

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**February 20, 2008**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., February 20, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Wes Baysinger, Director, Materials Management, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Dr. Rodrigo Silva, Director, Animal Care and Control, led the assemblage in the Pledge of Allegiance.

**PRESENTATION**

**1. 2007 COMBINED CHARITABLE CAMPAIGN**

David Smith congratulated Harry Courtright, 2007 Combined Charitable Campaign Chairman, and the Combined Charitable Campaign Executive Committee for living up to their pledge of topping the 2006 double digit increase to \$500,000 with an impressive 2007 total of \$586,283. Mr. Courtright said the successful campaign was a result of excellent team leaders for the different events and their concerted efforts to motivate County employees to make 2007 the best year yet. John Cantu, Director of Equipment Services and co-chairman of the Campaign, named workers and recognized the committee members present in the auditorium with applause. Chairman Kunasek presented Mr. Courtright with the committee chairman plaque. (ADM3311)

**STATUTORY HEARINGS**

**Clerk of the Board**

**2. PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, Chairman Kunasek called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications:

- a. Application filed by Bonnie Ann Revelle for a Special Event Liquor License: (F23249) (SELL821)

Business Name:	Corte Bella Rally for a Cancer Cure
Location:	22131 N. Mission Drive, Sun City West, 85375
Date/Time:	March 1, 2008, 6:30pm – 10:00pm

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- b. Application filed by Lori Salazar Newham for a Special Event Liquor License: (F23249) (SELL820)

Business Name: Risen Savior Lutheran Church and School  
Location: 23914 L. Alma School, Chandler, 85248  
Date/Time: March 1, 2008, 5:00pm – 12:00am  
(Planning recommends denial)

Approval is contingent on applicant's restricting liquor consumption to indoors and the completion of necessary permits and issuance of a Certificate of Occupancy

- c. Application filed by Rose Ravenna Lindblom for a Permanent Extension of Premises of a Series 12 Liquor License: (MCA664-32) (AZ#12075032)

Business Name: Rosie's Italian Cafe  
Location: 13930 W. Camino Del Sol, Sun City West, 85375  
(Planning recommends denial)

Approval is contingent on applicant's completion of necessary permits and issuance of a Certificate of Occupancy

- d. Application filed by Patricia Ramona Kessler for a New Series 12 Liquor License: (MCLL6261) (AZ#12077469)

Business Name: The Anacapa Grill at Corte Bella  
Location: 22131 North Mission Drive, Sun City West, 85375

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

**Transportation**

**3. PUBLIC HEARING – ROAD DECLARED (ROAD FILE NO.A-385)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following road into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408123000)

**RESOLUTION**

**WHEREAS**, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Roadway alignments, together with all appurtenant rights, being of varying widths lying within Southwest quarter of Section 14 and South half of Section Fifteen, Township Four North, Range One East of the Gila and Salt River Base Meridian, Maricopa County, Arizona, being more particularly described;

**Parcel 1**

Commencing at the Southwest corner of said Section 15;  
Thence South 88°57'37" East, a distance of 53.91 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;  
Thence North 01°02'23" East, a distance of 55 feet, to the point of beginning;  
Thence North 00°06'15" West, a distance of 40 feet to a point on the East right-of-way line of 91st Avenue;  
Thence South 44°31'56" East, a distance of 57.13 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence North 88°57'37" West, a distance of 40 feet to the point of beginning;

**Parcel 2**

Commencing at the Southwest corner of said Section 15;  
Thence South 88°57'37" East, a distance of 652.62 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;  
Thence North 01°02'23" East, a distance of 55 feet, to the point of beginning;  
Thence North 88°57'37" West, a distance of 35 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence North 45°28'04" East, a distance of 21 feet;  
Thence South 88°58'08" East, a distance of 20 feet;  
Thence South 00°06'15" East, a distance of 15 feet to the point of beginning;

**Parcel 3**

Commencing at the Southwest corner of said Section 15;  
Thence South 88°57'37" East, a distance of 652.62 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;  
Thence North 01°02'23" East, a distance of 55 feet, to the point of beginning;  
Thence North 00°06' 15 West, a distance of feet;  
Thence South 88°57'06" East, a distance of 20 feet;  
Thence South 44°32'17" East, a distance of 21.42 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence North 88°57'37" West, a distance of 35 feet to the point of beginning;

**Parcel 4**

Commencing at the Southwest corner of said Section 15;  
Thence South 88°57'37" East, a distance of 1276.83 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;  
Thence North 01°02'23" East, a distance of 55 feet, to the point of beginning;  
Thence North 88°57'37" West, a distance 15 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence North 45°33'58" East, a distance of 21.04 feet to a point on the West right-of-way line of 89<sup>th</sup> Avenue;  
Thence South 00°05'34" West, a distance of 15 feet to the point of beginning;

**Parcel 5**

Commencing at the Southwest corner of said Section 15;  
Thence South 88°57'37" East, a distance of 1336.84 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;  
Thence North 01°02'23" East, a distance of 55 feet, to the point of beginning;

Thence North 00°05'34" East, a distance of 15 feet to a point on the East right-of-way line of 89<sup>th</sup> Avenue;  
Thence South 44°26'02" East, a distance of 21.39 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence North 88°57'37" West, a distance of 15 feet to the point of beginning;

**Parcel 6**

Commencing at the Southwest corner of said Section 15;  
Thence South 88°57'37" East, a distance of 1938.02 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;  
Thence North 01°02'23" East, a distance of 55 feet, to the point of beginning;  
Thence N88°57'37" West, a distance of 15 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence North 46°02'23" East, a distance of 21.21 feet to a point on the West right-of-way line of 88<sup>th</sup> Avenue;  
Thence South 01°02'23" West, a distance of 15 feet to the point of beginning;

**Parcel 7**

Commencing at the Southwest corner of said Section 15;  
Thence South 88°57'37" East, a distance of 1938.02 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;  
Thence North 01°02'23" East, a distance of 55 feet, to the point of beginning;  
Thence North 01°02'23" East, a distance of 15 feet to a point on the East right-of-way line of 88<sup>th</sup> Avenue;  
Thence North 43°57'37" East, a distance of 21.21 to a point on the North right-of-way line of Deer Valley Road;  
Thence North 88°57'37" west, a distance of 15 feet to the point of beginning;

**Parcel 8**

Commencing at the Southwest corner of said Section 15;  
Thence South 88°57'37" East, a distance of 2574.15 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;  
Thence North 01°02'23" East, a distance of 55 feet, to the point of beginning;  
Thence North 88°57'37" West, a distance of 15 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence North 45°39'32" East, a distance of 21.07 feet to a point on the West right-of-way line of 87<sup>th</sup> Avenue;  
Thence South 00°16'41" west, a distance of 15 feet to the point of beginning;

**Parcel 9**

Commencing at the South quarter corner of said Section 15;  
Thence South 88°57'48" East, a distance of 40 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;  
Thence North 00°16'41" East, a distance 55 feet, to the point of beginning;  
Thence North 00°16'41" East, a distance 15 feet to a point on the East right-of-way line of 87<sup>th</sup> Avenue;  
Thence South 44°20'33" East, a distance of 21.35 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence North 88°57'48" west, a distance of 15 feet to the point of beginning;

**Parcel 10**

Commencing at the South quarter corner of said Section 15;  
Thence South 88°57'48" East, a distance of 637.80 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;

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Thence North 01°02'12" East, a distance 55 feet, to the point of beginning;  
Thence North 88°57'48" West, a distance of 15 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence North 45°27'59" East, a distance of 21 feet to a point on the West right-of-way line of 86<sup>th</sup> Avenue;  
Thence South 00°06'15" east, a distance of 15 feet to the point of beginning;

**Parcel 11**

Commencing at the south quarter corner of said section 15;  
Thence South 88°57'48" East, a distance of 667.81 feet along the South line of said Section 15, also being the centerline of Deer Valley Road;  
Thence North 01°02'12" East, a distance 55 feet, to the point of beginning;  
Thence North 00°06'15" West, a distance of 15 feet to a point on the East right-of-way line of 86<sup>th</sup> Avenue;  
Thence South 44°32'01" East, a distance of 21.42 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence North 88°57'48" west, a distance of 15 feet to the point of beginning;

**Parcel 12**

Commencing at the Southwest corner of said Section 14;  
Thence North 89°33'38" East, a distance of 66.70 feet along the South line of said Section 14, also being the centerline of Deer Valley Road;  
Thence North 00°26'22" West, a distance of 55 feet to the point of beginning;  
Thence North 01°18'12" East, a distance of 15 feet to a point on the East right-of-way line of 83rd Avenue;  
Thence South 44°34'05" East, a distance of 20.89 feet to a point on the North right-of-way line of Deer Valley Road;  
Thence South 89°33'38" West, a distance of 15 feet to the point of beginning;

**Parcel 13**

The South 55 feet of said South half of Section 15;

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

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**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 20<sup>th</sup> day of February 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

#### **Air Quality**

#### **4. PUBLIC HEARING – ORDINANCE P-25-LEAF BLOWER RESTRICTION ORDINANCE**

Pursuant to A.R.S. §49-479(B), Chairman Kunasek convened the scheduled public hearing to solicit comments on the proposed ordinance P-25, Leaf Blower Restriction Ordinance of the Maricopa County Air Pollution Control Regulations.

Johanna Kuspert, a rulewriter with the Air Quality Department, presented slides and explained this ordinance. She answered questions posed from Board Members and asked that the next item, P-26, be postponed until the March 26, 2008, meeting.

Chairman Kunasek said that to lessen confusion, discussion and questions on each ordinance would be taken separately and have a separate vote. Discussion ensued on the restrictions on private citizens using leaf blowers on their yards and driveways and on compliance by cities and towns. Senate Bill 1552 required such ordinances be adopted by Counties but there are also ordinance obligations from the State, cities and towns, that are separate from the County's.

Supervisors universally supported this ordinance; some voiced regret that government had to take such a step yet recognizing the importance of the support for cleaner air. Supervisor Stapley said he'd investigated his leaf blower and found you could attach a bag and reverse it to use as a vacuum. He rationalized that this could be viewed in a broader way – to stop blowing our problems off onto others and begin to take care of our own "stuff" in a proper manner.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt Ordinance P-25 and submit the ordinance as a revision to the (Arizona) State Implementation Plan (SIP). (C8508010700) (ADM157)

#### **P-25 LEAF BLOWER RESTRICTION ORDINANCE**

##### **SECTION 1 – GENERAL**

- A. PURPOSE:** The Leaf Blower Restriction Ordinance prohibits the use of leaf blowers for the following activities:

1. Blowing of landscape debris into public roadways; and
2. Operating leaf blowers on surfaces that have not been stabilized.

**B. APPLICABILITY:** The Leaf Blower Restriction Ordinance applies to the operation of leaf blowers in sections of Area A that are within Maricopa County, including those areas within incorporated cities and towns in such sections.

**SECTION 2 – DEFINITIONS:** For the purpose of this ordinance, the following definitions shall apply:

**A. AREA A –** As defined in Arizona Revised Statutes (ARS) §49-541(1), the area in Maricopa County delineated as follows:

Township 8 North, Range 2 East and Range 3 East  
Township 7 North, Range 2 West through Range 5 East  
Township 6 North, Range 5 West through Range 6 East  
Township 5 North, Range 5 West through Range 7 East  
Township 4 North, Range 5 West through Range 8 East  
Township 3 North, Range 5 West through Range 8 East  
Township 2 North, Range 5 West through Range 8 East  
Township 1 North, Range 5 West through Range 7 East  
Township 1 South, Range 5 West through Range 7 East  
Township 2 South, Range 5 West through Range 7 East  
Township 3 South, Range 5 West through Range 1 East  
Township 4 South, Range 5 West through Range 1 East

**B. ENFORCEMENT OFFICER –** Any officer of Maricopa County that has authority to enforce County rules, regulations and ordinances.

**C. LANDSCAPE DEBRIS –** Debris generated or accumulated as a result of, or moved in the course of, landscape operations. Landscape debris includes, but is not limited to, grass clippings, leaves, branches, vegetative matter, rubbish, soil and rock.

**D. LEAF BLOWER –** Any device that generates a stream of air that is designed, or used, to move landscape debris.

**E. PERMITS FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING OPERATIONS –** Any site that has been issued a permit by the Control Officer as required by Rule 200§305 of the Maricopa County Air Pollution Control Rules and Regulations.

**F. PERSON –** Any individual, public or private corporation, company, partnership, firm, association or society of persons, the Federal Government and any of its departments or agencies, or the State and any of its agencies, departments, or political subdivisions.

- G. **PUBLIC ROADWAY** – Any street, alley, road, highway or thoroughfare of any kind that is used by the public or that is open to the public as a matter of right, including those roadways within gated communities, for the purpose of vehicular travel.
- H. **STABILIZED SURFACE** – As defined in ARS §11-877(A)(3), stabilized surfaces are surfaces that have been treated with asphaltic concrete, cement concrete, hardscape, penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate, decomposed granite cover, crushed granite cover, aggregate cover, gravel cover, grass or other continuous vegetative cover, or any combination of these stabilizers.

**SECTION 3 – REQUIREMENTS**

**A. RESTRICTED OPERATION OF A LEAF BLOWER:**

- 1. A person shall not operate a leaf blower in a manner that causes landscape debris to be blown into a public roadway.
- 2. A person shall only operate leaf blowers on a stabilized surface.

**B. VIOLATIONS, NOTICES, AND PENALTIES:**

- 1. When the Enforcement Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this ordinance, the Enforcement Officer shall issue, for the first violation of this ordinance, a warning notice stating which requirement of the ordinance was violated.
- 2. The Enforcement Officer may impose a civil penalty of \$50 for the second violation of this ordinance. Upon a third violation of this ordinance, the Enforcement Officer may impose a civil penalty of \$100. After the fourth and subsequent violations of this ordinance, the Enforcement Officer may impose a civil penalty of \$250.

**SECTION 4 - EXEMPTIONS**

- A. **SITES WITH PERMITS FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING OPERATIONS:** Any site that has been issued a permit by the Control Officer for the control of fugitive dust from dust generating operations is exempt from all sections of this ordinance.

**5. PUBLIC HEARING – ORDINANCE P-26-RESIDENTIAL WOODBURNING RESTRICTION – CONTINUED**

Item: Pursuant to A.R.S. §49-479(B), convene the scheduled public hearing to solicit comments on the proposed ordinance P-26, Residential Woodburning Restriction Ordinance the Maricopa County Air Pollution Control Regulations. Following the public hearing, the Board is requested to adopt the proposed ordinance and submit the ordinance as a revision to the (Arizona) State Implementation Plan (SIP). (C8508016700) (ADM158)

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item, at the request of the department, to the March 26, 2008, meeting.

**6. PUBLIC HEARING – ORDINANCE P-27-VEHICLE PARKING AND USE ON UNSTABILIZED VACANT LOTS**

Pursuant to A.R.S. §49-479(B), Chairman Kunasek convened the scheduled public hearing to solicit comments on the proposed new ordinance P-27-Vehicle Parking and Use on Unstabilized Vacant Lots of the Maricopa County Air Pollution Control Regulations.

Johanna Kuspert, a rulewriter with the Air Quality Department, presented slides and explained this ordinance. She answered questions from Board Members.

Sally Heinrich, Arizona Balloon Club, asked about the effect on her hot-air balloon business. She has a state permit and wondered about the ordinance with regards to launching and landing the balloons, as well as the ability to drive to where a balloon had landed if it was off-road. Ms. Kuspert responded that if she had a permit to use a property it was still good. This ordinance is to bring definition to responsibilities of the vehicle operator in the same way as property owner responsibilities have been defined. Chairman Kunasek said this is to help bring clean air back and the most important thing is to use common sense and respect other's rights.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to adopt Ordinance P-27 and submit the ordinance as a revision to the (Arizona) State Implementation Plan (SIP). (C8508012700) (ADM159)

**P-27 AIR POLLUTION CONTROL REGULATIONS  
VEHICLE PARKING AND USE ON UNSTABILIZED VACANT LOTS**

**SECTION 1 - GENERAL**

- A. PURPOSE:** This Ordinance restricts all vehicle parking and use on unstabilized vacant lots.
- B. APPLICABILITY:** This Ordinance applies to vehicle parking and use in the unincorporated sections of Area A that are within Maricopa County.

**SECTION 2 - DEFINITIONS:** For the purpose of this Ordinance, the following definitions shall apply:

- A. AREA A -** The part of the greater Phoenix metropolitan area where specific pollution control programs are in place for ozone, carbon monoxide, and particulate matter. As defined in Arizona Revised Statutes (ARS) §49-541(1), the area in Maricopa County delineated as follows:
  - Township 8 North, Range 2 East and Range 3 East
  - Township 7 North, Range 2 West through Range 5 East
  - Township 6 North, Range 5 West through Range 6 East
  - Township 5 North, Range 5 West through Range 7 East
  - Township 4 North, Range 5 West through Range 8 East

Township 3 North, Range 5 West through Range 8 East  
Township 2 North, Range 5 West through Range 8 East  
Township 1 North, Range 5 West through Range 7 East  
Township 1 South, Range 5 West through Range 7 East  
Township 2 South, Range 5 West through Range 7 East  
Township 3 South, Range 5 West through Range 1 East  
Township 4 South, Range 5 West through Range 1 East

- B. DESIGNATED OR OPENED TRAIL SYSTEM** - Roads or routes that are part of a system of trails and that are designated or opened by a government land management agency by order, sign, and/or map approved by such agency.
- C. ROAD OR HIGHWAY** - The entire width between the boundary lines of every way publicly maintained by the federal government, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of vehicular travel. For purposes of this ordinance, the term "road or highway" also includes designated or opened trail systems and service roads regardless of surface composition, and any other property dedicated or otherwise reserved for public or private street uses, as evidenced by a recorded document, or having thereon a public easement for such use.
- D. VACANT LOTS** - Any of the following described in Section 2(D)(1) through Section 2(D)(4) of this ordinance:
1. An unsubdivided or undeveloped tract of land.
  2. A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings, structures, or uses of a temporary or permanent nature.
  3. A partially developed residential, industrial, institutional, governmental, or commercial lot.
  4. For the purposes of this ordinance, a vacant lot is not a road or highway.
- E. VEHICLE** - A self propelled device and its appurtenances, excluding devices moved by human power or used exclusively on stationary rails or tracks.

### SECTION 3 - REQUIREMENTS

- A. RESTRICTED VEHICLE PARKING AND USE:** A person shall not park or use a vehicle on an unstabilized vacant lot within the unincorporated sections of Area A in Maricopa County.

