



Cochise County Planning and Zoning Commission

MEETING MINUTES

July 11, 2012 at 4:00

Cochise County Complex
Board of Supervisors, Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85603

CALL TO ORDER

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Jim Lynch, Chair, at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona, in the Board of Supervisors' Board Room.

Mr. Lynch reminded the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He indicated the time allotted to speakers when at the podium. He then explained the composition of the Commission and asked the Commissioners to introduce themselves.

ROLL CALL

Chair Lynch noted the presence of a quorum, and called the roll; eight Commissioners (Martzke, Miller, Lynch, Brauchla, Edie, Bemis, Sanger and Montañó) indicated their presence. Cervantes was absent.

CALL TO THE PUBLIC

Chair Lynch opened the "Call to the Public." Jack Cook spoke about various matters. Chair Lynch closed the "Call to the Public"

APPROVAL OF PREVIOUS MONTH'S MINUTES

Mr. Lynch offered approval of the May minutes. It was noted that several Commission members were absent for the May meeting.

Motion: Approve the minutes of the May 9, 2012 meeting.

Action: Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Bemis

Vote: Motion passed (**Summary:** Yes = 6, No = 0, Abstain = 2)

Yes: Mr. Martzke, Ms. Edie, Mr. Lynch, Mr. Brauchla, Ms. Miller, Mr. Bemis

No: 0

Abstain: Mr. Sanger, and Mr. Montaña (with Mr. Cervantes Absent)

NEW BUSINESS

Item 1 – Docket R-12-02: Proposed Revision of the County Zoning Regulations Pertaining to Agriculture-related Uses.

Senior Planner Beverly Wilson presented the docket, beginning by emphasizing the importance of agriculture in the County and staff's attempt to look for regulatory relief for some ag-related activities, particularly those of a smaller scale. She asked that questions be asked as they arise in order to make the material presented easier to follow.

She stated that there are currently only four ag-related definitions in Article 2 of the Zoning Regulations. The first definition, General Agriculture, is from State law and indicates that General Ag uses are exempted from the Zoning Regulations. The second definition describes the methods used to change an agriculture product and the process to make such products marketable. The third definition describes a commercial feed lot, and the fourth definition describes meat cutting and butchering. Ms. Wilson noted that this definition is problematic because the Zoning Regulations prohibit slaughtering for small family-owned butcher shops in the County.

Ms. Wilson looked at amending existing definitions in the Zoning Regulations and adding several new uses, including On-site Agricultural Processing Services, as well as definitions for emerging ag-related businesses such as Wineries and Tasting Rooms. She presented the proposed changes to General Agriculture and the revisions to dairy operations, which was removed from County Regulations, per State law. She described the noxious uses that Staff has proposed to be added.

Mr. Bemis had a question about General Agriculture with respect to junk yards and why that language was included. Mr. Ambrose, County Attorney, indicated that it is likely an excessive caution to ensure that people who operate junk yards cannot find some loophole to attempt to label the use agricultural and therefore be exempt from the Zoning Regulations.

The second definition offered by Ms. Wilson was Agricultural Processing Services. The proposed changes include an explanation of what Agricultural Processing Services would and would not include. The third item proposed deletion of Meat Cutting and Butchering and provided a definition for Custom Butchering, Meat Curing and Processing and what those uses would include. She stated that staff based the proposed definition on the Arizona Department of Agriculture's Slaughter License to set limits. Mr. Bemis asked a question about the difference between slaughtering, killing and animal processing.

Ms. Wilson indicated that the Commercial Feedlot definition has been amended to add language from the ADEQ regarding Confined Animal Feeding Operations (CAFO). The next definition pertained to On-site Ag-processing activities, and Ms. Wilson explained how those activities would be treated in Growth category D, with the intent to relax restrictions on pecan growers, for

example, or wineries that produce a certain amount of product. Ms. Wilson explained the rationale for crafting the proposed definition, why it is worded as such, and pointed out the benefits smaller ag operations provide for the County. Ms. Wilson then discussed the next definition which addressed the proposed revisions made to restaurants, bars, taverns, nightclubs, and outside winery tasting rooms. She also discussed slaughterhouses and meat-packing plants, farm wineries and the different liquor licensing requirements that must be met. Mr. Bemis had questions regarding ATF and their regulations on wine sales, and the requirements in obtaining an Arizona State Liquor License.

