



NOTICE OF MEETING
Cochise County, Planning and Zoning Commission

August 10, 2011 at 4:00

Cochise County Complex
Board of Supervisors, Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85607

AGENDA

1. 4:00 P.M. - CALL TO ORDER

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

- 2. ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)
- 3. CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda).
- 4. APPROVAL OF PREVIOUS MONTH'S MINUTES**
- 5. NEW BUSINESS**

Item 1 – (Page 1) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, Docket Z-11-05: A request to downzone a parcel of land from GB (General Business) to R-18 (one dwelling per 18,000 square feet). The subject property consists of two parcels (Parcel# 106-24-013 and 106-24-014) and is approximately 55,190.53 square feet in size. There is an existing garage and warehouse with living quarters on the site. It is located at 2136 N. Coronado Frontage Road, Huachuca City, AZ.

Applicant: Everette and Carla Reaves

ANNOUNCE ACTION TAKEN (If the Commission forwards a recommendation regarding the ordinance to the County Board of Supervisors, this docket will be heard in a public hearing

before the Board of Supervisors at or after 10:00 a.m. on August 23, 2011, at the same location as the Commission meeting.)

Item 2 – (Page) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, Docket SU-11-10: The Applicant seeks Special Use authorization from the Planning and Zoning Commission in order to establish an outdoor recreation facility per Cochise County Zoning Regulations, Section 607.07. An existing pumpkin patch is on the property, which has previously been designation as Ag-exempt. This proposal is to allow outdoor recreation uses such as hay rides, barrel train rides, and a petting zoo. The subject property (Parcel #106-05-001) is located north of Huachuca City on Highway 92 at West Ivey Road

Applicant: James Goad

ANNOUNCE ACTION TAKEN – (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available this afternoon with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the “Permits and Packets” link.)

Item 3 – (Page) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, Docket Z-11-07: The Applicant seeks to rezone an 8,400 square foot parcel of land from MH-72 (Manufactured Home District, one dwelling per 7,200 square feet) to GB (General Business), in order to facilitate a Contract Construction Services land use. The Applicant, Robert Hannon of New Mountain Plumbing, intends to construct a 1,216 square foot plumbing shop on the property and operate his business from the subject parcel. It is located at 110 N. 5th Street in Sierra Vista.

Applicant: Robert Hannon

ANNOUNCE ACTION TAKEN (If the Commission forwards a recommendation regarding the rezoning to the County Board of Supervisors, this docket will be heard in a public hearing before the Board of Supervisors at or after 10:00 a.m. on September 27, 2011, at the same location as the Commission meeting.)

Item 4 – (Page) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, Docket Z-11-04: A request to rezone a parcel of land from TR-9 (one dwelling per 9,000 square feet) to MR-1 (one dwelling per 3,600 square feet). The subject property (Parcels 102-57-139C & 139E) is approximately 14,239 square feet in size and has an existing mobile home on the site. It is located at 3724 South Rogers Avenue in Naco, AZ.

Applicant: Blanca Ruiz.

ANNOUNCE ACTION TAKEN – (If the Commission forwards a recommendation regarding the rezoning to the County Board of Supervisors, this docket will be heard in a public

hearing before the Board of Supervisors at or after 10:00 a.m. on September 13, 2011, at the same location as the Commission meeting.)

Item 5 – (Page) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, Docket SU-11-11: The Applicant seeks Special Use authorization from the Planning and Zoning Commission in order to establish a Contract Construction Services (607.13) / Professional Services (607.26) land use on the 581-acre subject property. The intent is to install and operate a 10' x 40' modular office building for use as a construction office as well as a sales office for the proposed Copper Hills subdivision to the North. The subject property is located west of Bisbee on Highway 92 to northbound access just past Milepost 346.

Applicant: Alan Thome, represented by Jerry Greutzemacher.

ANNOUNCE ACTION TAKEN – (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available this afternoon with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the “Permits and Packets” link.)

Item 6 – (Page) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, Docket Z-11-06: A request to rezone a parcel of land from RU-4 (one dwelling per four acres) to SR-2 (one dwelling per two acres), in order to develop the land through the Cochise County Subdivision process. The subject property (Parcel# 124-01-013H) is approximately 550 acres in size and is located at 1670 South J-6 Road, Benson, AZ.

Applicant: Easter Mountain Ranch, LLC.

ANNOUNCE ACTION TAKEN (If the Commission forwards a recommendation regarding the rezoning to the County Board of Supervisors, this docket will be heard in a public hearing before the Board of Supervisors at or after 10:00 a.m. on September 13, 2011, at the same location as the Commission meeting.)

6. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS**
7. **PENDING AND RECENT MATTERS**
 - A) **FUTURE AGENDA ITEMS/DOCKETS**
 - B) **BOARD OF SUPERVISORS'S ACTIONS**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS**
9. **ADJOURNMENT**



Cochise County, Planning and Zoning Commission Minutes Wednesday July 13, 2011

1. CALL TO ORDER

2. **ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)**Roll Call.**
3. **Present:** Jim Martzke, Duane Brofer, Rusty Harguess, Dan Abrams, Jim Lynch.
4. **Absent/Excused:** Cruz Silva, Pat Edie, Ron Bemis, and Gary Brauchla.

5. APPROVAL OF PREVIOUS MONTH'S MINUTES

Motion: Approve the minutes as written, Action: Approve, Moved by Rusty Harguess, Seconded by Dan Abrams.

Vote: Motion passed (summary: Yes = 3, No = 0, Abstain = 2).

Yes: Rusty Harguess, Dan Abrams, Jim Lynch.

Abstain: Jim Martzke, Duane Brofer.

6. **CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda). Chair Lynch opened the meeting to the public, being there was no one wishing to speak he closed the call to the public.

DOCKET MDP-11-01 / Z-11-03: Planner Keith Dennis presented the proposal for a 1,240-acre Master Development Plan (MDP) West of Willcox, Arizona. The nature of the proposed development, which would take place in several phases, would include a rezoning of the entire tract to PD (Planned Development District), in order to facilitate the MDP. The MDP is proposed as a four-phase development plan. At full build-out, the MDP would include densities ranging from 12 dwellings per acre to one dwelling per four acres, and would include a commercial mixed use area. He explained the subject property is located west of incorporated Willcox, Arizona, along the North side of Airport Road (between Mileposts 10 and 11). The Parcels subject to the Application are: 202-35-002A, 002B, 005, 202-01-009C, 009D, 009E, 202-23-004. Mr. Dennis presented maps and site plans of the proposal. He explained the phases of the development, and the housing types that would be allowed in the

development. He further explained the factors in favor and against and that staff had received 1 letter in support and 1 letter against.

Chair Lynch asked for the Applicant's statement.

David Bohn of Kinetix Engineering, representative for the Applicant, stated there is demand in Willcox for the new development. He stated they had only received one comment from the public and it had been positive. He further stated why they were requesting a waiver for the 50 percent open space, because they are planning to build a school and possibly a Fire Department.

Mr. Abrams asked if there is a timeline for the development.

Mr. Bohn stated they are hoping to finish it in 15 years.

Mr. Dennis explained that staff was recommending approval of the waiver with the condition that the project reach full build out by 2020.

Chair Lynch opened the meeting to the public.

No one wished to speak so he closed the meeting to the public.

Mr. Dennis stated staff recommends forwarding the docket to the Board of Supervisors for approval with the conditions stated in the staff report.

Motion: Motion to forward a recommendation of approval for Z-11-03 to the Board of Supervisors for approval pending approval of the MDP, with the conditions and recommendations stated by staff. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Rusty Harguess.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Dan Abrams, Jim Lynch.

Motion: Motion to forward a recommendation of approval for MDP-11-01 to the Board of Supervisors for approval with the conditions stated by Staff. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Rusty Harguess.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Dan Abrams, Jim Lynch.

Chair Lynch explained to the public that the RU zoning is not considered residential it is rural and allows businesses in that zoning.

Docket SU-11-09: Planner Keith Dennis presented the docket a Special Use Permit for a Medical Marijuana Cultivation Facility, per Section 607.51 of the Cochise County Zoning Regulations. The Applicant intends to install a 63,425 square foot enclosed greenhouse with a 10 foot wall enclosure for cultivation of marijuana, which will be sold offsite. He Dennis explained the subject property is located at 3516 West La Luna Drive, Douglas, AZ (Parcel No. 407-84-020M), and is located west of Douglas, AZ. He further explained the application does not meet several development standards, including parking and loading areas, driveway widths and surfacing, and required setbacks to nearby wash. He further explained staff had received 29 letters opposing the project. He Dennis explained the factors in favor and against the proposal.

Chair Lynch asked for the applicant's statement.

Julia Patten, Applicant, stated she understands the responsibility that comes with the endeavor and has collaborated with other people when starting the endeavor. She stated she and two other individuals intend to live on the property, work there and protect the property.

Chair Lynch opened the meeting to the public.

Bruce Skippar stated he is the immediate north neighbor to this site. He stated he has many issues such as the 10 foot wall that he feels will impede his view. He further explained he is concerned about the lighting. Mr. Skippar stated the roads are maintained by the neighbors, and asked Ms. Patten to contribute to the road maintenance in the past and she would not contribute, therefore the neighbors don't trust she will be a good neighbor.

Kathleen Eisenbeis stated her barns are located 127' from the wall, and she feels other things can be grow on the property. She doesn't feel Ms. Patten can meet the 500' setback required by the State.

Jennifer Arellano stated her property is along Kings Hwy, at the end of the wash, so she is concerned about the run off and if there will be pesticides washed on to her property. She further feels there is a threat and they are located in an area where it takes a while for the Police to respond.

Ann Skippar stated she is concerned about the water, and the lack of it. She further stated she wants a reliable person to run a business like this in this area.

Chair Lynch asked for the Applicant's rebuttal.

Ms. Patten stated she had been approached about contributing to the maintenance of the road, but at the time she was not living on the property, since she has been living on the property no one has approached her. She stated that this area does not have a water issue as it is in Douglas.

Chair Lynch closed the meeting to the public.

Mr. Dennis stated the staff recommends denial of the Special Use request.

Mr. Turisk stated that the minimum setback stated in Cochise County's ordinance is 300' from structure to structure and the proposal can not meet that requirement.

Motion: Motion to approve SU-11-09 with the conditions of approval recommended by staff. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Rusty Harguess.

Commissioner Martzke stated he agreed with staff, stating that he feels the docket does not comply with the medical marijuana ordinance.

Commissioner Abrams stated he too feels there are too many neighbors opposed to the proposal to support it.

Vote: Motion failed (**summary:** Yes = 0, No = 5, Abstain = 0).

No: Jim Martzke, Duane Brofer, Rusty Harguess, Dan Abrams, Jim Lynch.

Docket SU-11-08: Interim Planning Manager Beverly Wilson presented the docket for a Special Use Permit for a Medical Marijuana Dispensary Cultivation Facility, per Section 1205.20 of the Cochise County Zoning Regulations. The Applicant intends to improve a 6,000 square foot vacant warehouse for this use, in a GB zone. The subject property is located at 86 East Redwing Lane, Huachuca City, AZ

(Parcel No.106-16-039), and is located east of North Highway 90. Mrs. Wilson presented maps and a site plan of the proposal. She also presented photos of the property. Mrs. Wilson explained that staff had received 3 letters in support and 2 letters in opposition inside the notification area. She further stated she had received e-mails from an additional 9 property owners outside the notification area. She further explained the factors in favor and against the proposal.

Chair Lynch asked for the Applicant's statement.

Dr. Lisa Landy stated she wants the Special Use because she felt it is important for patient representation and to make sure patients needed access to safe reliable medication, and she felt she could help. She further stated she was asking for the cultivation facility to develop proper strains genetically of the medication to treat specific medical conditions.

Chair Lynch opened the meeting to the public.

Joanne Cappola stated she is concerned about the property being located near a school bus stop. She further stated she is concerned about the lack of noticeable law enforcement, and the rise in crime rate.

Tim Sulger stated he is speaking for his sister who owns property near the proposal. He further stated he is opposed to having a marijuana dispensary in this area. He stated he is concerned about the security lighting that will be required.

Ted Sparks is concerned about law enforcement issues, fire issues, the water table and property values. He further stated he lived in California and he saw how the law was misused and feels it will happen again here.

Bruce Kitabjian stated he is the father of four daughters and feels it will impact his family in a negative way.

Dan Bradford stated he lives near the proposal and is opposed to the proposal.

Todd Grimm stated he lives within the 1000' of the property. He asked if school bus stops are considered school property. He further stated he believes it will increase the crime in the neighborhood.

Dorothy Petrello stated she is opposed to the proposal, she has children and one is a teenager and is concerned.

Corbett Reece stated he is concerned about people purchasing the product and using it right away and then driving away from the facility. He further stated the water table is a concern as there isn't enough water.

Edwill Hector stated he is opposed to the proposal. He further stated he lives next to the property and is concerned about the fumes, a rise in crime, and the other issues already brought up by the other neighbors.

Chair Lynch called for the Applicant's rebuttal.

Dr. Landy stated the plan is for less 100 plants, which would be about 10,000 to 12,000 gallons a year. She stated the lights that are there will continue to be used. The patients will be picking up their medication on an appointment only basis. There will only be about 28 patients a month picking up medication. She further stated there are other businesses that would have a greater impact on the neighbors.

Commissioner Rusty Harguess asked the applicant if there would be signs.

She stated there would not.

Mrs. Wilson stated that staff recommends conditional approval.

Motion: Motion to approve docket SU-11-08 with the conditions and modifications stated by Staff.

Action: Approve, **Moved by** Jim Martzke, **Seconded by** Rusty Harguess.

Commissioner Brofer stated he will vote against the proposal.

Commissioner Martzke stated the proposal meets the County's requirements the best.

Vote: Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

Yes: Jim Martzke, Rusty Harguess, Dan Abrams, Jim Lynch.

No: Duane Brofer.

Docket SU-11-06: Interim Planning Manager Beverly Wilson presented the docket for a Special Use Permit for a Medical Clinic and a Medical Marijuana Dispensary Cultivation Facility, per Sections 607.28 and 607.53 of the Cochise County Zoning Regulations. The Applicant intends to install 2 Modular Buildings, 320 square foot each, for these uses. The subject property is located at 2941 Old Coyote Road, Cochise, AZ (Parcel No. 208-89-023), and is located north of Dragoon Road. Mrs. Wilson presented maps and a site plan of the proposal and photos of the area. She explained the factors in favor and factors against; she stated staff had received 3 letters in support, and 6 letters in opposition.

Chair Lynch asked for the Applicant's statement.

Dr. Robert Mead, Treatment and Health Centers, LLC., stated he believes the proposal will impact his neighbors very little. It will be a small business, as there is a need but he feels it will be a small need.

Chair Lynch opened the meeting to the public.

Alan Elkin stated he has lived in that area for a long time, he stated he feels having a doctor's office in the area will benefit the area. He stated he is in favor of the proposal.

Oscar Nunez stated there are 22 patients in the Willcox and Benson area that would be using the service. He further stated he feels that it would be a benefit to the community.

Mary Kay Cerovich stated there is a medical center in Sunsites and doesn't feel there is a need for a medical center on Dragoon Road, near a bus stop.

Linda Middlebrook stated she lives in the 1500' notification area. She stated she is concerned about water, as 3 wells in the area have gone dry. She is also concerned about having the school bus being located near the proposal.

Bobbie Clark stated she lives about a mile from and is concerned about the security of the site because law enforcement is not located nearby.

Dorothy Skinner stated her well is located across the street from the facility. She is concerned about what it will do to her well. She is concerned about clinics that give out medications.

Alan Elkin stated he grows pistachios in the area and they use much more water for their orchards and have never had a problem with water.

Dr. Mead stated he will be setting up an indoor growing facility, and it would not use much water.

Mrs. Wilson stated staff is recommending conditional approval with the conditions stated in the staff report.

Motion: Motion to approve SU-11-06 with the conditions recommended by staff, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Dan Abrams.

Vote: Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0).

Yes: Jim Martzke, Rusty Harguess, Dan Abrams, Jim Lynch.

No: Duane Brofer.

7. PLANNING DIRECTOR'S REPORT

Next months dockets include 6 dockets.

He further stated that the Comprehensive plan policies will be going to the Board and they will bring the results next month.

8. CALL TO COMMISSIONERS ON RECENT MATTERS

9. ADJOURNMENT

10. **Motion:** Motion to adjourn, Action: Adjourn, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

11. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

12. **Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Dan Abrams, Jim Lynch.

Planning & Zoning Commission Meeting Sign in Sheet

DATE July 13, 2011

PLEASE PRINT

NAME	ADDRESS	PHONE #	ITEM #
1. Tim SULLER	2611 N CALLE SEIS HC A2	520 4589328	POT #3 HOUSE
2. Joanne Coppola	2703 N. Calle Seis Huachuca City, Az 85616	555-0531	#3
3. Dorothy Skinner	1951 W. Clearview Ln Wagon AZ Douglas	520-826-1028	#4
4. Bruce Skippav	3501 W. El Sol Dr. AZ Huachuca City	520 220 6739	Medical Marijuana Item #2
5. DANNY BRADFORD	2764 N. Calle Seis	520 459-3855	#3
6. Bruce Kitabjian	495 Redwing Huachuca City	805-796-9977	#3
7. Julia Patten	3516 W LaLuna	480-730-5434	
8. Rodolfo GINEZ	3430 MASSAI LN	520-8059820	
9. Julia P. Camacho	4672 N. Kings Hwy Cochise AZ 85606	520-364-1220	Medical MARIJUANA #5
10. Linda Middlebrook	1951 W. Ladybug Ln	520 826-2362	Medical Marijuana
11. Bobbie Clark	3266 N. Druzellas way	520 507 9864	#4 Med marijuana Cultivation
12. KATHLEEN BRANTZ	4672 N. Kings Hwy	520-364-1220	Med Marijuana
13. Jen Arellano	4690 N Kings Hwy	520 266 2643	Douglas King Hwy Med Marijuana #2
14. CHARLES SPARKS	204 E. WILDCAT	714-778-1512	MEDICAL MARIJUANA HUACHUCA
15. Mary Kay CEROVICH	2081 W. Snowbird Lane	520 826-0043	#4 Medical Marijuana

Planning & Zoning Commission Meeting Sign in Sheet

DATE July 13, 2011

PLEASE PRINT

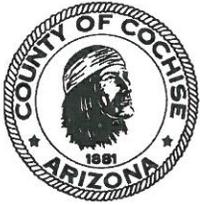
NAME	ADDRESS	PHONE #	ITEM #
1. Dorothy Petrello	2786 N Calle Seis	227-2441	3
2. William Cole	Cochise AZ 85609 1722 W CLEARVIEW LN	254-2935	023
3. PAT GEYMINA	3550 W EL SOL	991-9122	# 2
4. RALPH G. ADCOCK	3600/3566 EL SOL DR	364-6794	2
5. GEORGIAN ADCOCK	3600/3566 EL SOL DR	364-6794	2
6. Gina Reece	2792 N Tye Ln, Huachuca City	591-1728	# 3
7. Corbet Reece	"	591-4728	# 3
8. Maria Rachilla	3494 W. El Sol Dr. Douglas City	508-4815	
9. L.D. Rachilla	"	"	
10. Anne Rego	2069 N Elder Ave	227 9190	#3
11. Jim Brechtel	2460 N Calle Sereno Whitaker	719-510-9551	#3 Meadton May
12. MARY KARNIS (Robert & Gen Brechtel)	Canavieira De Tenorio	310-631-6057	#dec #5
13. JENNIFER SEAN HEARN	2716 N Calle Terceira	520-226-7694	
14. Robert + Catherine Mead	2101 N. 123 rd W. Avondale - AZ.	480) 861-6761	
15. AZAN ELKIN	2954 N. Old Coyote COCHISE AZ 85606	520-826-3418	

Planning & Zoning Commission Meeting Sign in Sheet

DATE July 13, 2011

PLEASE PRINT

NAME	ADDRESS	PHONE #	ITEM #
1. OSCAR NUÑEZ	4297 N. RILLITO CREEK TUCSON, AZ. 85719	(520) 250-0791	
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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Beverly Wilson, Interim Planning Manager
For: Mike Turisk, Interim Planning Director
SUBJECT: Docket Z-11-05 (Reaves)
DATE: July 19, 2011 for the August 10, 2011 Meeting

APPLICATION FOR A REZONING

This is a request to downzone two parcels from GB (General Business) to R-18 (one dwelling per 18,000 square feet). The subject parcels are 106-24-013 and 106-24-014 and are located on the Coronado Frontage Road north of Huachuca City. The Applicants are Everette and Carla Reaves.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 55,190.53 square feet (1.27 acres)
Zoning: General Business (GB)
Growth Area: Category B (Community Growth Area)
Area Plan: None
Plan Designation: Neighborhood Conservation
Existing Uses: Living quarters with an attached warehouse and garage
Proposed Uses: R-18 (Residential; one dwelling per 18,000 square feet)

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	General Business – Used as residential
South	GB	General Business – Used as residential
East	GB	General Business -- Used as residential
West	GB	General Business – Highway 90

II. PERMIT HISTORY

A permit was issued on August 31, 1990 to build a 1,536 square foot Auto Repair Shop with sanitary septic system. A permit for the Auto Repair Shop was issued in 1994. In 2002, a violation was filed for operating a business without a permit. In 2004, a commercial permit was issued for a roofing business.

In 2006, a violation was filed for using a warehouse for storage without a permit. In 2008, a violation was issued for not meeting the conditions of a permit. The 2004 permit was then voided, and the business was removed from the parcel.



This photo is looking to the east at the front of the building.

III. NATURE OF THE REQUEST

The Applicant seeks to change the zoning designation from General Business (GB) to R-18 (one dwelling per 18,000 square feet) to facilitate the sale of this property, which is in a foreclosure action. The Applicant has a buyer with financing for a residential-zoned property.

IV. ANALYSIS OF IMPACTS

Section 2208.03.A of the Cochise County Zoning Regulations lists fifteen (15) factors used to evaluate the appropriateness of a rezoning application. The Planning and Zoning Commission and the Board of Supervisors shall consider these in deciding whether to approve a rezoning, or to deny a rezoning. In more typical “upzonings” (to a more “intense” district), there will be both factors in favor and factors against. Consequently, the importance of individual factors is heightened and are analyzed and balanced against other factors when making a recommendation; in other words, individual factors may weigh more heavily than other factors. As stated in Section 2208.03B of the Zoning Regulations, “No set of factors, however, can totally determine the acceptability of all land use proposals. For example, a property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may be able to receive approval in spite of non-compliance with any individual factor. Conversely, a determination that unusual circumstances exist or there is great public protest pertaining to a rezoning request may result in a denial even though the rezoning appears to comply with other factors.” Nine of the 15 factors are applicable to the rezoning request, and the request complies with each of them. Six of these factors are not applicable to this request.



This photo is looking at the south side of the building.

Mandatory Compliance

The subject property lies within a Category “B”—Neighborhood Conservation land use designation area. Section 402 of the County Zoning Regulations permits owners of property lying within “Neighborhood Conservation” land use areas to request a rezoning to R-18.

1. Provides an Adequate Land Use/Concept Plan. — Complies

The Applicant has provided sufficient information to comply with this requirement, although a map was not included.

2. Compliance with Applicable Site Development Standards. — Complies

There is residential development on the lot, but no new land uses are being proposed. As a downzoning, the requested rezoning will be more in harmony with the residential use of the land.

3. Adjacent Districts Remain Capable of Development. — Complies

Adjoining parcels can continue to meet site development standards, such as setbacks.

4. Limitation on Creation of Nonconforming Uses. — Complies

This rezoning will not result in non-conforming uses, as the existing structure is already being used as a residence.

5. Compatibility with Existing Development. — Complies

While the existing building gives the appearance of a commercial structure with large garage doors and an office located at the front, there is evidence of a home attached to the rear. The surrounding parcels also have residential uses despite all being zoned GB.



This photo shows the family home to the east of the parcel.

6. Rezoning to More Intense Districts. — Not Applicable

This request is to downzone to a less intense district.

7. Adequate Services and Infrastructure. — Complies

There is adequate existing infrastructure to support the use of these parcels as residential. The property is served by a private well and sanitary sewer system. SSVEC provides electricity, and Qwest provides telephone service. The property is protected by the Whetstone Fire District.

8. Traffic Circulation Criteria. — Complies

Because this request is to downzone to residential zoning, it is compatible with the surrounding area and uses and would not burden existing transportation infrastructure.

9. Development along Major Street. — Not applicable

10. Infill. — Not applicable as it applies to non-residential zoning.

This rezoning factor intends to encourage infill in areas where commercial and industrial development exists if rezoning to GB, LI or HI and the site is in an existing Enterprise or Enterprise Redevelopment plan designation area.

11. Unique Topographic Features. — Not Applicable

12. Water Conservation. — Not applicable

13. Public Input — Complies

The Applicant did not conduct a Citizen Review, as this is optional for downzoning requests. However, the Planning Department mailed a legal notice to property owners within 1,500 feet of the site, posted notices at the site, and a legal notice was published in the *Arizona Range News*. At the time of this memorandum, two letters and one phone call were received in support of this rezoning.

14. Hazardous Materials. — Not applicable

15. Compliance with Applicable Area Plan, Master Development Plan or Comprehensive Plan Policies. — Complies

This proposal complies with the policies of the Comprehensive Plan regarding downzonings. A downzoning to R-18 will ensure that the property is limited to less intensive residential uses compared to what is allowed with the current GB zoning designation.