### SECTION 4 - VIOLATIONS, NOTICES, AND PENALTIES

- A.** A person who violates this Ordinance is guilty of a class 3 misdemeanor.
- B.** In addition to or in lieu of a fine pursuant to this section, a judge may order the person to perform at least eight but not more than twenty-four hours of a community restitution course related to the off-highway operation of motor vehicles.

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- C. For violations of this Ordinance, the Enforcement Officer shall use a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the Supreme Court. The Enforcement Officer may issue a citation to persons in violation of this Ordinance.

**SECTION 5 - EXEMPTIONS**

- A. The property owner, person entitled to immediate possession of the property, or invitee who has lawful authority may operate such vehicles if such use does not violate any other applicable laws.
- B. Any site that has been issued a permit by the Control Officer for the control of fugitive dust from dust generating operations.

**7. PUBLIC HEARING – ORDINANCE P-28-OFF-ROAD VEHICLE USE IN UNINCORPORATED AREAS**

Pursuant to A.R.S. §49-479(B), Chairman Kunasek convened the scheduled public hearing to solicit comments on the proposed new ordinance P-28-Off-Road Vehicle Use in Unincorporated Areas of Maricopa County of the Maricopa County Air Pollution Control Regulations.

Johanna Kuspert, a rulewriter with the Air Quality Department, presented slides and explained this ordinance. She answered questions from Board Members.

Members raised the question of whether these restrictions would make too large an inroad into the pleasure of owning an off-road vehicle for fun and recreation. It was stated that this ordinance is for Area 8 only and there was a lot of other land where these vehicles can be ridden. It was advised that these vehicles be taken further out than previously because they do raise a lot of dust and properties have been damaged. Adjustments can be made to the policy if it proves to be necessary.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt Ordinance P-28 and submit it as a revision to the (Arizona) State Implementation Plan (SIP). (C8508013700) (ADM160)

**P- 28 OFF ROAD VEHICLE USE IN UNINCORPORATED AREAS OF MARICOPA COUNTY**

**SECTION 1 GENERAL**

- A. **PURPOSE:** This Ordinance restricts the operation of any vehicle on unpaved property.
- B. **APPLICABILITY:** This Ordinance applies to the operation of any vehicle in unincorporated sections within Maricopa County.

**SECTION 2 DEFINITIONS:** For the purpose of this Ordinance, the following definitions shall apply:

- A. **DESIGNATED OR OPENED TRAIL SYSTEM** - Roads or routes that are part of a system of trails and that are designated or opened by a government land management agency by order, sign, and/or map approved by such agency.
- B. **ROAD OR HIGHWAY** - The entire width between the boundary lines of every way publicly maintained by the federal government, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of vehicular travel. For purposes of this ordinance, the term "road or highway" also includes designated or opened trail systems, service roads regardless of surface composition, and any other property dedicated or otherwise reserved for public or private street uses, as evidenced by a recorded document, or having thereon a public easement for such use.
- C. **VEHICLE** - A self propelled device and its appurtenances, excluding devices moved by human power or used exclusively on stationary rails or tracks.

**SECTION 3 RESTRICTIONS:**

- A. A person shall not access unpaved public property with any vehicle within the unincorporated areas of Maricopa County without lawful authority. Lawful authority shall consist of rules, regulations, or orders of a federal agency, this state, a county or municipality which shall be made available to the public by any one of the following:
  - 1. A sign to designate the property is/as open. Such sign shall be in compliance with the standard travel management signing protocol used by Southwest Land Management Agencies and shall at a minimum be conspicuously placed at all points of vehicular access and contain the following information: "Travel Must Remain On Designated Routes". Copies of the standard travel management signing protocol are available for review at the Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004
  - 2. Through orders of a government land management agency.
  - 3. Through most current maps approved by such government land management agency.
  - 4. Virtual posting from a government land management agency.
- B. A person shall not operate any vehicle on unpaved private property within the unincorporated areas of Maricopa County without the consent of the lawful owner. Consent of the lawful owner consists of either or both of the following:
  - 1. A sign to designate the property is/as open. Such sign shall be in compliance with the standard travel management signing protocol used by Southwest Land Management Agencies and shall at a minimum be conspicuously placed at all points of vehicular access and contain the following information: "Travel Must Remain On Designated Routes". Copies of the standard travel management signing protocol are available for review at the Maricopa County Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004

2. Prior written permission which contains the following:
  - (a) The name, address, and telephone number of the person granting permission for the use of the property;
  - (b) A description of the interest the person granting permission has in the property (i.e., property owner, lessee, or agent);
  - (c) If the person granting permission is not the owner of the property, the written permission shall also contain the name, address, and telephone number of the property owner;
  - (d) Specify the period of time for which permission for the use of the property is being granted; and
  - (e) The signature of the person granting permission for the use of the property.
  
- C. Whenever any person is stopped by an Enforcement Officer for a violation of Section (3) of this Ordinance, he/she shall, upon the request of the Enforcement Officer identify or present the lawful authority required in this section.

**SECTION 4 VIOLATIONS, NOTICES, AND PENALTIES:**

- A. A person who violates this Ordinance is guilty of a class 3 misdemeanor.
  
- B. In addition to or in lieu of a fine pursuant to this section, a judge may order the person to perform at least eight but not more than twenty-four hours of a community restitution course related to the off-highway operation of motor vehicles.
  
- C. For violations of this Ordinance, the Enforcement Officer shall use a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the Supreme Court. The Enforcement Officer may issue a citation to persons in violation of this Ordinance.

**SECTION 5 - EXEMPTION:**

- A. This Ordinance shall not apply during a period of emergency or if the operation is directed by a peace officer or other public authority.
  
- B. The property owner, person entitled to immediate possession of the property, or invitee who has lawful authority may operate such vehicles on the property if such use does not violate any other applicable laws.
  
- C. For the purposes of this ordinance, unpaved public or unpaved private property does not include roads or highways.
  
- D. This Ordinance shall not apply to operations directed by utilities for operation, distribution, and transmission systems provided that both of the following conditions are met:
  1. Operations are performed in a / using a marked company vehicle; and
  
  2. If operations are performed in a / using a personal vehicle, then identification of the company shall be visible and readable by the public without having to be

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asked by the public (e.g., included/posted in a sign that is visible on the vehicle or included/posted in a sign that is visible in the window of the vehicle).

**AGENCY ITEMS AND STATUTORY MATTERS**

**COUNTY OFFICERS**  
**County Attorney**

**8. LICENSE AGREEMENT WITH WORD OF GRACE MINISTRIES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a License Agreement between Word of Grace Ministries, Inc. and the Maricopa County Attorney's Office to use a facility on February 9, 2008, for \$500 so the Maricopa County Attorney's Office can provide education seminars on crime prevention. (C1908040100)

**9. DONATION OF COMPUTERS**

Pursuant to A.R.S. §11-~~25~~ 251(9), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the donation of fifteen computers to La Sandrada Familia, a non-profit organization, and authorized the execution of any necessary conveyance documents. The computers are surplus equipment and/or materials that have little or no value and are unauctionable. The hard drives have been removed and destroyed in accordance with County policy. The computers will not have an operating system. (Note: The Clerk noted the proper statute number prior to the vote.) (C1908041000) (ADM119)

**Sheriff**

**10. APPROPRIATION TRANSFER AND EXPENDITURE FOR INMATE FINGERPRINTING AND IDENTIFICATION SYSTEM**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve pursuant to A.R.S. §42-17106, an appropriation transfer and expenditure not-to-exceed \$560,000 from Appropriated Fund Balance (480) Detention Fund (255) Reserved Contingency (4811) entitled "Detention Initiatives" line to a new line in Appropriated Fund Balance (480) Detention Fund (255) Other Programs (4812) entitled "Sheriff Fingerprint Scanner." Approval will allow the Sheriff's Office to pay for the inmate fingerprinting and identification system that was installed in FY 2006-07 and invoiced by the company, Sagem Morpho, in FY 2007-08.

The Detention Initiatives expenditure line was set up with receipt of SCAAP reimbursement funds and per agenda C5008501300, any appropriations and transfers from this reserve must be approved by the Board of Supervisors. (C5008033800) (ADM3900-003)

**11. DONATION**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the acceptance of a donation to the Sheriff's Office in the amount of \$356.12 from Candace Joyce Duran for use by the MCSO Animal Safe Hospice (MASH) Unit. (C5008038M00) (ADM3900-006)

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**12. REPLACEMENT UNDERCOVER REGISTRATIONS AND ISSUE UNDERCOVER NON-GOVERNMENTAL LICENSE PLATES, EXEMPTIONS FROM MARKINGS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve new replacement undercover registrations and issuance of undercover non-governmental license plates including exemptions from markings, pursuant to A.R.S. §38-538.03 and A.R.S. §28-2511 for 26 vehicles in the County fleet. The vehicles are replacements and State Law does not allow the automatic transfer of undercover plates to their replacements. These vehicles will be used to conduct undercover investigations. Exemptions granted pursuant to A.R.S. §38-538.03 are in effect for one year. A confidential list of these 26 vehicles will be kept on file in the Office of the Clerk of the Board. (C5008039M00)

**13. MOU WITH U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT FOR JOINT OPERATIONS EXPENSES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and carried by majority vote (4-1), with Supervisors Brock, Stapley, Kunasek and Wilson voting "aye" and Supervisor Wilcox voting "nay" to approve a Memorandum of Understanding (MOU) between the U.S. Immigration and Customs Enforcement (ICE) and the Maricopa County Sheriff's Office, for Joint Operations Expenses from the Treasury Forfeiture Fund and acceptance of up to \$60,000. The Sheriff's Office indirect cost rate for FY 2007-08 is 11.7%. Unrecoverable indirect costs associated with this funding are estimated to be \$7,020. This MOU becomes effective on the date of approval and expires by written termination of either party. Approval of this MOU and acceptance of grant funds will allow the Sheriff's Office overtime reimbursement for officers participating in joint operations/task forces with a federal agency participating in the Treasury Forfeiture Fund.

Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2007-08 by \$30,000. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008546200)

**14. AGREEMENT AND ACCEPT GRANT FUNDING FROM THE ARIZONA GAME AND FISH DEPARTMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the agreement and acceptance of \$31,902 in grant funding from the Arizona Game and Fish Department. The term of this agreement is the date of signature of the Arizona Game and Fish Department Director and expires June 30, 2009. These funds are for the purchase of inflatable life jackets and carbon monoxide detection equipment. The Sheriff's indirect cost rate for FY 2007-08 is 11.7% and the unrecoverable indirect costs are estimated to be \$3,732.53. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. This anticipated increase in revenue and expenditure included in the Sheriff's Office FY 2007-08 Midyear Grant Reconciliation of fund (251) therefore, no adjustment is necessary. (C5008547300)

**15. AGREEMENT AND ACCEPT GRANT FUNDING FROM THE ARIZONA GAME AND FISH DEPARTMENT**

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Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the agreement and acceptance of \$15,785 in grant funding from the Arizona Game and Fish Department. The term of this agreement is the date of signature of the Arizona Game and Fish Department Director and expires June 30, 2009. These funds are for the purchase of Operating Under the Influence (OUI) law enforcement support equipment and additional inflatable life jackets necessary for transporting arrestees. The Sheriff's indirect cost rate for FY 2007-08 is 11.7% and the unrecoverable indirect costs are estimated to be \$1,846.85. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. This anticipated increase in revenue and expenditure was included in the Sheriff's Office FY 2007-08 Midyear Grant Reconciliation of fund (251) in the amount of \$15,785.00; therefore, no adjustment is necessary. (C5008548300)

**16. IGA WITH THE STATE OF ARIZONA THROUGH THE DEPARTMENT OF PUBLIC SAFETY TO REIMBURSE OVERTIME AND TRAVEL EXPENSES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) between the State of Arizona through the Department of Public Safety and the Maricopa County Sheriff's Office and acceptance of up to \$47,599.69. The purpose of this IGA is to reimburse overtime and travel expenses associated with processing cold cases which may be solved by DNA analysis. The term of this IGA is January 1, 2008 through December 31, 2008. The Sheriff's Office indirect cost rate for FY 2007-08 is 11.7% and the unrecoverable indirect costs are estimated to be \$5,569.16.

Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2007-08 by \$23,799.85. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008549300)

**17. AGREEMENT WITH ARIZONA DEPARTMENT OF HOMELAND SECURITY AND ACCEPT GRANT FUNDING AND ONE-TIME ADDITION TO FLEET**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Agreement (07-AZDOHS-HSGP-222207-08) between the Arizona Department of Homeland Security and the Maricopa County Sheriff's Office, and acceptance of \$188,900 in grant funding. This funding is for the purchase of one full size SUV 4X4 and cameras. The Sheriff's Office indirect cost rate for FY 2007-08 is 11.7%. Unrecoverable indirect costs associated with this grant are estimated to be \$7,569.90. There will be capital equipment purchases that are excluded from the indirect cost calculation. The term of this award is July 1, 2007 through July 31, 2009.

Also approve a one-time addition to fleet of a full size SUV 4X4. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding from the General Fund for replacement. The General Fund (100) will fund operating costs, estimated to be \$5,000 annually. (ADM3104)

Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2007-08 by \$94,450. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008550300)

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**18. AGREEMENT AND ACCEPTANCE OF GRANT FUNDING FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA, NATIVE AMERICAN PROJECT**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Agreement and acceptance of \$175,000 in continued grant funding from the Arizona Criminal Justice Commission for the High Intensity Drug Trafficking Area (HIDTA), Native American Project (NAP). The Sheriff's Office indirect cost rate is 11.7%; the unrecoverable indirect cost associated with this grant is \$20,475.00. The term of this Agreement is October 1, 2006 through September 30, 2008.

Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2007-08 by \$100,000. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C5008551300)

**19. REIMBURSEMENT AGREEMENT FOR REIMBURSEMENT OF PERSONNEL AND OPERATING COSTS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a Reimbursement Agreement between the Maricopa County Sheriff's Office and the Partnership for a Drug Free America, Arizona Chapter, for reimbursement of up to \$115,000 in personnel and operating costs. The Sheriff's Office FY 2007-08 indirect cost rate is 11.7%. The unrecoverable indirect costs are estimated at \$13,455. The term of this Reimbursement Agreement is February 1, 2008 through January 31, 2009. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5008552200)

**20. LEASE RENEWAL WITH WELLS FARGO BANK, NATIONAL ASSOCIATION FOR SPACE**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a five-year lease renewal option, and authorize the County's Real Estate staff to give written notice of approval, for Lease No. L7276 with Wells Fargo Bank, National Association, the Landlord, for 31,250 square feet of space on the 18th and 19th floors in the Wells Fargo Building at 100 W. Washington Street, Phoenix. The five year renewal term will be at the Fair Market Rent of \$25.00 per square foot per year. The County, as Tenant, will reimburse the Landlord for increases in operating expenses above the base year based upon 36,092 square feet. The lease renewal term will expire on September 30, 2013. The County retains a termination right with 36 months written notification of intent to terminate and payment of a termination fee of 12 months rent.

Also, authorize OMB to increase the FY 2008-09 appropriation target for Sheriff's Office General Fund (100) by \$159,075 to include the increased cost of the lease. (C5099033001)

**Superintendent of Schools**

**21. APPLY AND ACCEPT FUNDS FOR THE STATE CHEMICAL ABUSE GRANT**

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Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the application for and the acceptance of \$8,000 from the Arizona Department of Education (ADE) for the State Chemical Abuse Grant to provide services for eight Small and Rural School Districts within Maricopa County. Services to these school districts will include approved drug prevention programs such as "Keepin' It Real " and "The Great Body Shop," and professional consultant/counselors and psychologists for crisis management to enhance the safe school concept. The term of the grant will be one year beginning July 1, 2007 and ending June 30, 2008. This grant is renewable.

MCSOS indirect rate for FY 2007-08 is 14.16 percent. The indirect costs are calculated to be \$1,133 and are not recoverable under this grant. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C3708019300)

#### COUNTY MANAGER

**22. APPLY AND ACCEPT INDIAN GAMING FUNDS FOR MCDOT 51ST AVE AND PECOS INTERSECTION IMPROVEMENT PROJECT**

Pursuant to A.R.S. §5-601.02, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize by Resolution, the application to and acceptance of 12% Indian Gaming Funds (Proposition 202, 2002) from the Gila River Indian Community and Maricopa County Department of Transportation for the 51st Avenue and Pecos Road Intersection Improvement Project in an amount not-to-exceed \$360,000 for FY 2007-08. Authorize the execution of all acceptance documents, including entering into any necessary intergovernmental agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel.

If funds are awarded, pursuant to A.R.S. §42-17106(b), approve an appropriation adjustment to the MCDOT Grant Fund (223), line item titled 51st Avenue and Pecos Road Intersection Improvement Project, increasing FY 2007-08 revenue and expenditure budgets not-to-exceed \$360,000. Indirect costs are not applicable to Tribal Gaming Grants. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2008044300)

#### MARICOPA COUNTY RESOLUTION

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, PHOENIX, ARIZONA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING FROM THE GILA RIVER INDIAN COMMUNITY FOR THE DEPARTMENT OF TRANSPORTATION'S 51<sup>ST</sup> AVENUE AND PECOS ROAD INTERSECTION IMPROVEMENT PROJECT AND AUTHORIZING ACCEPTANCE OF FUNDS GRANTED.**

- Section 1.** The Department of Transportation is hereby authorized to submit an application for Proposition 202 12% Tribal Gaming Funds to the Gila River Indian Community in the amount of \$360,000 in FY 2007-2008.

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**Section 2.** The Department of Transportation is hereby authorized to accept grant funds from the Gila River Indian Community for the 51<sup>st</sup> Avenue and Pecos Road Intersection Improvement Project.

**Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant application, and necessary acceptance documentation, including an intergovernmental agreement with the Gila River Indian Community.

**DATED** this 20<sup>th</sup> day of February 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**DEPUTY COUNTY MANAGER**  
**Employee Health Initiatives**

**23. TRANSFER EXPENDITURE AUTHORITY FOR IMPLEMENTATION OF THE BIOMETRIC SCREENING PROGRAM**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of expenditure authority between Non-Departmental (470) Grants Fund (249) and Employee Health Initiatives (350) Benefits Trust Funds (601-606). This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Grants Fund (249) by \$400,000 and increasing the Employee Health Initiatives (350) Benefits Trust Funds (601-606) by \$400,000. This adjustment will use fund balance to pay for the implementation of the Biometric Screening program. This adjustment will result in a countywide net impact of zero.

