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**ORIGINAL**



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March 30, 2006

VIA HAND DELIVERY

Docket Control Center  
Arizona Corporation Commission  
1200 West Washington Street, Suite 108  
Phoenix, Arizona 85007

AZ CORP COMMISSION  
DOCUMENT CONTROL

2006 MAR 30 P 1:35

RECEIVED

Re: Filing of Materials Pursuant to Request of the Commission  
Docket No. W-01303A-05-0405  
W-01303A-06-0910

Dear Sir/Madam:

Pursuant to the request of the Commission, submitted herewith for docketing are the original and 13 copies of specified materials from the litigation entitled *Kueffner v. Arizona-American Water Company*, pending in Maricopa County Superior Court.

Thank you.

Sincerely yours,

GALLAGHER & KENNEDY, P.A.

By:   
Glen Hallman

GH:met  
Enclosures  
1352382/15015-39

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2  
3 COMMISSIONERS

4 JEFF HATCH-MILLER, Chairman  
5 WILLIAM A. MUNDELL  
6 MARC SPITZER  
7 MIKE GLEASON  
8 KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

2006 MAR 30 P 1:35

RECEIVED

8 IN THE MATTER OF THE APPLICATION  
9 OF ARIZONA-AMERICAN WATER  
10 COMPANY, AN ARIZONA  
11 CORPORATION, FOR A  
12 DETERMINATION OF THE CURRENT  
13 FAIR VALUE OF ITS UTILITY PLANT  
14 AND PROPERTY AND FOR INCREASES  
15 IN ITS RATES AND CHARGES BASED  
16 THEREON FOR UTILITY SERVICE BY ITS  
17 PARADISE VALLEY DISTRICT

DOCKET NO. W-01303A-05-0405  
W-01303A-06-0910

ARIZONA-AMERICAN'S NOTICE  
OF FILING *KUEFFNER V.*  
*ARIZONA-AMERICAN*  
LITIGATION MATERIALS

GALLAGHER & KENNEDY, P.A.  
2575 EAST CAMELBACK ROAD  
PHOENIX, ARIZONA 85016-9225  
(602) 530-8000

16 Arizona-American Water Company hereby files in the above-referenced matter  
17 the Affidavit of Glen Hallman, lead counsel for Arizona-American in the *Kueffner v.*  
18 *Arizona-American Water Company* litigation, and the litigation materials identified  
19 therein.

20 Respectfully submitted March 30, 2006.

21  
22   
23 \_\_\_\_\_  
24 Craig A. Marks  
25 Corporate Counsel  
26 Arizona-American Water  
19820 North Seventh Street, Suite 201  
Phoenix, Arizona 85024  
(623) 445-2442  
[Craig.Marks@amwater.com](mailto:Craig.Marks@amwater.com)

1 ORIGINAL and 13 copies  
2 filed March 30, 2006 with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

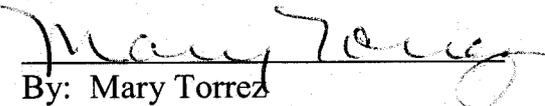
7 Copies of the foregoing  
8 delivered March 30, 2006 to:

9 Teena Wolfe  
10 Administrative Law Judge  
11 Hearing Division  
12 Arizona Corporation Commission  
13 1200 West Washington Street  
14 Phoenix, Arizona 85007

15 Maureen Scott  
16 Legal Division  
17 Arizona Corporation Commission  
18 1200 West Washington Street  
19 Phoenix, Arizona 85007

20 Daniel W. Pozefsky  
21 Residential Utility Consumer Office  
22 Arizona Corporation Commission  
23 1110 West Washington Street, Suite 220  
24 Phoenix, Arizona 85007

25 Robert J. Metli, Esq.  
26 Snell & Wilmer, LLP  
400 East Van Buren Street  
Phoenix, Arizona 85002

27   
28 By: Mary Torrez

29 1352234/15015-39

30



1           4.     Also submitted herewith are AAWC's exhibits submitted to the Court  
2 during the hearing, with an index identifying each respective exhibit.

3           5.     The exhibits include the March 2004 Paradise Valley Water System Fire  
4 Flow Capacity Assessment (by Brown and Caldwell) (Exhibit 119) and the 1999 Paradise  
5 Valley Water Company Comprehensive Planning Study (Exhibit 102).

6           6.     Also submitted herewith are AAWC's responses to written discovery  
7 served upon it by plaintiffs, specifically AAWC's Interrogatory Answers, Responses to  
8 Requests for Production of Documents, and Responses to Requests for Admissions. No  
9 disclosure statements, as contemplated by Rule 26.1, *Ariz. R. Civ. P.*, were exchanged by  
10 the parties, pursuant to stipulation, and these discovery responses are the closest  
11 functional equivalent to such disclosures.

12           7.     Also submitted herewith is AAWC's Response to Plaintiffs' Motion/  
13 Application for Preliminary Injunction.

14           8.     Also submitted herewith is Arizona-American Water Company's Response  
15 to Petition, dated October 18, 2005, copies of which were shortly thereafter submitted to  
16 each Scottsdale City Council member and the Scottsdale Mayor, in response to a  
17 "citizen's petition" submitted to the Council by the plaintiffs after the Superior Court  
18 judge denied their application for a preliminary injunction. The ruling by the Superior  
19 Court in AAWC's favor is at Exhibit A to the Response.

20           9.     Also submitted herewith is the Superior Court's ruling granting the City of  
21 Scottsdale's Motion for Summary Judgment, holding that as a matter of law the City  
22 acted properly in approving the installation of the facilities at issue.

23           10.    Further affiant sayeth naught.

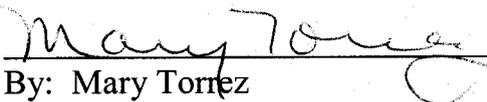
24  
25  
26  
  
Glen Hallman



1 Daniel W. Pozefsky  
2 Residential Utility Consumer Office  
3 Arizona Corporation Commission  
4 1110 West Washington Street, Suite 220  
5 Phoenix, Arizona 85007

6 Copies of the foregoing  
7 mailed March 30, 2006 to:

8 Robert J. Metli, Esq.  
9 Snell & Wilmer, LLP  
10 400 East Van Buren Street  
11 Phoenix, Arizona 85002

12   
13 By: Mary Torrez

14 1351859/15015-39

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**Witnesses and Testimony**  
**(In Order of Appearance)**

1. Witness: Roland Kueffner, Plaintiff

Subject of Testimony: Testified about the current and historical characteristics of the Kueffner property, including the fact that (i) the property houses a commercial business; (ii) raw materials used in the commercial business are stacked and stored on the property; (iii) no one in the Kueffner family presently resides on the property; and (iv) no one in the Kueffner family intends to reside on the property in the future.

2. Witness: Kirsten Kueffner, Plaintiff

Subject of Testimony: Same as above.

3. Witness: Eric Nesvig, Plaintiff

Subject of Testimony: Testified (i) about the efforts made by AAWC's consultants to notify the area surrounding the PVARF site of the impending construction project; and (ii) that the views of the mountains from his backyard were partially blocked before construction of the PVARF began.

4. Witness: Sean Tierney, Plaintiff

Subject of Testimony: Same as above.

5. Witness: Chip Norton, Vice President of D.L. Norton Construction,  
AAWC contractor for the PVARF project

Subject of Testimony: Testified (i) that to bury the water storage tanks at the PVARF site, AAWC would incur at least \$2 million in additional costs directly related to construction of the tanks and the construction schedule would be delayed, at a minimum, by an additional year; (ii) that the site contained existing water storage tanks and pumps prior to construction of the PVARF; and (iii) as to design modifications made to the tanks and associated structures to minimize the impact of the PVARF on the surrounding area, including lowering the tanks by four feet and enclosing all water pumps to virtually eliminate the noise previously caused by the pumps.

6. Witness: Robert R. McCandless, Professional Engineer with Damon S. Williams Associates, LLC, AAWC contractor/project engineer for the PVARF project

Subject of Testimony: Testified that (i) burial of the water storage tanks at the site was infeasible because the design alternatives for burial and related excavation would entail impact to an existing well in operation at the site and/or would extend beyond the zoning setbacks required by law; (ii) all foundational work at the PVARF was done in

compliance with the recommendations of the soils engineer; and (iii) the viewshed reconnaissance survey that was required at the site prior to construction of the PVARF indicated that views from the site were already partially blocked.

7. Witness: Peter Keenan, Professional Engineer and Technical Services Manager for American Water Engineering Center

Subject of Testimony: Testified that (i) AAWC needs 3 million gallons of stored finished water that has been treated for arsenic to meet the new, lower arsenic standard in order to provide an adequate supply of drinking water and water for fire protection to its customers; and (ii) the location and design of the above ground water storage tanks constitute the most feasible and cost-efficient option for the necessary storage.

8. Witness: Joseph E. Gross, Engineering Manager for AAWC

Subject of Testimony: Testified (i) that AAWC's water did not meet the new EPA arsenic standard and thus would require further treatment; (ii) that AAWC undertook an extensive effort to determine whether it could feasibly construct an alternative design to the two above ground water storage tanks to meet the required storage and determined that alternative designs were either infeasible from a design perspective and/or would result in significant added costs; and (iii) about AAWC's on-going efforts to create and modify the design of the PVARF based on community feedback to minimize any impact on the surrounding area.

9. Witness: Brian Biesemeyer, Network General Manager for AAWC (*via submission of deposition transcript*)

Subject of Testimony: Testified that (i) the logical place to locate the PVARF is at or near the location of the wells that pump the water that must be treated; (ii) AAWC's current system, before construction of the PVARF, had a water storage deficit such that the system could not provide sufficient water for fire flow purposes if a fire occurred during peak demand periods; (iii) AAWC took this storage deficit into account in designing the PVARF and decided to improve the system by providing water storage capacity sufficient to meet both the drinking water and fire flow needs of AAWC's customers; and (iv) the Town of Paradise Valley, which AAWC services in addition to other areas of Maricopa County, was pleased that AAWC addressed the fire flow deficiencies in the Town and provided these improvements, without which, risk to life and property would have continued into the distant future.

10. Witness: Randy Grant, City Planning Officer and Zoning Administrator for the City of Scottsdale (*via submission of deposition transcript*)

Subject of Testimony: Testified that (i) the PVARF complies with existing zoning at the PVARF site; (ii) the City complied with all existing zoning laws in the process of issuing AAWC a conditional use permit for the PVARF; (iii) in practically ever construction

project that comes before the City for approval people's views are impacted and nothing could ever be built if that alone were sufficient reason to prohibit the planned construction; and (iv) under the existing zoning at the site, AAWC could build a taller, occupied structure where the water storage tanks are located.

1352238

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3 GALLAGHER & KENNEDY, P.A.  
4 2575 East Camelback Road  
5 Phoenix, Arizona 85016-9225  
6 Telephone: (602) 530-8000  
7 Facsimile: (602) 530-8500  
8 Attorneys for Defendant ARIZONA-  
9 AMERICAN WATER COMPANY

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 ROLAND F. KUEFFNER, a single man and  
13 beneficiary of the Kirsten K. Kueffner  
14 Family Living Trust dated November 18,  
15 2002; WILHEM F. KUEFFNER, a married  
16 man and beneficiary of the Kirsten K.  
17 Kueffner Family Living Trust dated  
18 November 18, 2002; KIRSTEN  
19 KUEFFNER, a single women and  
20 beneficiary of the Kirsten K. Kueffner  
21 Family Living Trust dated November 18,  
22 2002, ERIC P. AND NANNETTE M.  
23 NESVIG, husband and wife; SEAN M.  
24 TIERNEY, a single man,

25 Plaintiffs,

26 v.

CITY OF SCOTTSDALE, a municipal  
corporation; ARIZONA-AMERICAN  
WATER COMPANY, an Arizona  
corporation and wholly owned subsidiary of  
American Water Works Company and of  
RWE, a German conglomerate,

Defendants.

No. CV2005-051304

**RESPONSE TO FIRST SET OF NON-  
UNIFORM INTERROGATORIES,  
REQUESTS FOR PRODUCTION,  
AND REQUESTS FOR ADMISSIONS**

and

**PRODUCTION OF DOCUMENTS  
PURSUANT TO RULE 26.1**

(Assigned to the Honorable Janet Barton)

Pursuant to Arizona Rules of Civil Procedure 33, 34 and 36(a), Defendant Arizona

–American Water Company (“AAWC”), by and through counsel, hereby submits its

1 response and objections to Plaintiffs' discovery requests. AAWC also produces, pursuant  
2 to Arizona Rule of Civil Procedure Rule 26.1, additional documents relevant to the  
3 subject matter of this action that were not the subject of any discovery request herein.  
4

5 **GENERAL OBJECTIONS**

6 In addition to the specific responses to each Request below, AAWC makes the  
7 following general objections, whether or not separately set forth in response to each and  
8 every discovery request propounded by Plaintiffs, and into each and every amendment,  
9 supplement, or modification to these responses provided hereinafter to any such request.  
10 The failure to include any general or specific objection to a request is neither intended as,  
11 nor in any way may be deemed, a waiver of AAWC's right to assert that or any other  
12 objection at a later date.  
13

14  
15 1. AAWC objects to the term "TANKS" as it is used in each and every  
16 discovery request as vague and ambiguous, because the capitalization of the term  
17 indicates that this is a defined term, yet the term is not defined in the discovery requests.  
18 To the extent that TANKS is defined in these discovery requests as that term was defined  
19 in Plaintiffs' Complaint, AAWC objects to the term as misleading, inaccurate and  
20 argumentative.  
21

22 2. AAWC objects to the instructions and definitions contained in Plaintiffs'  
23 First Set of Non-Uniform Interrogatories, Requests for Production, and Requests for  
24 Admission to the extent they seek to impose obligations or requirements on AAWC  
25 greater than those imposed by the Arizona Rules of Civil Procedure.  
26

1           3.     AAWC objects to each of Plaintiff's requests to the extent they seek  
2 documents that are protected from discovery by reason of (a) the attorney-client  
3 privilege, (b) the work product doctrine, and/or (c) any other applicable privilege or  
4 discovery immunity.  
5

6           4.     AAWC objects to each of Plaintiff's requests to the extent they seek  
7 documents which are not relevant to the subject matter of this pending action, and/or are  
8 not reasonably calculated to lead to the discovery of relevant or admissible evidence.  
9

10          5.     AAWC objects to each of Plaintiffs' requests to the extent they require  
11 AAWC to produce documents or information that are not in their possession, custody or  
12 control on the ground that the requests exceed the permissible scope of discovery under  
13 the Arizona Rules of Civil Procedure.  
14

15          6.     AAWC objects to each of the Plaintiffs' requests to the extent that they are  
16 vague or overly broad.

17          7.     AAWC objects to each of the Plaintiffs' requests to the extent the discovery  
18 sought is obtainable from some source that is more convenient, less burdensome, and/or  
19 less expensive.  
20

21          8.     AAWC objects to each of Plaintiffs' requests to the extent they are  
22 duplicative, overlapping in subject matter, or request documents the production of which  
23 may satisfy more than one category of documents. AAWC has attempted to categorize  
24 documents in a good faith effort to respond to Plaintiffs' requests. However, documents  
25 produced may still be applicable to more than one category of documents and thus, may  
26

1 satisfy more than one request. AAWC's categorization of documents does not confine  
2 those documents to one designated category.

3  
4 **RESPONSE**

5 **INTERROGATORY NO. 1:**

6 (A) Describe in detail the current use of the parcels of land upon which the  
7 arsenic removal facility (not the TANKS) will be built, including the types and size of all  
8 structures and the current use of each structure.

9  
10 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
11 **herein and further objects to this interrogatory as argumentative because the water**  
12 **storage tanks are considered part of the arsenic removal facility, and thus, cannot**  
13 **be separated from the facility. Subject to the foregoing general and specific**  
14 **objections, and without waiver thereof, AAWC provides the following answer:**

15  
16 **The arsenic removal facility, including the water storage tanks, will be**  
17 **constructed on one parcel, Parcel No. 174-13-937. This parcel is currently used for**  
18 **water production and distribution, including groundwater pumping, chlorine**  
19 **injection, finished water storage and distribution pumping. The types and sizes of**  
20 **structures located on this parcel and the current use of each structure includes:**

21  
22 **Ground Water Well #11 and Electrical Control Building, which is a modern**  
23 **adobe structure (12' by 13') that houses the electrical panels and controls for the**  
24 **well.**

25  
26 **Ground Water Well #12 and Electrical Control Building, which is modern**

1 adobe structure (12' by 8') that houses the electrical panels and controls for the  
2 well.

3 A chlorine injection shed, which is a prefabricated wood (Tufshed) structure  
4 (10' by 10') that houses injection equipment for chlorine and chlorine analyzers.

5 A booster pump control building, which is a modern adobe structure (16' by  
6 20') that houses the electrical panels and instrumentation for the distribution  
7 booster pumps.  
8

9 A material storage shed, which is a prefabricated wood (Tufshed) structure  
10 (10' by 10') that houses materials.  
11

12 A materials storage building, which is a corrugated metal structure (36' by  
13 60') that houses materials.  
14

15 (B) Describe in detail AAWC'S current use of the parcel of land upon which  
16 the TANKS are proposed to be built, including the types and size of all current structures  
17 and the current use of each structure.

18 **RESPONSE:** See AAWC's response to 1(A) above.

19 (C) What is the current water capacity, in gallons, of any finished water  
20 reservoirs existing on the parcels at issue and indicate upon which parcels the reservoirs  
21 are currently located?  
22

23 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
24 herein. Subject to the foregoing general objections, and without waiver thereof,  
25 AAWC provides the following response.  
26

1           **The current reservoirs are located on parcel 174-13-937 and their capacities**  
2 **are as follows:**

3           **Tank #1 – 151,524 gallons**

4           **Tank #2 – 358,837 gallons**

5           **Tank #3 – 192,228 gallons**

6           (D)   Currently, how many customers does AAWC'S existing system at this  
7 location service?  
8

9           **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
10 **herein. Subject to the foregoing general objections, and without waiver thereof,**  
11 **AAWC provides the following response.**

12           **Through its Paradise Valley Water District, AAWC serves approximately**  
13 **4,700 customers in the Town of Paradise Valley, City of Scottsdale, and an**  
14 **unincorporated area of Maricopa County.**

15           (E)   Is AAWC intending to service more customers once the new facility and  
16 TANKS are constructed? \_\_\_\_\_. If so, how many more will the new facility and TANKS  
17 be servicing? \_\_\_\_\_. How many more customers will the facility and TANKS be capable  
18 of servicing? \_\_\_\_\_.

19           **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
20 **herein and further objects to this Request as overbroad in that it seeks information**  
21 **that is neither relevant nor reasonably calculated to lead to the discovery of**  
22 **admissible evidence in this matter. Specifically, whether or not AAWC intends to**

1 service more customers after completion of the arsenic removal facility is not  
2 relevant to any claims at issue in this matter. Subject to the foregoing general and  
3 specific objections, and without waiver thereof, AAWC provides the following  
4 response.  
5

6 Upon completion of the arsenic removal facility (including the water storage  
7 tanks), AAWC intends to continue to service the needs of its customers in the  
8 Paradise Valley Water District, including the needs of any new customers within the  
9 District as a result of normal system growth. AAWC does not anticipate that system  
10 growth will be substantial or that the District's geographic boundaries will increase.  
11

12 (F) Once the new facility and TANKS are operational, what increased revenues  
13 on a year to year basis (versus the most recent year's reported revenues) does AAWC  
14 project in the first five years from the new facility and TANKS?  
15

16 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
17 herein and further objects to this Request as misleading and overbroad in that it  
18 seeks information that is neither relevant nor reasonably calculated to lead to the  
19 discovery of admissible evidence in this matter. Specifically, any additional revenue  
20 projected by AAWC is irrelevant because such revenue does not take into account  
21 the significant costs associated with construction and operation of the arsenic  
22 removal facility. Moreover, the revenue and/or the net profit AAWC projects in the  
23 first five years of operation of the facility are not relevant to any claims at issue in  
24 this matter. Subject to the foregoing general and specific objections, and without  
25  
26

1 waiver thereof, AAWC provides the following response.

2           While AAWC expects some increased revenue in the first five years of  
3 operation of the arsenic removal facility (including the water storage tanks), the  
4 expected revenue will only serve to cover some of the substantial costs expended by  
5 AAWC to construct the arsenic removal facility in order to comply with the federal  
6 law establishing a new arsenic standard for safe drinking water. AAWC does not  
7 anticipate any measurable net profit in the first five years of operation of the  
8 arsenic removal facility. AAWC is constructing the arsenic removal facility and  
9 associated water storage tanks to comply with EPA's arsenic standard and to ensure  
10 adequate water supply to the Paradise Valley Water district for fire protection and  
11 suppression, not for the purpose of achieving increased profit.  
12  
13

14 **REQUEST TO PRODUCE NO. 1:**

15           Please produce AAWC's most recent financial statement and tax return along with  
16 AAWC'S most current 1, 5, and/or 10 ten year revenue and profit projections for this  
17 facility.  
18

19           **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
20 herein and further objects to this Request as overbroad in that it seeks information  
21 that is neither relevant nor reasonably calculated to lead to the discovery of  
22 admissible evidence in this matter. Specifically, AAWC's financial information and  
23 projections are not relevant to any claims at issue in this matter. Moreover, AAWC  
24 does not file separate federal or state tax returns, but rather files its returns on a  
25  
26

1 consolidated basis with its parent corporation, American Water Works Company,  
2 Inc. These tax returns include financial information from other affiliate entities  
3 wholly irrelevant to any claims at issue in this case.  
4

5 Subject to the foregoing general and specific objections, and without waiver  
6 thereof, AAWC produces herewith a copy of its 2004 annual report which is filed  
7 with the Arizona Corporation Commission, bates labeled AZAW000001-  
8 AZAW000086. With respect to 1, 5 or 10-year revenue or project projections for  
9 the facility, no such documents exist.  
10

11 **INTERROGATORY NO. 2:**

12 (A) Explain in detail the necessity of the TANKS, as proposed, to the arsenic  
13 removal process or to any other federal health, safety, or welfare requirement, and  
14 include an explanation as to why the TANKS are required by the federal government to  
15 hold 3.0 million gallons of water.  
16

17 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
18 herein and further objects to this interrogatory as misleading and argumentative.  
19 Specifically, Plaintiffs' interrogatory is misleading and argumentative in that it  
20 suggests that the federal government must expressly require AAWC to construct  
21 tanks that hold 3.0 million gallons of water. Moreover, compliance with federal law  
22 is not the only factor that contributes toward the need for water storage. Water  
23 storage is required in order for AAWC to be able to run a water production and  
24 distribution facility. In other words, operational requirements also contribute  
25  
26

1 toward the need for water storage to ensure that water can be supplied to the  
2 Paradise Valley Water District. In addition, water storage is needed to provide  
3 adequate fire suppression and protection to District. Subject to the foregoing  
4 general and specific objections, and without waiver thereof, AAWC provides the  
5 following response.  
6

7       Each and every water production and distribution facility, including AAWC,  
8 must have water storage in order to operate, function and provide water to its  
9 customers. For example, the seven wells operated by AAWC that supply water to  
10 the Paradise Valley Water District have a combined production capacity of  
11 approximately 21.3 million gallons per day (“mgd”). The maximum daily demand  
12 in the Paradise Valley Water District has historically been as high as 15.6 mgd, and  
13 is projected to reach 19.3 mgd by the year 2012. The maximum daily rate, however,  
14 is measured over an entire day. The instantaneous rate of demand from customers  
15 varies significantly over the course of the day. Instantaneous demands often peak in  
16 the early morning and early evening hours when consumption increases for  
17 domestic purposes such as bathing, food preparation, laundry, dishwashing, etc. As  
18 a result, the instantaneous demand often exceeds 15.6 mgd, reaching as high as 23.4  
19 mgd. Moreover, it is projected that peak hourly demand in the Main Pressure Zone  
20 of the Paradise Valley Water District will reach 26.3 mgd in the future. These  
21 demands exceed the production capacity of the wells that supply water to the  
22 Paradise Valley Water District. Therefore, to meet reasonably anticipated peak  
23  
24  
25  
26

1 demand, AAWC must store finished water.

2 In addition, AAWC supplies water to the Town of Paradise Valley for fire  
3 suppression and protection purposes. When a fire occurs during peak demand,  
4 AAWC must have an emergency quantity of stored water available to meet an even  
5 greater peak hour demand, to adequately protect the community.  
6

7 Presently, AAWC's finished water storage for the Main Pressure Zone of the  
8 Paradise Valley Water District consists of the following:  
9

- 10 • Miller Road Treatment Facility (MRTF) – approximately 400,000 gallons
- 11 • Miller Road Booster Station (MRBS) – approximately 700,000 gallons
- 12 • 60<sup>th</sup> Street Tank – approximately 200,000 gallons

13 The MRBS water storage tanks, which have been at the site for over thirty  
14 years, will be demolished as part of the construction of the proposed arsenic  
15 removal facility. In addition, the clearwell at MRTF will no longer be available as  
16 finished water storage since the water will have to first be pumped to the arsenic  
17 removal facility for arsenic removal treatment. Therefore, as a result of the arsenic  
18 treatment requirement, AAWC will lose 1.1 million gallons (MG) of water storage.  
19 This loss of water storage must be replaced.  
20

21 In addition, as part of a Comprehensive Planning Study ("CPS") completed  
22 for the Paradise Valley Water District in 1999, the ability of existing storage  
23 capacity to meet current and future peak demands in the Paradise Valley Water  
24 District was analyzed. The analysis determined that, as of 1997, a total of about 2.3  
25 million gallons (MG) of storage was required in the Main Pressure Zone for  
26

1 equalization and fire flow. This storage requirement was projected to increase to  
2 nearly 2.8 MG by 2012. Subtracting the 1.3 MG of distribution storage that exists  
3 currently, the Paradise Valley Water District is faced with a projected storage  
4 capacity deficit of approximately 1.5 MG. AAWC elected to upsize the finished  
5 water storage reservoirs at the arsenic removal facility to eliminate this projected  
6 storage deficit.  
7

8           Additional water is also needed for proper and efficient operation of the  
9 arsenic removal facility. Water extracted from the wells is treated for arsenic by  
10 adding a coagulant to the water. The arsenic in the water adsorbs to the coagulant  
11 and creates a precipitate, or solid. The solid material containing the arsenic is  
12 removed from the water through filtration. A total of 6 filters will be required to  
13 meet the treatment capacity needs of the proposed arsenic removal facility. These  
14 filters must be backwashed twice a day to clean them and allow them to continue to  
15 collect the solid arsenic material. Approximately 500,000 gallons of water are  
16 required to backwash the six filters in each backwash. Thus, up to 500,000 gallons  
17 of storage is needed to ensure that consecutive backwashing of the filters could  
18 proceed unimpeded during peak hour demand periods. Finished water is also used  
19 for various operational and maintenance activities at the site, such as chemical  
20 dilution/conveyance, and housekeeping purposes.  
21

22           Finally, a sufficient supply of water is need in order for the arsenic removal  
23 facility to run optimally and efficiently. Providing finished water flow equalization  
24  
25  
26

1 allows the wells and treatment facility to operate at more steady rates. Allowing  
2 water levels to fluctuate minimizes the number of times each day that wells and  
3 treatment facilities are started and stopped. Starting and stopping wells frequently  
4 causes premature wear of pumping equipment and can be detrimental to the well  
5 and surrounding aquifer. Likewise, frequent changes to treatment rates through a  
6 filter plant can result in poor filter performance, leading to water quality  
7 complaints or potentially even a failure to comply with the drinking water arsenic  
8 standard.  
9  
10

11 In sum, finished water storage has been incorporated into the design of the  
12 Paradise Valley arsenic removal facility for two primary reasons:

- 13 1. To provide finished water for when instantaneous system demands for water  
14 (including water necessary for fire protection) exceed the production rate of  
15 the facility.  
16
- 17 2. To provide a supply of treated water for use in backwashing filters and other  
18 in-plant needs.  
19

20 AAWC needs 1.1 million gallons of storage to offset the storage that will be lost as a  
21 result of the need to treat water for arsenic and construct the arsenic removal  
22 facility. Another 1.5 million gallons of storage is needed to eliminate the projected  
23 storage deficit. And, another 500,000 gallons of storage is needed to operate the  
24 arsenic removal facility and backwash the filter. This totals 3.1 million gallons of  
25 finished water storage.  
26

1 (B) If the TANKS are not required by the federal government to hold 3.0  
2 million gallons of water, what are the federal government requirements related to the  
3 capacity, size, shape, and location of the WATER STORAGE TANKS?  
4

5 **RESPONSE:** See response to Interrogatory No. 2(A).

6 (C) Describe in detail the new value to the community that the TANKS will be  
7 providing. Please do not include arsenic removal in your answer. "New" value means  
8 value that the community is not already receiving.  
9

10 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
11 herein and further objects to this Request as argumentative and misleading. In  
12 promulgating the new lower arsenic standard for safe drinking water, the EPA  
13 found that such a standard was necessary to protect the health, safety and welfare of  
14 this country's citizens. Thus, removal of arsenic from drinking water to meet this  
15 new standard is a new value to the community, a value that the community is not  
16 already receiving. Subject to the foregoing general and specific objections, and  
17 without waiver thereof, AAWC refers Plaintiffs to its response to Interrogatory No.  
18 2(A).  
19  
20

21 (D) Identify who AAWC'S current "community" is by naming the number of  
22 residents currently serviced by AAWC, the border areas within which AAWC provides  
23 service, and the number of residents in each city. Please provide a map that reflects the  
24 community area(s).  
25

26 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth

1 herein. Subject to the foregoing general objections, and without waiver thereof,  
2 AAWC provides the following response.

3           **AAWC's Paradise Valley Water District serves approximately 1900**  
4 **customers in the City of Scottsdale, and 2800 customers in the Town of Paradise**  
5 **Valley and a small unincorporated area of Maricopa County. AAWC produces**  
6 **herewith a map showing Paradise Valley Water's certificated service area, bates**  
7 **labeled AZAW000087.**

8  
9  
10           (E) Explain fully if it is possible to construct the PVARF without building new  
11 TANKS, and, if it is not possible, explain fully why it is not possible.

12           **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
13 **herein and further objects to this Request as argumentative and overbroad in that it**  
14 **seeks information that is neither relevant nor reasonably calculated to lead to the**  
15 **discovery of admissible evidence in this matter. Specifically, it is irrelevant whether**  
16 **other designs for the facility are possible given that AAWC is obligated to construct**  
17 **the facility in the most cost-effective manner since some of the costs are ultimately**  
18 **born by the customers, and because the alternative designs are irrelevant to the**  
19 **legality of the present design as long as the present design complies with all**  
20 **applicable City of Scottsdale zoning regulations. Subject to the foregoing general**  
21 **and specific objections, and without waiver thereof, AAWC provides the following**  
22 **answer.**

23  
24  
25  
26           **It is not possible to construct the arsenic removal facility without building**

1 new storage tanks because the water storage capacity of the present tanks already  
2 consists of a 1.5 million gallon shortage, and because at least 500,000 gallons of  
3 additional storage is needed to backwash the filters that are integral to the arsenic  
4 removal process.  
5

6 It is not technically impossible to construct the arsenic removal facility by  
7 building off-site finished water storage tanks. However, whether land would be  
8 available is unknown, and the cost to construct storage tanks and the additional  
9 booster pumping facilities needed to deliver the water from off-site to the treatment  
10 facility would far exceed the cost of providing storage onsite as has been proposed.  
11

12 Numerous other changes would also be required if onsite storage were to be  
13 eliminated. Several of the existing well pumps would have to be modified to allow  
14 them to operate at the higher pressure required to pump through the pressure  
15 filters and directly into the distribution system. It is likely that both electrical and  
16 mechanical modifications at the wells would be required to accommodate the higher  
17 pressure and horsepower requirements. Modification of the distributive pumps at  
18 the MRTF would also be required to meet increased pressure head conditions that  
19 would be produced by the pressure filters. The pressure filters themselves would  
20 also need to be designed to withstand the higher operating pressures, and the filter  
21 backwashing system would have to be modified to allow the other filters to supply  
22 wash water to the filter being backwashed. This backwash configuration would also  
23 increase power consumption at the proposed arsenic removal facility by more than  
24  
25  
26

1 100,000 kilowatt-hours per year. Lastly, other support systems within the arsenic  
2 removal facility would have to be designed to meet the higher operating pressures,  
3 including backwash recycle pumps, chemical feed systems, pressurized  
4 instrumentation, etc.  
5

6 Moreover, by the time Plaintiffs brought this lawsuit, it was too late for  
7 AAWC to redesign the arsenic removal facility and associated tanks, conduct the  
8 necessary community outreach again, obtain the necessary permits and approvals  
9 from COS again, and build the facility in time to meet EPA's January 2006 deadline  
10 for compliance with the new arsenic standard.  
11

12 (F) What is the minimum size of TANKS that AAWC would need to maintain  
13 its existent water delivery capacity to its customers?  
14

15 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
16 herein and further objects to this interrogatory as vague and ambiguous. It is  
17 unclear what Plaintiffs mean by "minimum size" because it is unclear whether this  
18 refers to volume or to dimension. AAWC further objects that the interrogatory is  
19 argumentative and overbroad in that it seeks information that is neither relevant  
20 nor reasonably calculated to lead to the discovery of admissible evidence in this  
21 matter. Specifically, it is irrelevant whether other designs for the facility are  
22 possible given that AAWC is obligated to construct the facility in the most cost-  
23 effective manner since some of these costs are ultimately born by customers, and  
24 because the alternative designs are irrelevant to the legality of the present design as  
25  
26

1 long as the present design complies with all applicable City of Scottsdale zoning  
2 regulations. Subject to the foregoing general and specific objections, and without  
3 waiver thereof, AAWC refers Plaintiffs to its response to Interrogatory No. 2(A).  
4

5 (G) Explain fully how the TANKS contribute to removing arsenic from the  
6 water supply.

7 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
8 **herein and further objects to this interrogatory as duplicative. Subject to the**  
9 **foregoing general and specific objections, and without waiver thereof, AAWC**  
10 **provides the following response.**

11 **AAWC refers Plaintiffs to its response to Interrogatory Nos. 2(A) and 2(E)**  
12 **which explain why the proposed storage reservoirs are being constructed at the**  
13 **arsenic removal facility.**

14 **REQUEST TO PRODUCE NO. 2:**

15 Produce all documents between AAWC or any of its agents / independent  
16 contractors [including but not limited to AMEC Earth and Environmental, Inc.  
17 (“AMEC”), Damon S. Williams Associates (“DSWA”), and Technical Solutions Group,  
18 L.L.C. (“TSG”)] and the federal government (and corresponding state agencies)  
19 regarding the federal requirements for the facility and for the TANKS, including but not  
20 limited to correspondence, reports, memoranda, contracts, plans, schedules, e-mails,  
21 notices, permits, government approvals to build, and other documents.  
22  
23  
24  
25

26 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**

1 herein and further objects to this request as vague, ambiguous and misleading  
2 because it references federal and corresponding state agencies, when the applicable  
3 regulatory agency is a county agency, Maricopa County Environmental Services.  
4  
5 Subject to the foregoing specific and general objections, and without waiver thereof,  
6 AAWC will make responsive documents within its custody and control available for  
7 inspection at its office on a date mutually agreeable to the parties and their counsel.  
8  
9 Additional potentially responsive documents in electronic form, including e-mail,  
10 are currently being gathered and reviewed. AAWC will produce this data promptly  
11 after this process is completed.

12 **REQUEST TO PRODUCE NO. 3:**

13 Please produce any and all of AAWC'S vendor files for these above-named agents  
14 / independent contractors (including AMEC, DSWA, and TSG), including but not limited  
15 to correspondence (including carbon copied correspondence to other entities),  
16 memoranda, emails, notes (of meetings, telephone messages, etc.), contracts / service  
17 agreements, plans, renderings, drawings, and photographs that relate generally and  
18 specifically to the project.  
19

20  
21 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
22 herein and further objects to this request as vague and ambiguous because it is not  
23 clear what Plaintiffs mean by "vendor files" and the request is not limited to a  
24 specific project. AAWC interprets "vendor files" to refer to all documents created  
25 by or that reference the contractors and subcontractors that assisted with design  
26

1 and permitting of the arsenic removal facility, and objects to this request as overly  
2 burdensome and oppressive because such a request seeks virtually every document  
3 created over the past year related to the arsenic removal facility, many of which are  
4 neither relevant nor reasonably calculated to lead to the discovery of admissible  
5 evidence in this matter. Subject to the foregoing specific and general objections,  
6 and without waiver thereof, AAWC will make responsive documents within its  
7 custody and control available for inspection at its office on a date mutually  
8 agreeable to the parties and their counsel. Additional potentially responsive  
9 documents in electronic form, including e-mail, are currently being gathered and  
10 reviewed. AAWC will produce this data promptly after this process is completed.

11 **INTERROGATORY NO. 3:**

12 Did AAWC, or its agents / independent contractors, perform and / or document  
13 any studies regarding:

14 (A) The Visual Impact of the TANKS on the Plaintiffs?;

15 (B) The Physical Impact / Risks of the TANKS due to the Soils surrounding the  
16 Plaintiffs?;

17 Such studies should include but not be limited to "line of sight" studies assessing  
18 the obstruction of Plaintiffs' mountain and other views and Geotechnical Reports.

19 If so, please set forth the date of each study, who performed it, the results, and the  
20 date AAWC or its agents provided a copy of such study to Defendant COS, to the Federal  
21 Government, or to any other entity / individual.  
22  
23  
24  
25  
26

1           (A) **RESPONSE:** AAWC incorporates its General Objections as if fully set  
2 forth herein and further objects to this interrogatory as overbroad because it seeks  
3 information that is neither relevant nor reasonably calculated to lead to the  
4 discovery of admissible evidence in this matter. Specifically, the City of Scottsdale's  
5 regulations do not require submittal of such a study to obtain a permit. Subject to  
6 the foregoing general and specific objections, and without waiver thereof, AAWC  
7 provides the following response.  
8  
9

10           H&S International conducted a line of site study regarding the arsenic  
11 removal facility, including the tanks, and presented this study at the COS Second  
12 Open House on November 23, 2004. Thereafter, AAWC submitted a copy of the  
13 study to COS City Council, not because it was required, but as an aid in  
14 understanding the site. A copy of the study has been produced by H&S  
15 International in response to Plaintiffs' subpoena duce tecum. The study and results  
16 speak for themselves.  
17

18           (B) **RESPONSE:** AAWC incorporates its General Objections as if fully set  
19 forth herein and further objects that this interrogatory is argumentative and  
20 misleading because it suggests that such a report is required to be submitted to COS  
21 and/or the federal government, when in fact, it is not. Subject to the foregoing  
22 general and specific objections, and without waiver thereof, AAWC provides the  
23 following answer.  
24  
25

26           AMEC conducted a geotechnical investigation report at the site in or about

1 August 2004. The report was provided to the structural engineer who designed the  
2 arsenic removal facility, including the water storage tanks, and the structural  
3 engineer certified that the facility was built in accordance with the information  
4 contained in the report. AAWC produces herewith, pursuant to its Rule 26.1  
5 disclosure requirement, a copy of the certified design drawings for the arsenic  
6 removal facility containing this certification, bates labeled AZAW000442-  
7 AZAW000452.  
8  
9

10 **REQUEST TO PRODUCE NO. 4:**

11 If the answer to Interrogatory No. 2(A) or (B) is Yes, please produce all iterations  
12 of each study, including those that AAWC provided to the COS as part of any application  
13 package, along with all plans, drawings, photographs, renderings, etc. which were used in  
14 any way in the preparation of the study.  
15

16 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
17 herein and further objects to this request as incomprehensible. The request is  
18 premised on Interrogatory No. 2(A) and 2(B) requiring a yes or no answer;  
19 however, these interrogatories ask for an explanation of AAWC's need for 3.0  
20 million gallons of finished water storage. AAWC further objects to this request as  
21 unduly burdensome because the studies and iterations thereof to the extent they  
22 exist have already been produced by the entities who prepared the studies, H&S  
23 International and AMEC. Subject to the foregoing general and specific objections,  
24 and without waiver thereof, AAWC assumes that Plaintiffs intended to refer to  
25  
26

1 Interrogatory No. 3(A) and (B), and based on this assumption responds that it will  
2 make responsive documents within its custody and control available for inspection  
3 at its office on a date mutually agreeable to the parties and their counsel.  
4

5 **REQUEST FOR ADMISSION NO. 1:**

6 The WATER STORAGE TANKS, as proposed for construction on the S-C HP  
7 land, will obstruct, partially or completely, Plaintiffs' current views of the surrounding  
8 mountains.  
9

10 \_\_\_\_\_ ADMIT                        X   DENY

11 If the Answer is DENY, please explain the answer in detail:

12 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
13 **herein and further objects to this request for admission because it fails to fully and**  
14 **accurately describe the zoning designation for the parcel of land upon which the**  
15 **arsenic removal facility and associated water storage tanks will be located.**  
16 **Moreover, this request is compound because each of the Plaintiffs' views of the**  
17 **surrounding mountains, to the extent there is such a view, is different. Subject to**  
18 **the foregoing general and specific objections, AAWC provides the following answer.**  
19

20  
21 **With respect to the Kueffners' view, upon information and belief, AAWC**  
22 **denies that the construction of the arsenic removal facility and associated water**  
23 **tanks will obstruct their view of the surrounding mountains and deny that they**  
24 **presently have a view of the surrounding mountains. With respect to the Nesvigs'**  
25 **and Tierney's view of the surrounding mountains, upon information and belief,**  
26

1 AAWC denies that construction of the arsenic removal facility and associated water  
2 storage tanks will obstruct their view of the surrounding mountains any more than  
3 their view is presently obstructed by the distance from which their residence is  
4 located from the mountains and the tall mesquite trees that are presently in their  
5 line of site.  
6

7 AAWC also responds that investigation and analysis of the impact of the  
8 water storage tanks on the Plaintiffs' views to confirm earlier studies and  
9 conclusions is on-going, and will supplement this request as appropriate.  
10

11  
12 **REQUEST FOR ADMISSION NO. 2:**

13 AAWC does not know of the TANKS' risks to Plaintiffs due to Soil instability  
14 because neither AAWC nor-any of its agents / independent contractors performed a  
15 stability analysis of the TANKS on the Soils under the condition that the TANKS are  
16 built completely above-ground as proposed.  
17

18 \_\_\_\_\_ ADMIT                        X   DENY

19 If the Answer is DENY, please identify the study that explains the TANKS' risks  
20 to Plaintiffs due to soil instability and set forth the results of the analysis, including the  
21 risks / danger of soil instability around the TANKS if constructed above-ground as  
22 proposed to the City of Scottsdale:  
23

24 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
25 herein. Subject to the foregoing general objections, and without waiver thereof,  
26

1 AAWC provides the following response.

2 AAWC denies that the soils located on the site of the proposed arsenic  
3 removal facility are unstable and that Plaintiffs are at risk due to any "instability"  
4 in the soil. In August of 2004, AMEC performed a geotechnical investigation report  
5 on behalf of AAWC to characterize the soil at the site, a copy of which Plaintiffs  
6 attached as Exhibit C to their Complaint. The characterization of these soils in the  
7 report speaks for itself. In this report, AMEC provided recommendations for  
8 construction of the facility and associated tanks based on the characterization of  
9 soils. While AMEC's initial report indicates that the proposed elevation of the  
10 water storage tanks is "-17 feet," AMEC was subsequently corrected and informed  
11 that the design of the tanks would in fact be almost entirely above ground. Based on  
12 this information, AMEC communicated verbally a revised recommendation to  
13 excavate the existing soil on the property an additional three feet and fill with  
14 engineered soil. The structural engineer who designed the facility certified that the  
15 design was made in accordance with AMEC's report. See design documents bates  
16 labeled AZAW000442-AZAW000452 produced herewith pursuant to Rule 26.1.  
17 Before the facility and associated tanks are constructed, the soils will be excavated  
18 and replaced with engineered fill material, as recommended by AMEC, to provide a  
19 safe and stable structure. This process is currently underway at the site.

24 **REQUEST FOR ADMISSION NO. 3:**

25 The August 17, 2004 Geotechnical Investigation Report (and December 16, 2004,  
26

1 Addendum No. 1) prepared by AMEC, attached to Plaintiffs' Complaint as Exhibit C,  
2 indicates that the TANKS would be placed at least partially below ground.

3 \_\_\_\_\_ ADMIT \_\_\_\_\_ DENY  
4

5 If the Answer is ADMIT, how far below ground does this Report indicate that the  
6 TANKS will be placed?

7 If the Answer is DENY, please explain the answer in detail:

8 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
9  
10 **herein. Subject to the foregoing general objections, and without waiver thereof,**  
11 **AAWC responds that the Geotechnical Investigation Report speaks for itself and**  
12 **refers Plaintiffs to its response to Request for Admission No. 2.**

13 **INTERROGATORY NO. 4:**  
14

15 Regarding the federal requirements of the facility and the TANKS, please provide  
16 the names, addresses, contact persons, and telephone numbers of all federal agencies  
17 (including the corresponding state agencies), including FEMA and the EPA, with whom  
18 AAWC or any of its agents / independent contractors communicated.  
19

20 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
21 **herein. Subject to the foregoing general objections, and without wavier thereof,**  
22 **AAWC provides the following response.**

23 No federal agency was contacted directly. Local and state agencies have  
24 jurisdiction over all "federal" requirements for these facilities, including compliance  
25 with federal drinking water requirements (Maricopa County) and drainage/flood  
26

1 control (City of Scottsdale and Maricopa County). The following contact  
2 information for those agencies are listed below.

Agency Name	Address	Contact Person	Phone No.
Maricopa County Environmental Services Department	1001 N. Central Ave., #150 Phoenix, AZ 85004	William G. Kenning, P.E., Senior Civil Engineer	602-506-6925
City of Scottsdale, Division of Stormwater Management	7447 E. Indian School Rd Scottsdale, AZ 85251	Bill Erickson, Senior Stormwater Planner	480-312-7652
Maricopa County Flood Control District	2801 W. Durango Street Phoenix, AZ 85009	Shelby Brown	602-506-4583

12 **INTERROGATORY NO. 5:**

13 Does AAWC own or lease other property upon which AAWC has enough land to  
14 build the TANKS? \_\_\_\_.

15  
16 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
17 herein and further objects to this interrogatory as overbroad because it seeks  
18 information which is neither relevant nor reasonably calculated to lead to the  
19 discovery of admissible evidence in this matter. Specifically, the facility and  
20 associated water storage tanks have to go somewhere, and whether AAWC owns or  
21 leases another property upon which the facility can be built is not relevant to any  
22 legal claims in this matter. Moreover, it is impractical, infeasible and inefficient to  
23 build the water storage tanks on property separate from the arsenic removal  
24 facility, as described in AAWC's response to Interrogatory No. 2(E). Such a design  
25  
26

1 would require miles of additional pipeline, pumps with significantly greater power,  
2 and the acquisition of easements and rights of way, all of which increase the cost of  
3 the facility, a portion of which is ultimately born by the customer. For these reasons,  
4 among others, the water storage tanks must be constructed in close proximity to the  
5 arsenic removal facility, and AAWC does not own any other property large enough  
6 to accommodate the facility and the associated tanks.  
7

8 (A) If so, please identify each parcel and explain each and every reason why  
9 each parcel was ultimately not chosen.  
10

11 **RESPONSE:** See AAWC's response to Interrogatory No. 5(A) above.

12 (B) Explain fully why AAWC chose not to build the TANKS on the 3-4 acre  
13 parcel of land north of the proposed site for the facility.  
14

15 **RESPONSE:** AAWC refers Plaintiffs to its response to Interrogatory No. 5  
16 above, including all objections, and further adds that because the northern parcel  
17 already contains water storage tanks that have been present at the facility for over  
18 thirty years, the new storage tanks cannot be constructed on this parcel. The old  
19 storage tanks cannot be taken down and out of commission until the new storage  
20 tanks are online and running; otherwise, the current water production and  
21 distribution system would have no storage, and essentially could not operate. Due to  
22 the size of this parcel, the new storage tanks cannot be built on this parcel with the  
23 old storage tanks on the site. Moreover, because the southern parcel is at a lower  
24 elevation, is located next to a business run on the Kueffners' property, and cannot  
25  
26

1 be seen from the Cattletrack neighborhood, location of the tanks on the southern  
2 parcel minimizes the impact to the surrounding community.

3 (C) Explain fully why AAWC contends that its "McDonald Site" is not feasible  
4 for the facility and / or the TANKS.  
5

6 **RESPONSE:** AAWC refers Plaintiffs to its response to Interrogatory No. 5  
7 above, including all objections, and further adds that AAWC looked at and  
8 considered this site for construction of the facility and associated water storage  
9 tanks. However, any design of the facility that complied with the zoning  
10 requirements for the property, such as setbacks, would not fit on the site.  
11

12 **INTERROGATORY NO. 6:**

13 Has AAWC ever partially or completely buried water storage reservoirs at any  
14 location anywhere in the world? If so, name each and every location with street address,  
15 city, state, zip code, the year built, and the name of the contractor(s) who performed the  
16 burial.  
17

18 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
19 herein and further objects to this interrogatory as overbroad because its seeks  
20 information which is neither relevant nor reasonably calculated to lead the  
21 discovery of admissible evidence in this matter. Specifically, whether other AAWC  
22 has ever buried tanks before is not relevant to whether the tanks at issue in this  
23 matter comply with all applicable zoning requirements. AAWC also objects that  
24 the interrogatory seeks information out of context, such as important design criteria  
25 and cost considerations. Subject to the foregoing general and specific objections,  
26 and without waiver thereof, AAWC provides the following the answer.

1           AAWC has only constructed tanks in the state of Arizona so only a listing for  
2 that state can be provided. Those completely or partially buried tanks include the  
3 following:  
4

5           **Agua Fria Plant 1**  
6           **Year built: 1998**  
7           **Contractor: MGC**  
8           **Address: 17823 N. Whitefeather Path, Surprise, AZ**

9           **Agua Fria Plant 5**  
10          **Year built: 2004**  
11          **Contractor: Felix Construction**  
12          **Address: 7502 N Cotton Lane, Surprise, AZ**

13          **Anthem - 2 tanks**  
14          **Year built: 1999/2004**  
15          **Contractor: MGC/MGC**  
16          **Address: 42112 N Caledonia, Anthem, AZ 85086**

17          **Verrado**  
18          **Year built: 2004**  
19          **Contractor: Ward-Henshaw Construction Company**  
20          **Address: Address presently unknown, will supplement**

21          **INTERROGATORY NO. 7:**

22                (A) Provide AAWC'S detailed computation of the ADDITIONAL costs to  
23 AAWC to partially bury (12 FEET) and to completely bury the TANKS, including a  
24 breakdown of the ADDITIONAL labor and materials for each part of the underground  
25 construction. As part of this computation, explain the burial process in detail as it relates  
26 to the various costs of construction.

**RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
              herein. Subject to the foregoing general objections, and without waiver thereof,

1 **AAWC refers Plaintiffs to documents bates labeled AZAW000152-AZAW000153**  
2 **produced herewith, which provides a cost analysis for completely burying the tanks**  
3 **and speaks for itself. The steel tanks approved by COS cannot simply be buried.**  
4 **Engineering and design concerns require a different structure, which is larger and**  
5 **consists of mostly concrete, a material much more expensive than steel.**

7 (B) What are current costs of construction to construct the TANKS above-  
8 ground as currently proposed by AAWC?  
9

10 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
11 **herein. Subject to the foregoing general objections, and without waiver thereof,**  
12 **AAWC refers Plaintiffs to documents bates labeled AZAW000152-AZAW000153**  
13 **produced herewith, which provides a cost analysis for the construction of one of the**  
14 **1.5 million gallon above ground steel tanks and which speaks for itself.**

16 (C) Please set forth all of the COSTS to AAWC to make the proposed TANKS  
17 "not...visible" from Cattletrack or east of the Arizona Canal, as set forth in AAWC'S  
18 December 10, 2004 revised project Narrative.  
19

20 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
21 **herein and further objects to this interrogatory as misleading, incomplete and out of**  
22 **context. The entirety of the December 10, 2004 project narrative speaks for itself.**  
23 **Subject to the foregoing general and specific objections, and without waiver thereof,**  
24 **AAWC provides the following answer.**

25 **The components for minimizing the visual impact of the water storage tanks**  
26

1 and their associated costs include the following:

2 Estimated cost for faux finish on tanks is \$50,000.

3 Estimated cost for lowering tanks, including excavation, concrete and tank  
4 construction is \$62,000.

6 Estimated cost for revising the grading and drainage is \$30,000.

7 Estimated cost for additional landscaping along the canal is \$25,000.

8 **REQUEST TO PRODUCE NO. 5:**

9 Any and all documents related to D.L. Norton's bid and contract for construction,  
10 including but not limited to bid estimate (proposal) and any addenda thereto, the contract  
11 and any exhibits and addenda thereto, construction schedules, plans and specifications,  
12 Change Order Requests, signed Change Orders, RFI's, as- built schedules, applications  
13 for payment (or other invoicing), schedule of values, correspondence, and other  
14 documents.  
15 documents.

16  
17 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
18 **herein. Subject to the foregoing general objections, and without waiver thereof,**  
19 **AAWC will make responsive documents within its custody and control available for**  
20 **inspection at its office on a date mutually agreeable to the parties and their counsel.**  
21 **Additional potentially responsive documents in electronic form, including e-mail,**  
22 **are currently being gathered and reviewed. AAWC will produce this data promptly**  
23 **after this process is completed.**  
24  
25  
26

1 **REQUEST TO PRODUCE NO. 6:**

2 AAWC'S bid package to prospective contractors and the bid proposals submitted.

3 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
4 herein. Subject to the foregoing general objections, and without waiver thereof,  
5 AAWC will make responsive documents within its custody and control available for  
6 inspection at its office on a date mutually agreeable to the parties and their counsel.  
7 Additional potentially responsive documents in electronic form, including e-mail,  
8 are currently being gathered and reviewed. AAWC will produce this data promptly  
9 after this process is completed.

10 **INTERROGATORY NO. 8:**

11 (A) Did AAWC ever represent to the City of Scottsdale at any time that it  
12 intended to at least partially bury the TANKS? \_\_\_\_\_.

13 **RESPONSE:** No.

14 (B) If so, how and when?

15 **RESPONSE:** See response to 8(A) above.

16 (C) When did AAWC make the final determination to not bury the TANKS?  
17 Who made the decision and why was it made?

18 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
19 herein and further objects to this interrogatory as misleading and argumentative  
20 because it assumes that AAWC made at some point a "determination" to bury the  
21 water storage tanks. Subject to the foregoing general and specific objections, and  
22

1 without waiver thereof, AAWC provides the following response.

2           AAWC considered burial of the water storage tanks at the initial concept  
3 phase of the project, along with several other potential designs, but the concept was  
4 ultimately rejected because burial of the tanks would cost approximately \$2 million  
5 more, a portion of which would ultimately be borne by all of its customers, because  
6 of the higher cost of maintaining and operating such tanks, and because of serious  
7 design and construction feasibility issues. The design communicated to COS always  
8 called for above ground tanks.  
9

10  
11           (D) How and when was that decision first communicated in writing (including  
12 e-mails) to the City of Scottsdale?

13           **RESPONSE:** See response to 8(C) above.

14  
15           **INTERROGATORY NO. 9:**

16           Please list all properties owned by, occupied by, leased by, managed by, or  
17 currently bid on for purchase by AAWC in Arizona.

18           **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
19 herein and further objects to this interrogatory as overbroad because it seeks  
20 information which is neither relevant nor reasonably calculated to lead to the  
21 discovery of admissible evidence. Specifically, additional properties owned,  
22 occupied, leased, managed or bid on by AAWC in Arizona are not relevant to any of  
23 the legal claims in this matter. They are entirely irrelevant to whether the proposed  
24 facility complies with COS's zoning regulations and was appropriately permitted.  
25  
26

1 Subject to the foregoing general and specific objections, and without waiver thereof,  
2 AAWC provides the following response.

3 AAWC provides regulated water and wastewater service through company-  
4 owned property and facilities located in the following districts:  
5

- 6 • Tubac Water
- 7 • Agua Fria Water and Wastewater
- 8 • Sun City West Water and Wastewater
- 9 • Sun City Water and Wastewater
- 10 • Paradise Valley Water
- 11 • Anthem Water and Wastewater
- 12 • Havasu Water
- 13 • Mohave Water
- 14 • Mohave Wastewater

15 Additional information concerning service in these districts is contained in  
16 the 2004 Annual Report bates labeled AZAW000001-AZAW000086, produced in  
17 response to Request to Produce No. 1.

18 **INTERROGATORY NO. 10:**

19 What are AAWC's intentions for the acreage located on the corner of Miller, south  
20 of McDonald in Scottsdale, adjacent to the water treatment facility?  
21

22 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
23 herein and further objects to this interrogatory as overbroad because it seeks  
24  
25  
26

1 information which is neither relevant nor reasonably calculated to lead to the  
2 discovery of admissible evidence. Specifically, AAWC's intentions for this property  
3 are not relevant to any of the legal claims in this matter. They are entirely  
4 irrelevant to whether the proposed facility complies with COS's zoning regulations  
5 and was appropriately permitted. Subject to the foregoing general and specific  
6 objections, and without waiver thereof, AAWC provides the following response.  
7

8           **AAWC intends to sell this property.**  
9

10 **INTERROGATORY NO. 11:**

11           What is AAWC's intention for the 3-4 acre parcel of land north of the proposed  
12 site of PVARF and adjacent to Barney Gonzalez' property; please indicate if AAWC  
13 intends to build on or sell the land?  
14

15           **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
16 herein and further objects to this interrogatory as overbroad because it seeks  
17 information which is neither relevant nor reasonably calculated to lead to the  
18 discovery of admissible evidence. Specifically, AAWC's intentions for this property  
19 are not relevant to any of the legal claims in this matter. They are entirely  
20 irrelevant to whether the proposed facility complies with COS's zoning regulations  
21 and was appropriately permitted. Subject to the foregoing general and specific  
22 objections, and without waiver thereof, AAWC provides the following response.  
23

24           **AAWC intends to sell this property.**  
25  
26

1 **INTERROGATORY NO. 12:**

2 (A) When did AAWC first learn that Plaintiffs' views would be obstructed by  
3 the TANKS and how did AAWC learn this?  
4

5 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
6 herein and further objects to this interrogatory as argumentative because it assumes  
7 and suggests that the Plaintiffs' view will in fact be obstructed and that AAWC has  
8 knowledge of this. In addition, AAWC objects that this interrogatory is unclear  
9 because the interrogatory does not indicate what "views" may or may not be  
10 obstructed. Subject to the foregoing general and specific objections, and without  
11 waiver thereof, AAWC provides the following response.  
12

13 Upon information and belief, assuming Plaintiffs are referring to their view of  
14 the mountains as referenced in earlier discovery requests, the impact on Plaintiffs'  
15 view will not be substantially obstructed any more than their views are presently  
16 obstructed given their distance from the mountain and the sizable mesquite trees  
17 presently in their line of site.  
18

19 (B) After first learning that Plaintiffs' views would be obstructed by the  
20 TANKS, what did AAWC do to make the City of Scottsdale aware of this?  
21

22 **RESPONSE:** See response to 12(B) above.

23 **INTERROGATORY NO. 13:**

24 Please explain in detail the following:

25 (A) Is it AAWC'S position that two of the parcels zoned *RI-43 HP*, as set forth  
26

1 in AAWC'S Project Narrative to the Planning Commission dated October 22, 2004?  
2 \_\_\_\_\_. If so, explain the legal support for this zoning designation and explain why Special  
3 Campus was not included in the designation.  
4

5 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
6 **herein and further objects to this interrogatory as incomprehensible. Subject to the**  
7 **foregoing general and specific objections, and without waiver thereof, AAWC**  
8 **attempts to respond to this interrogatory as follows.**  
9

10 **To the extent Plaintiffs are asking whether it is AAWC's position that two**  
11 **parcels at the site are zoned R1-43 HP, as set forth in the cited project narrative,**  
12 **AAWC asserts that the failure to reference the Special Campus overlay was**  
13 **inadvertent and irrelevant. It is AAWC's position that the parcel of land on which**  
14 **the arsenic facility and associated water storage tanks will be built is zoned R1-43**  
15 **with a HP and SC overlay. Moreover, AAWC's designation of zoning in the project**  
16 **narrative is irrelevant because COS relies on its own zoning information, not on the**  
17 **zoning information provided by an applicant. All other subsequent documents refer**  
18 **to the proper zoning.**  
19  
20

21 (B) What individuals drafted the October 22, 2004, Project Narrative?

22 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
23 **herein. Subject to the foregoing general objections, and without waiver thereof,**  
24 **AAWC provides the following response.**  
25

26 **The individuals from DSWA that prepared the Project Narrative were Rob**

1 **McCandless and Christine Close. John Berry and Peter Keenan also reviewed and**  
2 **commented on the project narrative.**

3 (C) If it did, how and when did AAWC notify the Planning Commission of this  
4 zoning designation error in the Narrative?  
5

6 **RESPONSE: See response to 13(A) above.**

7 **REQUEST TO PRODUCE NO. 7:**

8 Produce AAWC'S entire Public Review Report, which is referenced on Page 4 of  
9 AAWC'S Citizen Notification and Public Involvement Report (Attachment No. 7 to the  
10 City Council Report for the PVARF dated January 11, 2005), including:  
11

12 1) Any and all information, drawings, memorandum, packets, displays or  
13 other information which was disclosed, presented, displayed, disseminated, utilized as  
14 presentation material, overhead or otherwise, to any and all Open House meetings,  
15 neighborhood meetings, neighborhood diligence, by and through AAWC employees or  
16 third party contractors or anyone else contracted, employed or working with AAWC on  
17 the PVARF project.  
18

19 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
20 **herein. Subject to the foregoing general objections, and without waiver thereof,**  
21 **AAWC produces herewith documents bates labeled AZAW000088-AZAW000151.**  
22 **Due to the volume of documents responsive to this request, additional documents**  
23 **will be made available for inspection at AAWC's office on a date mutually agreeable**  
24 **to the parties and their counsel.**  
25  
26

1           2) Any and all information in any format received by AAWC, its employees,  
2 regional, national or parents company offices, from any and all residents objecting to any  
3 part of PVARF.  
4

5           **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
6 **herein. Subject to the foregoing general objections, and without waiver thereof,**  
7 **AAWC produces herewith documents bates labeled AZAW000150-AZAW000151.**  
8 **Due to the volume of documents responsive to this request, additional documents**  
9 **will be made available for inspection at AAWC's office on a date mutually agreeable**  
10 **to the parties and their counsel.**  
11

12           3) Produce the documentary evidence and information presented at the July  
13 13th and 14th neighborhood meetings.  
14

15           **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
16 **herein. Subject to the foregoing general objections, and without waiver thereof,**  
17 **AAWC will make these documents available for inspection at AAWC's office on a**  
18 **date mutually agreeable to the parties and their counsel.**  
19

20           4) Produce the documentary evidence and information presented at the  
21 August 5, 2004, neighborhood meeting and power-point presentation, including  
22 "Appendix D," which is the Power Point presentation, from the Citizen Notification and  
23 Public Involvement Report.  
24

25           **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
26 **herein. Subject to the foregoing general objections, and without waiver thereof,**

1 AAWC produces herewith documents bates labeled AZAW000220-AZAW000246.  
2 Due to the volume of documents responsive to this request, additional documents  
3 will be made available for inspection at AAWC's office on a date mutually agreeable  
4 to the parties and their counsel.  
5

6 **REQUEST TO PRODUCE NO. 8:**

7 Produce all correspondence and other documents prepared as part of AAWC'S or  
8 any of its agents communications with Barney Gonzalez.  
9

10 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
11 herein and further objects that this request is overbroad because it seeks the  
12 production of documents that are neither relevant nor reasonably calculated to lead  
13 to the discovery of admissible evidence in this matter. Subject to the foregoing  
14 general objections, and without waiver thereof, AAWC responds that to the best of  
15 its knowledge, no such documents exist.  
16

17 **INTERROGATORY NO. 14:**

18 (A) List the current shareholders of AAWC. If there has been any change in  
19 this list over the last year, please also include those shareholders owning shares at any  
20 time during 2004-2005.  
21

22 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
23 herein and further objects that this interrogatory is overbroad because it seeks  
24 information that is neither relevant nor reasonably calculated to lead to the  
25 discovery of admissible evidence in this matter. Subject to the foregoing general  
26

1 and specific objections, and without waiver thereof, AAWC provides the following  
2 response.

3 AAWC is a wholly-owned subsidiary of American Water Works Company,  
4 Inc.  
5

6 (B) Do any of these shareholders have a business or personal relationship with  
7 Barney Gonzalez or Janie Ellis?

8 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
9 **herein and further objects that this interrogatory is overbroad because it seeks**  
10 **information that is neither relevant nor reasonably calculated to lead to the**  
11 **discovery of admissible evidence in this matter. Subject to the foregoing general**  
12 **and specific objections, and without waiver thereof, AAWC provides the following**  
13 **response.**  
14

15  
16 To the best of AAWC's knowledge, no shareholders have a business or  
17 personal relationship with Barney Gonzalez or Janie Ellis.

18 **INTERROGATORY NO. 15:**

19 Did Joe Gross state to residents, on February 25th, 2005, while standing in the  
20 backyard of the Nesvig resident, that if the S-C HP land, upon which the proposed  
21 TANKS were to be constructed, were classified as a Zone A Floodplain, then AAWC  
22 would not construct the reservoirs there? \_\_\_\_\_.  
23

24 **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
25 **herein and further objects that this interrogatory is inaccurate and misleading**  
26

1 because it incorrectly references the zoning designation of the land upon which the  
2 proposed water storage tanks are to be constructed. Subject to the foregoing  
3 general and specific objections, and without waiver thereof, AAWC provides the  
4 following response.  
5

6 No, Joe Gross did not make the statement described above. Joe Gross merely  
7 stated that *if* there was any regulation that precluded construction of the facility and  
8 associated water storage tanks on the site, AAWC would not and could not build the  
9 facility and tanks there. Moreover, classification of land as a Zone A Floodplain  
10 does not prohibit construction of a building on that land, and in fact, numerous  
11 structures are built on floodplains.  
12

13 If the Answer is substantially "Yes," is that the position of AAWC?  
14

15 **RESPONSE:** See response above.

16 If the Answer is substantially "No," what did he say?  
17

18 **RESPONSE:** See response above.

19 **INTERROGATORY NO. 16:**

20 (A) Does AAWC know what Commission Schwartz' "conflict" was at the  
21 December 1, 2004, Planning Commission meeting with respect to AAWC'S Application  
22 for Conditional Use Permit?  
23

24 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
25 herein and further objects that this interrogatory is argumentative and misleading.  
26 Subject to the foregoing general objections, and without waiver thereof, AAWC

1 provides the following response.

2           **No, AAWC has no knowledge of a “conflict” regarding Commissioner**  
3 **Schwartz.**

4  
5           **(B) Disclose any business or personal relationship (other than as a citizen of**  
6 **Scottsdale) that any AAWC employee, shareholder, or agent had with Commissioner**  
7 **Schwartz at the time of the Planning Commission vote. Did AAWC ever disclose the**  
8 **Soils Report, attached to Plaintiffs’ Complaint as Exhibit C, to the City of Scottsdale? If**  
9 **so, to whom at the COS was it disclosed, when, how, where, and what exactly was**  
10 **disclosed?**

11  
12           **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
13 **herein and further objects that this interrogatory is compound and nonsensical.**  
14 **Subsection (B) appears to consist of two separate, unrelated interrogatories.**  
15 **Subject to the foregoing general and specific objections, and without waiver thereof,**  
16 **AAWC provides the following response.**

17  
18           **AAWC has no knowledge of any business or personal relationship that any**  
19 **AAWC employee, shareholder or agent had with Commissioner Schwartz at the**  
20 **time of the Planning Commission vote.**

21  
22           **In answer to the second question in part B, while no regulations required**  
23 **submittal of the soils report to COS, AAWC submitted the soils report to the City of**  
24 **Scottsdale, One Stop Shop on February 1, 2005 as part of the Architectural Plan**  
25 **Submittal.**  
26

1 **INTERROGATORY NO. 17:**

2 Explain, in detail, how water pressure is effectuated through the delivery system  
3 beginning at the TANK level and ending at the customer's home.

4 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
5 herein. Subject to the foregoing general objections, and without waiver thereof,  
6 AAWC provides the following response.

7 **Water pressure in the Main Pressure Zone of the Paradise Valley Water**  
8 **District is controlled based on the water level in the 60<sup>th</sup> Street Tank. The tank has**  
9 **a capacity of approximately 200,000 gallons and is located on 60<sup>th</sup> Street east of**  
10 **Indian Bend Road. The tank has an overflow elevation of 1,527 feet above mean sea**  
11 **level (MSL). By comparison, the ground elevation of most customers in the Main**  
12 **Pressure Zone is between 1,280 and 1,440 feet. Thus, the elevation of the 60<sup>th</sup> Street**  
13 **Tank produces static pressures of between 37 and 107 pounds per square inch (psi).**  
14 **Most customers in the Main Pressure Zone would experience normal operating**  
15 **pressures within this range. However, customers situated at the highest or lowest**  
16 **ground surface elevations in the service area could experience pressures somewhat**  
17 **outside of this range depending on actual operating conditions.**

18 **The majority of customers in the Paradise Valley Water District obtain their**  
19 **water supplies directly from the Main Pressure Zone. Several other higher pressure**  
20 **zones have also been established to serve customers located at higher elevations. A**  
21 **number of remote booster pump stations are located along the perimeter of the**  
22

1 Main Pressure Zone to transfer water into these higher pressure zones.

2 Currently, there are three primary sources of finished water supplied to the

3 Main Pressure Zone:

4 1. MRTF booster pump station

5 2. MRBS

6 3. Well 16.

7  
8 In the future, all supplies to the Main Pressure Zone will come from the  
9 arsenic removal facility. In a few locations, there is an ability to transfer supplies  
10 from higher pressure zones back into the Main Pressure Zone, but the capacity of  
11 these interconnections is limited both in terms of flow rate and volume of storage  
12 that is available in the higher pressure zones.

13  
14 The distributive or booster pumps that will be installed at the arsenic removal  
15 facility will pump water out of the proposed onsite storage reservoirs and into the  
16 Main Pressure Zone distribution system. If the pumping rate from the booster  
17 pumps exceeds the instantaneous demand in the zone, including customer demands  
18 and demands from higher pressure zones that obtain their supplies from the Main  
19 Pressure Zone, the 60<sup>th</sup> Street Tank will fill. If the total output from the booster  
20 pumps is less than the instantaneous demands in the distribution system, the water  
21 level in the 60<sup>th</sup> Street Tank will continue to drop, along with pressures in the  
22 distribution system.

23  
24  
25  
26 Over the course of the day, the water level in the 60<sup>th</sup> Street Tank rises and

1 falls as the rate of finished water pumping into the system either exceeds or is  
2 surpassed by the instantaneous rate of demand. A supervisory control and data  
3 acquisition (SCADA) system is in place that uses radio telemetry to monitor the  
4 level of water in the 60<sup>th</sup> Street Tank. The SCADA system automatically increases  
5 or decreases the output rates from the MRTF, MRBS and Well 16 as required to  
6 prevent overflowing or draining of the 60<sup>th</sup> Street Tank. In turn, the SCADA  
7 system monitors the water levels in the storage reservoirs at the MRTF and MRBS  
8 and turns on and off wells as necessary to keep reservoir levels as close to full as  
9 possible.  
10  
11

12 As mentioned in the response to Interrogatory No. 2, the operating levels for  
13 the various reservoirs and storage tanks are strategically set to minimize the  
14 number of times each day that wells and treatment facilities are started and  
15 stopped. Doing so reduces wear on the wells and pumping equipment, and provides  
16 for more stable and consistent performance from the treatment processes.  
17

18 This same operational concept will be used for the arsenic removal facility.  
19 The booster pumps will start and stop as necessary to keep the water level in the 60<sup>th</sup>  
20 Street Tank as close to full as possible. As the water level in the onsite reservoirs  
21 drops, the SCADA system will call for more wells to begin operating. Alternatively,  
22 the SCADA system will call for more water to be delivered to the arsenic removal  
23 facility from the clearwell at the MRTF. With this approach, the MRTF control  
24 logic will remain substantially unchanged. As the clearwell level at the MRTF  
25  
26

1 drops, the SCADA system will start additional wells to replenish the MRTF  
2 clearwell.

3 **INTERROGATORY NO. 18:**  
4

5 What was AAWC'S stated purpose / reasoning on the application to the Arizona  
6 Corporation Commission for requiring a rate increase specific to PVARF?

7 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
8 herein. Subject to the foregoing objections, and without waiver thereof, AAWC  
9 provides the following response.  
10

11 In response to this interrogatory, AAWC produces a copy of AAWC's  
12 application (without exhibits) bates labeled AZAW000358-AZAW000365, which  
13 speaks for itself.  
14

15 **REQUEST TO PRODUCE NO. 9:**

16 Any and all information with all associated documentation specific to bids and  
17 evaluations received concerning burial of the water reservoirs on the SC-HP parcel of  
18 land or any other parcel of land owned by AAWC within the vicinity of the PVARF site.

19 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
20 herein and further objects that this interrogatory is inaccurate and misleading  
21 because it incorrectly references the zoning designation of the land upon which the  
22 proposed water storage tanks are to be constructed. Subject to the foregoing  
23 general and specific objections, and without waiver thereof, AAWC produces  
24 herewith documents bates labeled AZAW000152-AZAW000153, which consist of  
25  
26

1 evaluations concerning burial of the water storage tanks. With respect to "bids"  
2 concerning burial of the water storage tanks, no such documents exist as this design  
3 concept was rejected early in the design process due to the significantly greater costs  
4 associated with burial of the tanks.  
5

6 **REQUEST TO PRODUCE NO. 10:**

7 One copy of AAWC's customer list denoting all persons who will be serviced by  
8 PVARF upon its completion, including their city of residence.  
9

10 **RESPONSE:** AAWC incorporates its General Objections as if fully set forth  
11 herein and further objects that this interrogatory is overbroad because it seeks  
12 information that is neither relevant nor reasonably calculated to lead to the  
13 discovery of admissible evidence in this matter. Specifically, the identity of each and  
14 every AAWC customer is not relevant to any legal issue in this matter. Moreover,  
15 AAWC objects to this request on the grounds that it seeks sensitive business  
16 information and invades the privacy of AAWC's customers. Subject to the  
17 foregoing general objections, and without waiver thereof, AAWC provides the  
18 following response.  
19  
20

21 No such document exists.

22 **REQUEST TO PRODUCE NO. 11:**

23 Any and all documents pertaining to the relationship, discussions, requests,  
24 projects and the like relating to issues concerning water pressure needs, service needs,  
25 and water service infrastructure between AAWC and the Town of Paradise Valley,  
26

1 including but not limited to persons involved, their contact information and what if any  
2 documentation was generated by and through them as a result of said conversations.

3           **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
4 **herein. Subject to the foregoing general objections, and without waiver thereof,**  
5 **AAWC produces herewith documents bates labeled AZAW000154-AZAW000161.**  
6 **Additional documents responsive to this request that are within AAWC's custody**  
7 **and control will be made available for inspection at AAWC's office on a date**  
8 **mutually agreeable to the parties and their counsel.**

9  
10  
11 **REQUEST TO PRODUCE NO. 12:**

12           If not already disclosed or produced, produce any and all documentation provided  
13 by AAWC to the COS as part of its application for the Conditional Use permit.

14           **RESPONSE: AAWC incorporates its General Objections as if fully set forth**  
15 **herein. Subject to the foregoing general objections, and without waiver thereof,**  
16 **AAWC produces herewith documents bates labeled AZAW000162-AZAW000357.**  
17 **Additional documents responsive to this request that are within AAWC's custody**  
18 **and control will be made available for inspection at AAWC's office on a date**  
19 **mutually agreeable to the parties and their counsel.**

20  
21  
22 **INTERROGATORY NO. 19:**

23           Please identify by date and custodian any archaeological study conducted by  
24 AAWC on the subject parcels of land prior to beginning excavation of the soils and  
25 removal of the trees.  
26



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ORIGINAL of the foregoing hand-delivered this 19 day of August, 2005, to:

Karen A. Hunsaker  
James J. Palecek  
HUNSAKER & PALECEK, P.L.L.C.  
5050 East Thomas Road  
Phoenix, Arizona 85018  
Attorneys for Plaintiffs

COPY of the foregoing mailed (without attachments) this 19 day of August, 2005, to:

Debbie Robberson  
Sherry Scott  
Scottsdale City Hall  
3939 North Drinkwater Boulevard  
Scottsdale, Arizona 85251  
Attorneys for Defendant City of Scottsdale

  
\_\_\_\_\_

COPY

AUG 26 2005



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8 Attorneys for Defendant ARIZONA-  
9 AMERICAN WATER COMPANY

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 ROLAND F. KUEFFNER, a single man and  
13 beneficiary of the Kirsten K. Kueffner  
14 Family Living Trust dated November 18,  
15 2002; WILHEM F. KUEFFNER, a married  
16 man and beneficiary of the Kirsten K.  
17 Kueffner Family Living Trust dated  
18 November 18, 2002; KIRSTEN  
19 KUEFFNER, a single women and  
20 beneficiary of the Kirsten K. Kueffner  
21 Family Living Trust dated November 18,  
22 2002, ERIC P. AND NANNETTE M.  
23 NESVIG, husband and wife; SEAN M.  
24 TIERNEY, a single man,

25 Plaintiffs,

26 v.

CITY OF SCOTTSDALE, a municipal  
corporation; ARIZONA-AMERICAN  
WATER COMPANY, an Arizona  
corporation and wholly owned subsidiary of  
American Water Works Company and of  
RWE, a German conglomerate,

Defendants.

No. CV2005-051304

**DEFENDANT ARIZONA-  
AMERICAN WATER COMPANY'S  
RESPONSE TO PLAINTIFFS'  
MOTION/APPLICATION FOR  
PRELIMINARY INJUNCTION**

(Assigned to the Honorable Janet Barton)

1 This case is much simpler than Plaintiffs make it out to be:

2 1. AAWC must construct a \$20 million arsenic treatment facility (the  
3 "Facility") and associated water storage tanks (the "tanks") to comply with the United  
4 States Environmental Protection Agency's ("EPA") new arsenic standard for safe  
5 drinking water, which will be effective January 23, 2006, and to provide the Paradise  
6 Valley Water District with adequate water volume and pressure for fire response during  
7 peak demand.  
8

9  
10 2. On January 11, 2005, AAWC properly obtained a conditional use permit,  
11 Permit No. 33-UP-2004, from the City of Scottsdale ("Scottsdale") for construction and  
12 operation of the Facility.

13 3. On June 24, 2005, AAWC obtained a building permit from Scottsdale,  
14 Permit No. 112696. The approved building plans for the site include an additional  
15 investment by AAWC of over \$750,000 in site improvements (e.g., tree screening,  
16 increased setbacks, tank painting, rammed-earth wall) to mitigate the Facility's visual  
17 impact.  
18

19  
20 4. Despite these facts, six months *after* Scottsdale lawfully granted AAWC  
21 the conditional use permit, and after AAWC invested significant capital into construction  
22 of the Facility, Plaintiffs brought this suit in an attempt to force AAWC to bury the tanks  
23 associated with the Facility.  
24

25 5. Burying the tanks at this stage would force AAWC to substantially redesign  
26

1 the Facility, cost AAWC and ultimately AAWC's customers approximately \$2.0 million,<sup>1</sup>  
2 and significantly delay compliance with the new arsenic standard.

3  
4 6. The *only* substantive complaint raised by these three parties<sup>2</sup>, out of the  
5 entire community, consists of alleged aesthetic concerns.<sup>3</sup> Plaintiffs' claims are  
6 unfounded.

7  
8 7. Enjoining construction of the Facility as designed and approved would  
9 cause significant and irreparable harm to AAWC and to the surrounding community that  
10 depends on AAWC for safe drinking water and adequate fire protection.

11 **I. FACTS.**<sup>4</sup>

12 **A. The Site.**

13  
14 The site at issue consists of two land parcels, parcel no. 174-13-936 to the north,  
15 and parcel no. 174-13-937 to the south. The Facility will be constructed on the southern  
16 parcel, which is currently used for drinking water production and distribution, including  
17 groundwater pumping, chlorine injection, finished water storage, and distribution  
18 pumping. Several groundwater wells, control buildings, material storage buildings, a  
19

20 <sup>1</sup> The estimated cost is based on the date AAWC was served – July 7, 2005.

