J-6/Mescal Community Development Organization

TRI-COMMUNITY NEWS

Volume 7 Issue 01

February 2011

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SEE SPECIAL THANK YOU

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LOCAL RESIDENTS, LOCAL BUSINESSES, LOCAL CONTRACTOR SPIFF UP FIRE STATION

Desert Chaparral Painting Co., owned by Butch and Sandra Scott, was awarded the bid to paint the interior and exterior of Fire Station 171 located in Mescal.

After 15 years of fading in the sun and being scuffed with firefighter activity, the fire station has a fresh clean look thanks to the generous support of community and local businesses.

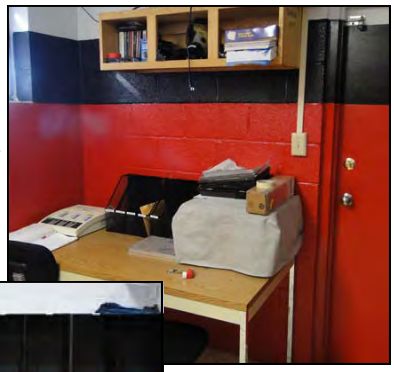
The Spiff It Up Campaign sponsored by the J-6 Mescal CDO provided the funding for both the interior and exterior painting to be redone according to specs. provided by the volunteer firefighters. With District Governing Board approval, activity started two weeks ago and the station is now ready for the last inspection by Chief Bernal, Board Member Steve Hoffman, and a CDO representative.

The campaign to raise funds was launched with monies donated in honor of late CDO Board member Nancy Upp and were expanded with the show of community spirit as a tribute to our local firefighters.

Funding was also provided for a new sign that will be installed in several weeks.

Firefighters are busy moving back into the station, reorganizing office space, and creating work space for the 16 volunteers.

STAY TUNED FOR THE LATE SPRING RE-DEDICATION



TO JEAN NELSON!

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Quick Pic

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Ranch Etc.

CDO Board for Nancy Upp

Nancy's Family

along with many families from the community …….

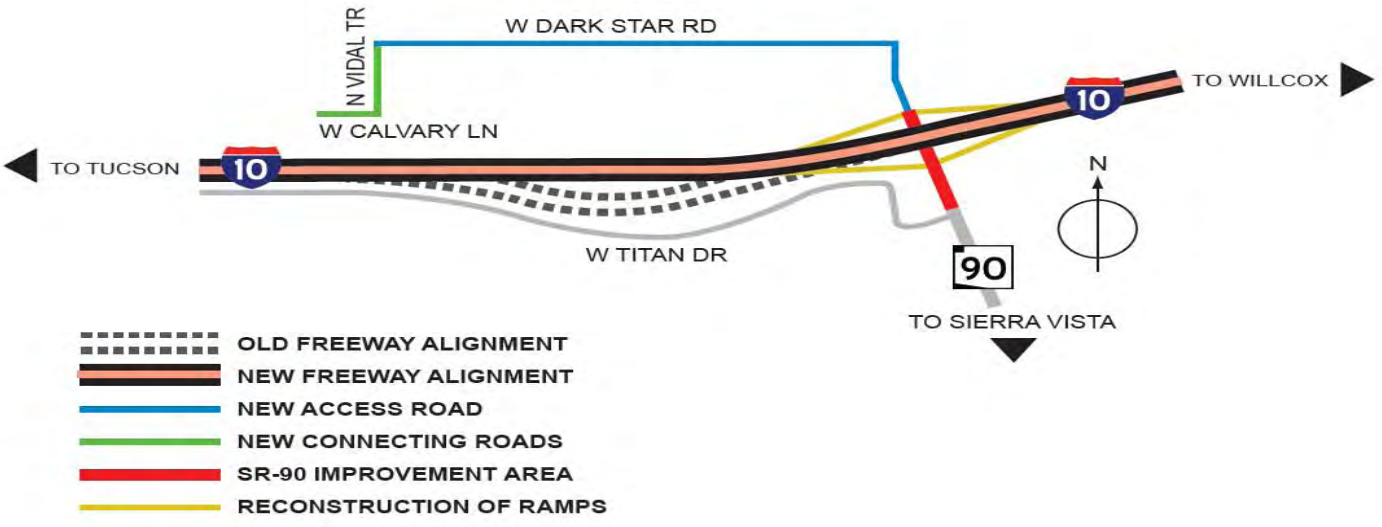
Thank you!

