

Board of Supervisors  
December 14, 2005  
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: Robert Damon, Chairman; Manuel Ruiz, Vice-Chairman; John Maynard, Supervisor; Greg Lucero, County Manager; George Silva, County Attorney; Holly Hawn, Attorney; Melinda Meek, Clerk of the Board. Also present: Jennifer St. John, Mary Dahl, Leonard Fontes, Gabriel Romero, Sheriff Estrada, Ramon Romo, Teresa Harvey, Felipe Fuentes, Jr., Claudia Proto, Matilde Proto, Thomas Osterman, Oscar Lopez, Larry Harvey, Sherry Sass, Gregg Sasse, Richard Vidal.

The Meeting was called to order and the Pledge of Allegiance was recited.

**ADOPTION OF AGENDA:** Vice-Chairman Ruiz made a motion to adopt the Agenda as presented and to deviate from Agenda sequence as necessary; second by Supervisor Maynard; motion carried unanimously.

**CALL TO THE PUBLIC:** None

The Board recessed the Regular Meeting to convene as the Santa Cruz County Jail District Board. (JM/MR; c.u.)

**JAIL DISTRICT:**

**RESOLUTION NO. 2005-28 APPROVING THE LEVY AND AUTHORIZING THE COLLECTION OF A COUNTY JAIL DISTRICT EXCISE TAX FOR THE SANTA CRUZ COUNTY JAIL DISTRICT:** County Manager, Greg Lucero, explained that, pursuant to statutory requirements, the Board is required to adopt Resolution No. 2005-28 in order for the County to impose the excise tax.

Vice-Chairman Ruiz made a motion to approve Resolution No. 2005-28 as presented by Staff; second by Supervisor Maynard; motion carried unanimously. Resolution on file in the Clerk of the Board's Office.

The Board adjourned as the Santa Cruz County Jail District Board and reconvened the Regular Meeting. (JM/MR; c.u.)

**REPORTS:**

**BOARD OF SUPERVISORS:** None

**MANAGER:** None

**FINANCE:** Administrative Services Department Director, Jennifer St. John, reported \$10,729,036 in the General Fund, of which \$9,250,654 is invested; \$1,420,060 in the Road Fund, of which \$1,127,706 is invested; \$1,148,730 in the Flood Control District Fund, of which \$742,068 is invested; \$15,763,588 total for all funds, of which \$13,736,735 is invested; \$10,649,036 estimated end of month balance, compared to \$8,256,928 cash at December 2004, a difference of \$2,392,108.

**SHERIFF:** Sheriff Estrada reported that the current jail population is 86, 80 males and 6 females; 15 inmates have been sentenced to the County jail and 8 to the AZ Department of Corrections; 83 have been charged with felonies and 3 with misdemeanors; 30 (34.9%) are undocumented aliens; 2 have been committed to the County jail on a daily basis. 56 persons were booked in during the past week.

Sheriff Estrada further reported that Manuel Osete, who had been incarcerated at the County jail for approximately 3 years, was released from custody on Monday and deported to Mexico; Metro seized over 2 tons of marijuana over the past week; on Monday, a home belonging to the Yubeta family in Tumacacori burnt down; he and staff were in Las Vegas for 3 days attending an American Jail Association seminar regarding jail construction and expansion.

**ACTION ITEMS:**

**FEDERAL EQUITABLE SHARING AGREEMENT AND FEDERAL ANNUAL CERTIFICATION REPORT FOR CONTINUED PARTICIPATION IN ASSET SHARING WITH THE US DEPARTMENT OF JUSTICE:** County Attorney, George Silva, informed the Board that through the Santa Cruz County Metro-Task Force, they participate in investigations with the Department of Justice and the Department of the Treasury; when assets are seized during these investigations a certain percentage of the proceeds from those assets are given to the Santa Cruz County Metro-Task Force; this Agreement requires approval in order to continue to receive funds.

County Attorney Silva requested that the Board sign the Agreement.

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

**FEDERAL EQUITABLE SHARING AGREEMENT AND FEDERAL ANNUAL CERTIFICATION REPORT FOR CONTINUED PARTICIPATION IN ASSET SHARING WITH THE US DEPARTMENT OF THE TREASURY:** County Attorney, George Silva, informed the Board that through the Santa Cruz County Metro-Task Force, they participate in investigations with the Department of Justice and the Department of the Treasury; when assets are seized during these investigations a certain percentage of the proceeds from those assets are given to the Santa Cruz County Metro-Task Force; this Agreement requires approval in order to continue to receive funds.

County Attorney Silva requested that the Board sign the Agreement.

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

**PERSONNEL:** The Board waived the hiring freeze to fill a vacant Probation Officer position. (MR/JM; c.u.)

**2006 INTERGOVERNMENTAL AGREEMENT WITH AZ DEPARTMENT OF REVENUE FOR THE PROPERTY TAX DATA PROCESSING SYSTEM:** Vice-Chairman Ruiz made a motion to approve; second by Supervisor Maynard; motion carried unanimously.

**TAX VALUATION ADJUSTMENTS #0100023-01-9 PUC – GE Capital Modular Space/Schneider Resources, Resolution No: T20050900015 and 9500031-01-7 PUC – Transport International Pool Inc #180542 c/o C Bar Hauling, Resolution No: T20050900014** were approved as submitted by the County Assessor's Office. (JM/MR; c.u.)

**APPLICATION FOR FEDERAL ASSISTANCE FOR STATE SUBGRANTS FOR HEALTH AND HUMAN SERVICES, ELECTION ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES PROGRAM:** Clerk of the Board/Elections Director, Melinda Meek, informed the Board that grant funding is available through the Department of Health and Human Services, Voting Access for Individuals with Disabilities program; this is a sub-grant through the State of Arizona; Santa Cruz County is eligible for \$4,025 for the year 2003 and \$8,650 for the year 2004 to assure voting access for individuals with disabilities.

Ms. Meek recommended that the Board authorize submission of the grant applications to improve access to polling places for individuals with disabilities and to authorize her to sign all necessary documents.

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

The Board recessed the Regular Meeting to convene the Public Hearings posted for 10:00 a.m.

**PUBLIC HEARINGS**

10:00 a.m.

**REQUEST FROM HARVEY LIMITED PARTNERSHIP TO REZONE 11.45 ACRES FROM SR TO M-1 IN SECTION 25, TOWNSHIP 23 SOUTH, RANGE 13 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN:** Community Development Department Director, Mary Dahl, informed the Board that on 7/29/04, the Planning & Zoning Commission held a public hearing on this rezoning request and after the hearing, voted unanimously to recommend approval subject to 5 conditions as listed in the Staff Report. Ms. Dahl stated that originally, the request was to rezone to M-1 in order to establish an impound car storage facility; the applicant is now requesting the rezone to industrial to establish a permitted industrial use which has not yet been identified.

The applicants applied to rezone this land in 1999; after a favorable recommendation from the commission, the Board of Supervisors voted 2-1 to deny the rezoning; according to the minutes of the 1999 Board meeting, at issue were drainage, drinking water contamination, access and traffic concerns. In 2004, the propertyowner obtained a grading permit and the property has been graded, fenced and drainage structures built in accordance with the approved plans. It is a violation of federal law to contaminate drinking water sources; there is no reason to believe that lawful use of the land for industrial purposes would result in drinking water contamination. Access continues to be an issue as access to the property has to be along Bodega Drive through the Lopez Industrial Park properties because access to the West Frontage Road was not granted by ADOT.

Mr. Dahl informed the Board that according to Arizona Revised Statutes, a unanimous vote of the Board of Supervisors is required in order to approve this particular rezoning request.

**PUBLIC COMMENT:**

Oscar Lopez spoke against the rezoning request, expressed concern regarding traffic safety on the road and requested that the Board deny the request.

Larry Harvey, applicant, informed the Board that the drainage issue has been resolved, the parcel has been graded, proper drainage structures are in place and a point of access has been established.