V. SUMMARY

An evaluation of all rezoning criteria, per the Cochise County Zoning Regulations, has been performed and staff finds the following factors in favor and against apply to this rezoning request:

Factors in Favor of Approval

1. The Comprehensive Plan and Zoning Regulations allow consideration of the proposed R-18 zoning for these two parcels. The proposed residential use is consistent with the Category B and “Neighborhood Conservation” Comprehensive Plan land use designation.
2. There is residential development on the lot, but no new land uses are being proposed. As a downzoning, the requested rezoning will legitimize the residential use of the land.
3. Of the fifteen (15) factors used to evaluate the appropriateness of a rezoning application, eight factors comply; six are not applicable and one does not comply.
4. Three neighbors have expressed support.

Factors Against Approval

There are no apparent factors against approval.

VI. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Z-11-05 to the Board of Supervisors with a recommendation of **conditional approval**, subject to the following conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning or the approval of the rezoning may be deemed void; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and

Sample Motion: *Mr. Chairman, I move to forward Docket Z-11-05 to the Board of Supervisors with a recommendation of conditional approval, with the Factors in Favor of Approval as findings of fact.*

VII. ATTACHMENTS

- A. Rezoning Application
- B. Location Map/Site Map
- C. Public Comment



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Susan Buchan, Director

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Planning and Zoning Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Everette & Carla Reaves

2. Mailing Address: PO Box 1810

<u>Sierra Vista</u>	<u>AZ</u>	<u>85636</u>
City	State	Zip Code

3. Telephone Number of Applicant: 520 266-3114

4. Telephone Number of Contact Person if Different: () 014
106-24-0132

5. Assessor's Tax Parcel Number: 106-24-0132 (Can be obtained from your County property tax statement) Number of acres proposed for rezoning: 1.25 ac

6. Applicant is (check one):

- Sole owner: _____
- Joint Owner: _____ (See number 8)
- Designated Agent of Owner: _____
- If not one of the above, explain interest in rezoning: _____

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): (Tax coupon)

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached: n/a

- If corporation, corporate resolution designating applicant to act as agent: _____
- If partnership, written authorization from partner: _____
- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: _____

- Copy of title report: _____
- Copy of tax notice: X
- Other, list: _____

10. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached. n/a

Will approval of the rezoning result in more than one zoning district on any tax parcel?
 Yes _____ No _____

11. Is more than one parcel contained within the area to be rezoned? Yes X No _____
 ▪ If yes and more than one property owner is involved, all property owners must sign the attached consent signature form.

12. Indicate existing Zoning District for Property: GB

13. Indicate proposed Zoning District for Property: R-18

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

14. Comprehensive Plan Category: B (A County planner can provide this information.)

15. Comprehensive Plan Designation or Community Plan: NC (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

16. Describe all structures already existing on the property: 2-car garage/warehouse w/ living qtrs (2 bedroom/bathrooms)

17. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. At a minimum, attach a Land Use/Concept Plan per Section 2208.03 B.1. of the Zoning Regulations. n/a

18. Citizen Review Report attached? Yes ___ No ___ (Note: a rezoning application is not considered complete without a citizen review report per Section 2203 of the Zoning Regulations)

19. Which streets or easements will be used for traffic entering and exiting the property?
N. Coronado Frontage Rd - off Hwy 90
 These streets are (check one): ___ Private ___ County-maintained X *Other (ADOT)

*If you checked private or other, attach documentation describing your right to use this access for the use proposed.

AZ 8

20. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? n/a

21. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? n/a

22. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	existing (well)	none
Sewer/Septic	existing	none
Electricity	SSVEC/existing	none
Natural Gas	n/a	none
Telephone	existing/qwest	none
Fire Protection	Whetstone Fire Dist.	none

23. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

please attached letter for specific details about request to down-zone.

24. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: Carl J. Meaves
Date: 6/07/2011

Everette and Carla Reaves
PO Box 1810
Sierra Vista, AZ 85636
(520)266-3114

May 31st, 2011

MEMO TO: Director of Planning and Zoning, 1415 Melody Lane, Bisbee, AZ 85603
Attn: Michael Turisk

Subject: Request to Down-Zone a Commercial (GB or GC) Property to Residential Zoning for the property located at 2136 Coronado Frontage Road, Huachuca City, AZ 85616, Parcel #s: 106-24-013 2 and 106-24-014 5 (Coronado Est #3, Lot 9, Blk 2 and Coronado Est#3, Lot 10, Blk 2) in the Whetstone area (of Cochise County)

1. The afore-mentioned property was zoned GB (or GC) at the time we bought it, in October 2001. We planned to use the property for our business, Reaves Roofing. Unfortunately, due to numerous County Code violations with the construction, of the interior building, and the requirements for numerous exterior renovations, it was too costly for us to make the improvements – in order to use the building for commercial use. Therefore, we never used this property for what we originally purchased it for.
2. And because of the downward spiral of the construction/roofing industry and the economy, our business was forced to declare bankruptcy. We have had the property on the market “for sale” for almost 2 years and no perspective buyer has been able to obtain a “commercial” loan to purchase the property. Finally, because of the bankruptcy and our lack of funds to continue paying for this property, the mortgage company has informed us that they will be initiating the “foreclosure” process on or about June 15th, 2011.
3. We were recently contacted by a local military man who wants to purchase the property – prior to it going into foreclosure. The perspective buyer does NOT intend to use the property in a commercial manner. He is a military pilot who travels a lot and wishes to house his elderly grand-parents. The property has 2 small bedrooms, bathrooms, a kitchen, living room, and laundry room – a perfect little home - which we have also used to house our “snow-bird” parents for the past several years (since we were not able to use it in a commercial manner.) It really is a perfect little “nest” for an elderly couple in a very quiet, retirement neighborhood. All neighboring properties (on both sides of the home and on the entire block) are zoned residential.

* Since the property has always been used as a “residential” home, our neighbors would NOT be happy if the property ended up with someone who wants to run a business – they are fearful that a business might “pollute” the integrity of their neighborhood.

4. Additionally, another important reason for this request, is that the perspective buyer has contacted several lenders, but can NOT find a bank willing to approve a “commercial” loan as an investment property. Due to the economy and the bank’s strict guidelines to buy commercial property, it is not possible to purchase the property if it remains zoned “commercial,” just like all the previous perspective buyers have reported to us.

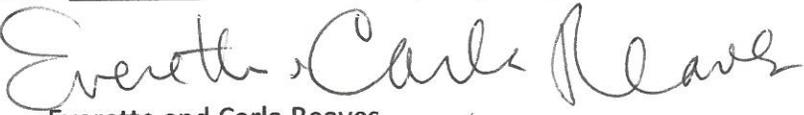
Right now, banks are finally starting to make residential loans again; but, who knows how long it will be until they start approving “commercial” loans again??!! Due to the timing of this econom: “Desperate times call for desperate measures...” We are certainly desperate in this situation.

Therefore, if the property were re-zoned “residential,” he could simply purchase the property with a local bank or military credit union... it is a “win-win” outcome!!

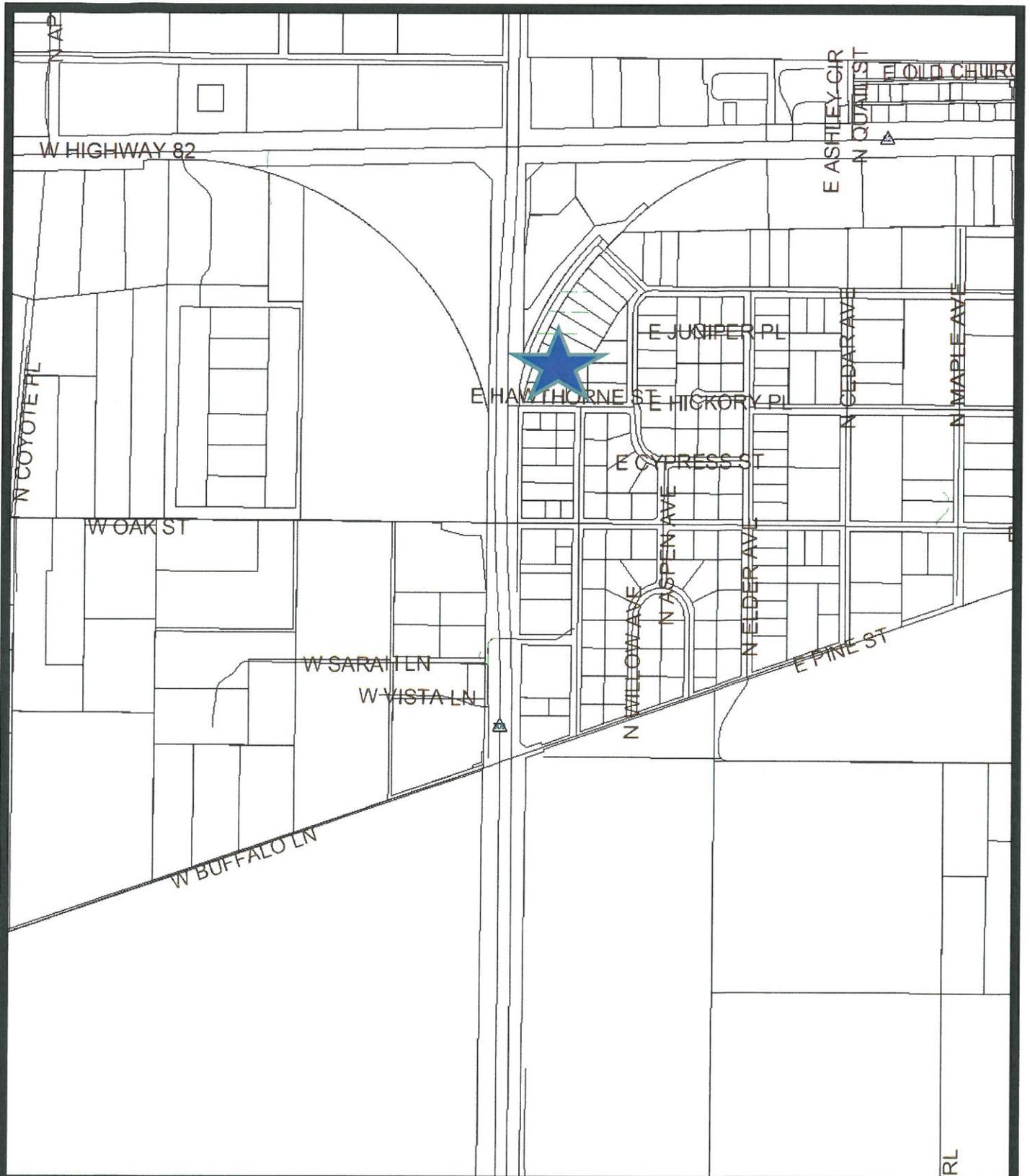
* If we don’t get this property down-zoned in a timely manner, we are not only going to lose the property to a foreclosure sale, but, the perspective buyer will also will lose the opportunity to purchase the perfect home for his elderly family members. And, just a side note, that even though the bankruptcy has already affected our credit, the *sale* of the property would be significantly more advantageous to our re-building efforts, than a *foreclosure* proceeding.

5. I recently spoke with Keith Dennis about our predicament and he appeared optimistic that, given the special circumstances and the particular location, there might be a possibility of this request being approved. Mr. Dennis e-mailed the Cochise County Planning and Zoning link to us. We have extensively reviewed the General Business (GB) requirements/purposes and feel that the original zoning was not supported - due to the faulty construction of the building. And, the location (stuffed between all residential properties) does not support the operation of a business, at the location. For the past 10 years, the property has been used as a “residential” property; therefore, we sincerely request that the down-zoning be approved. (Enclosed is certified check for \$250 to cover processing.)

6. Please, please, please consider this request in a timely manner since “Time is of the Essence.” The perspective buyer has already submitted a “Purchase Contract” for the property, but he can not move forward with financing – until we have received a response from your organization. Thank you, in advance, for your prompt attention to this matter.


- Everette and Carla Reaves
(520) 266-3114

11
AG



Docket Z-11-05
(Reaves)
Location Map

This map is a product of the
Cochise County GIS



12
B1

SPECIAL USE: Docket Z-11-05 (Reaves)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

SEFERINO E. RAMIREZ

SIGNATURE(S):

[Handwritten Signature]

YOUR TAX PARCEL NUMBER: 106-24-017A 3 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 51 E. HAWTHORNE ST Nogales City AZ - 85616

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on August 2, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the pubic hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Beverly Wilson
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: bjwilson@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY

JUL 18 2011

PLANNING

14
C1

SPECIAL USE: Docket Z-11-05 (Reaves)



YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

PLEASE FIND IN FAVOR OF THE
REAVES SO THEY HAVE FULL
ENJOYMENT OF THEIR PROPERTY.

Brian Ulmer

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

Brian Ulmer

SIGNATURE(S):

Brian Ulmer

YOUR TAX PARCEL NUMBER:

10624017

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

35 Hawthorne St.

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on August 2, 2010 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**



RETURN TO:

Beverly Wilson
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: bjwilson@cochise.az.gov
Fax: (520) 432-9278

15
C2

7-20-11 9:15am
Margory Church
2145 N Aspen
HC

Via phone call

She supports
the rezoning.

(Reaves) **DexKnows.com™**



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Beverly Wilson, Interim Planning Manager

For: Michael Turisk, Interim Planning Director

SUBJECT: Docket SU-11-10 (Goad)

DATE: July 29, 2011 for the August 10, 2011 Meeting

APPLICATION FOR A SPECIAL USE

This is a request for a Special Use Permit to establish a seasonal petting zoo, a barrel train ride, and a hay bale maze to complement an existing pumpkin patch. Outdoor recreational facilities are allowed in a Rural Zoning District by special use permit, per Section 607.07 of the Zoning Regulations.

The subject parcel (Parcel #106-05-001) is located at 30 West Ivey Road, north of Huachuca City, AZ. The Applicant is James Goad.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 8.69 acres

Zoning: RU-4 (1 dwelling per 4 acres)

Growth Area: Growth Category B

Plan Designation: Developing

Area Plan: None

Existing Uses: Agricultural – vegetable garden, orchard and seasonal pumpkin patch

Proposed Uses: Complementing current use with a petting zoo, a barrel train ride, and a hay bale maze

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Single Family Residences
South	RU-4	Undeveloped Land
East	RU-4	Undeveloped Land
West	SR-174	Single Family Residence

II. PARCEL HISTORY

2005 – A Land Clearing permit was issued for 8.5 acres; a building permit was issued for a 1,352 square foot garage; a Right of Way permit was issued; and a sanitary septic system permit was issued.

2010 – A building permit was issued to remodel the garage and to add a 120 square foot porch to create a single-family residence; a 720 square foot well house was included. A permit was issued for construction of a 5,000-gallon concrete water tank.



Looking southeast at the existing house.

III. PROJECT DESCRIPTION

The Applicant has requested special use permission to allow seasonal outdoor recreational activity on his 8.69-acre parcel. Mr. Goad has established a pumpkin patch, vegetable garden, and orchard on this parcel to provide the larger community with a unique outdoor activity for families and children. The addition of a petting zoo, a barrel train ride, and a hay bale maze would further enhance the appeal of the pumpkin patch during the fall season. Typically, these types of activities occur in the northern and eastern portions of Cochise County, which involves a long travel time, so if approved; Mr. Goad would provide this recreational opportunity for those living in the southwestern portion of the County.

IV. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 factors, which are used to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Of the ten factors that apply to this request, all ten comply (one with requested waivers).

A. Compliance with Duly Adopted Plans: Complies

Per the Comprehensive Plan, Category B Growth Areas exhibit logical transition between urban growth and rural areas and distinctive community identity. As a development within a Category B Growth Area, the project would conform to these criteria.



Looking south at the garden rows and new orchard.

B. Compliance with the Zoning District Purpose Statement: Complies

Rural zoning districts are established to preserve the rural character of an area, and to provide recreational support services that are compatible with rural living. A pumpkin patch, enhanced with the animals of a petting zoo, a hay bale maze, and barrel train ride is a distinct and uniquely rural activity.

C. Development Along Major Streets: Complies

This Special Use factor considers if the project would limit the number of access points on major thoroughfares, arterials, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods. The subject property takes access from North SR 90 via an existing apron.

D. Traffic Circulation Factors: Complies

This site is appropriately located adjacent to North SR 90, which will limit visitors from impacting area neighborhood roads.

E. Adequate Services and Infrastructure: Complies

The site is served by an on-site well and septic system. SSVEC provides electricity, and the Whetstone Fire Department provides fire protection. The project takes access from a road that is

adequate for the use. During the seasonal uses proposed, portable toilets will be provided, as the existing septic was not designed for commercial uses.

F. Significant Site Development Standards: Complies (See Requested Modifications)

All site development standards will be met with the following requested modifications:

1. To allow the existing parking area and dirt surfacing to remain (chip seal or asphaltic concrete required); and
2. To allow the existing residential driveway to remain (a commercial apron is required); and
3. To allow the existing garden vegetation to count as an approved screening method.

The Applicant, Mr. Goad, has requested a waiver from these three site development standards to preserve the rural character of the pumpkin patch and orchard. Because the use would be primarily seasonal, Staff supports this request.

Note that all animal concentrations (e.g., corrals; runs) and manure piles are to be 50 feet at minimum from all property boundaries.

G. Public Input: Complies

The Applicant completed the required Citizen Review Report prior to submitting the Application, and received nine positive responses - seven letters and emails and two telephone calls. The Department also completed the required legal advertizing, property owner notices and site posting. The Department has received no response from neighbors regarding this project to date.

H. Hazardous Materials: Complies

The Applicant has submitted the Material Safety Data Sheets (MSDS) on one pesticide, one herbicide, and one fertilizer product. The Applicant states that all are stored per MSDS recommendations, in the original containers, off the floor, and inside the building with controlled access. Furthermore, the pesticide is used when plants start growing in early summer. The herbicide is the commercial version of Round-up, which is neutralized in the soil through the photosynthesis process of the plant sprayed. The fertilizer contains no hazardous materials and is applied via a drip irrigation system.

I. Off-site Impacts: Complies

Apart from traffic entering and exiting Highway 90, the existing and expanded uses would have minimal off-site impacts. During the fall season, minimal noise generated on the property will include the sounds of children enjoying the gardens, animals, hay bale maze and barrel train ride. The same lawn tractor used year round in the garden will be used to power the train. Manure from the animals of the petting zoo will be routinely removed and will be added to any excess plant material, for composting. The native surface of the parking areas may make some small contribution to ambient dust in the area; however, this is not considered significant nor out of character with the surrounding neighborhood (see Attachment E).

J. Water Conservation: Complies

As a non-residential development larger than one acre, the project is considered a "major development" with regard to the Comprehensive Plan Water Conservation Policies (Section 102.E). The gardens and orchard require regular irrigation, which is provided with a timed drip irrigation system, a method of irrigation considerate of water conservation.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 1,000 feet. Staff posted the property on July 12, 2011 and published a legal notice in the *Arizona Range News* on July 20, 2011. To date, the Department has received no letters of support or opposition to the Special Use request.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Special Use

1. The project serves and supports the community in several important ways, including providing an opportunity for children and families in the community to experience the excitement of the fall season and to foster an interest in agriculture and locally grown food. Additionally, the barrel train ride, the petting zoo, and the hay bale maze provide an outdoor recreational opportunity close to the Greater Sierra Vista community.
2. The Applicant submitted support from the surrounding neighborhood, citing a general feeling of delight in the visual appeal of the garden, the opportunity for the children to interact with the animals in the petting zoo, and the enhanced appearance of the property.
3. The property would take sole access via SR90, an improved and State-maintained highway.
4. The uses complement the existing agricultural activities.
5. With the granting of three requested modifications, the project would conform to all ten of the Special Use Factors listed in Section IV of this Memo.

Factors Against Approval

None apparent.

VII. RECOMMENDATIONS

Based on the factors in favor of approval as findings of fact, Staff recommends **conditional approval** of the Special Use request, with the following conditions:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall submit and obtain a building/use permit for the project within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified/waived)

and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire, and appropriate fees.

2. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant.
3. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

VIII. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS

The Applicant requests the following modifications/waivers to site development standards:

1. To allow the existing parking area and dirt surfacing to remain (chip seal or asphaltic concrete required); and
2. To allow the existing residential driveway to remain (a commercial apron is required); and
3. To allow the existing garden vegetation to count as an approved screening method.

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-11-10, with the conditions of approval as recommended by Staff, and with the modifications to site development standards as requested by the Applicant; with the factors in favor of approval constituting findings of fact."*

IX. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan
- D. Citizen Review Report
- E. Transportation Planner's Comments
- F. Requested Modifications to Site Development Standards



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

COCHISE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 106 05001 ZONING DISTRICT R-4

APPLICANT: JAMES A GOAD

MAILING ADDRESS: 1581 N. SAN MARCOS DE NIZA DR SU A2, 85635

CONTACT TELEPHONE NUMBER: 520-255-1073

PROPERTY OWNER (IF OTHER THAN APPLICANT): N/A

ADDRESS: GOADPAJ@COX.NET

DATE SUBMITTED: 24 June 2011

Special Use Permit Public Hearing Fee (if applicable)

Building/Use Permit Fee

Total paid

Check # 2203
\$ _____
\$ _____
\$ 300
Paid 6/24/2011 (LD)

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

"Public Programs, Personal Service"
www.cochise.az.gov

6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? AGRICULTURE

2. What is the proposed use or improvement? ADD PETTING ZOO, BARREL TRAIN, HAYBALE MAZE

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? NEIGHBORS ENJOY THE EXISTING PETTING ZOO. THE BARREL TRAIN IS PULLED BY A LAWN TRACTOR BUT CANNOT BE HEARD BY EXISTING NEIGHBORS. VERY LITTLE NOISE (EXCEPT LAUGHING) FROM THE HAYBALE MAZE.

4. Describe all intermediate and final products/services that will be produced/offered/sold.

WE SALE FRUITS & VEGETABLES

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

EXISTING BUILDINGS ARE WOOD CONSTRUCTION / STUCCO

6. Will the project be constructed/completed within one year or phased? One Year
 Phased if phased, describe the phases and depict on the site plan.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 7 DAYS A WEEK (SEASONAL) Hours (from 10 AM to 6 PM)

B. Number of employees: Initially: 0 Future: 0-2
 Number per shift Seasonal changes _____

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.
 10-30

(2) Total trucks (e.g., by type, number of wheels, or weight)
 NONE

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?
 HWY 90 EAST & WEST

(4) If more than one direction, estimate the percentage that travel in each direction
 95% from EAST 5% from WEST

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest
 10AM - 6PM OCT 1 - OCT 31 HALLOWEEN SEASON

D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day SEASONAL MAY-SEP 2500 per year 800,000

E. Will you use a septic system? Yes No If yes, is the septic tank system existing? Yes No
 Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes No
 If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):
 private road or easement**
 County-maintained road (1064)
 State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached NA

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	WELL	EXISTING
Sewer/Septic	SEPTIC / PORTA POTTIE	EXISTING / ON DEMAND
Electricity	SULPHUR SPRINGS	EXISTING
Natural Gas	NONE	
Telephone	VERIZON	EXISTING
Fire Protection	WHEATSTONE FIRE	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

ALL ACTIVITIES OCCUR OUTDOORS

2. Will outdoor storage of equipment, materials or products be needed? Yes No if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. FARM EQUIPMENT IS STORED BEHIND WELL HOUSE

3. Will any noise be produced that can be heard on neighboring properties? Yes No if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

4. Will any vibrations be produced that can be felt on neighboring properties? Yes No if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties?

5. Will odors be created? Yes No If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? MANURE, REGULAR CLEAN-UP.

6. Will any activities attract pests, such as flies? Yes No If yes, what measures will be taken to prevent a nuisance on neighboring properties?

KEEP AREA CLEAN

7. Will outdoor lighting be used? Yes No If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes No If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. HUNG LOG 16 SF B. HANGING 16 SF C. ADVERTISED 16 SF D. _____

already permitted

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No _____ Yes If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature 

Date signed 21 June 2011

9. Will any new signs be erected on site? Yes ___ No If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No

If yes, will storm water be directed into the public right-of-way? Yes ___ No

Will washes be improved with culverts, bank protection, crossings or other means?
Yes ___ No

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)
NATIVE (Existing Concrete Drive)

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes ___ No If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Community Development, Planning, Zoning & Building Safety Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site is one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

DRIP IRRIGATION IS IN USE. ORCHARDS IS HEAVILY MULCHED.

TREES AROUND FENCE-LINE ARE MULCHED, ~~WITH~~ ALL TREES

AND VEGETABLES ARE WATERED USING DRIP IRRIGATION. MOST VEGETABLES ARE MULCHED USING PLASTIC MULCH.

2. How many acres will be cleared? 8 ALREADY CLEARED

If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) AREA IS ON A SLIGHT SLOPE. SOIL IS

ROCKED ACROSS SLOPE TO PREVENT RUN-OFF AND EROSION.

No New Clearing

3. What methods will ensure proper containment during use or ventilation? (Waste and by-products as well as substances have specific needs to control damage from those products.)

