Cochise County
Board of Supervisors

Public Programs…Personal Service
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PEGGY JUDD
Chairman
District 3

ANN ENGLISH
Vice-Chairman
District 2

THOMAS E. BORER
Supervisor
District 1

EDWARD T. GILLIGAN
County Administrator

SHARON GILMAN
Associate County Administrator

ARLETHE G. RIOS
Clerk of the Board

AGENDA FOR REGULAR BOARD MEETING
Tuesday, June 25, 2019 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.

CONSENT

Board of Supervisors

1.	Approve the Minutes of the regular meeting of the Board of Supervisors of June 11, 2019.	-- Approved
2.	Approve naming Douglas Kooi as Cochise County's Chief Fiscal Officer per ARS 41-1279.07(E).	-- Approved
3.	Approve a Proclamation in recognition of Earl Jerome Judd, Resident of Cochise County.	-- Approved

4.	Approve Public Safety Personnel Retirement System (PSPRS) Pension Funding Policy as required by ARS 38-863.01 effective July 1, 2019.	-- Approved

County Attorney

5.	Approve the proposed settlement of the Small Tax Appeal in Roger A. Nusbaum v. Cochise County, ST2018-000025, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.	-- Approved
6.	Approve the proposed settlement of the Small Tax Appeal in Daniel F. O'Sullivan, Trustee Kenwin Exchange Trust v. Cochise County, ST2018-000132, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.	-- Approved

County Recorder

7.	Approve agreement between Cochise County and the Office of the Secretary of State for reimbursement for Systematic Alien Verification of Entitlements (SAVE) Program Usage for the purpose of verifying the citizenship and immigration status information when a person registers to vote in Cochise County.	-- Approved

County Treasurer

8.	Adopt Resolution 19-12 authorizing a Line of Credit Agreement between the Cochise County Treasurer and J.P. Morgan Chase Bank, for Cochise County, and adopt Resolution 19-13 authorizing a Line of Credit Agreement between the Cochise County Treasurer and J.P. Morgan Chase Bank, for other political subdivisions of Cochise County.	-- Approved

Finance

9.	Approve demands and budget amendments for operating transfers.	-- Approved

Legal Defender

10.	Approve Funding Agreement with the Arizona Supreme Court for Public Defender Training Funds, in the amount of $2,100, effective July 1, 2019 through June 30, 2020.	-- Approved

Risk Management

11.	Approve Personal Protective Equipment (PPE) Policy, effective July 1, 2019.	-- Approved

PUBLIC HEARINGS

Board of Supervisors

12.	Adopt Resolution 19-14 granting a renewal of a Telecommunications Services Franchise to Valley Connections, LLC. for five years from June 25, 2019 through June 24, 2024.	-- Approved

Community Development

13.	Adopt Resolution 19-15 (Docket R-19-02 Subdivision Regulations) to repeal and replace the Cochise County Subdivision Regulations Amendments including: Updating the regulations to conform with current Arizona Revised Statutes; Removing the Minor Expedited Subdivision option, as well as the review of tentative plats by the Planning and Zoning Commission; Minor alterations to the Conservation Subdivision article, and performing clerical revisions to reflect current practices.	-- Approved
14.	Adopt Zoning Ordinance 19-05 amending certain Zoning district boundaries from RU-4 (Rural one dwelling per four acres) to RU-2 (one dwelling per 2 acres), pursuant to the application of DCM Development.	-- Approved
15.	Adopt Resolution 19-16 (Docket R-19-01 Foreclosure Registry) amending the Cochise County Zoning Regulations adding Article 25 Foreclosure Registry and amendments to Article 2 Definitions.	-- Approved

ACTION

Board of Supervisors

16.	Renew and/or revise committee appointments for members of the Board of Supervisors and executive staff for the 2019-20 Fiscal Year and approve continuing annual memberships for 2019-20, with payment of associated dues as described herein.	-- Removed From Agenda

Community Development

17.	Approve an extension request of the Assurance Agreement for Rancho Arizona Subdivision with Pioneer Title Agency, Inc, as Trustee under Trust No. 515034, and James W. Sandlin and Terry L. Russell, as Beneficiaries of Trust No. 515034 to July 6, 2022.	-- Approved

County Attorney

18.	Approve the Crime Victim Compensation Grant No. VC-20-050 in the amount of $75,460 for the period of July 1, 2019 through June 30, 2020.	-- Approved

REPORT BY EDWARD T. GILLIGAN COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Thomas E. Borer

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) 432-9832, FAX (520) 432-9758, TDD (520) 432-8360, 1415 Melody Lane, Building C, 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

Consent 1.

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

Meeting Date:	06/25/2019		
Minutes			
Submitted By:	Melissa Belasco, Board of Supervisors		
Department:	Board of Supervisors		
Presentation:	No A/V Presentation	**Recommendation:**	
Document Signatures:		**# of ORIGINALS Submitted for Signature:**	
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a
Mandated Function?:		**Source of Mandate or Basis for Support?:**	

Information

Agenda Item Text:
Approve the Minutes of the regular meeting of the Board of Supervisors of June 11, 2019.

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

Minutes
Demands

PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
Tuesday, June 11, 2019

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, June 11, 2019 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present:	Peggy Judd, Chairman; Ann English, Vice-Chairman; Thomas E. Borer, Supervisor
Staff Present:	Edward T. Gilligan, County Administrator; Sharon Gilman, Associate County Administrator; Arlethe G. Rios, Clerk of the Board

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

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

PLEDGE OF ALLEGIANCE

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CALL TO THE PUBLIC

Chairman Judd opened the call to the public.

Mr. Richard Searle, Cochise County resident, addressed the Board regarding a commendation for Mr. George Arvizu, Highways, who reported an illegal dumping incident and went above and beyond to ensure the responsible party picked up their own trash.

No one else chose to speak and Chairman Judd closed the call to the public.

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

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of May 21, 2019.

County Attorney

2. Approve the proposed settlement of the Small Tax Appeal in Angela M. Rockefeller & James A. Purvis v. Cochise County, ST2018-000147, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

Elections

3. Approve the appointment of 2 Democrat Precinct Committeemen and 18 Republican Precinct Committeemen by recommendation of their Cochise County Party Chairmen to serve through the October 1, 2020 term.

Finance

4. Approve demands and budget amendments for operating transfers.

Information Technology

5. Approve the partial assignment of the old Mule Mountain Communication Site between the Arizona Department of Public Safety and Cochise County, in the amount of $1,000 to process the transfer, effective June 1, 2019.

Juvenile Probation

6. Adopt Resolution 19-11 to approve Fiscal Year 2019-2020 Family Counseling funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC) effective July 1, 2019 through June 30, 2020, in the amount of $12,584 and the required $3,146 matching funds as budgeted in the general fund budget submitted by Juvenile Probation.

Procurement

7. Approve Agreement with Armstrong Consultant, Inc. to provide professional engineering services for the Bisbee-Douglas International Airport rehabilitate runway lighting project, in the amount of $73,710, effective June 11, 2019.

Public Defender

8. Approve Funding Agreement with the Arizona Supreme Court for Public Defender Training Funds in the amount of $3,600 effective July 1, 2019 through June 30, 2020.

   Chairman Judd recused herself from item 3.

   Vice-Chairman English moved to approve items 1-8 on the consent agenda. Supervisor Borer seconded the motion and it carried unanimously for items 1-2 and 4-8.

   Item 3 on the consent agenda was approved 2-0-1 (Judd recused).

PUBLIC HEARINGS

Board of Supervisors

9. Approve a Location/Owner Transfer Liquor License application for a series #6 (Bar) license submitted by Mr. Edward Martin Fee for Sierra Vista Wedding and Events, located at 6398 S. Hwy 92, Hereford, AZ 85615.

   Ms. Arlethe Rios, Clerk of the Board, presented this item. Ms. Rios said the Sheriff's Office had no recommendation; the Treasurer's Office advised that the property taxes are current;

the Development Services Department has recommended approval; and the Health Department is working with the applicant. There have been no formal protests and the $100.00 processing fee has been paid. Board staff recommended approval.

Chairman Judd opened the public hearing.

No one chose to speak and Chairman Judd closed the public hearing.

Supervisor Borer moved to approve a Location/Owner Transfer Liquor License application for a series #6 (Bar) license submitted by Mr. Edward Martin Fee for Sierra Vista Wedding and Events, located at 6398 S. Hwy 92, Hereford, AZ 85615. Vice-Chairman English seconded the motion.

Chairman Judd called for the vote and it was approved 3-0.

10. Approve a new liquor license application for a series #13 Farm Winery license submitted by Mr. Brian Keith Russell for Woods Bay Winery, located at 4920 E. Chambers Road in Willcox, AZ 85643.

    Ms. Arlethe Rios, Clerk of the Board, presented this item. Ms. Rios said the Sheriff's Office had no recommendation; the Treasurer's Office advised that the property taxes are current; the Development Services Department has recommended approval; and the Health Department is working with the applicant. There have been no formal protests and the $100.00 processing fee has been paid. Board staff recommended approval.

    Chairman Judd opened the public hearing.

    No one chose to speak and Chairman Judd closed the public hearing.

    Vice-Chairman English moved to approve a new liquor license application for a series #13 Farm Winery license submitted by Mr. Brian Keith Russell for Woods Bay Winery, located at 4920 E. Chambers Road in Willcox, AZ 85643. Supervisor Borer seconded the motion.

    Chairman Judd called for the vote and it was approved 3-0.

11. Approve a Location/Owner Transfer Liquor License application for a series #7 (Beer and Wine Bar) license submitted by Ms. Sharon Marie Kidd for Family In and Out, located at 3854 W. Country Lane, Mc Neal, Arizona 85617.

    Ms. Arlethe Rios, Clerk of the Board, presented this item. Ms. Rios said the Sheriff's Office had no recommendation; the Treasurer's Office advised that the property taxes are current; the Development Services Department has recommended approval; and the Health Department is working with the applicant. There have been no formal protests and the $100.00 processing fee has been paid. Board staff recommended approval.

    Chairman Judd opened the public hearing.

    No one chose to speak and Chairman Judd closed the public hearing.

    Supervisor Borer moved to approve a Location/Owner Transfer Liquor License application for a series #7 (Beer and Wine Bar) license submitted by Ms. Sharon Marie Kidd for Family In and Out, located at 3854 W. Country Lane, Mc Neal, Arizona 85617. Vice-Chairman English seconded the motion.

Chairman Judd called for the vote and it was approved 3-0.

Community Development

12. Adopt Zoning Ordinance 19-04 to approve Dockets CP-19-01 & Z-19-01 (Skalak) to amend the Comprehensive Plan Designation from Enterprise to Neighborhood Conservation and amend the zoning from GB General Business and SR-12 Single-Household Residential; one dwelling per 12,000 square feet to MR-1 Multiple-Household Residential; one dwelling per 3,600 square feet.

    Mr. Peter Gardner, Planner II, presented this item using a PowerPoint presentation. Mr. Gardner went over the background:

    - The Applicant is requesting rezoning from SR-12 (Single Household Residential; one dwelling per 12,000 square feet) and GB (General Business) to SR-12 (Single Household Residential; one dwelling per 12,000 square feet) and MR-1 (Multiple Household Residential; one dwelling per 3,600 square feet) on a 7.58 acre site in an enclave located in Sierra Vista.
    - The parcels, 105-05-010A/B, are located at the southeast corner of S. Avenida Escuela and E. Blue Bird Drive.
    - To amend the zoning to MR-1 the Comprehensive Plan category must be amended from Enterprise to Neighborhood Conservation.
    - The request would replace all of the GB zoning with MR-1 and would amend the zoning of 33,500 square feet from SR-12 to MR-1. The total number of permitted homes would increase from 56 to 62.
    - Under the current zonings, the SR-12 portion would permit up to 16 single family homes, and the GB portion would permit up to 40 single family, multi family, manufactured, or mobile homes, along with a wide array of commercial uses including RV Parks, Retail, Service Stations, Auto Repair, and Mini Warehouses as of right, and other more intense uses via Special Use Authorization.
    - Under the requested zoning the SR-12 portion would permit up to 13 single family homes, and the MR-1 portion would permit up to 49 single or multi family homes, excluding manufactured or mobile homes, or RV Parks. Most commercial uses would also be prohibited.

    Mr. Gardner then showed a map of the location and photos of the site. He said that on May 8, 2019 the Planning & Zoning Commission had voted unanimously to recommend approval of this request as recommended by staff.

    He said that the only factor against approval were the two letters of opposition received.

    He said the factors in favor were:

    1. Allowing the request would be in keeping with the character of the existing development in the area;
    2. Nine of the applicable factors are met as submitted and the other four applicable factors are met with and the other four applicable factors are met with the recommended Conditions;
    3. The request is limited, creating only a 10 percent increase in number of housing units permitted, while removing incompatible land uses from consideration.

    He said that based on the factors in favor of approval, staff recommended a conditional approval of the 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;
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. Any single family development at a greater density than one unit per 12,000 shall be completed with an approved subdivision plat;
4. Any new driveway access shall follow all applicable City and/or County standards; and
5. All development will comply with County water conservation regulations adopted at the time of construction.

Chairman Judd opened the public hearing.

Mr. Tom Crosby, Sierra Vista resident, asked why the applicant had not been annexed to the city if that was the plan.

Mr. Gardner said that working with the County was easier, but once the project was complete, the applicant would apply to be annexed into the city.

No one else chose to speak and Chairman Judd closed the public hearing.

Vice-Chairman English moved to adopt Zoning Ordinance 19-04 to approve Dockets CP-19-01 & Z-19-01 (Skalak) to amend the Comprehensive Plan Designation from Enterprise to Neighborhood Conservation and amend the zoning from GB General Business and SR-12 Single-Household Residential; one dwelling per 12,000 square feet to MR-1 Multiple-Household Residential; one dwelling per 3,600 square feet. Supervisor Borer seconded the motion.

Chairman Judd called for the vote and it was approved 3-0.

ACTION

County Treasurer

13. Approve a five year contract #19-40-TRE-01 between JP Morgan Chase Bank and the Cochise County Treasurer for banking services, effective July 1, 2019 through June 30, 2022.

    Ms. Cathy Traywick, County Treasurer, presented this item. She noted that there was a typo on the fee schedule; the section reflecting 2010 is supposed to be 2019. She added that there had only been one bid for this service request and that the contract was actually for three years with an optional two year extension.

    Ms. Roberts said that the document to be signed correctly reflected the information noted by Ms. Traywick.

    Supervisor Borer amended the motion to approve a five year contract #19-40-TRE-01 between JP Morgan Chase Bank and the Cochise County Treasurer for banking services, effective July 1, 2019 through June 30, 2022; noting that it was for three years, with a two year extension. Vice-Chairman English seconded the motion.

    Chairman Judd called for the vote and it was approved 3-0.

Health & Social Services

14. Approve a five year lease contract 19-2-HEA-02 between Cochise County and CorrecTek for an electronic medical records system for Jail Detention Medical Services, in an aggregate amount not to exceed $154,240, effective June 11, 2019.

    Ms. Carrie Langley, Health & Social Services Director, presented this item. Ms. Langley explained the purpose and gave the background. She noted that this would improve the efficiency and effectiveness for keeping medical records and that it had been included in the budget.

    Vice-Chairman English moved to approve a five year lease contract 19-2-HEA-02 between Cochise County and CorrecTek for an electronic medical records system for Jail Detention Medical Services, in an aggregate amount not to exceed $154,240, effective June 11, 2019. Supervisor Borer seconded the motion.

    Chairman Judd called for the vote and it was approved 3-0.

15. Approve contract amendment No.107-19-1 between SouthEastern Arizona Governments Organization (SEAGO) and Cochise County Health and Social Services for Case Management services, in the amount of $195,000, effective July 1, 2018 through June 30, 2019.

    Ms. Belvet Elsouhag, County Public Fiduciary, presented this item. Ms. Elsouhag gave the background and said that the additional amount would help cover costs for services already provided.

    Supervisor Borer moved to approve contract amendment No.107-19-1 between SouthEastern Arizona Governments Organization (SEAGO) and Cochise County Health and Social Services for Case Management services, in the amount of $195,000, effective July 1, 2018 through June 30, 2019. Vice-Chairman English seconded the motion.

    Chairman Judd called for the vote and it was approved 3-0.

Legal Advocate

16. Approve Funding Agreement with Arizona Supreme Court for Public Defender Training Funds in the amount of $3,600 for the Legal Advocate Department for July 1, 2019 through June 30, 2020.

    Ms. Delores Putnam, Administrative Manager, presented this item. Ms. Putnam gave the background and purpose and noted that this funding would help with training for both defense attorneys and staff.

    Vice-Chairman English moved to approve Funding Agreement with Arizona Supreme Court for Public Defender Training Funds in the amount of $3,600 for the Legal Advocate Department for July 1, 2019 through June 30, 2020. Supervisor Borer seconded the motion.

    Chairman Judd called for the vote and it was approved 3-0.

REPORT BY EDWARD T. GILLIGAN COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Gilligan gave an update on the water issue that occurred at the Bisbee Douglas International Airport. He stated that the County responded quickly with other folks assisting and the problem was resolved on Monday, June 10, 2019.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Thomas E. Borer

Supervior Borer deferred his report.

Report by District 2 Supervisor, Ann English

Vice-Chairman English said that the legislative session wrapped up last week and she provided a handout of the summary of the session. She highlighted the major impacts to the counties and noted that Mr. Craig Sullivan, County Supervisors Association Executive Director, would follow up this summer.

Report by District 3 Supervisor, Peggy Judd

Chairman Judd said that the Eastern Counties Organization (ECO) would be hosting their 2019 legislative tour in Cochise County.

Chairman Judd adjourned the meeting at 10:49 a.m.

APPROVED:

_____
Peggy Judd, Chairman

ATTEST:

_____
Arlethe G. Rios, Clerk of the Board

Demands 6/6/2019
Date Range 05/17/19-06/06/19
Warrant Range 33713-34043

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
33713	05/22/2019	A+ Language Services	1300 - Public Defender	100 General Fund	175.00
33714	05/22/2019	Aerial Solutions II LLC	3000 - Sheriff	211 Private Donor	37,251.34
33715	05/22/2019	Amazon.com LLC	8000 - County Library District	171 County Library	256.17
33715	05/22/2019	Amazon.com LLC	8000 - County Library District	172 State Grt in Aid 08-A-2	17.96
33715	05/22/2019	Amazon.com LLC	8000 - County Library District	182 CFSA-Troller Fund	8.60
33716	05/22/2019	Arizona Department of Corrections	1750 - Fleet Management	109 Fleet Management	96.00
33716	05/22/2019	Arizona Department of Corrections	2100 - Facilities Management	100 General Fund	276.00
33716	05/22/2019	Arizona Department of Corrections	7000 - Solid Waste	505 Solid Waste	797.27
33717	05/22/2019	Arizona Department of Corrections ASPC-Tucson	7000 - Solid Waste	505 Solid Waste	89.25
33718	05/22/2019	Arizona Public Service - APS	2100 - Facilities Management	100 General Fund	2,931.02
33718	05/22/2019	Arizona Public Service - APS	7000 - Solid Waste	505 Solid Waste	1,866.18
33719	05/22/2019	Arizona State Prison Complex	4010 - Highway Dept Administration	251 Highway Fund	4,217.70
33720	05/22/2019	Arizona Supreme Court	1100 - Adult Probation	147 Adult Probation Svcs Fee	279.00
33721	05/22/2019	Arizona Water Company	2100 - Facilities Management	100 General Fund	2,284.39
33722	05/22/2019	Baker & Taylor, LLC	8000 - County Library District	171 County Library	1,765.56
33722	05/22/2019	Baker & Taylor, LLC	8000 - County Library District	182 CFSA-Troller Fund	145.16
33723	05/22/2019	Becker, Judith V. PH.D.	1300 - Public Defender	100 General Fund	1,750.00
33724	05/22/2019	Bisbee Fire District	5000 - Health Dept	243 Immunization Program	912.45
33725	05/22/2019	Bisbee Napa	1710 - Heavy Fleet Management	600 Heavy Fleet Management	335.43
33725	05/22/2019	Bisbee Napa	1750 - Fleet Management	109 Fleet Management	1,051.76
33726	05/22/2019	Blackstone Audio, Inc.	8000 - County Library District	171 County Library	232.99
33727	05/22/2019	Cable One	2100 - Facilities Management	100 General Fund	94.52
33728	05/22/2019	Martha Cazares	0950 - Justice Court 5	100 General Fund	249.00
33729	05/22/2019	Center for Disease Detection, LLC	5000 - Health Dept	237 Health S.T.D. Grant	416.00
33730	05/22/2019	CenturyLink Communications	1800 - IT/Communications	100 General Fund	1,233.89
33731	05/22/2019	CenturyLink Communications	2100 - Facilities Management	100 General Fund	69.47
33731	05/22/2019	CenturyLink Communications	3000 - Sheriff	100 General Fund	32.35
33732	05/22/2019	Cintas Corporation No. 445	7000 - Solid Waste	505 Solid Waste	222.07
33733	05/22/2019	Cintas Fire Protection	2100 - Facilities Management	100 General Fund	4,792.52
33734	05/22/2019	Complete Aviation Fuel Systems	2100 - Facilities Management	100 General Fund	2,055.80
33735	05/22/2019	Copper Queen Community Hospital	5000 - Health Dept	100 General Fund	4,624.94
33736	05/22/2019	Copper Queen Medical Associates	5000 - Health Dept	234 TB Control	42.00
33737	05/22/2019	Cordova, Alecando	4010 - Highway Dept Administration	251 Highway Fund	100.00
33738	05/22/2019	CureMD.com, Inc.	5000 - Health Dept	100 General Fund	305.00
33739	05/22/2019	Direct TV	3000 - Sheriff	208 Sheriff Inmate Welfare	67.63
33740	05/22/2019	Douglas, City of	5000 - Health Dept	243 Immunization Program	640.63
33741	05/22/2019	EC Data Technologies	8000 - County Library District	171 County Library	2,517.82
33742	05/22/2019	Ergon Asphalt & Emulsions, Inc.	4010 - Highway Dept Administration	251 Highway Fund	157,912.98
33743	05/22/2019	Fry Fire District	5000 - Health Dept	243 Immunization Program	335.86
33744	05/22/2019	Goodwill Industries of Southern Arizona, Inc	1100 - Adult Probation	591 Adult Probation LEARN Lab	97.92
33745	05/22/2019	Guidas, Elyse	5000 - Health Dept	529 Health Policy Initiative	194.72
33746	05/22/2019	IMS Infrastructure Management Services, LLC	4010 - Highway Dept Administration	251 Highway Fund	15,640.00
33747	05/22/2019	Keefe Commissary Network, LLC	3000 - Sheriff	208 Sheriff Inmate Welfare	2,558.72
33748	05/22/2019	Mack's Auto Parts Inc	1710 - Heavy Fleet Management	600 Heavy Fleet Management	198.57
33749	05/22/2019	Maddock Machinery Corp	1750 - Fleet Management	109 Fleet Management	53.60
33750	05/22/2019	Maddux & Sons Inc	4010 - Highway Dept Administration	251 Highway Fund	127,209.95
33751	05/22/2019	Merle's Automotive Supply	1710 - Heavy Fleet Management	600 Heavy Fleet Management	15.42
33751	05/22/2019	Merle's Automotive Supply	1750 - Fleet Management	109 Fleet Management	94.79
33752	05/22/2019	Mindful Lactation	5000 - Health Dept	227 Breastfeeding Counseling Serv	404.00
33753	05/22/2019	Motorola Solutions Inc	3000 - Sheriff	100 General Fund	1,108.06
33754	05/22/2019	Nyander, Penny Sue	1300 - Public Defender	100 General Fund	254.00
33755	05/22/2019	O'Rielly Chevrolet, Inc.	1750 - Fleet Management	109 Fleet Management	7,183.89
33756	05/22/2019	OverDrive, Inc.	8000 - County Library District	171 County Library	199.00
33757	05/22/2019	Pima County	1600 - Finance	100 General Fund	39,000.00
33758	05/22/2019	Prudential Overall Supply	1710 - Heavy Fleet Management	600 Heavy Fleet Management	97.78
33758	05/22/2019	Prudential Overall Supply	1750 - Fleet Management	109 Fleet Management	119.88
33758	05/22/2019	Prudential Overall Supply	2100 - Facilities Management	100 General Fund	34.57
33759	05/22/2019	RWC Group	1710 - Heavy Fleet Management	600 Heavy Fleet Management	1,445.61
33760	05/22/2019	Safelite Autoglass Corp.	1750 - Fleet Management	109 Fleet Management	39.95
33761	05/22/2019	Safeway Stores Inc.	0600 - County Attorney	131 Attorney Diversion	21.60
33762	05/22/2019	Senergy Petroleum LLC	1710 - Heavy Fleet Management	600 Heavy Fleet Management	12,292.43
33762	05/22/2019	Senergy Petroleum LLC	1750 - Fleet Management	109 Fleet Management	13,886.10
33763	05/22/2019	SHI International Corp.	1800 - IT/Communications	100 General Fund	42,366.43
33764	05/22/2019	SourceHOV	0300 - Assessor	100 General Fund	38,315.12
33765	05/22/2019	SourceHOV	0300 - Assessor	100 General Fund	14,110.28
33766	05/22/2019	Southwest Gas Corporation	4010 - Highway Dept Administration	251 Highway Fund	30.38

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
33767	05/22/2019	Southwestern Border Sheriffs' Coalition	3000 - Sheriff	100 General Fund	200.00
33768	05/22/2019	Stamback Septic Service	7000 - Solid Waste	505 Solid Waste	611.50
33769	05/22/2019	Sulphur Springs Valley Electric Cooperative, Inc.	0950 - Justice Court 5	100 General Fund	112.00
33770	05/22/2019	Sulphur Springs Valley Electric Cooperative, Inc.	2100 - Facilities Management	100 General Fund	10,963.60
33770	05/22/2019	Sulphur Springs Valley Electric Cooperative, Inc.	4010 - Highway Dept Administration	251 Highway Fund	1,075.51
33770	05/22/2019	Sulphur Springs Valley Electric Cooperative, Inc.	7000 - Solid Waste	505 Solid Waste	1,001.79
33771	05/22/2019	Sunsites-Pearce Fire District	5000 - Health Dept	243 Immunization Program	83.53
33772	05/22/2019	The Bisbee Observer LLC	0200 - Treasurer	100 General Fund	186.36
33773	05/22/2019	The SJ Anderson Company	2100 - Facilities Management	400 County Capital Projects	200,000.00
33774	05/22/2019	Titan Machinery Inc.	1710 - Heavy Fleet Management	600 Heavy Fleet Management	16,033.66
33775	05/22/2019	TRAK Engineering, Inc	1750 - Fleet Management	109 Fleet Management	10,466.22
33776	05/22/2019	United Fire Equipment Company	1750 - Fleet Management	109 Fleet Management	401.70
33777	05/22/2019	Valley Telephone Cooperative, Inc.	3000 - Sheriff	100 General Fund	108.93
33778	05/22/2019	Vanguard Truck Center	1720 - Heavy Fleet Capital	600 Heavy Fleet Management	46,170.33
33779	05/22/2019	VCA Apache Animal Hospital	3000 - Sheriff	203 Jail Enhancement	81.78
33780	05/22/2019	Vericom LLC	4010 - Highway Dept Administration	251 Highway Fund	4,675.00
33781	05/22/2019	Watson Chevrolet Inc	1750 - Fleet Management	109 Fleet Management	67.32
33782	05/22/2019	Waxie Sanitary Supply	3000 - Sheriff	100 General Fund	609.33
33783	05/22/2019	Wildlife Control Supplies (WCS), LLC	3000 - Sheriff	100 General Fund	2,008.34
33784	05/22/2019	Willcox Unified School District #13	9000 - School Superintendent	276 School Fund	21,921.80
33785	05/22/2019	Chuar LLC	0200 - Treasurer	100 General Fund	2,037.76
33786	05/22/2019	Cochise County Finance Revolving Fund	1600 - Finance	100 General Fund	12.42
33787	05/22/2019	Supplemental Health Care	1200 - Juvenile Court Services	100 General Fund	2,160.00
33788	05/22/2019	Traywick, Catherine Lynn	0200 - Treasurer	100 General Fund	853.32
33789	05/28/2019	A Foreign Language Service, Corp.	0810 - Court Administration	100 General Fund	65.00
33790	05/28/2019	Aqua Life	0920 - Justice Court 2	100 General Fund	22.00
33791	05/28/2019	Arizona Department of Corrections	1750 - Fleet Management	109 Fleet Management	61.36
33791	05/28/2019	Arizona Department of Corrections	2100 - Facilities Management	100 General Fund	111.92
33792	05/28/2019	Arizona Medical Waste, LLC	5000 - Health Dept	100 General Fund	298.88
33793	05/28/2019	Arizona Police Psychology, PLLC	3000 - Sheriff	100 General Fund	498.04
33794	05/28/2019	Arizona Public Service - APS	2100 - Facilities Management	100 General Fund	9,002.10
33795	05/28/2019	Arizona School Board Association	9000 - School Superintendent	278 Small Schools	3,600.00
33796	05/28/2019	Armstrong Consultants, Inc.	2100 - Facilities Management	105 Bisbee/Douglas Airport	0.18
33796	05/28/2019	Armstrong Consultants, Inc.	2100 - Facilities Management	400 County Capital Projects	2,590.92
33797	05/28/2019	Auletta, Susan P	0810 - Court Administration	100 General Fund	325.00
33798	05/28/2019	B & S Supply Co, Inc	2100 - Facilities Management	100 General Fund	1,356.47
33799	05/28/2019	Banz, Dean	0810 - Court Administration	100 General Fund	69.02
33800	05/28/2019	Becker, Grace	0910 - Justice Court 1	100 General Fund	90.33
33801	05/28/2019	Benson, City of	2100 - Facilities Management	100 General Fund	310.78
33802	05/28/2019	Bisbee Napa	1750 - Fleet Management	109 Fleet Management	160.38
33803	05/28/2019	Bowie Unified School District #14	9000 - School Superintendent	276 School Fund	4,672.51
33804	05/28/2019	CenturyLink Communications	1750 - Fleet Management	109 Fleet Management	31.75
33805	05/28/2019	Cintas Fire Protection	2100 - Facilities Management	100 General Fund	780.00
33806	05/28/2019	Cloud, Shelly R.	0810 - Court Administration	549 Probate Fees	500.00
33807	05/28/2019	Cochise County Justice Court #2	0920 - Justice Court 2	100 General Fund	132.00
33808	05/28/2019	Cochise Lock and Safe, Inc.	0700 - Clerk of the Superior Court	100 General Fund	429.00
33809	05/28/2019	Cooke, Stephen R.	0810 - Court Administration	168 Children's Issues Ed	285.00
33810	05/28/2019	Culligan of Tucson	0700 - Clerk of the Superior Court	100 General Fund	248.50
33811	05/28/2019	D & G Paint and Body Inc.	1750 - Fleet Management	100 General Fund	1,248.98
33812	05/28/2019	ExhibitOne Corporation	0810 - Court Administration	100 General Fund	23,261.32
33813	05/28/2019	Freedom Towing and Hauling	3000 - Sheriff	100 General Fund	220.00
33814	05/28/2019	Honorable Monica Stauffer	0810 - Court Administration	100 General Fund	186.76
33815	05/28/2019	HOV Services Inc/Lason Systems	0700 - Clerk of the Superior Court	100 General Fund	105.00
33816	05/28/2019	Indeh Multimedia Marketing Group	9000 - School Superintendent	287 Healthy Families	5,000.00
33817	05/28/2019	Johnstun, Doyle B.	2200 - Human Resources	501 Cochise Combined Trust	300.00
33818	05/28/2019	Lawley Motors LLC	1750 - Fleet Management	100 General Fund	733.54
33819	05/28/2019	Madrid, Isabel V	0810 - Court Administration	100 General Fund	250.00
33820	05/28/2019	McCoy's Septic Pumping	2100 - Facilities Management	100 General Fund	450.00
33821	05/28/2019	McCoys Septic Services LLC	2100 - Facilities Management	100 General Fund	1,050.00
33822	05/28/2019	Morin, Barth	2200 - Human Resources	501 Cochise Combined Trust	300.00
33823	05/28/2019	Mortensen, Cynthia	0910 - Justice Court 1	100 General Fund	84.03
33824	05/28/2019	MSR West	9000 - School Superintendent	278 Small Schools	120.00
33825	05/28/2019	Nyander, Penny Sue	0810 - Court Administration	100 General Fund	355.60
33826	05/28/2019	Premier Alliances, Inc.	2100 - Facilities Management	100 General Fund	4,998.00
33827	05/28/2019	Prudential Overall Supply	1710 - Heavy Fleet Management	600 Heavy Fleet Management	109.30
33827	05/28/2019	Prudential Overall Supply	1750 - Fleet Management	109 Fleet Management	13.94
33828	05/28/2019	PTS-Prisoner Transportation Services America LLC	3000 - Sheriff	100 General Fund	11,319.45
33829	05/28/2019	Radiology Ltd	5000 - Health Dept	100 General Fund	587.18
33830	05/28/2019	RevolutionaryText, LLC	0810 - Court Administration	100 General Fund	3,755.00
33831	05/28/2019	Riggs, Karen C.	2200 - Human Resources	501 Cochise Combined Trust	150.00

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
33832	05/28/2019	Schlesinger, Aaron	0810 - Court Administration	100 General Fund	1,140.80
33833	05/28/2019	Scott, Johanna	9000 - School Superintendent	278 Small Schools	50.00
33834	05/28/2019	Senergy Petroleum LLC	1710 - Heavy Fleet Management	600 Heavy Fleet Management	14,787.65
33834	05/28/2019	Senergy Petroleum LLC	1750 - Fleet Management	109 Fleet Management	4,714.18
33835	05/28/2019	Virginia A. Shreve,	0810 - Court Administration	549 Probate Fees	250.00
33836	05/28/2019	Southwest Metrology and Quality Service Inc	2100 - Facilities Management	100 General Fund	95.00
33837	05/28/2019	Sparkletts	0910 - Justice Court 1	311 JP 1 Enhancement Fund	56.30
33838	05/28/2019	Streitfeld, Stephen V. MD PC	0810 - Court Administration	100 General Fund	500.00
33839	05/28/2019	Stronghold Signs, Inc.	0910 - Justice Court 1	100 General Fund	189.95
33840	05/28/2019	Sulphur Springs Valley Electric Cooperative, Inc.	2100 - Facilities Management	100 General Fund	2,902.34
33841	05/28/2019	Thomson West	0810 - Court Administration	100 General Fund	472.50
33841	05/28/2019	Thomson West	0810 - Court Administration	311 JP 1 Enhancement Fund	157.50
33841	05/28/2019	Thomson West	0810 - Court Administration	313 JP 3 Enhancement Fund	157.50
33841	05/28/2019	Thomson West	0810 - Court Administration	315 JP 5 Enhancement Fund	157.50
33842	05/28/2019	W. R. Ryan Company	1750 - Fleet Management	109 Fleet Management	2,398.17
33843	05/28/2019	Watson Chevrolet Inc	1750 - Fleet Management	109 Fleet Management	35.82
33844	05/28/2019	Waxie Sanitary Supply	2100 - Facilities Management	100 General Fund	1,141.22
33845	05/28/2019	Wick Communications	0700 - Clerk of the Superior Court	100 General Fund	196.27
33846	05/28/2019	Cochise County Clerk of Superior Court	0700 - Clerk of the Superior Court	100 General Fund	1,392.74
33847	05/28/2019	Cochise County Finance Revolving Fund	1600 - Finance	120 Attny Victim-Restitution	1,056.96
33848	05/28/2019	Hodges, Brigitta	5000 - Health Dept	100 General Fund	89.93
33849	06/06/2019	A&R Fire Protection LLC	2100 - Facilities Management	100 General Fund	2,500.00
33850	06/06/2019	Accountable Healthcare Staffing, Inc.	5000 - Health Dept	100 General Fund	3,990.00
33851	06/06/2019	Aerial Solutions II LLC	3000 - Sheriff	211 Private Donor	37,557.23
33852	06/06/2019	AlphaGraphics	7000 - Solid Waste	505 Solid Waste	993.84
33853	06/06/2019	Alvarez, Christopher	0100 - Board of Supervisors	100 General Fund	200.00
33854	06/06/2019	Amazon.com LLC	8000 - County Library District	171 County Library	1,223.03
33854	06/06/2019	Amazon.com LLC	8000 - County Library District	172 State Grt in Aid 08-A-2	29.90
33855	06/06/2019	Anderson, Steven James	0810 - Court Administration	549 Probate Fees	250.00
33856	06/06/2019	Animal Watchers & More LLC	0600 - County Attorney	100 General Fund	320.00
33857	06/06/2019	APAAC- AZ Prosecuting Attorneys' Advisory Council	0600 - County Attorney	100 General Fund	1,200.00
33858	06/06/2019	Cassandra Archuleta	5000 - Health Dept	529 Health Policy Initiative	120.00
33859	06/06/2019	Arizona Ambulance Transport	5000 - Health Dept	100 General Fund	1,513.36
33860	06/06/2019	Arizona Department of Corrections	1710 - Heavy Fleet Management	600 Heavy Fleet Management	32.00
33860	06/06/2019	Arizona Department of Corrections	1750 - Fleet Management	109 Fleet Management	92.00
33860	06/06/2019	Arizona Department of Corrections	2100 - Facilities Management	100 General Fund	248.00
33860	06/06/2019	Arizona Department of Corrections	7000 - Solid Waste	505 Solid Waste	1,639.68
33861	06/06/2019	Arizona Department of Corrections	3000 - Sheriff	203 Jail Enhancement	810.00
33862	06/06/2019	Arizona Department of Corrections ASPC-Tucson	7000 - Solid Waste	505 Solid Waste	85.00
33863	06/06/2019	Arizona Department of Transportation	1750 - Fleet Management	109 Fleet Management	2,083.72
33864	06/06/2019	Arizona Justice of the Peace Association	0960 - Justice Court 6	100 General Fund	100.00
33865	06/06/2019	Arizona Local Health Officers Association (ALHOA)	5000 - Health Dept	100 General Fund	800.00
33866	06/06/2019	Arizona Police Psychology, PLLC	3000 - Sheriff	100 General Fund	75.00
33867	06/06/2019	Arizona Public Service - APS	2100 - Facilities Management	100 General Fund	25,678.81
33867	06/06/2019	Arizona Public Service - APS	2100 - Facilities Management	105 Bisbee/Douglas Airport	5,134.17
33867	06/06/2019	Arizona Public Service - APS	4010 - Highway Dept Administration	251 Highway Fund	1,629.70
33868	06/06/2019	Arizona State Prison Complex	4010 - Highway Dept Administration	251 Highway Fund	9,147.62
33869	06/06/2019	Arizona Supreme Court	0810 - Court Administration	100 General Fund	1,950.00
33870	06/06/2019	Arizona Supreme Court	0810 - Court Administration	315 JP 5 Enhancement Fund	4,583.33
33871	06/06/2019	Arizona Water Company	2100 - Facilities Management	100 General Fund	1,650.82
33871	06/06/2019	Arizona Water Company	7000 - Solid Waste	505 Solid Waste	237.20
33872	06/06/2019	Melissa Arrieta	5000 - Health Dept	529 Health Policy Initiative	120.00
33873	06/06/2019	Athens Technical Specialists, Inc. (ATSI)	3000 - Sheriff	570 GIITEM	8,684.42
33874	06/06/2019	Auvine, Melissa	5000 - Health Dept	529 Health Policy Initiative	120.00
33875	06/06/2019	Baker & Taylor, LLC	8000 - County Library District	171 County Library	851.54
33875	06/06/2019	Baker & Taylor, LLC	8000 - County Library District	182 CFSA-Troller Fund	73.37
33876	06/06/2019	Bank of America	1600 - Finance	100 General Fund	256,339.60
33877	06/06/2019	Beacon Secure	5000 - Health Dept	100 General Fund	150.00
33878	06/06/2019	Bear Cat Manufacturing, Inc.	1710 - Heavy Fleet Management	600 Heavy Fleet Management	7,892.67
33879	06/06/2019	Bella Vista Water Company-Liberty Water	2100 - Facilities Management	100 General Fund	1,222.14
33880	06/06/2019	Benson, City of	4010 - Highway Dept Administration	251 Highway Fund	260.53
33880	06/06/2019	Benson, City of	7000 - Solid Waste	505 Solid Waste	40.16
33881	06/06/2019	Bisbee Napa	1710 - Heavy Fleet Management	600 Heavy Fleet Management	28.47
33881	06/06/2019	Bisbee Napa	1750 - Fleet Management	109 Fleet Management	326.20
33882	06/06/2019	Blackstone Audio, Inc.	8000 - County Library District	171 County Library	232.99
33883	06/06/2019	Bowie Water Improvement District	2100 - Facilities Management	100 General Fund	90.96
33883	06/06/2019	Bowie Water Improvement District	4010 - Highway Dept Administration	251 Highway Fund	49.65
33884	06/06/2019	Branco Machinery Company	4010 - Highway Dept Administration	251 Highway Fund	5,139.19
33885	06/06/2019	Brodart Company	8000 - County Library District	182 CFSA-Troller Fund	1,639.45
33886	06/06/2019	Brown & White Inc	4010 - Highway Dept Administration	251 Highway Fund	6,904.00

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
33887	06/06/2019	Bug-Wiser Exterminating, Inc.	2100 - Facilities Management	100 General Fund	760.00
33887	06/06/2019	Bug-Wiser Exterminating, Inc.	2100 - Facilities Management	105 Bisbee/Douglas Airport	45.00
33887	06/06/2019	Bug-Wiser Exterminating, Inc.	3000 - Sheriff	100 General Fund	180.00
33888	06/06/2019	Bureau of Vital Records	5000 - Health Dept	100 General Fund	4,345.00
33889	06/06/2019	Barbara Burr	0950 - Justice Court 5	100 General Fund	50.00
33890	06/06/2019	Cable One	1800 - IT/Communications	100 General Fund	160.29
33891	06/06/2019	CDW LLC	1800 - IT/Communications	100 General Fund	284.31
33891	06/06/2019	CDW LLC	8000 - County Library District	171 County Library	422.22
33892	06/06/2019	Center for Disease Detection, LLC	5000 - Health Dept	100 General Fund	282.50
33893	06/06/2019	CenturyLink Communications	1800 - IT/Communications	100 General Fund	3,171.18
33893	06/06/2019	CenturyLink Communications	8000 - County Library District	171 County Library	1,459.09
33894	06/06/2019	CenturyLink Communications	1800 - IT/Communications	100 General Fund	2,285.18
33895	06/06/2019	CenturyLink Communications	0100 - Board of Supervisors	100 General Fund	65.24
33895	06/06/2019	CenturyLink Communications	0600 - County Attorney	100 General Fund	40.62
33895	06/06/2019	CenturyLink Communications	0600 - County Attorney	124 Attrny Anti-Racketeering	40.62
33895	06/06/2019	CenturyLink Communications	0920 - Justice Court 2	100 General Fund	63.26
33895	06/06/2019	CenturyLink Communications	1400 - General Government	216 SEACOM Operations	1,034.77
33895	06/06/2019	CenturyLink Communications	2100 - Facilities Management	100 General Fund	87.04
33895	06/06/2019	CenturyLink Communications	2100 - Facilities Management	105 Bisbee/Douglas Airport	168.05
33895	06/06/2019	CenturyLink Communications	3000 - Sheriff	100 General Fund	618.44
33895	06/06/2019	CenturyLink Communications	4010 - Highway Dept Administration	251 Highway Fund	92.32
33895	06/06/2019	CenturyLink Communications	5000 - Health Dept	100 General Fund	63.00
33895	06/06/2019	CenturyLink Communications	5000 - Health Dept	243 Immunization Program	63.25
33895	06/06/2019	CenturyLink Communications	7000 - Solid Waste	505 Solid Waste	611.09
33896	06/06/2019	Charm-Tex	3000 - Sheriff	100 General Fund	1,980.00
33897	06/06/2019	Cintas Corporation No. 445	7000 - Solid Waste	505 Solid Waste	454.74
33898	06/06/2019	Cintas Fire Protection	2100 - Facilities Management	100 General Fund	12,812.43
33899	06/06/2019	City of Bisbee	1900 - Development Services	100 General Fund	6,387.10
33900	06/06/2019	City of Sierra Vista	2100 - Facilities Management	100 General Fund	392.27
33901	06/06/2019	Cochise Private Industry Council, Inc.	1600 - Finance	192 J.T.P.A.	90,224.00
33902	06/06/2019	Contract Pharmacy Services, Inc.	5000 - Health Dept	100 General Fund	10,745.16
33903	06/06/2019	Copper Queen Community Hospital	2200 - Human Resources	100 General Fund	497.00
33903	06/06/2019	Copper Queen Community Hospital	2200 - Human Resources	239 SEAGO Case Management AAA	20.00
33903	06/06/2019	Copper Queen Community Hospital	2200 - Human Resources	600 Heavy Fleet Management	65.00
33904	06/06/2019	Copygraphix Inc.	1600 - Finance	100 General Fund	26,682.84
33905	06/06/2019	County Supervisors Association	0100 - Board of Supervisors	100 General Fund	127.94
33906	06/06/2019	Timothy Crawford	0950 - Justice Court 5	100 General Fund	68.00
33907	06/06/2019	Carol Crockett	5000 - Health Dept	529 Health Policy Initiative	120.00
33908	06/06/2019	Culligan of Tucson	0600 - County Attorney	100 General Fund	6.98
33909	06/06/2019	Cummings, Dale A.	5000 - Health Dept	529 Health Policy Initiative	120.00
33910	06/06/2019	Czzowitz, Helga	0950 - Justice Court 5	100 General Fund	208.00
33911	06/06/2019	Gabriel C. Dare	0950 - Justice Court 5	100 General Fund	125.00
33912	06/06/2019	Del's Tire Company	1750 - Fleet Management	109 Fleet Management	17.99
33913	06/06/2019	Dell Marketing LP	1800 - IT/Communications	171 County Library	11,598.56
33914	06/06/2019	Demco Inc.	8000 - County Library District	171 County Library	242.90
33914	06/06/2019	Demco Inc.	8000 - County Library District	172 State Grt in Aid 08-A-2	346.25
33914	06/06/2019	Demco Inc.	8000 - County Library District	182 CFSA-Troller Fund	603.89
33915	06/06/2019	Deneke, Buffy	0600 - County Attorney	124 Attrny Anti-Racketeering	17.50
33915	06/06/2019	Deneke, Buffy	0810 - Court Administration	100 General Fund	508.20
33916	06/06/2019	Diamondback Police Supply Co	3000 - Sheriff	100 General Fund	477.19
33917	06/06/2019	Direct TV	3000 - Sheriff	208 Sheriff Inmate Welfare	26.99
33918	06/06/2019	Diveley, Geff B.	5000 - Health Dept	529 Health Policy Initiative	120.00
33919	06/06/2019	Douglas, City of	1900 - Development Services	100 General Fund	1,462.50
33919	06/06/2019	Douglas, City of	2100 - Facilities Management	100 General Fund	142.79
33919	06/06/2019	Douglas, City of	3000 - Sheriff	100 General Fund	3,221.35
33919	06/06/2019	Douglas, City of	4010 - Highway Dept Administration	251 Highway Fund	413.98
33919	06/06/2019	Douglas, City of	7000 - Solid Waste	505 Solid Waste	28.19
33920	06/06/2019	Douglas, City of	5000 - Health Dept	243 Immunization Program	429.66
33921	06/06/2019	Durley, Tania L.	5000 - Health Dept	529 Health Policy Initiative	120.00
33922	06/06/2019	Eastern Arizona Courier	8000 - County Library District	171 County Library	62.40
33923	06/06/2019	Elfrida Water Improvement District	2100 - Facilities Management	100 General Fund	32.68
33924	06/06/2019	Jessica Elkenberry	5000 - Health Dept	529 Health Policy Initiative	120.00
33925	06/06/2019	Empire Southwest LLC	1710 - Heavy Fleet Management	600 Heavy Fleet Management	12,833.78
33926	06/06/2019	English, Ann S.	0100 - Board of Supervisors	100 General Fund	961.13
33927	06/06/2019	Environmental Systems Research Institute, Inc ESRI	1800 - IT/Communications	100 General Fund	18,818.32
33928	06/06/2019	Ergon Asphalt & Emulsions, Inc.	4010 - Highway Dept Administration	251 Highway Fund	137,650.24
33929	06/06/2019	Federal Express Corporation	1800 - IT/Communications	100 General Fund	17.40
33930	06/06/2019	Federal Express Corporation	0600 - County Attorney	100 General Fund	11.07
33930	06/06/2019	Federal Express Corporation	3000 - Sheriff	100 General Fund	102.56
33931	06/06/2019	Freedom Towing and Hauling	3000 - Sheriff	100 General Fund	124.00

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
33932	06/06/2019	Fry Fire District	5000 - Health Dept	243 Immunization Program	240.78
33933	06/06/2019	Gamez, Jose	4010 - Highway Dept Administration	251 Highway Fund	100.00
33934	06/06/2019	Garcia, Alma	5000 - Health Dept	529 Health Policy Initiative	120.00
33935	06/06/2019	Geodesy	1800 - IT/Communications	100 General Fund	300.00
33935	06/06/2019	Geodesy	1800 - IT/Communications	450 M.I.S. Capital Reserve	1,875.00
33936	06/06/2019	Tai Breanna Granger	5000 - Health Dept	529 Health Policy Initiative	120.00
33937	06/06/2019	Jose Guzman	0950 - Justice Court 5	100 General Fund	214.00
33938	06/06/2019	Craig Hamilton	0950 - Justice Court 5	100 General Fund	132.00
33939	06/06/2019	Harris Systems USA, Inc.	0300 - Assessor	100 General Fund	185.00
33940	06/06/2019	Hatfield Funeral Home	5000 - Health Dept	100 General Fund	1,300.00
33941	06/06/2019	Hayhurst, Teri A.	5000 - Health Dept	529 Health Policy Initiative	120.00
33942	06/06/2019	Helm, Livesay, & Worthington, Ltd	1600 - Finance	100 General Fund	39.12
33943	06/06/2019	Marissa A. Herrera	5000 - Health Dept	529 Health Policy Initiative	120.00
33944	06/06/2019	Hirshouer, James	5000 - Health Dept	529 Health Policy Initiative	120.00
33945	06/06/2019	Honeman, Van G.	0600 - County Attorney	124 Attrny Anti-Racketeering	24.50
33946	06/06/2019	HOV Services Inc/Lason Systems	0400 - Recorder	100 General Fund	734.61
33947	06/06/2019	HP Iron, Inc. dba Hitchin Post Iron	4010 - Highway Dept Administration	261 Flood Control Distric	11,964.69
33948	06/06/2019	Hubble, Anthony D	0810 - Court Administration	549 Probate Fees	250.00
33949	06/06/2019	Johnson, Gregory L.	1900 - Development Services	100 General Fund	220.55
33950	06/06/2019	Judd, Peggy S.	0100 - Board of Supervisors	100 General Fund	1,061.40
33951	06/06/2019	JWS Web Design LLC	1800 - IT/Communications	100 General Fund	2,500.00
33952	06/06/2019	Kawamoto, Gerald	0100 - Board of Supervisors	100 General Fund	200.00
33953	06/06/2019	KE&G Construction Inc.	4010 - Highway Dept Administration	251 Highway Fund	46,772.08
33954	06/06/2019	Keefe Commissary Network, LLC	3000 - Sheriff	208 Sheriff Inmate Welfare	5,466.92
33955	06/06/2019	Krieg, Eric David	5000 - Health Dept	529 Health Policy Initiative	120.00
33956	06/06/2019	John Langham	0950 - Justice Court 5	100 General Fund	508.00
33957	06/06/2019	Law Office of Joan M Sacramento	0810 - Court Administration	549 Probate Fees	350.00
33958	06/06/2019	Leever, Ronda	0100 - Board of Supervisors	100 General Fund	192.55
33959	06/06/2019	Legend Technical Services of Arizona, Inc.	2100 - Facilities Management	105 Bisbee/Douglas Airport	32.00
33960	06/06/2019	Logicalis, Inc.	1800 - IT/Communications	450 M.I.S. Capital Reserve	16,183.76
33961	06/06/2019	Lowell A. Jensen, PLC	1310 - Indigent Defense Coordinator	100 General Fund	2,810.00
33962	06/06/2019	Lumiere, Monica P.	5000 - Health Dept	529 Health Policy Initiative	120.00
33963	06/06/2019	Manny's St. David Automotive & Towing, Inc.	3000 - Sheriff	100 General Fund	259.00
33964	06/06/2019	McCarty, Allen	0950 - Justice Court 5	100 General Fund	126.05
33965	06/06/2019	McCook Boiler & Pump Company	2100 - Facilities Management	100 General Fund	2,848.00
33966	06/06/2019	Merck Sharp & Dohme Corp.	5000 - Health Dept	243 Immunization Program	36,918.85
33967	06/06/2019	Merle's Automotive Supply	1750 - Fleet Management	109 Fleet Management	1,312.60
33968	06/06/2019	Micholason, Ron	0950 - Justice Court 5	100 General Fund	41.00
33969	06/06/2019	Miller, Nicole Dee	5000 - Health Dept	529 Health Policy Initiative	120.00
33970	06/06/2019	Net Transcripts, Inc.	0600 - County Attorney	100 General Fund	84.02
33971	06/06/2019	NI Government Services Inc	3000 - Sheriff	100 General Fund	221.18
33972	06/06/2019	Nixon, Harold Fredrick	1600 - Finance	100 General Fund	20.40
33973	06/06/2019	Nyander, Penny Sue	0600 - County Attorney	100 General Fund	598.50
33974	06/06/2019	Patricia M Nyberg	5000 - Health Dept	529 Health Policy Initiative	120.00
33975	06/06/2019	Ost, Sherry L.	0100 - Board of Supervisors	100 General Fund	200.00
33976	06/06/2019	PrevenTronics	1800 - IT/Communications	100 General Fund	34,063.12
33977	06/06/2019	Prudential Overall Supply	1710 - Heavy Fleet Management	600 Heavy Fleet Management	151.71
33977	06/06/2019	Prudential Overall Supply	1750 - Fleet Management	109 Fleet Management	132.63
33977	06/06/2019	Prudential Overall Supply	2100 - Facilities Management	100 General Fund	34.57
33978	06/06/2019	Pueblo del Sol Water Company	4010 - Highway Dept Administration	251 Highway Fund	382.92
33979	06/06/2019	Relda LLC dba Dermatec	3000 - Sheriff	100 General Fund	705.99
33980	06/06/2019	RevolutionaryText, LLC	0600 - County Attorney	100 General Fund	49.00
33981	06/06/2019	Amy Elizabeth Roark	5000 - Health Dept	529 Health Policy Initiative	120.00
33982	06/06/2019	Runbeck Election Services Inc.	0400 - Recorder	100 General Fund	825.48
33983	06/06/2019	Safelite Autoglass Corp.	1750 - Fleet Management	100 General Fund	984.66
33983	06/06/2019	Safelite Autoglass Corp.	1750 - Fleet Management	109 Fleet Management	39.95
33984	06/06/2019	Sanchez, Natalie Nicole	5000 - Health Dept	232 Family Planning	36.91
33985	06/06/2019	Schasteen, Steve	4010 - Highway Dept Administration	251 Highway Fund	100.00
33986	06/06/2019	Schlesinger, Aaron	0600 - County Attorney	100 General Fund	696.50
33986	06/06/2019	Schlesinger, Aaron	0810 - Court Administration	100 General Fund	464.80
33987	06/06/2019	Senergy Petroleum LLC	1710 - Heavy Fleet Management	600 Heavy Fleet Management	14,674.56
33987	06/06/2019	Senergy Petroleum LLC	1750 - Fleet Management	109 Fleet Management	21,245.79
33988	06/06/2019	Servicemaster Commercial Cleaning Services, LLC	2100 - Facilities Management	216 SEACOM Operations	1,870.63
33989	06/06/2019	Shepard, Sue Kay	5000 - Health Dept	529 Health Policy Initiative	120.00
33990	06/06/2019	Capacstreal Smith	5000 - Health Dept	529 Health Policy Initiative	120.00
33991	06/06/2019	Southeast Arizona Legal Support (SEALS)	0200 - Treasurer	100 General Fund	7,229.75
33992	06/06/2019	Southern Arizona Rad Associates LLC	5000 - Health Dept	234 TB Control	26.62
33993	06/06/2019	Southern Computer Warehouse, Inc.	1800 - IT/Communications	100 General Fund	4,197.90
33993	06/06/2019	Southern Computer Warehouse, Inc.	1800 - IT/Communications	450 M.I.S. Capital Reserve	1,173.01
33994	06/06/2019	Southwest Building Inspection Service, Inc	1900 - Development Services	100 General Fund	150.00

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
33995	06/06/2019	Southwest Gas Corporation	2100 - Facilities Management	100 General Fund	583.26
33995	06/06/2019	Southwest Gas Corporation	4010 - Highway Dept Administration	251 Highway Fund	225.84
33996	06/06/2019	Sparkletts	0100 - Board of Supervisors	100 General Fund	89.19
33996	06/06/2019	Sparkletts	1800 - IT/Communications	100 General Fund	139.90
33996	06/06/2019	Sparkletts	1900 - Development Services	100 General Fund	109.09
33996	06/06/2019	Sparkletts	2100 - Facilities Management	100 General Fund	215.69
33996	06/06/2019	Sparkletts	8000 - County Library District	171 County Library	40.13
33997	06/06/2019	Sparkman Enterprises	2100 - Facilities Management	400 County Capital Projects	24,813.00
33998	06/06/2019	Stamback Septic Service	1900 - Development Services	100 General Fund	145.00
33999	06/06/2019	Stan Greer Millworks	2100 - Facilities Management	100 General Fund	1,469.49
34000	06/06/2019	State Bar of Arizona	1350 - Legal Defender	100 General Fund	98.40
34001	06/06/2019	Stericycle Inc.	3000 - Sheriff	100 General Fund	1,304.70
34002	06/06/2019	Streitfeld, Stephen V. MD PC	0810 - Court Administration	100 General Fund	175.00
34003	06/06/2019	Sulphur Springs Medical Center	3000 - Sheriff	100 General Fund	153.36
34004	06/06/2019	Sulphur Springs Valley Electric Cooperative, Inc.	0950 - Justice Court 5	100 General Fund	112.50
34005	06/06/2019	Sulphur Springs Valley Electric Cooperative, Inc.	1800 - IT/Communications	100 General Fund	668.66
34005	06/06/2019	Sulphur Springs Valley Electric Cooperative, Inc.	2100 - Facilities Management	100 General Fund	1,408.90
34005	06/06/2019	Sulphur Springs Valley Electric Cooperative, Inc.	4010 - Highway Dept Administration	251 Highway Fund	979.16
34005	06/06/2019	Sulphur Springs Valley Electric Cooperative, Inc.	7000 - Solid Waste	505 Solid Waste	1,253.53
34005	06/06/2019	Sulphur Springs Valley Electric Cooperative, Inc.	8000 - County Library District	171 County Library	82.12
34006	06/06/2019	Sune D14 Misc-A Holdings, LLC	2100 - Facilities Management	100 General Fund	6,776.06
34007	06/06/2019	Sunsites-Pearce Fire District	5000 - Health Dept	100 General Fund	992.84
34008	06/06/2019	Teague, Patrick	1710 - Heavy Fleet Management	600 Heavy Fleet Management	115.00
34009	06/06/2019	The Bisbee Observer LLC	0200 - Treasurer	100 General Fund	263.29
34010	06/06/2019	Annika Britt Thomas	5000 - Health Dept	529 Health Policy Initiative	120.00
34011	06/06/2019	Thomson West	0810 - Court Administration	151 Law Library	3,658.41
34011	06/06/2019	Thomson West	1350 - Legal Defender	100 General Fund	411.96
34012	06/06/2019	Tim's Wrecker Service	1710 - Heavy Fleet Management	600 Heavy Fleet Management	250.00
34013	06/06/2019	Trachtman, Sean	1800 - IT/Communications	100 General Fund	1,225.00
34014	06/06/2019	Trademark Visual, Inc.	1750 - Fleet Management	109 Fleet Management	3,085.14
34015	06/06/2019	Trinity Services Group, Inc.	3000 - Sheriff	100 General Fund	36,432.70
34016	06/06/2019	Victoria Marie Turner	5000 - Health Dept	529 Health Policy Initiative	120.00
34017	06/06/2019	University of Arizona	1600 - Finance	100 General Fund	28,953.25
34018	06/06/2019	Nuvia Valdez	0950 - Justice Court 5	100 General Fund	33.00
34019	06/06/2019	Valenzuela, Celia A.	5000 - Health Dept	529 Health Policy Initiative	120.00
34020	06/06/2019	Valley Telephone Cooperative, Inc.	0960 - Justice Court 6	100 General Fund	473.18
34020	06/06/2019	Valley Telephone Cooperative, Inc.	3000 - Sheriff	100 General Fund	36.04
34020	06/06/2019	Valley Telephone Cooperative, Inc.	3000 - Sheriff	208 Sheriff Inmate Welfare	79.90
34020	06/06/2019	Valley Telephone Cooperative, Inc.	4010 - Highway Dept Administration	251 Highway Fund	298.17
34020	06/06/2019	Valley Telephone Cooperative, Inc.	8000 - County Library District	171 County Library	965.88
34021	06/06/2019	Verizon Wireless	3000 - Sheriff	100 General Fund	10,946.02
34021	06/06/2019	Verizon Wireless	3000 - Sheriff	200 Financial Crimes Unit	270.43
34021	06/06/2019	Verizon Wireless	3000 - Sheriff	202 HIDTA	117.12
34022	06/06/2019	Voyager Fleet System, Inc.	1750 - Fleet Management	109 Fleet Management	7,876.53
34023	06/06/2019	W. R. Ryan Company	1750 - Fleet Management	109 Fleet Management	5,210.79
34024	06/06/2019	Waite, Justin	3000 - Sheriff	100 General Fund	700.00
34025	06/06/2019	Waste Management of Arizona, Inc.	2100 - Facilities Management	100 General Fund	620.82
34025	06/06/2019	Waste Management of Arizona, Inc.	4010 - Highway Dept Administration	251 Highway Fund	611.43
34026	06/06/2019	Waterman, David M	1310 - Indigent Defense Coordinator	100 General Fund	6,500.00
34027	06/06/2019	Waxie Sanitary Supply	2100 - Facilities Management	100 General Fund	2,186.43
34027	06/06/2019	Waxie Sanitary Supply	3000 - Sheriff	100 General Fund	662.62
34028	06/06/2019	Wells, Doris K.	1800 - IT/Communications	100 General Fund	1,347.50
34029	06/06/2019	White, Teresa R	5000 - Health Dept	529 Health Policy Initiative	120.00
34030	06/06/2019	Wick Communications	0200 - Treasurer	100 General Fund	135.67
34031	06/06/2019	Willcox, City of	2100 - Facilities Management	100 General Fund	961.47
34031	06/06/2019	Willcox, City of	4010 - Highway Dept Administration	251 Highway Fund	1,243.54
34031	06/06/2019	Willcox, City of	7000 - Solid Waste	505 Solid Waste	140.08
34032	06/06/2019	WIST Office Products Co	0600 - County Attorney	100 General Fund	2,052.29
34032	06/06/2019	WIST Office Products Co	0600 - County Attorney	124 Attrny Anti-Racketeering	1,068.49
34033	06/06/2019	Arizona Department of Environmental Quality	7000 - Solid Waste	505 Solid Waste	600.00
34034	06/06/2019	Arizona Department of Environmental Quality	7000 - Solid Waste	505 Solid Waste	600.00
34035	06/06/2019	Chuar LLC	0200 - Treasurer	100 General Fund	14,433.74
34036	06/06/2019	Cochise County Finance Revolving Fund	1600 - Finance	100 General Fund	106.50
34037	06/06/2019	Cochise County Sheriff's Department	3000 - Sheriff	100 General Fund	951.61
34038	06/06/2019	High Desert Clinic Urgent & Occupational Care, LLC	2200 - Human Resources	251 Highway Fund	80.00
34038	06/06/2019	High Desert Clinic Urgent & Occupational Care, LLC	2200 - Human Resources	505 Solid Waste	160.00
34039	06/06/2019	Pitney Bowes Reserve Account	2100 - Facilities Management	100 General Fund	15,000.00
34040	06/06/2019	ProPay, Inc	8000 - County Library District	171 County Library	99.95
34041	06/06/2019	Swartz, Richard M	1310 - Indigent Defense Coordinator	100 General Fund	197.70
34042	06/06/2019	University of Arizona	8000 - County Library District	172 State Grt in Aid 08-A-2	90.00

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
34043	06/06/2019	US District Court	0600 - County Attorney	124 Attrny Anti-Racketeering	115.50
					2,158,074.48

Consent 2.

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

Meeting Date: 06/25/2019

Naming the Chief Fiscal Officer

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

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

Information

Agenda Item Text:

Approve naming Douglas Kooi as Cochise County's Chief Fiscal Officer per ARS 41-1279.07(E).

Background:

ARS 41-1279.07(E) states that each political subdivision shall provide to the auditor general by July 31 each year the name of the chief fiscal officer designated by the governing board of the political subdivision to submit the current fiscal year's expenditure limitation report. The political subdivision shall notify the auditor general of any changes of individuals designated to file the required reports. The designated chief fiscal officer shall certify to the accuracy of the annual expenditure limitation report.

Department's Next Steps (if approved):

Submit notice of Chief Fiscal Officer notice to the Arizona Auditor General by July 31, 2019.

Impact of NOT Approving/Alternatives:

Will not be in compliance with ARS 41-1279.07(E) and County will not be able to submit the current fiscal year's annual expenditure limitation report .

To BOS Staff: Document Disposition/Follow-Up:

Email Doug Kooi notifying him of the approval, provide him with signed minutes for the June 25, 2019 meeting.

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.

Consent 3.

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

Meeting Date: 06/25/2019

Approve Proclamation: Recognizing Earl Jerome Judd

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

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

Document Signatures: **# of ORIGINALS Submitted for Signature:**

NAME of PRESENTER: n/a **TITLE of PRESENTER:** n/a

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

Information

Agenda Item Text:

Approve a Proclamation in recognition of Earl Jerome Judd, Resident of Cochise County.

Background:

2019 marks the 100th birthday anniversary of Mr. Judd and will be observed by his family with a commemorative visit to Cochise County.

Department's Next Steps (if approved):

Mail Original Proclamation:
Janette F. Judd
7065 Via Anacapa
San Jose, CA 95139

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

File one signed original; mail one signed original to Ms. Judd at the above address.

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

Proclamation

Cochise County
Board of Supervisors

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

PEGGY JUDD
Chairman
District 3

ANN ENGLISH
Vice-Chairman
District 2

THOMAS E. BORER
Supervisor
District 1

EDWARD T. GILLIGAN
County Administrator

SHARON GILMAN
Associate County Administrator

ARLETHE G. RIOS
Clerk of the Board

PROCLAMATION

Recognition of Earl Jerome Judd's 100th year of his birth, Resident of Cochise County

WHEREAS, Earl Jerome Judd (1919-2002), was born and raised in Cochise County (in Pomerene/St. David); and

WHEREAS, Earl Jerome Judd was a proud Arizonan; and

WHEREAS, he graduated from Benson High School and worked at the Bisbee mines; and

WHEREAS, the 100th birthday anniversary of Earl Jerome Judd is June 14, 2019 and will be observed by his loved ones with a trip to Cochise County to commemorate his birthday;

NOW THEREFORE, the Cochise County Board of Supervisors hereby proclaims a celebration for the 100th birthday of Earl Jerome Judd in Cochise County.

PASSED AND ADOPTED this _____ day of _____, 2019.

_____	_____	_____
Peggy Judd, Chairman	Ann English, Vice-Chairman	Thomas E. Borer, Supervisor

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

Consent 4.

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

Meeting Date: 06/25/2019

PSPRS Policy

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

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

Document Signatures: **# of ORIGINALS Submitted for Signature:**

NAME of PRESENTER: n/a **TITLE of PRESENTER:** n/a

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

Information

Agenda Item Text:

Approve Public Safety Personnel Retirement System (PSPRS) Pension Funding Policy as required by ARS 38-863.01 effective July 1, 2019.

Background:

38-863.01. Pension funding policies; employers

A. Beginning on or before July 1, 2019, each governing body of an employer shall annually:

1. Adopt a pension funding policy for the system for employees who were hired before July 1, 2017. The pension funding policy shall include funding objectives that address at least the following:

(a) How to maintain stability of the governing body's contributions to the system.

(b) How and when the governing body's funding requirements of the system will be met.

(c) Defining the governing body's funded ratio target under the system and the timeline for reaching the targeted funded ratio.

2. Formally accept the employer's share of the assets and liabilities under the system based on the system's actuarial valuation report.

B. The governing body shall post the pension funding policy on the governing body's public website.

Department's Next Steps (if approved):

Implement Policy.

Impact of NOT Approving/Alternatives:

Not in compliance with ARS 38-863.01

To BOS Staff: Document Disposition/Follow-Up:

n/a

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

PSPRS Policy

Cochise County
Board of Supervisors

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

Policy Title: Public Safety Personnel Retirement System (PSPRS) Pension Funding

Policy Number: 1604

Effective: July 1, 2019

Supersedes:

Last Reviewed/Updated:

Scope/Coverage: Pension funding policy for the system for employees hired before July 1, 2017

Policy Contact: County Administrator / Finance Director

I. Maintaining the Stability of County Contributions

A. In accordance with A.R.S. § 38-863.01, the Board of Supervisors shall employ the following strategies to stabilize PSPRS Annual Required Contribution (ARC) and reduce the Unfunded Actuarial Accrued Liability (UAAL):

1. In the first month of the fiscal year (July), the County shall pay, in full, the minimum ARC as projected by PSPRS for the new fiscal year.

2. During the annual budget development process, the ARC rate shall be determined as 50% or the rate published in the system's annual actuarial report, whichever is greater.

3. In the final month of each fiscal year (June), the County shall make a supplemental contribution payment utilizing 100% of the projected current fiscal year savings in the Cochise County Sheriff's Office General Fund budget.

B. The Board of Supervisors, through the County Supervisors Association, may actively lobby the Arizona State Legislature to reform PSPRS and provide funding relief.

II. Funded Ratio Target and Timeline

A. The following information is from the June 30, 2018 actuarial valuation:

Trust Fund	Assets	Accrued Liability	Unfunded Actuarial Accrued Liability	Funded Ratio
CCSO	$18,426,928	$51,998,563	$33,571,635	35.4%

B. Consistent with the PSPRS' Actuarial Funding Policy, the Board's PSPRS funding ratio goal is 100% (fully funded) over a period of 30 years.

III. Review and Acceptance of Actuarial Valuation Report

A. Annually, the Board shall review the assets, liabilities, and current funding ratio of the county's PSPRS trust fund as reported by the plan administrator in the annual report.

B. The Board shall vote to accept the system's actuarial report in an open meeting.

C. Every five (5) years, the County shall contract for an independent actuarial analysis to ensure the County is meeting funding goals.

D. The PSPRS funding policy and summary of assets and liabilities under the system shall be posted on the County's public website.

Consent 5.

Regular Board of Supervisors Meeting **County Attorney**

Meeting Date:	06/25/2019		
Approve the Proposed Settlement of the Small Tax Appeal Roger A. Nusbaum v. Cochise County			
Submitted By:	Susana Stark, County Attorney		
Department:	County Attorney		
Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	1
NAME of PRESENTER:	Christine J. Roberts	**TITLE of PRESENTER:**	Civil Deputy County Attorney
Docket Number (If applicable):			
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	

Information

Agenda Item Text:

Approve the proposed settlement of the Small Tax Appeal in Roger A. Nusbaum v. Cochise County, ST2018-000025, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

Background:

Taxpayer filed a civil action in Arizona Tax Court, seeking a reduction in assessed value for parcel number 305-43-046 for tax year 2019. After inspecting the property, reviewing the taxpayers' documentation and other market factors/comparables, the Assessor agrees that the parcel's full cash value and limited property value for tax year 2019 should be lowered. The Assessor's recommended settlement offer is as follows:

- For tax year 2019, a reduction in full cash value from $599,781 to $64,400.
- For tax year 2019, a reduction in limited property value from $599,781 to $61,845.
- The assessment ratio be changed to 11.6%.
- The legal class shall remain mixed at class 4.1 / 2.

Assessor shall recalculate the 2019 and 2020 taxes on the subject property based upon full cash value and classification as stated above.

Each party would bear their own attorneys' fees and costs.

The taxpayer has accepted the settlement offer.

Department's Next Steps (if approved):

Upon approval by the Board, the parties will file the stipulated judgment and stipulation for entry of judgment with the Arizona Tax Court disposing of this matter, pursuant to the settlement terms.

Impact of NOT Approving/Alternatives:

Additional litigation for the County with the risk that the Court may: (1) rule in the taxpayers' favor; (2) order a larger reduction in the assessed value of the subject property; and (3) order the County to pay the Plaintiffs' fees and costs.

To BOS Staff: Document Disposition/Follow-Up:

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

Attachments

Stipulation for Entry of Judgement
Stipulated Judgement

BRIAN McINTYRE
COCHISE COUNTY ATTORNEY
By: CHRISTINE J. ROBERTS
Civil Deputy County Attorney
State Bar No. 033718
P.O. Drawer CA
Bisbee, AZ 85603
(520) 432-8700
CVAttymeo@cochise.az.gov
Attorney for Defendant Cochise County

SUPERIOR COURT OF ARIZONA

IN THE ARIZONA TAX COURT

ROGER A. NUSBAUM, Plaintiff, v. COCHISE COUNTY, a political subdivision of the State of Arizona, Defendant.	**Case No. ST2018-000025** **STIPULATION FOR ENTRY OF JUDGMENT** **(Assigned to Commissioner David W. Garbarino)**

The parties to this action stipulate that the Court may enter the attached Judgment in full and final disposition to this action.

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RESPECTFULLY SUBMITTED this ___ day of _____, 2019.

DATED: 20 May 2019

Roger A. Nusbaum
P.O. Box 645
Sonoita, AZ 85637
Plaintiff/Pro Per

Cochise County Attorney

By: _____
CHRISTINE J. ROBERTS
Civil Deputy County Attorney

Copy of the foregoing mailed
this _____day of _____, 2019, to:

Commissioner David W. Garbarino
East Court Building-813
101 West Jefferson
Phoenix, AZ 85003-2243

Roger A. Nusbaum
P.O. Box 645
Sonoita, AZ 85637
Plaintiff/Pro Per

BRIAN McINTYRE
COCHISE COUNTY ATTORNEY
By: CHRISTINE J. ROBERTS
Civil Deputy County Attorney
State Bar No. 033718
P.O. Drawer CA
Bisbee, AZ 85603
(520) 432-8700
CVAttymeo@cochise.az.gov
Attorney for Defendant Cochise County

SUPERIOR COURT OF ARIZONA

IN THE ARIZONA TAX COURT

ROGER A. NUSBAUM, Plaintiff, v. COCHISE COUNTY, a political subdivision of the State of Arizona, Defendant.	**Case No. ST2018-000025** **STIPULATED JUDGMENT** **(Assigned to Commissioner David W. Garbarino)**

The parties to this action having stipulated to the entry of this Judgment and good cause appearing,

IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The only parcel subject to this judgment is parcel number 305-43-046.

2. For tax year 2019:

- The full cash value of the subject property shall be reduced from $599,781 to $64,400;

- The limited property value of the subject property shall be reduced from $599,781 to $61,845;
- The assessment ratio shall be changed to 11.6%;
- The legal class shall remain mixed at class 4.1 / 2;

3. Defendant shall recalculate the 2019 and 2020 taxes on the subject property based upon the full cash value and classification, as stated above, pursuant to Arizona Revised Statute § 42-16002 B.1.

4. Each party shall bear its own costs and attorney's fees.

DATED this _____ day of _____, 2019.

_____
Commissioner Abramson

APPROVED AS TO FORM:

_____
Roger A. Nusbaum
P.O. Box 645
Sonoita, AZ 85637
Plaintiff/Pro Per

_____
Christine J. Roberts
Civil Deputy County Attorney
P.O. Drawer CA
Bisbee, AZ 85603
Attorney for Defendant Cochise County

Consent 6.

Regular Board of Supervisors Meeting **County Attorney**

Meeting Date: 06/25/2019

Approve the Proposed Settlement of the Small Tax Appeal Daniel F. O'Sullivan, Trustee Kenwin Exchange Trust v. Cochise County

Submitted By:	Susana Stark, County Attorney		
Department:	County Attorney		
Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	1
NAME of PRESENTER:	Christine J. Roberts	**TITLE of PRESENTER:**	Civil Deputy County Attorney
Docket Number (If applicable):			
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	

Information

Agenda Item Text:

Approve the proposed settlement of the Small Tax Appeal in Daniel F. O'Sullivan, Trustee Kenwin Exchange Trust v. Cochise County, ST2018-000132, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

Background:

Taxpayer filed a civil action in Arizona Tax Court, seeking a reduction in assessed value for parcel number 123-08-121C for tax year 2018. After inspecting the property, reviewing the taxpayer's documentation and other market factors/comparables, the Assessor agrees that the parcel's full cash value and limited property value for tax year 2018 should be lowered. The Assessor's recommended settlement offer is as follows:

- For tax year 2018, a reduction in full cash value from $960,000 to $420,000.
- For tax year 2018, a reduction in limited property value from $936,642 to $420,000.
- The assessment ratio shall remain at 18%.
- The legal class shall remain at 1.12.

Assessor shall recalculate the 2018 and 2019 taxes on the subject property based upon full cash value and classification as stated above.
Each party would bear their own attorneys' fees and costs.
The taxpayer has accepted the settlement offer.

Department's Next Steps (if approved):

Upon approval by the Board, the parties will file the stipulated judgment and stipulation for entry of judgment with the Arizona Tax Court disposing of this matter, pursuant to the settlement terms.

Impact of NOT Approving/Alternatives:

Additional litigation for the County with the risk that the Court may: (1) rule in the taxpayers' favor; (2) order a larger reduction in the assessed value of the subject property; and (3) order the County to pay the Plaintiffs' fees and costs.

To BOS Staff: Document Disposition/Follow-Up:

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

Attachments

Stipulation for Entry of Judgement
Stipulated Judgement

BRIAN McINTYRE
COCHISE COUNTY ATTORNEY
By: CHRISTINE J. ROBERTS
Civil Deputy County Attorney
State Bar No. 033718
P.O. Drawer CA
Bisbee, AZ 85603
(520) 432-8700
CVAttymeo@cochise.az.gov
Attorney for Defendant Cochise County

SUPERIOR COURT OF ARIZONA

IN THE ARIZONA TAX COURT

DANIEL F. O'SULLIVAN, TRUSTEE KENWIN EXCHANGE TRUST, Plaintiff, v. COCHISE COUNTY, a political subdivision of the State of Arizona, Defendant.	**Case No. ST2018-000132** **STIPULATION FOR ENTRY OF JUDGMENT** **(Assigned to Commissioner David W. Garbarino)**

The parties to this action stipulate that the Court may enter the attached Judgment in full and final disposition to this action.

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RESPECTFULLY SUBMITTED this ___ day of _____, 2019.

DATED: 5/25/19

Kenwin Exchange Trust
c/o Daniel F. O'Sullivan
855 N. Ocotillo Ave
Benson, AZ 85602
Plaintiff/Pro Per

Cochise County Attorney

By: _____
CHRISTINE J. ROBERTS
Civil Deputy County Attorney

Copy of the foregoing mailed
this _____day of _____, 2019, to:

Commissioner David W. Garbarino
East Court Building-813
101 West Jefferson
Phoenix, AZ 85003-2243

Kenwin Exchange Trust
c/o Daniel F. O'Sullivan
855 N. Ocotillo Ave
Benson, AZ 85602
Plaintiff/Pro Per

BRIAN McINTYRE
COCHISE COUNTY ATTORNEY
By: CHRISTINE J. ROBERTS
Civil Deputy County Attorney
State Bar No. 033718
P.O. Drawer CA
Bisbee, AZ 85603
(520) 432-8700
CVAttymeo@cochise.az.gov
Attorney for Defendant Cochise County

SUPERIOR COURT OF ARIZONA

IN THE ARIZONA TAX COURT

DANIEL F. O'SULLIVAN, TRUSTEE KENWIN EXCHANGE TRUST, Plaintiff, v. COCHISE COUNTY, a political subdivision of the State of Arizona, Defendant.	**Case No. ST2018-000132** **STIPULATED JUDGMENT** **(Assigned to Commissioner David W. Garbarino)**

The parties to this action having stipulated to the entry of this Judgment and good cause appearing,

IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The only parcel subject to this judgment is parcel number 123-08-121C.

2. For tax year 2018:

- The full cash value of the subject property shall be reduced from $960,000 to $420,000;

- The limited property value of the subject property shall be reduced from $936,642 to $420,000;
- The assessment ratio shall remain at 18%;
- The legal class shall remain at 1.12;

3. Defendant shall recalculate the 2018 and 2019 taxes on the subject property based upon the full cash value and classification, as stated above, pursuant to Arizona Revised Statute § 42-16002 B.1.

4. Each party shall bear its own costs and attorney's fees.

DATED this _____ day of _____, 2019.

_____
Commissioner Abramson

APPROVED AS TO FORM:

_____
Kenwin Exchange Trust
c/o Daniel F. O'Sullivan
855 N. Ocotillo Ave
Benson, AZ 85602
Plaintiff/Pro Per

_____
Christine J. Roberts
Civil Deputy County Attorney
P.O. Drawer CA
Bisbee, AZ 85603
Attorney for Defendant Cochise County

Consent 7.

Regular Board of Supervisors Meeting **County Recorder**

Meeting Date:	06/25/2019		
SAVE Program Usage Agreement with Secretary of State			
Submitted By:	Arlethe Rios, Board of Supervisors		
Department:	County Recorder		
Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	2
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a
Docket Number (If applicable):			
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

Information

Agenda Item Text:

Approve agreement between Cochise County and the Office of the Secretary of State for reimbursement for Systematic Alien Verification of Entitlements (SAVE) Program Usage for the purpose of verifying the citizenship and immigration status information when a person registers to vote in Cochise County.

Background:

To facilitate Arizona County Recorders' access to the SAVE Program, the Secretary has entered into a Memorandum of Agreement with the Department of Homeland Security ("DHS"), U.S. Citizenship and Immigration Services (the "DHS MOA"), which establishes the terms and conditions governing the Secretary's and the County Recorders' participation in the SAVE Program. The MOA with DHS-USCIS is attached as Exhibit 1 and incorporated in full. Under the DHS MOA, the Secretary will administer access to SAVE by Arizona County Recorders, but the Secretary does not have authority to submit verification requests directly. While DHS will bill the larger counties (Maricopa and Pima) directly for their SAVE usage, DHS will bill the Secretary for the collective SAVE usage by the State's 13 smaller counties, including Cochise County, who are expected to have a lower query volume. This Agreement establishes the terms and conditions under which the County will reimburse the Secretary for the costs associated with the County's SAVE usage on a periodic basis.

Department's Next Steps (if approved):

Send agreement to Secretary of State to be fully executed.

Impact of NOT Approving/Alternatives:

The County Recorder will not be able to use the SAVE Program to verify citizenship and immigration status information when a person registers to vote.

To BOS Staff: Document Disposition/Follow-Up:

Send two originals to Heather Lopez, Chief Deputy Recorder to mail to the Secretary of State and request one fully executed original be returned to the BOS to be filed.

Attachments

Agreement

Agreement between Cochise County and the Office of the Secretary of State for Reimbursement for Systematic Alien Verification for Entitlements ("SAVE") Program Usage

This Agreement ("Agreement") is entered into by and between Cochise County, a body politic and corporate of the State of Arizona ("County"), on behalf of the Cochise County Recorder ("County Recorder"), and the Office of the Secretary of State ("Secretary") (collectively, the "Parties").

Recitals

A. The County and the Secretary may contract for services and enter into agreements with one another pursuant to A.R.S. § 11-201(A)(3).

B. The Systematic Alien Verification for Entitlements ("SAVE") Program allows authorized federal, state, and local government agencies to confirm the immigration status of noncitizen and certain citizen applicants requesting benefits or entitlements.

C. The Parties desire for the County Recorders to have access to the SAVE Program for the purpose of verifying the citizenship and immigration status information of non-citizen and naturalized or derived U.S. citizen registrants when they register to vote.

NOW, THEREFORE, the County and the Secretary, pursuant to the above, and in consideration of the matters and things hereinafter set forth, do mutually agree as follows:

Agreement

1. **Purpose.** To facilitate Arizona County Recorders' access to the SAVE Program, the Secretary has entered into a Memorandum of Agreement with the Department of Homeland Security ("DHS"), U.S. Citizenship and Immigration Services (the "DHS MOA"), which establishes the terms and conditions governing the Secretary's and the County Recorders' participation in the SAVE Program. The MOA with DHS-USCIS is attached as Exhibit 1 and incorporated in full. Under the DHS MOA, the Secretary will administer access to SAVE by Arizona County Recorders, but the Secretary does not have authority to submit verification requests directly. While DHS will bill the larger counties (Maricopa and Pima) directly for their SAVE usage, DHS will bill the Secretary for the collective SAVE usage by the State's 13 smaller counties, including Cochise County, who are expected to have a lower query volume. This Agreement establishes the terms and conditions under which the County will reimburse the Secretary for the costs associated with the County's SAVE usage on a periodic basis.