A SPECIAL THANK YOU TO

CHAPARRAL PAINT

FOR DONATING MATERIAL AND LABOR FAR BEYOND THE SPECIAL PRICING TO "SPIFF UP" OUR FIRE STATION!

INTERSTATE 10 - STATE ROUTE 90
INTERCHANGE CONSTRUCTION UPDATE



ADOT ARIZONA DEPARTMENT OF TRANSPORTATION

azdot.gov/i10sr90ti

U.S. Department of Transportation Federal Highway Administration

TO STAY UP-TO-DATE WITH THE LATEST HIGHWAY CONDITIONS, VISIT THE ADOT TRAVELER INFORMATION CENTER AT WWW.AZ511.GOV OR CALL 5-1-1.

You may also subscribe to receive future project updates by email.

ADOT PROJECT CONTINUED……..

Karen Lamberton, Cochise Country Planner, provided details at the CDO Annual Meeting in December of ADOT's $27.6 million project to replace the traffic interchange at I-10 and SR 90 near Benson and straighten the freeway. The project covering about 2 1/2 miles began in the fall of 2010 and is expected to be complete in 2012.

According to Lamberton, the following will be accomplished in seven phases: (Click for complete phase detail).

- Reconstruction of the I-10/SR 90 traffic overpass structures for improved access
- Straightening I-10 west of the interchange to eliminate sweeping curves
- New entrance and exit ramps in both directions
- An additional climbing lane added on the I-10 westbound on-ramp starting at the Ocotillo Exit.
- Construction of a new Dark Star Road and Calvary Lane, and improving Vidal Trail to connect properties to the Interchange
- Improving drainage within the construction area
- Relocating utilities.

Utility relocation started in June 2010 so that the utilities were in their final location prior to the start of the roadway construction that began in December 2010.

Lanes north of the existing freeway will be constructed in the initial phases to allow for re-routing traffic to the three corridors as specific work dictates.

The greatest inconvenience to travelers is expected to occur when State Route 90 is being lowered beneath Interstate 10. The new I-10 bridge decks will be thicker than the existing decks and, in order to provide 16-feet, six-inches of clearance for trucks passing beneath on SR 90, ADOT will need to lower the elevation of that highway. This will also allow ADOT to avoid having a sudden rise on the overpass, which creates a "roller coaster" effect for traffic passing over on I-10.

This is not a County project and is being funded and managed by ADOT. Questions about this project should be directed to C.T. Revere, Safford District Public Information Officer, at 520.705.3574 or via email at crevere@azdot.gov. The project website is located at: http://www.azdot.gov/highways/projects/I-10_SR90_TI/index.asp

UPDATE

RINCON VIEW SUBDIVISION

The developers of the Rincon View subdivision have been working with County staff to finalize their tentative plat. They expect to submit for their final plat in early Spring (February/March timeframe).

Some conditions of the tentative plat have been fully met and the remaining items are in final stages of being reviewed and finalized. The developers have also made substantive progress towards obtaining the remnant easement along the south boundary of the subdivision where the collective mailboxes are currently located. Improvements to Cherokee Trail itself were completed by the County several years ago (these improvements will be paid for by contributions from the developers).

The tentative plat and final plat are substantively the same with one change to the off-site improvement at the Meadowlark connection to Cherokee Trail. As design work was underway the Federal Highway Administration's Right-of-Way division informed the County that a one-foot no access easement was located along the northern edge of the frontage roads in the J-Six/Mescal area. Access points along Meadowlark, including Cherokee Trail, were not authorized access points on the FHWA maps. This unexpected and complex issue will take some time to resolve; in the meantime, existing access points will not be disturbed.

ADOT agreed to convert the requirement to improve this intersection to a cash contribution from the developers. These funds will be set aside for ADOT to use to clear up the access rights for Cherokee Trail, to improve the existing Meadowlark intersection and/or improve the J-Six/Mescal intersection.

Continued to next page ……..

CONTINUED - RINCON VIEW SUBDIVISION

Tequila Trail Roadway Improvements:

The J-Six/Mescal CDO will be notified when the Rincon View tentative plat is scheduled for the Planning and Zoning Commission.

Once approved, the developers can then move ahead with contracting for the Tequila Trail roadway improvements.

At that time, existing property owners whose driveways call for drainage improvements and/or a culvert will be notified in writing of the proposed improvement and asked if they desire the improvement and will grant the contractor a temporary construction easement to put in a driveway culvert. These improvements will be at no cost to the property owner; however, no property owner is required to have these improvements put in.

