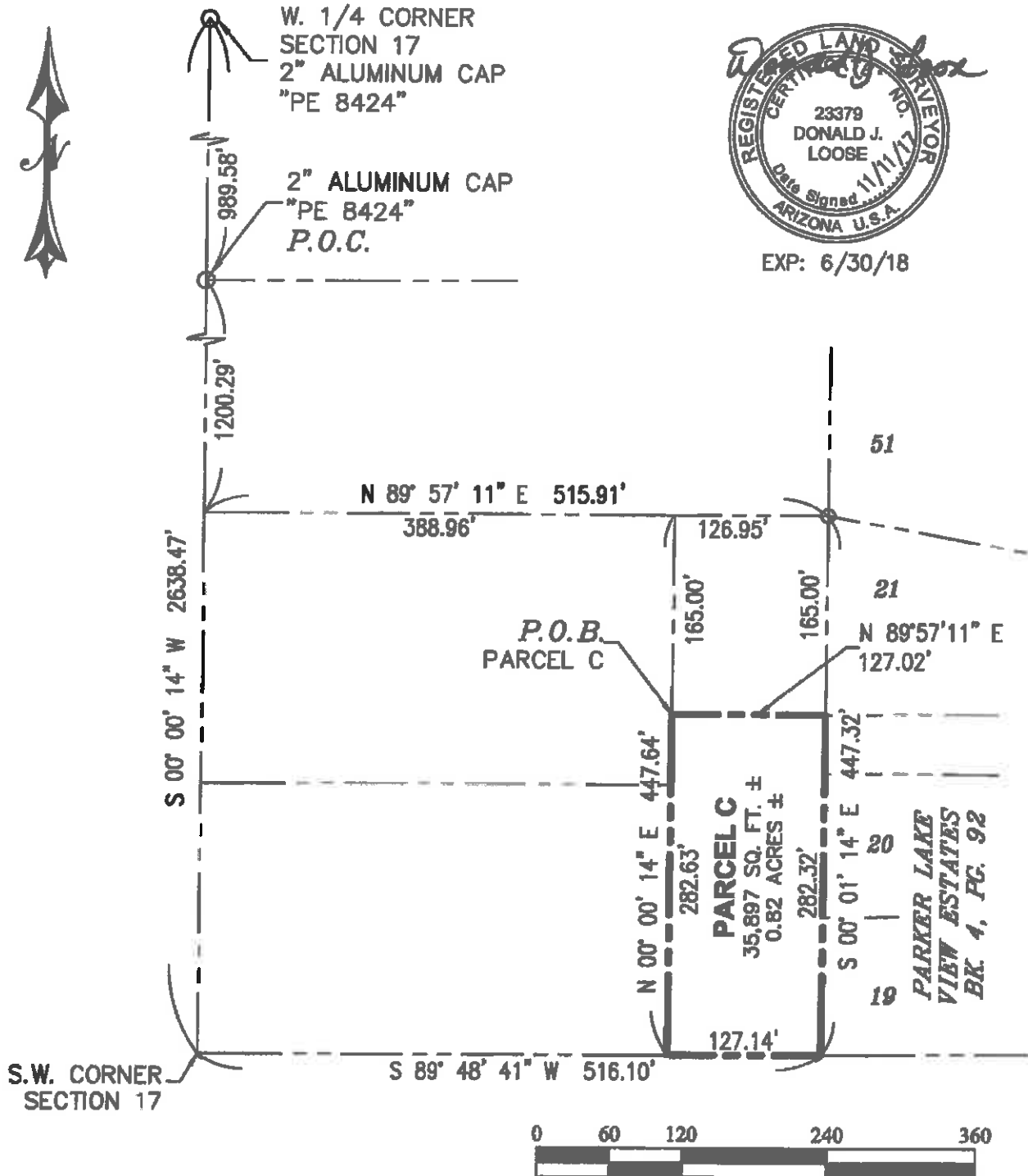


EXHIBIT DRAWING

SCALE 1" = 120'

ALTA LAND SURVEY, INC.

SURVEYING, CONSTRUCTION STAKING & DRAFTING
5930 E. PIMA STREET, SUITE 130
TUCSON, ARIZONA 85712
(520) 398-6651

PARCEL C
A PORTION OF THE SOUTHWEST 1/4 OF SECTION 17,
T.23S., R.19E., G.#5.R.M.
COCHISE COUNTY, ARIZONA

Project No.
17-403

Drawn By: GWM 11/6/17
Checked By: DL Sheet: 2 of 2



ALTA LAND SURVEY, INC.
Surveying ~ Drafting ~ Construction Staking
5930 E. Pima St., Suite 130, Tucson, AZ 85712 Ph. (520) 398-6651

JOB 17-403
NOVEMBER 11, 2017

LEGAL DESCRIPTION

PARCEL D

A PORTION OF THE WEST 520.00 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, T 23 S, R 19 EAST OF THE GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ALUMINUM CAP MARKED "PE 8424" ON THE WEST LINE OF SECTION 17 TO WHICH A FOUND ALUMINUM CAP MARKED "PE 8424" AT THE WEST ONE-QUARTER CORNER OF SECTION 17 BEARS NORTH 00° 00' 14" EAST A DISTANCE OF 989.58 FEET;

THENCE SOUTH 00° 00' 14" WEST UPON THE WEST LINE OF SECTION 17 A DISTANCE OF 1200.29 FEET;

THENCE NORTH 89° 57' 11" EAST, A DISTANCE OF 515.91 FEET TO A POINT ON THE WEST LINE OF PARKER LAKE VIEW ESTATES ACCORDING TO THE FINAL MAP RECORDED IN BOOK 4 AT PAGE 92 ON FILE AT THE RECORDER'S OFFICE OF COCHISE COUNTY, ARIZONA AND THE POINT OF BEGINNING;

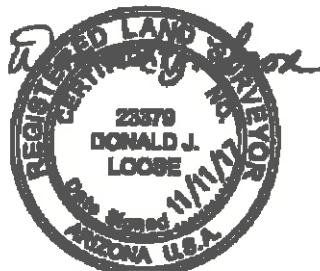
THENCE SOUTH 00° 01' 14" EAST ALONG THE WEST LINE OF SAID PARKER LAKE VIEW ESTATES ACCORDING TO THE FINAL MAP RECORDED IN BOOK 4 AT PAGE 92, A DISTANCE OF 165.00 FEET;

THENCE SOUTH 89° 57' 11" WEST A DISTANCE OF 127.02 FEET;

THENCE NORTH 00° 01' 14" WEST A DISTANCE OF 165.00 FEET;

THENCE NORTH 89° 57' 11" EAST, A DISTANCE OF 126.95 FEET TO THE POINT OF BEGINNING.

SAID PARCEL D CONTAINS 0.48 ACRES, MORE OR LESS.



EXP: 6/30/18



W. 1/4 CORNER
SECTION 17
2" ALUMINUM CAP
"PE 8424"

2" ALUMINUM CAP
"PE 8424"
P.O.C.



EXP: 6/30/18

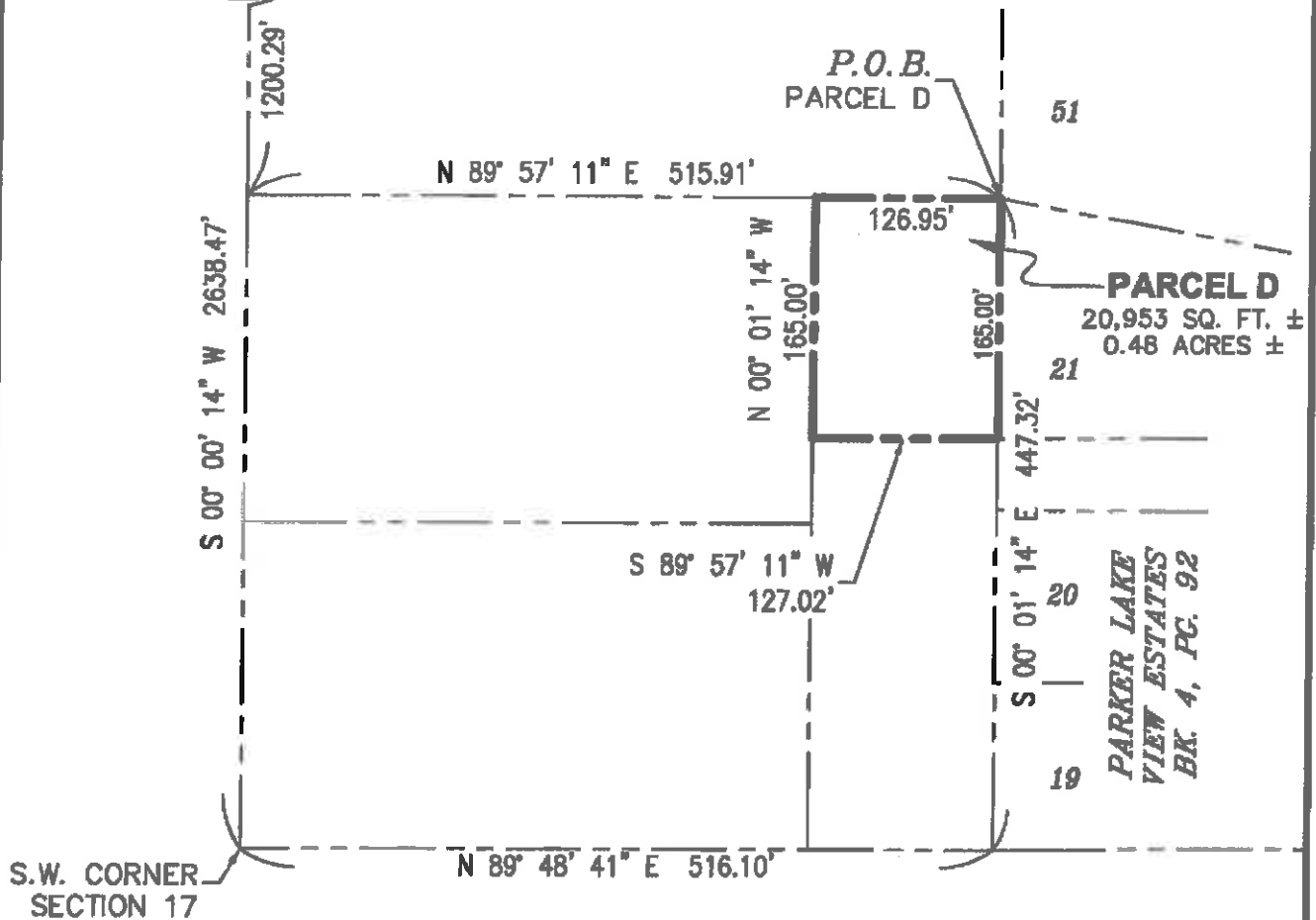


EXHIBIT DRAWING

SCALE 1" = 120'

ALTA LAND SURVEY, INC.

SURVEYING, CONSTRUCTION STAKING & DRAFTING
5930 E. PIMA STREET, SUITE 130
TUCSON, ARIZONA 85712
(520) 398-6651

PARCEL D
A PORTION OF THE SOUTHWEST 1/4 OF SECTION 17,
T.23S., R.19E., G.4S.R.M.
COCHISE COUNTY, ARIZONA

Project No.
17-403

Drawn By: GWM 11/6/17
Checked By: DL Sheet: 2 of 2

November 6, 2017

Parker Canyon Lake Area Property Owners:

I am presently applying for a zoning change from RU-4 to RU-2 for parcel number 105-28-00489. This parcel consists of 5+ acres and is contiguous to Parker Lakeview Estates. This parcel is located between Parker Lakeview Estates and other property zoned RU-2. The zoning change will allow for smaller building lots (2 acres per residence) than the present RU-4 zoning (4 acres per residence). It will still be restricted to residential use and will not change the character of the area.

You will receive further information from the County regarding this change. In the meantime, if you have any questions, please feel free to contact me.

Sincerely,

Jim Colville
4212 W. Tombolo Trail
Tucson, AZ 85745
jcolville46@gmail.com

WHEN RECORDED MAIL TO:

James W. Colville
Robbie Ann Colville
4212 W. Tombolo Trail
Tucson, AZ 85745

ESCROW NO. 05504-13696

SPACE ABOVE THIS LINE FOR RECORDERS USE

B.2

CAPTION HEADING

Warranty Deed

This deed is being re-recorded to correct the legal description

DO NOT REMOVE

THIS IS PART OF THE OFFICIAL DOCUMENT

WHEN RECORDED MAIL TO:

James W. Colville
Robbie Ann Colville
4212 W. Tombolo Trail
Tucson, AZ 85745

ESCROW NO. 05504-13696

2016-13624

Page 1 of 5

Requested By: Ingeo Systems

Christine Rhodes - Recorder

Cochise County, AZ

08-03-2016 09:28 AM Recording Fee \$15.00

SPACE ABOVE THIS LINE FOR RECORDERS USE

B.2

CAPTION HEADING

Warranty Deed

This deed is being re-recorded to correct the legal description

DO NOT REMOVE

THIS IS PART OF THE OFFICIAL DOCUMENT

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

2015-22066
Page 1 of 2
Requested By: Ingeo Systems
Christine Rhodes - Recorder
Cochise County, AZ
12-10-2015 02:01 PM Recording Fee \$15.00

*Courtesy recording
no title liability*

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Warranty Deed

B.8

For the consideration of Ten Dollars, and other valuable considerations, I or we,
James W. Colville and Robbie Ann Colville, husband and wife
do/does hereby convey to

James W. Colville and Robbie Ann Colville as Trustees of the James W. Colville and Robbie Ann Colville Revocable
Trust under Agreement dated the 9th day of March, 1989
the following real property situated in Cochise County, ARIZONA:

Legal description attached here to and made a part here of

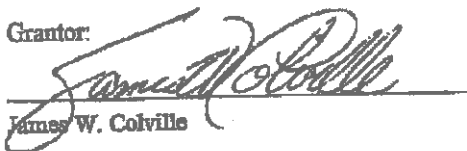
In accordance with ARS 33-404 the beneficiaries of the Grantee
are: James W. Colville and Robbie Ann Colville, 4212 W. Trombolo
Trail, Tucson, AZ. 85745

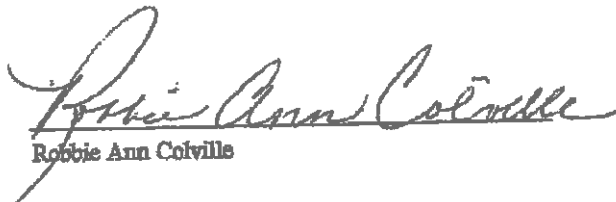
SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances,
liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated November 19, 2015

Grantor:


James W. Colville


Robbie Ann Colville

State of Arizona
County of Pima

} SS

This instrument was acknowledged before me this November
19, 2015 by James W. Colville and Robbie Ann Colville


Notary Public

My commission will expire _____

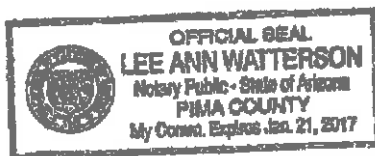


Exhibit A

That portion of the West 520.00 feet of the Southwest quarter of the Southwest quarter of Section 17, Township 23 South, Range 19 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of Section 17 to which the South quarter corner bears North 89°56'41" East, a distance of 2,625.66 feet;

thence North 00°00'33" East, along the West line of Section 17, a distance of 448.60 feet;

thence South 89°59'27" East, a distance of 520.00 feet;

thence South 00°00'30" West, a distance of 448.01 feet to a point on the South line of Section 17;

thence South 89°56'41" West, a distance of 520.00 feet to the POINT OF BEGINNING.