21 <sup>2</sup> While there are more than three individuals named as plaintiffs, there are only three  
22 properties at issue: (1) the Nesvigs residential property, (2) Mr. Tierney's residential  
23 property, and (3) the Kueffner's *commercial* property (a shop of some sort) *south* of the  
24 proposed Facility. Although it is not clear from the Complaint, AAWC believes that only  
25 the Nesvigs and Tierney allege that their mountain "views" would be affected by the  
26 Facility.

<sup>3</sup> AAWC addressed the community's concerns regarding noise from the pumps by  
agreeing to construct complete enclosures around the pumps. Therefore, the only real  
impact of the Facility is being obviated.

<sup>4</sup> Peter Keenan attests to the accuracy of the facts presented in this Response by the  
Affidavit attached as **Exhibit A**.

1 chlorine injection building, and three water storage tanks are located on the parcel. The  
2 south parcel was selected as the preferred location for the proposed Facility because its  
3 proximity to existing wells, the Miller Road Treatment Facility, and entry points to the  
4 distribution system helped minimize construction costs by minimizing the length of  
5 transmission mains that were required. In addition, the project team tasked with  
6 designing the Facility concluded that the configuration and layout of the south parcel  
7 would help minimize visual, traffic and construction related impacts, and minimize the  
8 number of impacted neighbors.  
9  
10

11 **B. AAWC Responds to EPA's New Arsenic Standard.**

12 EPA recently promulgated a rule lowering the standard for arsenic in drinking  
13 water from 50 parts per billion ("ppb") to 10 ppb, to address the long-term, chronic  
14 effects of exposure to elevated concentrations of this substance. All utilities supplying  
15 water to the public must comply with the new standard by January 23, 2006. *See Ground*  
16 *Water & Drinking Water*, attached as **Exhibit B.**<sup>5</sup>  
17

18 In February 2003, AAWC began evaluating how to comply with the new standard,  
19 i.e., how it would construct the necessary treatment facility. Several factors were  
20 important in this conceptual design process. First, anticipating that the Arizona  
21 Corporation Commission would permit private water companies to recover the costs of  
22 arsenic compliance through rate increases, AAWC had to construct the Facility in the  
23  
24

25 <sup>5</sup> As a public record, this document is admissible under the hearsay exception of Ariz. R.  
26 Evid. 803(8), and is self-authenticating pursuant to Ariz. R. Evid. 902(5).

1 most cost-efficient manner.<sup>6</sup> Other important factors considered in the conceptual design  
2 process included production capacity of the facility, demand from the community, and  
3 the ability to locate the facility on a particular site. Because other sites owned by AAWC  
4 were too small to accommodate a treatment facility, the Miller Road Booster Station (the  
5 present site) is the only feasible location for the Facility.

7 Burying the tanks was not seriously considered early in the design for several  
8 reasons. First, based on experience, this option would be substantially more expensive,  
9 because of the need for additional foundation work and materials needed to bury tanks.  
10 Second, the design team had concerns about significant excavation near the Arizona  
11 Canal. Third, burying the tanks, or constructing some other type of underground  
12 reservoir, would significantly increase the size and cost of electrical distribution  
13 equipment and would increase the ongoing electrical operating costs because water  
14 would have to be pumped from a lower elevation. Fourth, buried tanks or some other  
15 type of underground reservoir would require decommissioning, at least temporarily, one  
16 of the groundwater wells at the site, which would affect the supply of water to the  
17 community. Replacement of this well would also add substantially to the cost of the  
18 project. Fifth, to the company's knowledge, no one had ever complained about AAWC's  
19 existing above-ground steel water tanks on the site.

23 \_\_\_\_\_  
24 <sup>6</sup> In fact, the Arizona Corporation Commission has approved an arsenic cost recovery  
25 mechanism that allows a water company to recover—through increased rates from its  
26 customer—the capital costs required to comply with EPA's orders. Having designed the  
Facility in the most cost-efficient manner thus serves to minimize the rate impact on the  
community.

1 For all of these reasons, AAWC reasonably decided to construct, as a necessary  
2 part of the Facility, above-ground steel reservoirs. This is the only design that AAWC  
3 represented to Scottsdale, the City Council, and the surrounding community.  
4

5 **C. Finished Water Storage Tank Capacity.**

6 The Facility cannot operate without storage tanks. Further, arsenic remediation  
7 actually eliminated existing storage capacity in AAWC's system. For these reasons, and  
8 to accommodate the reasonable needs of its customers, AAWC determined that it must  
9 construct tanks with a minimum total capacity of 3.0 million gallons ("MG").  
10

11 First, additional water storage is required by the arsenic treatment process.  
12 Arsenic in the water is precipitated out and collected by filters. These filters must be  
13 backwashed twice a day to clean them and allow them to continue to collect the arsenic  
14 precipitate. Approximately 500,000 gallons of water are required to backwash the filters  
15 each time. Thus, AAWC needs an additional 500,000 gallons of storage to ensure that  
16 consecutive backwashing of the filters can proceed unimpeded during peak demand.  
17

18 Second, AAWC must make up for lost storage capacity. The present tanks have  
19 reached the end of their useful lives. These tanks, consisting of 700,000 gallons of  
20 storage, will be decommissioned and removed from the view of their neighbors. Also, an  
21 existing 400,000-gallon storage tank, presently used to store treated (finished) water at  
22 AAWC's Miller Road Treatment Facility, will no longer be useable for distribution  
23 system equalization, because that water will require additional treatment for arsenic at the  
24 Facility. Thus, AAWC must replace 1.1 MG of storage capacity for finished water as a  
25  
26

1 result of the federally required arsenic treatment.

2           Finally, American Water Works Service Company completed a Comprehensive  
3 Planning Study for the Paradise Valley Water District (the "District") in 1999 to analyze  
4 the ability of existing water storage to meet current and future peak demands for  
5 equalization and fire flow purposes. The study determined that, as of 1997, the District  
6 suffered approximately a 1.0 MG storage deficiency, and projected the deficiency to  
7 increase to approximately 1.5 MG by 2012. In sum, this means that the District lacks  
8 sufficient sources of stored water to meet peak hourly demands and to provide adequate  
9 fire protection and suppression services to individuals serviced by the District,  
10 particularly if a fire should occur during instances of peak demand. AAWC chose to  
11 include sufficient storage volume within the tanks to eliminate this storage deficiency and  
12 ensure adequate fire protection to the District.  
13  
14  
15

16           In sum, AAWC requires 3.0 million gallons of finished water storage in order to  
17 (a) provide the 500,000 gallons of water needed to effectively operate the Facility (b)  
18 replace the 1.1 million gallons of lost storage, and (c) eliminate the projected 1.5 million  
19 gallon storage deficiency.  
20

21           **D.    Soils Report.**

22           Early in the design phase of this project, DSWA commissioned a geotechnical  
23 investigation report from AMEC Earth & Environmental, Inc. ("AMEC"). After  
24 investigation and testing of the soils, AMEC classified the site as "Site Class D." This  
25 classification does not mean that structures cannot be safely built on the site. It merely  
26

1 defines a set of parameters for use in the structural design of buildings located on the site.

2 Plaintiffs mistakenly allege that the soils at the site are unstable and that  
3 construction of the tanks will create a hazard to public safety, health, and welfare.

4 Section 5.1 of the Soils Report (attached as Exhibit C to the Complaint) indicates that the  
5 soils at the site are moisture sensitive. However, AMEC does not conclude that the tanks  
6 cannot be built on the soils. Rather, Section 5.3 of the Soils Report, which Plaintiffs  
7 ignore, goes on to provide recommendations for construction at the site to account for the  
8 moisture sensitive soils. Specifically, AMEC recommends that the upper five feet of  
9 soils be excavated and replaced with engineered fill.  
10  
11

12 Plaintiffs also make much of the fact that the Soils Report was not provided to  
13 Scottsdale during the permit application process. However, there is no requirement that  
14 Scottsdale review this report. More importantly, the Soils Report was provided to the  
15 structural engineer who designed the Facility and the tanks, and the structural engineer  
16 certified that all foundation work would be performed in accordance with the Soils  
17 Report's findings and recommendations. *See Structural Drawings*, page AZAW000447,  
18 attached as **Exhibit C**.  
19  
20

21 Plaintiffs also attempt to raise concern by pointing out that the Soils Report  
22 indicates that the tanks will be "-17 feet." This appears to be the result of a  
23 misunderstanding where AMEC's contractors/subcontractors assumed that the tanks  
24 would go to the same depth as the clarifiers, a part of the Facility which must be  
25 constructed below grade for process flow purposes. AMEC was subsequently informed  
26

1 that the design selected actually called for above ground tanks. This did not impact the  
2 classification of soils made by AMEC. The soils are the soils. The only impact this  
3 information had on AMEC's original report was that AMEC now recommended  
4 excavation of the upper 8 feet, as opposed to only 5 feet, of soils. These  
5 recommendations were verbally communicated to AAWC and were adopted. See  
6 *Telephone Memorandum* dated August 5, 2005, attached as **Exhibit D**. In fact, the  
7 foundation work currently being conducted at the site of the tanks includes an excavation  
8 of the upper eight feet of soils in the vicinity of the tank ring wall foundations in  
9 accordance with AMEC's recommendations. *Id.*

12 In sum, AAWC has properly investigated the characterization of the soils at the  
13 site and accounted for this characterization in the design and construction of the Facility  
14 and tanks to ensure that these structures do not impose risk to the safety, health, and  
15 welfare of the surrounding community.

17 **E. Community Outreach and Response.**

18 As part of the required citizen review process, AAWC conducted neighborhood  
19 interviews and held open houses to inform the surrounding community of the planned  
20 construction and design of the Facility. At these meetings, neighbors expressed concern  
21 about noise generated by the Facility and whether the Facility would blend into the  
22 character of the surrounding neighborhood. AAWC responded to these concerns by  
23 taking the following actions, among others:  
24

- 25
- 26 • AAWC redesigned the Facility to provide complete enclosure of all pumping facilities that generate discernable noise such that no noise can be detected outside

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- AAWC's property line;
- AAWC hired a local architect to redesign the Facility and the tanks so that they will blend in with the character of the surrounding neighborhood, including painting the structures in a desert-like hue;
- AAWC invested in additional landscaping, including additional full-sized trees, around the Facility and tanks to lessen the impact on the surrounding neighborhood; and
- AAWC *lowered* the height of the tanks from an originally proposed 28 feet in height, to 24 feet in height.

Thus, the only change made in the original design of the tanks was *to lower them* by four feet.

**F. Plaintiffs' Property and Views.**

Plaintiffs allege that the tanks will have a significant impact on their views of the surrounding mountains. However, Plaintiffs fail to mention that their view is already largely obstructed by the distance from which their properties reside from the mountains, numerous tall trees and power lines in their line of site, and in the case of the Nesvigs and Tierney, the grade on which their properties sit below the Arizona Canal. Thus, Plaintiffs have little view to obstruct.

Moreover, Plaintiffs purchased their property with knowledge of the applicable zoning regulations. Under these regulations, AAWC could build a structure as high as 30 feet with less of a setback, including an occupied multi-story structure that would permit people to look down onto Plaintiffs' property. Yet, AAWC does not seek to take full advantage of these regulations. Instead, AAWC has attempted to minimize the impact on the surrounding community by building tanks lower to the ground, despite the fact that taller tanks are not only permitted, but would operate more efficiently.

1 **II. PLAINTIFFS ARE NOT ENTITLED TO A PRELIMINARY INJUNCTION.**

2 The party seeking a preliminary injunction must establish four traditional equitable  
3 criteria to obtain such relief:

- 4
- 5 (1) a strong likelihood of success on the merits;
  - 6 (2) the possibility of irreparable harm to the moving party if relief is not granted;
  - 7 (3) a balance of hardships in the moving party's favor; and
  - 8 (4) that public policy favors the injunction.

9 *Phoenix Orthopedic Surgeons v. Peairs*, 164 Ariz. 54, 58, 790 P.2d 752, 756 (1989),  
10 *overruled on other grounds*; *Shoen v. Shoen*, 167 Ariz. 58, 63, 804 P.2d 787, 791 (App.  
11 1991).

12 **A. Plaintiffs have little, if any, likelihood of success on the merits.**

13 In this case, Plaintiffs raise two primary claims: (1) that Scottsdale acted  
14 arbitrarily when it granted AAWC a conditional use permit for the Facility, and (2) that  
15 the tanks constitute a private nuisance. Plaintiffs cannot establish a strong likelihood of  
16 success on the merits of either of these claims.

17

18 **1. Scottsdale's Permitting Decision was Rational.**

19 AAWC joins in and incorporates by reference Scottsdale's response to Plaintiffs'  
20 application for preliminary injunction, which explains the lawful, rational basis for the  
21 City Council's decision to grant AAWC a conditional use permit. As described therein,  
22 Scottsdale's decision to issue the requested permit is clearly a permissible and reasonable  
23 decision under the Scottsdale Revised Code, and should be upheld by the Court.  
24 Plaintiffs' claims that Scottsdale acted arbitrarily when it granted the permit lack merit.  
25  
26



1 Ariz. at 8, 712 P.2d at 921. This is particularly true given that AAWC could build  
2 structures which would obstruct Plaintiffs' views to a vastly greater degree and eliminate  
3 their privacy under the applicable zoning—zoning which was in place when Plaintiffs  
4 purchased their properties. The fact that Plaintiffs came to the alleged nuisance further  
5 weighs strongly against them. *McQuade v. Tucson Tiller Apartments*, 25 Ariz. App. 312,  
6 315, 543 P.2d 150, 153 (App. 1975). In sum, Plaintiffs have very little likelihood of  
7 establishing that AAWC's Facility and the associated tanks constitute a nuisance,  
8 particularly under the clear and convincing standard applicable in this case.  
9

10  
11 **3. Remaining Claims.**

12 Plaintiffs' remaining claims allege that AAWC misrepresented the design of the  
13 tanks as partially buried tanks. As discussed above, AAWC made no such representation.  
14 Plaintiffs also allege that their due process rights have been violated. These claims are  
15 also baseless. As discussed in Scottsdale's response, AAWC and Scottsdale properly  
16 noticed all hearings and meetings in compliance with Scottsdale's zoning regulations.  
17 Thus, these claims have no merit.  
18

19  
20 **4. Laches Bar Plaintiffs' Claims.**

21 AAWC also has a strong and meritorious affirmative defense to Plaintiffs' claims  
22 under the doctrine of laches. Laches arises in equity and, like statutes of limitations  
23 defenses, is designed to discourage dilatory conduct. *Sotomayor v. Burns*, 199 Ariz. 81,  
24 82-83, 13 P.3d 1198, 1199-1200 (2000). Whether a claim is barred by laches depends on  
25 two factors: (1) a lack of diligence on the part of the plaintiff, and (2) injury or prejudice  
26

1 to the defendant due to this lack of diligence. *Sotomayor*, 199 Ariz. at 83, 13 P.3d at 100.  
2 “Fundamental fairness is the *sine qua non* of the laches doctrine.” *Harris v. Parcell*, 193  
3 Ariz. 409, 414, 973 P.2d 1166, 1171 (1998).  
4

5 The City Council approved AAWC’s application for a conditional use permit on  
6 January 11, 2005. There is no conceivable reason why Plaintiffs’ could not have  
7 immediately challenged the issuance of this permit. Instead, Plaintiffs waited almost six  
8 months to bring these claims. Such a challenge at this late date cannot fairly be  
9 characterized as “diligent.”  
10

11 The resulting prejudice to AAWC is more than sufficient to justify denial of relief.  
12 *Sotomayor*, 199 Ariz. at 83, 13 P.3d at 1200. During the intervening six months, AAWC  
13 has invested significant capital, approximately \$1.4 million, in the construction of the  
14 Facility and tanks. Because of the time consumed by the public outreach, zoning,  
15 permitting and planning process, AAWC (like many other public water companies) will  
16 not meet EPA’s January 23, 2006 deadline. However, by sitting on their claims and  
17 bringing this lawsuit only six months before the deadline, Plaintiffs have ensured that  
18 AAWC would suffer substantial additional delay (over one year) in complying with the  
19 new standard. Therefore, the doctrine of laches will bar Plaintiffs’ claims, making it all  
20 the more unlikely that Plaintiffs will succeed on the merits.  
21  
22

23 **B. Plaintiffs Will Not Suffer Irreparable Harm.**  
24

25 Arizona courts recognize that “the proper remedy for minor inconveniences  
26 arising from an alleged nuisance lies in an action for damages, rather than an injunction.”

1 *Kubby v. Hammond*, 68 Ariz. 17, 26, 198 P.2d 134, 141 (1948) (reversing an injunction  
2 entered against a landowner for expansion of his automobile wrecking plant). As  
3 discussed above, Plaintiffs' injuries are minor, at best. Thus, this is not a case in which  
4 injunctive relief is warranted.  
5

6 **C. Balancing of Hardships Strongly Favors AAWC.**

7 The balance of hardships strongly favors AAWC, not Plaintiffs. If a preliminary  
8 injunction is granted, AAWC will incur significant additional delay in meeting EPA's  
9 new arsenic standard for safe drinking water. This may subject AAWC to significant  
10 damage from potential lawsuits for arsenic contamination, substantial fines from  
11 environmental regulators, additional costs associated with the delay of construction, and  
12 escalating raw material costs. AAWC will also incur substantially increased costs (up to  
13 \$3 million) if some kind of underground storage is required.<sup>7</sup> On the other hand, denial  
14 of a preliminary injunction will do little harm to the two residences and one business that  
15 have brought suit against AAWC—six months after the complained-of permit was issued.  
16 On balance, denial of the preliminary injunction is warranted.  
17  
18

19  
20 **D. The Public Interest will be Harmed if a Preliminary Injunction is**  
21 **Granted.**

22 Perhaps most importantly, AAWC is constructing the Facility to provide safe  
23 drinking water and adequate fire protection to the surrounding community. Preventing or  
24

25 <sup>7</sup> Costs which, if this Court were to order underground storage, would be largely borne by  
26 all of the homeowners serviced by AAWC in the area – owners who are *not* complaining  
about the presence of the tanks.

1 delaying these efforts would be detrimental to the public interest, particularly given the  
2 fact that the vast majority of the community does not oppose the project. Thus,  
3 consideration of the public interest clearly requires that Plaintiffs' request for a  
4 preliminary injunction be denied.  
5

6 **III. A SUBSTANTIAL BOND WILL BE REQUIRED.**

7 Should the Court issue a preliminary injunction, a substantial bond will be  
8 required. Pursuant to Ariz. R. Civ. P. 65, a preliminary injunction cannot issue without  
9 Plaintiffs giving security for the costs and damages that AAWC will suffer by having  
10 been wrongfully restrained. If AAWC is restrained from constructing the Facility as  
11 presently designed and approved, AAWC will suffer significant hardship as discussed in  
12 Section II(D). Thus, the bond necessary to compensate AAWC for costs and damages it  
13 will incur as result of being wrongfully restrained will be several million dollars.  
14  
15

16 **IV. CONCLUSION.**

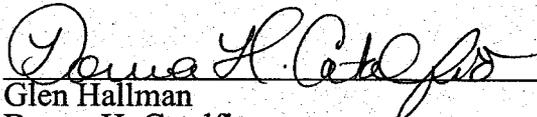
17 To comply with EPA's new arsenic standard and provide safe drinking water to  
18 the District, and to provide water storage for adequate fire protection in the District,  
19 AAWC must construct the Facility and tanks. To do so, AAWC obtained a permit that  
20 complies with all applicable zoning, and AAWC has made every reasonable effort to  
21 minimize the impacts of these structures on the surrounding community, while meeting  
22 its obligations to the ACC to minimize costs to its rate payers. Thus, the complaints of  
23 three property owners at this late date do not warrant preliminary injunctive relief.  
24  
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26 AAWC respectfully requests that Plaintiffs' Application be denied.

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Respectfully submitted this 26<sup>th</sup> day of August, 2005.

GALLAGHER & KENNEDY, P.A.

By   
Glen Hallman  
Donna H. Catalfo  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225  
Attorneys for Defendant ARIZONA-  
AMERICAN WATER COMPANY

Original of the foregoing filed via hand-delivery on this 26<sup>th</sup> day of August, 2005 with:

Clerk of the Court  
Maricopa County Superior Court  
201 West Jefferson Street  
Phoenix, Arizona 85003-2243

Copy of the foregoing hand-delivered to the Honorable Janet Barton this 26<sup>th</sup> day of August, 2005.

Copy of the foregoing hand-delivered on this 26<sup>th</sup> day of August, 2005 to:

Karen A. Hunsaker, Esq.  
James J. Palecek, Esq.  
HUNSAKER & PALECEK, P.L.L.C.  
5050 E. Thomas Road  
Phoenix, AZ 85018  
Attorneys for Plaintiffs

Copy of the foregoing mailed on this 26<sup>th</sup> day of August, 2005 to:

Sherry R. Scott, Esq.  
Scottsdale City Attorney's Office  
3939 Drinkwater Blvd.  
Scottsdale, AZ 85251-4433  
Attorney for Defendant City of  
Scottsdale



# **EXHIBIT A**

Gallagher & Kennedy, P.A.  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225  
(602) 530-8000

1 Glen Hallman (005888)  
2 Donna H. Catalfio (021827)  
3 GALLAGHER & KENNEDY, P.A.  
4 2575 East Camelback Road  
5 Phoenix, Arizona 85016-9225  
6 Telephone: (602) 530-8000  
7 Facsimile: (602) 530-8500

8 Attorneys for Defendant ARIZONA-  
9 AMERICAN WATER COMPANY

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
11 **IN AND FOR THE COUNTY OF MARICOPA**

12 ROLAND F. KUEFFNER, a single man and  
13 beneficiary of the Kirsten K. Kueffner  
14 Family Living Trust dated November 18,  
15 2002; WILHEM F. KUEFFNER, a married  
16 man and beneficiary of the Kirsten K.  
17 Kueffner Family Living Trust dated  
18 November 18, 2002; KIRSTEN  
19 KUEFFNER, a single women and  
20 beneficiary of the Kirsten K. Kueffner  
21 Family Living Trust dated November 18,  
22 2002, ERIC P. AND NANNETTE M.  
23 NESVIG, husband and wife; SEAN M.  
24 TIERNEY, a single man,

25 Plaintiffs,

26 v.

CITY OF SCOTTSDALE, a municipal  
corporation; ARIZONA-AMERICAN  
WATER COMPANY, an Arizona  
corporation and wholly owned subsidiary of  
American Water Works Company and of  
RWE, a German conglomerate,

Defendants.

STATE OF ARIZONA )  
) ss.

No. CV2005-051304

**AFFIDAVIT OF PETER KEENAN**

(Assigned to the Honorable Janet Barton)

1 County of Maricopa )

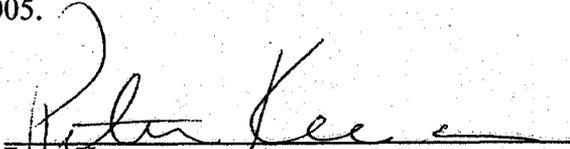
2 Peter Keenan, being first duly sworn, deposes and says that:

3 1. I am the Technical Services Manager for the American Water Engineering  
4 Center of American Water Works Service Company, Inc., which provides engineering  
5 services to Arizona-American Water Company, a wholly-owned subsidiary of American  
6 Water Works Company, Inc.  
7

8 2. I have reviewed Defendant Arizona-American Water Company's Response  
9 to Plaintiffs' Motion/Application for Preliminary Injunction.  
10

11 3. I hereby verify that the factual statements contained therein are true to the  
12 best of my knowledge and belief, and are based on my personal knowledge or upon  
13 information received from others in the normal course of business which I believe to be  
14 true.  
15

16 DATED this 25<sup>th</sup> day of August, 2005.

17  
18   
19 Peter Keenan

20 SUBSCRIBED AND SWORN TO before me, a notary public, this 25 day of  
21 August, 2005, by Peter Keenan.

22  
23   
24 Notary Public

25 My Commission Expires:

26 3/31/2010

**DARLENE E. STILL**  
**ID # 2246779**  
**NOTARY PUBLIC OF NEW JERSEY**  
**Commission Expires 3/31/2010**

**EXHIBIT B**



## U.S. Environmental Protection Agency

# Ground Water & Drinking Water

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## Arsenic in Drinking Water

### **Arsenic On-site Training** **NEW**

The Safe Drinking Water Act requires EPA to revise the existing 50 parts per billion (ppb) standard for arsenic in drinking water. On January 22, 2001 EPA adopted a new standard ([read online](#)) ~ ([PDF file](#)), and public water systems must comply with the 10 ppb standard beginning January 23, 2006. The Final August 2002 "Implementation Guidance for the Arsenic Rule and Clarifications to Compliance and New Source Contaminants Monitoring" and training information may be viewed at <http://www.epa.gov/safewater/ars/implement.html>.

[Meeting Summaries](#)

[Federal Register Notices](#)

[Public Input](#)

[Customer Satisfaction](#)

Information about EPA's arsenic small system treatment research program, including the application for EPA's 2003 treatment demonstration studies, is available at <http://www.epa.gov/ORD/NRMRL/arsenic>.

### **Minor Clarification of National Primary Drinking Water Regulation for Arsenic - Final Rule**

EPA is affirming that the public health standard for arsenic in drinking water established in January 2001 is 10 parts per billion (ppb). In today's action, EPA is making clear that when a monitoring result is expressed in milligrams per liter (mg/L) rather than ppb, that any monitoring result greater than 0.010 mg/l is a violation of the January 2001 arsenic standard. To assure that this clarification extends to the regulatory text for arsenic and to remove any implementation uncertainty relating to this issue, EPA has amended the arsenic Maximum Contaminant Level (MCL) to express it as 0.010 mg/l.

- Federal Register Notice
  - [Minor Clarification of National Primary Drinking Water Regulation for Arsenic](#)

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*The information below provides a history of EPA's rulemaking efforts related to arsenic and the various technical and factual information associated with those efforts.*

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### **Report to Congress**

The Agency's report to Congress, "Small System Arsenic Implementation Issues", may be viewed or downloaded at this link along with a synopsis of the report. [[Full Report \(PDF file\)](#), [Synopsis \(PDF File\)](#)] This March 2002 report describes three major activities that address an Agency review of national-level affordability criteria for drinking water rules and small systems implementation issues related to the new arsenic in drinking water standard.

### **Review of the 10ppb Standard**

After publishing the final arsenic rule on January 22, 2001, EPA postponed the effective date of the rule until February 22, 2002, requested public comment on the standard, and began reviewing the new standard, the science, costs and benefits analyses that supported the regulation. "[A]s announced by the Administrator on October 31, 2001, EPA will not further postpone the January 2001 rule (PDF file), and EPA also does not expect to take any other additional action relative to the July 2001 proposal in the interim (April 17, 2002 Federal Register notice, 67 FR 19030, footnote 3 of Table III-2 at 19037)." The Agency will continue to evaluate the three expert panel reports discussed below, public comments on the standard and the reports, and other relevant information as they become

available. EPA expects to make a final decision on whether to revise the January 2001 rule as part of the next six-year review of drinking water standards, which is due in August 2008.

### Three Expert Panel Reviews

Reports and recommendations on the science, cost of compliance, and benefits analyses in support of the 10 ppb final arsenic in drinking water rule were made available for review and public comment until October 31, 2001 [([read online](#)) (PDF file)]. These reports were prepared by independent, expert panels convened by the National Academy of Sciences, the National Drinking Water Advisory Council, and the EPA Science Advisory Board.

- o The National Academy of Sciences:  
["Arsenic in Drinking Water: 2001 Update"](#) [EPA disclaimer](#) (September 12, 2001)
- o The National Drinking Water Advisory Council: Cost review report (PDF file) with a cover letter to Administrator Christine Todd Whitman ([read online](#)). (August 23, 2001)
- o EPA's Science Advisory Board:  
[Review of the Arsenic Rule Benefits Analysis](#) (PDF file) (August 30, 2001)

### Request for comment on the new Arsenic standard

On July 19, 2001 (66 FR 37617), EPA issued a proposal [ ([read online](#)) (PDF file) ] to request comment on whether the data and technical analyses associated with the January 2001 arsenic rule support setting the arsenic standard at 3 ppb, 5 ppb, 10 ppb, or 20 ppb. On August 16, 2001, EPA provided a separate docket electronic mail (e-mail) address, [ow-arsenic-docket@epa.gov](mailto:ow-arsenic-docket@epa.gov), to help the Agency process comments [ ([read online](#)) (PDF file) ] on the July 19th proposed rule. The comment period closed October 31, 2001.

### Health effects and risk review

The National Academy of Sciences' (NAS) National Research Council's subcommittee on arsenic held meetings on May 21, June 20, and July 18, 2001. NAS has posted information on the scope of the study, membership, meetings, and meeting summaries of the closed sessions. [EPA disclaimer](#) Information on the subcommittee process is also available on the NAS website under [frequently asked questions](#). [EPA disclaimer](#)

### Process for the Cost Review

EPA requested nominations for the National Drinking Water Advisory Council workgroup ([read online](#)). Arsenic cost [workgroup membership and meetings summaries](#) are available. A final workgroup meeting was held August 2-3 in Washington, DC. The entire NDWAC conferred on August 22 to discuss the report and what to transmit to EPA.

### Process for the Benefits review

EPA's Science Advisory Board (SAB) requested nominations for the SAB Arsenic Benefits Review Panel ([read online](#)). The Federal Register notice for the July 19-20, 2001 meeting ([read online](#)) listed the charge and the meeting minutes are available at [www.epa.gov/sab/01minute.htm](http://www.epa.gov/sab/01minute.htm).

### Second Extension of the Effective Date

On April 23, 2001 EPA requested public comment on a proposal to delay the effective date [([read online](#)) (PDF file)] for the rule until February 22, 2002. On May 22, 2001 EPA announced that it would delay the effective date [([read online](#)) (PDF file)] for the rule until February 22, 2002 allowing time to complete the reassessment process outlined above and to afford the public a full opportunity to provide further input.

### First Extension of Effective Date

In accordance with the January 20, 2001 memorandum from Andrew Card, Assistant to the President and Chief of Staff, entitled "[Regulatory Review Plan](#)," [EPA disclaimer](#) EPA temporarily delayed the

effective date for this rule for 60 days, from March 23, 2001 until May 22, 2001. The delay of effective date was published in the Federal Register on March 23, 2001 [([read online](#)) ([PDF file](#))].

#### **EPA Adopts a Stricter Standard for Arsenic**

On January 22, 2001 EPA adopted a new standard for arsenic in drinking water at 10 ppb.

- o [Fact sheet about the January 2001 arsenic rule](#) (EPA 815-F-00-015)
- o [Technical fact sheet about the January 2001 arsenic rule](#) (EPA 815-F-00-016)
- o [Quick Reference Guide](#) (EPA 816-F-01-004) to the January 2001 rule
- o [Arsenic in drinking water rule](#) (66 FR 6976 / January 22, 2001) ([read online](#)) ~ ([PDF file](#))
- o Detailed rule-making support documents for January 2001 rule:
  - [Economic Analysis](#) (871 Kb PDF file) (EPA 815-R-00-026 / December 2000)
  - [Technologies and costs for removal of arsenic from drinking water](#) (652 Kb PDF file) (EPA 815-R-00-028 / December 2000)
  - [Analytical Methods Support Document for Arsenic in Drinking Water](#) (170kb PDF) (EPA-815-R-00-010 / December 1999)
  - [Arsenic Occurrence in Public Drinking Water Supplies](#) (1055 Kb PDF) (EPA-815-R-00-023 / December 2000) [Appendices](#) (5426 Kb PDF)
- o Link to other information supporting the January 2001 final rule:
  - [Arsenic in Drinking Water](#)  National Academy of Sciences (March 2001)

#### **Proposed Arsenic Rule**

On June 22, 2000 EPA proposed a 5 ppb standard for arsenic. EPA requested comment on 3 ppb, 10 ppb and 20 ppb.

- o [Federal Register Notice](#) (65 FR 38888 / June 22, 2000) ([read online](#)) ~ ([PDF file](#)) (EPA 815-Z-00-004)

#### Proposal support documents

- [Technical Proposal fact sheet](#) (May 2000) (EPA 815-F-00-011)
- [Regulatory Impact Analysis](#) (June 2000) (PDF file)
- [Technologies & Costs for removal of arsenic in drinking water](#) (April 1999) (PDF file)
- [Notice of Data Availability](#) (65 FR 63027 / October 20, 2000) (PDF file)
- [Correction Notice](#) (65 FR 64479 / October 27, 2000)
- [Arsenic Research Plan](#) (PDF file)

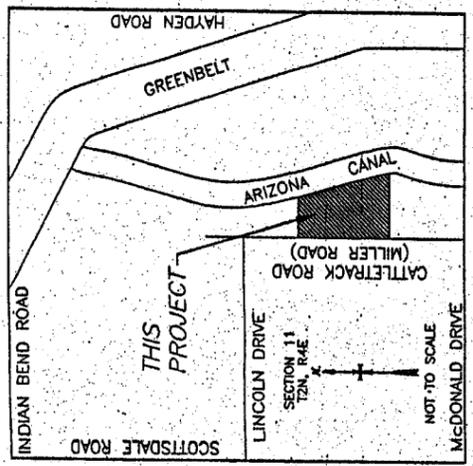
You will need Adobe Acrobat Reader to view the Adobe PDF files on this page. See [EPA's PDF page](#) for more information about getting and using the free Acrobat Reader.

This page was generated on Friday, August 26, 2005

View the graphical version of this page at: <http://www.epa.gov/safewater/arsenic.html>

**EXHIBIT C**

DATE: 6/13/05



T SITE ACRES: 3.78 AC  
 PROPERTY ZONING: R1-43, S-C HP  
 SEE DRAWING C01 FOR DETAILS  
 NOTE: SIGNAGE REQUIRES SEPARATE APPROVALS AND PERMITS  
 ENGINEER OF RECORD ON THESE PLANS HAS RECEIVED A COPY OF THE APPROVED STIPULATIONS FOR THIS PROJECT. SHE HAS DESIGNED THESE PLANS IN CONFORMANCE WITH APPROVED STIPULATIONS.

**"AS-BUILT" CERTIFICATION**

REBY: CERTIFY THAT THE "AS-BUILT" IMPROVEMENTS AS SHOWN HEREON ARE LOCATED AS NOTED, AND THE LOCATIONS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

REGISTERED ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

CITY OF SCOTTSDALE

REVIEWED AND RECOMMENDED APPROVAL BY:

FIRE DEPT.	GRADING & DRAINAGE
DISCAPE	WATER & SEWER
PLANNING	PAVING
TRAFFIC	

APPROVED BY:

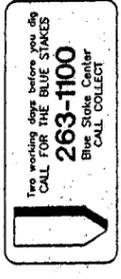
ENGINEERING COORDINATION MANAGER (OR DESIGNER) \_\_\_\_\_ DATE \_\_\_\_\_

MARICOPA COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES

*William Kenney* MCESD # 201117 6/13/05  
 DATE

ARIZONA AMERICAN WATER COMPANY

DATE \_\_\_\_\_



PARCEL 1 - 174-13-932  
 A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE CENTER OF SECTION 11; BEING A BRASS CAP FLUSH, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 11, BEING A BRASS CAP FLUSH BEARS SOUTH 00° 32' 11" EAST, A DISTANCE OF 2652.01 FEET;  
 THENCE SOUTH 00° 32' 11" EAST, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 11; A DISTANCE OF 577.81 FEET;  
 THENCE, DEPARTING SAID MID-SECTION LINE NORTH 89° 27' 49" EAST, A DISTANCE OF 30.00 FEET, TO THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF MILLER ROAD AND THE POINT OF BEGINNING OF THE PARCEL HEREON DESCRIBED;  
 THENCE, DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG A LINE COMMON WITH THE PROPERTY DESCRIBED IN A QUIT CLAIM DEED, RECORDING NUMBER 02-0398962, AS RECORDED IN THE OFFICE OF THE MARICOPA COUNTY RECORDER, SOUTH 89° 53' 58" EAST, A DISTANCE OF 322.82 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE ARIZONA CANAL AS PER SALT RIVER PROJECT RIGHT-OF-WAY MAP, JOB NUMBER RAD-970-100 (6);  
 THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING COURSES, SOUTH 15° 33' 20" EAST, A DISTANCE OF 373.93 FEET;  
 THENCE SOUTH 16° 02' 44" EAST, A DISTANCE OF 181.02 FEET;  
 THENCE DEPARTING SAID RIGHT OF WAY LINE SOUTH 89° 29' 00" WEST, A DISTANCE OF 467.90 FEET, TO THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF MILLER ROAD;

THENCE NORTH 00° 32' 11" WEST, ALONG SAID RIGHT-OF-WAY LINE AND PARALLEL WITH THE NORTH-SOUTH MID-SECTION LINE OF SECTION 11, A DISTANCE OF 539.01 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREON DESCRIBED.  
 PARCEL 2 - 174-13-934

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE CENTER OF SECTION 11, BEING A BRASS CAP FLUSH, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 11, BEING A BRASS CAP FLUSH BEARS SOUTH 00° 32' 11" EAST, A DISTANCE OF 2652.01 FEET;  
 THENCE SOUTH 00° 32' 11" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 322.19 FEET;  
 THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 89° 29' 00" EAST, A DISTANCE OF 467.90 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE ARIZONA CANAL, PER SALT RIVER PROJECT RIGHT-OF-WAY MAP, JOB NUMBER RAD-970-100 (6);  
 THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING COURSES, SOUTH 16° 02' 44" EAST, A DISTANCE OF 88.15 FEET;  
 THENCE SOUTH 14° 14' 16" EAST, A DISTANCE OF 133.44 FEET;  
 THENCE SOUTH 13° 40' 38" EAST, A DISTANCE OF 128.31 FEET;  
 THENCE SOUTH 07° 51' 09" EAST, A DISTANCE OF 143.64 FEET;  
 THENCE SOUTH 00° 25' 26" EAST, A DISTANCE OF 57.02 FEET;  
 THENCE SOUTH 08° 50' 59" WEST, A DISTANCE OF 85.36 FEET;  
 THENCE SOUTH 18° 10' 54" WEST, A DISTANCE OF 96.90 FEET;  
 THENCE DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG A LINE COMMON WITH THE PROPERTIES DESCRIBED IN A QUIT CLAIM DEED, RECORDING NUMBER 95-0259270 AND A SPECIAL WARRANTY DEED RECORDING NUMBER 02-1245532 AS RECORDED IN THE OFFICE OF THE MARICOPA COUNTY RECORDER, THE FOLLOWING COURSES, SOUTH 89° 27' 49" WEST, A DISTANCE OF 153.41 FEET;  
 THENCE NORTH 00° 32' 11" WEST, A DISTANCE OF 393.00 FEET;  
 THENCE SOUTH 89° 27' 49" WEST, A DISTANCE OF 372.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREON DESCRIBED.

# Arizona American Water

## PARADISE VALLEY ARSENIC REMOVAL FACILITY

6215 NORTH MILLER ROAD  
 SCOTTSDALE, ARIZONA 85250

JUNE 2005

UTILITY	UTILITY COMPANY	NAME OF COMPANY REPRESENTATIVE	TELEPHONE NUMBER	DATE SIGNED
WATER	AAW	JOE GROSS	623-445-2401	6/10/05
SANITARY SEWER	CITY OF SCOTTSDALE	LARRY TRITZ	480-312-7887	6/9/05
ELECTRIC	APS	KATHY CUTHBERTSON	602-493-4433	3/3/05
TELEPHONE	QWEST	IAN HOLMES	602-630-0496	3/24/05
NATURAL GAS	SW GAS CORP	HENGAMAN NAJAFI	602-484-5294	3/24/05
CABLE TV	COX COMMUNICATIONS	ROB RUSSELL	623-328-3506	3/28/05

ENGINEER'S CERTIFICATION  
 I ROBERT R. McCANDLESS, BEING THE PERSON RESPONSIBLE FOR DESIGNING THE FACILITIES NECESSARY TO SERVE THIS DEVELOPMENT, HEREBY CERTIFY THAT ALL OF THE UTILITY COMPANIES LISTED ABOVE, HAVE REVIEWED THIS PROJECT PROPOSAL AND ALL CONFLICTS HAVE BEEN RESOLVED AT THIS POINT. NO CONFLICT FORMS HAVE BEEN OBTAINED FROM EACH UTILITY COMPANY AND ARE INCLUDED IN THIS SUBMITTAL. I ALSO CERTIFY THAT ALL ON-SITE TRANSFORMERS, CABLE BOXES AND ANY OTHER PUBLIC/PRIVATE APPURTENANCES ARE PLACED SUCH THAT THEY DO NOT NEGATIVELY IMPACT THE USE OR INTENDED USE OF ANY DEDICATED EASEMENTS OR FACILITIES DEVELOPED WITH THIS PROJECT INCLUDING BUT NOT LIMITED TO STORMWATER STORAGE BASINS, SIGHT DISTANCE EASEMENTS AND NAOS OR OTHER OPEN SPACE EASEMENTS.

\_\_\_\_\_  
 SIGNATURE

6-13-05  
 DATE

DETENTION BASIN	VOLUME RECD CU FT	VOLUME PROVIDED CU FT
	36,745	42,075

COMMUNITY NUMBER	PANEL DATE	SUFFIX	DATE OF FIRM (INDEX DATE)	FIRM ZONE	BASE FLOOD ELEVATION (IN AD ZONE, USE DEPTH)
045012	JULY 19, 2001	G	JULY 19, 2001	A	NO BASE FLOOD ELEVATIONS DETERMINED

BENCHMARK  
 FOUND 3" BRASS CAP FLUSH AT INTERSECTION OF LINCOLN DRIVE AND CATTLETRACK (MILLER) ROAD ELEVATION 1284.51 (NAVD 88)

OWNER

**Arizona American Water**  
 19820 N. 7th Street  
 Suite 201  
 Phoenix, AZ 85024  
 Tel. 623.445.2403  
 Fax 623.445.2454  
 Joe Gross, P.E.  
 JGross@AmWater.com

CONTRACTOR

**D L Norton**  
 7730 E. Evans Road  
 Scottsdale, AZ 85260  
 Tel. 480.998.3913  
 Fax 480.998.3921  
 Delbert L. (Chip) Norton, Jr.  
 CNorton@DLNorton.com

ARCHITECT

**Michael Willis Architects**  
 246 First Street  
 Suite 200  
 San Francisco  
 California 94105  
 tel:(415)957-2750  
 fax:(415)957-2780  
 Michael E. Willis  
 MWillis@MWArchitects.com

ENGINEER

**DSWA**  
 DAMON S. WILLIAMS ASSOCIATES, LLC  
 Environmental Engineers and Scientists  
 2355 East Camelback Road, Suite 700  
 Phoenix, Arizona 85016-3458  
 Phone 602.265.5400 Fax 602.265.5632  
 Robert R. McCandless, P.E.  
 RMcCandless@DSWA.net

25. LOCATIONS OF EXISTING STRUCTURES, EQUIPMENT AND UNDERGROUND PIPING AND UTILITIES SHOWN ON THE DRAWINGS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION PROCEEDINGS.

26. THE CONTRACTOR SHALL CONTACT THE APPROPRIATE UTILITY COMPANY OR AGENCY PRIOR TO PROCEEDING WITH WORK WHICH INVOLVES OR AFFECTS EXISTING FEATURES OR UTILITIES.

27. LOCATIONS OF UNDERGROUND UTILITIES SHOWN ON THESE DRAWINGS WERE OBTAINED FROM THE BEST AVAILABLE RECORDS. THE OWNER ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR NOT IN THE LOCATION SHOWN. THE CONTRACTOR SHALL VERIFY ALL LOCATIONS OF EXISTING UTILITIES AND SHALL TAKE ALL PRECAUTIONARY MEASURES INCLUDING DETOURING AS NECESSARY TO PROTECT EXISTING UNDERGROUND UTILITIES WHETHER OR NOT THEY ARE SHOWN.

28. ALL UTILITIES SHALL BE PROTECTED FROM DAMAGE AS A RESULT OF THE WORK. THE CONTRACTOR SHALL LOCATE, REPAIR OR REPLACE ANY UTILITIES DAMAGED DURING THE WORK OR TO THE SATISFACTION OF THE RESPECTIVE UTILITY COMPANY OR AGENCY OR THE OWNER.

29. NOTIFY UTILITIES AT LEAST 48 HOURS IN ADVANCE OF ANY EXCAVATION, DISCONNECTION, CONNECTION, OR REMOVAL OF UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AND AVOID DAMAGE TO SAME. REPLACE ANY UTILITIES DAMAGED DURING THE WORK TO THE SATISFACTION OF THE RESPECTIVE UTILITY COMPANY OR AGENCY OR THE OWNER.

30. ALL BURIED PIPING AND ELECTRICAL DUCT BANK SHALL BE BACKFILLED ACCORDING TO THE CONTRACT DOCUMENTS AND EXISTING PAVEMENT REPAIRED PER CITY OF SCOTTSDALE STANDARD DETAIL NO. 2200 T TOP.

31. MINIMUM COVER OVER ALL BURIED PIPING SHALL BE 4'-0" UNLESS OTHERWISE SHOWN OR APPROVED BY ENGINEER. PIPE WITH LESS THAN 4'-0" COVER SHALL BE CONCRETE ENCASED, PER TYPICAL DETAIL. NOTIFY ENGINEER TO RECTIFY ENCASEMENT.

32. WHERE BURIED PIPING CROSSSES EXISTING BURIED PIPING, CROSSINGS SHALL BE CONSTRUCTED PER MAG STANDARD DETAILS NO. 403, 404 AND 405.

33. FOR ALL BURIED VALVES, CONTRACTOR SHALL CONSTRUCT BLOCKING PER MAG STANDARD DETAIL NO. 301, TYPE 'A', A VALVE BOX PER MAG STANDARD DETAIL NO. 391, TYPE 'A'.

34. INSTALL AIR RELIEF ASSEMBLIES AT ALL HIGH POINTS ON THE PIPING SYSTEM. LOCATIONS TO BE DETERMINED DURING CONSTRUCTION. SEE TYPICAL DETAILS.

35. PROVIDE TEMPORARY THRUST RESTRAINT AND PIPE SUPPORTS FOR EXISTING PIPING WHENEVER REQUIRED BY THE WORK. CONTRACTOR TO REPAIR OR RESTORE THE EXISTING RESTRAINT SYSTEM OR PIPE SUPPORT SYSTEMS TO LIKE-NEW CONDITION.

36. THRUST RESTRAINT WHERE REQUIRED, SHALL BE PROVIDED USING MEGALUX MECHANICAL JOINT RESTRAINTS OR APPROVED EQUAL PER PROJECT TECHNICAL SPECIFICATIONS.

37. THE CONTRACTOR SHALL ADJUST ALL EXISTING MANHOLES, VALVE REGES, CLEANOUTS AND FIRE HYDRANTS WITHIN PROPOSED TO BE EXCAVATED AREAS TO BE CONFORM TO MAG STANDARD DETAILS NO. 270, 360, 391, 422 AND 441.

38. PIPING, ELECTRICAL DUCTBANKS, INSTRUMENTATION AND OTHER FACILITIES TO BE CONTINUED BY OTHER CONSTRUCTION CONTRACTORS SHALL:

(IF THE WORK BY OTHERS IS NOT IN PLACE) BE TERMINATED AND REPAIRED TO MATCH THE EXISTING WORK.

(IF THE WORK BY OTHERS IS IN PLACE) BE MAINTAINED TO COMPLETION OF THE WORK. SITE FACILITIES SHALL BE LOCATED (SURVEYED) REFERENCING PLANT COORDINATES AND ELEVATIONS. MARKERS EXTENDING 4'-0" ABOVE FINISHED GRADE SHALL BE PROVIDED WITH THE ABOVE INFORMATION. PROVIDE THE OWNER WITH THE SURVEY NOTES UPON COMPLETION OF THE WORK. OR

(IF THE WORK BY OTHERS IS IN PLACE) BE MAINTAINED AND TESTED TO THE SAME STANDARD AS THE EXISTING WORK. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY APPURTENANCES AND ACCESSORIES, NUTS, BOLTS, ETC. REQUIRED TO COMPLETE THE CONNECTION TO THE WORK BY OTHERS.

39. REFER TO M DRAWINGS FOR CONTINUATION OF PIPING AT STRUCTURES.

40. WHEN SAWCUTTING ALONG EDGE OF EXISTING PAVEMENT, CUT MINIMUM 2 FEET FROM EDGE OF EXISTING.

41. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING OR REPAIRING ANY EXISTING SURVEY MONUMENTS REMOVED OR DAMAGED DURING CONSTRUCTION.

42. THE CONTRACTOR IS RESPONSIBLE FOR TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE SPECIFICATIONS.

ALL CONSTRUCTION SHALL COMPLY WITH THE LATEST EDITION OF ALL APPLICABLE BUILDING, MECHANICAL, ELECTRICAL AND PLUMBING CODES AND ORDINANCES.

2003 INTERNATIONAL MECHANICAL CODE (ORD. #3506)

2003 INTERNATIONAL ELECTRICAL CODE (ORD. #3507)

1999 NATIONAL ELECTRICAL CODE (ORD. #3413)

1994 UNIFORM PLUMBING CODE (ORD. #2785) W/ISO EDITION

ALL CONSTRUCTION SHALL COMPLY WITH THE LATEST VERSION OF WORKS CONSTRUCTION SPECIFICATIONS AND DETAILS FOR PUBLIC WORKS CONSTRUCTION, SPONSORED AND DISTRIBUTED BY MARICOPA ASSOCIATION OF GOVERNMENTS, AND AS AMENDED BY THE LATEST VERSION OF THE CITY OF SCOTTSDALE SUPPLEMENTAL STANDARD SPECIFICATIONS AND DETAILS, UNLESS DIFFERENT SPECIFIED OR INDICATED OTHERWISE. UNLESS OTHERWISE SPECIFIED, ALL DETAILS ARE TO BE CONFORM TO APPLICABLE TYPICAL DETAILS. TYPICAL DETAILS ARE MEANT TO APPLY EVEN THOUGH NOT REFERENCED AT SPECIFIC LOCATIONS OR IN SPECIFIC DRAWINGS.

WHERE CONSTRUCTION DETAILS ARE SHOWN OR NOTED FOR ANY OTHER SIMILAR WORK, DETAILS SHALL BE THE SAME AS FOR OTHER SIMILAR WORK.

THE ENGINEERING DESIGN ON THESE PLANS IS APPROVED BY THE CITY IN SCOPE AND NOT ON DETAIL. IF CONSTRUCTION QUANTITIES ARE SHOWN ON PLANS, THEY ARE NOT VERIFIED BY THE CITY.

APPROVAL OF THE PLANS BY THE CITY IS VALID FOR SIX (6) MONTHS FROM THE DATE OF THE PERMIT FOR THE CONSTRUCTION. IF AN ENCROACHMENT PERMIT FOR THE CONSTRUCTION HAS NOT BEEN ISSUED WITHIN SIX MONTHS, THE PLANS SHALL BE RESUBMITTED TO THE CITY FOR RE-APPROVAL.

A PUBLIC WORKS INSPECTOR WILL INSPECT ALL WORK WITHIN THE CITY OF SCOTTSDALE RIGHTS-OF-WAY AND IN EASEMENTS. NOTIFY INSPECTOR SERVICES AT 48 HOURS PRIOR TO STARTING OF CONSTRUCTION (TELEPHONE 480-312-5750).

CITY ENCROACHMENT PERMITS ARE REQUIRED FOR ALL WORK IN PUBLIC RIGHTS-OF-WAY AND EASEMENTS GRANTED FOR PUBLIC PURPOSES. AN ENCROACHMENT PERMIT WILL BE ISSUED BY THE CITY UPON RECEIPT OF PAYMENT OF A BASE FEE PLUS A FEE FOR INSPECTION SERVICES TO BE DETERMINED BY THE CITY. THIS FEE IS NON-REFUNDABLE AND WILL BE FORWARDED TO THE CITY. THE REQUIRED PERMIT WILL RESULT IN IMMEDIATE WORK STOPPAGE UNTIL THE PROPER PERMIT DOCUMENTATION IS OBTAINED.

WHEREVER EXCAVATION IS DONE, CONTACT THE BLUE STAKE CENTER AT 602-263-1100 (CALL COLLECT IF NECESSARY) TWO WORKING DAYS PRIOR TO EXCAVATION. THE CENTER WILL IDENTIFY LOCATIONS OF UNDERGROUND UTILITY LINES FOR THE PROJECT.

ALL EXCAVATION AND GRADING NOT IN PUBLIC RIGHTS-OF-WAY OR IN EASEMENTS GRANTED FOR PUBLIC PURPOSES MUST CONFORM TO CHAPTER 70, EXCAVATION AND GRADING, OF THE LATEST EDITION OF THE UNIFORM BUILDING CODE PREPARED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS. A PERMIT FOR THIS GRADING MUST BE SECURED FROM THE CITY. ENGINEER OR OWNER SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION METHODS OR TECHNIQUES USED IN THE EXCAVATION OF ANY PART OF WORK SHOWN ON THESE DRAWINGS. COMPLY WITH ALL CONSTRUCTION PERMITS REQUIRED BY CITY OF SCOTTSDALE, AND COORDINATE ALL REQUIRED INSPECTIONS. OWNER WILL BE RESPONSIBLE FOR PAYMENT OF ALL PERMITTING FEES. FEE AMOUNTS ARE NOT TO BE INCLUDED IN THE CONTRACT PRICE.

CONTRACTOR TO MAINTAIN PLANT ROADWAY ACCESS TO ALL FACILITIES FOR MAINTENANCE PLANT OPERATIONS DURING CONSTRUCTION. IF THE WORK REQUIRES INTERRUPTION OF EXISTING ACCESS TO PLANT FACILITIES THE CONTRACTOR SHALL PROVIDE TEMPORARY ACCESS (APPROVED BY THE OWNER) TO THESE FACILITIES.

NEITHER ENGINEER NOR OWNER IS RESPONSIBLE FOR THE ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTOR, OR ANY OTHER PARTY TO THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

CONTRACTOR IS RESPONSIBLE FOR SECURITY AND FOR THE SECURE STORAGE OF GOODS AND MATERIALS ON-SITE.

NOT USED

EXISTING STRUCTURES AND FACILITIES WHICH ARE TO BE DEMOLISHED ARE SHOWN ON DEMOLITION SHEETS. SEE SPECIFICATION FOR SPECIFIC REQUIREMENTS REGARDING DEMOLITION OF EXISTING FACILITIES.

NOT USED

COORDINATE DEMOLITION AND PIPING INSTALLATION WITH OWNER'S OPERATIONS PER SPECIFICATIONS. REFER TO C DRAWINGS FOR DEMOLITION, AND C AND M DRAWINGS FOR NEW PIPING.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS BEFORE STARTING WORK AND SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES.

CONTRACTOR TO FIELD VERIFY.

IN ASTERISK (\*) SHOWN ON THE DRAWING REFERS TO A DIMENSION OR ELEVATION TO BE FIELD VERIFIED.

A DOUBLE-ASTERISK (\*\*) SHOWN ON THE DRAWING REFERS TO A DIMENSION OR ELEVATION TO BE DETERMINED BASED ON EQUIPMENT MANUFACTURER.

DETERMINE IN THE FIELD DIMENSIONS NOT SHOWN FOR LOCATION OF NEW PIPING AS REQUIRED. NOTIFY ENGINEER IN INSTANCES WHERE REVISION TO DRAWING ARE REQUIRED.

CONSTRUCTION NOTES

1. MATERIALS IN CONTACT WITH DRINKING WATER SHALL CONFORM TO NATIONAL SANITATION FOUNDATION STANDARDS 60 AND 61.

2. PROVIDE SEPARATION BETWEEN ADJACENT POTABLE WATER, SEWER AND RECLAIMED WATER PIPELINES IN ACCORDANCE WITH THE MOST RESTRICTIVE REQUIREMENT OF ARIZONA ADMINISTRATIVE CODE, TITLE 18, CHAPTER 4 AND 9 AND MAG STANDARD DETAIL 404.

3. INSTALL NEW PIPELINES AT UNIFORM SLOPE BETWEEN POINTS FOR WHICH ELEVATIONS ARE GIVEN.

4. DETERMINE IN THE FIELD, WITH THE ENGINEER'S APPROVAL, DIMENSIONS NOT SHOWN FOR THE LOCATION OF NEW PIPING.

5. PROVIDE ALL TEMPORARY PROCESS, POWER AND AUXILIARY BYPASSES AND TEMPORARY CONNECTIONS REQUIRED TO SUSTAIN ONGOING TREATMENT PROCESSES AND OPERATIONS AT THE MILLER ROAD BOOSTER STATION THROUGHOUT THE COURSE OF THIS CONTRACT.

CONSTRUCTION QUANTITIES IN CITY OF SCOTTSDALE RIGHT OF WAY AND PUBLIC UTILITY EASEMENTS

TRENCHING AND BACKFILL	23 CY
PAVING P.C. CONCRETE	100 SY
PAVING A.C.	5 SY
DECORATIVE PAVING OR SIDEWALK	6 SY
SIDEWALK AND BIKEPATH	4207 SQ FT
FIRE HYDRANTS	1 EA
FIRE LINES FROM EXISTING MAINS	138 LF
SANITARY SEWER TAPS AND SERVICE LINE	208 LF
SANITARY SEWER MANHOLES	1 EA
WATERLINE	129 LF

GENERAL

DWG NO 601 TITLE COVER SHEET AND VICINITY MAP

602 GENERAL NOTES AND DRAWING INDEX

603 ABBREVIATIONS

604 LEGENDS AND SYMBOLS

605 HYDRAULIC PROFILE

606 FUNCTIONAL PROCESS FLOW SCHEMATIC

CIVIL

DWG NO 001 TITLE OVERALL SITE PLAN

001A OVERALL SITE PLAN

002 OPEN SPACE PLAN

003 DEMOLITION PLAN 1

004 DEMOLITION PLAN 2

005 GRADING, DRAINAGE AND PAVING PLAN 1

006 GRADING, DRAINAGE AND PAVING PLAN 2

007 YARD PIPING PLAN 1

008 YARD PIPING PLAN 2

009 YARD PIPING PLAN 3

010 YARD PIPING BACKWASH PLAN AND PROFILE

011 YARD PIPING 18" STORMDRAIN PROFILE

012 VENTURER METER - PLAN AND SECTION VIEWS

013 TYPICAL DETAILS 1

014 CITY OF SCOTTSDALE STANDARD DETAILS 1

015

016

LANDSCAPE ARCHITECTURE

DWG NO L01 GENERAL NOTES AND LEGENDS

L02 OVERALL SITE PLAN

L03 PLANTING PLAN 1

L04 PLANTING PLAN 2

L05 PLANTING PLAN 3

L06 IRRIGATION PLAN 1

L07 IRRIGATION PLAN 2

L08 IRRIGATION PLAN 3

L09 DETAILS

L10 IRRIGATION DETAILS 1

L11 IRRIGATION DETAILS 2

NP01 NATIVE PLANT INVENTORY - GENERAL NOTES

NP02 NATIVE PLANT INVENTORY TABLE

NP03 NATIVE PLANT INVENTORY PLAN 1

NP04 NATIVE PLANT INVENTORY PLAN 2

ARCHITECTURAL

DWG NO A01 PROJECT INFORMATION

A02 BUILDING 'A' - FLOOR PLAN

A03 BUILDING 'A' - FLOOR PLAN MATCHLINE NORTH

A04 BUILDING 'A' - FLOOR PLAN MATCHLINE SOUTH

A05 BUILDING 'B' - FLOOR PLAN

A06 BUILDING 'C' - FLOOR PLAN

A07 CANOPY FLOOR PLAN

A08 BUILDING 'A' - ROOF PLAN

A09 BUILDING 'B' - ROOF PLAN

A10 BUILDING 'C' - ROOF PLAN

A11 CANOPY ROOF PLAN

A12 BUILDING 'A' - ELEVATIONS

A13 BUILDING 'B' - ELEVATIONS

A14 BUILDING 'C' - ELEVATIONS

A15 CANOPY ELEVATIONS

A16 BUILDING 'A' - SECTIONS

A17 BUILDING 'B' - SECTIONS

A18 BUILDING 'C' - SECTIONS

A19 BUILDING 'A' - INTERIOR ELEVATIONS

A20 BUILDING 'B' - INTERIOR ELEVATIONS

A21 BUILDING 'C' - INTERIOR ELEVATIONS

A22 BUILDING 'A' - REFLECTED CEILING PLAN

A23 BUILDING 'B' - REFLECTED CEILING PLAN

A24 BUILDING 'C' - REFLECTED CEILING PLAN

A25 CANOPY SECTIONS

A26 BUILDING 'A' - INTERIOR ELEVATIONS

A27 BUILDING 'A' - INTERIOR ELEVATIONS

A28 BUILDING 'C' - INTERIOR ELEVATIONS

A29 BUILDING 'A' - REFLECTED CEILING PLAN

A30 BUILDING 'B' - REFLECTED CEILING PLAN

A31 BUILDING 'C' - REFLECTED CEILING PLAN

A32 CANOPY REFLECTED CEILING PLAN

A33 DOOR AND FRAME SCHEDULE

A34 WINDOW AND LOUVER SCHEDULE

A35 FINISH SCHEDULE

A36 BUILDING 'A', 'B' AND 'C' PARTITION TYPES

A37 BUILDING 'A' INTERIOR DETAILS

A38 BUILDING 'B' AND 'C' INTERIOR DETAILS

A39 BUILDING 'A' ROOF, WALL AND EXT DETAILS

A40 BUILDING 'A' ROOF, WALL AND EXT DETAILS

A41 BUILDING 'A' ROOF, WALL AND EXT DETAILS

A42 BUILDING 'B' AND 'C' ROOF, WALL AND EXT DETAILS

A43 BUILDING 'B' AND 'C' ROOF, WALL AND EXT DETAILS

A44 BUILDING 'B' AND 'C' ROOF, WALL AND EXT DETAILS

A45 BACKWASH CLARIFIER ELEVATIONS (WEST AND SOUTH)

A46 FINISH WATER RESERVOIR ELEVATION (TYPICAL)

A47 PERIMETER WALL SHEET 1 OF 2

A48 PERIMETER WALL SHEET 2 OF 2

STRUCTURAL

DWG NO S1 GENERAL NOTES 1

S2 GENERAL NOTES 2

S3 TYPICAL DETAILS 1

S4 TYPICAL DETAILS 2

S5 BUILDING A - FOUNDATION PLAN

S6 BUILDING A - LOWER ROOF PLAN

S7 BUILDING A - HIGH ROOF PLAN

S8 BUILDING A - SECTIONS

S9 BUILDING A - SECTIONS

S10 BUILDING A - DETAILS

S10A BUILDING A - SECTIONS

S11 BUILDING A - SECTION AND DETAIL

S12 BUILDING A - SECTION AND DETAIL

S13 BUILDING A - SECTION AND DETAIL

S14 BUILDING A - SECTION AND DETAIL

S15 BUILDING A - SECTIONS

S16 FILTERS - PLAN AND SECTION

S17 FILTER GALLERY - PLAN AND SECTIONS

S18 BUILDING B - FOUNDATION PLAN

S19 BUILDING B - ROOF PLAN

S20 BUILDING B - SECTIONS

S21 BUILDING B - SECTIONS

S22 BUILDING B - SECTIONS AND DETAILS

S23 BUILDING C - FOUNDATION PLAN

S24 BUILDING C - SECTIONS AND DETAILS

S25 BUILDING C - SECTIONS AND DETAILS

S26 BUILDING C - SECTIONS AND DETAILS

S27 BUILDING C - SECTIONS AND DETAILS

S28 BUILDING C - SECTIONS AND DETAILS

S28A BACKWASH CLARIFIERS - PLAN

S29 BACKWASH CLARIFIERS - SECTIONS

S30 BACKWASH CLARIFIERS - SECTIONS

S31 RECYCLE AND UNDERFLOW PUMP STATION PLANS AND SECTION

S32 PLANTING PLAN 1

S33 MISCELLANEOUS SITE STRUCTURES PLANS, SECTIONS AND DETAILS

S34 FILTER GALLERY - PLAN AND SECTIONS

S35 FILTER GALLERY - PLAN AND SECTIONS

MECHANICAL

DWG NO M01 PROCESS FLOW SCHEMATIC - WELLS AND WRTF

M02 PROCESS FLOW SCHEMATIC

M03 JET MIXING AND FILTRATION (FILTERS 1, 3 & 5)

M04 PROCESS FLOW SCHEMATIC (FILTERS 2, 4 & 6)

M05 PROCESS FLOW SCHEMATIC

M06 PROCESS FLOW SCHEMATIC

M07 PROCESS FLOW SCHEMATIC

M08 PROCESS FLOW SCHEMATIC

M09 PROCESS FLOW SCHEMATIC

M10 PROCESS FLOW SCHEMATIC

M11 PROCESS FLOW SCHEMATIC

M12 PROCESS FLOW SCHEMATIC

M13 PROCESS FLOW SCHEMATIC

M14 PROCESS FLOW SCHEMATIC

M15 PROCESS FLOW SCHEMATIC

M16 PROCESS FLOW SCHEMATIC

M17 PROCESS FLOW SCHEMATIC

M18 PROCESS FLOW SCHEMATIC

M19 PROCESS FLOW SCHEMATIC

M20 PROCESS FLOW SCHEMATIC

M21 PROCESS FLOW SCHEMATIC

M22 PROCESS FLOW SCHEMATIC

M23 PROCESS FLOW SCHEMATIC

M24 PROCESS FLOW SCHEMATIC

M25 PROCESS FLOW SCHEMATIC

M26 PROCESS FLOW SCHEMATIC

M27 PROCESS FLOW SCHEMATIC

M28 PROCESS FLOW SCHEMATIC

M29 PROCESS FLOW SCHEMATIC

M30 PROCESS FLOW SCHEMATIC

M31 PROCESS FLOW SCHEMATIC

M32 PROCESS FLOW SCHEMATIC

M33 PROCESS FLOW SCHEMATIC

M34 PROCESS FLOW SCHEMATIC

M35 PROCESS FLOW SCHEMATIC

M36 PROCESS FLOW SCHEMATIC

M37 PROCESS FLOW SCHEMATIC

M38 PROCESS FLOW SCHEMATIC

M39 PROCESS FLOW SCHEMATIC

M40 PROCESS FLOW SCHEMATIC

HVAC

DWG NO H01 ABBREVIATIONS, SYMBOLS AND GENERAL NOTES

H02 SCHEDULES

H03 ADMINISTRATION BUILDING - PLAN AND SECTIONS

H04 BUILDING B - PLAN AND DETAIL

H05 BUILDING B - SECTIONS

H06 BUILDING C - PLAN AND SECTIONS

H07 TYPICAL DETAILS 1

H08 TYPICAL DETAILS 2

PLUMBING

DWG NO P01 BUILDING A - WATER PLAN & DIAGRAM

P02 BUILDING A - WASTE AND VENT PLAN AND DIAGRAM

P03 BUILDING B - WATER & WASTE AND VENT PLAN AND DIAGRAM

P04 BUILDING C - WATER, WASTE AND VENT PLAN AND DIAGRAM

P05 FILTER GALLERY - WASTE & VENT PLAN AND DIAGRAM

P06 TYPICAL DETAILS

ELECTRICAL

DWG NO E01 LEGEND

E02 SERVICE ENTRANCE SECTION

E03 SINGLE LINE DIAGRAM

E04 MCC-2 - SINGLE LINE DIAGRAM

E05 MCC-1 - SINGLE LINE DIAGRAM

E06 POWER DISTRIBUTION PANELS

E07 PANELBOARD SCHEDULES

E08 PANELBOARD SCHEDULES

E09 AREA LIGHTING PHOTO METRICS - CALCULATIONS

E10 SITE PLAN

E11 SITE LIGHTING PLAN

E12 SERVICE ENTRANCE AREA - ELECTRICAL PLAN

E13 ADMINISTRATION BUILDING 'A' - POWER PLAN

E14 ADMINISTRATION BUILDING - LIGHTING PLAN

E15 FILTER AREA - ELECTRICAL PLAN

E16 FILTER GALLERY - LIGHTING & RECEPTACLE PLAN

E17 PUMP AND CHEMICAL AREA

E18 PUMP AND CHEMICAL AREA

E19 LOW VOLTAGE ELECTRICAL PLAN

E20 PUMP AND CHEMICAL AREA

E21 LIGHTING AND RECEPTACLE PLAN

E22 BUILDING C - ELECTRICAL PLAN

E23 BUILDING 11 AND 12 - ELECTRICAL PLAN

E24 CLARIFIER AREA - ELECTRICAL PLAN

E25 INSTRUMENTATION CONDUIT DIAGRAMS

E26 INSTRUMENTATION CONDUIT DIAGRAMS

E27 INSTRUMENTATION CONDUIT DIAGRAMS

E28 INSTRUMENTATION CONDUIT DIAGRAMS

E29 INSTRUMENTATION CONDUIT DIAGRAMS

E30 INSTRUMENTATION CONDUIT DIAGRAMS

E31 SCHEMATICS NO. 1

E32 SCHEMATICS NO. 2

E33 SCHEMATICS NO. 3

E34 SCHEMATICS NO. 4

E35 DETAILS

E36 TELEPHONE RISER DIAGRAM

E37 DUCT BANK SECTIONS

E38 OUTDOOR LIGHT FIXTURE CUT SHEETS

INSTRUMENTATION

DWG NO I01 SYMBOLS AND LEGEND - P & ID

I02 SYSTEM ARCHITECTURE DIAGRAM

I03 WELLS 14, 15, AND PCX-1 - P & ID

I04 WELLS 11, 12, 16, AND 17 - P & ID

I05 MILLER ROAD TREATMENT FACILITY - P & ID

I06 RAW WATER MIXING - P & ID

I07 BYPASS BLENDING - P & ID

I08 PRESSURE FILTERS SHEET 1 - P & ID

I09 PRESSURE FILTERS SHEET 2 - P & ID

I10 FINISHED WATER RESERVOIR - P & ID

I11 DISTRIBUTION PUMP STATION SHIT 1 - P & ID

I12 DISTRIBUTION PUMP STATION SHIT 2 - P & ID

I13 WASHWATER PUMP STATION - P & ID

I14 CENTRIFUGAL BLOWER - P & ID

I15 FERRIC CHLORIDE FEED SYSTEM - P & ID

I16 NOT USED

I17 NaOH FEED SYSTEM - P & ID

I18 NOT USED

I19 NaOCl FEED SYSTEM SHIT 1 - P & ID

I20 NaOCl FEED SYSTEM SHIT 2 - P & ID

I21 NaOCl FEED SYSTEM SHIT 2 - P & ID

I22 NOT USED

I23 POLYMER FEED SYSTEM SHEET 1 - P & ID

I24 POLYMER FEED SYSTEM SHEET 2 - P & ID

I25 POLYMER FEED SYSTEM SHEET 2 - P & ID

I26 WASHWATER CLARIFIER 1 & 2 - P & ID

I27 NOT USED

I28 RECYCLE PUMP STATION - P & ID

I29 UNDERFLOW PUMP STATION - P & ID

I30 THICKENER & SLUDGE PUMP STATION - P & ID

I31 FILTER PRESS - P & ID

I32 NOT USED

I33 THICKENED SLUDGE WETWELL - P & ID

I34 MISCELLANEOUS - P & ID

I35 TYPICAL DETAILS

I36

Paradise Valley Arsenic Removal Facility

GENERAL

GENERAL NOTES

AND DRAWING INDEX

ARIZONA AMERICAN WATER

PARADISE VALLEY DISTRICT

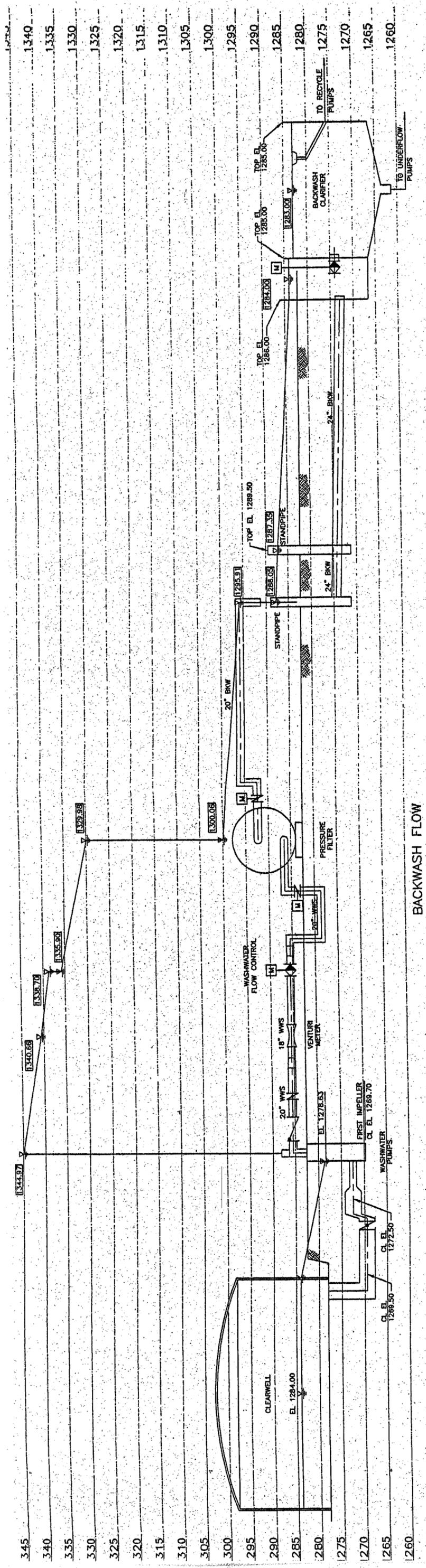
DAMON S. WILLIAMS ASSOCIATES, LLC  
10000 W. GREENWAY ROAD, SUITE 700  
PHOENIX, AZ 85016

DATE: JUNE 2005  
PROJECT: 7-02-02-01

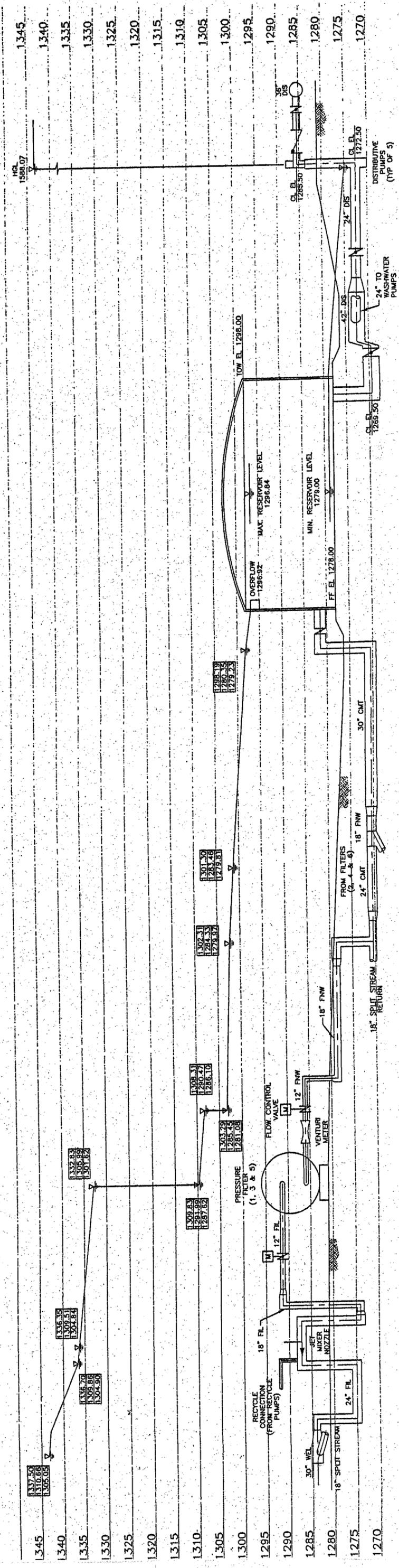
USE DIMENSIONS ONLY  
APPROVED: BRM



AZAW000443



BACKWASH FLOW



TREATMENT FLOW  
 TERMINAL HEADLOSS, DIRTY FILTER = 10 PSIG  
 TERMINAL HEADLOSS, CLEAN FILTER = 6 PSIG

LEGEND

- 1283.68 WATER SURFACE ELEVATION
- 1283.68 WATER SURFACE ELEV MAX RES. DIRTY FILTER
- 1277.85 WATER SURFACE ELEV MAX RES. CLEAN FILTER
- 1268.88 WATER SURFACE ELEV MIN RES. CLEAN FILTER

REVISIONS

Paradise Valley Arsenic Removal Facility  
 GENERAL  
 HYDRAULIC PROFILE

ARIZONA AMERICAN WATER  
 PARADISE VALLEY DISTRICT

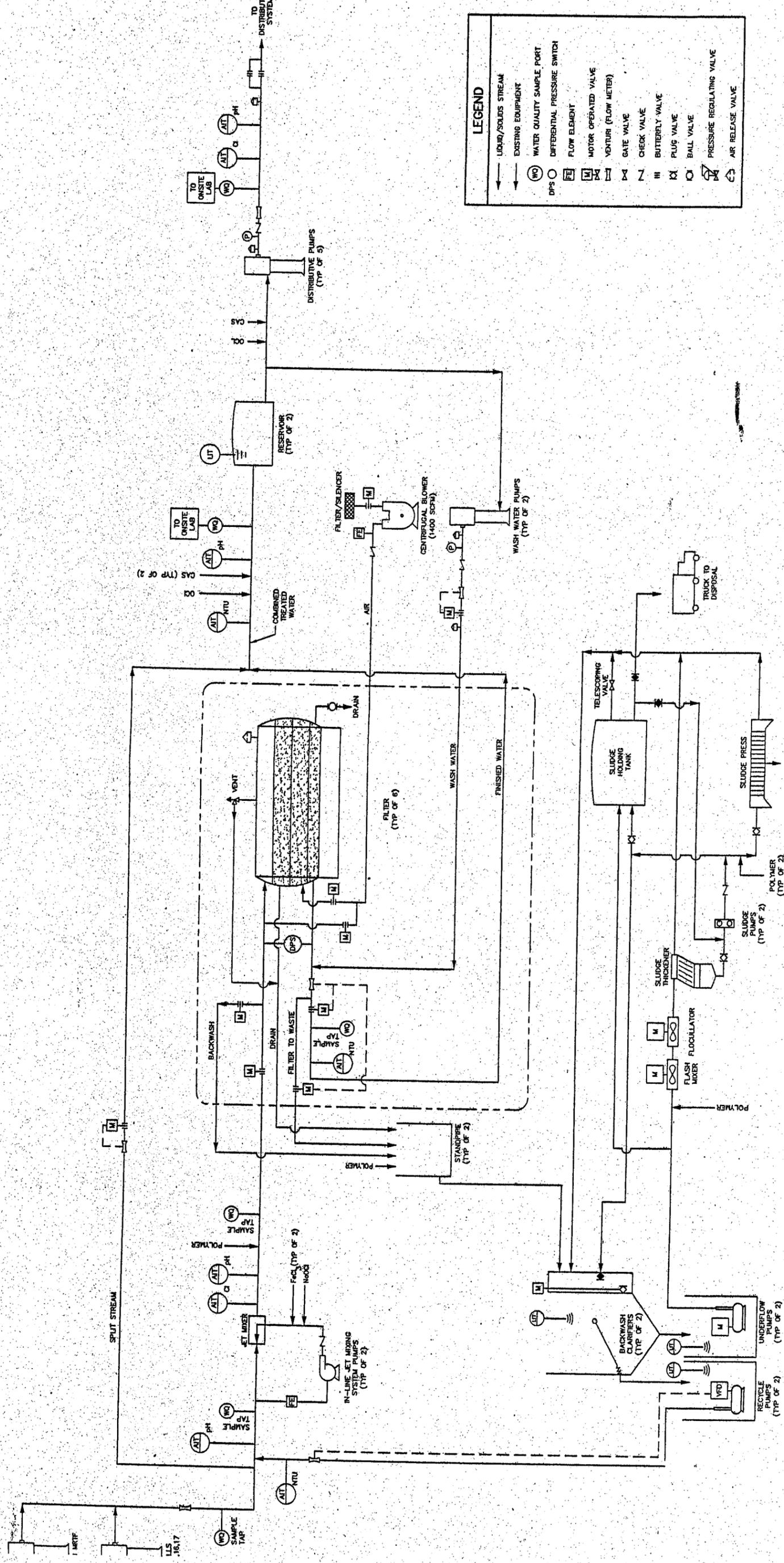
**DSWA**

DAMON S. WILLIAMS ASSOCIATES, LLC  
 2305 E. CAPELBACK ROAD, SUITE 700  
 PHOENIX, AZ 85016

PROJECT ENGR. ROB  
 DRAWN BY SUB. AA  
 DATE: JUNE 2005  
 USE DIMENSIONS ONLY



AZAW000444



LEGEND	
→	LIQUID/SOLIDS STREAM
⊖	EXISTING EQUIPMENT
⊖	WATER QUALITY SAMPLE PORT
DPS	DIFFERENTIAL PRESSURE SWITCH
FE	FLOW ELEMENT
M	MOTOR OPERATED VALVE
V	VENTURI (FLOW METER)
∇	GATE VALVE
∩	CHECK VALVE
∩	BUTTERFLY VALVE
⊖	PLUG VALVE
⊖	BALL VALVE
⊖	PRESSURE REGULATING VALVE
⊖	AIR RELEASE VALVE

Paradise Valley Arsenic Removal Facility  
 GENERAL FUNCTIONAL PROCESS FLOW SCHEMATIC

ARIZONA AMERICAN WATER  
 PARADISE VALLEY DISTRICT

DAWSON E. WILLIAMS ASSOCIATES, LLC  
 7700 W. GARDEN ROAD, SUITE 700  
 PHOENIX, AZ 85016

DATE: JUNE 2005  
 DRAWN BY: FGH, AA  
 PROJECT ENGR: CHC  
 APPROVED FROM

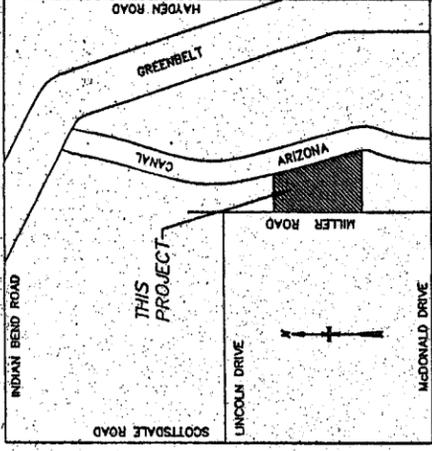
USE DIMENSIONS ONLY  
 SCALE: NOT TO SCALE

REVISIONS

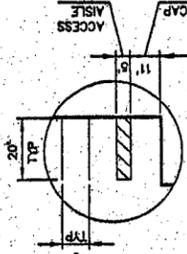


AZA W000445

SE 1/4 SECTION 11; T2N R4E  
6215 NORTH MILLER ROAD  
SCOTTSDALE, ARIZONA 85250



VICINITY MAP  
NOT TO SCALE

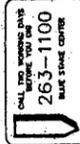


PARKING STALL DETAIL  
PARKING SPACES REQUIRED (BASED ON BLDG A ONLY)

- 1. SPACE/500 SF GFA \* 4415 SF = 9 SPACES

KEY NOTES

- 1. 1 FOOT VEHICULAR NON-ACCESS EASEMENT.
- 2. MONITORING MANHOLE. SEE DWG COR.
- 3. TOP OF SLAB ELEVATION: 1280.00  
FINISH FINISH ELEVATION: 1277'-8"  
HEIGHT OF TRANSFORMER: 5'-7"  
TOP OF WALL ELEVATION: 1289.00
- 4. FOR PARCEL NO. 1 AND PARCEL NO. 2 LEGAL DESCRIPTIONS REFER TO COVER SHEET.
- 5. SEE DWGS A47 AND A48.