2. **Reimbursement Formula and Process.**

   a. <u>DHS Billing</u>

      i. Under the DHS MOA, the Secretary will be billed only if at least one of the 13 counties

uses SAVE in a particular calendar month. If no county uses SAVE in a particular month, there will be no fees for that month.

ii. An initial verification search costs $0.50 per search, but the fee may increase to $1.50 per search if the particular search query requires an additional or third-level electronic review for SAVE to confirm citizenship status.

iii. If one or more of the 13 counties use SAVE in a particular month, a minimum $25.00 fee will be charged to the Secretary. For example, if two counties each incur $5.00 in search fees, the Secretary will be billed the full $25.00 minimum monthly fee. If the counties collectively incur $30.00 in search fees, the Secretary will be billed $30.00 for the actual usage because it exceeds the minimum monthly fee.

iv. The Secretary will pay the monthly fees to DHS in a timely manner and will seek reimbursement from the appropriate counties based on the formula described in Section 2(b) below.

b. County Reimbursement to the Secretary

i. If the County uses SAVE in a particular month, the County must reimburse the Secretary for its portion of the total fees billed to the Secretary that month.

ii. If the total actual usage fees for all counties that used SAVE in a particular month ***exceeds*** the $25.00 minimum monthly fee, each county must reimburse the Secretary the amount of that county's actual usage fees for the month.

For example, if County A incurs $20.00 in search fees and County B incurs $10.00 in search fees, the Secretary will be billed $30.00 by DHS. County A must reimburse the Secretary $20.00 and County B must reimburse the Secretary $10.00.

iii. If the total actual usage fees for all counties that used SAVE in a particular month ***is less than*** the $25.00 minimum monthly fee, each county that used SAVE that month must reimburse the Secretary for the actual usage fees incurred for the county's queries **plus** the county's share of any remaining portion of the minimum monthly fee (calculated by dividing any remaining monthly fee amount that exceeds all counties' actual usage fees for the month by the number of counties that used SAVE in that particular month).

For example, if County A incurs $5.00 in search fees and County B incurs $10.00 in search fees in a particular month, the Secretary will be billed the minimum monthly fee of $25.00 even though actual usage fees incurred by County A and B was only $15.00. County A must reimburse the Secretary $10.00 ($5.00 for County A's actual usage fees plus $5.00 for County A's equal share of the remaining minimum monthly fee). County B must reimburse the Secretary $15.00 ($10.00 for County B's actual usage fees plus

$5.00 for County B's equal share of the remaining minimum monthly fee).

iv. The Secretary will invoice the County for its portion of the SAVE fees each month (if the County used SAVE that month). The County must promptly pay the amount due following receipt of the Secretary's invoice to the County.

3. **Term**. This Agreement will be effective on the date it is fully executed by both parties and will continue until terminated as provided herein. This Agreement may be modified at any time by mutual written consent of the parties.

4. **Insurance.** All parties to this agreement are government entities. Neither entity is required to procure special insurance coverage for their obligations under this Agreement.

5. **Compliance with Laws**. The parties will comply with all federal, state and local laws, rules, regulations, standards, and Executive Orders. The laws and regulations of the State of Arizona will govern the rights of the parties, the performance of this Agreement, and any disputes. Any action relating to this Agreement will be brought in a court in Maricopa County.

6. **Non-Discrimination**. The parties will not discriminate against any employee, client, or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability, or national origin in the course of carrying out their duties under this Agreement. The parties will comply with the provisions of Executive Order 75-5, as amended by Executive Order 2009-09, which is incorporated into this Agreement by reference.

7. **ADA**. The parties will comply with all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213), all applicable federal regulations under the Act, including 28 C.F.R. Parts 35 and 36, and any equivalent State accessibility requirements.

8. **Severability**. If any provision of this Agreement, or any application of a provision to the parties or any person or circumstance, is found by a court to be invalid, that invalidity will not affect other provisions or applications of this Agreement that can be given effect without the invalid provision or application.

9. **Conflict of Interest**. This contract is subject to cancellation for conflict of interest pursuant to A.R.S. § 38-511, the pertinent provisions of which are incorporated herein by reference.

10. **Non-Appropriation.** Notwithstanding any other provision in this Agreement, and in accordance with A.R.S. § 35-154, this Agreement may be terminated if for any reason the XXX County Board of Supervisors or the Secretary does not receive sufficient appropriated monies for the purpose of maintaining this Agreement. In the event of such termination, the parties will have no further obligations under this Agreement other than for payment for services rendered prior to cancellation. No liability shall accrue to the Secretary or any other agency of the State of Arizona in the event this provision is exercised, and neither the Secretary nor any other agency of the

State of Arizona shall be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

11. **No Indemnification.** Notwithstanding any provision of the Agreement to the contrary, the Secretary is not authorized to indemnify the County.

12. **Legal Authority.** If a court, at the request of a third person, should declare that either party lacks authority to enter into this Agreement, or any part of it, then the Agreement, or parts of it affected by such order, will be null and void, and no recovery may be had by either party against the other for lack of performance or otherwise.

13. **No Joint Venture**. It is not intended by this Agreement to, and nothing contained in this Agreement will be construed to, create any partnership, joint venture, or employment relationship between the parties or create any employer-employee relationship between a party and the employees of the other party. Neither party will be liable for any debts, accounts, obligations, or other liabilities whatsoever of the other, including (without limitation) the other party's obligation to withhold Social Security and income taxes for itself or any of its employees.

14. **No Third-Party Beneficiaries**. Nothing in this Agreement is intended to create duties or obligations to or rights in third parties not parties to this Agreement or affect the legal liability of either party to the Agreement by imposing any standard of care with respect to the maintenance of public facilities different from the standard of care imposed by law.

15. **Notice**. Any notice required or permitted to be given under this Agreement must be in writing and served by delivery or by certified mail upon the other party as follows (or at such other address as may be identified by a party in writing to the other party):

County:
Honorable David Stevens
Cochise County Recorder
1415 Melody Lane, Bldg. B
Bisbee, AZ 85603
Phone: (520) 432-8358
Fax: (520) 432-8638

Secretary:
Honorable Katie Hobbs
Secretary of State
1700 West Washington Street
Floor 7
Phoenix AZ 85007-2808
Phone: (602) 542-4285

With copies to:
Brian McIntyre
County Attorney

16. **Entire Agreement**. This document, any exhibits attached to it, constitute the entire agreement between the parties pertaining to the subject matter addressed, and all prior or contemporaneous agreements and understandings, oral or written, are superseded and merged into this Agreement. This Agreement may not be modified, amended, altered, or extended except through a written amendment signed by the parties.

17. **Records Retention**. Pursuant to A.R.S. §§ 35-214 and 35-215, the parties shall retain all records relating to this Agreement for a period of five years after completion of the Agreement. All records shall be subject to inspection and audit at reasonable times. Upon request, the parties shall produce the original of any or all such records at the offices of the party.

18. **Compliance with A.R.S. § 41-4401, Immigration Laws and E-Verify**. The parties warrant compliance with all Federal immigration laws and regulations relating to employees, and further warrant with compliance with E-Verify requirements pursuant to A.R.S. § 23-214(A). A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract, which may subject the breaching party to penalties up to and including termination of the Agreement.

19. **Choice of Law**. This Agreement shall be construed in accordance the laws of the State of Arizona.

20. **Dispute Resolution**. The parties 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.

21. **Termination**. This Agreement may be terminated by either party with 30 days written notice.

THIS AGREEMENT MAY BE SIGNED IN COUNTERPARTS

IN WITNESS WHEREOF, the parties execute this Agreement:

COCHISE COUNTY BOARD OF SUPERVISORS

_____
Peggy Judd, Chair

_____
Date

ATTEST:

_____
Arlethe G. Rios,
Clerk of the Board of Supervisors

_____
Date

OFFICE OF THE SECRETARY OF STATE

_____
Katie Hobbs, Secretary of State

_____
Date

APPROVED AS TO CONTENT:

_____
David Stevens, Cochise County Recorder

The foregoing Agreement between the Office of the Secretary of State, Cochise County and the Cochise County Recorder has been reviewed by the undersigned, who have determined that it is in the proper form and is within the powers and authority granted under the laws of the State of Arizona to those parties to the Agreement represented by the undersigned.

Cochise County and Cochise County Recorder

_____
Britt Hanson, Deputy County Attorney

Consent **8.**

Regular Board of Supervisors Meeting **County Treasurer**

Meeting Date: 06/25/2019

Adopt Resolution authorizing the execution and delivery of a Line of Credit agreements for Cochise County and covers political subdivisions.

Submitted By:	Pam Munsey, County Treasurer		
Department:	County Treasurer		
Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	2
NAME of PRESENTER:	Catherine L. Traywick	**TITLE of PRESENTER:**	Treasurer
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	

Docket Number (If applicable):

Information

Agenda Item Text:

Adopt Resolution 19-12 authorizing a Line of Credit Agreement between the Cochise County Treasurer and J.P. Morgan Chase Bank, for Cochise County, and adopt Resolution 19-13 authorizing a Line of Credit Agreement between the Cochise County Treasurer and J.P. Morgan Chase Bank, for other political subdivisions of Cochise County.

Background:

Pursuant to A.R.S. 11-604.01. Cochise County Treasurer maintains lines of credit on behalf of Cochise County with the County's servicing bank. The Board of Supervisors may enter into agreements with a financial institution authorized to do business in this state for the purpose of obtaining a separate and distinct revolving line of credit for the county for the current fiscal year to pay the lawful claims and obligations of the political subdivision until sufficient monies for payment from property taxes and other non-restricted revenues are received by the treasurer.

Department's Next Steps (if approved):

Once approved and signed, send copy to Treasurer's office. Treasurer will mail copy to Chase.

Impact of NOT Approving/Alternatives:

Not in compliance with A.R.S. 11-604.01.

To BOS Staff: Document Disposition/Follow-Up:

When signed, send copy to Treasurer's office. Treasurer will mail copy to Chase.

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

Fiscal Impact & Funding Sources (if known):

No Impact if no money is borrowed.

Attachments

Resolution

Resolution for LOC - Subdivisions

Backup Info for Res 19-12

Backup Info for Res 19-13

RESOLUTION 19-

APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LINE OF CREDIT AGREEMENT BETWEEN THE TREASURER OF COCHISE COUNTY AND J.P. MORGAN CHASE BANK, N.A.; RATIFYING ALL ACTIONS TAKEN TO DATE WITH RESPECT TO THE LINE OF CREDIT AGREEMENT

RECITALS

WHEREAS, Cochise County (the "County") through its Board of Supervisors (the "Supervisors"), acting as the Board of Deposit (the "Board of Deposit"), has heretofore ordered the receipt of bids for servicing bank for the County for the period commencing July 1, 2019 and ending June 30, 2022, with permitted extensions of two additional years pursuant to A.R.S. § 35-325; and

WHEREAS, included in the proposals for servicing bank were proposals for a line of credit for the County and each individual political subdivision of the state for which the County Treasurer acts as treasurer pursuant to A.R.S. § 11-604.01; and

WHEREAS, the proposal of J.P. Morgan Chase Bank, N.A. was announced as the best bid for services as servicing bank and the best bid to provide the County and political subdivisions of the state for which the County Treasurer acts as treasurer with lines of credit for the period commencing July 1, 2019 and ending June 30, 2022, with permitted extensions of not more than two additional years; and

WHEREAS, A.R.S. § 11-604.01 authorizes the Supervisors of a county to enter into line of credit agreements for the County and each individual subdivision of the state for which the County Treasurer acts as treasurer; and

WHEREAS, a draft of the proposed Business Loan Agreement (the "Agreement") between the County and J.P. Morgan Chase Bank, N.A. (the "Bank") pertaining to a line of credit for Cochise County only, and not to be construed as the line of credit for other political subdivisions, has been provided by the Bank and has been placed on file with the Clerk of this Board and presented at the meeting at which this Resolution was adopted; and

WHEREAS, by this Resolution the Supervisors will authorize the execution and delivery of the Agreement in substantially the form so presented to this Board of Supervisors, subject to the approval of Deputy County Attorney,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cochise County, Arizona, as follows:

Section 1. That this Agreement, in substantially the form on file with the Clerk, is approved and the chairman of this Board and the Cochise County Treasurer are authorized and directed to revise, if necessary, to execute and deliver the Agreement and the Promissory Note in substantially the form of the draft Agreement on file with the Clerk.

Section 2. The Cochise County Treasurer is named as the County's agent for all purposes of this Agreement. The Cochise County Treasurer is authorized to take all acts and do all things on behalf of the County under the Agreement.

Section 3. All actions taken by the Cochise County Treasurer, and any person representing the Treasurer with respect to this Agreement and the procedures pertaining thereto, are hereby ratified and affirmed. This resolution shall become effective upon its adoption and execution.

PASSED AND ADOPTED this ____ day of _____, 2019.

_____
Peggy Judd, Chairperson Board of Supervisors

ATTEST:

_____
Arlethe G. Rios
Clerk of the Board

APPROVED AS TO FORM:

Britt Hanson
_____
Britt W. Hanson
Chief Civil Deputy County Attorney

CERTIFICATION

I, Arlethe Rios, Clerk of the Board of Supervisors of Cochise County, Arizona, do hereby certify that the above and foregoing Resolution was duly passed by the Board of Supervisors of Cochise County at a regular meeting held on _____, 2019, and the vote was _____ aye's and _____ nay's, _____ were absent and _____ Board Members were present thereat. **DATED**: _____, 2019.

_____
Arlethe G. Rios, Clerk of the Board
Cochise County Board of Supervisors

RESOLUTION 19-

APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN THE TREASURER OF COCHISE COUNTY AND J.P. MORGAN CHASE BANK, NA, PROVIDING FOR SEPARATE LINES OF CREDIT FOR EACH POLITICAL SUBDIVISION OF THE STATE FOR WHICH THE COUNTY TREASURER ACTS AS TREASURER; RATIFYING ALL ACTIONS TAKEN TO DATE WITH RESPECT TO THE POLITICAL SUBDIVISON LINE OF CREDIT AGREEMENT

RECITALS

WHEREAS, Cochise County (the "County") through its Board of Supervisors (the "Supervisors"), acting as the Board of Deposit (the "Board of Deposit"), has heretofore ordered the receipt of bids for servicing bank for the County for the period commencing July 1, 2019 and ending June 30, 2022, with permitted extensions of 2 additional years pursuant to A.R.S.§35-325; and

WHEREAS, included in the proposals for servicing bank were proposals for a line of credit for each individual political subdivision of the state for which the County Treasurer acts as treasurer pursuant to A.R.S.§11-604.01; and

WHEREAS, the proposal of J.P. Morgan Chase Bank, N.A. was announced as the best bid for services as servicing bank and the best bid to provide the County and political subdivisions of the state for which the County Treasurer acts as treasurer with lines of credit for the period commencing July 1, 2019 and ending June 30, 2022, with permitted extensions of not more than two additional years; and

WHEREAS, A.R.S.§ 11-604.01 authorizes the Supervisors of a county to enter into line of credit agreements for each individual subdivision of the state for which the County Treasurer acts as treasurer; and

WHEREAS, a draft of the proposed Business Loan Agreement providing a line of credit for each qualifying political subdivision of this State for which the County Treasurer acts as treasurer has been provided by the Bank and has been placed on file with the Clerk of this Board and presented at the meeting at which this Resolution was adopted; and

WHEREAS, by this Resolution the Supervisors will authorize the execution and delivery of the Political Subdivision Agreement in substantially the forms so presented to the Board of Supervisors, subject to the approval of Deputy County Attorney,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, as follows:

Section 1. That Draft Political Subdivision Agreement, in substantially the form on file with the Clerk, is approved and the chairman of this Board and the Treasurer of the County are authorized and directed to execute and deliver the Political Subdivision Agreement in substantially the form of the Draft Political Subdivision Agreement on file with the Clerk for each qualifying political subdivision of the state for which the County Treasurer acts as treasurer.

Section 2. That County Treasurer is named as each political subdivision' s agent for all purposes of the Political Subdivision Agreement. The Treasurer is authorized to take all acts and do all things on behalf of each qualifying political subdivision of the state for which the County Treasurer acts as treasurer.

Section 3. All actions taken by the Treasurer with respect to the Political Subdivision Agreement and the procedures pertaining thereto are hereby ratified and affirmed. This resolution shall become effective upon its adoption and execution.

PASSED AND ADOPTED this ____ day of _____, 2019.

_____
Peggy Judd, Chairperson Board of Supervisors

ATTEST:

_____
Arlethe G. Rios
Clerk of the Board

APPROVED AS TO FORM:

Britt Hanson
_____
Britt W. Hanson
Civil Deputy County Attorney

CERTIFICATION

I, Arlethe Rios, Clerk of the Board of Supervisors of Cochise County, Arizona, do hereby certify that the above and foregoing Resolution was duly passed by the Board of Supervisors of Cochise County at a regular meeting held on _____, 2019, and the vote was _____ aye's, and _____ nay's, _____ were absent and _____ Board Members were present thereat. **DATED**: _____, 2019

_____
Arlethe G. Rios, Clerk of the Board
Cochise County Board of Supervisors

Traywick, Cathy

From: Hamidzadeh, Parviz <parviz.hamidzadeh@jpmorgan.com>
Sent: Thursday, May 02, 2019 4:18 PM
To: Traywick, Cathy; DeLong, Lauren
Cc: Pitzlin, Maria C; Camus, Larnell
Subject: JPM Cochise County Warrant Line Information
Attachments: Cochise County District List.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Cathy,

I hope all is well! I want to introduce our credit partner and underwriter for Cochise County, ***Lauren DeLong***. We are starting to go through our Arizona County and District Line of Credit renewal process and she will be working with you directly to consolidate the requested information below.

We currently have a *$15*MM Line of Credit with Cochise County which we would like to confirm you want renewed to 6/30/20. We would also like to confirm the date by which the County will need renewal documents and the date of the board meeting where the documents will be executed.

There are also *43* districts (aggregate commitments of *$20.4*MM) that we are reviewing. We were able to get the financial statements for the County's districts with the exception of those listed below:

- Mescal J6 Fire District
- Naco Fire District
- Naco Sanitary District
- Northern Cochise Community Hospital District
- Palominas Fire District
- Pirtleville Fire District
- Pomerene Fire District
- San Jose Fire District
- San Pedro Valley Hospital District
- San Simon Fire District
- St. David Fire District
- St. David Irrigation District
- Sunnyside Fire District
- Whetstone Fire District
- Apache Elementary School District
- Babocomari Fire District
- Ft. Huachuca Accommodation School District
- Naco Light District
- PBW Fire District
- Pirtleville Light District
- Bowie Fire District
- Cochise County Flood Control District
- Cochise County Library District
- Fry Fire District
- San Pedro Valley Hospital District
- San Simon Fire District

If you can provide Lauren the above financials, that would be appreciated.

We have also attached the current line commitments for each district. Could you review and confirm with Lauren that these levels still work? We still need to do our due diligence on each of the districts but wanted to get your initial thoughts on the line sizing.

Thank you for your partnership! Talk soon!

Parviz Hamidzadeh | Associate | Government Banking | **J.P. Morgan** | 201 N. Central Avenue, 21st floor, AZ1-1178, Phoenix, AZ 85004 | T: 602 221 2351 | M: 602 300 0233 | F: 602 221 1075 | parviz.hamidzadeh@jpmorgan.com

Alternate contact: Trudy Harris | T: 602 221 2665 | F: 602 221 1075 | trudy.a.harris@jpmorgan.com

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SCHEDULE I-A
DISTRICT NAMES AND CREDIT LINE LIMITS

Name **School Districts**	District Number	Credit Limits
Ft. Huachuca Accommodation School District	0	200,000
Tombstone Unified School District	1	2,200,000
Bisbee Unified School District	2	30,000
Benson Unified School District	9	2,000,000
Elfrida Elementary School District	12	100,000
Willcox Unified School District	13	2,100,000
Bowie Unified School District	14	200,000
San Simon Unified School District	18	300,000
St. David Unified School District	21	750,000
Pearce Elementary School District	22	200,000
Valley Union High School District	22	100,000
Naco Elementary School District	23	750,000
Cochise Elementary School District	26	300,000
Douglas Unified School District	27	5,000,000
Apache Elementary School District	42	20,000
Double Adobe Elementary School District	45	20,000
Palominas Elementary School District	49	1,500,000
Ash Creek Elementary School District	53	200,000
McNeal Elementary School District	55	250,000
Pomerene Elementary School District	64	30,000
Sierra Vista Unified School District	68	2,000,000
Cochise County Flood Control District		75,000
Cochise County Library District		200,000
Cochise Technology District		200,000
Naco Sanitary District		20,000
Northern Cochise Community Hospital District		75,000
San Pedro Valley Hospital District		75,000
St. David Irrigation District		5,000

Fire Districts		
~~Babocomari Fire District~~		~~2,000~~
Bowie Fire District		20,000
Elfrida Fire District		25,000
Fry Fire District		900,000
Mescal J6 Fire District		25,000
Naco Fire District		10,000
Palominas Fire District		100,000
Pirtleville Fire District		10,000
Pomerene Fire District		4,000
San Jose Fire District		10,000
San Simon Fire District		30,000
St. David Fire District		15,000
Sunnyside Fire District		25,000
Sunsites-Pearce Fire District		150,000
Whetstone Fire District		200,000
		$ 20,426,000

Consent 9.

Regular Board of Supervisors Meeting **Finance**

Meeting Date:	06/25/2019		
Demands			
Submitted By:	Melissa Belasco, Board of Supervisors		
Department:	Board of Supervisors		
Presentation:	No A/V Presentation	**Recommendation:**	
Document Signatures:		**# of ORIGINALS Submitted for Signature:**	
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a
Mandated Function?:		**Source of Mandate or Basis for Support?:**	

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

Demands

Demands 6/20/2019
Date Range 06/07/19-06/20/19
Warrant Range 34143-34340

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
34143	06/14/2019	AFLAC	1600 - Finance	501 Cochise Combined Trust	7,937.76
34144	06/14/2019	Arizona Department of Administration-Risk Managemt	1600 - Finance	110 Payroll Clearing Fund	2,450.36
34145	06/14/2019	Cochise County/Sheakley/National Bank	1600 - Finance	110 Payroll Clearing Fund	7,782.12
34146	06/20/2019	A&R Fire Protection LLC	2100 - Facilities Management	400 County Capital Projects	10,000.00
34147	06/20/2019	A+ Language Services	1300 - Public Defender	100 General Fund	175.00
34148	06/20/2019	Accountable Healthcare Staffing, Inc.	5000 - Health Dept	100 General Fund	2,793.00
34149	06/20/2019	Amazon.com LLC	8000 - County Library District	171 County Library	109.97
34149	06/20/2019	Amazon.com LLC	8000 - County Library District	182 CFSA-Troller Fund	108.70
34150	06/20/2019	AMERIGAS	4010 - Highway Dept Administration	251 Highway Fund	111.93
34151	06/20/2019	Aqua Life	0920 - Justice Court 2	100 General Fund	11.00
34152	06/20/2019	Arizona Counties Insurance Pool	2200 - Human Resources	100 General Fund	10,190.00
34153	06/20/2019	Arizona Department of Corrections	1710 - Heavy Fleet Management	600 Heavy Fleet Management	74.92
34153	06/20/2019	Arizona Department of Corrections	1750 - Fleet Management	109 Fleet Management	109.93
34153	06/20/2019	Arizona Department of Corrections	2100 - Facilities Management	100 General Fund	62.30
34153	06/20/2019	Arizona Department of Corrections	7000 - Solid Waste	505 Solid Waste	1,060.62
34154	06/20/2019	Arizona Department of Corrections ASPC-Tucson	7000 - Solid Waste	505 Solid Waste	76.50
34155	06/20/2019	Arizona Machinery Company, LLC dba Stotz Equipment	1710 - Heavy Fleet Management	600 Heavy Fleet Management	7.07
34156	06/20/2019	Arizona Public Service - APS	2100 - Facilities Management	100 General Fund	241.75
34156	06/20/2019	Arizona Public Service - APS	7000 - Solid Waste	505 Solid Waste	841.02
34157	06/20/2019	Arizona State Forestry Division	4010 - Highway Dept Administration	261 Flood Control Distric	3,898.93
34158	06/20/2019	Arizona State Land Department	4010 - Highway Dept Administration	251 Highway Fund	194.05
34159	06/20/2019	Arizona State Prison Complex	4010 - Highway Dept Administration	251 Highway Fund	7,908.20
34160	06/20/2019	Arizona State Treasurer	1600 - Finance	100 General Fund	184,563.00
34161	06/20/2019	Arizona Supreme Court	0810 - Court Administration	145 Court Security Improvement	7,747.07
34162	06/20/2019	Arizona Water Company	2100 - Facilities Management	100 General Fund	2,218.77
34163	06/20/2019	Gabriela K. Arriaga	5000 - Health Dept	243 Immunization Program	125.39
34164	06/20/2019	Aztec Welding Supply Company	1710 - Heavy Fleet Management	600 Heavy Fleet Management	415.31
34165	06/20/2019	Baker & Taylor, LLC	8000 - County Library District	171 County Library	398.13
34166	06/20/2019	Bank of America	1600 - Finance	100 General Fund	119,728.77
34167	06/20/2019	Barnett's Towing & Oxygen LLC	1750 - Fleet Management	109 Fleet Management	168.75
34168	06/20/2019	Benson Autobody Inc. dba Benson Glass	1750 - Fleet Management	251 Highway Fund	2,952.41
34169	06/20/2019	Benson Unified School District	9000 - School Superintendent	283 ELL Title III Consortium	1,190.85
34170	06/20/2019	Benson, City of	2100 - Facilities Management	100 General Fund	313.28
34171	06/20/2019	BI Incorporated	1200 - Juvenile Court Services	555 Juvenile Treatment Svcs	918.02
34172	06/20/2019	Bisbee Napa	1710 - Heavy Fleet Management	600 Heavy Fleet Management	123.24
34172	06/20/2019	Bisbee Napa	1750 - Fleet Management	109 Fleet Management	934.25
34173	06/20/2019	Bisbee Plumbing LLC	3000 - Sheriff	100 General Fund	1,200.00
34174	06/20/2019	Bisbee Unified School District #2	9000 - School Superintendent	283 ELL Title III Consortium	9,215.64
34175	06/20/2019	Bowie Unified School District #14	9000 - School Superintendent	283 ELL Title III Consortium	1,265.11
34176	06/20/2019	Brauchla, Gary	1900 - Development Services	100 General Fund	62.10
34177	06/20/2019	Brodart Company	8000 - County Library District	182 CFSA-Troller Fund	609.30
34178	06/20/2019	Bug-Wiser Exterminating, Inc.	4010 - Highway Dept Administration	251 Highway Fund	35.00
34179	06/20/2019	CDW LLC	1800 - IT/Communications	100 General Fund	10,582.57
34179	06/20/2019	CDW LLC	1800 - IT/Communications	450 M.I.S. Capital Reserve	2,110.98
34179	06/20/2019	CDW LLC	8000 - County Library District	171 County Library	191.03
34180	06/20/2019	Cengage Learning, Inc. dba GALE	8000 - County Library District	171 County Library	25.59
34181	06/20/2019	CenturyLink Communications	1800 - IT/Communications	100 General Fund	1,518.63
34182	06/20/2019	CenturyLink Communications	1800 - IT/Communications	100 General Fund	2,285.18
34182	06/20/2019	CenturyLink Communications	4010 - Highway Dept Administration	251 Highway Fund	68.11
34183	06/20/2019	CenturyLink Communications	1100 - Adult Probation	100 General Fund	147.06
34183	06/20/2019	CenturyLink Communications	1400 - General Government	216 SEACOM Operations	502.36
34183	06/20/2019	CenturyLink Communications	1800 - IT/Communications	100 General Fund	6,225.80
34183	06/20/2019	CenturyLink Communications	2100 - Facilities Management	100 General Fund	69.71
34183	06/20/2019	CenturyLink Communications	3000 - Sheriff	100 General Fund	175.86
34184	06/20/2019	Childhelp, Inc.	3000 - Sheriff	100 General Fund	350.00
34185	06/20/2019	Cintas Corporation No. 445	4010 - Highway Dept Administration	251 Highway Fund	3,362.66
34185	06/20/2019	Cintas Corporation No. 445	7000 - Solid Waste	505 Solid Waste	230.36
34186	06/20/2019	City of Bisbee	2100 - Facilities Management	100 General Fund	1,264.23
34187	06/20/2019	City of Bisbee	2100 - Facilities Management	100 General Fund	6,182.28
34188	06/20/2019	City of Sierra Vista	1750 - Fleet Management	109 Fleet Management	17,999.54
34189	06/20/2019	Clear Springs Utility, Inc.	4010 - Highway Dept Administration	251 Highway Fund	172.83
34190	06/20/2019	Cochise County Justice Court #2	0920 - Justice Court 2	100 General Fund	636.60
34191	06/20/2019	Cochise County Justice Court #6	0960 - Justice Court 6	100 General Fund	182.60
34192	06/20/2019	Concentra Medical Centers	1200 - Juvenile Court Services	100 General Fund	143.00
34193	06/20/2019	Contract Pharmacy Services, Inc.	5000 - Health Dept	100 General Fund	15,144.09
34194	06/20/2019	Cool Dreams Window Tinting	1750 - Fleet Management	109 Fleet Management	195.00

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
34195	06/20/2019	Copper Queen Community Hospital	5000 - Health Dept	100 General Fund	1,621.08
34195	06/20/2019	Copper Queen Community Hospital	7000 - Solid Waste	505 Solid Waste	105.06
34196	06/20/2019	COX Communication Arizona, LLC	0810 - Court Administration	100 General Fund	305.00
34197	06/20/2019	Barbara Ann Craig	5000 - Health Dept	243 Immunization Program	175.92
34198	06/20/2019	Culligan of Tucson	0700 - Clerk of the Superior Court	100 General Fund	199.63
34198	06/20/2019	Culligan of Tucson	4010 - Highway Dept Administration	251 Highway Fund	399.45
34199	06/20/2019	CureMD.com, Inc.	5000 - Health Dept	100 General Fund	305.00
34200	06/20/2019	Curfman Showers & Potable	2100 - Facilities Management	105 Bisbee/Douglas Airport	8,000.00
34201	06/20/2019	D and M Well Service, LLC	2100 - Facilities Management	400 County Capital Projects	11,600.00
34201	06/20/2019	D and M Well Service, LLC	7000 - Solid Waste	505 Solid Waste	4,117.00
34202	06/20/2019	Dease, Iona	1200 - Juvenile Court Services	154 Juv.Prob. Family Counsel	270.00
34203	06/20/2019	Del's Tire Company	1750 - Fleet Management	109 Fleet Management	27.98
34204	06/20/2019	Deluxe Business Forms	0200 - Treasurer	100 General Fund	4,783.58
34205	06/20/2019	DePew, Kimberly A.	1900 - Development Services	100 General Fund	27.27
34206	06/20/2019	Diamond Star Polygraph Services	3000 - Sheriff	100 General Fund	175.00
34207	06/20/2019	James Dilley	0950 - Justice Court 5	100 General Fund	197.00
34208	06/20/2019	Victor German Dominguez	5000 - Health Dept	243 Immunization Program	235.36
34209	06/20/2019	Douglas Unified School District #27	9000 - School Superintendent	276 School Fund	8,176.87
34210	06/20/2019	Douglas, City of	4010 - Highway Dept Administration	251 Highway Fund	10,000.00
34211	06/20/2019	Douglas, City of	5000 - Health Dept	243 Immunization Program	206.84
34212	06/20/2019	Durham Communication	1800 - IT/Communications	100 General Fund	3,933.01
34213	06/20/2019	Empire Southwest LLC	1710 - Heavy Fleet Management	600 Heavy Fleet Management	5,920.35
34213	06/20/2019	Empire Southwest LLC	1720 - Heavy Fleet Capital	600 Heavy Fleet Management	34,052.92
34214	06/20/2019	Enriquez, Rob	4010 - Highway Dept Administration	251 Highway Fund	100.00
34215	06/20/2019	Ergon Asphalt & Emulsions, Inc.	4010 - Highway Dept Administration	251 Highway Fund	224,978.68
34216	06/20/2019	Flores, Juan Pablo	0810 - Court Administration	549 Probate Fees	700.00
34216	06/20/2019	Flores, Juan Pablo	1310 - Indigent Defense Coordinator	100 General Fund	1,670.48
34217	06/20/2019	Fort Huachuca Accommodation Schools	9000 - School Superintendent	283 ELL Title III Consortium	2,004.11
34218	06/20/2019	Fry Fire District	5000 - Health Dept	243 Immunization Program	2,892.01
34219	06/20/2019	Goodwill Industries of Southern Arizona, Inc	1100 - Adult Probation	591 Adult Probation LEARN Lab	75.00
34220	06/20/2019	Diane Lee Gray	5000 - Health Dept	243 Immunization Program	23.93
34221	06/20/2019	Greene, Patrick K.	1900 - Development Services	100 General Fund	33.91
34222	06/20/2019	Gregan, Wayne	1900 - Development Services	100 General Fund	32.83
34223	06/20/2019	Grossman & Grossman Ltd	1200 - Juvenile Court Services	154 Juv.Prob. Family Counsel	245.00
34224	06/20/2019	Hancock, Charles	0810 - Court Administration	100 General Fund	64.96
34225	06/20/2019	Hatfield Funeral Home	5000 - Health Dept	100 General Fund	500.00
34226	06/20/2019	Health Management Associates, Inc.	5000 - Health Dept	221 Public Health Accreditation	6,996.98
34227	06/20/2019	Honeman, Van G.	0810 - Court Administration	100 General Fund	622.40
34228	06/20/2019	Hop, Ryan	4010 - Highway Dept Administration	251 Highway Fund	53.84
34229	06/20/2019	HOV Services Inc/Lason Systems	0400 - Recorder	100 General Fund	772.52
34229	06/20/2019	HOV Services Inc/Lason Systems	0700 - Clerk of the Superior Court	100 General Fund	105.00
34230	06/20/2019	Huachuca Plumbing	2100 - Facilities Management	105 Bisbee/Douglas Airport	668.00
34231	06/20/2019	IMS Infrastructure Management Services, LLC	4010 - Highway Dept Administration	251 Highway Fund	3,850.00
34232	06/20/2019	International Chemtex Corporation	2100 - Facilities Management	100 General Fund	737.00
34233	06/20/2019	Interstate Battery	1710 - Heavy Fleet Management	600 Heavy Fleet Management	94.74
34233	06/20/2019	Interstate Battery	1750 - Fleet Management	109 Fleet Management	262.49
34234	06/20/2019	Interwest Safety Supply, LLC	4010 - Highway Dept Administration	251 Highway Fund	14,740.03
34235	06/20/2019	IronHawk Elevator LLC	2100 - Facilities Management	100 General Fund	2,250.63
34236	06/20/2019	JE Fuller Hydrology & Geomorphology, Inc.	4010 - Highway Dept Administration	258 Recharge & Monitoring Projects	16,638.38
34236	06/20/2019	JE Fuller Hydrology & Geomorphology, Inc.	4010 - Highway Dept Administration	261 Flood Control Distric	5,949.31
34237	06/20/2019	Jennings, Jeffrey	0950 - Justice Court 5	100 General Fund	27.00
34238	06/20/2019	Jensen's Sierra Vista Mortuary	5000 - Health Dept	100 General Fund	500.00
34239	06/20/2019	Jim's Electric Inc	2100 - Facilities Management	105 Bisbee/Douglas Airport	375.00
34240	06/20/2019	Jimenez, Elizabeth Sarah	9000 - School Superintendent	281 Jail Education Program	348.75
34241	06/20/2019	John William Lovell, PC	1310 - Indigent Defense Coordinator	100 General Fund	9,565.00
34242	06/20/2019	Keefe Commissary Network, LLC	3000 - Sheriff	208 Sheriff Inmate Welfare	4,573.65
34243	06/20/2019	Kirkpatrick, Jason	4010 - Highway Dept Administration	251 Highway Fund	125.00
34244	06/20/2019	Laboratory Corporation of America	2200 - Human Resources	505 Solid Waste	18.00
34245	06/20/2019	Law Office of Joan M Sacramento	1310 - Indigent Defense Coordinator	100 General Fund	13,850.00
34246	06/20/2019	Lawley Motors LLC	1750 - Fleet Management	100 General Fund	4,192.33
34247	06/20/2019	Lawley's Team Ford Kia	1750 - Fleet Management	109 Fleet Management	194.66
34248	06/20/2019	Legend Technical Services of Arizona, Inc.	2100 - Facilities Management	105 Bisbee/Douglas Airport	57.00
34249	06/20/2019	Mack's Auto Parts Inc	1710 - Heavy Fleet Management	600 Heavy Fleet Management	54.53
34249	06/20/2019	Mack's Auto Parts Inc	1750 - Fleet Management	109 Fleet Management	1,082.42
34250	06/20/2019	Maddux & Sons Inc	4010 - Highway Dept Administration	251 Highway Fund	67,542.88
34251	06/20/2019	Martinez, Sergio I. Ph.D., LLC	0810 - Court Administration	100 General Fund	1,875.00
34252	06/20/2019	Martzke, James F.	1900 - Development Services	100 General Fund	67.50
34253	06/20/2019	Merle's Automotive Supply	1750 - Fleet Management	109 Fleet Management	2,013.15
34254	06/20/2019	Morales, Irene	0950 - Justice Court 5	100 General Fund	51.00
34255	06/20/2019	Motorola Solutions Inc	1800 - IT/Communications	450 M.I.S. Capital Reserve	11,345.94

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
34256	06/20/2019	Mr. Fix It	1900 - Development Services	100 General Fund	16,750.00
34257	06/20/2019	NEOGOV	2200 - Human Resources	100 General Fund	2,457.00
34258	06/20/2019	Nyander, Penny Sue	0810 - Court Administration	100 General Fund	513.60
34259	06/20/2019	O'Rielly Chevrolet, Inc.	1750 - Fleet Management	109 Fleet Management	254.17
34260	06/20/2019	Online Solutions LLC	1800 - IT/Communications	400 County Capital Projects	153,300.00
34261	06/20/2019	OverDrive, Inc.	8000 - County Library District	171 County Library	1,413.46
34261	06/20/2019	OverDrive, Inc.	8000 - County Library District	182 CFSA-Troller Fund	899.63
34262	06/20/2019	Pacific Corrugated Pipe dba Arizona Culvert	4010 - Highway Dept Administration	261 Flood Control Distric	17,899.44
34263	06/20/2019	Pacific Corrugated Pipe dba Arizona Culvert	4010 - Highway Dept Administration	261 Flood Control Distric	17,836.73
34264	06/20/2019	Palmer Law Group, PLLC	1310 - Indigent Defense Coordinator	100 General Fund	1,000.00
34265	06/20/2019	Palominas Public School District #49	9000 - School Superintendent	283 ELL Title III Consortium	11,110.97
34266	06/20/2019	Potters Industries, LLC	4010 - Highway Dept Administration	251 Highway Fund	15,865.70
34267	06/20/2019	Caren J. Prather	5000 - Health Dept	243 Immunization Program	499.93
34268	06/20/2019	PrevenTronics	1800 - IT/Communications	100 General Fund	7,524.63
34268	06/20/2019	PrevenTronics	3000 - Sheriff	100 General Fund	330.00
34269	06/20/2019	Professional Psychology Associates P.C.	2200 - Human Resources	100 General Fund	2,200.00
34270	06/20/2019	Professional Records Management, Inc.	0700 - Clerk of the Superior Court	100 General Fund	279.56
34271	06/20/2019	ProForce Law Enforcement	0810 - Court Administration	100 General Fund	1,100.32
34272	06/20/2019	Prudential Overall Supply	1710 - Heavy Fleet Management	600 Heavy Fleet Management	251.94
34272	06/20/2019	Prudential Overall Supply	1750 - Fleet Management	109 Fleet Management	279.90
34273	06/20/2019	Pueblo Mechanical & Controls, Inc.	3000 - Sheriff	100 General Fund	508.50
34274	06/20/2019	Remodeling and Repair Systems LLC	2100 - Facilities Management	400 County Capital Projects	11,253.00
34275	06/20/2019	RevolutionaryText, LLC	0810 - Court Administration	100 General Fund	4,000.00
34276	06/20/2019	Sherill Rogers	0950 - Justice Court 5	100 General Fund	29.00
34277	06/20/2019	Rothrock Investigations, LLC	1310 - Indigent Defense Coordinator	100 General Fund	4,005.67
34278	06/20/2019	RWC Group	1710 - Heavy Fleet Management	600 Heavy Fleet Management	95.97
34279	06/20/2019	Safelite Autoglass Corp.	1750 - Fleet Management	100 General Fund	1,682.36
34279	06/20/2019	Safelite Autoglass Corp.	1750 - Fleet Management	109 Fleet Management	39.95
34279	06/20/2019	Safelite Autoglass Corp.	1750 - Fleet Management	251 Highway Fund	349.23
34280	06/20/2019	Brian R. Salata	1310 - Indigent Defense Coordinator	100 General Fund	3,600.00
34281	06/20/2019	San Simon Unified Schools	9000 - School Superintendent	283 ELL Title III Consortium	4,851.80
34282	06/20/2019	Schlesinger, Aaron	0810 - Court Administration	100 General Fund	325.00
34283	06/20/2019	Schlievert, Scott W.	1310 - Indigent Defense Coordinator	100 General Fund	7,200.00
34284	06/20/2019	Sedillos, Lorna Gries	5000 - Health Dept	245 Health Start	250.00
34285	06/20/2019	Senergy Petroleum LLC	1710 - Heavy Fleet Management	600 Heavy Fleet Management	33,079.61
34285	06/20/2019	Senergy Petroleum LLC	1750 - Fleet Management	109 Fleet Management	28,457.12
34286	06/20/2019	Shaffer, James Fredrick	4010 - Highway Dept Administration	251 Highway Fund	100.00
34287	06/20/2019	Timothy B. Siemsen	5000 - Health Dept	243 Immunization Program	173.32
34288	06/20/2019	Sierra Vista NAPA	1710 - Heavy Fleet Management	600 Heavy Fleet Management	476.56
34289	06/20/2019	Sloan R. King, PhD, LLC	0810 - Court Administration	100 General Fund	1,700.00
34290	06/20/2019	SoundOff Signal	1750 - Fleet Management	109 Fleet Management	194.78
34291	06/20/2019	Southeast Arizona Legal Support (SEALS)	0200 - Treasurer	100 General Fund	151.25
34292	06/20/2019	Southern Arizona Auto Co. of Douglas	1750 - Fleet Management	100 General Fund	4,931.23
34293	06/20/2019	Southern Arizona Children's Advocacy Center-SACAC	0600 - County Attorney	100 General Fund	400.00
34294	06/20/2019	Southwest Disposal LC	1710 - Heavy Fleet Management	600 Heavy Fleet Management	131.25
34295	06/20/2019	Southwest Gas Corporation	2100 - Facilities Management	100 General Fund	4,261.39
34296	06/20/2019	Sparkletts	9000 - School Superintendent	100 General Fund	128.02
34297	06/20/2019	St. Clair, Kate M	9000 - School Superintendent	280 School Reserve Fund	892.62
34298	06/20/2019	Streitfeld, Stephen V. MD PC	0810 - Court Administration	100 General Fund	500.00
34299	06/20/2019	Sulphur Springs Valley Electric Cooperative, Inc.	2100 - Facilities Management	100 General Fund	16,294.68
34299	06/20/2019	Sulphur Springs Valley Electric Cooperative, Inc.	4010 - Highway Dept Administration	251 Highway Fund	706.10
34299	06/20/2019	Sulphur Springs Valley Electric Cooperative, Inc.	7000 - Solid Waste	505 Solid Waste	1,903.00
34300	06/20/2019	Cheryl J. Taylor	5000 - Health Dept	243 Immunization Program	73.25
34301	06/20/2019	Technical Resource Management, Inc.	1100 - Adult Probation	149 Adult Prob.Comm.Punishmnt	3,149.00
34302	06/20/2019	The Bisbee Observer LLC	0200 - Treasurer	100 General Fund	121.97
34303	06/20/2019	Thomson West	0810 - Court Administration	151 Law Library	173.17
34304	06/20/2019	Those Guys Auto	1750 - Fleet Management	109 Fleet Management	40.00
34305	06/20/2019	Titan Machinery Inc.	1710 - Heavy Fleet Management	600 Heavy Fleet Management	37.38
34306	06/20/2019	Tombstone Unified School District #1	9000 - School Superintendent	283 ELL Title III Consortium	2,072.99
34307	06/20/2019	Trachtman, Sean	1800 - IT/Communications	100 General Fund	875.00
34308	06/20/2019	Trinity Services Group, Inc.	1200 - Juvenile Court Services	100 General Fund	3,879.96
34309	06/20/2019	United Truck & Equipment	1710 - Heavy Fleet Management	600 Heavy Fleet Management	1,020.51
34310	06/20/2019	University Of Arizona	5000 - Health Dept	221 Public Health Accreditation	15,000.00
34310	06/20/2019	University Of Arizona	5000 - Health Dept	243 Immunization Program	5,201.00
34310	06/20/2019	University Of Arizona	5000 - Health Dept	529 Health Policy Initiative	5,000.00
34311	06/20/2019	Urbina, Henry	1710 - Heavy Fleet Management	600 Heavy Fleet Management	308.94
34312	06/20/2019	US Imaging Inc.	0400 - Recorder	103 Document Storage-Recorder	40,646.98
34313	06/20/2019	Valley Telephone Cooperative, Inc.	3000 - Sheriff	100 General Fund	108.93
34313	06/20/2019	Valley Telephone Cooperative, Inc.	3000 - Sheriff	208 Sheriff Inmate Welfare	79.90
34314	06/20/2019	VCA Apache Animal Hospital	3000 - Sheriff	203 Jail Enhancement	60.22

WARRANT #	CHECK DATE	VENDOR NAME	DEPARTMENT	FUND NAME	AMOUNT
34315	06/20/2019	Verizon Wireless	1600 - Finance	100 General Fund	9,690.99
34316	06/20/2019	Vertress, Tambra	2200 - Human Resources	501 Cochise Combined Trust	439.11
34317	06/20/2019	Vulcan Materials	4010 - Highway Dept Administration	251 Highway Fund	11,943.30
34318	06/20/2019	W. R. Ryan Company	1750 - Fleet Management	109 Fleet Management	7,776.46
34319	06/20/2019	Watkins, Nathan F.	1900 - Development Services	100 General Fund	24.84
34320	06/20/2019	Waxie Sanitary Supply	2100 - Facilities Management	100 General Fund	1,081.96
34321	06/20/2019	WEST Consultants, Inc.	4010 - Highway Dept Administration	258 Recharge & Monitoring Projects	47,797.61
34322	06/20/2019	Wick Communications	0200 - Treasurer	100 General Fund	2,215.01
34323	06/20/2019	Wick Communications	3000 - Sheriff	100 General Fund	243.56
34324	06/20/2019	Wick Communications	0700 - Clerk of the Superior Court	100 General Fund	104.11
34324	06/20/2019	Wick Communications	0810 - Court Administration	585 CASA Grant	1,352.51
34324	06/20/2019	Wick Communications	1900 - Development Services	100 General Fund	93.83
34325	06/20/2019	Wick Communications	0700 - Clerk of the Superior Court	100 General Fund	99.05
34326	06/20/2019	Willcox Rock & Sand Inc.	4010 - Highway Dept Administration	251 Highway Fund	82,122.96
34327	06/20/2019	Zarzyczny, Angela	2200 - Human Resources	251 Highway Fund	10,000.00
34328	06/20/2019	Arizona State Land Department	1800 - IT/Communications	400 County Capital Projects	1,000.00
34329	06/20/2019	Chiricahua Community Health Centers, INC	1200 - Juvenile Court Services	100 General Fund	352.00
34330	06/20/2019	Chuar LLC	0200 - Treasurer	100 General Fund	1,356.88
34331	06/20/2019	Cochise County Finance Revolving Fund	1600 - Finance	261 Flood Control Distric	43.00
34332	06/20/2019	Inspiration Views LLC	0200 - Treasurer	100 General Fund	56.06
34333	06/20/2019	Klump, Wayne	0200 - Treasurer	100 General Fund	467.36
34334	06/20/2019	Vaishville, Denise	0200 - Treasurer	100 General Fund	929.22
34335	06/20/2019	Ackley, Gary and LaVonne	2200 - Human Resources	251 Highway Fund	65.79
34336	06/20/2019	Dotson, James M.	2200 - Human Resources	501 Cochise Combined Trust	246.48
34337	06/20/2019	Honorable Adam Ambrose	2200 - Human Resources	501 Cochise Combined Trust	215.00
34338	06/20/2019	Johnstun, Doyle B.	2200 - Human Resources	501 Cochise Combined Trust	300.00
34339	06/20/2019	Morin, Barth	2200 - Human Resources	501 Cochise Combined Trust	300.00
34340	06/20/2019	Riggs, Karen C.	2200 - Human Resources	501 Cochise Combined Trust	150.00
					1,602,605.63

Consent 10.
Legal Defender

Regular Board of Supervisors Meeting

Meeting Date: 06/25/2019

Approval of State grant training funds for Legal Defender for FY 19/20

Submitted By: Susana Urcadez, Legal Defender

Department: Legal Defender

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature NOT Required

of ORIGINALS Submitted for Signature: 0

NAME of PRESENTER: n/a

TITLE of PRESENTER: n/a

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?:

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 Funding Agreement with the Arizona Supreme Court for Public Defender Training Funds, in the amount of $2,100, effective July 1, 2019 through June 30, 2020.

Background:

In 1989 the Arizona Legislature enacted ARS 12-117 for the purpose of providing money to the Supreme Court to be distributed to county public defenders for training purposes.

Department's Next Steps (if approved):

The Legal Defender will use the funding for training purposes.

Impact of NOT Approving/Alternatives:

If not approved the Legal Defender will depend solely on the county general fund for funding for mandatory continuing legal education credits for attorney staff.

To BOS Staff: Document Disposition/Follow-Up:

n/a

Budget Information

Information about available funds

Budgeted: (●) **Funds Available:** ( ) **Amount Available:** 2100

Unbudgeted: ( ) **Funds NOT Available:** ( ) **Amendment:** [ ]

Account Code(s) for Available Funds

1: 112-1350 336.100

Fund Transfers

Fiscal Impact & Funding Sources (if known):

Fiscal Year: FY19/20
One-time Fixed Costs? ($$$): 2,100
Ongoing Costs? ($$$): 0
County Match Required? ($$$): 0
A-87 Overhead Amt? (Co. Cost Allocation $$$): 0
Source of Funding?: AZ Supreme Court

Fiscal Impact & Funding Sources (if known):

Attachments

Grant Approval Form
Funding Agreement
ARS 12-117

COCHISE COUNTY GRANT APPROVAL FORM

Form Initiator: SUSANA URCADEZ

Date Prepared: 6/5/19

Point of Contact: SUSANA URCADEZ

Phone Number: 520-432-8902

Department: **Legal Defender**

PRIMARY GRANT

Primary Grantor: Az Supreme Court, Admin Office of the Courts

CFDA: www.CFDA.gov n/a

Grant Title: Public Defender Training Fund (PDTF)

Grant Term From: July 1,2019 To: June 30, 2020 Total Award Amount: 2,100.00

New Grant: ☐ Yes ☑ No Grant No: n/a

Amendment: ☐ Yes ☑ No Amendment No: n/a

GL Account No: 112-1350 If new, Finance will assign a fund number.

Strategic Plan: **Public Safety and Justice** District: **CW** Mandated by Law ☑ Yes ☐ No

Number of Positions Funded: 0

Asset(s) Acquired:

0

Grantor's reimbursement mileage rate:

Health or pension reimbursement: Other reimbursement:

Briefly describe the purpose of the grant:

Funding to be used exclusively for training purposes primarily for attorney staff, but may also be used for support staff.

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

ARS 12-117 Public defender training fund, appropriation

PRIMARY FUNDING SOURCE

Funding Year: 19/20

Federal Funds 332.100

State Funds 336.100 2,100.00

County Funds 391.000

Other Funds:

Total Funds: 2,100.00

Has this amount been budgeted? ☑ Yes ☐ No

Method of collecting funds: ☐ Lump Sum ☑ Quarterly ☐ Draw ☐ Reimbursement

Is revertment of unexpected funds required at the end of grant period? ☐ Yes ☑ No

(a) Total indirect (A-87) Cost Allocation: $ 0.00

(b) Amount of overhead allowed by grant: $ 0.00

County Subsidy (a) - (b) = $ 0.00

Is there a Secondary Grant Award associated with this Grant? ☐ Yes ☑ No

Name of Grant:

Funder:

If yes please complete an additional grant approval form.

Is County match required? ☐ Yes ☑ No

County match source:

County match dollar amount or percentage:

NOTE: Please attach this Grant Approval form to the AgendaQuick item. The AgendaQuick "Grant Approval template" must be used. Once approved by the Board of Supervisors, the department is responsible for sending a copy of the fully executed GRANT DOCUMENT *(not this approval form)* to the Finance Department.

Arizona Supreme Court
Administrative Office of Public Defenders

FUNDING AGREEMENT FOR
PUBLIC DEFENDER TRAINING FUND (PDTF)

Cochise County Legal Defender
Fiscal Year 2020

This Agreement is entered into by and between the Administrative Office of the Courts, herein referred to as "AOC," on behalf of the Arizona Supreme Court, and the Cochise County Legal Defender, herein referred to as "Public Defender," in accordance with A.R.S. § 12-117.

RECITAL

Pursuant to A.R.S. § 12-113(A)(1), Judicial Collection Enhancement Fund; 12-116, Time Payment Fee; and 12-117, County Public Defender Training Fund, monies are provided through the state treasurer to the Supreme Court to provide county public defender training.

The purpose of this Agreement is to provide funding for Public Defender training in Fiscal Year 2020 Cochise County Legal Defender agrees that it will expend Public Defender Training Fund ("PDTF") monies in accordance with the guidelines set forth in Arizona Code of Judicial Administration § 5-105.

TERMS AND CONDITIONS

1. TERM OF AGREEMENT

This Agreement becomes effective on July 1, 2019, and shall remain in effect through June 30, 2020.

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) lack of funding available; (b) statutory changes in the program; or (c) Public Defender's non-compliance with this Agreement, Arizona Code of Judicial Administration § 5-105, A.R.S. § 12-117, or 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 Public Defender shall be deposited in a Special Revenue Fund established for the execution of this Agreement pursuant to Section III-2 of the Auditor General's Uniform Accounting Manual for Arizona Counties. Any interest earned on these monies while in the possession of the Public Defender shall accrue to the fund for use by the Public Defender in accordance with the guidelines set forth in Arizona Code of Judicial Administration § 5-105.

4. EXPENDITURES

a. Distribution of Funds.

1) The PDTF monies will be disbursed quarterly pursuant to the proportion requirements set forth in A.R.S. § 12-117(C). Quarterly disbursements will be made within sixty (60) days of the close of each quarter.

2) The AOC may retain all or any portion of the funds allocated to the Public Defender should the Public Defender be in violation of any of the terms of this funding Agreement.

b. Reporting Requirements. The Public Defender shall submit an annual report using the AOC approved reporting templates no later than forty-five (45) days after fiscal year end, in accordance with Arizona Code of Judicial Administration § 5-105.

c. Unexpended Funds. Funds unencumbered and unexpended thirty (30) days after fiscal year end, plus all unexpended interest accrued on such funds while in the possession of the Public Defender, may be carried forward to the next fiscal year. Any funds carried forward to the following year must be used in accordance with the guidelines set forth in Arizona Code of Judicial Administration § 5-105.

d. Inappropriate Expenditures. The Public Defender shall expend funds only for the purposes and uses specified within Arizona Code of Judicial Administration § 5-105. Public Defender agrees to reimburse the Public Defender Training Fund for any unauthorized or inappropriate expenditures which are not in compliance with this Agreement. The Public Defender Training Fund 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 PDTF monies shall be used solely for PDTF training purposes.

e. Termination of Funding. In the event that this Agreement is terminated prior to June 30, 2020, all unexpended funds in the possession of the Public Defender shall be returned to the AOC within thirty (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 Public Defender Training Funds. If termination is due to failure of the Public Defender to comply with this agreement, the AOC may require return of equipment and supplies purchased with Public Defender Training Funds.

5. BOOKS AND RECORDS

a. Financial Records and Examination. The Public Defender 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 Public Defender Training Fund Program to determine its effectiveness. As a condition of receipt of Public Defender Training Funds, the Public Defender 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 Public Defender 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 Public Defender 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 Public Defender 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 Public Defender retains ownership of equipment purchased with funds received pursuant to this agreement, and shall maintain written inventory and property control policies and procedures. The Public Defender may use its existing inventory system but must at a minimum maintain the information required by AOC policies and procedures. See AOC's Policies and Procedures Manual, Section 5.06A for guidance. Public Defender retains ownership of equipment purchased with funds received pursuant to this funding agreement.

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 AOC. After this time, the equipment may be transferred upon approval of the presiding judge. The Public Defender is responsible for any maintenance, loss or damage to the equipment and the AOC 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 Appendix A.

9. PERFORMANCE LIABILITY

Except as otherwise provided in law, in the performance of this Agreement 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.

By _____
Mr. Joel Larson, Legal Defender
Cochise County Legal Defender

ARIZONA SUPREME COURT

By Mike Baumstark
Mike Baumstark, Deputy Director
Administrative Office of Courts

APPENDIX A

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 fixed asset means any fixed asset with a purchase price of $5,000 or more and a usable life of one or more years. These fixed assets will also be recorded and tracked in the State Accounting System (USAS).

Non-capital equipment means any 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; and with other state agencies 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/LGU purchases the equipment, a funding agreement will be signed that clearly delineates the JDU/LGU owns the equipment. The JDU/LGU 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/LGU will record transactions in its fixed asset tracking system. The inventory policy is part of the equipment grant agreement.

The JDU/LGU 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/LGU 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/LGU 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 noncapital 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
- 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

All JDU/LGU's shall conduct an annual physical inventory of fixed assets in a manner prescribed by the AOC Financial Office. The Information Technology Division shall conduct an annual physical inventory of all computer equipment. The AOC Financial Office will submit an annual inventory report to the Department of Administration, General Accounting Office.

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/LGU, the JDU/LGU 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.

12-117. Public defender training fund; appropriation

A. The public defender training fund is established consisting of monies allocated to the fund pursuant to section 12-116. The supreme court shall administer the fund.

B. Each month the supreme court shall deposit in the fund the monies collected for the fund. All monies deposited in the fund are continuously appropriated to the supreme court for distribution to each county public defender as provided in subsection C of this section.

C. The allocation of monies collected shall be made to each county public defender office in proportion to the number of felony cases assigned to that office in the last fiscal year.

D. Monies received shall be used exclusively for the purpose of public defender training. Each public defender office receiving training fund monies shall submit to the supreme court an annual report of all financial receipts and expenditures from the training fund.

Consent 11.

Regular Board of Supervisors Meeting **Risk Management**

Meeting Date:	06/25/2019		
Personal Protective Equipment Policy			
Submitted By:	Sharon Gilman, Board of Supervisors		
Department:	Board of Supervisors		
Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature NOT Required	**# of ORIGINALS Submitted for Signature:**	0
NAME of PRESENTER:	n/a	**TITLE of PRESENTER:**	n/a
Docket Number (If applicable):			
Mandated Function?:	Local Mandate or Policy	**Source of Mandate or Basis for Support?:**	

Information

Agenda Item Text:

Approve Personal Protective Equipment (PPE) Policy, effective July 1, 2019.

Background:

Staff recommends approval in order to have formal procedure in place for employees.

Department's Next Steps (if approved):

Risk Management will inspect PPE and policy will be posted on website.

Impact of NOT Approving/Alternatives:

A formal policy for PPE will not exist.

To BOS Staff: Document Disposition/Follow-Up:

Notify Julie Morales, Risk Management Director, once approved.

Attachments

Policy

Cochise County
Board of Supervisors

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

Policy Title: Personal Protective Equipment

Policy Number: 1501

Effective: July 1, 2019

Supersedes: PPE Procurement Policy

Last Reviewed/Updated:

Scope/Coverage: All employees and registered volunteers required to use PPE for job duties

Policy Contact: Procurement and Risk Management

I. Responsibilities:

A. The County shall purchase or reimburse employees for department approved Personal Protective Equipment (PPE) as required to complete job duties in accordance with OSHA PPE Standard 1910.132.

B. County employees are responsible for maintaining the PPE in good working order and informing their approving authority if the PPE is damaged.

C. The Office of Risk Management will conduct annual review and training on PPE to ensure proper use and compliance.

II. Law Enforcement:

A. CCSO employees receive PPE in accordance with CCSO Employee Handbook, Chapter 23.

Public Hearings 12.

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

Meeting Date:	06/25/2019		
Grant a Telecommunications Franchise Renewal			
Submitted By:	Melissa Belasco, Board of Supervisors		
Department:	Board of Supervisors		
Presentation:	No A/V Presentation	**Recommendation:**	
Document Signatures:		**# of ORIGINALS Submitted for Signature:**	
NAME of PRESENTER:	Christine Roberts	**TITLE of PRESENTER:**	Civil Deputy Attorney
Mandated Function?:		**Source of Mandate or Basis for Support?:**	

Information

Agenda Item Text:

Adopt Resolution 19-14 granting a renewal of a Telecommunications Services Franchise to Valley Connections, LLC. for five years from June 25, 2019 through June 24, 2024.

Background:

Valley Connections, LLC applied for a franchise renewal and paid the $500 nonrefundable franchise fee. The Public Hearing has been advertised for three consecutive weeks in the San Pedro New-Sun, June 5, June 12 and June 19, 2019. The Public notice is attached below. The Board of Supervisors has received no public comment to date.

Department's Next Steps (if approved):

Record fully executed Resolution with the Acceptance of Franchise. Send a recorded copy to Virgil Barnard, Copper Valley Telephone, Inc. PO Box 970, Willcox, AZ 85644.

Impact of NOT Approving/Alternatives:

Valley Connections, LLC will not be able to operate legally in the County rights-of-way.

To BOS Staff: Document Disposition/Follow-Up:

See above instructions.

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

Resolution

RESOLUTION NO. 19 - ___

GRANTING A TELECOMMUNICATIONS SERVICES FRANCHISE TO VALLEY CONNECTIONS, LLC

KNOW ALL MEN BY THESE PRESENTS, THAT,

WHEREAS, VALLEY CONNECTIONS, L.L.C. was granted a franchise by the Board of Supervisors of Cochise County, Arizona, on June 1, 2004, through Resolution No. 04-31, to construct, install, operate and maintain along, over, under and across streets, alleys, and highways, within the County, facilities for the purpose of maintaining and operating a telecommunications system, and all other facilities and improvements necessary for local network and intrastate telecommunications services, which franchise was renewed by the Board of Supervisors June 10, 2014, through Resolution No. 14-13; and

WHEREAS, reasonable public notice of this Application has been provided in the manner required by A.R.S. § 40-283 of the filing of said Application and of the public hearing on this matter set for Tuesday, June 25, 2019, at 10:00 A.M., at the regular meeting place of the Board in the City of Bisbee, Arizona, as the time and place for the consideration of the matter; and

WHEREAS, it appears from the affidavit of publication of the San Pedro Valley News-Sun that due and regular notice of said date, time, and place set for the consideration of such action has been published once a week for three (3) consecutive weeks prior to the said date of the hearing, to-wit: in the issues of the 5th day of June 2019; the 12th day of June 2019; and the 19th day of June 2019, of said newspaper, and the matter being called at 10:00 o'clock A.M., and it appearing that the Board of Supervisors has not received a petition signed by more than 50% of the qualified electors of said County asking the Board to deny said Application on or before the date set for consideration thereof; and

WHEREAS, said Application came on regularly to be heard on the 25th day of June 2019, before the Board of Supervisors of Cochise County, and the Board considered the Application for the franchise, and there being good cause to grant this Application,

NOW, THEREFORE, it being determined by the Board of Supervisors of Cochise County that the grant of this franchise is regular, proper, authorized by law and in the best interest of Cochise County, and the inhabitants thereof;

NOW, THEREFORE, IT IS HEREBY ORDAINED:

1. That this Board of Supervisors of Cochise County, Arizona, acting for and on behalf of said County (the "County"), does hereby grant unto VALLEY CONNECTIONS, L.L.C. (hereinafter called "Grantee") a nonexclusive right, privilege, license, and franchise (hereinafter "the franchise") to construct, install, operate, and maintain along, over, under and across the streets, alleys, and highways under the jurisdiction of the County, facilities for the purpose of maintaining and operating a telecommunications system, and all other facilities and improvements necessary for telecommunications. This grant does not include the authorization to use State highways and those areas within the corporate boundaries of any city or town. This grant is subject to the terms, conditions, and limitations expressed below or incorporated herein by reference.

2. The County reserves the right to impose future restrictions, limitations and conditions upon the exercise of the rights granted herein as it deems best for the public safety and welfare. The Grantee is further required to comply with all lawful, applicable ordinances of Cochise County regulating the conduct of work within the public rights of-way; as such ordinances are now enacted or may be amended or adopted from time to time. The Grantee is required to obtain a separate Right-of-Way Use Permit from the County prior to initiating any construction in the right-of-way and to pay the applicable fees for the associated inspections.

3. The franchise granted hereby shall not be exclusive, and nothing herein shall be construed to prevent the County from granting other like or similar franchises to any other person, firm, or corporation.

4. The Grantee shall bear all expenses and costs, including damages and compensation for the alteration of the direction, surface, grade, or alignment of a public roadway or for revenues lost by the Grantee, which may arise in connection with its exercise of the rights granted herein.

5. The Grantee shall erect, construct, and maintain all facilities authorized herein in a good and workmanlike manner and in compliance with all valid laws, ordinances, and regulations, which may be in force from time to time. All such work shall be performed in such a manner as may be necessary to avoid any unreasonable damage, disturbance, or modification to existing public rights-of-ways, including roads, streets, highways, bridges, borrow ditches or shoulders thereon.

6. The Grantee shall, immediately upon erecting, constructing, replacing or repairing its facilities, or any part thereof, at its own cost and expense, restore any effected public right-of-way, including any road, street, highway, bridge, borrow ditch or shoulder thereon, to not less than the same condition which existed prior to the Grantee's action.

7. The County does not waive or relinquish any rights it may have to the full and complete use of the public rights-of-way subject to this franchise, whether for road purposes or otherwise. The rights of the County in and to the use of the right-of-way are, and shall be, paramount and superior to the rights of the Grantee. In the event that the location of the Grantee's facilities may interfere or conflict with the County's use, expanded use, alteration, improvement, or maintenance of the County's rights-of-way, the County may require the Grantee to relocate, at the Grantee's expense, all facilities which give rise to such interference or conflict. The County will provide the Grantee with reasonable notice of any relocation requirement and will provide a reasonable period of time for the Grantee to perform such relocation.

8. The Grantee assumes the sole responsibility for all liability for any injury or damage to any person or property, or to the road and right-of-way itself, caused by or arising out of the exercise of the rights granted herein and attributable to any act or omission of the Grantee. The Grantee shall indemnify, defend and hold harmless Cochise County, its officers, departments, employees and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands or damages of any kind or nature, including all costs of legal defense, arising out of the exercise of

these rights which are attributed to any act or omission of the Grantee, its agents, employees, or anyone acting under its direction, control or on its behalf.

9. The County grants this franchise for a term of five (5) years from the date of its authorization. This franchise may not be sold, leased, assigned, conveyed or transferred in any manner, in whole or in part, including pursuant to the sale or merger of the Grantee corporation itself, without the express written consent of the County, which consent shall not be unreasonably withheld.

10. The County reserves the right to alter or amend the terms of this franchise in any manner necessary to protect the safety or welfare of the public or the public interest. This reservation includes, but is not limited to, the authority to impose such amended franchise fees, rentals or use payments, or other form of compensation or assessment as the County may be authorized, now or in the future, to impose under the laws of the State of Arizona and the United States.

11. The County may terminate this franchise in the event that the Grantee fails to comply with the terms and conditions of this franchise. The Board of Supervisors, or its designee, shall provide the Grantee with written notice of noncompliance and allow the Grantee a period of not less than sixty (60) days to remedy any breach. If the Grantee continues to fail to comply with the terms of this franchise after this notice and remedy period, the Board of Supervisors may, following a public hearing, revoke all rights granted herein and render this franchise null and void.

12. Upon termination of the franchise, whether by expiration or its term, or for cause, or by voluntary abandonment, and after written notice from the County, the Grantee may remove all of its facilities, installed pursuant to the rights granted herein within one-hundred eighty (180) days of such termination, and shall repair any damages caused thereby. All such facilities which are not removed within this period shall be deemed to be abandoned and shall become the property of the County.

13. This franchise will not be effective for any purpose until the Grantee has indicated its acceptance in writing below.

14. The rights, privileges, and franchise granted herein are made pursuant to the laws of Arizona, including A.R.S. §§ 40-283 and 9-582, *et seq.*, which are incorporated herein by reference.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Cochise, State of Arizona, has caused these presents to be executed and signed by the Chairman of the Board of Supervisors on this 25th day of June 2019.

BOARD OF SUPERVISORS COUNTY OF COCHISE:

_____
Peggy Judd, Chairperson

ATTEST:

_____
Arlethe G. Rios
Clerk of the Board

APPROVED AS TO FORM:

_____
Christine J. Roberts
Civil Deputy County Attorney

[SEE NEXT PAGE FOR ACCEPTANCE OF FRANCHISE]

ACCEPTANCE OF FRANCHISE

This is to certify that the Grantee, **VALLEY CONNECTIONS, L.L.C.**, has on the 25th day of June 2019, accepted the foregoing franchise. Grantee agrees that it will be bound by, observe, and carry out the terms and conditions of such franchise.

Dated: _____

GRANTEE:
VALLEY CONNECTIONS, L.L.C.

_____
By: Steve Metts
Title: Chief Executive Officer

[SEE NEXT PAGE FOR CERTIFICATE OF CLERK]

CERTIFICATE OF CLERK

I, **Arlethe G. Rios**, Clerk of the Board of Supervisors of Cochise County, Arizona, do hereby certify that the foregoing excerpt from the minutes of the meeting of the Board of Supervisors of Cochise County, Arizona, held on **June 25, 2019**, constitutes a true and correct copy of the said minutes insofar as they relate to the Application of **VALLEY TELEPHONE CONNECTIONS, L.L.C.**, for a telecommunications services franchise in the County and to the granting of said telecommunications services franchise pursuant to the resolution hereinabove set out, all as appears in the official records of the Board of Supervisors.

IN WITNESS WHEREOF, I have set my hand and official seal of the Board of Supervisors of Cochise County, Arizona, this 25th day of June 2019.

_____

Arlethe G. Rios, Clerk
BOARD OF SUPERVISORS
COCHISE COUNTY, ARIZONA

Public Hearings 13.

Regular Board of Supervisors Meeting **Community Development**

Meeting Date:	06/25/2019		
R-19-02 (Subdivision Regulations) Repeal and Replace			
Submitted By:	Dan Coxworth, Community Development		
Department:	Community Development	**Division:**	Development Services
Presentation:	PowerPoint	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	1
NAME of PRESENTER:	Christine McLachlan	**TITLE of PRESENTER:**	Planner II
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

Docket Number (If applicable):

Information

Agenda Item Text:

Adopt Resolution 19-15 (Docket R-19-02 Subdivision Regulations) to repeal and replace the Cochise County Subdivision Regulations Amendments including: Updating the regulations to conform with current Arizona Revised Statutes; Removing the Minor Expedited Subdivision option, as well as the review of tentative plats by the Planning and Zoning Commission; Minor alterations to the Conservation Subdivision article, and performing clerical revisions to reflect current practices.

Background:

During an October 9, 2017 work session with the Board of Supervisors, Staff provided an overview of the land division process. As a result, staff was directed to make the following changes to the Subdivision Regulations: Update the Regulations to conform with current ARS; Remove the Minor Expedited Subdivision option; Preform clerical revisions to reflect current practices. Following receipt of that direction, the Planning and Zoning Commission held a public hearing on January 9, 2019. for draft changes to the Cochise County Subdivision Regulations.

Department's Next Steps (if approved):

If approved, the new Subdivision Regulations would take effect.

Impact of NOT Approving/Alternatives:

Current Subdivision Regulations will stay in place.

To BOS Staff: Document Disposition/Follow-Up:

Sign and record Resolution and provide a copy to Development Services.

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
Exhibit A: Proposed Subdivision Regulations
Exhibit B: Resolution
Exhibit C: Adopted Subdivision Regulations
Presentation

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

FROM: Christine McLachlan, AICP, Planner II

FOR: Daniel Coxworth, AICP, Development Services Director

SUBJECT: Public Hearing, Docket R-19-02 (Subdivision Regulations Repeal and Replace)

DATE: June 25, 2019

I. BACKGROUND AND PROPOSED CHANGES

Section 102.A.3. of the Cochise County Comprehensive Plan mandates periodic review and updates of the Subdivision Regulations to:

- reduce complexity, contradictions, and unnecessary regulations
- encourage subdivision development in lieu of minor land divisions of property through density bonuses and other incentives

In addition, within the same section, it requires that viable, cost-effective, voluntary development alternatives for the subdivision of land should be provided through the subdivision regulations.

To address these mandates, and to better the land division process in Cochise County, during an October 9, 2017 work session with the Board of Supervisors, Staff provided an overview of the land division process. As a result, staff was directed to make the following changes to the Subdivision Regulations:

- Update the Regulations to conform with current ARS
- Remove the Minor Expedited Subdivision option
- Preform clerical revisions to reflect current practices

Following receipt of that direction, the Planning and Zoning Commission held a public hearing on January 9, 2019 for draft changes to the Cochise County Subdivision Regulations.

At that hearing the following changes were proposed:

- Eliminating a provision that required septic testing on at least one-third of all subdivision lots. Current state law requires testing on all septic system prior to permit issuance.

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

- Eliminating the "Minor Expedited Subdivision" process. The Minor Expedited Subdivision process was a no-fee planning review option that was used to circumvent the drainage review and more-intensive subdivision regulation process.
- Removing obsolete technology references.
- Removing the requirement for the review of tentative plats by the Planning and Zoning Commission.

At the public hearing, the Commission voted 7-0 to forward Docket R-18-02 with a recommendation of approval to the Board of Supervisors.

Staff incorporated these changes into an updated document (Exhibit A). The updated document is intended to replace the Subdivision Regulations that are currently in place. The County's Subdivision Regulations were originally adopted in 1974 and have been amended several times over the years. Primarily, the focus of this recent effort was to reformat and reorganize the regulations in a manner that is more user-friendly and corresponds to the development review process. If approved, the current County Subdivision regulations would be repealed and replaced by these regulations.

In addition to the re-organization and re-formatting, the following changes are introduced in the document:

- Graphics were added to assist concept visualization.
- Requirements for specific numbers of copies has been amended from a specific number to the number of copies that is requested on the application form. If necessary, staff can more easily amend the number of copies requested on an application form than within County regulations.
- Within Article 5, Alternative Conservation Subdivision Option, the density bonus for conservation subdivisions that provide sewer, water and fire protection was increased from a 50 percent bonus to a 75 percent bonus. This increase is intended to further incentivize the provision of these improvements, which can be costly to the applicant.
- In addition, the definition of Conservation Area (section 503.C) was altered as follows (parts underlined are proposed): "Definition of conservation area - That area of land not occupied by buildings, towers, walls, billboards, or man-made impervious surfaces that is set aside or reserved in perpetuity for historic ranching use and/or public or subdivision residents' enjoyment or use. It shall be an integral part of the design within the boundaries of the subdivision and under common ownership or easement <u>and shall not include any part of a saleable or sold lot.</u>" With the specification that a conservation area shall not include any part of a saleable or sold lot, no part of a sold lot will be included in the overall calculation of conservation areas.
- Also, within Article 5, under Section 503. E. Conservation Area Design Considerations, the regulations mandate:
    - At least 25% of the conservation area be buildable land.
    - At least 75% of the conservation area be a continuous tract.
    - The conservation area must adjoin neighboring conservation/natural areas.
    - And the conservation area must be directly accessible to the largest practicable number of subdivision lots.

These additional stipulations will effectively alter both the calculation and the design of conservation subdivisions. Additionally, it brings the Subdivision Regulations further into alignment with Goal 102.A.2 of the Cochise County Comprehensive Plan, which states "Development should occur in a manner that

preserves open space, agricultural and ranching resources, and existing historical sites which may include: wildlife corridors; hydrologic recharge areas; floodplains; geologic features; historic, archaeological, or cultural resources; or arable soils." The County wishes to facilitate the preservation of washes and wetlands, while at the same time, promoting usable, connected space for future residents. Protecting large areas of continuous lands, while reducing the development footprint, leads to a greater positive cumulative impact on wildlife habitat, water quality and scenic vistas.

At the June 12, 2019 public hearing, the Commission voted 6-0 to forward Docket R-19-02, which is the attached proposed Subdivision Regulations 2019 Edition, with a recommendation of approval to the Board of Supervisors.

II. SUMMARY AND RECOMMENDATION

The updates and edits included in these proposed subdivision regulations reduce the complexities, contradictions and unnecessary regulations of the adopted subdivision regulations. Graphics were added to aid concept visualization and the document was completely reorganized to follow the development process. In addition, the document includes density bonuses to encourage subdivision development in lieu of minor land divisions. Staff is requesting that the Board consider approving the changes as presented.

Sample Motion: *Chairman Supervisor, I move to approve Docket 19-02 as proposed.*

III. ATTACHMENTS

A. Exhibit A, Proposed Subdivision Regulations, 2019 Edition
B. Exhibit B, Resolution to Adopt the Cochise County Subdivision Regulations, 2019 Edition
C. Exhibit C, Adopted Cochise County Subdivision Regulations

COCHISE COUNTY
SUBDIVISION REGULATIONS

2019 EDITION



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ARTICLE 1 TITLE, PURPOSE, APPLICABILITY, EXEMPTIONS, GENERAL SUBDIVIDING REQUIREMENTS

101 SHORT TITLE

This Ordinance may be cited as the Cochise County Subdivision Regulations.

102 PURPOSE

In conformance with the *County Comprehensive Plan*, the Subdivision Regulations are hereby approved and adopted to achieve the following:

A. Protect the health, safety, convenience, and general welfare of the citizens of the County.

B. Provide for the orderly growth and harmonious development of the County.

C. Require that land be conveyed with an accurate legal description.

D. Establish procedures and standards for all subdivisions.

E. Provide adequate traffic circulation, streets, utilities, waste water treatment, drainage, fire and flood protection, schools, recreation areas and other facilities and services needed or desired by the community in the most cost-effective manner, with the cost being borne by those benefited.

F. Result in individual lots of reasonable utility and livability and to promote neighborhood stability and protection of property values.

G. Promote conservation of those areas with unique natural features and scenic qualities and provide residents with access to these areas.

H. Promote water recharge and clean air.

I. Provide greater design flexibility and efficiency for services and infrastructure including design methods that reduce the length of streets, thus reducing the amount of improved surface and length of utility runs.

J. Encourage well-planned subdivisions by establishing environmentally adequate standards for design and improvement.

K. Provide viable, innovative, cost-effective, voluntary development alternatives.

103 APPLICABILITY

A. These Subdivision Regulations shall apply to all subdivisions of land, as defined herein, located within unincorporated areas of the County. No land shall be subdivided within the unincorporated areas of the County until the subdivider or his agent complies with these regulations and shall obtain approval of the preliminary plat by the Planning Commission and approval of the final plat by the Board of Supervisors. In addition, no land shall be subdivided until the approved plat is filed with and recorded by the Cochise County Recorder's Office.

B. Subdivisions in Adopted Plans - Subdivisions within the boundaries of community, regional, master development and other plans adopted as amendments to the Comprehensive Plan shall be developed in a manner that is consistent with the guidelines adopted within these plans.

C. Contiguous Property under Same Ownership/ Continuation of Public access

1. Portions of any contiguous property within the ownership of the subdivider shall be included within the boundaries of the subdivision when needed or required for any circulation, drainage or flood control facilities, or logical continuation of conservation areas.

2. The subdivider shall submit a development plan for portions of contiguous property owned by the subdivider, but not included within the subdivision boundaries, to be reviewed by the Commission and approved by the Board of Supervisors. This development plan shall demonstrate that:

   a. The remaining land is of a size and shape such that it can be developed with a use that is compatible with surrounding development and can meet the specifications of other applicable ordinances and regulations; and

   b. Public access such as arterial and collector streets, trails, and sidewalks shall be continued from contiguous property and designed to be adequate to serve future development.

104 EXEMPTIONS

The following are exempt under these regulations:

A. The sale or lease in bulk of six (6) or more lots, parcels, or fractional interests to one buyer in one transaction is exempt only if the entire

ARTICLE 1 TITLE, PURPOSE, APPLICABILITY, EXEMPTIONS, GENERAL SUBDIVIDING REQUIREMENTS

inventory of parcels owned by the seller is sold in one transaction.

B. The sale or lease of lots or parcels located in a single, single-platted subdivision by a subdivider if:

1. A valid public report has been issued within the past two (2) years by the Arizona Department of Real Estate on the subdivision lots or parcels; and

2. The subdivision meets all current requirements otherwise required of a subdivision under these regulations; and

3. The method of sale or lease of lots or parcels meets all current requirements under Arizona law; and

4. The lots or parcels are included on a recorded subdivision plat that has been approved by the county; and

5. All streets and roads within the subdivision, all utilities to the lots or parcels being offered for sale or lease and all other required improvements within the subdivision, other than a residence to be built, are complete, paid for and free of any blanket encumbrances; or the streets, utilities or other improvements are not complete, but the completion of all such improvements is assured as required by Article 7 of these Regulations.

105 GENERAL SUBDIVIDING REQUIREMENTS

A. A subdivider shall not sell or lease or offer for sale or lease subdivision land until the subdivider has fulfilled all the conditions of these regulations, including the installation of all necessary site improvements unless there is a vested right to continue to develop and sell the subject property.

B. Board of Supervisor approval is required for all subdivision plats within the area of jurisdiction of Cochise County prior to recording.

106 EFFECTIVE PERIOD OF TENTATIVE PLAT AND EXTENSIONS

A. Approval of residential tentative plats shall be effective for two (2) years.

B. Approval of commercial tentative plats shall be effective for three (3) years.

C. The Development Control Officer may grant one (1) one-year time extension upon written request by the subdivider if:

1. The applicant demonstrates substantial progress towards final plat approval; and

2. The subdivision is in conformance with current County regulations or the developer agrees to conform to current County regulations; and

3. Additional one (1) year time extensions must be approved by the Planning Commission.

4. Extensions shall be accompanied by the fee set out in the Development Services Fee Schedule.

ARTICLE 2 GENERAL PROCESS AND SUBMITTALS

201 PURPOSE

The purpose of this Article is to describe the procedures common to all subdivision options unless otherwise specified in subsequent articles.

202 INFORMATIONAL PRE-TENTATIVE PLAT MEETING

A preliminary meeting with the Subdivision Committee (see Section 602) is required. The purpose of this preliminary meeting is to discuss design alternatives and to provide the applicant with as much information as possible prior to investing money in the formal tentative and final plat submittals. Reaching a clear understanding of the overall subdivision concept before preparation of the tentative plat while plans are still flexible is an important step for the County and the subdivider.

202.01 Recommended Submittals – The subdivider should submit a concept plan and be prepared to discuss the items listed below. Submittal of the following information at least one (1) week before the meeting is recommended:

A. Layout of lots.

B. Floodplain, setbacks from washes and any construction or alterations occurring in the floodplain.

C. Adjacent development.

D. Streets.

E. Proposed width and surface of internal streets and whether the streets are public or private.

F. Provision for existing and future circulation and road dedication within and in the adjacent area.

G. Purpose and design of common areas and open space, if any.

H. Width, status, and surface of the streets providing access to the property.

I. Subdivision impacts on off-site roads and extent of traffic analysis needed.

J. Provisions for fire protection and how the impact on the fire district (if one exists) will be addressed.

K. Provisions for water and wastewater treatment.

L. Water conservation measures to minimize increased water use.

M. The creation of a homeowners' association.

203 TENTATIVE PLAT SUBMITTAL MEETING

The applicant shall schedule an appointment with the Subdivision Committee to submit tentative plat applications. A complete application, which is required for further processing, must have all the requirements listed in this Article.

203.1 Required Submittals –

A. Letter of Intent (see section 302)

B. Tentative Plat (see section 303)

C. Tentative Plat Fee payment for the tentative plat processing fee in the amount as set forth in the adopted Development Services Fee Schedule and Health Department Review Fee made payable to the Cochise County Treasurer for the Health Department review fees in the amount as set forth in the adopted Health Department Fee Schedule.

D. A Hydrology and Hydraulic Report, in accordance with Floodplain Regulations for Cochise County requirements, unless otherwise specified in these regulations.

E. Copy of Application to State Department of Water Resources for Determination of Water Adequacy

F. Traffic Analysis Report (see Section 307) - Unless otherwise stipulated in these regulations, or agreed upon with the Subdivision Committee, a traffic analysis report prepared by a professional civil engineer registered to practice in the State of Arizona shall be required, addressing at a minimum the criteria in contained in Section 307 any other criteria the Zoning Controls Officer and County Engineer determine necessary to identify the type and extent of road improvements.