ALTA LAND SURVEY, INC.
Surveying ~ Drafting ~ Construction Staking
344 E. 4th St., Benson, AZ 85602 Ph. (520) 720-6476

LEGAL DESCRIPTION

JOB: 14-143
DATE: MARCH 28, 2016

PARCEL C

A PORTION OF THE WEST 520.00 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, T 23 S, R 19 EAST OF THE GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY ARIZONA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND ALUMINUM CAP MARKED "PE 8424" ON THE WEST LINE OF SECTION 17 TO WHICH A FOUND ALUMINUM CAP MARKED "PE 9424" AT THE WEST ONE-QUARTER CORNER OF SECTION 17 BEARS NORTH 00°00'14" EAST A DISTANCE OF 989.58 FEET;

THENCE SOUTH 00°00'14" WEST ALONG THE WEST LINE OF SECTION 17 A DISTANCE OF 1200.29 FEET TO THE **POINT OF BEGINNING**;

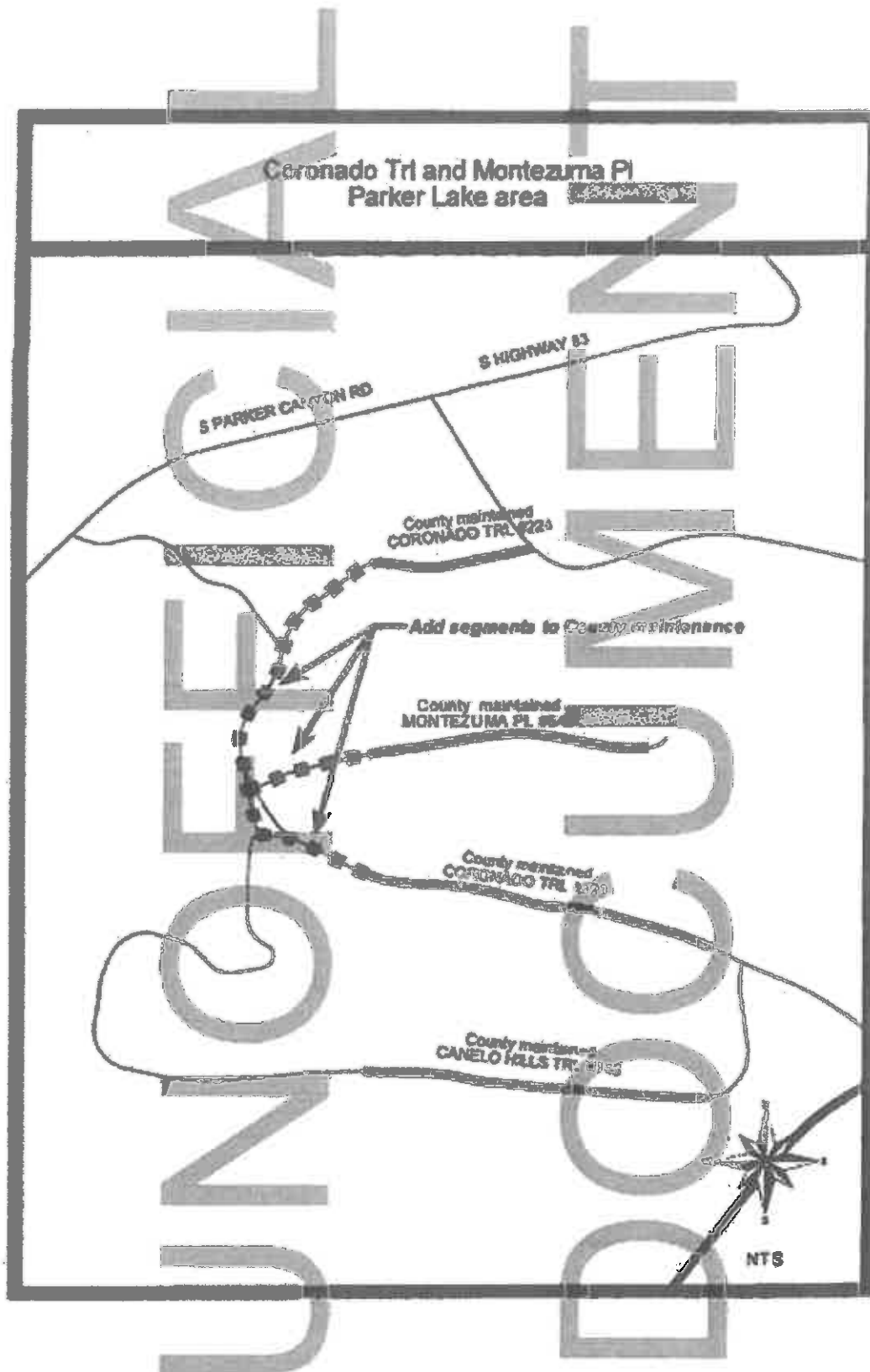
THENCE NORTH 89°57'11" EAST A DISTANCE OF 515.91 FEET TO A POINT ON THE WEST LINE OF PARKER LAKE VIEW ESTATES ACCORDING TO THE FINAL MAP RECORDED IN BOOK 4 AT PAGE 92 ON FILE AT THE RECORDER'S OFFICE OF COCHISE COUNTY, ARIZONA;

THENCE SOUTH 00°01'14" EAST ALONG THE WEST LINE OF PARKER LAKE VIEW ESTATES A DISTANCE OF 447.32 FEET TO A POINT ON THE SOUTH LINE OF SECTION 17;

THENCE SOUTH 89°48'41" WEST A DISTANCE OF 516.10 FEET TO THE SOUTHWEST CORNER OF SECTION 17 TO WHICH THE SOUTH ONE-QUARTER CORNER BEARS NORTH 89°56'41" EAST A DISTANCE OF 2625.59 FEET;

THENCE NORTH 00°00'14" EAST ALONG THE WEST LINE OF SECTION 17 A DISTANCE OF 448.60 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 5.31 ACRES, MORE OR LESS.



Recorded at the request of,
and when recorded, return to:

Lawyers Title of Arizona
5255 E. Williams Circle, Ste 1050
Tucson, AZ 85711
8400445

7/16/00



FEE \$ 970717306
OFFICIAL RECORDS
COCHISE COUNTY
DATE 7/08/97 HOUR 4

REQUEST OF
PIONEER TITLE AGENCY
CHRISTINE RHODES-RECORDER
FEE : 10.00 PAGES : 4

GRANT OF EASEMENT

Lawyers Title of Arizona, Inc., an Arizona corporation as Trustee under Trust No. 6239-T formerly known as Arizona Land Title & Trust Company, the undersigned Grantor is the owner of the following described property situated in Cochise County Arizona.

See attached Exhibit "A"

The purpose of this Grant is to dedicate easement for ingress, egress to the present and future owners of property described in Exhibit "A", without need of further grant.

For and in consideration of the mutual benefits according to the party, the undersigned Lawyers Title of Arizona, Inc., an Arizona corporation as Trustee under Trust No. 6239-T formerly known as Arizona Land Title & Trust Company, does hereby grant, bargain, sell, convey and dedicate the Ingress and Egress Easements as shown on Exhibit "B" to the Present and Future Owners of the land described as Exhibit "A".

Furthermore, the easement shown on Exhibit "B" are for the benefit of each future owner including their successors and each take subject to the rights of other owners.

This grant is intended to convey the foregoing easement for the use and benefit of the present and future owners, their guests and invitees and each owner will take subject to the rights of the others and the easement rights will be vested in the present and future owners without need of future grant or conveyance.

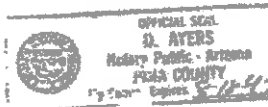
Executed this 26th day of June 1997.

Lawyers Title of Arizona, an Arizona corporation Arizona,
as Trustee under Trust No. 6239-T

By: [Signature]
Trust Officer

STATE OF ARIZONA
County of Pima

SS



The foregoing instrument was acknowledged before me this 20th day of June, 1997 by: [Signature] Trust Officer

FOR LAWYERS TITLE OF ARIZONA, AN ARIZONA CORPORATION, AS TRUSTEE UNDER TRUST NO. 6239-T
Notary Public

My Commission expires:

970717306

EXHIBIT "A"

PARCEL I:

The Southeast quarter of the Southeast quarter and
The South half of the South half of the Northwest quarter of the Southeast
quarter of Section 17, Township 23 South, Range 19 East of the Gila and Salt
River Base and Meridian, Cochise County, Arizona;

EXCEPT any portion lying within Parker Lakeside Estates Subdivision, according
to Book 4 of Maps, page 92, records of Cochise County, Arizona.

PARCEL II:

Lot 10 of Section 18, Township 23 South, Range 19 East of the Gila and Salt
River Base and Meridian, Cochise County, Arizona.

970717306

EXHIBIT "B"

An easement, 40.00 feet in width, lying within the Southwest quarter of Section 17 and Lot 10 of Section 18, all in Township 23 South, Range 19 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona for ingress and egress, being the Westerly extension of Caselo Hills Trail and of Coronado Trail of Parker Lakeview Estates Subdivision as recorded in Book 4 of Maps, page 92 in the Office of said County Recorder, the centerline of said easement being more particularly described as follows:

CASELO HILLS WESTERLY EXTENSION:

BEGINNING at the point of terminus of the centerline of said Caselo Hills Trail, being on the West boundary of said Subdivision, also being the point of curvature of a curve, concave to the North;

thence Westerly on the arc of said curve, having a radius of 976.30 feet and a central angle of $05^{\circ} 15' 41''$, an arc distance of 89.94 feet to a point reverse curvature of a curve, concave to the South;

thence Northeasterly and Southeasterly on the arc of said curve, to the left, having a radius of 603.77 feet and a central angle of $10^{\circ} 50' 10''$, an arc distance of 114.19 feet to the point of tangency;

thence South $84^{\circ} 25' 52''$ West a distance of 143.75 feet to a point of curvature of a tangent curve, concave to the North;

thence Westerly on the arc of said curve, to the right, having a radius of 290.00 feet and a central angle of $20^{\circ} 23' 18''$, an arc distance of 103.19 feet to a point of tangency;

thence North $75^{\circ} 09' 51''$ West a distance of 115.49 feet to a point of curvature of a tangent curve, concave to the Northwest;

thence Northeasterly on the arc of said curve, to the right, having a radius of 80.00 feet and a central angle of $81^{\circ} 04' 29''$, an arc distance of 113.20 feet to a point of tangency;

thence North $05^{\circ} 34' 38''$ East a distance of 107.14 feet to a point of curvature of a tangent curve, concave to the East;

thence Northerly on the arc of said curve, to the right, having a radius of 120.00 feet and a central angle of $23^{\circ} 20' 55''$, an arc distance of 48.90 feet to a point of tangency;

thence North $29^{\circ} 15' 33''$ East a distance of 25.84 feet to a point of curvature of a tangent curve, concave to the Southeast;

thence Northeasterly on the arc of said curve, to the right, having a radius of 85.00 feet and a central angle of $72^{\circ} 43' 19''$, an arc distance of 107.89 feet to a point of tangency;

thence South $78^{\circ} 01' 08''$ East a distance of 49.07 feet to a point of curvature of a tangency curve, concave to the Southwest;

thence Southeasterly on the arc of said curve, to the right, having a radius of 95.00 feet and a central angle of $35^{\circ} 35' 33''$, an arc distance of 59.04 feet to a point of tangency;

thence South $42^{\circ} 24' 35''$ East a distance of 32.66 feet to a point of curvature of a tangent curve, concave to the North;

thence Easterly on the arc of said curve, to the left, having a radius of 80.0 feet and a central angle of $56^{\circ} 10' 28''$, an arc distance of 78.43 feet to a point of tangency;

thence North $81^{\circ} 24' 56''$ East a distance of 55.75 feet to a point of curvature of a tangent curve, concave to the Northeast;

Continued...

970717306

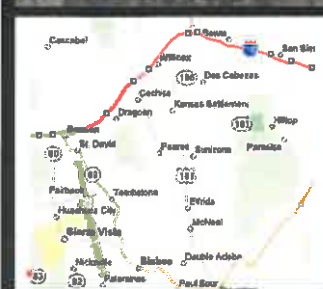
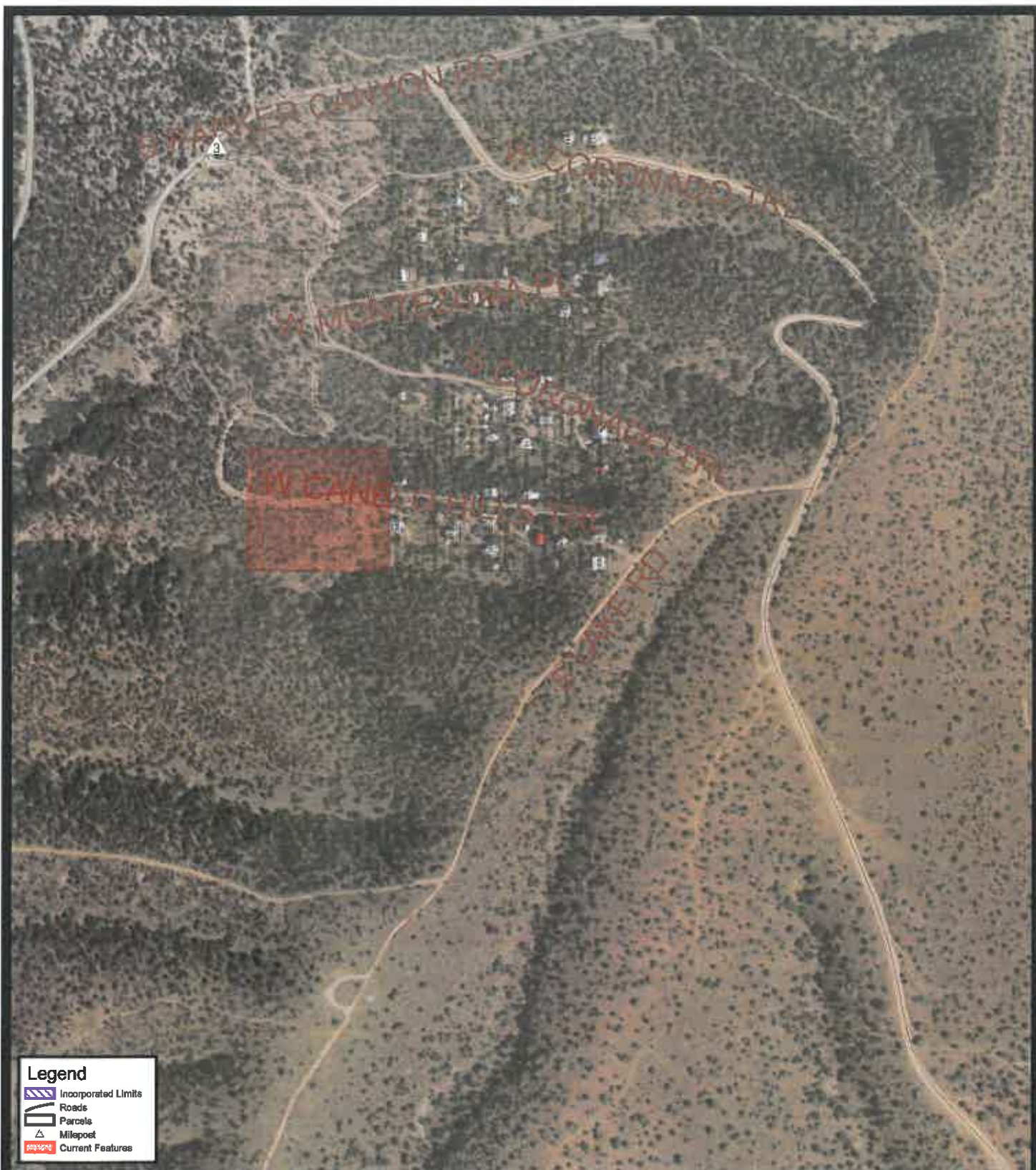
EXHIBIT "B" continued

thence Northeasterly and Northerly on the arc of said curve, to the left, having a radius of 25.00 feet and a central angle of $117^{\circ} 09' 59''$, an arc distance of 51.12 feet to a point of tangency;
thence North $35^{\circ} 45' 03''$ West a distance of 48.64 feet to a point of curvature of a tangent curve, concave to the East;
thence Northerly on the arc of said curve, to the right, having a radius of 117.00 feet and a central angle of $41^{\circ} 01' 12''$, an arc distance of 80.18 feet to a point of tangency;
thence North $05^{\circ} 16' 09''$ East a distance of 146.57 feet to a point;
thence North $12^{\circ} 27' 00''$ West a distance of 138.51 feet to the POINT OF TERMINUS at the centerline of Coronado Trail Westerly extension.