CALL THE SURVEYOR FOR THE  
263-1100  
DATE: 03/08/04

AZAW000446

Paradise Valley Arsenic Removal Facility  
CIVIL

OVERALL SITE PLAN

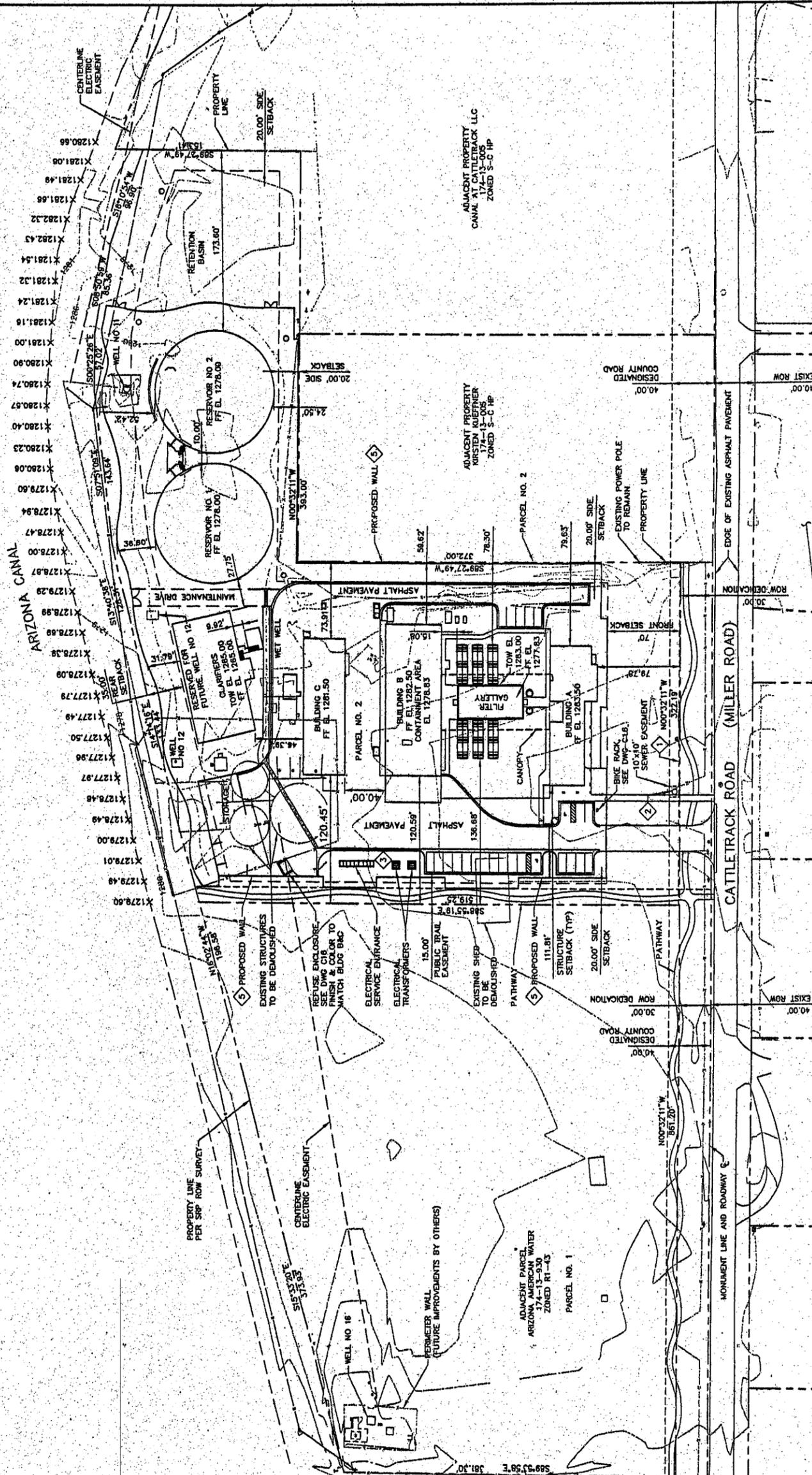
ARIZONA AMERICAN WATER  
PARADISE VALLEY DISTRICT



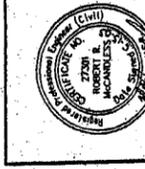
DAMON S. WILLIAMS ASSOCIATES, LLC  
2505 E. CAMELBACK ROAD, SUITE 700  
PHOENIX, AZ 85016

DATE: JUNE 2005  
PROJECT: ENGR 815  
APPROVED: RRL

USE DIMENSIONS ONLY  
SCALE: 1"=50'



REVISIONS



PROJECT DATA

OWNER: ARIZONA AMERICAN WATER CO.  
19820 NORTH 7th STREET  
PHOENIX, ARIZONA 85024  
CONTACT: JOE GROSS, P.E.  
TEL: 623.445.2403, FAX: 623.445.2454  
JGROSS@AMWATER.COM

ENGINEER: DAMON S. WILLIAMS ASSOCIATES  
2355 E. CAMELBACK RD. STE 700  
PHOENIX, ARIZONA 85016  
CONTACT: ROBERT P. McANDREWS, P.E.  
TEL: 623.445.2403, FAX: 602.285.3632  
RMCCANDREWS@DSWA.NET

PREAPPLICATION NO:  
238-PA-2004

LOCATION:  
6215 NORTH MILLER ROAD  
SCOTTSDALE, ARIZONA 85250

PARKING SPACES (BLDG A ONLY)  
PROVIDED: 22, 2 HANDICAP  
(VAN ACCESSIBLE)

SITE AREA: 236,601 SF  
NET: 164,801 SF

PARCEL DATA

APN	CURRENT ZONING	PROPOSED ZONING	NET ACREAGE
174-13-934	RT-43, S-C HP	NO CHANGE	3.78

NOTE: REFER TO 22-LD-2005 FOR ADDITIONAL INFORMATION

BUILDING CODE DATA

STRUCTURES

DESC	DIMENSION (FT x FT)	GROSS FLOOR AREA (SF)	MAX HEIGHT (FT)	PROPOSED USE
BLDG A	130 x 46	4,415	18	ADMINISTRATION, CUSTOMER SERVICE, LAB
BLDG B	142 x 53	7,668	20	PROCESS
BLDG C	127 x 41	4,984	22	PROCESS/MAINTENANCE
BLDG TOTAL		17,067		
RESERVOIRS	117 FT DIA	10,751	20	WATER STORAGE
CLARIFIERS	55 x 55	4,752	5	WATER RECOVERY
PROCESS				

16 ENR

### GENERAL STRUCTURAL NOTES:

THESE NOTES APPLY EXCEPT WHERE SPECIFICALLY NOTED OTHERWISE ON THE STRUCTURAL DRAWINGS.

### CODE:

1. COMPLY WITH THE 2003 INTERNATIONAL BUILDING CODE.

### DESIGN LOADS:

1. SUPERIMPOSED DEAD LOADS \_\_\_\_\_ 25 PSF  
ROOF (NON-OFFICE) \_\_\_\_\_ 50 PSF  
ELEVATED SLABS \_\_\_\_\_ 50 PSF
2. LIVE LOADS: \_\_\_\_\_ 20 PSF  
ROOF (REDUCIBLE) \_\_\_\_\_ 300 PSF  
ELEVATED SLABS \_\_\_\_\_ 300 PSF
3. WIND LOADS: \_\_\_\_\_  
90 MPH (3 SECOND GUST SPEED)  
W = 1.15
4. SEISMIC LOADS: \_\_\_\_\_  
SEISMIC RISK GROUP (ACCORDING TO AISC) \_\_\_\_\_  
SOIL INVESTIGATION ADDENDUM DEC. 16, 2004)  
SEISMIC DESIGN CATEGORY C (BASED UPON SHORT PERIOD  
& 1-SECOND PERIOD RESPONSE ACCELERATIONS)  
W = 1.25

### GENERAL:

1. THE STRUCTURAL DRAWINGS SHOW THE COMPLETED PROJECT. THEY DO NOT INCLUDE COMPONENTS THAT ARE NEEDED FOR CONSTRUCTION SAFETY. THE CONTRACTOR IS RESPONSIBLE FOR SAFETY IN AND AROUND THE JOB SITE DURING CONSTRUCTION.
2. STRUCTURES HAVE BEEN DESIGNED FOR OPERATIONAL LOADS ON THE STRUCTURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MECHANICAL, ELECTRICAL, AND PLUMBING WITH APPROPRIATE TRADES AND DRAWINGS.
3. REFER TO THE CIVIL DRAWINGS FOR ALL ELEVATIONS AND SLOPES.
4. ANY ENGINEERING DESIGN PROVIDED BY OTHERS AND SUBMITTED FOR REVIEW SHALL BEAR THE SIGNATURE OF AN INSURED STRUCTURAL OR CIVIL ENGINEER REGISTERED IN ARIZONA.
5. THE COST OF DESIGN WORK RESULTING FROM ERRORS OR OMISSIONS IN CONSTRUCTION SHALL BE BORNE BY THE CONTRACTOR.
6. IN CASE OF CONFLICTS, MORE COSTLY REQUIREMENTS GOVERN FOR BEDDING. SUBMIT CLARIFICATION REQUEST PRIOR TO PROCEEDING WITH WORK.

### FOUNDATIONS:

1. PERFORM ALL WORK IN ACCORDANCE WITH THE SOILS REPORT BY AMEC EARTH AND ENVIRONMENTAL, INC., JOB #4-117-001054, DATED AUGUST 17, 2004, AND ADDENDUM #1 DATED DECEMBER 16, 2004. REPORT IS AVAILABLE FOR REVIEW FROM OWNER.
2. FOUNDATION DESIGN IS BASED ON THE FOLLOWING SOIL BEARING CAPACITIES:  
BEARING AT GRADE LEVEL \_\_\_\_\_ 3000 PSF  
BELOW EXISTING FINISHED GRADE \_\_\_\_\_ 5000 PSF
3. THE FOUNDATIONS FOR THE BACKWASH CLARIFIER AND THE RECYCLE AND UNDERFLOW PUMP STATION SHALL BEAR ON UNDISTURBED NATIVE SOILS. ALL OTHER STRUCTURES SHALL BEAR ON OVEREXCAVATED AND RECOMPACTED STRUCTURAL FILL. PREPARED IN ACCORDANCE WITH THE SOILS REPORT. ALL FOUNDATIONS SHALL BEAR ON THE SAME MATERIAL. ALL FOUNDATIONS SHALL BEAR ON THE SAME SUITABILITY OF THE BEARING MATERIAL WITH THE SOILS CONSULTANT BEFORE PLACING FOUNDATIONS.
4. BACKFILL SHALL NOT BE PLACED AGAINST RETAINING OR FOUNDATION WALLS UNTIL THE CONCRETE HAS REACHED 75% OF ITS DESIGN STRENGTH. BACKFILL SHALL BE PLACED IN 12" LIFTED LAYERS. ALL FOUNDATION WALLS SHALL BE HEAVILY EQUIPPED FOR SPREADING AND COMPACTATION. BACKFILL SHALL NOT BE OPERATED CLOSER TO FOUNDATION OR RETAINING WALLS THAN A DISTANCE EQUAL TO THE HEIGHT OF BACKFILL ABOVE THE TOP OF THE FOOTING. THE AREA REMAINING SHALL BE COMPACTED IN LAYERS NOT MORE THAN 6 INCHES HIGH. THE MATERIAL BEING COMPACTED SHALL BE THE SAME AS THE MATERIAL FOR THE FOUNDATION. ALL FOUNDATION WALLS SHALL BE HANDED WITH A TAMPER APPLIED A LATERAL LOAD AGAINST THE WALL GREATER THAN THAT OF THE GIVEN LATERAL LOADS OF THE SOILS REPORT.
5. PLACE DOWELS AND ANCHOR BOLTS BEFORE POURING CONCRETE. USE TEMPLATES TO ENSURE PROPER PLACEMENT.
6. CENTER FOUNDATIONS UNDER COLUMNS AND WALLS UNLESS NOTED OTHERWISE.

### CONCRETE:

1. CONCRETE QUALITY SHALL CONFORM TO THE LATEST EDITIONS OF ACI 117, ACI 315, ACI 301 AND ACI 316. FINISHES SHALL CONFORM TO ACI 301. PARAGRAPH 10.4. SURFACES NOT EXPOSED TO PUBLIC VIEW: ROUGH FORM SURFACES EXPOSED TO PUBLIC VIEW: SMOOTH FORM FINISH. GROUT CLEAN AND PATCH ALL HOLES AND BLEMISHES GREATER THAN 1/8". ALL SURFACES SHALL CONFORM TO ACI 117 CLASS A FORMWORK TOLERANCES.
2. CONCRETE SHALL BE REGULAR WEIGHT (144 PCF) UNLESS NOTED OTHERWISE. CEMENT SHALL BE TYPE II AND SHALL CONFORM TO ASTM C150. AGGREGATE SHALL CONFORM TO ASTM C33. WATER SHALL BE POTABLE. AGGREGATE OR OTHERWEIGHT CONCRETE SHALL CONFORM TO ASTM C330. ALL CONCRETE SHALL HAVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 4000 PSI.
3. SUBMIT MIX DESIGNS FOR REVIEW BEFORE PLACEMENT OF CONCRETE.
4. MAXIMUM AGGREGATE SIZE SHALL NOT EXCEED 1".
5. SLUMP OF CONCRETE SHALL NOT EXCEED 4". IF SUPERPLASTICIZERS ARE USED IN THE MIX DESIGN, THE MIX SHALL BE SLUMPED AT THE JOB SITE PRIOR TO ADDITION OF SUPERPLASTICIZER. PROVIDE COMPUTERIZED BATCH RECORDS WITH ALL LOADS.

6. FLY ASH MAY BE USED AND SHALL CONFORM TO THE FOLLOWING:  
FLY ASH SHALL BE USED IN CONCRETE MIX PROVIDED THE BARIUM BY VOLUME OF FLY ASH TO OTHER FLY ASH AND CEMENT IS NO MORE THAN 20 PERCENT. FLY ASH SHALL CONFORM TO ASTM C-618, TYPE F, COMPLETE CHEMICAL AND PHYSICAL ANALYSES OF THE FLY ASH SHALL BE SUBMITTED WHEN REQUESTED BY THE ENGINEER. IF DURING THE COURSE OF THE PROJECT THE ENGINEER DETERMINES THAT THE FLY ASH DOES NOT COMPLY WITH ALL REQUIREMENTS AS STATED IN THE CONTRACT DOCUMENTS THE USE OF FLY ASH SHALL BE DISCONTINUED. UNDER NO CONDITIONS SHALL THE WATER-CEMENT RATIO EXCEED 0.45 FOR CONCRETE CONTAINING FLY ASH. FLY ASH SHALL NOT BE USED IN CONCRETE MIX DESIGN.
7. ADMIXTURES OTHER THAN THE FOLLOWS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW. DO NOT USE ADMIXTURES CONTAINING CALCIUM CHLORIDE IN CONTACT WITH ALUMINUM.
8. PLACING CONFORM TO ACI 304 AND ACI 305. DO NOT PLACE CONCRETE ON COLLARS WHICH SHALL HAVE A FREE, UNOBSERVED FALL.
9. THE MAXIMUM FREE DROP OF ANY CONCRETE SHALL BE 6'-0", EXCEPT FOR COLLARS WHICH SHALL HAVE A FREE, UNOBSERVED FALL.
10. PROVIDE 3/4" x 3/4" CHAIRS AT ALL EXPOSED CORNERS OF COLUMNS AND WALLS.
11. MECHANICALLY VIBRATE ALL CONCRETE, EXCEPT SLABS ON GRADE, WITH AN OVERHEAD VIBRATOR TO THE FULL DEPTH OF WALLS (OVER 10 FEET IN HEIGHT), COLUMNS AND DRILLED PIERS.
12. THE USE OF WATER OR "SPRINKLING" AS AN AID TO FINISHING IS NOT ALLOWED.
13. CURING CONFORM TO ACI 318.  
A. COLUMNS, WALLS AND FOUNDATIONS:  
PROVIDE MEMBRANE CURING COMPOUND, APPLY CURING COMPOUND IMMEDIATELY UPON THE REMOVAL OF FORMS OR THE COMPLETION OF FINISHING WORK.  
B. ALL SLABS AND CAST-IN-PLACE FINISHED SURFACES:  
IMMEDIATELY UPON THE COMPLETION OF FINISHING WORK ONCE THE CONCRETE IS SET ENOUGH TO WALK ON WITHOUT HARMING THE FINISH, APPLY A SECOND HEAVY COAT OF CURING COMPOUND USING A HIGH PRESSURE AIRLESS SPRAYER.  
\* ALL CURING COMPOUND SHALL HAVE A DURABLE DIE ALL CURING COMPOUND SHALL MEET THE DURABLE RETENTION REQUIREMENTS OF ASTM C-309, TYPE 1-10 AT COVERAGE RATE SPECIFIED, AND PASS VOC REQUIREMENTS. ALL CURING COMPOUNDS SHALL BE COMPATIBLE WITH FUTURE TOPFINISHES, PAINT, WATERPROOFING AND FINISHES. CLEAN ALL NOZZLES AFTER EACH USE.
14. DO NOT CAST CONCRETE IN LENGTHS OVER 40'-0".
15. LOCATION OF ALL CONSTRUCTION JOINTS SHALL BE AS SHOWN ON THE DRAWINGS OR APPROVED BY THE ENGINEER. PLACE JOINTS IN SLABS ON GRADE AT 20'-0" MAXIMUM. PLACE SLABS AND BEAMS, INCLUDING OFFSET BEAMS, AT THE SAME TIME.
16. WAIT 24 HOURS BETWEEN ADJACENT CONCRETE CASTINGS.
17. CONSTRUCTION JOINTS SHALL BE THOROUGHLY CLEANED FOR BOND. PROVIDE WATERSTOPS AT ALL CONSTRUCTION JOINTS IN WATERBEARING SLABS AND WALLS, EXCEPT THAT WATERSTOPS ARE NOT REQUIRED IN WALLS AND SLABS WHEN THERE IS WATER ON BOTH SIDES, U.N.O.
18. ALL CONCRETE REPAIRS SHALL BE CONSIDERED STRUCTURAL. SEE STRUCTURAL CONCRETE REPAIR SECTION FOR MORE INFORMATION.

### WATERSTOPS AT CONSTRUCTION JOINTS:

1. PROVIDE WATERSTOPS WHERE SHOWN ON DRAWINGS AND AT ALL CONSTRUCTION JOINTS IN PARTIALLY AND FULLY UNDERGROUND STRUCTURES.
2. SEE TYPICAL DETAILS FOR CONSTRUCTION JOINTS IN NEW CONSTRUCTION AND BETWEEN EXISTING AND NEW CONSTRUCTION.

### STRUCTURAL CONCRETE REPAIRS:

1. THE FOLLOWING NOTES ON STRUCTURAL CONCRETE REPAIRS ARE GENERAL AND APPLY TO THE ENTIRE PROJECT. HOWEVER, ALL REPAIRS SHALL BE APPROVED BY THE ENGINEER ON A CASE BY CASE BASIS BEFORE PROCEEDING WITH THE INTENDED REPAIR. PATCHING WITH SITE MIXED PORTLAND CEMENT, SAND AND WATER IS NOT CONSIDERED AN ACCEPTABLE STRUCTURAL REPAIR.  
2. SURFACE DEFECTS THAT REQUIRE REPAIR INCLUDE CRACKS IN EXCESS OF 1/8" WIDTH AND DEPTH OF 1/4" OR MORE. REPAIRS SHALL BE MADE SO AS TO PENETRATE TO THE REINFORCEMENT OR COMPLETELY THROUGH NON-REINFORCED SECTIONS, HONEYCOMB, ROCK POCKETS, HOLES LEFT BY THE REINFORCING AND BOLTS, AND SPALLS EXCEPT MINOR BREAKAGE AT CORNERS.  
3. CRACKS WHICH REQUIRE REPAIR SHALL BE PRESSURE GROUTED USING ONE OF THE FOLLOWING MIXES AND RECOMMENDATIONS:  
A. SIKADUR 31, H-WOOD-30 AND SIKADUR 35, H-WOOD 17.  
B. SCS CONCRETE 1580 MANUFACTURED BY MASTER BUILDERS TECHNOLOGIES.  
C. OR APPROVED EQUIVALENT.  
4. OUTLINE HONEYCOMB, ROCK POCKETS, HOLES OVER 1/2" DIAMETER, AND SPALLS WITH 3/4" DEEP CUT MINIMUM (DO NOT CUT REINFORCING STEEL, SCAM/A-RAY AS REQUIRED) AND REMOVE SUCH CONCRETE DOWN TO SOUND SURFACE. MAKE EDGES OF CUTS PERPENDICULAR TO THE CONCRETE SURFACE. EDGES SHOULD BE FINISHED TO THE SURFACE OR SMOOTH UNDERCUT. DO NOT FEATHER EDGES. THOROUGHLY CLEAN AND DAMPEN THE SURFACE WITH WATER (PRESSURE 24 HOURS TO A SATURATED SURFACE DRY CONDITION). VIGOROUSLY WORK A SCRUB COAT INTO THE AREA TO BE PATCHED WITH A CLEAN, WET, STIFF BRUSH OR BRUSH IMMEDIATELY AHEAD OF MORTAR PLACEMENT (SCRUB COAT SHALL CONSIST OF A SMALL AMOUNT OF MORE SCRUB COAT THAN CAN BE COVERED WITH MORTAR). APPLY MORTAR SCRUB COAT IMMEDIATELY AFTER THE MORTAR IS PLACED. FOLLOWING APPLY OUT PATCH REMOVED AREA USING ONE OF THE FOLLOWING AND RECOMMENDATIONS WITH THE MANUFACTURER'S DIRECTIONS AND RECOMMENDATIONS.  
A. SIKADUR 322 PLUS AS MANUFACTURED BY SCS CORPORATION.  
B. TECHNOCRETE.  
C. OR APPROVED EQUIVALENT.  
5. IF THE EXPOSED REINFORCING STEEL IN A PATCH HAS CORRODED IT SHOULD BE CLEANED USING A SANDBLAST/WATERBLAST IN ACCORDANCE WITH THE CONCRETE REPAIR AND PATCHING SECTION OF THE NEW REPAIR SPECIFICATIONS. REPAIR PATCHES SHOULD BE SPALLED TO THE OLD IN ACCORDANCE WITH ACI 318-99. SIGNIFICANT DAMAGE TO REINFORCEMENT SHOULD BE REVIEWED BY THE STRUCTURAL ENGINEER BEFORE PATCHING.

6. FILL HOLES LEFT BY THE REINFORCING AND BOLTS BY MEANS OF A PLUNGER-TYPE GRAB OR OTHER SUITABLE DEVICE FROM THE LEAST EXPOSED FACE, USING A CLEAN STOP HELD AT THE EXPOSED FACE TO ENSURE COMPLETE FILLING. USE THE SAME PRODUCTS LISTED TO FILL ROCK POCKETS AND VOIDS. APPLY IN ACCORDANCE WITH THE MANUFACTURER'S DIRECTIONS AND RECOMMENDATIONS.
7. FOR VERTICAL AND OVERHEAD PATCHES PROVIDE DOWELS-N 1/8" DIA STAINLESS STEEL HEADED PINS AT 6" O.C. EACH WAY WITH 12 GAZE STAINLESS STEEL WIRE BETWEEN THE PINS.
8. ALL PATCHES TO CONCRETE SHALL BE CONSIDERED STRUCTURAL REPAIRS. PATCHING WITH SITE MIXED PORTLAND CEMENT, SAND AND WATER IS NOT ALLOWED. PATCHES SHALL BE APPROVED BY THE ENGINEER. ALL PATCHING OF COLORED CONCRETE SHALL MEET ARCHITECTURAL APPROVAL.
9. THE STRUCTURAL ENGINEER SHALL PERFORM AN INSPECTION AFTER EACH OF THE FOLLOWING STAGES:  
A. SAW CUTTING EDGE OF PATCH.  
B. CURING PRESSUREMORTAR TO SURFACE.  
C. AFTER PRESSUREMORTAR AND DURING SCRUB COAT APPLICATION.  
D. DURING PLACEMENT OF THE PATCH.

### REINFORCING STEEL:

1. ALL REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60. ALL REINFORCING BARS SHALL BE DEFINED.  
2. REFER TO MASONRY NOTES FOR FURTHER INFORMATION REGARDING REINFORCING STEEL IN MASONRY ELEMENTS.  
3. CONCRETE COVER FOR REINFORCING BARS (TO FACE OF BAR INCLUDING STIRRUPS, TIES AND SPINDLES) UNLESS NOTED OTHERWISE PERMANENTLY EXPOSED TO EARTH, WEATHER OR WATER \_\_\_\_\_ 3"  
CONCRETE EXPOSED TO EARTH, WEATHER OR WATER \_\_\_\_\_ 2"  
4. SEE REINFORCEMENT LAP SPICE AND EMBEDMENT LENGTH SCHEDULE FOR DESIGNATION OF REINFORCING BARS. LAP LENGTHS ARE NOT SPECIFICALLY IDENTIFIED IN THIS SCHEDULE. REINFORCING BARS SHALL BE CLASSIFIED AS TOP BARS OR BOTTOM BARS OVER SUPPORTS AND TOP BARS AT MID-SPAN ONLY. UNLESS NOTED OTHERWISE.  
C. TOP BARS ARE ALL HORIZONTAL BARS PLACED 90° TO FACE OF CONCRETE IS CAST IN THE MEMBER BELOW THE BARS.

BAR SIZE	MIN. LAP LENGTH (IN.)		MIN. EMBEDMENT LGTH. (IN)	
	CLASS B	CLASS A	STRAIGHT BARS WITH STD. WELD. HOOK	OTHER BARS
#3	24	19	19	15
#4	32	25	25	19
#5	40	31	31	24
#6	48	37	37	29
#7	70	54	54	42
#8	80	62	62	48
#9	91	70	70	54
#10	102	79	79	61
#11	113	87	87	67

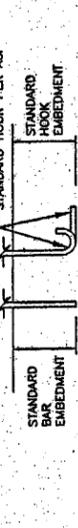
### REINFORCEMENT LAP SPICE AND EMBEDMENT LENGTH (1/4" x 4000 PSI)

BAR SIZE	MIN. LAP LENGTH (IN.)		MIN. EMBEDMENT LGTH. (IN)	
	CLASS B	CLASS A	STRAIGHT BARS WITH STD. WELD. HOOK	OTHER BARS
#3	24	19	19	15
#4	32	25	25	19
#5	40	31	31	24
#6	48	37	37	29
#7	70	54	54	42
#8	80	62	62	48
#9	91	70	70	54
#10	102	79	79	61
#11	113	87	87	67

### REQUIREMENTS FOR BEAMS AND COLUMNS

BAR SIZE	TOP BARS	OTHER BARS	MIN. EMBEDMENT LGTH. (IN)
#3	24	19	19
#4	32	25	25
#5	40	31	31
#6	48	37	37
#7	70	54	54
#8	80	62	62
#9	91	70	70
#10	102	79	79
#11	113	87	87

### STANDARD HOOK PER ACI



- \*\* FOR BAR CLEAR SPACING LESS THAN 3 BAR DIAMETER, ADD 50% CONTINUOUS UNLESS OTHERWISE NOTED.
- ALL WALL REINFORCEMENT AT CORNERS OR JUNCTIONS OF WALLS SHALL BE CONTINUOUS, LAPPED OR TERMINATED IN A 90 DEGREE HOOK. ALL BARS SHALL BE DOWELED, UNLESS SHOWN OTHERWISE. ALL DOWELS SHALL BE PLACED IN ACCORDANCE WITH ACI 318-99. ALL REINFORCING BARS SHALL HAVE STAGGERED SPACING WITH NO MORE THAN 1/3 OF THE REINFORCING SPACED AT ANY LOCATION.
- DOWEL ALL VERTICAL REINFORCING TO FOUNDATIONS, UNLESS OTHERWISE NOTED ON DRAWINGS.

8. SECURELY TIE ALL REINFORCING AND EMBEDDED ITEMS IN POSITION BEFORE PLACING CONCRETE OR GROUT. DO NOT STAB OR SHOVE INTO FRESHLY PLACED CONCRETE.
9. SUBMIT PLACING DRAWINGS PER ACI DETAILS MANUAL, ACI SP-88, FABRICATE REINFORCING STEEL AFTER ENGINEER'S REVIEW AND AT ALL FOUNDATIONS.
10. DO NOT WELD REINFORCING STEEL.
11. MECHANICAL BUTT SPICES, FORM SAVERS, AND COUPLERS SHALL EXCEED THE REQUIREMENTS FOR BOTH TENSION AND COMPRESSION SPECIFIED BY ACI 318-99 AND THE UNIFORM BUILDING CODE. ALL CONNECTORS SHALL HAVE AN IC80 REPORT. SPECIAL INSPECTION WILL INCLUDE RANDOM TENSILING OF COUPLERS BEFORE AND AFTER INSTALLATION IN FORMS. IF ANY COUPLER FAILS TO PASS THE TENSILE TEST, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF REWORK AND AT THE CONTRACTOR'S EXPENSE.
12. TOLERANCES FOR FABRICATION, PLACEMENT, AND LAP SPICES FOR REINFORCEMENT SHALL CONFORM TO SECTION 2 OF ACI 117.
13. REINFORCING BARS AND ACCESSORIES SHALL NOT BE IN CONTACT WITH ANY PRECAST PIPING OR METAL PARTS EMBEDDED IN CONCRETE. A MINIMUM OF 1-1/2 INCHES CLEARANCE SHALL BE PROVIDED AT ALL TIMES U.N.O.

### STRUCTURAL STEEL:

1. STEEL CONSTRUCTION SHALL CONFORM TO THE SPECIFICATIONS AND STANDARDS AS CONTAINED IN THE LATEST EDITION OF THE SPECIFICATIONS AND STANDARDS, INCLUDING THE SUPPLEMENTARY AND SUPPLEMENTS THEREIN, AS ISSUED.
2. MATERIALS SHALL CONFORM WITH THE FOLLOWING STANDARDS:  
W-SHAPES \_\_\_\_\_ ASTM A992, FY = 50 KSI  
OTHER ROLLED SECTIONS (ANGLES, CHANNELS, PLATES, ETC.) \_\_\_\_\_ ASTM A36, FY = 36 KSI  
WELDED PIPE \_\_\_\_\_ ASTM A53, GR. B, FY = 35 KSI  
STRUCTURAL TUBES \_\_\_\_\_ ASTM A500, GR. B, FY = 48 KSI  
STRUCTURAL BOLTS \_\_\_\_\_ ASTM A325  
ANCHOR BOLTS \_\_\_\_\_ ASTM A307 OR ASTM A36  
WELDING RODS \_\_\_\_\_ E-70 SERIES LOW HYDROGEN PROGRAM.
3. ALL WELDING SHALL CONFORM TO AWS D1.1.
4. ALL WELDERS SHALL HOLD VALID CERTIFICATES ISSUED BY AN ACCEPTED TESTING AGENCY WITHIN THE LAST 12 MONTHS. IF ANY CERTIFICATE IS MORE THAN 12 MONTHS OLD, THE CONTRACTOR SHALL SUBMIT DETAILS OF COMPANY QUALITY CONTROL PROGRAM.
5. ALL WELDERS SHALL SUBMIT PREQUALIFIED WELDING AND WELDING PROCEDURES TO BE AVAILABLE ON PREMISES FOR REVIEW.
6. SUBMIT SHOP DRAWINGS FOR ENGINEER'S REVIEW. FABRICATE ONLY FROM REVIEWED SHOP DRAWINGS.
7. WHEN LONG SLOTTED HOLES ARE SPECIFIED BY DETAILS AND/OR NOTES ON DRAWINGS, THE CONTRACTOR SHALL SUPPLY PLATE WASHERS AS REQUIRED BY AISC CODE.
8. MINIMUM EMBEDMENT OF BOLTS IN MASONRY OR GROUT SHALL BE 6" WITH END HEAD AT THE EMBEDDED END OR 5" WITH A 3" HOOK AT THE EMBEDDED END.
9. HEADED ANCHOR STUDS (HAS ON DRAWINGS) SHALL BE NELSON HEADED STUDS OR APPROVED EQUAL STUDS SHALL BE AUTOMATICALLY END WELDED WITH SUITABLE NELSON STUD WELDING EQUIPMENT. ALL WELDS SHALL BE MADE IN ACCORDANCE WITH THE WELDING PROCEDURES OF THE WELDING COMPANY. NELSON CHAIR STUDS SHALL BE OF DIAMETER, LENGTH AND SPACING PER THE DRAWINGS.
10. GRIND SMOOTH ALL EXPOSED WELDS AND CUT EDGES. FINAL APPROVAL IS BY THE ENGINEER.
11. WHERE MASONRY ENCOMPASSES STEEL BEAMS PROVIDE DOWEL ANCHORS AT 16 INCHES O/C.

### STAINLESS STEEL:

1. STAINLESS STEEL SHEETS AND PLATES SHALL CONFORM TO ASTM A-167. STAINLESS STEEL SECTIONS SHALL CONFORM TO ASTM A276. STAINLESS STEEL SHALL BE TYPE 316, U.N.O. FASTENERS AND FITTINGS SHALL CONFORM TO ASTM A-320.

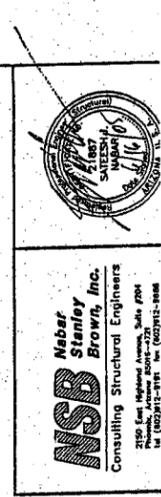
### ALUMINUM:

1. ALUMINUM CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF THE ALUMINUM CONSTRUCTION MANUAL OF THE ALUMINUM ASSOCIATION.
2. UNLESS OTHERWISE INDICATED, STRUCTURAL ALUMINUM SHALL BE ALLOY 6061-T6 OR ALLOY 6061-T6 CONFORMING TO ASTM B-221. CHECKED OR PLATE SHALL CONFORM TO ASTM B-209.
3. WHERE ALUMINUM IS IN CONTACT WITH CONCRETE OR MASONRY SURFACES, CONTACT SURFACES SHALL BE COATED WITH HEAVY ALKALI-RESISTANT BITUMINOUS PAINT.

AZAW000447

### Paradise Valley Arsenic Removal Facility STRUCTURAL GENERAL NOTES 1

### REVISIONS



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ARIZONA AMERICAN WATER  
PARADISE VALLEY DISTRICT

DAVID S. WILLIAMS ASSOCIATES, LLC  
2385 E. CAPEBACK ROAD, SUITE 700  
PHOENIX, AZ 85018

DRAWN BY DE  
PROJECT ENGR BSH  
DATE: JUNE 2005  
PROJECT 23020203  
SCALE AS SHOWN

**DSAMA**

OF JOIST BEING USED, FABRICATION AND ERECTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE STEEL JOIST INSTITUTE SPECIFICATION. IN CURRENT ICBG REVISIONS, THE FABRICATOR MAY PROVIDE A JUST BRIDGING WITH MECHANICAL OR OTHER INSTALLATIONS. DESCRIPTIONS OF SUCH CONDITIONS SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW BY THE STRUCTURAL ENGINEER. DO NOT REMOVE ANY BRIDGING UNTIL AFTER THE DECK IS IN PLACE.

3. CONNECTIONS AND BEARING MATERIAL REQUIRED BY THE SJI SPECIFICATIONS BUT NOT SHOWN ON THE DRAWINGS SHALL BE DESIGNED AND FURNISHED BY THE FABRICATOR. THE FABRICATOR SHALL VERIFY THAT CONNECTIONS TO JOISTS AND JOIST CHORDS SHOWN ON THE STRUCTURAL DRAWINGS ARE COMPATIBLE WITH THE PROPOSED CHORD SIZE.

4. PROVIDE SPECIAL JOIST END SHOES ON ALL JOISTS WITH LESS THAN 4" OF BEARING. PROVIDE CALCULATIONS FOR THESE SPECIAL JOIST BEARINGS. SLOPE JOIST END SHOES TO MATCH ROOF SLOPE.

5. USE CARE TO AVOID DAMAGE TO JOIST FLANGES IN ALL FIELD WELDING. SUGGESTION FOR WELDING: DO NOT FIELD WELD TO COLD ROLLED FLANGES THINNER THAN 12 GAGE.

6. SEE MECHANICAL DRAWINGS FOR MECHANICAL EQUIPMENT SUPPORT FRAMING. LOCATE CONNECTIONS TO JOISTS 4" MAXIMUM FROM A PANEL POINT, OR PROVIDE AN ADDITIONAL 2 X 2 X 1/4" WEB ANGLE FROM THE POINT OF CONNECTION TO A PANEL POINT AT THE OPPOSITE CHORD.

7. ALL JOISTS SHALL BE ERECTED IN A VERTICAL POSITION PER SJI SPECIFICATIONS.

8. SUBMIT SHOP DRAWINGS FOR THE ENGINEER'S REVIEW. FABRICATE ONLY AFTER REVIEWED DRAWINGS.

9. DESIGN ALL OPEN STEEL JOIST JOISTS FOR AN ADDITIONAL 2000 LB LOAD AT THE MID SPAN. THE LOAD SHALL BE APPLIED TO THE BOTTOM CHORD OF THE JOIST AND IS IN ADDITION TO ALL OTHER LOADS.

**3" TYPE PLIN/METAL ROOF DECK:**  
1. STEEL DECK INSTITUTE SPECIFICATIONS AND RECOMMENDATIONS APPLY EXCEPT AS NOTED OTHERWISE. DECK SHALL BE PAINTED OR GALVANIZED MINIMUM 20 GAGE 3" DEEP. WITH MINIMUM 5" = 0.508 INCH CUBED PER FOOT WIDTH. MAXIMUM FLUTE WIDTH SHALL BE 2-1/2 INCHES. DECK SHALL BE CONTINUOUS OVER THESE SPANS. EXCEPT THAT SINGLE SPANS ARE REQUIRED IN ALL CASES. WELD JOINTS SHALL BE WELDED TO THE DECK WITH A WELD SAMPLE OR TWO SPAN CONTINUOUS CONDITIONS. PROVIDE A MINIMUM YIELD STRESS OF 33,000 PSI. CONFORM TO ICBG REPORT NUMBER 2078L.

2. SUSPENDED CEILING SYSTEMS MAY BE SUPPORTED FROM THE DECK FLUTES. HOWEVER, DO NOT SUSPEND PLASTER CEILINGS FROM DECK. ALL MECHANICAL, ELECTRICAL AND PLUMBING SHALL BE SUPPORTED FROM THE STEEL STRUCTURE.

3. MINIMUM ALLOWABLE DIAPHRAGM SHEAR PER ICBG REPORT SHALL BE 713 POUNDS PER FOOT. PROVIDE ALL NECESSARY DETAILS SUCH AS EDGE FORM, SPLICE PLATES, PROFILE PLATES, ETC. ERECTION ACCORDANCE WITH THE REPORT TO MEET THE SHEAR REQUIREMENTS SPECIFIED ABOVE. EXCEPT THAT IN ALL CASES, THE JOINTS BETWEEN STEEL MEMBERS BE LESS THAN NOTED.

4. WELD JOINTS SHALL BE WELDED TO THE DECK WITH A WELD SAMPLE OR TWO SPAN CONTINUOUS CONDITIONS. PROVIDE A MINIMUM YIELD STRESS OF 33,000 PSI. CONFORM TO ICBG REPORT NUMBER 2078L.

5. ALL SHEETS TO BE 24" WIDE. NARROWER CLOSURE STRIPS SHALL NOT BE LESS THAN 1'-0" WIDE AND SHALL BE WELDED TO ADJACENT FULL SHEET WITH 1" LONG SEAM WELDS AT 12" O/C.

6. SHOP DRAWINGS SHALL SHOW THE ERECTION PROCEDURE AND DETAILS. THE ICBG REPORT NUMBER AND DIAPHRAGM SHEAR FURNISHED AND SHALL BE SUBMITTED FOR REVIEW PRIOR TO FABRICATION.

**MASONRY:**

1. MASONRY STRUCTURE SHALL BE CONCRETE MASONRY UNITS, GRADE N, MINIMUM WEIGHT WITH A COMPRESSIVE STRENGTH OF 1900 PSI ON THE NET AREA.

2. GROUT: 2000 PSI, MINIMUM 28 DAY COMPRESSIVE STRENGTH. MECHANICALLY VIBRATE GROUT IMMEDIATELY AFTER POURING AND AGAIN AFTER 5 MINUTES. GROUT SHALL CONFORM TO ASTM C476 UNLESS OTHERWISE SPECIFIED. GROUT SHALL BE PLACED IN THE JOINTS AND SHALL BE COMPACTED TO PRODUCE A CONSISTENCY FOR POURING WITHOUT SEGREGATION. USE GROUT WITHIN 1.5 HOURS OF ADDITION OF MIXING WATER (NO WATER SHALL BE ADDED AT CONSTRUCTION SITE).

3. MORTAR: CEMENT-LIME TYPE S, 1900 PSI MINIMUM 28 DAY COMPRESSIVE STRENGTH. CONFORM TO ACI-500. MORTAR SHALL BE PLACED AND COMPACTED IN ACCORDANCE WITH THE ASTM AND ACI STANDARDS PRIOR TO THE START OF CONSTRUCTION, UNDER THE OBSERVATION OF THE ENGINEER OR SPECIAL INSPECTOR OR AN APPROVED AGENCY AND TESTED BY AN APPROVED AGENCY.

4. A MINIMUM OF ONE SET OF THREE PRISMS SHALL BE CONSTRUCTED FOR EACH COURSE OF MASONRY. THE PRISMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH ASTM C109. TEST SHALL BE CONDUCTED IN ACCORDANCE WITH ASTM C109. COMPRESSIVE STRENGTH OF MASONRY  $F_m = 1500$  PSI.

5. LAY UNITS IN RUNNING BOND. CORNERS SHALL HAVE A STANDARD BOND BY OVER-LAPPING UNITS.

6. MAXIMUM GROUT LIFT WITHOUT CLEAN-OUTS AND INSPECTION SHALL BE 4'-0".

7. THE VERTICAL REINFORCING AT EACH END OF BAR AND AT 4'-0" MAXIMUM VERTICAL SPACING USING SINGLE WIRE LOOP TYPE TIES AS MANUFACTURED BY A. A. WIRE PRODUCTS COMPANY OR APPROVED ALTERNATE.

8. SEE ARCHITECTURAL DRAWINGS FOR LOCATIONS OF EXPANSION AND CONTROL JOINTS IN WALLS. MASONRY CONTROL JOINTS SHALL BE SPACED AT 24'-0" ON CENTER. LOCATE CONTROL JOINTS NO MORE THAN 16'-0" FROM THE CORNER OF A WALL. CONTROL JOINTS SHALL BE LOCATED AT ALL VERTICAL INTERFACES OF MAJOR CHANGES IN WALL HEIGHT AND WALL THICKNESS.

OPENING.  
7. GROUT SOLID ALL WALLS IN CONTACT WITH EARTH, REMAINING WALLS, STEM WALLS AND AS NOTED ON DRAWINGS.

8. PRIOR TO GROUTING, THE GROUT SPACE SHALL BE CLEAN. SPACES TO BE FILLED WITH GROUT SHALL NOT CONTAIN MORTAR PROJECTIONS GREATER THAN 1/2 INCH, MORTAR DROPPINGS OR OTHER FOREIGN MATERIAL. ALL SPACES DESIGNATED TO BE GROUTED SHALL BE FILLED WITH GROUT AND GROUT SHALL BE COMPACTED TO THOSE SPECIFIC SPACES. REMOVE ALL DEBRIS FROM BOTTOM OF MASONRY CELLS PRIOR TO GROUTING.

9. GROUT MATERIALS AND WATER CONTENT SHALL BE CONTROLLED TO PROVIDE ADEQUATE FLUIDITY FOR PLACEMENT, WITHOUT SEGREGATION OF THE CONSTITUENTS, AND SHALL BE WETTED THOROUGHLY.

10. THE GROUTING OF ANY SECTION OF WALL SHALL BE COMPLETED IN ONE DAY WITH NO INTERRUPTIONS GREATER THAN ONE HOUR.

11. BETWEEN GROUT POURING, A HORIZONTAL CONSTRUCTION JOINT SHALL BE FORMED BY STOPPING ALL WIRING AT THE SAME ELEVATION AND WITH THE GROUT STOPPING A MINIMUM OF 1 1/2 INCHES BELOW A MORTAR JOINT, EXCEPT AT THE TOP OF THE WALL WHERE BOND BEAMS OCCUR. THE GROUT JOINT SHALL BE STOPPED A MINIMUM OF 1/2 INCH BELOW THE TOP OF THE MASONRY.

12. ALL CELLS AND SPACES CONTAINING REINFORCEMENT, ANCHOR BOLTS, OR HEADED ANCHOR STUDS (HAS) SHALL BE FILLED WITH GROUT. ALL EMBEDS SHALL BE TIED OR FIXED IN PLACE PRIOR TO GROUTING.

13. GROUT SHALL BE CONSOLIDATED BY MECHANICAL VIBRATION DURING PLACEMENT BEFORE LOSS OF PLASTICITY IN A MANNER TO FILL THE GROUT SPACE. GROUT POURS GREATER THAN 12 INCHES IN HEIGHT WILL BE RECONSOLIDATED BY MECHANICAL VIBRATION TO MINIMIZE VOIDS. GROUT POURS 12 INCHES OR LESS IN HEIGHT SHALL BE MECHANICALLY VIBRATED OR PULLED AND RODDED WITH SMOOTH BAR.

14. MINIMUM VERTICAL REINFORCING:  
OF GROUTED VERTICAL CELLS AS SPECIFIED ON PLANS (48" O/C MINIMUM) AND AS FOLLOWS: 1 VERTICAL EACH SIDE OF EXPANSION JOINTS AND CONTROL JOINTS, 3 VERTICALS (1 PER CELL) AT CORNERS, INTERSECTIONS, WALL ENDS AND JAMBS, UNLESS OTHERWISE NOTED ON PLANS.

15. MINIMUM HORIZONTAL REINFORCING:  
A. PROVIDE 2 #5 BARS AT MID HEIGHT BETWEEN FLOOR AND ROOF LINES AND AT ALL ROOF LINES AND 1 #5 AT TOP OF ALL PARAPETS IN CONTINUOUS GROUTED BOND BEAMS. EXTEND REINFORCING THROUGH EXPANSION AND CONTROL JOINTS, WRAPPING BARS WITH 1/8" THICK SHEET PILE OR 1/2" O/C OF EXPANSION JOINTS AND CONTROL JOINTS. PROVIDE BOND BEAM TYPE BLOCK FOR ALL HORIZONTAL REINFORCING JOINTS. PROVIDE LADDER TYPE #9 JOINT REINFORCING AT 18" VERTICAL SPACING IN WALLS (LAP LADDER JOINT REINFORCING AT 12" MINIMUM).

B. DO NOT USE TRUSS TYPE JOINT REINFORCING. BOND BARS SHALL BE AT LEAST ONE SLAPPING JOINT LINE FROM DIAPHRAGM JUNCTION.

C. 1 #5 BAR ABOVE AND BELOW ALL OPENINGS WITH ENDS EXTENDING 24" PAST THE OPENING.

16. SPLICES:  
A. LAP REINFORCING BARS 48 BAR DIAMETERS AT SPACES (16" - 40" LAP). B. CONTAIN AT LEAST ONE CROSS WIRE OF EACH PIECE OF REINFORCEMENT IN THE LAPPED DISTANCE.

17. PROVIDE CONTINUOUS LATH GROUT BARRIERS BELOW BOND BEAMS. ALL REINFORCING TO BE CLEAR OF MASONRY FACE SHELLS AND OTHER REINFORCING NOT SPACED 1/4" FOR FINE GROUT AND 1/2" FOR COARSE GROUT.

18. WHERE MASONRY ENCOMPASSES STEEL BEAMS PROVIDE DOVETAIL ANCHORS AT 16 INCHES O/C.

19. PROVIDE UNLIT TYPE BLOCKS AT THE BOTTOM OF ALL UNLITS. PROVIDE DOUBLE OPEN END HALF WEB HEIGHT BLOCK FOR REMAINDER OF UNLIT DEPTH. PLACE ALL BLOCKS OF UNLIT IN RUNNING BOND THROUGHOUT SPAN AND AT JAMBS.

20. ALL HOLES SHALL BE DRILLED. HOLES MADE BY CHIPPING WILL NOT BE ACCEPTED.

21. CONCRETE MASONRY UNITS SHALL NOT BE WETTED UNLESS OTHERWISE APPROVED.

22. MASONRY SHOP DRAWINGS SHALL INCLUDE THE FOLLOWING ITEMS:  
A. COMPLETE LAYOUT OF ALL MASONRY WALLS SHOWING THE LOCATION AND SHOW ALL DETAILS FOR EACH CONDITION ENCOUNTERED IN THE WORK. PROVIDE PLANS AND ELEVATIONS DRAWN AT 1/4"-INCH SCALE AND DETAILS DRAWN AT 1-1/2"-INCH SCALE. SHOW ALL ITEMS REQUIRED TO BE BUILT INTO UNIT MASONRY CONSTRUCTION WORK.

B. MASONRY CONTROL JOINT LOCATIONS AND DETAILS. LOCAL ELEVATION AND ACCURATE COORDINATES AND PROJECT OR GRID INFORMATION SHALL BE SHOWN, SPECIFIED AND REQUIRED BY THIS AND OTHER SECTIONS TO BE BUILT INTO THE UNIT MASONRY CONSTRUCTION WORK.

C. SHOP DRAWINGS FOR FABRICATION, BENDING AND PLACEMENT OF REINFORCING BARS. SHOW BAR SCHEDULES, DIAGRAMS OF BENT BARS, STRUPE SPACING, LATERAL TIES AND OTHER DETAILS OF REINFORCEMENT FOR UNIT MASONRY CONSTRUCTION WORK.

**DEFERRED SUBMITTAL OF PREABRICATED COMPONENTS:**

1. THE CONTRACTOR SHALL INCLUDE IN HIS BID ALL THE AND EFFORT REQUIRED TO OBTAIN A BUILDING DEPARTMENT REVIEW/PERMIT FOR THE FOLLOWING FACTORY FABRICATED STRUCTURAL COMPONENTS:  
- WOOD TRUSSES  
- OPEN WEB STEEL JOISTS  
- CANOPIES

2. IN ALL CASES THE COMPONENTS MUST BE DESIGNED AND MANUFACTURED BY AN APPROVED FABRICATOR. SUBMITTALS TO THE BUILDING DEPARTMENT SHALL PROCEED AFTER REVIEW BY THE GENERAL CONTRACTOR, THE ARCHITECT, AND THE STRUCTURAL ENGINEER. THE SUBMITTAL SHALL INCLUDE SET PLAN, SECTIONS AND DETAILS SHOWING THE REQUIRED DETAILS FOR CONSTRUCTION.

**SHOP DRAWINGS:**

1. THE STRUCTURAL DRAWINGS ARE THE PROPERTY OF NABAR STANLEY BROWN, INC. AND SHALL NOT BE REPRODUCED AS SHOP DRAWINGS UNDER ANY CIRCUMSTANCE. ALL ELEMENTS REQUIRED TO BE SHOWN IN THE SHOP DRAWINGS SHALL BE REDRAWN BY THE PARTY PREPARING THE SHOP DRAWINGS. NABAR STANLEY BROWN, INC. WILL REJECT ANY SHOP DRAWINGS MERELY COPIED FROM THE STRUCTURAL DRAWINGS.

2. THE STRUCTURAL SHOP DRAWINGS WILL BE RETURNED FOR RESUBMITTAL IF A CURSORY REVIEW SHOWS MAJOR ERRORS WHICH SHOULD HAVE BEEN FOUND BY THE CONTRACTOR'S CHECKING. NABAR STANLEY BROWN, INC. SHALL RETURN WITHOUT COMMENT MATERIAL NOT CALLED FOR OR WHICH HAS NOT BEEN APPROVED BY THE CONTRACTOR AND BEAR HIS STAMP.

3. CONCRETE MIX DESIGNS, SUBMITTALS SHALL BE PREPARED OR CERTIFIED TO CONFORM TO ACI CODE BY AN INDEPENDENT TESTING LABORATORY PRIOR TO SUBMITTING TO ENGINEER. EACH SEPARATE MIX DESIGN SHALL BE INCLUDED WITH A COVER LETTER INDICATING ALL LOCATIONS ON THE PROJECT WHERE THE MIX WILL BE USED.

4. ANY RESUBMITTAL OF ANY DETAIL SHEET WITH ADDED INFORMATION SHALL BE ACCOMPANIED BY LOCATION PLAN IDENTIFYING THE MEMBERS INVOLVED AND CLOUDING AROUND ADDED INFORMATION.

5. ANY ENGINEERING SUBMITTED FOR REVIEW SHALL BE APPROPRIATELY SEALED, FULL RESPONSIBILITY OF SUCH ENGINEERING RESTS WITH THE PERSON SEALING THE DESIGN.

6. SEE EACH PREVIOUS SECTION OF THE GENERAL STRUCTURAL NOTES FOR ADDITIONAL REQUIREMENTS THAT SHALL BE INCLUDED ON EACH TRADE'S SHOP DRAWINGS.

**STRUCTURAL INSPECTION:**

1. THE OWNER OR THE ENGINEER OR ARCHITECT OF RECORD ACTING AS THE OWNER'S EMPLOYEE OR MORE SPECIAL STRUCTURAL INSPECTORS IN ACCORDANCE WITH THE BUILDING CODE.

2. THE CONTRACTOR SHALL INSPECT ALL STRUCTURAL WORK FOR CONFORMANCE WITH THE CONTRACT DOCUMENTS. ANY STRUCTURAL INSPECTION PROVIDED BY OTHERS DOES NOT RELIEVE HIM OF HIS RESPONSIBILITY. ANY STRUCTURAL DEVIATIONS FROM THE CONTRACT DOCUMENTS FOUND BY THE CONTRACTOR SHALL BE CORRECTED BY THE CONTRACTOR WITH ALL DISPATCH. THE STRUCTURAL INSPECTOR IS NOT AUTHORIZED TO DIRECT OR APPROVE ANY CHANGES FROM THE CONTRACT DOCUMENTS. IF THE CONTRACTOR WISHES TO QUESTION THE STRUCTURAL INSPECTOR'S INTERPRETATION OF THE CONTRACT DOCUMENTS, HE MAY DO SO DIRECTLY WITH THE ENGINEER.

3. THE STRUCTURAL INSPECTOR IS NOT AUTHORIZED TO STOP OR DELAY THE WORK. IF THE CONTRACTOR ELECTS TO CONTINUE WITH CERTAIN WORK AFTER NOTIFICATION OF UNACCEPTABILITY BY THE STRUCTURAL INSPECTOR, HE DOES SO AT HIS OWN RESPONSIBILITY AND RISKS CORRECTING THE WORK AT A LESS OPPORTUNE TIME.

4. THE STRUCTURAL INSPECTOR IS NOT INSPECTING FOR ANY OSHA COMPLIANCE OR FOR ANY TEMPORARY CONSTRUCTION, SUCH AS BRACING.

5. THE CONTRACTOR IS RESPONSIBLE FOR PROMPTING ADEQUATE FACILITIES FOR THE STRUCTURAL INSPECTOR TO INSPECT THE WORK SAFELY AND EFFICIENTLY.

6. A MINIMUM 24 HOUR NOTICE IS REQUIRED FOR INSPECTION.

7. WORK MUST BE COMPLETED AT TIME OF INSPECTION.

8. CONTRACTOR SHALL BEAR THE EXPENSE OF ANY ADDITIONAL INSPECTION DUE TO INCOMPLETE OR INCORRECT WORK.

9. THE FOLLOWING ITEMS REQUIRE SPECIAL STRUCTURAL INSPECTION IN ACCORDANCE WITH THE BUILDING CODE:  
A. CONCRETE  
B. BOLTS INSTALLED IN CONCRETE  
C. REINFORCING STEEL  
D. STRUCTURAL WELDING  
E. ADHESIVE ANCHOR PREPARATION AND INSTALLATION  
F. EARTH WORK (BY OTHERS)

AZA W000448

Paradise Valley Arsenic Removal Facility  
STRUCTURAL  
GENERAL NOTES II

ARIZONA AMERICAN WATER  
PARADISE VALLEY DISTRICT

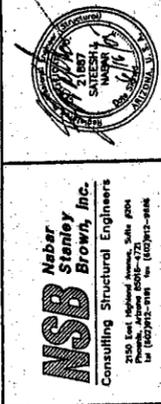
DAWSON S. WILLIAMS ASSOCIATES, LLC  
2385 E. CAMELBACK ROAD, SUITE 700  
PHOENIX, AZ 85016