Chairman Damon asked Mr. Harvey if he would consider postponing the work until the road improvement is complete; Mr. Harvey responded that if he sells the property, he cannot dictate when or what the new owners might do.

Thomas Osterman, Pena Blanca Properties, expressed opposition to rezoning this property to industrial because it is surrounded by residential property and stated that it is contrary to proper planning and zoning procedures in terms of what is best for the residents of the area; he expressed concern regarding rezoning the property to industrial due to the schools located in the area. Mr. Osterman respectfully requested that the Board deny the rezoning request.

Richard Vipac, representative for his parents' property, requested that the rezoning request be denied because the applicant has not stated what his plans are for the property if rezoned to industrial.

Gregg Sasse who purchased 356 acres of residentially zoned property in the area from T. Osterman, is developing a first-rate development in Pena Blanca Highlands, based on existing zoning in the surrounding areas; he is strongly opposed to the rezoning request.

Teresa Harvey, representing Harvey Family Ltd. Partnership, stated that she does not believe that the relationship between residential and industrial is going to impact anyone as much as it is impacting the applicant by having a suburban ranch parcel directly off the Frontage Road with the only access being industrial.

**PROPOSED AMENDMENT TO THE COUNTY ZONING AND DEVELOPMENT CODE TO CREATE A GENERAL RURAL-40 ZONING DISTRICT AND PROVIDE FOR PERMITTED USES AND CONDITIONAL USES (CASE NO. PZ-05-12):** Community Development Department Director, Mary Dahl, informed the Board that the County Comprehensive Plan, adopted by the Board in June 2004, contains a policy that states: "The County will develop and adopt a zoning district classification consistent with the Ranch 40 land use designation"; currently, over 5200 acres are designated Ranch 40 with the latest being reorganizing densities in the Kino Springs area; however, there is no zoning district to match that classification; this text amendment, if approved, would create the Ranch 40 zoning district classification; the text amendment was presented to the Planning & Zoning Commission on 10/27/05 and voted unanimously to recommend approval of the amendment; the amendment is only a text change and does not rezone any property; all permitted uses in GR would be permitted in GR-40 and all permitted uses on appeal in GR would be permitted on appeal in GR-40.

**PUBLIC COMMENT:**

Sherry Sass, Friends of the Santa Cruz River, commended the Planning Department and the County for developing this and the following proposed amendment and spoke in support of both.

**PROPOSED AMENDMENT TO THE COUNTY ZONING AND DEVELOPMENT CODE TO PROVIDE FOR PREVIOUSLY UNZONED LANDS THAT COME UNDER COUNTY JURISDICTION TO BE INITIALLY SUBJECT TO THE GENERAL RURAL-40 ZONING**

**DISTRICT REGULATIONS (CASE NO. PZ-05-13):** Community Development Department Director, Mary Dahl, informed the Board that in June 2005, the Planning & Zoning commission was presented with the idea of amending the Zoning & Development Code to change the status of lands that are newly under the jurisdiction of the County from being treated initially as GR zoned lands to GR-40; lands that this may affect include State Trust Lands, federal public lands such as U.S. Forest Service or Bureau of Land Management Lands and the incorporated lands in the Town of Patagonia, since there is currently no zoning in the community; this amendment changes the GR classification to the new GR-40 classification, if approved by the Board, this would mean that, initially, the minimum lot size would be 36 acres; some members of the Planning & Zoning Commission were concerned about whether making this change would have some impact on disposition of State Trust Lands; this amendment was presented to the Planning & Zoning Commission on 10/27/05 and voted unanimously to recommend approval of the amendment.

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

**ACTION ITEMS CONTINUED:**

**ORDINANCE NO. 2005-05 REZONING APPROXIMATELY 11.45 ACRES OF LAND FROM SR TO M-1 IN SECTION 25, TOWNSHIP 23 SOUTH, RANGE 13 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, SANTA CRUZ COUNTY, AZ (CASE NO. REZ-04-13, PARCEL #113-43-004A):** Vice-Chairman Ruiz made a motion to deny the request; second by Supervisor Maynard; motion carried unanimously.

**ORDINANCE NO. 2005-05  
AMENDING ORDINANCE NO. 3A OF 1973 ESTABLISHING THE SANTA CRUZ COUNTY  
ZONING AND DEVELOPMENT CODE**

**AN ORDINANCE OF SANTA CRUZ COUNTY, ARIZONA AMENDING ORDINANCE NO. 3A OF 1973 BY CHANGING THE OFFICIAL ZONING MAP OF THE COUNTY IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN ORDINANCE NO. 3A OF 1973 AS AMENDED AND AS PROVIDED IN A.R.S. §§11-801 ET SEQ. AND SPECIFICALLY A.R.S. §11-829**

On December 14, 2005 Santa Cruz County Board of Supervisors approved the rezoning of approximately 11.45 acres of land from Suburban Ranch (SR) to Light Industrial (M-1) in Section 25, Township 23 South, Range 13 East of the Gila & Salt River Base and Meridian, Santa Cruz County, Arizona (Case No. REZ-04-13, Parcel #113-43-004A).

THE BOARD OF SUPERVISORS OF SANTA CRUZ COUNTY DOES ORDAIN:

ARTICLE I. The official Zoning Map of Santa Cruz County is hereby amended by rezoning from SR (Suburban Ranch) to M-1 (Industrial) a parcel of land located in Santa Cruz County, Arizona more particularly described in Exhibit A attached hereto and made a part of.

ARTICLE II. This Ordinance shall not become effective until January 13, 2006, at which time it shall be entered on the Official Zoning Map of Santa Cruz County.

ARTICLE III. All Ordinances or portion of Ordinances in conflict with this Ordinance or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

ARTICLE IV. The aforementioned 11.45-acre rezoning was approved by the Santa Cruz County Board of Supervisors with the following conditions:

1. Infrastructure will be designed and installed as the individual development plans are approved for development.
2. Dust created during the construction process shall be mitigated according to State and County regulations;
3. Landscaping, Buffering and Screening will be designed and installed as the individual development plans are approved for development;
4. All appropriate codes and ordinances of the Santa Cruz County Zoning and Development Code, Building Code, Floodplain and Erosion Hazard Management Ordinance, etc. and all other County, State and Federal requirements shall be adhered to
5. Developer shall coordinate with the Arizona Department of Transportation to determine any improvements necessary to the West Frontage Road.

**ORDAINED, PASSED AND ADOPTED** this 14<sup>th</sup> day of December, 2005.

**ORDINANCE NO. 2005-06 AMENDING THE COUNTY ZONING AND DEVELOPMENT CODE TO CREATE A GENERAL RURAL-40 ZONING DISTRICT AND PROVIDE FOR PERMITTED USES AND CONDITIONAL USES (CASE NO. PZ-05-12):** Vice-Chairman Ruiz made a motion to approve; second by Supervisor Maynard; motion carried unanimously.

**ORDINANCE NO. 2005-06**  
**AMENDING ORDINANCE #3A OF 1973 WHICH ESTABLISHED THE**  
**SANTA CRUZ COUNTY ZONING AND DEVELOPMENT CODE**

WHEREAS, on May 21, 1973, the Board of Supervisors adopted the Santa Cruz County Zoning Ordinance of 1973 which became effective on October 5, 1973; and

WHEREAS, the Board has considered additional amendments to the adopted regulations, pursuant to public hearings held before the Planning and Zoning Commission and the Board of Supervisors.