HONCHO + CARBARYL ARE DELIVERED USING A BACK PACK SPRAYER. SPRAYER HAS A PLASTIC TANK THAT DOES NOT LEAK.

4. Is any welding being performed and where? (Flammables must be kept away from sources of ignition such as electricity, arcs, sparks, hot metal or open flame. Gas cylinders must be secured.)

NONE

5. How will waste/ excess substances be disposed of? (Commercial operators may not use the County transfer stations' hazardous waste program. They handle only household materials.)

EXCESS SUBSTANCES WILL BE RETURNED TO FERTIZONA, THERE ARE NO WASTE PRODUCTS, THERE ARE NO WASTE PRODUCTS.

6. What evacuation, treatment and notification will be made if there are any releases to groundwater or air? (Notification may be required to the Sheriff's Department, adjacent neighborhoods, State Fire Marshal, local fire district, ADEQ, and/ or EPA.)

BOTH HONCHO AND CARBARYL ARE DELIVERED BY AERIAL SPRAY. FERTI-GRO 20-20-20 IS DELIVERED THROUGH THE IRRIGATION SYSTEM. QUANTITY STORED IS BELOW THE NEPA + HMIS HAZARD RATINGS.

Signature Good

Date 23 Jan 2010



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Hazardous Materials Attachment

Firm's current name: PERI'S FARM

Current location: 30 W IVAN RD HUACHUCA CITY AZ, 85616

Fire district: _____

Nearest main intersection with street names: HWY 90 + HWY 82

Distance: .6 miles Direction: EAST

Firm's previous location(s)

Previous name(s) of firm/operation: _____

Previous location(s): _____ Date(s): _____

Previous compliance/accident history: _____

Date(s): _____

1. List hazardous and polluting materials (including raw materials, products, wastes, emissions, discharges, etc.) that will be brought to, stored, manufactured, produced, generated, processed or otherwise used at or released or transferred from the site and the quantities you will store. Material Safety Data Sheets (MSDS) are required for all such substances.

Material FERTI-GRO 20-20-20 Quantity 100 LBS

Material HONCHO PLUS Quantity 5 GAL

Material CARBARYL 4L Quantity 2 1/2 GAL

Material _____ Quantity _____

2. How will substances be stored? (For example, automotive batteries require impervious flooring, flammables require NFPA 30 cabinets, gas cylinders need restraints, and many chemicals have specific requirements, such as secondary containment areas for liquids. These requirements are found in the MSDS or can be requested from ADEQ.)

INSIDE BUILDING OFF FLOOR IN ORIGINAL CONTAINER.

MATERIAL SAFETY DATA SHEET

FERTI-GRO 20-20-20

Page 1 of 4

Issue Date: 11/00

SECTION 1. PRODUCT AND COMPANY IDENTIFICATION

Chemical Product

FERTI-GRO 20-20-20

Chemical Description:

Dry fertilizer mixture, water soluble.

TSCA/CAS No.:

This product is a mixture — there is no specific CAS number.

Manufactured For

FERTILIZER COMPANY OF ARIZONA, INC.

2850 S. Peart Road

Casa Grande, AZ 85222

Emergency Phone Numbers

Emergency Telephone: DAYS: (520) 836-7477 EVES.: (520) 836-6866

EPA National Response Center: (800) 424-8802

SECTION 2. HAZARDOUS INGREDIENTS

CHEMICAL	CAS NO.	%	TLV OR PEL	RQ (lbs)
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None.

SECTION 3. EMERGENCY/HAZARDS OVERVIEW

Odorless, pale blue powder. No immediate health hazard except nuisance dust. Oxides of nitrogen can be released under intense heat. Stay upwind of smoke. Contain any liquid runoff. Not D.O.T. regulated.

HEALTH: 1 REACTIVITY: 0 FLAMMABILITY: 0 ENVIRONMENT: 1

(0=Insignificant 1=Slight 2=Moderate 3=High 4=Extreme)

SECTION 4. FIRST AID

Eyes: Flush immediately with water for at least 15 minutes. Call a physician if eye irritation persists.

Skin: Wash thoroughly with soap and water. Remove contaminated clothing and wash before reuse. See a physician if skin becomes irritated.

Ingestion: If conscious and alert, drink water or milk to dilute, then induce vomiting. Call a physician or Poison Control Center immediately.

Inhalation: Move to fresh air. Blow nose to remove dust. If breathing becomes difficult, call a physician.

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SECTION 5. FIRE AND EXPLOSION HAZARDS

Flash Point:	Noncombustible.
Test Method:	Not available.
LEL Flammable Limits:	Not available.
UEL Flammable Limits:	Not available.
Autoignition Temperature:	Not pertinent.
Flammability Classification:	Noncombustible.
Known Hazardous Products of Combustion:	Oxides of nitrogen can be released under intense heat.
Properties that Initiate/Contribute to Intensity of Fire:	None.
Potential For Dust Explosion:	None.
Reactions that Release Flammable Gases or Vapors:	Not known.
Potential For Release of Flammable Vapors:	None.
Unusual Fire & Explosion Hazards:	None.
Extinguishing Media:	Water.
Special Firefighting Procedures:	Wear positive pressure, self-contained breathing apparatus and goggles. Avoid smoke inhalation. Contain any liquid runoff.

SECTION 6. SPILLS AND LEAKS

Containment:	Prevent product spillage from entering drinking water supplies or streams.
Clean Up:	Sweep up and use according to labeling or package for disposal.
Evacuation:	Not necessary.

SECTION 7. STORAGE AND HANDLING

Storage:	Store in a cool, dry place. Do not store near food or feeds. Do not stack pallets more than two (2) high.
Transfer Equipment:	Transfer solutions of product using chemical-resistant plastic or stainless steel tanks, pumps, valves, etc.
Work/Hygienic Practices:	Keep out of reach of children. Harmful if swallowed or inhaled. Avoid breathing dusts or spray mist. Avoid contact with eyes, skin and clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

SECTION 8. PERSONAL PROTECTIVE EQUIPMENT

Eyes:	Chemical dust/splash goggles to keep dust out of eyes. For solutions of product, use chemical/dust splash goggles or full-face shield. As a general rule, do not wear contact lenses when handling.
Skin:	Impervious gloves and clothes.
Respiratory:	Not normally needed but recommend NIOSH-approved respirator (such as 3M #8500) for nontoxic nuisance dust. If use in solutions generates an aerosol mist or respiratory irritation, use NIOSH-approved dust/mist respirator (such as 3M #8710).
Ventilation:	Recommended but no TLV established.

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All

SECTION 9. PHYSICAL AND CHEMICAL DATA

Appearance:	Pale blue powder.
Odor:	None.
pH:	Not available.
Vapor Pressure:	Not applicable.
Vapor Density (Air=1):	Not applicable.
Boiling Point:	Not available.
Freezing Point:	Not available.
Water Solubility:	Soluble.
Density:	Not available.
Evaporation Rate:	Not available.
Viscosity:	Not available.
% Volatile:	Not available.
Octanol/Water Partition Coefficient:	Not available.
Saturated Vapor Concentration:	Not available.

SECTION 10. STABILITY AND REACTIVITY

Stability:	Stable.
Conditions To Avoid:	None.
Incompatibility:	None.
Hazardous Decomposition Products:	Oxides of nitrogen can be released under intense heat.
Hazardous Polymerization:	Will not occur.

SECTION 11. POTENTIAL HEALTH EFFECTS

Acute Effects:

Eyes:	Mild irritant. May cause redness.
Skin:	Mild irritant, especially from prolonged exposure. May cause redness.
Ingestion:	May cause stomach cramps and/or nausea.
Inhalation:	Inhalation of nuisance dust may cause coughing, wheezing and/or mild irritation of nasal mucous membranes.

Subchronic Effects: None known.

Chronic Effects: Under prolonged exposure this product can cause damage to respiratory system, urinary system, blood system, and reproductive system.

SECTION 12. ECOLOGICAL INFORMATION

Algal/Lemna Growth Inhibition:	Not known.
Toxicity to Fish and Invertebrates:	Not known.
Toxicity to Plants:	Not known.
Toxicity in Birds:	Not known.

SECTION 13. DISPOSAL

Do not contaminate lakes, streams, ponds, estuaries, oceans or other waters by discharge of waste effluents or equipment washwaters. Dispose of waste effluents according to state and local regulations. Also, chemical additions or other alterations of this product may invalidate any disposal information in this MSDS. Therefore, consult local waste regulators for proper disposal. Do not discharge.

SECTION 14. TRANSPORTATION

D.O.T. Shipping Description:	Not D.O.T. Regulated.
Other Shipping Description:	Fertilizing Compounds (Manufactured), Dry, Pkgd. (NMFC Item 68140 Sub 6, LTL Class 60)

SECTION 15. REGULATORY INFORMATION

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CERCLA: None.

SARA TITLE III, Section 313 Toxic Chemicals: None.

PROPOSITION 65 (CA): WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

SECTION 16.	OTHER
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All information appearing in this document was based on data provided by third party sources and was compiled to comply with the Federal Hazard Communication Standard and the California Hazardous Substances Information and Training Act. The information is believed to be accurate as of the preparation date, but is not warranted as being the final authority in the use of this product. This information does not purport to be legal or medical advice.

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MATERIAL SAFETY DATA SHEET

CARBARYL 4L INSECTICIDE

FOR CHEMICAL EMERGENCY, SPILL, LEAK, FIRE, EXPOSURE OR ACCIDENT, CALL CHEMTREC - DAY OR NIGHT 1-800-424-9300

1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

FORMULATED FOR:

LOVELAND PRODUCTS, INC.
P.O. Box 1286 • Greeley, CO 80632-1286

24-Hour Emergency Phone: 1-800-424-9300
Medical Emergencies: 1-800-301-7976
U.S. Coast Guard National Response Center: 1-800-424-8802

PRODUCT NAME: CARBARYL 4L INSECTICIDE
CHEMICAL NAME: Carbaryl: 1-naphthyl N-methylcarbamate
CHEMICAL FAMILY: Carbamate Insecticide
EPA REG. NO.: 34704-447
MSDS Number: 000447-06-LPI

MSDS Revisions: Sec. 2, 3, 5, 9, 10, 11, 15, 16 Date of Issue: 05/19/06

Supersedes: 07/06/04

2. HAZARDS IDENTIFICATION SUMMARY

KEEP OUT OF REACH OF CHILDREN – CAUTION – Harmful if swallowed, inhaled or absorbed through the skin. Avoid breathing of spray mist. Avoid contact with skin, eyes, or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse. This product is white to beige opaque liquid with mild odor.

Immediate Effects: **Eye:** Causes redness, irritation, tearing. **Skin:** Harmful if absorbed through skin. May produce symptoms similar to those from ingestion. **Ingestion:** The product causes reversible cholinesterase inhibition. Repeated overexposure may cause more severe cholinesterase inhibition with more pronounced signs and symptoms. May lead to rapid onset of nausea, vomiting, diarrhea, abdominal pain, involuntary shaking, excess salivation, pinpoint pupils, blurred vision, profuse sweating, temporary paralysis, respiratory depression, and convulsions. **Inhalation:** Harmful if inhaled. May produce symptoms similar to those from ingestion. **Medical Conditions Aggravated by Exposure:** Inhalation of product may aggravate existing chronic respiratory problems such as asthma, emphysema or bronchitis. Skin contact may aggravate existing skin disease.

Warning Statements:

NOTE TO PHYSICIAN: This product is a carbamate (cholinesterase-inhibiting) insecticide. Overexposure to this substance may cause toxic signs and symptoms due to stimulation of the cholinergic nervous system. These effects of overexposure are spontaneously and rapidly reversible. All treatment should be based on observed signs and symptoms of distress in the patient. Consideration should be given to the possibility that overexposure to materials other than this product may have occurred. Specific treatment consists of parenteral atropine sulfate. Improve tissue oxygenation as much as possible before administering atropine to minimize the risk of ventricular fibrillation. Mild case may be given 1 to 2 mg intramuscularly every 30 to 60 minutes until full atropinization has been achieved and repeated thereafter whenever symptoms reappear. Severe cases should be given 2 to 4 mg intramuscularly every 30 to 60 minutes as needed to maintain the effect for at least 12 hours. Dosages for children should be appropriately reduced. Complete recovery from overexposure is to be expected within 24 hours. Persons regularly exposed in manufacturing and handling this product should have a pre-exposure and periodic RBC (red blood cell) cholinesterase level checks.

3. COMPOSITION, INFORMATION ON INGREDIENTS

Chemical Ingredients:	Percentage by Weight:	CAS No.	TLV (Units)
Carbaryl	43.00	63-25-2	5 mg/m ³
Inert Ingredients, including Propylene Glycol	57.00	57-55-6	not listed

4. FIRST AID MEASURES

If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person.

If in eyes: Hold eye open and rinse slowly and gently with water 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.

If on skin or clothing: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

If inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.

FOR A MEDICAL EMERGENCY INVOLVING THIS PRODUCT CALL: 1-800-301-7976. Have the product label or container with you when calling a poison control center or doctor, or going for treatment.

5. FIRE FIGHTING MEASURES

FLASH POINT (°F/Test Method): >212°F/>100°C (PMCC)

FLAMMABLE LIMITS (LFL & UFL): LFL: 2.6% (V); UFL: 19% (V)

EXTINGUISHING MEDIA: Dry powder, carbon dioxide (CO₂), foam, or water spray.

HAZARDOUS COMBUSTION PRODUCTS: Thermal decomposition products include, but are not limited to, oxides of nitrogen and carbon and methyl isocyanate in trace amounts.

SPECIAL FIRE FIGHTING PROCEDURES: Wear self-contained breathing apparatus with full protective clothing. Fight fire from upwind and keep all non-essential personnel out of area.

UNUSUAL FIRE AND EXPLOSION HAZARDS: None known.

6. ACCIDENTAL RELEASE MEASURES

STEPS TO BE TAKEN IF MATERIAL IS RELEASED OR SPILLED:

For small spills, absorb with an absorbent material such as pet litter. Sweep up and transfer to containers for possible land application according to label use or for proper disposal. Check local, state and federal regulations for proper disposal. Flush the area with water to remove any residue.

CAUTION: Keep spills and cleaning runoff out of municipal sewers and open bodies of water.

7. HANDLING AND STORAGE

HANDLING: Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Remove PPE after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

STORAGE: Store in a safe manner. Store in original container only. Store in a cool, dry place. Keep container tightly closed when not in use. Do not contaminate water, food or feed by storage or disposal.

Personal Protective Equipment (PPE): Applicators and other handlers must wear: long sleeved shirt and long pants, waterproof gloves and shoes plus socks. Follow manufacturer's instructions for cleaning and maintaining PPE. If no instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

8. EXPOSURE CONTROLS / PERSONAL PROTECTION

ENGINEERING CONTROLS: When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets with requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

RESPIRATORY PROTECTION: Not normally required, if vapors or mists exceed acceptable levels, wear a NIOSH approved pesticide respirator.

EYE PROTECTION: Chemical goggles or shielded safety glasses.

SKIN PROTECTION: Wear protective clothing: long-sleeved shirts and pants, shoes with socks. Wear waterproof gloves.

	OSHA PEL 8 hr TWA	ACGIH TLV-TWA
Carbaryl	5 mg/m ³	5 mg/m ³

9. PHYSICAL AND CHEMICAL PROPERTIES

APPEARANCE AND ODOR: White to beige opaque liquid with mild odor.

SPECIFIC GRAVITY (Water = 1): 1.10 g/ml

VAPOR PRESSURE: 17.8 mm Hg @ 68°F/20°C

PERCENT VOLATILE (by volume): Not established

Note: These physical data are typical values based on material tested but may vary from sample to sample.

Typical values should not be construed as a guaranteed analysis of any specific lot or as specification items.

BULK DENSITY: 9.18 lbs/gal.

BOILING POINT: 208°F/98°C

EVAPORATION RATE: Not established

SOLUBILITY: Miscible

pH: 4-6 (5% solution)

10. STABILITY AND REACTIVITY

STABILITY: Stable

INCOMPATIBILITY: Strong bases and acids.

CONDITIONS TO AVOID: Excessive heat, open flame or extreme cold.

HAZARDOUS DECOMPOSITION PRODUCTS: Thermal decomposition – oxides of nitrogen and carbon and trace amounts of methyl isocyanate.

HAZARDOUS POLYMERIZATION: Will not occur.

11. TOXICOLOGICAL INFORMATION

Acute Oral LD₅₀ (rat): 699 mg/kg

Eye Irritation (rabbit): Slight irritation

Inhalation LC₅₀ (rat): 3.8 mg/L (4 hr).

Carcinogenic Potential: None listed in NTP or OSHA. ACGIH lists Carbaryl in Group A4. IARC lists Carbaryl in Group 3.

Acute Dermal LD₅₀ (rat): > 4000 mg/kg

Skin Irritation (rabbit): Slight irritation

Skin Sensitization (guinea pig): Not a sensitizer

12. ECOLOGICAL INFORMATION

Carbaryl is extremely toxic to aquatic and estuarine invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Discharge from rice fields may kill aquatic and estuarine invertebrates. Do not contaminate water by cleaning equipment or disposal of wash waters.

Highly toxic to bees exposed to direct treatment or to residues on blooming crops and weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area.

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13. DISPOSAL CONSIDERATIONS

Do not reuse empty containers. **Metal:** Triple rinse (or equivalent), then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.
Plastic: Triple rinse (or equivalent), then offer for recycling at an ACRC site (go to <http://www.acrecycle.org/> for locations) or by reconditioning, or puncture and dispose of in a sanitary landfill, or, incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke. Wastes resulting from the use of this product may be disposed on site or at an approved waste disposal facility. Do not contaminate water, food or feed by storage or disposal.

14. TRANSPORT INFORMATION

DOT Shipping Description: LESS THAN 25 GALLONS NOT REGULATED BY USDOT.
DOT Shipping Description: ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S., 9, UN3082, III (CARBARYL) RQ ERG GUIDE 171
U.S. Surface Freight Classification: INSECTICIDES, INSECT REPELLENTS, NOI, OTHER THAN POISON (NMFC 102120, CLASS: 60)
Consult appropriate ICAO/IATA and IMDG regulations for shipment requirements in the Air and Maritime shipping modes.

15. REGULATORY INFORMATION

NFPA & HMIS Hazard Ratings:	NFPA		HMIS
	2 Health	0 Least	2 Health
	1 Flammability	1 Slight	1 Flammability
	1 Instability	2 Moderate	1 Reactivity
		3 High	H PPE
		4 Severe	

SARA Hazard Notification/Reporting

SARA Title III Hazard Category: Immediate Y Fire N Sudden Release of Pressure N
 Delayed Y Reactive N

Reportable Quantity (RQ) under U.S. CERCLA: Carbaryl (CAS: 63-25-2): 100 pounds
SARA, Title III, Section 313: Carbaryl (CAS: 63-25-2) 43.0%
RCRA Waste Code: U279
CA Proposition 65: Not listed.

16. OTHER INFORMATION

MSDS STATUS: Sections 2, 3, 5, 9, 10, 11, 15, 16 revised

PREPARED BY: Registrations and Regulatory Affairs

REVIEWED BY: Environmental/ Regulatory Services

Disclaimer and Limitation of Liability: This data sheet was developed from information on the constituent materials identified herein and does not relate to the use of such materials in combination with any other material or process. No warranty is expressed or implied with respect to the completeness or ongoing accuracy of the information contained in this data sheet, and LOVELAND PRODUCTS, Inc. disclaims all liability for reliance on such information. This data sheet is not a guarantee of safety. Users are responsible for ensuring that they have all current information necessary to safely use the product described by this data sheet for their specific purpose.

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<p style="text-align: center;">MONSANTO COMPANY Safety Data Sheet Commercial Product</p>

1. PRODUCT AND COMPANY IDENTIFICATION

Product name

Honcho® Plus Herbicide

EPA Reg. No.

524-454

Product use

Herbicide

Chemical name

Not applicable.

Synonyms

None.

Company

MONSANTO COMPANY, 800 N. Lindbergh Blvd., St. Louis, MO, 63167

Telephone: 800-332-3111, **Fax:** 314-694-5557

E-mail: TS-SAFETYDATASHEET@DOMINO.MONSANTO.COM

Emergency numbers

FOR CHEMICAL EMERGENCY, SPILL LEAK, FIRE, EXPOSURE, OR ACCIDENT Call CHEMTREC - Day or Night: 1-800-424-9300 toll free in the continental U.S., Puerto Rico, Canada, or Virgin Islands. For calls originating elsewhere: 703-527-3887 (collect calls accepted).

FOR MEDICAL EMERGENCY - Day or Night: +1 (314) 694-4000 (collect calls accepted).

2. HAZARDS IDENTIFICATION

Emergency overview

Appearance and odour (colour/form/odour): Amber - Brown / Liquid / Slight

WARNING!

CAUSES SUBSTANTIAL BUT TEMPORARY EYE INJURY

HARMFUL IF SWALLOWED

HARMFUL IF INHALED

Potential health effects

Likely routes of exposure

Skin contact, eye contact, inhalation

Eye contact, short term

May cause temporary eye irritation.

Skin contact, short term

Not expected to produce significant adverse effects when recommended use instructions are followed.

Inhalation, short term

Harmful by inhalation.

Single ingestion

Harmful if swallowed.

Causes gastrointestinal tract irritation.

Refer to section 11 for toxicological and section 12 for environmental information.

OSHA Status

This product is hazardous according to the OSHA Hazard Communication Standard, 29 CFR 1910.1200.

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3. COMPOSITION/INFORMATION ON INGREDIENTS

Active ingredient

Isopropylamine salt of N-(phosphonomethyl)glycine; {Isopropylamine salt of glyphosate}

Composition

COMPONENT	CAS No.	% by weight (approximate)
Isopropylamine salt of glyphosate	38641-94-0	41
Other ingredients		59

Trade secret composition.

4. FIRST AID MEASURES

Use personal protection recommended in section 8.

Eye contact

If in eyes, hold eye open and rinse slowly and gently for 15-20 minutes. Remove contact lenses, if present, after first 5 minutes, then continue rinsing.

Skin contact

Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a poison control center or doctor for treatment advice.

Inhalation

If inhaled, move person to fresh air. If person is not breathing, call emergency number or ambulance, then give artificial respiration, preferably mouth-to-mouth, if possible.

Ingestion

Call poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison center or doctor. Do not give anything by mouth to an unconscious person.

Advice to doctors

This product is not an inhibitor of cholinesterase.

Antidote

Treatment with atropine and oximes is not indicated.

5. FIRE-FIGHTING MEASURES

Flash point

Does not flash.

Extinguishing media

Recommended: Water, dry chemical, foam, carbon dioxide (CO₂)

Unusual fire and explosion hazards

Minimise use of water to prevent environmental contamination.
Environmental precautions: see section 6.

Hazardous products of combustion

Carbon monoxide (CO), nitrogen oxides (NO_x), phosphorus oxides (P_xO_y)

Fire fighting equipment

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Self-contained breathing apparatus.
Equipment should be thoroughly decontaminated after use.

6. ACCIDENTAL RELEASE MEASURES

Personal precautions

Use personal protection recommended in section 8.

Environmental precautions

SMALL QUANTITIES:

Low environmental hazard.

LARGE QUANTITIES:

Minimise spread.

Contain spillage with sand bags or other means.

Keep out of drains, sewers, ditches and water ways.

Methods for cleaning up

SMALL QUANTITIES:

Flush spill area with water.

LARGE QUANTITIES:

Absorb in earth, sand or absorbent material.

Dig up heavily contaminated soil.

Collect in containers for disposal.

Refer to section 7 for types of containers.

Flush residues with small quantities of water.

Minimise use of water to prevent environmental contamination.

Refer to section 13 for disposal of spilled material.

Use handling recommendations in Section 7 and personal protection recommendations in Section 8.

7. HANDLING AND STORAGE

Good industrial practice in housekeeping and personal hygiene should be followed.

Handling

Avoid contact with eyes, skin and clothing.

Avoid breathing vapour or mist.

Wash hands thoroughly after handling or contact.

Wash contaminated clothing before re-use.

Thoroughly clean equipment after use.

Do not contaminate drains, sewers and water ways when disposing of equipment rinse water.

Emptied containers retain vapour and product residue.

Observe all labelled safeguards until container is cleaned, reconditioned or destroyed.

Storage

Compatible materials for storage: stainless steel, fibreglass, plastic, glass lining

Incompatible materials for storage: galvanised steel, unlined mild steel, see section 10.

Keep out of reach of children.

Keep away from food, drink and animal feed.

Keep only in the original container.

Minimum shelf life: 5 years.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION

Airborne exposure limits

Components	Exposure Guidelines
------------	---------------------

Isopropylamine salt of glyphosate	No specific occupational exposure limit has been established.
Other ingredients	No specific occupational exposure limit has been established.

Engineering controls

Have eye wash facilities immediately available at locations where eye contact can occur.

Eye protection

If there is potential for contact:

Wear chemical goggles.

Applicators and other handlers must wear eye protection.

Skin protection

No special requirement when used as recommended.

If repeated or prolonged contact:

Wear chemical resistant gloves.

Respiratory protection

If airborne exposure is excessive:

Wear respirator.

Full facepiece/hood/helmet respirator replaces need for chemical goggles.

Respiratory protection programs must comply with all local/regional/national regulations.

When recommended, consult manufacturer of personal protective equipment for the appropriate type of equipment for a given application.