The County will be approving the plans and inspecting the work but will not be maintaining this private road when completed. The developer does not have a required timeframe to complete these improvements but no lots will be released until Tequila Trail has been completed.

PLAN AHEAD!

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MARCH 12

BENSON 7:30 -3:00

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APRIL 1-2

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SENTENCING FOR MESCAL 2009 MURDER SET FOR FEB. 18TH

According to recent Sierra Vista Herald articles, Alger Frederick Hellard, 44, was convicted of manslaughter in Cochise County Superior Court for fatally shooting his wife, Tammy, in Mescal in April 2009.

The trial began Jan. 4 with the jury reaching their decision on Wednesday January 19th. Eight men and four women comprised the jury that deliberated twelve hours before reaching the above verdict as well as finding Hellard not guilty of reckless endangerment of their daughter, a 2-year-old who was inside the home during the incident.

According to the articles written by Jonathon Shacat, “Hellard testified that he and his wife had been drinking alcohol on the evening of the incident. They had an argument and he grabbed a .357 revolver in the closet because he was afraid she would get it. There was a struggle, they fell to the floor and the gun went off.”

The victim had numerous contusions and abrasions on various parts of her body which Hellard testified were sustained when she fell down a small flight of steps in front of their house that evening.

Judge Wallace Hoggatt has scheduled a sentencing hearing on Feb. 18th.

BOARD OF SUPERVISORS TO HEAR HAZARD ABATEMENT ORDINANCE ON FEB. 8TH

DID THEY GET IT RIGHT THIS TIME? THE CALL IS STILL OUT. There has been a hazard abatement ordinance (Resolution 84-65) in effect in the County since October 19, 1984; this was amended in 1987 (Resolution 87-91) to allow liens to be placed on properties on which the County abated hazards. However, liens have not routinely been placed on properties.

On June 11th, 2009, the Board of Supervisors gave staff direction to update Resolution 87-91 to reflect current County staffing and policies, and to provide a systematic approach to recovering County funds via the lien process.

For over two years, the county Planning Department has worked to rewrite the Hazard Abatement Ordinance. On December 8, 2010, the Planning Department took a draft to the county Planning & Zoning Commission for review so that they would then make recommendations to the BOS. The Commission did as the Chairman asked and passed the draft on to the Board of Supervisors to dig into the details.

The revised Hazard Abatement Ordinance was presented to the Board at its regular meeting on December 21, 2010. Several questions were raised by Board members and members of the public, during the Public Hearing, about the proposed revisions. The Board determined that a Work Session was required in order to have a fuller discussion of these questions. The formal Board item, to adopt the Ordinance, was tabled until February 8, 2011.

Staff reported the following reflect the main differences between the 1987 Ordinance and the proposed Ordinance. **BOLD FONT INDICATES AREA OF CONCERN - SEE LINKS AT END OF ARTICLE.**

Chapter 1 Purpose and Scope of the 1987 Ordinance is deleted.

Chapter 2 of the 1987 Ordinance is now "Part I: DEFINITIONS" instead of ENFORCEMENT

The Ordinance deleted two definitions and added fifteen new definitions for clarity. The definitions chapter has been moved ahead the enforcement chapter for reader clarity.

> **Part I of the proposed Ordinance consists of definitions. Note that Dilapated Building is defined as any real property structure that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building or it is likely to burn or collapse and its condition endangers the life, health, safety, or property of the public;**
>
> Also the Hazard Abatement Officer has been clarified as the Zoning Inspector or duly authorized representative.

Chapters 4 through 8 of the 1987 Ordinance have been streamlined and included in a new Part II which describes the definitions and processes for violations, notices of abatement orders, appeals of the notices of abatement orders, and the material removal process.

