

Board of Supervisors  
March 30, 2004  
9:30 a.m.

The Board met in a Regular Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk. Also present: Jennifer St. John, Victor Gabilondo, Louis Chaboya, Carol DeFazio, Marshall Magruder, Pam Patton, Mary Dahl, Ruth Barry, Jean & Tom Cunningham, Patti Lewis, Sheriff Estrada, Ron Morriss, John DeStefano, Ramon Romo, Rudy Molera, Liz Gutfahr, Neil Gufstason, Gary Brasher, Felipe Fuentes.

The Meeting was called to order and the Pledge of Allegiance was recited, led by Louis Chaboya.

**ADOPTION OF AGENDA:** Vice-Chairman Damon made a motion to adopt the Agenda as posted; second by Supervisor Ruiz; motion carried unanimously.

**CALL TO THE PUBLIC:** Carol DeFazio, representing the Rio Rico Propertyowners Association, addressed the Board concerning commercial and residential development on the West side of Rio Rico and the increased volume of traffic and requested that the Board consider existing residents of the area as well as the future residents, before approving any additional development in the area.

Marshall Magruder addressed the Board concerning energy issues.

Chairman Maynard expressed the desire for the Board to meet in a Study Session with Mr. Magruder to discuss the 46-kilovolt-transmission line.

**REPORTS:**

**BOARD OF SUPERVISORS:** Chairman Maynard reported that he attended the ADOT Inspection Station Ribbon Cutting Ceremony at the Mariposa port-of-entry on Friday morning – Governor Napolitano was in attendance; Governor Napolitano also visited the Rio Rico Community Center to present the Rio Rico Pedestrian Pathway grant award; he attended the Grand Opening of the Food Bank in Rio Rico on Friday.

Supervisor Ruiz commended the Clerk of the Board for a successful Arizona County Clerks Association retreat at the Rex Ranch; extended condolences to Casey Hughes (Santa Cruz County employee) and family for the tragic loss of their son due to a recent vehicle accident.

**MANAGER:** County Manager, Greg Lucero, reported that he attended a brief presentation last Wednesday for Canadian diplomats, hosted by the City of Nogales; he attended a presentation by the Ford Motor Co. and their subsidiary companies regarding the new complex to be built in Hermosillo; he and the Elections Director met with the Nogales Unified School District regarding using school sites as polling locations.

**FINANCE:** Finance Director, Jennifer St. John, reported \$6,075,169 in the General Fund; \$1,376,107 in the Road Fund; \$516,258 in the Flood Control District Fund; \$8,917,974 total for all funds; \$6,087,169 estimated end of month balance, compared to \$2,942,977 cash at March 2003, a difference of \$3,144,192.

**SHERIFF:** Sheriff Estrada reported that the current jail population is 54, 48 males and 6 females; 18 inmates have been sentenced to the County jail and 4 to the AZ Department of Corrections; 47 have been charged with felonies and 7 with misdemeanors; 9 (16%) are undocumented aliens; 8 have been committed to the County jail on a weekly basis.

65 persons were booked in during the past week; 175 total calls for service were received, of which 49 were 911 calls.

Sheriff Estrada also reported that the Sheriff's Office assisted the Highway Patrol in responding to the vehicle accident as Supervisor Ruiz mentioned under the Board of Supervisors' Report; 6 Boy Scouts were temporarily lost over the weekend in the Gardner Canyon area, but

were later located and all were ok; thanked the Board of Supervisors for the last salary adjustments which has assisted the Sheriff's Office in retaining qualified, experienced officers.

Sheriff Estrada announced that 6 business people from Australia will meet at the Chamber of Commerce on Friday at 10:00 a.m. and invited the Board and/or Mr. Lucero to attend to discuss government issues.

**ACTION ITEMS:**

**PERSONNEL:** The Board waived the hiring freeze to fill a vacant Fee Shed Attendant position at the Rio Rico Landfill. (RD/MR; c.u.)

**RESOLUTION #2004-05:** Public Works Director, Victor Gabilondo, explained that this Resolution would approve the Application for Historic Preservation Heritage Funds for the 1904 Historic Courthouse. Mr. Gabilondo stated that the grant application is for further restoration of the 1904 Courthouse and is in the amount of \$98,927; the County match commitment would be \$98,927 for a total estimated cost of the project at \$197,852.