Also approve annualized program costs of \$400,000 beginning FY 2008-09, requiring a target adjustment in departmental revenue and expenditure budgets for FY 2008-09. The cost of the program is included in employee member benefit charges. (C3508011800) (ADM3350-003)

**Office of Enterprise Technology**

**24. TRANSFER EXPENDITURE AUTHORITY FOR CONTRACTED SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the purchase of a comprehensive hosted Telecommunications Expense Management System to address the telecom lifecycle management activities including a centralized electronic billing, automated billing validation, dispute management tools, automated process for accounts payables and cost allocation by department.

Pursuant to A.R.S. §42-17106(B), approve the transfer of expenditure authority between Non-Departmental (470) Non-Departmental Grants Fund (249) and the Office of Enterprise Technology (410) Telecommunications Fund (681). This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470) Non-Departmental Grants Fund (249) by \$73,750 and increasing the FY 2007-08 Office of Enterprise Technology (410) Telecommunications Fund (681) by \$73,750. This will fund the FY08 cost to implement the new system. Ongoing costs will be absorbed by

the departmental budget through an estimated \$590,806 annualized savings. This adjustment will result in a countywide net impact of zero. (C4108003000) (ADM2700-003)

**Public Health**

**25. ADMINISTRATIVE CORRECTION TO IGA WITH THE SCOTTSDALE UNIFIED SCHOOL DISTRICT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an administrative correction to agenda item C8607413201, Intergovernmental Agreement (IGA) No. C86074132 with the Scottsdale Unified School District, approved by the Board on January 2, 2008, to provide school-based tobacco use prevention and education services. This correction changes the termination date from May 1, 2008 to June 1, 2008 with changes to the budget period to July 1, 2007 through June 1, 2008. All other terms and conditions of this agreement remain unchanged. (C8607413202)

**26. AMENDMENT FOR IGA GRANT AWARD FROM THE ARIZONA DEPARTMENT OF HEALTH SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to Intergovernmental Agreement (IGA) C86080143, grant award No. HR761070-004 between the Arizona Department of Health Services (ADHS) and the Department of Public Health, Women, Infants and Children (WIC) Nutritional Services. With an effective date of January 15, 2008, and in accordance with Terms and Conditions, page 4, item #2, this grant is extended to December 31, 2008. All other provisions shall remain unchanged. (C8608014302)

**27. INCREASE REVENUE AND EXPENSE FOR EXPANSION OF THE DEPARTMENT OF PUBLIC HEALTH, OFFICE OF ORAL HEALTH, DENTAL INSURANCE PROGRAM – WITHDRAWN**

Item: Pursuant to A.R.S. §42-17106(B), approve the transfer of revenue and expenditure authority from Grant Fund (532) General Government (450) to Grant Funds (532) Public Health (860)

This action will require an expenditure and revenue appropriation adjustment decreasing the Grant Fund (532) General Government (450) by \$250,000 in FY 2007-08 and \$500,000 in FY 2008-09 and increasing the Grant Fund (532) Public Health (860) by \$250,000 in FY 2007-08 and \$500,000 in FY 2008-09. These adjustments will result in a County-wide net impact of zero.

The Department of Public Health's FY 2007-08 indirect rate is 18%. This grant allows for 10% indirect cost reimbursement. Full indirect costs are estimated at \$12,273, of which \$6,818 is recoverable and \$5,455 is unrecoverable. \$675,000 is a sub-recipient cost and is not subject to indirect charges. This funding is provided by a grant from the federal Department of Health and Human Services, Health Resources and Services Administration (HRSA), the Ryan White (RW) Comprehensive HIV/AIDS Treatment Modernization Acts of 2006 and the Maricopa County General Government Department, Ryan White Part A Program and will not affect the County general fund. (C8608051M00)

The Clerk announced that this item had been withdrawn by the department.

**28. IGA FOR THE FARMERS' MARKET NUTRITION PROGRAM**

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) No. HG861331 between the Arizona Department of Health Services (ADHS) and the Department of Public Health to provide the Farmers' Market Nutrition Program. The term for this IGA is March 1, 2008 through February 28, 2011. This IGA also provides for grant funding in the amount of \$1,750 for the budget period of March 1, 2008 through February 28, 2009.

The Department of Public Health's FY 2008-09 indirect rate is 18%. This ADHS grant is a fixed price grant and does not allow for indirect cost. The total indirect cost is estimated at \$315, of which \$0 is recoverable and \$315 unrecoverable.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$1,750 for the FY 2007-08. The appropriation adjustment in the amount of \$1,750 is necessary for FY 2007-08 because these funds were not included in the FY 2007-08 adopted budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this agreement is provided by the Grant from ADHS and will not increase the County general fund budget. (C8608052200)

**29. IGA FOR IMMUNIZATION SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA), Contract No. HG854288, between the Arizona Department of Health Services (ADHS) and the Department of Public Health to provide grant funding for Immunization Services. The term for this IGA is January 1, 2008 through December 31, 2012. This IGA is budgeted in the amount of \$2,002,787 for the budget period of January 1, 2008 through December 31, 2008.

The Department of Public Health's FY 2008-09 indirect rate is 18%. The total indirect cost is estimated at \$305,509, which is recoverable.

The department will be sent a revenue and expenditure appropriation adjustment to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$1,001,393 for the FY 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this agreement is provided by a Grant from ADHS and will not increase the County general fund budget. (C8608056200)

**30. IGA FOR DENTAL SEALANT PROGRAM AND PREVENTION DENTAL SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Intergovernmental Agreement (IGA) No. HG861344 between the Arizona Department of Health Services (ADHS) and the Department of Public Health to provide grant funding for the Dental Sealant Program and Prevention Dental Services. The term for this IGA is January 1, 2008 through December 31, 2012. This IGA is budgeted in the amount of \$305,500 for the budget period of January 1, 2008 through December 31, 2008.

The Department of Public Health's FY 2008-09 indirect rate is 18%. This grant allows for 10% indirect cost reimbursement, therefore; of the \$23,720 in total indirect expense, \$14,136 is recoverable and \$11,309 is unrecoverable. (\$150,000 is pass through and not subject to indirect charge.)

The department will be sent a revenue and expenditure appropriation adjustment to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$161,384 for the FY 2008-09. The appropriation adjustment in the amount of (\$19,469) is necessary for FY 2007-08 because FY 2007-08 adopted budget included a higher estimated amount than the actual award received. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this agreement is provided by the Grant from ADHS and will not increase the County general fund budget. (C8608057200)

**31. APPLY AND GRANT AWARD FOR TENANT IMPROVEMENTS TO THE MESA WIC CLINIC RELOCATION SITE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the application and grant award No.HR854052-004 from the Arizona Department of Health Services (ADHS) to the Department of Public Health, Women, Infants and Children (WIC) Nutritional Services to provide tenant improvements to the Mesa WIC Clinic relocation site. The grant term is from date of Board approval and shall remain in effect for twelve (12) months. The budget period for this grant is January 10, 2008 through January 9, 2009 for the budget amount of \$291,284.

The Department of Public Health's FY 2007-08 indirect rate is 18%. This grant allows for full indirect; therefore, \$2,484 is fully recoverable. (\$275,000 are pass-through costs and are not subject to indirect charges.)

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$291,284 for FY 2007-08. The appropriation adjustment in the amount of \$291,284 is necessary for FY 2007-08 because these funds were not included in the FY 2007-08 adopted budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Funding for this award is provided by a grant from ADHS and will not increase the County general fund. (C8608059300)

**32. APPLY FOR GRANT FOR CREATING A HEALTH MINISTRIES PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the grant application by the Department of Public Health to the Arizona Community Foundation for the purpose of creating a Health Ministries Program which will target the African-American community in Maricopa County. This non-renewable grant will begin dependent upon award notification until one year from that date. If awarded, the amount will not exceed \$30,000 and Public Health will ask for an appropriations adjustment at that time. This grant deviates from County policy A2505 and does not allow for indirect cost reimbursement. The Department of Public Health's indirect rate for FY 2007-08 is 18%; therefore, if awarded up to \$5,400 in indirect cost will be unrecoverable. Funding for this grant will be provided by Arizona Community Foundation and will not affect the County general fund. (C8608060300)

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**33. IGA WITH THE ARIZONA BOARD OF REGENTS TO ALLOW A CONTRACTED PHYSICIAN TO PROVIDE MEDICAL EXPERTISE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) with the Arizona Board of Regents by and on behalf of the University of Arizona, College of Medicine (UofA) to allow a contracted Physician to provide medical expertise to Maricopa County's Department of Public Health (MCDPH). The term of this IGA shall begin upon board approval and is valid for three years from that date. MCDPH will compensate the University of Arizona for this IGA in the amount not-to-exceed \$105,000 per year, and \$315,000 for the duration of the IGA. (This item was continued from the February 6, 2008 meeting.) (C8608055200)

**General Government**

**34. SETTLEMENT AGREEMENT WITH AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) – CONTINUED**

Item: Approve a non-monetary settlement agreement between American Federation of State, County and Municipal Employees (AFSCME) and Maricopa County Board of Supervisors regarding Complaint AFSCME v. Maricopa County Board of Supervisors, et al, CV 06-2128 PHX-SMM. On September 6, 2006, (AFSCME) filed a Complaint in federal district court based on the Board's decision to cease wage withholding for union and association dues, and on the County's administration of its solicitation and posting policies. The parties have now resolved the dues withholding issue and are memorializing their mutual understanding in a non-monetary settlement agreement. Once this agreement has been fully executed, the parties will move to dismiss the case with prejudice. This item was discussed in Executive Session on January 14, 2008. (C3108010000) (ADM409)

Michael Tarrets, AFSCME Prresident, completed a speakers slip to speak in favor of this item or to answer any questions.

Supervisors Wilcox and Wilson asked that this item be continued so additional legal advice may be obtained prior to a vote. This item will be continued to the March 12, 2008, formal board meeting after being discussed at the March 10, 2008, Executive Session.

**ASSISTANT COUNTY MANAGER – JUSTICE PLANNING AND INFORMATION**

**Justice System Planning**

**35. DONATION FROM BLUE CROSS BLUE SHIELD OF ARIZONA FOR THE AZ METH PROJECT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept donation of \$25,000 from Blue Cross Blue Shield of Arizona for the AZ METH PROJECT. This action will require an appropriation adjustment to General Fund (100) Appropriated Fund Balance (480) Other Programs (4812) line item titled "Meth Project," increasing the FY2007-08 revenue and expenditure budgets by \$25,000. Donation revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C4208012M00) (ADM639-006)

**ASSISTANT COUNTY MANAGER – COMMUNITY SOLUTIONS AND INNOVATION**

**Community Development**

**36. REDISTRIBUTION OF CDBG FUNDS FOR INSTALLATION OF ADDITIONAL FIRE HYDRANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve decreasing CDBG Project DG0601, Buckeye Water Improvements Project (C1707003200) by \$85,031.19 and increase CDBG Project DG0701, Buckeye Water Improvements Project (C1708003200), for the installation of three additional fire hydrants with all necessary appurtenances to the original 1,700 linear feet of 8-inch water delivery lines. CDBG Project DG0601 was originally approved at \$300,000 on May 3, 2006, under Agenda Item C17070022ZZ (C1707003200). DG0701 was originally approved at \$332,532 on May 2, 2007, under Agenda Item C17080022ZZ (C1708003200). The revised total for Project DG0601 would be \$214,968 and the revised total for Project DG0701 would be \$417,563. (C1708003200) (C1707003201)

**Human Services**

**37. ADMINISTRATIVE CORRECTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Administrative Correction to the action taken on February 21, 2007 (C22080513ZZ) which authorized the Maricopa County Human Services Department (MCHSD) Community Services Program to submit eight funding applications to various federal, state, and private sector sources for FY 2007-08. This correction approves three additional funding applications which will bring the total funding applications to eleven for the MCHSD Community Services Program for FY 07-2008. There is no change to any other part of the original action taken for this item. (C2208130100)

**38. LICENSE AGREEMENT FOR USE AT THE WASHINGTON ACTIVITY CENTER WITH THE CITY OF MESA PARKS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute License Agreement No. P50101 (License Agreement for use at the Washington Activity Center), with the City of Mesa Parks, Recreation and Cultural Division, for the property located at the Washington Activity Center located at 44 East 5th Street, Mesa, AZ. The purpose of this amendment is to permit use of the classroom and appurtenant facilities at this location. This License Agreement is effective from January 1, 2008 to December 31, 2009. (C22081314000)

**39. APPLY FOR GRANT FUNDING FOR THE CONTINUATION OF MARICOPA COUNTY'S HEAD START ZERO-FIVE PROGRAM (HEAD START AND EARLY HEAD START)**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Human Services Department to submit applications for grant funding to support the continuation of Maricopa County's Head Start Zero-Five Program (Head Start and Early Head Start), and authorize the Chairman to approve the receipt of any and all such funds awarded. Additional information regarding the programs and the funds that support them are provided in the attached Notice of Intent to Apply for Outside Funding. Programs to be supported by the funding include:

- Head Start Program / Early Head Start Program
- Child and Adult Care Food Program

- Head Start Healthy Marriage Initiative Project

Unless otherwise indicated, (Grant Agenda Indirect Cost Calculation form), all overhead/indirect costs are allowable and the FY 2007-08 authorized rate will be applied to the respective grants. The total amount of Federal funds requested will not exceed \$23,690,000. In preparing this request, the Department used an indirect rate of 15.2 percent for computation purposes. The estimated 2009 recoverable indirect costs are \$1,980,023. (C22090013ZZ)

**CHIEF FINANCIAL OFFICER**  
**Animal Care & Control**

**40. AGREEMENTS TO RESCUE ANIMALS UNDER THE NEW HOPE PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the agreements with Maricopa County to allow the following agencies under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued.

- a. **Julie Barnhill, d.b.a. Valley of the Sun Giant Schnauzer Rescue**, P O Box 8984, Surprise, AZ 85374. Animal Care & Control estimates three new hope rescues over the term of the agreement, for a total of \$120. The term of this agreement is from February 6, 2008 through February 6, 2011. (C7908066100)
- b. **Desert Dogs Rescue, Inc.**, a 501(c)(3) non-profit corporation, 1021 N 381st Avenue, Tonopah, AZ 85354. Animal Care & Control estimates 25 new hope rescues over the term of the agreement, for a total of \$1,000. The term of this agreement is from February 6, 2008 through February 6, 2009. (C7908068100)

**41. WAIVER TO THE MARICOPA COUNTY COMPENSATION PLAN**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a waiver to the Maricopa County Compensation Plan Section IV.A. to allow the salary advancements for Theresa Ortega and Kelli Coppess, effective October 23, 2006. This action is to correct the implementation of the Phase I Administrative Market Study for Animal Care & Control due to timing and funding concerns. Staff did not begin receiving salary advancement pay until the pay period beginning July 30, 2007.

Approve a waiver to the Maricopa County Compensation Plan Section IV.A. to allow the salary advancements for Joe Aviles and Melissa McSurley, effective June 6, 2007. This action is to correct the implementation of the Phase II Administrative Market Study for Animal Care & Control due to funding concerns. Staff did not begin receiving salary advancement pay until the pay period beginning July 30, 2007.

Pursuant to A.R.S. §42-17106(B), approve the transfer of expenditure authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Animal Care & Control Department (790) Animal Care License/Shelter Fund (572). This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Appropriated Fund Balance (470) Non-Departmental Grants Fund

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(249) by \$19,671 and increasing the FY 2007-08 Animal Care & Control Department (790) Animal Care License/ Shelter Fund (572) by \$19,671. These adjustments will result in a County-wide net financial impact of zero and will allow the Animal Care & Control Department to use fund balance for this one-time expenditure. (C7908069800) (ADM3308-001)

**42. APPLY AND ACCEPT FOR GRANT FUNDS FOR THE BIG FIX SPAY/NEUTER VOUCHER PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the application and acceptance of grant funds from PetSmart Charities of Phoenix, AZ, in the amount of \$10,000. These grant funds are for the Big Fix Spay/Neuter Voucher Program. Authorize the Chairman to sign all documents related to these grant funds. The term of the grant is from January 2, 2008, through January 1, 2009. This grant is non-renewable.

Also approve a revenue and expenditure budget increase to the Animal Care and Control (790) Animal Care and Control Grant Fund (573) in the amount of \$10,000. The Maricopa County Department of Finance has calculated MCACC's composite indirect cost rate at 11.08%. The recoverable indirect cost of administering this grant is \$1,108.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7908070300)

**43. ACCEPT FEDERAL HOMELAND SECURITY GRANT FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and accept \$7,712.50 in 2006 Federal Homeland Security Grant Program 2006-GE-T6-0007 from the Arizona Department of Homeland Security. The active grant period is November 1, 2006 to January 31, 2008. This is a reimbursable grant.

Pursuant to A.R.S. §42-17106(B), approve an appropriation adjustment in the amount of \$7,712.50 increasing both revenue and expenditures to the Animal Care and Control (790) Animal Care and Control Donation/Grant Fund (573) budget. The funds are being awarded to support the Citizen Corp Planner and the Maricopa County Citizen Corp Program. These restricted funds are to purchase two canopies (\$1,400), four Garmin 60CSx GPS Devices with unlock codes, one GB Card and City Topo Mapping (\$2,200); and, two Basic CERT classes with a minimum of 25 students per class (\$4,112.50).