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PROJECT ENGR BSH  
APPROVED

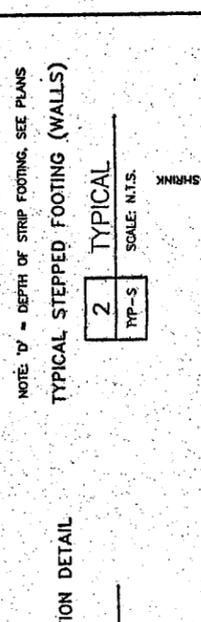
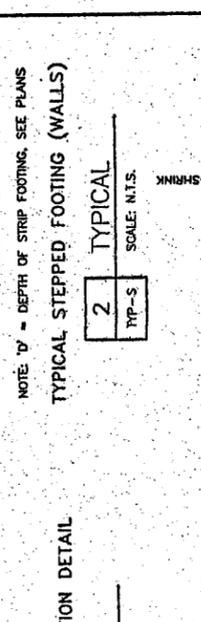
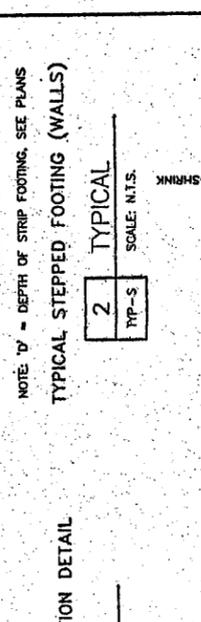
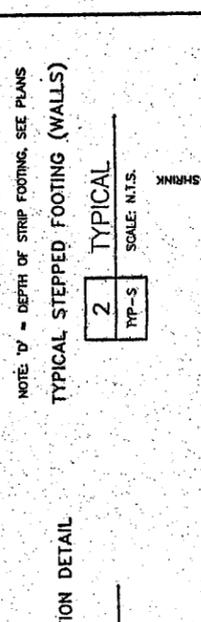
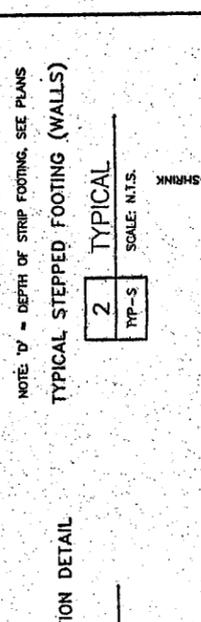
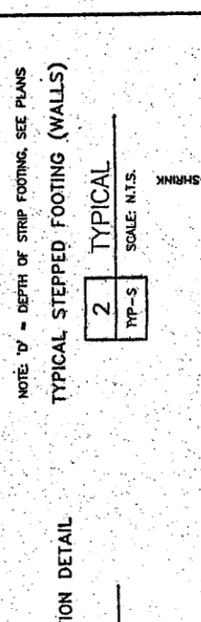
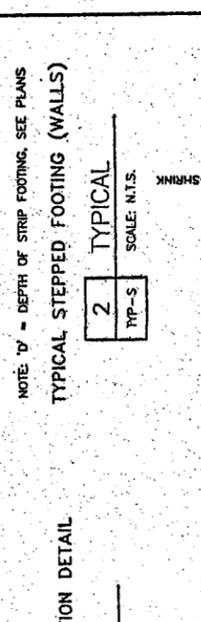
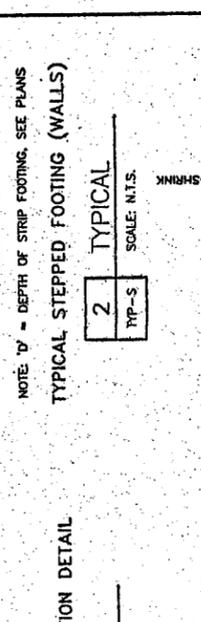
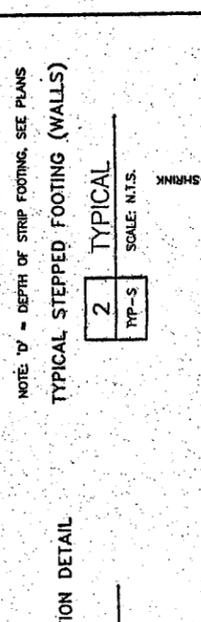
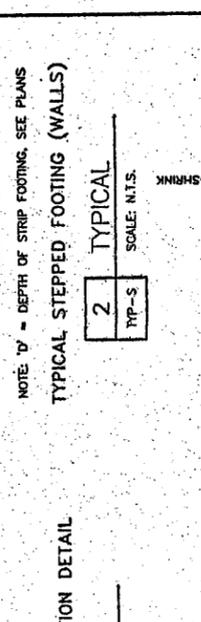
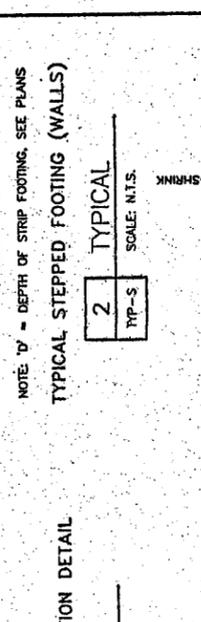
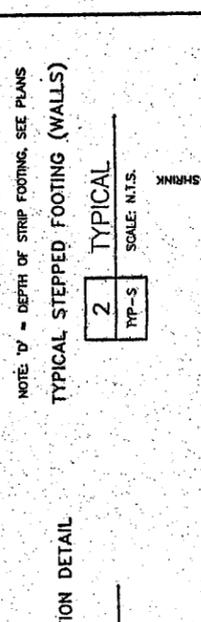
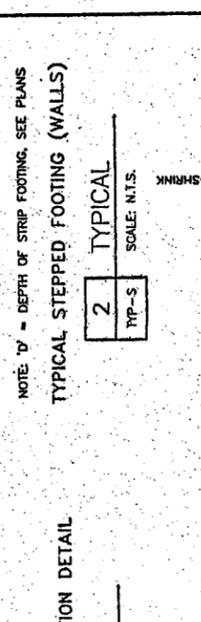
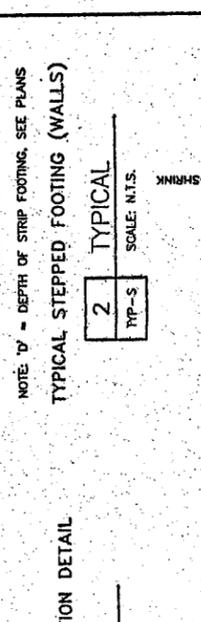
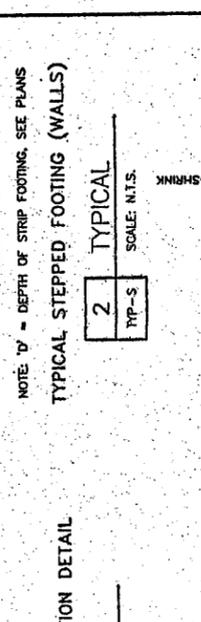
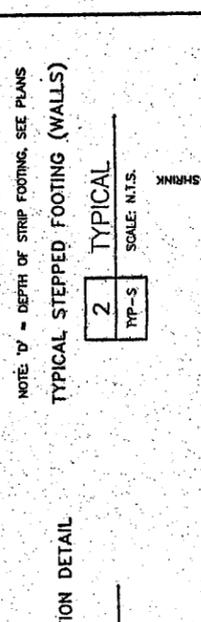
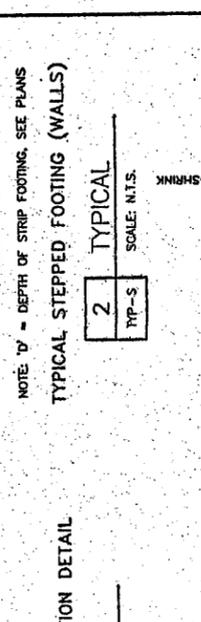
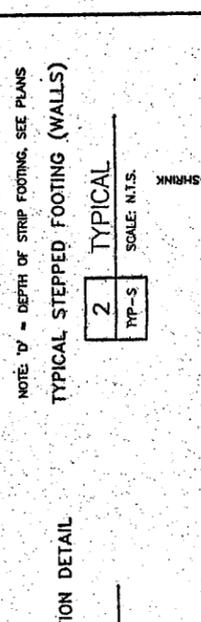
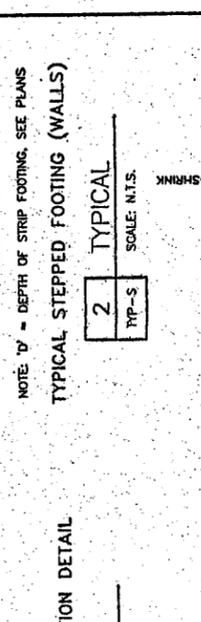
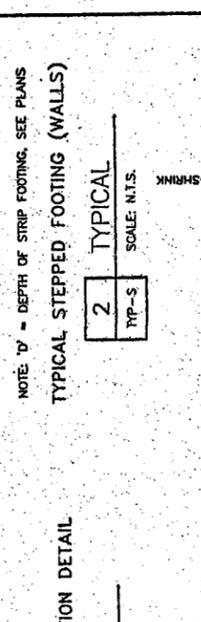
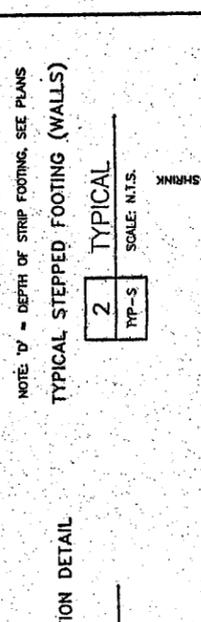
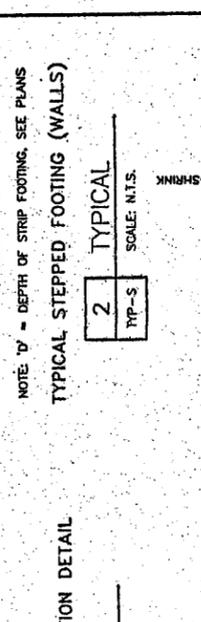
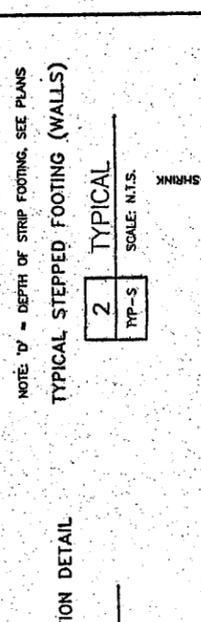
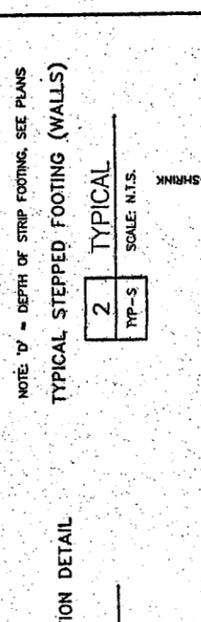
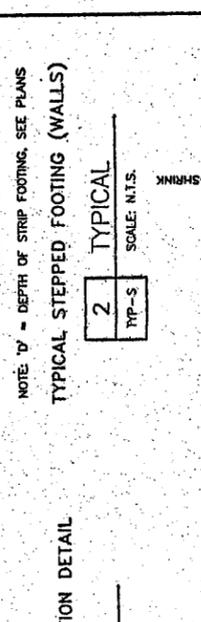
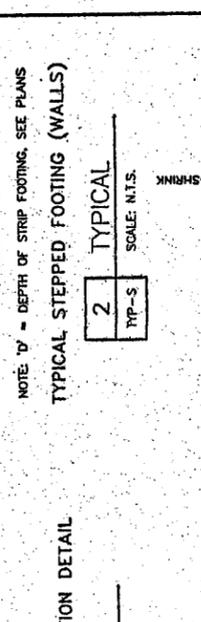
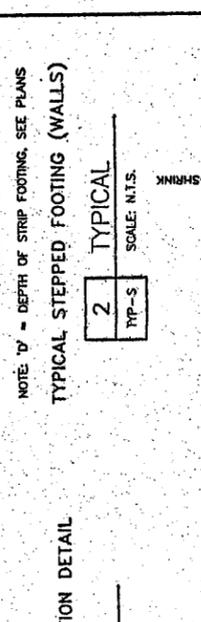
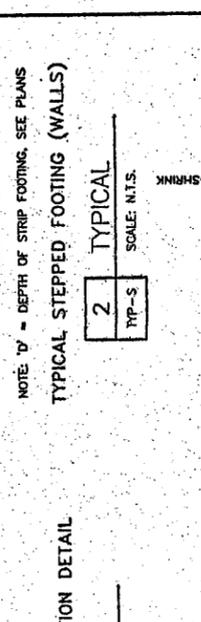
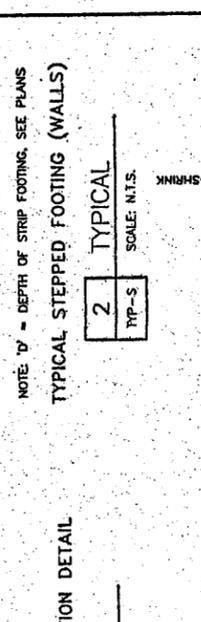
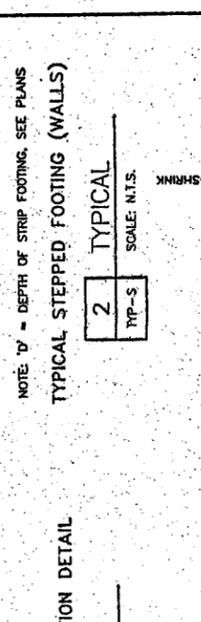
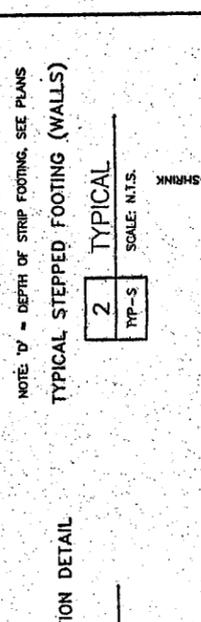
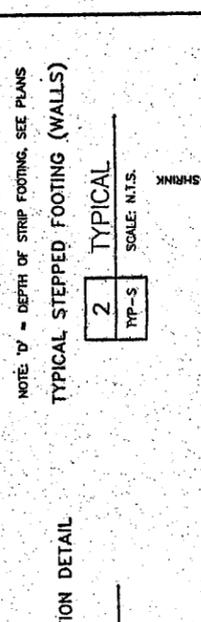
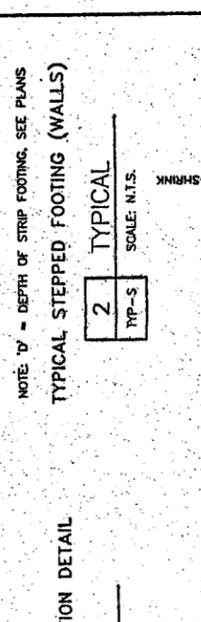
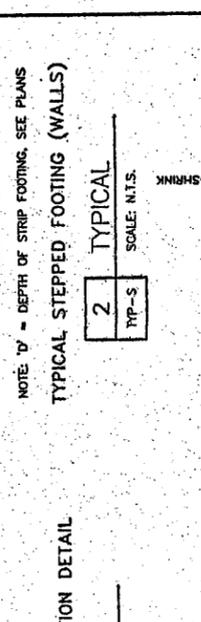
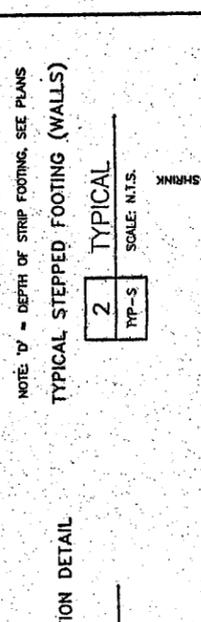
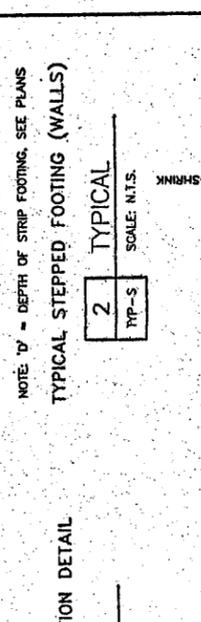
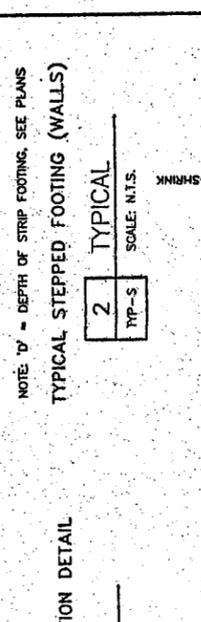
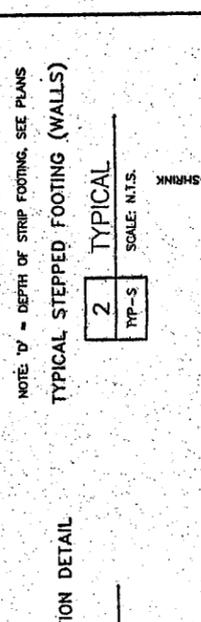
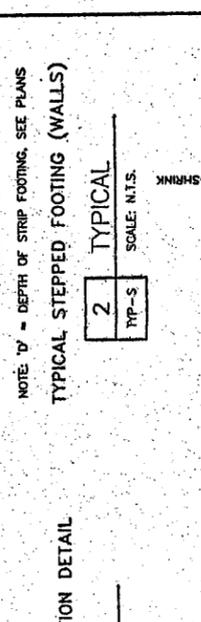
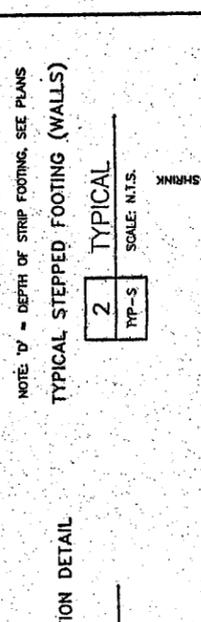
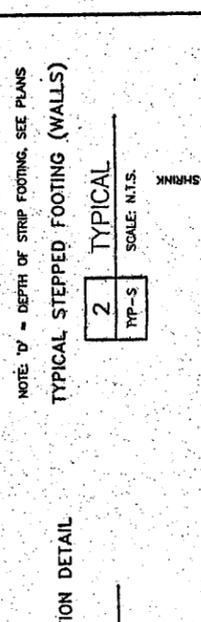
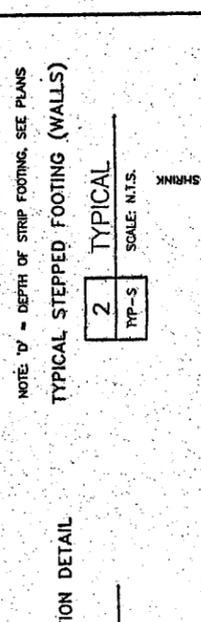
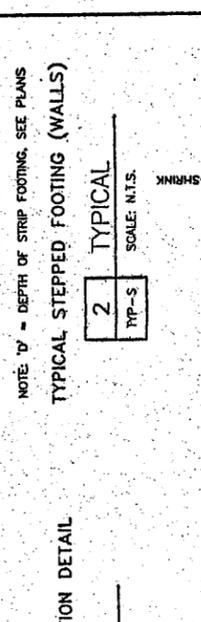
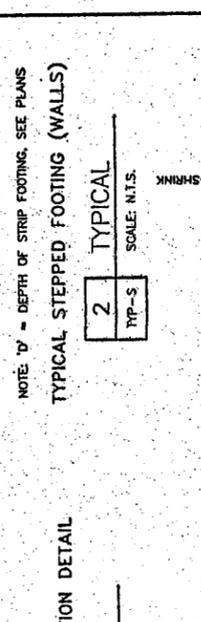
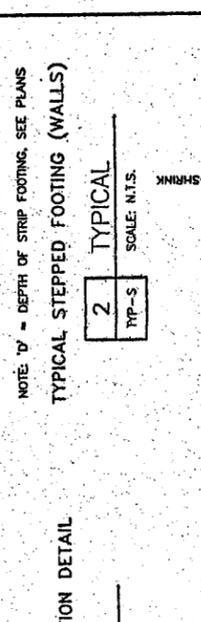
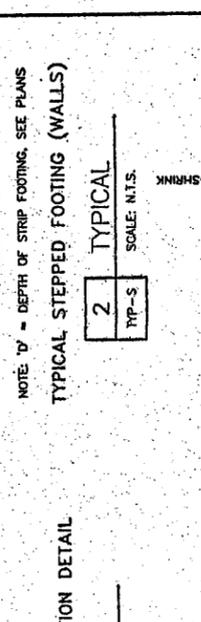
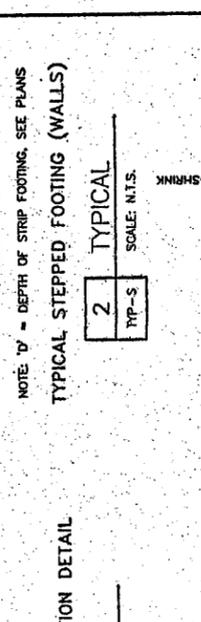
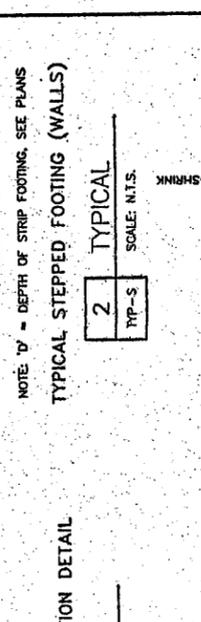
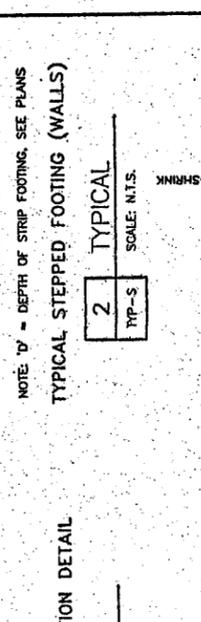
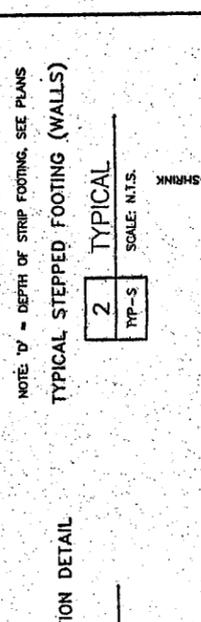
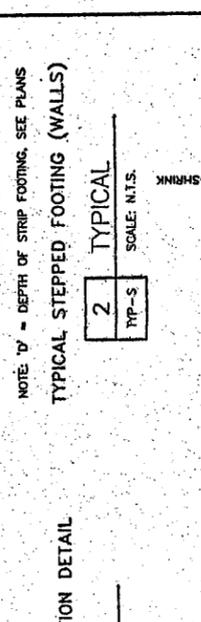
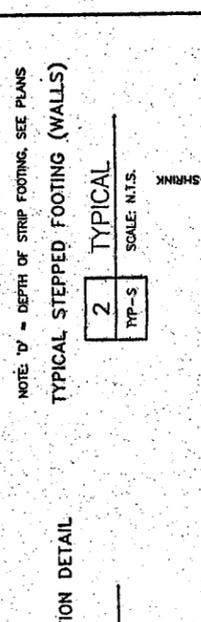
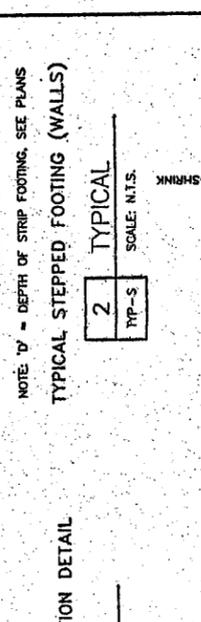
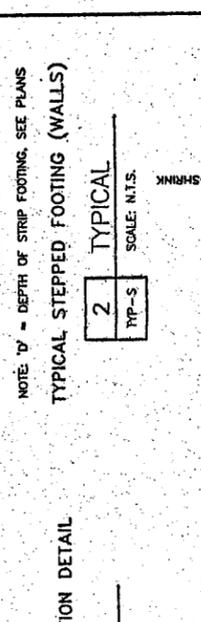
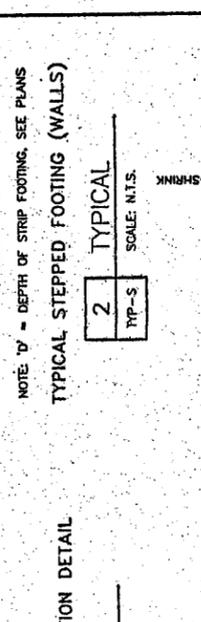
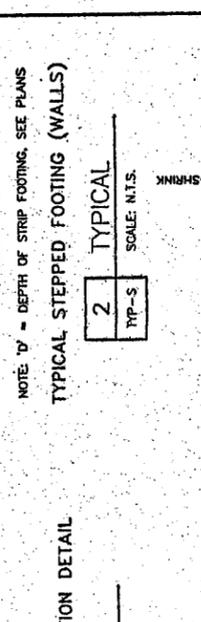
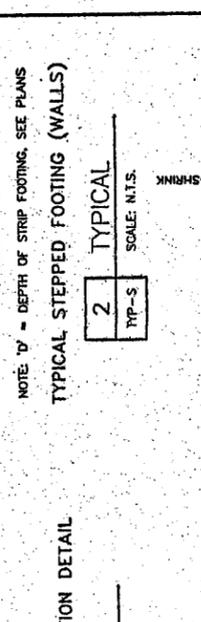
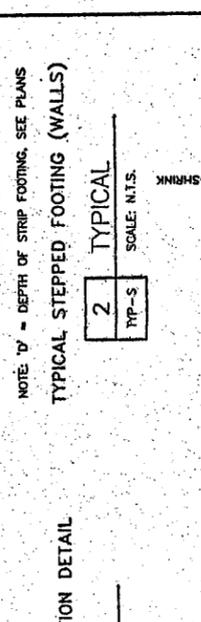
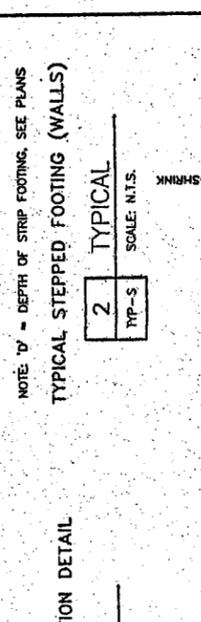
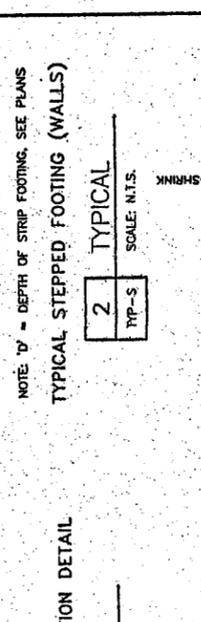
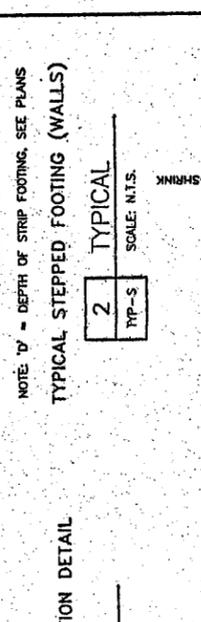
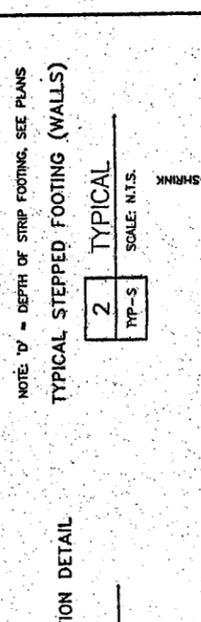
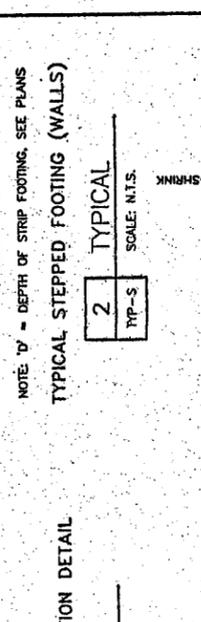
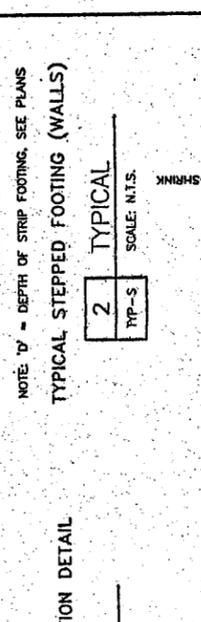
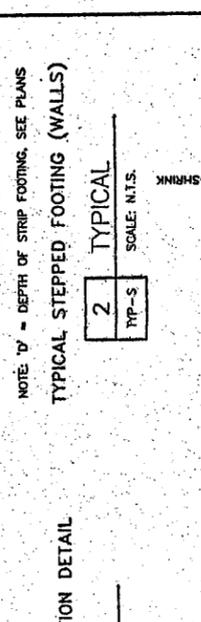
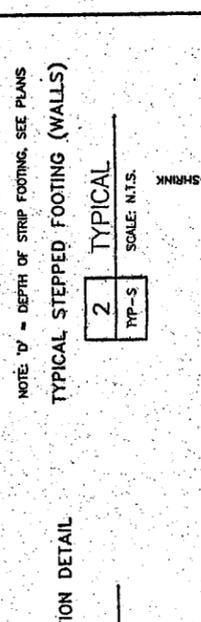
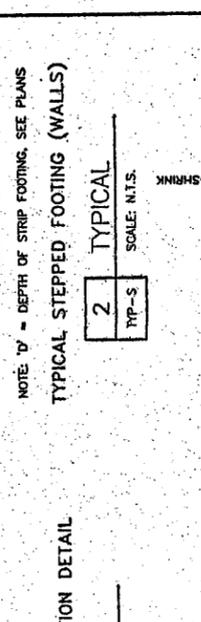
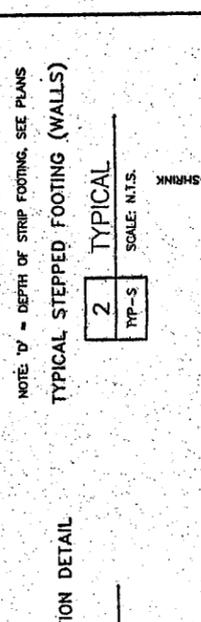
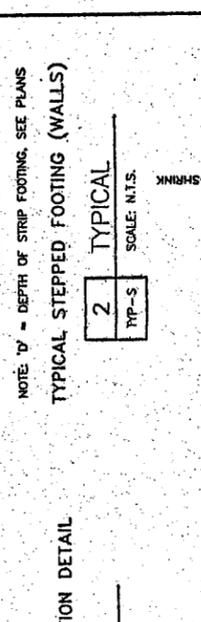
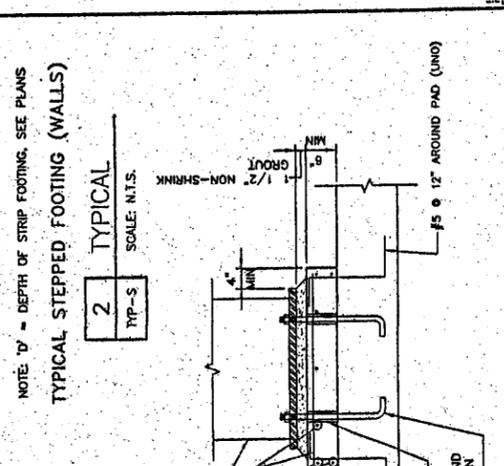
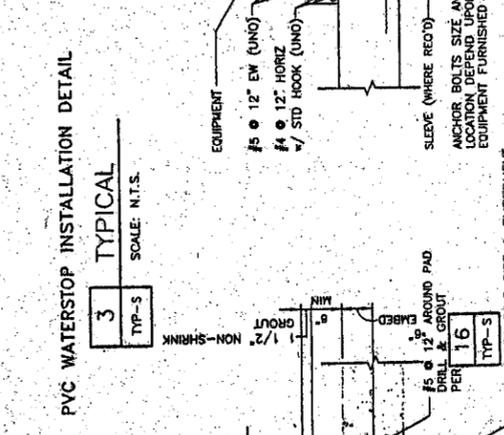
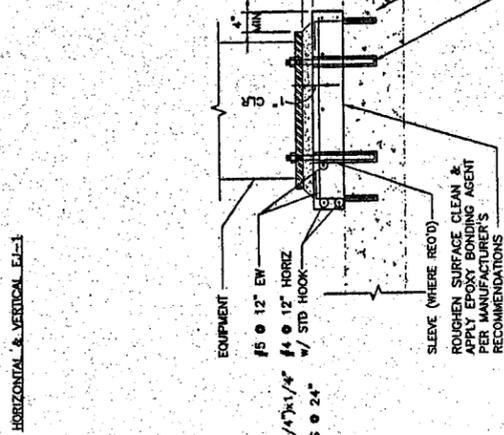
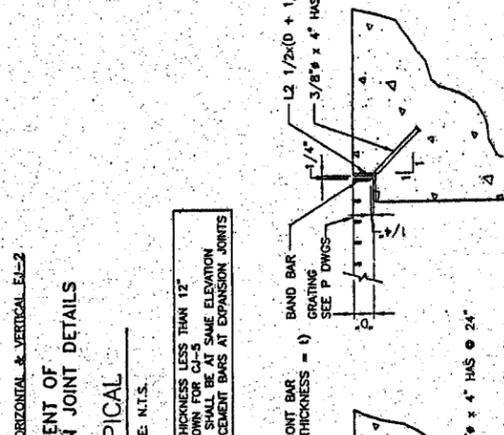
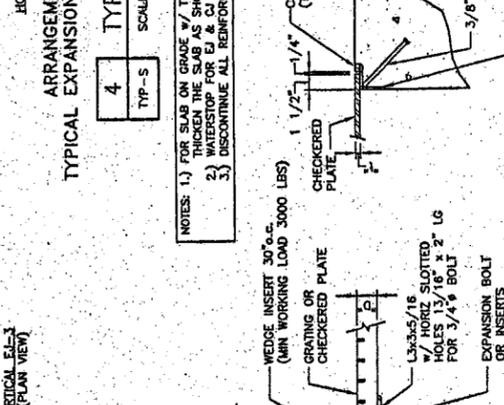
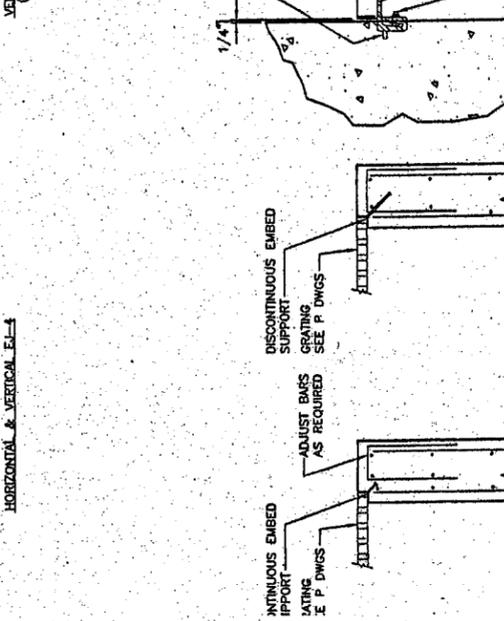
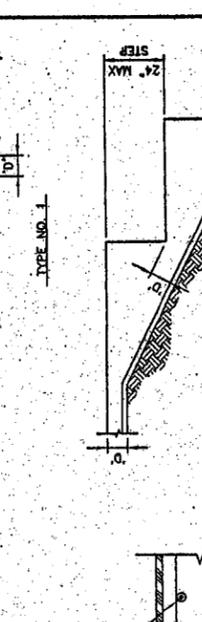
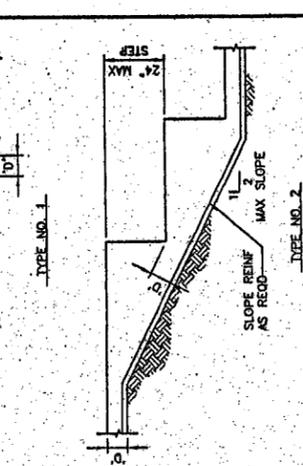
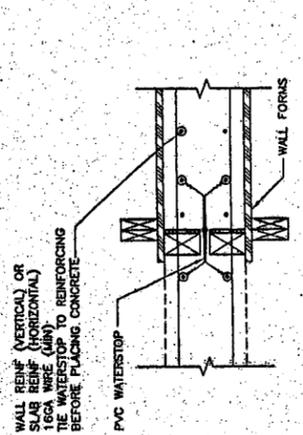
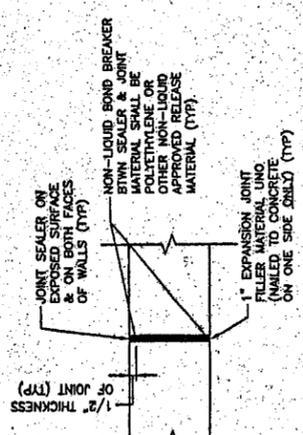
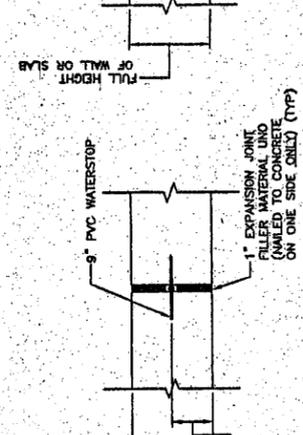
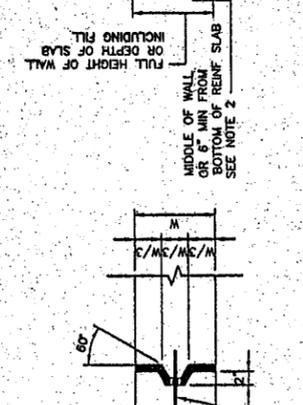
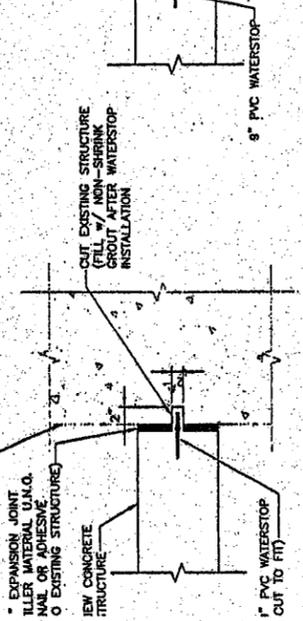
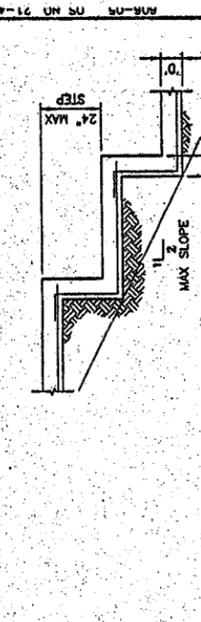
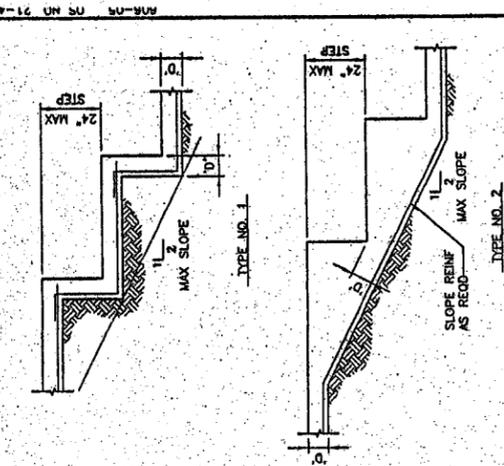
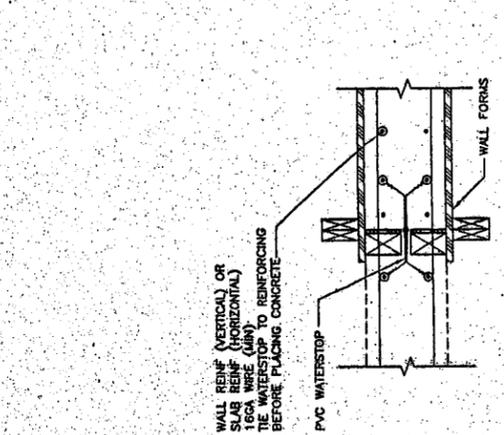
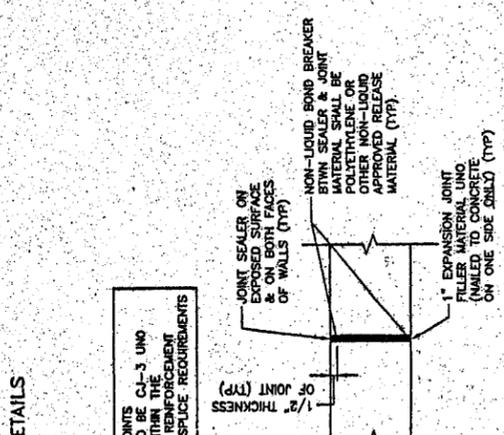
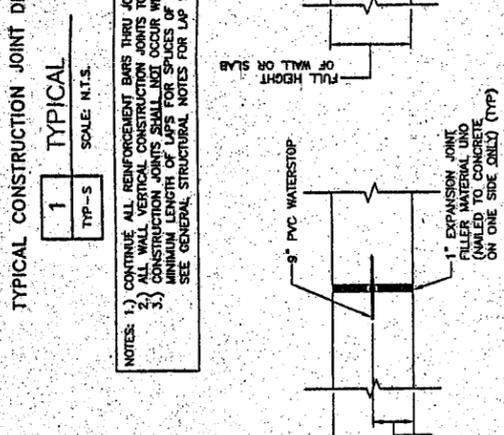
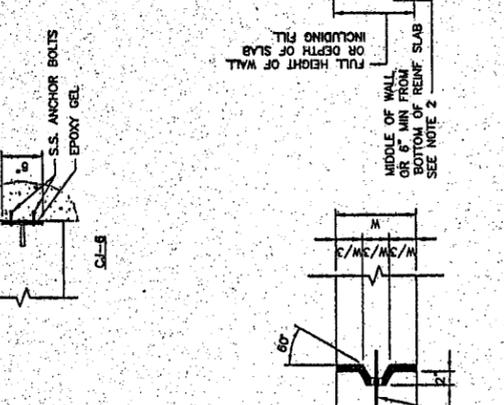
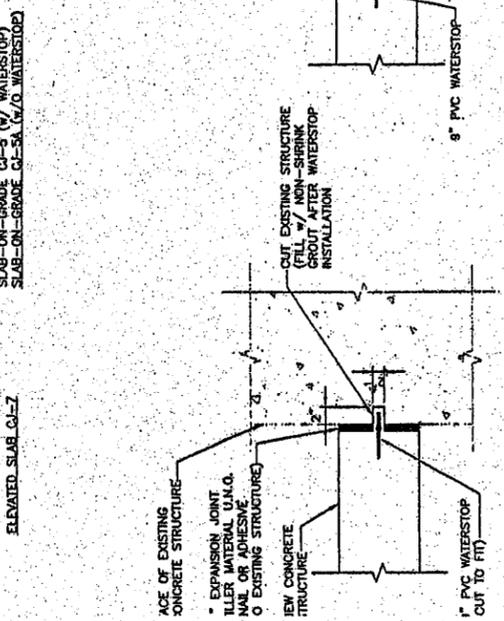
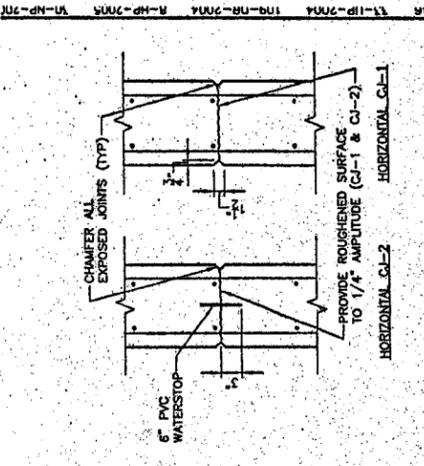
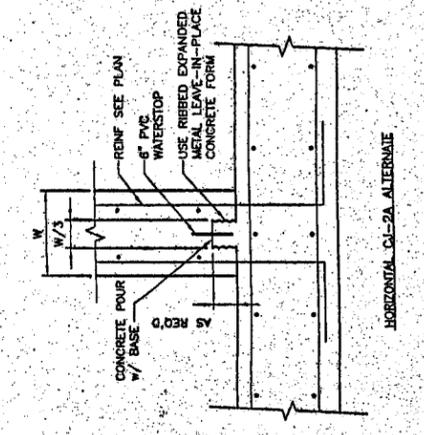
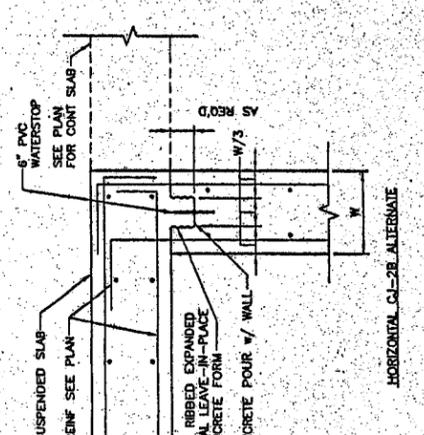
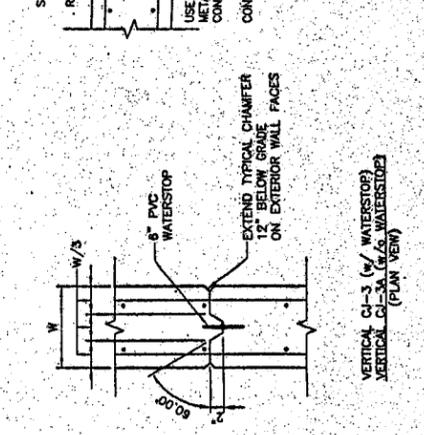
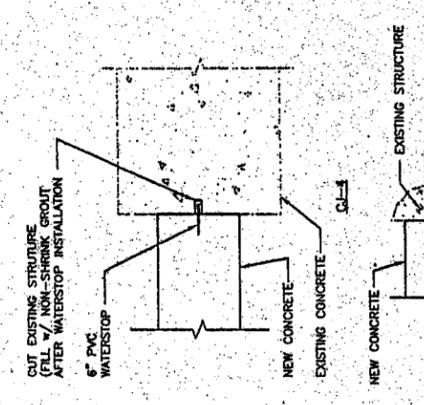
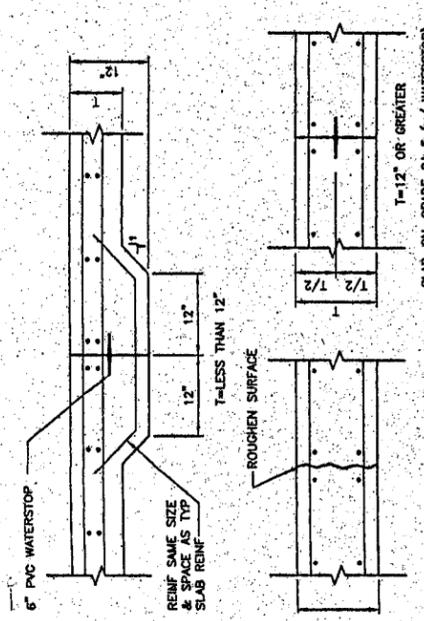
DATE JUNE 2005  
PROJECT 23020203

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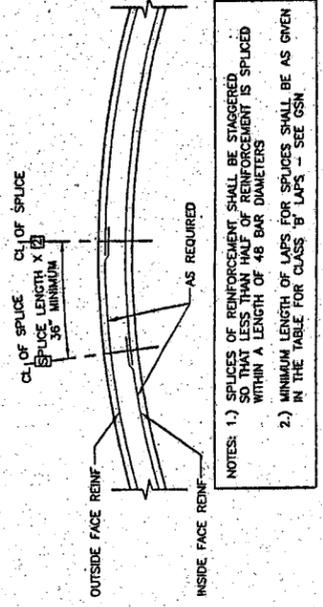
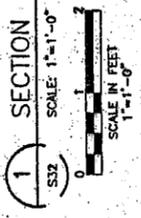
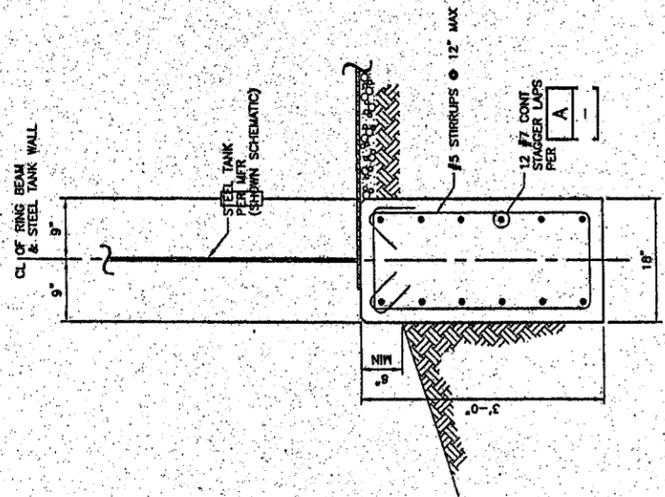
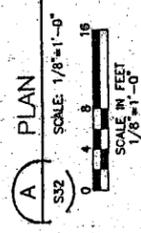
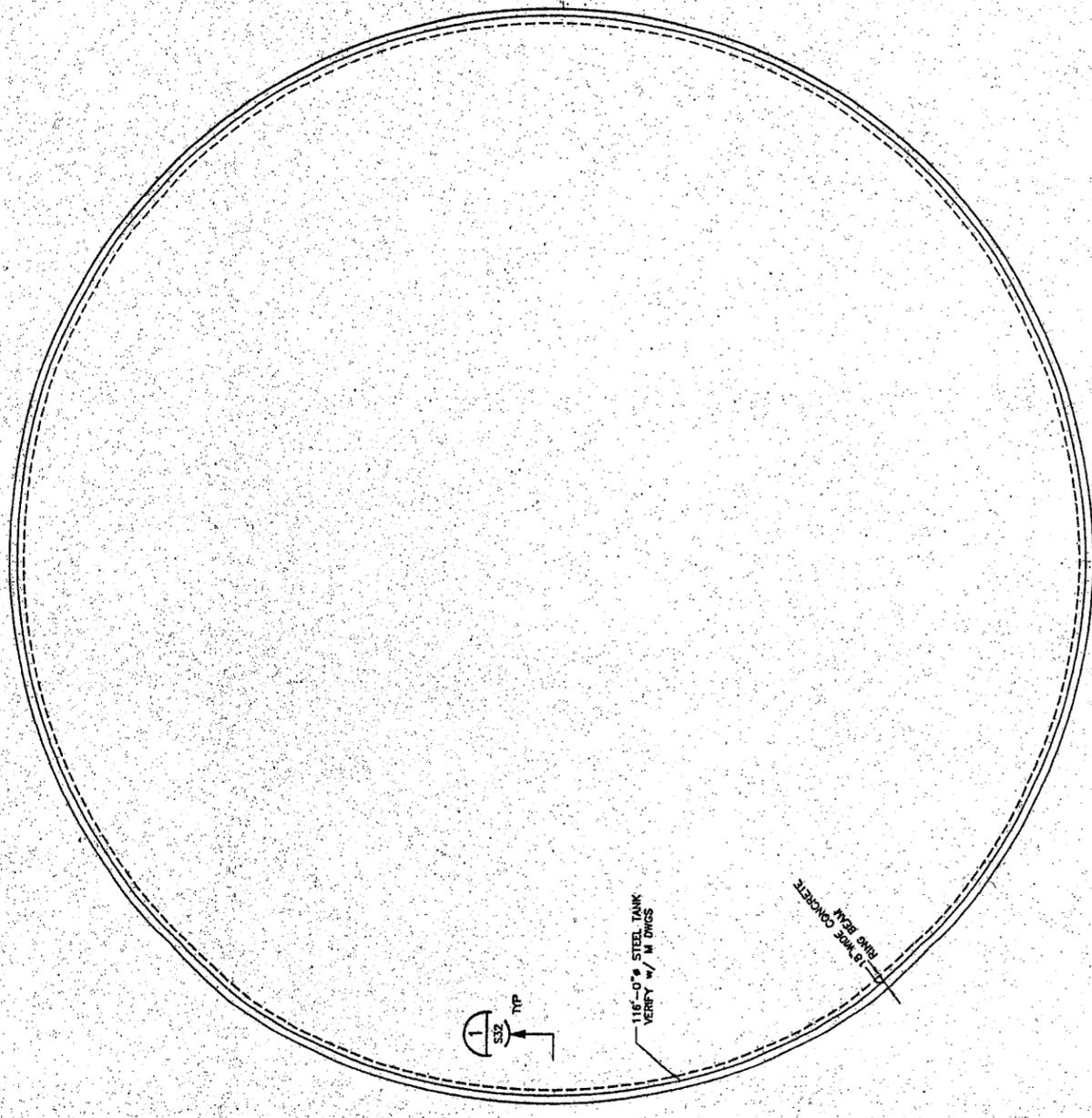
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NSB Stanley Brown, Inc.  
Consulting Structural Engineers  
2300 East Highland Avenue, Suite 200H  
Phoenix, Arizona 85026-0725  
Tel: (602)941-2000 Fax: (602)941-2044



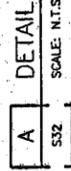




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ELEVATION OF INSIDE & OUTSIDE FACE REIN

TYPICAL RING BEAM REINFORCEMENT SPLICE LOCATIONS STAGGERED



REVISIONS

Paradise Valley Arsenic Removal Facility  
STRUCTURAL  
FINISHED WATER RESERVOIR  
PLAN, SECTION AND DETAIL

ARIZONA AMERICAN WATER  
PARADISE VALLEY DISTRICT

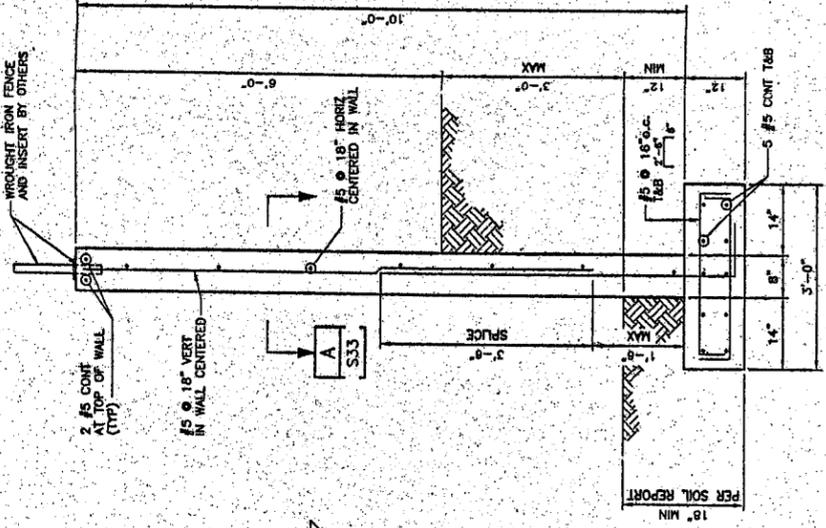
DAMON S. WILLIAMS ASSOCIATES, LLC  
2355 E. CAMELBACK ROAD, SUITE 700  
PHOENIX, AZ 85016

**DSWA**

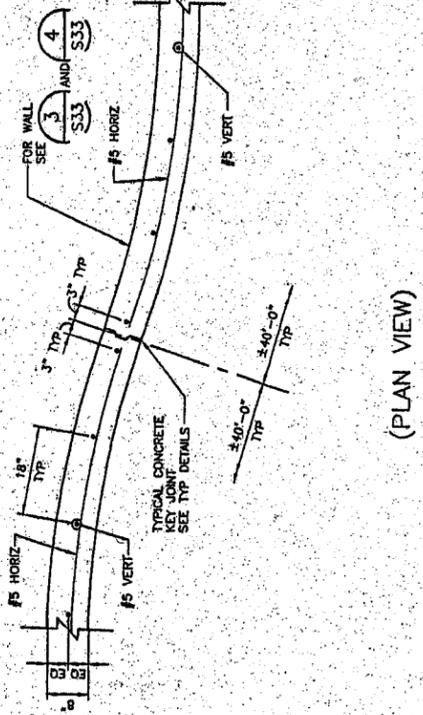
DATE: JUNE 2005  
PROJECT: 23020703  
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**NSB** Naber Stanley Brown, Inc.  
Consulting Structural Engineers  
2150 East Highland Avenue, Suite 2004  
Phoenix, Arizona 85024  
Tel: (602)942-7741 Fax: (602)942-0888



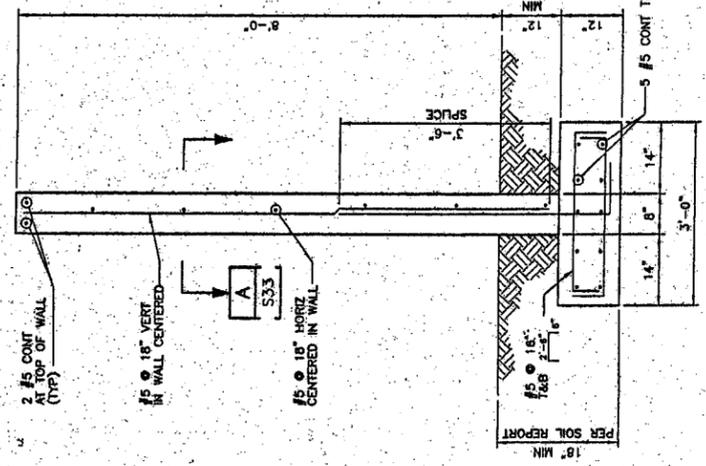


CAST IN PLACE CONCRETE SITE/RETAINING WALL

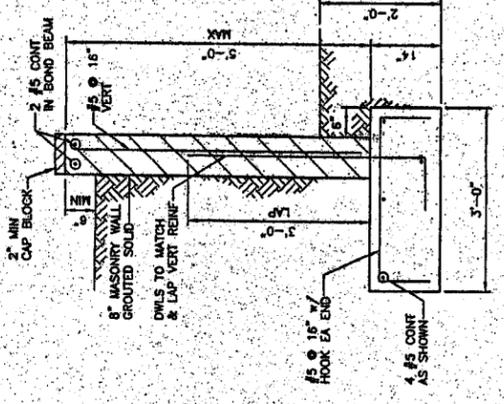


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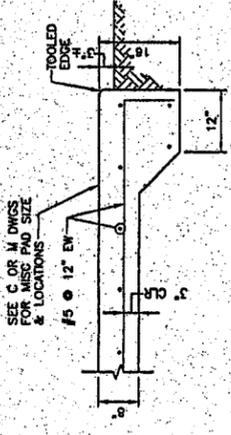
A DETAIL SCALE: 3/4"=1'-0"



CAST IN PLACE CONCRETE FENCE WALL



MASONRY RETAINING WALL



MISCELLANEOUS PAD

REVISIONS

Paradise Valley Arsenic Removal Facility  
STRUCTURAL  
MISCELLANEOUS SITE STRUCTURES  
PLANS, SECTIONS & DETAILS

ARIZONA AMERICAN WATER  
PARADISE VALLEY DISTRICT

DAVID S. WILLIAMS ASSOCIATES, LTD  
1000 W. WILSON ROAD, SUITE 700  
PHOENIX, AZ 85018

DRAWN BY DE  
PROJECT ENG'R BSH  
APPROVED

DATE JUNE 2005  
PROJECT 2502203

USE DIMENSIONS ONLY  
SCALE AS SHOWN



**NSB** Neber Stanley Brown, Inc.  
Consulting Structural Engineers  
200 East McDowell Avenue, Suite 200  
Phoenix, AZ 85004  
Tel: (602) 971-7711 Fax: (602) 971-0998



AZAW000452

**EXHIBIT D**



DAMON S. WILLIAMS ASSOCIATES, LLC  
2355 East Camelback Road, Suite 700 ■ Phoenix, Arizona 85016-3458  
Phone: 602-265-5400 ■ Fax: 602-265-5632  
www.dswa.net

**TELEPHONE MEMORANDUM**

**Date:** August 5, 2005 **Time:** 1:30 pm  
**To/From:** Erik Skulstad (AMEC) **Phone #:** (602) 989-1740  
Chip Norton (DL Norton) (480) 998-3913  
**By:** Rob McCandless  
**Subject:** Project 040190 – PVARF: Reservoir Foundation Recommendations  
**File I.D.:** 040190/03Corresp/Subs/AMEC/050805.tel  
**Copies To:** Participants  
Ed Radwanski  
Christine Close

---

**Message:**

I had returned Erik's call regarding the subgrade preparation and foundation design recommendations for the reservoirs at the Paradise Valley site.

Chip provided an overview of the subgrade preparation for the reservoir. The original grade in the vicinity of the reservoirs varied between 1279.0 and 1280.0. The top of the foundation is to be 1278.0 and the ring wall is 3.0 feet tall. Therefore the bottom of the foundation is 1275.0. DL Norton overexcavated the entire area under and around the reservoirs to elevation 1274.0. In addition, a 10 foot wide strip under the ring wall foundation was overexcavated to elevation 1272.0. The subgrade was scarified and recompacted, and the overexcavation was backfilled with structural fill.

Erik indicated that this subgrade preparation should adequately conform to the recommendations of Addendum No. 2 of the geotechnical report.

AZAW000408

M

**Arizona-American Water Company's  
Response to Petition by Opposition**

**Dated October 18, 2005**



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...st Ca... Road  
Phoenix, Arizona 85016-9225  
(602) 530-8000

## Executive Summary

1     **Judge Barton** heard and evaluated Petitioners' allegations in a **six-day hearing**  
2     and found that their case **lacked merit**.

3     2.     Arizona-American Water Company operated water production, treatment, and  
4     storage facilities in Scottsdale **long before** Petitioners purchased their properties. Treated  
5     water from these facilities serves approximately 4,500 customers in Scottsdale, Paradise  
6     Valley, and unincorporated Maricopa County.

7     3.     To **comply** with EPA's new arsenic rule, Arizona-American began a process to  
8     construct arsenic treatment facilities on the site, including two aboveground water storage  
9     tanks.

10    4.     To **notify** the community of the Project and to obtain and incorporate community  
11    feedback, Arizona-American and its representatives conducted a **comprehensive**  
12    community outreach program that not only met, but **exceeded**, all applicable  
13    requirements.

14    5.     As **Judge Barton** noted, Arizona-American and its representatives **clearly**  
15    **communicated** to the community from the outset that the Project called for the  
16    construction of, among other structures, two aboveground tanks that would be at least 20  
17    feet in height from grade.

18    6.     The City of Scottsdale also **went beyond** its own requirements to notify the  
19    community of hearings related to the Project.

20    7.     Arizona-American provided documentation to the City **from the outset** that the  
21    proposed tanks would be at least 24 feet tall.

22    8.     The City considered and applied the **legally required** use permit criteria to  
23    determine whether a use permit should be granted, **correctly determined** that the criteria  
24    were met, and issued a use permit to Arizona-American. To do otherwise would have  
25    **violated** Arizona-American's property rights and subjected the City to potential  
26    **litigation**.

27    9.     As **Judge Barton** noted, under the applicable zoning, and without any City  
28    Council action, Arizona-American **could build** a taller, more intrusive, occupied  
29    structure.

10. The **limited number** of property owners involved in this petition are the parties continuously misrepresenting the facts and misleading the City Council. The numerous citizens who participated in the public process are **conspicuous** by their absence.

Conclusion

The arsenic treatment facilities and storage tanks are necessary to enhance public health and safety. Arizona-American and the City of Scottsdale exceeded the applicable requirements in attempting to notify and involve the community in the Project. Petitioners did not to participate in this community outreach effort. Only after Arizona-American relied on the grant of its permits and started construction on the Project have Petitioners decided to become involved. Yet their involvement consists of providing misleading and factually inaccurate information to the Council in an attempt to get the Council to revisit the same issues and allegations that the Court has already considered and found lacking. The Council should continue to support this vital project.

Gallagher & Kennealy, P.A.  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225  
(602) 530-8000

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## Detailed Response

1 Arizona-American Water Company ("Arizona-American") responds to the  
2 petition dated October 18, 2005, submitted by the opposition regarding the Paradise  
3 Valley Arsenic Removal Facility as follows:

4 **1. Judge Barton heard and evaluated Petitioners' allegations in a six-day**  
5 **hearing and found that their case lacked merit.** Petitioners' allegations are the same  
6 ones that the Honorable Janet Barton of the Maricopa County Superior Court considered  
7 over the course of a six-day evidentiary hearing in September. After extensive discovery,  
8 six days of testimony, and each party's attempt to put forth its best case, Judge Barton  
9 objectively evaluated the evidence and found that Petitioners' case lacked merit.  
10 Specifically, Judge Barton found that:

- 11 • Petitioners, owners of three separate properties (one of which, the Kueffners'  
12 property, contains a number of commercial businesses), had ample notice and  
13 opportunity to participate in Arizona-American's decision-making process as a  
14 result of open house meetings and hearings at which the height of the tanks  
15 were clearly illustrated, and yet failed to do so.
- 16 • The applicable zoning clearly permits construction of the water storage tanks at  
17 issue, and in fact, would permit construction of much taller occupied  
18 structures.
- 19 • Both Arizona-American and the City of Scottsdale acted lawfully in seeking  
20 and granting permits that allow Arizona-American to construct and operate two  
21 water storage tanks on its property.

22 The Court, therefore, flatly rejected Petitioners' request for a preliminary injunction. A  
23 complete copy of the Court's judgment is attached as **Exhibit A** for the Council's  
24 convenience.

25 Dissatisfied with Judge Barton's ruling, Petitioners are attempting to convince the  
26 Council to revisit Judge Barton's reasoned and objective decision. In doing so,  
27 Petitioners raise numerous false and misleading allegations against Arizona-American –  
28 the same allegations that they raised before Judge Barton and which Judge Barton  
rejected after hearing all of the evidence.

25 ...  
26 ...  
27 ...

Gallagher & Kennedy, P.A.  
2575 East Camelback Road  
Phoenix, Arizona 85016-4225  
(602) 530-8000

1 **2. Arizona-American has operated water production, treatment, and storage**  
2 **facilities in Scottsdale since long before Petitioners purchased their property, for the**  
3 **purpose of supplying treated water to approximately 4,500 customers in Scottsdale,**  
4 **Paradise Valley, and unincorporated Maricopa County.** For more than 50 years, and  
5 well before Petitioners purchased their property, Arizona-American has owned and  
operated production, treatment, storage, and distribution facilities on this site. Through  
these facilities, Arizona-American currently supplies potable water to 1,891 customers in  
the City of Scottsdale, 2,627 customers in the Town of Paradise Valley, and 152  
customers in the Clearwater Hills area of unincorporated Maricopa County.

6 **3. In response to EPA's new arsenic rule, Arizona-American planned**  
7 **construction of two aboveground water storage tanks.** As the Council is well aware,  
8 the United States Environmental Protection Agency ("EPA") promulgated a rule  
9 requiring all utilities supplying water to the public to comply with a new, lower standard  
10 for arsenic in drinking water by January 23, 2006. As a result, in February 2003,  
11 Arizona-American began to evaluate how it would construct the necessary facilities to  
12 treat the water it supplies to area customers. Arizona-American determined that it needed  
approximately 1.5 million gallons of new water storage at the site just to comply with the  
new federal standard.

13 In addition, the Town of Paradise Valley has asked Town water providers,  
14 including Arizona-American, to increase water pressures and flows to enhance fire  
15 protection. Therefore, during the course of Arizona-American's evaluation of how to  
16 comply with the new arsenic rule, Arizona-American chose to construct sufficient water  
17 storage to support arsenic removal and to enhance fire protection services to Paradise  
18 Valley. This required the construction of 3 million gallons worth of water storage (two  
1.5 MG tanks) as part of the arsenic treatment project (the "Project"). Thomas  
Martinsen, the Town Manager for Paradise Valley, recently thanked Arizona-American  
for its efforts to ensure adequate fire protection to the community in a letter dated August  
10, 2005, noting that without Arizona-American's improvements, "the risk to life and  
property would continue into the distant future, which is an unacceptable long-term risk  
to the Town." *See Exhibit B.*

21 **4. To notify the community of the Project and to obtain and incorporate**  
22 **community feedback, Arizona-American and its representatives conducted a**  
23 **comprehensive community outreach program that not only met, but surpassed, all**  
24 **applicable requirements.** The Scottsdale Zoning Ordinance requires a formal citizen  
25 review process under certain circumstances. Arizona-American undertook a significant  
26 citizen review process that exceeded any effort required or implied by the City's  
27 ordinances. Specifically, Arizona-American and its representatives did the following:  
28

- 1 • In July 2004, Arizona-American's engineering consultant, DSWA, hosted one-on-one meetings with property owners in the immediate area of the proposed Project to present and obtain feedback on the Project. *See Exhibit C.*
- 2 • Arizona-American held an open house meeting on August 5, 2004, hosted by  
3 DSWA, to describe the Project and obtain feedback from the community.  
4 Arizona-American invited all property owners within a 750-foot radius of the  
5 proposed Project site (more than 260 individuals) to attend the meeting by  
6 sending a letter, via first class mail, to each property, including properties both  
7 east and west of the Arizona Canal. The letter also provided contact  
8 information in case the property owner could not attend the meeting, but  
9 wanted additional information on the Project. In addition, Arizona-American  
10 posted a sign on its property giving a project overview and notice of the  
11 upcoming open house meeting. *See Exhibit D.* While each of the Petitioners  
12 received this notification, none chose to attend the meeting and none chose to  
13 contact Arizona-American for more information on the Project.
- 14 • Arizona-American held a second open house meeting on November 23, 2004,  
15 hosted by Technical Solutions Group ("Technical Solutions"), and again sent  
16 letters to property owners within a 750-foot radius of the proposed Project site  
17 to notify neighbors of the meeting. Again, Arizona-American sent each of the  
18 Petitioners notification of this meeting, yet only one of the Petitioners chose to  
19 attend the meeting. *See Exhibit E.*
- 20 • Beginning November 18, 2004, and continuing through January 2005,  
21 Technical Solutions, on behalf of Arizona-American, walked the neighborhood  
22 within the 750-foot notification area and went door-to-door to talk to neighbors  
23 about the Project. For those neighbors that were never reached at their homes,  
24 Technical Solutions left door hangers containing project information, a notice  
25 of the neighborhood meeting and contact information for Technical Solutions  
26 should the neighbor desire more information. *See Exhibit F.*
- 27 • Technical Solutions communicated with the Kueffners, who operate  
28 commercial businesses on their property, on numerous occasions and discussed  
the Project. Specifically, in November and December 2004, Technical  
Solutions met with Roland and Wilhelm Kueffner on **four separate occasions**  
to discuss the Project. Roland and Wilhelm Kueffner expressed no opposition  
to the Project at any of these meetings. Technical Solutions also attempted to  
set up a meeting with Mrs. Kueffner (the mother of Roland and Wilhelm  
Kueffner) to discuss the Project. However, Mrs. Kueffner twice cancelled a  
scheduled meeting with Technical Solutions. *See Exhibit G.*

In sum, Arizona-American went above and beyond what it was legally required to do to reach out to the community, notify it of the proposed Project, and obtain the community's feedback. *See Exhibit H.*

5. As Judge Barton noted, Arizona-American and its representatives clearly communicated to the community from the outset that the Project called for the construction of, among other structures, two aboveground tanks that would be at least 20 feet in height from grade. During the course of the community outreach effort, Arizona-American and its representatives clearly indicated that the proposed Project included construction of two water storage tanks or reservoirs that would be over 20 feet tall. For example:

- During the July 13, 2004 meeting with the Searcys, the Searcys questioned the height of the facilities. Arizona-American responded "approximately 20 feet." *See Exhibit C.*
- During the July 14, 2004 meeting with Janie Ellis, Bernie Gonzales and Vern Swaback, the neighbors inquired about the height of the tanks, and Arizona-American responded "approximately 24 feet in height." *See Exhibit C.*
- The fact sheet supplied at the August 5, 2004 neighborhood meeting indicated that, in addition to the treatment process, the Project would include an administrative facility, **finished water storage**, backwash recovery facilities and an equipment storage area. *See Exhibit I.* In addition, meeting summary notes clearly indicate that Arizona-American informed the neighbors at this meeting that steel, aboveground tanks of a maximum height of 24 feet would be installed along the Arizona Canal. *See Exhibit J.*
- At the November 23, 2004 neighborhood meeting, Arizona-American displayed several large boards with information on the Project. These included the following: (i) a partial site plan depicting the layout of the Project, illustrating two water storage tanks located along the Arizona Canal, with a line of site study at the bottom of the plan; (ii) a "Landscape Concept Plan" also illustrating two water storage tanks located along the Arizona Canal; and (iii) a table illustrating the required and provided development standards, including maximum building height. Both the site plan and the landscape plan indicated a "22' wall ht." on the northern most tank. In addition, the line of site study, which was shown at the bottom of the partial site plan and as a separate board, clearly illustrated the height of the tanks relative to other structures on the site and the Arizona Canal. Finally, the table of development standards stated that 30 feet is the *required* "maximum building height" at the site and the *provided* "maximum building height" is 28 feet. *See Exhibit K.*

- During Technical Solutions door-to-door outreach, for those neighbors Technical Solutions reached at home (including Roland and Wilhelm Kueffner), Technical Solutions described the Project and showed them, among other illustrations, a site plan substantially similar to those plans shown at the November 23, 2004 neighborhood meeting indicating the tanks had a “22’ wall ht.”. *See Exhibit K.*

Thus, the allegation that Arizona-American and its representatives changed the planned height of the tanks from 10 feet to 28 or 24 feet and either lied about or failed to disclose the “new” tank heights to the community and the City is unfounded. The *only* change made to the proposed tank design at any time during the design and permit process consisted of a decision to lower the tanks from 28 feet to 24 feet above grade, a decision voluntarily made by Arizona-American as a result of feedback from those neighbors who chose to participate in the community outreach process. *See Exhibit L.*

6. The City of Scottsdale also went beyond its requirements to notify the community of hearings related to the Project. In addition to notification from Arizona-American and its representatives, the City of Scottsdale itself provided numerous notifications about the proposed Project, and went above and beyond the notification it was legally required to provide. Specifically:

- While not required under the Scottsdale Zoning Ordinance, the City sent several postcards to property owners within a 750-foot radius of Arizona-American’s property notifying the property owners, well in advance of any hearings, that Arizona-American had requested a conditional use permit, that the Planning Commission’s hearing on the permit would take place on December 1, 2004, and that the City Council’s hearing on the permit would take place on January 11, 2005.
- Large red-and-white signs were posted on Arizona-American’s property that provided notification of both the Planning Commission and City Council hearings.
- Notice of the Planning Commission hearing held on December 1, 2004 was published in the Scottsdale Tribune on November 13, 2004, and notice of the City Council hearing held on January 11, 2005 was published in the Scottsdale Tribune on December 18, 2004, as required by the Scottsdale Zoning Ordinance.

*See Exhibits M & N.*

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Despite all of these notifications by Arizona-American and the City, none of the Petitioners attended the Planning Commission hearing, and only David Adler spoke on behalf of the Kueffners at the City Council hearing.

7. Arizona-American provided documentation to the City from the outset that the proposed tanks would be at least 24 feet high. The City of Scottsdale was aware from the beginning that the water storage tanks were intended to be 28 feet, and subsequently 24 feet, in height. For example:

- Arizona-American's conditional use permit application to the City of Scottsdale in the early fall of 2004, which is also publicly available through the City of Scottsdale's website and the City's offices, contains a copy of an engineering site plan showing two large "finished water reservoirs" and a table indicating that the dimension of the reservoirs were to be 107 feet in diameter and 28 feet in height. In addition, the Project Data Sheet, also contained in the application, shows that the building height allowed at the site is 30 feet, and that the "building height provided" is 28 feet. *See Exhibit O.*<sup>1</sup>
- The Plan of Operation report Arizona-American submitted with its permit application expressly stated that two new storage reservoirs would be constructed to replace three existing reservoirs at the site, and that the "overall height of the reservoirs [will be] 28 feet . . . ." *See Exhibit Q.*
- The Planning Commission staff report indicates, under the heading of "[d]evelopment information," that Arizona-American proposed "2 new reservoir tanks" and that all of the proposed structure heights were "18 to 28 feet." *See Exhibit R.*

In sum, from the beginning of the process, the City (and by implication, the public) was fully aware that Arizona-American intended to construct water storage tanks 28 feet (and later 24 feet) in height.

8. The City considered and applied the legally required use permit criteria to determine whether a use permit should be granted, correctly determined that the criteria were met, and issued a use permit to Arizona-American. To do otherwise would have violated Arizona-American's property rights. This is not a zoning case in which the City Council exercises its discretion. This is a use permit case that requires the Council to analyze whether specific use permit criteria have been met. The applicable criteria listed in the Zoning Ordinance that must be met are: (1) that the

<sup>1</sup> Notably, the "Use Permit Application List" that lists those items that the applicant must submit in the application does not list photographic renderings or a line of site study as a required submittal. *See Exhibit P.*

1 granting of the permit will not be materially detrimental to the public health, safety or  
2 welfare, and the Council is instructed to look at damage or nuisance arising from noise,  
3 smoke, odor, dust, vibration, illumination or traffic impacts; and (2) that the proposed use  
4 is reasonably compatible with the types of uses permitted in the surrounding areas.

5 S.R.C. § 1.401. The Council applied the correct standards in this case and determined  
6 that Arizona-American is entitled to a conditional use permit. To do otherwise would  
7 have been an abuse of discretion.

8 In the instant case, these criteria are clearly met. The proposed use materially  
9 *advances* public health, safety, and welfare because it ensures an adequate supply of safe  
10 drinking water to Arizona-American's customers and enhances fire protection in the  
11 Town of Paradise Valley. The primary complaint of Petitioners, both here and before  
12 Judge Barton in the six-day evidentiary hearing, is that their views of Camelback and  
13 Mummy Mountains are blocked by the tanks. Views, however, are not one of the criteria  
14 the Council is instructed by the Zoning Ordinance to consider in a use permit application.  
15 This makes sense, because as City employee Randy Grant testified in his deposition:

16 "In practically every case we have, people's views are going to be  
17 changing. Nothing would be built if everyone that moved next to a vacant  
18 lot objected to something being built on it."

19 **See Exhibit S.**

20 Moreover, in this case, the lot was not vacant, but supported operating water  
21 production, treatment, and storage facilities. The proposed treatment facilities and  
22 appurtenances are not only reasonably compatible with the *permitted* uses in the  
23 surrounding area (such as the Kueffners' commercial business), but with the actual uses  
24 that Arizona-American has made of its site for years – for water production, treatment,  
25 and storage. In fact, as Judge Barton recognized, Arizona-American was using its  
26 property for these purposes when Petitioners purchased their property. As the Council  
27 may recall, for years Arizona-American's property held groundwater wells, control  
28 buildings, a material storage building and three approximately 20-foot tall, steel  
aboveground water storage tanks, tanks which have reached the end of their useful life  
and need to be replaced. **See Exhibit A.**

Therefore, if the Council had refused to grant the use permit in this case, where the  
proposed use clearly meets the criteria set forth in the Zoning Ordinance, Arizona-  
American's property rights would have been violated, and Arizona-American would have  
been left with no choice but to seek legal recourse against the City through a formal  
Notice of Claim and potentially a lawsuit. Now that the permit has been issued and  
Arizona-American has relied on this permit by entering into contracts, beginning  
construction and incurring substantial expense related to the Project, Arizona-American  
would suffer even greater legal harm if the City were to revoke the permits that have been

granted, and thus, the City would face even greater potential legal exposure.<sup>2</sup> *See Town of Paradise Valley v. Gulf Leisure Corp.*, 27 Ariz. App. 600, 557 P.2d 532 (1976).

1           **9. As Judge Barton noted, under the applicable zoning, and without any**  
2 **City Council action, Arizona-American could build a taller, more intrusive,**  
3 **occupied structure.** It is also noteworthy that Arizona-American could actually build  
4 taller and more intrusive occupied structures on its property if it so chose under the  
5 applicable zoning, without any required hearing at the City Council. *See Exhibit T.* For  
6 example, under the applicable zoning, Arizona-American, or a subsequent developer,  
7 could construct a two-story occupied building – as much as 30 feet tall and closer to the  
8 property boundaries – instead of the 24-foot tall unoccupied tanks that are being  
9 constructed. A conceptual view of such a structure, which was admitted into evidence  
during the related court proceedings, is attached for illustration. *See Exhibit U.*  
Certainly, a large occupied structure, directly overlooking neighboring properties, would  
still block any views and be far more intrusive than silent, unoccupied water tanks.

10           **10. The limited number of property owners involved in this petition are**  
11 **the parties continuously misrepresenting the facts and misleading the City Council.**  
12 **The numerous citizens who participated in the public process are conspicuous by**  
13 **their absence.** Petitioners accuse Arizona-American of misrepresenting facts to the  
14 Council when it is clearly Petitioners that twist the facts in this case. The petition  
15 submitted to the Council is filled with inaccurate and misleading statements, and  
16 evidence and testimony taken entirely out of context. As it did before Judge Barton,  
Arizona-American has already rebutted the allegations concerning the tank heights.  
Arizona-American will not attempt to address each one of the remaining inaccurate  
statements, but rather, will address only the following statements as examples.

17           Petitioners state that the plans for the rammed earth wall have been scrapped  
18 because of costs. This is simply false. First, this expensive wall was proposed after  
19 listening to those neighbors that chose to participate in Arizona-American's outreach  
20 program and who later praised Arizona-American's efforts to be a good neighbor. As a  
21 result, the DRB Stipulations for the project expressly provide that "all new walls  
22 surrounding the site shall be rammed earth as shown on the site and landscape plan." *See*  
23 **Exhibit V.** Thus, Arizona-American is legally obligated to construct the rammed earth  
24 wall, and of course, intends to comply with this obligation.

25 <sup>2</sup> In fact, to date Arizona-American has incurred costs of approximately \$7.9 million related to  
26 the Project, and has contractually committed approximately \$8.5 million in additional costs on  
27 the Project. Moreover, if the Council were to reverse course and force Arizona-American to  
28 alter its approved plans, Arizona-American would incur approximately \$3.2 million in additional  
costs and would be delayed up to three years, which falls well outside ADEQ guidelines for  
compliance with the arsenic standard discussed below.

1 As another example, Petitioners assert that Arizona-American failed to inform the  
2 City during the permit process that Arizona-American has been in the process of seeking  
3 an extension for compliance from EPA since well before the permit application process.  
4 This, again, is simply false. First, ADEQ, not EPA, is the agency that has enforcement  
5 authority in Arizona for arsenic compliance. Therefore, the EPA Guidance referred to by  
6 Petitioners does not apply in this case – ADEQ provides the applicable guidance. *See*  
7 **Exhibit W**. Furthermore, Arizona-American has not sought an extension from either  
8 ADEQ or EPA for this Project.

9 Petitioners also allege that the trees Arizona-American promised would remain in  
10 place have been removed and suggest that they will not be replaced. However, what  
11 Petitioners fail to tell the Council is that these trees were required to be moved  
12 *temporarily* in order to construct the tanks, and that Arizona-American must comply with  
13 City-approved landscaping plans which require Arizona-American to salvage the  
14 removed trees and replant them, in addition to planting approximately 76 additional trees  
15 at the site. *See Exhibit V*. In fact, as recently as July 20-22, 2005, a City landscape  
16 inspector visited the site and found that Arizona-American was complying with the  
17 approved plans. *See Exhibit X*.

18 Finally, perhaps the most egregious of Petitioners' unfounded accusations are that  
19 Arizona-American somehow paid off Bernie Gonzalez and Janie Ellis to obtain their  
20 approval and support for the Project. Such outrageous accusations, particularly given the  
21 reputation and character of Mr. Gonzales and Ms. Ellis in this community, do not warrant  
22 a response.

### 23 Conclusion

24 In conclusion, the arsenic treatment facilities and storage tanks are necessary to  
25 enhance public health and safety. Arizona-American and the City of Scottsdale exceeded  
26 the applicable requirements in attempting to notify and involve the community in the  
27 Project. Petitioners did not to participate in this community outreach effort. Only after  
28 Arizona-American relied on the grant of its permits and started construction on the  
Project have Petitioners decided to become involved. Yet their involvement consists of  
providing misleading and factually inaccurate information to the Council in an attempt to  
get the Council to revisit the same issues and allegations that the Court has already  
considered and found lacking. The Council should continue to support this vital project.

Gallagher & Kennedy, P.A.  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225  
(602) 530-8000

**A**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

09/29/2005

HONORABLE JANET E. BARTON

CLERK OF THE COURT  
B. Navarro  
Deputy

FILED: 10/03/2005

ROLAND F KUEFFNER, et al.

JAMES J PALECEK

v.

SCOTTSDALE CITY, et al.

SHERRY R SCOTT

GLEN HALLMAN

RULING

Following the preliminary injunction hearing held on in this matter on September 12, 13, 14, 15, 16 and 19, 2005, the Court took this matter under advisement. The Court now rules as follows.

Defendant Arizona-American Water Company ("AAWC") owns certain real property located in Scottsdale, Arizona that is part of the Cattle Track Complex of properties.

The Kirsten K. Kueffner Family Living Trust, for which Plaintiff Kirsten K. Kueffner is the trustee (the "Kueffners"), also own a parcel of real property (approximately 2 acres) located in Scottsdale, Arizona that is part of the Cattle Track Complex of properties. The Kueffners purchased their Cattle Track Complex property in 1978. AAWC's Cattle Track Complex property abuts the Kueffners' property on the west and north property lines.

There are three structures on the Kueffners' Cattle Track Complex property - a house, woodworking shop, and a single story triplex building. The woodworking shop houses the Kueffners' woodworking business. Both the house and the single story triplex building are presently used as office buildings and are leased by the Kueffners to commercial tenants. Thus, although the Kueffners once lived on their Cattle Track Complex property and, indeed, did so for years, they have not resided on the property for at least six years and presently use the property strictly for commercial purposes.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

09/29/2005

Plaintiffs Eric P. and Nannette M. Nesvig (the "Nesvigs") and Sean M. Tierney ("Tierney") each own a home located in the Casa del Mar subdivision in Scottsdale, Arizona. The Nesvigs and Tierney's homes are due west of AAWC's Cattle Track Complex property. The Nesvigs' and the Tierney's properties are not part of the Cattle Track Complex of properties and do not directly abut AAWC's Cattle Track Complex property. The Arizona Canal separates the Cattle Track Complex properties from the Casa del Mar subdivision. The Nesvigs' and Tierney's homes back up to the west bank of the Arizona Canal and AAWC's Cattle Track complex property abuts the east bank of the Arizona Canal.

AAWC's predecessors-in-interest owned the Cattle Track complex property at issue before the Kueffners purchased their property in the Cattle Track Complex. Similarly, AAWC's predecessors-in-interest owned the Cattle Track complex property long before the Nesvigs and Tierney purchased their homes in the Casa del Mar subdivision. At the time the Kueffners, Nesvigs and Tierney purchased their property, the AAWC property was being used for drinking water production and distribution. Thus, there existed on the property several groundwater wells, a control building, a material storage building and three approximately 20 feet high, steel, above ground, water storage tanks holding a combined total of over 700,000 gallons of water. These structures were sufficiently far away from the Kueffners', Nesvigs' and Tierney's property lines that they did not interfere with the use and enjoyment of their property.

The Cattle Track Complex of properties has long been zoned R1-43 by the City of Scottsdale. In addition to being zoned R1-43, the Cattle Track Complex of properties also has a Special Campus ("SC") overlay and Historic Property ("HP") designation. The SC overlay and HP designation were placed onto the property in 1996.

R1-43 zoning is "intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities." See Scottsdale Revised Code at Sec. 5.101. Permitted uses within R1-43 zoning include adult care homes, single family residences and accessory buildings thereto, day care group homes, wireless communications facilities, public elementary and high schools, and churches. See Scottsdale Revised Code at Sec. 5.102. R1-43 zoning also allows certain conditional uses -- uses that can occur provided a conditional use permit is first obtained from the City of Scottsdale. Those conditional uses include cemeteries, community buildings and recreational facilities, private schools, including colleges and universities, charter schools, and public utility buildings or structures for public service uses, including appurtenances thereto. *Id.* Finally, R1-43 zoning allows a building height of 30 feet.

---

<sup>1</sup> Apparently the Kueffners were operating their woodworking business on their Cattle Track Complex property at the time that property was zoned R1-43. Therefore, their woodworking business was grandfathered in as a permitted use.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

09/29/2005

Neither the SC overlay nor the HP designation preclude or forbid uses which are either permitted as a matter of right or allowed with a conditional use permit within R1-43 zoning. In that regard, Scottsdale's zoning ordinances expressly provide that "[a]ny use permitted by [a] conditional use permit in the underlying zone" is permitted on land subject to a HP designation. See Scottsdale's Revised Code at Sec. 6.115(B). In addition, the zoning ordinances applicable to SC overlays provides that:

To the extent that the adoption of a special campus overlay district shall conflict with the regulations, requirements, stipulations or standards of other provisions within the zoning ordinance, the more permissive shall apply, unless otherwise specified herein.

Scottsdale City Code at Sec. 6.804(F).<sup>2</sup>

In or around February of 2003, AAWC began evaluating how it would comply with a recently enacted EPA requirement lowering the standard for arsenic in drinking water from 50 parts per billion ("ppb") to 10 ppb. AAWC ultimately decided to build an arsenic treatment facility on AAWC's Cattle Track Complex property. In addition to containing the structures necessary for the operation of the arsenic treatment facility, AAWC decided to include within the facility two steel, above ground, 1.5 million gallon water storage tanks that will be approximately 24 feet in height (the "above ground water tanks"). Pursuant to the design AAWC ultimately selected, the majority of the facilities needed for the arsenic treatment process (the administration/treatment building, filter press, clarifiers, etc.) will be built on the AAWC property that abuts the Kueffners' northern property line. The two above ground water tanks, however, are to be built on the AAWC property that abuts the Kueffners' west property line. Moreover, the two above ground water tanks will occupy virtually the entire building envelope on the AAWC property that abuts the Kueffners' west property line. This means that the tanks will be between 24 and 30 feet of the Kueffners' western property line. Presently, the Kueffners' woodworking shop and triplex office building are located within just a few feet of the property's western property line.

On or about July 16, 2004, AAWC sent a letter to property owners within approximately 750 feet of AAWC's Cattle Track Complex property informing them that AAWC would be building an arsenic treatment facility on the property. The letter also invited the recipients to an Open House meeting on August 5, 2004 to discuss the project. This letter was sent to the Kueffners, Nesvigs and Tierney.

The August 5, 2004 Open House did, indeed, occur. The Kueffners, Nesvigs and Tierney did not attend.

<sup>2</sup> The SC overlay actually results in an increase in the permissible building height from 30 to 38 feet.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

09/29/2005

On or about October 28, 2004, AAWC filed a Conditional Use Permit Application with the City of Scottsdale. The Application asked Scottsdale to issue a Conditional Use Permit for an arsenic treatment facility on AAWC's Cattle Track Complex property.

On or about November 11, 2004, AAWC sent another letter to the surrounding property owners. This letter informed the recipients that AAWC had applied for a conditional use permit for the proposed arsenic treatment facility and the City of Scottsdale's Planning Commission would hear that Application on December 1, 2004. The letter also invited the recipients to another Open House, scheduled for November 23, 2004. Finally, the letter stated that if the recipient could not attend the November 23, 2004 Open House but had questions concerning the project, they should call or e-mail AAWC.

This letter was also sent to the Kueffners, Nesvigs and Tierney. Mr. Tierney attended the November 23, 2004 Open House. The Kueffners and Nesvigs did not.

Pursuant to Scottsdale's Revised Code, notice of a Planning Commission and/or City Council conditional use permit hearing must be published once in a newspaper of general circulation in the City at least 15 days before the hearing. Scottsdale Revised Code at Sec. 1.605(A). With respect to this case, the notice for the conditional use permit hearing that was to be held before the Planning Commission on December 1, 2004 was published in the Scottsdale Tribune on November 13, 2004. In addition, a post card was sent to the surrounding property owners informing them of the date and time for the Planning Commission's meeting.

At the December 1, 2004 meeting, the Planning Commission voted to forward AAWC's Conditional Use Permit request to the Scottsdale City Council with a unanimous recommendation for approval. None of the Plaintiffs herein attended the December 1, 2004, Planning Commission meeting.

The City Council meeting at which AAWC's Conditional Use permit was discussed occurred on January 11, 2005. As required by Scottsdale's Revised Code, notice for that City Council meeting was published in a newspaper of general circulation at least 15 days in advance of the hearing (in the Scottsdale Tribune on December 18, 2004). Signs regarding the meeting were also posted on the property. In addition, the surrounding property owners were sent a post card informing them of the date and time for the City Council meeting.

At the January 11, 2005, meeting, the City Council voted to grant AAWC's requested conditional use permit. Neither the Nesvigs nor Tierney attended the January 11, 2005 City Council meeting. David Adler, on behalf of the Kueffners, did attend the meeting and spoke in opposition to the project.

Subsequent to the January 11, 2005 City Council meeting, concerns regarding the facility were raised by some nearby property owners, including the Kueffners, Nesvigs and Tierney. As a result, at a City Council meeting held on January 25, 2005, the Scottsdale City Council

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

09/29/2005

discussed whether it should reconsider AAWC's Conditional Use Permit Application. The January 11, 2005 meeting was not a public hearing. John Berry spoke at that meeting on behalf of AAWC and Mr. Nesvig spoke on behalf of the concerned property owners (the Kueffners and Tierney also attended the January 25, 2005 meeting). Following the presentations no motion was made by a City Council member to reconsider the decision made at the January 11, 2005 meeting to grant AAWC's requested Conditional Use Permit. Thus, the decision made at that meeting remained in effect.

Because of the Cattle Track Complex of properties' Historic Designation, in addition to obtaining the Conditional Use Permit from the City of Scottsdale, AAWC was also required to obtain a Certificate of No Effect or Certificate of Appropriateness from the City of Scottsdale's Historic Preservation Commission. The Historic Preservation Commission heard AAWC's request for a Certificate of Appropriateness on January 13, 2005. Plaintiffs Eric Nesvig, Wilhelm Kueffner, and Roland Kueffner personally attended and spoke at this meeting. In addition, David Adler attended and spoke as Plaintiff Kirsten Kueffner's representative. Following discussion regarding the project the Commission voted unanimously to approve AAWC's Certificate of Appropriateness.

AAWC was then required to obtain approval for its site plan for the project from the Scottsdale Development Review Board. At a January 27, 2005 meeting, the Scottsdale Development Review Board unanimously approved the project. Mrs. Nesvig and the Kueffners attended and spoke at that meeting.

On or about March 9, 2005, Plaintiffs submitted a Notice of Claim to the City of Scottsdale. In that Notice, Plaintiffs alleged that decisions made by the City's Planning Commission, City Council, Historic Preservation Commission, and Development Review Board violated the City's zoning ordinances and Plaintiffs' due process rights, and were arbitrary and capricious.

Plaintiffs' Notice of Claim was rejected by the City of Scottsdale on or about April 15, 2005.

On July 1, 2005, Plaintiffs initiated this lawsuit. In it Plaintiffs ask this Court to enjoin the ongoing construction of the arsenic treatment facility on the grounds that the water storage tanks constitute a nuisance and because the City's Planning Commission, City Council, Historic Preservation Commission, and Development Review Board in approving the project acted arbitrarily and capriciously, abused its discretion, and violated the City's zoning ordinances and Plaintiffs' due process rights.

Relevant considerations in determining whether to grant a request for a preliminary injunction include the relative hardships of and injustice to the parties, the likelihood that the plaintiff will prevail on the merits, the public interest, the misconduct of the parties, if any, delay

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

09/29/2005

on the part of the plaintiff, and the adequacy of other remedies. See *Ahwatukee Custom Estates Management Ass'n, Inc. v. Turner*, 196 Ariz. 631, 2 P.3d 1276 (App. 2000).

1. Nuisance

"A nuisance is a condition which represents an unreasonable interference with another person's use and enjoyment of his property and causes damage." *Graber v. City of Peoria*, 753 P.2d 1209, 1211, 156 Ariz. 553, 555 (App. 1988) (citations omitted). "What constitutes an unreasonable interference with another person's use and enjoyment of his property is determined by the injury caused by the condition and is not determined by the conduct of the party creating the condition." *Id.* Moreover, "to constitute a nuisance, the complained-of interference must be substantial, intentional and unreasonable under the circumstances." *Armory Park v. Episcopal Community Services*, 712 P.2d 914, 920, 148 Ariz. 1, 7 (1985). "Compliance with a zoning ordinance is a persuasive factor in determining the reasonableness of the activity, but it is not conclusive." *Desruisseau v. Isley*, 553 P.2d 1242, 27 Ariz.App. 257, 261 (App. 1976).

The Court notes that all of the reported Arizona decisions in which the court found a private nuisance involved a condition that actually came onto or invaded the plaintiff's land and unreasonably interfered with the plaintiff's use and enjoyment of his property and caused damage. See, e.g., *Armory Park v. Episcopal Community Services*, 712 P.2d 914, 148 Ariz. 1, (1985) (persons who frequented defendant's facility trespassed, urinated, defecated, drank and littered on surrounding homeowners' property), *Graber v. City of Peoria*, 753 P.2d 1209, 156 Ariz. 553 (App. 1988) (raw sewage entered plaintiffs' property); *Mcquade v. Tucson Tiller Apartments, Ltd.*, 543 P.2d 150, 25 Ariz.App. 312 (App. 1975) (loud music from rock events held on adjoining property interfered with the reasonable use of plaintiff's property). This is not such a case. Rather, in this case it is the size and appearance of the water tanks that, according to Plaintiffs, constitute the private nuisance.

When the Court, as it must, balances the utility and reasonableness of AAWC's conduct against the extent of harm inflicted and the nature of the affected neighborhood, the Court simply can not find that Plaintiffs have met their burden of establishing a likelihood of success on the merits on their nuisance claim.<sup>3</sup>

2. The City's Actions

The City of Scottsdale's grant of a conditional use permit to AAWC is an administrative action and should be upheld unless the City's action was arbitrary, capricious, an abuse of discretion and without any substantial relation to public health, safety, moral or general welfare. See *Redelsperger v. City of Avondale*, 207 Ariz. 430, 437, 87 P.3d 843, 850 (App. 2004). Moreover, courts are required to give great weight to the construction of a zoning ordinance by

<sup>3</sup> Because the Court is of the opinion that Plaintiffs are not entitled to a preliminary injunction due to their failure to establish a likelihood of success on the merits, the Court declines to address AAWC's laches argument.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

09/29/2005

those charged with the duty of administering and enforcing it. *See Peabody v. City of Phoenix*, 14 Ariz. App. 576, 579-580, 485 P.2d 565, 568-569 (1971).

Based upon the facts of this case, the Court simply can not find that Plaintiffs have met their burden of establishing a likelihood of success on their claims that the City's Planning Commission, City Council, Historic Preservation Commission, and Development Review Board in approving the project acted arbitrarily and capriciously, abused its discretion, and violated the City's zoning ordinances and Plaintiffs' due process rights.<sup>4</sup>

For the reasons set forth above,

**IT IS ORDERED** denying Plaintiffs' request for a preliminary injunction.<sup>5</sup>

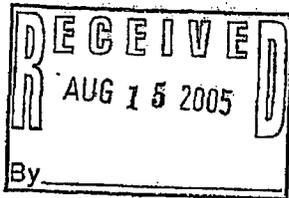
FILED: Exhibit Worksheet; Hearing Worksheet

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<sup>4</sup> Because the Court is of the opinion that Plaintiffs are not entitled to a preliminary injunction due to their failure to establish a likelihood of success on the merits, the Court declines to address The City's argument that Plaintiffs failed to exhaust their administrative remedies.

<sup>5</sup> The Court is not unsympathetic to Plaintiffs' plight. Nevertheless, this Court cannot allow that sympathy to take precedence over this Court's obligation to follow and apply the law.

**B**



TOWN OF  
**PARADISE VALLEY**

6401 EAST LINCOLN DRIVE  
TOWN OF PARADISE VALLEY, ARIZONA 85253-4399

PHONE: (480) 948-7411

FAX: (480) 951-3715

TDD: (480) 483-1811

OFFICE OF: TOWN MANAGER

August 10, 2005

Brian K. Biesemeyer, P.E.  
Operations Manager, Arizona-American Water Company  
15626 North Del Webb Blvd.  
Sun City, AZ 85351

Re: Water System Improvements

Dear Mr. Biesemeyer:

Over the past several years, the Town, your company and our other two water providers completed an interesting, productive and highly successful planning process relating to fire flow capabilities needed to ensure the safety of Town residents. The Town has been pleased with the public dialogue relating to the need to make substantial water system improvements for fire protection.

Since completing the planning process, the Town's three water providers have begun implementing a fire flow improvement program through their capital budgets. Arizona-American Water has been especially proactive in addressing these immediate needs, by stepping forward, prior to a rate adjustment, and completing the Jackrabbit-Invergorden Main Replacement and the Tatum-McDonald Realignment.