Mr. Gabilondo informed the Board that Pam Patton was instrumental in preparing this grant application and requested that the Board approve the Resolution and authorize the Chairman to sign.

Supervisor Ruiz made a motion to approve Resolution #2004-05 and to authorize the Chairman to sign on behalf of the Board in support of the application; second by Vice-Chairman Damon; motion carried unanimously.

Pam Patton submitted her costs for preparing the Grant application to the Board of Supervisors.

**MINUTES** of 3/9/04 and 3/16/04 were approved as submitted. (MR/RD; c.u.)

**PRECINCT PATAGONIA 14 POLLING LOCATION CHANGE:** Melinda Meek, Clerk of the Board/Elections Director, informed the Board that the current polling location for Patagonia 14 is the Patagonia Union High School and that due to the ongoing construction at the High School, requested that the Board approve changing the polling location to Cady Hall, Patagonia. If approved by the Board of Supervisors, a request for preclearance will be submitted to the Department of Justice and if approved, the notice of change will be published in the newspaper and voters will be notified.

Supervisor Ruiz made a motion to approve the request; second by Vice-Chairman Damon; motion carried unanimously.

**BOND FOR DUPLICATE WARRANT #4-552703** payable to Mohave/Sanitary Supply Company in the amount of \$398.25 dated 9/15/03 was approved as submitted. (RD/MR; c.u.)

The Board recessed the Regular Meeting to convene the Public Hearings published for 10:00 a.m. (MR/RD; c.u.)

**PUBLIC HEARINGS**

**REQUEST TO REZONE APPROXIMATELY 0.60 ACRES FROM P (PRESERVATION) TO M-1 (INDUSTRIAL) AND 5.19 ACRES FROM MF (MULTI FAMILY) TO B-2 (GENERAL BUSINESS) PORTION OF LOT B BLOCK 607, RIO RICO VILLAS 13, AND LOT 5 OF BLOCK 805, RIO RICO VILLAS 18, RIO RICO, AZ (CASE NO. REZ04-04):** Mary Dahl, Community Development Department Director, reminded the Board that a rezoning request was heard in November, relative to the same property; at that rezoning, a large portion of the hillside around the landfill was redesignated preservation zoning district, additional land was designated M-1 and B-2; there was discussion regarding a condition for a 20-foot natural vegetative buffer along the M-1 portion (approximately 12 acres); in an effort to mitigate the loss of this property to development, this application was submitted to extend the M-1 zoning on average about 60 feet to the south.

Ms. Dahl explained that in order to address another concern raised at the November hearing, the applicant has also requested rezoning the multi-family area across from the M-1 zoning to General Business.

The Planning Commission held a public hearing on this rezoning request in February 2004 and moved to recommend approval of the rezoning with 6 conditions to include the 20-foot wide natural vegetative buffer along the M-1 zoned property on the West Frontage Road.

Vice-Chairman Damon asked if any opposition was received; Ms. Dahl responded no.

PUBLIC COMMENT: Carol DeFazio, on behalf of the Rio Rico Propertyowners Association, stated that the Association is in favor of this rezoning request; they met with Mr. Tobin and this is the agreement that they came to and are pleased to see the M-F zoning rezoned to B-2.

**FINAL PLAN FOR A PLANNED AREA DEVELOPMENT FOR TRAILS HEAD AT BARRIO DE TUBAC (CASE NO. PAD04-05):** Mary Dahl, Community Development Department Director, explained that this is a proposal for a new patio home development; PAD regulations require a minimum of 25% open space – this project provides over 29%; a total of 75 lots are proposed.

The Preliminary Plan and Final Plan for Trails Head at Barrio de Tubac Planned Area Development went to the Planning Commission in February 2004, and received favorable consideration with 2 conditions related to the final platting process which include a Master Land Development Agreement and CC&Rs, final plats consistent with County requirements and state law and non access easements.

Ms. Dahl informed the Board that no public opposition was received.