NOW, THEREFORE, BE IT ORDAINED:

Effective the 13<sup>th</sup> day of January, 2006 the County Zoning and Development Code shall be amended as follows (new language is depicted in *italics* and deletions in ~~double strikethrough~~):

1. Article 5 shall be amended to include:

**SEC. 501 ESTABLISHMENT OF ZONING DISTRICTS**

For the purpose of this Ordinance that part of Santa Cruz County outside the corporate limits of any municipality is hereby classified into the following zoning districts:

~~GR-40~~ *General Rural – 40 Zoning District – 36 Acres Per Dwelling Unit*

2. Article 9 shall be amended as follows:

**ARTICLE 9**

**ZONING DISTRICTS AND ZONING MAPS**

~~---900---~~ **PURPOSE AND INTENT**

*GR-40 GENERAL RURAL 40 (36 acres)* Pages 1 - 5  
~~---901---~~ **PURPOSES AND INTENT**  
~~---902---~~ **PERMITTED USES**  
~~---903---~~ **USES PERMITTED UPON APPEAL**  
~~---904---~~ **USES PROHIBITED**

**GR GENERAL RURAL (180,000 SQ. FT.)** Pages ~~4-7~~ 6 - 10  
~~---901905---~~ **PURPOSE AND INTENT**  
~~---902906---~~ **PERMITTED USES**  
~~---903907---~~ **USES PERMITTED UPON APPEAL**  
~~---904908---~~ **PROHIBITED USES**

**SR SUBURBAN RANCH (72,000 SQ. FT.)** Pages ~~8-9~~ 11 - 12  
~~---911---~~ **PURPOSE AND INTENT**  
~~---912---~~ **PERMITTED USES**  
~~---913---~~ **USES PERMITTED UPON APPEAL**  
~~---914---~~ **PROHIBITED USES**

**R-1 RESIDENTIAL (36,000 SQ. FT.)** Page ~~10-11~~ 13 - 14  
~~---921---~~ **PURPOSE AND INTENT**  
~~---922---~~ **PERMITTED USES**  
~~---923---~~ **USES PERMITTED UPON APPEAL**  
~~---924---~~ **PROHIBITED USES**

**R-2 RESIDENTIAL (18,000 SQ. FT.)** Page ~~12-13~~ 15 - 16  
~~---931---~~ **PURPOSE AND INTENT**  
~~---932---~~ **PERMITTED USES**  
~~---933---~~ **USES PERMITTED UPON APPEAL**  
~~---934---~~ **PROHIBITED USES**

**R-3 RESIDENTIAL (10,000 SQ. FT.)** Page ~~14~~ 17  
~~---941---~~ **PURPOSE AND INTENT**  
~~---942---~~ **PERMITTED USES**  
~~---943---~~ **USES PERMITTED UPON APPEAL**  
~~---944---~~ **PROHIBITED USES**

**R-4 RESIDENTIAL (7,500 SQ. FT.)** Page ~~15~~ 18  
~~---951---~~ **PURPOSE AND INTENT**  
~~---952---~~ **PERMITTED USES**  
~~---953---~~ **USES PERMITTED UPON APPEAL**  
~~---954---~~ **PROHIBITED USES**

**R-5 RESIDENTIAL (6,000 SQ. FT.)** Page ~~16~~ 19

---961--- PURPOSE AND INTENT  
---962--- PERMITTED USES  
---963--- USES PERMITTED UPON APPEAL  
---964--- PROHIBITED USES

MF MULTI FAMILY (5,000 SQ. FT.)  
---971--- PURPOSE AND INTENT  
---972--- PERMITTED USES  
---973--- USES PERMITTED UPON APPEAL  
---974--- PROHIBITED USES

Pages ~~17-18~~ 20 - 21

MH MOBILE HOME (5,000 SQ. FT.)  
---981--- PURPOSE AND INTENT  
---982--- PERMITTED USES  
---983--- USES PERMITTED UPON APPEAL  
---984--- PROHIBITED USES

Page ~~19~~ 22

P PRESERVATION AREA  
---991--- PURPOSE AND INTENT  
---992--- PERMITTED USES  
---993--- USES PERMITTED UPON APPEAL  
---994--- PROHIBITED USES

Page ~~20~~ 23

MFR RESIDENTIAL  
---9010--- PURPOSE AND INTENT  
---9020--- PERMITTED USES  
---9030--- USES PERMITTED UPON APPEAL  
---9040--- USES PROHIBITED

Page ~~21~~ 24

#### COMMERCIAL DISTRICTS

B-1 NEIGHBORHOOD BUSINESS  
---9110--- PURPOSE AND INTENT  
---9120--- PERMITTED USES  
---9130--- USES PERMITTED UPON APPEAL  
---9140--- PROHIBITED USES

Pages ~~22-24~~ 25 - 27

B-2 GENERAL BUSINESS  
---9210--- PURPOSE AND INTENT  
---9220--- PERMITTED USES  
---9230--- USES PERMITTED UPON APPEAL  
---9240--- PROHIBITED USES

Pages ~~25-27~~ 28 - 30

#### INDUSTRIAL DISTRICTS

M-1 LIGHT INDUSTRY  
---9310--- PURPOSE AND INTENT  
---9320--- PERMITTED USES  
---9330--- USES PERMITTED UPON APPEAL  
---9340--- PROHIBITED USES

Pages ~~28-30~~ 31 - 33

#### HIGH RISE DISTRICT

HR HIGH RISE  
---9410--- PURPOSE AND INTENT  
---9420--- PERMITTED USES  
---9430--- USES PERMITTED UPON APPEAL  
---9449--- PROHIBITED USES

Pages ~~31-32~~ 34 - 35

M-2 INDUSTRY  
---9510--- PURPOSE AND INTENT  
---9520--- PERMITTED USES  
---9530--- USES PERMITTED UPON APPEAL  
---9540--- PROHIBITED USES

Pages ~~33-34~~ 36 - 37

#### ZONING MAPS

Page ~~35~~ 38

---9610--- MAP  
---9620--- AMENDMENTS  
---9630--- RESERVED

SEC. 900 PURPOSE AND INTENT

The purpose and intent of this article is to create a healthy, safe and pleasant living environment by regulating the use of land, buildings and structures, their type, height and bulk, and the area of land separating them. All lot sizes and setbacks are minimum requirements.

**GENERAL RURAL-40**

**SEC. 901 PURPOSES AND INTENT**

*The purpose of the General Rural-40 (GR-40) zoning district is to accommodate large lot rural residential uses on a minimum of 36 acres. A very low density rural lifestyle with an emphasis on resource conservation, rangeland preservation, agriculture and viewsheds is the intent of this district.*

**SEC. 902 PERMITTED USES**

1) Any accessory structure as permitted in Article 10, Section 1002.

2) Single Family Dwelling.

- a) Minimum Lot Area: Thirty-six (36) acres
- b) Minimum Lot Width: Three hundred fifty (350) feet
- c) Minimum Front Yard Setback: Fifty (50) feet
- d) Minimum Side Yard Setback: Fifty (50) feet
- e) Minimum Rear Yard Setback: Fifty (50) feet
- f) Maximum Building Height: Thirty-five (35) feet
- g) Other Requirements: As required by Article 11 (Parking Standards).

3) Farm Animals

*Restrictions:*

- a) No barn, corral, or stable shall be closer to any lot line than seventy five (75) feet.
- b) The raising of small animals is permitted provided there are no more than ten (10) animals per acre.
- c) The presence of offensive or noxious gases or odors is prohibited:

*Every owner, tenant, or occupant of any premises within the GR-40 Zoning District, in or upon which are kept any horses, mules, cattle, sheep, goats, ostriches, emus, or other livestock shall, at all times, keep and maintain such premises so covered, enclosed, protected, cleaned, drained, and disinfected that no offensive or noxious gases or odors may or shall arise. Any such premises which are not at all times kept and maintained so covered, closed, protected, cleaned, drained, and disinfected as to prevent any and all offensive or noxious gases and odors from arising or which are allowed or suffered to become a breeding place for flies and insects or to become offensive or noxious to the residents in the neighborhood are hereby declared to be a nuisance.*

4) Riding Stables and Equestrian Schools

- a) Minimum Lot Area: Thirty-six (36) acres
- b) Minimum Lot Width: Three hundred fifty (350) feet
- c) Minimum Front Yard Setback: Fifty (50) feet
- d) Minimum Side Yard Setback: Fifty (50) feet
- e) Minimum Rear Yard Setback: Fifty (50) feet
- f) Maximum Building Height: Thirty-five (35) feet
- g) Other Restrictions: No barn, corral or stable shall be closer to any lot line than seventy five (75) feet.

