

MEMORANDUM OF UNDERSTANDING

Date: January 30, 2012

To: Arizona Conservation Easement Stewards, Inc.
Owner/Developer, Kings Ranch at Coronado

From: Karen Riggs, P.E., County Engineer

Subject: Memorandum of Understanding (MOU) between the Arizona Conservation Easement Stewards, Inc., Kings Ranch at Coronado Owner/Developer and Cochise County Flood Control District for the design, construction, maintenance and monitoring of stormwater control, capture and recharge facilities within the Conservation Easement previously recorded on 11 December, 2009 as Document No. 2009-29825 of the Cochise County, Recorder's Office.

The purpose of this MOU is to develop a cooperative and mutual understanding between all parties that would allow for the design, construction, maintenance and monitoring of new and proposed stormwater control, capture and recharge facilities within the conservation easement in accordance with Section VI, Conservation Intent of the Amended and Restated Conservation Easement and Management Plan, and Section 603 of the Cochise County Subdivision Regulations.

Background:

Cochise County recently received a multiyear grant to design, build and monitor the effectiveness of a storm water capture and recharge pilot project. This pilot project consists of the design and construction of several stormwater capture and recharge facilities along the San Pedro River more specifically in the Upper San Pedro Sub-Watershed. This is an opportunity for Cochise County and its partners to be on the cutting edge of storm water recharge implementation in an area that is and has been in the national spotlight regarding water use and re-use.

These facilities are intended to protect property and infrastructure as well as utilizing the increased storm water runoff that results from growth and urbanization for beneficial use, more specifically groundwater recharge.

It is anticipated that the results of this pilot project will be the catalyst in the development of County-wide Stormwater Management Policy and will provide project development guidance for future projects and possible development incentives and or regulations regarding stormwater runoff.

The scenic quality of the Conservation Easement is a priority for the easement holder. Proposed structures will be designed so as to have a minimal impact from a scenic standpoint. Plans and Specifications showing the nature of the proposed stormwater facilities will be provided to the Owner/Developer and ACES for review and comment as design progresses. Adequate time will be provided for review and comments. Proposed facilities will be designed and constructed so that habitat and open space for enjoyment of the general public is preserved and will be in compliance with A.R.S. Section 33-271 et seq.

The improvements associated with this pilot program include:

- 1) The construction of one or more stormwater detention/recharge basins on the Mansker property.
- 2) The detention, collection and capture of stormwater generated within the developed and improved surfaces of Kings Ranch at Coronado Subdivision. The collected stormwater may be recharged within the conservation easement located within the subdivision or transported to a lower detention/recharge location, or detention near the subdivision with increased recharge capabilities but along a natural stream downstream. This allows for the recharge of stormwater closer to the San Pedro River in conjunction with the detention/recharge basin project. For example, it is anticipated that the following or similar activities may be part of the final project in the conservation easement:
 - Test trenches (will be returned to existing condition after testing)
 - Monitoring wells
 - Precipitation and/or stream gage monitoring
 - Flood detention berms or walls
 - Infiltration galleries (below ground)
 - Underground piping
 - Pump facilities
 - Utility connections and junction boxes
 - Erosion protection
 - All ground disturbance will be returned to existing conditions as closely as is possible

Objectives:

- To design, construct, maintain, monitor and operate stormwater control, capture and recharge facilities within the conservation easement in accordance with Section VI, Conservation Intent of the Amended and Restated Conservation Easement and Management Plan and Section 603 of the Cochise County Subdivision Regulations.
- To design and construct stormwater capture and recharge facilities so as to be visually and physically consistent with the intent of the conservation easement, that is, any structural and/or monitoring equipment within the easement will be designed and constructed to appear as natural as possible.
- To maintain conservation easement compliance with all applicable laws.

Implementation:

- Cochise County will transmit improvement and management plans to both the Arizona Conservation Easement Stewards and the Owner/Developer of Kings Ranch at Coronado for their input, comments and concurrence.
- The Arizona Conservation Easement Stewards and the Owner/Developer of Kings Ranch at Coronado will be responsible to respond to and provide written comments regarding the proposed improvements or management plans to Cochise County within 30 days of the receipt of any correspondence, improvement and management plans.

- Cochise County will be responsible to coordinate a comment resolution meeting with all the parties involved in order to resolve and mitigate any issues brought forth by any of the other two parties.
- Cochise County will move forward with the proposed improvement and management plans after the 30 day comment period in the event that no comments or concerns were brought forth by the other two parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this ___ day of _____, 2012

By: _____

Richard Searle
Chairman
Cochise County Flood Control District

By: _____

Jeffrey M. Neff
Director
Arizona Conservation Easement Stewards, Inc.

BY: _____

Name
Owner/Developer
Kings Ranch at Coronado