PUBLIC COMMENT: None

**FINAL PLAN (PAD) AND FINAL PLAT FOR PLAZA DE ANZA PLANNED AREA DEVELOPMENT AT BARRIO DE TUBAC (CASE NO. 02-07):** Mary Dahl, Community Development Department Director, explained that this is a commercial Planned Area Development (PAD) subdivision for Block 1 of Barrio de Tubac, consisting of 5.26 acres; there are 6 small lots on the West side.

The Planning Commission approved the preliminary plan/plat in July 2002 and the final plan in February 2004 with several conditions; all conditions have been met with this submittal for approval of the Final Plan/Plat.

PUBLIC COMMENT: None

**FINAL PLAT FOR SAN MIGUEL PATIO HOMES, PHASE II, LOTS 21-24 AND COMMON AREA 'B' AND TRAILS HEAD AT BARRIO DE TUBAC (ALSO KNOWN AS SAN MIGUEL PATIO HOMES PHASE III) LOTS 1-6, COMMON AREA B AND COMMON AREA D, A 10 LOT RESIDENTIAL SUBDIVISION (CASE NO. SUB04-03):** Mary Dahl, Community Development Department Director, explained that this is a 10-lot subdivision in Barrio de Tubac; lots 1-6 will be the site for new model homes for the Trails Head development, which is also called San Miguel Phase III because that is how these lots are listed on the certificate of assured water supply from the AZ Department of Water Resources.

The Planning Commission approved the tentative plat for this development in January 2004 with conditions, which have all been satisfied.

PUBLIC COMMENT: None

The Public Hearings adjourned and the Regular Meeting reconvened. (MR/RD; c.u.)

**ACTION ITEMS CONTINUED:**

**REFORMATION AGREEMENT WITH KINO SPRINGS GOLF COURSE, LLC AND KINO SPRINGS RANCH, LLC:** Victor Gabilondo, Public Works Director, informed the Board that the County, Kino Springs Development and ADOT have been involved in coordinating improvements to the intersection of Kino Springs Drive and SR82; ADOT will be constructing a new bridge on SR82 and Kino Springs will be financing an all weather crossing;

the project will require the realignment of Kino springs Drive to SR82. Research on the legal description of Kino Springs Drive revealed discrepancies along the road alignment.

A road reformation agreement is proposed to correct the discrepancies as well as define the new entrance to Kino Springs.

Supervisor Ruiz made a motion to authorize and execute the Reformation Agreement to redefine Kino Springs Drive as presented by the Public Works Director; second by Vice-Chairman Damon; motion carried unanimously.

**EL DESTINO AND THREE SPRINGS AT RIO RICO, LOW-INCOME HOUSING TAX CREDIT MULTI-FAMILY AND SENIOR RENTAL COMMUNITIES:** Mary Dahl, Community Development Department Director, informed the Board that in February, she was contacted by Community Development, Inc. (CDI), headquartered in Idaho to discuss a project they are proposing for approximately 10 acres situated along the West Frontage Road in Villas 18 in Rio Rico; the proposal involves applying to the Arizona Department of Housing for low income housing tax credits.

If successful in receiving the tax credits, CDI proposes to build a 40-unit 1-story senior housing complex (Three Springs) and a 61-unit 2-story low-income multi-family housing facility (El Destino) adjacent to each other; the property is currently zoned for this type of use.

CDI is requesting certification from the County approving of the conceptual site plan and documentation is support of their application.

The Low Income Housing Tax Credit program offers a developer federal tax credits to encourage the development of rental housing for persons and families earning no more than 60% of the median income; the rental and occupancy restrictions apply to the eligible project for an extended period of time.

After the applications were submitted on 3/12/04, the AZ Department of Housing sent letters requesting that the County perform a Community Assessment to determine if the community is supportive of the projects and to review and make comments on the market demand study done in support of the applications.

Ms. Dahl stated that she reviewed the applications for consistency with the draft goals, objectives and policies of the County 2004 Comprehensive Plan and found that the projects appear to be consistent with the draft plan. Two issues of concern have been raised related to location: the lack of public transit services and its relative distance from shopping, medical offices and other services and the potential for highway noise.