CORONADO TRAIL WESTERLY EXTENSION:

BEGINNING at the point of terminus of the centerline of said Coronado Trail, being on the West boundary of said Subdivision, also being the point of curvature of a curve, concave to the Northeast;
thence Westerly on the arc of said curve, to the right, having a radius of 191.57 feet and a central angle of $29^{\circ} 23' 40''$, an arc distance of 97.83 feet to a point of tangency;
thence North $53^{\circ} 52' 55''$ West a distance of 116.45 feet to a point on the arc of a tangent curve, concave to the Northeast, a radial line of said curve through said point having a bearing of North $59^{\circ} 57' 27''$ East;
thence Northeasterly on the arc of said curve, to the right, having a radius of 112.00 feet and a central angle of $23^{\circ} 50' 26''$, an arc distance of 54.92 feet to a point of tangency;
thence North $30^{\circ} 02' 33''$ West a distance of 147.90 feet to the intersection of the centerline of Canale Hills Drive Westerly extension, being a point of curvature of a tangent curve, concave to the East;
thence Northerly on the arc of said curve, to the right, having a radius of 111.00 feet and a central angle of $70^{\circ} 36' 16''$, an arc distance of 136.78 feet to a point of tangency;
thence North $40^{\circ} 33' 42''$ East a distance of 69.64 feet to a point of curvature of a tangent curve concave to the Northeast;
thence Northeasterly on the arc of said curve, to the left, having a radius of 98.80 feet and a central angle of $36^{\circ} 18' 48''$, an arc distance of 51.85 feet to a point of tangency;
thence North $10^{\circ} 14' 54''$ East a distance of 70.72 feet to a point of curvature of a tangent curve, concave to the Southeast;
thence Northeasterly on the arc of said curve, to the right, having a radius of 88.00 feet and a central angle of $35^{\circ} 41' 21''$, an arc distance of 54.81 feet to a point of tangency;
thence North $45^{\circ} 56' 15''$ East a distance of 31.49 feet to a point;
thence North $53^{\circ} 42' 18''$ East a distance of 64.74 feet to a point of curvature of a tangent curve, concave to the South;
thence Easterly on the arc of said curve, to the right, having a radius of 153.00 feet and a central angle of $36^{\circ} 00' 52''$, an arc distance of 95.17 feet to a point of tangency;
thence North $09^{\circ} 43' 10''$ East a distance of 13.02 feet to the POINT OF TERMINUS on the centerline of Coronado Trail at the intersection of the West boundary of said Parker Lakeside Estates Subdivision.

970717306



Location Map

This map is a product of the
Cochise County GIS
Information Technology Dept.



0" 1" = 503



Cochise County Community Development

Highway and Floodplain Division

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

Date: January 17, 2018
To: Robert Kirshmann, Planner II
From: Dennis L. Donovan, P.E. for Karen L. Lamberton, AICP, County Transportation Planner
Subject: Colville Re-Zoning/Z-18-02/Parcel #105-28-004A

This re-zoning proposes modifying the land designation from RU-4 to RU-2 on a 5.31 acre parcel of land in the Parker Lake vicinity of the southwest corner of Cochise County. As Transportation Planning understands the proposal, the applicant plans to then split his five-plus acre parcel into four (4) individual Parcels A, B, C & D. Parcels A and B, both 2.0 acres in size, are to be offered for sale.

Parcel C consists of 0.82 acres and will be combined with other existing parcels (APN #'s 105-29-018, 019 & 020) to the immediate east owned by the Applicants, James W. and Robbie A. Colville, to create a larger residential lot/parcel with increased buffer to any new residence(s). The cumulative land comprising Parcel C plus the just identified parcels to the east are to be combined into one new Parcel at the Assessor's Office. As we further understand the proposal, Parcel D (containing 0.48 acres) will be offered for sale or gifted to the owner of the two parcels (APN #'s 105-29-021 & 022) immediately to the east of said Parcel D.

Traffic Analysis

Access to the site is provided by is taken from Parker Canyon Rd., the access road to Parker Canyon Lake, via Coronado Trail and Canelo Hills Trail. In fact, Canelo Hills Trail is a platted right-of-way that terminates at the subject parcel's east boundary. With the proposed re-zoning conditions, two new residential units would be allowed, rather than one. This will potentially result in an increased average trip generation estimate of 9.52 to 19.04 vehicle trips per day. Accordingly, this re-zoning would theoretically increase the potential traffic impacts on the roadway network slightly. While it would allow double the number of housing units than currently allowed under existing zoning, it is not likely to create new traffic circulation patterns or overburden the maintained access roadways.

County Maintenance of Roadway Network

This area has historically been maintained as primitive roads, most created in the timeframe of 1969-1975. The roads have rights of way that were dedicated to the public (i.e. Cochise County) with recordation of the Parker

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov



Cochise County Community Development

Highway and Floodplain Division

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INTEROFFICE MEMO

Date: January 24, 2018
To: Robert Kirschmann, Planner II
From: Teresa Murphy, Right-of-Way Agent
Subject: Z-18-02 (Coleville)

Background: The applicant is requesting a rezoning from RU-4 (Rural; one dwelling per 4 acres) to RU-2 (Rural; one dwelling per 2 acres). This request is to facilitate the creation of an additional lot. The subject parcel is 5.3 acres.

The subject parcel, APN 105-28-004B, is located on the north and south side of Canelo Hills Trail, west of Parker Lakeview Estates, in the community of Parker Lake. It is further described as being situated in Section 17 Township 23 South Range 19 East of the Gila and Salt River Base and Meridian, in Cochise County, Arizona. The applicant is Jim Coleville.

Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access via Highway 82, to Upper Elgin Road, to Elgin Canelo Road, to SR 83/Parker Canyon Road.
- Canelo Hills Trail is a County Maintained Road (MI #148) and is classified as Rural Minor Access.
- That portion of Canelo Hills Trail within Parker Lakeview Estates was dedicated to the public at a width of 50' in Book 4, of Maps and Plats, pages 92 & 92A. Right-of-way for the portion of Canelo Hills Trail that bisects the subject parcel has not been perfected.

Recommendation:

- Right-of-way dedication is not required for Canelo Hills Trail at this time. It is strongly recommended that the applicant establish the private easements referred to in the application as to not impede access once the parcel is split and sold off.

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floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov



***Cochise County Planning Department &
Fry Fire District***

**Joint Project Review Approval for Commercial Permits &
Subdivisions.**

Attn:

Date: January 9, 2018

Project Name: 18-02 (Coleville

Project Address: Parker Canyon Lake

Project Tax ID #: 105-28-004B

Scope of Project:

- ☒ **APPROVED**
- ☐ **APPROVED with CONDITIONS**
- ☐ **DENIED**
- ☐ **APPROVAL NOT REQUIRED**
- ☐ **FRY FIRE FEES PAID**

The Fry Fire District has no concerns regarding this project. Thank You.

**Respectfully,
Ed Shiver
Fire Marshal
Fry Fire District
4817 S Apache Ave
Sierra Vista AZ. 85650
Office: 520-378-2222
Cell: 520-559-0131
Email: pshiver@fryfiredistrict.com**

Rezoning Docket Z-18-02 (Coleville)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

It seems to make good sense aesthetically & physically. I own the parcel immediately adjacent to the north and plan to do the same thing. I hope Mr. Coleville will not oppose my zoning request forthcoming in the future.

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): David Gallaher

SIGNATURE(S): David Gallaher
Suzanne Gallaher

YOUR TAX PARCEL NUMBER: 105 250042 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **5 PM on Wednesday, January 24, 2018** to be included in the staff report to the Commission, and by **Thursday, February 15, 2018** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at rkirschmann@cochise.az.gov. Comments received after the January 24 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on **February 14, 2018 for the Planning and Zoning Commission and February 27, 2018 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket Z-18-02 (Coleville)

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

I have no objection.

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

(Attach additional sheets, if necessary)

PRINT NAME(S):

Linda M. Grant

SIGNATURE(S):

Linda M. Grant

YOUR TAX PARCEL NUMBER: 10529024 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 5 PM on Wednesday, January 24, 2018 to be included in the staff report to the Commission, and by Thursday, February 15, 2018 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at rkirschmann@cochise.az.gov. Comments received after the January 24 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on February 14, 2018 for the Planning and Zoning Commission and February 27, 2018 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

COCHISE COUNTY

JAN 27 2018

PLANNING

Rezoning Docket Z-18-02 (Coleville)

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

seems the road has already divided
the parcel. No brainer.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): John Wasser

SIGNATURE(S): John J Wasser

YOUR TAX PARCEL NUMBER: Lot 113 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 5 PM on Wednesday, January 24, 2018 to be included in the staff report to the Commission, and by Thursday, February 15, 2018 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at rkirschmann@cochise.az.gov. Comments received after the January 24 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on February 14, 2018 for the Planning and Zoning Commission and February 27, 2018 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket Z-18-02 (Coleville)

☒ **YES, I SUPPORT THIS REQUEST**

Please state your reasons:

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

DANA HEROLD

SIGNATURE(S):

Dana Herold

YOUR TAX PARCEL NUMBER:

10529095

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **5 PM on Wednesday, January 24, 2018** to be included in the staff report to the Commission, and by **Thursday, February 15, 2018** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at rkirschmann@cochise.az.gov. Comments received after the January 24 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on February 14, 2018 for the Planning and Zoning Commission and February 27, 2018 for the Board of Supervisors**. **NOTE:** Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

ZONING ORDINANCE 18-__

Re: Docket Z-18-02 Application of Jim Colville

Page 1

ZONING ORDINANCE 18-__

**AMENDING CERTAIN ZONING DISTRICT BOUNDARIES FROM RU-4
TO RU-2, PURSUANT TO THE APPLICATION OF JIM COLVILLE**

WHEREAS, A.R.S. § 11-814 allows property owners or their authorized agent to request amendments to the Zoning District boundaries through the Board of Supervisors in a public hearing; and

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

WHEREAS, Tax Parcel 105-28-004B was zoned in 1975 as RU-4; and

WHEREAS, the parcel is adjacent to a legal-nonconforming subdivision of 10,000 square-foot lots zoned RU-4; and

WHEREAS, the Applicant wishes to divide the subject parcel into 2 lots; and

WHEREAS, the rezoning will create a logical buffer between the legal non-conforming lots and larger conforming lots; and

WHEREAS, the requested zoning district is harmonious with the surrounding zoning districts; and

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

WHEREAS, the Board of Supervisors held a duly noticed public hearing on the amendments to the Zoning District boundaries proposed by Applicant Jim Colville; and

WHEREAS, the Board of Supervisors conditionally approved the request for a change in the Zoning District boundaries,

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

The zoning classifications for Tax Parcel 105-28-004B, as shown on the map attached to this Resolution as Exhibit A, is changed from RU-4 to RU-2. The property is located in the Parker Lake area in southwest Cochise County, AZ. The property is further described as being in Section 23 of Township 19 South, Range 17 East of the G&SRB&M in Cochise County, Arizona. The Board of Supervisors approves Docket Z-18-02 subject to the following conditions of approval:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning;
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. The parcel shall not be split into more than two parcels.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 27th day of February, 2018

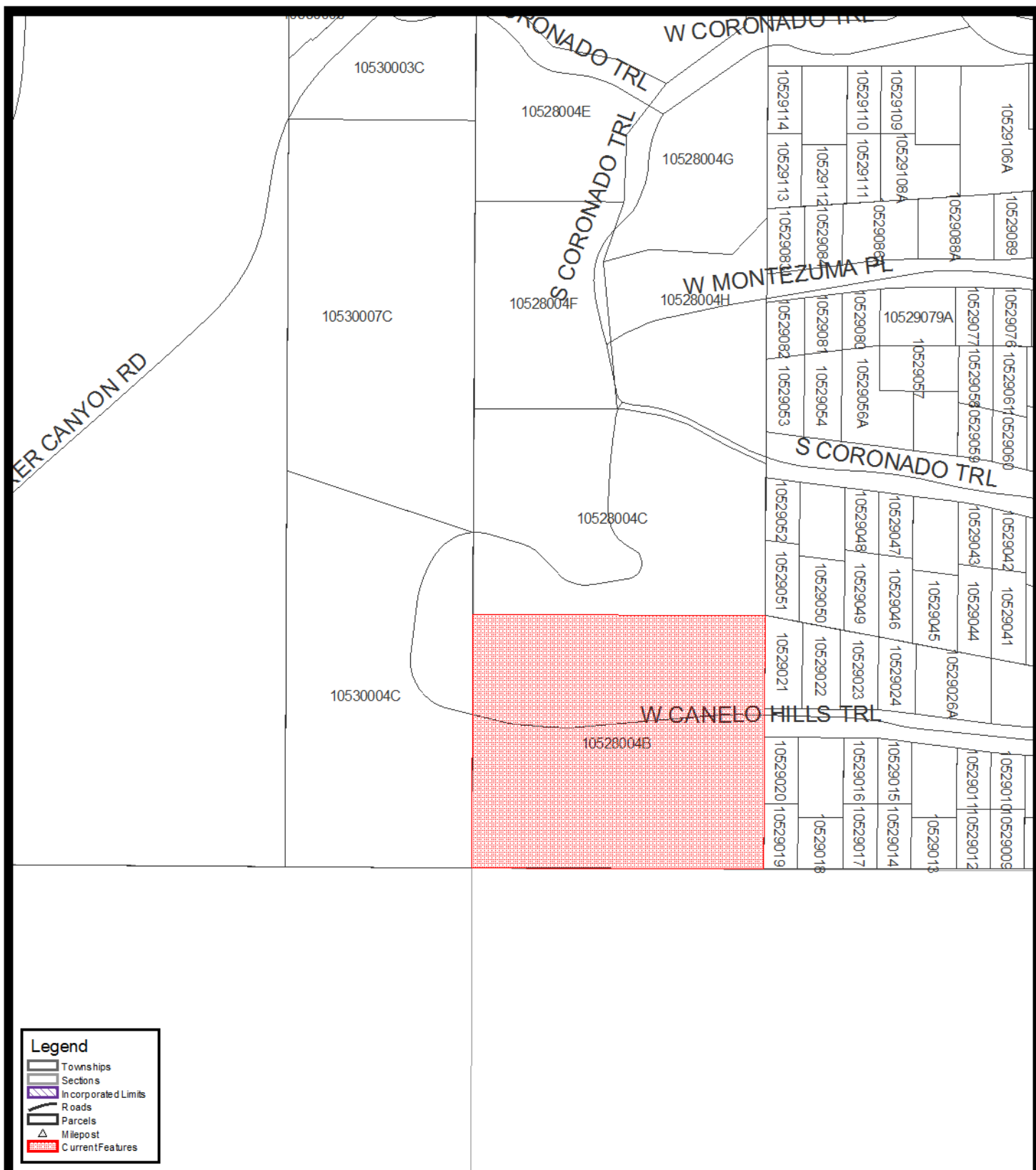
Ann English, Chair
Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Arlethe Rios,
Clerk of the Board

Britt Hanson,
Chief Civil Deputy County Attorney



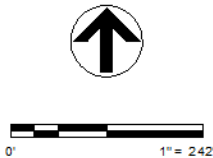
Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Parcels
- Milepost
- Current Features



Exhibit A

This map is a product of the Cochise County GIS Information Technology Dept.