9. PHYSICAL AND CHEMICAL PROPERTIES

These physical data are typical values based on material tested but may vary from sample to sample. Typical values should not be construed as a guaranteed analysis of any specific lot or as specifications for the product.

Colour/colour range:	Amber - Brown
Odour:	Slight
Form:	Liquid
Physical form changes (melting, boiling, etc.):	
Melting point:	Not applicable.
Boiling point:	No data.
Flash point:	Does not flash.
Explosive properties:	No explosive properties
Auto ignition temperature:	443 °C
Specific gravity:	1.1655 20 °C / 20 °C
Vapour pressure:	No significant volatility; aqueous solution.
Vapour density:	Not applicable.
Evaporation rate:	No data.
Dynamic viscosity:	No data.
Kinematic viscosity:	No data.
Density:	1.1655 g/cm ³ @ 20 °C
Solubility:	Water: Soluble
pH:	4.7
Partition coefficient:	log Pow: < -3.2 @ 25 °C (glyphosate)

10. STABILITY AND REACTIVITY

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Stability

Stable under normal conditions of handling and storage.

Oxidizing properties

No data.

Materials to avoid/Reactivity

Reacts with galvanised steel or unlined mild steel to produce hydrogen, a highly flammable gas that could explode.

Self-accelerating decomposition temperature (SADT)

No data.

11. TOXICOLOGICAL INFORMATION

This section is intended for use by toxicologists and other health professionals.

Similar formulation

Acute oral toxicity

Rat, LD50 (limit test): > 5,000 mg/kg body weight

Practically non-toxic.

FIFRA category IV.

Acute dermal toxicity

Rat, LD50 (limit test): > 5,000 mg/kg body weight

Practically non-toxic.

FIFRA category IV.

No mortality.

Skin irritation

Rabbit, 6 animals, OECD 404 test:

Days to heal: 7

Primary Irritation Index (PII): 0.8/8.0

FIFRA category IV.

Slight irritation.

Eye irritation

Rabbit, 6 animals, OECD 405 test:

Days to heal: 10

Moderate irritation.

FIFRA category II.

Acute inhalation toxicity

Rat, male, LC50, 4 hours, aerosol: 1.6 mg/L

FIFRA category III.

Slightly toxic.

Aerosol particle size (< 10 micron) much lower than the droplet size (> 100 micron) normally achieved during spraying operations.

Skin sensitization

Guinea pig, 3-induction Buehler test:

Positive incidence: 0 %

N-(phosphonomethyl)glycine; {glyphosate}

Mutagenicity

In vitro and in vivo mutagenicity test(s):

Not mutagenic.

Repeated dose toxicity

Rabbit, dermal, 21 days:

NOAEL toxicity: > 5,000 mg/kg body weight/day
Target organs/systems: none
Other effects: none

Rat, oral, 3 months:

NOAEL toxicity: > 20,000 mg/kg diet
Target organs/systems: none
Other effects: none

Chronic effects/carcinogenicity

Mouse, oral, 24 months:

NOAEL toxicity: ~ 5,000 mg/kg diet
Target organs/systems: liver
Other effects: decrease of body weight gain, histopathologic effects
NOEL tumour: > 30,000 mg/kg diet
Tumours: none

Rat, oral, 24 months:

NOAEL toxicity: ~ 8,000 mg/kg diet
Target organs/systems: eyes
Other effects: decrease of body weight gain, histopathologic effects
NOEL tumour: > 20,000 mg/kg diet
Tumours: none

Toxicity to reproduction/fertility

Rat, oral, 2 generations:

NOAEL toxicity: 10,000 mg/kg diet
NOAEL reproduction: > 30,000 mg/kg diet
Target organs/systems in parents: none
Other effects in parents: decrease of body weight gain
Target organs/systems in pups: none
Other effects in pups: decrease of body weight gain
Effects on offspring only observed with maternal toxicity.

Developmental toxicity/teratogenicity

Rat, oral, 6 - 19 days of gestation:

NOAEL toxicity: 1,000 mg/kg body weight
NOAEL development: 1,000 mg/kg body weight
Other effects in mother animal: decrease of body weight gain, decrease of survival
Developmental effects: weight loss, post-implantation loss, delayed ossification
Effects on offspring only observed with maternal toxicity.

Rabbit, oral, 6 - 27 days of gestation:

NOAEL toxicity: 175 mg/kg body weight
NOAEL development: 175 mg/kg body weight
Target organs/systems in mother animal: none
Other effects in mother animal: decrease of survival
Developmental effects: none

12. ECOLOGICAL INFORMATION

This section is intended for use by ecotoxicologists and other environmental specialists.

Data obtained on product, similar products and on components are summarized below.

Aquatic toxicity, fish

Bluegill sunfish (*Lepomis macrochirus*):

Acute toxicity, 96 hours, static, LC50: 24 mg/L
Slightly toxic.

Rainbow trout (*Oncorhynchus mykiss*):

Acute toxicity, 96 hours, static, LC50: 42 mg/L
Slightly toxic.

Aquatic toxicity, invertebrates

Water flea (*Daphnia magna*):

Acute toxicity, 48 hours, static, EC50: 160 mg/L
Practically non-toxic.

Similar formulation

Aquatic toxicity, algae/aquatic plants

Green algae (*Selenastrum capricornutum*):

Acute toxicity, 96 hours, static, EC50: 2.6 mg/L
Moderately toxic.

Duckweed (*Lemna minor*):

Acute toxicity, 7 days, static, EC50 (frond number): 6 mg/L

Avian toxicity

Bobwhite quail (*Colinus virginianus*):

Dietary toxicity, 5 days, LC50: > 5,620 mg/kg diet
Practically non-toxic.

Mallard duck (*Anas platyrhynchos*):

Dietary toxicity, 5 days, LC50: > 5,620 mg/kg diet
Practically non-toxic.

Arthropod toxicity

Honey bee (*Apis mellifera*):

Oral, 48 hours, LD50: > 395 µg/bee
Practically non-toxic.

Honey bee (*Apis mellifera*):

Contact, 48 hours, LD50: > 338 µg/bee
Practically non-toxic.

Soil organism toxicity, invertebrates

Earthworm (*Eisenia foetida*):

Acute toxicity, 14 days, LC50: > 5,000 mg/kg dry soil
Practically non-toxic.

Soil organism toxicity, microorganisms

Nitrogen transformation test:

24.45 kg/ha, 28 days: No effect on nitrogen transformation. No effect on soil microorganisms.

N-(phosphonomethyl)glycine; {glyphosate}

Bioaccumulation

Bluegill sunfish (*Lepomis macrochirus*):

Whole fish: BCF: < 1
No significant bioaccumulation is expected.

Dissipation

Soil, field:

Half life: 2 - 174 days
Koc: 884 - 60,000 L/kg
Adsorbs strongly to soil.

Water, aerobic:

Half life: < 7 days

13. DISPOSAL CONSIDERATIONS

Product

Keep out of drains, sewers, ditches and water ways.
Recycle if appropriate facilities/equipment available.
Burn in proper incinerator.
Follow all local/regional/national/international regulations.

Container

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See the individual container label for disposal information.
Emptied containers retain vapour and product residue.
Observe all labelled safeguards until container is cleaned, reconditioned or destroyed.
Empty packaging completely.
Do NOT contaminate water when disposing of rinse waters.
Do NOT re-use containers for any purpose other than for the storage of pesticides, if allowed by label.
Store for collection by approved waste disposal service.
Recycle if appropriate facilities/equipment available.
Follow all local/regional/national/international regulations.
Triple or pressure rinse (or equivalent) empty containers.
Ensure packaging cannot be reused prior to disposal.

Use handling recommendations in Section 7 and personal protection recommendations in Section 8.

14. TRANSPORT INFORMATION

The data provided in this section is for information only. Please apply the appropriate regulations to properly classify your shipment for transportation.

Not hazardous under the applicable DOT, ICAO/IATA, IMO, TDG and Mexican regulations.

15. REGULATORY INFORMATION

TSCA Inventory
Exempt

OSHA Hazardous Components
Surfactant(s)

SARA Title III Rules
Section 311/312 Hazard Categories
Immediate
Section 302 Extremely Hazardous Substances
Not applicable.
Section 313 Toxic Chemical(s)
Not applicable.

CERCLA Reportable quantity
Not applicable.

16. OTHER INFORMATION

The information given here is not necessarily exhaustive but is representative of relevant, reliable data.
Follow all local/regional/national/international regulations.
Please consult supplier if further information is needed.

|| In this document the British spelling was applied.
|| Significant changes versus previous edition.

	Health	Flammability	Instability	Additional Markings
NFPA	3	1	1	

0 = Minimal hazard, 1 = Slight hazard, 2 = Moderate hazard, 3 = Severe hazard, 4 = Extreme hazard

Full denomination of most frequently used acronyms. BCF (Bioconcentration Factor), BOD (Biochemical Oxygen Demand), COD (Chemical Oxygen Demand), EC50 (50% effect concentration), ED50 (50% effect dose), I.M. (intramuscular), I.P. (intraperitoneal), I.V. (intravenous), Koc (Soil adsorption coefficient), LC50 (50% lethality concentration), LD50 (50% lethality dose), LDLo (Lower limit of lethal dosage), LEL (Lower Explosion Limit), LOAEC (Lowest Observed Adverse Effect Concentration), LOAEL (Lowest Observed Adverse Effect Level), LOEC (Lowest

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Observed Effect Concentration), LOEL (Lowest Observed Effect Level), MEL (Maximum Exposure limit), MTD (Maximum Tolerated Dose), NOAEC (No Observed Adverse Effect Concentration), NOAEL (No Observed Adverse Effect Level), NOEC (No Observed Effect Concentration), NOEL (No Observed Effect Level), OEL (Occupational Exposure Limit), PEL (Permissible Exposure Limit), PII (Primary Irritation Index), Pow (Partition coefficient n-octanol/water), S.C. (subcutaneous), STEL (Short-Term Exposure Limit), TLV-C (Threshold Limit Value-Ceiling), TLV-TWA (Threshold Limit Value - Time Weighted Average), UEL (Upper Explosion Limit)

This Material Safety Data Sheet (MSDS) serves different purposes than and DOES NOT REPLACE OR MODIFY THE EPA-APPROVED PRODUCT LABELING (attached to and accompanying the product container). This MSDS provides important health, safety, and environmental information for employers, employees, emergency responders and others handling large quantities of the product in activities generally other than product use, while the labeling provides that information specifically for product use in the ordinary course. Use, storage and disposal of pesticide products are regulated by the EPA under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) through the product labeling, and all necessary and appropriate precautionary, use, storage, and disposal information is set forth on that labeling. It is a violation of federal law to use a pesticide product in any manner not prescribed on the EPA-approved label.

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Letter to neighbors

June 13, 2011

Dear Neighbor,

We are Jim and Peri Goad and we own the lot located at the corner of Ivey and Hwy 90 in Whetstone Az. Parcel 10605001.

Last year you watched as we cleared the lot, added irrigation , put in a well and built the pump house. We planted 450 fruit trees and numerous berry plants. We put a fence around the property, picked up 2 and ½ dump trucks of debris and rocks from the front of the lot and mowed the grass. We had ADOT come out and remove a portion of their apron around the culvert to help with the drainage. We also cleared the dirt, rock and debris from the other side of Ivey allowing the flood water to move away from that corner more rapidly. We try at all times to keep the farm looking neat and clean.

We hope you enjoyed watching the pumpkins grow, we received many compliments on the progress and how beautiful all the green was. Our long-term goal is to have 1000 fruit trees and a community garden with tomatoes, beans, corn, greens and a variety of other vegetables.

Last year we had an overflow of parking during the Halloween season, this year we are planning additional parking near the well house.

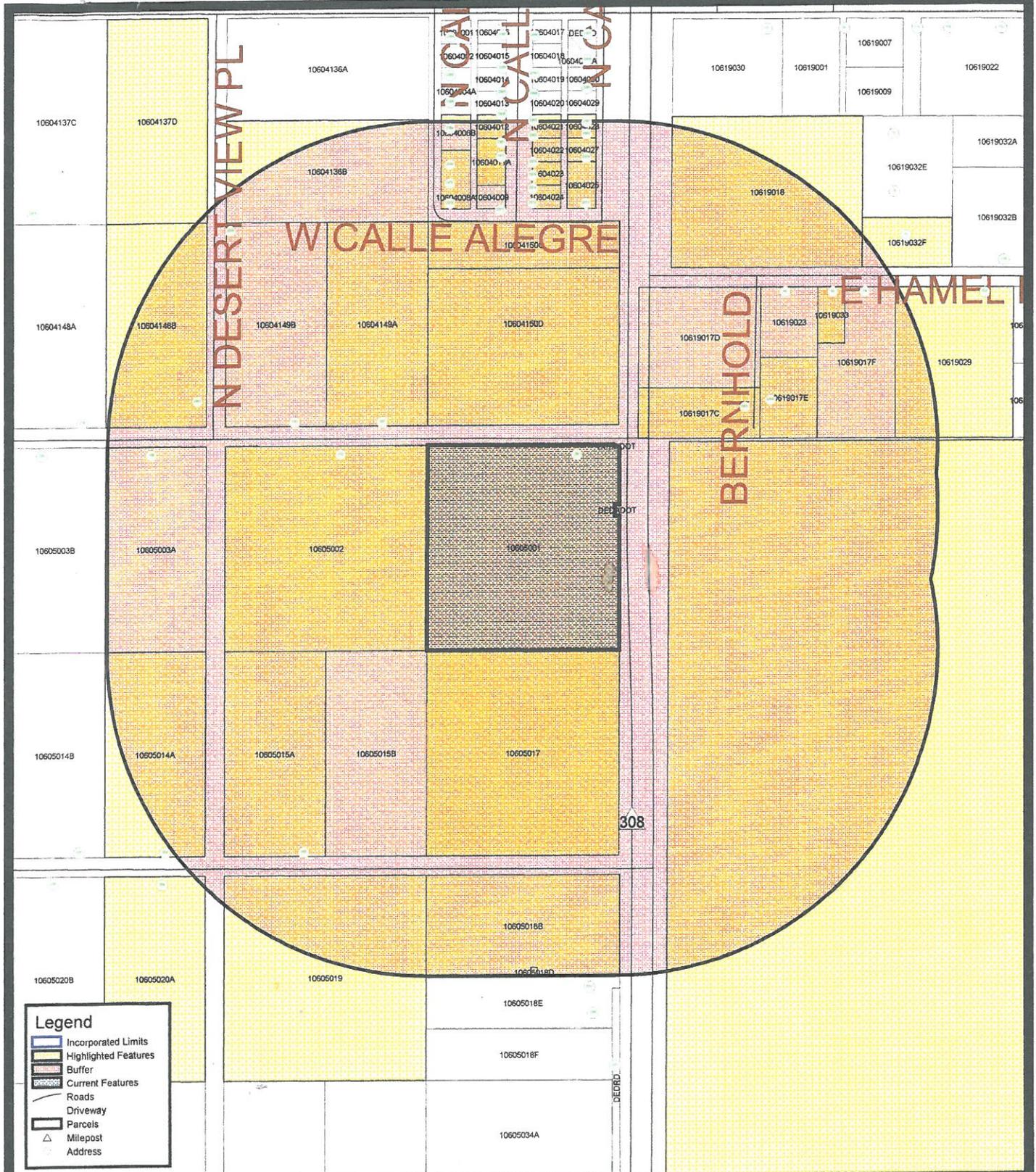
This year we have planted 110 cherry trees around the property and another 80 peach and nectarine trees. If we can get the javelina to leave them alone, the cherry trees will be beautiful in a couple of years.

We have added a petting zoo with goats, chickens, ducks, pheasant, turtles and emus. We have also built a small barrel train and would like to allow the children to use and enjoy these. We have no plans to charge for either. Still, the county considers this outdoor entertainment and, as such, is not covered by our current license. At our location and zoning, outdoor entertainment requires a special use permit, this is where you come in. To get a special use permit we must go before a board to request it. You have the right to voice your opinion at the board, either for or against the permit. The board will be held on August 10th 2011. I must submit my packet on June 24 so time is of the essence. I would very much like your feedback. For more information you may also contact us by email at goadpaj@cox.net you may write us at our home address: 1581 N. San Marcos De Niza Dr. Sierra Vista Az. 85635 or call Jim at 520-255-1073, be prepared to leave your name and address as a detailed log of all contacts must be provided to the county.

Enclosed is a map of everyone located within 1000 feet of our property, I am notifying everyone within that distance.

Thank you in advance for your support.

Jim and Peri Goad



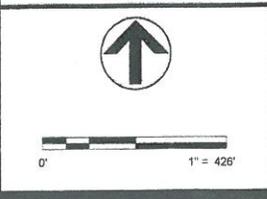
Legend

- Incorporated Limits
- Highlighted Features
- Buffer
- Current Features
- Roads
- Driveway
- Parcels
- Milepost
- Address



PrAp 11-21
 Goad
 106-05-001
 1000' Buffer

This map is a product of the
 Cochise County GIS



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 D2

Telephone Log

Received call from Mrs. Warren
Buckin on 6/17. She stated the
farm was good for the area and
overall very positive. Address:
2387 N. Calle Vista, Phone 345-9247

Received call from Jim Demuth
on 6/24. He stated he was for the
farm and what we were trying to do.
Address: 2496 Calle Segurdo, Phone
249-4194.

**Dale I. Miller 2371 N. Calle Sereno Huachuca City, Arizona 85616
(Whetstone, Az)
Residence Telephone 520 456 0146
E-mail oneskyknight@powerc.net**

Jim & Peri Goad

June 23, 2011

Thank you for taking the time to write your most informative letter. Most of us in the neighborhood have been watching since you began developing your property last summer. Then watching the pumpkins grow and many folks coming to enjoy the pumpkin patch. Then seeing things develop as you began planting more things. I must say that you are to be commended for your efforts to develop this property. Not often that we get to see good things in progress in this area. The norm here seems to be start a project and never finish it or take no pride in one's property and let it continue to decline until it becomes a literal trash heap and a total disgrace. I also wish to applaud your efforts to provide something for the children to enjoy as well. Children so desperately need wholesome activities and good examples these days.

Now for the County . They have time to find fault and set strict requirements for someone like yourselves to adhere to laws, regulations and codes, but make little or no effort to enforce planning and zoning restrictions already in force. Article 18 of the P & Z code of Cochise County I believe it is called. In spite of numerous pleas from us as residents of the area to enforce these restrictions through many telephone calls, e-mails and county authorized complaint forms, nothing gets accomplished. I for one feel that they want to avoid confronting those in violation. The feeble efforts they have made in the past have resulted in strong opposition from those in violation. They apparently are not able to cope with any opposition from those in violation or just don't want to deal with it. They would rather select someone like yourselves, folks making an attempt to improve the area and to abide by any laws or regulations than confront those who might wish to take them to task.

I refer specifically to a residence located at 2402 N. Calle Sereno. A total disgrace to the area and certainly a hazard to elementary school children waiting for a school bus just a few feet away. Not to mention the unsightly appearance plainly in view of passers by on highway 90. Then the residence at 2370 N. Calle Libre where people are allowed to live in a carport with gravel floor and no sanitary facilities. The waste has been seen being tossed into the desert. The entire yard is usually piled with trash and garbage of every sort. Very young children live in this environment. Where is child protective services? This too has been reported to the county. Now more recently a new occupant at a residence located on the northwest corner of Calle Vista and Calle Alegria. This property is rapidly resembling a flea market or worse. Also clearly in view of traffic on highway 90. Another trash heap for our neighborhood.

I was wondering where the meeting of the board will be held. I fully encourage the approval of any such required permits. I am in support of your efforts.

Sincerely, Dale Miller



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D4

6/19/11

To: Jim + Peri Goad;

First let me thank you for making your property at Hwy and Hwy 90 looking as nice as it does and for giving the children not only in this area but for children in southern az.

I find it rather disturbing that Cochise County P+Z. would take the time and waste tax payers money to have a meeting when another 500' to the north of my property the property owner is placing trash in the roadway and storing junk on his property and the County looks the other way.

If a special use permit is required for your setting zoo and train I suggest it be issued with no board meeting and cost to you.

Thanks.

Wilbur + Carol Stagle

1060411A

2377 N. Calle Sereno

Huerfano City az 85616



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From: Marilyn W. Harris <manisteehm@aol.com>
Date: Monday, June 20, 2011 6:42 PM
To: goadpaj@cox.net
Cc: MANISTEEMH@aol.com
Subject: Special Use Permit
Size: 5 KB

Jim and Peri,
 I am one of the owners of the Sands Ranch, and I received your June 13 letter requesting input for your farm operation on Highway 90 and Ivey. I am not familiar enough with your property to comment; however, it sounds as if you are improving the land and benefiting the community. I wish you luck with your endeavors, but I am a proponent of legal uses of property and I hope that this process will be successful so that you can legally proceed with your plans with no bother to the neighbors.
 If there is any State Land within the 1000 foot buffer zone you may want to contact them.
 I am surprised that I did not receive an official notice from the County regarding this Special Use Permit.
 Sincerely,
 Marilyn Harris

Marilyn W. Harris
 Manistee Investments, Inc.
 marilyn@manisteeinvestments.com
 602.549.2725

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From: Josh Nicola <joshuani@yahoo.com>
Date: Sunday, June 19, 2011 9:01 PM
To: goadpaj@cox.net
Subject: Farm/Petting Zoo
Size: 4 KB

My name is Josh Nicola and I live at 107 W. Ivey Rd. I am across the street from your farm and have been over to see it a few times. It has definitely brought some great scenery to the neighborhood and the petting zoo would be such a wonderful thing for adults and children alike. My son and I have gone over to see the animals and I am still in amazement at how friendly they are. My son had a ball and asks me every day if we can go back. It would be such a great place for not only children to visit but also mentally challenged adults/children. The animals would do wonders for them. I really hope you get your variance and support the farm as well as the small petting zoo 100%

Sincerely,

Josh Nicola

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From: Mealinen@aol.com
Date: Saturday, June 18, 2011 10:50 AM
To: goadpaj@cox.net
Subject: County Permit
Size: 5 KB

Good morning,

Sorry it has taken me so long to get back with you reference to your letter, things have been kinda crazy.

As being your neighbor directly to the west, I initially was very upset when you started. I was concerned about water use, more traffic on Ivey Rd, etc. But you have proven to be water smart and have addressed the other concerns that I had with the actions that you have taken. You have really set up a nice little place and I think the kids coming out will really enjoy the petting zoo and the little train ride.

As for the county requiring you to obtain an outdoor entertainment permit, over kill for what you are trying to do, but what can I say. Please share this email with the board, you have our whole hearted support in your quest to obtain the permit.

Mary Alinen
112 Ivey Rd
Huachuca City, AZ. 85616

520-456-9128
520-249-4992

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Visitor Agreement
Privacy Policy
Business Policies

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Wilson, Beverly

From: goadpaj@cox.net
Sent: Tuesday, July 19, 2011 9:18 PM
To: Wilson, Beverly
Subject: Fwd: special use permit

> Date: Fri, 24 Jun 2011 18:39:26 -0700 (PDT)
> From: Brent Nicola <brentnicola@yahoo.com>
> Subject: special use permit
> To: goadpaj@cox.net
>
> Howdy,
>
> Sorry this is late. I was out of town.
>
> My wife and I love your mini-farm on the corner. It's a great addition to the neighborhood. Thanks for providing a green spot in the area. Also, thanks for providing a positive place for kids.
>
> Keep up the good work!
>
> Pastor Brent and Michelle Nicola
>
>
> "I'm convinced more than ever that the absolute highest value in personal evangelism is staying attuned to and cooperative with the Holy Spirit."
> -Bill Hybels & Mark Mittelberg
>
> "Being an extrovert isn't essential to evangelism...Obedience and love are."
> -Rebecca Manley Pippert
>
> "The Glory of God, and, as our only means of glorifying Him, the salvation of souls is the real business of life."
> - C.S. Lewis
>
> "Salvation, when distilled, is a righteousness exchange: God's righteousness for yours. Make the trade."
> - Brent Nicola

Wilson, Beverly

From: goadpaj@cox.net
Sent: Tuesday, July 19, 2011 9:18 PM
To: Wilson, Beverly
Subject: Fwd: Fw: special use permit

> From: "robert cook" <cookr@msu.edu>
> To: <goadpaj@cox.net>
> Subject: Fw: special use permit
> Date: Fri, 24 Jun 2011 12:35:40 -0700

>
>
> ----- Original Message -----

> From: robert cook
> To: goadpai@cox.net
> Sent: Friday, June 24, 2011 11:10 AM
> Subject: special use permit

>
>
> Jim and Peri, We support your garden project on West Ivey Road. I cant imagine any one objecting to compaion animals, especially in Arizona or any other place for that matter.

>
> Bob and Wanda
>
> Robert M Cook
> 2301 North Desert View Place
> Huachuca City, AZ 85616
>



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos de la Torre, P.E. Community Development Director

MEMORANDUM

TO: Keith Dennis, Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Pumpkin Patch Expansion: SU-11-10\Parcel #106-05-001

DATE: July 18, 2011

The applicant is proposing to expand an existing pumpkin patch use on their property to include seasonal hay rides, barrel train rides and a small petting zoo. The site is located in the Whetstone area off of Highway 92 to Ivey Rd., a county maintained rural minor access road with a 20 foot cross-section. 60 feet of dedicated right-of-way was conveyed per Map and Platt Book 3, Page 159. A Right of Way permit (#2010 0303) for the residential driveway access was obtained on March 4, 2010. A residential concrete driveway is in place within the parcel.