G. Copies of required 401, 404, NPDES, Intent to Clear and other required Federal and State permits or applications.

H. Preliminary title report no more than thirty (30) days old.

I. If required in an adopted County land-use plan, documentation from the Arizona State Museum, the State Historic Preservation Office (SHPO), or a qualified archaeologist, as to whether there are any known historical or archaeological sites within the area to be developed and completion of a field survey if determined warranted by these agencies.

J. Waiver Request (if applicable) - Waiver requests shall be submitted with the tentative

ARTICLE 2 GENERAL PROCESS AND SUBMITTALS

plat application accompanied by a technical analysis justifying the waiver with an explanation of likely impacts as well as the appropriate processing fee as set forth in the adopted Development Services Fee Schedule. The Commission shall provide a recommendation to the Board of Supervisors on all waivers. Waivers will be forwarded to the Board of Supervisors for action with the tentative plat upon recommendation by the Planning Commission.

203.02 Recommended Submittals

A. Draft copy of all proposed instruments creating covenants, restrictions, reservations, easements, homeowners' association, or other conditions, if any (Section 308)

B. Maintenance plan for common areas, if any

C. Boundary Closures and line table

D. Method of ensuring improvements (Section 703)

204 TENTATIVE PLAT REVIEW

204.01 Administrative - The tentative plat shall be reviewed by the Subdivision Committee (see Section 602). This committee shall provide a recommendation to the Planning Commission.

204.02 Planning Commission –

A. Upon review of the tentative plat and supporting documents the Commission may recommend to the Board of Supervisors:

1. Approval of the tentative plat as presented, if they find that the tentative plat and supporting documents comply with these Subdivision Regulations and other applicable regulations.

2. Approval of the tentative plat with conditions, as specifically noted.

3. Denial of the tentative plat, providing the applicant with a list of modifications, findings, and considerations that must be addressed before re-submittal to the Commission.

B. Upon review of waiver(s), the Commission may recommend to the Board of Supervisors:

1. Unconditional approval.

2. Unconditional denial, stating the factors favoring denial.

3. Conditional approval, stating the recommended conditions.

205 FINAL PLAT SUBMITTAL MEETING

The applicant shall schedule an appointment with the Subdivision Committee to submit final plat applications. An incomplete application will not be processed. The Development Controls Officer shall determine if a submittal is complete at the submittal meeting. A complete final plat shall include all the requirements listed in this Section.

205.01 Substantial Conformance with Tentative Plat - A final plat is the legal document recorded in the Office of the County Recorder showing the survey data for all lots, streets, common areas, flood prone areas and easements and any general notes pertinent to buyers. A final plat must be in substantial conformance with the tentative plat approved by the Commission. Any final plat or portion thereof found by the Development Controls Officer not to be in substantial conformance with the approved tentative plat must be resubmitted to the Commission for approval. Substantial conformance means:

A. The number of lots does not increase by more than ten (10) percent.

B. The layout of the lots does not vary in a manner that affects other aspects of the subdivision such as access to conservation areas, drainage, or circulation.

C. Drainage and road right-of-way dedications and easements are substantially as depicted on the tentative plat.

D. The circulation system does not vary in a manner that affects other aspects of the subdivision or overall area circulation and access.

E. The improvement standards, percent, and layout of common areas, conservation areas,

ARTICLE 2 GENERAL PROCESS AND SUBMITTALS

and water conservation measures meet or exceed those approved by the Commission.

205.02 Required Submittals – the final plat application shall be composed of the following to be considered complete

A. Final Plat (see Section 303)

B. A check made payable to the Cochise County Treasurer for the final plat processing fee and improvement plan review fee in the amount as set forth in the adopted County Fee Schedules (unless improvement plans will be self-certified by a professional civil engineer registered in the State of Arizona in which case only the final plat processing fee is required).

C. A copy of the engineer's or surveyor's calculations showing the closure of the subdivision boundary and of each block, and all other excluded or dedicated tracts and rights-of-way, to be depicted on the final plat or as a separate document. The error of closure and the area bounded shall be shown for each calculation. The relative error of the unbalanced field measurement closure for the subdivision boundary shall be included.

D. A copy of the report prepared by the Arizona Department of Water Resources stating that an adequate supply of water exists for the projected needs of the subdivision.

E. A copy of the final Hydrology and Hydraulic Report approved by the County Engineer.

F. Three (3) copies of improvement and sign plans for private and public improvements. If improvements will be constructed in phases, plans for phase one at a minimum, are required.

G. Letters of the intent to serve from utility companies and fire districts serving the subdivision.

H. Confirmation that appropriate improvement plans have been provided to utility providers.

I. Arizona Department of Environmental Quality Certificates to Construct Water and Sanitary Sewer Systems, as applicable.

J. The final original signed version of the instrument used to assure completion of public improvements.

K. If conservation areas are to be maintained by another entity, originals of the agreement and conservation easement that shall be recorded with the final plat.

L. The final original signed version of the covenants, conditions, and restrictions.

M. Documentation that property taxes are current.

N. Certificates and Acknowledgements (see section 305)

O. Draft covenants, conditions and restrictions and homeowners' association bylaws, if any

P. Maintenance plan for common areas, if any

Q. Boundary Closures and line table

R. Method of ensuring improvements

206 FINAL PLAT REVIEW

206.01 Administrative - When members of the Subdivision Committee find that all applicable requirements have been satisfactorily met, they shall sign the plat.

206.02 Board of Supervisors –

A. Approval - Upon approval by the Subdivision Committee, the Development Controls Officer shall schedule the final plat, the offers of dedication and agreements, and guarantees and securities for required improvements, for review at the next available meeting of the Board of Supervisors. Upon review of the final plat and the offers of dedication and agreements, and guarantees and securities for required improvements the Board of Supervisors may:

1. Find that the final plat and the offers of dedication and agreements as well as guarantees and securities for required improvements are in substantial conformance with the tentative plat approval and comply with these Subdivision Regulations and other ordinances or requirements and approve the final

ARTICLE 2 GENERAL PROCESS AND SUBMITTALS

plat as presented.

2. Approve the final plat with conditions, as specifically noted.

3. Deny the final plat, providing the applicant with a list of modifications, findings, and considerations that must be addressed for re-submittal to the Commission.

B. Upon approval by the Board of Supervisors, the Chairman and Clerk of the Board of Supervisors shall so certify and attest such action upon the final plat.

ARTICLE 3 DETAILED SUBMITTAL REQUIREMENTS

301 PURPOSE

The purpose of this Article is to describe the specific submittal requirements common to all subdivision options unless otherwise specified in subsequent articles.

302 LETTER OF INTENT

A written letter of intent to subdivide must be submitted with the tentative plat. This letter must include the following information and certifications.

A. Date of submittal.

B. Name and address of each person having an interest in the proposed subdivision and the extent of such interest.

C. Name, phone number, and E-mail address of contact person.

D. Notarized letter of agency from the owner if the project representative is not the owner.

E. Metes and bounds legal description and general location of the proposed subdivision, distance to the nearest incorporated town and a sufficient description of existing landmarks and boundaries to locate and field inspect the proposed subdivision by vehicle.

F. Parcel numbers and working name of the proposed subdivision.

G. Total area in acres and number of lots in the proposed subdivision and typical and minimum lot sizes.

H. Reference by book, page, and date of recordation of any previous plats.

I. Utilities and services:

1. Description of the utility service areas which serve the subdivision.

2. Description of medical facilities, elementary and high schools and public transportation available to the subdivision.

J. Nature of off-site and on-site improvements proposed to be constructed by the subdivider including:

1. Description of how improvements will be guaranteed.

2. Description of the existing legal and physical access to the site.

3. Statement as to whether private streets are proposed and how they will be maintained.

K. Statement as to whether the community will be gated and how access will be provided for emergency services.

L. Description of any special districts in which the proposed subdivision is located.

M. Description of the zoning district classifications in which the proposed subdivision is located along with a statement that all applicable Cochise County Zoning Regulations shall be satisfied within the proposed subdivision.

N. Statement that the proposed subdivision is intended to meet the minimum Cochise County standards or identification of any waivers that are anticipated. Provide a technical justification for any waivers from the provisions of these Subdivision Regulations or any other applicable County regulations.

O. Statement of what provisions will be made for fencing the subdivision to preclude livestock from roaming within the subdivision and on public streets, if any.

P. Description of dust control measures to be used during construction.

Q. Description of water conservation measures to be employed in the subdivision.

R. Statement as to whether all or any portion of the subdivision is located in the vicinity of a military airport (ARS § 28-8461) or in a high noise or accident potential zone (§28-8461) or in the vicinity of a public airport (§28-8486).

S. Statement as to whether the subdivision is in a designated PM10 area (particulate matter of

ARTICLE 3 DETAILED SUBMITTAL REQUIREMENTS

10 microns or less).

303 TENTATIVE PLAT SUBMITTAL REQUIREMENTS

A. Number of copies - The applicant shall submit as many copies indicated on the application form.

B. Scale and North Arrow - The following information shall be clearly and legibly drawn on the tentative plat at a scale of 1" = 40', 1"=50', 1"=100', or 1"=200' as necessary to show all required details. Scale and north arrow must be included on all pages.

C. Show on first sheet only:

1. Metes and bounds legal description of all property being subdivided and parcel numbers.

2. Key maps showing:

   a. Location of the subdivision within the context of the surrounding area and major roads.

   b. The relationship of the sheets when the plat consists of two (2) or more sheets

3. Name of the Subdivision and Subdivider and property owner if different.

4. Name, registration number, seal, and signature of a professional land surveyor registered to practice in the State of Arizona.

5. Date of plat (updated on subsequent revisions and noted as 2nd Revised Plat, etc.)

6. All applicable standard notes listed below, and other notes required by the Subdivision Committee, which may include, but not be limited to the following:

   a. This subdivision has private streets that are not maintained by Cochise County.

   b. The minimum floor elevations including basements shall be (#) inches above the highest natural ground elevation at the building pad. No building shall be oriented in such a way as to block the natural storm runoff. All lots are subject to the requirements of the Hydrology and Hydraulic study prepared for this subdivision and on file with the Cochise County Highway and Floodplain Department.

   c. Existing platted streets not incorporated into the subdivision shall be abandoned separately through the Board of Supervisor's abandonment process.

   d. Individual sewage disposal systems are proposed (septic tank and leach field). Prior to building permit issuance, individual percolation or soil evaluations will be required for all lots. A minimum one-hundred (100) foot setback is required from all wells and fifty (50) feet from all lot lines.

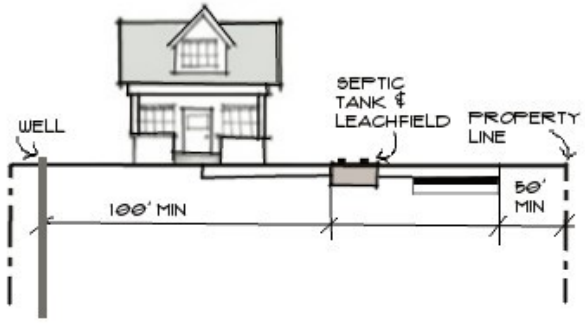


Figure 1: Minimum setbacks required from septic systems to wells and property lines

ARTICLE 3 DETAILED SUBMITTAL REQUIREMENTS

e. If sewage disposal systems other than conventional leach field systems are required, Arizona Department of Environmental Quality (ADEQ) approval is required prior to construction of the system.

f. Dust and erosion control measures shall be employed during and post-construction and shall comply with the *Cochise County Land Clearing Ordinance*.

g. It is the subdivider's responsibility to obtain any additional State or Federal permits.

h. Zoning is _____ and shall remain.

i. The length in miles of streets.

D. Streets:

1. Locations and widths of proposed streets, and other rights-of-way.

2. Road cross-sections for all types of proposed streets in accordance with the applicable standard in the *Cochise County Road Construction Standards & Specifications for Public Improvements,* as amended from time to time.



Figure 2: Applicants must adhere to all applicable standards contained in the Cochise County Road Construction Standards & Specifications for Public Improvements

3. Sight distance triangles at all road intersections.

E. Boundaries of all areas subject to inundation or storm water overflow. Erosion setbacks and one-hundred (100) year floodplain limits to be depicted.

F. Existing topographical contours for every two (2) vertical feet change unless otherwise noted in these regulations.

G. Area to be cleared. Clearing cannot occur until the improvement plans are substantially approved.

H. Street layout designed to control accelerated run-off and off-site erosion.

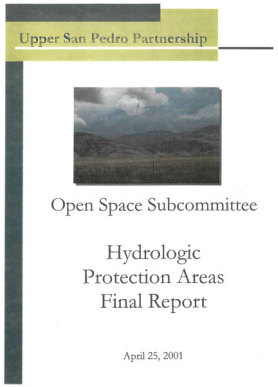


Figure 3: The San Pedro River is critical for preservation of local and regional biodiversity

I. Washes identified as significant in the *Upper San Pedro Partnership Hydrologic Protection Areas Final Report* or any applicable County Land-Use Plans.

J. Existing easements including recording data and proposed easements and their purpose.

K. Phasing, with each phase designed to stand alone in the event other phases are not completed.

L. Lots and boundary lines including:

1. Approximate lot lines with a depiction of a typical and minimum lot.

2. Proposed use of each lot.

3. Typical lot depicting wash setbacks, buildable areas and defensible space setbacks, if applicable.

ARTICLE 3 DETAILED SUBMITTAL REQUIREMENTS

4. Boundary lines, distances and bearings for subdivision boundaries.

5. Drainageways and detention basins.

M. Existing structures, walls, ponds, tanks, wells, irrigation canals, laterals, ditches and dikes, streets, paths, trails and utilities denoting whether these items are to remain, be altered or removed.

N. Common areas reserved or dedicated for parks, schools or other public uses, including private streets and conservation areas.

O. Profile of the fencing and gating to be used if the subdivision is a gated community and a note on how access will be provided for emergency vehicles.

P. Location and design of community mail boxes with pullout for vehicle parking for mail pickup if proposed.

Q. Location of fire hydrants, water tanks or other requirements for fire protection.

R. Area and number of tracts, if any, to be excluded from the proposed subdivision and their proposed use.

S. Adjacent zoning district classifications, subdivisions with recordation reference, parcels and nearby streets.

T. Depiction of other natural features such as significant vegetated areas, water recharge areas and washes, views, historical and archaeological sites and similar community assets that should be taken into account during design.

U. Other notes in support of proposed covenants, conditions and restrictions such as building envelopes, landscaping restrictions and restrictions to certain types of structures and lot sizes.

V. Any other items as required by law or as required by the Subdivision Committee.

304 FINAL PLAT SUBMITTAL REQUIREMENTS

A. Number of copies - The applicant shall submit as many copies indicated on the application form.

B. Signed Copies - The applicant shall submit as many signed copies of a Mylar version and signed blue line copies as indicated on the application form after the plat is approved by the Subdivision Committee and before the plat is presented for Board of Supervisors' action, along with original copies of the subdivision security and other documents to be recorded with the final plat.

C. Scale and North Arrow - The following information shall be clearly and legibly drawn on the tentative plat at a scale of 1" = 40', 1"=50', 1"=100', or 1"=200' as necessary to show all required details. Scale and north arrow must be included on all pages.

D. Show on first sheet only:

1. Metes and bounds legal description of all property being subdivided and parcel numbers.

2. Key maps showing:

   a. Location of the subdivision within the context of the surrounding area and major roads.

   b. The relationship of the sheets when the plat consists of two (2) or more sheets.

3. Name of the Subdivider and property owner, if different.

4. Name, registration number, seal, and signature of a professional civil engineer or land surveyor licensed to practice in the State of Arizona.

5. Title, subdivision name, scale, north arrow, legend, sheet number, and number of sheets comprising the map.

ARTICLE 3 DETAILED SUBMITTAL REQUIREMENTS

6. Date of plat (updated on subsequent revisions and noted as 2nd Revised Plat, etc...)

7. All applicable standard notes listed below, as well as other notes required by the Subdivision Committee, including all notes on the tentative plat that are required for disclosure to property owners during a title search.

    a. This subdivision has private streets that are not maintained by Cochise County. The County is held harmless for safety and vehicle damage from private streets.

    b. The minimum floor elevations including basements shall be (#) inches above the highest natural ground elevation at the building pad. No building shall be oriented in such a way as to block the natural storm runoff. All lots are subject to the requirements of the Hydrology and Hydraulic study prepared for this subdivision and on file with the Cochise County Highway and Floodplain Department.

    c. The County has approved the Hydrology and Hydraulic study and the Board of Supervisors has approved the signage and marking plan.

    d. Lots, tracts, conservation areas, and common areas cannot be further subdivided.

    e. The hydrology and culverts have been designed to pass the one-hundred (100) year storm event so that it deposits twelve (12) inches or less of water across any road.

    f. Previously recorded lots (list lot numbers) will be superseded by (subdivision name) and will no longer legally exist effective on the day of the final recording of (subdivision name).

    g. Existing platted streets not incorporated into the subdivision shall be abandoned separately through the Board of Supervisors abandonment process.

    h. Individual sewage disposal systems are proposed (septic tank and leach field). Prior to building permit issuance, individual percolation or soil evaluations will be required for all lots. A minimum one-hundred (100) foot setback is required from all wells and fifty (50) feet from all lot lines.

    i. If sewage disposal systems other than conventional leach field systems are required, Arizona Department of Environmental Quality (ADEQ) approval is required prior to construction of the system.

    j. Dust and erosion control measures shall be employed during and post-construction and shall comply with the Cochise County Land Clearing Ordinance.

ARTICLE 3 DETAILED SUBMITTAL REQUIREMENTS

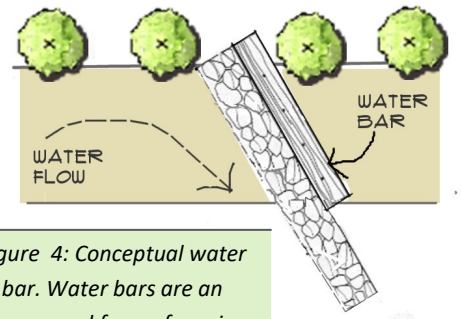


Figure 4: Conceptual water bar. Water bars are an encouraged form of erosion control

k. It is the subdivider's responsibility to obtain any additional State or Federal permits.

l. Zoning is ____ and shall remain.

m. The Arizona Department of Water Resources issued a determination of adequate water supply on (insert date).

E. Primary control points or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred. Where a coordinate system has been established by the County Engineer, primary control points shall reference at least two corners of the subdivision and be tied by course and distance to a section corner, a quarter-section corner or established city or county survey monument. The final plat shall include a description of the corner marker indicating how the bearings were determined.

F. Tract boundary lines fully balanced and closed, showing right-of-way lines of streets, easements and other rights-of-way, and property lines of all lots and other sites with accurate dimensions, bearings or deflection angles and radii, arcs, semi-tangents and central angles of all curves.

G. Curve tables and line tables.

H. Subdivision boundary.

I. Streets including:

1. Sight distance triangle easements at all road intersections.

2. Name and right-of-way width of each street or other right-of-way.

J. Designation and right-of-way width of all drainageways, detention basins and whether private or dedicated to the public.

K. Boundaries of all areas subject to inundation or storm water overflow. Erosion setbacks and one-hundred (100) year floodplain limits to be depicted in a surveyable manner.

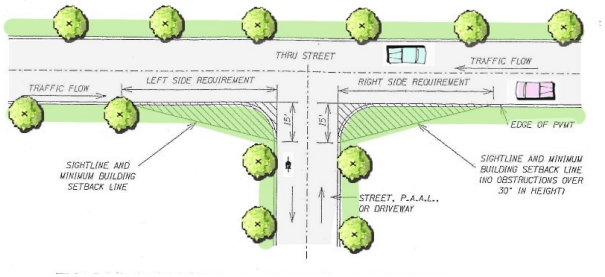


Figure 5: Intersections must have clear, unobstructed views within the sight distance triangle easements

L. One (1) foot no-access easements on arterial and county collector streets unless otherwise agreed to by the County Engineer.

M. Purpose and dimensions of all easements, clearly labeled and identified, and if already of record, proper reference to the records given; if not of record, a statement of such easement shall appear on the first sheet.

N. Area to be cleared. (Clearing cannot occur until the improvement plans are substantially approved.)

O. Lot numbering and lot area shown within the respective boundary of each lot.

P. Location and description of monuments, lot corners, and outer survey points.

Q. Block numbering or lettering, and the block area shown within the respective boundary of each block.

ARTICLE 3 DETAILED SUBMITTAL REQUIREMENTS

R. Area and number of tracts, if any, and their proposed use.

S. Common areas reserved or dedicated for parks, schools or other public uses including private streets and conservation areas.

T. All lots not intended for sale or reserved for private purposes and all parcels offered for dedication for any purpose, public or private shall be so designated.

U. Other notes in support of proposed covenants, conditions and restrictions such as building envelopes, landscaping restrictions and restrictions to certain types of structures and lot sizes.

V. Any other items as required by law or as required by the Subdivision Committee.

W. Phasing, with each phase designed to stand alone in the event that other phases are not completed.

X. Existing structures, walls, ponds, tanks, wells, irrigation canals, laterals, ditches and dikes, streets, paths, trails and utilities with an indication of whether these items are to remain, be altered or removed.

305 CERTIFICATES AND ACKNOWLEGEMENTS

The following certificates and acknowledgments shall appear on the final plat.

A. Certificate consenting to the preparation and recordation of the final plat and offering for dedication all streets, drainageways, easements, common areas and other parcels intended for public uses, as shown on the final plat acknowledged by all persons holding title by deed to the lands. If lands dedicated are held in trust, the trustee shall sign the certificate. If the lands to be dedicated are mortgaged or subject to any liens, the mortgagee and all lien holders shall also sign the certificate. The execution of the certification shall be acknowledged and certified by a notary public.

B. Certificate signed and sealed by a professional land surveyor licensed to practice in the State of Arizona under whose direction the survey, subdivision and plat of the land described on the said plat was made including:

1. A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision.

2. A statement that the surveyor prepared the description of the lots shown on the plat and certifying to their correctness.

3. A statement that the bearings shown on the plat are expressed in relation to the true meridian or a previously established meridian or bearing and that all monuments shown on the plat are actually located in the ground and their location, size and material are correctly shown.

4. A statement that all lots are staked or shall be staked in accordance with the provisions of these subdivision regulations.

5. The registration number, seal and signature of the licensed professional land surveyor.

C. Certificates to be signed by the County Community Development Director, County Engineer, Director of Environmental Health and Assessor, to certify that the plat complies with all requirements within their jurisdiction.

D. A certificate to be signed by the Chairman of the Board of Supervisors and attested to by the Clerk of the Board of Supervisors to certify that said Board approved the final plat and showing the date of said approval.

E. A certificate to be executed by the County Recorder showing the date, time of day, fee number, book and page number of recordation.

F. If an assurance agreement is used to provide

ARTICLE 3 DETAILED SUBMITTAL REQUIREMENTS

security for improvements, a block to write recording data including docket number and date recorded.

306 IMPROVEMENT PLAN

A. Applicable Rules and Regulations - The rules and regulations of the Cochise County Highway and Floodplain Department, which includes but is not limited to *Cochise County Road Construction Standards & Specifications for Public Improvements*, *Floodplain Regulations*, and *Cochise County Land Clearing Ordinance*, are applicable to subdivision design. Improvement plans for all on-site and off-site improvements reasonably related to construction of a subdivision in Cochise County must be designed to all County, State, Federal, and established engineering standards.

B. Number of Copies – Three (3) complete sets of engineering plans and subsequent revisions, or as required by the Subdivision Committee.

C. Applicant certification – Improvement plans may either be reviewed and self-certified by a professional civil engineer registered by the State of Arizona or by the County Engineer

D. Fee – applicant shall pay a review fee for County Engineer review (if applicable) in the amount as set forth in the applicable adopted County Fee Schedules.

E. Engineering plans must include the following elements: All road, drainage, fire protection, utilities, road and regulatory signs and markings, and other improvements required for approval of the tentative and final plats. Unless otherwise specified in these Regulations, the *Cochise County Road Construction Standards & Specifications for Public Improvements,* as amended from time to time, shall be used to determine the appropriate type and level of on and off-site road improvements.

1. On-site improvements - Subdividers shall construct and provide all on-site improvements including those along subdivision boundaries as lawfully required by the County. These improvements may include, but are not limited to:

    a. On-site streets and boundary streets;

    b. Street name signs and traffic regulatory signs, markings, traffic control signals, street lights when required, and other traffic control devices;

    c. Drainage and erosion improvements;

    d. Utilities;

    e. Water conservation measures; and

    f. Lot staking and survey monuments.

2. Off-site improvements - Subdividers shall construct and provide all off-site improvements reasonably related to the impacts of the new subdivision as lawfully required by the County. These improvements may include, but are not limited to:

    a. Off-site streets impacted by the subdivision traffic, including resurfacing and widening;

    b. Turn lanes, turn bays and traffic lights when warranted;

    c. Drainage and off-site erosion improvements;

    d. Water conservation measures;

    e. Dust abatement during construction;

    f. Sidewalks, curbs, gutters and trails when required; and

    g. Adequate water supply and

ARTICLE 3 DETAILED SUBMITTAL REQUIREMENTS

distribution systems, sanitary sewer and sewage disposal, and utilities, as required.

F. Review and Approval by Utility Companies - Prior to approval by the County Engineer or to submittal of self-certified improvement plans, the developer shall provide written confirmation that the plans have been reviewed and approved by the pertinent utility companies.

G. Required Meetings - If the Improvement plans are submitted as self-certified, the County will require the certifying Civil Engineer to schedule and attend frequent on-site meetings with County Highway and Floodplain representatives to resolve any discrepancies or deficiencies which may arise during the construction phases.

H. Review and Approval by County Engineer - If the Improvement plans are submitted as self-certified, the County Engineer must review, approve, and accept all field changes.

I. Approval by Board of Supervisors- The Board of Supervisors shall approve regulatory signs for public roads as part of final plat approval. Unless the Board of Supervisors authorizes a specific amendment to the approved or self-certified improvement plans, Board approval of the final plat shall be conditional upon the obligation to construct all improvements as indicated on the approved or self-certified improvement plans.

Unless otherwise specified in these regulations or agreed upon with the County Subdivision Committee an analysis of traffic levels and distribution is needed to evaluate the impacts of the subdivision traffic. The analysis shall address, at a minimum, the following information and any other information the Development Controls Officer and County Engineer determine necessary to identify necessary street improvements.

307 TRAFFIC ANALYSIS REPORT

A. Current average daily traffic on the streets serving the subdivision.

B. Average estimated daily traffic to be generated by the subdivision using traffic generation standards in the most current version of the Institution of Transportation Engineers Trip Generation Manual unless otherwise justified by the applicant based on the type of development.

C. Estimates of peak hour or peak seasonal traffic generation.

D. Level of service of existing streets serving the subdivision before and after introduction of subdivision traffic.

E. Adverse effects upon traffic flow along the streets abutting the site resulting from traffic entering and leaving the site.

F. Current condition of existing streets serving the site.

G. Conformity to applicable policies of the Comprehensive Plan or other approved plans if any.

H. Existing and anticipated traffic patterns on-site and in the surrounding area.

I. Future circulation needs into and around the surrounding area for current or potential future development.

J. Nature of the anticipated on-site and off-site improvements to be constructed.

K. If deemed necessary, the County Engineer may require conformance with the Arizona Department of Transportation Traffic Impact Analysis Manual.

308 CREATION OF A HOMEOWNER'S ASSOCIATION

When common areas such as private streets, drainageways, and conservation areas are held in common ownership and maintained by a homeowners' association, the applicant shall:

ARTICLE 3 DETAILED SUBMITTAL REQUIREMENTS

A. Provide the County with a copy of the covenants and restrictions governing the association, to be recorded with the final plat.

B. Include the following declaration in the covenants, conditions and restrictions when private streets and drainageways are proposed:

> "All private streets and drainageways depicted on the plat shall remain private and shall not be dedicated to public use until such time as:
>
> - approval of any such dedication is approved by the property owner through the Homeowner's Association;
> - the County Board of Supervisors consents to accepting this public dedication; and
> - the streets are upgraded to current County standards before being dedicated to public use."

C. Formally establish the association upon final plat approval.

D. Require mandatory membership for homeowners.

E. Require that the association be responsible for maintenance of common areas, pursuant to a comprehensive maintenance plan.

F. Provide a means for obtaining adequate financial support for the association.

G. Require that the County be given thirty (30) day's written notice if responsibility for the common areas is to be transferred.

ARTICLE 4 PLAT ELEMENTS

401 PURPOSE

The purpose of this Article is to describe the specific elements required on plat submittals.

402 CIRCULATION

402.01 Circulation and Layout

A. Subdivision design shall provide public streets of a type and in locations adequate to accommodate current and projected future circulation needs within the subdivision and the surrounding area.

B. Access into the subdivision from off-site streets shall be sufficient to facilitate emergency access to all lots.

1. A minimum of two means of access, built to *Cochise County Road Construction Standards & Specifications for Public Improvements*, is required for all residential subdivisions except rural subdivisions (see definition) and subdivisions with twenty-seven (27) lots or fewer.

2. All non-residential subdivisions shall provide a second means of access built to *Cochise County Road Construction Standards & Specifications for Public Improvements*.

C. Non-local traffic on local streets shall be discouraged by the use of appropriate traffic calming methods and road layout design.

D. Half-streets or partial width rights-of-way shall be prohibited except where necessary to provide right-of-way, to complete a road pattern already begun, or to insure reasonable development of adjoining parcels. Where a platted half-street abuts the proposed subdivision, the remaining half width shall be platted within the subdivision.

E. Adequate access shall be provided to each lot through public or private streets.

F. Direct access from individual lots to streets that are identified or function as collectors and arterial streets shall be prohibited through subdivision design or via a one (1) foot no-access easement.

G. Corner lots shall access onto local streets.

H. Road design shall be compatible with approach grades, drainage, bridges, or future grade separations, where a subdivision abuts or contains the right-of-way of a railroad, limited access highway or irrigation canal.

I. Cul-de-sac streets shall terminate in a circular turnaround area with a radius of at least fifty-(50) feet.

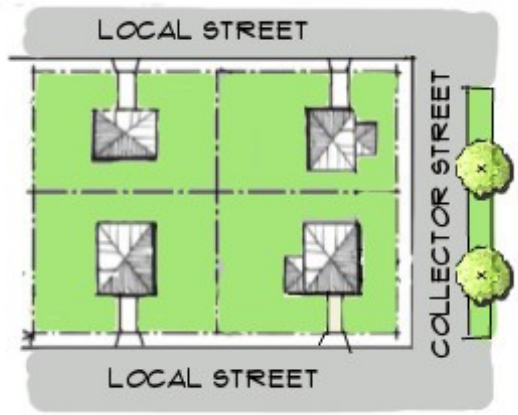


Figure 6: Corner lots shall access lower speed local streets

J. Cul-de-sacs shall not exceed six hundred (600) feet in length from the entrance to the circumference of the turnaround area except in rural subdivisions (see definition) where cul-de-sacs can be twelve-hundred (1200) feet in length.

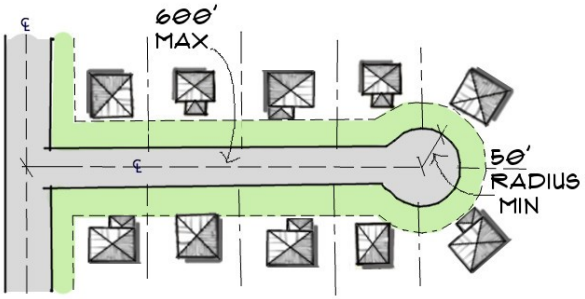


Figure 7: Maximum cul-de-sac length and minimum turn around

ARTICLE 4 PLAT ELEMENTS

K. Block lengths shall facilitate overall circulation and emergency access. Block lengths shall not exceed fifteen-hundred (1500) feet except in rural subdivisions.

402.02 Sidewalk, Curbs, Gutter and Other Access

A. Sidewalks, curbs, and gutters are required:

1. in all non-residential subdivisions along the front of the buildings and connecting all separate buildings and parking areas.

2. On all local and collector streets for residential subdivisions when the lot size is ½ acre or smaller.

3. On streets that are identified or function as arterial streets.

4. In residential subdivisions when required by the County Engineer for storm water management and may be required when recommended by a city located within three (3) miles of the subdivision.

B. Sidewalks may include utility easements.

C. Sidewalks shall be constructed in accordance with the *Standard Specifications and Details for Public Improvements for Pima County Association of Governments,* as amended from time to time.

D. Sidewalks may be constructed after construction of residential improvements if necessary to prevent destruction during site construction. The Development Controls Officer is authorized to accept a bond or certified check based on the estimated cost to construct sidewalks in lieu of other security for the project improvements.

E. In addition to these requirements, sidewalks or other types of access shall be required if otherwise specified in these regulations, if addressed in applicable adopted plans and/or determined necessary to provide safe access to schools, parks, conservation areas, commercial services, playgrounds, or other nearby public areas.

402.03 Private Streets and Drainage

A. Private streets shall be constructed to conform to *Cochise County Road Construction Standards & Specifications for Public Improvements,* unless otherwise stipulated within these Regulations.

B. Private drainageways shall be constructed to conform to the *Floodplain Regulations for Cochise County* and the *Cochise County Road Construction Standards & Specifications for Public Improvements,* unless otherwise stipulated within these Regulations.

C. Private streets and drainageways shall be constructed according to improvement plans approved by the County Engineer.

D. Prior to sale of lots or release of a bond or other assurances, the subdivision engineer shall certify that the private streets and drainageways have been constructed according to the improvement plans approved by the County Engineer or self-certified by a Professional Civil Engineer registered by the State of Arizona.

E. A private street shall not be allowed if the road is needed for overall neighborhood or regional circulation. Streets identified as, or that function as collector or arterial streets, shall not be private.

F. A private drainageway shall not be allowed if needed to address overall area or regional drainage concerns.

G. A note shall be placed on the final plat stating that the County does not maintain private streets or drainageways and holding the County harmless for safety and vehicle damage from private streets.

H. The developer shall provide adequate reliable means of long-term maintenance for any subdivision private streets or drainageways, either through a homeowners' association or otherwise.

ARTICLE 4 PLAT ELEMENTS

402.04 Required Road and Regulatory Sign Markings

A. All signs and markings shall comply with the Manual of Uniform Traffic Control Devices (MUTCD).

B. The Developer shall install:

1. Street name signs including directional information at all street intersections.
2. Stop signs at the intersection of all streets with collector and arterial streets, at a minimum.
3. Speed limit signs on all streets identified or functioning as county collector and arterial streets at the entry to the subdivision, and on local streets at egress from collector or arterial streets.
4. Other regulatory signs and markings, as required by the County Engineer.

C. The developer shall pay his or her fair share of traffic lights installed at the intersection of all streets with collector and arterial streets, if determined to be warranted by the County Engineer.

D. Location and design of road name and regulatory signs and markings shall be depicted on improvement plans and/or sign plans.

402.05 Road Name and Addresses

A. Road names shall conform to the *Cochise County Rural Addressing Ordinance*, as amended from time.

B. The County shall provide subdivision addresses before final plat approval.

C. The County shall approve all road names.

402.06 Street lighting

A. All street lighting shall be in conformance with the *Cochise County Light Pollution Code*, as amended from time to time.

B. Street lighting is required at street intersections for subdivisions when the average lot size is ½ acre or smaller or as otherwise required in common areas in conformance with the Cochise County Zoning Regulations, as amended from time to time.

C. For non-residential subdivisions, street lights shall be provided along one side of each street block and in parking areas used at night in conformance with the *Cochise County Zoning Regulations* and *Light Pollution Code*, as amended from time to time.

D. Provision for continued maintenance shall be provided by a street lighting improvement district or homeowners' association.

403 HYDROLOGY

A. The classification and design of drainageways and designation of design storm frequencies shall be based on the *Floodplain Regulations for Cochise County* and *Cochise County Road Construction Standards & Specifications for Public Improvements*.

B. A Hydrology and Hydraulic Report, to be submitted with the Tentative Plat, is required unless waived by the County Engineer or otherwise specified in the alternative subdivision options.

404 SEWAGE

A. Individual sewage disposal systems, including septic tank systems shall not be permitted or installed on lots of less than one-acre (43,560 square feet) in size excluding streets and easements, when both a well and individual sewage disposal system are located on the same lot, unless ADEQ approves an alternative wastewater treatment system such as a de-nitrification or filtration system.

B. If lots are connected to a community water system, individual sewage disposal systems, including septic tank systems are permitted on lots of 36,000 square feet or larger in size

ARTICLE 4 PLAT ELEMENTS

excluding streets and easements.

C. For lots of less than 36,000 square feet in size, excluding streets and easements, a connection to a County-approved sanitary sewer system or other system approved by the Cochise County Health Department or Arizona Department of Environmental Quality, is required.

D. Subdivisions shall be connected to available sewage disposal systems if located within four hundred (400) feet of the subdivision boundaries, and with available capacity at the plant and in the distribution lines.

E. The ADEQ "*Notice of Intent to Discharge and Provisional Verification of General Permit Conformance*" for the sewage disposal system shall accompany the final plat, if applicable.

F. No building/use permit shall be issued for any subdivided lot of less than 36,000 square feet in size excluding streets and easements, unless there is a connection to a County-approved sanitary sewer system or other system approved by the Cochise County Health Department or Arizona Department of Environmental Quality, which is operated and maintained in accordance with County and ADEQ regulations.

G. Except when sewage disposal is to be provided via individual septic systems, lots shall not be sold from any phase until the sewage disposal system is completed with connections to the edge of each lot and ADEQ has issued a "*Verification of General Permit Conformance*."

405 WATER

405.01 Water Distribution

A. Unless otherwise specified in these regulations, applicants shall ensure that water is available from a County or Arizona Department of Environmental Quality approved water delivery system to each and every subdivided lot of less than one (1) acre (43,560 square feet) in size. In the Sierra Vista Sub-watershed Water Conservation Overlay District, this provision shall apply to subdivisions where the average lot size is five acres or smaller and twenty-eight (28) lots or more are proposed.

B. Subdivisions shall connect to available water distribution systems if located within four hundred (400) feet of the subdivision boundaries and with available capacity at the plant and in the distribution system and the subdivision is within the provider's service area in conformance with Arizona Corporation Commission regulations.

C. The ADEQ "*Certificate of Approval to Construct*" for the water delivery system shall accompany the final plat.

405.02 Water Adequacy

A. When submitting a tentative plat, the subdivider shall include a copy of the application submitted to the Arizona Department of Water Resources (ADWR) for water adequacy determination.

B. Pursuant to ARS 11-806.01 § F and Resolution 08-20, the Board of Supervisors shall not approve a final plat for a subdivision unless one of the following applies:

1. The Director of Water Resources has determined that there is an adequate water supply for the subdivision and the subdivider has included the report with the plat.

2. The subdivider has obtained a written commitment of water service for the subdivision from a city, town, or private water company designated as having an adequate water supply by the director of water resources.

C. The Board of Supervisors may exempt a subdivision from Section 405.02 B.2. if the Director of Water Resources has determined the subdivision will have an inadequate water supply because the water supply will be transported to the subdivision by motor vehicle or train if all of the following apply:

ARTICLE 4 PLAT ELEMENTS

1. The Board determines that there is no feasible alternative water supply for the subdivision and that the transportation of water to the subdivision will not constitute a significant risk to the health and safety of the residents of the subdivision.

2. If the water to be transported to the subdivision will be withdrawn or diverted in the service area of a municipal provider as defined in ARS §45-561 and the municipal provider has consented to the withdrawal or diversion.

3. If the water to be transported is groundwater, the transportation complies with the provisions governing the transportation of groundwater in ARS title 45, chapter 2, and article 8.

4. The transportation of water to the subdivision meets any additional conditions imposed by the county

405.03 Water Conservation

A. General

1. Subdivisions shall conform to water conservation measures and policies adopted in the *Cochise County Zoning Regulations* and policies of the *Cochise County Comprehensive Plan* and other ordinances, as adopted or as amended from time to time.

2. Where applicable, water conservation measures as described below shall be included in covenants, conditions and restrictions and depicted on the tentative and final plats as part of a typical lot drawing or as a note on the plat.

3. Where applicable, water conservation measures shall be enforced by the Homeowner's Association.

4. The County shall enforce water conservation measures at permit issuance, if approved as a condition of final plat approval.

5. Water conservation measures in addition to the ones described in this section are encouraged.

6. Washing outdoor hard surfaces with water is prohibited.

B. Landscaping – In street medians, hardscapes, conservation areas, and common areas:

1. Turf is only allowed for publicly used common areas.

2. Turf shall not be allowed in areas eight (8) feet wide or less.

3. Turf or high water-use plants shall not be allowed on slopes that exceed twenty-five (25) percent.

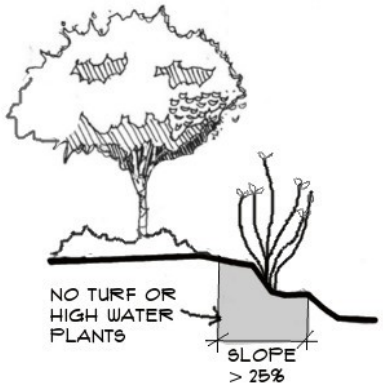


Figure 8: Turf and high water plants are not permitted on steep slopes

4. Only plants on the County approved list, as updated from time to time, or other drought tolerant plants approved by the County shall be used.

5. Where irrigation is used, timers shall be installed.

6. Rainwater harvesting and re-use shall be utilized, where practical.

7. Sprinkler heads shall be installed no closer than eight (8) inches from

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impermeable surfaces.

8. Impermeable covering shall not be applied to any soil surfaces.

9. A minimum of a two (2) inch thick layer of porous mulch shall be applied to all irrigated, non-turf areas.

C. Common Use Buildings

1. All lavatory faucets shall be equipped with mechanisms that close automatically after delivering not more than one (1) quart of water.

2. Cooling systems that do not need a water source shall be used.

3. Outdoor misters are prohibited.

4. All hot water pipes shall be insulated.

5. All hot water pipes shall be re-circulating and shall have hot water pumps with timers along with adequate signage appropriately displayed on the hot water heater identifying the pump and timer and include instructions for use. On demand hot water systems are exempt from this requirement.

6. As adopted in the *Cochise County Zoning Regulations*, pool and spa covers shall be used to prevent evaporation.

7. A gray water diversion valve with a pipe exiting to a potential irrigated landscaped area shall be installed at a minimum, on washing machines, with adequate educational signage prominently displayed if approved by the Cochise County Health Department. The exit pipe shall be adequately marked to indicate it as a non-potable water pipe in conformance with Arizona Department of Environmental Standards.

8. Water efficient washing machines are required.

406 UTILITIES

A. Adequate utilities or facilities, furnishing for the subdivision, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, shall be provided.

B. Each subdivision plat shall include easements that are adequate for all necessary utilities, including access for maintenance and repair of such facilities. Easements shall be located along both sides of street frontages and be at least ten (10) feet wide or as otherwise required by the utility company.

C. The electric, telephone and cable services shall be installed underground except where it is demonstrated to be infeasible from an engineering, operational or economic standpoint.

D. Utilities shall not be allowed in drainageways, drainage easements, grader ditches, and flow paths.

E. All required utility connections shall be provided to the edge of each lot.

F. Each cul-de-sac street shall be provided with a utility easement designed to prevent dead-end mains unless waived by the utility companies.

G. All service shall be in conformity with the Administrative rules and regulations of the Arizona Corporation Commission.

407 SCREENING, FENCING AND CATTLE GUARDS

A. Residential fencing—When a residential subdivision borders an existing commercial or industrial establishment, perimeter screening by an opaque solid wall or fence with a minimum height of six (6) feet from grade, shall be required. The screen shall be constructed out of standard materials or other acceptable materials approved by the County Zoning Inspector. The Commission may approve an existing vegetative screen if it meets the intent of creating a solid opaque

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screen and is maintained in accordance with the Cochise County Zoning Regulations (Landscaping, Planting, and Maintenance Requirements), as amended from time to time.

B. Non-residential fencing—Non-residential subdivisions shall provide a solid opaque wall with a minimum height of six (6) feet from grade along the perimeter of the subdivision where abutting a residentially-zoned area.

C. Cattle Guards—Perimeter fencing or cattle guards on streets sufficient to protect property and streets from the intrusion by livestock may be required if deemed necessary by the Community Development Director. Cattle guards shall be constructed to conform with the *Cochise County Road Construction Standards & Specifications for Public Improvements,* as amended from time to time.

D. Building Permit Required—The developer shall obtain a building permit for subdivision gates, walls, and fences as required by the *Cochise County Zoning Regulations*.

408 FIRE PROTECTION

408.01 Fire Protection Requirements

A. General Requirements

1. Subdivisions adjacent to the boundaries of a fire district shall be annexed into the service area pursuant to ARS § 48-262 if acceptable to the district

2. No subdivision with individual lot sizes of 36,000 square feet or less shall be established unless there are appropriate provisions for fire protection service.

3. Fire protection improvements shall be subject to the same financial assurances as other subdivision improvements.

4. Covenants, conditions, and restrictions for subdivisions within an area served by a volunteer fire department shall require individual property owners to pay fire department fees, to be collected and paid to the fire department by the Homeowner's Association or through some other enforceable mechanism acceptable to the fire department until such time as they become a district.

5. Fire protection provisions shall be described during the tentative plat process and shown on improvement plans.

6. Water supply appliances provided within the subdivision shall be located per the Fire Code applicable to the serving fire district or adopted by the and shall be compatible with the equipment of the agency providing service.

B. Emergency Vehicle Requirements/Gated Communities

1. A minimum of two means of access built in conformance to Cochise County Road Construction Standards and Specifications for Public Improvements are required for all subdivisions except in rural subdivisions (see definition) and minor expedited residential subdivisions with twenty-seven (27) lots or fewer.

2. If streets pass under an arch, sign or overpass, a minimum clearance of fourteen (14) feet, six (6) inches must be provided.

3. Emergency providers shall be provided with convenient and reliable methods for access through subdivision gates without delay.

4. Gates shall be of a width that is in accordance with the Uniform Building

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Figure 10: A minimum clearance of 14.5' is required under all arches, signs, underpasses

Code or International Fire Code adopted at the time of development.

C. Subdivisions not within a fire protection service area

1. For subdivisions with individual lot sizes greater than 36,000 square feet, if a fire district, volunteer fire department or private protection service are unavailable other measures to provide adequate fire protection may be approved by the County.

2. A note shall be placed on the final plat indicating that a fire service provider is not available.

409 LAND CLEARING

Lot Size	Water Flow	Duration of flow
36,000 square feet or smaller lots	250 gallons per minute calculated at twenty (20) p.s.i. flowing pressure in excess of the normal estimated water consumption of residences in the subdivision.	System capable of sustaining this flow for 2 hours
Larger than 36,000 square feet to less than 2 acres	250 gallons per minute calculated at twenty (20) p.s.i. flowing pressure in excess of the normal estimated water consumption of residences in the subdivision is recommended or at a minimum a 36,000-gallon storage tank is required.	System capable of sustaining this flow for 2 hours is recommended
2 acres or larger lot sizes	Some provision for a water supply for fire protection is recommended; if no water supply is provided a note shall be placed on the final plat indicating that a fire protection water supply is not provided.	

A note shall be placed on the tentative and final plats stating that all land clearing shall be in conformance with the *Cochise County Land Clearing Ordinance* and clearing methods depicted on the improvement plans and in the *Hydrology and Hydraulic Report.* Clearing for subdivisions shall not occur until the improvement plans are reviewed and substantially approved or self-certified by a Professional Civil Engineer registered by the State of Arizona.

410 LOT CONFIGURATION

A. The lot area and minimum building setback lines shall conform to the requirements of zoning and other applicable regulations.

B. The depth and width of lots shall be adequate to provide for off-street parking and loading requirements.

C. Double frontage lots, except corner lots, shall be prohibited on streets that are identified or function as County collectors and arterials unless a one-foot no access easement is recorded.

D. Lots cannot be further split.

E. In numbering lots, the following rules apply:

1. An Arabic numeral shall designate

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each lot.

2. Numbering shall follow in a continuous fashion within the subdivision.

3. Common areas shall be designated by capital letters and be designated in sequence within a subdivision starting with the letter "A."

411 LOT CORNER STAKING AND MONUMENT IMPROVEMENTS

A. Lot corner staking shall be iron or steel bars, or iron pipes at least fifteen (15) inches long and one-half (1/2) inch in diameter and shall be set at all corners, angle points and points of curvature for each lot and block within the subdivision, except for those points at which a monument is found or installed.

B. Survey monuments shall be installed at:

1. All corners and angle points in the boundaries of the subdivision.

2. The intersecting points of center lines of streets.

3. The intersections of the rights-of-way lines of streets within the boundaries of the plat.

4. At all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the right-of-way lines of streets.

412 PHASING

A. Phasing shall be approved as part of tentative plat approval and depicted on tentative and final plats.

B. Subdivision phasing shall be designed so that each phase can function independently if the other phases are not completed.

C. All improvements shall be completed for a phase before any assurances guaranteeing improvements are released.

D. Improvements required to address regional and area needs shall be completed as part of the first phase unless otherwise expressly authorized by the Board of Supervisors.

ARTICLE 5 ALTERNATIVE CONSERVATION SUBDIVISION OPTION

501 PURPOSE AND APPLICATION

The purpose of this Article is to describe the alternative conservation subdivision option that address particular situations and offer some flexibility of design. For some low-impact developments, density bonuses, exceptions to the general submittal and review process, and alternative requirements are provided. Development under this provision is optional. It is intended to encourage:

A. An innovative site planning design in harmony with the natural features and historic uses, such as ranching, and compatible with constraints of specific sites;

B. More cost-effective development due to decreased grading and more efficient servicing of the subdivision with utilities, streets, and other essential services; and

C. Conservation areas for subdivision or public purposes.

502 GENERAL REQUIREMENTS AND DENSITY BONUS

A. A minimum of fifty (50) percent of the site shall be conservation areas. If the subdivision is proposed to be done in phases, conservation areas for each phase shall be fifty (50) percent. Conservation areas are intended to conserve, in perpetuity, resources that might otherwise be permanently altered by development.



Figure 11: A minimum of 50% of conservation subdivisions shall be conservation areas.

B. In zoning districts with a minimum lot size of 36,000 square feet or greater, a thirty-four (34) percent density bonus is provided so long as the subdivision complies with the design and improvement requirements of this Article.

C. In zoning districts with a minimum lot size of 36,000 square feet or greater, a fifty (50) percent density bonus is provided, so long as the subdivision is provided with: a water utility company; a sewer system designed for effluent recharge and/or re-use; fire protection, and complies with the design and improvement requirements of this Article.

503 CALCULATIONS AND DESIGN CONSIDERATIONS

A. Lot sizes are flexible and do not need to meet the minimum lot size of the zoning district except that the minimum individual lot-size must conform to requirements for sewage disposal, water distribution systems, and fire protection described in Article 4.

B. Density bonuses cannot be applied to areas within a previously-approved master development plan.

C. Definition of conservation area - That area of land not occupied by buildings, towers, walls, billboards, or man-made impervious surfaces that is set aside or reserved in perpetuity for historic ranching use and/or public or subdivision residents' enjoyment or use. It shall be an integral part of the design within the boundaries of the subdivision and under common ownership or easement and shall not include any part of a saleable or sold lot.

D. The following categories generally should be included in the conservation area calculation:

1. Wetlands and cienegas;
2. Wash corridors, including a minimum of 50 feet from the primary banks;

ARTICLE 5 ALTERNATIVE CONSERVATION SUBDIVISION OPTION

Example of Density Bonus For a 1000-Acre Parcel, Zoned RU-4		
Subdivision Type	**Conservation Areas**	**Number of Lots & Density Bonus**
Conventional	None	**Maximum 250 lots (may be less after calculating roads)** (No density bonus)
Conservation	50% conservation areas = 500 acres	**335 lots** (34 % bonus: 250 lots x 1.34)
Conservation with Sewer, Water & Fire Protection	75% conservation areas = 500 acres	**437 lots** (75 % bonus: 250 lots x 1.5)

3. FEMA designated Flood Zone A's and other special flood hazard areas;
4. Hillsides with slopes greater than thirty (30) percent;
5. Ridgelines;
6. Significant wildlife habitat areas and corridors;
7. Cultural or archaeological sites listed on the National or State Register or in local land-use plans; and
8. Significant stands of predominantly unspoiled native and other historically adapted vegetation.

E. The conservation area calculation may also include:

1. Other cultural or archaeological sites;
2. Paths or trails not intended for vehicular access within the public right-of-way and to and through the conservation area;
3. Historic ranching and grazing areas other than irrigated agricultural fields (accessory ranch structures or service streets may also be included).
4. Community gardening;
5. Passive outdoor recreation such as hiking, bicycling, or equestrian trails; or
6. Other similar compatible uses.

F. The conservation area calculation shall not include:

1. Any public or private streets accessing the lots;
2. Outdoor storage areas and junkyards;
3. Golf courses; and
4. Other uses or structures incompatible with the intent of conservation areas.

G. Conservation Area Design Considerations:

1. At least twenty-five (25) percent of the conservation area shall consist of land that is suitable for building.
2. At least seventy-five (75) percent of the conservation area shall be in a contiguous tract.
3. The conservation area shall adjoin any neighboring areas of conservation areas, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected conservation areas.
4. The conservation area shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the conservation area.
5. Conservation areas should be as accessible as feasible through direct

ARTICLE 5 ALTERNATIVE CONSERVATION SUBDIVISION OPTION

access or provision of a trail system.

6. Conservation areas should be used to provide access to adjoining public lands where historic access exists. This access may be limited to subdivision residents, except where historic public access exists, in which case it shall be public access. Access may be limited to un-motorized travel only.

7. Conservation areas can be used to buffer the subdivision from adjoining uses, especially higher density or higher intensity uses.

8. The utility of conservation areas shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the conservation areas and shall be integrally related to the development and of such a size and slope as to make it useful for its intended purpose.

504 EXCEPTIONS/ADDITIONS TO THE GENERAL SUBMITTAL, REVIEW PROCEDURES AND REQUIREMENTS

As noted in this section, certain procedures and requirements for the Conservation Subdivision differ from those described in Articles 2, 3 and 4.

504.01 Preliminary Meeting, Existing Resources and Site Context Drawing

A. Preliminary Meeting - A preliminary meeting will be held to familiarize the Subdivision Committee with the project, and the applicant with the Conservation Subdivision process. An existing resources inventory and site context drawing is needed at this meeting to show how the new subdivision fits into the surrounding landscape and show features that cross parcel lines or should be extended through the subject parcel to maintain existing circulation patterns, trails, significant water recharge, vegetation or conservation areas, and corridors. This drawing is an informal drawing that serves as the first step in determining the areas to be maintained as conservation areas. As many copies of the site context drawing as required on the application form shall be submitted ten (10) days before a preliminary review meeting to be scheduled by the Development Controls Officer. The drawing must be drawn to scale and clear and legible, but does not need to be drawn by an engineer (an aerial photo can be used).

B. Be prepared to discuss - The applicant should be prepared to discuss the following information about the site and the surrounding area within three hundred (300) feet from the boundaries of the site:

1. Adjacent development and zoning.
2. Existing road circulation system in areas adjacent to the site.
3. Existing circulation systems for alternative modes of transportation such as pedestrian, bicycle and equestrian trails, or sidewalks in areas adjacent to the site.
4. Existing watercourses, stream corridors, floodplains, ponds, and wetlands on site and adjacent to the site.
5. Existing areas conserved as part of adjacent developments.
6. Public land adjacent to the site.
7. Ridgelines on site and adjacent to the site.
8. Meadows on site and adjacent to the site.
9. Significant stands of drought tolerant vegetation, native or historically adapted to Cochise County on site and adjacent to the site.
10. General topography.

ARTICLE 5 ALTERNATIVE CONSERVATION SUBDIVISION OPTION

11. Significant water recharge areas.
12. Hillsides with slopes thirty (30) percent or greater.
13. Existing cultural, archaeological, or historic sites.
14. Scenic corridors identified in adopted County land-use plans, if any.

504.02 Conformance with Site Layout Plan: Formal Tentative and Final Plat Process

The remaining process follows the requirements described in Articles 2 through 4. and the review process described in Article 6. Conservation areas must be depicted on the Tentative and Final Plats with a note calculating the percentage of conservation area provided.

ARTICLE 6 REVIEW AND APPROVAL

601 PURPOSE

The purpose of this Article is to describe the administrative and non-administrative review process common to all subdivision options unless otherwise specified in subsequent articles.

602 ADMINISTRATIVE REVIEW

A. Duties - It shall be the duty of the Subdivision Committee to examine all required tentative and final plat submittals and exhibits and to determine compliance with these Subdivision Regulations and other applicable ordinances and regulations. A recommendation on the tentative or final plat through the Committee Chair shall not be forwarded to the Commission or Board of Supervisors until consensus is reached among all members of the Subdivision Committee that the submittals comply with all applicable regulations or that the waivers requested are reasonable and adequately justified. Subdivision Committee meetings shall be scheduled as needed with the applicant.

B. Composition - The Subdivision Committee is hereby established and shall consist of the following members or their duly authorized representatives:

1. The Development Controls Officer, who shall:

a. Review applications for completeness and transmit applications and revisions for review.

b. Serve as the County's project representative throughout the process.

c. Review all submittals for compliance with the Comprehensive Plan, Subdivision and Zoning Regulations and other applicable plans and planning ordinances.

d. Confirm that property taxes are current prior to final plat approval.

e. Confirm that road names and road name signs comply with the rural addressing ordinance.

f. Represent other reviewing agencies that are not formal members of the Subdivision Committee.

g. Schedule and chair subdivision committee meetings.

h. Mail a certified letter to the City Manager of any City located within three (3) miles of the subdivision boundaries thirty (30) days prior to final plat approval.

i. Make staff presentations on behalf of the Subdivision Committee to the Planning and Zoning Commission and Board of Supervisors.

j. Ensure that the final plat and related documents are recorded and copies distributed to the Subdivision Committee members.

k. Inspect and approve those on and off-site improvements not reviewed by the County Engineer.

l. Ensure that requirements of other applicable agencies represented by the Planning Director have been completed prior to sale of lots.

m. When applicable, release assurances to allow lot sales upon completion of County

ARTICLE 6 REVIEW AND APPROVAL

inspections and approval of all on- and off-site subdivision improvements.

n. Confirm that a lighting district has been established prior to lot release, if required.

o. Maintain complete files.

2. The County Engineer, who shall:

a. Review all submittals for compliance with all Highway and Floodplain regulations.

b. In conjunction with the Community Development Director, determine the adequacy of the traffic analysis and the on and off-site improvements identified in the report.

c. Review, approve, or reject improvement plans unless improvement plans are self-certified by a Professional Civil Engineer registered in the State of Arizona.

d. Work with the project engineer to complete ongoing inspections at appropriate times during construction of Highway and Floodplain related improvements.

e. Receive project engineer certification that improvements are constructed, tested, inspected, and accepted according to the approved improvement plans.

f. Monitor the condition of improvements during the first year after completion and require repairs if necessary within that time period.

3. The County Director of the Environmental Health Division who shall:

a. Review all submittals for compliance with all County Health requirements.

b. Advise the applicant of applicable State Health Requirements of which he is aware.

c. Work with project engineer to complete ongoing inspections at appropriate times during construction of sanitation and other health related improvements if any.

d. Advise Community Development Director of compliance with applicable State and County Health requirements.

4. Other Interested Agencies/Parties - The Development Controls Officer shall ensure that all interested agencies and parties are given an opportunity to review the application. Agency representatives or interested parties may attend Subdivision Committee meetings as non-voting members. The Development Control Officer shall represent their interests on the Subdivision Committee. The Planning Director shall ask the applicant for additional copies of plats and supporting documents if needed to transmit to these agencies. In addition to the Subdivision Committee, the transmittal list may include but is not limited to the following:

a. Standard Transmittal List

ARTICLE 6 REVIEW AND APPROVAL

i. Cities within three (3) miles of the Subdivision

ii. County Building and Zoning Administrator

iii. County Administrator/Board of Supervisors

iv. County Rural Addressing

v. Design Review committees if established as part of an adopted Community Plan

vi. Applicable Fire Protection Provider

vii. Homeowner or Community Associations representing the area

viii. Utilities

ix. Agencies with existing easements on the property

x. Natural Resource Conservation District

xi. Natural Resource Conservation Service

xiii. Military base if within the vicinity of a military airport.

b. Other Agencies, as applicable

i. Arizona Department of Environmental Quality

ii. Arizona Department of Transportation

iii. Arizona Department of Water Resources

iv. Arizona State Fire Marshal

v. Arizona State Land Department

vi. Arizona Department of Agriculture

vii. Army Corps of Engineers

viii. Bureau of Land Management

ix. County Attorney's Office

x. U. S. Forest Service

xi. National Park Service

xii. Applicable school district

xiii. Applicable law enforcement agency

xiv. University of Arizona Cooperative Extension Water Wise Program or other agency designated to review water conservation measures

xv. Other interested parties identified in the review process.

C. Review Time – It takes approximately six (6) weeks for Administrative tentative plat review. Following Planning Commission action, it takes approximately an additional six (6) weeks for final plat review, excluding review of improvement plans. The administrative review is comprised of the following steps.

1. Submittal Meeting with the Development Control Officer to determine if application is complete. If complete:
2. Within one (1) week: Development Services Department will transmit the application for review to the Subdivision Committee
3. Within three (3) weeks: A staff only Subdivision Committee Meeting will be held
4. Within five (5) weeks: written comments will be provided
5. 5. Within six (6) weeks: a Subdivision

ARTICLE 6 REVIEW AND APPROVAL

Committee meeting with the applicant will be held

6. The time frame of subsequent reviews is as needed depending on the complexity of the revisions.

7. Improvement Plans/Signage Plan (Self -certified by a professional civil engineer registered in the State of Arizona, or accompanied by a review fee in the amount as set forth in the applicable adopted County Fee Schedule. If submitted for County review, it is recommended that these plans be submitted in advance of the final plat because Improvement Plan review can take a minimum of 6 weeks)

8. Tentative Plat - When the Subdivision Committee finds that all applicable requirements are satisfactorily met, the tentative plat shall be set for action at the next scheduled Commission meeting if all required materials are received at least fifteen (15) working days in advance.

9. Final Plat - When the Subdivision Committee finds all applicable requirements are satisfactorily met, the plat shall be set for action at the next scheduled Board of Supervisors meeting if all required materials are received at least fifteen (15) working days in advance.

603 NON-ADMINISTRATIVE REVIEW

A subdivision plat shall only be approved by the Commission (tentative plat) or Board of Supervisors (final plat) if the proposed subdivision:

A. Is in accordance with applicable Zoning and Subdivision Regulations.

B. Is in general conformance with the Comprehensive Plan and other applicable adopted plans.

C. Is designed to be harmonious with the terrain and surrounding area with due regard shown for significant natural features such as trees or other significant vegetated areas, water recharge areas and washes, views, historical and archaeological sites and similar community assets.

D. Has adequate public access and minimizes traffic conflict on arterial and county collector streets.

E. Has subdivision streets that are coordinated with existing and planned streets and access is reserved for future development of nearby properties.

F. Has a demonstrated sufficient supply of potable water that does not result in an unreasonable depreciation of an existing water supply.

G. Would not create water pollution.

H. Has an adequate sewage disposal system.

I. Is designed to include reasonable methods to minimize water use.

J. Is designed to include adequate methods to control dust during construction and control accelerated run-off, off-site erosion and to conserve water.

K. Has adequate fire protection.

L. Would not result in an unreasonable burden on the ability of County or other local governments or public service agencies to provide for streets, water, sewage, fire, police, hospital, solid waste, education, housing, recreation, and other services.

M. Is designed to include safety factors to address flooding, poor drainage, steep slopes, rock formations or other features likely to be harmful to the public health, safety, convenience, or general welfare.

N. Is designed with due regard for natural, historic and cultural resources.

ARTICLE 6 REVIEW AND APPROVAL

O. Has screening or buffering from incompatible existing commercial or industrial uses bordering the subdivision.

P. Has provided adequate securities to ensure completion of subdivision on-site and off-site improvements.

Q. Is not subject to liens for delinquent taxes.

ARTICLE 7 LOT SALES, IMPROVEMENT SECURITY AND INSEPCTIONS

701 PURPOSE

The purpose of this article is to describe the acceptable methods to guarantee that the required on-site and off-site improvements and utilities are provided before lots are sold.

Unless all required improvements are completed, and approved by the County before final plat approval, some method of security to guarantee improvements shall be approved at the time of final plat approval. Any such agreement between the County and the subdivider, Title Company, escrow agent, surety or financial institution shall:

A. Be in favor of the County.

B. Be continuous in form.

C. Designate the County as the beneficiary.

D. Be approved by the County Attorney.

702 SECURING SUBDIVISION IMPROVEMENTS

702.01 Assurance Agreement

An assurance agreement (third party trust agreement) is the most commonly used method of providing assurances.

A. The Board of Supervisors approves assurance agreements at the time of final plat approval.

B. The title to the subdivided property is placed in trust with a third party escrow agency or trust company authorized to do business in the State of Arizona along with an agreement between the trustee and the County that title to any lot or parcel within the subdivision will not be transferred until written approval is given by the County for the release or partial release of property held in trust. The County will not authorize any such release until the necessary improvements have been completed.

C. The agreement must contain an accurate legal description of the subdivision.

D. Special conditions or improvements unique to the subdivision shall be listed in an attached exhibit.

E. The agreement must be recorded at the time of final plat recordation.

F. The agreement must provide authorization for County to abandon the subdivision final plat and convert the property to unsubdivided land if the required improvements fail to be installed in compliance with the County's standard specifications within three (3) years:

1. The Development Controls Officer, or representative, under authority vested by the Board of Supervisors, may extend the time specified to complete improvements for one (1) year if the purposes of these Regulations would still be served. The Board of Supervisors may extend the time specified to complete improvements for additional terms if the purposes of these Regulations would still be served.

2. The subdivider must demonstrate that progress has been made to complete improvements or that an undue hardship would result.

3. The developer must request an extension before the assurance agreement expires. The determination whether to extend an assurance agreement will be at the sole discretion of the Board of Supervisors, who may consider the following factors in making that determination:

    a. Whether the property taxes on the subject parcel are current.

    b. If the subdivision is phased, whether the subdivision infrastructure improvements for at least 20% of the proposed phase have been completed. If it is not phased, whether at least 25% of the subdivision infrastructure improvements

ARTICLE 7 LOT SALES, IMPROVEMENT SECURITY AND INSEPCTIONS

have been completed.

c. The number of extensions previously granted. A maximum of three extensions, not exceeding a total of ten years since either the original approval of the assurance agreement or the most recent release of a lot, whichever has occurred later.

d. The economic conditions or other circumstances that are affecting the developer's ability to complete subdivision improvements.

e. Has the character of the area or physical factors such as drainage, floodplain, water issues or circulation patterns changed significantly that compliance with current County Subdivision and/or Zoning Regulations is necessary.

G. If the subdivision is sold, a new assurance agreement shall be executed concurrently with the sale.

H. Assurances shall be released as follows:

1. After final plat approval, lots for five (5) model homes per phase can be permitted to the developer or duly authorized sales representative prior to completion of improvements. These homes shall not be sold to individual property owners or occupied for residential use until they are released for sale. Model homes will be permitted by phase and additional model homes shall not be permitted for subsequent phases until improvements are completed in the previous phase.

2. Upon the recommendation of the County Engineer, the Development Controls Officer, or representative, under authority hereby vested by the Board of Supervisors, may release assurances upon a determination that all improvements are completed in accordance with all conditions of final plat approval.

I. The Development Controls Officer shall record a form in the County Recorder's Office indicating which lots have been released from an assurance agreement within a recorded subdivision.

J. Partial releases shall only be approved for completed phases.

702.02 Surety (Performance) Bond, Irrevocable Letter of Credit, Cash or Certified Check

A. A surety bond, irrevocable letter of credit, cash or certified check are all acceptable methods to ensure completion of improvements provided that they are submitted and accepted by the County before final plat approval.

B. A surety bond or irrevocable letter of credit used for security must be executed by a financial institution or insurer licensed to do business in the State of Arizona.

C. The total amount to be bonded or obligated must equal the cost estimate for the required improvements. A professional civil engineer registered to practice in the State of Arizona must prepare the estimates and improvement plans. The estimates shall include all expenses that would be incurred by a third party if completing the construction, including materials, equipment, labor, engineering and supervision costs, and an appropriate cost inflation factor. The estimates and preliminary construction plans shall be transmitted to the County Engineer for inspection and approval. The estimates shall be in the amount necessary for the County to construct all required improvements in the event the subdivider defaults.

ARTICLE 7 LOT SALES, IMPROVEMENT SECURITY AND INSEPCTIONS

D. Seventy-five (75) percent of the lots can be sold and building permits issued upon recordation of the final plat and acceptance of the required security. The Board of Supervisors shall specify a completion date for improvements.

E. If the subdivider fails to complete the improvements upon which final plat approval was based, the Board of Supervisors may, after reasonable notice to the subdivider, order the cessation of all future land sales until the improvements are completed. The Board at its discretion may demand payment of all security and proceed as determined necessary to protect the public health, safety, and welfare.

F. The County shall return the security upon acceptance of public improvements which shall occur within one (1) year after completion of the improvements.

702.03 Other Methods of Security

The subdivider may request that the Board of Supervisors approve a substitute means of improvement security. Such a request must be accompanied by the appropriate agreements and any related submittals.

703 CONSTRUCTION INSPECTIONS AND IMPROVEMENTS

Improvements required as part of subdivision approval are the subdivider's responsibility. The Board of Supervisors shall not consider the acceptance, for maintenance, of any subdivision streets or other subdivision improvements unless they have been constructed and improved to the minimum *Cochise County Road Construction Standards & Specifications for Public Improvements*, Floodplain *Regulations for Cochise County* or other standards set forth in the Subdivision Regulations or approved by the Board of Supervisors. Inspection and acceptance of improvements shall proceed as follows:

A. A right-of-way permit application shall be submitted for streets dedicated to the public, based on the approved improvement plans, before construction is started.

B. The subdivider shall have a professional civil engineer registered to practice in the State of Arizona supervise the construction of public and private improvements.

C. The subdivision engineer shall invite the Highway and Floodplain Inspector and Development Control Officer or designated representative to a pre-construction meeting and ensure that Highway and Floodplain Inspectors are involved before any construction is started. At this meeting inspections throughout construction shall be scheduled as agreed upon between the subdivision engineer and the Highway and Floodplain Inspector.

D. The subdivision engineer shall give the inspectors two (2) days notice for inspections.

E. Inspections shall be conducted as described in the *Cochise County Road Construction Standards & Specifications for Public Improvements*.

F. Following completion of all required improvements for the subdivision or any phase, a certificate signed and sealed by the subdivision engineer shall be submitted to the County Engineer. This certificate shall:

1. Certify that all improvements have been completed in substantial accordance with the provisions of these Subdivision Regulations and all other applicable County regulations and in accordance with the plans approved by the County Engineer upon which approval of the final plat was based.

2. Include a report of the date that the subdivision engineer conducted inspections.

3. Include a copy of the ADEQ "Certificate of Approval of Construction" for water and wastewater systems.

ARTICLE 7 LOT SALES, IMPROVEMENT SECURITY AND INSEPCTIONS

4. Include a stamped "Record Drawing" ("as-built") set of Mylar plans along with an electronic version on a CD or DVD compatible with the County's current version of AutoCAD.

G. Upon receipt of the certification of all completed improvements provided by the project engineer, the County Inspection Team, to include the County Engineer or designated representatives (Engineering and Technical Services Engineer and Inspector and Operations Supervisor) and the Planning Director or designated representatives, shall conduct a final inspection of improvements.

H. The County Engineer shall give final approval if based on the report from the inspection team improvements are satisfactorily completed in accordance with the approved improvement plans.

I. The County will formally accept public improvements into the County's maintenance system one year after final inspection upon the determination by the County Engineer that no additional public improvements are required. The applicant is responsible for any repair or re-construction if the public improvements fail to meet the required standards during this one (1) year period.

J. An inspection fee for public improvements in the amount as set forth in the adopted Highway and Floodplain Fee Schedule as amended from time to time shall be required.

K. An inspection fee for private improvements in the amount as set forth in the adopted Development Services Fee Schedule, as amended from time to time, shall be required.

L. Existing roads that are incorporated into the subdivision circulation system and that serve existing development shall be maintained to at least the current level of service during construction of subdivision improvements.

ARTICLE 8 APPEALS, AMENDMENTS AND ABANDONMENT

801 PURPOSE

The purpose of this Article is to describe the requirements regarding appeals, Amendments, abandonment specifically excluded in other Articles of these regulations.

802 APPEALS

The Board of Supervisors shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, grant, or refusal made by the Commission or any official in the administration of these Subdivision Regulations.

A. An appeal shall be made in writing setting forth the reasons for the appeal and include the fee adopted in the Development Services Department fee schedule.

B. Hearings on such cases shall be at such times as may be set by the Board of Supervisors, but no later than within sixty (60) days of receipt of the appeal.

C. Notice of not less than fifteen (15) days or more than thirty (30) days of the hearing date shall be given to the appellant, the Commission, or officials concerned.

803 AMENDMENTS

803.01 Minor Amendments

A. Reasons for Amendment - Any recorded subdivision plat may be amended for one of more of the following reasons:

1. Correct an error in any course or distance or other necessary item that was omitted.
2. Correct a drafting, graphic, technical, or similar type error.
3. To correct an error in a real property description shown on the preceding plat.
4. Adjust a drainage or maintenance easement.
5. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
6. Combine or reconfigure lots so long as:
    a. The external subdivision boundaries remain the same.
    b. The number of lots does not increase.
    c. The utility easements and street access to the combined lots are not changed.
    d. The amendment does not attempt to remove recorded covenants or restrictions.

B. Required Submittals - The Development Controls Officer is hereby authorized to approve and record minor plat amendments as follows:

1. Applicant shall submit two (2) signed copies of a Mylar version and three (3) signed blue-line of the final plat.
2. Applicant shall submit the fee as set forth in the adopted Development Services Fee Schedule.
3. The amended plat shall contain a certification block for the signatures of the Development Control Officer and County Engineer and shall be marked “AMENDED -PLAT OF ~”. If more than one (1) amended plat is necessary, the successive plats shall be titled “SECOND AMENDED PLAT OF ~”, and follow in numerical order.
4. The amended plat shall contain a revised legal description for the new lots.
5. The amended plat shall be signed by

ARTICLE 8 APPEALS, AMENDMENTS AND ABANDONMENT

the Development Controls Officer and County Engineer for certification that the only changes on the amended plat are technical changes as authorized above.

C. Recording- After obtaining the signatures of the Development Controls Officer and County Engineer, the amended plat shall be recorded in the Office of the County Recorder, without further action by the Board of Supervisors.

803.02 Changes other than minor amendments—Changes to final plats other than minor plat amendments shall be processed as a new subdivision application. If the Development Control Officer determines that the proposed amendments are substantially in conformance with the original tentative plat, the approved tentative plat may be used, and the amendment can proceed directly to the Board of Supervisors as a revised final plat. If the amendment is not in conformance with the tentative plat, it shall be presented first to the Planning Commission as a tentative plat and then to the Board of Supervisors as a final plat. Changes requiring a new plat include but are not limited to:

A. Abandonment of roadways or right-of-way dedications that affect overall circulation and cannot be handled through the County roadway abandonment process.

B. Any decrease in conservation areas, common areas, or amenities.

C. Any increase in the number of lots.

D. Any reconfiguration of lots, roadways, tracts, drainageways and conservation areas that is not in substantial conformance with the tentative plat.

E. Any change other than those specifically defined as minor amendments.

804 ABANDONMENT

A. Abandonment by the property owner—To abandon a recorded final plat in part or in whole, the property owner(s) shall submit a written request to the Community Development Director along with:

1. Two (2) signed copies of a Mylar version, three (3) signed blue-line copies of the plat and other related documents as required designating those lots, roadways, public right-of-way, easements and other features, which are proposed for abandonment.

2. The fee as set forth in the adopted Development Services Fee Schedule

B. Abandonment by the County—

1. The Development Controls Officer may initiate the abandonment of a recorded final plat if required improvements or a portion thereof have not been completed in a timely fashion or if due to the passage of not less than ten (10) years, without substantial sales and improvements, it appears that the subdivision or portion thereof, will not be developed as originally intended.

2. The Board of Supervisors may abandon a recorded final plat if required improvements have not been completed in a timely fashion or it is otherwise proposed for abandonment by the Planning Director.

3. The owner(s) shall be given thirty (30) days notice of such actions.

4. The abandonment request shall be reviewed by the County Subdivision Committee to determine that roadways, public right-of-way, easements, and other items that serve a public interest are not abandoned.

5. Upon approval by the Subdivision Committee, the abandonment request shall be presented to the

ARTICLE 8 APPEALS, AMENDMENTS AND ABANDONMENT

Board of Supervisors for action to approve, disapprove, or conditionally approve the request.

ARTICLE 9 PENALTIES AND LEGAL PROCEDURES

901 PURPOSE

The purpose of this Article is to describe penalties for violations of these regulations.

902 PENALTIES

Upon submittal of a complaint that a parcel of land is being subdivided or that subdivision land is being sold in violation of this ordinance, the Development Controls Officer shall determine if a person(s), firm, corporation, or other legal entity alone or in concert acted to divide a parcel of land or sell subdivision lots either on their own initiative or by using a series of owners or conveyances or common promotional plan or by any other method that ultimately resulted in the division of the lands into a subdivision. Upon determination that an illegal subdivision has been created, as soon as the first lot is offered for sale, the Development Controls Officer shall:

A. Provide findings to the Arizona Department of Real Estate.

B. Prepare and record with the Cochise County Recorder a "Notice of Violation" that specifically identifies any lot or lots for which building permits would not be issued under this rule as a result of the failure to comply with the requirements of these regulations or the creation of any unauthorized lots.

C. Ensure that no building permit shall be issued for the erection or use of any structure in a subdivision unless that subdivision conforms with these regulations; the property is exempted from these regulations as result of meeting each of the conditions of Section 104 there is a vested* right to continue to develop and sell property in the subdivision; or the applicant is an owner of one or more lots in a subdivision created on or before January 1, 1975, is not a "subdivider" or operating under a common promotional plan with a subdivider and the property is not subject to any "Notice of Violation". (*Note: For purposes of these regulations there is a vested right to continue to develop or sell a subdivision that was approved on or after January 1, 1975, and that has been or is being developed in conformance with these regulations.)

D. Revoke any previously issued permits based upon misrepresentation of the status of the subdivision.

903 LEGAL PROCEDURES

A. The Office of the County Attorney shall upon order of the Board of Supervisors, or may on its own initiative, immediately commence all necessary actions or proceedings and shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and restrain any person, firm, or corporation from setting up, developing, erecting, building, moving, or maintaining any such building or using any property contrary to the provisions of these Subdivision Regulations, or otherwise violating same.

B. Any person, firm, corporation, or other legal entity who violates any provision of these Subdivision Regulations shall be guilty of a Class 2 misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than the amount set forth by law for such offenses or by imprisonment in the County Jail for a period set forth by law, or by both such fine and imprisonment.

C. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these Subdivision Regulations.

D. All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall

ARTICLE 9 PENALTIES AND LEGAL PROCEDURES

not relieve such person from the responsibility of correcting prohibited conditions. In addition to other remedies provided in this Article, any adjacent or neighboring property owner who shall be especially damaged by violations of any provision of these Subdivision Regulations may institute against a subdivider, in addition to other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent, abate or remove such unlawful erection, construction, or use of the subject property.

ARTICLE 10 DEFINITIONS

1001 GENERAL RULES

A. Unless specifically defined below, words or phrases used herein shall be interpreted to give them the meaning they have in common usage and to give these Regulations their most reasonable application.

B. Board of Supervisors means the Board of Supervisors of Cochise County also known as the Board.

C. Building includes the word structure.

D. Commission means the Cochise County Planning and Zoning Commission.

E. Common usage shall be used to interpret all words and terms unless otherwise defined.

F. Lot includes the words plot or parcel.

G. Person includes a firm, association, organization, partnership, trust, or company as well as an individual.

H. Shall and must are mandatory and the words may, can and should are permissive.

I. Applicant includes subdivider, developer, property owner, and authorized representative.

J. Used or occupied includes the words intended, designed, or arranged to be used or occupied.

K. The words road and street can be used interchangeably.

1002 DEFINITIONS

Abandoned: Said of streets, public ways, easements or rights-of-way when the Board of Supervisors, by proper actions abrogates all public rights to said streets, public ways, easements or rights-of-way.

Acre: An area of land comprising forty-three thousand, five hundred sixty (43,560) square feet.

Acting in concert: evidence of collaborating to pursue a concerted plan.

Advertising: the attempt by publication, dissemination, exhibition, solicitation or circulation, oral or written, or for broadcast on radio or television or other electronic media to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in lands subject to the provisions of this chapter including the land sales contract to be used and any photographs, drawings or artist's presentations of physical conditions or facilities existing or to exist on the property.

ADOT: Arizona Department of Transportation.

Agent: Person representing the applicant during subdivision project. An agent shall provide a notarized authorization of agency from the property owner(s).

Approval, Tentative: Approval of the tentative plat by the Commission.

Approval, Conditional: An affirmative action by the Commission or the Board of Supervisors indicating that approval shall be forthcoming upon satisfaction of certain specified stipulations

Approval, Final: Unconditional approval of the final plat by the Board of Supervisors, as evidenced by certification on said plat by the Clerk of the Board of Supervisors.

Area of Jurisdiction: All of that part of the County outside the limits of any incorporated municipality.

Block: That property or group of lots entirely surrounded by streams, rail, streets, unsubdivided acreage, or other barrier, except an alley, of such size as to interrupt the continuity of development on both sides thereof.

Common areas: Those areas reserved for the common use of all subdivision property owners. Common areas can include commonly owned conservation areas, private streets, and other private infrastructure and areas maintained in agricultural or other

ARTICLE 10 DEFINITIONS

conservation easements.

Common promotional plan: a plan, undertaken by a person or a group of persons acting in concert, to offer lots for sale or lease. If the land is offered for sale by a person or group of persons acting in concert, and the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan. Separate subdividers selling lots or parcels in separately platted subdivisions within a master planned community shall not be deemed to be offering their combined lots for sale or lease as part of a common promotional plan.

Conservation Easement: A recorded document preserving land in perpetuity in its present, repaired, or enhanced state as described in the easement document.

Cost estimates: The estimated cost of subdivision improvements including an appropriate inflation factor, approved by the County Engineer, to be used to determine the amount needed to secure improvements.

Covenants, conditions, and restrictions: A privately executed, recorded, and enforced document designed to govern the use of lots within a subdivision. The County cannot legally enforce covenants unless specific restrictions are denoted on the final plat as a condition of final plat approval.

Dedication: The giving by the owner of private property for public use, and the acceptance by the proper public authority.

Defensible Space: Refers to an area around the perimeter of structures or developments that is designed to be a key point of defense against encroaching fires.

Development Controls Officer: The Director of Community Development for Cochise County or a designated representative.

Easement: A grant by the owner to the public or some particular person or part of the public of a parcel of land set aside or over which a liberty, privilege or advantage in land without profit exists, but distinct from the ownership of said land.

Engineer, County: The Cochise County Engineer who is the Highway and Floodplain Department Director or a designated representative.

Engineer, Subdivision: The project engineer registered to practice in Arizona and authorized by the property owner to oversee the project including construction of improvements.

Engineering Improvement Plans: Plans, profiles, maps, cross-sections, and other required details necessary for the construction of public improvements, prepared by an engineer registered to practice in the State of Arizona in accordance with the approved tentative plat and in compliance with standards of design and construction of the County.

Exception: Any parcel of land located within the boundaries of a subdivision that is not included in the plat.

Fees: As set forth in the adopted Recorder, Planning and Zoning, Highway and Floodplain, and Health Department Fee Schedules. All checks are payable to the Cochise County Treasurer.

Floodplain Regulations: The Floodplain Regulations for Cochise County adopted by the Flood Control District and as amended from time to time.

Metes and Bounds: The legal description of a lot or parcel of land by courses and distances.

Owner: The person or persons holding title by deed to land, or holding title as vendees under a land sale contract, or holding any other title of record.

Parks: Include turf field game areas, hard-surface

ARTICLE 10 DEFINITIONS

game courts, multiple use-areas, circulation, parking, recreation service buildings and other park-related uses.

Paved: to include double bituminous surface treatment and asphaltic concrete.

Plan, Comprehensive: Plan and maps adopted by the Board of Supervisors for the guidance of growth in Cochise County.

Plans, Other: Other plans and maps adopted by the Board of Supervisors as amendments to the Comprehensive Plan for the guidance of growth in a specific area of Cochise County. The term plan includes community, regional, neighborhood, area, master development, and transportation or circulation plans.

Plat, Tentative: A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with the provision of these Subdivision Regulations.

Plat, Final: A map of all or a part of a subdivision providing substantial conformance to an approved tentative plat prepared in accordance with the provisions of these Subdivision Regulations and bearing all certificates of approval as required by these Subdivision Regulations and duly recorded by the Cochise County Recorder.