As the original requestor of these water system improvements, the Town understands that there is likely to be a substantial impact to our constituents', (your customers') rates. Your success at the Corporation Commission will ultimately dictate whether the fire flow improvements are included in your capital budget. It is important to note that, without these improvements, the risk to life and property would continue into the distant future, which is an unacceptable long-term risk to the Town. The sooner the improvement program can get underway the better, Town residents' safety and the protection of their property is highly dependent on this program.

As I have stated in the past we have enjoyed Arizona-American's proactive efforts and cooperation, and we know this will continue into the future. If we can be of any assistance as Arizona-American moves forward with the improvement program, please do

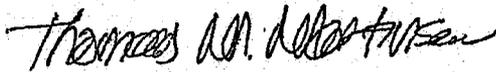
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AZAW000154

Brian K. Biesemeyer, P.E.  
August 10, 2005  
Page 2

not hesitate to call on us for support. Thank you again, and we look forward to your continued service to our community and its residents.

Sincerely,



Thomas M. Martinsen  
Town Manager

TMM/nm

**C**

## APPENDIX A

### **Paradise Valley Arsenic Removal Facility Stakeholder Meeting Meeting Summary Notes**

**Date:** July 13, 2004; 6:30 p.m. to 7:00 p.m.  
**Location:** Marcie and Keith Searcy Home  
7550 Whispering Winds Road  
Scottsdale, AZ 85250

**Attendees:**

Marcie Searcy

Keith Searcy

Jim Campbell, Paradise Valley Operations Superintendent Arizona American Water Company

Rob McCandless, P.E., Damon S. Williams Associates

Christine Close, Damon S. Williams Associates

Peggy Fiandaca, Partners for Strategic Action, Inc.

Rob McCandless, Project Manager with DSWA gave an overview of the Paradise Valley Arsenic Removal Facility project and distributed a Project Fact Sheet and Site Plan. He mentioned that the DSWA has been hired by Arizona American Water Company in collaboration with D.L. Norton to design/build the facility. Arizona American Water Company (formerly Paradise Valley Water Company) owns and operates the water system serving portions of the Town of Paradise Valley and the City of Scottsdale. The project is a result of new requirements by Environmental Protection Agency (EPA). In January 2000 the EPA lowered the drinking water Maximum Contaminant Level (MCL) for arsenic, the maximum level allowed to be served to the public, from 50 µg/L to 10 µg/L. Rob explained that arsenic is naturally occurring in many of the soils that contact groundwater, particularly throughout the Southwestern U.S. All water systems serving the public are required to achieve compliance with the new arsenic MCL by January 23, 2006.

The purpose of the meeting was to discuss the project with Mr. and Mrs. Searcy and understand their potential concerns or issues. The Searcy's live directly across the street from the existing facility as well as the future improvements. Following is a summary of their comments and questions.

#### Noise Concerns

The current facility's noise levels impact the Searcy's particular during the late night, early morning hours. When the pumps turn on, the vibration is heard and felt in their home. They also say they can tell when the facility shifts from winter to summer because of the noise.

Rob explained that the motorized equipment will be in buildings which will greatly reduce any noise. The design of the plant will do away with any noise. We are starting new with the facility.

Mr. Searcy asked, "Are their standards for decibels?" Yes, I am not certain at this moment what the standards are for this type of use. The current decibels at the pumps are roughly at 90 db and 55 db at the property line.

Mr. Searcy said he cannot open his doors at night because of the noise. Most of the other residents do not hear the noise like we do. We are in the direct path.

#### Perimeter Wall

The perimeter wall is proposed to be 8 feet tall. The Searcy's asked to see the elevation of the wall when it is done. They are concerned what the wall might look like particularly from the road.

Wall setback from the road was mentioned as a concern. They would like to see it setback the same distance as the other homes on that side of the street. Landscaping outside the wall so that the wall seems to disappear into the landscaping is desired.

The wall should be aesthetically pleasing. The wall could be stucco with bricks along the top. The top edge could curve to reduce the straight edged feel similar to their wall. The wall should be similar to the walls surrounding fine custom homes and fit within the aesthetic feel of the area.

#### Landscaping

Landscaping should be used to minimize the visual impact of the facility. Native landscaping consistent with the rural character of the neighborhood is preferred. Use landscaping to minimize the wall as well as any buildings in the facility. The landscaping can also provide buffer for noise.

#### Property Set Back

The property should mirror the setback of the other properties along that side of Cattletrack. If the road is ever widened, the road widening would be on the AAW side of the road. It would be nice to have natural gravel for pedestrians and/or bicycling in the setback. Set the building(s) back as far as possible so that they do not stick out.

#### Building Design

The buildings should be designed to fit into the rural character of the neighborhood. It should be designed to look like the homes in the areas. A good example is the Doubletree Water ?????? It is not so huge and it blends with the neighborhood.

#### Lighting

Be thoughtful about the lighting on the buildings. We understand there are security issues so lighting will be important. But anything you can do to be sensitive to the impact that

lighting has on the neighborhood would be appreciated. No floodlights! The lighting should be "low impact" lighting.

#### Gate

The design of the gate is important. But more important is that it should be quiet.

#### Traffic Implications

Jim Campbell explained that the facility will house the AAW administrative offices that might include 6 employees and 2 operators. Currently, at the administrative offices (at another location) get approximately 2 customers per day that visit the site. This low visitation is expected at the new site.

Rob explained that there will be minimal hauling that will occur from this site. The Searcy's would like to see what type of trucks would be doing the hauling, how often, and what the different activities and/or uses at the site might impact them.

#### Construction Schedule

Rob explained how construction schedule. The Searcy's asked if the perimeter wall be installed first to reduce construction noise. The key to the construction is to be cognizant of the impacts to the neighborhood. Try to keep the confusion and noise to a minimum to protect our quality of life.

#### Other Questions

What will the height of the facilities? Approximately 20 feet.

Will the existing tanks be removed? Yes to allow more storage capabilities.

What does future property boundary mean? AAW has identified that property (approximately 5 acres) future development opportunity. AAW may sell off that property for residential. However, it is not part of this project or application to the City of Scottsdale.

**Paradise Valley Arsenic Removal Facility  
Stakeholder Meeting  
Meeting Summary Notes**

**Date:** July 14, 2004; 1:00 p.m. to 2:00 p.m.  
**Location:** Janie Ellis Home  
6105 Cattletrack  
Scottsdale, AZ 85250

**Attendees:**

Janie Ellis, 6105 Cattletrack  
Bernie Gonzales, 6349 N. Cattletrack  
Vern Swaback (came late), 7550 E. McDonald Drive  
Jim Campbell, Paradise Valley Operations Superintendent Arizona American Water Company  
Rob McCandless, P.E., Damon S. Williams Associates  
Chip Norton, D.L. Norton General Contracting  
Christine Close, Damon S. Williams Associates  
Peggy Fiandaca, Partners for Strategic Action, Inc.

Rob McCandless, Project Manager with DSWA gave an overview of the Paradise Valley Arsenic Removal Facility project and distributed a Project Fact Sheet and Site Plan. All participants introduced themselves. He mentioned that the DSWA has been hired by Arizona American Water Company in collaboration with D.L. Norton to design/build the facility. Arizona American Water Company (formerly Paradise Valley Water Company) owns and operates the water system serving portions of the Town of Paradise Valley and the City of Scottsdale. The project is a result of new requirements by Environmental Protection Agency (EPA). In January 2000 the EPA lowered the drinking water Maximum Contaminant Level (MCL) for arsenic, the maximum level allowed to be served to the public, from 50 µg/L to 10 µg/L. Rob explained that arsenic is naturally occurring in many of the soils that contact groundwater, particularly throughout the Southwestern U.S. All water systems serving the public are required to achieve compliance with the new arsenic MCL by January 23, 2006.

The purpose of the meeting was to discuss the project with neighborhood interests to understand their potential concerns or issues. Following is a summary of their comments and questions.

**Building Design**

Are there any towers proposed? No.

How tall are the tanks? Approximately 24 feet in height.

Are you going to keep the existing tanks? No, they will be replaced.

It will be important for the color of the tanks and any buildings blend in with the natural surrounding. Minimize the look of these facilities with color and landscaping. A good

It will be important for the color of the tanks and any buildings blend in with the natural surrounding. Minimize the look of these facilities with color and landscaping. A good example of this is how the City of Scottsdale screens and builds utility boxes in the northern part of the city. You hardly notice them.

The exterior design of the buildings should match the neighborhood character. So the material of the buildings and facilities will be important. Anything done on this site should enrich the streetscape. Following are some guidelines suggested.

- Lower the building as much as possible
- Reduce the building mass; break up the buildings
- Less reflective the better
- More landscaping the better
- No utility hotspot lighting
- Fencing should be the type around a fine residential development
- Quiet
- If the City tries to impose curb, gutter, and paved sidewalk, fight it vehemently. That is inconsistent with the rural character that the neighborhood desires. Do not let the city impose a standard that is incompatible with the neighborhood.
- Stabilized granite path in the setback would mirror what the other property owners are attempting to do.
- Maintain the rural character

"Be sensitive on the aesthetic side and everything should be okay."

Everyone at the meeting would like to review and provide input into the proposed site plan and facility facades again before they get submitted to the city.

#### Perimeter Wall

What is the height of the perimeter wall? Approximately 8 feet.

#### Building Setback

They stressed the importance of maintaining the 40 foot street setback. It is important to mirror the rest of the street with this setback.

#### Historic Overlay

BJ mentioned that the adjacent property to the AAW site (Kueffner's property) is a HP Overlay. Therefore, this project may have to go before the historic preservation commission. BJ is on that commission. He suggested contacting Don Mazur in the City of Scottsdale Historic Preservation Office.

#### AAW and Cattletrack Property Boundary

Janie mentioned that she would be interested in discussing further the possible joint use of the area designated for a retention area on the site plan. When the retention area is not filled with water she would like to use it for a small (150 to 200 seat) outdoor venue. She would like to continue discussions with AAW about this possibility.

#### 5 Acre Property Across from the Facility

Janie mentioned that she owns the 5 acre parcels across from the facility gate. She is intending to develop 3 residential lots that will have one entry to the property. She was concerned about the alignment of her entry with the facility entry. She thought there might be some regulations related to alignment of entrances. Her alignment is already recorded on the lot split. She suggested researching the requirements and aligning the facility's entrance if it is a requirement.

#### Property to the North

BJ owns the property to the north of this site. He asked about AAW's intentions for the future development of that property. Rob explained that it is currently not a part of this particular project, but the intent was to someday sell that property for future residential. It is approximately 5 acres. BJ said that he would be supportive of any development there just as long as it was residential.

BJ asked about the well site in this northern area? Will that be used for the new facility? Rob explained that it would be redirected. Appropriate visual screening of the pump would be appreciated. It would benefit the future development potential of this property as well as screen an eye sore. A good example is what they did to aesthetically screen a pump in the Monterrey Homes project.

Also anything you do to protect the Mesquite trees along the canal is appreciated.

#### Traffic

Traffic has been an issue for all the recent zoning cases along Cattletrack. There is current traffic data on the website. Present the information upfront and make it a non-issue.

They mentioned that the City of Scottsdale was beginning a project to widen McDonald Road. They suggested that Cory Lee, City of Scottsdale Transportation and Public Works be contacted to understand the project.

#### Other Questions

Who is going to be the operator of the plant? AAW

What happens to the waste products? They are hauled away. Jim explained the operations at the site.

How is this administrative office different than the existing one? Comparable in size and projected use.

Why wouldn't you do the administrative offices at the south facility? It was not part of the use permit.

What will be done about the large water transmission line? Consider putting it in the 40 foot easement in the front of the facility. That would save the Mesquite trees along the canal.

Other Suggested Individuals to Contact

Edie Arrowsmith, Stable Gallery

Nick and Linda Bernard

Alexander Zink

Diane and Roy Henderson

Kueffner Family

**D**

# Early Notification of Project Under Consideration Neighborhood Open House Meeting:

Date: Thursday, Aug. 5, 2004, Time: 5:30 pm  
Location: Hilton Scottsdale Resort & Villas

Site Address: 6333 North Scottsdale Rd., Scottsdale, Arizona 85250

Project Overview: Rezoning parcels 174-13-934 and 174-13-935 back to R1-43 to allow for construction of a new 19 mgd arsenic removal facility to remove naturally occurring arsenic from well water. Requires Rezoning Application and Use Permit (Parcels 174-13-930, 931, 932, 934, and 935) following rezoning approval.

• Existing Zoning: SC, Special Covenants

• Proposed Zoning: R1-43, Single Family Residential

• Acreage Parcel 174-13-934: 2.31 ac. 174-13-935: 0.9 ac. Combined Acreage = 3.21

APPLICANT: Arizona American Water

CONTACT: Robert McCandless, DSWA

PHONE NUMBER: 602-217-1004

E-MAIL ADDRESS: rmcandless@azwater.net

CITY STAFF CONTACT: Jim Cullis

PHONE NUMBER: 800-312-4210

E-MAIL ADDRESS: jcullis@scottsdaleaz.gov

Pre-Application #: 239-2004, available at City of Scottsdale, 480-312-7000

Project info. available at: [www.scottsdaleaz.gov/projects/ProjectsInProcess](http://www.scottsdaleaz.gov/projects/ProjectsInProcess)

Posting Date: 07/14/04

2004 07 14

July 16, 2004

Re: Paradise Valley Removal Project  
Pre-Application Case Number: 239-2004

Dear

For over 30 years, Arizona American Water and Paradise Valley Water Company have owned and operated the Miller Road Booster Station 6215 North Miller Road in your neighborhood. The facility supplies water to portions of the Town of Paradise Valley, City of Scottsdale, and unincorporated Maricopa County. Due to recent changes by the United States Environmental Protection Agency, Arizona American Water must make modifications to this current facility.

You may have read in a recent Arizona Republic article about new Environmental Protection Agency standards for arsenic levels that are impacting many public/private water systems in the Valley. Since much of our groundwater contains some arsenic by nature, additional treatment is now required. To meet these requirements work is required to be completed by January 23, 2006.

Damon S. Williams Associates and D.L. Norton General Contracting have been hired by Arizona American Water to design and build the new facilities at this site. Arizona American Water will be submitting a rezoning request and use permit to the City of Scottsdale in the near future for this project. Following is brief project overview.

Rezoning parcels 174-13-934 and 174-13-935 back to R1-43 for construction of a new 19 mgd arsenic removal facility to remove naturally occurring arsenic from well water. Requires Rezoning Application and Use Permit (Parcels 174-13-930, 931, 931, 934, and 935) following rezoning approval.

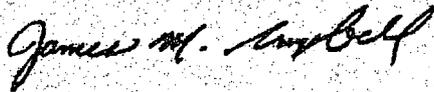
Before we move further in the process, we would like to invite you to an Open House meeting that we have scheduled to discuss the project with neighbors and interested individuals. Representatives from Arizona American Water and the design/build team will be available at the Open House which is scheduled for:

Date: Thursday August 5, 2004  
Time: 5:30 p.m.  
Location: Hilton Scottsdale Resort & Villas  
6333 North Scottsdale Road  
Scottsdale, AZ 85250

Page Two  
July 16, 2004

If you can not attend but would like to understand the project, please call me at 623/445-2462. If you would like to contact the City of Scottsdale regarding this project, call Tim Curtis, Project Coordination Manager at 480/312-4210 or e-mail at [tcurtis@scottsdaleAZ.Gov](mailto:tcurtis@scottsdaleAZ.Gov) or visit the City's website <http://www.scottsdaleAZ.Gov/projects/ProjectsInProgress>. Your input and support are very important to the success of this project.

Sincerely,



Mr. Jim Campbell  
Operations Superintendent  
Paradise Valley District  
Arizona American Water

Limits of  
Citizen  
Notification



Citizen Notification Map

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

ADAMS, CHARLES P  
7538 E BERRIDGE LN  
SCOTTSDALE, AZ 85260

ANDERSON, SANDRA L  
6350 N 78TH ST #287  
SCOTTSDALE, AZ 85250

ANDRAS, JAMES T & CHRISTINE E  
7511 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

ARP, WILLIAM J  
6451 N 77TH WAY  
SCOTTSDALE, AZ 85250

BAAS, THOMAS R & LESLIE K  
5 NORRIS  
BURR RIDGE, IL 60521

BACON, STEVE E  
6350 N 78TH ST 297  
SCOTTSDALE, AZ 85250

BARTLETT, STEPHEN C  
7728 E ROSE LN  
SCOTTSDALE, AZ 85250-4724

BASILONE, ELINORE A  
6350 N 78TH ST  
SCOTTSDALE, AZ 85253

BASTEN, ROBERT J & TIFFENY E  
6350 N 78TH ST, #283  
SCOTTSDALE, AZ 85250

BERMAN, RALPH & JACQUELINE  
7649 E SIERRA VISTA DR  
SCOTTSDALE, AZ 85250

BERNARD, MARYANNE D  
6350 N 78TH ST NO 291  
SCOTTSDALE, AZ 85250

BERNARD, NICHOLAS W  
6234 N CATTLERACK RD  
SCOTTSDALE, AZ 85250

BERTRAM, DIANA M  
PO BOX 5535  
SCOTTSDALE, AZ 85261

BONE, ALLAN N  
7512 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

BOULINEAU, FRED  
5514 E ANGELA DR  
SCOTTSDALE, AZ 85254

BRANDE, PATRICK W  
6350 N 78TH ST 296  
SCOTTSDALE, AZ 85250

BRINTON, MICHAEL JOHN  
6026 N 77TH PL  
SCOTTSDALE, AZ 85250

BROCE, MARY LOU  
P O BOX 4986  
SCOTTSDALE, AZ 85261

BURTON, EWA J  
6350 N 78TH ST  
SCOTTSDALE, AZ 85253

BUSSEUIL, SUZANNE K  
6132 N 77TH PL  
SCOTTSDALE, AZ 85250

BYRD, JOHN EDWARD  
6350 N 78TH ST #305  
SCOTTSDALE, AZ 85250

CALDWELL, TWILA  
7740 E ROVEY AVE  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

CAN CAMP, ROGER A  
6350 N 78TH ST, #275  
SCOTTSDALE, AZ 85253

CAPALDI, PATRICIA C  
7770 E ROSE LN  
SCOTTSDALE, AZ 85253

CASE, SCOTT B  
6460 N 77TH WAY  
SCOTTSDALE, AZ 85250

CHALMERS, KAREN C  
7734 E ROVEY AVE  
SCOTTSDALE, AZ 85251

CHOTIN, MORRIS & ELAYNE  
962 WYNHAVEN  
BALLWIN, MO 63011

CLANCY, MICHAEL & LENORE E  
7734 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

COCHRAN, ROBERT E & EHRET  
PAUL  
6270 N 78TH ST 325  
SCOTTSDALE, AZ 85250

COHEN, RUTH  
LINCOLN PLACE  
7419 E. CACTUS WREN RD.  
SCOTTSDALE, AZ 85250

COLEMAN, MARIAN D  
7524 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

COMPTON, RALPH S  
2519 E JASMINE CIR  
MESA, AZ 85213

COOLEY, TIMOTHY F & ROSE M  
6032 N 77TH PL  
PHOENIX, AZ 85250

COPE-HANEY, MARY MALLORY  
6462 N 77TH PL  
SCOTTSDALE, AZ 85250

COTNER, CHRISTY A  
6270 N 78TH ST UNIT 323  
SCOTTSDALE, AZ 85253

COTTER, RICHARD E & MARGARET  
6448 N 77TH PL  
SCOTTSDALE, AZ 85250

COYNE, SANDRA DEE  
6008 N 77TH PL  
SCOTTSDALE, AZ 85250

CRIMMINS, C JAMES & MELVA R  
19802 N 32ND ST #37  
PHOENIX, AZ 85050

CRONIN, MARGARET  
7600 LINCOLN HOMEOWNERS  
ASSOCIATION  
7539 E. TUCKEY LN.  
SCOTTSDALE, AZ 85250

CURTIS, KEITH & MARLA  
6350 N 78TH ST UNIT 316  
SCOTTSDALE, AZ 85250

DAVIS, JON C & CINDY M  
7746 E VALLEY VISTA  
SCOTTSDALE, AZ 85253

DICKIE, BILL K & JOANNE M  
7800 E LINCOLN DR, #1102  
SCOTTSDALE, AZ 85250

DODSON, JOAN  
6437 N 77TH WAY  
SCOTTSDALE, AZ 85250

DUBIE, DAVID J  
6450 N 78TH ST #212  
SCOTTSDALE, AZ 85253

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

DUGAS, SR., JOHN F  
6350 N 78TH ST #271  
SCOTTSDALE, AZ 85253

DURHAM, ANDREA J  
6349 N 78TH ST UNIT 81  
SCOTTSDALE, AZ 85253

EISELE, NEELY A & JUDITH E  
6350 N 78TH ST 304  
SCOTTSDALE, AZ 85253

EWBANK, RICHARD W & JUDITH  
7752 E ROSE LN  
SCOTTSDALE, AZ 85253

FANCY, THOMAS A & BONITA L  
16 CUTLER DR  
SAVANNAH, GA 31419

FERA, ANN & ELIZABETH ASHLEY  
6350 N 78TH ST UNIT 314  
SCOTTSDALE, AZ 85250

FERGUSON, ROGER & SYBIL  
PO BOX 519  
REXBURG, ID 83440

FERNEDING, MICHAEL T  
P O BOX 64011  
TACOMA, WA 98464

FILLER, CHARLES A  
7721 E VALLEY VISTA LN  
SCOTTSDALE, AZ 85250

FORNEY, DAVID E  
6270 N 78TH ST, #329  
SCOTTSDALE, AZ 85250

FRANSEN, DENNIS R & CHERYL M  
2930 PALM DR  
BILLINGS, MT 59102

FRAZER, WILLIAM R & LAURA  
6464 N 77TH WY  
SCOTTSDALE, AZ 85253

FRIEDMAN, ANNE G  
7740 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

FUJIMOTO, HARRY KENICHI & CLA  
6422 N 77TH WAY  
SCOTTSDALE, AZ 85250

FULLER, PATRICIA A  
6431 N 77TH PL  
SCOTTSDALE, AZ 85250

FULTON, BRAD & JONI E  
7734 E ROSE LN  
SCOTTSDALE, AZ 85253

FUQUA, MARJORIE ROBIN  
7631 E SIERRA VISTA DR  
SCOTTSDALE, AZ 85250

GAIMARI, PATRICK G  
7442 E CENTURY DR  
SCOTTSDALE, AZ 85250

GIFFIN, RICHARD G & LAURA L  
6102 N 77TH PL  
SCOTTSDALE, AZ 85253

GILMORE, MARCIA C  
6123 N 77TH PL  
SCOTTSDALE, AZ 85053

GIULIANO, JOHN T & CLARA M  
308 COMMERCE DR, #A  
FORT COLLINS, CO 80524-2759

GLENN, GARRETT D & KAREN L  
7731 E VALLEY VISTA LN  
PHOENIX, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

GLESSING, ORIVLLE G & LEWIS  
6350 N 78TH ST  
SCOTTSDALE, AZ 85250

GONZALES, BARNEY J  
6349 N CATTLETRACK RD  
SCOTTSDALE, AZ 85250

GOODLOE, NANCY KING & JAMES C  
6350 N 78TH ST 254  
SCOTTSDALE, AZ 85250

GRAHAM, ROBERT A  
6270 N 78TH ST #332  
SCOTTSDALE, AZ 85253

GRANT, ROGER LEE & STEPHANIE  
6002 N 77TH PL  
SCOTTSDALE, AZ 85253

GRAWET, LARRY D & SANDRA E  
1302 AMETHYST APT A  
REDONDO BEACH, CA 90277

GROSDIDIER, MARY C  
6350 N 78TH ST 339  
SCOTTSDALE, AZ 85253

GROSS, BRUCE H & ROBERT C  
3401 MANCHESTER COMMON  
FREMONT, CA 94536

GULATTO, PETER J & ROSEMARIE  
7734 E VALLEY VISTA  
SCOTTSDALE, AZ 85253

GULINO, DAVID G  
6127 N 77TH PL  
SCOTTSDALE, AZ 85250

GULNAC, GABRIELE JILL  
6350 N 78TH ST 274  
SCOTTSDALE, AZ 85250

HAI, MOHAMMAD K  
6105 N 77TH ST  
SCOTTSDALE, AZ 85250

HALL, STANLEY R & NIKKI L  
7628 E EDGEMONT AVE  
SCOTTSDALE, AZ 85257-1631

HANNAH, STANLEY L & BETTY M  
#5 MARTIN LN  
ENGLEWOOD, CO 80110

HANSON, LYNN  
6350 N 78TH ST 281  
SCOTTSDALE, AZ 85250

HAUSHER, NANCY JEAN  
7743 E ROSE LN  
SCOTTSDALE, AZ 85253

HEARN, LAUREN  
6466 N 77TH PL  
SCOTTSDALE, AZ 85250

HEICHBERGER, RICHARD A  
7731 E ROSE LN  
SCOTTSDALE, AZ 85250

HELTEMES, LEON T & COLLEEN  
5201 E CHARTER OAK RD  
SCOTTSDALE, AZ 85254

HEMBROCK, ROBERT W  
6350 N 78TH ST UNIT 279  
SCOTTSDALE, AZ 85253

HENDERSON, ROY S & DIANN C  
6337 N 75TH ST  
SCOTTSDALE, AZ 85250

HERMANN, HANS & UTE  
27471 VIA SEQUOIA  
SAN JUAN CAPISTRANO, CA 92675

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

HEVLE, LYMAN C & BETTY A  
8348 E VIA DE LOS LIBROS  
SCOTTSDALE, AZ 85258-3202

HICKS, SABRINA & STEPHEN  
43 STERLING CT  
HUNTINGTON, NY 11743

HINK, JOHN A. & MEGAN  
6301 N 75TH ST  
SCOTTSDALE, AZ 85250

HINOJOSA, DOMINIQUE  
6350 N 78TH ST #264  
SCOTTSDALE, AZ 85250

HOLT, LOIS G  
6452 N 77TH WAY  
SCOTTSDALE, AZ 85250

HOSNER, DONALD L & BARBARA  
6349 N 78TH ST #88  
SCOTTSDALE, AZ 85253

HUNTER, FAITH L  
5414 FOREST HIGHLANDS CT  
WESTERVILLE, OH 43082

ILLINGWORTH PIERCE, LOUISE  
6421 N 77TH WAY  
SCOTTSDALE, AZ 85250

JACQUES, WILFRED G & ARLETTA  
6020 N 77TH PL  
SCOTTSDALE, AZ 85283

JAY, JOHN C & PAULINE F  
7770 E VALLEY VISTA LN  
SCOTTSDALE, AZ 85250

JERVIS, JR., JOEL R  
6350 N 78TH ST NO 258  
SCOTTSDALE, AZ 85250

JOHNSON, PETER R  
6349 N 78TH ST 80  
SCOTTSDALE, AZ 85253

JOHNSON, REID & SHERRY  
22111 27TH AVE SE  
MAPLE VALLEY, WA 98038

JOHNSTON, DEDE  
BRIARWOOD II HOMEOWNERS  
ASSOC.  
7344 E. KEIM DR.  
SCOTTSDALE, AZ 85250

JOHNSTON, DOROTHY J  
6350 N 78TH ST 298  
SCOTTSDALE, AZ 85250

JONES, JANIE ELLIS  
105 CATTLE TRACK RD  
SCOTTSDALE, AZ 85250

JONES, JANIE ELLIS  
6226 N CATTLETRACK RD  
SCOTTSDALE, AZ 85250

JONES, ROBERT C & B JOAN  
7752 E VALLEY VISTA LN  
SCOTTSDALE, AZ 85253

JOSEPH, STEWART M  
PO BOX 32034  
PHOENIX, AZ 85064

JOSEPH, JR., JACK  
6350 N 78TH ST #269  
SCOTTSDALE, AZ 85250

JOUSAN, C MIKE & VICKY  
6450 N 79TH ST #217  
SCOTTSDALE, AZ 85253

KALFAYAN, SARKIS Y & OVSANNA  
7761 E VALLEY VISTA LANE  
SCOTTSDALE, AZ 85253

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

KAUFMAN, THOMAS R & CHRYSAL  
7520 E WHISPERING WINDS RD  
SCOTTSDALE, AZ 85250

KEMPNER, SANDRA  
7523 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

KING, RONALD J  
6350 N 78TH ST  
SCOTTSDALE, AZ 85250

KLOENNE, JAY, TIMOTHY, JANI  
6442 N 77TH WY  
SCOTTSDALE, AZ 85250

KRAMER, WM T & MARIE J  
6349 N 78TH ST, #77  
SCOTTSDALE, AZ 85250

KROPP, DANIEL P  
7526 E WHISPERING WINDS DR  
SCOTTSDALE, AZ 85250

KUEFFNER, KIRSTEN K  
16658 N 106TH WY  
SCOTTSDALE, AZ 85255

LAHAYE, LIZ  
7758 E ROVEY  
SCOTTSDALE, AZ 85250

LANDON, LINDA JILL  
6454 N 77TH PL  
SCOTTSDALE, AZ 85250

LARE-TYLER, DANIEL H  
6433 N 77TH ST  
SCOTTSDALE, AZ 85250

LAUERSDORF, CINDY  
6270 N 78TH ST  
SCOTTSDALE, AZ 85250

LAVENDER, CAREY MACK  
6441 N 77TH WAY  
SCOTTSDALE, AZ 85250

LENDVAI, JOHN C & JUANITA M  
7722 E VALLEY VISTA LN  
SCOTTSDALE, AZ 85253

LESSER, GARY  
BRIARWOOD II HOMEOWNERS  
ASSOC.  
7302 E. VALLEY VISTA DR.  
SCOTTSDALE, AZ 85250

LEVIN, DANIEL W  
7752 E ROVEY AVE  
SCOTTSDALE, AZ 85250

LEVY, JASON M  
6424 N 77TH PL  
SCOTTSDALE, AZ 85250

LEWIS, THOMAS M  
6350 N 78TH ST NO 290  
SCOTTSDALE, AZ 85250

LIEBERMAN, DAVID L & MARTHA T  
4413 N 62ND ST  
SCOTTSDALE, AZ 85251-1912

LUKE, K D, SHEILAH ROSE, VERNON  
6350 N 78TH ST NO 317  
SCOTTSDALE, AZ 85250

LUU NICK & NGUYEN THERESA  
6233 N 75TH ST  
SCOTTSDALE, AZ 85250

LYSCIO, SCOTT G  
6350 N 78TH ST, #295  
SCOTTSDALE, AZ 85250

MALUDA, MIROSLAV & JULIA  
6044 N 77TH PL  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

MANCOUR, LAREE  
6270 N 78TH ST 328  
SCOTTSDALE, AZ 85250

MANZONE, DOMENICO J &  
GABRIELLE  
6350 N 78TH ST NO 268  
SCOTTSDALE, AZ 85250

MARANTETTE, THOMAS L  
13654 RONNIE WAY  
SARATOGA, CA 95070-5153

MARTIN, STEPHEN & IRMA  
7667 E SIERRA VISTA DR  
SCOTTSDALE, AZ 85250

MATTINGLY, CHRIS  
6426 N 77TH WAY  
SCOTTSDALE, AZ 85250

MATTINGLY, L GEORGE & JENNIFER  
10040 N 78TH PL  
SCOTTSDALE, AZ 85258

MCCARTHY, MARJORIE C & CHRIST  
7749 E ROSE LN  
SCOTTSDALE, AZ 85250

MCGOOKIN, MICHAEL J  
1579 LINCOLN ST 111  
SAN RAFAEL, CA 94901

MCGOWAN, ALISON H  
6270 N 78TH ST 330  
SCOTTSDALE, AZ 85250

MCKALLOR, JON PATRICK & TRICIA  
7758 E VALLEY VISTA LN  
SCOTTSDALE, AZ 85250

MCKINLEY, PATRICIA L & MICH  
7439 E EDWARD ST  
SCOTTSDALE, AZ 85253

MCMAHON, DAVID H  
6350 N 78TH ST NO 257  
SCOTTSDALE, AZ 85250

MCQULLIN, DAWN A  
6350 N 78TH ST NO 270  
SCOTTSDALE, AZ 85250

MEADOR, DOUGLAS WAYNE & PATRI  
6465 N 77TH PL  
SCOTTSDALE, AZ 85250

MEDEROS, PATRICIA M  
6350 N 78TH ST  
SCOTTSDALE, AZ 85243

MIHOK, DOROTHY C  
6350 N 78TH ST #272  
SCOTTSDALE, AZ 85250

MILLS, WILLIAM E & EVELYN M T  
6349 N 78TH ST UNIT 71  
SCOTTSDALE, AZ 85250

MISHEK, JAMES & LORINDA  
7800 E LINCOLN DR., #1104  
SCOTTSDALE, AZ 85250

MITCHELL, STEPHEN F & SHERR  
6117 N 77TH PL  
SCOTTSDALE, AZ 85253

MORKEN, KATHLEEN R  
6350 N 78TH ST 276  
SCOTTSDALE, AZ 85250

MOTZ, JANE RUTH  
6100 N 78TH ST  
SCOTTSDALE, AZ 85253

MURPHY, KRISTOPHER RYAN  
6457 N 77TH PL  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

MUUSERS & DANA BALL, SUZANNE  
6350 N 78TH ST NO 259  
SCOTTSDALE, AZ 85250

NATHAN, WALTER & GLORIA B  
7719 E ROVEY AVE  
SCOTTSDALE, AZ 85257

NESVIG, ERIC P & NANNETTE M  
6144 N 77TH PL  
SCOTTSDALE, AZ 85250

NEWHOUSE, KAY D  
6350 N 78TH ST, #301  
SCOTTSDALE, AZ 85250

NOTHMAN, JERRY & CORRINE  
1533 NE SISKIYOU ST  
PORTLAND, OR 97212

NOVAK, JAY PERRY  
6447 N 77TH PL  
SCOTTSDALE, AZ 85250

OLSON, KAREN S  
6450 N 78TH ST #239  
SCOTTSDALE, AZ 85253

OTONDO, PATRICIA M & JOSEPH Y  
7878 E GAINEY RANCH RD 8  
SCOTTSDALE, AZ 85258-1755

OTONDO, CATHERINE M  
6313 N 75TH ST  
SCOTTSDALE, AZ 85253

OTTOSEN, GLEN R & BONNIE L  
7440 E EDWARD LN  
SCOTTSDALE, AZ 85250

OWEN, WANDA L  
6350 N 78TH ST UNIT 278  
SCOTTSDALE, AZ 85250

PADRON, CRISTINA L  
6270 N 78TH ST NO 319  
SCOTTSDALE, AZ 85250

PAMPEL, MARY ANN  
2 AUTUMN PATH LN  
PITTSBURGH, PA 15238

PARNIAN, ALI  
6270 N 78TH ST 338  
SCOTTSDALE, AZ 85253

PARSONS, SANDRA K  
6430 N 77TH WAY  
SCOTTSDALE, AZ 85250

PASSELL, DANA F  
6350 N 78TH ST UNIT 280  
SCOTTSDALE, AZ 85250

PAYNE, JODY M  
6350 N 78TH ST 299  
SCOTTSDALE, AZ 85250

PEAY, HEIDI R  
6035 N 77TH PL  
SCOTTSDALE, AZ 85250

PETERS, EDWARD H  
6350 N 78TH ST 286  
SCOTTSDALE, AZ 85250-4703

PETERSEN, ANNE  
6270 N 78TH ST, #334  
SCOTTSDALE, AZ 85250

PIATT, ROBERTA S  
7800 E LINCOLN DR #1100  
SCOTTSDALE, AZ 85250

PINNA, JOSEPH  
6350 N 78TH ST 261  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

POOLE, LINDA  
LINCOLN PLACE  
532 E. MARYLAND AVE. STE. F  
PHOENIX, AZ 85012

PUTNAM, ANN GILBERT  
6419 N 77TH PL  
SCOTTSDALE, AZ 85250

QUAYLE, ROBIN W & WANDA J  
6427 77TH PLACE  
SCOTTSDALE, AZ 85261

QUESNEL, JR., GERALD W & ANN  
6417 N 77TH WY  
SCOTTSDALE, AZ 85250

RACZOWSKI, DONALD JAMES & HAR  
7731 E ROVEY AVE  
SCOTTSDALE, AZ 85250

RANDALL, RANDALL ROBYN  
6435 N 77TH PL  
SCOTTSDALE, AZ 85250

RANKIN, KERNIT EUGENE & SUSAN  
6325 NORTH 75TH ST  
SCOTTSDALE, AZ 85250

RATCLIFF, PERRY A & ROBERTA  
7439 E LINCLON DR  
SCOTTSDALE, AZ 85253

RICHARD, ERIC  
6350 N 78TH ST UNIT 293  
SCOTTSDALE, AZ 85250

RITTER, DIANE M  
6270 N 78TH ST #336  
SCOTTSDALE, AZ 85253

RIVERA, ADOLF & NEREYDA  
7767 E ROSE LANE  
SCOTTSDALE, AZ 85250

ROSENBAUM, JOSEPHINE  
6041 N 77TH PL  
SCOTTSDALE, AZ 85253

ROSS, LUCY-MEAO  
7725 E ROVEY AVE  
SCOTTSDALE, AZ 85250

RUDEN, BRADLEY T  
6270 N 78TH ST, #335  
SCOTTSDALE, AZ 85253

RUGGERI, REBECCA A & SEBASTIAN  
6445 N 77TH WY  
SCOTTSDALE, AZ 85250

SACHS, KENNETH H  
7338 E MARLETTE  
SCOTTSDALE, AZ 85250

SALIT, MERYL S  
1233 E OCOTILLO RD  
PHOENIX, AZ 85014

SANDBERG, RENEE K  
6450 N 78TH ST #207  
SCOTTSDALE, AZ 85253

SANDLAND, STEVE  
6014 N 77TH PL  
SCOTTSDALE, AZ 85260

SAUNDERS, SUE BEARDEN  
6108 N 77TH PL  
SCOTTSDALE, AZ 85254

SCALBERG, PATRICIA A  
6270 N 78TH ST NO 333  
SCOTTSDALE, AZ 85250

SCHAFFNER, LISA  
6270 N 78TH ST NO 322  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

SCHOLDER, JR., FRITZ W  
118 CATTLETRACK RD  
SCOTTSDALE, AZ 85253

SCHUCKERT, WILLIAM & WOODARD  
6806 N ROCKING RD  
SCOTTSDALE, AZ 85250

SCHUCKERT, WILLIAM F &  
WOODARD  
6114 N 77TH PL  
SCOTTSDALE, AZ 85253

SCHULTE, ELEANOR M  
7755 E ROSE LN  
SCOTTSDALE, AZ 85250

SCUTARI, NICHOLAS P  
6418 N 77TH WY  
SCOTTSDALE, AZ 85250

SEARCY, ROBERT KEITH & MARCE  
7550 WHISPERING WINDS RD  
SCOTTSDALE, AZ 85250

SEIBOLD, LEONARD  
612 S CONNECTICUT AVE  
ROYAL OAK, MI 48067-2929

SEYBOLD, LOUIS R  
1019 S 106TH PL 301  
OMAHA, NE 68114

SHALIT, BETH  
6047 N 77TH PL  
SCOTTSDALE, AZ 85250

SHANNON, RICHARD E & PATRICIA  
19415 OLD FORT LN  
MONUMENT, CO 80132

SHAPIRO, ROBERT A & SHEILA  
6349 N 78TH ST, #78  
SCOTTSDALE, AZ 85250

SHAUL III, RICHARD B  
6439 N 77TH PL  
SCOTTSDALE, AZ 85250

SHERWOOD, ANDREW R & JOANN  
100 W WASHINGTON STE 1860  
PHOENIX, AZ 85003

SHRUM, JAMES W & JUDITH A  
9667 TIMBERVALE CT  
HIGHLANDS RANCH, CO 80129

SMITH, MONICA, RICHARD E, CAR  
6350 N 78TH ST #294  
SCOTTSDALE, AZ 85250

SMITH, SCOTT RANDOLPH  
7731 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

SPINELLI, MATTHEW J & TAULE R  
6463 N 77TH WAY  
SCOTTSDALE, AZ 85250

STEVENSON, BRIAN R & MARILE C  
7743 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

STREED, BERNHARD ROY  
10682 E BAHIA DR  
SCOTTSDALE, AZ 85259

SULLIVAN, BRIAN  
6350 N 78TH ST 256  
SCOTTSDALE, AZ 85250

SULLIVAN, MICHAEL  
6270 N 78TH ST #326  
SCOTTSDALE, AZ 85253

SUNDELL, ROBERT & LUNSFORD  
6270 N 78TH ST 341  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

TEMPELMAN, EMMANUEL  
7725 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

THOMAS, JOHN  
7500 E LINCOLN DR  
SCOTTSDALE, AZ 85253

THOMPSON, W K & JOAN  
7758 E ROSE LN  
SCOTTSDALE, AZ 85253

THORMODSGARD, PAUL G & OLIVIA  
7764 E ROSE LN  
SCOTTSDALE, AZ 85250

TIERNEY, SEAN  
6120 N 77TH PL  
SCOTTSDALE, AZ 85250

TIMMONS, LYNN ANN  
7764 E ROVEY AVE  
SCOTTSDALE, AZ 85250

TOMPKINS, KARA R  
7800 E LINCOLN DR 1106  
SCOTTSDALE, AZ 85250

TRIPODIS, EMMANUEL & LEHANE L.  
6350 N 78TH ST 284  
SCOTTSDALE, AZ 85250

TUCKER, GAIL S  
6350 N 78TH ST #288  
SCOTTSDALE, AZ 85250

TURNER, RICHARD  
1441 W BLUE RIDGE WAY  
CHANDLER, AZ 85248

ULMAN, CLIFF  
BRIARWOOD II HOMEOWNERS  
ASSOC.  
4620 N. 16TH ST. STE. E111  
PHOENIX, AZ 85016

ULRICH, ALAN C  
6349 N 78TH ST 76  
SCOTTSDALE, AZ 85250

VOSS, JANE C  
6458 N 77TH PL  
SCOTTSDALE, AZ 85250

WAGNER, ERICH J  
7770 E ROVEY LN  
SCOTTSDALE, AZ 85253

WATKINS, DAVID W & KAREN S  
6350 N 78TH ST 267  
SCOTTSDALE, AZ 85250

WATTIER, DOUGLAS S & L M  
7502 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

WEAVER, JENNIFER C  
6423 N 77TH PL  
SCOTTSDALE, AZ 85250

WEINMANN, MARGIT C  
6461 N 77TH PL  
SCOTTSDALE, AZ 85250

WEINTZ, HELENE  
6350 N 78TH ST 285  
SCOTTSDALE, AZ 85250

WEISS, JACK & PEGGY  
6245 N 75TH ST  
SCOTTSDALE, AZ 85250

WEISZ, DUANE  
ARROYO VERDE UNIT II  
HOMEOWNERS ASSOCIATION  
6249 N. 78TH ST. 66  
SCOTTSDALE, AZ 85250

WERNER, JACK C & EVELYN M  
6350 N 78TH ST #302  
SCOTTSDALE, AZ 85250-4796

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

WESTENDORF, BERNELDA  
7746 E ROVEY AVE  
SCOTTSDALE, AZ 85253

WHITEMAN, JAMES V & L BETTY  
6038 N 77TH PL  
SCOTTSDALE, AZ 85253

WINDLE, ALISON K  
5211 SAGAMORE RD  
PUTNAM STATION, NY 12861

WONG, DONALD H  
6720 N 78TH ST 321  
SCOTTSDALE, AZ 85250

WOODROW, LESLIE  
6350 N 78TH ST STE 303  
SCOTTSDALE, AZ 85250

WRIGHT, HAMILTON & JANE P  
6349 N 78TH ST, #72  
SCOTTSDALE, AZ 85250

ZIMNY, CAROYLN J  
7764 E VALLEY VISTA DR  
SCOTTSDALE, AZ 85250

ZINK, ALEXANDER M  
1561 W LAUREL AVE  
GILBERT, AZ 85233

ZINK, ALEXANDER M  
6246 N CATTLE TRACK RD  
SCOTTSDALE, AZ 85250

ZRAKET, GEORGE A & CAROL W  
7537 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

Organizations

7522 E. MCDONALD LLC  
7522 E. MCDONALD  
SCOTTSDALE, AZ 85250

ABC LIVING TRUST  
3104 E CAMELBACK RD 263  
PHOENIX, AZ 85016

ARROYO VERDE HOMEOWNERS  
ASSN  
6450 N 77TH PLACE  
SCOTTSDALE, AZ 85250-4740

B F E PROPERTIES  
4480 W PEORIA NO 202  
GLENDALE, AZ 85302

CABRILLO SQUARE, C/O EAGLE  
PROPERTY MANAGEMENT  
CABRILLO SQUARE  
P.O. BOX 16170  
PHOENIX, AZ 85011-6170

CANAL AT CATTLE TRACK LLC  
105 CATTLE TRACK  
SCOTTSDALE, AZ 85250

FLOOD CONTROL DISTRICT  
2801W DURANGO ST  
PHOENIX, AZ 85009

KLM REALTY CORPORATION  
318 6270 N 78TH ST  
SCOTTSDALE, AZ 85250

PHOENIX TITLE & TR CO  
P O BOX 158  
SCOTTSDALE, AZ 85251

PLATEAU WINDS CORPORATION  
523 N BEAVER ST  
FLAGSTAFF, AZ 86001

S R P A I & P D  
PO BOX 1980  
PHOENIX, AZ 85001

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

SCOTTSDALE COLONY  
HOMEOWNERS ASSN  
PO BOX 1057  
SCOTTSDALE, AZ 85252

SIEGEL CORPORATE VENTURES  
1820 W MARYLAND AVE STE 5  
PHOENIX, AZ 85015

SNAKE RIVER ASSOC  
2701 ALCOTT  
DENVER, CO 80211

STUDIO ON CATTLETRACK LTD  
7550 E MCDONALD DR  
SCOTTSDALE, AZ 85253

APPENDIX I



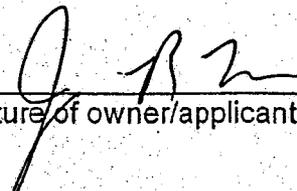
CASE NO: 239-PA-2004

PROJECT LOCATION: 6215 N. Miller Road, Scottsdale, AZ 85250

### COMMUNITY INPUT CERTIFICATION

In the City of Scottsdale it is important that all applicants for rezoning, use permit, and/or variances inform neighboring residents, affected school districts, and other parties that may be impacted by the proposed use, as well as invite their input. The applicant shall submit this completed certification with the application as verification that such contact has been made.

Date	Name (person, organization, etc.) and address	Contact Format		
		Meeting	Phone	Letter
7/13/04	Marcie & Keith Searcy 7550 Whispering Winds, Scottsdale	X	X	X
7/14/04	Janie Ellis 6105 N. Cattltrack, Scottsdale	X	X	X
7/14/04	Bernie Gonzales 6349 N. Cattletrack, Scottsdale	X	X	X
7/14/04	Vern Swaback 7550 E. McDonald Drive, Scottsdale	X	X	X
7/16/04	Various (see attached listing)			X
8/5/04	Bernie Gonzales 6349 N. Cattletrack, Scottsdale	X		X
8/5/04	John Hink 6301 N. 75th Street, Scottsdale	X		X
8/5/04	Lance Donatell 6301 N. 78th Street, Scottsdale	X	X	X
8/5/04	Tom Kaufman 7520 E. Whispering Winds Rd., Scottsdale	X		X

  
Signature of owner/applicant

10/05/04  
Date

AZAW000273

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

ADAMS, CHARLES P  
7538 E BERRIDGE LN  
SCOTTSDALE, AZ 85260

ANDERSON, SANDRA L  
6350 N 78TH ST #287  
SCOTTSDALE, AZ 85250

ANDRAS, JAMES T & CHRISTINE E  
7511 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

ARP, WILLIAM J  
6451 N 77TH WAY  
SCOTTSDALE, AZ 85250

BAAS, THOMAS R & LESLIE K  
5 NORRIS  
BURR RIDGE, IL 60521

BACON, STEVE E  
6350 N 78TH ST 297  
SCOTTSDALE, AZ 85250

BARTLETT, STEPHEN C  
7728 E ROSE LN  
SCOTTSDALE, AZ 85250-4724

BASILONE, ELINORE A  
6350 N 78TH ST  
SCOTTSDALE, AZ 85253

BASTEN, ROBERT J & TIFFENY E  
6350 N 78TH ST, #283  
SCOTTSDALE, AZ 85250

BERMAN, RALPH & JACQUELINE  
7649 E SIERRA VISTA DR  
SCOTTSDALE, AZ 85250

BERNARD, MARYANNE D  
6350 N 78TH ST NO 291  
SCOTTSDALE, AZ 85250

BERNARD, NICHOLAS W  
6234 N CATTLERACK RD  
SCOTTSDALE, AZ 85250

BERTRAM, DIANA M  
PO BOX 5535  
SCOTTSDALE, AZ 85261

BONE, ALLAN N  
7512 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

BOULINEAU, FRED  
5514 E ANGELA DR  
SCOTTSDALE, AZ 85254

BRANDE, PATRICK W  
6350 N 78TH ST 296  
SCOTTSDALE, AZ 85250

BRINTON, MICHAEL JOHN  
6026 N 77TH PL  
SCOTTSDALE, AZ 85250

BROCE, MARY LOU  
P O BOX 4986  
SCOTTSDALE, AZ 85261

BURTON, EWA J  
6350 N 78TH ST  
SCOTTSDALE, AZ 85253

BUSSEUIL, SUZANNE K  
6132 N 77TH PL  
SCOTTSDALE, AZ 85250

BYRD, JOHN EDWARD  
6350 N 78TH ST #305  
SCOTTSDALE, AZ 85250

CALDWELL, TWILA  
7740 E ROVEY AVE  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

CAN CAMP, ROGER A  
6350 N 78TH ST, #275  
SCOTTSDALE, AZ 85253

CAPALDI, PATRICIA C  
7770 E ROSE LN  
SCOTTSDALE, AZ 85253

CASE, SCOTT B  
6460 N 77TH WAY  
SCOTTSDALE, AZ 85250

CHALMERS, KAREN C  
7734 E ROVEY AVE  
SCOTTSDALE, AZ 85251

CHOTIN, MORRIS & ELAYNE  
962 WYNHAVEN  
BALLWIN, MO 63011

CLANCY, MICHAEL & LENORE E  
7734 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

COCHRAN, ROBERT E & EHRET  
PAUL  
6270 N 78TH ST 325  
SCOTTSDALE, AZ 85250

COHEN, RUTH  
LINCOLN PLACE  
7419 E. CACTUS WREN RD.  
SCOTTSDALE, AZ 85250

COLEMAN, MARIAN D  
7524 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

COMPTON, RALPH S  
2519 E JASMINE CIR  
MESA, AZ 85213

COOLEY, TIMOTHY F & ROSE M  
6032 N 77TH PL  
PHOENIX, AZ 85250

COPE-HANEY, MARY MALLORY  
6462 N 77TH PL  
SCOTTSDALE, AZ 85250

COTNER, CHRISTY A  
6270 N 78TH ST UNIT 323  
SCOTTSDALE, AZ 85253

COTTER, RICHARD E & MARGARET  
6448 N 77TH PL  
SCOTTSDALE, AZ 85250

COYNE, SANDRA DEE  
6008 N 77TH PL  
SCOTTSDALE, AZ 85250

CRIMMINS, C JAMES & MELVA R  
19802 N 32ND ST #37  
PHOENIX, AZ 85050

CRONIN, MARGARET  
7600 LINCOLN HOMEOWNERS  
ASSOCIATION  
7539 E. TUCKEY LN.  
SCOTTSDALE, AZ 85250

CURTIS, KEITH & MARLA  
6350 N 78TH ST UNIT 316  
SCOTTSDALE, AZ 85250

DAVIS, JON C & CINDY M  
7746 E VALLEY VISTA  
SCOTTSDALE, AZ 85253

DICKIE, BILL K & JOANNE M  
7800 E LINCOLN DR, #1102  
SCOTTSDALE, AZ 85250

DODSON, JOAN  
6437 N 77TH WAY  
SCOTTSDALE, AZ 85250

DUBIE, DAVID J  
6450 N 78TH ST #212  
SCOTTSDALE, AZ 85253

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

DUGAS, SR., JOHN F  
6350 N 78TH ST #271  
SCOTTSDALE, AZ 85253

DURHAM, ANDREA J  
6349 N 78TH ST UNIT 81  
SCOTTSDALE, AZ 85253

EISELE, NEELY A & JUDITH E  
6350 N 78TH ST 304  
SCOTTSDALE, AZ 85253

EWBANK, RICHARD W & JUDITH  
7752 E ROSE LN  
SCOTTSDALE, AZ 85253

FANCY, THOMAS A & BONITA L  
16 CUTLER DR  
SAVANNAH, GA 31419

FERA, ANN & ELIZABETH ASHLEY  
6350 N 78TH ST UNIT 314  
SCOTTSDALE, AZ 85250

FERGUSON, ROGER & SYBIL  
PO BOX 519  
REXBURG, ID 83440

FERNEDING, MICHAEL T  
P O BOX 64011  
TACOMA, WA 98464

FILLER, CHARLES A  
7721 E VALLEY VISTA LN  
SCOTTSDALE, AZ 85250

FORNEY, DAVID E  
6270 N 78TH ST, #329  
SCOTTSDALE, AZ 85250

FRANSEN, DENNIS R & CHERYL M  
2930 PALM DR  
BILLINGS, MT 59102

FRAZER, WILLIAM R & LAURA  
6464 N 77TH WY  
SCOTTSDALE, AZ 85253

FRIEDMAN, ANNE G  
7740 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

FUJIMOTO, HARRY KENICHI & CLA  
6422 N 77TH WAY  
SCOTTSDALE, AZ 85250

FULLER, PATRICIA A  
6431 N 77TH PL  
SCOTTSDALE, AZ 85250

FULTON, BRAD & JONI E  
7734 E ROSE LN  
SCOTTSDALE, AZ 85253

FUQUA, MARJORIE ROBIN  
7631 E SIERRA VISTA DR  
SCOTTSDALE, AZ 85250

GAIMARI, PATRICK G  
7442 E CENTURY DR  
SCOTTSDALE, AZ 85250

GIFFIN, RICHARD G & LAURA L  
6102 N 77TH PL  
SCOTTSDALE, AZ 85253

GILMORE, MARCIA C  
6123 N 77TH PL  
SCOTTSDALE, AZ 85053

GIULIANO, JOHN T & CLARA M  
308 COMMERCE DR, #A  
FORT COLLINS, CO 80524-2759

GLENN, GARRETT D & KAREN L  
7731 E VALLEY VISTA LN  
PHOENIX, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

GLESSING, ORIVLLE G & LEWIS  
6350 N 78TH ST  
SCOTTSDALE, AZ 85250

GONZALES, BARNEY J  
6349 N CATTLETRACK RD  
SCOTTSDALE, AZ 85250

GOODLOE, NANCY KING & JAMES C  
6350 N 78TH ST 254  
SCOTTSDALE, AZ 85250

GRAHAM, ROBERT A  
6270 N 78TH ST #332  
SCOTTSDALE, AZ 85253

GRANT, ROGER LEE & STEPHANIE  
6002 N 77TH PL  
SCOTTSDALE, AZ 85253

GRAWET, LARRY D & SANDRA E  
1302 AMETHYST APT A  
REDONDO BEACH, CA 90277

GROSDIDIER, MARY C  
6350 N 78TH ST 339  
SCOTTSDALE, AZ 85253

GROSS, BRUCE H & ROBERT C  
3401 MANCHESTER COMMON  
FREMONT, CA 94536

GULATTO, PETER J & ROSEMARIE  
7734 E VALLEY VISTA  
SCOTTSDALE, AZ 85253

GULINO, DAVID G  
6127 N 77TH PL  
SCOTTSDALE, AZ 85250

GULNAC, GABRIELE JILL  
6350 N 78TH ST 274  
SCOTTSDALE, AZ 85250

HAI, MOHAMMAD K  
6105 N 77TH ST  
SCOTTSDALE, AZ 85250

HALL, STANLEY R & NIKKI L  
7628 E EDGEMONT AVE  
SCOTTSDALE, AZ 85257-1631

HANNAH, STANLEY L & BETTY M  
#5 MARTIN LN  
ENGLEWOOD, CO 80110

HANSON, LYNN  
6350 N 78TH ST 281  
SCOTTSDALE, AZ 85250

HAUSER, NANCY JEAN  
7743 E ROSE LN  
SCOTTSDALE, AZ 85253

HEARN, LAUREN  
6466 N 77TH PL  
SCOTTSDALE, AZ 85250

HEICHBERGER, RICHARD A  
7731 E ROSE LN  
SCOTTSDALE, AZ 85250

HELTEMES, LEON T & COLLEEN  
5201 E CHARTER OAK RD  
SCOTTSDALE, AZ 85254

HEMBROCK, ROBERT W  
6350 N 78TH ST UNIT 279  
SCOTTSDALE, AZ 85253

HENDERSON, ROY S & DIANN C  
6337 N 75TH ST  
SCOTTSDALE, AZ 85250

HERMANN, HANS & UTE  
27471 VIA SEQUOIA  
SAN JUAN CAPISTRANO, CA 92675

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

POOLE, LINDA  
LINCOLN PLACE  
532 E. MARYLAND AVE. STE. F  
PHOENIX, AZ 85012

PUTNAM, ANN GILBERT  
6419 N 77TH PL  
SCOTTSDALE, AZ 85250

QUAYLE, ROBIN W & WANDA J  
6427 77TH PLACE  
SCOTTSDALE, AZ 85261

QUESNEL, JR., GERALD W & ANN  
6417 N 77TH WY  
SCOTTSDALE, AZ 85250

RACZOWSKI, DONALD JAMES & HAR  
7731 E ROVEY AVE  
SCOTTSDALE, AZ 85250

RANDALL, RANDALL ROBYN  
6435 N 77TH PL  
SCOTTSDALE, AZ 85250

RANKIN, KERNIT EUGENE & SUSAN  
6325 NORTH 75TH ST  
SCOTTSDALE, AZ 85250

RATCLIFF, PERRY A & ROBERTA  
7439 E LINCLON DR  
SCOTTSDALE, AZ 85253

RICHARD, ERIC  
6350 N 78TH ST UNIT 293  
SCOTTSDALE, AZ 85250

RITTER, DIANE M  
6270 N 78TH ST #336  
SCOTTSDALE, AZ 85253

RIVERA, ADOLF & NEREYDA  
7767 E ROSE LANE  
SCOTTSDALE, AZ 85250

ROSENBAUM, JOSEPHINE  
6041 N 77TH PL  
SCOTTSDALE, AZ 85253

ROSS, LUCY-MEAO  
7725 E ROVEY AVE  
SCOTTSDALE, AZ 85250

RUDEN, BRADLEY T  
6270 N 78TH ST, #335  
SCOTTSDALE, AZ 85253

RUGGERI, REBECCA A & SEBASTIAN  
6445 N 77TH WY  
SCOTTSDALE, AZ 85250

SACHS, KENNETH H  
7338 E MARLETTE  
SCOTTSDALE, AZ 85250

SALIT, MERYL S  
1233 E OCOTILLO RD  
PHOENIX, AZ 85014

SANDBERG, RENEE K  
6450 N 78TH ST #207  
SCOTTSDALE, AZ 85253

SANDLAND, STEVE  
6014 N 77TH PL  
SCOTTSDALE, AZ 85260

SAUNDERS, SUE BEARDEN  
6108 N 77TH PL  
SCOTTSDALE, AZ 85254

SCALBERG, PATRICIA A  
6270 N 78TH ST NO 333  
SCOTTSDALE, AZ 85250

SCHAFFNER, LISA  
6270 N 78TH ST NO 322  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

SCHOLDER, JR., FRITZ W  
118 CATTLETRACK RD  
SCOTTSDALE, AZ 85253

SCHUCKERT, WILLIAM & WOODARD  
6806 N ROCKING RD  
SCOTTSDALE, AZ 85250

SCHUCKERT, WILLIAM F &  
WOODARD  
6114 N 77TH PL  
SCOTTSDALE, AZ 85253

SCHULTE, ELEANOR M  
7755 E ROSE LN  
SCOTTSDALE, AZ 85250

SCUTARI, NICHOLAS P  
6418 N 77TH WY  
SCOTTSDALE, AZ 85250

SEARCY, ROBERT KEITH & MARCE  
7550 WHISPERING WINDS RD  
SCOTTSDALE, AZ 85250

SEIBOLD, LEONARD  
612 S CONNECTICUT AVE  
ROYAL OAK, MI 48067-2929

SEYBOLD, LOUIS R  
1019 S 106TH PL 301  
OMAHA, NE 68114

SHALIT, BETH  
6047 N 77TH PL  
SCOTTSDALE, AZ 85250

SHANNON, RICHARD E & PATRICIA  
19415 OLD FORT LN  
MONUMENT, CO 80132

SHAPIRO, ROBERT A & SHEILA  
6349 N 78TH ST, #78  
SCOTTSDALE, AZ 85250

SHAUL III, RICHARD B  
6439 N 77TH PL  
SCOTTSDALE, AZ 85250

SHERWOOD, ANDREW R & JOANN  
100 W WASHINGTON STE 1860  
PHOENIX, AZ 85003

SHRUM, JAMES W & JUDITH A  
9667 TIMBERVALE CT  
HIGHLANDS RANCH, CO 80129

SMITH, MONICA, RICHARD E, CAR  
6350 N 78TH ST #294  
SCOTTSDALE, AZ 85250

SMITH, SCOTT RANDOLPH  
7731 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

SPINELLI, MATTHEW J & TAULE R  
6463 N 77TH WAY  
SCOTTSDALE, AZ 85250

STEVENSON, BRIAN R & MARILE C  
7743 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

STREED, BERNHARD ROY  
10682 E BAHIA DR  
SCOTTSDALE, AZ 85259

SULLIVAN, BRIAN  
6350 N 78TH ST 256  
SCOTTSDALE, AZ 85250

SULLIVAN, MICHAEL  
6270 N 78TH ST #326  
SCOTTSDALE, AZ 85253

SUNDELL, ROBERT & LUNSFORD  
6270 N 78TH ST 341  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

TEMPELMAN, EMMANUEL  
7725 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

THOMAS, JOHN  
7500 E LINCOLN DR  
SCOTTSDALE, AZ 85253

THOMPSON, W K & JOAN  
7758 E ROSE LN  
SCOTTSDALE, AZ 85253

THORMODSGARD, PAUL G & OLIVIA  
7764 E ROSE LN  
SCOTTSDALE, AZ 85250

TIERNEY, SEAN  
6120 N 77TH PL  
SCOTTSDALE, AZ 85250

TIMMONS, LYNN ANN  
7764 E ROVEY AVE  
SCOTTSDALE, AZ 85250

TOMPKINS, KARA R  
7800 E LINCOLN DR 1106  
SCOTTSDALE, AZ 85250

TRIPODIS, EMMANUEL & LEHANE L.  
6350 N 78TH ST 284  
SCOTTSDALE, AZ 85250

TUCKER, GAIL S  
6350 N 78TH ST #288  
SCOTTSDALE, AZ 85250

TURNER, RICHARD  
1441 W BLUE RIDGE WAY  
CHANDLER, AZ 85248

ULMAN, CLIFF  
BRIARWOOD II HOMEOWNERS  
ASSOC.  
4620 N. 16TH ST. STE. E111  
PHOENIX, AZ 85016

ULRICH, ALAN C  
6349 N 78TH ST 76  
SCOTTSDALE, AZ 85250

VOSS, JANE C  
6458 N 77TH PL  
SCOTTSDALE, AZ 85250

WAGNER, ERICH J  
7770 E ROVEY LN  
SCOTTSDALE, AZ 85253

WATKINS, DAVID W & KAREN S  
6350 N 78TH ST 267  
SCOTTSDALE, AZ 85250

WATTIER, DOUGLAS S & L M  
7502 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

WEAVER, JENNIFER C  
6423 N 77TH PL  
SCOTTSDALE, AZ 85250

WEINMANN, MARGIT C  
6461 N 77TH PL  
SCOTTSDALE, AZ 85250

WEINTZ, HELENE  
6350 N 78TH ST 285  
SCOTTSDALE, AZ 85250

WEISS, JACK & PEGGY  
6245 N 75TH ST  
SCOTTSDALE, AZ 85250

WEISZ, DUANE  
ARROYO VERDE UNIT II  
HOMEOWNERS ASSOCIATION  
6249 N. 78TH ST. 66  
SCOTTSDALE, AZ 85250

WERNER, JACK C & EVELYN M  
6350 N 78TH ST #302  
SCOTTSDALE, AZ 85250-4796

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

WESTENDORF, BERNELDA  
7746 E ROVEY AVE  
SCOTTSDALE, AZ 85253

WHITEMAN, JAMES V & L BETTY  
6038 N 77TH PL  
SCOTTSDALE, AZ 85253

WINDLE, ALISON K  
5211 SAGAMORE RD  
PUTNAM STATION, NY 12861

WONG, DONALD H  
6720 N 78TH ST 321  
SCOTTSDALE, AZ 85250

WOODROW, LESLIE  
6350 N 78TH ST STE 303  
SCOTTSDALE, AZ 85250

WRIGHT, HAMILTON & JANE P  
6349 N 78TH ST, #72  
SCOTTSDALE, AZ 85250

ZIMNY, CAROYL N J  
7764 E VALLEY VISTA DR  
SCOTTSDALE, AZ 85250

ZINK, ALEXANDER M  
1561 W LAUREL AVE  
GILBERT, AZ 85233

ZINK, ALEXANDER M  
6246 N CATTLE TRACK RD  
SCOTTSDALE, AZ 85250

ZRAKET, GEORGE A & CAROL W  
7537 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

Organizations

7522 E. MCDONALD LLC  
7522 E. MCDONALD  
SCOTTSDALE, AZ 85250

ABC LIVING TRUST  
3104 E CAMELBACK RD 263  
PHOENIX, AZ 85016

ARROYO VERDE HOMEOWNERS  
ASSN  
6450 N 77TH PLACE  
SCOTTSDALE, AZ 85250-4740

B F E PROPERTIES  
4480 W PEORIA NO 202  
GLENDALE, AZ 85302

CABRILLO SQUARE, C/O EAGLE  
PROPERTY MANAGEMENT  
CABRILLO SQUARE  
P.O. BOX 16170  
PHOENIX, AZ 85011-6170

CANAL AT CATTLE TRACK LLC  
105 CATTLE TRACK  
SCOTTSDALE, AZ 85250

FLOOD CONTROL DISTRICT  
2801W DURANGO ST  
PHOENIX, AZ 85009

KLM REALTY CORPORATION  
318 6270 N 78TH ST  
SCOTTSDALE, AZ 85250

PHOENIX TITLE & TR CO  
P O BOX 158  
SCOTTSDALE, AZ 85251

PLATEAU WINDS CORPORATION  
523 N BEAVER ST  
FLAGSTAFF, AZ 86001

SRPAI & PD  
PO BOX 1980  
PHOENIX, AZ 85001

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

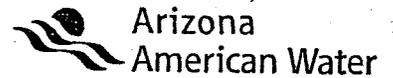
SCOTTSDALE COLONY  
HOMEOWNERS ASSN  
PO BOX 1057  
SCOTTSDALE, AZ 85252

SIEGEL CORPORATE VENTURES  
1820 W MARYLAND AVE STE 5  
PHOENIX, AZ 85015

SNAKE RIVER ASSOC  
2701 ALCOTT  
DENVER, CO 80211

STUDIO ON CATTLETRACK LTD  
7550 E MCDONALD DR  
SCOTTSDALE, AZ 85253

**E**



November 11, 2004

Re: Miller Road Booster Station Arsenic Removal Project

Dear Resident,

Arizona American Water owns and operates the Miller Road Booster Station, 6215 North Miller Road, in your neighborhood. The facility supplies water to portions of the Town of Paradise Valley, City of Scottsdale, and unincorporated Maricopa County. Due to a recent ruling by the United States Environmental Protection Agency (EPA), Arizona American Water must complete modifications to this facility by January, 2006. Your drinking water currently meets all Federal and State health standards.

Damon S. Williams Associates and D.L. Norton General Contracting have been hired by Arizona American Water to design and build new facilities at this site to comply with future EPA standards for arsenic levels in drinking water. Arizona American Water has applied for a conditional use permit from the City of Scottsdale, which is anticipated to go before the Scottsdale Planning Commission on December 1, 2004.

On August 5, 2004, Arizona American Water held a neighborhood meeting to discuss the project. We would like to invite you to our second meeting to discuss further project details with neighbors and interested individuals. Representatives from Arizona American Water and the design/build team will be available at the meeting, which is scheduled for:

Date: Tuesday, November 23, 2004  
Time: 5:30 p.m.  
Location: Hilton Scottsdale Resort & Villas  
6333 North Scottsdale Road  
Scottsdale, AZ 85250

If you cannot attend, but have questions concerning the project, please call me at 623/445-2403. If you would like to contact the City of Scottsdale regarding this project, call Tim Curtis, Project Coordination Manager at 480/312-4210 or e-mail at [tcurtis@scottsdaleAZ.Gov](mailto:tcurtis@scottsdaleAZ.Gov). Your input and support are very important to the success of this project.

