

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**December 20, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., December 20, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2, Fulton Brock, Vice Chairman, District 1; Andrew Kunasek, District 3; Max W. Wilson, District 4, 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**

Father Bill Wack, Director of Andre House, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Deanne Poulos, Public Information Office, led the assemblage in the Pledge of Allegiance.

**END OF YEAR COMMENTS BY CHAIRMAN STAPLEY**

Chairman Stapley began his remarks by noting that 2006 had been an exciting and challenging year. He felt that many of the goals that were set last January have been accomplished and said the County "family" has tackled a number of tough issues. He continued by thanking his fellow Board Members and the elected and appointed officials for their cooperation and complimenting them on their leadership and dedication.

Chairman Stapley said he had set a number of priorities in January 2006 and had focused on three main areas throughout the year: Health, Criminal Justice and Fiscal Responsibility. He commented on the new Maricopa County Prescription Discount Card program, saying it has been successful during its first year of use, having served approximately 10,000 Maricopa County residents for a combined savings of \$80,000 off of the retail price of their prescriptions. This was accomplished at minimal taxpayer expense.

The Maricopa County Air Quality Department has increased its inspection staff to visit more problem sites throughout the County. They have also increased the enforcement division staff who collected more than \$3 million in settlement agreements from alleged violators in 2006. The Industry Challenge/Good Neighbor Partnership, whose mission is to reduce air pollution emissions in the South Phoenix area, reported substantial voluntary emission's reduction from six South Phoenix companies that totaled nine tons of emissions reduction in the partnership's first year. He said that Maricopa County is dedicated to achieving healthy air quality particulate levels for visitors and residents.

The Chairman reported that during its first year of operation, the new and innovative Human Services Campus has brought hope to the homeless in the downtown area. The campus has been recognized both locally and nationally for its work to end homelessness and provide opportunities for its residents to lift themselves up and become a part of mainstream society. He cited several success statistics that included the 345 individuals who have acquired transitional and permanent housing, the more than 600 individuals who have obtained employment, the 15,000 dental and medical appointments that were generated and the serving of over 400,000 meals. He said that Phoenix police from the immediate surrounding area report a significant reduction in arrests, 911 calls, and hospital emergency room visits since the Campus opened.

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Maricopa County is completing the preparation work in order to launch a multi-County methamphetamine prevention campaign named the Arizona Meth Project during the first quarter of Calendar Year 2007. This media campaign, combined with community-based activity, targets prevention and/or a reduction in the prevalence and frequency of first time meth use among Arizona's youth and young adults, and promotes an increase in community awareness of the problem. The media campaign will reach its target population through peer-based television and radio ads, billboards, print media and the web. To date, many Arizona counties, including Cochise, Gila, Graham, Greenlee, Mohave, Pima and Yuma, comprising 74% of Arizona's population, have joined Maricopa County as project participants. The combined fiscal support for the Arizona Meth Project is \$4.5 million.

The Chairman addressed the Property Tax Rates in Maricopa County, which are at their lowest rate in 27 years and are the lowest of the large urban counties in Arizona. On the Board's recommendation, a self-imposed growth limit of 2% was placed on both the Library District and Flood Control District property tax levy. This is exactly the same limit as the existing constitutional cap on the primary levy. This, along with reducing the Primary Property Tax Rate, resulted in a \$.0263 combined rate reduction, which resulted in a reduced taxes for most property owners. Another continued source of pride for Maricopa County officials is the County's ability to remain debt free of General Obligation Bonds. This pay-as-we-go policy has been a long standing practice of County administration.

Another focus of this past year was to lower the average length of stay and the average daily inmate population at the County jails, which has resulted in a 12.9% reduction, taking the average length of stay from 30.55 to 25.76 days. This daily reduction took place despite a 3.3% increase in bookings. The goal is to reduce inmate jail time to only 22 days.

Maricopa County opened the Northwest Regional Court Center and the Downtown Justice Center in order to consolidate Justice Courts in these two locations. Two additional regional court projects were recently approved by the Board: a \$100 million expansion for the Southeast Facility and a new \$80 million Regional Court Center in the Southwest valley.

Chairman Stapley said that the Maricopa County Mission states that this County will provide responsible leadership so residents can enjoy living in a healthy and safe community. He felt that the Board of Supervisors provides the leadership to accomplish the goals and mission of the County and is confident that the County will continue to provide leadership that is equal to or surpasses the leadership provided in the past. (ADM600)

#### **RECOGNITION OF PILGRIM REST BAPTIST CHURCH**

Chairman Stapley called David Gonzales, U.S. Marshal for the District of Arizona, forward to join him in the recognition of Pilgrim Rest Baptist Church for its participation in this year's Fugitive Safe Surrender Program. He explained that this program began as a test program in Cleveland Ohio 14 months ago and when it proved to be successful, the decision was made to take it national. He said there are approximately 70,000 people with outstanding warrants living in Maricopa County, and added that the criminal justice community in Arizona works very closely together, which is key in conducting such an undertaking. Bishop Thomas of Pilgrim Rest Church became a willing participant when he was asked for the use of his centrally located church as the location of the mass surrender. Bishop Thomas assigned 40 volunteers to assist during the four-day effort. More than 1,400 fugitives turned themselves in during these four days. Marshal Gonzales said that national observers noted the success of the program in this County and its practical application will spread to other areas of the United States. He thanked Maricopa County for the use of its many resources, saying it had been a combined endeavor that utilized the

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Sheriff's Office, the County Attorney's Office, the Clerk of the Superior Court and its judges, pre-trial sessions, probation, IT personnel and many others who organized and took part in this first-time safe surrender effort.

Marshal Gonzales reported that three U.S. Marshals were shot last year while searching out and arresting fugitives and said there were countless attending actions, i.e., high-speed chases, fights, kicking-in doors, and the effect on children involved during these arrests. He said that the 1,400 who turned themselves in during this program stood for 1,400 fewer dangerous situations that law enforcement officers would have to deal with in the future. He believes this program may turn into an ongoing effort in Maricopa County.

Chairman Stapley said that the Sheriff's Office had been an integral part of this effort and asked Sheriff Joe Arpaio to come to the podium to take part in the presentation to Bishop Thomas.

In response, Bishop Thomas said this opportunity had been unexpected but it had been marvelous to see that in one facility, on one day, fugitives walked up knowing there were warrants out for their arrest, "and they just walked up and turned themselves in, because they believed this was an opportunity for them to get a second chance." He alluded to the "many good people who had good hearts" who worked those four days to help these fugitives to a new beginning. He added that he felt grateful for the experience. (ADM1600)

**RECOGNITION OF BOARDS AND COMMISSIONS MEMBERS**

Chairman Stapley said that members from the following Boards and Commissions had been honored earlier at a breakfast given to recognize the time and effort each expends in their volunteer duties. He turned the meeting over to Al Macias, Public Information Officer for the County. Mr. Macias organized the presentation of plaques to the two groups in recognition of their countless volunteer hours of work in the public interest. The four Supervisors joined the Chairman in front of the dais to receive and present these volunteer members with Certificates of Appreciation as their names were called by Mr. Macias. (ADM662):

**Deferred Compensation Committee**

Rick Bohan	Jimmy Martinez
Peter Crowley	Gerard Sheridan
Eric Latto	Sandi Wilson
Tom Manos	Rich Vanderheiden

**Maricopa Workforce Connection Board**

Neil Alexander	Charles McCarty
Susan Andrews	Rodrick T. Miller
Lari Braun	Jack Milligan
Chuck Brewer	James Mohan
Jolynn Clarke	Ted Murphree
Kathryn Collins	Bob Neckes
Tom Colombo	Jim Ponte
Sherri Connell	Steve Prokopek
John Corella	Pam Ross
Myriam Corral	Susan Schmidt

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Rex Critchfield	Donald P. Smith
Rebecca Flanagan	Barbara Stahl
Jane Fletcher	Annette Stein
Jose Gabriel Loyola	Greta Suda
John A. Garza	Karen Thorne
Richard Hansen	Janine Tilli
Belinda Hanson	Therese Valadez
Bill Harrington	Richmond J. Vincent, Jr.
Marion K. Kelly	Diana L. Vowels
Katherine Levandowsky	Mike Wall
Blair Liddicoat	Nancy Welch
Tony Maldonado	Ann Marie Whitacre
Jessica Martin	

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, Chairman Stapley 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 Kunasek and seconded by Supervisor Wilcox, to recommend approval of the following liquor license applications:

- a. Application filed by Donald E. Majdecki for a Special Event Liquor License: (F23192) (SELL762)

Business Name: Sun City Knights of Columbus #6612  
Location: 15800 Del Webb Boulevard, Sun City 85351  
Date/Time: January 17, 2007, 3:00 pm – 7:00 pm

- b. Application filed by Donald E. Majdecki for a Special Event Liquor License: (F23192) (SELL763)

Business Name: St. Clement Men's Club  
Location: 15800 Del Webb Boulevard, Sun City 85351  
Date/Time: March 17, 2007, 6:00 pm – 11:00 pm

- c. Application filed by Sam J. Butitta for an Original Series 12 Liquor License: (LL6214)

Business Name: Affinito's Bistro  
Location: 3655 West Anthem Way, Suite C137 B, Anthem 85086

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

**PUBLIC HEARING – WATER UTILITY OF GREATER TONOPAH, INC. FRANCHISE EXTENSION**

Chairman Stapley called for a public hearing to solicit comments on the application filed by Water Utility of Greater Tonopah, Inc. for an extension to an existing public service franchise for a domestic water distribution system. The Board considered whether the applicant is able to adequately maintain facilities in county right-of-ways. The franchise is granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona and the Certificate of Assured Water Supply be procured from the Arizona Department of Water Resources 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. The Franchisee shall bear all expenses relating to the granted franchise including damage and compensation for any alteration of the direction, surface, grade or alignment of any county road for the purpose of the franchise. The public utility franchise is granted to construct, maintain and operate domestic water distribution system consisting of pipelines, ditches, gates and all necessary equipment for a period of 25 years or for a period of one year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the transmission and delivery of water for domestic use along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

**TOWNSHIP 2 NORTH, RANGE 6 WEST, G&SRB&M, PINAL COUNTY, ARIZONA**

**Parcel 1**

Lots 1 Through 4, Inclusive; The South Half Of The North Half And The South Half Of Section 1, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 2**

All Of Section 11 , Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 3**

All Of Section 12, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 4**

The North Half And The Southwest Quarter Of Section 13, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 5**

All Of Section 14, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 6**

The North Half Of The Southwest Quarter Of Section 16, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,  
Except The North 282.91 Feet Of The South 305.26 Feet Of The East 154.00 Feet Of The North Half Of The Southwest Quarter Of Section 16, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona, And  
Except The South 282.91 Feet Of The North 478.97 Feet Of The East 154.00 Feet Of The North Half Of The Southwest Quarter Of Section 16, Township 2 North, Range 6 West Of The Gila And Salt River Meridian. Maricopa County. Arizona.

**Parcel 7**

The South Half Of The Southwest Quarter Of Section 16, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 8**

The Southeast Quarter Of Section 17, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 9**

The North Half Of Section 20, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County Arizona.

**Parcel 10**

The Northwest Quarter Of Section 23, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 11**

The Northeast Quarter Of Section 24, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 12**

The West Half Of The Southwest Quarter Of The Northeast Quarter; And The West Half Of The Southeast Quarter Of The Southwest Quarter Of The Northeast Quarter; And The West Half Of The Northeast Quarter Of The Southwest Quarter Of The Northeast Quarter Of Section 28, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona.

**Parcel 13**

The Southeast Quarter Of The Northeast Quarter, And The Southeast Quarter Of The Northeast Quarter Of The Northeast Quarter Of Section 28, Township 2 North, Range 6 West Of The Gila And Salt River Meridians Maricopa County, Arizona.

**Parcel 14**

The Northeast Quarter Of The Northeast Quarter Of The Northeast Quarter Of Section 28, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona.

**Parcel 15**

The East Half Of The Southeast Quarter Of The Southwest Quarter Of The Northeast Quarter; And The East Half Of The Northeast Quarter Of The Southwest Quarter Of The Northeast Quarter Of Section 28, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona.

**Parcel 16**

The North Half Of The Southeast Quarter Of Section 30, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian. Maricopa County, Arizona.

**Parcel 17**

The South Half Of The Southeast Quarter Of Section 30, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian. Maricopa County, Arizona,

**Parcel 18**

The East Half Of The Northeast Quarter Of Section 30, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,

Except Therefrom That Portion Which Lies Within A Strip Of Land 308 Feet In Width, Being 154 Feet Wide On Each Side Of The Following Described Line:

Beginning At A Point On The West Line Of Section 30, Which Point Bears S 00° 00' 05" Seconds West, 76.94 Feet From The Northwest Corner Of Said Section 30;

Thence S75°07'10"E, 2990.74 Feet To A Bearing Equation Point, At Which Point S75°07'10"E = S75°04'23"e; Thence S75°04'23"E, 2445.44 Feet To A Point On The Line Common To Said Section 29 And 30, Township 2 North, Range 6 West, Which Point Bears S00°00'38" W, 1476.85 Feet From The Section Corner Common To Sections 19, 20, 29 And 30, Township 2 North, Range 6 West;

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Thence Continuing S75°04'23"E To The East Line Of Said West Half Of The Northwest Quarter Of Section 29; And,

Except Therefrom Those Portions Lying Within The Following Described Parcels Of Land:

Tract No. 1

Beginning At A Point On The Line Common To Said Sections 29 And 30, Which Point Bears S00°00'38"W, 476.85 Feet From The Corner Common To Sections 19, 20, 29 And 30;

Thence N89°59'22"W, 33.00 Feet;

Thence S08°19'27"W, 809.17 Feet To The Existing Northerly Right-Of-Way Line Of Interstate Highway 10 (Ehrenberg-Phoenix Highway);

Thence S75°04'23"E, Along Said Right-Of-Way Line, A Distance Of 310.42 Feet;

Thence N04°29'47"W, 381.77 Feet;

Thence N09°51'36"W, 507.51 Feet;

Thence N89°59'22"W, 33.00 Feet To The Point Of Beginning.

Tract No. 2

Beginning At A Point On The Line Common To Said Sections 29 And 30, Which Point Bears N00°00'38"E, 2805.94 Feet From The Corner Common To Sections 29, 30, 31 And 32;

Thence N89°59'22"W, 33.00 Feet;

Thence N07°33'28"W, 888.33 Feet To The Existing Southerly Right-Of-Way Line Of Interstate Highway 10 (Ehrenberg-Phoenix Highway);

Thence S75°04'23"E, Along Said Right-Of-Way Line, A Distance Of 310.42 Feet;

Thence S08°19'27"W, 809.17 Feet;

Thence N89°59'22"W, 33.00 Feet To The Point Of Beginning; And

Except Therefrom Any Portion Lying Within The Following Described Parcel Of Land:

Beginning At The Northeast Corner Of Section 30;

Thence West Along The North Section Line 511 Feet;

Thence South 90 Feet;

Thence West 50 Feet;

Thence South 1098 Feet;

Thence East Along The Northerly Right-Of-Way Line Of Interstate Highway 10 (Ehrenberg-Phoenix Highway) To A Point Common To Sections 29 And 30, Township 2 North, Range 6 West;

Thence North Along The East Section Line To The Point Of Beginning.

**Parcel 19**

That Portion Of The Northeast Quarter Of Section 30, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona. Described As Follows:

Beginning At The Northeast Corner Of Section 30;

Thence West Along The North Section Line 511 Feet;

Thence South 90 Feet;

Thence West 50 Feet;

Thence South 1098 Feet;

Thence East Along The Northerly Right-Of-Way Line Of Interstate 10 (Ehrenberg-Phoenix Highway) To A Point Common To Sections 29 And 30, Township 2 North, Range 6 West;

Thence North Along The East Section Line To The Point Of Beginning,

Except That Portion Lying Within The Following Described Parcel Of Land:

Beginning At A Point On The Line Common To Said Sections 29 And 30, Which Point Bears S00°00'38"W, 476.85 Feet From The Corner Common To Sections 19, 20, 29 And 30;

Thence N89°59'22"W, .33.00 Feet;

Thence S08°19'27"W, 809.17 Feet To The Existing Northerly Right-Of-Way Line Of Interstate Highway 10 (Ehrenberg-Phoenix Highway);

Thence S75°04'23"E, Along Said Right-Of-Way Line, A Distance Of 310.42 Feet,  
Thence N04°29'47"W, 381.77 Feet;  
Thence N09°51'36"W, 507.51 Feet;  
Thence N89°59'22"W, 33.00 Feet To The Point Of Beginning.

**Parcel 20**

The West Half Of The Northeast Quarter Of Section 30, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona;  
Except Therefrom That Portion Which Lies Within A Strip Of Land 308 Feet In Width, Being 154 Feet Wide On Each Side Of The Following Described Line:  
Beginning At A Point On The West Line Of Section 30, Which Point Bears S00°00'05"W, 76.94 Feet From The Northwest Corner Of Said Section 30;  
Thence S75°07'10"E, 2990.74 Feet To A Bearing Equation Point, At Which Point S75°07'10"E = S75°04'23"E;  
Thence S75°04'23"E, 2445.44 Feet To A Point On The Line Common To Said Section 29 And 30, Township 2 North, Range 6 West, Which Point Bears S00°00'38"W, 1476.85 Feet From The Section Corner Common To Sections 19, 20, 29 And 30, Township 2 North, Range 6 West;  
Thence Continuing S75°04'23"E To The East Line Of Said West Half Of The Northwest Quarter Of Section 29.

**Township 3 North, Range 6 West, G&Srb&M, Pinal County, Arizona**

**Parcel 1**

Lot 3 Of Section 14, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 2**

The South Half Of The Northeast Quarter And The Southeast Quarter Of Section 22, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 3**

Lots 1 Through 3, Inclusive; The Northeast Quarter Of The Northeast Quarter, The South Half Of The North Half And The South Half Of Section 23, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 4**

Lots 2 Through 4, Inclusive, The South Half Of The Northwest Quarter And The South Half Of Section 24, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 5**

All Of Section 25, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 6**

The East Half And The East Half Of The West Half Of Section 26, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 7**

The Southwest Quarter Of The Northwest Quarter Of Section 26, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 8**

The East Half Of Section 27, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 9**

All Of Section 34, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 10**

All Of Section 35, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona..

**Township 1 North, Range 5 West, G&Srb&M, Pinal County, Arizona**

**Parcel 1**

Lots Three (3) And Four (4) And The Southwest Quarter Of The Northwest Quarter Of Section Five (5), Township One (1) North, Range Five (5) West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,

Except That Portion Lying Within The Phoenix-Ehrenberg Highway (I-10) Described As Follows:  
Beginning At The Northeast Corner Of Said Lot 3;

Thence South 00 Degrees 08 Minutes 55 Seconds East 187.60 Feet (South 187.18 Feet Record) Along The East Line Of Said Lot 3 To The South Right-Of-Way Of Said Highway;

Thence North 75 Degrees 01 Minutes 17 Seconds West (North 75 Degrees 01 Minutes 36 Seconds West 725.36 Feet Record) Along Said Right-Of-Way To The North Line Of Said Lot 3;

Thence South 89 Degrees 59 Minutes 34 Seconds East 700.57 Feet (East 700.80 Feet Record) To The Point Of Beginning.

**Parcel 2**

The West Half Of The Southwest Quarter And The Southeast Quarter Of The Southwest Quarter Of Section 5, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 3**

The Southeast Quarter Of The Northwest Quarter And The Southwest Quarter Of The Northeast Quarter Of Section 5, Township 1 North, Range 5 West, Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 4**

The West Half Of The Northeast Quarter And The East Half Of The Northwest Quarter Of Section Eight (8), Township One (1) North, Range Five (5) West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 5**

The West Half Of The East Half Of The Southwest Quarter Of Section 8, Township 1 North, Range 5 West, Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona, Except The South 701.62 Feet Thereof.

**Parcel 6**

The South Half Of The North Half Of The Following Described Parcel:

The East Half Of The East Half Of The Southwest Quarter Section 8, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 7**

The South Half Of The South Half Of The Following Described Parcel:

The East Half Of The East Half Of The Southwest Quarter Of Section 8, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 8**

The North Half Of The North Half Of The Following Described Parcel:

The East Half Of The East Half Of The Southwest Quarter Of Section 8, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 9**

The North Half Of The South Half Of The Following Described Parcel:

The East Half Of The East Half Of The Southwest Quarter Of Section 8, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 10**

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The North Half Of The Northwest Quarter Of Section 9, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Township 2 North, Range 5 West, G&Srb&M, Pinal County, Arizona**

**Parcel 1**

Lots 1 Through 4, Inclusive; The South Half Of The North Half And The South Half Of Section 3, Township 2 North, Range 5 West, Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 2**

Lots 1 Through 4, Inclusive; The South Half Of The North Half And The South Half Of Section 4, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 3**

Lots 1 Through 4, Inclusive, The South Half Of The North Half And The South Half Of Section 5, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 4**

Lots 1 Through 7, Inclusive; The South Half Of The Northeast Quarter, The Southeast Quarter Of The Northwest Quarter, The Southeast Quarter And The East Half Of The Southwest Quarter Of Section 6, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 5**

Lots 1 Through 4, Inclusive; The East Half Of The West Half And The East Half Of Section 7, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 6**

All Of Section 8, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 7**

All Of Section 9, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 8**

The West Half Of The East Half And The West Half Of Section 10, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 9**

All Of Section 15, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 10**

All Of Section 16, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,  
Except The North Half Of The Northeast Quarter Of Said Section.

**Parcel 11**

The North Half Of The Northeast Quarter Of Section 16, Township 2 North, Range 5 West, Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 12**

The East Half Of Section 17, Township 2 North, Range 5 West. Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 13**

Lots 1 Through 4, Inclusive; The East Half Of The West Half And The East Half Of Section 18, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 14**

Lot 1, The East Half Of The Northwest Quarter And The East Half Of Section 19, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 15**

The East Half Of The Northeast Quarter, The Northwest Quarter Of The Northeast Quarter, The West Half, And The Southwest Quarter Of The Southeast Quarter Of Section 22, Township 2 North, Range 5 West, Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 16**

The West Half, The West Half Of The East Half, The Northeast Quarter Of The Northeast Quarter, The South Half Of The North Half Of The Southeast Quarter Of The Northeast Quarter And The South Half Of The Southeast Quarter Of The Northeast Quarter Of Section 29, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Except Commencing At The Northeast Corner Of Said Northeast Quarter Of The Northeast Quarter Of Section 29; Thence South 00 Degrees 11 Minutes 16 Seconds West, Along The East Line Of Said Northeast Quarter Of The Northeast Quarter, 1291.13 Feet To The Point Of Beginning; Thence Continuing South 00 Degrees 11 Minutes 16 Seconds West, 26.41 Feet; Thence North 89 Degrees 25 Minutes 24 Seconds West, Along The South Line Of Said Northeast Quarter Of The Northeast Quarter, 808.80 Feet; Thence North 01 Degrees 25 Minutes 28 Seconds West, 101.26 Feet; Thence South 84 Degrees 09 Minutes 42 Seconds East, 815.59 Feet To The Point Of Beginning.

**Parcel 17**

The Northeast Quarter, The Southeast Quarter Of The Northwest Quarter, The North Half Of The Southeast Quarter And The Southeast Quarter Of The Southeast Quarter Of Section 30, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 18**

Glo Lot (Fractional Southwest Quarter Of The Southwest Quarter) And The Southeast Quarter Of The Southwest Quarter And The Southwest Quarter Of The Southeast Quarter Of Section 30, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 19**

The East Half Of The East Half Of Section 31, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Township 3 North, Range 5 West, G&Srb&M, Pinal County, Arizona**

**Parcel 1**

Lot 1, Lots 4 Through 7, Inclusive; The Southeast Quarter Of The Northeast Quarter, The South Half Of The Southwest Quarter And The Southeast Quarter Of Section 17, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 2**

Lots 9 And 10 Of Section 18, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

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**Parcel 3**

Lots 2 Through 6, Inclusive; The Southeast Quarter Of The Northwest Quarter, The East Half Of The Southwest Quarter And The East Half Of Section 19, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 4**

All Of Section 20, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 5**

All Of Section 21 , Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 6**

All Of Section 28, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 7**

All Of Section 29, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 8**

Lots 1 Through 4, Inclusive; The East Half Of The West Half And The East Half Of Section 30, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 9**

Lots 1 Through 4, Inclusive; The East Half Of The West Half And The East Half Of Section 31, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 10**

All Of Section 33, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 11**

The East Half Of Section 34, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Containing Approximately 24,117 Acres, More Or Less. This Area Is Not Based On A Field Survey, But Based On Calculations Derived From Scanned Images Of 7.5 Minutes Series Ngs Quad Maps And Other Scanned Materials Working Within An Autocad Drawing File.

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 to grant the said franchise as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the statutory provisions set forth in Title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified.

**PUBLIC HEARING – HASSAYAMPA UTILITY COMPANY, INC.**

Chairman Stapley called for a public hearing to solicit comments on the application filed by Hassayampa Utility Company, Inc. for a public service franchise for a sewage system. The Board considered whether the applicant is able to adequately maintain facilities in county right-of-ways. The franchise is granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation

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Commission of the State of Arizona and the Certificate of Assured Water Supply be procured from the Arizona Department of Water Resources 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. The Franchisee shall bear all expenses relating to the granted franchise including damage and compensation for any alteration of the direction, surface, grade or alignment of any county road for the purpose of the franchise. The public utility franchise is granted to construct, maintain and operate a sewage system consisting of lines, connections, manholes for a period of 25 years or for a period of one year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the transmission and delivery of water for domestic use along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

**Township 1 North, Range 6 West, G&Srb&M, Pinal County, Arizona**

**Parcel 1**

All Of Section 6, Township 1 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona.

**Parcel 2**

The West Half Of The Northeast Quarter And The North Half Of The Southeast Quarter Of Section 7, Township 1 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona;

Except That Portion Of The Following Described Parcel Of Land Lying Within A 200 Foot Strip, Being 100 Feet On Each Side Of The Following Described Centerline:

Beginning At A Point North 07 Degrees 7 Minutes 30 Seconds East, 1223.03 Feet From The Southeast Corner Of Section 16, Township 1 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona;

Thence North 56 Degrees 07 Minutes 30 Seconds West, 1783.55 Feet To The Point Of Curve Of A 0 Degrees 15 Minutes Curve To The Right, Having A Radius Of 22,918.3 Feet;

Thence Along The Arc. Of Said Curve, A Distance Of 433.33 Feet To The Point Of Tangent Of Said Curve;

Thence North 55 Degrees 02 Minutes 30 Seconds West, 9949.29 Feet To The Point Of Curve Of A 4 Degrees 00 Minutes Curve To The Left, Having A Radius Of 1432.69 Feet;

Thence Along The Arc Of Said Curve, 417.29 Feet To The Point Of Tangent Of Said Curve;

Thence North 71 Degrees 44 Minutes West, 4963.49 Feet To The Point Of Curve Of A 2 Degrees 00 Minutes Curve To The Right Having A Radius Of 2864.79 Feet;

Thence Along The Arc Of Said Curve, 489.17 Feet To The Point Of Tangent Of Said Curve;

Thence North 61 Degrees 57 Minutes West, 211.49 Feet To A Point On The West Line Of Section 7, Township 1 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona, Said Point Being South 0 Degrees 16 Minutes West, 394.03 Feet From The Northwest Corner Of Said Section 7.