5) Nurseries and Greenhouses (wholesale)

- a) Minimum Lot Area: Thirty-six (36) acres
- b) Minimum Lot Width: Three hundred fifty (350) feet
- c) Minimum Front Yard Setback: Fifty (50) feet
- d) Minimum Side Yard Setback: Fifty (50) feet
- e) Minimum Rear Yard Setback: Fifty (50) feet
- f) Maximum Building Height: Thirty-five (35) feet
- g) Other Restrictions: As Required by Article 11 (Parking Standards).

6) Motion Picture Production Site

- a) Minimum Site Area: Forty (40) acres; permanent structures shall be located at least 600 feet from the property lines, so as to buffer neighboring properties from noise.
- b) Required Consent: The applicant shall present the Planning and Zoning Department with written consent from at least 75% of the property owners (by area and number) within one thousand (1,000) feet of the site boundaries.
- c) The motion picture production site shall be closed to the public. Any business conducted with the general public, including but not limited to tours or staged entertainment, shall require a conditional use permit.

- d) *Development Standards:*
  - 1) *All temporary structures shall be a minimum of one hundred feet from any property line.*
  - 2) *Maximum Building Height: Thirty-five feet.*
  - 3) *Other restrictions: As Required by Article 11 (Parking Standards).*
  - 4) *No animal corrals within one-hundred feet of the property line.*
  - 5) *Building permits shall be obtained for all structures.*
  - 6) *Shall conform to the lighting ordinance of Santa Cruz County.*

7) *Private Roping Arenas*

*Other Restrictions:*

- a) *For use only by the occupants of the private residence.*
- b) *Renting of the roping area is prohibited.*
- c) *Night lighting permitted upon appeal to the Board of Adjustment.*
- d) *No display of stock in trade on the premises.*
- e) *No barn/stable/corral/arena fencing or accessory building shall be located within 75 feet of any property line.*

8) *Guest House and/or Cottage. (non-rental residential unit only).*

- a) *Minimum Lot Area: Thirty-six (36) acres*
- b) *Minimum Lot Width: Three hundred and fifty (350) feet.*
- c) *Minimum Front Yard Setback: Fifty (50) feet.*
- d) *Minimum Side Yard Setback: Fifty (50) feet.*
- e) *Minimum Rear Yard Setback: Fifty (50) feet.*
- f) *Maximum Building Height: Thirty five (35) feet.*
- g) *See Article 11 (Parking Standards).*

9) *Winery without Tasting Room*

- a) *Minimum Lot Area: Thirty-six (36) acres*
- b) *Minimum Lot Width: Three hundred fifty (350) feet*
- c) *Minimum Front Yard Setback: Fifty (50) feet*
- d) *Minimum Side Yard Setback Fifty (50) feet*
- e) *Minimum Rear Yard Setback Fifty (50) feet*
- f) *Maximum Building Height: Thirty-five (35) feet*
- g) *Grapes used in wine production must be grown on-site or the operation must otherwise comply with State licensing requirements for a domestic farm winery.*

10) *Winery with Tasting Room (limited).*

- a) *Minimum Lot Area: Thirty-six (36) acres*
- b) *Minimum Lot Width: Three hundred fifty (350) feet*
- c) *Minimum Front Setback: Fifty (50) feet*
- d) *Minimum Side Setback Fifty (50) feet*
- e) *Minimum Rear Setback Fifty (50) feet*
- f) *Maximum Building Height: Thirty-five (35) feet*
- g) *Parking Standards: One parking space for each employee not living on-site and one space per 50 square feet of tasting room area. All driveways accessing the property and parking spaces shall be either paved or otherwise treated with a dust-free material such as gravel, chip seal or other material as approved by the Director.*
- h) *Retail and wholesale sales of wine are permitted in accordance with State licensing requirements.*
- i) *Ancillary sales of non-wine related products may be sold, provided they do not make up more than 25% of retail sales receipts.*
- j) *Grapes used in wine production must be grown on-site or the operation must otherwise comply with State licensing requirements for a domestic farm winery.*
- k) *Regularly scheduled bus tours are prohibited.*
- l) *Food sales that require a Health Department F Series Permit are prohibited.*
- m) *All signage must conform to Section 1712 of the Zoning and Development Code.*

**SEC. 903 USES PERMITTED UPON APPEAL**

1) *Any use permitted on appeal in Article 10, Sec. 1003.*

2) *Animal Clinics, Hospitals and Kennels.*

- a) *Minimum Lot Area: Thirty-six (36) acres*
- b) *Minimum Lot Width: Three hundred fifty (350) feet*
- c) *Minimum Front Yard Setback: Fifty (50) feet*
- d) *Minimum Side Yard Setback: Fifty (50) feet*
- e) *Minimum Rear Yard Setback: Fifty (50) feet*

- f) *Maximum Building Height:* *Thirty-five (35) feet*
  - g) *Other Restrictions:* *As required by Article 11 (Parking Standards).*  
*Noisy animals shall be confined to a sound proof building from sunset to sunrise.*
- 3) *Airports*
- a) *Restrictions:* *Subject to Federal Aviation Administration regulations.*
- 4) *Campgrounds, Public Race Tracks, Sport Stadiums.*
- a) *Minimum Lot Area:* *As determined by the Board of Adjustment.*
  - b) *Minimum Setbacks:* *As determined by the Board of Adjustment.*
  - c) *Maximum Building Height:* *As determined by the Board of Adjustment.*
  - d) *Other Restrictions:* *As determined by the Board of Adjustment.*
- 5) *Egg Farm and Feed Lots*
- a) *Minimum Lot Area:* *As determined by the Board of Adjustment.*
  - b) *Minimum Setbacks:* *As determined by the Board of Adjustment.*
  - c) *Maximum Building Height:* *As determined by the Board of Adjustment.*
  - d) *Other Restrictions:* *As determined by the Board of Adjustment*  
*except mandatory 1/2 mile odor easement*
- 6) *Guest Ranches, Lodges and Camps.*
- a) *Minimum Lot Area:* *Thirty-six (36) acres*
  - b) *Minimum Lot Width:* *Three hundred fifty (350) feet*
  - c) *Minimum Front Setback:* *One hundred (100) feet.*
  - d) *Minimum Side Setback* *One hundred (100) feet*
  - e) *Minimum Rear Setback* *One hundred (100) feet.*
  - f) *Maximum Building Height:* *Thirty-five (35) feet*
  - g) *Other Restrictions:* *Parking as required by Article 11 (Parking Standards).*
- 7) *Public Roping Arenas, Rodeo Arenas*
- a) *Minimum Lot Area:* *Thirty-six (36) acres*
  - b) *Other Restrictions:* *Night lighting shall not be allowed after 10 p.m. The arena shall not be closer than one hundred (100) feet from any the property line.*

**SEC. 904 USES PROHIBITED**

- 1) *Any use not permitted or not permitted upon appeal, herein, is prohibited.*

**GR GENERAL RURAL**

**SEC. ~~901~~905 PURPOSE AND INTENT** (Amended 12/11/91)

The purpose of the General Rural zoning district is to accommodate a residences-on one hundred eighty thousand (180,000) square feet. A lifestyle of a rural nature with accommodations for animals and agriculture is the intent of this district. GR has the following characteristics:

**SEC. ~~902~~906 PERMITTED USES** (Amended 9/15/95)

- 1) Any accessory structure as permitted in Article 10, Sec. 1002.
- 2) Single Family Dwellings.
  - a) Lot Area: One hundred eighty thousand (180,000) square feet (minimum).
  - b) Lot Width: One hundred fifty (150) feet (minimum).
  - c) Front Yard: Thirty five (35) feet.
  - d) Side Yards: Twenty-five (25) feet.
  - e) Rear Yard: Fifty (50) feet.
  - f) Maximum Building Height: Thirty five (35) feet.
  - g) Other Requirements: As required by Article 11 (Parking Standards).
- 3) Farm Animals
 

Restrictions:

  - a) No barn, corral, or stable shall be closer to any lot line than Seventy five (75) feet.