Rights-of-Way: The entire dedicated tract or strip of land that is for the use of the public for circulation and services, the length and width of which shall be sufficient to provide adequate accommodation for all physical features to be included therein in accordance with the Cochise County Road Construction Standards and Specifications for Public Improvements,.

Roadway Construction Standards: Refers to the Cochise County Road Construction Standards and Specifications for Public Improvements, a set of regulations setting forth details, specifications, and requirements established by the County Engineer, approved and amended from time to time by the Board of Supervisors, for design and construction of improvements within established County road rights-of-way and within private subdivision street easements.

Rural Subdivision: Average density of one dwelling unit per two (2) acres or less dense.

Signs and markings: Street name signs including directionals, stop signs, speed limit, and other regulatory signs and markings. Signs shall comply with Manual of Uniform Traffic Control Devices (MUTCD) and all regulatory signs shall be approved by the Board of Supervisors as part of final plat approval.

Subdivider: means any person who offers for sale or lease six or more lots, parcels or fractional interests in a subdivision or who causes land to be subdivided into a subdivision for the subdivider or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to create subdivisions. This includes a person who offers for sale or lease six or more lots, parcels or fractional interests in a previously platted subdivision which does not include all roads, utilities and other improvements required by these regulations. This term is intended to have the same meanings as established by State Law in Arizona Revised Statutes (A.R.S.) Title 32, Chapter 20, Article 1 and will be deemed to be amended by any changes in that State Law.

Subdivision or subdivided lands: improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into six or more lots, parcels or fractional interests. Subdivision or subdivided lands include a stock cooperative and include lands divided or proposed to be divided as part of a common promotional plan. This paragraph shall not apply to leasehold offerings of one year or less or to the division or proposed division of land located in the state of Arizona into lots or parcels each of which is, or will be, thirty-six

ARTICLE 10 DEFINITIONS

acres or more in area including to the center line of dedicated streets or easements, if any, contiguous to the lot or parcel and provided further that this definition shall not be deemed to include the leasing of agricultural lands, or of apartments, offices, stores, hotels, motels, pads or similar space within an apartment building, industrial building, rental recreational vehicle community, rental manufactured home community, rental mobile home park or commercial building, except that residential condominiums as defined in A.R.S. Title 33, Chapter 9 shall be included in this definition, nor shall this definition include the subdivision into or development of parcels, plots or fractional portions within the boundaries of a cemetery that has been formed and approved pursuant to this chapter. This term is intended to have the same meanings as established by State Law in Arizona Revised Statutes (A.R.S.) Title 32, Chapter 20, Article 1 and will be deemed to be amended by any changes in that State Law.

Substantial progress towards final plat approval: Substantial progress requires that a final plat has been submitted for review and that progress has been made addressing any conditions of Tentative Plat approval.

Tract: Any portion of land included within the subdivision that is not used as an individual parcel usually denoted A, B, C…. The purpose of a tract shall be denoted on the tentative and final plats.

ARTICLE 11 ADOPTION OF ORDINANCE AND SEVERABILITY

1101 APPLICATION

These Subdivision Regulations shall apply and govern the subdivision of all land within the area of jurisdiction. Where these Subdivision Regulations impose a greater restriction upon land improvement, development, or use, than is imposed or required by existing provisions of law, ordinance, contract, or deed, these Subdivision Regulations shall control.

1102 APPROVAL REQUIRED

Until a tentative plat and a final plat of a subdivision shall have been approved and recorded in accordance with these Subdivision Regulations, no person proposing a subdivision within the area of jurisdiction shall subdivide or file a plat for record, or sell any part of said subdivision.

1103 ZONING

All proposed subdivisions shall be designed to meet the requirements for the zoning district within which it is located. In the event that an amendment or variance from zoning requirements is requested, said action shall be initiated by the property owner or his authorized agent. The processing of the tentative plat shall not proceed until a complete application for such zoning amendments or variances required in relation to said tentative plat has been submitted. A final plat shall not be approved until such zoning amendments or variances have been approved.

1104 SEVERABILITY

If any provisions of these Subdivision Regulations be held invalid, such invalidity shall not affect other provisions that can be given effect without the invalid provision, and to this end the provisions of these Subdivision Regulations are declared to be severable.

1105 CONFLICTING PROVISIONS REPEALED

All other ordinances, regulations, resolutions and parts thereof which conflict with the provisions of these Subdivision Regulations, to the extent of such conflict and no further are hereby repealed.

1106 AMENDING THE REGULATIONS

The Board of Supervisors may, after receiving a recommendation from the Commission and after holding a public hearing as required by law, amend these Subdivision Regulations. Amendments may be initiated pursuant to an application or by the Commission on its own motion.

1107 EFFECTIVE DATE

These Subdivision Regulations shall become effective beginning on 2019 and remain in full force thereafter.

APPROVED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 25th DAY OF June 2019.

ORDINANCE NUMBER xx-xx

RESOLUTION 19-___

TO ADOPT THE COCHISE COUNTY SUBDIVISION REGULATIONS 2019 EDITION

WHEREAS, A.R.S. 11-821 et. seq. gives the County Board of Supervisors the authority to adopt subdivision regulations to address land use; and

WHEREAS, the Board of Supervisors adopted subdivision regulations on December 18, 1974, per Resolution #74-28, and later re-adopted these regulations on June 22, 2004, per Resolution #04-41, and has, with adopted revisions and amendments to those subdivision regulations per Resolutions #06-127, #08-20, #08-45, and Ordinance #16-06, maintained them in effect since that time; and

WHEREAS, the Cochise County Board of Supervisors recognizes that amendment to the Subdivision Regulations can affect countywide land use patterns by promoting orderly growth, providing for adequate roads, utilities, water and wastewater treatment, ensuring that structures are not built in areas subject to flooding and ensuring an accurate legal description when dividing a large parcel into smaller lots for sale and therefore warrants careful consideration of regional impacts; and

WHEREAS, the Board of Supervisors recognizes a need to continually update regulations to reflect changes in Arizona state law and the growth management needs of the County; and

WHEREAS, on June 25, 2019, the Board of Supervisors held a duly noticed public hearing of these proposed Cochise County Subdivision Regulations, 2019 Edition, and attached hereto as "Exhibit A" and found them to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED THAT the updated "Subdivision Regulations, 2019 Edition," as set forth in Attachment A, is hereby adopted.

BE IT FURTHER RESOLVED THAT the Community Development Director is directed to uniformly apply these regulations to all applicable subdivisions of land, as defined by the Subdivision Regulations, and located within unincorporated areas of the County.

BE IT FURTHER RESOLVED THAT Resolutions #74-28 and #04-41 are hereby rescinded; that the prior standards are hereby superseded by the standards and specifications adopted herein and that all standards and specifications adopted by any other prior Resolutions or Ordinances are hereby amended to the extent that they may be in conflict with those adopted by this Resolution.

ADOPTED by the Cochise County Board of Supervisors this _____ day of _____, 2019.

_____
Peggy Judd, Chairman
Cochise County Board of Supervisors

ATTEST:

_____
Arlethe G. Rios
Clerk of the Board

APPROVED AS TO FORM:

_____
Christine J. Roberts
Civil Deputy County Attorney

COCHISE COUNTY

SUBDIVISION REGULATIONS

Adopted 12/18/1974
Re-adopted June 22, 2004, Resolution 04-41
Revised January 5, 2007, Resolution 06-127
Revised April 18, 2008, Resolution 08-20
Revised June 20, 2008, Resolution 08-45

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County Subdivision Regulations

Article 1 Title, Purpose, Subdivision Definition, Violations

101 Short Title

This Ordinance may be cited as the *Cochise County Subdivision Regulations*.

102 Purpose

In conformance with the County Comprehensive Plan, the Subdivision Regulations are hereby approved and adopted to achieve the following:

A. Protect the health, safety, convenience, and general welfare of the citizens of the County.
B. Provide for the orderly growth and harmonious development of the County.
C. Require that land be conveyed with an accurate legal description.
D. Establish procedures and standards for all subdivisions.
E. Provide adequate traffic circulation, streets, utilities, waste water treatment, drainage, fire and flood protection, schools, recreation areas and other facilities and services needed or desired by the community in the most cost-effective manner, with the cost being borne by those benefited.
F. Result in individual lots of reasonable utility and livability and to promote neighborhood stability and protection of property values.
G. Promote conservation of those areas with unique natural features and scenic qualities and provide residents with access to these areas.
H. Promote water recharge and clean air.
I. Provide greater design flexibility and efficiency for services and infrastructure including design methods that reduce the length of streets, thus reducing the amount of improved surface and length of utility runs.
J. Encourage well-planned subdivisions by establishing environmentally adequate standards for design and improvement.
K. Provide viable, innovative, cost-effective, voluntary development alternatives.

103 Commission and Board of Supervisors Review

A subdivision tentative or final plat shall only be approved by the Commission and Board of Supervisors if the proposed subdivision:

A. Is in accordance with applicable Zoning and Subdivision Regulations.
B. Is in general conformance with the Comprehensive Plan and other applicable adopted plans.
C. Is designed to be harmonious with the terrain and surrounding area with due regard shown for significant natural features such as trees or other significant vegetated areas, water recharge areas and washes, views, historical and archaeological sites and similar community assets.
D. Has adequate public access and minimizes traffic conflict on arterial and county collector streets.
E. Has subdivision streets that are coordinated with existing and planned streets and access is reserved for future development of nearby properties.

F. Has a demonstrated sufficient supply of potable water that does not result in an unreasonable depreciation of an existing water supply.
G. Would not create water pollution.
H. Has an adequate sewage disposal system.
I. Is designed to include reasonable methods to minimize water use.
J. Is designed to include adequate methods to control dust during construction and control accelerated run-off, off-site erosion and to conserve water.
K. Has adequate fire protection.
L. Would not result in an unreasonable burden on the ability of County or other local governments or public service agencies to provide for streets, water, sewage, fire, police, hospital, solid waste, education, housing, recreation, and other services.
M. Is designed to include safety factors to address flooding, poor drainage, steep slopes, rock formations or other features likely to be harmful to the public health, safety, convenience, or general welfare.
N. Is designed with due regard for natural, historic and cultural resources.
O. Has screening or buffering from incompatible existing commercial or industrial uses bordering the subdivision.
P. Has provided adequate securities to ensure completion of subdivision on-site and off-site improvements.
Q Is not subject to liens for delinquent taxes.

104 Compliance with Arizona Revised Statutes/Definition of a Subdivider and Subdivision

Terms used in this Article are intended to have the same meanings as established by State Law in Arizona Revised Statutes (A.R.S.) Title 32, Chapter 20, Article 1 and will be deemed to be amended by any changes in that State Law.

A. "Subdivider" means any person who offers for sale or lease six or more lots, parcels or fractional interests in a subdivision or who causes land to be subdivided into a subdivision for the subdivider or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to create subdivisions. This includes a person who offers for sale or lease six or more lots, parcels or fractional interests in a previously platted subdivision which does not include all roads, utilities and other improvements required by these regulations.

B. "Subdivision" or "subdivided lands" means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into six or more lots, parcels or fractional interests. Subdivision or subdivided lands include a stock cooperative and include lands divided or proposed to be divided as part of a common promotional plan. This paragraph shall not apply to leasehold offerings of one year or less or to the division or proposed division of land located in the state of Arizona into lots or parcels each of which is, or will be, thirty-six acres or more in area including to the center line of dedicated streets or easements, if any, contiguous to the lot or parcel and provided further that this definition shall not be deemed to include the leasing of agricultural lands, or of apartments, offices, stores, hotels, motels, pads or similar space within an apartment building, industrial building, rental recreational vehicle community, rental manufactured home community, rental mobile home park or commercial building, except that residential condominiums as defined in A.R.S. Title 33, Chapter 9 shall be included in this definition, nor shall this definition include the subdivision into or development of parcels, plots or fractional portions within the boundaries of a cemetery that has been formed and approved pursuant to this chapter.

C. The following are exempt under these regulations:

1. The sale or lease in bulk of six (6) or more lots, parcels, or fractional interests to one buyer in one transaction is exempt only if the entire inventory of parcels owned by the seller is sold in one transaction.

2. The sale or lease of lots or parcels located in a single platted subdivision by a subdivider if:

(a) A valid public report has been issued within the past two (2) years by the Arizona Department of Real Estate on the subdivision lots or parcels; and

(b) The subdivision meets all current requirements otherwise required of a subdivision under these regulations; and

(c) The method of sale or lease of lots or parcels meets all current requirements under Arizona law; and

(d) The lots or parcels are included on a recorded subdivision plat that has been approved by the county; and

(e) All streets and roads within the subdivision, all utilities to the lots or parcels being offered for sale or lease and all other required improvements within the subdivision, other than a residence to be built, are complete, paid for and free of any blanket encumbrances; or the streets, utilities or other improvements are not complete, but the completion of all such improvements is assured as required by Article 5 of these Regulations.

D. All non-exempt sales of subdivision land by a subdivider shall be subject to these rules.

105 Requirements for Subdividing

A. No plat of a subdivision of land within the area of jurisdiction of Cochise County shall be accepted for recording or recorded until it has been approved by the Board of Supervisors.

B. Any person causing a final plat to be recorded without first submitting the plat and obtaining approval of the board is guilty of a class 2 misdemeanor.

C. No person, firm, corporation, or other legal entity who is a subdivider shall sell, offer to sell, or divide any lot, piece, or parcel of land in a subdivision or part thereof, unless that land is designated on a final plat recorded in accordance with these Subdivision Regulations, and all the conditions of these Regulations have been met. Any use or development of property contrary to the provisions of these Regulations shall be unlawful, against the public health, safety, convenience and general welfare, and a public nuisance.

D. A subdivider shall not sell or lease or offer for sale or lease subdivision land until the subdivider has fulfilled all of the conditions of these regulations, including the installation of all necessary site improvements unless the property is exempt from any additional requirements imposed by these regulations as the result of meeting each of the conditions of Section 104.C above or there is a vested right to continue to develop and sell the subject property.

106 Acting in Concert, Advertising, Common Promotional Plan

A. "Acting in concert" means evidence of collaborating to pursue a concerted plan.

B. "Advertising" means the attempt by publication, dissemination, exhibition, solicitation or circulation, oral or written, or for broadcast on radio or television or other electronic media to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in lands subject to the provisions of this chapter including the land sales contract to be used and any photographs, drawings or artist's presentations of physical conditions or facilities existing or to exist on the property.

C. "Common promotional plan" means a plan, undertaken by a person or a group of persons acting in concert, to offer lots for sale or lease. If the land is offered for sale by a person or group of persons acting in concert, and the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan. Separate subdividers selling lots or parcels in separately platted subdivisions within a master planned community shall not be deemed to be offering their combined lots for sale or lease as part of a common promotional plan.

107 Penalties for Violation of the Subdivision Regulations

A. **Penalties**: Upon submittal of a complaint that a parcel of land is being subdivided or that subdivision land is being sold in violation of this ordinance, the Planning Director shall determine if a person(s), firm, corporation, or other legal entity alone or in concert acted to divide a parcel of land or sell subdivision lots either on their own initiative or by using a series of owners or conveyances or common promotional plan or by any other method that ultimately resulted in the division of the lands into a subdivision. Upon determination that an illegal subdivision has been created, as soon as the first lot is offered for sale, the Planning Director shall:

1. Provide findings to the Arizona Department of Real Estate.
2. Prepare and record with the Cochise County Recorder a “Notice of Violation” that specifically identifies any lot or lots for which building permits would not be issued under this rule as a result of the failure to comply with the requirements of these regulations or the creation of any unauthorized lots.
3. Ensure that no building permit shall be issued for the erection or use of any structure in a subdivision unless that subdivision conforms with these regulations; the property is exempted from these regulations as result of meeting each of the conditions of Section 104.C; there is a vested* right to continue to develop and sell property in the subdivision; or the applicant is an owner of one or more lots in a subdivision created on or before January 1, 1975, is not a “subdivider” or operating under a common promotional plan with a subdivider and the property is not subject to any “Notice of Violation”. (*Note: For purposes of these regulations there is a vested right to continue to develop or sell a subdivision that was approved on or after January 1, 1975, and that has been or is being developed in conformance with these regulations.)
4. Revoke any previously issued permits based upon misrepresentation of the status of the subdivision.

B. **Legal Procedures**: The Office of the County Attorney shall upon order of the Board of Supervisors, or may on its own initiative, immediately commence all necessary actions or proceedings and shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and restrain any person, firm, or corporation from setting up, developing, erecting, building, moving, or maintaining any such building or using any property contrary to the provisions of these Subdivision Regulations, or otherwise violating same.

1. Any person, firm, corporation, or other legal entity who violates any provision of these Subdivision Regulations shall be guilty of a Class 2 misdemeanor and, upon conviction thereof, shall be

punished by a fine of not more than the amount set forth by law for such offenses or by imprisonment in the County Jail for a period set forth by law, or by both such fine and imprisonment.

2. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these Subdivision Regulations.
3. All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility of correcting prohibited conditions. In addition to other remedies provided in this Article, any adjacent or neighboring property owner who shall be especially damaged by violations of any provision of these Subdivision Regulations may institute against a subdivider, in addition to other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent, abate or remove such unlawful erection, construction, or use of the subject property.

Article 2 Tentative Plat: Submittals and Review

201 Purpose

The purpose of this Article is to describe the tentative plat procedures common to all subdivision options unless otherwise specified in subsequent articles.

202 Summary of Tentative Plat Submittals and Review Schedule

* Submittals	Approximate Review Schedule
Submittal of a concept plan is recommended at the pre-tentative plat meeting	Informal pre-tentative plat meeting-scheduled within approximately 1 week of an applicant's request
Tentative Plat Application ▪ Tentative Plat – 15 copies: 24" x 36" (Folded to 8.5 by 11") & 1 copy: 11" x 17" (Subsequent reviews of revised plats require one 11" x 17 " version and as many full-size copies determined necessary) ▪ Tentative Plat Fee & Health Department Fee ▪ Letter of Intent including justification of waivers ▪ Hydrology and Hydraulic Report ▪ Copy of Application to State Department of Water Resources for Determination of Water Adequacy ▪ Traffic Analysis (see 405.01) <u>Recommended at Tentative Plat, Required at Final Plat</u> ▪ Draft covenants, conditions and restrictions and homeowners' association bylaws, if any ▪ Maintenance plan for common areas, if any ▪ Boundary Closures and line table ▪ Method of ensuring improvements	The initial review by the Subdivision Committee takes <u>approximately</u> 6 weeks and is comprised of the following steps. 1. Submittal Meeting with Planning Staff to determine if application is complete. If complete: 2. Within 1 week: Planning Department will transmit the application for review to the Subdivision Committee 3. Within 3 weeks: A staff only Subdivision Committee Meeting will be held 4. Within 5 weeks: written comments will be provided 5. Within 6 weeks: a Subdivision Committee meeting with the applicant will be held 6. The time frame of subsequent reviews is as needed depending on the complexity of the revisions 7. When the Subdivision Committee finds that all applicable requirements are satisfactorily met, the plat shall be set for action at the next scheduled Commission meeting if all required materials are received at least fifteen (15) working days in advance

* Summary only, review details in sections that follow

203 Tentative Plat Submittals

203.01 Informal Pre-tentative Plat Meeting

A preliminary meeting with the Subdivision Committee (see Section 204.01) is required. The purpose of this preliminary meeting is to discuss design alternatives and to provide the applicant with as much information as possible prior to investing money in the formal tentative and final plat submittals. Reaching a clear understanding of the overall subdivision concept before preparation of the tentative plat while plans are still flexible is an important step for the County and the subdivider. Providing a concept plan and preliminary information one week before the meeting is recommended. The subdivider and County should be prepared to discuss the items listed below.

A. Layout of lots.

B. Floodplain, setbacks from washes and any construction or alterations occurring in the floodplain.
C. Adjacent development.
D. Streets
    1. Proposed width and surface of internal streets and whether the streets are public or private.
    2. Provision for existing and future circulation and road dedication within and in the adjacent area.
    3. Purpose and design of common areas if any.
    4. Width, status, and surface of the streets providing access to the property.
    5. Subdivision impacts on off-site resources such as roads.
E. Extent of traffic analysis needed.
F. Provisions for fire protection and how the impact on the fire district (if one exists) will be addressed.
G. Provisions for water and wastewater treatment.
H. Water conservation measures to minimize increased water use.

203.02 Tentative Plat Submittal Meeting

The applicant shall schedule an appointment with the Planning Department to submit tentative plat applications. An incomplete application will not be processed. The Planning Department representative shall determine if a submittal is complete at the submittal meeting. A complete application must have all of the requirements listed in this Article.

203.03 Tentative Plat Submittal Requirements

A. The tentative plat submittal shall include:

    1. Fifteen (15) copies of the tentative plat that are 24 by 36 inches in size and folded to 8.5 by 11 inches in size.
    2. One (1) 11 by 17 inch reduced version.

Subsequent revisions shall include one (1) 11 by 17 inch reduced version and additional full copies as needed.

B. The following information shall be clearly and legibly drawn on the tentative plat at a scale of 1" = 40', 1"=50', 1"=100', or 1"=200' as necessary to show all required details.

    1. Show on sheet number one only:
        a. Metes and bounds legal description of all property being subdivided and parcel numbers.
        b. Key maps showing:
            i. Location of the subdivision within the context of the surrounding area and major roads.
            ii. The relationship of the sheets when the plat consists of two (2) or more sheets.
        c. All applicable standard notes listed below and other notes required by the Subdivision Committee.
            i. This subdivision has private streets that are not maintained by Cochise County.
            ii. The minimum floor elevations including basements shall be (#) inches above the highest natural ground elevation at the building pad. No building shall be oriented in such a way as to block the natural storm runoff. All lots are subject to the requirements of the Hydrology and Hydraulic study prepared for this subdivision and on file with the Cochise County Highway and Floodplain Department.
            iii. Existing platted streets not incorporated into the subdivision shall be abandoned separately through the Board of Supervisor's abandonment process.

iv. Individual sewage disposal systems are proposed (septic tank and leach field). Prior to building permit issuance, individual percolation or soil evaluations will be required for all lots. A minimum one-hundred (100) foot setback is required from all wells and fifty (50) feet from all lot lines.
v. If sewage disposal systems other than conventional leach field systems are required, Arizona Department of Environmental Quality (ADEQ) approval is required prior to construction of the system.
vi. Dust and erosion control measures shall be employed during and post-construction and shall comply with the *Cochise County Land Clearing Ordinance*.
vii. It is the subdivider's responsibility to obtain any additional State or Federal permits.
viii. Zoning is _____ and shall remain.
ix. The length in miles of streets.

d. Name of the Subdivision and Subdivider and property owner if different.
e. Name, registration number, seal, and signature of a professional land surveyor registered to practice in the State of Arizona.
f. Date of plat (updated on subsequent revisions and noted as 2nd Revised Plat, etc...)

2. Scale and north arrow on all pages.
3. Streets:
   a. Locations and widths of proposed streets, and other rights-of-way.
   b. Road cross-sections for all types of proposed streets in accordance with the applicable standard in the *Cochise County Road Construction Standards and Specifications for Public Improvements*.
   c. Sight distance triangles at all road intersections.
6. Boundaries of all areas subject to inundation or storm water overflow. Erosion setbacks and one-hundred (100) year floodplain limits to be depicted.
7. Existing topographical contours for every two (2) vertical feet change unless otherwise noted in these regulations.
8. Area to be cleared. Clearing cannot occur until the improvement plans are substantially approved.
9. Street layout designed to control accelerated run-off and off-site erosion.
10. Washes identified as significant in the *Upper San Pedro Partnership Hydrologic Protection Areas Final Report* or any applicable County Land-Use Plans.
11. Existing easements including recording data and proposed easements and their purpose.
12. Phasing, with each phase designed to stand alone in the event other phases are not completed.
13. Lots and boundary lines including:
    a. Approximate lot lines with a depiction of a typical and minimum lot.
    b. Proposed use of each lot.
    c. Typical lot depicting wash setbacks, buildable areas and defensible space setbacks, if applicable.
    d. Boundary lines, distances and bearings for subdivision boundaries.
    e. Drainageways and detention basins.
14. Existing structures, walls, ponds, tanks, wells, irrigation canals, laterals, ditches and dikes, streets, paths, trails and utilities denoting whether these items are to remain, be altered or removed.
15. Common areas reserved or dedicated for parks, schools or other public uses, including private streets and conservation areas.
16. Profile of the fencing and gating to be used if the subdivision is a gated community and a note on how access will be provided for emergency vehicles.

17. Location and design of community mail boxes with pullout for vehicle parking for mail pickup if proposed.
18. Location of fire hydrants, water tanks or other requirements for fire protection.
19. Area and number of tracts, if any, to be excluded from the proposed subdivision and their proposed use.
20. Adjacent zoning district classifications, subdivisions with recordation reference, parcels and nearby streets.
21. Wherever individual sewage disposal systems are proposed, provision of the locations and dates of soil percolation tests or soil evaluations for a minimum 1/3 of the lots along with a tabulated list of such tests and evaluations.
22. Depiction of other natural features such as significant vegetated areas, water recharge areas and washes, views, historical and archaeological sites and similar community assets that should be taken into account during design.
23. Other notes in support of proposed covenants, conditions and restrictions such as building envelopes, landscaping restrictions and restrictions to certain types of structures and lot sizes.
24. Any other items as required by law or as required by the Subdivision Committee.

203.04 Letter of Intent

A written letter of intent to subdivide must be submitted with the tentative plat. This letter must include the following information and certifications.

A. Date of submittal.
B. Name and address of each person having an interest in the proposed subdivision and the extent of such interest.
C. Name, phone number, and E-mail address of contact person.
D. Notarized letter of agency from the owner if the project representative is not the owner.
E. Metes and bounds legal description and general location of the proposed subdivision, distance to the nearest incorporated town and a sufficient description of existing landmarks and boundaries to locate and field inspect the proposed subdivision by vehicle.
F. Parcel numbers and working name of the proposed subdivision.
G. Total area in acres and number of lots in the proposed subdivision and typical and minimum lot sizes.
H. Reference by book, page, and date of recordation of any previous plats.
I. Utilities and services:
    1. Description of the utility service areas which serve the subdivision.
    2. Description of medical facilities, elementary and high schools and public transportation available to the subdivision.
J. Nature of off-site and on-site improvements proposed to be constructed by the subdivider including:
    1. Description of how improvements will be guaranteed.
    2. Description of the existing legal and physical access to the site.
    3. Statement as to whether private streets are proposed and how they will be maintained.
K. Statement as to whether the community will be gated and how access will be provided for emergency services.
L. Description of any special districts in which the proposed subdivision is located.
M. Description of the zoning district classifications in which the proposed subdivision is located along with a statement that all applicable Cochise County Zoning Regulations shall be satisfied within the proposed subdivision.
N. Statement that the proposed subdivision is intended to meet the minimum Cochise County standards or identification of any waivers that are anticipated. Provide a technical justification for any waivers from the provisions of these Subdivision Regulations or any other applicable County regulations.
O. Statement of what provisions will be made for fencing the subdivision to preclude livestock from roaming within the subdivision and on public streets, if any.

P. Description of dust control measures to be used during construction.
Q. Description of water conservation measures to be employed in the subdivision.
R. Statement as to whether all or any portion of the subdivision is located in the vicinity of a military airport (ARS § 28-8461) or in a high noise or accident potential zone (§28-8461) or in the vicinity of a public airport (§28-8486).
S. Statement as to whether the subdivision is in a designated PM10 area (particulate matter of 10 microns or less).

203.05 Related Exhibits/Other Submittals

In addition to the Tentative Plat and letter of intent, the following submittals are required to complete the application.

A. Check made payable to the Cochise County Treasurer for the tentative plat processing fee in the amount as set forth in the adopted Planning and Zoning Fee Schedule.
B. Check made payable to the Cochise County Treasurer for the Health Department review fees in the amount as set forth in the adopted Health Department Fee Schedule.
C. Unless otherwise stipulated in these regulations or agreed upon with the County Subdivision Committee, a traffic analysis report prepared by a professional civil engineer registered to practice in the State of Arizona shall be required, addressing at a minimum the criteria in Section 405.01 and any other criteria the Planning Director and County Engineer determine necessary to identify the type and extent of road improvements.
D. A Hydrology and Hydraulic Report in accordance with *Floodplain Regulations for Cochise County* requirements unless otherwise specified in these regulations.
E. Copy of the application submitted to the Arizona Department of Water Resources to determine water adequacy.
F. Copy of the instrument to be used to maintain common areas is recommended to be submitted as part of the tentative plat submittal. A homeowners' association is required for maintenance of conservation areas, private roads and other private improvements unless some other entity acceptable to the County is proposed.
G. Copy of all proposed instruments creating covenants, restrictions, reservations, easements, owners' association, or other conditions, if any, is recommended to be submitted as part of the tentative plat submittal.
H. Copies of required 401, 404, NPDES, Intent to Clear and other required Federal and State permits or applications.
I. Preliminary title report no more than thirty (30) days old.
J. If required in an adopted County land-use plan, documentation from the Arizona State Museum, the State Historic Preservation Office (SHPO), or a qualified archaeologist, as to whether or not there are any known historical or archaeological sites within the area to be developed and completion of a field survey if determined warranted by these agencies.

204 Tentative Plat Review

204.01 Composition and Duties of Subdivision Committee

It shall be the duty of the Subdivision Committee to examine all required tentative and final plat submittals and exhibits and to determine compliance with these Subdivision Regulations and other applicable ordinances and regulations. A recommendation on the tentative or final plat through the Committee Chair shall not be forwarded to the Commission or Board of Supervisors until consensus is reached among all members of the Subdivision Committee that the submittals comply with all applicable regulations or that

the waivers requested are reasonable and adequately justified. Subdivision Committee meetings shall be scheduled as needed with the applicant. The Subdivision Committee is hereby established and shall consist of the following members or their duly authorized representatives.

The Planning Director, who shall:

A. Review applications for completeness and transmit applications and revisions for review.
B. Serve as the County's project representative throughout the process.
C. Review all submittals for compliance with the Comprehensive Plan, Subdivision and Zoning Regulations and other applicable plans and planning ordinances.
D. Confirm that property taxes are current prior to final plat approval.
E. Confirm that road names and road name signs comply with the rural addressing ordinance.
F. Represent other reviewing agencies that are not formal members of the Subdivision Committee.
G. Schedule and chair subdivision committee meetings.
H. Mail a certified letter to the City Manager of any City located within three (3) miles of the subdivision boundaries thirty (30) days prior to final plat approval.
I. Make staff presentations on behalf of the Subdivision Committee to the Planning and Zoning Commission and Board of Supervisors.
J. Ensure that the final plat and related documents are recorded and copies distributed to the Subdivision Committee members.
K. Inspect and approve those on and off-site improvements not reviewed by the County Engineer.
L. Ensure that requirements of other applicable agencies represented by the Planning Director have been completed prior to sale of lots.
M. When applicable, release assurances to allow lot sales upon completion of County inspections and approval of all on- and off-site subdivision improvements.
N. Confirm that a lighting district has been established prior to lot release, if required.
O. Maintain complete files.

The County Engineer, who shall:

A. Review all submittals for compliance with all Highway and Floodplain regulations.
B. With the Planning Director determine the adequacy of the traffic analysis and the on and off-site improvements identified in the report.
C. Review, approve, or reject improvement plans unless improvement plans are self-certified by a Professional Civil Engineer registered in the State of Arizona.
D. Work with the project engineer to complete ongoing inspections at appropriate times during construction of Highway and Floodplain related improvements.
E. Receive project engineer certification that improvements are constructed, tested, inspected, and accepted according to the approved improvement plans.
F. Monitor the condition of improvements during the first year after completion and require repairs if necessary within that time period.

The County Assessor, who shall:

A. Review boundary and legal descriptions for accuracy.
B. Review and comment on existing easements.
C. Review and approve sequence of lot numbering.
D. Confirm that the applicant is the legal owner based upon the property tax records.

The County Director of the Environmental Health Division who shall:

A. Review all submittals for compliance with all County Health requirements.

B. Advise the applicant of applicable State Health Requirements of which he is aware.
C. Work with project engineer to complete ongoing inspections at appropriate times during construction of sanitation and other health related improvements if any.
D. Advise Planning Director of compliance with applicable State and County Health requirements.

204.02 Transmittal List

The Planning Director shall ensure that all interested agencies and parties are given an opportunity to review the application. Agency representatives or interested parties may attend Subdivision Committee meetings as non-voting members. The Planning Director shall represent their interests on the Subdivision Committee. The Planning Director shall ask the applicant for additional copies of plats and supporting documents if needed to transmit to these agencies. In addition to the Subdivision Committee, the transmittal list may include but is not limited to the following:

A. Standard Transmittal List
    1. Cities within three (3) miles of the Subdivision
    2. County Building and Zoning Administrator
    3. County Administrator/Board of Supervisors
    4. County Rural Addressing
    5. Design Review committees if established as part of an adopted Community Plan
    6. Applicable Fire Protection Provider
    7. Homeowner or Community Associations representing the area
    8. Utilities
    9. Agencies with existing easements on the property
    10. Natural Resource Conservation District
    11. Natural Resource Conservation Service
    12. Military base if within the vicinity of a military airport.

B. Other Agencies as applicable
    1. Arizona Department of Environmental Quality
    2. Arizona Department of Transportation
    3. Arizona Department of Water Resources
    4. Arizona State Fire Marshal
    5. Arizona State Land Department
    6. Arizona Department of Agriculture
    7. Army Corps of Engineers
    8. Bureau of Land Management
    9. County Attorney's Office
    10. U. S. Forest Service
    11. National Park Service
    12. Applicable school district
    13. Applicable law enforcement agency
    14. University of Arizona Cooperative Extension Water Wise Program or other agency designated to review water conservation measures
    15. Other interested parties identified in the review process

204.03 Commission Action on the Tentative Plat

Upon review of the tentative plat and supporting documents the Commission may recommend to the Board of Supervisors:

A. Approval of the tentative plat as presented, if they find that the tentative plat and supporting documents comply with these Subdivision Regulations and other applicable regulations.
B. Approval of the tentative plat with conditions, as specifically noted.
C. Denial of the tentative plat, providing the applicant with a list of modifications, findings, and considerations that must be addressed before re-submittal to the Commission.

204.04 Commission Action on Waivers

Upon review of waiver(s), the Commission may forward to the Board of Supervisors a recommendation of:

A. Unconditional approval.
B. Unconditional denial, stating the factors favoring denial.
C. Conditional approval, stating the recommended conditions.

205 Board Review of the Tentative Plat and Waivers

Upon receipt of the Commission's tentative plat and waiver recommendations, the Board of Supervisors may:

A. Find that the tentative plat, waiver, and/or supporting documents comply with these Subdivision Regulations and approve as presented.
B. Approve the tentative plat and/or waiver(s) with conditions, as specifically noted.
C. Deny the tentative plat and/or waiver(s), providing the applicant with a list of modifications, findings, and considerations that must be addressed before re-submittal to the Commission.

206 Final Plat Review

Final plats are reviewed directly by the Board of Supervisors if the final plat conforms substantially to the tentative plat, waivers and conditions recommended by the Commission.

207 Waivers

The Board of Supervisors may approve, disapprove, or conditionally approve waivers to the terms of these regulations so long as they are not contrary to the public interest, and where due to unique conditions, a literal enforcement of the provisions and requirements of these Subdivision Regulations would result in undue hardship.

A. Waiver requests shall be submitted with the tentative plat application accompanied by a technical analysis justifying the waiver with an explanation of likely impacts.
B. The Commission shall provide a recommendation to the Board of Supervisors on all waivers.
C. Waivers will be forwarded to the Board of Supervisors for action with the tentative plat upon recommendation by the Planning Commission and when accompanied by the appropriate processing fee as set forth in the adopted Planning and Zoning Fee Schedule

208 Effective Period of Tentative Plat and Plat Extensions

A. Approval of residential tentative plats shall be effective for two (2) years.
B. Approval of commercial tentative plats shall be effective for three (3) years.
C. The Planning Director may grant one (1) one-year time extension upon written request by the subdivider if:
    1. The applicant demonstrates substantial progress towards final plat approval; and

2. The subdivision is in conformance with current County regulations or the developer agrees to conform to current County regulations.

D. Additional one-year time extensions must be approved by the Planning and Zoning Commission.
E. Extensions shall be accompanied by the fee set out in the Planning Department Fee Schedule.

Article 3 Final Plat: Submittals and Review Process

301 Purpose

The purpose of this Article is to describe the final plat procedures common to **all** subdivision options unless otherwise specified in subsequent articles describing subdivision options.

* Submittals	Approximate Review Schedule
Final Plat Application ▪ Final Plat –15 copies: 24" x 36" (Folded to 8.5" by 11") & 1 copy: 11" x 17" (Subsequent review of revised plats require one 11" x 17 " version and as many full-size copies as determined necessary) ▪ Final Plat Fee and Improvement Plan review fee ▪ Final Hydrology and Hydraulic Report, revised as required during tentative plat review ▪ Copy State Department of Water Resources Determination of Water Adequacy ▪ Traffic analysis if a revision was required ▪ Covenants, conditions and restrictions and homeowners' association bylaws (CC & R's), if any ▪ Boundary Closures and line table ▪ Mechanism to ensure improvements ▪ Improvement Plans/Signage Plan (Self-certified by a professional civil engineer registered in the State of Arizona, or accompanied by a review fee in the amount as set forth in the applicable adopted County Fee Schedule. If submitted for County review, it is recommended that these plans be submitted in advance of the final plat because Improvement Plan review can take a minimum of 6 weeks)	The initial review takes approximately 6 weeks (excluding review of the improvement plans) and is comprised of the following steps. 1. Submittal Meeting with Planning Staff to determine if application is complete. If complete: 2. Within 1 week: Planning Department will transmit application for review to the Subdivision Committee 3. Within 3 weeks: a Staff only Subdivision Committee Meeting will be held 4. Within 5 weeks: written comments will be provided 5. Within 6 weeks: the Subdivision Committee will meet with the applicant 6. The time frame of subsequent reviews is as needed depending on the complexity of the revisions. 7. When the Subdivision Committee finds all applicable requirements are satisfactorily met, the plat shall be set for action at the next scheduled Board of Supervisors meeting if all required materials are received at least fifteen (15) working days in advance.

* Summary only, review details in sections that follow.

302 Substantial Conformance with Tentative Plat

A final plat is the legal document recorded in the Office of the County Recorder showing the survey data for all lots, streets, common areas, flood prone areas and easements and any general notes pertinent to buyers. A final plat must be in substantial conformance with the tentative plat approved by the Commission. Any final plat or portion thereof found by the Planning Director not to be in substantial conformance with the approved tentative plat must be resubmitted to the Commission for approval. Substantial conformance means:

A. The number of lots does not increase by more than ten (10) percent.
B. The layout of the lots does not vary in a manner that affects other aspects of the subdivision such as access to conservation areas, drainage, or circulation.

C. Drainage and road right-of-way dedications and easements are substantially as depicted on the tentative plat.
D. The circulation system does not vary in a manner that affects other aspects of the subdivision or overall area circulation and access.
E. The improvement standards, percent, and layout of common areas, conservation areas, and water conservation measures meet or exceed those approved by the Commission.

303 Final Plat Submittal

303.01 Final Plat Submittal Meeting

The applicant shall schedule an appointment with the Planning Department to submit final plat applications. An incomplete application will not be processed. The Planning Department representative shall determine if a submittal is complete at the submittal meeting. A complete final plat shall include all the requirements listed in this Section.

303.02 Final Plat Submittal Requirements

A. The original final plat submittal and all subsequent revised submittals shall include:

1. Fifteen (15) copies of the final plat that are 24 by 36 inches in size and folded to 8.5 by 11 inches in size.
2. One (1) 11 by 17 inch reduced version.

Subsequent revisions shall include one (1) 11 by 17 inch reduced version and additional full-size copies as needed.

B. Two (2) signed copies of a Mylar version and three (3) signed blue line copies and one (1) copy on a CD or 3.5 inch Floppy Disc compatible with the County's current version of AutoCAD must be submitted after the plat is approved by the Subdivision Committee and before the plat is presented for Board of Supervisors' action, along with original copies of the subdivision security and other documents to be recorded with the final plat.

C. The following information shall be clearly and legibly drawn on the final plat at a scale of 1" = 40', 1"=50', 1"=100', or 1"=200' as necessary to show all required details.

1. Show on sheet number one only:
   a. Metes and bounds legal description of all property being subdivided.
   b. Key maps showing:
      i. Location of the subdivision within the context of the surrounding area.
      ii. The relationship of the sheets when the plat consists of two (2) or more sheets.
   c. All applicable standard notes listed below and other notes required by the Subdivision Committee including all notes on the tentative plat needing disclosure to property owners during a title search.
      i. This subdivision has private streets that are not maintained by Cochise County. The County is held harmless for safety and vehicle damage from private streets.
      ii. The minimum floor elevations including basements shall be (#) inches above the highest natural ground elevation at the building pad. No building shall be oriented in such a way as to block the natural storm runoff. All lots are subject to the requirements of the Hydrology and Hydraulic study prepared for this subdivision and on file with the Cochise County Highway and Floodplain Department.

iii. The County has approved the Hydrology and Hydraulic study and the Board of Supervisors has approved the signage and marking plan.
iv. Lots, tracts, conservation areas, and common areas cannot be further subdivided.
v. The hydrology and culverts have been designed to pass the one-hundred (100) year storm event so that it deposits twelve (12) inches or less of water across any road.
vi. Previously recorded lots (*list lot numbers*) will be superseded by (*subdivision name*) and will no longer legally exist effective on the day of the final recording of (*subdivision name*).
vii. Existing platted streets not incorporated into the subdivision shall be abandoned separately through the Board of Supervisors abandonment process.
viii. Individual sewage disposal systems are proposed (septic tank and leach field). Prior to building permit issuance, individual percolation or soil evaluations will be required for all lots. A minimum one-hundred (100) foot setback is required from all wells and fifty (50) feet from all lot lines.
ix. If sewage disposal systems other than conventional leach field systems are required, Arizona Department of Environmental Quality (ADEQ) approval is required prior to construction of the system.
x. Dust and erosion control measures shall be employed during and post-construction and shall comply with the *Cochise County Land Clearing Ordinance*.
xi. It is the subdivider's responsibility to obtain any additional State or Federal permits.
xii. Zoning is _____and shall remain.
xiii. The Arizona Department of Water Resources issued a determination of adequate water supply on (insert date).

d. Name of the Subdivider and property owner if different.
e. Name, registration number, seal, and signature of a professional civil engineer or land surveyor licensed to practice in the State of Arizona.
f. Title, subdivision name, scale, north arrow, legend, sheet number, and number of sheets comprising the map.

2. Date of plat (updated on subsequent revisions and noted as 2nd Revised Plat, etc...)
3. Primary control points or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred. Where a coordinate system has been established by the County Engineer, primary control points shall reference at least two corners of the subdivision and be tied by course and distance to a section corner, a quarter-section corner or established city or county survey monument. The final plat shall include a description of the corner marker indicating how the bearings were determined.
4. Tract boundary lines fully balanced and closed, showing right-of-way lines of streets, easements and other rights-of-way, and property lines of all lots and other sites with accurate dimensions, bearings or deflection angles and radii, arcs, semi-tangents and central angles of all curves.
5. Curve tables and line tables.
6. Subdivision boundary.
8. Streets including:
   a. Sight distance triangle easements at all road intersections.
   b. Name and right-of-way width of each street or other right-of-way.
9. Designation and right-of-way width of all drainageways, detention basins and whether private or dedicated to the public.
10. Boundaries of all areas subject to inundation or storm water overflow. Erosion setbacks and one-hundred (100) year floodplain limits to be depicted in a surveyable manner.
11. One (1) foot no-access easements on arterial and county collector streets unless otherwise agreed to by the County Engineer.

12. Purpose and dimensions of all easements, clearly labeled and identified, and if already of record, proper reference to the records given; if not of record, a statement of such easement shall appear on the first sheet.
13. Area to be cleared. (Clearing cannot occur until the improvement plans are substantially approved.)
14. Lot numbering and lot area shown within the respective boundary of each lot.
15. Location and description of monuments, lot corners, and outer survey points.
16. Block numbering or lettering, and the block area shown within the respective boundary of each block.
17. Area and number of tracts, if any, and their proposed use.
18. Common areas reserved or dedicated for parks, schools or other public uses including private streets and conservation areas.
19. All lots not intended for sale or reserved for private purposes and all parcels offered for dedication for any purpose, public or private shall be so designated.
20. Other notes in support of proposed covenants, conditions and restrictions such as building envelopes, landscaping restrictions and restrictions to certain types of structures and lot sizes.
21. Any other items as required by law or as required by the Subdivision Committee.
22. Phasing, with each phase designed to stand alone in the event that other phases are not completed.
23. Existing structures, walls, ponds, tanks, wells, irrigation canals, laterals, ditches and dikes, streets, paths, trails and utilities with an indication of whether these items are to remain, be altered or removed.

303.03 Certificates and Acknowledgments

The following certificates and acknowledgments shall appear on the final plat.

A. Certificate consenting to the preparation and recordation of the final plat and offering for dedication all streets, drainageways, easements, common areas and other parcels intended for public uses, as shown on the final plat acknowledged by all persons holding title by deed to the lands. If lands dedicated are held in trust, the trustee shall sign the certificate. If the lands to be dedicated are mortgaged or subject to any liens, the mortgagee and all lien holders shall also sign the certificate. The execution of the certification shall be acknowledged and certified by a notary public.
B. Certificate signed and sealed by a professional land surveyor licensed to practice in the State of Arizona under whose direction the survey, subdivision and plat of the land described on the said plat was made including:
    1. A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision.
    2. A statement that the surveyor prepared the description of the lots shown on the plat and certifying to their correctness.
    3. A statement that the bearings shown on the plat are expressed in relation to the true meridian or a previously established meridian or bearing and that all monuments shown on the plat are actually located in the ground and their location, size and material are correctly shown.
    4. A statement that all lots are staked or shall be staked in accordance with the provisions of these subdivision regulations.
    5. The registration number, seal and signature of the licensed professional land surveyor.
C. Certificates to be signed by the County Planning Director, County Engineer, Director of Environmental Health and Assessor, to certify that the plat complies with all requirements within their jurisdiction.
D. A certificate to be signed by the Chairman of the Board of Supervisors and attested to by the Clerk of the Board of Supervisors to certify that said Board approved the final plat and showing the date of said approval.

E. A certificate to be executed by the County Recorder showing the date, time of day, fee number, book and page number of recordation.
F. If an assurance agreement is used to provide security for improvements, a block to write recording data including docket number and date recorded.

303.04 Related Submittals, Reports and Exhibits

A. A check made payable to the Cochise County Treasurer for the final plat processing fee and improvement plan review fee in the amount as set forth in the adopted County Fee Schedules (unless improvement plans will be self-certified by a professional civil engineer registered in the State of Arizona in which case only the final plat processing fee is required).
B. A copy of the engineer's or surveyor's calculations showing the closure of the subdivision boundary and of each block, and all other excluded or dedicated tracts and rights-of-way, to be depicted on the final plat or as a separate document. The error of closure and the area bounded shall be shown for each calculation. The relative error of the unbalanced field measurement closure for the subdivision boundary shall be included.
C. A copy of the report prepared by the Arizona Department of Water Resources stating that an adequate supply of water exists for the projected needs of the subdivision.
D. A copy of the final *Hydrology and Hydraulic Report* approved by the County Engineer.
E. Three (3) copies of improvement and sign plans for private and public improvements. If improvements will be constructed in phases, plans for phase one at a minimum, are required.
F. Letters of the intent to serve from utility companies and fire districts serving the subdivision.
G. Confirmation that appropriate improvement plans have been provided to utility providers.
H. Arizona Department of Environmental Quality Certificates to Construct Water and Sanitary Sewer Systems, as applicable.
I. Copy of an archaeological field survey completed by a qualified archaeologist acceptable to the Arizona State Museum or State Historic Preservation Office, if required in an adopted County plan.
J. The final original signed version of the instrument used to assure completion of public improvements.
K. If conservation areas are to be maintained by another entity, originals of the agreement and conservation easement that shall be recorded with the final plat.
L. The final original signed version of the covenants, conditions, and restrictions.
M. Documentation that property taxes are current.

304 Final Plat Review

304.01 Staff and Agency Review

A. The procedure for staff and agency review of the final plat shall be the same as for the tentative plat.
B. When members of the Subdivision Committee find that all applicable requirements have been satisfactorily met, they shall sign the plat.

304.02 Board of Supervisors Review and Action

A. Upon approval by the Subdivision Committee, the Planning Director shall schedule the final plat, the offers of dedication and agreements, and guarantees and securities for required improvements, for review at the next available meeting of the Board of Supervisors.
B. Upon review of the final plat and the offers of dedication and agreements, and guarantees and securities for required improvements the Board of Supervisors may:
    1. Find that the final plat and the offers of dedication and agreements, and guarantees and securities for required improvements are in substantial conformance with the tentative plat

approval and comply with these Subdivision Regulations and other ordinances or requirements and approve the final plat as presented.
2. Approve the final plat with conditions, as specifically noted.
3. Deny the final plat, providing the applicant with a list of modifications, findings, and considerations that must be addressed for re-submittal to the Commission.

C. Upon approval by the Board of Supervisors, the Chairman and Clerk of the Board of Supervisors shall so certify and attest such action upon the final plat.

305 Appeals

The Board of Supervisors shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, grant, or refusal made by the Commission or any official in the administration of these Subdivision Regulations.

A. An appeal shall be made in writing setting forth the particulars and the reasons for the appeal and include the fee adopted in the Planning Department fee schedule.
B. Hearings on such cases shall be at such times as may be set by the Board of Supervisors, but no later than within sixty (60) days of receipt of the appeal.
C. Notice of not less than fifteen (15) days or more than thirty (30) days of the hearing date shall be given to the appellant, the Commission, or officials concerned.

306 Minor Final Plat Amendments – Combination of Lots

Any recorded subdivision plat may be amended to:

A. Correct an error in any course or distance or other necessary item that was omitted.
B. Correct a drafting, graphic, technical, or similar type error.
C. Adjust a drainage or maintenance easement.
D. Combine or reconfigure lots so long as:
   1. The external subdivision boundaries remain the same.
   2. The number of lots does not increase.
   3. The utility easements and street access to the combined lots are not changed.

The Planning Director is hereby authorized to approve and record minor plat amendments as follows:

A. Two (2) signed copies of a Mylar version, three (3) signed blue-line copies and one (1) copy on a CD or 3.5 inch Floppy Disc compatible with the County's current version of AutoCAD of the final plat shall be submitted.
B. The fee as set forth in the adopted Planning and Zoning Fee Schedule shall be submitted.
C. The amended plat shall contain a certification block for the signatures of the Planning Director and County Engineer and shall be marked "AMENDED -PLAT OF ~". If more than one (1) amended plat is necessary, the successive plats shall be titled "SECOND AMENDED PLAT OF ~", and follow in numerical order.
D. The amended plat shall contain a revised legal description for the new lots.
E. The amended plat shall be signed by the Planning Director and County Engineer for certification that the only changes on the amended plat are technical changes as authorized above.
F. After obtaining the signatures of the Planning Director and County Engineer, the amended plat shall be recorded in the Office of the County Recorder, without further action by the Board of Supervisors.

307 Changes Other Than Minor Amendments

Changes to final plats other than minor plat amendments shall be processed as a new subdivision application. If the Planning Director determines that the proposed amendments are substantially in conformance with the original tentative plat, the approved tentative plat may be used and the amendment can proceed directly to the Board of Supervisors as a revised final plat. If the amendment is not in conformance with the tentative plat, it shall be presented first to the Planning Commission as a tentative plat and then to the Board of Supervisors as a final plat. Changes requiring a new plat include but are not limited to:

A. Abandonment of roadways or right-of-way dedications that affect overall circulation and cannot be handled through the County roadway abandonment process.
B. Any decrease in conservation areas, common areas, or amenities.
C. Any increase in the number of lots.
D. Any reconfiguration of lots, roadways, tracts, drainageways and conservation areas that is not in substantial conformance with the tentative plat.
E. Any change other than those specifically defined as minor amendments.

308 Abandonment by the Property Owner or County

A. To abandon a recorded final plat in part or in whole, the property owner(s) shall submit a written request to the Planning Director along with:

    1. Two (2) signed copies of a Mylar version, three (3) signed blue-line copies and one (1) copy on CD or 3.5 inch Floppy Disc compatible with the County's current version of AutoCAD of the plat and other related documents as required designating those lots, roadways, public right-of-way, easements and other features, which are proposed for abandonment.
    2. The fee as set forth in the adopted Planning and Zoning Fee Schedule

B. The Planning Director may initiate the abandonment of a recorded final plat if required improvements or a portion thereof have not been completed in a timely fashion or if due to the passage of not less than ten (10) years, without substantial sales and improvements, it appears that the subdivision or portion thereof, will not be developed as originally intended.
C. The Board of Supervisors may abandon a recorded final plat if required improvements have not been completed in a timely fashion or it is otherwise proposed for abandonment by the Planning Director.
D. The owner(s) shall be given thirty (30) days notice of such actions.
E. The abandonment request shall be reviewed by the County Subdivision Committee to determine that roadways, public right-of-way, easements, and other items that serve a public interest are not abandoned.
F. Upon approval by the Subdivision Committee, the abandonment request shall be presented to the Board of Supervisors for action to approve, disapprove, or conditionally approve the request.

Article 4 General Requirements

401 Purpose

The purpose of this Article is to describe the requirements common to all subdivision options except as these requirements are specifically excluded in other Articles of these regulations.

402 Subdivisions in Adopted Plans

Subdivisions within the boundaries of community, regional, master development and other plans adopted as amendments to the Comprehensive Plan shall be developed in a manner that is consistent with the guidelines adopted within these plans.

403 Contiguous Property under Same Ownership/Continuation of Public access

A. Portions of any contiguous property within the ownership of the subdivider shall be included within the boundaries of the subdivision when needed or required for any circulation, drainage or flood control facilities, or logical continuation of conservation areas.
B. The subdivider shall submit a development plan for portions of contiguous property owned by the subdivider, but not included within the subdivision boundaries, to be reviewed by the Commission and approved by the Board of Supervisors. This development plan shall demonstrate that:

    A. The remaining land is of a size and shape such that it can be developed with a use that is compatible with surrounding development and can meet the specifications of other applicable ordinances and regulations; and
    B. Public access such as arterial and collector streets, trails, and sidewalks shall be continued from contiguous property and designed to be adequate to serve future development.

404 On-site and Off-site Improvements and Improvement Plan Certification

404.01 Improvement Plan Certification

A. The rules and regulations of the Cochise County Highway and Floodplain Department are applicable to subdivision design. Improvement plans for all on-site and off-site improvements reasonably related to construction of a subdivision in Cochise County must be designed to all County, State, Federal, and established engineering standards. These Improvement plans must be certified by a professional civil engineer registered by the State of Arizona. Subdividers may submit improvement plans as follows:

    1. Improvement plans and review fee in the amount as set forth in the applicable adopted County Fee Schedules, or
    2. Improvement plans that are reviewed and self-certified by a professional civil engineer registered by the State of Arizona.

B. Three (3) complete sets of engineering plans and subsequent revisions shall be submitted as self-certified by a Professional Civil Engineer registered by the State of Arizona; or submitted for review

along with appropriate review fees in the amount as set forth in the applicable adopted County Fee Schedule in which case subsequent revisions shall also be submitted for approval by the County Engineer.

C. Improvement plans shall include all road, drainage, fire protection, utilities, road and regulatory signs and markings, and other improvements required for approval of the tentative and final plats.
D. At a minimum, improvement plans and regulatory signs and marking plans for the first subdivision phase shall be substantially approved by the County Engineer or shall be self-certified by a Professional Civil Engineer registered by the State of Arizona, prior to final plat approval. Road design and regulatory signage shall be provided for the entire subdivision.
E. If the Improvement plans are submitted as self-certified, the County will require the certifying Civil Engineer to schedule and attend frequent on-site meetings with County Highway and Floodplain representatives to resolve any discrepancies or deficiencies which may arise during the construction phases.
F. If the Improvement plans are submitted as self-certified, the County Engineer must review, approve, and accept any and all field changes.
G. The Board of Supervisors shall approve regulatory signs for public roads as part of final plat approval.
H. Improvement plans shall provide for and conform to the requirements in the *Cochise County Road Construction Standards and Specifications for Public Improvements, Floodplain Regulations,* and *Cochise County Land Clearing Ordinance.*
I. Prior to approval by the County Engineer or to submittal of self-certified improvement plans, the developer shall provide written confirmation that the plans have been reviewed and approved by the pertinent utility companies.
J. Unless the Board of Supervisors authorizes a specific amendment to the approved or self-certified improvement plans, Board approval of the final plat shall be conditional upon the obligation to construct all improvements as indicated on the approved or self-certified improvement plans.

404.02 On-site Improvements

Subdividers shall construct and provide all on-site improvements including those along subdivision boundaries as lawfully required by the County. These improvements may include, but are not limited to:

A. On-site streets and boundary streets;
B. Street name signs and traffic regulatory signs, markings, traffic control signals, street lights when required, and other traffic control devices;
C. Drainage and erosion improvements;
D. Utilities;
E. Water conservation measures; and
F. Lot staking and survey monuments.

404.03 Off-site Improvements

Subdividers shall construct and provide all off-site improvements reasonably related to the impacts of the new subdivision as lawfully required by the County. These improvements may include, but are not limited to:

A. Off-site streets impacted by the subdivision traffic, including resurfacing and widening;
B. Turn lanes, turn bays and traffic lights when warranted;
C. Drainage and off-site erosion improvements;
D. Water conservation measures;
E. Dust abatement during construction;

F. Sidewalks, curbs, gutters and trails when required; and
G. Adequate water supply and distribution systems, sanitary sewer and sewage disposal, and utilities, as required.

405 Streets and Circulation

405.01 Traffic Analysis

Unless otherwise specified in these regulations, an analysis of traffic levels and distribution is needed to evaluate the impacts of the subdivision traffic. The analysis shall address, at a minimum, the following information and any other information the Planning Director and County Engineer determine necessary to identify necessary street improvements.

A. Current average daily traffic on the streets serving the subdivision.
B. Average estimated daily traffic to be generated by the subdivision using traffic generation standards in the most current version of the Institution of Transportation Engineers *Trip Generation Manual* unless otherwise justified by the applicant based on the type of development.
C. Estimates of peak hour or peak seasonal traffic generation.
D. Level of service of existing streets serving the subdivision before and after introduction of subdivision traffic.
E. Adverse effects upon traffic flow along the streets abutting the site resulting from traffic entering and leaving the site.
F. Current condition of existing streets serving the site.
G. Conformity to applicable policies of the Comprehensive Plan or other approved plans if any.
H. Existing and anticipated traffic patterns on-site and in the surrounding area.
I. Future circulation needs into and around the surrounding area for current or potential future development.
J. Nature of the anticipated on-site and off-site improvements to be constructed.
K. If deemed necessary, the County Engineer may require conformance with the Arizona Department of Transportation *Traffic Impact Analysis Manual.*

405.02 Road Improvements Standards

Unless otherwise specified in these Regulations, the *Cochise County Road Construction Standards and Specifications for Public Improvements* as amended from time to time shall be used to determine the appropriate type and level of on and off-site road improvements.

405.03 Circulation and Layout

A. Subdivision design shall provide public streets of a type and in locations adequate to accommodate current and projected future circulation needs within the subdivision and the surrounding area.
B. Access into the subdivision from off-site streets shall be sufficient to facilitate emergency access to all lots.
    1. A minimum of two means of access, built to *Cochise County Road Construction Standards and Specifications for Public Improvements,* is required for all residential subdivisions except rural subdivisions (see definition) and subdivisions with 27 lots or fewer.
    2. All non-residential subdivisions shall provide a second means of access built to *Cochise County Road Construction Standards and Specifications for Public Improvements.*
C. Non-local traffic on local streets shall be discouraged by the use of appropriate traffic calming methods and road layout design.
D. Half-streets or partial width rights-of-way shall be prohibited except where necessary to provide right-of-way, to complete a road pattern already begun, or to insure reasonable development of adjoining

parcels. Where a platted half-street abuts the proposed subdivision, the remaining half width shall be platted within the subdivision.

E. Adequate access shall be provided to each lot through public or private streets.
F. Direct access from individual lots to streets that are identified or function as collectors and arterial streets shall be prohibited through subdivision design or via a one (1) foot no-access easement.
G. Corner lots shall access onto local streets.
H. Road design shall be compatible with approach grades, drainage, bridges, or future grade separations, where a subdivision abuts or contains the right-of-way of a railroad, limited access highway or irrigation canal.
I. Cul-de-sac streets shall terminate in a circular turnaround area with a radius of at least fifty-two (52) feet.
J. Cul-de-sacs shall not exceed six hundred (600) feet in length from the entrance to the circumference of the turnaround area except in rural subdivisions (see definition) where cul-de-sacs can be twelve-hundred (1200) feet in length.
K. Block lengths shall facilitate overall circulation and emergency access. Block lengths shall not exceed fifteen-hundred (1500) feet except in rural subdivisions (see definition) where block lengths shall not exceed 2640 feet (one-half (½) mile).
L. Adequate sight distance triangles shall be designed and maintained at all road intersections.
M. Community mailboxes with an adequate pullout area to remove vehicles from through traffic are encouraged and may be required if deemed necessary by the County Engineer; they shall be located on local streets rather than collector or arterial streets.

405.04 Sidewalks, Curbs and Gutters and Other Access

A. Sidewalks, curbs, and gutters are required in all non-residential subdivisions along the front of the buildings and connecting all separate buildings and parking areas.
B. Sidewalks, curbs and gutters are required on local and collector streets for residential subdivisions when the lot size is ½ acre or smaller.
C. Sidewalks, curbs, and gutters are required on streets that are identified or function as arterial streets.
D. Sidewalks, curbs, and gutters are required in residential subdivisions when required by the County Engineer for storm water management and may be required when recommended by a city located within three (3) miles of the subdivision.
E. Sidewalks may include utility easements.
F. Sidewalks shall be constructed in accordance with the *Cochise County Road Construction Standards and Specifications for Public Improvements* as amended from time to time.
G. Sidewalks may be constructed after construction of residential improvements if necessary to prevent destruction during site construction. The Planning Director is authorized to accept a bond or certified check based on the estimated cost to construct sidewalks in lieu of other security for the project improvements.
H. In addition to these requirements, sidewalks or other types of access shall be required if otherwise specified in these regulations, if addressed in applicable adopted plans and/or determined necessary to provide safe access to schools, parks, conservation areas, commercial services, playgrounds, or other nearby public areas.

405.05 Private Streets and Drainageways

A. Private streets shall be constructed to conform to *Cochise County Road Construction Standards and Specifications for Public Improvements* unless otherwise stipulated within these Regulations.
B. Private drainageways shall be constructed to conform to the *Floodplain Regulations for Cochise County* unless otherwise stipulated within these Regulations.
C. Private streets and drainageways shall be constructed according to improvement plans approved by the County Engineer.

D. Prior to sale of lots or release of a bond or other assurances, the subdivision engineer shall certify that the private streets and drainageways have been constructed according to the improvement plans approved by the County Engineer or self-certified by a Professional Civil Engineer registered by the State of Arizona.
E. A private street shall not be allowed if the road is needed for overall neighborhood or regional circulation. Streets identified as, or that function as collector or arterial streets, shall not be private.
F. A private drainageway shall not be allowed if needed to address overall area or regional drainage concerns.
G. A note shall be placed on the final plat stating that the County does not maintain private streets or drainageways and holding the County harmless for safety and vehicle damage from private streets.
H. The developer shall provide adequate reliable means of long term maintenance for any subdivision private streets or drainageways, either through a homeowners' association or otherwise.

405.06 Required Road, and Regulatory Sign and Markings

A. All signs and markings shall comply with the *Manual of Uniform Traffic Control Devices* (MUTCD).
B. The Developer shall install:
   1. Street name signs including directional information at all street intersections.
   2. Stop signs at the intersection of all streets with collector and arterial streets, at a minimum.
   3. Speed limit signs on all streets identified or functioning as county collector and arterial streets at the entry to the subdivision, and on local streets at egress from collector or arterial streets.
   4. Other regulatory signs and markings as required by the County Engineer.
C. The developer shall pay his or her fair share of traffic lights installed at the intersection of all streets with collector and arterial streets, if determined to be warranted by the County Engineer.
D. Location and design of road name and regulatory signs and markings shall be depicted on improvement plans and/or sign plans.

405.07 Road Names and Addresses

A. Cochise County Rural Addressing shall approve all road names.
B. Road names shall conform to the *Cochise County Rural Addressing Ordinance* as amended from time to time.
C. The County shall provide subdivision addresses before final plat approval.

406 Street Lighting

A. All street lighting shall be in conformance with the *Cochise County Light Pollution Code* as amended from time to time.
B. Street lighting is required at street intersections for subdivisions when the average lot size is ½ acre or smaller or as otherwise required in common areas in conformance with the *Cochise County Zoning Regulations* as amended from time to time.
C. For non-residential subdivisions, street lights shall be provided along one side of each street block and in parking areas used at night in conformance with the *Cochise County Zoning Regulations* and *Light Pollution Code* as amended from time to time.
D. Provision for continued maintenance shall be provided by a street lighting improvement district or homeowners' association.

407 Hydrology and Hydraulic Requirements

The classification and design of drainageways and designation of design storm frequencies shall be based on the *Floodplain Regulations for Cochise County* and *Cochise County Road Construction Standards and Specifications for Public Improvements*. A Hydrology and Hydraulic report, to be submitted

with the Tentative Plat, is required unless waived by the County Engineer or otherwise specified in the alternative subdivision options.

408 Health Requirements

The rules and regulations of the Cochise County Health Department and the Arizona Department of Environment Quality (ADEQ) are applicable to subdivision design. Such rules and regulations shall be deemed minimum standards. Applicants are advised to initiate early and continuous coordination with ADEQ. Prior to approving the tentative plat and final plat, the County Health Department shall review the application for compliance with all applicable County and State rules and regulations that are enforced by that Department.

408.01 Sewage Disposal

A. Individual sewage disposal systems, including septic tank systems shall not be permitted or installed on lots of less than one-acre (43,560 square feet) in size excluding streets and easements, when both a well and individual sewage disposal system are located on the same lot, unless ADEQ approves an alternative wastewater treatment system such as a de-nitrification or filtration system.
B. If lots are connected to a community water system, individual sewage disposal systems, including septic tank systems are permitted on lots of 36,000 square feet or larger in size excluding streets and easements.
C. For lots of less than 36,000 square feet in size, excluding streets and easements, a connection to a County-approved sanitary sewer system or other system approved by the Cochise County Health Department or Arizona Department of Environmental Quality, is required.
D. Subdivisions shall be connected to available sewage disposal systems if located within four hundred (400) feet of the subdivision boundaries, and with available capacity at the plant and in the distribution lines.
E. The ADEQ *"Notice of Intent to Discharge and Provisional Verification of General Permit Conformance"* for the sewage disposal system shall accompany the final plat, if applicable.
F. No building/use permit shall be issued for any subdivided lot of less than 36,000 square feet in size excluding streets and easements, unless there is a connection to a County-approved sanitary sewer system or other system approved by the Cochise County Health Department or Arizona Department of Environmental Quality, which is operated and maintained in accordance with County and ADEQ regulations.
G. Except when sewage disposal is to be provided via individual septic systems, lots shall not be sold from any phase until the sewage disposal system is completed with connections to the edge of each lot and ADEQ has issued a *"Verification of General Permit Conformance".*

408.02 Water Distribution Systems

A. Unless otherwise specified in these regulations, applicants shall ensure that water is available from a County or Arizona Department of Environmental Quality approved water delivery system to each and every subdivided lot of less than one (1) acre (43,560 square feet) in size. In the Sierra Vista Sub-watershed Water Conservation Overlay District, this provision shall apply to subdivisions where the average lot size is five acres or smaller and 28 lots or more are proposed.
B. Subdivisions shall connect to available water distribution systems if located within four hundred (400) feet of the subdivision boundaries and with available capacity at the plant and in the distribution system and the subdivision is within the provider's service area in conformance with Arizona Corporation Commission regulations.
C. The ADEQ *"Certificate of Approval to Construct"* for the water delivery system shall accompany the final plat.

D. Unless otherwise specified in these regulations, applicants shall ensure that water is available from a County or Arizona Department of Environmental Quality approved water delivery system to each and every subdivided lot of less than one (1) acre (43,560 square feet) in size.

408.03 Water Adequacy

A. When submitting a tentative plat, the subdivider shall include a copy of the application submitted to the Arizona Department of Water Resources (ADWR) for water adequacy determination.
B. Pursuant to ARS 11-806.01 § F and Resolution 08-20, the Board of Supervisors shall not approve a final plat for a subdivision unless one of the following applies:
    1. The director of water resources has determined that there is an adequate water supply for the subdivision and the subdivider has included the report with the plat.
    2. The subdivider has obtained a written commitment of water service for the subdivision from a city, town, or private water company designated as having an adequate water supply by the director of water resources.
C. The Board of Supervisors may exempt a subdivision from § 408.03B if the director of water resources has determined the subdivision will have an inadequate water supply because the water supply will be transported to the subdivision by motor vehicle or train if all of the following apply:
    1. The Board determines that there is no feasible alternative water supply for the subdivision and that the transportation of water to the subdivision will not constitute a significant risk to the health and safety of the residents of the subdivision.
    2. If the water to be transported to the subdivision will be withdrawn or diverted in the service area of a municipal provider as defined in ARS §45-561 and the municipal provider has consented to the withdrawal or diversion.
    3. If the water to be transported is groundwater, the transportation complies with the provisions governing the transportation of groundwater in ARS title 45, chapter 2, and article 8.
    4. The transportation of water to the subdivision meets any additional conditions imposed by the county.

409 Utilities

A. Adequate utilities or facilities, furnishing for the subdivision, electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, shall be provided.
B. Each subdivision plat shall include easements that are adequate for all necessary utilities, including access for maintenance and repair of such facilities. Easements shall be located along both sides of street frontages and be at least ten (10) feet wide or as otherwise required by the utility company.
C. The electric, telephone and cable services shall be installed underground except where it is demonstrated to be infeasible from an engineering, operational or economic standpoint.
D. Utilities shall not be allowed in drainageways, drainage easements, grader ditches, and flow paths.
E. All required utility connections shall be provided to the edge of each lot.
F. Each cul-de-sac street shall be provided with a utility easement designed to prevent dead-end mains unless waived by the utility companies.
G. All service shall be in conformity with the Administrative rules and regulations of the Arizona Corporation Commission.

410 Screening, Fencing and Cattle Guards

A. When a residential subdivision borders an existing commercial or industrial establishment, perimeter screening by an opaque solid wall or fence with a minimum height of six (6) feet from grade, shall be required. The screen shall be constructed out of standard materials or other acceptable materials

approved by the County Zoning Inspector. The Commission may approve an existing vegetative screen if it meets the intent of creating a solid opaque screen and is maintained in accordance with 1806.03 of the *Cochise County Zoning Regulations* (Landscaping, Planting, and Maintenance Requirements).

B. Non-residential subdivisions shall provide a solid opaque wall with a minimum height of six (6) feet from grade along the perimeter of the subdivision where abutting a residentially-zoned area.
C. The developer shall obtain a building permit for subdivision gates, walls, and fences as required by the *Cochise County Zoning Regulations*.
D. Perimeter fencing or cattle guards on streets sufficient to protect property and streets from the intrusion by livestock may be required if deemed necessary by the Planning Director. Cattle guards shall be constructed to conform with the *Cochise County Road Construction Standards and Specifications for Public Improvements* as amended from time to time.

411 Fire Protection

411.01 Fire Protection Requirements

A. Subdivisions adjacent to the boundaries of a fire district shall be annexed into the service area pursuant to ARS § 48-262 if acceptable to the district
B. No subdivision with individual lot sizes of 36,000 square feet or less shall be established unless there are appropriate provisions for fire protection service.
C. Fire protection improvements shall be subject to the same financial assurances as other subdivision improvements.
D. Covenants, conditions, and restrictions for subdivisions within an area served by a volunteer fire department shall require individual property owners to pay fire department fees, to be collected and paid to the fire department by the Homeowner's Association or through some other enforceable mechanism acceptable to the fire department until such time as they become a district.
E. Fire protection provisions shall be described during the tentative plat process and shown on improvement plans.
F. Water supply appliances provided within the subdivision shall be located per the Fire Code applicable to the serving fire district or adopted by the County at the time of development.
G. Water supply appliances when required shall be compatible with the equipment of the agency providing service.

Water Flow Requirements

Lot Sizes	Water Flow	Duration of flow
36,000 square feet or smaller lots	250 gallons per minute calculated at twenty (20) p.s.i. flowing pressure in excess of the normal estimated water consumption of residences in the subdivision.	System capable of sustaining this flow for 2 hours
Larger than 36,000 square feet to less than 2 acres	250 gallons per minute calculated at twenty (20) p.s.i. flowing pressure in excess of the normal estimated water consumption of residences in the subdivision is recommended or at a minimum a 36,000 gallon storage tank is required.	System capable of sustaining this flow for 2 hours is recommended
2 acres or larger lot sizes	Some provision for a water supply for fire protection is recommended; if no water supply is provided a note shall be placed on the final plat indicating that a fire protection water supply is not provided.	

411.02 Emergency Vehicle Access Requirements/Gated Communities

A. A minimum of two means of access built in conformance to *Cochise County Road Construction Standards and Specifications for Public Improvements* are required for all subdivisions except in rural subdivisions (see definition) and minor expedited residential subdivisions with 27 lots or fewer.
B. If streets pass under an arch, sign or overpass, a minimum clearance of fourteen (14) feet, six (6) inches must be provided.
C. Emergency providers shall be provided with convenient and reliable methods for access through subdivision gates without delay.
D. Gates shall be of a width that is in accordance with the Uniform Building Code or International Fire Code adopted at the time of development.

411.03 Subdivisions Not Within A Fire Protection Service Area

For subdivisions with individual lot sizes greater than 36,000 square feet, if a fire district, volunteer fire department or private protection service are unavailable other measures to provide adequate fire protection may be approved by the County.
A note shall be placed on the final plat indicating that a fire service provider is not available.

412 Water Conservation

412.01 General

A. Subdivisions shall conform to water conservation measures and policies adopted in the *Cochise County Zoning Regulations* and policies of the *Cochise County Comprehensive Plan* and other ordinances as adopted or as amended from time to time.
B. Where applicable, water conservation measures as described below shall be included in covenants, conditions and restrictions and depicted on the tentative and final plats as part of a typical lot drawing or as a note on the plat.
C. Where applicable, water conservation measures shall be enforced by the Homeowner's Association.
D. The County shall enforce water conservation measures at permit issuance, if approved as a condition of final plat approval.
E. Water conservation measures in addition to the ones described in this section are encouraged.
F. Washing outdoor hard surfaces with water is prohibited.

412.02 Landscaping

In street medians, hardscapes, conservation areas, and common areas:
A. Turf is only allowed for publicly used common areas.
B. Turf shall not be allowed in areas eight (8) feet wide or less.
C. Turf or high water-use plants shall not be allowed on slopes that exceed twenty-five (25) percent.
D. Only plants on the County approved list, as updated from time to time or other drought tolerant plants approved by the County shall be used.
E. Where irrigation is used, timers shall be installed.
F. Rainwater harvesting and re-use shall be utilized where practical.
G. Sprinkler heads shall be installed no closer than eight (8) inches from impermeable surfaces.
H. Impermeable covering shall not be applied to any soil surfaces.
I. A minimum of a two (2) inch thick layer of porous mulch shall be applied to all irrigated, non-turf areas.

412.03 Common Use Buildings

A. All lavatory faucets shall be equipped with mechanisms that close automatically after delivering not more than one (1) quart of water.
B. Cooling systems that do not need a water source shall be used.
C. Outdoor misters are prohibited.
D. All hot water pipes shall be insulated.
E. All hot water pipes shall be re-circulating and shall have hot water pumps with timers along with adequate signage appropriately displayed on the hot water heater identifying the pump and timer and include instructions for use. On demand hot water systems are exempt from this requirement.
F. As adopted in the *Cochise County Zoning Regulations*, pool and spa covers shall be used to prevent evaporation.
G. A gray water diversion valve with a pipe exiting to a potential irrigated landscaped area shall be installed at a minimum, on washing machines, with adequate educational signage prominently displayed if approved by the Cochise County Health Department. The exit pipe shall be adequately marked to indicate it as a non-potable water pipe in conformance with Arizona Department of Environmental Standards.
H. Water efficient washing machines are required.

413 Land Clearing

A note shall be placed on the tentative and final plats stating that all land clearing shall be in conformance with the *Cochise County Land Clearing Ordinance* and clearing methods depicted on the improvement plans and in the *Hydrology and Hydraulic Report.* Clearing for subdivisions shall not occur until the improvement plans are reviewed and substantially approved or self-certified by a Professional Civil Engineer registered by the State of Arizona.

414 Lots

A. The lot area and minimum building setback lines shall conform to the requirements of zoning and other applicable regulations.
B. The depth and width of lots shall be adequate to provide for off-street parking and loading requirements.
C. Double frontage lots, except corner lots, shall be prohibited on streets that are identified or function as County collectors and arterials unless a one-foot no access easement is recorded.
D. Lots cannot be further split.
E. In numbering lots, the following rules apply:
    1. An Arabic numeral shall designate each lot.
    2. Numbering shall follow in a continuous fashion within the subdivision.
    3. Common areas shall be designated by capital letters and be designated in sequence within a subdivision starting with the letter “A”.

415 Lot Corner Staking and Monument Improvements

The subdivider shall be responsible for installing lot corner staking and monument improvements as described below:

A. Lot corner staking shall be iron or steel bars, or iron pipes at least fifteen (15) inches long and one-half (1/2) inch in diameter and shall be set at all corners, angle points and points of curvature for each lot and block within the subdivision, except for those points at which a monument is found or installed.
B. Survey monuments shall be installed at:
    1. All corners and angle points in the boundaries of the subdivision.
    2. The intersecting points of center lines of streets.

3. The intersections of the rights-of-way lines of streets within the boundaries of the plat.
4. At all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the right-of-way lines of streets.

416 Maintenance of Common Areas

A. An appropriate mechanism, homeowners' association, or some other method shall be required to ensure that common areas, including but not limited to private streets and drainageways and conservation areas, are maintained for the purposes intended, in a manner satisfactory to the Planning and Zoning Commission and the Board of Supervisors.
B. Enforceable covenants and restrictions shall specify the ownership of the common areas and the responsibility for maintenance, taxes, and insurance. If an association is involved, the covenants and restrictions shall include guarantees that any such association will not be dissolved without the consent of the County.
C. The County may agree to enforce specific covenants and restrictions if this provision is stated on the final plat as a condition of plat approval.
D. Thirty (30) days written notice to the County is required if responsibility for the common areas is to be transferred. The County reserves the right to prohibit any such transfer that would not be consistent with these regulations.

417 Requirements for Covenants, Conditions and Restrictions

When common areas such as private streets, drainageways, and conservation areas are held in common ownership and maintained by a homeowners' association, the developer shall:

A. Provide the County with a copy of the covenants and restrictions governing the association, to be recorded with the final plat.
B. Include the following declaration in the covenants, conditions and restrictions when private streets and drainageways are proposed:

> "All private streets and drainageways depicted on the plat shall remain private and shall not be dedicated to public use until such time as:
> - approval of any such dedication is approved by the property owner through the Homeowner's Association;
> - the County Board of Supervisors consents to accepting this public dedication; and
> - the streets are upgraded to current County standards before being dedicated to public use."

C. Formally establish the association upon final plat approval.
D. Require mandatory membership for homeowners.
E. Require that the Association be responsible for maintenance of common areas, pursuant to a comprehensive maintenance plan.
F. Provide a means for obtaining adequate financial support for the association.
G. Require that the County be given thirty (30) day's written notice if responsibility for the common areas is to be transferred.

418 Phasing

A. Phasing shall be approved as part of tentative plat approval and depicted on tentative and final plats.
B. Subdivision phasing shall be designed so that each phase can function independently if the other phases are not completed.
C. All improvements shall be completed for a phase before any assurances guaranteeing improvements are released.

D. Improvements required to address regional and area needs shall be completed as part of the first phase unless otherwise expressly authorized by the Board of Supervisors.

419 Improvement Plans

A. Three (3) complete sets of engineering plans and subsequent revisions shall be submitted as self-certified by a Professional Civil Engineer registered by the State of Arizona or submitted for County review along with appropriate review fees in the amount as set forth in the applicable adopted County Fee Schedule, in which case subsequent revisions shall also be submitted for approval by the County Engineer.
B. Improvement plans shall include all road, drainage, fire protection, utilities, road and regulatory signs and markings and other improvements required for approval of the tentative and final plats.
C. At a minimum, improvement plans and regulatory signs and marking plans for the first subdivision phase shall be substantially approved by the County Engineer or shall be self- certified by a Professional Civil Engineer registered by the State of Arizona prior to final plat approval. Road design and regulatory signage shall be provided for the entire subdivision.
D. The Board of Supervisors shall approve regulatory signs for public roads as part of final plat approval.
E. Improvement plans shall provide for and conform to the requirements in the *Cochise County Road Construction Standards and Specifications for Public Improvements, Floodplain Regulations,* and *Cochise County Land Clearing Ordinance.*
F. Prior to approval by the County Engineer, the developer shall provide written confirmation that the plans have been reviewed and approved by the pertinent utility companies.
G. Unless the Board of Supervisors authorizes a specific amendment to the approved plans, Board approval of the final plat shall be conditional upon the obligation to construct all improvements as indicated on the approved plans.

Article 5 Lot Sales, Improvement Security and Inspections

501 Securing Subdivision Improvements

The purpose of this article is to describe the acceptable methods to guarantee that the required on-site and off-site improvements and utilities are provided before lots are sold. Unless all required improvements are completed, and approved by the County before final plat approval, some method of security to guarantee improvements shall be approved at the time of final plat approval. Any such agreement between the County and the subdivider, Title Company, escrow agent, surety or financial institution shall:

A. Be in favor of the County.
B. Be continuous in form.
C. Designate the County as the beneficiary.
D. Be approved by the County Attorney.

501.01 Assurance Agreement

An assurance agreement (third party trust agreement) is the most commonly used method of providing assurances.

A. The Board of Supervisors approves assurance agreements at the time of final plat approval.
B. The title to the subdivided property is placed in trust with a third party escrow agency or trust company authorized to do business in the State of Arizona along with an agreement between the trustee and the County that title to any lot or parcel within the subdivision will not be transferred until written approval is given by the County for the release or partial release of property held in trust. The County will not authorize any such release until the necessary improvements have been completed.
C. The agreement must contain an accurate legal description of the subdivision.
D. Special conditions or improvements unique to the subdivision shall be listed in an attached exhibit.
E. The agreement must be recorded at the time of final plat recordation.
F. The agreement must provide authorization for County to abandon the subdivision final plat and convert the property to unsubdivided land if the required improvements fail to be installed in compliance with the County's standard specifications within three years:
    1. The Planning Director, or representative, under authority vested by the Board of Supervisors, may extend the time specified to complete improvements for one (1) year if the purposes of these Regulations would still be served.
    2. The Board of Supervisors may extend the time specified to complete improvements for additional terms if the purposes of these Regulations would still be served.
    3. The subdivider must demonstrate that progress has been made to complete improvements or that an undue hardship would result.
G. If the subdivision is sold, a new assurance agreement shall be executed concurrently with the sale.
H. Assurances shall be released as follows:
    1. After final plat approval, lots for five (5) model homes per phase can be permitted to the developer or duly authorized sales representative prior to completion of improvements. These homes shall not be sold to individual property owners or occupied for residential use until they are released for sale. Model homes will be permitted by phase and additional model homes shall not be permitted for subsequent phases until improvements are completed in the previous phase.
    2. Upon the recommendation of the County Engineer, the Planning Director, or representative, under authority hereby vested by the Board of Supervisors, may release assurances upon a

determination that all improvements are completed in accordance with all conditions of final plat approval.

3. The Planning Director shall record a form in the County Recorder's Office indicating which lots have been released from an assurance agreement within a recorded subdivision.
4. Partial releases shall only be approved for completed phases.

501.02 Surety (Performance) Bond, Irrevocable Letter of Credit, Cash or Certified Check

A. A surety bond, irrevocable letter of credit, cash or certified check are all acceptable methods to ensure completion of improvements provided that they are submitted and accepted by the County before final plat approval.
B. A surety bond or irrevocable letter of credit used for security must be executed by a financial institution or insurer licensed to do business in the State of Arizona.
C. The total amount to be bonded or obligated must equal the cost estimate for the required improvements. A professional civil engineer registered to practice in the State of Arizona must prepare the estimates and improvement plans. The estimates shall include all expenses that would be incurred by a third party if completing the construction, including materials, equipment, labor, engineering and supervision costs, and an appropriate cost inflation factor. The estimates and preliminary construction plans shall be transmitted to the County Engineer for inspection and approval. The estimates shall be in the amount necessary for the County to construct all required improvements in the event the subdivider defaults.
D. 75 percent of the lots can be sold and building permits issued upon recordation of the final plat and acceptance of the required security. The Board of Supervisors shall specify a completion date for improvements.
E. If the subdivider fails to complete the improvements upon which final plat approval was based, the Board of Supervisors may, after reasonable notice to the subdivider, order the cessation of all future land sales until the improvements are completed. The Board at its discretion may demand payment of all security and proceed as determined necessary to protect the public health, safety, and welfare.
F. The County shall return the security upon acceptance of public improvements which shall occur within one (1) year after completion of the improvements.