> Part II is the main part of the proposed Ordinance, it es-tablishes at subparagraph (noted below)
>
> **A. that dumping on your private land, public land or other private land is a violation; that dumping on public or others' land is also a class 1 misdemeanor;**
>
> At subparagraphs B & C, those cited have 30 days to remove;
>
> C. any lienholder has been added to persons to issue a notice in writing;
>
> C. & D.2 reasonable belief was changed to finding probabable cause;
>
> D. spells out what is to be in the order, including an estimate of cost of clean-up, and notice that appeal must be taken within 15 days and that (D.4.) an affidavit attesting to the fact that said material was disposed of in a legal manner;
>
> E. provides the appeal process, hearing before board set within reasonable time (arbitrary deadlines difficult for scheduling, political pressure will force earliest reasonable time);
>
> F. spells out the process if the owner doesn't appeal (appeal stays enforcement per E.4) or abate F.1. If the removal or abatement is to be performed by an outside contractor, in retaining a contractor the Hazard Abatement Office shall comply with the County Procurement policy. In the alternative, removal or abatement may be performed by a State Prison work crew or Cochise County personnel if it is determined by the Hazard Abatement Officer to be feasible, in which case costs will be the actual costs to the County plus the time of County personnel assessed at applicable rates;
>
> G. establishes that the actual cost of abatement becomes the amount of the assessment against the subject property;
>
> H. provides for notice of assessment and a chance to appeal;
>
> I. establishes the appeal right;
>
> **J. provides for a report of assessment as a basis for imposition of assessment. This must be signed by the Board Chairman before being established as an assessment. Board approval is not required. Upon receipt of the Report by the Board, the Chairman shall sign it, with the authority to do so hereby delegated by the Board to the Chairman. Board approval of the Report is not required. Thereafter, upon recordation pursuant to Paragraph II.L, the assessment shall become a lien against the property. Requested change from the Clerk of the Board of Supervisors;**
>
> K. establishes a right to hearing on the assessment;
>
> L. establishes that in the end, upon recordation, the assessment takes effect. Clarifies the County as the County Zoning Inspector or his designee and that it shall be recorded instead of may be recorded, upon the Board Chairman signing a Report of Assessment pursuant to Paragraph II.J;
>
> M. establishes that the assessment also constitutes a lien against the property;
>
> N. notes that the county may foreclose on the lien by forcing a sale;
>
> O. establishes that more than one assessment may be imposed on the same property over time, for multiple violations;
>
> **P. gives the Board of Supervisors the option of appointing a hearing examiner to hear all or some appeals, and**
>
> Q. establishes the schedule for collection of assessments established by the legislature, incorporation of which in this ordinance was the motivating force behind this revision.

Part 3 of the proposed Ordinance reiterates that wildcat dumping is a misdemeanor, independent of any other enforcement provisions of this ordinance.

Part 4 notes that any remedies in the ordinance are in addition to any other enforcement measures

Click here for entire Jan. proposal. **Click here for key comments that have been circulated.**

CITY COUNCIL DELAYED VOTE ON CHANGE TO DEVELOPMENT PLAN

On January 24th , Benson City Council delayed voting on change of development plan due to two members being absent and action requiring a super majority. The Public Hearing on the proposed Major Plan Amendment was tabled to a February meeting.

Item 11 on the January 24th agenda was Whetstone Partners, LLC seeking a major plan amendment to change the land use designation for approximately 2240 acres from Low Density Residential to Industrial/Business Park and 320 acres from LDR to Open Space. This land is located within the City limits between SR 90 and the San Pedro River, generally along the alignment of the power transmission lines. The owners plan to develop the land as a solar farm, and are seeking to eventually rezone the property to Industrial.

There were no objections at the earlier P & Z public hearing where Mr. Graves explained that his intent was to develop a solar farm that would use less water than the approval residential land use. Mr. Graves also noted that the existing 404 permit, approved in 2006, has already been recorded and includes 18,000 acres (approx. 3 sq miles) of wild life corridors and open space. He noted that the individual wildlife corridors are between 100 and 400 feet in width.

Item 12 was also tabled: Multiple parties were seeking a major plan amendment to re-designate approximately 360 acres of undeveloped land from LDR to IP/BP. This land is located generally to the northwest of the intersection of Interstate 10 and SR 90, outside the City limits and within the City's planning area. The owners do not have specific plans for development, but desire a land use designation change in order to facilitate such development in the future. There were multiple objections expressed in writing and in person at the public hearing before the P & Z Commission, and the Commission voted unanimously to recommend denial of the requested major amendment. **Click for related documents.**

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ROSEMONT COPPER MINE HOLDS OPEN HOUSE AT COCHISE COLLEGE

Rosemont Copper hosted Open House at Cochise College on January 29th - inviting participants to learn more about their proposed plan to bring more than 2,900 new jobs and $19 billion in economic activity to Southern Arizona. When mine is in full operation, Rosemont will directly hire 440 employees for at least 19 years.