**Township 2 North, Range 6 West, G&Srb&M, Pinal County, Arizona**

**Parcel 1**

Lots 1 Through 4, Inclusive; The South Half Of The North Half And The South Half Of Section 1, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 2**

All Of Section 11 , Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 3**

All Of Section 12, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 4**

The North Half And The Southwest Quarter Of Section 13, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 5**

The Northeast Quarter And The Southeast Quarter Of Section 14, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 6**

The North Half Of The Southwest Quarter Of Section 16, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,  
Except The North 282.91 Feet Of The South 305.26 Feet Of The East 154.00 Feet Of The North Half Of The Southwest Quarter Of Section 16, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona, And  
Except The South 282.91 Feet Of The North 478.97 Feet Of The East 154.00 Feet Of The North Half Of The Southwest Quarter Of Section 16, Township 2 North, Range 6 West Of The Gila And Salt River Meridian. Maricopa County. Arizona.

**Parcel 7**

The South Half Of The Southwest Quarter Of Section 16, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 8**

The Southeast Quarter Of Section 17, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 9**

The North Half Of Section 20, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County Arizona.

**Parcel 10**

The Southeast Quarter Of Section 20, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 11**

The West Half Of Section 21, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona,  
Except The East 200 Acres Thereof.

**Parcel 12**

The Northeast Quarter Of Section 24, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 13**

The Northwest Quarter Of Section 28, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona.

**Parcel 14**

The West Half Of The Southwest Quarter Of The Northeast Quarter; And The West Half Of The Southeast Quarter Of The Southwest Quarter Of The Northeast Quarter; And The West Half Of The Northeast Quarter Of The Southwest Quarter Of The Northeast Quarter Of Section 28, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona.

**Parcel 15**

The Southeast Quarter Of The Northeast Quarter, And The Southeast Quarter Of The Northeast Quarter Of The Northeast Quarter Of Section 28, Township 2 North, Range 6 West Ofthe Gila And Salt River Meridians Maricopa County, Arizona.

**Parcel 16**

The Northeast Quarter Of The Northeast Quarter Of The Northeast Quarter Of Section 28, Township 2 North, Range 6 West Ofthe Gila And Salt River Meridian, Maricopa County, Arizona.

**Parcel 17**

The East Half Of The Southeast Quarter Of The Southwest Quarter Of The Northeast Quarter; And The East Half Of The Northeast Quarter Of The Southwest Quarter Of The Northeast Quarter Of Section 28, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona.

**Parcel 18**

The Northeast Quarter Of Section 29, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona,

Except That Portion Of The South Half Of The Northeast Quarter Of Section 29, Township 2 North, Range 6 West Ofthe Gila And Salt River Meridian, Maricopa County, Arizona, Which Lies Within A Strip Of Land 308 Feet In Width, Being 154 Feet Wide On Each Side Of The Following Described Line:

Beginning At A Point On The West Line Of Said Section 29, Which Point Bears South 0 Degrees 00 Minutes 38 Seconds West, 1476.85 Feet From The Northwest Corner Ofsaid Section 29;

Thence South 75 Degrees 04 Minutes 23 Seconds East, 5470.76 Feet To A Point On The East Line Of Said Section 29, Which Point Bears South 0 Degrees 03 Minutes 23 Seconds West, 243 12 Feet From The East Quarter Corner Of Said Section 29, As Conveyed To State Of Arizona By And Through Its Highway Commission By Warranty Deed Recorded In Docket 6586, Page 69.

**Parcel 19**

The East Half Of The Northwest Quarter Of Section 29, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,

Except That Portion Of Said East Half Of The Northwest Quarter Of Said Section 29 Which Lies Within A Strip Of Land 308 Feet In Width, Being 154 Feet Wide On Each Side Of The Following Described Line:

Beginning At A Point On The West Line Of Said Section 29, Which Point Bears S00°00'38"W, 1476.85 Feet From The Northwest Corner Of Said Section 29;

Thence S75°04'23"E, 5470.76 Feet To A Point On The East Line Of Said Section 29, Which Point Bears S00°03'23"W, 243.12 Feet From The East Quarter Corner Of Said Section 29.

**Parcel 20**

The West Half Of The Northwest Quarter Of Section 29, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,

Except Therefrom That Portion Which Lies Within A Strip Of Land 308 Feet In Width, Being 154 Feet Wide On Each Side Of The Following Described Line:

Beginning At A Point On The West Line Of Section 30, Which Point Bears S 00° 00' 05" Seconds West, 76.94 Feet From The Northwest Corner Of Said Section 30;

Thence S75°07'10"E, 2990 74 Feet To A Bearing Equation Point, At Which Point S75°07'10"E = S75°04'23'e; Thence S75°04'23"E, 2445.44 Feet To A Point On The Line Common To Said Section 29 And 30, Township 2 North, Range 6 West, Which Point Bears S00°00'38" W, 1476.85 Feet From The Section Corner Common To Sections 19, 20, 29 And 30, Township 2 North, Range 6 West;

Thence Continuing S75°04'23"E To The East Line Of Said West Half Of The Northwest Quarter Of Section 29, And

Except Therefrom Those Portions Lying Within The Following Described Parcels Of Land:

Tract No. 1

Beginning At A Point On The Line Common To Said Sections 29 And 30, Which Point Bears S00°00'38"W, 476.85 Feet From The Corner Common To Sections 19, 20, 29 And 30;

Thence N89°59'22"W, 33.00 Feet;

Thence S08°19'27"W, 809.17 Feet To The Existing Northerly Right-Of-Way Line Of Interstate Highway 10 (Ehrenberg-Phoenix Highway);

Thence S75°04'23"E, Along Said Right-Of-Way Line, A Distance Of 310.42 Feet,

Thence N04°29'47"W, 381.77 Feet;

Thence N09°51'36"W, 507.51 Feet;

Thence N89°59'22"W, 33.00 Feet To The Point Of Beginning.

Tract No. 2

Beginning At A Point On The Line Common To Said Sections 29 And 30, Which Point Bears N00°00'38"E, 2805.94 Feet From The Corner Common To Sections 29, 30, 31 And 32;

Thence N89°59'22"W, 33.00 Feet;

Thence N07°33'28"W, 888.33 Feet To The Existing Southerly Right-Of-Way Line Of Interstate Highway 10 (Ehrenberg-Phoenix Highway);

Thence S75°04'23"E, Along Said Right-Of-Way Line, A Distance Of 310.42 Feet;

Thence S08°19'27"W, 809.17 Feet;

Thence N89°59'22"W, 33.00 Feet To The Point Of Beginning.

**Parcel 21**

The North Half Of The Southeast Quarter Of Section 30, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian. Maricopa County, Arizona.

**Parcel 22**

The South Half Of The Southeast Quarter Of Section 30, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian. Maricopa County, Arizona,

**Parcel 23**

The East Half Of The Northeast Quarter Of Section 30, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,

Except Therefrom That Portion Which Lies Within A Strip Of Land 308 Feet In Width, Being 154 Feet Wide On Each Side Of The Following Described Line:

Beginning At A Point On The West Line Of Section 30, Which Point Bears S 00° 00' 05" Seconds West, 76.94 Feet From The Northwest Corner Of Said Section 30;

Thence S75°07'10"E, 2990.74 Feet To A Bearing Equation Point, At Which Point S75°07'10"E = S75°04'23"E; Thence S75°04'23"E, 2445.44 Feet To A Point On The Line Common To Said Section 29 And 30, Township 2 North, Range 6 West, Which Point Bears S00°00'38" W, 1476.85 Feet From The Section Corner Common To Sections 19, 20, 29 And 30, Township 2 North, Range 6 West;

Thence Continuing S75°04'23"E To The East Line Of Said West Half Of The Northwest Quarter Of Section 29; And,

Except Therefrom Those Portions Lying Within The Following Described Parcels Of Land:

Tract No. 1

Beginning At A Point On The Line Common To Said Sections 29 And 30, Which Point Bears S00°00'38"W, 476.85 Feet From The Corner Common To Sections 19, 20, 29 And 30;

Thence N89°59'22"W, 33.00 Feet;

Thence S08°19'27"W, 809.17 Feet To The Existing Northerly Right-Of-Way Line Of Interstate Highway 10 (Ehrenberg-Phoenix Highway);

Thence S75°04'23"E, Along Said Right-Of-Way Line, A Distance Of 310.42 Feet;

Thence N04°29'47"W, 381.77 Feet;

Thence N09°51'36"W, 507.51 Feet;  
Thence N89°59'22"W, 33.00 Feet To The Point Of Beginning.  
Tract No. 2  
Beginning At A Point On The Line Common To Said Sections 29 And 30, Which Point Bears N00°00'38"E, 2805.94 Feet From The Corner Common To Sections 29, 30, 31 And 32;  
Thence N89°59'22"W, 33.00 Feet;  
Thence N07°33'28"W, 888.33 Feet To The Existing Southerly Right-Of-Way Line Of Interstate Highway 10 (Ehrenberg-Phoenix Highway);  
Thence S75°04'23"E, Along Said Right-Of-Way Line, A Distance Of 310.42 Feet;  
Thence S08°19'27"W, 809.17 Feet;  
Thence N89°59'22"W, 33.00 Feet To The Point Of Beginning; And  
Except Therefrom Any Portion Lying Within The Following Described Parcel Of Land:  
Beginning At The Northeast Corner Of Section 30;  
Thence West Along The North Section Line 511 Feet;  
Thence South 90 Feet;  
Thence West 50 Feet;  
Thence South 1098 Feet;  
Thence East Along The Northerly Right-Of-Way Line Of Interstate Highway 10 (Ehrenberg-Phoenix Highway) To A Point Common To Sections 29 And 30, Township 2 North, Range 6 West;  
Thence North Along The East Section Line To The Point Of Beginning.

**Parcel 24**

That Portion Of The Northeast Quarter Of Section 30, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona. Described As Follows:  
Beginning At The Northeast Corner Of Section 30;  
Thence West Along The North Section Line 511 Feet;  
Thence South 90 Feet;  
Thence West 50 Feet;  
Thence South 1098 Feet;  
Thence East Along The Northerly Right-Of-Way Line Of Interstate 10 (Ehrenberg-Phoenix Highway) To A Point Common To Sections 29 And 30, Township 2 North, Range 6 West;  
Thence North Along The East Section Line To The Point Of Beginning,  
Except That Portion Lying Within The Following Described Parcel Of Land:  
Beginning At A Point On The Line Common To Said Sections 29 And 30, Which Point Bears S00°00'38"W, 476.85 Feet From The Corner Common To Sections 19, 20, 29 And 30;  
Thence N89°59'22"W, .33.00 Feet;  
Thence S08°19'27"W, 809.17 Feet To The Existing Northerly Right-Of-Way Line Of Interstate Highway 10 (Ehrenberg-Phoenix Highway);  
Thence S75°04'23"E, Along Said Right-Of-Way Line, A Distance Of 310.42 Feet,  
Thence N04°29'47"W, 381.77 Feet;  
Thence N09°51'36"W, 507.51 Feet;  
Thence N89°59'22"W, 33.00 Feet To The Point Of Beginning.

**Parcel 25**

The West Half Of The Northeast Quarter Of Section 30, Township 2 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona;  
Except Therefrom That Portion Which Lies Within A Strip Of Land 308 Feet In Width, Being 154 Feet Wide On Each Side Of The Following Described Line:  
Beginning At A Point On The West Line Of Section 30, Which Point Bears S00°00'05"W, 76.94 Feet From The Northwest Corner Of Said Section 30;

Thence S75°07'10"E, 2990.74 Feet To A Bearing Equation Point, At Which Point S75°07'10"E = S75°04'23"E;

Thence S75°04'23"E, 2445.44 Feet To A Point On The Line Common To Said Section 29 And 30, Township 2 North, Range 6 West, Which Point Bears S00°00'38"W, 1476.85 Feet From The Section Corner Common To Sections 19, 20, 29 And 30, Township 2 North, Range 6 West;

Thence Continuing S75°04'23"E To The East Line Of Said West Half Of The Northwest Quarter Of Section 29.

**Parcel 26**

The South Half And The Northwest Quarter Of Section 31 Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona.

**Parcel 27**

The Northeast Quarter Of Section 31, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona.

**Parcel 28**

All Of Section 32, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona;

**Parcel 29**

The Southwest Quarter Of Section 33, Township 2 North, Range 6 West Of The Gila And Salt River Meridian, Maricopa County, Arizona.

**Township 3 North, Range 6 West, G&Srb&M, Pinal County, Arizona**

**Parcel 1**

Lot 3 Of Section 14, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 2**

The South Half Of The Northeast Quarter And The Southeast Quarter Of Section 22, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 3**

Lots 1 Through 3, Inclusive; The Northeast Quarter Of The Northeast Quarter, The South Half Of The North Half And The South Half Of Section 23, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 4**

Lots 2 Through 4, Inclusive, The South Half Of The Northwest Quarter And The South Half Of Section 24, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 5**

All Of Section 25, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 6**

The East Half And The East Half Of The West Half Of Section 26, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 7**

The Southwest Quarter Of The Northwest Quarter Of Section 26, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 8**

The East Half Of Section 27, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 9**

All Of Section 34, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 10**

All Of Section 35, Township 3 North, Range 6 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona..

**Township 1 North, Range 5 West, G&Srb&M, Pinal County, Arizona**

**Parcel 1**

Lots Three (3) And Four (4) And The Southwest Quarter Of The Northwest Quarter Of Section Five (5), Township One (1) North, Range Five (5) West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,

Except That Portion Lying Within The Phoenix-Ehrenberg Highway (I-10) Described As Follows:  
Beginning At The Northeast Corner Of Said Lot 3;

Thence South 00 Degrees 08 Minuew 55 Seconds East 187.60 Feet (South 187.18 Feet Record)  
Along The East Line Of Said Lot 3 To The South Right-Of-Way Of Said Highway;

Thence North 75 Degrees 01 Minues 17 Seconds West (North 75 Degrees 01 Minutes 36  
Seconds West 725.36 Feet Record) Along Said Right-Of-Way To The North Line Of Said Lot 3;

Thence South 89 Degrees 59 Minutes 34 Seconds East 700.57 Feet (East 700.80 Feet Record)  
To The Point Of Beginning.

**Parcel 2**

The West Half Of The Southwest Quarter And The Southeast Quarter Of The Southwest Quarter Of Section 5, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Airzona.

**Parcel 3**

The Southeast Quarter Of The Northwest Quarter And The Southwest Quarter Of The Northeast Quarter Of Section 5, Township 1 North, Range 5 West, Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 4**

The West Half Of The Northeast Quarter And The East Half Of The Northwest Quarter Of Section Eight (8), Township One (1) North, Range Five (5) West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 5**

The West Half Of The East Half Of The Southwest Quarter Of Section 8, Township 1 North, Range 5 West, Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,  
Except The South 701.62 Feet Thereof.

**Parcel 6**

The South Half Of The North Half Of The Following Described Parcel:

The East Half Of The East Half Of The Southwest Quarter Section 8, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 7**

The South Half Of The South Half Of The Following Described Parcel:

The East Half Of The East Half Of The Southwest Quarter Of Section 8, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 8**

The North Half Of The North Half Of The Following Described Parcel:

The East Half Of The East Half Of The Southwest Quarter Of Section 8, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 9**

The North Half Of The South Half Of The Following Described Parcel:

The East Half Of The East Half Of The Southwest Quarter Of Section 8, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 10**

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The North Half Of The Northwest Quarter Of Section 9, Township 1 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Township 2 North, Range 5 West, G&Srb&M, Pinal County, Arizona**

**Parcel 1**

Lots 1 Through 4, Inclusive; The South Half Of The North Half And The South Half Of Section 3, Township 2 North, Range 5 West, Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 2**

Lots 1 Through 4, Inclusive; The South Half Of The North Half And The South Half Of Section 4, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 3**

Lots 1 Through 4, Inclusive, The South Half Of The North Half And The South Half Of Section 5, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 4**

Lots 1 Through 7, Inclusive; The South Half Of The Northeast Quarter, The Southeast Quarter Of The Northwest Quarter, The Southeast Quarter And The East Half Of The Southwest Quarter Of Section 6, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 5**

Lots 1 Through 4, Inclusive; The East Half Of The West Half And The East Half Of Section 7, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 6**

All Of Section 8, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 7**

All Of Section 9, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 8**

The West Half Of The East Half And The West Half Of Section 10, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 9**

All Of Section 15, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 10**

All Of Section 16, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona,  
Except The North Half Of The Northeast Quarter Of Said Section.

**Parcel 11**

The North Half Of The Northeast Quarter Of Section 16, Township 2 North, Range 5 West, Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 12**

The East Half Of Section 17, Township 2 North, Range 5 West. Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 13**

Lots 1 Through 4, Inclusive; The East Half Of The West Half And The East Half Of Section 18, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 14**

Lot 1, The East Half Of The Northwest Quarter And The East Half Of Section 19, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 15**

The East Half Of The Northeast Quarter, The Northwest Quarter Of The Northeast Quarter, The West Half, And The Southwest Quarter Of The Southeast Quarter Of Section 22, Township 2 North, Range 5 West, Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 16**

The West Half, The West Half Of The East Half, The Northeast Quarter Of The Northeast Quarter, The South Half Of The North Half Of The Southeast Quarter Of The Northeast Quarter And The South Half Of Pthe Southeast Quarter Of The Northeast Quarter Of Section 29, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Except Commencing At The Northeast Corner Of Said Northeast Quarter Of The Northeast Quarter Of Section 29; Thence South 00 Degrees 11 Minutes 16 Seconds West, Along The East Line Of Said Northeast Quarter Of The Northeast Quarter, 1291.13 Feet To The Point Of Beginning; Thence Continuing South 00 Degrees 11 Minutes 16 Seconds West, 26.41 Feet; Thence North 89 Degrees 25 Minutes 24 Seconds West, Along The South Line Of Said Northeast Quarter Ofthe Northeast Quarter, 808.80 Feet; Thence North 01 Degrees 25 Minutes 28 Seconds West, 101.26 Feet; Thence South 84 Degrees 09 Minutes 42 Seconds East, 815.59 Feet To The Point Of Beginning.

**Parcel 17**

The Northeast Quarter, The Southeast Quarter Of The Northwest Quarter, The North Half Of The Southeast Quarter And The Southeast Quarter Of The Southeast Quarter Of Section 30, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 18**

Glo Lot (Fractional Southwest Quarter Of The Southwest Quarter) And The Southeast Quarter Of The Southwest Quarter And The Southwest Quarter Of The Southeast Quarter Of Section 30, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 19**

The East Half Of The East Half Of Section 31, Township 2 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Township 3 North, Range 5 West, G&Srb&M, Pinal County, Arizona**

**Parcel 1**

Lot 1, Lots 4 Through 7, Inclusive; The Southeast Quarter Of The Northeast Quarter, The South Half Of The Southwest Quarter And The Southeast Quarter Of Section 17, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 2**

Lots 9 And 10 Of Section 18, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

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**Parcel 3**

Lots 2 Through 6, Inclusive; The Southeast Quarter Of The Northwest Quarter, The East Half Of The Southwest Quarter And The East Half Of Section 19, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 4**

All Of Section 20, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 5**

All Of Section 21 , Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 6**

All Of Section 28, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 7**

All Of Section 29, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 8**

Lots 1 Through 4, Inclusive; The East Half Of The West Half And The East Half Of Section 30, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 9**

Lots 1 Through 4, Inclusive; The East Half Of The West Half And The East Half Of Section 31, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 10**

All Of Section 33, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

**Parcel 11**

The East Half Of Section 34, Township 3 North, Range 5 West Of The Gila And Salt River Base And Meridian, Maricopa County, Arizona.

Containing Approximately 26,411 Acres, More Or Less. This Area Is Not Based On A Field Survey, But Based On Calculations Derived From Scanned Images Of 7.5 Minutes Series Ngs Quad Maps And Other Scanned Materials Working Within An Autocad Drawing File.

No protests having been received, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried to grant the said franchise as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the statutory provisions set forth in Title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified.

**ANNEXATION/DEANNEXATION**

Chairman Stapley called for a public hearing to solicit comments and determine if requirements have been satisfied to order the territory be deannexed from the ~~Town~~ City of Chandler per Ordinance 3608 and be annexed by the Town of Gilbert in accordance with Ordinance 1857.

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No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to order this annexation/deannexation. This annexation is in the vicinity of Gilbert Road and Williams Field Road. (The Clerk made the above correction prior to the vote.) (ADM4203-001) (ADM4206-001)

**MASS PROPERTY APPRAISAL SYSTEM**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the Office of Management and Budget to transfer \$300,000 from Appropriated Fund Balance (480) General Fund (100) Reserved Items (4811) line item "Technology Projects" to the line item in Appropriated Fund Balance (480) General Fund (100) Technology Projects (4814) entitled "Assessor - CAMA". These adjustments will result in a countywide net impact of zero.

Approval of this action also allows funding in FY 2006-07, FY 2007-08 and FY 2008-09, for a contract position "Project Manager" to assist the Assessor's Office in the implementation of the proposed County Mass Property Appraisal system and associated drawing program module for the length of the project which is estimated to take 30 months to complete. (C1207004800) (ADM300-003)

**GRANTS FOR THE CLERK OF THE SUPERIOR COURT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept FY 2006-07 grants for the Clerk of the Superior Court in the amount of \$1,625,833. The indirect costs (based upon a rate of 36.2% calculated by the Department of Finance) of \$588,552 are not fully recoverable, as reflected in the funding agreements. FY 2006-07 grants allow for \$322,601 of recoverable indirect costs and \$265,951 of unrecoverable costs. Approve revenue and expenditure appropriation increase adjustments of \$33,265 in the Clerk of the Superior Courts Grants Fund (216). Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, and therefore, expenditure of these revenues is 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. (C1607002300)

**DONATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the acceptance of a donation to the Sheriff's Office in the amount of \$500 from Donna Decker Design, Inc. for use by the MCSO Animal Safe Hospice Unit. (C5007047M00) (ADM3900)

**WAIVER TO THE MARICOPA COUNTY EMPLOYEE LEAVE PLAN**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a Waiver to the Maricopa County Employee Leave Plan V & VI, for Deputy Kenneth Skiles, who was seriously injured as a result of an "Act of Violence" through no fault or negligence of his own, while on duty November 22, 2006. Authorize payment of normal base salary and benefits to the employee for the duration of up to one year or return to full duty, whichever is earlier, effective November 22, 2006. (C5007048M00) (ADM3320-001)

**TAX DEEDED LAND SALE**

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Item: Pursuant to A.R.S. §42-18303, accept high bids on properties offered for sale by auction on December 7, 2006, as reported on the list on file in the Office of the Clerk of the Board, and direct that deeds be prepared to convey the properties sold. With the approval of this action, assuming all bidders have tendered their purchase money to the Treasurer, the total proceeds of the sale will total \$1,539,000. (C4307001700) (ADM656-2004)

Edgar Meza, Tolleson resident, reported that he had been confused by the difficult-to-read GIS map on two parcels he was interested in and had purchased two-acres for \$18,500 that he'd later found to be located in the middle of the river. He asked if he could put his purchase back into the auction system so he could get his money back on land he would never be able to use.

Chairman Stapley expressed sympathy but felt the integrity of the auction process would be jeopardized if the Board took action to try to resolve Mr. Meza's problem. He explained that prospective real estate purchases on unknown land must be researched prior to purchasing it. He noted that "all sales final" was posted on the website prior to and during the auction.

Chairman Brock felt that if Mr. Meza's charge on the difficulty of the GIS maps was accurate, an independent opinion might be sought. He didn't feel that policy could be addressed at this meeting but asked that the issue be examined prior to future auctions. He asserted the County's intent was not to mislead or trick residents into buying something that they didn't want. He said the process needs to be made as clear and concise as possible in the future.

Supervisor Wilson remembered that policy used to be "buyer beware" but added that this has been modified to where the seller usually provides some description of what is being sold and he felt this should be discussed and considered for future auctions. He cautioned bidders to be sure to locate and view any properties they decide to bid on prior to the auction.

Supervisor Wilcox agreed with Supervisor Brock that if the GIS map was difficult to read, Mr. Meza could have a legitimate complaint. She felt if his purchase had been an honest mistake it could be reconsidered.

Jerry Tokoph, DFRI, explained their complaint on the auction was related to the "East Washington Fluff Site" – five parcels sold as one parcel online. Mr. Tokoph explained that the fluff site was a "superfund site" and had several environmental issues. He had been working to acquire it for several years. He added, "It is a very serious site."

He said the original terms published by the County and the auctioneer had the auction beginning at 8:00 a.m. and ending at 5:00 p.m. and that was not adhered to. His associate, Mr. VanCleave, had done the bidding for his group and had submitted bids during the day and after 5:00 p.m. He spoke with Mr. Browning and Mr. Davies, both with the Treasurer's Office, to determine policy, saying that with most auctions, the bidding continues until there are no more bids and the final bid is the winning bid. He asked how one became the final bidder if there was a 5:00 p.m. deadline. He said that Mr. VanCleave was told that if anyone was bidding during the last two minutes of the auction, an additional five-minute period would be provided for those bidders. Mr. Tokoph said this information was not published online and he didn't know if any of the other bidders were aware of it.

Mr. Tokoph stated that he felt the auction was not performed properly. It was publicized to end at 5:00 p.m. and did not end at that time. The bidder who ended up becoming the winning bidder after 5:00 p.m. was a bidder who had not entered a bid prior to 5:00 p.m. He asked the Board to consider awarding the

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bid to the second-highest bidder (his group, DFRI) since the highest bidder was not qualified, or, he requested the Board to consider putting this property back out for rebid. He also asked the Board to consider the environmental issues on this property in making a decision.

Supervisor Kunasek asked the Treasurer's Office to respond to the allegation made by Mr. Tokoph of an improper award to the highest bidder. He also asked about the registration process to become a qualified bidder in the auction.

Steve Partridge, Chief Deputy Treasurer, replied that registration and preview processes were opened on October 15, 2006, and closed on December 4, 2006. He said the winning bidder for the fluff site had qualified and had been properly registered. He admitted he had spoken to Mr. VanCleave and reported that he had not intended to leave him with the erroneous impression that only active bidders on a parcel could bid beyond 5:00 p.m. His intent was that the auction for specific parcels could continue beyond 5:00 p.m. based on the overtime rules as defined earlier.

Supervisor Wilcox asked if 5:00 p.m. had been publicly listed as the closing time. Mr. Partridge said, "Yes, you have to close an auction at a given time." He explained the difference between a live auction and an internet auction. Discussion continued on the legitimacy issues that were raised. The Board's counsel was asked to comment. Ms. Mangiapane said the Board had discretion in making a decision to either approve all sales "as is" or to put the items back out to auction at a later time. This agenda item was to approve all of the December 7, 2006, auction sales to the highest bidder.