501.03 Other Methods of Security

The subdivider may request that the Board of Supervisors approve a substitute means of improvement security. Such a request must be accompanied by the appropriate agreements and any related submittals.

502 Construction and Inspections of Improvements

Improvements required as part of subdivision approval are the subdivider's responsibility. The Board of Supervisors shall not consider the acceptance, for maintenance, of any subdivision streets or other subdivision improvements unless they have been constructed and improved to the minimum *Cochise County Road Construction Standards and Specifications for Public Improvements, Floodplain Regulations for Cochise County* or other standards set forth in the Subdivision Regulations or approved by the Board of Supervisors. Inspection and acceptance of improvements shall proceed as follows:

A. A right-of-way permit application shall be submitted for streets dedicated to the public, based on the approved improvement plans, before construction is started.
B. The subdivider shall have a professional civil engineer registered to practice in the State of Arizona supervise the construction of public and private improvements.

C. The subdivision engineer shall invite the Highway and Floodplain Inspector and Planning Director or designated representative to a pre-construction meeting and ensure that Highway and Floodplain Inspectors are involved before any construction is started. At this meeting inspections throughout construction shall be scheduled as agreed upon between the subdivision engineer and the Highway and Floodplain Inspector.
D. The subdivision engineer shall give the inspectors two (2) days notice for inspections.
E. Inspections shall be conducted as described in the *Cochise County Road Construction Standards and Specifications for Public Improvements.*
F. Following completion of all required improvements for the subdivision or any phase, a certificate signed and sealed by the subdivision engineer shall be submitted to the County Engineer. This certificate shall:
    1. Certify that all improvements have been completed in substantial accordance with the provisions of these Subdivision Regulations and all other applicable County regulations and in accordance with the plans approved by the County Engineer upon which approval of the final plat was based.
    2. Include a report of the date that the subdivision engineer conducted inspections.
    3. Include a copy of the ADEQ *"Certificate of Approval of Construction"* for water and wastewater systems.
    4. Include a stamped "Record Drawing" ("as-built") set of Mylar plans along with an electronic version on a CD or 3.5 inch Floppy Disc compatible with the County's current version of AutoCAD.
G. Upon receipt of the certification of all completed improvements provided by the project engineer, the County Inspection Team, to include the County Engineer or designated representatives (Engineering and Technical Services Engineer and Inspector and Operations Supervisor) and the Planning Director or designated representatives, shall conduct a final inspection of improvements.
H. The County Engineer shall give final approval if based on the report from the inspection team improvements are satisfactorily completed in accordance with the approved improvement plans.
I. The County will formally accept public improvements into the County's maintenance system one year after final inspection upon the determination by the County Engineer that no additional public improvements are required. The applicant is responsible for any repair or re-construction if the public improvements fail to meet the required standards during this one (1) year period.
J. An inspection fee for public improvements in the amount as set forth in the adopted Highway and Floodplain Fee Schedule as amended from time to time shall be required.
K. An inspection fee for private improvements in the amount as set forth in the adopted Planning Department Fee Schedule as amended from time to time shall be required.
L. Existing roads that are incorporated into the subdivision circulation system and that serve existing development shall be maintained to at least the current level of service during construction of subdivision improvements.

Article 6 Alternative Residential Subdivision Options

601 Purpose and Application

The purpose of this Article is to describe alternative residential subdivision options that address particular situations and offer some flexibility of design. For some low-impact developments, density bonuses, exceptions to the general submittal and review process, and alternative requirements are provided.

602 Minor Expedited Residential Subdivisions

602.01 Purpose

A. Provide a more cost-effective option for property owners creating small subdivisions.
B. Encourage landowners to participate in the subdivision process by minimizing processing costs and streamlining the review and approval process.
C. Provide density bonuses for subdivisions that access directly onto County or ADOT maintained paved streets or construct off-site streets that meet County or ADOT standards.

602.02 Description of a Minor Expedited Residential Subdivision

A minor subdivision is a subdivision that meets the following criteria:

A. The subdivision consists of twenty (20) lots or less without the density bonus or a maximum of twenty-seven (27) lots with the density bonus.
B. Lots sizes are flexible so long as health and safety issues, including water and sanitation, are properly addressed.
C. Except for road crossings, construction is **not** proposed within a designated floodplain.
D. A thirty-four (34) percent density bonus is allowed in zoning districts with a minimum lot size of 36,000 square feet or greater if access to the subdivision is or will be from a **paved** road.

602.03 Density Bonus For Minor Expedited Residential Subdivisions

Table 2
Comparison of Minor Expedited Subdivisions With and Without the Density Bonus: RU-4 Zoning District

Acres	Minor Subdivisions Without Density Bonus	Minor Subdivisions With Density Bonus
80	**20 lots** (80 acres ÷ 4-acres)	**27 lots** (20 x 1.34)
60	**15 lots** (60 acres ÷ 4 acres)	**20 lots** (15 x 1.34)
40	**10 lots** (40 acres ÷ 4-acres)	**13 lots** (10 x 1.34)
20	**5 lots** (20 acres ÷ 4-acres)	**7 lots (**5 x 1.34)

602.04 Exceptions to the General Submittal, Review Procedures and Requirements

As noted below, certain general submittals, review procedures, and requirements do not apply to the minor expedited residential subdivisions.

A. No processing fee is charged.

B. The tentative and final plat submittals are combined into a single plat. The plat can be scheduled for review and approval by the Board of Supervisors at the next available meeting after approval by the Planning and Zoning Commission.
C. A drainage report, rather than a Hydrology and Hydraulic Study is required, as defined in the *Floodplain Regulations for Cochise County.*
D. A traffic analysis report is not required.
E. Where the subdivision connects to a County maintained or ADOT paved road, off-site road improvements are not required, except that the apron connection(s) of any subdivision streets to public roads serving the subdivisions shall be improved to *Cochise County Road Construction Standards and Specifications for Public Improvements* or ADOT requirements.
F. On-site streets can be built to the *Cochise County Road Construction Standards and Specifications for Public Improvements,* low volume road standards.
G. A second means of access from a public road is not required.
H. Lot sizes are flexible. The minimum lot size is one (1) acre (43,560 square feet) unless lots are connected to an approved water and sewer system or some other ADEQ approved alternative wastewater treatment system other than a septic system.

603 Residential Conservation Subdivisions

603.01 Purpose of a Residential Conservation Subdivision

Development under this provision is optional. It is intended to encourage: a) an innovative site planning design in harmony with the natural features and historic uses, such as ranching, and compatible with constraints of specific sites; b) more cost-effective development due to decreased grading and more efficient servicing of the subdivision with utilities, streets, and other essential services; and c) conservation areas for subdivision or public purposes.

603.02 Description of a Residential Conservation Subdivision

A. A minimum of fifty (50) percent of the site shall be conservation areas. If the subdivision is proposed to be done in phases, conservation areas for each phase shall be fifty (50) percent. Conservation areas are intended to conserve, in perpetuity, resources that might otherwise be permanently altered by development. These areas shall comprise no less than 40 acres for one subdivision.
B. In zoning districts with a minimum lot size of 36,000 square feet or greater, a thirty-four (34) percent density bonus is provided so long as the subdivision complies with the design and improvement requirements of this Article.
C. In zoning districts with a minimum lot size of 36,000 square feet or greater, a fifty (50) percent density bonus is provided, so long as the subdivision is provided with: a water utility company; a sewer system designed for effluent recharge and/or re-use; fire protection, and complies with the design and improvement requirements of this Article.
D. Lot sizes are flexible and do not need to meet the minimum lot size of the zoning district except that the minimum individual lot-size must conform to requirements for sewage disposal, water distribution systems, and fire protection described in Article 4.
E. Density bonuses cannot be applied to areas within a previously-approved master development plan.

603.03 Density Bonus

Example of Density Bonus For a 1000-Acre Parcel, Zoned RU-4

Subdivision Type	Conservation Areas	Number of Lots & Density Bonus
Conventional	None	**Maximum 250 lots (may be less after calculating roads)** (No density bonus)
Conservation	50% conservation areas = 500 acres	**335 lots** (34 % bonus: 250 lots x 1.34)
Conservation with Sewer, Water & Fire Protection	50% conservation areas = 500 acres	**375 lots** (50 % bonus: 250 lots x 1.5)

603.04 Conservation Area Definition and Design

Conservation area: That area of land not occupied by buildings, towers, walls, billboards, or man-made impervious surfaces that is set aside or reserved in perpetuity for historic ranching use and/or public or subdivision residents' enjoyment or use. It shall be an integral part of the design within the boundaries of the subdivision and under common ownership or easement.

A. The following categories generally should be included in the conservation area:

1. Wetlands and cienegas;
2. Wash corridors, including a minimum of 50 feet from the primary banks;
3. FEMA designated Flood Zone A's and other special flood hazard areas;
4. Hillsides with slopes greater than thirty (30) percent;
5. Ridgelines;
6. Significant wildlife habitat areas and corridors;
7. Cultural or archaeological sites listed on the National or State Register or in local land-use plans; and
8. Significant stands of predominantly unspoiled native and other historically adapted vegetation.

B. The conservation area calculation may include:

1. Other cultural or archaeological sites;
2. Paths or trails not intended for vehicular access within the public right-of-way and to and through the conservation area;
3. Historic ranching and grazing areas other than irrigated agricultural fields (accessory ranch structures or service streets may also be included).
4. Community gardening;
5. Passive outdoor recreation such as hiking, bicycling, or equestrian trails; or
6. Other similar compatible uses.

C. The conservation area calculation shall not include:

1. Any public or private streets accessing the lots;
2. Outdoor storage areas and junkyards;
3. Golf courses; and
4. Other uses or structures incompatible with the intent of conservation areas.

D. Conservation Area Design Considerations:

1. Conservation areas should be as accessible as feasible through direct access or provision of a trail system.
2. Conservation areas should be used to provide access to adjoining public lands where historic access exists. This access may be limited to subdivision residents, except where historic public access exists, in which case it shall be public access. Access may be limited to un-motorized travel only.
3. Conservation areas can be used to buffer the subdivision from adjoining uses, especially higher density or higher intensity uses.
4. The utility of conservation areas shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the conservation areas and shall be integrally related to the development and of such a size and slope as to make it useful for its intended purpose.

603.05 Exceptions/Additions to the General Submittal, Review Procedures and Requirements

As noted below, certain procedures and requirements for the Conservation Subdivision differ from those described in Articles 2, 3 and 4.

603.05.01 Preliminary Meeting, Existing Resources and Site Context Drawing

A preliminary meeting will be held to familiarize staff with the project, and the applicant with the Conservation Subdivision process. An existing resources inventory and site context drawing is needed at this meeting to show how the new subdivision fits into the surrounding landscape and show features that cross parcel lines or should be extended through the subject parcel to maintain existing circulation patterns, trails, significant water recharge, vegetation or conservation areas, and corridors. This drawing is an informal drawing that serves as the first step in determining the areas to be maintained as conservation areas. Ten (10) copies of the site context drawing shall be submitted ten (10) days before a preliminary review meeting to be scheduled by the Planning Director. The drawing must be drawn to scale and clear and legible, but does not need to be drawn by an engineer (an aerial photo can be used).

The applicant should be prepared to discuss the following information about the site and the surrounding area within three hundred (300) feet from the boundaries of the site:

1. Adjacent development and zoning.
2. Existing road circulation system in areas adjacent to the site.
3. Existing circulation systems for alternative modes of transportation such as pedestrian, bicycle and equestrian trails, or sidewalks in areas adjacent to the site.
4. Existing watercourses, stream corridors, floodplains, ponds, and wetlands on site and adjacent to the site.
5. Existing areas conserved as part of adjacent developments.
6. Public land adjacent to the site.
7. Ridgelines on site and adjacent to the site.
8. Meadows on site and adjacent to the site.
9. Significant stands of drought tolerant vegetation, native or historically adapted to Cochise County on site and adjacent to the site.
10. General topography.
11. Significant water recharge areas.
12. Hillsides with slopes thirty (30) percent or greater.
13. Existing cultural, archaeological, or historic sites.
14. Scenic corridors identified in adopted County land-use plans if any.

603.05.02 Site Visit

After the existing resources inventory and site context drawing have been reviewed with the Subdivision Committee, the subdivider shall arrange a staff visit to the site to familiarize those reviewing the application with the property. This visit provides an informal setting to discuss preliminary site design and location of conservation areas. The visit should include, but is not limited to, staff from the Planning and Highway and Floodplain Departments, a Planning and Zoning Commissioner if possible, the subdivider, the property owner or seller if available, or someone else familiar with the property, and the subdivision engineer.

603.05.03 Site Layout Meeting

Based on the existing resources inventory, site context drawing, and the site visit, the next step is to develop a preliminary site layout. This can be done as an overlay(s) to the existing resource/site analysis map. It is to be done in conjunction with the Subdivision Committee at a working meeting.

Step 1: Identify Significant Conservation Areas

Sketch in the significant areas listed in 603.04 that shall remain as mandatory conservation areas. The existing resources inventory and site context drawing and site visit provide the information needed to identify these areas.

Step 2: Draw in remaining interconnected conservation areas

It is likely the conservation areas defined in Step 1 will not make up the required fifty (50) percent of the site. The next step is to draw in the remaining conservation areas. These conservation areas shall be designed as described in Section 603.04.

Step 3: Locate Housing Sites

Once Steps 1 and 2 are completed, the area remaining is developable area. In this step, housing sites are located in the developable areas. Locating conservation areas first makes it possible to select housing sites with the best views and access to the conservation areas.

Step 4: Locate Streets and Trails

Once the conservation areas and housing locations have been identified, streets and trails are more easily sited with less impact to the terrain and special features of the site.

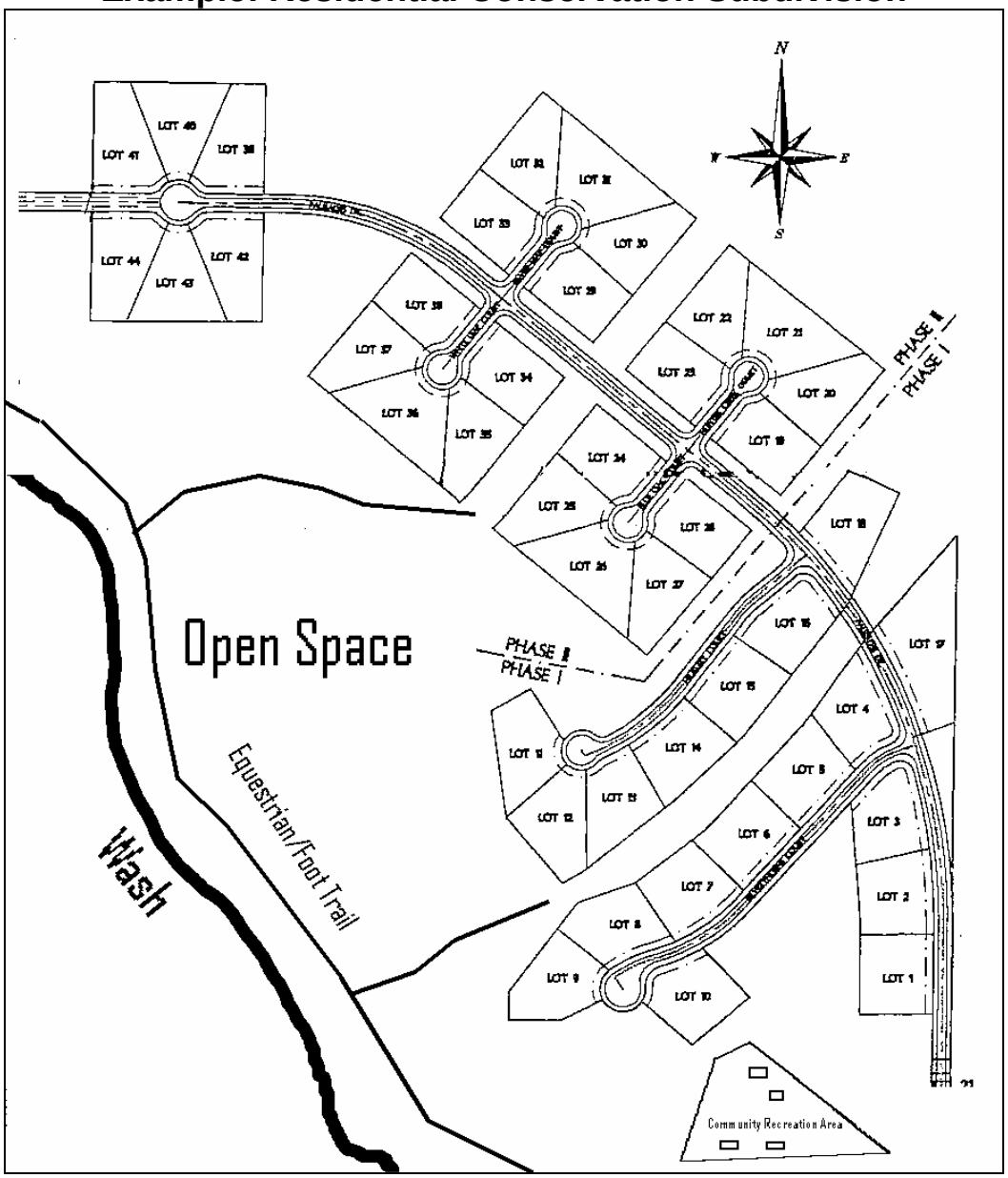
Step 5: Draw in Lot lines

The final step is to draw in the lot lines. Lot sizes are flexible, with a minimum lot size of one (1) acre (43,560 square feet) if individual septic systems and wells are used on individual lots.

603.05.04 Conformance with Site Layout Plan: Formal Tentative and Final Plat Process

The remaining process follows the requirements described in Articles 2 through 5. Additionally, along with these general requirements, the tentative and final plats must be in substantial conformance with the site layout agreed upon by the Subdivision Committee in the previous steps. Conservation areas as agreed upon in the site layout meeting must be depicted on the Tentative and Final Plats with a note calculating the percentage of conservation area provided.

Example: Residential Conservation Subdivision



Adopted 06/22/2004, Resolution # 04-41 #040721721
Revised 01/05/2007 Resolution 06-127
Revised April 18, 2008, Resolution 08-20
Revised June 10, 2008, Resolution 08-45

Article 7 Definitions

701 General Rules

Unless specifically defined below, words or phrases used herein shall be interpreted so as to give them the meaning they have in common usage and to give these Regulations their most reasonable application.

A. Board of Supervisors means the Board of Supervisors of Cochise County also known as the Board.
B. Building includes the word structure.
C. Commission means the Cochise County Planning and Zoning Commission.
D. Common usage shall be used to interpret all words and terms unless otherwise defined.
E. Lot includes the words plot or parcel.
F. Person includes a firm, association, organization, partnership, trust, or company as well as an individual.
G. Shall and must are mandatory and the words may, can and should are permissive.
H. Applicant includes subdivider, developer, property owner, and authorized representative.
I. Used or occupied includes the words intended, designed, or arranged to be used or occupied.
J. The words road and street can be used interchangeably.

702 Definitions

Abandoned: Said of streets, public ways, easements or rights-of-way when the Board of Supervisors, by proper actions abrogates all public rights to said streets, public ways, easements or rights-of-way.
Acre: An area of land comprising forty-three thousand, five hundred sixty (43,560) square feet.
Agent: Person representing the applicant during subdivision project. An agent shall provide a notarized authorization of agency from the property owner(s).
ADOT: Arizona Department of Transportation.
Approval, Tentative: Approval of the tentative plat by the Commission.
Approval, Conditional: An affirmative action by the Commission or the Board of Supervisors indicating that approval shall be forthcoming upon satisfaction of certain specified stipulations
Approval, Final: Unconditional approval of the final plat by the Board of Supervisors, as evidenced by certification on said plat by the Clerk of the Board of Supervisors.
Area of Jurisdiction: All of that part of the County outside the limits of any incorporated municipality.
Block: That property or group of lots entirely surrounded by streams, rail, streets, unsubdivided acreage, or other barrier, except an alley, of such size as to interrupt the continuity of development on both sides thereof.
Common areas: Those areas reserved for the common use of all subdivision property owners. Common areas can include commonly owned conservation areas, private streets, and other private infrastructure and areas maintained in agricultural or other conservation easements.
Conservation Easement: A recorded document preserving land in perpetuity in its present, repaired, or enhanced state as described in the easement document.
Cost estimates: The estimated cost of subdivision improvements including an appropriate inflation factor, approved by the County Engineer, to be used to determine the amount needed to secure improvements.
Covenants, conditions, and restrictions: A privately executed, recorded, and enforced document designed to govern the use of lots within a subdivision. The County can not legally enforce covenants unless specific restrictions are denoted on the final plat as a condition of final plat approval.
Dedication: The giving by the owner of private property for public use, and the acceptance by the proper public authority.

Defensible Space: Refers to an area around the perimeter of structures or developments that is designed to be a key point of defense against encroaching fires.
Easement: A grant by the owner to the public or some particular person or part of the public of a parcel of land set aside or over which a liberty, privilege or advantage in land without profit exists, but distinct from the ownership of said land.
Engineer, County: The Cochise County Engineer who is the Highway and Floodplain Department Director or a designated representative.
Engineer, Subdivision: The project engineer registered to practice in Arizona and authorized by the property owner to oversee the project including construction of improvements.
Engineering Improvement Plans: Plans, profiles, maps, cross-sections, and other required details necessary for the construction of public improvements, prepared by an engineer registered to practice in the State of Arizona in accordance with the approved tentative plat and in compliance with standards of design and construction of the County.
Exception: Any parcel of land located within the boundaries of a subdivision that is not included in the plat.
Fees: As set forth in the adopted Recorder, Planning and Zoning, Highway and Floodplain, and Health Department Fee Schedules. All checks are payable to the Cochise County Treasurer.
Floodplain Regulations: The *Floodplain Regulations for Cochise County* adopted by the Flood Control District and as amended from time to time.
Metes and Bounds: The legal description of a lot or parcel of land by courses and distances.
Owner: The person or persons holding title by deed to land, or holding title as vendees under a land sale contract, or holding any other title of record.
Parks: Include turf field game areas, hard-surface game courts, multiple use-areas, circulation, parking, recreation service buildings and other park-related uses.
Paved: to include double bituminous surface treatment and asphaltic concrete.
Plan, Comprehensive: Plan and maps adopted by the Board of Supervisors for the guidance of growth in Cochise County.
Plans, Other: Other plans and maps adopted by the Board of Supervisors as amendments to the Comprehensive Plan for the guidance of growth in a specific area of Cochise County. The term plan includes community, regional, neighborhood, area, master development, and transportation or circulation plans.
Planning Director: The Director of the Cochise County Planning Department.
Plat, Tentative: A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with the provision of these Subdivision Regulations.
Plat, Final: A map of all or a part of a subdivision providing substantial conformance to an approved tentative plat prepared in accordance with the provisions of these Subdivision Regulations and bearing all certificates of approval as required by these Subdivision Regulations and duly recorded by the Cochise County Recorder.
Rights-of-Way: The entire dedicated tract or strip of land that is for the use of the public for circulation and services, the length and width of which shall be sufficient to provide adequate accommodation for all physical features to be included therein in accordance with the *Cochise County Road Construction Standards and Specifications for Public Improvements*,.
Roadway Construction Standards: Refers to the *Cochise County Road Construction Standards and Specifications for Public Improvements*, a set of regulations setting forth details, specifications, and requirements established by the County Engineer, approved and amended from time to time by the Board of Supervisors, for design and construction of improvements within established County road rights-of-way and within private subdivision street easements.
Rural Subdivision: Average density of one dwelling unit per two (2) acres or less dense.
Signs and markings: Street name signs including directionals, stop signs, speed limit, and other regulatory signs and markings. Signs shall comply with *Manual of Uniform Traffic Control Devices*

(MUTCD) and all regulatory signs shall be approved by the Board of Supervisors as part of final plat approval.

Substantial progress towards final plat approval: Substantial progress requires that a final plat has been submitted for review and that progress has been made addressing any conditions of Tentative Plat approval.

Tract: Any portion of land included within the subdivision that is not used as an individual parcel usually denoted A, B, C…. The purpose of a tract shall be denoted on the tentative and final plats.

Article 8 Adoption of Ordinance and Severability

801 Application

These Subdivision Regulations shall apply and govern the subdivision of all land within the area of jurisdiction. Where these Subdivision Regulations impose a greater restriction upon land improvement, development, or use, than is imposed or required by existing provisions of law, ordinance, contract, or deed, these Subdivision Regulations shall control.

802 Approval Required

Until a tentative plat and a final plat of a subdivision shall have been approved and recorded in accordance with these Subdivision Regulations, no person proposing a subdivision within the area of jurisdiction shall subdivide or file a plat for record, or sell any part of said subdivision.

803 Zoning

All proposed subdivisions shall be designed to meet the requirements for the zoning district within which it is located. In the event that an amendment or variance from zoning requirements is requested, said action shall be initiated by the property owner or his authorized agent. The processing of the tentative plat shall not proceed until a complete application for such zoning amendments or variances required in relation to said tentative plat has been submitted. A final plat shall not be approved until such zoning amendments or variances have been approved.

804 Severability

If any provisions of these Subdivision Regulations be held invalid, such invalidity shall not affect other provisions that can be given effect without the invalid provision, and to this end the provisions of these Subdivision Regulations are declared to be severable.

805 Conflicting Provisions Repealed

All other ordinances, regulations, resolutions and parts thereof which conflict with the provisions of these Subdivision Regulations, to the extent of such conflict and no further are hereby repealed.

806 Amending the Regulations

The Board of Supervisors may, after receiving a recommendation from the Commission and after holding a public hearing as required by law, amend these Subdivision Regulations. Amendments may be initiated pursuant to an application or by the Commission on its own motion.

807 Effective Date

These Subdivision Regulations shall become effective beginning on June 22, 2004 and remain in full force thereafter.

APPROVED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 22nd DAY OF JUNE 2004

RESOLUTION NUMBER 04-41

COCHISE COUNTY

Subdivision Regulations Update

Board of Supervisors
June 25, 2019

Cochise County
Development Services

Public Programs…Personal Service

COCHISE COUNTY

Docket R-19-02 is a proposed repeal and replacement of the Cochise Subdivision Regulations

COCHISE COUNTY

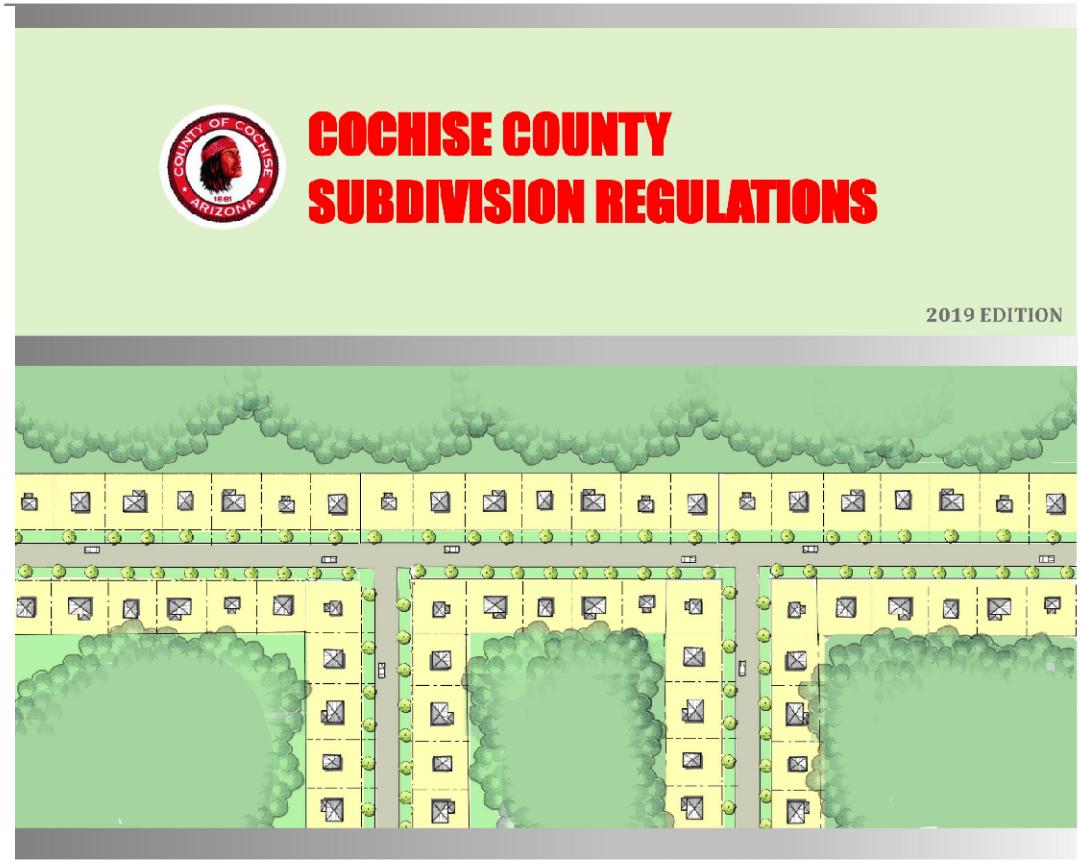
SUBDIVISION REGULATIONS

Adopted 12/18/1974

Re-adopted June 22, 2004, Resolution 04-41

Revised January 5, 2007, Resolution 06-127
Revised April 18, 2008, Resolution 08-20
Revised June 20, 2008, Resolution 08-45
Revised December 6, 2016, Ordinance 16-06

Current Regulations



Proposed Regulations

At an October 2017 work session, staff was directed to:

- Update the regulations to conform with current ARS.
- Perform clerical revisions to reflect current practices.
- Remove the Minor Expedited Subdivision option.
- Remove the requirement for P&Z review of tentative plats.

At the January 9, 2019 Planning Commission meeting, the following changes were presented:

- Eliminating a provision that required septic testing on at least one-third of all subdivision lots. Current state law requires testing on all septic system prior to permit issuance.
- Removing obsolete technology references.
- Eliminating the "Minor Expedited Subdivision" process. The Minor Expedited Subdivision process was a no-fee planning review option that was used to circumvent the drainage review and more-intensive subdivision regulation process.
- Removing the requirement for the review of tentative plats by the Planning and Zoning Commission.

Since that meeting, staff has incorporated these revisions into a revised document (Attachment A)

ARTICLE 4 PLAT ELEMENTS

401 PURPOSE

The purpose of this Article is to describe the specific elements required on plat submittals.

402 CIRCULATION

402.01 Circulation and Layout

A. Subdivision design shall provide public streets of a type and in locations adequate to accommodate current and projected future circulation needs within the subdivision and the surrounding area.

B. Access into the subdivision from off-site streets shall be sufficient to facilitate emergency access to all lots.

1. A minimum of two means of access, built to *Cochise County Road Construction Standards & Specifications for Public Improvements*, is required for all residential subdivisions except rural subdivisions (see definition) and subdivisions with twenty-seven (27) lots or fewer.

2. All non-residential subdivisions shall provide a second means of access built to *Cochise County Road Construction Standards & Specifications for Public Improvements*.

C. Non-local traffic on local streets shall be discouraged by the use of appropriate traffic calming methods and road layout design.

D. Half-streets or partial width rights-of-way shall be prohibited except where necessary to provide right-of-way, to complete a road pattern already begun, or to insure reasonable development of adjoining parcels. Where a platted half-street abuts the proposed subdivision, the remaining half width shall be platted within the subdivision.

E. Adequate access shall be provided to each lot through public or private streets.

F. Direct access from individual lots to streets that are identified or function as collectors and arterial streets shall be prohibited through subdivision design or via a one (1) foot no-access easement.

G. Corner lots shall access onto local streets.

H. Road design shall be compatible with approach grades, drainage, bridges, or future grade separations, where a subdivision abuts or contains the right-of-way of a railroad, limited access highway or irrigation canal.

I. Cul-de-sac streets shall terminate in a circular turnaround area with a radius of at least fifty-(50) feet.

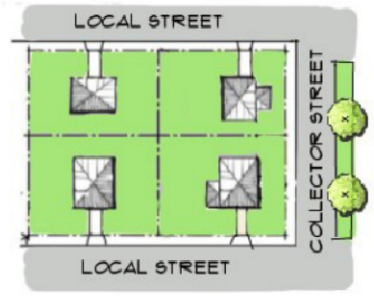


Figure 6: Corner lots shall access lower speed local streets

J. Cul-de-sacs shall not exceed six hundred (600) feet in length from the entrance to the circumference of the turnaround area except in rural subdivisions (see definition) where cul-de-sacs can be twelve-hundred (1200) feet in length.

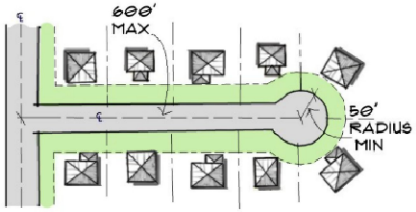


Figure 7: Maximum cul-de-sac length and minimum turn around

COCHISE COUNTY

In addition, the following substantive changes are proposed for conservation subdivisions.

ARTICLE 5 ALTERNATIVE CONSERVATION SUBDIVISION OPTIONS

Example of Density Bonus For a 1000-Acre Parcel, Zoned RU-4		
Subdivision Type	**Conservation Areas**	**Number of Lots & Density Bonus**
Conventional	None	**Maximum 250 lots (may be less after calculating roads)** (No density bonus)
Conservation	50% conservation areas = 500 acres	**335 lots** (34 % bonus: 250 lots x 1.34)
Conservation with Sewer, Water & Fire Protection	75% conservation areas = 500 acres	**437 lots** (75 % bonus: 250 lots x 1.5)

other special flood hazard areas;

4. Hillsides with slopes greater than thirty (30) percent;
5. Ridgelines;
6. Significant wildlife habitat areas and corridors;
7. Cultural or archaeological sites listed on the National or State Register or in local land-use plans; and
8. Significant stands of predominantly unspoiled native and other historically adapted vegetation.

C. The conservation area calculation may also include:

1. Other cultural or archaeological sites;
2. Paths or trails not intended for vehicular access within the public right-of-way and to and through the conservation area;
3. Historic ranching and grazing areas other than irrigated agricultural fields (accessory ranch structures or service streets may also be included).
4. Community gardening;
5. Passive outdoor recreation such as hiking, bicycling, or equestrian trails; or
6. Other similar compatible uses.

D. The conservation area calculation shall not include:

1. Any public or private streets accessing the lots;
2. Outdoor storage areas and junkyards;
3. Golf courses; and
4. Other uses or structures incompatible with the intent of conservation areas.

E. Conservation Area Design Considerations:

1. At least twenty-five (25) percent of the conservation area shall consist of land that is suitable for building.
2. At least seventy-five (75) percent of the conservation area shall be in a contiguous tract.
3. The conservation area shall adjoin any neighboring areas of conservation areas, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected conservation areas.
4. The conservation area shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the conservation area.
5. Conservation areas should be as accessible as feasible through direct



Summary and Recommendation:

The updates and edits included in these proposed subdivision regulations reduce the complexities, contradictions and unnecessary regulations of the adopted subdivision regulations. In addition, the document includes density bonuses to encourage subdivision development in lieu of minor land divisions. Staff is requesting that the Board consider approving the changes as presented.

Sample Motion: *Chairman Supervisor, I move to approve Docket 19-02 as proposed.*

Public Hearings 14.

Regular Board of Supervisors Meeting **Community Development**

Meeting Date:	06/25/2019		
Z-19-02 (Dollar General)			
Submitted By:	Robert Kirschmann, Community Development		
Department:	Community Development	**Division:**	Development Services
Presentation:	PowerPoint	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	2
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-19-02 (Dollar General)		

Information

Agenda Item Text:

Adopt Zoning Ordinance 19-05 amending certain Zoning district boundaries from RU-4 (Rural one dwelling per four acres) to RU-2 (one dwelling per 2 acres), pursuant to the application of DCM Development.

Background:

The Applicant, DCM Development requested a Special Use Authorization and a Rezoning to approve a 9,100 square foot Dollar General store on the northwest corner of Burro Lane and Mescal Road, in the Mescal area.

On Wednesday, May 8, 2019, the Cochise County Planning and Zoning Commission (Commission) voted 6 – 0 to conditionally approve the special use SU-19-05 and unanimously recommended approval of rezoning Z-19-02 to the Board of Supervisors.

The Appeal period for the special use ended on May 23, 2019 and no appeal was received.

The Rezoning Application requests to change the zoning from RU-4 to RU-2. The rezoning is ***not*** required by the Zoning Regulations for the Special Use. The Applicant is requesting the rezoning because the store, drainage, and parking areas to not require the almost five acres. If the rezoning is approved, the lot can be split resulting in lots of no less than two acres reducing ongoing maintenance for Dollar General.

The complete Planning Commission packet is included for additional detailed review and analysis.

Department's Next Steps (if approved):

The Ordinance and conditions will be recorded and the official zoning map updated.

Impact of NOT Approving/Alternatives:

The Zoning of the Parcel will remain RU-4.

To BOS Staff: Document Disposition/Follow-Up:

Board staff will have the Ordinance signed and recorded, and will forward a copy 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

Presentation

Staff Report

Zoning Ordinance
Exhibit A
New Public Comments
Planning Commission Report
Revised Application materials
Original Application
Commission Public Comments
Agency Comments

COCHISE COUNTY

Z-19-02 (Dollar General)

Rezoning For Dollar General in a Rural zoning district.

Board of Supervisors

June 25, 2019

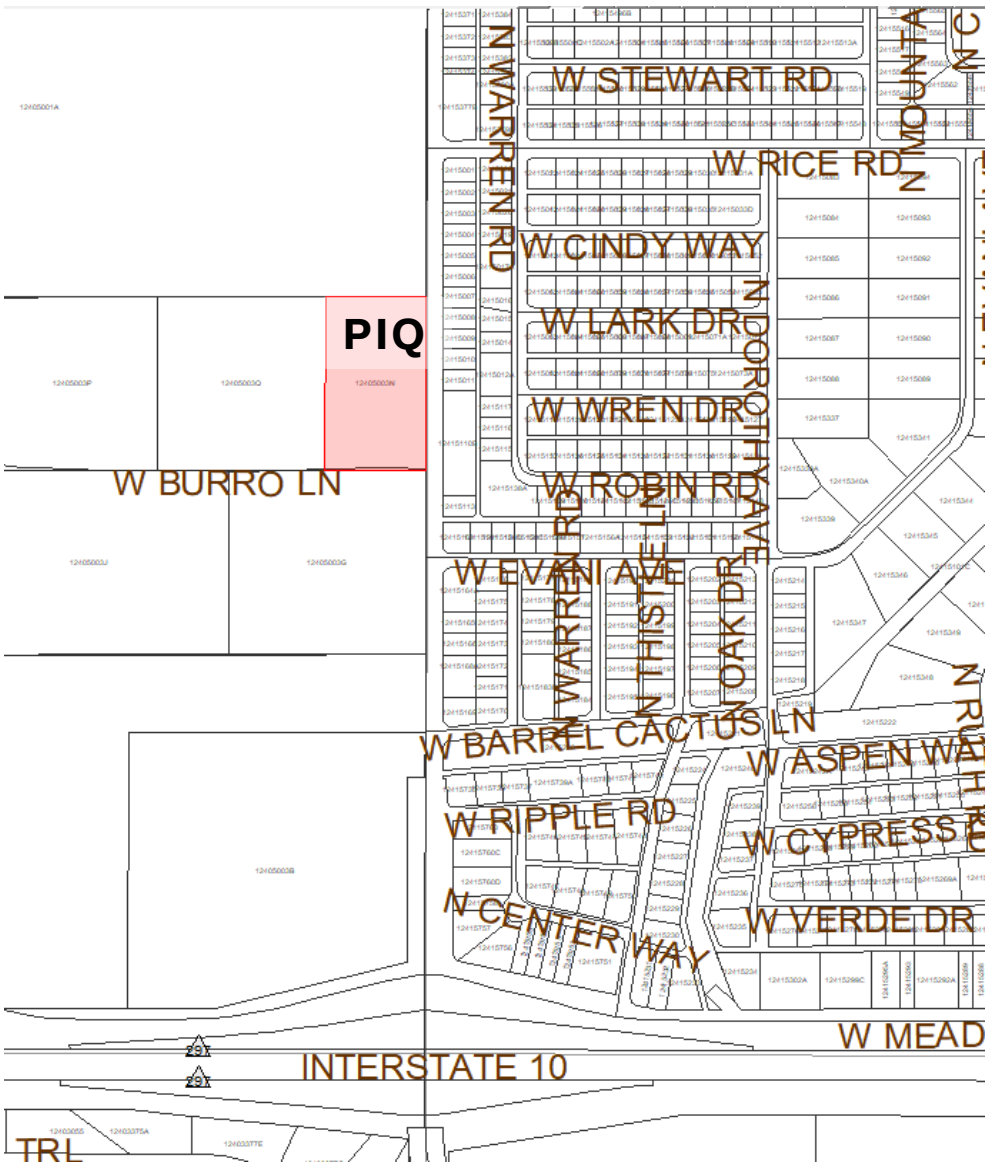
Public Programs…Personal Service

Z-19-02 (Dollar General)

- DCM Development submitted an application for a Rezoning and Special Use Permit
- The subject property, 124-05-003N is located on the northwest corner of Mescal Road and Burro Lane
- The site is currently vacant and zoned RU-4
- The site is 4.82 acres

COCHISE COUNTY

Location Map



COCHISE COUNTY

Aerial Photo

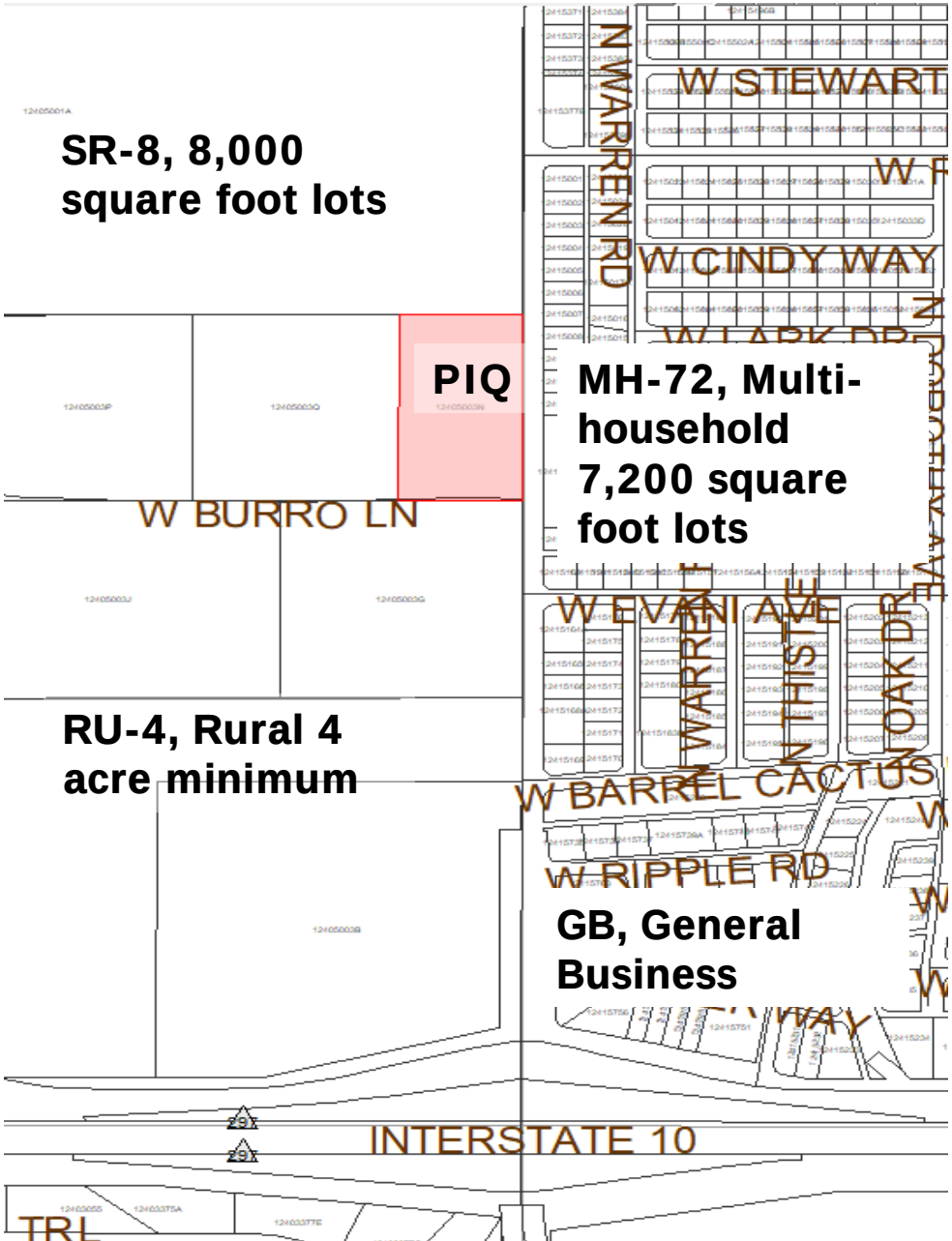


Docket Z-19-02 (Dollar General)

- The Planning Commission heard the Dockets at the April 10, 2019 meeting and requested additional information on:
  - Signage
  - Outdoor Lighting
  - Flood Control
  - Native Vegetation/screening
  - Traffic safety
- Dockets returned to Commission May 8, 2019
  - Unanimously (6-0) approved the Special Use and recommended approval of the Rezoning to the Board

COCHISE COUNTY

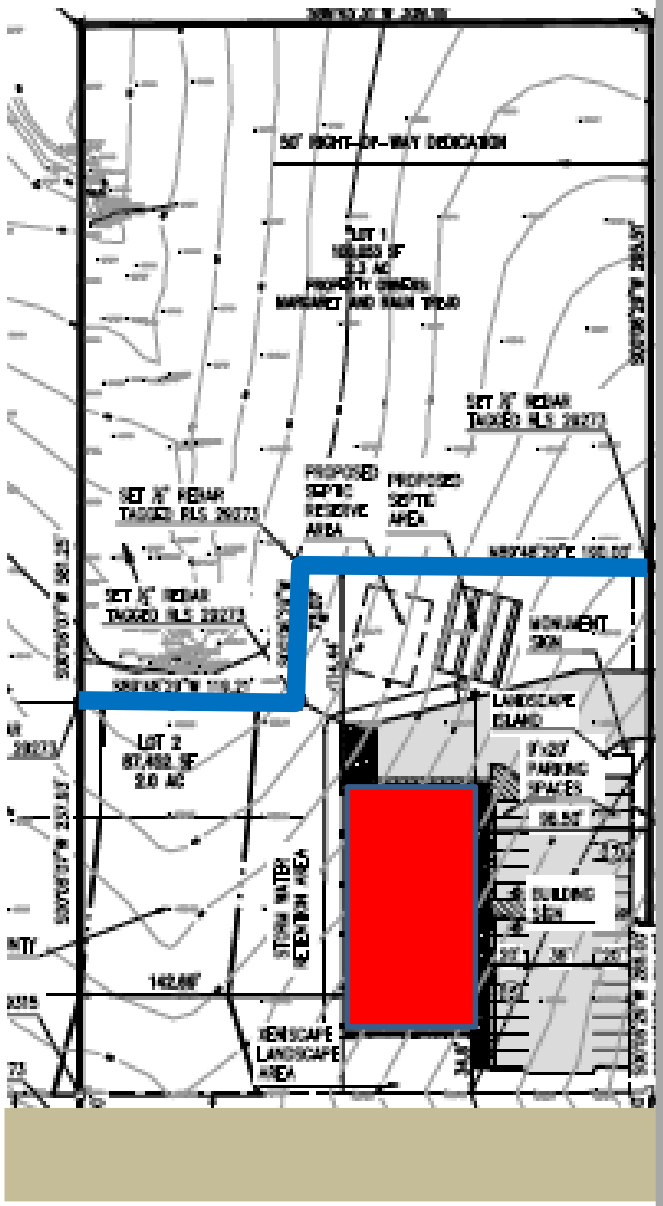
Surrounding Zoning



COCHISE COUNTY

Site Plan

- Why the Rezoning?
  - Rezoning not required
  - Applicant would prefer not to have almost 5 acres



COCHISE COUNTY

Docket Z-19-02 (Dollar General)

- Zoning Regulations have 15 factors used to evaluate a proposal
  - Thirteen of the criteria apply to this request
  - As submitted complies with 13 criteria

COCHISE COUNTY

Docket Z-19-02 (Dollar General)

Public Input

- Original Special Use/ Rezoning Application(Planning Commission):
  - Support: 10 letters
  - Opposition: 10 letters

- Rezoning (Board):
  - Support: 13 letters received
  - Opposition: 3 letters received

Factors in Favor of Approval

1. With the recommended Conditions of Approval, the Rezoning would fully comply with the thirteen of the Rezoning factors used by staff to analyze this request;
2. The rezoning request is permitted in the Growth Category D, Rural Area Designation and therefore meets the mandatory compliance for rezoning;
3. The subject parcel is of a size and configuration that would allow compliance with all applicable site development standards with the conditions;
4. Ten letters of support was originally received prior to the Planning Commission Hearing
5. An additional thirteen letters of support have been received in response to the rezoning notice.

COCHISE COUNTY

Factors Against Approval

1. Ten letters in opposition to the request were received prior to the Planning Commission meeting;
2. An additional three letters were received in response to the rezoning notification; and
3. There are no RU-2 zoning districts directly abutting the boundaries of the subject parcel, therefore this is not an expansion of an existing zoning district.

COCHISE COUNTY

Discussion



Public Programs…Personal Service

Planning Commission Recommendation: Conditional 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 Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;

COCHISE COUNTY

Z-19-02 (Dollar General)

Rezoning For Dollar General in a Rural zoning district.

Board of Supervisors
June 25, 2019

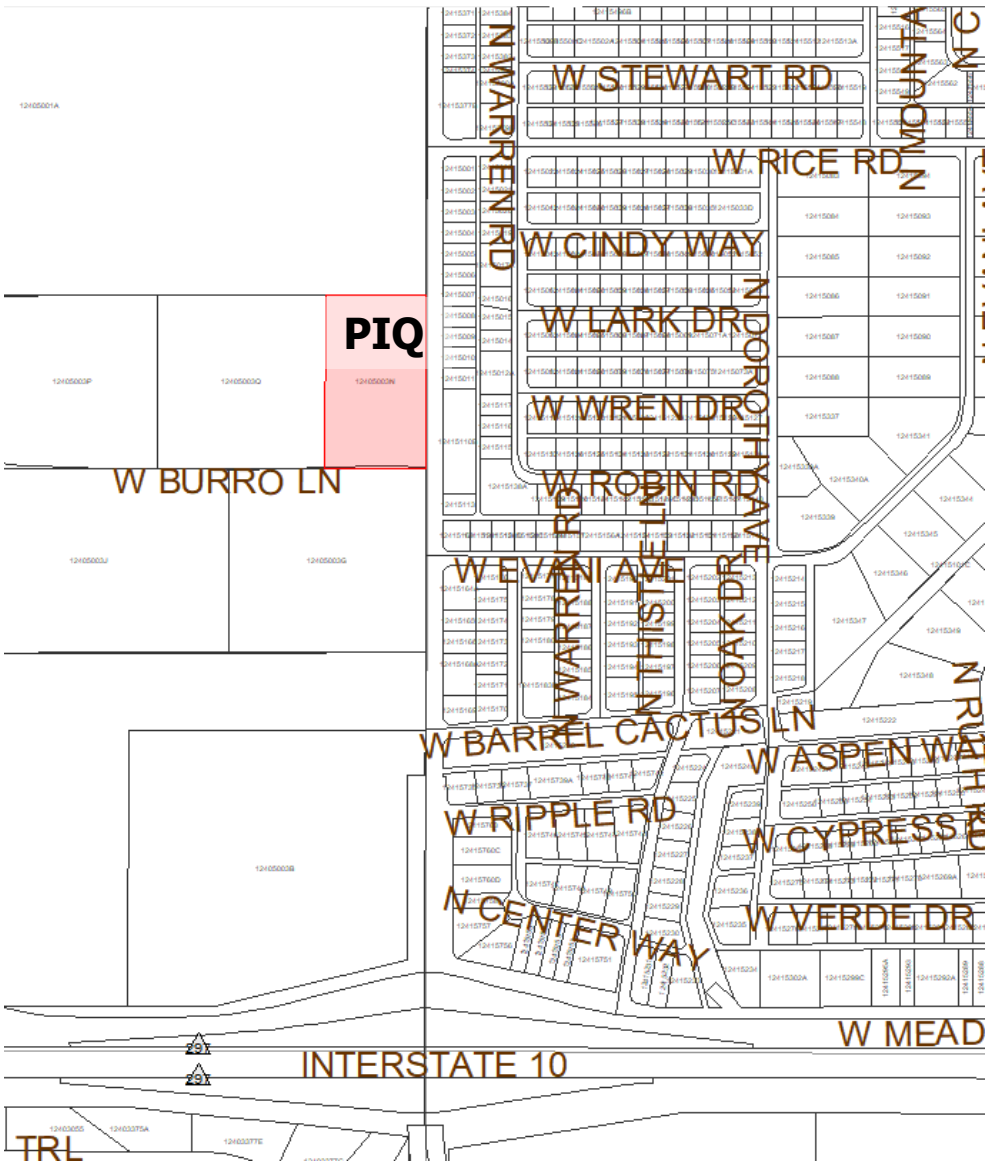
Public Programs…Personal Service

Z-19-02 (Dollar General)

- DCM Development submitted an application for a Rezoning and Special Use Permit
- The subject property, 124-05-003N is located on the northwest corner of Mescal Road and Burro Lane
- The site is currently vacant and zoned RU-4
- The site is 4.82 acres

COCHISE COUNTY

Location Map



COCHISE COUNTY

Aerial Photo

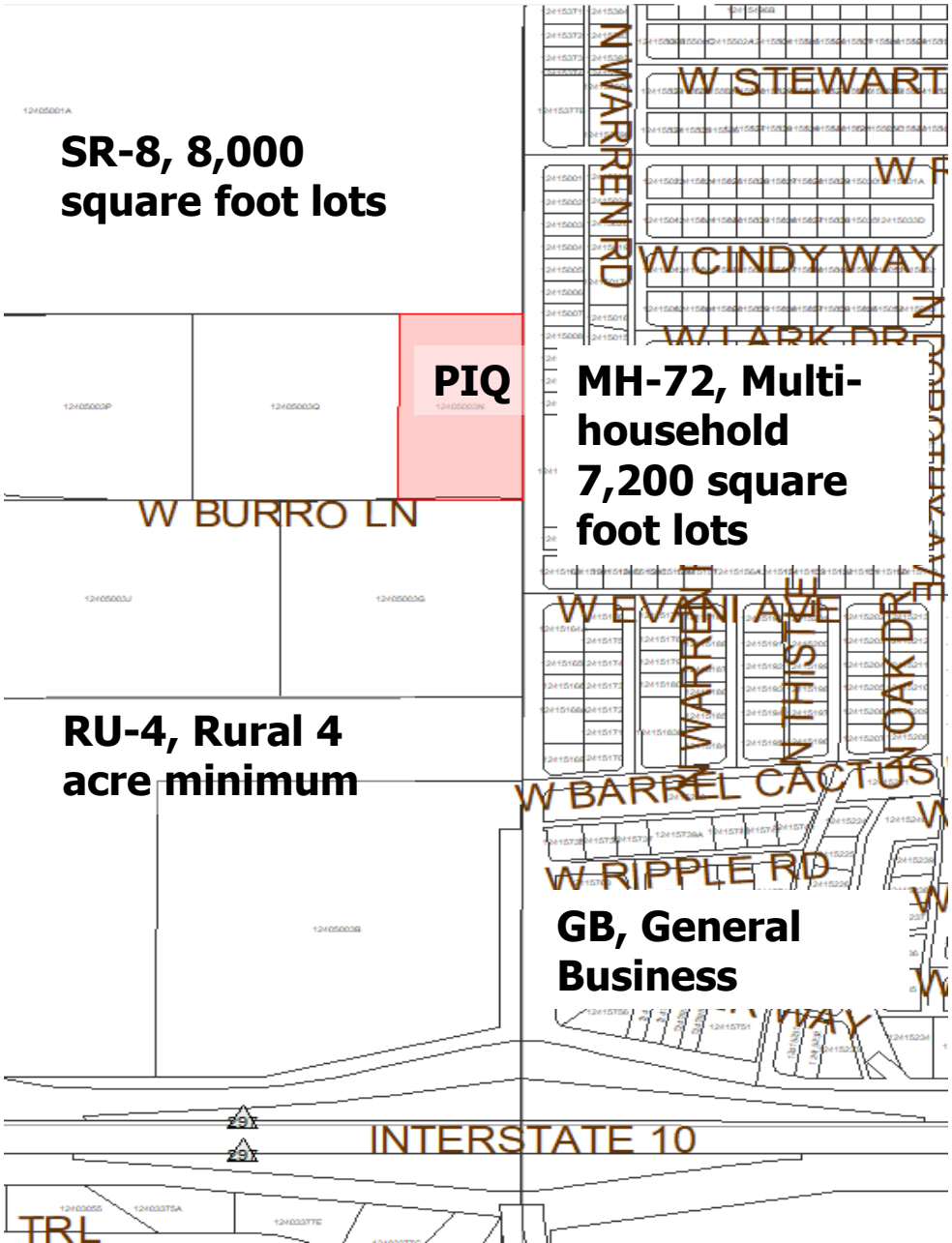


Docket Z-19-02 (Dollar General)

- The Planning Commission heard the Dockets at the April 10, 2019 meeting and requested additional information on:
  - Signage
  - Outdoor Lighting
  - Flood Control
  - Native Vegetation/screening
  - Traffic safety
- Dockets returned to Commission May 8, 2019
  - Unanimously (6-0) approved the Special Use and recommended approval of the Rezoning to the Board

COCHISE COUNTY

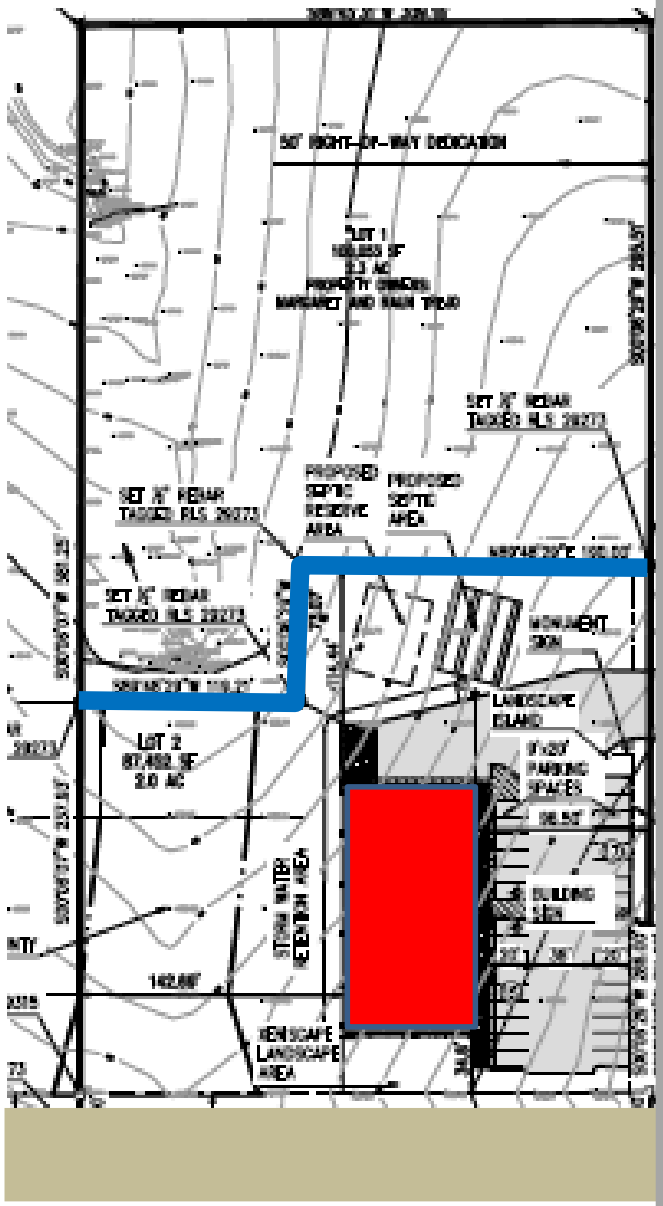
Surrounding Zoning



COCHISE COUNTY

Site Plan

- Why the Rezoning?
  - Rezoning not required
  - Applicant would prefer not to have almost 5 acres



COCHISE COUNTY

Docket Z-19-02 (Dollar General)

- Zoning Regulations have 15 factors used to evaluate a proposal
  - Thirteen of the criteria apply to this request
  - As submitted complies with 13 criteria

COCHISE COUNTY

Docket Z-19-02 (Dollar General)

Public Input

- Original Special Use/ Rezoning Application(Planning Commission):
  - Support: 10 letters
  - Opposition: 10 letters

- Rezoning (Board):
  - Support: 13 letters received
  - Opposition: 3 letters received

COCHISE COUNTY

Factors in Favor of Approval

1. With the recommended Conditions of Approval, the Rezoning would fully comply with the thirteen of the Rezoning factors used by staff to analyze this request;
2. The rezoning request is permitted in the Growth Category D, Rural Area Designation and therefore meets the mandatory compliance for rezoning;
3. The subject parcel is of a size and configuration that would allow compliance with all applicable site development standards with the conditions;
4. Ten letters of support was originally received prior to the Planning Commission Hearing
5. An additional thirteen letters of support have been received in response to the rezoning notice.

Factors Against Approval

1. Ten letters in opposition to the request were received prior to the Planning Commission meeting;
2. An additional three letters were received in response to the rezoning notification; and
3. There are no RU-2 zoning districts directly abutting the boundaries of the subject parcel, therefore this is not an expansion of an existing zoning district.

COCHISE COUNTY

Discussion



Public Programs…Personal Service

Planning Commission Recommendation: Conditional 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 Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;

ZONING ORDINANCE 19-___

AMENDING CERTAIN ZONING DISTRICT BOUNDARIES FROM RU-4 TO RU-2, PURSUANT TO THE APPLICATION OF DCM DEVELOPMENT

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 124-05-003N was zoned as RU-4; and

WHEREAS, the parcels are located in an area designated as Rural under the Comprehensive Plan; and

WHEREAS, the Applicant wishes to amend the zoning to RU-2 and

WHEREAS, the Applicant wishes to construct a Dollar General on a portion of the site, subject Docket SU-19-05; and

WHEREAS, the requested zoning district is harmonious with existing parcels and provides a transition on lot sizes 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 amendment to the Zoning District boundaries proposed by Applicant DCM Development; 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 Parcel 124-05-003N, as shown on the map attached to this Resolution as Exhibit A, is changed from RU-4 to RU-2. The property is located on the north west corner of Burro Lane and Mescal Road in the Mescal area. The property is further described as being in Section 07 of Township 17 South, Range 19 East of the G&SRB&M in Cochise County,

Arizona. The Board of Supervisors approves Docket Z-19-02 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

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 24th day of June 2019

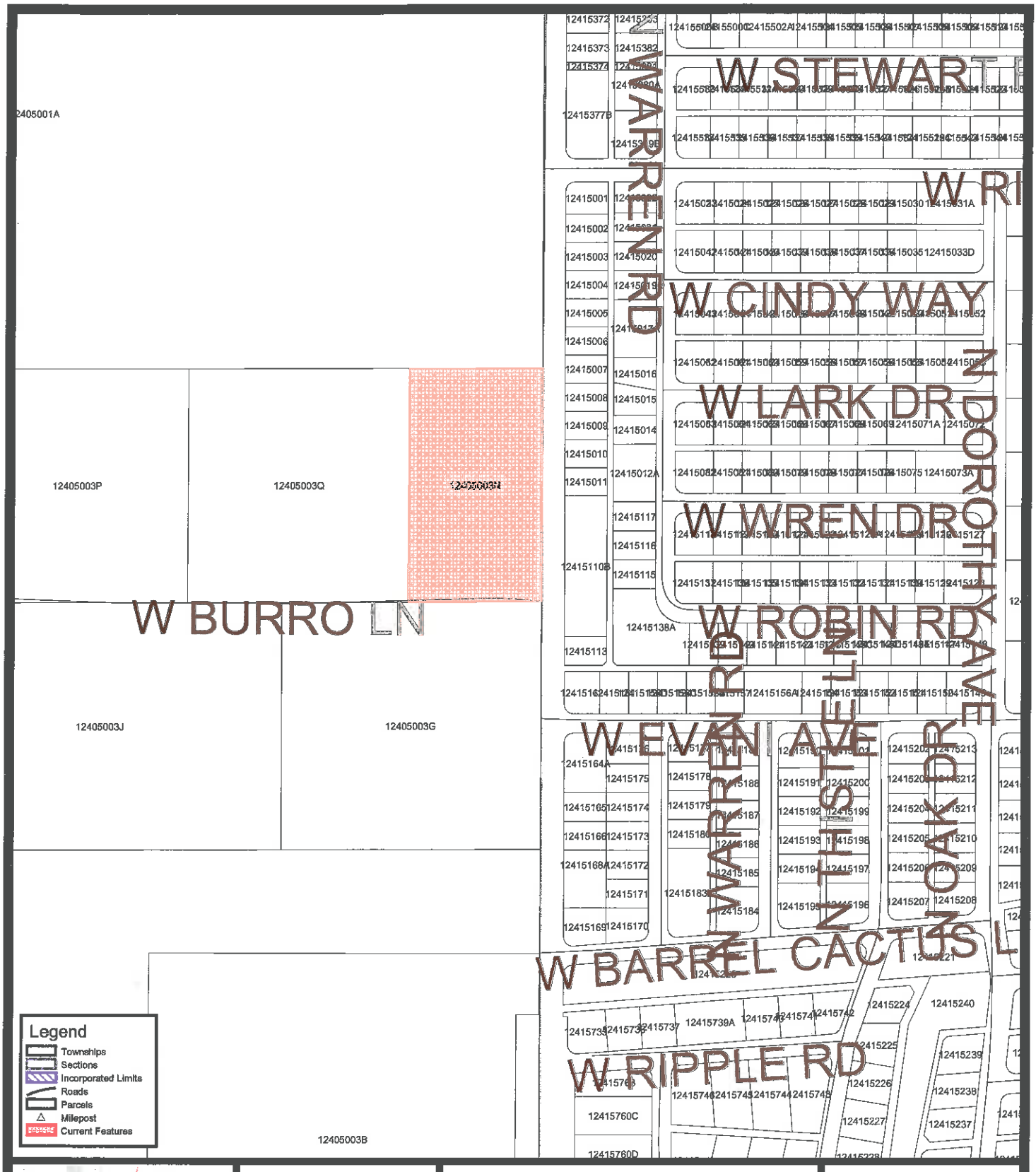
_____
Peggy Judd, Chair
Board of Supervisors

ATTEST:

_____
Arlethe Rios,
Clerk of the Board

APPROVED AS TO FORM:

_____
Christine Roberts,
Civil Deputy County Attorney





COUNTY OF COCHISE
1881
ARIZONA

Exhibit A

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

0' 1" = 352'

RKirschmann, 2019-06-13 16:31:59
Cochise County (\\co-gis1\geodesy\Encompass\Admin\Meta\View.Mdb)

This document is a graphic representation of our working records.
Please report potential map corrections for review to Cochise County GIS.

Rezoning Docket Z-19-02 (Dollar General)

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

_____

_____

_____

_____

_____

_____

_____

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

More traffic on Mescal Rd. causing problems. Also Every Store that is out in cause more trash thrown out car windows. Purb fact since McDonald opened the amount of trash has increased 100 fold.

I want this area to stay very rural. Thats is why I moved here in 1982.

(Attach additional sheets, if necessary)

PRINT NAME(S):
Mary S. Fournie

SIGNATURE(S): Mary S. Fournie
David L. Fournie

YOUR TAX PARCEL NUMBER: 124154B6A (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to 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 Friday June 14, 2019** to the Board of Supervisors. We cannot make exceptions to the deadline; 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 June 14 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 June 25, 2019 for the Board of Supervisors**. NOTE: Please do not ask the 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-19-02 (Dollar General)

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

_____

_____

_____

_____

_____

_____

_____

_____

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

We already have businesses in our area that have turned our community to trash. Adding a low budget dollar store will only enhance this. It is not a food store, a medical facility or a business serving the good of our community. It will be an ugly blight on a natural landscape and is not necessary to have here. Like other failed businesses it will just be an ugly vacant storefront.

(Attach additional sheets, if necessary)

PRINT NAME(S): Jill Milligan

SIGNATURE(S): Jill Milligan

YOUR TAX PARCEL NUMBER: 124 15583A5 (the eight-digit identification number found on the tax statement from the Assessor's Office) I just paid my yearly tax, this is the number on my bill

Your comments will be made available to 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 Friday June 14, 2019** to the Board of Supervisors. We cannot make exceptions to the deadline; 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 June 14 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 June 25, 2019 for the Board of Supervisors**. NOTE: Please do not ask the 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-19-02 (Dollar General)

X **YES**, I SUPPORT THIS REQUEST

Please state your reasons:

WE NEED A COMPETITIVE STORE IN THE AREA

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Wayne Bosland Cynthia Bosland

SIGNATURE(S): Wayne Bosland
Cynthia Bosland

YOUR TAX PARCEL NUMBER: 124-03-3208 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to 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 Friday June 14, 2019** to the Board of Supervisors. We cannot make exceptions to the deadline; 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 June 14 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 June 25, 2019 for the Board of Supervisors**. NOTE: Please do not ask the 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-19-02 (Dollar General)

✓ **YES,** I SUPPORT THIS REQUEST

Please state your reasons:

I favor development of this area, especially commercially.

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): John Eli Aboud

SIGNATURE(S): _____

124-04-004H2, 124-04-004K6,
124-04-004L5, 124-04-004M4,
124-04-005C, F, & G

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

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

RECEIVED
JUN 05 2019

Rezoning Docket Z-19-02 (Dollar General)

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

We welcome having the Dollar General here in Mescal, for several reasons. The store is alot closer for many people to shop, the prices are reasonable, they have a variety of items. We believe there are many people from Isix, & Mescal who would shop there regularly including both of us.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): George Dittemore
Linda Dittemore

SIGNATURE(S): George Dittemore
Linda Dittemore

YOUR TAX PARCEL NUMBER: 12415314 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to 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 Friday June 14, 2019** to the Board of Supervisors. We cannot make exceptions to the deadline; 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 June 14 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 June 25, 2019 for the Board of Supervisors**. NOTE: Please do not ask the 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-19-02 (Dollar General)

X YES, I SUPPORT THIS REQUEST

Please state your reasons:

This will benefit Mescal residents and Benson residents living in the countryside

_____ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): MAYNARD FAMILY TRUST - David and Jane Maynard trustees

SIGNATURE(S): _____

YOUR TAX PARCEL NUMBER: 124 15 134 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to 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 Friday June 14, 2019** to the Board of Supervisors. We cannot make exceptions to the deadline; 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 June 14 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 June 25, 2019 for the Board of Supervisors.** NOTE: Please do not ask the 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-19-02 (Dollar General)

X **YES**, I SUPPORT THIS REQUEST

Please state your reasons:

The store will be a great convenience for our neighborhood

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Clark W. Burgess MARY K. Burgess

SIGNATURE(S): Clark W Burgess

Mary K. Burgess

YOUR TAX PARCEL NUMBER: 124-15-59202 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to 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 Friday June 14, 2019** to the Board of Supervisors. We cannot make exceptions to the deadline; 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 June 14 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 June 25, 2019 for the Board of Supervisors**. NOTE: Please do not ask the 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

From: chack2@juno.com
To: Kirschmann, Robert
Subject: Fw: Re: 124-15-020
Date: Wednesday, June 12, 2019 9:48:13 AM

CAUTION: EXTERNAL EMAIL*

Have a Blessed Day
Carolyn

---------- Forwarded Message ----------
From: "chack2@juno.com" <chack2@juno.com>
To: RKirschmann@cochise.az.gov
Cc: chack2@juno.com
Subject: Re: 124-15-020
Date: Wed, 27 Mar 2019 05:42:44 GMT

As we discussed early today. My mother passed and left me trustee of her estate. I have not had a chance to change the name on the property.

I have decided to support the decision made by the majority of the residents of Mescal Lakes regarding the building of the Dollar General Store.

If there are any more questions, you may call me at 314-429-7163 or continue to write me at the St. Louis, MO address.

Edith Hagler Parcel ID: 12415020

Carolyn Hackworth

---------- Original Message ----------
From: "Kirschmann, Robert" <RKirschmann@cochise.az.gov>
To: "chack2@juno.com" <chack2@juno.com>
Subject: 124-15-020
Date: Tue, 26 Mar 2019 22:17:47 +0000

As we discussed.

Robert Kirschmann

Rezoning Docket Z-19-02 (Dollar General)

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

_____

_____

_____

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

_____

_____

(Attach additional sheets, if necessary)

PRINT NAME(S): REX BREWER

SIGNATURE(S): Rex Brewer

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

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

Attention Robert Kirschmann, Planner 11,

I support this request for rezoning docket z-19-02. I feel that competition is good for the area. At this time we only have one store in the immediate area. This particular store is very expensive and is not the cleanest place in town. With some good competition I feel that the store here will step up to the plate and compete with another store. I have been in several Dollar General Stores and they have been well stocked with merchandise. They are priced reasonable and clean!

Rex Brewer

379 N. Cherokee Trail

Benson, Az. 85602

Rezoning Docket Z-19-02 (Dollar General)

X **YES,** I SUPPORT THIS REQUEST

Please state your reasons:

The people of Mescal and I-6 need this store. Right now we have to go to Benson for your needs. The only store in Mescal is so expentive people can't Afford it.

Thank you Theodore W. Robertson

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): Theodore W. Robertson

SIGNATURE(S): Theodore W Robertson

YOUR TAX PARCEL NUMBER: 124-15-498-3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to 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 Friday June 14, 2019** to the Board of Supervisors. We cannot make exceptions to the deadline; 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 June 14 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 June 25, 2019 for the Board of Supervisors.** NOTE: Please do not ask the 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
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Planning Director
SUBJECT: Docket Z-19-05 and SU-19-05 (Dollar General)
DATE: April 2, 2019 for the April 10, 2019 Meeting

APPLICATION FOR A SPECIAL USE

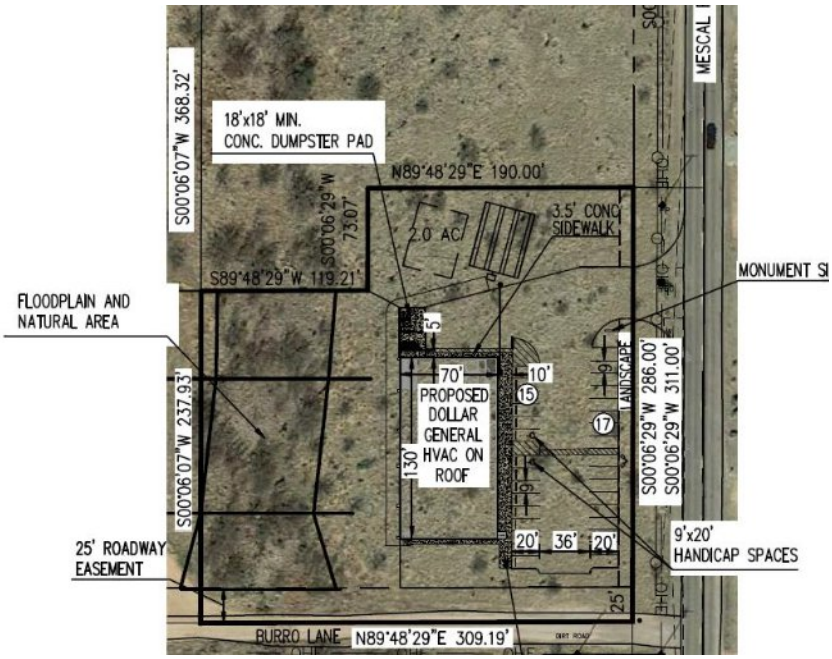
The Applicant requests a Special Use Authorization to approve a 9,100 square foot Dollar General Store. A Rezoning Application is also included to rezone the property from RU-4 to RU-2. The rezoning is ***not*** required by the Zoning Regulations to approve the Special Use. Dollar General is requesting the rezoning in order to have less property to maintain once the store is constructed.

The 4.82 acre site,124-05-003N, is located on the northwest corner of Mescal Road and Burro Lane and is zoned RU-4. In a rural zoning district, Retail sales exceeding 2,500 square feet require Special Use Authorization. The Applicant is DCM Development.

ADDITIONAL INFORMATION

This item was heard by the Planning and Zoning Commission at their meeting of April 10,2019. At that meeting the Commission continued the item until the meeting of May 8, 2019. The Commission wanted to provide the applicant to address some questions and concerns prior to making a decision on the matter. Issues included:

- Signage
- Outdoor Lighting
- Flood Control
- Native Vegetation/screening
- Traffic safety



The Applicant has provided a revised site plan, aerial images and a written response to the concerns identified at the meeting. These have all been attached to the packet as "New Application

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

Information".

In regards to signage, the applicant has agreed to a condition of approval, requiring externally illuminated signage. The light will be directed down and comply with the outdoor lighting and sign regulations.

The Outdoor lighting will exceed the Zoning Regulations. Fully cut off shields, reduced lumens and warm temperature will be utilized to reduce lighting impacts. The light pole will be lowered below the building parapet to avoid light spillage to the west. Additionally, there will be no wall lights on the western portion of the building.

The updated site plan shows the non FEMA regulated "floodplain and natural area" west of the building. This area will only be cleaned and trimmed but left in place as an additional, not required buffer.

The Applicant also states they are willing to put in a crosswalk, contingent upon approval from the County Engineer. Also, in reference to traffic safety, no access is proposed to the private Burro drive to avoid maintenance and turning movement conflicts.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	4.82 acres (210,026 sq-ft)
Existing Zoning:	RU-4 (Rural; one dwelling per 4 acres)
Proposed Zoning:	RU-2 (Rural; one dwelling per 2 acres)
Growth Area:	Category D-Rural Area
Comprehensive Plan Designation:	Rural
Area Plan:	None
Existing Uses:	Vacant
Proposed Uses:	9,100 square foot Dollar General



Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-8 (Single Residential one dwelling per 8,000 square feet)	Vacant
South	Non-maintained Road/RU-4 (Rural; one dwelling per 4 acres)	W. Burro Lane/ Rural Residential

East	County Maintained Road/MH-72 (Multiple Household Residential, one dwelling per 7,200 square feet)	Mescal Road/Developed residential neighborhood
West	RU-4 (Rural; one dwelling per 4 acres)	Rural Residential

II. PARCEL HISTORY

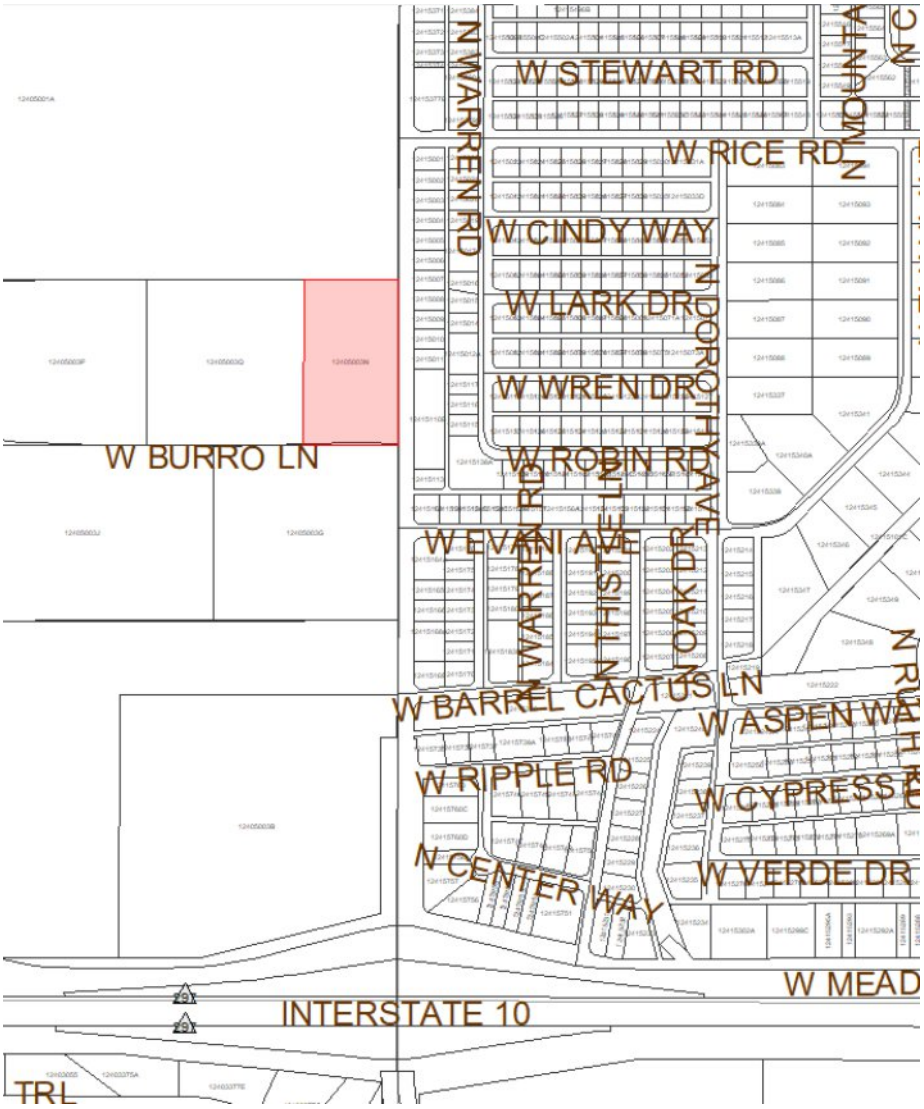
N/A, vacant land

III. NATURE OF REQUEST

The Applicant requests a Special Use Authorization to approve a 9,100 square foot Dollar General Store. A Rezoning Application is also included to rezone the property from RU-4 to RU-2. The rezoning is ***not*** required by the Zoning Regulations to approve the Special Use. Dollar General is requesting the rezoning in order to have less property to maintain once the store is constructed. The remainder 2 plus acres will be split from the property and sold.

That parcel could be developed with a single family home, or a separate special use could be requested in the future. If a Special Use were to be requested a public process, similar to this application will be required.

There are two separate actions requested of the Planning Commission. One is the Rezoning, which is a recommendation to the Board of Supervisors. The second to take action on the Special Use. The next section of the report will discuss the rezoning and special use separately.



Location Map



IV. ANALYSIS OF REZONING 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 per the Comprehensive Plan. RU-2 zoning is permitted in the Category "D" Rural Area, therefore 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. Thirteen of the criteria are applicable to this request. Twelve of the factors are met as submitted, and one is met with conditions. The remaining criteria is not applicable.

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

A detailed site plan has been provided in conjunction with the Special Use Request. Detailed discussion and conditions will be discussed in the Special Use portion of this report.

2. Compliance with Applicable Site Development Standards: Complies

The Site Plan provided shows that the Dollar General Building will be able to meet or exceed all site development standards required. The 2.3 acre parcel that is proposed north of the Dollar General will also be able to meet or exceed all development Standards.

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

The proposal would not affect the development prospects of any neighboring properties. There are several surrounding parcels that are currently undeveloped, but this request will not preclude or limit their developments.

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

If approved, the rezoning will not result in the creation of non-conforming uses. The zoning will remain rural, however the minimum lot size is reduced from four to two acres. No other standards change as a result of this rezoning.

5. Compatibility with Existing Development: Complies

As mentioned above, the zoning of the parcel will remain rural and only the minimum lot size will change, allowing two acres instead of four. The existing development to the east across Mescal road is dense mainly single family homes. The zoning allows for multi family homes with lots as small as 7,200. Directly to the north is vacant land zoned SR-8, allowing for lots of 8,000 square feet. South and west of this lot are properties that are zoned and developed as Rural. The proposed zoning provides a transition from the higher density to the larger parcel to the west.

6. Rezoning to More Intense Districts: **Complies**

The rezoning increases the density from four acre to two acre lots. The existing Development to the west is much denser than what is proposed. The zoning to the north is SR-8, which is also much more intense then the two acre minimum. The zoning serves as a transition between the higher densities to the north and east and the rural area to the south and west. Further, the site plan provided shows the building and parking areas located near the corner or Burro Lane and Mescal Road. Staff has included a condition, that requires the native vegetation be left in place as a buffer, which will be discussed further under the Special Use Section.

7. Adequate Services and Infrastructure: Complies

The site has existing electric, gas, and phone service. The applicant may hook into the Mescal Lakes Water or drill a well.

Cochise County Sherriff provides law enforcement, HCI provides EMS and the fire service is provided by Mescal Fire. The Docket was transmitted to County emergency responders and no comments were received.

8. Traffic Circulation Criteria: **Complies**

The rezoning of the site to allow two, two acre parcels in and of itself will not significantly increase traffic. The construction of a Dollar store will lead to a minor increase in traffic and that is more thoroughly discussed under the Special Use.