- b) A conforming 180,000 square foot GR (General Rural) parcel may contain a maximum of eight (8) farm animals on the property. For each additional 18,000 square feet of parcel area another farm animal will be permitted providing each farm animal has 400 square feet of stock-tight corral fencing with shelter in accordance with section ~~902~~ 906(3)(a) above.

Example: A 180,000 square foot GR (General Rural) zoned parcel can support up to eight (8) farm animals (head) providing; a minimum of 3,200 sq. ft. of stock-tight fencing with shelter not closer than seventy five (75) feet from any property line.

- c) The raising of small animals is permitted provided there are no more than ten (10) animals per acre.
- d) The presence of offensive or noxious gases or odors is prohibited:

Every owner, tenant, or occupant of any premises within the GR (General Rural) Zoning District, in or upon which are kept any horses, mules, cattle, sheep, goats, ostriches, emus, or other livestock shall, at all times, keep and maintain such premises so covered, enclosed, protected, cleaned, drained, and disinfected that no offensive or noxious gases or odors may or shall arise therefrom. Any such premises which are not at all times kept and maintained so covered, closed, protected, cleaned, drained, and disinfected as to prevent any and all offensive noxious gases and odors arising therefrom or which are allowed or suffered to become a breeding place for flies and insects or to become offensive or noxious to the residents in the neighborhood are hereby declared to be a nuisance.

4) Riding Stables and Equestrian Schools

- a) Lot Area: Three hundred sixty thousand (360,000) square feet.
- b) Lot Width: Two hundred and fifty (250) feet, minimum.
- c) Front Yard: Fifty (50) feet.
- d) Side Yards: Fifty (50) feet.
- e) Rear Yard: Fifty (50) feet.
- f) Maximum Building Height: Thirty-five (35) feet.
- g) Other Restrictions: No barn, corral or stable shall be closer to any lot line than seventy five (75) feet.

5) Nurseries and Greenhouses (wholesale)

- a) Lot Area: Three hundred sixty thousand (360,000) square feet.
- b) Lot Width: Two hundred and fifty (250) feet.
- c) Front Yard: Fifty (50) feet.
- d) Side Yards: Fifty (50) feet.
- e) Rear Yard: Fifty (50) feet.
- f) Maximum Building Height: Thirty-five (35) feet.
- g) Other Restrictions: As Required by Article 11 (Parking Standards).

6) Motion Picture Production Site

- a) Minimum Site Area: Forty (40) acres; permanent structures shall be located in the center of the forty acres, so as to buffer neighboring properties from noise.
- b) Required Consent: The applicant shall present the Planning and Zoning Department with written consent from at least 75% of the property owners (by area and number) within one thousand (1,000) feet of the site boundaries.
- c) The motion picture production site shall be closed to the public. Any business conducted with the general public, including but not limited to tours or staged entertainment, shall require a conditional use permit.
- d) Development Standards:
  - 1) All structures shall be a minimum of one hundred feet from any property line.
  - 2) Maximum Building Height: Thirty-five feet.
  - 3) Other restrictions: As Required by Article 11 (Parking Standards).
  - 4) No animal corrals within one-hundred feet of the property line.
  - 5) Building permits shall be obtained for all structures.
  - 6) Shall conform to the lighting ordinance of Santa Cruz County.

7. Private Roping Arenas

Other Restrictions:

- a) For use only by the occupants of the private residence.
- b) Renting of the roping area is prohibited.
- c) Night lighting permitted upon appeal to the Board of Adjustment.
- d) No display of stock in trade on the premises.
- e) No barn/stable/corral/arena fencing or accessory building shall be

located within 75' feet of any property line.

- 8) Guest House and/or Cottage. (non rental residential unit only).
  - a) Lot Area: One hundred and eighty thousand (180,000) square feet.
  - b) Lot Width: One hundred and fifty (150) feet.
  - c) Front Yard: Fifty (50) feet.
  - d) Side Yard: Fifty (50) feet.
  - e) Rear Yard: Fifty (50) feet.
  - f) Maximum Building Height: Thirty five (35) feet.
  - g) See Article 11 (Parking Standards).
  
- 9) Winery without Tasting Room (Amended 11/19/05)
  - a) Minimum Lot Area: 180,000 square feet
  - b) Minimum Lot Width: One hundred fifty (150) feet
  - c) Minimum Front Setback: Thirty-five (35) feet
  - d) Minimum Side Setback Twenty-five (25) feet
  - f) Maximum Building Height: Thirty-five (35) feet
  - g) Grapes used in wine production must be grown on-site or the operation must otherwise comply with State licensing requirements for a domestic farm winery.
  
- 10) Winery with Tasting Room (limited).
  - a) Minimum Lot Area: Ten (10) acres
  - b) Minimum Lot Width: Two hundred fifty (250) feet
  - c) Minimum Front Setback: Fifty (50) feet
  - d) Minimum Side Setback Fifty (50) feet
  - e) Minimum Rear Setback Fifty (50) feet
  - f) Maximum Building Height: Thirty-five (35) feet
  - g) Parking Standards: One parking space for each employee not living on-site and one space per 50 square feet of tasting room area. All driveways accessing the property and parking spaces shall be either paved or otherwise treated with a dust-free material such as gravel, chip seal or other material as approved by the Director.
  - h) Retail and wholesale sales of wine are permitted in accordance with State licensing requirements.
  - i) Ancillary sales of non-wine related products may be sold, provided they do not make up more than 25% of retail sales receipts.
  - j) Grapes used in wine production must be grown on-site or the operation must otherwise comply with State licensing requirements for a domestic farm winery.
  - k) Regularly scheduled bus tours are prohibited.
  - l) Food sales that require a Health Department F Series Permit are prohibited.
  - m) All signage must conform to Section 1712 of the Zoning and Development Code.

**SEC. ~~903~~907 USES PERMITTED UPON APPEAL** (Amended 6/2/94)

- 1) Any use permitted on appeal in Article 10, Sec. 1003.
- 2) Animal Clinics, Hospitals and Kennels.
  - a) Lot Area: One hundred eighty thousand (180,000) square feet.
  - b) Lot Width: One hundred (100) feet.
  - c) Front Yard: Fifty (50) feet.
  - d) Side Yards: Fifty (50) feet.
  - e) Rear Yard: Fifty (50) feet.
  - f) Maximum Building Height: Thirty five (35) feet.
  - g) Other Restrictions: As required by Article 11 (Parking Standards).  
Noisy animals shall be confined to a sound proof building from sunset to sunrise.
- 3) Airports
  - a) Restrictions: Subject to Federal Aviation Administration regulations.
- 4) Campgrounds, Public Race Tracks, Sport Stadiums.
  - a) Lot Area: As determined by the Board of Adjustment.
  - b) Yard Sizes: As determined by the Board of Adjustment.
  - c) Maximum Building Height: As determined by the Board of Adjustment.
  - d) Other Restrictions: As determined by the Board of Adjustment.
- 5) Egg Farm and Feed Lots
  - a) Lot Area: As determined by the Board of Adjustment.
  - b) Yard Sizes: As determined by the Board of Adjustment.
  - c) Maximum Building Height: As determined by the Board of Adjustment.