Ms. Wilson then discussed the matrix staff created. She explained setback limitations which would restrict the locations of permitted uses. Furthermore, she explained the Special Use permit process, and how permitting particular uses with minimum setback requirements is intended to simplify the process for Applicants in order to preclude them from needing to request a Special Use.

Ms. Wilson explained that while Staff had originally proposed changing the minimum setbacks for commercial feedlots and slaughterhouses in the rural zoning district, that was no longer the case. Upon further discussion, Staff felt that the current regulation should remain, which states that these uses are allowed as a Special Use with a 40-ft. minimum setback, which allows the public to weigh-in on heavy industrial uses. Ms. Wilson explained the other proposed changes to Article 6 including that with a 100-ft. minimum setback one may have on-site ag-processing as a permitted use. With custom butchering, meat curing and processing, one needs a 100-ft. minimum setback. Ag-processing activities with a 300-ft. minimum setback are permitted uses. Meat cutting and butchering are proposed for deletion from the list of Special Uses, with on-site ag-processing and custom butchering with less than 100-ft. added to the list of Special Uses. Ag-processing with less than 300-ft. minimum setback would also require a Special Use. In Article 12, meat cutting was deleted and custom butchering was added. In Article 13, the same permitted uses were added and on-site agricultural processing was included with no minimum setbacks. Special Uses include commercial feed lots and slaughterhouses. Slaughterhouses and commercial feedlots were added as permitted uses to the Light Industrial districts with 300-ft. minimum setbacks; this option was made unavailable in the Rural districts. In the Heavy Industrial districts, uses that can meet minimum setback requirements would be permitted; those that cannot would require a Special Use permit. Winery Tasting Rooms had to be added to Article 18, Site Development Standards, so staff would have a reference for site development standards such as the minimum number of parking spaces required, etc.

Mr. Martzke questioned why commercial feedlots were proposed as permitted uses in the Light Industrial districts; Ms. Wilson stated that they would be permitted with a 300-ft. minimum setback. Mr. Martzke suggested commercial feedlots be required to obtain a Special Use permit in the Light Industrial districts, and was not concerned about the 300-ft. minimum setback requirement. Ms. Wilson asked how he felt about slaughterhouses in Light Industrial; Mr. Martzke said that he didn't object about anything else proposed in the matrix.

Chairman Lynch opened the Public Hearing and asked if anyone from the public would like to speak. Mr. Jack Cook stepped to the podium to speak.

Chairman Lynch asked if anyone else wanted to comment, there being no one the Public Hearing was closed. He asked for Commission discussion on the recommended changes to the regulations, and Mr. Bemis asked Ms. Wilson if there has been any discussion regarding any

possible effect on general ag permitting on building construction; Ms. Wilson said that if the use is exempt there would be no changes.

Mr. Lynch asked for the Planning Director's summary and recommendation. Ms. Wilson stated that Staff recommends the Commission forward a recommendation of approval to the Board of Supervisors for a public hearing on August 14th.

Mr. Lynch asked for a motion to forward the proposed changes to the Supervisors with a recommendation of approval with the change that commercial feed lots in Light Industrial districts require Special Use permits.

Mr. Martzke motioned to forward a recommendation of approval to the Board of Supervisors as presented by staff, with the exception that Light Industrial commercial feedlot requirements require a Special Use permit. Mr. Bemis seconded. The motion passed 8-0.

Motion: Motioned to approve the changes to Agricultural activities under Docket R-12-02.

Action: Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Bemis

Vote: Motion passed unanimously (**Summary:** Yes = 8, No = 0, Abstain = 0)

Yes: Mr. Martzke, Ms. Miller, Chair Lynch, Mr. Brauchla, Mr. Bemis, and Ms. Edie, Mr. Sanger, Mr. Montañó .

Item 2 – Public Hearing Docket SU-12-08 (Miles): Request for Propane Holding Tank Operation.

Mr. Lynch explained the process for Special Use permits. He stated Special Use requests or permits are approved by the Commission, appeals of decisions may be made to the Board of Supervisors within 15 days of the Commission's approval. Appeal procedures can be obtained from the Secretary, on-line on the County's web site or at the County offices during business hours. Mr. Lynch requested the Planning Director's report.