COCHISE COUNTY

Z-18-02 (Colville)

A request to rezone from RU-4 to RU-2

Board of Supervisors
February 27, 2018



Public Programs...Personal Service

COCHISE COUNTY

Docket Z-18-02 (Coleville)

- The Applicant is requesting rezoning from RU-4 (Rural; one dwelling per four-acres) to RU-2 (Rural; one dwelling per two-acres) on a 5.30 acre parcel in the Parker Lake area.
- The parcel, 105-28-004B abuts the Parker Lakeview Estates subdivision. This subdivision is zoned RU-4, but as originally platted, the average lot size is less than 0.5 acres. The lots are legal non-conforming, but are at a much higher density than RU-4 or RU-2.
- The Applicant is Jim Colville.



COCHISE COUNTY

Location Map:



COCHISE COUNTY

Site Photos:



COCHISE COUNTY

Site Photos:



COCHISE COUNTY

Site Photos:



COCHISE COUNTY

Site Photos:



COCHISE COUNTY

Site Photos:



COCHISE COUNTY

Site Photos:

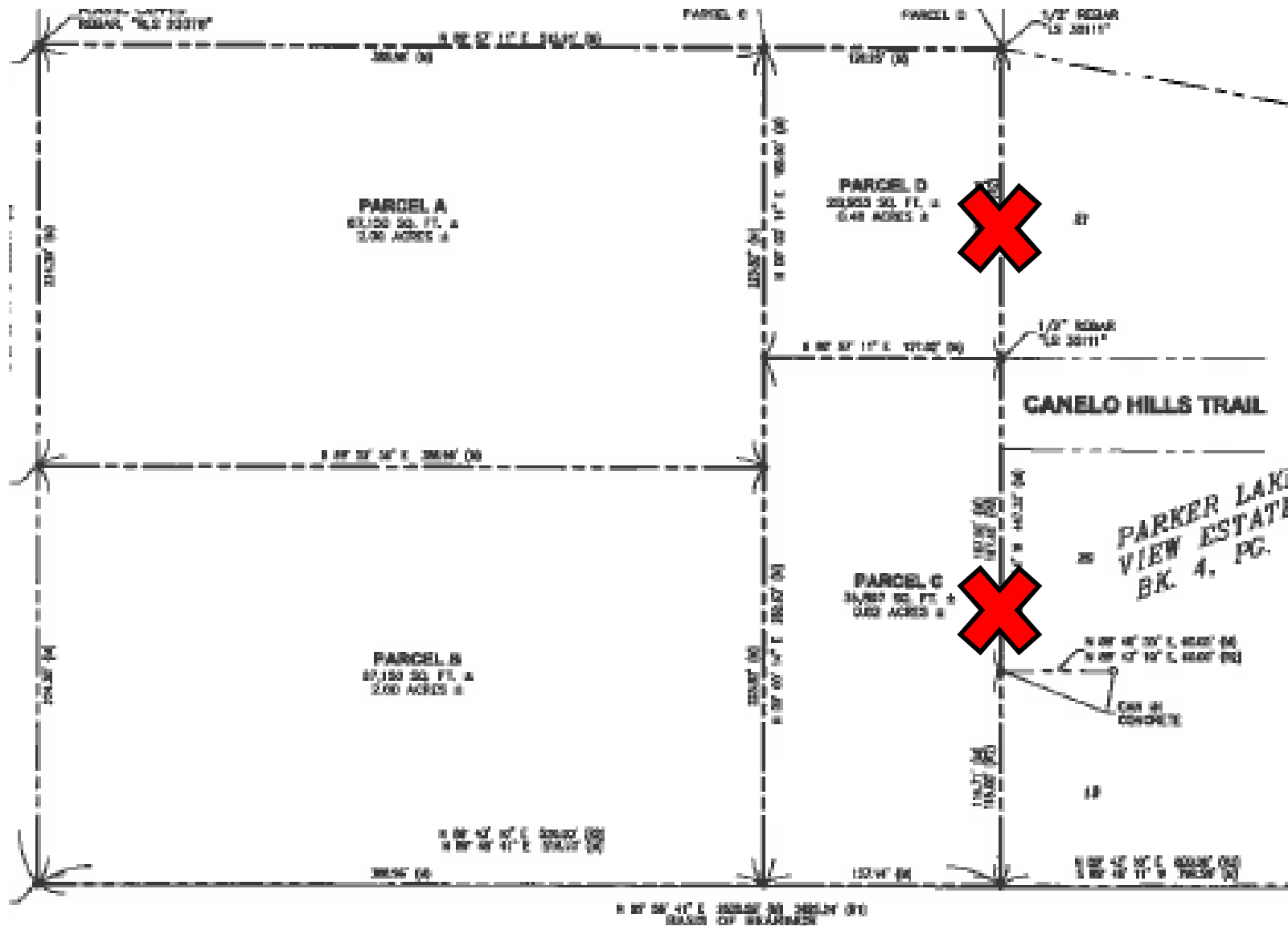


COCHISE COUNTY

Site Photos:



COCHISE COUNTY



COCHISE COUNTY



COCHISE COUNTY

Factors in Favor and Against Approving the Rezoning:

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area and create a buffer between the small subdivision lots and larger RU-4 zoned parcels;
2. The Comprehensive Plan policies prescribe a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and
3. Four letters of support have been received.

Factor Against Approval

1. A revised conceptual plan has not been provided to show how the parcels will ultimately be configured.



COCHISE COUNTY

Discussion:



COCHISE COUNTY

Based on the factors in favor of approval, staff recommends Conditional Approval of the Rezoning request, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. The parcel shall not be split into more than two parcels.



Regular Board of Supervisors Meeting**Meeting Date:** 02/27/2018

Z-18-01 (Pena) - A request to amend the Zoning of Parcels 408-23-013D & -013E from R-9 to GB

Submitted By: Peter Gardner, Community Development**Department:** Community Development**Division:** Development Services**Presentation:** PowerPoint**Recommendation:** Approve**Document Signatures:** BOS Signature Required**# of ORIGINALS** 1**Submitted for Signature:****NAME
of PRESENTER:** Peter Gardner**TITLE
of PRESENTER:** Planner I**Mandated Function?:** Not Mandated**Source of Mandate
or Basis for Support?:****Docket Number (If applicable):** Z-18-01 (Pena)**Information****Agenda Item Text:**

Adopt Zoning Ordinance 18-01 approving Docket Z-18-01 amending certain zoning district boundaries from R-9 (residential; one dwelling per 9,000 square feet) to GB (general business), pursuant to the application of Maby C. Pena and Ricardo Andres Pena Cruz.

Background:

The Applicant is requesting a rezoning from R-9 (Residential; one dwelling per 9,000 square feet) to GB (General Business). The request is to facilitate the construction of a Trucking Terminal. The subject parcels total 11.87 acres (516,857.16 square feet) in size.

The subject parcels, APN 408-23-013D & 408-23-013E, are located on the south side of E. Merritt Ave between N. I Ave and N. Sulphur Springs St in unincorporated Douglas. The Applicants are Maby C. Pena & Ricardo Andres Pena Cruz.

On Wednesday, February 4, 2018, the Planning and Zoning Commission voted 6-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff, as well as a modification to permit the existing homes to remain in place with non-conforming setbacks.

Department's Next Steps (if approved):

The Ordinance, Acceptance of Conditions, and Waiver will be recorded, and then Staff will update the official zoning map.

Impact of NOT Approving/Alternatives:

The parcels will retain the current zoning designation of R-9, and the site will not be developed as a truck terminal.

To BOS Staff: Document Disposition/Follow-Up:

Board Staff will have the Ordinance signed and recorded, and transmit a copy to Development Services for our records.

Budget Information*Information about available funds***Budgeted:** ☐**Funds Available:** ☐**Amount Available:****Unbudgeted:** ☐**Funds NOT Available:** ☐**Amendment:** ☐**Account Code(s) for Available Funds**

1:

Fund Transfers**Attachments**Staff Memo and AttachmentsPresentationOrdinanceOrdinance Exhibit A



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Board of Supervisors
THROUGH: Ed Gilligan, County Administrator
FROM: Peter Gardner, Planner I
FOR: Daniel Coxworth, AICP, Planning Director
SUBJECT: Docket Z-18-01 (Pena)
DATE: February 15, 2018 for the February 27, 2018 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from R-9 (Residential; one dwelling per 9,000 square feet) to GB (General Business). The request is to facilitate the construction of a Trucking Terminal. The subject parcels total 11.87 acres (516,857.16 square feet) in size.

The subject parcels, APN 408-23-013D & 408-23-013E, are located on the south side of E. Merritt Ave between N. I Ave and N. Sulphur Springs St in unincorporated Douglas. The Applicants are Maby C. Pena & Ricardo Andres Pena Cruz.

I. PLANNING & ZONING RECOMMENDATION

On Wednesday, February 14, 2018, the Planning and Zoning Commission voted 6-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff, as well as a modification to permit the existing homes to remain in place with non-conforming setbacks.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	11.87 acres (517,057 sq. ft.)
Current Zoning:	R-9 (Residential; one dwelling per 9,000 square feet)
Proposed Zoning:	GB (General Business)
Growth Area:	B – Community Growth Area
Plan Designation:	Developing
Area Plan:	None
Existing Uses:	Small Mobile Home Park/Vacant
Proposed Uses:	Truck Terminal/Storage Yard

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	County Maintained Road/R-9	E. Merritt Ave/Vacant
South	R-9/LI	Equipment Storage/Mobile Home Park
East	GC (City, General Commercial)	Freight Forwarder/Truck Terminal
West	R-9/GB	Single Family Residential/ Mobile Home Park/Warehouse

III. PARCEL HISTORY

A small mobile home park was established in 1973, and through lot splits is now spread over several parcels. The park occupies approximately one acre in the extreme west side of the property.

IV. NATURE OF REQUEST

The Applicant is requesting to amend the zoning of his 11.87-acre two parcel site west of incorporated Douglas from Residential to General Business to permit parking of trucks engaged in cross-border commerce.

The area surrounding the site is a mixture of residential, commercial, and industrial uses, with other similar trucking uses to the east. The site is bordered along the southeast edge by an ADOT owned wash. This wash is crossed by a bridge at the northeast corner of the property, immediately south of the intersection of E. Merritt Avenue and N. Sulphur Springs Street. There are multiple means of access to the site from Highway 80, of varying levels of appropriateness to heavy truck traffic.

V. ANALYSIS OF IMPACTS**Mandatory Compliance**

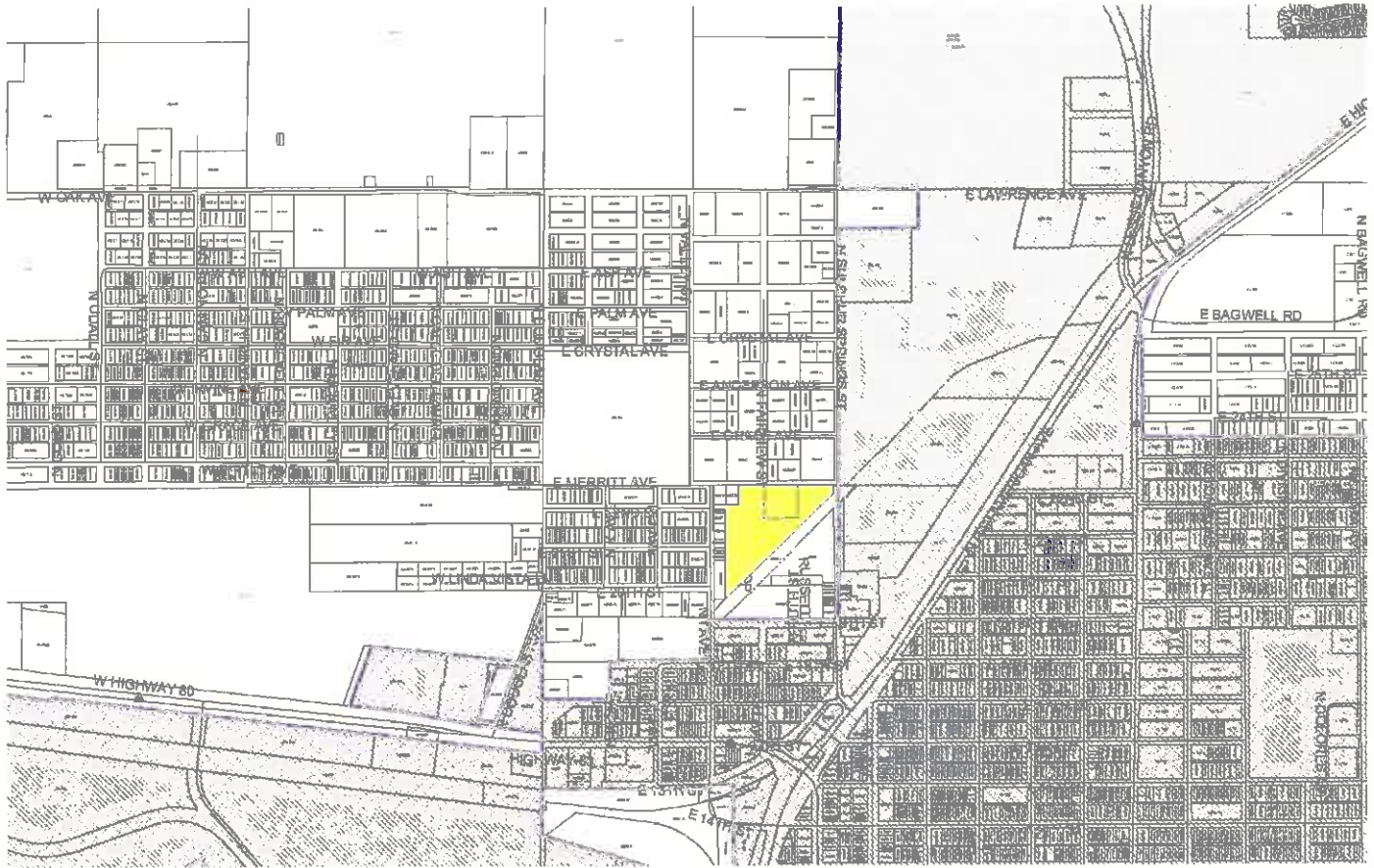
Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "B" Community Growth Area and is considered an "Development" area per the Comprehensive Plan. GB zoning is permitted in the Category "B," "Development" areas, therefore this request to rezone to GB complies with the Comprehensive Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Fourteen of the criteria are applicable to this request. Five of the factors are met as submitted, one factor is partially met, the other eight are met with conditions and modifications.

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

The Applicant intends to construct a truck storage yard, a use considered Trucking Terminal. At the commercial permit phase, a full site plan will be required, but the submitted concept plan does show that all required site development standards for the yard may be met.

*Location Map***2. Compliance with Applicable Site Development Standards: Complies**

As noted above, all applicable site development standards may be met. Setbacks will be increased on all sides; however, the site is large enough to accommodate this increase.

3. Adjacent Districts Remain Capable of Development: Complies

The proposal would not affect the development prospects of any neighboring properties. Much of the surrounding area is developed, and the parcel to the southeast is a wash controlled by ADOT that will not be developed. The parcels to the north are currently undeveloped, but this request will not preclude or limit their developments.

4. Limitation on Creation of Nonconforming Uses: Complies with Modification

If approved, the rezoning will cause the mobile homes on the west side of the property to become non-compliant with setbacks to the west. The required setback will increase from 10 feet to 40 feet. As the structures are residences and abut other residential uses, Staff recommends a modification to permit the homes to remain in place along with any potential replacement units, but any non-residential uses must meet the new setback requirements.