Chairman Stapley stated his belief that the auction was "very clear" and he understood that some might be unhappy with their purchase of real estate, "but to throw the whole deal out would do damage to the integrity of what took place, and I do believe the rules were clear."

John Paulsen, Deputy County Attorney, said that under State law the only mandate the Board has is "if you elect to consummate any given sale of any given parcel that went up for auction you do sell it for the highest bid. You cannot pick and choose amongst competing bids, you must take the highest bid." He affirmed that the Board, "has complete discretion as to whether or not to accept any given bid and whether to sell the parcel or not, under any grounds that you choose to apply." He said that the two speakers have concentrated their remarks on how misleading the website bidding process was. He pointed out that of all of the parcels sold there were only five complaints and questioned how confusing it could have been. He explained that the final speaker's complaint involved conflicting testimony between Mr. VanCleave and Mr. Partridge and there was no clear cut indication for the Board to consider or follow.

A substitute motion was made by Supervisor Brock to put the "specific parcels considered today back out to bid" since there is no legal liability to decline to accept any of the bids. He added that under State law when a home or a car is purchased there is a leeway period for the buyer to change his mind called "Buyers Remorse" and he felt the same privilege should be given on the miscellaneous parcels sold at the auction. He said, "I personally am more interested in being fair and clear about what an individual buys then how much money the County is going to raise." Motion was seconded by Supervisor Wilcox.

Chairman Stapley stated his disagreement with the motion "because there was no misleading nor tricky language." Thousands of parcels were sold and the auction clearly stated at the website that "all sales were final as is, where is, and no chance to reconsider." He said that the losing bidders had a problem but asked how fair it would be to the winning bidder to throw the sale out so that they would lose out after they followed the rules.

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The Clerk asked for clarification on what Supervisor Brock had included in his motion, asking if it included the last-discussed “fluff” site and also Mr. Meza’s river site. Mr. Brock agreed that it did include both and asked about including all five parcels discussed in Executive Session. The Clerk said that the agenda item was to accept the bids for all of the parcels sold in the internet auction and she believed that to be in excess of 600 parcels. Mr. Partridge clarified that the starting number was 326. Ms. McCarroll added that all of those bids were included in this agenda item for approval. She said that of the five parcels discussed in Executive Session, two had been discussed at this meeting. Supervisor Brock said he would like to include all five of those parcels in his motion. Supervisor Wilcox, as second, concurred with his request.

The motion was defeated on a 2-3 majority vote with Supervisors Brock and Wilcox voting “aye” and Supervisors Wilson, Kunasek and Stapley voting “nay.”

Motion was made by Supervisor Kunasek to approve this agenda item to include all parcels sold to the highest bidder. Motion was seconded by Supervisor Wilson.

Supervisor Wilcox said she would support the motion but noted that she felt some leeway should have been given, particularly on the fluff site sale.

Supervisor Kunasek said that in these instances there were various doctrines and positions that could always be applied, thus setting precedents, “and then at some point it’s no longer an auction.” He felt it was important to hold integrity to the auction process and for people to come into an auction with their eyes wide open and then to stand by their bid.

Motion passed by majority vote (4-1) to approve all sales as given above with Supervisors Kunasek, Wilson, Wilcox and Stapley voting “aye” and Supervisor Brock voting “nay.”

<b>PARCEL NO.</b>	<b>ITEM NO.</b>	<b>BIDDER NO.</b>	<b>AMOUNT</b>
102-53-156	1002	9359	\$1,100.00
105-28-009	1005	8959	\$1,400.00
105-66-031D	1007	9354	\$1,500.00
106-23-084C	1009	9359	\$8,050.00
108-01-003H	1013	9352	\$1,050.00
108-28-084	1015	9016	\$155,000.00
108-28-085B	1016	9016	\$150,000.00
109-13-025B	1017	9359	\$950.00
109-25-101	1018	9359	\$1,050.00
109-34-018B	1020	9507	\$550.00
112-14-134	1023	9254	\$1,500.00
112-24-042	1024	9507	\$700.00
112-33-059C	1025	9700	\$525,000.00
112-45-003D	1030	9507	\$700.00
113-26-004C	1034	9359	\$8,600.00
116-03-064	1041	9359	\$950.00
116-13-008	1042	9359	\$950.00
116-32-125B	1045	9507	\$550.00
116-52-001	1046	9541	\$80,050.00
116-52-011	1047	9402	\$160,050.00

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117-06-068C	1050	9359	\$1,150.00
117-11-105B	1052	9359	\$1,000.00
117-11-117A	1053	9359	\$1,000.00
117-11-132A	1054	9359	\$950.00
117-11-141	1055	9359	\$1,100.00
117-14-102	1056	9359	\$1,150.00
118-17-002E	1058	9507	\$750.00
118-17-003D	1059	9507	\$550.00
119-33-072	1061	9359	\$1,000.00
120-21-098H	1064	9507	\$1,250.00
121-43-057Y	1068	9410	\$1,000.00
122-20-002	1071	8975	\$1,000.00
122-72-011B	1074	9394	\$5,000.00
122-76-090B	1075	9507	\$750.00
122-90-316	1076	9359	\$1,000.00
124-39-098G	1078	9507	\$550.00
124-56-044F	1079	9507	\$550.00
127-24-036D	1080	9359	\$800.00
127-32-024	1081	9359	\$900.00
128-51-005B	1083	9505	\$16,050.00
129-32-110C	1087	8975	\$1,350.00
131-48-165	1089	9359	\$1,000.00
133-38-204B	1090	9359	\$1,050.00
133-41-632	1091	9359	\$850.00
134-15-022A	1093	9397	\$1,300.00
134-32-001Q	1095	9359	\$10,050.00
134-49-104S	1096	9414	\$1,100.00
134-49-104T	1097	9359	\$850.00
135-11-002H	1098	9359	\$850.00
135-14-003F	1099	9150	\$10,600.00
135-15-006Q	1100	9507	\$500.00
135-18-009G	1101	9507	\$500.00
135-26-048J	1103	9507	\$500.00
135-30-069J	1104	9507	\$500.00
135-34-082B	1105	9359	\$1,150.00
135-34-084B	1106	9359	\$950.00
135-59-106A	1109	9359	\$700.00
135-66-187	1110	9397	\$1,050.00
136-11-094	1111	9359	\$800.00
136-18-006B	1112	9359	\$1,550.00
136-26-003M	1116	9591	\$1,150.00
137-06-048D	1120	9507	\$500.00
138-69-059B	1131	9507	\$650.00
140-01-691	1138	9359	\$1,050.00
140-11-451	1139	9507	\$650.00
140-44-001B	1140	9507	\$650.00
141-05-007C	1144	9165	\$600.0
141-11-174	1145	9612	\$550.00
141-67-167	1149	8239	\$750.00

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141-67-168	1150	9417	\$1,400.00
142-24-016N	1157	9116	\$750.00
142-54-004P	1159	9271	\$700.00
145-26-029	1170	9359	\$850.00
146-08-113	1172	9359	\$1,100.00
147-18-062	1174	9359	\$500.00
151-20-052B	1183	9152	\$500.00
158-14-029	1187	9012	\$1,450.00
159-01-375	1189	9359	\$500.00
159-21-023C	1191	9359	\$500.00
159-25-005T	1194	9359	\$34,300.00
159-31-012A	1196	9359	\$550.00
159-33-117	1197	9359	\$1,100.00
161-24-017J	1207	8978	\$1,600.00
161-30-092A	1208	9359	\$500.00
162-26-006J	1212	9410	\$13,500.00
162-34-019C	1213	9359	\$500.00
168-16-148	1220	9348	\$1,250.00
169-27-042	1221	9349	\$750.00
171-53-073G	1222	9555	\$600.00
173-61-128	1223	9379	\$700.00
173-61-129	1224	9505	\$600.00
173-61-130	1225	9505	\$600.00
174-22-004G	1228	9270	\$1,350.00
174-22-004H	1229	9104	\$1,250.00
175-01-160	1231	8975	\$4,550.00
175-01-167	1232	9553	\$500.00
200-07-036F	1234	9359	\$500.00
200-29-716	1239	9369	\$500.00
200-29-953E	1240	8993	\$650.00
200-35-178	1242	8993	\$1,000.00
200-61-361B	1245	9359	\$500.00
200-85-971	1248	9425	\$65,000.00
201-11-164	1249	9359	\$500.00
201-11-166	1250	9359	\$500.00
201-16-053B	1252	9417	\$500.00
202-16-008J	1254	9268	\$500.00
206-04-006G	1258	9359	\$500.00
206-04-022Z	1259	9359	\$500.00
207-03-233B	1260	9359	\$700.00
207-33-172	1263	9410	\$550.00
207-33-174	1264	9512	\$850.00
207-33-178	1265	9410	\$500.00
211-45-021C	1276	9408	\$500.00
211-47-089C	1277	9028	\$1,050.00
211-52-063L	1278	8258	\$500.00
211-52-101B	1279	9118	\$600.00
211-68-069P	1282	9359	\$500.00
211-69-008F	1283	9359	\$500.00

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211-70-005K	1285	9410	\$500.00
212-08-386	1290	9297	\$8,050.00
212-08-387	1291	9538	\$1,550.00
213-09-001X	1293	9050	\$13,550.00
213-24-495	1297	9359	\$3,000.00
213-24-496	1298	9265	\$900.00
213-26-242	1300	9359	\$500.00
214-05-033A	1301	9359	\$550.00
214-20-120	1306	9359	\$500.00
214-20-358	1307	9359	\$500.00
214-59-031A	1310	8989	\$1,250.00
215-39-070	1312	9553	\$500.00
215-39-071	1313	9359	\$500.00
215-39-072	1314	9359	\$500.00
215-71-397	1316	9205	\$500.00
215-71-398A	1317	9560	\$500.00
216-06-046	1319	9563	\$750.0
216-67-204A	1323	9337	\$550.00
216-85-011D	1324	9421	\$750.0
218-18-620	1326	9150	\$2,300.0
218-18-621	1327	9397	\$2,250.00
218-26-031R	1328	9030	\$500.00
218-26-076	1329	9359	\$500.00
218-56-118A	1331	9359	\$1,750.00
218-56-247B	1332	9359	\$2,550.00
220-07-033D	1336	9258	\$1,050.00
220-08-017J	1337	9288	\$1,150.0
220-14-014F	1341	9590	\$950.00
220-21-005D	1342	9019	\$1,150.00
220-30-038C	1346	9588	\$500.00
220-55-001L	1350	9324	\$500.00
300-11-003W	1353	9378	\$500.00
300-18-003A	1359	9107	\$500.00
301-05-449	1363	9359	\$500.00
301-12-114	1364	9394	\$500.00
301-53-003S	1365	9359	\$500.00
301-70-899	1367	9378	\$3,000.0
301-91-423B	1375	9397	\$900.0
302-05-992A	1381	9594	\$750.00
302-05-999A	1382	9594	\$800.00
302-05-999B	1383	9538	\$1,800.00
302-12-029B	1385	9553	\$550.0
302-25-962	1387	9594	\$2,300.00
302-45-061A	1388	9594	\$500.00
302-45-061B	1389	9594	\$500.00
302-45-061C	1390	9594	\$500.00
302-79-623	1394	9594	\$500.00
302-80-380A	1395	9348	\$1,050.00
302-80-380B	1396	9348	\$500.00

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302-80-381	1397	9348	\$500.00
302-80-384	1400	9348	\$500.00
302-97-299	1402	9594	\$2,500.00
303-04-086	1404	9594	\$3,050.00
303-19-007A	1405	9401	\$500.00
303-19-070	1407	9379	\$500.00
303-19-109M	1408	9041	\$800.00
304-71-082	1427	9410	\$550.00
304-71-083	1428	8971	\$500.00
304-87-032A	1429	9273	\$650.00
400-02-009E	1436	9397	\$550.0
400-06-011F	1437	9501	\$5,550.00
400-26-063	1443	9001	\$2,250.00
400-50-003	1445	8965	\$10,050.00
400-53-081B	1448	9109	\$500.00
400-76-012A	1449	8275	\$500.00
401-50-015C	1454	9043	\$1,050.00
402-13-079F	1457	9041	\$500.00
402-13-080D	1458	9567	\$1,000.00
402-13-080E	1459	9567	\$1,000.00
402-15-184B	1460	9041	\$500.00
500-06-021L	1462	8970	\$1,150.00
500-07-041A	1463	9397	\$550.00
500-14-238	1464	9397	\$550.00
500-18-336	1465	9588	\$1,350.00
500-18-348	1466	8970	\$800.00
500-18-349	1467	8970	\$2,150.00
500-18-350	1468	8970	\$3,250.00
500-18-351	1469	8970	\$2,150.00
500-56-028G	1472	9032	\$500.00
501-69-017X	1479	9410	\$500.00
501-88-401	1481	9505	\$3,100.00
502-05-023A	1482	8273	\$1,750.00
502-14-070	1483	8286	\$500.00
502-14-071	1484	8286	\$500.00
502-36-002Y	1487	9397	\$1,100.00
502-40-047E	1490	9575	\$500.00
502-63-009D	1491	9570	\$500.00
503-02-029D	1492	9588	\$500.00
503-06-010E	1494	9155	\$500.00
503-55-003N	1496	9588	\$1,250.00
504-16-019D	1499	9041	\$1,650.00
504-32-028P	1500	9588	\$3,300.00
504-32-094	1501	9588	\$4,150.00
504-32-095	1502	9004	\$3,850.00
504-32-101	1503	9588	\$4,850.00
504-32-108	1504	9004	\$3,550.00
504-32-115	1505	9256	\$4,650.00
504-32-116	1506	8240	\$5,500.00

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504-32-129	1507	9004	\$3,550.00
504-32-140C	1508	9335	\$4,200.00
504-36-068	1510	8240	\$13,000.00
506-01-012	1517	9395	\$16,050.0
506-05-141	1518	9588	\$500.00
506-36-071B	1519	9410	\$6,000.00
506-40-002T	1520	9000	\$500.00
506-41-163G	1521	9397	\$550.00
506-51-007B	1522	9421	\$5,050.0
506-62-005A	1524	9371	\$700.0
506-62-012A	1525	9371	\$500.0

**GRANTS AND REVENUES FOR ADULT PROBATION DEPARTMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the FY 2006-07 grants and other associated revenues for the Adult Probation Department of the Judicial Branch. The indirect cost rate as of June 2006 is 10.3% as approved by the Department of Finance. Most of the grants for FY 2006-07 do not allow the indirect cost recovery, as reflected in the funding agreements. The status of indirect costs varies for each grant and is noted in each grant package. For FY2006-07 the department anticipates accepting 13 new awards for Grants Fund revenue of \$4,060,189 and carrying over Grants Fund revenue balances of \$316,655 on seven previously accepted awards. On the new awards, indirect costs are estimated to be \$412,748 with \$52,921 of indirect costs recoverable and \$359,827 unrecoverable.

Also approve an increase to the Adult Probation Grant Fund (211) revenue and expenditure appropriation in the amount of \$240,411. This increase is necessary because actual grant funding received is more than anticipated and budgeted. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure 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. (C1107004300)

**APPOINTMENTS – TRIAL COURT**

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

- a. Pro Tem Justices of the Peace for the period January 1, 2007 through December 31, 2007, to serve in various programs in Justice Courts to reduce trial delay. ((C3807015700) (ADM1001)

Acer, John	Adornetto, Charles J.	Baskerville, Barbara
Berman, Judith A.	Bohlman, Herbert M.	Brnovich, Mark
Cohen, Larry J.	Conti, Frank J.	De Mars, William B.
Fletcher, David H.	Freestone, Tom	Gastelum, Andrew
Jones, Fredrick M.	Julian, Paul	Landau, Jerry G.
Mandell, Michael S.	Melton, Robert E.	Mihalsky, Diane L.
Molner, William F.	Parker, Caryl	Poster, Rick
Rowley, Paul S.	Southern, Edward Reed	Steltenpohl, Ashley
Tolby, Quentin	Tully, Brian B.	Wilkins, Mike

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Williams, Scott E.	Wolf, Guy	Zastrow, John
Anderson, Lex E.	Barnes, Bernard J.	Calender, Don
Dellas, Hercules	Francone, Don A.	Henry, John C.
Holman, John C.	Jarvis, Robert P.	Johnson, Ron
Nelson, Douglas N.	Passey, Kerry	Rogers, Phil J.
Skousen, Donald	Sheldon, Chris J.	Skiba, John N.
Strong, Brian D.	Sullivan, Dianne	Thomas, Sylvia L.
Trujillo, Margaret		

- b. Court Commissioner Lisa Ann VandenBerg as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace for the period from December 20, 2006 through December 31, 2007, to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (C3807016700) (ADM1001)

**YOUNG FIRST OFFENDER PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to amend the FY 2006-07 Crime Prevention Grant Intergovernmental Agreement (IGA) between Maricopa County and the City of Phoenix Parks and Recreation Department for the Young First Offender Program. The language of the IGA remains the same. The only amendment is to change City of Phoenix Parks and Recreation Department to City of Phoenix Human Services Department. The FY 2006-07 Crime Prevention Grants are established to encourage collaboration and the implementation and/or expansion of evidence-based crime prevention programs. They support the first Strategic Priority embraced by the Board of Supervisors, to "Ensure Safe Communities" by encouraging cities, towns, and tribal nations within Maricopa County to reduce property and violent crime rates and reduce referrals to Juvenile and Adult Probation. The City of Phoenix was a successful applicant for these grants for the Young First Offender Program. However, due to internal changes within the City of Phoenix, it has been decided that the Young First Offender Program should be operated by the Human Services Department instead of the Parks and Recreation Department. All other language and terms remain the same. The IGAs were originally approved under agenda number C20060380ZZ. (C2006039001)

**METHAMPHETAMINE PREVENTION MEDIA CAMPAIGN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an affiliation agreement between Maricopa County and the Meth Project (MP) [Montana Meth Project] setting forth those conditions by which MP will license the use of its methamphetamine prevention media campaign for use in Maricopa County and elsewhere in Arizona as part of the Arizona Meth Project (AMP). This agreement will license use of the multi-media campaign including television, radio, print and billboard ads as well as web site content. Licensing fees will equal 5% of the media "rate card" for any advertising run by the AMP. The agreement also provides for the reimbursement of pre-approved development costs, plus a 15% administrative fee, incurred by the MP for modification of the Meth Content requested by Maricopa County. The agreement can be terminated by either party upon 30 days written notice. (C2007033000)

**INNOVATION IN AMERICAN GOVERNMENT AWARD**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve submission of an application to Harvard University's Ash Institute for Democratic Governance and Innovation for an "Innovation in American Government Award" recognizing Maricopa County's

development of the Human Services Campus. The top five award winners will receive a \$100,000 grant to encourage replication of its innovation in other jurisdictions. There will be no indirect cost recovery associated with this grant. (C2007034000)

**DENTAL RATE CHANGE**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to transfer expenditure authority in the amount of \$195,506 from General Government (470) General Fund (100) General Contingency (4711) Unreserved Contingency to a new line in General Government (470) General Fund (100) General Contingency (4711) Dental Rate Change Reserve, and transfer expenditure authority in the amount of \$75,037 from General Government (470) Detention Fund (255) General Contingency (4711) Unreserved Contingency to a new line in General Government (470) Detention Fund (255) General Contingency (4711) Dental Rate Change Reserve, and transfer expenditure authority in the amount of \$90,916 from General Government (470) General Government Grant Fund (249) (4711) Potential Fee Increases to a new line in General Government (470) General Grant Fund (249) (4711) Dental Rate Change Reserve, and Direct the Office of Management and Budget to transfer appropriated budget amounts as necessary to each department and fund for budget over-runs that are the direct result of the change in employer share of the Delta Dental rate. Amounts are to be transferred from the Dental Rate reserved contingency line items listed above.

The total premium rates for Delta Dental, approved September, 21, 2005, for the plan period January 1, 2006 through June 30, 2007, for active employees and retirees, were inadvertently reported inaccurately under agenda number C3506001100. The correct rates were approved with the Materials Management purchasing contract #04161-RFP awarded on July 6, 2005, see below. (C3507010100)

**CORRECTED FULL TIME EMPLOYEE MONTHLY RATES**

	Total Cost	Employee	Employer	Increase
Delta Dental Fully Insured				
Employee Only	\$39.33	\$19.12	\$20.21	\$2.69
Employee + Spouse	\$89.74	\$42.16	\$47.58	\$8.94
Employee + Child(ren)	\$93.81	\$45.64	\$48.17	\$6.41
Employee + Family	\$120.60	\$58.68	\$61.92	\$8.24

**CORRECTED PART TIME EMPLOYEE MONTHLY RATES**

	Total Cost	Employee	Employer	Increase
Delta Dental Fully Insured				
Employee Only	\$39.33	\$27.88	\$11.45	\$2.69
Employee + Spouse	\$89.74	\$63.20	\$26.54	\$8.94
Employee + Child(ren)	\$93.81	\$65.92	\$27.89	\$6.41
Employee + Family	\$120.60	\$86.60	\$34.00	\$8.24

**CORRECTED RETIREE RATES**

	Total Cost	Increase
Delta Dental Fully Insured		
Employee Only	\$39.33	\$2.69
Employee + Spouse	\$89.74	\$8.94
Employee + Child(ren)	\$93.81	\$6.41
Employee + Family	\$120.60	\$8.24

**AMENDMENT TO MARICOPA COUNTY EMPLOYEE COMPENSATION PLAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an amendment to Maricopa County Employee Compensation Plan Section XIII.C, changing the \$3,000 taxable cash payment to the heir, beneficiary or estate of a deceased employee to a \$10,000 nontaxable investment in a Post Employment Health Plan established pursuant to IRC 501(c)(9) for the spouse or qualified dependents of the deceased employee as defined by IRC 152(a). This change is effective January 1, 2007. (C3507011600) (ADM3308)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) of the Personnel Agendas as amended by Attachment A designating the removal of 24 pages of entries from the Sheriff's Office listings in Exhibit A. Exhibits A and B will be found at the end of this set of Minutes.

**CARRY FORWARD OF PTO HOURS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to allow the following Maricopa County employees to carry forward not more than 80 hours of paid time off (PTO) hours over and above their 240 PTO hours allowed for per the Maricopa County Employee Leave Plan (Sec V.A) into calendar year 2007: (C3107003000) (ADM3320-001)

- o Blair Bradshaw, Treasurer's Office, continuing efforts based on the demand of the Regional School District financials.
- o Ken Stahli, Election's Office, additional demands on the Primary and General Elections.

**RENEW PEAK PERFORMERS PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to renew the Peak Performers Program (also known as the Spot Award Program) as a continuing employee recognition program for FY 2006-07, to allow for the purchase of American Express gift cards (02059-RFP) in denominations of 25 points for maximum award of 50 points per employee per event; for both General Fund and Non-General Fund departments, with total program cost of \$760,971: \$385,871 General Fund (\$370,950 in General Fund Department allocations plus \$14,921 in administrative fees) and \$375,100 Non-General Fund. These gifts cards have no cash value. The General Fund portion of the \$385,871 is budgeted in Dept (470) Fund (100) Org (4712) Other General Fund Programs line item "Human Resources Peak Performers." The Non-General Fund portion of \$375,100 must be absorbed in their budgets by departments choosing to participate in the Peak Performers Program, and this action will not increase the participating departments' appropriations. The program year will cover the period from January 1, 2007 through December 31, 2007. (C3107004800) (ADM3336)

**CIRCLE OF FRIENDS PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to retroactively approve Amendment No. 2 to Contract C86059091 between Maricopa County Department of Public Health and Tanner Community Development Corporation in order to increase funding by \$11,815.29 for the term November 1, 2006 to February 28, 2007. The total contract dollar amount will

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increase to not-to-exceed \$145,078.88. This contract will be used for the Circle of Friends Program Administration under the direction of the Maricopa County Tobacco Use Prevention Program. Funding for this amendment is provided by a grant from The American Legacy Foundation in the amount of \$248.50 (approved on June 21, 2006 under C8605903301) and the Arizona Department of Health Services in the amount of \$11,566.79 (approved on the 2006 LOI C86060433LI on March 1, 2006 under C8603159205). This contract will not increase the county general fund budget. (C8605909102)

**STUDENT ROTATION TRAINING**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the affiliation agreement entitled, "Off-Site Preceptor Student Rotation Training Agreement" with the Board of Trustees of Northern Illinois University (NIU) to allow students from the NIU Health and Human Sciences program to participate in learning experiences at the Maricopa County Department of Public Health. The agreement is non-financial, and the term is from January 1, 2007 through June 30, 2011. (C8607030000)

**TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following intergovernmental agreements (IGA) and amendments to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health.

- a. An IGA with Liberty School District. The term of the agreement is from October 1, 2006 through May 1, 2007, for a contract dollar amount not-to-exceed \$5,500. (C8607420200)
- b. Amendment No. 1 to IGA C86074492 with Washington School District. The amendment will increase the amount of the agreement by \$8,000 from \$31,500 to not-to-exceed \$39,500. The term of the agreement is retroactive from July 1, 2006 through May 1, 2007. (C8607449201)
- c. An IGA with Riverside School District #2. The term of the agreement is retroactive from September 1, 2006 through May 1, 2007, for a contract dollar amount not-to-exceed \$2,000. (C8607469200)
- d. An IGA with Fountain Hills Unified School District. The term of the agreement is retroactive from October 1, 2006 through May 1, 2007 for a contract dollar amount not-to-exceed \$2,000. (C8607481200)

**ADMINISTRATIVE CORRECTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an administrative correction to the amendment number of the agreement C8607451202, an intergovernmental agreement with the Cartwright School District and the Maricopa County Department of Public Health that was approved on November 15, 2006. The amendment was No. 2, not No. 1 as stated in the agenda. (C8607451203)

**CO-LOCATION OF DES JOB SERVICE STAFF**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between Maricopa County Human Services Department/Workforce Development Division and Arizona Department of Economic Security/Employment Services Administration (DES/ESA) to co-locate Job Service staff within the county-operated One Stop Career Center located at 9770 W. Peoria Avenue, Peoria. Under this IGA, DES/ESA will reimburse Maricopa County for the amount of space occupied by DES/ESA staff, based on the county's current per square foot lease rate for that facility. DES/ESA will also pay a prorated share of common space, utilities, and office supplies. The term of this agreement is from November 1, 2006, through October 31, 2007, with an option to renew annually through 2011. This contract does not contain any county general funds. (C2207100200)

**LEASE FOR OFFICE SPACE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and execute limited service lease No. L7392 with Carlson Real Estate Company, A Minnesota Limited Partnership, Lessor, for approximately 32,710 square feet of office space located at 1240 N. 95th Avenue, Suite 160, Phoenix, AZ. The seven year lease shall commence on or about July 1, 2007, and terminate on or about June 30, 2014. Lessor shall provide 4.5 parking spaces per 1,000 square feet of leased office space and one month of free rent. After the first year, the county may terminate the lease at the end of any fiscal year due to non-appropriation of funds provided the county repays the unamortized tenant improvements at an initial cost of \$1,500,000 recovered over seven years at 10% interest. Early termination is not expected, but if it occurs it would be a liability to the General Fund. Lessee may "hold over" up to six months at a monthly rental rate equal to 150% of the monthly rental rate at the time of lease termination. (C2207113400)

The NNN base rental rate plus operating and maintenance expenses and rental tax:

<b>Months</b>	<b>Base Rent</b>	<b>Annual</b>
1-12	\$16.65/sf	\$544,621.50
13-24	\$17.15/sf	\$560,976.50
25-36	\$17.65/sf	\$577,331.50
37-48	\$18.15/sf	\$593,686.50
49-60	\$18.65/sf	\$610,041.50
61-72	\$19.15/sf	\$626,396.50
73-84	\$19.65/sf	\$642,751.50

**SHARED RESPONSIBILITIES AT LAKE PLEASANT REGIONAL PARK**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County, through its Parks and Recreation Department, and the City of Peoria for shared responsibilities at Lake Pleasant Regional Park. The term of this agreement is for 14 years, effective upon the approval of both parties, with the ability to extend the agreement for two additional 10-year periods upon mutual agreement of the parties. There is no financial impact. (C3007007200)

**DONATIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the acceptance of a donation from Rooney Oxford of Surprise, AZ to Maricopa County Animal

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Care & Control in the amount of \$500 for the care and well being of the animals. Donation revenue funds are deposited into Fund (573) as they are received. (C7907030700) (ADM2300-006)

**FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, 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.

**LICENSE AGREEMENT FOR SECURITY GATE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and execute a license agreement for a security gate with Arizona Water Company for permission to install a gate and usage of three parking spaces for an annual fee of \$700. Arizona Water Company and Maricopa County have entered into prior agreements for security purposes at our adjacent sites prior to this request. This annual, auto renewal, license agreement allows for installation of an electronic gate across a shared driveway for access to an existing easement. For a fee of \$700 annually Arizona Water Co. will be allowed to install an electronic security gate and use three parking spaces which are not being used by Adult Probation. This will allow the water company to secure their employee parking lot. This request has been reviewed and approved by the Facilities Review Committee and Adult Probation. Maricopa County may terminate this license with 90 days notice after the first year. (C1804045M01) (ADM646)

**ACQUISITION OF REAL PROPERTY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the acquisition of real property, for Superior Court administration and security, at the southwest corner of Central Avenue and Madison Street, and at the northwest corner of Central Avenue and Jackson Street, Phoenix, Arizona. Authorize the Chairman of the Board to execute all necessary documents approved by Civil Division to complete the acquisition of the property.