9. Development Along Major Streets: **Complies**

Mescal Road is a paved two lane county collector. One access is proposed onto Mescal road for Dollar General. Future access for the other parcel will be reviewed during permit submittal and will comply with established County standards. No access is proposed onto private, unmaintained Burro Lane.

10. Infill: **Not applicable**

This criteria only applies if the rezoning is to General Business, Light or Heavy Industrial.

11. Unique Topographic Features: Complies

The parcel has a gentle rolling terrain. There is a wash and mesquite bosque located on the western portion of the property. A condition has been added for that vegetation to remain and serve as a buffer between the potential Dollar General and the rural residential property.

12. Water Conservation: Complies

Upon commercial permitting, all applicable regulations will require compliance.

13. Public Input: Complies

The Applicant mailed letters to neighboring property owners within one mile soliciting input from the Community. Staff mailed notices to neighboring property owners within one mile of the subject property on March 18, 2019. Staff posted the property on March 20, 2019 and published a legal notice in the *San Pedro Valley Sun-News* on March 20, 2019. Staff has received a total of nineteen responses. Ten of the responses are in support, 8 responses are in opposition, and one stated they would agree with the majority. A copy of all correspondence received as of April 3, 2019 is included in the packet.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Comprehensive Plan: Complies

The subject property lies within a Category "D"– Community Growth Area and is considered a "Rural" area per the Comprehensive Plan. *This category includes the outlying rural areas between cities and unincorporated communities and characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development; agricultural production; and large tracts of undeveloped private and public lands*. Staff believes that this designation may not be correct for the area anymore and in the future may look to modify the comprehensive plan designations in the area.

Rezoning to RU-2 would allow two, two acre lots. The size of these lots would serve as a transition between the high densities to the north and east.

IIV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed.

Nine of the ten factors apply to this request. The project, as submitted, complies with eight of those factors. With the reccomended conditions of Approval the project complies with the ninth. The last remaining factors are not applicable to this application.

1. Compliance with Duly Adopted Plans: Complies

The proposed project complies with the Comprehensive Plan. The Rural Area category states that non residential development should be geared to providing local service. The proposed special use provides goods to the local community while not attracting customers from outside the area or interstate.

2. Compliance with the Zoning District Purpose Statement: Complies

The purpose Section 601.02 "To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living" is met. The proposed retail store will provide goods to the local residents.

3. Development Along Major Streets: Complies

Mescal Road is a paved two lane county collector. One access is proposed onto Mescal road for Dollar

General. Future access for the other parcel will be reviewed during permit submittal and will comply with established County standards. No access is proposed onto private, unmaintained Burro Lane.

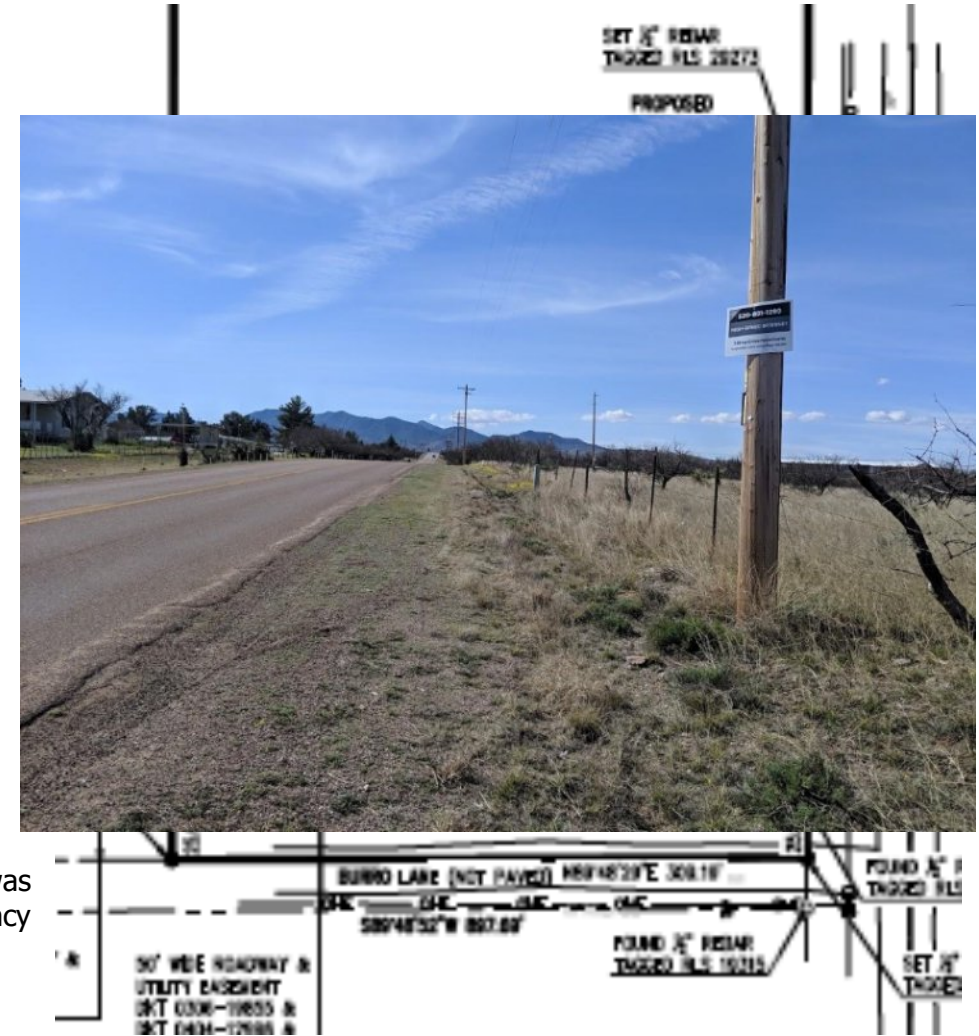
4. Traffic Circulation Factors: Complies

The number of trips to be generated by the proposed Dollar General was estimated using the most recent Institute of Transportation Engineers (ITE) "Trip Generation, 9th Edition" report. Land use code (LUC) 815 - Free-Standing Discount Store was utilized on the basis of 9,100 S.F. The results are summarized in the table below:

	Retail	Avg. Vehicle Trip Ends vs:	Input (s.f)	A.M. Peak Hr. Avg. Rate	A.M. Peak Hr. Range of Rates			P.M. Peak Hr. Avg. Rate	P.M. Peak Hr. Range of Rates	
815	Free-Standing Discount Store	1000 Sq. Ft. Gross Floor Area	**9100**	49.868	26.39	82.355	#	50.687	28.847	85.904

As shown on the table, the Dollar General will generate approximately 50 one-way trips during their AM peak hour, 51 trips during their PM peak hour and 67 trips during their Saturday mid-day peak hour. The nature of a Dollar General is not to attract business from outside the General area that they serve. Therefore, the majority of these trips generated will be from existing traffic in the neighborhood.

Traffic counts were taken on Mescal Road, approximately ¼ of a mile north of the proposed Dollar General in 2018. At the point the Annual Average Daily Traffic (AADT) was 965, 479 north bound and 485 south bound. Mescal Road is a two lane county collector. The Applicant has been conditioned to dedicate an additional 50 feet of right-of0way to the County for the road. However, based upon the existing traffic volumes and potential increase of the Dollar General additional improvements are not required at this time.



5. Adequate Services and Infrastructure: Complies

As discussed above, the anticipated traffic can accommodate with the existing conditions.

The site has existing electric, gas, and phone service. The applicant may hook into the Mescal Lakes Water or drill a well.

Cochise County Sherriff provides law enforcement, HCI provides EMS and the fire service is provided by Mescal Fire. The Docket was transmitted to County emergency

responders and no comments were received.

6. Significant Site Development Standards: Complies with conditions

The Application meets or exceeds all development standards and requires no waivers or modifications. A few of the standards will be discussed below:

Screening: The parcel, and surrounding parcels to the north, south and west are designated as Category D, Rural by the Comprehensive Plan. No screening is required in this designation. However, after discussion with the applicant it was determined the mesquite bosque located on the west side of the property will remain for screening to greatest extent possible. Dead and damaged vegetation will be removed. A condition has been included requiring this and the perpetual mantanence of the vegetation, weeds and trash in this area.

The site plan does not appear to include an enclosure around the dumpsters. A condition is included requiring an enclosure around the dumpsters. The design of the enclosure shall be architecturally compatible to the building.





Landscaping: No landscaping is required in Category C and D. However, there are a large number of Yuccas and other native plants on the site. The Applicant will be including some of these into the project landscape areas.

Setbacks: The RU-2 Zoning District requires a minimum setback of 20 feet from the property lines which are exceeded.

Parking: The Zoning Regulations require 1 parking space per 350 square feet. The building is proposed at 9,100 square feet, thus requiring a total of 26 parking spaces. The plan provides 32 parking spaces.

Parking Lot: Category D requires a minimum of 2" thick gravel parking surface. The applicant will be paving the driveway and parking spaces.

Signage: The original application included plans for a 21 foot tall pylon. Staff believed that this was inappropriate due to the location of the business adjacent to an existing neighbor and the fact the business will be from local residents and not interstate traffic. The applicant agreed and has removed the pylon sign and replaced it with a more appropriate monument sign.



Outdoor Lighting: The Applicant will be required to comply with the Outdoor Lighting regulations and will be inspected by the building department. In addition, the lights and sign will be turned off after the store has closed.

Multi-modal access: As previously mentioned, this store is anticipated to primarily serve the nearby

residents. It is anticipating that may folks may choose to walk or ride a bicycle to the store. Due to this expectation staff has asked the applicant, who has agreed to include pedestrian access from the entrance to the building, through the parking lot and across Mescal Road. This would include a crosswalk and signage to the satisfaction of the County Engineer. The project also includes bicycle parking.

The site is not in a designated floodplain.

7. Public Input: Complies

The Applicant sent letters to all property owners within one mile of the tower parcel to notify them of his application and to address any neighbor concerns. Staff also provided notice. Ten letters in support, eight letters in opposition, and one stating she will agree with the majority were received and are included in the packet.

8. Hazardous Materials: Not Applicable

9. Off-Site Impacts: Complies

As discussed in detail under the site development standards, the proposal meets or exceeds the required development standards. Additional screening, parking improvement, reduction in signage have all been included to limit the impact to the community.

One final item is building architecture. There was some confusion with area residents as to what the building design will look like. Cochise County does not have design standards; however, the applicant is proposing a building which provides some architectural relief and interest. It will be similar in materials to the store constructed in Saint David.



10. Water Conservation: Complies

Dollar General uses a minimal amount of water as there are only two restrooms. The landscaping will be native/ drought tolerant, including yuccas from the construction site.

VI. PUBLIC COMMENT

The Applicant mailed letters to neighboring property owners within one mile soliciting input from the Community. Staff mailed notices to neighboring property owners within one mile of the subject property on March 18, 2019. Staff posted the property on March 20, 2019 and published a legal notice in the *San Pedro Valley Sun-News* on March 20, 2019. Staff has received a total of nineteen responses. Ten of the responses are in support, 8 responses are in opposition, and one stated they would agree with the majority. A copy of all correspondence received as of April 3, 2019 is included in the packet.

VII. WAIVERS

No waivers are required or requested for this proposal.

VIII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve a 150-foot wireless communication tower and base equipment surrounded by a chain link fence on a 4.14-acre parcel southeast of Sierra Vista.

Factors in Favor of Approving the Rezoning/ Special Use

1. With the recommended Conditions of Approval, the Rezoning would fully comply with the Twelve of the Rezoning factors used by staff to analyze this request;
2. With the recommended Conditions of Approval, the Special Use would fully comply with the nine Special Use factors used by staff to analyze this request;
3. The rezoning request is permitted in the Growth Category D, Rural Area Designation and therefore meets the mandatory compliance for rezoning;
4. The subject parcel is of a size and configuration that would allow compliance with all applicable site development standards with the conditions;
5. The request for this Special Use is allowable within the RU-2 Zoning District;
6. Ten letters of support have been received as of the writing of this report.

Factors Against Allowing the Special Use

1. Eight letters in opposition to the request have been received;
2. There are no RU-2 zoning districts directly abutting the boundaries of the subject parcel, therefore this is not an expansion of an existing zoning district.

IX. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions and Modification above:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. The final site plan shall demonstrate safe and efficient pedestrian access from the store entrance through the parking lot and to the east side of Mescal Road.

4. ***Following the opening of the Dollar General the County will determine if a crosswalk is warranted on Mescal Road. If the warrants are met within 5 years of final inspection the applicant shall pay for the installation of a street light at the crosswalk location.***

5. A minimum three foot solid wall, berm, hedge or a combination shall be constructed along the south and western boundaries of the parking area to prevent headlight interference with the traveling public and adjacent residences.
6. Freestanding signage shall be limited to one monument sign with square footage not exceeding the Zoning Regulations.
7. Any roof mounted mechanical equipment shall be screened from public view, architecturally compatible with the building.
8. The mesquite bosque on the western edge of the property shall be protected to the greatest extent possible. There shall be perpetual maintenance of the vegetation, weeds and trash in this area.
9. A trash enclosure, a minimum of six feet in height and architecturally compatible to the building shall be provided for the dumpster(s).
10. ***The wall and monument sign shall be externally illuminated and fully comply with the Outdoor Lighting and Sign Regulations.***
11. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

Sample Motions:
Mr. Chairman, I move to forward Docket Z-19-02 to the Board of Supervisors with a recommendation of conditional approval; and

Mr. Chairman, I move to approve Docket SU-19-05, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

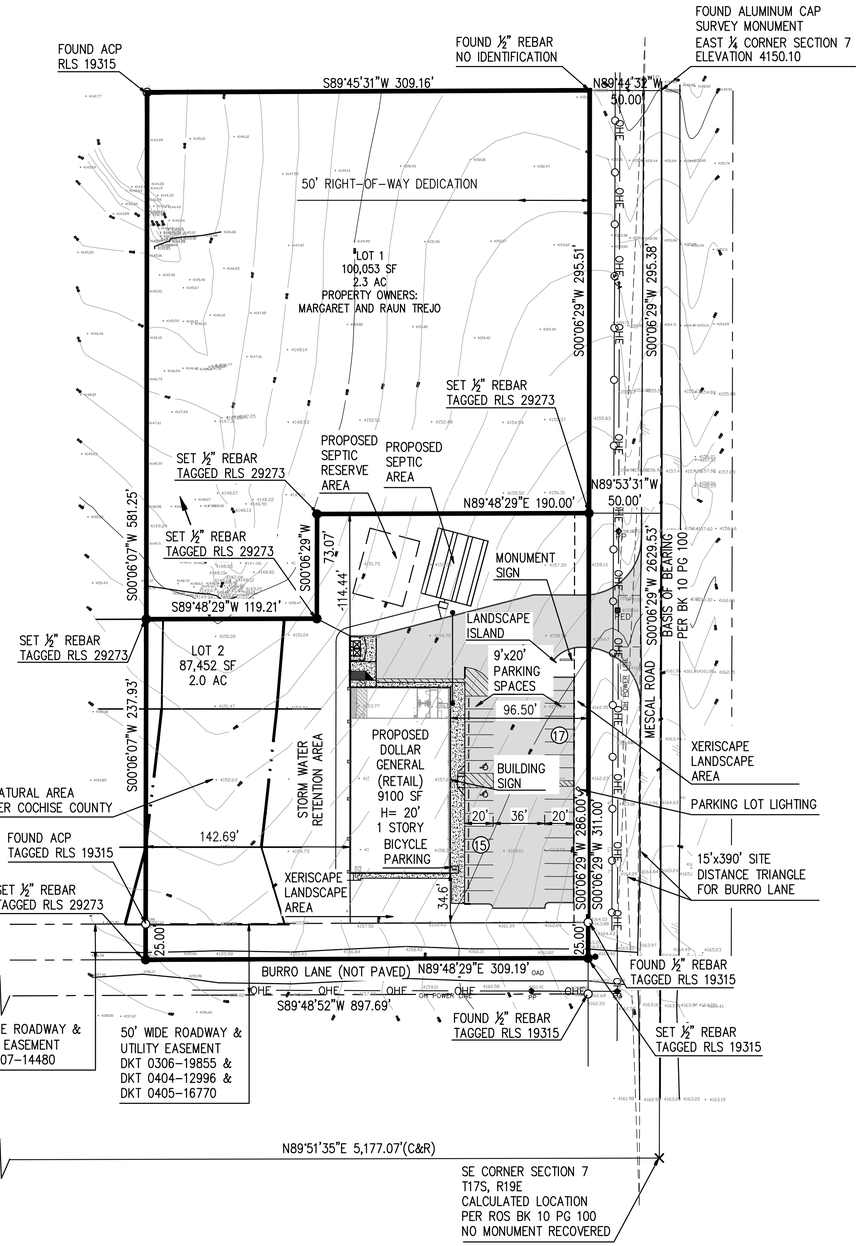
GENERAL NOTES

1. EXISTING ZONING IS RU-4 AND WILL BE REZONED TO RU-2
2. THE GROSS AREA IS 187,505 SF (4.3 AC). DEVELOPED AREAS ARE: LOT 1 100,053 SF (2.3 AC) AND LOT 2 87,452 SF (2.0 AC)
3. LEGAL DESCRIPTION: SEE BELOW
4. TAX PARCEL APN 124-05-003N
5. BASIS OF BEARINGS IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST, G&SRB&M, NORTH 00° 06' 29" EAST, PER THE RECORD OF SURVEY, BOOK 10 PAGE 100.
6. BASIS OF ELEVATIONS IS NGS POINT CG0053, "PIMACO 2 RM 1" ELEVATION 4155.94 NAVD 88. SITE ELEVATION AT ALUMINUM MONUMENT AT EAST QUARTER CORNER SECTION 7, T. 17 S., R. 19 E. SEE MAP, ELEVATION 4150.10.
7. ANY RELOCATION, MODIFICATION, ETC., OF THE EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS REQUIRED BY THIS DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC.
8. ALL REQUIRED PARKING SHALL BE OFF-STREET, ON SITE.
9. APPROVAL OF THIS PLAN DOES NOT AFFIRM, CERTIFY, OR APPROVE ANY LAND DIVISION THAT MAY BE CONTRARY TO STATE LAW, NOR DOES IT CERTIFY THE EXISTENCE OR COMPLIANCE WITH ANY PRIVATE DEED RESTRICTIONS.
10. MATERIALS WITHIN SIGHT DISTANCE TRIANGLES SHALL BE PLACED SO AS NOT TO INTERFER WITH A VISIBILITY PLANE DESCRIBED BY TWO HORIZONTAL LINES LOCATED 36 INCHES AND 96 INCHES ABOVE FINISHED GRADE OF THE ROADWAY SURFACE.

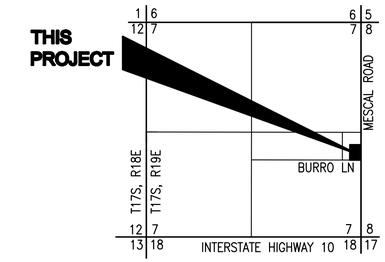
PARKING CALCULATIONS

USE: GENERAL RETAIL

PARKING REQUIRED:	
1 SPACE/350 S.F. OF CROSS FLOOR AREA (9100/350)	26 SPACES
TOTAL PARKING PROVIDED:	32 SPACES
H.C. PROVIDED:	2 SPACES
LOADING SPACE	
LOADING SPACE PROVIDED:	1 SPACE
BICYCLE SPACE	
BICYCLE SPACE PROVIDED:	2 SPACES



SCALE: 1"= 50'



LEGEND

- PROPERTY LINE
- LANDSCAPE BUFFERYARD LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- OHE OHE OVERHEAD POWER LINE
- EDGE OF EXISTING PAVEMENT
- NEW PAVEMENT
- CONCRETE
- (17) NUMBER OF 9'x20' PARKING SPACES

PROJECT ADDRESS:

TAX PARCEL APN 124-05-003N
MESCAL, COCHISE, ARIZONA 85602

BASIS OF BEARINGS:

IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST, G&SRB&M, NORTH 00° 06' 29" EAST, PER THE RECORD OF SURVEY, BOOK 10 PAGE 100.

BASIS OF ELEVATIONS:

IS NGS POINT CG0053, "PIMACO 2 RM 1" ELEVATION 4155.94 NAVD 88. SITE ELEVATION AT ALUMINUM MONUMENT AT EAST QUARTER CORNER SECTION 7, T. 17 S., R. 19 E. SEE MAP, ELEVATION 4150.10.

LEGAL DESCRIPTION:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 7;
THENCE SOUTH 00° 06' 29" WEST UPON THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 7, A DISTANCE OF 295.38 FEET;
THENCE LEAVING SAID LINE, NORTH 89° 53' 31" WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 00° 06' 29" WEST UPON A LINE LYING 50.00 FEET EAST OF AND PARALLEL TO SAID EAST LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 311.00 FEET;
THENCE SOUTH 89° 48' 29" WEST A DISTANCE OF 309.19 FEET;
THENCE NORTH 00° 06' 07" EAST A DISTANCE OF 237.93 FEET;
THENCE NORTH 89° 48' 29" EAST A DISTANCE OF 119.21 FEET;
THENCE NORTH 00° 06' 29" EAST A DISTANCE OF 73.07 FEET;
THENCE NORTH 89° 48' 29" EAST A DISTANCE OF 190.00 FEET
TO THE POINT OF BEGINNING.

OWNER/DEVELOPER:

DCM DEVELOPMENT COMPANY, L.L.C.
4122 E. GRANT RD.
TUCSON, ARIZONA 85712
ATTN: DAVE LECHNER
(520) 888-1212

SITE COVERAGE:

SITE AREA= 87,452 SF
BUILDING AREA= 9,100 SF
ADDITIONAL IMPERVIOUS COVER=

COVERAGE= 21,521+9,100 / 87,452 = 35%

UPDATE FOR REZONING CONDITIONS

JAS ENGINEERING
PO BOX 1888 TUCSON, ARIZONA 85702
(520) 390-7920
STANLEY19263@MSN.COM

Registered Professional Engineer (Civil) CERTIFICATE NO. 19263 JEFFREY A. STANLEY 6-30-19 Date Signed ARIZONA, U.S.A.

EXP. 6-30-2019

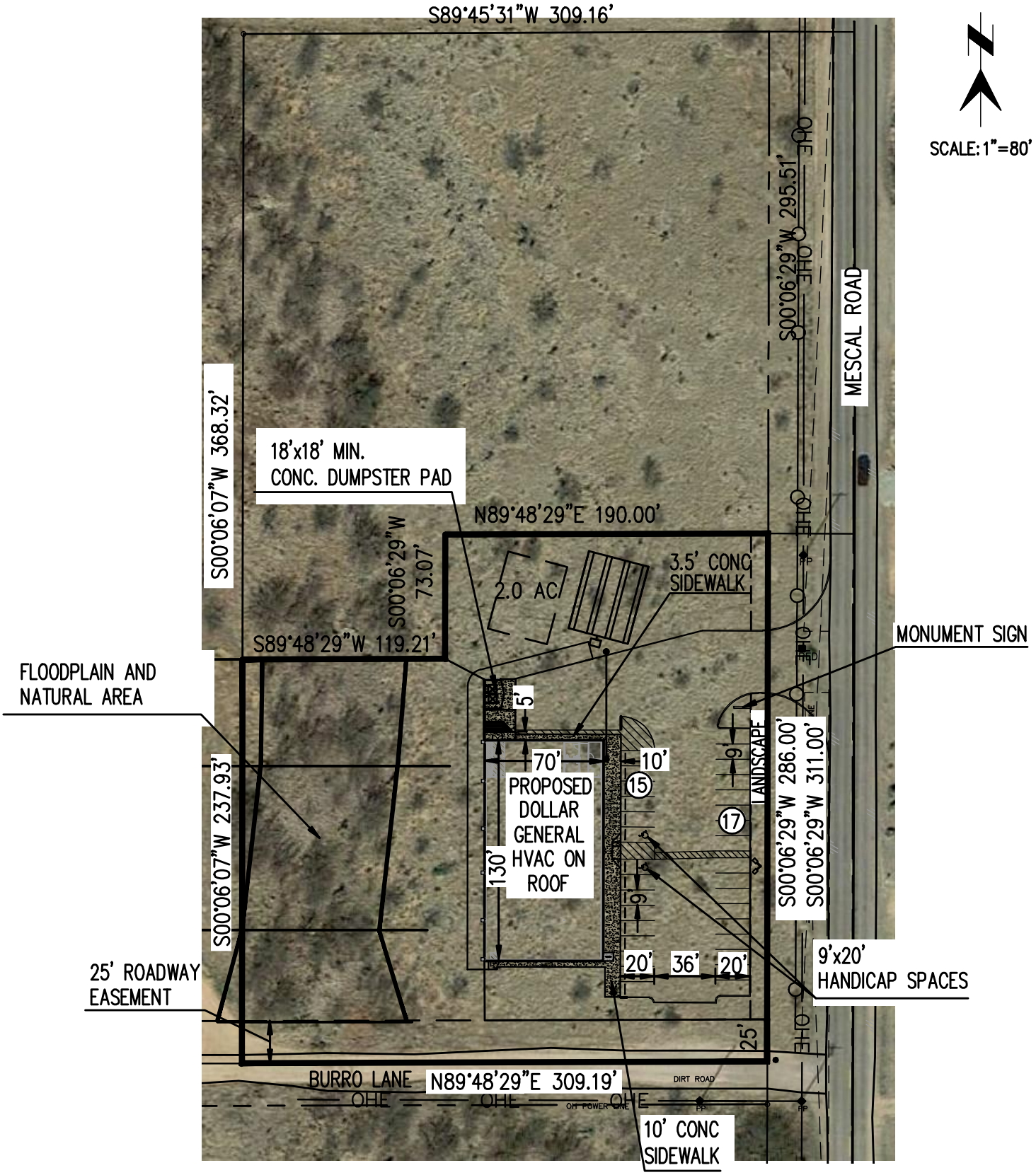
CONCEPT PLAN
FOR
DOLLAR GENERAL- MESCAL
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 7, T17S, R19E, G&SRB&M
MESCAL, COCHISE, ARIZONA

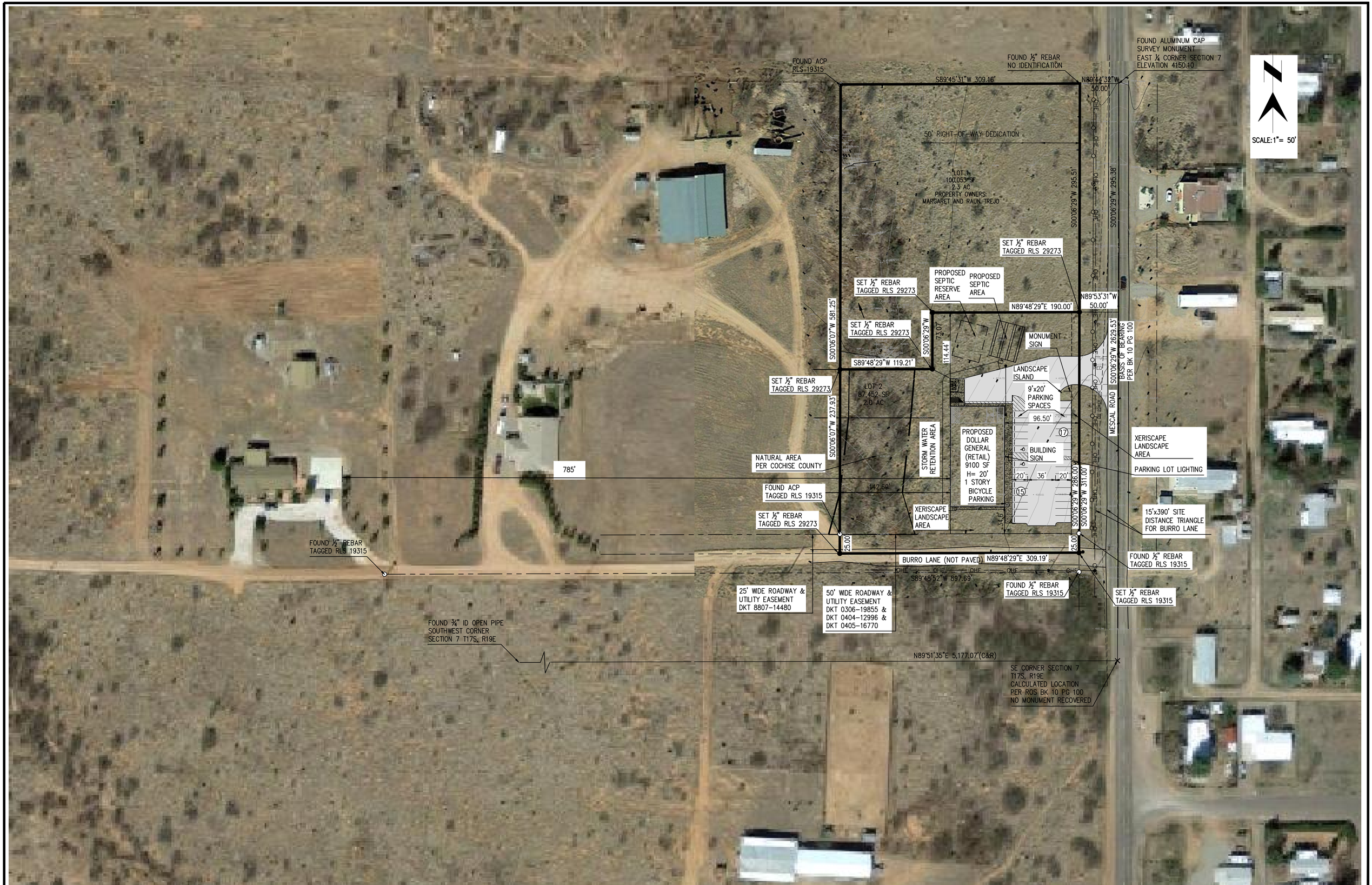
NO.	REVISION	DATE

DRWN BY	J.R.G.	DATE	03/21/2019
DSGN BY	J.A.S.	JOB NO.	
CHKD BY	J.A.S.	SCALE: H: 1"=50'	V: N/A

1 OF 1

PRELIMINARY SITE PLAN	MESCAL, ARIZONA		
PROTOTYPE: D	DEVELOPER	DESIGNER	DATE
BLDG/SALES SF: 9,100/7,302	COMPANY: DCM DEVELOPMENT	COMPANY: JAS ENGINEERING	05-02-19
ACREAGE: 2.0 AC	NAME: DAVE LECHNER	NAME: JEFFREY A. STANLEY	
PARKING SPACES: 36	PHONE #: (520) 888-1212	PHONE #: (520) 390-7920	




FOUND ACP
RLS-19315
S89°45'31"W 309.16'
FOUND ½" REBAR
NO IDENTIFICATION
N89°44'32"W
50.00'
FOUND ALUMINUM CAP
SURVEY MONUMENT
EAST ¼ CORNER SECTION 7
ELEVATION 4150.10
SCALE:1"= 50'
50' RIGHT-OF-WAY DEDICATION
LOT 1
100,053 SF
2.3 AC
PROPERTY OWNERS:
MARGARET AND RAUN TREJO
S00°06'29"W 295.51'
S00°06'29"W 295.38'
SET ½" REBAR
TAGGED RLS 29273
PROPOSED
SEPTIC
RESERVE
AREA
PROPOSED
SEPTIC
AREA
SET ½" REBAR
TAGGED RLS 29273
N89°53'31"W
50.00'
N89°48'29"E 190.00'
S00°06'07"W 581.25'
SET ½" REBAR
TAGGED RLS 29273
S00°06'29"W
73.07'
114.44'
MONUMENT
SIGN
S89°48'29"W 119.21'
LANDSCAPE
ISLAND
SET ½" REBAR
TAGGED RLS 29273
LOT 2
87,452 SF
2.0 AC
9'x20'
PARKING
SPACES
96.50'
S00°06'07"W 237.93'
STORM WATER
RETENTION AREA
PROPOSED
DOLLAR
GENERAL
(RETAIL)
9100 SF
H= 20'
1 STORY
BICYCLE
PARKING
BUILDING
SIGN
20'
36'
20'
MESCAL ROAD
S00°06'29"W 2629.53'
BASIS OF BEARING
PER BK 10 PG 100
XERISCAPE
LANDSCAPE
AREA
PARKING LOT LIGHTING
NATURAL AREA
PER COCHISE COUNTY
785'
FOUND ACP
TAGGED RLS 19315
142.60'
SET ½" REBAR
TAGGED RLS 29273
XERISCAPE
LANDSCAPE
AREA
37.6'
S00°06'29"W 286.00'
S00°06'29"W 311.00'
15'x390' SITE
DISTANCE TRIANGLE
FOR BURRO LANE
25.00'
25.00'
BURRO LANE (NOT PAVED) N89°48'29"E 309.19'
S89°48'52"W 897.69'
FOUND ½" REBAR
TAGGED RLS 19315
FOUND ½" REBAR
TAGGED RLS 19315
SET ½" REBAR
TAGGED RLS 19315
FOUND ½" REBAR
TAGGED RLS 19315
25' WIDE ROADWAY &
UTILITY EASEMENT
DKT 8807-14480
50' WIDE ROADWAY &
UTILITY EASEMENT
DKT 0306-19855 &
DKT 0404-12996 &
DKT 0405-16770
FOUND ¾" ID OPEN PIPE
SOUTHWEST CORNER
SECTION 7 T17S, R19E
N89°51'35"E 5,177.07'(C&R)
SE CORNER SECTION 7
T17S, R19E
CALCULATED LOCATION
PER ROS BK 10 PG 100
NO MONUMENT RECOVERED

DCM Development Company LLC

4122 E Grant Rd Tucson, AZ 85712 Phone 520-888-1212 Fax 520-888-1216

May 2, 2019

Robert Kirschmann

Cochise County Community Development
Development Services
1415 Melody Lane, Building E
Bisbee, Az 85603

RE: Dollar General Benson, Az Rezone Meeting, May 8, 2019

Good Morning Robert,

Below are some of the items mentioned that we feel will address some of the concerns mentioned.

1. **Lighting of the Building and Parking Lot:** All fixtures will be fully shielded with full cut off with reduced lumen counts and warm color temp that will be more stringent than the County's required lighting code or as a condition of the rezone. Also, there won't be any lighting on the west side of the building and the parking lot light pole will be no more than 18' tall and will be at least 3' lower than the building it will also be fully shielded, full cut off with warm color temp to cut down on light pollution
2. **Building Sign and Monument Sign Lighting:** The building sign and monument sign will be externally illuminated signs and can be a condition for rezone.
3. **Trash:** We will enclose the dumpster area with a 6' high masonry wall and it will have a gate.
4. **Natural Buffer on west side or property:** We will retain as much of the natural plant buffering as possible, to screen the neighboring property on the westside of the property. We will go through and prune the dead wood and trash out of the trees and plants.
5. **Pedestrian Concerns**: We will work with the County for pedestrian safe access.
6. **AC Units screening:** Will be screened with welded frame and attached perforated metal painted the same color as the building.
7. **Plant Material:** We will try to salvage and transplant a substantial amount of the existing Yuccas on the site.
8. **Burro Lane:** There will not be a driveway off of, or on to Burro Lane therefore reducing the risk of damage or additional maintenance to the road.
9. **Shielding of Headlights:** We will provide a 3' masonry along the parking spaces that face Mescal to reduce the amount of headlights pointing on to, or across Mescal Rd.

Best Regards,

Russ Salmon

Project Manager
DCM Development/Lechner Construction
4122 E. Grant Rd.
Tucson, ARIZONA 85712
russ@lechnerconstruction.us
Office: 520-888-1212
Cell: 520-850-0624

COCHISE COUNTY
COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY PLANNING DEPARTMENT
COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE
(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 124-05-003N

APPLICANT DCM DEVELOPMENT

ADDRESS 4122 EAST GRANT ROAD, TUCSON, ARIZONA 85712

CONTACT TELEPHONE NUMBER 888-1212

EMAIL ADDRESS: dave@lechnerconstruction.us

PROPERTY OWNER (IF OTHER THAN APPLICANT)

ADDRESS

DATE SUBMITTED FEB. 28, 2019

Special Use Permit Public Hearing Fee (if applicable) $
Building/Use Permit Fee $
Total paid $

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).

2. Questionnaire with all questions completely answered (attached).

3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. **(Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)**

4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.

5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

6. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? VACANT

2. What is the proposed use or improvement? RETAIL STORE

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? THE ONLY ACTIVITIES ARE RELATED TO SHOPPING AT A RETAIL STORE. THE ACTIVITY SHOULD NOT AFFECT NEIGHBORING PROPERTIES

4. Describe all intermediate and final products/services that will be produced/offered/sold.

GENERAL RETAIL ITEMS WILL BE SOLD.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

METAL BUILDING WITH 4-SIDED EIFS FINISH.
TYPE II B CONSTRUCTION. MERCANTILE BUILDING

6. Will the project be constructed/completed within one year or phased? One Year YES
Phased ___ if phased, describe the phases and depict on the site plan.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 Hours (from 8 AM to 9 PM)

B. Number of employees: Initially: 8-12 Future: 8-12
Number per shift Seasonal changes ___

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

A DAILY TOTAL OF 521 VEHICLES WILL ENTER AND LEAVE THE SITE

(2) Total trucks (e.g., by type, number of wheels, or weight)

A 73' TRUCK AND TRAILER WILL DELIVER GOODS AS NEEDED. NOT DAILY. AS NEEDED

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

ABOUT HALF OF THE TRAFFIC WILL TRAVEL NORTH AND HALF SOUTH ON MESCAL ROAD.

(4) If more than one direction, estimate the percentage that travel in each direction

50% NORTH AND 50% SOUTH.

(5) At what time of day, day of week and season (if applicable) is traffic the heavies

PEAK HOURS ARE BETWEEN 9 AND 10 AM AND BETWEEN 3 AND 4 PM

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day 819 per year 298,935

Will you use a septic system? Yes X No ___ If yes, is the septic tank system existing?
Yes ___ No ___ Show the septic tank, leach field and 100% expansion area on the site plan.

G. Does your parcel have permanent legal access*? Yes [X] No [ ] if no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

H. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached [ ] NA [X]

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	MESCAL LAKES WATER COMPANY	IF PROVIDED
Sewer/Septic	SEPTIC	NEW SEPTIC SYSTEM
Electricity	SULPHUR SPRINGS VALLEY ELECTRIC	ONSITE SERVICE LINE
Natural Gas	SW GAS	NOT USED
Telephone	CENTURYLINK COMMUNICATIONS	ONSITE SEVICE LINE
Fire Protection	MESCAL J-6 FIRE DISTRICT	IF PROVIDED

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

NO OUTDOOR ACTIVITIES'

2. Will outdoor storage of equipment, materials or products be needed? Yes [ ] No [X] if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

3. Will any noise be produced that can be heard on neighboring properties? Yes [✓] No [ ] if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

MINIMAL NOISE DURING TRASH PICK-UP AND DELIVERY.

SOME SCREEN WALLS AS NEEDED.

4. Will any vibrations be produced that can be felt on neighboring properties? Yes [ ] No [X] if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? [ ]

5. Will odors be created? Yes [ ] No [X] If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? [ ]

6. Will any activities attract pests, such as flies? Yes [ ] No [X] If yes, what measures will be taken to prevent a nuisance on neighboring properties?

7. Will outdoor lighting be used? Yes [X] No [ ] If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications. CONFORMS TO LOCAL LIGHTING CODE.

8. Do signs presently exist on the property? Yes [ ] No [X] If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

   A. [ ] B. [ ] C. [ ] D. [ ]

9. Will any new signs be erected on site? Yes [X] No [ ] If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
    Yes [ ] No [X]

    If yes, will storm water be directed into the public right-of-way? Yes [ ] No [ ]

    Will washes be improved with culverts, bank protection, crossings or other means?
    Yes [ ] No [X]

    If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)
    [ASPHALT]

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes [X] No [ ] If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

SEE ATTACHED TYPICAL PLUMBING FIXTURE SCHEDULE.

RETENTION AND DETENTION WILL BE PROVIDED AS NEEDED.

XERISCAPE LANDSCAPE TO REDUCE IRRIGATION

2. How many acres will be cleared? ABOUT 1.5 ACRES
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) WATER TRUCK DURING CONSTRUCTION.

FIBER ROLLS WILL BE USED AS NEEDED ALONG THE PERIMETER.

SECTION D - Hazardous or Polluting Materials

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes [ ] No [X] If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire.*

Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

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

SECTION E - Applicant's Statement

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

Applicant's Signature R M FOR DCM DEVELOPMENT

Print Applicant's Name Russ Salman DCM

Date signed 2/28/2019

Print Form

COCHISE COUNTY
COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

Special Use Project Application

Applicant's Certification & Acknowledgement

By signing below, I certify that:

1. I am the Owner or authorized Agent of the Owner of the property being developed.
2. I am applying for the meetings/ review(s) indicated below.
3. I have read and understand the information provided in this Application Guide.
4. This application is complete and accurate to the best of my knowledge. Submission of false information may constitute fraud, and may be punishable by fine, imprisonment, or both pursuant to A.R.S. §13-2310.
5. I hereby request all inspections necessary to process this application, and if the permit is issued I request all inspections necessary to monitor progress, and document completion, at all stages of the work related to this permit.

By signing below, I acknowledge that:

6. Incomplete or inaccurate submittals by the Owner, Applicant or any other representative may result in delays, return of submittals, or denial of this application.
7. The submittal is subject to an administrative review of 10-business days (5-business days initial review, 5-business days resubmittal review) at which time I will receive written or electronic notice if the application is complete or, in the case of an incomplete application, a list of deficiencies that need to be corrected. An application will not pass the review for administrative completeness until all deficiencies have been corrected.
8. If the County does not issue a written or electronic notice of administrative completeness within the 10-business days, the application will be deemed administratively complete and the substantive review process begins.
9. The overall review time is 130-business days.
10. The substantive review process is 120-business days.

By signing below, I acknowledge that:

11. A complete response to any correspondence will be submitted to Cochise County for any subsequent reviews.

12. The Applicant or Agent will be sent written or electronic notice of a license approval or denial within the substantive review period.

13. All required permits must be obtained prior to any construction and that failure to obtain permits may result in fines or other penalties.

14. The Applicant or Agent is responsible for all changes and additional time required to correct plans and/or development as a result of differences between the proposed use and what is permitted in the zoning district in which the property lies.

15. The project review process and timeframe is suspended when a project triggers the requirement for an application for approval by an Outside Agency, the Planning and Zoning Commission, and/or the Board of Supervisors. If either the Planning and Zoning Commission or the Board of Supervisors approves the request contained in the application, then Community Development Department will resume the project review process. If the Board of Supervisors denies the request, then the Community Development Department will consider the project to be denied.

By signing below, I acknowledge that:

16. An appeal protesting any denial of an application may be made to Cochise County Community Development Department, Planning Division Deputy Director, Beverly Wilson, 1415 Melody Lane, Bldg. E. Bisbee, Arizona 85603. The appeal shall set forth all relevant facts pertaining to the denial, and must be in writing. It must be filed within ten-days from the date of the denial letter.

17. If the County does not issue to the Applicant the written or electronic notice granting or denying a license within the **overall** time frame or within the mutually agreed upon time frame extension, the county SHALL refund the Applicant all fees charged for reviewing the applications and SHALL excuse any fees not yet paid. The refund SHALL be made within 30-working days after the expiration of the agreed upon time frame pursuant A.R.S. § 11-1605(J).

Signature [signature] Date 3-27-19

Print Name/Firm

Owner [X] Agent [ ]

Print Form

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: DCM DEVELOPMENT COMPANY, LLC
2. Mailing Address: 4122 EAST GRANT ROAD

TUCSON | ARIZONA | 85712
City | State | Zip Code

3. Telephone Number of Applicant: 585-1212
4. Telephone Number of Contact Person if Different: _____
5. Email Address: dave@lechnerconstruction.us
6. Assessor's Tax Parcel Number: 124 - 05 - 003N (Can be obtained from your County property tax statement)
7. Applicant is (check one):
   - Sole owner: _____
   - Joint Owner: _____ (See number 8)
   - Designated Agent of Owner: ✓
   - If not one of the above, explain interest in rezoning: _____
7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
   - List attached (if applicable): RAUN TREJO AND MARGARET TREJO
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: 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: 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: _____
    9100 SF RETAIL BUILDING

19. Are there any deed restrictions or private covenants in effect for this property?
    - No _____ Yes ✓
    - If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

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

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

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

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 1

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	MESCAL LAKES WATER COMPANY	IF PROVIDED
Sewer/Septic	SEPTIC	NEW SEPTIC SYSTEM
Electricity	SULPHUR SPRINGS VALLEY ELEC.	ONSITE SERVICE LINE
Natural Gas	SW GAS	NOT USED
Telephone	CENTURY LINK COMMUNICATIONS	ONSITE SERVICE LINE
Fire Protection	MESCAL J6 FIRE DISTRICT	IF REQUIRED

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).

PROJECT FALLS UNDER COCHISE COUNTY SPECIAL USE CONDITIONS. IT IS BENEFICIAL TO THE COMMUNITY AND PROVIDES A REDUCTION IN DISTANCE AND TRAVEL TO OBTAIN GENERAL RETAIL/HOUSEHOLD NECESSITIES. PROVIDES POTENTIAL ADDITIONAL EMPLOYMENT IN COMMUNITY.

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: [signature]

Date: 2-27-19

CONSENT SIGNATURE FORM

JAS ENGINEERING

Jeffrey A. Stanley, P.E.
P.O. Box 1888
Tucson, Arizona 85702
Telephone (520) 390-7920
stanley19263@msn.com

February 28, 2019

Robert Kirschmann, Planner II
Cochise County Development Services
1415 Melody Lane, Building E
Bisbee, Arizona 85603

Re: Parcel 124-05-003N
Rezoning Narrative

Dear Robert:

This letter accompanies a rezoning request by DCM Development for the referenced parcel. The request is to rezone the parcel from one RU-4 lot to two RU-2 lots. The following is an item by item narrative that corresponds to the 15 Rezoning Evaluation Factors listed in the rezoning application.

1. **Application**. A Concept Plan accompanies the application. The concept plan shows the proposed layout of the Dollar General Store (Retail) with parking and drive areas, loading, xeriscape landscape, and septic area.

2. **Compliance with Site Development Standards**. Each lot will meet site development standards for the RU-2 zone. Both lots will be a minimum of 2.0 acres. One lot will be developed as a Dollar General Store with proper setbacks, lot coverage, driveway width, parking and ADA-access requirements. The second lot will remain for residential use.

3. **Adjacent Districts Remain Capable of Development**. Adjacent parcels will be able to meet lot size and development standards.

4. **Limitation on Creation of Non-Conforming Uses**. No non-conforming uses will be created.

5. **Compatibility with Existing Development**. The proposed retail store is compatible with the residential uses in the vicinity.

6. **Rezonings to More Intense Districts**. The proposed RU-2 zone is a reasonable extension to the SR-8 zoned land to the north, RU-4 land to the west and south, and the MH-72 land across Mescal Road from the site. Screening will be provided as required.

7. **Adequate Services and Infrastructure**. There is adequate infrastructure to serve the proposed development. Mescal Road is a paved roadway with one lane of traffic in each direction. The site is expected to generate a peak hourly rate of about 28 vehicular trips into or out of the proposed retail store development. Mescal Road is adequate to handle the volume and nature of the trip generation.

8. **Traffic Circulation Criteria**. The rezoning is consistent with preservation of the functions of surrounding streets by:

   Encourages development in an area with access to existing infrastructure.
   Maintain infrastructure to meet existing and future economic development needs.

   Consideration has been made of future circulation needs in that there is an expected right-of-way dedication for 25-feet to the Burro Lane right-of-way.

9. **Development Along Major Streets**. A single access point will be provided along Mescal Road.

10. **Infill**. Not applicable.

11. **Unique Topographic Features**. There are not any real unique topographic features. There is a small wash on the west side of the site. The development will not occur in the wash.

12. **Water Conservation**. The retail store is a low water usage project. Low flow plumbing fixtues will be utilized. Retention and/or detention will be provided as needed.

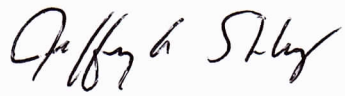
13. **Public Input**. A letter has been sent to all neighbors within one mile of the project site. Public input was solicited within the letter

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

15. **Compliance with Comprehensive Plan Policies**. The proposed uses (single family residential and retail store) are designed to be in substantial conformance with the comprehensive plan land use designations and policies.

We believe that the proposed use is very appropriate for the area. If there are any questions I can be reached at stanley19263@msn.com.

Sincerely,



Jeffrey A. Stanley, P.E.

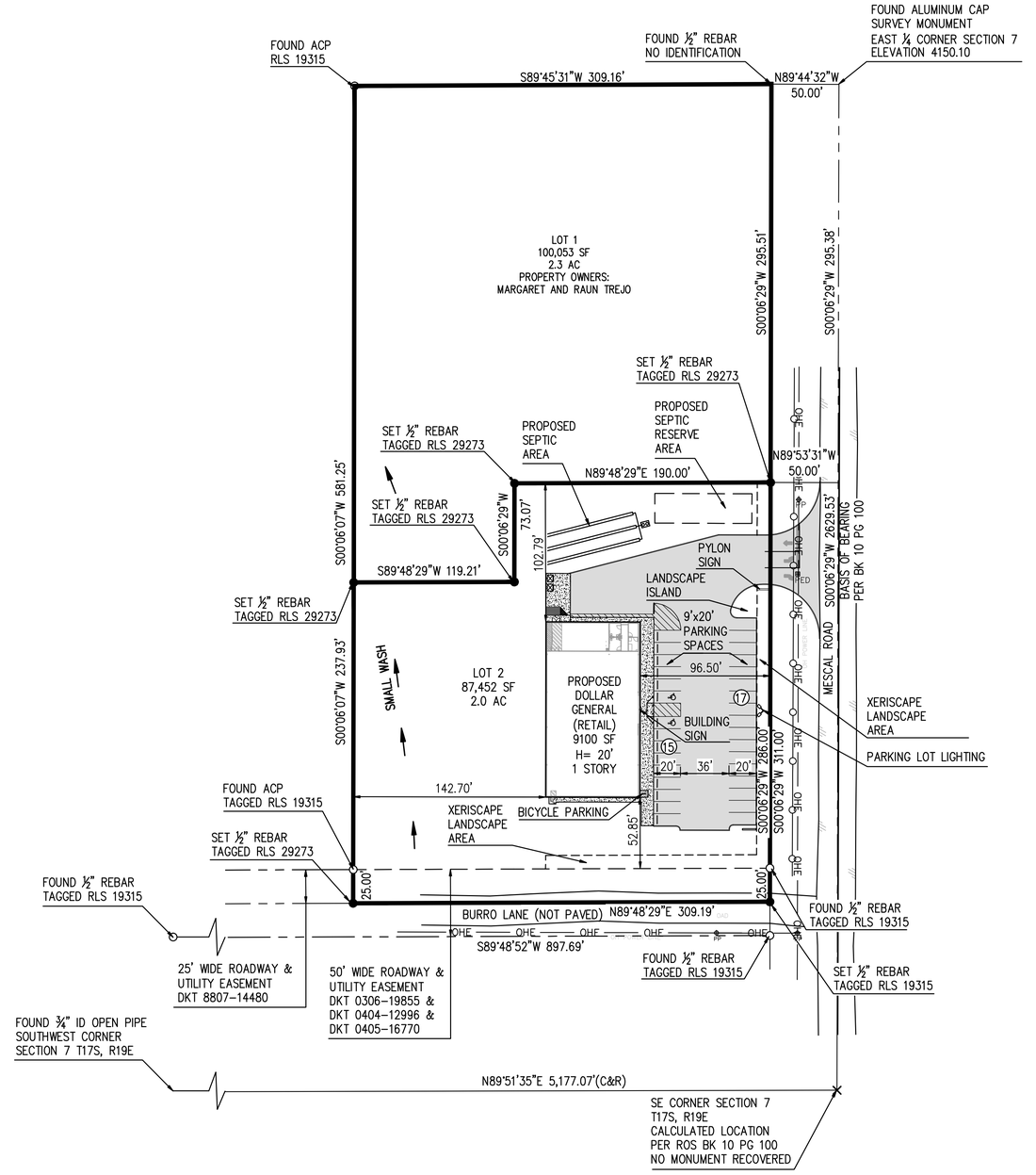
GENERAL NOTES

1. EXISTING ZONING IS RU-4 AND WILL BE REZONED TO RU-2
2. THE GROSS AREA IS 187,505 SF (4.3 AC). DEVELOPED AREAS ARE: LOT 1 100,053 SF (2.3 AC) AND LOT 2 87,452 SF (2.0 AC)
3. LEGAL DESCRIPTION: SEE BELOW
4. TAX PARCEL APN 124-05-003N
5. BASIS OF BEARINGS IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST, G&SRB&M, NORTH 00° 06' 29" EAST, PER THE RECORD OF SURVEY, BOOK 10 PAGE 100.
6. BASIS OF ELEVATIONS IS NGS POINT CG0053, "PIMACO 2 RM 1" ELEVATION 4155.94 NAVD 88. SITE ELEVATION AT ALUMINUM MONUMENT AT EAST QUARTER CORNER SECTION 7, T. 17 S., R. 19 E. SEE MAP, ELEVATION 4150.10.
7. ANY RELOCATION, MODIFICATION, ETC., OF THE EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS REQUIRED BY THIS DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC.
8. ALL REQUIRED PARKING SHALL BE OFF-STREET, ON SITE.
9. APPROVAL OF THIS PLAN DOES NOT AFFIRM, CERTIFY, OR APPROVE ANY LAND DIVISION THAT MAY BE CONTRARY TO STATE LAW, NOR DOES IT CERTIFY THE EXISTENCE OR COMPLIANCE WITH ANY PRIVATE DEED RESTRICTIONS.
10. MATERIALS WITHIN SIGHT DISTANCE TRIANGLES SHALL BE PLACED SO AS NOT TO INTERFER WITH A VISIBILITY PLANE DESCRIBED BY TWO HORIZONTAL LINES LOCATED 36 INCHES AND 96 INCHES ABOVE FINISHED GRADE OF THE ROADWAY SURFACE.

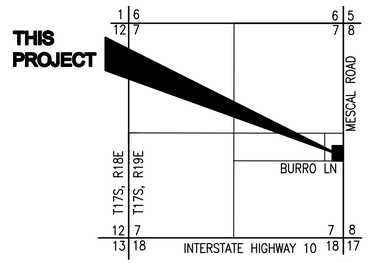
PARKING CALCULATIONS

USE: GENERAL RETAIL

PARKING REQUIRED:	
1 SPACE/350 S.F. OF CROSS FLOOR AREA (9100/350)	26 SPACES
TOTAL PARKING PROVIDED:	32 SPACES
H.C. PROVIDED:	2 SPACES
LOADING SPACE	
LOADING SPACE PROVIDED:	1 SPACE
BICYCLE SPACE	
BICYCLE SPACE PROVIDED:	2 SPACES



SCALE: 1"= 50'



LEGEND

- PROPERTY LINE
- LANDSCAPE BUFFERYARD LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- OHE — OHE — OVERHEAD POWER LINE
- EDGE OF EXISTING PAVEMENT
- NEW PAVEMENT
- CONCRETE
- (17) NUMBER OF 9'x20' PARKING SPACES

PROJECT ADDRESS:

TAX PARCEL APN 124-05-003N
MESCAL, COCHISE, ARIZONA 85602

BASIS OF BEARINGS:

IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST, G&SRB&M, NORTH 00° 06' 29" EAST, PER THE RECORD OF SURVEY, BOOK 10 PAGE 100.

BASIS OF ELEVATIONS:

IS NGS POINT CG0053, "PIMACO 2 RM 1" ELEVATION 4155.94 NAVD 88. SITE ELEVATION AT ALUMINUM MONUMENT AT EAST QUARTER CORNER SECTION 7, T. 17 S., R. 19 E. SEE MAP, ELEVATION 4150.10.

LEGAL DESCRIPTION:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 7;
THENCE SOUTH 00° 06' 29" WEST UPON THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 7, A DISTANCE OF 295.38 FEET;
THENCE LEAVING SAID LINE, NORTH 89° 53' 31" WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 00° 06' 29" WEST UPON A LINE LYING 50.00 FEET EAST OF AND PARALLEL TO SAID EAST LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 311.00 FEET;
THENCE SOUTH 89° 48' 29" WEST A DISTANCE OF 309.19 FEET;
THENCE NORTH 00° 06' 07" EAST A DISTANCE OF 237.93 FEET;
THENCE NORTH 89° 48' 29" EAST A DISTANCE OF 119.21 FEET;
THENCE NORTH 00° 06' 29" EAST A DISTANCE OF 73.07 FEET;
THENCE NORTH 89° 48' 29" EAST A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING.

OWNER/DEVELOPER:

DCM DEVELOPMENT COMPANY, L.L.C.
4122 E. GRANT RD.
TUCSON, ARIZONA 85712
ATTN: DAVE LECHNER
(520) 888-1212

SITE COVERAGE:

SITE AREA= 87,452 SF
BUILDING AREA= 9,100 SF
ADDITIONAL IMPERVIOUS COVER=

COVERAGE= 21,521+9,100 / 87,452 = 35%

JAS ENGINEERING
PO BOX 1888 TUCSON, ARIZONA 85702
(520) 390-7920
STANLEY19263@MSN.COM

Registered Professional Engineer (Civil) CERTIFICATE NO. 19263 JEFFREY A. STANLEY 10-31-19 ARIZONA, U.S.A.

EXP. 6-30-2019

CONCEPT PLAN
FOR
DOLLAR GENERAL- MESCAL
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 7, T17S, R19E, G&SRB&M
MESCAL, COCHISE, ARIZONA

NO.	REVISION	DATE

DRWN BY	J.R.G.	DATE	02/28/2019
DSGN BY	J.A.S.	JOB NO.	
CHKD BY	J.A.S.	SCALE: H: 1"=50'	V: N/A

1 OF 1

TECHLIGHT

Catalog Number	
Project	Type

Small Heat Sink LED Wall Pack

LHSWP SERIES

FEATURES & SPECIFICATIONS

APPLICATION – The high performance luminaire is designed for cutoff applications where long life, low maintenance, and consistent color rendering are required. Areas with limited accessibility due to fixture location or where heavy pedestrian traffic makes maintenance difficult are ideal applications such as building facade lighting or wall mounted security lighting. The traditional design style of the luminaire allows it to be seemlessly integrated into existing systems when necessary.

CONSTRUCTION – The heavy duty housing is constructed of die cast aluminum. The optical assemblies are sealed in place using a silicone gasket for weather tight protection. ETL listed for wet locations (IP64). Additional IP66 rating available upon request.

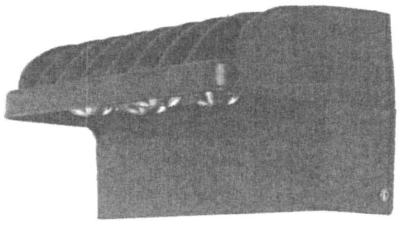
FINISH – A Super Durable Polyester powder coat finish is electrostatically applied in our state of the art paint facility. Standard colors available: Black, Bronze, US Green, White. Custom colors available upon request.

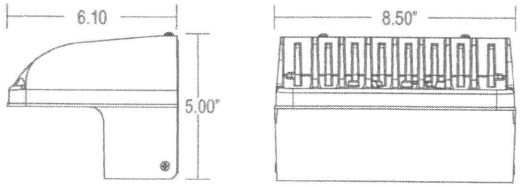
OPTICAL SYSTEM – Made with a state of the art UV stabilized acrylic high performance refractive optical assemblies that use high transmicity materials to achieve precise photometric distributions. Available in a Type III beam configuration.

ELECTRICAL SYSTEM – Available in a high output 2 or 4 LED system in 5000K Cool White (+/- 500K) or 4100K Neutral White color temperatures propagated with Philips Lumileds LUXEON® M LED's. Available with 90-300V 50/60 Hz Driver. LED's rated for over 50,000 hours at 25°C ambient temperature. 0-10V dimming standard. Built-in surge protection up to 10 kV. Built-in Active PFC Function >95%/Full load. LED Power Supply conforms to UL1310 and UL8750 standards and is IP67 rated for wet locations.

MOUNTING – Quick sheet metal mounting bracket connects to a standard J-Box. The bracket has a unique hanging feature to allow easy wire connections. After connections are made, the fixture swings up and is secured with with two retaining screws at the top of the fixture. An additional back box is available for applications requiring conduit entry (See Accessories).

LISTINGS – LED Driver listed for wet locations (IP67). LED bricks ETL listed for wet locations (IP64). Meets US and Canadian safety standards. -40°C to 50°C ambient operation.





DesignLights Consortium® Qualified. Please go to www.designlights.org for the current Qualified Products List. Further details about qualified models may be found under Family Models.

Series	Housing Height	Length & Width
LHSWP	5.00"	6.10" x 8.50"

ORDERING INFORMATION

Example: **LHSWP1C4T3H1-BZ**

Choose the bold face options for the appropriate luminaire configuration for your application and enter on the line above each fixture attribute. Accessories may be factory installed, depending on the particular accessory chosen, but still be ordered as a separate line item.

LHSWP

Series	# of Bricks	Color Temp	# LED's per Brick	Optics	Drive Current	Voltage	Finish
LHSWP	**1** 1 Brick	**C** Cool White (5000K) **N** Neutral White (4100K)	**2** 2 LED **4** 4 LED	**T3** Type III	**F** 1400mA Driver **H** 2100mA Driver	**1** Multi-Volt[1]	**BK** Black **BZ** Bronze **GR** US Green **WH** White **SP** Special[2]

Accessories (Order as separate line items)

PSHSENCA	Back Box Enclosure with Conduit Entries
LHSWPBBU	2000 Lumen/90 Minute Battery Back-Up with Fixture Back Box
P1000PC[3]	Button Type Photocell (requires PSHSENCA Back Box)
IP66[4]	Additional IP66 Fixture Rating

NOTES
1. Multi-Volt is an auto ranging power supply from 90V to 300V input.
2. Custom RAL color matching is available. Contact your Techlight sale representative for additional information.
3. P1000PC operates at 120V only. For photocells to operate at additional voltages, please consult your local Techlight representative. Back Box Enclosure required for Button Photocell mounting.
4. Additional IP66 rating may not be changed once production has begun on the fixtures.

All dimensions and specifications are subject to change without notice.

REV: 20161024-09

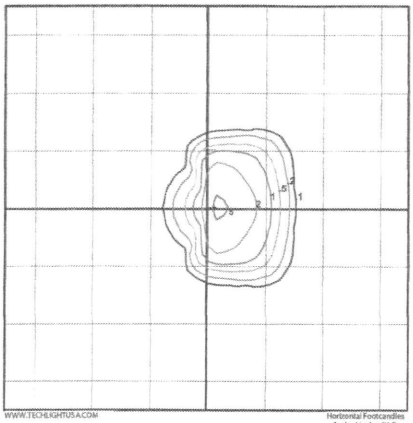
LHSWP Small Cutoff LED Wall Pack

PHOTOMETRICS

IES INDOOR REPORT
PHOTOMETRIC
FILE NAME:
LHSWP1C4T3F1

Type III Optical Assembly
1 Brick, 1400mA, Cool White

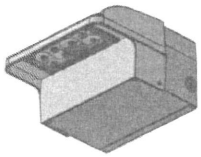
38W LHSWP Wall Pack
Color Temperature: 5,000 K

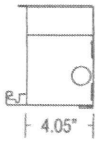


Horizontal Footcandles
Scale: 1 Inch = 20 Ft.
Light Loss factor = 0.90
Lumens Per Lamp = N.A. (absolute photometry)
Luminaire Lumens = 3061
Mounting Height = 8.00 Ft.
Maximum Calculated Value = 6.13 Fc
Arrangement: Single
Arm Length = .5 Ft.

ADDITIONAL FIXTURE ACCESSORIES

PSHSENCA
Back Box Enclosure with Side and Top Conduit Entries





P1000PC
Button-Type Photocell



All dimensions and specifications are subject to change without notice.

LHSWP Small Cutoff LED Wall Pack

LUMINAIRE CHARACTERISTICS

Cool White (5000K) 1400 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens TYPE III	System Wattage	L70 @ 25°C	Amperage Draw 120V	208V	240V	277V
1 BRICK	2	CW	1733	18W	> 50K	.15 A	.09 A	.08 A	.07 A
1 BRICK	4	CW	3150	36W	> 50K	.30 A	.18 A	.15 A	.13 A

Neutral White (4100K) 1400 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens TYPE III	System Wattage	L70 @ 25°C	Amperage Draw 120V	208V	240V	277V
1 BRICK	2	NW	1720	18W	> 50K	.15 A	.09 A	.08 A	.07 A
1 BRICK	4	NW	3055	36W	> 50K	.30 A	.18 A	.15 A	.13 A

Cool White (5000K) 2100 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens TYPE III	System Wattage	L70 @ 25°C	Amperage Draw 120V	208V	240V	277V
1 BRICK	2	CW	2536	22W	> 50K	.18 A	.11 A	.10 A	.08 A
1 BRICK	4	CW	4295	58W	> 50K	.49 A	.28 A	.25 A	.21 A

Neutral White (4100K) 2100 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens TYPE III	System Wattage	L70 @ 25°C	Amperage Draw 120V	208V	240V	277V
1 BRICK	2	NW	2460	22W	> 50K	.18 A	.11 A	.10 A	.08 A
1 BRICK	4	NW	4166	58W	> 50K	.49 A	.28 A	.25 A	.21 A

BUG RATINGS (BACKLIGHT, UPLIGHT AND GLARE)

Optic Type	BUG Ratings B (Backlight)	U (Uplight)	G (Glare)
Type III (T3)	1	0	1

WARNING: Maintenance performed including the replacement of LED bricks while power is still supplied to the lumenaire may result in system failures and will void the warranty.

TECHLIGHT

Techlight, Inc.
2707 Satsuma Drive
Dallas, TX, 75229
Phone: 214-350-0591, 800-225-0727, Fax: 214-350-9137
www.techlight.com

All dimensions and specifications are subject to change without notice.

TECHLIGHT

DesignLights Consortium® Qualified. Please go to www.designlights.org for the current Qualified Products List. Further details about qualified models may be found under Family Models.

Catalog Number	
Project	Type

Tapered Back
Saber LED Area Light

LSBT SERIES

FEATURES & SPECIFICATIONS

APPLICATION – The high performance luminaire is designed for area lighting applications where long life, low maintenance, and consistent color rendering is required. Areas with limited accessibility due to fixture location or where heavy pedestrian or vehicle traffic makes maintenance difficult are ideal applications such as parking lots or walkways. It is also compact and versatile enough for general purpose security lighting.

CONSTRUCTION – The heavy duty housing is constructed of extruded aluminum. The optical assemblies are sealed in place using a silicone gasket for weather tight protection. Modular LED bricks wired in parallel for ease of maintenance. ETL listed for wet locations (IP64). Additional IP66 rating available upon request.

FINISH – A Super Durable Polyester powder coat finish is electrostatically applied in our state of the art paint facility. Standard colors available: Black, Bronze, US Green, White. Custom colors available upon request.

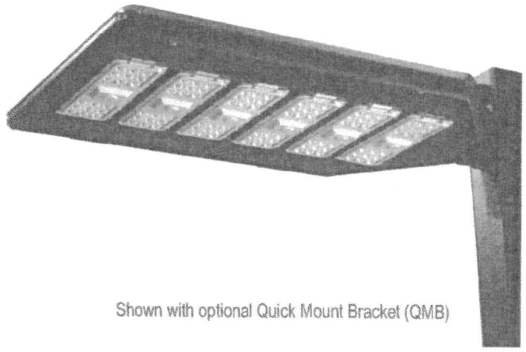
OPTICAL SYSTEM – Made with a state of the art UV stabilized acrylic high performance refractive optical assemblies that use high transmicity materials to achieve precise photometric distributions. Available in Type II, III, IV, IV Automotive, V Medium and V Wide beam configurations. Star Light Friendly (meets or exceeds Dark Sky requirements) in the horizontal position.

ELECTRICAL SYSTEM – Available in up to a 6 brick LED system in 5000K Cool White (+/- 500K) or 4100K Neutral White color temperatures (70 CRI min.) propagated with Philips Lumileds LUXEON® T LED's or Osram equivalent. Available with 90-300V 50/60 Hz Class II power supply. LED's rated over 355,000 hours (TM21 Calculated L70) at 25°C ambient temperature with selectable 700mA, 1050mA and 1400mA operation. Lumen Maintenance >97% at 50K hrs. 347V and 480V input options available. Standard 0-10V dimming. Fixture provided with integral 10kV surge protection that meets IEEE C62.42.2-2002. Built-in Active PFC Function. LED Power Supply conforms to UL1310 Class 2 and UL8750 standards and is IP67 rated for wet locations.

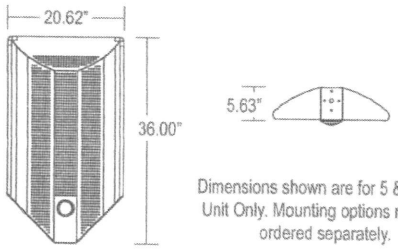
MOUNTING – The fixture is designed to mount directly to a square pole. An adaptor is available for direct mount to round poles. Techlight's Quick Mount Bracket for flush mount or the Quick Mount Bracket with various arm lengths also available. All mounting options allow the Tapered Back Saber to mount at 90 degree intervals.

LISTINGS – LED Power Supply listed for wet locations (IP67). LED bricks ETL listed for wet locations (IP64). Meets US and Canadian safety standards. -40°C to 50°C ambient operation. RoHS Compliant.

WARRANTY – The complete luminaire is covered by a 5-year limited warranty.



Shown with optional Quick Mount Bracket (QMB)



Dimensions shown are for 5 & 6 Brick Unit Only. Mounting options must be ordered separately.

Series	Housing Height	Length & Width	EPA (ft²)
LSBT	5.63"	36.00" x 20.62"	.8

ORDERING INFORMATION

Choose the bold face options for the appropriate luminaire configuration for your application and enter on the line above each fixture attribute. Accessories may be factory installed, depending on the particular accessory chosen, but still be ordered as a separate line item.

Example: **LSBT6C8T5WD1-BZ QMB**
(NOTE: QMB Must Be Ordered Separately)

LSBT _____ _____ _____ _____ _____ _____ _____ _____

Series	# of Bricks	Color Temp	# LED's per Brick	Optics	Drive Current	Voltage	Options	Finish
LSBT	**1** 1 Brick	**C** Cool White (5000K)	**8** 18 LED	**T2** Type II	**C** 700mA Driver	**1** Multi-Volt[1]	**L** Left Rotated Optics	**BK** Black
	2 2 Brick	**N** Neutral White (4100K)		**T3** Type III	**D** 1050mA Driver	**2** 480V	**R** Right Rotated Optics	**BZ** Bronze
	3 3 Brick			**T4** Type IV	**F** 1400mA Driver	**3** 347V	(Leave Blank for standard optics)	**GR** US Green
	4 4 Brick			**T4A** Type IV Automotive				**WH** White
	5 5 Brick			**T5M** Type V Medium				**SP** Special[2]
	6 6 Brick			**T5W** Type V Wide				

Accessories (Order as separate line items)

LEDEB18-325	2000 Lumen/90 Minute Battery Back-Up
QMB	Quick Mount Bracket - Flush, No Arm
QMSSA-S	Quick Mount Bracket with 2" Straight Arm
QMSSA-M	Quick Mount Bracket with 8" Straight Arm
QMSSA	Quick Mount Bracket with 16.75" Straight Arm
RPASSA	Round Pole Mount Adaptor for Direct Mounting
IP66[3]	Additional IP66 Fixture Rating
LEDOPTIC-W	Spill Light Elimination
LEDOPTIC-B	Spill Light Elimination "Black Out"
TLWSFSP-211	Fixture Mount Passive Infrared Motion Sensor

(Lenses Ordered Separately)

TLWSFSIR-100	Remote Handheld Sensor Configuration Tool
TLWSFSP-L2	360° lens, maximum coverage 48' diameter from 8' height
TLWSFSP-L3	360° lens, maximum coverage 40' diameter from 20' height
TLWSFSP-L4	360° lens, maximum coverage 60' diameter from 40' height
TLWSFSP-L7	360° lens, maximum coverage 100' diameter from 40' height
PPCR/D7	7-Pin Twist-Lock Photocell Receptacle ANSI C136.41
PTLJP-275	7-Pin Receptacle Shorting Cap
PC2	480V Twist-Lock Photocell
PC6	Multi-Tap (105-285V) Twist-Lock Photocell

NOTES
1 Multi-Volt is an auto ranging power supply from 90V to 300V input.
2 Custom RAL color matching is available. Contact your Techlight sale representative for additional information.
3 Additional IP66 rating may not be changed once production has begun on the fixtures.

All dimensions and specifications are subject to change without notice.

REV: 20170303-05

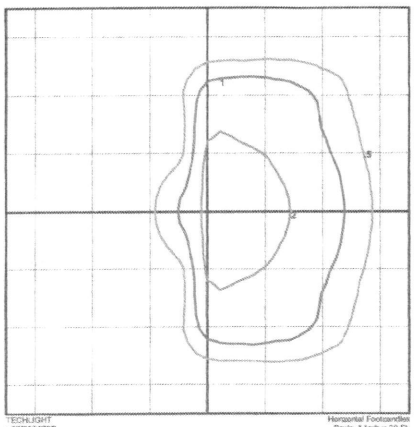
LSBT Tapered Back Saber LED Area Light

PHOTOMETRICS

IES INDOOR REPORT PHOTOMETRIC FILE NAME: LSBT6C8T3D1

Type III Optical Assembly
6 Brick, 1050mA, Cool White

365W LSBT LED Area Light
Color Temperature: 5,000 K



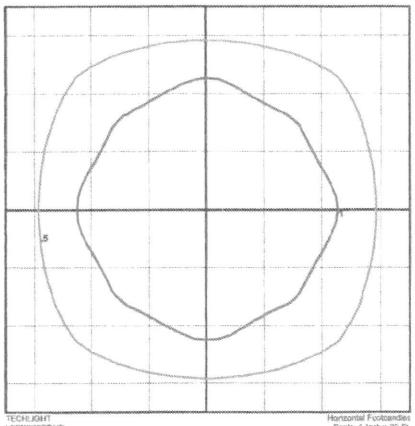
TECHLIGHT
LSBR6C8T3D
LED COOL WHITE LUXEON T (1050mA)

Horizontal Footcandles
Scale: 1 Inch = 30 Ft.
Light Loss Factor = 1.00
Lumens Per Lamp = N.A. (absolute photometry)
Luminaire Lumens = 25980
Mounting Height = 30.00 Ft
Maximum Calculated Value = 3.48 Fc
Arrangement: Single

IES INDOOR REPORT PHOTOMETRIC FILE NAME: LSBT6C8T5WD1

Type V Wide Optical Assembly
6 Brick, 1050mA, Cool White

365W LSBT LED Area Light
Color Temperature: 5,000 K

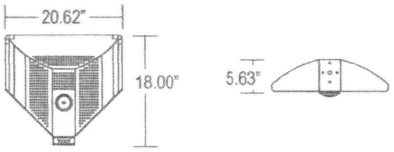


TECHLIGHT
LSBR6C8T5WD
LED COOL WHITE LUXEON T (1050mA)

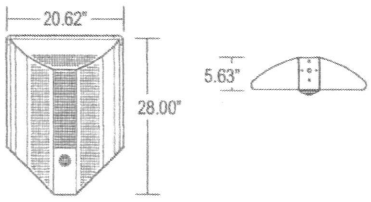
Horizontal Footcandles
Scale: 1 Inch = 30 Ft.
Light Loss Factor = 1.00
Lumens Per Lamp = N.A. (absolute photometry)
Luminaire Lumens = 33074
Mounting Height = 30.00 Ft
Maximum Calculated Value = 1.98 Fc
Arrangement: Single

ADDITIONAL FIXTURE DIMENSIONS

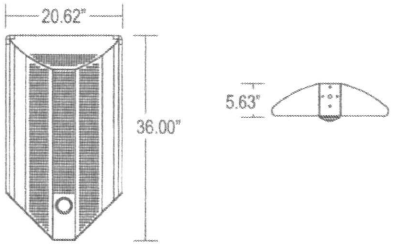
Dimensions for 1 & 2 Brick Unit



Dimensions for 3 & 4 Brick Unit



Dimensions for 5 & 6 Brick Unit



All dimensions and specifications are subject to change without notice.

LSBT Tapered Back Saber LED Area Light

LUMINAIRE CHARACTERISTICS

Cool White (5000K) 700 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	CW	4056	3993	4041	3992	4014	4065	41	>495K	0.35 A	0.21 A	0.18 A	0.16 A	0.13 A	0.09 A
2 BRICK	18	CW	8111	7987	8081	7983	8027	8130	81	>495K	0.70 A	0.41 A	0.35 A	0.31 A	0.25 A	0.18 A
3 BRICK	18	CW	12167	11980	12122	11975	12041	12195	122	>495K	1.05 A	0.61 A	0.53 A	0.46 A	0.37 A	0.27 A
4 BRICK	18	CW	16222	15974	16162	15967	16054	16260	162	>495K	1.40 A	0.81 A	0.70 A	0.61 A	0.49 A	0.35 A
5 BRICK	18	CW	20278	19967	20203	19959	20068	20325	203	>495K	1.75 A	1.01 A	0.88 A	0.76 A	0.61 A	0.44 A
6 BRICK	18	CW	24334	23961	24243	23950	24081	24390	243	>495K	2.10 A	1.22 A	1.05 A	0.91 A	0.73 A	0.53 A

Cool White (5000K) 1050 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	CW	5505	5421	5484	5505	5448	5518	61	>425K	0.53 A	0.31 A	0.27 A	0.23 A	0.19 A	0.14 A
2 BRICK	18	CW	11010	10841	10969	11010	10896	11035	122	>425K	1.05 A	0.61 A	0.53 A	0.46 A	0.37 A	0.27 A
3 BRICK	18	CW	16514	16262	16453	16515	16343	16553	183	>425K	1.58 A	0.91 A	0.79 A	0.69 A	0.55 A	0.40 A
4 BRICK	18	CW	22019	21682	21938	22020	21791	22070	244	>425K	2.10 A	1.22 A	1.05 A	0.91 A	0.73 A	0.53 A
5 BRICK	18	CW	27524	27103	27422	27525	27239	27588	304	>425K	2.63 A	1.52 A	1.32 A	1.14 A	0.91 A	0.66 A
6 BRICK	18	CW	33029	32523	32906	33030	32687	33106	365	>425K	3.15 A	1.82 A	1.58 A	1.37 A	1.09 A	0.79 A

Cool White (5000K) 1400 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	CW	7932	7813	7908	7946	7859	7948	86	>355K	0.72 A	0.42 A	0.36 A	0.32 A	0.25 A	0.18 A
2 BRICK	18	CW	15864	15626	15816	15892	15718	15896	172	>355K	1.44 A	0.83 A	0.72 A	0.63 A	0.50 A	0.36 A
3 BRICK	18	CW	23796	23439	23724	23838	23577	23844	258	>355K	2.15 A	1.25 A	1.08 A	0.94 A	0.75 A	0.54 A
4 BRICK	18	CW	31728	31252	31632	31784	31436	31792	344	>355K	2.87 A	1.66 A	1.44 A	1.25 A	1.00 A	0.72 A
5 BRICK	18	CW	39660	39065	39540	39730	39295	39740	430	>355K	3.59 A	2.07 A	1.80 A	1.56 A	1.24 A	0.90 A
6 BRICK	18	CW	47592	46878	47448	47676	47154	47688	516	>355K	4.30 A	2.49 A	2.15 A	1.87 A	1.49 A	1.08 A

WARNING: Maintenance performed including the replacement of LED bricks while power is still supplied to the lumenaire may result in system failures and will void the warranty.

All dimensions and specifications are subject to change without notice.

LUMINAIRE CHARACTERISTICS CONTINUED

Neutral White (4100K) 700 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	NW	3969	3908	3954	3906	3928	3978	41	>495K	.35 A	.20 A	.18 A	.15 A	.12 A	.09 A
2 BRICK	18	NW	7938	7816	7908	7813	7855	7956	81	>495K	.68 A	.39 A	.34 A	.30 A	.24 A	.17 A
3 BRICK	18	NW	11906	11724	11862	11719	11783	11934	122	>495K	1.02 A	.59 A	.51 A	.45 A	.36 A	.26 A
4 BRICK	18	NW	15875	15632	15816	15625	15711	15912	162	>495K	1.35 A	.78 A	.68 A	.59 A	.47 A	.34 A
5 BRICK	18	NW	19844	19540	19770	19531	19638	19890	203	>495K	1.70 A	.98 A	.85 A	.74 A	.59 A	.43 A
6 BRICK	18	NW	23813	23448	23724	23438	23566	23868	243	>495K	2.03 A	1.17 A	1.02 A	.88 A	.71 A	.51 A

Neutral White (4100K) 1050 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	NW	5387	5305	5367	5302	5331	5400	61	>425K	.51 A	.30 A	.26 A	.23 A	.18 A	.13 A
2 BRICK	18	NW	10774	10609	10734	10604	10662	10799	122	>425K	1.02 A	.59 A	.51 A	.45 A	.36 A	.26 A
3 BRICK	18	NW	16161	15914	16101	15907	15994	16199	183	>425K	1.53 A	.88 A	.77 A	.67 A	.53 A	.39 A
4 BRICK	18	NW	21548	21218	21468	21209	21325	21598	244	>425K	2.04 A	1.18 A	1.02 A	.89 A	.71 A	.51 A
5 BRICK	18	NW	26935	26523	26835	26511	26656	26998	304	>425K	2.54 A	1.47 A	1.27 A	1.10 A	.88 A	.64 A
6 BRICK	18	NW	32322	31827	32202	31813	31987	32397	365	>425K	3.05 A	1.76 A	1.53 A	1.32 A	1.06 A	.77 A

Neutral White (4100K) 1400 mA Drive Current

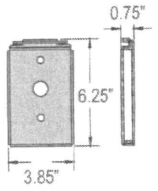
# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	NW	6463	6362	6439	6370	6399	6473	87	>355K	.73 A	.42 A	.37 A	.32 A	.26 A	.19 A
2 BRICK	18	NW	12926	12725	12879	12739	12798	12945	174	>355K	1.45 A	.84 A	.73 A	.63 A	.51 A	.37 A
3 BRICK	18	NW	19391	19087	19317	19110	19201	19421	261	>355K	2.18 A	1.26 A	1.09 A	.95 A	.76 A	.55 A
4 BRICK	18	NW	25852	25450	25759	25478	25596	25889	348	>355K	2.90 A	1.68 A	1.45 A	1.26 A	1.01 A	.73 A
5 BRICK	18	NW	32315	31817	32193	31844	31996	32362	435	>355K	3.63 A	2.10 A	1.82 A	1.58 A	1.26 A	.91 A
6 BRICK	18	NW	38782	38174	38636	38220	38401	38862	522	>355K	4.35 A	2.51 A	2.18 A	1.89 A	1.51 A	1.09 A

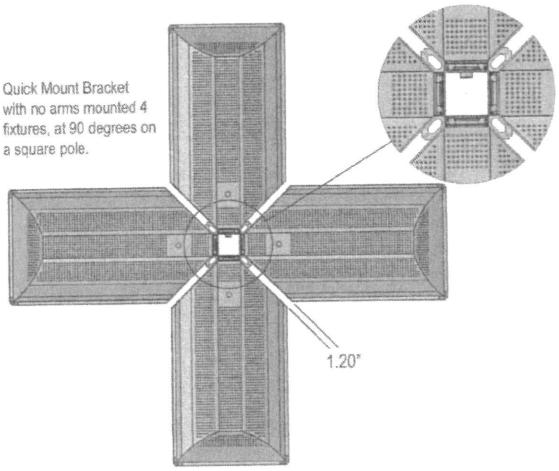
All dimensions and specifications are subject to change without notice.

LSBT Saber LED Area Light

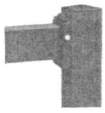
MOUNTING ACCESSORIES

QMB
Quick Mount Bracket - Flush, No Arm

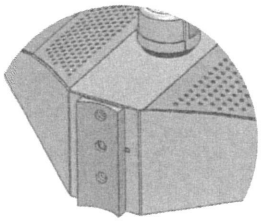




QMSSA-S
Quick Mount Bracket with 2" Straight Arm
QMSSA-M
Quick Mount Bracket with 8" Straight Arm
QMSSA
Quick Mount Bracket with 10.75" Straight Arm



RPASSA
Round Pole Mount Adaptor for Direct Mounting



TECHLIGHT

Techlight, Inc.
2707 Satsuma Drive
Dallas, TX, 75229
Phone: 214-350-0591, 800-225-0727, Fax: 214-350-9137
www.techlight.com

Regarding Page 5-Part Two Questionnaire-Section B-Question 9 Will any new signs be erected on site?