There is no exact match for this combination of uses, at this scale, in the ITE Manual, 8th edition. The applicant states that they expect this use to be in place seasonally (during the Fall) and in operation during daylight hours with no more than two employees to assist the operations during Halloween holidays. Based on existing residential uses and generic recreational use trip generation rates this proposed use could potentially generate an average of 56 trips per day at the peak season; about double that of the high end of the range for a typical residential unit. Some trips, potentially, would be walking trips from within the neighborhood and not vehicle trips. No new construction is planned. The internal circulation is currently native surfacing. Typically with commercial uses all driveways and parking spaces are required per 1807.07 to have a chip-sealed surface in category B areas and a commercial apron in place prior to operation.

Recommendation

For this use, and the proposed scale of use, the applicant may wish to apply for a waiver from the driveway and parking space requirements for paving in order to maintain the outdoor farmyard appearance. We would support such a waiver and would request that the applicant include dust control as part of their operation if the waiver is granted. We would also request that the applicant consider clear designation of pathways and parking spaces to separate pedestrians from vehicle traffic.

At the time of commercial permitting for this proposed Special Use the commercial apron connection to Ivey Rd. will be reviewed. It appears that it may be appropriate to allow the residential driveway width instead of the larger commercial apron; if that is the case the applicant, at the time of the commercial permit, will be requested to submit a request in writing to the County Engineer for an exception from the Cochise County Roadway Design Standards. The applicant's are advised that a concrete or chip-sealed apron may be required at the commercial permitting stage; if so, the applicants would be required to obtain a Right-of-Way permit for working within the County Right-of-Way from the highway dept. prior to operation and would be allowed to have 12 months to complete the work.

cc: Docket SU-11-10

Wilson, Beverly

From: goadpaj@cox.net
Sent: Tuesday, July 19, 2011 4:44 PM
To: Wilson, Beverly
Subject: Wavier Request

To: Beverly Wilson

From: James R. Goad and Peri J. Goad

Subject: Pumpkin Patch Expansion: SU-11-10/Parcel #106-05-001

We would like to request a wavier for the following items.

1. Parking area.
2. To allow the current residential driveway to remain.
3. To allow the existing garden vegetation to count as an approved screening method.

1. The current parking area is a well compacted native soil and is the back yard of the existing residence. To change this would take away from the appearance of the residence. Since our farm is mostly during October (pumpkin season) we don't want the residence to look like a commercial establishment the rest of the year.

2. The current residence driveway apron surpasses the county requirements. It is 18 feet wide and has a 12X12 footing on each side and 10 inches of concrete in the field. It connects to Ivey road and can be used during the Halloween season to gain access to the parking area(s).

3. We have Cherry Trees planted around the property on the Ivey Rd and Hwy 90 sides, We also have gourds and Sunflowers planted around the property. The rear of the property is native plants and the left side has Peach trees planted. Additional screening would take away from what we are trying to do. Which is to present the property in a positive way.

You May contact us at 520-255-1073 or email us at goadpaj@cox.net Thank you for your consideration.
Jim and Peri Goad

----- "Wilson wrote:

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COMMUNITY DEVELOPMENT DEPARTMENT
Planning, Zoning and Building Safety
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Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Senior Planner
 For: Michael Turisk, Interim Planning Director
SUBJECT: Docket Z-11-07 (Hannon)
DATE: July 28, 2011, for the August 10, 2011 Meeting

APPLICATION FOR A REZONING

Docket Z-11-07 (Hannon): The Applicant seeks to rezone an 8,400 square foot parcel of land from MH-72 (Manufactured Home District, one dwelling per 7,200 square feet) to GB (General Business), in order to facilitate a Contract Construction Services land use. The Applicant, Robert Hannon of New Mountain Plumbing, intends to construct a 1,216 square foot plumbing shop on the property and operate his business from the subject parcel.

The subject parcel, 106-70-072A, is located at 110 South 5th Street in Sierra Vista, AZ.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 8,400 Square Feet
Zoning: MH-72 (Manufactured Home District, 1 dwelling per 7,200 square feet)
Growth Area: Category A Urban Growth Area
Plan Designation: Enterprise Redevelopment
Area Plan: Sierra Vista Sub-Watershed
Existing Uses: 120 square foot storage shed
Proposed Uses: Rezone to General Business to allow Contract Construction Services

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Tile Shop
South	MH-72	Manufactured Home
East	MH-72	Vacant Lot
West	GB	Warehouse/Industrial

II. PARCEL HISTORY

1988 – Permit issued for 450 square foot manufactured home and chain link fence surrounding property;

2000 – Violation issued for auto repair without a permit. In 2004, an additional violation was issued for unauthorized auto repair. These violations were issued to a previous owner of the property.

III. PROJECT DESCRIPTION

The Applicant, Robert Hannon of New Mountain Plumbing, seeks to establish a Contract Construction Services land use on the property. This includes construction of a 1,216 square foot site built building, to be used as an office and yard for the business. Such a use is not permitted under the MH-72 District regulations, but is a permitted principal use in the General Business District. The Applicant thus seeks to rezone the property to GB, to facilitate the intended land use.



Northwest view of the subject property on 5th Street in Fry.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The properties are within a Category “A”—Urban Growth Area with an “Enterprise Redevelopment” Comprehensive Plan designation. Section 402 of the County Zoning Regulations permits owners of property lying within areas so designated to request a rezoning to the General Business District.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. These factors are employed by staff to analyze a request, to formulate a recommendation, and to determine what conditions would apply to such recommendation.

Thirteen of the 15 criteria are applicable to this Docket, and the request complies with eight of the 13 applicable criteria as submitted. With the conditions of approval recommended by staff, the application would comply with 12 of the 13 criteria.

1. Provides an adequate Land Use/Concept Plan: Complies

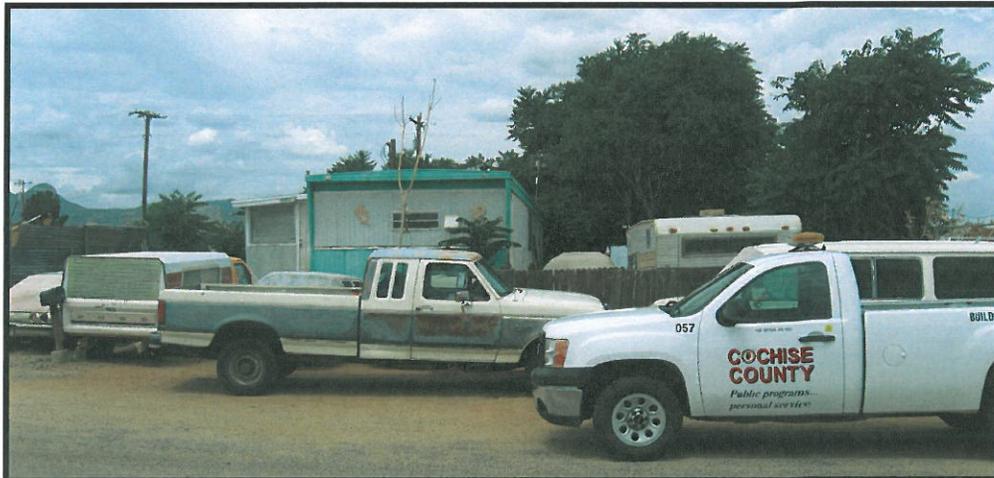
The Applicant's site plan provides sufficient information required to satisfy this factor.

2. Compliance with Applicable Site Development Standards: Does Not Comply

Rezoning the property to General Business to facilitate a Contract Construction Services land use would not, in itself, create any conflict related to development standards. For example, a Contract Construction Services land use may be permitted as a vehicle and equipment storage yard only, with no new proposed construction. However, two factors taken together would make compliance with some development standards, such as setbacks, difficult for future development on the property: the narrow width of the lot, and the fact that it would be adjacent to an MH-72 District to the South.

The Applicant proposes to construct an approximately 30' x 40' building on the property for the business. The parcel itself is 60 feet wide along the 5th Street frontage. A 5'9" setback is proposed along the North side, abutting the General Business District to the North. Along the South side, the proposed setback is 24 feet.

For GB uses abutting a GB District, the required setback is 5 feet or more; however, along abutting MH-72 (MR) Districts, the setback requirement is 40 feet minimum (1203.02). Because the lot is 60 wide, and because the neighboring property is zoned MH, compliance with this standard would be difficult to achieve. The Applicant has been advised that, should the Board of Supervisors approve of the rezoning, during the commercial permitting process the Applicant will be advised of all applicable site development standards, after which he may petition the District 1 Board of Adjustment for a Variance to the setback and possibly other standards.



The property immediately South is also zoned MH-72, and is developed for manufactured home use.

3. Creation of Districts Capable of Development: Complies.

The proposed General Business zoning would not result in any limitation on neighboring properties' development capacity.

4. Limitation on Creation of Nonconforming Uses: Complies.

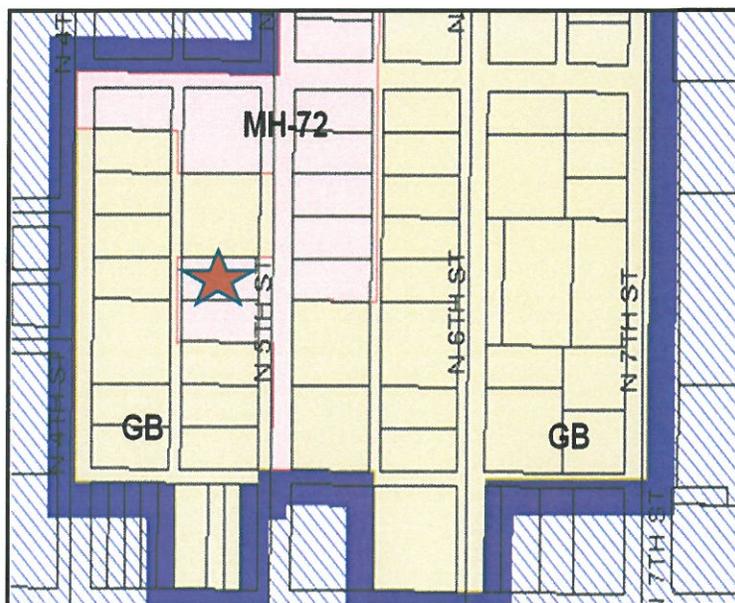
The rezoning would not create any nonconforming land uses, but as stated above, the proposed development could not conform to the General Business setback standard due to site conditions.

5. Compatibility with Existing Development: Complies.

The neighborhood, the Fry Townsite County enclave, is characterized by heavy commercial and industrial uses, and scattered manufactured home development. The rezoning proposal would facilitate a land use compatible with the character of the neighborhood.

6. Rezoning to More Intense Districts: Complies.

The rezoning request to General Business is for a parcel that borders a GB District on two sides, and is thus an extension of an existing District.



The property is adjacent to a GB District on the North and West sides.

7. Adequate Services and Infrastructure: Complies (Subject to Condition #3).

The parcel takes access from a paved, County-maintained road, and adequate access to water sewer and power services.

In order to ensure adequate infrastructure for the project site, an access driveway to the 5th Street travelway will be required. The Applicant is aware of the requirement for adequate access, and the concept plan reflects this. Condition #3 would require that, during the commercial permitting process, the Applicant obtain a right-of-way permit from the County Highway Department and construct a County-approved commercial apron to the property from 5th Street (See Attachment D – Transportation Planner Memo).

8. Traffic Circulation Criteria: Complies (Subject to Condition #3).

The proposal would result in a land use in keeping with the form and function of the surrounding transportation network. As with factor 7, above, the recommended requirement for a commercial apron accessing 5th Street would ensure compliance with this factor

9. Development Along Major Streets: Not Applicable.

The property does not access any major roadway.

10. Infill: Complies.

As a request for a General Business District rezoning within an Enterprise Redevelopment Plan Designation area, the proposal would comply with this factor.

11. Unique Topographic Features: Not Applicable.

There are no topographical features on the property that warrant special consideration.

12. Water Conservation: Complies (Subject to Condition #4).

The parcel is within the Sierra Vista Sub-Watershed Plan area, and is therefore subject to the water conservation measures provided in the Plan. Condition #4, which is a standard condition staff recommends for all rezonings, would obligate the Applicant to install water fixtures compliant with the policy document.

13. Public Input: Complies.

The property owner did complete the required Citizen Review report, and received no response.

14. Hazardous Materials: Complies (Subject to Condition #4).

The Applicant proposes no use or storage of hazardous materials on the property. Should this change, however, Condition #4 would require compliance with local, state and federal laws and regulations concerning hazardous materials.

15. Compliance with Comprehensive/Area Plan Policies: Complies

The project site is within the Fry Townsite County Enclave, an area designated as "Enterprise Redevelopment" on the Comprehensive Plan map. These areas are defined as being "designated for improvement as a commercial/industrial area." The business would comply with the Comprehensive Plan policy regarding appropriate land uses in this area.

As stated, Condition #4 would require compliance with the Sierra Vista Sub-Watershed area plan.

V. PUBLIC COMMENT

The Department sent notices to neighboring property owners within 1,000 feet. Staff posted the property on July 19, 2011 and advertised the request in the Arizona Range News on July 20, 2011. To date, the Department has received no correspondence regarding the proposal from within the 1,000 foot notification area.

VI. SUMMARY AND CONCLUSION**Factors in Favor of the Rezoning**

1. The project site is designated as an Enterprise Redevelopment area on the Cochise County Comprehensive Plan, and as a heavy commercial use, the operation is in keeping with the policies regarding appropriate development in the area;

2. With the recommended conditions, the rezoning request complies with 12 of the 13 rezoning factors;
3. Two neighbors have expressed support in writing for the request.

Factors Against Approval

1. While the change in land use facilitated by the rezoning would not of itself create any nonconformance, the 60-foot width of the lot combined with the required 40-foot setback to the adjacent MH-72 District to the South would create the conditions for a non-conforming structure.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **conditional approval** of the rezoning request, with the conditions noted below.

Sample Motion: *Mr. Chair, I move to forward Docket Z-11-07, rezoning Parcel 106-70-072A to General Business, with a recommendation of conditional approval, with the conditions of approval recommended in the staff report; the Factors in Favor of approval constituting the Findings of Fact.*

The recommended approval conditions are as follows:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning.
2. The Applicant shall obtain a building permit within one year of Board of Supervisors approval of the rezoning, otherwise the rezoning approval shall be deemed null and void, and the property shall revert to the MH-72 Zoning District.
3. Prior to issuance of a certificate of occupancy for the Contract Construction Services operation, the Applicant shall obtain a right-of-way permit from the County Highway Department, and construct a commercial apron for access to the 5th Street road travelway that meets County standards.
4. It is the Applicant’s responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

VIII. ATTACHMENTS

- A. Rezoning Application
- B. Location/Surrounding Zoning Map
- C. Land Use/Concept Plan
- D. Transportation Planner Memo
- E. Citizen Review and Public Comment



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

MH 72
GB

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Planning and Zoning Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: BOB HANWON NEW MOUNTAIN PLUMBING, INC.

2. Mailing Address: 25 W. TACOMA

<u>SIERRA VISTA</u>	<u>AZ</u>	<u>85635</u>
City	State	Zip Code

3. Telephone Number of Applicant: (520) 266-3278

4. Telephone Number of Contact Person if Different: () SAME

5. Assessor's Tax Parcel Number: 106 - 70 - 072A (Can be obtained from your County property tax statement) Number of acres proposed for rezoning: LESS THAN 1 acre

6. Applicant is (check one):
- Sole owner: X
 - Joint Owner: _____ (See number 8)
 - Designated Agent of Owner: _____
 - If not one of the above, explain interest in rezoning: _____

7. If applicant is not sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): Sole Owner

8. If applicant is not sole owner, indicate which **notarized** proof of agency is attached:

- If corporation, corporate resolution designating applicant to act as agent: _____
- If partnership, written authorization from partner: _____
- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: ✓

A
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- Copy of title report: _____
- Copy of tax notice: Have not owned property long enough
- Other, list: _____

10. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

Will approval of the rezoning result in more than one zoning district on any tax parcel?
 Yes _____ No X

11. Is more than one parcel contained within the area to be rezoned? Yes _____ No X
 ▪ If yes and more than one property owner is involved, all property owners must sign the attached consent signature form.

12. Indicate existing Zoning District for Property: MH-72

13. Indicate proposed Zoning District for Property: G.B.

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

14. Comprehensive Plan Category: A (A County planner can provide this information.)

15. Comprehensive Plan Designation or Community Plan: _____ (A County planner can provide this information.) ENTER PRISE Development

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

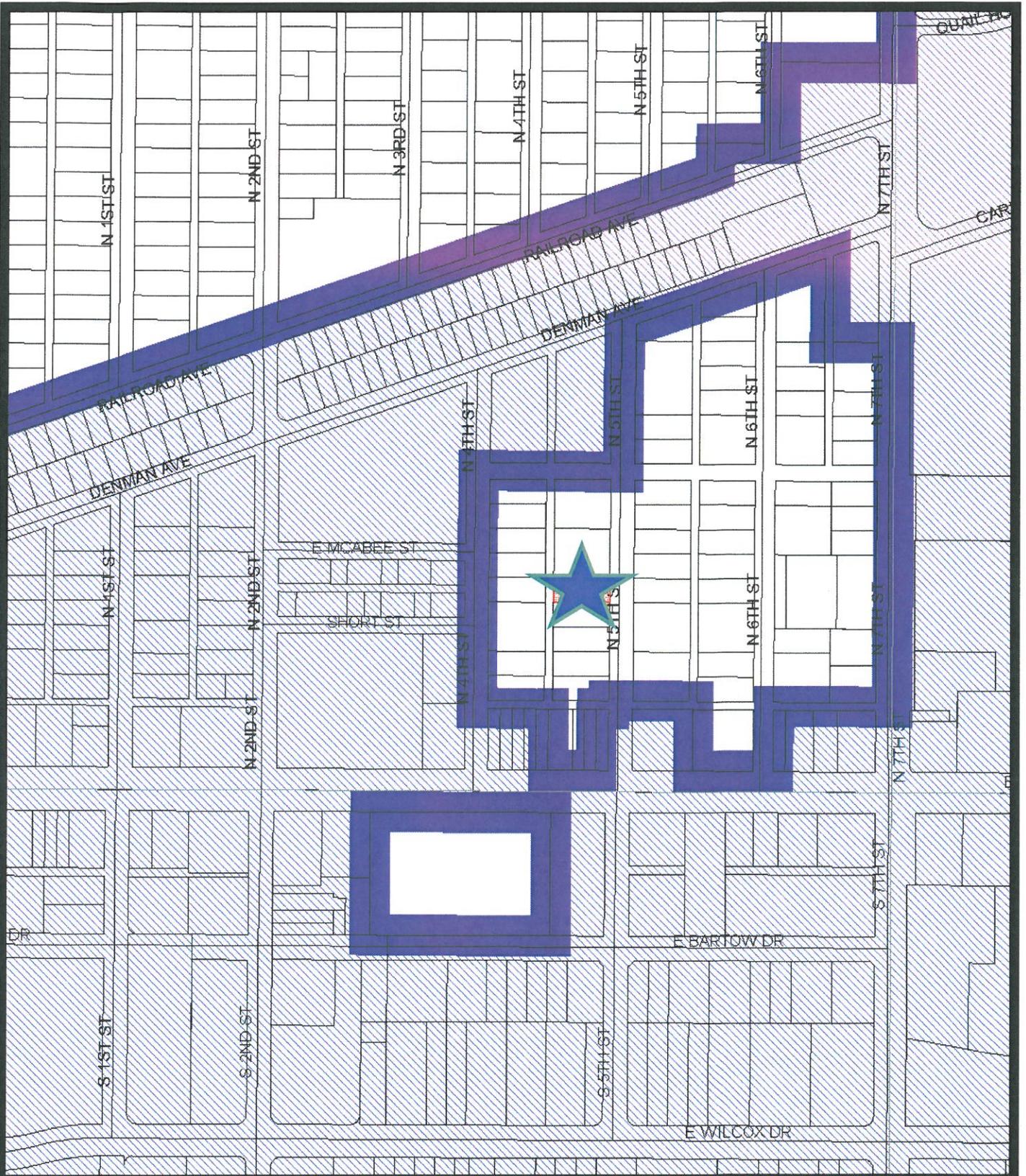
16. Describe all structures already existing on the property: 12x12 Steel Building

17. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. At a minimum, attach a Land Use/Concept Plan per Section 2208.03 B.1. of the Zoning Regulations. Plumbing Shop

18. Citizen Review Report attached? Yes X No _____ (Note: a rezoning application is not considered complete without a citizen review report per Section 2203 of the Zoning Regulations)

19. Which streets or easements will be used for traffic entering and exiting the property?

5TH Street In Trance
 These streets are (check one): _____ Private X County-maintained _____ *Other
 *If you checked private or other, attach documentation describing your right to use this access for the use proposed.



**Docket Z-11-07
(Hannon)
Location Map**

This map is a product of the
Cochise County GIS



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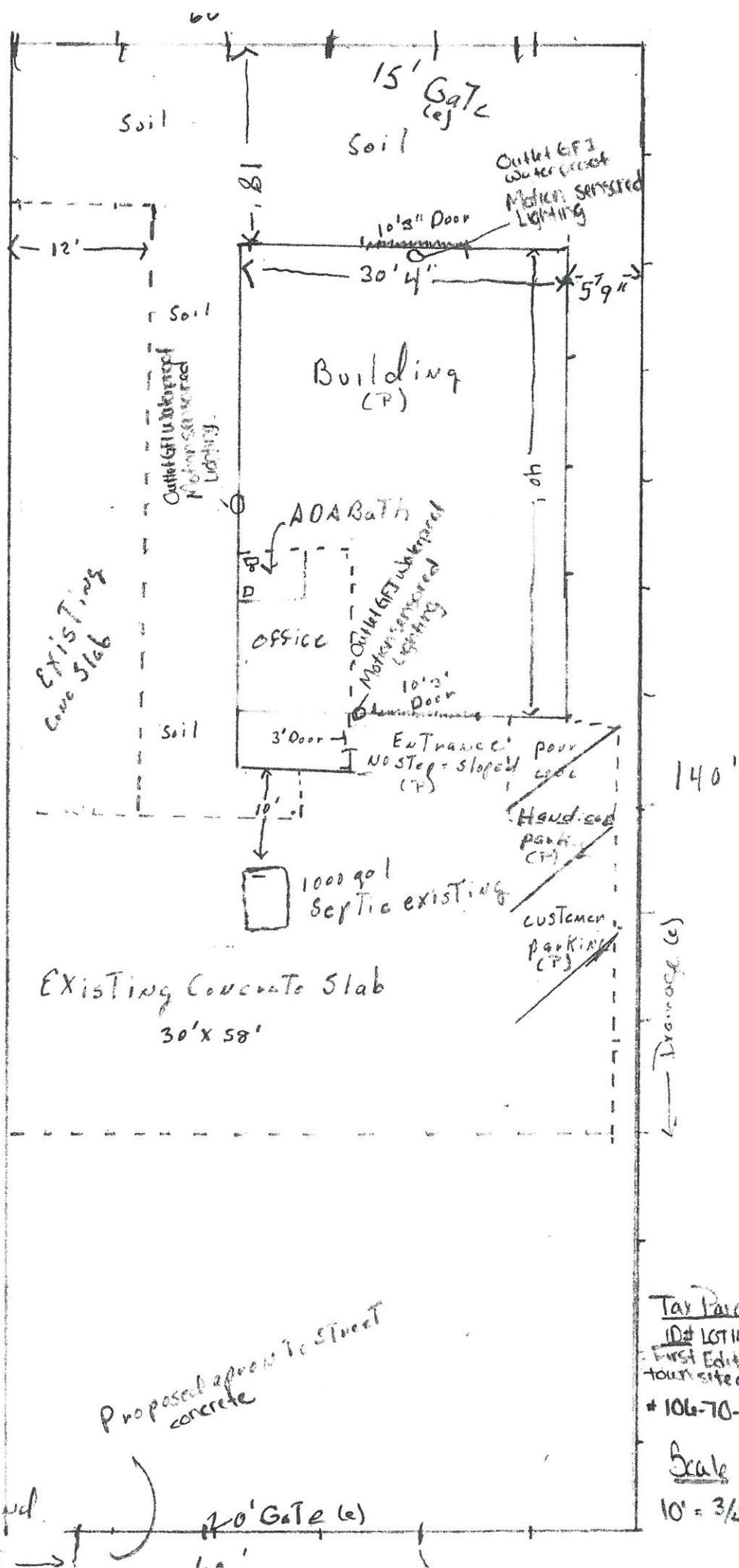
Site Plan

P) Building Height 17ft 8.5 in.