Pursuant to A.R.S. §42-17106(B), authorize the following amendments to the FY 2006-07 Five-Year Capital Improvement Plan:

- Create a new project in the General Fund County Improvement Fund (445) titled "One West Madison," Function Class MADI, with revenue and expenditure budgets in the amount of \$3,150,000 in Year 1.
- Approve a fund transfer in the amount of \$3,150,000 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency Items (4811) "Property Acquisition" to Appropriated Fund Balance (480), General Fund (100), Other Programs (4812) "Transfer to CIP funds". Then transfer the same amount from there to Appropriated Fund Balance (480) County Improvement Fund (445), Capital Projects (4813), "One West Madison" (MADI). This action requires appropriation adjustments increasing the revenue and expenditure budgets of the Appropriated Fund Balance (480) County Improvements Fund (445) by \$3,150,000, with offsetting revenue and expenditures eliminations in the Eliminations (980) Eliminations Fund (900).

The preceding adjustments have a net zero impact on the overall county budget. (C1807012B00) (ADM811-015)

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, 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**

- 06092-S**      **Trash Removal Services** (\$3,000,000 estimate/three years with three one-year renewal options) Price agreement to provide trash hauling services for Maricopa County sites.
- o Allied Waste
- 06109-S**      **Dust Stabilization using Chemical Methods** (\$1,000,000 estimate/three years with three one-year renewal options) Price agreement for dust stabilization services to be utilized by the Facilities Management Department.
- o Earthcare Consultants, LLC
  - o Highland Environmental
  - o Int'l Soil Technologies LLC
- 06121-ROQ**    **Dental Services Contract Providers – Correctional Health Services** (\$700,000 estimate/three years with three one-year renewal options) Contract to provide dental services providers to CHS for inmate dental services.
- o Thomas Chong, DMD
  - o Kendrick D. Gray

**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 March 31, 2010**

- 03212-C**      **Dishwashing Compounds, Dispensing Equipment and Maintenance** (\$600,000 estimate/three years) Price agreement renewal for dishwashing compounds, dispensing equipment, drying agents and maintenance for MCSO Detention Facilities.
- o Northern Chemical Company

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- 03047-C Floor Covering Installation and Removal** (\$1,700,000 estimate/three years) Price agreement renewal to purchase floor covering including installation and removal as requested by county departments.
- o Continental Flooring Company
  - o Spectra Contract Flooring
  - o JLP Contract Floors
  - o Resource Arizona
  - o Wholesale Floors, Inc.
  - o DFS

**Until June 30, 2008**

- 01178-RFP Employee Health Benefits Plan** (\$15,000,000 estimate/twelve months) Contract renewal to provide general medical and pharmacy service employee/eligible dependent health benefits.
- o Cigna Healthcare of Arizona
  - o Walgreens Health Initiatives

**Increase in the price agreement amount for the following contracts.** This request is due to an increased usage by County departments.

- 02098-RFP Audit Assistance, Internal Audit** (\$276,000 increase) Increase contract from \$400,000 to \$676,000. This \$276,000 increase is requested by Internal Audit to fund on-going consulting services for various Auditing projects. There is no increase in contract rates. This contract was renewed by the Materials Management Director on January 12, 2006, and has an expiration date of December 31, 2008.
- o KPMG, LLP
  - o Protiviti, Inc.
  - o Jefferson Wells International, Inc.
  - o Clifton Gunderson, LLP

**SETTLEMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve settlement in Derek Hines, Estate of Kathleen Hines v. Maricopa County, CV2005-014557. This item was heard in Executive Session on December 18, 2006. (C7507015100) (ADM409)

**SETTLEMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the proposed settlement offer of \$3,500 from Pecos Healthcare Limited Partnership d.b.a. Archstone Care Center for violations of the Maricopa County Trip Reduction Ordinance. On October 10, 2006, the Travel Reduction Program (TRP) Regional Task Force reviewed the compliance status of Pecos Healthcare Limited Partnership d.b.a. Archstone Care Center and their settlement offer of \$3,500. The TRP Task Force voted to recommend the acceptance of the Pecos Healthcare Limited Partnership d.b.a. Archstone Care Center settlement offer. The proceeds will be deposited into Air Quality's General Fund. This item was discussed in Executive Session on November 13, 2006. (C8507011300) (ADM2356)

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**IMMUNIZATIONS AND PURCHASE OF SAFETY VESTS FOR DEPLOYABLE VOLUNTEERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and accept an additional \$49,163.16 in FY 2006-07 Community Emergency Response Teams (CERT) Grant funds from the Office of Domestic Preparedness 2005-GE-T5-0030. This is a reimbursable grant. This grant will be used to immunize 137 deployable volunteers and support the NIMS resource typing qualifications and to purchase standardized safety vests for all volunteers. Approve an appropriation adjustment to Emergency Management (150), Emergency Management Grant Fund (215), increasing the FY 2006-07 revenue and expenditure budgets by \$49,163.00. Maricopa County Department of Emergency Management's indirect cost rate is 17.01% for FY 2006-07 and the unallowable/unrecoverable portion of indirect costs associated with this grant is \$8,362.65. The grant award period is October 1, 2004 through March 31, 2007. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation; therefore expenditure of these revenues is 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. (C1506015301)

**SALARY INCREASES**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a transfer of expenditure authority from General Government (470) General Fund (100) General Contingency Compensation Reserve (4711) to Environmental Services (880) General Fund (100) in the amount not-to-exceed \$3,879,193. This action will fund salary increases that the proposed fee increase will not cover. This action requires an expenditure appropriation adjustment decreasing the FY 2006-07 General Government (470) General Contingency Compensation Reserve (4711) expenditure budget not-to-exceed \$3,879,193 and increasing the FY 2006-07 Environmental Services (880) General Fund (100) expenditure budget not-to-exceed \$3,879,193. These adjustments will result in a countywide net financial impact of zero. (C8806014800) (ADM2350-001)

**RENOVATION OF SECURITY BUILDING**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 9 to contract C7004039800, Concord General Contracting, in the amount of \$398,094. This contract is for the continued design build and related professional services for the renovation of the Security Building for Phase IV primarily - renovations of 2nd Floor, 4th Floor and 5th Floors to relocate Public Fiduciary, Maricopa County Sheriff's Office and Community Development from leased space which includes the following: asbestos survey and abatement; demolition of 4th floor center and 2nd floor; design for steam coils replacement; added storage room to Protective Services space; wind study for generator exhaust; design fees for: relocation of existing utilities in freight elevator shaft, review of controls, emergency generator, freight elevator upgrades, awnings at entries and survey of north tower roof; and purchase of filter for particulate matter for emergency generator. (Supervisory District 5) (C7004039805)

**SOUTHEAST JUSTICE CENTER DESIGN PHASE SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to amend the action requested on agenda item C7006047500 previously approved on June 21, 2006 to the following: Approve and authorize the execution of Contract No. FMD-06-039, with Holder Construction Company of Phoenix, Arizona in the amount of \$552,000. This contract is to provide Maricopa County

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Southeast Justice Center (Project No. 2827-05-063) Design Phase Services. Prior to construction, Holder Construction Company will be required by the county to provide a Guaranteed Maximum Price (GMP) for construction of the Southeast Justice Center. The GMP construction phase of the contract will be presented to the Board of Supervisors for their approval prior to start of construction. The previous agenda listed the amount of the contract as \$573,000. The correct amount is \$552,000 or \$21,000 less. (C7006047501)

**MAJOR MAINTENANCE PROJECT BUDGET ADJUSTMENTS**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following FY 2006-07 expenditure budget adjustments in General Government (470), Detention Fund (255), Major Maintenance (4732), Year 1:

- o Increase Life/Safety Projects (SFTY) by \$680,000.
- o Decrease Project Reserve (MMPR) by \$680,000.

The adjustments have a net zero impact on the overall county budget. (C7007025800) (ADM800-003)

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

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, 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)

- |                   |   |
|-------------------|---|
| A339.021<br>(DLK) | Project No.: TT233 - Camino Del Sol and Spanish Garden - Warranty Deed - Parcel No.: 232-12-032B - Tom F. Reese and Ruth E. Resse, Trustees - for the sum of \$12,641.00.   |
| A339.021<br>(DLK) | Project No.: TT233 - Camino Del Sol and Spanish Garden - Purchase Agreement and Escrow Instructions - Parcel No.: 232-12-032B - Tom F. Reese and Ruth E. Resse, Trustees.   |
| K-76-A<br>(DLK)   | Project No.: TT003 - 114th Street and Weir Road - Agreement for Compensation of Property - Parcel No.: 220-77-004B, 007J - Valley Baptist Church, an Arizona corporation - for the sum of \$1,250.00.   |
| X-1306-1<br>(JPM) | Project No.: TT087 - Queen Creek Road (Arizona Avenue to McQueen Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 303-41-007A - Schrader Farms, Inc., an Arizona corporation - for the sum of \$8,397.00.                                 |
| X-1309-1<br>(JPM) | Project No.: TT087 - Queen Creek Road (Arizona Avenue to McQueen Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 303-41-024A - Harsch Investment Properties - II, LLC, an Oregon limited liability company - for the sum of \$10,978.00. |

**ADDITION OF PROJECT AND CORRESPONDING EXPENDITURE BUDGET**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the addition of the following project and corresponding

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expenditure budget to the FY 2006-07 Transportation Improvement Program (TIP), Department of Transportation (640) Transportation Capital Projects Fund (234), Year 1:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget</b>
T274	NE Maintenance Yard	\$165,500

Also approve an amendment to the current FY 2007-11 five-year Transportation Improvement Program (TIP), Department of Transportation (640) Transportation Capital Projects Fund (234), adopted by the Board on June 19, 2006 by **decreasing** the FY 2006-07 (Year 1) capital budget for the following projects:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget</b>
T006	Unallocated Force Account	\$7,500
T001	TIP Development	\$158,000

The requested adjustment is necessary to realign project budgets to more closely match the year-end projected expenditure amount and results in a net impact of zero. (C6407134800) (ADM2000-003)

**BUDGET ADJUSTMENTS FOR TRANSPORTATION CAPITAL PROJECTS**

Pursuant to A.R.S. §42-17106(B), approve an amendment to the FY 2007-11 Transportation Improvement Program (TIP), Department of Transportation (640) Transportation Capital Projects Fund (234), by **decreasing** the FY 2006-07 (Year 1) capital budget for the following projects:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget</b>
T004	Warranted Traffic Improvements	\$50,000
T006	Unallocated Force Account	\$2,500

Adjust the following project by **increasing** the FY 2006-07 (Year 1) capital budget for the following project:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget</b>
T264	Traffic Signal Improvement No. 6	\$52,500

Also approve the name change of the aforementioned project to:

<b>Project Number</b>	<b>Name</b>
T264	Union Hills Drive at 99th Avenue

The requested adjustment is necessary to realign project budgets to more closely match year-end projected expenditure amount, and results in a net impact of zero. (C6407135800) (ADM2000-003)

**REIMBURSEMENT TO ROOSEVELT WATER CONSERVATION DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve reimbursement to Roosevelt Water Conservation District for the costs incurred in the relocation design of 150' of their piped irrigation facilities which are in conflict with MCDOT Project T156 – Chandler Heights Road at 124th Street. The cost may not exceed the current estimate of \$25,000 by more than 10%. (C6407136M00) (ADM2000-006)

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**ROAD FILE ABANDONMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to adopt Resolution AB-154 to abandon a portion of old New River Road in the vicinity of New River Road and 15th Avenue, per A.R.S. §28-7214, by extinguishing the easement which was conveyed to Maricopa County by means of an Easement and Agreement for Roadway Purposes on August 13, 1971, and recorded by the Maricopa County Recorder as docket 8883, pages 556 and 557 and also in docket 8883, pages 558 and 559. (Supervisorial District 3) (C6407137000)

**RESOLUTION**  
**ROAD ABANDONMENT AB-154**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

**WHEREAS**, a certain roadway easement located in the general vicinity of New River Road and 15<sup>th</sup> Avenue was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on August 13, 1971 and recorded by the Maricopa County Recorder as docket 8883, pages 556 and 557 and also in docket 8883, pages 558 and 559; and

**WHEREAS**, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

**WHEREAS**, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", follows; and

Legal Description

That part of that parcel of land recorded in Docket 8883, page 556 and 557 of the Maricopa County Recorder's Office lying in the North half of the Southeast quarter of the Southeast quarter of the Northeast quarter (N2 of SE4 of SE4 of NE4) of Section Thirty-one (31) – T7N, R3E of the G&SRB&M, Maricopa County, Arizona.

**WHEREAS**, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

**WHEREAS**, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

**BE IT THEREFORE RESOLVED** by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

**BE IT FURTHER RESOLVED** that the roadway easement as described in Exhibit "A" is hereby extinguished.

**BE IT FURTHER RESOLVED** that this resolution does not abandon any patent easement that may encumber the property described in Exhibit "A".

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**BE IT FURTHER RESOLVED** that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

**DATED** this 20<sup>th</sup> day of December 2006. (C6407137 000)

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**APPOINTMENTS**

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

- a. **Employees' Suggestion Merit Award Board** – Appoint Susan Schuerman, representing Supervisorial District 2, serving at the pleasure of Supervisor Stapley. (C0607046900) (ADM3333-001)
- b. **Parks and Recreation Commission** – Reappoint Randy Virden, as recommended by the department Director, William C. Scalzo, whose term is effective from January 1, 2007 through December 31, 2008. (C3007017000) (ADM3203-001)
- a. **Voluntary Vehicle Repair and Retrofit Program** – Reappoint the following members, whose terms are effective from January 20, 2007 through January 31, 2009: (C0607043900) (ADM2360-001)
  - i. Dennis Robbins, representing the Automotive Aftermarket Products Industry
  - ii. Bill Buck, representing Automobile Hobbyists
  - iii. Beverly Chenausky, representing the Arizona Department Of Transportation

**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 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 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)

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

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Approve Voucher #257	\$53,516.02
Approve Voucher #213	\$292,515.74

Staff did not give an update to the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

**PUBLIC HEARING SET – FRANCHISE – AGUILA WATER SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing for 9:00 a.m., Wednesday, January 17, 2007, to solicit comments on the application filed by Aguila Water Services for a public service franchise ~~extension~~ renewal for a domestic water distribution system. The hearing will consider whether the applicant is able to adequately maintain facilities in county right-of-ways. Pending approval by the Board of Supervisors, the franchise will be granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona and the Certificate of Assured Water Supply be procured from the Arizona Department of Water Resources 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. The Franchisee shall bear all expenses relating to the granted franchise including damage and compensation for any alteration of the direction, surface, grade or alignment of any county road for the purpose of the franchise (The Clerk made the above correction prior to the vote.) (F16180)

**PUBLIC HEARING SET – GOLDFIELD RANCH FIRE DISTRICT**

Pursuant to A.R.S. §48-261(A), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing for 11:00 a.m., January 2, 2007, on the petitions submitted December 1, 2006, regarding the creation of the proposed Goldfield Ranch Fire District and the verifications completed by the County Recorder and the County Assessor. At the hearing the Board will receive certification of petitions and issue a final order regarding the creation of the Goldfield Ranch Fire District. (C0607045700) (ADM4452)

**PUBLIC HEARING SET – WRITS ISSUED BY JUSTICE OF THE PEACE**

Item: Set a public hearing for 9:00 a.m., Wednesday, January 17, 2007, at 205 West Jefferson, to solicit comments and consider the proposed fee of \$5.00 for all writs issued by a Justice of the Peace in civil cases, effective upon Board of Supervisor's approval. Fees collected will be deposited into the Constable Ethics Committee Fund established by Section 22-136. Senate Bill 1180, enacted September 21, 2006, amends A.R.S. §11-445 to allow Board of Supervisors to establish a fee not-to-exceed \$5.00 per writ served. (C2507002000)

Supervisor Wilcox asked for an explanation of what a writ is used for. Constable Ron Myers responded, "A writ is a court order issued by a Justice of the Peace commanding the constable to do certain things, usually to take property." He explained that 90-95% of the writs served are for evictions, and the remaining comprise orders for certain property to be returned, i.e., items to rental firms, and also to collect for a judgment or to seize property for auction to pay a judgment. He said that the plaintiff pays the \$5 fee. He added that the people most impacted by this fee would be landlords.

He further explained that State law requires that 20% of the \$5 would go to funding the Constable Ethics Committee, which was established by the Legislature, but funding was not provided by that body for

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operating expenses. The other 80% of the \$5 fee goes to a fund that will provide constable training statewide. He said that currently some Arizona counties do not provide adequate funding for the eight hours of training per year their constables are required to receive and these fees have had to be paid personally by those constables before this fund was established.

The Chairman reminded members that this item simply sets a hearing date and if they have further questions, there is time to get answers prior to the January 17, 2007, hearing.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to set this hearing, as given above, for January 17, 2007.

**PUBLIC HEARING SET – PLANNING AND ZONING CASES**

No cases were forwarded to be set for future hearing dates.

**ASRS CLAIMS**

No claims were submitted by the Arizona State Retirement System for this meeting. (ADM3309-001)

**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 for this meeting.

Paloma Irrigation and Drainage District  
Chandler Heights Citrus Irrigation District

ADM4331-001  
ADM4314-001

**CLASSIFICATION CHANGES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

<b><u>PARCEL NO.</u></b>	<b><u>YEAR</u></b>	<b><u>OWNER</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>
118-21-068a	2006	Michael Hechter	4	3
124-67-056	2006	Jack Hargrove	4	3
132-75-112	2006	Diane Klassy	4	3
133-54-028	2006	Jan Rooney	4	3
134-41-297	2006	Todd Biesiada	4	3
134-44-283	2006	Tom Bell	4	3/4
142-62-406	2006	Jean Sprague	4	3
155-35-120	2006	Scott Weekley	4	3
161-14-158	2006	Allen Dexter	4	3
175-59-015	2006	Patricia Remen	4	3
201-06-120	2006	Richard Fowler	4	3
207-42-239	2006	Andrew Yorgason	4	3
208-03-257	2006	Jonathan Jones	4	3

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211-42-101	2006	Mary Antol	4	3
212-05-487	2006	Bradley Beedy	4	3
212-36-032	2006	Adam Schwarz	4	3
218-55-225	2006	Eduardo Martinez	4	3/4
301-51-178	2006	Slade Lawson	4	3
302-04-317	2006	Thomas Marra	4	3
302-93-115	2006	Shirley Hughes	4	3
302-97-524	2006	Jeffery Langmeyer	4	3
304-78-740	2006	Shabaniana P	4	3
500-49-011	2006	Jose Cano	4	3
500-49-014	2006	Jose Cano	4	3
508-03-078	2006	Martin Camarena	4	3
124-67-056	2005	Jack Hargrove	4	3
132-75-112	2005	Diane Klassy	4	3
133-54-028	2005	Jan Rooney	4	3
134-41-297	2005	Todd Biesiada	4	3
142-62-406	2005	Jean Sprague	4	3
155-35-120	2005	Scott Weekley	4	3
161-14-158	2005	Allen Dexter	4	3
163-17-013	2005	Hazel Moore dba Hazel Ereksen	4	3
208-03-257	2005	Jonathan Jones	4	3
211-42-101	2005	Mary Antol	4	3/4
212-36-032	2005	Adam Schwarz	4	3
301-51-178	2005	Slade Lawson	4	3
302-97-524	2005	Jeffery Langmeyer	4	3
500-49-011	2005	Jose Cano	4	3
500-49-014	2005	Jose Cano	4	3
124-67-056	2004	Jack Hargrove	4	3
132-75-112	2004	Diane Klassy	4	3
133-54-028	2004	Jan Rooney	4	3
134-41-297	2004	Todd Biesiada	4	3
142-62-406	2004	Jean Sprague	4	3
155-35-120	2004	Scott Weekley	4	3
161-14-158	2004	Allen Dexter	4	3
163-17-013	2004	Hazel Moore	4	3
208-03-257	2004	Jonathan Jones	4	3
212-36-032	2004	Adam Schwarz	4	3
301-51-178	2004	Slade Lawson	4	3
302-97-524	2004	Jeffery Langmeyer	4	3
500-49-011	2004	Jose Cano	4	3
500-49-014	2004	Jose Cano	4	3
119-05-020	2003	Mary Cowan	4	3

**COMBINED CHARITABLE CAMPAIGN**

No items were submitted for this meeting (ADM3311-001)

**COMPROMISES**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on December 4, 2006. (ADM407)

Jaime Chaves      \$3,766.76

**COUNTY FAIR RACING MEET**

Pursuant to A.R.S. §11-251.24, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the Maricopa County Fair, Inc., to conduct a county fair racing meet under the terms and at such time as provided in the application for the racing permit submitted by the County Fair Association, Inc., to the Arizona Department of Racing. (ADM150)

**COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT**

Pursuant to A.R.S. §11-501, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the Treasurer's Statement of Collections and Investment summary reports for October 2006 and November 2006 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4006)

**DONATIONS**

No donations were reported for this meeting. (ADM1810)

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approval and ratification is requested for 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>
Siomara G Enriquez	370004547	Expense	\$520.00
Luz Franco	370017328	Expense	\$620.00
Sendy Guerra	270012680	Expense	\$55.00
James Edgar	270030266	Payroll	\$17,193.56
Peter Craig Sabin	270028764	Payroll	\$105.00
Gayle Rogers	270000478	Payroll	\$1,407.14

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Water Treatment Technologies	Litchfield Elem SD #79	470034478	\$119.04
Helen Drake	Madison SD #38	160122029	\$398.08
Glenco McGraw Hill	Higley USD #60	470013453	\$5,482.28
MISDU	Regional SD #509	470050781	\$314.00

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Grainger	Avondale Elem SD	4725712	\$790.97
Michael H Segovia	Agua Fria Union High SD #216	170050135	\$244.76
Ashley Migliazzo	Buckeye Union High SD #201	170049596	\$824.02
Edith Cox	Tolleson Union High SD #214	170049822	\$1,019.25

**PRECINCT COMMITTEEMEN**

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. at this meeting. (ADM1701)

**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 corrections of the Secured Tax Rolls. (ADM705)

<b>YEAR</b>	<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
2002	20409	20409	-\$1,077.36
2003	27393	27402	-\$52,882.46
2004	13989	14009	-\$45,632.16
2005	16359	16454	-\$166,396.64
2006	4728	5200	-\$483,941.24
2003	27372	27377	-\$15,777.08
2004	13936	13965	-\$21,755.50
2005	16251	16315	-\$55,545.96
2006	4104	4540	-\$406,899.68
2003	27403	27406	-\$1,200.44
2004	14010	14026	-\$104,653.66
2005	16455	16539	-\$142,939.20
2006	5201	6021	-\$447,454.34

**SETTLEMENT OF 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 December 20, 2006. (ADM704)

<b>2004/2005</b>	<b>2006/2007</b>
TX2004-000736	TX2006-050163
TX2004-000161	<b>2007</b>
<b>2005</b>	ST2006-000021
TX 2005-000036	ST2006-000031
<b>2006</b>	ST2006-000053
ST2005-000068	
ST2005-000108	

**STALE DATED WARRANTS**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

TLC Investments	\$1,087.45
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**TAX ABATEMENTS**

No requests for tax abatements were received from the Treasurer's Office for this meeting. (ADM708)

**WRITE-OFFS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the write-offs of the Sheriff's Uncollectible Accounts in the amount of \$61,009.45. This item was discussed in Executive Session held December 4, 2006. (ADM407)

Sheriff's Uncollectible	\$61,009.45
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**SETTLEMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve settlement agreement and mutual release of claims with Baxter Healthcare Corporation in the amount of \$45,000. This item was discussed in Executive Session on September 18, 2006. (Addendum item A-2) (C730700300) (ADM409)

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

Gary Steer, a former member of Senior Select (a Maricopa County HMO contractee with Medicare) said the contract was cancelled by Medicare on January 1, 2005 and he had heard this was cancelled because Senior Select paid only 50% of the outstanding bills to vendors that had performed health services to Senior Select members while Medicare had paid the full amount to Senior Select. He felt this was a grave omission and asked for action by the Board. (ADM605)

Chairman Stapley said that Maricopa County no longer has anything to do with the Integrated Health Care System as they now have their own elected board. He directed Shawn Nau to meet with Mr. Steer to give some direction for him to contact the Special Health Care District Board of Directors.

Blue Crowley, citizen, reported that at the last CTOC meeting, only three members of their seven member board were present and claimed their attorney told them this did represent a quorum despite having fewer than half the members present. He argued the point with them until those members claimed attorney client privilege. He said CTOC is a citizens' committee and if a citizen questions whether there is a quorum they should answer that citizen's question.

Mr. Crowley also referenced a previous issue brought before the Board during this public venue, about the State Attorney General's conclusion that his (Mr. Crowley's) earlier ejection from a public CTOC meeting for wearing a D-Backs hat did violate Arizona's Open Meeting Law. He questioned the choice of the County's CTOC appointee.