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Authorize the Chairman to sign all documents related to these grant funds. The grant funds may not be expended for indirect costs which may be incurred by Animal Care and Control or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated Animal Care and Control's composite indirect cost rate at 11.08%. The non-recoverable indirect cost of administering this grant is \$854.45. Also, approve revenue and expenditure appropriation adjustments to the Animal Care & Control (790) Field Enforcement Fund (574) associated with the grant in the amount of \$7712.50 for FY 2007-08 per A.R.S. §42-17106 (B). (C7908071300)

**44. KENNEL PERMIT**

Pursuant to A.R.S. §11-1009, motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permits for the term of February 6, 2008 through February 5, 2009. The cost of each kennel permit is \$328:

- a. Terry Jamtgaard, d.b.a. The Dog House Kennels, located at 2103 W. Belmont Avenue, Phoenix AZ 85021. Permit #078. (C7908067C00) (ADM2304)
- b. Barbara Manaois, d.b.a. Barb's Dog House Kennels, located at 6020 W. Acoma Road, Glendale AZ 85306. Permit #322. (C7908067C00) (ADM2304)
- c. Shirley Bandaret, d.b.a. B-Z-B's Chihuahuas Kennels, located at 4424 W. Tierra Buena Lane, Glendale AZ 85306. Permit #382. (C7908067C00) (ADM2304)
- d. Bruce Shane, d.b.a. Xishan Kennels, located at 7400 W. Mission Lane, Peoria AZ 85345. Permit #325. (C7908067C00) (ADM2304)

**Finance**

**45. FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

**46. RESCIND PREVIOUS BOARD ACTION FOR APPROVAL OF A LICENSE AGREEMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to rescind the previous Board action taken July 25, 2007, on C1808004C00 for the approval of a license agreement with Phoenix Newspapers Inc. (PNI) for vehicle parking on PNI owned property at 455 E. Baseline Road in Gilbert, Arizona. The license agreement was never fully executed by the parties, and because the County recently purchased sufficient property adjacent to the Southeast Regional Complex that will satisfy the immediate vehicle parking needs of the County, a license agreement with PNI is no longer necessary. (C1808004C01)

**Materials Management**

**47. SOLICITATION SERIALS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award

- 07077-RFP Ryan White Part A Services - Primary HIV Medical Care – HCM** (\$7,000,000 estimate/three years with three one-year renewal options) Contract to provide Ryan White Part A Primary HIV Medical Services as requested by Maricopa County Ryan White Part A Program of General Government.
- Phoenix Indian Medical Center
- 07095-RFP Ryan White Part A Services – Medical/Non-Medical Case Management – HCM** (\$5,000,000 estimate/three years with three one-year renewal options) Contract to provide Ryan White Part A medical/non-medical case management services as requested by the Maricopa County Ryan White Part A Program of General Government.
- AZ Department Of Corrections
  - Area Agency On Aging, Reg. One
  - Phoenix, Indian Medical Center
  - Phoenix Shanti Group
  - Pinal/Gila Long Term Care
- 07096-RFP Ryan White Part A Services - Mental Health And Substance Abuse Services Outpatient – HCM** (\$900,000 estimate/three years with three one-year renewal options) Contract to provide Ryan White Part A Outpatient Mental Health and Substance Abuse Services as requested by the Maricopa County Ryan White Part A Program of General Government.
- Body Positive Inc
  - Ebony House Inc
  - Jewish Family And Child Services
  - Phoenix, Indian Medical Center
  - Phoenix Shanti Group
- 07097-RFP Ryan White Part A Services - Medical Transport Services – HCM** (\$500,000 estimate/three years with three one-year renewal options) Contract to provide Ryan White Part A Medical Transport Services as requested by the Maricopa County Ryan White Part A Program of General Government.
- Area Agency on Aging, Region 1
- 07098-RFP Ryan White Part A Services - Food Bank/Home Delivered Meals Services – HCM** (\$500,000 estimate/three years with three one-year renewal options) Contract to provide Ryan White Part A food bank/home delivered meals services as requested by the Maricopa County Ryan White Part A program of General Government.
- Body Positive Inc
- 07099-RFP Ryan White Part A Services - Psychosocial Services – HCM** (\$400,000 estimate/three years with three one-year renewal options) Contract to provide Ryan White Part A Psychosocial Support Services as requested by the Ryan White Part A Program of General Government.
- Body Positive Inc

- 07100-RFP Ryan White Part A Services - Outreach Services – HCM** (\$1,000,000 estimate three years with three one-year renewal options) Contract to provide Ryan White Part A Outreach Services as requested by the Maricopa County Ryan White Part A Program of General Government.
- Body Positive Inc.
  - Community Information & Referral
  - Phoenix, Indian Medical Center
- 07101-RFP Ryan White Part A Services - Medical Nutrition Therapy Services – HCM** (\$800,000 estimate/three years with three one-year renewal options) Contact to provide Ryan White Part A medical nutrition therapy services as requested by the Ryan White Part A Program of General Government.
- Body Positive Inc.
- 07103-RFP Ryan White Part A Services - Legal Services – HCM** (\$200,000 estimate/three years with three one-year renewal options) Contract to provide Ryan White Part A legal services as requested by the Maricopa County Ryan White Part A Program of General Government.
- Community Legal Services
- 07138-S Escrow and Title Financial Services** (\$500,000 estimate/three years with three one-year renewal options) Price agreement for escrow and title financial services for the Maricopa County Public Works Agency.
- Fidelity National Insurance Company
  - First Southwestern Title Agency
  - North American Title Company
  - Security Title Agency
- 07148-S Printer Maintenance** (\$400,000 estimate/three years with two one-year renewal options) Price agreement for printer maintenance which will be utilized by all County departments.
- Sentinel Technologies Inc
  - Signature Technology Group
- 07155-C Radio Shop Supplies** (\$400,000 estimate/three years with three one-year renewal options) Price agreement for the purchase of various radio shop supplies for the Wireless Communications Division of the CIO and the Sheriff's Office.
- Batteries Plus
  - CyberGear Inc.
  - Talley Communications
- 08003-LOI Fund Raising Services** (\$1,000,000 estimate/three years with three one-year renewal options) Contract to provide fund raising services for the Arizona Meth Project and to develop a qualified pre-approved list of contractors for other projects as requested by the County Manager's Office.
- Capital Connection

**Renewals/Extensions:**

The renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until February 28, 2011**

**04189-C      Frozen Foods - Perishable and Kosher** (\$1,650,000 estimate/three years) Price agreement renewal for the purchase of frozen foods (perishable and kosher) for MCSO.

- o Custom Food Service Inc
- o JNS Foods, Inc.
- o Shamrock Foods Company

**05208-S      Voucher Program, Spay/Neuter Services, Cats/Dogs** (\$1,200,000 increase/vendor additions) Increase price agreement value from \$1,000,000 to \$2,200,000. In addition, twelve vendors are requested to be added to this contract as the result of a re-solicitation action. These actions are requested by MCACC to permit greater utilization of the existing spay/neuter voucher program. This agreement was initially awarded by the Board of Supervisors on March 1, 2006, and has an expiration date of March 31, 2009. Additional vendors have also been subsequently added by Materials Management during this agreement term. Funds for this program are provided via designated donations from the Friends of Animal Care and Control. No County funds are used for this program.

- |                                 |                                    |
|---------------------------------|------------------------------------|
| Camelback Animal Hospital       | (Added 7/05/07)                    |
| Spay Neuter Clinic, Inc         | North Buckeye Animal Hospital      |
| Sysel Animal Health Services    | North Phoenix Spay & Neuter Clinic |
| dba Main Street Animal Hospital | Westbrook Animal Hospital          |
| (Added 05/11/06)                | Bell Ridge Animal Hospital         |
| Prestige Animal Clinic          | Four Paws Spay & Neuter Service    |
| (Added 5/25/06)                 | Happy Valley Animal Hospital       |
| Animal Rescue Center            | Indian Bend Animal Hospital        |
| Mobile Animal Surgical Hosp.    | Surprise Animal Hospital PLC       |
| Pecan Grove Veterinary Hosp.    | Western Animal Hospital, PLC       |
| Added 02/20/08                  | Added 10/04/07                     |
| Eff. 02/01/08                   | Indian School Pet Clinic, LLC      |
| Alta Vista Veterinary Hospital  | Added 11/15/07                     |
| Animal Hospital At Anthem       | Christtown Animal Hospital         |
| Animal Rescue Center            | Goodyear Animal Hospital           |
| Arrowhead Ranch Animal Hospital | Hopi Animal Hospital               |
| Beardsley Animal Hospital PLC   | Riggs Road Vet. Clinic             |
| Tempe Veterinary Hospital       | West Plaza Animal Hospital         |
| (Added 3/29/07)                 | White Tanks Animal Hospital        |
| Roadrunner Animal Hospital      |                                    |
| (Added 6/05/07)                 |                                    |
| Altered Tails                   |                                    |

**Parks and Recreation**

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**48. AMENDMENT TO IGA FOR SUB-LEASE OF REAL PROPERTY TO THE TOWN OF CAVE CREEK FOR RECREATIONAL PURPOSES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to Intergovernmental Agreement (C3004020000) for the sub-lease of 20 acres of real property from the County to the Town of Cave Creek for recreational purposes. The Amendment extends the Agreement for an additional 10-year period (March 25, 2009 through March 24, 2019) to allow time for the transfer of ownership of the 20 acres by the Bureau of Land Management to the Town of Cave Creek. There is no financial impact. (C3004020001)

**49. EXPENDITURE APPROPRIATION FOR THE LOAN PROVIDED TO THE MARICOPA EVENTS CENTER**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a fund transfer in the amount not-to-exceed \$28,000 from Parks and Recreation (300) Event Center Fund (376) to Appropriated Fund Balance (480) General Fund (100) Unreserved Contingency (4811). This action will require an increase to the expenditure appropriation for Parks and Recreation (300) Event Center Fund (376) in the amount not-to-exceed \$28,000 and an increase of revenue appropriation to Appropriated Fund Balance (480) General Fund (100) in the amount not-to-exceed \$28,000 with offsetting revenue and expenditure adjustments to Eliminations (980) Eliminations Fund (900). This action is being requested to reimburse the General Fund for prior period expenditures that were incurred in the Maricopa Events Center prior to revenue collections. The net impact of these transactions is zero. (C3008020800) (ADM3200-003)

**ASSISTANT COUNTY MANAGER – REGIONAL DEVELOPMENT SERVICES  
Air Quality**

**50. ADMINISTRATIVE CORRECTION TO LEASE WITH LINCOLN COMMERCE PARK II, LLC**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an administrative correction to agenda item C8507021400, previously approved by the Board on May 16, 2007, for Lease No. L7396 with Lincoln Commerce Park II, LLC, as Lessor, for approximately 13,524 square feet of flex space located at 2145 South 11th Avenue, #170, Phoenix, AZ. This correction specifies the Commencement date of the Lease from August 1, 2007 to December 1, 2007, and the Termination date of the lease from September 30, 2014 to January 31, 2015, as noted in Exhibit "C" of the lease. All other terms and conditions of the Lease remain the same and in full force. (C8507021401)

**Equipment Services**

**51. DONATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of a donation from A & H Contracting Services to Maricopa County Equipment Services of one 2,000 gallon fuel tank valued at \$12,800 to be stored temporarily by Equipment Services at the Buckeye MCDOT facility. (C7408004M00) (ADM3100-006)

Cash donation of \$1,696.90

**Planning and Development**

**52. TRANSFER EXPENDITURE AUTHORITY FOR STUDY ON DEVELOPMENT IMPACT FEES**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of expenditure authority in the amount of \$424,938 from FY 2007-08 Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) to a new line item in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "Development Impact Fee Study." These are one-time funds for a feasibility study on Development Impact Fees for Maricopa County.

The Development Impact Fee Study will be completed under a contract awarded by the Materials Management Department. Departments that will either take part in the study or will be affected by outcomes of the study include, but are not limited to: Planning & Development, Department of Finance, Maricopa County Department of Transportation, Maricopa County Sheriff's Office, and the Parks & Recreation Department. (C4408011100) (ADM3400-003)

**ASSISTANT COUNTY MANAGER – PUBLIC WORKS  
Solid Waste**

**53. AMEND IGA WITH THE TOWN OF QUEEN CREEK RELATED TO REAL PROPERTY AT QUEEN CREEK LANDFILL**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) on a roll call vote with Supervisors Brock, Stapley, Kunasek, Wilson, Wilcox voting "aye" to approve Amendment No. 2 to Intergovernmental Agreement with the Town of Queen Creek to extend the term of the IGA for a six month period from December 2, 2007 through May 31, 2008. Also, authorize the conveyance of an additional 1.66 acres of real property at the Queen Creek landfill, at no cost to the Town, for the development of a Town Park, and authorize the Chairman of the Board to execute all documents approved by County Counsel necessary to convey real property to the Town of Queen Creek. This matter was discussed in Executive Session on January 14, 2008. (This item was continued from the February 6, 2008 meeting.) (C6704001202)

Board members thanked the Queen Creek Mayor and Council members for their cooperation and the Solid Waste department for their help in bringing this about. Chairman Kunasek said the land will be turned into a beautiful multi-use park for residents to enjoy.

**Transportation**

**54. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

DD-10729      Project No.: TT011-Z2004-037 – Cactus Road and Perryville Road – Warranty  
(GL)            Deed – Parcel No.: 502-07-005V – Arizona-American Water Company - for the  
sum of \$10.00.

DD-10729      Project No.: TT011-Z2004-037 – Cactus Road and Perryville Road – Easement

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- (GL) & Agreement for Highway Purposes – Parcel No.: 502-07-005V – Arizona-American Water Company - for the sum of \$10.00.
- DD-10729 Project No.: TT011-Z2004-037 – Cactus Road and Perryville Road – Purchase  
(GL) Agreement and Escrow Instructions – Parcel No.: 502-07-005V Arizona-American Water Company.
- TT261.001 Project No.: TT261 – Riggs Road and Sossaman Road – Warranty Deed –  
(DK) Parcel No.: 304-89-066U (a portion of) - ASB, L.L.C. – for the sum of \$4,415.00.
- TT261.001 Project No.: TT261 – Riggs Road and Sossaman Road – Purchase Agreement  
(DK) & Escrow Instructions – Parcel No.: 304-89-066U (a portion of) - ASB, L.L.C.

**55. CHANGE ORDER TO CONTRACT WITH PARSONS TRANSPORTATION GROUP, INC**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Change Order No. 2 to Contract 2006-036 for MCDOT Project T199, Dobson Road Bridge at Salt River, with Parsons Transportation Group, Inc., in the amount not-to-exceed \$53,826.24. The Salt River Pima Maricopa Indian Community (SRPMIC) has asked Maricopa County Department of Transportation (MCDOT) to prepare a traffic simulation of the Dobson Road Bridge Alternatives developed in the Design Concept Report for the project. This simulation will assist the SRPMIC in ascertaining build out conditions and traffic impacts on the project and determining their willingness to participate in the project. (C6407104501)

**56. AMENDMENT TO THE REIMBURSEMENT TO ROOSEVELT WATER CONSERVATION DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an amendment to the reimbursement to Roosevelt Water Conservation District (RWCD) for the costs incurred in the relocation design of 150 feet of their piped irrigation facilities which are in conflict with MCDOT Project T156 – Chandler Heights Road at 124th Street. Additional design is required to relocate a conflicting waterline in the new alignment of the RWCD facility. Approve an increase in design cost of \$9,250 to a new cost estimate of \$34,250. The cost may not exceed the amended estimate of \$34,250 by more than 10%. This approved reimbursement will be in effect for two years from the date of approval by the Board. (C6407136M01) (ADM2000-006)

**57. AMENDMENT TO REIMBURSEMENT TO ROOSEVELT WATER CONSERVATION FOR CHANDLER HEIGHTS ROAD AT 124TH STREET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an amendment to the reimbursement to Roosevelt Water Conservation District (RWCD) for the costs incurred in the relocation of 150 feet of their piped irrigation facilities which is in conflict with MCDOT Project T156 – Chandler Heights Road at 124th Street. Additional work will be required to relocate a conflicting waterline in the new irrigation alignment. Approve an increase in the relocation cost of \$38,739.16 to a new estimate of \$124,025.16. The cost may not exceed this new estimate of \$124,025.16 by more than 10%.

Pursuant to A.R.S. §42-17106 (B), also approve an amendment to the current FY2008-2012 five-year Transportation Improvement Program (TIP) in the Department of Transportation (640) Transportation

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

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Capital Projects Fund (234), Year 1 (FY 2007-08) by decreasing the capital budget for the following project:

- o Project T192, Rio Verde Drive: Forest Road to 136th Street Shoulders capital budget by \$166,200.

And, adjusting the following project by increasing the FY 2007-08 (Year 1) capital budget for:

- o Project T156, Chandler Heights Road at 124th Street capital budget by \$166,200.

This approved reimbursement will be in effect for two years from the date of approval by the Board. (C6408106M01) (ADM2000-006)

**58. RIGHT OF WAY CONTRACTS TO FACILITATE OPERATION AND MAINTENANCE OF ELLSWORTH ROAD**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson to approve eight Right of Way Contracts which will facilitate the on-going operation and maintenance of Ellsworth Road. These Right of Way Contracts form agreements between the eight individually affected property owners and Maricopa County. As part of the Ellsworth Road Project TT062 a Privacy Wall was built within County right of way. This Privacy Wall is parallel to and adjacent to existing property boundary walls and was required to be constructed within County right-of-way so the structural footings of the wall remained within County right-of-way. This created a gap between the Privacy Wall and the property walls which causes an inefficient and ineffective maintenance of the right-of-way. These contracts grant MCDOT the rights to remove the owner's back wall and increase the length of their side walls to meet the Privacy Wall. This eliminates the gap between the Privacy Wall and the property boundary wall. In exchange the owners must maintain the gap area and allow MCDOT, its Successors, and its Assigns the right to enter the properties in order to do any repairs to the Privacy Wall as needed. These contracts, once recorded, stay with the land even after ownership changes. (C6408132000) (ADM2007-001)

Sheila R. Mahurin  
1351 N. 91<sup>st</sup> Pl.  
Mesa, AZ 85207  
APN 218-06-033

Avel and Maria Franco  
1323 N. 91<sup>st</sup> Pl.  
Mesa, AZ 85207  
APN 218-06-136

Darlene Camp  
9153 E. Gary Ln.  
Mesa, AZ 85207  
APN 218-06-026

Anne S. Greenwood  
1343 N. 91<sup>st</sup> Pl.  
Mesa, AZ 85207  
APN 218-06-032

Geraldine Coito  
1317 N. 91<sup>st</sup> Pl.  
Mesa, AZ 85207  
APN 218-06-135

Harold E. and Donna  
P. Salstrom  
9146 E. Glencove Ave.  
Mesa, AZ 85207  
APN 218-06-004A

Karen L. Anderson  
1337 N. 91<sup>st</sup> Pl.  
Mesa, AZ 85207  
APN 218-06-137

David Valenzuela Navarro  
1309 N. 91<sup>st</sup> Pl.  
Mesa, AZ 85207  
APN 218-06-027

Supervisor Wilson asked about particulars of this item. John Hoskins, Transportation Director, explained that property boundary walls had been built on lots of eight property owners along Ellsworth Road. A privacy wall was built on County rights-of-way next to these original walls causing a space between the walls that would be difficult to maintain. This item allows MCDOT to remove the owner's walls and extend the privacy wall to meet that demarcation line. The recovered "gap" space remains County-owned but

used by the property owner, who provides the upkeep and maintenance. MCDOT retains a right to enter the property to make any necessary repairs to the wall. These contracts remain with the land in the event of an ownership change.