The concerns were communicated to the developer and the developer indicated that they had discussions with the Senior Centers in Nogales and Rio Rico regarding the transportation issue; the Nogales Senior Center stated that they were willing to work with CDI to seek funding for another van and to expand their transportation service area to include Rio Rico; they also propose a berm with a block wall on top of the berm, well-placed landscaping, location of the building to minimize exposure to the noise and enhanced building insulation.

Vice-Chairman Damon expressed concern regarding the traffic at the intersection of the Frontage Road and Yavapai Drive; Ms. Dahl stated that some improvements to Yavapai up to Providencia will occur as a result of Bella Vista North and that traffic information will be required during the development plan review and approval process for the proposed development.

Chairman Maynard expressed the same concerns as Vice-Chairman Damon but also recognized the need for the proposed types of housing.

Ms. Dahl informed the Board and the public that the proposed development is for 40/61 units, which is the permitted density in the existing zoning district and if a developer had available financing and wanted to construct similar facilities, they could do so under the current zoning.

Chairman Maynard asked Ms. Dahl if a presentation has been made to the Rio Rico Propertyowners Association; Ms. Dahl responded that she does not believe so.

Chairman Maynard asked Carol DeFazio (Rio Rico Propertyowners Association) if the Association has taken an official position on the proposed development; Mrs. DeFazio responded no, but that the Association has concerns regarding noise, traffic, and the bridge across the Agua Fria Wash being too narrow.

Ms. Dahl informed the Board that if the local community does not support the project, the Applications will be rejected by the AZ Department of Housing and the low-income housing tax credits will not be available in Santa Cruz County for these projects. Ms. Dahl stated that the deadline for the County's response is tomorrow 3/31/04.

Greg Lucero, County Manager, suggested that the proposed projects could be submitted during the next cycle in order to allow for time to address the issues of concern.

Supervisor Ruiz indicated that he would have liked to have met with CDI and discussed the matter in a Study Session prior to the deadline; suggested approving the letter of support, listing the concerns mentioned in today's meeting.

Marshall Magruder suggested adding to the list of concerns, that the housing be constructed to meet minimum HUD standards and that solar water heaters be installed.

Attorney Hawn stated that the process calls for whether or not the Board of Supervisors supports the concept and she does not believe that the Board has legal authority to attach conditions to the development. Attorney Hawn suggested simply outlining the issues of concern in a cover letter to be sent along with the letter to support or not support.

Supervisor Ruiz made a motion to support the concept and that a letter of concerns addressed at this meeting be attached along with the letter of support; second by Vice-Chairman Damon; motion carried unanimously.

**ORDINANCE NO. 2004-02:** Mary Dahl, Community Development Department Director, stated that this Ordinance is for the rezoning of approximately 0.60 acres from P (Preservation) to M-1 (Industrial) and 5.19 acres from MF (Multi Family) to B-2 (General Business); the Planning Commission unanimously recommended approval of the rezoning request subject to 6 conditions as outlined in Ordinance No. 2004-02.

Vice-Chairman Damon made a motion to approve Ordinance No. 2004-02 with the conditions attached; second by Supervisor Ruiz; motion carried unanimously.

**FINAL PLAN FOR A PLANNED AREA DEVELOPMENT FOR TRAILS HEAD AT BARRIO DE TUBAC, A MIXED RESIDENTIAL USE DEVELOPMENT (CASE NO. PAD04-05):** Mary Dahl, Community Development Department Director, stated that this is a request to approve the Final Plan for the Trails Head Planned Area Development, 19 acres south of the master block platted area of Barrio de Tubac and north of the Santiago at Barrio de Tubac custom home subdivision development.

Supervisor Ruiz made a motion to approve the Final Plan documents for the Planned Area Development of Trails Head at Barrio de Tubac (Case No. PAD-04-05) with the conditions as recommended by the Planning Commission; second by Vice-Chairman Damon; motion carried unanimously.