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**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Brock spoke of the recent friendly wager he and Supervisor Kunasek had over whose high school alma mater would win first place in the State's AAAAA football championship game. Supervisor Brock's team, Hamilton High school, won and Mr. Kunasek had agreed to wear that school's football jersey in a public meeting if this occurred. Supervisor Brock "happened" to have a jersey with him and Supervisor Kunasek left the dais during a convenient five-minute break called by the Chairman and returned wearing the Hamilton team shirt. (ADM606)

**PLANNING AND DEVELOPMENT**

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 Code Enforcement Review. All Board Members, as listed above, remained in session. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**The Board of Supervisors will now consider Code Enforcement Reviews. Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision and whether a procedural error may have occurred. New evidence is not considered at these hearings.**

**CODE ENFORCEMENT REVIEW – JOHN AND NEVA RIETER**

Chairman Stapley called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case Nos. V2006-01399, John and Neva Rieter. This case was previously heard on November 15, 2006. (ADM3417-040)

Mr. Gerard said this site has a history of zoning violations but this case's primary charge, of running a business in a residential zone, had been addressed when the business ceased operations on November 8<sup>th</sup>, and the owner is in compliance on that charge. The Hearing Officer assessed a fine of \$750 plus \$100 per diem, but staff is requesting that only the base fine of \$750 be assessed because of a mix-up in notification to Mr. Rieter.

However, he said that a December 5, 2006, inspection revealed junk, trash and debris still present on the site. This was a secondary charge to the original violation. He asked that the Board determine if a junk, trash, debris charge should be brought against the Rieters as a new violation due to the history of this site's non-conformance.

Chairman Stapley called for any speakers to this issue and the Clerk replied that none were registered.

Supervisor Wilson asked Mr. Gerard if a new violation would have a time-limit attached to it and if the Rieters would have enough time to bring their property into compliance.

Mr. Gerard responded that staff plans to keep the timing short because junk, trash and debris was the second part of the original violation and this condition has been ongoing. They would like to process the new case at a brisk pace.

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Motion was made by Supervisor Wilson to follow the recommendation of Planning and Zoning, to uphold the hearing officer's judgment and to assess the original \$750 fine and forgive any per diem on the original charge. Motion was seconded by Supervisor Wilcox.

The Clerk asked Mr. Gerard to clarify any per diem fine in this case. Mr. Gerard responded that their recommendation would be to collect the \$750 fine and consider the violation for an illegal business to be in compliance, and also to direct staff to open a new violation for junk, trash and debris to be cleaned up within 60 days.

Supervisors Wilson and Wilcox agreed to add that condition and restated their motion as follows:

Motion was made by Supervisor Wilson to follow the recommendation of Planning and Zoning, to uphold the hearing officer's order and to assess the original \$750 fine, to forgive any per diem on the original charge and consider the violation for an illegal business to be in compliance. To also direct staff to open a new violation against John and Neva Rieter for junk, trash and debris to be cleaned up within 60 days. Motion was seconded by Supervisor Wilcox. Motion carried with a unanimous vote (5-0).

#### PLANNING AND DEVELOPMENT ITEMS

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

#### CONSENT AGENDA DETAIL:

1.     **Z2006-052     District 3**  
      **Applicant:**     Studio Architecture for Evergreen Anthem  
      **Location:**     South side of Anthem Way, east of Daisy Mountain Drive (in the Anthem area)  
      **Request:**       Precise Plan of Development in the C-2 CUPD zoning district for retail shops  
                          (approximately 1.2 acres) – Anthem Retail Center

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2006-052, subject to the following stipulations "a" through "k". Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

- a.     Development of the site shall comply with the zoning exhibit entitled "Pad 5 Retail Building Anthem Village Center" consisting of two (2) full size sheets, dated revised October 2, 2006, and stamped received October 6, 2006, except as modified by the following stipulations.
- b.     Development of the site shall be in conformance with the narrative report entitled "Pad 5 Retail Building at Anthem Village Center Z2006052", consisting of eight (8) pages, dated revised October 2, 2006, and stamped received October 6, 2006, except as modified by the following stipulations.
- c.     Development of the site shall be in conformance with the landscape plan entitled "Conceptual Landscape Plan", consisting of one (1) page, revised September 1, 2006, and stamped received September 8, 2006, except as modified by the following stipulations.

- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- 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 or screened from view.
- g. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- 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. 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.
- j. Major changes to the site plan 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.
- k. 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).

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

- 2. Z2006-055 District 1**  
**Applicant:** Baldinger Architectural Studio for Anthony and Mark Boccaccio  
**Location:** South of Curry Road and 480' east of Scottsdale Road (in the north Tempe area)  
**Request:** Precise Plan of Development in the IND-2 zoning district for an industrial office, wholesale repackaging and distribution with ancillary equipment sales (approximately 2.6 acres) – Allied Gases & Welding Supplies

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z2006-055, subject to the following stipulations "a" through "p". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Allied Gas & Welding Supply", consisting of Sheets a1.0, a1.1, dated (revised) October 4, 2006 a3.0, dated (revised) July 27, 2006, and a3.0a, dated (revised) May 22, 2006, and stamped received

October 23, 2006, except as modified by the following stipulations. Within thirty (30) days of approval by the Board of Supervisors, the applicant shall submit a revised site plan addressing drainage review comments and all four (4) sheets to be revised with a current date.

- b. Development of the site shall be in conformance with the narrative report entitled "Allied Gases & Welding Supply Narrative Report", consisting of five (5) pages, dated (revised) October 6, 2006, and stamped received October 10, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Allied Gas & Welding Supply", sheet L1 page, dated (revised) October 23 2006, and stamped received October 24, 2006, except as modified by the following stipulations. Within thirty (30) days of approval by the Board of Supervisors, the applicant shall submit a revised sheet L-1 showing decomposed granite (dg) along the 10' (w) strip of land surrounding the site between the chain link fence and the retaining wall.
- d. Within thirty (30) days of Board of Supervisor's approval, the site must be cleared of all junk and debris.
- e. Prior to final occupancy of the proposed building, the business activity on Gilbert Rd. shall cease and all structures and appurtenances associated with the business operation on the south portion of the site, off Gilbert Rd. shall cease, the building demolished and the land cleared.
- f. In any multi-phase industrial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by Maricopa County. This shall include land designated on the site plan as Phase II.
- g. All trees shall be double-staked when installed.
- h. A continuous parapet shall screen all roof-mounted equipment.
- i. 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.
- j. 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.
- k. Prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- l. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- m. 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

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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.

- n. 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.
- o. Major changes to the site plan 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.
- p. 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).

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

- 3. **Z2006-094 District 1**  
**Applicant:** Winton Architects, Inc. for Crafcoc, Inc.  
**Location:** Approx. 932 feet east of Arizona Avenue and ½ mile south of Riggs Road (in the south Chandler area)  
**Request:** Precise Plan of Development in the IND-2 zoning district for an industrial office, manufacturing, assembly, and warehousing of equipment (approximately 8.61 acres) – CRAFTCO, Inc.

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z2006-094, subject to the following stipulations "a" through "n". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "CRAFTCO " consisting of four (4) full-size sheets, dated revised October 18, 2006 and stamped received October 18, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisor's approval the applicant shall resubmit a revised Precise Plan of Development with the addition of one (1) ADA accessible space, three (3) additional load spaces and the parking table and parking lot configuration as follows:

	Bldg sq. ft.	s./f per space	# spaces
Office	5,475	250	21.9
Ind./Mfg.	37,663	600	62.8
Warehouse	28,553	900	31.7
Total Area	71,691		
Total Spaces			117

- b. Development shall be in conformance with the narrative report entitled "CRAFICO, INC Plan of Development", consisting of four (4) pages, dated September 18, 2006 and stamped received October 18, 2006, except as modified by the following stipulations.
- c. Development of the site shall comply with the design shown on Sheet 1 of 3 of the Landscape plan entitled "CRAFICO " consisting (1) full-size sheet, dated September 18, 2006 and stamped received October 18, 2006, except as modified by the following stipulations.
- d. All trees shall be double-staked when installed. Landscaping shall be native and Sonoran Desert plant species.
- e. A continuous parapet shall screen all roof-mounted equipment.
- 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 from view.
- g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Arizona Department of Transportation (ADOT) for landscaping or other improvements in the right-of-way.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain an Access permit from Arizona Department of Transportation District Office/Permits.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Prior to zoning clearance, the applicant/owner shall provide a "will serve" letter from the City of Chandler for water and sewer service.
- k. 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/owner shall seek review and comment of fire sprinkler plans from the Sun Lakes Fire Department, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to zoning clearance, the applicant/owner 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 Sun Lakes Fire Department.
- m. Major changes to the site plan 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.

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- n. 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).

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

- 4. S2004-007 District 4**  
**Applicant:** WLB Group on behalf of Scott Communities RC, Inc.  
**Location:** Near Jomax Road and Dysart Road (in the Peoria area)  
**Request:** Final Plat in the R1-6 RUPD zoning district for Rancho Cabrillo Parcel F (approximately 30.46 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval.

- 5. S2004-015 District 4**  
**Applicant:** WLB Group on behalf of CW Capital Fund One, LLC  
**Location:** Near Jomax Road and Dysart Road (in the Peoria area)  
**Request:** Final Plat in the R1-6 RUPD zoning district for Rancho Cabrillo Parcel D (approximately 72.21 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval.

- 6. S2004-019 District 4**  
**Applicant:** WLB Group on behalf of CW Capital Fund One, LLC  
**Location:** Near Jomax Road and Dysart Road (in the Peoria area)  
**Request:** Final Plat in the R1-7 RUPD zoning district for Rancho Cabrillo Parcel A (approximately 26.02 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval.

- 7. S2004-024 District 4**  
**Applicant:** WLB Group on behalf of CW Capital Fund One, LLC  
**Location:** Near Jomax Road and Dysart Road (in the Peoria area)  
**Request:** Final Plat in the R1-6 RUPD zoning district for Rancho Cabrillo Parcel B (approximately 60.43 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval.

- 8. S2004-103 District 4**  
**Applicant:** WLB Group on behalf of Scott Communities RC, Inc.  
**Location:** Near Jomax Road and Dysart Road (in the Peoria area)

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**Request:** Final Plat in the R-4 RUPD zoning district for Rancho Cabrillo Parcel E (approximately 38.03 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval.

- 9. S2006-017 District 5**  
**Applicant:** Talas Homes on behalf of Leporidae Investments  
**Location:** Southwest corner of McDowell Road and 311th Avenue (in the Buckeye area)  
**Request:** Final Plat in the R1-35 zoning district for Montana Vista (approximately 70.48 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval.

**REGULAR AGENDA DETAIL:**

- 10. TA2003-002 All Districts**  
**Applicant:** Commission Initiative  
**Location:** County-wide  
**Request:** Text Amendment to the Maricopa County Zoning Ordinance (MCZO) – Accessory Dwelling Units

**COMMISSION ACTION:** Commissioner Bowers moved to recommend approval of TA2003-002. Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

Darren Gerard explained the reason for ordinance changes with this text amendment and recommended approval. Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval of the amended language pertaining to Accessory Dwelling Units in the following Chapters of the ordinance:

**CHAPTER 2 DEFINITIONS**  
**DWELLING UNIT, ACCESSORY:**

A SECOND DWELLING UNIT EITHER IN OR ADDED TO AN EXISTING SINGLE-FAMILY DWELLING, OR IN A SEPARATE ACCESSORY STRUCTURE ON THE SAME LOT AS THE MAIN DWELLING, FOR USE AS A COMPLETE, INDEPENDENT LIVING FACILITY, AND USED TO HOUSE FAMILY OR GUESTS OF THE OCCUPANTS OF THE MAIN BUILDING WITHOUT COMPENSATION.

**CHAPTER 5 RURAL ZONING DISTRICTS**  
**SECTION 501. RURAL-190**

**ARTICLE 501.2 USE REGULATIONS:** A building or premises shall be used only for the following purposes:

- 20. ACCESSORY DWELLING UNIT (ADU).
  - a. ONLY ONE ADU SHALL BE PERMITTED WHERE AT LEAST ONE, BUT NO MORE THAN ONE, SINGLE FAMILY RESIDENCE EXISTS ON THE PROPERTY.

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- b. EITHER THE PRINCIPAL DWELLING UNIT OR THE ADU SHALL BE OCCUPIED BY THE OWNER OF THE PROPERTY.
- c. THE TOTAL FLOOR AREA OF AN ADU SHALL NOT EXCEED 1,000 SQUARE FEET.
- d. NO MORE THAN TWO (2) BEDROOMS SHALL BE PERMITTED WITHIN AN ADU.
- e. AN ADU MAY NOT BE RENTED OR LEASED SEPARATE FROM THE PRIMARY STRUCTURE.
- f. THE ADDITION OF AN ADU SHALL NOT CAUSE THE PROPERTY TO EXCEED THE ALLOWED MAXIMUM LOT COVERAGE.
- g. NEW CONSTRUCTION OF A DETACHED ADU OR CONVERSION OF AN EXISTING DETACHED STRUCTURE TO AN ADU SHALL NOT ENCROACH INTO THE APPROVED FRONT, SIDE, OR REAR YARD SETBACK. AN ADU SHALL NOT BE ALLOWED IN THE REAR YARD.
- h. AN ADU SHALL NOT HAVE A SEPARATE ADDRESS OR MAILBOX FROM THE PRINCIPAL DWELLING.
- i. ONE OFF-STREET PARKING SPACE SHALL BE REQUIRED FOR AN ADU OR IN ADDITION TO OFF-STREET PARKING REQUIRED FOR THE PRINCIPAL DWELLING.

IF THESE STANDARDS CANNOT BE MET, A SPECIAL USE PERMIT MAY BE APPLIED FOR.

**SECTION 601.**            **R1-35** (Single-Family Residential Zoning District - 35,000 Square Feet Per Dwelling Unit)

**ARTICLE 601.2**        **USE REGULATIONS:** A building or premises shall be used only for the following purposes:

- 13.    **ACCESSORY DWELLING UNIT (ADU).**
  - a.    ONLY ONE ADU SHALL BE PERMITTED WHERE AT LEAST ONE, BUT NO MORE THAN ONE, SINGLE FAMILY RESIDENCE EXISTS ON THE PROPERTY.
  - b.    EITHER THE PRINCIPAL DWELLING UNIT OR THE ADU SHALL BE OCCUPIED BY THE OWNER OF THE PROPERTY.
  - c.    THE TOTAL FLOOR AREA OF AN ADU SHALL NOT EXCEED 800 SQUARE FEET.

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- d. NO MORE THAN TWO (2) BEDROOMS SHALL BE PERMITTED WITHIN AN ADU.
- e. AN ADU MAY NOT BE RENTED OR LEASED SEPARATE FROM THE PRIMARY STRUCTURE.
- f. THE ADDITION OF AN ADU SHALL NOT CAUSE THE PROPERTY TO EXCEED THE ALLOWED MAXIMUM LOT COVERAGE.
- g. NEW CONSTRUCTION OF A DETACHED ADU OR CONVERSION OF AN EXISTING DETACHED STRUCTURE TO AN ADU SHALL NOT ENCROACH INTO THE APPROVED FRONT, SIDE, OR REAR YARD SETBACK. AN ADU SHALL NOT BE ALLOWED IN THE REAR YARD.
- h. AN ADU SHALL NOT HAVE A SEPARATE ADDRESS OR MAILBOX FROM THE PRINCIPAL DWELLING.
- i. ONE OFF-STREET PARKING SPACE SHALL BE REQUIRED FOR AN ADU OR IN ADDITION TO OFF-STREET PARKING REQUIRED FOR THE PRINCIPAL DWELLING.

IF THESE STANDARDS CANNOT BE MET, A SPECIAL USE PERMIT MAY BE APPLIED FOR.

## CHAPTER 10 OVERLAY ZONING DISTRICTS

### ARTICLE 1002.9

ACCESSORY DWELLING UNITS, WITH OR WITHOUT ADDITIONAL KITCHEN FACILITIES, MAY BE PERMITTED AS AN ACCESSORY USE, IF SPECIFICALLY SET FORTH IN THE PLAN. ACCESSORY DWELLING UNITS SHALL BE DEVELOPED IN ACCORDANCE WITH ARTICLE 501.2.20 IF IN A RURAL ZONING DISTRICT OR IN ACCORDANCE WITH ARTICLE 601.2.13 IF IN A RESIDENTIAL ZONING DISTRICT UNLESS DIFFERENT STANDARDS ARE SPECIFICALLY SET FORTH IN THE PLAN. ACCESSORY DWELLING UNITS SHALL BE DEVELOPED IN ACCORDANCE WITH THE FOLLOWING:

- ~~1. DEVELOPMENT OF AN ACCESSORY DWELLING UNIT SHALL CONFORM TO ALL APPLICABLE BUILDING, FIRE AND HEALTH CODES.~~
- ~~2. EVIDENCE SHALL BE PROVIDED THAT THE WATER SUPPLY AND WASTEWATER DISPOSAL FACILITIES HAVE ADEQUATE CAPACITY FOR THE POTENTIAL MAXIMUM NUMBER OF RESIDENTS, BASED ON AN ACCESSORY DWELLING UNIT ON EVERY LOT.~~
- ~~3. THE ACCESSORY DWELLING UNIT MAY BE ATTACHED TO, OR DETACHED FROM, THE PRINCIPAL DWELLING UNIT.~~
- ~~4. ONLY ONE ACCESSORY DWELLING UNIT WILL BE PERMITTED PER LOT.~~
- ~~5. THE PROPERTY OWNER MUST OCCUPY EITHER THE PRINCIPAL DWELLING UNIT OR THE ACCESSORY DWELLING UNIT AS THEIR~~

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- ~~PERMANENT RESIDENCE FOR AT LEAST SIX MONTHS OUT OF THE YEAR.~~
- ~~6. THE ACCESSORY DWELLING UNIT MAY BE DEVELOPED IN CONJUNCTION WITH EITHER AN EXISTING OR A NEW RESIDENCE.~~
  - ~~7. THE TOTAL FLOOR AREA OF THE ACCESSORY DWELLING UNIT SHALL NOT EXCEED **50%** OF THE TOTAL FLOOR AREA OF THE PRINCIPAL DWELLING UNIT.~~
  - ~~8. THE COMBINED FLOOR AREA OF THE PRINCIPAL AND ACCESSORY DWELLING UNITS ON EACH LOT SHALL NOT EXCEED THE MAXIMUM LOT COVERAGE APPROVED IN THE PLAN.~~
  - ~~9. THE ACCESSORY DWELLING UNIT SHALL NOT ENCROACH INTO THE APPROVED SETBACKS.~~
  - ~~10. THE ENTRANCE TO THE ACCESSORY DWELLING UNIT SHALL NOT BE VISIBLE FROM ANY ADJACENT PUBLIC STREET.~~
  - ~~11. IN ADDITION TO THE PARKING REQUIREMENTS FOR THE PRINCIPAL DWELLING UNIT, **ONE** ADDITIONAL OFF STREET PARKING SPACE SHALL BE PROVIDED FOR THE ACCESSORY DWELLING UNIT. THE PARKING SPACE MUST BE INCLUDED WITHIN A GARAGE, CARPORT, DRIVEWAY OR OTHER DESIGNATED PARKING AREA.~~
  - ~~12. ACCESS TO THE PARKING AREA FOR THE ACCESSORY DWELLING UNIT SHALL UTILIZE THE SAME DRIVEWAY AS THE PRINCIPAL DWELLING UNIT.~~
  - ~~13. THE ACCESSORY DWELLING UNIT SHALL BE DESIGNED TO BE ARCHITECTURALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT.~~

#### **CHAPTER 11 GENERAL REGULATIONS**

**ARTICLE 1106.1. CONSTRUCTION AND USE:** Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal dwelling has been actually commenced or the principal use established. Accessory buildings shall not be used for dwelling purposes, except if specifically approved in a Residential Unit Plan of Development, pursuant to the provisions of Chapter 10, Section 1002., Article 1002.9., IF APPROVED AS AN ACCESSORY DWELLING UNIT, PURSUANT TO THE PROVISIONS OF CHAPTER 5, SECTION 501.2.20, or CHAPTER 6, SECTION 601.2.13 if approved for occupancy by caretakers employed on the premises or if occupied pursuant to a Temporary Use Permit. \*27, \*29

#### **CHAPTER 13 USE REGULATIONS**

**1301.1.43** AN ACCESSORY DWELLING UNIT THAT DOES NOT MEET ONE OR MORE PROVISIONS OF ARTICLES 501.2.20 OR 601.2.13.

11. **TA2006-007** **All Districts**  
**Applicant:** Commission Initiative  
**Location:** County-wide  
**Request:** Text Amendment to Chapter 2 of the Maricopa County Zoning Ordinance in regard to the definition of "Floor Area".

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of TA2006-007. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

Darren Gerard explained the reason for ordinance changes with this text amendment and recommended approval. Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval of text amendment language changes in Chapter 2 regarding floor area, as follows:

FLOOR AREA:

For purposes of computing off-street parking requirements, floor area shall mean the gross floor area of ~~the *an enclosed* building or buildings and the open land area~~ developed for use of the public, not including parking areas.

12. **TA2006-009 All Districts**  
**Applicant:** Commission Initiative  
**Location:** County-wide  
**Request:** Text Amendment to Chapter 2 of the Maricopa County Subdivision Regulations regarding Preliminary Plat approvals, extensions, replats, and corrective plats and Chapter 4 of the Maricopa County Subdivision Regulations regarding collection of fees.

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of TA2006-009. Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

Darren Gerard explained the reason for regulatory document changes with this text amendment and recommended approval. Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval of this Text Amendment as amended in Chapter 2 and Chapter 4, see below:

**CHAPTER 2 – SUBDIVISION APPLICATION & APPROVAL**

**SECTION 201. PURPOSE**

The purpose of this Chapter is to establish application, review, approval, and recordation processes for subdivisions (i.e., preliminary plats, final plats, replats, waivers, corrective plats, lot line relocations), and Development Master Plans.

**SECTION 202. PRELIMINARY PLAT**

The preliminary plat stage of land subdivision includes detailed subdivision planning by subdivider, application submittal, review of the plat by the Department, the Technical Advisory Committee, and review and action by the Commission.

1. **APPLICATION SUBMITTAL:** A preliminary plat application shall be made to the Department. Such application shall be made on forms, together with documents and drawings, the precise contents of which shall be as provided by administrative guidelines as adopted by the Maricopa County Board of Supervisors. The preliminary plat application will not be considered accepted for processing until all required information as described in the aforementioned administrative guidelines is provided to the Department and appropriate fees as provided herein are paid.
2. **INFORMATION REQUIRED FOR PRELIMINARY PLAT SUBMITTAL:**  
A preliminary plat shall contain the following information areas (detail information required shall be as specified in the Administrative Guidelines):

- a. Identification of the subdivision by name, location, legal description and zoning district.
- b. Identification of persons involved in the preliminary plat application (e.g., owner, subdivider, engineer, surveyor).
- c. Location of all lots in the subdivision and verification of Zoning Ordinance compliance.  
All lots which are considered potentially reserved for school sites and fire stations in accordance with Section 308 of these regulations shall also be shown on the preliminary plat.
- d. Location of all public streets and private rights of way, both existing and proposed.
- e. Quantification, and accurate location of all drainage features (e.g. regulatory and delineated floodplains, lakes, streams, washes, canals, irrigation laterals or ~~tailwater~~ **TAILWATER** ditches, drainage easements, drainage tracts, and retention or detention facilities), both existing and proposed.
- f. Identification of method of providing domestic water supply and sewage collection, treatment and disposal facilities, both existing and proposed.
- g. Identification and location of all utilities in and for the subdivision, both existing and proposed.
- h. Identification of method of fire protection.
- i. Identification of a condominium and its characteristics, if applicable, and its conformance with zoning ordinance standards.
- j. Identification of a Unit Plan of Development and its characteristics, if applicable, and its conformance with zoning ordinance standards.
- k. A list by lot, parcel and/or tract number that identifies lot width and area for each lot, parcel and/or tract.
- l. Any other information as may be required by the administrative guidelines, in order to carry out the purpose and intent of these Regulations.
- m. Preliminary plat boundaries shall include all portions of any existing parcel included in the subdivision.

3. **DEPARTMENT/TECHNICAL ADVISORY COMMITTEE REVIEW PROCESS:**

- a. The subdivision shall be designed to comply with the requirements of the specific zoning district within which it is located. In the event that a change of zoning is necessary, a rezoning application may be processed concurrently.
- b. Upon acceptance of the preliminary plat application, the Department will distribute all application information to the following reviewing offices ~~and other organizations or individuals with special expertise:~~ 1) Maricopa County Department of Transportation, 2) Flood Control District of Maricopa County, 3) Maricopa County Environmental Services

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~~Department, 4) Superintendent of the appropriate school district, 5) County Parks Department, 6) State Highway Department, where warranted, 7) appropriate telephone company, 8) Salt River Project, 9) Arizona Public Service, 10) Rural Metro or other appropriate fire department or district, 11) Arizona Department of Water Resources, 12) appropriate postal district, and 13) any city or town within three miles of the limits of the proposed subdivision.~~

- ~~1) MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION~~
- ~~2) FLOOD CONTROL DISTRICT OF MARICOPA COUNTY~~
- ~~3) MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT~~
- ~~4) MARICOPA COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT  
(WHERE WARRANTED)~~
- ~~5) MARICOPA COUNTY PARKS DEPARTMENT~~
- ~~6) MARICOPA COUNTY LIBRARY DISTRICT~~
- ~~7) ARIZONA DEPARTMENT OF TRANSPORTATION DEPARTMENT (WHERE  
WARRANTED)~~
- ~~8) ARIZONA DEPARTMENT OF WATER RESOURCES~~
- ~~9) ARIZONA STATE HISTORIC PRESERVATION OFFICE~~
- ~~10) LUKE AIR FORCE BASE (WHERE WARRANTED)~~
- ~~11) SALT RIVER PROJECT OR ARIZONA PUBLIC SERVICE AS APPLICABLE~~
- ~~12) RURAL METRO OR OTHER APPROPRIATE FIRE DEPARTMENT OR  
DISTRICT~~
- ~~13) SUPERINTENDENT OF THE APPROPRIATE SCHOOL DISTRICT~~
- ~~14) ANY CITY OR TOWN WITHIN THREE MILES OF THE LIMITS OF THE  
PROPOSED SUBDIVISION~~
- ~~15) OTHER ORGANIZATIONS OR INDIVIDUALS WITH SPECIAL EXPERTISE OR  
INTEREST~~

c. Upon acceptance of the preliminary plat application, the Department will schedule the matter for review at the next available Technical Advisory Committee meeting. The purpose of this Committee meeting is to resolve with all affected parties, technical problems with the proposed subdivision before hearing by the Commission. The subdivider and/or his representative(s) is/are required to attend the Technical Advisory Committee to meet together with representatives of the Committee. More than one Technical Advisory Committee meeting may be required.

d. ~~The preliminary plat will not be scheduled for hearing by the Commission unless: 1) It contains all of the required information; and 2) Written responses have been received from all county departments which have representatives on the Technical Advisory Committee that the preliminary plat is in satisfactory form. Scheduling of a preliminary plat for a Commission hearing will be dependent upon adequacy of data presented and completion of review by all agencies concerned.~~

- ~~1) IT CONTAINS ALL OF THE REQUIRED INFORMATION; AND~~
- ~~2) WRITTEN RESPONSES HAVE BEEN RECEIVED FROM ALL COUNTY  
DEPARTMENTS WHICH HAVE REPRESENTATIVES ON THE TECHNICAL  
ADVISORY COMMITTEE THAT THE PRELIMINARY PLAT IS IN  
SATISFACTORY FORM.~~

**SCHEDULING OF A PRELIMINARY PLAT FOR A COMMISSION HEARING WILL BE DEPENDENT UPON ADEQUACY OF DATA PRESENTED AND COMPLETION OF REVIEW BY ALL AGENCIES CONCERNED.**

4. **PRELIMINARY PLAT APPROVAL:**

- a. If satisfied that all requirements of these regulations have been met, the Commission may approve the preliminary plat. If approved a notation of approval shall be stamped on two copies of the plat, one being returned to the subdivider and one retained in the permanent file of the Department.
- b. If the Commission finds that the plat requires revision, the plat shall be held over pending revisions, resubmittal, processing and rescheduling for hearing.
- c. If a plat is rejected, the new filing of a plat for the same tract, or any part thereof, shall follow the aforementioned procedure and be subject to the required fee.
- d. Preliminary plat approval constitutes authorization for the subdivider to proceed with the preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary approval is based on the following:
  - 1) The basic conditions under which preliminary approval of the plat is granted will not be changed prior to the expiration date.
  - 2) Preliminary plat approval is valid for a period of 42 **TWENTY FOUR (24)** months from the date of Commission action.