5. Compatibility with Existing Development: Complies

The site will abut existing commercial and industrial zonings and uses. It will also abut residential zoning districts; however, those areas already abut or are in close proximity to the existing commercial and industrial zoning districts.



Looking southwest at the site, showing the abutting warehouse

6. Rezoning to More Intense Districts: Complies with Conditions

As noted above, the proposed zoning is a reasonable extension of existing commercial and industrial zoning districts. In addition, the large area of the site permits the use to be situated away from the west side of the property, close to the residential areas. The subject site also has residences which will benefit from this orientation.

7. Adequate Services and Infrastructure: Complies with Conditions

The site has existing electric, gas, water, and sewer service. Pirtleville Fire provides fire service, with support from the Douglas Fire Department.

Staff does have concerns about traffic that will also be addressed in the next point. There is a bridge on N. Sulphur Springs Street crossing the previously referenced wash, immediately south of the intersection with E. Merritt Avenue. Previous County Engineers have expressed concerns about the integrity of this bridge. Increasing the amount of heavy truck traffic over this bridge, coupled with the turning movements that the trucks would make while still on the bridge have the potential to negatively impact the structure of the bridge. Staff would recommend that truck traffic be routed around the bridge.



The residences along the west side of the property.

8. Traffic Circulation Criteria: Complies with Conditions

This rezoning request has the potential of routing truck traffic through residential streets. There are three potential access routes to the property. The first runs along N. Sulphur Springs Street, which as noted above, crosses a bridge that may not be adequate for the proposed use. The second runs along N. I Avenue, which would route the truck traffic through several blocks of a residential neighborhood, including homes and public parks. Both routes require turning movements with sharp radii that trucks may have difficulty navigating. The third route exits Highway 80 onto N. Leslie Canyon Road, then east onto E. Lawrence Avenue, then south onto N. Sulphur Springs Street. The route is primarily commercial, industrial, and government uses. It avoids the bridge, residential areas, and corners which may be difficult for trucks to navigate.

9. Development Along Major Streets: Complies with Conditions

If the route suggested above is used, it directs traffic on and off Highway 80 at an intersection with a signal rather than at narrow, unsignalled side streets.



The bridge on N. Sulphur Springs Street.

10. Infill: Partially Complies

Rezoning to General Business are encouraged to be located in areas designated as Enterprise or Enterprise Redevelopment to discourage sprawl.

This site is within a designated Developing Area, which is a catchall designation for mixed use areas such as this. The proposal does not alter the overall pattern of development in the area, and may push towards a re-designation of the area as Enterprise.

11. Unique Topographic Features: Complies with Conditions

While there are no applicable features on the site, it does immediately abut a major wash along the southeast edge. Setbacks from the wash will be enforced at commercial permitting. Most of the site is also located in the designated flood plain, and the appropriate regulations will also apply during permitting.

12. Water Conservation: Complies with Conditions

Upon commercial permitting, all applicable regulations will require compliance.



The wash.

13. Public Input: Complies

The Applicant completed a Citizen Review and received no response. Staff mailed notices to neighboring property owners within 1,000 ft. of the subject property on January 4, 2018. Staff posted the property on January 30, 2018 and published a legal notice in the *San Pedro Valley Sun-News* on January 24, 2018. Two responses in support and five in opposition were received. The letters in opposition cited concerns about traffic on Highway 80 at N. I Avenue and N. Sulphur Springs Street, traffic through the residential area, noise, fumes, privacy, dust, the existing conditions of the residential areas. The proposed route will prevent traffic from impacting at least three of the four properties in question. The existing requirement for solid screening, along with locating the use away from the residences to the west will mitigate the noise, fumes, and privacy concerns.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Comprehensive Plan: Complies

The subject property lies within a Category "B"-- Community Growth Area and is considered an "Development" area per the Comprehensive Plan. This designation is intended to include area with mixed uses until a clear pattern of development occurs. This request would push towards a designation of Enterprise.

The proposal is also supported by the Economic Development element of the Comprehensive Plan, by creating new employment and trade opportunities.

VI. PUBLIC COMMENT

In response to County mailings, the Planning Department has received two responses in support and five in opposition.

VII. SUMMARY AND CONCLUSION

The request is for a rezoning, from R-9 (Residential; one dwelling per 9,000 sq. ft.), to GB (General Business) on an 11.87-acre parcel located northwest of incorporated Douglas. At this time, the area is characterized by mixed land uses, tending towards commercial and light industrial to the east and south, and residential to the west. The Applicant proposes to use the site for truck storage. The Cochise County Comprehensive Plan designates the site as Developing, which permits for future residential or commercial growth as appropriate prior to re-designation as Enterprise or Neighborhood Conservation.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. The Comprehensive Plan policies prescribe Developing areas to grow towards build-out. This request would infill a large undeveloped area, indicating the direction of future development;
3. The request will continue an existing effort to replace and revitalize distressed or vacant properties with conforming development;
4. Two letters of support have been received.

Factors Against Approval

1. The rezoning will create a land use with more neighborhood impacts than would be permitted under the existing zoning; and
2. There is a potentially unsound bridge along one potential access route to the site; and
3. Five letters of opposition have been received

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from R-9 (Residential; one dwelling per 9,000 sq. ft.) to GB (General Business) on an 11.87-acre parcel located on the south side of E. Merritt Avenue between N. I Avenue and N. Sulphur Springs Street in unincorporated Douglas to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions and Modifications:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. The Applicant shall direct truck traffic along the route designated above.

Modification - The existing homes may maintain a ten-foot setback from property lines.

VIII. ATTACHMENTS

- A. Application
- B. Location Map
- C. Agency Comment Memos
- D. Public Comment



Cochise County
Community Development
 Planning, Zoning and Building Safety Division

Public Programs...Personal Service
 www.cochise.az.gov

COCHISE COUNTY REZONING APPLICATION

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

1. Applicant's Name: MARY C. PENA & RICARDO ANDRES PENA CRUZ

2. Mailing Address: 3246 N. LINCOLN AVE

DOUBLAS AZ 85607
 City State Zip Code

3. Telephone Number of Applicant: 520-227-6481

4. Telephone Number of Contact Person if Different: RAUL ENRIQUEZ 520-358-6100

5. Email Address: rckypc@hotmail.com

6. Assessor's Tax Parcel Number: 408-23-013E⁵ (Can be obtained from your County property tax statement)
408-23-013D6

7. Applicant is (check one):

- Sole owner: ☒
- Joint Owner: _____ (See number 8)
- Designated Agent of Owner: _____
- If not one of the above, explain interest in rezoning: _____

7. If applicant is not sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): _____

8. If applicant is not sole owner, indicate which **notarized** proof of agency is attached:

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

- If corporation, corporate resolution designating applicant to act as agent: _____
- If partnership, written authorization from partner: _____
- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: ✓
- Copy of title report: _____
- Copy of tax notice: _____
- Other, list: _____

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

- Yes _____ No ✓

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

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

13. Indicate existing Zoning District for Property: R-9

14. Indicate proposed Zoning District for Property: GB

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

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

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

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

17. Describe all structures already existing on the property: NONE

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: _____

COMMERCIAL TRUCK PARK

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

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

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

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

MERRITT AVE ENTRANCE LOCATED
NORTH OF PROPERTY

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

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

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	CITY OF DOUGLAS	
Sewer/Septic	CITY OF DOUGLAS	
Electricity	APS	
Natural Gas	SWG	
Telephone		
Fire Protection	DOUGLAS & PIRILE VILLE FIRE	

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

THIS PROPERTY IS NEAR OR ABUTS A LI ZONE
TO THE EAST, GB ZONING AREAS TO THE WEST
TRUCK TERMINAL, ARI-MEX COMMERCIAL LAND TO
THE EAST, MOBILE HOME PARK TO THE SOUTH

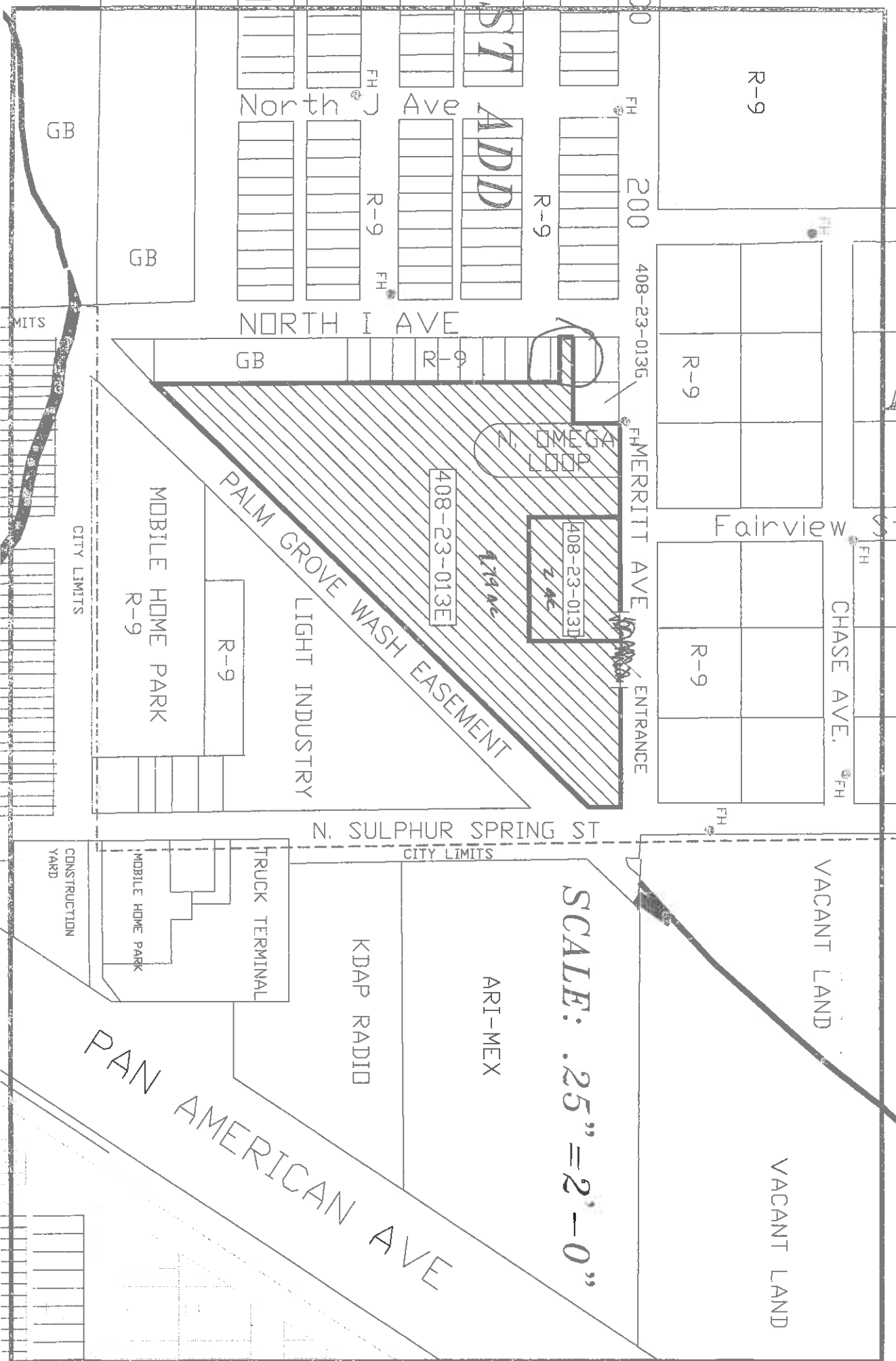
25. AFFIDAVIT

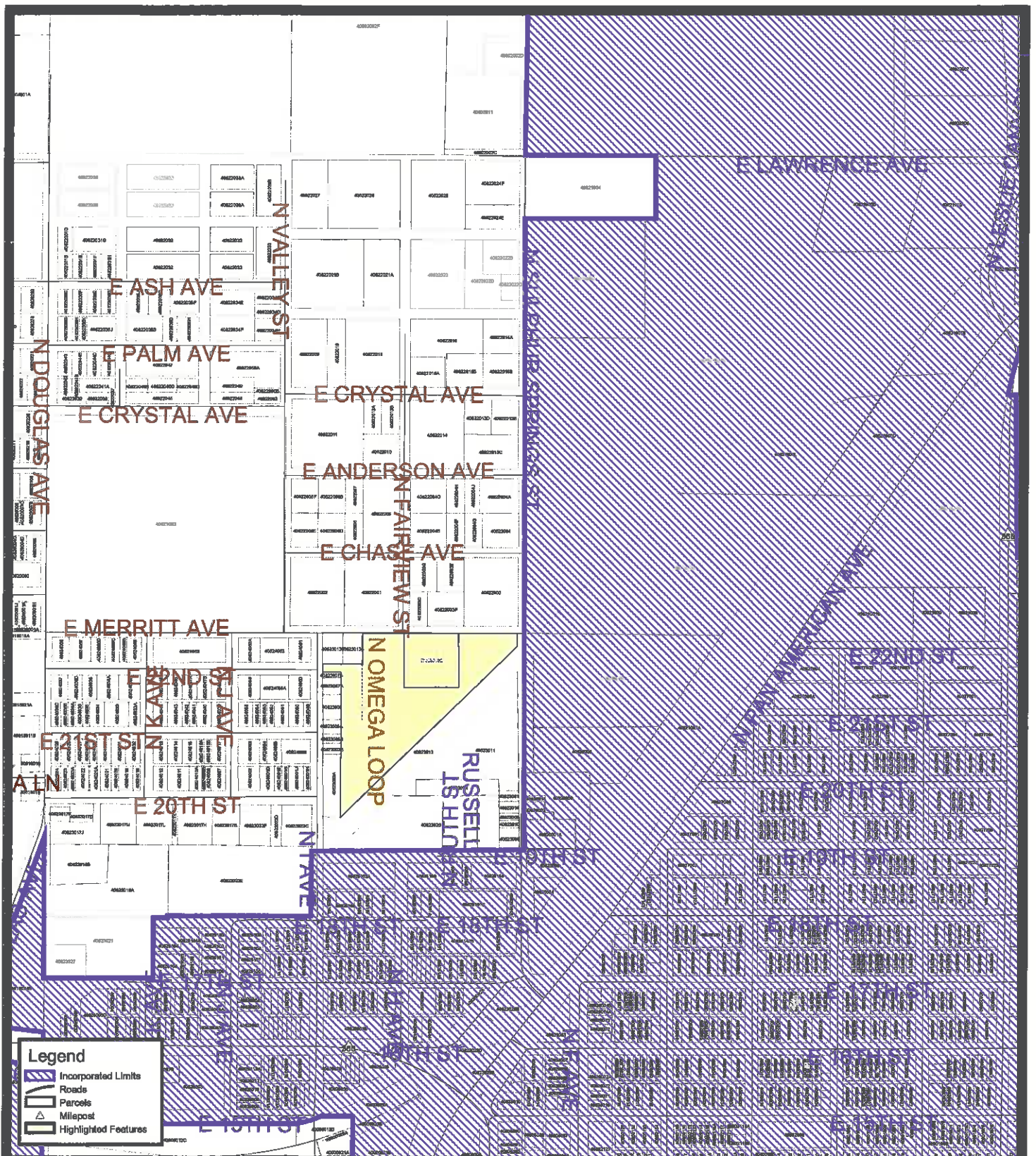
I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the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

Applicant's Signature: Nancy C. Peña

Date: 12/18/17

CONSENT SIGNATURE FORM





Z-18-01
(Pena)

This map is a product of the
Cochise County GIS
Information Technology Dept.