Opponents including Gifford's Office contends there are serious and intractable economic, quality-of-life and environmental problems that would result if it were to go into operation."

LIVESTOCK BOARD INTERVENES

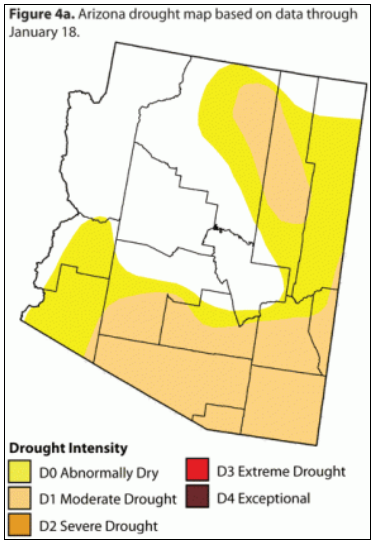
After multiple calls of concern, the Livestock Board picked up two horses in poor condition on South Bell Road.

They will be with the Livestock Dept. for 2 weeks with vet care and rehab and then will go to Care For the Horses Rescue for further rehab. The horses will remain at the rescue until the Courts decide what is to be done.

Go to the CARE FOR THE HORSES website if interested in donating toward these horses' care.

CLIMATE UPDATE

A storm system in late December helped to reduce abnormally dry conditions across northern and central Arizona, but most of the southern half of the state remains under moderate drought conditions, according to the January 18 update of the U.S. Drought Monitor.



Southwest Climate Outlook published Jan. 25, 2011

Although few winter storms have passed through the Southwest so far this winter, several powerful storms have dumped rain and snow in northern Arizona. However, very little precipitation has fallen anywhere in Arizona since January 1, perpetuating drought conditions in many regions, especially over the southeastern corner of the state. With the expectation that the La Niña event will remain at its current strength for the next several months and possibly longer, precipitation forecasts call for below-average rain and snow. This could cause drought conditions to expand and intensify, and could prime the southwestern landscape for an active spring and early summer fire season.

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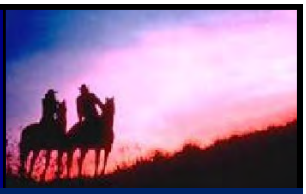

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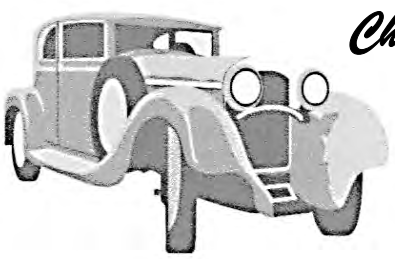

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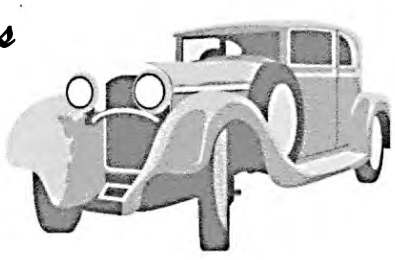

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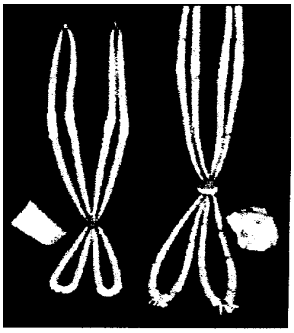

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TRI-COMMUNITY NEWS

J6/Mescal CDO
3111 Clark Road
Benson, Arizona 85602

Mail to a Friend:

Volume 07 Issue 01
FEBRUARY ISSUE

IN THIS ISSUE:

PACKED WITH NEWS!

MAIL TODAY!

J-6 / Mescal Community Development Organization

MEMBERSHIP FORM - CALENDAR YEAR 2010

Name of members for given address:

_____

_____

_____

_____

Physical Address:

_____

_____ZIP_____

Email Address:

_____

Phone: _____

All residents and property owners within the J-6, Mescal, Skyline and surrounding areas are eligible to join.

Households may have more than one member. Each member must be at least 18 years old.

Each membership is $ 10.00

Each member is entitled to cast one vote for meeting action items.

MEMBERSHIP DUES PAY FOR:

- Operating expenses such as copies, postage, printing, phone bills, and office supplies
- Production costs for the Tri-Community Newsletter and web-site.

Bring to next meeting or mail to : J-6/Mescal CDO at 3111 W. Clark Road 85602