Sincerely,  
ARIZONA AMERICAN WATER

*P. F. Friday*  
Timothy F. Friday, PE  
Supervisor, Engineering Services

Arizona American Water

101 Corporate Center  
19820 N. 7<sup>th</sup> Street -  
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PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

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SCOTTSDALE, AZ 85260

ANDERSON, SANDRA L  
6350 N 78TH ST #287  
SCOTTSDALE, AZ 85250

ANDRAS, JAMES T & CHRISTINE E  
7511 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

ARP, WILLIAM J  
6451 N 77TH WAY  
SCOTTSDALE, AZ 85250

BAAS, THOMAS R & LESLIE K  
5 NORRIS  
BURR RIDGE, IL 60521

BACON, STEVE E  
6350 N 78TH ST 297  
SCOTTSDALE, AZ 85250

BARTLETT, STEPHEN C  
7728 E ROSE LN  
SCOTTSDALE, AZ 85250-4724

BASILONE, ELINORE A  
6350 N 78TH ST  
SCOTTSDALE, AZ 85253

BASTEN, ROBERT J & TIFFENY E  
6350 N 78TH ST, #283  
SCOTTSDALE, AZ 85250

BERMAN, RALPH & JACQUELINE  
7649 E SIERRA VISTA DR  
SCOTTSDALE, AZ 85250

BERNARD, MARYANNE D  
6350 N 78TH ST NO 291  
SCOTTSDALE, AZ 85250

BERNARD, NICHOLAS W  
6234 N CATTLERACK RD  
SCOTTSDALE, AZ 85250

BERTRAM, DIANA M  
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SCOTTSDALE, AZ 85261

BONE, ALLAN N  
7512 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

BOULINEAU, FRED  
5514 E ANGELA DR  
SCOTTSDALE, AZ 85254

BRANDE, PATRICK W  
6350 N 78TH ST 296  
SCOTTSDALE, AZ 85250

BRINTON, MICHAEL JOHN  
6026 N 77TH PL  
SCOTTSDALE, AZ 85250

BROCE, MARY LOU  
P O BOX 4986  
SCOTTSDALE, AZ 85261

BURTON, EWA J  
6350 N 78TH ST  
SCOTTSDALE, AZ 85253

BUSSEUIL, SUZANNE K  
6132 N 77TH PL  
SCOTTSDALE, AZ 85250

BYRD, JOHN EDWARD  
6350 N 78TH ST #305  
SCOTTSDALE, AZ 85250

CALDWELL, TWILA  
7740 E ROVEY AVE  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

CAN CAMP, ROGER A  
6350 N 78TH ST, #275  
SCOTTSDALE, AZ 85253

CAPALDI, PATRICIA C  
7770 E ROSE LN  
SCOTTSDALE, AZ 85253

CASE, SCOTT B  
6460 N 77TH WAY  
SCOTTSDALE, AZ 85250

CHALMERS, KAREN C  
7734 E ROVEY AVE  
SCOTTSDALE, AZ 85251

CHOTIN, MORRIS & ELAYNE  
962 WYNHAVEN  
BALLWIN, MO 63011

CLANCY, MICHAEL & LENORE E  
7734 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

COCHRAN, ROBERT E & EHRET  
PAUL  
6270 N 78TH ST 325  
SCOTTSDALE, AZ 85250

COHEN, RUTH  
LINCOLN PLACE  
7419 E. CACTUS WREN RD.  
SCOTTSDALE, AZ 85250

COLEMAN, MARIAN D  
7524 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

COMPTON, RALPH S  
2519 E JASMINE CIR  
MESA, AZ 85213

COOLEY, TIMOTHY F & ROSE M  
6032 N 77TH PL  
PHOENIX, AZ 85250

COPE-HANEY, MARY MALLORY  
6462 N 77TH PL  
SCOTTSDALE, AZ 85250

COTNER, CHRISTY A  
6270 N 78TH ST UNIT 323  
SCOTTSDALE, AZ 85253

COTTER, RICHARD E & MARGARET  
6448 N 77TH PL  
SCOTTSDALE, AZ 85250

COYNE, SANDRA DEE  
6008 N 77TH PL  
SCOTTSDALE, AZ 85250

CRIMMINS, C JAMES & MELVA R  
19802 N 32ND ST #37  
PHOENIX, AZ 85050

CRONIN, MARGARET  
7600 LINCOLN HOMEOWNERS  
ASSOCIATION  
7539 E. TUCKEY LN.  
SCOTTSDALE, AZ 85250

CURTIS, KEITH & MARLA  
6350 N 78TH ST UNIT 316  
SCOTTSDALE, AZ 85250

DAVIS, JON C & CINDY M  
7746 E VALLEY VISTA  
SCOTTSDALE, AZ 85253

DICKIE, BILL K & JOANNE M  
7800 E LINCOLN DR, #1102  
SCOTTSDALE, AZ 85250

DODSON, JOAN  
6437 N 77TH WAY  
SCOTTSDALE, AZ 85250

DUBIE, DAVID J  
6450 N 78TH ST #212  
SCOTTSDALE, AZ 85253

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

DUGAS, SR., JOHN F  
6350 N 78TH ST #271  
SCOTTSDALE, AZ 85253

DURHAM, ANDREA J  
6349 N 78TH ST UNIT 81  
SCOTTSDALE, AZ 85253

EISELE, NEELY A & JUDITH E  
6350 N 78TH ST 304  
SCOTTSDALE, AZ 85253

EWBANK, RICHARD W & JUDITH  
7752 E ROSE LN  
SCOTTSDALE, AZ 85253

FANCY, THOMAS A & BONITA L  
16 CUTLER DR  
SAVANNAH, GA 31419

FERA, ANN & ELIZABETH ASHLEY  
6350 N 78TH ST UNIT 314  
SCOTTSDALE, AZ 85250

FERGUSON, ROGER & SYBIL  
PO BOX 519  
REXBURG, ID 83440

FERNEDING, MICHAEL T  
P O BOX 64011  
TACOMA, WA 98464

FILLER, CHARLES A  
7721 E VALLEY VISTA LN  
SCOTTSDALE, AZ 85250

FORNEY, DAVID E  
6270 N 78TH ST, #329  
SCOTTSDALE, AZ 85250

FRANSEN, DENNIS R & CHERYL M  
2930 PALM DR  
BILLINGS, MT 59102

FRAZER, WILLIAM R & LAURA  
6464 N 77TH WY  
SCOTTSDALE, AZ 85253

FRIEDMAN, ANNE G  
7740 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

FUJIMOTO, HARRY KENICHI & CLA  
6422 N 77TH WAY  
SCOTTSDALE, AZ 85250

FULLER, PATRICIA A  
6431 N 77TH PL  
SCOTTSDALE, AZ 85250

FULTON, BRAD & JONI E  
7734 E ROSE LN  
SCOTTSDALE, AZ 85253

FUQUA, MARJORIE ROBIN  
7631 E SIERRA VISTA DR  
SCOTTSDALE, AZ 85250

GAIMARI, PATRICK G  
7442 E CENTURY DR  
SCOTTSDALE, AZ 85250

GIFFIN, RICHARD G & LAURA L  
6102 N 77TH PL  
SCOTTSDALE, AZ 85253

GILMORE, MARCIA C  
6123 N 77TH PL  
SCOTTSDALE, AZ 85053

GIULIANO, JOHN T & CLARA M  
308 COMMERCE DR, #A  
FORT COLLINS, CO 80524-2759

GLENN, GARRETT D & KAREN L  
7731 E VALLEY VISTA LN  
PHOENIX, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

GLESSING, ORIVLE G & LEWIS  
6350 N 78TH ST  
SCOTTSDALE, AZ 85250

GONZALES, BARNEY J  
6349 N CATTLETRACK RD  
SCOTTSDALE, AZ 85250

GOODLOE, NANCY KING & JAMES C  
6350 N 78TH ST 254  
SCOTTSDALE, AZ 85250

GRAHAM, ROBERT A  
6270 N 78TH ST #332  
SCOTTSDALE, AZ 85253

GRANT, ROGER LEE & STEPHANIE  
6002 N 77TH PL  
SCOTTSDALE, AZ 85253

GRAWET, LARRY D & SANDRA E  
1302 AMETHYST APT A  
REDONDO BEACH, CA 90277

GROSDIDIER, MARY C  
6350 N 78TH ST 339  
SCOTTSDALE, AZ 85253

GROSS, BRUCE H & ROBERT C  
3401 MANCHESTER COMMON  
FREMONT, CA 94536

GULATTO, PETER J & ROSEMARIE  
7734 E VALLEY VISTA  
SCOTTSDALE, AZ 85253

GULINO, DAVID G  
6127 N 77TH PL  
SCOTTSDALE, AZ 85250

GULNAC, GABRIELE JILL  
6350 N 78TH ST 274  
SCOTTSDALE, AZ 85250

HAI, MOHAMMAD K  
6105 N 77TH ST  
SCOTTSDALE, AZ 85250

HALL, STANLEY R & NIKKI L  
7628 E EDGEMONT AVE  
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HANNAH, STANLEY L & BETTY M  
#5 MARTIN LN  
ENGLEWOOD, CO 80110

HANSON, LYNN  
6350 N 78TH ST 281  
SCOTTSDALE, AZ 85250

HAUSER, NANCY JEAN  
7743 E ROSE LN  
SCOTTSDALE, AZ 85253

HEARN, LAUREN  
6466 N 77TH PL  
SCOTTSDALE, AZ 85250

HEICHBERGER, RICHARD A  
7731 E ROSE LN  
SCOTTSDALE, AZ 85250

HELTEMES, LEON T & COLLEEN  
5201 E CHARTER OAK RD  
SCOTTSDALE, AZ 85254

HEMBROCK, ROBERT W  
6350 N 78TH ST UNIT 279  
SCOTTSDALE, AZ 85253

HENDERSON, ROY S & DIANN C  
6337 N 75TH ST  
SCOTTSDALE, AZ 85250

HERMANN, HANS & UTE  
27471 VIA SEQUOIA  
SAN JUAN CAPISTRANO, CA 92675

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

KAUFMAN, THOMAS R & CHRYSAL  
7520 E WHISPERING WINDS RD  
SCOTTSDALE, AZ 85250

KEMPNER, SANDRA  
7523 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

KING, RONALD J  
6350 N 78TH ST  
SCOTTSDALE, AZ 85250

KLOENNE, JAY, TIMOTHY, JANI  
6442 N 77TH WY  
SCOTTSDALE, AZ 85250

KRAMER, WM T & MARIE J  
6349 N 78TH ST, #77  
SCOTTSDALE, AZ 85250

KROPP, DANIEL P  
7526 E WHISPERING WINDS DR  
SCOTTSDALE, AZ 85250

KUEFFNER, KIRSTEN K  
16658 N 106TH WY  
SCOTTSDALE, AZ 85255

LAHAYE, LIZ  
7758 E ROVEY  
SCOTTSDALE, AZ 85250

LANDON, LINDA JILL  
6454 N 77TH PL  
SCOTTSDALE, AZ 85250

LARE-TYLER, DANIEL H  
6433 N 77TH ST  
SCOTTSDALE, AZ 85250

LAUERSDORF, CINDY  
6270 N 78TH ST  
SCOTTSDALE, AZ 85250

LAVENDER, CAREY MACK  
6441 N 77TH WAY  
SCOTTSDALE, AZ 85250

LENDVAI, JOHN C & JUANITA M  
7722 E VALLEY VISTA LN  
SCOTTSDALE, AZ 85253

LESSER, GARY  
BRIARWOOD II HOMEOWNERS  
ASSOC.  
7302 E. VALLEY VISTA DR.  
SCOTTSDALE, AZ 85250

LEVIN, DANIEL W  
7752 E ROVEY AVE  
SCOTTSDALE, AZ 85250

LEVY, JASON M  
6424 N 77TH PL  
SCOTTSDALE, AZ 85250

LEWIS, THOMAS M  
6350 N 78TH ST NO 290  
SCOTTSDALE, AZ 85250

LIEBERMAN, DAVID L & MARTHA T  
4413 N 62ND ST  
SCOTTSDALE, AZ 85251-1912

LUKE, K D, SHEILAH ROSE, VERNON  
6350 N 78TH ST NO 317  
SCOTTSDALE, AZ 85250

LUU NICK & NGUYEN THERESA  
6233 N 75TH ST  
SCOTTSDALE, AZ 85250

LYSCIO, SCOTT G  
6350 N 78TH ST, #295  
SCOTTSDALE, AZ 85250

MALUDA, MIROSLAV & JULIA  
6044 N 77TH PL  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

MANCOUR, LAREE  
6270 N 78TH ST 328  
SCOTTSDALE, AZ 85250

MANZONE, DOMENICO J &  
GABRIELLE  
6350 N 78TH ST NO 268  
SCOTTSDALE, AZ 85250

MARANTETTE, THOMAS L  
13654 RONNIE WAY  
SARATOGA, CA 95070-5153

MARTIN, STEPHEN & IRMA  
7667 E SIERRA VISTA DR  
SCOTTSDALE, AZ 85250

MATTINGLY, CHRIS  
6426 N 77TH WAY  
SCOTTSDALE, AZ 85250

MATTINGLY, L GEORGE & JENNIFER  
10040 N 78TH PL  
SCOTTSDALE, AZ 85258

MCCARTHY, MARJORIE C & CHRIST  
7749 E ROSE LN  
SCOTTSDALE, AZ 85250

MCGOOKIN, MICHAEL J  
1579 LINCOLN ST 111  
SAN RAFAEL, CA 94901

MCGOWAN, ALISON H  
6270 N 78TH ST 330  
SCOTTSDALE, AZ 85250

MCKALLOR, JON PATRICK & TRICIA  
7758 E VALLEY VISTA LN  
SCOTTSDALE, AZ 85250

MCKINLEY, PATRICIA L & MICH  
7439 E EDWARD ST  
SCOTTSDALE, AZ 85253

MCCMAHON, DAVID H  
6350 N 78TH ST NO 257  
SCOTTSDALE, AZ 85250

MCQULLIN, DAWN A  
6350 N 78TH ST NO 270  
SCOTTSDALE, AZ 85250

MEADOR, DOUGLAS WAYNE & PATRI  
6465 N 77TH PL  
SCOTTSDALE, AZ 85250

MEDEROS, PATRICIA M  
6350 N 78TH ST  
SCOTTSDALE, AZ 85243

MIHOK, DOROTHY C  
6350 N 78TH ST #272  
SCOTTSDALE, AZ 85250

MILLS, WILLIAM E & EVELYN M T  
6349 N 78TH ST UNIT 71  
SCOTTSDALE, AZ 85250

MISHEK, JAMES & LORINDA  
7800 E LINCOLN DR., #1104  
SCOTTSDALE, AZ 85250

MITCHELL, STEPHEN F & SHERR  
6117 N 77TH PL  
SCOTTSDALE, AZ 85253

MORKEN, KATHLEEN R  
6350 N 78TH ST 276  
SCOTTSDALE, AZ 85250

MOTZ, JANE RUTH  
6100 N 78TH ST  
SCOTTSDALE, AZ 85253

MURPHY, KRISTOPHER RYAN  
6457 N 77TH PL  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

MUUSERS & DANA BALL, SUZANNE  
6350 N 78TH ST NO 259  
SCOTTSDALE, AZ 85250

NATHAN, WALTER & GLORIA B  
7719 E ROVEY AVE  
SCOTTSDALE, AZ 85257

NESVIG, ERIC P & NANNETTE M  
6144 N 77TH PL  
SCOTTSDALE, AZ 85250

NEWHOUSE, KAY D  
6350 N 78TH ST, #301  
SCOTTSDALE, AZ 85250

NOTHMAN, JERRY & CORRINE  
1533 NE SISKIYOU ST  
PORTLAND, OR 97212

NOVAK, JAY PERRY  
6447 N 77TH PL  
SCOTTSDALE, AZ 85250

OLSON, KAREN S  
6450 N 78TH ST #239  
SCOTTSDALE, AZ 85253

OTONDO, PATRICIA M & JOSEPH Y  
7878 E GAINEY RANCH RD 8  
SCOTTSDALE, AZ 85258-1755

OTONDO, CATHERINE M  
6313 N 75TH ST  
SCOTTSDALE, AZ 85253

OTTOSEN, GLEN R & BONNIE L  
7440 E EDWARD LN  
SCOTTSDALE, AZ 85250

OWEN, WANDA L  
6350 N 78TH ST UNIT 278  
SCOTTSDALE, AZ 85250

PADRON, CRISTINA L  
6270 N 78TH ST NO 319  
SCOTTSDALE, AZ 85250

PAMPEL, MARY ANN  
2 AUTUMN PATH LN  
PITTSBURGH, PA 15238

PARNIAN, ALI  
6270 N 78TH ST 338  
SCOTTSDALE, AZ 85253

PARSONS, SANDRA K  
6430 N 77TH WAY  
SCOTTSDALE, AZ 85250

PASSELL, DANA F  
6350 N 78TH ST UNIT 280  
SCOTTSDALE, AZ 85250

PAYNE, JODY M  
6350 N 78TH ST 299  
SCOTTSDALE, AZ 85250

PEAY, HEIDI R  
6035 N 77TH PL  
SCOTTSDALE, AZ 85250

PETERS, EDWARD H  
6350 N 78TH ST 286  
SCOTTSDALE, AZ 85250-4703

PETERSEN, ANNE  
6270 N 78TH ST, #334  
SCOTTSDALE, AZ 85250

PIATT, ROBERTA S  
7800 E LINCOLN DR #1100  
SCOTTSDALE, AZ 85250

PINNA, JOSEPH  
6350 N 78TH ST 261  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

POOLE, LINDA  
LINCOLN PLACE  
532 E. MARYLAND AVE. STE. F  
PHOENIX, AZ 85012

PUTNAM, ANN GILBERT  
6419 N 77TH PL  
SCOTTSDALE, AZ 85250

QUAYLE, ROBIN W & WANDA J  
6427 77TH PLACE  
SCOTTSDALE, AZ 85261

QUESNEL, JR., GERALD W & ANN  
6417 N 77TH WY  
SCOTTSDALE, AZ 85250

RACZOWSKI, DONALD JAMES & HAR  
7731 E ROVEY AVE  
SCOTTSDALE, AZ 85250

RANDALL, RANDALL ROBYN  
6435 N 77TH PL  
SCOTTSDALE, AZ 85250

RANKIN, KERNIT EUGENE & SUSAN  
6325 NORTH 75TH ST  
SCOTTSDALE, AZ 85250

RATCLIFF, PERRY A & ROBERTA  
7439 E LINCLON DR  
SCOTTSDALE, AZ 85253

RICHARD, ERIC  
6350 N 78TH ST UNIT 293  
SCOTTSDALE, AZ 85250

RITTER, DIANE M  
6270 N 78TH ST #336  
SCOTTSDALE, AZ 85253

RIVERA, ADOLF & NEREYDA  
7767 E ROSE LANE  
SCOTTSDALE, AZ 85250

ROSENBAUM, JOSEPHINE  
6041 N 77TH PL  
SCOTTSDALE, AZ 85253

ROSS, LUCY-MEAO  
7725 E ROVEY AVE  
SCOTTSDALE, AZ 85250

RUDEN, BRADLEY T  
6270 N 78TH ST, #335  
SCOTTSDALE, AZ 85253

RUGGERI, REBECCA A & SEBASTIAN  
6445 N 77TH WY  
SCOTTSDALE, AZ 85250

SACHS, KENNETH H  
7338 E MARLETTE  
SCOTTSDALE, AZ 85250

SALIT, MERYL S  
1233 E OCOTILLO RD  
PHOENIX, AZ 85014

SANDBERG, RENEE K  
6450 N 78TH ST #207  
SCOTTSDALE, AZ 85253

SANDLAND, STEVE  
6014 N 77TH PL  
SCOTTSDALE, AZ 85260

SAUNDERS, SUE BEARDEN  
6108 N 77TH PL  
SCOTTSDALE, AZ 85254

SCALBERG, PATRICIA A  
6270 N 78TH ST NO 333  
SCOTTSDALE, AZ 85250

SCHAFFNER, LISA  
6270 N 78TH ST NO 322  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

SCHOLDER, JR., FRITZ W  
118 CATTLETRACK RD  
SCOTTSDALE, AZ 85253

SCHUCKERT, WILLIAM & WOODARD  
6806 N ROCKING RD  
SCOTTSDALE, AZ 85250

SCHUCKERT, WILLIAM F &  
WOODARD  
6114 N 77TH PL  
SCOTTSDALE, AZ 85253

SCHULTE, ELEANOR M  
7755 E ROSE LN  
SCOTTSDALE, AZ 85250

SCUTARI, NICHOLAS P  
6418 N 77TH WY  
SCOTTSDALE, AZ 85250

SEARCY, ROBERT KEITH & MARCE  
7550 WHISPERING WINDS RD  
SCOTTSDALE, AZ 85250

SEIBOLD, LEONARD  
612 S CONNECTICUT AVE  
ROYAL OAK, MI 48067-2929

SEYBOLD, LOUIS R  
1019 S 106TH PL 301  
OMAHA, NE 68114

SHALIT, BETH  
6047 N 77TH PL  
SCOTTSDALE, AZ 85250

SHANNON, RICHARD E & PATRICIA  
19415 OLD FORT LN  
MONUMENT, CO 80132

SHAPIRO, ROBERT A & SHEILA  
6349 N 78TH ST, #78  
SCOTTSDALE, AZ 85250

SHAUL III, RICHARD B  
6439 N 77TH PL  
SCOTTSDALE, AZ 85250

SHERWOOD, ANDREW R & JOANN  
100 W WASHINGTON STE 1860  
PHOENIX, AZ 85003

SHRUM, JAMES W & JUDITH A  
9667 TIMBERVALE CT  
HIGHLANDS RANCH, CO 80129

SMITH, MONICA, RICHARD E, CAR  
6350 N 78TH ST #294  
SCOTTSDALE, AZ 85250

SMITH, SCOTT RANDOLPH  
7731 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

SPINELLI, MATTHEW J & TAULE R  
6463 N 77TH WAY  
SCOTTSDALE, AZ 85250

STEVENSON, BRIAN R & MARILE C  
7743 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

STREED, BERNHARD ROY  
10682 E BAHIA DR  
SCOTTSDALE, AZ 85259

SULLIVAN, BRIAN  
6350 N 78TH ST 256  
SCOTTSDALE, AZ 85250

SULLIVAN, MICHAEL  
6270 N 78TH ST #326  
SCOTTSDALE, AZ 85253

SUNDELL, ROBERT & LUNSFORD  
6270 N 78TH ST 341  
SCOTTSDALE, AZ 85250

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

TEMPELMAN, EMMANUEL  
7725 E BERRIDGE LN  
SCOTTSDALE, AZ 85250

THOMAS, JOHN  
7500 E LINCOLN DR  
SCOTTSDALE, AZ 85253

THOMPSON, W K & JOAN  
7758 E ROSE LN  
SCOTTSDALE, AZ 85253

THORMODSGARD, PAUL G & OLIVIA  
7764 E ROSE LN  
SCOTTSDALE, AZ 85250

TIERNEY, SEAN  
6120 N 77TH PL  
SCOTTSDALE, AZ 85250

TIMMONS, LYNN ANN  
7764 E ROVEY AVE  
SCOTTSDALE, AZ 85250

TOMPKINS, KARA R  
7800 E LINCOLN DR 1106  
SCOTTSDALE, AZ 85250

TRIPODIS, EMMANUEL & LEHANE L.  
6350 N 78TH ST 284  
SCOTTSDALE, AZ 85250

TUCKER, GAIL S  
6350 N 78TH ST #288  
SCOTTSDALE, AZ 85250

TURNER, RICHARD  
1441 W BLUE RIDGE WAY  
CHANDLER, AZ 85248

ULMAN, CLIFF  
BRIARWOOD II HOMEOWNERS  
ASSOC.  
4620 N. 16TH ST. STE. E111  
PHOENIX, AZ 85016

ULRICH, ALAN C  
6349 N 78TH ST 76  
SCOTTSDALE, AZ 85250

VOSS, JANE C  
6458 N 77TH PL  
SCOTTSDALE, AZ 85250

WAGNER, ERICH J  
7770 E ROVEY LN  
SCOTTSDALE, AZ 85253

WATKINS, DAVID W & KAREN S  
6350 N 78TH ST 267  
SCOTTSDALE, AZ 85250

WATTIER, DOUGLAS S & L M  
7502 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

WEAVER, JENNIFER C  
6423 N 77TH PL  
SCOTTSDALE, AZ 85250

WEINMANN, MARGIT C  
6461 N 77TH PL  
SCOTTSDALE, AZ 85250

WEINTZ, HELENE  
6350 N 78TH ST 285  
SCOTTSDALE, AZ 85250

WEISS, JACK & PEGGY  
6245 N 75TH ST  
SCOTTSDALE, AZ 85250

WEISZ, DUANE  
ARROYO VERDE UNIT II  
HOMEOWNERS ASSOCIATION  
6249 N. 78TH ST. 66  
SCOTTSDALE, AZ 85250

WERNER, JACK C & EVELYN M  
6350 N 78TH ST #302  
SCOTTSDALE, AZ 85250-4796

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS.

WESTENDORF, BERNELDA  
7746 E ROVEY AVE  
SCOTTSDALE, AZ 85253

WHITEMAN, JAMES V & L BETTY  
6038 N 77TH PL  
SCOTTSDALE, AZ 85253

WINDLE, ALISON K  
5211 SAGAMORE RD  
PUTNAM STATION, NY 12861

WONG, DONALD H  
6720 N 78TH ST 321  
SCOTTSDALE, AZ 85250

WOODROW, LESLIE  
6350 N 78TH ST STE 303  
SCOTTSDALE, AZ 85250

WRIGHT, HAMILTON & JANE P  
6349 N 78TH ST, #72  
SCOTTSDALE, AZ 85250

ZIMNY, CAROYLN J  
7764 E VALLEY VISTA DR  
SCOTTSDALE, AZ 85250

ZINK, ALEXANDER M  
1561 W LAUREL AVE  
GILBERT, AZ 85233

ZINK, ALEXANDER M  
6246 N CATTLE TRACK RD  
SCOTTSDALE, AZ 85250

ZRAKET, GEORGE A & CAROL W  
7537 E BERRIDGE LN  
SCOTTSDALE, AZ 85253

Organizations

7522 E. MCDONALD LLC  
7522 E. MCDONALD  
SCOTTSDALE, AZ 85250

ABC LIVING TRUST  
3104 E CAMELBACK RD 263  
PHOENIX, AZ 85016

ARROYO VERDE HOMEOWNERS  
ASSN  
6450 N 77TH PLACE  
SCOTTSDALE, AZ 85250-4740

B F E PROPERTIES  
4480 W PEORIA NO 202  
GLENDALE, AZ 85302

CABRILLO SQUARE, C/O EAGLE  
PROPERTY MANAGEMENT  
CABRILLO SQUARE  
P.O. BOX 16170  
PHOENIX, AZ 85011-6170

CANAL AT CATTLE TRACK LLC  
105 CATTLE TRACK  
SCOTTSDALE, AZ 85250

FLOOD CONTROL DISTRICT  
2801W DURANGO ST  
PHOENIX, AZ 85009

KLM REALTY CORPORATION  
318 6270 N 78TH ST  
SCOTTSDALE, AZ 85250

PHOENIX TITLE & TR CO  
P O BOX 158  
SCOTTSDALE, AZ 85251

PLATEAU WINDS CORPORATION  
523 N BEAVER ST  
FLAGSTAFF, AZ 86001

SRPAI & PD  
PO BOX 1980  
PHOENIX, AZ 85001

PARADISE VALLEY ARSENIC TREATMENT PLANT - LETTER RECIPIENTS

SCOTTSDALE COLONY  
HOMEOWNERS ASSN  
PO BOX 1057  
SCOTTSDALE, AZ 85252

SIEGEL CORPORATE VENTURES  
1820 W MARYLAND AVE STE 5  
PHOENIX, AZ 85015

SNAKE RIVER ASSOC  
2701 ALCOTT  
DENVER, CO 80211

STUDIO ON CATTLETRACK LTD  
7550 E MCDONALD DR  
SCOTTSDALE, AZ 85253

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**F**

Dear Neighbor:

Sorry we missed you. We came by to show you the plans for the Miller Road Booster Station, located at 6215 North Miller Road. The facility supplies water to portions of the Town of Paradise Valley, City of Scottsdale and unincorporated Maricopa County. Due to recent regulations by the U.S. Environmental Protection Agency (EPA), American Water Company must complete modifications of its facility by January 2006.

Arizona American Water Company has applied for a conditional use permit from the City of Scottsdale, which is anticipated will go before the Planning Commission on December 1, 2004.

There is a neighborhood meeting scheduled for Tuesday, November 23, 2004, at 5:30 PM at the Hilton Scottsdale Resort and Villas located at 6333 North Scottsdale Road. You and your neighbors are invited to attend this meeting where you will have the chance to meet with the developers and architects of the proposed facility to review the plans and receive answers to any questions you may have.

For additional information, please contact Technical Solutions at (602) 957-3434. We would be happy to arrange a time to meet with you to discuss this redevelopment in your neighborhood.

**G**

## Timeline

- June 2004 – Initial contact with preliminary information
- Week of November 20, 2004 – Three Technical Solutions representatives met with Roland and Wilhelm Kueffner for approximately 20-30 minutes (they expressed no initial opposition)
- Week of November 29, 2004 – Three Technical Solutions representatives met with Roland and Wilhelm Kueffner for approximately 15 minutes (expressed no opposition)
- Week of December 6, 2004 – Two Technical Solutions representatives met with Roland and Wilhelm Kueffner for approximately 15 minutes (expressed no opposition)
- Week of December 13, 2004 – Two Technical Solutions representatives met with Roland and Wilhelm Kueffner (expressed no opposition)
- December 20, 2004 – Meeting scheduled with Kueffner family, however, Ms. Kueffner cancelled this meeting the day before it was to be held
- January 6, 2005 – Wilhelm called with questions concerning location of water tanks
- January 10, 2005 – Meeting scheduled with Kueffner family as a result of Jan. 6 phone call

- January 10, 2005 – Several hours before scheduled meeting, Ms. Kueffner called and cancelled the meeting

**H**

## Community Input Recap

### First Open House:

Notification: July 16, 2004, 268 letters sent.

Date: Thursday, August 5, 2004

Location: Scottsdale Hilton Resort & Villas, 6333 North Scottsdale Road  
Scottsdale, AZ 85250

Posting: Posted on site.

### Second Open House:

Notification: November 11, 2004, 268 letters sent.

Date: Tuesday, November 23, 2004

Location: Scottsdale Hilton Resort & Villas, 6333 North Scottsdale Road  
Scottsdale, AZ 85250

Posting: Posted on site.

### City of Scottsdale Notification:

First Mailing: To inform property owners of a request for a conditional use permit for a public utility/operation of an arsenic treatment removal facility.

Second Mailing: To inform property owners of the upcoming planning commission hearing to be held on December 1, 2004.

Third Mailing: To inform property owners of the upcoming city council meeting to be held on January 11, 2005.

Community Input Certification dated 10/05/2004

### On Site Postings:

Neighborhood meeting to be held August 5, 2004.

Planning Commission to be held December 1, 2004.

City Council Meeting to be held January 11, 2005.

### Door Hangers:

First Hanger: Project Information

Reminder notice of neighborhood meeting.

Contact information for Technical Solutions.

Second Hanger: Project update

Contact information for Technical Solutions.

## Community Input Timeline

July 16, 2004:	<b>Open House Notification</b>
August 5, 2004:	<b>Open House</b>
October 5, 2004:	<b>Community Input Certificate</b>
October 30, 2004(Approx.):	<b>Heads up post card from city</b>
November 11, 2004:	<b>Second Open House Notification</b>
November 14-21:	<b>Notice of Planning Commission</b>
November 18, 2004:	<b>Neighborhood door to door begins</b>
November 23, 2004:	<b>Second Open House</b> <b>Neighborhood door to door continues</b>
December 5, 2004:	<b>Planning Commission</b> <b>Neighborhood door to door continues</b>
December 26 – January 1:	<b>Notice of City Council Meeting</b> <b>Neighborhood door to door continues</b>
January 11, 2005:	<b>City Council Meeting</b> <b>Neighborhood door to door continues</b>
January 13, 2005:	<b>Historic Preservation Meeting</b> <b>Neighborhood door to door continues</b>



## Paradise Valley Arsenic Removal Facility Fact Sheet

In January 2000, the Environmental Protection Agency (EPA) lowered the drinking water Maximum Contaminant Level (MCL) for arsenic, the maximum level allowed to be served to the public, from 50  $\mu\text{g/L}$  to 10  $\mu\text{g/L}$ . Arsenic is naturally occurring in many of the soils that contact groundwater, particularly throughout the Southwestern U.S. All water systems serving the public are required to achieve compliance with the new arsenic MCL by January 23, 2006.

Arizona American Water (formerly Paradise Valley Water Company) owns and operates the water system serving portions of the Town of Paradise Valley and the City of Scottsdale (COS). Water is supplied from a total of seven wells located throughout the service area. Due to the wells' naturally occurring arsenic levels, treatment is required to ensure that arsenic concentrations in the finished water will be consistently below the pending MCL.

The Paradise Valley Arsenic Removal Facility (PVARF) will be designed and constructed under this contract. The project will be delivered using the design-build process. The design-build team of DL Norton and DSWA will perform the work.

The PVARF will be constructed adjacent to the existing water storage and booster pumping facility on Cattletrack Road approximately 1200 feet north of MacDonald Drive. This facility will consolidate water from multiple well sources and treat the water using a coagulation-filtration process in a split stream mode of operation to produce a blended water quality containing not more than 8  $\mu\text{g/L}$  of arsenic. The treatment process is very similar to that employed for removal of iron from groundwater, and has been demonstrated to effectively remove arsenic to levels well below the new standard. The design will be able to meet Arizona American Water Company's stated performance goals as follows:

- Finished water arsenic concentration < 8  $\mu\text{g/L}$  (even if up to a 20% increase in concentration occurs in the source water)
- Finished water free chlorine 1.0 – 2.0 mg/L
- Non-corrosive water, which will meet Lead and Copper rule requirements and minimize scale deposition
- Less than the secondary MCL concentrations for iron and manganese
- Fully automated, unattended operation
- Backup power to operate at 50% capacity
- Aesthetic pleasing exterior architectural design
- Minimization of capital and O&M costs including waste disposal

In addition to the treatment process component, the project will include an administrative facility with a customer service area, finished water storage, backwash recovery facilities and an equipment storage area. New raw and finished water transmission mains will be constructed to convey water from the existing Miller Road Treatment Facility south of MacDonald Drive to/from the proposed PVARF.

**J**

## APPENDIX G

### **Paradise Valley Arsenic Removal Facility Neighborhood Meeting#1 Meeting Summary Notes**

**Date:** August 5, 2004; 5:30 p.m. to 7:00 p.m.  
**Location:** Hilton Scottsdale Resort and Villas  
6333 N. Scottsdale Road  
Scottsdale, AZ 85250

#### **Attendees:**

Bernie Gonzales, 6349 N. Cattletrack  
John Hink, 6301 N. 75<sup>th</sup> Street  
Lance Donatell, 6370 N. 78<sup>th</sup> Street  
Tom Kaufman, 7520 E. Whispering Winds Road  
Richard Moore, Paradise Valley Operations Superintendent Arizona American Water Company  
Damon Williams, Damon S. Williams Associates  
Rob McCandless, P.E., Damon S. Williams Associates  
Chip Norton, D.L. Norton General Contracting  
Christine Close, Damon S. Williams Associates  
Peggy Fiandaca, Partners for Strategic Action, Inc.  
Tim Friday, Arizona American Water  
Aaron Ashcroft, Arizona American Water  
Robert Bessett, Damon S. Williams Associates  
Michael Willis, Willis Architects

#### **Handouts:**

Paradise Valley Arsenic Removal Facility Fact Sheet  
Vicinity Map  
Project Contact List

Peggy Fiandaca, Moderator welcomed everyone and thanked them for their interest and participation in the meeting. She explained that the purpose of the neighborhood meeting was to present the proposed project and solicit feedback regarding the proposal and ideas for making modifications. Everyone introduced themselves.

Rob McCandless, Project Manager with DSWA gave an overview of the Paradise Valley Arsenic Removal Facility project. He mentioned that the DSWA has been hired by Arizona American Water Company in collaboration with D.L. Norton to design/build the facility. Arizona American Water Company (formerly Paradise Valley Water Company) owns and operates the water system serving portions of the Town of Paradise Valley and the City of Scottsdale. The project is a result of new requirements by Environmental Protection Agency (EPA). In January 2000 the EPA lowered the drinking water

Maximum Contaminant Level (MCL) for arsenic, the maximum level allowed to be served to the public, from 50 µg/L to 10 µg/L. Rob explained that arsenic is naturally occurring in many of the soils that contact groundwater, particularly throughout the Southwestern U.S. All water systems serving the public are required to achieve compliance with the new arsenic MCL by January 23, 2006.

The purpose of the meeting was to discuss the project with neighborhood interests to understand their potential concerns or issues. Following is a summary of their comments and questions.

#### Questions Discussed

How much arsenic is going to be removed?

Do you know what is going on at the Hayden and McDonald site? Are there any connections to this project?

*Answer: The Hayden/McDonald facility is a surface water treatment plant. This site is treating well water. The projects are not related.*

What type of noise issues are we talking about? What the difference between the noise currently at the site and in the future?

*Answer: The noise should not be a factor as all equipment will be housed in buildings. The noises currently heard at the site are from air relief valves and pumps during start-up.*

Will the old booster pumps remain?

*Answer: No they will be removed. The wells will remain.*

The one pump with a big transformer near my property (BJ Gonzales), can you move it or contain it in some way?

*Answer: Yes we are examining ways to contain it. There will be a masonry wall around the whole pad.*

Does the water come to this facility first before the plant on the Southside of McDonald?

*Answer: Yes*

Where is the distribution entry point?

*Answer: There are three existing points of entry at this time along Miller/Cattletrack Road*

Can you build this facility at the McDonald site instead?

*Response: Arizona American Water investigated this suggestion and found that it was not feasible. The needs of the facility could not be accommodated on that site.*

Are you going to remove the gas canisters? The current situation seems dangerous.

*Answer: Yes*

What are the concentration levels?

*Answer: 12.5%*

What chemicals will be trucked off site?

*Answer: None*

Are there any fumes from these chemicals?

*Answer: NaOCL could emit with heat. Room will be air conditioned.*

You are not going to use sand and membrane filters?

*Answer: Sand filters will be used.*

The water is drinking water, right?

*Answer: Groundwater used for drinking water.*

Is the height measured off the slab? Can the height be lowered?

*Answer: The building heights will vary by type. Maximum height of 24 feet.*

How high is the TCE Stripper at the McDonald Road Treatment Facility? Please send me an e-mail with the answer. My concern is with the height. (John Hink)

*Answer: E-mail was sent to Mr. Hink on August 17<sup>th</sup> explaining the total building height is approximately 45 feet above finished grade. This height is measured to the top of the air stripper enclosures.*

Does Arizona American Water own the property south of the basin? Is that Janie Ellis' property next to the property?

*Answer: No, the property belongs to Janie Ellis.*

What is the height of the perimeter wall?

*Answer: It is intended to be an 8' perimeter wall that surrounds the entire site with a 10' area from the property line for landscaping. The wall and landscaping will serve as the main visual block from Cattletrack.*

Where exactly are the property lines? Where are the boundaries of the zoning lines?

*Answer: Shown using graphics*

Can you lower the tank heights? Can they put underground a bit?

*Answer: It is possible, if necessary.*

Shrubs are along the canal right where the new tanks will be, right?

*Answer: Yes*

Can the entire area be totally screened with a 6' wall near my property (BJ Gonzales)?

*Answer: The facility and well 16 will be enclosed.*

In the area that you showed a screen cover over equipment can that area be totally enclosed?

*Answer: It is not needed and an unnecessary cost that would be passed on to consumers.*

Is there anything other than electronics that would need to be covered or protected from the sun in this location?

*Answer: Everything will be covered except the filter.*

Can you see the canopy from the road?

*Answer: Yes*

Will the filters be visible from the road?

*Answer: Yes, a portion.*

What is going to happen on the unimproved area of this site?

*Answer: AAW is considering a selling the property.*

Is there going to be any impacts on noise and pollution during the construction phase?

*Answer: The construction company is very diligent to control dust and noise. There is a criterion that must be met for noise and the company will stay within that criteria. The City of Scottsdale mandates hours of operation during construction.*

What type of equipment will be used during construction?

*Answer: This is a typical construction site. There will not be large cranes like at the McDonald site. There will be back hoes and water trucks. It is a construction site. There will not be any blasting.*

Is there a phasing for the construction (i.e., do the buildings or tanks go first)?

*Answer: Due to the very tight timeframe, everything will be done simultaneously.*

Are the tanks steel?

*Answer: Yes.*

### Comments

Following are comments made by the residents in attendance. The comments are not intended to represent a consensus of the participants' comments, but a summary of the input received.

### Wall

- Break up the look of the perimeter wall
- Build something more than just a block wall; maybe incorporate another material like iron
- Make the wall decorative
- The 8' wall may be too high if it remains a stark wall, but maybe bring the block portion down to 6' and include a mix of materials up to the 8' height

- I have no problem with the height of the 8' wall because the setback from the street is so large; the landscaping in the setback will lessen the visual impact of the wall
- Develop a dense cactus garden so I won't even see the wall
- Must care should be given to the design of the wall; consider adobe

#### Architecture

- The architecture of the buildings should blend into the neighborhood
- It should not stand out
- The other facility on McDonald looks like a presidio; it does not have landscaping to soften the look
- Use landscaping to soften the look of the buildings
- The height of the back buildings might be an issue. However, if the tanks are no larger than what exists today then that will be okay.
- Consider incorporating Ocotillos into the shade structure (similar to Tom Kaufman's home)
- Do not want an industrial or commercial looking building in this area

#### Landscaping

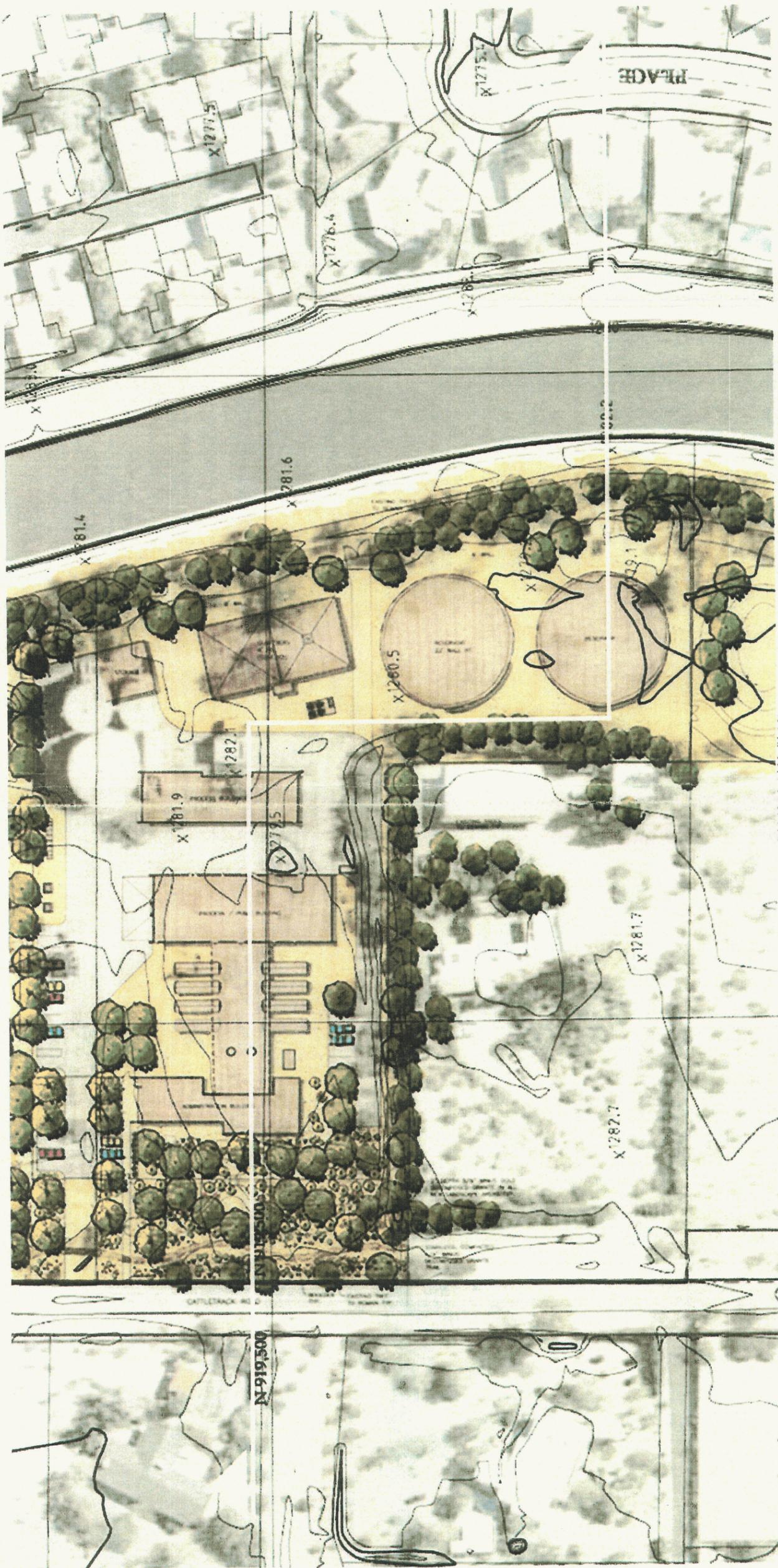
- If the trees must be removed along the canal, you will have a real problem; these trees must be kept to act as a screen
- Along Cattletrack, add massive interesting landscaping and trees to break up the massing of the wall
- Across the canal looking at the site is not a problem if the trees remain
- Along Cattletrack the landscaping should be an intense cactus garden so as I drive along the road I only see beautiful landscaping and not what is behind the wall;
- Don't make the landscaping so perfect, just intense with cactus
- Off center the landscaping along the wall

#### Other Issues

- In the first 30' setback from Cattletrack, need to continue the meandering pathway; it should be a natural path keeping the rural theme of the area
- The color palette – the darker the better

The meeting was adjourned at approximately 7:10 p.m.

**K**



PARTIAL SITE PLAN



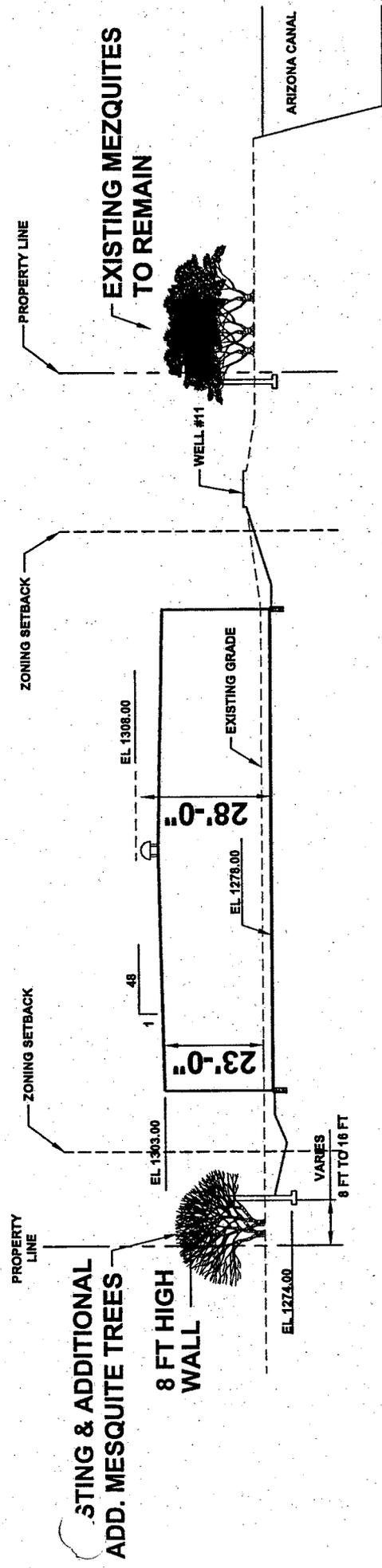
PARTIAL SITE SECTION AND SITE LINE STUDY



**Development Standards****Provided****Required****Difference**

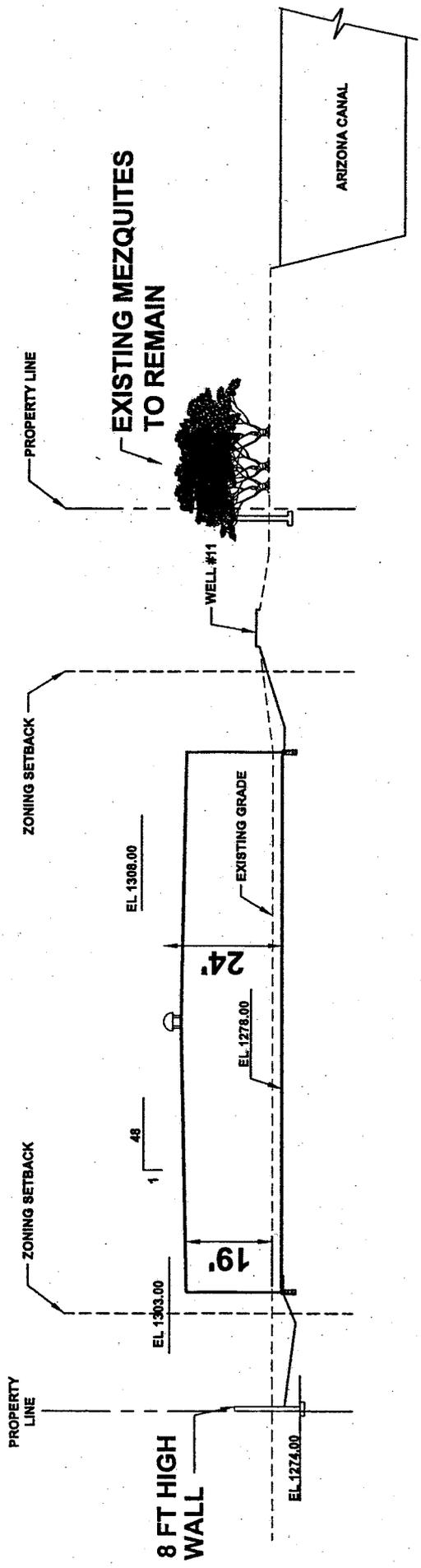
<b>Maximum Building Height</b>	<b>28 sq ft</b>	<b>30 sq ft</b>	<b>-7%</b>
<b>Open Space</b>	<b>129,095 sq ft</b>	<b>53,239 sq ft</b>	<b>142%</b>
<b>Front Open Space</b>	<b>16,800 sq ft</b>	<b>6,000 sq ft</b>	<b>180%</b>
<b>Front Setback</b>	<b>100 sq ft</b>	<b>40 sq ft</b>	<b>150%</b>
<b>Side Setback (South)</b>	<b>50 sq ft</b>	<b>20 sq ft</b>	<b>150%</b>
<b>Side Setback (North)</b>	<b>90 sq ft</b>	<b>20 sq ft</b>	<b>350%</b>
<b>Rear Setback</b>	<b>37 sq ft</b>	<b>35 sq ft</b>	<b>6%</b>
<b>Pedestrian Access</b>	<b>Yes</b>	<b>Not Req'd</b>	<b>100%</b>

**L**



**AS DESIGNED AND PRESENTED TO COUNCIL**

*File -  
Hwy Water -  
Resonance*



# LOWERED AND WIDER TANK ALTERNATIVE

**M**

1 **OFFICE OF THE CITY ATTORNEY**  
2 **City of Scottsdale**  
3 3939 Drinkwater Boulevard  
4 Scottsdale, Arizona 85251  
5 480.312.2405  
6 Sherry R. Scott (SBN: 014042)  
7 **Attorney for Defendant City of Scottsdale**

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
9  
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 ROLAND F. KUEFFNER, a single man and  
12 beneficiary of the Kirsten K. Kueffner Family  
13 Living Trust dated November 18, 2002;  
14 WILHELM F. KUEFFNER, a married man  
15 and beneficiary of the Kirsten K. Kueffner  
16 Family Living Trust dated November 18,  
17 2002; KIRSTEN KUEFFNER, a single  
18 woman and Trustee of the Kirsten K.  
19 Kueffner Family Living Trust dated  
20 November 18, 2002; ERIC P. AND  
21 NANNETTE M. NESVIG, husband and wife;  
22 SEAN M. TIERNEY, a single man,

23 Plaintiff,

24 v.

25 CITY OF SCOTTSDALE, a municipal  
26 corporation, ARIZONA – AMERICAN  
27 WATER COMPANY, an Arizona corporation  
28 and wholly owned subsidiary of American  
Water Works Company and of RWE, a  
German conglomerate,

Defendants.

NO. CV2005-051304

**AFFIDAVIT OF DORIS MCCLAY**

(Assigned to the Honorable Janet Barton)

STATE OF ARIZONA )  
County of Maricopa ) ss.

I, Doris McClay, after being first duly sworn, do hereby declare and aver that the following are true and correct statements based upon my personal knowledge and pursuant to the penalty of perjury:

1           1.       I am a Planning Assistant for Planning and Development Services in the City of  
2 Scottsdale.

3           2.       As part of my job duties, I send out notices of the Planning Commission and City  
4 Council Hearings involving Zoning, General Plan Amendment, Conditional Use Permit, Abandonment,  
5 Text Amendment, Historic Preservation and Infill Incentive cases for publication in the Scottsdale  
6 Tribune and file the notices that are sent out in the planning file.

7           3.       As part of my job duties, I also send notification post-cards to the United States Post  
8 Office through their web site for mailings to residents.

9           4.       With regard to the Arizona-American Water Company request for a Use Permit, 33-UP-  
10 2004, I sent a notice for the Planning Commission Hearing on December 1, 2004 to the Scottsdale  
11 Tribune, which was published on November 13, 2004. See published notice, attached as Exhibit A.

12           5.       With regard to the Arizona-American Water Company request for a Use Permit, 33-UP-  
13 2004, I also sent a notice for the City Council Hearing on January 11, 2005 to the Scottsdale Tribune,  
14 which was published on December 18, 2004. See published notice, attached as Exhibit B.

15           6.       Three Post-Card notifications were also sent to properties within a 750 foot radius of the  
16 property. The mailing list of the addresses that received these notifications is attached as Exhibit C.  
17 The names on the mailing list that are stricken indicate the postcards which were returned as  
18 undeliverable or returned for other reasons.

19           7.       A copy of the first Post-Card is attached as Exhibit D and stated, in part, that:  
20  
21                   This is to inform you of a request for a conditional use permit for a public  
22                   utility/operation of an arsenic treatment removal facility.  
23  
24                   This case will be scheduled for a Public Hearing in the near future. Please call the staff  
25                   or applicant contact as soon as possible if you would like to learn more or provide input  
26                   about this request.

27           8.       A copy of the Post-Card attached as Exhibit D was submitted to the United States  
28 Postal Service web site on October 29, 2004 and was scheduled to be sent out by the United States

1 Post Office on November 1, 2004 to be mailed to the properties within a 750 foot radius of the property  
2 in question (listed on Exhibit C). See United States Postal Service order form and confirmation,  
3 attached as Exhibit E.

4 9. Another Post-Card, attached as Exhibit F, was submitted to the United States Postal  
5 Service web site on November 10, 2004 and was scheduled to be sent out by the United States Post  
6 Office for mailing on November 12, 2004, which notified the residents within a 750 foot radius of the  
7 property in question (listed on Exhibit C) that public comment regarding the conditional use permit  
8 would be heard at a Planning Commission hearing on December 1, 2004 at 5:00 p.m. and providing  
9 the location of the hearing. See United States Postal Service order form and confirmation, attached as  
10 Exhibit G.  
11

12 10. Another Post-Card, attached as Exhibit H, was submitted to the United States Postal  
13 Service web site on December 16, 2004 and was scheduled to be sent out by the United States Postal  
14 Service for mailing on December 17, 2004, which notified the residents within a 750 foot radius of the  
15 property in question (listed on Exhibit C) that public comment regarding the conditional use permit  
16 would be heard at a City Council hearing on January 11, 2005 at 5:00 p.m. and providing the location  
17 of the hearing. See United States Postal Service order form and confirmation, attached as Exhibit I.  
18

19 11. Further Affiant sayeth naught.

20  
21 Dated: August 26, 2005

By:

Doris McClay

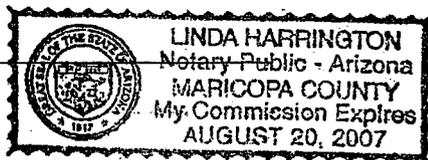
Doris McClay  
City of Scottsdale Planning Department

22  
23 SUBSCRIBED, SWORN and ACKNOWLEDGED before me this 26<sup>th</sup> day of August 2005, by

24 Doris McClay, Planning Department, City of Scottsdale.

Linda Harrington  
Notary Public

25  
26 My Commission Expires:



**EXHIBIT A**



**NOTICE OF PLANNING COMMISSION HEARING**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Scottsdale, Arizona, will hold a public hearing on December 1, 2004, at 9:00 P.M. in the City Hall, 3939 N. Drinkwater Boulevard, Scottsdale, Arizona, for the purpose of hearing all persons who wish to comment on the following:

**12-ZN-2004** (Miller & McDonald) request by owner to rezone from Single Family Residential District (R1-43) to Service Residential District (S-R) on a 2.47-acre parcel located at 5975 N Miller Road (Southeast corner of McDonald Drive & Miller Road). Staff contact person is AF Ward; 480-312-7067. Applicant contact person is John Barry; 480-385-2727.

**17-AB-2004** (129th Street Abandonment) request by owners to abandon the right of way for 129th Street between Cochise Blvd and Gold Dust Avenue and the 300-foot General Land Office easement on the eastern side of 129th Street. Staff contact person is Suzanne Colver; 480-312-7067. Applicant contact person is Heather Carpay; 480-991-5387.

**31-LUP-2004** (Velocity Sports) request by owner for a conditional use permit for a health studio in a portion of the existing building located at 9171 E Bell Road within Industrial Park Planned Community Development District (I-1 PCD) zoning. Staff contact person is AF Ward; 480-312-7067. Applicant contact person is James Elston; 480-515-9332.

**33-ZN-1997#1** (Raintree Corporate Center) request by owner for site plan/stipulation/amendments to case 33-ZN-1997#2 on 11.4 acres located at the northeast corner of Raintree Drive and the Coop 101 frontage road with Central Business District (C-2) zoning. Staff contact person is Bill Verschuren; 480-312-7734. Applicant contact person is Kathy Zvara; 480-827-7000.

**9-ZN-2004** (Pima Corridor Rezone) request by owner to rezone from Single Family Residential District (R1-35) to Industrial Park District (I-1) on a 2.4-acre parcel located north of northeast corner of Pima Freeway and Raintree Drive. Staff contact person is Tim Curtis; 480-312-4210. Applicant contact person is Craig Sherman; 480-607-1970.

**33-LUP-2004** (Paradise Valley Asbestos Removal Facility) request by owner for a conditional use permit for public utility buildings, structures or appurtenances thereto for public service uses on 8.44 acres located at the 6000 block of W Miller (Caterack) Road with Single Family Residential District (R1-43) and Special Campus District Historic Property (S-C HP) zoning. Staff contact person is Tim Curtis; 480-312-4210. Applicant contact person is John Barry; 480-385-2727.

**15-LUP-2004** (Denny's Family Carwash) request by owner for conditional use permits for a car wash and a service station on a 2.64-acre parcel located at 4831 N Northlight Blvd with Central Business District (C-2) zoning. Staff contact person is Bill Verschuren; 480-312-7734. Applicant contact person is Roy Amela; 602-840-2929.

The above items may be discussed at a Study Session prior to the Planning Commission meeting including a Commission update. The public applicant may attend the study session but may not comment. Please call 480-312-7000 the day before the meeting for the time.

A case file on the subject properties is on file at 7447 E Indian School Road, Suite 105, where it may be viewed by any interested person.

**A COPY OF A FULL AGENDA, INCLUDING ITEMS CONTINUED FROM PREVIOUS MEETINGS IS AVAILABLE AT LEAST 24 HOURS PRIOR TO THE MEETING AT THE FOLLOWING LOCATIONS:**

- Police Department, 9065 East Via Linda
- City Hall, 3939 N. Drinkwater Boulevard
- El Dorado Park & Recreation Center, 2311 N. Millen Road
- Online at <http://www.ScottsdaleAZ.gov/Boards/PC>

**ALL INTERESTED PARTIES ARE INVITED TO ATTEND.**

**CHAIRMAN**  
**PLANNING COMMISSION**  
Attest:  
Doris McClay  
Planning Assistant

For additional information click on the link to Projects in the Public Hearing Process at: <http://www.ScottsdaleAZ.com/projects>

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the City Clerk's Office at 480-312-2412. Requests should be made as early as possible to allow time to arrange accommodation.

NOV-13-2004 5:40:39

**EXHIBIT B**



**NOTICE OF CITY COUNCIL HEARING**

NOTICE IS HEREBY GIVEN that the City Council of the City of Scottsdale, Arizona, will hold a public hearing on January 11, 2005, at 5:00 P.M. in the City Hall Kiva, 3939 N. Drinkwater Boulevard, Scottsdale, Arizona, for the purpose of hearing all persons who wish to comment on the following:

**11-AB-2004** (69th St. Abandonment) request by owner to abandon a portion of the right-of-way on 69th Street between Wildcat Drive and Lowden Road and General Land Office patent easements on 69th Street, on the south side of Wildcat Drive on north side of Lowden Road. Staff contact person is Greg Williams, 480-312-4205. Applicant contact person is Liane Engardt, 602-255-0084.

**12-UP-2004** (Danny's Family Car wash) request by owner conditional use permits for a carwash and a service station on a 2.6 +/- acre parcel located at 14651 N. Northlight Blvd with Central Business District (C-2) zoning. Staff contact person is Bill Verschuren, 480-312-7734. Applicant contact person is Roy Arieta, 602-848-2525.

**17-AB-2004** (129th St. Abandonment) request by owners to abandon the right of way for 129th Street between Cochise Road and Gold Dust Avenue and the 33 feet General Land Office patent easement of the eastern side of 129th Street. Staff contact person is Suzanne Colver, 480-312-7057. Applicant contact person is Heather Carpay, 480-991-5387.

**18-ZN-2004** (Phase II Corporate Enhancement) request by owner to amend building height and floor area ratios standards for a portion of the Planned Community Development District (PCD) on a 3.79 +/- acre parcel located at 2550 E. Anderson Drive with Industrial Park Planned Community Development District (I-1 PCD) zoning. Staff contact person is Al Ward, 480-312-7057. Applicant contact person is Paul Mosewet, 480-451-8823.

**19-ZN-2004** (First National Bank Headquarters) request by owner to amend the building height for a portion of the Planned Community Development District (PCD) on a 16.6 +/- acre parcel located at 17800 N. Perimeter Drive with Industrial Park Planned Community Development District (I-1 PCD) zoning. Staff contact person is Tim Curtis, 480-312-4210. Applicant contact person is John Berry, 480-385-2727.

**22-UP-2004** (Well Site 86 Water Quality Improvements) request by owner a conditional use permit for a Municipal Use Master site Plan for the City's Well Site 86 Water Quality Improvement Project on a 3.91 +/- acre parcel located at 37400 N. Cave Creek Road with Commercial Office, Environmentally Sensitive Lands (C-O ESL) and Open Space District, Environmentally Sensitive Lands (O-S ESL). Staff contact person is Al Ward, 480-312-7057. Applicant contact person is Gregg Crossman, 480-312-5319.

**24-UP-2004** (City of Scottsdale Water Treatment Facility Site 115) request by owner a Municipal Use Master site Plan for the City's Well Site 115 Water Quality Improvement Project on approximately 15 acres located at 21790 N. Hayden Road with Single Family Residential District (R1-35) zoning. Staff contact person is Kira Wauwie, 480-312-7061. Applicant contact person is Thyra Ryden-Diaz, 480-312-4327.

**31-UP-2004** (Velocity Sports) request by owner a conditional use permit for a health studio in a portion of the existing building located at 5171 E. Bell Road with Industrial Park Planned Community Development District (I-1 PCD) zoning. Staff contact person is Al Ward, 480-312-7057. Applicant contact person is James Elson, 480-515-8332.

**33-UP-2004** (Paradise Valley Arsenic Removal Facility) request by owner a conditional use permit for public utility buildings, structures or appurtenances thereto for a public service uses on 8 +/- acres located at the 6000 block of N. Miller (Cattarack) Road with Single Family Residential District (R1-43) and Special Campus District, Historic Property (S-C HP) zoning. Staff contact person is Tim Curtis, 480-312-4210. Applicant contact person is John Berry, 480-385-2727.

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- City Hall, 3939 Drinkwater Boulevard
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ALL INTERESTED PARTIES ARE INVITED TO ATTEND.

Attest:  
Doris McClay  
Planning Assistant  
For additional information click on the link to "Projects in the Public Hearing Process" at: <http://www.ScottsdaleAZ.gov/projects>.  
Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the City Clerk's Office at 480-312-2412. Requests should be made as early as possible to allow time to arrange accommodation.

DEC. 18. 2004/623827

**EXHIBIT C**

caseparcel	Owner	Company	Address	City	State	Zip
33-UP-2004/174-21-445	ABC LIVING TRUST		3104 E CAMELBACK RD 263	PHOENIX	AZ	85016
33-UP-2004/174-21-323	ADAMS BRUCE C		6350 N 78TH ST NO 312	SCOTTSD	AZ	85250
33-UP-2004/174-21-298	ANDERSON SANDRA L		6350 N 78TH ST #287	SCOTTSD	AZ	85250
33-UP-2004/174-14-025	ANDRAS JAMES T/CHRISTINE E		7511 E BERRIDGE LN	SCOTTSD	AZ	85250
33-UP-2004/174-21-353B	ARROYO VERDE HOMEOWNERS ASSOC		6450 N 77TH PLACE	SCOTTSD	AZ	85250
33-UP-2004/174-21-358	ARROYO VERDE HOMEOWNERS ASSOC		4560 N 19TH AVE	PHOENIX	AZ	85015
33-UP-2004/174-13-504	B-F-E-PROPERTIES		4480 W PEORIA NO-202	GLENDALI	AZ	85302
33-UP-2004/174-21-439	BAAS THOMAS R/LESLIE K		5 NORRIS	BURR RID IL		60521
33-UP-2004/174-21-308	BACON STEVE E		6350 N 78TH ST 297	SCOTTSD	AZ	85250
33-UP-2004/174-13-495	BARTLETT STEPHEN C		7728 E ROSE LN	SCOTTSD	AZ	85250
33-UP-2004/174-21-266	BASHONE ELINORE A		6350 N 78TH ST	SCOTTSD	AZ	85253
33-UP-2004/174-21-294	BASTEN ROBERT J/TIFFENY E		6350 N 78TH ST	# SCOTTSD	AZ	85250
33-UP-2004/174-21-302	BERNARD MARYANNE D		6350 N 78TH ST NO 291	SCOTTSD	AZ	85250
33-UP-2004/174-16-029	BERNARD NICHOLAS W		6234 N CATTLERACK RD	SOTTSDA	AZ	85250
33-UP-2004/174-13-510	BERTRAM DIANA M		PO BOX 5535	SCOTTSD	AZ	85261
33-UP-2004/174-14-017	BONE ALLAN N		7512 E BERRIDGE LN	SCOTTSD	AZ	85250
33-UP-2004/174-13-007G	BOULINEAU FRED TR		5514 E ANGELA DR	SCOTTSD	AZ	85254
33-UP-2004/174-21-307	BRANDE PATRICK W		6350 N 78TH ST 296	SCOTTSD	AZ	85250
33-UP-2004/174-13-483	BRINTON MICHAEL JOHN		6026 N 77TH PL	SCOTTSD	AZ	85250
33-UP-2004/174-21-311	BURTON EWA J		6350 N 78TH ST	SCOTTSD	AZ	85253
33-UP-2004/174-13-492	BUSSEUIL SUZANNE K		6132 N 77TH PL	SCOTTSD	AZ	85250
33-UP-2004/174-21-316	BYRD JOHN EDWARD		6350 N 78TH ST #305	SCOTTSD	AZ	85250
33-UP-2004/174-13-526	CALDWELL TWILA		7740 E ROVEY AVE	SCOTTSD	AZ	85250
33-UP-2004/174-21-286	CAN-CAMP-ROGER A		6350 N 78TH ST	# SCOTTSD	AZ	85253
33-UP-2004/174-13-004F	CANAL AT CATTLE TRACK LLC		105 CATTLE TRACK	SCOTTSD	AZ	85250
33-UP-2004/174-13-525	CHALMERS KAREN C		7734 E ROVEY AVE	SCOTTSD	AZ	85251
33-UP-2004/174-13-475	CHOTIN MORRIS TR		962 WYNHAVEN LN	BALLWIN MO		63011
33-UP-2004/174-13-518	CLANCY MICHAEL/LENORE E TR		7734 E BERRIDGE LN	SCOTTSD	AZ	85250
33-UP-2004/174-21-336	COCHRAN ROBERT E/EHRET PAULETTE G		6270 N 78TH ST 325	SCOTTSD	AZ	85250
33-UP-2004/174-14-016	COLEMAN MARIAN D		7524 E BERRIDGE LN	SCOTTSD	AZ	85253
33-UP-2004/174-21-235A	COMPTON RALPH S		2519 E JASMINE CIR	MESA	AZ	85213
33-UP-2004/174-13-484	COOLEY TIMOTHY F & ROSE MARIE		6032 N 77TH PL	PHOENIX	AZ	85250
33-UP-2004/174-21-334	COTNER CHRISTY A		6270 N 78TH ST UNIT 323	SCOTTSD	AZ	85253
33-UP-2004/174-21-233A	COTTER RICHARD E/MARGARET A		6448 N 77TH PL	SCOTTSD	AZ	85250
33-UP-2004/174-13-480	COYNE SANDRA-DEE		6008 N 77TH PL	SCOTTSD	AZ	85250
33-UP-2004/174-21-244A	CRIMMINS C JAMES/MELVA R		19802 N 32ND ST #37	PHOENIX	AZ	85050

33-UP-2004/174-21-327	CURTIS KEITH/MARLA	6350 N 78TH ST UNIT 316	SCOTTSD, AZ	85250
33-UP-2004/174-13-540	DAVIS JON C & CINDY M	7746 E VALLEY VISTA	SCOTTSD, AZ	85253
33-UP-2004/174-14-015	DOBSON JOEL SCOTT/HOLLY BENNETT	7538 E BERRIDGE LN	SCOTTSD, AZ	85260
33-UP-2004/174-21-246A	DODSON JOAN BTR	6437 N 77TH WAY	SCOTTSD, AZ	85250
33-UP-2004/174-21-322	DOPUDJA DAN SR/HELEN	6350 N 78TH ST	SCOTTSD, AZ	85250
33-UP-2004/174-21-282	DUGAS JOHN F SR	6350 N 78TH ST #271	SCOTTSD, AZ	85253
33-UP-2004/174-21-447	DURHAM ANDREA J	6349 N 78TH ST UNIT 81	SCOTTSD, AZ	85250
33-UP-2004/174-21-315	EISELE NEELY A & JUDITH E	6350 N 78TH ST 304	SCOTTSD, AZ	85253
33-UP-2004/174-21-338	ELLIS SHARLENE M	6270 N 78TH ST NO 327	SCOTTSD, AZ	85250
33-UP-2004/174-13-499	EWBANK RICHARD W & JUDITH M	7752 E ROSE LN	SCOTTSD, AZ	85253
33-UP-2004/174-13-508	FANCY THOMAS A/BONITA L	16 CUTLER DR	SAVANNA GA	31419
33-UP-2004/174-21-325	FERA ANN/ ELIZABETH ASHLEY	6350 N 78TH ST UNIT 314	SCOTTSD, AZ	85250
33-UP-2004/174-21-303	FERGUSON ROGER/SYBIL	PO BOX 519	REXBURG ID	83440
33-UP-2004/174-13-535	FILLER CHARLES A	7721 E VALLEY VISTA LN	SCOTTSD, AZ	85250
33-UP-2004/174-13-007D	FLOOD CONTROL DISTRICT OF MARICOPA	CC2801 W DURANGO ST	PHOENIX AZ	85009
33-UP-2004/174-21-340	FORNEY DAVID E	6270 N 78TH ST	# SCOTTSD, AZ	85250
33-UP-2004/174-21-273	FRANSEN DENNIS R/ CHERYL M	2930 PALM DR	BILLINGS MT	59102
33-UP-2004/174-13-519	FRIEDMAN ANNE G	7740 E BERRIDGE LN	SCOTTSD, AZ	85253
33-UP-2004/174-13-496	FULTON BRAD/JONI E	7734 E ROSE LN	SCOTTSD, AZ	85253
33-UP-2004/174-21-285	GABRIELE JILL GULNAC	6350 N 78TH ST 274	SCOTTSD, AZ	85250
33-UP-2004/174-13-487	GIFFIN RICHARD G/LAURA L TR	6102 N 77TH PL	SCOTTSD, AZ	85253
33-UP-2004/174-13-511	GILMORE MARCIA C	6123 N 77TH PL	SCOTTSD, AZ	85053
33-UP-2004/174-21-440	GIULIANO JOHN T/CLARA M	308 COMMERCE DR	FORT COLO CO	80524
33-UP-2004/174-13-534	GLENN GARRETT D/KAREN L	7731 E VALLEY VISTA LN	PHOENIX AZ	85250
33-UP-2004/174-21-271	GLESSING ORIVILLE G/ LEWIS CORRINE E	6350 N 78TH ST	SCOTTSD, AZ	85250
33-UP-2004/174-13-007C	GONZALES BARNEY J	6349 N CATTLETRACK RD	SCOTTSD, AZ	85250
33-UP-2004/174-21-265	GOODLOE NANCY KING/JAMES CLAY/SUSAN	6350 N 78TH ST 254	SCOTTSD, AZ	85250
33-UP-2004/174-21-343	GRAHAM ROBERT A	6270 N 78TH ST #332	SCOTTSD, AZ	85253
33-UP-2004/174-13-479	GRANT ROGER LEE & STEPHANIE ANNE	6002 N 77TH PL	SCOTTSD, AZ	85253
33-UP-2004/174-13-497	GRAWET LARRY D & SANDRA E	1302 AMETHYST APT A	REDONDC CA	90277
33-UP-2004/174-21-350	GROSSDIER MARY C	6350 N 78TH ST-339	SCOTTSD, AZ	85253
33-UP-2004/174-21-342	GROSS BRUCE H/ROBERT C	3401 MANCHESTER COMMON	FREMONT CA	94536
33-UP-2004/174-13-538	GULATTO PETER J & ROSEMARIE E	7734 E VALLEY VISTA	SCOTTSD, AZ	85253
33-UP-2004/174-13-491	GULINO DAVID G	5235 N Woodmere Fairway	SCOTTSD, AZ	85250
33-UP-2004/174-13-514	HAJ MOHAMMAD K	6105 N 77TH ST	SCOTTSD, AZ	85250
33-UP-2004/174-21-277	HALL STANLEY R & NIKKI L	7628 E EDGE MONT AVE	SCOTTSD, AZ	85257
33-UP-2004/174-21-239A	HANNAH STANLEY L & BETTY M	#5 MARTIN LN	ENGLEWC CO	80110

33-UP-2004/174-21-292	HANSON LYNN	6350 N 78TH ST 281	SCOTTSD.AZ	85250
33-UP-2004/174-13-507	HAUSHER NANCY JEAN TR	7743 E ROSE LN	SCOTTSD.AZ	85253
33-UP-2004/174-13-509	HEICHBERGER RICHARD A	7731 E ROSE LN	SCOTTSD.AZ	85250
33-UP-2004/174-13-521	HELTAMES LEON T & COLLEEN	5201 E CHARTER OAK RD	SCOTTSD.AZ	85254
33-UP-2004/174-21-290	HEMBROCK ROBERT W	6350 N 78TH ST UNIT 279	SCOTTSD.AZ	85253
33-UP-2004/174-21-264A	HERMANN HANS/UTE TR	27474 VIA SEQUOIA	SAN JUAN CA	92675
33-UP-2004/174-21-243A	HEVLE LYMAN C & BETTY A TR	8348 E VIA DE LOS LIBROS	SCOTTSD.AZ	85258
33-UP-2004/174-21-249A	HICKS SABRINA/STEPHEN	43 STERLING CT	HUNTING NY	01743
33-UP-2004/174-16-015	HINK JOHN AMEGAN	6301 N 75TH ST	SCOTTSD.AZ	85250
33-UP-2004/174-21-275	HINOJOSA DOMINIQUE	6350 N 78TH ST #264	SCOTTSD.AZ	85250
33-UP-2004/174-21-284	HUNTER FAITH L	5414 FOREST HIGHLANDS CT	WESTERV OH	43082
33-UP-2004/174-13-482	JACQUES WILFRED G/ARLETTA A	6020 N 77TH PL	SCOTTSD.AZ	85283
33-UP-2004/174-21-269	JERVIS JOEL R JR	6350 N 78TH ST NO 258	SCOTTSD.AZ	85250
33-UP-2004/174-21-324	JESPERS KENNETH B	2424 W OSBORN RD	PHOENIX AZ	85045
33-UP-2004/174-21-446	JOHNSON PETER R	6349 N 78TH ST 80	SCOTTSD.AZ	85253
33-UP-2004/174-13-493	JOHNSON REID/SHERRY	22444 27TH AVE SE	MAPLE VA WA	98098
33-UP-2004/174-21-309	JOHNSTON DOROTHY J	6350 N 78TH ST 298	SCOTTSD.AZ	85250
33-UP-2004/174-16-007F	JONES JANIE ELLIS	105 CATTLE TRACK RD	SCOTTSD.AZ	85250
33-UP-2004/174-16-007B	JONES JANIE ELLIS TR	6226 N CATTLETRACK RD	SCOTTSD.AZ	85250
33-UP-2004/174-16-007G	JONES JANIE ELLIS/ELLIS MICHAEL G	105 CATTLETRACK RD	SCOTTSD.AZ	85250
33-UP-2004/174-13-541	JONES ROBERT C/B JOAN	7752 E VALLEY VISTA LN	SCOTTSD.AZ	85253
33-UP-2004/174-21-280	JOSEPH JACK JR	6350 N 78TH ST #269	SCOTTSD.AZ	85250
33-UP-2004/174-21-272	JOSEPH PINNA	6350 N 78TH ST 261	SCOTTSD.AZ	85250
33-UP-2004/174-21-300	JOSEPH STEWART M	PO BOX 32034	PHOENIX AZ	85064
33-UP-2004/174-13-533	KALFAYAN SARKIS Y/OVSANNA	7761 E VALLEY VISTA LANE	SCOTTSD.AZ	85253
33-UP-2004/174-14-026	KEMPNER SANDRA TR	7523 E BERRIDGE LN	SCOTTSD.AZ	85253
33-UP-2004/174-21-305	KEY SPENCER	6350 N 78TH ST NO 294	SCOTTSD.AZ	85250
33-UP-2004/174-21-326	KING RONALD J	6350 N 78TH ST	SCOTTSD.AZ	85250
33-UP-2004/174-21-329	KLM REALTY CORPORATION	318 6270 N 78TH ST	SCOTTSD.AZ	85250
33-UP-2004/174-21-242A	KLOENNE JAY/NICOLE	6442 N 77TH WY	SCOTTSD.AZ	85250
33-UP-2004/174-21-443	KRAMER WM T & MARIE J	6349 N 78TH ST	SCOTTSD.AZ	85250
33-UP-2004/174-13-005	KUEFFNER KIRSTEN K TR/KUEFFNER FRED	16658 N 106TH WY	SCOTTSD.AZ	85255
33-UP-2004/174-13-529	LAHAYE LIZ	7758 E ROVEY	SCOTTSD.AZ	85250
33-UP-2004/174-21-335	LAUERSDORF CINDY	6270 N 78TH ST	SCOTTSD.AZ	85250
33-UP-2004/174-13-536	LENDVAI JOHN C & JUANITA M	7722 E VALLEY VISTA LN	SCOTTSD.AZ	85253
33-UP-2004/174-13-528	LEVIN DANIEL W	7752 E ROVEY AVE	SCOTTSD.AZ	85250
33-UP-2004/174-21-262A	LEVY JASON M	6424 N 77TH PL	SCOTTSD.AZ	85250

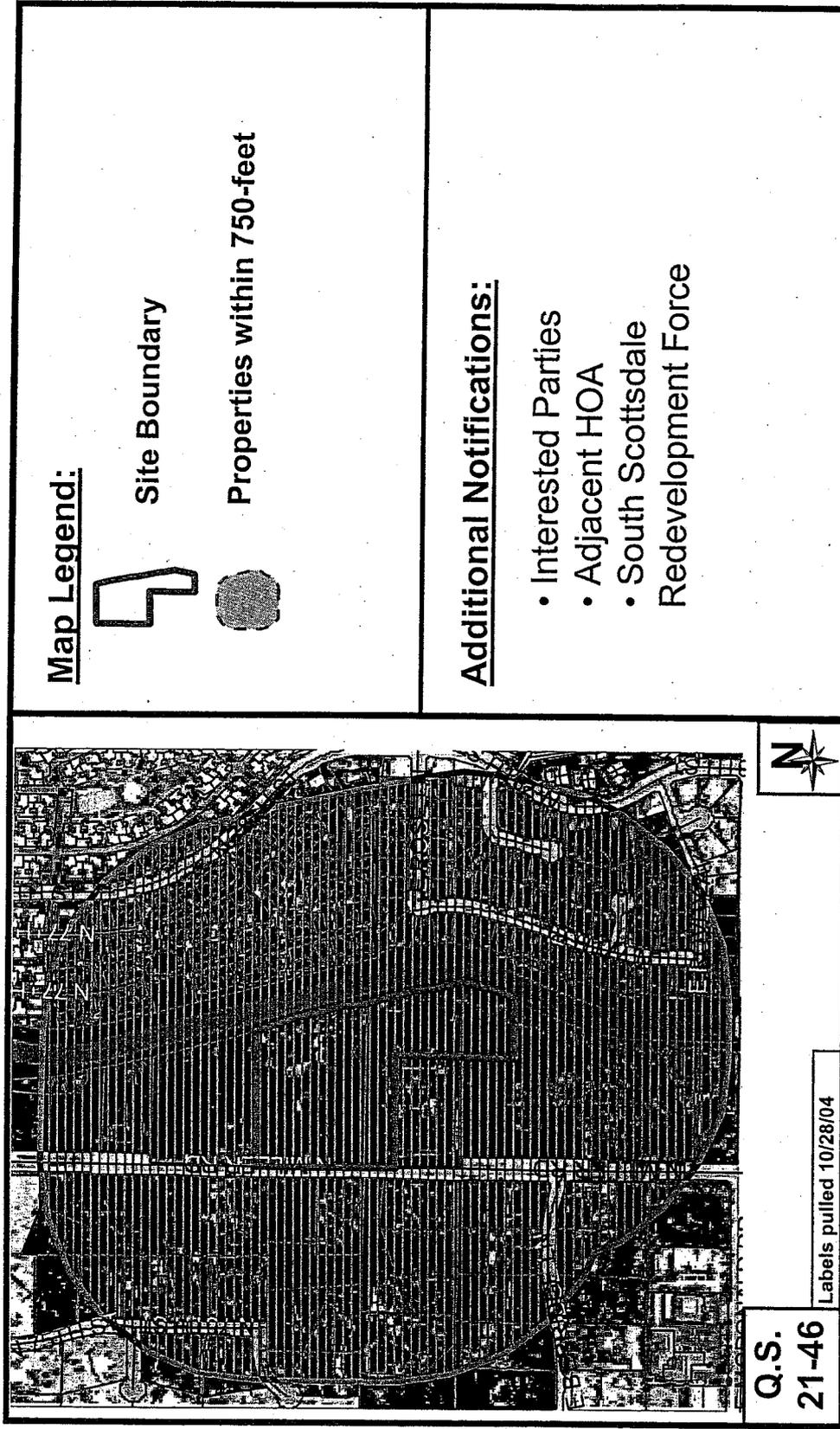
33-UP-2004/174-21-301	LEWIS THOMAS M	6350 N 78TH ST NO 290	SCOTTSD.AZ	85250
33-UP-2004/174-21-241A	LIEBERMAN DAVID L/MARTHA TELPNER TR	4413 N 62ND ST	SCOTTSD.AZ	85251
33-UP-2004/174-21-251A	LOUISE ILLINGWORTH PIERCE REVOCABLE T	6421 N 77TH WAY	SCOTTSD.AZ	85250
33-UP-2004/174-21-328	LUKE K D/SHEILAH ROSE/VERNIMB MICHAEL	6350 N 78TH ST NO 317	SCOTTSD.AZ	85250
33-UP-2004/174-16-013	LUU NICK/GUYEN THERESA	6233 N 75TH ST	SCOTTSD.AZ	85250
33-UP-2004/174-21-306	LYSCHO SCOTT G	6350 N 78TH ST	# SCOTTSD.AZ	85250
33-UP-2004/174-13-486	MALUDA MIROSLAV/JULIA	6044 N 77TH PL	SCOTTSD.AZ	85250
33-UP-2004/174-21-339	MANCOUR LAREE	6270 N 78TH ST 328	SCOTTSD.AZ	85250
33-UP-2004/174-21-279	MANZONE DOMENICO J/GABRIELLA E TR	6350 N 78TH ST NO 268	SCOTTSD.AZ	85250
33-UP-2004/174-13-539	MARANTETTE THOMAS L	13654 RONNIE WAY	SARATOG CA	95070
33-UP-2004/174-21-255A	MATTINGLY CHRIS TR	6426 N 77TH WAY	SCOTTSD.AZ	85250
33-UP-2004/174-21-331	MATTINGLY L GEORGE/JENNIFER S	40040 N 78TH PL	SCOTTSD.AZ	85258
33-UP-2004/174-13-506	MCCARTHY MARJORIE C/CHRISTOPHER L	7749 E ROSE LN	SCOTTSD.AZ	85250
33-UP-2004/174-21-288	MCGOOKIN MICHAEL J	1579 LINCOLN ST 111	SAN RAFA CA	94901
33-UP-2004/174-21-341	MCGOWAN ALISON H	6270 N 78TH ST 330	SCOTTSD.AZ	85250
33-UP-2004/174-13-542	MCKALLOR JON PATRICK/TRICIA S	7758 E VALLEY VISTA LN	SCOTTSD.AZ	85250
33-UP-2004/174-16-028	MCKINLEY PATRICIA L/MICHELE	7439 E EDWARD ST	SCOTTSD.AZ	85253
33-UP-2004/174-21-268	MCMAHON DAVID H	6350 N 78TH ST NO 257	SCOTTSD.AZ	85250
33-UP-2004/174-21-281	MCQUILLIN DAWN A	6350 N 78TH ST NO 270	SCOTTSD.AZ	85250
33-UP-2004/174-21-274	MEDEROS PATRICIA M	6350 N 78TH ST	SCOTTSD.AZ	85243
33-UP-2004/174-21-283	MIHOK DOROTHY C	6350 N 78TH ST #272	SCOTTSD.AZ	85250
33-UP-2004/174-13-512	MITCHELL STEPHEN F & SHERRE I	6117 N 77TH PL	SCOTTSD.AZ	85253
33-UP-2004/174-14-019	MORGENSTERN EVAN S/BARBARA	7426 E BERRIDGE LN	SCOTTSD.AZ	85250
33-UP-2004/174-21-287	MORKEN KATHLEEN R	6350 N 78TH ST 276	SCOTTSD.AZ	85250
33-UP-2004/174-13-010	MOTZ JANE RUTH	6100 N 78TH ST	SCOTTSD.AZ	85253
33-UP-2004/174-21-270	MUUSERS SUZANNE/BALL DANA W	6350 N 78TH ST NO 259	SCOTTSD.AZ	85250
33-UP-2004/174-21-319	NANN ROBERT II/COLITRE	540 MIDDLESEX AVE	METUCHE NJ	8840
33-UP-2004/174-13-478	NATHAN WALTER & GLORIA B	7719 E ROVEY AVE	SCOTTSD.AZ	85257
33-UP-2004/174-13-494	NEVIG ERIC P/ANNETTE M	6144 N 77TH PL	SCOTTSD.AZ	85250
33-UP-2004/174-21-312	NEWHOUSE KAY D	6350 N 78TH ST	# SCOTTSD.AZ	85250
33-UP-2004/174-21-264A	NOTHMAN JERRY	1533 NE SISKIYOU ST	PORTLAN I OR	97212
33-UP-2004/174-21-263A	NOTHMAN JERRY/CORRINE TR	1533 NE SISKIYOU ST	PORTLAN I OR	97212
33-UP-2004/174-21-240A	NOVAK JAY PERRY	6447 N 77TH PL	SCOTTSD.AZ	85250
33-UP-2004/174-13-524	NUERNBERG MARK ALAN	7728 E ROVEY AVE	SCOTTSD.AZ	85253
33-UP-2004/174-21-250A	OLSON KAREN S	6450 N 78TH ST #239	SCOTTSD.AZ	85253
33-UP-2004/174-16-016	OTONDO CATHERINE M	6313 N 75TH ST	SCOTTSD.AZ	85250
33-UP-2004/174-16-024	OTONDO PATRICIA M/JOSEPH Y/DOROTHY M	7878 E GAINNEY RANCH RD 8	SCOTTSD.AZ	85258

33-UP-2004/174-16-025	OTTOSEN GLEN R & BONNIE L	7440 E EDWARD LN	SCOTTSD, AZ	85250
33-UP-2004/174-21-289	OWEN WANDA L TR	6350 N 78TH ST UNIT 278	SCOTTSD, AZ	85250
33-UP-2004/174-21-330	PADRON CRISTINA L	6270 N 78TH ST NO 319	SCOTTSD, AZ	85250
33-UP-2004/174-13-930	PARADISE VALLEY WATER CO	19820 N 7TH ST #201	PHOENIX, AZ	85024
33-UP-2004/174-21-349	PARNIAN ALI	6270 N 78TH ST 338	SCOTTSD, AZ	85253
33-UP-2004/174-21-256A	PARSON S SANDRA K	6430 N 77TH WAY	SCOTTSD, AZ	85250
33-UP-2004/174-21-291	PASSELL-DANA F	6350 N 78TH ST UNIT 280	SCOTTSD, AZ	85250
33-UP-2004/174-21-310	PAYNE JODY M	6350 N 78TH ST 299	SCOTTSD, AZ	85250
33-UP-2004/174-13-517	PEAY HEIDI R	6035 N 77TH PL	SCOTTSD, AZ	85250
33-UP-2004/174-21-297	PETERS EDWARD H	6350 N 78TH ST 286	SCOTTSD, AZ	85250
33-UP-2004/174-21-345	PETERSEN ANNE	6270 N 78TH ST	SCOTTSD, AZ	85250
33-UP-2004/174-13-933	PHOENIX TITLE & TR CO	P O BOX 158	SCOTTSD, AZ	85251
33-UP-2004/174-13-008A	PLATEAU WINDS CORPORATION	523 N BEAVER ST	FLAGSTAI, AZ	86004
33-UP-2004/174-21-258A	QUAYLE ROBIN W & WANDA J	1725 N FT VALLEY RD	FLAGSTAI, AZ	86001
33-UP-2004/174-21-252A	QUESNEL GERALD W JR/ANN LEWIS TR	6417 N 77TH WY	SCOTTSD, AZ	85250
33-UP-2004/174-13-476	RACZOWSKI DONALD JAMES/HARKINS BERNI	7731 E ROVEY AVE	SCOTTSD, AZ	85250
33-UP-2004/174-21-237A	RANDALL ROBYN	6435 N 77TH PL	SCOTTSD, AZ	85250
33-UP-2004/174-16-017	RANKIN KERNIT EUGENE/SUSAN KATHLEEN T	6325 NORTH 75TH ST	SCOTTSD, AZ	85250
33-UP-2004/174-21-304	RICHARD ERIC	6350 N 78TH ST UNIT 293	SCOTTSD, AZ	85250
33-UP-2004/174-21-347	RIITTER DIANE M	6270 N 78TH ST #336	SCOTTSD, AZ	85253
33-UP-2004/174-21-254A	ROGERS RAYMOND	6422 N 77TH WAY	SCOTTSD, AZ	85250
33-UP-2004/174-13-516	ROSENBAUM JOSEPHINE TR	6041 N 77TH PL	SCOTTSD, AZ	85253
33-UP-2004/174-13-477	ROSS LUCY MEAG	7725 E ROVEY AVE	SCOTTSD, AZ	85250
33-UP-2004/174-21-346	RUDEN BRADLEY T	6270 N 78TH ST	SCOTTSD, AZ	85253
33-UP-2004/174-21-248A	RUGGERI REBECCA A/SEBASTIAN/JILL L	6445 N 77TH WY	SCOTTSD, AZ	85250
33-UP-2004/174-13-009	S-R-P-A-I-&P-D	PO BOX 1980	PHOENIX, AZ	85001
33-UP-2004/174-13-498	SALIT MERYL S TR	1233 E OCOTILLO RD	PHOENIX, AZ	85014
33-UP-2004/174-21-320	SALTER MIRYAM	6350 N 78TH ST 309	SCOTTSD, AZ	85250
33-UP-2004/174-13-481	SANDLAND STEVE	6014 N 77TH PL	SCOTTSD, AZ	85260
33-UP-2004/174-13-488	SAUNDERS SUE BEARDEN	6108 N 77TH PL	SCOTTSD, AZ	85254
33-UP-2004/174-21-344	SCALBERG PATRICIA A	6270 N 78TH ST NO 333	SCOTTSD, AZ	85250
33-UP-2004/174-21-333	SCHAFFNER LISA	6270 N 78TH ST NO 322	SCOTTSD, AZ	85250
33-UP-2004/174-21-324	SCHOFF DAVID G	7791 E OSBORN RD APT 285	SCOTTSD, AZ	85254
33-UP-2004/174-21-317	SCHRAGE SUZANNE L	6350 N 78TH ST NO 306	SCOTTSD, AZ	85250
33-UP-2004/174-13-489	SCHUCKERT WILLIAM FAWOODARD WENDY H	6414 N 77TH PL	SCOTTSD, AZ	85253
33-UP-2004/174-13-513	SCHUCKERT WILLIAM WOODARD WENDY TR	6806 N ROCKING RD	SCOTTSD, AZ	85250
33-UP-2004/174-13-505	SCHULTE ELEANOR M (LIFE ESTATE)	7755 E ROSE LN	SCOTTSD, AZ	85250

33-UP-2004/174-21-356	SCOTTSDALE COLONY HOMEOWNERS ASSN	PO BOX 1057	SCOTTSD, AZ	85252
33-UP-2004/174-21-363	SCOTTSDALE COLONY HOMEOWNERS ASSN	PO BOX 5771	SCOTTSD, AZ	85251
33-UP-2004/174-21-253A	SCUTARI NICHOLAS P	6418 N 77TH WY	SCOTTSD, AZ	85250
33-UP-2004/174-21-236A	SHANNON RICHARD E/PATRICIA E	19415 OLD FORT LN	MONUMENT CO	80132
33-UP-2004/174-21-444	SHAPIRO ROBERT A/SHEILA	6349 N 78TH ST	# SCOTTSD, AZ	85250
33-UP-2004/174-21-238A	SHAUL RICHARD B III	6439 N 77TH PL	SCOTTSD, AZ	85250
33-UP-2004/174-13-537	SHRUM JAMES W & JUDITH A	351 E ALLEN ST	CASTLER CO	80108
33-UP-2004/174-13-515	SICILANO ROSEMARIE	6047 N 77TH PL	SCOTTSD, AZ	85250
33-UP-2004/174-13-522	SMITH SCOTT RANDOLPH	7731 E BERRIDGE LN	SCOTTSD, AZ	85250
33-UP-2004/174-21-276	SNYDER JUDITH S	6350 N 78TH ST NO 265	SCOTTSD, AZ	85250
33-UP-2004/174-13-520	STEVENSON BRIAN R/MARILE C	7743 E BERRIDGE LN	SCOTTSD, AZ	85250
33-UP-2004/174-21-293	STREED BERNHARD ROY	10682 E BAHIA DR	SCOTTSD, AZ	85259
33-UP-2004/174-14-003	STUDIO ON CATTLETRACK LTD THE	7550 E MCDONALD DR	SCOTTSD, AZ	85253
33-UP-2004/174-21-267	SULLIVAN BRIAN	6350 N 78TH ST 256	SCOTTSD, AZ	85250
33-UP-2004/174-21-337	SULLIVAN MICHAEL	6270 N 78TH ST #326	SCOTTSD, AZ	85253
33-UP-2004/174-13-523	TEMPELMAN EMMANUEL	7725 E BERRIDGE LN	SCOTTSD, AZ	85250
33-UP-2004/174-13-500	THOMPSON W K & JOAN	7758 E ROSE LN	SCOTTSD, AZ	85253
33-UP-2004/174-13-501	THORMODSGARD PAUL GIO LIVIA E	7764 E ROSE LN	SCOTTSD, AZ	85250
33-UP-2004/174-13-490	TIERNEY SEAN	6120 N 77TH PL	SCOTTSD, AZ	85250
33-UP-2004/174-13-530	TIMMONS LYNN ANN	7764 E ROVEY AVE	SCOTTSD, AZ	85250
33-UP-2004/174-21-295	TRIPODIS EMMANUEL/LEHANE LINDSAY F	6350 N 78TH ST 284	SCOTTSD, AZ	85250
33-UP-2004/174-21-299	TUCKER GAIL S	6350 N 78TH ST #288	SCOTTSD, AZ	85250
33-UP-2004/174-13-532	TURNER RICHARD	1441 W BLUE RIDGE WAY	CHANDLER AZ	85248
33-UP-2004/174-21-442	ULRICH ALAN C	6349 N 78TH ST 76	SCOTTSD, AZ	85250
33-UP-2004/174-21-348	UNDERHILL GARY F/LUVERNE D TR	9755 E GARY RD	SCOTTSD, AZ	85260
33-UP-2004/174-13-527	VERANTH JOSEPH L/LAUREN A	7 GREYSTONE WAY	SOUTHBOMA	01772
33-UP-2004/174-21-234A	VOSS JANE C	6444 N 77TH PL	SCOTTSD, AZ	85250
33-UP-2004/174-21-278	WATKINS DAVID W/KAREN S TR	6350 N 78TH ST 267	SCOTTSD, AZ	85250
33-UP-2004/174-14-018	WATTIER DOUGLAS S TR/LEFFMANN LILLIAN	: 7502 E BERRIDGE LN	SCOTTSD, AZ	85253
33-UP-2004/174-21-259A	WEAVER JENNIFER C	6423 N 77TH PL	SCOTTSD, AZ	85250
33-UP-2004/174-21-296	WEINTZ HELENE TR	6350 N 78TH ST 285	SCOTTSD, AZ	85250
33-UP-2004/174-16-014	WEISS JACK S/PEGGY R	6245 N 75TH ST	SCOTTSD, AZ	85250
33-UP-2004/174-21-313	WERNER JACK C & EVELYN M	6350 N 78TH ST #302	SCOTTSD, AZ	85250
33-UP-2004/174-13-485	WHITEMAN JAMES V/L BETTY	6038 N 77TH PL	SCOTTSD, AZ	85253
33-UP-2004/174-21-441	WINDLE ALISON K	5211 SAGAMORE RD	PUTNAM NY	12861
33-UP-2004/174-21-332	WONG-DONALD H	6720 N 78TH ST-324	SCOTTSD, AZ	85250
33-UP-2004/174-21-314	WOODROW LESLIE	6350 N 78TH ST STE 303	SCOTTSD, AZ	85250

33-UP-2004/174-21-438	WRIGHT HAMILTON/JANE P TR	6349 N 78TH ST	# SCOTTSD, AZ	85250
33-UP-2004/174-13-543	ZIMNY CAROYL N J	7764 E VALLEY VISTA DR	SCOTTSD, AZ	85250
33-UP-2004/174-16-002A	ZINK ALEXANDER M	1539 W LAUREL AVE	GILBERT AZ	85233
33-UP-2004/174-16-030	ZINK ALEXANDER M	6246 N CATTLE TRACK RD	SCOTTSD, AZ	85250
33-UP-2004/174-14-027	ZRAKET GEORGE A & CAROL W	7537 E BERRIDGE LN	SCOTTSD, AZ	85253
33-UP-2004	Karrin K. Taylor	Biskind Hunt & Tatum Blvd #330	Phoenix AZ	85028
33-UP-2004	John Aleo	28625 N 83rd Street	Scottsdale AZ	85262
33-UP-2004	Mr. Norwood Sisson	7431 E Portland	Scottsdale AZ	85257
33-UP-2004	Leon Spiro	7814 E Oberlin Way	Scottsdale AZ	85255
33-UP-2004	Rodney A. Knight	9414 E San Salvador #225	Scottsdale AZ	85258
33-UP-2004	Alan Kaufman	8711 E Pinnacle Peak Road #241	Scottsdale AZ	85255
33-UP-2004	Linda Whitehead	9681 E Chuckwagon Lane	Scottsdale AZ	85262
33-UP-2004	Mike Merrill	8713 E Vernon Avenue	Scottsdale AZ	85257
33-UP-2004	Doris McClay	7447 E Indian School #105	Scottsdale AZ	85251
33-UP-2004	Tim Curtis	7447 E Indian School #105	Scottsdale AZ	85251
33-UP-2004	Rebecca Allen	11000 N Scottsdale Rd, Ste 210	Scottsdale AZ	85254
33-UP-2004	ROBERT MCCANDLESS	ARIZONA AMER 19820 N 7TH ST STE 201	PHOENIX AZ	85024
33-UP-2004	John Berry	Beus Gilbert Pl 4800 N Scottsdale Rd Ste #6000	SCOTTSD AZ	85251
33-UP-2004	Duane Weisz	Arroyo Verde Unit II		
	Homeowners Association	6249 N. 78th St. 66	SCOTTSD AZ	85250
33-UP-2004	Indian Bend Village	PO Box 188	SCOTTSD AZ	85252
	Sienna Condominiums			
	Homeowners Association			
33-UP-2004	Robert Lyles, President	7025 N Scottsdale Rd # 310	SCOTTSD AZ	85253
	South Scottsdale Redevelopment Force			
33-UP-2004	Nancy Cantor	8430 E Granada	SCOTTSD AZ	85257

# City Notifications – Mailing List Selection Map



## Paradise Valley Arsenic Removal Facility & Administrative

**EXHIBIT D**

KEEPING YOU INFORMED KEEPING YOU INFORMED KEEPING YOU INFORMED KEEPING YOU INFORMED

**CITY MAP**

OLYN DRIVE



WALD DRIVE



**Dear Property Owner:**

This is to inform you of a request for a conditional use permit for a public utility/operation of an arsenic treatment removal facility.