0' 1" = 740'

Rezoning Docket Z-18-01 (Pena)

☒

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Yes I do support this I am also a
business woman and support local businesses
to help our economical growth

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

SIGNATURE(S):

Melissa Salcido

YOUR TAX PARCEL NUMBER: 408-23-017H (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **5 PM on Wednesday, January 24, 2018** to be included in the staff report to the Commission, and by **Thursday, February 15, 2018** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the January 24 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on February 14, 2018 for the Planning and Zoning Commission and February 27, 2018 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket Z-18-01 (Pena)

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

This property is vacant, and this is a good idea to put it to good use. Plus I am hoping it will give work to some people.

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

(Attach additional sheets, if necessary)

PRINT NAME(S):

CERES LINDA BROWN

SIGNATURE(S):

Ceres Linda BROWN

YOUR TAX PARCEL NUMBER: 40324051 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **5 PM on Wednesday, January 24, 2018** to be included in the staff report to the Commission, and by **Thursday, February 15, 2018** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the January 24 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on February 14, 2018 for the Planning and Zoning Commission and February 27, 2018 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

COCHISE COUNTY

JAN 16 2018

PLANNING

Gardner, Peter B

From: Elsa Rose <elsarose2002@yahoo.com>
Sent: Thursday, February 01, 2018 5:57 AM
To: Gardner, Peter B
Subject: Docket z-18-01 Pena

Hello Mr. Gardner

My name is Elsa Rose and I reside at 340 E Chase Ave Douglas Arizona.

I do not support this request for rezoning...

I am not in favor of the additional traffic this will in pose on the neighborhood...

The additional noise and pollution is also a concern..

I am also concerned what this will do to the property values in our area... Most of us have lived in the area for many years and enjoy our quiet community..

The traffic and the damage to our road caused by the trucking company that is in our neighborhood already is bearily tolerable, one tucking company at my front door is more than enough.

Thank you for your consideration.

Best regards,

Elsa Rose

Try the top-rated email app

Rezoning Docket Z-18-01 (Pena)

 YES, I SUPPORT THIS REQUEST

Please state your reasons:

X

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

There is already a great deal of traffic at the intersection of Pan American Ave, N. Sulfur Springs Rd, 6th Street and the entrance to the Credit Union. There have been several accidents between these vehicles making a left turn to the Credit Union and those exiting Sulfur Springs Rd to enter Pan American. Residents on 17th Street are elderly + handicapped and often find it hard to cross the street. Extra traffic from a trucking company would be detrimental to our neighborhood.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Trudy Barraza

SIGNATURE(S):

Trudy Barraza

YOUR TAX PARCEL NUMBER: 40825145 (the eight-digit identification number found on the tax statement from the Assessor's Office) 40825146

40825147 408

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 5 PM on Wednesday, January 24, 2018 to be included in the staff report to the Commission, and by Thursday, February 15, 2018 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the January 24 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on February 14, 2018 for the Planning and Zoning Commission and February 27, 2018 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket Z-18-01 (Pena)

☐ YES, I SUPPORT THIS REQUEST

Please state your reasons:

☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

My wife and I are concerned about noise. Trucks are not quiet. People loading and unloading trucks are not quiet.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Bruce E. Skippar / Ann M. Skippar

SIGNATURE(S):

Bruce E. Skippar
Ann M. Skippar

YOUR TAX PARCEL NUMBER: 40825141 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 5 PM on Wednesday, January 24, 2018 to be included in the staff report to the Commission, and by Thursday, February 15, 2018 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the January 24 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on February 14, 2018 for the Planning and Zoning Commission and February 27, 2018 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Rezoning Docket Z-18-01 (Pena)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons:

✓ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

- my concerns are the following
- 1- Fumes: No matter how New truck are I'm sure they blow fumes out of the pipes
 - 2- Noise: are truck just going to be parked or left on Running? Time Periods?
 - 3- Dust: what method is being used to keep dust on the floor?
 - 4- Privacy: Just behind my back yard, which side of parcel are trucks going to be parked at?
 - 5- What's behind my Back yard Alley/Street or Pen's Property? because it's full of trash & our sewer line runs through there.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Betty Grijalva

SIGNATURE(S):

Betty Grijalva

YOUR TAX PARCEL NUMBER:

408-23-006

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 5 PM on Wednesday, January 24, 2018 to be included in the staff report to the Commission, and by Thursday, February 15, 2018 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the January 24 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on February 14, 2018 for the Planning and Zoning Commission and February 27, 2018 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO:

Peter Gardner, Planner I
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

22 January 2018

Chochise County Community Development
Planning, Zoning and Building Safety Division
Bisbee, Arizona 85603

Dear Mr. Gardner, Planner 1

Regarding Docket Z-18-01 (Pena)

I will not be able to attend the public meeting on February 27 since I live in California. Unfortunately, I'll be in Douglas the week before the meeting. Since the meeting is in Bisbee, I doubt it if people would attend. More power for Pena. I'm opposing for this request. It's unbelievable that another trucking wants to be in our area. This area is becoming GHETTO! Instead of improving this residential area you are allowing another trucking company. I've been living in this area since 1960 and this area was beautiful once upon a time. Now there are trailers which are not kept well it's a disgrace and eye sore. Why can't they have a trucking business outside of our town. For example, around the highway for the prison is. This suppose to be a residential area, right? Just because we are outside the city limits people are taking advantage of taking over our residential area with trucking companies.

I'm pleading that you take a second thought and stop this process. I bet you wouldn't allow this to happen in your residential area. Probably not! Enough is enough with these eye soring trucking businesses. Let's us beautify our area!!

On 20th and K there is a trucking company an another one down the street, which I didn't get a letter to authorize this. Have you been there to check it out. Also on 21st Street and K there is a rental area with lots of cars in there lots. It would be appreciated if you check these areas out. I will try and email you those pictures.

Sincerely,
Yolanda Schroeder (yolandaschroeder@gmail.com)
2410 Aviation Blvd., Redondo Beach, CA 90278



Cochise County
Community Development
Highway and Floodplain Division
Public Programs...Personal Service
www.cochise.az.gov

INTEROFFICE MEMO

Date: January 24, 2018
To: Peter Gardner, Planner I
From: Teresa Murphy, Right-of-Way Agent
Subject: Z-18-01 (Pena)

Background: The applicant is requesting a rezoning from r-9 (residential; one dwelling per 9,000 square feet) to GB (General Business). The request is to facilitate the construction of a Trucking Terminal. The subject parcel s total 11.87 acres (516,857.16 square feet) in size.

The subject parcels, APN 408-23-013D & 408-23-013E, are located on the south side of E. Merritt Avenue between N. I Avenue and N. Sulphur Springs Street in unincorporated Douglas. They are further described as being situated in Section 12 of Township 24 South, Range 27 East of the Gila and Salt River Bas and Meridian, in Cochise County, Arizona. The Applicants are Maby C. Pena and Ricardo Andres Pena Cruz.

Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access via Highway 80, north on N. I Ave, east on E. Merritt Ave, on south side
- Merritt Ave is a County Maintained Road (MI #621) and is classified as a County Collector Road, right-of-way widths between 80' and 100'.
- An undetermined portion of Merritt Ave was dedicated to the public as shown on the map entitled Fairview Addition to Douglas, recorded in Book O of Maps and Plats, page 29.

Recommendation:

- Further right-of-way dedication for Merritt Road is requested at this time. Minimum right-of-way for a County Collector Road is 80'. County staff is able to prepare dedication documents for the right-of-way along the North boundary of the subject parcels.

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov



Cochise County Community Development

Highway and Floodplain Division

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

Date: January 24, 2018
To: Peter Gardner, Planner 1
From: Dennis L. Donovan, P.E., Civil Engineer III for Karen L. Lamberton, AICP, County
Transportation Planner
Subject: Pena Re-Zoning/Z-18-01/Parcel #'s 408-23-013D & 408-23-013E

This re-zoning request proposes changing the approximately 11.87 acre property's zoning designation from R-9 (Residential with one dwelling unit per 9,000 square foot) to GB (General Business.) The Applicants, Maby C. Pena & Ricardo Andres Pena Cruz, indicate a "Commercial Truck Park" as the proposed use if the re-zoning request is approved. Currently the land is mostly vacant with four mobile homes in the extreme northwest corner. Access to the site is from E. Merritt Avenue (Ave.) via N. Sulphur Springs St. and North I Ave. The City of Douglas Jurisdictional (City) Limits are nearby and even touching the site at the northeast corner.

Transportation Analysis

Current zoning would allow for 57 single family residential dwelling units, which is Land Use Code 210 in the ITE Trip Generation 9th Edition manual used for estimating vehicular traffic impacts on the surrounding roadway system. Among many uses, the proposed GB Zoning designation would allow for an Intermodal Truck Terminal under Land Use Code 30 of the ITE manual spread over 11.87 acres. Trip generation estimates for the current and proposed land uses on this site shows the following:

1. For the parcel's land size of 516,857 sf and current zoning allowing one unit per 9,000 sf, there is potential for 57 dwelling units. For a total of 57 single family detached residences, the average vehicular trips per day is just under 543 – about 271 vehicles in and out of the site on an average daily basis. The typical range is estimated to be 245.7 to 1,245.5 trips per day. The peak one-hour average rate in the AM is potentially 43.9 and the peak in the PM is potentially 58.1 average trips in one hour.
2. Average vehicle trips per day (vtpd) for the proposed use in a GB Zone as a Truck Terminal on 11.87 acres is estimated to be 972.15. That potential estimated vehicle trips per day of 972 is about nearly double (1.8 times as many vtpd than average for the residential use. The range is 786.6 to 1,188.0 vehicle trips per day, and the peak one-hour estimated trips could be 91.4 in the AM and 85.9 in the PM.

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Bisbee, Arizona 85603
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floodplain@cochise.az.gov

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Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Other than the high end range of estimated vehicle trips per day for 57 single family detached dwelling units at 1,245, compared to high end of the truck terminal use range of 1,188, there is an expectation of increased vehicle trips in and out of the site under the proposed zoning designation with a truck terminal as a principal use.

Off-Site Impacts

The off-site impacts on the surrounding street system could be quite significant considering the size, weight, off-tracking turning movements, etc. of trucking operations. The bridge structure for the drainage channel owned by ADOT at the Sulphur Springs Rd. crossing is old, of questionable structural adequacy, and potentially in need of replacement. This bridge structure is near the northeast corner of the site and in all probability within the major traffic circulation pattern for the proposed use.

Advisory Note for the Applicant

The Applicant is strongly encouraged to review the Commercial Permit Application and Questionnaire materials for Transportation related requirements now, so as to proceed with the proposed re-zoning request in an informed manner. A Traffic Impact Analysis is likely to be required if the scale of development maximizes the site potential.

A Commercial Permit application for the building(s) and site work will require the applicant to provide a detailed layout of the site showing the location and details for all proposed driveways that will serve the site. Additional information regarding traffic, including construction impacts, will be asked on the Commercial Permit Application and traffic circulation and parking will be reviewed for adequacy at that time.

Recommendation

The proposed use, or alternative land uses could potentially have a significant impact on the existing localized streets and local transportation infrastructure in the area. However, the site's close proximity to State Highway 80, US Highway 191, and Pan American Highway and the general mix of commercial, light industrial and residential uses in the immediate area are generally compatible with the proposed re-zoning request. Transportation Planning has no objection to the re-zoning, but advises the Applicant that the impact on the area's vehicular and multi-modal transportation system may require on and/or off-site mitigation.

COCHISE COUNTY

Z-18-01 (Pena)

A request to rezone from R-9 to GB outside
incorporated Douglas

Board of Supervisors
February 27, 2018



Public Programs...Personal Service

COCHISE COUNTY

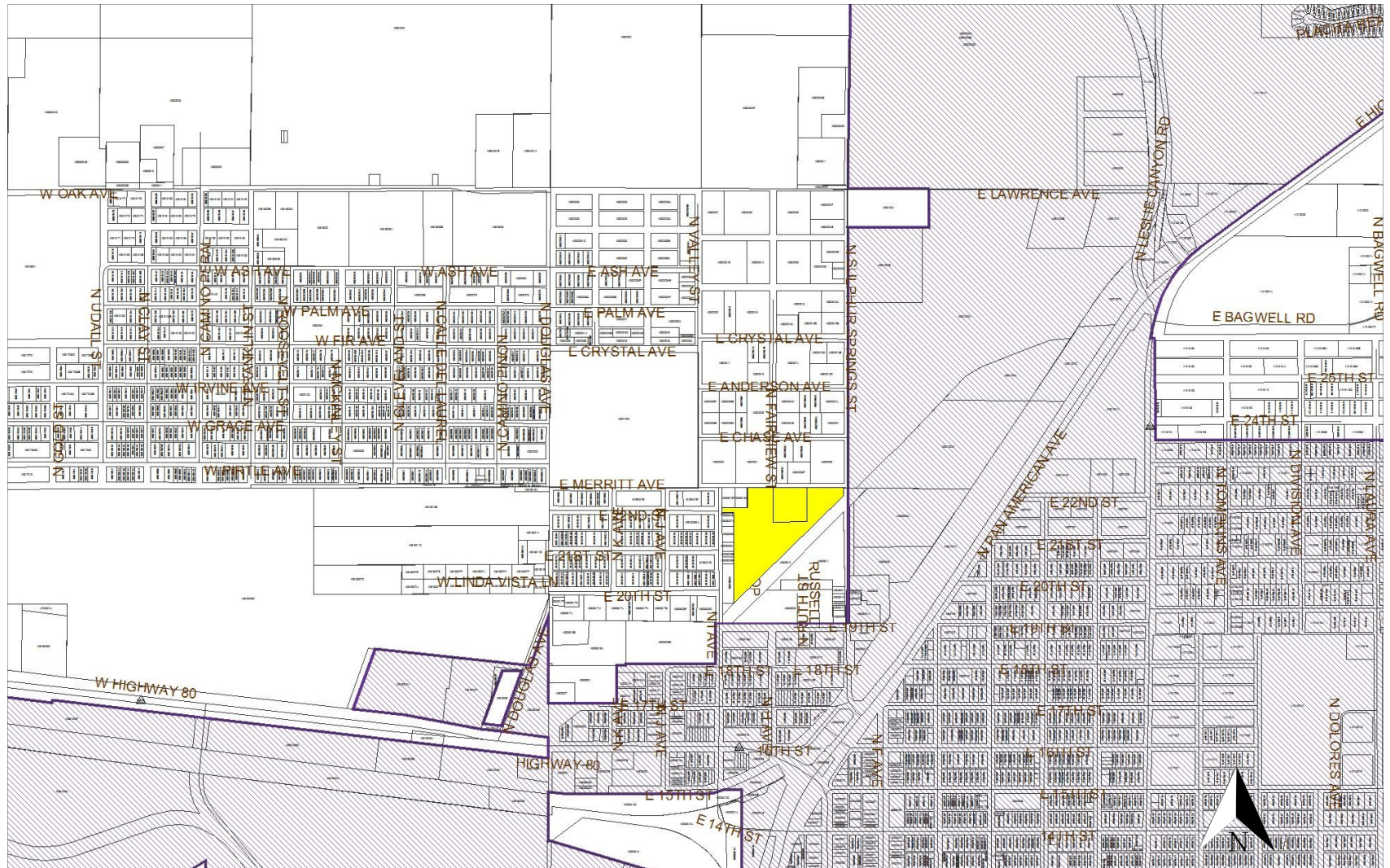
Docket Z-18-01 (Pena)

- The Applicant is requesting rezoning from R-9 (Residential; one dwelling per 9,000 square feet) to GB (General Business) on a 11.87 acre site northwest of Douglas to permit construction of a trucking terminal for cross border commerce.
- The parcels, 408-23-013D/E, are located on E. Merritt Ave, between N. I Ave and N. Sulphur Springs Street.
- On February 14, 2018, the Planning & Zoning Commission voted 6-0 to forward the docket with a recommendation of Conditional Approval, including a modification to site development standards to permit the existing homes to remain in their present locations, which will be rendered non-conforming regarding setbacks from the west property line.
- The Applicants are Maby C. Pena & Ricardo Andres Pena Cruz.