The answer is yes, there will be a building sign mounted on the building and a monument sign at the South West corner on the property. The signs will be internally illuminated and will not be illuminated after 10pm

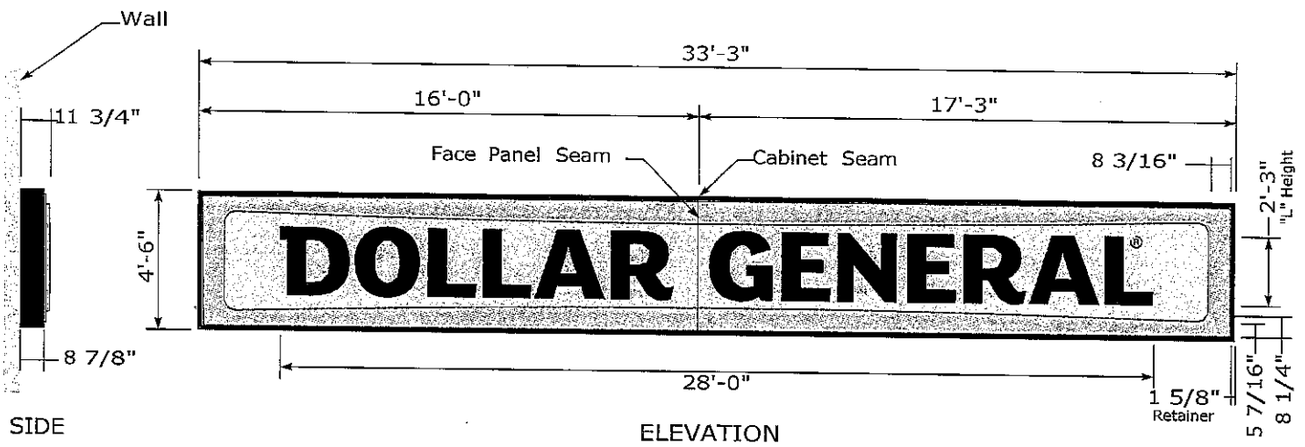


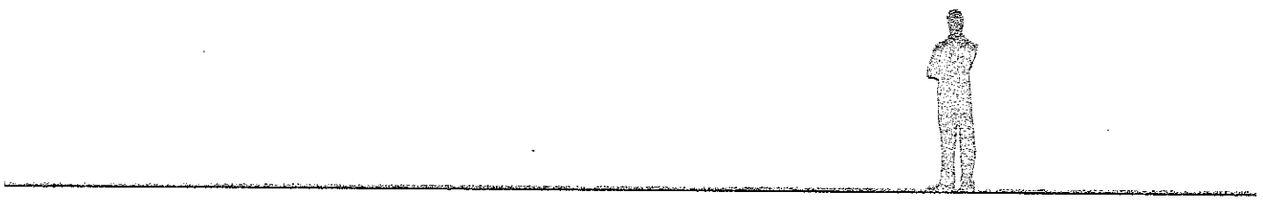
Below is our standard monument sign. We use this sign in lieu of our pylon/pole sign. The building sign and monument sign will not be illuminated after 10pm.



DOLLAR GENERAL

4'-6" x 33'-3" WALL CABINET





.150" clear UV polycarbonate (Spartech) pan formed face with Black copy over Spraylat C8-2633 Yellow on PMS Cool Gray 5 background. Cabinet to be painted Satin Black.

SQUARE FOOTAGE
ACTUAL
149.63 sq. ft.

COLOR SPECIFICATIONS	
Yellow:	match Spraylat C8-2633
Brushed Aluminum:	match Spraylat FM-171
Black (Copy):	match Spraylat Black
Satin Black (Metal):	match Black Polyurethane
Cool Gray:	match PMS Cool Gray 5
Rock Bottom Gray:	match Sherwin Williams SW7062
Green:	match PMS 368C

DOLLAR GENERAL

File Name: Dollar General Cutsheets 2013

Project #: 13-0181 | Page 10 of 33

Date: 04/12/2013

Approved By:

LINK ENGINEERING, LLC
135 South David Lane
Knoxville, TN 37922
Office: 865-539-4001
Fax: 865-539-0851
www.linkengr.com

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EXHIBIT "L"

stewart title®

ALTA COMMITMENT FOR TITLE INSURANCE

ISSUED BY
STEWART TITLE GUARANTY COMPANY

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, Stewart Title Guaranty Company, a Texas corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Countersigned by:

By: _____

Authorized Countersignature

Pioneer Title Agency, Inc.

580 E. Wilcox Dr.
Sierra Vista, AZ 85636-1900
(520) 458-3500

STEWART TITLE GUARANTY COMPANY INCORPORATED 1908 TEXAS

Matt Morris
President and CEO

Denise Carraux
Secretary

For purposes of this form the "Stewart Title" logo featured above is the represented logo for the underwriter, Stewart Title Guaranty Company

COMMITMENT CONDITIONS

1. DEFINITIONS

(a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
(b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title,

interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

(c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.

(d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.

(e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

(f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.

(g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.

(h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

(a) the Notice;

(b) the Commitment to Issue Policy;

(c) the Commitment Conditions;

(d) Schedule A;

(e) Schedule B, Part I - Requirements;

(f) Schedule B, Part II - Exceptions; and

(g) a countersignature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

(a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:

(i) comply with the Schedule B, Part I - Requirements;

(ii) eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or

(iii) acquire the Title or create the Mortgage covered by this Commitment.

(b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

(c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

(d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
(e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
(f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
(g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

(a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
(b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
(c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
(d) The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
(e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
(f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is $2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

STEWART TITLE GUARANTY COMPANY

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252-2029.

ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Issuing Agent: Pioneer Title Agency Inc.
Issuing Office: 580 E. Wilcox Dr.
Sierra Vista, AZ 85636-1900
(520) 458-3500

File No. 90201508-902--CHA
Reference No.: 283509

1. Commitment Date: **10/9/18 at 7:30 AM**
   Amendment Date: October 22, 2018, Amendment No.: 2

2. Policy or Policies to be issued: Proposed Policy Amount

   a. **ALTA Owners Policy 6-17-06 Extended Coverage** **$280,000.00**

   Proposed Insured:

   DCM Development Company, LLC, an Arizona Limited Liability Company

   b. **ALTA Loan Policy 6-17-06 Standard Coverage** **$To Come**

   Proposed Insured:

   _____, Trustee of the Atlantis Realty & Development Retirement Plan

   c. **None** **$0.00**

   Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment is

   Fee simple

4. Title to the said estate or interest in the land is at the Commitment Date vested in:
   Raun B. Trejo and Margaret R. Trejo, husband and wife, as joint tenants with right of survivorship

5. The land is described as follows:

   See Exhibit A attached hereto and made a part hereof.

Examined by: **Christina Alexander**

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.

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ALTA COMMITMENT FOR TITLE INSURANCE
EXHIBIT A

ISSUED BY

Pioneer Title Agency Inc. AS AGENT FOR
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA
Reference No.: 283509

EXHIBIT A

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF COCHISE, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

A portion of the Southeast quarter of Section 7, Township 17 South, Range 19 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

COMMENCING at the East quarter corner of said Section 7;
thence South 00°06'29" West upon the East line of said Southeast quarter of Section 7, a distance of 295.38 feet;
thence leaving said line, North 89°53'31" West, a distance of 50.00 feet to the POINT OF BEGINNING;
thence South 00°06'29" West upon a line lying 50.00 feet East of and parallel to said East line of the Southeast quarter, a distance of 311.00 feet;
thence South 89°48'29" West, a distance of 190.00 feet;
thence North 00°06'29" East, a distance of 311.00 feet;
thence North 89°48'29" East, a distance of 190.00 feet to the POINT OF BEGINNING.

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ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B PART I

ISSUED BY

Pioneer Title Agency Inc. AS AGENT FOR
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA
Reference No.: 283509

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

2. Pay the agreed amount for the estate or interest to be insured.

3. Pay the premiums, fees, and charges for the Policy to the Company.

4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

5. PAY first installment 2018 taxes, Parcel No. 124-05-003N-3.

6. We find no open deeds of trust of record. Please provide written verification by the principals and/or their agents that the subject property is free and clear of any voluntary encumbrances and advise the Title Department accordingly prior to close of escrow.

7. FURNISH the Company with an Owner's Affidavit & Indemnity (Commercial) by the Owner itemizing all Leases, identifying Lessee, date of Lease, Terms and any options to renew. SAID CERTIFICATE SHALL ALSO STATE THAT NONE OF THE LEASES REFERRED TO THEREIN CONTAIN A FIRST RIGHT OF REFUSAL OR OPTION TO PURCHASE. Upon receipt and approval by the Company, the Exception referred to below will be limited to those parties identified in the Certificate.

   Exception No. 14

   NOTE: If any leases are to be subordinated to the lien of the Insured Mortgage the form of subordination must be approved by the Company prior to the close of escrow.

8. USUAL inspection report by an employee of the Company immediately prior to recording. If such inspection discloses additional matters the recording will be delayed until resolved.

9. RECORD Deed from Raun B. Trejo and Margaret R. Trejo, husband and wife to DCM Development Company, LLC, an Arizona Limited Liability Company.

   COMPLIANCE with ARS 11-1133, which states essentially that an affidavit must be completed by a seller and a buyer and appended to a deed or contract for the sale of real estate which is presented for recording.

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Requirements
(Continued)

NOTE: The Company hereby informs the parties that it has not made a determination of whether or not this transaction is subject to the provisions of ARS 33-422 entitled "Land divisions; recording; disclosure affidavit"; and ARS 11-809 entitled "Review of land divisions; definitions." It will be the responsibility of the parties to make this determination therefore, the Company assumes no liability with respect to these matters.

10. RECORD Deed of Trust to be insured.

NOTE: If Pioneer Title Agency, Inc. is named Trustee under the Deed of Trust, the correct name and address is:

Pioneer Title Agency, Inc., an Arizona Corporation
P.O. Box 1900
Sierra Vista, AZ 85636

TAX NOTE:

Year	2018
Parcel No.	124-05-003N-3
Total Tax	$710.30
First Half	$355.15
Second Half	$355.15

(Covers more property)

PRIOR to recording, obtain current tax information from:

Cochise County Treasurer
1415 W. Melody Land #E
Bisbee, AZ 85603
520-432-8400
https://www.cochise.az.gov/treasurer/home

NOTE:
THIS COMPANY has on file a copy of the Operating Agreement of the limited liability company named below, authorizing the persons listed below (with member/manager designation) to execute and deliver all instruments required to consummate this transaction:

Limited Liability Company:	DCM Development Company, LLC, an Arizona Limited Liability Company
Person and designation:	Christopher B. Lechner, Managing Member

ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B PART I (Continued)

ISSUED BY

Pioneer Title Agency Inc. AS AGENT FOR
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA
Reference No.: 283509

Requirements
(Continued)

Note: Pursuant to Arizona Revised Statutes 11-480, effective January 1, 1991, the County Recorder may not accept documents for recording that do not comply with the following:

- **Print must be ten-point type (pica) or larger.**
- **Margins of at least one-half inch along the left and right sides one-half inch across the bottom and at least two inches on top for recording and return address information.**
- **Each instrument shall be no larger than 8 ½ inches in width and 14 inches in length.**

ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B PART II

ISSUED BY

Pioneer Title Agency Inc. AS AGENT FOR
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA
Reference No.: 283509

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.

2. RESERVATIONS contained in the Patent from the United States of America, recorded in Book 72, Deeds of Real Estate, Page 298, reading as follows:

   SUBJECT to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States of America.
   (AFFECTS ALTA EXTENDED OWNERS POLICY ONLY)

3. WATER RIGHTS, claims or title to water, and agreements, covenants, conditions or rights incident thereto, whether or not shown by the public records.
   This exception is not limited by reason of the disclosure of any matter relating to Water Rights as may be set forth elsewhere in Schedule B.
   (AFFECTS ALTA EXTENDED OWNERS POLICY ONLY)

4. Liabilities and Obligations imposed upon said land by reason of its inclusion with the following named district:

   San Pedro Valley Hospital District
   Mescal J-6 Fire District

5. TAXES AND ASSESSMENTS collectible by the County Treasurer, a lien payable but not yet due for the following year:

   Second half of 2018

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ALTA COMMITMENT FOR TITLE INSURANCE
SCHEDULE B PART II (Continued)

ISSUED BY

Pioneer Title Agency Inc. AS AGENT FOR
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA
Reference No.: 283509

Exceptions
(Continued)

6. The right to receive any and all royalties, rents, profits, or other income from oil or petroleum found or produced upon said property as set forth in instruments recorded in:

Recorded in Book	: 9, Probate Orders
Page	: 322
Recorded in Docket	: 130
Page	: 272
Recorded in Docket	: 203
Page	: 398
Recorded in Docket	: 213
Page	: 611

7. Easements and rights incident thereto, as set forth in instrument:

Recorded in Document No.	: 8807-14480
Purpose	: roadway and utilities

8. Matters Shown on Survey:

Recorded in Book	: 10 of Surveys
Page	: 100

9. Right of way for Mescal Road.

10. The effect of Proposed Mescal Fire District as disclosed in District Impact Statement recorded September 09, 2003 in Document No. 0309-32443.

11. Easements and rights incident thereto, as set forth in instrument:

Recorded in Document No.	: 0306-19855
Purpose	: roadway and utilities

12. Easements and rights incident thereto, as set forth in instrument:

Recorded in Document No.	: 0404-12996
Purpose	: roadway and utilities

13. Easements and rights incident thereto, as set forth in instrument:

Recorded in Document No.	: 0405-16770
Purpose	: ingress, egress and utilities

(Affects the South 25.00 feet of Parcel II)

14. RIGHTS OF LESSEES under unrecorded leases.
NOTE: This exception will be amended or deleted upon the submission of the corresponding documents required in Schedule B, Part I.

Stewart Title Guaranty Company Privacy Notice
Stewart Title Companies

WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
For our everyday business purposes— to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes— information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. *Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company*	Yes	No
For our affiliates' everyday business purposes— information about your creditworthiness.	No	We don't share
For our affiliates to market to you – For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to optout@stewart.com or fax to 1-800-335-9591.
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. We do not control their subsequent use of information, and suggest you refer to their privacy notices.

SHARING PRACTICES

How often do the Stewart Title companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	We collect your personal information, for example, when you **n** request insurance-related services **n** provide such information to us We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us: If you have any questions about this privacy notice, please contact us at: *Stewart Title Guaranty Company, 1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056*

Pioneer Title Agency, Inc.

Commitment to Service

Privacy Policy Statement

The Financial Services Modernization Act, known as the Gramm-Leach-Bliley Act, requires us to explain to our customers the ways in which we collect and use customer information.

We are committed to Safeguarding Customer Information
In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with your personal and/or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, Pioneer Title Agency, Inc. has adopted this Privacy Policy to govern the use and handling of your personal information.

Personal Information Collected

- Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- Information we receive from consumer or other reporting agencies and publicly recorded documents.

Use of Information
We may disclose the above information (excluding information we receive from consumer or other credit reporting agencies) about our customers or former customers to our affiliates or nonaffiliated third parties as permitted by law. Disclosures may include, without limitation, the following:

- To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

Links to Other Websites
Our websites contain links to websites that are provided and maintained by third parties and that are not subject to our Privacy Policy Statement. Please review the privacy policy statements on those websites. We make no representations concerning and are not responsible for any such third party websites or their privacy policies or practices.

Confidentiality and Security
We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees to ensure that your information will be handled responsibly and in accordance with the Privacy Policy Statement. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

Size	Description (25 characters maximum)	Product	Type
1 oz	ECK STRING CHEESE- 1 oz	Dairy	Cheese
16 oz	ECK SAUSAGE ROLL	Meat	Sausage
8 oz	ECK SHREDDED M CHEDDAR- 8 oz	Dairy	Cheese
10 oz	Mild Colby 10 oz	Dairy	Cheese
sm.	Chicken Salad Sand Spread	Meat	Spread
sm.	Ham Salad Sand Spread	Meat	Spread
sm.	Pimento Salad Sand Spread	Meat	Spread
sm.	Tuna Salad Sand Spread	Meat	Spread
sm.	Jalapeno Salad	Meat	Spread
	Large Eggs	Dairy	Eggs
	Large Eggs	Dairy	Eggs
	Large Eggs	Dairy	Eggs
	PARKAY 1 LB. STICK QTRS	Dairy	Margarine
8 oz	PARKAY 2/8 oz	Dairy	Margarine
12 oz	ARM. MEAT FRANKS- 12 oz	Meat	Hot Dog
16 oz	ECK SMOKED GRILLERS- 16 oz	Meat	Hot Dog
16 oz	ECK MEAT SMOKED- 16 oz	Meat	Hot Dog
16 oz	ECK CORN DOGS- 16 oz	Meat	Hot Dog
7 oz	SWIFT BNS ORG LINKS- 7 oz	Breakfast	Sausage
7 oz	SWIFT BNS BEEF LINKS- 7 oz	Breakfast	Beef
7 oz	SWIFT BNS PATTIES- 7 oz	Breakfast	Sausage
4 pk	SWIFT SAUSAGE N BISCUITS- 4pk	Breakfast	Sausage
	ECK FUN KIT- HAM	Lunch Kit	Ham
	ECK FUN KIT- TURKEY	Lunch Kit	Turkey
	ECK LUNCHMAKER- HAM	Lunch Kit	Ham
	ECK LUNCHMAKER- TURKEY	Lunch Kit	Turkey
	ECK LUNCHMAKER- PEPPERONI	Lunch Kit	Pepperoni
	ECK LUNCHMAKER- BOLOGNA	Lunch Kit	Bologna
10 oz	ECK HONEY HAM- 10 oz	Meat	Ham
10 oz	ECK COOKED HAM- 10 oz	Meat	Ham
16 oz	ECK BOLOGNA- 16 oz	Meat	Bologna
16 oz	BB O/R TURKEY- 16 oz	Meat	Turkey
12 oz	BB VARIETY PACK- 12 oz	Meat	Combo
16 oz	ARM ORG MEATBALLS- 16 oz	Meat	Beef
16 oz	ARM CHICKEN NUGGETS- 16 oz	Chicken	Chicken
2 lb	Buffalo Wings- Fully Cooked 2 lb	Chicken	Wings
17 oz	Ma Kids Pepp (4 pk) Pizza 17 oz	Pizza	Pepperoni
10 ct	10 ct Waffle	Breakfast	None
5 oz	Red Bean Chili Beef Burrito 5 oz	Burrito	Bean & Beef
5 oz	Bean/Cheese Burrito 5 oz	Burrito	Bean & Cheese
5 oz	Beef/Cheese Burrito 5 oz	Burrito	Beef & Cheese
16 oz	Eckrich Ham & Cheese 16 oz	Meat	Ham
	Morton Chicken Pot Pie	Pot Pie	Chicken
	Morton Beef Pot Pie	Pot Pie	Beef
	Morton Salisbury Steak Dinner	None	None

Size	Description (25 characters maximum)	Product	Type
	Morton Turkey Dinner	None	Turkey
12 oz	Eckrich 12 oz IWS Cheese	Dairy	Cheese
12 oz	Armour Bacon	Meat	Bacon
18 oz	KC Masterpiece BBQ Beef	Meat	Beef
	Large Eggs	Dairy	Eggs
2 lb	Chicken Breast	Meat	Chicken
2 lb	Chicken Wings	Meat	Chicken
2 lb	Straight Cut French Fries	None	None
2 lb	Straight Cut French Fries	None	None
12 oz	ARMOUR BOLOGNA 12 oz	Meat	Bologna
12 oz	Merico biscuits	None	biscuits
12.4 oz	Cinnamon Rolls	None	rolls
32 oz	Flanders Beef Patties	Meat	None
24/ 8.5 oz	Mama Rosa Party Pizza	Pizza	None
24/ 8.5 oz	Mama Rosa Pepperoni Pizza	Pizza	Pepperoni
24/ 4 oz	Hot Picks Pepperoni	None	Pepperoni
24/ 4 oz	Hot Picks Ham & Cheese	None	None
6/ 32 oz	Banquet Economy Meals Lasagna	None	None
6/ 32 oz	Banquet Economy Meals Salisbury	None	None
12/ 10 oz	Butterball Honey Turkey Breast	Meat	Turkey
12/ 16 oz	Butterball Bun Size Franks	Meat	Hot Dog
12/ 16 oz	Eckrich Cheddar Links	Meat	Hot Dog
24/ 16 oz	Eckrich Meat Franks	Meat	Hot Dog
15/ 16 oz	Eckrich Skinless Smoked Sausage	Meat	Hot Dog
12/ 16 oz	Eckrich Variety Pac	Meat	None
32 oz	48 ct Fathoms Crunchy Fish Sticks	Meat	None

Size	Description (25 characters maximum)	Product
Gal	Purity Gallon Homogenized	Dairy
Gal	Purity Gallon Sweet Acidophilus	Dairy
Gal	Purity Gallon Skim	Dairy
Gal	Gallon Homogenized	Dairy
Gal	Gallon 2%	Dairy
Gal	Gallon Skim	Dairy
HG	1/2 Gallon Buttermilk	Dairy
HG	Homo Milk HG	Dairy
HG	Purity 2% HG	Dairy
Quart	Quart Egg Nog	Dairy
Quart	Quart Boiled Custard	Dairy
Quart	Quart Low fat Buttermilk	Dairy
Quart	Quart Milk	Dairy
Pint	Plastic Pint Homogenized	Dairy
Pint	Plastic Pint 2%	Dairy
Pint	Strawberry Pint Milk	Dairy
Pint	Plastic Pint Chocolate	Dairy
Pint	Low Fat Choc Pint	Dairy
Gal	Gallon Breakfast Orange	Dairy
Gal	Purity Sweet Tea Gal	Dairy
HG	1/2 Gallon Pure Orange Juice	Dairy
HG	1/2 Gallon Purity Lemonade	Dairy
Pint	Plastic Pint Orange Juice	Dairy
Pint	Plastic Pint Lemonade	Dairy
Pint	Plastic Pint Jungle Juice	Dairy
Pint	Plastic Pint Orange Drink	Dairy
Pint	Plastic Pint Tea	Dairy
8 oz	8 oz Chip N Dip	Dairy
8 oz	8 oz Cottage Cheese	Dairy
8 oz	8 oz Sour Cream	Dairy
8 oz	Jalapeno Dip	Dairy
Quart	Acidophilus Milk	Dairy
Quart	Skim Milk	Dairy
hg	Chocolate Milk	Dairy
Pint	Purity 1/2 & 1/2	Dairy
Gal	Orange Kreature Kooler	Dairy
Gal	Lemon Kreature Kooler	Dairy
Gal	Grape Kreature Kooler	Dairy
Gal	Punch Kreature Kooler	Dairy
Gal	Purity Gal OJ	Dairy

Vendor

Purity TN

Class	Vendor #	Vendor	Style	Size	Description (25 characters maximum)	UPC	SKU
1187	10919	Purity	1524	Pint	Purity Homemade Vanilla	070778602003	CON5024
1187	10919	Purity	524	Pint	Purity Strawberry	070778603000	CON5025
1187	10919	Purity	1525	Pint	Purity Chocolate	070778604007	CON5026
1187	10919	Purity	1526	Pint	Purity Butter Pecan	070778605004	CON5027
1187	10919	Purity	1527	Pint	Purity Pralines n' Cream	070778610008	CON5028
1187	10919	Purity	1528	Pint	FF Orange Sherbert	070778056509	CON5030
1187	10919	Purity	1529	Pint	FF Rainbow Sherbert	070778056752	CON5031
1187	10919	Purity	1530	Pint	FF Choc. Raspberry	070778150306	CON5032
1187	10919	Purity		Pint	Purity Cookies n' Cream Pint	070778608005	CON5029
1187	10919	Purity	1531	Pint	Nutty Buddy	070778150610	CON5033
1187	10919	Purity	1532	Pint	Moose Tracks	070778150382	CON5034
1187	10919	Purity		Pint	Purity Moosic City Pint	070778617601	DS101120
1187	10919	Purity	1500	HG	Vanilla Square	070778551004	CON5000
1187	10919	Purity	1501	HG	Strawberry Square	070778553008	CON5001
1187	10919	Purity	1502	HG	Chocolate Square	070778554005	CON5002
1187	10919	Purity	1503	HG	Butter Pecan Square	070778555002	CON5003
1187	10919	Purity	1504	HG	Chocolate Chip Square	070778556009	CON5004
1187	10919	Purity	1505	HG	Neapolitan Square	070778557006	CON5005
1187	10919	Purity	1506	HG	Cookies n' Cream Square	070778558003	CON5006
1187	10919	Purity	1507	HG	Choc Chip Cookie Dough Square	070778559000	CON5007
1187	10919	Purity	1507	HG	Black Walnut Square	070778551509	DS100887
1187	10919	Purity		HG	Orange Sherbet HG	070778056011	DS101135
1187	10919	Purity		HG	Rainbow Sherbet HG	070778056059	DS101136
1187	10919	Purity	1513	6 pk	Nutty Buddy 6 pk	070778822005	CON5013
1187	10919	Purity	1514	6 pk	Big Dipper Bar 6 pk	070778824009	CON5014
1187	10919	Purity		6 pk	Fudge Bar 6 pk	070778201701	DS100756
1187	10919	Purity		6 pk	Chocolate Sprinkle Bar 6 pk	070778201312	DS100757
1187	10919	Purity		6 pk	Strawberry Sprinkle Bar 6 pk	070778201374	DS100758
1187	10919	Purity	1508	4 qt	Vanilla Pail	070778520000	CON5008
1187	10919	Purity	1509	4 qt	Chocolate Pail	070778521007	CON5009
1187	10919	Purity	1510	4 qt	Fudge Ripple Pail	070778522004	CON5010
1187	10919	Purity	1511	4 qt	Neapolitan Pail	070778523001	CON5011

Vendor

Purity TN

Class	Vendor #	Vendor	Style	Size	Description (25 characters maximum)	UPC	SKU	
1187	10919	Purity	1512	3 oz	Ice Cream Sandwich 3 oz	070778802007	CON5018	
1187	10919	Purity	1519	3 oz	Nutty Buddy 3 oz	070778832004	CON5019	
1187	10919	Purity	1516	24 pk	Asst. Pops 24 pk	070778811009	CON5016	
1187	10919	Purity	1517	24 pk	Fudge Pops 24 pks	070778813003	CON5017	
1187	10919	Purity	1512	12 pk	Ice Cream Sandwich 12 pk	070778821008	CON5012	
1187	10919	Purity	1515	12 pk	Banana Pops 12 pk	070778815007	CON5015	
1187	10919	Purity		12 pk	Purity 3 oz Van Cups 12 ct	070778071502	DS101118	
1187	10919	Purity		12 pk	Purity 3 oz Choc Cups 12 ct	070778071519	DS101119	
1187	10919	Purity		HG	Goldenrod 1/2 gal Vanilla	070473500017		7/7/03
1187	10919	Purity		HG	Goldenrod 1/2 gal Chocolate	070473500024		7/7/03
1187	10919	Purity		HG	Goldenrod 1/2 gal Fudge Swirl	070473500086		7/7/03
1187	10919	Purity		HG	Goldenrod 1/2 gal Neapolitan	070473500048		7/7/03
1187	10919	Purity		HG	Peanut Butter Fudge	070778568019		effec 02-09-02
1187	10919	Purity		HG	Orange Pineapple	070778568033		effec 02-09-03
1187	10919	Purity		HG	Cherry Vanilla	070778568040		effec 02-09-04
1187	10919	Purity		HG	Raspberry Sherbet	070778056042		effec 02-09-05
1187	10919	Purity		HG	Fudge Ripple Ice Cream	070778561003		effec 02-09-06
1187	10919	Purity		24 ct	Orange Push Up	072623062505		effec 02-09-11
1187	10919	Purity		12 ct	Ripple Cups	070778071526		effec 02-11-01
1187	10919	Purity		Pint	O'Charley's Ice Cream	070778501559		effec 03-11-02
1187	10919	Purity		24 ct	Col Crunch Chocolate	070778005101		effec 03-11-02
1187	10919	Purity		24 ct	Col Crunch Strawberry	070778005125		effec 03-11-02
1187	10919	Purity		24 ct	Snickers Big One	047677000070		effec 03-11-02
1187	10919	Purity		6 pk	6 pk Purity Ice Cream Sandwich	070778820001		effec 11-05-02
1187	10919	Purity		24 ct	Purity Ice Cream Sandwich 3 oz	070778802007		effec 03-14-03
1187	10919	Purity		24 ct	Purity Nutty Buddy 3 oz	070778832004		effec 03-14-03
1187	10919	Purity		24 ct	Klondike Original Vanilla Bar	075856001808		effec 03-14-03
1187	10919	Purity		24 ct	Good Humor Choco Taco	070547014983		effec 03-14-03
1187	10919	Purity		24 ct	Good Humor Strawberry Shortcake	041000054143		effec 03-14-03
1187	10919	Purity		24 ct	Good Humor Chocolate Éclair	041000054150		effec 03-14-03
1187	10919	Purity		24 ct	Good Humor Prem Cookie Sandwich	077567018038		effec 03-14-03
1187	10919	Purity		24 ct	Good Humor Firecracker Supersicle	077567005144		effec 03-14-03
1187	10919	Purity		12 ct	Nestle Drumstick Supreme	072554218002		effec 03-14-03
1187	10919	Purity		24 ct	Nestle Flinstone Rainbow Pushup	072554000072		effec 03-14-03
1187	10919	Purity		24 ct	Nestle Crunch Bar/Vanilla King	028000017507		effec 03-14-03
1187	10919	Purity		24 ct	Butterfinger Bar/King	028000718008		effec 03-14-03
1187	10919	Purity		6 pk	Orange Cream Bar	070778201718		effec 06-23-03

General Food List
Breakfast Items
Cereals
Juice
Crackers
Cookies
Pringles
Chips
Canister Snacks
Nuts
Pegged Candy
Bagged Candy
Drink Mix
Water
Pasta, Rice, & Canned Meats
Canned Vegetables
Soups
Ethnic Foods
Condiments
Baking, Desserts, & Fruit
Spices
Coffee & Tea
Soda
Popcorn & Salsa
Snacks
Quick Meals
King Size Candy Bars
Regular Candy Bars
Clover Valley Candy
Gum & Mints
10/$1 Candy
4/$1 Candy
Frito Lay
Little Debbie
Archway Cookies

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

_____

_____

_____

_____

_____

_____

_____

/

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

We are strongly against - because
1) Increase in crime -
2) traffic issues
3) Safety
4) beauty of our natural landscape and mountain views

pls see attached

(Attach additional sheets, if necessary)

PRINT NAME(S): Daniel B Gladman & Lorraine L Burkey Gladman

SIGNATURE(S): Daniel B Gladman

Lorraine L Burkey Gladman

[illegible] NUMBER: 12415577 (the eight-digit identification number found on the tax

pervisors. Submission
ew by the applicant or
March 25, 2019 to be
he staff report to the
en comment deadline
nann@cochise.az.gov.
e to be verbally noted
.019 **for the Planning and**
e Commissioners or Board
ppreciated.

On speaking with our friends / neighbors we all agree that this is not what we want for our area.
We oppose this !!!

Lorraine & Dan Gladman

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

_____

_____

_____

_____

_____

_____

_____

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

we already have 2 Stores in Benson. What will
happen if they go out of Business can anyone take
over the Building or what.

_____

(Attach additional sheets, if necessary)

PRINT NAME(S): Bruce & Paula Kleifgen

SIGNATURE(S): Bruce P. Kleif
Paula Kleifgen

YOUR TAX PARCEL NUMBER: 129000-435 (the eight-digit identification number found on the tax statement from the Assessor's Office)

124-03-339A ?

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 Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** 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 November 1 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 April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 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

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

_____

_____

_____

_____

_____

_____

_____

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

Traffic - Light Pollution - Nature - Garbage
Signage - Loiterers - Shoplifters - Robberies
One less than 8 min to Benson

_____

_____

_____

See attached

(Attach additional sheets, if necessary)

PRINT NAME(S): DEBRA LAMOUREUX

SIGNATURE(S): _____

_____

YOUR TAX PARCEL NUMBER: 124-15-5040 (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 Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** 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 November 1 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 April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 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

ANOTHER DOLLAR GENERAL? THERE IS ONE LESS THAN 10 MINUTES DOWN THE ROAD. WHY WOULD WE NEED ANOTHER? WILL THIS LEAD TO INCORPORATION? HIGHER TAXES? NO THANKS.

THINK -

TRAFFIC ROAD IS ALREADY FAST MOVING, DANGEROUS. ALSO QUITE HILLY IN SPOTS WHICH OBSCURES VISION OF ONCOMING AND SIDE ENTERING TRAFFIC. FOOT TRAFFIC WILL INCREASE AND THUS, THE DANGER.

LIGHT POLLUTION SEEING THE SKIES UNALTERED IS A REASON I MOVED TO A RURAL AREA. WITH DARK ARRIVING AT 5 P.M. IN THE WINTER, I AM SURE VIEWING THE NIGHT SKY WILL BE IMPEDED BY THE LIGHTING

NATURE I ENJOY THE ANIMALS AND PLANTS IN OUR AREA AND THIS WILL DISPLACE BOTH. ESPECIALLY THE ANIMALS. HERDS OF DEER AND COYOTES AND JAVALINA. GROUPS OF QUAIL, ROADRUNNERS ETC.

GARBAGE MESCAL IS ALREADY HORRIBLY LITTERED UPON. THIS WILL INCREASE THE MESS.

MORE OF SIGNAGE - LOITERERS - SHOPLIFTERS - ROBBERIES

8 TO 12 PEOPLE HIRED? THAT IS NOT A BIG INCENTIVE WHEN YOU LOOK AT ALL WE SHALL LOSE. ALSO, RETENTION OF EMPLOYEES IS A DIFFICULT PROSPECT IN OUR AREA.

WE HAVE A BUSINESS SECTION OF MESCAL ALREADY. WHY PLACE THIS IN A RESIDENTIAL RURAL AREA? AN AREA WHERE PEOPLE COME TO FILM DUE TO THE PANARAMIC VIEWS AND MOVIE SET?

NO, NO, AND AGAIN, I SAY NO.

From: Grant McCune
To: Kirschmann, Robert
Subject: special use docket su-19-05 and z-19-02 (Dollar General)
Date: Sunday, March 24, 2019 8:32:30 PM

As a resident within a mile of the proposed building site for the Dollar General, my house hold is not in favor of the rezoning of residential property for special use authorization.

The primary reason for our objection is due to the fact that there are multiple available properties that are already zoned for commercial use off of the Mescal Frontage Rd. We feel that one of the commercial properties available would better suit the business as opposed to being in a predominantly residential area. A dollar general site on the frontage road could provide better visibility from I-10 giving potential for additional sales and would be more sustainable by using an existing building or site.

Also, if a Dollar General were to move into a mostly residential part of Mescal Road, what is the projected impact to the housing market in the surrounding area? Will they be providing a safe area for school bus pick up along Mescal as well since we have a significant number of school-aged children?

We would also be interested in knowing what the projected sales are, if any, and how that would be used to aid our community. If the projected traffic to this new store would greatly increase the use of Mescal Road upon approval of the rezoning, the developer should be held legally accountable to aid in the maintenance of the road.

With the close proximity to the Quick Pick gas station we also see occasional truckers. Would the Dollar General be trying to encourage this audience? if so, what is their plan to provide ample parking or aid to the existing Quick Pick for improvements to better suit the needs of those that travel through our area?

We also already have a Dollar General and dollar tree in town, what is the point of having a third location so close? Will that not impact sales at those sites from the J6 and Mescal community members?

Sincerely,

Grant and Kellie McCune

Sent from my iPhone

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

_____
_____
_____
_____
_____
_____
_____

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

Where to start? Closed stores of this kind in Benson and Huchuca City already. Caliber of clients this would draw. Eventually another empty building that some body would take over to store rusty wrecked cars on. Case in point the dollar general on Hwy 90. An eyesore for an already suffering part of the community. Plastic trash everywhere. It is an absolute no for us.

(Attach additional sheets, if necessary)

PRINT NAME(S): Jill Milligan

SIGNATURE(S): _____

_____

YOUR TAX PARCEL NUMBER: 124-55-82-03 (the eight-digit identification number found on the tax statement from the Assessor's Office) 12455803

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 Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** 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 November 1 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 April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 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

From:	Jill Milligan
To:	Kirschmann, Robert
Subject:	Dollar General Store/Mescal Feedback
Date:	Friday, March 22, 2019 8:00:08 AM
Attachments:	Cochise County Document.pdf

Good morning Mr. Kirschmann

I have attached my response but it looks rather sloppy so I will reiterate what I wrote on the form. I very much oppose this store being built. What kind of a crowd would it draw? Driving through Huachuca City and Benson where similar stores, on much busier streets, have already closed should speak volumes. Currently in Benson there are 2 side by side stores of this type which in itself is ridiculous.

Eventually IF this store is built, it will go out of business and somebody will come in and turn it into yet another junkyard for cars etc like we already have way too much of in this area (case in point Bobbie Joe's bar now a wrecking yard and Uhaul facility, and an eyesore of the worst kind). Living in Mescal is already a challenge with the low rent caliber of people who abandon homes (and animals), don't tend to their yards and just junk this place up. If this is allowed to be built, it is a guarantee on my part that we will be leaving Cochise County for good. I have been here 26 years and have seen so many areas turned to ruin. A store like this would be the final straw.

Thank you for your time and consideration.

Jill Milligan
550 N. Pine Rd.
Benson, AZ 85602

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

_____

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X **NO**, I DO NOT SUPPORT THIS REQUEST: 11/11/19
Please state your reasons:

We do not want to have commercial development in our area!!! We moved here to get away from the city. Has there been traffic studies? Has there been water studies? Dollar General is not the only proposed retail "store" this company wants to bring here! Please allow us to continue to enjoy our rural lifestyle! There is already a Dollar General in Benson! They sell cheaply made garbage!

(Attach additional sheets, if necessary)

PRINT NAME(S): Wayne Murzyn Kathleen Murzyn

SIGNATURE(S): Wayne Murzyn
Kat Murzyn

YOUR TAX PARCEL NUMBER: 124-03-01808 (the eight-digit identification number found on the tax statement from the Assessor's Office)

019 ?
020 .

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 Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** 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 November 1 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 April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 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

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

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

I feel the area is beautiful Rich grassy desert that should be preserved to accommodate a Dollar General Store. The Dog Ranch House there will be looking out the windows at a huge sign. The traffic will be a problem. This is a rural residential area. We have a low level of crime in the area.

(Attach additional sheets, if necessary)

PRINT NAME(S): Laura Whitaker

SIGNATURE(S): Laura Whitaker

YOUR TAX PARCEL NUMBER: 12415102 (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 Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** 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 November 1 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 April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 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

From: fungrma44
To: Kirschmann, Robert
Subject: Mescal Dollar General store
Date: Tuesday, April 2, 2019 1:02:03 PM

After our phone conversation I have several concerns about the Mescal Dollar General location.
1. Where will they get their water from? I, we are having water pressure problems from time to time with Mescal Lakes water systems.
2. The increased traffic
3. The increase in night lighting from store signs.
4. I am concerned about what will be added on the balance of the parcel Mr Lechner purchased at a later date. It could become a strip mall later.
5. Property taxes would increase.
6. I moved here from Portland, Ore Vancouver, Wa to get away from those bigger city problems and have the simpler retirement life.

Thank you for taking the time to talk to me and explain both locations and concerns.

Joann Wisner
3179 w Cindy Way
Benson az 85602
Sent from my T-Mobile 4G LTE Device

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

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

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(Attach additional sheets, if necessary)

PRINT NAME(S): GERARD CONRAD CANDACE J CONRAD

SIGNATURE(S): _____

_____

YOUR TAX PARCEL NUMBER: 124-05-00303 (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 Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** 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 November 1 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 April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 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

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

X **YES**, I SUPPORT THIS REQUEST
Please state your reasons:
A Dollar General would be a welcome store in this area

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

(Attach additional sheets, if necessary)

PRINT NAME(S): Elaine Eberle

SIGNATURE(S): Elaine Eberle

YOUR TAX PARCEL NUMBER: 12420065 (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 Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** 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 November 1 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 April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 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.

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Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

Yes I support This Request We have Lived in Mescal Since 2000 and I Retired here in 2007 We need progress it will make our community grow and worth more.)

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

(Attach additional sheets, if necessary)

PRINT NAME(S):

SIGNATURE(S): John R & Donna Good
John R Good Donna J. Good

YOUR TAX PARCEL NUMBER: 124-15-49401 (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 Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** 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 November 1 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 April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 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

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

X **YES**, I SUPPORT THIS REQUEST

Please state your reasons:

IT WILL PROBABLY SAVE MESCAL & J-SIX RESIDENTS TIME AND VEHICLE FUEL TO SHOP IN MESCAL INSTEAD OF TRAVELLING TO BENSON OR OTHER LOCALITIES.

Good Luck

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): GARY GEORGE GREGORY & KATHERINE RUTH GREGORY

SIGNATURE(S): Kath Ruth Gregory 3-

YOUR TAX PARCEL NUMBER: 124-15-287 (the eight-digit identification number found on the tax statement from the Assessor's Office) 124-15-288
124-15-289

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 Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** 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 November 1 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 April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 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

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

I am old 99 yrs and only drive on side roads in Mescal and 9 to so would be great for me. Hope they are having some groc. Also have rentals in area so would be a plus for them.
We also need a good restaurant yes I do have a driver license

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

(Attach additional sheets, if necessary)

PRINT NAME(S): Mozelle Kleifgen

SIGNATURE(S): Mozelle Kleifgen
March 22, 2019

YOUR TAX PARCEL NUMBER: 120-00-001-173 (the e
statement from the Assessor's Office)

120-00-001-173 Cochise Lane 96
124-15-187 0 Thistle Mesa
124-15-459 0 Linda Lane
124-03-147B7 Mustang 96
11
My other top members

Your comments will be made available to the Planning and Zoning Comr
of this form or any other correspondence becomes part of the public rec
other members of the public. Written comments must be received no la
included in the staff report to the Commission, and by **Monday April 2**
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Comments received after the November 1 deadline must be received pric
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Zoning Commission and May 7, 2019 for the Board of Supervisors. NOT
members to accept written comments or petitions at the meeting; your c



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

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

✓ **YES**, I SUPPORT THIS REQUEST

Please state your reasons:

Development supports the growth of our church.

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): John J Martin

SIGNATURE(S): John J Martin, Treasurer
Peace in the Valley Lutheran Church

YOUR TAX PARCEL NUMBER: 124 140 60 C (the eight-digit identification number found on the tax statement from the Assessor's Office)

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Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

This is NEEDED HERE AS The Quick pic WE HAVE here is A RIP OFF AND the MERCHANDISE is NOT ALWAYS FRESH. HAVING A DOLLAR GENERAL HERE will SAVE US ALOT OF TRAVEL TIME GETTING A LOAF OF BREAD OR MILK

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

(Attach additional sheets, if necessary)

PRINT NAME(S): VERNIE RATHBUN

SIGNATURE(S): Vernie Rathbun

YOUR TAX PARCEL NUMBER: 124-15-214 5 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

① CONVENIENCE !! PROGRESS FOR OUR AREA!
② WILL NOT HAVE TO DRIVE ON OUR DANGEROUS INTERSTATE SINCE THERE IS NO FRONTAGE ROAD.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): RONALD P. RUNNER & KATHERINE M. RUNNER

SIGNATURE(S): Ronald P. Runner
Katherine M. Runner

YOUR TAX PARCEL NUMBER: 12415092 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

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

The people in the area need a store where they can get some of the things they need at a reasonable price. They also may not be able to go to Benson to do that.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): Thomas A Saniga

SIGNATURE(S): Thomas A Saniga

YOUR TAX PARCEL NUMBER: 124060012 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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

PLANNING
MAR 29 2019
COCHISE COUNTY

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

X **YES**, I SUPPORT THIS REQUEST

Please state your reasons:

THIS RETAIL FACILITY WOULD BE A GREAT SERVICE FOR MESCAL - J6 COMMUNITY. PRESENTLY WE ARE UNDER-SERVED AND HAVE TO TRAVEL SEVERAL MILES FOR RETAIL SERVICES. HAVING THIS OPTION WOULD CUT DOWN ON TRAFFIC CONGESTION AND AID THE LOCAL ECONOMY. THIS SHOULD BE APPROVED

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

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): RONALD H. VAN LOAN

SIGNATURE(S): Ronald H. Van Loan

YOUR TAX PARCEL NUMBER: 124 20093 / 124 20092 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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

From:	chack2@juno.com
To:	Kirschmann, Robert
Cc:	chack2@juno.com
Subject:	Re: 124-15-020
Date:	Tuesday, March 26, 2019 10:44:54 PM

As we discussed early today. My mother passed and left me trustee of her estate. I have not had a chance to change the name on the property.

I have decided to support the decision made by the majority of the residents of Mescal Lakes regarding the building of the Dollar General Store.

If there are any more questions, you may call me at 314-429-7163 or continue to write me at the St. Louis, MO address.

Edith Hagler Parcel ID: 12415020

Carolyn Hackworth

---------- Original Message ----------
From: "Kirschmann, Robert" <RKirschmann@cochise.az.gov>
To: "chack2@juno.com" <chack2@juno.com>
Subject: 124-15-020
Date: Tue, 26 Mar 2019 22:17:47 +0000

As we discussed.

Robert Kirschmann

Planner II

Cochise County Community Development

Development Services Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

520-432-9248

520-432-9278 fax

Public Programs...Personal Service

www.cochise.az.gov

SUMMARY OF COCHISE COUNTY DEPARTMENT COMMENTS

Docket: Z-19-02 and SU-19-05 (Dollar General)

Floodplain:

1. Per Section 1.2 and 2.3 of ADEQ 2013 Construction General Permit and Section 8.02 of Cochise County Stormwater Ordinance, please submit NOI (Notice of Intent) to ADEQ. Once the NOI Certificate is obtained submit a copy to Cochise County.

2. Since the project is located outside Cochise County's current MS4 jurisdiction, Cochise County will not require a SWPPP (Stormwater Pollution Prevention Plan) to be submitted to the county for this project. However, it is recommended that Section 2.2 of ADEQ 2013 CGP – Prerequisites for submitting a NOI be visited to check ADEQ's requirements for a SWPPP. If a SWPPP is required by ADEQ, please submit a copy of the SWPPP and NOI within the Drainage Analysis to Cochise County when the development package (plans, drainage analysis), etc.) is submitted to Cochise County Development Services.

3. Per Section 5.1 (D)(1) Adverse Impact of Cochise County Floodplain Regulations, that reads: "The cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one tenth of a foot along adjacent boundaries, and will not increase the velocity by more than 10%." Please show in proposed design and ensure that the construction of this project will not create any adverse effects on neighboring parcels.

Highway:

ROW permit and complete plans regarding access will be required.

ROW:

1. Mescal Road is a County Maintained Road (MI# 624)

2. 50' wide public right-of-way established in Mescal Lakes Unit II Final Plate recorded in Book 8 of Maps and Plats, pages 36-36B.

3. Mescal Road is classified as a County Collector Road. County Road Design Standards require a right-of-way width between 80 and 100 feet.

4. **Further right-of-way dedication is required for Mescal Road at this time. County right-of-way agent will prepare documents necessary to convey 50' of dedicated public right-of-way.**

Environmental Health:

1. Plan review for the store is required

2. Review and approval of the septic system is required.

Cochise County
Engineering & Natural Resources

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

JACKIE WATKINS, PE, PTOE
Director

INTEROFFICE MEMO

Date: March 20, 2019

To: Robert Kirschmann, Planner II

From: Teresa Murphy, Right-of-Way Agent

Subject: SU-19-05 & Z-19-02 (Dollar General)

Analysis:

- Access via Mescal Road
- Mescal Road is a County Maintained Road (MI# 624)
- 50’ wide public right-of-way established in Mescal Lakes Unit II Final Plate recorded in Book 8 of Maps and Plats, pages 36-36B.
- Mescal Road is classified as a County Collector Road. County Road Design Standards require a right-of-way width between 80 and 100 feet.

Recommendation:

- Further right-of-way dedication is required for Mescal Road at this time. County right-of-way agent will prepare documents necessary to convey 50’ of dedicated public right-of-way.

1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9310
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

March 17, 2019

Robert Kirschmann, Planner II
Cochise County Planning and Zoning

Re: SU-19-05 and Z-19-02 Dollar General
Tax Parcel # 124-05-003N

Please find our questions/comments below regarding the combined application for a Dollar General Store in Mescal.

A. Page 3 - Part Two-Section A-Questionnaire-Question 5 What materials will be used to construct the building? – Response indicates Metal Building with abbreviations which are unfamiliar to us. Russ Salmon, Project Manager, provided several photos as to what the store would look like. Via a prior phone call they also stated that the proposed store would be very similar to the St. David Dollar General in appearance and product line. We are asking that the Description provided in their response above reflect the exterior treatment we see in the following image on the left that the company provided. The right image is an enlarged portion of the St. David Dollar General.





The following, located near Roper Lake, is not what we are expecting from communication with Russ:



B. Page 3 – Part Two-Questionnaire-Section A – Question 7C(1) Total average daily traffic generated: How many vehicles will be entering and leaving the site? The response provided was "a daily total of 521 vehicles will enter and leave the site". This appears to be contradictory to statement under #7 on Page 14 of the transmittal packet that states: "The site is expected to generate a peak hourly rate of about 28 vehicular trips into or out of the proposed retail store development." A more accurate vehicle projection is needed to adequately consider the impacts to local roadways.

C. Page 4 – Part Two-Questionnaire-Section A – Questions 7H – For Special Uses Only – provide deed restrictions that apply to this parcel if any. Response is NA Is this answer in sync with the answer on

Page 11 Question 19 -

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

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

The second bullet is not answered. Without attached Deed Restrictions, it is not possible to understand the answers for each of these questions. Are Deed Restrictions readily available to where we may get a copy?

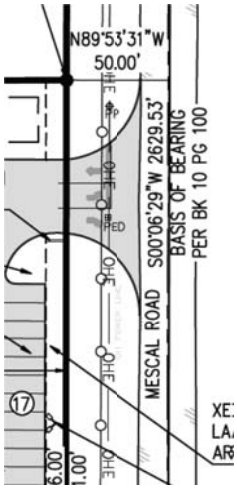
D. Page 6 – Part Two Questionnaire – Section B – Question 13

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

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)? Yes [X] No [ ] If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

Since this is a combined application, we are not sure if these responses from the SU and Z Applications should be more closely aligned.

Page 12 –



With a daily total of 521 vehicles (See B Above) and the discrepancy later suggested by 28 cars per peak hour, it is concerning as to what impacts will actually be placed on Mescal commuters.

Existing conditions reported in the Northwest Transportation Study (Section 2.3.2) finalized in 2015 states: " J Six Ranch Road/Mescal Road and Pomerene Road…have daily traffic volumes between 2,000 and 3,000 vpd respectively. These two arterials connect with I-10 and serve residential areas."

It would seem that both left and right turning bays should be considered on Mescal Road.

It would also be beneficial to have School Districts weigh in as to the impacts to their current practice of stopping traffic on Mescal Road as they let students off the bus to cross to either side of the road.

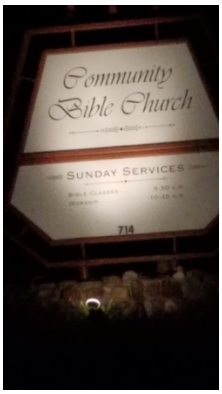
E. Page 5 – Part Two Questionnaire – Section B – Question 9 Will any new signs be erected on site?
Details on map and Exhibit L (Page 25) indicated a 4 ½' x 33' sign will be placed on the front side of the store (20'elevation /one story) which faces Mescal Road. Details on Exhibit K (Page 24) indicates a proposed stand-alone sign 6' x 16' elevated so that the top is 21' in elevation will be placed approximately 25' from the edge of the current pavement. Since the Dollar General is primarily "for the benefit of the community providing a reduction in distance and travel to obtain general retail/household necessities, providing potential additional employment in community", **then a stand-alone business sign of less size, bulk, height, with minimal night time illumination, should be considered**. Current businesses in Mescal do not have stand-alone tall signs or illuminated signs except for the Chevron Station which is dependent upon Freeway Traffic. Dark skies, mountain views are valued attributes within our communities.

If a low profile sign can be used to introduce an entire community, a low profile sign with minimal lighting can also be effective in rural neighborhoods. Freeway Exit signs listing amenities should be adequate for travelers.



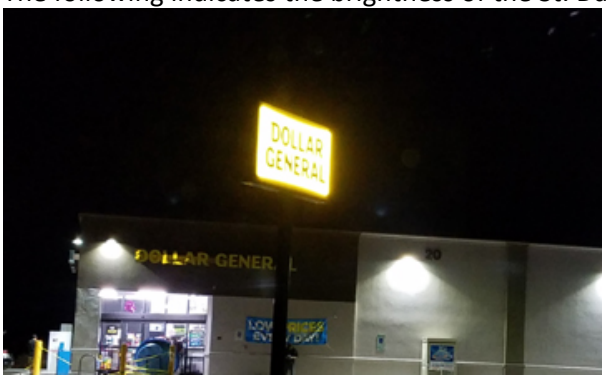


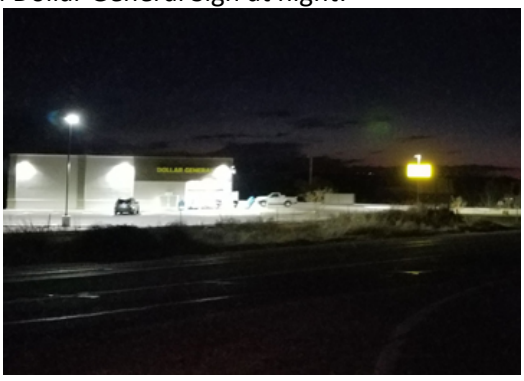
Illuminated signs at ground level are in the J-6 Area for Churches with the illuminated area no higher than approximately 9 feet.





The following indicates the brightness of the St. David Dollar General Sign at night:





F. General Safety Questions:

1. Will building be alarmed and the parking lot lit at night?
2. Is there a fire code that has been adopted for the County/ our area to which new construction will have to adher – construction material, sprinkler system, water hydrant access – or equivanent, etc?

We sincerely appreciate the opportunity to respond.

Mary McCool, Chair, J-6/Mescal CDO, 520-609-2738, kenmccool@aol.com

April 3, 2019

Robert Kirschmann
Cochise County
1415 Melody Lane Building EM
Bisbee, AZ 85603

Re: Review of the Dollar Store Cochise County project

Dear Mr. Kirschmann:

The Arizona Game and Fish Department (Department) reviewed your Project Evaluation Request dated March 4, 2019 regarding the construction of a new 9100 square foot retail building and infrastructure in Benson, Arizona. Based on the provided information, the Department has the following recommendations:

- Minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects and pathogens. Precautions should be taken to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. To view a list of documented invasive species in or near your project area visit http://login.imapinvasives.org/azimi/login/?next=/azimi/ . To build a list: login, go to Query and Reports, select a geography value relevant to your project area, and select "View Report" for a list of reported species.
  - Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245); please see the Arizona Department of Agriculture website for prohibited and restricted noxious weeds.
    https://www.invasivespeciesinfo.gov/unitedstates/az.shtml
    https://agriculture.az.gov/pests-pest-control/agriculture-pests/noxious-weeds
    https://plants.usda.gov/java/noxious?rptType=State&statefips=04
  - The Department recommends coordination with the Arizona Sonora Desert Museum for guidance on measures to minimize the potential spread of buffelgrass (*Pennisetum ciliare*).

Thank you for the opportunity to review this project. Attached is a report created on Arizona's Online Environmental Review Tool should provide general recommendations and additional contact information. If you have any questions regarding this letter, please contact me at (623) 236-7222.

Sincerely,

Andrew Cavalcant
Project Evaluation Program Specialist, Habitat Branch
Arizona Game and Fish Department

cc: Ginger Ritter, Project Evaluation Program Supervisor
John Windes, Habitat Program Manager, Region V

AGFD# M19-03120612

GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, JAMES S. ZIELER, ST. JOHNS | ERIC S. SPARKS, TUCSON | KURT R. DAVIS, PHOENIX
LELAND S. "BILL" BRAKE, ELGIN | JAMES E. GOUGHNOUR, PAYSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

Arizona Environmental Online Review Tool Report

Arizona Game and Fish Department Mission
To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

Project Name:

M19-03120612 Dollar Store Cochise County

Project Description:

Construction of a 9100 SF retail building and infrastructure.

Project Type:

Development Outside Municipalities (Rural Development), Commercial/industrial (mall) and associated infrastructure, New construction

Contact Person:

Victoria Kearney

Organization:

Arizona Game and Fish Department

On Behalf Of:

COCHISE

Project ID:

HGIS-08875

Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HabiMap Arizona data, specifically Species of Greatest Conservation Need (SGCN) under our State Wildlife Action Plan (SWAP) and Species of Economic and Recreational Importance (SERI), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

Locations Accuracy Disclaimer:
Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Recommendations Disclaimer:

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
   Project Evaluation Program, Habitat Branch
   Arizona Game and Fish Department
   5000 West Carefree Highway
   Phoenix, Arizona 85086-5000
   Phone Number: (623) 236-7600
   Fax Number: (623) 236-7366
   Or
   PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

M19-03120612 Dollar Store Cochise County

USA Topo Basemap With Locator Map



Project Boundary

Buffered Project Boundary



Project Size (acres): 5.62

Lat/Long (DD): 31.9694 / -110.4353

County(s): Cochise

AGFD Region(s): Tucson

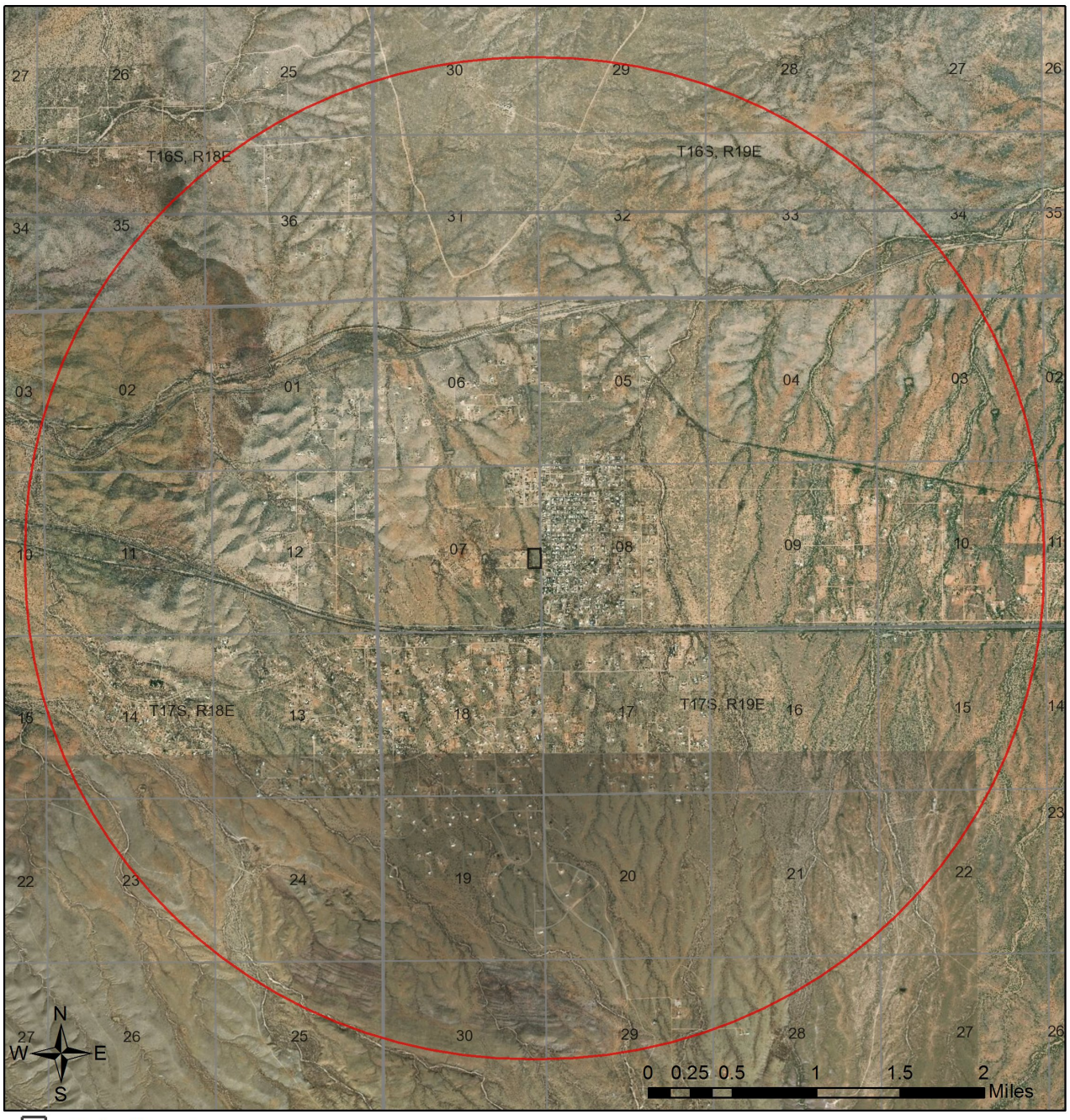
Township/Range(s): T17S, R19E

USGS Quad(s): MESCAL

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, ©

M19-03120612 Dollar Store Cochise County

Web Map As Submitted By User



- Project Boundary
- Buffered Project Boundary
- Quadrangles
- Sections
- Townships

Project Size (acres): 5.62

Lat/Long (DD): 31.9694 / -110.4353

County(s): Cochise

AGFD Region(s): Tucson

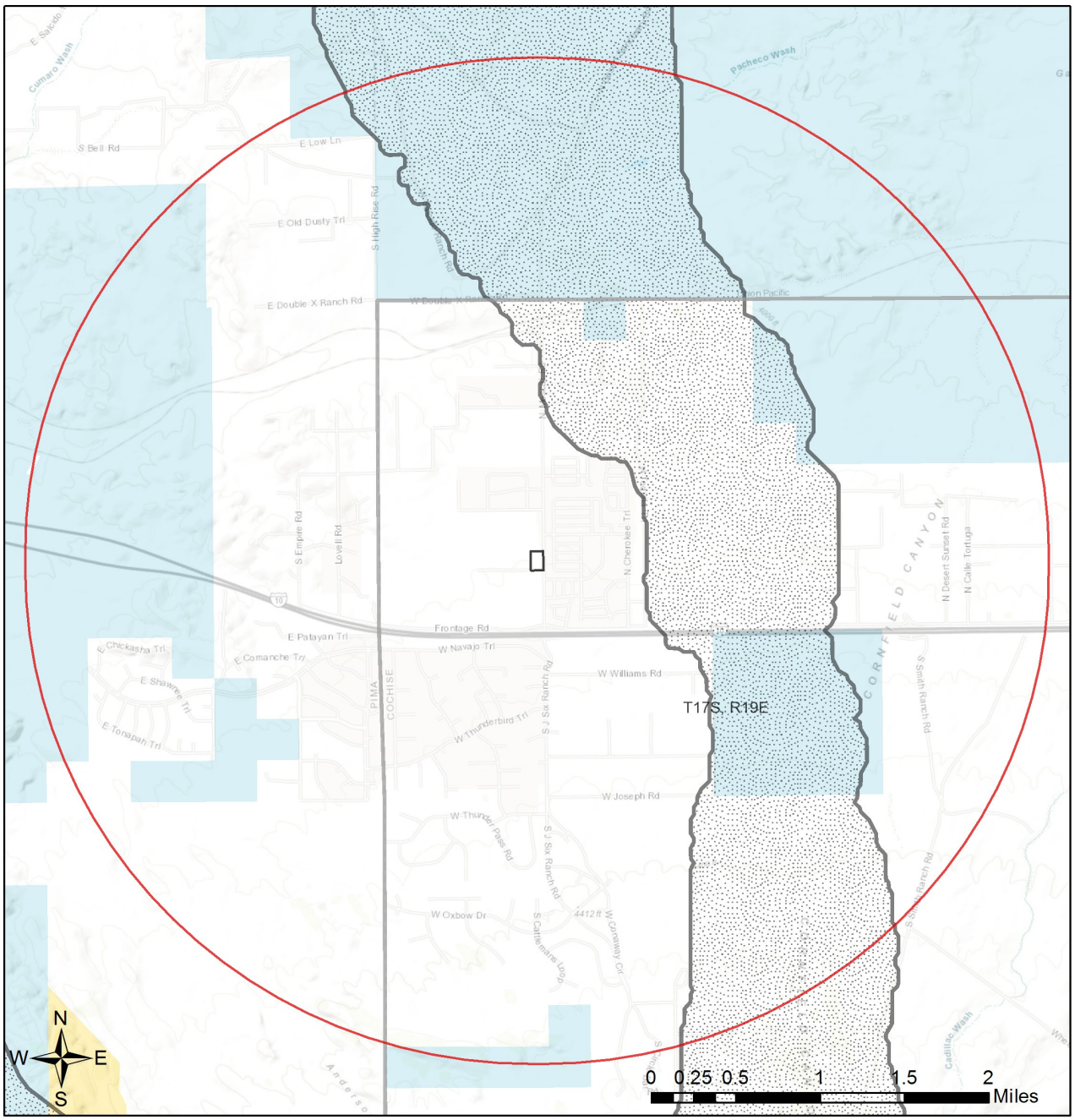
Township/Range(s): T17S, R19E

USGS Quad(s): MESCAL

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

M19-03120612 Dollar Store Cochise County

Topo Basemap with Township/Ranges, Land Ownership, Critical Habitats, Wildlife Corridors



- Project Boundary
- Buffered Project Boundary
- Township/Ranges
- Wildlife Corridors
- Critical Habitat

Land Ownership

- AZ Game & Fish Dept.
- BLM
- BOR
- Indian Res.
- Military
- Mixed/Other
- National Park/Mon.
- Private
- State & Regional Parks
- State Trust
- US Forest Service
- Wildlife Area/Refuge

Project Size (acres): 5.62

Lat/Long (DD): 31.9694 / -110.4353

County(s): Cochise

AGFD Region(s): Tucson

Township/Range(s): T17S, R19E

USGS Quad(s): MESCAL

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

Special Status Species and Special Areas Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Aquila chrysaetos	Golden Eagle	BGA		S		1B
Aspidoscelis stictogramma	Giant Spotted Whiptail	SC	S			1B
Eriogonum capillare	San Carlos Wild-buckwheat	SC			SR	
Leptonycteris yerbabuenae	Lesser Long-nosed Bat	SC				1A
Phrynosoma cornutum	Texas Horned Lizard	SC				
Rincon - Santa Rita - Whetstone Linkage Design	Wildlife Corridor					
Terrapene ornata luteola	Desert Box Turtle			S		1A

Note: Status code definitions can be found at https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/
.

Species of Greatest Conservation Need
Predicted within 3 Miles of Project Vicinity based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Aix sponsa	Wood Duck					1B
Amazilia violiceps	Violet-crowned Hummingbird		S			1B
Ammodramus savannarum ammolegus	Arizona grasshopper sparrow		S	S		1B
Ammodramus savannarum perpallidus	Western Grasshopper Sparrow					1B
Ammospermophilus harrisii	Harris' Antelope Squirrel					1B
Anthus spragueii	Sprague's Pipit	SC				1A
Antrostomus ridgwayi	Buff-collared Nightjar		S			1B
Aquila chrysaetos	Golden Eagle	BGA		S		1B
Aspidoscelis stictogramma	Giant Spotted Whiptail	SC	S			1B
Aspidoscelis xanthonota	Red-backed Whiptail	SC	S			1B
Athene cunicularia hypugaea	Western Burrowing Owl	SC	S	S		1B
Baeolophus ridgwayi	Juniper Titmouse					1C
Buteo regalis	Ferruginous Hawk	SC		S		1B
Buteo swainsoni	Swainson's Hawk					1C
Callipepla squamata	Scaled Quail					1C
Calypte costae	Costa's Hummingbird					1C
Chordeiles minor	Common Nighthawk					1B
Coccyzus americanus	Yellow-billed Cuckoo (Western DPS)	LT	S			1A
Colaptes chrysoides	Gilded Flicker			S		1B
Coluber bilineatus	Sonoran Whipsnake					1B
Corynorhinus townsendii pallescens	Pale Townsend's Big-eared Bat	SC	S	S		1B
Crotalus lepidus	Rock Rattlesnake					1A
Crotalus tigris	Tiger Rattlesnake					1B
Cynanthus latirostris	Broad-billed Hummingbird		S			1B

Species of Greatest Conservation Need
Predicted within 3 Miles of Project Vicinity based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Cynomys ludovicianus	Black-tailed Prairie Dog	CCA		S		1A
Cyrtonyx montezumae	Montezuma Quail					1C
Dipodomys spectabilis	Banner-tailed Kangaroo Rat			S		1B
Empidonax traillii extimus	Southwestern Willow Flycatcher	LE				1A
Empidonax wrightii	Gray Flycatcher					1C
Euderma maculatum	Spotted Bat	SC	S	S		1B
Eumops perotis californicus	Greater Western Bonneted Bat	SC		S		1B
Falco peregrinus anatum	American Peregrine Falcon	SC	S	S		1A
Glaucidium gnoma gnoma	Mountain Pygmy-owl					1B
Gopherus morafkai	Sonoran Desert Tortoise	CCA	S	S		1A
Haliaeetus leucocephalus	Bald Eagle	SC, BGA	S	S		1A
Heloderma suspectum	Gila Monster					1A
Hypsiglena sp. nov.	Hooded Nightsnake					1B
Incilius alvarius	Sonoran Desert Toad					1B
Lasiurus blossevillii	Western Red Bat		S			1B
Lasiurus xanthinus	Western Yellow Bat		S			1B
Leopardus pardalis	Ocelot	LE				1A
Leptonycteris yerbabuenae	Lesser Long-nosed Bat	SC				1A
Lepus alleni	Antelope Jackrabbit					1B
Lithobates chiricahuensis	Chiricahua Leopard Frog	LT				1A
Lithobates tarahumarae	Tarahumara Frog	SC	S			1A
Lithobates yavapaiensis	Lowland Leopard Frog	SC	S	S		1A
Macrotus californicus	California Leaf-nosed Bat	SC		S		1B
Melanerpes uropygialis	Gila Woodpecker					1B
Meleagris gallopavo mexicana	Gould's Turkey		S			1B
Melospiza lincolnii	Lincoln's Sparrow					1B
Melozone aberti	Abert's Towhee		S			1B
Micrathene whitneyi	Elf Owl					1C
Micruroides euryxanthus	Sonoran Coralsnake					1B
Myiarchus tyrannulus	Brown-crested Flycatcher					1C
Myotis occultus	Arizona Myotis	SC		S		1B
Myotis velifer	Cave Myotis	SC		S		1B
Myotis yumanensis	Yuma Myotis	SC				1B
Notiosorex cockrumi	Cockrum's Desert Shrew					1B
Nyctinomops femorosaccus	Pocketed Free-tailed Bat					1B
Odocoileus virginianus	White-tailed Deer					1B
Oreoscoptes montanus	Sage Thrasher					1C
Oreothlypis luciae	Lucy's Warbler					1C

Species of Greatest Conservation Need
Predicted within 3 Miles of Project Vicinity based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Panthera onca	Jaguar	LE				1A
Passerculus sandwichensis	Savannah Sparrow					1B
Peucaea botterii arizonae	Arizona Botteri's Sparrow			S		1B
Peucaea carpalis	Rufous-winged Sparrow					1B
Phrynosoma solare	Regal Horned Lizard					1B
Picoides arizonae	Arizona Woodpecker		S			1B
Progne subis hesperia	Desert Purple Martin			S		1B
Sceloporus slevini	Slevin's Bunchgrass Lizard		S	S		1B
Setophaga petechia	Yellow Warbler					1B
Sialia sialis fulva	Azure Bluebird					1B
Sphyrapicus nuchalis	Red-naped Sapsucker					1C
Spizella atrogularis	Black-chinned Sparrow					1C
Spizella breweri	Brewer's Sparrow					1C
Strix occidentalis lucida	Mexican Spotted Owl	LT				1A
Sturnella magna	Eastern Meadowlark					1C
Tadarida brasiliensis	Brazilian Free-tailed Bat					1B
Terrapene ornata	Ornate Box Turtle					1A
Thamnophis eques megalops	Northern Mexican Gartersnake	LT	S			1A
Thomomys umbrinus intermedius	Southern Pocket Gopher					1B
Vireo bellii arizonae	Arizona Bell's Vireo					1B
Vulpes macrotis	Kit Fox	No Status				1B

Species of Economic and Recreation Importance Predicted within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Callipepla gambelii	Gambel's Quail					
Callipepla squamata	Scaled Quail					1C
Odocoileus hemionus	Mule Deer					
Odocoileus virginianus	White-tailed Deer					1B
Patagioenas fasciata	Band-tailed Pigeon					1C
Pecari tajacu	Javelina					
Puma concolor	Mountain Lion					
Zenaida asiatica	White-winged Dove					
Zenaida macroura	Mourning Dove					

Project Type: Development Outside Municipalities (Rural Development), Commercial/industrial (mall) and associated infrastructure, New construction

Project Type Recommendations:
During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: https://www.azgfd.com/wildlife/planning/wildlifeguidelines/.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize potential introduction or spread of exotic invasive species. Invasive species can be plants, animals (exotic snails), and other organisms (e.g., microbes), which may cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g., livestock forage reduction, increase wildfire risk). The terms noxious weed or invasive plants are often used interchangeably. Precautions should be taken to wash all equipment utilized in the project activities before leaving the site. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245). See Arizona Department of Agriculture website for restricted plants, https://agriculture.az.gov/. Additionally, the U.S. Department of Agriculture has information regarding pest and invasive plant control methods including: pesticide, herbicide, biological control agents, and mechanical control, http://www.usda.gov/wps/portal/usdahome. The Department regulates the importation, purchasing, and transportation of wildlife and fish (Restricted Live Wildlife), please refer to the hunting regulations for further information https://www.azgfd.com/hunting/regulations.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

Based on the project type entered, coordination with State Historic Preservation Office may be required (http://azstateparks.com/SHPO/index.html).

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herptefauna (snakes, lizards, tortoise) from entering ditches.

Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors, and the incorporation of these critical wildlife components into the community plans and programs. Community planners should identify open spaces and habitat blocks that can be maintained in their area, and the necessary connections between those blocks to be preserved or protected. Community planners should also work with State and local transportation planning entities, and planners from other communities, to foster coordination and cooperation in developing compatible development plans to ensure wildlife habitat connectivity. The Department's guidelines for incorporating wildlife considerations into community planning and developments can be found on the Widlife Friendly Guidelines portion of the Wildlife Planning page at https://www.azgfd.com/wildlife/planning/wildlifeguidelines/.

Based on the project type entered, coordination with Arizona Department of Environmental Quality may be required (http://www.azdeq.gov/).

Based on the project type entered, coordination with Arizona Department of Water Resources may be required (http://www.azwater.gov/azdwr/default.aspx).

Based on the project type entered, coordination with U.S. Army Corps of Engineers may be required (http://www.usace.army.mil/)

Based on the project type entered, coordination with County Flood Control district(s) may be required.

Development plans should provide for open natural space for wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please contact Project Evaluation Program for more information on living with urban wildlife at PEP@azgfd.gov or at https://www.azgfd.com/wildlife/planning/wildlifeguidelines/ and https://www.azgfd.com/Wildlife/LivingWith.

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly at PEP@azgfd.gov.

Project Location and/or Species Recommendations:
HDMS records indicate that one or more native plants listed on the Arizona Native Plant Law and Antiquities Act have been documented within the vicinity of your project area. Please contact:
Arizona Department of Agriculture
1688 W Adams St.
Phoenix, AZ 85007
Phone: 602.542.4373
https://agriculture.az.gov/environmental-services/np1

HDMS records indicate that one or more listed, proposed, or candidate species or Critical Habitat (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at http://www.fws.gov/southwest/es/arizona/ or:

Phoenix Main Office
2321 W. Royal Palm Rd, Suite 103
Phoenix, AZ 85021
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office
201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office
SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

Analysis indicates that your project is located in the vicinity of an identified ***wildlife habitat linkage corridor***. Project planning and implementation efforts should focus on maintaining adequate opportunities for wildlife permeability. For information pertaining to the linkage assessment and wildlife species that may be affected, please refer to: http://www.corridordesign.org/arizona. Please contact your local Arizona Game and Fish Department Regional Office for specific project recommendations: https://www.azgfd.com/Agency/Offices.

Public Hearings 15.

Regular Board of Supervisors Meeting **Community Development**

Meeting Date:	06/25/2019		
R-19-01 (Foreclosure Registry)			
Submitted By:	Dan Coxworth, Community Development		
Department:	Community Development	**Division:**	Development Services
Presentation:	PowerPoint	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	1
NAME of PRESENTER:	Dan Coxworth	**TITLE of PRESENTER:**	Director
Docket Number (If applicable):			
Mandated Function?:	Not Mandated	**Source of Mandate or Basis for Support?:**	

Information

Agenda Item Text:

Adopt Resolution 19-16 (Docket R-19-01 Foreclosure Registry) amending the Cochise County Zoning Regulations adding Article 25 Foreclosure Registry and amendments to Article 2 Definitions.

Background:

The proposed Foreclosure Registry was heard by the P&Z at their regularly scheduled meeting on June 12, 2019 and at a P&Z Work Session at their last regularly scheduled meeting on May 8, 2019. The Board of Supervisors meet at a Work Session March 12 to discuss the proposed Foreclosure Registry and provide staff with direction.

Department's Next Steps (if approved):

Amend the Cochise County Zoning Regulations to add Article 25 Foreclosure Registry and amendments to Article 2 Definitions.

Impact of NOT Approving/Alternatives:

None. A Foreclosure Registry will not be established.

To BOS Staff: Document Disposition/Follow-Up:

Please sign and record attached Resolution and provide a copy to Development Services.

Attachments

Staff Memo
Staff Presentation
Resolution
Article 25 Foreclosure Registry
Article 2 Definitions

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

FROM: Daniel Coxworth, AICP, Director

SUBJECT: Public Hearing, Docket R-19-01 (Foreclosure Registry)

DATE: June 25, 2019

I. BACKGROUND AND PROPOSED CHANGES

Addition of Article 25 of the Cochise County Zoning Regulations to establish a Foreclosure Registry, and amendments to Article 2 Definitions.

On June 12, 2019 the Planning & Zoning Commission heard proposed changes to the Cochise County Zoning Regulations and recommended, unanimously (6-0) to approve docket R-01-19.

On May 8, 2019 the Planning & Zoning Commission met in a Work Session to discuss the proposed Foreclosure Registry.

On March 12, 2019, the Board of Supervisors met in a Work Session to discuss with Development Services staff the need to establish a Foreclosure Registry. Each member of the Board indicated their desire to move forward and present changes to the Zoning Regulations before the Planning & Zoning Commission.

The Development Services Department is proposing to amend the Cochise County Zoning Regulations to establish a property registration program as a mechanism to protect residential areas from deteriorating vacant property through the lack of adequate maintenance and security because of a default on a mortgage.

Any lender (or beneficiary or trustee who hold an interest in a deed of trust), who issues a Notice of Default on a residential property in the unincorporated areas of Cochise County are required to register the property with Cochise County.

II. RECOMMENDATION

Sample Motion: *I move to approve Docket 19-01 amending the Cochise County Zoning Regulations adding Article 25 Foreclosure Registry and amendments to Article 2 Definitions.*

III. ATTACHMENTS

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

Article 25 Foreclosure Registry

Amendments to Article 2, Definitions

COCHISE COUNTY

Foreclosure Registry

Board of Supervisors

June 25, 2019

Cochise County
Community Development
Department of Planning, Zoning and Building Safety

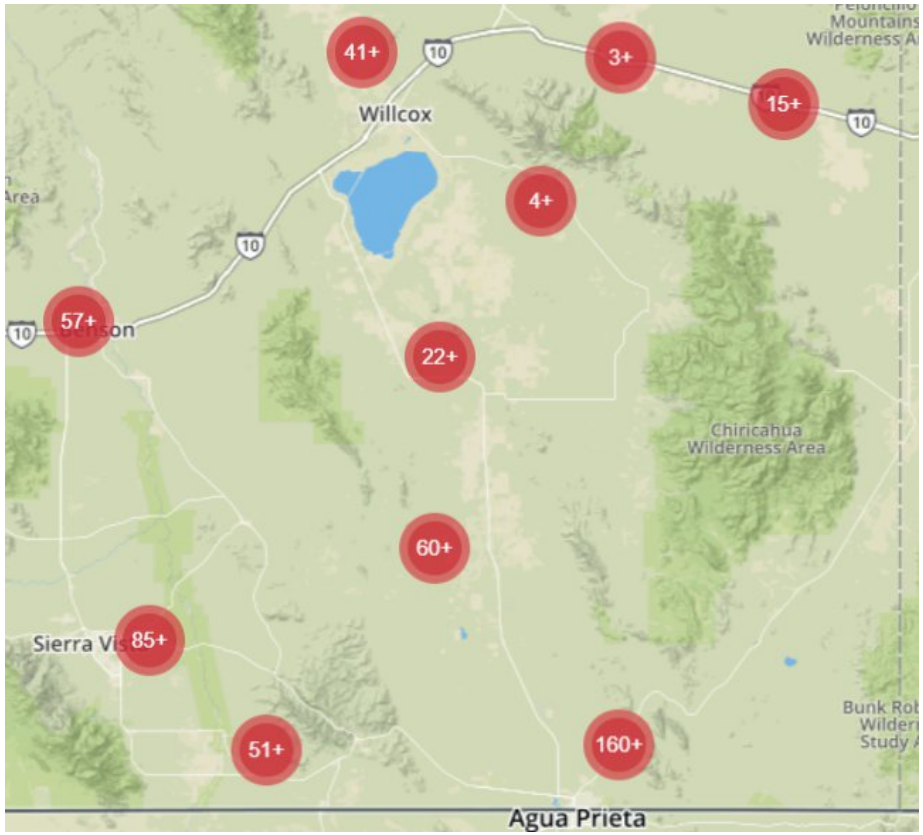
Public Programs…Personal Service

What is a Foreclosure Registry?

Registration and maintenance program for properties in foreclosure and bank owned.

Foreclosed Homes in Cochise County

Estimate between 500 – 2000 properties, depending on the source.



Huachuca City (Whetstone)





Why is a Foreclosure Registry Beneficial to the County

- Foreclosed properties often lead to new violation cases.
- It's common to find damaged windows and/or doors and/or large amounts of trash and debris on the property after the home has been vacated.
- Notifies the County that the property is vacant triggering active code enforcement.

COCHISE COUNTY

Bisbee

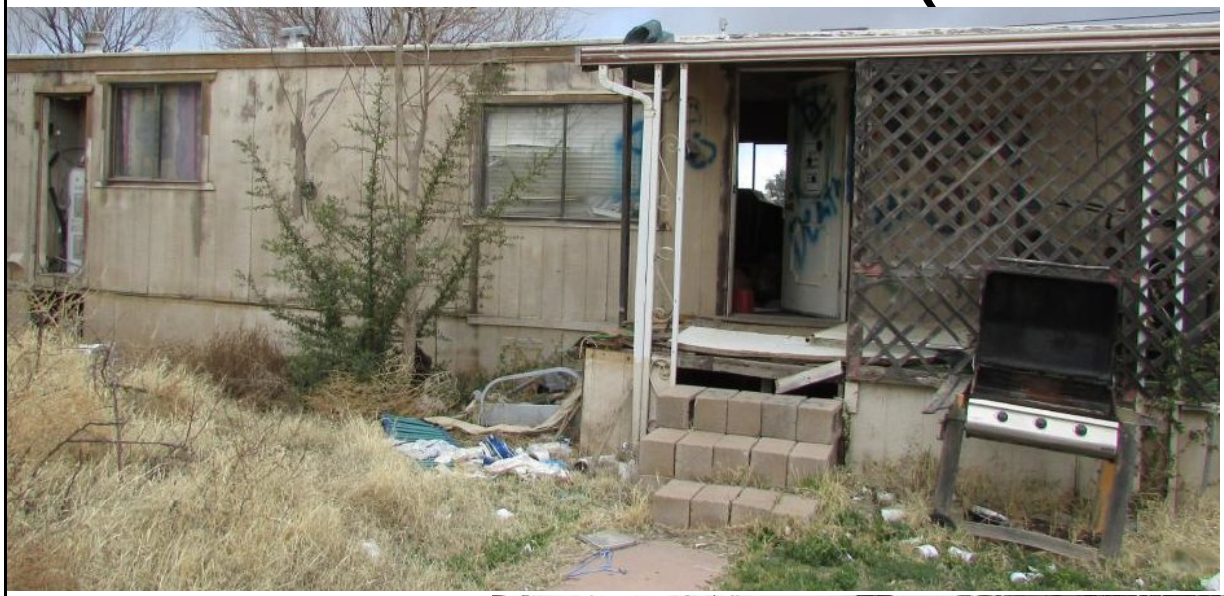




What will a Foreclosure Registry Accomplish

- It protects the area from blight and nuisances resulting from foreclosed properties.
- Provides a point of contact of the Bank's Asset Manager.
  - Holds the Mortgagee accountable for securing and maintaining the property and keep it free of trash and waste.
  - Requires posting contact info in case of an emergency.
- Requires the Bank to pay County liens on the property.

Hereford (Palominas)





How to Register and Deregister

1. Register and pay the fee online or fill out a form provided by the County.

2. Mortgage field service companies provide to banks a listing of communities with a Foreclosure Registry requiring registration.