5. **PRELIMINARY PLAT EXTENSIONS:**

- a. ~~Preliminary plats may, upon written application to the Commission by the subdivider prior to expiration, be extended for a period of 12 months upon approval by the Planning Commission. Plat extensions follow the same procedures as preliminary plats as outlined in Section 202 above.~~ **UPON WRITTEN REQUEST BY THE PROPERTY OWNER, A PRELIMINARY PLAT MAY BE ADMINISTRATIVELY EXTENDED FOR AN ADDITIONAL PERIOD NOT TO EXCEED TWELVE (12) MONTHS FROM THE DATE OF THE EXPIRATION OF THE ORIGINAL APPROVAL BY THE PLANNING COMMISSION, IF IN THE OPINION OF THE DIRECTOR, SATISFACTORY PROGRESS HAS BEEN MADE TOWARDS COMPLETION OF THE FINAL PLAT.**
- B. IF IN THE OPINION OF THE DIRECTOR, SATISFACTORY PROGRESS HAS NOT BEEN MADE THEN THE REQUEST FOR EXTENSION WILL BE SCHEDULED FOR FORMAL REVIEW BY THE PLANNING COMMISSION.**
- C. IF ANY CHANGES OTHER THAN A TIME EXTENSION TO THE ORIGINAL APPROVAL OF THE PRELIMINARY PLAT BY THE COMMISSION ARE PROPOSED SUCH AS PHASING, STIPULATIONS OF APPROVAL, ETC. AN APPLICATION FOR A NEW PRELIMINARY PLAT WILL BE REQUIRED AND WILL FOLLOW THE PROCEDURES OUTLINED IN SECTION 202.**

**SECTION 203. FINAL PLAT**

The final plat stage of land subdivision includes submittal, review and approval of the final plat and improvements required by the Board and recording of the plat with the County Recorder. The final plat shall conform to the approved preliminary plat and any stipulations thereto made by the Commission.

1. **APPLICATION SUBMITTAL:** A final plat application shall be made to the Department. In accordance with Arizona Revised Statutes, Section 32-101, a land surveyor registered in the State of Arizona is the only person that can sign a final plat. A registered engineer cannot sign a final plat unless he is registered as a land surveyor and uses the surveyor seal. Such application shall be made on forms, together with documents and drawings, the precise contents of which shall be as provided by Administrative Guidelines as adopted by the Maricopa County Board of Supervisors. The application must be submitted a minimum of 75 working days prior to the regular meeting at which the subdivider desires to be heard by the Board (this period of time for review may be shorter or longer based on the applicant's compliance with technical aspects of these Regulations). The final plat application will not be considered for processing until all required information as described in the aforementioned Administrative Guidelines is provided to the Department and appropriate fees as provided herein are paid.
2. **INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL:** A final plat shall contain the following information areas (detailed information required shall be as specified in the Administrative Guidelines):
  - a. Identification of the subdivision by name, location, legal description and zoning district.
  - b. Identification of persons involved in the plat preparation (e.g., owner, subdivider, engineer, surveyor, etc).
  - c. Identification of all lots in the subdivision utilizing engineered data. This shall include certification by a registered professional land surveyor preparing the plat that it is correct and accurate. All lots which have been recommended by the Commission to be reserved for school sites and fire stations in accordance with Section 308 of these regulations shall also be shown on the final plat.
  - d. Identification of all public streets and private rights of way. This shall include the identification of dedication of all streets and alleys for public use, and an acknowledgment of that dedication.
  - e. Identification and accurate location of all drainage or water features such as washes, floodplains, drainage tracts or easements, lakes, etc. Maintenance responsibilities, building restrictions, and access requirements shall be specified for tracts or easements used for drainage, using language approved by the Flood Control District.
  - f. Identification of method of fire protection.
  - g. Identification of a condominium and its characteristics, if applicable, and its conformance with zoning ordinance standards.
  - h. Identification of a Unit Plan of Development and its characteristics, if applicable, and its conformance with zoning ordinance standards.

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- i. Assurance Statements regarding the following (specific format of Assurance Statements shall be as specified in the Administrative Guidelines):
    - 1) Pavement and improvement of roads.
    - 2) Utilities.
    - 3) 100-Year assured water supply.
  - j. Certifications from the following Maricopa County Agencies (specific format of Certifications shall be as specified in the Administrative Guidelines):
    - 1) Maricopa County Department of Transportation.
    - 2) Maricopa County Assessor.
    - 3) Maricopa County Treasurer.
  - k. A statement regarding adherence with the provisions of Article 1112 of the Maricopa County Zoning Ordinance (Outdoor Light Control Provisions).
  - l. Notes on final plat delineating ownership and maintenance of all private streets and tracts.
  - m. Space for approval of the Board under the signature of the Chairman of the Board and attested to by the Clerk of the Board.
  - n. A list by lot, parcel and/or tract number that identifies lot width and area for each lot, parcel and/or tract. (Identify by footnote all changes made from preliminary plat list.)
  - o. Any other information as may be required by the Administrative Guidelines, in order to carry out the purpose and intent of these Regulations.
3. **DEPARTMENT/COUNTY AGENCIES REVIEW PROCESS:**
- a.
    - 1) MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION
    - 2) FLOOD CONTROL DISTRICT OF MARICOPA COUNTY
    - 3) MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT
    - 4) MARICOPA COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT (WHERE WARRANTED)
    - 5) MARICOPA COUNTY PARKS AND RECREATION DEPARTMENT
    - 6) MARICOPA COUNTY LIBRARY DISTRICT
    - 7) ARIZONA DEPARTMENT OF TRANSPORTATION (WHERE WARRANTED)
    - 8) ARIZONA DEPARTMENT OF WATER RESOURCES
    - 9) ARIZONA STATE HISTORIC PRESERVATION OFFICE
    - 10) LUKE AIR FORCE BASE (WHERE WARRANTED)
    - 11) SALT RIVER PROJECT OR ARIZONA PUBLIC SERVICE AS APPLICABLE
    - 12) RURAL METRO OR OTHER APPROPRIATE FIRE DEPARTMENT OR DISTRICT
    - 13) SUPERINTENDENT OF THE APPROPRIATE SCHOOL DISTRICT
    - 14) ANY CITY OR TOWN WITHIN THREE MILES OF THE LIMITS OF THE PROPOSED SUBDIVISION

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**15) OTHER ORGANIZATIONS OR INDIVIDUALS WITH SPECIAL EXPERTISE OR INTEREST**

**THE REVIEWING OFFICES SHALL MAKE KNOWN THEIR RECOMMENDATIONS IN WRITING ADDRESSED TO THE DEPARTMENT. THE DEPARTMENT SHALL ASSEMBLE THE RECOMMENDATIONS OF THE VARIOUS REVIEWING OFFICES, AND WILL MAKE THEM AVAILABLE TO THE SUBDIVIDER FOR ANY NECESSARY REVISIONS OR CORRECTIONS.**

- b. ~~After review and approval by the reviewing agencies, and completion of appropriate amendment/s by the subdivider, the mylar or electronic copies of the final plat, signed by the owner or owners and duly acknowledged, and an appropriate number of copies reproduced in the form of blue-line or blackline prints on a white background shall be taken by the owner or subdivision engineer to the Maricopa County Planning and Development Department to obtain any necessary signatures. Upon the obtaining of signatures at the department, the mylar or electronic copies of the plat shall be forwarded to the County Assessor and County Treasurer to provide signatures on the required Certificate on the plat.~~

**THE REVIEWING AGENCIES SHALL REVIEW SAID FINAL PLAT. ONCE EACH OF THE PRIMARY REVIEWING AGENCIES HAVE INDICATED THE PROPOSED FINAL PLAT WAS PREPARED IN ACCORDANCE WITH THEIR RESPECTIVE REQUIREMENTS, THE PLANNING AND DEVELOPMENT DEPARTMENT SHALL INFORM THE SUBDIVIDER OF SUCH. UPON SUCH NOTIFICATION, THE SUBDIVIDER SHALL PREPARE NO LESS THAN TWO (2) MYLAR COPIES OF THE FINAL PLAT. THE SUBDIVIDER SHALL SIGN AND HAVE NOTARIZED THE APPROPRIATE ACKNOWLEDGEMENTS AND DEDICATIONS, AND SHALL PRESENT SAID MYLARS TO THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) FOR REVIEW AND ACCEPTANCE BY THE COUNTY ENGINEER(OR PLANNING DIRECTOR IN THE EVENT OF ALTERNATIVE ASSURANCES). UPON SAID ACCEPTANCE, THE SUBDIVIDER SHALL RETRIEVE THE MYLARS FROM MCDOT AND SHALL PRESENT SAID MYLARS TO THE PLANNING AND DEVELOPMENT DEPARTMENT, WHO SHALL THEN FORWARD SAID MYLARS TO THE COUNTY ASSESSOR'S OFFICE AND COUNTY TREASURER'S OFFICE FOR THEIR RESPECTIVE SIGNATURES. UPON RECEIPT OF SAID SIGNATURES, THE PLANNING AND DEVELOPMENT DEPARTMENT SHALL RETRIEVE SAID MYLARS AND SCHEDULE THE FINAL PLAT FOR REVIEW BY THE BOARD OF SUPERVISORS.**

4. **FINAL PLAT APPROVAL:** ~~Upon receipt of written approval from all departments concerned after the completion of the above signature procedure, the final plat will~~ **SHALL** be forwarded by the **PLANNING AND DEVELOPMENT** Department to the Board **OF SUPERVISORS** for approval provided the reviewing agencies have certified that their requirements have been met. The Department shall then assemble the above information, prepare a concise summary of the requirements and submit said summary together with the reviewers' recommendations at the next regular meeting of the Board.
5. **FINAL PLAT RECORDATION:** When the final plat has been approved by the Board, the mylar copies of the final plat ~~and the original copy of the deed restrictions will~~ **SHALL** be transmitted by

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**TO** the Clerk of the Board **FOR SIGNATURE. UPON SUCH SIGNATURE, THE CLERK OF THE BOARD SHALL NOTIFY** to the Planning and Development Department, **WHO SHALL IN TURN RETRIEVE SAID MYLARS AND PRESENT TO THE COUNTY RECORDER'S OFFICE FOR RECORDATION. IF THE RECORDER FINDS THE MYLARS CLEAR AND LEGIBLE, THE RECORDER SHALL RECORD ALL COPIES OF THE MYLARS AND SHALL RETAIN ONE (1) SET FOR THE PUBLIC RECORD, RETURNING ALL REMAINING SETS TO THE** The Planning and Development Department, **WHO SHALL** will inform the subdivider that the plat is ready for **HAS BEEN** recording**ED. IF THE RECORDER FINDS THE MYLARS UNSATISFACTORY, THE RECORDER SHALL NOT RECORD THE MYLARS AND SHALL RETURN THE MYLARS TO THE PLANNING AND DEVELOPMENT DEPARTMENT, WHO SHALL COORDINATE WITH THE SUBDIVIDER TO REMEDY THE DEFICIENCIES. UPON SUCCESSFUL RECORDATION, THE** The subdivider **SHALL** and a representative from **RETRIEVE THE REMAINING MYLARS FROM** the Planning and Development Department **AFTER REIMBURSING THE PLANNING AND DEVELOPMENT DEPARTMENT FOR ANY RECORDING FEES. THE SUBDIVIDER SHALL PROVIDE THE PLANNING AND DEVELOPMENT DEPARTMENT WITH FIVE (5) FULL SIZE BOND COPIES OF THE RECORDED FINAL PLAT.** will transmit the mylar copies of the final plat to the County Recorder's Office for recording. Beginning on January 1, 1999, **THE SUBDIVIDER SHALL ALSO PROVIDE** a copy of the approved final plat, in digitized form, shall be submitted to the **PLANNING AND DEVELOPMENT** Department along with mylar copies of the final plat, and no final plat shall be recorded until the digitized plat is submitted. The digitized version of the approved final plat shall conform with **TO THE** requirements and guidelines for digitized plats prepared by the Maricopa County Department of Transportation **AND THE MARICOPA COUNTY RECORDER'S OFFICE.** Prior to this date, the County encourages subdividers to provide a digitized version of the final plat to assist in the issuance of permits.

#### SECTION 204. REPLATS

1. Any division of a lot or lots in a recorded subdivision into ~~four~~ **SIX (6)** or more adjoining lots in a recorded subdivision, **OR IN ALTERING A TRACT SPECIFIED FOR A SPECIFIC USE WITHIN THE SUBDIVISION,** but creating no new street, shall be processed in accordance with Section 203 (Final Plats) of these Regulations.
2. Any replat involving dedication of land for a public street or the creation of ~~more than four~~ **SIX (6) OR MORE** lots shall comply with all procedures set forth in Sections 202 (**PRELIMINARY PLAT**) and 203 (**FINAL PLAT**) of these Regulations (~~Preliminary and Final Plat~~) unless, at the discretion of the Director, the preliminary plat stage is waived.
3. If abandonment of a street, alley or easement (e.g., utilities, drainage, access, equestrian, non-vehicular, etc.) in a previously recorded subdivision is necessary during the process of replatting, the replat shall be processed in accordance with Sections 202 (**PRELIMINARY PLAT**) and 203 (**FINAL PLAT**) of these Regulations **UNLESS, AT THE DISCRETION OF THE PLANNING DIRECTOR, THE PRELIMINARY PLAT STAGE IS WAIVED.**

#### SECTION 205. CORRECTIVE PLATS

1. At the determination of the Director, corrections of minor survey, drafting or typographical errors on a recorded plat may be made with a corrective plat. These corrections must be illustrated on the recorded plat for clarity.

2. The corrective plat should indicate the items to be corrected and the reason for the correction. This shall be accomplished by adding a plat note to the recorded plat. The note(s) shall be signed and sealed by the party responsible for the plat. In addition, the word corrective shall be added to the title block.
3. The corrective plat will be reviewed by the department for completeness and accuracy. If no revisions are necessary, the plat will be re-recorded with the Maricopa County Recorder's Office after receiving an approval signature from the Director.
4. **AT THE DISCRETION OF THE DIRECTOR AN AFFIDAVIT OF CORRECTION MAY BE SUBSTITUTED FOR A CORRECTIVE PLAT, BUT WILL BE SUBJECT TO THE SAME REQUIREMENTS OF A CORRECTIVE PLAT AS OTHERWISE OUTLINED IN THIS SECTION.**

#### **SECTION 206. ABANDONMENTS**

Pursuant to provisions of Title 18, Chapter 2, Article 1, Section 18-201, and Title 28, Chapter 14, Article I, Subsections 28-1901 through 28-1908, ARS, the abandonment of all or part of a recorded subdivision may be initiated by written petition to the Board, said petition to be signed by ten or more owners of real property in Maricopa County, requesting abandonment of all streets, alleys and easements within said subdivision and giving the legal description and recording information thereof. Applications for abandonment are filed with the Clerk of the Board and referred for recommendation to the Maricopa County Department of Transportation and the utility companies concerned. After approval of the abandonment of the streets, alleys and easements by the Board and upon recordation of the Abandonment Resolution and a subsequent County Road Map in the office of the Maricopa County Recorder, the subdivision is removed from official maps and the land reverts to acreage as far as the Assessor's records are concerned.

#### **SECTION 207. DEVELOPMENT MASTER PLAN**

The Development Master Plan stage of land planning provides a site specific arrangement of various land uses, and includes conceptual planning by the owner; review of the Development Master Plan by the Department/Technical Advisory Committee; review and approval by the Commission; and approval by the Board of Supervisors.

1. **APPLICATION SUBMITTAL:** Application for approval of the Development Master Plan shall be made to the Department whenever it is the decision of the Department that:
  - a. The tract is sufficiently large enough to comprise an entire community;
  - b. The tract initially proposed for platting is a portion of a larger land holding of 640 acres or more of the owner or subdivider;
  - c. Or the tract is a part of a larger land area, the development of which is complicated by unusual topographic, land use, land ownership or other conditions. Such application shall be made on forms, together with documents and drawings, the precise contents of which shall be as provided by Development Master Plan Guidelines as adopted by the Maricopa County Board of Supervisors. The Development Master Plan application will not be considered accepted for review until all required information as described in the Development Master Plan Guidelines is provided to the Department and appropriate fees as provided therein are paid.

**CHAPTER 4 – ADOPTION, AMENDMENTS, ADMINISTRATION, ENFORCEMENT & FEES**

**SECTION 401. ADOPTION & AMENDMENTS**

It shall be the responsibility of the Board of Supervisors to adopt rules and regulations or any amendments related to subdivisions. Before adoption of any rule, regulation or amendment thereof, a public hearing shall be held by the Commission. A copy of the rule, regulation or amendment shall be certified by the Commission to the Board which shall hold a public hearing after notice of the time and place has been given by one publication fifteen days prior to the public hearing in a newspaper of general circulation in the County.

**SECTION 402. ADMINISTRATION**

It shall be the responsibility of the Department to directly administer or coordinate the administration of the provisions contained herein, where those provisions are administered by other County agencies. The Director:

1. Shall receive all applications for Subdivisions or Development Master Plans.
2. May examine premises for which applications of Subdivision and Development Master Plans have been received.
3. May make necessary investigations to secure compliance with the provisions of these regulations.
4. Shall issue such notices or orders as may be necessary for the purpose of enforcing compliance with the provisions of these regulations.
5. May adopt rules, forms and procedures consistent with these regulations for the implementation thereof.
6. Shall serve as Chairman of the Technical Advisory Committee in matters of review of Subdivision and Development Master Plan applications.
7. Shall prepare all reports and make all presentations to the Planning Commission and the Board of Supervisors regarding Subdivision and Development Master Plan applications.
8. Shall keep careful and comprehensive records of a) applications for Subdivisions and Development Master Plans, b) inspections made, c) reports rendered, and d) notices or orders issued, and shall further retain on file copies of all papers in connection with such applications for such time as may be required by law.

**SECTION 403. ENFORCEMENT**

It shall be the duty of the Director to directly enforce, or coordinate the enforcement of the provisions of these regulations, where the provisions are enforced by other County agencies.

**SECTION 404. FEES**

1. **PRELIMINARY PLATS AND REPLATS:**

- a. \$30 per lot, tract, and/or parcel provided that no preliminary/replat subdivision fee shall be less than \$250 nor more than \$22,500. Further, should the applicant desire to obtain early parcel numbers and addresses, the fee shall be \$35 per lot, tract, and/or parcel.
- b. Additional fees as prescribed by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, **THE DRAINAGE REVIEW DIVISION OF THE MARICOPA COUNTY PLANNING AND DEVELOPMENT DEPARTMENT**, and the Flood Control District of Maricopa County for all applications.

**C. \$500 FOR A TIME EXTENSION**

2. **FINAL PLATS:** If the applicant has opted for early parcel numbers and address assignments, then the fee for a final plat shall be \$5 per lot, tract, and/or parcel provided that no subdivision fee shall be less than \$250 nor more than \$1,000 and \$5 for every address that is required to be changed from the preliminary plat assignment. If the applicant has not opted for early parcel numbers and address assignment, then the fee for a final subdivision shall be \$10 per lot, tract and/or parcel.
3. **WAIVER OF STANDARD:** \$500 per standard provided that no fee for a waiver request shall be less than \$500 nor more than \$5,000.

**13. TA2006-010** (To be continued to the BOS hearing of 02-07-07)

Supervisor Kunasek thanked staff for all their hard work in revising and amending text amendment in the ordinances, saying he knew it took many long hours of decision making but it would all help future development that will occur.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this item to the February 7, 2007, formal agenda.

- 14. TA2006-011 All Districts**  
**Applicant:** Gallagher & Kennedy  
**Location:** County-wide  
**Request:** Text Amendment to Chapter 13 of the Maricopa County Zoning Ordinance (MCZO) to allow evaporation ponds and other appurtenances as a stand alone Special Use Permit (SUP) when associated with an existing electrical generating facility

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of TA2006-011. Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

Darren Gerard explained the reason for ordinance changes with this text amendment and recommended 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 of the amended language in Chapter 13 of the ordinance, as follows:

Article 1301.1.21

Public utility treatment and generating plants including sewage, wastewater, power, electrical, nuclear and solar, and including ancillary offices. Attendant facilities and appurtenances to the

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above uses as well as uses associated with service to the public of water, gas, telephone and cable television. Where an electrical generating plant is in operation pursuant to an existing Special Use Permit, evaporation ponds and other appurtenances may be permitted under a separate Special Use Permit, provided the addition of said evaporation ponds or appurtenances are not associated with a change to the use or intensity of the facility being served.

15. **CPA2006-04 District 5 (adoption by resolution)**

**Applicant:** Rose Law Group, PC for South Buckeye 555-11 LLC

**Location:** North of Old US 80, approximately 1 mile west of Bruner Road (in the Buckeye area)

**Request:** Comprehensive Plan Amendment (CPA) to change the land use designation from Rural Residential to Small Lot Residential, Medium Density Residential, Neighborhood Retail Center, Community Retail Center, Educational, Recreational Open Space, and Dedicated/Non-Developable Open Space (approximately 543 acres) – Insignia

**COMMISSION ACTION:** Commissioner Munoz moved to recommend approval of CPA2006-04, subject to the following stipulations “a” through “s”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development shall comply with the Comprehensive Plan Amendment document entitled “Insignia”, a bound document, dated September 8, 2006 and stamped received October 27, 2006, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Changes to the Insignia 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 Insignia 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. The initial final plat for the Insignia 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 initial final plat has not been approved within this timeframe, this major 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 Insignia Major 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 total number of residential units shall not exceed 2,091 dwelling units.

- e. A minimum of 15 acres (or equivalent amount as approved by Maricopa County Planning and Development Department) of the Community Retail Center be zoned C-O for commercial office uses.
- f. Not less than 23.5 acres shall be reserved for Recreational Open Space (ROS) land use. Further, the project shall have one (1) park site a minimum of eight (8) acres net as depicted on the land use plan. In addition, not less than ten (10) pocket parks at least one-half (1/2) acre size each shall be provided. All parks shall include recreational amenities. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative ROS acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the ROS and mini-park areas shall also be submitted 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 development agreement with Maricopa County. Further, prior to any rezoning approval this development agreement shall be signed by both the master developer and the designated Maricopa County representatives and provided to the Maricopa County Planning and Development Department for public record.
- h. The property owner, South Buckeye 555-LLC or its successors, heirs, or assigns, and/or the developers of the subject project of approximately 563 acres known as Insignia, shall enter into a pre-annexation development agreement with the Town of Buckeye prior to the approval of any further development-related applications within Maricopa County on this project, including rezoning, or preliminary plats. The Town of Buckeye intends to plan, annex, zone and potentially approve the subdivision of all property within the Buckeye municipal planning area which includes the Insignia project. The pre-annexation development agreement shall include, among other things, that all project infrastructure shall be constructed accordingly to all Town of Buckeye standards.
- i. If the initial final plat for this project has not been approved within five (5) 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.) the Medium Density (5-15 d.u./ac.), the Community Retail Center, the Neighborhood Retail Center, the Educational, the Recreational Open Space, and the Dedicated or Non-developable Open Space designation 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.
- j. Prior to any zoning change, a Traffic impact Study shall be submitted for review and approved by MCDOT and MCDEM.
- k. Prior to approval of the initial final plat an agreement shall be signed by both the master developer and the Bureau of Land Management to control access onto public lands that share a common boundary with private residential development and that defines portals,

access and routes into such public lands. This signed agreement shall be provided to the Maricopa County Planning and Development Department for public record.

- I. The following MCDOT stipulations shall apply:
  - i. The applicant will be required to comply with all recommendations in the MCDOT - approved TIS.
  - ii. The Applicant shall contribute their proportionate share to offsite regional roadway improvements. The contribution will be \$3,281.00 per dwelling unit. The Applicant shall pay the contribution amount at the time individual building permits are issued, or per alternate agreement as approved by MCDOT.
  - iii. The applicant will be required to comply with all other standard MCDOT recommendations, including but not limited to:
    1. Provide all-weather access.
    2. Provide two means of access at all times.
    3. Provide paved access to the nearest paved roadway.
    4. Provide ultimate full-width construction of interior streets and half-width construction of perimeter streets.
    5. Provide offsite improvements to Old US 80 including signalization (if warranted per the TIS.)
    6. Provide offsite improvements and/or redesign to Patterson Road (including signalization) if warranted per the TIS.
- m. 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.
- n. At the time each residential building permit is issued, two-hundred fifty dollars (\$250) per house will be paid by the developer to a fund for the Buckeye Hills Regional Park 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 Insignia residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Insignia subdivision with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.
- o. At the time each residential building permit is issued, two-hundred fifty dollars (\$250) per house will be paid by the developer to a fund for the Maricopa Trail for design, construction, enhancement, operation and maintenance. The County will deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All

interest earned on this 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 are intended as supplemental and enhancement resources needed as this community grows in its residents use of the Maricopa Trail.