This case will be scheduled for a Public Hearing in the near future. Please call the staff or applicant contact as soon as possible if you would like to learn more or provide input about this request.

**Staff contact:** Tim Curtis, 480-312-4210  
**Applicant contact:** John Berry, 480-429-3000

**Site Location:**  
6237, 6223, 6215 & 6195  
Miller Road

**Case Name:**  
Paradise Valley Arsenic  
Removal Facility

**Case Number:**  
33-UP-2004

For information on the status of this case, or to view application materials, call 480-312-7000 or click on the link to 'Projects in the Public Hearing Process' at:

[www.ScottsdaleAZ.gov/Projects/](http://www.ScottsdaleAZ.gov/Projects/)

For public participation opportunities, please call 480-312-2647 or visit us online at:

[www.ScottsdaleAZ.gov/BldgResources/Awareness/](http://www.ScottsdaleAZ.gov/BldgResources/Awareness/)

The case file may be viewed at Planning and Development Services, 7447 E Indian School Road, Suite 105

COSPL0146

**EXHIBIT E**

summary

Mailings Online Presenting Risk Communications  
Available 24/7/365



Mailing Online Welcome

[Important Service Update](#)

- Step-By-Step Introduction
- 1. Select Document
- 2. Select Mail List
- 3. Order Preview
- 4. Mailing Options
- 5. Pay for your order

Express

Cost Estimator

Product Information

Site Survey

Purchase Credits

Order Status

Registration Info

Help

Order Samples

Data Archive

About PosteDigital

### Review Summary and Enter Payment Information

- Please review your document and list details and enter your billing information below. All fields with a red asterisk are required.
- When you have filled in your billing information, you must choose the check box to agree to the charges. Click 'Submit' only once to send your document to be printed.
- Once your billing information is processed you will receive a confirmation page.

#### Order Summary

Order Name 33UP04\_HUP

Scheduled Date 11/1/2004

#### List Summary

List Name 33-UP-2004\_LABELS.xls

237 Standardized Addresses 6 Non-Standard Addresses

#### Document Summary

Document Name 33UP04\_HUP.doc

Paper Type Postcard Stock

Mail Class First Class

Color Options Spot Color - Blue

Return Address :

Doris McClay  
City of Scottsdale - Current Planning  
PO Box 1000 OCC105  
SCOTTSDALE, AZ 85252

#### Pricing Summary

**McClay, Doris**

---

**From:** Fuller, Bonnie  
**Sent:** Tuesday, November 02, 2004 9:32 AM  
**To:** McClay, Doris  
**Subject:** FW: Order Received

-----Original Message-----

**From:** molcsup@postdigital.com [mailto:molcsup@postdigital.com]  
**Sent:** Friday, October 29, 2004 2:54 PM  
**To:** bfuller@ci.scottsdale.az.us  
**Subject:** Order Received

Dear Bonnie Fuller,

Thank you for submitting your order or request for a free sample. Once your order or free sample request is sent for printing, you will receive another email. For your reference, your order number for 33UP04\_HUP is 302077.

If you placed an order and submitted your billing information, a copy of your invoice is below:

Price for mailing

Postage Costs

Item: Postage (Unsorted first class card)  
Price: \$0.23 x 6 = \$1.38

-----  
Item: Postage (Automation first class card)  
Price: \$0.19 x 237 = \$45.98

-----  
Total Postage Costs: \$47.36

\*\*\*\*\*

Production Costs

Item: Printing and finishing for 33UP04\_HUP.doc using Spot Color -  
Blue(\$0.118) as double-sided on Postcard Stock(\$0.005)  
Price: \$0.12 x 243 = \$29.91

-----  
Total Production Costs: \$29.91

\*\*\*\*\*

Total Price for mailing: \$77.27

\*\*\*\*\*

Total : \$77.27

\*\*\*\*\*

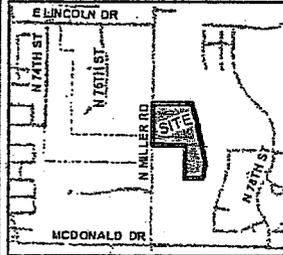
If you have any questions in regards to this order, please contact Customer Support at molcsup@postdigital.com or by phone at (866) 665-2787 or (866) MOL-CSUP between the hours of 9 am and 7 pm Eastern Time.

Thank you.

Sincerely,  
PosteDigital Customer Support Team  
USPS NetPost Mailing Online

**EXHIBIT F**

**PROJECT UNDER CONSIDERATION**



**Dear Property Owner:**

This is to inform you of a request for a conditional use permit for public utility facilities.

**Staff contact:** Tim Curtis, 480-312-4210

**Applicant contact:** John Berry, 480-385-2727

For more information, call 480-312-4214 or click on the link to 'Projects in the Public Hearing Process' at:

[www.ScottsdaleAZ.gov/projects](http://www.ScottsdaleAZ.gov/projects)

**Site Location:**

The 6000 block of Miller  
(Cattletrack) Road

**Case Name:**

Paradise Valley Arsenic  
Removal Facility

**Case Number:**

33-UP-2004

Public comment regarding this case will be heard at the Planning Commission hearing listed below. Please call 480-312-7000 to confirm the date and time of the hearing.

**Hearing Date:** December 1, 2004, 5:00 pm

**Location:** City Hall Kiva, 3939 N Drinkwater Blvd

The case file may be viewed at Planning and Development Services, 7447 E Indian School Road, Suite 105

**EXHIBIT G**

Mailing Online Presented by USPS Communications



summary

### Review Summary and Enter Payment Information

- Please review your document and list details and enter your billing information below. All fields with a red asterisk are required.
- When you have filled in your billing information, you must choose the check box to agree to the charges. Click 'Submit' only once to send your document to be printed.
- Once your billing information is processed you will receive a confirmation page.

#### Order Summary

Order Name 33UP04\_PC12-1  
 Scheduled Date 11/12/2004

#### List Summary

List Name 33-UP-2004\_LABELS.xls  
 237\_Standardized\_Addresses 6\_Non-Standard\_Addresses

#### Document Summary

Document Name 33UP04\_PC.doc  
 Paper Type Postcard Stock  
 Mail Class First Class  
 Color Options Spot Color - Red

Return Address:  
 Doris McClay  
 City of Scottsdale - Current Planning  
 PO Box 1000 OCC105  
 SCOTTSDALE, AZ 85252

#### Pricing Summary

Mailing Online Welcome

Important Service Update

- Step-By-Step Introduction
- 1. Select Document
- 2. Select Mail List
- 3. Order Preview
- 4. Mailing Options
- 5. Pay for your order

Express

Cost Estimator

Product Information

Site Survey

Purchase Credits

Order Status

Registration Info

Help

Order Samples

Data Archive

About PosteDigital

**McClay, Doris**

---

**From:** molcsup@postedigital.com  
**Sent:** Wednesday, November 10, 2004 11:33 AM  
**To:** bfuller@ci.scottsdale.az.us  
**Subject:** Order Received

Dear Bonnie Fuller,

Thank you for submitting your order or request for a free sample. Once your order or free sample request is sent for printing, you will receive another email.

For your reference, your order number for 33UP04\_PC12-1 is 314328.

If you placed an order and submitted your billing information, a copy of your invoice is below:

Price for mailing

Postage Costs

Item: Postage (Unsorted first class card)  
Price: \$0.23 x 6 = \$1.38

-----  
Item: Postage (Automation first class card)  
Price: \$0.19 x 237 = \$45.98

-----  
Total Postage Costs: \$47.36

\*\*\*\*\*

Production Costs

Item: Printing and finishing for 33UP04\_PC.doc using Spot Color - Red(\$0.118) as double-sided on Postcard Stock(\$0.005)  
Price: \$0.12 x 243 = \$29.91

-----  
Total Production Costs: \$29.91

\*\*\*\*\*

Total Price for mailing: \$77.27

\*\*\*\*\*

Total : \$77.27

\*\*\*\*\*

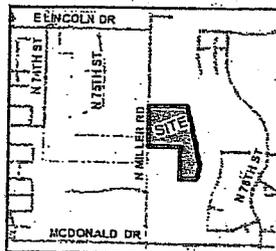
If you have any questions in regards to this order, please contact Customer Support at molcsup@postedigital.com or by phone at (866) 665-2787 or (866) MOL-CSUP between the hours of 9 am and 7 pm Eastern Time.

Thank you.

Sincerely,  
PosteDigital Customer Support Team  
USPS NetPost Mailing Online

**EXHIBIT H**

## PROJECT UNDER CONSIDERATION



### Dear Property Owner:

This is to inform you of a request for approval of a conditional use permit for public utility facilities.

**Staff contact:** Tim Curtis, 480-312-4210

**Applicant contact:** John Berry, 480-385-2727

For more information, call 480-312-4214 or click on the link to 'Projects in the Public Hearing Process' at:

<http://www.ScottsdaleAZ.gov/projects/>

**Site Location:**

6000 Block of Miller  
(Cattletrack) Road

**Case Name:**

PV Arsenic Removal Facility

**Case Number:**

33-UP-2004

Public comment regarding this case will be heard at the City Council hearing listed below. Please call 480-312-7000 to confirm the date and time of the hearing.

**Hearing Date:** January 11, 2005 @ 5:00 P.M.

**Location:** City Hall Kiva, 3939 N. Drinkwater Blvd

The case file may be viewed at Planning and Development Services, 7447 E Indian School Road, Suite 105

**EXHIBIT I**

Mailing Online Powered by AGC communications  
 Services by PostDigital



Mailing Online Welcome

## Review Summary and Enter Payment Information

**Important Service Update**

Step-By-Step Introduction

- 1. Select Document
- 2. Select Mail List
- 3. Order Preview
- 4. Mailing Options
- 5. Pay for your order

- Please review your document and list details and enter your billing information below fields with a red asterisk are required.
- When you have filled in your billing information, you must choose the check box to agree the charges. Click 'Submit' only once to send your document to be printed.
- Once your billing information is processed you will receive a confirmation page.

Express

Cost Estimator

Product Information

Site Survey

Purchase Credits

Order Status

Registration Info

Help

Order Samples

Data Archive

About PosteDigital

### Order Summary

Order Name 33UP04\_CC1-11

Scheduled Date 12/17/2004

### List Summary

List Name Updated\_33-UP-2004\_LABELS.xls

216 Standardized Addresses    5 Non-Standard Addresses

### Document Summary

Document Name 33UP04\_CC.doc

Paper Type Postcard Stock

Mail Class First Class

Color Options Spot Color - Magenta

Return Address :  
 Doris McClay  
 City of Scottsdale - Current Planning  
 PO Box 1000 OCC105  
 SCOTTSDALE, AZ 85252

### Pricing Summary

Category	Description	Unit Price	Quantity	A
Postage Costs	Postage (Unsorted first class card)	\$0.230	5	
	Postage (Automation first class card)	\$0.194	216	
			Postage Costs subtotal	
Production Costs	Printing and finishing for 33UP04_CC.doc using Spot Color - Magenta(\$0.118) as double-sided on Postcard Stock(\$0.005)	\$0.123	221	
				Production Costs subtotal

**McClay, Doris**

**From:** molcsup@postedigital.com  
**Sent:** Thursday, December 16, 2004 9:38 AM  
**To:** bfuller@ci.scottsdale.az.us  
**Subject:** Order Received

Dear Bonnie Fuller,

Thank you for submitting your order or request for a free sample. Once your order or free sample request is sent for printing, you will receive another email. For your reference, your order number for 33UP04\_CC1-11 is 355877.

If you placed an order and submitted your billing information, a copy of your invoice is below:

Price for mailing

Postage Costs

Item: Postage (Unsorted first class card)  
Price: \$0.23 x 5 = \$1.15

-----  
Item: Postage (Automation first class card)  
Price: \$0.19 x 216 = \$41.90

-----  
Total Postage Costs: \$43.05

\*\*\*\*\*

Production Costs

Item: Printing and finishing for 33UP04\_CC.doc using Spot Color - M  
agenta(\$0.118) as double-sided on Postcard Stock(\$0.005)  
Price: \$0.12 x 221 = \$27.21

-----  
Total Production Costs: \$27.21

\*\*\*\*\*

Total Price for mailing: \$70.26

\*\*\*\*\*

Total : \$70.26

\*\*\*\*\*

If you have any questions in regards to this order, please contact Customer Support at molcsup@postedigital.com or by phone at (866) 665-2787 or (866) MOL-CSUP between the hours of 9 am and 7 pm Eastern Time.

Thank you.

Sincerely,  
PosteDigital Customer Support Team  
USPS NetPost Mailing Online

**N**

# Early Notification of Project Under Consideration Neighborhood Open House Meeting:

Date: Thursday, Aug. 5, 2004, Time: 5:30 pm  
Location: Hilton Scottsdale Resort & Villas  
6333 North Scottsdale Rd., Scottsdale, Arizona 85250

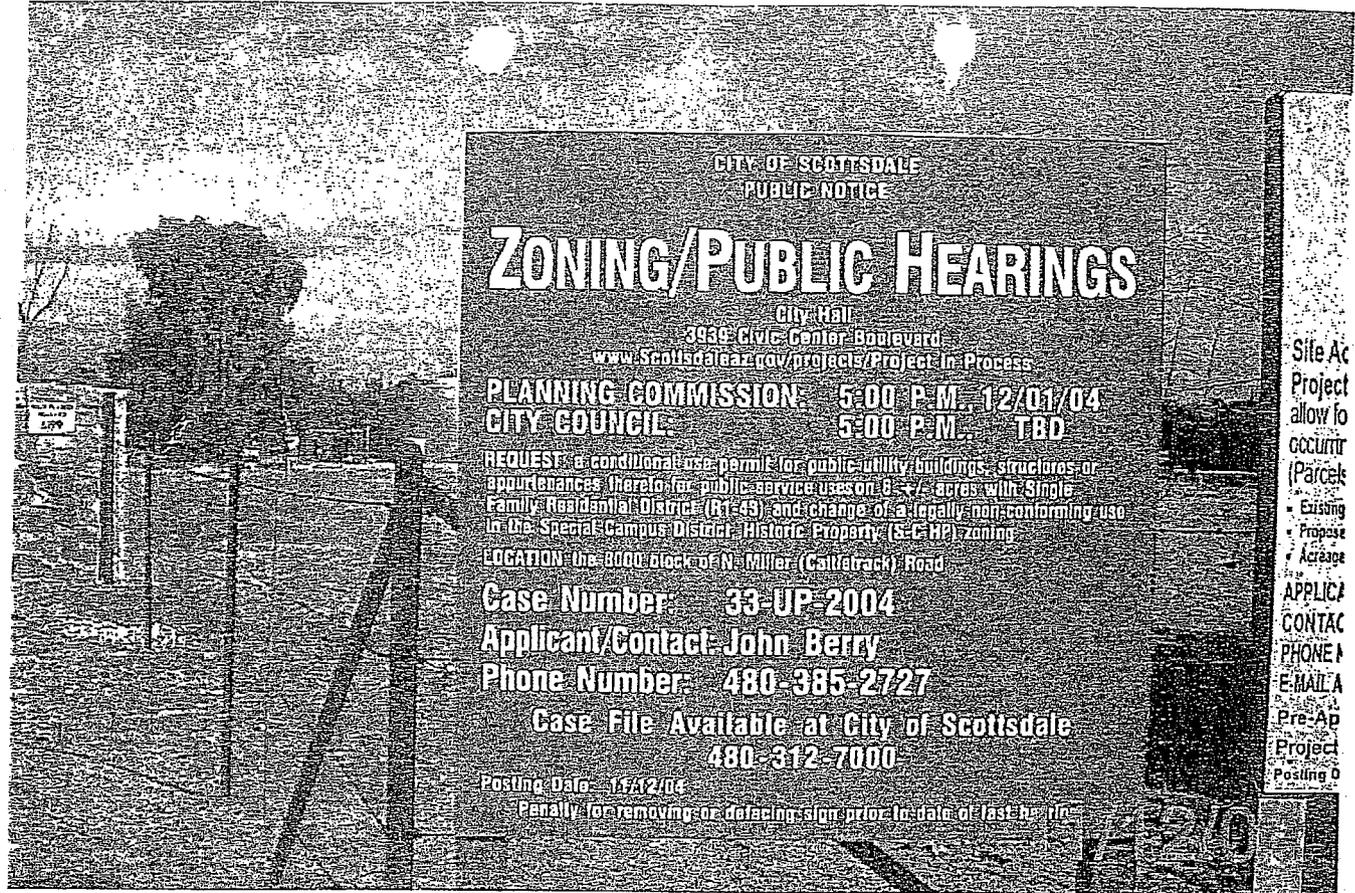
Site Address: 6299 N. Miller Road, Scottsdale, AZ 85250  
Project Overview: Rezoning parcels 174-13-934 and 174-13-935 back to R1-43 to allow for construction of a new 19 mgd arsenic removal facility to remove naturally occurring arsenic from well water. Requires Rezoning Application and Use Permit.  
(Parcels 174-13-930, 931, 932, 934, and 935) following rezoning approval.

Existing Zoning: SC Special Careless  
Proposed Zoning: R1-43 Single Family Residential  
Arrears Parcel 174-13-931, 2.13 ac; 174-13-935 0.9 ac Combined Acreage = 3.23

APPLICANT: Arizona American Water  
CONTACT: Robert McCandless, DSWA  
PHONE NUMBER: 602-217-1094  
E-MAIL ADDRESS: rmcandless@dswa.net  
CITY STAFF CONTACT: Jim Curtis  
PHONE NUMBER: 480-312-7210  
E-MAIL ADDRESS: jcurtis@scottsdaleaz.gov

Pre-Application #: 239-2004 available at City of Scottsdale 480-312-7000  
Project info, available at: [www.scottsdaleaz.gov/projectsInProgress](http://www.scottsdaleaz.gov/projects/projectsInProgress)  
Posting Date: 07/14/04

2004 07 14



CITY OF SCOTTSDALE  
PUBLIC NOTICE

# ZONING/PUBLIC HEARINGS

City Hall  
3939 Civic Center Boulevard  
[www.Scottsdaleaz.gov/projects/Project-In-Process](http://www.Scottsdaleaz.gov/projects/Project-In-Process)

**PLANNING COMMISSION:** 5:00 P.M., 12/01/04  
**CITY COUNCIL:** 5:00 P.M., TBD

**REQUEST:** a conditional use permit for public utility buildings, structures or appurtenances therefor for public service uses on 0.77 acres with Single Family Residential District (R1-43) and change of a legally non-conforming use in the Special Campus District: Historic Property (S-C-HP) zoning

**LOCATION:** the 8000 block of N. Miller (Calitrack) Road

**Case Number:** 33-UP-2004

**Applicant/Contact:** John Berry

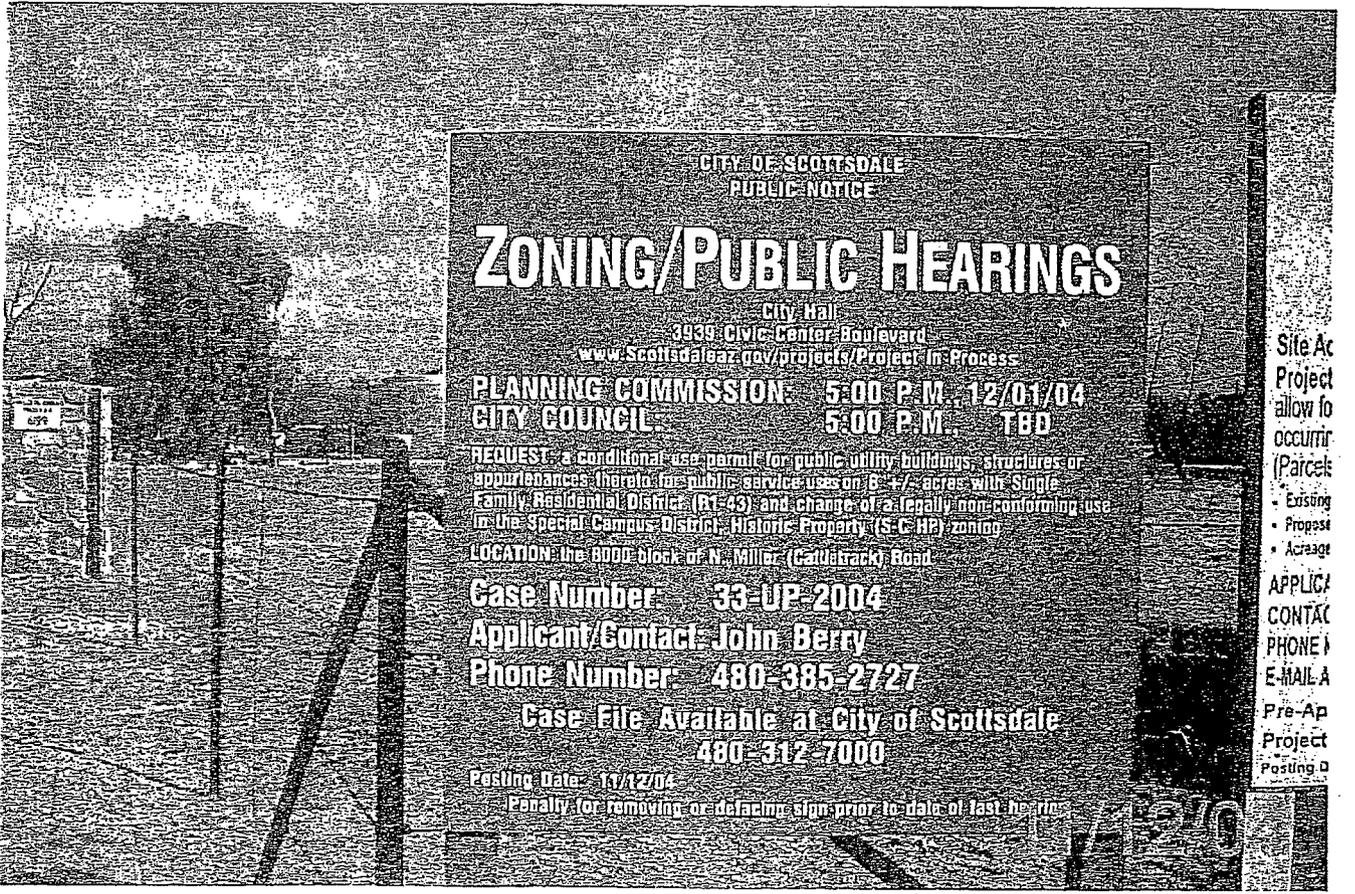
**Phone Number:** 480-385-2727

**Case File Available at City of Scottsdale**  
480-312-7000

Posting Date: 11/12/04

Penalty for removing or defacing sign prior to date of last hearing:

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- Acreag  
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CONTACT  
PHONE N  
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Project  
Posting D



CITY OF SCOTTSDALE  
PUBLIC NOTICE

# ZONING/PUBLIC HEARINGS

City Hall  
3939 Civic Center Boulevard  
[www.Scottsdaleaz.gov/projects/Project-In-Process](http://www.Scottsdaleaz.gov/projects/Project-In-Process)

**PLANNING COMMISSION:** 5:00 P.M., 12/01/04  
**CITY COUNCIL:** 5:00 P.M., TBD

**REQUEST:** a conditional use permit for public utility buildings, structures or appurtenances therefor for public service uses on 0.77 acres with Single Family Residential District (R1-43) and change of a legally non-conforming use in the Special Campus District: Historic Property (S-C-HP) zoning

**LOCATION:** the 8000 block of N. Miller (Calitrack) Road

**Case Number:** 33-UP-2004

**Applicant/Contact:** John Berry

**Phone Number:** 480-385-2727

**Case File Available at City of Scottsdale**  
480-312-7000

Posting Date: 11/12/04

Penalty for removing or defacing sign prior to date of last hearing:

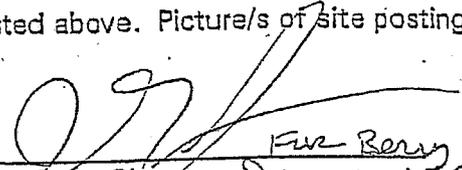
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- Propes  
- Acreag  
APPLICA  
CONTACT  
PHONE N  
E-MAIL A  
Pre-App  
Project  
Posting D



AFFIDAVIT OF POSTING  
PUBLIC HEARING NOTICE

CASE NUMBER: 33 UP 2004  
PROJECT NAME: American Water Treatment Facility  
LOCATION: 8000 Block of N. Miller Rd.  
SITE POSTING DATE: November 12, 2004  
APPLICANT NAME: John Berry, Berry and Damore  
  
SIGN COMPANY NAME: American Instant Signs  
PHONE NUMBER: (602) 404-0009

I confirm that the site has been posted as indicated by the Project Manager for the case as listed above. Picture/s of site posting/s have been submitted.

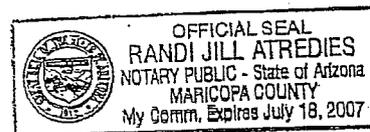
  
Applicant Signature Danore LLC

November 15, 2004  
Date

Randi Jill Atredies  
Notary Public

Acknowledged before me this 15<sup>th</sup> day of November 2004

My commission expires July 18, 2007



Return completed, notarized affidavit AND pictures to Current Planning Services at least 20 days prior to Planning Commission hearing.

Current Planning Services  
7447 E. Indian School Road, Suite 105  
Scottsdale, AZ 85251  
480-312-7000



CITY OF SCOTTSDALE  
PUBLIC NOTICE

# ZONING/PUBLIC HEARINGS

City Hall  
3939 Civic Center Boulevard  
[www.Scottsdaleaz.gov/projects/Project in Process](http://www.Scottsdaleaz.gov/projects/Project%20in%20Process)

**PLANNING COMMISSION:** 5:00 P.M., 12/01/04  
**CITY COUNCIL:** 5:00 P.M., 01/11/05

**REQUEST:** a conditional use permit for public utility buildings, structures or appurtenances thereto for public service uses on 8 +/- acres with Single Family Residential District (R1-43) and change of a legally non-conforming use in the Special Campus District, Historic Property (S-C HP) zoning

**LOCATION:** the 6000 block of N. Miller (Cattletack) Road

**Case Number:** 33-UP-2004  
**Applicant/Contact:** John Berry  
**Phone Number:** 480-385-2727

Case File Available at City of Scottsdale  
480-312-7000

Posting Date: 11/12/04

Penalty for removing or defacing sign prior to date of last hearing

Neigh

Site Address:

Project Overview

allow for structural

occupied arsenic

(Pages 174-183)

City of Scottsdale

Project Contact

APPLICANT:

CONTACT:

PHONE NUMBER:

EMAIL ADDRESS:

Pre-Application

Project info avail

Posting Date:



CITY OF SCOTTSDALE  
PUBLIC NOTICE

# ZONING/PUBLIC HEARINGS

City Hall  
3939 Civic Center Boulevard  
[www.Scottsdaleaz.gov/projects/Project in Process](http://www.Scottsdaleaz.gov/projects/Project%20in%20Process)

**PLANNING COMMISSION:** 5:00 P.M., 12/01/04  
**CITY COUNCIL:** 5:00 P.M., 01/11/05

**REQUEST:** a conditional use permit for public utility buildings, structures or appurtenances thereto for public service uses on 8 +/- acres with Single Family Residential District (R1-43) and change of a legally non-conforming use in the Special Campus District, Historic Property (S-C HP) zoning

**LOCATION:** the 6000 block of N. Miller (Cattletack) Road

**Case Number:** 33-UP-2004  
**Applicant/Contact:** John Berry  
**Phone Number:** 480-385-2727

Case File Available at City of Scottsdale  
480-312-7000

Posting Date: 11/12/04

Penalty for removing or defacing sign prior to date of last hearing

Pro  
Neigh

Site Address:

Project Overview

allow for structural

occupied arsenic

(Pages 174-183)

City of Scottsdale

Project Contact

APPLICANT:

CONTACT:

PHONE NUMBER:

EMAIL ADDRESS:

Pre-Application

Project info avail

Posting Date:



AFFIDAVIT OF POSTING  
PUBLIC HEARING NOTICE

CASE NUMBER: 33 UP 2004  
 PROJECT NAME: AMERICAN WATER FACILITY  
 LOCATION: 6000 BLOCK OF N. MILLER RD  
 SITE POSTING DATE: 11/12/04  
 APPLICANT NAME: JOHN BERRY  
 SIGN COMPANY NAME: American Instant Segars  
 PHONE NUMBER: (602) 404-0009

I confirm that the site has been posted as indicated by the Project Manager for the case as listed above. Picture/s of site posting/s have been submitted.

[Signature]  
Applicant's Signature

December 9, 2004  
Date

Randi Jill Atredies  
Notary Public

Acknowledged before me this 13<sup>th</sup> day of December 2004

My commission expires July 18, 2007



Return completed, notarized affidavit AND pictures to Current Planning Services at least 20 days prior to Planning Commission hearing.

Current Planning Services  
7447 E. Indian School Road, Suite 105  
Scottsdale, AZ 85251  
480-312-7000

**O**





City of Scottsdale  
**Current Planning Services**

**PROJECT DATA SHEET**  
 Residential/Commercial

Project Number: 239 -PA- 2004

Coordinator: Tim Curtis

Project Address: 6215 N. Miller Road, Scottsdale, AZ 85250 Date: September 3, 2004

Proposed Use: Arsenic Removal Facility (Groundwater) Zoning District: R1-43

TO BE COMPLETED BY APPLICANT		CALCULATIONS	TO BE COMPLETED BY CITY
COMMERCIAL	RESIDENTIAL		
	195731	Net Lot Area	
X	247856	Gross Lot Area	
	X	Gross Floor Area Allowed	
	X	Gross Floor Area Provided	
	X	Building Volume Allowed	
	X	Building Volume Provided	
X	N/A	Number Of Units Or Lots	
X	N/A	Density Allowed	
X	N/A	Density Provided	
X	43,000	Minimum Lot Size Allowed	
X	247,856	Minimum Lot Size Provided	
	30	Building Height Allowed	
	28	Building Height Provided	
	15950	Net Floor Area	
	32	Parking Spaces Required	
	18	Parking Provided On-Site	
	0	Parking Provided Off-Site	
	18	Total Parking Provided	
	53,238.83	Open Space Required	
	129095	Open Space Provided	
	6000	Front Open Space Required	
	16800	Front Open Space Provided	
	540	Parking Lot Landscaping Required	
	1400	Parking Lot Landscaping Provided	

**SET BACKS**

REQUIRED	PROVIDED	CALCULATIONS	N, S, E, OR W	REQUIRED	PROVIDED
40	100	Front			
35	35	Rear			
20	50	Left Side			
20	90	Right Side			
10	15	Parking			

**Planning and Development Services Department**

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

**P**



# USE PERMIT APPLICATION LIST

## SCHEDULE A MEETING WITH YOUR PROJECT COORDINATOR **BEFORE** SUBMITTING APPLICATION.

This Application list has been prepared to assist you in submitting a complete and successful application to the City of Scottsdale. At the required pre-application meeting, a Project Coordinator will check off the items on this Application List that are required with your submission. Please call 480-312-7000 if you have any questions concerning this application and to schedule your submittal meeting.

PUBLIC  
UTILITY  
BUILDING  
IN  
R1-43

CASE # 239-PA-2004

### PART I -- GENERAL REQUIREMENTS

- 1. USE PERMIT APPLICATION LIST (this list)
- 2. COMPLETED APPLICATION FORM (form provided)
- 3. APPLICATION FEE \$ 2045
- 4. LETTER OF AUTHORIZATION (from property owner(s) if the property owner did not sign the application form)
- 5. CURRENT TITLE REPORT: 8-1/2" x 11" - 1 copy
  - A) Not older than 30 days
  - B) Must show current owner
  - C) Include Schedule A and Schedule B
  - D) Commitment of Title is not acceptable
- 6. LEGAL DESCRIPTION: 8-1/2" x 11" - 2 copies — ENTIRE property
- 7. PROJECT NARRATIVE (~~form provided~~)
- 8. PROVIDE A COMBINED CONTEXT AERIAL AND CONTEXT SITE PLAN:
  - Full size - 2 copies
  - 11" x 17" - 1 copy

AERIAL SHALL NOT BE MORE THAN 1 YEAR OLD AND SHALL INCLUDE AN OVERLAY OF THE SITE PLAN showing lot lines, tracts, easements, street locations /names and surrounding zoning for a radius from the site of:

- 500 foot
- 1/4 mile
- 1 mile
- other

Show the proposed site plan in relation to surrounding development including the following:

- 1) Building footprints and other site improvements such as drives, parking areas, site walls (indicate height of buildings and site walls);
- 2) Label surrounding zoning and land uses;
- 3) Streets including sidewalks, and any surrounding driveways or intersections;
- 4) Show bike paths and trails; and
- 5) Development plans approved by the Development Review Board during the past year that have not been constructed. (Approved plans are available at the Scottsdale Records Division at 7447 E. Indian School Road, Suite 105).

9.

**EXISTING CONDITIONS PHOTO EXHIBIT: PROVIDE PHOTOS MOUNTED OR PRINTED ON 8-1/2"x11" PAPER - FOR INCLUSION IN THE PACKETS.** Printed digital photos are OK.

- Photos mounted on cardboard, foamboard, particleboard, posterboard or other material will not be accepted.
- See attached Existing Conditions Photo Exhibit graphic showing required photograph locations and numbers.
- Provide 1 color original ~~set and 15 color copy sets.~~

10.

**ASSESSOR'S MAP** (obtain from Records) identifying parcel(s); project location is to be clearly marked:  
8-1/2" x 11" - 2 copies *ENTIRE AREA*

11.

**SITE LOCATION MAP** (quality suitable for reproduction - sample attached) *ENTIRE PROPERTY*

12.

**NEIGHBORHOOD INVOLVEMENT** (see attached packet for requirements) *See zoning requirements*

13.

**SCHOOL DISTRICT NOTIFICATION:** map attached (see attached Community Input Certification form)

14.

**POLICY** for Appeal of Required Dedications or Exactions (copy provided to applicant) *ATTACHED*

15.

**ARCHAEOLOGICAL RESOURCES:** (information sheets provided)

1. Certificate of No Effect / Approval Application Form (provided) *See zoning*
2. Archaeology Survey and Report - 3 copies
3. Archaeology 'Records Check' Report Only - 3 copies
4. Copies of Previous Archeological Research - 1 copy

16.

**HISTORIC PROPERTY:** (existing or potential historic property)

1. Narrative describing proposal to preserve the historic character or compliance with property's existing Historic Preservation Plan.

17.

**COMPLETED AIRPORT COMMUNICATION FORM:** Your property is located within the vicinity of the Scottsdale Municipal Airport (within 20,000 foot radius of the runway; information packet provided)

18.

**SITE POSTING REQUIREMENTS and AFFIDAVIT** Decal provided.

**PART II -- REQUIRED PLANS & RELATED DATA**

1. **SITE PLAN** (include all existing or approved site plan data on all adjacent property within 100 feet of the site - see attached Site Plan Submittal requirements list):  
Full size - ~~2~~ copies  
11" x 17" - 1 copy  
Digital - 1 copy (See Digital Submittal Plan Requirements)

~~PLEASE PROVIDE 15 ADDITIONAL SETS FOR CITY DEPARTMENTAL REVIEW~~ *YR*

2. **PROJECT DATA SHEET** (form provided) *SEE ZONING*

3. **SITE PLAN WORKSHEET:** including calculations (sample attached)  
Full size - 1 copy

4. **FLOOR PLANS:** (The following building code data shall be included: occupancy group(s); type of construction; floor area, height and number of stories, occupant load. The preceding data shall be determined in accordance with the currently adopted edition of the Uniform Building Code.)  
Full size - 1 copy  
11" x 17" - 1 copy  
Digital - 1 copy (See Digital Submittal Plan Requirements)

5. **FLOOR PLAN WORKSHEET:** (including calculations)  
Full size - 1 copy

6. **ELEVATIONS:** *CONCEPTUAL*  
Full size - 1 copy  
11" x 17" - 1 copy  
Digital - 1 copy (See Digital Submittal Plan Requirements)

*Screening  
Room  
character  
wall  
LOCATION*

7. **CONCEPTUAL LANDSCAPING PLAN:**  
Full size - 1 copy  
11" x 17" - 1 copy

8. **CORPORATE IMAGE FEATURES**

9. **LIGHTING DETAILS AND CUT SHEETS:**  
Full size - 1 copy

10. **PHOTOMETRIC ANALYSIS** with horizontal foot candle diagram  
Full size - 1 copy

11. **LIGHTING SITE PLAN**, include all lighting (free standing, building mounted, canopy, landscaping, etc.)  
Full size - 1 copy

12. **TRAFFIC IMPACT STUDY** (Refer to Guidelines) - 3 copies

13. **PARKING STUDY** - 3 copies

14. **TRIP GENERATION COMPARISON** - 3 copies

15. **PARKING MASTER PLAN:** 3 copies (required for reduction of ordinance requirements)

16. **DRAINAGE REPORT:** See Sec. 2-202 of the City's Design Standards & Policies Manual for specific submittal and content requirements. The report shall be bound (3 ring, GBC or coil wire, no staples) with card stock front and back covers, and must include all required exhibits, full color aerial/topo maps and preliminary grading and drainage plans. Full size plans/maps shall be folded and contained in pockets.  
8-1/2" x 11" - 2 copies of the Drainage Report including full size plans/maps in pockets  
Digital - 1 copy (See Digital Submittal Plan Requirements)

PLAN SIZE \* Full Size - Minimum = 24" x 36" Maximum = 30" x 42"  
Full size must be folded to specifications - see attached instructions

Planning & Development Services will not process project applications until the Drainage Report contains sufficient information in detail, scale and clarity for review.

**NOTICE - DRAINAGE REQUIREMENTS**

Be advised that obtaining these permits or providing the Special Inspection Checklists and Certificate of Special Inspection of Drainage Facilities may be a lengthy process and may affect the timing of your project.

**SECTION 404 PERMITS.** Prior to issuance of any City permits, developers must submit the City of Scottsdale Section 404 Certification Form.

**NPDES.** A NPDES Notice of Intent and Storm Water Pollution Prevention Plan may be required (see DSPM Guidelines).

**SPECIAL INSPECTIONS AND CERTIFICATION.** Prior to the issuance of Certificates of Occupancy and/or Letters of Acceptance by the Inspection Services Division, the developer, at its expense, shall submit the Certificate of Special Inspection of Drainage Facilities, Certificate of Compliance and all special Inspection Checklists required by the Project Quality/Compliance Div.

17.  ESL ADDENDUM (refer to Guidelines) - 2 copies (forms provided)

18.  OTHER USE PERMIT CRITERIA NARRATIVE  
PLAN OPERATION + NOISE STUDY NARRATIVE

**PART III - SUBMITTAL REQUIREMENTS AFTER HEARING DATE DETERMINED**

*Presentation Packet*

\*\*\* NOTE: EACH CHECKED ITEM INDICATED BELOW REQUIRES THE FOLLOWING NUMBER OF COPIES: 11" x 17" - 16 COLOR COPIES STAPLED IN SETS (A set consists of one of each required 11"x17")

- 8-1/2" x 11" - 2 color or black and white copies
  - A. Context aerial and context site plan
  - B. Site plan
  - C. Floor plans
  - D. Elevations
  - E. Landscape plans
  - F. Other \_\_\_\_\_

Tim Curtis  
PROJECT COORDINATOR

8/2/2004  
DATE

PLAN SIZE \* Full Size - Minimum = 24" x 36" Maximum = 30" x 42"  
Full size must be folded to specifications - see attached instructions.

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**Q**

## PLAN OF OPERATION

### PROJECT BACKGROUND

The water supply for Arizona American Water's (AAW) Paradise Valley District is distributed through the Miller Road Booster Station (MRBS), which is located east of Cattletrack Road (Miller Road) and approximately a quarter mile north of McDonald Drive. The Paradise Valley District's arsenic removal facilities will be constructed and operated at this location. The site, owned by AAW, consists of five parcels that comprise approximately 8 acres of land. Additional detail on these parcels is summarized below:

Parcel Identifier	Parcel No.	Address	Parcel Size, sf	Current Zoning	Proposed Zoning
1	174-13-931	6237 N. Miller Road	134,992	R1-43	No Change
2	174-13-932	6223 N. Miller Road	69,696	R1-43	No Change
3	174-13-934	6215 N. Miller Road	101,495	R1-43 HP	No Change
4	174-13-935	6195 N. Miller Road	39,204	R1-43 HP	No Change

The Paradise Valley Arsenic Removal Facility (PVARF) will be situated on the south side of the property (Parcel 2, Parcel 3, Parcel 4, and a portion of Parcel 1) and will be constructed over approximately 5 acres of the site.

The groundwater for this district is provided by seven wells: three of which are located on the MRBS property and the remaining wells are located within 2-miles of the site. The groundwater from these seven wells will be treated at the PVARF with provisions for the addition of another well in the future. The facilities necessary for treatment, storage and distribution of water include new filtration vessels, treatment chemical storage and feed facilities, backwash clarification structures, finished water reservoirs, booster pumps, and residual solids thickening and dewatering. New administration, customer service, laboratory, and Supervisory Control and Data Acquisition monitoring facilities will be included at part of the project.

### OPERATING SCHEDULE

During the course of construction, the MRBS will remain fully operational and accessible in order to maintain water service to AAW's customers in this area. Shutdowns of individual facilities will occur only as needed to allow for completion of pipeline interconnections or other required modifications.

In order to provide continuous water service to the surrounding communities, the PVARF will be in operation 24 hours per day, 7 days per week. The plant will be designed for ~~fully automatic, unattended~~ operation. The plant will be staffed with approximately ~~two operators and occasional maintenance~~ personnel reporting on a ~~daily basis~~ with a flexible schedule. It is likely that their hours on site will be between ~~7 a.m. to 5 p.m.~~

In addition to the plant operators and maintenance personnel, the facility will also be staffed with at least ~~one customer service representative~~. The following table summarizes the anticipated visits to the

AZAW000186

facility by AAW's personnel and customers. The hours of operation for the customer service center will be 8 a.m. to 5 p.m.

Type	Trip Frequency	Days Per Week	Vehicle	Trips Per Month	Trips per Workday
Customer	3/day	5	Passenger	60.0	3.0
Employees	20/day	5	Passenger	400.0	20.0
Plant Operators	4/day	7	Passenger	112.0	4.0
Distribution Crews	4/day	5	Single Unit Truck	80.0	4.0
Solids Hauling	1/week		WB-50	4	0.14
Chemical Delivery Ferric	1/month		WB-50	1	0.04
Chemical Delivery Caustic	2/month		WB-50	2	0.07
Chemical Delivery Hypochlorite	3/month		WB-50	3	0.11
Chemical Delivery Polymer	1/month		Single Unit Truck	1	0.04
				<b>Total</b>	<b>31</b>

#### OUTDOOR OPERATIONS

The majority of the treatment facility will be housed within buildings that are designed to mirror the architectural characteristics of the surrounding neighborhood. The facilities that will not be located within a structure include the backwash clarifiers and storage reservoirs.

The backwash clarifiers will consist of square concrete structures that extend approximately 3 ½ feet above the finished grade. The clarifiers will be covered. The operation of the clarifiers is completely automated. Two new storage reservoirs will be constructed to replace three existing reservoirs at this site. The storage reservoirs will be used to house the treated water prior to distribution. The reservoirs consist of welded steel tanks, which will be painted to blend with the surrounding community. The overall height of the reservoirs is 28 feet which is comparable to the existing reservoirs at the site. The operation of these facilities is also automated.

The facility will also provide parking for the customers and employees. The parking will be located behind a gated wall.

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# PLANNING COMMISSION REPORT



MEETING DATE: December 1, 2004

ITEM NO. \_\_\_\_\_

GOAL: Coordinate Planning to Balance Infrastructure

## SUBJECT

**Paradise Valley Arsenic Removal Facility - 33-UP-2004**

## REQUEST

Request a conditional use permit for public utility buildings, structures or appurtenances thereto for public service uses on 8 +/- acres located at the 6000 block of N Miller (Cattletrack) Road with Single Family Residential District (R1-43) and Special Campus District, Historic Property (S-C HP) zoning.

### Key Items for Consideration:

- This will allow Arizona American Water Company to comply with the Federal Government's water quality mandate.
- New structures will be setback a minimum of 100 feet from Miller/Cattletrack Road.
- Traffic impacts and other service impacts are negligible.
- There have been neighborhood concerns regarding this facility.

## OWNER

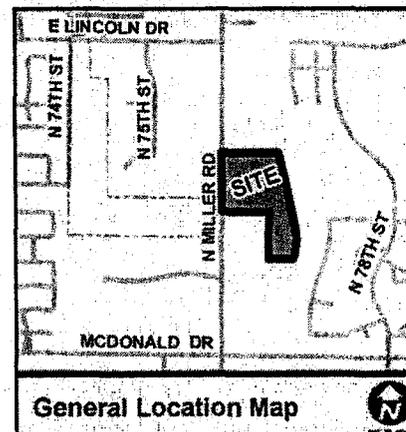
Arizona American Water Company  
623-445-2403

## APPLICANT CONTACT

John Berry  
Beus Gilbert P L L C  
480-385-2727

## LOCATION

6000 Block of N Miller (Cattletrack) Road



## BACKGROUND

### Zoning.

The north 6 acres of the site is zoned Single Family Residential District (R1-43) and the south 2 acres is zoned Special Campus District, Historic Property (S-C HP). The property currently contains utility buildings, wells and tanks as a pre-existing nonconforming use. Section 1.1310 of the Zoning Ordinance allows continuance and change of nonconforming uses subject to a Use Permit. The R1-43 zoning district also allows for utility buildings upon approval of a conditional use permit.

### General Plan.

The General Plan Land Use Element designates the property as Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per one acre (or more) of land.

The General Plan Character and Design Element designates the property as

Rural Character Type. These areas generally contain relatively low-density and large lot development, provide a rural lifestyle that includes building low profile structures, discouraging walls, and limiting road access. The site is also located along the Cultural/Institutional or Public Use land use designation boundary, which relates to the Cattletrack arts campus to the south and the existing Arizona American Water Company properties.

**Context.**

This property is located at the 6000 block of Miller/Cattletrack Road, and currently contains utility buildings and tanks along with much open space. This property is located within an established rural enclave. An existing single family home directly abuts this property along the west and south sides of the proposal on Cattletrack Road. To the east is the Arizona canal and further to the east are single-family homes. Vacant land lies to the north and single-family homes exist to the west across Miller/Cattletrack Road. To the south is an existing 12-acre Arts Campus that has 2 houses, a shop building, and studio buildings.

**APPLICANT'S PROPOSAL**

**Goal/Purpose of Request.**

This is a request for a conditional use permit to place an arsenic treatment facility (utility buildings and tanks) at the existing Arizona American Water Company's existing water well site. The purpose of the arsenic treatment facility is to comply with the Federal Government's arsenic reduction requirements and new safe drinking water standards. The ground water that is being pumped from wells at this location is part of the Water District's potable water system that services some residents of Scottsdale and Paradise Valley.

The facility will be in operation 24 hours per day, 7 days a week, and will be staffed with two operators, one customer service representative, and occasional maintenance personnel. The site will house a customer service representative within the main building along Cattletrack with low customer trips anticipated to this facility.

**Development information.**

- *Parcel Size:* 8 acres
- *Existing Use:* Utility buildings and tanks
- *Propose Buildings:* 3 new buildings  
2 new reservoir tanks  
Clarifier structures
- *Building Height Allowed:* 30 feet in R1-43, 38 feet in S-C
- *Proposed Structure Heights:* 18 to 28 feet
- *Building Floor Area:* 16,000 square feet of facility space
- *Setbacks:* Approx. 100 feet from existing Miller/Cattletrack Road

**IMPACT ANALYSIS**

**Use Permit Criteria.**

Conditional use permits, which may be revocable, conditional, or valid for a

specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - *Facility operations will be conducted indoors, including fully enclosed pump rooms.*
    - *The filtration system does not generate odor as a byproduct, and the chemical storage facilities will be fully enclosed.*
    - *There are not anticipated nuisances arising from dust, vibration, or illumination.*
  2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
    - *Miller/Cattletrack Road at this location is classified as a minor collector, and is constructed to two lanes, one lane each direction, with turn lanes at its intersections with McDonald Drive and Lincoln Drive. The intersection of Cattletrack and McDonald Drive is signalized.*
    - *Daily traffic volume is approximately 1,850 vehicles, and minor collector streets are typically designed to accommodate traffic volumes greater than 5,000 vehicles per day.*
    - *The proposed utility building is anticipated to generate 31 daily trips and will not exceed the capacities of the existing streets. Eighteen parking spaces will be provided to accommodate the limited personnel and customers anticipated for this facility.*
  3. There are no other factors associated with this project that will be materially detrimental to the public.
    - *The facility proposes setbacks and internalizing operations within buildings so as not to negatively impact the surrounding single-family neighborhoods and arts campus.*
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
  - *There do exist utility buildings and tank structures already on the site, a canal adjacent to the site to the east, and an arts campus to the south. The facility proposes setbacks of over 150 feet from single-family neighborhoods, and will not exceed the building height limits of the surrounding residential districts.*
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.
  - *There are no additional conditions for utility buildings.*

**Police/Fire.**

The facility will have a fire suppression system and will be privately secured, and is not expected to impact police or fire services. The nearest fire station is located within a mile of this site at 7339 E. McDonald Drive.

**Community Involvement.**

Surrounding property owners have been notified, the site has been posted, and the applicant has held neighborhood meetings regarding this proposal. Concerns were raised regarding the importance of maintaining the rural character of the property with open space and architectural character, and that all new facilities need to mitigate noise. In addition to general inquires, staff has received verbal comments in opposition to the proposal, citing concerns that the applicant has other property that may be more appropriate for this facility. The applicant has indicated operations will be conducted indoors to prevent noises and odors, and that this is the only location large enough for the proposed facility. The applicant is holding an open house the week of November 22, 2004 and Staff will provide an update of this outreach in a separate correspondence or at the public hearing.

**Community Impact.**

All operations will be conducted indoors, including fully enclosed pump rooms and chemical storage facilities. New structures will be setback a minimum of 100 feet from Miller/Cattletrack Road, uses existing vegetation to buffer the proposed improvements to the abutting single family home and arts campus and is 150 feet from the remainder of the single-family neighborhoods. Traffic impacts and other service impacts are negligible.

**STAFF  
RECOMMENDATION**

**Recommended Approach:**

Staff recommends approval, subject to the attached stipulations.

**RESPONSIBLE  
DEPT(S)**

**Planning and Development Services Department**  
Current Planning Services

**STAFF CONTACT(S)**

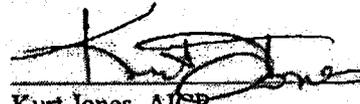
Tim Curtis  
Project Coordination Manager  
480-312-4210  
E-mail: tcurtis@ScottsdaleAZ.gov

**Scottsdale Planning Commission Report**

**Case No. 33-UP-2004**

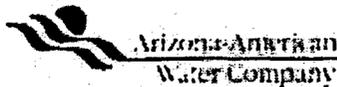
**APPROVED BY**

  
\_\_\_\_\_  
Tim Curtis  
Report Author

  
\_\_\_\_\_  
Kurt Jones, AICP  
Director, Current Planning

**ATTACHMENTS**

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Additional Information
7. Citizen Involvement
8. City Notification Map
9. Site Plan



**PLAN OF OPERATION**

**PROJECT BACKGROUND**

The water supply for Arizona American Water's (AAW) Paradise Valley District is distributed through the Miller Road Booster Station (MRBS), which is located east of Cattletrack Road (Miller Road) and approximately a quarter mile north of McDonald Drive. The Paradise Valley District's arsenic removal facilities will be constructed and operated at this location. The site, owned by AAW, consists of five parcels that comprise approximately 8 acres of land. Additional detail on these parcels is summarized below:

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**OPERATING SCHEDULE**

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In addition to the plant operators and maintenance personnel, the facility will also be staffed with at least one customer service representative. The following table summarizes the anticipated visits to the

facility by AAW's personnel and customers. The hours of operation for the customer service center will be 8 a.m. to 5 p.m.

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<b>Total</b>					<b>31</b>

#### OUTDOOR OPERATIONS

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The facility will also provide parking for the customers and employees. The parking will be located behind a gated wall.



## PROJECT NARRATIVE

### PROJECT BACKGROUND

The United States Environmental Protection Agency (USEPA) has lowered the Arsenic Maximum Contaminant Level (MCL) from 50 parts per billion (ppb) to 10 ppb. All community water systems, such as that operated by Arizona American Water (AAW), are required to comply with the new Arsenic standard by January 2006. To comply with the USEPA mandate, AAW proposes to construct a new 19.3 mgd treatment facility using the coagulation-filtration process to remove naturally occurring arsenic from groundwater. This facility will be used to treat groundwater used to supply AAW's Paradise Valley District.

### SITE DESCRIPTION

The water supply for AAW's Paradise Valley District is distributed through the Miller Road Booster Station (MRBS), which is located east of Cattletrack Road (Miller Road) and approximately a quarter mile north of McDonald Drive. The MRBS site is the proposed location for the Paradise Valley District's arsenic removal facilities. The site, owned by AAW, consists of five parcels that comprise approximately 8 acres of land. Additional detail on these parcels is summarized below:

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### COMMUNITY INVOLVEMENT

AAW has involved the surrounding community in the planning for this project by holding one-on-one meeting with the adjacent property owners and an Open House meeting. Two one-on-one meetings were held with a total of five neighborhood participants. Four citizens attended the Open House meeting. The attendees of these meetings did not voice opposition to the project. They did however

indicate the importance of maintaining the rural character of the property. The neighbors also stated specific considerations which are discussed in the meeting notes and addressed under Project Aesthetics. The outcome of these meetings is detailed in the Citizen Notification and Public Involvement Report included with this Rezoning Application. AAW plans to hold an additional Open House meeting prior to the Planning and Zoning Commission Hearing.

#### PROJECT AESTHETICS

During the public involvement meetings, the citizens indicated various issues of importance regarding the PVARF that they would like to have considered during the facility design. These issues included impacts on the surrounding community due to noise, odor, traffic and architecture. Each item is discussed in detail in the following paragraphs.

#### SETBACKS

The required setbacks will be provided from the front, side and rear property boundaries in accordance with the R1-43 zoning requirements (front = 40 feet from property line, side = 20 feet, and rear = 35 feet). The location of the Customer Service Center located along Cattletrack Road will be located an additional 60 feet from the property line providing a total front yard setback of 100 feet.

#### NOISE

Currently, the well and distributive pumps along with associated valves and instrumentation at the MRBS are located outside. Several neighbors indicated that they can hear the pumps starting. They indicated that the future facilities should have provisions to mitigate noise impacts on the surrounding community. The proposed PVARF will provide fully-enclosed pump rooms which will address the noise impacts expressed by the neighbors.

#### ODOR

The filtration process used to remove arsenic from the groundwater does not generate odor as a byproduct. The chemical storage and feed facilities that can produce gases under high temperature conditions will be enclosed in an air-conditioned building. This information was discussed with the citizens during the Open House meeting.

#### TRAFFIC

Cattletrack Road (Miller Road alignment) is classified as a minor collector between McDonald Drive and Lincoln Drive. It is not identified as a major street on the City's Streets Master Plan. Cattletrack consists of two lanes, one lane in each direction. The intersection of Cattletrack and McDonald Drive has a traffic signal.

A traffic study conducted by Scottsdale Engineering & Associates, Inc. indicated that the daily traffic volume along Cattletrack Road (Miller Road alignment) was 1,836 vehicles. The average speed of the vehicles measured was 33 miles per hour (mph); the 85<sup>th</sup> percentile speed was 40 mph. The study indicates that these volumes and speeds are consistent with a local collector street. Typically, minor collector streets are designed to accommodate traffic volumes of at least 5,000 vehicles per day. There are residential driveways along Cattletrack which are limited in number due to the large lot sizes present in this area.

The traffic volume due to the PVARF will show a modest increase over the current operations due to increased operator attendance at the site, bulk chemical deliveries, and liquid sludge hauling. The estimated traffic volume is shown in the following table:

Type	Trip Frequency	Days Per Week	Vehicle	Trips Per Month	Trips per Workday
Customer	3/day	5	Passenger	60.0	3.0
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				<b>Total</b>	<b>31</b>

A WB-50 vehicle (large semi-trailer combination) will be used for the turning radii and geometric layout of plant drives. Plant drives will be 20 feet wide and paved with asphaltic concrete except in the chemical unloading area, which will be concrete. Turning radii will be a minimum of 25 feet on the inside.

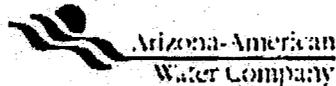
#### ARCHITECTURE

The AAW property is located within an area that maintains a rural character with lots of 35,000 square feet or greater and large setbacks. The properties to the south provide a meandering pedestrian pathway along the street frontage.

The character of the surrounding community will be taken into consideration during the design the buildings and facility fencing to create an environment that interacts with the surrounding community. The outcome of the neighborhood meetings indicated that the facility should maintain a rural character, and the materials of construction should mirror the color and consistency found in the area. AAW has subcontracted Michael Willis Architects to design the buildings and surrounding fence. MWA is participating in the community involvement process to understand and incorporate the architectural needs of this community.

The facility will be setback from the roadway to allow for the open space along the street frontage to be maintained. Although the facility will be fenced, the fence will also be setback from Cattletrack. In addition, the fence design will provide variations in materials of construction and landscaping to blend this structure with the surrounding properties.

McCloskey Peltz will act as the Landscape Architect for the project and are also involved in the public involvement process. There are many large mesquite trees on the eastern boundary of the project site that AAW will maintain through the construction process.



**USE PERMIT NARRATIVE**

**PROJECT BACKGROUND**

The United States Environmental Protection Agency (USEPA) has lowered the Arsenic Maximum Contaminant Level (MCL) from 50 parts per billion (ppb) to 10 ppb. All community water systems, such as that operated by Arizona American Water (AAW) in their Paradise Valley District, are required to comply with the new Arsenic standard by January 2006. To comply with the USEPA mandate, AAW proposes to construct a new 19.3 mgd treatment facility using the coagulation-filtration process to remove naturally occurring arsenic from groundwater. This facility will be used to treat groundwater used to supply AAW's Paradise Valley District.

The water supply for AAW's Paradise Valley District is distributed through the Miller Road Booster Station (MRBS), which is located east of Cattletrack Road (Miller Road) and approximately a quarter mile north of McDonald Drive. The MRBS site is the proposed location for the Paradise Valley District's arsenic removal facilities. The site, owned by AAW, consists of five parcels that comprise approximately 8 acres of land. Additional detail on these parcels is summarized below:

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**PROPERTY ZONING**

AAW intends to use Parcel Nos. 2, 3, 4, and a portion of Parcel 1 to construct an arsenic removal facility. The facility will be used to remove naturally occurring arsenic from the groundwater prior to distributing this water supply to their customers in this area.

Originally, all four parcels held the R1-43 zoning classification. The property owner to the south, Janie Ellis, decided to pursue a Special Campus, Historic Property (S-C HP) designation for her property. At

the time, the City ordinance for this designation required that at least 12 acres be available to qualify for the designation. In addition, the ordinance allowed the attachment of adjacent property to obtain the required 12 acres. AAW was consulted by Ms. Ellis during this process, and agreed that the adjacent parcels could be used for this purpose. There was no indication at the time that the S-C HP designation would restrict AAW's use of their property.

The R1-43 zoning supports the conditional use of the property for "public utility buildings, structures or appurtenances thereto for public service uses.



**Q.S.**  
**21-47**

G.I.S. ORTHOPHOTO 2003

**33-UP-2004**

ATTACHMENT #2

**PV Arsenic Removal Facility**



**Q.S.  
21-47**

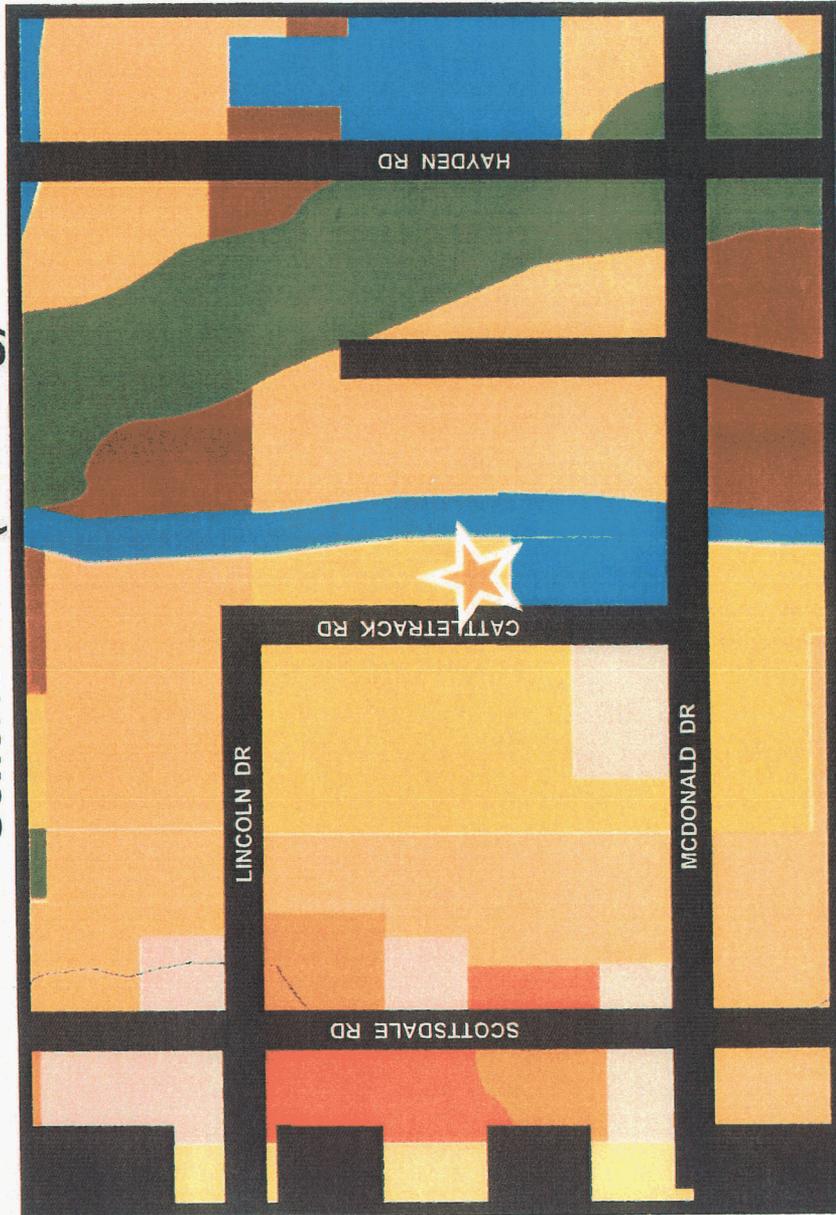
G.I.S. ORTHOPHOTO 2003

**33-UP-2004**

# PV Arsenic Removal Facility

ATTACHMENT #2A

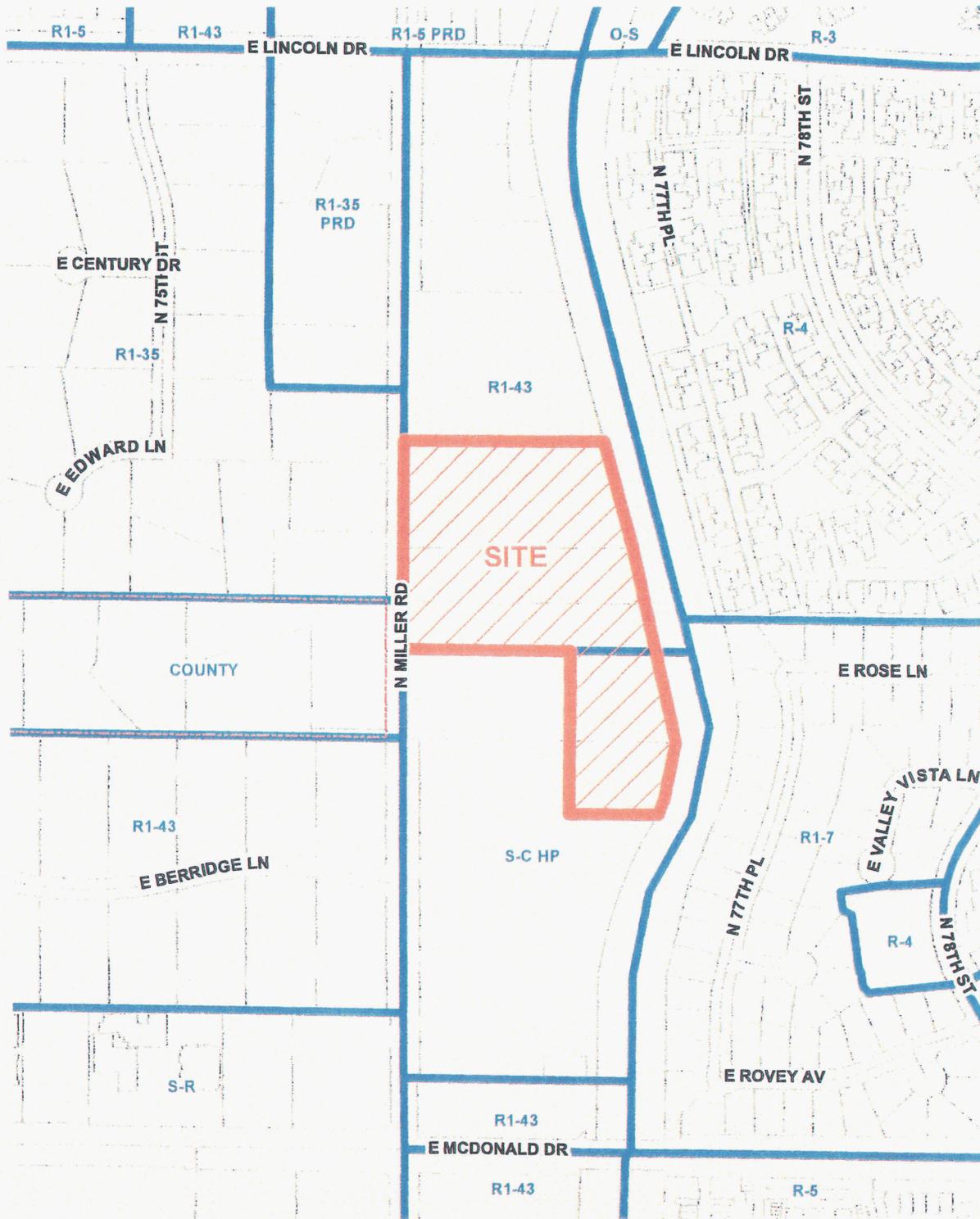
# General Plan (Existing)



- |   |                                      |
|---|--------------------------------------|
| Rural Neighborhoods   | Commercial                           |
| Suburban Neighborhoods                                      | Office                               |
| Urban Neighborhoods   | Employment                           |
| Mixed-Use Neighborhoods                                     | Natural Open Space                   |
| Resorts/Tourism   | Developed Open Space (Parks)         |
| Silver Corridor   | Developed Open Space (Golf Courses)  |
| Major Support District                                      | Cultural/Institutional or Public Use |
| Regional Use District                                       |                                      |
| McDowell Sonoran Preserve (as of 8/2003)                    |                                      |
| Recommended Study Boundary of the McDowell Sonoran Preserve |                                      |
| City Boundary   | Location not yet determined          |

**33-UP-2004**  
ATTACHMENT #3

Adopted by City Council October 30, 2001  
 Ratified by Scottsdale voters March 12, 2002  
 Revised to show McDowell Sonoran Preserve as of May 2004  
 Revised to reflect General Plan amendments through June 2004



33-UP-2004

ATTACHMENT #4

## STIPULATIONS FOR CASE 33-UP-2004

### PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO DEVELOPMENT SUBMITTAL.** Granting of this Use Permit establishes the public utility building, structures, and appurtenances thereto, and validates the existing non-conforming use, pursuant to Section 1.1310 of the Zoning Ordinance. Development shall conform with the site plan submitted by Damon S. Williams Associates, LLC and dated September 2004, including the proposed setbacks and buffer zones. These stipulations take precedence over the above-referenced site plan. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **BUILDING HEIGHT LIMITATIONS.** No building shall exceed twenty eight (28) feet in height measured as defined by the Scottsdale Zoning Ordinance.
3. **ENCLOSURE OF FACILITIES.** All operations shall be conducted indoors or screened from surrounding properties, including fully enclosed pump rooms and chemical storage facilities.
4. **NOISE.** Noise from the facility shall not be audible from the property lines of the surrounding residences.
5. **OUTDOOR LIGHTING.** The maximum height of any building-mounted outdoor lighting source shall be twelve (12) feet above natural grade, except for necessary security and operational lighting. The maximum height of any pole-mounted outdoor lighting source shall be sixteen (16) feet measured at the base of the light standard. All proposed exterior lighting fixtures shall contain full cut-off lenses. A full lighting site plan and a photometric study shall be required with the Development Review Board submittal.
6. **SETBACKS.** There shall be landscaped setback along Miller/Cattletrack Road. Screenwalls, gates, parking, buildings, and tanks shall be located a minimum seventy (70) feet from the Miller/Cattletrack property line established after necessary dedications outlined in Circulation stipulation #1 below.
7. **WALLS AND LANDSCAPED SCREENING.** With the Development Review Board submittal, the applicant shall submit a detailed wall and landscape plan to help screen the proposed facilities from view from the surrounding parcels.
8. **OPEN RURAL CHARACTER.** With the Development Review Board submittal, the applicant shall submit architectural, landscaping, and wall plans having designs consistent with the established open rural character of the area. Driveways onto Miller/Cattletrack Road shall be designed consistent with the open rural character of the area by using alternative pavement methods using desert earth tones and texture, to be approved by the Development Review Board.