Motion unanimously carried (5-0)

**59. SALE OF SURPLUS PROPERTY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the sale of Maricopa County Department of Transportation property, known as MCDOT Parcel Number X-0260-EX by signing the escrow document and Special Warranty Deed. The parcel is being sold to Philip C. Denaro, Jr or Nominee for \$755,000. The parcel is a remnant from the MCDOT 303 Project, approved by the Board to sell on agenda item C6407280000 on July 27, 2007. (C6408133100) (ADM2005)

**BOARD OF SUPERVISORS**

**Clerk of the Board**

**60. APPOINTMENTS/RESIGNATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- a. **Deferred Compensation Committee** – Accept resignation of Jimmy Martinez and appoint James Candland as nominated by Supervisorial District 2, whose term is effective from February 22, 2008. Mr. Candland will serve at the pleasure of the Board. (C0608065900) (ADM3312-001)
- b. **Aggregate Mining Operation Zoning District #1 Recommendation Committee** – Accept the resignation of Gregg Monger and appoint Jim Schroeder, as an industry member. Mr. Schroeder will fill the unexpired term effective as of the date of Board approve through October 5, 2009. (C0608068900) (ADM3441-001)
- c. **Maricopa Workforce Connections** – Appoint Adda Alexander, representing private sector, whose term is effective from the date of Board approval through June 30, 2009. (C2208132900) (ADM2512-001)
- d. **Maricopa Workforce Connections** – Accept resignation of Jane Fletcher and appoint Dori Beattie, representing private sector. The appointee will fill the unexpired term effective as of the date of Board approval through June 30, 2009. (C2208133900) (ADM2512-001)

**61. APPOINTMENTS TO THE BOARD OF TRUSTEES OF THE MADISON PARK IRRIGATION WATER DELIVERY DISTRICT NO. 22**

Pursuant to A.R.S. §48-3444(F), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint the following property owners to serve as the Board of Trustees of the Madison Park Irrigation Water Delivery District No. 22 as indicated on the petitions submitted on February 5, 2008:

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- Craig Jolly
- Ellen Knobel
- Ann Roberts

An election was not held for this district on November 15, 2006, therefore the property owners petition the Board of Supervisors to appoint trustees. These appointments are effective as of the date of Board approval and they will serve until their successors are elected or appointed and qualified. The petitions have been determined to be signed by the owners of the majority of the acreage within the district. The Assessor's certification is on file in the office of the Clerk. (C0608066700) (ADM4358)

**62. COLLECT PENALTY ASSESSMENT AGAINST SPECIAL TAXING DISTRICTS**

Pursuant to A.R.S. § 48-251(G), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the collection of a penalty assessment of \$100 per day against the following special taxing district as of the date listed:

- o McDowell Homes Irrigation Water Delivery District No. 7- February 11, 2008

This special taxing district was required to submit an annual report to the Clerk of the Board by December 31, 2007. Based on the Clerk's report of compliance the district received notice of noncompliance and have not submitted an annual report for the fiscal year ended June 20, 2007.

The Board of Supervisors shall assess, and the County Treasurer shall collect from the monies of a district remaining in noncompliance thirty days after receipt of notice of noncompliance by certified mail and continue until such time as the Board of Supervisors receives a copy of the district's annual report, to the extent that district monies are available and unencumbered. Penalty monies collected shall be deposited in the county general fund. (C0608067700) (ADM4300-006)

**63. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS**

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003) Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

No vouchers or warrants were submitted for approval at this meeting. No staff update was given to the Board at this meeting.

**SETTING OF HEARINGS**

All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted.

**Clerk of the Board**

**64. PUBLIC HEARING SET – FRANCHISES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- a. Pursuant to A.R.S. §40-283, set a public hearing for Wednesday, March 12, 2008, to solicit comments and consider the application by Beardsley Water Company (BWC), for an extension to an existing public service franchise for a domestic water distribution system. The hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Pending approval by the Board of Supervisors, the franchise will be granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0608062700) (F18706)
- b. Pursuant to A.R.S. §40-283, set a public hearing for Wednesday, March 12, 2008, to solicit comments and consider the application by Water Utility of Greater Tonopah, for an extension to an existing public service franchise for a domestic water distribution system. The hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Pending approval by the Board of Supervisors, the franchise will be granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. Upon approval, authorize the Chairman to sign the Franchise Resolution. (C0608063700) (F21283)

**65. LONGHORN RANCH IRRIGATION WATER DELIVERY DISTRICT**

Pursuant to A.R.S. §48-3423, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the petition for the proposed Longhorn Ranch Irrigation Water Delivery District filed on January 31, 2008 as they have been determined to be signed by a majority of the owners of the acreage within the proposed district (the Assessor's certification is on file in the office of the Clerk).

Additionally, fix the amount of probable expenses at \$250 and direct the proposed district organizing committee to "give a bond" of \$500 (twice the fixed amount pursuant to A.R.S. § 48-3423(A)) payable to Maricopa County.

Also, set a hearing for review of the petition, to be held March 26, 2008 and order the Clerk of the Board to publish the petition and notice twice in a newspaper and post copies within the district at conspicuous places.

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At the hearing on March 26th, any land owner within the proposed district may appear and object to the organization thereof or to the proposed boundaries thereof or to the inclusion of his land therein. The Board will hear and consider all comments in favor and against the organization of the district and decide whether to approve or reject the organization of the district with the boundaries proposed in the petition or with modified boundaries. (C0608064700) (ADM4388)

**Planning and Development**

**66. PUBLIC HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for March 12, 2008, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

- Z2006140** - Zone Change – Riggs Ranch Estates
- Z2007090** - Special Use Permit – Johnston Cottage Industry
- Z2007127** - Special Use Permit Major Amendment – PHO Russell

**CONSENT AGENDA**

**Clerk of the Board**

**67. ASRS CLAIMS**

No claims were submitted for approval at this meeting. (ADM3309-001)

**68. CANVASS OF ELECTIONS**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4300)

Electrical District No. 8

ADM4475-001

**69. CLASSIFICATION CHANGES**

No changes were submitted for approval at this meeting. (ADM723)

**70. DONATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the donation reports received from county departments for January 2008 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1810)

Sheriff, cash donation of \$1,696.90

**71. DUPLICATE WARRANTS**

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Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and/or ratify duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
K Bunker	370061193	Expense	\$1,350.00
Waste Management	380022078	Expense	\$5,258.94
Pablo Sedillo IV	280011251	Payroll	\$210.54

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Elise Joy Parks	Buckeye Elem SD #33	180058926	\$907.23
Danielle Higuera	Madison SD #38	180060874	\$153.21
Andrea Gloyd	Higley Unified SD #60	180016473	\$286.28
Sandra Levin	Fountain Hills Unified SD #98	180065379	\$461.75
Michael Farkosh	Tolleson Union High SD #214	180059880	\$1,192.15
Erica Esparza	EVIT #401	480062316	\$30.00
Kaplan	Liberty SD #25	480035805	\$46.41
Softerware	Fowler SD #45	480014252	\$612.00
American Guidance Service	Isaac SD #5	480012718	\$282.53
Maria Ramirez	Isaac SD #5	5913551	\$759.25
National School Boards Assoc.	Isaac SD #5	480043916	\$475.00
Howard Massey	Treasurer	180149224	\$258.35

**72. MARKET RANGES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (ADM3308-006)

<b>Market Range Title</b>	<b>Min</b>	<b>Midpoint/ Hiring Maximum</b>	<b>Max</b>
Reprographic Technician	\$28,870.40	\$35,339.20	\$41,787.20

**73. MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held February 7, 2007, February 21, 2007, May 14, 2007, August 6, 2007, and January 25, 2008.

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**74. PRECINCT COMMITTEEMEN**

No requests were received to authorize the appointment and cancellation of appointment of Precinct Committeemen at this meeting. (ADM1701)

**75. SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve requests from the Assessor for correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (ADM705)

<b>YEAR</b>	<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
2004	16226	16530	-\$27,424.24
2005	19836	20306	-\$19,598.48
2006	14928	15420	-\$87,679.64
2007	29817	32721	-\$158,935.34

**76. SETTLEMENT OF PROPERTY TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the settlement of tax cases dated February 20, 2008. (ADM704)

**2005**

TX2005-050327

**2006**

TX2006-000387

**2007**

CV2007-052950

TX2006-000320

**77. STALE DATED WARRANTS**

No warrants were presented for approval at this meeting. (ADM1816)

**78. TAX ABATEMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>
300-36-991G	1997	\$1,313.62	501-92-695	2004	\$111.33
300-36-991G	1998	\$1,356.02	501-92-695	2005	\$110.25
300-36-991G	1999	\$1,833.48	501-92-695	2006	\$112.91
300-36-991G	2000	\$1,409.98	501-92-695	2007	\$190.51
300-36-991G	2001	\$1,338.69	501-92-696	2003	\$178.17
300-36-991G	2002	\$4,754.33	501-92-696	2004	\$164.95

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<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>	<b>PARCEL NO.</b>	<b>YEAR</b>	<b>AMOUNT</b>
300-36-991G	2003	\$4,619.08	501-92-696	2005	\$164.91
300-36-991G	2004	\$5,774.64	501-92-696	2006	\$190.13
501-92-691	2003	\$231.05	501-92-696	2007	\$257.53
501-92-691	2004	\$302.20	501-92-697	2003	\$302.51
501-92-691	2005	\$322.77	501-92-697	2004	\$593.40
501-92-691	2006	\$364.17	501-92-697	2005	\$673.79
501-92-691	2007	\$391.76	501-92-697	2006	\$781.65
501-92-692	2003	\$319.18	501-92-697	2007	\$544.52
501-92-692	2004	\$468.41	501-92-698	2003	\$294.08
501-92-692	2005	\$518.01	501-92-698	2004	\$412.37
501-92-692	2006	\$645.68	501-92-698	2005	\$451.26
501-92-692	2007	\$583.70	501-92-698	2006	\$549.92
501-92-693	2003	\$1,002.77	501-92-698	2007	\$522.63
501-92-693	2004	\$2,942.66	501-92-699	2003	\$178.17
501-92-693	2005	\$3,645.90	501-92-699	2004	\$164.95
501-92-693	2006	\$6,524.37	501-92-699	2005	\$164.91
501-92-693	2007	\$3,468.32	501-92-699	2006	\$190.13
501-92-694	2003	\$178.17	501-92-699	2007	\$257.53
501-92-694	2004	\$164.95	501-92-700	2003	\$153.37
501-92-694	2005	\$164.91	501-92-700	2004	\$107.79
501-92-694	2006	\$190.13	501-92-700	2005	\$143.37
501-92-694	2007	\$257.53	501-92-700	2006	\$112.82
501-92-695	2003	\$144.45	501-92-700	2007	\$189.36

**79. WRITE-OFFS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the requested write-offs for accounting purposes only. This item was discussed in Executive Session held January 14, 2008. (ADM407)

Dosenback, Erin	\$300.00	Konemann, Steven	\$1,095.00
Verdugo, Cesar	\$655.00	Lane, Cheryl	\$1,220.00
Valenzuela, Robert	\$70.00	Koos, David	\$1,985.00
Riggins, Robert	\$1,582.00	Oliver, Brandon	\$1,625.00
Hopson, Kevin	\$1,632.00	Verdugo, Mario	\$170.00
Stenhouse, Ian	\$2,575.00	Verdugo, Mario	\$3,035.00
Geho, Bruce	\$1,502.50	Strickland, Robert	\$2,590.00
Brown, Ronnie	\$170.00	Jones, Hank	\$1,270.00
Chapa, David	\$208.88	Brown, Leroy	\$2,175.00
Byrom, Cheryl	\$1,425.00	Brown, Leroy	\$2,236.70
Kwiatkowski, Tommy	\$810.00	Martinez, Rudy	\$875.00
Blevins, Mervin	\$1,720.00	Luecke, Michael	\$435.00
Samuelson, Timothy	\$330.00	Bonaski, Alexander	\$930.00
Nelson, Jared	\$1,360.00	Nettles, Richard	\$710.00
Jackson, Loren	\$700.00	Parker, Karen	\$975.00
Payne, John	\$130.00	Parker, Karen	\$2,275.00



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commented that the candidates have been inundated by county elected officials and Senator Obama, at one point said, "Yeah, I know, I know the whole thing by memory!"

Chairman Kunasek welcomed Supervisor Stapley back after his battle with a pulmonary embolism and Supervisor Stapley said that while the County was beginning the new air quality program, "Running Out Of Air" he actually WAS running our of air with his lung embolism and apologized for his raspy voice.

As is usual in County board meetings, several of the Supervisors expressed their continued pleasure at receiving contributions from the public that are mentioned in several different items on the agendas. The Board thanked the citizens who are participating in County governance in this most appreciated manner.

**PLANNING AND DEVELOPMENT AGENDA**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

~ Supervisor Brock left the meeting ~

**CONSENT AGENDA**

1.     **S2006-070     District 3**  
      **Applicant:** Chris Franks with Anthem LLC  
      **Location:** West of the northwest corner of Desert Hills Drive and 7th Avenue (in the Anthem/Desert Hills area)  
      **Request:** Final Plat in the Rural-43 zoning district for Anthem Equestrian Trailhead (approximately 62.66 acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

~ Chairman Kunasek recused himself for a conflict of interest  
and handed the gavel to Supervisor Wilson for the next item ~

**REGULAR AGENDA**

2.     **CPA2007-03     District 4 (Continued from 02/06/08) (Adoption is by Resolution)**  
      **Applicant:** Happy Valley 303 West, LLC  
      **Location:** South of Happy Valley Road and west of Vistancia Boulevard (in the Peoria area)  
      **Request:** Comprehensive Plan Amendment (CPA) to change the land use designation in the White Tank/Grand Avenue Area Plan from Mixed Use Employment to Neighborhood Retail Center and High Density Residential (approximately 20 gross acres) – Happy Valley West 303

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of CPA2007-03, subject to stipulations "a" through "l". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall comply with the Comprehensive Plan Amendment document entitled "Happy Valley West Major Comprehensive Plan Amendment", a bound document, dated October, 2007, and stamped received October 15, 2007, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Changes to the Happy Valley West Comprehensive Plan Amendment with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Comprehensive Plan Amendment Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. Non-compliance with the approved Happy Valley West Comprehensive Plan Amendment, including the narrative report, maps, exhibits, or approved stipulations, constitutes a violation in accordance with the Maricopa County Zoning Ordinance.
- c. The precise plan of development for the Happy Valley West Major Comprehensive Plan Amendment shall be approved by the Board of Supervisors within five (5) years of approval of this comprehensive plan amendment. If the precise plan of development has not been approved within this timeframe, this comprehensive plan amendment shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Development Department, for possible revocation of this major comprehensive plan amendment. If revoked, all zoning and other entitlement changes approved that are associated with the Happy Valley West Comprehensive Plan Amendment shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this comprehensive plan amendment due to non-compliance with any of the approved stipulations or other conditions of approval.
- e. The total number of residential units shall not exceed 250 dwelling units.
- f. Prior to approval of the precise plan of development, the applicant shall provide the Maricopa County Planning and Development Department with a signed and recorded pre-annexation agreement with the city of Peoria that identifies the date or timeframe when the proposed project will be annexed. No development shall occur in unincorporated Maricopa County after the annexation date or timeframe identified in the pre-annexation agreement. This pre-annexation agreement shall be signed by the Happy Valley West developer and the city of Peoria.
- g. The following MCDOT stipulations shall apply:
  1. Amend the Cavan Commercial Project site plan to accommodate the future realignment of Happy Valley / Jomax Road with Vistancia Boulevard. This realignment will have Jomax Road from the west come off alignment in a southeasterly direction and tie into Happy Valley Road that is built west of current Vistancia Boulevard. Specifically, the realignment will have Happy Valley / Jomax Road west of the Cavan property continue due east and reconnect with

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the existing Happy Valley alignment as the through movement in the general area where existing Vistancia Boulevard connects with Happy Valley Road. It is planned that Vistancia Boulevard will cross Happy Valley / Jomax Road east of the Cavan property. This realignment is not currently designed or programmed by either Maricopa County or the City of Peoria, but this site plan should show this realignment and dedicate the required right-of-way at this time.

2. It should be noted, that the current "secondary access" located along the north property boundary of the Cavan property (east driveway) will continue to act as their secondary access with the current roadway configuration. However, when the realignment occurs and Vistancia Boulevard is carried south along the Cavan property's east boundary, the developer will have an additional access along their east boundary onto Vistancia Boulevard. The site plan should be amended to show where this future access will be.
  3. Provide traffic study or analysis discussing turning movements into and out of Happy Valley Road access.
  4. The east access on to Happy Valley Road shall need to be right in/right out only.
  5. Provide a total half-width of 75 feet R/W on Happy Valley Road (straight from the west boundary.)
  6. The Cavan Commercial Project will be responsible, for ultimate half-width improvements including curb, gutter, sidewalk, and paving, for the ultimate design of Happy Valley Road. Details of the actual construction, or possible bond for these improvements, will be decided and approved by MCDOT in the future.
- h. That the following Maricopa County Library District stipulation shall apply:
- A quality of life assessment of \$596 for each housing unit built is made available to the Maricopa County Library District.
- i. The following Drainage Administration stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
  2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- j. That the following Sheriff's Office stipulation shall apply:
- Prior to any final plat or precise plan, the master developer shall enter into a development and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO) to provide law enforcement services to the development and surrounding areas.

This development and Law Enforcement Services agreement shall include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for start up costs (vehicle purchase and patrol equipment, e.g. radios, tasers and vehicle laptops) and interim fees for law enforcement services with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. This development agreement may also include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county, for use by the Maricopa County Sheriff's Office, their proportionate share of separate office space complete with tenant improvements or land (the size to be determined in the development and Law Enforcement Services agreement), or payment of fees when a permit is issued, for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to the development and surrounding areas. The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking or land shall be provided not later than two (2) years from the opening of the first home (dwelling unit) within the development, or as agreed to in the development and Law Enforcement Services agreement. The developer(s) who incur the above Sheriff's Office costs shall be eligible for reimbursement from other service area developers, with the rate of reimbursement defined in the development agreement. This stipulation shall be modified should a Sheriff's Office Impact Fee be enacted by the County. This development and Law Enforcement Services agreement shall include the terms listed in this stipulation unless otherwise mutually agreed to by MCSO and the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.

- k. The following SHPO stipulation shall apply:

An archeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.

- l. The following Luke Air Force Base stipulation shall apply:

The residential leasing agency shall notify future tenants that they are located near a military airport with the following language:

"You are locating in a residential dwelling outside the "territory in the vicinity of a military airport," however aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

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Luke Air Force Base executes an average of approximately 165 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

Such notification shall be permanently posted on not less than a 3 foot by 5 foot sign in front of all leasing offices and be permanently posted on the front door of all leasing offices on not less than 8½ inch by 11 inch sign.