- d) Other Restrictions: As determined by the Board of Adjustment except mandatory 1/2 mile odor easement
- 6) Guest Ranches, Lodges and Camps.
  - a) Lot Area: Seven hundred and twenty thousand (720,000) square feet.
  - b) Lot Width: Five hundred (500) feet.
  - c) Front Yard: One hundred (100) feet.
  - d) Side Yards: One hundred (100) feet.
  - e) Rear Yard: One hundred (100) feet.
  - f) Maximum Building Height: Thirty five (35) feet.
  - g) Other Restrictions: Parking as required by Article 11 (Parking Standards).
- 8) Public Roping Arenas, Rodeo Arenas (Amended 12/11/91)  
(Amended 6/2/94)
  - a) Lot Area: Seven hundred twenty thousand (720,000) square feet.
  - b) Other Restrictions: Night Lighting shall not be later than ten (10:00 P.M.). The arena shall not be closer than one hundred (100) feet from any the property line.

**SEC. ~~904908~~ USES PROHIBITED**

- 1) Any use not permitted or not permitted upon appeal, herein, is prohibited.

**BE IT ORDAINED, PASSED AND ADOPTED THIS 14th DAY OF DECEMBER, 2005.**

**ORDINANCE NO. 2005-07 AMENDING THE COUNTY ZONING AND DEVELOPMENT CODE TO PROVIDE FOR PREVIOUSLY UNZONED LANDS THAT COME UNDER COUNTY JURISDICTION TO BE INITIALLY SUBJECT TO THE GENERAL RURAL-40 ZONING DISTRICT REGULATIONS (CASE NO. PZ-05-13):** Supervisor Maynard made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously.

**ORDINANCE NO. 2005-07  
AMENDING ORDINANCE #3A OF 1973 WHICH ESTABLISHED THE  
SANTA CRUZ COUNTY ZONING AND DEVELOPMENT CODE**

WHEREAS, on May 21, 1973, the Board of Supervisors adopted the Santa Cruz County Zoning Ordinance of 1973 which became effective on October 5, 1973; and

WHEREAS, the Board has considered additional amendments to the adopted regulations, pursuant to public hearings held before the Planning and Zoning Commission and the Board of Supervisors.

NOW, THEREFORE, BE IT ORDAINED:

Effective the 14<sup>th</sup> day of January, 2006 the County Zoning and Development Code shall be amended as follows (new language is depicted in *italicized* and deleted language is shown in ~~double strikethrough~~):

**SEC. 505 LANDS NOT PREVIOUSLY ZONED**

Lands which for reason of law, change in ownership or for any other reason, come under the authority of Santa Cruz County after this Ordinance becomes effective and which have not been zoned prior thereto by any other jurisdiction having zoning authority, shall be subject to the regulations of the ~~General Rural~~ *General Rural – 40 (GR-40)* Zoning District. At such time as practicable thereafter, public hearings shall be held as required by law for the expressed purpose of zoning such lands pursuant to this Ordinance.

**BE IT ORDAINED, PASSED AND ADOPTED THIS 14<sup>th</sup> of DECEMBER, 2005.**

Meeting adjourned at 10:50 a.m.

Melinda Meek  
Clerk of the Board

Robert Damon  
Chairman

Board of Supervisors  
December 21, 2005  
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: Robert Damon, Chairman; Manuel Ruiz, Vice-Chairman; John Maynard, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda MEEK, Clerk of the Board. Also present: Jennifer St. John, Mary Dahl, Sheriff Estrada, Jim Mummert, Gabe Romero, Frank Chavez.

The Board called the Meeting to order and the Pledge of Allegiance was recited, led by Frank Chavez.

**ADOPTION OF AGENDA:** Supervisor Maynard made a motion to adopt the agenda and deviate as necessary; second by Vice-Chairman Ruiz; motion carried unanimously.

**CALL TO THE PUBLIC:** Jim Mummert presented the Board with the annual holiday carrot cake on behalf of him and his wife.

Frank Chavez, NESPA, addressed the Board concerning the office the Santa Cruz County School Superintendent; he submitted a letter of support to the Board members, on behalf of NESPA, for an individual (did not state the individual's name) to be considered for the position as she has no ties to the community and no personal issues involved.

**REPORTS:**

**BOARD OF SUPERVISORS:** Vice-Chairman Ruiz reported that he, Mr. Lucero and Mr. Miller attended the Small Counties Forum and the CSA Legislative Policy meetings last week.

The Board wished all a Happy Holiday season.

**MANAGER:** None

**FINANCE:** Administrative Services Department Director, Jennifer St. John, reported \$10,399,389 in the General Fund, of which \$9,275,059 is invested; \$1,420,755 in the Road Fund, of which \$1,130,754 is invested; \$1,156,461 in the Flood Control District Fund, of which \$743,905 is invested; \$16,127,498 total for all funds, of which \$13,772,722 is invested; \$10,693,840 estimated end of month balance, compared to \$8,256,928 cash at December 2004, a difference of \$2,436,912.

**SHERIFF:** Sheriff Estrada reported that the current jail population is 86, 76 males and 10 females; 18 inmates have been sentenced to the County jail and 8 to the Arizona Department of Corrections; 77 have been charged with felonies and 9 with misdemeanors; 32 (37%) are undocumented aliens; 1 has been committed to the County jail on a daily basis and 1 on a weekly basis; 42 persons were booked in during the past week.

Sheriff Estrada further reported that the DUI Detail will be deployed during the holidays.

**ACTION ITEMS:**

**PERSONNEL:** The Board waived the hiring freeze to fill a vacant Fiduciary Assistant position. (JM/MR; c.u.)

**AIRPORT DEVELOPMENT GRANT AGREEMENT NO E6F59-AZ DEPARTMENT OF TRANSPORTATION, DIVISION OF AERONAUTICS \$25,626 FOR DESIGN AND REHAB OF TAXIWAY A:** Community Development Department Director, Mary Dahl, explained that this is the State match for the Federal grant accepted by the Board a few months ago; the County's commitment is to match the State's grant in the amount of \$25,626. The first phase of the project, expected to begin in February, will include widening, milling and paving from Taxiway Alpha 1 to Charlie; the contract with Pavex will be presented to the Board for action after the first of the year.

Vice-Chairman Ruiz made a motion to approve and authorize Mary Dahl to sign on behalf of the County; second by Supervisor Maynard; motion carried unanimously.

**BONDS FOR DUPLICATE WARRANTS #2-202339,** payable to SWCA Inc., dated 10/27/05 in the amount of \$512.50 and **#2-203846,** payable to Luis Carlos Romero-Davis, dated 12/7/05 in the amount of \$340 were approved as presented. (JM/MR; c.u.)

**MONTHLY REPORTS** were approved as submitted. (MR/JM; c.u.)

**MINUTES** of 8/31/05 and 9/7/05 were approved as submitted. (JM/MR; c.u.)

**DEMANDS** were approved in the total amount of \$943,272.49 of which \$375,548.74 are from the General Fund. (MR/JM; c.u.)

The Board recessed the Regular Meeting to convene in Executive Session at 9:45 a.m. (re: Roberto Canchola, Santa Cruz County School Superintendent) and reconvened at 10:50 a.m. (JM/MR; c.u.) Details of these expenditures are available for inspection during working hours and are to be considered part of these minutes. **General Fund:** \$375,548.74; **Prosecution HIDTA (Pima):** \$32,940.77; **Bad Check Collection:** \$1,846.80; **Circles of Peace:** \$2,500.00; **Case Management:** \$3,858.25; **School Forest Fees Fund:** \$3,187.44; **Commissary Fund:** \$1,397.97; **Law Library:** \$1,569.04; **Old Courthouse Fund:** \$7,547.82; **Road:** \$57,568.96; **Animal Control:** \$1,825.86; **Anti-Racketeering#2:** \$4,546.36; **Victim's Comp (FED VOCA):** \$9,624.00; **Atty's Victims Comp. Fund:** \$27,954.57; **HIDTA 16:** \$3,711.44; **Juvenile Probation Fees:** \$1,035.85; **Jail Enhancement:** \$6,280.43; **Bio-Terrorism Grant:** \$9,012.61; **Title V:** \$2,257.23; **Bio-Terrorism B-National:** \$18,040.00; **Juvenile Community Advisor:** \$2,528.67; **Flood District:** \$6,189.47; **Fire Districts Secondary:** \$132,967.00; **W.I.A. Youth Program:** \$2,988.73; **W.I.A. General:** \$6,446.47; **WIA/TANF Set a Side:** \$3,741.61; **Dept. of Educ. Recreation Grant:** \$5,185.64; **W.I.A. Adult:** 4,575.67; **W.I.A. Dislocated Worker:** \$7,224.18; **C.D.B.G. Projects:** \$1,200.00; **Taxiway Rehabilitation:** \$160,426.00; **Landfill:** \$25,740.97

To review these demands for this date, refer to Binder #13 which accompanies this book.