Senior Planner Keith Dennis presented Docket SU-12-08, which is a request for a Special Use permit to allow manufacturing, warehousing, storage and distribution of goods in a General Business District. The request is to store propane in a large tank located at an unmanned local fill station for local distribution. The Applicant operates at his home base in Willcox and must transport propane to the Whetstone and Sierra Vista areas. He stated that it is in his and customers' interests to have a more local distribution facility. The proposed operation would be in a fenced in area with no vegetation. Trucks would visit the site to fill and transport to the end user. The site would be a couple of miles north of Mustang Corners, behind the Road Runner Auto Body shop in the Whetstone area.

Mr. Dennis presented a site plan showing the proposed location, stating that there is an existing ADOT apron, and noting also that there is a special type of pavement the Applicant wishes to install which would require a modification. He also showed several pictures from different areas, stating that it was a matter of updating the authorization from ADOT to add the business onto the existing use permit for that access on the ADOT right-of-way. The Applicant wants to eventually make access go through to the property. Mr. Dennis indicated that the requested modifications include: a waiver from the landscaping requirement in order to minimize fire danger. One method of doing so is to chip seal to prevent vegetation growth.

There was support from some of the neighbors, and no opposition was received. Mr. Dennis presented all the factors in favor and indicated that there were no factors against approval, concluding staff's presentation.

Mr. Lynch asked if there were any questions from staff before proceeding. Being none, he asked Mr. Miles if he wished to make a statement. Mr. Miles stepped to the podium and offered details about his business. He indicated that it would be better not to have vegetation because of fire potential. He then asked the Commission if there were any questions.

Mr. Bemis asked if they would be storing any delivery trucks there; Mr. Miles said yes. Mr. Sanger asked about gravel and how thick it would be, and Mr. Miles explained that it would be a minimum of 2 inches and a maximum of 4 inches.

Chairman Lynch stated that he received no speaking forms, nor did anyone indicate a wish to speak in favor of or against this docket. He closed the Public Hearing and asked for Commission discussion. There being none he asked for staff's recommendation.

Mr. Dennis stated that the recommendation was for conditional approval, with the first condition a standard condition obligating the Applicant to follow through on obtaining a commercial permit. The second condition was also a standard condition indicating the Applicant's responsibility to meet any other conditions or any other codes required. Mr. Dennis indicated that the Department received correspondence from the Whetstone Fire Department indicating that compliance with the 2006 International Fire Codes would be necessary. Should the project be approved, any major changes would possibly require modifications approved by the Commission. Mr. Dennis concluded that the modifications of site development standards requested by the Applicant are supported by staff.

Mr. Bemis motioned to recommend approval of Docket SU-12-08 with the conditions of approval and the modifications and waivers requested by the Applicant and recommended by staff. Mr. Bemis moved to approve, noting the factors in favor of approval as constituting findings of fact. Mr. Brauchla seconded the motion. The motion passed unanimously (8 – 0).

Motion: Conditionally Approve Docket SU-12-08 with recommended modifications and waivers.

Action: Approve **Moved by:** Mr. Bemis, **Seconded by:** Mr. Brauchla

Vote: Motion passed unanimously (**Summary:** Yes = 8, No = 0, Abstain = 0)

Yes: Mr. Martzke, Ms. Miller, Mr. Sanger, Chair Lynch, Mr. Brauchla, Mr. Bemis, Mr. Montañó and Ms. Edie.

Mr. Lynch called for the Planning Director's report.

Mr. Turisk stated there will be three dockets on August 8th; one a Proposed Comprehensive Plan Amendment and rezoning to General Business in the Whetstone area, a Special Use for contract construction and tool storage in Sunsites, and a Special Use modification for a multi-use foster care center in Benson.

The Special Use was approved in 2007, and the Applicant has asked for several modifications. In addition on May 9th, the Commission entertained proposed revisions to the ALQ guidelines; on June 12th the Board approved those revisions with a major change, that being that the Board dropped the 1100 sq. ft. maximum sq. ft. maximum. Basically, ALQs may be no more than 75% of the principal structure, but there is no cap on the maximum sq. footage. He informed the Commissioners that Carlos De La Torre has accepted the City Manager's job with the City of Douglas, his last day with the County being July 27th.

Mr. Lynch asked the Commissioners if they had any issues and Mr. Martzke congratulated Ms. Wilson and staff for a job well done on the ag-processing revisions. He commented that they are a long time coming.

Chair Lynch asked the Commission if there were any planned absences, there being none, he motioned to adjourn.

ADJOURNMENT: Mr. Martzke moved to adjourn, Mr. Bemis seconded, and the meeting was adjourned at 5:07 p.m.