E) 6' Chainlink fences surround property. Slatted on North side of property

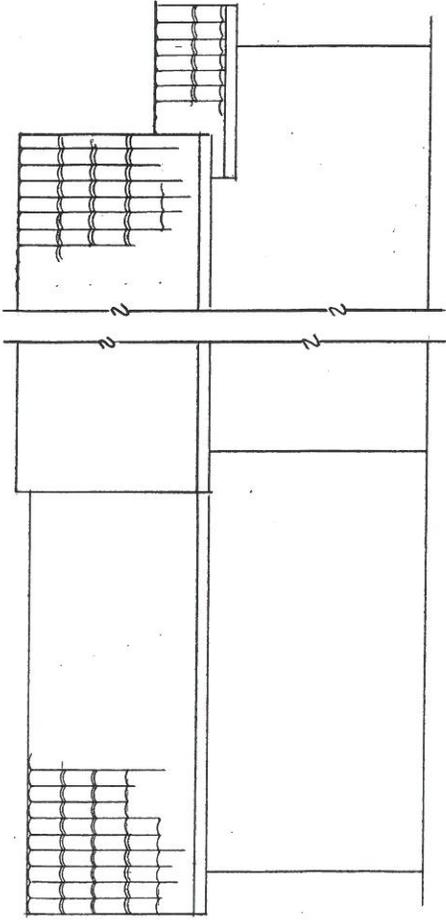
4th Street - asphalt material
25 mph speed limit
30' width

setback 7'11"

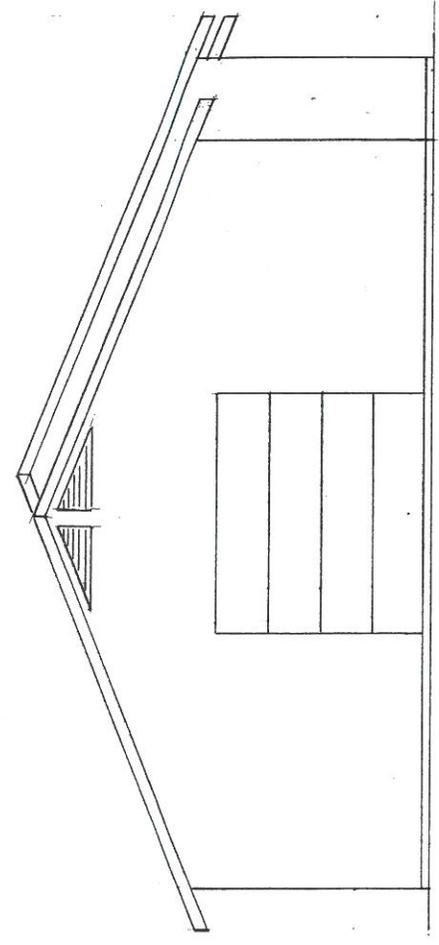


Drainage of entire lot towards 5th Street

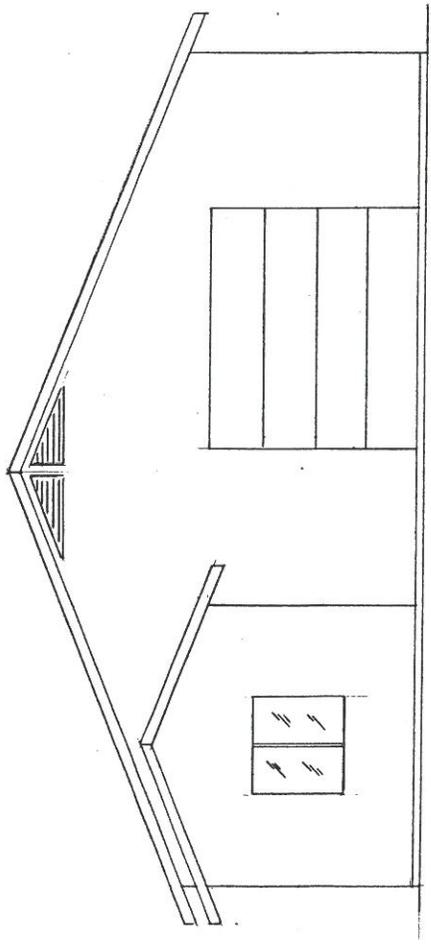
Tax Parcel
ID# LOT14 BKXKE
First Edition to the town site of Fry
106-70-071
Scale C
10' = 3/4" 72



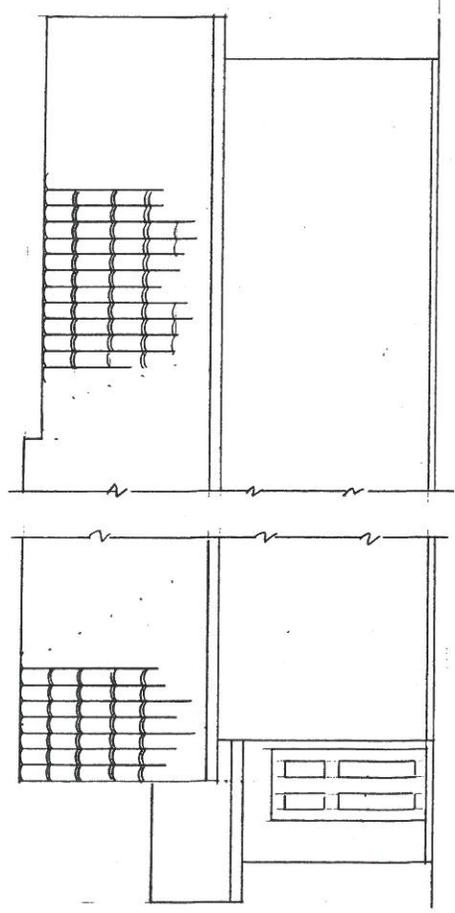
LEFT SIDE ELEVATION



BACK ELEVATION



FRONT ELEVATION



RIGHT SIDE ELEVATION



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
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(520) 432-9240
Fax 432-9278

Carlos de la Torre, P.E. Community Development Director

MEMORANDUM

TO: Keith Dennis, Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Hannon Rezoning to GB: Z-11-07\Parcel #106-70-072A

DATE: July 18, 2011

The applicant is applying to rezone his parcel from MH-72 to GB in order to construct a 1,216 square foot plumbing shop on the property. The site is located with the Fry enclave with the City of Sierra Vista. Access is taken from Highway 90 to 5th St., a county-maintained, chip-sealed urban collector with a 24-foot cross-section. 60 feet of Right-of-Way has been dedicated per Map and Plat Book 3, page 127.

Currently the site could place one single mobile home unit with a potential trip generation averaging just under 10 trips per day. The proposed use as a plumbing shop could potentially have a range between 8 to 65 trips per day based on equivalent land use per the ITE Manual, 8th edition. Based on the size of the proposed operation trip generation is likely to be on the lower end of this range and have a minimal impact on peak hour travel patterns in the area. There may be a slight increase in the number of delivery trucks providing supplies to the site. Although this proposed rezoning is likely to produce more traffic than the current use that impact is expected to be minimal on the roadway network.

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning proposal is compatible with the surrounding area and transportation infrastructure and we have no objection to the requested re-zoning.

This site was only analyzed for the proposed use and not for the full range of potential GB uses. Should this proposal change to more intensive uses resulting in heavier impacts on county-maintained roads mitigation may be required at the permitting stage appropriate to the final site development plans.

At the commercial permitting stage the applicant will be required to provide a hard-surfaced commercial access apron per the Cochise County Road Design and Construction Specifications prior to operation. The applicant is advised to contact the County's Highway and Floodplain Department at 520.432.9300 to obtain a Right-of-Way/Encroachment Permit as well as obtain the appropriate design standards, including any needed culverts/drainage structures, for the proposed commercial driveway onto 5th Ave.

cc: Docket Z-11-07

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YOU ARE INVITED TO SUBMIT COMMENTS ON OUR REQUEST TO CHANGE THE USE OF OUR PROPERTY FROM RESIDENTIAL USE TO COMMERCIAL USE

- Project Location: 110 N 5th St., Sierra Vista, AZ 85635
- Project Description and Details:
 - We want to build an office and shop combination for our small, locally owned plumbing business on the existing lot
 - Our plumbing trucks will enter and exit from the existing gate located at 110 N 5th St.
 - A concrete apron from the street to the gate will be poured to keep dust down
 - Lot has an existing 6' chain link fence
 - Our typical working hours will be from 7am - 5pm.
 - We anticipate parking for 1 handicap and 1 standard space
 - Please see attached drawing of the proposed office and shop combination as well as the site plan. Final construction may vary some from the drawing attached, but we hope this will give you a good idea of what we are planning on building. It will be approximately 1,400 square feet.
- Please note this affects the zoning of our lot only, it does *not* affect the zoning of your property.

We would be happy to meet with you if you have any questions on the proposed changes. Please let us know by June 23rd, 2011.

Your input is very important to us.

To make sure your questions are answered:

- Submit written comments to: Robert Hannon
25 W Tacoma St.
Sierra Vista, AZ 85635
- Email comments to: newmountainplumbing@hotmail.com
- To talk to a project representative call: (520) 266-3278

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SPECIAL USE: Docket Z-11-07 (Hannon)

YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): Kim Cherry _____

SIGNATURE(S): Kim Cherry _____

YOUR TAX PARCEL NUMBER: 106-70-070 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 100 N 5th St. _____

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on August 2, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY

JUL 26 2011

PLANNING

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SPECIAL USE: Docket Z-11-07 (Hannon)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Everything needs to be
GB in that area

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): MIKE SMEYER

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 106-70-69 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 100 N 5th St.

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on August 2, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY

JUL 26 2011

PLANNING

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COMMUNITY DEVELOPMENT DEPARTMENT
Planning, Zoning and Building Safety
 1415 Melody Lane, Bisbee, Arizona 85603

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 Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner II
 For: Michael Turisk, Interim Planning Director
SUBJECT: Docket Z-11-04 (Ruiz)
DATE: July 28, 2011, for the August 10, 2011 Meeting

APPLICATION FOR A REZONING

Docket Z-11-04 (Ruiz): The Applicant requests a rezoning for two parcels of land, from TR-9 (one dwelling per 9,000 square feet) to MR-1 (one dwelling per 3,600 square feet). The subject property consists of two parcels of land (Parcels# 102-57-139E and 102-57-139C) which combined are approximately 14,200 square feet in size. There are two existing mobile homes on the site. The property is located at 3724 and 3708 South Rogers Avenue in Naco, AZ. The Applicant is Ms. Blanca Ruiz.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 14,239 Square Feet (0.33 Acres)
Zoning: TR-9 (Transitional-Residential, 1 dwelling per 9,000 square feet)
Growth Area: Category C Rural Community Area
Plan Designation: Medium Density Residential
Area Plan: Naco Community Plan
Existing Uses: Manufactured Home Dwellings (2)
Proposed Uses: Rezone to Multiple-Household Residential (MR-1), to facilitate the addition of one manufactured home.

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-9	Manufactured Home
South	TR-9	Manufactured Home
East	TR-9	Single Family Residential
West	TR-9	Single Family Residential

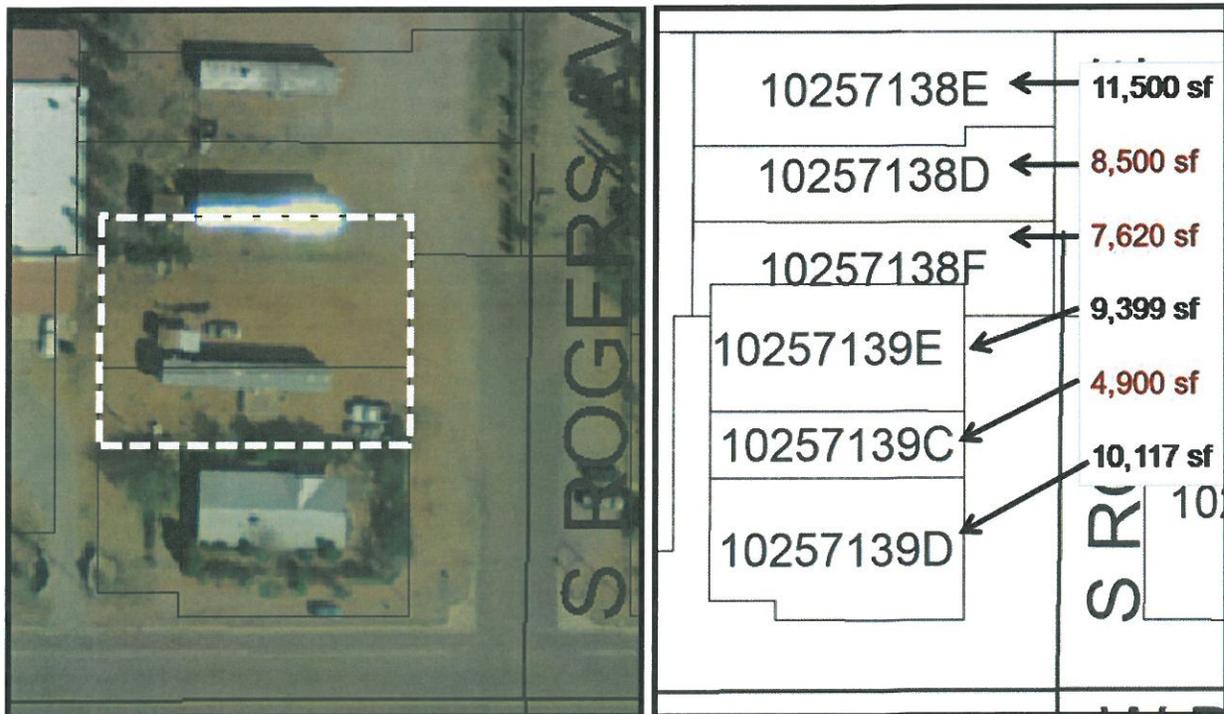
II. PARCEL HISTORY

1976 – Permit issued for manufactured home on the parent parcel, 102-57-139
 2005 – Permit issued for manufactured home on what is now Parcel 139C.

2006 – Applicant and neighboring property owner (North and South) traded portions of their respective properties: The Applicant deeded over a 17-foot strip along the South side of what is now Parcel 139C, while the neighbor did the same along the South side of Parcel 102-57-138F. The result was that the manufactured home on this parcel now sits astride the property boundary between Parcels 138F and 139E – and that Parcels 139C and 138F became non-conforming lots.

III. PROJECT DESCRIPTION

The Applicant, Blanca Ruiz, is the owner of both parcels subject to the rezoning request. Her intentions are to combine the two parcels and place an additional manufactured home on the property. She seeks a rezoning in order to accommodate her intentions.



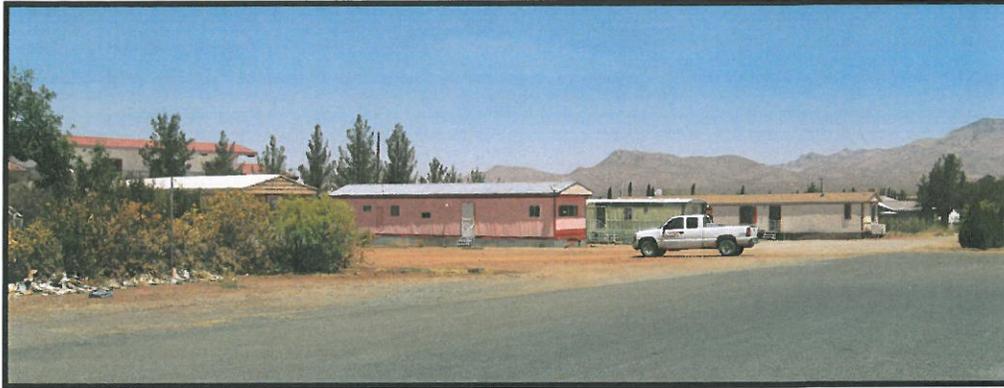
Above is an aerial view of the two parcels (above left - outlined in white). Parcel 139E is the larger of the two; at 9,339 square feet, this parcel does meet the 9,000 square foot minimum required under the TR-9 District. Two other parcels on this block are similarly non-conforming (above right).

A manufactured home is sited on Parcel 139C, the lower of the two lots, but in fact encroaches onto Parcel 139E. While the Applicant owns the land, a tenant who rents the land from her owns this home.

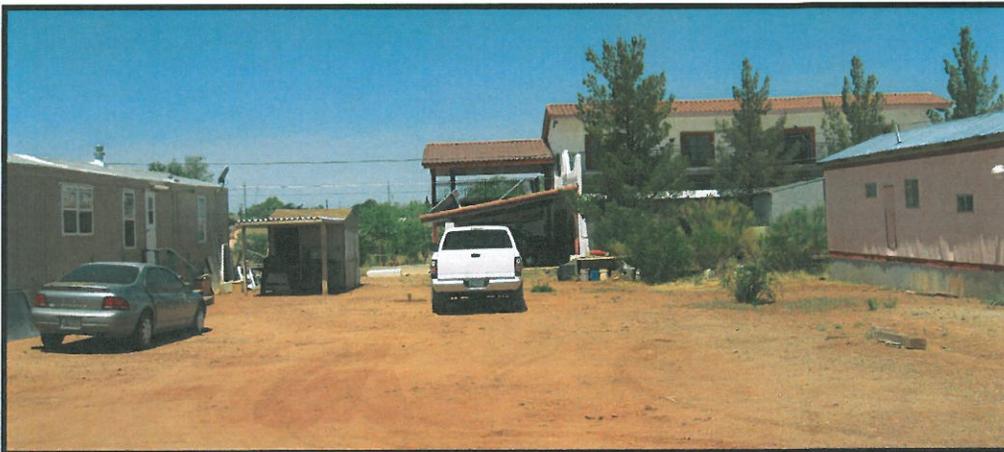
To the North, an additional manufactured home encroaches over the lot line onto 139E. This manufactured home belongs to the neighboring property owner to the North, and is discussed in Section II of this Memo.

The existing manufactured home on the property, shown at left in the photo above, is located on what is now a non-conforming lot. The Applicant seeks to place a manufactured home directly North of this unit, but because the existing home sits astride the property line, she has been unable to obtain a permit to do so. If the two properties were combined, the size of the resulting lot would be 14,239 square feet; if rezoned to MR-1, which requires 3,600 square feet per

dwelling unit, the property could accommodate the Applicant’s intention to install an additional manufactured home between the two existing units.



Above: Northeast view of the project site. The proposed manufactured home would be sited between the two left-most units in the photo. Below: West view of the property, where the Applicant intends to install a manufactured home. The two units shown here are approximately 64 feet apart.



The existing manufactured home on the property, shown at left in the photo above, is located on what is now a non-conforming lot. The Applicant seeks to place a manufactured home directly North of this unit, but because the existing home sits astride the property line, she has been unable to obtain a permit to do so. If the two properties were combined, the size of the resulting lot would be 14,239 square feet; if rezoned to MR-1, which requires 3,600 square feet per dwelling unit, the property could accommodate the Applicant’s intention to install an additional manufactured home between the two existing units.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance – Naco Community Plan

Section 2208.03.A of the Zoning Regulations sets forth the conditions under which a rezoning request can proceed. Such requests must be to rezone to those Districts that have been designated as compatible with the characteristics of the area, as defined by the applicable Comprehensive or Area Plan policies.

The properties subject to this request are within the boundaries of the Naco Community Plan. Both properties are within a Category “C”—Rural Community Growth Area. The Plan Designation for the project site is “High Density Residential,” a designation particular to the Naco Area Plan.

Section 402 of the County Zoning Regulations requires that rezoning requests proceed in accordance with a slate of allowable Districts for each Comprehensive Plan Designation. However, the primary Cochise County Comprehensive Plan does not include a “High Density Residential” Plan Designation. Instead, we consult the Naco Community Plan to determine compliance. High Density Residential areas within the latter carry densities ranging from 3,100 to 9,000 square feet. The request would be, therefore, in keeping with the Naco Plan densities and policies.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. These factors are employed by staff to analyze a request, to formulate a recommendation, and to determine what conditions would apply to such recommendation. The request is for a small-scale rezoning, which would facilitate the type of development that already exists in the neighborhood and eliminate the non-conforming status of one of the lots. The applicability of some rezoning factors is limited because of the unconventional nature of this request. Staff has determined that 10 of the 15 criteria are applicable to this Docket, and the request complies with each of the 10 applicable criteria as submitted.

1. Provides an adequate Land Use/Concept Plan: Complies

The Applicant's site plan substantially provides all the information required to satisfy this factor. The request, if granted, would result in one additional manufactured home being placed on the property.

2. Compliance with Applicable Site Development Standards: Complies

The development facilitated by the rezoning request could meet all applicable site development standards. The existing manufactured home on Parcel 139C is 20 feet or more from the Southern property line, which would satisfy the setback requirement where an MR District abuts a TR District.



Westward view of the existing manufactured home on the property.

3. Creation of Districts Capable of Development: Complies.

The MR-1 zoning would not result in any limitation on neighboring properties' development capacity.

4. Limitation on Creation of Nonconforming Uses: Complies.

The rezoning would not create any nonconforming land uses.

5. Compatibility with Existing Development: Complies.

As discussed, the block on which the parcels are located is developed with manufactured homes. The proposal would be compatible with existing development.

6. Rezoning to More Intense Districts: Complies.

One of the measures for compliance with this factor is whether the "proposed district is a reasonable extension of a similar density district within the area." The rezoning request is to facilitate the type of development that already exists in the immediate area.

7. Adequate Services and Infrastructure: Complies

The parcels have immediate access to a paved, County-maintained road, and have adequate access to water sewer and power services.

8. Traffic Circulation Criteria: Complies.

The proposal would result in a land use in keeping with the form and function of the transportation network. Rogers Avenue is a paved County-maintained road and can accommodate an additional residential unit.

9. Development Along Major Streets: Not Applicable.

The property does not access any major roadway.

10. Infill: Not Applicable.

The request is not for a GB, LI or HI District. (This rezoning factor intends to encourage infill in areas where commercial and industrial development exists if rezoning to GB, LI or HI and the site is in an existing Enterprise or Enterprise Redevelopment plan designation area).

11. Unique Topographic Features: Not Applicable.

The subject property is flat and does not include any unique topographical features that require special consideration.

12. Water Conservation: Not Applicable.

The parcel is less than one acre in size and, as such, is not classified as a major development as defined by the Comprehensive Plan.

13. Public Input: Complies.

The property owner did complete the required Citizen Review report, and received two telephone calls in support of the request.

14. Hazardous Materials: Not Applicable.

15. Compliance with Comprehensive Plan Policies: Complies

Section II of the Naco Community Plan provides the Plan policies regarding residential development. Most notably, the policy encouraging “residential infill of a similar density compatible with the surrounding neighborhood” is applicable here, and the request would comply with this policy.

V. PUBLIC COMMENT

The Department sent notices to neighboring property owners within 1,000 feet. Staff posted the property on July 19, 2011 and advertised the request in the *Arizona Range News* on July 20, 2011.

To date, the Department has received one letter in support of the request, and two letters opposing the request from within the 1,000-foot notification area. The opposing neighbors both cited crowding in the area as the reason for objecting.

VI. SUMMARY AND CONCLUSION

Factors in Favor of the Rezoning

1. The rezoning request, if granted, would rectify the non-conforming status of one of the two parcels subject to the request;
2. The rezoning request conforms to the policies of the Naco Community Plan regarding residential development;
3. The rezoning request complies with 10 of the 15 rezoning evaluation factors; and
4. Three neighbors have expressed support for the request: two during the Citizen Review, and one in response to County mailings.

Factors Against Approval

1. Two neighbors expressed opposition to the request, citing crowding as the reason.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **conditional approval** of the rezoning request, with the standard conditions noted below.

Sample Motion: *Mr. Chair, I move to forward Docket Z-11-04 to the Board of Supervisors, rezoning Parcels 102-57-139C and 139E to Multiple-Household Residential (MR-1), with a recommendation of conditional approval, based on the Factors in Favor of approval as the Findings of Fact, with the conditions of approval recommended in the staff report.*

The recommended approval conditions are as follows:

1. The property owner shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning.

2. The Applicant shall obtain a building/use permit for the proposed manufactured home within one year of Board of Supervisors approval of the rezoning, otherwise the rezoning approval shall be deemed null and void, and the property shall revert to TR-9 zoning.
3. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

VIII. ATTACHMENTS

- A. Rezoning Application
- B. Location Map
- C. Land Use/Concept Plan
- D. Citizen Review and Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Blanca Ruiz

2. Mailing Address: P.O. Box 885

Naco City AZ State 85620 Zip Code

3. Telephone Number of Applicant: 760 464-5654 cell.

4. Telephone Number of Contact Person if Different: 520 249-4763 Mary Ellen Dunlap (my niece)

5. Email Address: _____

6. Assessor's Tax Parcel Number: 102-57-139 E 8C (Can be obtained from your County property tax statement)

7. Applicant is (check one):
- Sole owner: _____
 - Joint Owner: _____ (See number 8)
 - Designated Agent of Owner: _____
 - If not one of the above, explain interest in rezoning: _____

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation: N/A

- List attached (if applicable): _____

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
- If corporation, corporate resolution designating applicant to act as agent: _____
 - If partnership, written authorization from partner: _____
 - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application. N/A

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9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:
- Copy of deed of ownership: See attached.
 - Copy of title report: _____
 - Copy of tax notice: _____
 - Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?
- Yes _____ No

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached. N/A

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No
- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: TR-9

14. Indicate proposed Zoning District for Property: MZ-1

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: C (A County planner can provide this information.)
MEDIUM DENSITY RESIDENTIAL
16. Comprehensive Plan Designation or Community Plan: _____ (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: 1 trailer

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. You may want to attach a site plan: Add 1 trailer

19. Are there any deed restrictions or private covenants in effect for this property?
- No Yes _____
 - If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

Rodriguez Avenue & Rogers Street - Naco

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? N/A

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? None - Use existing streets.