The Meeting adjourned at 10:50 a.m. (MR/JM; c.u.)

Melinda Meek

Clerk of the Board

Robert Damon

Chairman

Board of Supervisors

January 11, 2006

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: Robert Damon, Chairman; Manuel Ruiz, Vice-Chairman; John Maynard, Supervisor; Carlos Rivera, Deputy County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk of the Board. Also present: Jennifer St. John, Mary Dahl, Victor Gabilondo, Raul Mavis, Nils Urman, Raul Mavis, John Hays, Abbie Zeltzer, Kathleen Vandervoet, Bruce Pheneger, Carol Cullen, John DeStefano, Ramon Romo, Sheriff Estrada, Suzie Sainz, Jerry Jaramillo, David Parsons.

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

**ADOPTION OF AGENDA:** Vice-Chairman Ruiz made a motion to adopt the Agenda tabling Action Item F-5, Partial Release of Assurances for The Ranch at Aliso Springs Phase I, until 1/18/06 and to deviate as necessary; second by Supervisor Maynard; motion carried unanimously.

**CALL TO THE PUBLIC:** Commerce & Economic Development Department Director, Nils Urman, addressed the Board concerning earned income tax credits offered by the IRS and volunteer tax sites through Workforce Development.

The Board recessed the Regular Meeting to convene as the Flood Control District Board. (JM/MR; c.u.)

**FLOOD CONTROL:**

**DIRECTOR'S/PROJECT REPORT:** Submitted in writing.

**MONTHLY REPORTS FROM CITY OF NOGALES/TOWN OF PATAGONIA:** None

**PUBLIC COMMENT:** None

The Board adjourned as the Flood Control District Board and reconvened the Regular Meeting. (MR/JM; c.u.)

**REPORTS:**

**BOARD OF SUPERVISORS:** Supervisor Maynard reported that he attended the Opening Session of the Arizona State Legislature on Monday.

**MANAGER:** None

**FINANCE:** Administrative Services Department Director, Jennifer St. John, reported \$10,818,647 in the General Fund, of which \$9,275,059 is invested; \$1,548,161 in the Road Fund, of which \$1,130,754 is invested; \$1,171,693 in the Flood Control District Fund, of which \$743,905 is invested; \$15,649,603 total for all funds, of which \$13,772,722 is invested; \$10,278,634 estimated end of month balance, compared to \$8,256,928 cash at January 2005, a difference of \$2,021,706.

**SHERIFF:** Sheriff Estrada reported that the current jail population is 73, 67 males and 6 females; 10 inmates have been sentenced to the County jail and 5 to the AZ Department of Corrections; 53 have been charged with felonies and 5 with misdemeanors; 23 are undocumented aliens; 3 have been committed to the County jail on a daily basis and 3 on a weekly basis. 45 persons were booked in during the past week.

Sheriff Estrada further reported that on Sunday night a 40-year old Nogales, Sonora, man was trying to ride the train in the Rio Rico area, his foot got caught and was sent to UMC to be treated; on Monday, the Metro-Task Force and Border Patrol discovered a drug tunnel, 2 individuals (1 19-year old from Patagonia and a 29-year old from Nogales, Sonora) were arrested and 300 pounds of marijuana and a 1991 vehicle were confiscated; the Sheriff's Office applied for and will be awarded a \$20,000 Meth Grant to establish a community coalition in Santa Cruz County; the Sheriff's Department will also receive \$35,000 in SCAAP Funding.

**PATAGONIA LIBRARY:** Librarian Abbie Zeltzer provided the Board with a quarterly reported as required in Resolution #1999-17 for the continuation of non-mandated County funding.

**ACTION ITEMS:**

**PRESENTATION OF CERTIFIED ELECTION OFFICER CERTIFICATES:** County Recorder, Suzie Sainz and Elections Director, Melinda Meek, presented the following individuals with Certified Election Officer certificates from the AZ Secretary of State for successfully completing the Election Officer Certification Course of Instruction and thanked them for their hard work and dedication to the election process:

The Board congratulated the group for their accomplishment.

**REQUEST APPROVAL TO ASSIGN PERSONNEL TO TUBAC FESTIVAL FOR TRAFFIC CONTROL:** Public Works Director, Victor Gabilondo, informed the Board that the Tubac Chamber of Commerce has requested assistance for traffic safety and control duties during the Tubac Festival; the County will pay for the employees during the work week and the Public works Department is requesting authorization to assign Mr. John Benedict and Mr. Albert Verdugo to this activity and to have their salary paid for by general funds rather than HURF/Flood Control funds; the Chamber has agreed to reimburse the County for any work performed over the weekend.

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

**MAINTENANCE CONTRACT WITH NEXUS IS FOR THE COUNTY'S TELEPHONE SYSTEM:** IT Director, Raul Mavis, informed the Board that this is the annual Maintenance Contract for the County's telephone system and recommended that the Board approve the Contract.

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

**HIGHWAY SAFETY CONTRACT NO. 2005-163-020:** Sheriff Estrada informed the Board that the Sheriff's Office has been awarded a \$20,000 grant for overtime and EREs for the DUI Task Force Enforcement Program and requested approval from the Board to accept the grant.

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

**APPOINTMENTS/REAPPOINTMENTS TO THE LOCAL WORKFORCE INVESTMENT BOARD:** Commerce & Economic Development Department Director, Nils Urman, stated that the Governor's Council for Workforce Development has required all local areas in the State of Arizona to be recertified; part of the recertification process is to fill vacancies on the Local Workforce Investment Board based on the requirements of the law; 4 members are being reappointed and the remainder are new appointments.

Vice-Chairman Ruiz made a motion to appoint/reappoint members to the Local Workforce Investment Board as presented on the list; second by Supervisor Maynard; motion carried unanimously.

**PERSONNEL:** The Board waived the hiring freeze to fill a vacant Public Safety Records Clerk position and a Maintenance Worker position at the Landfill. (MR/JM; c.u.)

**BID NO. B-13-05-CO13:** Community Development Department Director, Mary Dahl, informed the Board that this is for the Nogales International Airport – Taxiway "A" Widen and Overlay (Rehab) Phase I project; she recommended that the Board award the Bid to Pavex Corporation in the amount of \$761,286.57; the County's share is \$25,625.

Vice-Chairman Ruiz made a motion to award the Bid to Pavex as presented by staff; second by Supervisor Maynard; motion carried unanimously.

**TWO SUBSTITUTE ASSURANCE AGREEMENTS FOR RE-ASSIGNMENT OF RIGHTS AND OBLIGATIONS-EMBARCADERO DE TUBAC SUBDIVISION PLAT, LOTS 61-72 AND LOTS 73-84:** Community Development Department Director, Mary Dahl, reminded the Board that in April 2005, the Board approved the Land Development Agreement with the developer of embarcadero at Barrio de Tubac; the developer is proceeding with bulk sales of residential units; these 2 Substitute Assurance Agreements are for the sale of Lots 61-72 and Lots 3-84 and are satisfactory to staff to ensure that all improvements benefiting these lots are completed. Ms. Dahl recommended that the Board authorize the Chairman to sign.