Darren Gerard reported on the background of this item to change the land use designation in the White Tank/Grand Avenue Area Plan. Staff recommended denial of this item, however, the Planning Commission recommended approval. The applicant has agreed to staff recommended modification of the Commission's recommendation with several stipulation modifications, as shown below.

- f. Prior to approval of ~~the precise plan of development~~ ANY ZONE CHANGE, the applicant shall provide the Maricopa County Planning and Development Department with a signed and recorded pre-annexation agreement with the city of Peoria. ~~that identifies the date or timeframe when the proposed project will be annexed. No development shall occur in unincorporated Maricopa County after the annexation date or timeframe identified in the pre-annexation agreement.~~ This pre-annexation agreement shall be signed by the Happy Valley West developer and the City of Peoria.
- g. 1. Amend the Cavan Commercial Project site plan to accommodate the future realignment of Happy Valley / Jomax Road with Vistancia Boulevard. This realignment will have Jomax Road from the west come off alignment in a southeasterly direction and tie into Happy Valley Road that is built west of current Vistancia Boulevard. Specifically, the realignment will have Happy Valley / Jomax Road west of the Cavan property continue due east and reconnect with the existing Happy Valley alignment as the through movement in the general area where existing Vistancia Boulevard connects with Happy Valley Road. It is planned that Vistancia Boulevard will cross Happy Valley / Jomax Road east of the Cavan property. ~~This realignment is not currently designed or programmed by either Maricopa County or the City of Peoria, but this site plan should show this realignment and dedicate the required right of way at this time.~~ THE PLAN SHALL ACCOMMODATE THE FUTURE ALIGNMENT OF HAPPY VALLEY ROAD. SPECIFIC RIGHT-OF-WAY NEED AND DEDICATION SHALL BE DETERMINED AT THE TIME OF THE ZONING CASE.

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- ~~5. Provide a total half width of 75 feet R/W on Happy Valley Road (straight from the west boundary.)~~

~ Supervisor Brock returned to the meeting ~

Steven Anderson, representing the applicant, said the City of Peoria, as well as the Planning Commission, have unanimously recommended approval of this modification. The stipulation modifications are agreeable to both planning staff and the applicant. He addressed the question, "Why aren't we in the City of Peoria?" and showed maps that illustrated that the site is not currently contiguous with the Peoria city boundaries. There is a State land parcel intervening and annexation would have to wait until after the State concludes its annexation process, which is a very slow one. He added that when the State site is annexed by Peoria the project site will also be annexed. His maps also portrayed additional employment uses in the Peoria plan that comprise hundreds of acres set aside for employment uses and these were not taken into consideration when staff recommended denial. Discussion ensued on the long-term opportunity for Peoria to enhance its standing as a regional employment base and he said this planned project will provide facilities for these employees and Peoria has endorsed it for that reason. He also commented on concerns about Happy Valley Road that he said would best be addressed in their future zoning request.

Mr. Anderson also explained the stipulation change from what was adopted by the Planning Commission. Happy Valley Road is new and has just been opened for travel and yet the applicant is being asked to move it. He outlined the "evolution of the stipulations" regarding this road. Discussion ensued on this and nearby roads and highways as regards this realignment, including Vistancia Blvd. Mr. Anderson drew the conclusion that realigning Happy Valley Road isn't necessary unless Vistancia Blvd. Is also realigned. These alignment issues are not determined and may never happen. He said the applicant is being asked to dedicate a right-of-way "of their 'front door'" to a government entity for something that may never occur. He added that these questions should not be part of this request and should be "saved" until their rezoning request is heard, hoping that some of the realignment questions will be determined by that time.

Supervisor Wilson agreed with Mr. Anderson's conclusion and Joy Rich assured him that the planning staff would be working to resolve the question prior to submitting a zoning request to the Board. It was felt that the changed stipulations would protect the applicant, and Mr. Anderson agreed.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-0-1) to concur with the recommendation of the Planning Commission for approval of the amendment to this comprehensive Plan as given above subject to stipulations "a" through "l" including revised language to stipulations "f" and "g.1" and deletion of stipulation "g.5." Approval is by resolution.

**RESOLUTION OF AMENDMENT**  
**Eye to the Future 2020, Maricopa County Comprehensive Plan**

**BE IT RESOLVED** by the Maricopa County Board of Supervisors as follows:

**WHEREAS**, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about coordinated physical development consistent with the present and future needs of Maricopa County; and

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**WHEREAS**, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that this plan can be responsive and flexible to meet the changing conditions of Maricopa County; and

**WHEREAS**, Maricopa County has an approved process where specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission; and

**WHEREAS**, Case number CPA200703 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all legal notification requirements; and

**WHEREAS**, Title 11, Section 824 of the Arizona Revised Statutes requires that amendments to the Comprehensive Plan be approved by resolution of the Board of Supervisors; and

**WHEREAS**, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment application, and finds that this comprehensive plan amendment constitutes an overall improvement to the Maricopa County Comprehensive Plan and to Maricopa County in general.

**NOW, THEREFORE BE IT RESOLVED** that the comprehensive plan amendment application for case number CPA200703, is hereby approved this 20<sup>th</sup> day of February 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

~ Chairman Kunasek returned to the dais and retrieved the gavel ~

3. **CPA2007-09 District 4** (Continued 12/19/07) (Adoption is by Resolution) **CONTINUED**  
**Applicant:** Withey Morris, PLC for BVPG Holdings, LLC  
**Location:** Southwest corner of 227th Avenue and Grand Avenue (in the Wittmann/Surprise area)  
**Request:** Change the White Tank/Grand Avenue Area Plan land use designation from Rural Residential (0-1 d.u./ac.) to Small Lot Residential (2-5 d.u./ac.) and High Density Residential (15+ d.u./ac.) (approx. 157.2 ac.) – Grand Oasis

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of CPA2007-09, subject to stipulations “a” through “m”. Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall comply with the Comprehensive Plan Amendment document entitled “Grand Oasis - A Residential Subdivision”, a bound document, dated October 19, 2007, including all exhibits, maps, and appendices, except as modified by the following stipulations.

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- b. Changes to the Grand Oasis Major Comprehensive Plan Amendment with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Comprehensive Plan Amendment Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. Non-compliance with the approved Grand Oasis Major Comprehensive Plan Amendment, including the narrative report, maps, exhibits, or approved stipulations, constitute a violation in accordance with the Maricopa County Zoning Ordinance.
- c. If the initial final plat for this project has not been approved within seven (7) years from the date of comprehensive plan amendment approval, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Small Lot Residential (2-5 d.u./ac.) and the High Density (15+ d.u./ac) back to the previous Rural Residential (0-1 d.u./ac) designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.
- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this major comprehensive master plan due to non-compliance with any of the approved stipulations or other conditions of approval.
- e. The total number of residential units shall not exceed 1,176 dwelling units.
- f. Not less than 8% of open space shall be provided for mini-parks, parks or other open space uses. A description of the types of recreational amenities that will be included in the open space and mini-park areas shall also be submitted with all zone change applications and with all preliminary plats to the Maricopa County Planning and Development Department.
- g. Prior to any zoning change, the master developer shall enter into a pre-annexation service agreement with the City of Surprise. Further, prior to any rezoning approval this pre-annexation service agreement shall be signed by both the Master Developer and the designated City of Surprise representatives and provided to the Maricopa County Planning and Development Department for public record.
- h. The following MCDOT stipulations shall apply:
  - 1. The Developer shall provide a new Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to any zoning (rezoning) and/or plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite alignments will be reviewed with each re-

submittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.

2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct certain off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT shall require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Developer does not construct certain off-site street improvements, the Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
3. If required per item #2 above, a Development Agreement shall be executed prior to any zoning or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Applicant shall provide right-of-way for all public roadways as follows:
  - a) Arterials: 65 Feet Half-width; 130 Feet Full-width
  - b) Collectors: 40/30 Feet Half-width; 80/60 Feet Full-width
  - c) Residential/Locals: 25 Feet Half-width; 50 Feet Full-width
5. The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments). Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where 'half' of the roadway is within the development (perimeter roadways). Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate dual left turn lanes, including reverse curves.
6. The Developer shall be responsible for the design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways. Where applicable, "half-width" construction must safely convey two directions of traffic until the ultimate roadway is constructed. All roadways must meet all county standards in effect at the time. (This includes, but is not limited to the "MCDOT Roadway Design Manual," including ITS infrastructure requirements and the "Drainage Policies and Standards for Maricopa County.") The Developer shall relocate any "obstructions" (well sites, etc.) and/or provide additional right of-way in the event of conflict with any transportation facilities. Roadway improvement plans must be approved and permitted by MCDOT.
7. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicants contribution referred to in item 2.

8. The Developer shall provide all-weather access to all parcels and lots.
  9. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
  10. The Developer shall not locate elementary or middle schools on arterial roads. (The schools may not “back up” to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
  11. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation between uses within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated.
  12. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
  13. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to Home Owner’s Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
  14. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
  15. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
  16. The Developer shall coordinate with the City of Surprise and provide written documentation of the City’s comments.
  17. The Developer shall coordinate with ADOT and provide written documentation of ADOT’s review and requirements.
- i. Prior to the approval of the first Final Plat or the first Approval to Construct (whichever comes first), final detailed Water and Wastewater Master Plans (both onsite and offsite) must be submitted to MCESD, under application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of these Final Master Plans. A Certificate of Assured Water Supply must be obtained for the development prior to recordation of the final plat. Approval is predicated on water and sewer services being provided by the City of Surprise.
  - j. The following Drainage Administration stipulations shall apply:

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1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
  2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- k. The following Maricopa County Library District stipulation shall apply:
- A quality of life assessment of \$596 for each housing unit built shall be made available to the Maricopa County Library District at the time of building permit issuance.
- l. The following SHPO stipulation shall apply:
- Prior to zone change application, the applicant submit to SHPO the proposed treatment plan for AZ T:2:50 (ASM) as recommended in the cultural resources survey [An Archaeological Survey of 158 Acres for the Grand Oasis Development Located Approximately 1.5 Miles Northwest of Wittmann in Northern Maricopa County, Arizona] by SWCA Environmental Consultants.
- m. The following LAFB stipulation shall apply:
- The master developer shall notify future homeowners that they are located within the state-defined "Luke AFB Auxiliary Field #1" with the following language:
- "You are buying a home or property near the Luke AFB Auxiliary Field #1. Aircraft flying in this auxiliary field are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.
- Luke Air Force Base executes over 13,000 flight operations per year over the auxiliary field. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the base to the auxiliary field and other flight areas.
- Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.
- Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.
- For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

The applicant requested a continuance on this item. Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the April 23, 2008, meeting to allow additional time to resolve several unresolved issues.

**4. DMP2006-011 District 4**

**Applicant:** Burch & Cracchiolo for Sierra Negra Ranch, LLC

**Location:** Approximately southeast corner of 403rd Avenue (alignment) and Thomas Road (in the Tonopah area)

**Request:** Development Master Plan (approximately 2,389 gross acres) – Silver Springs Ranch

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of DMP2006-011, subject to stipulations “a” through “jj”. Commissioner Johnson seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the narrative report titled “Silver Springs Ranch Development Master Plan” dated May 5, 2007 and stamped received December 14, 2007, consisting of 23 pages, all appendices, and all figures and tables except as modified by the following stipulations.
- b. Changes to the Silver Springs Ranch Development Master Plan with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. The Maricopa County Planning and Development Department may administratively approve minor changes to the Silver Springs Ranch Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Silver Springs Ranch Development Master Plan, including the narrative report, maps, exhibits, or approved stipulations, constitute a violation in accordance with the Maricopa County Zoning Ordinance.
- c. The initial final plat for the Silver Springs Ranch Development Master Plan shall be approved by the Board of Supervisors within five (5) years of approval of this development master plan. If the initial final plat has not been approved within this timeframe, this development master plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Development Department, for possible revocation of this development master plan. If revoked, all zoning and other entitlement changes approved that are associated with the Silver Springs Ranch Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.

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- d. Prior to approval of any zoning change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zoning change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- e. The Silver Springs Ranch master homeowners association shall be responsible for the maintenance of all private roads; public open spaces and amenities; washes; parks; roadway median landscaping; landscaping within public rights-of-way; all pedestrian, bicycle, and multi-use paths; and other community amenities.
- f. Concurrent with each preliminary plat application, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa Regional Trail plan.
- g. Concurrent with each preliminary plat application, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa County Bicycle Transportation Plan.
- h. Unless waived by the Board of Supervisors at the time of final plat approval, all irrigation water supplied for common and open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within three years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the three year requirement.
- i. The total number of residential dwelling units for the Silver Springs Ranch Development Master Plan shall not exceed 7,281 residential units. To help ensure compliance, the cumulative number of dwelling units permitted to that point shall be identified on each preliminary and final plat.
- j. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Silver Springs Ranch Development Master Plan every five years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units permitted and platted, locations of parcels/areas under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented and any other information as requested by the Maricopa County Planning and Development Department.
- k. The Silver Springs Ranch Development Master Plan is subject to all Maricopa County standards and regulations in effect at the time of zoning and platting.
- l. All future zoning change applications for non-residential development require a Planned Development (P.D.) overlay.

- m. The master developer shall be responsible for the installation of all major elements of infrastructure in accordance with the Maricopa County standards in effect at the time of platting.
- n. The master developer shall provide neighborhood access to commercial and mixed use parcels via open space, pedestrian paths, bicycle paths, or other non-arterial street connections. Such access shall be identified on all plats and precise plans of development.
- o. Unless otherwise agreed to in writing by the applicable school districts, not less than one (1) elementary school and 1 (one) high school, totaling 70 acres, shall be reserved in the locations and of the sizes identified on the Silver Springs Ranch Development Master Plan land use plan. To help ensure compliance, at the time of each preliminary plat submittal the master developer shall include a description of the status of the required number and type of schools and acreage referenced in this stipulation. The elementary school is prohibited from fronting on arterial streets.
- p. Unless and until annexation of the entire development master plan takes place, the master developer shall notify all future residents that they are not located within an incorporated municipality, and therefore will not be represented by or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, sewer, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- q. Prior to approval of the first final plat, the master developer shall establish Covenants, Conditions, and Restrictions (CC&Rs) for the Silver Springs Ranch DMP. These CC&Rs shall include age restrictions as outlined in the narrative report referenced in stipulation 'a.' It shall be the responsibility of the Homeowner's Association to enforce these restrictions. Failure to comply with this stipulation will be considered substantial non-compliance with this DMP as referenced in stipulations 'a' and 'b' and grounds for the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revoking the approved development master plan and any associated zoning changes.
- r. All park facilities shall be completed concurrently with residential development within the respective parcel(s) shown on each plat. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.
- s. Not less than 211 acres shall be reserved for Recreational Open Space land use in the locations depicted on the Silver Springs Ranch Development Master Plan land use plan. This includes no less than 10 acres for neighborhood parks and a minimum of 7 mini/pocket parks at a minimum of one acre each. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative Recreational Open Space acreage completed to that point with respect to the requirements outlined in this stipulation. A description of the types of recreational

amenities that will be included in the Recreational Open Space shall also be submitted with each applicable preliminary plat to the Maricopa County Planning and Development Department.

- t. Not less than 265 acres shall be reserved for Dedicated/Non-Developable Open Space in the locations depicted on the Silver Springs Ranch Development Master Plan land use plan. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative Dedicated/Non-Developable Open Space set aside to that point with respect to the requirements outlined in this stipulation. No development shall be allowed in these areas, and any disturbance to such areas is subject to approval by the Maricopa County Planning and Development Department.
- u. The Silver Springs Ranch Development Master Plan shall be developed sequentially as identified on the phasing exhibit. All parcels depicted on this exhibit as "Active Adult" shall be age-restricted. No more than 4,460 of the total residential units allowed may be multi-generational (non-age restricted) and the remaining balance shall be age restricted. To help ensure compliance, the cumulative number of multi-generational dwelling units permitted to that point shall be identified on each preliminary and final plat.
- v. Not less than 59 acres (or equivalent measurement) shall be reserved for Mixed-Use Employment land uses.
- w. Not less than 37 acres (or equivalent measurement) shall be reserved for Office land uses.
- x. That parcels 5, 6, 19 and 33 be designated as Community Retail Center.
- y. That parcel 17 be designated as Neighborhood Retail Center.
- z. Prior to any zoning change, the applicant shall submit to the Maricopa County Planning and Development Department "will serve" letters from the Water Utility of Greater Tonopah and the from Hassayampa Utility Corporation (Global Water Resources) which demonstrates a willingness and capability to serve the entire Silver Springs Ranch Development Master Plan with water and wastewater service respectively.
- aa. Prior to any zoning change, the applicant shall provide the Maricopa County Planning and Development Department with a "will serve" letter for fire protection from the Tonopah Valley Fire District or another qualified public or private service provider demonstrating commitment to serve the entire Silver Springs Ranch Development Master Plan.
- bb. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the applicable platted parcels, and which determines the preservation/disposition for each of the selected native trees and cacti.
- cc. The following Maricopa County Department of Transportation stipulations shall apply:

1. The Traffic Impact Study (TIS) shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demand with each phase. The TIS must be approved before subsequent approval of any roadway improvement plans. Additional lane capacity on offsite arterial alignments will be reviewed with each re-submittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct off-site and certain on-site regional improvements as further defined in the Development Agreement, in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT will require a Development Agreement to detail the specifics of construction, including phasing and timing, or if the Developer does not construct regional roadway improvements, the Development Agreement shall discuss the method and timing of payment.
3. The Development Agreement shall be executed prior to any zoning (rezoning) approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Developer shall provide the ultimate full or half-width of right-of way for all public roadways. Right-of-way shall be provided as follows:
  - A) Thomas Road: 65 Feet (half-width) from 387th Avenue to 403rd Avenue
  - B) Encanto Boulevard: 65 Feet (half-width) from 379th Avenue to 387th Avenue; 80 Feet (full-width) / 40 Feet (half-width) from 387th Avenue to 395th Avenue
  - C) McDowell Road: 130 Feet (full-width) / 65 Feet (half-width) from 379th Avenue to 403rd Avenue
  - D) Van Buren Street: 65 Feet (half-width) from 395th Avenue to 397th Avenue
  - E) 379th Avenue: 100 Feet (half-width) from Encanto Boulevard to McDowell Road
  - F) 387th Avenue: 130 Feet from Encanto Boulevard to McDowell Road
  - G) 395th Avenue: 130 Feet (full-width / 65 Feet (half-width) from Thomas Road to South Boundary

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- H) 403rd Avenue: Reservation of 65 Feet (half-width) for possible right-of-way/open space from Thomas Road to south boundary

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

The Maricopa Association of Governments (MAG) in conjunction with the Arizona Department of Transportation (ADOT) is conducting a "Hassayampa Valley Regional Transportation Network Study." This study is evaluating future regional arterial transportation network needs and future traffic interchange locations along I-10 from SR303 west to approximately 459th Avenue. The Developer shall reserve sufficient right-of-way for transportation facilities in compliance with the MAG Hassayampa Study.