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	x	Add water line
Sewer/Septic	v	
Electricity	A.P.S.	Have my separate utilities to added trailer
Natural Gas	Southwest Gas	
Telephone	QWEST	
Fire Protection	Naco Fire Co.	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed). I own the property and

would like to add an additional trailer in which I want to reside in. Rezoning the property is necessary and appropriate in order to obtain authorization to add another trailer. I have taken all the necessary steps to obtain authorization from the County. I mailed 90 letters to Naco residents & received no objection from Naco citizens and am asking for approval from the County, please see attached letter and proof of cost of mailing from U.S. Postal Service.

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25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: X Blanca Ruiz
Date: 5/12/11

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W FAIRWAY VI

S BORBOA PL

S ACUNA PL

W NEWELL ST

Z ST

S GIESLER AVE

S ENCINAS AVE

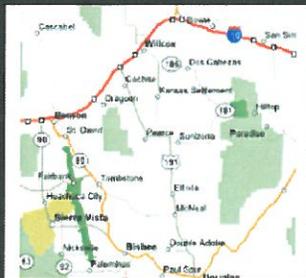
S GREENE AVE

S ROGERS AVE

S HUMPHREY AVE

ENZULAS

W MARTINEZ ST



Docket Z-11-04
(Ruiz)
Location Map

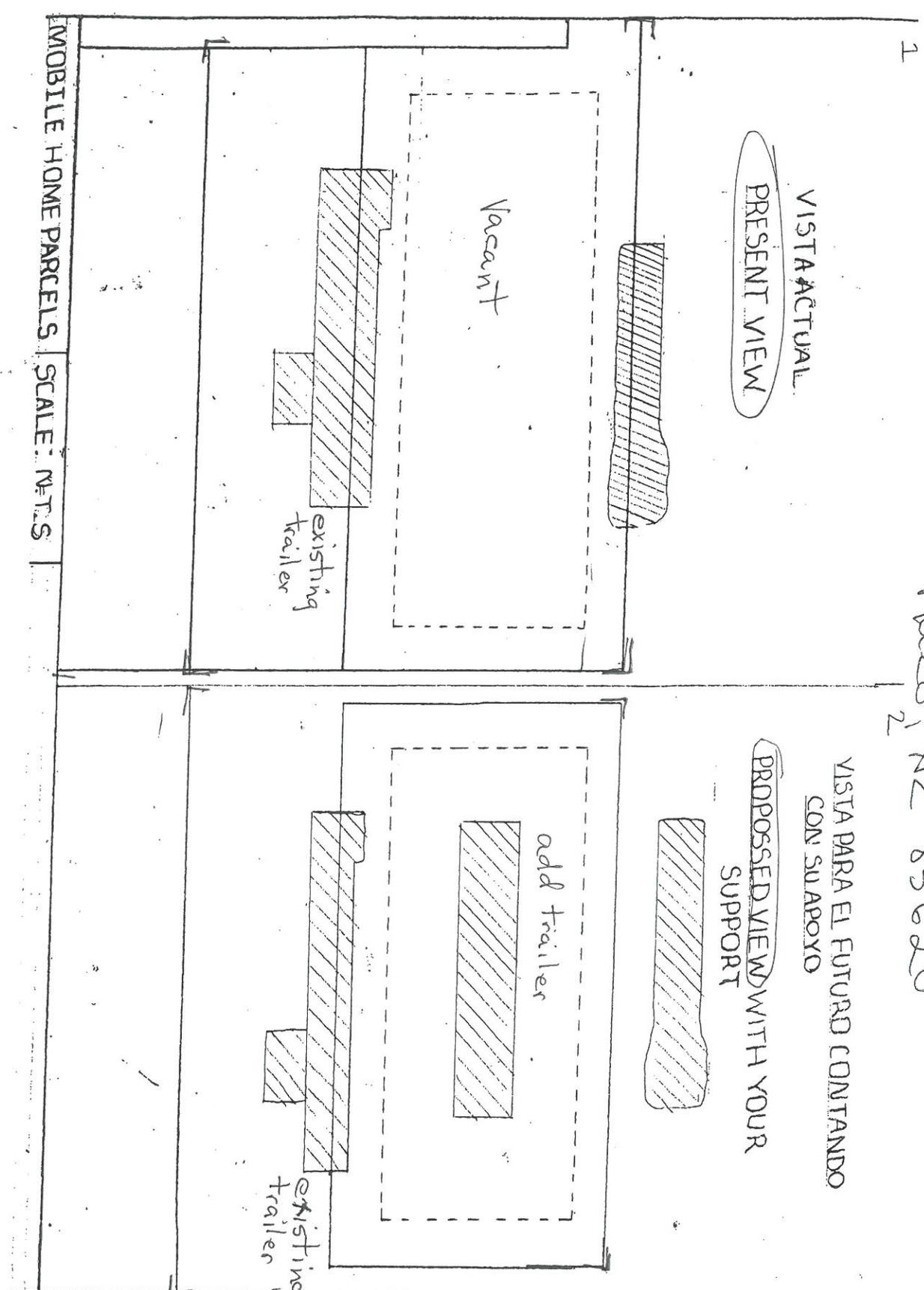
This map is a product of the
Cochise County GIS



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Map: 3724 S. Rogers St.
Map 2 Az 85620

#13 & #14
C6



Blanca Ruing, P.O. Box 885, Mesa, Az 85620
(760) 464-5254 E-mail: rningblap@msn.com

May 12, 2011

Cochise County Planning Department
1415 Melody Lane
Bisbee, Arizona 85603

Re: Property located on
3724 S. Rogers Street, Naco, Arizona

Dear Sir:

On March 1, 2010, I mailed 90 letters to residents of Naco, Arizona, informing them that I am applying to the County to rezone my property (as above captioned) and that I would appreciate their approval.

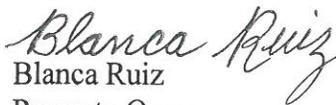
As of this date, "No Letters were received" from citizens. I did receive two telephone calls from the following individuals:

Ms. Rubio called from Naco called from telephone number (520) 432-5737. She stated that she does not have any problem and she expressed approval of my letter to rezone my property.

Ms. Foye Armstrong called from Naco called from telephone number (520) 432-7356. She stated that she was simply wanting to know what I planned on putting on the property. I responded to her. She was also in support of rezoning my property.

Your approval to move forth with the rezoning would be appreciated. If you have any questions or concerns, please feel free to call me at (760) 464- 5654.

Sincerely,


Blanca Ruiz
Property Owner

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REZONING: Docket Z-11-04 (Ruiz)

YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____
TO CONSIDER

(Attach additional sheets, if necessary)

PRINT NAME(S): _____

SIGNATURE(S): _____

YOUR TAX PARCEL NUMBER: 162-57-263B7 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS P.O. Box 207 NAZCO, AZ 85620

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Thursday, June 30 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY

JUN 30 2011

PLANNING

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REZONING: Docket Z-11-04 (Ruiz)

COCHISE COUNTY

JUL 25 2011

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

To Consider

(Attach additional sheets, if necessary)

PRINT NAME(S):

ERNEST M ROGERS

SIGNATURE(S):

[Signature]

YOUR TAX PARCEL NUMBER: _____ (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

P.O. Box 608 1870 W. Denning Ave. Bisbee, AZ 85628

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on August 2, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis

Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Senior Planner
For: Michael Turisk, Interim Planning Director
SUBJECT: Docket SU-11-11 (Thome)
DATE: July 28, 2011 for the August 10, 2011 Meeting

REQUEST FOR A SPECIAL USE

Docket SU-11-11 (Thome): The Applicant seeks Special Use authorization from the Planning and Zoning Commission in order to establish a Professional Services land use on the 581-acre subject property, per Section 607.26 of the Zoning Regulations. The intent is to install and operate a 10' x 40' modular office building for use as a sales office for the proposed Copper Hills subdivision to the North.

The project site, located on Parcel No. 102-34-001C, is located along the North side of S.R. 92, just West of Milepost 346. The Applicant is Alan Thome of Cochise 1900, LLC, represented by Jerry Gruetzemacher.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 581 Acres
Zoning: RU-4
Growth Area: Category D (Rural Growth Area)
Plan Designation: Rural
Area Plan: Southern San Pedro Valley Area Plan
Existing Uses: Undeveloped
Proposed Uses: Addition of a 10' x 40' modular office building

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped Land
South	RU-4	Undeveloped Land
East	RU-4	Undeveloped Land
West	RU-4	Undeveloped Land

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II. PARCEL HISTORY

There is no history of any permit or violation for the subject property.

III. SPECIAL USE REQUEST AND BACKGROUND (SEE CONDITIONS #1 AND #4)

The Applicant, Alan Thome of Cochise County 1900, LLC, is the project manager for the proposed Copper Hills development. The Board of Supervisors approved the Tentative Plat for Copper Hills Phase 1 in December, 2010. This development, if approved and built, would be situated near the Northwest corner of S.R. 92 and Rio Vista Road (see Attachment C). While the developers and engineers associated with the LLC continue to work towards obtaining Final Plat approval for Copper Hills, the company has decided to attempt to market the project by installing a 10' x 40' modular office building near Highway 92, to be used as a "Lot Reservation" office.

The subject parcel, and other tracts of land in the area, are also owned by Cochise 1900, LLC, and are marked for use as future phases of the Copper Hills development (See Attachment C).



Northward view of the project site as seen from the existing gated entrance.

A developer may legally take lot reservations for subdivisions that do not have final plat approval under certain circumstances – if, for example, a public report has been filed for the subdivision. Another method is to file a Notice of Intent to Accept Lot Reservations with the Arizona Department of Real Estate (AZDRE). Upon acceptance by the AZDRE Commissioner of the request, a developer may accept deposits of up to \$5000.00 per each lot of the proposed subdivision. Staff placed an inquiry to the AZDRE regarding the current proposal, to ascertain under what circumstances lot reservations are allowed in this case. The investigator's response was that the developer currently does not have permission to accept lot reservations (see Attachment E). Condition #2, which is a standard condition recommended for all Special Uses, would make compliance with AZDRE requirements explicit.

The Application and subsequent legal advertisement for this use initially listed "Contract Constructive Services" as a proposed land use, but the Applicant has since clarified that the

building would be used strictly as a lot reservation office, and would see no heavy truck traffic. The Special Use Application (Attachment A) represents an updated application reflecting the proposed use and anticipated impacts of the use.

Although the Applicant describes the proposed land use as a “Lot Reservation Office,” the most applicable land use category would be that of a “Temporary Subdivision Sales Office,” which is allowed in all Zoning Districts as a temporary use permit. Such permits, however, may only be issued on the property to be subdivided. Staff advised the Applicant to this affect, suggesting that a temporary use would be the best way forward, as it would be subject to fewer requirements, less time to complete, and lower fees than a Special Use. The Applicant instead chose the project site under current consideration, due to its proximity to and visibility from S.R. 92; the fact that there exists a paved access connecting the site to the latter; and the ready accessibility of electrical power and water to the project site. Because the project site is not on the proposed Copper Hills subdivision property, the Applicant was ineligible for a temporary use. Instead, Personal and Professional Services is the most applicable land use designation for the request on the chosen property. Such uses are allowed only by Special Use in the Rural District.

Per the Applicant, the life span of the project would be one year (See Attachment F – Citizen Review Report). The temporary nature of the proposal means this Docket is unique among Special Uses, which are intended to be “durable” land use changes that remain in effect unless actively changed, or unless revoked by Commission action. Likewise, Applicants must agree to the approval conditions imposed by the Commission in writing; such conditions are then recorded with the County Recorder’s office, and “run with the land” thereafter.

Section 1716.03.F forms the basis of the standard condition #1, which staff recommends for all Special Uses. This Section requires that a Special Use Applicant *apply* for a permit meeting all conditions and development standards except as modified “within 12 months of approval of the special use or within the time frame otherwise specified by the Planning Commission.” This Section further specifies that the commercial permit be *issued* no more than 18 months post-approval, or, again, “within the time frame otherwise specified.” The Regulations thus provide the Commission with the means to modify the time frame within which permits must be issued.

Staff recommends that, due to the temporary nature of the proposal, that the Commission impose a modified standard Condition #1, requiring the Applicant to apply for the permit within 30 days of approval, and that the permit be issued within 90 days of approval. In order to ensure the use is temporary, staff recommends, as Condition #4, that the use be discontinued, and the trailer removed, within one year of Commission approval.

IV. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine whether to recommend approval for a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Nine of the 10 criteria apply to this request. The project complies with one of these factors as submitted, but with the recommended conditions, would comply with five of the nine applicable factors. The proposal is out of compliance with four factors. Staff notes that compliance with several of the factors depends upon the Applicant’s willingness to comply with ADOT permit requirements and design standards, as well as AZDRE requirements, neither of which are enforceable by the County.

A. Compliance with Duly Adopted Plans: Does Not Comply

The special use is consistent with master development plans, transportation plans or other land use plans if any have been adopted for the area encompassing the special use.

The project site is within the boundaries of the *Southern San Pedro Valley Area Plan*, which requires such items as landscape plans, color elevations and exhibits for proposed Special Uses, as well as architectural guidelines. It should be noted, however, that the Plan policies address what are assumed to be permanent land uses, whereas the current proposal is for a temporary use.

The application may be out of compliance with the Area Plan’s access management policies as well. The Plan includes specific policies regarding new development along the Highway 92 corridor. Several of these reference the importance of compliance with County and ADOT recommendations. Two of these are most applicable here (p. 16):

6. New development to identify means to ensure safe travel on Highway 92 where slower local traffic merges with faster through traffic.

7. Any added off-site impacts created by a new development will be identified in a report appropriately documented to the satisfaction of the County and ADOT and improvements made based on this report.

The transportation aspects related to this Docket are more fully discussed below.



Looking North at the project site. The proposed office would be situated at right.

B. Compliance with the Zoning District Purpose Statement: Does Not Comply

The proposed special use shall comply with one or more of the purposes stated in the "Purpose" section of the applicable zoning district and harmonious with existing development.

The purpose statements provided in Article 6 do not, generally, apply to the proposed use. One statement, however, does include a clause relevant to the request. Section 601.04 mentions,

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among other items, the need to minimize traffic congestion. For reasons described below, the project would not comply with this statement.

C. Development Along Major Streets: Does Not Comply (See Condition #2)

The development limits the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials.

Although there is an existing paved access apron connecting the project site to S.R. 92, the access sees a minimal amount of traffic at this time. It is used for access to seasonal cattle grazing on the land, as well as to access to well sites intended to serve the future Copper Hills subdivision. The access is not, however, permitted by ADOT for the proposed use, nor does it meet ADOT standards for commercial Right-of-Way access.

As the population along S.R. 92 has grown, the highway has seen a steady increase in use. ADOT's access management plans for this corridor include limiting the number of access points, particularly non-residential access, to the Right-of-Way. In August of 2010, the developers met with ADOT to negotiate traffic-related strategies and mitigation. It was agreed then, that this point of access would be equipped with a cattle guard, that it would remain open for well site access only, and that, as the subdivision is built and internal access to the well site becomes available, it would be eventually closed altogether (See Attachment D – Transportation Planner Memo).



Northward view of the existing single-lane concrete apron as seen from the South side of Highway 92.

The current proposal, however, would allow non-residential traffic to enter and leave the site along a one-way driveway access. A one-way driveway along the highway means that, should a vehicle stop at the S.R. 92 travelway, waiting to merge onto the highway, approaching traffic would have to stop altogether to allow the vehicle to move before entering the site. Staff notes

that the speed limit along this portion of 92 is 65 mph, which could serve to exacerbate potential traffic conflicts related to the proposed use. The fact that the land is used for seasonal grazing also means an increased risk of cattle entering the Right-of-Way. The Applicant has stated his intention not to construct a cattle guard, but rather to fence off the area so as to keep livestock out of the project site. However, ADOT's position is that a cattle guard installed in an access that meets their commercial apron standards would be the most effective means of ensuring safety for livestock and vehicular traffic.

Condition #2, which is a modified version of the condition typically recommended by staff for all Special Use applications, would remind the Applicant of the need to comply with ADOT permit requirements, as well as design and construction specifications for improvements. As noted previously, however, ADOT standards and permit requirements are outside County jurisdiction.

D. Traffic Circulation Factors: Complies (Subject to Condition #2)

- 1. The special use is consistent with preservation of the functions of surrounding streets as defined in Section 102B3 (a-g) of the Comprehensive Plan.*
- 2. The special use does not result in the use of any residential street for non-residential through traffic.*
- 3. Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements, if warranted.*

Number 3, immediately above, is the most applicable consideration here. As discussed in Factor C, above, Condition #2 would remind the Applicant of his responsibility to work with ADOT on matters relating to off-site improvements, which would serve to ensure orderly circulation and safety along this corridor.

E. Adequate Services and Infrastructure: Does Not Comply (See Conditions #2 and #3)

The following factors are used to determine if there are adequate services and infrastructure to serve the special use:

- 1. The applicant has provided adequate information to evaluate the impacts on roads, other infrastructure and public facilities. The applicant must demonstrate that there are adequate provisions to address the impacts identified; the applicant shall provide data supporting the estimated traffic volume as part of the application.*
- 2. If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity. If so, the applicant has proposed a method to address these problems.*
- 3. The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.*

4. *The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.*

The project site, as discussed, was selected in part due to its proximity to existing electrical and water utilities. Condition #2 would address the transportation-related aspects of this Factor.

The Applicant indicates no water or restroom services would be needed for the use, characterizing the unit as a “dry trailer.”

Section 1808 of the Zoning Regulations requires that all land uses comply with applicable water and wastewater standards per County, State, and Federal requirements. In addition to transportation-related requirements, Condition #2 would ensure compliance with water and wastewater standards prior to operation of the use.

F. Significant Site Development Standards: Complies (See Conditions #1 and #2)

The special use adequately addresses the significant applicable site development standards, including development in or near a floodplain. The applicant has adequately justified any waivers requested from site development standards.

The Applicant intends to meet all applicable site development standards, and has requested no modifications or waivers. Condition #1 would require, if needed, a revised site plan, meeting all development standards as applicable; Condition #2 would require compliance with other local, state or federal requirements as applicable.

G. Public Input: Complies

The Applicant completed the Citizen Review process and received no response.

H. Hazardous Materials: Not Applicable

I. Off-site Impacts: Complies (Subject to Condition #2)

Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights or storm water run-off.

The use itself would generate few if any discernable off-site impacts. No substantial clearing of land would take place; no outdoor lighting is proposed and the nature of the proposed use is not likely to create noise or dust impacts. Although the estimated trip generation for the project is low (4 to 21 trips per day), traffic-related impacts along Highway 92 are to be considered as part of this Application. As discussed above, Condition #2 would help contain and mitigate traffic impacts on Highway 92.

J. Water Conservation: Complies (See Condition #2)

The special use complies with the water conservation policies in Section 102E of the County Comprehensive Plan or any other adopted area plan.

The project site is within the boundaries of the Sierra Vista Sub-Watershed Policy Plan area. Although the Applicant intends to use the facility as a “dry trailer,” staff’s position is that, per Section 1808, some provisions must be made for water utilities and wastewater disposal for the

use. The standard Condition #2 would, if applied, ensure compliance with Sub-Watershed policies for water fixtures associated with the office.

V. PUBLIC COMMENT

Staff mailed notices to property owners within 300 feet of the subject property, posted the property as required, and published a legal notice on July 20, 2011. Within the 300-foot notification buffer, staff has received a response from a neighbor opposing the project, due to livestock safety considerations along Highway 92. The Department has also received correspondence opposing the request from one neighbor outside the notification area. The objections cited by this neighbor are primarily concerned with potential water table-related impacts relative to the Copper Hills subdivision. Finally, staff also received a letter in support of the request from an additional neighbor outside the buffer area.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Special Use

1. The proposed use would be, per the Applicant, a temporary use;
2. The Applicant proposes to meet all County site development standards;
3. Staff has received one letter supporting the request.

Factors Against Approval

1. As part of subdivision related negotiations, the Applicant previously agreed to allow the closure of this point of access due to access management and safety concerns expressed by ADOT. The request, if granted, would instead sanction the use by non-residential traffic of a generally unused and inadequate point of access to the ADOT S.R. 92 Right-of-Way;
2. Compliance with several of the Special Use factors used by staff to evaluate the request depend upon the Applicant's adherence to ADOT improvement standards as mentioned in Condition #2. Staff has safety concerns with allowing non-residential traffic onto a one-lane driveway where the speed limit is 65 mph, as well as the possibility of livestock entering the right-of-way. ADOT design and construction standards would, if implemented, mitigate these concerns, but these are ultimately beyond the ability of the County to enforce, as the Highway 92 right-of-way is not under County jurisdiction. Moreover, the Applicant has indicated in writing his intention not to comply with such standards;
3. The Applicant seeks to establish a commercial land use, but does not intend to provide water or wastewater services to the proposed use;
4. The Applicant is not currently authorized by the AZDRE to accept lot reservations;
5. Staff has received two letters opposing the request.

VII. SUMMARY AND RECOMMENDATIONS

Special Use Permits are considered and granted for permanent land use changes, intended to run with the land in perpetuity. The Applicant proposes to use the Special Use process to establish a temporary use. Staff’s position is that the proposed land use should be located on the property to be subdivided. This would allow the lot reservation office to proceed as a temporary use, as intended by the Applicant. Additionally, traffic and safety concerns arising from the proposed location along S.R. 92 would be remedied if the project were to be sited on the Copper Hills property, as it would not directly access Highway 92.

Based on the factors against approval, staff recommends **denial** of the Special Use request.

Should the Commission vote to approve the use, staff recommends such approval be subject to the following conditions:

1. Within thirty (15) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. The Applicant shall apply for a building/use permit for the project within 30 days of approval, such application to include a completed joint permit application. The building/use permit shall include a site plan in conformance with all applicable site development standards, and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire, and appropriate fees. A permit must be issued within 90 of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant’s responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations. This includes, but is not limited to compliance with ADOT permit requirements and design and construction standards; compliance with the Sierra Vista Sub-Watershed water conservation policies; and any regulations as may be applicable per the Arizona Department of Real Estate;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission;
4. This Special Use Permit will be valid for one year after the date of Commission approval, after which time operation at this location shall cease and the trailer removed from the property.

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-11-11, with the conditions of approval as recommended by Staff; with the factors in favor of approval constituting findings of fact."*

VIII. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plans
- D. Transportation Planner Comments

- E. Correspondence
- F. Citizen Review and Public Comment



A statement has been submitted that a site plan will be submitted within one year of the first phase and building permits will be submitted for the entire project within 5 year.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

COCHISE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER: 10201005 ZONING DISTRICT Ru-4

APPLICANT: JERRY GRUETZEMACHER

MAILING ADDRESS: P.O. BOX 4111

CONTACT TELEPHONE NUMBER: 520 366-0111 (602)367-8444

PROPERTY OWNER (IF OTHER THAN APPLICANT): Cochise County 1900 LLC

ADDRESS: 4025 E. PRESIDIO ST
MESA, AZ 85215

DATE SUBMITTED: 6/24/2011

Special Use Permit Public Hearing Fee (if applicable) \$ _____
Building/Use Permit Fee \$ _____
Total paid \$ _____

Pa. Johnson
Check # 5409

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

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A statement has been submitted that a site plan will be submitted within one year of the first phase and building permits will be submitted for the entire project within 5 year.

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6. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)
7. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? VACANT LAND

2. What is the proposed use or improvement? SALES/ CONSTRUCTION TRAILOR
FOR TEMPORARY USE

3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? OCCASIONAL VISITORS
To Discuss Reale Estate Home Sale - NO impact on neighbors

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D. Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

Estimated total gallons of water used: per day None per year _____

E. Will you use a septic system? Yes ___ No If yes, is the septic tank system existing? Yes ___ No ___
 Show the septic tank, leach field and 100% expansion area on the site plan.

F. Does your parcel have permanent legal access*? Yes No ___
 If no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet.

Does your parcel have access from a (check one):
 _____ private road or easement**
 _____ County-maintained road
 State Highway

**If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

G. For Special Uses only - provide deed restrictions that apply to this parcel if any.
 Attached _____ NA

H. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water		
Sewer/Septic		
Electricity	APS	
Natural Gas		
Telephone	QWEST	
Fire Protection	PALOMINAS	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

PARKING

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2. Will outdoor storage of equipment, materials or products be needed? Yes No if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. Nothing will be visible to neighbors as the

closest neighbor is over a mile away

3. Will any noise be produced that can be heard on neighboring properties? Yes No if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____

4. Will any vibrations be produced that can be felt on neighboring properties? Yes No if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes No If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

6. Will any activities attract pests, such as flies? Yes No If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____

7. Will outdoor lighting be used? Yes No If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes No If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

SECTION D - Hazardous or Polluting Materials

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No X Yes _____ If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333.)