COCHISE COUNTY

Location Map:



COCHISE COUNTY

Site Photos:

The site



COCHISE COUNTY

Site Photos:



COCHISE COUNTY

Site Photos:

The wash bordering the site



COCHISE COUNTY

Site Photos:



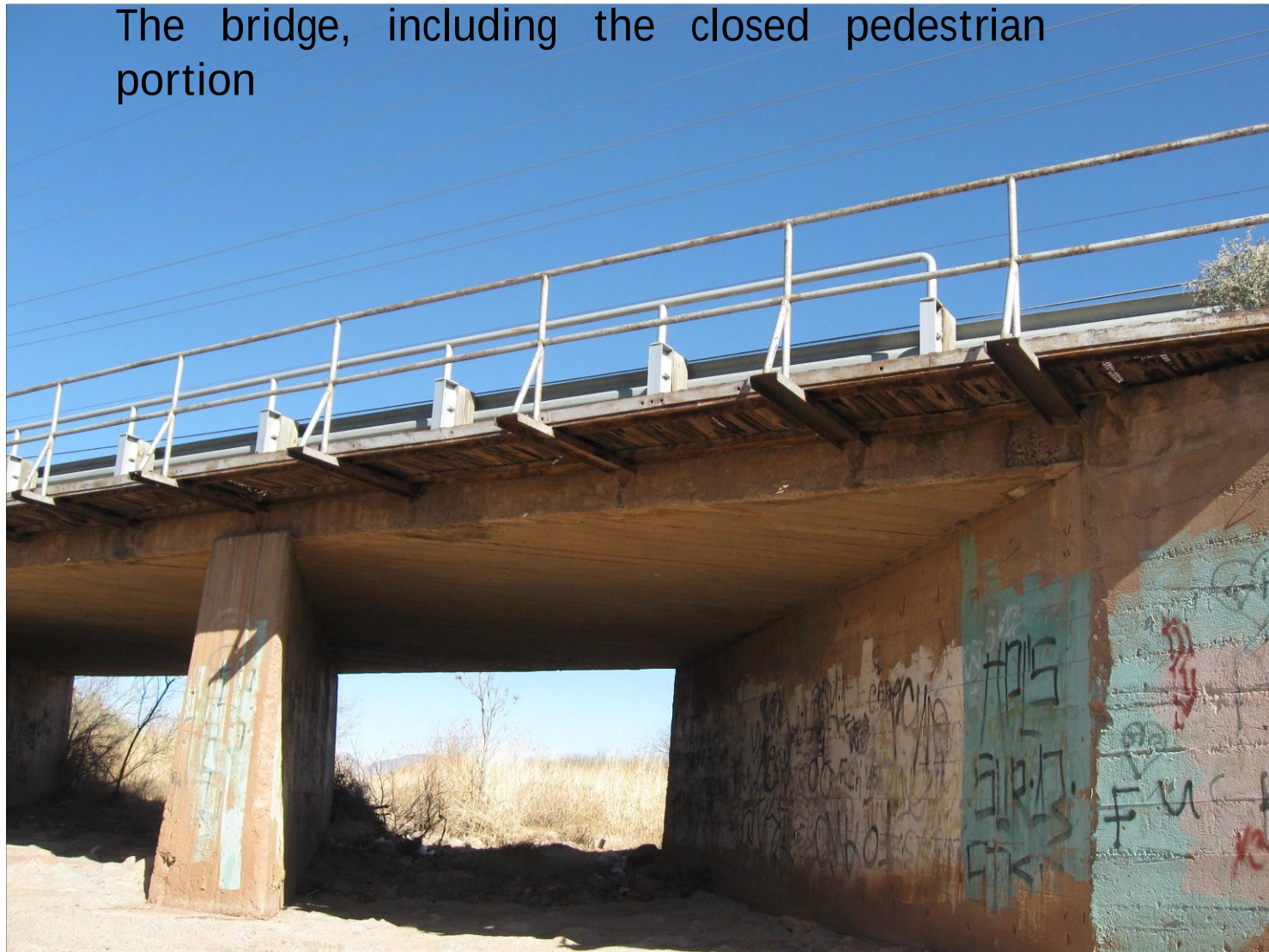
COCHISE COUNTY

Site Photos:



COCHISE COUNTY

Site Photos:



COCHISE COUNTY

Site Photos:

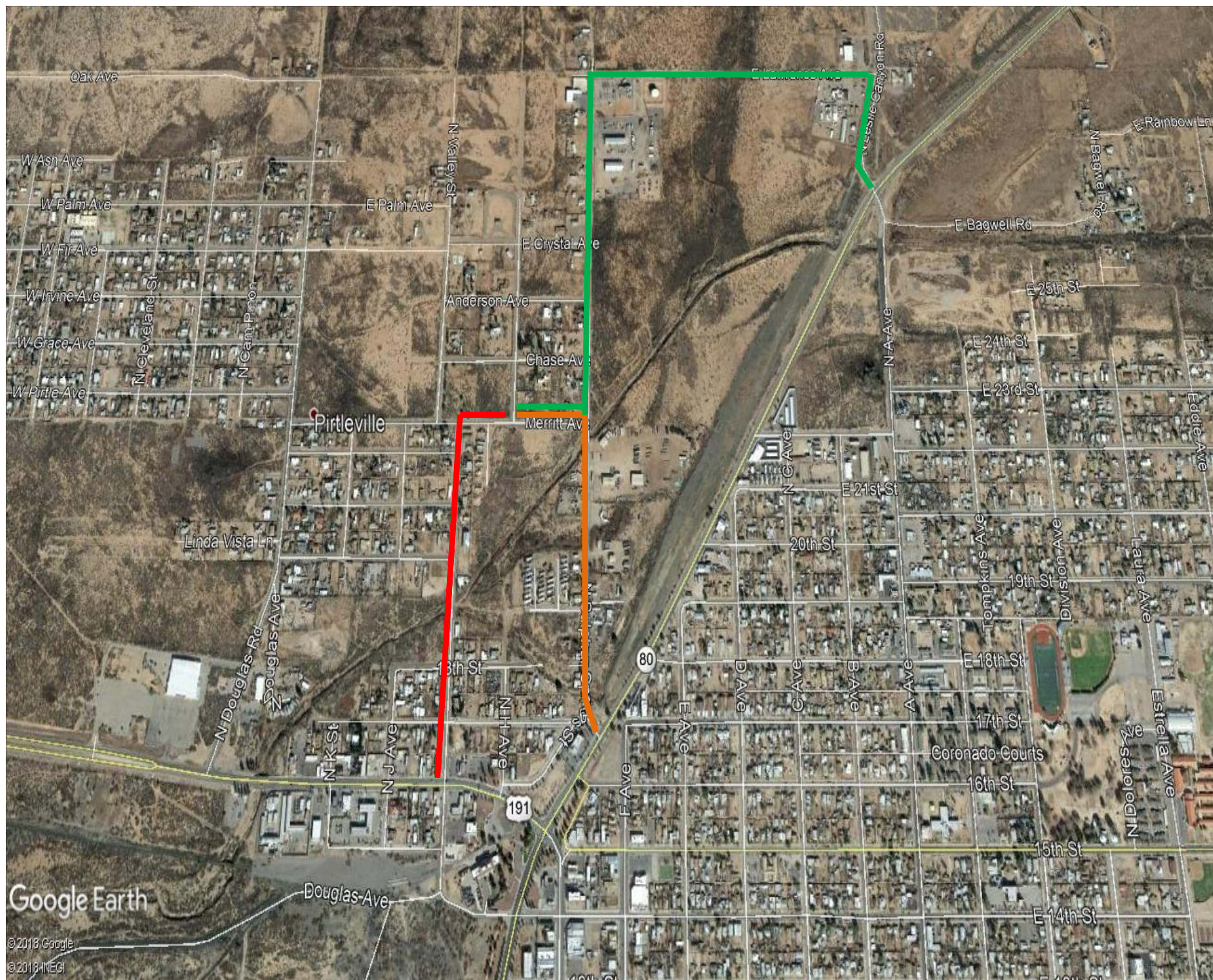
Pedestrian portion closed due to damage



COCHISE COUNTY

Site Photos:





COCHISE COUNTY

Factors in Favor of Approving the Rezoning:

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. The Comprehensive Plan policies prescribe Developing areas to grow towards build-out. This request would infill a large undeveloped area, indicating the direction of future development;
3. The request will continue an existing effort to replace and revitalize distressed or vacant properties with conforming I development;
4. Two letters of support have been received.



COCHISE COUNTY

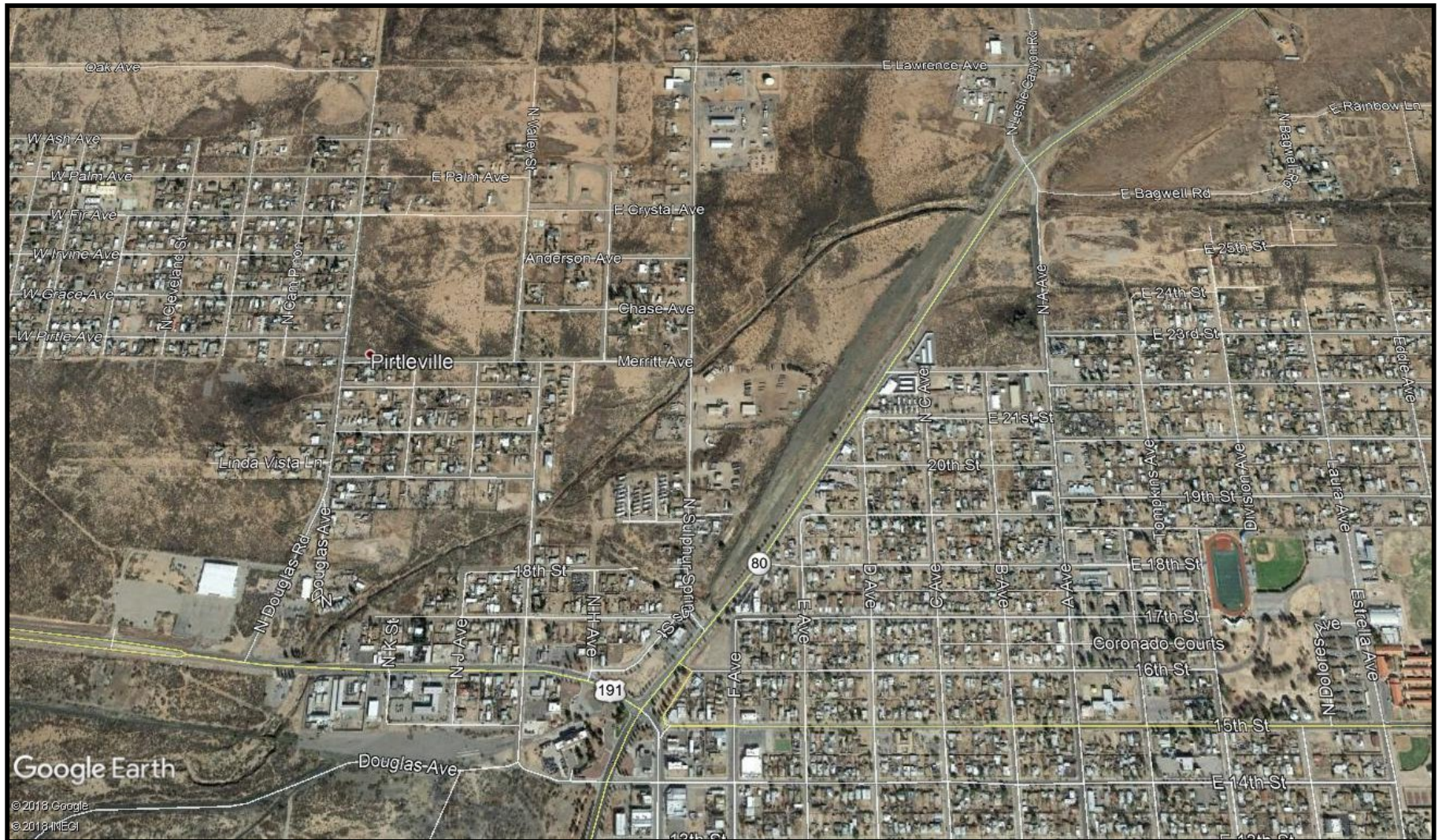
Factors Against Approving the Rezoning:

1. The rezoning will create a land use with more neighborhood impacts than would be permitted under the existing zoning; and
2. There is a potentially unsound bridge along one potential access route to the site; and
3. Five letters of opposition have been received



COCHISE COUNTY

Discussion:



COCHISE COUNTY

Based on the factors in favor of approval, staff recommends Conditional Approval of the Rezoning request, subject to the following Conditions and Modification:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. The Applicant shall direct truck traffic along the route designated above.

Modification - The existing homes may maintain a ten-foot setback from property lines.



ZONING ORDINANCE 18-___

Re: Docket Z-18-01 Application of Maby C. Pena & Ricardo Andres Pena Cruz

Page 1

ZONING ORDINANCE 18-___

**AMENDING CERTAIN ZONING DISTRICT BOUNDARIES FROM R-9
TO GB, PURSUANT TO THE APPLICATION OF MABY C. PENA &
RICARDO ANDRES PENA CRUZ**

WHEREAS, A.R.S. § 11-814 allows property owners or their authorized agent to request amendments to the Zoning District boundaries through the Board of Supervisors in a public hearing; and

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

WHEREAS, Tax Parcels 408-23-013D and 408-23-013E were zoned as R-9; and

WHEREAS, the parcel is located in an area designated as Developing under the Comprehensive Plan; and

WHEREAS, the parcel is located in an area of the County primarily characterized by commercial and light industrial uses with scattered residential uses; and

WHEREAS, the Applicant has removed an illegal dumping site discouraged by the Comprehensive Plan designation; and

WHEREAS, the Applicant wishes to bring the Zoning into compliance with the Comprehensive Plan designation and development pattern, and wishes to amend the zoning to GB; and

WHEREAS, the Applicant wishes to construct a trucking terminal on the property, as use requiring GB zoning; and

WHEREAS, the requested zoning district is harmonious with the surrounding zoning districts; and

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

WHEREAS, the Board of Supervisors held a duly noticed public hearing on the amendments to the Zoning District boundaries proposed by Applicants Maby C. Pena & Ricardo Andres Pena Cruz; and

WHEREAS, the Board of Supervisors conditionally approved the request for a change in the Zoning District boundaries,

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

The zoning classification for Tax Parcels 408-23-013D and 408-23-013E, as shown on the map attached to this Resolution as Exhibit A, is changed from R-9 to GB. The property is located adjacent to the City of Douglas, AZ. The property is further described as being in Section 12 of Township 24 South, Range 27 East of the G&SRB&M in Cochise County, Arizona. The Board of Supervisors approves Docket Z-18-01 subject to the following modification and conditions of approval:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and
3. The Applicant shall direct truck traffic along the route designated above.