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

**SUBSTITUTE ASSURANCE AGREEMENT FOR RE-ASSIGNMENT OF RIGHTS AND OBLIGATIONS-THREE CANYONS SUBDIVISION PLAT, LOTS 1-81, 84-92, 140, 141, 144-146, 152, 153, 158-189:** Community Development Department Director, Mary Dahl, reminded the Board that on 11/30/85, the Board approved the Land Development Agreement with the developer of the Three Canyons Subdivision; Three Canyons Development corporation is purchasing 129 of the 189 lots from Patagonia Property Partnership III and VIII, both LLLP in bulk; they have submitted a Substitute Assurance Agreement that is satisfactory to staff to ensure that all improvements benefiting these lots are completed. Ms. Dahl recommended that the Board authorize the Chairman to sign.

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

**TAX VALUATION ADJUSTMENTS #101-49-067-0 – Ragland Samuel T/Ragland Yvonne, Resolution No: S20050000079; 112-18-031-5 – OCD LLC c/o DDDG LLC, Resolution No: S20050000080; 101-45-057-D-5 – Estrella Robert M & Guadalupe C, Resolution No: S20030000163; 101-32-018-8 – Lomeli Family Trust No 1, Resolution No: S20050000011; 101-45-057-D-5 – Estrella Robert M & Guadalupe G, Resolution No: S20040000263; 101-45-057-C-6 – Ruben & Isabel Gonzalez, Resolution No: S20030000162; 101-45-057-C-6 – Gonzalez Ruben & Isabel, Resolution No: S20040000262; 102-19-032-A-7- The Valencia Revocable Trust, Valencia Carlos & Antonieta M, Resolution No: S20050000070; 103-04-067-3 – Pierson Helen A T, Resolution No: S20050000066; 103-13-021-5 – Velasquez Olga G, Resolution No: S20050000071; 105-20-161-2 – Moreno Alvarez Amalia, Resolution No: S20050000067; 105-20-196-4 – Bojorquez Josefina P, Resolution No: S20050000073; 106-37-068-3 – Leon Alex A & Roberta O, Resolution No: S20050000069; 109-35-024-0 – Dettmer William James & Mary Laura R, Resolution No: S20030000157; 112-33-009-5 – Villa Evangelina C, Resolution No: S20050000072; 113-07-004-A-1 – Trujillo Abraham, Resolution No: S20040000259; 113-33-003-4 – Griffin Ralph F & Nora G, Resolution No: S20050000068; 113-40-011-A-0 – C&G Wholesales Inc, Resolution No: S20040000254; 114-01-118-9 – Gonzalez Roman & Jesus Maribel, Resolution No: S20030000159; 114-01-118-9 – Gonzalez Ramon & Jesus Maribel, Resolution No: S20040000257; 115-09-313-9 – Peterson Paul & Florence M, Resolution No: S20040000258; 150-01-024-3 – Kelly George Alan & Wanda C, Resolution No: S20040000256; 150-01-024-3 – Kelly George Alan & Wanda C, Resolution No: S20050000074; 113-40-011-B-0 – Rogelio M & Maria Canez, Resolution No: S20040000253; 106-44-006-3 – Levowitz Martin E/Schrag Kathyrn M, Resolution No: S20050000076; 102-19-010-4 – Amado Alex G & Esperanza C, Resolution No: S20050000077; 111-33-006D-5 – Ruiz Jorge M, Resolution No: S20030000160; 111-33-006-E-4 – Ruiz Jorge M, Resolution No: S20030000161; 111-33-006-D-5 – Ruiz Jorge M, Resolution No: S20040000260; 111-33-006-E-4 – Ruiz Jorge M, Resolution No: S20040000261; 106-42-017-9 – Martin Donnie L & David W, Resolution No: S20030000158; 106-42-017-9 – Martin Donnie L & David W, Resolution No: S20040000255; 106-42-017-9 – Martin Donnie L & David W, Resolution No: S20050000075 were approved as submitted by the County Assessor's Office. (MR/JM; c.u.)**

**RECORDER'S MONTHLY REPORT** was approved as submitted. (JM/MR; c.u.)

**MINUTES** of 8/26/05, 9/13/05 and 9/21/05 were approved as submitted. (JM/MR; c.u.)

**DEMANDS** were approved in the total amount of \$532,157.16 of which \$260,012.57 are from the General Fund. (MR/JM; c.u.) Details of these expenditures are available for inspection during working hours and are to be considered part of these minutes. **General Fund:** \$260,012.57; **Retrieval Conversion Fund:** \$3,960.00; **School Forest Fees Fund:** \$1,070.74; **Commissary Fund:** \$1,441.78; **Law Library:** \$1,531.74; **Road:** \$52,102.86; **Waste Tire Grant (ADEQ):** \$3,478.02; **Animal Control:** \$1,554.90; **HIDTA 16:** \$2,361.09; **PIC-ACT:** \$2,156.21; **Jail Enhancement:** \$23,037.15; **Gear Up:** \$7,200.37; **Bio-Terrorism Grant:** \$1,329.24; **Part B Idea Basic:** \$8,526.84; **Flood Reserve:** \$3,000.00; **Cultural Youth At Risk:** \$1,093.62; **W.I.A. Youth Program:** \$16,908.75; **WIA/TANF Set A Side:** \$15,843.59; **Dept. of Educ. Recreation Grant:** \$7,826.04; **W.I.A. Adult:** \$16,450.38; **W.I.A. Dislocated Worker:** \$16,598.70; **W.I.A. Administration:** \$3,610.74; **Weed & Seed (WIA):** \$2,400.00; **C.D.B.G. Projects:** \$3,125.00; **Old Tucson Road Construction:** \$41,520.87; **Landfill:** \$27,052.89

To review these demands for this date, refer to Binder #13 which accompanies this book.

**BOND FOR DUPLICATE WARRANT #2-203027** payable to Raquel M. Moreno, dated 11/16/05 in the amount of \$90 was approved as submitted. (MR/JM; c.u.)

The Board recessed the Regular Meeting to convene in Executive Session at 10:40 a.m. (re: National Century Financial Enterprises litigation/JP Morgan defendants) and reconvened at 10:55 a.m. (MR/JM; c.u.)

**ACTION ITEMS CONTINUED:**

**SETTLEMENT WITH JP MORGAN DEFENDANTS IN NATIONAL CENTURY FINANCIAL ENTERPRISES LITIGATION RELATED TO LOCAL GOVERNMENT INVESTMENT POOL:** Attorney Hawn stated that in 2001 and 2002 the County, along with other governmental entities, had invested in the State's Local Government Investment Pool (LGIP); the State Treasurer makes those investments; investments made with National Century Financial Enterprises (NCFE) were not successful as they had filed for bankruptcy; Arizona entities retained the services of Gibbs & Brunns to help pursue their losses; there is a settlement proposal related to the JP Morgan Group, one of the defendants, in the amount of \$30 million for Arizona entities; after fees and expenses, Arizona public entities would recover \$25,450,000. Attorney Hawn recommended that Santa Cruz County express its approval of this settlement contingent upon Gibbs and Brunns being able to reach a satisfactory conclusion to the legal format of the settlement.

Vice-Chairman Ruiz made a motion to approve as presented by the Deputy County Attorney; second by Supervisor Maynard; motion carried unanimously.

Meeting adjourned at 10:55 a.m.

**STUDY SESSION**

2:00 p.m.

The Board met in a Study Session at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: Robert Damon, Chairman; Manuel Ruiz, Vice-Chairman; John Maynard, Supervisor; Carlos Rivera, Deputy County Manager; Melinda Meek, Clerk of the Board. Also present: Victor Gabilondo.

**REVIEW OF NEIGHBORHOOD TRAFFIC CONTROL POLICY:** Public Works Director, Victor Gabilondo, stated that in 2003, the Public Works Department commissioned a traffic engineering draft policy to address traffic calming in neighborhoods, to include the use of speed bumps; costs are borne by the residents who want the traffic control devices; the draft policy requires 60% participation from the neighborhood.

Mr. Gabilondo will request and review existing policies from the City of Nogales and other Counties.

Study Session adjourned at 2:45 p.m.

Melinda Meek  
Clerk of the Board

Robert Damon  
Chairman