**LAND DEVELOPMENT AGREEMENT AND ASSURANCE AGREEMENT (TRUST NO. 1354) FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS FOR PLAZA DE ANZA, A 7 LOT COMMERCIAL SUBDIVISION (CASE NO. 02-07):** Mary Dahl, Community Development Department Director, stated that the Land Development and Third Party Trust Agreements are consistent with documents used in the past to ensure that subdivision improvements are completed in accordance with the approved improvement plans; no additional off-site improvements are required for this development.

Vice-Chairman Damon made a motion to approve the Land Development Agreement and Third Party Trust Agreement with San Miguel Partners, LLC for development of Plaza de Anza (Case No. 02-07); second by Supervisor Ruiz; motion carried unanimously.

**FINAL PLAN (PAD) AND FINAL PLAT FOR PLAZA DE ANZA, A 7 LOT COMMERCIAL SUBDIVISION AT BARRIO DE TUBAC (CASE NO. 02-07):** Mary Dahl,

Community Development Department Director, stated that this is a request to approve the Final Plan and Plat which will be recorded for the Plaza de Anza commercial development in the Barrio de Tubac, Block 1, consisting of 7 total lots; the conditions required by the Planning Commission have been met with the final plat submittals.

Supervisor Ruiz made a motion to approve the Final Plan/Plat for the Plaza de Anza at Barrio de Tubac and authorize the Chairman and Clerk to sign the plat (Case No. 02-07); second by Vice-Chairman Damon; motion carried unanimously.

**LAND DEVELOPMENT AGREEMENT AND ASSURANCE AGREEMENT FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS (THIRD PARTY TRUST NO. T-1352) FOR SAN MIGUEL HOMES PHASE II, LOTS 21-24 AND TRAILS HEAD AT BARRIO DE TUBAC (AKA SAN MIGUEL PATIO HOMES PHASE III) LOTS 1-6 (CASE NO. SUB04-03):** Mary Dahl, Community Development Department Director, stated that the Land Development and Third Party Trust Agreements provide for all improvements being built to serve the 10 lots prior to them being released from the trust and sold; no additional off-site improvements are required for this development.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz; motion carried unanimously.

**FINAL PLAT FOR SAN MIGUEL PATIO HOMES, PHASE II, LOTS 21-24 AND COMMON AREA 'B' (OPEN SPACE/DRAINAGE AND UTILITIES) AND TRAILS HEAD AT BARRIO DE TUBAC, (AKA SAN MIGUEL PATIO HOMES PHASE III) LOTS 1-6, COMMON AREA B AND COMMON AREA D, A 10 LOT RESIDENTIAL SUBDIVISION (CASE NO. SUB04-03):** Mary Dahl, Community Development Department Director, stated that this is the Final Plat map for the San Miguel Patio Homes Phase II and Phase III aka Trails Head at Barrio de Tubac; the Planning Commission unanimously recommended approval to the Board.

Supervisor Ruiz made a motion to approve the Final Plat for San Miguel Patio Homes Phase II, Lots 21-24 and Trails Head at Barrio de Tubac, Lots 1-6 aka San Miguel Patio Homes Phase III and authorize the Chairman and Clerk to sign; second by Vice-Chairman Damon.

The Board commended Ms. Dahl for her work on all of the issues presented at today's meeting.

Motion carried unanimously.

**EMERGENCY MANAGEMENT INTERGOVERNMENTAL AGREEMENTS RE: FEDERAL DEPARTMENT OF HOMELAND SECURITY, OFFICE FOR DOMESTIC PREPAREDNESS REIMBURSEMENT GRANT PROGRAM:** Louis Chaboya, Emergency Management Director, informed the Board that these Intergovernmental Agreements will allow for the disbursement of equipment and funds obtained by the County from the Federal Department of Homeland Security and Office of Domestic Preparedness grants with the Nogales Suburban Fire District, Town of Patagonia, Rio Rico Fire District, Arizona Rangers (aka Sonoita Company), Patagonia Volunteer Fire Department, Tubac Fire District and Sonoita-Elgin Emergency Services, Inc.

Supervisor Ruiz made a motion to approve; second by Vice-Chairman Damon; motion carried unanimously.

Meeting adjourned at 11:00 a.m. (RD/MR; c.u.)

Melinda Meek

Clerk of the Board

John Maynard

John Maynard, Chairman