### CIRCULATION

1. **STREET CONSTRUCTION.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way and construct the following street improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
Miller/ Cattletrack Road/ Minor Collector	30' ROW	Half-street including curb.	None

2. **ACCESS RESTRICTIONS.** Before issuance of any certificate of occupancy for the site, the

Case 33-UP-2004

developer shall dedicate the necessary right-of-way, as determined by city staff, and construct the following access to the site. Access to the site shall conform to the following restrictions (distances measured to the driveway or street centerlines):

- a. Miller/Cattletrack Road - The developer shall dedicate a one-foot wide vehicular non-access easement on this street except at the approved street entrances.

## ADDITIONAL INFORMATION FOR CASE 33-UP-2004

### PLANNING/DEVELOPMENT

1. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
  - a. Screen wall location and design consistent with the established open rural character of the area;
  - b. Landscaping along the street consistent with the established open rural character of the area;
  - c. Architecture, building materials, and color consistent with the established open rural character of the area;
  - d. The type, height, design, and intensity of proposed lighting on the site, to ensure that it is compatible with the adjacent uses.
2. **NATIVE PLANT PRESERVATION.** The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale.

### ENGINEERING

1. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
2. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
3. **CITY CONTROL OF ACCESS.** The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

### DRAINAGE AND FLOOD CONTROL

1. **CONCEPTUAL DRAINAGE REPORT.** With the Development Review Board submittal, the developer shall submit a conceptual drainage report and plan subject to city staff approval. The conceptual report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation. In addition, the conceptual drainage report and plan shall:
  - a. Identify all major wash corridors entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development discharge comparison of ALL washes which exit the property.
  - b. Determine easement dimensions necessary to accommodate design discharges.

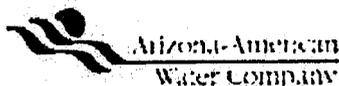
- c. Demonstrate how the storm water storage requirement is satisfied, indicating the location, volume and drainage area of all storage.
  - d. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.
  - e. Include a complete description of requirements relating to project phasing.
2. **STORM WATER STORAGE REQUIREMENT.** Before improvement plan approval, the developer shall submit a final drainage report and plan which calculates the storm water storage volume required,  $V_r$ , and the volume provided,  $V_p$ , using the 100-year, 2-hour storm event.
  3. **STORM WATER STORAGE EASEMENTS.** With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall include and identify tracts with easements dedicated for the purposes of storm water storage, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual.
  4. **DRAINAGE EASEMENTS.** Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all drainage easements necessary to serve the site.

#### OTHER REQUIREMENTS

1. **ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS.** All construction activities that disturb one or more acres shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site <http://www.epa.gov/region9>.]

The developer shall:

- a. Submit a completed Notice of Intent (NOI) to the EPA.
  - b. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) with the improvement plan submittal to the Development Quality/Compliance Division and to ADEQ.
  - c. Submit a copy of an onsite hazardous waste management and disposal plan approved by the ADEQ and / or the MCESD.
2. **NOTICE OF INTENT (NOI).** With the improvement plan submittal to the Project Quality/Compliance Division, the developer shall submit a copy of the NOI.
  3. **SECTION 404 PERMITS.** With the improvement plan submittal to the Project Quality/Compliance Division, the developer' engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]



**PROJECT NARRATIVE**

**PROJECT BACKGROUND**

The United States Environmental Protection Agency (USEPA) has lowered the Arsenic Maximum Contaminant Level (MCL) from 50 parts per billion (ppb) to 10 ppb. All community water systems, such as that operated by Arizona American Water (AAW), are required to comply with the new Arsenic standard by January 2006. To comply with the USEPA mandate, AAW proposes to construct a new 19.3 mgd treatment facility using the coagulation-filtration process to remove naturally occurring arsenic from groundwater. This facility will be used to treat groundwater used to supply AAW's Paradise Valley District.

**SITE DESCRIPTION**

The water supply for AAW's Paradise Valley District is distributed through the Miller Road Booster Station (MRBS), which is located east of Cattletrack Road (Miller Road) and approximately a quarter mile north of McDonald Drive. The MRBS site is the proposed location for the Paradise Valley District's arsenic removal facilities. The site, owned by AAW, consists of five parcels that comprise approximately 8 acres of land. Additional detail on these parcels is summarized below:

Parcel Identifier	Parcel No.	Address	Parcel Size, sf	Current Zoning	Proposed Zoning
1	174-13-931	6237 N. Miller Road	134,992	R1-43	No Change
2	174-13-932	6223 N. Miller Road	69,696	R1-43	No Change
3	174-13-934	6215 N. Miller Road	101,495	R1-43 HP	No Change
4	174-13-935	6195 N. Miller Road	39,204	R1-43 HP	No Change

The Paradise Valley Arsenic Removal Facility (PVARF) will be situated on the south side of the property (Parcel 2, Parcel 3, Parcel 4, and a portion of Parcel 1) and will be constructed over approximately 5 acres of the site.

The groundwater for this district is provided by seven wells: three of which are located on the MRBS property and the remaining wells are located within 2-miles of the site. The groundwater from these seven wells will be treated at this site with provisions for the addition of another well in the future. The facilities necessary for treatment, storage and distribution of water include new filtration vessels, treatment chemical storage and feed facilities, backwash clarification structures, finished water reservoirs, booster pumps, and residual solids thickening and dewatering. New administration, customer service, laboratory, and Supervisory Control and Data Acquisition monitoring facilities will be included at part of the project.

**COMMUNITY INVOLVEMENT**

AAW has involved the surrounding community in the planning for this project by holding one-on-one meeting with the adjacent property owners and an Open House meeting. Two one-on-one meetings were held with a total of five neighborhood participants. Four citizens attended the Open House meeting. The attendees of these meetings did not voice opposition to the project. They did however

indicate the importance of maintaining the rural character of the property. The neighbors also stated specific considerations which are discussed in the meeting notes and addressed under Project Aesthetics. The outcome of these meetings is detailed in the Citizen Notification and Public Involvement Report included with this Rezoning Application. AAW plans to hold an additional Open House meeting prior to the Planning and Zoning Commission Hearing.

#### PROJECT AESTHETICS

During the public involvement meetings, the citizens indicated various issues of importance regarding the PVARF that they would like to have considered during the facility design. These issues included impacts on the surrounding community due to noise, odor, traffic and architecture. Each item is discussed in detail in the following paragraphs.

#### SETBACKS

The required setbacks will be provided from the front, side and rear property boundaries in accordance with the R1-43 zoning requirements (front = 40 feet from property line, side = 20 feet, and rear = 35 feet). The location of the Customer Service Center located along Cattletrack Road will be located an additional 60 feet from the property line providing a total front yard setback of 100 feet.

#### NOISE

Currently, the well and distributive pumps along with associated valves and instrumentation at the MRBS are located outside. Several neighbors indicated that they can hear the pumps starting. They indicated that the future facilities should have provisions to mitigate noise impacts on the surrounding community. The proposed PVARF will provide fully-enclosed pump rooms which will address the noise impacts expressed by the neighbors.

#### ODOR

The filtration process used to remove arsenic from the groundwater does not generate odor as a byproduct. The chemical storage and feed facilities that can produce gases under high temperature conditions will be enclosed in an air-conditioned building. This information was discussed with the citizens during the Open House meeting.

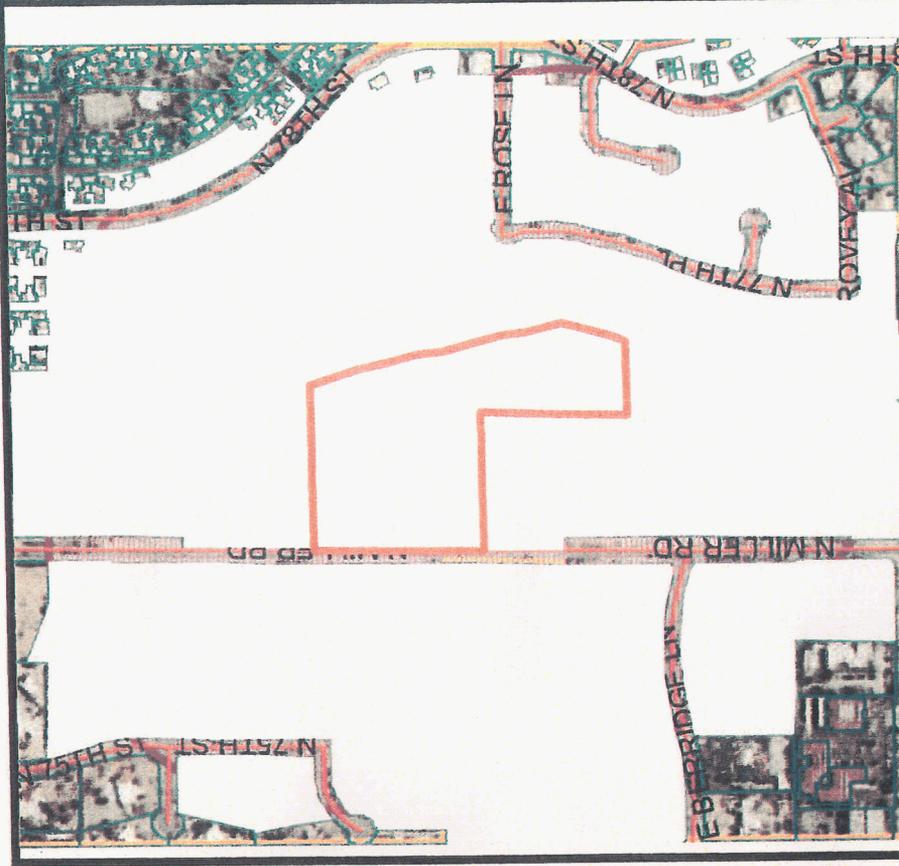
#### TRAFFIC

Cattletrack Road (Miller Road alignment) is classified as a minor collector between McDonald Drive and Lincoln Drive. It is not identified as a major street on the City's Streets Master Plan. Cattletrack consists of two lanes, one lane in each direction. The intersection of Cattletrack and McDonald Drive has a traffic signal.

A traffic study conducted by Scottsdale Engineering & Associates, Inc. indicated that the daily traffic volume along Cattletrack Road (Miller Road alignment) was 1,836 vehicles. The average speed of the vehicles measured was 33 miles per hour (mph); the 85<sup>th</sup> percentile speed was 40 mph. The study indicates that these volumes and speeds are consistent with a local collector street. Typically, minor collector streets are designed to accommodate traffic volumes of at least 5,000 vehicles per day. There are residential driveways along Cattletrack which are limited in number due to the large lot sizes present in this area.

The traffic volume due to the PVARF will show a modest increase over the current operations due to increased operator attendance at the site, bulk chemical deliveries, and liquid sludge hauling. The estimated traffic volume is shown in the following table:

# City Notifications – Mailing List Selection Map



## Map Legend:



Site Boundary



Properties within 750-foot

## Additional Notifications:

- Interested Parties
- Adjacent HOA
- South Scottsdale Redevelopment Force

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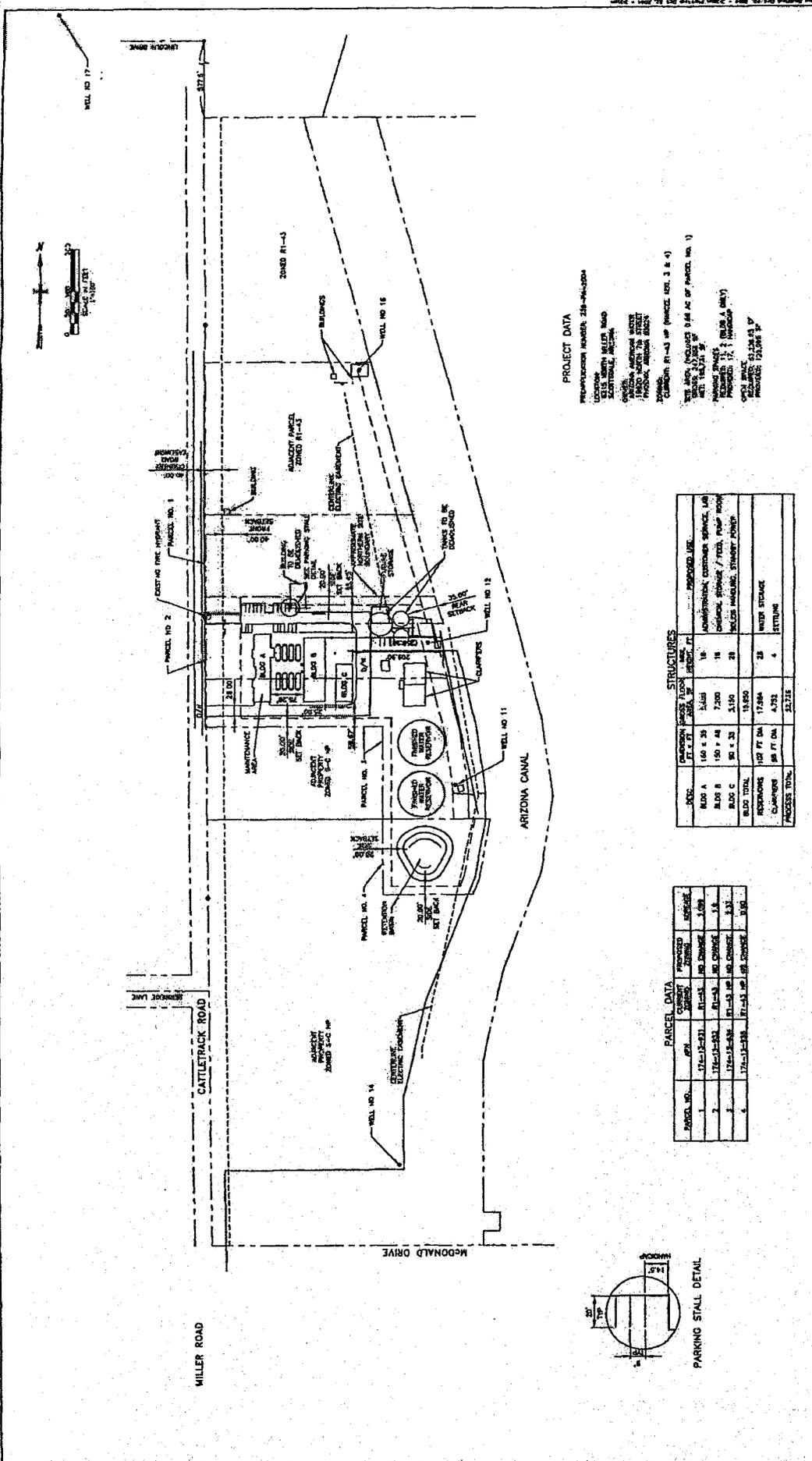
Labels pulled 10/28/04



33-UP-2004

ATTACHMENT #8

# Paradise Valley Arsenic Removal Facility & Administrative



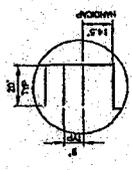
**PROJECT DATA**  
 PROJECT NUMBER: 254-44-004  
 LOCATION: 1215 NORTH WELLS ROAD, SCOTTSDALE, ARIZONA  
 OWNER: ARIZONA ARSENIC REMOVAL FACILITY, 1215 NORTH WELLS ROAD, SCOTTSDALE, ARIZONA 85259  
 CONTRACT NO.: 254-44-004 (REVISED SETS 3 & 4)  
 THE SETS INCLUDES 0.64 AC OF PARCELS NO. 1) THROUGH 4) WITH 12.71 AC OF REMAINING PARCELS 5) THROUGH 16) (TOTAL 19.35 AC)  
 TOTAL AREA: 19.35 AC  
 PROJECT DATE: 10/28/04

**STRUCTURES**

NO.	DESCRIPTION	AREA (SQ. FT.)	NO. OF STALLS	PROPOSED USE
BUILD A	100' x 30'	3,000	18	COMPUTER/STORAGE SPACE, LAB
BUILD B	150' x 40'	6,000	36	OFFICE SPACE / WITH PIPE WORK
BUILD C	80' x 30'	2,400	14	POWER EQUIPMENT, STORAGE, JUNCTION
BUILD TOTAL	100' FT DIA	11,400	28	
RESPONSE	50' FT DIA	4,750	4	WATER STORAGE
CHANGERS	50' FT DIA	4,750	4	LETTING
<b>PROCESS TOTAL</b>		<b>21,210</b>		

**PARCEL DATA**

PARCEL NO.	APN	CURRENT ZONING	PROPOSED ZONING	AREA (SQ. FT.)	ACRES
1	172-15-021	R1-10	NO CHANGE	5,000	0.114
2	172-15-022	R1-10	NO CHANGE	5,000	0.114
3	172-15-023	R1-10	NO CHANGE	5,000	0.114
4	172-15-024	R1-10	NO CHANGE	5,000	0.114



PARKING STALL DETAIL

- LEGEND**
- PROPERTY LINE
  - CENTER LINE OF HIGHWAY
  - CENTER LINE OF CANAL
  - CENTER LINE OF RAILROAD
  - SETBACK LINE

**PARADISE VALLEY ARSENIC REMOVAL FACILITY**  
**CIVIL SITE PLAN**

DESIGNED BY: ARIZONA ARSENIC REMOVAL FACILITY  
 DRAWN BY: ARIZONA ARSENIC REMOVAL FACILITY  
 CHECKED BY: ARIZONA ARSENIC REMOVAL FACILITY  
 PROJECT NO.: 254-44-004  
 SHEET NO.: 1 OF 1  
 DATE: 10/28/04

**DS/A**  
 DESIGN SERVICES, INC.  
 1215 NORTH WELLS ROAD  
 SCOTTSDALE, ARIZONA 85259  
 PHONE: 480-948-1111  
 FAX: 480-948-1112  
 WWW.DS/A.COM

**ATTACHMENT #9**  
 33-UP-2004  
 10-28-04

**S**

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

ROLAND F. KUEFFNER, a single )  
man and beneficiary of the )  
Kirsten K. Kueffner Family )  
Living Trust dated November )  
18, 2002; WILHELM F. KUEFFNER, )  
a married man and beneficiary )  
of the Kirsten K. Kueffner )  
Family Living Trust dated )  
November 18, 2002; KIRSTEN )  
KUEFFNER, a single woman and )  
trustee of the Kirsten K. )  
Kueffner Family Living Trust )  
dated November 18, 2002; ERIC )  
P. AND NANNETTE M. NESVIG, )  
husband and wife; SEAN M. )  
TIERNEY, a single man, )  
Plaintiffs, )  
vs. )

CITY OF SCOTTSDALE, a municipal )  
corporation; ARIZONA-AMERICAN WATER )  
COMPANY, an Arizona corporation and )  
wholly owned subsidiary of American )  
Water Works Company and of RWE, a )  
German conglomerate, )  
Defendants. )

NO. CV2005-051304

THE DEPOSITION OF  
RANDY EUGENE GRANT

Phoenix, Arizona  
September 8, 2005

Prepared for: Glen Hallman, Esq.  
Reported by: John P. Lopez, RPR  
Certified Reporter, No. 50131

**COPY**

**BAMFORD**  
REPORTING SERVICE INC.

*Registered Professional Reporters*

5125 NORTH 16TH STREET • SUITE A-114 • PHOENIX, AZ 85016  
(602) 265-5974 • Fax (602) 265-1332

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

ROLAND F. KUEFFNER, a single man and beneficiary of the Kirsten K. Kueffner Family Living Trust dated November 18, 2002; WILHELM F. KUEFFNER, a married man and beneficiary of the Kirsten K. Kueffner Family Living Trust dated November 18, 2002; KIRSTEN KUEFFNER, a single woman and trustee of the Kirsten K. Kueffner Family Living Trust dated November 18, 2002; ERIC P. AND NANNETTE M. NESVIG, husband and wife; SEAN M. TIERNEY, a single man, Plaintiffs,  
vs.

NO. CV2005-051304

CITY OF SCOTTSDALE, a municipal corporation; ARIZONA-AMERICAN WATER COMPANY, an Arizona corporation and wholly owned subsidiary of American Water Works Company and of RWE, a German conglomerate, Defendants.

THE DEPOSITION OF  
RANDY EUGENE GRANT

Phoenix, Arizona  
September 8, 2005

Prepared for:  
Reported by: John P. Lopez, RPR  
Certified Reporter, No. 50131

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I N D E X

WITNESS:	Page
RANDY GRANT	
Examination by Mr. Palecek	4
Examination by Mr. Hallman	110
Examination by Ms. Scott	112
Further examination by Mr. Hallman	121

EXHIBITS MARKED

Number	Description	Page
	(None offered.)	

1  
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A P P E A R A N C E S

For the Plaintiffs:  
James J. Palecek, Esq.  
HUNSAKER & PALECEK, P.L.L.C.  
5050 East Thomas Road  
Phoenix, Arizona 85018

For the Defendants AAWC:  
Glen Hallman, Esq.  
GALLAGHER & KENNEDY, P.A.  
2575 East Camelback Road  
Phoenix, Arizona 85016

For the Defendants COS:  
Sherry Scott, Esq.  
CITY ATTORNEY  
3939 North Drinkwater Boulevard  
Scottsdale, Arizona 85251

Also present:  
Nannette Nesvig

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THE DEPOSITION OF RANDY GRANT was taken on September 8, 2005, commencing at 8:55 a.m., at the law offices of GALLAGHER & KENNEDY, P.A., 2575 East Camelback Road, Phoenix, Arizona 85016, before JOHN P. LOPEZ, RPR, a Certified Reporter in the State of Arizona.

RANDY GRANT,  
having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION

BY MR. PALECEK:

- Q. Good morning, Randy. How are you?
- A. Good.
- Q. I'm going to ask you some questions related to the litigation associated with the improvements up at the Miller Road Booster Station and the tanks in the SC-HP area. Are you familiar with that?
- A. Yes.
- Q. Please state your name for the record.
- A. Randy Grant.
- Q. And can you give us your residential address?
- A. 1730 West Emelita.
- Q. Is that Phoenix?

1 the line-of-sight.  
 2 Q. Oh, okay. Talking about two different things  
 3 here. One is the tank structure itself, would it -- did  
 4 this diagram reflect whether or not these parties would have  
 5 their current views of mountains obstructed or any other  
 6 views?  
 7 A. I don't believe they did. I don't recall it  
 8 exactly.  
 9 Q. Was that an important piece of information for  
 10 you?  
 11 A. No.  
 12 Q. Why not?  
 13 A. Because the Conditional-Use Permit is based upon  
 14 meeting set criteria, and they're based on health, safety  
 15 and welfare. And there are some very specific things in  
 16 there. We didn't feel, although it may be relevant from a  
 17 standpoint of -- certainly from a standpoint of public  
 18 involvement and so forth, we didn't feel it was relevant in  
 19 terms of the specific criteria that influenced the  
 20 Conditional-Use Permit.  
 21 Q. So you didn't think it would have been materially  
 22 detrimental in any fashion to the plaintiffs in this case?  
 23 MS. SCOTT: Object to the form.  
 24 THE WITNESS: No.  
 25 Q. In other words, it didn't matter to you, under the

1 MS. SCOTT: Object to form.  
 2 THE WITNESS: It may be definable in the sense of  
 3 the viewer from that perspective; but, again, we didn't feel  
 4 like the decision on whether a utility being built on that  
 5 property was a function of -- as a public health, safety and  
 6 welfare issue was related to a particular person's view from  
 7 off-site.  
 8 Q. And we're talking just about the Conditional-Use  
 9 Permit guidelines at this point; correct?  
 10 A. Yes.  
 11 Q. Did the Conditional-Use Permit guidelines, as far  
 12 as your interpretation of them, include any decision-making  
 13 or determination with respect to the character in the area  
 14 and the impact on the neighborhood?  
 15 A. In terms of allowing or approving a  
 16 Conditional-Use Permit, one of the criteria relates to  
 17 character of the area, and, yes, I think the Council  
 18 determined that in meeting the criteria that that impact was  
 19 met.  
 20 Q. And what information did they have with respect to  
 21 the tanks and their visual impact and impact on the  
 22 character of the area, what information did they have to  
 23 help them make that decision?  
 24 A. Well, I don't think necessarily the two are  
 25 connected. I don't think the character of the area is

1 Conditional-Use Permit guidelines, whether or not the views  
 2 of the mountains of these plaintiffs or the surrounding  
 3 historic property would have been obstructed?  
 4 MR. HALLMAN: Object to form.  
 5 THE WITNESS: I won't say it doesn't matter. I  
 6 mean, but in practically every case we have, people's views  
 7 are going to be changing. Nothing would be built if  
 8 everyone that moved next to a vacant lot objected to  
 9 something being built on it.  
 10 Q. Okay.  
 11 A. That's not being callous. That's saying that the  
 12 Conditional-Use Permit is evaluating the public utility  
 13 function on the site. That's what it does. And we didn't  
 14 feel that it was an overriding public health, safety and  
 15 welfare issue that should be part of the decision.  
 16 Q. So you just focused in on the public health,  
 17 safety and welfare, not on any other type of material  
 18 detriment to the surrounding neighborhood?  
 19 A. Well, there's -- there is a fairly broad statement  
 20 in there about, you know, what may be materially  
 21 detrimental, but, no. I mean, from the standpoint of the  
 22 criteria, it's based on impact, and our assessment is that  
 23 is a definable, measurable impact.  
 24 Q. Visual impact is a definable impact, is it not?  
 25 MR. HALLMAN: Object to form.

1 necessarily the same as a structure that is going to be  
 2 blocking a view of some particular landmark.  
 3 Q. So two different issues for you. Visual and  
 4 character of area are two different issues?  
 5 A. Right.  
 6 Q. Let's just talk about character of area. What  
 7 information did they have in their possession --  
 8 photographs, lines-of-sight analysis with respect to  
 9 obstruction of use, et cetera -- that you feel they had to  
 10 make their decision and the discretion that this was within  
 11 the character of the area? Diagrams? Photos? Notes? What  
 12 did they have?  
 13 A. Site plan.  
 14 Q. You're talking about the plans from DSWA?  
 15 A. Yes.  
 16 Q. The site plan, that's fine. What else?  
 17 A. There were site photos.  
 18 Q. Site photos of what?  
 19 A. Various perspectives on and off the property.  
 20 Q. Okay. Including the HP property?  
 21 A. Yes, I believe so.  
 22 Q. And those are located in what? Is it a file or a  
 23 packet?  
 24 A. Yes.  
 25 Q. What packet is that?

BY MR. HALLMAN:

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FURTHER EXAMINATION

BY MR. HALLMAN:

Q. The 1996 Development Agreement, the parties to that agreement were whom?

A. Ellis -- two signatures by Ellis and two by Kueffner.

Q. Was Arizona-American a party to that agreement?

A. No.

Q. Does that agreement have any affect on the Arizona-American property?

MR. PALECEK: Form; foundation.

THE WITNESS: My interpretation would be that it does not.

MR. HALLMAN: That's all I have.

(Whereupon a discussion was held off the record.)

(12:15 p.m.)

RANDY EUGENE GRANT

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STATE OF ARIZONA )  
COUNTY OF MARICOPA ) ss.

BE IT KNOWN that the foregoing deposition was taken by me, John P. Lopez, a Certified Reporter in the State of Arizona; that the witness before testifying was duly sworn by me to testify to the whole truth and nothing but the truth; that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to print under my direction; pursuant to request, notification was provided that the deposition is available for review and signature; that the foregoing 121 pages are a full, true and correct transcript of all proceedings had upon the taking of said deposition, all to the best of my skill and ability.

I FURTHER CERTIFY that I am not related to nor employed by any of the parties hereto and have no interest in the outcome thereof.

DATED at Phoenix, Arizona, this 9th day of September, 2005.



Certified Reporter

Certificate No. 50131

**T**

<b>Development Standard</b>	<b>Required</b>	<b>Provided</b>	<b>Difference</b>
<b>Maximum Building Height</b>	<b>30 ft</b>	<b>28 ft</b>	<b>-7%</b>
<b>Open Space</b>	<b>53,239 sq ft</b>	<b>129,095 sq ft</b>	<b>142%</b>
<b>Front Open Space</b>	<b>6,000 sq ft</b>	<b>16,800 sq ft</b>	<b>180%</b>
<b>Front Setback</b>	<b>40 ft</b>	<b>100 ft</b>	<b>150%</b>
<b>Side Setback (South)</b>	<b>20 ft</b>	<b>50 ft</b>	<b>150%</b>
<b>Side Setback (North)</b>	<b>20 ft</b>	<b>90 ft</b>	<b>350%</b>
<b>Rear Setback</b>	<b>35 ft</b>	<b>37 ft</b>	<b>6%</b>
<b>Pedestrian Access</b>	<b>Not Req'd</b>	<b>Yes</b>	<b>100%</b>

**U**

PROCESSED BY THE NATIONAL ARCHIVES  
SERIALS SECTION

VP 1

HERITAGE POINT (E) (100)



VP 1  
E 31640N  
S 15-870W  
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**V**

**Stipulations for Case:  
Paradise Valley Arsenic Removal Facility  
109-DR-2004**

Unless otherwise stated, the applicant agrees to complete all requirements prior to final plan approval, to the satisfaction of Project Coordinator and the Final Plans staff.

**PLANNING**

**APPLICABLE DOCUMENTS AND PLANS:**

**DRB Stipulations**

1. Except as required by the City Code of Ordinances, Zoning Regulations, Subdivision Regulations, and the other stipulations herein, the site design and construction shall substantially conform to the following documents:
  - a. Architectural elements, including dimensions, materials, form, color, and texture, shall be constructed to be consistent with the building elevations submitted by DSWA with a date by staff of 12/7/2004.
  - b. The location and configuration of all site improvements shall be constructed to be consistent with the site plan submitted by DSWA with a date by staff of 12/7/2004.
  - c. Landscaping, including quantity, size, and location of materials shall be installed to be consistent with the conceptual landscape plan submitted by McCloskey & Peltz, Inc., with a date by staff of 12/7/2004.

**ARCHITECTURAL DESIGN:**

**DRB Stipulations**

2. Storage tanks shall be painted a brown color.
3. All exterior mechanical, utility, and communications equipment shall be screened by parapet or wall that matches the architectural color and finish of the building. Wall or parapet height for roof-mounted units shall meet or exceed the height of the tallest unit. Wall height for ground-mounted units shall be a minimum of 1' higher than the tallest unit.
4. All exterior conduit and raceways shall be painted to match the building.
5. No exterior roof ladder shall be allowed where they are visible to the public or from an off-site location.
6. Roof drainage systems, if provided, on all buildings shall be interior, except that overflow scuppers are permitted. If overflow scuppers are provided, they shall be integrated with the architectural design. Submit revised elevations with the final plans submittal.
7. Wall enclosures for refuse bins or trash compactors shall be constructed of materials that are compatible with the building(s) on the site in terms of color and texture.
8. All new walls surrounding the site shall be rammed earth as shown on the site and landscape plan.
9. No chain link, barbed wire, or other security wire fencing shall be visible to the public or from an off-site location.
10. The existing cattle fence along the west property line shall be removed.

**ATTACHMENT B**

**SITE DESIGN:**

**DRB Stipulations**

11. Dedicate a 15-foot wide public trail easement running east/west along the northern portion of the site connecting Cattletrack with the Arizona Canal. The easement shall encompass the 5-foot wide trail shown on the site and landscape plan.

**LANDSCAPE DESIGN:**

**DRB Stipulations**

12. Upon removal of the salvageable native plants the salvage contractor shall submit completed Native Plant Tracking Form as well as a list identifying the tag numbers of the plants surviving salvage operations to the City's Inspection Services Unit within 3 months from the beginning of salvage operations and/or prior to the issuance of the Certificate of Occupancy.

**Ordinance**

- A. Revise the landscape plan to show plantings every seven (7) feet in any one direction between plants or plant canopies.

**EXTERIOR LIGHTING DESIGN:**

**DRB Stipulations**

13. All exterior luminaries shall meet all IESNA requirements for full cutoff, and shall be aimed downward and away from property line except for sign lighting. Submit a revised exterior lighting site plan, photometric analysis, and lighting cutsheets on 24" x 36" sheets that show revised lighting fixtures that are full cut-off fixtures. Any bollard lighting fixtures shall contain louvers.
14. The individual luminaire lamp shall not exceed 250 watts.
15. The maximum height from finished graded to the bottom of the any exterior luminiare shall not exceed 16 feet. Any building mounted lighting fixtures shall not exceed 12-feet.
16. All exterior light poles, pole fixtures, and yokes, including bollards shall be a flat black or dark bronze.
17. Incorporate into the project's design, the following:

**Parking Lot and Site Lighting:**

- a. The maintained average horizontal illuminance level, at grade on the site, shall not exceed 1.5 foot-candles.
- b. The maintained maximum horizontal illuminance level, at grade on the site, shall not exceed 6.0 foot-candles. All exterior luminaries shall be included in this calculation.
- c. The initial vertical illuminance at 6.0 foot above grade, along the entire property line (or 1 foot outside of any block wall exceeding 5 foot in height) shall not exceed 0.3 foot-candles. All exterior luminaries shall be included in this calculation.

**Building Mounted Lighting:**

- d. Shall not exceed 12-feet in height.
- e. All luminaries shall be recessed or shielded so the light source is not directly visible from property line.
- f. Wall mounted luminaries shall contain house side shields, and be mounted on a minimum 4-inch long bracket that is mounted perpendicular to the wall.

**VEHICULAR AND BICYCLE PARKING:**

**DRB Stipulations**

18. Bike rack design shall be in conformance with City of Scottsdale M.A.G. Details unless otherwise approved in writing by the City of Scottsdale's Transportation Department.

**Ordinance**

- B. A minimum of four (4) bicycle parking spaces shall be provided.

**ADDITIONAL PLANNING ITEMS:**

**DRB Stipulations**

- 19. Flagpoles, if provided, shall be one piece, conical, and tapered.

**Ordinance**

- C. Prior to final plan approval, a land assemblage application shall be completed and approved by City staff as well as be recorded by City staff with Maricopa County.

**RELEVANT CASES:**

**Ordinance**

- D. At the time of review, the applicable zoning, DRB, Use Permit, and etc. case(s) for the subject site were:  
33-UP-2004

## ENGINEERING

The following stipulations are provided to aid the developer in submittal requirements, and are not intended to be all inclusive of project requirements. The developer shall submit engineering design reports and plans that demonstrate compliance with city ordinances, the Scottsdale Revised Code and the Design Standards and Policies Manual.

### APPLICABLE DOCUMENTS AND PLANS:

20. Conceptual Drainage Report – Paradise Valley Arsenic Removal Facility, dated November 2004 and by DSWA and Associated firms.
21. Civil Overall Site Plan dated December 2004 and by DSWA.
22. Area Context Site Plan dated December 2004 and by DSWA.

### CIVIL IMPROVEMENT PLAN REQUIREMENTS:

#### DRAINAGE AND FLOOD CONTROL:

##### DRB Stipulations

23. A final drainage report shall be submitted that demonstrates consistency with the conceptual drainage report approved in concept by the Planning and Development Services Department.
  - a. Before the approval of improvement plans by city staff, the developer shall submit two (2) hard copies and one (1) compact disc copy of the complete final drainage report and plan.
24. Basin Configuration:
  - a. Basin side slopes shall not be steeper than 4:1, and basin depths shall not exceed 3 feet.
  - b. A maximum of 50% of the front open space may be used as a retention/detention basin unless approved by the Project Coordination Manager. Stormwater Storage on Paved Surfaces. Up to 50% of required stormwater storage may be provided in parking areas when the following conditions are met:
    - c. Storage system shall be designed to store first 30% of required runoff volume off paved areas (to avoid ponding of nuisance water on pavement).
    - d. Parking lot storage areas shall be designed so as to minimize interference with pedestrian traffic. Depth of water shall not exceed six inches within the parking area.

##### Ordinance

- E. On-site stormwater storage is required for the full 100-year, 2-hour storm event. The design of the storage basin capacity shall account for any proposed landscaping improvements. The landscaping improvements within the basins shall not reduce the capacity of the basins under the required volume.
  - (1) Basin bleed-off rates shall be set so that the storage basins do not drain completely in less than 24 hours. Storage basins must drain completely within 36 hours.
  - (2) Infiltration of stormwater through the basin floor is not acceptable as the sole means of draining the basin. Stormwater storage basins should be designed to meter flow to the historic out-fall point. Where an historic out-fall point does not exist (or metering is not possible), other methods of discharge such as pumps, etc. may be considered.
  - (3) Stormwater storage basins may not be constructed within utility easements or dedicated right-of-way (exceptions may be granted with written approval from appropriate utility company).
  - (4) Off-site runoff must enter and exit the site as it did historically.
  - (5) All development shall be designed to satisfactorily convey the 100-year peak discharge through the site without significant damage to structures.

- F. With the final improvement plans submittal to the Plan Review and Permit Services Division, the developer shall submit a final drainage report and plan, subject to City staff approval.
- G. Underground Stormwater Storage:
  - (1) Underground stormwater storage is prohibited unless approval is obtained from the City's Floodplain Administrator.
  - (2) Drywells are not permitted.
- H. Street Crossings:
  - (1) Watercourse crossings for roads shall be designed to provide for 100-year access to all lots by at least one route. Accessibility will be considered to exist if it can be shown by the engineer that at the time of the peak flow, the depth of flow over the road will not be greater than 1 foot.

**ROADWAY, INTERSECTION, AND ACCESS DESIGN:**

**Streets and other related improvements:**

STREET NAME	STREET TYPE	R.O.W. DEDICATION	ROADWAY IMPROVEMENT	CURB TYPE	BIKE PATH, SIDEWALK, TRAILS
Miller/Cattletrack Road	Local	30' R.O.W.	Half-street	None	5' wide trail within new half street R.O.W. dedications.

**Ordinance**

- I. The developer shall submit a detailed striping and signage plan with final plans. The striping and signage plan shall include all existing improvements and striping within 300 feet of the limits of construction, and all signs, striping, or other traffic control devices proposed to accommodate phased and ultimate construction.

**INTERNAL CIRCULATION:**

**DRB Stipulations**

- 25. The developer shall design the dead-end parking aisle in general conformance with the included detail.

**Ordinance**

- J. Parking areas shall be improved with a minimum of 2.5 inches of asphalt over 4 inches of aggregate base.

**DRB Stipulations**

- 26. Indemnity Agreements:

- a. When substantial improvements or landscaping are proposed within a utility easement, an indemnity agreement shall be required. The agreement shall acknowledge the right of the City to access the easement as necessary for service or emergencies without responsibility for the replacement or repair of any improvements or landscaping within the easement.

**Ordinance**

- K. Drainage Easement:

- (1) Drainage and flood control easements shall be dedicated to the City to the limits of inundation for all vista corridor washes, and for all stormwater storage basins. All drainage and flood control easements shall be dedicated to the City with maintenance responsibility specified to be that of the property owner.

L. Waterline and Sanitary Sewer Easements:

- (1) Before the issuance of any building permit for the site, the developer shall dedicate to the City, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all water easements necessary to serve the site.

**REFUSE:**

**DRB Stipulations**

27. Refuse enclosures shall be constructed to City of Scottsdale's standards. Details for construction of trash enclosures can be found in the City of Scottsdale Supplements to MAG Standards, standard detail #2146-1 for single enclosures and #2147-1 for double enclosures.
28. Enclosures must:
  - a. Provide adequate truck turning/backing movements for a design vehicle of turning radius R (minimum) = 45 feet vehicle length of L = 40 feet.
  - b. Be positioned to facilitate collection without "backtracking."
  - c. Be easily accessible by a simple route.
  - d. Not require backing more than 35 feet.
  - e. Not be located on dead-end parking aisles.
  - f. Enclosures serviced on one side of a drive must be positioned at a 30-degree angle to the centerline of the drive.

**Ordinance**

M. Refuse enclosures are required as follows:

- (1) Commercial Building Space: One for 0 to 20,000 s.f., Two for 20,001 to 40,000 s.f., Three for 40,001 to 60,000 s.f., etc.

N. Underground vault-type containers are not allowed.

O. Refuse collection methods, i.e., site plan circulation will be approved at final plan review.

P. Refuse collection can be provided by the City of Scottsdale's Sanitation Division, at 480-312-5600.

**WATER AND WASTEWATER STIPULATIONS**

The following stipulations are provided to aid the developer in submittal requirements, and are not intended to be all-inclusive of project requirements. Water and sewer lines and services shall be in compliance with City Engineering Water and Sewer Ordinance, the Scottsdale Revised Code and Sections 4 and 5 of the Design Standards and Policies Manual.

**WASTEWATER:**

**DRB Stipulations**

29. Wastewater Basis of Design Report. Before the improvement plan submittal to the Plan Review and Permit Services Division, the developer shall obtain approval of the Wastewater Basis of Design Report from the City's Water Resources Department. The report shall conform to the draft Water and Wastewater Report Guidelines available from the City's Water Resources Department.
30. Before the improvement plan submittal to the Plan Review and Permit Services Division, the developer shall obtain approval of the master wastewater report. The improvement plans shall be consistent with the approved master water and wastewater reports. Any design that modifies the approved master report requires from the developer a site-specific addendum to the master report, subject to review and approval by City staff.
31. Existing water and sewer service lines to this site shall be utilized or shall be abandoned by disconnection at the main.

32. Where walls cross or run parallel with public water mains, public sewer mains, or public fire lines the following shall apply:
- a. For walls constructed parallel to these pipes, the walls shall be a minimum of six (6) feet from the outside diameter of the pipe.
  - b. For walls constructed across or perpendicular to these pipes, the walls shall be constructed with gates or removable wall panels for maintenance and emergency access.

**Ordinance**

- Q. All sewage discharged from this development shall meet local and federal pretreatment standards for sewage discharge. The facility may require a City Industrial Users Permit and related monitoring and sampling facility. All development within industrial (-1) zoned districts shall provide a monitoring manhole.

**CONSTRUCTION REQUIREMENTS**

**DRB Stipulations**

33. The developer to submit as-built plans to the Inspection Services Division.
- a. As-built plans shall be certified in writing by a registered professional civil engineer, using as-built data from a registered land surveyor.
  - b. As-built plans for drainage facilities and structures shall include, but are not limited to, streets, lot grading, storm drain pipe, valley gutters, curb and gutter, flood walls, culverts, inlet and outlet structures, dams, berms, lined and unlined open channels, storm water storage basins, underground storm water storage tanks, and bridges as determined by city staff.

**Ordinance**

- R. Section 404 permits. With the improvement plan submittal to the Plan Review and Permit Services Division, the developer's engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]

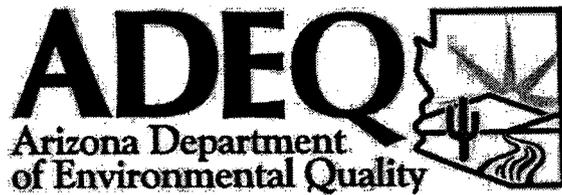
**VERIFICATION OF COMPLIANCE**

**DRB Stipulations**

34. Condition for issuance of grading and drainage permit: Before the issuance of a Grading & Drainage Permit:
- a. A permit from the Arizona Department of Environmental Quality for operating a Hazardous Waste Facility is required prior to the issuance of a Grading & Drainage Permit.

**W**

# ARSENIC COMPLIANCE POLICY



Janet Napolitano, Governor  
Stephen A. Owens, ADEQ Director

October 2005

**Notice Required by ARS § 41-1091(B):**

"This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. §41-1033 for a review of the statement."

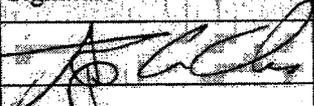
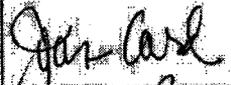
<b>"Determining Compliance with the Revised Arsenic Standard"</b>	Document No.	3012.000
	Revision No.	000
	Effective Date	

**1.0 Revision History**

**1.1 Revision Table**

Date	Rev. No.	Change	Ref. Section
[date approved]	0.0	New policy drafted	Not Applicable

**1.2 Approval Signatures**

Title	Name	Signature	Date
Director	Stephen A. Owens		10/14/05
Deputy Director	Patrick J. Cunningham		10/14/05
Affected Division Director(s)	Joan Card		10/14/05
PRC Co-Chair	Paul Rasmussen		10/18/05
PRC Co-Chair	Edward M. Ranger		10/14/05

**2.0 Purpose**

On January 23, 2006, the new federal maximum contaminant level (MCL) for arsenic goes into effect. The purpose of this policy is to protect public health through the implementation and enforcement of the revised standard for arsenic in drinking water.

Based upon historic analytical results, approximately 30-35% of the 1,000 community and nontransient, noncommunity water systems in Arizona are estimated to have at least one ground water source that does not meet the new standard of 0.010 mg/L. To date, all surface water systems in Arizona meet the new 0.010 mg/L standard for arsenic.

### **3.0 Persons Affected**

- 3.1 Public water systems (All community (CO) and nontransient, noncommunity (NN) water systems)
- 3.2 ADEQ Drinking Water Section
- 3.3 ADEQ Water Quality Compliance Section
- 3.4 Delegated County Staff

### **4.0 Policy**

The policy of ADEQ is to ensure that the revised arsenic standard for community and nontransient, noncommunity water systems is implemented and achieved. The occurrence of carcinogenic (e.g., lung and bladder cancers) and non-carcinogenic (e.g., skin damage, circulatory disorders, etc.) diseases can result from unhealthful levels of arsenic exposure. Background and details are as follows:

**New Arsenic Maximum Contaminant Level Standard Effective January 23, 2006:** All CO and NN water systems must comply with the new federal maximum contaminant level (MCL) for arsenic in drinking water, which goes into effect on January 23, 2006. The new standard is 0.010 mg/L (10 parts per billion). Surface water sources must complete compliance monitoring for arsenic by December 31, 2006; ground water sources must complete compliance monitoring by December 31, 2007.

**Arsenic MCL Prior to January 23, 2006:** The arsenic MCL of 0.05 mg/L will remain in effect prior to January 23, 2006. Systems will be required to continue monitoring for arsenic under their current monitoring frequency.

### **5.0 Definitions**

- 5.1 "Community (CO) water system" means a public water system that serves 15 or more service connections used by year-round residents or that serves 25 or more year-round residents. (A.A.C. R18-4-101)
- 5.2 "Grandfathered data" means, for groundwater systems, compliance samples collected on or after January 1, 2005, and prior to January 23, 2006.
- 5.3 "Initial Monitoring Year" means the calendar year assigned by ADEQ in which a public water system conducts initial monitoring.
- 5.4 "Nontransient, noncommunity (NN) water system" means a public water system that:
  - Serves 15 or more service connections that are used by the same persons for at least six months per year, or
  - Serves the same 25 or more persons for at least six months per year. (A.A.C. R18-4-101)

### **6.0 Responsibilities**

The Drinking Water and Water Quality Compliance Sections are responsible for knowledge and implementation of this policy.

## 7.0 Procedures

**7.1 Monitoring Frequencies:** The 2005-2007 compliance period is the first compliance period under the revised arsenic MCL. Because the arsenic rule allows grandfathered data and waivers, CO and NN water systems will not have to deviate from their established monitoring framework. This means CO and NN water systems are required to continue monitoring for arsenic as they have been since as early as 1993. Based upon their initial monitoring year, CO and NN water systems will monitor for arsenic in 2005, 2006 or 2007.

**7.2 Existing Ground Water Points of Entry Into the Distribution System:** CO and NN water systems must collect one sample from each groundwater entry point once every three years during the system's ADEQ-assigned monitoring year. This monitoring is conducted in three-year increments starting from the system's ADEQ-assigned initial monitoring year. Specific ground water sampling scenarios are as follows:

**Initial Monitoring Year of 1993, 1996, 1999, 2002 or 2005 – sample for arsenic in 2005.** If the analytical results are equal to or less than 0.010 mg/L, the water system is not required to monitor again in the three year compliance period of 2005-2007, as data meeting the new standard are allowed to be grandfathered. If the analytical results are greater than 0.010 mg/L, the water system must sample again on or after January 23, 2006, but no later than March 31, 2007, as compliance must be determined by December 31, 2007 and up to four quarters of monitoring may be required to determine compliance with the revised arsenic standard.

**Initial Monitoring Year of 1994, 1997, 2000, 2003 or 2006 – sample for arsenic in 2006.** The water system must initiate compliance monitoring no later than December 31, 2006. If the system collects samples in the time frame of January 1, 2006 through January 22, 2006 and the analytical results are less than or equal to 0.010 mg/L, the system is not required to monitor again in the three year compliance period of 2005-2007, as data meeting the new standard are allowed to be grandfathered. If the analytical results are greater than 0.010 mg/L, the water system must sample again on or after January 23, 2006, but no later than March 31, 2007, as compliance must be determined by December 31, 2007. If the system collects samples in the time frame of January 23, 2006 through December 31, 2006 and the analytical results are less than or equal to 0.010 mg/L, the system is not required to monitor again for the three year compliance period of 2005-2007. If the system collects samples in the time frame of January 23, 2006 through December 31, 2006 and the results are greater than 0.010 mg/L, the water system must begin quarterly monitoring in the first quarter immediately following the routine sample.

**Initial Monitoring Year of 1995, 1998, 2001, 2004 or 2007 – sample for arsenic in 2007.** The system must initiate compliance monitoring no later than March 31, 2007. If the analytical results are less than or equal to 0.010 mg/L, the system is not required to monitor again for the three year compliance period of 2005-2007. If the analytical results are greater than 0.010 mg/L, the water system must begin quarterly monitoring in the second quarter of 2007 (April 1, 2007 through June 30, 2007).

**7.3 Existing Surface Water Entry Points Into the Distribution System:** CO and NN water systems must collect one sample from each surface water entry point annually. Specific surface water sampling scenarios are as follows:

**Initial Monitoring Year of 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005 or 2006** – sample for arsenic in 2006. The system must initiate compliance monitoring no later than March 31, 2006, as compliance must be determined by December 31, 2006 and up to four quarters of monitoring may be required (the sample taken in the first quarter [January through March 2006] count as the first of four quarterly samples). If the analytical results are less than or equal to 0.010 mg/L, the system is not required to monitor again for the remainder of 2006. If the analytical results are greater than 0.010 mg/L, the water system must begin quarterly monitoring in the second quarter of 2006 (April 1, 2006 through June 30, 2006).

- 7.4 **Grandfathered Data:** ADEQ will allow arsenic data collected on January 1, 2005 through January 22, 2006 to satisfy initial sampling requirements if the analytical results are equal to or less than 0.010 mg/L. If a system's analytical results are greater than 0.010 mg/L and equal to or less than 0.05 mg/L for the same time frame, the water system will be required to conduct quarterly compliance monitoring on or after January 23, 2006 (the compliance date for the revised MCL), but no later than March 31, 2007. CO and NN water systems may conduct confirmation sampling after January 23, 2006 if the CO or NN water system has an arsenic exceedance based on samples collected prior to that date, but any confirmation sampling must be reported to ADEQ prior to March 1, 2006.
- 7.5 **ADEQ's Monitoring Assistance Program (MAP):** MAP will continue to cover routine (i.e., baseline) compliance arsenic monitoring for CO and NN water systems required to participate in the program. MAP does not conduct increased (i.e., quarterly) sampling for events triggering a greater monitoring frequency.
- 7.6 **New Sources Added to Existing Water Systems:** Existing CO and NN water systems that have added new ground water sources at any time prior to December 31, 2007, must meet the new arsenic standard no later than December 31, 2007. Existing CO and NN water systems adding new surface water sources must meet the new arsenic MCL prior to using that new source in the drinking water system.
- 7.7 **New Water Systems:** New CO and NN water systems that begin operation on January 1, 2005 through January 22, 2006 must meet the revised arsenic standard on and after January 23, 2006. New CO and NN water systems that begin operation on or after January 23, 2006 must meet the new arsenic MCL prior to commencing operation unless a time extension is granted by ADEQ pursuant to 7.13.
- 7.8 **Routine Monitoring Frequencies:** After the compliance monitoring requirements have been met through routine monitoring or grandfathered monitoring data, systems are required to conduct ongoing routine monitoring (MAP will continue to cover ongoing routine compliance arsenic monitoring for systems required to participate in the program pursuant to 7.5). The routine monitoring frequency for arsenic varies depending on whether the drinking water source is surface water or groundwater. As stated, CO and NN water systems must collect one sample from each groundwater entry point once every three years during the system's ADEQ-assigned monitoring year. CO and NN water systems must collect one sample from each surface water entry point annually.

7.9 **Increased Monitoring Trigger:** If a CO or NN water system detects arsenic above 0.010 mg/L in any compliance sample, that system must increase the sampling frequency to quarterly sampling at that entry point into the distribution system. On and after January 23, 2006, quarterly sampling must begin in the quarter that immediately follows the exceedance and the system must continue quarterly monitoring for at least four quarters at the sampling point with the arsenic sample result above 0.010 mg/L. Those CO or NN water systems seeking additional confirmation samples should consult with ADEQ. MAP systems will be required to collect quarterly samples themselves because increased monitoring is not covered under MAP.

7.10 **Compliance Calculations:** Compliance with the revised MCL will be calculated on a running annual average. Two examples of calculating running annual averages are as follows:

**Non-Compliance (MCL violation) Scenario**

- 1<sup>st</sup> Quarter 2007 Entry Point #001 – result 0.012 mg/L (12 ppb)
- 2<sup>nd</sup> Quarter 2007 Entry Point #001 – result 0.012 mg/L (12 ppb)
- 3<sup>rd</sup> Quarter 2007 Entry Point #001 – result 0.009 mg/L (9 ppb)
- 4<sup>th</sup> Quarter 2007 Entry Point #001 – result 0.011 mg/L (11 ppb)

Average = 0.011 mg/L (11ppb), therefore an MCL violation

**Compliance Scenario**

- 1<sup>st</sup> Quarter 2007 Entry Point #002 – result 0.011 mg/L (11 ppb)
- 2<sup>nd</sup> Quarter 2007 Entry Point #002 – result 0.010 mg/L (10 ppb)
- 3<sup>rd</sup> Quarter 2007 Entry Point #002 – result 0.007 mg/L (7 ppb)
- 4<sup>th</sup> Quarter 2007 Entry Point #002 – result 0.008 mg/L (8 ppb)

Average = 0.009 mg/L (9 ppb), therefore in compliance

7.11 **Reduced Monitoring:** ADEQ may reduce the arsenic monitoring frequency for water systems to once every nine years. Reduced monitoring is called a "waiver" under Arizona's drinking water rules. The decision to allow a reduced monitoring frequency is based on, in part, previous analytical results. Water systems are generally required to have analytical results from three separate compliance monitoring events that are all below 0.010 mg/L to qualify for reduced monitoring. CO and NN water systems must request and receive approval from ADEQ for reduced monitoring. However, ADEQ initiates waivers and reduced monitoring events for water systems participating in MAP. Reduced monitoring may be granted at ADEQ's discretion and may be subject to a compliance schedule.

When assessing a system's request for reduced monitoring, the criteria that the department will consider are water quality trends and sampling frequencies of the data received and any other applicable factor(s). Using these criteria, ADEQ will assess ground water and surface water sources as follows:

**Ground Water Entry Point Monitoring Frequency Reductions:** ADEQ may approve systems with groundwater entry points into the distribution system to reduce their monitoring frequency from once every three years to once every nine years for those ground water entry points.

**Surface Water Entry Point Monitoring Frequency Reductions:** ADEQ may approve systems with surface water entry points into the distribution system to reduce their monitoring frequency from once every year to once every three years for those surface water entry points.

**7.12 Maximum Contaminant Level (MCL) Violation**

**Determining an MCL Violation for Arsenic:** A CO and NN water system will not be considered in violation of the revised arsenic MCL until they have completed one year of quarterly sampling. However, on and after January 23, 2006, the system will be immediately out of compliance if any quarterly sample result would cause the running annual average to exceed 0.010 mg/L at any sampling point. If a system does not collect all required samples, compliance will be based on the running annual average of the sample(s) collected.

**Date Public Water Systems Must Meet the New Arsenic MCL (0.010 mg/L):** Based on the compliance monitoring framework and in accordance with 7.2 and 7.3, all ground water systems must ensure their drinking water does not have arsenic levels above 0.010 mg/L no later than December 31, 2007. Surface water entry points into the distribution system must ensure their drinking water does not have arsenic levels above 0.010 mg/L no later than December 31, 2006.

**7.13 Time Extension Requirements**

A. Systems can apply to ADEQ for a time extension to come into compliance with the arsenic MCL of 0.010 mg/L if they are unable to meet the December 31, 2007 compliance date for ground water sources or the December 31, 2006 compliance date for surface water sources. Water systems must demonstrate that several conditions exist which prevent them from meeting the applicable compliance date(s) in order to qualify for a time extension. These conditions are as follows (A.A.C. R18-4-111(A)):

- 1) The water system is unable to comply with the arsenic MCL because of compelling factors which may include economic factors; and
- 2) The exemption from the MCL will not result in an unreasonable risk to public health; and
- 3) The water system is either:
  - a) An existing public water system that is in operation on the effective date of the MCL; or
  - b) A new public water system that begins operations after the effective date of the MCL and does not have a reasonably available alternative source that can be used to achieve compliance with the MCL; and
- 4) The water system is unable to make management or restructuring changes that will result in compliance with the MCL, or improve the quality of the drinking water; and
- 5) The water system has taken all practicable steps to meet the MCL and:
  - a) The water cannot meet the MCL without capital improvements that cannot be completed before the effective date of the MCL;
  - b) If the water system needs financial assistance for necessary capital improvements, the water system has entered into an agreement to obtain the financial assistance; or

- c) The water system has entered into an enforceable agreement to become part of a regional public water system.

An ADEQ approved extension must contain a compliance schedule that includes interim control measures that ADEQ deems are necessary to protect public health. The compliance schedule will require compliance as soon as possible but no later than three years from January 23, 2006. ADEQ can grant up to two, three-year extensions for water systems serving 3,300 or fewer persons if the water system demonstrates that several conditions exist that are preventing them from meeting the original schedule of compliance. Thus, a system serving more than 3,300 persons may be able to obtain an extension to January 23, 2009, and a system serving 3,300 persons or less can obtain an extension to January 23, 2015 upon ADEQ approval, if the requisite conditions are met.

Additionally, ADEQ may require the water system to provide bottled water, point of use (POU) or point of entry (POE) treatment devices as a condition of the extension to avoid an unreasonable risk to human health until a permanent solution is completed. For additional information on point of use, see Arizona Point of Use Compliance Program Guidance (Publication # TM 05-02).

- B. The request for an extension to comply with the revised arsenic MCL must contain, at a minimum, the following information:
- 1) Listing arsenic and the arsenic MCL as the contaminant for which the extension is requested.
  - 2) Sample results of the source water taken before and after any treatment.
  - 3) An explanation of the compelling factors that prevent the water system from meeting the arsenic MCL (A.A.C. R18-4-111(E)).
- C. The request must include a demonstration that the conditions at AAC R18-4-111(A) exist for the public water system. A.A.C. R18-4-111(F) lists several factors ADEQ must consider when evaluating an extension request:
- 1) The necessity for construction, installation, or modification of treatment equipment; and
  - 2) The time required to install new treatment or to modify an existing treatment facility; and
  - 3) The economic feasibility of compliance; and
  - 4) The availability of alternative sources of water; and
  - 5) The opportunity for consolidation with another water system.

ADEQ shall provide an opportunity for a public hearing on a proposed extension to any interested party and the customers of the water system according to A.A.C. R18-1-402.

## 8.0 Additional Documentation

- 8.1 Revised Arsenic Standard Fact Sheet (date)
- 8.2 Arizona Point of Use Compliance Program Guidance

**X**

**DAILY CONSTRUCTION REPORT  
D.L. NORTON GENERAL CONTRACTING, INC.**

PROJECT P.V. A.R.F. JOB NO. 322 DAY Wednesday REPORT NO. 22  
DATE 7/20/05

DLN WORKMEN	NO.	SUBCONTRACTORS	NO.	SUBCONTRACTOR ACTIVITY				
FIELD STAFF	1	Heerup Eng.	1	On site briefly to view soil conditions in Wet Well excavation				
CARPENTERS	4							
LABORERS	3							
OPERATORS	4							
FINISHERS								
Superintendent	2							
TOTAL	14	TOTAL	1	WEATHER CIRCLE	FAIR-AM-PM RAIN-AM-PM	SNOW-AM-PM WIND-AM-PM	AMT. RAINFALL LAST 24 HRS	TEMP 8:00 AM NOON <u>97</u> <u>107</u>

NEW OPERATIONS COMMENCED TODAY: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PHASES OF WORK COMPLETED TODAY: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CONTINUING OPERATIONS: Clarifier excavation with major effort on Wet Well excavation  
Sitework at Reservoirs & Retention Basin.  
N/S tree removal continues in necessary areas  
Dust control is a major effort.

TROUBLE AND DELAYING FACTORS:  
 MATERIAL OR SUBCONTR. NEEDED, MEN WANTED, ETC. \_\_\_\_\_  
 \_\_\_\_\_

(VERBAL COMMITMENTS MADE BY OR TO INSPECTORS.)  
 REMARKS: (B.A., SUBCONTR., OWNER, OTHER PRIME CONTR., ETC.) City of Scottsdale inspector from  
Planning & Development Services was on site to view on going  
landscape work to approved documents. There were no problems.  
It will be necessary for the landscape contractor to provide DLN with a  
permit number for this inspector.

HELD SAFETY MEETING TODAY — YES ( ) NO (✓)  
 FOR FOREMEN ONLY \_\_\_\_\_ ALL CRAFTS \_\_\_\_\_ SIGNED Scott M. Sales

**DAILY CONSTRUCTION REPORT  
D.L. NORTON GENERAL CONTRACTING, INC.**

PROJECT P.W.R.F. JOB NO. 322 DAY Thursday REPORT NO. 23  
DATE 7/21/05

DLN WORKMEN	NO.	SUBCONTRACTORS	NO.	SUBCONTRACTOR ACTIVITY				
FIELD STAFF	1	Mavin Crane	2	Assemble trench box & set in Wet Well				
CARPENTERS	3	Works		excavation.				
LABORERS	3							
OPERATORS	5	United Rental	3	Deliver trench box & try to assist with improper material.				
FINISHERS								
Superintendent	2							
TOTAL	14	TOTAL	5	WEATHER CIRCLE	FAIR-AM-PM RAIN-AM-PM	SNOW-AM-PM WIND-AM-PM	AMT. RAINFALL LAST 24 HRS	TEMP 8:00 AM <u>92</u> NOON <u>96</u>

NEW OPERATIONS COMMENCED TODAY: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PHASES OF WORK COMPLETED TODAY: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CONTINUING OPERATIONS: Clarifier excavation with major effort on Wet Well excavation.  
Trench Box was set in Wet Well excavation.  
Site work at Reservoirs & Retention Basin  
Dust control.

TROUBLE AND DELAYING FACTORS:  
 MATERIAL OR SUBCONTR. NEEDED, MEN WANTED, ETC. Material & information was not supplied by United Rental to assemble trench box. It was necessary to call out personal from United to modify end plates for the bottom trench box. (Crane on site far to long)

(VERBAL COMMITMENTS MADE BY OR TO INSPECTORS.)  
 REMARKS: (B.A., SUBCONTR., OWNER, OTHER PRIME CONTR., ETC.) United Rental has committed to supplying short material to make the trench box complete & to approved standards. This work will take place Friday 7/22/05.

DLN has recognized that the landscape subcontractor has not completed the final task to actually pick up the permit from the city of Scottsdale. A permit was obtained today & available in the job site field office.

HELD SAFETY MEETING TODAY — YES ( ) NO (✓)  
 FOR FOREMEN ONLY \_\_\_\_\_ ALL CRAFTS \_\_\_\_\_ SIGNED Scott J. [Signature]

**DAILY CONSTRUCTION REPORT  
D.L. NORTON GENERAL CONTRACTING, INC.**

PROJECT P.V. A.R.F. JOB NO. 322 DAY Friday REPORT NO. 24  
DATE 7/22/05

DLN WORKMEN	NO.	SUBCONTRACTORS	NO.	SUBCONTRACTOR ACTIVITY				
FIELD STAFF	1	United Rental	2	Deliver remaining end plates & assist to complete trench box assembly.				
CARPENTERS	3							
LABORERS	3							
OPERATORS	5							
FINISHERS								
Superintendent	2							
TOTAL	14	TOTAL		WEATHER CIRCLE	FAIR-AM-PM RAIN-AM-PM	SNOW-AM-PM WIND-AM-PM	AMT. RAINFALL LAST 24 HRS	TEMP 8:00 AM NOON

NEW OPERATIONS COMMENCED TODAY:

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PHASES OF WORK COMPLETED TODAY:

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CONTINUING OPERATIONS: Classifier excavation  
Assist United Rental to set remaining end plates on upper trench box.  
Site work at Reservoir & Retention Basin  
Dust Control

TROUBLE AND DELAYING FACTORS:  
 MATERIAL OR SUBCONTR. NEEDED, MEN WANTED, ETC. After installation of remaining end plates United Rental trench box specialist has deemed this safety measure unsafe until further notice.

(VERBAL COMMITMENTS MADE BY OR TO INSPECTORS.)  
 REMARKS: (B.A., SUBCONTR., OWNER, OTHER PRIME CONTR., ETC.) DLN, Desierto Verde, Groundkeeper & the local city of Scottsdale inspector (Bill Barnes) have walked the site to verify ~~the~~ landscape work completed to date to approved documents. There was paperwork provided by the City of Scottsdale inspector that put two more trees on site into the salvage category.

HELD SAFETY MEETING TODAY — YES ( ) NO (✓)  
 FOR FOREMEN ONLY \_\_\_\_\_ ALL CRAFTS \_\_\_\_\_ SIGNED Att Mly

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

03/24/2006

HON. PAUL A KATZ

CLERK OF THE COURT  
W. Bobrowski  
Deputy

FILED: 03/29/2006

ROLAND F KUEFFNER, et al.

JAMES J PALECEK

v.

SCOTTSDALE CITY, et al.

SHERRY R SCOTT

GLEN HALLMAN

**UNDER ADVISEMENT RULING**

The Court having taken Defendant City of Scottsdale's Motion for Summary Judgment under advisement; having reviewed the memoranda of the parties and legal authorities cited therein,

**IT IS ORDERED** granting Defendant City of Scottsdale's Motion for Summary Judgment for the reasons that follow.

The present motion concerns Defendant Arizona-American Water Company's ("AAWC") plans to construct elevated arsenic removal tanks which, once erected, will obstruct the Plaintiffs' mountain views. Defendants are AAWC, a water utility company, and the City of Scottsdale (the "City"). The City, through its various administrative offices, approved AAWC's plans. Plaintiffs are the residents of the property adjoining the approved construction site. Defendants move for summary judgment on Plaintiffs' second claim (City Council's abuse of process – granting conditional use permit); third claim (City Council's violation of Plaintiffs' due process rights); fourth claim (City Council's abuse of the Citizen Review Process); and sixth claim (Historic Preservation Commission's abuse of process – issuance of the Certificate of Appropriateness).<sup>1</sup> Defendant AAWC has joined in the City's motion.

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<sup>1</sup> The City states that it is moving for summary judgment on claims 2-6, but claim five pertains solely to Defendant AAWC.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

03/24/2006

The undisputed facts follow. AAWC owns the land at issue. AAWC's land is zoned R1-43. The southern two acres of the property have a special campus ("SC") and historic property ("HP") designation. The tanks are scheduled to be built on the acres with the SC-HP designation. Under the City of Scottsdale Zoning Ordinance, structures on R1-43 property may be a maximum height of 30 feet. The Zoning Ordinance also permits public utility structures on land zoned R1-43, provided that a conditional use permit is obtained. The SC-HP designation does not affect the height of structures or conditional uses on R1-43 property.

AAWC applied to the City Council for a conditional use permit in October of 2004. Section 1.401 of the City of Scottsdale Zoning Ordinance sets forth the requirements for a conditional use permit, and provides in relevant part:

A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to the following factors:

- 1) Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
- 2) Impact on surrounding areas resulting from an unusual volume or character of traffic.

B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

The City Council did not consider the impact of AAWC's project on the neighboring property owners' views. On January 11, 2005, the City Council, having determined that § 1.401 was satisfied, granted the conditional use permit. On January 17, 2005, Plaintiffs requested a reconsideration. The City Council placed a potential reconsideration of its decision on its January 25, 2005 agenda. However, the City Council decided not to reconsider the matter at the meeting.

AAWC sought a Certificate of Appropriateness from the Historic Preservation Commission ("HPC") for the arsenic removal system design, which included two tanks capable of holding 1.5 million gallons of water each, 24 feet in height and 117 feet in width. Under the Scottsdale Revised Code § 6.122A, a building permit or a permit "to alter, remodel, move, build, or otherwise develop or landscape property . . . in an HP District" cannot be granted until a Certificate of Appropriateness is obtained.

In advance of the design review, the AAWC sent an archaeology report to the preservation staff. Don Meserve, Historic Preservation Planner, had the following comment:

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

03/24/2006

[P]ertaining to the visual impacts . . . the visual impact will be evaluated in a public hearing by the Historic Preservation Commission . . . .

On January 13, 2005, the HPC voted unanimously to issue a Certificate of Appropriateness. In reaching its decision, the Historic Preservation Commission followed the New Construction Historic Preservation Design Guidelines.<sup>2</sup>

Commissioner Barney Gonzales was included in the vote. Mr. Gonzales owns land adjacent to AAWC property further north of the tanks site. The HPC allowed Mr. Gonzales to vote because, prior to the meeting, the preservation staff and City Attorney's Office advised Gonzales that he did not have a conflict of interest.

**Whether the City Council's Grant of a Conditional Use Permit Constitutes an Abuse of Discretion**

It is not the role of the judiciary to second guess the decisions or actions of a municipality, but the courts may intervene "when there is an abuse of discretion, an excessive use of power, error of law, a lack of good faith, or an act of unreasonableness or irrationality . . . ." *Town of Paradise Valley v. Gulf Leisure Corp.*, 27 Ariz. App. 600, 605 (App. 1976).

Plaintiffs allege that the City Council abused its discretion when it: (1) approved the conditional use permit before the HPC considered the application for a Certificate of Appropriateness; (2) did not request nor consider depictions of the tanks; (3) found that AAWC's proposed use was compatible with other uses in the area; (4) accelerated the review process by two months, resulting in the City having inadequate time to conduct investigations and make an informed decision; (5) made a public policy decision not to bury the tanks and the HPC therefore

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<sup>2</sup> The guidelines are comprised, in relevant part, of the following factors:

Whether existing roadways, vegetation and other landscape features that contribute to the rural character of the site will be retained;

- Whether the visual appearance of new construction from the public rights of ways will be minimized through a variety of techniques, such as placement, screening, landscaping or other such treatments;
- Whether the height of the new construction will include design features, such as stepping of the building's mass, to provide for appropriate transitions of scale from the historic buildings to the site;
- New construction should be composed of simple, geometric shapes, creating irregular massing;
- New construction should be generally horizontal in form;
- New construction should utilize traditional building materials such as adobe, brick, concrete, poured and in blocks, stone or other masonry, wood or metals similar in treatment and finish to the existing materials;
- The practice of utilizing recycled materials, as part of building construction and other site improvements, should be encouraged;
- The canopy of shade created by the mesquite tree bosque should be preserved wherever possible; and
- Paving and construction of other impervious surfaces for driveways and parking areas should be discouraged.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

03/24/2006

could not consider this possible alternative; and (6) granted the conditional use permit although the arsenic removal system did not qualify as a continual non-conforming structure/use.

Timing of Use Permit and Certificate of Appropriateness

Plaintiffs contend that issuance of a Certificate of Appropriateness must precede the granting of a conditional use permit. The deposition of Randy Grant, Zoning Administrator, addresses this issue and provides in relevant part:

Q: Did that happen, that you made a determination that DRB will consider the issue of the Certificate of Appropriateness?

A: No.

Q: HP ended up doing it; right?

A: Yes.

Q: But they did it after the City Council?

A: Yes.

Q: And that wasn't the proper procedure?

A: No, I'm not saying it's not the proper procedure.

Q: You're not saying it's not the proper procedure, so let me get your understanding then. I thought you said that HP should go before City Council?

A: I said typically it would. If a Use Permit is approved by the City Council and it doesn't meet the standard for HP, if it happens later, then that's the risk that the applicant takes.

Mr. Grant's testimony does not support Plaintiffs' contention that the HPC's review *must* precede the City Council's consideration of a conditional use application. Further, § 6.122 of the Scottsdale Revised Code states that a Certificate of Appropriateness must be granted before a building related permit, and does not discuss conditional use permits.

Depictions of Tanks

The City Council must determine whether a conditional use permit application meets the criteria set forth in § 1.401. The list of considerations does not include views, but the list is not exhaustive. However, the Court must defer to the City Council's interpretation of the ordinance

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

03/24/2006

(i.e., what factors it takes into account during a use permit hearing). *See Kubby v. Hammond*, 68 Ariz. 17, 22 (1928).

As set forth in § 1.401, the City Council considers public health, safety, and welfare. In his deposition, Mr. Grant stated several times that City Council did not consider the impact on the neighbors' views because it did not believe it was relevant to public health, safety, and welfare. *See Grant Deposition*, 44:4 – 56:4 (September 8, 2005).

Plaintiffs have not provided any evidence to controvert Mr. Grant's testimony. In fact, Plaintiffs' Statement of Facts paragraph 34 states, "[t]he City Council under the conditional use permit was to consider views . . . ." but Plaintiffs provide no supporting evidence.

Compatibility of Public Utility Use with Other Uses in the Area

Pursuant to § 1.401, the City Council considered whether AAWC's proposed use was compatible with uses in the "surrounding areas." It is undisputed that there has been pumping activity on AAWC's land for many years. There are some stand pipes on the two southern acres with the SC-HP designation while tanks and other structures stand on the remaining acres. Although there aren't tanks on the SC-HP land, it is clear that part of the surrounding areas were being used to pump water. Further, in his deposition, Mr. Grant stated, "because there had been pumping activity and so forth on the site, the [public utility] use didn't seem to be inconsistent with the area." *Grant Deposition*, 54:22-25 (September 8, 2005). Plaintiffs have not provided evidence to controvert Grant's testimony.

Length of Review Process

A conditional use permit usually takes more than four months to process. *Grant Deposition*, 91:11-12 (September 8, 2005). Here, the review process was approximately two months. In his deposition, Grant stated that he didn't think the City "did anything extraordinary in terms of rushing [AAWC's use permit application] through, but that's why there's range there. It could be three months. It could be nine months. It could be 15 months." *Grant Deposition*, 92:9-13 (September 8, 2005). Further, Grant stated that even though a federal deadline (January 26, 2006) relevant to the project was approaching, "I don't think we shortchanged the process in order" to meet the deadline. *Grant Deposition*, 97:18-19 (September 8, 2005).

The fact that AAWC's application review was conducted in a shorter time than other use permit applications, even if a federal deadline was imminent, is not tantamount to an abuse of discretion or unreasonableness on the part of the City Council, especially in light of the fact that the review time is variable. Further, there is no evidence that a longer review would have yielded information that would have caused the City Council to deny the permit.

Public Policy Decision Not to Bury Tanks

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

03/24/2006

According to Plaintiffs, the City Council's decision to grant a conditional use permit and public policy decision not to bury the tanks unduly influenced the HPC's review. However, it is undisputed that the HPC could have declined to issue a Certificate of Appropriateness if it disapproved of the design. The City Council was not required to bury the tanks, absent a public policy reason that falls within the criteria set forth in § 1.401. Plaintiffs have not offered any evidence that burial is appropriate for public policy reasons. Rather, Plaintiffs advocate burial of tanks because it would preserve their views. However, as discussed, the project's impact on the Plaintiffs' views was not a factor in the City Council's or HPC's analysis. Further, structures on land zoned R1-43 may be up to 30 feet in height. The tanks will be 24 feet high.

Non-Conforming Use

It is undisputed that AAWC operated a water utility on the land for years before the zoning ordinance went into effect. The zoning ordinance required that property owners obtain a use permit to operate non-conforming uses on the land. AAWC was not required to obtain a permit because its use was grandfathered. However, AAWC was required to obtain a use permit when it sought to add new structures to its land. As discussed above, the City Council found that AAWC's use of the land was compatible with uses in surrounding areas.

Whether the HPC's Issuance of a Certificate of Appropriateness Was an Abuse of Discretion

Plaintiffs allege that the HPC: (1) abused its discretion when it decided that the tanks met the design guidelines; (2) abused its discretion because the tanks are dissimilar to other structures in the neighborhood; and (3) lacked good faith because it let Barry Gonzales vote even though he had a huge financial interest in the outcome.

Design Guidelines

At the public hearing on January 13, 2005, the HPC considered the relevant New Development Historic Preservation Guidelines (see fn. 2) and determined that AAWC's proposed design satisfied them.<sup>3</sup> The design guidelines do not include any factors related to visual impact.

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<sup>3</sup> According to the minutes of the hearing, "With Regard To No. 4, it appears that the new construction from the public right of way will use a variety of techniques in terms of screening and landscaping so No. 4 is in conformance. The height is appropriate and so No. 5 is in conformance. It appears the new construction is composed of simple geometric shapes so No. 6 is in conformance. No. 7 is questionable but the issue has been raised whether three tanks would bring the height down. . . . No. 11 and 12 are in conformance because of the use of the planned rammed earth wall. No 13 and 14 are in conformance because of the mesquite tree bosque will be preserved and the Sonoran plant materials recommended by the city. No. 15 and 16 are also in conformance because of the materials for both the driveways and pathways. [Commissioner Dallett] concluded that in every way it can conform it does conform." Plaintiffs' Statement of Facts, Exhibit D at CPSHP0005.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

03/24/2006

In his memo, Meserve states that the HPC will evaluate the visual impact at the public hearing but does not go so far as to say that HPC is required to do so. Even though the HPC was not required to consider visual impact, it did hear Plaintiffs' concerns about visual impact because Eric Nesvig, William Kueffner, and Roland Kueffner spoke at the hearing. The HPC followed protocol in applying the guidelines to the project design. The fact that the Plaintiffs' concerns did not persuade HPC to deny the Certificate does not amount to an abuse of discretion, especially in view of the fact that the HPC was not required to consider visual impact.

Comparison of Tanks to Neighboring Structures

Scottsdale Revised Code, § 6.111(F), describes one purpose of the historic preservation regulations is to "[a]ssure new construction and subdivision of lots in an Historic Property District are compatible with the character of the District." Plaintiffs contend that the tanks are not compatible with the character of the district because there are no tanks or similar structures in the district. The New Design Guidelines, which the HPC applied, do not place an absolute ban on the construction of new structures that are different from existing structures. Rather, the historic features set forth in the New Design Guidelines must be incorporated into the design. Here, the HPC did not abuse its discretion because it applied the guidelines and determined that the tanks' design incorporates the district's historic aesthetic through the use of screening and rammed earth walls, etc. *See* fn. 3.

Barney Gonzales's Vote

It is undisputed that Historic Preservation Commissioner Barney Gonzales owns land abutting AAWC's property further north of the site at issue. Gonzales disclosed this fact to the HPC at the public hearing on January 13, 2005. Minutes of HPC Hearing (January 13, 2005), Plaintiffs' Statement of Facts Exhibit D. Both the preservation staff and the Attorney General's Office did not believe that Gonzales had a financial interest in the outcome of the hearing. Minutes of HPC Hearing (January 13, 2005), Plaintiffs' Statement of Facts Exhibit D. Plaintiffs have not provided any evidence that Gonzales had a financial interest, let alone a huge financial interest, in the HPC's decision. Further, there is no evidence to support that if the HPC declined to recommend AAWC's project, AAWC would then have constructed the tanks on the land abutting Gonzales's property.

Whether the City Council Violated Plaintiffs' Due Process Rights

The January 25, 2005 City Council Meeting

The City Council placed a potential reconsideration of its grant of the conditional use permit on the agenda for the January 25, 2005 meeting. The City Council was required to post notice of the meeting at least twenty-four hours in advance of the meeting. A.R.S. § 38.431.02(C). Plaintiffs contend that their due process rights were violated because they did not receive twenty-four hours notice and were only given five minutes to speak at the meeting.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2005-051304

03/24/2006

However, Plaintiffs' evidence, the affidavit of Nan Nesvig, does not state that she received less than twenty-four hours notice. See Plaintiffs' Statement of Fact ¶ 36. Further, Plaintiffs have not cited any legal authority to support that having only five minutes to speak, under the circumstances here, violates their due process rights.

The Citizen Review Process

Plaintiffs' Response did not address the issue of whether the City Council abused its discretion in failing to conduct a Citizen Review Process. Thus, this issue is not in dispute and will not be considered here. See *Harrington v. Pulte Home Corp.*, 211 Ariz. 241 (App. 2005).

Conclusion

The actions taken by the City of Scottsdale were neither arbitrary, capricious, nor unlawful.

# **PART 1 OF 2**

**W-01303A-05-0405**

**W-01303A-05-0910**

**BAR CODE # 0000046181**

**To review Part 2 see:**

**BAR CODE #0000048817**