- p. At the time each residential building permit is issued the applicant shall make a \$596.00 life assessment to the Maricopa County Library District, for the purposes of future library service needs.
- q. 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.
- r. The following Maricopa County Sheriff's office stipulation shall apply:
- Prior to any zone change, the master developer shall enter into a development agreement with the Maricopa County Sheriff's Office. This development agreement shall 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, separate office space (the size to be determined in the development agreement) for an on-site law enforcement building for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to Insignia and surrounding areas. The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking shall be provided not later than two (2) years from the opening of the first model home complex within the DMP, or as agreed to in the development agreement. This development agreement shall also include, but not necessarily be limited to, the master developer's requirement to pay for start up costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until 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.
- s. Unless written confirmation is received from Luke Air Force Base stating that this project is no longer impacted by a military training route, the master developer shall notify future homeowners that they are located within the state-defined "military training route" with the following language:

"You are buying a home or property under an existing military training route (vr-242 f-g 300.) Aircraft flying in this training route are authorized to fly as low as 300 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 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 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.

Darren Gerard explained the proposed land use plan and recommended approval.

Supervisor Wilcox said this is really the beginning of a lot of the new development that will be coming in from the far west side and that a lot of work had been done on this.

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

- 16. CPA2006-06 District 4 (adoption by resolution)**  
**Applicant:** Paul Gilbert, PLLC for Norman Bashkingy  
**Location:** Approx. 680' north of the northwest corner of I-10 and 331st Avenue (in the Buckeye area)  
**Request:** Comprehensive Plan Amendment (CPA) to change the land use designation from Rural and Community Retail Center to Mixed Use (approximately 160 acres) – Hassayampa Village

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of CPA2006-06, subject to the following stipulations "a" through "p". Commissioner Aster 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 entitled, "Major Comprehensive Plan Amendment to the Tonopah/Arlington Area Plan for Hassayampa

Village”, a document consisting of eleven (12) pages dated revised October 20, 2006 and stamped received October 23, 2006, except as modified by the following stipulations.

- b. The maximum amount of Medium Density Residential shall not exceed 300 dwelling units on 22.4 acres of the gross site area. The maximum amount of commercial uses shall not exceed 105.6 acres of the gross site area and the minimum amount of business park uses shall not be less than 32 acres of the gross site area.
- c. The initial final plat or precise plan of development for the Hassayampa Village project shall be approved by the Board of Supervisors within five (5) years of approval of this comprehensive plan amendment. If the initial final plat has not been approved within this timeframe, this major 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 Hassayampa Village Major Comprehensive Plan Amendment 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 zone change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone 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 following MCDOT stipulations shall apply:
  - i. The applicant will be required to comply with all recommendations in the MCDOT - approved TIS.
  - ii. The Applicant shall contribute their proportionate share to offsite regional roadway improvements. The contribution will be \$3,281.00 per dwelling unit. The Applicant shall pay the contribution amount at the time individual building permits are issued, or per alternate agreement as approved by MCDOT.
  - iii. The applicant shall provide the ultimate full or half-width of right-of-way for all public roadways as follows:
    - 1. McDowell Road: 130 feet.
    - 2. 331st Avenue: 65 feet (half-width.)
    - 3. Collector roadways: 80 feet.
    - 4. Additional collector road within Parcel C: 80 feet
  - iv. The applicant will be required to comply with all other standard MCDOT recommendations, including but not limited to:
    - 1. Provide all-weather access.
    - 2. Provide two means of access at all times.
    - 3. Provide paved access to the nearest paved roadway.

4. Provide ultimate full-width construction of interior streets and half-width construction of perimeter streets.
- f. 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.
- g. A Certificate of Assured Water Supply must be obtained for the development prior to recordation of the final plats.
- h. 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 fund for the White Tank Regional Park 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 Hassayampa Village residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Hassayampa Village subdivision with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.
- i. 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 fund for the Maricopa Trail for design, construction, enhancement, operation and maintenance. The County will deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on this 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 are intended as supplemental and enhancement resources needed as this community grows in its residents use of the Maricopa Trail.
- j. At the time each residential building permit is issued, the applicant shall make a \$596.00 quality of life assessment to the Maricopa County Library District, for the purposes of future library service needs.
- k. 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.

- I. The master developer shall notify future homeowners that they are located within close proximity to military training routes with the following language:

“You are buying a home or property in the vicinity of a military aircraft training route. 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 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 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.

- m. The following Maricopa County Sheriff’s office stipulation shall apply:

Prior to any final plat, the master developer shall enter into a development and law enforcement services agreement with the Maricopa County Sheriff’s Office (MCSO). This development agreement shall 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 or land (the size to be determined in the development and law enforcement services agreement), for law enforcement, 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 Hassayampa Village 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 model home complex within the DMP, or as agreed to in the development and law enforcement services agreement. This development and law enforcement services agreement shall also include, but not necessarily be limited to, the master developer’s requirement to pay their proportionate share for start up costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until

a full law enforcement service contract is otherwise implemented. Start up costs would include vehicle purchase and patrol equipment, e.g. radios, tasers, and vehicle laptops. 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, furthermore, the development and law enforcement services 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.

- n. The following Flood Control District stipulations shall apply:
  - 1. Prior to approval of any Final Plat, a Letter of Map Amendment (LOMA) based on better topographic information will need to be issued by FEMA for the project site. It is the developer's responsibility to process the LOMA application.
  - 2. The LOMA shall also include floodway delineations.
- o. The following Department of Emergency Management stipulations shall apply:
  - 1. Prior to any zone change, the applicant shall submit a Traffic Impact Study and consult with the Maricopa County Department of Emergency Management to determine if the proposed development adversely impacts the existing Palo Verde Evacuation Plan. If the proposed development adversely impacts the evacuation plan results, then the applicant shall ensure that adequate provisions (street and road widening, interchanges, etc) are provided to ensure evacuation assumptions and requirements are met.
  - 2. Adequate coverage by the existing outdoor warning siren system for the Palo Verde Nuclear Generating station is required. Otherwise, the applicant shall be responsible for installation of adequate additional sirens providing for adequate coverage for the Hassayampa Village project. 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 the Code of Federal Regulations FEMA Rule 44 – Part 350. Adequate siren coverage shall be provided prior to the occupation of any proposed buildings or residences.
  - 3. 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.
- p. Within one year of Board of Supervisors approval, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" p letter and

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verification of approval by the Maricopa Association of Governments (MAG) of a MAG 208 amendment from Global Water Resources, LLC. The "will serve" letter shall demonstrate a willingness and capacity to serve the entire Hassayampa Village project. If the 208 amendment is not approved by MAG within this time frame, this Major 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 revocation of this Major Comprehensive Plan Amendment. Further, the required MAG 208 amendment shall be approved by MAG prior to any zoning change.

Darren Gerard explained the proposed land use plan in this Comprehensive Plan Amendment in the far West Valley. He recommended approval.

The applicant's representative, Brittan Worthum, asked for several stipulation changes on "h" and "i" to combine the park assessments as has been done recently by the Board on similar development master plans.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval by Resolution with stipulations "a" through "p." but with revised language to stipulation "h" and deletion of stipulation "i," and all subsequent stipulations are renumbered to conform.

- h. 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 the ~~White Tank Mountain Regional Park~~ 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 Hassayampa Village residents. ~~Maricopa County Parks and Recreation Department will provide each residential unit in the Hassayampa Village Development Master Plan with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.~~ Details regarding this assessment are to be addressed in the Development Agreement.
- ~~i. 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 fund for the Maricopa Trail for design, construction, enhancement, operation, and maintenance. The county will deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. 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 and enhancement resources needed as this community grows in its residents use of the Maricopa Trail.~~

~ Chairman Stapley recused himself from the following case for a conflict of interest and passed the gavel to Vice Chairman Brock ~

- 17. CPA2006-07 (adoption by resolution)  
Applicant: RBF Consulting for Vanderbilt Farms

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- Location:** Southeast corner of Baseline Road and Harquahala Valley Road (in the Harquahala Valley area)
- Request:** Comprehensive Plan Amendment (CPA) to change the land use designation from Rural Development Area to Industrial for an automobile proving ground (approximately 2,412 acres) – Harquahala Valley Proving Grounds

**COMMISSION ACTION:** Commissioner Munoz moved to recommend approval of CPA2006-07, subject to the following stipulations “a” through “g”. Commissioner Pugmire 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 entitled, “Harquahala Valley Proving Grounds Comprehensive Plan Amendment”, a document consisting of twenty-six (26) pages dated October, 2006, and stamped received October 26, 2006, except as modified by the following stipulations.
- b. If a Special Use Permit to allow an automobile proving ground facility has not been approved within three (3) 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 Industrial designation back to the previous Rural Development Area 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.
- c. The following MCDOT stipulations shall apply:
  1. Dobbins Road is currently one of the few continuous through roads within this area linking the 515th Avenue area to the 339th Avenue area. The presumed elimination of this corridor will moderately inconvenience travelers by causing at minimum a 2 mile detour route around this proposed site. Should the applicant desire this alignment to be discontinued, a traffic count or traffic impact analysis be provided to quantify the impacts associated with this closure. In addition we would recommend the applicant solicit input from property owners within ½ to 1 mile radius of the property by either public meeting or mailer. Results of this public notification would become public information and part of the overall special use.
  2. At a minimum, we would recommend perimeter road improvements sufficient to provide access to the site’s entrance. Preservation of public right-of-way along the perimeter alignment is recommended (65 feet half-width.)
  3. Provide a Traffic Impact Study (TIS) for this project. The study should focus on access to and from the site, directional distribution of site traffic and discussion of improvements necessary to the surrounding road network to accommodate the tractor trailer and car carrier delivery trucks as discussed in the CPA. Provide a site plan showing proposed accesses in the study.
- d. The following MCESD stipulations shall apply:

The applicant shall develop a Public Water System (PWS) and a Preliminary Water Master Plan must be submitted, under fee, and approved prior to approval of the Special Use Permit. In addition, A Preliminary Sewage Master Report must be submitted and plans for sanitary sewage systems must be submitted under fee, and approved prior to approval of the Special Use Permit.

- e. The following SHPO stipulation shall apply:

An archaeological 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 archaeological 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 archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.

- f. The Applicant shall work with the Maricopa County Parks and Recreation Department during the Special Permit process to identify an appropriate location for the trail Maricopa County Regional Trail Segment 99 corridor. A signed agreement between the applicant and the Maricopa County Parks Department regarding the trail alignment shall be provided to the Maricopa County Planning and Development Department prior to approval of any Special Use Permit.
- g. The land use designation of Industrial shall be subject to time limits as set forth in the subsequent Special Use Permit, and shall revert to Rural upon Special Use Permit expiration.

Supervisor Wilcox said this was a potential issue for opposition because of noise from an automobile proving ground. She said that the issues have been studied and she felt this SUP would protect the area and be more beneficial than a zoning change.

Supervisor Wilson remarked on previous problems and litigation caused by automobile noise in neighborhoods and asked for assurances from surrounding landowners so previous issues are not revisited in this instance.

Darren Gerard said care will be taken on noise mitigation particularly in regard to the nearby wilderness area through stipulations at Special Use Permit stage.

Supervisor Wilson asked if he guarantees this is sufficient or if more should be added to it.

Joy Rich responded that much more work had to be done on this case as this is just to approve the change to industrial land use. She that Planning does plan to work diligently with the applicants to bring forward a viable application and will be very mindful of the experiences the County has had with the case in District 4 as referenced by Mr. Wilson.

Doug Orth, resident, said that 90-95% of the people living there are supportive of this action on the proving grounds.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-0-1) to concur with the Planning Commission recommendation for approval by Resolution with stipulations "a" through "g."

~ Chairman Stapley returned to the meeting and received the gavel from Supervisor Brock ~

**18. DMP2005-013 District 5**

**Applicant:** Beus Gilbert, PLLC for JF Properties, Inc

**Location:** North of I-10 and Indian School Road, south of Camelback Road, west of 395th Avenue and east of the 415th Avenue alignment. (in the Tonopah area)

**Request:** Development Master Plan (DMP) for a master planned community consisting of single-family residential, mixed use, commercial, employment, public facility, and open space land uses (approximately 1,110 acres) – Balterra

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of DMP2005-013, subject to the following stipulations "a" through "hh". Commissioner Makula seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development shall comply with the Development Master Plan document entitled "Balterra Development Master Plan", a bound document, dated revised September 28, 2006 and stamped received October 2, 2006, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Within 30 days of approval by the Board of Supervisors, a revised DMP narrative report document and land use plan shall be submitted for review and approval by the Planning and Development Dept. with revisions to the educational and recreational open space parcels along 407th Avenue north of Campbell Avenue showing that the school site will not be bisected by the street, but maintaining the acreage of each of the parcels; and showing revisions to some of the non-developable open space parcels to offset 13 acres of expanded roadways, but still preserving any 404 jurisdictional washes.
- c. Changes to the Balterra Development Master Plan with regard to use and intensity, or changes to any of 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 by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Balterra Development Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.

- d. All stipulations of approval shall remain in effect in the event of a change in name of the Balterra Development Master Plan.
- e. If the initial final plat has not been approved within four (4) years from the date of Board of Supervisors approval of this development master plan, this development master plan 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 revocation of the adopted development master plan. Further, should this development master plan be rescinded, all zoning and other entitlement changes approved as part of the Balterra Development Master Plan shall also be considered for reversion by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- f. Prior to approval of any zone change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone 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.
- g. The master developer shall be responsible for the construction of all public and private on-site roads within the Balterra Development Master Plan. Further, the Balterra homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and related facilities, washes, parks, roadway median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
- h. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- i. Landscaping of all common areas and open spaces, except for identified recreational areas, within Balterra shall consist of indigenous and near-native plant species of a xeriphytic nature.
- j. All irrigation water supplied for common/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 six (6) months after issuance of the 1,000th 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.
- k. The Balterra Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Balterra Development Master Plan narrative report.
- l. The total number of residential dwelling units for the Balterra Development Master Plan shall not exceed 4,458. To help ensure compliance, the cumulative number of dwelling units platted to date, in relation to the identified limit, shall be identified on all plats.

- m. Development shall be prohibited on areas with a slope of 15% or greater.
- n. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Balterra Development Master Plan every three years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units built and platted, locations of areas/parcels 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.
- o. Until annexation of the entire development master plan takes place, the master developer shall notify all future Balterra Development Master Plan residents that they are not located within an incorporated city or town, 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, wastewater, 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 8 ½ inch 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 of the respective plat on which the park is shown.
- q. Not less than 42 acres shall be reserved for Recreational Open Space (ROS) land use. The project shall have four (4) neighborhood park sites of various acreages in the general locations shown in the Landscape Character Guidelines. Further, not less than twenty (20) mini-parks a minimum of 0.5 acres each shall be provided in the general locations identified in the Landscape Character Guidelines. All parks shall include recreational amenities. In addition, not less than 86 acres of dedicated, non-developable open space shall be provided in the general locations shown on the Land Use Plan for preservation of wash corridors in their natural state. There shall also be not less than 21 acres reserved as neighborhood linear parks in the general locations identified on the Land Use Plan. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative open space acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the Recreational Open Space and mini-parks shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department.
- r. No less than 102 acres shall be reserved for neighborhood retail and community retail commercial land uses as depicted on the Balterra land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative commercial land use acreage platted to date with respect to the requirements of this stipulation.
- s. No less than 105 acres shall be reserved for business park, mixed use employment center and office employment center land uses as depicted on the Balterra land use plan.

To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative employment land use acreage platted to date with respect to the requirements of this stipulation.

- t. No less than 31 acres shall be reserved for mixed use as depicted on the Balterra land use plan. To help ensure that this area develops as outlined in the Maricopa County Development Master Plan Guidelines, no less than 13 acres of the total acreage of the mixed use shall be reserved for professional and semi-professional office-type uses. At the time of each preliminary plat or precise plan submittal, the master developer shall include a description of the status of the cumulative acreage platted to date with respect to the requirements outlined in this stipulation.
- u. Unless otherwise agreed to by the applicable school district, not less than two (2) school sites and a minimum of 29 acres shall be reserved for schools at the locations identified on the Balterra land use plan.
- v. Prior to zone change approval, the master developer shall provide a "will serve" letter and a Certificate of Convenience and Necessity from the Water Utility of Greater Tonopah demonstrating commitment to serve the entire Balterra Development Master Plan with water service, which is subject to approval by the Maricopa County Department of Environmental Services.
- w. Prior to zone change approval, the master developer shall provide a "will serve" letter and documentation of an approved MAG 208 amendment from Balterra Sewer Corporation demonstrating commitment to serve the entire Balterra Development Master Plan with wastewater service, which is subject to approval by the Maricopa County Department of Environmental Services.
- x. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for fire protection from the Tonopah Valley Fire District or another qualified public or private fire service provider demonstrating commitment to serve the entire Balterra Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.
- y. An archaeological 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 (SHPO) for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological 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 archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.

- z. \$596.00 per residential unit shall be paid to the Maricopa County Library District by the master developer as each residential building permit is issued for the purposes of future library service and infrastructure needs.
- aa. One hundred fifty dollars (\$150) per residential unit will be paid by the master developer as each residential building permit is issued, to a fund for the White Tank Regional Park 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 Balterra residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Balterra Development Master Plan with a one-year, seventy-five (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.
- bb. One hundred fifty dollars (\$150) per residential unit shall be paid by the master developer as each residential building permit is issued, to a fund for the Maricopa Trail system for design, construction, enhancement, operation and maintenance. The County shall deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on this 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 are intended as supplemental and enhancement resources needed as this community grows in its residents' use of the Maricopa Trail.
- cc. Any areas not covered by the existing Outdoor Warning Siren System used to alert residents within the 10-mile Emergency Planning Zone of the Palo Verde Nuclear Generating Station in time of emergency shall be required to include additional sirens, at the developer's cost, in order to provide adequate warning for the residents of the Balterra development, using technical information concerning the siren system obtained from the Emergency Planning Department at the Palo Verde Nuclear Generating Station. In addition, adequate signage available from the Palo Verde Nuclear Generating Station Emergency Planning Department shall be required to be posted on the site to inform the public of the presence of a nuclear generating station in the vicinity and outlining actions to take upon receiving warning notification.
- dd. The developer 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.
- ee. Prior to any final plat, the master developer shall enter into a development and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO). This development agreement shall 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 or land (the

size to be determined in the development and Law Enforcement Services agreement), for law enforcement, 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 Balterra 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 model home complex within the DMP, or as agreed to in the development and Law Enforcement Services agreement. This development and Law Enforcement Services agreement may also include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for start up costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. Start up costs would include vehicle purchase and patrol equipment, e.g. radios, tasers, and vehicle laptops. The developers who incur the above Sheriff substation startup costs shall be eligible for reimbursement from other service area developers, with the rate of reimbursement defined in the Development Agreement. This stipulations shall be modified should a Sheriff 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, furthermore, the development and Law Enforcement Services 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.

- ff. The following Maricopa County Drainage Review stipulation shall apply:
- The owner or his representative shall submit a variance in accordance with the Drainage Regulations (Section 503) and obtain approval prior to any preliminary plat approvals.
- gg. The following Flood Control District of Maricopa County stipulations shall apply:
1. Prior to any development, a Floodplain Use Permit will be required from the Regulatory Division of the Flood Control District.
  2. Prior to preliminary plat approval, a detailed drainage study based on the Federal Emergency Management Agency's criteria will be required. All washes over 50 cfs that do not originate on site must be delineated, placed in a tract or shown that the continuity of flow is maintained. The cross sections in the drainage report need to match those shown on the exhibits. The Zone A floodplain above Interstate 10 will need to be addressed. Manning's "n" value between the drainage report and the erosion hazard delineation study should be consistent.
- hh. 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 alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.

2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct 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 may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant 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 preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Applicant shall provide the ultimate full-width of right-of way for all interior public roadways, and the ultimate half-width of right-of-way for all perimeter public roadways consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT. Right-of-way shall be provided as follows:
  - a.) Camelback Road: 65 Feet half r/w (with additional 35 feet landscape/future roadway/public utility easement)
  - b.) Indian School Rd.: 65 Feet half r/w (within MCDOT jurisdiction)
  - c.) 395th Avenue: 65 Feet half r/w
  - d.) 411th Avenue: 65 Feet half r/w and 130 Feet full r/w
  - e.) Campbell Avenue (east of 411th Ave): 130 Feet full r/w  
Campbell Avenue (west of 411th Ave): 80 Feet full r/w
  - f.) 403rd Avenue: 80 Feet full r/w
  - g.) 407th Avenue: 80 Feet full r/w (both N & S of Campbell)
  - h.) 413th Avenue: 60 Feet full r/w
5. The Applicant shall construct the ultimate full-width interior public roadways and the ultimate half-width perimeter public roadways.
6. The Applicant shall design all roadways and public infrastructure to meet county standards in effect at the time improvements are constructed.
7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.

9. The Applicant shall not locate elementary or middle schools on arterial alignments.
10. The Applicant shall provide bike lanes on all arterial and major collector alignments. A bicycle circulation plan shall be provided and approved by MCDOT with each phase of development.
11. The Applicant shall design the project to promote pedestrian, bicycle, and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.).
12. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
13. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association) shall be responsible for maintenance of landscaping within public rights-of-way.
14. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT prior to commencing construction.
15. The Applicant shall comply with all applicable local, state and federal requirements (dust control, noise mitigation, AZPDES, etc.).
16. The Applicant shall consult with ADOT regarding access to the I-10 freeway and use of Indian School Road within ADOT right-of-way. The Applicant shall provide written documentation of ADOT's approval and requirements.

Darren Gerard reported on previous action for this proposed master plan community and recommended approval.

Paul Gilbert spoke to this case in representing the applicant and said they were satisfied with it with one exception and asked to combine stipulations "aa" and "bb" so that only one \$250 fee is paid for enhancing the parks.

Chairman Stapley commented that having dealt with many master plan communities he felt this was a very good way for development to occur as opposed to small tracts of 40 and 80 homes. He offered his support for these "well thought-out, well designed master plans that come before us. Many of these will take many years to develop and were it not for the careful planning and direction of staff and requirements of the County, we would not get such quality communities." He added, "I call it smart growth."

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION  
December 20, 2006

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval by adopting this CPA with stipulations "a" through "hh" including changes by combining stipulations "aa" and "bb" at the request of the applicant, and all subsequent stipulations are renumbered to conform.

- aa. ~~One hundred fifty dollars (\$150) per residential unit will be paid by the master developer~~ 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 the White Tank Mountain Regional Park 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 Balterra residents. ~~Maricopa County Parks and Recreation Department will provide each residential unit in the Balterra Development Master Plan with a one year, seventy five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.~~ Details regarding this assessment are to be addressed in the Development Agreement.
- bb. ~~One hundred fifty dollars (\$150) per residential unit shall be paid by the master developer as each residential building permit is issued, to a fund for the Maricopa Trail for design, construction, enhancement, operation, and maintenance. The county will deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. 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 and enhancement resources needed as this community grows in its residents use of the Maricopa Trail.~~

**19. DMP2006-003 District 5**

- Applicant:** Beus Gilbert, PLLC for DB – Desert Whisper Investment, LLC  
**Location:** Northwest corner of 363rd Avenue and Indian School Road (in the Buckeye / Tonopah area)  
**Request:** Development Master Plan (DMP), as a Protected Development Right Plan, for a master planned community consisting of single-family residential, mixed use employment, public facility, and open space (approximately 960 acres) – Desert Whisper

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of DMP2006-003, subject to the following stipulations "a" through "ee". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development shall comply with the Development Master Plan document entitled "Desert Whisper Development Master Plan", a bound document, dated revised September 22, 2006 and stamped received October 16, 2006, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Changes to the Desert Whisper Development Master Plan with regard to use and intensity, or changes to any of 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 by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Desert Whisper Development Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.

- c. If the initial final plat has not been approved within four (4) years from the date of Board of Supervisors approval, this development master plan 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 revocation of the adopted development master plan. Further, should this development master plan be rescinded, all zoning and other entitlement changes approved as part of the Desert Whisper Development Master Plan shall also be considered for reversion by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- d. Prior to approval of any zone change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone 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 master developer shall be responsible for the construction of all public and private on-site roads within the Desert Whisper Development Master Plan. Further, the Desert Whisper homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, roadway median landscaping, landscaping with public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
- f. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- g. Landscaping of all common areas and open spaces, except for identified recreational areas, within Desert Whisper shall consist of indigenous and near-native plant species of a xeriphytic nature.
- h. All irrigation water supplied for common/open space areas and/or 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 (3) 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 five year requirement.

- i. The Desert Whisper Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Desert Whisper Development Master Plan narrative report.
- j. The total number of residential dwelling units for the Desert Whisper Development Master Plan shall not exceed 2,943 units. To help ensure compliance, the cumulative number of dwelling units completed to date, in relation to the identified limit, shall be identified on all plats.
- k. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Desert Whisper Development Master Plan every three years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units built and platted, locations of areas/parcels 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.
- l. The master developer shall notify all future Desert Whisper Development Master Plan residents that they are not located within an incorporated city or town, 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, wastewater, 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 8-½ by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- m. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.
- n. Not less than 32.88 acres shall be reserved for Recreational Open Space (ROS) land use. Further, the project shall have not less than two (2) park sites as depicted on the land use plan. Further, not less than thirteen (13) pocket parks at least one (1) acre size each shall be provided. All parks shall include recreational amenities. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative ROS acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the ROS and mini-park areas shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department.
- o. Not less than 41.7-acres shall be provided as Mixed-Use Employment.
- p. Unless otherwise agreed to by the applicable school districts, not less than one (1) school site and a minimum of 17.39 acres shall be reserved for a school at the site identified on the Desert Whisper land use plan. Said school shall not front on to arterial streets.

- q. The master developer shall provide major multi-use trails and minor pathways/trail connections as depicted on Figure 12 of the Desert Whisper Development Master Plan. Such trails and minor pathways/trail connections shall be identified on all plats and are subject to approval by Maricopa County.
- r. An archaeological 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 archaeological 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 archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
- s. At the time each residential building permit is issued, a quality of life assessment of \$596.00 will be made available to the Maricopa County Library District for the purposes of future library service and infrastructure needs.
- t. Two-hundred fifty dollars (\$250) per house will be paid by the developer as each residential building permit is issued, to a fund for the White Tank Regional Park 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 Desert Whisper residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Desert Whisper Development Master Plan with a one-year, seventy-five (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.
- u. Two-hundred fifty dollars (\$250) per house will be paid by the developer as each residential building permit is issued, to a fund for the design, construction, enhancement, operation and maintenance of the Maricopa County Regional Trail. The County will deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on this 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 are intended as supplemental and enhancement resources needed as this community grows in its residents' use of the Maricopa Trail.
- v. Prior to any final plat, the master developer shall enter into a development and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO). This development agreement shall 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 or land (the size to be determined in the development and Law Enforcement Services agreement), for

law enforcement, 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 Desert Whisper 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 model home complex within the DMP, or as agreed to in the development and Law Enforcement Services agreement. This development and Law Enforcement Services agreement may also include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for start up costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. Start up costs would include vehicle purchase and patrol equipment, e.g. radios, tasers, and vehicle laptops. The developers who incur the above Sheriff Substation startup 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 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, furthermore, the development and Law Enforcement Services 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.