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature Jerry D. Sauter

Date signed 6/24/2011

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9. Will any new signs be erected on site? Yes No If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes No

If yes, will storm water be directed into the public right-of-way? Yes No

Will washes be improved with culverts, bank protection, crossings or other means?
Yes No

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes No If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Community Development, Planning, Zoning & Building Safety Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site is one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

2. How many acres will be cleared? 1/2
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Hazardous Materials Attachment

Firm's current name: GRANDE VISTA REALTY

Current location: 4605 HWY 92

Fire district: PALOMINAS

Nearest main intersection with street names: HWY 92 + RIO VISTA

Distance: ONE MILE miles Direction: EAST

Firm's previous location(s)

Previous name(s) of firm/operation: NONE

Previous location(s): NONE Date(s): _____

Previous compliance/accident history: _____

Date(s): _____

1. List hazardous and polluting materials (including raw materials, products, wastes, emissions, discharges, etc.) that will be brought to, stored, manufactured, produced, generated, processed or otherwise used at or released or transferred from the site and the quantities you will store. Material Safety Data Sheets (MSDS) are required for all such substances.

NONE

Material _____ Quantity _____

Material _____ Quantity _____

Material _____ Quantity _____

Material _____ Quantity _____

2. How will substances be stored? (For example, automotive batteries require impervious flooring, flammables require NFPA 30 cabinets, gas cylinders need restraints, and many chemicals have specific requirements, such as secondary containment areas for liquids. These requirements are found in the MSDS or can be requested from ADEQ.)

N/A

"Public Programs, Personal Service"

www.cochise.az.gov

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3. What methods will ensure proper containment during use or ventilation? (Waste and by-products as well as substances have specific needs to control damage from those products.)

N/A

4. Is any welding being performed and where? (Flammables must be kept away from sources of ignition such as electricity, arcs, sparks, hot metal or open flame. Gas cylinders must be secured.)

No

5. How will waste/ excess substances be disposed of? (Commercial operators may not use the County transfer stations' hazardous waste program. They handle only household materials.)

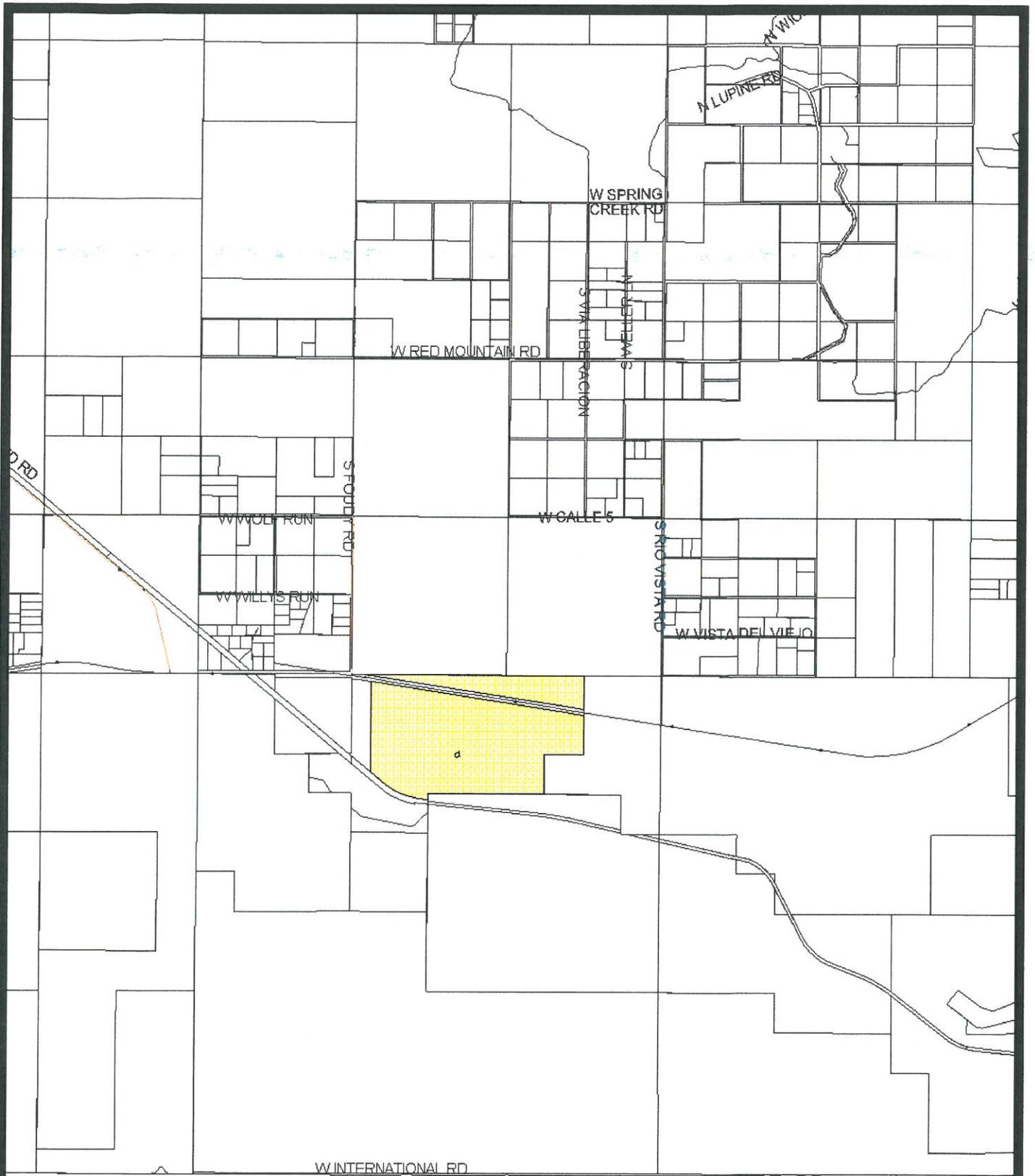
N/A

6. What evacuation, treatment and notification will be made if there are any releases to groundwater or air? (Notification may be required to the Sheriff's Department, adjacent neighborhoods, State Fire Marshal, local fire district, ADEQ, and/ or EPA.)

N/A

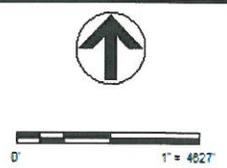
Signature *Jerry Bruehner*
Date *6/24/2011*

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Docket SU-11-11
(Thome)
Location Map

This map is a product of the
Cochise County GIS



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NORTH

SITE PLAN

SALES OFFICE

COPPER HILLS

TAX # 1020100

JERRY GAUETZ EMACHEE
520-306-0111

SECTION 33

2" COMPACTED GRAVEL
ON ALL WALKWAYS
AND PARKING LOT

PROPERTY LINE

STATE LAND

MP 346

E →

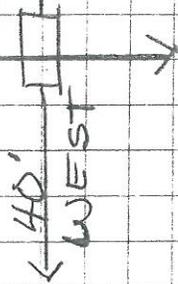
1 SQ = 1 FOOT

Highway 92

Property Line
1 MILE

1 MILE EAST

60' PROPERTY LINE
South

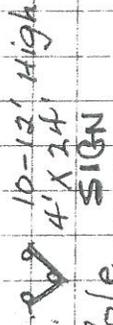


Section line
40'

SUBJECT



Parking Lot



Gate →

Drive 24' →

90'

Hwy TO FENCE

← W

Cochise County

1900 Acres

Conceptual Plan Data:

- Total Project Area: +/- 737 Acres
- Existing Zoning: RU-4
- Copper Hills Subdivision:
- Area: +/- 199 Acres
- Use: Single Family Residential
- Option: Conservation Subdivision
- Lots: 67 Estate Lots
- Lot Size: 1 Acre Minimum
- Remaining Area:
- Area: +/- 538 Acres
- Use: TBD

presented by:



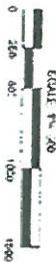
SUNBURST
PROPERTIES, INC.

provided by:

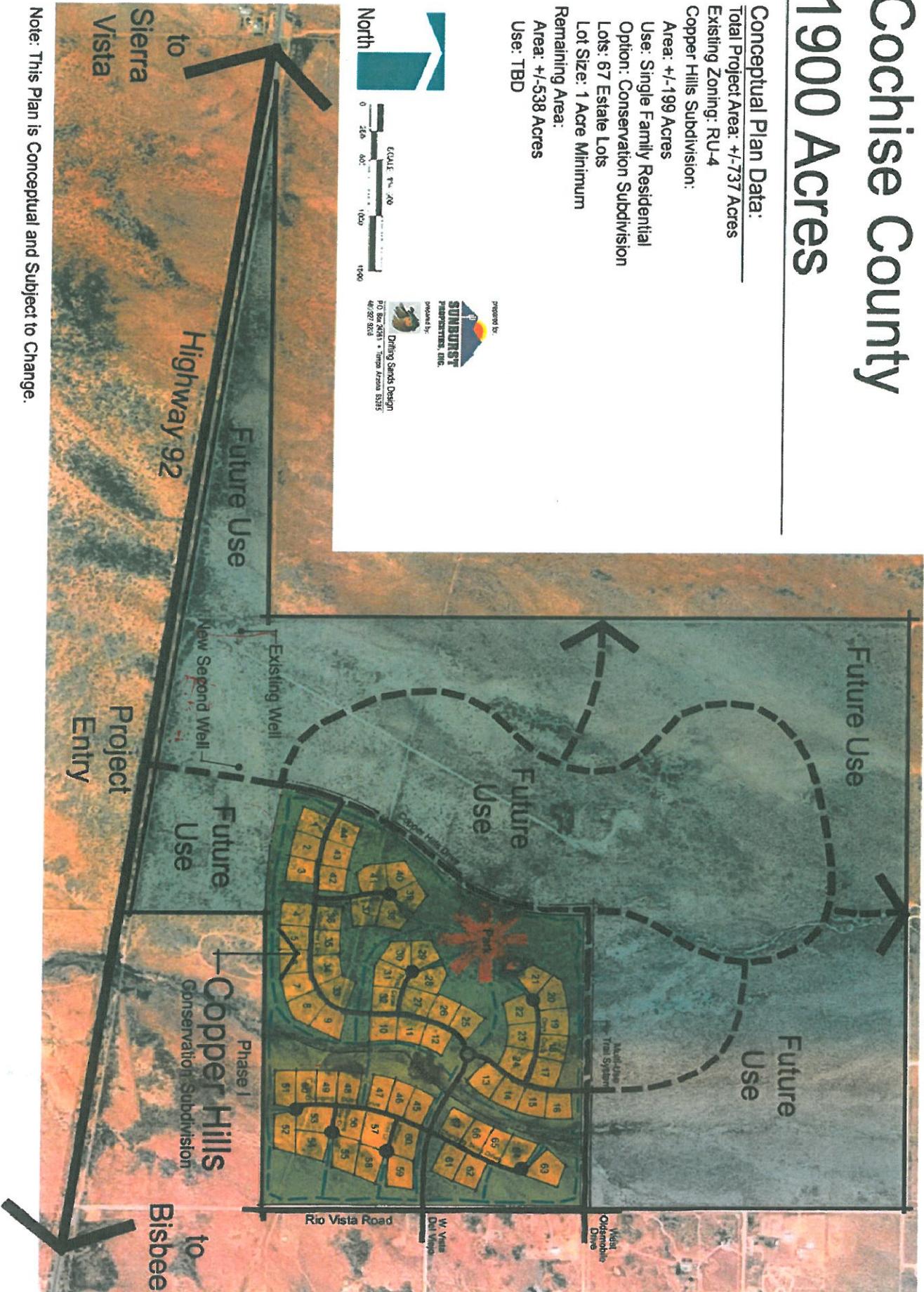


Daring Birds Design
P.O. Box 4631 • Sierra Vista, AZ 85635
480.877.8043

SCALE: 1" = 400'



North



Note: This Plan is Conceptual and Subject to Change.

C 711



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

Phone 520-432-9240
Fax 520-432-9278

Carlos de la Torre, P.E. Community Development Director

MEMORANDUM

TO: Keith Dennis, Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Copper Hills Construction & Sales Offices: SU-10-02/Parcel # 102-01-005

DATE: July 18, 2011

The applicant has previously submitted to Cochise County a proposal for the Copper Hills Subdivision; a 1,240 acre development with an initial phase of one 67 lot subdivision on roughly 199 acres. The site is located along highway 92 and access for the development has been proposed at milepost 346.24. The applicants included a preliminary Traffic Report as part of their tentative plat submittal. Cochise County and ADOT provided comments on this report in July and then met with the applicant on August 4, 2010. At that meeting agreement was reached with ADOT, with the concurrence of the County, on off-site mitigation on Highway 92; including agreement on the location of primary access to the site and, relevant to this proposed Special Use Request, agreement that the existing Ranch access point will continue to be allowed in the near-term (for access to the well site) with an eventual permanent closure, with the inclusion of a cattle guard for existing width and a gate to limit access.

The applicant now proposes, in advance of a final plat for the subdivision, a construction office and a sales office taking primary access from the existing ranch access point. The intent of allowing, for the near-term only, the ranch access point, was to continue to permit access to the existing well site until the infrastructure was built up enough to reach the well through improved streets and an adequate access point onto the state highway. The applicant appeared to believe at the time of these negotiations that no other traffic would be accessing the development at this point and to ensure that this would be the case a gate would be installed to limit that access. Clearly, a construction office and sales office would not only be generating traffic beyond that of a occasional use but would also include larger construction trucks intermingled with visitors interested in the development. Typical trip rates for a combined general office of this size and number of employees would likely range from 4 to 21 trips per day per the ITE Manual, 8th edition. A full commercial access apron would be needed and, although the applicants did not request a sign at this time, it could anticipated a request for directional signs would rapidly follow.

Recommendation

We believe that this application is premature. The proposal moves ahead of a final plat and a completed/approved Traffic Impact Report. In addition, it proposes access in direct contradiction to agreements with ADOT on how the existing ranch access was to be used and how it would be described and phased out in the final Traffic Report.

Cochise County and ADOT were given assurances from the applicant at the time of approval of the first phase tentative plat for the Copper Hills subdivision that the Traffic Report would be finalized quickly and resubmitted for approval. Approval of a revised Traffic Report clearly stating the agreements on off-

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site mitigation and phasing was required prior to final plat. A full Traffic Impact Analysis was potentially going to be needed as part of the second phase of this subdivision's development to address future phases and signal warrants. If that final and approved Traffic Report was completed, as was anticipated, this proposed access for a construction and sales office would not be under consideration. The location of such uses would logically be from the primary access gateway point as the first point of contact for potential new owners for lots throughout the entire planned development.

We do not recommend approval. This use should be included in the final plat before the Planning and Zoning Commission with access consistent with a final Traffic Report. However, if the Commission would like to consider approving this docket we would recommend the following conditions:

- ✚ A completed and approved Traffic Report (previously required prior to final plat) be required prior to permit issuance;
- ✚ The required Traffic Report include this new use of the Ranch Rd. access point and describe a timeline for the permanent closure of this access point;
- ✚ That the access apron be reconstructed to meet ADOT's current commercial access design standards, including, as previously noted and agreed upon, a cattle-guard prior to operation.

cc: Docket SU-11-11; ADOT

Memorandum

To: Keith Dennis, Planner and related parties

From: Alan Thome, Developer of Copper Hills

Subject: Pre – Sales Trailer

Date: July 19, 2011

In response from the received memorandum dated July 18, 2011, we would like to present a better understanding as to our needs as well as to clarify our intent to comply with pervious discussions and approvals.

At this time without going into a lot of detail, financing is not available for Copper Hills unless we can substantiate with real people there is a demand for home sales in Copper Hills. All the different Lenders and Joint Venture partners that we are talking with are looking for lot reservation and deposits rather than facts and figures that we have relied upon in the past. In order to submit for a Final Plat one of the Cochise Counties key requirements is an assurance of financing. In today's times I am finding out that without lot reservations the financial assurance is not going to be possible.

Therefore, we are making a request for a "temporary sale trailer use permit only". This trailer will only be use in viewing our land and taking lot reservations. There will be no construction related vehicles whatsoever. The trailer will be fenced off in order to keep any and all ranch cattle from highway 92. There will be no cattle guard installed for the cattle will be fenced out.

We are requesting the use at this point for we have an existing paved access point. The trailer can be installed 40 from our property line with access to the "existing" power and water if needed. At such time we move forward to complete the Final Plat, and build the main access point and infrastructure as proposed, this sales trailer access point will be moved. We will then fully comply with what has previously been discussed and proposed. We are not asking for any changes to the original design or intent. We are merely asking for some temporary help to move forward and building of **Copper Hills**.

Respectfully,

Alan E. Thome
Cochise County 1900, llc / Manager
Sunburst Properties, inc.

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FROM: Jerry Gruetzemacher
TO: Keith Dennis Cochise County P & Z
DATE: July 18, 2011
SUBJECT: Site Plan Revision

Mr. Dennis

In reply to your July 14 communication, the numbered items or comments below will follow the numbered requests of your communication.

1. There are no washes within 300 feet of the proposed project area.
2. The revised site plan is attached and indicates the HC parking spaces and access walkways as requested. The trailer we have coming has been in recent use for the same purpose we intend to use it for. I am currently reasonable certain that it will meet or exceed ADA requirements
3. The setbacks from the property lines to the trailer have been indicated on the site plan as requested.
4. The entire space outlined for the sales office space will all be compacted and will have an excess of 2 inches of hard pack gravel.
5. Attached
6. We currently have no plans for any outdoor lighting.
7. We have no plans to have employees at this location other than my wife and me. Our visitors for our intended purpose seldom stay more than ten of fifteen minutes. We do not expect to have need for this project beyond about six months. Thus we will have no need for either rest room or water facilities.
8. There is a steel culvert that is Twenty Eight feet long under the asphalt drive from the highway. It is located Thirty feet from the edge of the highway apron. This will enable us to safely widen the 15' driveway to 24' by adding 4-1/2 feet on hard compacted material to each side of the highway. We will also widen the gate to 24' and place at least 2" or more of hard compact gravel over the entire drivable area shown in front of the Office trailer (south side).

Thank you very much for your valuable assistance in this paperwork preparation, if there is anything else I can do to help with the process please let me know

Jerry Gruetzemacher

Jerry Gruetzemacher 520 366-0111

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John S. Halikowski
Director

Arizona Department of Transportation Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Floyd Roehrich Jr.
State Engineer

August 1, 2011

Cochise County
Planning & Zoning
1415 Melody Lane
Building E
Bisbee, AZ 85603

RE: SR 92 Copper Hills, Transmittal Letter from Cochise County Community Development Department

Dear Ms Lamberton and Mr. Dennis:

We have reviewed the above referenced Transmittal Letter and review comments by the Cochise County Planning Department and offer the following responses. Regardless of any caveat, the Traffic Statement (or Traffic Impact Analysis) for full build-out of the development needs to be completed and final agreements for improvements need to be reached with the Developer. The Traffic Statement is required for any development that generates 100 or more trips in any one hour and is a requirement for the Encroachment Permit process.

The option preferred by ADOT Safford Districts Permits and Regional Traffic Engineering would be to make the improvements at the proposed Copper Hills access as was initially discussed with the Developer in July, 2010. This option would help to minimize "throw-a-way" improvements and would move toward the optimum plan for the development access. The Copper Hills access could be improved to interim specifications while the Developer opens the lot "reservation" sales trailer. Optimum improvements (right turn and left turn lanes, illumination of the intersection, etc.) could be postponed until such time as the subdivision is opened for development and lots are actually being improved for homes.

Minimum improvements would be required for any access regardless of the location in order to grant access to the ADOT right-of-way. The Developer would need to make improvements under an encroachment permit and to ADOT standards and specification. The improvements would include, but are not limited to the following:

1. Sight distances for stopping, intersection and passing to AASHTO requirements for 65 MPH.
2. A stop sign (R1-1) stopping the southbound traffic movement on Copper Hills (or alternative access) for the through traffic on SR 92.
3. A cattle guard and gate system per ADOT standard for commercial access.
4. Paved access to ADOT standards and specifications.
5. 40 ft radii at the access for commercial access.
6. Submittal of a bond that shall cover the work projected and the restoration of the ADOT right of way should the project fail.

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August 1, 2011

Response to Cochise County Copper Hills Transmittal

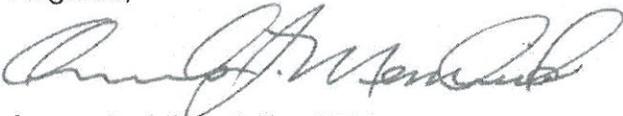
P. 2

ADOT would consider permitting an interim access at the well site road with certain stipulations:

7. The interim access shall require submittal of a bond that shall cover the work projected and the restoration of the ADOT right of way should the project fail.
8. Provide documentation of an easement to encroach the adjacent property for the interim access.
9. The interim access shall be subject to the same improvements as the Copper Hills official access.
10. Once the Copper Hills access is improved to accommodate the proposed development plan, the interim access shall be removed and the right of way shall not have a ranch access or driveway.

Should you have any question(s), please contact me.

Regards,



Armando J. Membrila, CPM
ADOT Safford District Office
2082 E. Highway 70
Safford, AZ 85546
928-432-4915 – office
928-428-7523 – fax
520-507-7555 – cell
amembrila@azdot.gov

Cc: Bill Harmon, P.E., Safford District Engineer, ADOT
Tom Engle, P.E., Safford District Maintenance Engineer, ADOT
Karen Lambertson, Transportation Planner, Cochise County
Dee Crumbacher, Transportation Engineering Specialist, ADOT
File

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GRANDE VISTA REALTY

(520) 366-0111 jerrygruetz@gmail.com

June 15, 2011

Greetings,

We are making application with Cochise County for a "Special Use Permit" the purpose of which is to put a Temporary Sales Office on our property to assist in the sales and marketing of the "Copper Hills Subdivision Development"

The sales office will be a 10" x 40" Office Trailer typical of the type seen at the start up of a building or sales project. It will be located approximately 130 feet North of highway 92. It will be about 45' inside our gate that goes to our water tank accessible by the paved drive off the North side of Hwy 92, 350 feet west of Mile Marker #346.

This application will be on the agenda of the Planning & Zoning Commission August 10,2011. Meetings are scheduled for the second Wednesday of each month at 4:00 P.M., 1415 MELODY LAND, BOARD OF SUPERVISORS ROOM, BUILDING G, BISBEE, ARIZONA 85603.

If you would like to comment or have any questions please feel free to call me at (520) 366-0111 at any time.

Jerry Gruetzemacher
P.O. Box 4111
Bisbee, AZ 85603

jerrygruetz@gmail.com

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SPECIAL USE: Docket SU-11-11 (Thome)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

I do support this request. If the project does not continue, I would like see Copper Hills developers be held responsible for removing all sales office & construction from the area. My hope is that the subdivision will raise my property value.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Donna J. Ribka

SIGNATURE(S):

Donna J. Ribka

YOUR TAX PARCEL NUMBER:

18221010

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

8140 E. Rockgate Rd. Tucson, AZ 85750

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on August 2, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Fax: (520) 432-9278

COCHISE COUNTY

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PLANNING

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SPECIAL USE: Docket SU-11-11 (Thome)

 YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

 X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: WE STRONGLY DISAPPROVE of a sub-division being built in such a PRISTINE AREA. We are in a severe drought, which only magnifies the real issue - there is not enough water in this area to support a sub-division. Regarding any temporary structure on this site; It's obvious that any sales/construction →
(cont'd on next pg →)

(Attach additional sheets, if necessary)

PRINT NAME(S):

Randall PIPKORN

Nancy M. PIPKORN

SIGNATURE(S):

Randall PIPKORN

Nancy M. PIPKORN

YOUR TAX PARCEL NUMBER:

10210008C

(the eight-digit identification number found on the tax statement

from the Assessor's Office)

YOUR ADDRESS

P.O. Box 433, 3721 W. VISTA DEL MEJO, BISBEE, AZ

85603

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on August 2, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9278

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TAX PARCEL^{ID} NUMBER: 10210008C

Continued:

.... office must be occupied each business day - not only occasionally - and alarmed at night, to ensure the building does not become another shelter / drop station for the heavy illegal "immigrant" traffic that travels this corridor each day. What documentation has been submitted outlining the plans for a ~~was~~ secure, occupied building?

We are confident our County Planning Department has the interest of its tax-paying, revenue generating citizens foremost in mind, when preventing this detrimental structure from being placed here.

SPECIAL USE: Docket SU-11-11 (Thome)

YES, I SUPPORT THIS REQUEST

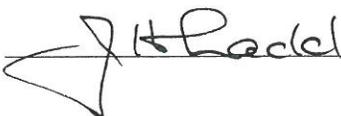
Please state your reasons: _____

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: THERE IS NO COMMITMENT TO INSTALL A CATTLE GUARD WHERE ~~THE~~ THEIR ROAD LEAVES HWY 92. WITH THE INCREASED TRAFFIC ON THIS ROAD THE EXISTING GATE UNDOUBTEDLY WILL BE LEFT OPEN. THERE HAVE BEEN INCIDENTS IN THE PAST WHERE LIVESTOCK HAVE WANDERED ONTO HWY 92 THROUGH THIS ENTRANCE WHEN THE GATE

(Attach additional sheets, if necessary) HAS BEEN LEFT OPEN. THIS IS A DANGEROUS SITUATION WHICH MUST BE ADDRESSED.

PRINT NAME(S): John H & Marie W Ladd Trust Agr.

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 10234004 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS Po Box 4012 Bisbee, AZ. 85603

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on August 2, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the pubic hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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COCHISE COUNTY

AUG 01 2011

PLANNING

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