Modification - The existing homes may maintain a ten-foot setback from property lines.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 27th day of February, 2018

Ann English, Chair
Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Arlethe Rios,
Clerk of the Board

Britt Hanson,
Chief Civil Deputy County Attorney

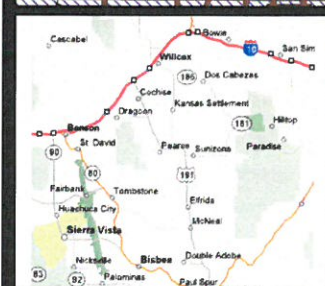
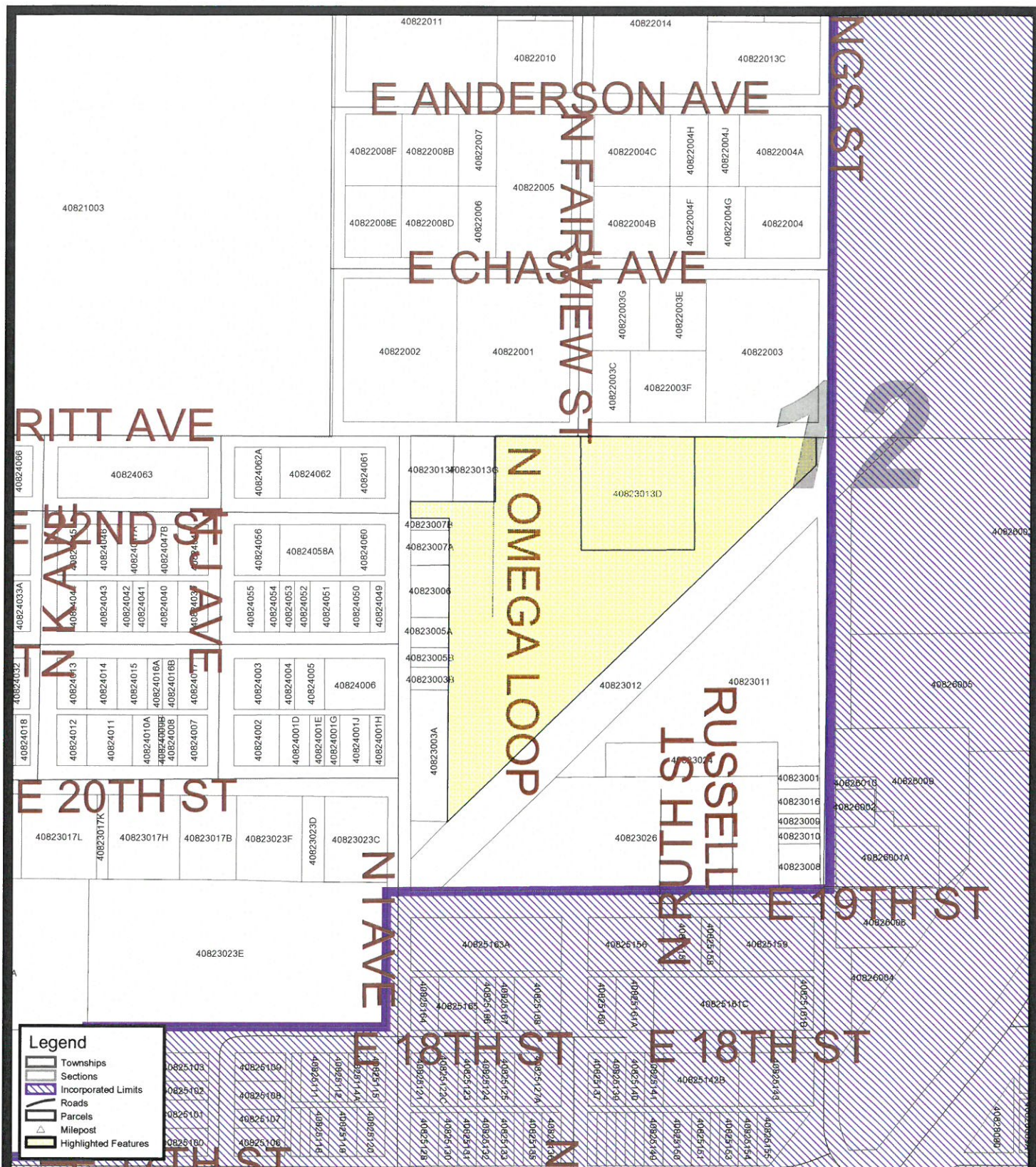


Exhibit A Z-18-01 (Pena)

This map is a product of the
Cochise County GIS
Information Technology Dept.



0' 1" = 363'

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 02/27/2018

License Agreement with City of Bisbee for use of space

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

Recommendation:

of ORIGINALS

Submitted for Signature:

NAME Ed Gilligan

of PRESENTER:

TITLE

County Administrator

of PRESENTER:

Mandated Function?:

Source of Mandate

or Basis for Support?:

Information

Agenda Item Text:

Approve license agreement between Cochise County and the City of Bisbee for use of space in the Melody Lane Complex in the amount of \$4,200 on a monthly basis until the City can move to a permanent location.

Background:

In October 2017 the City of Bisbee suffered a devastating fire that destroyed City Hall. Due to the destruction and loss caused by the fire the City was forced to temporarily relocate and this license agreement to for the County to grant the City the use of space at the County's Melody Lane Complex for a monthly fee.

Department's Next Steps (if approved):

Send Agreement to the City of Bisbee to be approved by their council.

Impact of NOT Approving/Alternatives:

The City and County will not have an official agreement in place and the County will not be paid for space usage by the City.

To BOS Staff: Document Disposition/Follow-Up:

Send signed documents to the City Clerk, Ashlee Coronado.

Budget Information

Information about available funds

Budgeted: ☐Funds Available: ☐

Amount Available:

Unbudgeted: ☐Funds NOT Available: ☐Amendment: ☐

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

Facilities Costs

License Agreement



Cochise County Facilities Management

Public Programs...Personal Service
www.cochise.az.gov

JAY HOWE
Director

November 29, 2017

Facilities costs associated with City of Bisbee employees housed at Cochise County Melody lane complex.

Space lease square footage:

BOS Building 963 sq. ft.

PnZ building 1484 sq. ft.

2447 X \$1.00 per square foot = \$2,447.00 per month If this does not include utilities which in some leases it does and others it does not.... Add estimated \$375.00 / month.

Custodial employee costs :

¼ FTE = \$10.00 per hour + 21.25% ERE= \$12.125 per hour X 2080 X .25= \$6,305.00 /year
= \$525.00 month

Custodial supplies; cleaning supplies, garbage bags, Toilet paper, hand towels, soap etc.

\$600.00 / year = \$50.00 / month

Total quantifiable facilities expense to support City of Bisbee not including space lease

= \$575.00 / Month w/o utilities \$950.00 / Month w/ utilities

Jay Howe

Facilities Director

**LICENSE AGREEMENT BETWEEN
COCHISE COUNTY AND THE CITY OF BISBEE, ARIZONA,
FOR OFFICE SPACE LOCATED AT
1415 MELODY LANE, BISBEE, ARIZONA 85603**

THIS LICENSE AGREEMENT (“Agreement”) is made between the City of Bisbee (alternatively referred to as “CITY”), a municipal corporation, and Cochise County (alternatively referred to as “COUNTY”), a political subdivision of the state of Arizona. The City of Bisbee and Cochise County may each be referred to herein as a “Party” or collectively as “Parties” to this Agreement.

RECITALS

On October 11, 2017, the City of Bisbee suffered a devastating fire that destroyed City Hall, located at 118 Arizona Street, Bisbee, Arizona 85603.

Due to the destruction and loss caused by the fire, the City of Bisbee was forced to temporarily relocate many of its offices to a different location to continue operating and providing services to the City.

The City of Bisbee relocated to office space owned by Cochise County, located at 1415 Melody Lane, Bisbee, Arizona 85603.

The Parties desire to enter into this License Agreement to formalize the City of Bisbee’s temporary use of Cochise County’s office space.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, CITY and COUNTY make the following agreements:

AGREEMENT

I. PURPOSE AND SCOPE OF WORK

The purpose of this Agreement is to grant CITY a license to occupy office space and to use conference rooms and the Board of Supervisor’s Hearing Room, located at 1415 Melody Lane (“the Property”). COUNTY hereby agrees to grant CITY a license to use the Property to conduct CITY business and to provide services to its citizens.

II. CONSIDERATION

In consideration for the license to use the Property, CITY agrees to pay COUNTY **\$4,200.00 per month on the first day of each month.**

The total monthly fee is based on the following:

Offices* (including furniture, computer equipment, phones, etc.) = \$350.00/month for each office. The City is currently occupying 7 offices. Total: \$2,450.00/per month.

Workstations* (including furniture, computer equipment, phones, etc.) = \$150.00/month for each workstation. The City is currently occupying 5 workstations. Total: \$750.00/month.

Overhead (including services provided by IT and Facilities; utilities; custodial supplies; etc.) = \$1,000.00/month.

**The monthly fee for the workstations and offices breaks down to \$1.00/square foot. Should the City require additional space or need to relocate space within the County, the fee for the new space will be based on this amount.*

III. TERM AND EFFECTIVE DATE

Upon the signature of both parties, this Agreement shall be retroactively effective on November 1, 2017, and shall continue until the CITY is able to move to a permanent location.

IV. TERMINATION

Either party may terminate this Agreement for any reason by giving the other party thirty (30) days written notice of the termination. This Agreement may also be terminated for conflict of interest, pursuant to A.R.S. §38-511.

V. NOTICES

All notices concerning this Agreement shall be in writing and either hand-delivered or mailed to the following representatives of each Party.

County: Edward T. Gilligan, Cochise County Administrator
Cochise County
1415 Melody Lane, Building G
Bisbee, Arizona 85603

Bisbee: Robert E. Smith, City Manager
City of Bisbee
118 Arizona Street
Bisbee, Arizona 85603

VI. INDEMNIFICATION

To the fullest extent permitted by law, CITY shall defend, indemnify, and hold harmless COUNTY, its departments, officers, officials, agents, employees and volunteers without limitation from and against any and all claims (including, but not limited to, workers' compensation or disability claims), damages, losses, liabilities, fees, fines or expenses, (including, but not limited to, reasonable attorney fees, court costs, and cost of

appellate proceedings (collectively “Claims”) relating to, arising from, resulting from or alleged to have arisen or resulted from any and all claims, damages, losses, liabilities, fees, fines or expenses that are attributable to bodily injury, personal injury, sickness, disease, death or damage to, or destruction of, tangible or intangible property including the loss of use therefrom, to the extent caused by any act, error, mistake or omission of CITY, its officers, officials, employees, members, guests, invitees, participants, agents, vendors, subcontractors or anyone for whose acts CITY may be liable. If a Claim or Claims by third parties becomes subject to this indemnification provision, the parties shall expeditiously meet to agree upon a common and mutual defense, including proportionate liability and proportionate payment of litigation fees, expenses and damages.

The insurance, its limits, amount and type required herein shall in no way be construed as limiting the scope of this indemnity.

VII. INSURANCE REQUIREMENTS

1. For the term of this Agreement, CITY shall procure and maintain insurance against claims

for injury to persons or damage to property arising from, or in connection with, the performance of the work hereunder by the CITY, its agents, representatives, or employees.

2. The CITY’s policies shall stipulate that the insurance afforded the CITY shall be primary insurance and that any insurance carried by the COUNTY shall be excess and not contributory insurance.

a. Minimum Scope and Limits of Insurance

CITY shall provide coverage with limits of liability not less than those stated below.

2.1 Commercial General Liability (CGL) – Occurrence Form Policy shall include bodily injury, property damage, and broad form contractual liability coverage.

• General Aggregate	\$2,000,000
• Products-Completed Operations Aggregate	\$1,000,000
• Personal and Advertising Injury	\$1,000,000
• Each Occurrence	\$1,000,000

a. The policy shall be endorsed to include **“Cochise County, and its departments, officers, officials, agents, employees and volunteers”** as additional insureds with respect to liability arising out of the activities performed by or on behalf of the CITY.

b. The policy shall contain a waiver of subrogation endorsement in favor of **“Cochise**

County, and its departments, officers, officials, agents, employees and volunteers” for losses arising from this Agreement.

2.2 Business Automobile Liability - Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used in the performance of this Agreement.

- Combined Single Limit (CSL) for Any Auto: \$1,000,000
- a. The policy shall be endorsed to include **“Cochise County, and its departments, officers, officials, agents, employees and volunteers”** as additional insureds with respect to liability arising out of the activities performed by, or on behalf of, the CITY involving automobiles owned, hired and/or non-owned by the CITY.
- b. The policy shall contain a waiver of subrogation endorsement in favor of **“Cochise County, and its departments, officers, officials, agents, employees and volunteers”** for losses arising from work performed by or on behalf of the CITY.

2.3 Workers' Compensation and Employers' Liability

- Workers' Compensation—Statutory
- Employers Liability—Each Accident \$1,000,000
Disease, Each Employee \$1,000,000
- a. Policy shall contain a waiver of subrogation endorsement in favor of **“Cochise County, and its departments, officers, officials, agents, employees and volunteers”** for losses arising from CITY’s activities.

2.4 Property Insurance

- Coverage on CITY’s contents at Replacement Value

VIII. SEVERANCE

The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended. If any provision of this Agreement or portion thereof is held invalid, illegal or unenforceable, such provision or portion thereof shall be severed from this Agreement and shall have no effect on the remaining provisions of this Agreement, which shall remain in full force and effect. Any action relating to this Agreement shall be brought in an Arizona court in Cochise County.

IX. RIGHTS AND REMEDIES

No provision in this document shall be construed, expressly or by implication, as a waiver by either Party of any existing or future right and/or remedy available by law in the event of any claim of default or breach of contract. The failure of any Party to insist upon the strict performance of any term or condition of the Agreement or to exercise or delay the exercise of any right or remedy provided in the Agreement or by law, or the acceptance of materials or services, or the payment for materials or services, shall not release the other Party from any responsibilities or obligations imposed by the Agreement or by law, and shall not be deemed a waiver of a right of a Party to insist upon the strict performance of the Agreement.

X. CONTRACT AMENDMENTS

This Agreement may be modified only by a written Amendment signed by persons duly authorized to act in this capacity on behalf of the Parties.

XI. ENTIRE AGREEMENT

This Agreement contains all the representations and the entire understanding and agreement between the Parties pertaining to the occupancy and use of the Property or any other matters connected therewith. All correspondence, memoranda, or oral or written agreements pertaining to the Property or the Parties hereto, which originated before the date of this Agreement are null, void and no longer in force and with no effect, and are replaced in total with this Agreement unless otherwise expressly stated in this Agreement. This Lease Agreement shall not be altered, amended, or modified except by a writing signed by authorized representatives of the Parties.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year set forth below.

CITY OF BISBEE

COCHISE COUNTY

Mayor David Smith

Ann English, Chairperson

Dated: _____

Dated: _____

ATTEST:

ATTEST:

Ashlee Coronado,
Bisbee City Clerk

Arlethe Rios,
Clerk of the Board of Supervisors

Dated: _____

Dated: _____

APPROVED AS TO FORM:

Elda E. Orduño,
City Attorney

Dated: _____

APPROVED AS TO FORM:

Britt Hanson,
Chief Civil Deputy County Attorney

Dated: _____

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 02/27/2018

Over the Counter Sale

Submitted By: Melissa Belasco, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

Recommendation:

of ORIGINALS

Submitted for Signature:

NAME Arlethe Rios

of PRESENTER:

TITLE Clerk of the Board

of PRESENTER:

Mandated Function?:

Source of Mandate
or Basis for Support?:

Information

Agenda Item Text:

Approve the over-the-counter sale of tax deed properties as set forth in the attached Exhibit A, plus related administrative fees.

Background:

One OTC bid has been received and is reflected on the attached report; in addition, the bidder will pay a \$75 administrative fee. The bid and associated payments have been received by BOS office staff for the parcels listed on the report totaling \$1,000.00 (\$1,002.00 for the bids and \$75.00 administrative fees). A total of 6 parcels were bid on.

Exhibit B has the parcels that are left over if this sale gets approved.

Department's Next Steps (if approved):

Deposit check and provide Sold Parcels list to County Treasurer; when funds clear, issue & record deeds.

Impact of NOT Approving/Alternatives:

Properties will not be sold and will not be put back on the County's tax roll.

To BOS Staff: Document Disposition/Follow-Up:

Refer to Dept's Next Steps, above.

Budget Information

Information about available funds

Budgeted: ☐

Funds Available: ☐

Amount Available:

Unbudgeted: ☐

Funds NOT Available: ☐

Amendment: ☐

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

No file(s) attached.