5. The Developer shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Developer's contribution referred to in item #2. All roadways must meet county standards in effect at the time they are improved. All roadways must include appropriate ITS infrastructure. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Developer shall relocate well site(s) and/or provide additional right-of-way in the event of conflict with any transportation facilities.
6. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Developer's contribution referred to in item #2.
7. The Developer shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Developer shall not locate elementary or middle schools on arterial roads. (The schools may not "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
10. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to

the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated. (Please note: "Shared Use" pedestrian/bicycle facilities should be 10 feet wide.)

11. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
  12. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
  13. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
  14. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
  15. The Developer shall provide written documentation of ADOT's review and response. ADOT documentation shall be received before any zoning (rezoning) or preliminary plat approval, or at the discretion of MCDOT.
  16. The Developer should be aware that per their approved TIS, if some of the improvements listed as "existing" (assumed constructed "by others") for year 2011 (Phase I) are not in place, and are necessary to mitigate Phase I site traffic, the Developer will be required to construct the improvements. The costs of such off-site street improvements (as demonstrated by the developer and approved by MCDOT) shall be deducted from the amount of the developer's contribution to regional transportation infrastructure as required per stipulation 2 above.
- dd. The following Maricopa County Parks and Recreation Department stipulations shall apply:
- At the time each residential building permit is issued, TWO-HUNDRED FIFTY DOLLARS (\$250) per residential unit will be paid by the developer to a Park Enhancement Fund for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the Parks Special Revenue Fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by development residents. Details regarding this assessment are to be addressed in the development agreement.
- ee. The following Maricopa County Department of Emergency Management stipulations shall apply:

1. Adequate coverage by the existing Outdoor Warning Siren System for the Palo Verde Nuclear Generation Station is required. Otherwise, the applicant shall be responsible for installation of adequate additional sirens providing for adequate coverage for the Silver Springs Ranch Development Master Plan. The applicant shall obtain information on existing siren coverage from the Maricopa County Department of Emergency Management. If existing coverage is inadequate, the master developer shall provide funding to cover expenses of installing new sirens. Palo Verde Nuclear Generating Station will coordinate installation of the sirens. Siren coverage must meet the standards set forth in CODE OF FEDERAL REGULATIONS FEMA RULE 44 – PART 350. Adequate siren coverage shall be provided prior to the occupation of any proposed buildings/residences.
  2. The applicant shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.
- ff. The following Maricopa County Library District stipulation shall apply:
- At the time each residential building permit is issued, the applicant shall pay a quality of life assessment in the amount of \$596 for each residential unit to the Maricopa County Library District.
- gg. That the following Drainage Administration stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
  2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
  3. The hydrology data which was used for this development is dependent upon FEMA approval of the Palo Verde Study. Hydrology analysis will need to be developed in accordance with the County's design methodology manuals for this development if FEMA does not approve the Palo Verde Study.
- hh. The following Maricopa County Sheriffs Office stipulation shall apply:
- Prior to any zoning change, the master developer shall enter into a development agreement with the Maricopa County Sheriff's Office to pay for start up costs and interim fees for law enforcement services associated with the property until it is annexed into an incorporated city or until a full law enforcement service contract is otherwise implemented. This development agreement shall be signed by both the master

developer and the Maricopa County Sheriff's Office, and provided to the Maricopa County Planning and Development Department for public record.

- ii. The following Luke AFB stipulation shall apply:

The master developer shall notify future residents that they are located within the vicinity of a military training route with the following notification:

"You are buying a home or property within the vicinity of a military training route, and may be subject to direct overflights and noise by Luke Air Force Base and other military jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights per day, although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends."

Such notification shall be permanently posted in front of all home sales offices on not less than a 3 foot by 5 foot sign, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all covenants, conditions, and restrictions (CC&Rs), and be included in the public report.

- jj. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.

Darren Gerard reported on the background of this case and said the applicant notified staff that the State Land Department had withdrawn their 160 acre portion of this site after the Planning Commission hearing – this is on the eastern most portion of the project. The remaining project contains 1,524 acres of residential land, 60 acres of mixed-use employment, 78 acres of commercial, 35 acres reserved for other facility uses, 212 acres of recreational open space and 265 acres of natural open space on 2,230 acres in the Tonopah area. Mr. Gerard gave options to the Board because of the SLD withdrawn lands. Staff is supportive of this project, and recommends a continuance to give the applicant time to refine their plan. Discussion ensued on continuing this and on some new and revised stipulations (leading to renumbering) and the lack of sign-off on the drainage review. He asked the Board to include the revised stipulations, as distributed to them, if this Plan is voted on today.

Ed Bull, representing the applicant, said they submitted their revised reports (DMP booklet and drainage report) yesterday. They concur with the new stipulations and their hope is that the Board will act to

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approve this today. He showed a revised map of the project and explained the SLD reasons for removing their plot. He said the drainage would essentially remain unchanged.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with the revisions made to stipulations "a" through "jj" as shown below.

**REVISED STIPULATIONS FOR SILVER SPRINGS RANCH DMP2006-011**

- a. Development and use of the site shall comply with the narrative report titled "Silver Springs Ranch Development Master Plan" dated May 5, 2007 and stamped received December 14, 2007, consisting of 23 pages, all appendices, and all figures and tables except as modified by the following stipulations.
- b. WITHIN 30 DAYS OF APPROVAL BY THE BOARD OF SUPERVISORS, A REVISED DMP NARRATIVE REPORT DOCUMENT SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE PLANNING AND DEVELOPMENT DEPARTMENT SHOWING THE DELETION OF THE 160 ACRE STATE LAND PARCEL AS IDENTIFIED ON ALL MAPS AND TABLES AND FIGURES AS WELL AS OTHER MINOR CORRECTIONS AS NOTED. THE NARRATIVE REPORT SHALL ALSO BE REVISED TO INCLUDE UPDATED INFORMATION THAT ACCURATELY REFLECTS THE DMP ABSENT THE 160 ACRE STATE LAND PARCEL.
- ~~b.~~
- c. Changes to the Silver Springs Ranch Development Master Plan with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. The Maricopa County Planning and Development Department may administratively approve minor changes to the Silver Springs Ranch Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Silver Springs Ranch Development Master Plan, including the narrative report, maps, exhibits, or approved stipulations, constitute a violation in accordance with the Maricopa County Zoning Ordinance.
- ~~c.~~
- d. The initial final plat for the Silver Springs Ranch Development Master Plan shall be approved by the Board of Supervisors within five (5) years of approval of this development master plan. If the initial final plat has not been approved within this timeframe, this development master plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Development Department, for possible revocation of this development master plan. If revoked, all zoning and other entitlement changes approved that are associated with the Silver Springs Ranch Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- ~~d.~~

- e. Prior to approval of any zoning change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zoning change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- ~~e.~~
- f. The Silver Springs Ranch master homeowners association shall be responsible for the maintenance of all private roads; public open spaces and amenities; washes; parks; roadway median landscaping; landscaping within public rights-of-way; all pedestrian, bicycle, and multi-use paths; and other community amenities.
- ~~f.~~
- g. Concurrent with each preliminary plat application, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa Regional Trail plan.
- ~~g.~~
- h. Concurrent with each preliminary plat application, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa County Bicycle Transportation Plan.
- ~~h.~~
- i. Unless waived by the Board of Supervisors at the time of final plat approval, all irrigation water supplied for common and open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within three years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the three year requirement.
- ~~i.~~
- j. The total number of residential dwelling units for the Silver Springs Ranch Development Master Plan shall not exceed 6,997 ~~7,284~~ residential units. To help ensure compliance, the cumulative number of dwelling units permitted to that point shall be identified on each preliminary and final plat.
- ~~j.~~
- k. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Silver Springs Ranch Development Master Plan every five years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units permitted and platted, locations of parcels/areas under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented and any other information as requested by the Maricopa County Planning and Development Department.
- ~~k.~~

- l. The Silver Springs Ranch Development Master Plan is subject to all Maricopa County standards and regulations in effect at the time of zoning and platting.
- ~~l.~~
- m. All future zoning change applications for non-residential development require a Planned Development (P.D.) overlay.
- ~~m.~~
- n. The master developer shall be responsible for the installation of all major elements of infrastructure in accordance with the Maricopa County standards in effect at the time of platting.
- ~~n.~~
- o. The master developer shall provide neighborhood access to commercial and mixed use parcels via open space, pedestrian paths, bicycle paths, or other non-arterial street connections. Such access shall be identified on all plats and precise plans of development.
- ~~o.~~
- p. Unless otherwise agreed to in writing by the applicable school districts, not less than one (1) elementary school and 1 (one) high school, totaling 70 acres, shall be reserved in the locations and of the sizes identified on the Silver Springs Ranch Development Master Plan land use plan. To help ensure compliance, at the time of each preliminary plat submittal the master developer shall include a description of the status of the required number and type of schools and acreage referenced in this stipulation. The elementary school is prohibited from fronting on arterial streets.
- ~~p.~~
- q. Unless and until annexation of the entire development master plan takes place, the master developer shall notify all future residents that they are not located within an incorporated municipality, and therefore will not be represented by or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, sewer, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- ~~q.~~
- r. Prior to approval of the first final plat, the master developer shall establish Covenants, Conditions, and Restrictions (CC&Rs) for the Silver Springs Ranch DMP. These CC&Rs shall include age restrictions as outlined in the narrative report referenced in stipulation 'a.' It shall be the responsibility of the Homeowner's Association to enforce these restrictions. Failure to comply with this stipulation will be considered substantial non-compliance with this DMP as referenced in stipulations 'a' and 'b' and grounds for the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revoking the approved development master plan and any associated zoning changes.
- ~~r.~~
- ~~f.~~

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- s. All park facilities shall be completed concurrently with residential development within the respective parcel(s) shown on each plat. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.
- ~~s.~~  
t. Not less than 211 acres shall be reserved for Recreational Open Space land use in the locations depicted on the Silver Springs Ranch Development Master Plan land use plan. This includes no less than 10 acres for neighborhood parks and a minimum of 7 mini/pocket parks at a minimum of one acre each. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative Recreational Open Space acreage completed to that point with respect to the requirements outlined in this stipulation. A description of the types of recreational amenities that will be included in the Recreational Open Space shall also be submitted with each applicable preliminary plat to the Maricopa County Planning and Development Department.
- ~~t.~~  
u. Not less than ~~243~~ 265 acres shall be reserved for Dedicated/Non-Developable Open Space in the locations depicted on the Silver Springs Ranch Development Master Plan land use plan. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative Dedicated/Non-Developable Open Space set aside to that point with respect to the requirements outlined in this stipulation. No development shall be allowed in these areas, and any disturbance to such areas is subject to approval by the Maricopa County Planning and Development Department.
- ~~u.~~  
v. The Silver Springs Ranch Development Master Plan shall be developed sequentially as identified on the phasing exhibit. All parcels depicted on this exhibit as "Active Adult" shall be age-restricted. No more than 4,162 ~~4,460~~ of the total residential units allowed may be multi-generational (non-age restricted) and the remaining balance shall be age restricted. To help ensure compliance, the cumulative number of multi-generational dwelling units permitted to that point shall be identified on each preliminary and final plat.
- ~~v.~~  
w. Not less than 59 acres (or equivalent measurement) shall be reserved for Mixed-Use Employment land uses AS IDENTIFIED IN PARCELS 4, 18 AND 23.
- ~~w.~~  
~~Not less than 37 acres (or equivalent measurement) shall be reserved for Office land uses.~~
- x. That parcels 5, 6, AND 19 ~~and 33~~ be designated as Community Retail Center.
- y. That parcel 17 be designated as Neighborhood Retail Center.
- z. Prior to any zoning change, the applicant shall submit to the Maricopa County Planning and Development Department "will serve" letters from the Water Utility of Greater Tonopah and the from Hassayampa Utility Corporation (Global Water Resources) which demonstrates a willingness and capability to serve the entire Silver Springs Ranch Development Master Plan with water and wastewater service respectively.

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- aa. Prior to any zoning change, the applicant shall provide the Maricopa County Planning and Development Department with a “will serve” letter for fire protection from the Tonopah Valley Fire District or another qualified public or private service provider demonstrating commitment to serve the entire Silver Springs Ranch Development Master Plan.
- bb. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the applicable platted parcels, and which determines the preservation/disposition for each of the selected native trees and cacti.
- cc. The following Maricopa County Department of Transportation stipulations shall apply:
  - 1. The Traffic Impact Study (TIS) shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demand with each phase. The TIS must be approved before subsequent approval of any roadway improvement plans. Additional lane capacity on offsite arterial alignments will be reviewed with each re-submittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
  - 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct off-site and certain on-site regional improvements as further defined in the Development Agreement, in lieu of payment of this contribution. Such off-site street improvements must be “system roadways,” must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT will require a Development Agreement to detail the specifics of construction, including phasing and timing, or if the Developer does not construct regional roadway improvements, the Development Agreement shall discuss the method and timing of payment.
  - 3. The Development Agreement shall be executed prior to any zoning (rezoning) approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
  - 4. The Developer shall provide the ultimate full or half-width of right-of way for all public roadways. Right-of-way shall be provided as follows:
    - A) Thomas Road: 65 Feet (half-width) from 387<sup>th</sup> Avenue to 403<sup>rd</sup> Avenue
    - B) Encanto Boulevard: 65 Feet (half-width) from 383<sup>rd</sup> 379<sup>th</sup> Avenue to 387<sup>th</sup> Avenue; 80 Feet (full-width) / 40 Feet (half-width) from 387<sup>th</sup> Avenue to 395<sup>th</sup> Avenue
    - C) McDowell Road: 130 Feet (full-width) / 65 Feet (half-width) from 383<sup>rd</sup> 379<sup>th</sup> Avenue to 403<sup>rd</sup> Avenue

- D) Van Buren Street: 65 Feet (half-width) from 395<sup>th</sup> Avenue to 397<sup>th</sup> Avenue
- E) ~~379<sup>th</sup> Avenue: 100 Feet (half width) from Encanto Boulevard to McDowell Road~~
- F) 387<sup>th</sup> Avenue: 130 Feet from Encanto Boulevard to McDowell Road
- G) 395<sup>th</sup> Avenue: 130 Feet (full-width / 65 Feet (half-width) from Thomas Road to South Boundary
- H) 403<sup>rd</sup> Avenue: Reservation of 65 Feet (half-width) for possible right-of-way/open space from Thomas Road to south boundary

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

The Maricopa Association of Governments (MAG) in conjunction with the Arizona Department of Transportation (ADOT) is conducting a "Hassayampa Valley Regional Transportation Network Study." This study is evaluating future regional arterial transportation network needs and future traffic interchange locations along I-10 from SR303 west to approximately 459<sup>th</sup> Avenue. The Developer shall reserve sufficient right-of-way for transportation facilities in compliance with the MAG Hassayampa Study.

- 5. The Developer shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Developer's contribution referred to in item #2. All roadways must meet county standards in effect at the time they are improved. All roadways must include appropriate ITS infrastructure. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Developer shall relocate well site(s) and/or provide additional right-of-way in the event of conflict with any transportation facilities.
- 6. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Developer's contribution referred to in item #2.
- 7. The Developer shall provide all-weather access to all parcels and lots, and on all arterial roadways.

8. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
  9. The Developer shall not locate elementary or middle schools on arterial roads. (The schools may not “back up” to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
  10. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated. (Please note: “Shared Use” pedestrian/bicycle facilities should be 10 feet wide.)
  11. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
  12. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to the Home Owner’s Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
  13. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
  14. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
  15. The Developer shall provide written documentation of ADOT’s review and response. ADOT documentation shall be received before any zoning (rezoning) or preliminary plat approval, or at the discretion of MCDOT.
  16. The Developer should be aware that per their approved TIS, if some of the improvements listed as “existing” (assumed constructed “by others”) for year 2011 (Phase I) are not in place, and are necessary to mitigate Phase I site traffic, the Developer will be required to construct the improvements. The costs of such off-site street improvements (as demonstrated by the developer and approved by MCDOT) shall be deducted from the amount of the developer’s contribution to regional transportation infrastructure as required per stipulation 2 above.
- dd. The following Maricopa County Parks and Recreation Department stipulations shall apply:

At the time each residential building permit is issued, TWO-HUNDRED FIFTY DOLLARS (\$250) per residential unit will be paid by the developer to a Park Enhancement Fund for trails and facilities enhancement and maintenance. The

County shall deposit and hold all receipts in the Parks Special Revenue Fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by development residents. Details regarding this assessment are to be addressed in the development agreement.

ee. The following Maricopa County Department of Emergency Management stipulations shall apply:

1. Adequate coverage by the existing Outdoor Warning Siren System for the Palo Verde Nuclear Generation Station is required. Otherwise, the applicant shall be responsible for installation of adequate additional sirens providing for adequate coverage for the Silver Springs Ranch Development Master Plan. The applicant shall obtain information on existing siren coverage from the Maricopa County Department of Emergency Management. If existing coverage is inadequate, the master developer shall provide funding to cover expenses of installing new sirens. Palo Verde Nuclear Generating Station will coordinate installation of the sirens. Siren coverage must meet the standards set forth in CODE OF FEDERAL REGULATIONS FEMA RULE 44 – PART 350. Adequate siren coverage shall be provided prior to the occupation of any proposed buildings/residences.
2. The applicant shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.

ff. The following Maricopa County Library District stipulation shall apply:

At the time each residential building permit is issued, the applicant shall pay a quality of life assessment in the amount of \$596 for each residential unit to the Maricopa County Library District.

gg. That the following Drainage Administration stipulations shall apply:

1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.

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3. THE HYDROLOGY DATA WHICH WAS USED FOR THIS DEVELOPMENT IS DEPENDENT UPON FEMA APPROVAL OF THE PALO VERDE STUDY. HYDROLOGY ANALYSIS WILL NEED TO BE DEVELOPED IN ACCORDANCE WITH THE COUNTY'S DESIGN METHODOLOGY MANUALS FOR THIS DEVELOPMENT IF FEMA DOES NOT APPROVE THE PALO VERDE STUDY.

WITHIN 30 DAYS OF BOARD OF SUPERVISORS APPROVAL OF THIS DEVELOPMENT MASTER PLAN, THE APPLICANT SHALL SUBMIT A REVISED DRAINAGE REPORT TO DRAINAGE ADMINISTRATION FOR REVIEW AND APPROVAL. SUCH APPROVAL SHALL BE SECURED PRIOR TO ANY ZONE CHANGE APPROVAL.