- w. Prior to approval of the first preliminary plat or first Approval to Construct (whichever comes first), Final Water and Sewer Master Plans must be submitted, under application and fee, for the onsite water and sewer infrastructure to MCESD for approval. Approval of these final master plans will be required before any Final Plats will be approved by MCESD.
- x. The following Maricopa County Drainage Review stipulations shall apply:
  - Detailed drawings regarding the design of the grading and drainage plans shall be reviewed and approved by the County at the time of preliminary plat. Commingling as shown on the preliminary drainage report is not approved at this time. The water quality shall adhere to the County requirements and regulations.
- y. The following Maricopa County Department of Transportation stipulations shall apply:
  - 1. The Applicant shall provide a 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 the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS. The Applicant must provide an updated TIS prior to rezoning.

2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct 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 may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant 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 approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Applicant shall provide the ultimate full or half-width of right-of way for all public roadways as follows:
  - A.) Bethany Home Road: 65 Feet.
  - B.) Camelback Road: 65 Feet and 130 Feet with 35 feet of landscape/roadway/utility easement on beach side.
  - C.) Indian School Road: 65 Feet.
  - D.) 371st Avenue: 65 Feet.
  - E.) 363rd Avenue: 155 Feet or may require additional right-of-way per Regional MAG Study.

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).

At intersections where future dual left turn lanes are possible, right-of-way shall be increased at the intersection to 150-feet for arterials and 220-feet for parkways. This widened right-of way section shall accommodate dual left turn lengths (including reverse curves.)

5. The Applicant 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 Applicant's contribution referred to in item 2. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed.
6. The Applicant 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 Applicant's contribution referred to in item 2.

7. The Applicant shall provide all-weather access to all parcels and lots, including an all weather access from I-10.
  8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
  9. The Applicant shall not locate elementary or middle schools on arterial roads.
  10. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.)
  11. If streetlights are provided, installation shall be provided by the Applicant. 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 Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
  12. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
  13. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
  14. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
  15. The Applicant shall address all comments from Traffic Engineering regarding Traffic Impact Report Comments (see attachment.)
- z. The following Flood Control District of Maricopa County stipulation shall apply:
- Prior to approval of any development in the Palo Verde Zone "A" delineation floodplains through the DMP limits, a detailed floodplain study must be completed and submitted to FEMA for approval when the development is greater than fifty (50) lots or five (5) acres, whichever is lesser.
- aa. The following Maricopa County Department of Emergency Management stipulation shall apply:
- Any areas not covered by the existing Outdoor Warning Siren System used to alert residents within the 10-mile Emergency Planning Zone of the Palo Verde Nuclear Generating Station in time of emergency shall be required to include additional sirens, at the developer's cost, in order to provide adequate warning for the residents of that development, using technical information concerning the

siren system obtained from the Emergency Planning Department at the Palo Verde Nuclear Generating Station. In addition, adequate signage available from the Palo Verde Nuclear Generating Station Emergency Planning Department shall be required to be posted on the site to inform the public of the presence of a nuclear generating station in the vicinity and outlining actions to take upon receiving warning notification.

- bb. The following Luke Air Force Base 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 flights 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.

- cc. Prior to any zoning change, the applicant shall submit to the Maricopa County Planning and Development a “will serve” letter and an approved Certificate of Convenience and Necessity (CC&N) from the Water Utility of Greater Tonopah which demonstrates a willingness and capability to serve the entire Desert Whisper Development Master Plan.
- dd. Prior to any zoning change, the applicant shall submit to the Maricopa County Planning and Development Department a “will serve” letter and verification of approval of a Maricopa Association of Governments (MAG 208) amendment from Balterra Sewer Corporation which demonstrates a willingness and capability to serve the entire Desert Whisper Development Master Plan
- ee. The developer shall ensure that public safety information regarding nuclear emergencies is initially provided to any new resident or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning

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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.

Darren Gerard reported on previous action taken on this case and said that MCDOT has recommended a revised stipulation "y.4.e" since the Commission hearing and this, and other recommended revisions are given below.

Paul Gilbert represented the applicant and said 363<sup>rd</sup> Avenue is the eastern border of this development. He had recently been told that the Canamex freeway could comprise 363<sup>rd</sup> Avenue and this could add some significant changes to this plan. The applicant proposed two changes that staff has approved.

1. Within 30 days of approval, the applicant shall provide a revised phasing plan for staff review and approval.
2. If this freeway does fall along 363<sup>rd</sup> Avenue, the applicant shall come back to the County for a revision to the DMP.

Mr. Gilbert also referenced stipulations "t" and "u", the "park stipulations" and asked that they be combined for one \$250 fee.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval, with stipulations "a" through "ee" and with revised language to stipulations "a", "t" and "y.4.e", deletion of stipulation "u", addition of new stipulation "ff" and renumbering of all subsequent stipulations to conform, beginning with stipulation "v."

- a. Development shall comply with the Development Master Plan document entitled "Desert Whisper Development Master Plan", a bound document, dated revised September 22, 2006 and stamped received October 16, 2006, including all exhibits, maps, and appendices, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the applicant shall provide a revised document including a revised phasing schedule.
- t. 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 ~~Two-hundred fifty dollars (\$250) per house will be paid by the developer as each residential building permit is issued, to a fund for the White Tank Regional Park 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 Desert Whisper residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Desert Whisper Development Master Plan with a one-year, seventy-five (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park. Details regarding this assessment are to be addressed in the Development Agreement.~~

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- u. ~~Two hundred fifty dollars (\$250) per house will be paid by the developer as each residential building permit is issued, to a fund for the design, construction, enhancement, operation and maintenance of the Maricopa County Regional Trail. The County will deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on this 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 are intended as supplemental and enhancement resources needed as this community grows in its residents' use of the Maricopa Trail.~~
- y.x. The following Maricopa County Department of Transportation stipulations shall apply:
1. The Applicant shall provide a 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 the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS. The Applicant must provide an updated TIS prior to rezoning.
  2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct 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 may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant 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 approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
  4. The Applicant shall provide the ultimate full or half-width of right-of way for all public roadways as follows:
    - A.) Bethany Home Road: 65 Feet.
    - B.) Camelback Road: 65 Feet and 130 Feet with 35 feet of landscape/roadway/utility easement on each side.
    - C.) Indian School Road: 65 Feet.
    - D.) 371<sup>st</sup> Avenue: 65 Feet.
    - E.) 363<sup>rd</sup> Avenue: 155-65 Feet\*\* or may require additional right-of-way per Regional MAG Study.

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\*\*The applicant shall reserve sufficient right-of-way on 363rd Avenue for the new north/south freeway, which shall be approximately 310 feet in width. The location of this freeway has not been determined. Once the alignment has been determined, the right-of-way required for the non freeway alignment shall be determined in an updated traffic study.

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).

At intersections where future dual left turn lanes are possible, right-of-way shall be increased at the intersection to 150-feet for arterials and 220-feet for parkways. This widened right-of way section shall accommodate dual left turn lengths (including reverse curves.)

5. The Applicant 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 Applicant's contribution referred to in item 2. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed.
6. The Applicant 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 Applicant's contribution referred to in item 2.
7. The Applicant shall provide all-weather access to all parcels and lots, including an all weather access from I-10.
8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Applicant shall not locate elementary or middle schools on arterial roads.
10. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.)
11. If streetlights are provided, installation shall be provided by the Applicant. 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 Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.

12. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
13. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
14. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
15. The Applicant shall address all comments from Traffic Engineering regarding Traffic Impact Report Comments (see attachment.)

ff-ee. If the north/south freeway is approved along 363rd Avenue, the applicant shall come back to revise the Development Master Plan.

- 20. Z2005-086 District 3**  
**Applicant:** Whitney, Anderson & Morris, PLC for Roy Powell  
**Location:** Northeast corner of 12th Street & Carefree Highway (in the north Phoenix area)  
**Request:** Special Use Permit (SUP) for a mini-storage facility with RV/boat storage in the Rural-43 zoning district (approximately 12.47 acres) – Powell Mini Storage

**COMMISSION ACTION:** Commissioner Smith moved to recommend Z2005-086, subject to the following stipulations "a" through "jj". Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0,

- a. Development of the site shall comply with the site plan entitled "Powell Mini-Storage", consisting of one (1) full size sheet, dated (revised) September 27, 2006, and stamped received September 28, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors approval, the site plan shall be revised to illustrate placement of the monument sign setback a minimum of 80' from the ultimate property line of Carefree Highway.
- b. Development of the site shall be in conformance with the narrative report entitled "Powell Self Storage", consisting of ten (10) pages dated (revised) September 27, 2006, and stamped received September 28, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Powell Mini-Storage", consisting of one (1) full size sheet, dated (revised) December 16, 2005, and stamped received September 28, 2006 except as modified by the following stipulations.
- d. The following Maricopa County Environmental Services Department (MCESD) stipulation shall be met:
  - Prior the issuance of a building permit, MCESC must issue an approval for the construction of the onsite septic system.

- e. The following Flood Control District stipulation shall be met:
  - Prior any development, a Flood Plain Use Permit will need to be obtained from Regulatory Division of the Flood Control District.
- f. Prior to zoning clearance, a “will serve” letter from the Desert Hills Water Company or other certified water provider shall be submitted.
- g. 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.
- h. The following Daisy Mountain Fire District (DMFD) stipulation shall be met or as deemed necessary by DMFD:
  - Three (3) fire hydrants with a fire flow of 1,500 GPM minimum shall be required.
- i. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
  - i. Provide a total half-width of 70 feet of right-of-way on Carefree Highway.
  - ii. Construct ultimate half-width improvements including pavement, curb, gutter and sidewalk on all perimeter roads.
  - iii. Middle driveway must be right-in/right-out only.
- j. 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.
- k. All vegetation shall be maintained (and replaced as necessary) for the duration of the Special Use Permit.
- l. All trees shall be double-staked when installed.
- m. The proposed 100' (w) area adjacent to Carefree Highway and labeled “to remain natural” on the proposed landscape plan shall be enhanced with additional native shrubs and trees which can be either salvaged or new. This area shall be maintained with ample water and nutrients until the vegetation is completely established. This area (and the remainder of the site) shall be kept free of junk, trash, and debris.
- n. Washes and other significant natural features shall be preserved when locating required natural areas.
- o. The applicant shall preserve existing vegetation except for driveways and walkways.
- p. Revegetation shall be consistent with the Sonoran desert, in terms of topsoil material and plant type, density and placement.

- q. A plant survey and salvage shall be submitted before any construction begins on new development.
- r. Any screening element shall be architecturally compatible with the primary structure.
- s. All mechanical rooftop equipment shall be screened to height of the tallest equipment and/or integrated with building design. A continuous parapet shall screen all roof-mounted equipment.
- t. 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 or screened from view.
- u. Trash containers, loading docks, and other mechanical and/or electrical equipment shall be completely screened from view.
- v. The sign shall be consistent with the architectural treatment of the principal building and overall character of the site. Colors shall be muted and compatible with the desert environment. No shades of pink shall be allowed for the sign of in any building structure. Signs shall be made of natural materials.
- w. The monument sign shall be setback a minimum 80' from the ultimate property line adjacent to Carefree Highway.
- x. Wall signs shall comply with the Carefree Highway Scenic Corridor Study (CHSCS) Design Guidelines and shall not be illuminated.
- y. No additional buildings shall be allowed on the landscape area other than those shown on the site plan. Buildings size shall not be increased or encroach into the landscape area.
- z. Architectural design for accessory structures must match the style and appearance of the principal building.
- aa. The developer shall comply with habitat and special status species evaluation and submit to the Arizona Game and Fish Department for review as may be required. Mitigation and protection measures based on the evaluation are to be incorporated into site design.
- bb. New on-site or existing utility shall be located underground, except 69kv or greater.
- cc. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- dd. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

- ee. The applicant shall submit a written report outlining the status of the development at the end of five (5) 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.
- ff. Major changes to the Special Use Permit 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 Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- gg. 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.
- hh. 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.
- ii. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- jj. The development shall connect to the regional sewer solution when available.

Darren Gerard explained this case and recommended approval. Bill Lally was present for the applicant but the Board had no questions for him. Several Supervisors commented in support of this case.

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

- 21. Z2005-096 District 1**  
**Applicant:** ABM Investment Development, LLC for Mary Foug and Yang Chin Sein  
**Location:** Southwest corner of Queen Creek Road and Greenfield Road (in the Gilbert area)  
**Request:** Special Use Permit (SUP) for a Group Care Facility for senior citizens (approx. 8.96 acres) – Cedar Gardens Village Sanctuary

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2005-096, subject to the following stipulations "a" through "s". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be in general conformance with the zoning exhibit entitled "Cedar Gardens Village Sanctuary Special Use Permit (Z2005096), consisting of one (1) full size sheet, dated (revised) October 18, 2006, and stamped received October 23,

2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors approval, the site plan shall be revised to the following:

1. Portion of Tract E shall be correctly labeled as Tract F because it is bisected by the emergency access gate.
  2. The SUP exhibit (site plan) shows a typical house "Plan 2", but the layout on Lot 1 and Lot 6 is different in spite of being labeled "Plan 2". This should be clarified.
  3. The gross acreage on the SUP Site Plan calls out 8.16 acres, but the gross acreage on the Preliminary Plat/Zoning Exhibit calls out 8.96 acres. This should be consistent.
  4. The SUP site plan calls out in Tract A as "Rehabilitation Center." Also label for "Caretaker Residence".
- b. Development of the site shall be in conformance with the narrative report entitled "Cedar Gardens Village Sanctuary Narrative Report Z2005096/ Z2005097/S2005061", consisting of six (6) pages, dated (revised) October 2006, and stamped received October 6, 2006, except as modified by the following stipulations. Within thirty (30) days of the Board of Supervisors approval, the narrative shall be revised to correct reference to fire protection.
- c. Development of the site shall be in conformance with the landscape plan entitled "Cedar Gardens Village Sanctuary-Senior Citizen Complex", consisting of one (1) full-size sheet, dated (revised) October 6, 2006, and stamped received October 6, 2006, except as modified by the following stipulations. Within thirty (30) days of the Board of Supervisors approval, the site plan shall be revised to delete reference to the "rehabilitation center."
- d. Public water and sewer is required for this project. A pre-annexation or utility service agreement with the Town of Gilbert is required prior zoning clearance for building permits.
- e. Annexation to the Town of Gilbert shall occur within two years of approval by the Board of Supervisors. If the site is not annexed within two years of the Board of Supervisors approval, this zone change may be scheduled for public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission, for consideration of reversion of all phases to the former Rural-43 zoning classification. This stipulation shall be void if stipulation "d" is fulfilled.
- f. All trees shall be double-staked when installed.
- g. 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 or screened from view. A continuous parapet shall screen all roof-mounted equipment.
- h. Dedication of additional right(s)-of-way to bring the total half-width dedication to 70' for Greenfield Road and Queen Creek Road shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.

- i. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for Greenfield Road and Queen Creek Road along the perimeter of the site.
- j. 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.
- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. 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. 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. Proof of fire protection shall be provided prior to zoning clearance.
- n. 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. Proof of fire protection shall be provided prior to zoning clearance.
- o. This Special Use Permit shall expire 15 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 shall be removed within 180 days of such termination or expiration unless proper zoning entitlement obtained.
- p. The applicant shall submit a written report outlining the status of the development at the end of five (5) 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.
- q. Major changes to the Special Use Permit 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 Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- r. Non-compliance 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.

- s. 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

Darren Gerard explained this case and recommended approval.

Supervisor Brock had questions about a Gilbert annexation of this County island property and on the water and sewer hookups.

Mr. Gerard said that because of pre-annexation agreements this project will only develop if, and after, it is annexed into Gilbert and there would be water, sewer and fire services from the Town.

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

- 22. Z2005-144 District 4**  
**Applicant:** T-Mobile for Recreation Centers of Sun City West, Inc.  
**Location:** West of 128th Avenue between Galaxy Drive and Ashwood Drive (in the Sun City West area)  
**Request:** Special Use Permit (SUP) for a Wireless Communication Facility (64' (h) monopalm) in the Rural-43 WHSC zoning district, Wireless Communication Facility Use District 1 (approximately 0.015 acres) – T-Mobile at Pebble Brook Golf Course

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-144, subject to the following stipulations "a" through "n". Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled "T-Mobile PH11606B Pebble Brook Golf Course", consisting of six (6) full-size sheets, dated (revised) August 30, 2006, and stamped received September 28, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisor approval, the applicant shall submit two (2) sets of revised site plans removing the reference to technician parking from sheet LS-1, and providing dimensions to the technician parking space on sheet Z-1.
- b. Development of the site shall be in conformance with the narrative report entitled "T-Mobile Pebble Brook Golf Course PH11606B", consisting of six (6) pages, dated September 13, 2006, and stamped received September 28, 2006, except as modified by the following stipulations.
- c. The height of the Wireless Communication Facility shall be limited to 64'-2".
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

- e. The developer shall be aware that they are located within the state-defined "territory in the vicinity of a military airport" as described by State of Arizona statute ARS §28-8481. 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.

Luke Air Force Base Auxiliary Field 1, located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area. 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."

- f. 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.
- 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. An Administrative Amendment shall be required to co-locate future carriers on the monopole.
- i. 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 shall be removed within 60 days of such termination or expiration.
- j. The applicant shall submit a written report outlining the status of the development at the end of two (2) and twenty (20) 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.

- k. Major changes to the Special Use Permit 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 Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. 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.
- m. 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.
- n. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard gave background on the case and recommended approval. Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "n."

- 23. Z2006-023 District 4**  
**Applicant:** Infranext for T-Mobile  
**Location:** East of 135th Avenue and south of Gable Hill Drive (in the Sun City West area)  
**Request:** Special Use Permit (SUP) for a Wireless Communication Facility (55' high monopole designed as a palm tree) in the Rural-43 WHSC zoning district, Wireless Communication Facility Use District 1 (approx. 0.14 acres) – T-Mobile at Briarwood Golf Course

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2006-023, subject to the following stipulations "a" through "k". Commissioner Munoz seconded the motion, which passed with a majority vote of 7-1, with Commissioner Aster dissenting due to the requested time frame.

- a. Development of the site shall comply with the site plan entitled "T-Mobile PH11606B Briarwood Maintenance Yard", consisting of six (6) full-size sheets, dated (revised) September 14, 2006, and stamped received October 5, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "T-Mobile Briarwood Maintenance Yard PH11609E", consisting of seven (7) pages, dated (revised) September 14, 2006, and stamped received October 5, 2006, except as modified by the following stipulations.

- c. The height of the Wireless Communication Facility shall be limited to 55'.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. 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.
- f. 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.
- g. 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 shall be removed within 60 days of such termination or expiration.
- h. The applicant shall submit a written report outlining the status of the development at the end of two (2) and twenty (20) 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.
- i. Major changes to the Special Use Permit 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 Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- j. 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.
- k. 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.

Darren Gerard gave background on the case and recommended approval. Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "k."

**24. Z2006-081 District 4**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

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**Applicant:** Eric Boe for Beardsley-Stardust, LLC  
**Location:** Northwest corner of Stardust Boulevard and Beardsley Road (in the Sun City West area)  
**Request:** Special Use Permit (SUP) for an Assisted Living Facility in the C-2 zoning district (approximately 1.89 acres) – New Dawn Sun City West

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2006-081, subject to the following stipulations “a” through “v”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the site plan entitled “Assisted Living Facility-New Dawn Sun City West Z2006081” consisting of (4) four full-size sheets, dated October 5, 2006 and stamped received October 17, 2006 except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors approval, the site plan shall be revised to illustrate the driveway width on Stardust Boulevard per Maricopa County Department of Transportation requirements.
- b. Development and use of the site shall comply with the narrative report entitled “New Dawn-Sun City West Z2006081” consisting of (5) five pages, dated October 5, 2006 and stamped received October 6, 2006 except as modified by the following stipulations.
- c. Development and use of the site shall comply with the Landscape Plan entitle “New Dawn Assisted Living” consisting of (1) one full- size sheet, dated October 16, 2006 and stamped received October 18, 2006 except as modified by the following stipulations.
- d. A Food Service Permit shall be obtained from Maricopa County Environmental Services Department prior to placing the central kitchen into operation.
- e. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  1. Access on Stardust Boulevard shall be right in and right out and shall be built to County Standards.
  2. The off-site perimeter improvements including sidewalk ramps and sidewalk on Stardust Blvd. and Beardsley Road shall be built to County Standards.
- f. 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.
- g. Prior zoning clearance and the issuance of building permits the applicant shall address the following Maricopa County Drainage Review concerns:
  1. The drainage report shall show the clogging factor for underground retention basin, the drain time for each underground retention basin, the infiltration rate (a MAG Standard Detail, and shall be used for grate inlet design), and the table of contents shall be signed and sealed.

2. The Grading and Drainage Plan shall call out proposed grate inlet based upon MAG Standard Detail and provide the connection detail between proposed grated inlet or grated manhole and the proposed underground retention/detention facilities.
- h. All habitable buildings constructed within this Special Use Permit shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- i. At the reception rental office of the "New Dawn Sun City West" Assisted Living Facility shall be a sign notifying the current and future residents that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You will reside in a property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. 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 permanently posted the reception rental office of the Assisted Living Facility "New Dawn Sun City West" on not less than an 8½ inch by 11 inch sign and be included in all rental agreements.
- j. All trees shall be double-staked when installed.
- k. All structures shall be painted stucco exteriors, and tiled roofs. Colors utilized shall be compatible with colors in the immediate area.
- l. Deciduous tree or shrubs shall not be planted within 15' of adjoining residential properties.
- m. A continuous parapet shall screen all roof-mounted equipment.

- n. 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 or screened from view.
- o. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- p. 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.
- q. 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.
- r. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- s. The applicant shall submit a written report outlining the status of the development at the end of five (5) 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.
- t. Major changes to the Special Use Permit 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 Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- u. 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.
- v. 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.

Darren Gerard gave background on the case and recommended approval. Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "v."

25.     **Z2006-106**     **District 4**  
       **Applicant:**     Gallagher & Kennedy for Arizona Public Service Co., et al  
       **Location:**     East of Wintersburg Road and north of Elliot Road (in the Wintersburg area)  
       **Request:**        Special Use Permit (SUP) for evaporation ponds in the Rural-190 zoning district  
                          (approximately 200 acres) – PVNGS

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2006-106, subject to the following stipulations “a” through “o”. Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

- a.     Development and use of the site shall comply with the site plan entitled “Palo Verde Nuclear Generating Station – Construction of Evaporation Pond No. 3” consisting of three (3) full-size sheets, dated October 13, 2006 and stamped received October 23, 2006, except as modified by the following stipulations.
- b.     Development and use of the site shall be in substantial compliance with the following documents:
  - i.     Narrative report entitled “Arizona Public Service Company – Narrative Report to Accompany the Special Use Application for Construction and Operation Ponds No. 3 and No. 4” consisting of four (4) pages stamped received September 1, 2006, as amended by:
  - ii.    Addendum entitled “Arizona Public Service Company – Addendum to the Narrative Report to Accompany the Special Use Permit” consisting of three (3) pages stamped received October 23, 2006, except as modified by the following stipulations.
- c.     The proposed evaporation ponds shall only be used to accommodate the diversion of the evaporation water during the retrofit of the existing evaporation ponds located within the Palo Verde Nuclear Generating Station Special Use permit boundary, or to support the existing Palo Verde Nuclear Generating Station as currently approved. The proposed ponds shall not be used to increase the generating capacity over that approved for the Palo Verde Nuclear Generating Station Special Use Permit under Z 78-72 unless said Z 78-72 first undergoes a Major Amendment to allow the expansion of that use.
- d.     Prior to site development, the applicant shall obtain the necessary construction permits and drainage clearances, following the submittal of a fully engineered Grading and Drainage Plan and supporting Drainage Report that meets current Maricopa County Drainage Regulations and Maricopa County Flood Control Regulations, as applicable. A copy of the final approved version of said Grading and Drainage Plan and related Drainage Report shall be forwarded to the Planning and Zoning Division for inclusion in the subject case file. At a minimum, said plan and report shall address the following issues, to the satisfaction of the Drainage Review Division:
  - i.     The plan shall indicate the boundaries of the Existing East Wash.

- ii. The plan and related drainage report shall outline what impacts, if any, the new Railroad alignment will have on the East Wash.
- iii. The plan and related drainage report shall be signed and sealed by a Civil Engineer registered in the State of Arizona.
- iv. The plan and related drainage report shall discuss the natural ridge that extends north/south along the west property line to a point approximately 2,000 feet north of the south property line, and shall indicate whether the off-site flow from the west, flows either on the west side of Wintersburg Road or the east side Wintersburg Road between the natural ridge and the road. The plan and related report shall also indicate whether the off-site flows will be diverted to the properties to the south of the site after construction of the railroad track.
- v. The plan shall indicate cross sections for Wintersburg Road for pre and post railroad track construction.
- vi. The plan shall indicate at least two cross sections of the proposed railroad track; one along Wintersburg Road and one at the East Wash crossing.
- vii. The project engineer shall provide a Drainage Report which includes all culvert analyses and on-site and off-site drainage issues.
- e. Prior to site development the applicant shall obtain a Floodplain Use Permit for any culverts located within the Palo Verde Zone "A" Floodplain Delineation Study area.
- f. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. 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.
- g. The applicant shall abide by all state and federal laws regarding jurisdictional dams.
- h. The applicant shall abide by all state and federal laws regarding water quality.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. 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.
- k. This Special Use Permit shall expire upon the termination of the Special Use Permit approved under Z 78-72. All of the site improvements shall be removed within 120 days of such termination or expiration.

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- i. The applicant shall submit a written report outlining the status of the development at the end of five (5) 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 (Z2006106) remains in compliance with the approved stipulations. If the subject evaporation pond facility is found to not be in compliance with the approved stipulations, staff shall forward the status report to the Planning and Zoning Commission for review and possible revocation of the Special Use Permit (Z2006106).
- m. Major changes to the Special Use Permit 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 Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. 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.
- o. 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.

Darren Gerard gave background on the case and recommended approval. Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "o."

**~Chairman Stapley recused himself for a conflict of interest in the following item and passed the gavel to Supervisor Brock before leaving the room~**

- 26. S2006-022 District 1**  
**Applicant:** Arroyo Pacific Partners, LLC  
**Location:** South side of Riggs Road between Lemon Avenue and Tangelo Avenue (in the Chandler Heights area)  
**Request:** Final Plat in the Rural-43 RUPD zoning district for Sonterra (approximately 21.26 gross acres)

Darren Gerard said that at the request of Supervisor Wilson, this case was revisited after receiving Board approval in its original form on September 26, 2006. It is now being re-approved with a slightly different design. The final plat, as approved on September 26, 2007, was never recorded with the County Recorder's Office and the applicant has since revised that version of the final plat to include an additional tract for retention and an additional tract for landscaping, while reducing one residential lot. The subdivision will have a common retention basin. All on-lot retention has been eliminated. Staff is supportive of the changes believing the revised subdivision layout to be an improvement over the original proposal.

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-0-1) to approve this final plat as revised by the applicant. This approval vote supersedes the approval vote on this plat by the Board at its September 26, 2006, special meeting. (Clerk's Note: [not part of the official minutes] See previous Board action on this final plat in the minutes of September 6, 25, and 26, 2006 meetings. The revised final plat has now been recorded with the County Recorder's Office.)

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned at 11:57 a.m.

\_\_\_\_\_  
Don Stapley, Chairman of the Board

ATTEST:

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