Proposed Fees

- Registration Application Fee of $150
- Deregistration Fee $0
- Any additional owed to the county such as taxes, fines, or leans

R-01-19

- Planning & Zoning Commission unanimously (6-0) recommended approval at their June 12, 2019.
- Sample Motion: *I move to approve docket R-01-19 amending the Cochise County Zoning Regulations adding Article 25 Foreclosure Registry and amendments to Article 2 Definitions.*

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RESOLUTION 19-___

TO ADOPT COCHSIE COUNTY ZONING REGULATIONS ARTICLE 25 FORECLOSURE REGISTRY AND AMENDMENTS TO ARTICLE 2 DEFINITIONS

WHEREAS, A.R.S. 11-801 et. seq. gives the Cochise County Board of Supervisors the authority to adopt Zoning Regulations to address land use; and

WHEREAS, Cochise County has adopted Zoning Regulations as permitted by law; and

WHEREAS, Zoning Regulations were originally adopted in Cochise County by the Board of Supervisors in 1975 with major revisions adopted in 1984, 1999, 2008, 2013, and 2016; and

WHEREAS, on June 12, 2019 the Planning and Zoning Commission held a duly noticed public hearing of these proposed amendments to the Zoning Regulations, and recommended approval of the amendments set forth in "Exhibit A" hereto, adding Article 25 to the Zoning Regulations and modify certain definitions, which establish a Foreclosure Registry in Cochise County; and

WHEREAS, on June 25, 2019, the Board of Supervisors held a duly noticed public hearing of these proposed amendments to the Zoning Regulations and found them to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Cochise County, Arizona that the Cochise County Zoning Regulations shall be amended as contained in Exhibit A, Article 25 FORECLOSURE REGISTRY and amendments to Article 2 DEFINITIONS, is hereby adopted.

ADOPTED by the Cochise County Board of Supervisors this _____ day of _____, 2019.

_____
Peggy Judd, Chairman
Cochise County Board of Supervisors

ATTEST:

_____
Arlethe G. Rios
Clerk of the Board

APPROVED AS TO FORM:

Britt Hanson
_____
Britt W. Hanson
Chief Civil Deputy County Attorney

ARTICLE 25

FORECLOSURE REGISTRY/
REAL PROPERTY REGISTRATION SYSTEM

2501 PURPOSE AND INTENT

The purpose and intent of this Article is to establish a program to reduce the amount of deteriorating real property located within the County and real property suffering from blight or creating nuisances caused by the lack of adequate maintenance. The program includes a property registration requirement designed to assist in accomplishing the intent and purpose of this Article.

2501.1 INSPECTION, REGISTRATION AND DESIGNATION

A. Except as otherwise provided in this Article, any mortgagee who holds a mortgage on specified property upon which a notice of default event has taken place shall inspect that property or cause it to be inspected in accordance with this section. If the inspection reveals that the property is not being occupied by the mortgagor or by persons with the mortgagor's consent, the mortgagee shall register the property on forms to be provided by the County. In connection with that registration, the mortgagee shall also designate in writing a property manager to inspect, maintain and secure the property. A separate inspection, registration and designation is required for each specified property.

B. Mortgagees have a duty to maintain the registration current, update it as necessary and re-register annually so long as the property remains a specified property.

C. Registration pursuant to subsection 'A' of this section shall contain, at a minimum, the following information:

   1. The name and mailing address of the mortgagee and the physical address of the mortgagee if the mailing address is a post office box.

   2. A contact name and phone number for purposes of contacting the mortgagee.

   3. The name, address and phone number of the property manager.

   4. The current occupancy status of the property.

D. Any property manager designated pursuant to this section must be:

   1. A duly-licensed property management company or property preservation company;

   2. A department or section of a mortgagee that is devoted to property management or preservation; or

3. A service provider specifically employed by a mortgagee to provide property management or preservation within the County.

E. The obligations listed in subsection 'A' of this section must be fulfilled within the time frames set forth below:

1. The property inspection must occur no later than fifteen calendar days following the notice of default event regarding the property.

2. The property registration and designation of a property manager must occur no later than ten calendar days after the inspection.

F. With respect to each specified property, the mortgagee and its designated property manager shall be responsible for maintaining the property until the parcel no longer qualifies under the definition of specified property.

2501.2 REGISTRATION FEE

The Board of Supervisors by resolution shall adopt and/or amend fees to implement the provisions of this Chapter. The County shall have the authority to collect any additional fees owed to the County at the time the property is registered. Registration fees are not pro-rated nor refundable.

2501.3 MAINTENANCE

A. Specified property shall be maintained in accordance with applicable codes and regulations, including without limitation regulations pertaining to dangerous buildings, litter, and hazardous abatement.

B. Pools and spas located on specified property shall be kept in working order, so the water remains clear and free of pollutants and debris or drained and kept dry.

C. Specified property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Doors, windows, gates and other openings that make the property accessible must be closed and locked so that a key, keycard, tool or special knowledge is necessary to gain access. Broken windows must be re-glazed or boarded.

D. Specified property shall be posted with the name and contact phone number of the mortgagee or property manager. The posting shall be no less than eight and one-half inches by eleven inches and shall contain, along with the name and contact number, the words "THIS PROPERTY IS MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL" or substantially similar wording. The posting shall be placed in a window adjacent to the entry door or attached to the exterior of the entry door. Exterior postings must be made of weather-resistant materials.

E. Except as otherwise provided herein, compliance with this Article with respect to any specified property shall be the joint responsibility of the mortgagee and the property manager, as well as the property owner.

2501.4 WAIVED INSPECTION AND MAINTENANCE

A. A mortgagee's obligation under this Article regarding inspection and maintenance of a specified property may be waived by the County if the mortgagee demonstrates to the satisfaction of the County that the circumstances set forth below exist:

1. The mortgage documents either expressly prohibit the mortgagee and its agents from entering the property for purposes required herein or do not authorize entry to protect the mortgagee's interests in the property; and

2. There is a reasonable possibility, based on articulable evidence, that:

   a. The obligor under the mortgage or an authorized occupant of the premises will report the entry as a trespass; or

   b. The obligor under the mortgage will assert against the mortgagee, whether in a foreclosure proceeding or otherwise, a claim that the entry is a breach of the mortgage documents or constitutes an illegal or unauthorized entry on the property.

2501.5 LIMITATIONS AND EFFECT

A. Nothing in this Article:

1. Requires a mortgagee or its agent or employee to violate any criminal law, any court order, or to violate an automatic stay in a bankruptcy proceeding.

2. Creates a duty or obligation that is owed to, or runs in favor of, any person other than the County and those employees or agents acting on the County's behalf.

3. Creates or implies a cause of action in favor of, or available to, any person other than the County.

B. No act by a mortgagee or its officers, employees, agents or contractors in compliance with this Article, and no omission of an act required by this Article on the part of a mortgagee or its officers, employees, agents or contractors, shall be deemed or interpreted to:

1. Make the mortgagee, for any purpose, a "mortgagee in possession" of property subject to a mortgage.

2. Create a duty or obligation that is owed to, or runs in favor of, any person other than the County and those employees or agents who are acting in the County's behalf.

3. Create or imply a cause of action in favor of, or available to, any person other than the County.

4. Create, imply or suggest liability in tort on the part of a mortgagee or its officers, employees, agents or contractors, unless the act or omission would be actionable and result in liability independent of, and notwithstanding the provisions of, this Article.

Proposed Amendments to Chapter 2 DEFINITIONS of the Cochise County Zoning Regulations.

1. "Default" with respect to a mortgage, means that the obligor under the mortgage has breached or is in default of a repayment or other obligation in connection with that mortgage and has been notified by the mortgagee.

2. "Foreclosure" means the process by which real property placed as security for the repayment of a loan is to be sold to satisfy the debt concerning which the borrower has defaulted and includes proceedings under deeds of trust.

3. "Mortgage" means a first mortgage or other first-priority security interest in real property that is placed as security for the repayment of a loan and includes a first deed of trust.

4. "Mortgagee" means any person or firm who holds a first-priority mortgage or other first-priority security interest in real property to secure a loan, whether as the mortgagee of a mortgage or the beneficiary of a deed of trust.

5. "Notice of default event," with respect to a mortgage, means that a default regarding that mortgage has occurred and either:

a. A notice of breach or notice of default and election to sell has been provided to the obligor and has been recorded in the Cochise County Recorder's Office; or

b. An action for judicial foreclosure has been commenced regarding that mortgage by the filing of a complaint or petition for foreclosure in a court of competent jurisdiction.

6. "Responsible party" means an owner, lessee, mortgagee, property manager, cotenant or occupant of all specified properties, including buildings, grounds, lots or premises.

7. "Specified property" means any parcel of real property with a structure that is vacant within the County that is subject to a mortgage and concerning which a notice of default event has occurred. For purposes of the inspection requirement set forth in Section 2501.01 of this Article and for that purpose only, the term also includes a parcel of real property that appears to be vacant. Once a parcel is determined not to be vacant or is no longer vacant, it is not considered "specified property" until it qualifies again under this definition.

8. "Vacant," with respect to real property and "vacant real property" mean real property and improvements that are not presently occupied by persons lawfully entitled thereto. The term does not include real property that is unoccupied by reason of the temporary absence of lawful occupants who intend to return and resume occupancy.

Action 16.

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

Meeting Date: 06/25/2019

Approve Board appointments and memberships for FY2019-20

Submitted By: Kim Lemons, Board of Supervisors

Department: Board of Supervisors

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

Document Signatures: **# of ORIGINALS Submitted for Signature:**

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

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

Information

Agenda Item Text:

Renew and/or revise committee appointments for members of the Board of Supervisors and executive staff for the 2019-20 Fiscal Year and approve continuing annual memberships for 2019-20, with payment of associated dues as described herein.

Background:

The organizations that the Board approved membership in, for fiscal year 2019-20, appear on the attached listing along with dues amounts (if any). At the same time, the Board is asked to consider renewing or revising its appointments to various committees and boards on which a member of the Board of Supervisors sits.

Department's Next Steps (if approved):

Notify organizations of continuing membership and of Board member designated to be representative. Board staff will process payment of dues upon receipt of invoices for each of the approved memberships on the attached spreadsheet unless the membership is not renewed by the Board.

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

See department'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

Committee-Board Assignments

Committee or Board Assignments for BOS &/or Executive Staff & Annual Membership Dues

Board, Commission, Committee or Group	Member(s)	Appointed By	Effective Start Date	Effective End Date	Regular Meeting Location	Membership Dues 2018-2019	Membership Dues 2019-2020	Notes
BUDGET:						$124,000.00	$124,000.00	
Arizona Association of Counties (AACO)	Cathy Traywick	N/A			Arizona	$16,052.77	$16,052.77	not invoiced yet
Arizona Border Counties Coalition (ABCC)	Ann English Tom Borer, Alternate	Board of Supervisors	Mar-17	through present	Arizona			
Arizona City / County Management Association (ACMA)	Ed Gilligan Sharon Gilman Arlethe Rios	N/A			Phoenix	$571.00	$674.80	$346.00 Ed - Full Member $200.00 Sharon - Full Member $128.80 Arlethe - Associate Member
Arizona Counties Insurance Pool (ACIP)	Ed Gilligan	N/A				n/a	n/a	
Arizona Rural Development Council	Ed Gilligan	N/A	Jul-15	through present	Phoenix	n/a	n/a	
Arizona Town Hall	Ann English Ed Gilligan	N/A		through present	Arizona	$200.00	$200.00	Due on date paid/not per fiscal year-paid 6.19
Arizona-Mexico Commission/Border Issues Committee	Ed Gilligan	N/A	Jul-15	through present	Phoenix	$250.00	$250.00	Due on date paid/not per fiscal year-paid 6.19
Arizona-Mexico Commission/Transportation, Infrastructure, Ports Committee	Ed Gilligan	N/A	Jul-15	through present	Phoenix	n/a	n/a	Part of AZ/MEX Commission
Board of Health	Ann English	Board of Supervisors		through present	Bisbee	n/a	n/a	
Coalition of Arizona/New Mexico Counties	Peggy Judd	Board of Supervisors		through present	N/A	$2,600.00	$2,600.00	not invoiced yet
Cochise College Economic Forum Sponsor	All	N/A		through present	Cochise County	$1,000.00	$4,000.00	not invoiced yet
Cochise Conservation & Recharge Network (CCRN)	Tom Borer	Board of Supervisors	Jun-13	through present	Cochise County	n/a	n/a	
Corrections Officers Retirement Plan Board (CORP)	Ann English	Board of Supervisors		through present	Bisbee	n/a	n/a	
CSA (County Supervisors Association)	Tom Borer Ann English Peggy Judd	N/A		through present	Phoenix	$62,293.00	$62,293.00	$55,593.00 Service Fee + $6,700 Building Maintenance Fund Assessment
CSA / County Managers Assoc & Natl Assoc of Cty Admin (NACA)	Ed Gilligan	N/A	Jul-15	through present	Phoenix	$150.00	$150.00	Calendar Year Annual Managers Dues $100.00, NACA $50.00
CSA / Legislative Policy Committee (LPC)	Ann English	Board of Supervisors	1/8/2008	through present	Phoenix	n/a	n/a	Legal Fund $5000.00 - Still outstanding 8.18
Eastern Arizona Counties Organization	Peggy Judd	Board of Supervisors	October 2014	through present		$6,000.00	$6,000.00	not invoiced yet
EFSP Board	Peggy Judd	Board of Supervisors		through present	Bisbee	n/a	n/a	
Council Appointment - Region 5 (South)	Peggy Judd	Governor	10/19/2006	through present	Phoenix	n/a	n/a	
Huachuca 50	Tom Borer	Board of Supervisors	2002	through present	Sierra Vista	$200.00	$200.00	Emailed 6.5.19 for membership app
National Association of Counties (NACo)	Cathy Traywick Ann English, Alternate	N/A		through present	Washington, D.C.	$2,627.00	$2,627.00	
Public Lands Advisory Committee, **BOS Liaison**	Ann English	Board of Supervisors	8/14/2007	through present	Bisbee	n/a	n/a	
Public Safety Retirement Board	Ann English	Board of Supervisors		through present	Bisbee	n/a	n/a	
SAEDG Southeast Arizona Economic Development Group	Peggy Judd	Board of Supervisors	3/13/2018	through present	Bisbee	$150.00	$150.00	not invoiced yet
SEACAP SouthEastern Arizona Community Action Plan	Gwen Calhoun	Board of Supervisors	3/1/2017	until replaced	Safford	n/a	n/a	Gwen is the Public Primary Rep.
SEAGO Administrative Committee	Ed Gilligan	N/A	Jul-07	through present	Bisbee	n/a	n/a	Part of SEAGO
SEAGO Executive Committee	Peggy Judd	Board of Supervisors	1/8/2008	through present	Bisbee	$11,113.00	$11,113.00	not invoiced yet
Sierra Vista Metropolitan Planning Organization (SVMPO)	Tom Borer Ann English, Alternate	N/A	10/22/2013	through present	Sierra Vista	$363.00	$702.00	
USPP Executive Committee	Tom Borer Ed Gilligan	N/A		through present	Sierra Vista	n/a	n/a	
USPP Partnership Advisory Commission	Tom Borer Ann English Peggy Judd	N/A		through present	Sierra Vista	n/a	n/a	
TOTALS:						$103,569.77	$107,012.57	
UNEXPENDED BALANCE:						$20,430.23	$16,987.43	

			Action 17.
Regular Board of Supervisors Meeting			**Community Development**
Meeting Date:	06/25/2019		
Assurance Agreement Extension Request for Rancho Arizona Subdivision			
Submitted By:	Paul Esparza, Community Development		
Department:	Community Development	**Division:**	Development Services
Presentation:	PowerPoint	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	1
NAME of PRESENTER:	Paul Esparza	**TITLE of PRESENTER:**	Planning Manager
Docket Number (If applicable):	S-03-02		
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	A.R.S. Section 11-821(C)

Information

Agenda Item Text:

Approve an extension request of the Assurance Agreement for Rancho Arizona Subdivision with Pioneer Title Agency, Inc, as Trustee under Trust No. 515034, and James W. Sandlin and Terry L. Russell, as Beneficiaries of Trust No. 515034 to July 6, 2022.

Background:

The Rancho Arizona Subdivision is a 48-lot RU-4 zoned development located one half mile west of Palominas Road and one half mile south of Three Canyons Road in Hereford. The average lot size is 3.33 acres. At the time of tentative plat approval, a density bonus was automatically granted to anyone subdividing ten or more lots. The Final Plat was approved by the BOS on June 13, 2006.

The developer had intended to commence construction on the subdivision improvements in February 2019. He has delayed that work to coordinate with the County on the relocation of Rancho Arizona Drive to Palominas Road. The County is determining the best location for the road contingent upon how the flood control district quarter section will be subdivided.

The BOS approved amendments to Section 501.01 Assurance Agreements in the Subdivision Regulations which includes five factors that the Board may consider in their decision to grant an Assurance Agreement extension. The following responses are provided in bold italics for this request: 1. Whether the property taxes on the subject parcel(s) are current. ***Yes, verified by staff.*** 2. If the subdivision is phased, whether the subdivision infrastructure improvements for at least 20% of the proposed phases have been completed. If it is not phased, whether at least 25% of the subdivision infrastructure improvements have been completed. ***The developer is proposing a three phase plan for this subdivision. No improvements have been completed to date.*** 3. The number of extensions previously granted. A maximum of three extensions, not exceeding a total of ten (10) years since either the original approval of the assurance agreement or the most recent release of a lot, whichever has occurred later. ***1- one-year administrative and 3- three-year BOS extensions have been granted.*** 4. The economic conditions or other circumstances that are affecting the developer's ability to complete subdivision improvements. ***While the slow economy has been a factor in past years, lot sales and new home construction in the area have improved enough to justify completing the subdivision improvements.*** 5. Has the character of the area or physical factors such as drainage, floodplain, water issues or circulation patterns changed significantly since plat approval that compliance with current County Subdivision and/or Zoning Regulations is necessary. ***No***

Department's Next Steps (if approved):

If approved, the Board Chair will sign the Assurance Agreement extension and it will be recorded with a new expiration date of July 6, 2022.

Impact of NOT Approving/Alternatives:

The completion of subdivision improvements for the Rancho Arizona Subdivision would remain unsecured by a Assurance Agreement.

To BOS Staff: Document Disposition/Follow-Up:

When the document has been signed by all parties and recorded, please return the original to Planning staff for filing.

Attachments

Rancho AZ PowerPoint

BOS Memo

Rancho Arizona AA ext

AA ext request

COCHISE COUNTY

Rancho Arizona Subdivision
(S-03-02)
Assurance Agreement Extension Request

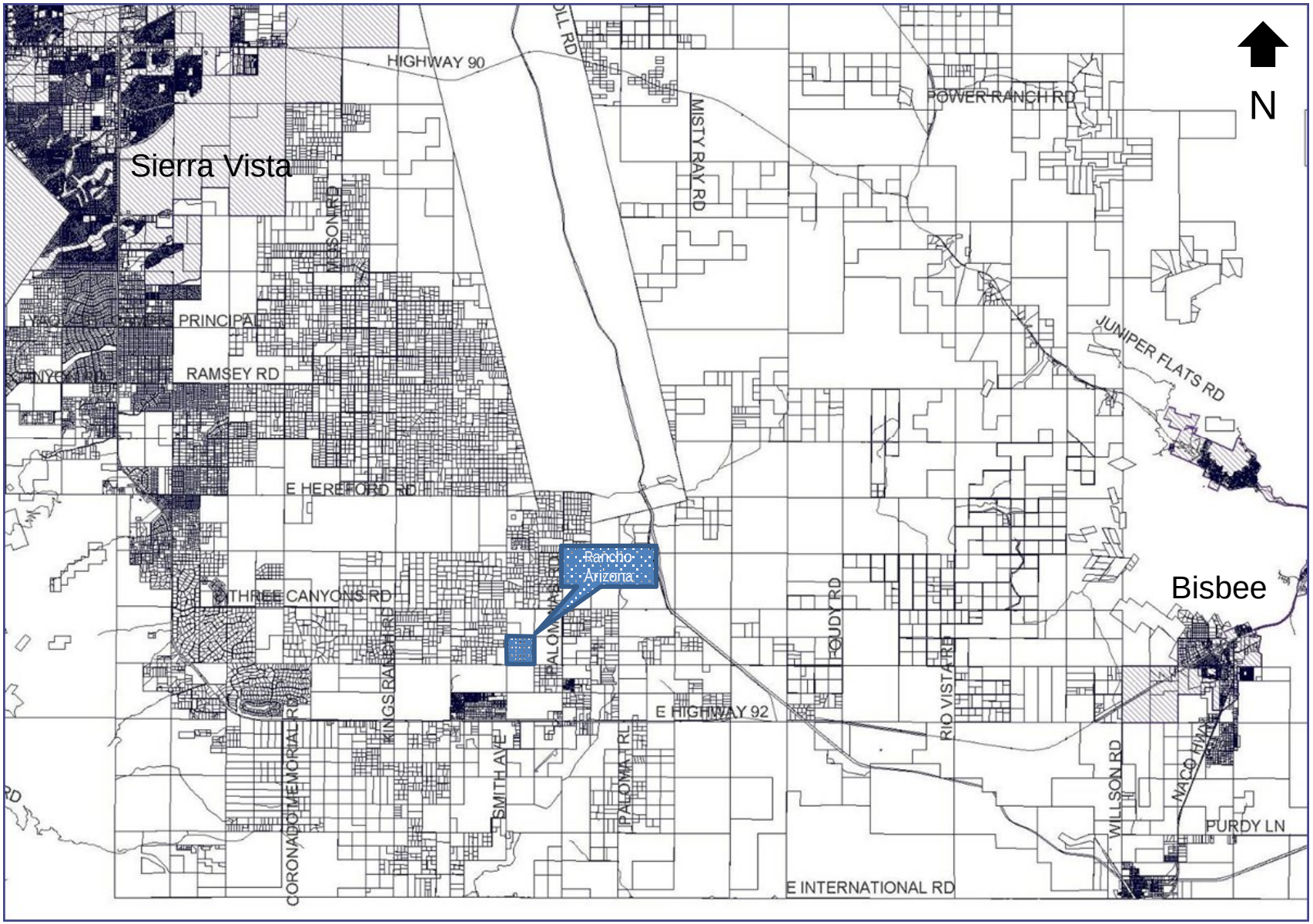
June 25, 2019

Board of Supervisors

Public Programs…Personal Service

COCHISE COUNTY

Location Map



COCHISE COUNTY

- 48 lots on 160 acres, zoned RU-4, a residential subdivision. Average lot size is 3.33 acres.

- At the time of tentative plat approval, a density bonus was automatically granted to anyone subdividing ten or more lots.

- Development density is 0.30 RAC. 48 lots/ 160 acres = 0.30

- The Final Plat was approved on June 13, 2006. The Final Plat and Assurance Agreement were recorded on July 6, 2006.

- Phasing Plan with three phases proposed.

- If approved, the Assurance Agreement extension would expire on July 6, 2022.

1. Whether the property taxes on the subject parcel(s) are current. *Yes, verified by staff.*

2. If the subdivision is phased, whether the subdivision infrastructure improvements for at least 20% of the proposed phases have been completed. If it is not phased, whether at least 25% of the subdivision infrastructure improvements have been completed. *The developer is proposing a three phase plan for this subdivision. No improvements have been completed to date.*

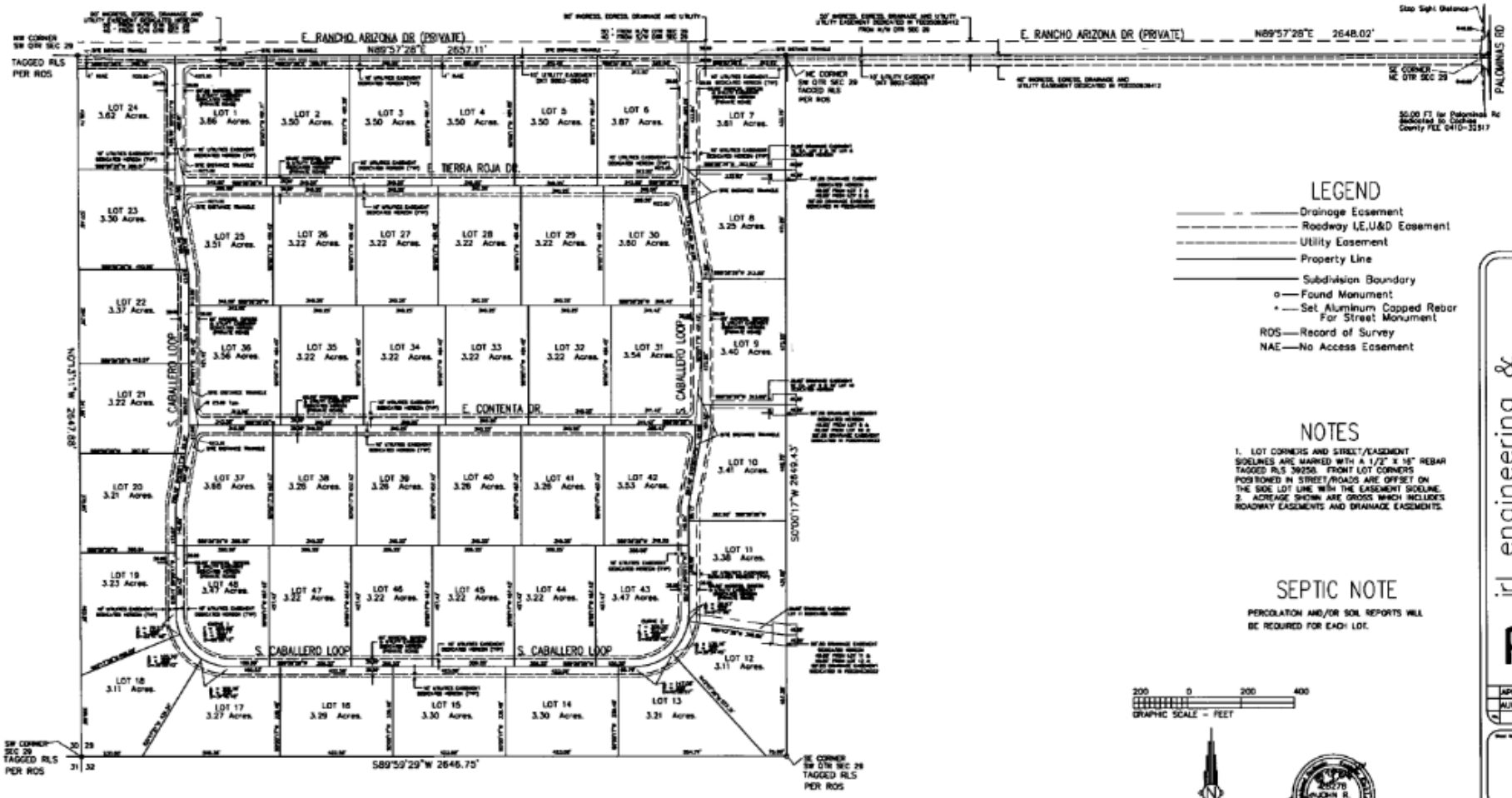
3. The number of extensions previously granted. A maximum of three extensions, not exceeding a total of ten (10) years since either the original approval of the assurance agreement or the most recent release of a lot, whichever has occurred later. *1- one-year administrative and 3- three-year BOS extensions have been granted.*

4. The economic conditions or other circumstances that are affecting the developer's ability to complete subdivision improvements. *While the slow economy has been a factor in past years, lot sales and new home construction in the area have improved enough to justify completing the subdivision improvements.*

5. Has the character of the area or physical factors such as drainage, floodplain, water issues or circulation patterns changed significantly since plat approval that compliance with current County Subdivision and/or Zoning Regulations is necessary. *No*

COCHISE COUNTY

RANCHO ARIZONA SUBDIVISION



LEGEND

- Drainage Easement
- Roadway I,E,U&D Easement
- Utility Easement
- Property Line
- Subdivision Boundary
- o — Found Monument
- * — Set Aluminum Capped Rebar For Street Monument
- ROS — Record of Survey
- NAE — No Access Easement

NOTES

1. LOT CORNERS AND STREET/EASEMENT SIDELINES ARE MARKED WITH A 1/2" X 18" REBAR TAGGED RLS 39258. FRONT LOT CORNERS POSITIONED IN STREET/ROADS ARE OFFSET ON THE SIDE LOT LINE WITH THE EASEMENT SIDELINE.
2. ACREAGE SHOWN ARE GROSS WHICH INCLUDES ROADWAY EASEMENTS AND DRAINAGE EASEMENTS.

SEPTIC NOTE

PERCOLATION AND/OR SOIL REPORTS WILL BE REQUIRED FOR EACH LOT.

200 0 200 400
GRAPHIC SCALE - FEET

SURVEY CONTROL TO PID DH5747 KINGS RANCH

CONTROL POINT DESIGNATION-KINGS RANCH, PID DH5747, AZ/COCHISE
NAD 83(1992) 31°25'21.89598 NORTH 110°12'25.05428 WEST ELEVATION 4646.2 FT
GROUND TIE FROM SOUTHWEST CORNER OF THE SUBDIVISION CORRESPONDING TO THE SOUTHWEST CORNER OF SECTION 29 TO DESIGNATION-KINGS RANCH PID DH5747 IS SOUTH 64°01'54" EAST A DISTANCE OF 22481.13 FEET.

CURVE	LOT	TANGENT(T)	ARC LENGTH	RADIUS	DEF. ANGLE
1	48	200.00'	314.11'	200.00'	89°58'12"
SEG. 1	19		79.23'	200.00'	22°41'48"
SEG. 2	18		123.70'	200.00'	35°00'42"
SEG. 3	17		109.18'	200.00'	31°16'42"
2	43	200.00'	314.21'	200.00'	90°00'48"
SEG. 1	13		147.08'	200.00'	42°08'07"
SEG. 2	12		138.16'	200.00'	39°34'45"
SEG. 3	11		28.97'	200.00'	08°17'36"

JOHN R. LEWIS 26278 REGISTERED LAND SURVEYOR

SHEET 2 OF 2

BOOK PAGE

jrl engineering & construction, Inc.
5363 CALLE MEDIA
Sierra Vista, AZ 85650
(520) 378-2342

APR 12, 2006	
AUG 23, 2005	

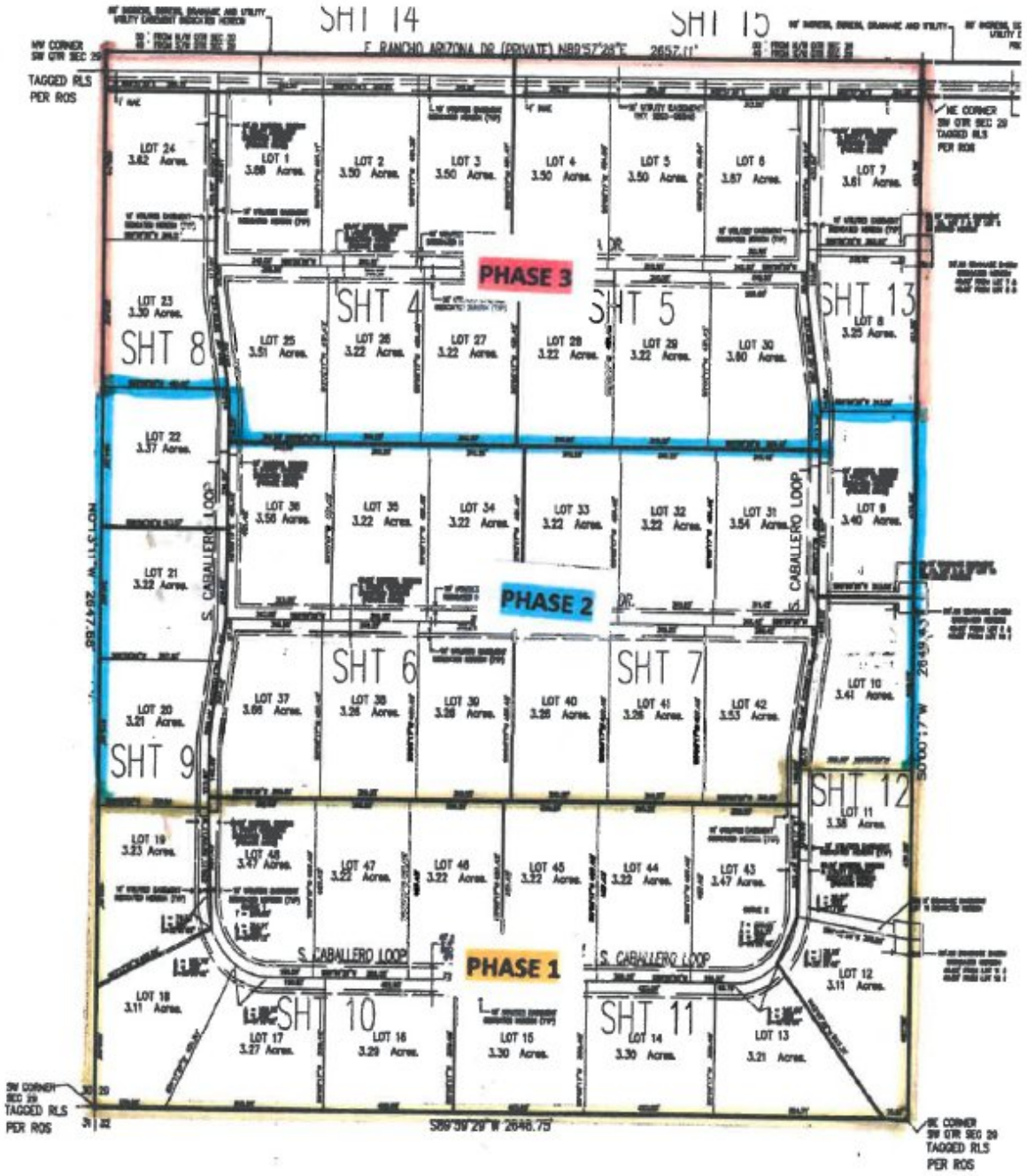
FINAL PLAT

RANCHO ARIZONA SUBDIVISION
PALOMINAS AREA
COCHISE COUNTY

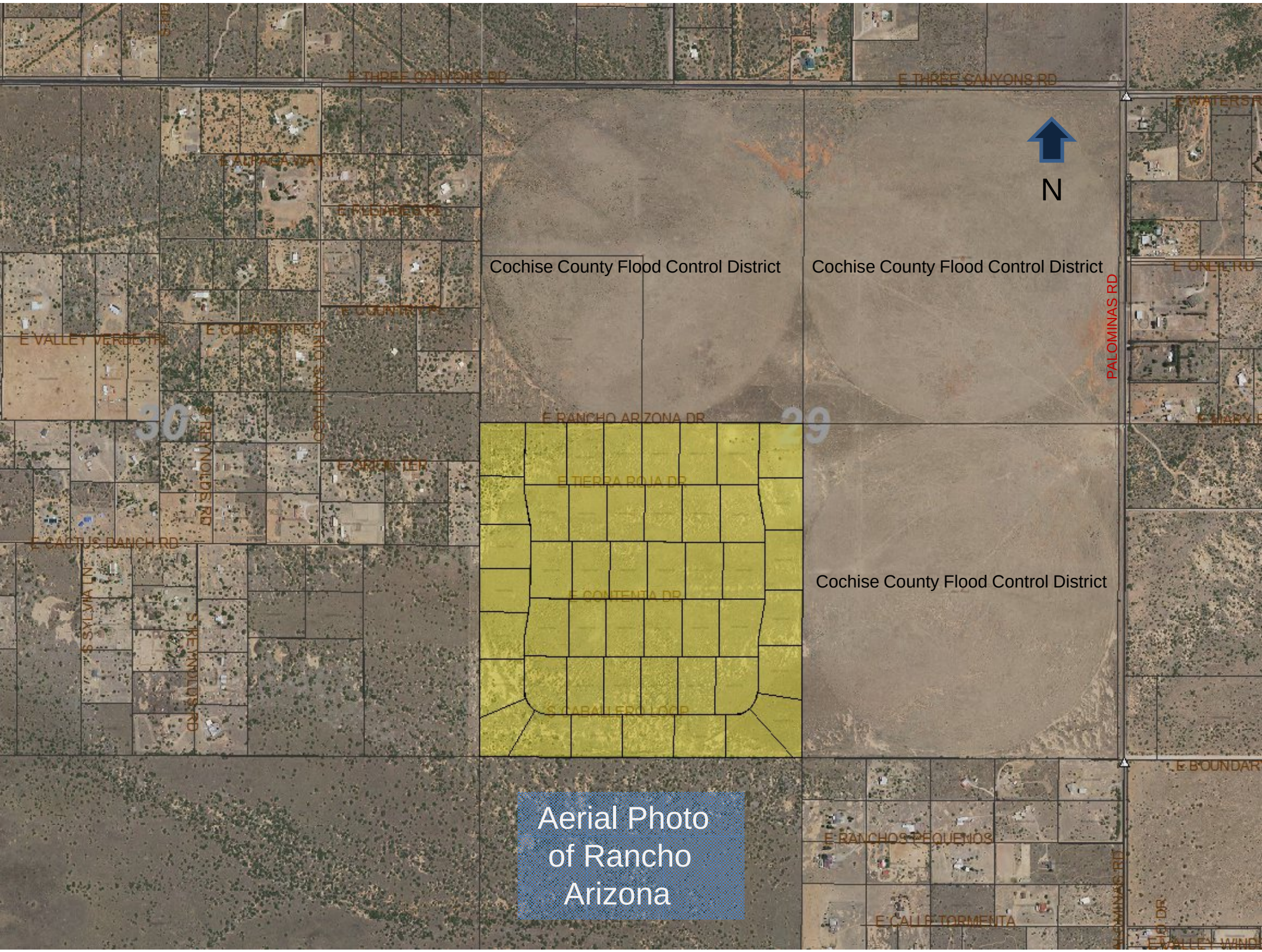
JUN 3, 2004	2
1"=200'	

Public Programs…Personal Service

COCHISE COUNTY



Rancho Arizona
Phasing Plan



Aerial Photo of Rancho Arizona

Staff Recommendation:

Staff recommends approval of the request to extend the Assurance Agreement to July 6, 2022.

Cochise County
Community Development
Development Services

Public Programs...Personal Service

INTEROFFICE MEMO

Date: June 13, 2019

To: Cochise County Board of Supervisors

From: Paul Esparza, AICP Planning Manager/Interim Building Official

Subject: Docket S-03-02 Rancho Arizona Assurance Agreement Extension

This item is a request for a fifth extension of the Assurance Agreement for the Rancho Arizona Subdivision (Docket S-03-02). The subdivision consists of 48 lots which is located one-half mile west of Palominas Road and one-half mile south of Three Canyons Road in Hereford. When complete, the development would take access from Rancho Arizona Drive which will extend east to Palominas Road. The Board of Supervisors approved the Final Plat on June 13, 2006. The Final Plat and Assurance Agreement were recorded on July 6, 2006.

The Assurance Agreement under current consideration would expire on July 6, 2019 if not extended by Board action. The developer had intended to commence construction on the subdivision improvements in February 2019. He has delayed that work to coordinate with the county on the relocation of Rancho Arizona Drive to Palominas Road. The county is determining the best location for the road contingent upon how the flood control district quarter section will be subdivided. Thus, the need for the additional Assurance Agreement extension request.

This request is for Pioneer Title Agency, Inc. as Trustee under Trust Number 515034; and James W. Sandlin and Terry L. Russell as Beneficiaries of Trust Number 515034 to extend the Assurance Agreement to July 6, 2022.

Motion:

Ms. Chairwoman, I move to approve extending the Rancho Arizona Subdivision Assurance Agreement with Pioneer Title Agency, Inc. as Trustee under Trust Number 515034 to July 6, 2022.

Development Services
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

EXTENSION OF ASSURANCE AGREEMENT FOR COMPLETION OF THE RANCHO ARIZONA SUBDIVISION IMPROVEMENTS, DOCKET NO. S-03-02

THIS EXTENSION AGREEMENT made and entered into as of this (day) _____ of (month)_____, 2019, between PIONEER TITLE AGENCY, INC., an Arizona Corporation, as Trustee under Trust No. #515034, hereinafter referred to as "Trustee", and James W. Sandlin and Terry L. Russell, as Beneficiaries of Trust No. #515034, hereinafter referred to as "Beneficiaries", and COCHISE COUNTY, Arizona:

WHEREAS, a final plat has been recorded for the Rancho Arizona Subdivision, as Docket No. S-03-02, in Book 15, pp. 63-63A of Maps and Plats, in the Office of the Cochise County Recorder;

WHEREAS, an Assurance Agreement between Cochise County and Pioneer Title Agency, Inc, as Trustee under Trust #515034, with beneficiaries James W. Sandlin and Terry L. Russell, was made for the completion of subdivision improvements for the Rancho Arizona Subdivision;

WHEREAS, said Agreement was recorded on July 6, 2006; Fee #60725641, in the Office of the Cochise County Recorder, with an expiration date of July 6, 2019;

WHEREAS, the above Assurance Agreement provides that the developer may petition the County for an extension of the agreement beyond the three years given for completion of improvements;

WHEREAS, the beneficiaries maintain that economic considerations have made progress on improvements within the development difficult to achieve in the allotted time;

WHEREAS, Pioneer Title Agency, Inc, as Trustee under Trust #515034, beneficiaries James W. Sandlin and Terry L. Russell, have requested an extension of time for completion of improvements to July 6, 2022; and

WHEREAS, Cochise County believes that such an extension is justified.

NOW, THEREFORE IT IS HEREBY AGREED THAT:

The Assurance Agreement for Completion of Subdivision Improvements recorded on July 6, 2006; Fee # 60725641, is extended with a new expiration date of July 6, 2022, and the parties hereto agree to abide by the terms of such Assurance Agreement.

IN WITNESS WHEREOF, the parties have executed this Extension of Assurance Agreement this ____day of _____, 2019.

COCHISE COUNTY:

_____
Peggy Judd, Chairman, Cochise County Board of Supervisors

ATTEST:

_____
Clerk of the Board

APPROVED AS TO FORM:

_____
Deputy County Attorney

TRUSTEE:

_____
Pioneer Title Agency, Inc
An Arizona Corporation, as Trustee under
Trust No. #515034 only and not in its capacity

BY: _____
Trust Officer

Print Name: R. Keith Newton

STATE OF ARIZONA)
) ss.
COUNTY OF Cochise)

On this the 13 day of June, 2019, before me, the undersigned Officer, personally appeared R. Keith Newton, who acknowledged him/herself to be the Trust Officer of Pioneer Title Agency, an Arizona corporation, and that he/she as such Officer being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by him/herself as such Officer.

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

Notary Public

C. M. BROWN
Notary Public - State of Arizona
COCHISE COUNTY
My Commission Expires
March 31, 2021

My Commission Expires: 3/31/2021

OWNER/BENEFICIARY:

Owner/Beneficiary

Print Name and Title: JAMES W. SANDLIN OWNER

The foregoing instrument was acknowledged before me this 7 day of June, 2019, by James Sandlin as _____.

Notary Public

My Commission Expires: 08/19/21

MAUREEN DOTY
Notary ID #129532941
My Commission Expires
August 19, 2021

MAUREEN DOTY
Notary ID #129532941
My Commission Expires
August 19, 2021

STATE OF ARIZONA)
) ss.
COUNTY OF _____)

On this the _____ day of _____, 2019, before me, the undersigned Officer, personally appeared _____, who acknowledged him/herself to be the _____ of _____, an Arizona corporation, and that he/she as such Officer being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by him/herself as such Officer.

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

_____
Notary Public

My Commission Expires:

OWNER/BENEFICIARY:

TERRY L. RUSSELL OWNER
Owner/Beneficiary

Print Name and Title: Terry Russell

The foregoing instrument was acknowledged before me this 7 day of June, 2019, by Terry Russell as _____.

Maureen Doty
Notary Public

My Commission Expires: 08/19/21

MAUREEN DOTY
Notary ID #129532941
My Commission Expires
August 19, 2021

TO: Cochise County Board of Supervisors

FROM: James Sandlin and Terry Russell

RE: Rancho Arizona subdivision assurance agreement extension

Our assurance agreement expires in July 2019. We were planning to start the infrastructure for the subdivision in February and be finished by the expiration date.

At the request of the Cochise County engineering staff, we delayed the construction in order to cooperate with the County in relocating the access road easement.

We are requesting an extension for three years and permission to complete the development in three phases. We will begin road construction as soon as the County makes the decision concerning their future development. We have a builder ready to begin home construction immediately and it is our intention to complete home construction on all the lots while the housing market is good.

Thank you for your consideration.

James Sandlin Terry Russell

Action 18.

Regular Board of Supervisors Meeting

Meeting Date:	06/25/2019		
Approve Crime Victim Compensation Program Grant, ACJC Grant No. VC-20-050			
Submitted By:	Susana Stark, County Attorney		
Department:	County Attorney		
Presentation:	No A/V Presentation	**Recommendation:**	Approve
Document Signatures:	BOS Signature Required	**# of ORIGINALS Submitted for Signature:**	3
NAME of PRESENTER:	Christine Roberts	**TITLE of PRESENTER:**	Civil Deputy County Attorney
Mandated Function?:	Federal or State Mandate	**Source of Mandate or Basis for Support?:**	A.R.S. § 41-2407

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 Crime Victim Compensation Grant No. VC-20-050 in the amount of $75,460 for the period of July 1, 2019 through June 30, 2020.

Background:

The award amount of $75,460.00 is to be used by the Cochise County Attorney's Victim Witness Program to provide crime victims within Cochise County compensation for injuries and losses received as a result of an incident. The grant allows $21,500.00 in administrative costs which is used to pay salary and ERE's for a part time Victim Compensation Coordinator. There are no match funds necessary for this grant. Fiscal Impact & Funding Sources: There is no transfer-in from any county account. This fund is fully grant monies.

Department's Next Steps (if approved):

Once approved by the Board, the Department will forward the paperwork to the Arizona Criminal Justice Commission for their final approval, signature and funding.

Impact of NOT Approving/Alternatives:

This is a mandated service and Cochise County would be at fault. Also, victims in Cochise County would not receive compensation.

To BOS Staff: Document Disposition/Follow-Up:

Three (3) originals provided. Advise CAO upon Board approval. Return signed Agreements to CAO. Send a certified copy of the Board Minutes approving the Grant Agreement, as soon as it is available, to CAO.

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

Fiscal Year: 2019-2020

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

Ongoing Costs? ($$$): 0

County Match Required? ($$$): 0

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

Source of Funding?: Grant

Fiscal Impact & Funding Sources (if known):

Fund 121

Attachments

Cochise County Grant Approval Form
Grant Agreement ACJC VC-20-050

COCHISE COUNTY GRANT APPROVAL FORM

Form Initiator: Jillian Stevens

Date Prepared: June 12, 2019

Point of Contact: Jillian Stevens

Phone Number: 432-8700

Department: **County Attorney**

PRIMARY GRANT

Primary Grantor: ARIZONA CRIMINAL JUSTICE COMMISSION

CFDA: www.CFDA.gov

Grant Title: VICTIM COMPENSATION

Grant Term From: July 1, 2019 To: June 30, 2020 Total Award Amount: 75,460.00

New Grant: ☐ Yes ☑ No Grant No: VC-20-050

Amendment: ☐ Yes ☑ No Amendment No:

GL Account No: Fund 121 If new, Finance will assign a fund number.

Strategic Plan: **Public Safety and Justice** District: **CW** Mandated by Law ☑ Yes ☐ No

Number of Positions Funded: 1

Asset(s) Acquired:

Grantor's reimbursement mileage rate:

Health or pension reimbursement: Other reimbursement:

Briefly describe the purpose of the grant:

Prosecution of drug, gang and violent crimes

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

A.R.S. 11-532(A)(1)

PRIMARY FUNDING SOURCE

Funding Year:	Federal Funds 332.100	
	State Funds 336.100	75,460.00
	County Funds 391.000	
	Other Funds:	
	Total Funds:	75,460.00

Has this amount been budgeted? ☐ Yes ☑ No

Method of collecting funds: ☐ Lump Sum ☐ Quarterly ☐ Draw ☑ Reimbursement

Is revertment of unexpected funds required at the end of grant period? ☐ Yes ☑ No

(a) Total indirect (A-87) Cost Allocation: $ 75,460.00 (b) Amount of overhead allowed by grant: $ 0.00

County Subsidy (a) - (b) = $ 49,729.00

Is there a Secondary Grant Award associated with this Grant? ☐ Yes ☑ No

Name of Grant: Funder:

If yes please complete an additional grant approval form.

Is County match required? ☐ Yes ☑ No

County match source:

County match dollar amount or percentage:

NOTE: Please attach this Grant Approval form to the AgendaQuick item. The AgendaQuick "Grant Approval template" must be used. Once approved by the Board of Supervisors, the department is responsible for sending a copy of the fully executed GRANT DOCUMENT *(not this approval form)* to the Finance Department.

Arizona Criminal Justice Commission

Chairperson
SHEILA POLK
Yavapai County Attorney

Vice Chairperson
JOE R. BRUGMAN, Chief
Safford Police Department

MARK BRNOVICH
Attorney General

DAVID K. BYERS, Director
Administrative Office of the Courts

SEAN DUGGAN, Chief
Chandler Police Department

BARBARA LAWALL
Pima County Attorney

GREG MENGARELLI, Mayor
City of Prescott

FRANK MILSTEAD, Director
Department of Public Safety

BILL MONTGOMERY
Maricopa County Attorney

MARK NAPIER
Pima County Sheriff

PAUL PENZONE
Maricopa County Sheriff

CHARLES RYAN, Director
Agency of Corrections

DAVID SANDERS
Pima County Chief Probation Officer

DANIEL SHARP, Chief
Oro Valley Police Department

STEVE STAHL
Law Enforcement Leader

STEVE WILLIAMS
Navajo County Supervisor

C.T. WRIGHT, Chairperson
Board of Executive Clemency

VACANT
Former Judge

VACANT
Sheriff

Executive Director
Andrew T. LeFevre

1110 West Washington, Suite 230
Phoenix, Arizona 85007
PHONE: (602) 364-1146
FAX:(602) 364-1175
www.azcjc.gov

June 3, 2019

Honorable Brian McIntyre
Cochise County Attorney's Office
PO Drawer CA
Bisbee, Arizona 85603

Re: Victim Compensation Grant Number VC-20-050

Dear: Mr. Brian McIntyre

On March 21, 2019 the Arizona Criminal Justice Commission (ACJC) designated the County Attorneys' Offices as operational units to administer the Crime Victim Compensation Program for State fiscal year 2020. On March 21, 2019 the Commission also approved the allocation of $4,450,000.00 in state and federal crime victim compensation funds to county programs for FY 2020. The total amount allocated Cochise County Attorney's Office includes the following:

ACJC (State Funding)*	$75,460.00
VOCA (Federal Funding)*	$0.00
TOTAL ALLOCATION	**$75,460.00**

*Estimated Level

The allocation of state funding to the Apache County Attorney's Office compensation program includes $21,500.00 to help cover administration costs of the program in accordance with the budget in the grant agreement. For a summary of administrative expenses please refer to the administrative fund guidelines established by ACJC. Any question about administrative expense eligibility should be directed to ACJC compensation program staff.

For FY 2020, all compensation benefits funding will be distributed through a monthly reimbursement process. ACJC program staff can allow upfront payments of compensation program administrative funds on a case by case basis to programs demonstrating an urgent need and have submitted a written request. All payments will be made through the Automated Clearing House Vendor Payments (direct deposit).

Please find the included Grant Agreement, with instructions for obtaining signatures and formal action. Please return the agreement with authorized signatures to the Commission office within 90 days of the award date of July 1, 2019 or the agreement may be cancelled.

If you have any questions concerning this program you may contact me at 602-364-1177.

Sincerely,

Dorinda M. Johns

Dorinda Johns, Program Coordinator
Crime Victim Services

CC: Jillian Stevens

ARIZONA CRIMINAL JUSTICE COMMISSION
FY20 VICTIM COMPENSATION PROGRAM
GRANT AGREEMENT

ACJC Grant Number VC-20-050

This Grant Agreement is made this first day of July, 2019 by and between the ARIZONA CRIMINAL JUSTICE COMMISSION hereinafter called "COMMISSION" and COCHISE COUNTY ATTORNEY'S OFFICE, hereinafter called "GRANTEE". The COMMISSION enters into this Agreement pursuant to its authority under the provisions of A.R.S. § 41-2405 (B)(6), and having satisfied itself as to the qualification of GRANTEE;

NOW, THEREFORE, it is agreed between the parties as follows:

1. This Agreement will commence on July 1, 2019 and terminate on June 30, 2020. This Agreement expires at the end of the award period unless prior written approval for an extension has been obtained from the COMMISSION. A request for an extension must be received by the COMMISSION sixty (60) days prior to the end of the award period. The COMMISSION in its sole discretion may approve an extension that furthers the goals and objectives of the program and shall determine the length of any extension.

2. GRANTEE agrees that grant funds will be used in accordance with applicable program rules, guidelines and special conditions.

3. The COMMISSION will monitor GRANTEE performance against program goals and performance standards and those outlined in the grant application. Substandard performance as determined by the COMMISSION will constitute noncompliance with this Agreement. If the COMMISSION finds noncompliance, the GRANTEE will receive a written notice which identifies the area of noncompliance, and the appropriate corrective action to be taken. If the GRANTEE does not respond within thirty (30) calendar days to this notice, and does not provide sufficient information concerning the steps which are being taken to correct the problem, the COMMISSION may suspend funding, permanently terminate this Agreement or revoke the grant.

4. Any deviation or failure to comply with the purpose and/or conditions of this Agreement without prior written COMMISSION approval may constitute sufficient reason for the COMMISSION to terminate this Agreement, revoke the grant, require the return of all unspent funds, perform an audit of expended funds, and require the return of any previously spent funds which are deemed to have been spent in violation of the purpose or conditions of this grant.

5. This Agreement may be modified only by a written amendment signed by the Executive Director or by persons authorized by the Executive Director on behalf of the COMMISSION and GRANTEE. Any notice given pursuant to this Agreement shall be in writing and shall be considered to have been given when actually received by the following addressee or their agents or employees:
   I. If to the COMMISSION:

Arizona Criminal Justice Commission
1110 W. Washington Street, Suite 230
Phoenix, Arizona 85007
Attn: Program Manager

B. If to the GRANTEE:

Cochise County Attorney's Office
PO Drawer CA
Bisbee, Arizona, 85603
Attn: The Honorable Brian McIntyre

6. For grant awards above $100,000, GRANTEE may make budget adjustments of up to ten (10) percent of the total grant within any approved budget category excluding equipment. Written approval from the COMMISSION in advance is required if GRANTEE wishes to make adjustments or reprogram in excess of ten (10) percent or if GRANTEE wishes to purchase equipment not previously approved.

   For grant awards less than $100,000, the GRANTEE may make budget adjustments within approved categories excluding equipment as long as there are no changes to the purpose or scope of the project. If GRANTEE wishes to purchase equipment not previously approved, written approval from the COMMISSION in advance is required.

APPROVED LINE ITEM PROGRAM BUDGET	
Personnel:	
Salaries	$12,659.00
Fringe Benefits (for salaries/overtime)*	$8,841.00
Overtime	$0.00
Professional & Outside/Consultant & Contractual Services	$0.00
Travel In-State	$0.00
Travel Out-of-State	$0.00
Confidential Funds	$53,960.00
Operating Expenses:	
Supplies	$0.00
Registration/Training	$0.00
Other	$0.00
Equipment	
Capital	$0.00
Noncapital	$0.00
TOTAL	**$75,460.00**
Positions Funded: Compensation Coordinator	

*Reference the ACJC Grant Management Manual for definition of approved Fringe Benefit

7. The total to be paid by the COMMISSION under this Agreement shall not exceed $0.00 in federal funds awarded to the COMMISSION by the U.S. Department of Justice (USDOJ), Office of Justice Programs (OJP) and $75,460.00 in State Funds.

8. Every payment obligation of the COMMISSION 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 the COMMISSION. No liability shall accrue to the COMMISSION in the event this provision is exercised, and the COMMISSION shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

9. GRANTEE agrees that if it currently has an active award of federal funds or if it receives any other award of federal funds during the period of performance for this award, and those award funds have been, are being or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this award, GRANTEE will promptly notify, in writing, the COMMISSION, of the potential of duplication, and if so requested by the COMMISSION, seek a budget modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

10. GRANTEE agrees to retain all books, account reports, files and other records, (paper and/or electronic) relating to this Agreement and the performance of this Agreement for no less than

five (5) years from the last financial report submitted to the COMMISSION. All such documents shall be subject to inspection and audit at reasonable times, including such records of any subgrantee, contractor, or subcontractor. GRANTEE also understands and agrees that USDOJ and the United States General Accounting Office (USGAO) are authorized to interview any officer or employee of the GRANTEE (or of any subgrantee, contractor, or subcontractor) regarding transactions related to this award.

11. GRANTEE agrees that activities funded under this award will be closely coordinated with related activities supported with Office of Justice Programs (OJP), State, local or tribal funds. Grant funds may only be used for the purposes in the GRANTEE's approved application. GRANTEE shall not undertake any work or activities not described in the grant application, including staff, equipment, or other goods or services without prior approval from the COMMISSION.

12. GRANTEE agrees to track, account for, and report on all funds (including specific outcomes and benefits) separately from all other funds for the same or similar purposes or programs.

    Accordingly, the accounting systems of GRANTEE and all subgrantees must ensure that funds from this award are not commingled with funds from any other source.

13. GRANTEE agrees to abide by Federal and State laws and provide accounting, auditing and monitoring procedures to safeguard grant funds and keep such records to assure proper fiscal controls, management and the efficient disbursement of grant funds.

14. For the purposes of this grant, a capital expenditure means expenditures to acquire capital assets, as defined in 2 C.F.R. 200.12, or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life, with a cost of $5,000 or greater. If the GRANTEE's capitalization policy defines a capital expenditure as less than $5,000, the GRANTEE will follow its own policy.

15. GRANTEE agrees to maintain property records for equipment purchased with grant funds and perform a physical inventory and reconciliation with property records at least every two years or more frequently if required by GRANTEE policy. GRANTEE agrees that funds will not be used for the construction of new facilities.

16. GRANTEE agrees to follow equipment disposition policies outlined in 2 C.F.R. 200.313(e)(1) through (4*Uniform Administrative Requirements for Grants and Cooperative Agreements-Equipment*, when the equipment is no longer needed for the grant program.
    Link: *e-CFR Navigation Aid:* http://www.ecfr.gov/cgi-bin/ECFR?page=browse

17. GRANTEE agrees that all salaried personnel (including subgrantee personnel) whose activities are to be charged to the award will maintain timesheets or certifications to document hours worked for activities related to this award and non-award related activities. GRANTEE agrees to keep time and attendance sheets for hourly employees signed by the employee and supervisory official having firsthand knowledge of the work performed by the grant-funded employees.

18. GRANTEE agrees that it will submit financial and activity reports to the COMMISSION in a format provided by the COMMISSION, documenting the activities supported by these grant funds and providing an assessment of the impact of these activities which may include documentation of project milestones. In the event reports are not received on or before the indicated date(s), funding may be suspended until such time as delinquent report(s) are received.

19. These reports are to be submitted according to the following schedule(s):

ACTIVITY REPORTS	
Report Period:	**Due Date:**
July 1 to September 30	October 25
October 1 to December 31	January 25
January 1 to March 31	April 25
April 1 to June 30	July 25

FINANCIAL REPORTS			
Report Period:	**Due Date:**	**Report Period:**	**Due Date:**
July 1 – July 31	August 25	January 1 – January 31	February 25
August 1 – August 31	September 25	February 1 – February 29	March 25
September 1 – September 30	October 25	March 1 – March 31	April 25
October 1 – October 31	November 25	April 1 – April 30	May 25
November 1 – November 30	December 25	May 1 – May 31	June 25
December 1 – December 31	January 25	June 1 – June 30	July 25

Additional reporting requirements may be required for GRANTEES who are considered high risk.

20. GRANTEE understands that financial reports are required as an accounting of expenditures for either reimbursement or COMMISSION-approved advance payments.

21. The final request for reimbursement of grant funds must be received by the COMMISSION no later than sixty (60) days after the last day of the award period.

22. All goods and services must be received or have reasonable expectations thereof and placed in service by GRANTEE by the expiration of this award.

23. GRANTEE agrees that all encumbered funds must be expended and that goods and services must be paid by GRANTEE within sixty (60) days of the expiration of this award.

24. GRANTEE agrees to remit all unexpended grant funds to the COMMISSION within thirty (30) days of written request from the COMMISSION.

25. GRANTEE agrees to account for interest earned on federal grant funds and shall manage interest income in accordance with the Cash Management Improvement Act of 1990 and as indicated in the Office of Justice Programs Financial Guide. Interest earned in excess of allowable limits must be remitted to the COMMISSION within 30 days after receipt of a written request from the COMMISSION.
Link: OJP Financial Guide https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf

26. GRANTEE agrees to obtain written COMMISSION approval for all sole source procurements in excess of $150,000.

27. GRANTEE agrees to obtain written COMMISSION approval prior to the expenditure of grant funds for consultant fees in excess of $650 per day.

28. GRANTEE agrees to not use federal grant funds to pay cash compensation (salary plus bonuses) to any employee paid by the grant at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds, unless otherwise noted in the grant solicitation.)

29. GRANTEE agrees not to use grant funds for food and/or beverage unless explicitly approved in writing by the COMMISSION.

30. GRANTEE agrees to comply with all applicable laws, regulations, policies and guidance (including specific cost limits, prior approvals and reporting requirements, where applicable) governing the use of grant funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events unless explicitly approved in writing by the COMMISSION. Information on pertinent laws, regulations, policies, and guidance is available in the OJP Financial Guide (currently, as section 3.10 "Postaward Requirements" in the DOJ Grants Financial Guide").

31. No funds shall be used to supplant federal, state, county or local funds that would otherwise be made available for such purposes. Supplanting means the deliberate reduction of state or local funds because of the existence of any grant funds.

32. GRANTEE assigns to the COMMISSION any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services applied by third parties to GRANTEE in exchange for grant funds provided under this Agreement.

33. The parties agree to use arbitration in the event of disputes in accordance with the provisions of A.R.S. § 12-1501-12-1518. The laws of the State of Arizona apply to questions arising under this Agreement and any litigation regarding this Agreement must be maintained in Arizona courts, except as pertaining to disputes which are subject to arbitration.

    I. In the event of a dispute, controversy, or claim arising out of or relating in any way to the Agreement, the complaining Party shall notify the other Party in writing thereof. Within 30 calendar days of such notice, representatives of both Parties shall meet at an agreed location to attempt to resolve the dispute in good faith. Should the dispute not be resolved within 30 calendar days after such notice, the complaining Party shall seek remedies exclusively through arbitration, in accordance with the provisions of A.R.S. § 12-1501 through 12-1518.

    II. The arbitration demand must be a clear and concise statement of the claim or dispute. The respondent's answer and any counterclaims must be filed within 20 calendar days of service of the demand.

    III. The arbitration shall be conducted in Maricopa County.

    IV. The arbitration shall be conducted by one arbitrator. If the Parties are not able to agree upon the selection of an arbitrator, within 20 calendar days of the commencement of an arbitration proceeding by service of a demand for arbitration, the court on application of a Party shall appoint the arbitrator.

    V. The arbitrator must promptly set a conference to clarify the claims and defenses, to establish fair procedures, and to set a schedule for completing the arbitration.

    VI. It is the intent of the parties that, barring extraordinary circumstances, arbitration proceedings will be concluded with 120 calendar days from the date the arbitrator is appointed. The arbitrator may extend the time limit in the interests of justice. Failure to adhere to this time limit shall not constitute a basis for challenging the award.

    VII. The arbitrator must issue a written, reasoned award within 20 calendar days from the date the hearing is formally closed, or as soon after that as is feasible. The sole remedy will be actual damages; no punitive damages are allowed.

    VIII. Unless the arbitrator orders otherwise, the Parties must share arbitration costs equally, including arbitrator's fees and expenses. Each party must pay its own expenses and attorney's fees.

34. GRANTEE understands that grant funds may not be released until all delinquent reports and reversion of funds from prior grants are submitted to the COMMISSION.

35. GRANTEE agrees that grant funds are not to be expended for any indirect costs that may be incurred by GRANTEE for administering these funds unless explicitly approved in writing by the COMMISSION. This may include, but is not limited to, costs for services such as accounting, payroll, data processing, purchasing, personnel, and building use which may have been incurred by the GRANTEE.

36. 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 Indeminitor, its officers, officials, agents, employees, or volunteers. If the GRANTEE is a State agency, board, commission, or university of the State of Arizona, this paragraph shall not apply.

37. Should GRANTEE utilize a contractor(s) and subcontractor(s) the indemnification clause between GRANTEE and its contractor(s) and subcontractor(s) shall include the following:

    Contractor shall defend, indemnify, and hold harmless the GRANTEE and the State of Arizona, and any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and its departments, agencies, boards, commissions, universities, 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 the 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 Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, 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. Additionally on all applicable insurance policies, contractor and its subcontractors shall name the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as an additional insured and also include a waiver of subrogation in favor of the State. Insurance requirements for any contractor used by GRANTEE are incorporated herein by this reference and attached to this Agreement as Exhibit "A".

38. Restrictions and certifications regarding non-disclosure agreements and related matters

    No GRANTEE under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

    The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the

nondisclosure of classified information.

I. In accepting this award, the GRANTEE--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

II. If the GRANTEE does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

39. GRANTEE agrees to notify the COMMISSION within ten (10) days in the event that the project official is replaced during the award period.

40. No rights or interest in this Agreement shall be assigned by GRANTEE without prior written approval of the COMMISSION.

41. GRANTEE will comply with the audit requirements of *Uniform Guidance (2 CFR 200 subpart F 200.500)* and provide the COMMISSION with the audit report and any findings within 90 days of receipt of such finding. If the report contains no findings, the GRANTEE must provide notification that the audit was completed.
Link: *Audit Requirements for OJP Awards:*
https://ojp.gov/funding/pdfs/AuditRequirementsPart200.pdf

42. GRANTEE certifies that it will comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") and the OJP Financial Guide.
Link: *2 C.F.R Part 200 for OJP Awards:*
https://ojp.gov/funding/Part200UniformRequirements.htm

43. Compliance with general appropriations-law restrictions on the use of federal funds for awards made after FY 2018. GRANTEE or sub-grantee at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Should a question arise as to whether a particular use of federal funds by a GRANTEE would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2018 https://ojp.gov/funding/Explore/FY18AppropriationsRestrictions.htm

44. GRANTEE agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or sub award to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express written approval of the Office of Justice Programs through the COMMISSION.

45. GRANTEE understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

46. GRANTEE agrees not to do business with any individual, agency, company or corporation listed in the Excluded Parties Listing Service.
Link: *System for Award Management* https://www.sam.gov/SAM/

47. GRANTEE agrees to ensure that, no later than the due date of the GRANTEE's first financial report after the award is made, GRANTEE and any subgrantees have a valid DUNS profile and active registration with the System for Award Management (SAM) database.

48. GRANTEE certifies that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement.

49. GRANTEE understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the *OJP Training Guide Principles for Grantees and Subgrantees.*
Link: *OJP Training Guide Principles for Grantees and Subgrantees*
https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm

50. GRANTEE agrees to cooperate and participate with any and all assessments, evaluation efforts or information and data collection requests, and acknowledges that the federal or state grantor agency has the right to obtain, reproduce, publish or use data provided under this award and may authorize others to receive and use such information.

51. GRANTEE shall provide the COMMISSION with a copy of all interim and final reports and proposed publications (including those prepared for conferences and other presentations) resulting from this Agreement. Submission of such materials must be prior to or simultaneous with their public release.

52. GRANTEE agrees that any publications (written, visual, or sound) excluding press releases and newsletters, whether published at the GRANTEE'S or COMMISSION'S expense, shall contain the following statement:

    "This was supported by Award No. 2018-VC-GX-0040 awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice."

53. GRANTEE agrees to comply with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 34 U.S.C. § 10228(c); the Victims of Crime Act of 1984, as amended, 34 U.S.C. § 20110(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 34 U.S.C. § 11182(b); and VAWA, as amended, 34 U.S.C. § 12291(b)(13), contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions. Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statues that prohibit discrimination in employment. An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)). If in the three years prior to the date of the grant award a Federal or State Court or Federal or State administrative agency makes a finding of discrimination after a due process hearing against GRANTEE, GRANTEE will forward a copy of the findings to the Office for Civil Rights, Office of Justice Programs and the COMMISSION.

54. In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipient Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website:
    Link: *Limited English Proficiency A Federal Interagency Website* http://www.LEP.gov

55. GRANTEE agrees to comply with the applicable requirements of 28 CFR Part 38, the Department of Justice regulation governing "Partnerships with Faith-Based and Other Neighborhood Organizations" (the "PFNBO"). The PFNBO Regulation provides in part that Department of Justice financial assistance may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of Department of Justice financial assistance may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from GRANTEE must be voluntary. The PFNBO Regulation also makes clear that organizations participating in programs receiving financial assistance from the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment.
    Link:
    https://ojp.gov/funding/Explore/SolicitationRequirements/CivilRightsRequirements.htm#NDPFaith

56. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

    The GRANTEE or subgrantee at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, GRANTEES, or individuals defined (for purposes of this condition) as "employees" of the recipient or of any GRANTEE.

    The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm (Award condition: Prohibited conduct by recipients and GRANTEES related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

57. GRANTEE should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. As of June 2013 OJP has issued an advisory that grantees should consult local counsel in reviewing their employment practices. If warranted, grantees should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plan (EEOP). See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at http://www.ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf.

58. GRANTEE assures that it will comply with all state and federal laws regarding privacy during the course of the award. All information relating to clients is to be treated with confidentiality in accordance with 42 USC section 3789g or 42 USC 14132(b)(3) that are applicable to the collection, disclosure, use and revelation of data information. GRANTEE further agrees to submit a privacy Certificate that is in accordance with requirements of 28 CFR Part 22 if applicable to the program.

59. GRANTEE agrees to formulate and keep on file an EEOP (if GRANTEE is required pursuant to 28 CFR 42 Subpart E). GRANTEE certifies that they have forwarded to the Office for Civil Rights, Office of Justice Programs the EEOP, or certifications that they have prepared and have on file an EEOP, or that they are exempt from EEOP requirements. Failure to comply may result in suspension of grant funds. Copies of all submissions such as certifications to or correspondence with the Office for Civil Rights, Office of Justice Programs regarding this requirement must be provided to the COMMISSION by GRANTEE. In the event a federal or state court or federal or state administrative agency makes an adverse finding of discrimination against GRANTEE after a due process hearing, on the ground of race, color, religion, national origin, or sex, GRANTEE will forward a copy of the findings to the Office for Civil Rights, Office of Justice Programs and the COMMISSION (see 28 CFR 42.204(c), .205(c)(5)). .

60. GRANTEE agrees to participate in any required civil rights related training to ensure compliance with all federal and state civil rights laws. GRANTEE will inform the COMMISSION of the position responsible for civil rights compliance and will inform the COMMISSION of change in personnel responsible for civil rights compliance within ten days.
    Link: http://www.azcjc.gov/grants

61. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees) GRANTEE must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712,

including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

GRANTEE also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712. Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

62. To support public safety and justice information sharing, GRANTEE, if a governmental subdivision, shall use the National Information Exchange Model (NIEM) specifications and guidelines for this grant. GRANTEE shall publish and make available without restrictions all schemas generated as a result of this grant to the component registry as specified in the guidelines.
Link: http://niem.github.io/reference/specifications/

63. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at:
Link: https://it.ojp.gov/gsp_grantcondition

Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

64. To avoid duplicating existing networks or IT systems in any initiatives for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless GRANTEE can demonstrate to the satisfaction of the COMMISSION that this requirement would not be cost beneficial or would impair the functionality of an existing or proposed IT system.

65. If GRANTEE is a governmental political subdivision, the GRANTEE should, to the extent possible and practical, share criminal justice information with other authorized criminal justice agencies. The process control number (PCN) shall be used in accordance with A.R.S. § 41-1750 when sharing data with other criminal justice agencies as electronic data systems are developed or improved.

66. If GRANTEE is a state agency and the award is for the development of information technology projects for more than $25,000, GRANTEE must complete a Project Investment Justification (PIJ) and submit the justification to the Arizona Department of Administration (ADOA), with a copy to the COMMISSION. GRANTEE agrees to submit required project status reports to ADOA by the due dates and submit copies to the COMMISSION.

If GRANTEE is not a state agency and the award is for the development of information technology projects, GRANTEE will follow local technology policies and guidelines.

67. GRANTEE must promptly refer to the COMMISSION any credible evidence that a principal, employee, agent, contractor, subgrantee, contractor, subcontractor, or other person has, in connection with funds under this award, has either 1) submitted a false claim that violates the

False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct. The COMMISSION shall forward the referral to the Department of Justice, Office of the Inspector General.

68. The COMMISSION encourages GRANTEE to establish workplace safety policies and conduct education, awareness and other outreach to decrease crashes caused by distracted drivers, including adopting and enforcing policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant. Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 2009).

69. GRANTEE certifies to comply with the Drug-Free Workplace Act of 1988, and implemented in 28 CFR Part 83, Subpart F, for grantees, as defined in 28 CFR, Part 83 Sections 83.620 and 83.650.

70. GRANTEE agrees to complete and keep on file, as appropriate, Immigration and Naturalization Form (I-9). This form is to be used by recipients to verify that persons are eligible to work in the United States. Additionally GRANTEE ensures compliance with A.R.S. § 41-4401 by state employers and contractors.

71. GRANTEE acknowledges that immigration laws require them to register and participate with the E-Verify program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this state. GRANTEE warrants that they have registered with and participate with E-Verify. If the COMMISSION later determines that the GRANTEE has not complied with E-Verify, it will notify the non-compliant GRANTEE by certified mail of the determination and of the right to appeal the determination.

72. GRANTEE certifies that no federal funds will be paid, by or on behalf of, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, and for the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement. If any funds other than Federal funds are paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal award, grant loan, or cooperative agreement, the GRANTEE will complete and submit to the COMMISSION Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.

73. GRANTEE understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy at any level of government, without the express prior written approval of the Commission.

74. GRANTEE agrees that no funds provided, or personnel employed under this Agreement shall be in any way, or to any extent, engaged in conduct of political activities in violation of USC Title 5, Part II, Chapter 15, section 1502.

75. GRANTEE understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

76. GRANTEE understands and agrees that- (a) no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading and exchanging or

pornography, and (b) nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

77. GRANTEE agrees to comply with all federal, state and local environmental laws and regulations applicable to the development and implementation of activities to be funded under this award. Additional requirements may be found in Grant Agreement Continuation Sheet.

78. GRANTEE agrees that all gross income earned by the GRANTEE that is directly generated by a supported activity or earned as a result of this award during the period of performance shall be deemed program income. All program income must be accounted for and used for the purpose under the conditions applicable for the use of funds under this award, including the effective edition of the OJP Financial Guide and, as applicable in 2 C.F.R. Part 200 Uniform Requirements.

79. This Agreement is subject to cancellation pursuant to the provision of A.R.S. § 38-511. This Agreement may also be cancelled at the COMMISSION'S discretion if not returned with authorized signatures to the COMMISSION within 90 days of commencement of the award.

80. If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall be in full force and effect.

81. GRANTEE agrees to comply with all Special Condition(s) included with this Agreement on the Grant Agreement Continuation Sheet.

82. GRANTEE understands that grant funds may not be released until GRANTEE is compliant with all requirements of grant agreement.

Arizona Criminal Justice Commission
Cochise County Attorney's Office
GRANT AGREEMENT CONTINUATION SHEET
SPECIAL CONDITION(S)

1. GRANTEE must verify Agency Point of Contact (APOC), Financial Point of Contact (FPOC), Program Point of Contact (PPOC), and Authorized Official contact information in the Grants Management System (GMS), including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the GMS to document changes. In addition the FPOC and PPOC must be assigned by the APOC prior to payments being made.

2. GRANTEE acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

3. GRANTEE agrees and understands that funded activities may require the preparation of an Environmental Assessment (EA) as defined by the Council of Environmental Quality's Regulations for implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), found at 40 CFR Part 1500.

4. The GRANTEE agrees that allocated compensation benefit funds will be used to provide compensation awards to victims of criminally injurious conduct occurring within the GRANTEE'S jurisdiction.

5. The GRANTEE understands that crime victim compensation benefit funding will be distributed to grantees as a monthly reimbursement of compensation program expenditures.

6. The GRANTEE understands that $21,500.00 is the maximum allowable amount of State compensation funding to be expended on the administration of this program.

7. The GRANTEE agrees that expenditures made in Compensation Benefits will be for Compensation benefit payments only. Funding in Compensation Benefits cannot be transferred to another budget category.

8. The GRANTEE understands that financial reimbursement request forms are required for reimbursement of expenditures. The final request for reimbursement of compensation funds must be received by the COMMISSION no later than 10 days after the last day of the award period.

9. The GRANTEE agrees to comply with all Federal and State laws, provisions of the Arizona Crime Victim Compensation Program Rules R110-4-101 through R10-4-111 administered by the COMMISSION, and provisions of Federal VOCA Compensation Program Guidelines (https://www.ovc.gov/voca/pdftxt/voca_guidelines2001.pdf).

10. The GRANTEE agrees to comply with all applicable Open Meeting Laws, A.R.S. §38-431 et seq.

11. The GRANTEE agrees to seek and order all available restitution owed to the program.

12. The GRANTEE agrees to negotiate reductions in fees for service with service providers for all program benefit expenditures.

13. The GRANTEE agrees that information on race, sex, national origin, age, and disability of recipients of compensation will be collected and maintained, where such information is voluntarily furnished by those receiving compensation.

14. The grantee agrees to adhere to the provisions and conditions outlined in the Memorandum of Understanding (MOU) between the Office for Victims of Crime (OVC) and the Federal Bureau of Investigation (FBI) pertaining to the dissemination of information to State Crime Victim Compensation Programs concerning the verification of victims of crime claims investigated by the FBI. Failure to abide by the provision of the MOU will result in a cancellation of the agreement to release FBI investigative information to the grantee.

15. GRANTEE acknowledges the requirements of the award; remedies for non-compliance or for materially false statements. The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any or more of these award requirements—whether a condition set out in full below, a condition incorporated by the reference below, or a certification or assurance related to conduct during the award period may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold finds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable, such provision shall be deemed severable from this award.

16. GRANTEE must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or 2) uses or operates a "Federal information system" (OMB Circular A-130). The GRANTEE'S breach procedures must include a requirement to report actual or imminent break of PII to the COMMISSION no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

17. The GRANTEE warrants its compliance with all federal immigration laws and regulations that relate to its employees and A.R.S. § 23-214(A). If a grantee uses any subcontractors in performance of this contract, subcontractors shall warrant their compliance with all federal immigration laws and regulations that relate to their employees and A.R.S. § 23-214(A). A breach of this warranty shall be deemed a material breach of the contract

subject to penalties up to and including termination of this contract. The Commission retains the legal right to inspect the papers of the grantee and its subcontractors who work on the contract to ensure that it or its subcontractors are complying with this warranty.

18. The GRANTEE agrees to submit supporting documentation (i.e. receipts, invoices, timesheets, and/or payroll records) for all administrative grant expenditures with the monthly financial report through the ACJC Grant Management System (GMS)

19. The GRANTEE agrees to submit quarterly activity reports on the victim compensation claim data identified by the Commission and victim compensation claim expense documentation through the ACJC Data Warehouse.

Authorized Official Initials:_____

IN WITNESS WHEREOF, the parties have made and executed the Agreement the day and year first above written.

FOR GRANTEE:

Authorized Signatory Date

Printed Name and Title

Approved as to form and authority to enter into Agreement:

Legal counsel for GRANTEE Date

Printed Name and Title

Statutory or other legal authority to enter into Agreement:

Appropriate A.R.S., ordinance, or charter reference

FOR CRIMINAL JUSTICE COMMISSION:

Andrew T. LeFevre, Executive Director
Arizona Criminal Justice Commission Date

ARIZONA CRIMINAL JUSTICE COMMISSION
GRANT AGREEMENT

Insurance Requirements
Exhibit "A"

***Insurance Requirements* for Governmental Parties to a Grant Agreement:**

None.

***Insurance Requirements* for Any Contractors Used by a Party to the Grant Agreement:**

(Note: this applies only to Contractors used by a governmental entity, not to the governmental entity itself.) The *insurance requirements* herein are minimum requirements and in no way limit the indemnity covenants contained in the Intergovernmental Agreement. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the governmental entity or Contractor from liabilities that might arise out of the performance of the work under this Contract by the Contractor, his agents, representatives, employees or subcontractors, and Contractor and the governmental entity are free to purchase additional insurance.

A. **MINIMUM SCOPE AND LIMITS OF INSURANCE:** Contractor shall provide coverage with limits of liability not less than those stated below.

1. **Commercial General Liability – Occurrence Form**
   Policy shall include bodily injury, property damage, and broad form contractual liability.

• General Aggregate	$2,000,000
• Products – Completed Operations Aggregate	$1,000,000
• Personal and Advertising Injury	$1,000,000
• Fire Legal Liability	$50,000
• Each Occurrence	$1,000,000

   a. The policy shall be endorsed, as required by this written agreement, to include the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor.

      (Note that the other governmental entity(ies) is/are also required to be additional insured(s) and they should supply the Contractor with their own list of persons to be insured.)

   b. Policy shall contain a waiver of subrogation endorsement, as required by this written agreement, in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

Exhibit "A" Page 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 Contract.

   Combined Single Limit (CSL) $1,000,000

   a. The policy shall be endorsed, as required by this written agreement, to include the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees as additional insureds with respect to liability arising out of the activities performed by or on behalf of, the Contractor involving automobiles owned, hired and/or non-owned by the Contractor.

   b. Policy shall contain a waiver of subrogation endorsement as required by this written agreement in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

      (Note that the other governmental entity(ies) is/are also required to be additional insured(s) and they should supply the Contractor with their own list of persons to be insured.)

3. **Worker's Compensation and Employers' Liability**

Workers' Compensation	Statutory
Employers' Liability	
Each Accident	$1,000,000
Disease – Each Employee	$1,000,000
Disease – Policy Limit	$1,000,000

   a. Policy shall contain a waiver of subrogation endorsement, as required by this written agreement, in favor of the State of Arizona, and its departments, agencies, boards, commissions, universities, its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

   b.
   This requirement shall not apply to each contractor or subcontractor that is exempt under A.R.S. § 23-901, and when such contractor or subcontractor executes the appropriate waiver form (Sole Proprietor or Independent Contractor).

Additional Insurance Requirements:

The policies shall include, or be endorsed to include, as required by this written agreement, the following provisions:

The Contractor's policies shall stipulate that the insurance afforded the Contractor shall be primary and that any insurance carried by the Department, its agents, officials, employees or the State of Arizona shall be excess and not contributory insurance, as provided by A.R.S. § 41-621 (E).

Insurance provided by the Contractor shall not limit the Contractor's liability assumed under the indemnification provisions of this Contract.

Notice of Cancellation:
For each insurance policy required by the insurance provisions of this Contract, the Contractor must provide to the State of Arizona, within two (2) business days of receipt, a notice if a policy is suspended,

voided, or cancelled for any reason. Such notice shall be mailed, emailed, hand delivered or sent by facsimile transmission to (Enter Contracting Agency Representative's Name, Address, and Fax Number Here).

Acceptability of Insurers:
Contractor's insurance shall be placed with companies licensed in the State of Arizona or hold approved non-admitted status on the Arizona Department of Insurance List of Qualified Unauthorized Insurers. Insurers shall have an "A.M. Best" rating of not less than A- VII. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency.

Verification of Coverage:
Contractor shall furnish the State of Arizona with certificates of insurance (valid ACORD form or equivalent approved by the State of Arizona) as required by this Contract. An authorized representative of the insurer shall sign the certificates.

All certificates and endorsements, as required by this written agreement, are to be received and approved by the State of Arizona before work commences. Each insurance policy required by this Contract must be in effect at, or prior to, commencement of work under this Contract. Failure to maintain the insurance policies as required by this Contract, or to provide evidence of renewal, is a material breach of contract.

All certificates required by this Contract shall be sent directly to the Department. The State of Arizona project/contract number and project description shall be noted on the certificate of insurance. The State of Arizona reserves the right to require complete copies of all insurance policies required by this Contract at any time.

Subcontractors:
Contractor's certificate(s) shall include all subcontractors as insureds under its policies or Contractor shall be responsible for ensuring and/or verifying that all subcontractors have valid and collectable insurance as evidenced by the certificates of insurance and endorsements for each subcontractor. All coverages for subcontractors shall be subject to the minimum Insurance Requirements identified above. The Department reserves the right to require, at any time throughout the life of the Contract, proof from the Contractor that its subcontractors have the required coverage.

Approval and Modifications:
The Contracting Agency, in consultation with State Risk, reserves the right to review or make modifications to the insurance limits, required coverages, or endorsements throughout the life of this contract, as deemed necessary. Such action will not require a formal Contract amendment but may be made by administrative action.

Exceptions:
In the event the Contractor or subcontractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a certificate of self-insurance. If the Contractor or subcontractor(s) is/are a State of Arizona agency, board, commission, or university, none of the above shall apply.