- hh. The following Maricopa County Sheriffs Office stipulation shall apply:

Prior to any zoning change, the master developer shall enter into a development agreement with the Maricopa County Sheriff's Office to pay for start up costs and interim fees for law enforcement services associated with the property until it is annexed into an incorporated city or until a full law enforcement service contract is otherwise implemented. This development agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office, and provided to the Maricopa County Planning and Development Department for public record.

- ii. The following Luke AFB stipulation shall apply:

The master developer shall notify future residents that they are located within the vicinity of a military training route with the following notification:

"You are buying a home or property within the vicinity of a military training route, and may be subject to direct overflights and noise by Luke Air Force Base and other military jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights per day, although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends."

Such notification shall be permanently posted in front of all home sales offices on not less than a 3 foot by 5 foot sign, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all

covenants, conditions, and restrictions (CC&Rs), and be included in the public report.

- jj. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.

**5. DMP2006-012 Districts 4 & 5**

**Applicant:** Burch & Cracchiolo for Sierra Negra Ranch, LLC

**Location:** Approximately northwest corner of Osborn Road (alignment) & Wintersburg Road (in the Tonopah area)

**Request:** Development Master Plan (approximately 529 gross acres) – Silver Water Ranch

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of DMP2006-012, subject to stipulations “a” through “jj”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the narrative report titled “Silver Water Ranch Development Master Plan” dated May 5, 2007 and stamped received December 14, 2007, consisting of 19 pages, all appendices, and all figures and tables except as modified by the following stipulations.
- b. Changes to the Silver Water Ranch Development Master Plan with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, zoning ordinance, and subdivision regulations in effect at the time of amendment application. The Maricopa County Planning and Development Department may administratively approve minor changes to the Silver Water Ranch Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Silver Water Ranch Development Master Plan, including the narrative report, maps, exhibits, or approved stipulations, constitute a violation in accordance with the Maricopa County Zoning Ordinance.
- c. The initial final plat for the Silver Water Ranch Development Master Plan shall be approved by the Board of Supervisors within five (5) years of approval of this development master plan. If the initial final plat has not been approved within this timeframe, this development master plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Development Department, for possible revocation of this development master plan. If revoked, all zoning and other entitlement changes approved that are associated with the Silver Water Ranch Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- d. Prior to approval of any zoning change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zoning change this development agreement shall be signed by both the master developer and

the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.

- e. The Silver Water Ranch master homeowners association shall be responsible for the maintenance of all private roads; public open spaces and amenities; washes; parks; roadway median landscaping; landscaping within public rights-of-way; all pedestrian, bicycle, and multi-use paths; and other community amenities.
- f. Concurrent with each preliminary plat application, the developer shall provide documentation as to how the preliminary plat complies with the Maricopa Regional Trail plan.
- g. Concurrent with each preliminary plat application, the master developer shall provide documentation as to how the preliminary plat complies with the Maricopa County Bicycle Transportation Plan.
- h. Unless waived by the Board of Supervisors at the time of final plat approval, all irrigation water supplied for common and open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within three years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the three year requirement.
- i. The total number of residential dwelling units for the Silver Water Ranch Development Master Plan shall not exceed 1,659 residential units. To help ensure compliance, the cumulative number of dwelling units permitted to that point shall be identified on each preliminary and final plat.
- j. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Silver Water Ranch Development Master Plan every five years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units permitted and platted, locations of parcels/areas under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented and any other information as requested by the Maricopa County Planning and Development Department.
- k. The Silver Water Ranch Development Master Plan is subject to all Maricopa County Standards and regulations in effect at the time of zoning and platting.
- l. All future zoning change applications for non-residential development require a Planned Development (P.D.) overlay.
- m. The master developer shall be responsible for the installation of all major elements of infrastructure in accordance with the Maricopa County standards in effect at the time of platting.

- n. The master developer shall provide neighborhood access to commercial and mixed use parcels via open space, pedestrian paths, bicycle paths, or other non-arterial street connections. Such access shall be identified on all plats and precise plans of development.
- o. Unless and until annexation of the entire development master plan takes place, the master developer shall notify all future residents that they are not located within an incorporated municipality, and therefore will not be represented by or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, sewer, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- p. All park facilities shall be completed concurrently with residential development within the respective parcel(s) shown on each plat. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.
- q. Not less than 40 acres shall be reserved for Recreational Open Space land use in the locations depicted on the Silver Water Ranch Development Master Plan land use plan. This includes no less than 10 acres for two (2) neighborhood parks and a minimum of five (5) mini/pocket parks at a minimum of one acre each. The neighborhood parks should be depicted as Recreational Open Space parcels on the land use table. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative Recreational Open Space acreage completed to that point with respect to the requirements outlined in this stipulation. A description of the types of recreational amenities that will be included in the open space areas shall also be submitted with each applicable preliminary plat to the Maricopa County Planning and Development Department.
- r. Not less than 30 acres shall be reserved for Dedicated/Non-Developable Open Space in the locations depicted on the Silver Water Ranch Development Master Plan land use plan. At the time of each preliminary plat submittal, the master developer shall include a description of the status of the cumulative Dedicated/Non-Developable Open Space set aside to that point with respect to the requirements outlined in this stipulation. No development shall be allowed in these areas, and any disturbance to such areas is subject to approval by the Maricopa County Planning and Development Department.
- s. Parcels 6, 8 and 11 shall be designated as Community Retail Center.
- t. Parcels 3 and 7 shall be designated as Mixed Use Employment.
- u. The Silver Water Ranch Development Master Plan shall be developed sequentially as identified on the phasing exhibit.
- v. Prior to any zoning change, the applicant shall provide the Maricopa County Planning and Development Department with a "will serve" letter for fire protection from the

Tonopah Valley Fire District or another qualified public or private service provider demonstrating commitment to serve the entire Silver Water Ranch Development Master Plan.

- w. Not less than 33 acres (or equivalent measurement) shall be reserved for Mixed-Use Employment land uses.
- x. Not more than 48 acres shall be reserved for Community Retail Center uses.
- y. That the two Neighborhood Park sites be depicted as Recreational Open Space on the land use table and land use map.
- z. Prior to any zoning change, the applicant shall submit to the Maricopa County Planning and Development Department "will serve" letters from the Water Utility of Greater Tonopah and the from Hassayampa Utility Corporation (Global Water Resources) which demonstrates a willingness and capability to serve the entire Silver Water Ranch Development Master Plan with water and wastewater service respectively.
- aa. Prior to any zoning change, the applicant shall provide the Maricopa County Planning and Development Department with a letter from the Saddle Mountain Unified School District stating there is adequate capacity in existing or proposed schools to serve the DMP.
- bb. Prior to approval of each final plat, the master developer shall submit a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the applicable platted parcels, and which determines the preservation/disposition for each of the selected native trees and cacti to the Maricopa County Planning and Development Department.
- cc. The following Maricopa County Department of Transportation stipulations shall apply:
  - 1. The Traffic Impact Study (TIS) shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demand with each phase. The TIS must be approved before subsequent approval of any roadway improvement plans. Additional lane capacity on offsite arterial alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.
  - 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer may construct off-site and certain on-site regional improvements as further defined in the Development Agreement, in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT will require a Development Agreement to detail the specifics of construction, including phasing

and timing, or if the Developer does not construct regional roadway improvements, the Development Agreement shall discuss the method and timing of payment.

3. The Development Agreement shall be executed prior to any zoning (rezoning) or preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Developer shall provide the ultimate full or half-width of right-of way for all public roadways. Right-of-way shall be provided as follows:
  - A) Camelback Road: 100 Feet (half-width) from East Boundary to 387th Avenue
  - B) Campbell Avenue: 80 Feet (full-width) from East Boundary to 387th Avenue
  - C) Indian School Road: 130 Feet (full-width) / 65 Feet (half-width) from 379th Avenue to 391st Avenue
  - D) Osborn Road: 65 Feet (half-width) from 379th Avenue to 383rd Avenue; 40 Feet (half-width) from 383rd Avenue to 387th Avenue
  - E) 379th Avenue: 100 Feet (half-width) from Indian School Road to Osborn Road
  - F) 383rd Avenue: 80 Feet (full-width) / 40 Feet (half-width) from Indian School Road to Osborn Road
  - G) 387th Avenue: 65 Feet (half-width) from Camelback Road to Indian School Road; 80 Feet (full-width) from Indian School Road to Osborn Road
  - H) 391st Avenue: 40 Feet (half-width) from South Boundary to Indian School Road

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

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The Maricopa Association of Governments (MAG) in conjunction with the Arizona Department of Transportation (ADOT) is conducting a "Hassayampa Valley Regional Transportation Network Study." This study is evaluating future regional arterial transportation network needs and future traffic interchange locations along I-10 from SR303 west to approximately 459th Avenue. The Developer shall reserve sufficient right-of-way for transportation facilities in compliance with the MAG Hassayampa Study, including any additional right-of-way necessary for future widening of I-10.

5. The Developer shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Developer's contribution referred to in item #2. All roadways must meet county standards in effect at the time they are improved. All roadways must include appropriate ITS infrastructure. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed. Roadway improvement plans must be approved and permitted by MCDOT. The Developer shall relocate well site(s) and/or provide additional right-of-way in the event of conflict with any transportation.
6. The Developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Developer's contribution referred to in item #2.
7. The Developer shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Developer shall not locate elementary or middle schools on arterial roads. (The schools may not "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, the route to school shall only cross arterials at signalized intersections.
10. The Developer shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site, by means in addition to the roadway system. Crossings of arterials at other than signalized intersections may be required to be grade separated. (Please note: "Shared Use" pedestrian/bicycle facilities should be 10 feet wide.)
11. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.

12. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
  13. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
  14. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.).
  15. The Developer shall provide written documentation of ADOT's review and response. ADOT documentation shall be received before any zoning (rezoning) or preliminary plat approval, or at the discretion of MCDOT.
  16. The Developer shall address access to Parcel 1 (south of I-10).
  17. The Developer should be aware that per their approved TIS, if some of the improvements listed as "existing" (assumed constructed "by others") for year 2011 (Phase I) are not in place, and are necessary to mitigate Phase I site traffic, the Developer will be required to construct the improvements. The costs of such off-site street improvements (as demonstrated by the developer and approved by MCDOT) shall be deducted from the amount of the developer's contribution to regional transportation infrastructure as required per stipulation 2 above.
- dd. The following Maricopa County Parks and Recreation Department stipulation shall apply:
- At the time each residential building permit is issued, TWO-HUNDRED FIFTY DOLLARS (\$250) per residential unit will be paid by the developer to a Park Enhancement Fund for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the Parks Special Revenue Fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by development residents. Details regarding this assessment are to be addressed in the development agreement.
- ee. The following Maricopa County Department of Emergency Management stipulations shall apply:
1. Adequate coverage by the existing Outdoor Warning Siren System for the Palo Verde Nuclear Generation Station is required. Otherwise, the applicant shall be responsible for installation of adequate additional sirens providing for adequate coverage for the Silver Water Ranch Development Master Plan. The applicant shall obtain information on existing siren coverage from the Maricopa County Department of Emergency Management. If existing coverage is inadequate, the master developer shall provide funding to cover expenses of installing new sirens. Palo Verde Nuclear Generating Station will coordinate installation of the sirens. Siren coverage must meet the standards set forth in CODE OF FEDERAL REGULATIONS FEMA RULE 44 – PART 350. Adequate siren coverage shall be provided prior to the occupation of any proposed buildings/residences.

2. The applicant shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.
- ff. The following Maricopa County Library District stipulation shall apply:
- At the time each residential building permit is issued, the applicant shall pay a quality of life assessment in the amount of \$596 for each residential unit to the Maricopa County Library District.
- gg. That the following Drainage Administration stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
  2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
  3. The hydrology data which was used for this development is dependent upon FEMA approval of the Palo Verde Study. Hydrology analysis will need to be developed in accordance with the County’s design methodology manuals for this development if FEMA does not approve the Palo Verde Study.
- hh. The following Maricopa County Sheriffs Office stipulation shall apply:
- Prior to any zoning change, the master developer shall enter into a development agreement with the Maricopa County Sheriff’s Office to pay for start up costs and interim fees for law enforcement services associated with the property until it is annexed into an incorporated city or until a full law enforcement service contract is otherwise implemented. This development agreement shall be signed by both the master developer and the Maricopa County Sheriff’s Office, and provided to the Maricopa County Planning and Development Department for public record.
- ii. The following Luke AFB stipulation shall apply:
- The master developer shall notify future residents that they are located within the vicinity of a military training route with the following notification:
- “You are buying a home or property within the vicinity of a military training route, and may be subject to direct overflights and noise by Luke Air Force Base and other military jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights per day, although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends."

Such notification shall be permanently posted in front of all home sales offices on not less than a 3 foot by 5 foot sign, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all covenants, conditions, and restrictions (CC&Rs), and be included in the public report.

- jj. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.

Darren Gerard reported the background on this DMP and said there were no outstanding issues and the recommendation was for approval.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "jj."

- 6. **Z2007-022**      **District 4**  
**Applicant:**      Arcadis US, Inc. for Citrus 278, LLC et al  
**Location:**      Northwest corner of Northern Avenue & Cotton Lane (in the west Glendale area)  
**Request:**      Zone Change from Rural-43 to R1-35 RUPD (approximately 447 acres) – Avalon

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2007-022, subject to stipulations "a" through "t". Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Zone Exhibit and Preliminary Plat Subdivision Avalon", consisting of ten (10) full sized sheets, dated revised October 26, 2007, and stamped received November 21, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Avalon Narrative for Preliminary Plat (S2007009) and Zone Change (Z2007022) from Rural-43 to R1-35 RUPD", consisting of twenty-one (21) pages, and thirty-six (36) 11" x 17" color exhibits dated revised October 25, 2007, and stamped received October 29, 2007, except as modified by the following stipulations.

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- c. Development of the site shall be in conformance with the landscape plan entitled "Avalon", consisting of three (3) full sized sheets, dated revised July October 1, 2007, and stamped received October 11, 2007, except as modified by the following stipulations.
- d. The R1-35 RUPD zoning district for Avalon shall be subject to the following development standards:

<b>Development Standard</b>	<b>R1-35 Base</b>	<b>R1-35 RUPD Proposed</b>
Height	30'2 stories	30'2 stories **
Front Yard	40'	40'
Side Yard	20'	20'
Street-side Yard	20'	20'
Rear Yard	40'	40'
Lot Area	35,000 sq. ft.	35,000 sq. ft.
Lot Width	145'	145' (140' Lot 41)
Lot Area per Dwelling Unit	35,000 sq. ft.	42,500 sq. ft.
Lot Coverage	20%	20%
Distance between buildings	15'	15'
Parking Spaces	2	2
Hillside Disturbance	20%	20%
Monument Signage	32 sq. ft. 6' max height.	32 sq. ft. 15' max height setback a minimum of 9' from property lines.
Wall Height	6' max height	6'-4"

\*\* Within the Olive Avenue Scenic Corridor fifty-two (52) residences within parcels A and B will be limited to single story:

**Phase 1 – Parcel A**

24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92.

**Phase 2 – Parcel B**

93, 94, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, and 167.

- e. All trees shall be double-staked when installed.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground mounted.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:

1. Provide a total half-width of 70' right-of-way on Olive Avenue.
  2. Provide a total half-width of 65' right-of-way on Citrus Road.
  3. Provide a total half-width of 100' right-of-way on Northern Avenue.
  4. Only Seldon Lane (Citrus Road to Avalon Blvd.) and Avalon Blvd. (Olive Avenue to Seldon Lane) will be dedicated to the public.
  5. Ultimate improvements with pavement, curb, gutter, and sidewalk on perimeter roadways.
  6. The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. MCDOT has required a Development Agreement to detail the specifics of construction, including phasing and timing. The Applicant/Developer shall pay the contribution amount at the time individual building permits are issued, per an agreement as approved by MCDOT.
- h. All interior streets within the proposed development are to be constructed to minimum County standards.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. The following Drainage Review stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulations and current engineering policies, standards and best practices at the time of application for construction.
  2. Drainage review of plat/drainage report is for preliminary design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- l. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior approval of a Final Plat. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- m. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable

fire department. Prior to Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- o. Prior to Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- p. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- q. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- r. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a

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new Citizen Participation Process as determined by the Planning and Development Department.

- s. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- t. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported the background on this zoning change and said there were no outstanding issues and the recommendation was for approval.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "t."

7.     **Z2006-132**     **District 3**  
   **Applicant:**     T-Mobile for Ronald & Jennifer Martinez  
   **Location:**     North of Irvine Road and west of 25th Avenue (in the Desert Hills/ north Phoenix area)  
   **Request:**       Special Use Permit (SUP) for a Wireless Communication Facility in the Rural-43 zoning district (approximately 0.016 acres) – T-Mobile PHO30611B

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2006-132, subject to stipulations "a" through "s". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled "T-Mobile PH306611B", consisting of seven (7) full-size sheets, dated revised October 12, 2007 and stamped received November 13, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "APS 25th Ave. New 51'-6" Utility Pole Replacement T-Mobile Site Number: PH30611B" consisting of three (3) pages, dated revised September 17, 2007, and stamped received December 12, 2007, except as modified by the following stipulations:
- c. The following Maricopa County Department of Transportation (MCDOT) stipulation shall be met:
  - 1. The antenna in the right-of-way shall be under a separate license agreement with Maricopa County right-of-way.
  - 2. The applicant shall pave and design the Wireless Communication Facility driveway in the right-of-way (ROW) with only one (1) access point according to MCDOT standards and specifications.

- d. The proposed seven foot (7') CMU wall shall be painted to match the structure and color of the current residence.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.
- g. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- h. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- i. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- j. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- k. A Minor Amendment shall be required to place additional Wireless Communication Facility equipment within the existing compound shelter. Additional antenna arrays shall be subject to Maricopa County Department of Transportation review and approval. Additional verticality constitutes a Major Amendment.
- l. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- m. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- n. This Special Use Permit shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements related to the wireless communication facility shall be removed within 60 days of such termination or expiration.

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- o. The applicant shall submit a written report outlining the status of the development at the end of two (2) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- p. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered an administrative process.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- r. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- s. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported the background on this Special Use Permit for a new pole at this wireless communication facility. He said there were no outstanding issues and the recommendation was for approval.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval with stipulations "a" through "s."

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned at 11:25 a.m.

\_\_\_\_\_  
Andrew Kunasek, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board